

Landmark Decision: Appeals Court Paves the Way for Historic Lawsuit as Mexico Secures the Right to Sue U.S. Gun Industry

First Circuit Court of Appeals Ruling Empowers Mexico in Landmark Lawsuit Against U.S. Gun Manufacturers

AUSTIN, TX, UNITED STATES, January 22, 2024 /EINPresswire.com/ -- Today, the United States Court of Appeals for the First Circuit made history by being the first court to affirm a foreign nation's right to sue the U.S. gun industry in U.S. courts.



Hilliard Shadowen, based in Austin, TX, specializes in complex cases involving economic and social justice.

The lawsuit—*Estados Unidos Mexicanos v. Smith & Wesson Brands, Inc., et. al.*— seeks to hold six American gun manufacturers accountable for facilitating gun trafficking into Mexico. The lawsuit alleges that over 340,000 of the Defendants' military-style guns are trafficked across the border into Mexico every year, where they are used by drug cartels and other criminal organizations to terrorize the civilian populace.

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The First Circuit's ruling overturns a trial court's decision that held that the Protection of Law Commerce in Arms Act (PLCAA), enacted in 2005, shielded the gunmakers from Mexico's claims.

On appeal, Mexico argued that PLCAA does not confer immunity to U.S. gun makers for harm that they cause abroad, or when their actions violate U.S. gun laws. Mexico alleges that the gun makers routinely violate many U.S. federal gun statutes, including those regulating straw purchases, gun exports, gun licensing and possession, and other gun-sales practices.

The First Circuit agreed, stating that Mexico's claims are statutorily exempt from the protections PLCAA provides to gun manufacturers.

Mexico is represented by [Steve Shadowen](#) of [Hilliard Shadowen LLP](#) and Jonathan Lowy, president of [Global Action on Gun Violence](#).

“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.”

“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.”

Case 1:21-cv-11269-FDS

Estados Unidos Mexicanos v. Smith & Wesson Brands, Inc. et al

About Hilliard Shadowen LLP:

Hilliard Shadowen LLP is a nationally recognized law firm in Austin, Texas renowned for its expertise in transnational human rights and complex litigation. With a relentless commitment to achieving justice and holding corporations and governments accountable for their actions, the firm has successfully represented clients and consumer classes in a wide range of public-interest and economic justice cases.

About Global Action on Gun Violence:

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.

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