

Sandy Hook Families: Gun Maker Trying to Wipe Out Lawsuit

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(Excerpts from this piece were originally published in the New York Times)

In a hearing held on August 18, David Elsberg, counsel for some of the Sandy Hook school shooting victims' families, accused Remington Arms of using its new bankruptcy case to try to wipe out their lawsuit over how the company marketed the rifle used in the massacre.

An attorney for Remington denied the allegation during a phone conference call presided over by a federal bankruptcy court judge in Decatur, Alabama.

The judge, Clifton Jessup Jr., denied the families' request to create a committee that would have a say in the bankruptcy proceedings, but allowed one lawsuit plaintiff — not the Sandy Hook families — to sit on the main committee of unsecured creditors.

Elsberg said Remington is trying to rush an auction of its holdings, leave the families out of the process and has not included their lawsuit or other lawsuits over its products in the new bankruptcy case it filed late last month. He said the bankruptcy case is so new that many people who may have claims against the company may not even know about the case.

“The families have grave concerns about the speed, the breakneck speed, that the debtors (Remington) are setting up for the sale,” Elsberg said. “There won’t be, there simply can’t be, a full and fair process unless this high-speed train that we’re on slows down.”

Despite the bankruptcy case being filed only last month, Remington — the nation's oldest gun maker, based in Madison, North Carolina — already is planning to sell off its holdings in a Sept. 17 auction.

It's the company's second bankruptcy filing in two years. Remington, weighed down by lawsuits and retail sales restrictions following the Sandy Hook school shooting in 2012, listed assets and liabilities of between \$100 million and \$500 million, and between 1,000 and 5,000 creditors, in its new case.

A gunman using a Bushmaster AR-15-style rifle made by Remington killed 20 children and six educators at Sandy Hook Elementary School in Newtown, Connecticut, on Dec. 14, 2012.

A survivor and relatives of nine victims of the shooting are suing Remington in Connecticut Superior Court, saying the company should have never sold such a dangerous weapon to the public and alleging it targeted younger, at-risk males in marketing and product placement in violent video games. The lawsuit has been put on hold because of the bankruptcy case. Remington denies the lawsuit's allegations and says it is immune from being sued under federal law.

Read the [full article in the New York Times](#).

Attorney

- David Elberg

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