



GLOBAL ACTION  
ON GUN VIOLENCE

For Immediate Release  
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## **Landmark court decision allows Mexico's unprecedented lawsuit against gun manufacturers to proceed**

### *First Federal Appeals Court to allow liability under U.S. gun industry law*

(WASHINGTON) Today, the U.S. Court of Appeals for the First Circuit became the first court to uphold the right of a sovereign country to sue the gun industry, and the first federal appeals court to allow gun manufacturers to be held liable for facilitating gun violence since a U.S. gun industry protection law was enacted in 2005.

The Court ruled that *Mexico v. Smith and Wesson, et al.* – the first lawsuit brought by a national government against the gun industry – can proceed, reversing a trial court ruling that held that the federal gun industry shield law (PLCAA) prohibited it. Mexico's lawsuit against six American gun manufacturers seeks to hold the companies accountable for facilitating gun trafficking across the border into Mexico and contributing to gun violence in that country. Global Action on Gun Violence's president Jonathan Lowy is co-counsel for Mexico, along with Texas-based litigator Steve Shadowen.

"Today's ruling is a huge step forward in holding the gun industry accountable for its contribution to gun violence, and in stopping the flood of trafficked guns to the cartels," said Lowy. "Not only did the Court recognize the right of another country to sue U.S. gun companies, it also pierced the unfair legal shield that gun companies have been hiding behind since 2005."

"This decision marks an important step forward in holding the gun industry accountable for its role in transnational arms trafficking and in obtaining justice for the victims of their unlawful business practices—the people of Mexico," said Steve Shadowen. "It should now be clear that those who contribute to gun violence must face legal consequences, regardless of borders."

Mexico filed its suit in August 2021. U.S. District Court Judge F. Dennis Saylor IV dismissed the case, holding that the Protection of Lawful Commerce in Arms Act gives the gun industry immunity from civil liability in the United States. In its appeal of that dismissal, Mexico argued that PLCAA does not provide immunity for harm caused abroad, or where gun companies violate the law. The Court agreed with Mexico, concluding that the country had made a strong enough case that "defendants [the gun companies] aided and abetted the knowingly unlawful downstream trafficking of their guns into Mexico." The Court remanded the case back to the trial court.

Global Action on Gun Violence (GAGV) is the only non-profit organization working to end global gun violence through litigation, international action, and advocacy, and draws on over 25 years experience litigating against the gun industry. Find out more about [GAGV's work with Mexico](#).

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