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FOR IMMEDIATE RELEASE

## **District Court Decision to Allow Gun Store Closure Fundamentally Flawed**

*The US District Court decision in DSI's Federal Civil Rights Complaint against New York State relies on factually incorrect information supplied by the State.*

**Oakdale, N.Y. (July 9, 2020)** – [Dark Storm Industries LLC](http://www.dark-storm.com) (DSI), a New York based firearms manufacturer and retailer, is very disappointed by the decision issued by the Judge Kahn in their Federal Civil Rights Complaint against New York State over the closure of gun stores as “non-essential”. The decision granting a summary judgement against DSI and their customers ruled that the State’s shutdown of independent gun stores as “non-essential” does not run afoul of the 2<sup>nd</sup> Amendment because there were still some “essential” businesses who were able to be open and sell guns.

“The decision is both factually and fundamentally flawed.” Said Ed Newman, one of the owners of Dark Storm Industries. “The State claimed, and the Judge agreed, that since Walmart was still open and Walmart sold guns, that it was not a complete prohibition. Both parties failed to exercise proper due diligence in reaching that conclusion. While some Walmart stores across the Country do sell guns, none of the Walmart stores in our area including the three locations specifically cited by the State sell firearms! How are you supposed to buy a gun at a store that does not sell guns?”

The decision also referenced Runnings, a chain of home and farm supply stores with 6 locations in Upstate New York.

“The State’s plan A for you to purchase a gun in a time of crisis was to buy one from the local Walmart which does not sell guns. The State’s plan B was for you to drive over 4 hours from Long Island through the New York City Hot Zone to a Runnings north of Albany. That is contrary to the fundamental purpose of the closures and travel such as is suggested would place many people’s lives at risk.” added Ed Newman.

Ed Newman continued “The expectation that you must drive hours to exercise your fundamental rights is clearly unconstitutional. Imagine if the State mandated that everyone must drive to Albany to vote in an election? That would have a devastating effect on turnout and would clearly be viewed by the Courts as voter suppression and a violation of your rights. Your second amendment rights deserve nothing less than the same level of scrutiny afforded to your other rights”.

DSI is currently reviewing our options to appeal this flawed decision to the Second Circuit Court of Appeals with the hope that a decision based on facts not falsehoods will be issued in our favor.

A copy of the complaint can be viewed here:

<http://www.dark-storm.com/DSI-NYS-DC-Decision.pdf>

**About Dark Storm Industries, LLC:**

Dark Storm Industries is a New York based firearms manufacturer specializing in modern sporting rifles. Founded in 2013, Dark Storm Industries developed the DS-15 line of rifles to meet the changing regulatory environment in states like New York and California. Dark Storm also owns and operates a retail store as well as an indoor shooting range and training center in Long Island New York.

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