

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

A.E. RODRIGUEZ, INC.,

Plaintiff,

No. 3:18-CV-1550-DRD

v.

GLOCK, INC,

Defendant.

**AFFIDAVIT OF LUIS A. BONNET VAZQUEZ IN OPPOSITION TO
A.E. RODRIGUEZ, INC.'S REQUEST FOR A PRELIMINARY INJUNCTION**

SAN JUAN)
) ss:
PUERTO RICO)

I, Luis A. Bonnet Vazquez, being of lawful age, do hereby depose and state as follows:

1. I am the Caribbean and LEO Manager of AmChar Wholesale, Inc. (“AmChar”).
2. I submit this affidavit in opposition to A.E. Rodriguez, Inc.’s (“Rodriguez”) request for a preliminary injunction.
3. I have been a volunteer firearms instructor for the Puerto Rico Police Department (“PRPD”) for the last nineteen years. I am currently an auxiliary officer with the PRPD, where I hold the rank of Commander.

Establishment of the Market for Glock Pistols in Puerto Rico

4. I purchased my first Glock pistol in the early 1990s from a gun store in San Juan operated by Rafy Bennazar and his father-in-law Luis Bermudez, which was variously known as T.M. Products of Puerto Rico, B&B Target Center, and Precision Guns & LE Equipment over the years (collectively referred to as “Precision Guns”).

5. In addition to Precision Guns, Ponce De Leon Gun Club (“Ponce De Leon”) in Rio Piedras was a Glock LE Distributor in the 1990s.
6. It was through the efforts of Precision Guns and Ponce De Leon that the market for Glock pistols in Puerto Rico was first established.
7. LE agencies in Puerto Rico began transitioning to Glock pistols around 2007 to 2008, and currently about half of the law enforcement officers in Puerto Rico carry Glock pistols.
8. I am a fan of Glock pistols, and got in contact with Glock, Inc.’s (“Glock”) training division through my work as a volunteer firearms instructor for the PRPD.

Glock LE Distributor OMB used Rodriguez as a Sub-distributor

9. After Precision Guns, OMB Express Police Supply, which became Global Guns & Hunting, Inc. d/b/a OMB Guns (“OMB”) was Glock’s next LE Distributor for Puerto Rico. OMB served as Glock’s only authorized LE Distributor in Puerto Rico for the years 2007, 2008, 2009, and 2010.
10. Glock LE Distributors are allowed to sell Glock pistols to other federally licensed firearms dealers, which are known as sub-distributors, in addition to LE agencies and LE officers. At some point, OMB began selling Glock pistols to Rodriguez as a sub-distributor.
11. Glock commercial distributors also sold Glock pistols to other federally licensed firearms dealers in Puerto Rico.

12. Sub-distributors are allowed to sell Glock pistols to individual officers, but only LE Distributors who have a direct contractual agreement with Glock are authorized to sell Glock pistols to LE agencies.
13. The PRPD is the second largest LE agency in the United States; only the New York City Police Department has more officers.
14. The PRPD has more than 12,500 officers and issues to its officers and has in inventory more than 35,000 firearms (handguns and long guns). Both Smith & Wesson and Glock are authorized pistols for the PRPD.
15. Officials of the PRPD were interested in Glock pistols and would obtain Glock pistols to carry during the course of their employment from federal grants, as well as using Glock pistols seized from civilians who did not renew their firearm licenses.
16. The firearm instructors for the PRPD train the firearm instructors for all Central Government Agencies and municipal LE agencies in Puerto Rico. For this reason, agencies in Puerto Rico generally want to use the same firearms as the PRPD.
17. Although OMB was the first of Glock's LE Distributors to sell Glock pistols to the PRPD, it was not through its sales efforts, but rather because of a lawsuit.
18. The PRPD awarded a contract for pistols to Max Rivera, a distributor for firearms manufacturer Smith & Wesson. OMB/Rodriguez sued, claiming that the request for pistols improperly specified Smith & Wesson pistols. To resolve the lawsuit, the PRPD allowed OMB/Rodriguez to supply it with 1,500 Glock pistols.
19. OMB shipped all 1,500 Glock pistols for the PRPD to Rodriguez as its sub-distributor. The first 1,490 Glock pistols were delivered to the PRPD without incident.

Delivery of the last ten Glock pistols for the order, which were intended for use by executive protection officers of the Superintendent, however, was delayed by more than two years.

20. Rodriguez had provided the serial numbers for these ten pistols to the PRPD in advance and the PRPD had assigned property numbers to them.
21. Rodriguez claimed that it did not receive these ten Glock pistols from OMB, but did not make any efforts to have them replaced. Glock's former Eastern Regional Manager, Beau Phillips, eventually learned that the PRPD had not received all 1,500 Glock pistols and personally traveled to Puerto Rico to resolve the situation.
22. The PRPD almost stopped authorizing Glock pistols for official use by its officers because of Rodriguez's two year delay in delivering these ten pistols.
23. In addition to Mr. Phillips personally traveling to Puerto Rico, Glock had to provide free armorers and instructor classes to the PRPD to resolve this issue.
24. Through my relationship with Glock's training division, I was introduced to Mr. Phillips in approximately 2012 to 2013. Mr. Phillips did not speak Spanish, so I volunteered to accompany him to translate when he was in Puerto Rico visiting LE agencies.
25. I accompanied Mr. Phillips during his visits to LE agencies in Puerto Rico for approximately two years, until he left Glock and Glock District Manager Joel Hodges took over management of Puerto Rico. I also accompanied Mr. Hodges when he visited LE agencies in Puerto Rico to translate because he also does not speak Spanish.

26. At the time that I first began accompanying Mr. Phillips to translate for him when he visited LE agencies, A.E. Rodriguez (“Rodriguez”) was the only Glock LE Distributor in Puerto Rico.
27. In addition to Glock, Rodriguez previously served as a distributor for firearms manufacturers Colt and Heckler & Koch, and for TASER. Due to the poor service provided by Rodriguez, it lost its contracts to distribute both Colt and Heckler & Koch firearms, as well as TASER products in Puerto Rico.
28. During the time that I translated for Mr. Phillips and Mr. Hodges, I learned that Rodriguez had been price gouging several municipal LE agencies to which it had sold Glock pistols. For example, the Glock-recommended price for its distributors to sell standard Glock pistols to LE agencies was \$358 for plastic sights, \$383 for steel sights, and \$409 for night sights. Rodriguez had sold standard pistols with plastic sights for the extremely inflated price of \$644 – \$286 more than the recommended price.
29. Carlos Velez, Rodriguez’s LE Sales Manager, did not want me to accompany Mr. Phillips or Mr. Hodges to translate for them when they visited LE agencies in Puerto Rico. Upon information and belief, the reason Mr. Velez did not want me to accompany and translate for Mr. Phillips or Mr. Hodges was to prevent Glock from learning that Rodriguez had been price gouging LE agencies and the very poor service that it was providing to them in general.
30. A firearms instructor at the PRPD (Andres Escobar Martinez Badge-28322) purchased a Glock pistol from Rodriguez through Mr. Velez, but Rodriguez never delivered it and eventually returned his money.

31. While Rodriguez was the Glock LE Distributor, LE agencies and officers purchased Glock pistols from it because of the already established reputation of Glock pistols and because Rodriguez was the only source from which to obtain them, not because of any efforts by Rodriguez to market or promote them.
32. Due to the extremely poor service provided by Rodriguez, the PRPD did not want to deal with it and asked to purchase directly from Glock, but Glock preferred to sell through its distributors and declined the request.
33. During the combined time from 2007 through 2016 during which they were Glock LE Distributors, OMB and Rodriguez only sold about 4,000 Glock pistols to the PRPD. The majority of the officers of the PRPD currently use Smith & Wesson pistols.
34. Carlos Velez, the LE Sales Manager at Rodriguez, was its only employee involved in the sale of Glock pistols. Rodriguez was only open for business Tuesday through Friday, and generally closed at 3:00 pm each day.
35. Mr. Velez died in May of 2016.
36. Rodriguez did not stock an inventory of Glock pistols or maintain a store where individual LE officers could purchase Glock pistols, instead directing them to AAA Armory, a gun store/indoor range that was located in the same building as Rodriguez.
37. Mr. Velez was a drunk and had a bad reputation among LE agencies in Puerto Rico. During an armorers/instructors course that I was attending with Glock Eastern Regional Manager, Jamey Brown, and Mr. Hodges, Mr. Velez walked in drunk and smelling of alcohol.

Relationship Between Glock and AmChar/Caribe

38. Glock entered into a LE Distributor Agreement with AmChar for 2015 that included Puerto Rico as part of AmChar's authorized territory. Glock has renewed its LE Distributor Agreement with AmChar for the years 2016, 2017, and 2018. Pursuant to the terms of the LE Distributor Agreements, AmChar does not have the exclusive right to distribute Glock pistols in Puerto Rico.

39. In order to meet the legal requirements to sell firearms in Puerto Rico and satisfy its obligations pursuant to the LE Distributor Agreement, AmChar formed a subsidiary, AmChar Caribe, Inc. ("Caribe"), a Puerto Rican corporation with its principal place of business in Puerto Rico on February 4, 2015, to serve the market for GLOCK products in Puerto Rico.

40. AmChar hired me as its Caribbean and LEO Manager in approximately April of 2015.

41. I am not a full-time officer with the PRPD, but rather an auxiliary officer, which is an unpaid, volunteer position. Accordingly, I am allowed to have outside employment and am legally allowed to work for AmChar while serving as an auxiliary officer for the PRPD.

42. Rodriguez filed a complaint alleging that it was a conflict of interest for me to work for AmChar based on my position as an auxiliary officer for the PRPD. That complaint caused me to be investigated, but was found to be without any merit and was formally dismissed in April of 2018.

43. Glock did not provide AmChar, Caribe, or me with any information on the LE agencies that purchased Glock pistols from Rodriguez, or even a list of agencies that were using Glock pistols.
44. I had to blaze new trails to sell Glock pistols to LE agencies in Puerto Rico because they had been dealing with Rodriguez as their only source since 2011. In addition, Rodriguez had been in business for more than fifty years and Caribe had only just been established. It was therefore an uphill battle to educate LE agencies that they now had another source in addition to Rodriguez from which they could purchase Glock pistols.
45. When I first started working for AmChar, it was only selling Glock pistols to thirteen commercial accounts and no LE agencies in Puerto Rico. As a result of AmChar's/Caribe's efforts to actively promote and market Glock pistols, including me personally visiting LE agencies through Puerto Rico, it currently sells Glock pistols to more than seventy-four commercial and LE agencies.
46. AmChar/Caribe actively marketed and promoted Glock pistols and sought to provide excellent customer service. It was solely through the efforts of AmChar/Caribe that most LE agencies chose to purchase Glock pistols from it instead of Rodriguez.
47. In addition to my efforts which are focused on the sale of Glock pistols to LE agencies, except for the PRPD, on behalf of AmChar, Caribe has an employee who is responsible for handling sales to individual LE officers who wish to purchase Glock pistols and the PRPD. In this regard, Caribe maintains a stock of Glock pistols in inventory available for sale to LE officers. Caribe presently has about 250 Glock pistols in stock, and has already sold about 300 to 400 Glock pistols this year.

48. Since 2017, AmChar/Caribe has been the only Glock LE Distributor in Puerto Rico.

Proposed Glock Purchase by the PRPD

49. Law enforcement agencies in Puerto Rico, including the PRPD, have traditionally paid for new firearms by trading in firearms that they were replacing or had seized in exchange for the new firearms, instead of paying for them with money (cash, check, wire transfer, etc.).

50. The PRPD currently has approximately 14,000 firearms that it intends to trade in to obtain new pistols.

51. Caribe has been extensively marketing and promoting Glock pistols to the PRPD and has been on occasion informed by PRPD that it intends to obtain only Glock pistols, not Smith & Wesson pistols, or pistols made by another manufacturer seeking to have its pistols be authorized by the PRPD, in exchange for the approximately 14,000 firearms it will be trading in.

52. The PRPD would be purchasing Glock pistols, as opposed to Smith & Wesson pistols, which are also authorized, because of the efforts of Caribe to market and promote Glock pistols to it, and the high standard of customer service it knows that we will provide after the sale.

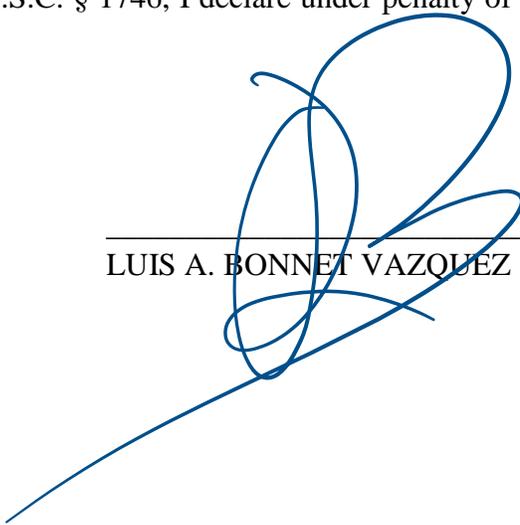
53. The PRPD would necessarily be purchasing the Glock pistols from Caribe because it is currently the only Glock LE Distributor in Puerto Rico. In connection with its parent company, AmChar, Caribe has the financial resources to purchase all 14,000 firearms that the PRPD will be trading in, as well as to purchase the necessary pistols from Glock to supply the PRPD. Upon information and belief, Rodriguez lacks the necessary financial

resources to complete the deal, and would have to enter into an agreement with a mainland firearms distributor to purchase the firearms being traded in by the PRPD to obtain the new Glock pistols.

54. Upon information and belief, the reason that Rodriguez has filed its request for injunctive relief more than nineteen months after it ceased to be a Glock Distributor is so that the PRPD will be forced to purchase Glock pistols from it, not because it has any intention of satisfying the contractual duties of a Glock LE Distributor after it has obtained a substantial profit from this proposed sale. I have been arranging this deal for a long time and Rodriguez's conduct could jeopardize the deal.

FURTHER AFFIANT SAYETH NAUGHT.

Pursuant to the authority of 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.



LUIS A. BONNET VAZQUEZ