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City of Rochester to sue gun manufacturers over local violence

James Battaglia, Christian Garzone

6–8 minutes

Rochester, N.Y. (WROC) — Rochester Mayor Malik Evans announced a lawsuit in New York State Court against major firearm manufacturers, importers, and distributors Tuesday, “for their role in fueling the gun violence crisis” locally.

The mayor listed Beretta, Smith & Wesson, Glock, Remington, Bushmaster, and “ghost gun” companies like Polymer 80 and Arm or Ally as some of the defendants.

“Violence prevention requires a multitude of strategies and a significant amount of collaboration,” Evans said. “This is just the latest tactic I will dedicate to eradicating gun violence in Rochester.”

The city is seeking damages and compensation. Attorneys said some of the money would lead to an abatement fund for intervention and education efforts.

“These defendants have not put in the right controls to prevent the flow of guns going into the community and then holding them responsible and then setting up an abatement fund where we can have intervention, education, for example,” said attorney Salvatore Badala with Napoli Shkolnik.

“Rochester to be clear: this is huge. This is a huge monumental historic opportunity here. When you look at examples of the impact

of what is happening here today you just simply have to look at the tobacco industry, look at the opioid industry to really see the impact this has when changing the course of action on how manufacturers handle when they're hit in their bottom line which is their pocket," said City Councilman Willie Lightfoot.

Mayor: Over 700 —mostly illegal —firearms this year recovered.
Every single homicide last year was done with an illegal Gun
— Christian Garzone (@ccjgarzone) [December 20, 2022](#)

Buffalo Mayor Byron Brown made a similar announcement Tuesday afternoon. Bushmaster Firearms Industries, Inc. responded to that lawsuit, saying, "We have received notice that the City of Buffalo has filed a lawsuit against Bushmaster Firearms Industries, Inc. We have not had a chance to review the allegations in full at this time, but upon first blush the verified allegations against Bushmaster Firearms Industries, Inc. are false. Our counsel is currently reviewing the complaint and evaluating a path forward to address both this lawsuit and the potentially libelous claims made against Bushmaster Firearms Industries, Inc."

News 8 has reached out to a number of the other defendants.

Read the full release from the City of Rochester

City of Rochester Mayor Malik Evans was joined today by Corporation Counsel Linda S. Kingsley and attorneys from Napoli Shkolnik PLLC to announce the City is filing a lawsuit in State Court against firearm industry members for their role in fueling the gun violence crisis in the City of Rochester.

The suit seeks to hold manufacturers, makers, importers, and distributors of firearms responsible for the illegal and unreasonable sale, manufacture, distribution, importing, and marketing of

firearms. The City seeks compensatory and punitive damages, the creation of an abatement fund, and reimbursement of attorneys' fees.

Gun violence in Rochester has surged over the past two years, as it has across the country. Possible causes include economic stress linked to the COVID-19 pandemic, national civil unrest, and the increased availability of illegal firearms.

The Defendants, such as Beretta, Smith & Wesson, Glock, Remington and Bushmaster, and Ghost Gun companies like Polymer 80 and Arm or Ally, manufactured or distributed thousands of firearms recovered in crimes committed in the City of Rochester and New York State.

“Addressing gun violence is a top priority of my administration, and I want to tackle this issue on every front,” said Mayor Malik Evans.

“Violence prevention requires a multitude of strategies and a significant amount of collaboration. This is just the latest tactic I will dedicate to eradicating gun violence in Rochester.”

“Both before and since the declaration of a state of emergency, my office has been focused on nuisance abatement, drug activities, and other criminal conduct – and guns are inextricably linked to all of it,” said Corporation Counsel Kingsley. “We appreciate the team at Napoli Shkolnik for supporting our efforts to combat this deadly problem.”

“Going grocery shopping, walking home from school...these mundane activities should not result in gun violence incidents,” said Partner Salvatore C. Badala of Napoli Shkolnik. “The City of Rochester refuses to ignore the full scope of those responsible for innocent lives being lost, and is taking action.”

A New York State law signed in 2021 ([A.6762B/S.7196](#)) allows for “public nuisance” civil lawsuits to be brought against gun

manufacturers and dealers, bypassing the blanket immunity provided to the industry under federal law.

On May 25, 2022, the Hon. Mae A. D'Agostino, District Court Judge, United States District Court for the Northern District of 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."

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 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.

On June 25, President Biden approved gun legislation at the federal level providing 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.