

## 23-1141 SMITH & WESSON BRANDS V. ESTADOS UNIDOS MEXICANOS

DECISION BELOW: 91 F.4th 511

LOWER COURT CASE NUMBER: 22-1823

### QUESTION PRESENTED:

The Mexican Government has sued leading members of the American firearms industry, seeking to hold them liable for harms inflicted by Mexican drug cartels. According to Mexico, America's firearms companies have engaged in a series of business practices for decades—from selling semi-automatic rifles, to making magazines that hold over ten rounds, to failing to impose various sales restrictions—that have created a supply of firearms later smuggled across the border and ultimately used by the cartels to commit crimes. Mexico asks for billions of dollars in damages, plus extensive injunctive relief imposing new gun-control measures in the United States.

The district court dismissed the case under the Protection of Lawful Commerce in Arms Act (PLCAA), which generally bars suits against firearms companies based on criminals misusing their products. But the First Circuit reversed. It held that PLCAA does not bar this suit because Mexico stated a claim that defendants' business practices have aided and abetted firearms trafficking to the cartels, proximately harming the Mexican government.

The questions presented are:

1. Whether the production and sale of firearms in the United States is the "proximate cause" of alleged injuries to the Mexican government stemming from violence committed by drug cartels in Mexico.
2. Whether the production and sale of firearms in the United States amounts to "aiding and abetting" illegal firearms trafficking because firearms companies allegedly know that some of their products are unlawfully trafficked.

CERT. GRANTED 10/4/2024