

equipped with more comprehensive user safety systems, commonly cost several times as much.²⁶

There have been at least three dozen lawsuits against Bryco/Jennings for making and distributing allegedly defectively designed firearms.²⁷ The company has lost or settled more than two dozen of these cases and is currently in bankruptcy. The bankruptcy arose in 2002 after a jury awarded 7-year-old Brandon Maxfield \$49 million in damages. Brandon was unintentionally shot in the face at close range with a Bryco 38 and left a quadriplegic. The jury found that the Bryco pistol was defectively designed.²⁸

Single-Action Revolvers

More than 600 people, including children, have been killed or injured by unintentional discharges from Sturm, Ruger & Company's Old Model single-action revolvers.²⁹ This revolver was manufactured from 1953 until 1972. It incorporated no positive safety device and is therefore extremely prone to discharge when dropped or bumped. The design of the gun was modified in 1973 to include a transfer bar safety, which prevents the gun from firing when dropped. However, by the time the gun was redesigned, 1.5 million of the original revolvers were in the hands of consumers.³⁰

Other single-action revolvers suffer from similar safety-related problems. For example, in 1986 a federal appeals court upheld a punitive damages award of \$1.25 million against Colt in a case involving the unintentional discharge of a single-action revolver.³¹ Plaintiff Johnson had taken the handgun with him on a fishing trip. He was sitting on a rock when the gun fell from his holster, struck a rock, and discharged. The bullet lodged in his bladder, damaging vital nerves and rendering him impotent.

²⁶ For example, the all-steel .380-caliber Walther Model PPK, has an automatic drop safety, loaded chamber indicator, and a manual safety that allows unloading and loading while set to "on." Common retail prices of this and numerous similar guns are between \$400 and \$600.

²⁷ *Supra*, note 19.

²⁸ Maxfield v. Bryco Arms, et al., Superior Court of the State of California, Alameda County, Case Number 841636-4.

²⁹ *Supra* note 19.

³⁰ Erik Larson, "Wild West Legacy: Ruger Gun Often Fires If Dropped, but Firm Sees No Need for Recall," *The Wall Street Journal*, June 24, 1993.

³¹ Johnson v. Colt Industries, 609 F. Supp. 776 (D. Kan. 1985), *aff'd*, 797 F.2d 1530 (10th Cir 1986). The court in Johnson observed that the jury could have viewed the manufacturer's conduct, in characterizing the gun as a throwback to the Old West, "as putting marketing concerns ahead of safety concerns."