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City of Buffalo Files Lawsuit Against Firearms Companies

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Buffalo, New York - City of Buffalo Mayor Byron W. Brown, Corporation Counsel Cavette A. Chambers, and Napoli Shkolnik PLLC today filed the first lawsuit of its kind, suing ghost gun defendants as well as other firearm industry members including gun manufacturers and distributors for their conduct in fueling gun violence in the City of Buffalo.

Together, the City of Buffalo and Napoli Shkolnik will seek to hold those gun industry members responsible for the illegal and unreasonable sale, manufacture, distribution, importing, and marketing of firearms. The Defendants manufactured or distributed thousands of firearms recovered in crimes committed in the City of Buffalo and New York State.

Unfortunately, gun violence is only getting worse in Buffalo and across the country. Even with all of the actions taken by the City of Buffalo to curb gun violence, we are still seeing illegally possessed guns getting into the wrong hands. Gun violence in Buffalo surged in 2020 and continued to increase in 2021.¹ In 2020, 355 people in Buffalo were injured or killed in shootings.² 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 last year.³

Defendants include manufacturers, makers, importers, and distributors of firearms. The Defendants include firearm companies such as Beretta, Smith & Wesson, Glock, Remington and Bushmaster and Ghost Gun companies such as Polymer 80 and Arm or Ally.

“Members of our community have suffered too much and for too long from gun violence. We must do everything we can to decrease gun violence. Enabling the possession of illegal guns destroys lives and deeply effects our neighborhoods, especially in Black and

Brown communities. I am proud to stand up to the gun industry and fight for the safety of people living, working, and visiting the City of Buffalo,” said Mayor Byron W. Brown.

Seven months ago, ten people were killed and three were wounded in a mass shooting at the Tops Friendly Market. Of the thirteen people shot, eleven were Black and two were white. The killer, age 18, used a Bushmaster XM-15, which was the same model that was used by a 20-year-old man to kill 26 people at Sandy Hook in 2012. Gendron bought the rifle at Vintage Firearms in Endicott.

“Gun violence is only getting worse, and it is impacting the entire community. The City of Buffalo decided to move forward and bring change,” said Partner Salvatore C. Badala of Napoli Shkolnik PLLC New York State Attorney General Letitia James and New York City Mayor Eric Adams filed similar litigation against ghost gun companies this year.

On June 25, President Biden approved gun legislation at the federal level proving millions of dollars to the states for gun intervention programs and mental health services. The federal laws further strengthen background checks for potential gun buyers under the age of 21 and closes other loopholes in existing statute preventing those convicted of domestic abuse from purchasing a gun.

On June 6, 2022, Governor Kathy Hochul signed a state legislative package to immediately strengthen the state’s gun laws, close critical loopholes exposed by shooters in Buffalo and Uvalde Texas and protect New Yorkers from the scourge of gun violence that continues to infect our nation and endanger our communities.

The goal of the lawsuit is not to prevent legal gun ownership. This is just another proactive tool that the City is using to curb gun violence. “The City of Buffalo is not going to let these gun industry members continue to flood our City with illegally possessed guns. We must hold them accountable. We have been following the public nuisance law in New York and will be considering additional defendants and causes of action as we get into discovery,” added Corporation Counsel Chambers.

On May 25, 2022, Judge Mae A. D’Agostino of the Federal District Court in Northern New York, upheld New York’s Public Nuisance

Law enabling the Attorney General or City Corporation Counsel to sue manufacturers over harms caused by weapons produced and distributed. The law (General Business Law, Section 898 (a-e), says that “no gun industry member...shall knowingly or recklessly create, maintain or contribute to a condition in New York... that endangers the safety or health of the public through the sale, manufacturing, importing or marketing of a qualified product.”

“We have state public nuisance laws that we are empowered to enforce, and I intend on doing all that I can as Mayor to protect people and prevent the loss of lives resulting from gun violence. The conduct of certain gun manufacturers has unreasonably interfered with the public’s right to use open space free from fear,” said Mayor Brown.

Added Partner Shayna E. Sacks of Napoli Shkolnik PLLC, “We are honored to represent the City of Buffalo again and are prepared to bring justice to those who have violated the law.”

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About Napoli Shkolnik PLLC

Napoli Shkolnik is a national law firm that represents victims and governmental entities across the country in complex litigation, arbitration, and mediation related to a number of practice areas. As it relates to firm recently secured landmark verdicts in the New York jury opioid trial, in which many ‘Big Pharma’ companies were found liable in the state’s deadly opioid crisis; and the national opioid trial in Ohio where national pharmacy chains were confirmed to have fueled the opioid epidemic by flooding communities with painkillers.

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¹ https://buffalony.com/news/local/crime-and-courts/shootings-skyrocket-in-buffalo-so-far-in-2021/article_fd78d4ac-87ed-11eb-87b5-5bfa47e6a81d.html

² <https://buffalony.com/news/local/crime-and-courts/more->

[homicide-victims-died-from-gun-violence-this-year-in-buffalo/article_789f1350-67f2-11ec-98bd-733bcda61d76.html](https://buffalony.gov/CivicAlert/homicide-victims-died-from-gun-violence-this-year-in-buffalo/article_789f1350-67f2-11ec-98bd-733bcda61d76.html)

3 https://buffalonews.com/news/local/crime-and-courts/shootings-skyrocket-in-buffalo-so-far-in-2021/article_fd78d4ac-87ed-11eb-87b5-5bfa47e6a81d.html