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# City of Rochester | News Release -

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## News Release

**Editors:** Once filed, the lawsuit will be linked to this page.

**(Tuesday, Dec. 20, 2022)** – 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.

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**News Media:** For more information, contact Communications Director Barbara Pierce at [Barbara.Pierce@cityofrochester.gov](mailto:Barbara.Pierce@cityofrochester.gov).

The City of Rochester administration of Mayor Malik D. Evans is committed to promoting positive systemic and structural change by providing transparent and collaborative leadership, offering equitable access to essential municipal services, enabling productive intergovernmental, private, and non-profit partnerships,

and promoting increased quality of life through investments that create vibrant neighborhoods and employment opportunities, making Rochester a hope-filled city with an exciting future. For more information, visit <http://www.cityofrochester.gov>.

#### 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 governmental entities, the 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.