



Written by [Bob Adelman](#) on May 11, 2021

Trump-appointed Judge Defends Second Amendment

One of President Donald Trump's appointments to the federal court ruled that another of the anti-gun Left's attempts to abrogate the Second Amendment has failed. In an obscure but vitally important ruling, U.S. District Judge Susan Brnovich tossed a lawsuit brought by the Brady Campaign to Prevent Gun Violence.

The decision — *Travieso v. Glock Inc.* — is one in a long line of cases over similar lawsuits meant to bankrupt the American gun-manufacturing industry. And it squarely upholds a federal law designed to prevent just this sort of frivolous lawsuit from succeeding.



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In March 2018, Carlos Travieso was shot in the back with a Glock 19 while traveling home from a youth camping trip. A passenger in the vehicle discovered the semi-automatic pistol and, noting that the magazine was missing, pulled the trigger. Unfortunately, there was a round in the chamber. The bullet entered Travieso's back, severed his spine, rendering him a paraplegic.

The Brady bunch sued Glock, claiming that the Protection of Lawful Commerce in Arms Act (PLCAA), signed into law in 2005, was unconstitutional. The "long title" of that law, which was passed overwhelmingly with bipartisan support, is "an Act to prohibit civil liability actions from being brought ... against manufacturers, distributors, dealers, or importers of firearms or ammunition, injunctive or other relief resulting from the misuse of their products by others."

Judge Brnovich quoted from the act: "the PLCAA prohibits ... a civil action or proceeding ... resulting from the criminal or unlawful misuse of a ... product by the person or a third party."

She reached back to the original testimony surrounding the debate over the PLCAA: "Statements of multiple congressional speakers suggest the PLCAA was intended to preempt the sorts of product liability suits that might be used as a roundabout method of regulating the firearms industry.... The Court finds that Congress intended the preemptive scope of the PLCAA to generally bar common law cases like [this one]."

She ruled conclusively:

The Court finds the PLCAA is a constitutional exercise of Congress's enumerated power to regulate interstate commerce.

The statute is constitutional and suffers no defect under either the Fifth or Tenth Amendment to the United States Constitution.

Her ruling was celebrated by Mark Oliva of the National Shooting Sports Foundation (NSSF), who said regarding the lawsuit:



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This is an example of lawyers attempting to put the blame for negligent use of a firearm on a manufacturer. The facts of the case are clear. The negligent mishandling of a firearm resulted in tragic effects...

These attempts to hold manufacturers responsible for the criminal and negligent misuse of firearms are misguided and are attempts at legislation through litigation.

Arizona Governor Doug Ducey added an exclamation point to Brnovich's ruling. On Friday, he signed into law a bill that echoes the federal PLCAA law. Said Ducey:

With efforts currently underway in Washington to erode Second Amendment rights, Arizona is taking action to protect those rights.

In Arizona, we're safeguarding manufacturers, sellers and trade associations. Bad actors need to be held accountable, and we will work to make sure they are.

But we're not going to allow lawsuit after lawsuit to slowly tear down the Constitutional rights of law-abiding citizens in our state. Senate Bill 1382 achieves this goal.

The new Arizona law prohibits the state or any of its entities from suing any member of the firearms industry over the design, marketing, distribution or sale of firearms and ammunition to the public. It also prohibits lawsuits being brought against a manufacturer or seller of a firearm or ammunition over the criminal misuse of a firearm or ammunition.

The immediate impact is the further strengthening of the federal protection against frivolous lawsuits being brought against any member of the firearms industry. It's also a reminder of the impact of Trump's appointments of Constitutionalist judges who take their oaths of office seriously.

Finally, Brnovich's ruling is a sharp reminder to the anti-gun Left infesting the Biden administration that the wall protecting the Second Amendment has just gotten even stronger.



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