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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

TERI SEE and DARREL SEE,)
wife and husband,)
)
Plaintiffs,)
)
vs.)
)
REMINGTON ARMS COMPANY, INC.,)
a Delaware corporation,)
)
Defendant.)
_____)

Civil No. 81-886

TELEPHONE DEPOSITION OF HELMUT G. BENTLIN
Taken in behalf of the Plaintiffs

BE IT REMEMBERED That, pursuant to court order
and oral stipulation hereinafter set forth, the telephone
deposition of HELMUT G. BENTLIN was taken in behalf of the
Plaintiffs, before Susan K. Leedham, a Notary Public for
Oregon, on Tuesday, August 3, 1982, beginning at 5:00 p.m.,
in the law offices of Bodyfelt, Mount, Stroup & Chamberlain,
214 Mohawk Building, Portland, Oregon.

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APPEARANCES :

Mr. Peter R. Chamberlain and Ms. Kathy Janssen, of attorneys,
appearing in behalf of the Plaintiffs;
Mr. James D. Huegli, of attorneys, appearing in behalf
of the Defendant.

ALSO PRESENT:

Ms. Kathy Auguston.

EXAMINATION INDEX

| Examination by: | Pages |
|------------------|-------|
| Mr. Chamberlain: | 4, 13 |
| Mr. Huegli: | 10 |

COMPUTER ASSISTED TRANSCRIPTION

-BY-

GEESMAN & ASSOCIATES

310 S. W. 4TH, Suite 512

Portland, Oregon 97204

(503) 222-3222

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STIPULATION

(At said time and place the following stipulation was entered into between the attorneys present in behalf of the respective parties:)

It is hereby stipulated and agreed by and between the parties hereto, through their respective attorneys of record, that the deposition of HELMUT G. BENTLIN may be taken in behalf of the Plaintiffs at the time and place set forth in the caption hereof, before Susan K. Leecham, a Notary Public for Oregon, and in stenotype by the said Susan K. Leecham.

It is further stipulated that the deposition when fully transcribed, may be used in the trial of the above-entitled action as by the law and the Rules of Civil Procedure for District Courts of the United States provided; that all questions as to the notice of the time and place of taking the same are waived; and that all objections as to the form of questions are waived unless objected to at the time the questions are asked, but that all objections as to materiality, relevancy and competency of the questions and answers are reserved to the parties until the time of trial.

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HELNUT G. BENTLIN

was thereupon produced as a witness in behalf of the
Plaintiffs and, having been first duly sworn on oath, was
examined and testified as follows:

EXAMINATION

BY MR. CHAMBERLAIN:

Q. Mr. Bentlin, could you please spell your first, middle
and last names for the record.

A. Okay. First name is H-e-l-m-u-t. Middle initial is G
like "Gustov." Last name is B-e-n-t-l-i-n.

Q. Thank you. Mr. Bentlin, can you tell me where you
live?

A. 2646 Jackson Drive in Falls Church, Virginia.

Q. Is that your permanent residence?

A. That's right.

Q. Your phone there?

A. My home?

Q. Right.

A. 560-4380.

Q. Area code 703?

A. That's right.

Q. I understand that you're the owner of a Remington Model

1 700 rifle.

2 A. That's correct.

3 Q. What's the model name on that? Do you know?

4 A. I'm looking at it right now. I have it in my hand

5 here. Okay. It's a model 700 Remington.

6 Q. Is there a letter designation as well?

7 A. Let's see. I have a scope on it. I don't know if I

8 can see it here. I think it's got a serial number here

9 but the -- I haven't got my glasses on.

10 No, I have no name on it.

11 Q. Okay. Do you know if it is a BDL?

12 A. It's a Model 700. No. BDL is in front of the serial

13 number?

14 Q. I don't believe so.

15 A. Let me turn the thing around here now.

16 Q. Why don't you read the serial number, if you could.

17 A. Okay. Let's see. I have my glasses here now. On the

18 other side it's stamped "REP," which means "repeater,"

19 I assume. And, no, it's just Model 700.

20 Q. Okay. Do you see a serial number?

21 A. Yes. 223209.

22 Q. Okay. Did you purchase the gun new?

23 A. That's right.

24 Q. Do you remember about when?

25 A. I don't know the exact day. About in 1968. '68 or

1 '69.
2 Q. Okay. You don't remember the month?
3 A. No, I don't exactly, sir.
4 Q. Do you remember where you purchased it?
5 A. In Falls Church.
6 Q. Falls Church?
7 A. David's Gun Shop.
8 Q. David's Gun shop?
9 A. Yes.
10 Q. That's in Virginia?
11 A. That's right.
12 Q. During the time that you've owned the gun, have you
13 done any alterations to it?
14 A. No. I have repaired it. It has been looked at by
15 Remington.
16 Q. Right. We'll get to that.
17 A. Uh-huh.
18 Q. How about maintenance? Have you done any maintenance
19 to the gun?
20 A. No. Well, I cleaned it myself. Yes, sir.
21 Q. Okay. How would you describe the condition of the gun?
22 A. Excellent condition.
23 Q. And have you had any problems with the gun?
24 A. Yes, sir.
25 Q. Would you please describe each of those problems for

1 us.

2 A. I had -- in '70, I oiled the gun. I think it was 1970.

3 No, it was bought later. The gun was a rifle.

4 Q. It was a what?

5 A. The gun -- I don't use the gun because I use a --

6 Q. Mr. Bentlin, the court reporter is having a little bit

7 of trouble understanding you. If you could talk a

8 little slower, and --

9 A. Okay.

10 Q. -- she'll pick it up then.

11 A. Okay. What was the question again?

12 Q. The question was to please describe the three or the

13 incidents that you had or the problems you have had

14 with the gun.

15 A. All right. The first incident -- I don't recall the

16 exact date. It could have been in mid-'70s. I used

17 the rifle on a farm of my friend. I had the rifle

18 loaded and was standing with a partner, hunting

19 partner, and I raised the gun -- I raised the gun on my

20 shoulder, and I pushed the safety switch in the fire

21 position and the gun fired.

22 Q. Were you pushing the safety from the on safe to the

23 fire position?

24 A. That's right, and the gun fired.

25 Q. On that occasion, did you have your finger or any other

1 part of your body near the trigger?

2 A. Absolutely not.

3 Q. Was there any other foreign object or anything else

4 near the trigger?

5 A. No. I was standing in the clear.

6 Q. Okay. Did this ever happen to you again?

7 A. Yes.

8 Q. More than once?

9 A. Yes. It happened two more times.

10 Q. Could you describe those two incidents for us, please.

11 A. The second incident happened, if I recall right, on

12 another hunting trip on the same farm.

13 Q. The same farm?

14 A. Yes. The third incident happened last year in spring

15 on my own place in West Virginia. I always sighted the

16 gun in to get it ready for hunting season. I had the

17 gun on the table, on the shooting table, and when I put

18 the safety in firing position, the gun misfired again

19 and -- didn't misfire. It fired again --

20 Q. Now, on --

21 A. -- without having anything on the trigger.

22 Q. On the second and third occasions, are you certain you

23 didn't have your finger or any other part of your body

24 on the trigger?

25 A. Absolutely certain. The second one I'm absolutely sure

1 because I've been hunting for 25 years.

2 Q. Okay.

3 A. Absolutely sure I did not.

4 Q. Do you know if you had anything else, any foreign

5 objects or --

6 A. No.

7 Q. Nothing near the trigger?

8 A. No. I had the gun laying on a table on a pillow and

9 did target shooting.

10 Q. On each of those occasions, did the gun fire when the

11 trigger was being moved from the safe position to the

12 fire position? Not the trigger but the safety?

13 A. That's right.

14 Q. Okay. Now, is this Remington Model 700 the type of

15 rifle that cannot be unloaded without moving the safety

16 to the fire position?

17 A. That's right. When the gun is in safety, you cannot

18 unload it.

19 Q. So to unload it, you have to put it in the fire

20 position?

21 A. That's right.

22 Q. Thank you. I will have one more question when Mr.

23 Huegli finishes, but he gets an opportunity now to ask

24 you some questions.

25 A. Yes.

1
2 EXAMINATION
3

4 BY MR. HEUGLI:

5 Q. Did you send this gun to Remington?

6 A. That's right, sir.

7 Q. And they sent it back to you. What did they do to it?

8 A. Let me give you what I did. When the third time
9 happened, I started to get scared so I went to a
10 gunsmith in Amissville, which is a very reliable
11 gunsmith. I showed him my rifle. I told him what
12 happened. He said right away, "Mr. Bentlin, there's
13 nothing I can do with the gun. We got no trigger
14 parts. You have to send the gun to Remington."

15 Q. Did you?

16 A. Yes, I called Remington by phone. Got a recording two
17 times and then a gentlemen in Connecticut told me -- I
18 think it's Connecticut. No, New England, I guess.

19 Q. Well, Mr. Bentlin, did you send the gun back?

20 A. Yes. Sent the gun to New York.

21 Q. Did you get the gun back again eventually?

22 A. Yes.

23 Q. All right. Did they send you a letter?

24 A. Yes.

25 Q. Do you have the letter?

1 A. I'm not sure if I still have the letter.
2 Q. You don't have a copy of it?
3 A. I should have it. Yes.
4 Q. Can you read it to us?
5 A. I did not -- I tell you the truth I --
6 MR. CHAMBERLAIN: Mr. Bentlin, you're talking
7 a little fast. The court reporter is having a hard
8 time getting it down. Could you slow down just a
9 little bit.
10 THE WITNESS: No, I haven't got the letter
11 handy right now.
12 BY MR. HUEGLI:
13 Q. Fine. What was done to the rifle?
14 A. According to the letter from the Remington Arms
15 Corporation, it said they cleaned the action, too much
16 oil in it, and that's all.
17 Q. Okay. They cleaned it?
18 A. That's what he said. Yes.
19 Q. Sent it back to you?
20 A. Yes, sir.
21 Q. How does it work now since they fixed it?
22 A. I had the rifle last fall. I fired six rounds and
23 nothing happened. It's all right.
24 Q. Have you had any problem with the rifle at all since it
25 was returned from Remington Arms?

1 A. I haven't used it very much. No, I didn't have any
2 problem.
3 Q. Okay. Now, this gun is about 14 years old?
4 A. That's right.
5 Q. In the 14 years that you have had it, would you say
6 that you flipped that safety mechanism back and forth
7 maybe as much as a thousand times?
8 A. No, sir.
9 Q. How many times in 14 years?
10 A. I'm not much of a -- I don't shoot too much
11 unnecessarily, so I would say no more than 250, maybe
12 300 times.
13 Q. Two hundred fifty to three hundred times in the 14
14 years you've had it?
15 A. Right.
16 Q. Okay. That's fair. Do you have any knowledge as to
17 whether the parts that you got back in that gun were
18 the same parts that you sent in to Remington? In other
19 words, they didn't add any new parts to it. They just
20 cleaned it and sent it back?
21 A. Sir, I could not tell because I would have to unscrew
22 the bolt, and I've got no idea of how to replace
23 anything.
24 Q. Okay. And take your time with this. You looked
25 carefully at the gun. All you see is the serial number

1 and the words "Model 700" and nothing else. No letters
2 "BDL"?

3 A. I got the name "Remington" underneath the name
4 "Remington Model 700."

5 Q. That's it?

6 A. That's it.

7 MR. HUEGLI: Okay. Thank you very much, Mr.
8 Bentlin.

9 THE WITNESS: You're welcome.

10

11 FURTHER EXAMINATION

12

13 BY MR. CHAMBERLAIN:

14 Q. Mr. Bentlin, do you have any sales receipt for the gun,
15 or do you have any owner's manuals?

16 A. Yes.

17 Q. Are they where you can grab them?

18 A. The owner's manual I should have. Yes, sir.

19 Q. I'm just interested. The information we have from
20 Remington indicates this is a BDL. I wondered if you
21 could look and see if you can confirm this.

22 MR. HEUGLI: Object to the form of the
23 question.

24 BY MR. CHAMBERLAIN:

25 Q. Can you do that, please, Mr. Bentlin?

1 A. Okay. Hold on, please.
2 All right. I've got my original instructions.
3 Q. Did that come with the rifle?
4 A. It came with the rifle; right.
5 Q. Does it indicate on there what the model number or name
6 was?
7 A. It says, "Bolt action repeater Model 700." It says "30
8 aught 6 box, magazine, ADL and BDL grades."
9 Q. Okay. That's all it says?
10 A. That's what it says on the top, yes, sir.
11 MR. CHAMBERLAIN: Do you have any more
12 questions, Mr. Huegli?
13 MR. HEUGLI: No, I don't. Thank you very
14 much.
15 MR. CHAMBERLAIN: Before you hang up --
16 THE WITNESS: Yes, sir.
17 MR. CHAMBERLAIN: Mr. Bentlin, under the
18 federal rules of civil procedure, you have the right to
19 read your deposition after it's transcribed and make
20 any corrections if you want to, and you also may waive
21 that right. The court reporter takes everything down.
22 They are usually pretty accurate, but it's up to you if
23 you want to read it and sign it or you can waive your
24 right.
25 THE WITNESS: I would appreciate to read it.

1 Yes, sir.
2 MR. CHAMBERLAIN: You want to read it and
3 sign it?
4 THE WITNESS: Yes, sir.
5 MR. CHAMBERLAIN: Then we'll send a copy when
6 it's transcribed. It may be quite awhile though.
7 MR. HEUGLI: Okay, sir.
8 MR. CHAMBERLAIN: Fine.
9 THE WITNESS: Thank you very much, sir.
10 (Deposition concluded at 5:15 p.m.)
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1
2 STATE OF OREGON)
3) ss
4 COUNTY OF MULTNOMAH)

5 I, the undersigned, Susan K. Leedham, a Notary
6 Public for Oregon, do hereby certify that the telephone
7 deposition of HELMUT G. BENTLIN was taken before me at the
8 time and place mentioned in the caption of the foregoing
9 deposition; that Mr. Peter R. Chamberlain and Ms. Kathy
10 Janssen appeared in behalf of the Plaintiffs and that Mr.
11 James D. Huegli appeared in behalf of the Defenant, and
12 the said witness being by me first duly sworn to testify
13 the truth, the whole truth and nothing but the truth, in
14 answer to oral interrogatories, testified as in the fore-
15 going annexed deposition, Pages 1 to 15, both inclusive,
16 set forth.

17 I further certify that all interrogatories pro-
18 pounded to said witness, together with the answers of said
19 witness thereto, and all objections and other oral proceed-
20 ings occurring upon the taking of said deposition, were
21 then and there taken down by me in stenotype and there-
22 after reduced to typewriting under my direction, and that
23 the foregoing annexed transcript, Pages 1 to 16, both
24 inclusive, constitutes a full, true and accurate
25 transcript of said deposition and proceedings, so taken
by me in stenotype on said date, as aforesaid, and of the

1 whole thereof; that the deposition, when fully transcribed,
2 was submitted to the witness for examination and reading
3 by him, and that the witness thereafter signed the depo-
4 sition in the presence of a Notary.

5 I further certify that I am not a relative or
6 employee or attorney or counsel for any of the parties,
7 or a relative or employee of such attorney or counsel,
8 or financially interested in said cause.

9 IN WITNESS THEREOF, I have hereunto set my
10 hand and notarial seal this 16th day of September, 1982.

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Suzanne K. Kiedham
Notary Public for Oregon
My commission expires: 1/16/86



C o u r t · R e p o r t e r s

September 17, 1982

Mr. Helmut G. Bentlin
2646 Jackson Drive
Falls Church, VA

Re: Teri See, et al. vs. Remington Arms Co., Inc.
Civil No. 81-886

Dear Mr. Bentlin:

Enclosed is a copy of your deposition taken August 3, 1982 in the above-captioned case. Please review your deposition, noting any corrections you may have on the accompanying correction sheet, and then sign the sheet before a Notary Public.

After this has been done, please return both the transcript and signed correction sheet to me at your earliest convenience, so I may forward copies to the other parties.

Thank you very much.

Sincerely,

Susan K. Leedham
Court Reporter

cc: Mr. Peter Chamberlain
Mr. James D. Huegli ✓

310 S.W. 4th Ave. Suite 512 Port. Ore. 97204 (503) 222-3222



24052

C o u r t · R e p o r t e r s

September 29, 1982

Mr. Peter R. Chamberlain
Bodyfelt, Mount, Stroup & Chamberlain
Attorneys at Law
214 Mohawk Building
Portland OR 97204

Re: Teri See, et al. vs. Remington Arms Company, Inc.
No. 81-886

Dear Mr. Chamberlain:

Enclosed are the signed depositions of Lawrence Puccetti and Helmut G. Bentlin taken August 3, 1982 in the above-captioned case.

I am today sending copies of the correction/ signature pages to Mr. Huegli.

Sincerely,

Susan K. Leedham
Court Reporter

cc: Mr. James Huegli ✓

310 S.W. 4th Ave. Suite 522 Port. Ore. 97204 (503) 222-3222

1 I have read my deposition and make the following corrections
 2 and/or additions:

| 3 | Page | Line | Correction |
|---|------|------|------------------------------|
| 4 | 10 | 10 | Annandale Va. |
| 5 | 12 | 21 | and I've got no idea if They |
| 6 | | | replaced anything |

18 Helmuth G. Bentlin
 19 Helmut G. Bentlin

20 Subscribed and sworn to before me this 22nd day of
 21 September, 1982.

22 Diane W. Mancus
 23 Notary Public for
 24 My commission expires:
 25 August 24, 1985

1 whole thereof; that the deposition, when fully transcribed,
2 was submitted to the witness for examination and reading
3 by him, and that the witness thereafter signed the depo-
4 sition in the presence of a Notary.

5 I further certify that I am not a relative or
6 employee or attorney or counsel for any of the parties,
7 or a relative or employee of such attorney or counsel,
8 or financially interested in said cause.

9 IN WITNESS THEREOF, I have hereunto set my
10 hand and notarial seal this 16th day of September, 1982.

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/s/Susan K. Leedham

Notary Public for Oregon
My commission expires: 1/16/86