

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES PARSONS, INDIVIDUALLY  
AND AS SPECIAL ADMINISTRATOR  
OF THE ESTATE OF CAROLYN LEE  
PARSONS; ANN-MARIE PARSONS  
Appellants,  
vs.  
COLT'S MANUFACTURING COMPANY  
LLC; COLT DEFENSE LLC; DANIEL  
DEFENSE INC.; PATRIOT ORDNANCE  
FACTORY; FN AMERICA; NOVESKE  
RIFLEWORKS LLC; CHRISTENSEN  
ARMS; LEWIS MACHINE & TOOL  
COMPANY; LWRC INTERNATIONAL  
LLC; DISCOUNT FIREARMS AND  
AMMO LLC; DF&A HOLDINGS, LLC;  
MAVERICK INVESTMENTS, LP;  
SPORTSMAN'S WAREHOUSE; GUNS  
AND GUITARS INC.  
Respondents.

No. 81034

FILED

MAY 22 2020

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER ACCEPTING CERTIFIED QUESTIONS, DIRECTING  
BRIEFING, AND DIRECTING SUBMISSION OF FILING FEE*

This matter involves legal questions certified to this court, under NRAP 5, by the United States District Court for the District of Nevada. Specifically, the U.S. District Court has certified the following questions to this court:

1. Under Nevada law, can a plaintiff assert a negligence per se claim predicated on violations of criminal federal and state machine gun prohibitions absent evidence of legislative intent to impose civil liability?
2. Does a plaintiff asserting a wrongful death claim premised on allegations that firearms manufacturers and dealers knowingly violated federal and state machine gun prohibitions have "a

cause of action against the manufacturer or distributor of any firearm . . . merely because the firearm or ammunition was capable of causing serious injury, damage or death, was discharged and proximately caused serious injury, damage or death[,]" under Nevada Revised Statutes § 41.131?

3. Does Nevada Revised Statutes § 41.131 allow a wrongful death claim premised on allegations that firearms manufacturers and dealers knowingly violated federal and state machine gun prohibitions because the statute is "declaratory and not in derogation of the common law"?

(Alterations in original).

In determining whether to accept a certified question, this court considers three factors: (1) will this court's answer be determinative of part of the federal case, (2) is there any clearly controlling Nevada precedent, and (3) will the answer help settle important questions of law. *Volvo Cars of N. Am., Inc. v. Ricci*, 122 Nev. 746, 751, 137 P.3d 1161, 1164 (2006); see also NRAP 5(a). Having considered the factors, we accept the certified questions.

Appellants shall have 30 days from the date of this order to file and serve an opening brief addressing the certified questions. Respondents shall have 30 days from the date the opening brief is served to file and serve any answering briefs. Appellants shall then have 21 days from the date the last-filed answering brief is served to file and serve any reply brief. The parties' briefs shall comply with NRAP 28, 28.2, 31(c), and 32. See NRAP 5(g)(2). The parties may file a joint appendix containing any portions of the record before the U.S. District Court that are necessary to this court's resolution of the certified questions and were not already provided to this court with the Certification Order and the Amended Certification Order. See NRAP 5(d), (g)(2).



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Clerk, U.S. District Court, District of Nevada