



Written by [Bob Adelman](#) on October 15, 2016

Superior Court Judge Slaps Down Lawsuit Brought Against Remington Arms

On Friday Fairfield (Connecticut) District Superior Court Judge Barbara Bellis [dismissed](#) the lawsuit filed in January 2015 by families of victims murdered by Adam Lanza in the Sandy Hook Elementary School massacre in Newtown, Connecticut, three years earlier. They hoped to use a legal loophole involving “negligent entrustment” as a way to get around Congress’s intent to protect the gun industry from frivolous lawsuits: the Protection of Lawful Commerce in Arms Act (PLCAA).



The act, prohibiting civil liability claims against not only gun manufacturers but also gun distributors, dealers and importers, was signed into law by President George W. Bush in July 2005 after having successfully passed the House, 283-144, and the Senate, 65-31. The lawsuit dismissed by Judge Bellis was brought against Remington Arms, the maker of the Bushmaster rifle used by Lanza; the dealer, Camfour, Inc.; and Riverview Sales, where Lanza’s mother legally purchased the weapon.

Wayne LaPierre of the National Rifle Association (NRA) called PLCCA “the most significant piece of pro-gun legislation in twenty years” while Vermont Senator Bernie Sanders (who voted for the bill) defended his position by stating:

If somebody has a gun and it falls into the hands of a murderer, and that murderer kills somebody with the gun, do you hold the gun manufacturer responsible? Not any more than you would hold a hammer company responsible if somebody beats somebody [else] over the head with a hammer.

In her opinion, Judge Bellis wrote:

Congress, through the Protection of Lawful Commerce in Arms Act ... has broadly prohibited lawsuits “against manufacturers, distributors, dealers, and importers of firearms ... for the harm solely caused by the criminal or unlawful use of firearm products ... by others when the products functioned as designed and intended.”...

The present case seeks damages for harms ... that were caused solely by the criminal misuse of a weapon by [Lanza]. Accordingly, this action falls squarely within the broad immunity provided by the PLCAA.

The lawsuit attempted to expand a narrow exception in the law by using “negligent entrustment” as a wedge. Under this exception, one may bring an action against another if he negligently “entrusted” a dangerous instrument to another who then used it to cause injury to a third party. But Lanza was not “entrusted” with a dangerous instrument — negligently or otherwise — by any of the defendants. As Judge Bellis noted: “Although PLCAA provides a narrow exception [for “negligent entrustment”] ... the allegations in the present case do not fit within the common-law [understanding] of negligent entrustment.” After all, Adam Lanza didn’t purchase the weapon he used to murder 26 people. He stole



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it from his mother. He then shot her and used the firearm in his murderous attack on innocents at the school. There was no way plaintiffs in this case could tag “negligent entrustment” onto the defendants.

But this isn’t stopping what is obviously a backdoor attempt to abrogate the protections guaranteed by the Second Amendment. If allowed to proceed, the lawsuit could be the first in a predictable series of attempts to bankrupt gun makers, dealers, and gun shops, thus shutting off the supply of firearms to their customers. Presto: private citizens would no longer be able to purchase firearms.

Plaintiffs’ lawyer Joshua Koskoff said, “We will appeal this decision immediately and continue our work to help prevent the next Sandy Hook from happening.” Even more on point, anti-gun Connecticut Governor Dannel Malloy made it clear what the real objective is: “As I have stated before, the laws providing unique protections to gun manufacturers need to be changed to give crime victims a right to pursue legal remedies.”

Democrat presidential candidate Hillary Clinton wants to repeal the PLCAA altogether. As stated in her party’s position paper entitled “The Briefing”, she promises, if elected, to work to eliminate the protection from gun makers, dealers, and gun stores:

[The] Protection of Lawful Commerce in Arms Act [is] a dangerous law which prevents victims of gun violence from holding negligent manufacturers and dealers accountable for violence perpetrated with their guns.

It is past time to repeal this law and hold the gun industry accountable just like everyone else. [Hillary] voted against this law in 2005 and will lead the charge to repeal it as president.

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