

**FIRST JUDICIAL DISTRICT COURT  
COUNTY OF SANTA FE  
STATE OF NEW MEXICO**

**MATTHEW HUTCHINS, individually and on behalf of his son,  
ANDROS HUTCHINS, a minor child, and KRISTINA MARTINEZ,  
as wrongful death personal representative for HALYNA HUTCHINS,  
deceased,**

**Plaintiffs,**

v.

Case No. \_\_\_\_\_

**ALEXANDER R. BALDWIN III, an individual;  
RUST MOVIE PRODUCTIONS, LLC, a New Mexico limited liability  
company; EL DORADO PICTURES, a California corporation;  
RYAN DONNELL SMITH, an individual; LANGLEY ALLEN CHENEY,  
an individual; THOMASVILLE PICTURES, LLC, a Georgia  
limited liability company; NATHAN KLINGHER, an individual;  
RYAN WINTERSTEIN, an individual; SHORT PORCH PICTURES, LLC,  
a California limited liability company; ANJUL NIGAM, an individual;  
BRITTANY HOUSE PICTURES, a business entity of form unknown;  
MATTHEW DELPIANO, an individual; CALVARY MEDIA, INC.,  
a Delaware corporation; RYAN DENNETT-SMITH, an individual;  
GABRIELLE PICKLE, an individual; 3RD SHIFT MEDIA, LLC, a  
Georgia limited liability company; SARAH ZACHRY, an individual;  
SETH KENNEY, an individual; PDQ ARM AND PROP, LLC, a  
New Mexico limited liability company; HANNAH-GUTIERREZ-REED,  
an individual; DAVID HALLS, an individual; KATHERINE WALTERS,  
an individual; CHRIS M.B. SHARP, an individual; JENNIFER LAMB,  
an individual; EMILY SALVESON, an individual; STREAMLINE GLOBAL,  
a business entity of form unknown; and DOES 1-100,**

**Defendants.**

**COMPLAINT FOR WRONGFUL DEATH AND LOSS OF CONSORTIUM**

Matthew Hutchins, individually and on behalf of his son, Andros Hutchins, a minor, and Kristina Martinez, as personal representative of the wrongful death estate of Halyna Hutchins, deceased, through their attorneys, Panish | Shea | Boyle | Ravipudi LLP, and McGinn, Montoya, Love and Curry, P.A., state the following as their claims:

1. On October 21, 2021, Defendant Alec Baldwin recklessly shot and killed Halyna Hutchins on the set of the movie *Rust*.

2. Defendant Baldwin and the other Defendants in this case failed to perform industry standard safety checks and follow basic gun safety rules while using real guns to produce the movie *Rust*, with fatal consequences.

3. Halyna Hutchins deserved to live, and the Defendants had the power to prevent her death if they had only held sacrosanct their duty to protect the safety of every individual on a set where firearms were present instead of cutting corners on safety procedures where human lives were at stake, rushing to stay on schedule and ignoring numerous complaints of safety violations.

4. This lawsuit seeks justice for the losses of her survivors and to hold responsible those who caused her tragic death.

### **JURISDICTION AND VENUE**

5. Halyna Hutchins, now deceased, was 42 years old and a resident of the County of Los Angeles, California when she died and was a citizen of the State of California. She was shot and killed in Santa Fe County, New Mexico.

6. Plaintiff Matthew Hutchins, Halyna Hutchins' husband, is a resident of Los Angeles County, California and citizen of the State of California.

7. Andros Hutchins, Halyna Hutchins' minor son, is a resident of Los Angeles County, California and citizen of the State of California (together with Matthew Hutchins, the "**Surviving Hutchins**").

8. Plaintiff Kristina Martinez, a licensed New Mexico attorney, is a resident of Santa Fe County, New Mexico and citizen of the State of New Mexico. Ms. Martinez brings this

lawsuit as the legally appointed personal representative for the wrongful death claims of Halyna Hutchins and is authorized to bring those claims on behalf of her statutory beneficiaries, Matthew and Andros Hutchins pursuant to N.M.S.A. 1978 § 41-2-3, *et. seq.*

9. Defendant Alexander Baldwin III (commonly known as Alec Baldwin) is and at all relevant times was a resident of Suffolk County, New York and citizen of the State of New York. Defendant Baldwin was an executive producer, lead actor, and contributing writer of the film *Rust*. Defendant Baldwin is and at all relevant times was an owner, member, managing member, director, officer, employee, and/or agent of Defendant El Dorado Pictures and was acting in his capacity as such on behalf of himself, Defendant El Dorado Pictures, and the other Defendants named herein involved in the production of the film *Rust* (the “**Rust Production**”) at the time of the shooting.

10. Defendant El Dorado Pictures (“**El Dorado Pictures**”) is a corporation incorporated in and existing under the laws of the State of California with its principal place of business in the County of Los Angeles, California. El Dorado Pictures is a citizen of the State of California. El Dorado Pictures was contracted by the Rust Production to provide production, talent, and writing services.

11. Defendant Rust Movie Productions, LLC (“**Rust Movie Productions**”) is a domestic limited liability company organized in and existing under the laws of the State of New Mexico with its principal place of business in Thomasville, Georgia. Rust Movie Productions is a citizen of the State of New Mexico. Rust Movie Productions was organized to produce the feature film *Rust*.

12. Defendant Ryan Donnell Smith is and at all relevant times was a resident of the County of Los Angeles, California. Defendant Smith was the producer for the Rust Production

and was an owner, member, managing member, director, officer, employee, and/or agent of Defendant Thomasville Pictures, LLC.

13. Defendant Langley Allen Cheney is a and at all relevant times was resident of the County of Los Angeles, California. Defendant Cheney was the executive producer for the Rust Production and at all relevant times was an owner, member, managing member, director, officer, employee, and/or agent of Defendant Thomasville Pictures, LLC.

14. Defendant Thomasville Pictures, LLC (“**Thomasville Pictures**”) is a limited liability company organized in and existing under the laws of Georgia with its principal place of business in Thomasville, Georgia. Thomasville Pictures is a Georgia-based studio specializing in creating low-budget film projects including the Rust Production. Thomasville Pictures was contracted by the Rust Production to provide production services.

15. Defendant Nathan Klingher, an individual, is and at all relevant times was a resident of the County of Los Angeles, California. Defendant Klingher was a producer for the Rust Production and at all relevant times was an owner, member, managing member, director, officer, employee, and/or agent of Defendant Short Porch Pictures, LLC.

16. Defendant Ryan Winterstein, an individual, is and at all relevant times was a resident of the County of Los Angeles, California. Defendant Winterstein was a producer for the Rust Production and at all relevant times was an owner, member, managing member, director, officer, employee, and/or agent of Defendant Short Porch Pictures, LLC.

17. Defendant Short Porch Pictures, LLC (“**Short Porch Pictures**”) is a limited liability company organized in and existing under the laws of California with its principal place of business in the County of Los Angeles, California. Short Porch Pictures is a production studio

specializing in creating low-budget film projects including for the Rust Production. Short Porch Pictures was contracted by the Rust Production to provide production services.

18. Defendant Anjul Nigam, an individual, is and at all relevant times was a resident of the County of Los Angeles, California. Defendant Nigam was a producer for the Rust Production and, at all relevant times, was an owner, member, managing member, director, officer, employee, and/or agent of Defendant Brittany House Pictures.

19. Defendant Brittany House Pictures (“**Brittany House Pictures**”) is a business with an unknown form. Brittany House Pictures was a company involved in producing the Rust Production. Brittany House Pictures was contracted by the Rust Production to provide production services.

20. Defendant Matthew Delpiano, an individual, is and at all relevant times was a resident of the County of Los Angeles, California. Defendant Delpiano was a producer for the Rust Production and at all relevant times was an owner, member, managing member, director, officer, employee, and/or agent of Defendant Calvary Media, Inc.

21. Defendant Calvary Media, Inc. (“**Calvary Media**”) is a corporation organized in and existing under the laws of Delaware with its principal place of business in the County of Los Angeles, California. Calvary Media was a production company involved in the Rust Production. Calvary Media was contracted by the Rust Production to provide production services.

22. Defendant Ryan Dennett-Smith, an individual, is of an unknown address. Defendant Dennett-Smith was a supervising unit production manager for the Rust Production and at all relevant times was an owner, member, managing member, director, officer, employee, and/or agent of Defendant 3rd Shift Media, LLC.

23. Defendant Gabrielle Pickle, an individual, is and at all relevant times was a resident of the County of Los Angeles, California. Defendant Pickle was a line producer for the Rust Production and at all relevant times was an owner, member, managing member, director, officer, employee, and/or agent of Defendant 3rd Shift Media, LLC. A line producer is generally responsible for managing the budget and overseeing all operations and logistics for a film from pre-production to post-production, reporting directly to the producers and executive producers.

24. Defendant Katherine Walters (commonly known as Row Walters), an individual, is and at all relevant times was a resident of the State of Pennsylvania. Defendant Walters was the unit production manager for the Rust Production and at all relevant times was an owner, member, managing member, director, officer, employee, and/or agent of Defendant 3rd Shift Media, LLC. A unit production manager is generally responsible for the film's budget, the film's schedule, and the general administration of the production.

25. Defendant 3rd Shift Media, LLC ("**3rd Shift Media**") is a limited liability company organized in and existing under the laws of Georgia with its principal place of business in Georgia. 3rd Shift Media was a production company contracted by the Rust Production to provide production services.

26. Defendant Hannah Gutierrez-Reed, an individual, is and at all relevant times was a resident of the State of Arizona. Defendant Gutierrez-Reed was the armorer for the Rust Production and at all relevant times was an owner, member, managing member, director, officer, employee, and/or agent of a business entity of form unknown, which contracted with Rust Film Productions to provide armorer services. An armorer is generally in charge of the firearms and ammunition used in a production. Defendant Gutierrez-Reed was contracted by the Rust Production to provide armorer services and equipment, including ammunition.

27. Defendant Sarah Zachry, an individual, is and at all relevant times was a resident of the State of California. Defendant Zachry was the props master for the Rust Production.

28. Defendant Seth Kenney, an individual, is and at all relevant times was a resident of Albuquerque, New Mexico. Defendant Kenney was the armorer assistant and/or the armorer mentor for the Rust Production and at all relevant times was an owner, member, managing member, director, officer, employee, and/or agent of Defendant PDQ Arm and Prop, LLC.

29. Defendant PDQ Arm and Prop, LLC (“**PDQ Arm and Prop**”) is a limited liability company organized in and existing under the laws of New Mexico with its principal place of business in Albuquerque, New Mexico. PDQ Arm and Prop was a business engaged in the business of assembling, labeling, marketing, promoting, packaging, advertising, and distributing props to production companies in the State of New Mexico, including the Rust Film Production. PDQ Arm and Prop was contracted by the Rust Production to provide armorer services and equipment, including ammunition.

30. Defendant David Halls, an individual, is and at all relevant times was a resident of the State of New Mexico. Defendant Halls was the first assistant director for the Rust Production. A first assistant director is generally responsible for managing the schedule and coordination of cast and crew to ensure that shoots run smoothly. Defendant Halls was also the safety mentor for the film *Rust*.

31. Defendant Chris M.B. Sharp, an individual, is of an unknown residence. Defendant Sharp was the executive producer for the Rust Production.

32. Defendant Jennifer Lamb, an individual, is of an unknown residence. Defendant Lamb was the executive producer for the Rust Production.

33. Defendant Emily Salveson, an individual, is of an unknown residence. Defendant Salveson was the executive producer for the Rust Production.

34. Defendant Streamline Global (“**Streamline Global**”) is a business of an unknown form of entity. Streamline Global was a motion picture development and finance company involved in the Rust Production.

35. Defendants Does 1-100 are individuals or businesses whose identity is currently unknown to Plaintiff. Defendants Does 1-100 were involved in the events underlying this lawsuit and bear responsibility for the injuries suffered by the Surviving Hutchins, whether by virtue of being direct actors in bringing about such injuries or being vicariously or derivatively liable for such injuries.

36. Venue is proper in this Court. The death of Ms. Hutchins occurred in the County of Santa Fe, New Mexico. Plaintiff Kristina Martinez resides in, and one or more Defendants reside in, the County of Santa Fe.

37. The Court has personal jurisdiction over each of the Defendants. The tortious acts by each of the Defendants occurred in New Mexico, and each of the Defendants had purposefully availed itself of the laws and protection of the State of New Mexico in producing the film *Rust* in this State.

38. The Court has subject matter jurisdiction of this action. No federal court has subject matter jurisdiction of this action, as there is no federal question jurisdiction and no diversity jurisdiction. There is no complete diversity, as there are plaintiffs and defendants that are each citizens of the same State for diversity purposes.

39. The “**Producers**” as used herein refers to all the producers, executive producers, and production personnel – specifically, Defendant Baldwin, Defendant Smith, Defendant



Cheney, Defendant Klingher, Defendant Winterstein, Defendant Nigam, Defendant Delpiano, Defendant Dennett-Smith, Defendant Pickle, Defendant Walters, Defendant Sharp, Defendant Lam, and Defendant Salveson.

40. The “**Rust Production Companies**” as used herein refers to El Dorado Pictures, Rust Movie Productions, Thomasville Pictures, Short Porch Pictures, Brittany House Pictures, Calvary Media, and/or 3rd Shift Media.

41. As members of a joint venture, each of the Producers and each of the Rust Production Companies is responsible for the wrongful conduct of each other for the death of Ms. Hutchins on the Rust Production. The Producers and the Rust Production Companies:

- a. Combined their money, skill, and knowledge with the intent to carry out a single business undertaking, i.e. the production, sale, distribution, and marketing of the *Rust* feature film.
- b. Had an ownership interest in the business, including but not limited to Rust Movie Productions.
- c. Had joint control over the single business undertaking.
- d. Agreed to share the profits and losses of the business undertaking.

#### **FACTUAL ALLEGATIONS**

42. A revolver is a deadly weapon. It is designed to inflict severe bodily harm or death. The Defendants chose to use real firearms for the feature film production *Rust*, a gun heavy Western film being shot at the Bonanza Creek Ranch near Santa Fe, New Mexico, despite the danger inherent in any use of real firearms.

43. Because firearms are inherently dangerous, the movie industry has adopted clear and strict safety protocols for the use of firearms to ensure that no one ever be injured during the

production of a movie. The Rust Production was responsible for the safe use of firearms on set and the safety of its cast and crew. Every member of the production, cast and crew alike, was at all times required to follow industry protocols and adhere to basic gun safety rules.

44. Defendants Baldwin, the Producers, and the Rust Production Companies breached the most basic rules of firearm use on a film production. These basic rules for safe gun handling include:

- a. Always treat the gun as if it were loaded.
- b. Never point the gun at anything the operator of the gun, in this case, Defendant Baldwin, doesn't intend to destroy.
- c. Always keep the gun pointed in a safe direction and never at yourself or anyone else.
- d. Always keep the gun unloaded unless it is absolutely necessary to load the gun for use on a scene. Then and only then, a qualified person acting as the weapons master or armorer should load the gun.
- e. Never place a finger on the trigger unless the operator is ready to shoot.
- f. Be sure of the person's target and what is behind it.
- g. Learn the mechanical and handling characteristics of the particular gun being used.
- h. Load the gun in front of the actors or crew who may be in the line of fire.
- i. Personally perform or observe a visual inspection of the gun to ensure no ammunition is contained in the cartridge.

45. The rules for Rust Production's use of the revolver by Defendant Baldwin required training for Defendant Baldwin and the presence on site of an expert in the safe

handling of firearms to enforce proper safety protocols and train others in such safety protocols and the safe handling of firearms. The property master or the armorer must instruct the actors on the proper and safe use of the weapons, including the basic safety rules described above, and ensure no dangerous conditions are ever created by firearms. The armorer must be responsible for loading and unloading the firearms and must check the firearms before and after each instance in which they are handled.

46. The *Rust* Production involved extensive use of firearms and required an experienced firearms expert with the skill and qualifications to maintain constant vigilance for safety matters notwithstanding the numerous firearms present on the set of *Rust* and the frequency of their use to fire cartridges in simulated gun fights. Defendant Gutierrez-Reed was an inexperienced weapons master with only one movie production under her belt, unqualified for the degree of skill required on the *Rust* set. Defendant Baldwin and the other Producers were aware that Defendant Gutierrez-Reed was unqualified, and they ignored Defendant Gutierrez-Reed's concerns that performing the dual roles of armorer and assistant prop master would result in lapses in basic firearm safety. Defendant Baldwin and the other Defendants ignored actual unintentional firearm discharges that had occurred on the set of *Rust* as a direct consequence of failures of Defendant Gutierrez-Reed to adequately perform her duties as armorer and did not replace Defendant Gutierrez-Reed with a qualified armorer or require additional safety procedures to correct the dangerous conditions on the set of *Rust* despite multiple written complaints about the danger.

47. The most basic firearm safety rule in the movie industry is that there must *never* be live ammunition (containing bullets, gunpowder, and a live primer) on a movie set, as live ammunition could mistakenly be loaded into a gun. Industry standards and the Bonanza Creek

location's rules specifically forbade the use of any live ammunition containing bullets on the set of *Rust*. Where bullets that appear to be real are required for cinematic purposes, "dummy" bullets that typically contain a BB (a small metal ball) are used, which are distinguishable from live ammunition upon visual inspection or by shaking to hear the BB inside. The live bullet that killed Halyna Hutchins was present on the set of *Rust* at the time of the shooting and was not detected prior to its discharge due to the failure of the Defendants to follow industry standard safety protocols and perform basic firearm safety checks.

48. Many of the movie industry firearm safety protocols are tailored to the purpose of protecting cast and crew from the risk of injury from the discharge of "blank" ammunition that does not contain bullets, but those same safety protocols and basic gun safety rules, when followed, have the effect of ensuring that no discharge of a firearm on the set ever presents a danger to human life, even if a bullet is present. Because Defendant Baldwin and the others involved in the Rust Production did not follow industry protocols and basic gun safety rules, a live round containing a .45 caliber bullet was in the revolver held by Defendant Baldwin at the time of the shooting, ready to be fired, and Defendant Baldwin caused that bullet to be discharged directly at Ms. Hutchins.

49. The events that resulted in the death of Halyna Hutchins occurred on and leading up to October 21, 2021, when Defendant Alec Baldwin and Halyna Hutchins were on the set of *Rust*.

50. Defendant Baldwin was the film's executive producer, lead actor, and contributing writer. Ms. Hutchins was the film's director of photography.

51. At the time of the shooting, Defendant Baldwin, Ms. Hutchins, and other crew members were doing a "line up" of a shoot-out scene in an old, abandoned church.

52. The sole purpose of a line up for this scene was to confirm the positioning, frame and focus of the camera for a close-up shot of Defendant Baldwin's hand and the revolver he was holding, but Defendant Baldwin's possession of a real revolver, let alone a revolver loaded with any ammunition at all, was unnecessary to achieve this purpose. The scene in question did not even call for the revolver held by Defendant Baldwin to be fired.

53. Defendant Baldwin was sitting on a church pew at the Bonanza Creek location, approximately four feet away from multiple members of the crew of *Rust*, when he reached across his body and used his right hand to grab the revolver holstered on his left side, drew the revolver with a "cross draw" movement across his body and aimed it directly at Ms. Hutchins while drawing back the hammer on the revolver. He released the revolver's hammer, and – BAM – Defendant Baldwin fired the revolver. The live bullet discharged from Defendant Baldwin's revolver struck Ms. Hutchins in the side of her chest, ricocheted through her body, causing grievous injury, and exited Ms. Hutchins' body with sufficient force to strike director Joel Souza in the shoulder and pass almost entirely through his body. Ms. Hutchins endured enormous pain and suffering and died from her wounds.

54. Defendant Baldwin, the Producers, and the Rust Production Companies were aware of firearms safety issues that had occurred on the set of *Rust* and did not take action to correct the situation and ensure that basic gun safety rules were followed on October 21, 2021. Had Defendant Baldwin, the Producers, and the Rust Production Companies taken adequate precautions to ensure firearm safety on the set of *Rust* or if basic firearm safety rules had been followed on the set of *Rust* on October 21, 2021, Halyna Hutchins would be alive and well, hugging her husband and nine-year old son.

### **Defendants' Aggressive Cost Cutting Endangered the *Rust* Cast and Crew**

55. The Rust Production Companies were low-budget film production companies in the business of making films and were responsible for soliciting talent for the Rust Production and hiring the crew to produce the film. The Rust Production Companies utilized aggressive cost-cutting practices during the Rust Production that jeopardized and endangered the safety of the cast and crew of *Rust*.

56. Defendants' cost-cutting measures included hiring inexperienced and unqualified armorers or weapons masters, requiring the film's armorer to split time as assistant props master, establishing and aggressively adhering to unreasonably rushed production schedules, and hiring unqualified and inexperienced crew and staff that were responsible for safety during the production.

57. The Rust Production Companies hired Ms. Hutchins as the director of photography of *Rust* as an independent contractor. Ms. Hutchins brought her own equipment to the production and was responsible for forming her own team for the camera department, including camera operators, gaffers, and dolly grips. The Rust Production was the first time Ms. Hutchins had worked with the Rust Production Companies, the Producers or director Joel Souza.

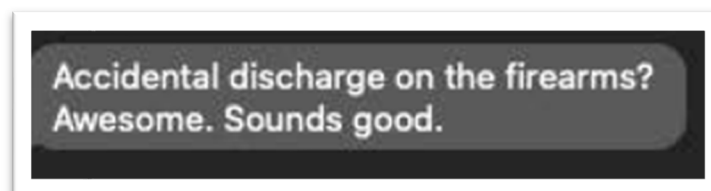
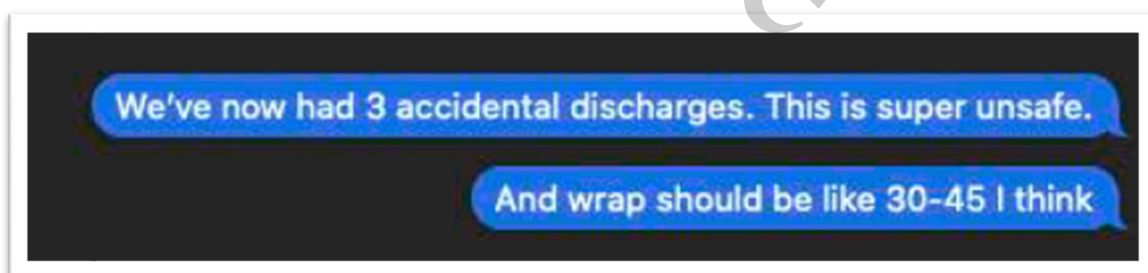
58. On October 6, 2021, the cast and crew of the Rust Production began shooting the film. The script for *Rust* included numerous scenes involving the presence of firearms and simulated gun fights. Rather than use computer generated or digital effects together with prop guns that were not capable of firing ammunition, the Rust Production Companies and the Producers decided to use real, live firearms.

59. The aggressive cost-cutting measures of the Rust Production Companies resulted in the Rust Production being riddled with breaches of safety protocols that resulted in the

presence of live ammunition on the set of *Rust* and unsafe handling of firearms.

60. On two separate occasions prior to the shooting of Ms. Hutchins, guns on the Rust Production had been discharged in an unsafe manner while loaded with ammunition. In response to these weapon discharges and inadequate firearm inspections, crew members of the production made complaints about safety on the set to supervisors, including the executive producers, producers, and line producers. These complaints were ignored. The producers held no safety meetings. They took no action to prevent further unsafe handling of firearms. They did not suspend the production to investigate the weapons discharges or the inadequate adherence to safety protocols. Instead, the producers decided to go full steam ahead and rush the filming of the production to keep costs down.

61. A few short days before the death of Ms. Hutchins, Lane Luper, a local camera operator for the production, made safety complaints to the producers. On October 16, 2021, Mr. Luper told Defendant Walters, a representative for the Producers, that there had been three unsafe weapon discharges and the set was “super unsafe.” Defendant Walters responded with callous sarcasm, saying the accidental discharges were “awesome” and “sound[ed] good.”



62. The Producers chose not to take the safety complaint by Mr. Luper seriously and brushed the safety concerns under the rug because investigating and addressing these safety concerns would delay production and stretch the production budget.

63. On the morning of Ms. Hutchins's tragic death, October 21, 2021, the safety dangers of the production had reached a crisis point. The local camera crew members were so upset by the producers' utter disregard for the safety that they protested the safety conditions by going on strike.

64. Mr. Luper put his concerns in writing, telling the producers of the Rust film the reason for the strike was "3 areas where safety has become a *massive* issue." One of those three areas was "safety . . . with weapons." Mr. Luper explained:

The second issue I'd like to bring up in regards to safety has to do with weapons. During the filming of gunfights on this job things are often played very fast and loose. So far there have been 2 accidental weapons discharges and 1 accidental SFX explosives that have gone off around the crew between takes. I personally suffer from pretty bad tinnitus and the SFX explosive sent my ears ringing until I got home. To be clear there are NO safety meetings these days. There have been NO explanations as to what to expect for these shots. When anyone from production is asked we are usually met with the same answers about not having enough time to complete the day if we rehearse or that "this is a 21 day shoot."

65. Defendants did nothing to improve firearm safety in response to Mr. Luper's written safety warnings. Defendant Pickle insisted that Mr. Luper and the other camera operators going on strike due to safety conditions get off the set and remove the equipment they had brought for use on set as quickly as possible to avoid any impact on the Rust Production's schedule and budget. Defendant Pickle responded on behalf of the producers:



On Oct 21, 2021, at 06:40, Gabrielle Pickle <[gabriellepickle@gmail.com](mailto:gabriellepickle@gmail.com)> wrote:

Lane,  
Good morning. Please call myself or Row when you or your team arrive at Bonanza Creek. We will coordinate your gear delivery in a way that does not impact the shoot day.  
Thank you,  
Gabrielle

66. Defendant Pickle's response on behalf of the producers showed no concern or care for the "massive" safety concerns of the striking crew. Nor did the production company's response deny the "2 accidental weapons discharges" and "1 accidental SFX explosive." The producers' sole concern was that the camera operator's departure not delay the aggressive production schedule and cost them money.

#### **The Day of the Killing of Halyna Hutchins**

67. On October 21, 2021, the day started off slow because of the camera crew's protest of the safety conditions. The departing camera crew collected their personal equipment, and production continued with an improvised alternative shooting plan using the remaining skeleton crew of the camera department. After lunch, the production went to the Bonanza Creek church to line up the cameras for a scene showing Defendant Baldwin cross-drawing his revolver.

68. Defendant Armorer Gutierrez-Reed, who was responsible for maintaining the revolver and the ammunition while on set, had left the revolver and ammunition out of the safe she maintained for securing firearms on the set. Defendant Gutierrez-Reed did not verify the revolver or ammunition were safe before the first assistant director, Defendant Halls, took the revolver to Defendant Baldwin. Defendant Halls never verified the revolver was safe before

handing it to Defendant Baldwin. Defendant Baldwin accepted the gun from Defendant Halls, rather than the production's armorer. Defendant Baldwin never verified the gun was safe before operating the gun, nor did he require the armorer or Defendant Halls to demonstrate in his presence that the gun was safe.

69. At the line up in the church, Defendant Baldwin sat in a church pew approximately four feet away from Ms. Hutchins and the other crew members there. Defendant Baldwin used his right hand to unholster the revolver, pointed the gun at Ms. Hutchins and the other crew who were just four feet away and released the hammer of the revolver, causing it to discharge. Because there was live ammunition in the gun, a .45 caliber bullet was discharged and struck Ms. Hutchins, ricocheted through her body, and then hit Joel Souza, the director of the film, in the shoulder. The bullet was discharged with sufficient force to pass entirely through Ms. Hutchins' body and through Joel Souza's shoulder, ending its path embedded in Joel Souza's back, less than two inches from his spine.

70. Ms. Hutchins said, "I'm hit." Mr. Souza yelled, "Oww." The steadicam operator and the gaffer moved quickly to help Ms. Hutchins. Defendant Baldwin did not offer to help any to the victims. Medics responded to the scene. Ms. Hutchins was taken to the hospital where she died as a result of the grievous wounds inflicted by the bullet.

71. Ms. Hutchins' husband and young son have been devastated by her death.

**COUNT I**  
**(NEGLIGENT, INTENTIONAL, WILLFUL OR RECKLESS MISCONDUCT**  
**RESULTING IN WRONGFUL DEATH)**  
**(Against All Defendants)**

72. All previous paragraphs are incorporated herein by reference.

73. The Producers and the Rust Production Companies, each of them individually and collectively, once they made the decision to use real guns on the set, had a duty to:

- a. Provide a reasonably safe production set environment;
- b. Hire, train, supervise, and oversee crew who were qualified to ensure the safe procurement, storage, maintenance, transportation, transfers from person to person and operation of deadly weapons, including the revolver that killed Ms. Hutchins, as well as ammunition on the production set;
  - c. Design, establish, adopt, implement, monitor, and oversee reasonable safety protocols to protect the safety of all cast and crew on the site, including Ms. Hutchins;
  - d. Design, establish, adopt, implement, monitor, and oversee reasonable safety protocols for the procurement, storage, inspection, maintenance and operation of all deadly weapons and ammunition on the “Rust” production, including safe distances between real weapons being operated and cast and crew, safe handling and aiming of real weapons to ensure no weapon is ever aimed at any human being, reasonable protection of cast and crew from the risks of deadly weapons, and reasonable inspection of weapons for safety;
  - e. Train all those handling firearms in basic gun safety rules, and the operation of the revolver fired in this case, including how to check to see if it was empty or loaded only with blank rounds;
  - f. Ensure guns were not loaded, but completely empty, during line ups for shots;
  - g. Ensure there was no live ammunition on set or placed in any of the guns used during the production;
  - h. Conduct multiple inspections of every gun handed to an operator or actor to ensure the gun was empty or, if needed for a shot, only contained blank rounds and no live ammunition;

- i. Inspect any weapon handed to an operator, including actors, to ensure such weapon is free of live ammunition and safe for operation in relation to the intended use of the weapon;
- j. Ensure that the armorer was in exclusive possession of all weapons and ammunition at all times, except to the extent necessary for shooting scenes;
- k. Prevent live ammunition from infiltrating the production set;
- l. Ensure all operators of a real revolver, including Defendant Baldwin, had adequate training, background, experience, and licensing with such deadly weapons;
- m. Reasonably respond to complaints, concerns, and reports of cast and crew on the Rust production regarding weapon safety and take all action necessary to resolve such complaints, concerns, and reports, including shutting down or suspending the production, delaying the production, inspecting all weapons and ammunition on set, and auditing records to ensure all personnel were adequately trained in weapons handling and safety; and
- n. Investigate all unexpected near-misses or discharges of guns or explosives on set to determine the root cause and prevent any other weapon safety breaches.

74. Defendant Baldwin had a duty to:

- a. Learn the gun safety rules before picking up a firearm on set;
- b. Learn how to safely operate and self-check the specific revolver in this case to make sure it was not loaded or was loaded with blank rounds;
- c. Never point the gun at any person;
- d. Always treat the gun as if it were loaded;
- e. Be aware of the people present in the direction where he was pointing the gun and beyond;

- f. Keep his finger away from the trigger or not operate the revolver's hammer until he decided to shoot;
- g. Not shoot the gun during the line up of a shot;
- h. Ensure the persons hired as armorers were experts in firearm safety;
- i. Accept a weapon for use on the set from personnel qualified to store, maintain, inspect, and handle deadly weapons;
- j. Conduct or observe a visual inspection of any weapon before taking possession of the weapon;
- k. Never aim a deadly weapon at cast and crew at the Rust Production unless, when required to do so for a scene, cast and crew were adequately protected;
- l. Ensure any cast and crew were protected against any potential discharge of a weapon he wielded; and
- m. Avoid recklessly discharging any deadly weapon, which is a criminal offense in the State of New Mexico.

75. Each of Defendants Gutierrez-Reed and Seth Kenney had a duty to exercise reasonable care in the procurement, inventory, storage, inspection, maintenance, and operation of all weapons and ammunition on the Rust Production, to prevent live ammunition from infiltrating the production, and otherwise provide a reasonably safe production set environment.

76. Defendant Zachry had a duty to exercise reasonable care in the supervision of Defendant Gutierrez-Reed and Seth Kennedy and otherwise provide a reasonably safe production set environment.

77. Defendant Halls had a duty to:

- a. Provide a reasonably safe production set environment;

- b. Refrain from delivering deadly weapons on the production to actors for usage without the necessary background, training, and experience to do so;
- c. Inspect any weapon being transferred to an actor in front of the actor to see if it was loaded or empty and, if loaded, to ensure it contained only blank rounds and not live ammunition;
- d. Accurately report the scope, nature, and extent of any visual inspection performed on a deadly weapon before transfer to an actor; and
- e. Investigate and reasonably respond to complaints, concerns, and reports of cast and crew on the Rust production regarding misfires of weapons, near-misses, and general weapon safety and take all action necessary to resolve such complaints, concerns, and reports, including shutting down or suspending the production, delaying the production, inspecting all weapons and ammunition on set, and auditing records to ensure all personnel were adequately trained in weapons handling and safety.

78. Each of the Defendants, either individually or through its owners, management, employees, or agents, negligently, intentionally, recklessly or willfully breached his or her duties to Halyna Hutchins by deciding not to take the actions described above that were required of them or taking actions that violated such duties.

79. The Producers and the Rust Production Companies negligently, intentionally, recklessly or willfully, individually, collectively, through their agents or employees, committed the following acts and omissions:

- a. Chose to hire the cheapest crew available, rather than hiring, training, and supervising crew who were qualified to ensure the safe procurement, storage, maintenance, transportation, transfers from person to person and operation of deadly weapons and

ammunition;

- b. Knowingly hired a wholly unqualified armorer to act as the weapons master for the gun-heavy Western-era Rust Production
- c. Chose to require the armorer to split time working in a second role as assistant props master;
- d. Chose to cut corners and not strictly enforce the industry standard gun safety protocols on set, including proper storage, inspection maintenance and operation of firearms and ammunition, preventing live ammunition on the set, and preventing a gun with loaded ammunition from being handed to an untrained actor;
- e. Chose not to require that all actors be trained in basic gun safety rules and in use of the specific revolver by the production's armorer before operating a firearm;
- f. Chose not to require all cast and crew to be protected against the risk of firearms at all times (whether by remote video monitors or shielding equipment);
- g. Chose not to require multiple inspections of every weapon handed to an operator, including Defendant Baldwin, to ensure such weapon was unloaded or free of dangerous ammunition and safe for operation in relation to the intended use of the weapon;
- h. Chose not to ensure that the armorer was in exclusive possession of all weapons and ammunition at all times, except to the extent necessary for shooting scenes;
- i. Chose not to ensure all operators of a real revolver, including Defendant Baldwin, had adequate training, background, experience, and licensing involving such deadly weapons; and
- j. Chose not to investigate or reasonably respond to complaints, concerns, and reports of cast and crew on the Rust production regarding weapon safety and take all action

necessary to resolve such complaints, concerns, and reports, including shutting down or suspending the production, delaying the production, inspecting all weapons and ammunition on set, and auditing records to ensure all personnel were adequately trained in weapons handling and safety.

80. In addition to his acts taken as a producer, Defendant Baldwin recklessly or willfully committed the following acts and omissions:

- a. Chose to accept a weapon for use on the set from personnel who was not qualified to store, maintain, inspect, and handle deadly weapons;
- b. Chose to handle a real revolver during the line up of a scene when a dummy or stand-in prop would have been sufficient;
- c. Chose not to conduct or observe a visual inspection or loading of the weapon before taking possession of it or otherwise verify that the revolver did not contain any dangerous ammunition;
- d. Took intentional acts to allow the firing pin of the revolver to hit a bullet and cause the revolver to be discharged, including pulling or cocking the hammer and releasing the firing pin;
- e. Pointed the gun at Halyna Hutchins and the cast and crew of Rust within a dangerous distance and without any personal protection for them; and
- f. Recklessly caused a deadly weapon to discharge, which is a criminal offense in the State of New Mexico.

81. Defendants Gutierrez-Reed and Seth Kenney negligently, intentionally, recklessly or willfully committed the following acts and omissions:

- a. Procured live ammunition and allowed the live ammunition to be used on



the production of the “Rust” film;

b. Failed to inspect each dummy bullet on the set of *Rust* to ensure that no live ammunition had infiltrated the supply of dummy bullets;

c. Chose not to inspect the weapon that has handed to Defendant Baldwin, which was loaded with live ammunition;

d. Defendant Gutierrez-Reed did not accurately report and disclose the scope, nature, and extent of her visual inspection and misled the cast and crew regarding his inspection by purportedly saying “cold gun” to cast and crew regarding the revolver at issue, knowing that she had not adequately inspected the revolver and individually verified each bullet contained in the revolver as being a dummy and not a live bullet;

e. Chose not to adequately train and supervise the cast and crew on the *Rust* production who were operating or in the presence of firearms; and

f. Failed to maintain or monitor the custody of all firearms and ammunition on the "Rust" film production.

82. Defendant Zachry negligently, intentionally, recklessly or willfully did not supervise Defendant Gutierrez-Reed and Seth Kennedy and otherwise provide a reasonably safe production set environment.

83. Defendant Halls negligently, intentionally, recklessly or willfully committed the following acts or omissions:

a. Delivered the firearm to Defendant Baldwin without possessing the necessary background, training, and experience to perform this function;

b. Declared the revolver to be safe without disclosing his failure to fully check the weapon;

c. Did not inspect the weapon being transferred to Defendant Baldwin or witness an inspection of the weapon to assess its condition and determine whether any bullets loaded in the revolver were dummy bullets and not live ammunition;

d. Did not accurately report and disclose the scope, nature, and extent of his visual inspection and misled the cast and crew regarding his inspection by purportedly saying "cold gun" to cast and crew regarding the revolver at issue, knowing that he had not adequately inspected the revolver; and

e. Did not reasonably investigate or respond to complaints, concerns, and reports of cast and crew on the Rust production regarding misfires, near-misses or weapon safety and take all action necessary to resolve such complaints, concerns, and reports, including shutting down or suspending the production, delaying the production, inspecting all weapons and ammunition on set, and auditing records to ensure all personnel were adequately trained in weapons handling and safety.

84. Each of the Defendants utterly disregarded the consequences of their actions and knew or should have known that his or her acts and omissions were substantially certain to result in injuries or death to cast and crew members, including Ms. Hutchins.

85. Each of the Defendants' acts and omissions were a direct and proximate cause of Halyna Hutchins' death and the resulting damages set forth below.

86. Each of the Rust Production Companies, in addition to being directly liable, are vicariously liable for the acts and omissions of their directors, officers, members, managers, employees, and agents as alleged herein.

**COUNT II**

**LOSS OF CONSORTIUM**

**(Against All Defendants)**

87. All previous paragraphs are incorporated herein by reference.

88. Halyna Hutchins was 42 years old and had been married to Plaintiff Matthew Hutchins for over 16 years at the time of her death.

89. Halyna Hutchins and Matthew Hutchins had a loving, close and dependent relationship.

90. The nature of their close relationship gives rise to a loss of consortium claim by Matthew Hutchins who, but for Halyna Hutchins's untimely death, would have continued to rely on her for guidance, companionship, assistance and support throughout their lives.

91. Halyna Hutchins was the mother of Andros Hutchins for over 9 years and had a close and loving relationship with her son. He would have continued to benefit from her love, guidance and support but for her death.

92. Matthew Hutchins' loss of consortium with his wife Halyna Hutchins and Andros Hutchins' loss of consortium with his mother were directly and proximately caused by the Defendants.

93. Matthew Hutchins and Andros Hutchins suffered loss of consortium damages to be determined by the jury at trial.

**PRAYER FOR RELIEF**

94. All previous paragraphs are incorporated herein by reference.

95. Plaintiffs request damages for the wrongful death of Halyna Hutchins in an amount to be determined at trial. Those damages include:

- a. Compensatory damages for:
  - i. The fear, pain, and suffering of Halyna Hutchins after being shot by Defendant Baldwin and before she died from her wounds;
  - ii. The loss of the value and enjoyment of her life;
  - iii. The loss of Halyna Hutchins's household services;
  - iv. The loss of Halyna Hutchins's earnings and earning capacity;
  - v. Funeral and burial expenses;
  - vi. Aggravating circumstances surrounding the wrongful death of Halyna Hutchins; and
  - vii. The loss of love, companionship, comfort, care, assistance, protection, affection, society, guidance, training, assistance, and moral support of Ms. Hutchins.
- b. Punitive damages in an amount to be determined at trial.
- c. Pre-judgment and post-judgment interest.
- d. Costs.
- e. Such other relief as this Court or a jury may find appropriate.

Dated: February 15, 2022



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