



For Immediate Release
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Oliver v. Lou's Loans **Lawsuit Q&A**

Q: What is the nature of this lawsuit?

A: On July 20, 2005, attorneys at the Brady Center to Prevent Gun Violence and Mark LeWinter, Esq. of Anapol, Schwartz, Weiss, Cohan, Feldman, and Smalley in Philadelphia, Pennsylvania, filed a lawsuit on behalf of the family of slain 14-year old Anthony Oliver, Jr. The suit was filed in the Court of Common Pleas of Philadelphia County.

Anthony was unintentionally shot and killed by his friend, Quamere Durham, on July 23, 2004. The suit seeks to recover damages from the gun companies who negligently enabled Quamere to obtain the Phoenix Arms "Saturday Night Special" handgun used to kill Anthony.

The suit alleges that Lou's Loan of Upper Darby, the top supplier of crime guns in Pennsylvania, negligently sold guns to a gun trafficker, one of which was used in the shooting. Lou's Loans did not use any reasonable safeguards to prevent the gun from being trafficked to a criminal. The gun would not have been in the shooter's hands but for the negligence of the defendants. This suit seeks damages for the injuries caused by the gun industry's negligence and the public nuisance their negligence created.

This case highlights the gun industry's perpetuation of gun trafficking to illegal and unauthorized users.

Q: Who are the defendants in these cases?

A: Lou's Loan of Upper Darby and Phoenix Arms, Inc. Lou's Loan has been labeled one of the worst "bad apple" gun dealers in the nation, and has been ranked as the top gun dealer in Pennsylvania in terms of crime guns sold. Lou's sold 441 guns traced to crime

between 1996 to 2000. Lou's sold the Phoenix Arms handgun used to shoot and kill Anthony to a gun trafficker.

Phoenix Arms, Inc. is one of the top manufacturers and sellers of Saturday Night Specials in the nation. Over 10,000 Phoenix handguns were traced to crime from 1988 to 2000. Phoenix made and distributed the .25 caliber semi-automatic pistol used to kill Anthony.

As investigation and discovery proceed, additional defendants, such as the gun trafficker who purchased the gun, and the distributor of the gun, may be added as defendants.

Q: What is the factual basis for the claims?

A: On July 23, 2004, Anthony was playing video games with three friends at 13-year old Quamere Durham's home. Quamere showed a Phoenix Arms handgun to his friends. Mistakenly believing the gun's safety was on, he pulled the trigger, unintentionally shooting Anthony in the stomach. The children called 911 and tried to staunch Anthony's bleeding with paper towels and toilet paper. Anthony died that night at the hospital.

The handgun used to shoot Anthony was one of at least six guns Lou's Loan negligently sold to a gun trafficker. Lou's sold the gun on December 18, 2003, and it was used to shoot and kill Anthony less than seven months later. Lou's has a history of frequently selling guns to illegal gun traffickers despite circumstances strongly indicating that the purchasers were supplying them to criminals or others prohibited by law from buying or possessing guns.

The gun sold by Lou's and used to shoot Anthony is a Saturday Night Special, Phoenix Arms .25 caliber semi-automatic pistol, a small, easily-concealable and low quality handgun used disproportionately by criminals and youth

Q: How are the defendants responsible for the death of Anthony Oliver, Jr.?

A: Although Lou's Loan has a history of selling guns to illegal gun traffickers (see attached), Lou's continues to employ unreasonable business practices and fails to even employ the sales protocol recommended by the major firearms trade association. Lou's sold the Phoenix handgun used to kill Anthony to a trafficker when it should have known that the trafficker was not buying the gun for his personal use or collection, but was purchasing the guns for others, as a straw purchaser, or trafficking in guns by illegally re-selling them to others. Lou's made repeated sales of guns to the trafficker, including this Saturday Night Special, while not even taking the minimum steps recommended by the industry to screen purchasers. While the ATF considers any gun traced to crime within three years of its sale to be indicative of trafficking, this gun was traced within a mere seven months of sale.

Lou's complicity in supplying the illegal gun market leads to prohibited purchasers, such as Quamere, obtaining guns.

Phoenix Arms, a manufacturer of Saturday Night Specials, which have been found by law enforcement to have no collector use and to be disproportionately sought by criminals and youth, chose to supply Lou's Loans, an irresponsible dealer, without any reasonable conditions, supervision, or limitations. Even after there were repeated public disclosures of Lou's role in supplying the criminal gun market, Phoenix Arms took no steps to prevent its guns from flowing to illegal gun traffickers and illegal gun users. Phoenix Arms continued to supply Lou's without even requiring that Lou's train its employees to spot or prevent suspect sales.

Q: What are the legal claims asserted in the lawsuit?

A: This suit has two main claims. Claims of negligence are asserted against Lou's Loan and Phoenix Arms for their sale and distribution of guns to traffickers and supply of the illegal gun market, and for supplying Quamere with the gun used to shoot and kill Anthony in particular.

The second legal claim is that of public nuisance. The suit claims that defendants created a public nuisance by distributing and selling guns in a manner that supplies illegal gun traffickers and unauthorized users and which interferes with the right of the public, and the plaintiffs in particular, to enjoy public spaces without undue risk of injury to themselves and to their families.

Q: What is the goal of this lawsuit?

A: This suit seeks to compensate the individuals injured by defendants' negligence – Anthony's family. Also, plaintiffs hope to encourage these defendants and others in the gun industry to act responsibly in their sales of guns to prevent guns from being obtained by criminals.

Q: What is the role of the Brady Center to Prevent Gun Violence in these lawsuits?

A: Since 1989, the Brady Center to Prevent Gun Violence, a gun violence prevention organization chaired by Sarah Brady, has pioneered innovative theories of gun industry liability against gun manufacturers and sellers. These theories are being used to bring claims on behalf of individual victims of gun violence and on behalf of over 30 cities and counties suing the gun industry. Brady Center attorneys, along with co-counsel mark LeWinter of the Anapol Schwartz law firm, are using their expertise to bring this suit to attack what is recognized as a major source of crime guns -- straw purchases from licensed retail dealers and gun trafficking.

- A 1999 Associated Press article reported that 111 guns sold by Lou’s Loan were traced to crime between January 1995 and December 1997, an average of more than three a month. 86% of all dealers in Pennsylvania have never had one gun traced to crime. See “Police Defend Gun Dealer in Crime Weapons Traces,” AP, June 21, 1999.
- That same year, Lou’s Loan was listed as one of the nation’s worst “bad apple” gun dealers, according to a report released by Senator Schumer on June 7, 1999. See Arlene Levinson, “Dealers Under The Gun,” AP, June 16, 1999.
- In 2003, Lou’s Loan was the second largest source of crime guns seized by Philadelphia police. See Nathan Gorenstein, “Details of Guns Tied to City Crimes,” Philadelphia Inquirer, p. B1, Aug. 29, 2004.
- Lou’s Loan sold 178 guns traced to crime in 2003. That year, less than 1% of the more than 3000 dealers in Pennsylvania sold even one gun traced to crime. See Myung Kim & Barbara Laker, “Who Sells Them: Four Philadelphia-area gun shops are consistently identified as the original sellers of hundreds of crime guns every year,” Philadelphia Daily News, June 24, 2005.
- A January 2004 study by Americans for Gun Safety Foundation, “Selling Crime: High Crime Gun Stores Fuel Criminals,” ranked Lou’s Loan as the number one gun dealer in Pennsylvania for numbers of guns sold traced to crime, and 43rd in the nation, with a total of 441 traces between 1996 to 2000.
- In September 1998, Nathaniel Finkley and three co-defendants were indicted in the Eastern District of Pennsylvania for making illegal straw purchases at Lou’s Loan. See Nathaniel Finkley v. U.S., Civ. A. Nos. 91-3500, CR 88-434-01, reported Jan. 5, 1995, E.D. Pa. Between June 30, 1987 and Sept. 4, 1987, Finkley made repeated gun purchases at Lou’s

Loan; Finkley brought the actual purchasers with him into the store and at times even paid for the guns with money handed to him by the actual purchasers.

- Between September 29, 1990 and November 29, 1990, Theresa J. Bush, acting as a straw purchaser for her boyfriend, Saad Abdul Salaam, purchased a total of seven guns from Lou's Loan: some within a two-day period and four in a single transaction. See U.S. v. Theresa J. Bush, Crim. A. No. 94-185, reported Aug. 7, 1995, E.D. Pa. and U.S. v. Theresa J. Bush, No. 94-2025, reported June 12, 1995, 3d Cir. Salaam was allegedly supplying guns to a co-conspirator in the 1993 World Trade Center bombing.
- Another straw purchaser and illegal gun trafficker, Dana Mason, repeatedly purchased guns from Lou's until he was arrested in October 1996 for trafficking. As of January 1998, 11 of 52 guns purchased by Mason had surfaced in crime. One Bryco 9mm semiautomatic pistol Mason bought at Lou's Loan was recovered just nine months later by police in an altercation with a teenager.
- Lou's Loan sold a handgun directly to a criminal who was legally barred from purchasing or possessing guns. Randall Austin illegally purchased a Glock semi-automatic handgun from Lou's on February 11, 2001. Austin was subsequently charged with one count of being a felon in possession of a firearm and two counts of false statements in the acquisition of a firearm. See U.S. v. Randall Austin, No. Crim. A. 02-592, reported June 24, 2003, E.D. Pa.
- Lou's Loan made repeated straw sales to the straw purchasing team of Maurice Matthews and Hope Clark in 2003. On March 5, 2003, Lou's sold a .357 caliber Ruger revolver to Clark, who was acting as a straw purchaser for Maurice Matthews. Matthews went into the shop with Clark, picked out the gun he wanted, and spoke to a Lou's Loan salesclerk about the purchase, while Clark filled out the paperwork and paid for the gun. See U.S. v. Maurice

Matthews, Crim. No. 04-634, E.D. Pa.). The very next day, Matthews and Clark returned to Lou's and, in the same manner, purchased a BEN 9mm semiautomatic pistol. Matthews had straw purchasers make at least five separate purchases for him at Lou's, and at least one of the guns was recovered by Philadelphia police in crime by August 2003. Both Matthews and Clark plead guilty to firearms charges in November 2004. Matthews confessed to purchasing other guns on the street and reselling them for profit over the course of 10 years.