

SUPREME COURT OF ILLINOIS

Young v. Bryco Arms

213 Ill. 2d 433 (Ill. 2004) · No. Nos. 93678, 93685, 93728 · Decided November 18, 2004

SUMMARY

The Supreme Court of Illinois considered whether plaintiffs could state public nuisance claims against firearm manufacturers and retail dealers for deaths caused by the criminal use of handguns. The court held that, although the alleged manufacture and sale of the firearms could constitute causes in fact, the complaints did not establish legal cause because independent criminal acts by third parties intervened, and the court reversed the appellate court in relevant part. The decision arose from certified interlocutory appeals concerning the legal sufficiency of the public nuisance claims.

CASE DETAILS

COURT	Supreme Court of Illinois
WRITING FOR THE COURT	Justice Garman; Justice Freeman; Chief Justice McMorrow; Justice Fitzgerald; Justice Kilbride; Justice Rarick
JURISDICTION	Illinois
DECIDED	November 18, 2004
DOCKET	Nos. 93678, 93685, 93728
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Defendants appealed under Illinois Supreme Court Rule 315(a) from an appellate court decision answering an Illinois Supreme Court Rule 308 certified question affirmatively and holding that certain plaintiffs had stated public nuisance claims against firearm manufacturers and dealers.
STANDARD OF REVIEW	De novo review of the legal sufficiency of the complaints and the appellate court's answer to the Rule 308 certified question, applying the section 2-615 standard. Well-pleaded facts and reasonable inferences are accepted as true and construed in the light most favorable to plaintiffs.
PRECEDENTIAL VALUE	published precedential opinion of the Supreme Court of Illinois
PARTIES	Bryco Arms, Inc., Smith & Wesson Corporation, Breit & Johnson Sporting Goods, Inc., Chuck's Gun Shop v. Stephen Young, Obrella Smith, Anthony Ceriale, Macias, Bowman

TOPICS

public utilities torts proximate cause appellate procedure standard of review

PRACTICE AREAS

torts municipal law appellate procedure

QUESTIONS PRESENTED

1. Whether plaintiffs stated a cause of action for public nuisance against firearm manufacturers and dealers under Illinois law.
2. Whether the lawful manufacture and sale of firearms could constitute unreasonable interference with a public right when plaintiffs alleged intentional conduct but no statutory or ordinance violation.
3. Whether the alleged conduct of firearm manufacturers and dealers was a legal cause of the public nuisance when the injuries resulted from numerous intervening criminal acts by third parties.
4. Whether plaintiffs adequately alleged a duty supporting the negligence component of their public nuisance theory.

HOLDINGS

1. Plaintiffs failed to state a cause of action for public nuisance against the firearm manufacturers and dealers. Their allegations of intentional conduct, without an applicable law violation, were insufficient, and their negligence allegations were not supported by a recognized duty.
2. The lawful manufacture and sale of the firearms was not a legal cause of the alleged public nuisance because the claimed harm resulted from numerous unforeseeable intervening criminal acts by third parties not under defendants' control.
3. The court declined to recognize a new duty requiring firearm manufacturers and dealers to implement business practices designed to prevent the illegal possession and use of firearms, and deferred to the legislature on expansion of tort liability in this area.

KEY QUOTATIONS

“Because the element of “resulting injury” requires two separate findings — actual injury and a cause creating this result — the complaint must allege four distinct elements of a public nuisance claim: the existence of a public right, defendants’ substantial and unreasonable interference with that right, proximate cause, and injury.” (821 N.E.2d at 1083)

“Therefore, defendants’ business practices merely create a condition that makes the eventual harm possible. As such, defendants’ conduct cannot constitute a legal cause of the alleged nuisance.” (821 N.E.2d at 1091)

FACTUAL BACKGROUND

The plaintiffs were special administrators and surviving family members of people killed in Chicago crimes involving illegally possessed firearms. Some firearms were traced to particular manufacturers or dealers, while others were not recovered. Plaintiffs alleged that firearm manufacturers and dealers substantially contributed to a

public nuisance by designing, manufacturing, marketing, and selling firearms appealing to criminals and juvenile gang members, but did not allege violations of applicable firearm statutes or ordinances.

PROCEDURAL HISTORY

The Cook County circuit court dismissed the negligence counts, denied defendants' motions to dismiss the public nuisance counts, and certified for immediate interlocutory appeal whether plaintiffs had stated a cause of action for public nuisance. The appellate court held that plaintiffs whose decedents' firearms could be traced to particular defendants stated public nuisance claims against certain manufacturers and dealers, while affirming dismissal of claims against unrelated defendants and finding class-certification issues moot. The Illinois Supreme Court reversed and remanded with instructions to dismiss the public nuisance claims for failure to state a cause of action.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand to the circuit court of Cook County with instructions to grant defendants' motions to dismiss for failure to state a cause of action.

CASES CITED

- City of Chicago v. Beretta U.S.A. Corp., 213 Ill. 2d 351, 821 N.E.2d 1099 (2004)
- Wakulich v. Mraz, 203 Ill. 2d 223, 228, 785 N.E.2d 843 (2003)
- Jarvis v. South Oak Dodge, Inc., 201 Ill. 2d 81, 86, 773 N.E.2d 641 (2002)
- City of Chicago v. Festival Theatre Corp., 91 Ill. 2d 295, 306, 438 N.E.2d 159 (1982)
- Donaldson v. Central Illinois Public Service Co., 199 Ill. 2d 63, 101, 767 N.E.2d 314 (2002)
- Feder v. Perry Coal Co., 279 Ill. App. 314, 318 (1935)
- Village of Des Plaines v. Poyer, 123 Ill. 348, 350-51, 14 N.E. 677 (1888)
- Washington v. City of Chicago, 188 Ill. 2d 235, 239, 720 N.E.2d 1030 (1999)
- Lee v. Chicago Transit Authority, 152 Ill. 2d 432, 455-56, 605 N.E.2d 493 (1992)
- Simmons v. Garces, 198 Ill. 2d 541, 558, 763 N.E.2d 720 (2002)
- First Springfield Bank & Trust v. Galman, 188 Ill. 2d 252, 257-59, 720 N.E.2d 1068 (1999)
- Abrams v. City of Chicago, 211 Ill. 2d 251, 259, 811 N.E.2d 670 (2004)
- Watson v. Enterprise Leasing Co., 325 Ill. App. 3d 914, 924-25, 757 N.E.2d 604 (2001)
- Estate of Johnson v. Condell Memorial Hospital, 119 Ill. 2d 496, 503, 520 N.E.2d 37 (1988)
- Hartnett v. Boston Store of Chicago, 265 Ill. 331, 106 N.E. 837 (1914)
- Riordan v. International Armament Corp., 132 Ill. App. 3d 642, 477 N.E.2d 1293 (1985)
- Linton v. Smith & Wesson, 127 Ill. App. 3d 676, 469 N.E.2d 339 (1984)
- Martin v. Harrington & Richardson, Inc., 743 F.2d 1200, 1205 (7th Cir. 1984)

- Bucks v. Strawn, 182 Ill. App. 644 (1913)
- Bryson v. News America Publications, Inc., 174 Ill. 2d 77, 95, 672 N.E.2d 1207 (1996)
- Chicago Title & Trust Co. v. Vance, 175 Ill. App. 3d 600, 606, 529 N.E.2d 1134 (1988)
- Charles v. Seigfried, 165 Ill. 2d 482, 493, 651 N.E.2d 154 (1995)
- Vitro v. Mihelcic, 209 Ill. 2d 76, 90, 806 N.E.2d 632 (2004)

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