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District of Columbia Appellate Court Upholds Dismissal of Lawsuit Against Gun Makers



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To: NATIONAL EDITORS

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NEWTOWN, Conn., Jan. 10 /PRNewswire-USNewswire/ -- Earlier today, a unanimous (3-0) District of Columbia Appeals upheld the May 2006 decision of District of Columbia Superior Court Judge Brook Hedges dismissing a lawsuit filed in January 2000, by the District of Columbia and the families of nine victims of criminal shootings that occurred in the District of Columbia. Writing for the district's high court, Associate Judge Michael William Farrell ruled that the Protection of Lawful Commerce in Arms Act (PLCAA), signed into law by President Bush in October 2005, required dismissal of the plaintiffs lawsuit against firearm manufacturers. The district and the plaintiffs had sued the manufacturers under the district's so-called Assault and Battery Manufacturing Strict Liability Act which imposes automatic and absolute liability on manufacturers for injuries resulting from criminal shootings in the district, even if, as Judge Farrell observed, the criminal shootings happened years after the manufacture or sale and despite the utmost care taken in the manufacture or sale of the firearm.

In upholding the dismissal Judge Farrell noted that Congress' purpose in passing the PLCAA was to "prohibit [lawsuits against] firearm manufacturers ... for the harm solely caused by the criminal or unlawful misuse of firearms products ..." The court ruled that allowing the district's lawsuit to proceed "would, in our view, frustrate Congress' clear intention."

Today's ruling is very gratifying to members of the firearms industry, said Lawrence G. Keane, chief spokesperson for the National Shooting Sports Foundation (NSSF), the firearm industry's trade association. The District of Columbia law blaming car makers for drunk-driving accidents.

In passing the Protection of Lawful Commerce in Arms Act, Congress understood that junk lawsuits like the district's were a common sense and were an abuse of the judicial system that threatened to bankrupt a responsible and law-abiding industry. The ruling is another major setback for gun control groups, principally the Brady Center to Prevent Gun Violence, which has pursued and funded many of the municipal lawsuits against the firearms industry.

The appellate court also rejected the district's claim that the Protection of Lawful Commerce in Arms Act was unconstitutional. In rejecting the district's arguments, the court wrote, Congress was especially concerned with lawsuits that have been commenced seeking money damages and other relief against manufacturers and sellers of firearms for harms caused by the misuse of their products by others, including criminals, and with the threat to interstate commerce of thus imposing an entire industry for the harm solely caused by others.

SOURCE National Shooting Sports Foundation

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