

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

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TERI SEE and DARREL SEE,  
wife and husband,

Plaintiffs,

-vs-

REMINGTON ARMS COMPANY, INC.,  
a Delaware corporation,

Defendant.

\*\*\*\*\*

Held at Remington Arms  
Ilion, New York  
August 17, 1982

DEPOSITION of GERALD HILL, taken by  
the Plaintiffs.

APPEARANCES:

BODYFELT, MOUNT, STROUP & CHAMBERLAIN, ESQS.  
Attorneys for Plaintiffs  
229 Mohawk Building  
222 S.W. Morrison Street  
Portland, Oregon  
BY: PETER R. CHAMBERLAIN, ESQ., of Counsel

APPEARANCES: (Cont'd.)

SCHWABE, WILLIAMSON, WYATT, MOORE & ROBERTS, ESQS.  
Attorneys for Defendant  
1200 Standard Plaza  
Portland, Oregon  
BY: JAMES HUEGLI, ESQ., of Counsel

ALSO PRESENT:

ROBERT SPERLING, ESQ., Associate Counsel for  
Remington

Lorraine Smith,  
Reporter

MARTIN MURPHY, CSR, P.C.

SEE 0002





S T I P L A T I O N S

At said time and place, the following stipulation was entered into by counsel present for the respective parties. It is hereby stipulated and agreed by and between the parties hereto, through their respective counsels, that the deposition of Gerald Hill, a material witness called for the examination by Plaintiffs may be taken before Lorraine Smith, a Notary Public, at this time and place on oral interrogatories, direct and cross, to be propounded to the Deponent. It is further stipulated that all irregularities as to notice of time and place and manner of taking said deposition are hereby waived, except that each party reserves the right to object at the time of trial to any question or answer but that objections as to the form of the questions or irresponsiveness of the answers are waived unless made at the time of taking said deposition.

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G E R A L D H I L L , having been duly sworn by  
a Notary Public in the State of New York,  
testified under his oath as follows:

BY MR. CHAMBERLAIN:

Q Mr. Hill, my name is Peter Chamberlain. I  
represent Mr. and Mrs. See in a lawsuit that is pending  
in Federal Court in Portland, Oregon. Remington Arms  
is the defendant in that lawsuit. Remington's attorneys  
are here representing them, and this is my chance to  
talk to you and find out a little bit about Remington  
Arms and about you and about your employment.

Have they explained to you what a deposition  
is?

A Yes, they have.

Q By "they," I mean these lawyers.

A (No response.)

Q You know, then, that it is important that you  
understand my questions whenever you try to give an  
answer.

A Yes.

Q All right. And you know it is important that  
you answer out loud so that the court reporter can take

it down?

A Yes.

Q And that you refrain from nodding your head and using uh-huhs or huh-uhs, because she has a hard time with those. Okay?

A Okay.

Q If for any reason you want to stop and talk to your lawyers outside the room, you are free to do so or if you don't understand my question, ask me to rephrase it. Make sure that you totally understand it before you attempt an answer. Okay?

A Okay.

Q Fair enough. What is your present age?

A Forty-eight.

Q And your full name is what?

A Gerald J. Hill.

Q Is it G-e-r --

A G-e-r-a-l-d.

Q What is your present position with Remington?

A Supervisor, process engineering current products.

Q How long have you worked for Remington?

A Twenty-two years.

Q What is your educational background?

A I have a bachelor's degree in mechanical engineering.

Q When did you receive that?

A 1960.

Q From where?

A Michigan Technological University.

Q Do you have any post-graduate education?

A No.

Q You went to work for Remington right out of college, then?

A Yes.

Q What did you start out as?

A Process engineer.

Q Okay. Trace for me, if you will, then, your various positions at Remington. What positions have you held?

A What do you mean by "trace?"

Q Give me a brief outline of what positions you have held.

A Okay. I worked in Process Engineering and

also in Production, Production Supervision, and then Quality Control, Product Testing, and then my present position now, which is in Process Engineering.

Q Supervisor of current products?

A Yes.

Q How long have you held your current position?

A Five years.

Q Since --

A -- '77.

Q Okay. How long were you in Product Testing before that?

A One year.

Q How long were you in Quality Control before that?

A I believe that was two years.

Q How about Production Supervision, how long were you in that?

A Five years.

Q So you were a process engineer for ten or twelve years?

A I believe it is somewhere around eight years.

Q Your math is better than mine.

In Product Testing, what products were you involved in?

A. Well, our firearms.

Q. All of them?

A. Yes.

Q. Is that new product testing? By "new," I mean new as opposed to guns returned by customers.

A. Yes.

Q. Okay. Who was your supervisor when you were in Quality Control?

A. I was a supervisor. My immediate boss was Clark Workman.

Q. And there again, in Quality Control, your apt to be in contact with virtually any firearm manufactured by Remington?

A. Yes.

Q. During your time as the process engineering -- Strike that.

Tell me in general form, what does the process engineer do? I don't know what that term means.

A. The process engineer would take drawings and come up with a manufacturing process to manufacture

that drawing or that part on the drawings to a completed gun part.

Q For instance, then, designing the tooling or drawing the tooling?

A Being responsible that it will meet the specifications of the drawing. In other words, the process engineer does not do the design work. He is responsible to make sure it is done to the tolerances on the drawing.

Q You don't design firearms as a process engineer?

A No.

Q What department is in charge of that?

A It would be the research and development group.

Q In Production Supervision, is that just what it sounds like, overseeing the manufacture of rifles or of firearms?

A Yes.

Q And do you get involved with one particular model of rifle, or are you apt to be anywhere in the plant on any particular gun?

A It would be more involved in a specific area.

Q What area were you involved in during the time you were involved in Production Supervision?

A It was called, I believe, 'the barrel blank manufacturing area. It was, more or less, the manufacture of components.

Q For any particular model?

A No.

Q Okay. How does Product Testing differ from Quality Control? We just had somebody, whose name I can't recall right now, in here.

MR. SPERLING: Snedeker.

BY MR. CHAMBERLAIN:

Q Mr. Snedeker, yes, who said that in Quality Control, one of the things they would do is test random off the line and test rifles randomly out of the inventory. How is Product Testing different from that?

A Product Testing is testing of all firearms manufactured in the plant.

Q Is it part of the manufacturing process?

A Right.

Q What tests -- Strike that.

You were in Product Testing in about 1976 to 1977, in that area?

A Yes.

Q Do you remember a point when you actually took over your duties in Product Testing?

A No.

Q Was it before December of '76?

A Yes.

Q And you continued on with those duties through sometime in '77?

A Yes.

Q Okay. It is probably just coincidence, but information provided to me by your employer indicates that the rifle that was involved in this lawsuit was manufactured in December of '76. You would have been in Product Testing at that time, right?

A Yes.

Q Why don't you describe what you did, what your job was in Product Testing.

A I was the supervisor of the Product Testing area, where we do our testing of our manufactured product.

Q Did you say that every rifle or every firearm

that is manufactured by Remington is tested by the  
Product Testing people?

A Yes, it is.

Q That, of necessity, would include Model 700's  
manufactured in December of '76?

A Yes.

Q Turning your attention, then, to that particular  
model of rifle, what tests would be performed on such  
a rifle back then?

A There would be a proof test and a function  
and accuracy test.

Q Function and accuracy?

A Yes.

Q Are those two tests called the gallery test?  
Is that the same thing?

A Yes.

Q In December of '76, was Product Testing  
performing something called a trick test or a null test  
on Model 700's, new ones?

A: Would you repeat that, please?

Q Okay. Let me approach it in a different direction.  
Are you familiar with a test called the trick test?

A Yes.

Q Do you know what it is?

A Yes.

Q Tell me what it is so we are sure we are on the same wave length.

A The trick test comprises the gun with the bolt in the closed position, moving the safety to a halfway position, pulling the trigger and then returning the trigger to the fire position. In other words, it is checking it at a halfway position, pulling the trigger to make sure that the gun is functioning properly.

Q And then putting it to the fire position and seeing if the firing pin falls?

A Yes.

Q If the firing pin does fall, you would say the gun has failed the trick test?

A Yes.

Q If it does not fall, it has passed?

A Yes.

Q Okay. When did you first learn about that trick test?

A I don't know.

Q Has it been more than ten years ago, would you guess? I don't want to use that word "guess." I realize you don't remember the date or the occasion, but give me a general idea, your best estimate. For instance, you have known about it for more than five years, haven't you?

A Yes.

Q And you had probably known about it before the Coats versus Remington litigation, or not?

A I can't really give you a direct answer when I first knew about it.

Q Okay. Did you know about it before the recall of the Model 600?

A Yes.

Q It is my information that that recall occurred in November of 1978. You knew about it before November of '78, right?

A I can't answer that.

Q Do you recall how you first learned about the trick test or the trick condition?

A No.

Q Correct me if I am wrong, but when someone

refers to a gun being in the trick condition, does that mean that the rifle is one that will fail the trick test, or does it mean that you have put the trigger in the null position and pulled the trigger?

A Would you repeat the first part of that, please?

Q Let me try it in a different direction.

In some of the documents provided by your employer, I have read about their descriptions of, I think it was, the Model 600, where they said this rifle or these rifles can be put in the trick condition. Have you ever heard that term before, "trick condition?"

A Yes, on the Model 600.

Q Okay. And what is your understanding of what the trick condition is?

A This would be a gun that if you performed a trick test on, it would fail.

Q Okay. And the gun is in the trick condition when the handler has put the safety in the null position and pulled the trigger, and it has clicked but not fired, right?

A Would you repeat that one again, please?

A. I am just trying to get an understanding of what the people in your company mean when they use the term "trick condition." Would you say that any gun that is going to fail the trick test is in the trick condition?

MR. HUEGLI: Are you asking him what everybody else means or just his understanding?

MR. CHAMBERLAIN: Well, I am starting with his understanding. Obviously, he can't know what everyone else thinks.

MR. HUEGLI: Well, I think you did ask him what everybody else in the company means when they say "trick condition."

He is asking you what you understand the trick condition to be.

Is that fair?

MR. CHAMBERLAIN: Pretty much.

THE WITNESS: That, to me, would be a gun that failed the trick test.

BY MR. CHAMBERLAIN:

Q During the time that you were in Product Testing, was the trick test one of the tests that was

performed on Model 700's along with other tests that you have described?

A. I don't know.

Q. Okay. At some point, did it become Remington's practice, to your knowledge, to perform the trick test as part of the product testing on the Model 700?

A. Yes.

Q. On the Model 700?

A. Yes.

Q. You don't know when that --

A. No, I don't.

Q. -- began?

A. No.

Q. Are you aware of any Model 700 that failed the trick test in the course of such product testing?

A. No.

Q. Were you in a position at any time in the last several years to be given that information if one did fail?

A. You would have to repeat that for me, too.

Q. You said that in the recent past they have performed the trick test on Model 700's as part of the

product testing procedure.

A Yes.

Q Did your employment with Remington or your position with Remington, would that have made you in line to receive the information that a particular gun had failed the trick test?

A Yes.

Q Is that while you were in Product Testing or since then?

A Since then.

Q As supervisor of current products?

A Yes.

Q Okay. Why don't you tell me a little bit about your present position as supervisor of Product Testing? What does that entail?

A Responsibility for a group of engineers and technicians, to continue manufacturing of components to specifications.

Q And does the term "current products" in your title suggest that you are involved with the continuing design process for products that are currently being manufactured as opposed to discontinued products or new

products?

A. Yes.

Q. So it would be outside of your area if we were talking about the design of a totally new rifle, right? That wouldn't be something you would be involved with?

A. No.

Q. If we were talking about a discontinued line, you wouldn't be involved in that, obviously, right?

A. No.

Q. Like the 600, right?

A. Well, possibly on those. I might just possibly on discontinued ones.

Q. Okay. And do you, as part of your present job -- Strike that.

Are you involved with product modifications, current product modifications?

A. Yes.

Q. Were you personally involved in the redesign of the Model 700 that went into effect in February of this year?

A. Yes.

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Q Would it be fair to say that you were the person in charge of that or not?

A No.

Q Who was?

A I can't answer that.

Q Because you don't know?

MR. HUEGLI: Is there one person that you could point out and say that they were in charge of all the redesigning of the Model 700's safety?

THE WITNESS: For redesigning, yes.

MR. HUEGLI: Is that what you want, redesigning?

MR. CHAMBERLAIN: Yes.

BY MR. CHAMBERLAIN:

Q Who is that?

A I really can't answer that for sure.

Q Does more than one name come to mind?

MR. HUEGLI: Is there somebody else that could tell us that? Would Mr. Linde be in a better position to answer that?

THE WITNESS: I can give you a name, but

I am not sure he was responsible for it. He was the contact I worked with on the implementation of it.

BY MR. CHAMBERLAIN:

Q What name is that?

A John Brooks.

Q Now, I would assume that when a product is ultimately redesigned that it goes through a number of phases, such as the decision to make the redesign and the implementation of the design?

A Yes.

Q You used the word "implementation." Is that the phase you were involved in?

A Yes.

Q Were you involved in the decision to make the change?

A No.

Q Do you think Brooks was the person that ultimately made that decision or was most in charge of it?

A I can't answer that.

Q Do you know any other names that may have been

involved in that decision?

MR. HUEGLI: Is there anybody else that would be in a better position to answer these questions than you?

THE WITNESS: I believe so.

BY MR. CHAMBERLAIN:

Q Who would that be?

A It would have to be somebody from the research group. As I mentioned, mine was implementation.

Q Who is in charge of R & D?

A Clark Workman.

Q When you are called to implement a design change on a current product, are you typically told the reason for that change or reasons?

A No.

Q Were you in the case of the redesign of the 700?

A Rephrase that, please.

Q In the case of the redesign of the 700 that, I guess, was implemented in February of this year, were you told the reason or reasons for the redesign? And when I say "told," I mean either orally or in writing.

MR. HUEGLI: By secretaries or anybody, were you told by anybody why the 700's safety was redesigned?

THE WITNESS: Well, I would have to say yes.

BY MR. CHAMBERLAIN:

Q Who told you?

MR. HUEGLI: Go ahead. Other than your lawyer, nothing that we have discussed.

THE WITNESS: No. Who told me? I really can't say who told me.

BY MR. CHAMBERLAIN:

Q Was it more than one person?

A I would think so. I would say yes.

Q So you have general knowledge about the reasons, but you can't, in your mind, come up with a specific person that gave you the information, right?

A That is correct.

Q Did you read anything that gave you one or more reasons for the redesign?

A Yes.

Q What did you read?

A Correspondence from Research.

Q Do you remember who the author of that correspondence was?

A No, I don't.

Q Was it more than one piece of correspondence?

A No.

Q One memo?

A I would like to ask him a question.

Q Sure. Do you want to go outside?

A Yes.

(A short recess was taken.)

BY MR. CHAMBERLAIN:

Q I was asking you about a particular piece of correspondence that you received from Research and Development that dealt with the redesign of the 700. Did you tell me who wrote that, or do you know who wrote it?

A I can't answer who wrote it.

Q Because you don't know?

A I don't know offhand.

Q Do you know the person's title?

A No.

Q Do you have a copy of the memorandum or correspondence?

A No.

MR. HUEGLI: Peter, let me shorten this up a little. There is a design change request. It is in the Research and Development files. Mr. Hill has indicated he doesn't remember what it said or why it was written or who signed it, but it is available. We will get it. That should shorten these questions up.

BY MR. CHAMBERLAIN:

Q A moment ago you told me that you knew the reasons for the design change based on conversations with one or more people whose names you don't remember. Regardless of that, who they were or how many of them there were, what were the reasons they gave for the design change?

A I can't answer that.

Q You don't even remember if there was more than one reason given?

A No, I don't.

Q Once you are given the directive to make the change, then your job is to implement it, correct?

A Yes.

Q In this case, what was the change that was to be made?

A It was removal of the bolt lock on the safety arm.

Q On the safety arm?

A Yes.

Q Okay. As I understand it, the safety arm on the 700 is designed such that -- Let me close this.

When you flip the safety to safe, there is a little piece of metal in there that angles up toward the bolt and that when it goes to safe, that piece of metal comes up and engages the bolt itself?

A On that gun, yes.

Q Okay. Doesn't it lock into the bolt someplace, that piece of metal?

A Right here.

Q Where your left thumb is?

A There is a slot in the bolt, yes.

Q Okay. So what was entailed in effecting that

design change? What did you have to do?

A The design change removed, as you remembered, the small piece of metal that went up to lock into the bolt slot, into the bolt. This piece was removed from the safety arm.

Q So if this is the safety handle and this is the piece of metal that goes up and enters the slot in the bolt, all you did was cut that off?

A Yes. It was cut off in a rounded configuration, like that.

Q So, then, when the safety is put into the on safe position, the bolt can still be opened?

A Yes.

Q Is that trigger assembly something that is manufactured by Remington today?

A Yes.

Q Was it five years ago?

A I would like to go back. What do you call "trigger assembly?"

Q I am referring to -- I am intending to refer to the safety lever and the trigger that is connected, too.

A Yes.

Q The item that is held in there by two pins.

A Okay. Okay.

Q Do you know what I am talking about?

A Right.

Q Is that something that is manufactured by Remington in-house?

A Yes.

Q Was it back in 1976?

A Yes.

Q Okay. So what did your implementation of this design change entail? What did you have to do?

A It meant coordinating the change of the safety arms in the guns at a particular time. And then from that time on, all Model 700's will have this shortened safety arm in it. *oop*

Q And as a result of that change, a new Model 700 since February of this year can be unloaded with the safety in the on safe position?

A Right.

Q Where, in the prior condition, you had to put the safety in the fire position to unload it?

00 P  
A. Yes.

Q Okay. Has anyone ever told you what the reason for that old design was?

A Yes.

Q Who has told you?

A People I work with.

Q Okay. What have they told you was the reason for the old design?

MR. HUEGLI: Old design meaning, why did Remington used to have a bolt lock?

MR. CHAMBERLAIN: Right, on the Model 700.

THE WITNESS: That would be an opinion on their part.

BY MR. CHAMBERLAIN:

Q Okay. What is their opinion?

A Some hunters like it that way.

Q Do you have any opinion on that as to why they designed it in the old fashion?

A No.

Q To effect this design change, it looks to me like all you have done, then, is had one of your machines stamp out this piece of metal with a shortened

end. Is that basically it?

MR. HUEGLI: I have to object to the form of the question. It assumes Remington makes that part.

MR. CHAMBERLAIN: He testified they did.

THE WITNESS: When I say "manufactured," we should clarify that. We manufacture -- we are responsible for that part. Some of our components are made by our vendors, which we are responsible for. So when you say to me, did you manufacture this, we might not make every component, but we still are responsible for it.

BY MR. CHAMBERLAIN:

Q Well, that was what I was asking, because it was my recollection that the trigger assembly was something that was done by a vendor. Do you have any recall on that one way or not?

A Yes. It is.

Q It is done by a vendor?

A Yes. Like I say, perhaps you should clarify to me what you mean by "manufacture."

Q Put together, stamp the part, screw in the screws.

MR. HUEGLI: These are all different things.

THE WITNESS: They are all different things.

BY MR. CHAMBERLAIN:

Q Tell me how a trigger mechanism comes into existence in your company, so we don't have any disputes about this.

A We use components from vendors that the vendors make to our specifications. We bring them in and subassemble -- perhaps machine on them and subassemble into a trigger assembly.

Q Okay. So in the case of the Model 700's trigger assembly, is it put together by Remington?

A Yes.

Q In some part of their own manufacture after using some parts they buy from vendors?

A Yes.

Q Now, let me go back to the safety arm. Is that something that is done by vendors or by Remington?

A. By a vendor.

Q. Do you happen to know the name of the vendor?

A. I believe it is Square Stamping.

Q. And to implement this change, then, what did you do, give them a new drawing and say, "Please start making this part in this new modified fashion?"

A. Yes, after they gave us an estimate.

Q. Okay. Do you know whether or not this change had any affect upon the price?

A. No, I don't.

Q. The cost?

A. No, I don't.

Q. Has it now been implemented, that change?

A. Yes.

Q. So if we went out on the line today and picked off a 700, it would be the new design?

A. Yes, it would.

MR. CHAMBERLAIN: Jim, did you say you will get me that correspondence from Research?

MR. HUEGLI: That is what I am writing now, Research design change on 700.

MR. CHAMBERLAIN: Okay.

BY MR. CHAMBERLAIN:

Q All right. Now, I want to switch gears on you and talk a little bit about these things called Gun Examination Reports. You are familiar with these, aren't you?

A Yes, I am.

Q Okay. Are you on or have you in the past been on a committee with Remington where you review product complaints through the Gun Examination Report process?

A Yes.

Q And what period of time did you serve on such a committee?

A The past six years.

Q Are you presently on it?

A Yes, I am.

Q What is the name of the committee? What is the name?

MR. HUEGLI: If you know.

THE WITNESS: Damaged Gun Committee.

BY MR. CHAMBERLAIN:

Q Damaged Action Committee

A (No response.)

Q I have had a couple different varieties.

MR. HUEGLI: Don't worry about it. We have had several answers.

BY MR. CHAMBERLAIN:

Q How about the Return Gun Investigation Committee, is that not it?

A Yes. That is it. I can't give you the exact committee name right at the moment.

Q Does it have initials that you usually use to designate it, like D.A.C., or something like that?

A No.

Q Well, we will call it "the committee."

MR. HUEGLI: We would agree to that.

BY MR. CHAMBERLAIN:

Q At the present time, who else serves on that committee with you?

A Jim Stekl, John Brooks, Paul Nasepany.

Q Just a second. Could you spell that one?

A No. I guess it is N-a-s-e-p-a-n-y. Jerry Burns, Phil Johnson, Philip Johnson.

Q What is Mr. Nasepany's position with Remington?

A He works in Research.

Q Does he have a title?

A I don't know what it is.

Q Has the makeup of that committee changed over the last six years?

A Yes.

Q Could you give me some names of who you remember of committee members who are no longer on the committee?

A James Martin. That is the only one I can give you that I recall.

Q How about Bill Warren?

A Yes. Bill Warren was a member.

Q How does one get on this committee?

A By virtue of the job title or position they hold in the company.

Q So the people that are no longer in it are people who have moved into some --

A -- different jobs.

Q Okay. What is the function of the committee? What is its purpose?

A Investigate guns returned from customers --

Q All models?

A -- that may have personal injury or broken components.

Q Or product liability-type complaints?

A Yes.

Q Say someone blows a hole into their floorboard and into their transmission but doesn't injure anybody, that would be within the committee's jurisdiction?

A Yes.

Q How long has such a committee existed with Remington?

A To my knowledge, since I have been employed here.

Q Which was '60?

A Yes.

Q By that, do you mean it started in '60 or sometime before that and you don't know?

A I don't know about before that.

Q So the work of the committee is solely limited to product complaints from customers or gunshop owners as opposed to problems with newly manufactured firearms?

A Yes.

Q Does the committee meet on a regular basis?

A. Yes.

Q. Do they keep minutes?

A. No.

Q. How often do they meet?

A. Once a week.

Q. Typically, in a once-a-week meeting, are there several complaints to review?

A. Yes.

Q. During the time period that you have been on the committee, how many complaints would you say you review per week on an average?

A. Four to five.

Q. Has that number increased or decreased over the last five years?

A. About the same.

Q. Can you give me an estimate out of all those complaints, what percentage of them relates to the Remington Model 700?

A. No, I can't.

Q. Okay. Is it fair to say that you have had some, though?

A. Yes.

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Q And of the ones that you have had involving the Model 700, some of them have related to the customer's complaint that the gun fired when the safety was moved from the safe to the fire position?

A Yes.

Q Does the committee keep copies of all their paperwork that they generate or receive in their work?

A No.

Q Does it go to some central filing system?

A You will have to repeat that.

Q Does the paperwork go to some central filing system?

A I would like to go back. You said "all." You said "all" correspondence.

Q Okay. I have some documents that Remington has given me. For example, I have some Gun Examination Reports, some Receiving and Estimate Reports, some correspondence between customers and Remington and vice versa, some memos to Mr. Santina requesting work, that sort of thing. What I want to do is find out if I have everything that may have been generated or received by

the committee in the process of evaluating these complaints.

A. I can't answer that.

Q. Okay. Mr. Hardy testified yesterday that, typically, after he prepared a Gun Examination Report that he would also fill out a half-page memo with his ideas or conclusions about what the problem was or what it might be. I think we found one of those.

A. Yes.

Q. Do you know what document I am talking about?

A. Yes.

Q. What is that document called?

A. There is no specific name for it.

Q. It is just a memo?

A. It is not even a memo. It is just a sheet of paper.

Q. Just a form?

A. No form.

Q. Okay. Do you know if those are kept?

A. No, they are not.

Q. Are they destroyed on a regular basis?

A. Yes, they are.

Q. What is your policy, Remington's policy, as

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far as destruction of these memos?

A. The committee -- when we write up on Gun Examination Reports, <sup>the</sup> the information from this report, it is destroyed.

Q. At that time?

A. Yes.

Q. Also, the Gun Examination Reports that I have been provided with date back to about 1979. [ I have information from other sources that there were certainly complaints about the Model 700 dating -- here is one from '78 -- dating before the reports that I have.]

What I am interested in is whether or not earlier reports exist somewhere, either if you personally keep them or if other committee members keep them or might they be in some archives or storage area that Remington hasn't thought to look in.

A. No.

Q. They don't exist, as far as you know?

A. Three years.

Q. Is that the retention rule?

A. Yes, it is.

Q. What happens then? Do they have a shredder,

or something?

A Yes. They are destroyed.

Q Take me through the work of the committee, then, with just a hypothetical Gun Examination Report. We can assume that for our purposes it is a Model 700; that the customer's complaint is that the gun fires when the safety was moved from the safe position to the fire position. What do you receive in the way of paperwork? You get a Gun Examination Report?

A We get a Gun Examination Report filled out, with the exception of the comments, any correspondence from the customer and a gun repair ticket from Arms Service. This is a report with basically the components and the customer's name on it.

Q One of these jobs?

A Yes, and the serial number of the gun.

Q And you also get the gun?

A Yes, and the gun.

Q Typically, is there one person on the committee that is delegated responsible to fill out the "Comments" section?

A Yes.

Q Who is that?

A Myself.

Q Okay. Is that "Comments" section intended to reflect the opinion of the committee as a whole as opposed to your opinion?

A Yes.

Q Does it have to be unanimous?

A No.

Q Have you had a situation where the majority of the committee is of the opinion that it is a particular problem and the minority disagrees?

A Yes.

Q What happens in that situation, the majority's comments go in here?

A Yes.

Q Are the minority's comments recorded anywhere?

A No.

Q Are you familiar with any other lawsuits brought against Remington Arms involving the Model 700 by name?

A How do you mean, by name?

Q By claimant's name, any plaintiffs?

MR. HUEGLI: Like Smith versus Remington  
or Black versus Remington.

MR. CHAMBERLAIN: Or White versus Remington.

THE WITNESS: I don't recall any of  
them.

BY MR. CHAMBERLAIN:

Q Have you ever been deposed before?

A No, I have not.

Q Have you ever testified in court before?

A No.

Q Okay. Let me go through some of these.

I am going to hand you what has been marked as  
Depo Exhibit 1 and ask you if you can identify what  
that is. That is a Gun Examination Report, right?

A Right.

Q Do you know what the A at the top center of  
the page means, the handwritten A?

A No, I don't.

MR. HUEGLI: Off the record.

(A discussion was held off the record.)

BY MR. CHAMBERLAIN:

Q Can you tell me what P.E. & C. stands for?

Page 802  
Page 805

I Product Engineering and Control.

Q Now, let's just use Exhibit 1 as an example.

I am sure you don't remember what you did on this particular gun examination, but just so I have an idea of what the process is, what would the committee do upon receipt of that report and supporting documentation and the rifle?

A We would check the information on the top on general condition, outside work and the ammo that was involved in it. We would examine it if it was returned to us. Do you want to specifically go over the 700 F.S.R., fire when safe released?

*Heard*

Q Yes.

*O/R*

A Okay. We would review the components condition, as indicated here. We would see the complaint, see if it verifies the complaint in the customer's letter. We would take the gun and see if we could duplicate the customer's complaint.

Q Okay. And when the complaint is that the rifle fires when the safety is released at times, as this one was, what physically do you do with the gun either to verify or refute that complaint?

A. We would physically perform the test on it to see if it would actually do it. We would also perform the trick test.

Q. Okay. So you get a complaint, and it says that the gun fires when the safety is released. You would cock the gun and flip the safety back and forth and see if it fires, like that?

A. Yes.

Q. And then, in addition to that, you would perform a trick test on it?

A. Trick test, yes.

Q. Okay. Then you note your results or your comments?

A. Yes.

Q. And then someone prepares a letter back to the owner?

A. Yes.

Q. Generally, that is Mr. Stekl?

A. Yes. In the case of these particular items, yes.

Q. You mean in the case of the 700's?

A. Yes.

Q Was that his committee assignment, or something, that particular model?

A Some of the guns we look at -- well, scratch that. We are talking about this specific item. On these items, he would generally write back to the customer of our findings.

Q What do you mean by "these items?"

A 700's F.S.R., fires when safe is released.

Q Okay. Were you assigned a different gun to write the letter to customers on?

A No.

Q Were other committee members assigned different products to write letters on?

A No.

Q Were the F.S.R. complaints the only ones you wrote letters on?

A No.

Q Okay. I have been through these Gun Examination Reports on a number of times and read them. I have noticed you always note things on the report, such as if there are marks on the stock or the scope had been removed or the scope screws were missing. What is the

reason for making those notations?

A We note anything different than what the gun was like when it left the factory.

Q It doesn't necessarily mean that is significant as far as the cause of the complaint?

A No.

Q Okay. I notice on some of these documents, it looks like, internal documents used for charging for work. It will say to charge the repairs to 80-55. Do you know what that is?

A No, I don't.

MR. CHAMBERLAIN: Mark these.

(Gun Examination Reports were marked Plaintiffs' Exhibits 11 and 12 for identification.)

BY MR. CHAMBERLAIN:

Q I am going to hand you what has been marked as Plaintiffs' Exhibit 11. Can you identify that as one of your Gun Examination Reports?

A Yes.

Q And your initials appear on it, approving it in March of '82?

*Handwritten note:*  
Handwritten initials and a large bracket-like mark on the right side of the page, spanning from the question about Exhibit 11 down to the question about initials.

A Yes.

Q First, up at the top, "General condition,"  
you noted the gun was used and dirty, right?

A Yes.

Q Is that unusual?

A Yes.

Q It is unusual, in your experience?

A Yes.

Q You don't see very many dirty guns?

A No.

Q Do you see very many used guns?

MR. HUEGLI: Well, everything that comes  
back is used. Used and dirty, that is not  
a fair question. Asking the question, have  
you ever seen a used gun, I don't think that  
is a fair question for him.

MR. CHAMBERLAIN: Well, I thought it  
was an unusual answer.

MR. HUEGLI: Well, have you ever seen a  
used gun in your life?

THE WITNESS: Yes.

BY MR. CHAMBERLAIN:

Q But in your experience, it is unusual to see a dirty gun?

MR. HUEGLI: Used, not coming out of the factory? Are you talking about a dirty gun that has been used or one coming out of the factory?

THE WITNESS: Let me hear it again.

(The question was read back by the reporter as follows: "QUESTION: But in your experience, it is unusual to see a dirty gun?")

MR. HUEGLI: Can you answer that question without having it expanded upon as to whether or not it was brand new or used? Can you answer the question without knowing if he is talking about a gun that has been out hunting for ten years or one fresh off the line?

MR. CHAMBERLAIN: I am not talking about a new gun.

THE WITNESS: Would you repeat it?

MR. CHAMBERLAIN: Sure.

BY MR. CHAMBERLAIN:

Q In these guns that have been sent back to Remington with product complaints, in particular the Model 700, do you see dirty guns coming back? I don't mean all of them, but do you see dirty guns?

A Yes.

Q Is that unusual, in your opinion or in your experience?

A I am hung up on the word "unusual."

Q Well, let's try it again. I am going to hand you what has been marked as Exhibit 2. Take a look at that, and tell me if you consider that to be clean or dirty.

A From what I can see, it would be clean.

Q Okay. Take the bolt out and take a look at the bolt stop.

A It looks like it may have some material on it.

Q Okay. Is it in a condition that you would consider to be somewhat dirty?

A I can't really answer.

Q Is it in a condition that is the same as or

similar to lots of other 700's that you have seen, used 700's?

A Well, I would like to ask him a question before we go any further.

Q Okay.

(A short recess was taken.)

MR. HUEGLI: Could you read the question back for the witness?

(The last question was read back by the reporter as follows: "QUESTION: Is it in a condition that is the same as or similar to lots of other 700's that you have seen, used 700's?")

THE WITNESS: Most 700's that we look at are clean. Most are clean. Most customers keep their guns in good condition and clean.

BY MR. CHAMBERLAIN:

Q And some do not?

A Yes.

Q Let's go back to Exhibit 11 for a minute. I forgot where we were. I think you were telling me a little bit about the process that you would go through

in a typical 700 F.S.R. complaint. I don't know if you finished that or not. Did you?

A I don't know.

Q Okay. In this particular case; by that, I am referring to the complaint listed on Exhibit 11, your committee concluded that the malfunction was possibly caused by gummed up fire control, right?

A Yes.

Q What does that mean, "gummed up fire control?"

A This would be excessive debris, oil, in the fire control which would prohibit it from functioning correctly.

Q And which would cause it to fire when the safety was moved from the safe position to the fire position?

A I can't answer that.

Q Was a trick test performed on this rifle?

A I can't answer that.

Q In reviewing F.S.R. complaints on Model 700's, is it the committee's practice to perform a trick test on all such rifles?

A No.

Q Is it the committee's practice if they do perform a trick test to always record the results of that test on the Gun Examination Report regardless of the results?

A Could you rephrase that one, please? Could you read it back?

(The last question was read back by the reporter as follows: "QUESTION: Is it the committee's practice if they do perform a trick test to always record the results of that test on the Gun Examination Report regardless of the results?")

THE WITNESS: No.

BY MR. CHAMBERLAIN:

Q It is not. Is it the committee's practice to make notations -- Strike that.

Is it the committee's practice to make no notations of trick test results if the gun is tested and fails the test?

A You are going to have to repeat that one, please.

Q Let's try it this way. I have gone through

all of these reports. On a fair number of them, there is a notation, "Okay on trick test," or, "Gun passes trick test," or words to that effect. Out of these forty-eight Gun Examination Reports, there is only one where it says, "Gun failed trick test." In addition, there are quite a number in there where there is no notation whatsoever regarding whether a trick test was performed. A moment ago you testified that you do not always make a notation if the trick test is performed. You don't always note the result?

A Yes.

Q Okay. What I want to know is, how do you make that determination of whether or not you are going to note the result on the Gun Examination Report?

A I can't answer that.

Q Does it occur at times that the gun is trick tested, fails the trick test and that is not noted?

A Yes.

Q Okay. Assume we have a Model 700 that has been trick tested and failed. How would you decide whether or not to note that on the Gun Examination Report?

A Can I use Exhibit 11 as an example?

Q Sure.

A There are --- there could be circumstances in the gun that would cause it to fail the trick test, as indicated in our comments on Exhibit 11.

Q Gunned up fire control?

A Yes.

Q So do you assume from that answer that this gun did fail the trick test?

A I can't answer that.

Q Is it the committee's practice to only note failure of trick tests where they also note that the trigger adjusting screws have been tampered with?

A Would you repeat that one, please?

Q Is it the committee's practice to only note the gun's failure of the trick test if they have also noted that the trigger adjustment screws have been broken or the trigger adjustment screw seals have been broken?

A I would have to say not necessarily.

Q That is not necessarily their practice?

MR. HUEGLI: That is what he said.

BY MR. CHAMBERLAIN:

Q Is that what you said?

A Yes, not always. There is no hard and fast rule.

Q Is it a subjective thing, then?

A Yes.

Q What it comes down to, then -- and I am not trying to put words in your mouth, but I don't know how to phrase this in a nonleading fashion. But what it comes down to, your committee would only note the results of the failure of a trick test if they also found some objective reason for that failure that was not Remington's fault?

MR. HUEGLI: Don't answer that question.

You are asking him a question. He has got to answer yes or no. Either way he answers it -- how many times have you beaten your wife? Is this the first time you beat your wife? It is the same thing.

BY MR. CHAMBERLAIN:

Q What I am trying to get at is, what governs this subjective decision on the committee's part on

whether or not to record a trick test failure. You told me that with this, Exhibit 11, the reason there was they noted a gummed up firing control, fire control, and that that was an adequate explanation for the failure. Is that right?

MR. HUEGLI: Objection. I don't think he said that this gun did not pass the trick test. I think he said he didn't know.

BY MR. CHAMBERLAIN:

Q Do you know if the gun in Exhibit 11 did or did not pass the trick test?

A I don't know.

MR. HUEGLI: May we go off the record for a second?

(A discussion was held off the record.)

(A lunch recess was taken.)

## A F T E R N O O N   S E S S I O N

MR. CHAMBERLAIN: Mr. Hill, you are still under oath.

G E R A L D   H I L L   ,   having been previously duly sworn, testified further under his oath as follows:

BY MR. CHAMBERLAIN:

Q     Did you have a chance to talk to anybody about your deposition other than the lawyers in this room over the lunch hour?

A     Yes.

Q     Who did you talk to?

A     Jim Stekl.

Q     Did you talk about the question I posed to you about how it is decided whether you put a notation about the trick test on the Gun Examination Report?

A     Yes.

Q     Based upon your conversation with him, can you give me any further help on what the criteria is?

A     No, other than it is a subjective decision of whether or not we put it on or not, which we talked about.

Q Is it something that the committee would discuss before you make your notations in the "Comments" column?

A Yes.

Q Is there any way you can tell by looking at a Gun Examination Report that does not contain the notation, number one, whether a trick test was done on a gun?

A No.

Q And number two, if there was one done, whether or not it passed or failed?

A No.

Q Okay. Let's see. I know it is here somewhere. There was another one marked.

I will hand you what has been marked as Deposition Exhibit 12. Can you identify that for the record?

A Restate that. What do you mean, "identify?"

Q Well, for instance, is it a Gun Examination Report?

A Yes, it is.

Q And it is dated February of 1982?

*See page 59  
Handwritten*

A February and March. See, the comments are March.

Q Okay. Is this one you approved?

A Yes.

Q Involving the Model 700?

A Yes.

Q What was the customer's complaint?

A "Complaint: Fired on two occasions when safety was moved to fire position. Both times, chamber was empty."

Q Is that what is known as a dry fire or not?

A Yes.

Q And the comments inserted by your committee in your handwriting say that the apparent cause of the malfunction was due to gummed up fire control?

A Yes.

Q On this one, they did note that the gun was okay on trick test, right?

A Right.

Q Okay. When you put that, "Okay on trick test," does that mean the gun passed the trick test?

A Yes, it does.

Q Looking at Exhibit 12, do you know of any reason why on this particular one you did make a notation about the trick test?

A No.

Q Okay. This isn't marked as an exhibit, but I will probably only have one question for you.

I will tell you, this is Gun Examination Report Number 408 and some of the documents attached to it that Remington has provided to me. I am interested in page 2 of that document and the part that I have underlined in green. Can you read that language into the record, please?

A "Could not duplicate malfunction. Replaced fire control and stock."

Q Take a minute and look at the Gun Examination Report. Tell me, if you can, the reason for the replacement of the stock in this case.

A I have not read this whole letter. It is kind of hard to read this letter here. Then there is a note here from Jack Chisnall that says, "Replace stock and trigger assembly at no charge to customer."

Q You don't know why that stock was replaced?

A No. But we did note that the wood was marred. That is all.

Q Are you aware of any complaints coming into Remington of Model 700's where it was an F.S.R. complaint and the cause of that complaint was related somehow to the stock of the gun?

A No, I am not.

Q Are you aware of any complaints or any findings that the gun stock had absorbed the water and swelled up such that it caused binding on the trigger lever?

A No, I am not.

Q Correction, on the safety lever?

A No, I am not.

MR. CHAMBERLAIN: Mark this, please.

(A Gun Examination Report was marked  
Plaintiffs' Exhibit 13 for identification.)

BY MR. CHAMBERLAIN:

Q I hand you Exhibit 13. That is a Gun Examination Report which you approved as a member of the committee, right?

A Yes.

Q On this one, the complaint states that the sear safety cam sticks in the downward position because of an accumulation of dirt and oil. My question is, if an accumulation of dirt and oil is causing the sear safety cam to stick in the downward position, would that also result in the rifle failing the trick test?

A I don't know.

Q Do you know if the trick test was performed on the gun described in Exhibit 13?

A No, I don't.

Q What is that last sentence in the "Comments" part about clean bolt and firing head?

A "Clean bolt and firing pin head, as it has crud on it, also."

Q Crud?

A Yes.

Q Okay.

MR. CHAMBERLAIN: Maybe we ought to mark this.

(A Gun Examination Report was marked Plaintiffs' Exhibit 14 for identification.)

MR. CHAMBERLAIN: Jim, the copy I have

marked as an exhibit has some highlighting on page 2 and also a red 21 on the top, which is my number.

BY MR. CHAMBERLAIN:

*only same*

Q I will hand you Plaintiffs' Exhibit 14 and ask you if you can identify it as one of the Gun Examination Reports you approved.

A Yes.

Q Now, take a look at page 2 of that Estimating and Receiving -- what is it called?

A Receiving and Estimate Report.

Q Who prepares that report?

A It is prepared by Arms Service.

Q Except for the highlighting that I put on there, is all the information that is set forth there already on the report when it comes to you with the rifle?

A No. Probably the lower left-hand corner information -- the lower left quarter panel might not be complete.

Q The part that I have highlighted would already be written on there when you receive it?

A At times.

Q At times?

A Right.

Q Okay. Of the parts I have highlighted, the first line is entitled, "Customer's complaint," right?

A Correct.

Q And that information comes from the customer's complaint?

A Yes.

Q And in this case, the complaint was, "Fires when safety is released," right?

A Yes.

Q Now, the next line is entitled, "Main fault?"

A Yes.

Q Who fills that in?

A That would be done by Arms Service.

Q Is that done before or after the committee makes its determination?

A I can't answer that. Sometimes it may be done before, sometimes after.

Q Do you know whose handwriting that is?

A No, I don't.

Q Is it yours?

A No.

Q Okay. And in this case, they indicated a bad fire control as the main fault, right?

A Yes.

Q Looking at this document and the attached Gun Examination Report, do you know whether or not in this case that was made before or after the committee --

A No, I don't.

Q Do you know what the term "bad fire control" means?

A No.

Q In this case, you did replace the fire control on the rifle, right?

A Would you restate that?

Q In this case, the committee recommended or concluded that the fire control should be replaced?

A Yes.

Q Are old fire controls saved?

A No.

Q Never on 700's?

MR. HUEGLI: Do you know?

THE WITNESS: No, I don't. I don't know.

BY MR. CHAMBERLAIN:

Q In the last line on Exhibit 14, it says,  
"Make sure safety doesn't hit wood?"

A Yes.

Q How could the safety hit the wood?

A It would be the safety arm.

Q The lever itself?

A The top of the lever.

Q Why don't you point out what you mean on  
Exhibit 2?

A Right here.

Q That little nob?

A Yes.

Q Make sure it clears to the right or the top?

A The bolt end.

MR. HUEGLI: Off the record.

(A discussion was held off the record.)

BY MR. CHAMBERLAIN:

Q Why was the committee concerned or interested  
that it be made sure that the safety did not hit the  
wood on the rifle involved in Exhibit 14?

A I can't answer that.

Q Are you aware of any instances involving the Model 700 where the trigger lever hit the wood and thereby set up the trick condition?

A No.

Q Okay.

MR. CHAMBERLAIN: We had better mark this.

(A Gun Examination Report was marked Plaintiffs' Exhibit 15 for identification.)

BY MR. CHAMBERLAIN:

Q I will hand you Exhibit 15. <sup>by Chamberlain</sup> Is that one of your committee's Gun Examination Reports?

A Yes, it is.

Q That document says it passed the trick test?

A Yes.

Q And the complaint was that the gun fires when the safe is released?

A Yes, it is.

Q Did your committee reach a conclusion on what may have caused the customer's complaint or what did cause the customer's complaint in this case?

A. I don't know.

Q. You can't tell from the report?

A. No, I can't.

Q. Look at page 2 of that now on the part that I have highlighted under, "Main fault." Can you read that?

A. "Fails," and then there is a word I can't read and then "trick test."

Q. Fails something trick test?

A. Yes.

Q. Is that the customer's complaint, or is that somebody's findings within Remington?

A. I don't know.

Q. How is that form usually used; that is, the "Main fault" area? Is that a recording of the complaint or a recording of the conclusions as to what the actual problem was?

A. I don't know if this form was filled out completely before or after our examination, so I can't tell you.

Q. In your experience, do most customers who send in guns know what the trick test is?

A No, they don't.

Q Have you ever heard of a test called the special test? By that, I mean, is this a particular test that has that designation?

A No.

MR. CHAMBERLAIN: Off the record.

(A discussion was held off the record.)

BY MR. CHAMBERLAIN:

Q What is molycoat?

A Molycoat is a lubricant used in the assembly of firearms.

Q Is it used by Remington in their new manufacture of firearms?

A Yes.

Q Is it also available to customers, to users, in the open market, gunshops, and that sort of thing?

A I don't know for sure.

Q What does it consist of? I don't want the chemical breakdown. Is it grease and graphite, pure graphite or light oil?

A It is a graphite compound.

Q It has some grease in it?

A I don't know what the composition is.

Q If we had some and dumped it in this room, would it be a dusty or greasy material?

A More toward dusty, I would say.

MR. CHAMBERLAIN: The next one is 110,  
Jim.

BY MR. CHAMBERLAIN:

Q I will hand you Depo. Exhibit 6. This is a Gun Examination Report dated April of '78, which you approved, true?

A Yes.

Q And it was noted under, "Components condition," it looks to me, your handwriting that says, "Excessive molycoat in action," right?

A Yes, it is.

Q Was that something that was added to that section of the report after you received it from Mr. Hardy?

A Yes, it was.

Q And you added that as a result of your hands-on examination of the rifle?

A Yes.

Q When you examine those rifles, do you disassemble the trigger mechanism?

A Not generally. We take the stock off.

Q Do you remove the trigger mechanism from whatever it is held to with those pins?

A Receiver.

Q The receiver, okay. Do you usually remove it from the receiver?

A No.

Q Okay. And you make your determination as, in this case, about excessive molycoat in the action based upon what, a view through the various parts?

A By taking the stock off and working the bolt stop release and the trigger, you can see the action of the sear safety cam.

Q Through that little hole?

A Right, through the top of the receiver.

Q I see. Okay. Should molycoat be used in the action of a rifle at all?

A I can't answer that. What do you mean, should it be used?

Q Does Remington recommend it?

A. I can't answer that.

Q. ~~\_\_\_\_\_~~

~~\_\_\_\_\_~~  
Is there molycoat put in the action on new Remington Model 700's when they are manufactured?

A. I can't answer that.

Q. When you say you can't answer that, you mean you don't know?

A. Right offhand, I can't answer that.

Q. Because you don't know?

A. I don't know.

Q. Okay.

A. Okay.

Q. On Exhibit 6, did you feel that the presence of excessive molycoat in the action was related to the customer's complaint in some way?

A. Yes. I am sure that is why it was added.

Q. Okay.

MR. CHAMBERLAIN: Why don't we mark this.

(A Gun Examination Report was marked Plaintiffs' Exhibit 16 for identification.)

BY MR. CHAMBERLAIN:

Q I will hand you Deposition Exhibit 16. Do you recognize that as a Gun Examination Report prepared in December of 1978 and approved by you --

A Yes, it is.

Q -- amongst others? And have you had a chance to look at the comments on that one?

A Yes.

Q Okay. The customer's complaint was that the gun fired upon taking the safety off, right?

A Yes.

Q And then in the "Comments," your committee concluded, "Excessive oil in the fire control could cause impaired mechanism malfunction." Is that right?

A Yes.

Q By that statement, did your committee mean that excessive oil in the fire control was related to the customer's complaint?

A Yes.

Q It doesn't say what kind of oil?

A No.

Q In your experience, what kind of oil have you seen customers use on their firearms?

A. I don't know.

Q. By the time the rifle gets to you and you examine it, it would be difficult and impossible to identify the kind of oil?

A. Yes, it would.

MR. HUEGLI: By him just by looking at it or in any way here at the plant?

MR. CHAMBERLAIN: He answered the question.

MR. HUEGLI: Well, I object to the form of the question.

MR. CHAMBERLAIN: Okay. I think your objection is untimely.

MR. HUEGLI: Well, you know, I can go back on the record and ask him, Peter, if there is any way Remington or chemical engineers could test to determine where the oil in that is. I think he understood your question to be when he looks, is there any way he can tell.

MR. CHAMBERLAIN: And he said no.

MR. HUEGLI: All right.

MR. CHAMBERLAIN: That was my question.

MR. HUEGLI: All right. As long as it is understood. I am sure there are other chemical ways to tell.

BY MR. CHAMBERLAIN:

Q On occasion with your work with the committee, have you had a chance to perform low temperature tests with Model 700's?

A Yes.

Q Okay. Here is Exhibit 3 for you to look at. Take a minute and review that and then I will ask you some questions about it.

A Okay.

Q Are you ready?

A Yes.

Q All right. Exhibit 3 is dated January '79.

It is a Gun Examination Report where the customer complained that the weapon discharged when the safety was pushed to the off safe position, right?

A Yes.

Q Okay. And your committee's conclusion was that the malfunction appeared to have been caused by excessive oil in the trigger mechanism?

A Yes.

Q And the next comment says, "R & D confirmed malfunction at low temperature test," right?

A Yes.

Q Could you tell me what the low temperature test is or what it was?

A It would be putting the gun -- normally, the gun is at room temperature. It would be taking it down to a low temperature and testing the gun to see if it would duplicate the customer's complaint.

Q And your notes were that they were able to duplicate the customer's complaint at zero degrees Fahrenheit?

A Yes.

Q And below that, you note that the trigger had been adjusted outside Remington?

A Yes.

Q Based upon your notes on there, did you reach a conclusion as to whether or not the outside adjustment caused the customer's complaint?

A No, I didn't.

Q What is the reason for performing a test at

such a low temperature?

A In this case, it had to do with -- I can't go back three years and say. But I am sure it had to do with the letter from the customer and the location, where he was from.

Q So he said he was hunting in the cold, or something like that?

A Yes. He was from Colorado.

Q And cold temperatures during hunting season are not that unusual, are they?

A No.

Q What happens then? Because of the cold temperature, the lubricant in the action becomes more viscous? Is that the right word?

A I have to say no to your question.

Q Okay. What is the significance of the cold temperature?

A It would gum it up more. It would be the opposite of viscous.

Q Okay. I thought I knew what I was saying.

What you are saying is, whatever lubricant is in there becomes thicker?

A Yes.

Q Isn't that viscous?

*speculation not opinion*

A Okay. I was thinking of viscous -- it would it would become thicker.

Q Okay. In this case, the same rifle might not experience that result at room temperature, but it would experience it at zero degrees Fahrenheit?

A I don't know.

Q Well, it could affect it, could it not?

A The temperature could affect it.

Q It could affect whether or not the rifle passes or fails the trick test?

A That is what we wrote down, that it malfunctioned at the low temperature.

Q And you didn't write on this rifle whether or not it malfunctioned at room temperature?

A That is correct.

Q It is possible, is it not, and maybe not with this rifle, but a rifle could malfunction at the low temperature but not malfunction at room temperature?

A I don't know.

MR. HUEGLI: If you know.

MR. CHAMBERLAIN: Yes, if you know.

THE WITNESS: I don't know.

BY MR. CHAMBERLAIN:

Q In Mr. Stekl's letter to the gun owner in Exhibit 3 -- you don't have the letter before you. In his letter, which I do have, he told the gun owner that it is possible that the oil accumulation coupled with the cold temperature caused the trigger mechanism to hang up. Have you seen that letter before?

A No, I have not. Your statement is correct.

Q But that is what he said?

A Yes.

Q Okay. Does that help you at all as to whether or not it is possible for a gun to malfunction at cold temperatures but operate normally, say, at room temperature?

A It is possible, but I don't have any facts to back it up.

Q Okay. I don't want to mark this necessarily as an exhibit, but I have a Gun Examination Report here dated December of '79. It is number 192 approved by you. In this Gun Examination Report, under, "Comments,"

*hearsay Peter Testa*

*asked the  
speculation*

you put, "Unable to duplicate customer's complaint out of stock," underlining the part "out of stock." Are the words, "out of stock," in your handwriting?

A Yes.

Q You don't happen to remember that complaint, do you? You don't happen to remember that complaint?

A No. I don't remember.

Q Do you know why you would have on that particular one indicated out of stock, that the gun was out of the stock at the time the test was done?

A No, I don't.

Q Does the fact that you put the words that it passed the trick test out of stock suggest or indicate that it failed the test when it was in the stock?

A No.

Q Okay. So you don't know why you put on that one that it was out of stock?

A No, I don't.

Q Okay.

MR. CHAMBERLAIN: Why don't we mark this one.

(A Gun Examination Report was marked

Plaintiffs' Exhibit 17 for identification.)

BY MR. CHAMBERLAIN:

Q I will hand you Depo. Exhibit 17. Take a minute to familiarize yourself with this.

A Okay.

Q Now, let me look at it again so I remember what I wanted to ask you. This is a Gun Examination Report dated in December of '79 where the customer complained that on three occasions, the rifle fired immediately upon releasing the safe. On this particular test -- Strike that.

First of all, up in the center of the page is the word "Revised."

A Yes.

Q Is that your handwriting?

A Yes, it is.

Q Why is the word "Revised," written there? Do you know why?

A No, I don't.

Q Down on that particular Gun Examination Report under the line entitled, "Test," you indicated something called a forty-round test?

A Yes.

Q Take as long as you need to to look at that. I am curious about why on that particular gun that type of test was performed, while on others it is at least not noted.

A There are letters here that, you know, correspond back and forth. Let me see here.

MR. CHAMBERLAIN: Why don't we mark this.

(A document was marked Plaintiffs' Exhibit 18 for identification.)

A (Continuing.) I can't say without thoroughly looking at the correspondence why we did the forty-round test. I would conclude it had to do with the back and forth between Stekl and the customer that we did the special forty-round test.

BY MR. CHAMBERLAIN:

Q On the note there it refers to jarring the gun as part of the forty-round test?

A "Test sequence: load, safe on, jar gun, safe off, fire gun."

Q Jarring is not normally part of the trick test,

is it?

A No.

Q Normally, the trick test is performed without ammunition in the rifle?

A Yes, it is.

Q I will hand you what has been marked as Deposition Exhibit 18 and ask you if you can identify that document.

A Yes.

Q What is it?

A Drawing transmittal.

Q Okay. And that relates to the 1981/82 modification of the bolt lock on the Model 700?

A Yes, it does.

Q Earlier today, before lunch, in fact, I think it was, we discussed the fact that you received some correspondence, you said, from R & D, right?

A Right.

Q And you couldn't remember what it was or who sent it to you?

A This is it.

Q That is it?

A This is what I received.

Q On that document, they indicate as their reason for the change, what? What is their reason?

A "Reason For Change: Eliminate having to put safety in the off position to open bolt (by removal of bolt lock arm)."

Q And the safety in the off position is also the safety in the fire position, isn't it?

A Yes.

Q You testified earlier that you had some information about the reason for the change. I think you said it was based on conversations and based on that document?

A Right.

Q I don't understand what that document says as the reason for the change. Do you have any information about why the change was requested and implemented?

A No.

MR. CHAMBERLAIN: Thank you.

BY MR. HUEGLI:

Q Mr. Hill, would you take a look at Exhibit Number 2 and examine the bolt, inside the bolt, around

the gun and the bolt lock release. Tell me if, in your opinion, the gun, based upon an examination, after taking it apart, whether the gun is clean, average or dirty.

A This would be on the outside of the gun?

Q On the outside of the gun, anything you can see without dropping the assembly part. And if you see oil and grease accumulation, don't take anything out. Leave it as it is.

A I can answer it two ways. It looks average. My concern is that the bolt does not lock into the receiver at times, indicating the bolt stop is in the down position. And without taking the gun apart, I couldn't tell you why that was.

Q Okay. Now, can you push the bolt stop with your finger there to feel whether or not it moves freely or whether it is sticky?

A I can see it stick.

Q Can you see any grease or grease accumulations looking inside the mechanism there?

A There is an accumulation of grease, or whatever, grease. There is an accumulation on the rear

take down view on the stop. There appears to be something on the bolt stop, which I can't make out what it is without dropping the stock.

Q Is there anything else that you notice about the gun aside from the bolt stop not working that indicates whether the gun has been taken care of or not?

A I would say the gun has been used. From the outside, it looks fairly good.

Q Okay. Now, you stated that on some of your reports you did not put down either passed trick test or failed to pass the trick test. When you state on the report, "Unable to duplicate customer's complaint," would that give you any indication as to whether or not a trick test was performed?

A No.

Q Okay. When a customer says he flicks the safety and pushes it to the fire position and the gun explodes and discharges, does that give you any indication as to whether or not he is complaining about a trick problem?

MR. CHAMBERLAIN: I object to the form of the question. I don't think there

have been any facts in evidence about exploding.

MR. HUEGLI: Well, discharging.

BY MR. HUEGLI:

Q When the customer says on his complaint that the gun fires when the safety is moved to the fire position, when you get that complaint, would you ordinarily run a trick test on a 700?

A Yes.

Q Okay. And then if you put down on your report, "Unable to duplicate customer's complaint," would that give you any indication today, three years after you wrote these reports, whether the gun passed the trick test?

A I am a little confused.

MR. CHAMBERLAIN: I think you asked him that same question and he already answered it about three questions ago.

MR. HUEGLI: He hasn't answered any question I have asked yet on the trick test.

BY MR. HUEGLI:

Q If the gun fails the trick test, is that a

duplication of the customer's complaint that the gun discharges when the safety is moved to the fire position?

A. No, it isn't.

Q. Please explain the difference.

A. The trick test is putting the safe in the null or halfway position, null position, pulling the trigger and then moving it to the fire position.

Q. And it goes, "bang?"

A. Bang. That is the fire when the safe is released.

Q. When a customer sends a rifle in to you, do you take into consideration the fact that the customer could be thinking that all he did was move the safety forward and the gun went off, when in fact he was moving it from the null position to the fire position? Do you take that into consideration in your analysis? In other words, do you always think the customer moves the gun on complete safe and then moves it to complete fire for it to malfunction? Don't you ever think they may have run through a trick test sequence to create that complaint?

MR. CHAMBERLAIN: I object to the form

of the question.

THE WITNESS: I think I previously said before that the customer was asked -- it was asked about whether the customer knows anything about the trick test. I said I didn't think they did. So it would be the customer moving it directly from safe to fire.

BY MR. HUEGLI:

Q So your testimony is you don't even take into consideration that the customer may have moved it from the null position unknowingly?

A No.

MR. HUEGLI: Okay. That is all I have.

BY MR. CHAMBERLAIN:

Q I have noticed in reading these various Gun Examination Reports that you always, or somebody, maybe the checker, always notes the condition of the gun, the visual condition, mars on the stock, scope mounting screws missing, whatever it may be. There is no relation to the scope mounting screws and the trick test problem, is there?

A No.

Q Or mars on the stock?

A No.

Q How about a recoil pad, isn't that something that goes on the very back?

A Yes, right here.

Q Trigger assembly screws -- Strike that.

Trigger adjusting screws that have been adjusted might or might not be related to the gun's being in the trick condition?

A That may be.

Q Or they might not be, depending on what adjustment you had?

A Yes.

Q On a couple of these Gun Examination Reports I have seen a reference to, "Return to Chisnall for action."

A Yes.

Q What does that mean?

A Guns are sent to Jack Chisnall in Bridgeport for his deposition of what -- for his recommendation of what to do with the gun.

Q How do you make a decision on whether or not

one will be sent to Chisnall for action?

A Is this relating to 700's, F.S.R.'s again?

Q Right.

A I don't know. Well, it is a committee decision.

Q It is a committee decision. And sometimes you do it and sometimes you don't?

A Yes.

Q Does Jack Chisnall have more expertise in analyzing these Model 700 F.S.R. problems than the committee does?

A I don't know.

Q You don't have that feeling one way or another about whether he does?

A Sometimes guns are sent to us by Jack Chisnall for examination.

Q A second opinion?

A Yes. And that is why they are sent back to him, also.

Q How long has the fire control that was incorporated in 1976 in the Model 700 been used on the Model 700?

A I don't know.

Q Is there a prior or an old style that existed

before '76?

A I don't know.

*Sustained*  
*irrelevant already discussed on video*

Q For what period of time have you been receiving Model 700's here at Remington where you have found a gummed up fire control? You know, we have reviewed a few Gun Examination Reports where that was indicated. But as you mentioned earlier, those only go back three years because of Remington's document destruction program or document retention, depending on how you look at it. Do you have a recollection of similar prior complaints before, back before record keeping?

A Do I have a recollection?

Q Yes, a recollection. I realize I can't hold you specifically to it, but we have read about a few of the complaints where the committee's conclusion was, "Gummed up fire control caused customer's complaint," or words to that effect.

A I would have to say yes. There were some. But I couldn't -- I can't produce them, because of our record retention policy.

Q Right. But that is the kind of thing you have been seeing as long as you have been on the

committee, isn't it?

MR. HUEGLI: If it is, say so.

THE WITNESS: Yes, yes.

BY MR. CHAMBERLAIN:

Q Okay. The caliber of a rifle has no affect on the kind of safety and trigger mechanism that it has, does it? Is that right?

A Caliber does not have any affect on it.

Q Do you know when the decision was made to perform -- to start performing trick tests on Remington 700's that were returned to the factory with the complaint that the gun had fired when the safety was moved to the fire position?

A No.

Q Has it been done as long as you can remember or as long as you have been on the committee?

A Are you talking about the committee now or -- strictly on the committee? Would you repeat that?

Q For as long as you have been on the committee, have you been performing trick tests on 700's that have F.S.R. complaints?

A I don't know.

Q You are familiar with the Coats versus Remington Case, the 600 case, down in Texas?

A Yes.

Q Did you begin performing trick tests on the 700's when that claim came to your notice?

A Begin performing them?

Q Yes. I don't want to use a pun, but is that what triggered it?

MR. HUEGLI: If you know. Did the Coats Case cause you to start tricking 700's or testing 700's for tricks? Do you know?

THE WITNESS: I don't know.

MR. HUEGLI: Okay.

BY MR. CHAMBERLAIN:

Q Do you know who decided to do that?

A No, I don't.

Q Are you familiar with the similarities and differences in design between the Model 700 and the Model 600, with emphasis on the fire control?

A No.

Q Were you called upon to make the design change when the 600 was recalled and a different trigger was

issued for it?

A No.

Q Were you called upon to implement that design change?

A Implementation, yes.

Q Okay. As I understand it, that change amounted to the removal of the fire control on the 600 and the substitution of a different fire control. Is that accurate?

A Yes.

Q Was the fire control, the new substitute one, a part that Remington was already using on another weapon?

A Exactly as it was replaced?

Q Yes.

A No.

Q Was it very similar to the fire control on another Remington model?

A Yes.

Q Which one was it similar to?

A The 700.

Q How was the new replacement trigger for the 600

different from the trigger then in use on the 700?

A Some of the components would be different dimensions. An example would be the safety arm.

Q The safety arms were different, a different length?

A Yes.

Q Different thickness in metal, perhaps?

A I don't know.

Q Okay. So the safety arm was different. Was there anything else different that you can recall?

A I don't recall anything else being different.

Q Since you began installing this trigger on the 600, from that time until Remington stopped manufacturing the 600, did you have any F.S.R. complaints on the 600 as redesigned?

A I don't know.

Q Okay. Are you familiar with what patents Remington owns for safety devices that would be applicable to the Remington 700?

A No.

Q How about for devices that might help eliminate the entry of dirt or debris into the rifle, are you

familiar with any patents that Remington owns --

A No.

Q -- in that regard?

A No.

Q Have you ever heard of the Military Arms  
Mud and Dust Test?

A No.

Q Is there any reason that the design change  
that was made on the Remington 700 in February of 1982 --  
is that the right date? Well, let's do it this way.

Is there any reason that the change that is  
reflected on Exhibit 18 couldn't have been implemented  
five years earlier?

A I don't know.

Q From a feasibility standpoint, is there any  
reason that that safety couldn't have been modified  
five years earlier?

MR. HUEGLI: Feasibility, meaning  
mechanically?

MR. CHAMBERLAIN: Yes.

BY MR. CHAMBERLAIN:

Q Did Remington have the technological ability

to do so?

A I don't know.

MR. HUEGLI: If we didn't, we should be out of the business. I will stipulate that Remington probably could have done just about anything they wanted to with a rifle.

MR. CHAMBERLAIN: I bet you will.

BY MR. CHAMBERLAIN:

Q Do you have any idea what the cost of that change was on a per rifle basis?

A No, I don't.

MR. CHAMBERLAIN: Will you stipulate that it is minimal?

MR. HUEGLI: I think we probably saved money by making the change, but I don't know. I can't stipulate specifically to that. I can see a five-cent-change argument to save Teri See's legs coming up.

MR. CHAMBERLAIN: Would I do that?

MR. HUEGLI: Well, you wouldn't get away with it.

BY MR. CHAMBERLAIN:

Q It was noted by Mr. Stekl and Mr. Chisnall in a little report they prepared after taking a look at Exhibit 2, the rifle in the room, that the retaining pins which hold the trigger assembly in were reversed, put in the opposite end first from the way Remington does it when they manufacture the gun. Do you know if that, in any way, could cause the trigger to malfunction?

A No, I don't.

Q You don't know, all right.

MR. CHAMBERLAIN: Thank you very much.  
I don't have any more questions.

MR. HUEGLI: I don't have any questions.

(A short recess was taken.)

\* \* \* \* \*

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

I, GERALD HILL, being duly  
sworn, hereby state that I have read the above  
deposition of my testimony in the above-entitled  
action taken on August 17, 1982, before LORRAINE  
SMITH, a Shorthand Reporter and Notary Public,  
at Remington Arms, Ilion, New York, and that the  
same is true and correct.

Gerald Hill

Sworn to before me this 13<sup>th</sup>  
day of October, 1982.

Margaret D Hall

MARGARET B. HALL #4637696  
NOTARY PUBLIC, STATE OF NEW YORK  
REGISTERED IN HERKIMER COUNTY  
MY COMMISSION EXPIRES MARCH 30, 1984.

C E R T I F I C A T E

I, LORRAINE SMITH, a Shorthand Reporter  
and Notary Public in and for the State of  
New York, DO HEREBY CERTIFY that the foregoing  
is a true and accurate transcript of my  
stenographic notes in the above-entitled  
matter.

Dated: September 16, 1982

Lorraine Smith

October 11, 1982

DEPOSITION OF GERALD HILL - SEE VS REMINGTON

TAKEN AUGUST 17, 1982 AT REMINGTON ARMS

Corrections needed:

Page 12 -

- A. The trick test comprises the gun with the bolt in the closed position, moving the safety to a halfway position, pulling the trigger and then returning the trigger to the fire position. In other words etc.

trigger should read safety.

Page 15 -

- A. Top of sheet - should be Q. This is a question by Mr. Chamberlair not Gerald Hill.

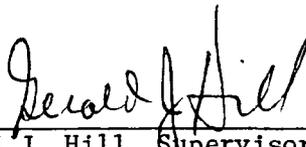
Page 33 -

- A. No. I guess it is N-a-s-e-p-a-n-y. Jerry Burns, Phil Johnson, Philip Johnson.

Phil Johnson and Philip Johnson are the same person - remove one of these.

Page 37 -

Bottom paragraph. Mr. Santana - should be Mr. Sanita (misspelled name).

  
\_\_\_\_\_  
Gerald J. Hill, Supervisor  
Process Engineering  
Current Products

GJH/cac

SEE 0106