



Court Reinstates Lawsuit Against Gun Maker Over Sandy Hook Massacre

Following the horrific murder of 20 young children and six adults at the Sandy Hook Elementary School in Newton, Connecticut, in December 2012, families of the victims filed a lawsuit against the maker of the weapon Adam Lanza used in the massacre.

The lawsuit was tossed in 2016 when a lower court ruled that Remington Arms, the maker of the Bushmaster semiautomatic rifle Lanza used, was immune thanks to the PLCAA — the Protection of Lawful Commerce in Arms Act — that Congress passed and President George W. Bush signed into law in October 2005.

But anti-gunners never give up. Upon appeal, [the Connecticut Supreme Court just ruled](#) that the lawsuit may proceed despite that ruling, claiming that Remington used illegal marketing strategies that somehow enticed Lanza to purchase that particular weapon and use it in his killing spree.

The bias of the court's Chief Justice Richard Robinson was clear from his comments following the resurrection of the lawsuit:

If the defendants did indeed seek to expand the market for their assault [sic] weapons through advertising campaigns that encouraged consumers to use the weapons not for legal purposes such as self-defense, hunting, collecting, or target practice, but to launch offensive assaults against their perceived enemies, then we are aware of nothing in the text or legislative history of PLCAA to indicate that Congress intended to shield the defendants from liability for the tragedy that resulted.

That's how an activist judge twists the facts to come to a foreordained conclusion. First twist: Adam Lanza didn't purchase the weapon, he stole it from his mother. Second twist: The firearm is a semiautomatic rifle, not a fully-automatic military assault rifle. Third twist: A nearly identical lawsuit against Glock was tossed by the liberal Ninth Circuit court a few years earlier.

That particular case, *Ileto v. Glock*, was brought by the wife of a victim of a shooting at a Jewish Community Center in Grenada Hills, California, in 1999. She and her lawyers claimed that Glock's "deliberate and reckless" marketing strategies created an undue risk that their firearms would be purchased for criminal purposes. The suit was tossed in 2009 by the 9th Circuit Court of Appeals, which concluded that the PLCAA protected Glock against the claim, affirming the immunity that Congress intended to create by passing the act.

None of that matters to the black-robed Connecticut Supremes who will now hear the case. Joshua Koskoff, the attorney representing the plaintiffs, has already started celebrating the coming victory: "The families' goal has always been to shed light on Remington's calculated and profit-driven strategy to expand the AR-15 market and court high-risk users, all at the expense of Americans' safety. Today's



Written by [Bob Adelman](#) on March 15, 2019

decision is a critical step towards achieving that goal.”

The National Shooting Sports Foundation’s statement warned that this time the strategy might work: “The [lawsuit] can go forward based on the plaintiff’s allegation that the defendants’ marketing and advertising of a legal product somehow violated Connecticut’s Unfair Trade Practices Act.... The exemption [in the PLCAA] permits lawsuits where the defendant violated a [state] statute applicable to the sale of firearms.”

On the other hand, Alan Gottlieb, executive vice president of the Second Amendment Foundation, considers the resurrection a grasping at straws:

This ruling strains logic, if not common sense. The court dismissed the bulk of the lawsuit’s allegations but appears to have grasped at this single straw by deciding that [Remington’s] advertising is somehow at fault for what Adam Lanza did that day in December more than six years ago.

This is like suing Ford or General Motors because a car they sold was stolen and used to run over a pedestrian all because the car manufacturers advertised that their car had better acceleration and performance than other vehicles....

That is absurd in this case. Did [Remington’s] advertising even remotely suggest that the Bushmaster is best for murdering people? It appears to me like the court was looking for a way to squeak around the provisions of the [PLCAA].... After all, the court dismissed most of the allegations, but now has decided that advertising might be at fault. That’s a stretch of credulity worthy of surgical elastic.

Absurd or not, it is likely that anti-gunners will achieve their objective. Remington filed for bankruptcy last March, having accumulated nearly \$1 billion in debt, including legal fees incurred in defending itself. It exited bankruptcy a few months later, but its financial condition remains fragile. Win or lose, it’s more than likely the company will be forced into bankruptcy once again, this time for good.

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