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December 5, 2001

Remington Arms Company, Inc.
Consumer Service Department
870 Remington Drive
Post Office Box 700
Madison, North Carolina 27025

Re: Al Poling

To Whom It May Concern:

This office represents Al Poling, of Belpre, Ohio, in regard to a products liability claim against your company arising from a defective Remington Model 700 rifle which ruined his elk hunt in the Colorado wilderness.

At daybreak on Thursday, October 25, 2001, Mr. Poling's Remington Model 700 failed to fire when he pulled the trigger while aiming at a bull elk in the powder horn area of the Colorado wilderness. When the gun didn't fire, he eased his finger off the trigger and leaned his head to the right to verify the safety was set on the fire position. Suddenly the gun discharged, tearing the fingernail on Mr. Poling's trigger finger. Instinctively, he ejected the spent cartridge and fed another round into the chamber. He again zeroed in on the bull and again pulled the trigger, and again the gun failed to fire. The herd of elk, including the bull he had hunted all week, moved into the dark timber. The only opportunity he had for a bull elk had passed and he was left holding a defective firearm that was akin to a time bomb.

Mr. Poling tried to turn the safety to safe position, but it would not move. He tried again to discharge the gun while pointing it at the mountainside and pulling the trigger. He then sent his young guide to a safe place behind some rocks and tried slight movements of the bolt to get the gun to discharge, but to no avail. Mr. Poling's greatest fear was having the cartridge discharge with the bolt in the unlocked position. If this were

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to happen, all of the uncontrolled energy from the exploding gun powder and some or all of the bullet might come out of the chamber rather than out the muzzle. He worked the bolt more fully, but again with no result. Finally, he took a deep breath and worked the bolt, completely ejecting the live round from the chamber. Mr. Poling breathed a sigh of relief and called to his guide. Upon examination they saw a slight indentation in the primer of the unfired round. Obviously the firing pin had pressed against the primer, but had failed to release, as it was designed to do.

Mr. Poling put the bolt back in the chamber and set the safety to the safe position on the unloaded gun. They packed up their gear and started the three and a half mile hike back to the camp. Approximately five minutes later, as they made their way through the woods, the firing pin released with a crisp "click." Mr. Poling and his guide looked at each other in disbelief. Mr. Poling and his guide had been put into harm's way by the failure of Mr. Poling's Remington rifle.

My client will never use this gun again and he believes that it should be destroyed to ensure others do not face a similar life-threatening situation. It is our belief that this model rifle is defective, and that Remington either knew or should have known that a potentially deadly failure such as this could occur. This whole incident could have been avoided had Remington recalled this weapon or warned the public of this dangerous defect.

Mr. Poling checked the Remington web site for recalls and safety notices, but he found none.

My client has suffered significant damages as a result of this incident, including the total destruction of a hunting experience he had anticipated and planned for years. We evaluate his damages as follows:

Lost value of rifle, hardware and ammunition	\$ 2,000.00
Cost of guided elk hunt	3,500.00
Cost of hunting licenses and fees	500.00

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