



United Parcel Service

CALL TAG

ALTERNATE CALL TAG NO.

DATE ISSUED

3/25/97

No 5277097

| | | |
|----------------------------------|-------------------|-----------------------|
| PICKUP FROM | | |
| PERSON <i>Keith</i> | | |
| COMPANY <i>DAKOTAMART</i> | | |
| STREET <i>130 WEST SIOUX AVE</i> | | |
| CITY <i>PIERRE</i> | STATE <i>S.D.</i> | ZIP CODE <i>57501</i> |

PREPARE A SEPARATE CALL TAG FOR EACH PACKAGE TO BE PICKED UP. ENTER PACKAGE CONTENTS AND WEIGHT OF THE PACKAGE BELOW.

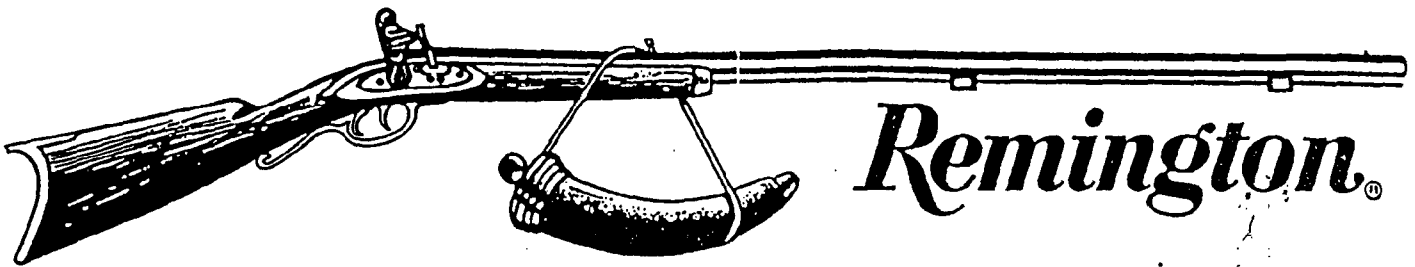
| | |
|---|--------------------------|
| PACKAGE CONTENTS <i>Model 700 Rifle # T6201750</i> | WEIGHT <i>10 lbs.</i> |
|---|--------------------------|

REGISTER SHIPPER-AFFIX REGISTER TAPE BELOW

STAMP YOUR UPS SHIPPER NUMBER ABOVE

| | | |
|----------------------------------|-----------------|-----------------------|
| SHIP TO | | |
| ATTENTION <i>DENNIS SANITA</i> | | |
| COMPANY <i>Remington Arms Co</i> | | |
| STREET <i>14 HOFFER AVE</i> | | |
| CITY <i>ILION</i> | STATE <i>NY</i> | ZIP CODE <i>13357</i> |

01112314 Rev. 10-86 15MM 6/93



**QUALITY SERVICE: THE KEY
TO CUSTOMER LOYALTY**

Remington Arms Company, Inc.
Consumer Affairs
Ilion, New York - 13357
Fax (315) 895-3237

DATE: 12/12/96 TIME: 10:30 AM

TO: Wayland Hurdley

(BLDG./ROOM NO.)

(PHONE)

FROM: Remington Smith

(BLDG./ROOM NO.)

(PHONE)

TOTAL NUMBER OF PAGES, INCLUDING THIS SHEET: 8

RECEIPT VERIFICATION CALL REQUIRED? (YES/NO)

COMMENTS: I received this FAX today from
Anna Smith.
Bill Smith

The information contained in this FAX is confidential and/or privileged. This Fax is intended to be reviewed initially by only the individual named above. If the reader of this Transmittal Page is not the intended recipient or a representative, you are hereby notified that any review, dissemination or copying of this FAX or the information contained herein is prohibited. If you have received this FAX in error, please immediately notify the sender by telephone and return this FAX to the sender at the above address. Thank you.

LAW OFFICES
MAY, ADAM, GERDES & THOMPSON LLP
503 SOUTH PIERRE STREET
P.O. BOX 160
PIERRE, SOUTH DAKOTA 57501-0160

GLENN W. MARTENS 1981-1983
KARL GOLDSMITH 1983-1985
WARREN W. MAY
THOMAS C. ADAM
DAVID A. GERDES
CHARLES N. THOMPSON
ROBERT B. ANDERSON
BRENT A. WILBUR
TIMOTHY M. ENGEL
MICHAEL F. SHAW

TELEPHONE
605 224-8803
TELECOPIER
605 224-6289

December 9, 1996

TELECOPIER TRANSMITTAL COVER SHEET

DELIVER TO: Remington Arms Company, Inc.

TIME: 1:42 pm CST

CITY: Ilion

STATE: NY

FAX NUMBER: (315) 895-³8659

FROM: Brent A. Wilbur

TOTAL PAGES (including cover sheet): 7

CLIENT NAME/FILE NUMBER: 0020

TRANSMIT FAX NUMBER: (605) 224-6289

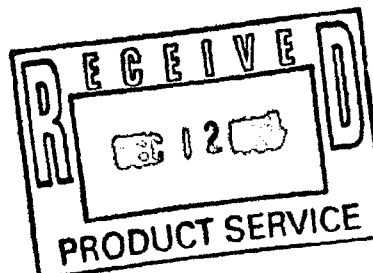
ADDITIONAL MESSAGE:

If you have any problems or questions concerning this transmission, please call (605) 224-8803. Ask for Carol Valentine.

We are transmitting from a Canon Fax Model 350.

Originals forwarded via:

____ First Class Mail
____ Federal Express
____ UPS
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LAW OFFICES
 MAY, ADAM, GERDES & THOMPSON LLP
 503 SOUTH PIERRE STREET
 P.O. BOX 150
 PIERRE, SOUTH DAKOTA 57501-0160

GLENN W. MARTENS 1881-1963
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 THOMAS C. ADAM
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 BRENT A. WILBUR
 TIMOTHY M. ENGEL
 MICHAEL P. SHAW

TELEPHONE
 605 224-8803
 TELECOPIER
 605 224-6289

December 9, 1996

VIA TELEFAX - (315) 895-8659

Remington Arms Company, Inc.
 Arms Service Division
 Ilion, NY 13357

RE: 700 BDL Remington Synthetic/Stainless Rifle

Dear Sirs:

For many years I have used Remington rifles, believing that Remington makes the best rifles in the world. Unfortunately, a recent circumstance has caused me to reevaluate that belief and to question your customer service department.

Several weeks ago I discovered that my .30-06 Remington synthetic stocked, matte finish BDL rifle was lost or stolen. I had previously made plans for a mule deer hunting trip to Sonora, Mexico, commencing December 14th.

In order to transport a firearm into Mexico, it is necessary to complete various applications, obtain a letter of recommendation from a law enforcement agency, and give authorities the serial number of the firearm to be imported well ahead of the date of importation.

Because time was of the essence in supplying the serial number of a firearm, I purchased a brand new Remington, synthetic-stainless BDL .30-06 rifle (serial #: T6201750) at Dakotamart in Pierre, South Dakota. I immediately telefaxed the serial number of the rifle that I would be bringing to Mexico to the necessary Mexican authorities. Seven days later a scope and mounts arrived for the rifle. I proceeded to the range to zero the rifle in. I fired the first shot with no problem. When I closed the bolt to fire the second shot, the rifle fired, even though I had not touched the trigger. I fired two more shots through the rifle without further incident. However, when I inserted the fifth shell in the rifle and closed the bolt, the rifle once again fired, causing me to conclude that, without any human error on my part, the rifle was utterly defective, since I had been very careful not to touch the trigger.

Remington Arms Company, Inc.
December 9, 1996
Page 2

I immediately went home and called your customer service number. After being left on hold for approximately 11 minutes, I spoke to a person about my problem. I explained the urgency of my situation, given the fact that I had supplied the serial number of the rifle for my Mexican trip. He suggested that I might want to take the rifle to the nearest Remington authorized gunsmith, who happens to be in Sioux Falls, South Dakota, some 225 miles away. I explained that I did not have time to deliver the gun to a gunsmith that far away and additionally told your representative that I was aware that the gunsmith, whose name you had given me is usually very busy and will not give immediate service. I told him that it was essential that something be done about the problem immediately. He then indicated that he would connect me to someone who might be able to deal with my problem. Throughout the conversation, I had seemed unable to convince him of the fact that my situation was somewhat urgent.

He then transferred me to someone else's desk. At that point, after being on the telephone at least 20 minutes, that person's voice mail informed me that the person would be gone until sometime in December. The voice mail did not give me a way "out" so that I could again speak to a live voice.

I immediately called Remington again and was left on hold without speaking to a live person for another 15 minutes (I have telephone records verifying the long distance calls).

At this point I concluded that Remington was not particularly interested in servicing customers to whom Remington had sold defective firearms.

Because it was essential that I immediately supply Mexican authorities with the serial number of a working rifle, I went to the business where I had purchased the gun, Dakotamart, where they were gracious enough to obtain another identical .30-06 rifle for me within 24 hours. I immediately took that rifle to the range to verify that it was in fact not defective (at this point my confidence in Remington firearms and in Remington's customer service was somewhat less than overwhelming). After verifying that the firearm was not dangerously defective, I immediately telefaxed the serial number of the firearm to the Mexican authorities, who informed me that the only rifle I could bring to Mexico was the defective rifle which had been delivered to Dakotamart and

Remington Arms Company, Inc.
December 9, 1996
Page 3

(presumably) returned to Remington. A copy of the telefaxed letter from my Mexican outfitter is enclosed.

Please accept this letter as notice that the rifle which I purchased from Dakotamart, a Remington synthetic-stainless .30-06 BDL was, as delivered from the manufacturer, totally defective and exceedingly dangerous, thereby violating both the express warranties made by Remington and the implied warranty of fitness contained in South Dakota's Uniform Commercial Code.

Although I have made a number of efforts through my outfitter to remedy the situation, as of the date of this letter the only gun that I can take into Mexico is the one that has been returned to Remington. My outfitter has suggested that I can arrive with another Remington .30-06 rifle and hope that no one either examines the serial numbers or that I can explain the different serial number as a mistake. It is too late for me to obtain a refund for the cost of my hunt. Accordingly, at this point my only recourse is to go to Mexico and hope that my rifle will be allowed into the country.

If my rifle is allowed into the country, my damages will be somewhat incidental, amounting to approximately five hours of my time, which I currently bill at \$125.00 per hour. If I am unable to complete my hunt, I will have the following damages:

1. Time spent traveling to Mexico and returning, with a value of about of \$2,000.00;
2. A wasted plane ticket in the amount of \$693.00; and
3. The cost of my hunt, as paid to Cabelas Outfitting, \$5,750.00.

If you can return the properly serial numbered rifle to me by 9:00 o'clock a.m. on Friday, December 13th, I could conceivably scope the rifle, sight it in, and take it to Mexico, since I leave at 5:15 a.m. on December 14th. If that could be accomplished, I would attempt to merely forget this unfortunate incident. On the other hand, if I suffer substantial damages as the result of Remington's distribution of an exceedingly dangerous rifle, then I will file suit for those damages.

Remington Arms Company, Inc.
December 9, 1996
Page 4

Even though I am the former President of the South Dakota Trial Lawyer's Association, I have never been an advocate of products liability lawsuits, particularly those which I have believed to have been unjustly aimed at firearms manufacturers. I am also aware that the American Trial Lawyers Association maintains a "hot line" in which attorneys who have evidence of defective products can exchange information. I haven't yet decided whether to submit this incident to ATLA. That decision will be made based upon how Remington handles this unfortunate matter.

I have four witnesses as to the defective nature of the firearm, including the manager of the firearms section of Dakotamart, one of the largest firearms retailers in South Dakota, and an Assistant United States Marshal who has very considerable experience with firearms of all sorts.

If you have any ideas as to how I could mitigate damages or obtain a Mexican firearms permit, I would appreciate your thoughts.

I will look forward to hearing from you at your earliest convenience.

Sincerely,

MAY, ADAM, GERDES & THOMPSON LLP



BRENT A. WILBUR

BAW:lr
Enclosure

Nº 10709

CERTIFICADO A TURISTA CINEGETICO

860

Derechos: \$77.00 Dhs.

No. de Orden



Nacionalidad: Estadounidense
 Estatura: 5-8

Compleción:

Boca:

DELGADA
 MEDIANA
 ROBUSTA

☐
☒
☐

PEQUEÑA
 MEDIANA
 GRANDE

☐
☒
☐

Pelo:

Ojos:

CASTAÑO
 NEGRO
 RUBIO
 ENTRECANO
 CANO

☒
☐
☐
☐
☐

CAFE OSCURO
 CAFE CLARO
 NEGROS
 AZULES
 VERDES
 GRISES

☒
☐
☐
☐
☐
☐

Frente:

Tez:

ANGOSTA
 MEDIANA
 AMPLIA

☐
☒
☐

MORENO OSCURO
 MORENO CLARO
 BLANCA

☐
☐
☒


(Sello Oficial)
 CONSULADO DE MEXICO
 NOGALES, ARIZONA

El C. Roberto Rodriguez Hernandez
 Cónsul de México, en Nogales, Arizona, E.U.A.

CERTIFICA:

Que el Sr. Brent A. Wilbur
 con domicilio en 1213 West Second, Plains, SD 57501
E.U.A. de profesión Abogado
 cuya fotografía y filiación aparecen al margen, se ha present-
 tado en esta Oficina Consular, solicitando permiso para
 internarse en territorio nacional, por la aduana de
Guaymas, Sonora con el objeto de dedicarse a la
 cacería en el Estado De Sonora, Mexico

llevando consigo las siguientes armas:

| Tipo de Arma | Marca | Calibre | Matrícula | Cartuchos |
|--------------|-----------|---------|-----------|-----------|
| Rifle | Remington | 30-06 | T6201750 | 40 |
| XXXXXXX | XXXXXXX | XXX | XXXXXXX | XXX |

Las armas autorizadas en este certificado están sujetas a las
 disposiciones de la Secretaría de la Defensa Nacional.

El solicitante, bajo protesta de decir verdad, manifiesta no tener
 antecedentes penales y se obliga a no hacer uso ilegal de las
 armas, así como acatar y sujetarse a todas las disposiciones
 legales aplicables.

Nogales, Arizona

a 28

de

Octubre

de 19 96

[Signature]
 CONSULADO DE MEXICO

VIGENCIA DEL CERTIFICADO:
 AGOSTO 96-ABRIL 97

Firma del Solicitante o su Representante

Este certificado no surte efectos sin el respectivo permiso de caza expedido por la Secretaría de Medio
 Ambiente, Recursos Naturales y Pesca y el Permiso de Portación de Armas otorgado por la Secretaría
 de la Defensa Nacional.

November 22, 1996

Qabela's c/o Tobie Copp.

Dear Tobie: Enclosed you will find
a Consular Certificate for Mr. Brent Wilbur
We have Received it Yesterday.

He will be able to bring his new Rifle!

Best Regards!

Blanca C.S.

LAW OFFICES
MAY, ADAM, GERDES & THOMPSON LLP
503 SOUTH PIERRE STREET
P.O. BOX 160
PIERRE, SOUTH DAKOTA 57501-0160

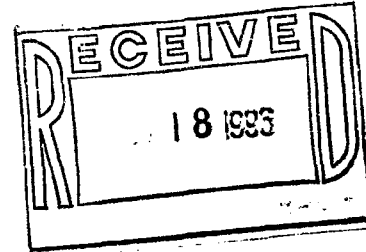
GLENN W. MARTENS 1881-1963
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TELEPHONE
605 224-8803
TELECOPIER
605 224-6289

December 9, 1996

VIA TELEFAX - (315) 895-8659

Remington Arms Company, Inc.
Arms Service Division
Ilion, NY 13357



RE: 700 BDL Remington Synthetic/Stainless Rifle

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Remington Arms Company, Inc.

December 9, 1996

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Remington Arms Company, Inc.

December 9, 1996

Page 3

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Remington Arms Company, Inc.
December 9, 1996
Page 4

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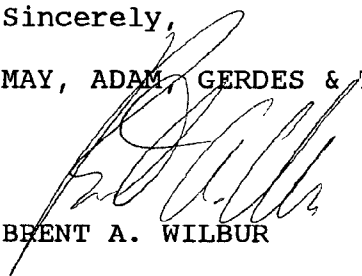
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I will look forward to hearing from you at your earliest convenience.

Sincerely,

MAY, ADAM, GERDES & THOMPSON LLP



BRENT A. WILBUR

BAW:lr
Enclosure

Nº 10709

CERTIFICADO A TURISTA CINEGETICO

800

Derechos: \$77.00 Dls.

No. de Orden



Nacionalidad: Estadounidense
 Estatura: 5-8"

Complexión: Boca:

DELGADA ☐ PEQUEÑA ☐
 MEDIANA ☒ MEDIANA ☒
 ROBUSTA ☐ GRANDE ☐

Pelo: Ojos:

CASTAÑO ☒ CAFE OSCURO ☒
 NEGRO ☐ CAFE CLARO ☐
 RUBIO ☐ NEGROS ☐
 ENTRECANO ☐ AZULES ☐
 CANO ☐ VERDES ☐
 GRISÉS ☐

Fronte: Tez:

ANGOSTA ☐ MORENO OSCURO ☐
 MEDIANA ☒ MORENO CLARO ☐
 AMPLIA ☐ BLANCA ☒



CONSULADO DE MEXICO
NOGALES, ARIZONA

El C. Roberto Rodriguez Hernandez
 Cónsul de México, en Nogales, Arizona, E.U.A.

CERTIFICA:

Que el Sr. Brent A. Wilbur
 con domicilio en 1213 West Second, Plains, SD 57501
E.U.A. de profesión Abogado
 cuya fotografía y filiación aparecen al margen, se ha presentado en esta Oficina Consular, solicitando permiso para internarse en territorio nacional, por la aduana de Guaymas, Sonora con el objeto de dedicarse a la cacería en el Estado De Sonora, Mexico

llevando consigo las siguientes armas:

| Tipo de Arma | Marca | Calibre | Matrícula | Cartuchos |
|--------------|-----------|---------|-----------|-----------|
| Rifle | Remington | 30-06 | T8201750 | 40 |
| xxxxxxx | xxxxxxx | xxx | xxxxxxx | xxx |

Las armas autorizadas en este certificado están sujetas a las disposiciones de la Secretaría de la Defensa Nacional.

El solicitante, bajo protesta de decir verdad, manifiesta no tener antecedentes penales y se obliga a no hacer uso ilegal de las armas, así como acatar y sujetarse a todas las disposiciones legales aplicables.

Nogales, Arizona, a 28 de Octubre de 19 96

[Firma]
 CÓNsul de México

VIGENCIA DEL CERTIFICADO:
 AGOSTO 96-ABRIL 97

Firma del Solicitante o su Representante

Este certificado no surte efectos sin el respectivo permiso de caza expedido por la Secretaría de Medio Ambiente, Recursos Naturales y Pesca y el Permiso de Portación de Armas otorgado por la Secretaría de la Defensa Nacional.

November 22, 1996

Cabela's c/o Tobie Copp.

Dear Tobie: Enclosed you will find
a Consular Certificate for Mr. Brent Wilbur
We have Received it Yesterday.

He will be able to bring his new Rifle!

Best Regards. /

Blanca C.S.