

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

JACK HENRY URSIC

v.

RANDOLPH BENJAMIN RODMAN

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Civil No. – JFM-15-190

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**MEMORANDUM**


Jack Henry Ursic has brought an action against Randolph Benjamin Rodman, trading as R&S Arms. Rodman has filed a third-party complaint against the United States Bureau of Alcohol, Tobacco, Firearms & Explosives (“ATF”). ATF has filed a motion to dismiss the third-party complaint. The motion will be granted and this action will be remanded to the District Court of Maryland for Calvert County, Maryland from which it was removed.

Ursic’s claim is for the \$8,000 that he paid to Rodman to purchase a firearm. Rodman was convicted of violation of federal criminal law by falsely using the serial number that had been removed from a previously registered machine gun to manufacture a new machine gun that was sold to Ursic. After Rodman’s conviction, the machine gun was destroyed pursuant to a motion filed by the United States.

Rodman’s claim against ATF is clearly barred by the doctrine of collateral estoppel. He could have (and had every incentive to) contended in the criminal case against him that ATF had acted improperly in connection with the Ursic firearm. He did not succeed in doing so.

A separate order effecting the rulings made in this memorandum is being entered herewith.

Date: 12/8/11

  
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J. Frederick Motz  
United States District Judge

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U.S. DISTRICT COURT  
DISTRICT OF MARYLAND  
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