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March 4, 1982

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<sup>o</sup> WASHINGTON STATE BAR ONLY  
<sup>oo</sup> OREGON STATE AND WASHINGTON STATE BARS

Re: See v. Remington Arms

Dear Pete:

In relationship to the additional depositions in this case, I would like to take the depositions of Dan Laughlin, Jim McDermitt, and Mr. and Mrs. See. Because they are all located in Astoria it's probably going to be just as easy to take all the depositions at one time.

I would be available for depositions in Astoria on any one of the following dates:

1. Thursday, March 11;
2. Tuesday, March 16;
3. Wednesday, March 17;
4. Friday, March 19;
5. Monday, March 22;
6. Tuesday, March 23;
7. Friday, March 26;
8. Monday, March 29;
9. Tuesday, March 30.

Could you please pick one of these dates and let me know so that I can get subpoenas out to Mr. McDermitt and Daniel Laughlin. I understand that you will make Mr. and Mrs. See available voluntarily.

Very truly yours,

James D. Huegli

JDH:lr

cc: Rance Smith

JUL 17 1980

On July 15, 1980 at approximately 10:00 a.m. my wife, Starr Boudreau and I met with Philip L. Nelson at his office in Astoria, Oregon. The purpose of this meeting was to discuss the shooting incident at our home at Route 1 Box 893, Astoria, Oregon. As a result of the conversation with Mr. Nelson, a written summary has been prepared. This summary was written by Mr. Nelson based upon our conversation and then reviewed and edited by me.

On the day of October 27, 1979, Teri See, Darrell See, Starr Boudreau and I were deer hunting. The Sees rode in their pickup while my wife and I rode in our pickup. I was using a Marlin rifle that day while my wife had the Model 700 Remington rifle. Most of the hunting was done from the dashboard of the pickup with the chamber open to prevent firing. The Remington was not fired that day.

Upon returning home, I took the Remington into the living room of my home and placed it upon a chair. The gun was resting upside down, with the trigger pointing up and with the barrel on one arm of the chair and the stock on the other arm. The gun was pointed towards the kitchen area. The gun was in the chair for approximately two minutes. I knew it had a live round in it and wanted to remove it before everybody came into the house. I walked over to the gun and while it remained in the chair, I attempted to open the bolt. The bolt would not open since the safety was on. I then released the safety and the gun immediately fired. I did not know at the time but Teri See was walking behind me and towards the kitchen. She was in a direct line with the gun when it fired and eight or nine feet from it.

My hands did not touch the trigger or the trigger area of the Remington. The trigger did not touch or come into contact with the chair.

There were only three people in the house when the gun fired, Teri See, Starr Boudreau and myself. My wife was on the phone talking to the babysitter about picking up our daughter. She did not see the incident until she looked up after the Remington fired. Another friend, Jim McDermitt was just coming into my house when the shooting happened. He called an ambulance. Darrell See was still outside when the shot was fired.

I am thirty-two years old and was born August 29, 1947. I have been around guns all my life and have hunted as soon as it was legal to do so. I spend considerable time hunting and target-shooting now. I have never had a hunter's safety course but I did handle firearms while in the Army.

I purchased the Remington from William Marx of Warrenton, Oregon in 1974. Marx died about two years ago. He ordered the gun from Remington for me. Marx was a gunsmith but did not make any changes or adjustments to the rifle. I paid cash for the rifle; I believe it was \$170.00. The gun was purchased mainly for target practice but I did use it for hunting, particularly for long-range shots.

Shortly after I purchased the rifle, I used it for target practice. I was unhappy with its performance and decided to glass-bed the stock. In effect, this would prevent the barrel and trigger area from moving away from the stock. I did the work myself; I have done this to other guns before.

The Remington rifle does have an adjustable trigger but I have never adjusted it. The pull of the trigger was light from the first day I had the gun. I would estimate that the pull is less than three pounds. It has remained constant since I have owned it. I knew that I had to be careful handling the

gun when loaded because of the light pull of the trigger.

I have never experienced a similar problem with the rifle. I have seldom used the safety in the past since the gun was used for target practice. When I was ready to shoot, I would just load and fire or keep the bolt open until ready to fire. The gun did fire about three years ago when I closed the bolt, but since I was resting the trigger area upon sand bags, the pressure of the bag may have caused the rifle to fire.

The rifle was kept in top condition. After each use, I would give it a thorough cleaning. This would include removing the barrel from the stock to allow thorough cleaning around the trigger system. The trigger system could be removed from the rest of the gun for cleaning by releasing two pins. The trigger system itself has never been taken apart. The gun is kept in a special corner in my house. Nobody is allowed to use the gun unless I am present.

I have no instructions or sales literature on the rifle. I do not recall receiving any such instructions or sales literature when I took possession of the gun.

On the evening of October 27, 1979, and after Teri was taken to the hospital, I again tested the safety on the gun. Present were Jim McDermitt and Deputy Daniel P. Laughman of the Clatsop County Sheriff's Office. With the gun empty, I would release the safety to see if it would fire. After approximately twenty tries, the firing pin again fired. Since that time, I have not used the rifle or cleaned it.

After the shooting incident, I took the rifle with me to Eastern Oregon. The gun stayed in the car and was not touched. I returned, the rifle was turned over to my Grange Insurance agent, Dutch Kulland, 562 Pacific Way, Gearhart, Oregon.

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Steven Boudreau

Dated: July \_\_\_\_, 1980

1 Q. This is Jean Erickson calling from \_\_\_\_\_ S.E. Madison,  
2 October 29, 19\_\_ at approximately 11:30 a.m. I'm interview-  
3 ing Steven \_\_\_\_\_ regarding the accident that occurred  
4 \_\_\_\_\_, 1979. Do I have your permission to  
5 record this?

6 A. Yes.

7 Q. State your full name and spell your last name for me.

8 A. (inaudible)

9 Q. Pardon me, what?

10 A. (inaudible)

11 Q. Okay, and your Social Security number?

12 A. 544-\_\_\_\_\_

13 Q. And your residence address.

14 A. Route 1, Box 893, Astoria, Oregon.

15 Q. Okay and what highway are you on?

16 A. 202.

17 Q. And what are the approximate directions to your place?

18 A. From Astoria?

19 Q. Or, say from the highway 26.

20 A. Oh I'm just 6 1/2 miles from Astoria.

21 Q. Oh, okay, 6 1/2 miles from Astoria, right on the highway?

22 A. Yes.

23 Q. Okay. And your occupation?

24 A. I'm a logger but I'm not working now.

25 Q. Okay, are you self-employed or \_\_\_\_\_. Who do you  
26 usually work for?

1 A. \_\_\_\_\_  
2 Q. Pardon me?  
3 A. Charlie Hartell.  
4 Q. Okay, is he out of Astoria?  
5 A. He's out of Warrenton, Oregon.  
6 Q. Okay. Have you worked for him full-time?  
7 A. I've worked for him for about 5 years.  
8 Q. Okay. Okay, did this accident happen on the 27th? Is  
9 that right?  
10 A. Yes.  
11 Q. Okay. And where were you when it happened?  
12 A. Right here at my home.  
13 Q. Okay and can you explain what transpired?  
14 A. Well, \_\_\_\_\_ the gun into the house...  
15 Q. Had you been hunting?  
16 A. Yes, we'd been hunting.  
17 Q. Okay.  
18 A. Packed them in the house and I had two and I laid them  
19 on the chair and I knew the one, the Remington was loaded so  
20 I reached down to get the bolt open and the bolt was open so  
21 the safety was on but I pushed the safety off and it went  
22 off. By that time Terry was \_\_\_\_\_ at about the same  
23 time from the kitchen...  
24 Q. Uh hum.  
25 A. And it discharged off hitting him in the leg.  
26 Q. Okay, that was Terry C?

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1 A. Yes.

2 Q. Okay. Who else was present in the room when it happened?

3 A. Jim McDermott...

4 Q. Jim McDermott?

5 A. Yeah.

6 Q. Okay.

7 A. And my wife \_\_\_\_\_.

8 Q. Uh huh.

9 A. And Terry C.

10 Q. Uh huh.

11 A. And Darrell C.

12 Q. That's her husband?

13 A. Yes.

14 Q. Okay.

15 A. \_\_\_\_\_ all the kids.

16 Q. Your children?

17 A. Huh?

18 Q. Your children?

19 A. And Terry's children and some of our relatives.

20 Q. Uh huh, okay. How many children does she have?

21 A. Two.

22 Q. Two children? Okay, \_\_\_\_\_ approximate ages?

23 A. \_\_\_\_\_ five and eight.

24 Q. Do you know if she is employed?

25 A. Yes, she works for Alaska Packers.

26 Q. Okay. And how long have you known her and her husband?



1 A. Ah, a little over a year.

2 Q. Okay. And had you all been hunting together?

3 A. Yes. The people I mentioned, the kids were here with a

4 babysitter.

5 Q. Uh hum. And you'd just come in from a hunting exhibi-

6 tion when this all happened?

7 A. Yes.

8 Q. Okay. Had she been shooting a rifle herself at all?

9 A. No.

10 Q. Okay. When you say you reached down to the gun, did

11 you pick the gun up when...

12 A. No, I never picked the gun up at all.

13 Q. It was laying on the chair?

14 A. Yes.

15 Q. And have you ever had a prior incident with this gun

16 going off? By itself?

17 A. No.

18 Q. Okay. And what...when she was hit, what happened after

19 that?

20 A. Jimmy McDermott got on the phone and called the ambu-

21 lance right away and she didn't bleed much so we just took

22 part of her jeans off and then the ambulance got here real

23 shortly and then she went into the surgery.

24 Q. Uh huh. Okay. Did you say anything to her before she,

25 when she came through the door, or was there any opportunity?

26 A. No, I didn't even...I thought they were all coming in

1 cause I was the first one cause I had to unlock the door.  
2 Q. Uh hum. Okay, and how long have you had this rifle?  
3 A. About two years \_\_\_\_\_.  
4 Q. It's a Remington, you said a six millimeter Remington?  
5 A. Yes.  
6 Q. Have you used it frequently?  
7 A. I use it all the time for target shooting and stuff.  
8 Q. Uh hum. And you never had a prior accident with it as  
9 I recall?  
10 A. No.  
11 Q. Do you usually have your gun loaded or unloaded in the  
12 house?  
13 A. Well I usually keep them all loaded in the house,  
14 that's my policy.  
15 Q. Uh huh. You say you keep them loaded? or unloaded?  
16 A. Loaded.  
17 Q. Loaded in the house. Okay and where do, do you keep  
18 them in a gun cabinet or anything like that?  
19 A. Usually, yes.  
20 Q. Okay. Is there anything else about the incident you  
21 could add? Concerning the \_\_\_\_\_ of the gun or...  
22 A. Well, ah, \_\_\_\_\_ went off because of the, I never  
23 had any hold of the trigger at all.  
24 Q. Uh huh.  
25 A. And I just pushed that, I just pushed the safety forward  
26 and that made the gun discharge and it wasn't close to

1 anything where it could have touched the trigger...  
2 Q. Uh huh. The function of the safety is to prevent it, a  
3 gun from going off, right? While you're...  
4 A. Right.  
5 Q. I mean, and you say this particular model you have to  
6 release the safety in order to get the bullets out?  
7 A. You have to release the safety to get the bolt open to  
8 take the live round out.  
9 Q. I see. Is there any way to get the round out of the  
10 chamber without doing that? Other than shooting it?  
11 A. Shooting it is the only way.  
12 Q. Okay.  
13 A. Unless you take the safety off, but it doesn't look  
14 like it's too safe that way.  
15 Q. Yeah. Okay.  
16 A. Getting back to the loading deal, I have \_\_\_\_\_ in the  
17 magazine but not in the chamber.  
18 Q. Uh huh.  
19 A. \_\_\_\_\_ not too bad if I, I don't keep them loaded in  
20 the chamber, I keep them in the magazine usually.  
21 Q. I see. Okay, and about how many guns do you own?  
22 A. Oh, I suppose I have about ten, eleven.  
23 Q. Okay, do you hunt frequently and target practice and  
24 that sort of thing?  
25 A. Yes.  
26 Q. Okay. I think that's all the questions I have while we

1 have the recorder on. Have you understood that this has  
2 been a recorded interview?

3 A. Yes.

4 Q. And you acknowledge that the answers you gave were true  
5 to the best of your recollection?

6 A. Yes.

7 Q. Okay. I'll conclude the interview at this time.

November 6, 1979  
P.O. Box 893  
Astoria, Oregon

My name is Stan Boudreau and I live at the above address. I am 27 years old and am married to Stephen Boudreau. We have been married ten years and have two children, Stephanie age nine and Brian age seven. We have lived at the above address for three years. On October 27, 1979, my husband, myself, Jim McDermitt, Teri Lee and her husband Darrell all went deer hunting together. We left from our house about three o'clock. We hunted until dark (about 5 or 5:30pm) and returned to our house. My ~~two~~ <sup>son</sup> ~~children~~ <sup>Brian</sup>, Teri Lee's two children, my niece Heidi Olson, and her girlfriend Barbara stayed at our house while we were gone. When we returned, they all came out of the house to see if we had any deer. I entered our house first and made a phone call from the phone in the living room. I believe my husband entered after I had been on the phone about 2 minutes. Teri and Jim McDermitt entered the living room after my husband. Teri walked over to the kitchen and I heard the gun go off. I was still on the telephone at the time.

a chair in the living room to unload it. I had gone off when he released the safety. The bullet hit Teri in the legs and then went through our kitchen cupboard. The gun was a Remington target rifle. I had used it many times previously for target practice but the gun had never mis-fired when I used it. For target practice the safety on the rifle is not used. However my husband put on the safety on this day as I was intending to use the gun to hunt. My husband purchased the Remington between two and three years ago from a gun dealer. The gun was new when he purchased it. He owns approximately fifteen guns and has hunted for as long as we have been married. I know of no other occasion that a gun has mis-fired. My husband belongs to the National Rifle Association and we receive their monthly magazine about guns, hunting, etc. We do not subscribe to any other hunting or gun magazines but we do occasionally purchase an issue. I do not remember ever seeing any publications regarding defects in this model Remington. I do not believe my husband was aware of any defects.

in the gun prior to this accident. According to Jim McDermitt, the "American Rifleman" (published by NRA) had an article about two months ago regarding defects in a Remington rifle. I had been in the house about three minutes before the accident happened. After the gun went off, we called the ambulance and they arrived soon after our call. Teri's husband was just coming in the house when the accident occurred. The children were all coming in the house when this happened. We have a gun cabinet in the house (in the bedroom) where we keep our guns. As far as I know the gun has never been repaired except for "glass bedding" the barrel which my husband did. He works on all his guns. I have read the above three pages and knowlege that is a correct version of what I know about this accident.

Starr Boudreau

Boudreau

Dr. Patrick - surgeon

expert - gunsmith.

B's attorney suggests settling with us & then  
go against Remington.

NRA -