Suing for Damages from Mass Shootings Is an Option for Victims and Their Families

DE Brown August 24, 2015

When mass shootings occur, it can be difficult to determine how to move forward and who to sue in order to recover damages.

(Newswire.net -- August 24, 2015) -- In the United States and Europe, personal injury and wrongful death lawsuits are filed against the offending party, in addition to criminal charges. But mass shooting victims and their families do not always know what recourses are open to them to seek justice for their loved ones. Crimes like these are aimed at random or targeted crowds, in public places, and the person that has offended the shooter, if there is any, may not even be among the crowd. These are not drug or crime-related shootings, either. Half of the time, in rampage shootings, the shooter commits suicide immediately after. In such cases, the survivors don't know who to sue.

Although the issue is a point of contention for some people, the numbers say that the United States is one among the advanced countries that has the most number of mass shootings, even factoring in population and the various definitions of the phrase. Thus, seeking compensation and recovery of damages is more relevant now than it was before.

This is not lost on the families of the victims. In the 2012 school shooting in Newtown, Connecticut where 27 people were killed, the survivors left behind sued the estate of the shooter's mother, who was the first to be killed; the gun manufacturer Bushmaster; the town of Newtown and its board of education; the gun distributor Camfour; and the store that sold the firearm, Riverview Sales.

According to the lawsuits for injuries and wrongful death, the perpetrator's mother, Nancy Lanza, is responsible for the massacre because she did not properly secure the Bushmaster AR-15, the assault weapon used in the grisly bloodbath, even though she was aware of her son's unstable condition. The town and school were sued for not enforcing security measures and having faulty procedures. The gun maker, distributor and store were charged for the indiscriminate selling of a high-powered firearm.

The Newtown shooting that took place at the Sandy Hook Elementary School is not alone in families filing civil suits. The process helps them get closure because blame is assigned to the felon and at the same time, they are seeking damages through financial compensation. Some of the cases have yet to be tried while others reached a settlement. In the shooting at the Batman movie in Aurora, Colorado where 12 people were killed and 70 injured, the parents of victim Jessica Ghawi sued the gun dealer and lost. But in the case of the families and victims suing the theater Cinemark for personal injuries and wrongful death, Judge R. Brooke Jackson did not grant the cinema lawyers' petition to dismiss the case. In the Virginia Tech shooting incident in 2007, the parents of two students sued the university for not giving the warning to the campus community that there was imminent danger within the school. Thirty persons were killed in that incident but the state's Supreme Court did not find the university guilty of negligence.

In 1998, Kip Kinkel went on a shooting spree at Thurston High School in Springfield, Oregon, killing two students and wounding 25 others. This, after he had shot to death his parents in their house. The mother of one of the seriously wounded victims, Teresa Miltonberger, sued the Kinkel estate for $14.5 million and settled the claim for an undisclosed amount. The various civil suits filed in different mass shootings show that there is no clear outcome. Anthony Castelli, personal injury lawyer in Cincinnati, Ohio says that a successful claim for wrongful death and personal injury depends on many factors, including the competency of the lawyer for the plaintiffs.

Many times, cases end in settlements but there are still families who choose to go through with the lawsuit. In the DC Sniper Attack in 2002, which saw 10 persons dead and 12 wounded in a period spanning almost two months, the families of the victim sued Bushmaster, the maker of the AR-15 rifle used by the snipers. The company settled with the families for $2.5 million. It is also the same make and model firearm used by Lanza and Holmes on the Newtown and Aurora rampage. How the pending lawsuits will end is worth following and if amendments to gun laws in the US proposed by some sectors will be successful.

Source: http://newswire.net/newsroom/pr/00090049-suing-for-damages-from-mass-shootings-is-an-option-for-victims-and-their-families.html