

REMINGTON ARMS COMPANY, INC.

INTER-DEPARTMENTAL CORRESPONDENCE



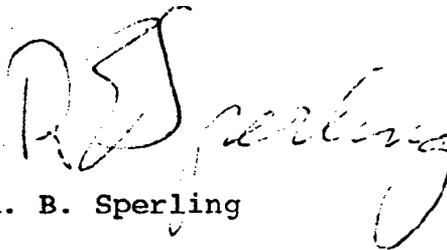
cc: J. H. Chisnall*
J. A. Stekl*

Bridgeport, Connecticut
April 14, 1981

W. A. WARREN

RE: JUAN LOPEZ V.
REMINGTON ARMS COMPANY, INC.

Attached for your review and information, is a copy of the deposition given by John T. Butters, Jr., the plaintiff's expert in the above-referenced matter.


R. B. Sperling

RBS:hss

cc: Robert L. Hillberg*
26 Mount Sanford Drive
Cheshire, CT 06410

File

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JUAN LOPEZ

X

VS.

X

C.A. NO. C-80-120

REMINGTON ARMS COMPANY, INC. X

DEPOSITION OF JOHN T. BUTTERS, JR.
March 11, 1981

A P P E A R A N C E S:

COUNSEL FOR THE PLAINTIFF:

MR. GERALD H. BECKMAN
Huerta, Pena, Beckman & Rodriguez
3301 Ayers
Corpus Christi, Texas 78415

COUNSEL FOR THE DEFENDANT:

MR. ROBERT J. MC KISSICK
Klebery, Dyer, Redford & Weil
P. O. Box 2446
Corpus Christi, Texas 78403

ALSO PRESENT:

MR. JIM STEKL

COPY

Ak/RET REPORTING, INC.

CERTIFIED SHORTHAND REPORTERS
142 PETROLEUM TOWER
CORPUS CHRISTI, TEXAS 78474
(512) 882-9037

1 Déposition and answers of JOHN T. BUTTERS, JR., who re-
2 sides in Harris County, Texas, taken herein by the counsel for
3 the Defendant, before RONALD D. WAY, a Certified Shorthand
4 Reporter in and for the State of Texas, on the 11th day of
5 March, 1981, between the hours of 2:25 p.m. and 3:47 p.m., in
6 the offices of Huerta, Pena, Beckman & Rodriguez, 3301 Ayers,
7 Corpus Christi, Nueces County, Texas, pursuant to Notice
8 attached hereto, and the following stipulations and agreements:
9

10 IT WAS AGREED by and between counsel for Plaintiff and
11 Defendant in the above numbered and styled cause that all for-
12 malities are waived specifically, and that the oral deposition
13 of JOHN T. BUTTERS, JR., may be taken herein forthwith before
14 RONALD D. WAY, a Certified Shorthand Reporter in and for the
15 State of Texas, said deposition being taken with the same
16 force and effect as though all requirements of the statutes
17 and rules had been fully complied with.
18

19 IT WAS FURTHER AGREED that no objections need be made by
20 any party at the time of taking said deposition except objec-
21 tions as to the form of the question or the responsiveness of
22 the answer; but if and when said deposition, or any portion
23 thereof, is offered in evidence on the trial of this cause by
24 any party hereto, it shall be subject to any and all legal
25 objections, such objections to be made at the time of the

1 tender, the same as though the witness were on the stand per-
2 sonally testifying.

3
4 IT WAS FURTHER AGREED that the witness may appear before
5 any Notary Public or official authorized to administer oaths,
6 and at such time the witness has the privilege of reading over
7 said deposition and making any corrections that he finds to be
8 necessary, such corrections to be made in accordance with the
9 Rules of Civil Procedure.

10
11 IT WAS FURTHER AGREED that after said deposition has been
12 returned into court in accordance with these stipulations and
13 agreements, it will be treated by the parties hereto and may
14 be used herein with the same force and effect as though all
15 statutes and rules relating to the taking and returning into
16 court of depositions had been fully complied with.

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1 identification.)

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3 Q (By Mr. McKissick) I just briefly went through your
4 resume there, and can you tell me independently of --
5 although I see you're an engineer, mechanical engineer?

6 A Mechanical and electrical.

7 Q All right, sir. Have you had experience in the past in
8 the design of rifles?

9 A Yes, sir.

10 Q All right. Will you tell me about that?

11 A Starting about in 1964, I designed firing mechanism parts
12 and modified firing mechanisms for rifles, particularly
13 target rifles that I was using. I was also at that time
14 and for some period of years thereafter writing for the
15 American Rifleman, which is the magazine of the National
16 Rifle Association. And over a period of time since the
17 time I was 12 years old, I have been associated with fire-
18 arms and have hunted, shot targets, been involved with
19 them in the Service and out of the Service in a technical
20 fashion.

21 Q All right, sir. These firing mechanisms and various
22 rifles and things you designed, they were for your own
23 purpose rather than --

24 A Well, initially.

25 Q For your own use, I mean?

1 A Initially, they were for my own use. Then I considered
2 marketing certain modifications to the Springfield that
3 I had designed, particularly as regards speed locking the
4 Springfield. But it became apparent to me that this was
5 not an economic enterprise because of the supply of
6 Springfield rifles drying up and the fact that there were
7 so many other rifles available on the market that had the
8 features that I would have designed into the modified
9 military rifle, so that it did not appear to me to be a
10 reasonable thing to go into the market with.

11 Q Okay.

12 A Basically, it's a speed lock mechanism.

13 Q What is a speed lock mechanism?

14 A It was a device or set of modifications that was designed
15 to reduce the lock time of firearms, specifically the
16 Springfield 1903 model. In that it is a desirable thing
17 to have the short test' period of time elapse between de-
18 pressing the trigger and having the cartridge ignited.

19 Q Oh, okay. Why is that?

20 A Because once your sight picture is taken, the less time
21 that it takes for the firearm to discharge, the less
22 time --

23 Q Oh, I see.

24 A -- you have to waver off target.

25 Q All right. Are there -- other than this time lock device

1 -- is that what you called it?

2 A Speed lock.

3 Q Speed lock, I'm sorry. Other than this speed lock de-
4 vice, has there been anything else you've invented or de-
5 signed in the way of firearms?

6 A No, sir. Nothing of real significance.

7 Q What about not of significance, then?

8 A Well, I did set up certain instrumentation to determine
9 what the actual lock time of firearms were. These in-
10 volved oscilloscopes and recording of oscillographs and
11 piezoelectric crystals that sensed the release -- not
12 only the release of the firing pin mechanism, but the
13 ignition of the cartridge. I also designed, but did not
14 reduce to practice an electric trigger involving piezo-
15 electric crystals.

16 Q I don't understand anything about that at all. Would you
17 tell me what you're talking about?

18 A This was for installation in an Olympic-type free pistol
19 or free rifle, which is built to certain specifications
20 for international Olympic shooting, and the trigger that
21 I designed would have used a charged capacitor to impose
22 a voltage on a piezoelectric crystal on which a metallic
23 shoe had been fastened, and this would cause the crystal
24 to distort and would thereby release the sear levels.
25 And it would give a trigger release that would have, in

1 effect, no detectible motion to the firer and would be a
2 highly repeatable and easily adjustable device.

3 Q I see. Okay. Have you ever worked for an arms manufac-
4 turer?

5 A No, sir.

6 Q Okay. The design work you did then on rifles has been --
7 has just been something you've done in your spare time or
8 because you have an interest in rifles?

9 A Both of those, sir.

10 Q I see. What articles have you published in the field of
11 rifles or ammunitions or guns and this sort of thing,
12 firearms?

13 A There was one marked, "Computation of Lock Time," that I
14 did for the American Rifleman. It was a feature article
15 with photographs. And then there were --

16 Q Where did that -- when did that appear?

17 A I don't recall the exact issue.

18 Q How about year?

19 A I think 1968.

20 MR. BECKMAN: What was the name of the magazine?

21 THE WITNESS: The American Rifleman.

22 Q (By Mr. McKissick) Okay. Any others?

23 A No, other than small insert type of articles. Those are
24 the only ones published. I did write numerous others
25 that were submitted and accepted, but they were not

1 published. Some of these in the area of cavity bullets.

2 Q Okay. That's what I was going to ask you. Give me a
3 general idea, if you would, what the subject matter of
4 these publications -- articles were.

5 A Another one was a study that I never did finish because
6 I never could get enough empirical data to back up some
7 of my theoretical conclusions, and that concerned the
8 gyroscopic procession of projectiles under the influence
9 of wind forces.

10 Q Okay. Any others generally that you can -- articles?

11 A Oh, high power practice methods.

12 Q What is high powered practice methods?

13 A There are several areas of target shooting, and high power
14 or military-type machine shooting was the one that I en-
15 gaged in probably as much as any other and the only one I
16 actively engage in now.

17 Q You have engaged -- you do engage in competitive shooting
18 then?

19 A Yes, sir.

20 Q Okay. In what areas, if you don't mind telling?

21 A I hold classifications as an expert in high power, as a
22 master in small bore prone as -- it may have expired by
23 now, because you have to update these things every three
24 years before they're still valued. But at the time I was
25 an expert in three position small bore, NRA type. I was

1 a sharpshooter in Olympic small bore and Olympic high
2 power, and I was a sharpshooter in Olympic air rifle.
3 Q. Okay.
4 A. And I am still active in the high power area. It's really
5 difficult to keep them all up. I was for a considerable
6 number of years, from about 1967 through '74 or '75, if
7 my memory serves me correctly, a Director of the Texas
8 State Rifle Association. I was the Executive Officer of
9 the Texas State Rifle Association in 1977 and '78, maybe
10 part of '79. I don't recall those dates. I am still on
11 the High Power Advisory Committee to the Texas State
12 Rifle Association, although business duties and other
13 activities have taken a toll of my shooting activities.
14 I have shot on the team that either won outright the
15 Texas State High Power Championship or was First Expert
16 every year since -- if my memory serves me correctly,
17 1978 to date, except for one year when we came in Second
18 Expert.
19 Q. Okay. What do you do for a living now?
20 A. I'm a Registered Professional Engineer in private prac-
21 tice.
22 Q. All right, sir. And what do you do with your engineering
23 degree?
24 A. I am part owner -- one-third owner and President of
25 Engineering Consultants, Inc., out of Houston. And our

1 firm does investigative engineering and fact-finding
2 studies for those individuals who bring us problems that
3 they wish studied.

4 Q Have you in the past examined rifles with a view towards
5 testifying in lawsuits or to giving opinions to attorneys?

6 A Yes, sir.

7 Q All right. Would you tell me about those?

8 A I examined a Remington Model 600 rifle.

9 Q When was this?

10 A In late '77 or in 1978.

11 Q Okay. Did that result in a lawsuit?

12 A Yes, sir.

13 MR. BECKMAN: Did what result in a lawsuit?

14 Q (By Mr. McKissick) Well, the rifle that you examined --
15 the Model 600 rifle you examined in 1977 or '78, was it
16 involved in a lawsuit?

17 A Yes, sir.

18 Q What was the style of that lawsuit?

19 A Coats versus Remington.

20 MR. BECKMAN: Are you familiar with that one?

21 MR. MC KISSICK: I know about that one.

22 Q (By Mr. McKissick) Any other ones other than the Coats
23 case?

24 A Yes, sir.

25 Q Tell me about it. What kind of gun, and what year?

1 A There was a Mossberg Model 121, if my memory serves me
2 correctly, and that was in 1979 for Chuck Winnikates out
3 of Dallas.

4 MR. BECKMAN: How do you spell his name?

5 THE WITNESS: W-i-n-n-i-k-a-t-e-s, Winnikates
6 and Curtis.

7 MR. BECKMAN: W-i-n-n-i-k-a-t-e-s?

8 THE WITNESS: W-i-n-n-i-k-a-t-e-s.

9 Q (By Mr. McKissick) Was that gun involved in a lawsuit?

10 A Yes, sir.

11 Q Do you remember what the style of that case was and where
12 it was filed?

13 A I believe it was Navarro County, but I'm not sure, and I
14 don't even recall the name of the Plaintiff.

15 Q Did you testify in that case?

16 A I have given depositions.

17 Q Gave a deposition?

18 A Yes, sir.

19 Q The case subsequently settled, or do you know?

20 A I don't even know.

21 Q But the -- did you testify for the Plaintiff in that case?

22 A Yes, sir.

23 Q Okay. And Mr. Winnikates was the attorney for the
24 Plaintiff?

25 A Yes, sir.

1 Q Okay. Any other guns that you have examined or tested?
2 A Yes, Model 94 Winchester.
3 Q Okay. When was that?
4 A '79 or '80.
5 Q Okay. Who did you examine that gun for?
6 A I'm trying to recall his name. I remember the rifle
7 plainly, but I don't remember the attorney's name. Not
8 right now. I may recall it before the deposition is over.
9 Q Did you give a deposition in that case?
10 A Yes, sir.
11 Q And you don't remember the style of it or who the attor-
12 ney was?
13 A No.
14 Q I tell you what, would it be simpler if we just leave a
15 place in your deposition and when you're reading over
16 your deposition before signing it, you could just put in
17 the -- I'm sure you could find them in your records;
18 couldn't you?
19 A Certainly.
20 Q If you would and if it's all right with your attorney,
21 would you go back and -- we'll just leave a space here in
22 your deposition, and you can put the styles of these
23 various cases in which you have a chance to review the
24 records.
25 A Right.

1 MR. BECKMAN: When you say "his attorney," who
2 are you referring to?
3 MR. MC KISSICK: I'm referring to you.
4 MR. BECKMAN: I'm not his attorney.
5 MR. MC KISSICK: Pardon me, I certainly apolo-
6 gize to everyone concerned.
7 MR. BECKMAN: The record ought to be clear that
8 I'm not his attorney.
9 MR. MC KISSICK: Let the record reflect that
10 Dr. Beckman's not the witness's attorney.
11 MR. BECKMAN: Thank you; I'm just a simple "Mr."
12 Q (By Mr. McKissick) Okay. Any other guns you can think
13 of right now offhand?
14 A Yes, there was a Marlin 336 that I examined for Don
15 Weitanger, an attorney out of Houston.
16 MR. BECKMAN: How do you spell that?
17 THE WITNESS: W-e-i-t-a-n-g-e-r.
18 Q (By Mr. McKissick) Okay. When was that, recently?
19 A 1978 or '79.
20 Q Okay.
21 A Yes.
22 Q Okay. Any others you can think of right now?
23 A No, sir.
24 Q Okay. What did you find to be wrong with the Marlin 336?
25 A I just --

1 Q I'm sorry, go ahead.

2 A Excuse me, I do remember another one, too. There was a
3 BB rifle made by Crosman that I examined for John Judge
4 out of Amarillo.

5 Q Okay.

6 MR. BECKMAN: J-u-d-g-e?

7 THE WITNESS: J-u-d-g-e. And there's a Hawes
8 Frontier Model single action revolver.

9 MR. BECKMAN: Hawes.

10 MR. MC KISSICK: H-a-u-s?

11 THE WITNESS: H-a-w-e-s. Made by H. E. Sauer
12 and Son in West Germany. And that's for Louis
13 Dubuque, D-u-b-u-q-u-e, in Dumas, Texas.

14 Q (By Mr. McKissick) Okay. Did you give a deposition in
15 that case?

16 A No, sir, not yet.

17 Q All right. What I would ask you to do then at this point
18 is that we will leave a blank space in the deposition and,
19 if you will, in those cases which you have given deposi-
20 tions involving firearms, when you have a chance to check
21 your records, if you would, put the style of that case in
22 the blank left in your deposition. We would appreciate
23 it.

24 A Yes, sir.

25 Q Okay, thank you.

1 A.

2

3

4 Q Do you recall offhand in this Marlin 336 case what, if
5 anything, you found wrong with that gun?

6 A Yes, sir. There were loose trigger parts that allowed
7 the displacement in such a way that the firearm could be
8 discharged simply by brushing the outside of the trigger
9 guard.

10 Q I see. Okay. What about the Model 94?

11 A The Model 94 could be fired if the rifle were dropped
12 through a distance of a foot to 18 inches on its butt.
13 And it would discharge.

14 Q Was this basically -- do you conclude this to be a mal-
15 function of the trigger mechanism?

16 A No, sir. That was a design problem and a material selec-
17 tion and manufacturing difficulty.

18 Q Okay. All right, what about the Mossberg Model 121; what
19 did that involve?

20 A That one involved trigger parts. And the sheetmetal
21 trigger parts in that were manufactured out of some very
22 soft materials that enabled rapid wear and alteration of
23 trigger sear engagements that made the rifle, in effect --
24 well, not only a hair trigger, it would when cocked creep
25 so that it would discharge.

1 Q I see. Okay. You have had the opportunity to examine
2 the rifle in question in this lawsuit, I take it?

3 A Yes, sir.

4 Q Okay. First of all, have you submitted to Mr. Beckman or
5 anyone else any reports concerning your --

6 A Yes, sir.

7 Q -- examination or -- all right. Do you have a copy of
8 that report with you?

9 A Yes, sir.

10 Q May I look over it briefly? You may save us a little
11 time.

12 (There was discussion off the record.)

13
14 MR. MC KISSICK: Could we get a copy of that,
15 and we'll attach it to the Deposition as Exhibit Two.

16 (Deposition Exhibit Number Two was marked for
17 identification.)

18
19 Q (By Mr. McKissick) Okay. You've, I think, given the
20 court reporter a copy of the -- I believe it was the
21 June, 1980 letter you wrote to Mr. Beckman concerning the
22 examination of the rifle, is that correct, and we've
23 marked it as Exhibit Two?

24 A Yes, sir.

25 Q Okay. Have you taken any photographs of the rifle?

1 A Yes, sir.

2 Q All right. Do you have those with you?

3 A Yes, sir.

4 Q All right.

5 MR. BECKMAN: In addition to these photograph,
6 we also have a moving picture. 16 millimeter; right?

7 THE WITNESS: (Witness nodded head.)

8 MR. BECKMAN: 16 millimeter moving picture if
9 you want a copy of that.

10 MR. MC KISSICK: Yes, if you will, and call me
11 and tell me what it is, and I'll send you a check.

12 THE WITNESS: All right, sir.

13 Q (By Mr. McKissick) If you know what it is, I'll get a
14 check before you go back.

15 A I don't know.

16 Q If you'll drop me a line and tell me how much it is, we
17 would like a copy.

18 A Very well, let me make notes of this.

19 Q Very good.

20

(There was discussion off the record.)

21

22 THE WITNESS: I also have these radiographs.

23 Q (By Mr. McKissick) Yes, I was going to get to that.

24 Could I have a copy of those, too?

25 A Off the record a minute.

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(There was discussion off the record.)

Q (By Mr. McKissick) What other tests or examinations or photography or whatever were done to this rifle either under your direction or at your direction?

A. Excuse me.

(There was discussion off the record.)

THE WITNESS: I disassembled the rifle, and I fired it during the making of the film.

Q (By Mr. McKissick) Okay. Did you make the film, yourself, or --

A. I caused it to be made, yes.

Q All right. Who did the radiograph work?

A. Southwest Labs did that at my directions.

Q All right. Did you get a report from them when they did that?

A. Only the radiographs.

Q They didn't reach any conclusions?

A. No, sir. They merely performed the photography.

Q Okay. On physical examination of the rifle, what parts of the rifle did you examine?

A. I removed the bolt and the action barrel and trigger assembly from the wood, and that was the extent of the disassembly. I didn't go any further in disassembly than

1 that.

2 Q Did you remove the trigger mechanism from the barrel?

3 A No.

4

(There was discussion off the record.)

5

6 Q (By Mr. McKissick) Okay. You want to break it down the
7 way you did when you examined it, please, sir?

8 A I need a screwdriver to do that.

9 Q I thought you said you had one, I'm sorry.

10 A Wrong key chain. No screwdriver.

11 MR. BECKMAN: I think I can get a screwdriver.

12

(There was discussion off the record.)

13

14 MR. BECKMAN: Let the record reflect that Mr.
15 Butters is presently disassembling a rifle with a
16 screwdriver. Correct me if I'm wrong, Mr. Butters,
17 what you're doing is taking the mechanism out of the
18 wood stock.

19 THE WITNESS: I'm removing the action screws
20 preparatory to removal of the action and barrel from
21 the stock.

22 Q (By Mr. McKissick) Okay. All right, sir. Let me see
23 that report. Well, I don't think I need it. Let me --
24 there it is. Let me ask you this, Mr. Butters: is the
25 rifle, and in particular the trigger mechanism of the

1 rifle in question in this lawsuit, in the same condition
2 today as it was when you examined it in January of 1980?

3 A Yes, sir. It appears to be.

4 Q Okay. In your report here -- well, do you have an opinion
5 as to what's wrong with the rifle?

6 A Yes, sir.

7 Q What is it?

8 A There is a mismatching or misadjustment of internal parts
9 in the trigger assembly that results in the loss of con-
10 trol of the firing pin by the sear mechanism. This
11 occurs when the safety lever is placed in a slightly for-
12 ward position from the rull rear position and the trigger
13 is brushed or pulled to the rear. At that point the only
14 thing that holds the firing pin back is the safety
15 shoulder, and when the safety --

16 Q Let's stop right there. Because what do you mean when
17 you say "safety shoulder"?

18 A I mean the part of the safety that engages --

19 Q What are we talking about here?

20 A The part of the safety that engages the sear and keeps it
21 from releasing.

22 Q I see. Okay.

23 A Okay? Now, that is the only thing that is keeping the
24 sear, itself, from rotating downward and allowing the
25 firing pin to fall forward.

1 Q Okay.

2 A So when the safety is released, then the rifle will fire.

3 Q All right.

4 A There is another --

5 Q What causes it to do that -- I'm sorry, go ahead and
6 finish. I didn't mean to cut you off.

7 A There is another malfunction in that the safety may be
8 placed in an intermediate position, at which point the
9 trigger may be brushed and/or pulled and the sear loses
10 control of the firing pin, as I just described, or the
11 trigger may be pulled with the safety apparently in the
12 safe position, and the rifle will fire.

13 Q Will you demonstrate that last pulling of the trigger
14 while it's in the safety position?

15 A It's not quite in the safe, and it's not quite in the
16 fire.

17 Q Oh, I see; what you're talking about is a halfway --

18 A That's right.

19 Q Not -- off -- not fully on safe or fully in the fire
20 position, but at an intermediate state in between.

21 A There is no positive detent for the safety, which results
22 in a possibility of discharge with the safety apparently
23 on.

24 Q I see. Okay. What you're saying then is that from feel
25 of the safety, itself, it's not in a full detent position

1 when it's pulled back or in the safe position?

2 A No, sir. It does not detent and --

3 Q Okay. What causes all this to happen? That's not the
4 way the gun is supposed to come out of the factory; is
5 it?

6 A No, sir.

7 Q Okay. What causes it to do that then?

8 A Without disassembling and measuring the trigger mechanism
9 with respect to not only the piece part drawings, but the
10 assembly drawings and instructions of Remington, I don't
11 know. I can give you two areas in which the fault may
12 lie and possibly both.

13 Q Okay.

14 A One is a tolerance buildup in piece parts --

15 MR. BECKMAN: What do you mean by that?

16 THE WITNESS: -- which results --

17 MR. MC KISSICK: Let me take the deposition.

18 THE WITNESS: -- which results in a mismatch of
19 mating parts so that the previously described mal-
20 functions may occur.

21 Q (By Mr. McKissick) Okay.

22 A The other --

23 Q Let me ask you a few questions about that, first. We're
24 talking about the tolerance of the individual parts within
25 the trigger mechanism; are we not?

1 A Yes, sir.

2 Q I think just to simplify -- because I think I know what
3 you're saying is that the tolerances are such that in so
4 many thousands, that you can have -- if the tolerances of
5 the parts are at the extreme, then you get a variance in
6 the tolerance levels that's enough to cause this?

7 A Yes, sir; that's possible.

8 Q That's the first possibility?

9 A Yes, sir.

10 Q Okay. And the second possibility?

11 A Is that when the mechanism is assembled and adjusted, it
12 may not be adjusted correctly, so that the engagements
13 are insufficient or improper or the engagement angles may
14 be improper.

15 Q Okay.

16 A So as to allow those malfunctions to occur.

17 Q All right. Are there any other reasons that you have or
18 in your opinion that would cause this?

19 A No, sir, not at this point.

20 Q Okay. Have you made a conclusion of whether or not the
21 rifle in its present condition in your opinion came from
22 the factory that way?

23 A Yes, sir.

24 Q What is that opinion?

25 A That it did do so.

1 Q. It was in the same condition that it's in now when it
2 left the factory?
3 A. Yes, sir.
4 Q. In 1971?
5 A. Whenever it left the factory, sir.
6 Q. Okay. Do you know anything about the history of this
7 rifle?
8 A. Of this individual rifle?
9 Q. Uh-huh.
10 A. Only what I was told by Mr. Beckman.
11 Q. And that was what?
12 A. That was that an individual was placing the rifle in a
13 case, and it discharged, striking a Mr. Lopez.
14 Q. Okay. But I mean the prior history of the rifle like
15 from the time it left the factory, who owned it, if any
16 work had been done on it by anyone. Do you know anything
17 of that?
18 A. No, sir; I have no evidence to the effect that there has
19 been --
20 Q. That's what I was going to ask you. In your examination
21 of the rifle, has it appeared that anybody has done any-
22 thing to that trigger mechanism since it left the factory?
23 A. No, sir, not to my examination.
24 Q. Okay. Has -- would that be something that you could
25 readily tell?

1 A The -- yes, sir.

2 Q Okay. Well, it's very evident from that that the safety,
3 itself, is extremely loose on that gun; is it not?

4 A Yes, sir.

5 Q And in fact you can't find a definite detent position
6 either on fire or on the safe area?

7 A No, sir.

8 Q Isn't that the normal sort of thing that would be dis-
9 covered before a gun is shipped out of the manufacturers?

10 A I mean, it's not supposed to be that way; is it?

11 A No, sir.

12 Q Okay. What I'm trying to get at, Mr. Butters, in your
13 opinion, is this something that was created or occurred
14 at the time of manufacture or something that has occurred
15 later on with use?

16 A Yes, sir.

17 Q Which one or both?

18 A It is my opinion that it left the factory in this condi-
19 tion due to the presence of undamaged blued surfaces on
20 the parts of the trigger mechanism that are blued and
21 the presence of intact varnish on the adjustment screws
22 on the trigger mechanism, itself.

23 Q Okay. But I think what I'm getting at is the -- well,
24 let me rephrase that question. In other words, it's your
25 opinion that the gun in its present condition with the

1 propensity to fire as it does, was that way when it left
2 the factory, in other words?

3 A. Yes, sir.

4 Q. This isn't something that, because of use and all, has
5 occurred, like I think you were talking in one of the
6 other cases about parts made out of too soft a metal that
7 would wear down and cause this sort of thing?

8 A. Well, that is a possibility, but I do not believe that is
9 the case in this particular firearm.

10 Q. Okay.

11 A. That may develop that material selection and treatment
12 had something to do with this, but at the present time I
13 do not believe that it did.

14 Q. Okay. Do you have any quarrel with the design of the
15 trigger mechanism, itself?

16 A. Yes, sir.

17 Q. Okay. That's what I came to hear about.

18 A. It is my personal opinion that safeties should block the
19 firing pin.

20 Q. Okay.

21 A. They should have three positions: One, a safe position;
22 the second, a safe position, but one allowing that the
23 bolt be lifted; and three, a fire position in which the
24 bolt cannot be lifted.

25 Q. Okay. And there are firearms in use today that employ

1 that sort of trigger mechanism; are there not?

2 A Yes, sir.

3 Q And what are those?

4 A One is the Remington Model 1917 manufactured --

5 Q In 1917?

6 A -- in 1917 by Remington Arms, the old pattern 14 Enfield.

7 Then following that, there's the Remington Model 30-S

8 that allows that to occur. Moving on, there is the Model

9 720 Remington. Then there's the Model 54 Winchester.

10 The Model 70 Winchester, and its variations. Then, of

11 course, the time honored old Springfield with its three

12 position wing-type safety on the bolt.

13 Q All right. How would that type of three position safety,

14 where by the -- it would block the firing pin from making

15 contact with the cartridge. How would that have prevent-

16 ed what occurred in this case?

17 A Well, if the safety is engaged, the firing pin is re-

18 strained as long as the safety shoulder is engaged with

19 the mating surfaces on the cocking piece and in the fir-

20 ing pin, itself. With a -- what I like to characterize

21 as a secondary action type of safety -- in other words,

22 it blocks trigger motion or trigger parts motion rather

23 than acting directly on the firing pin. With this kind,

24 you enable a mismatch between the intervening parts in

25 the trigger and the firing pin to allow just such a

1 malfunction as occurred in this firearm to occur. Where-
2 as if the safety restrains the firing pin completely,
3 irrespective of the position of the trigger parts, then
4 this particular malfunction would not have occurred.

5 Q All right. Regardless of the tolerance of the parts or
6 anything else?

7 A Yes, sir.

8 Q All right. How would that -- All right, I see what you
9 mean.

10 Why is that safety so loose there?

11 A I don't know precisely.

12 Q Well, the condition in the lack of detent in the safety,
13 the lack of firmness, let's say, that's really very
14 obvious; isn't it?

15 A Yes, sir.

16 Q You don't see any rifles that have a safety that's de-
17 signed to work that way; do you?

18 A You see some rifles that work that way, but I would hope
19 that they were not originally designed to work in such a
20 sloppy fashion.

21 Q All right. That wasn't designed to work that way; was
22 it?

23 A No, sir. I cannot believe it was the original intent of
24 the designer to have this occur.

25 Q Okay. What I'm getting at is just in your opinion what

1 all the reasons are that it does occur, because I cer-
2 tainly agree with you that it certainly isn't intended to
3 do that.

4 A. I have been restricted in my investigation due to the
5 desire to leave the trigger mechanism in as undisturbed
6 a condition as possible, and I can't get into it without
7 disturbing the factory installed varnish on the screws
8 and, of course, their relationship to the internal parts
9 and all.

10 Q. Well, would that be helpful to you?

11 A. Academically helpful, sir.

12 Q. Okay. Then you don't really need to do it is that you're
13 saying?

14 A. Only unless I am specifically commissioned to determine
15 the precise mode of internal failure in the safety mech-
16 anism and trigger mechanism.

17 Q. What I'm getting at is if you could get inside that trig-
18 ger mechanism and measure all those individual parts,
19 you'd find out what the tolerances were and whether they
20 were within the specifications of the manufacturer and
21 whether those tolerances are correct or not; wouldn't you?

22 A. Yes, sir.

23 Q. Okay.

24 MR. BECKMAN: Let the record reflect that one of
25 the reasons why he was directed not to disturb that

1 mechanism was so that you folks could have that gun
2 for your inspection without it having been disturbed.

3 MR. MC KISSICK: Well, your comments in the
4 record about own self-serving reasons for doing that
5 you knew you couldn't get to the Jury if you des-
6 troyed that trigger mechanism. That's all there is
7 to it.

8 MR. BECKMAN: I wanted you to have the oppor-
9 tunity; whether it's self-serving or not, the truth
10 is the truth.

11 MR. MC KISSICK: I know. I'm just trying to
12 get to the point -- do you want to get into the
13 trigger mechanism?

14 (There was discussion off the record.)
15

16 Q (By Mr. McKissick) And you found no evidence of any
17 alteration in the trigger mechanism, itself?

18 A No, sir.

19 Q Anything else wrong with it?

20 A No, sir.

21 Q I just really want to find out, you know, everything you
22 feel about it at this point. Do you anticipate doing any
23 further testing?

24 A No, sir.

25 Q At this time? Do you have any other opinions of what's

1 wrong with the rifle than what you've told us about?

2 A No, sir.

3 MR. MC KISSICK: Let us step outside a second.

4
5 (There was a recess.)

6 Q (By Mr. McKissick) Show me, John, on that thing how the
7 -- let me try it. Okay. Now, to -- it's on fire posi-
8 tion.

9
10 (There was discussion off the record.)

11 Q (By Mr. McKissick) The condition of the safety, the lack
12 of firmness and positive detent in the safety is obvious
13 to a user of the rifle such as yourself?

14 A Yes, sir.

15 Q And it's not something that would likely go unnoticed by
16 anyone that used the gun; would it?

17 MR. BECKMAN: I'm going to object to that.

18 MR. MC KISSICK: You can object to it. Why
19 don't you object to it at the trial?

20 MR. BECKMAN: Okay. I'll object to it at the
21 trial. Go ahead and answer.

22 THE WITNESS: I wouldn't know what inference
23 the user would have drawn from the condition of the
24 safety.

25 Q (By Mr. McKissick) All right. Let me ask you --

- 1 A. My own inference?
- 2 Q. Yes.
- 3 A. My inference from my experience as a professed expert in
4 these matters would be to inspect that safety in opera-
5 tion. But I do not know and do not necessarily feel that
6 an uninitiated public individual would necessarily draw
7 the same conclusions I would.
- 8 Q. How about a person that holds a Class Three firearms
9 license?
- 10 A. What is a Class Three firearms license?
- 11 Q. A license to sell firearms, Class Three, from the Alcohol
12 Tobacco tax -- the Federales?
- 13 A. I don't know.
- 14 Q. Okay.
- 15 A. It would all depend on what he really knew technically.
16 He could sell the stuff. I've seen pawnshop dealers
17 which couldn't tell you which end of the barrel the thing
18 come out of. But they might have had a license to sell
19 automatic firearms, for all I know.
- 20 Q. Okay. It's evident to you -- let's talk about you then
21 -- that the safety and the manner in which it operates is
22 not something you'd normally expect in any rifle?
- 23 A. No, sir. It's something I would have taken some steps
24 about.
- 25 Q. All right. And the proper steps that you take with

1 something like that would be return it to the manufacturer;
2 wouldn't it?

3 A Yes, sir, or competent gunsmith.

4 Q Well, all right. Well, what I'm getting at really is
5 this: It's evident that it shouldn't be that way?

6 A Yes, sir.

7 Q And when a rifle from a manufacturer like the Remington
8 Arms Company isn't right, it can be returned to the fac-
9 tory and the problems, if there is a problem, taken care
10 of?

11 A Yes, sir.

12 Q Okay. And that could have been done in this case, too?

13 A Yes, sir.

14 Q Okay. If it were your rifle, you'd do it; wouldn't you?

15 A As I said, I would have either given it to a competent
16 gunsmith or done it, myself, or returned it to Remington.

17 Q Okay. All right. Okay, now, just so I understand your
18 opinion in this case, one, that the condition whereby the
19 gun fires when the safety is advanced without the trigger
20 being pulled is a result of one of two situations: one,
21 that there's a tolerance buildup in the parts inside the
22 trigger mechanism?

23 A Yes, sir.

24 Q Am I right; am I interpreting what you said correctly?

25 A Yes, sir.

1 Q Okay. And it's either that, or the second thing is that
2 the manner in which the trigger mechanism was assembled
3 was improper?

4 A Assembled or adjusted, which includes the mating between
5 parts and the angles at which they may be meeting or a
6 combination of the tolerance buildup that may be present
7 and the final assembly adjustment.

8 Q All right. We're talking about things -- I know you're
9 not saying this specifically, but we're talking about the
10 assembly of the sear in relation to the cam and this sort
11 of thing?

12 A Yes, sir.

13 Q Okay. The internal parts of the trigger mechanism?

14 A Yes, sir.

15 Q And these -- both of these would have been things which
16 in your opinion would have occurred at the factory when
17 the trigger mechanism was assembled?

18 A Yes, sir.

19 Q Okay. And I'm sure it's your opinion that that should
20 have been discovered prior to the rifle ever leaving the
21 factory?

22 A Yes, sir.

23 Q Now, what would preclude someone from removing the trig-
24 ger mechanism from this rifle and replacing it with
25 another trigger mechanism?

1 A. Nothing.

2 Q. You don't know whether that's been done or not?

3 A. No, sir, although I find no evidence that such a replace-
4 ment has been made.

5 Q. And you find no evidence that that trigger mechanism has
6 been taken off the barrel of that gun?

7 A. No, sir.

8 Q. Have you checked the visible parts of the trigger mecha-
9 nism with a Remington list of parts or other parts to see
10 that they match?

11 A. No, sir.

12 Q. Okay. What do they use -- I forgot.

13 A. Radiographs.

14 Q. What do the radiographs indicate to you? What were they
15 taken of?

16 A. They were taken of the action and trigger assembly in the
17 cocked position, fired position, with the safety on, with
18 the safety off, with the sear having lost control of the
19 cocking piece, and with the bolt out. And these were
20 taken in lieu of black and white photographs of the de-
21 vice because I could not get inside.

22 Q. What do they show? They show the internal mechanism of
23 the trigger mechanism; isn't that right?

24 A. Yes, sir.

25 Q. As a result of those studies, what do they show you or

1 tell you?

2 A. They show the constituent parts of a Model 700 style
3 trigger with no obvious modification or alteration.

4 Q. Okay. No gross deformity in those various parts of the
5 trigger mechanism?

6 A. None that he was able to detect.

7 Q. And, of course, that type of test, I take it, is not pre-
8 cise enough to tell you what the tolerances are, the re-
9 lations of one part to another, or even the sizes of the
10 parts, themselves?

11 A. No, sir.

12 Q. So from a standpoint of finding anything wrong or what
13 causes this particular position in this gun, that's nega-
14 tive; right? That turned up negative?

15 A. No, I wouldn't say that.

16 Q. Okay.

17 A. It showed me that there was no gross deformity of malfor-
18 mation of any of the parts, they were all in the expected
19 relationship to one another, and they documented the con-
20 dition of the action and the trigger parts and the firing
21 mechanism parts with respect to one another prior to any
22 disassembly whatsoever.

23 Q. All right. Other than those we just took the still photo-
24 graphs of, what do they show? You've got circles around
25 a couple of those.

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(The photographs were handed to Mr. McKissick by the witness.)

Q (By Mr. McKissick) Okay. Let's see. How did you go about determining or would you go about determining if there was a tolerance buildup in the parts?

A I would need a copy of the assembly drawings and the piece part drawings for that particular assembly and then I would use my optical comparitor and make very precise measurements to determine the actual physical size of those parts. Use an optical comparitor where it was appropriate, and then use other instruments.

Q Of course, to see -- you would have to take the trigger mechanism apart and get at the various parts inside to see if they met the specifications?

A Ultimately.

Q Do you have an opinion as to whether the specifications for that rifle as drawn are adequate?

A No, sir.

Q You don't have an opinion?

A No, sir.

Q Do you have any reason to think the design, itself, is bad other than you don't like a two-place safety?

A No, sir. I would have to review the design documents before I could offer an opinion on that.

1 MR. MC KISSICK: Okay. Thanks.

2 RE-EXAMINATION

3
4 BY MR. BECKMAN:

5 Q Let me ask a couple of questions since you're here, Mr.
6 Butters. For the record, my name is Gerald Beckman. I
7 represent the Plaintiff in the case. During your deposi-
8 tion so far, you have had occasion to disassemble and
9 talk about the rifle that I'm presently holding; have you
10 not?

11 A Yes, sir.

12 Q Why don't you describe for the record what I'm doing,
13 please.

14 A You lift the bolt handle, draw it to the rear in a cocking
15 motion, and thrust it forward and rotate the bolt handle
16 downward so the bolt is locked in the ready-to-fire posi-
17 tion. The safety is in the fire position.

18 Q Is this the sort of action a hunter would take when he's
19 putting a live round into the firing chamber?

20 A Yes, sir.

21 Q Okay. What did I just do there?

22 A You just put the safety in the safe position.

23 Q What did I just do?

24 A Pulled the trigger.

25 Q With what result?

1 A The rifle failed to fire. The firing pin failed to fall.

2 Q All right. Now what am I doing?

3 A You displaced the safety slightly forward and depressed

4 the trigger.

5 Q All right. Now what did I do?

6 A You pulled the trigger.

7 Q Now, where is my index finger?

8 A It's on the safety level.

9 Q What did I just do?

10 A You pushed the safety to the fire position, and without

11 touching the trigger, the firing pin fell. If there had

12 been a round in the chamber, the rifle would have dis-

13 charged.

14 Q All right. Now, I'm going to hand you the rifle with the

15 bolt in the open position and ask you to describe the

16 bluing condition on the inside of the rifle.

17 MR. MC KISSICK: The what?

18 MR. BECKMAN: The bluing condition.

19 THE WITNESS: The blue on the inside of the

20 action, that is the black oxide surface finish on

21 the action is intact and appears unworn. There does

22 not appear to have been any appreciable use of this

23 rifle.

24 Q (By Mr. Beckman) All right.

25 A And certainly no abuse.

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MR. BECKMAN: That's all I have.

JOHN T. BUTTERS, JR.

THE STATE OF TEXAS :

COUNTY OF HARRIS :

Subscribed and sworn to before me by the said witness,

JOHN T. BUTTERS, JR., on this the _____ day of _____,

1981.

Notary Public, State of Texas

1 THE STATE OF TEXAS :

2 COUNTY OF HARRIS :

3

4 I, _____, a Notary Public in

5 and for the State of Texas, do hereby certify that JOHN T.

6 BUTTERS, JR., the witness hereinbefore named, appeared before

7 me and subscribed and swore to the above and foregoing deposi-

8 tion; and I further certify that all changes, corrections, or

9 interlineations appearing in pencil or ink were made by the

10 said witness for the reason stated prior to signing said depo-

11 sition.

12 GIVEN UNDER MY OFFICIAL HAND AND SEAL OF OFFICE, this the

13 _____ day of _____, 1981.

14

15

Notary Public, State of Texas

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Ak/RET Reporting, Inc.

CORPUS CHRISTI, TEXAS

1 THE STATE OF TEXAS :
2 COUNTY OF NUECES :

3 I, RONALD D. WAY, a Notary Public and Certified Shorthand
4 Reporter in and for the State of Texas, do hereby certify that
5 the facts stated by me in the caption hereto are true; that
6 the foregoing deposition of JOHN T. BUTTERS, JR., the witness
7 hereinbefore named, was, at the time named, taken by me in
8 Stenograph, the said witness having been by me first duly
9 cautioned and sworn upon his oath to tell the truth, the whole
10 truth, and nothing but the truth, and later transcribed from
11 Stenograph to typewriting under my supervision.

12 I further certify that the above and foregoing deposition
13 as set forth in typewriting is a full, true, and correct tran-
14 script of the proceedings had at the time of taking said depo-
15 sition.

16 I further certify that I am neither attorney or counsel
17 for, nor related to or employed by any of the parties to the
18 action in which this deposition is taken, and further that I
19 am not a relative or employee of any attorney or counsel em-
20 ployed by the parties hereto, or financially interested in the
21 action.

22 WITNESS MY HAND, this the 13th day of March,
23 1981.

24 Ronald D. Way
25 COSTS: \$ 114.40/xx
RONALD D. WAY, CSR
Notary Public, State of Texas

DUE AND OWING FROM DEFENDANT

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CORPUS CHRISTI, TEXAS

RESUME

JOHN T. BUTTERS, JR. (TOM)
REGISTERED PROFESSIONAL ENGINEER
2100 Tanglewilde, #618
Houston, Texas 77063

EDUCATION : B.S., Electrical Engineering, Southern Methodist University, 1960
B.A., Economics, Duke University, 1954

Special Courses Taken:

The Foxboro Co., Industrial Instrumentation
Course - Three (3) Months
Air Force Navigation Training
FAA Air Route Traffic Control
Private Pilot, Multi-Engine Rated

PERSONAL : Date of Birth: October 24, 1932
Plate of Birth: New York, New York
Marital Status: Married, 3 Children

MILITARY
SERVICE :

U.S. Air Force - June 1954 to October 1956
Rank: 1st. Lt.
Duties: Air Traffic Control Officer - NATO
Liaison with Icelandic CAA
Schools: Air Traffic Control - Will Rogers Field, Oklahoma City,
Oklahoma

EXPERIENCE :

MAY 1977 Consulting engineer in private practice. Vice President and corporate
TO partner of Engineering Consultants, Inc.
PRESENT Duties: Investigate product and design failures and provide technical assistance and expert opinion to interested parties involved in these cases.

OCT. 1976 Rowan Drilling Co., Anchorage and Prudhoe Bay, Alaska
TO Title: Rig Electrician
APR. 1977 Duties: Maintain all electrical apparatus and assist with mechanical maintenance on turbine electric oil drilling rigs above the Arctic Circle at Prudhoe Bay, Alaska. Equipment maintained on each rig included three 1,000 HP International Harvester Solar dual fuel turbines with EMD 750 KW brushless synchronous generators, Bavior Co. Series 11000 SCR controls, seven GE 500 HP dc traction motors, two 120 HP Clayton steam generators, one 100 KW and two 200 KW Caterpillar diesel/EMD auxiliary generators and all the AC and DC switchgear, controls, communication, lighting, cabling, and support equipment for a fifty-man self-sufficient camp and drilling rig complex operating in a subarctic environment. Assist on an as-needed basis in similar duties for two diesel-mechanical oil drilling rigs at the same location.

RESUME - JOHN T. BUTTERS, JR.

- AUG. 1974
TO
SEPT. 1976
- Texas State Technical Institute, Rio Grande Campus, Harlingen, Texas
Title: Instructor
Duties: Engineering instructor in Vocational Technical Junior College. Subjects taught include Pulse and Digital Circuits, Semiconductor Devices and Networks, Instrumentation and Controls, Machine Design, Hydronics & Water Analysis for Air Conditioning Systems, Quality Control and Technical Writing.
- OCT. 1966
TO
FEB. 1971
&
JUNE 1972
TO
JUNE 1974
- LTV Electrosystems, Inc., now "E" Systems, Inc.
Title: Electronic Systems Engineer
Duties: Design, build, test and put into use data processing equipment of a digital nature. Responsible for documentation and purchasing of parts and write-up of operation of equipment. Operate and service test equipment during extended test program involving environmental and other tests. Subject of major project responsibility is company confidential. Assistant to test equipment section head with responsibility for a major project. Design, document and supervise the building and testing of an automated digital test facility for a complex rf-digital system. Design, document and encode test procedures for computer controlled test facilities of a company confidential nature. Performed dynamic response and strength analysis of high speed differential gear sets for F-15 controls actuator package and did work on electromechanical and hydraulic mechanisms for the F-15, Lockheed 1011 and SST controls.
- FEB. 1971
TO
MAY 1972
- F & M Systems Co.
Title: Senior Engineer
Duties: Design, document and build electronic equipment and mechanical support systems. Perform technical analyses of system and component environmental and specification compatibility and feasibility and implement the results of those studies. Write proposals for complex radio frequency switching matrices and their support systems, computer buffer systems and logic displays. Worked as a member of a specially selected trouble-shooting team to successfully redesign and recoup a failing multi-million dollar r-f switching matrix project. Designed mechanical portion of a complex shipboard collision avoidance radar project with responsibilities for vibration, shock and environmental survivability.
- NOV. 1965
TO
OCT. 1966
- Geotech Division of Teledyne, Inc.
Title: Design Engineer
Duties: Production redesign of parts of long period vertical seismometer with responsibility for documentation of complete seismometer for production. Wrote operations manual for maintenance and use.
- Performed same job for high sensitivity tilt measuring system capable of measuring a tilt as small as .02 arc second.
- Redesigned an oxygen-acetylene seismic noise source generator for off-shore sub-bottom strata mapping. Took Shell Oil Co. prototype sketches and built, tested and documented the device and made it a

working system. Was responsible for purchasing, engineering, testing, and installation. Project budget approximately \$250,000 spent over 9 month period from February 1966 to October 1966.

JULY 1964
TO
OCT. 1965

Frito-Lay

Title: Project Engineer

Duties: Planning, scheduling, financing and execution of processing equipment. Accomplished original design of electromechanical systems incorporating purchased sub-assemblies such as metal detectors and color measuring devices. Designed a control system for a major food product processing line and a tramp metal detection system. Have run test programs on color measuring devices, designed numerous small mechanisms associated with the counting, sorting, handling, and processing of food products. Two of these are a cookie docker-roller and cutter and an oiling and spicing machine for a new food product. Responsible for the rewiring and re-electrification of Frito-Lay research and pilot lines facilities. A major project responsibility was company confidential at the time and was the design liaison with Raytheon Inc. of a \$200,000 microwave potato chip cooker line which involved new techniques in processing. This was completed in mid October 1965.

FEB. 1962
TO
JUNE 1964

UNIVAC

Title: Design Engineer

Duties: Design, test and analyze parts and mechanisms for high speed business data processing machinery. Designed speed controls for high speed document sorters and printers. Had prime responsibility for skins and covers and control for Univac original document processor. Designed and developed an "on-line" demand printer to print alphanumeric information in OCR characters on assorted sizes of checks at the rate of 40 per second. Designed a vacuum shut-off valve for the document feeder system with a fully open-to-closed operate time of 12 milliseconds. Analyzed failed parts in source data encoder and redesigned for reliability. Designed high speed (1600 F.P.M. pitch line velocity) dry lubricated speed increaser planetary gear set. Adapted OCR camera system for high speed punch unit, making it a "demand" reader-punch. Supervised two engineers and up to twelve draftsmen and four technicians required by the project.

JULY 1960
TO
JAN. 1962

The Foxboro Company

Title: Assistant Branch Factory Manager

Duties: Scheduled production, designed special test equipment, conducted special tests and trouble-shooting on installation problems, both inside and outside a branch assembly plant for a large industrial instrumentation equipment manufacturer. The job required extensive contact with a large variety of customers using industrial instrumentation.

NOV. 1960
TO
NOV. 1970

Texas Instruments and LTV Electrosystems

Title: Technical Instructor

Duties: Taught basic engineering subjects from basic math and slide

to transients in linear systems to technicians and engineers in evening training program. Taught basic digital logic, machine design and electronics for technicians for LTV and Dallas Independent School District and Dallas Junior College District.

Aug. 1957
TO
Jan. 1959

Magnolia Pipe Line Company

Title: Engineering Assistant

Duties: Assisted senior electrical engineers with drafting and routine work in communications and electrical section and in corrosion protection section. Assisted in design of pipe line controls including annunciator panels, pump station switch gear, and wiring. Assisted in design of supervisory control systems and preparation of specifications for a major microwave communication system.

Engineering Consultants

INC 1656 TOWNHURST DRIVE SUITE G • HOUSTON, TEXAS 77043 • (713) 968-7415

June 6, 1980

Mr. Gerald Beckman
Huerta, Pena, Beckman & Rodriguez
P. O. Box 7219
Corpus Christi, Texas 78415

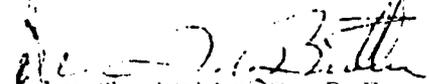
Re: Model 700 Remington Trigger Malfunction
ECI File No. 4684

Dear Mr. Beckman:

In response to your request, I have examined the 30-06 caliber Remington Model 700 rifle, serial number 6442084, which you sent me and have documented by radiographs, photographs and personal inspection a trigger malfunction which results in the discharge of the cocked rifle when the safety is placed in the safe position, the trigger is pulled and the safety is then placed in the fire position. There is no evidence of any modification or abuse of the rifle and no alteration of the factory set adjustments to the trigger mechanism. The factory applied varnish seals are still present on all the trigger and sear adjustment screws. I will store the rifle in my Houston warehouse and await further activity in this matter at your direction.

Very truly yours,

ENGINEERING CONSULTANTS, INC.


John T. Butters, P.E.

JTB/vm

• PERI-PROFESSIONAL ADVICE, ASSISTANCE AND OPINIONS IN ENGINEERING AND TECHNICAL MATTERS