



# BRADY LEGAL

## FALL 2022



Since 1989, Brady's legal team, along with the Brady Legal Alliance, our national network of hundreds of talented attorneys and law firms, have dedicated their expertise to help drive gun violence reform and end America's gun violence epidemic. We've won landmark cases across the country, establishing life-changing precedent along the way and reforming the gun industry. We hold the gun industry accountable, establish that nobody is above the law, and fight to make America a safer place where no one lives in fear of being shot.

### AMICUS CURIAE

*Brady files amicus curiae or “friend of the court” briefs to lend our expertise in legal actions that impact the everyday reality of gun violence in America and the laws and policies that keep us safe.*

#### **Division 80 LLC v. Garland**

Supports the Bureau of Alcohol, Tobacco, Firearms, and Explosives' (ATF) ghost guns rule. Cosigned by Everytown and March for Our Lives. Filed July 8, 2022

#### **National Association for Gun Rights, Inc. v. City of San Jose**

Supports City of San Jose's ordinance requiring gun owners to have liability insurance and to pay a fee to a not-for-profit. Filed July 11, 2022

#### **Morehouse Enterprises, LLC v. Bureau of Alcohol, Tobacco, Firearms and Explosives**

Supports the Bureau of Alcohol, Tobacco, Firearms, and Explosives' (ATF) ghost guns rule. Cosigned by Everytown and March for Our Lives. Filed August 17, 2022

#### **VanDerStok v. Garland**

Supports the Bureau of Alcohol, Tobacco, Firearms, and Explosives' (ATF) ghost guns rule. Cosigned by Everytown and March for Our Lives. Filed August 30, 2022

#### **Watson v. Wheeler**

Supports Washington, D.C.'s Extreme Risk Protection Order law. Cosigned by Giffords. Filed September 7, 2022

#### **Angelo v. D.C.**

Supports Washington D.C.'s ban on firearms on the Metro. Cosigned by Team ENOUGH, March For Our Lives, and Giffords. Filed September 23, 2022

#### **Crawford v. Pennsylvania**

Supports petitioners seeking a permanent injunction against the State of Pennsylvania's prohibition of Philadelphia's and other municipalities' enacting firearms regulation. Cosigned by Giffords. Filed September 30, 2022

#### **Fraser v. ATF**

Supports the federal prohibition on handgun purchasers from a federally licensed firearms dealer for individuals under the age of 21. Cosigned by Giffords. Filed November 15, 2022.

## LEGAL CASES

### GUN MANUFACTURER/GUN INDUSTRY REFORM

#### **City of Gary v. Smith & Wesson**

Date Filed: 8/30/1999

Represented by Brady, the City of Gary, Indiana brought a lawsuit against major gun manufacturers such as Smith & Wesson, Glock, Taurus, Beretta, as well as major sellers of crime guns, for their role in supplying the criminal gun market and contributing to public safety risk.

*History: Survived motions to dismiss and and subsequent appeals in 2003, 2005, 2015, 2019 including two separate attempts to dismiss under PLCAA*

*Status: In discovery*

#### **Goldstein v. Earnest, Smith & Wesson**

Date Filed: 6/16/2020

Represented by Brady, victims and survivors of the Poway Synagogue shooting brought a lawsuit against Smith & Wesson, the manufacturer and seller of the firearm used. The suit alleges that the manufacturer negligently and unlawfully designed and marketed the assault rifle and that the seller violated California law in the sale.

*History: Survived motion to dismiss under PLCAA, defendant filed motion for summary judgment*

*Status: In discovery, deposition scheduled*

#### **Towner v. Century Arms and Towner et al v. Aguirre et al**

Date Filed: 7/28/2021

Represented by Brady, victims and families of the Gilroy Garlic Festival mass shooting filed suit against Century Arms LLC for marketing and selling the assault weapon used in the shooting alleging negligence, liability charges, and wrongful death.

*History: Hearing on personal jurisdiction discovery, court ordered further discovery*

*Status: In jurisdictional discovery; motions to dismiss set for hearing in January 2023*

#### **Green v. Kyung Chang Industry USA, Inc.**

Date Filed: 8/2/2021

Represented by Brady, families of victims of the 2019 mass shooting in Dayton, OH filed a first-of-its-kind suit against the manufacturer and seller of the 100-round magazine used in the shooting alleging negligence, negligent entrustment, and public nuisance.

*History: Survived PLCAA motion to dismiss*

*Status: Filed appellate brief in response to defendant asking Supreme Court to intervene and reverse the motion to dismiss ruling*

#### **City of Baltimore v. Polymer80**

Date Filed: 6/1/2022

Represented by Brady, the City of Baltimore has filed suit against the largest ghost gun manufacturer in the U.S. for fueling gun violence in Baltimore, alleging that Polymer80 intentionally undermines federal and state firearms laws.

*History: Motion to dismiss filed by defendant*

*Status: In discovery, argument for motion to dismiss scheduled*

#### **Turnipseed v. Smith & Wesson**

Date filed: 9/28/2022

Represented by Brady, victims of the Highland Park shooting filed suit against Smith & Wesson, the manufacturer of the firearm used in the attack. The suit alleges unlawful marketing and advertising practices that encourage criminal behavior and design defects that make a gun easily modifiable into a machine gun. The suit also argues that the seller of the firearm illegally sold the gun in violation of local assault weapon ban ordinances.

*History: Chupack v. Smith & Wesson, a companion case was filed on 10/12/22*

*Status: Smith & Wesson has sought to remove these cases to federal court*

## PRODUCTS DEFECT /PLCAA CHALLENGE

### Gustafson v. Springfield Arms

Date Filed: 3/19/2018

Represented by Brady, the parents of 13-year-old J.R. Gustafson filed a product liability suit against the manufacturer and dealer of a handgun used by a child in the unintentional shooting death of their son. The suit alleges that the firearm was defective for failing to include reasonable, life-saving safety features that would have prevented the shooting.

*History: Dismissed in 2019 under PLCAA, appealed, appeal held PLCAA unconstitutional, reverse remanded*

*Status: Defense seeking review by PA Supreme Court*

### Travieso v. Glock

Date Filed: 3/17/2020

Represented by Brady, Carl Travieso Jr. who was paralyzed after being unintentionally shot, filed a product liability suit against the gun manufacturer Glock Inc. The suit alleges that the shooting was a result of the gun design, which lacked multiple safety features allowing the gun to fire when the magazine was removed.

*History: Suit against Glock USA dismissed under PLCAA*

*Status: In discovery against Glock (Austria), Glock US dismissed under PLCAA, completed gun inspection, anticipated motion to dismiss and stay of discovery, to date defense has not filed its motion*

### Johnson v. Beretta

Date Filed: 8/6/2020

Represented by Brady, Marquise Johnson who suffered life-changing injuries after being unintentionally shot, filed suit against gun manufacturer Beretta Corp. and Bass Pro Shops. The suit alleges that the firearm was designed and sold without numerous safety features and as a result of the gun design, the shooter thought the gun was unloaded.

*Status: Awaiting argument in December 2022 on PLCAA motion to dismiss*

## ONLINE SALES

### Stokinger v. Armslist

Date Filed: 10/28/2018

Brady filed suit against Armslist.com for facilitating the sale of multiple firearms to a gun trafficker, who then supplied a firearm used by a prohibited purchaser to shoot a Boston, MA police officer. The suit alleges that Armslist.com negligently enabled the sale of firearms to a gun trafficking operation and has created an online marketplace that enables prohibited individuals to obtain guns.

*Status: Court granted motions to dismiss; considering appeal or refiling*

### Bauer v. Armslist

Date Filed: 2/12/2020

Represented by Brady, the family and estate of Chicago Police Commander Paul Bauer filed suit against Armslist.com for facilitating the private sale of a firearm that was used to kill Bauer. The suit alleges that Armslist.com has created an online marketplace that intentionally exploits gaps in gun laws to arm prohibited purchasers by facilitating illegal gun sales.

*Status: Motion to dismiss granted, appealed*

## DEALER REFORM CASES

### Carver/Coxie/McGraw v. Academy

Date Filed: 12/17/2018

Represented by Brady, family members of two victims killed by a serial killer filed suit against the gun dealer who sold the firearms used in the killings. The suit alleges that the gun dealer illegally and negligently sold guns in multiple straw purchases to the man who supplied weapons to the gunman.

*History: Survived PLCAA motion to dismiss*

*Status: In discovery*

## **King v. Cabela's**

Date Filed: 11/5/2018

Represented by Brady, the parents of a New York teenager, who was unintentionally shot and killed, filed suit against Cabela's for illegally selling ammunition to a minor leading to the death of their son.

*History: Defeated a motion to dismiss on PLCAA*

*Status: In discovery*

## **Mace v. Walmart**

Date Filed: 4/27/2021

Represented by Brady, the family and estate of Jacob Mace filed suit against gun seller Walmart. The suit alleges that Mace, who was employed by Walmart died by firearm suicide after Walmart negligently sold him a firearm despite knowledge that he was undergoing an acute mental health crisis.

*History: Court denied defendant's motion to dismiss under PLCAA*

*Status: In discovery*

## **Mueller v. Oxford**

Date Filed: 6/28/2022

Represented by Brady, parents of a 14-year-old who was shot in the Oxford High School mass shooting have filed suit against the Oxford Community School District and Acme Shooting Goods, LLC. The suit alleges that the school district and district employees were negligent for not addressing serious concerns about the well-being of the shooter and that the gun seller was negligent in knowingly selling the firearm to the shooter's father who was unlawfully purchasing the gun for his minor son.

*Status: Acme filed a motion to dismiss based on PLCAA, awaiting court's decision and oral argument*

## **GHOST GUNS**

### **McFadyen v. Ghost Gunner, Inc. (consolidated)**

Date filed: 12/8/2020

Represented by Brady, the survivors and victim families of the 2017 Rancho Tehama mass shooting filed the first two civil lawsuits by victims of gun violence against the ghost gun industry. The suit alleges that the defendants engage in a business that utilizes online loopholes to enable prohibited purchasers to acquire firearms and that in intentionally undermining gun laws, led the Rancho Tehama shooter to being able to obtain his weapons.

*Status: Judge granted motions to dismiss, filed amended complaint.*

## **DEFENSE OF GUN SAFETY LAWS POST BRUEN**

### **Highland Park AWB & LCM**

Brady represents the City of Highland Park in defending its Assault Weapons Ban and its Large Capacity Magazine Ban which was challenged following the Bruen Supreme Court decision.

*History: This is one of many actions filed by gun rights groups following the new framework established in June 2022 in the Bruen decision.*

*Status: Litigating a preliminary injunction, response due January 2023*

## **OTHER**

### **FTC Big Lie Complaint**

Filed: 4/7/2022

As part of the Firearms Accountability Counsel Taskforce, Brady petitioned the Federal Trade Commission (FTC) to take action against the gun industry's unfair, deceptive, and illegal advertising practices. The petition calls on the FTC to enforce consumer protection and advertising regulations against the gun industry.