MAYOR AND CITY COUNCIL OF BALTIMORE, *et al.*, *Plaintiffs*, v. GLOCK, INC., *et al.*, *Defendants*.	IN THE CIRCUIT COURT FOR BALTIMORE CITY Case No. C-24-CV-25-001450

MEMORANDUM OPINION

Plaintiffs Mayor and City Council of Baltimore and the State of Maryland (collectively "Plaintiffs") filed suit against Glock Ges.m.b.H. and Glock, Inc. (collectively "Defendants" or "Glock") related to the manufacture, marketing, and sale of Glock pistols to civilians in Maryland. Plaintiffs allege that Defendants violated Maryland Code, Courts & Judicial Proceedings ("CJP") §§ 3-2502 to 3504 ("Gun Industry Accountability Act" or "GIAA") and common law public nuisance by producing and selling Glock pistols that can be easily modified using a device called an "auto sear" to convert the semi-automatic pistols into a fully automatic firing mode. Pending before the Court is a motion to stay the case and a motion to dismiss, filed jointly by the Defendants. The motions have been fully briefed.

A hearing was held before the Court remotely on October 23, 2025. For the reasons set forth below, the Court will deny the motion to stay and deny the motion to dismiss.

Facts and Procedural History

The facts set forth in this section are taken from the Plaintiffs' Complaint ("Complaint"). Glock pistols are weapons sold in the United States, including Maryland. (Complaint ¶ 25.) Defendants create, manufacture, design, and sell both semi-automatic and fully automatic pistols throughout the world. (Complaint ¶ 51-53.) Glock pistols sold

to civilians in Maryland are semi-automatic weapons equipped with an internal trigger bar that requires the shooter to pull and release the trigger repeatedly. (Complaint ¶¶ 33, 40.) Fully automatic weapons are highly regulated in the United States, and federal law bans the sale of fully automatic weapons, also known as "machine guns," to members of the public and "to any person except those specifically authorized by the Attorney General of the United States." (Complaint ¶ 32.) Fully automatic weapons are defined by Maryland law as "a loaded or unloaded weapon that is capable of automatically discharging more than one bullet from a magazine by a single function of the firing device." (Complaint ¶ 31.)

Fully automatic weapons, whether legal or illegal, are difficult to acquire in the United States; however, devices may be used to convert semi-automatic weapons into fully automatic machine guns. (Complaint ¶ 33.) One such device is an "auto sear," short for "automatic sear," that when affixed to the rear of some semi-automatic firearms converts them into fully automatic weapons. (Complaint ¶ 40.) Roughly the size of a dime, the auto sear has a small protrusion that pushes a semi-automatic pistol's internal trigger bar down, allowing the shooter to fire up to 1,200 rounds per minute without having to pull and release the trigger repeatedly. (Complaint ¶ 2.) The Bureau of Alcohol, Tobacco, Firearms & Explosives ("ATF") determined that auto sears themselves constitute illegal machine guns under federal law. (Complaint ¶ 35.) Although they are illegal, auto sears may be purchased online via social media platforms or 3D printed using downloadable blueprints. (Complaint ¶ 37.) They can be purchased for as little as $20. (Complaint ¶ 36.)

The Plaintiffs allege that the design of the Glock pistol makes it "especially susceptible to modification" with an auto sear device. (Complaint ¶ 5.) In popular Glock semi-automatic pistol models the trigger bar and sear are one piece, allowing an auto sear

device to push down the trigger bar directly. (Complaint ¶ 75.) For Glock's Generation 1 through 4 semi-automatic pistols, an auto sear can be placed by removing the rear plastic backplate of the gun's slide and snapping the auto sear into the rear of the pistol. (Complaint ¶ 43.) This process can take "less than five minutes" to complete. (*Id.*) For the Glock Generation 5 pistol, a small plastic notch is required to be clipped or filed before affixing an auto sear. (Complaint ¶ 44.) As of the date of the Complaint, Glock Gen3, Gen4, and Gen5 pistols are sold to civilian consumers in Maryland. (Complaint ¶¶ 43-44.)

Plaintiffs contend that other pistols, such as Smith & Wesson, Sig Sauer, Springfield Armory, or Walther Arms weapons, are not as easily modified to accommodate an auto sear. (Complaint ¶ 74.) These pistols contain a "rear rail" that "blocks the exact location where the 'disconnector' of an auto sear would otherwise go." (*Id.*) Multiple generations of Glock semi-automatic pistols do not contain such a rail. (Complaint ¶ 75.) Glock manufactures multiple semi-automatic pistol variants, the most popular in Maryland being the G17 model. Glock also manufactures a fully automatic pistol, its G18 model, for sale to law enforcement and civilians located outside the United States. (Complaint ¶¶ 52-54.)

Glock pistols modified with an auto sear ("Modified Glocks") can fire 30 rounds in two seconds and are more difficult to control, resulting in "more lethal shootings, grievous wounds for survivors, and greatly enhanced risks for bystanders and law enforcement." (Complaint ¶ 48.) In Maryland, Modified Glocks have been recovered in connection with violent crimes, carjackings, reckless driving incidents, and drug trafficking. (Complaint ¶¶ 95-98.) The number of Modified Glocks recovered during arrests in Baltimore nearly doubled from 2023 to 2024, with 35 and 65 recovered, respectively. (Complaint ¶ 79.)

Nearly half of those arrests involving Modified Glocks were by individuals younger than 21 years old. (Complaint ¶ 83.)

The Plaintiffs allege that Defendants knew that their pistols could be easily converted to automatic weapons as early as the 1980s, when the founder of Glock Ges.m.b.H. himself test-fired a semi-automatic Glock pistol equipped with an auto sear. (Complaint ¶ 55.) Plaintiffs allege that since that time, Defendants have been on notice of the capability of their semi-automatic pistol to accommodate an auto sear through a letter published by Congress (Complaint ¶ 57); high-profile prosecutions (Complaint ¶ 59); and even individuals mailing their auto sears to Defendants' headquarters. (Complaint ¶ 58.)

Plaintiffs assert that Defendants' semi-automatic pistol design can be changed to prevent modification, "without impairing the guns' safety or functionality or making them too expensive." (Complaint ¶¶ 72-73.) Despite awareness of the ease of installing an auto sear into their pistols, Plaintiffs contend that Defendants maintained the design of their semi-automatic pistol to accommodate auto sears and "promote[] fully automatic fire in the pursuit of profits." (Complaint ¶ 70.) Plaintiffs further allege that Defendants have failed to take meaningful action to prevent, discourage, or limit the illegal modification of their semi-automatic pistols (Complaint ¶ 70.)

The Plaintiffs bring claims against the Defendants for violation of the GIAA (Public Nuisance by Firearm Industry Member) CJP § 3-2502 (Count I), and public nuisance (Count II). (Complaint ¶¶ 105-132.) Plaintiffs seek damages, including enjoining Defendants from marketing and selling modifiable pistols to civilians in Maryland, implementing reasonable controls on possession of the modifiable pistols, punitive damages, and civil monetary penalties. The Defendants have moved to stay the case

pending resolution of two cases in the Supreme Court of Maryland, or, in the alternative, to dismiss all claims.

MOTION TO STAY

Standard of Review

Courts have the "inherent power to stay proceedings before them." *Moser v. Heffington*, 465 Md. 381, 398 (2019) (citing *Dodson v. Temple Hill Baptist Church, Inc.*, 254 Md. 541, 546 (1969); *Waters v. Smith*, 27 Md. App. 642, 651–52 (1975)). Whether or not to stay a proceeding is within discretion of the trial court. *Vaughn v. Vaughn*, 146 Md. App. 264, 279 (2002). A court may, in the exercise of its discretion, stay a case before it "pending the determination of another proceeding that may affect the issues raised … if many of the factual issues in [one] action are identical to or are interrelated with and dependent on factual and legal issues in the [other] action" *Id.* at 280-81. The power to stay proceedings "should be exercised with extreme caution." *Waters*, 27 Md. App. at 651. The party moving for a stay "must make out a clear case of hardship or inequity in being required to go forward." *Moser*, 465 Md. at 398 (quoting *Landis v. North Am. Co.*, 299 U.S. 248, 256 (1936)).

Discussion

I. The Certified Questions of Law in *Express Scripts, Inc. v. Anne Arundel County*

The Defendants argue that two appeals pending before the Supreme Court of Maryland will directly impact public nuisance law in Maryland, particularly as it pertains to what constitutes a viable cause of action for alleged injuries arising from the sale of lawful consumer products. The first is *Anne Arundel County v. Express Scripts, Inc.*, Civil Action No. MJM-24-90, 2025 U.S. Dist. WL 254807 (D. Md. Jan. 21, 2025). In that action,

the U.S. District Court for the District of Maryland certified the following questions to the Supreme Court of Maryland:

> (1) "Under Maryland's common law, can the licensed dispensing of, or administration of benefit plans for, a controlled substance constitute a public nuisance?" and
>
> (2) "If so, what are the elements of such a public nuisance claim, and what types of potential relief can a local government plaintiff seek when asserting such a claim?"

(Amended Order (2.21.25, J. Maddox)). On March 21, 2025, the Supreme Court of Maryland accepted the certified questions, and heard oral arguments on September 9, 2025.

Defendants argue that these questions before the Supreme Court of Maryland implicate the viability of the public nuisance claim in this case as they pertain to the sale of consumer products (semi-automatic pistols) approved for sale in the State of Maryland. Defendants further argue that the certified questions "will also have bearing on the manner in which [the GIAA] is interpreted." (Defs.' Mot. to Stay Mem. at 17.)

A stay is appropriate where many of the factual and legal issues in one case are interrelated and dependent on the factual and legal issues in another. *Vaughn*, 146 Md. App. at 280. In *Vaughn*, the Appellate Court of Maryland found that there were interrelated factual and legal issues where the parties were involved in a tort action and a divorce action, both involving disputes over ownership of the same property. *Id.* It reasoned that the factual findings necessary for either action were too interrelated to allow both actions to go forward and could create inconsistent rulings about the ownership of the property. *Id.* at 281.

Neither of the certified questions in *Express Scripts* implicate the legal and factual issues present in this case. The first question certified in *Express Scripts* is unrelated to

the present issue, as the factual and legal issues it addresses pertain only to the dispensing of a "controlled substance," defined as prescription medication. The second question certified to the Supreme Court of Maryland is not factually interrelated nor is the present case dependent on its outcome, as it only addresses common law public nuisance and does not address the validity of the Plaintiffs' first statutory claim for public nuisance by a firearm industry member. *Id.* Further, the Appellants in *Express Scripts* themselves explicitly argue against application of the common law public nuisance to statutes like the GIAA. *See* Brief of *Express Scripts* Appellants, Pls.' Opp. to Mot. to Stay, Ex. A at 37 (citing CJP § 3-2502) ("When the General Assembly … has sought to expand public-nuisance liability to a novel context—such as firearms—it has done so deliberately and specifically.").

Accordingly, a stay is not warranted based on the *Express Scripts* case.

II. The Certified Questions of Law in *Mayor & City Council of Baltimore, et al. v. BP, Inc.*

Defendants next argue that this action should be stayed based on a pending decision in the Supreme Court of Maryland in *Mayor and City Council of Baltimore v. B.P. P.L.C., et al.*; *Anne Arundel County v. B.P. P.L.C., et al.*; *City of Annapolis v. B.P. P.L.C., et al.* – Case No. 11, September Term, 2025. The basis for Defendants' stay are two of the seven certified questions:

> (1) Does Maryland law preclude nuisance claims based on injuries allegedly caused by the worldwide production, promotion, and sale of a lawful consumer product?
>
> (2) Whether Respondents' complaints state claims for public and private nuisance.

(Defs.' Mot. to Stay Mem. Ex. 6.) On April 24, 2025, the Supreme Court of Maryland accepted these questions, and heard oral arguments on October 6, 2025. Defendants

argue that these two questions implicate the viability of both the common law and statutory public nuisance claims in the present case.

Factually, the *BP* case is dissimilar to the present case. In *BP*, the Plaintiffs allege that the out-of-state and international activities of BP contribute to greenhouse gas emissions that cumulatively cause injuries within the state of Maryland. *BP* does not implicate the sale of a lawful consumer products within Maryland, that cause injuries within the state of Maryland. Legally, the *BP* case, similarly to the *Express Scripts* case, only addresses the viability of common law public nuisance claims. While the Supreme Court of Maryland may limit the scope of the common law public nuisance claim, the statutory public nuisance claim, as enacted by the Maryland legislature, will not be affected by the Supreme Court's decision nor create inconsistent rulings. *See Vaughn*, 146 Md. App. at 281.

Accordingly, a stay is not warranted based on the *B.P.* case.

III. Discovery for Both Claims

At oral argument, Defendants argued that the scope of discovery necessary to address the common law public nuisance claim and the statutory claim would be so vastly different that denying a stay would impose substantial hardship if the parties were forced to conduct discovery for both claims prior to learning of the viability of the common law claim. Specifically, Defendants argue that discovery in the statutory claim would be limited to events occurring between June 2024 when the statute was enacted, and February 2025 when Plaintiffs brought this case, while discovery for the common law claim would span a period of decades. The Court is not persuaded by this argument. While there may be differences in the periods of discovery, it does not impose substantial hardship necessitating a stay. This is especially true in light of the timing of this

Memorandum Opinion as the Supreme Court of Maryland will be rendering a decision in the next few months.

Accordingly, a stay is not warranted on this basis.

IV. Constitutional Challenges by NSSF in Federal Court

In their brief, Defendants raised an additional ground for a stay—a parallel federal action challenging the GIAA in federal court. *See National Shooting Sports Foundation, Inc. v. Anthony G. Brown*, No. 1:25-CV-01115 (D. Md. 2025). The parties informed the Court during oral argument that the United States District Court for the District of Maryland abstained from ruling on the validity of the GIAA in favor of the litigation in this state court action, based on an application of the *Younger Doctrine*. Therefore, this basis for a stay is now moot.

For the above stated reasons, the motion to stay filed by Defendants will be denied.

MOTION TO DISMISS

Standard of Review

In reviewing a motion to dismiss for failure to state a claim, the court must assume the truth of all well-pleaded facts as well as all reasonable inferences that can be drawn from those facts. *Heavenly Days Crematorium, LLC v. Harris, Smariga and Associates, Inc.*, 433 Md. 558, 568 (2013). Any ambiguity in the pleading of those facts must be construed against the pleader. *Margolis v. Sandy Spring Bank*, 221 Md.App. 703, 713 (2015). Whether to grant a motion to dismiss is based solely on the adequacy of the complaint. *Green v. H&R Block, Inc.*, 355 Md. 488, 501 (1999). "'Dismissal is proper only if the alleged facts and permissible inferences, so viewed, would, if proven, nonetheless fail to afford relief to the plaintiff.'" *Pendleton v. State*, 398 Md. 447, 459 (2007) (quoting *Ricketts v. Ricketts*, 393 Md. 479, 492 (2006)).

Discussion

I. The Court Will Not Consider Facts Outside of the Complaint on a Motion to Dismiss

When the Court hears a motion to dismiss for failure to state a claim, and facts outside the pleading are considered and not excluded by the Court, the Court will treat the motion to dismiss as a motion for summary judgment. Md. Rule 2-322(c). In their motion to dismiss, Defendants argue that actions brought under the common law and statutory public nuisance claims in this case do not state a claim for relief based on findings by the Maryland Handgun Roster Board ("the Board"). (Defs.' Mot. to Dismiss Mem. 5-9). Nowhere in Plaintiffs' Complaint is the Board mentioned. Upon objection from Plaintiffs, the Court will exclude any facts pertaining to the Board and will continue to treat Defendants' motion as a motion to dismiss pursuant to Md. Rule 2-322(c).

II. Viability of Claims Under Public Nuisance Law

Defendants argue that Plaintiffs' Complaint fails to state a claim upon which relief can be granted because it fails to allege the essential elements of a public nuisance claim: (1) unreasonable use of real property, and (2) unreasonable interference with a public property interest. Addressing this argument as to Count I first, the GIAA does not require a connection to real property because the GIAA itself ascribes that "[a] violation of this section is a public nuisance." CJP § 3-2502(c). Therefore, this is not a basis to dismiss Count I.

The Supreme Court of Maryland has explained that a "public nuisance is an injury to the public at large or to all persons who come in contact with it[.]" *Adams v. Commissioners of Town of Trappe*, 204 Md. 165, 170 (1954). In order to state a claim for public nuisance, a plaintiff must allege conduct that unreasonably interferes with a right

in common to the general public. *Tadjer v. Montgomery County*, 300 Md. 539, 552 (1984). A public nuisance may be enforced by a private cause of action when the plaintiff has "authority as a public official or public agency to represent the state or a political subdivision in the matter[.]" Restatement (Second) of Torts § 821C(2)(b). Under an action brought pursuant to a plaintiff's standing to sue as a public official or public agency, a showing of special harm is not necessary. *Id.*

The Plaintiffs have adequately stated a claim for common law public nuisance in their Complaint. Plaintiffs allege that Defendants marketed and sold semiautomatic pistols to civilians in Maryland that are easily modified into illegal weapons and failed to take reasonable steps to prevent the modifications, which significantly interfered with the public health and safety in Baltimore and throughout Maryland. (Complaint ¶ 129.) Plaintiffs further allege that Defendants' conduct unreasonably interfered with the rights of Baltimore and Maryland residents to the peaceful use of public spaces. *Id.* Plaintiffs allege that Defendants' actions were a substantial factor in "illegal machine guns becoming readily available and widely possessed and used in Baltimore and Maryland" and that they made illegal machine guns "easy for civilians to acquire." (Complaint ¶ 130.) Assuming the truth of the allegations and all reasonable inferences drawn therefrom, the Plaintiffs have alleged that Defendants' conduct unreasonably interfered with rights common to the general public.

There is no basis to dismiss the Plaintiffs' claim for common law public nuisance.

III. Application of the PLCAA

Defendant Glock, Inc., argues that all claims against it must be dismissed because they are preempted by federal statutory immunity provided by 15 U.S.C. §§ 7901 to 7903, also known as the Protection of Lawful Commerce in Arms Act ("PLCAA"). Defendant

argues that the PLCAA expressly preempts this action as a "qualified civil liability action" against members of the gun industry that seeks to impose civil liability for the harms caused by the criminal or unlawful misuse of firearms. 15 U.S.C. §§ 7902(a), 7901(b)(1).

Congress enacted the PLCAA in 2005 "in response to a spate of litigation trying to hold gun companies liable in tort for harms 'caused by the misuse of firearms by third parties, including criminals.'" *Smith & Wesson Brands, Inc., et al. v. Estados Unidos Mexicanos*, 605 U.S. 280, 285 (2025) (quoting 15 U.S.C. § 7901(a)(3)). The PLCAA bars a "qualified civil liability action" from being brought in any federal or State court. 15 U.S.C. § 7902(a). The PLCAA defines a qualified civil liability action as a:

> "civil action or proceeding or an administrative proceeding brought by any person against a manufacturer or seller of a qualified product or a trade association, for damages, punitive damages, injunctive or declaratory relief, or penalties or other relief resulting from the criminal or unlawful misuse of a qualified product by the person or a third party…"

15 U.S.C. § 7903(5)(A). A "qualified product" under the PLCAA includes a firearm, antique firearm, or ammunition. 15 U.S.C. § 7903(4). Both parties in this case agree that the present action falls within the definition for a qualified civil liability action.

i. Predicate Exception

Plaintiffs argue that, although this action would otherwise fall within the qualified civil liability action definition, the PLCAA does not bar this lawsuit as it falls under an exception to the PLCAA. 15 U.S.C. § 7903(5)(a)(iii). The PLCAA's bar on qualified civil liability actions does not extend to six categories of cases that would otherwise meet the above definition. 15 U.S.C. § 7903(5)(A)(i)-(vi). One exception to the PLCAA, commonly referred to as the "predicate exception," is for "an action in which a manufacturer or seller of a qualified product knowingly violated a State or Federal statute applicable to the sale or marketing of the product, and the violation was a proximate cause of the harm for

which relief is sought." U.S.C. § 7903(5)(a)(iii). The predicate exception "opens a path to making a gun manufacturer civilly liable for the way a third party has used the weapon it made." *Estados*, 605 U.S. at 286.

Plaintiffs argue not only that the predicate exception is applicable here, but that where a plaintiff's allegations rise to meet the predicate exception, that all of plaintiff's claims against that defendant will survive the PLCAA. (Pls.' Opp. to Mot. to Dismiss at 26.) Plaintiffs specifically allege that the exception applies because the Defendants violated a State statute, the GIAA, which prohibits "knowingly creat[ing], maintain[ing], or contribut[ing] to harm to the public through the sale, manufacture, distribution, importation or marketing of a firearm-related product" through conduct that is either "unlawful or unreasonable under the totality of the circumstances." CJP § 3-2502(a). Defendants argue that the predicate exception is inapplicable here because the GIAA does not "impose concrete obligations or prohibitions, [and instead imposes only] duties of care included in the [GIAA]." (Defs.' Mot. to Dismiss Mem. at 28.) Defendants further aver that the GIAA lacks the requisite "knowing" mental state that the PLCAA requires under the predicate exception. (Defs.' Mot. to Dismiss Mem. at 26.)

Plaintiffs have sufficiently pleaded facts demonstrating that the predicate exception is applicable to the present action. The GIAA, on its face, expressly applies to the "sale [and] marketing of [firearms]" as required under the predicate exception. *See Brady v. Walmart Inc.*, No. 21-CV-1412, 2022 WL 2987078, at *3 (D. Md. July 28, 2022) (the predicate statute need not explicitly prohibit the sale of firearms, the predicate statute need only be *applicable* to the sale of firearms); *City of New York v. Beretta U.S.A. Corp.*, 524 F.3d 384 (2nd Cir. 2008) (statutes are "applicable" to firearm sales when the statute (1) expressly regulates firearms, (2) courts have applied the statute to the sale and

marketing of firearms, or (3) the statute clearly implicates the purchase and sale of firearms).

Plaintiffs further sufficiently allege a knowing violation of the GIAA. The Plaintiffs allege that the Defendants knowingly violated this statute by engaging in the unreasonable conduct of continuing to market and sell what Defendants knew to be easily modifiable Glock pistols to Maryland consumers, resulting in illegal machine guns being used at higher rates, causing harm to the public. In *Estados*, the Supreme Court analyzed the predicate exception within federal aiding-and-abetting law, finding that Mexico did not adequately plead facts sufficient to show that Smith & Wesson knowingly sold guns in specific criminal transactions that they allegedly aided and abetted. *Estados*, 605 U.S. at 294. In contrast, Plaintiffs' Complaint sets forth allegations of Defendants' knowing violation of the GIAA through the continuing sale and marketing of their Glock pistols, the design of which Defendants knew accommodated auto sears. These allegations rise to the level sufficient to plead a "knowing violation" of a predicate statute, here the GIAA. 15 U.S.C. § 7903(5)(a)(iii).

Defendants point to *City of New York v. Beretta U.S.A. Corp.*, 524 F.3d 384 (2nd Cir. 2008) and *Ileto v. Glock, Inc.*, 565 F.3d 1126 (9th Cir. 2009) to support their contention that the GIAA is insufficient to meet the predicate exception. (Defs.' Mot. to Dismiss Mem. at 29-30.) Defendants rely on *Beretta* for the proposition that a qualifying predicate statute under the PLCAA's exception "requires a knowing violation of a concrete standard." (Defs.' Mot. to Dismiss Mem. at 27.) Nowhere in *Beretta* does the Second Circuit impose such a requirement; rather, in *Beretta*, the Second Circuit excludes a statute of general applicability (criminal nuisance in the second degree) from the predicate exception. 524 F.3d at 403. In *Ileto*, the Ninth Circuit similarly concluded that

common-law claims, such as general tort law claims, are preempted by the PLCAA. 565 F.3d at 1137. Neither of these cases dealt with a statute such as the GIAA, that expressly provides that the Act is applicable to the manufacture and sale of firearms. Therefore, the GIAA clearly falls within the predicate exception.

Cases in similar postures as this one across the United States, brought pursuant to laws analogous to the GIAA, have come to the same conclusion. *See, e.g., The City of Seattle v. Glock, Inc., et al.*, No. 25-2-25158-6 SEA (Wa. Sup. Ct. Dec. 15, 2025); *City of Chicago v. Glock, Inc., et al.*, No. 2024CH06875 (Il. Cir. Ct. Sept. 18, 2025); *Matthew J. Platkin, Attorney General for the State of New Jersey v. Glock, Inc., et al.*, No. ESX-C-000286-24, 2025 WL 3636266 (N.J. Sup. Ct. Oct. 14, 2025); *State of Minnesota v. Glock, Inc., et al.*, No. 27-CV-24-18827, 2025 WL 2531619 (Mn. Dist. Ct. Aug. 21, 2025). In all of the above cases, Glock raised similar arguments under the PLCAA, and in all cases, the courts found that the predicate statute met the requirements to prevent PLCAA preemption.

ii. Proximate Cause

Defendants argue that the GIAA "eviscerates any notion of proximate cause by providing that, '[a] violation of this section is a public nuisance.'" (Defs.' Mot. to Dismiss Mem. at 25.) (quoting CJP § 3-2502(c). Defendants further contend that because the GIAA lacks a proximate cause element, that the causal nexus required to meet the predicate exception is not met by a violation of the GIAA. The Court need not consider this argument at this stage, as the Plaintiffs have pleaded sufficient facts connecting Defendants' violation of the predicate statute, the GIAA, to the harm suffered by Marylanders as a result of the alleged proliferation of machine guns by Defendant.

Plaintiffs have sufficiently pleaded facts that meet the predicate exception. Therefore, under a plain reading of the PLCAA and the GIAA, the allegations raised in the complaint are not preempted by the PLCAA.

IV. Constitutionality Arguments

In addition to the federal preemption argument under the PLCAA, Defendants raise a number of arguments challenging the constitutionality of the GIAA. Defendants raise the constitutionality of the GIAA under the Commerce Clause, First Amendment, Due Process Clause, and Second Amendment. None of these constitutional arguments provide a basis to grant the motion to dismiss.

For the above stated reasons, the motion to dismiss filed by Defendants will be denied. A separate order follows.

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DATE

JOHN S. NUGENT, JUDGE
Circuit Court for Baltimore City

Entered: Clerk, Circuit Court for
Baltimore City, MD
March 23, 2026