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To Whom It May Concern:

I write to inform you that the website <https://defcad.com/> (“Defcad Website”), operated by the company Defense Distributed, is violating your Acceptable Use Policy. Starting on Wednesday, Defense Distributed plans to publish computer files on the Defcad Website that enable anyone with a 3-D printer to download codes to create a fully operational firearm. These files specifically offer individuals, including criminals, codes they can use to create untraceable firearms—and even to make assault weapons that are illegal in my state. The codes put law enforcement safety and public safety at risk, and posting them violates New Jersey’s public nuisance and negligence laws. I sent a cease and desist letter to Defense Distributed on July 26, 2018, based on violations of New Jersey law, and filed suit in state court today. Because your Acceptable Use Policy bars websites from transmitting material in violation of state law, Defense Distributed’s plans will be in violation of that policy.

There is no doubt that the codes Defense Distributed will place on the Defcad Website undermine the public safety of New Jersey residents and law enforcement officers. These files allow anyone with a 3-D printer to create a fully operational gun. The codes enable individuals to print assault weapons that are illegal in New Jersey. And because these guns would not have serial numbers, they cannot be traced by law enforcement. The codes will be available to all—regardless of age, criminal status, or history of mental illness. These codes thus undermine New Jersey’s comprehensive scheme for keeping guns out of dangerous criminals’ hands.

Not only are these codes dangerous, but posting them would also be illegal. New Jersey’s law is clear: an individual who interferes with public health, safety, peace, and comfort violates our public nuisance law. *See James v. Arms Tech., Inc.*, 359 N.J. Super. 291, 329-33 (App. Div. 2003). As New Jersey courts have held, “[n]o one can seriously debate” that regulated guns are “dangerous instrumentalities” and thus implicate our public nuisance law. *Id.* at 320. So when a group of manufacturers “flood[ed] the gun market” through a high volume of sales, while failing to develop “reasonable safeguards over the distribution scheme” and “refus[ing] to oversee or



supervise the control of handgun distribution in order to prevent the foreseeable channeling of guns to such an illegal market,” New Jersey courts found they could be held responsible when their actions “facilitate[d] the illegal sale of weapons to criminals and other unlawful users.” *Id.* at 312. That is what Defense Distributed’s actions on the Defcad Website will do—make do-it-yourself guns available to all, even if the individuals are prohibited from owning guns because of prior convictions, history of mental illness, or history of domestic violence, even if the weapons they print are illegal in New Jersey, and even if they plan to use their weapons to further crimes and acts of violence.

Indeed, Defense Distributed seeks to use the Defcad Website to undermine all the efforts of states like New Jersey to keep guns out of criminals’ hands. As Defense Distributed found Cody Wilson stated, “All this Parkland stuff, the students, all these dreams of ‘common sense gun reforms’? No. The internet will serve guns, the gun is downloadable.”¹ Wilson also stated, “I’m not worried about public safety.”² Not only does that reveal a lack of regard for safety, but it also shows that Defense Distributed’s interference with the public’s safety is intentional and thus per se unreasonable. *James*, 359 N.J. Super. at 330.

As a result, Defense Distributed is plainly planning to use the Defcad Website in a way that violates DreamHost’s Acceptable Use Policy. Your Policy says that the “Customer may only use DreamHost Web Hosting’s Server for lawful purpose. Transmission of any material in violation of any Country, Federal, State or Local regulation is prohibited.... Also, using DreamHost’s servers or network to conspire to commit or support the commission of illegal activities is forbidden.”³ Violations may “result in immediate and permanent disablement” of the customer’s website. That is why I write to inform you that Defense Distributed will be using the Defcad Website to violate New Jersey law.

Sincerely,



Gurbir S. Grewal
Attorney General

¹ Andy Greenberg, “A Landmark Legal Shift Opens Pandora’s Box for DIY Guns,” *Wired* (July 10, 2018), available at <https://www.wired.com/story/a-landmark-legal-shift-opens-pandoras-box-for-diy-guns/>.

² Tess Owen, “Get Ready for the New Era of 3D-Printed Guns Starting August 1,” *Vice News* (July 18, 2018), available at https://news.vice.com/en_us/article/ev8xjn/get-ready-for-the-new-era-of-3d-printed-guns-starting-august-1.

³ “Acceptable Use Policy,” available at <https://www.dreamhost.com/legal/acceptableuse-policy/>.