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City of Buffalo files first of its kind lawsuit against gun industry

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4–6 minutes

The city of Buffalo announced Tuesday it has filed a "first of its kind" lawsuit against the gun industry, seven months after a teenager killed 10 people and wounded three others at a [Buffalo grocery store](#).

The lawsuit was announced by Mayor Byron Brown and names as defendants some of the nation's biggest firearm manufacturers, including Beretta, Smith & Wesson, Bushmaster, Glock and Remington. The suit, filed in state Supreme Court in Buffalo, also names ghost gun retailers Polymer and Arm or Ally as defendants.

"Members of our community have suffered too much for too long from gun violence," Brown said in a statement. "We must do everything we can to decrease gun violence. Enabling the possession of illegal guns destroys lives and deeply affects our neighborhood, especially in Black and Brown communities."



Buffalo Police on scene at a Tops Friendly Market, May 14, 2022, in Buffalo, New York.

John Normile/Getty Images

City leaders concede that gun violence in Buffalo is getting worse despite efforts by the Buffalo Police Department to curb gun violence.

Gun violence has surged in the city since 2020, when 355 people were killed or injured in shootings.

"As of March, 2021, the number of people shot in Buffalo over the first two months of the year jumped 140% compared to the same period [in 2020]," the city's statement reads.

The lawsuit comes after [a racially motivated mass shooting](#) on May 14 at a Tops market on the east side of Buffalo left 10 Black people dead. Police said the 18-year-old suspect, Payton Gendron, used a semi-automatic rifle in the massacre that he purchased legally but manipulated to fit a high capacity ammunition magazine that is illegal to possess in New York. It was bought at a gun shop in Pennsylvania.

In November, Gendron, now 19, [pleaded guilty](#) to 15 charges in all, including domestic terrorism motivated by hate, murder and attempted murder. He faces life in prison without the possibility of parole when he is sentenced in February.

City officials said the goal of the lawsuit "is not to prevent legal gun ownership."

"The city of Buffalo is not going to let these gun industry members continue to flood our City with illegally possessed guns," said Cavette A. Chambers of the city Corporation Counsel. "We must hold them accountable."



Buffalo Mayor Byron Brown speaks to media after Payton S. Gendron appears in court to plead guilty of charges of killing 10 people in a live-streamed supermarket shooting in a Black neighborhood of Buffalo, New York, Nov. 28, 2022.

Lindsay Dedario/Reuters

Chambers said city officials have been following public nuisance laws in New York "and will be considering additional defendants and causes of action as we get into discovery."

Brown added, "The conduct of certain gun manufacturers has unreasonably interfered with the public's right to use open space free from fear."

The lawsuit said the plaintiffs are looking for compensatory and punitive damages as well as an abatement fund "with sufficient capital to eliminate the public nuisance [gun manufacturers] are responsible for creating, exacerbating, and/or perpetuating." The lawsuit requests a jury trial.

There was no immediate response to the lawsuit from the gun manufacturers and retailers named as defendants.

The lawsuit charges the gun manufacturers and retailers have "maintained the public nuisance of unlawful possessing, transportation and disposition of firearms and the utilization of guns in the commission of an offense" by marketing firearms to emphasize their "high capacity and ease of concealment." The suit alleges that such marketing, including its use in movies and social media, appeals to prospective purchasers with criminal intent.

The lawsuit also faults manufactures for not training dealers "to avoid straw sales and other illegal transactions" and for refusing to terminate contracts with distributors who sell to dealers with disproportionately high volumes of guns traced to crime scenes.

"All of the Defendants manufactured or distributed thousands of firearms recovered in crimes committed in the City of Buffalo and New York State," the lawsuit alleges.

The five top gun companies named in the suit "acknowledged that they have no system process in place to gather safety data related to their products, and they were unable to produce any internal analyses of the dangers caused by sellers of their military-style weapons to civilians."

