

## **In Major Victory for Survivors, Judge Allows Case to Proceed Against All Defendants in Lawsuit Stemming from Deadly Mass Shooting at Old National Bank in Louisville, Kentucky**

*The case will next proceed to discovery, moving one step closer to accountability for the victims*

**LOUISVILLE, KY** – On behalf of the victims and survivors of the 2023 Old National Bank shooting in Louisville, Kentucky, co-counsel at Everytown Law, Romanucci & Blandin, the Thomas Law Offices, and the Poppe Law Firm secured an important pre-trial victory today in their case seeking to hold defendants River City Firearms, Magpul Industries, and RSR Group accountable for their role in the tragedy. The plaintiffs allege that River City irresponsibly provided an assault weapon and deadly accessories to a person unfit to possess them, while Magpul Industries and RSR Group were negligent in marketing and distributing those accessories.

In denying the motion to dismiss against River City, the Court said: “Instead of recognizing the outward manifestations of mental turmoil, the Plaintiffs allege that not only did River City sell the shooter a weapon not suited for his stated purpose of self-defense, but also upsold him enhancements to make the firearm even deadlier.”

With respect to the dangerous accessories made, sold, and marketed by the defendants, the Court stated: “[T]he hazard is that a noticeably disturbed person will be upsold dangerous accessories they do not need and embark on a murderous rampage, enabled and enhanced by those accessories. It was entirely foreseeable that this outcome would occur.”

“This decision marks an important first step toward justice for those who lost loved ones or were injured in this horrific and preventable tragedy,” said **Alla Lefkowitz, managing director of affirmative litigation at Everytown Law**. “Bolstered by our clients’ bravery, our team remains deeply committed to delivering much-needed accountability for everyone impacted by the shooting at Old National Bank.”

“Our clients have shown extraordinary courage in demanding answers for the devastation inflicted that April morning,” said **Antonio M. Romanucci, founding partner of Romanucci & Blandin**. “Today’s ruling affirms that gun dealers, manufacturers, and distributors cannot turn a blind eye to obvious warning signs or profit from dangerous upgrades without consequence. We will continue pressing forward so the victims, survivors, and their families receive the accountability they deserve.”

“That Monday morning, many families lost loved ones, and other members of our Louisville community suffered lifelong injuries,” said **Tad Thomas, managing partner at the Thomas Law Offices**. “The court’s decision today puts us one step closer to holding the wrongdoers responsible for the tragedy they caused and making Louisville a safer place to live.”

“This is a powerful reminder that corporate responsibility doesn’t stop at the cash register,” said **Hans Poppe of The Poppe Law Firm**. “When a visibly disturbed young man walks into a store and walks out with an AR-15 and deadly accessories, the public deserves answers. This ruling opens the door for the facts to come out, and we intend to make sure they do.”

Filed in January 2024, the lawsuit alleges that the horrific shooting was made possible because River City Firearms ignored obvious warning signs when it sold the shooter an assault weapon just six days before

the shooting. The lawsuit also alleges that River City upsold the shooter, choosing profits over safety by suggesting that he purchase accessories such as three additional 30-round magazines, a red-dot sight to increase the accuracy of his aim, and a vertical grip for greater control over the weapon.

The complaint alleges that, according to eyewitness observation and video surveillance, the shooter appeared uneasy in the gun store, avoided eye contact, and demonstrated a complete lack of knowledge about guns, which are all well-known warning signs for suspicious gun transactions. Licensed firearm dealers like River City are instructed by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) that they are the first line of defense in preventing firearms from falling into the wrong hands, and that they should not proceed with suspicious sales. Against the backdrop of a national epidemic of mass shootings carried out by troubled young men wielding AR-15s, River City should have realized that something was amiss. The consequences of ignoring these red flags were foreseeable and tragic.

The lawsuit also names the manufacturer of the large-capacity magazines and vertical grip (Magpul Industries) as well as the distributor of all the accessories (RSR Group), alleging that these entities failed to take reasonable precautions to ensure that their products were not sold irresponsibly.

The plaintiffs in this case include the families of individuals killed in the shooting, and bank employees who were shot and wounded, including:

- The family of James Tutt, who was shot and killed, including his wife, Karen Tutt;
- The family of Joshua Barrick, who was shot and killed, including his wife Jessica Barrick and their two young children;
- The family of Judy Dean “Deana” Eckert, who was shot and killed, including her husband Michael Eckert;
- The family of Juliana Farmer, who was shot and killed, including her children A’lia Tazhia Chambers and J’yeon Christopher Chambers;
- The family of Tommy Elliott, who was shot and killed, including his wife, Maryanne Elliott;
- Julie Andersen, who was shot in the arm;
- Jimmy Evans, who was shot in the calf;
- Dana Mitchell, who was shot in the back;
- Stephanie “Dallas” Schwartz, who was shot in the leg.

Plaintiffs are represented by founding partner Antonio M. Romanucci and senior attorney Patrick A. Huber from Romanucci & Blandin, LLC; Alla Lefkowitz, managing director of affirmative litigation, Dana Mulhauser, deputy director of affirmative litigation, Andrew Nellis, counsel, and Emily Walsh, litigation fellow, from Everytown Law; founder Tad Thomas and partner Kevin Weis from Thomas Law Offices; and CEO and lead attorney Hans Poppe of The Poppe Law Firm.

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