

City suit misfires Gun makers win

By KATI CORNELL

In a blow to Mayor Bloomberg's campaign to get guns off the streets, a federal appeals court shot down a suit by the city that sought to make firearm makers responsible for the illegal sale of weapons.

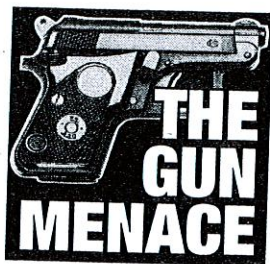
The 2nd Circuit Court of Appeals in Manhattan tossed out the lawsuit in light of a 2005 law that Congress crafted in direct response to the city's claims. The 2-to-1 split opinion overturned an earlier ruling by Brooklyn federal Judge Jack Weinstein, who was poised to start a trial in the case when Congress approved the law.

Bloomberg said he is "disappointed," but vowed to continue his fight against illegal guns through another lawsuit targeting crooked dealers and pawnshops.

"It is important to note that this ruling about a suit against gun manufacturers will not impact the litigation against gun dealers we began in 2006," Bloomberg said.

"Regardless of this ruling, we will continue our fight against illegal guns full bore — in the courtrooms, on the streets and in the Congress."

The city's original suit, filed in 2000, accused gun makers of turning a blind eye to the sale of illegal



firearms and sought to force the companies to take steps toward stemming the flow of weapons to the black market.

In response to Congress' actions in 2005, the city challenged the legality of the new federal law and sought to get around it by applying a municipal statute designed to address public nuisances. The federal appeals court ruled that the local statute does not specifically address guns and, therefore, is not applicable.

Lawyers for the gun makers applauded yesterday's ruling.

"I'm elated with the decision," said John Renzulli, an attorney for Glock Inc. "I'm happy that the 2nd Circuit followed the congressional dictates."

Lawrence Keane, a lawyer for the National Shooting Sports Foundation, said Congress "understood that frivolous lawsuits like New York City's defied common sense and represented a clear abuse of the judicial system."

kati.cornell@nypost.com