



Legal Action

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INSIDE

From the Director	2
Lawsuits Make Guns Safer	4
ATF Surrenders Crime Gun Data	5
Guns on Trial	6
How You Can Help	8

Legal Action

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Violence.

Immunity Bill's Defeat Paves Way for Record-Breaking \$4.4 Million For Gun Victims

Following the defeat in Congress of gun-lobby supported legislation to give sweeping legal immunity to the gun industry, the Brady Center achieved historic victories in three lawsuits brought for victims of gun violence. The settlements yielded a record \$4.4 million in payments by three gun dealers and gun maker Bushmaster Firearms. Featured on nightly news broadcasts and the front pages of the nation's leading newspapers, the settlements put gun sellers and manufacturers around the country on notice that they must change their business practices or face liability for the consequences of their reckless conduct.

All three cases would have been dismissed had the gun industry immunity bill been enacted into law. That bill would have ended pending cases throughout the country involving negligent distribution of firearms by gun sellers and manufacturers, and immunized gun dealers and gun makers (and even the NRA) from future civil liability, even if their conduct led to criminals acquiring firearms. The \$4.4 million in damages benefits the victims of the Washington, D.C.-area sniper attacks, two New Jersey police officers severely wounded by gunfire, and the family of a young boy accidentally shot and killed as he played near his home in Philadelphia.

After amassing overwhelming evidence in each of the three cases and with public trials looming, the Brady Center won the first of three settlements in June, when gun dealer Will Jewelry & Loan of

Charleston, West Virginia agreed to pay \$1 million to two New Jersey police officers whose law enforcement careers were ended when they were shot and wounded by a criminal armed with a gun sold by Will. Two months later, Pennsylvania gun dealer Sauer's Trading settled for a reported \$850,000 payment to Tennille Jefferson, whose son was shot and killed with a gun trafficked from Sauer's shop.

Finally, the Brady Center set another record in September with a \$2.5 million

The New York Times

September 13, 2004

"The families of eight victims of the Washington-area snipers won a landmark \$2.5 million settlement..."

Fox Butterfield, *Sniper Victims in Settlement with Gun Maker and Dealer*, N.Y. Times, Sept. 13, 2004, A13.

settlement by Bushmaster Firearms, manufacturer of the assault rifle used by the D.C.-area snipers and dealer Bull's Eye Shooter Supply of Tacoma, Washington. This was the first-ever payment by a gun manufacturer for negligently supplying criminals with firearms and the highest payment ever by a gun shop for negligent distribution.

"I could not believe they sold me the gun." –Gun trafficker Tammi Lea Songer

On January 12, 2001, Orange, New Jersey police officers Dave Lemongello and Ken McGuire were shot and seriously injured by a career criminal during a stakeout. Both McGuire and Lemongello survived but suffered debilitating injuries which ended their careers. Investigators established that the Sturm Ruger 9 mm

continued on page 3

FROM THE DIRECTOR

The Brady Center to Prevent Gun Violence is a nonprofit, education, research, and legal advocacy organization established in 1983 to reduce the tragic toll of handgun violence in America.

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Let the legal system work. Let it work for victims of gun violence.

That was our message early last year, as we fought, and defeated, the gun lobby's bill in Congress to give sweeping legal immunity to the gun industry and strip away the rights of gun violence victims. The Brady Center, and the victims we represent in court, sought no special favors from Congress. We sought only to have courts apply to lawsuits against the gun industry the same legal principles that apply to everyone else. It was the gun industry that sought special favors. It was the gun industry that sought its own special set of legal rules to protect its most irresponsible companies.

We knew that if the legal system were allowed to work, justice would be done for innocent victims of reckless gun sellers. Now, as we are proud to report in this issue of Legal Action, justice has been done in three groundbreaking cases brought by the Brady Center.

Justice was done for two courageous New Jersey police officers, Dave Lemongello and Ken McGuire, whose law enforcement careers were ended by bullets from a gun sold, with eleven others, by a West Virginia pawnshop to a "straw purchasing" team.

Justice was done for Tennille Jefferson, whose seven-year-old son was fatally shot by a playmate with a revolver found stashed under a car on a South Philadelphia street. The gun was one of ten guns sold by a Williamsport, Pennsylvania

dealer to a gun trafficker.

Justice was done for the victims of the Washington, D.C.-area snipers, John Muhammad and Lee Malvo, whose Bushmaster assault rifle mysteriously disappeared from Bull's Eye Shooter Supply, a Tacoma, Washington gun dealer, and ended up in the hands of the snipers.

If the gun lobby's immunity bill had been enacted, justice would have been denied to all these innocent victims and three reckless gun dealers would have escaped all accountability. When the new Congress convenes, we

"Business as usual" is becoming very, very expensive.

know the NRA and the gun industry will be back with their demand for special favors. This time, however, it will be difficult for them to slander the Brady Center's lawsuits as "frivolous" when the industry defendants in those suits were willing to pay millions to avoid going to trial.

Beyond achieving justice for innocent shooting victims, the three recent settlements have broad implications for public safety. The settlements in the cases brought by Tennille Jefferson and officers McGuire and Lemongello mark the first time gun dealers have paid damages for facilitating gun trafficking into the illegal market. We have long known that gun dealers who aid and abet "straw sales" and mul-

tiple sales to gun traffickers are a primary source of guns for the underground market. Now, for the first time, dealers who profit from this conduct face a credible threat of damages liability. This is a powerful new incentive for them to behave responsibly.

In addition, the \$2.5 million settlement for the Washington, D.C.-area sniper victims included a payment of \$568,000 from Bushmaster Firearms, the manufacturer of the XM-15 assault rifle used by the snipers. This is the first time a gun manufacturer has ever paid damages for its own negligent conduct leading to criminal violence. We were gratified when the New York Times called the settlement a "landmark." Bushmaster did not want to have to defend, before a jury, its choice of Bull's Eye Shooter Supply as one of its assault weapon dealers. Even after press reports revealed that the snipers' assault rifle was one of over 200 guns missing from Bull's Eye, Bushmaster said it still regarded the gun shop as a "good customer" and it pledged to continue to supply it with assault rifles.

Bushmaster's comments typify the gun industry's callous disregard for public safety. Our recent victories send a strong message that, for those in the gun industry who are willfully blind to the deadly consequences of their conduct, "business as usual" is becoming very, very expensive.



Dennis A. Henigan
Director, Legal Action Project

Immunity Bill's Defeat—\$4.4 Million For Gun Victims

continued from page 1

semi-automatic pistol was originally sold by a gun dealer in Charleston, West Virginia to a straw purchaser and out-of-state gun trafficker who traveled to West Virginia to obtain large quantities of guns, sell drugs, and then return to New Jersey and New York to sell the guns at a huge profit.

“This was the first-ever payment by a gun manufacturer for negligently supplying criminals with firearms and the highest payment ever by a gun shop for negligent distribution.”

The gun trafficker, James Gray, and a local companion, Tammi Lea Songer, purchased twelve guns in one sale from Will Jewelry and Loan. Since Gray was prohibited from legally purchasing guns as an out-of-state resident and a three-time convicted felon, Songer acted as a “straw purchaser” and bought the guns for Gray. Songer testified in her deposition that Gray picked out guns for Songer to buy in full view of Will’s personnel and paid for them with four thousand dollars in cash — clear signals that the guns were headed to the illegal market. Songer also testified that it would have been clear to anyone waiting on her that she was high on drugs and that she could not believe that Will agreed to sell her the guns. If Will’s employees had asked Songer any questions about her purchases

she would not have been able to answer them competently.

Will’s employees also testified that they were not trained on how to detect straw purchases or other high risk sales. If Will had prevented its employees from making sales in suspicious circumstances, or from making large volume gun sales, this gun would not have made its way to the streets of Orange and been used to shoot Officers McGuire and Lemongello.

Shortly after these damaging depositions, Will Jewelry & Loan made an offer to settle the case against them. On June 23, 2004, the trial court approved payment of \$1 million from Will to plaintiffs in exchange for Will’s dismissal from the case. The settlement was the first time a gun seller has ever paid damages for its role in facilitating gun trafficking to criminals. Will, and other dealers in Charleston, West Virginia, also implemented procedures preventing customers from buying more than one handgun in any 30 day period. Such a procedure, which goes beyond the law in West Virginia, can help prevent gun trafficking from these stores.

Scott Segal and Deborah McHenry of the Segal Law Firm in Charleston were co-counsel in the case.

“He had to know what I was doing” —Gun trafficker Perry Bruce

Seven-year-old Nafis Jefferson was playing with friends near his Philadelphia home on April 19, 1999 when one of his playmates found a powerful .44 caliber revolver stashed under a car. The child picked up the gun, pointed it at Nafis and, apparently thinking it was a toy, pulled the trigger. The gun fired, shooting Nafis in the head. Nafis died later that night at Philadelphia’s Children’s Hospital.

Police traced the gun to Sauers Trading, a gun shop in Williamsport, Pennsylvania.

Sauers had a history of selling crime guns, ranking in the top 2% of Pennsylvania dealers for supplying at least 51 guns eventually traced to crime, according to federal law enforcement data. Sauers was a veritable “superstore” for criminal gun traffickers. Court papers explained that Sauers supplied guns to gun trafficker Zakiyyah Muhammed and numerous other gun traffickers, including selling 31 guns to drug-addict and subsequently convicted trafficker Jeffery Griffin; selling 12 guns to subsequently convicted trafficker Monique Smith; and selling 7 guns to subsequently convicted trafficker Connel Pickens.

Gun trafficker Perry Bruce also used Sauers to buy guns to sell for money to support his drug habit. Bruce testified that when he went into Sauers to buy guns he was high on drugs. He said that Sauers even asked him to wait until other customers left the store before selling to Bruce. Bruce listed his occupation as “unemployed” and yet paid thousands of dollars in cash for nearly a dozen guns. When asked if Sauers knew that he was trafficking guns, Bruce testified that Sauers “had to know what I was doing.” After Sauers willingly completed every sale, Bruce quickly handed each of the guns over to criminals. One of these guns, a Rossi Model 720 .44 caliber revolver, ended up on a street in South Philadelphia, stashed under a parked car, before it was used to kill Nafis Jefferson.

After the Brady Center filed suit on behalf of Nafis’s mother Tennille Jefferson, Sauers repeatedly asked the court to dismiss the case against it, claiming that Sauers could not be held liable for its conduct. A court in Philadelphia denied Sauers’ motions each time. With trial imminent, Sauers agreed to pay Tennille Jefferson \$850,000 in damages. The Philadelphia law firm of Anapol, Schwartz, Weiss, Cohan, Feldman and Smalley acted as co-counsel in the case.

In sniper-style attacks that

continued on page 7

Using the Legal System to Make Guns Safer

On May 29, 1994, fourteen year-old Michael S. was playing with his good friend Kenzo Dix in Michael's bedroom. He thought Kenzo would be impressed with the 9 mm Beretta semiautomatic pistol stored in a camera bag under his Dad's bed. He took the gun from the camera bag and checked to see if the gun was loaded. Seeing there was a loaded magazine, he removed it, and replaced it with an empty clip.

"...Because guns are exempt from the Consumer Product Safety Act...the federal government cannot do what it does with other products: require that they be made safe."

Thinking he had unloaded the gun, Michael brought it to his bedroom to show his friend, fifteen year old Kenzo, and pulled the trigger. It was only then that Michael learned, that a bullet was hidden in the gun's chamber. The gun fired, killing Kenzo Dix.

Kenzo's tragic death is typical of the threat to children of guns in the home. The year before the shooting, 1,521 Americans were killed in unintentional shootings, over 200 of them under the age of 15.

Kenzo's death was doubly tragic because it was entirely preventable. At the time of the shooting, there were simple, feasible safety features that gun

manufacturers could have installed in guns that would have prevented such tragedies. An *internal lock* built into the gun would have prevented Michael from firing. Such devices had been designed years before, were inexpensive and based on simple, decades-old technology. A *loaded chamber indicator* that effectively alerts users when a round is in the chamber would also have saved Kenzo's life, as Michael would not have fired at his friend had he known the gun was loaded. This device was also feasible, both from an engineering and an economic perspective. But gun manufacturers had refused to implement these life-saving measures. And because guns are

exempt from the Consumer Product Safety Act (the only consumer product other than tobacco that Congress has protected from federal safety oversight), the federal government cannot do what it does with other products: require that they be made safe.

It was against this backdrop of industry callousness and the resulting tragedy that the Brady Center brought suit against Beretta in 1995 on behalf of Kenzo's parents, Griffin and Lynn Dix. *Dix v. Beretta U.S.A. Corp.*, (Alameda County Superior Court). The suit was the first to claim that a gun was defective for failing to include an internal lock or an effective loaded chamber indicator.

continued on page 5

Guns Advertised with Internal Locks

-  BERETTA 9000 S TYPE F B-LOK PISTOL
-  BERSA THUNDER .380 SERIES
-  ALL FIRESTORM DOUBLE ACTION PISTOLS
-  GLOCK 34 AND 35 PISTOLS
-  HECKLER & KOCH USP AND P2000 SERIES PISTOLS
-  MAGNUM SP21 PISTOLS
-  REMINGTON MODEL 700 AND 701 RIFLES
-  ALL ROSSI REVOLVERS
-  SAKO 75 HUNTER AND 75 VARMINT RIFLES
-  SMITH & WESSON REVOLVERS
-  SPRINGFIELD ARMORY 1911 A-1 PISTOLS
-  STEYR M&S SERIES PISTOLS
-  STURM RUGER P345 SERIES PISTOLS; MARK III PISTOLS AND BLACKHAWK REVOLVER
-  ALL TAURUS PISTOLS AND REVOLVERS

continued from page 4

The filing of the suit started a legal battle that, nine years later, is still being waged. The case has gone to trial three times. In 1998, the first trial produced a verdict for Beretta that was reversed because of jury bias and misconduct. The second trial, in 2003, resulted in a hung jury and a mistrial. The third trial, in 2004, resulted in a split verdict for Beretta that is now on appeal.

Although the Dixes have yet to achieve ultimate success in court, their case has brought about a near-revolution in gun design. At the time the suit was brought, no major gun maker was selling guns with internal locks to prevent shootings by kids. Indeed, Beretta argued in the *Dix* case that such locks were infeasible and unsafe. Nine years later, at least 14 major gun manufacturers are selling some guns with internal locks. Taurus, a handgun manufacturer, is equipping all its guns with those locks. *Even Beretta now advertises a new handgun model with a key-operated safety lock!*

The trend toward internal locks is the most significant gun safety innovation in decades. It would never have happened without the determination of Lynn and Griffin Dix to take on a leading gun maker and challenge its failure to do anything to protect kids from its deadly product. Only when the gun industry was faced with a real threat of legal accountability did it begin to innovate for safety.

The *Dix* case has also inspired legislation that will make guns safer. In September 2003, California enacted a landmark statute requiring all new handguns to have prominent loaded chamber indicators or magazine disconnect mechanisms, which prevent a gun from firing when the magazine is removed and a bullet remains in the chamber. Griffin and Lynn Dix attended the signing ceremony at the invitation of the Governor. Since the *Dix* case was brought, two other states have enacted laws requiring safer guns. In

2000, Maryland enacted a law that requires all handguns sold in the state to have an internal lock. In 2003, New Jersey mandated that when the Attorney General determines the technology is available, within three years all handguns sold in the state must be “personalized” to prevent any person other than the owner of the gun from firing it.

Brady Center litigation also produced a landmark precedent for safer guns in *Smith v. Bryco*. In 1995, fourteen year old Sean Smith of Albuquerque, New Mexico brought suit against Bryco Arms, the manufacturer of the J-22 semi-automatic handgun. Sean had been shot in the face, unintentionally, with a J-22 his friend thought was unloaded because its magazine was removed. There was no magazine disconnect safety device or warning on the J-22. He survived, but suffered painful injuries.

With the help of the Brady Center, Sean obtained a landmark ruling from the New Mexico Court of Appeals that gun manufacturers can be held liable for shootings resulting from the absence of safety devices. According to the Court, “[t]he fact that handguns are meant to fire projectiles which can cause great harm is to our view all the more reason to allow the tort system to assess whether the product is reasonably designed to prevent or help avoid unintended—albeit careless—firings such as occurred here... [A]pplication of our tort law can be expected to enhance [gun] ownership by tending to increase the safety of handgun use” *Smith v. Bryco Arms*, 33 P.3d 638 (N.M. App. 2001).

The courage of Griffin and Lynn Dix and other victims have helped to make guns safer and prevented other families from suffering tragic deaths and injuries to their loved ones. ●

New York City Gets Data from ATF

New York City has won its battle to obtain Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) crime gun trace data identifying high-risk dealers that sell the majority of guns that later end up being recovered in crime in New York. The data was sought by the City and the Brady Center to support the City's lawsuit against gun manufacturers and gun distributors that supply these dealers. *City of New York v. Arms Technology, Inc.*, No. 1:00-cv-3641 (U.S. District Court for the Eastern District of New York).

After a ruling on April 13, 2004, denying defendants' motions to dismiss the City of New York's case, the City served a subpoena on ATF for crime gun trace data through 2003 and the database of multiple handgun sales made through 2003. ATF and the defendants fought the subpoena but were overruled by Magistrate Judge Cheryl Pollak and U.S. District Judge Jack Weinstein. ATF appealed the decision forcing them to turn over the data to the 2d Circuit Court of Appeals, but the Court declined to intervene. ATF produced the data to the City, under a protective order, on October 12, 2004. The Court has set trial for April 4, 2004. ●

ATF Forced to Turn Over Data

On September 16, 2004, the 7th Circuit Court of Appeals ruled that the ATF was required by the Freedom of Information Act (FOIA) to allow the City of Chicago to have access to over one million crime gun traces sought by the City in support of its lawsuit against the gun industry. City of Chicago v. U.S. Dept. of Treasury, 384 F.3d 429 (7th Cir. 2004). The Brady Center filed an amicus brief in support of the City, which the Court cited extensively in oral argument and in its decision.

ATF's crime gun trace data will allow Chicago to identify the high-risk dealers that sell the majority of guns that later end up being recovered in crime and traced by ATF, as well as the manufacturers who supply them. Before filing suit, Chicago ran a "sting" of a dozen Chicago-area dealers and found that they were willing to sell guns openly to straw buyers who were seeking to buy guns for criminals in Chicago. The NRA and the gun industry have pushed Congress and ATF to suppress public access to the tracing information, thereby concealing the identities of dealers that contribute most to the illegal gun market.

The City of Chicago first requested the data under FOIA in March of 2000. ATF withheld crucial information, arguing that the release of the information might interfere with ongoing criminal investigations. The City of Chicago filed suit and in 2001 the 7th Circuit first

ordered ATF to produce the data. The Court rejected ATF's claim that release of the information would interfere with ongoing investigations and held that the public's interest in the information trumped ATF's arguments against release. ATF appealed that ruling to the U.S. Supreme Court.

Meanwhile, Congress did the NRA's bidding by passing riders to 2003 and 2004 appropriation bills, prohibiting appropriated funds from being used to release firearms tracing data compiled by federal, state, local or foreign law enforcement agencies. (See related story in Issue 27, p. 6). The passage of these appropriations riders caused the U.S. Supreme Court to send the case back to the 7th Circuit, where ATF argued that the riders prevented release of the data. In its September 16, 2004, decision, the 7th Circuit disagreed, ruling that the appropriations amendments did not overrule the requirements of FOIA and holding that ATF could release the data without spending appropriated funds.

Congress passed another appropriations rider, on November 20, 2004, which again seeks to nullify the 7th Circuit's ruling and prohibit valuable crime gun trace data from ever being disclosed to the public.

ATF has asked the 7th Circuit for a rehearing and is expected to take the case to the U.S. Supreme Court once again. The Brady Center will continue to support the City as amicus curiae.

Challenge to State Handgun Records Thrown Out

On October 19, 2004, the Pennsylvania Supreme Court ruled that the State Police may continue to maintain handgun sales records, rejecting a legal challenge by the gun lobby. Allegheny Sportsmen's League, et al. v. Rendell et al., No. 4 WAP 2002 (Supreme Court of Pennsylvania, Western District). The ruling allows the police to continue the use of gun records to solve crimes.

The gun lobby had argued that the records must be destroyed, citing a state law prohibiting the maintenance of gun "ownership" records. The Court rejected this challenge, declaring that "maintenance of a database of handgun sales is proper" under Pennsylvania law, as such a database tracks only handgun sales, not ownership. The court relied in part on an amicus brief filed by the Brady Center, joined by the Pennsylvania Chiefs of Police Association, Pennsylvanians Against Handgun Violence, Ceasefire PA, and the Pennsylvania Million Mom March.

Pennsylvania has kept records of handgun sales since 1931, separate from the criminal background checks performed by state police for all gun sales. The handgun sales database is used by police to assist with criminal investigations and is an important tool for law enforcement. Elimination of the database would have impeded criminal investigations.

U.S. Supreme Court Lets Stand Local Ban on Gun Shows

The U.S. Supreme Court has rejected gun show promoters' petition for review of a federal Court of Appeals decision which had upheld an Alameda County ordinance banning gun shows from County property. The plaintiffs, backed by the NRA, claimed that the ordinance violated the First and Second Amendments to the Constitution.

San Mateo, Marin and Los Angeles counties have also restricted gun shows on county property and more counties are expected to follow suit following Alameda County's victory.

The County ordinance was prompted by a 1998 fairgrounds shooting in which eight people were wounded. The Court of Appeals ruling was based on its conclusion that the Second Amendment guarantees the right of the states to maintain armed militias but does not grant individuals the right to bear arms. The Court ruled that gun enthusiasts had neither a First Amendment nor Second Amendment right to possess weapons for sale on county property. Nordyke v. King, 319 F.3d 1185 (9th Cir. 2003); cert denied by Nordyke v. King, 125 S.Ct. 60 (2004).

Challenge to Concealed Carry Law Thrown Out

On June 10, 2004, the Supreme Court of Rhode Island, in a 4-1 decision, upheld the constitutionality of Rhode Island's long-standing law restricting the carrying of concealed weapons to persons with a legitimate need. Mosby v. McAteer, No. 2001-0161-A (Supreme Court of Rhode Island).

Two individuals who were denied permits to carry concealed handguns sued the Attorney General's office and the Rhode Island Bureau of Criminal Identification for violating their due process rights. Plaintiffs argued that Rhode Island police should be required to issue concealed weapon permits to anyone who can buy a handgun, with no showing of need required. The Court strongly rejected arguments by the gun lobby that an "individual right to bear arms" provides a right to carry hidden, loaded weapons in public. Instead, the Court held that the restrictive concealed carry law "is a reasonable legislative regulation of weapons that falls squarely within the state's police power."

The Brady Center filed an amicus brief, joined by the Rhode Island Police Chief's Association and the Rhode Island Chapter of the Million Mom March. The brief pointed out that academic and public policy research demonstrate that most states experience increases in violent crime, murder and robbery when "shall-issue" concealed carry laws are adopted. ●

Immunity Bill's Defeat—\$4.4 Million For Gun Victims *continued from page 3*

paralyzed the nation's capital for three weeks in Fall 2002, John Muhammad and Lee Malvo shot a dozen people with a Bushmaster XM-15 semiautomatic assault rifle. Among the murdered victims were Conrad Johnson, James L. "Sonny" Buchanan, Jr., Premkumar Walekar, Sarah Ramos, and Linda Franklin. Rupinder "Benny" Oberoi and 13-year-old Iran Brown were wounded in the shootings. Muhammad and Malvo killed others as they traveled across the country, including Hong Im Ballenger in Baton Rouge, Louisiana.

"Bull's Eye Shooter Supply Is A 'Good Customer' " —says Bushmaster Firearms Spokesman

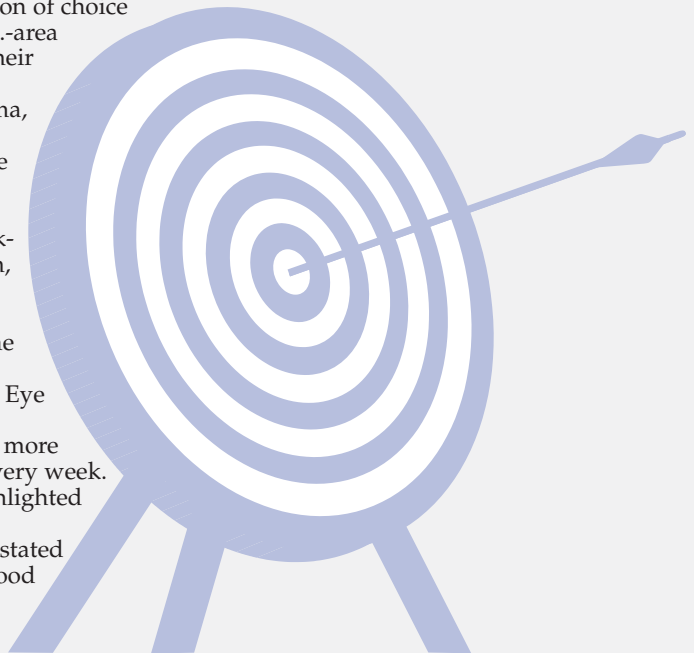
Bushmaster Firearms specializes in the sale of military-style weapons, bragging that its assault weapons are made with to the "latest military design specifications." It offers features including an "ultimate sniper grip" and "Tactical Assault Sling" adapters "to allow easier assault position carry of your weapon." Bushmaster slyly adds in its catalog that its military-style semiautomatic assault rifles are good for killing "varmints of all types!" It was the weapon of choice for the Washington, D.C.-area snipers, who obtained their weapon from Bull's Eye Shooter Supply of Tacoma, Washington.

Gun dealer Bull's Eye was a top distributor of Bushmaster weapons. It was one of the most reckless dealers in the nation, ranking in the top 1% nationwide for sales of guns later traced to crime and "lost" firearms. In a three-year period, Bull's Eye reportedly "lost" 238 firearms—an average of more than one gun missing every week. After public reports highlighted Bull's Eye's record, a Bushmaster spokesman stated that Bull's Eye was a "good customer" and vowed that Bushmaster would

continue to supply Bull's Eye with assault weapons.

Based on Bull's Eye's atrocious record and Bushmaster's continual supply of weapons through this high-risk dealer, the Brady Center filed suit on behalf of victims of the sniper attacks against the gun maker and dealer as well as the snipers. Both Bull's Eye and Bushmaster asked the court to dismiss the case, and both requests were denied. The court ruled that "this case should be allowed to reach a jury." With a trial date looming, Bull's Eye and Bushmaster agreed to pay a record \$2.5 million to the victims. The Luvera Law Firm of Seattle, Washington was co-counsel in the case.

See Lemongello, et al. v. Will Jewelry and Loan, et al., (Circuit Court of Kanawha County, Charleston, West Virginia); Jefferson v. Sauers Trading, (Court of Common Pleas of Philadelphia County); Johnson, et al. v. Bull's Eye Shooter Supply, et al., (Superior Court of the State Of Washington, Pierce County).●





D.C. Court of Appeals Breathes New Life Into District of Columbia's Suit

On October 20, 2004, the District of Columbia Court of Appeals threw out a prior ruling of a three-judge panel that had dismissed Washington, D.C.'s lawsuit against the gun industry. The full Court will now decide whether D.C.'s case can go forward. The District of Columbia brought claims under theories of negligence and public nuisance law, alleging the gun industry is responsible for supplying criminals with firearms.

The District of Columbia Court of Appeals will hear argument in the consolidated cases of *District of Columbia v. Beretta, U.S.A.* and *Lawson v. Beretta, U.S.A.* on January 11, 2005. Attorneys with Wilmer, Cutler, Pickering, Hale & Dorr are co-counsel with the Legal Action Project in this case.

I SUPPORT

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