

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

DAVID KEENUM and)
TERRI KEENUM,)
)
Plaintiffs,)
)
v.) Case No. CIV-86-1727-W
)
REMINGTON ARMS COMPANY,)
INCORPORATED,)
)
Defendant.)

Deposition of JOHN P. LINDE taken pursuant to notice before
Kim A. Hurley, Registered Professional Reporter, in Room 619, Sheraton-
Brandywine Inn, Concord Pike, Wilmington, Delaware, on Wednesday, April 13,
1988, beginning at approximately 9:13 p.m., there being present:

MERRITT, ROONEY, COLLIER & ROONEY, INC.
BY: RON COLLIER, ESQUIRE
Attorney for Plaintiffs

LATHROP, KOONTZ & NORQUIST
BY: JOHN W. SHAW, ESQUIRE
Attorney for Defendant

ALSO PRESENT:

ROBERT SPERLING, COUNSEL WITH DUPONT

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1 MR. COLLIER: For the record, I'm
2 Ron Collier. I'm the attorney for the plaintiffs in
3 this case, Terri and David Keenum. They have filed a
4 lawsuit against Remington Arms alleging that a
5 Remington Model 700 rifle discharged without anyone
6 touching the trigger and the bullet went through a
7 pickup truck, which the gun handler had rested the
8 rifle and it went through the pickup truck and into
9 the leg of Bob Keenum. The rifle being a
10 high-powered 30.06 caused a large hole in the leg.
11 They were able to get Mr. Keenum to the hospital,
12 save his life, but not his leg.

13 We brought this action on the basis
14 that the rifle has a defect, that this instrument
15 discharge is known or should have been known to the
16 manufacturers and, therefore, they are responsible.

17 Today, in Wilmington, Delaware, we are
18 taking the deposition of Mr. John P. Linde, who has
19 been an employee of Remington for several years.
20 Mr. Linde was the person assigned a job of
21 evaluating --

22 THE WITNESS: Don't tell them what I
23 do.. Just say who's here. Who's here. I didn't ask
24 for the advertisement. All I ask for is just who's

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1 here.

2 MR. COLLIER: I was going to give your
3 academic background and so forth.

4 We have here today Mr. Linde as our
5 witness, Mr. Robert Sperling, who is counsel for
6 Remington originally, and I believe now DuPont, the
7 parent company. John Shaw, attorney for Remington,
8 is present on behalf of the defense. We are
9 reporting this both by transcription by a shorthand
10 reporter, and by videotape. At this time
11 Mr. John Shaw will make his opposition to the
12 videotape.

13 MR. SHAW: We would object for the
14 record to this deposition being videotaped as we have
15 consistently throughout the discovery of this tape
16 and this case where videotape recording is being used
17 because the Federal Rules of Civil Procedure and the
18 requirements of the local rules of the Federal
19 District Court in Oklahoma have not been followed
20 with respect to proper notice with regard to getting
21 a court order for the videotape deposition absent
22 agreement of parties, and there is no agreement of
23 parties with regard to the use of the videotape.

24 MR. COLLIER: If you would swear the

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1 witness, we'll be ready to begin.

2 JOHN P. LINDE, having first been duly
3 sworn according to law, was examined and testified as
4 follows:

5 - - - - -

6 BY MR. COLLIER:

7 Q. Would you state your full name for the court
8 and for the jury, please.

9 A. My name is John Linde.

10 Q. Mr. Linde, would you give us where you live at
11 this time. No need for a specific address, just the
12 city and state.

13 A. Wilmington, Delaware.

14 Q. Your occupation?

15 A. I'm a Corian project expansion manager.

16 Q. That would be deciphered for us in more
17 understandable terms as what kind of a job?

18 A. I'm responsible for instituting the expansion
19 plans to expand the manufacturing capability for the
20 Corian business.

21 Q. And the Corian business, what kind of business
22 is that?

23 A. The Corian business is a business where we sell
24 materials used in countertops, vanity tops, bowls,

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1 this sort of thing, for bathrooms and kitchens.

2 Q. I would assume and I know, of course, that
3 that's not something you're doing for Remington Arms
4 Company, the defendant in this case; is that correct?

5 A. That is correct.

6 Q. So you're doing it for the parent company
7 DuPont; is that also correct?

8 A. Yes. I work for DuPont.

9 Q. How long have you been assigned to DuPont, or
10 have you changed your employment to DuPont?

11 A. Since 1984.

12 Q. Tell us--because this case, as you know,
13 concerns a claim of injury by my clients, the
14 Keenums, against Remington--what your job or job
15 description was with Remington prior to your
16 transfer.

17 MR. SHAW: You mean immediately prior
18 to it?

19 MR. COLLIER: Yes, immediately prior,
20 and then we'll go back and ask him for his work
21 history.

22 THE WITNESS: I was the PE&C
23 superintendent.

24 BY MR. COLLIER:

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1 Q. And PE&C, what would those initials stand for?

2 A. Process Engineering & Control.

3 Q. Are you an engineer then?

4 A. Yes, I am.

5 Q. Was that always your job with Remington, an
6 engineering job, in some facet of it?

7 A. In some facet, yes.

8 Q. Let's do your history, please, with Remington
9 prior to the time of your transfer to DuPont.

10 When did you graduate from high school
11 and your training as a way of giving your education?

12 A. Graduated from high school in 1961.

13 Q. And your training beyond high school,
14 education?

15 A. I went to the University of Wyoming, graduated
16 in 1965.

17 Q. And what was the degree that you took place?

18 A. Mechanical engineering.

19 Q. Not being familiar with engineers, I know that
20 they break them down somewhat, but that's about a
21 specialized toward -- well, there's not a
22 sub-specialty of mechanical engineering dealing with
23 rifles or firearms, is there?

24 A. No.

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1 Q. Did you go to work soon after graduation from
2 college with Remington?

3 A. Yes, I did.

4 Q. What would you -- let me ask you if you could
5 tell us your job history, what various portions of
6 Remington you were employed by, but we will only want
7 very large descriptions when you deal with Remington
8 bolt-action rifles.

9 MR. SHAW: I'm not sure I understand.

10 MR. COLLIER: Just ask about a question
11 and no one ever can understand, so I'll withdraw that
12 question.

13 MR. SHAW: You just basically want his
14 job history?

15 MR. COLLIER: Job history.

16 THE WITNESS: I started with Remington
17 in 1965. I worked in the Research Department for a
18 number of years. I then moved into the
19 manufacturing-engineering area until I left there.

20 BY MR. COLLIER:

21 Q. In the research area what kind of research did
22 you do, please?

23 A. Research area I was -- I worked on firearms
24 testing and firearms design.

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1 Q. Do you recall how long you were in Research
2 from 1965 until what date, if you can remember?

3 A. No, I can't remember the exact date.

4 Q. Do you remember whether or not you were given
5 assignments sometime in 1975 to evaluate the
6 bolt-action rifle safety in the Remington Model 700
7 rifle?

8 MR. SHAW: You mean specifically and
9 only the Remington Model 700?

10 MR. COLLIER: Oh, no. I realize that
11 the assignment was larger than that, and to assist
12 the witness on dates, I'm going to hand him what's
13 been marked at a prior deposition as Plaintiff's
14 Exhibit, and I can't remember the number. We're now
15 using the identification number document No. 74.

16 BY MR. COLLIER:

17 Q. I'm handing now document No. 74 and ask you if
18 you would review that, please, and determine whether
19 or not that is of assistance to you in recalling to
20 mind an assignment back in about 1975 in reference to
21 the Model 700.

22 MR. SHAW: Again, I'll object to the
23 form of the question. The witness can see if it
24 refreshes his recollection, but your continued focus

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1 on the Model 700 only when that may not be evident
2 from the face of the document that that was the sole
3 and exclusive province of the assignment makes the
4 question misleading.

5 MR. COLLIER: I would like for him to
6 tell me all of his assignments. So that's perfectly
7 agreeable to me.

8 THE WITNESS: Well, I wrote this to
9 Wayne Leek, who worked on this subject. I was
10 involved in this area, and as part of my
11 responsibility, we were bolt-action rifles. So yes,
12 I wrote this.

13 BY MR. COLLIER:

14 Q. I hadn't recalled that you were the author of
15 that particular --

16 A. It says from J.P. Linde to W.E. Leek.

17 Q. Had I read I would have known. So let me ask
18 you if this was pursuant to an assignment to do
19 some --

20 A. Well, my assignment was bolt-action rifles. So
21 I was working on all manually operated firearms at
22 that time over and under shotguns, bolt-action
23 rifles, target rifles, anything that was manually
24 operated.

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1 Q. Because of the constraints of making the
2 presentation to a jury, the jury by its very nature
3 has to be listening to testimony, so it can't read.
4 Could you summarize for us, first of all, what kind
5 of an assignment, if it was, indeed, an assignment,
6 that you received?

7 A. Well, my assignment was my job and my job was
8 all manually operated firearms. So what you're doing
9 is you're handing me a piece of paper that was
10 pursuant to doing my job in one area. This is the
11 evaluation of bolt-action rifle safety mechanisms
12 which would be consistent with everything else I was
13 doing whether it be evaluation of safety or rifle
14 stocks or slings or magazine boxes. This is one of
15 the areas that I was involved in at that time.

16 Q. Am I wrong to have the opinion that this was a
17 special assignment not in the ordinary course of
18 things, but a special assignment given to you by
19 management of Remington to investigate into the
20 safety and the fire control area?

21 MR. SHAW: Objection.

22 THE WITNESS: When you say "special,"
23 special what? I was given lots of assignments. I
24 was given assignments on this, I was given

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1 assignments on sight mechanisms, I was given
2 assignments on stocks. I was given lots of
3 assignments. This was an assignment I was given,
4 yes.

5 BY MR. COLLIER:

6 Q. And was the assignment to investigate the Model
7 700 rifle safety and fire control among other safety
8 and fire controls of Remington bolt-action rifles?

9 A. Well, you know, I can't remember what the exact
10 assignment was. What I would have to do is I would
11 have to go back through and pull the information.
12 I'd have to take a look, read this all through. If
13 you want me to read it through and try and get more
14 information in detail, I can do that. I can't just
15 pick this piece of paper up in 1975 and tell you what
16 the intent of the assignment was.

17 Q. I don't want to be burdensome to you,
18 Mr. Linde. Nevertheless, if you do have the
19 information and if you are able to tell us about it,
20 it will shorten the proceedings if you can do that,
21 but what we'll do now is we'll take this time and if
22 you'll review that, because what I'm interested in
23 learning -- what I want the jury to know is whether
24 or not you were given a specific assignment on

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1 Remington Model 700 and other bolt-action rifles
2 having to do with their fire control and their
3 safety.

4 A. I worked on fire controls and I worked on
5 safety and I worked on stocks and I worked on
6 everything.

7 Q. Certainly.

8 A. That was a part of my job. So I cannot
9 understand -- I had special assignments in all these
10 areas.

11 Q. And, of course, I'm not interested in, for
12 instance, all of the assignments that you may have.

13 A. I worked on this. It says this is -- I sent
14 the letter to Wayne obviously, and I was responsible
15 for pulling this information together. It was
16 presented here. Here you have a document that lists
17 some of the items that I was working on.

18 MR. SHAW: I think what the witness is
19 struggling with, Ron, is if you want to ask him
20 questions -- and this may be where you're trying to
21 get because I didn't take that so much as a question
22 that you last framed as much as an instruction or a
23 kind of a setting of the stage. If you want to ask
24 him some questions about this particular document,

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1 he's going to have to, at a minimum, take the time to
2 read it. And then if you have some specific
3 questions from it, then you can ask him your
4 questions.

5 MR. COLLIER: I certainly -- and that's
6 not an unreasonable request, so that I will do that.

7 MR. SHAW: You want to give him a
8 chance to read it then? How are we going to do it?

9 MR. COLLIER: I thought I would start
10 out with asking the questions that I think are
11 pertinent here. That way we'll stay away from
12 investigations of other things or assignments in
13 other areas, and if it doesn't work, we'll go to a
14 different way. But we'll try this one out first.

15 BY MR. COLLIER:

16 Q. Were one of the assignments that you had in
17 connection with this particular report that you have
18 written that a design was to be started to determine
19 the effect of changing the safety design on the Model
20 700 Remington rifle?

21 MR. SHAW: I would ask, Ron, if you're
22 going to ask him about the document, that you give
23 him a chance to read it and place everything, as best
24 he can recall it at 13 or 15 years later or however

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1 long it's been, in the appropriate context. You
2 don't have to ask him about what may be irrelevant or
3 not pertinent to you with regard to other models
4 contained within that report, but the witness
5 certainly ought to be afforded the opportunity to
6 read it before you pick out a passage that you want
7 to focus.

8 BY MR. COLLIER:

9 Q. Was that question stated sufficiently, with
10 sufficient clarity, so that you understand what I'm
11 asking about as part of the assignment?

12 A. Let me ask you: Would you like me to read the
13 document? Do you want to ask me questions? You tell
14 me what you want.

15 Q. Surely. What I want, of course, is, if you
16 remember, that sometime in 1975 that there came to
17 the attention of Remington that some of their
18 bolt-action rifles had reports of intermittent
19 discharge where it was alleged no one touched the
20 trigger. Do you recall that being --

21 A. Not from what you're talking there. If you
22 read the first paragraph, that doesn't say anything
23 about that. That is the problem with the Model 600.

24 Q. That's correct.

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1 A. As I read the first paragraph, and that's
2 pertaining to the Model 600 rifles, which has nothing
3 to do with the 700.

4 Q. And that's something that we will go into and
5 we might as well do that right now, Mr. Linde. And
6 that is the applicability of whether or not Remington
7 has a similar design in the 700 rifle and the 600
8 rifle. Are you familiar with those two fire-control
9 systems?

10 MR. SHAW: Do you mean generally? The
11 witness has been absent from Remington entirely for
12 four years now and has not been in the Research
13 Department for some years prior to that. Are you
14 asking him for general familiarity or what?

15 MR. COLLIER: Well, of course, he can
16 tell me what his familiarity is. I know that
17 "familiarity" is no definite word, but we're just
18 looking to get to a certain response and then he can
19 always say, well, I have some familiarity and it's
20 not very great or it was then or whatever the case
21 may be.

22 MR. SHAW: Well, at the outset let me
23 say and move this along, try not to say it again,
24 although I can't help myself if we're going to go

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1 through this like we did with Mr. Sienkiewicz. We
2 have not tendered Mr. Linde as an expert witness in
3 this case. We have not, to my knowledge, at this
4 point even listed him as a witness, although we have,
5 as you know, incorporated by reference your witness
6 list and you may have listed Mr. Linde yourself as
7 you have half of the Remington employment directory.
8 If you intend to ask questions of Mr. Linde regarding
9 similarities or dissimilarities between the Model 600
10 and Model 700, for the record, so the judge might be
11 advised and we make it clear, I'm objecting to that.
12 That has been done now with at least two if not three
13 witnesses that I'm familiar with, because you did it
14 yesterday with Mr. Sienkiewicz, even though I advised
15 you that it was my recollection that it had also been
16 done with Mr. Hutton and you have had other witnesses
17 with an opportunity to do that.

18 Here we are with time constraints.
19 Some of us want to get flights out. Mr. Linde flew
20 back from Europe for this deposition, and if you want
21 to go into all of this comparison, I just think
22 you're being unfair with the witness and you're
23 abusing the process. And he has not been involved
24 with this for sometime, and I hesitate to have you

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1 fish around with him on what he may or may not recall
2 about something that happened many years ago for him
3 and his employment responsibilities. And that's it.
4 You don't even need to respond.

5 THE WITNESS: I know you disagree --.

6 MR. COLLIER: I do, John. For
7 instance, if we go back and count lines on who's
8 taking the time, I think I'll come in about fourth.
9 There's only three talking. I'm going to go
10 quickly -- as quickly as I can. You're reserving
11 your objections. They'll all be perfectly
12 preserved. So I think largely the time control is
13 more in your area than it will be in mine.

14 A pertinent part of our case, though,
15 is whether or not notice should have been
16 acknowledged by Remington that something was
17 happening with their bolt-action rifles and that
18 notice in the 600 should have been noticed in the
19 700. That's why we're doing this. And also we think
20 that they are a very similar design.

21 For that reason, I'm going to hand the
22 witness what has been marked in a prior deposition
23 Sienkiewicz Exhibit No. 3 and ask the witness if he
24 can recognize that as a schematic of the Model 600

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1 trigger assembly. I'm not sure that trigger assembly
2 is the word that I should use.

3 MR. SHAW: I would include my
4 reference -- my objections from yesterday to this
5 exhibit.

6 THE WITNESS: Says "Model 600 Trigger
7 Assembly."

8 BY MR. COLLIER:

9 Q. Of course, that's written in, but if you don't
10 recognize that as the Model 600 trigger assembly, all
11 of this would go for naught.

12 Does that to you represent a fair
13 depiction of the Model 600 trigger assembly.

14 MR. SHAW: Same objections as yesterday
15 with regard to this. If I can do it that way, that
16 will shorten it up. Is that okay, Mr. Collier?

17 MR. COLLIER: Certainly.

18 THE WITNESS: It's a representation of
19 the 600 trigger assembly. Whether it's correct in
20 detail I have no idea.

21 BY MR. COLLIER:

22 Q. I hand you also what's been marked in the prior
23 deposition as Sienkiewicz No. 2, and ask you to lay
24 it alongside the Model 600 schematic and ask you if

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1 that represents to you a fair depiction of the Model
2 700 trigger assembly.

3 MR. SHAW: Again, same objections as
4 yesterday, and I think that Mr. Sienkiewicz yesterday
5 pointed out some distinctive visual dissimilarities
6 between that drawing and what he understands to be
7 the 700 assembly.

8 MR. COLLIER: And we should note
9 those.

10 THE WITNESS: This is not. Each of
11 these has, if you look at them closely, has specific
12 details that are not representative of the
13 assemblies. But they're a facsimile or a
14 representation, but they're not a good
15 representation.

16 BY MR. COLLIER:

17 Q. For purposes of display and presentation to the
18 jury so that they can understand the two trigger
19 assemblies in a very rudimentary form, do you think
20 that they are appropriate for use?

21 MR. SHAW: Calls for speculation.
22 Objection.

23 BY MR. COLLIER:

24 Q. We're just going to have to be satisfied with

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1 what we have, and I'll ask you if you recognize that
2 as a depiction of a Model 700 trigger assembly, that
3 being Exhibit No. 2.

4 A. Where does it say Exhibit No. 2? It says
5 "Figure No. 9." I see. That says Exhibit No. 2. It
6 says Model 700. If you want to use it as a
7 representation of 700 for our discussion, fine, go
8 ahead. If you want me to say that it's exact in some
9 detail, I'm not going to say that.

10 Q. I don't want you to say anything other than
11 what is really the case. Let's then ask you
12 this --

13 A. Don't come back and say, "Mr. Linde said that
14 is the replica of the 700," because that's not what I
15 said.

16 Q. I wouldn't try to stretch it like that, no. I
17 think you have indicated with strength and vehemence
18 that that's not your position.

19 Now, between the two do you have any
20 component part displayed there that is different from
21 function from that component part in the other
22 design?

23 MR. SHAW: Objection to this because it
24 is vague and ambiguous and we went through this

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1 yesterday. The term "function" is loaded and kind of
2 vague, and as you recall, I tried to help you with
3 this yesterday, Ron. For example, you might say that
4 the function of a brake on a Mercedes and on a Chevy
5 is the same, that being to stop the car, but those
6 two brakes may not function the same in terms of
7 their operational characteristics, the degree of
8 their -- or quality of their performance. So that's
9 ambiguous and vague, and again, I think this is
10 cumulative and you haven't laid the foundation that
11 this witness feels qualified or comfortable at this
12 point in time some many years after he's been
13 employed by Remington just straight out of the shoot
14 answering questions about these mechanisms without
15 the opportunity to re-educate himself and be prepared
16 for such testimony.

17 MR. COLLIER: John, this is sort of
18 with your time frame in mind that I'm not spending
19 all the time saying, all right, how long did you do
20 this and this and this. I'll get back to that I
21 suppose. I'm going to try it this way, though.

22 BY MR. COLLIER:

23 Q. And that question and we'll interpose all of
24 his objections as to Mercedes automobiles into the

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1 question: Do these two diagrams correspond in
2 function as to the parts displayed?

3 A. I can't answer it the way you presented it, but
4 I can say that I can't remember for sure, but if you
5 take a look at the major parts here, that is the
6 housing, the trigger, the connector, the engagement
7 screw, there are essentially no parts in this
8 assembly and this assembly that are the same.

9 Q. They are somewhat different?

10 A. They are different. You cannot take this
11 trigger and put it in this assembly and have it
12 work. You cannot take this connector and put it in,
13 here and have it work. You cannot take this and put
14 it in here and have it work. You cannot take the
15 housing and interchange them.

16 MR. SHAW: Would you let -- are you
17 finished, Mr. Linde? If he's finished -- I would ask
18 that you make sure he's finished before you cut him
19 off.

20 MR. COLLIER: Before I move to strike
21 the answer as not being responsive, ask the reporter,
22 please, to read the question again and see if the
23 question is capable of understanding and then could
24 be answered yes or no or whatever other

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1 appropriate --

2 THE WITNESS: It's incapable of my
3 understanding. I have to understand your question.

4 MR. COLLIER: And I can do better.

5 Would you go back, please, and find
6 that question and read it for us.

7 (The reporter read from the record
8 as requested.)

9 MR. SHAW: And I believe that his
10 answer was responsive. You have moved for it to be
11 stricken, but I think his answer was responsive. And
12 I interpose my same objections.

13 BY MR. COLLIER:

14 Q. Could you answer that question, please?

15 A. Answer what question?

16 MR. COLLIER: Could you read the
17 question again?

18 MR. SHAW: He wants you to answer this
19 question again, John, which you answered and which he
20 doesn't like your answer so he moved for it to be
21 stricken. If you can't answer it any other way, then
22 we may be at loggerheads.

23 Miss Reporter, if you want to read it
24 back one more time. That's what --

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1 THE WITNESS: You tell me -- your words
2 like "function" and "design" have different meanings
3 to different people. I found that out in my life.
4 So you pick a word like "function" or "design" and
5 you have a meaning of it that you're going to
6 project. I'm not going to elaborate on that unless
7 you want to explain to me what you mean.

8 BY MR. COLLIER:

9 Q. Among my --

10 A. I answered it the way that I see it. The way I
11 see how things are designed and put together.

12 Q. Among the questions I'll ask today, there'll be
13 some that will be incomprehensible, you wouldn't be
14 able to understand where it goes or anything. That's
15 going to be one of my better questions so far as
16 clarity is concerned. That's why I'm going to ask
17 her to read it again. If I can't get an answer on
18 those kind of questions, I'm not going to get -- I am
19 going to continue to try. Because when I do manage
20 to get one out that is pretty short and succinct and
21 understanding or what I think is capable of
22 understanding among a majority of individuals, I'm
23 going to keep trying to get that answer.

24 MR. COLLIER: Miss Reporter, would you

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1 read that again.

2 MR. SHAW: John, I will deal with
3 Mr. Collier. I understand the difficulty you're
4 having, and if he wants you to listen to the question
5 again, let's have her read it back.

6 I think he's given you an answer.

7 MR. COLLIER: If you'll notice, this
8 question does not call for anything about size or
9 shape or parts. That's what he answered.

10 THE WITNESS: That's what determines
11 the function.

12 MR. COLLIER: You and I just happen to
13 have a severe disagreement on that.

14 Please read that.

15 MR. SHAW: Let's read it back and
16 listen to it.

17 (The reporter read from the record
18 as requested.)

19 MR. SHAW: We could pick your question
20 further apart. The diagrams themselves don't
21 function in any event, but I think the witness was
22 trying to respond to your question as he understood
23 it with reference to parts, their identity, and their
24 function.

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1 MR. SHAW: And he's told you that he
2 doesn't believe the parts are the same, which was not
3 my question.

4 BY MR. COLLIER:

5 Q. Did you understand perhaps more with a little
6 bit of the description that we have given along the
7 way as to what the question asks?

8 A. Why don't you explain what you want.

9 Q. By "function" I understand it to mean that
10 which a thing does, its function, what it does.
11 Therefore, the question asks: Don't these various
12 component parts correspond in function one with the
13 other?

14 A. They correspond one with the other. If it was
15 a Winchester Model 70 -- just a minute. Let me
16 answer. If it was a Winchester Model 70 --

17 Q. You're messing up my answer. I'll let you go
18 on.

19 A. I won't say anything.

20 MR. SHAW: You will say something.

21 MR. COLLIER: You have that right.

22 MR. SHAW: He has a right to answer the
23 question the way that he wants to answer it. You can
24 move for it to be stricken. What the problem we are

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1 having, Ron, and we had it yesterday, is you want a
2 question and answer to begin where you want it to
3 begin even if there's vagaries, and you want the
4 answer to end when you have heard enough even if it's
5 not complete from the witness's frame of reference.
6 You want a yes or no where the witness can give you a
7 yes or no. You don't want the witness to explain his
8 answer, and I believe that you're not being fair with
9 the witness, and I would think that his honor would
10 not uphold this technique.

11 MR. COLLIER: We can go on and on.
12 There is a lawyer here who is able, skilled, and a
13 true advocate for the defense, and the witness's job
14 is to answer questions and not try to advocate a
15 position.

16 BY MR. COLLIER:

17 Q. And maybe I'm unfair in my categorization of
18 it, but I think you know the case so well, Mr. Linde,
19 that you know where a question might be leading, you
20 anticipate and even try to head off --

21 A. I don't know anything about this case.

22 Q. Perhaps not this case, but the cases involving
23 discharge where there's a claim that no one touched
24 the trigger of a Remington Model 700.

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1 MR. SHAW: You don't need to respond to
2 that.

3 THE WITNESS: I don't even know that
4 that's this case. But I do know something about
5 design. And I know something about function and
6 that's what you're asking me about. And I do feel
7 comfortable in answering the questions how something
8 functions or how something is designed.

9 BY MR. COLLIER:

10 Q. The earlier answer --

11 A. I do not feel that I'm not being cooperative
12 with you.

13 Q. We just view that differently, and that's not
14 going to keep us from getting our business done.
15 We'll go right along.

16 MR. COLLIER: Could you reread the
17 question as last posed to the witness which he
18 answered and then began additional and I thought
19 non-responsive explanation in the way of kind of I'm
20 going to explain this answer' so how it relates to
21 other rifles, because I have certainly not asked any
22 questions about other rifles.

23 THE WITNESS: It doesn't do that.

24 BY MR. COLLIER:

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1 Q. I misunderstood even what was going to take
2 place.

3 A. I was just going to explain to you how I see
4 the difference between function and design.

5 Q. Maybe I'm being too quick.

6 A. You ask your specific questions and I'll answer
7 it. I won't volunteer anything because obviously you
8 have a certain meaning that you attach to certain
9 words.

10 Q. But we're all obligated not to have -- put our
11 meanings to those words but rather --

12 A. I was trying to explain to you my
13 understanding. I will work from your understanding
14 only because that's what you want.

15 MR. SHAW: We'll work from the
16 questions, Mr. Linde, and we'll handle that.

17 THE WITNESS: I'll answer his
18 questions, but I'm not going to make up meanings for
19 words that have -- do not have the same meaning for
20 me. I'm just not going to do that. I have seen that
21 happen so many times and happen -- all that does is
22 just lead to misunderstanding.

23 BY MR. COLLIER:

24 Q. Of the many times that you have seen that done,

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1 Mr. Linde, are they in connection with testimony in
2 reference to the Model 700 Remington?

3 MR. SHAW: I object to that.

4 THE WITNESS: No, they're not. They're
5 concerning with the question when you work in
6 management, concerning strategy, leadership, and
7 operations and intermixing the different meanings and
8 where one person is talking about a plan, another
9 person is talking about a strategy. You have to be
10 very, very clear on the meanings of words. I have
11 found that in my recent job. So I just have to be
12 sensitive to that right now.

13 MR. COLLIER: Would the reporter please
14 find the last question where we actually had a
15 question pertaining to the lawsuit.

16 (The reporter read from the record
17 as requested.)

18 MR. SHAW: And the answer. Where are
19 we now?

20 MR. COLLIER: That's the question. I'm
21 restating it for the witness.

22 MR. SHAW: I'll object. It's been
23 asked and answered or attempted to be answered before
24 you interrupted the witness.

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1 MR. COLLIER: If the question can be
2 answered yes or no, I would like for the witness to
3 answer it that way, and then if he thinks he should
4 add an explanation, I'll have him add that
5 explanation, but if I feel that it's non-responsive
6 to the question, I'll move that it be stricken. If
7 we can -- we could handle it that way.

8 BY MR. COLLIER:

9 Q. Do you recall the question?

10 A. I'd like you to re-ask the question that you
11 want me to answer. If you would, please.

12 MR. SHAW: I will object in advance to
13 this process which is inherently misleading where you
14 want to take and force him to give a yes-or-no answer
15 and then excise the explanation that the witness
16 feels he needs to make in addition to his yes-or-no
17 answer.

18 BY MR. COLLIER:

19 Q. Mr. Linde, do the two diagrams for the trigger
20 assemblies of the 700 and the Model 600 respectively
21 show parts whose function is the same one to the
22 other?

23 A. I can answer that in this: The two assembly's
24 function with respect to the firearm are the same.

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1 They have the same function with respect to what they
2 do to the firearm.

3 Q. So that we can do it fairly, if you feel that
4 you need to make an additional explanation to that,
5 please do.

6 A. The function of this assembly or that assembly
7 or any other assembly is the same with respect to a
8 bolt-action rifle. How that function is executed is
9 to be determined by the design of this assembly, that
10 assembly, or any other assembly.

11 Q. All right. Now, let me ask you about specifics
12 then. Is there any other bolt-action rifle
13 manufactured in the United States that has what is
14 called the trigger connector?

15 MR. SHAW: By that name or by that
16 principle? That name?

17 MR. COLLIER: By that name, by that
18 function. Let's use function.

19 BY MR. COLLIER:

20 Q. Let me ask Mr. Linde. A name of the thing as
21 Shakespeare said is not really the same and you have
22 found that to be true. It's not really the name
23 that's important that we apply to something, is it?

24 A. Anything could be named anything you want to

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1 name it, right.

2 Q. That's correct. But if you can say what it
3 does, now that is more definite, isn't it?

4 A. It's one of the elements.

5 Q. Could you tell me, then, by using the name that
6 we have on these diagrams for the trigger connector,
7 that's the name trigger connector, if that part has a
8 function, has a use, a function in any other firearm
9 manufactured in the United States, bolt-action rifle,
10 that is the same?

11 A. I can't answer your question as stated.

12 There's a couple of questions in your question.

13 Q. Let me put it this way: To your knowledge --
14 and that way if there's some little manufacturing
15 company out there manufacturing rifles that used as a
16 trigger connector with a function similar to the
17 Remington trigger connector, it won't be
18 responsible. You won't be responsible for that. To
19 your knowledge, is there any other rifle, bolt-action
20 rifle, manufactured in the United States which uses a
21 trigger connector with the function that is the same
22 as that used by Remington?

23 A. I couldn't say that. I have been away too
24 long. I don't know.

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1 Q. That's why I have asked to your knowledge.

2 Obviously, if it's --

3 A. I don't know if there is or isn't.

4 Q. You know of no others. Doesn't that make the
5 trigger connector part and its function unique to
6 Remington bolt-action rifles?

7 MR. SHAW: There's the problem with
8 what you're doing and this is probably a minute
9 example of it. The witness has said he doesn't know
10 whether anyone else uses it at this point in time.

11 MR. COLLIER: I'm not asking him that,
12 counsel.

13 MR. SHAW: Then you followed up by
14 saying doesn't that make it unique when he has said
15 he doesn't know whether anyone else uses it. So how
16 can he know and how can you ask him a question
17 doesn't that make it unique. It may well be. I'm
18 not quibbling with that because I don't know what the
19 issue is. But there's an example of what you're
20 doing. The witness says he doesn't know whether
21 anyone else uses it or not and then you're saying --
22 after he's told you he doesn't know, you're saying
23 doesn't that make its use unique.

24 BY MR. COLLIER:

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1 Q. To your knowledge.

2 A. To my knowledge what?

3 Q. That the trigger connector function employed by
4 Remington Arms is unique to Remington.

5 A. Now you have changed it. First question
6 concerned whether somebody else had a connector and I
7 said I don't know. You said to your knowledge, do
8 you know if they have a connector.

9 Q. Yes.

10 A. And I said I don't know of anybody that has a
11 connector. You said fine. Now this question you're
12 asking me, does anybody else -- is this a unique
13 function to Remington. For an assembly to function
14 or to work, it has to perform certain functions. How
15 you perform those functions to make it work comes out
16 in the parts and how you put the parts together. So
17 what you're doing is you're combining design, parts,
18 and function, and it's very, very difficult. Like I
19 said before, this assembly as an assembly has to do
20 certain things whether it's made by us or anybody
21 else.

22 Q. That's correct. And the reason for all of
23 these questions, and I'm going to lift up --

24 A. You're trying to lift out one part and say

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1 well, are you unique. What you're talking about is
2 how does the whole thing work.

3 Q. No, that's not. What I am trying to elicit is,
4 and I have held up now --

5 A. Let me so I can see it.

6 Q. The jury has more interest and has more concern
7 with knowing what we're talking about, Mr. Linde, and
8 what I'm doing here is I'll leave the 700 diagram in
9 front of you so that you can look at it directly.

10 A. I want to look at what you're pointing to. I
11 have a vested interest in it also if you're asking
12 the question so I answer it correctly.

13 MR. SHAW: Is there a way we can work
14 this so you can see it? I understand your concern.
15 I want it to be visible.

16 MR. COLLIER: It has to be visible to
17 the jury.

18 MR. SHAW: I understand. I think
19 Mr. Linde's problem was he didn't feel like he could
20 see it the way you had it placed. That's what he's
21 trying to do is get out the video and also have you
22 be able to see it.

23 MR. COLLIER: I have a way, but it will
24 cause quite some delay. We'll get to that in a

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1 moment.

2 MR. SHAW: Do you have two copies of
3 it?

4 MR. COLLIER: No, I don't. What we can
5 do is we can put them up on the display board back
6 there in just a moment. What we'll do for now is
7 continue along a non-visual for the jury's
8 examination of these component parts.

9 THE WITNESS: Could we set it up here
10 where I could view it also?

11 MR. COLLIER: That will be perfect. I
12 think we have found a compromise. We're going to put
13 it here. I'm going to re-adjust our camera.

14 MR. SHAW: Let's go off the record.
15 Can you turn the sound off while you do this? I'm
16 going to get some coffee or whatever.

17 (Discussion off the record.)

18 BY MR. COLLIER:

19 Q. We are back on the record after a short recess
20 to set up the camera angle at a more appropriate
21 angle, and I ask for our witness, Mr. Linde, to
22 follow me as I outline what is shown as the black
23 area on this diagram and ask him if he would tell
24 me -- we have written in here the words, "Trigger

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1 Connector." Is that the term used for that part by
2 Remington, if you know?

3 A. Yes, I believe so.

4 Q. How does the trigger connector operate in a
5 Model 600 trigger assembly, sir?

6 MR. SHAW: Objection. Vague.

7 BY MR. COLLIER:

8 Q. Its function, please?

9 MR. SHAW: Same objection.

10 THE WITNESS: I really don't -- I could
11 go through it, but I really don't feel qualified at
12 this point to go through and tell you just exactly
13 how everything operates. Not that I would object to
14 it. It's just that I might either leave something
15 out or add something in my memory. I would rather
16 not mislead anybody or come up with something wrong.

17 BY MR. COLLIER:

18 Q. Our problem, Mr. Linde, is that, on behalf of
19 the plaintiffs, we have to know how this operates,
20 and if everyone just says that I would rather not,
21 we'll never know how it operates.

22 A. I'm sure with all the testimony you have had
23 people explain it to you.

24 Q. Frankly, I don't believe there's a more

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1 qualified person than you.

2 A. I appreciate your compliments, but I have been
3 away from this for a number of years, and you're
4 asking me to go in and cold and asking me to explain
5 this. I feel uncomfortable doing it.

6 Q. Well, I don't want this to be entirely a
7 pleasant situation for you, but I want there to be
8 some stress because we're saying --

9 A. It's not entirely pleasant. I have come back
10 from Europe to be with you today to give you the
11 information. So I really am trying to cooperate with
12 you and give you the information, but I'm not going
13 to give you something where I feel uncomfortable of
14 presenting it the way it is. I'm not going to try to
15 go back into my memory and create things that I'm not
16 sure of. This, I would think, would be much too
17 important for a witness to do that.

18 Q. We'll go along the basis from testimony which I
19 have of yours taken some years ago. I'll take the
20 statements that you made there at that time. Base
21 the questions that I'm going to ask you at this time
22 and see whether or not I'm stating it correctly.

23 MR. SHAW: I'll object to -- if that's
24 going to be your intent, I'll object to the form of

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1 the question. The witness has said he does not feel
2 comfortable with this. That's his statement. If
3 you're going to serve up to any prior testimony, it's
4 an improper use of it, you'll be leading the witness
5 with no foundation to lead the witness, and you're
6 asking him to saute for something that he said years
7 ago, which if he said it under oath, presumably that
8 stands, and just to try to get him to rehash it here
9 is inappropriate. And you have had the opportunity
10 with other witnesses to explore the operation of the
11 600 and the 700 or the similarities and
12 dissimilarities, and I think I sat right there, maybe
13 you were out of the room when your partner,
14 Mr. Merritt, asked Mr. Hutton and I believe
15 Mr. Workman and several others with reference to the
16 diagram that rests on the table how the firearm
17 works. You had that. So don't tell this witness
18 that he's the only guy that can tell you this. And
19 you know Mr. Butters will get up and give his version
20 of how everything works. So don't tell me your
21 better evidence of a version of how the firearm
22 works.

23 MR. COLLIER: Well, we have to deal
24 with the witness that were in charge of things, I

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1 believe, and who have personal knowledge of those
2 occurrences and at the time which I think is critical
3 here, 1975. From the documents that I have just
4 handed to the witness, it appears that he started out
5 doing some investigation into the Model 700 fire
6 control and particularly the trigger assembly.

7 MR. SHAW: You haven't asked him about
8 that.

9 MR. COLLIER: I'm trying to.

10 MR. SHAW: You try whatever you want,
11 but the document that you started asking him about
12 still lays there on the table while you have pulled
13 out these diagrams and everything else.

14 BY MR. COLLIER:

15 Q. The trigger -- and I'm going to point out now
16 what I have gleaned from prior testimony. This black
17 area is known as a trigger connector; is that
18 correct?

19 MR. SHAW: Objection to the form of the
20 question with reference to prior testimony.

21 MR. COLLIER: I'll restate that.

22 BY MR. COLLIER:

23 Q. Is this part depicted in black referred to by
24 the term "trigger connector"?

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1 A. Yes, I believe so, but there is one thing here
2 which I don't understand which you show a big black
3 thing sticking up here and then you show this angle
4 and what you have here by coming back in a gob here,
5 and the trigger connector doesn't look that way. It
6 comes back, and that doesn't exist, and it comes
7 down, as I recall. You say that, but that to me is
8 not representative. I do remember that. But that
9 sure didn't have anything sticking up.

10 Q. The trigger connector edge should be very sharp
11 so that there will be a very sharp edge presented
12 there; is that correct?

13 A. Well, it's relative. As I recall, the drawings
14 which I'm sure you have pretty much told us what you
15 should have there.

16 Q. The trigger connector is not affixed
17 permanently to the trigger itself, is it?

18 A. What do you mean "affixed permanently"?

19 Q. Well, that question being difficult I'll ask it
20 a different way.

21 A. No, it's not. What do you mean, "affixed"?

22 Q. Attached.

23 A. Like bolted to it? Screwed to it?

24 Q. Right.

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1 A. Glued to it?

2 Q. Right. Attached to.

3 A. As a physical member?

4 Q. Yes.

5 A. No, it doesn't have a physical member attached
6 to it.

7 Q. It is located against the trigger connector but
8 it is not a part of the trigger? By that I mean
9 being affixed or attached to it.

10 A. Your question wasn't clear.

11 Q. That's right. And I'm going to keep trying.

12 MR. SHAW: I think what you said and
13 you didn't mean to, he's trying to help you out. I
14 think you said the trigger connector isn't affixed to
15 the trigger connector.

16 MR. COLLIER: I do that sometimes.

17 THE WITNESS: I'm not trying to be
18 smart. That is what you said.

19 BY MR. COLLIER:

20 Q. I appreciate your pointing out when I make
21 those mental lapses and there will be more of them
22 and --

23 A. My problem is that, honestly, I don't mind the
24 mental lapses, but the purpose for mental lapses just

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1 irritate me.

2 Q. Me, too.

3 A. So go ahead.

4 Q. We're back to the trigger connector, and my
5 question is: Does the trigger connector lay
6 against -- let me ask you how it is. Let me ask you
7 this way: This should be something that you should
8 recall. How is the connector related to the trigger
9 itself in function, please?

10 MR. SHAW: Objection. Vague.

11 THE WITNESS: I have a hard time
12 explaining -- understanding what you're trying to
13 say.

14 BY MR. COLLIER:

15 Q. If all of the trigger was simply one piece and
16 we didn't have the trigger connector as a separate
17 piece here, the trigger would work the same way
18 almost, would it not?

19 A. It doesn't work the same way almost. It works
20 the same way or doesn't work the same way, right?
21 You have mechanical pieces that occupy space.
22 Something works the same way or it doesn't work the
23 same way. It doesn't almost work the same way. But
24 you can't do that. Things work the way they work.

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1 You have a design in all the different cases and it
2 works a certain way.

3 Q. For purposes of description and to attempt --
4 and I can see that we're not going to get a great
5 length of distance here today, but we're going to
6 stick with the big concepts, and the big concept here
7 is the trigger connector and what it does. And if we
8 had no trigger connector but just one solid trigger,
9 would the trigger work?

10 MR. SHAW: Objection. Vague.

11 THE WITNESS: I'll answer your question
12 this way: You could make a design, trigger assembly
13 design, without a connector and it will work. But
14 you can't say that you -- on this design that you can
15 do certain things and it will work. I can't say
16 that. What I can say is yes, you can have a design
17 without a trigger connector. And there are designs
18 without a trigger connector.

19 BY MR. COLLIER:

20 Q. In this case, if the black area here, which
21 purports to show a trigger connector, and you have
22 pointed out to us that it just doesn't do it real
23 well. Let's just say that's the trigger connector
24 instead of saying it's the separate part. It's part

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1 of the trigger. When I pull the trigger on a rifle,
2 either 600 or 700 having that scheme, wouldn't that
3 rifle fire if all were loaded and safe is on and
4 ready to fire?

5 A. You could make a design where you could design
6 it without the trigger connector, and you could make
7 a design such that you could pull the trigger and the
8 rifle would fire.

9 Q. What, then, is the reason for making a separate
10 trigger connector to fit around the trigger but yet
11 be independent of it?

12 MR. SHAW: Let me hear that back.

13 (The reporter read from the record
14 as requested.)

15 MR. SHAW: I think you're moving into
16 an area where the witness said that he can tell you
17 he may or may not feel comfortable in talking about
18 these areas, and your question may be vague with
19 regard to the term "reason." I'm trying to hold
20 myself down there, Mr. Collier.

21 THE WITNESS: I would answer that, as
22 you said, that you were going to take things out of
23 some of my prior depositions as per what I said in
24 the past on this, and I would say that, if you have

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1 that information, I know in the past depositions I
2 went into this and at that time I was involved in it,
3 and whatever I said at that time I would think would
4 be the reasons. I could go back and try to
5 double-guess at this point, but I really would rather
6 not because I don't distinctly remember everything,
7 the details, but I know at the time when I was
8 working on it that I gave very clear, concise
9 answers.

10 BY MR. COLLIER:

11 Q. This should probably be excised out. I'll have
12 to say that in those prior depositions I found your
13 answers to be very similar to the ones that you're
14 giving here today. And that's not a compliment.
15 That you can usually tell what the question is. I
16 don't want to confuse you, and that's not my intent.

17 A. I have been very clear in describing how the
18 assemblies work. That's my feeling.

19 Q. Back to this point, though, and the question
20 is: Here I'm wanting to know, if you know, why in
21 the design of this trigger assembly a trigger
22 connector is employed?

23 A. I can't go through all the reasons, but there
24 are many good reasons why it's employed. There's a

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1 reason for it being there.

2 Q. And the trigger on the Model 700 is designed
3 with a trigger connector also, is it not?

4 A. Yes, it is.

5 Q. Now the trigger connector and its engagement
6 with the sear is what causes a rifle using this
7 system to fire or not to fire, isn't it?

8 A. The engagement does not cause it to fire or not
9 to fire.

10 Q. Well, if the engagement -- and by "engagement"
11 I mean contact. When the sear here is supported by
12 the trigger connector here, the gun will not fire,
13 will it?

14 A. That's right. That's what supports the trigger
15 connector, supports the sear.

16 Q. And when the trigger connector is removed from
17 beneath the sear and the sear is allowed to fall,
18 that's what causes it to fire, isn't it?

19 A. That's what allows the firing thing to go
20 forward.

21 Q. So then the connection or the engagement
22 between the two is what determines whether or not the
23 rifle fires, isn't it?

24 A. That's one of the reasons. It's the block

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1 between the trigger and the firing pin.

2 Q. And the Remington Model 700 trigger connector
3 is particularly designed so that a crisp release of
4 the firing pin is the result, isn't it?

5 A. That's one of the goals, yes.

6 Q. Isn't it also true that the engagement of the
7 sear and the trigger connector is what can lead to an
8 inadvertent or unexpected discharge of the firearm?

9 MR. SHAW: I'll object to that as vague
10 and misleading.

11 THE WITNESS: That's not true. The
12 engagement is strictly a measurement of how much
13 contact you have between the connector and the sear.
14 That's what the engagement is. It's nothing more
15 than a measurement.

16 BY MR. COLLIER:

17 Q. If, then, we have the rifle on safe, and from
18 prior witnesses who have learned that, when you have
19 the rifle on safe, the sear is lifted by the safety
20 cam and it's off of the trigger connector. Is that
21 something that you recall as being true?

22 A. Safety would disengage the sear from the
23 trigger connector.

24 Q. If the sear, then, when it's released, has no

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1 engagement with the trigger connector, what would --
2 what we would have is the discharge of the rifle,
3 wouldn't we?

4 A. If the trigger connector was forward as if you
5 pulled the trigger, you pull the trigger and the
6 trigger connector forward, if you had the rifle on
7 safe position, holding your finger on the trigger,
8 holding the trigger back, releasing the safety, yes,
9 there is nothing to support the sear. So the firing
10 pin would come forward.

11 Q. You have answered the question, but you have
12 inserted conditions which I don't think are
13 necessary. We'll leave all that in, but the question
14 really just asked: When the safety is released, if
15 there's not an engagement when the trigger connector
16 and the sear when you release the safety, the rifle
17 is going to fire; isn't that true?

18 A. If the trigger connector or the trigger were
19 not in the gun, there's nothing there to support the
20 sear. If you release the safety, yes, the sear will
21 come down and the firing pin will come forward.

22 Q. Well, again, you have inserted a condition
23 which it was not in the question and now would not
24 even be a very likely -- or perhaps even it's an

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1 impossible thing to have. We're saying all the parts
2 are there as they should be, but simply the trigger
3 connector is not where it should be. It's not
4 underneath the sear. And if it's not underneath the
5 sear so that there can be an engagement of the sear,
6 when the safety is released, the gun will fire; is
7 that correct?

8 A. There's no -- what I'm saying is if the trigger
9 connector is not there, physically removed, if the
10 trigger is physically removed, if there's nothing
11 underneath the sear to support the sear, when the
12 safety is moved, then the sear is going to be allowed
13 to come down.

14 Q. There were reports, were there not, in 1975
15 that that is exactly what was happening with the
16 Model 600? Isn't that true?

17 MR. SHAW: Objection. Misleading.

18 THE WITNESS: No. The first paragraph
19 describes the problem. So if you read the first
20 paragraph there -- I just read it. That's how far I
21 got. I got to the end of the first paragraph. If
22 you read, it describes the problem with the 600.

23 BY MR. COLLIER:

24 Q. And I thought that that's exactly what I had

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1 asked about was the problem with the 600. Is that
2 not the case?

3 A. You went through and you were talking about the
4 function of the connector, what it does, and how the
5 connector supports the sear. That's what we were
6 talking about.

7 Q. Could you please read that first paragraph for
8 us?

9 A. "This investigation was instituted when a Model
10 600 was returned from Texas by a customer who, in the
11 process of unloading his gun, put the safety lever
12 from the on-safe to off-safe position (so the bolt
13 could be activated) ending on discharge. Upon
14 further investigation of the incident, it was
15 determined that he had bolted the trigger with the
16 safe on" -- "in the on-safe position. It was also
17 determined that some Model 600's could be tripped by
18 putting the safety lever in an intermediate position
19 halfway between the on safe and off safe pulling the
20 trigger, releasing the trigger, pushing the lever to
21 the off-safe position and the gun will fire."

22 Q. Thank you. Weren't you then given an
23 assignment to determine whether or not this condition
24 was also present in the 700's among other assignments

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1 in connection with this?

2 MR. SHAW: Objection. Vague.

3 THE WITNESS: I had a number of
4 assignments, and I looked at the 700 in all aspects.
5 I looked at the 600 in all aspects. If you want me
6 to read the rest of what it says in there, I'll
7 gladly do that.

8 MR. SHAW: I think the memo also, for
9 the record, refers to Models 580, 788.

10 THE WITNESS: I think it would be -- I
11 worked for the 540XR and 788, 580's, 3200. All the
12 different target rifles.

13 BY MR. COLLIER:

14 Q. Were you given an assignment to investigate any
15 bolt-action rifles that did not have the trigger
16 connector in them?

17 A. I don't care for your choice of wording as
18 "given an assignment." As part of my
19 responsibilities I worked with the 580 series, 581,
20 and 82. I worked with the 788, and those have an
21 altogether different trigger assembly.

22 Q. Which of the rifles at that time, 1975, can you
23 tell us at this time employed the trigger connector?

24 A. Well, you ought to be a little clearer on

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1 that. Trigger connector on the Model 600 or 660,
2 depending on when it was made, is one trigger
3 connector. The trigger connector made for the Model
4 700 is altogether a different trigger connector. So
5 they're two distinct parts. As far as the name
6 "trigger connector," the 600 and, as I just
7 described, as we described here in the Model 700,
8 that had trigger connectors. The 580, 541, 788, they
9 had an altogether different trigger assembly. So let
10 me clarify. The 600 has a trigger assembly, the 700
11 had a distinct trigger assembly, the 540 had a
12 distinct trigger assembly, the 581 had a distinct
13 trigger assembly, and the 788 had a distinct trigger
14 assembly. All the trigger assemblies in all the
15 different bolt-action rifles have different
16 requirements, and so that's why they were all
17 different.

18 Q. I'm going to move that the answer be stricken
19 as non-responsive. I'll restate the question perhaps
20 in a more accurate way.

21 A. Why was that not responsive? I'm describing
22 the whole thing for you.

23 Q. For purposes of description to a jury, it's
24 like a teaching situation, Mr. Linde. And you want

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1 the information so that they can concentrate on the
2 paint that's being developed. If you make
3 digressions along the way, just as a teacher, pretty
4 soon nobody knows what you're talking about. It's
5 got to be?

6 A. I thought I was very clear in describing how
7 each trigger assembly has a certain functions
8 required for a certain application.

9 Q. But the point where I'm headed and which I
10 think is necessary is to find out now only one item
11 of information, and that is how many of the Remington
12 rifles employ the trigger connector as part of the
13 trigger assembly. That's the only item of
14 information I want.

15 MR. SHAW: And the witness attempted to
16 answer that, and the first thing he told you, which
17 made the question unclear and objectionable, is when
18 you say the trigger connector, the first thing he
19 pointed out was the ambiguity because the Model 600
20 has a trigger connector, the Model 700 has a trigger
21 connector, and they are different. So referring to
22 the trigger connector presented a problem to the
23 witness.

24 MR. COLLIER: Although not strongly

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1 classified, I'm going to change that and I'm going to
2 ask the question that way.

3 BY MR. COLLIER:

4 Q. How many -- or what models of the Remington
5 bolt-action rifles have a trigger connector as part
6 of their trigger assembly?

7 A. The ones that I can think of now would be the
8 40X, be the 40XR, it would be the 40XR, the 700, the
9 600, the 660. I don't know if that's inclusive.

10 MR. SHAW: 721.

11 BY MR. COLLIER:

12 Q. Does the 721 have a trigger connector?

13 A. Yes. The 722, that's right.

14 Q. How about the 725?

15 A. 725 would have a trigger connector.

16 Q. Of the various ones that you have listed here,
17 do you know if some of these trigger assemblies
18 employing a trigger connector are the same in part,
19 size so that you may change a 700 trigger assembly to
20 a 721 or a 722 or a 725?

21 A. I couldn't say that at this point.

22 Q. Can you tell me whether or not a 40X or 40XR
23 has the same trigger assembly as does the Model 700?

24 A. I'm sure it doesn't. It would not.

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1 Q. So that the parts would have some different
2 size; is that correct?

3 A. Could be some difference.

4 Q. Are you familiar at all, Mr. Linde, with the
5 principal patent upon which the trigger connector is
6 based?

7 MR. SHAW: I'll object to that. May or
8 may not mischaracterize the patent by virtually the
9 question you're trying to characterize it.

10 MR. COLLIER: Did I ask a bad
11 question?

12 MR. SHAW: Far be it for me to tell you
13 how to ask. I'm trying to just make very short
14 objections, and then the reason I'm trying to do
15 this, I'm trying to make short objections so he can
16 remember the question and we don't delay things. And
17 you can make your judgment, Mr. Collier, if you want
18 to take another attempt at a different sort of
19 question or if you think my objection is bad.

20 MR. COLLIER: Was it an objection as to
21 form?

22 MR. SHAW: Yes.

23 MR. COLLIER: I'll do it again.

24 MR. SHAW: You might ask him if he's

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1 familiar with this patent. When you ask him are you
2 familiar with the patent today, my objection is as
3 vague and misleading because you're trying to
4 characterize the patents.

5 BY MR. COLLIER:

6 Q. I hand you what's been marked in a prior
7 deposition Plaintiff's Exhibit No. 21, and ask you if
8 you would examine it, please.

9 A. Yes.

10 Q. Having examined it can you identify it as a
11 drawing which purports to be representative of a
12 portion of the patent to Merle Walker for a fire
13 control system for bolt-action rifles?

14 A. This is a firing mechanism for firearms
15 inventors Merle H. Walker and Philip R. Haskell.

16 Q. Have you at any prior time examined that
17 particular patent and schematic -- or rather not
18 patent but schematic.

19 A. I have read the patent.

20 Q. Do you know whether or not the Walker patent,
21 then -- I can ask it a little different way. The
22 Walker patent employs the trigger connector? Does it
23 not?

24 A. This has a trigger connector.

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1 Q. And are you familiar enough with the patent and
2 its use to know that Remington controls the right to
3 use the trigger connector?

4 A. By virtue of this patent?

5 MR. SHAW: Objection. Calls for a
6 legal conclusion on the part of this witness.

7 THE WITNESS: I don't know that.

8 BY MR. COLLIER:

9 Q. Now, there is a separate patent for the 600 --
10 or I don't know if there is or not. Is there a
11 separate patent for the 600, if you know?

12 A. I don't know.

13 Q. Do you know whether or not the 600 is modeled
14 upon this patent by Merle Walker?

15 MR. SHAW: Objection. Vague.

16 THE WITNESS: I wouldn't think so.

17 BY MR. COLLIER:

18 Q. By function and by component parts, a
19 manufacturer or anyone using a certain design cannot
20 copy another's work without permission. Do you know
21 enough about the two designs to know whether or not
22 one is merely an adaption of the other principle,
23 that being the fire control mechanism of the 700
24 being the model for the Model 600 fire control

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1 mechanism?

2 MR. SHAW: I'll object to the form of
3 that. Your instruction to the witness is to what
4 someone may or may not do and what may be
5 permissible, and I object and it calls for
6 speculation.

7 MR. COLLIER: I would like to excise
8 that portion of my question. I'd like to keep the
9 rest of my question because I thought it was stated
10 the way I wanted it asked. But you're right, it
11 should be prefaced in that way.

12 MR. SHAW: Let's hear the question
13 again if you excise that. You want it read back with
14 the excision?

15 MR. SHAW: Yes.

16 (The reporter read from the record
17 as requested.)

18 MR. COLLIER: I would like to strike my
19 preface up to the point, "do you know enough about."

20 MR. SHAW: Do you understand the
21 question now? What words are contained within it?

22 THE WITNESS: I do.

23 MR. SHAW: I object because it calls
24 for speculation. There's no foundation laid with

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1 regard to what this witness might know about the
2 designers of the Model 600's adaption of anything.

3 THE WITNESS: I know about patents. I
4 know the patent of the third and fourth page well
5 depending on how long the patent is. What it says in
6 there is what's claimed. You got to go on what's
7 claimed. You can have -- you can patent something
8 and by what you claim is what's protected. You can
9 lay out a whole thing and just claim one thing and
10 anybody's free to do whatever they want with that.
11 So as far as the answer to your question is I have no
12 idea what was claimed on either of the patents. I
13 have no idea if there's any correlation.

14 BY MR. COLLIER:

15 Q. Excellent answer. I'm going to go look and see
16 what's claimed.

17 Pursuant to the assignment which you
18 received I'm going to ask if you received a copy of
19 Plaintiff's Exhibit No. 1, or perhaps again you were
20 partially responsible for the preparation of this.
21 This is an exhibit which purports to be from
22 G.W. Martin to E.F. Barrett, subject: Bolt-action
23 rifle safety. It's dated May 20, 1975. I hand it to
24 you and ask if you can identify it for us.

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1 MR. SHAW: I'll object to all of that
2 question until you got to the real question which was
3 to ask him to identify the exhibit. All of the
4 speech about the exhibits, all of the vague reference
5 to an assignment which has not been established as to
6 what the assignment was or the particulars of it.
7 We'll compile all that. I find no objection with the
8 question asking him to identify the exhibit.

9 BY MR. COLLIER:

10 Q. I will modify my question to adhere to that
11 objection of counsel so that you can identify the
12 exhibit.

13 A. I can't identify it, but I was involved at the
14 time, so I'm sure I was aware of it at the time.

15 MR. SHAW: Aware of the exhibit?

16 THE WITNESS: I think I would be aware
17 of the information. I don't know. I'm sure that I
18 have seen this. Had access to information.

19 BY MR. COLLIER:

20 Q. In the report that was prepared and of which
21 this memo serves as some record dated May 20, 1975,
22 doesn't it recite that the gunsmith call report
23 reflects that there were more reported malfunctions
24 of Model 700's than of Model 600?

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1 MR. SHAW: I'll object to that. First
2 of all, it's vague. You talk about some report. I
3 don't know what you're talking about. The question
4 is vague and almost incomprehensible. You start out
5 saying in the report of which this memo makes some
6 reference. The jury may be thinking about some
7 report somewhere. I don't know what you're talking
8 about there. And then it's argumentative and it
9 attempts to characterize the document which speaks
10 for itself. If you want to ask Mr. Linde to try to
11 characterize the document, you have to give him the
12 opportunity to fully read it, and at this point I
13 don't think you have laid the foundation for him to
14 characterize it other than give you his
15 understanding, if he can do that for you, since he
16 was not its author.

17 BY MR. COLLIER:

18 Q. The question asks: First of all just a
19 thumbnail question of what the report contained and
20 that is: Doesn't it report that the gunsmith call
21 reports evidenced more complaints of malfunction for
22 the Model 700 in relation to safety malfunctions than
23 were reported on Model 600's?

24 MR. SHAW: I'll object to the form for

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1 the reasons earlier stated as highly misleading.

2 THE WITNESS: This is a report. The
3 report stands on its own. I don't know why you
4 would -- what your question to me is. This is
5 information as presented to you. What can I do with
6 this information other than you have the
7 information.

8 BY MR. COLLIER:

9 Q. We wanted to get the information to the jury in
10 the most reasonable way, Mr. Linde.

11 MR. SHAW: Mr. Collier, the most
12 reasonable way would have been, when you had
13 Mr. Barrett presented as a witness for you, who was
14 the recipient of this memo, to have asked him
15 questions about it which it's been many weeks ago,
16 you may well and probably did, and now just to ask
17 this witness to validate your characterizations of
18 this exhibit is unfair and misleading.

19 MR. COLLIER: Counsel, I take exception
20 to that. When you have a president of a company and
21 you ask him the questions, his answer, as I recall
22 fairly well, was "I didn't do the survey. I didn't
23 put these things together. That was done by someone
24 else." And, of course, that's true. The president

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1 has a lot of other things to do. But I'm trying to
2 talk to the man here today who actually did a portion
3 of the safety evaluation. What better witness there
4 might be I don't know. I don't know about a better
5 witness. If there is a better witness, if you'll
6 tell me -- we can't take that deposition now. But
7 the question is -- I want to get this information out
8 to the jury. And the jury's not going to be able to
9 read all of these reports, so I want to take out the
10 most salient facts and get them to the jury and have
11 the witness testifying that yes, I there. I was took
12 part in this and here's what we found out.

13 MR. SHAW: That's not what you have
14 asked. I don't want to argue with you, but that
15 certainly is not what you have asked. You said read
16 this excerpt or agree with my characterization of
17 this excerpt. You haven't asked were you there, were
18 you involved, none of the foundation. It's just you
19 want someone to read on the video camera an excerpt
20 or say yes, that's what the excerpt says. Let's just
21 get on with it.

22 BY MR. COLLIER:

23 Q. Mr. Linde, were you employed at Remington at
24 the time this report was made, May 20, 1975?

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1 A. Yes.

2 Q. Had you been part of the evaluation of safety
3 complaints for bolt-action rifles?

4 MR. SHAW: I'll object to that. It's
5 ambiguous.

6 THE WITNESS: I was involved in the
7 depth climb in the research area.

8 BY MR. COLLIER:

9 Q. By "research" were you given an assignment to
10 look into?

11 A. I was -- like I said, I was working in the
12 research in firearms design. And I had many
13 assignments, and I was involved in this.

14 MR. SHAW: We're being ambiguous,
15 Mr. Linde. He has shown you earlier an exhibit that
16 referred to work you did within the Research
17 Department. Now he's showing you another exhibit,
18 which is not from the Research Department, from
19 someone else who has been identified as being in a
20 different group. You're not reflected as having
21 received a copy of the exhibit, and I would
22 appreciate, for clarity of the record, when we're
23 referring to this or that, I think with papers laying
24 around the table, it gets rather unclear.

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1 MR. COLLIER: Let's take a break and
2 I'm going to do some housecleaning of my table and
3 everyone can stretch and become more relaxed or
4 happy.

5 (A brief recess was taken.)

6 BY MR. COLLIER:

7 Q. Mr. Linde, we're back on the record after a
8 short recess.

9 I'm going to ask you to direct your
10 attention first to a change in the exhibit so that
11 that can be explained for the court and for the
12 jury. I have put up higher on the little display
13 board the Model 700 diagram. I don't know whether I
14 have correctly identified it earlier, so I'll ask you
15 to take a look at that. Make sure that that is the
16 diagram that you can recognize as a diagram which
17 purports to depict the Model 700 trigger assembly.
18 Does it do that, sir?

19 A. To a certain degree.

20 Q. Could you describe any kind of deficiencies or
21 clarification that we need to make in considering it?

22 A. Well, for example, on the sear here, that would
23 have had to have been the old two-sear safety cam.
24 Because if it was a one-piece assembly, then it would

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1 have had a cam that comes down here.

2 Q. I see.

3 A. That would just show part -- that would just be
4 part of the assembly.

5 Q. We also do not show on this diagram that the
6 safety cam which pushes up the sear; is that correct?

7 A. That's right. All of that mechanism is left
8 off, and it also would have to be like a
9 cross-section through the part where this is actually
10 in a housing. That really doesn't show that it is a
11 housing.

12 Q. And the size, of course, this is an enlarged
13 version, you would not have a trigger that would be
14 that large so that we don't know what scale it is on,
15 but it is enlarged; is that also correct?

16 A. Yes. It's a pictorial view.

17 Q. I ask you to direct your attention to
18 Plaintiff's Exhibit No. 31, and this purports to be
19 the report from G.W. Martin. I don't know if it's a
20 report. If that's the correct designation. To
21 E.F. Barrett. I'll ask you first the relative
22 positions of the two gentlemen, if you know, at the
23 time, May 20, 1975, within the management of
24 Remington Arms Company.

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1 A. E.F. Barrett was at the Stratford, Connecticut,
2 office of Remington Arms. I do not know what his
3 title at that point was. G.W. Martin was at the
4 Ingham plant and he was like marketing customer
5 service-type person, and I don't know what his
6 official title was.

7 Q. Does the report indicate that there is an
8 evaluation of the Model 700s safety contained in the
9 report documents?

10 MR. SHAW: Objection. Document speaks
11 for itself. You're asking him to characterize it.

12 BY MR. COLLIER:

13 Q. If you can, sir.

14 A. This to me is just a presentation of data.

15 Q. Let me take a look and see if I understand why
16 I asked that question.

17 MR. SHAW: You may have a different
18 feeling about the document than Mr. Linde does, and I
19 don't think we have to decide here today which one of
20 you is right or wrong or whether you're both right.

21 BY MR. COLLIER:

22 Q. I'm referring to this final paragraph on this
23 page. "We are attaching also a copy of the Model 700
24 safety function test preliminary survey as of May

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1 19th. In addition to the guns already tested, we
2 received today 220 additional rifles from Carter
3 Country in Houston, Texas," and then I see this is a
4 600 test so that perhaps I did not --

5 MR. SHAW: There may be, for example, a
6 typographical error with regard to the cover page.

7 BY MR. COLLIER:

8 Q. Let me direct your attention, then, since it
9 looks like that's for the 600, over to a page that I
10 would like for you to tell me what this report shows,
11 if you can.

12 MR. SHAW: May I have a continuing
13 objection with regard to questions asking this
14 witness to characterize a document such as this and
15 that the document speaks for itself and there's no
16 foundation laid with regard to this witness? Is that
17 all right?

18 MR. COLLIER: Certainly.

19 MR. SHAW: Because I understand you'll
20 have a number of questions.

21 BY MR. COLLIER:

22 Q. What does that particular page of the document
23 purport to be, sir?

24 A. It appears to me, and I'm not sure, but it

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1 appears to me that they have listed the model down
2 the left and then they have listed the complaint by
3 the complaint number across the top and then the
4 years that you would have that complaint from '74 to
5 1970.

6 Q. Can you tell if this information was
7 extrapolated from the gun exam reports and the
8 gunsmith call reports where --

9 MR. SHAW: Objection. Calls for him to
10 speculate. Again, there's no foundation laid that
11 this witness has any competency with regard to this
12 particular document other than your asking him to
13 struggle here this morning with you to interpret it.
14 He was not the author of the document or the
15 attachments, as I understand it, from what you have
16 presented to him thus far. You're asking him to
17 speculate.

18 BY MR. COLLIER:

19 Q. Could you identify, then, whether or not that's
20 what the information comes from?

21 A. I don't believe so. Looks to me like it's some
22 kind of complaint report.

23 Q. Would you refer, please, to the Model 700 and
24 tell us what kind of complaints Remington shows from

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1 their records were made about the 700 for the years
2 covered by this evaluation?

3 MR. SHAW: Again, same objections.

4 THE WITNESS: On the 700 it shows the
5 year '70 to '74 and then it shows complaints 107,
6 108, and 109 and 110.

7 BY MR. COLLIER:

8 Q. Would you direct your attention to complaint
9 No. 109 and tell me what complaint 109 is, if you
10 know.

11 A. I do not know.

12 Q. Would you refer to the legend earlier in the
13 report that shows 109 and also we'll refer to the
14 legend, if you would, please.

15 A. Could you show me what you're talking about?

16 Q. Yes. Is this a report that you have not seen
17 before, Mr. Linde?

18 A. What I had told you earlier is that I probably
19 have seen the information, but like the cover page I
20 don't know that I have ever seen that or seen the
21 information presented that way.

22 Q. Have you had a part in preparing a portion of
23 this evaluation and report?

24 A. I know that I never did that.

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1 Q. Referring to the category and type it appears
2 that category 107 is "Jars off or fires closing."
3 109, "Fires when safe is pushed off." 110, "Falls
4 down" -- or "Hammer falls." So making reference to
5 the legend here, category and type, would you, by
6 reviewing that to ascertain the correct category, go
7 to the evaluation itself of the report and provide
8 for us the information on how many reports or
9 complaints of firing on safety release were received
10 by Remington during the years 1970 through 1974 on
11 the Remington Model 700 rifle.

12 A. You say fires on safe release. What are you
13 referring to?

14 Q. The report has then a breakdown and it does not
15 say fires on safe release, but instead it says
16 category No., and I think it's, 109, "Fires on
17 safe" -- "Fires on safe release." I'm not sure.
18 That's why I said take a look at those and --

19 A. Well, here it says -- 109 does not say that.

20 Q. "Fires when safe pushed off." Is that not
21 fires on safety release?

22 A. I'm just trying -- you're asking me to present
23 information how I'm interpreting this. And so if I
24 have got to present the information, I'm just trying

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1 to present it as it's outlined in the report. So it
2 says 109, "Fires when safe is pushed off." If that's
3 what you want me to present, I'll do that.

4 MR. SHAW: Because all you're really
5 having the witness do is read the document for the
6 video camera or for the judge or for the jury. You
7 could have Mr. Merritt in the chair right now.

8 MR. COLLIER: This is a man who was
9 there, and as I understood it, he had an assignment
10 as part of this evaluation.

11 MR. SHAW: He did not say that he had
12 an assignment with respect to this particular
13 document. And he's reading it now and trying to
14 interpret it with some assistance or direction from
15 you. When you say this -- you have looked at it the
16 night before. You say this is this code, this is
17 this column, now tell me what that number is.

18 MR. COLLIER: So that I can dispel any
19 notion that I'm being unfair with this witness --

20 MR. SHAW: I'm not saying that you're
21 being unfair at all. I'm just saying that all you're
22 doing is having him read the document.

23 MR. COLLIER: It's important to know
24 what information came to Remington in 1975.

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1 MR. SHAW: That's not what you are --
2 you're getting from this witness. You're getting
3 from this witness a reading of the document.

4 MR. COLLIER: It's what Remington --

5 MR. SHAW: If that's your question,
6 Ron, there's no foundation for that. I'm not naming
7 to quibble with you, but this witness is merely
8 reading what is on the document. I want the record
9 to clearly reflect that.

10 BY MR. COLLIER:

11 Q. Isn't this information that came to the
12 management's attention in May of 1975?

13 MR. SHAW: Objection. Calls for
14 speculation on the part of this witness. He was not
15 in management in 1975. There's been no record of
16 that. I'm just saying this is not the witness for
17 this. You should have gone through this -- could
18 have gone through this with Mr. Barrett. He got the
19 memo.

20 MR. COLLIER: But he knew nothing about
21 that.

22 MR. SHAW: I don't remember that. If
23 that was the case, I don't remember that.

24 MR. COLLIER: He said these are the

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1 reports and that had someone, I think, that can tell
2 us what is meant by fires on safe release or --

3 MR. SHAW: That's not the question
4 you're asking.

5 MR. COLLIER: We first have to find out
6 how many did we have because that is more important
7 to know what information came to Remington.

8 MR. SHAW: Do it the way you want to do
9 it. I'll butt out.

10 BY MR. COLLIER:

11 Q. Referring, then, to the report, does that chart
12 attempt to set out what kind of complaints were
13 received in a chart form by Remington for the years
14 1970, '71, '72, '73, and '74?

15 MR. SHAW: Objection. Misleading.
16 Document speaks for itself.

17 THE WITNESS: What the document shows
18 is it shows with these categories and types of all
19 the things that were received selecting these four
20 categories and presenting all the information or the
21 data on the sheet of paper.

22 BY MR. COLLIER:

23 Q. Without me about fires on safe release or
24 however they categorize that --.

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1 A. You want to know the category 109, "Fires when
2 safe is pushed off."

3 Q. Yes. Could you give me those that are reported
4 complaints for the years mentioned earlier?

5 A. For complaint 109 -- you want to know for the
6 Model 700?

7 Q. Yes.

8 A. Well, now, I guess I need a little more
9 clarification. You see, it says "Model 700" and it
10 says "Complaint 109." There's some numbers. But do
11 those numbers come across here? Here's complaint 109
12 again and here's some numbers.

13 Q. Are they the same numbers?

14 A. No, they're not.

15 Q. Let me take a moment to look at that because I
16 had not noticed that. I find that what has happened
17 here are we have the same graph or chart, if you
18 will, repeated next to each other. If you'll verify
19 for me that. It has one, two, three, four categories
20 and then it has one, two, three, four categories
21 again all for the same year, all for the same models,
22 and merely just duplicating showing the same
23 numbers. Is that what you find?

24 MR. SHAW: Calls for speculation.

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1 THE WITNESS: No. Because here it says
2 '74. This says 17, and this says 24.

3 BY MR. COLLIER:

4 Q. But observe that -- let me help you on that a
5 little bit if I could. 109 --

6 A. '74 says 24, '74 says 17.

7 Q. There seems to be a distinction between 109 on
8 this first graph and 109 on the second graph, and the
9 distinction is that they have written in on the
10 second graph "Worst case problem." Do you know what
11 a worst case problem is?

12 MR. SHAW: And I'll object to that
13 characterization. The document speaks for itself and
14 you're asking for him to speculate as to what that
15 handwriting means or who made it and whether that
16 does indicate a dissimilarity in the two columns or a
17 distinction.

18 THE WITNESS: It would be speculation
19 on my part.

20 BY MR. COLLIER:

21 Q. So that you have never heard anyone refer to
22 something as the worst case problem?

23 MR. SHAW: That was not his testimony.

24 THE WITNESS: No. I have heard of the

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1 worst case problem.

2 BY MR. COLLIER:

3 Q. What is, to your knowledge, the worst case
4 problem?

5 MR. SHAW: If you recall.

6 THE WITNESS: Well, when I was working
7 in firearms design, the worst case problem is that
8 you would take two tolerance buildups in a design of
9 something and you would have them in the max and you
10 call the max of tolerance buildup the worst case.
11 The min tolerance, not the best case, but the min
12 case. So it was just used in design. Worst case
13 tolerance buildup, I don't think that has anything to
14 do with this.

15 So this to me -- this was -- well, it's
16 prepared by some people in the marketing area to
17 present the data. Now, what somebody wrote on there
18 for it would be speculation on my part. You're
19 asking me something have I heard of worst case. I
20 have to honestly say I have heard of worst case. We
21 used to use that in tolerances. To me I don't see
22 any tolerances involved with that directly. So it
23 would be speculation on what they mean.

24 BY MR. COLLIER:

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1 Q. So the firing on safety release you do not
2 believe is connected in any significant way to the
3 tolerances involved?

4 A. No, I didn't say that. I'm just saying that's
5 how we used the worst case, but we used it for many
6 different tolerance buildups. So what I'm saying is
7 that it could be but it also could not be. I don't
8 really know.

9 Q. Tolerance buildup, would you explain that term
10 for us as you're using it now.

11 MR. SHAW: I think your question is
12 ambiguous and I think it's a problem, because
13 Mr. Linde was trying to be precise in your question.
14 Worst case problem he said had a certain meaning to
15 him. But he did not say that it had a meaning to him
16 with reference to the exhibit that you placed before
17 him. And he does not know if that is what is being
18 referred to by whomever, and that has not even
19 established worst case problem on the face of that
20 document at one time.

21 THE WITNESS: In fact, I would think it
22 would not be because they are marketing background
23 and not design background. So they would not use the
24 terminology in the same way.

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1 MR. SHAW: If, indeed, it was someone
2 from marketing. That's not even established.

3 THE WITNESS: I'm just assuming because
4 of the name on the document.

5 BY MR. COLLIER:

6 Q. But, of course, what I'm really wondering about
7 now is tolerance buildup, and I would like to have
8 that term defined for me by you as you use it. When
9 you say "tolerance buildup," what are you --

10 A. I'm just referring to when you function an
11 individual co-assembly or anything, it's a function
12 of how the parts interrelate to one another, and
13 that's determined by the relative sizes of the parts
14 and you manufacture the parts within certain
15 tolerance limits, and so what you as a designer are
16 interested in knowing, you're interested in knowing
17 in all different possibilities with your design how
18 the parts are going to react.

19 Q. Can you agree that tolerance buildup could be a
20 factor in the functioning of the trigger assembly in
21 a Model 700 rifle?

22 MR. SHAW: Objection. Vague.

23 THE WITNESS: The tolerance buildup on
24 anything that has -- that's made is a function of how

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1 it operates.

2 BY MR. COLLIER:

3 Q. When you get a part, there is a certain
4 tolerance allowed for that part; is that correct?

5 A. Well, let me back up a minute. Do you want to
6 talk about tolerances now? Is that what you'd like
7 to talk about, or do you want to talk about this so I
8 can get my mind on what you want to talk --

9 Q. Let's talk about tolerances now. I'm not going
10 to forget about this. We'll talk about tolerances,
11 and asking first to take a look here at this exhibit
12 for the Model 700 and note, if you would, that the
13 sear trigger connector interrelationship or
14 engagement is shown here at .015-.020. Is that the
15 tolerance allowed for that engagement, if you know?

16 MR. SHAW: Objection. Vague.

17 THE WITNESS: I do not remember what
18 the engagement is, but when I refer to tolerances,
19 what I'm referring to is not actual dimensions. I'm
20 referring to the consequences of the actual
21 dimensions. By "consequences" what I'm referring to
22 is that the buildup that you get in the
23 disassembling.

24 BY MR. COLLIER:

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1 Q. Tell me about how you get the buildup.

2 A. I just figure out what your tolerances are for
3 each part and then you figure out what their
4 relationship is between the different parts. What
5 you're talking about here is you're talking about --
6 to me you're talking about a dimension that's an
7 actual dimension, right?

8 Q. Yes.

9 A. That's what you said. You said 15 to 20
10 thousandths. That's a dimension.

11 Q. Is it a tolerance?

12 A. It's not a tolerance. You just give me two
13 dimensions. You said it's 15 to 20 thousandths.

14 Q. Let me ask you --.

15 A. It's kind of confusing to get on terminology
16 because even engineers don't talk essentially the
17 same sometimes. So I'm not trying to be elusive.
18 I'm trying to give you my as I remember it.

19 Q. Let me ask you about whether or not -- and I'm
20 not sure that I remember this correctly. Weren't you
21 the person who established this tolerance or these
22 dimensions for sear trigger -- what's the term,
23 "engagement"?

24 A. I don't know whether I was.

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1 Q. Was it done under your supervision?

2 A. I don't know that.

3 Q. Wasn't the sear trigger engagement established
4 at that .015-.020 one of the things that came as a
5 result of the evaluation which you conducted or that
6 was conducted under your supervision of the Model 700
7 rifle trigger assemblies?

8 MR. SHAW: Objection. Vague.

9 THE WITNESS: I don't believe so. I'm
10 not sure because we worked on the design, but the
11 guns were being adjusted with an optical comparator
12 before that so they were being adjusted to some
13 dimension.

14 BY MR. COLLIER:

15 Q. Then there was a view hole prior to the study
16 in 1975?

17 A. Which rifle are you talking about?

18 Q. I'm talking about the 1975 version of the Model
19 700 rifle.

20 A. I believe there was. You're asking me to
21 stretch my memory, but I believe there was.

22 Q. Prior to 1975 do you know whether or not there
23 was a view hole for the model? Prior to 1975 do you
24 know whether or not there was a view hole for the

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1 Model 700 trigger assembly?

2 A. I'm sure there was. I don't know that for a
3 fact, but I'm sure there was.

4 Q. Perhaps it was the 600 that did not have the
5 view hole. Could that have been the case prior to
6 1975?

7 MR. SHAW: If you recall.

8 THE WITNESS: I don't recall.

9 BY MR. COLLIER:

10 Q. Let's try -- I'm going to ask you about
11 tolerance buildup. If this trigger connector on the
12 Model 700 can move vertically on the trigger, is that
13 a tolerance?

14 MR. SHAW: I object to the form of the
15 question insofar as it's vague and ambiguous. We
16 went through this yesterday with Mr. Sienkiewicz as
17 to what you mean by "move vertically." Do you mean
18 move independently without being physically moved
19 with some instrument or what?

20 BY MR. COLLIER:

21 Q. What we do, we're just going to say that we're
22 not getting into now how you move it, just if it
23 moves. Is that a tolerance?

24 A. Not to my understanding.

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1 Q. If this trigger connector, when you take it out
2 and you measure it, is different from the trigger
3 connectors that you have been using for the last six
4 months, is that a tolerance change then?

5 MR. SHAW: Vague and misleading.

6 THE WITNESS: I said I don't know
7 that.

8 BY MR. COLLIER:

9 Q. Our problem, then, is, Mr. Linde -- or my
10 problem is I need to know what is meant by
11 "tolerences" because I thought tolerences were you
12 had a minimum that was acceptable and a maximum that
13 was acceptable, and so that's why I thought .015-.020
14 was the tolerance or allowable area in the sear
15 trigger connector engagement. And I thought that was
16 established along about 1975.

17 MR. SHAW: That's multiple.

18 MR. COLLIER: It's multiple.

19 THE WITNESS: I now understand what
20 you're saying, your meaning of "tolerence."

21 BY MR. COLLIER:

22 Q. Is that not the way?

23 A. You could say that here meaning the
24 tolerance -- that the 15 to 20 thousandths is the

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1 tolerance for that engagement.

2 Q. Do you then have a tolerance figure, minimum
3 and maximum, for different sizes of trigger
4 connectors?

5 A. There's a dimension on the trigger connector
6 drawing. And it -- it will tell you what the two
7 dimensions is, what the range is, or, as you call it,
8 tolerance between the two.

9 MR. COLLIER: We're going off the
10 record for a while because we're out of stuff.

11 (Discussion off the record.)

12 BY MR. COLLIER:

13 Q. Mr. Linde, we're back on the record after a
14 short recess, and just before the recess I had asked
15 you if you could tell me about tolerance buildup, a
16 term that I think there needs to be an explanation
17 for, and I ask you if each of the parts that would go
18 into the trigger assembly for a Remington Model 700
19 rifle has a tolerance for minimum size or minimum
20 dimension and maximum size or maximum dimension.

21 A. All parts have dimensions. You have -- even if
22 you have a cube, what are you going to have? You
23 have one, two, three dimensions just on the cube to
24 describe the cube.

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1 Q. Yes. And as I understand it, then, for a part
2 to be acceptable for use -- let's say for a trigger
3 to be acceptable for use, that trigger would be
4 guaged or some other way measured and determination
5 made whether or not it's within the tolerances; is
6 that correct?

7 A. No, not entirely.

8 Q. You wouldn't -- I'm sure that if we had a
9 trigger that was sticking out over here with another
10 half inch of size to it, that wouldn't be an
11 acceptable trigger, would it?

12 A. No, it wouldn't.

13 Q. So that there is a limit for minimum size or
14 maximum size, and would the term for that be a
15 "tolerance"?

16 A. There's a tolerance on the part.

17 Q. "Tolerance buildup," would that term refer to
18 that? If all of your tolerances stack up, what's the
19 worst thing that can happen to the operation of, in
20 this case, the trigger assembly?

21 A. None at all.

22 Q. So that the worst case problem is not what that
23 means?

24 A. Not at all.

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1 Q. I thought the worst case problem referred to
2 and I thought you had rather referred to that as a
3 tolerance question.

4 A. No. You asked me if -- what worst case meant
5 to me. I told you worst case meant to me when you're
6 working through tolerance buildups. And I said that
7 can apply to anything that you do whether it's a
8 front, side, or abut plate or relationship between a
9 screw and an abut plate. And so I kept trying to
10 explain that to you that, as far as marketing people
11 or whoever compiled this information, I did not feel
12 that the worst case there had anything to do with
13 tolerances; that they had some other meaning for
14 that. But you asked me a specific question what
15 worst case meant to me, so I answered your specific
16 question. Then I tried to explain to you that I
17 didn't think it had any impact on this.

18 Q. Then I asked you the question and I think I got
19 a negative answer, but I'm not sure. Then are we
20 saying that the buildup or the tolerance buildup
21 does -- could not have an adverse affect upon the
22 functioning of a Model 700 trigger assembly?

23 MR. SHAW: Objection. Vague.

24 THE WITNESS: You see, your line of

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1 reasoning is not clear. You're moving it right back
2 around to this. What I find once before was that on
3 any mechanical mechanism or any mechanism the
4 tolerance buildup does have an impact. And that's
5 understandable, right? Now the question is is it --
6 is there a correlation between this and a tolerance
7 buildup, and what I'm saying is I don't know that
8 because I don't know what the person meant. But I
9 would assume knowing how marketing people think that
10 there is not a correlation.

11 BY MR. COLLIER:

12 Q. Let me ask you, then, why the worst case
13 problem -- why would it have been written in there
14 and then circled on the Model 700 where it says,
15 "Fire on safety release"?

16 MR. SHAW: That calls for total
17 speculation. We have not even established who did
18 that, Mr. Collier, so how can he speculate as to why
19 this unidentified person did something?

20 BY MR. COLLIER:

21 Q. Could you answer the question?

22 A. I cannot answer the question. I can't even
23 answer the question if you got this information from
24 us. I can't even answer the question if that's a

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1 Remington person that wrote that in or if that was
2 some lawyer some place that wrote it in.

3 Q. Mr. Linde --

4 A. I'm not trying -- you're just asking me the
5 conclusions. I really cannot tell you.

6 Q. Mr. Linde, haven't you seen this particular
7 graph at least 20 or 25 times before?

8 A. I have seen this particular graph. I cannot
9 sit here and tell you that I have seen worst case
10 problems written on that with a circle around it, the
11 "700." I absolutely cannot tell you that. I
12 absolutely cannot tell you what the person means by
13 "worst case position." I would like to tell you so
14 we can move on to something else, but I can't.

15 Q. Haven't you seen this report and its attachment
16 probably at least 20 times before?

17 MR. SHAW: I'll object to that. I
18 think that is argumentative. I don't think there's
19 any foundation for that, and I'm not sure in what
20 context you're asking him whether he has seen it. He
21 has already indicated that he did not believe that he
22 saw it -- that report in 1975 in association with the
23 other report which does have his name on it that
24 you're asking him about. I object to this question

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1 to the extent that you're trying to inject other
2 cases in here. It may be that many other lawyers on
3 occasion have pulled out this document and shoved it
4 in Mr. Linde's face, and that is an inappropriate and
5 misleading question.

6 THE WITNESS: What I said when you
7 first showed it to me is that I was working there at
8 the time. I definitely could have seen it. I could
9 have read it. But you're going from that point and
10 you're trying to draw a conclusion on what this
11 wording means. I'm not saying that I haven't seen
12 it. I'm not sure that I probably have. I don't
13 know.

14 BY MR. COLLIER:

15 Q. Isn't it a fact, Mr. Linde, that you have been
16 questioned on this very report several prior times?

17 MR. SHAW: I will object to that. That
18 is inappropriate. If you got prior testimony, maybe
19 he has been asked about this at a prior case, and
20 let's present him with it.

21 THE WITNESS: I told you that I could
22 have seen this. I told you the first time you asked
23 me -- I told you that I could have been aware of this
24 information. I told you that I probably was because

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1 I was there at the time and I seen the information as
2 presented. Now, I'm not saying that I haven't seen
3 the report. I didn't say that.

4 BY MR. COLLIER:

5 Q. It seemed to me that you were sort of
6 disavowing any knowledge of this report.

7 A. What I'm saying is that I was in the research
8 area, right?

9 Q. Yes.

10 A. And I had certain things -- and you saw some of
11 the things that I was working on that had my name on
12 the document and you see where my area of
13 responsibility was. Now, there was other people in
14 the organization looking at other things as
15 Mr. George Martin here.

16 Now, we definitely talked and we
17 definitely sent information back and forth, but as
18 far as what my responsibility is in the role that I
19 played, you have that fairly well-documented by the
20 reports. And you're asking me specific questions on
21 his intent and what he did, and I feel uncomfortable
22 in answering those.

23 BY MR. COLLIER:

24 Q. Wasn't part of your assignment at this time,

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1 1975, to try to design some features or to make some
2 improvements, if you will, in the Remington Model 700
3 rifle which would eliminate these complaints?

4 MR. SHAW: I'll object to that. That's
5 misleading, argumentative. It assumes that these
6 complaints are validated and can be eliminated. A
7 complaint in and of itself may never be capable of
8 being eliminated.

9 BY MR. COLLIER:

10 Q. I'm asking about --

11 A. You're talking about my assignment. My
12 assignment was to improve in every respect the guns
13 that I was working on, and I was working on design
14 improvements. Now, this definitely is -- what this
15 is, this is a listing of complaints. Now, what you
16 have to do from the design standpoint is go through
17 the complaints and then you process what really
18 happened, what caused the complaints. You go through
19 that and sort of analysis to determine if there
20 indeed really is something that should be done.

21 Q. Let's talk specifically about tolerance buildup
22 and how that can have an affect upon the rifle and
23 its safety and how, then, an improvement may or may
24 not be necessary for it. Tolerance buildup on this

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1 trigger connector, that if that trigger connector is
2 out of tolerance, wouldn't that change its engagement
3 with the sear either where it would have more
4 engagement with the sear or less engagement with the
5 sear if the effect is that the trigger connector here
6 would be farther back from the sear edge?

7 A. You'd have to explain to me how that could
8 happen.

9 Q. All right, I will. Number one, the sear
10 connector itself would be thicker than --

11 A. Sear connector?

12 Q. Rather the trigger connector would be thicker
13 than normal; therefore, causing it to be back at a
14 larger distance from the trigger.

15 MR. SHAW: Objection. Vague.

16 BY MR. COLLIER:

17 Q. Wouldn't that change its engagement here?

18 A. No, it wouldn't.

19 Q. It would not?

20 A. It would not.

21 Q. I'm just going to say that I don't see how that
22 could happen. We're going to take that as an
23 answer.

24 MR. SHAW: You're asking him to assume

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1 by the way whatever dimensions. If our purpose is a
2 hypothetical, you're saying a bigger part -- or I
3 guess let's assume a smaller part. And assume that
4 that could happen.

5 MR. COLLIER: Yes. Assume that it
6 could happen.

7 MR. SHAW: He may not be able to
8 assume.

9 BY MR. COLLIER:

10 Q. Let's assume that the trigger connector that
11 you received had on its upper arm a shorter upper arm
12 than what the specifications called for. Wouldn't
13 that result in less engagement between the trigger
14 connector and the sear?

15 A. I don't see how.

16 Q. You mean if it's shorter here?

17 A. You're saying if it's shorter from here to
18 here --

19 Q. No. Shorter on the arm so that it would not
20 extend out as far.

21 A. That would not affect the engagement.

22 Q. That would not affect the engagement.

23 A. That would not affect this engagement that you
24 have written down.

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1 Q. Perhaps I'm not making myself clear.

2 MR. SHAW: You're just not tracking,
3 Mr. Collier.

4 MR. COLLIER: I must not be.

5 BY MR. COLLIER:

6 Q. Let's say that the black pin that I'm now
7 inserting into the picture is the top of the trigger
8 connector.

9 A. Yes.

10 Q. And it's longer than what the other top of
11 trigger connectors there are; therefore, it would
12 have more engagement with the sear, would it not?

13 A. Put it in like you did. Move it up, now you
14 got more engagement.

15 Q. Now let's say it's shorter. Then you would
16 have less engagement?

17 A. Holding it right where you're holding it you
18 have less engagement.

19 Q. If it's short enough you would have
20 insufficient engagement, would you not?

21 A. If it's short enough -- no. Put it where you
22 want it. You would have insufficient engagement.

23 Q. And the result would be that the trigger
24 connector would not hold the sear up and at any time

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1 the sear was up and released the rifle would fire
2 loaded?

3 A. Put your stick back up, or your pencil. You
4 hold that there and in that position you're not
5 supporting it.

6 Q. That's right. That's what I thought. That's
7 what I thought. And that kind of a result would be
8 called fire on safety release, would it not, the
9 resulting action?

10 A. No.

11 Q. What would it be called?

12 A. It wouldn't be called anything.

13 Q. I'm not going to go into that.

14 MR. SHAW: Thankfully.

15 BY MR. COLLIER:

16 Q. We're going back to the report. This is a
17 report, as I understand it, that Remington's
18 management had before it in 1975 showing complaints
19 that it had received either the years 1970, 1971,
20 1972, 1973, and 1974 from just discerning the report
21 itself. Is that a correct statement?

22 MR. SHAW: I want the record to
23 reflect, and I'm sorry to do this, Ron, that I have
24 not had my microphone on since we resumed and I just

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1 want that to be reflected on the tape so that I know
2 I have been making some objections during that time,
3 and if these microphones are very good, since it was
4 just seated on the table in front of me, maybe
5 they'll come through.

6 MR. COLLIER: It would have. All the
7 microphones are at maximum loudness.

8 MR. SHAW: Let's hope. I know you
9 wouldn't want to miss one of my objections.

10 MR. COLLIER: True.

11 BY MR. COLLIER:

12 Q. Going back to the question that I had just
13 posed, and that is: The report here is really kind
14 of a summary of what the corporation had found in May
15 of 1975 on alleged malfunctions of certain of its
16 bolt-action rifles, wasn't it?

17 MR. SHAW: Objection. Calls for
18 speculation. The document speaks for itself. No
19 foundation on this witness being able to say that,
20 and furthermore, it's vague when you're saying "is
21 kind of a summary."

22 BY MR. COLLIER:

23 Q. Do you agree that that's what the report or
24 memo is?

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1 A. It appears to be a compilation of complaints.

2 Q. And complaint No. 109 happened to be fires when
3 the safety is pushed forward; is that correct?

4 A. "Fires when safe is pushed off."

5 Q. And that would mean when you are going to
6 unload your rifle, the rifle is loaded and -- or
7 perhaps you're not. Maybe for some reason you just
8 want to push the safety forward.

9 MR. SHAW: Such as to fire the rifle.

10 BY MR. COLLIER:

11 Q. Such as to fire the rifle. You have got a
12 loaded rifle. You push the safety to the fire and
13 indeed it does fire.

14 MR. SHAW: Let me hear that back.

15 MR. COLLIER: I'm saying that is this
16 what is described by fires on pushing the safety
17 forward.

18 MR. SHAW: You can read it back or try
19 again. I had a problem with that question.

20 MR. COLLIER: Let's read it back.

21 (The reporter read from the record
22 as requested.)

23 BY MR. COLLIER:

24 Q. Was it plain enough for you to understand,

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1 Mr. Linde?

2 A. No, it's not.

3 Q. Let me try again. Does fire on pushing the
4 safety forward describe an instance where a loaded
5 rifle is dealt with that the -- that whatever happens
6 before, irrespective of what happens before, that the
7 result is when you push the safety from off to fire,
8 from safe to fire, that the rifle fires then without
9 anyone touching the trigger at the time it fires?

10 MR. SHAW: Objection. Calls for him to
11 speculate without sufficient foundation as to what is
12 meant by fires when the safety is pushed off with
13 regard to that document. Ambiguous and vague insofar
14 as you may be leaving out other particulars such as
15 what happens before the safety is pushed off, whether
16 the trigger is pulled or some other event. As framed
17 right now, the only thing you're saying is the safety
18 is pushed off and the gun fires and you're
19 eliminating everything that comes before.

20 MR. COLLIER: I am doing exactly that
21 because I think that's what this report states. The
22 report shows that these rifles are reported to have
23 fired on pushing the safety forward.

24 BY MR. COLLIER:

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1 Q. Is that the way you understand?

2 A. No, it's not.

3 MR. SHAW: It says those words. We
4 have been through that.

5 MR. COLLIER: Can we not depend upon
6 these words?

7 MR. SHAW: We can't depend upon what --
8 strike depend. What a word. In this context. We
9 are struggling with your understanding or
10 misunderstanding and the witness's attempt to say
11 this is what someone else meant and you're leaving
12 out the particulars. There's a code there. It says,
13 "Fires when safety is pushed off" or whatever. But
14 it may get to that. It may involve certain steps
15 such as squeezing the trigger before the safety is
16 pushed off or whatever else. It doesn't say that,
17 but that does not mean that that is not the case.

18 MR. COLLIER: But all this seems to
19 say -- all I'm asking the witness is what I think is
20 what happens to be self-evident. He tells me the
21 document speaks for itself and yet he can't tell me
22 what the document is saying to him. So I'm trying to
23 find out what the document says. I think it's plain,
24 but I can't get any agreement. I want it so the jury

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1 can understand it.

2 MR. SHAW: You want this witness to
3 sponsor this exhibit and he can't.

4 MR. COLLIER: No, I don't, because
5 obviously, you have absolutely denied sponsoring any
6 of these documents. We have found these our own
7 way. And now we are having to go through the arduous
8 and I think unfair obligation of then discerning what
9 the document says, but we know that we can at least
10 say this is notice to Remington that this condition
11 existed because the complaints are there. And that's
12 my question.

13 BY MR. COLLIER:

14 Q. Did not Remington have in 1975 complaints on
15 file that purported to say that a Model 700 would
16 fire when the safety was released as follows: The
17 year 1970, 12 reports; the year '71, 13 reports; the
18 year '72, 22 reports; the year '73, 12 reports; the
19 year '74, either 17 reports or if you refer back to
20 the earlier one without any designation of worst
21 case, there it shows 24. We don't understand exactly
22 the difference between those two. Isn't that what
23 Remington had notice of in 1975 about reports of
24 firing when the safety is pushed forward?

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1 MR. SHAW: Before the witness answers,
2 that's objectionable, it's misleading, it's vague.
3 This witness lacks foundation to testify as to those
4 areas that you're inquiring about. And it's
5 argumentative. And it calls for a conclusion on the
6 part of this witness for which no foundation has been
7 laid.

8 BY MR. COLLIER:

9 Q. Could you answer, please, sir?

10 A. That's your interpretation of that report.
11 That's what you have given me.

12 Q. I'm asking you as someone in Remington and who
13 was involved in the follow-up of this information if
14 that's not what was known by Remington's management
15 at that time.

16 MR. SHAW: Same objections as to the
17 earlier question.

18 THE WITNESS: Remington's management
19 had this information. That's what this says.

20 BY MR. COLLIER:

21 Q. I'm going now to the other category, which I
22 think is appropriate here, and that is category
23 No. 107, which I ask you to tell me whether or not
24 the designation is squares off or fires closing. And

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1 directing your attention to 107 ask you if the report
2 shows that the Remington Model 700 in 1970 that there
3 were complaints or reports received of 16 jar-offs or
4 firing on closing; in 1971, 15; in 1972, 15; in 1973,
5 16; and in 1974, 4.

6 MR. SHAW: Same objections on this line
7 of questions. Is that all right, Mr. Collier?

8 MR. COLLIER: Yes.

9 MR. SHAW: You understand what I mean?

10 MR. COLLIER: Yes.

11 THE WITNESS: I don't understand this
12 because here again, the numbers aren't the same.
13 See, this says 18, this is 107. That's what we're
14 talking about. This is 18, this says 16, this says
15 16, this says 15.

16 BY MR. COLLIER:

17 Q. The four columns apparently are the same in the
18 left-hand column have on some instances slightly
19 different numbers and there's no explanation then
20 furnished as to why they would have revised it or
21 whatever was done. But the information,
22 nevertheless, is here in their files that that's how
23 many they received; is that correct?

24 MR. SHAW: I'll object to that.

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1 Tremendously vague if not incomprehensible. Calls
2 for speculation. The witness has said to the extent
3 we must qualify that the exhibit you presented is
4 complete, that the addressee of the exhibit was
5 Mr. Barrett and that it's his recollection at that
6 time that Mr. Barrett was in management. Mr. Barrett
7 presumably received some or all or some of that
8 information and you have had the ability to ask
9 Mr. Barrett about it. That's as far as the witness
10 can go.

11 BY MR. COLLIER:

12 Q. Does that appear to be the notice as I have
13 reflected it that Remington had of complaints
14 involving the 700 in May of 1975?

15 MR. SHAW: Objection. Calls for a
16 conclusion on the part of this witness for which no
17 foundation has been laid. May also call for a legal
18 conclusion as to what constitutes notice.

19 MR. COLLIER: Let's just say
20 information.

21 BY MR. COLLIER:

22 Q. Information was available to Remington
23 management in May of 1975 that there had been such
24 numbers of complaints involving alleged malfunctions

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1 of the Remington rifle; is that correct?

2 MR. SHAW: Objection. Calls for
3 speculation and conjecture on the part of this
4 witness.

5 BY MR. COLLIER:

6 Q. Your answer?

7 A. My answer?

8 Q. Yes. What is your answer?

9 A. My answer is you have the information here.

10 Q. Could you just tell me if that is what this
11 information reflects?

12 MR. SHAW: I'll object to that as being
13 vague. Reflects what?

14 MR. COLLIER: Not lighted.

15 THE WITNESS: Not lighted?

16 MR. COLLIER: We're not getting much
17 light here.

18 If you would read for the witness my
19 question.

20 THE WITNESS: Which one, the last
21 question?

22 MR. COLLIER: The one that asks -- I
23 can restate this.

24 BY MR. COLLIER:

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1 Q. Can you agree that so far as the information,
2 then, on jar-off is concerned --

3 A. Let's go back. Where does it say "jar-off"?
4 Are you saying 107, squares off or fires closing?

5 Q. Yes.

6 A. Complaint 107.

7 Q. And the figures that we used were figures and
8 information which Remington had in 1975 as to
9 complaints of alleged malfunctions of the Remington
10 Model 700 rifle?

11 A. Remington had this information in 1975, this
12 information as presented in your exhibit.

13 Q. If the graph is accurate, it would seem to
14 reflect that there were many more complaints of
15 alleged malfunctions in the Model 700 as there were
16 in the Model 600; is that correct?

17 MR. SHAW: I'll object for that as
18 calling for a conclusion on the part of this witness,
19 he's not competent to make other than to read the
20 document there with you on the table, and it's also
21 argumentative and misleading when you say "many more
22 complaints."

23 BY MR. COLLIER:

24 Q. He can recite to the figures. The figures are

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1 a total complaint outline for the 700 for all
2 categories covered here for the years covered, 1970,
3 1971, '72, '73, '74 for the 700 of 199 complaints as
4 opposed to the Model 600 which had 30 complaints. Is
5 that what the record reflects?

6 MR. SHAW: That's vague and over-broad,
7 and just for purposes of this question, I think that
8 you pursued this line of questioning with regard to
9 our evidentiary objections as to you're trying to
10 commingle all sorts of complaints and claims that
11 they are the same. Irrelevant.

12 THE WITNESS: There's a number 30 and
13 there's a number 199.

14 BY MR. COLLIER:

15 Q. Doesn't this correctly reflect what the totals
16 here are?

17 A. I don't know. You can add them up if you want.

18 Q. Assume that those are correct and let the
19 exhibit, then, indeed, in this instance speak for
20 itself.

21 Mr. Linde, I'm going through this
22 exhibit page by page and I'll ask you first to verify
23 what I think has been the case, that you did not have
24 any part in any of the investigation as reflected by

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1 page No. 1; is that correct?

2 A. Do you want me to go back and read page No. 1
3 and verify that or what? I did not write the letter,
4 but if he committed me to do something in there, I
5 don't know that because I haven't read it all the way
6 through. When you say, "Did you have any part," I
7 could be included as having a part and not even know
8 it.

9 Q. I understand that. A safety malfunctions
10 gallery is different from the complaint reports, is
11 it not?

12 MR. SHAW: Calls for -- I give up.

13 THE WITNESS: Yes.

14 BY MR. COLLIER:

15 Q. And the reason is that the gallery malfunction
16 reports are out of Remington's own testing gallery;
17 isn't that correct?

18 A. Yes.

19 Q. Whereas the reports of complaints, they come
20 back from the consumer or from the public; is that
21 correct?

22 A. I would assume that.

23 Q. And did you not prepare -- I would assume
24 because I don't think you have had any connection

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1 with the gallery malfunctions; is that correct?

2 A. I did not prepare that, no.

3 Do you want to break for lunch?

4 MR. COLLIER: Good idea. Let's do
5 that. The time is now 12:05 and we will return here
6 at a time convenient to the witness -- to the witness
7 and to the parties.

8 (A lunch break was taken at
9 12:05 p.m.)

10 (Deposition resumed at 1:05 p.m.)

11 BY MR. COLLIER:

12 Q. We're back on the record after a break for
13 lunch, and just prior to our break for lunch, we had
14 gone over a report, Plaintiff's Exhibit No. 31,
15 dealing with a report from G.W. Martin to
16 E.F. Barrett dated May 20, 1975, and I'm looking
17 through that report, as I had done just before the
18 break, to determine whether or not there were any
19 other items that we should cover, and I believe that
20 we have covered that report sufficiently that I'm
21 going to set it aside and go now to what we have
22 identified as document No. 23, and I hand you
23 document 23 which purports to be an operations
24 committee minute No. 4 dated June 20, 1975. I'd like

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1 for you to look to that document and to determine
2 whether or not it recites information in it that
3 contains an assignment to you, Mr. Linde, to take
4 charge of revising the section in gunsmith action
5 regarding bolt-action fire controls.

6 A. Yes.

7 Q. Having reviewed that document, in fact, did you
8 then revise the gunsmith manual to reflect making a
9 check for what is referred to as the trick condition?

10 MR. SHAW: May I see that if you're
11 going to ask him some questions about it, please?

12 MR. COLLIER: I'm waiting a moment
13 while counsel has an opportunity to review that
14 memo. Particularly the next to the last paragraph on
15 the memo that I'll be asking about.

16 MR. SHAW: Do you have a question?

17 BY MR. COLLIER:

18 Q. Yes. The question is did he, in fact, then,
19 revise the gunsmith manual?

20 A. Did I revise the gunsmith manual?

21 Q. Did you do anything with the owner's manual, if
22 you know?

23 A. I personally never did anything with the
24 owner's manual.

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1 Q. Now, the gunsmith manual is different from the
2 owner's manual, is it not?

3 A. Yes.

4 Q. And the gunsmith manual goes out to approved
5 Remington gunsmiths so that they would know how to
6 work on the rifles.

7 A. Well, it only goes to them, but they would be a
8 recipient of the gunsmith manual.

9 Q. If you will return that. That's the only
10 information that I needed from that particular memo.

11 Do you know whether or not there was --
12 I'm going to hand you what purports to be a Remington
13 owner's manual--I think that's what you'll find it to
14 be--for the Model 700, and ask you if you can
15 identify it as to the date of its publication. It
16 purports on the front to show 6-8-83. I could not
17 find anything in the document itself to verify that
18 that was the date that it was published. If you
19 would look at that.

20 MR. SHAW: I'll object to the form.
21 You might want to clear it up. By referencing 6-8-83
22 you raise some ambiguity in your question. And you
23 really kind of lecture or giving a prologue of the
24 witness, and also I think the 6-8-83 actually isn't

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1 that, just the exhibit sticker.

2 MR. COLLIER: That may be.

3 MR. SHAW: If your question was just
4 straightly framed, maybe "Can you tell me what the
5 date of this manual was?"

6 BY MR. COLLIER:

7 Q. Perhaps we can get that. The document that I
8 have handed you is document No. 386, and on it --

9 A. Where does it say document 386?

10 Q. This is something that we have agreed before
11 that this would be the number that we would refer
12 to.

13 A. I just didn't see the number here.

14 Q. In fact, the number on that particular document
15 is 311.

16 A. Yes, it is.

17 Q. That's perceptive of you to notice. The
18 particular number of the document here we're going to
19 be referring to for our record is 386, and if you
20 would look at what purports to be Remington Leek A-3
21 and determine whether or not this is an owner's
22 manual for the Remington Model 700.

23 A. Yes, it is. It appears to be an owner's
24 manual. A copy of one.

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1 Q. Can you determine from the owner's manual the
2 date that it would have been in use? I think our
3 problem is going to be on the last page, that date is
4 obscured by a faulty copy.

5 A. I cannot tell you a date it was to be used.

6 Q. Would you determine by looking at that owner's
7 manual as it's constituted there -- and we're going
8 to have to get the date from a different source, and,
9 counsel, perhaps you could help me there. If you
10 could get for me the date for this manual and I'll
11 hand you over a copy of this manual now so that we'll
12 be reading on the same page. And referring the
13 witness, then, to the page in the owner's manual that
14 deals with the safety and asking him: Does this
15 owner's manual reflect anything that would advise a
16 person about the rifle, the 700 model rifle, having
17 any type of propensity to discharge upon release of
18 safety or fire when the safety is being released or
19 other malfunctions in relation to the safety?

20 MR. SHAW: Objection. Vague and
21 argumentative. Assumes that such information should
22 have been in the manual, and if you're going to ask
23 him questions from the manual where you get into the
24 exact text, if you got an extra copy, then I'd like

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1 to look at one. Right now I don't think that's
2 necessary.

3 BY MR. COLLIER:

4 Q. Could you answer that question?

5 A. You said to answer the question, that you were
6 going to read to me something out of this owner's
7 manual --

8 Q. That's --

9 A. -- to base my answer on. I was waiting for you
10 to read whatever I was supposed to listen to to base
11 my answer on.

12 MR. SHAW: That's what I thought, too.
13 I was waiting for a copy of the manual myself.

14 MR. COLLIER: I did not know I had said
15 that, but it's a good idea, so I'm going to do that.

16 BY MR. COLLIER:

17 Q. Reading from the first page beginning where it
18 says, "Safety Figure 1. To engage safety to on-safe
19 position, rotate to rear stop position marked 'S' on
20 receiver. Bolted handle will be locked down and
21 rifle will not fire. When rotated forward to fire
22 position marked 'F' on receiver, safety will
23 disengage. Trigger can be pulled to fire rifle or
24 bolt handle raised to open action. Caution: Before

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1 firing make sure barrel is clean, free of heavy oil,
2 grease, or any obstruction." Then it goes on to
3 single load and other things.

4 So far as I can determine from the
5 manual, this is all of the instructions that's giving
6 about the safety, is that correct, from what you can
7 read, sir.

8 MR. SHAW: Objection. Vague. Document
9 speaks for itself. Do you have a copy that I might
10 see?

11 THE WITNESS: Under the single load
12 there's a note, "Put safety on safe close, bolt lower
13 bolt handling to lock action." On the next
14 paragraph, "The cartridge is loaded in chamber, put
15 safety on-safe before closing bolt." Says, "To
16 unload, hold rifle with muzzle pointed in safe
17 direction. Move safety to off-safe direction and
18 raise bolt angle." Next it says, "Move safety to
19 on-safe position. Pull handle rearward. Grasp
20 handle. Caution: Safety will be in the fire
21 position during part of the operation so keep muzzle
22 pointed in safe direction." Then it tells you about
23 the BDL. There's notations on safety and the safe
24 operation, I'd say, all the way through here.

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1 BY MR. COLLIER:

2 Q. But is there anything giving notice to any
3 purchaser or owner of a Remington rifle that the
4 rifle could discharge when the safety is pressed
5 forward to the fire position?

6 MR. SHAW: Objection. Argumentative.

7 THE WITNESS: The manual says what it
8 says. It speaks for itself.

9 BY MR. COLLIER:

10 Q. There's nothing in there that would indicate
11 any kind of firing malfunction of which the consumer
12 should be notified, does it?

13 MR. SHAW: Objection. Argumentative,
14 vague.

15 THE WITNESS: Would think the only
16 thing that would -- that's very definite is "Hold
17 rifle with muzzle pointed in safe direction."
18 General caution that would cover anything whether
19 produced by the rifle itself or whether produced by
20 the shooter.

21 BY MR. COLLIER:

22 Q. I'm going to hand you another owner's manual
23 out of the same document number, and this is an
24 owner's manual which purports to be an owner's manual

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1 for the Model 788, and this is presented along with
2 the owner in an attempt to locate the time frame in
3 which this manual was in existence and furnished to
4 owners of rifles, because the date for it on the last
5 page is clear, I think, if I could interpret it
6 properly, that on the last page it shows 2-75, which
7 I would assume to be February 1975.

8 A. This is revision 2-75.

9 Q. So that if that is for a Model 788, would a
10 Model 788 Remington rifle have the same trigger
11 assembly and safety as does the Model 700?

12 A. No.

13 Q. They are different?

14 A. Yes.

15 Q. In what way?

16 A. The model --

17 MR. SHAW: That's a compound question
18 when you say, "Trigger assembly and safety,"
19 Mr. Collier.

20 THE WITNESS: It has a different --

21 MR. SHAW: So I'd object on that
22 basis.

23 THE WITNESS: If you take a look at it,
24 you can see again none of the parts are

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1 interchangeable. None of the parts are the same.

2 BY MR. COLLIER:

3 Q. That's just one of the things that I can get
4 out of the way is I thought that they were the same,
5 and I was wrong.

6 A. This is, again, what I have told you this
7 morning that this assembly was designed for a kind of
8 reason than the Model 700 or the Model 600.

9 Q. I guess I better refresh my memory now.
10 Although you have answered my question before, I know
11 you did, I need to know the other models that will
12 share the Remington 700 trigger assembly, and I think
13 I remember it now as being the 700, the 722 was it?

14 A. That's not correct.

15 Q. I wouldn't want to spoil my record.

16 MR. SHAW: I think the witness's
17 problem is with your question, Ron, which is
18 objectionable when you say he's earlier testified as
19 to what rifles shared the Model 700 trigger
20 assembly.

21 THE WITNESS: None of them shared. The
22 700 is specifically for the 700, the 725 was
23 specifically for the 725, the 40X is specifically for
24 the 40X. Each trigger assembly is designed for the

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1 needs.

2 BY MR. COLLIER:

3 Q. Then I obviously have got to re-align my
4 thinking because I believed that -- well, the 700
5 trigger assembly, let's clarify that. We're
6 referring right now again to this trigger assembly.
7 You would find it in the Model 700 rifle; is that
8 correct?

9 A. That's right.

10 Q. And it does not matter whether it's an ADL or a
11 BDL or there's some other kind of classification
12 that's a number behind the 700, does it?

13 A. The 700 Varmint, as I recall, was a little
14 different. So the 700 Varmints would have been
15 different because it had a different end use. It
16 would have been different than the 700 ADL or BDL.

17 Q. Let's go back to that because I just noticed on
18 the Model 700 it says, "Includes Varmints model." So
19 I would assume that the Varmint model and the ADL and
20 BDL are all the same.

21 A. They are essentially the same rifle, but you
22 asked me a specific question on the trigger
23 assembly. And what I'm telling you, as I recall,
24 there was a difference in the trigger assembly on the

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1 Varmint, on the standard ADL and BDL. I could be
2 wrong on that.

3 Q. I'll take a moment and see if I can find in all
4 this testimony what we need to review. For right now
5 since you're not sure and I don't think that the time
6 we'll spend finding that is going to be productive,
7 I'm going to go on.

8 Suffice it to say, then, the 700
9 models -- you say that 700 trigger assembly is in the.
10 ADL, BDL. You don't know anything -- any other rifle
11 that would have what I have just referred to as the
12 Model 700 trigger assembly?

13 A. That's right.

14 Q. I'm going to hand you what we have marked for
15 identification as a document No. 1, and I'm going to
16 read from this because I only have the one copy and
17 then ask you to examine it and determine whether or
18 not you can identify this as a products committee --
19 no, that's not right. Operations committee minutes
20 or a portion of the minute.

21 MR. SHAW: Object to the form of the
22 question. Read the document and then ask him whether
23 he's seen it. I don't think that lays a proper
24 foundation maybe for you to even read the document.

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1 BY MR. COLLIER:

2 Q. Were you a member of the operations committee?

3 A. No, I was not.

4 Q. Did you sometimes sit with the operations
5 committee?

6 A. Yes, I did.

7 Q. What was the function of the operations
8 committee?

9 MR. SHAW: If you know, since you were
10 not a member.

11 THE WITNESS: The operations committee
12 would have a definite charter, and I couldn't tell
13 you what the charter was. I could tell you my
14 involvement.

15 BY MR. COLLIER:

16 Q. If you could tell us your involvement.

17 MR. SHAW: I will caution the witness
18 and I assume he may be talking generally. I do not
19 know what his involvement was and I doubt if he will
20 be specific with regard to matters that are not
21 pertaining to this lawsuit and reveal specific
22 matters that were taken up before a committee which
23 may or may not be confidential to Remington and have
24 nothing to do with this lawsuit. You understand what

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1 I'm concerned about, Ron?

2 MR. COLLIER: I suppose so. I want --
3 well, let's just talk -- let's first ask him and then
4 if the answer is not responsive or if -- or it goes
5 into the wrong area, we can have it stricken.

6 BY MR. COLLIER:

7 Q. Asking you, the witness, your involvement in
8 the operations committee?

9 MR. SHAW: Why don't you ask him if he
10 had any involvement that he recalls with the
11 operations committee with the Model 700.

12 MR. COLLIER: First I want to know
13 about his involvement with the operations committee
14 and then I'll ask specifically what, if anything, he
15 had with the -- he had to do with the Model 700.

16 THE WITNESS: In the time frame of 1975
17 I was involved with research, the operations
18 committee. This is my understanding was primarily
19 involved with the scheduling and planning of
20 developing and implementing new products at the
21 Remington line. That's where we spent the majority
22 of our time, and so you'd have marketing,
23 manufacturing, and research involvement, and at that
24 time a lot of my activities were developing new

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1 products and I would present the new products to --
2 the status of the new products to the operations
3 committee.

4 BY MR. COLLIER:

5 Q. And at that time you were involved with
6 Research & Development; is that correct?

7 A. That's right.

8 Q. And in memos and things would you refer to that
9 as R & D?

10 A. Yes.

11 Q. Do you recall whether or not Research &
12 Development at that time had been given the
13 assignment or direction to develop an alteration for
14 the Model 700 rifle which would be a design change to
15 allow the shooter to unload the rifle with the safety
16 in the on position?

17 MR. SHAW: Why don't you give him the
18 benefit of looking at the document for one thing, and
19 you're talking about this 1975 time frame when he
20 recalls --

21 BY MR. COLLIER:

22 Q. This was in January 1976.

23 A. What's your question?

24 Q. If I could look again so I can remember how to

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1 phrase that question. Phrasing the question is:
2 That wasn't an assignment made to Research &
3 Development to design a modification of the safety
4 mechanism in the Model 700. The most important
5 alteration would be a design change to allow the
6 shooter to unload the rifle with the safety in the on
7 position?

8 MR. SHAW: Objection. Now not having
9 even seen the document myself I can't tell whether
10 you're correctly even reading, but you may be
11 misleading or characterizing the document. I'll
12 object to the form insofar as it implies that within
13 the four corners of that document there's a
14 suggestion that an assignment was being made to do
15 anything. I don't see that phrase there.

16 MR. COLLIER: Could you read that
17 question for me again so that the witness would have
18 it? That way he'll be able to follow along with the
19 wording I have used.

20 (The reporter read from the record
21 as requested.)

22 MR. SHAW: Same objection.

23 THE WITNESS: At this point what we
24 were doing is we were looking at all trigger

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1 assemblies and safety mechanisms and the amenity
2 bolt-action rifles and comparing that to what we had,
3 and the last sentence is in regard to taking a look
4 at separating the bolt lock function and safety
5 function and taking a look at having a bolt lock
6 separate from the safety as is done in some other
7 types of firearms.

8 BY MR. COLLIER:

9 Q. So that was -- I don't want to mischaracterize
10 it. It was either a project or an assignment or
11 whatever, was it not, to the Research & Development?

12 A. It was like a lot of the other things. It was
13 a continuing look at where we stand with respect to
14 competition.

15 Q. Let me ask you if that was not in response, if
16 you know, to the discovery in 1975 of a safety and
17 firing malfunction in the field involving the
18 Remington bolt-action rifles.

19 MR. SHAW: Now, I will object to that
20 as being argumentative and misleading. I don't think
21 there's anything in the record that supports that
22 question. It's vague and ambiguous, too.

23 BY MR. COLLIER:

24 Q. Could you answer, please?

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1 A. I guess my only answer would be is that I
2 worked on trigger assemblies and safety systems from
3 '68 forward, so I have been working on those types of
4 things since '68, and in a number of the firearms, it
5 was a continuing program. And this is a
6 continuation. If you say well is it a continuation,
7 sure, it's all a continuation, evolution.

8 Q. Would your answer, then, be no?

9 A. I guess that was my answer.

10 Q. The answer would have called for a yes or no, I
11 believe, the way I worded it. I hoped for a yes or
12 no. And the question was: Wasn't this in response
13 to discovery by Remington in approximately the early
14 spring, April, May of 1975 that there existed a
15 problem in the field with their Remington Model 700
16 rifles, and other rifles for that matter, involving a
17 trick trigger assembly and safety-claimed
18 malfunction?

19 MR. SHAW: Objection. Argumentative,
20 vague, assumes facts not in evidence.

21 THE WITNESS: If I have to give a yes
22 or no that this is a direct response to the
23 information we looked at in '75, I'd have to say no,
24 it wasn't.

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1 BY MR. COLLIER:

2 Q. I hand you now what's been identified as
3 document No. 4, and ask you if you can identify this
4 as an operations memo minute No. 13 dealing with the
5 fire control improvements in the Model 700 and Model
6 600 dated July 19, 1977?

7 MR. SHAW: You have merely read that
8 heading of that document to him, and I object to the
9 form of the question insofar as you have not laid a
10 foundation that he can identify this as anything.
11 And ask him whether he recalls seeing it or has ever
12 seen it before, you're just reading the top of the
13 document and handing it to him.

14 THE WITNESS: What's your question?

15 BY MR. COLLIER:

16 Q. The question was: Is this an operations
17 committee minute with which you're familiar?

18 A. I'm familiar. I just read it.

19 Q. I mean prior to this time.

20 A. I would have been familiar with it.

21 Q. Does it recount that the Research & Development
22 Department is working on improvements in the Model
23 700 rifle trigger mechanism?

24 A. Yes.

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1 Q. And what kind of improvements are planned or
2 does it recite are being developed?

3 MR. SHAW: What's the date?

4 THE WITNESS: This is July 19th, 1977.

5 It says, "Research is presently performing the design
6 analysis on the Model 700 and Model 600 trigger
7 assemblies to improve their performance and customer
8 desirability."

9 BY MR. COLLIER:

10 Q. And what are the improvements that they are
11 working on?

12 A. No. 1 is "Trigger externally adjustable for
13 pounds pulled within safe limits." 2, "Sear
14 engagement and trigger over travel determined by
15 design not adjustable by a customer." 3, "Rifles can
16 be unloaded with the safety in the on-safe position,"
17 and 4, "Improve trigger pull characteristics." 5,
18 "Reduction of trigger assembly costs."

19 Q. Would that have been one of the things that you
20 would have been working on during that period of
21 time? We're harking back to May, approximately, of
22 1975 and then we have gone through 1976 and now 1977
23 and a minute referencing design changes on the Model
24 700 firing mechanism. Would you have been working on

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1 that during that period of time?

2 A. Yes, I would have been --

3 MR. SHAW: I'll object to the form of
4 the question with regard to the speech which precedes
5 his being in an attempt for counsel perhaps to
6 testify or characterize prior testimony by this
7 witness, and I'm not sure the foundation has been
8 laid. I think Mr. Linde stated earlier he was in
9 research at some point and then he went to Process
10 Engineering & Control at some point, and I'm not sure
11 he even recalls the dates. Obviously, if he was not
12 in the Research Department at a particular point in
13 time, he personally could not have been working on
14 these things. I'm just raising that point so the
15 witness will be fair with himself and not commit
16 himself to having worked on something at a point in
17 time when he couldn't have. That's all I got.

18 BY MR. COLLIER:

19 Q. Was that, then, Mr. Linde, something that you
20 had been working on and I assume not exclusively but
21 working on to some degree from 1975 through 1976 and
22 then up to July 19, 1977, date of this minute?

23 A. Not the way you just phrased it. I'd have to
24 say no.

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1 Q. It's always the trouble. I never can ask the
2 question the same way.

3 MR. COLLIER: Let me ask the reporter to
4 go back to the question as I originally asked it,
5 because I can't remember the difference that I have
6 put into the question, and read that question.

7 (The reporter read from the record
8 as requested.)

9 THE WITNESS: Was that the original
10 question or was that question he asked the second
11 time?

12 BY MR. COLLIER:

13 Q. That was the original question.

14 A. I misunderstood. When you originally asked it,
15 what I thought you asked was this what I was working
16 on on July 19th, 1977, and the answer to that is yes,
17 but not -- but that's not the answer to your
18 question.

19 Q. Do you recall the earlier report in 1975 as
20 having included a report on a sample of 600 rifles
21 that were brought into the Remington Arms plant and
22 tested, quite a substantial number?

23 MR. SHAW: I'll object to the form of
24 the question. I don't know what report you're

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1 referring to.

2 MR. COLLIER: This report of May 1975.

3 MR. SHAW: Also vague with regard to a
4 substantial number. You might hear the question
5 back.

6 MR. COLLIER: I can just reach over and
7 grab that report and give you the figures. Three
8 hundred fifty-nine.

9 MR. SHAW: Are you testifying now?
10 You're back to the report that I thought we were done
11 with, because the witness did not receive it, did not
12 write it, and so now we're back to it.

13 MR. COLLIER: We're back to it because
14 I think that there is a relationship between the
15 report and what they found in the field and the need
16 for the development of a better firing mechanism. So
17 that's my question.

18 BY MR. COLLIER:

19 Q. First of all, I'll give you back that original
20 document so that you could take a look at the second
21 page which it shows the number of 600's that were
22 tested.

23 MR. SHAW: I will object to this line
24 of inquiry because I think it's basically been asked

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1 and answered when you pulled out the earlier memo,
2 and the witness indicated that he had been involved
3 continually in improvement at least since 1968 when
4 he first had such an assignment in the Research
5 Department, and I think he also told you that the
6 work that was being done in 1975 was not, in and of
7 itself, correlated to any data that was received from
8 the field in 1975. However, you want to characterize
9 that data which I have earlier objected to. So I
10 think this has been asked and answered.

11 MR. COLLIER: I didn't even ask about
12 the 600 at that time. I'm asking about 600 at this
13 time. If, indeed, there were approximately 359 600's
14 tested.

15 MR. SHAW: You're right. You said 700
16 last time.

17 THE WITNESS: Yes. That's what that
18 says.

19 BY MR. COLLIER:

20 Q. A substantial number of them, if you recall,
21 evidenced some susceptibility to firing on safety
22 release?

23 MR. SHAW: I'll object to that as being
24 ambiguous.

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1 THE WITNESS: This test here, as I
2 recall, was the question of whether the 600 tricked
3 or not.

4 BY MR. COLLIER:

5 Q. You don't see that as a direct test to see
6 whether or not a rifle will fire on safety release?

7 A. Well, there's a distinction between the trick
8 and the fire on safe release, and they're not
9 interchangeable, so we cannot in our discussion use
10 it as an interchangeable term because it's not.

11 Q. But isn't it the test that you run to determine
12 whether or not a gun is susceptible for firing on
13 safety release?

14 MR. SHAW: I think that's misleading,
15 and I don't know whether you're trying to argue with
16 the witness to make it argumentative. That's
17 precisely what he told you, it was not. That the
18 trick test is not the test for FSR.

19 MR. COLLIER: Even though we have been
20 at this for a long time, I find these things and I
21 thought that I knew this and probably I'm about to
22 learn that no, that's not why you do the -- that's
23 not why you do the trick test. So I'm going to be
24 educated. If so it's time.

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1 BY MR. COLLIER:

2 Q. Mr. Linde, isn't the trick test what was
3 designed, it's not the cause of the thing, it's a
4 device to determine whether or not a rifle could be
5 susceptible to firing on safety release; isn't that
6 the case?

7 MR. SHAW: Objection. Vague,
8 argumentative, misleading.

9 THE WITNESS: Trick test was developed
10 for the Model 600 rifle. The trick test as outlined
11 in a number of the information as outlined here was
12 that test where you put the safety in intermediate
13 position and where you pull the trigger as a safety
14 in on-safe position and checked to see if the safety
15 still worked with that in that condition. It was a
16 test that was developed specifically as a way of
17 screening Model 600's very quickly at that time.

18 BY MR. COLLIER:

19 Q. And it was to screen Model 600's to determine
20 whether or not that they could be placed or that they
21 could -- that the trigger connector and sear
22 engagement could be manipulated or could wind up
23 where you would have as a result a fire on safety
24 release?

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1 MR. SHAW: Objection.

2 BY MR. COLLIER:

3 Q. Isn't that the case?

4 MR. SHAW: Misleading, vague.

5 THE WITNESS: You go back to my first
6 piece of paper that you showed me this morning, the
7 very first one that was a -- my letter to
8 Wayne Leek. Now, that was how I understood it in
9 1975 at the time that -- I thought that was a good
10 explanation of just exactly what we're talking about,
11 and that's where the evolution of the trick test
12 would come from. If you have that one just go back
13 to it. But that was my knowledge in 1975. It
14 defines that completely, and it's about -- you put
15 the thing in the intermediate position and you pull
16 the trigger. I cannot make something more out of it
17 than what it was.

18 BY MR. COLLIER:

19 Q. But I'm off on another trail at this time,
20 Mr. Linde.

21 A. I guess I don't know which trail you're on.

22 Q. The trail now is to determine if you knew in
23 1975--and when I say "you," I mean Remington--knew in
24 1975 that you had quite a number of 600's that would

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1 and I'm saying fire on release of safety or I'll just
2 back it off and say that they would trick.

3 MR. SHAW: Let's hear that question
4 back before you answer.

5 (The reporter read from the record
6 as requested.)

7 BY MR. COLLIER:

8 Q. That's the question.

9 MR. SHAW: Vague, ambiguous.

10 BY MR. COLLIER:

11 Q. That knowledge --

12 MR. SHAW: And also you have jogged me
13 by doing it again. This witness can say what he knew
14 or did not know, and I object to any questions which
15 either explicitly or now by a definition of "you,"
16 you are suggesting -- you are having this witness
17 speak for Remington. You may make your argument
18 later that what he knows Remington knows, but to say
19 that he is here today to speak for Remington, its
20 knowledge, state of mind, or conduct is
21 inappropriate. And I object to all questions and
22 would like a standing objection to that. Will you
23 give me a standing objection?

24 MR. COLLIER: Yes.

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1 THE WITNESS: I do not understand your
2 question, and I feel that I have fully represented it
3 in that if you take my document that explains the
4 first paragraph to Wayne Leek, he explains it,
5 explains exactly what you're talking about. If you
6 take a look at this document, this just gives you a
7 sample of 600's that were brought back from
8 wholesalers at that time and gives the data. I don't
9 know what else -- I don't know what else to say to
10 you. I don't know what you're --

11 BY MR. COLLIER:

12 Q. All this certainly comes as no surprise. Thank
13 you. Let me say, then, obviously, since you didn't
14 learn anything from this report, there was no reason
15 to go out and modify your rifle in any way, was
16 there?

17 MR. SHAW: Objection. Argumentative.

18 MR. COLLIER: That's true. I'll
19 withdraw that question. We'll go a different way.

20 BY MR. COLLIER:

21 Q. I hand you what's been marked document No. 3.
22 Ask if you can identify it as minute No. 8, the 1977
23 operations committee.

24 MR. SHAW: Objection. No foundation

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1 that he was on the committee or has ever seen this,
2 although he may have been involved in the order that
3 is referenced.

4 THE WITNESS: Yes.

5 BY MR. COLLIER:

6 Q. Does the modifications reported here on the --
7 by Research & Development for a modification of the
8 600 fire control mean that the 600 fire control is
9 modified to be more like the 700? Is that generally
10 what it says?

11 A. No, that is not what it says.

12 Q. What does it say?

13 MR. SHAW: Let me give it back to him
14 after I have had an opportunity to review it since
15 you're asking him questions on it, Mr. Collier, just
16 as you're closing the folder over it when it's now
17 before me or Mr. Linde.

18 For the record, I have now given the
19 folder to counsel so that he can have the
20 information.

21 BY MR. COLLIER:

22 Q. If you would, Mr. Linde, looking at that again,
23 and the reason for it is -- I believe here's where I
24 thought that the two trigger assemblies, one could be

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1 modified to be used in the other, the 700
2 specifically modified to be used in the 600, but from
3 a more careful review of that, I see that actually
4 only a portion of the Model 700 fire control assembly
5 is used in the 600; is that correct?

6 A. That's right. Just the housing.

7 Q. The rest of the Model 600 continued as it was
8 before.

9 MR. SHAW: I will object to that as
10 vague and over-broad. There may have been other
11 changes to it that didn't necessarily involve the 700
12 but may have involved the change within the 600.

13 BY MR. COLLIER:

14 Q. Is that the case?

15 A. That's right.

16 Q. What changes were made in the 600? What
17 changes were made in the 600 other than changing the
18 housing and anything else reflected by that
19 document?

20 MR. SHAW: If you recall.

21 BY MR. COLLIER:

22 Q. If you can recall.

23 A. The only other changes would have been --

24 Q. This is the 700?

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1 A. This is the 700. Where is the 600?

2 Q. The 600 is right under it.

3 MR. SHAW: Before you do that it may be
4 that some of the things that were changed wouldn't be
5 on that drawing anyway.

6 THE WITNESS: They aren't. There would
7 be like these adjustment screws, a couple of those
8 would have been the same as the 700. But the basic
9 parts, though, are not.

10 BY MR. COLLIER:

11 Q. I thank you for that. I'm going to put the 700
12 back on the screen. I'll take that exhibit back.
13 And I learned something today. I hand you what's
14 been marked document No. 2, and I'm going to read
15 document No. 2, because I only have one document
16 No. 2. It's minute No. 2, 1977. And it's "M700-600
17 Fire Control Improvements," and I can understand now
18 I have given these to you in reverse order. "R & D
19 report that had design changes are being developed to
20 make the fire control more versatile. The
21 preliminary design should be completed by September
22 1977." I would assume from that that that means that
23 the design use in the 600 of the Model 700 housing,
24 or perhaps it's more extensive than that.

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1 A. I really couldn't say from these two sentences.

2 MR. SHAW: What number was that?

3 THE WITNESS: No. 2, 1977.

4 MR. SHAW: What number in your numbers,
5 Mr. Collier?

6 MR. COLLIER: That one is No. 2.
7 Document No. 2.

8 THE WITNESS: Can I ask you a
9 question?

10 BY MR. COLLIER:

11 Q. Yes.

12 A. On the deposition that I gave I believe in the
13 Louie case, they're asking for all sorts of
14 information. They ask for information that didn't
15 pertain to the case at all, and I said to them, I
16 said, "I would really like to help you with that.
17 How do I know that this information won't go some
18 place else." They assured me that anything that's
19 given in a deposition stays with that case. And what
20 I don't understand is--maybe you can help me--is on
21 the bottom of this it says Louie. Does that mean
22 that this information that you have here came from
23 the Louie case?

24 Q. That's exactly what it means.

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1 A. Does that mean that any information I give to
2 you could be used by anybody in the future?

3 Q. That's exactly what that means.

4 A. Anything that is about anything from DuPont you
5 could just take and you could sell it for whatever
6 you wanted?

7 Q. I don't think I could sell it, but it will be a
8 public record.

9 A. I was just curious.

10 Q. Let me explain again. Maybe you didn't quite
11 understand. We're giving testimony out of court, but
12 it's the same as in court.

13 A. I understand that.

14 Q. A reporter could be present at this session.
15 This is public information. The case is going to be
16 open.

17 A. I was just wondering. I know that part of it.
18 I was wondering about the personal responsibility
19 that you personally feel. That has nothing to do --

20 MR. SHAW: Let's not on the record. I
21 don't think that that was particularly responsive to
22 anything or considered part of this deposition. And
23 to the extent I'm required, I move it be stricken
24 from the record of this deposition.

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1 MR. COLLIER: I want it in there
2 because I think it's demonstrative of how we have
3 been unable to obtain a normal chain of things. The
4 documents which we have had to ferret out of other
5 cases and other files and we have today still as we
6 approach the end of discovery on the 15th still so
7 far as I know not received one single document from
8 Remington, although we have requested all of those,
9 and, therefore, I renew that and say for the record
10 that this is an appropriate explanation of how we
11 have had to do this.

12 MR. SHAW: I don't think it explains
13 anything. It's his question to you is and Mr. Linde
14 is this is just between counsel and me, but your
15 representations with regard to whether you have or
16 have not received anything from Remington are simply
17 not true.

18 BY MR. COLLIER:

19 Q. We have now reached -- and I'm handing you a
20 minute from what I think is the operations committee
21 dated December 12, 1979, subject: Model 700 bolt
22 lock, and I'll ask you if you'll look at that and if
23 it says generally that you're working on a new design
24 for the bolt lock.

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1 MR. SHAW: I object to the form of the
2 question and I ask that the witness read the exhibit
3 and pass it to me before you ask any further
4 questions because at this point without further
5 looking at any document his question will attempt to
6 characterize the document and may be misleading.

7 MR. COLLIER: If you would, Mr.
8 Witness, read it, Mr. Linde, and then pass it on to
9 counsel as he requests.

10 MR. SHAW: Do you want your question
11 read back or do you want to ask another one?

12 MR. COLLIER: Why don't I ask whether
13 the very short wording on that is accurate and I'll
14 just read what it says.

15 BY MR. COLLIER:

16 Q. "Research reported that layout of newly
17 suggested designs are being made. Assembly of
18 previous designs is scheduled for mid-December," and
19 this is reference to 1981 introduction of 700 bolt
20 lock. Is that what that document reflects?

21 A. You read it. That's what it says.

22 Q. Were you the person or were you one of the
23 persons involved in the design of a new bolt lock?

24 A. I don't know on this specific bolt lock that

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1 they're talking about, but I have worked on bolt lock
2 designs.

3 Q. Could you tell us, please, what bolt lock
4 designs you worked on up to the end of 1979?

5 MR. SHAW: What's the date of that
6 minute?

7 THE WITNESS: December 12, 1979. What
8 I'm thinking is, I think I was in manufacturing at
9 this point, so I really feel very uncomfortable in
10 trying to make sense out of this. That's what I'm
11 wrestling with.

12 BY MR. COLLIER:

13 Q. That's enough from that exhibit.

14 To your knowledge, Mr. Linde, down to
15 this period of time has there been any type of recall
16 of the Model 500 Remington rifles?

17 A. Yes.

18 Q. We're talking about down to December 1979.

19 A. I don't know the time.

20 Q. Perhaps they have. I don't know.

21 A. I don't know what the chronology of the timing
22 is.

23 Q. Well, we have that fact located in other
24 places. Certainly, there's been no advice to anyone

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1 at this time about any defect in the Model 700 firing
2 mechanism, has there? Has there been any kind of
3 advice to the public that there's a problem with the
4 Model 700 firing mechanism?

5 MR. SHAW: Objection. That's
6 argumentative and vague, assumes unspecified
7 information or notice or whatever you're talking
8 about is required. Plus, are you talking now about
9 1975 or now when you say to this time," are you
10 talking about 1988?

11 MR. COLLIER: I'm talking about to this
12 time. To the end of December 1979 is what I'm
13 talking about. And the reason I say that is if you
14 have -- we'll go back and I'll change my question.
15 We'll go back to April 21st, 1977, and that's review
16 of the Model 600 and Model 600 Mohawk rifle. I guess
17 that's the same thing. And it seems to be talking
18 about fire control review and that at least in April
19 1977 the Mohawk rifle appears to me to still be in
20 production.

21 BY MR. COLLIER:

22 Q. Would that be correct?

23 MR. SHAW: Before he answers questions
24 on it, I think he should read it and then I'd like to

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1 see it.

2 MR. COLLIER: That's harking back to
3 the exhibit that was earlier presented to him of that
4 date. That's document No. 003.

5 MR. SHAW: Your question was was the
6 Mohawk 600 still being manufactured in 1977?

7 MR. COLLIER: Yes.

8 THE WITNESS: I believe so.

9 BY MR. COLLIER:

10 Q. Didn't Remington at that time know that fully
11 or more than 50 percent of those rifles were
12 susceptible to tricking?

13 MR. SHAW: Objection. That's
14 argumentative and that's misleading and a
15 misstatement of the record. You're confusing.
16 You're talking about now -- you're making reference
17 to all Model 600's?

18 MR. COLLIER: Yes. All Model 600's.

19 MR. SHAW: Including those made in
20 1977?

21 MR. COLLIER: Well, I think the survey
22 was for pre-1975 up to 1975. I think that's the way
23 the valuation was couched that up to 1975 the Model
24 600 of those tested and I think it's 55.6 percent of

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1 them were susceptible to tricking or some figure
2 similar to that.

3 BY MR. COLLIER:

4 Q. Do you know whether or not --

5 A. I don't know about percentages.

6 Q. Do you know that it was -- can you agree and
7 admit that it was more than 50 percent?

8 A. No, I can't.

9 Q. You don't have to agree.

10 A. You have the numbers. There's not a question.

11 Q. Those rifles were not recalled, were they?

12 MR. SHAW: I'll object to that as
13 argumentative, misleading because I think the witness
14 has already told you that there was a recall.

15 BY MR. COLLIER:

16 Q. After, not before, but after a very significant
17 lawsuit though; not by virtue of this information
18 that was brought about by --

19 MR. SHAW: You're question simply was
20 those rifles were not recalled, and we can quibble
21 about the cause or the necessity of the recall or a
22 different model than that involved in this lawsuit,
23 but the question you just asked him or argued to him
24 was those rifles weren't recalled.

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1 MR. COLLIER: I can clear that up with
2 this witness with this question right now.

3 BY MR. COLLIER:

4 Q. Mr. Linde, isn't it true that the causation for
5 the recall of the Model 600 was the Coates lawsuit?

6 MR. SHAW: Objection. No foundation
7 laid for this witness to speak to that issue as to
8 what the reason was for the recall. You have already
9 been through that with Mr. Sperling, who was closer
10 to the matter in terms of individuals, that may have
11 been more involved in the decision to recall.

12 MR. COLLIER: When you say that, that's
13 not the case, counsel, and you say it on the record
14 and we both know what the witness said before and we
15 have his memo and he, in effect, says that we're only
16 doing this -- we don't agree with it, but we're only
17 doing this because of the lawsuit.

18 MR. SHAW: That's not what the memo
19 says. If you want to show it to him, and I'm not
20 trying to suggest that you read somebody else's memo,
21 that he didn't write like we have done time after
22 time today. All I objected to, Ron, was when you
23 looked at him and you said, "And those rifles weren't
24 recalled."

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1 MR. COLLIER: Not down to 1977.

2 MR. SHAW: You didn't say that.

3 MR. COLLIER: I tried to make it very
4 clear when he's expressed some doubt about whether or
5 not they were recalled at that time. I was talking
6 down to the end of 1977.

7 BY MR. COLLIER:

8 Q. But now back to the question in point all of
9 this argument is probably very interesting, but the
10 question is: Didn't it take a lawsuit, the Coates
11 lawsuit, to convince Remington to recall the Model
12 600 rifles?

13 MR. SHAW: Same objection.
14 Argumentative. No foundation.

15 THE WITNESS: I can say that the Coates
16 case is a significant event, but I can't say that
17 that was the event because I wasn't the one who made
18 the decision. I can attest to the design, but I
19 can't attest to that.

20 BY MR. COLLIER:

21 Q. Were you involved, then, in making the
22 determination on whether or not any advice or any
23 recall be made on the Model 700's?

24 A. Was I what?

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1 Q. Were you involved in the decision-making
2 process either by inputting information or by
3 actually discussing it on whether or not the Model
4 700 rifle be recalled or some warning be made about
5 the 700 rifle and the firing mechanism of it?

6 MR. SHAW: Vague. May call for
7 speculation. If he did not make the decision to
8 recall, he may not be able to know whether any
9 information that he provided was a determinant in any
10 decision.

11 THE WITNESS: I'd give them the
12 information on designs on how we compare to other
13 designs. As far as who makes the final decision on
14 something like that on the ground, I really don't
15 know.

16 BY MR. COLLIER:

17 Q. Tell me, Mr. Linde --

18 A. A lot of other factors involved than what I'm
19 responsible for.

20 Q. Did you get a chance to stand up or to speak
21 out and express your opinion as to whether or not the
22 Model 700 rifle should be recalled?

23 A. Stand up or speak out?

24 Q. By "stand up" I don't mean literally. I mean

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1 figuratively. Did you get a chance to say I think
2 that it should be recalled or I think that it should
3 not be recalled and my reasons are?

4 A. I really don't know how to answer that. I gave
5 input. So my reasons are considered on how I feel
6 about things.

7 Q. Would you tell us what your recommendation
8 was.

9 MR. SHAW: I'll object to this as being
10 vague. I'm not sure that the witness is suggesting
11 that he talked to anybody. Maybe he is. Who he
12 talked to, what was said you haven't asked him, I
13 guess, if he has an opinion on it. The implication
14 is there's some sort of opinion buried back here that
15 he wasn't allowed to give. Is that it?

16 MR. COLLIER: Sometimes organizations
17 do not allow people to speak out. Sometimes you're
18 afraid to do anything to behoove the company line.

19 MR. SHAW: I don't see that even as an
20 issue in this case, and I don't know what kind of
21 tangent you're off on now, Ron, by suggesting that he
22 either could or could not speak out, should or should
23 not have spoken out. You don't even know what his
24 opinion or haven't asked him what his opinion is.

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1 MR. COLLIER: But I first ask him if he
2 spoke out. If he spoke out, then I think it's
3 important either way.

4 MR. SHAW: It's argumentative. It
5 assumes he should have spoken out. This line of
6 questioning is beyond comprehension to me, but if you
7 want to put a question on the record and we'll just
8 go on.

9 MR. COLLIER: I have done that. I have
10 asked that question, if you did express --

11 THE WITNESS: I could express my
12 opinion on anything.

13 BY MR. COLLIER:

14 Q. Did you in this --

15 A. I don't feel that Remington was a kind of
16 company that would try to curtail thought. I think
17 it's evidenced by these reports that you're looking
18 at.

19 Q. All of them have conversations written on
20 them. I wondered if they were generally
21 disseminated.

22 MR. SHAW: I'll object to the form of
23 the question with regard to the exhibits that have
24 "Confidential" on them. You don't know and the

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1 witness does not know when "Confidential" was placed
2 on those, where it was placed on it. It may have
3 been pursuant to some court order in some lawsuit
4 with regard to those. Your implication that
5 "Confidential" was placed there by Remington may or
6 may not be true. This whole line of questioning is
7 argumentative and inflammatory and issuing some --

8 THE WITNESS: I can tell you why
9 "Confidential" is on that. Everything that went to
10 the operations committee was confidential because the
11 majority of involved new products -- and do you want
12 to tell your competitors what your new products are,
13 what you're working on? No way. You want everybody
14 to identify that as being confidential.

15 BY MR. COLLIER:

16 Q. I'm pleased to know why it's on there. I
17 appreciate that information. And, Mr. Linde, the
18 question and I go back to it so we can go on to
19 something else unless you can give me an answer
20 that's startling and we go somewhere else. Did you
21 at that time express an opinion in whatever way,
22 orally or in writing, of whether or not you thought
23 the Model 700 should be recalled? First of all, I'm
24 going to ask about a recall.

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1 MR. SHAW: Objection. That's
2 agrumentative. It's vague. It doesn't say to whom,
3 and it carries with it the implication that he should
4 have expressed an opinion to somebody.

5 THE WITNESS: I don't remember.

6 BY MR. COLLIER:

7 Q. Do you recall whether or not you made a
8 recommendation that a warning of any type should be
9 given to the consuming public in reference to the
10 Model 700?

11 MR. SHAW: Same objection as to the
12 prior question.

13 THE WITNESS: I really can't say.

14 BY MR. COLLIER:

15 Q. I'm going to hand you document No. 7, which
16 reads: "Model 700 bolt lock 1982 introduction
17 Research reported that revisions have been made to
18 question the size and appearance of the two
19 versions. Parts are being fabricated and should be
20 available shortly. The chairman commented that,
21 because of the purpose of this change, it is
22 important to emphasize this item. Research felt that
23 they could have a prototype available in May." Is
24 that the wording of the document, Mr. Linde?

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1 MR. SHAW: Object to the form of the
2 question. You have merely read the document.

3 THE WITNESS: Yes, that's what the
4 document says.

5 BY MR. COLLIER:

6 Q. Do you know being in research of what is
7 referred to of the importance of the change?

8 A. I wasn't in Research at this time. I was
9 manufacturing and engineering.

10 Q. How important, to your mind, Mr. Linde, is an
11 instance of inadvertent firing of a rifle when you do
12 not touch the trigger?

13 A. To me, personally?

14 Q. Yes.

15 A. Very important.

16 Q. And it involves a high degree of risk to
17 property and life, does it not?

18 MR. SHAW: I'll object to that because
19 it's argumentative and it is does not contain all the
20 things a risk may or may not be involved depending
21 upon the direction in which the firearm is pointed.

22 MR. COLLIER: I don't see how that's an
23 appropriate objection to my question. The question
24 is not leading. It's not improper in form. I'm

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1 satisfied with my question.

2 Could you read it for me, please?

3 (The reporter read from the record
4 as requested.)

5 MR. SHAW: Same objection.

6 THE WITNESS: It could.

7 BY MR. COLLIER:

8 Q. And the bolt lock, then, although you disavail
9 knowing why it's important, it seems to me if you
10 have a bolt lock that requires pushing the safety to
11 fire to unload a weapon, that that multiplies and
12 magnifies the problem if you have one of a gun that
13 would fire either on the release of safety or
14 inadvertently without someone touching the trigger.

15 MR. SHAW: Is that a question?

16 MR. COLLIER: That is a question posed
17 to him as: Can you agree with that being a higher
18 risk of injury?

19 MR. SHAW: I'll object to that as being
20 argumentative and misleading.

21 THE WITNESS: What you're doing is
22 you're saying given this, this, this, this, and the
23 conclusion is that. I have a problem always with
24 those kinds of questions because what you're doing is

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1 giving all these things and you're not taking a look
2 at everything else that's involved, and so I'm
3 supposed to draw a conclusion on your givens. And I
4 have a hard time with that. I really do, because
5 there's certain trade-offs in anything on a design,
6 and you're taking a look at the whole thing and how
7 the whole system works and you're also making an
8 assumption that there's something wrong with it.

9 Yes, I have a problem with that. I
10 don't care to comment on that kind of reasoning.

11 BY MR. COLLIER:

12 Q. You're a person that Remington relies upon to
13 make determinations about what's safe I assume?

14 MR. SHAW: I will object to that. That
15 calls for him to speculate.

16 BY MR. COLLIER:

17 Q. Isn't that true?

18 A. I did.

19 Q. You have had training in safety, haven't you?

20 A. Yes, I have.

21 Q. And you know about risk evaluations, don't you?

22 A. Yes, I do.

23 Q. If you have got one situation involving a bolt
24 lock where you can go hunting and with a bolt lock

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1 it's simple, you have got to push the rifle on fire
2 with it loaded, or if you have got another situation
3 doing away with the bolt lock so that you can go out
4 and hunt and the gun never be off safety, which is
5 the safer of those two designs?

6 MR. SHAW: That's argumentative.

7 MR. COLLIER: It's self-evident. It's
8 not argumentative.

9 MR. SHAW: It is certainly
10 argumentative and it is certainly vague and
11 misleading and it is certainly irrelevant with regard
12 to what is safer since that is not the issue in this
13 case, and it's a hypothetical that lacks all the
14 sufficient facts, and, furthermore, this is another
15 attempt for you to ask what essentially may be for an
16 expert conclusion for an individual that we have
17 neither tendered as an expert nor listed as an expert
18 and who is not involved in this case nor in the facts
19 of this case or the particulars of it.

20 MR. COLLIER: Could you read the
21 question back? Interpose all his objections.

22 (The reporter read from the record
23 as requested.)

24 BY MR. COLLIER:

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1 Q. Could you answer that for me, Mr. Linde?

2 MR. SHAW: Same objection.

3 THE WITNESS: I cannot answer your
4 question.

5 BY MR. COLLIER:

6 Q. You can't or you won't, Mr. Linde?

7 A. I can't the way it's phrased.

8 Q. Tell me why.

9 A. If you go back and look at your question, you
10 don't say under what situation. You just say safer
11 or go hunting with these two designs. One is going
12 to be safer than the other. Like there's not one
13 inherently safer under all conditions or the other.
14 That's not the case.

15 Q. If that's what you're going to say, answer no
16 and then I'll say why and you can say all of that.

17 MR. SHAW: I'll object to your attempt
18 to instruct the witness as to what he can or can't do
19 in response to a particular question, and you keep
20 trying to get him to say yes or no to certain
21 questions that are incapable of a fair yes-or-no
22 answer, and now you're telling him say yes or no and
23 then I'll ask you why and then you can elaborate.
24 The problem with all that, Ron, among everything else

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1 is I have no guarantee nor does anyone else that with
2 regard to the use of the deposition in this case or
3 in the attempt to use it in other cases that someone
4 is going to read all of it and not try to excerpt
5 it. And just have the wife beater argumentative:
6 Have you stopped beating your wife. Now answer that
7 yes or no. If you want to go ahead and explain that
8 answer, I'll let you as a follow-up, but then the
9 follow-up never gets read. It gets excised excised.
10 It gets lost in the shuffle or the other side has to
11 read the explanation in their case. And that's just
12 inappropriate. It's highly argumentative in nature.
13 That's it. That's my comment.

14 MR. COLLIER: Mr. Shaw, you'll always
15 be there defending Remington. You have always been
16 there. You'll be there in the future. I feel
17 confident that they're not going to treat you wrong.
18 BY MR. COLLIER:

19 Q. Back to the question, though, and I don't want
20 to be heated. We are here and our job is to be
21 deliberate and cautious and polite, and so I want to
22 phrase the question correctly. And the question I
23 want to phrase to you is: Wouldn't it be a safer
24 design, Mr. Linde, from the standpoint of safety for

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1 a rifle to be equipped with a safety which permits it
2 to be unloaded on safe than one which requires it to
3 be placed on fire to unload?

4 MR. SHAW: Same objection as to the
5 prior question.

6 THE WITNESS: I'm not trying to be
7 evasive with your question. What it really comes
8 down to if you take a look at everything that's
9 involved in the bolt-action rifle, either design can
10 be safe if it's done correctly. You can have a safe
11 rifle with a bolt lock. You can have a safe rifle
12 without a bolt lock. To say one is inherently safer
13 than the other, I have a problem with that.

14 BY MR. COLLIER:

15 Q. Don't you as a design engineer have to take
16 into account the use that ordinary mortals will make
17 of that rifle?

18 MR. SHAW: Objection. Argumentative.

19 THE WITNESS: That's right. You do
20 have to take the use of what the person -- what is
21 the use and what is the need of the person who's
22 going to buy the rifle.

23 BY MR. COLLIER:

24 Q. If there is one design which can be

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1 economically feasible to produce and is
2 technologically feasible to produce that is by itself
3 guaranteed to be more safe, shouldn't you use that
4 design?

5 MR. SHAW: Objection. Argumentative,
6 vague.

7 THE WITNESS: We tried to use the
8 safety design that we can.

9 BY MR. COLLIER:

10 Q. I'm going to tell you how David Keenum lost his
11 leg and ask you to consider the design feature and
12 how it applies. David Keenum according to our
13 petition had gone hunting and returned to a hunt and
14 his hunting partner and friend Bob Baker was
15 unloading his rifle and he placed his rifle on the
16 seat of the pickup. He had his left hand on the
17 stock in advance of the trigger assembly and because
18 you have to unload the rifle with the safety on fire,
19 he placed the safety on fire. He then put his hand
20 under the bolt and began to lift the bolt and the
21 weapon discharged. Now, question: If that safety
22 had been on, if your design for the Remington rifle
23 Model 700 had permitted it to be unloaded with the
24 safety on, could that accident have happened?

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1 MR. SHAW: I will object to that with
2 regard to the prologue which has improper
3 hypothetical and does not include all of the facts or
4 may not include all of the facts as the record might
5 still exist at trial with regard to the handling of
6 the firearm or what occurred. I also object to this
7 as argumentative and that it calls for a conclusion
8 and speculation on the part of this witness and to
9 the cause of the accident. I assume that's what
10 you're headed towards when he's not familiar with it
11 and you have just given him a two-sentence summary.

12 BY MR. COLLIER:

13 Q. Could you answer my question, please, based
14 upon --

15 A. You're just giving me certain facts. You're
16 not telling me what caused the rifle to discharge.
17 Why the rifle was pointed in that direction.

18 Q. We're getting to why the rifle discharged, but
19 first of all, no matter why the rifle discharged, if
20 you had had a design that would have permitted
21 unloading in the safe position, could it have
22 discharged?

23 A. I don't know because I don't know what
24 happened.

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1 Q. Based upon the facts, if you will assume them
2 to be those facts, I believe that you can answer the
3 question.

4 A. If there was a rifle -- a failure in the rifle,
5 depending on where the safety is at or whether the
6 safety is on or off, it ain't going to make any
7 difference. I don't know what caused the rifle to
8 discharge. You're telling me that all of a sudden
9 the rifle just went off by itself. Given that as the
10 basis, then, you want me to step back and say well,
11 whether the safety was on or off, it's going to make
12 a difference, isn't it? And I'm having a really hard
13 time saying okay, the rifle discharged for no
14 reason. If I had the safety on, it would have been
15 safer, wouldn't it? Do you understand where I'm
16 coming from?

17 Q. I am, and I want to ask you if there's anyone
18 other than yourself who was involved in the design
19 process at that time who would have been more of an
20 authority than I believe you to be on the safety
21 design and the effect of design of safety mechanisms
22 that could have been used in the Model 700.

23 MR. SHAW: That calls for him to
24 speculate, first of all, as to somebody else's

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1 qualifications. It may be an attempt to have him
2 qualify himself as an expert and when he's not being
3 tendered as such at this point in this case and has
4 not been listed as such.

5 THE WITNESS: What time frame are you
6 talking about?

7 BY MR. COLLIER:

8 Q. I'm talking about from 1975 until 1979. That's
9 where we're breached in our little progress thus
10 far.

11 A. And the question is: Was there somebody else
12 more qualified than myself?

13 Q. Yes.

14 A. Is that right?

15 Q. Yes, that's right.

16 A. Well, I guess the only thing I would say is
17 that in the research and design area, R & D area as
18 you call it, there are a number of people that have
19 owned firearms. You have showed me Mike Walker had
20 been involved in the 700, Leek had been involved in
21 the 700, Clark Martin had been involved. So the
22 consensus and design is not just one person. You're
23 getting input from a number of people. So there's a
24 number of people involved. And design, you involve

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1 all the marketing people on what the customer's needs
2 are. You involve the manufacturing people to make
3 sure they can be made consistently and accurately,
4 correctly.

5 Q. Well --

6 A. I'm just having a problem with your logic
7 because when it comes to safety, I would say that the
8 Remington-DuPont organization is one of the most
9 safety-conscious in the world, so I don't think that
10 from a safety standpoint safety is a very important
11 consideration. Now, that's my answer.

12 Q. The answer, as I understand it -- and maybe I
13 don't know. Was the answer yes or was the answer no
14 as to whether or not a safety design that would
15 permit unloading in the safe position is better than
16 one that requires unloading in the fire position?

17 MR. SHAW: Same objections, and I think
18 it's been asked and answered. You can read the
19 record back. I won't attempt to characterize what he
20 said. I have my own recollection.

21 THE WITNESS: I think I went through
22 and described -- you're telling me that the rifle
23 fired inadvertently for no reason and then you come
24 back and say if the gun was on safe, would it be

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1 inherently more safe than it would if in the fire
2 position. I really can't say.

3 BY MR. COLLIER:

4 Q. I suppose, then, -that that's the basis for the
5 retension by Remington of the bolt lock even in face
6 of the reports of firing in connection with
7 unloadings?

8 MR. SHAW: Objection. That's
9 argumentative and misleading.

10 THE WITNESS: You're going from one
11 situation that you're describing to the universe.

12 BY MR. COLLIER:

13 Q. Have you read the gun examiner reports that
14 were referred to in the original report and the gun
15 exam reports since then of complaints of what happens
16 in the field --?

17 MR. SHAW: Objection.

18 BY MR. COLLIER:

19 Q. -- involving Model 700 discharges where there's
20 a discharge where it's alleged no one touched the
21 trigger?

22 MR. SHAW: Objection. First of all,
23 it's vague. You're saying the report and then the
24 reports attached to it. No foundation laid that this

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1 witness reviewed or has reviewed these gun
2 examination reports that are undescribed. And then
3 also objectionable, argumentative, and misleading
4 when you say among other things that there were
5 reports of occurrences in the field as opposed to
6 claims which Remington then investigated.

7 BY MR. COLLIER:

8 Q. The question was: Do you know about -- and
9 it's really designed to get to: Do you know about
10 the incidences of claims of accidental discharges
11 involving unloading?

12 MR. SHAW: Objection as stated to the
13 prior question.

14 THE WITNESS: I have read reports from
15 the field, yes.

16 BY MR. COLLIER:

17 Q. Don't you think it's a significant number of
18 claims that the unloading and the claims of
19 accidental discharge are associated or connected to
20 the unloading of the rifle at the end of the day?

21 MR. SHAW: Objection.

22 BY MR. COLLIER:

23 Q. Or whenever.

24 MR. SHAW: Vague. Ambiguous.

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1 THE WITNESS: Answer that by saying
2 when you're saying about incidents that you're going
3 to have with the rifle, the normal time that you
4 would have any kind of incidents would be either in
5 the loading or unloading. That's when you are
6 putting ammunition in the rifle or taking ammunition
7 out of the rifle. That's when you're manipulating
8 the mechanism. So if the rifle is just setting there
9 not doing anything, you wouldn't expect much of a
10 rifle at that point

11 BY MR. COLLIER:

12 Q. Of course, when you're hunting you're carrying
13 the rifle. But when you're unloading and when you're
14 loading, that is particularly a critical time.

15 A. No. You can't say that. A rifle -- you have
16 to say all time is critical time. There's not one
17 time more critical than the other.

18 Q. I thought I was almost agreeing with you for a
19 moment there.

20 A. The only thing I'm saying, this is a question
21 not only of exposure.

22 Q. Now the exposure, then, and the danger to
23 individuals, couldn't it have been markedly lessened
24 if at the time that the gun owner or gun handler was

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1 called upon to either unload or load, if he could
2 have have done so with the rifle on safe?

3 MR. SHAW: Let me hear that back.

4 (The reporter read from the record
5 as requested.)

6 MR. SHAW: Objection. Argumentative,
7 calls for speculation, inadequate factors, I guess,
8 with regard to what is essentially a hypothetical.

9 THE WITNESS: I have a hard time with
10 your question

11 BY MR. COLLIER:

12 Q. The question is not any good if it's not going
13 to be a difficult answer as well. The question has
14 to be incisive.

15 A. I have to draw a conclusion based on your
16 question, so what I'm doing is I put the boundries
17 around it in my mind and then you take it and you use
18 your boundries. So I end up answering a question
19 with the boundries I place around it and then you use
20 it any way you want. I just have a hard time with
21 understanding. Like if I understand your boundries,
22 you're automatically assuming that there's something
23 wrong. Then you say if the thing is on safe,
24 whatever is wrong is going to make it better. If you

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1 put the boundry that there's nothing wrong and that
2 people treat a rifle as a rifle, you come to an
3 altogether different conclusion.

4 Q. Then, Mr. Linde, perhaps you are the person
5 that came up with the idea that the solution to all
6 this was don't worry about fire control, just tell
7 everyone point the gun somewhere else.

8 MR. SHAW: I object to that as
9 argumentative and misleading and a
10 mischaracterization. I don't think there's anything
11 in this record, Ron, that says one way or another
12 using your phrase, "don't worry about that." There's
13 nothing that reflects that there was not an attention
14 to design, that there was not an attention to
15 improvements in one aspect or another, and my
16 understanding is you have got a problem apparently
17 with advising people to heed safe gun handling
18 practices, but your attempt to characterize that as
19 something nasty is agrumentative, and you can make
20 your argument to the jury and not to this witness in
21 your questions.

22 THE WITNESS: I believe that whether
23 it's seat belts or whether it's safe gun handling,
24 that that should be repeated again and again and

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1 again, and that safe gun handling has been for
2 hundreds of years in so keeping this thing that I
3 come up with the standpoint of keeping the gun
4 pointed in a safe direction, up, and I know that
5 that's been around for hundreds of years. That makes
6 sense and it makes sense for any safety for any
7 mechanism. It's just make sense. Don't put me under
8 that. That's really kind of a poor presentation.

9 BY MR. COLLIER:

10 Q. It's terrible if I can't answer what seems
11 self-evident, isn't it? I'm not really here to
12 answer questions.

13 Let me ask you these, what I thought
14 were, self-evident questions again. If you can
15 answer those questions, either one of them that I
16 have asked before.

17 A. I forget the -- I have given you the answers to
18 your last two questions.

19 Q. I'm going to say that you must have, but I
20 couldn't remember them. Let me ask you: Are these
21 the first time these questions that have been asked,
22 have ever been asked of you or haven't you -- let me
23 ask you that.

24 MR. SHAW: You know that's all for him

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1 to speculate. Let's strike all that.

2 BY MR. COLLIER:

3 Q. You have testified in prior cases on several
4 occasions, have you not?

5 A. Yes, I have.

6 Q. Would it be more than or less than five?

7 MR. SHAW: You're just talking about
8 all types of cases?

9 MR. COLLIER: No. We're talking about
10 Remington Model 700 discharges where it's claimed
11 that no one touched the trigger.

12 MR. SHAW: That's what you're talking
13 about. We have a standing objection that that's an
14 over-broad characterization and I object to this line
15 of inquiry as irrelevant.

16 THE WITNESS: I don't know if it would
17 be less than or equal to five, but it's probably
18 right around that number.

19 BY MR. COLLIER:

20 Q. By "testifying" that doesn't mean in court
21 necessarily; it would mean by deposition as well?

22 A. That's what I'm saying.

23 Q. And when you have testified before, haven't you
24 been submitted the very same documents that I have

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1 submitted to you here today?

2 MR. SHAW: That calls for him to
3 remember what's been done in every deposition.
4 There's an improper identification of whatever
5 documents you're talking about or what may have been
6 in other cases presented to him.

7 BY MR. COLLIER:

8 Q. If you can answer. Perhaps you can't.

9 A. I can't answer that. I don't know if it's
10 exactly the same.

11 Q. In large part, aren't the same documents gone
12 through with you?

13 MR. SHAW: I'll object to that as
14 vague. A lot of them you handed to him today he
15 wasn't sure whether he had seen before. Just I don't
16 know where you're headed on this.

17 BY MR. COLLIER:

18 Q. I wanted to explain that, for the most part,
19 you have seen most of -- strike that. You have seen
20 most of these documents at a prior time and had an
21 opportunity to examine them and know that they are
22 going to be critical and determinations made, haven't
23 you?

24 MR. SHAW: I object to that insofar as

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1 you're trying to invade, in part, attorney/client
2 privilege or work product doctrine with regard to
3 what he may have reviewed in other cases. If that's
4 what you're trying to get at --

5 MR. COLLIER: That's no invasion of
6 attorney/client if he's seen a document that's a
7 Remington document.

8 MR. SHAW: It may be an invasion of the
9 work product ruling.

10 THE WITNESS: I have answered
11 specifically each document that you have presented
12 me. I have answered my knowledge on the document as
13 you asked me today. Now what you're doing is you're
14 saying in summary, you summarize what I have said
15 about each document. I have told you the ones about
16 that I definitely have seen. I told you the ones
17 that I have probably seen. I told you the ones I
18 have no knowledge on. I told you everything to
19 answer your question.

20 BY MR. COLLIER:

21 Q. Good enough. Have you personally ever
22 experienced a discharge where you did not touch the
23 trigger?

24 A. Yes, I have.

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1 Q. Did it involve a Remington Model 700 rifle?

2 A. No, it never.

3 Q. Did it involve a Remington rifle at all?

4 A. No, it never.

5 Q. When the discharge occurred did you somehow --
6 had you touched the trigger, do you know?

7 MR. SHAW: This is highly vague,
8 ambiguous, and irrelevant.

9 THE WITNESS: Yes, I had.

10 BY MR. COLLIER:

11 Q. You think you had. That explains it. That --
12 actually, my question should have been answered the
13 other way and was designed where no one had touched
14 the trigger, and if, indeed, you had touched the
15 trigger and the answer would be that you hadn't
16 experienced a firing without someone touching the
17 trigger I would assume. Is that what you're saying,
18 you probably did touch the trigger?

19 A. I said I touched the trigger.

20 Q. I hand you what's been marked product document
21 No. 9. It appears to be minute No. 9, Model 700 bolt
22 lock, 1981 introduction. I hand it to you and ask
23 you if you are familiar with that minute.

24 A. Again, it appears to be an operations committee

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1 minute.

2 Q. Again, isn't it discussing a design of a Model
3 700 bolt lock?

4 MR. SHAW: Let me see it and the
5 witness may need to see it again before he talks
6 about that characterization.

7 THE WITNESS: Yes, it's a bolt lock.

8 BY MR. COLLIER:

9 Q. So that we can more accurately ask you
10 questions referring to the attempts to design a
11 change of the bolt lock, you were in Research &
12 Development in 1975 when this allegation and claims
13 of accidental discharge first surfaced. Did you
14 continue -- or for how long a time did you continue
15 in Research & Development after 1975?

16 A. As I was telling you this morning when you
17 asked me, I'm not sure. It was like through '78 or
18 through '79. I'm not sure.

19 Q. From there where did you go?

20 A. I went to PE & C superintendent which was --
21 you asked me what my last job was at Remington.

22 Q. PE & C again is?

23 A. Process Engineering & Control.

24 Q. And control. And so that would you tell us

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1 what Process Engineering & Control does.

2 A. It's the group that takes the designs from
3 research and tools these designs -- every part has to
4 have the cuts made, the cutters, gauges, the fixtures
5 to hold the part, the process to establish and how
6 you're going to do that. So it's taking new designs,
7 processing the new designs, and developing the
8 capabilities for the plant to manufacture the new
9 designs.

10 Q. As I understand it, then, from 1975 down to
11 1978 you may have had a part in working on the design
12 of the firing mechanism but after that your job would
13 have been to have actually put the design into
14 application in making parts and so forth?

15 A. That's right.

16 Q. If you were to have received any of the
17 operations committee minutes, it would have been with
18 an eye of keeping track on the designs, and, for
19 instance -- this is going to fit right in. I have
20 here or maybe this is the one I just got through
21 handing you. I don't know. 1981 introduction of the
22 Model 700 bolt lock and it says that the plans have
23 been forwarded to Process Engineering for cost
24 estimate. They're requesting marketing approval to

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1 transmit the design. Explain that potential
2 appearance change should not affect the cost, and so
3 that your job here, were you head, then, of Process
4 Engineering & Control?

5 A. Yes, I was.

6 Q. You would have been the man who would have said
7 give me those designs so we can come up with the
8 costs?

9 A. That's right.

10 Q. And we're talking, again, about the bolt lock
11 at this time?

12 (Discussion off the record.)

13 (A brief recess was taken.)

14 MR. SHAW: Let the record reflect that
15 at some point the tape or a portion of Mr. Linde's
16 deposition apparently lapsed unbeknownst to counsel
17 for the plaintiff, and we have a gap of undetermined
18 length in the tape, although the written transcript
19 proceeded, and this is yet another reason why we
20 object to the videotape procedure because of
21 necessity is going to be disjointed and full of gaps,
22 notwithstanding the good efforts of Mr. Collier.

23 MR. COLLIER: For that reason and after
24 a recess to put in the tape, change the tape, I'm

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1 going back to the point where I found the tape had
2 run out and ask the questions there again.

3 THE WITNESS: How would you know when
4 the tape ran out?

5 MR. COLLIER: I rewound it and reviewed
6 it. You can just look in the viewfinder.

7 MR. SHAW: I am going to object to your
8 doing this, Ron, and I'm on the verge of instructing
9 him not to answer if you're just going back through
10 for purposes of this movie you're making on questions
11 that have been asked and answered and are on the
12 written transcript as asked and as answered because
13 it's disconcerting to you, but it's not our fault
14 that there was a gap in the tape, and for you to try
15 to get two bites out of the same apple on the same
16 question I think is an abuse of the procedure just so
17 you can video it again.

18 BY MR. COLLIER:

19 Q. My question just prior to the end of the tape
20 asks you if you had made any review of prior
21 complaints and reports, and I think we have decided
22 that "complaints" is the right term, where there was
23 an allegation made of a rifle discharging without
24 anyone touching the trigger. And particularly that

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1 was in regard to the study or evaluation of the
2 trigger mechanism that was instituted sometime in the
3 early part of 1975.

4 MR. SHAW: Is that a statement?

5 MR. COLLIER: That was a question if he
6 had done that to look at the types of reports,
7 complaints coming out of the field.

8 MR. SHAW: That was a question that has
9 already been asked and answered before, is that it?

10 MR. COLLIER: I believe so. I
11 attempted to ask it similarly at least. I didn't ask
12 it exactly that way.

13 MR. SHAW: Let me hear it back. It
14 would seem what we should have done over break is for
15 you to find the questions and answers that were off
16 the tape and maybe we would all have the benefit of
17 the questions and answers as previously stated.
18 Almost like we're rehearsing this or something and
19 you want it again just for the tape.

20 THE WITNESS: I really don't -- we
21 don't have to go through it again just for the tape.

22 MR. COLLIER: No, we don't.

23 THE WITNESS: Let's move ahead. Go
24 ahead on to your next -- let's get on with it.

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1 MR. COLLIER: Counsel, any objection to
2 doing it that way?

3 MR. SHAW: To getting on with it?

4 MR. COLLIER: Yes.

5 MR. SHAW: I would like to.

6 MR. COLLIER: Is there going to be a
7 claim, then, when we want to use the tape that the
8 tape leaves out something, because obviously, we
9 won't be presenting that if it's only on the written
10 record?

11 MR. SHAW: My claim will be what it
12 is. We're at loggerheads on this, and this may be
13 neither of our fault. It's certainly more your fault
14 than mine because you brought the tape in and didn't
15 have a videotape reporter this time like you did last
16 time. I didn't look at the tape, Ron. I don't know
17 what was asked and what was answered in the
18 transcript and not on the tape. I don't know if you
19 have picked your two best questions and you didn't
20 like the answers, and I'm certainly not suggesting
21 that because it's true because I have no reason to
22 doubt you, but it's just a concern that you're
23 picking up and going back on certain questions, and
24 there may be an inconsistency. Then what have I

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1 got? I have got a confused record.

2 BY MR. COLLIER:

3 Q. Mr. Linde, at any time have you had an
4 opportunity to review the number of complaints of
5 accidental firings of Model 700 rifles where it is
6 alleged that the rifle fired without anyone touching
7 the trigger?

8 MR. SHAW: Objection. Over-broad and
9 vague.

10 THE WITNESS: I have read reports, I
11 have read complaints.

12 BY MR. COLLIER:

13 Q. I'm handing you now what's been marked
14 Plaintiff's Exhibit No. 46 that is headed at the top,
15 "The following are complaints that have been received
16 on accidental firings for the M/700," and I'd ask you
17 to take a look at that, please, and determine whether
18 or not these are names and addresses of individuals
19 that Remington has received complaints from alleging
20 accidental firings of the Model 700 Remington rifle.

21 MR. SHAW: Objection. No foundation
22 with regard to this witness that he has any
23 competency with regard to this document that you have
24 handed him and you're calling for him to speculate.

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1 And you have shown this to at least one or two other
2 witnesses who were unable to identify it, as I
3 recall.

4 MR. COLLIER: I'm still searching for
5 someone to identify this as a record that was within
6 Remington of which Remington employees had notice or
7 in the alternative that they see those names and they
8 recognize them as those individuals having
9 complaints, making complaints of accidental firings.

10 THE WITNESS: Well, I have a problem
11 with this. On the other documents you have given me
12 I can clearly identify the form. Maybe I don't
13 understand the information, but the form that is on
14 and everything, you know, it's definitely our forms
15 and how we do things. This is just a list of people
16 with their address, and this might be something that
17 the people in Remington have produced or developed or
18 whatever, but as far as me testifying to you that
19 this is an official Remington document, there's no
20 way I can do that.

21 BY MR. COLLIER:

22 Q. I understand that and I appreciate it, and I'm
23 putting the Plaintiff's Exhibit No. 46 back in its
24 packet, which it's also referred to as document

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1 No. 33, and I'll hand it over here.

2 I'm handing you now what's been
3 identified as document No. 11 which is dated July 27,
4 1981, and ask you to refer to this document as it
5 relates to the Model 700 bolt lock.

6 A. What is your question?

7 Q. My question is: So that the jury will know
8 what the document says as it refers to the Model 700
9 bolt lock, I ask you to read that paragraph, please.

10 A. "Model 700 bolt lock. Chairman ask that
11 production and Research & Development implement a
12 schedule for eliminating the bolt lock from the Model
13 700 safety assembly. He indicated it that the
14 schedule should be based on a flying transition."

15 Q. Could you tell me, then, who the chairman would
16 have been that is referred to?

17 MR. SHAW: If you know.

18 THE WITNESS: I can only speculate.

19 BY MR. COLLIER:

20 Q. Would it have been the operations committee
21 chairman?

22 A. Yes, right.

23 Q. I don't mean the person.

24 A. I thought you meant the person.

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1 Q. Tell me what a flying transition might be.

2 That sounds exciting.

3 A. That would be the -- you would implement it as
4 the parts became available.

5 Q. So that you would keep the processing of
6 production and when the parts arrived you would
7 intersperse them or start using them at that time; is
8 that correct?

9 A. Once you had all the new parts in place and
10 were ready to go, you would go and proceed ahead with
11 the new design.

12 Q. And this is dated July 27, 1981, and you were
13 at that time head of Process Engineering & Control,
14 were you not?

15 A. That's right.

16 Q. I hand you what has been marked for
17 identification purposes document No. 12 and ask you
18 to refer to that document as it relates to the Model
19 700 bolt lock.

20 THE WITNESS: Would you like to look at
21 that?

22 BY MR. COLLIER:

23 Q. Would you read the reference to the Model 700
24 bolt lock as contained in this memorandum.

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1 A. "Model 700 bolt lock. Production reported that
2 plans had been finalized to delete the bolt lock from
3 the Model 700 fire control. Research will transmit
4 the drawings by October 16. Vendor samples of the
5 new safety lever will be available by the end of
6 November. Production quantities will be available
7 from the vendor by mid-December. Marketing noted
8 that the bolt lock is to be phased out of the Model
9 700 line in order to simplify unloading. Because it
10 is a change in process only, it will not affect
11 currently in the warehouse or guns received for
12 repair. Chairman directed that the product safety
13 committee should review the owner's manual and that
14 the changes" -- "and that the change be implemented
15 in December."

16 Q. To your recollection, was that the way the bolt
17 lock came to be deleted from the Model 700 fire
18 control system?

19 MR. SHAW: Objection. Vague.

20 THE WITNESS: Yes, I would say so.

21 BY MR. COLLIER:

22 Q. I hand you what has been identified as document
23 No. 13 and ask you if you can identify this as a
24 Remington document, and please refer to that portion

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1 of the document that refers to Model 700 bolt lock
2 deletion.

3 While your counsel examines that, were
4 you able to identify that as an operations committee
5 minute?

6 A. It appears to be.

7 MR. SHAW: Or a portion thereof.

8 MR. COLLIER: Portion thereof.

9 BY MR. COLLIER:

10 Q. Would you please read the operations committee
11 minute as it relates to the bolted lock for the Model
12 700 Remington rifle.

13 A. Just a question on that. Wouldn't it be easier
14 just that -- you have this as evidence already. I'm
15 just wondering why I'm reading all this.

16 Q. This is so the jury individually will not have
17 to read them as they pass it around and then not be
18 able to listen to the witness that's currently on the
19 stand. So this way we all hear the same thing at the
20 same time and then the discussion, if any, that I'm
21 going to engender by reason of the --

22 A. I'm just wondering why I was reading it. Why
23 am I reading it?

24 Q. You're the only reader we have today. We only

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1 have this witness, and you being the person actually
2 who implemented this change, I think you are the
3 appropriate one.

4 A. "Model 700 bolt lock deletion. Production
5 reported that the initial sample of safety levers
6 from the vendors new tooling was rejected from whole
7 size and cam position. New samples are expected by
8 February 12. Production shipments will begin two to
9 four weeks after sample approval. About 10,000
10 old-style safety levers have been modified by the
11 vendor. The modification involves clipping the
12 safety arm to a new shorter dimension. Another
13 10,000 will be modified by mid-February. As soon as
14 sample parts from new production tooling have been
15 approved, the change will be implemented using the
16 modified safeties on hand. Research will test the
17 sample from the first production lot. The chairman
18 noted that further discussion is required to
19 determine how to handle the transition and subsequent
20 customer repairs. Chairman also pointed out that the
21 bolt locks would be deleted from other bolt-action
22 rifles as well."

23 Q. This is dated February 10, 1982, is it not?

24 A. Yes, it is.

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1 Q. And would it be fair to say that, from 1975,
2 when the Research & Development arm of Remington
3 started out to study the firing mechanism, that the
4 bolt lock on the Model 700 remained there until this
5 date, February 10, 1982?

6 MR. SHAW: Objection to the form and in
7 that it is misleading when you say in 1975 when
8 Research began to study the firing mechanism. I
9 think the witness has said that Research is always
10 studying firing mechanisms. If you just want to ask
11 him from 1975 to 1982 the Model 700 had a bolt lock,
12 I think that might be -- might cure my objection.
13 You probably better ask it.

14 BY MR. COLLIER:

15 Q. I want to ask his question. Can you answer his
16 question?

17 A. The Model 700 had a bolted lock from the time
18 it was introduced until 1982.

19 Q. During that period of time wasn't it under
20 study by Research & Development to come up either
21 with a different design or to somehow change the bolt
22 lock feature?

23 MR. SHAW: Objection. Over-broad and
24 vague.

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1 THE WITNESS: The bolt lock was
2 investigated in that time frame.

3 BY MR. COLLIER:.

4 Q. Wasn't the final decision, then, what amounted
5 to cut off the bolt lock arm on the safety?

6 A. No. You could draw that conclusion from that
7 minute, but it was more involved than that.

8 Q. Well, am I categorizing it wrong? My reading
9 of it was that, to eliminate the bolt lock on the
10 safety, all you did was take the safety and it had an
11 arm on the safety that interlocked with the trigger
12 mechanism to provide the lock and that was called the
13 lock arm, bolt lock arm; is that correct?

14 MR. SHAW: That's vague.

15 THE WITNESS: The bolt lock arm is what
16 locks the bolt. What I'm saying it was more
17 involved, though, than just taking that arm off.

18 BY MR. COLLIER:

19 Q. How was it more involved eventually or from the
20 first for that matter?

21 A. I can't remember all the details, but there's a
22 cut like that goes up in the receiver that had to be
23 modified. How the arm is modified, the safeties that
24 they were talking about that were sent back and that

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1 were modified, they were safeties that -- arms that
2 were soft, that is never been heat-treated or
3 processed. So they were in such a stage in the
4 development that they could be taken back because
5 they were soft and reworked. So what I'm trying to
6 do is draw a separation that you just can't take a
7 700 with a hard bolt lever and accomplish the same
8 thing that we accomplish with the design change.
9 There was more involved to it.

10 Q. But it is fair to say, isn't it, that the
11 design change was to cut off the bolt lock arm?

12 A. The bolt lock projection was changed so it did
13 not get into the bolt.

14 Q. And that was, I would think, both a fairly
15 economically and technologically easy thing to do.

16 A. Economically I would say that it wouldn't be no
17 difference.

18 Q. No cost, and technologically?

19 A. Technologically it could be done, sure.

20 Q. I hand you what has been identified at a prior
21 time as document No. 69 and ask you if you can
22 identify this, please.

23 MR. SHAW: Before you respond,
24 Mr. Linde, if I could see the document.

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1 BY MR. COLLIER:

2 Q. Mr. Linde, does this document notify the firm's
3 Research Division that you have received in the
4 manufacturing plant some trigger connectors which are
5 out of specs?

6 A. No.

7 Q. It does not?

8 A. No, it does not.

9 Q. What does it say?

10 A. It says that -- this is a document describing a
11 test of some material. Our vendor had material that
12 was, as it says here, one to three thousandths -- the
13 vendor has some material which was one to three
14 thousandths out of specification and is smaller and
15 that is the only material they had and they requested
16 us to take a look at it and see if they could -- that
17 they could make parts out of this material and we
18 said we will not let you make any parts out of that
19 material. We don't want any parts unless we can go
20 through and thoroughly test it and see if it does not
21 meet safety and reliability of our rifle. What we
22 did is we went through and ran this test to verify
23 that we could use this material. Then we used the
24 material until we got the other material and verified

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1 it and all the parts were also verified that they
2 were ran out of this material and then we kept a
3 record of which guns were made of this material.

4 Q. Does that mean that these trigger connectors
5 were slightly different in specification than others
6 that you had?

7 A. That's right.

8 Q. Now, if you have a different size or
9 specification on your trigger connector, does that,
10 then, affect the interrelationship of the parts in
11 the trigger firing mechanism?

12 MR. SHAW: Objection. Vague and
13 ambiguous. He's told you what the tests were with
14 regard to these particular connectors I believe. And
15 I'm not sure what you mean by "interrelationship."

16 MR. COLLIER: I'm talking particularly
17 in this case of the -- and in all cases with the sear
18 trigger connector engagement.

19 THE WITNESS: Yes, but you have to
20 understand that there isn't just one flexion on a
21 sear, the one flexion on a connector. There's many
22 dimensions on the trigger connector and there's many
23 dimensions on the sear. You're asking me if some of
24 the dimensions are different than specification and

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1 how big an impact that's going to make. I can't
2 tell. I don't know the order of magnitude of the
3 changes you're talking about or which dimensions
4 you're talking about.

5 BY MR. COLLIER:

6 Q. If you have some specific specification
7 differences, won't this have an impact upon tolerance
8 buildup that would be different from the --

9 A. It depends upon the dimension and depends upon
10 what part and where it sat on the part.

11 Q. And then finally what we have, then, is in
12 testing sear trigger connector engagement, it comes
13 down to eyeball, doesn't it?

14 A. Sear connector engagement, eyeball.

15 Q. Yes.

16 A. No.

17 Q. Isn't the way you finally test the engagement
18 when you put out the rifle is by viewing through the
19 view hole and putting up on a magnifier the
20 relationship between the trigger connector and the
21 sear?

22 MR. SHAW: I'll object to that. First
23 of all, it's misleading and it may be a
24 misstatement. Vague. I don't know what you mean by

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1 "test." Do you mean measure what that dimension is?
2 Do you mean test the adequacy of the engagement,
3 which is something altogether different, or what?

4 MR. COLLIER: I like my question. I
5 think it's clear. If it's not clear I'll at least
6 want to listen to it first.

7 BY MR. COLLIER:

8 Q. First, can the witness understand my question?

9 A. I believe I do, yes.

10 Q. And what is your answer?

11 A. My answer is that that way of measuring is
12 very, very exact. It's probably one of the most
13 exact ways that you can measure the relationship
14 between two parts, and it also measures it to very
15 fine details so the accuracy of the measurement is
16 very good.

17 Q. What I'm saying, then, so that I don't
18 misunderstand is that: Is the way you determine
19 whether the engagement between the trigger connector
20 and the sear is correct is you use an optical
21 enlarger? And I can't remember its exact name.

22 A. Optical comparator.

23 Q. It magnifies it 10 times; is that correct?

24 A. It does on this case I believe.

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1 Q. And then a person looks at that optical
2 comparator and determines whether or not the
3 engagement is proper?

4 A. That's correct.

5 Q. And that is a person who's on the process
6 line?

7 A. Yes, it is.

8 Q. And that person is paid determined on how much
9 of this he does so that if he can do more than 100
10 percent of what he should do, he'll get paid more
11 than 100 percent, won't he?

12 A. No.

13 MR. SHAW: I'll object to that as
14 argumentative, misleading, and there is no evidence
15 in this case that I understand that there is any
16 complaint whatsoever, Mr. Collier, about the
17 engagement in this fire control that was in the rifle
18 that Bob Baker shot Mr. Keenum with that has thirty
19 thousandths engagement.

20 MR. COLLIER: The question, though,
21 comes in this case as to a review of how this is
22 determined. And so the determination here as to how
23 much engagement is concerned, whether it be too much
24 or too little, I'm going to ask, though, if it's not

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1 the job of the man who views the optical comparator
2 to look at it and determine whether it's right or
3 not.

4 MR. SHAW: I think he's told you that.

5 BY MR. COLLIER:

6 Q. And he's paid, isn't he, on the basis of what
7 percentage of his work he can do and if he can dole
8 up to 130 percent of his work on a quota system,
9 he'll be 130 percent --.

10 MR. SHAW: I'll object to that.

11 THE WITNESS: What you're doing is
12 you're misleading from the standpoint that he is paid
13 for a certain incentive. The incentive is limited.
14 So the jobs are set up so that he can make 130
15 percent so the expectancy -- or the expectancy is 130
16 percent. So he's paid for really what he does. If
17 he doesn't make as many as what he's paid for, that's
18 right, he's not paid. But the job is phased for him
19 making 130 percent so he has adequate time to look at
20 every one and make sure that every one is right.

21 BY MR. COLLIER:

22 Q. You mean the job is not based at 100 percent?

23 A. The job is really based on 130 percent. We
24 expect the operator to make 130 percent.

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1 Q. And you don't think that would affect their
2 performance level any?

3 A. Well, that's what the job is set up on. It's
4 set up on 130 percent.

5 Q. So I suppose if your time-and-motion person
6 what you're supposed to be able to acquire, that's be
7 able to achieve and that's 100 percent and then you
8 set this job for?

9 A. No. That's not what I said. I said the
10 time-and-motion person would set that -- establish
11 that job so on eight hours he can make 130 percent.

12 Q. You're saying --

13 A. It's the other way. What I'm saying is if he
14 doesn't make 130 percent, then we don't pay him. But
15 what we expect -- our expectancy is that he makes 130
16 percent and then we do everything we can and he does
17 everything he can to make 130 percent.

18 Q. That's true with everyone in the process of
19 manufacturing, is it not?

20 A. It was not true with everyone. Some jobs are
21 not -- were not set up on that incentive.

22 Q. Your job was not on that basis because you
23 can't think 130 percent I wouldn't think. You can't
24 do that, can you?

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1 A. It depends upon the job.

2 MR. SHAW: I'm not sure the record's
3 clear as to what time frame you're talking about,
4 whether this was done in 1981 when the Keenum rifle
5 was manufactured -- or excuse me, the Baker rifle was
6 manufactured. I'm not sure the witness has that
7 recall.

8 THE WITNESS: In fact, I don't know
9 what kind of a system they have on that job. I'm
10 just saying that our general system and I'm
11 describing what our general system was.

12 MR. SHAW: For purposes of clarity of
13 the record, then, Mr. Linde, are you saying that for
14 sure that the individual that employs the comparator
15 to check the trigger engagement measurement is on an
16 incentive program or ever was or was in 1981?

17 THE WITNESS: I don't really know.

18 BY MR. COLLIER:

19 Q. You can't tell us today if that 130 percent
20 expectancy was in effect in 1981?

21 A. No, but I'm just telling you that's how the
22 jobs are set up. The job is not set up on 100
23 percent. You expect the person to rush the job. The
24 job is really set up on 130 percent.

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1 Q. Another thing you do with the connector, you
2 take a gauge and insert the gauge between the
3 connector and the trigger?

4 MR. SHAW: At what point in time?

5 BY MR. COLLIER:

6 Q. In the final assembly of the trigger and the
7 trigger connector, the tolerance is determined by a
8 gauge between the trigger and the trigger connector,
9 isn't it?

10 MR. SHAW: If you recall at what stage
11 and what I meant by what time, again, you're
12 referring to when this rifle was manufactured in
13 1981?

14 MR. COLLIER: 1981.

15 THE WITNESS: 1981. What you're asking
16 is do we check with some way the clearance between
17 the trigger and trigger connector?

18 BY MR. COLLIER:

19 Q. Yes.

20 A. Yes. I believe so.

21 Q. The person who does that inserts the gauge, do
22 they not?

23 A. That's right.

24 Q. And he's inserting this gauge and making that

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1 determination again based upon his ability to do it
2 at whatever rate, but if he does it at less than 130
3 percent, he's going to be paid less.

4 MR. SHAW: No.

5 MR. COLLIER: I thought that's what he
6 said.

7 MR. SHAW: I think where we got to is
8 he has described to you his understanding of the
9 incentive program, and he is not sure at this point
10 to which employees within the assembly process it
11 would apply. I think the record is now -- and I ask
12 to be corrected because I want your record to be
13 clear, Mr. Collier, but it's my understanding that
14 Mr. Linde could not recall whether the individual
15 that makes use of the comparator is on this incentive
16 program for his job, and now you're not only assuming
17 that but you're asking him isn't it also true with
18 regard to the individual to the extent it may be a
19 different individual that operates or uses the shim
20 or feeler gauge to check the clearance between the
21 trigger and the connector.

22 MR. COLLIER: I think that's true. I'm
23 asking about that --

24 MR. SHAW: Your question assume whens

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1 you said "also" or "likewise."

2 MR. COLLIER: That's true.

3 BY MR. COLLIER:

4 Q. Does the same person who views the trigger
5 connector sear engagement also use the shim to
6 determine the amount of tolerance between the trigger
7 and the trigger connector?

8 A. I believe so.

9 Q. So he does both of those jobs?

10 A. I would think so.

11 Q. Does he do all of the testing of the
12 tolerances, then, on the trigger assembly?

13 A. Yes, he would.

14 Q. That one man, we're going to have to depend on
15 him being able to do his work and you don't know
16 whether or not the rule was in effect, but from all
17 indication is that his job is set up on his ability
18 to do 130 percent?

19 MR. SHAW: No. That's not what he
20 said.

21 THE WITNESS: What I'm saying is the
22 basis is that he should be able to do 130 percent in
23 a day.

24 MR. SHAW: Mr. Linde, though, the

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1 question is and what we're trying to clarify is: Do
2 you know that in 1981 when the rifle was
3 manufactured, which is the subject of this case, that
4 that individual was on this incentive program?

5 THE WITNESS: Yes. I do not know if he
6 was on the incentive or not. But the distinction
7 that I was trying to put over that the incentive
8 system is not an unlimited incentive system. Every
9 job is set up so the person can earn 130 percent. If
10 he doesn't earn what the job is set up for, then his
11 salary will be adjusted accordingly. What I'm trying
12 to get across is that we're not asking anybody to
13 rush and work faster. What we're asking them to do
14 is do a fair day's job for a fair day's pay. If they
15 don't do a fair day's job, then we have a procedure
16 to reduce their pay. You see what I'm trying to say
17 here? If we're not sensitive, the question is we
18 still get good work.

19 BY MR. COLLIER:

20 Q. Let's say that Mr. optical comparator and shim
21 operator comes in on a day when he feels badly. He's
22 not well. And he is not moving as fast as he would
23 ordinarily move and he puts out 100 percent by
24 straining. He's going to be paid then less than, is

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1 he not?

2 A. No.

3 MR. SHAW: I object to that line of
4 inquiry. That question calls for speculation. It's
5 argumentative and suggestive, and I should have been
6 headed to the airport by now. If this is the kind of
7 questions you're going to get into whether someone
8 has a headache some day or something and whether that
9 may or may not have affected their performance --

10 THE WITNESS: The performance is judged
11 over a time frame, and I can't remember what the time
12 frame is. It's like one week or two weeks just for
13 this type of situation. So if everything goes good,
14 they're really up and he makes a few additional parts
15 one day or does a few additional assemblies, okay, he
16 has done that. The next day he comes in and doesn't
17 feel well and he goes along at a slower pace, fine.
18 It's an average taken over a time frame. You don't
19 come in and rate somebody on one day. That would be
20 unfair to them. That would be unfair to us.

21 BY MR. COLLIER:

22 Q. Let's say we have taken the long period of
23 time. I think you do it bi-monthly basis. It
24 doesn't matter. Whatever. Let's say, then, that --

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1 how low can you go if the man does not do a good job
2 and doesn't put out enough work, how long?

3 A. If he doesn't do a good job, it immediately
4 shows up on this assembly. He stamps his work. He
5 puts the thing together and he stamps his name on
6 every one that he does. There's no question on who
7 did what.

8 Q. Could get as little as 50 percent of your
9 paycheck?

10 A. As far as paycheck? That would never --

11 MR. SHAW: That calls for speculation.

12 THE WITNESS: That would never happen.

13 You as a first-line supervisor know what your people
14 are doing. You know how they're working along. If
15 the guy was struggling along for half a day, I'd be
16 over there asking him what's the problem. How can I
17 help you. What can I do. You don't know that
18 somebody sat there in isolation and struggled for day
19 after day.

20 BY MR. COLLIER:

21 Q. My question is on this incentive program, if
22 you don't do the 130 percent and you fall behind and
23 your paycheck is lessened for that reason, how low
24 could it be lessened, do you stop at 100 percent, do

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1 you go on below it?

2 A. I don't know.

3 Q. Fair enough. Earlier we went over the facts of
4 the petition, and I would like to make sure that you
5 understand the facts of the petition as we have set
6 them out. And can you remember for us so that
7 there's no doubt about understanding what the facts
8 are that we say occurred by our formal statements in
9 our petition bringing this lawsuit as to how this
10 accident happened?

11 MR. SHAW: If you're going to ask him a
12 series of questions on this, why don't you give him
13 your statement again and then let me object to its
14 incompleteness.

15 THE WITNESS: So I understand, you're
16 going to go through and give me what you feel
17 happened?

18 MR. COLLIER: That's right.

19 BY MR. COLLIER:

20 Q. The accident occurred at the end of a hunting
21 trip when David Keenum was in the process of --

22 A. What year did this happen?

23 Q. This happened in 1985.

24 MR. COLLIER: Is that correct, counsel?

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1 MR. SHAW: I don't know. What year was
2 the rifle manufactured?

3 BY MR. COLLIER:

4 Q. 1981 is what counsel has referred to and that's
5 what we believe. It's 1981. The rifle is equipped
6 with a bolt lock. It's a Model 700 rifle. It was
7 owned by David Keenum's friend and hunting companion
8 Bob Baker. In unloading the pick --up?

9 A. Unloading the pickup?

10 Q. Yes. It was a pickup truck. In unloading the
11 pickup and taking things out of it, Mr. Keenum was
12 moving back and forth on the driver's side. On the
13 passenger's side Bob Baker was taking out the rifle,
14 and because the hunting was over, he took the rifle
15 in and his testimony is that, to unload, he took the
16 rifle, put the barrel down on the seat, held his left
17 hand on the wooden rest in front of the trigger
18 assembly with his right hand, he pushed off the
19 safety, and then touched the bolt to raise it and in
20 touching the bolt and raising the bolt without
21 touching the trigger and any other way the rifle
22 discharged. The bullet went into the seat, into a
23 portion of the pickup, out the other side where
24 David Keenum stood next to the doorway and into his

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1 leg causing the loss of his leg. I'm going to ask
2 you if you understand that to be the allegations of
3 our petition of how this accident took place.

4 A. That's what you're telling me.

5 MR. SHAW: That is what you are telling
6 him, and for frame of reference, that's what he's
7 been told. We object to that as misleading and
8 incomplete, but understand that that is the basis for
9 all of these questions.

10 BY MR. COLLIER:

11 Q. As a design engineer, and the way I understand
12 your job at least from 1975, and we think the
13 critical time down to when you went to Process
14 Engineering, was in the area of designing and
15 engineering for Remington dealing with the Model 700
16 and other rifles; is that correct?

17 A. Yes.

18 Q. And one of the jobs that you were undertaking
19 then was to work on the firing mechanism of that
20 rifle; isn't that correct?

21 A. That among the other things, yes.

22 Q. As a design engineer shouldn't you consider
23 human factors engineering in working up your design?

24 MR. SHAW: Objection to this question.

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1 It's vague and ambiguous. Calls for a conclusion on
2 the part of this witness when he is not tendered as
3 an expert in this case or listed as a witness at this
4 point in time. And that's all I have got for this
5 one, but I think you got some more in your litany of
6 questions.

7 BY MR. COLLIER:

8 Q. Do you need that?

9 A. Let's repeat it, please.

10 MR. COLLIER: Reporter, could you read
11 that back, please?

12 (The reporter read from the record
13 as requested.)

14 BY MR. COLLIER:

15 Q. Do you agree with that?

16 A. Yes, I do.

17 Q. Isn't it true that human factors engineering
18 deals with the machine and in this case the rifle and
19 its relationship to man?

20 MR. SHAW: Same objection as to the
21 prior question.

22 THE WITNESS: Human factors engineering
23 does not clearly define science. If you would like
24 to use that as your definition, that's fine. If you

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1 want to say is there a relationship between the man
2 or the woman and the machine, yes, there is.

3 BY MR. COLLIER:

4 Q. Isn't it true that those engineering doctrines
5 require design engineer to consider the
6 interrelationship of man with the machine and in this
7 case that would be with the rifle?

8 MR. SHAW: Same objections.

9 THE WITNESS: There are not clearly
10 defined doctrines because that might imply -- but you
11 do have to consider the relationship of how the man
12 interfaces with the mechanism.

13 BY MR. COLLIER:

14 Q. Isn't it true that some of the things that must
15 be considered by the design engineer are the ways
16 that man uses, in this case, a rifle and also the
17 manner in which man misuse the rifle?

18 MR. SHAW: Again, that is objectionable
19 for the prior reasons stated and it's especially and
20 particularly beyond the prior questions. Calls for
21 speculation with regard to uses or misuses.

22 THE WITNESS: Yes, you consider how the
23 rifle is used.

24 BY MR. COLLIER:

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1 Q. And misused?

2 A. And misused.

3 Q. So that in designing the rifle, even though
4 that you can warn someone don't point the rifle in
5 the direction of any person or in the way that it
6 might ricochet or whatever and touch any person,
7 don't you have to consider that that's just exactly
8 what might happen?

9 MR. SHAW: I'll object to that as
10 argumentative and for the reasons stated with regard
11 to the prior question and highly argumentative.
12 That's for closing argument.

13 MR. COLLIER: That may be true, but it
14 also has to be supported by facts and whether or not
15 this is a design criteria or design engineering
16 factor that must be considered. That's what our
17 question is.

18 THE WITNESS: Your question is that you
19 took a basic question and you added to it. You added
20 to it those things that you wanted from this case.

21 BY MR. COLLIER:

22 Q. That's right.

23 A. If you take the question, what you're really
24 doing with that question is you're saying should the

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1 design be such that, regardless of what happens from
2 here forward, that that design will allow nothing to
3 happen.

4 Q. If it can be done?

5 A. Yes. What you're doing is you're saying that
6 the design and somebody is so smart that if there's a
7 change in material or a change in ammunition or a
8 change in how people behave or behavior patterns or
9 what have you, this design is going to look ahead 10
10 years and say here's how society is going to behave
11 at that point in time. I guess what I say to you the
12 way you phrase the question to me is you're saying
13 shouldn't it not have to keep the rifle pointed in
14 the safe direction. And to me I could never buy
15 that. You would always want to keep the rifle
16 pointed in a safe direction because so many different
17 things can happen. To say that in a question to me
18 that the rifle pointed in a safe direction is not a
19 question if you would be able to foresee everything
20 is wrong.

21 Q. Did not you take into consideration when you
22 were going to do your work on the design of the
23 firing mechanism all of the reports that Remington
24 had where, in unloading the rifle, gun handlers shot

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1 their pickup, their trucks, their cars, their homes,
2 their friends?

3 MR. SHAW: I'll object to that as
4 argumentative and misleading and also vague for any
5 number of particulars that I don't think I'm required
6 to specify to it.

7 MR. COLLIER: I'll strike that because
8 I don't like the way I had asked that question.

9 BY MR. COLLIER:

10 Q. Don't you think that you should have taken into
11 consideration in designing the firing mechanism of
12 the Model 700 the many reports that you have in
13 Remington where, in the process of unloading, the gun
14 discharges and a bullet goes into a pickup, for
15 instance?

16 MR. SHAW: I'll object to that for the
17 reasons stated with regard to the prior question and
18 also because it's a misstatement of the record.

19 MR. COLLIER: Could you read that last
20 question back?

21 (The reporter read from the record
22 as requested.)

23 MR. SHAW: And interpose my objection.

24 THE WITNESS: We do take into

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1 consideration --

2 BY MR. COLLIER:

3 Q. Isn't it true that, if the design engineer
4 considers the environment in which the machine is to
5 be used, that if there is an applicable design that
6 will avoid a hazard, that that design should be
7 employed?

8 MR. SHAW: Objection for all the
9 reasons previously stated. You're arguing. You're
10 calling for legal conclusions from this witness.
11 You're trying to turn this witness beyond even an
12 expert to vaunt say for the primer (phonetic) that
13 your partner has written on liability law. They're
14 all legal conclusions.

15 MR. COLLIER: I'm going to restate the
16 question because I think it probably is difficult
17 to -- I'm just not going to have the reporter read it
18 over again and again.

19 BY MR. COLLIER:

20 Q. Isn't it true, Mr. Linde, that considering
21 human factors is one of the doctrines that the design
22 engineer must consider and they must consider the
23 environment in which the rifle will be used as well?

24 MR. SHAW: Same objections.

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1 THE WITNESS: Yes, you should.

2 BY MR. COLLIER:

3 Q. Isn't it true that those considerations of
4 engineering require the designer to consider human
5 errors which may be associated with the use of a
6 machine or product?

7 MR. SHAW: Same objections, and this is
8 calling for gross speculation and full of ambiguities
9 with regard to human errors. You're just asking for
10 general principles.

11 THE WITNESS: That's what that is.
12 You're asking for a general principle around which
13 you have to determine what the criteria to the
14 principle applies. So a principle is a guide, that's
15 what it is. A guiding' principle upon which you
16 work. I agree with the principle.

17 BY MR. COLLIER:

18 Q. Isn't it true that those principles of
19 engineering require that the design engineer consider
20 the adequacy of controls, instructions, and warnings
21 in this case on the rifle?

22 MR. SHAW: Same objections.

23 THE WITNESS: Yes, it's a principle
24 that you follow.

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1 BY MR. COLLIER:

2 Q. Isn't it true that those principles of
3 engineering require that the design engineer consider
4 those foreseeable factors which the operator of such
5 machine may put that machine, in this case a rifle,
6 to?

7 MR. SHAW: I have the same objections
8 again.

9 THE WITNESS: Yes. As a principle,
10 that's what you look for.

11 BY MR. COLLIER:

12 Q. Are you familiar with the principle of
13 engineering known as risk evaluation?

14 MR. SHAW: I'll object to that.

15 THE WITNESS: I would have -- I'd have
16 a problem with that because I can't release that.
17 That is a principle of engineering, risk evaluation,
18 and there's ways to evaluate risk. But there are
19 many different ways and there is not a standard
20 engineering principle that says this is how you
21 evaluate risk. It's on the basis of any risk
22 evaluation, as you know, is the judgment around the
23 factors.

24 BY MR. COLLIER:

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1 Q. That's the answer that I expected, and that's a
2 problem answer so far as I'm concerned.

3 Isn't it true, Mr. Linde, that the
4 principles of engineering require that, after you
5 have made a design such as you were making in the
6 firing mechanism of the Model 700 Remington rifle,
7 that you evaluate how such design will be used, in
8 this case a rifle, or misused by man in its
9 foreseeable environment, and that you evaluate the
10 risk of injury which might be associated with its use
11 or misuse?

12 MR. SHAW: I'll object to that for all
13 of the reasons stated, and incomprehensible with
14 apologies to your partner who apparently wrote that
15 phrase.

16 THE WITNESS: All I can say is you take
17 a look and see how your equipment or your machine or
18 whatever that you made is functioning in the field
19 and you evaluate that. You say what improvement
20 could I make particularly in the area of injury or
21 possible injury. That's a solid principle.

22 BY MR. COLLIER:

23 Q. Isn't it true that such principles of
24 engineering further require that the nature of the

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1 risk of injury be evaluated to determine whether or
2 not there's a risk of serious personal injury and/or
3 death?

4 MR. SHAW: Same objections.

5 THE WITNESS: You take a look at what's
6 happening.

7 BY MR. COLLIER:

8 Q. In reference to the Model 700 rifle there is a
9 risk of serious personal injury and/or death, is
10 there not?

11 MR. SHAW: Same objections.

12 THE WITNESS: That's where it comes
13 down to the question of judgment around the risk
14 factors.

15 BY MR. COLLIER:

16 Q. Isn't it true, Mr. Linde, that, in making such
17 a risk evaluation and doing the human factors
18 engineering consideration, that good engineering
19 design principles would require that a design
20 engineer research in whatever technical literature is
21 available the hazards that are known to be associated
22 with such a risk in such a machine and to determine
23 if there are alternate designs and are safeguards
24 which might reduce or eliminate the possibility of a

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1 serious injury?

2 MR. SHAW: Same objections as before.

3 THE WITNESS: As a design engineer
4 you're always looking at alternate designs.

5 BY MR. COLLIER:

6 Q. In fact, you did such a review of technical ,
7 literature, didn't you, in determining what design
8 changes might be appropriate for the rifle?

9 MR. SHAW: I think that is leading,
10 argumentative, and may be a misstatement of the
11 record. You're implying that has been testified to
12 in this deposition.

13 BY MR. COLLIER:

14 Q. I strike that and ask: Did you review any
15 technical literature as part of the design of the
16 fire mechanism of the Model 700?

17 A. Yes.

18 Q. And did you find alternative designs that would
19 reduce the risk of injury?

20 A. No.

21 Q. Did you not find that the elimination of the
22 bolt lock alone would have reduced the risk of
23 injury?

24 A. No. I'd have to say no, I never.

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1 Q. Isn't it true that, if there is a risk of one's
2 serious personal injury or death with the foreseeable
3 use of this rifle and there is a technologically and
4 economically feasible alternative design that can be
5 employed, shouldn't the design engineer employ such a
6 design?

7 MR. SHAW: Now, that has to be one of
8 the most argumentative questions I have ever heard
9 asked. It is objectionable for all the reasons. I
10 would ask you, for the record, to provide me with a
11 copy of that article or a citation to it so that we
12 can be sure to present this to the judge at some
13 point so he realizes the procedure that's involved
14 here where you're reading this article to the witness
15 and asking him to vaunt say for all of these
16 standards. That isn't even the law, that one injury
17 a defect makes, and you know that to be true,
18 Mr. Collier. You may want to argue that to the jury,
19 and you're permitted to argue that to the jury
20 perhaps by the court. But that is -- that's the
21 capper. And my objections are for the record.

22 MR. COLLIER: And our rejoinder to that
23 is we think that that is the law and that that is the
24 design criteria and that a witness who is

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1 academically oriented towards safety will answer yes,
2 and that's why we have asked it that way.

3 MR. SHAW: This witness did not design
4 the Model 700. You're asking him about things. He's
5 being fair with you because he has designed other
6 products. He has been in the Research Department,
7 but that is the ultimate.

8 MR. COLLIER: Reporter, would you read
9 that again so we can have it just the same way if
10 possible?

11 (The reporter read from the record
12 as requested.)

13 THE WITNESS: The answer to that is a
14 guiding principle.

15 BY MR. COLLIER:

16 Q. And yet there was an alternate design, the
17 elimination of the trigger block that would have
18 made --

19 A. No. That's your judgment on that. This is the
20 principle, and around that principle there's the
21 judgment and just because that principle is sound,
22 which it is, doesn't necessarily mean that your
23 interpretation or judgment is sound. So I agree with
24 the principle. I'm saying that is a very solemn

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1 principle. I support that principle. I'm saying no
2 to you that when you say it's a 700 doesn't meet that
3 principle. That's really the case, isn't it?

4 Q. I think that is the case.

5 A. Where I'm coming out is a question of judgment.

6 MR. SHAW: Or argument because you are
7 attempting to argue with the witness, and perhaps in
8 fairness the witness may be attempting to argue with
9 you at this point, and that just shows where this
10 line of questioning brings you because you have your
11 opinion and we have our opinion and you're now
12 serving up the ultimate argument or opinion as a
13 question.

14 BY MR. COLLIER:

15 Q. In addition to the elimination of the bolt lock
16 as being of design change, there was an alternate
17 design that could have been employed here, wasn't
18 there, and that was the design of the trigger block
19 so that the trigger connector could not have moved at
20 any time when the safety was engaged?

21 MR. SHAW: I'll object to that as
22 calling for speculation as to whether the trigger
23 connector on this particular rifle could have moved
24 and any at any particular time or did move, as a

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1 matter of fact, which is still to be established in
2 this case under the ways that you claim did it move
3 or did not move, and also, as the record shows,
4 Mr. Baker, who had this rifle, pointed it at
5 Mr. Keenum also took it upon himself to adjust this
6 rifle.

7 MR. COLLIER: You're inserting a lot of
8 things that are in the nature of a defense, but
9 they're not appropriate to an objection to our
10 question here. Our question is either a proper
11 question or not, and I don't even know yes, we do.

12 BY MR. COLLIER:

13 Q. We have the question out that didn't you have
14 the alternative design available to you of a trigger
15 block that could have been used in addition to --

16 A. You'd have to help me. I don't remember any
17 trigger block safety that we had as an alternative to
18 this design.

19 Q. You don't recall your Process and Engineering
20 having available to you --

21 A. Trigger block safety for Model 700?

22 Q. I mean the design. You didn't have it in
23 place, no.

24 A. I don't remember the trigger block design.

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1 Q. In the memos which are voluninous here, I
2 believe I can find for you that particular memorandum
3 on considering a trigger block. We're going to have
4 to go off the record.

5 A. We have considered trigger blocks. We had a
6 trigger block on our Model 788.

7 Q. That's what I thought.

8 A. We know about trigger block safety. You asked
9 me do we have a Model 700 -- alternate Model 700
10 trigger block design. I'm telling you I have never
11 seen it or heard about it.

12 Q. Didn't you evaluate and --

13 A. You could evaluate something. You don't have
14 to design something to evaluate it, particularly if
15 you have made a similar one in a different rifle.

16 Q. You had one in the model 788?

17 A. Yes.

18 Q. Couldn't that trigger block be designed for the
19 Model 700?

20 A. Not meet the same criteria, no.

21 Q. What do you mean by "criteria"?

22 A. You asked me this morning and I don't know if I
23 should go ahead because you said that I was being
24 non-responsive, and I'll repeat it if you want me

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1 to. Otherwise, I don't want to be non-responsive.

2 Q. Was it economically and technologically
3 feasible to have employed the trigger block on the
4 Model 700?

5 MR. SHAW: Objection. Vague,
6 ambiguous.

7 THE WITNESS: Doesn't meet the
8 requirements.

9 BY MR. COLLIER:

10 Q. It either cost too much economically --

11 A. No.

12 Q. -- or it was technologically too difficult?

13 A. No.

14 Q. What else is there?

15 A. That's what I told you this morning, that any
16 firearm depending on the ultimate consumer need or
17 customer requirements or trigger assembly has certain
18 requirements based on the final end use. And certain
19 guns have certain requirements, and the 788 with a
20 trigger block safety had a certain customer
21 requirement, the 700 had a certain customer
22 requirement.

23 Q. But you're telling me that those requirements
24 do not relate either to cost, economics, or

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1 feasibility?

2 A. Because of the direction of your question. I'm
3 just saying that a lot of the things to trigger
4 assemblies have to do with what you need from the
5 customer standpoint.

6 Q. You feel that the customer would not be
7 attracted?

8 A. His needs would not be fulfilled.

9 Q. Now, in the design of the trigger assembly of
10 the Model 700, were you aware of the hazard which the
11 plaintiff, David Keenum, complains of and the risk
12 that it might cause a serious injury?

13 MR. SHAW: Now, I will object to that
14 as being argumentative, no foundation laid for this
15 witness to speak for Remington. It's vague and
16 ambiguous as to the time frame of reference, and it
17 certainly calls for him to speculate as to the
18 hazards that your client is claiming, may claim, or
19 will claim at trial, and it is objectionable for all
20 of the reasons -- I'm running out of gas on this line
21 of questioning. All of the reasons stated with
22 regard to this entire series of questions.

23 BY MR. COLLIER:

24 Q. I'm going to restate it because we're still

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1 dealing with what I think is the core of this
2 lawsuit. And that is in this particular rifle was
3 not Remington aware of the hazard which a user, my
4 client, David Keenum, complains of and the risk that
5 it might cause a personal serious injury?

6 MR. SHAW: Same objections. That is
7 incomprehensible and I think beyond answer.

8 THE WITNESS: My answer is if you go
9 back to what we talked about here where we went
10 through and said this is the guiding principle,
11 that's the guiding principle, then the judgment
12 around that principle is what we're questioning.
13 Now, what you have done is you have taken it down one
14 step further and say okay, given that here's the next
15 application we apply a one-time situation into that
16 and come up with a guiding principle. What I'm
17 telling you is I agree with the guiding principle,
18 yes, when that comes down to a question of judgment.
19 Now, what you're asking me to do is on your short
20 description of the case, you're asking me to draw a
21 conclusion on that. If I was involved in this
22 lawsuit, I would have to go through and go through,
23 laboriously through, the details and try to recapture
24 and figure out what happened and figure out really

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1 what are the factors to answer that kind of a
2 question. I'm not even going to speculate any kind
3 of answer to that question based on my knowledge of
4 what happened in this deposition.

5 BY MR. COLLIER:

6 Q. But you have testified and you have had these
7 very same issues presented to you in prior lawsuits
8 involving this very same situation.

9 MR. SHAW: I will object to that as the
10 form of that question for any number of reasons.
11 It's argumentative, it attempts to inject other
12 cases, it's vague, it's over-broad.

13 BY MR. COLLIER:

14 Q. Let me go back to that same question again. In
15 the use of the Remington Model 700, Remington was
16 aware of the hazard of unloading and that in the
17 unloading and having to place that rifle on fire that
18 a user, an owner, might be injured and seriously,
19 were you not?

20 MR. SHAW: Same objections as before,
21 and this witness -- you are asking this witness to
22 speak for Remington as to knowledge of the hazard in
23 this case?

24 MR. COLLIER: Yes.

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1 MR. SHAW: There's no foundation for
2 that. There's no competency for this witness to
3 speak to that issue. And all of the reasons -- of
4 course, I'm incorporating by reference all of my
5 objections to this line of questioning and all the
6 speculation that it calls for and the highly
7 argumentative nature of it.

8 BY MR. COLLIER:

9 Q. The question remains. You knew that there was
10 this risk in unloading, that if you have a fire on
11 safety release or if you have a jar-off or if you
12 have a fire on bolt raising, that serious injury
13 could result, were you not?

14 MR. SHAW: Same objections.

15 THE WITNESS: I went through my answer
16 with you. I went through it very clearly. I went
17 through it with the guiding principle. I went
18 through it with the question of judgment and now this
19 is a step below it and I don't have the information
20 to say yes or no. And I'm not going to be put in a
21 position where I'm going to say yes or no. I have
22 given you a clearly defined answer in how I think in
23 my logic.

24 BY MR. COLLIER:

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1 Q. What you're saying is that it was a judgment
2 call?

3 MR. SHAW: No, he's not saying that.
4 That's an objectionable question. Now you're arguing
5 with the witness.

6 BY MR. COLLIER:

7 Q. There are in this case presented to you a list
8 of over 250 names of individuals who have claimed
9 that there was an accidental discharge of the Model
10 700 where there is claimed no touching of the trigger
11 occurred.

12 MR. SHAW: You may as well stop right
13 there. You handed him that. He could not identify
14 that. No witnesses identified it thus far. That
15 lacks foundation, and you're, again, at your own
16 peril with total lack of foundation as to similarity
17 continuing to refer to exhibits like that in your
18 questions.

19 BY MR. COLLIER:

20 Q. Do you know whether or not there's been any
21 investigation into those complaints of accidental
22 discharges to determine whether or not the
23 individuals making those complaints are individuals
24 of good character and veracity?

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1 MR. SHAW: I will object to that. That
2 calls for speculation on his part. He couldn't even
3 identify the exhibit and now you're asking him
4 whether he knows if anything within that exhibit was
5 investigated

6 BY MR. COLLIER:

7 Q. Could you answer that question, please?

8 MR. SHAW: It's argumentative and
9 inflammatory.

10 THE WITNESS: No, I can't.

11 BY MR. COLLIER:

12 Q. How many Remington rifles, Model 700, would you
13 say are out in the public today?

14 A. I don't know.

15 Q. There are more than two million for sure, are
16 there not?

17 A. I don't know what the number is. It's readily
18 available.

19 Q. Back in 1975 at that time the number was two
20 million, was it not?

21 A. I don't know.

22 Q. In the time since then, is there an additional
23 million or do you have any idea?

24 A. I don't know what the exact number is.

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1 Q. In 1975 when the assignment was made to review
2 the firing mechanism of the Model 700 and then that
3 there was a determination made on whether or not they
4 should be recalled, do you agree and can you agree
5 that at that time there were two million of the Model
6 700's?

7 MR. SHAW: Objection. That's
8 misleading and a misstatement of the record.

9 THE WITNESS: I can't agree. When I
10 was in the Remington organization, I had sheets that
11 told me just exactly how many rifles and shotguns
12 were produced every year. I knew exactly how many
13 numbers or what they were, and it was familiar to
14 me. I can't look back at this point and say how many
15 700's. It isn't something I have even thought
16 about.

17 BY MR. COLLIER:

18 Q. Do you recall that the evaluation determined
19 that approximately one percent of the rifles out in
20 the public could be susceptible to a firing and
21 inadvertent firing where the rifle would fire where
22 no one has touched the trigger at the time of the
23 firing?

24 MR. SHAW: I'll object to that

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1 question. That's a misstatement. You have not
2 presented this witness with any documents. If you
3 present this witness with documents, it may well be
4 that he wasn't even involved with those documents.
5 It's now 4:35, and I don't know whether you're just
6 planning on, Ron, going to five o'clock with whatever
7 else comes into your mind, but that's yet another
8 argumentative and unfair question for this witness.

9 MR. COLLIER: If he knows. If he
10 doesn't know -- I think that seems to me to be in all
11 of the memos and that reference was made.

12 MR. SHAW: Ron, you treated every one
13 of these -- I guess I am getting irritable. I ought
14 to back off. You treated every of these Remington
15 witnesses like they ought to know everything in every
16 document that you have got in your stack. That seems
17 to be in a lot of the memos. You did that with
18 Mr. Sienkiewicz. I think you did it with Mr. Stackle
19 (phonetic). You have done it with a lot of these
20 people. You're not being fair with them. Then you
21 tell me you want them to speak, quote, "for
22 Remington," unquote, with regard to things that they
23 may not have been involved in, decisions that they
24 were not involved in making but you want to ask them

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1 just to get that document in your question. You
2 don't really care what the answer is I get the
3 feeling. You just want the reference to be in your
4 question again. I think that makes your questions
5 inherently argumentative.

6 MR. COLLIER: I can't recall what I
7 have asked. Could you reread for us, please, the
8 question?

9 BY MR. COLLIER:

10 Q. In asking these questions and imposing all
11 kinds of objections, the question is: Wasn't the
12 figure determined by Remington in approximately 1975
13 that one percent approximately of the Remington
14 rifles would be expected to be susceptible to
15 discharge in the trick condition?

16 MR. SHAW: Same objection.

17 THE WITNESS: I can't remember.

18 BY MR. COLLIER:

19 Q. Back to the general principles that we
20 discussed earlier. If there is a risk of serious
21 personal injury or death in the use of a rifle, which
22 there would normally be, and if there is a risk that
23 is identified, shouldn't there be a warning of that
24 risk?

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1 MR. SHAW: Same objections as before to
2 this line of argumentative questions and all the
3 other objections that I have raised.

4 THE WITNESS: It's a general
5 principle.

6 BY MR. COLLIER:

7 Q. Wasn't it known to Remington, and when I say,
8 "known to Remington," it means the individuals who
9 make up Remington and you in particular in this case,
10 that there was a hazard in the Model 700 by virtue of
11 the trick condition?

12 MR. SHAW: Now, same objections as
13 before.

14 THE WITNESS: There was not a hazard in
15 the Model 700 with the trick condition.

16 BY MR. COLLIER:

17 Q. Well, that answers the question of whether or
18 not the public should be warned about it, because if
19 there's no hazard, you don't need to warn them.

20 MR. SHAW: I'll object to that.

21 THE WITNESS: You asked me the question
22 and I answered the question.

23 BY MR. COLLIER:

24 Q. Based upon the number of reports that you have

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1 about firings, when the gun is being unloaded and
2 claims of no one touching the trigger, was there
3 anything there that you thought was valid among the
4 Research & Development that you should do in the way
5 of providing warnings or asking that warnings be
6 devised for loading and unloading?

7 MR. SHAW: Again, same objections as
8 before. That's totally over-broad and vague,
9 incomprehensible. Again, you're asking or purporting
10 -- and I have a standing objection to this entire
11 deposition if it's been clearly your intent which may
12 not have been expressed till later that you are
13 saying that Mr. Linde speaks for Remington in all
14 regards. This last question, if you ask it to be
15 read back and analyze it, you're asking him you and
16 then you say by you I mean Remington, but you start
17 out by saying you, the reports you received where
18 there's been whatever testimony there has been and
19 very little about what reports Mr. Linde has received
20 regarding complaints, and the question is
21 argumentative, misleading, and vague.

22 BY MR. COLLIER:

23 Q. My question, I believe, was --

24 A. I answered your question twice now.

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1 Q. That's probably enough then. Mr. Linde, it
2 appears to me that in 1975 Remington learned of a
3 condition in its Model 700 rifles and Model 600
4 rifles. I'm going to couch this as both at this
5 time, and that the condition of which they learned
6 was one, that posed a risk of injury to the public
7 that was greater than what it would have been had
8 that condition not been found. Can you agree with me
9 to that statement, sir?

10 MR. SHAW: Objection. Argumentative,
11 speculation, misleading, misstatement of the record.

12 THE WITNESS: No, I cannot agree with
13 that.

14 BY MR. COLLIER:

15 Q. Nevertheless, a recall was done of the 600
16 rifle for that very thing later on, was it not?

17 MR. SHAW: Objection. That's been
18 asked and answered with regard to the recall of the
19 Model 600. Whatever involvement this witness had
20 with it, there's no foundation that he was involved
21 in the decision. This is cumulative. You have been
22 through the recall of the 600 with this witness which
23 is irrelevant to this case in any event.

24 BY MR. COLLIER:

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1 Q. The Model 600 was recalled, was it not?

2 A. Yes, it was.

3 Q. We think probably 1978, 1979?

4 A. Yes.

5 Q. Now, the decision at that time was made not to
6 recall the 700, wasn't it?

7 MR. SHAW: I'll object to that.

8 There's no foundation laid that this witness has any
9 competency on that or the particulars of any
10 decision, and you talked to Mr. Sperling about that
11 already and have concluded Mr. Sperling's deposition
12 and there's no foundation for this witness given
13 especially your terminology or definition or, quote,
14 "you," unquote, to testify for Remington to that
15 issue.

16 MR. COLLIER: Could you read that
17 question, again? I can do it.

18 BY MR. COLLIER:

19 Q. There was a decision made not to recall the
20 700, wasn't there?

21 MR. SHAW: Same objections.

22 THE WITNESS: I there was a decision
23 made to recall the 600.

24 BY MR. COLLIER:

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1 Q. And not the 700?

2 A. You act like there was a definite question come
3 up should we recall or shouldn't we.

4 Q. You would agree, would you, Mr. Linde, that if
5 the hazard is identified and it's a hazard that
6 exists with a risk of serious personal injury, then
7 good engineering practices would require the recall
8 of a rifle with a risk of serious personal injury?

9 MR. SHAW: Same objections. Can I just
10 incorporate them with regard to all other the ones
11 that I have made on this line of questioning, Ron?

12 MR. COLLIER: Yes.

13 THE WITNESS: We went through that once
14 before. All we're doing is just restating something
15 a different way.

16 BY MR. COLLIER:

17 Q. Perhaps that true.

18 A. I can go through the logic again with you, but
19 what you're doing is you're doing deductive
20 reasoning. What you're doing is you're not taking
21 any other factors into consideration other than the
22 one point, incident.

23 Q. Aren't we talking safety?

24 A. Yes, we sure are. We're talking about safety,

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1 and I guess what I would say is that we're very
2 concerned. I know I was personally very concerned
3 about safety. I spent a lot of time on it. I know
4 other people are very concerned about safety and the
5 corporation is concerned about safety.

6 Q. There was even a warning -- were you the
7 person -- I think you may have been the person who
8 devised a warning about the trick condition, were you
9 not?

10 MR. SHAW: I'll object to that.

11 THE WITNESS: I don't know what you're
12 referring to.

13 BY MR. COLLIER:

14 Q. A warning in the owner's manual.

15 A. I made changes or I was responsible for
16 initiating changes in the owner's manual. Now, I
17 don't recall that this is a warning on a trick
18 condition.

19 Q. Isn't it fair to say that the safety could be
20 manipulated in a certain way that the gun --

21 A. I'd have to go back.

22 Q. That warning didn't say that the gun --

23 A. I can't remember the warning is what I'm
24 telling you. You say maybe I did, maybe I never.

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1 I'd have to get the sheets to take a look at them.

2 Q. But the warning didn't say that the fault or
3 the danger lay in the rifle but rather with some
4 strange manipulation of the rifle?

5 MR. SHAW: Excuse me. Can we take a
6 break? I need to get something here. Just a short
7 one.

8 (Discussion off the record.)

9 BY MR. COLLIER:

10 Q. Mr. Linde, during the course of the questioning
11 today we have tried to point out and I ask you -- I
12 have asked you several questions in reference to the
13 unique design of the Model 700, and we have asked
14 questions to elicit, we hope, evidence that the
15 Remington Model 700 is unique or Remington itself is
16 unique in bolt-action rifles in having the trigger
17 connector as part of its trigger assembly design. I
18 want to restate that now.

19 MR. SHAW: Objection. This is
20 duplication, and I move for that speech part of it to
21 be stricken because you're characterizing what you
22 have done or tried to do.

23 MR. COLLIER: And that is duly noted.
24 Probably all that will be out. It's good to know

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1 what I'm doing.

2 BY MR. COLLIER:

3 Q. The trigger connector design has an element
4 that is designed into it of movement of the trigger
5 connector, does it not?

6 MR. SHAW: That is objectionable as
7 vague and over-broad and ambiguous. I don't know
8 what you mean by "movement." Movement in which
9 direction? Given the questions that you asked
10 Mr. Sienkiewicz yesterday on movement of the
11 connector, I can only suspect that you're trying by
12 ambiguity to get him to acknowledge that the
13 connector will move and then that will permit you to
14 argue that he admitted that the connector moved, but
15 it appears yesterday you were trying to suggest that
16 the connector moves somehow independently vertically
17 on the face of the trigger. I think that your
18 question is vague and I hope it's not intentionally
19 vague in that you would clarify it for the witness.

20 MR. COLLIER: I'll try to clarify it.

21 BY MR. COLLIER:

22 Q. My question is to verify from you, a design
23 engineer with Remington, that the trigger connector
24 is capable of some movement and is even designed to

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1 have movement separate from the trigger itself. Is
2 that correct?

3 MR. SHAW: Same objection.

4 THE WITNESS: You'll have to tell me
5 what you're talking about. You go ahead and define
6 it and then we'll talk about it.

7 BY MR. COLLIER:

8 Q. I just done a good a job as I thought I could
9 in explaining.

10 A. Let's take it -- the body can move how many
11 different directions, right? And physical movement,
12 well, then, you can make the movement any direction
13 you want. You can make the movement in any magnitude
14 you want.

15 Q. The trigger connector can certainly move
16 vertically to some degree, can it not?

17 MR. SHAW: Objection. Vague and
18 ambiguous.

19 THE WITNESS: In what way?

20 BY MR. COLLIER:

21 Q. Vertically.

22 A. If you take the trigger out of the rifle, you
23 got it setting here on the table and you take a
24 connector and you put it on top of it, right?

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1 Q. No. What I'm saying is that --

2 A. Are you talking about as an assembly in the
3 rifle?

4 Q. The rifle.

5 A. Ready to shoot?

6 Q. Ready to shoot, that the trigger connector --
7 not while it's ready to shoot. It's while the sear
8 is lifted in the safety position and it has not had
9 any pressure on it, then the trigger connector has
10 the ability if some force or whatever, some
11 interference is exercised on it to move vertically on
12 the trigger itself.

13 MR. SHAW: Same objection.

14 THE WITNESS: How is that going to
15 happen?

16 BY MR. COLLIER:

17 Q. Well, there is some tolerance in there for
18 movement, is there not?

19 A. What makes the connector want to move?

20 Q. Nothing makes it want to move. What I'm asking
21 you: Is it possible, sir?

22 MR. SHAW: Same objections.

23 THE WITNESS: It's not going to move.
24 It's going to set there.

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1 BY MR. COLLIER:

2 Q. The question is: Is it possible?

3 MR. SHAW: That's ambiguous and vague.

4 THE WITNESS: The question is for it to
5 be possible, there has to be something that makes it
6 move. It's not going to move.

7 BY MR. COLLIER:

8 Q. You do the screwdriver test for that very
9 reason, do you not, to show how much it moves?

10 A. I do.

11 Q. How much it's capable of moving?

12 A. You do the screwdriver test. If you do that
13 you're pushing on it.

14 Q. That's right.

15 A. With a high load.

16 Q. It moves. It can move, can it not?

17 A. It can move if somebody takes it and moves it
18 physically with a high force.

19 Q. All I wanted to know --

20 A. You said if the connector is on the trigger,
21 and you knew what you were saying, can it move and
22 the answer is no, because there's nothing there to
23 move it.

24 Q. I included, sir, two things. If some force or

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1 interference was placed on it.

2 A. But you --

3 Q. Didn't I say that?

4 A. Yes. But the question is -- you have to be
5 clear around that, because what force is force, how
6 is it applied, where is it applied, and then when you
7 were clear, you got the answer.

8 Q. It can move vertically on the trigger if some
9 force or interference --

10 A. Not an interference. How is an interference
11 going to cause movement?

12 Q. In this case let's say steel grain or a thing
13 gets in there and either forces it up or down on the
14 trigger.

15 A. How could --

16 Q. I'm not asking how is it possible.

17 A. Then the answer is no.

18 Q. It's not possible. You're probably not aware
19 that those things have been found inside the trigger
20 assembly then.

21 A. I'm not aware that they have been found inside
22 the trigger assembly.

23 Q. But I think we can get back to the same thing
24 that this trigger is designed to have movement so

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1 that it is not attached immovable to the trigger.

2 MR. SHAW: Objection. That's been
3 asked and answered and also vague and over-broad the
4 way you're answering it now. You have gotten your
5 answer on movement of the connector.

6 THE WITNESS: The question that you
7 just asked, the trigger is designed to move.

8 BY MR. COLLIER:

9 Q. And that is considered a strength of the design
10 because you get, then, this quick movement away under
11 the sear when you want the rifle to fire and you pull
12 the trigger; isn't that true?

13 MR. SHAW: Objection. Vague.

14 THE WITNESS: That doesn't go back to
15 your last question. Not all triggers move.

16 BY MR. COLLIER:

17 Q. Yes. All triggers move. Isn't the reason for
18 the trigger connector setting there on top of the
19 trigger so that when you pull in the trigger itself,
20 that when it gets to the point of separation between
21 sear and trigger connector engagement, that the
22 trigger connector, because it does move
23 independently, kicks out from under there quickly,
24 moves quickly, and it's that crisp release that

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1 you're searching for in your design?

2 MR. SHAW: Objection. Asked and
3 answered. I don't think -- I think it's somewhat
4 vague, but I think you asked him stuff about this,
5 Ron, at the beginning of the deposition.

6 MR. COLLIER: I did and I want to
7 conclude it because this is our case.

8 MR. SHAW: You want to ask it twice
9 just because you like it so much.

10 BY MR. COLLIER:

11 Q. In the earlier going I was talking about both
12 the 700 and 600. Now I'm talking about just the
13 700. I was trying to marry -- and I don't know if
14 that was successful. I was trying to marry, if
15 you'll recall, the design of 700 and 600. This is
16 the same here. This is the same here. Now we're
17 talking about 700, and I think the fact that this
18 quick movement is brought about because the trigger
19 connector is free to move that way and that's a
20 horizontal movement, is it not?

21 A. Well, what you're doing is you're talking about
22 movement. Now you haven't defined "movement." The
23 last movement we were talking about is you took a
24 screwdriver in and you physically forced the

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1 connector to move."

2 Q. Right.

3 A. You described that as movement.

4 Q. Is that right?

5 A. Now, you just went through a scenario of
6 assumptions.

7 Q. Probably did.

8 A. And now you're saying movement again. Are you
9 talking about the same kind of movement, are you
10 talking about a different movement?

11 Q. This is horizontal movement of the trigger
12 corrector and that it's actually designed to have
13 this horizontal movement and that the design -- that
14 is the reason for the design, that you want it to
15 kick out and away from the trigger connector so you
16 get the crisp release of --

17 A. It doesn't kick out.

18 Q. It does not kick out?

19 A. It doesn't kick out. When you say "kick out,"
20 that means it takes right off. It doesn't.

21 Q. How would you describe it?

22 A. I would describe it that what it does it
23 reduces the amount of trigger pull that you have to
24 have to get your release. In so doing there it makes

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1 the sensation to the shooter feel better.

2 Q. Crisp.

3 A. You could define it as crisp. But that's not
4 the only criteria in crisp. You have to be careful
5 with the term "crisp."

6 Q. And that unique quality, and I'm saying
7 "unique" advisedly, like that is unique to Remington?

8 MR. SHAW: Objection. This has been
9 asked and answered on this uniqueness. There's some
10 ambiguity there. I don't know the answer to this,
11 but this witness earlier told you he was not sure
12 whether no manufacturer at this point in time other
13 than Remington used the connector or the principles
14 involved with the connector. That's what he told
15 you. He told you that about six hours ago. And now
16 you're rolling into these questions, this concept of
17 uniqueness when I don't think that's central to your
18 question. But it's something that the witness has
19 told you he can't necessarily agree to. It may well
20 be true, but this witness has said I can't agree to
21 that.

22 MR. COLLIER: I'll be satisfied with
23 the earlier answer and go on to the next one.

24 BY MR. COLLIER:

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1 Q. Isn't the movement that's possible or that's
2 actually designed into the trigger connector the same
3 movement that can result in an engagement, a
4 precariously perched engagement, between the trigger
5 connector and the sear?

6 MR. SHAW: Objection.

7 THE WITNESS: I have never heard of the
8 terminology "precariously."

9 BY MR. COLLIER:

10 Q. That's a lay --

11 A. Precariously perched. What is precariously
12 perched?

13 Q. It would mean that the sear --

14 A. Excuse me, it sounds like an eagle standing on
15 one leg.

16 Q. That's exactly true. It is precarious, yet
17 it's there. If a man is going to unload his rifle by
18 merely lifting the bolt, that precarious engagement
19 has disrupted, the rifle fires. Cannot that happen,
20 sir?

21 MR. SHAW: Objection.

22 THE WITNESS: I don't understand how it
23 would happen based on the logic that you just went
24 through.

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1 BY MR. COLLIER:

2 Q. You have a trigger connector that's capable of
3 movement. You have a sear that is lifted up by the
4 safety cam and placed down every time you release the
5 safety; isn't that true?

6 A. Yes.

7 Q. And in some percentage, be it small, be it the
8 one percent or less, whatever, you can have that sear
9 come back down on the trigger connector in a very
10 tenuous -- I'll use another term, I think,
11 "precarious" -- precarious engagement and then that
12 precarious engagement, that may be sufficient to
13 await the actual discharge or it can be so precarious
14 that the rifle discharges on movement. Lifting of a
15 bolt, isn't that a feasible and understandable
16 explanation of inadvertent discharge?

17 MR. SHAW: Objection. Before you
18 answer that, although I see the quizzical look on
19 your face that you may not be able to answer, you're
20 arguing with the witness. You're presenting of your
21 theory of the case in an inadequate hypothetical with
22 regard to conditions in the rifle that aren't even
23 established to have occurred and asking him, who is
24 not tendered as expert in this case and has done no

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1 investigation in this case, if he can agree with it.

2 MR. COLLIER: As a possibility.

3 MR. SHAW: It's vague, it's ambiguous,
4 it's argumentative, it's irrelevant. The issue in
5 this case is not what is possible; the issue in this
6 case is what happened.

7 MR. COLLIER: Yes. And what happened
8 is --

9 MR. SHAW: Ron, I know maybe it's
10 because my eye hurts and I'm getting tired. We have
11 been at this a long time. You're giving him your
12 theory of the case and just asking, do you,
13 John Linde, agree with this or would you at least
14 help me out here and agree is it possible.

15 MR. COLLIER: I'm ready for my final
16 question is how can this design engineer explain to
17 me, for me and for the consuming public, how there
18 can be a discharge of the Remington Model 700 upon
19 the lifting of a bolt if it's not this precarious
20 engagement between sear and trigger connector.

21 MR. SHAW: That's argumentative, it's
22 vague, it's ambiguous, calls for speculation, and
23 assumes facts not as in evidence or facts that will
24 not be established that this, in fact, can and did

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1 happen. Also, you're calling for an expert
2 conclusion on the part of this witness. No
3 foundation laid.

4 BY MR. COLLIER:

5 Q. Do you understand the question asked?

6 A. I know the question asked. I cannot answer
7 that question.

8 Q. You don't know?

9 A. What happened on that rifle, no.

10 Q. You do know that there are reports that the gun
11 discharged, the rifle, and the Model 700 discharges,
12 that you have several reports on the lifting of the
13 bolt that discharges?

14 MR. SHAW: I will object to that. That
15 is vague, it's ambiguous, argumentative. It's
16 obvious your theory of the case is that you want to
17 talk about anything but the accident scenario and you
18 want to talk about prior complaints of hearsay and
19 what may not have been established. You have asked
20 this witness, I don't know how many times, about
21 complaints. Are you familiar with without presenting
22 him anything, without even establishing the
23 foundation that he was involved in these particular
24 complaints that you're talking about. Read the

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1 question back. It's objectionable. Do you want to
2 hear it back?

3 MR. COLLIER: I'm sure that the witness
4 will say he can't remember it and I mean I would
5 think that.

6 BY MR. COLLIER:

7 Q. Do you understand the question now? Do you
8 remember what it was?

9 A. No, but it wasn't any good anyhow.

10 Q. We're going to ask the question. We're going
11 to ask the question that goes to the heart of this
12 matter, and it will be the last time I ask this
13 question, but if you have reports in this case, and
14 in this case we have reports of the Remington Model
15 700 rifle discharging when an individual attempts to
16 unload it by pushing forward the safety to fire and
17 then beginning to raise the bolt. Taking those facts
18 you tell me as design engineer if that can happen or
19 why can that happen or is it impossible for it to
20 happen.

21 MR. SHAW: Objection. That is
22 argumentative, it calls for speculation, there's no
23 foundation, and it's irrelevant to this case.

24 MR. COLLIER: This is central.

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1 THE WITNESS: I don't know how it would
2 happen.

3 BY MR. COLLIER:

4 Q. You don't know?

5 MR. SHAW: I don't think that he's
6 testified that he knows that it did happen.

7 MR. COLLIER: I'm just saying he should
8 know the possibilities, and if he says so far as this
9 design engineer is concerned that he does not know of
10 any possibility whether it can happen, then I'm going
11 to be satisfied with that answer.

12 BY MR. COLLIER:

13 Q. Is that your answer?

14 A. I don't know what happened.

15 MR. COLLIER: No other questions.

16 (Deposition concluded at 5:10 p.m.)

17 I HAVE READ THE FOREGOING DEPOSITION,
18 AND IT IS TRUE AND CORRECT TO THE BEST OF MY
19 KNOWLEDGE.

20

JOHN P. LINDE

21

22

23

24

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JOHN P. LINDE

C E R T I F I C A T E

STATE OF DELAWARE:

:

NEW CASTLE COUNTY:

I, Kim A. Hurley, a Notary Public within and for the County and State aforesaid, do hereby certify that the foregoing deposition of JOHN P. LINDE was taken before me, pursuant to notice, at the time and place indicated; that said deponent was by me duly sworn to tell the truth, the whole truth, and nothing but the truth; that the testimony of said deponent was correctly recorded in machine shorthand by me and thereafter transcribed under my supervision with computer-aided transcription; that the deposition is a true record of the testimony given by the witness; and that I am neither of counsel nor kin to any party in said action, nor interested in the outcome thereof.

WITNESS my hand and official seal this
____ day of April A.D., 1988.

Kim A. Hurley
Notary Public-Reporter

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REGISTERED PROFESSIONAL REPORTERS
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April 29, 1988

John W. Shaw, Esquire
LATHROP, KOONTZ & NORQUIST
Twenty-Sixth floor, 2345 Grand Avenue
Mutual Benefit Life Building
Kansas City, MI 64108

RE: KEENUM -vs- REMINGTON ARMS

Dear Mr. Shaw:

The pretrial examination of John P. Linde
taken in the above-captioned matter on April 13, 1988
has been transcribed. The original transcript is available
for examination, reading and signing within 30 days from the
date of this correspondence in accordance with the Federal
Rules of Civil Procedure.

Please be advised we have a room available for this
purpose. The witness may also review your copy and return to
our office the enclosed errata sheet with any changes.

If you have any questions, please do not hesitate to
contact our office.

Sincerely,


Kim A. Hurley

KAH/bal
Enclosure

SEE 0779

ATTACH TO DEPOSITION OF _____

IN THE MATTER OF _____

ERRATA SHEET

INSTRUCTIONS After reading the transcript of your deposition please note any change or correction and the reason therefore on this sheet. Do not make any marks or notations on the transcript itself. Please sign and date this errata sheet and return it to the court reporter whose name is shown below. Thank you.

Page	Line	Change or Correction	Statement of Reason for Change

I have read the foregoing transcript of my deposition and, except for any corrections or changes noted above, I hereby subscribe to the transcript as an accurate record of the statements made by me.

Dated: _____

(Signature of Deponent)

SWORN TO AND SUBSCRIBED before me this ____ day of _____,

19 .

Notary Public