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

CITY OF CHICAGO,

Plaintiff,

v.

GLOCK, INC., GLOCK Ges.m.b.H.,
EAGLE GUN CLUB LLC f/d/b/a EAGLE
SPORTS RANGE, RANGE PLUS LLC
f/d/b/a EAGLE SPORTS RANGE, 5900 LLC
d/b/a EAGLE SPORTS RANGE, and
MIDWEST SPORTING GOODS CO.,

Defendants.

Case No.: 2024CH06875

Hon. Allen P. Walker

**PLAINTIFF CITY OF CHICAGO’S OPPOSITION
TO GLOCK DEFENDANTS’ MOTION (1) FOR CERTIFICATION
OF ISSUES FOR INTERLOCUTORY APPEAL, AND (2) TO STAY DISCOVERY**

After extensive briefing, a robust oral argument, and a half-dozen notices of supplemental authority, this Court thoroughly and carefully applied controlling Illinois law and the plain language of the Protection of Lawful Commerce in Arms Act (“PLCAA”) to reject arguments made by Defendants Glock, Inc. and Glock Ges.m.b.H. (collectively “Glock” or “the Glock Defendants”). This Court’s order denying Glock’s motions to dismiss is in accord with the two other trial courts that have decided virtually identical motions by Glock. *State of Minnesota v. Glock, Inc. et al.*, No. 27-CV-24-18827 (Minn. Dist. Ct., Hennepin Cnty. Aug. 21, 2025) (Exhibit A), discretionary review denied by *State by Ellison v. Glock, Inc.*, No. A25-1567, 2025 Minn. App. LEXIS 356 (Minn. Ct. App. Oct. 21, 2025); *Platkin v. Glock, Inc., et al.*, No. ESX-C-000286-24 (N.J. Super. Ct. Oct. 14, 2025) (Exhibit B).

Displeased with the outcome, Glock seeks to use the narrowly tailored Rule 308 process to overturn this Court’s order on the motions to dismiss (“MTD Order”). Illinois law, however, is

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clear that Rule 308 is “reserved for exceptional circumstances” and is limited to the review of narrow questions of law. Rule 308 does not allow parties—as Glock tries here—to obtain a wholesale, expedited appeal of a lower court decision by re-casting their motion-to-dismiss arguments as purported “questions of law” requiring immediate appellate court review. Nor should it be used by parties—as Glock *also* tries here—to delay discovery.

All ten questions identified by Glock have one or more fatal flaws and therefore are inappropriate for certification: most are not questions of law at all, and others either ignore settled law or would not materially advance the termination of the litigation. In fact, the Second District recently refused to accept similar questions in *Roberts v. Smith & Wesson Brands, Inc.*, Appeal No. 2-25-0274, a case against gun industry defendants which likewise implicates PLCAA and the Illinois Consumer Fraud and Deceptive Business Practices Act (“ICFA”). *See infra* at 8. For these reasons, Glock’s motion for certification should be denied. And even if the Court certifies any of the questions, it should nevertheless allow discovery to continue during the appeal, as Rule 308 expressly contemplates. *See* Ill. S. Ct. R. 308(f).

LEGAL STANDARD

“[T]he review of cases at an interlocutory stage is not favored.” *Rozsavolgyi v. City of Aurora*, 2017 IL 121048, ¶ 22. The general rule is that only final orders are subject to appellate review. *See* Ill. S. Ct. R. 301. Rule 308 permits interlocutory appellate review of certified questions outside of the usual process in “certain exceptional circumstances.” *Morrissey v. City of Chicago*, 334 Ill. App. 3d 251, 258 (1st Dist. 2002). This rule is “strictly construed and sparingly exercised,” *id.*, and “was not intended to open the floodgates to a vast number of appeals,” *id.* at 257.

Under Rule 308, a court may—but need not—certify a question for interlocutory appeal only if a three-prong conjunctive test is met: (1) the question is a pure question of law that is not dependent on the underlying facts; (2) there are substantial grounds for a difference of opinion on

the question; and (3) answering the question may materially advance the ultimate termination of the litigation. *Rozsavolgyi*, 2017 IL 121048, ¶¶ 21, 31; *In re Marriage of Main*, 2020 IL App (2d) 200131, ¶ 11; *see also* Ill. S. Ct. R. 308(a). Rule 308 is “not intended to be a mechanism for expedited review of an order that merely applies the law to the facts of a particular case,” and it does not generally permit the reviewing court to analyze “the propriety of the [underlying] order entered by the lower court.” *In re Estate of Luccio*, 2012 IL App (1st) 121153, ¶ 17.

ARGUMENT

Each of Glock’s proposed questions fails at least one—but usually more—of the three Rule 308 requirements. In fact, Glock’s motion ignores Rule 308’s requirement that certified questions cannot be fact dependent and instead reads as a traditional appellate brief, demonstrating that Glock is attempting to shoehorn a full-scale appeal “to review the propriety of the [underlying] order” into the narrow exception established for certified questions—a tactic that Rule 308 prohibits. *Luccio*, 2012 IL App (1st) 121153, ¶ 17.

A. The Vast Majority of the Proposed Questions Are Not Pure Questions of Law.

Rule 308 does not permit certification of fact-dependent questions as nearly all of Glock’s questions are. While Glock fails to mention this requirement, the case law is clear that under Rule 308, only narrowly tailored, pure questions of law may be certified. *Rozsavolgyi*, 2017 IL 121048, ¶ 21. If the “answer is dependent upon the underlying facts of a case, the certified question is improper.” *Id.*; *see also Luccio*, 2012 IL App (1st) 121153, ¶ 32 (declining Rule 308 review of a motion-to-dismiss question that “call[ed] for an application of [the law] to the facts of this case”). And while Glock repeatedly argues that its purported immunity is a reason to certify questions for appeal, *see, e.g.*, Br. at 1-3, the case law is clear that questions pertaining to immunity cannot be certified under Rule 308 if they involve factual considerations. *Morrissey*, 334 Ill. App. 3d at 253,

258 (declining to accept review of certified question based on sovereign immunity because it “necessarily involves factual considerations”). Additionally, if answering the “certified question as framed would necessarily bear on situations not before this court,” then review of the question would lead to an improper advisory opinion. *Rozsavolgyi*, 2017 IL 121048, ¶¶ 25-26 (declining to accept review of certified question based on the Tort Immunity Act because it was “improperly overbroad”). In other words, a certified question may neither be so broad as to capture situations extraneous to the case, nor so narrow that it requires a case-specific factual application.

Nine of the ten proposed questions fail this requirement. Beginning with the fact questions, seven of the proposed questions explicitly depend on a “host of factual predicates,” making their certification improper. *Dowd & Dowd, Ltd. v. Gleason*, 181 Ill. 2d 460, 469 (1998). These seven questions do not seek to clarify an uncertainty in the law itself, but instead seek review of whether this Court properly applied the law to the particular facts alleged in the Complaint:

- Question 1: *Do the City’s claims against Glock, Inc. constitute a qualified civil liability action* from which the Protection of Lawful Commerce in Arms Act, 15 U.S.C. §§ 7901-03 (“PLCAA”) provides it with immunity because the predicate exception does not apply?
- Question 4: Does a manufacturer of firearms owe a duty to a municipality that may be harmed as a result of *third party criminals illegally converting semi-automatic pistols into machineguns though the installation of a machinegun conversion device (“MCD”) and using them to commit crimes to change the design of its pistols to prevent their illegal conversion?*
- Question 5: Is a *firearm manufacturer’s continued sale of semi-automatic pistols without changing their design to make it more difficult to install an MCD* a proximate cause of harm resulting from the *conversion of such pistols to machineguns by third parties who then use them to commit crimes?*
- Question 6: Does the continued sale and marketing of *legal, semi-automatic pistols that can be illegally converted to machineguns by third parties through the installation of a MCD* constitute “conduct unreasonable under all circumstances” for purposes of ICFA?

- Question 7: Does the continued sale and marketing of *legal, semi-automatic pistols that can be illegally converted to machineguns by third parties through the installation of an MCD* constitute “unfair or deceptive acts or practices” for purposes of ICFA?
- Question 9: Are references to conduct “unreasonable under all circumstances, including failing to establish or utilize reasonable controls,” unconstitutionally vague if read to allow a firearms manufacturer to be held liable for continuing to sell legal, semi-automatic pistols because *third parties can illegally convert them to machineguns through the installation of MCDs*?
- Question 10: Does banning the sale of the *most popular handguns in the United States because third party criminals can illegally convert them to machineguns* violate the Second Amendment?

These questions cannot be answered without considering facts specific to this case. For example, answering Glock’s first question—about whether the City’s claims fall within PLCAA’s immunity—would necessarily require the court to analyze factual allegations about Glock’s actions and knowledge in order to determine whether any of the City’s claims fell within PLCAA’s scope or within the predicate exception. Questions 4 and 5 explicitly ask this Court to address whether the very specific facts of this case lead to the existence of a duty and proximate cause.

Similarly, Questions 6-7 ask whether Glock’s conduct with respect to the sale of its easily convertible pistols violate ICFA. But “whether or not [a defendant] violated the Consumer Fraud Act or any other law is a factual issue which must be decided by the trier of fact” *People ex rel. Daley v. Datacom Sys. Corp.*, 146 Ill. 2d 1, 34-35 (1991). And Questions 9 and 10 ask this Court to certify as-applied constitutional challenges based on the Due Process Clause and the Second Amendment—which are also inherently fact-based. *See, e.g., Kopf v. Kelly*, 2024 IL 127464, ¶ 22 (“an as-applied challenge requires a showing that the statute is unconstitutional as it applies to the specific facts and circumstances of the challenging party”). This is precisely what Rule 308 does not allow. *Rozsavolgyi*, 2017 IL 121048, ¶ 21 (“Certified questions must not seek an application of the law to the facts of a specific case.”).

These questions are thus *not* questions of pure law and should not be certified under Rule 308. Glock really takes issue with how the Court applied the law to the facts of this case and is seeking expedited review of the propriety of the motion-to-dismiss order. However, that is not a permissible basis for certification under Rule 308. *See, e.g., Rozsavolgyi*, 2017 IL 121048, ¶ 21 (“As too often happens, a certified question is framed as a question of law, but the ultimate disposition depends on the resolution of a host of factual predicates.”). This Court should deny review of the aforementioned seven questions.

Further, two of Glock’s proposed questions impermissibly ask the Court to issue an advisory opinion on situations not at issue in the present case:

- Question 3: Can conclusory allegations that a defendant “knowingly” violated the ICFA satisfy the predicate exception’s requirement that the defendant have knowingly violated the applicable statute, as opposed to well-pled factual allegations sufficient to establish that the statute was knowingly violated?
- Question 8: Does imposing liability based on the design, manufacture, and sale of firearms entirely outside of Illinois pursuant to ICFA violate the dormant commerce clause?

Neither of these questions addresses issues in this case. Although “conclusory allegations” may fail PLCAA’s knowledge requirement, there is nothing conclusory about Plaintiff’s 67-page, 182-paragraph complaint, which is replete with specific allegations about Glock’s knowledge of how it unreasonably endangered Chicagoans. *See, e.g., Compl.* ¶ 52 (“Defendant Glock was on notice of this alarming trend [F]ederal officials have contacted Glock directly searching for ways to address the problem.”), ¶ 112 (alleging that Glock knowingly endangered the safety and health of Chicagoans by selling and marketing pistols that can be easily turned into fully automatic weapons), ¶ 126 (listing numerous ways that Glock knowingly failed to establish reasonable controls to not promote the unlawful possession and use of illegal machine guns). At a minimum,

these questions call for an assessment of whether the Complaint’s factual allegations meet pleading standards, which, as stated above, would violate Rule 308.

Furthermore, contrary to the framing of Question 8, Plaintiff is not seeking to “impos[e] liability based on the design, manufacture, and sale of firearms entirely outside of Illinois.” Rather, the Complaint focuses solely on Glock’s conduct directed at Chicago residents. *See, e.g.*, Compl. ¶ 16 (seeking to enjoin Glock from “continuing to sell its easily modified pistols to Chicago civilian residents through its website and Illinois guns stores that serve the Chicago market”); *see also id.* ¶¶ 122-23, 155-56. Because Glock has “fail[ed] to limit [these] question[s]” to the “issue[s] in this case,” it is inconsistent with Rule 308. *In re Marriage of Wendy W. & James W.*, 2022 IL App (1st) 201000, ¶ 5; *see, e.g., Rozsavolgyi*, 2017 IL 121048, ¶ 26 (declining review of a question that “would necessarily bear on situations not before this court”).

B. The Proposed Questions Do Not Establish a Substantial Ground for Difference of Opinion.

Certification is also inappropriate because seven of Glock’s proposed questions—Questions 1–4 and 8–10—are not “question[s] of law as to which there is substantial ground for difference of opinion.” Ill. S. Ct. R. 308(a).¹ A substantial ground for difference of opinion exists if “the question of law has not been directly addressed by the appellate or supreme court,” *Main*, 2020 IL App (2d) 200131, ¶ 11, or if “there is a conflict between appellate districts or with the Illinois Supreme Court,” *Rozsavolgyi*, 2017 IL 121048, ¶ 32. Here, existing case law not only addresses these questions but strongly supports the Court’s findings in the MTD Order. Glock simply chooses to ignore settled law.

¹ The remaining three questions—Questions 5–7—are so fact-bound that they are simply not questions of law that can be analyzed under this prong.

Glock first argues that there are “substantial grounds for disagreement with this Court’s holding that Plaintiff[’s] claims against Glock, Inc. are not barred by the PLCAA.” Br. at 4. Three of Glock’s proposed questions are implicated by this argument:

- Question 1: Do the City’s claims against Glock, Inc. constitute a qualified civil liability action from which the Protection of Lawful Commerce in Arms Act, 15 U.S.C. §§ 7901-03 (“PLCAA”) provides it with immunity because the predicate exception does not apply?
- Question 2: Is the Illinois Consumer Fraud and Deceptive Business Practices Act, 815 ILCS 505/2DDDD(b)(1) & (4) (“ICFA”) the type of state statute applicable to the sale or marketing of firearms the alleged violation of which can satisfy the predicate exception to the PLCAA?
- Question 3: Can conclusory allegations that a defendant “knowingly” violated the ICFA satisfy the predicate exception’s requirement that the defendant have knowingly violated the applicable statute, as opposed to well-pled factual allegations sufficient to establish that the statute was knowingly violated?

In a case stemming from the Highland Park mass shooting, the trial court rejected Rule 308 certification of questions similar to Questions 1 and 3, *Roberts v. Smith & Wesson Brands, Inc.*, No. 22 LA 00000201 (Ill. Cir. Ct. June 5, 2025) (Exhibit C), and the Second District denied certification of two questions that are virtually identical to Question 2. *Roberts v. Smith & Wesson Brands, Inc.*, No. 2-25-0274 (2d Dist. Sept. 22, 2025) (Exhibit D).²

This Court and the *Roberts* courts correctly rejected the argument that ICFA, particularly as amended by the Firearms Industry Responsibility Act, does not satisfy PLCAA’s “predicate

² The similar questions presented by Smith & Wesson in that case were: (i) “Did Plaintiffs plead a ‘qualified civil liability action’ that is barred by the Protection of Lawful Commerce in Arms Act, 15 U.S.C. § 7901[]?”; (ii) “Can alleged violations of either the Illinois Consumer Fraud and Deceptive Practices Act (‘CFA’) 815 ILCS 505/2. . . serve as a predicate statute that could deprive Smith & Wesson of PLCAA immunity?”; (iii) “Does the Firearms Industry Responsibility Act (‘FIRA’), 815 ILCS 505/2DDDD, qualify as a predicate statute for exemption under the PLCAA, 15 U.S.C. §7903(5)(A)(iii)?” and (iv) “Did Plaintiffs plead facts that Smith & Wesson ‘knowingly’ violated a predicate statute based on the allegation that Smith & Wesson ‘should have known’ its advertisements ‘support, recommend, or encourage individuals to engage in unlawful paramilitary or private militia activity in Illinois’?” See Exhibit C, at 2, 6.

exception.” *See* MTD Order at 7. These rulings comport with the United States Supreme Court’s recent pronouncement that a plaintiff relying on the predicate exception must demonstrate that the defendant “participated in the unlawful sale or marketing of firearms.” *Smith & Wesson Brands, Inc. v. Estados Unidos Mexicanos*, 605 U.S. 280, 285 (2025). That is exactly what the City has alleged. Glock’s argument that *Estados Unidos Mexicanos* indicated that “statutes have to specifically regulate the firearms industry,” *see* Br. at 5, is confounding, given that this is exactly what the Firearms Industry Responsibility Act does. *See* 815 ILCS 505/2DDDD(b) (prohibiting firearms companies from engaging in certain acts).

And courts around the country—both before and after *Estados Unidos Mexicanos*—have held that statutes like ICFA and the Firearms Industry Responsibility Act can serve as predicate statutes. *See Nat’l Shooting Sports Found., Inc. v. James*, 144 F.4th 98, 110 (2d Cir. 2025) (holding that PLCAA did not preempt firearm industry accountability law which imposes liability for gun industry members who endanger the safety or health of the public through their sale or marketing of firearms); *Soto v. Bushmaster Firearms Int’l, LLC*, 202 A.3d 262, 325 (Conn. 2019); *Doyle v. Combined Sys., Inc.*, No. 3:22-cv-01536, 2023 U.S. Dist. LEXIS 161087, at *29–30 (N.D. Tex. Sept. 11, 2023); *Prescott v. Slide Fire Sols.*, 410 F. Supp. 3d 1123, 1138–39 (D. Nev. 2019). These holdings also comport with the Illinois Supreme Court’s decision in *Adames v. Sheahan*, which held—in the context of a different exception—that courts cannot add narrowing language to PLCAA that it lacks, 233 Ill. 2d 276, 310–11 (2009), which is precisely what Glock seeks to do.³

³ Glock’s reliance on *Estados Unidos Mexicanos*, *City of New York v. Beretta U.S.A. Corp.*, 524 F.3d 384 (2d Cir. 2008) and *Ileto v. Glock, Inc.*, 565 F.3d 1126 (9th Cir. 2009), *see* Br. at 6, is misplaced as none of those cases involved predicate statutes similar to ICFA. In fact, for the reasons stated in Plaintiff’s motion to dismiss and supplementary briefing, those cases actually support Plaintiff’s position. *See* Opposition to Motions to Dismiss at 15; Response to Glock’s Inc.’s Motion for Leave to File Supplemental Authority (July 1, 2025) at 1; *see also* MTD Order at 6.

With respect to Question 3—as this Court correctly held—“it is well-established that a defendant can knowingly violate a statute so long as the defendant has knowledge of the facts constituting the offense; it does not need to know that its conduct is illegal.” MTD Order at 8 (citing *U.S. v. Stein*, 712 F.3d 1038, 1040–41 (7th Cir. 2013)); *see also* *People v. Khan*, 136 Ill. App. 3d 754, 757–58 (1st Dist. 1985) (no requirement that the legislature be overly prescriptive to give individuals adequate notice that their conduct is prohibited). As the United States Supreme Court has explained, “unless the text of the statute dictates a different result, the term ‘knowingly’ merely requires proof of knowledge of the facts that constitute the offense.” *Bryan v. United States*, 524 U.S. 184, 193 (1998); *see also* *New York v. Arm or Ally, LLC*, 718 F. Supp. 3d 310, 330 (S.D.N.Y. 2024), *appeal docketed*, No. 24-773 (2d Cir. Mar. 27, 2024) (applying this rule in the context of PLCAA). The cases that Glock has cherry-picked, *see* Br. at 7, do not contradict this well-established rule, but simply involved statutes whose text indicated that knowledge of the illegality was necessary. *See e.g.*, *Bryan*, 524 U.S. at 193, n. 15 (noting that *Liparota v. United States*, 471 U.S. 419 (1985) “was [one] such case”).

Glock next argues that a substantial ground for difference of opinion exists with respect to whether a gun company owes a duty to persons harmed by the criminal misuse of firearms, relying on case law involving common-law claims. *See* Br. at 8 (discussing Question 4). But as this Court correctly recognized, “the City’s claims in this case differ, fundamentally changing the analysis and approach used by the Illinois Supreme Court in *Beretta* and *Young*.” MTD Order at 14. The City brings *statutory* claims under MCC § 2-25-090 and ICFA, which obligate all gun companies to not act unreasonably, unfairly, and deceptively in the sale and marketing of their products. *See Perona v. Volkswagen of Am., Inc.*, 292 Ill. App. 3d 59, 65 (1st Dist. 1997) (“The Policy of the Consumer Fraud Act is to give broader protection than common law fraud or negligent

misrepresentation.”). Whether a negligence-based duty exists is simply irrelevant and thus, there are no substantial grounds for a difference of opinion on this question.

Glock also argues that substantial grounds for a difference of opinion exist as to whether ICFA, as applied to Glock, is unconstitutional. Br. at 11–12 (discussing Questions 8–10). Putting aside that each of these questions is inherently fact-bound and thus impermissible under Rule 308, Illinois and Supreme Court case law is clear that no substantial grounds for a difference of opinion exist. First, with respect to the Dormant Commerce Clause, as this Court rightly observed, United States Supreme Court precedent makes clear that extraterritorial effect alone without discrimination against out-of-state economic interests is insufficient to sustain a Dormant Commerce Clause challenge. MTD Order at 10 (citing *Nat’l Pork Producers Council v. Ross*, 598 U.S. 356 (2023)). Second, with respect to vagueness, Illinois and federal case law are clear that statutes like ICFA are not void for vagueness. *See e.g., Scott v. Ass’n for Childbirth at Home, Int’l*, 88 Ill. 2d 279, 285, 289–90 (1981) (upholding Section 2 of ICFA from vagueness challenge, and noting that phrases like “unfair,” “deceptive,” and “unprofessional conduct” are not unduly vague); *Sharkeys, Inc. v. City of Waukesha*, 265 F. Supp. 2d 984, 993 (E.D. Wis. 2003) (“The Seventh Circuit has upheld . . . ‘reasonableness’ standards against challenges based on vagueness.”); *see also* MTD Order at 10–11. As the Second Circuit recently observed while upholding a law virtually identical to 815 ILCS 505/2DDDD(b)(1) against a facial challenge, “reasonableness is a well-established legal standard that is employed in a wide range of statutes consistent with the requirements of the Due Process Clause.” *Nat’l Shooting Sports Found.*, 144 F.4th at 118.

Finally, there is no substantial ground for a difference of opinion with respect to the Second Amendment question because, as this Court held, “the Second Amendment’s plain text does not confer the right to purchase a specific brand of semiautomatic pistol.” MTD Order at 13 (*citing*

District of Columbia v. Heller, 554 U.S. 570, 626 (2008)); *see also* *N.Y. State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1, 21 (2022) (quoting *Heller*). Nor is there an independent right under the Second Amendment to manufacture, market, or sell firearms, divorced from an individual’s ability to acquire a firearm. *See, e.g., United States v. Barrera-Esteves*, 2024 U.S. Dist. LEXIS 128607, at *2 (N.D. Ill. July 22, 2024) (“carrying on a business in the buying and selling of firearms” is not protected by Second Amendment); *Teixeira v. Cnty. of Alameda*, 873 F.3d 670, 690 (9th Cir. 2017) (“the Second Amendment does not independently protect a proprietor’s right to sell firearms”). And the allegations in this case are that Glock could have made reasonable changes to the design of its guns to prevent their easy conversion to machine guns, but simply chose not to do so.⁴

Notably, the two other trial courts hearing similar arguments brought by Glock likewise rejected them. *Platkin v. Glock, Inc.*, Case No. ESX-C-000286-24 (Exhibit B) (rejecting Dormant Commerce Clause, vagueness, and Second Amendment arguments); *Minnesota v. Glock, Inc.*, No. 27-CV-24-18827, at 30–34 (Exhibit A) (rejecting Second Amendment argument), discretionary review denied by *Ellison v. Glock, Inc.*, No. A25-1567, 2025 Minn. App. LEXIS 356. And the Second District refused to accept review of a similar question pertaining to the Second Amendment and the Dormant Commerce Clause in *Roberts*. (Exhibit D); *see also* Exhibit. C at 6.

C. An Interlocutory Appeal Would Not Materially Advance the Ultimate Termination of the Litigation, And Would Only Further Delay.

Rule 308 requires Glock to demonstrate that an interlocutory appeal of *each* certified question would materially advance the ultimate termination of this litigation. *See Voss v. Lincoln*

⁴ In fact, Glock announced this month that it was discontinuing its former line of pistols, and is introducing a new design. *See* Luke McCoy, *CONFIRMED: GLOCK V Series Is Real — And We’re Getting Our Hands on the G19 V and G45 V*, USA CARRY (Oct. 21, 2025), <https://www.usacarry.com/confirmed-glock-v-series-is-real-and-were-getting-our-hands-on-the-g19-v-and-g45-v>. Whether this new design prevents the easy conversion of its pistols to machine guns remains to be seen.

Mall Mgmt. Co., 166 Ill. App. 3d 442, 452 (1st Dist. 1988) (“caution[ing]” that a party seeking review under Rule 308 must “address squarely and in meaningful detail the question [of] whether an immediate appeal sought under Rule 308 may advance the ultimate termination of a case.”). A certified question does not materially advance the termination of the litigation if the case would remain pending against other defendants. *Lakewood Urology LLC v. Baber*, 2023 IL App (1st) 220719-U, ¶ 50 (declining to certify question applicable to one defendant, where the case involved four other defendants). This rule furthers Illinois’ “strong policy against piecemeal appeals” and the delay accompanying an interlocutory appeal. *Voss*, 166 Ill. App. 3d at 451. Yet, delay and piecemeal appellate review are precisely what Glock seeks here, as eight of its questions would not advance the ultimate termination of this case: Questions 1–4, and 6–9.

As a threshold issue, none of Glock’s PLCAA questions (Questions 1–3) advance the ultimate termination of the litigation because Glock Ges.m.b.H. is not a federally licensed firearm company and is therefore indisputably not a defendant entitled to PLCAA protection. *See* 15 U.S.C. § 7903(2), (5)(A) (applying PLCAA only to federally licensed firearms manufacturers). Further, three additional questions apply only to certain counts: Questions 6 and 9 ask only about “conduct that is unreasonable under all circumstances,” which pertains only to Count I of the City’s Complaint. And Question 7 asks only whether Glock’s conduct constitutes “unfair or deceptive acts or practices,” which implicates only Counts II and III. Thus, none of these questions individually satisfy the “materially advance” standard. The Illinois Supreme Court has held that this prong was not satisfied where answering the certified question could have prevented the plaintiff from seeking damages against the defendant but would not bar the plaintiff from seeking other forms of relief. *Rozsavolgyi*, 2017 IL 121048, ¶ 33. Just as narrowing the forms of relief (but not foreclosing all relief) in *Rozsavolgyi* did not materially advance the termination of the

litigation, the potential dismissal of one (but not all) of Plaintiff’s multiple claims does not satisfy the “materially advance” requirement—particularly where the facts underlying the remaining claims, and therefore the discovery, are nearly coextensive. *See id.*

Lastly, answers to two questions would not materially advance the termination of this litigation because, as discussed *supra* at 6–7 and 10, they are not relevant to the City’s claims:

- Question 4: Does a manufacturer of firearms owe a duty to a municipality that may be harmed as a result of third party criminals illegally converting semi-automatic pistols into machineguns through the installation of a machinegun conversion device (“MCD”) and using them to commit crimes to change the design of its pistols to prevent their illegal conversion?
- Question 8: Does imposing liability based on the design, manufacture, and sale of firearms entirely outside of Illinois pursuant to ICFA violate the dormant commerce clause?

As to Question 4, whether Glock owes a negligence-based duty to prevent harm to third parties is simply not at issue in this enforcement action, where Glock is statutorily prohibited from engaging in unreasonable, unfair, and deceptive conduct with respect to the sale and marketing of firearms. *See* MTD Order at 14. The same analysis applies to Question 8. Whether or not conduct that takes place entirely outside of Illinois violates the Dormant Commerce Clause is beside the point because the claims at issue here are based on trade and commerce within Illinois; specifically, the sale and marketing of Glocks to Chicagoans. *See, e.g.*, Compl. ¶¶ 14, 16, 18–19, 123.

D. A Discovery Stay Is Not Warranted.

Glock’s request to stay discovery should be denied, even if the Court finds one of Glock’s proposed questions appropriate for certification. The default rule is that “the application for permission to appeal or the granting thereof shall not stay proceedings in the trial court unless the trial court or the Appellate Court or a judge thereof shall so order.” Ill. S. Ct. R. 308(f). This rule exists to “discourage an attempt to take an interlocutory appeal with a motive of delay.” Ill. S. Ct. R. 308, Comm. Comments (revised 1979). There is no reason to jettison the default rule here.

Glock’s motion does not even attempt to address all Rule 308’s requirements but instead seeks improper expedited review of the MTD Order. Moreover, even though Glock spills significant ink on its purported immunity, *see* Br. at 13–14, it neglects to mention that Glock Ges.m.b.H does not hold a firearm license and has no entitlement to PLCAA immunity. Thus, there is simply no argument to stay discovery against Glock Ges.m.b.H. In addition, both Glock entities are currently engaged in similar discovery in *Minnesota v. Glock, Inc.*, No. 27-cv-24-18827 (Minn. Dist. Ct., Hennepin Cnty.). *See* Joint Discovery Plan (Exhibit E).⁵ Thus, any additional burden on Glock from conducting discovery in this case is minimal.

Finally—and perhaps most importantly—this litigation addresses a dire public safety issue. Glocks quickly and easily modified into machine guns are being used in homicides, aggravated assaults, kidnappings, and robberies all over Chicago, leaving a trail of terror and destruction in their wake. Compl. ¶ 2. Over 1,300 modified Glocks were recovered in Chicago from 2021 to 2024. *Id.* Thus, there is a significant, ongoing public interest in advancing this case—which has already been pending for over a year—that far outweighs the minimal burden on Glock to engage in discovery that it is already conducting in another case.

CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that Defendants’ Motion for Certification of Issues for Interlocutory Appeal and to Stay Discovery be denied in its entirety.

⁵ Discovery is similarly expected to commence shortly in *Platkin v. Glock, Inc.*, Case No. ESX-C-000286-24 (N.J. Super. Ct.), where the court denied Glock’s motion to dismiss in October.

Dated: November 25, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on November 25, 2025, I e-filed the foregoing document, which will cause the document to be served on all counsel of record.

/s/ Paige Boggs
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