

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT – CHANCERY DIVISION

FILED DATE: 5/1/2025 8:20 PM 2024CH06875

<p>CITY OF CHICAGO, an Illinois municipal corporation,</p> <p>Plaintiff,</p> <p>v.</p> <p>GLOCK, INC., a Georgia corporation; GLOCK Ges.m.b.H., an Austrian company; EAGLE GUN CLUB LLC f/d/b/a EAGLE SPORTS RANGE, an Illinois company; RANGE PLUS LLC f/d/b/a EAGLE SPORTS RANGE, an Illinois company; 5900 LLC d/b/a EAGLE SPORTS RANGE, an Illinois company, and MIDWEST SPORTING GOODS CO., an Illinois corporation,</p> <p>Defendants.</p>	<p>Civil Action No. 2024CH06875</p>
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**GLOCK, INC.’S SUPPLEMENTAL BRIEF IN FURTHER
SUPPORT OF ITS MOTION TO DISMISS**

Defendant Glock, Inc. respectfully submits this supplemental brief in further support of its motion to dismiss pursuant to this Court’s April 17, 2025 Order.

At the outset of oral argument, the Court summarized Chicago’s claims, “I think their argument in substance is ... that if the average individual can do this with a few tools ... as opposed to ... an engineering degree to modify it ... their argument is that [the Glock pistol] is unreasonably dangerous because it’s so easily modified.” Arg. Trans. p. 11:13-23. If the determinative test is the amount of time needed or ease of which to modify a firearm into one that is illegal under the National Firearms Act (“NFA”), then every manufacturer of rifles sold in the State of Illinois is subject to this same type of claim. As noted in Chicago’s Complaint, “Federal law thus mandates that machine guns **and certain other weapons** may be made, sold, and possessed only subject to strict regulation and registration requirements.” Compl. ¶ 33 (emphasis added). A short-barreled rifle falls within the same category of highly regulated weapons as machineguns.¹ The only tool needed to “modify” a traditional rifle subject to the Gun Control Act into a short-barreled rifle subject to the NFA is a hacksaw. If Chicago’s argument is accepted, there would be no limit as to the types of firearms that could be “easily” modified into products regulated by the NFA. If the Court finds Chicago’s argument when applied to a rifle is flawed, then it should also find it flawed with regard to the Glock pistol.

In addition, the City argues that it is not required to “allege causation, injury, or damages” to prevail in this case because it is bringing an enforcement action pursuant to Section

¹ 18 U.S.C. § 922(b)(4) states it is unlawful to sell or deliver, “any destructive device, machinegun (as defined in section 5845 of the Internal Revenue Code of 1986), short-barreled shotgun, **or short-barreled rifle**, except as specifically authorized by the Attorney General consistent with public safety and necessity.” (Emphasis added). “A rifle is subject to the NFA only if the rifle has a barrel or barrels of less than 16 inches in length.”<https://www.atf.gov/firearms/qa/rifle-firearm-subject-nfa#:~:text=A%20rifle%20is%20subject%20to,than%2016%20inches%20in%20length.>

2-25-90 of the Municipal Code of Chicago (“MCC”). City’s Opp’n to Defs’. Mots. to Dismiss at 30. MCC § 2-25-90(a) states, in relevant part, that “[n]o person shall engage in any act of consumer fraud, unfair method of competition, or unfair or deceptive act or practice while conducting any trade or business in the city.” (Emphasis added). It explicitly provides that “[n]othing in this section shall be construed as permitting the regulation of any business to the extent that such regulation is not permitted under the statutory or home rule powers of the City.” *Id.* As alleged in the Complaint, Glock, Inc. conducts its business in Smyrna, Georgia, not in the City of Chicago. Compl. ¶ 24. The City points to language within the new ordinance that defines “trade or business in the City” to somehow include advertising from outside of the jurisdiction. While Glock, Inc. disputes the City’s interpretation of MCC § 2-25-010, it is inapposite, because inserting language into a city ordinance that violates home rule cannot somehow make it legal.

Illinois Supreme Court precedent is clear that municipalities only have authority to bring “enforcement actions” pursuant to ordinances enacted pursuant to home rule authority against those who are physically conducting business within the municipality’s geographic jurisdiction. *See generally Hertz Corp. v. City of Chicago*, 2017 IL 119945 ¶¶ 29-30 (holding that Chicago could not impose a tax on the rental of vehicles outside of Chicago based on the potential that they may be used within the City’s borders, and noting that the “drafters of our constitution limited the extraterritorial exercise of home rule powers to those enacted by the legislature”); *Kalodimos v. Village of Morton Grove*, 103 Ill. 2d 484, 504 (1984) (affirming a municipal ordinance banning handguns because it did not “involve regulation of conduct outside” of the enacting municipality); *Commercial Nat’l Bank of Chicago v. City of Chicago*, 89 Ill. 2d 45, 77-80 (1982) (explaining that “home rule units do not possess extraterritorial government powers,” and holding that Chicago could not tax services performed outside of the City because it

“exceed[s] the territorial limitations of the city’s home rule powers”); *City of Carbondale v. Van Natta*, 61 Ill. 2d 483, 490 (1975) (upholding a municipality’s zoning ordinance that applied within a mile and a half outside of its geographic boundary pursuant to specific authorization provided by ILCS 11-13-1, but noting that a “municipality does not have extraterritorial zoning authority under its home-rule powers”). *See also Acel Entertainment Gaming, LLC v. Village of Elmwood Park*, 2015 IL App (1st) 143822 at ¶ 35 (upholding ordinance under the home rule because it “applies only to video gaming operations within the Village boundaries and it does not attempt to regulate video gaming operations outside of the Village’s boundaries”). No Illinois statute authorizes the City of Chicago to apply MCC § 2-25-90(a) to those conducting business outside of the City’s geographic borders. Accordingly, because Glock, Inc. does not conduct business within the City’s geographic borders, this is not an “enforcement action,” and the City’s claims are subject to the same causation, injury and damages requirements as a private litigant.

Finally, as the Court pointed out, and to which the City conceded, “it is not illegal for [Glock] ... to make a firearm that’s easily modified” under federal or Illinois state law. *Arg. Trans.* pp. 90-93. The City has failed to adequately allege any federal or state statute that Glock, Inc. violated in terms of manufacturing and selling firearms that are allegedly “too easily modified;” and certainly it has violated no such statute that would qualify as a predicate exception to the PLCAA.

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Respectfully submitted,

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