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**Victory in Gun Dealer Lawsuit: Global \$2 Million Settlement Reached With Gun Dealer
Who Transferred Firearms Used in Excel Industries Mass Shooting**

Dealer To Stop Selling Guns In Latest Win in Brady's National Gun Industry Litigation

Newton, KS, April 17, 2019 – Attorneys representing the family of Joshua Higbee announced a global \$2 million dollar settlement with A Pawn Shop, the Kansas gun dealer that transferred two guns in straw transactions that were used by Cedric Ford in the February 2016 mass shooting at Excel Industries in Hesston, KS. The insurance policy limits settlement resolves the three lawsuits pending in the District Court of Harvey County, Kansas filed by victims of the shooting and their families against the Kansas gun dealer. A Pawn Shop stopped selling firearms and has since ceased all operations because of the lawsuits.

A Pawn Shop transferred an AK-47 semi-automatic assault rifle and a Glock semi-automatic handgun to Sarah Jo Hopkins, even though she paid the gun dealer with a credit card in the name of Cedric Ford, a convicted felon. One indicator of a straw sale is when someone other than the gun buyer pays for the gun. Ford used the guns in a February 25, 2016 shooting spree that began in Newton, KS and ended at his place of employment, the Excel Industries factory in Hesston, KS. Ford murdered Joshua Higbee and two other colleagues at the factory, and injured 14 others that day. A fourth victim later died. Joshua Higbee is survived by his wife, Subrina Luke, and his 7-year-old son.

Brady and Shamberg, Johnson & Bergman, Chtd. brought the first lawsuit against A Pawn Shop in February 2018 on behalf of Joshua Higbee's family. DeV Vaughn James Injury Lawyers and Pyle Law represented the plaintiffs in the other two suits.

Jonathan Lowy, Vice President of Litigation at Brady and co-counsel for the plaintiff, stated, "This settlement is a victory for public safety and a defeat for the illicit gun market, and those who profit from it. We are pleased that we were able to secure some justice for Joshua's family, and to send a message to irresponsible gun dealers if they put profits over people, they will be forced to pay for it. If this gun dealer had paid attention to obvious signs of a straw purchase, Joshua Higbee's young son would have a father, his wife would have a husband. Most gun dealers care about their responsibilities to keep guns out of dangerous hands. But to those dealers who don't honor those responsibilities, this case sends a powerful message that you can and will be held accountable."

David Morantz, a partner at Shamberg, Johnson & Bergman, Chtd and co-counsel for the plaintiff, added, "This case did not seek to change gun laws or to impose new restrictions on gun transfers. Rather, the case helped make sure that gun dealers follow existing laws and fulfill their duty to prevent guns from ending up in the hands of dangerous criminals. The plaintiffs' pursuit of this case is an example of how civil lawsuits can help protect the public."

The \$2 million insurance policy limits settlement with A Pawn Shop built on legal precedent obtained by the Brady's legal work in Kansas. In the 2013 case *Shirley v. Glass*, Brady argued and won a landmark unanimous decision in the Kansas Supreme Court holding that gun dealers can be liable for injuries caused by straw transactions and that gun dealers must use "the highest standard of care" to avoid selling guns to dangerous people. Brady's work in *Shirley* paved the way for Shamberg, Johnson & Bergman, Chtd to achieve a favorable legal ruling and later resolution in *Corporon v. Wal-Mart Stores East*, another straw purchase case stemming from the 2014 Jewish Community Center shootings in Overland Park, KS.

Brady has represented victims of gun industry negligence for almost 30 years, and has won over \$30 million in settlements and verdicts in cases brought by Brady for victims and survivors. Brady also has won landmark precedents holding that gun companies can be held legally responsible for the damage caused by their irresponsible business practices, and has forced gun dealers and manufacturers to reform their practices to prevent sales of guns to dangerous people. Brady has won victories in the Supreme Courts of Kansas, Missouri, Ohio, Indiana, Alaska, and appellate and trial courts in California, Florida, Mississippi, New York, Massachusetts, Oregon, Pennsylvania, Utah, Washington, West Virginia, Wisconsin, and other states. These victories include: a \$5.7 million jury verdict against a Wisconsin gun dealer; a \$2.5 million settlement against a Washington state gun dealer and Maine gun manufacturer; a \$2.2 million dollar settlement against a Missouri gun dealer; and a \$1 million settlement against a West Virginia gun dealer.

Shamberg, Johnson & Bergman is a personal injury and civil litigation firm in Kansas City, MO, and Overland Park, KS. The firm represented the family of victims in the Overland Park Jewish Community Center shooting against Walmart, which sold one of the guns used in the incident.

Jonathan Lowy and Joshua Scharff of Brady, and David Morantz and Richard Budden of Shamberg, Johnson & Bergman were counsel for Joshua Higbee's family.

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Brady has one powerful mission — to unite all Americans against gun violence. We work across Congress, the courts, and our communities with over 90 grassroots chapters, bringing together young and old, red and blue, and every shade of color to find common ground in the common sense. In the spirit of our namesakes Jim and Sarah Brady, we have fought for over 45 years to take action, not sides, and we will not stop until this epidemic ends. It's in our hands.