

No. 25-120

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IN THE  
**Supreme Court of the United States**

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MARK GUSTAFSON, INDIVIDUALLY AND AS  
ADMINISTRATOR AND PERSONAL REPRESENTATIVE  
OF THE ESTATE OF JAMES ROBERT ("J.R.")  
GUSTAFSON, ET AL.,

*Petitioners,*

*v.*

SPRINGFIELD, INC., DBA SPRINGFIELD ARMORY, ET AL.,  
*Respondents.*

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ON PETITION FOR WRIT OF CERTIORARI TO THE  
PENNSYLVANIA SUPREME COURT

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**BRIEF IN OPPOSITION**

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**RULE 29.6 CORPORATE DISCLOSURE  
STATEMENT**

Respondent Springfield Inc. d/b/a Springfield Armory states that it has no parent corporation and no publicly held corporation owns ten percent or more of its stock.

Respondent Saloom Department Store states that it has no parent corporation and no publicly held corporation owns ten percent or more of its stock.

Respondent Saloom Department Store, LLC d/b/a Saloom Department Store states that it has no parent corporation and no publicly held corporation owns ten percent or more of its stock.

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Respondents Springfield Inc. d/b/a Springfield Armory (“Springfield Armory”), Saloom Department Store, and Saloom Department Store, LLC d/b/a Saloom Department Store<sup>1</sup> respectfully submit this brief in opposition to Petitioners’ Petition for a Writ of Certiorari.

## **SUMMARY OF THE ARGUMENT**

The Pennsylvania Supreme Court unanimously held that Congress had the authority to enact the Protection of Lawful Commerce in Arms Act, 15 U.S.C. §§ 7901-03, (“PLCAA”) pursuant to its power to regulate commerce. The Pennsylvania Supreme Court also unanimously held that the immunity provided by the PLCAA does not violate the Tenth Amendment or principles of federalism. In doing so, it joined all other United States courts of appeals and state courts of last resort in rejecting challenges to the constitutionality of the PLCAA on these issues. In addition, in its last term, this Court issued a unanimous decision regarding the purpose and scope of the immunity provided by the PLCAA. There is accordingly no compelling reason for this Court to grant certiorari because there is no conflict between the lower courts regarding the constitutionality of the

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1 Pursuant to Rule 15(2), Respondents advise this Court that there were three defendants in the Pennsylvania Court of Common Pleas, all of whom were appellees in the Pennsylvania Superior Court, appellants in the Pennsylvania Supreme Court, and are respondents in this proceeding. The Parties to the Proceeding Section of the Petition incorrectly states that only Springfield Armory is a respondent in this proceeding.

PLCAA to be resolved and no important question regarding the constitutionality of the PLCAA that needs to be settled by this Court.

## **ARGUMENT**

This Court will only grant a petition for a writ of certiorari for compelling reasons. Rule 10. This Court will not usually consider a petition for a writ of certiorari unless a “state court of last resort has decided an important federal question in a way that conflicts with the decision of another state court of last resort or of a United States court of appeals,” Rule 10(b), or “has decided an important question of federal law that has not been, but should be, settled by this Court, or has decided an important federal question in a way that conflicts with relevant decisions of this Court,” Rule 10(c). Petitioners have failed to satisfy the criteria set forth in Rule 10 concerning their challenges to the constitutionality of the PLCAA. Therefore, their petition for a writ of certiorari should be denied.

### **I. All United States Courts Of Appeal And State Courts Of Last Resort That Have Ruled On The Issue Have Held That Congress Had The Power To Enact The PLCAA Pursuant To The Commerce Clause.**

The Pennsylvania Supreme Court unanimously held that “Congress’s Commerce Clause powers permitted it to enact PLCAA.” Pet. App.44a. All United States courts of appeal and state courts of last

resort that have considered the issue have similarly concluded that Congress had the power to enact the PLCAA pursuant to the commerce clause. *See Ileto v. Glock, Inc.*, 565 F.3d 1126, 1140 (9th Cir. 2009) (“Congress carefully constrained the Act’s reach to the confines of the Commerce Clause.”); *City of New York v. Beretta U.S.A. Corp.*, 524 F.3d 384, 395 (2d Cir. 2008) (“Congress has not exceeded its authority in this case, where there can be no question of the interstate character of the industry in question and where Congress rationally perceived a substantial effect on the industry of the litigation that the Act seeks to curtail.”); *Delana v. CED Sales, Inc.*, 486 S.W.3d 316, 323 (Mo. 2016) (“PLCAA expressly and unambiguously preempts state tort law, subject to the enumerated exceptions ... pursuant to Congress’s constitutional power to regulate interstate commerce.”); *Adames v. Sheahan*, 909 N.E.2d 742, 765 (Ill. 2009) (noting that the “PLCAA is a valid exercise of the federal power to regulate interstate commerce”); *District of Columbia v. Beretta U.S.A. Corp.*, 940 A.2d 163, 174 (D.C. 2008) (observing that “[l]aws enacted by Congress under its power to regulate interstate commerce,” like the PLCAA, “come to the Court with a presumption of constitutionality”). It should also be noted that this Court just considered the purpose and scope of the PLCAA during its last term in the case of *Smith & Wesson Brands, Inc. v. Estados Unidos Mexicanos*, 605 U.S. 280 (2025). This Court held that the immunity provided by the PLCAA required the dismissal of the complaint at issue on the pleadings, and none of the justices expressed any concern that Congress may not



have had the authority to enact the PLCAA pursuant to the commerce clause.

There is no basis for granting certiorari pursuant to Rule 10(b) because the Pennsylvania Supreme Court's decision that Congress had the power to enact the PLCAA pursuant to the commerce clause is in accordance with the decisions of all United States courts of appeal and state courts of last resort to have opined on that issue. Petitioners broadly assert that certiorari is proper because courts "have struggled with the substantially affecting commerce rubric." Pet. at 39. This Court should reject Petitioners' invitation to address the scope of the substantially affecting commerce aspect of its commerce clause jurisprudence because the courts have consistently held that the PLCAA falls within the enumerated power of Congress to regulate commerce and the decision below does not conflict with relevant decisions of this Court.

## **II. All United States Courts of Appeal And State Courts Of Last Resort That Have Ruled On The Issue Have Held That The PLCAA Is Constitutional Under The Tenth Amendment.**

The Pennsylvania Supreme Court held that the immunity provided by the PCLAA does not violate the Tenth Amendment or principles of federalism because "nothing in the PLCAA dictates to the states which branch of government they can use to enact any laws" and the "predicate exception does not alter this conclusion as the exception merely excludes certain

statutory based claims from that general bar.” Pet. App.61a.

All United States courts of appeal and state courts of last resort that have considered the issue have similarly concluded that the PLCAA does not violate the Tenth Amendment or principles of federalism. See *City of New York*, 524 F.3d at 397 (“The PLCAA ... does not violate the Tenth Amendment.”); *Delana*, 486 S.W.3d at 323-24 (“The PLCAA does not violate the Tenth Amendment” and “there is no need to employ a narrow construction to avoid federalism issues.”); *Estate of Kim ex rel. Alexander v. Coxe*, 295 P.3d 380, 389 (Alaska 2013) (“PLCAA does not violate the protections of the Tenth Amendment.”); *Adames*, 909 N.E.2d at 765 (“PLCAA does not violate the tenth amendment.”). In *Smith & Wesson Brands*, 605 U.S. 280, none of the justices noted any concerns that the enactment of the PLCAA may have violated the Tenth Amendment or principles of federalism, despite ordering the dismissal of a complaint on the pleadings pursuant to the immunity it provided to defendants.

There is no basis for granting certiorari pursuant to Rule 10(b) because the Pennsylvania Supreme Court’s decision that the PLCAA does not violate the Tenth Amendment or principles of federalism is consistent with the decisions of all United States courts of appeal and state courts of last resort to have opined on that issue.

Petitioners assert that the numerous cases finding that the PLCAA does not violate the Tenth Amendment are somehow in abstract tension with this Court's Tenth Amendment jurisprudence. Pet. at 31. Petitioners also assert that a circuit split exists between the Second Circuit and the First, Third, Seventh and Ninth Circuits regarding what they describe as "broader federalism issues" related to the denial of federal grants to state and local governments for not cooperating with the federal government. Pet at 31. Setting aside whether in fact any real circuit split exists on that issue, a purported circuit split on a completely unrelated issue does not satisfy Rule 10(c) and instead invites this Court to issue an advisory opinion on a matter not before it.

## **CONCLUSION**

Respondents respectfully request that the Petition be denied.

November 7, 2025

Respectfully submitted,

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