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## In Victory for WLF, Supreme Court Agrees To Review Case On Proximate Cause And Aiding-And-Abetting Liability

*(Smith & Wesson Brands, Inc. v. Estados Unidos Mexicanos)*

**“The First Circuit’s decision ignores two basic principles of tort law.”**

—John Masslon, WLF Senior Litigation Counsel

WASHINGTON, DC—Today the U.S. Supreme Court agreed to hear an appeal from a decision that cast aside centuries of precedent on proximate cause and aiding-and-abetting liability. The grant of certiorari was a victory for Washington Legal Foundation (WLF), which filed an amicus brief urging the Court to hear the case.

WLF’s brief argued that Mexico failed to plead proximate cause. Mexico’s eight-step Rube-Goldberg theory of proximate cause fails at every step. The firearms manufacturers’ legal conduct of making and selling firearms was not the proximate cause of Mexico’s injuries. The attenuated causal chain included criminal actions and resulted in only derivative harm. The Supreme Court has held that is insufficient to plead proximate cause.

The brief also described why the First Circuit’s holding that the firearms manufacturers can be held liable for aiding-and-abetting liability is wrong. In *Twitter v. Taamneh*, the Supreme Court held that companies cannot be held liable under an aiding-and-abetting theory when criminals use lawful products in an unlawful manner. Here, Mexico alleges that the firearms manufacturers can be held liable for making and selling lawful products that criminals misused. That holding clearly conflicts with *Twitter*.

*Celebrating its 47th year, WLF is America’s premier public-interest law firm and policy center advocating for free-market principles, limited government, individual liberty, and the rule of law.*

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