

On Gun Suits Against Out-of-Towners, Mayor Finds an Opponent in the City

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As mayors across the nation link arms with Mayor Bloomberg in his campaign against illegal guns, another battle is just heating up in Brooklyn Federal Court.

Seven of the 15 out-of-state gun dealers targeted by a lawsuit filed by the city in May have pledged to fight City Hall's charges that they were a nuisance to the city due to negligent sales. Experts said the case contains several unprecedented legal questions and is being closely watched by other municipalities that may want to imitate the city's lawsuits.

Standing at the fore of the legal battle is a New York law firm, Renzulli & Renzulli, which is representing six dealers located in Georgia, South Carolina, Ohio, and Virginia. The firm, which is offering a reduced rate to the dealers because they say that they can't afford to pay more, has made its name defending gun manufacturers against lawsuits seeking civil damages.

"These folks are, for the most part, very small shops," the principal attorney of the firm, John Renzulli, 49, said of the gun dealers during an interview in his Midtown office lined with 19th century illustrations of hunters on horses. "They're well known in their community as good people. The billionaire mayor, with his long arm, is outside of New York City, reaching into these places, trying to control them."

The gun dealers were slapped with the lawsuits in May after private investigators videotaped them allegedly breaking the law during simulated "straw" purchases. A straw sale is de-

finied as selling a gun to one person when the dealer knows it is for another person. About 90% of guns recovered by law enforcement in the city come from out of state, according to data compiled by the Bureau of Alcohol, Tobacco, Firearms, and Explosives.

In many ways, Renzulli & Renzulli is up against difficult odds in this case. In a largely liberal city, it is defending people who sell guns, rather than going after the criminals who use them. It is fighting a mayor who has made stemming the flow of illegally acquired guns into the city a signature of his second term. And the three lawyers currently defending the case are pitted against two to three corporation counsel attorneys and 13 attorneys from the law firm Pillsbury Winthrop, who are working pro-bono for the city. Representatives of Pillsbury Winthrop declined to speak for this article because the lawsuits are still pending.

"We're the Spartans," Mr. Renzulli said. "They outman us. They probably out-resource us. They certainly out-dollar us. But the Spartans usually win their battles."

Five of the dealers settled the suits with the city, agreeing to give a special monitor full access to the store for three years. Three dealers have not announced whether they will settle. One of the dealers, Mickalis Pawn Shop in South Carolina, is also suing the city of New York for defamation of character. Another dealer, Adventure Outdoors in Georgia, voluntarily withdrew a similar lawsuit against the city last week, a spokeswoman for the mayor, Virginia Lam, said. Calls to the dealer's lawyer weren't returned yesterday.



KONRAD FIEDLER

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If the judge handling the case, Jack Weinstein, denies Mr. Renzulli's motion to dismiss it on the grounds the city has no jurisdiction, the court will also have to decide whether New York City's nuisance law is enforceable out of state, a law professor at Albany Law School, Timothy Lytton, said. And, if a bill in Congress that would prevent entities from using federal trace data in civil lawsuits passes, Judge Weinstein will have to decide whether the bill is applied retroactively to the case, he said.

The director of the Center for Crime Prevention and Control at John Jay College of Criminal Justice, David Kennedy, said Mr. Bloomberg's lawsuits had the potential to be more successful than the lawsuits against gun manufacturers because they target specific re-

tailers who allegedly committed documented violations, not industries because of statistical relationships with crime.

"As the mayor continues to be successful with this strategy, other cities will begin to employ the same strategy," the president of the Citizen's Crime Commission, Richard Aborn, said.

Mr. Renzulli said the 15 lawsuits didn't appear to be going as planned for the mayor.

"I think the mayor thought that if he filed this lawsuit, and he filed it specifically against folks that he knew had limited resources, that they would be forced to settle," he said. "I don't think he thought that anybody would put up a fight."