

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION

EVELYN LEWY and JACK LEWY,)
Plaintiffs)
v.) Civil Action
REMININGTON ARMS COMPANY, INC.,) No. 83-3172-CV-S-2
and K MART CORPORATION,)
Defendants)

Videotape deposition of JOHN P. LINDE taken pursuant to agreement on behalf of Plaintiffs at the offices of E. I. du Pont de Nemours & Company, Brandywine Building, (Conference Room B-11376), Wilmington, Delaware, beginning at 9:20 a.m., on Wednesday, November 6, 1985, before Kurt A. Fetzer, Registered Professional Reporter and Notary Public.

APPEARANCES:

Richard C. Miller, Esq.
Woolsey Fisher Whiteaker McDonald & Ansley
300 S. Jefferson - Suite 600
Springfield, Missouri 65806
for Plaintiffs

Jack W. R. Headley, Esq.
John W. Shaw, Esq.
Lathrop Koontz Righter Clagett & Norquist
2600 Mutual Benefit Life Building
2345 Grand Avenue
Kansas City, Missouri 64108
for Defendants

Also present: Robert B. Sperling

VARALLO & WILCOX
913 Market Street Mall - Wilmington, Delaware 19801
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COPY

1 MR. MILLER: Would you go ahead
2 and swear the witness, please?

3 JOHN P. LINDE,

4 the deponent herein, having first been
5 duly sworn on oath, was examined and
6 testified as follows:

7 EXAMINATION

8 BY MR. MILLER:

9 Q. Mr. Linde --

10 A. Before we start, I'd like one thing. When
11 something is videotaped I've been taught that I
12 should never just start without some kind of
13 introduction. So I would like you to come over here
14 and sit down and you tell the videotape what we're
15 doing here today and who's here. Okay?

16 Q. That's fine. But I've been instructed by
17 the judge not to appear on camera.

18 A. I'm not going to go on the videotape unless
19 you're on there so the videotape is tied to you
20 because otherwise there can be my picture with no
21 responsibility.

22 Q. I'd be glad to do it from this position, but
23 I've been instructed by the judge not to appear on
24 film.

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1 A. But I won't be on there with you.

2 MR. HEADLEY: Rich, it's all right with
3 us if you want to go over there and sit.

4 A. That's what I've been taught to do so I want
5 to follow through.

6 MR. MILLER: I have no problems as long
7 as you don't have any problems with this.

8 MR. HEADLEY: No. We have no
9 problems. And as photogenic as you are, Mr. Miller,
10 you can give your introduction from that chair and
11 look into the camera and smile if you want to.

12 MR. MILLER: This is the deposition
13 taking place in the Lewy versus Remington Arms
14 case. I'm deposing Mr. Linde. I have an agreement
15 with defendant's attorneys that they will not object
16 to me appearing on camera at Mr. Linde's request.

17 Anything else you want me to say?

18 THE WITNESS: Yes. I would like you to
19 tell who is here.

20 MR. MILLER: We have John Shaw, Jack
21 Headley, Mr. Sperling, your counsel, the court
22 reporter, yourself and me.

23 THE WITNESS: What's the date today?

24 MR. MILLER: Let me check here. It's

1 the 6th of November.

2 Anything else you would like?

3 THE WITNESS: What year?

4 MR. MILLER: You kind of enjoy this
5 role, don't you?

6 THE WITNESS: No. I want to get it
7 right.

8 MR. MILLER: What year?

9 THE WITNESS: Yes.

10 MR. MILLER: 1985.

11 Is there anything else that you would
12 like on the record?

13 THE WITNESS: No.

14 MR. MILLER: And I did have your
15 agreement?

16 MR. HEADLEY: Yes. That's correct.

17 It's perfectly agreeable. Although I was looking at
18 the screen and I didn't think you looked
19 particularly photogenic.

20 MR. MILLER: That could be. That could
21 be.

22 BY MR. MILLER:

23 Q. Now, Mr. Linde, I'll give you my usual
24 introduction because it's been a while since we

1 talked to you last. Apparently it was back on
2 March 27th, 1984, approximate a year and a half
3 ago.

4 As you know, my name is Richard
5 Miller. We met before. I represent Mr. and Mrs.
6 Lewy, Jack and Evelyn Lewy, in a lawsuit against
7 Remington Arms Company in which they allege that a
8 Model 700 bolt-action rifle fired on release of the
9 safety and injured Mrs. Lewy.

10 Now, you've been through the deposition
11 with us before, probably some other depositions, but
12 just for purposes of the record I'm going to go
13 through my explanation.

14 MR. HEADLEY: I think too here for the
15 record it should show that Mr. Linde previously gave
16 his deposition in this case on March 27, 28th and I
17 believe into the 29th of 1984 and we do expect
18 Mr. Miller, as he has been told previously, to avoid
19 as much as possible repetition and not attempt to
20 cover things that were previously covered in the
21 earlier deposition. However, it's understood that
22 there may be some questions that he will want to ask
23 that may touch on that.

24 We'll try to watch for it, but it

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1 doesn't mean that it's impermissible for him to ask
2 that, Mr. Linde. I'm really making this statement
3 attempting to try to hold Mr. Miller down and cover
4 what he thinks necessary but hopefully to be as
5 brief as possible.

6 Now, that's all. I just want to make
7 that statement for the record. Excuse me,
8 Mr. Miller. Go ahead.

9 MR. MILLER: That's no problem. I'll
10 do my best not to be repetitious. But you're right,
11 it did cover three days. I glanced through it a
12 week or so ago and some last night and I'll try to
13 avoid areas that are repetitious, but I can't
14 promise you that we won't hit on one that we didn't
15 cover at some point.

16 MR. HEADLEY: All right.

17 BY MR. MILLER:

18 Q. One thing we need to cover here is at prior
19 depositions your attorney did not allow you to go
20 into discussion about the Model 600 bolt-action
21 rifle. When I refer to that, I mean the 600, the
22 660, the Mohawk 600 and the XP-100 pistol.

23 A. I'd have to -- just a minute. I cannot
24 cover those. I cannot include the XP-100 in with

1 the 600.

2 Q. Why not?

3 A. When you say the Model 600, it's not an XP-
4 100. If you want to cover the 600 and the XP-100,
5 then you're going to have to tell me that.

6 Otherwise, I'm just going to assume that it's the
7 rifle.

8 Q. Well, for purposes of my definition of the
9 Model 600 series, I'm going to include the pistol as
10 well. When I use that term it's to include all
11 four. If your answer wants to exclude the XP-100
12 pistol, let me know in your answer.

13 A. I'm letting you know right now because what
14 you're doing is you're changing the terminology
15 that's been understood up to this point and what it
16 does is it just leads to confusion in the future.

17 Why should we lead it into confusion?

18 Q. We'll get to that.

19 A. We're both here trying to make order out of
20 chaos. Right?

21 Q. I am.

22 A. Okay. So if that's the case, then let's
23 start right here.

24 Q. Okay. We'll get to that point in a moment

1 and we'll discuss the differences in a moment.

2 A. No. Just a minute. Can we have it
3 understood when you talk about the XP-100 pistol
4 you'll call it a XP-100 pistol, and when you talk
5 about a Model 600 rifle, you'll call it a Model 600
6 rifle? I just would like to know which way it's
7 going to be now so I don't have to be left with some
8 kind of question in my mind.

9 Q. I'll tell you in a little while which way
10 it's going to be. Right now I'm not in the mood to
11 do so.

12 MR. HEADLEY: Well, I think all
13 Mr. Linde is saying is that when he answers a
14 question if it refers to the 600, he's going to
15 assume that it's the 600 only, unless the question
16 includes other models.

17 THE WITNESS: That's right.

18 MR. HEADLEY: I think that's fair and
19 that's the way we've been proceeding.

20 MR. SHAW: For the record also,
21 Mr. Miller, I think as you will recall and well know
22 in any of the conferences that we've had with the
23 Court, the judge has been very clear that the
24 XP-100, being a pistol, does not fall within the

1 ambit of the discovery on this case. So I don't
2 understand your persistence in wanting to roll that
3 in there anyway or indicate that you're permitted to
4 ask questions about it, especially since the witness
5 has indicated it's only going to confuse things.

6 MR. MILLER: We'll get to that point,
7 all of that point in just a moment. I would like to
8 go through my introduction first and then we will
9 establish the ground rules.

10 THE WITNESS: So we can forget
11 everything we have just discussed?

12 MR. MILLER: As far as I'm concerned.
13 We'll establish the ground rules and the Model 600
14 and the XP-100 shortly.

15 BY MR. MILLER:

16 Q. As I said, a deposition is a conversation.
17 I'm going to be asking you questions. You'll be
18 giving me answers subject to your attorney's
19 instructions.

20 Do we understand that all right?

21 A. Yes.

22 Q. The court reporter here is of course
23 transcribing what you say, what I say, what your
24 attorneys might say. We also pursuant to court

1 order have this deposition on videotape or will be
2 videotaping it.

3 You understand the camera is here, of
4 course?

5 A. Yes, I do. I do not understand why but I
6 understand it's here.

7 Q. Now, please state -- before we get to that,
8 one thing the court reporter mentioned a moment ago
9 and I will try to slow down my language for him, if
10 you will agree to do so. We also have to let each
11 other get our questions and answers out. In other
12 words, you let me finish my question in its entirety
13 and I'll let you finish your answer.

14 Sometimes I'll break my rule because
15 I'll anticipate something. Sometimes you'll break
16 your half of the bargain because you will anticipate
17 something. But we'll try to the best we can to let
18 each other finish our comments. Is that right?

19 A. Yes.

20 Q. Now, one other thing, one other ground rule,
21 if you don't understand one of my questions, one of
22 my terms, let me know and I'll try to explain it to
23 you. I'll repeat the question. I'll rephrase the
24 question. I can have the court reporter read the

1 question back, whatever. But I want you to
2 understand the question.

3 Will you do that before you make an
4 answer?

5 A. Yes, I will.

6 Q. Now, please state your full name for the
7 record.

8 A. It's John Paul Linde.

9 Q. Is that L-i-n-d-e?

10 A. Yes, it is.

11 Q. What is your current address?

12 A. It's 4808 Pennington -- that's P-e-n-n-i-
13 n-g-t-o-n -- Court, Wilmington, Delaware.

14 Q. What is your current telephone number?

15 A. My telephone number doesn't apply.

16 Q. Please just give me your telephone number.

17 MR. HEADLEY: It's all right so far as
18 we're concerned.

19 A. Well, yeah. But why? It's 239-0765. Now
20 could I have your telephone number in case I would
21 like to call you? Geez.

22 Q. It's area code --

23 A. I would like everybody in the world who
24 reads these to know my telephone number so they can

1 call me up? You know? Please. Let's try to be a
2 little more mature on this. Can we please? Don't
3 ask me questions that don't pertain to this.

4 Q. Mr. Linde, let's get something established
5 at the outset.

6 A. Okay.

7 Q. This is my deposition. I'm doing it
8 pursuant to court rules. I'm entitled to get your
9 telephone number and your address. If we're going
10 to put a proviso on certain things like this, we're
11 going to have to take it back to the judge and let
12 him make a decision as to what information I'm
13 entitled to get.

14 A. Okay.

15 Q. Now, this is my opportunity to get answers
16 to questions.

17 A. I understand.

18 Q. Okay. That was one of my questions. I
19 won't even bother with your social security number,
20 which I have asked everybody else, because it's not
21 that important to me.

22 How long have you lived at that
23 address?

24 A. I've lived there since September 11 or 12th,

1 1984.

2 Q. Do you have any plans to move in the near
3 future?

4 A. No, I do not.

5 Q. Now, we went through your educational
6 background last time so I won't do that again, your
7 professional background as well, so I won't touch on
8 that again.

9 There has been a change in your
10 employment, however, since the last time we talked
11 with you on March 27th through 29th, 1984. Could
12 you please explain to me that change in the
13 employment?

14 A. The position that I have right now?

15 Q. Yes.

16 A. The position I have right now, I'm the
17 manager -- pardon me. Correction. I'm the
18 manufacturing and technical manager for engineered
19 parts.

20 Q. Engineered parts of Remington?

21 A. Engineered parts for the F&FP division.

22 Q. What is the F&FP division?

23 A. It's the finishes and fabricated products
24 department.

1 Q. Of Remington or DuPont?

2 A. Of DuPont.

3 Q. How long have you held that position?

4 A. I've held this position since June 1 of
5 1985.

6 Q. What position did you hold prior to June 1
7 of 1985? Was it the same position that you held
8 when we deposed you before?

9 A. No, it was not.

10 Q. What position was that?

11 A. I was the technical superintendent of the
12 Kalrez plant.

13 Q. What and where's the Kalrez plant?

14 A. Kalrez is the trade name for a high-
15 performance rubber that we manufacture. The plant
16 is the Tralee Park plant at Newark, Delaware.

17 Q. How long did you hold that position?

18 A. I held that position from July 1, 1984 to
19 June 1, 1985.

20 Q. Prior to holding that position were you in
21 the same position you were when we deposed you
22 before on March 27 through 29th, 1984?

23 A. Yes.

24 Q. What was the name of that position for my

1 memory, please?

2 A. I was superintendent of process engineering
3 and control.

4 Q. Was that your last position at Remington?

5 A. Yes.

6 Q. As a direct employee of Remington?

7 A. Yes.

8 Q. Was that the last time you have been
9 concerned with the manufacture of firearms?

10 A. Yes.

11 Q. I cannot remember if we asked you this
12 before. Are you a hunter or a benchrest target
13 shooter yourself?

14 A. Yes.

15 Q. Which one or both?

16 A. I'm a hunter and I have shot benchrest.

17 Q. I think we went through some guns you owned
18 and used last time. I remember, yeah.

19 Now, when you left Remington you were
20 in charge of the process engineering and control
21 group or division. Is that right?

22 MR. HEADLEY: Objection, repetitious.

23 Q. The position you mentioned before, was that
24 in charge of it or was there someone over you in

1 that position?

2 A. I was in charge of it.

3 Q. Had you ever been in the research division
4 at Remington?

5 A. Yes.

6 Q. Had you ever been in the production division
7 of Remington?

8 A. Yes.

9 Q. Had you ever been in the marketing division
10 of Remington?

11 A. No.

12 Q. Had you ever been a member of the product
13 safety subcommittee?

14 A. No.

15 Q. Had you ever been a member of the operations
16 committee?

17 A. No.

18 Q. Had you ever attended any of the meetings of
19 either of those two committees?

20 A. Yes.

21 Q. Which one or both?

22 A. Both.

23 Q. Do you remember what was discussed at the
24 meetings you attended at the product safety

1 subcommittee?

2 A. Yes.

3 Q. What was discussed?

4 A. The Model 600 rifle.

5 Q. During that meeting what was said about the
6 Model 600 or what was decided?

7 A. I can't remember, but there are minutes of
8 those meetings. If you could show me the minutes, I
9 can go through it.

10 MR. HEADLEY: Mr. Miller has a copy of
11 them. And I would suggest, Mr. Miller, to save time
12 that if you want to discuss those meetings, why, it
13 would be helpful to the witness and I'm sure to
14 everyone else if you would just bring forth the
15 minutes that we have produced and provided for use
16 so that we can speed this along. Then you may ask
17 the witness what you want to ask about those
18 meetings.

19 MR. MILLER: We'll do that in due
20 time. I'm not going to do it now but we will look
21 at the minutes.

22 BY MR. MILLER:

23 Q. Do you remember what was discussed at the
24 operations committee in general that you attended?

1 A. Yes.

2 Q. What was that?

3 A. I've attended the operations committee
4 meetings for a number of years and we discussed
5 everything that was needed to be discussed about
6 implementing guns from the research to production.

7 Q. If there was a design change made on a
8 particular bolt-action rifle, would it sometimes be
9 reviewed by the operations committee or approved by
10 that committee?

11 A. Yes and no.

12 Q. In what instances would yes be true and in
13 what instances would no be true?

14 A. It would depend on the magnitude of the
15 change. If the change involved a new product, yes,
16 it would be discussed in the operations committee.
17 If the change involved some kind of design change
18 that didn't affect the product going to the
19 customer, no, it would not.

20 Q. How about if the change involved a safety-
21 related point in the rifle, a safety-related design
22 change?

23 A. It would depend upon the change.

24 Q. For instance, the removal of the bolt lock

1 on the Model 700, would that be of significant
2 magnitude to be discussed by the operations
3 committee?

4 A. I really don't know, but minutes would say
5 if it was or not.

6 Q. You wouldn't be able without looking at it
7 to render an opinion as to whether that is of that
8 significant magnitude that that committee would want
9 to review it?

10 A. I just don't know because it's not
11 necessarily a question of magnitude. It was also a
12 question of how many things you had to cover at a
13 given meeting. So some things of a lower magnitude
14 might be covered if the agenda was such that it
15 would allow it.

16 Q. Have you ever seen any of the minutes of the
17 product safety subcommittee or the operations
18 committee?

19 A. Yes, I have.

20 Q. For what reasons? Just a general review or
21 were you reviewing them for a particular reason?

22 A. For the operations committee we put the
23 minutes together.

24 Q. Who is "we"?

- 1 A. The PE&C group at Ilion.
- 2 Q. Why did the PE&C group put the operations
3 committee minutes together?
- 4 A. Because we were the ones doing the majority
5 of the reporting so we would assemble the minutes
6 and publish them.
- 7 Q. Who maintained those minutes at Remington
8 once they had been published?
- 9 A. The secretary to the superintendent of PE&C.
- 10 Q. Which was you at one time?
- 11 A. No. I was the superintendent but I was not
12 the secretary.
- 13 Q. Well, I meant you were the superintendent?
14 I didn't mean you were the secretary. I understand
15 that. I see how you could confuse my question.
16 But your secretary at least kept the
17 minutes of the meeting?
- 18 A. Yes.
- 19 Q. Who actually prepared those minutes? Was it
20 you or was it someone who you designated in PE&C to
21 do?
- 22 A. It would depend upon where the information
23 came from, but the guy who compiled the information
24 was I think the title is staff engineer of PE&C.

1 Q. Would he attend the meeting and then prepare
2 the minutes as a result of the meeting?

3 A. Yes.

4 Q. You might call on a staff engineer in a
5 particular area, say bolt action process, to record
6 changes or something, to advise the committee on
7 what was going on in that area and that same person
8 would prepare the minutes? Is that the way it
9 worked?

10 A. Not necessarily.

11 Q. It did work that way sometimes?

12 A. It would depend upon the engineer.

13 Q. Now, besides preparing the operation
14 committee minutes, did you ever review those
15 retrospectively?

16 MR. HEADLEY: He didn't say he prepared
17 them. You said besides preparing it and that
18 assumes he prepared it.

19 Q. Besides your group preparing it, the PE&C
20 group or division, did you yourself ever review the
21 minutes of that committee retrospectively for a
22 particular reason, to do a particular study or
23 anything?

24 A. I don't understand your question. I would

1 review the minutes every month to make sure they
2 went out on time, to make sure they were readable,
3 presentable and spelling was correct and what have
4 you.

5 Q. Did you ever have occasion to review either
6 the operations committee minutes or the product
7 safety subcommittee of the operations committee
8 minutes for how they examined or treated the fire
9 control system in bolt-action rifles?

10 MR. HEADLEY: Read that question back.
11 (The reporter read back the last
12 question.)

13 MR. HEADLEY: I'm not sure we've
14 established that the operations subcommittee,
15 whatever that said, was part of the operations
16 committee.

17 Did you understand the question,
18 Mr. Linde?

19 THE WITNESS: No, I did not.

20 MR. HEADLEY: All right. I'll just
21 withdraw it. I just really didn't understand the
22 question and I don't know that all those things in
23 the question have been established yet.

24 MR. MILLER: Well, it may not have been

1 established in this one. If you want to go to that
2 trouble, we'll do it.

3 THE WITNESS: Just clarify your
4 question and I'll try to answer it.

5 BY MR. MILLER:

6 Q. Is the product safety subcommittee a
7 subcommittee of the operations committee?

8 A. I don't know. It's a subcommittee of
9 something. Isn't it?

10 Q. Apparently so.

11 A. I never thought of it. I really don't know.

12 Q. Let me show you something that causes me to
13 believe it is.

14 A. Okay.

15 Q. I'm going to show you what's been marked as
16 Exhibit QQQ, just page 1. The heading reads
17 operations committee and product safety subcommittee
18 right underneath it.

19 A. Oh, okay.

20 Q. Okay?

21 A. Yeah.

22 Q. Now, did you ever have occasion to review
23 the minutes of either of those committees, the
24 operations committee or the product safety

1 subcommittee?

2 MR. HEADLEY: Objection, repetitious.

3 The witness said he had.

4 A. Yes, I have.

5 Q. I'm sorry. I'm straightening out the
6 camera. Apparently I knocked it. Let me finish the
7 part of the question that I hadn't gotten to yet.

8 (continuing) for how the committee
9 treated bolt-action rifles, what they did with
10 respect to those types of firearms?

11 A. No, I cannot say that I went in and checked
12 what the committee said on how they treat
13 bolt-action rifles, reviewed that.

14 Q. Okay.

15 A. I can say though that I reviewed the
16 minutes.

17 Q. On a monthly basis for the operations
18 committee, correct?

19 A. Oh, I had to do that. Yes.

20 Q. How about the product safety subcommittee,
21 did you review those regularly?

22 A. No. I never even seen the majority of them.

23 Q. Were you ever a member of what has been
24 referred to as a gun examination group or a gun

1 examination committee?

2 A. No, I haven't been.

3 Q. Have you ever attended any of their meetings
4 at which they reviewed a particular firearm?

5 A. Yes, I have.

6 Q. In what instances have you attended those
7 meetings?

8 A. The majority of the time they would call me
9 in, particularly if they had a Model 3200. They
10 would say, "We have a 3200. Can you just take a few
11 minutes and come in and take a look at this," at
12 which I would do.

13 Q. Have you ever been called in --

14 MR. HEADLEY: Now, that's a shotgun?

15 THE WITNESS: Yes, the Model 3200 over-
16 and-under shotgun.

17 BY MR. MILLER:

18 Q. Have you ever been called in during one of
19 their examinations when they were looking at a Model
20 700 bolt-action rifle?

21 A. Yes, I have.

22 Q. How about a Model 600 bolt-action rifle?

23 A. I'm sure I have.

24 Q. Now, I do need to establish these terms and

1 let's see what kind of agreement we can come on.
2 I'm going to use the term 700 series to include the
3 Model 700 and its predecessors, the 721 and 722.

4 Can we agree to that?

5 A. No, we cannot.

6 Q. Why not?

7 A. Because there's a difference in them.

8 Q. I realize there's a difference but for
9 purposes of this discussion when I refer to the term
10 700 series, I mean those three rifles. Now, if
11 there is a difference that would change your answer
12 to the question, please tell me about it.

13 MR. HEADLEY: Well, I think probably
14 the best way to handle -- and I'll object to that,
15 telling the witness to handle it that way. I think
16 the burden should be on Mr. Miller, the attorney for
17 the plaintiff, to pose his questions properly rather
18 than to tell the witness that the burden is on him
19 that if there would be any difference in an answer
20 where you mention only the Model 700 rifle, that
21 there be any difference if you had included the 721
22 and the 722 in that, that it's up to him to
23 straighten it out.

24 I think probably you want to ask your

1 questions in the proper narrow fashion so that the
2 record will be precise and clear.

3 Q. Do you understand what I mean, not whether
4 you agree with me, but understand what I mean when I
5 say 700 series?

6 A. No, I do not. To me the 700 series is all
7 the 700 rifles, the Varmint, the left-hand, the
8 right-hand, the ADL model, the BDL model, the
9 Varmint model, the Custom model. That to me is the
10 700 series.

11 Q. Well, let's take a minute and talk about
12 changes or differences between the 721 and 722 and
13 the 700. If there are those differences, why don't
14 you tell me what they are?

15 A. Sure.

16 Q. Go right ahead.

17 A. The 721, to start with or to end up with,
18 has a different stock. The stock form is altogether
19 different. It's kind of a smooth-flowing stock with
20 a low area where you put your cheek.

21 The stock did not have the same kind of
22 attachments. It had a different kind of butt
23 plate. It did not have a grip cap. The stock had a
24 lacquer finish with a stain as oppose to a good

1 urethane type finish that the Model 700 had. The
2 stock did not have checkering as the Model 700
3 does. The 700 stock also has the fore end tip.

4 The barrel profile was different on the
5 700 than the 721. The sight system was different.
6 The receiver was different. The trigger assembly
7 was different.

8 Q. Now let me stop you there. Let me stop you
9 there.

10 A. Just a minute. Do you want me to finish?

11 Q. Well, I do want you to finish. I will let
12 you finish. But you've gotten to a point which is
13 of an interest to me.

14 MR. HEADLEY: Well, it may be that it
15 would be better for the witness' train of thought
16 and memory if he could go through it. Then you
17 could ask about specifics. Otherwise, when you
18 start again you're going to have to go back and go
19 through the whole beginning again.

20 Q. Would you forget things if we interrupted
21 you?

22 A. Only that it chops it up.

23 Q. Go ahead.

24 A. It chops it up.

1 Q. Go ahead. You were on fire control
2 systems.

3 MR. HEADLEY: We were on, as I remember
4 by my notes, different barrel profile, sight,
5 receiver.

6 A. Trigger assembly. The magazine box is
7 attached differently. The floor plate, trigger
8 guard assembly are different. Let's see. The bolt
9 assembly is different. The bolt release system is
10 different. And the others are minor. And the
11 finishes on the metal is completely different.

12 Q. Now, of all those things that you've talked
13 about, the two that I'm interested in are the fire
14 control system, which I think you used those terms,
15 and the trigger assembly.

16 A. I called it the trigger assembly.

17 Q. Right. You mentioned the fire control
18 system before I interrupted you, I think.

19 A. I think I said trigger assembly.

20 Q. Trigger assembly is part of the fire control
21 system, isn't it?

22 A. No.

23 Q. No. What's the difference between the
24 trigger assembly and the fire control system?

1 A. The trigger assembly would include the fire
2 control system.

3 Q. What is included in the trigger assembly
4 that is not included in the fire control system?

5 A. Well, the trigger assembly is your complete
6 assembly, the bolt release on one side and the
7 safety system on the other side, and it's that
8 complete assembly.

9 Q. And all the fire control parts are the sear
10 and the cam?

11 A. Yes, are inside.

12 Q. We'll refer to it as the trigger assembly in
13 general. When we talk about fire control systems,
14 do you understand that term?

15 A. You tell me how you understand it.

16 Q. The fire control system to me includes the
17 trigger. It also includes all the parts in the fire
18 control housing between the side plates. I'll run
19 through the parts. We have the trigger, the trigger
20 connector, the sear, the safety as it acts on the
21 sear, and then the miscellaneous screws, springs,
22 pins, et cetera that hold that system together or
23 make it function.

24 Now, the safety system, I also include

1 in there as part of the system, particularly since
2 the safety acts on the cam, and I would include in
3 the safety system, the safety switch or lever itself
4 and the detent spring, the detent ball and all the
5 little parts that establish the detent safety.

6 Do we follow each other?

7 A. No. Just wordsmithing, but my fire control
8 system is everything without the safety system.
9 Then the trigger assembly is where you put the
10 safety system on and you put the bolt release on and
11 you have the whole assembly ready in a box.

12 Q. Using your terms, what I'm interested in is
13 the fire control system and the safety system but
14 not the bolt release system, those portions of the
15 trigger assembly.

16 A. Okay.

17 Q. I will try to use both fire control system
18 and safety system but sometimes I'll forget to use
19 the term safety system, but I'll try to remember.

20 Now, of all those changes between the
21 Model 721 -- I don't know if you were referring to
22 722 or not -- and the 700, the ones I'm interested
23 in are the ones in the fire control system and the
24 safety system.

1 Now, excluding those changes, do any of
2 the other changes that you went through, for
3 instance, the butt and the stock, have anything to
4 do with the fire control system on a bolt-action
5 rifle or the safety system on a bolt-action rifle?

6 A. Not that I can think of.

7 Q. So in narrowing it down to the fire control
8 system and the safety system, what changes were made
9 in those two systems in moving from the 721, 722
10 series to the 700 series?

11 MR. HEADLEY: Now, for purpose of
12 information for me, you've referred to the fire
13 control system and the safety system. And I
14 understood, and I may be incorrect, that the way to
15 refer to both of those as a group is to call it the
16 trigger assembly.

17 Q. The trigger assembly also includes the bolt
18 stop and that sub-assembly, doesn't it, the bolt
19 stop release?

20 A. That's what I was talking about. What did I
21 call it?

22 Q. Well, what you said was -- and I hope I'm
23 saying it right.

24 A. Okay.

1 Q. The trigger assembly included three things,
2 the fire control system, the safety system and the
3 bolt stop release and whatever is with it.

4 A. Yeah. I call it the bolt stop release,
5 right.

6 Q. I want to exclude the bolt stop release.
7 I'm not interested in that.

8 A. Oh, yeah. I agree with that.

9 Q. What I'm talking about is the fire control
10 system and the safety system.

11 A. Okay.

12 Q. Now, my question is: What changes occurred
13 in those systems in moving from the 721, 722 rifles
14 to the Model 700 bolt-action rifle?

15 A. I don't know all the changes but I know a
16 couple that I can tell you.

17 Q. Go ahead and tell me those couple.

18 A. The couple that I would know is that the
19 safety lever would have changed going to the 700
20 because they changed the way it fit in the stock and
21 its relationship with the receiver.

22 Q. Do you know if that safety lever or lever
23 was functional or just cosmetic?

24 A. I believe it would just be cosmetic. Then

1 the bolt release on the other side would change
2 because, as I recall, the 721 I don't believe had a
3 bolt release.

4 Q. I'm excluding the bolt release. I'm not
5 concerned with that.

6 A. But they're attached to the trigger assembly
7 and consequently when you put the bolt release in
8 you have to change some pins. So I don't want you
9 to come back and say, "Well, we have some pins
10 changed too."

11 Q. Do you know if that change in bolt release
12 caused a functional change in the fire control
13 system or the safety system?

14 A. I wouldn't think so.

15 Q. What other changes?

16 A. That's the only two that I can think of.

17 Q. Do you know of any functional changes in
18 moving from the Model 721, 722 to the Model 700 in
19 either the fire control system or the safety system?

20 A. No, I do not.

21 Q. Now let's talk about the differences between
22 the Model 600 -- and I won't use the term "series"
23 right now. We'll just talk about the Model 600
24 itself -- and the Model 700 bolt-action rifles.

1 What I'm interested in are functional changes or
2 functional differences, I should say, between those
3 two rifles in either the fire control system or the
4 safety system.

5 Could you list those changes for me,
6 please?

7 A. Help me to understand your question. The
8 Model 600 changed, as you know, on the trigger
9 assembly. Now, which trigger assembly are you
10 talking about?

11 Q. We're talking about the pre-1975 trigger
12 assembly, prior to the changes instituted during
13 that period. Does that help you?

14 A. Okay.

15 Q. If I said '65, I meant '75. I can't
16 remember what year I used. Pre-1975.

17 A. Okay. You want the differences between the
18 Model 700 trigger assembly and the 600 trigger
19 assembly as introduced?

20 Q. Yes. Prior to 1975.

21 A. Okay. The Model 600 trigger assembly was a
22 folded, it was a folded assembly.

23 Q. That was the side plates or the housing?

24 A. The housing that it went into. It was a

1 formed steel and then it was folded up. Then there
2 were tangs folded in for the adjusting screws on two
3 of them I believe and then the other one was a
4 tapped, interrupted tapped thread.

5 Consequently, the adjusting screws and
6 the springs and the setup in the trigger assembly
7 are different than the Model 700 which had two side
8 plates attached together with spacer blocks.

9 Q. Was one system preferable to the other
10 between the 700 system and the 600?

11 A. I believe the basic difference between the
12 two is that they were developed by two different
13 individuals.

14 Q. Who developed the Model 600, if you
15 remember?

16 A. The Model 600 came out of the design area
17 that Wayne Leek was responsible for.

18 Q. Was there a preference so far as you were
19 concerned for one system over the other? Did you
20 think one was better than the other?

21 A. Well, it's hard to answer the question
22 because they both had their place. When you say
23 "better," better for what?

24 Q. What were their places?

1 A. Well, the 600 was really -- it was a trigger
2 assembly that was developed for a rifle that was a
3 carbine that was going to be used for that kind of
4 hunting. The 700 trigger assembly was more of a
5 universal trigger assembly that could be adaptable
6 for the whole 700 line.

7 Q. Was one system more functionally consistent
8 in terms of more consistent in terms of the widths
9 of the side plates to the housing?

10 A. I really can't remember if it would be or
11 not.

12 Q. Go ahead. What other differences were there
13 between the 600 and 700 prior to 1975?

14 MR. HEADLEY: With respect to --

15 MR. MILLER: Yeah, the fire control
16 system and the safety system.

17 Q. Yeah.

18 A. Okay. The safety lever on the 600 and 700
19 are completely different. One of them was developed
20 to work with the rifle stock on the 700. The 600
21 was developed to work on the carbine stock on the
22 Model 600. And the basic difference there was that
23 the trigger was also different. I'm getting kind of
24 tangled up here.

1 The trigger was also different on the
2 600 and 700. The trigger on the 600 was actually
3 positioned like an inch ahead, the trigger -- let me
4 try to be clear.

5 The trigger -- I'm trying to think of
6 what the terminology is. Well, anyway, the trigger,
7 where you would grip the trigger, where you would
8 contact the trigger with your finger, that curved
9 surface is about an inch ahead with respect to the
10 rifle on the 600 than on the 700. This was done so
11 that the carbine could be made shorter than a rifle
12 and that gave an additional inch of shortness which
13 equates to weight and to handling.

14 Now, when you move the trigger ahead on
15 the 600, you also have to change the relationship of
16 the safety lever, so that the safety lever was also
17 changed.

18 Also the bolt handle, a dogleg was put
19 on the 600 to move the bolt handle an inch ahead
20 also.

21 Q. In those three changes, were any of those
22 functional changes or were they more just to shorten
23 the rifle? Did they change the function of these
24 two systems we're talking about, the fire control

1 system or the safety system?

2 A. Yes, they do.

3 Q. In what way did they change the function?

4 A. Well, you're using different parts and the
5 relationship of those parts is different in the two
6 systems.

7 Q. What parts in particular were different?

8 A. You changed the safety lever and you changed
9 the trigger and you also changed the connector.

10 Q. How did you change the connector?

11 A. The 600 had a shorter connector. The
12 overall bolt length on the 600 was shorter than on
13 the 700.

14 Q. So the size was different?

15 A. Yes.

16 Q. On the connector, right?

17 A. Yes.

18 Q. And the safety lever was a little bit
19 different in configuration on the handle?

20 A. No. The safety lever on the 600 was
21 different in the handle and in the cam and in the
22 relationship. So the way that the lever sat with
23 respect to the cam was different and the cam itself
24 was different.

1 Q. Now, functionally though in how the internal
2 parts operated -- and the parts I'm talking about
3 are the trigger, the trigger connector, the sear and
4 the safety cam, the portion of the safety that cams
5 up the sear, lifts up the sear -- did they operate
6 the same way in a firing situation?

7 A. Yeah. What you might want to say is the
8 strategy, the overall concept on how the assembly
9 works is the same. How that strategy is implemented
10 is different.

11 Q. Differences of sizes between parts?

12 A. Yeah. There's differences of rotations and
13 relationships.

14 Q. Now, would those same statements be true of
15 the Model 660 in comparison to the 700 of course?

16 A. Yes.

17 Q. How about the Mohawk 600?

18 A. Well, until the change was made in the
19 trigger assembly.

20 Q. Until 1975 in all these models?

21 A. Yes.

22 Q. How about the XP-100 pistol?

23 A. No.

24 Q. What differences were there in that pistol

1 that we haven't talked about in relationship to the
2 700?

3 A. Just a minute.

4 THE WITNESS: Would you like me to go
5 into the Model XP-100 pistol?

6 MR. HEADLEY: Yes. Mr. Shaw was
7 correct. The judge has ruled that the XP-100
8 pistol, he said that's out of the case so far as
9 he's concerned. But for clarification and to
10 buttress that, you might point out to Mr. Miller
11 what the difference is and why the XP-100 is not
12 related.

13 THE WITNESS: Why should we do that?

14 MR. MILLER: Because I might drop it
15 entirely if you explain it to me.

16 MR. HEADLEY: Well, regardless of what
17 Mr. Miller said -- don't be guided by that.

18 THE WITNESS: That's for sure.

19 MR. HEADLEY: (continuing) you might
20 just briefly go by that, but I don't want to spend
21 all day on that.

22 THE WITNESS: When the world runs out
23 of magnetic tape he'll drop it, right?

24 MR. HEADLEY: Well, he might. But he

1 hasn't yet run out of tape.

2 THE WITNESS: You want me to answer the
3 XP-100?

4 MR. HEADLEY: Yes. Just briefly show
5 why it's not in the same family.

6 A. If you take the logic train that we followed
7 going from the Model 700 to the 600, you can follow
8 that same logic train and go from the 600 to an
9 XP-100. The XP-100, if you take a look at that,
10 you'll see that the bolt and the port sit to the
11 back.

12 Q. The bolt and the what?

13 A. The ejection port. (continuing) sit to the
14 back of the pistol. The trigger is quite a ways
15 forward of that. So the relationship, the
16 relationship of the bolt and where the firing
17 mechanism has to be and the trigger, that distance
18 has been stretched.

19 Q. So you moved the bolt portion to the other
20 side of the trigger in the XP-100?

21 A. That's right. So the trigger assembly still
22 has to hold the firing pin head -- correct?

23 Q. That's right.

24 A. So that part of the assembly has to be to

1 the rear and the trigger part of the assembly has to
2 be forward and then you have to have a connecting
3 link between the two.

4 Q. Does the XP-100 pistol have the same
5 components, the trigger, trigger connector, sear and
6 safety cam, at least at some point in the pistol?

7 A. If you're saying identical, I think the one
8 identical part would be the cam. I think the sear
9 -- pardon me. It's the sear safety cam, I think is
10 the correct nomenclature. That part I think is
11 common. But I think -- the housing of course is
12 different and the connection and it does not have a
13 connector at all. So the rest of the assembly is
14 completely different.

15 Q. It doesn't have a connector at all?

16 A. No.

17 Q. Is there a reason for that that you know of?

18 A. Sure.

19 Q. What's the reason?

20 A. The reason is the design that we just went
21 through, where you got the assembly to the back and
22 you got the trigger to the front.

23 Q. So it wouldn't be possible to have a
24 connector is what you're telling me?

1 A. Well, you know, maybe you could design it
2 in. I don't think it would be practical, I think
3 would be a better answer.

4 Q. Well, this is my last question on this. I'm
5 really curious about this.

6 Why isn't it possible, why wouldn't it
7 be desirable to have a trigger connector on the
8 XP-100 if you could design it in?

9 A. Why?

10 Q. Why wouldn't it be desirable to have one?

11 A. Because the trigger connector works with the
12 trigger. You have the trigger to the front now and
13 those functions that that connector did are needed
14 to the rear.

15 Q. The function being what function is needed
16 to the rear?

17 A. The function that the connector does in a
18 normal rifle.

19 Q. What function is that?

20 A. Well, the connector is what supports the
21 load down on the sear and it's the surface that you
22 actually sear off of.

23 Q. That function is needed in the rear of the
24 XP-100?

1 A. Yes, it is. And the trigger is needed
2 forward.

3 Q. Well, what supports the sear in the XP-100
4 if it's not the trigger connector?

5 A. There's an intermediate piece and I don't
6 know what it's called.

7 Q. So there's something that relates the sear
8 safety cam and the sear to the trigger that's an
9 intermediate piece?

10 A. Yes. Actually there's two intermediate
11 pieces.

12 Q. Is that to traverse the distance?

13 A. Yes. One traverses the distance and the
14 other one pivots and acts as an intermediate.

15 Q. One last question. Why was the XP-100
16 recalled with the 600 series rifles?

17 A. (Pause) I really don't -- I can't remember.

18 Q. Would the XP-100 fire on release of the
19 safety or FSR for Remington? Was that the reason?

20 A. I can't remember.

21 Q. Now, the 788 as I understand it has a
22 significantly different fire control system and
23 safety system than the Model 700. Is that right?

24 A. Yes, it does.

1 Q. It utilizes a trigger-trigger connector
2 situation?

3 A. Let's help me to understand which 788 you're
4 talking about.

5 Q. Well, I don't know how to separate them. Is
6 there a distinction that's important to you?

7 A. No. There's not one that's important to me.

8 Q. Can you answer my question?

9 A. Well, there are two basic designs.

10 Q. Then let's talk about each one separately.

11 A. Okay.

12 Q. Are they separated in terms of time? Was
13 there a change at a point in time?

14 A. Well, they're essentially a difference in
15 design. One was a blocked trigger safety and one
16 was a blocked sear.

17 Q. Was one used through a certain period and
18 the other one used --

19 A. Yes.

20 Q. When was the block -- what was the first
21 type?

22 A. Blocked trigger.

23 Q. When was the blocked trigger used?

24 A. That would be from introduction till about

1 -- and don't hold me to the dates. Okay?

2 Q. I won't.

3 A. Because it starts to get kind of fuzzy. I
4 would say it would be right around 1975.

5 Q. Is that the same time that the bolt lock was
6 removed on the 788?

7 A. No. The bolt lock wasn't removed. What
8 happened was that we took and changed trigger
9 assemblies. We took essentially a target trigger
10 assembly from the 540X and we put it on the 788 and
11 700 series and that trigger assembly did not have a
12 bolt lock.

13 Q. That changed in the 1975 period?

14 A. Yes.

15 Q. Did the prior Model 788 have a bolt lock?

16 A. Yes, it did.

17 Q. Then after the blocked trigger in 1975 you
18 went to a blocked sear design?

19 A. Yes, we did.

20 Q. Now, what was the reason for the change
21 between the blocked trigger and blocked sear designs
22 in the Model 788?

23 A. Okay. We made two trigger assemblies
24 preceding that time. We made the blocked sear

1 trigger assembly for the 540XR and we made the
2 blocked trigger for the 580 and 788. In computing
3 the blocked trigger safety in our design, we had to
4 always be very careful that when that block went in
5 there that you maintained engagement between the
6 trigger and the sear. That meant holding the parts
7 very, very close and coming in and doing an
8 operation just right to the end where you drilled
9 and reamed a hole and you would put your block in.

10 In that operation it was very critical
11 -- and we would run into scrap every so often when
12 you would be doing it. All of a sudden your
13 tolerances would start to burry and we would say,
14 "We got to throw these out, these housings." And we
15 would say, "We're faced with this" and we considered
16 it to be very important. And we had a 540XR trigger
17 assembly which gave us very good performance.

18 When we did an analysis on it, there
19 were essentially no differences in cost and we said,
20 "Well, let's go to the 540X on trigger assembly on
21 these" and we moved and executed it.

22 Q. The 540X trigger assembly that you made the
23 change to, did that operate a trigger connector in
24 the system?

1 A. No, it did not.

2 Q. The previous 788 system that used the
3 blocked trigger, did that incorporate a trigger
4 connector in the system?

5 A. No, it did not.

6 Q. So did the trigger in both those instances
7 act directly on the sear?

8 A. Yes, they did.

9 Q. Would it have been possible to introduce a
10 system in the 788 at the time of this change that
11 blocked both the trigger and the sear when the
12 safety was placed in the on position?

13 A. Well, when you talk about firearms design
14 you can say, you know, anything is possible given
15 enough money and time. So I can't say that it would
16 be impossible.

17 Q. Who was the person who made or the people
18 who made the decision to go from the blocked trigger
19 to the blocked sear design on the Model 788?

20 A. I can't say who made the final decision.

21 The program was initiated in the manufacturing area
22 by the process engineers. It was a suggestion on
23 their part.

24 Q. When you didn't get this hole drilled

1 correctly on the earlier Model 788 systems, that
2 affected the engagement is what you told me, I
3 think.

4 A. Yes.

5 Q. Why didn't you use the Model 700 fire
6 control system trigger assembly in the Model 788
7 when you made the change? Why did you use the 40X
8 or whatever it was?

9 A. Well, the design of the 788, the receiver
10 design, it's a rear lockup. That is, it's locking
11 lugs that support the cartridge to the rear. The
12 700 is a front lockup system and its locking
13 projections are to the front. When you go to the
14 788 you have to make a larger receiver to support
15 those firing loads back to your locking lugs. By
16 making this a larger receiver, the relationship to
17 where the trigger assembly and to where the firing
18 pin head are are different.

19 So with the two rifles it would be
20 almost impossible to try to change fire controls and
21 put a 700 in a 788.

22 Q. The 40X was more compatible then?

23 A. No. It was the 540.

24 Q. 540?

1 A. Yes.

2 Q. I'm sorry. It was more compatible then?

3 A. Yes. It was essentially the target, the
4 rimfire target rifle based on the 580 series.

5 Q. The 540 and the new Model 788, why don't
6 they contain a trigger connector?

7 A. Well, the 540 and the 580 and the 788s were
8 designed by a team under Wayne Leek that consisted
9 of Charlie Morris and -- well, anyway he was like
10 the key designer. And that trigger assembly is his
11 design.

12 Q. He also is the key designer in the Model
13 600, I believe you said?

14 A. Wayne Leek was the one who was responsible
15 for the 600. He was not the key designer. The key
16 designer worked for him.

17 Q. Who was the key designer, if you know?

18 A. I really don't know on that.

19 Q. What I'm trying to get at is in the 580, the
20 780 series, the 540 I think you said you have this
21 system that Wayne Leek was the key designer on or in
22 charge of that didn't use a trigger connector?

23 A. That's right.

24 Q. Some of those are target rifles, as I

1 understand it?

2 A. Yes, they are.

3 Q. Then you go to the Model 600 series which is
4 a carbine, would you call it?

5 A. Yes.

6 Q. Not really used for target shooting?

7 A. That's right.

8 Q. When a trigger connector is used?

9 A. Yes, it is.

10 Q. And Mr. Leek was in charge of that design?

11 A. Yes, he was.

12 Q. Why when he was in charge of two separate
13 rifles didn't he use the same trigger connector or
14 not use that mechanism on the two different series?

15 A. Because -- maybe I wasn't clear. But the
16 700 system was really under the design of Mike
17 Walker, so Walker was really responsible for the 700
18 series. Leek was responsible for the 600 and the
19 788.

20 Q. But he did use a trigger connector in the
21 600 series?

22 A. Yes, he did.

23 Q. Why did he not use that in his other rifles?

24 A. I don't know.

1 Q. Is one of the functions of the trigger
2 connector to give a crisper cleaner break with the
3 sear than if the sear was operating directly against
4 the trigger?

5 A. I couldn't answer that in that way. I can
6 say that the trigger connector is made to be very
7 hard and the top is finished to give it a crisp
8 break.

9 Q. When the sear drops against the trigger
10 connector, does it kick that trigger connector out a
11 little bit since the trigger connector is not
12 attached to the trigger with a screw or anything?

13 Can it kick it out a little bit so the break is a
14 little quicker?

15 A. No.

16 Q. It doesn't?

17 A. No. If you're talking about like taking the
18 rifle off safety or cocking the gun, the trigger
19 connector stays right where it's at. Is that how
20 you meant your question?

21 Q. I'm talking about firing the rifle.

22 A. You're talking about firing the rifle?

23 Q. Right.

24 A. Okay. Now restate your question then firing

1 the rifle.

2 Q. When you fire the rifle with a trigger
3 connector and the sear drops, comes off the point
4 with the trigger connector, does the trigger
5 connector stay flush against the trigger or does it
6 kick out a little bit?

7 A. The trigger connector moves forward.

8 Q. Some at least?

9 A. Slightly, yes.

10 Q. Does that give part of the cleaner crispier
11 feel to the firing system?

12 A. Yes, it does.

13 Q. Now, if that is the case, is that cleaner
14 crispier feel important in benchrest or target
15 shooting?

16 A. Yes, it would be.

17 Q. Then is it more important in that type of
18 shooting than it would be in a hunting situation?

19 A. Well, let me qualify my answer.

20 Q. Sure.

21 A. If you -- from a strictly theoretical
22 standpoint you could say yes. From the standpoint
23 of what does a customer think, I can't say because
24 the customer, of course, he's looking for the

1 crispest trigger that he can get.

2 Q. I know both types of shooters want to be
3 accurate. But when you're talking about a sport
4 that the end result is the amount of accuracy that
5 you have in your firearm and in your personal skill,
6 that's the benchrest or target area. Is that right?

7 A. Yes.

8 Q. So the problem I'm having is you've got
9 these 588s, 780s, 540s that are used, some of them
10 used in that area, benchrest or target shooting,
11 that have no trigger connector, where that is the
12 type of mechanism that would give you the crisper
13 cleaner trigger action.

14 A. Help me to understand your question. I
15 don't know of any target 788 or 580 that we
16 manufacture.

17 Q. 540?

18 A. We make a 540.

19 Q. Let's take the 540s that are target rifles,
20 at least some of them.

21 A. Yes.

22 Q. That system does not have a trigger
23 connector. Is that right?

24 A. No, it does not.

1 Q. The trigger connector introduces a crisper
2 cleaner trigger pull you said earlier partially
3 because of that kicking motion?

4 A. Yes.

5 Q. How come a trigger connector is not present
6 on the 540 series?

7 A. Okay. The 540 series is positioned under
8 what you call the 40XR. The 40XR was our high-
9 performance, bolt-action, .22 target rifle and that
10 did have the trigger connector.

11 The 540XR was sold pretty much to
12 junior shooters, the people who were getting started
13 in the shooting game. So we would send them to like
14 -- we sold them to Boy Scout groups, camps and to
15 junior, a lot of junior target shooting clubs.

16 Q. So the quality wasn't quite as good as in
17 the Model 40 is what you're saying?

18 A. That's right. The 40XR was the premium .22
19 rimfire target rifle.

20 MR. HEADLEY: Yes. When you say
21 quality wasn't as good, what kind of quality are you
22 talking about, Mr. Miller?

23 Q. You don't understand what I mean by
24 "quality" I understand?

1 A. I'll define what my terminology is. To me
2 "quality" is a conformance to whatever kind of
3 requirements you're applying to the application.
4 For example, an analogy in this case would be a
5 Chevrolet or a Chevette has a certain quality to the
6 type that you're buying. A Cadillac has a different
7 kind of quality, but they're both quality
8 automobiles. A Cadillac has no more quality than a
9 Chevette.

10 Do you understand it that way?

11 Q. Yeah. On the basis of that definition then
12 my question is not the one that I wanted to ask.

13 MR. HEADLEY: You want to strike all
14 that?

15 A. What I'm saying is a 540XR is as equal
16 quality to a 40XR.

17 Q. The market was different?

18 A. That's right.

19 Q. The price was different?

20 A. That's right.

21 Q. Was it felt that beginning benchrest or
22 target shooters would not really notice the
23 difference that a trigger connector might introduce
24 if it had been present from a 540 system?

1 A. I can't say that.

2 Q. Now, you said that the bolt lock was removed
3 on the 788. You didn't use the term "remove." You
4 said the new design did not have a bolt lock.

5 A. That's right.

6 Q. Was there any discussion about including a
7 bolt lock on the new design?

8 A. I don't know. I wouldn't have been involved
9 in that.

10 Q. Do you know why the basis for the new
11 design, the 540, did not have a bolt lock?

12 A. Yes.

13 Q. Why is that?

14 A. It was designed for a .22 rimfire rifle
15 single shot.

16 Q. Why does that not need a bolt lock?

17 A. Because you're only firing the one shot.

18 Q. When you did use the design in the Model
19 788, that wasn't a one-shot rifle?

20 A. No, it was not.

21 Q. So why was there no bolt lock added?

22 A. That's what I'm saying. I don't know what
23 the discussions were around that.

24 Q. Do you know anything concerning the removal

1 of the bolt lock on the Model 700 bolt-action rifle
2 which occurred around 1982?

3 A. Yes.

4 Q. What do you know about that instance?

5 A. I know it was removed and I know how it was
6 removed.

7 Q. How was it removed?

8 MR. HEADLEY: This is on what model
9 now?

10 MR. MILLER: 700.

11 A. The drawings were changed to reflect a
12 different safety lever.

13 Q. Does that mean that what happened in the
14 drawings was the part that was the tang that
15 actually did the locking was cut off or eliminated?

16 A. Not necessarily, no. As I recall, when I
17 was in the manufacturing area at that time it was
18 actually a new safety lever and the shape -- it just
19 wasn't cut off -- the shape was changed.

20 Q. As far as functional changes, was the only
21 functional change on that safety lever the
22 elimination of the tang on the locking system,
23 therefore?

24 A. I can't remember. I would have to look at a

1 drawing.

2 (Discussion off the record.)

3 BY MR. MILLER:

4 Q. The 725 rifle was manufactured from 1958
5 through 1961. Is that your understanding?

6 A. In that time frame. I don't know if that's
7 the exact date.

8 MR. HEADLEY: What time frame did you
9 say?

10 MR. MILLER: 1958 through 1961.

11 BY MR. MILLER:

12 Q. In the sequence of events it was the 721,
13 722 up through 1958 or up to 1958?

14 A. No.

15 Q. Go ahead and correct me then.

16 A. I believe -- because that was before my time
17 -- I believe the 721, 722 was produced at the same
18 time that we were producing the 725.

19 Q. Why was there a 725 created?

20 A. I don't know. This is conjecture on my
21 part.

22 Q. Hearsay, conjecture, I'll listen to any of
23 it.

24 A. But the main competitor at that time was the

1 Winchester Model 70 and the Remington rifles were
2 what you might say at a level where they were not
3 competing in their finishes, particularly in the
4 stock area, with the Winchester Model 70. So the
5 Winchester Model 70 was positioned down here. The
6 721, 722 was kind of positioned down here.

7 Q. When you hold your hand up, do you mean in
8 terms of price, quality?

9 A. I'm saying the features and not necessarily
10 quality because they were different markets. But
11 the Model 70 was one market; the 721, 722 was
12 another market. So they brought the Model 725 in to
13 match Winchester kind of head to head, if you will,
14 and they tried to match features with the Winchester
15 with the improved finishes, the stock, checkering
16 and the works.

17 Q. Do you know what cost, relative cost was
18 between the 725 and the Model 70 Winchester?

19 A. No, I have no idea.

20 Q. Do you know why the Model 725 was
21 discontinued after three or so years?

22 A. Well, you can look at the charts. They just
23 did not sell. The chart kind of, as I recall, as I
24 recall, just went down like that. And like the last

1 year it was sold it was almost insignificant.

2 Q. Now, the Model 700 was introduced shortly
3 after the 725 was canceled. Is that correct?

4 A. I believe it would be like '62 time frame,
5 in there.

6 Q. What was the purpose of the Model 700? Here
7 you can tell me conjecture, hearsay, whatever you
8 want to.

9 A. Well, here again, I think what they tried to
10 do is take what they had learned on the 721, 722 and
11 725 and come up with a rifle, an offering, if you
12 will, that would be Remington's premium bolt-action
13 rifle and go after that market that Winchester was
14 pretty much controlling.

15 Q. Do you know what the 700 originally sold for
16 in comparison to the Model 70 Winchester?

17 A. No, I do not.

18 Q. Do you know right now which is the more or
19 less expensive rifle?

20 A. No.

21 Q. Do you know anything about fire control
22 system on the Model 70 Winchester?

23 A. Yes, I've seen it.

24 Q. Have you studied it in depth or did you just

1 kind of reviewed something that kind of talked about
2 it?

3 A. Well, I've had them apart and I've looked at
4 them.

5 Q. Does the Model 70 Winchester include a
6 trigger connector?

7 A. No, it does not.

8 Q. What type of safety, how would you describe
9 the safety on the Model 70 Winchester?

10 A. The safety I would describe as a safety that
11 blocks the firing pin; it rides in the bolt
12 assembly, really on the bolt plug. It's a wing
13 safety that flips out to the right. It's a
14 three-positioned safety. That's how I would
15 describe it.

16 Q. Which one do you feel is a better safety
17 system at the present time, the Model 700 or the
18 Model 70 Winchester?

19 A. Well, I prefer the Remington.

20 Q. For what reasons?

21 A. I prefer the Remington for a number of
22 reasons. Do you want me to go through them?

23 Q. Yes, go ahead and give me the reasons.

24 A. I prefer the Remington first of all because

1 of its position. The position of having it on the
2 bolt plug is such that with a scope, particularly if
3 you have a scope which is a fairly strong scope --
4 by "strong," high-powered scope -- the scope can
5 interfere with the safety operation. So it's just
6 not as easy to access when you want to access it.

7 It's also to me the way it kind of
8 sticks out there it's a little more prone to be
9 moved by some obstruction. It could be jarred one
10 way or the other.

11 Okay. From a design standpoint I'm a
12 little uncomfortable with it because it picks up the
13 firing pin after the firing pin is stopped by the
14 sear and it tends to be more sensitive because the
15 tolerance system goes from the receiver up through
16 the bolt into the safety system itself.

17 Now, let me clarify that. When you
18 close the bolt and the firing pin comes back, all
19 that system has to come together so that that safety
20 will grab the firing pin at that time and pull it
21 back. And if it tries to pull it back too hard,
22 then it makes the safety very difficult to actuate.
23 If it doesn't come back far enough, then the safety
24 cannot actually be on safe and it would be in its

1 intermediate position. So from a tolerance buildup
2 standpoint it's more difficult.

3 Q. Any other --

4 MR. HEADLEY: Let him finish.

5 A. The 700 is one unit. What this allows you
6 to do is control everything much closer because
7 everything essentially works in one box, if you
8 will. So the tolerance buildup and your
9 relationships are much better than in the Model 70.
10 The 700 also is in a more convenient position when
11 you need your safety to actuate it.

12 Q. The tolerance buildup can exist in both
13 systems is what you're saying but in the Model 70
14 you think that's a greater problem than in the Model
15 700?

16 A. Yeah. It would be like a train, if you
17 will, where one of them might have 20 cars and
18 another one you might have 8 cars. That's an order
19 of magnitude type of relationship.

20 Q. With respect to the use of a two-positioned
21 versus a three-positioned safety, whatever its
22 alignment or configuration, whether it's on the side
23 or a wing in the back, which do you prefer?

24 A. I like the two position.

1 Q. What is your reason for that?

2 A. I'll liken it to something that's clear and
3 easy to understand. For example, I'll liken it to
4 the two positions of a light switch. When you go
5 over and you punch that, the light is either on or
6 it's off. If you had a light switch with three
7 positions, to me it's not in the natural order of
8 things.

9 Q. A three-positioned safety if I'm right has a
10 fire position just like the two position has; it has
11 a fully on safe position just like the two position
12 does -- is that right? I'll call it full safe.

13 A. Help me to understand what your question is.

14 Q. Well, the difference is the third or
15 intermediate position which allows you to unload the
16 rifle while the rifle is still on safe?

17 A. Okay. That would be a two-position safety
18 with a bolt lock.

19 Q. Right. Yeah. That's a good way of
20 clarifying it.

21 The two-position safety with a bolt
22 lock is either on safe and you can't unload the
23 rifle at that point or off safe but you can unload
24 the rifle?

1 A. Yes.

2 Q. A three-positioned safety which has a bolt
3 lock has three positions, the same two that we
4 talked about in the two-positioned, plus an
5 intermediate position that allows you to keep the
6 bolt lock on but also unload the rifle. Is that
7 right?

8 A. No.

9 Q. Tell me the difference then. Tell me why
10 I'm wrong.

11 A. Well, you've stated it allows you to keep
12 the bolt lock on.

13 Q. The intermediate position of a
14 three-positioned safety such as the Model 70, what
15 does that do?

16 A. The intermediate position breaks the
17 functions and it leaves the safety function on the
18 on safe position, but it releases the bolt lock
19 position or bolt lock function.

20 Q. I got it entirely backwards. You're right.
21 My question is bad.

22 You described your preference as being
23 one of being able to understand the system better.
24 Now, you're using that in terms of the general

1 community understanding of the two types of systems
2 rather than yourself, right?

3 A. Yes.

4 Q. So it's your feeling that someone, the
5 normal everyday ordinary hunter or benchrest shooter
6 or user of a rifle might have difficulty
7 understanding a three-positioned versus a
8 two-positioned safety?

9 A. If he was the hunter that picked up his
10 rifle once a year, yes, I think it could lead to
11 confusion.

12 Q. Did you think it would be possible in your
13 instruction or owner's manual to explain the
14 function of a three-positioned safety so that one of
15 these hunters who picked up the rifle once a year
16 would be able to understand the system?

17 A. If he read it, yes.

18 Q. It's a question of whether he read it first
19 and whether he remembered it second. Is that right?

20 A. Yes.

21 Q. Would it have been possible at any time to
22 remove the bolt lock on the Model 700 rifle by just
23 clipping off the bolt blocking tang?

24 A. Yes. You could take the bolt lock feature

1 off.

2 Q. And then that would have made that rifle --
3 you would have been able to unload that rifle
4 without moving the safety to the fire position. Is
5 that right?

6 A. Yes. You would -- really what you would
7 have done is just take the bolt lock off of it. It
8 would not have a bolt lock.

9 Q. Would it have been possible at any time in
10 the manufacture of the Model 700 to change the
11 design to utilize a three-positioned safety similar
12 to the Model 70 or similar to the Model Springfield
13 .03?

14 A. That there would be quite difficult to do.

15 Q. Why would it be difficult to do?

16 A. Well, what you would do is you would have to
17 change the whole design of your system. You know,
18 your bolt would have to change, your receiver would
19 have to change, your bolt plug would have to change.

20 Q. Could it be done, though?

21 A. Yes. It's a question of what's practical
22 but, sure, given enough money and enough time you
23 could make a 700 with -- well, you can copy the
24 Springfield, change your whole back end.

1 Q. Would it also have been possible in the
2 Model 700 at any time to change the design -- as you
3 just said, it might cost some money, take some time
4 -- but change the design to incorporate in it a
5 trigger block rather than a sear block?

6 A. Yes. You could even take it a step
7 farther. You could just buy a rifle from Ruger and
8 sell it under your own name.

9 Q. Ruger I assume has a trigger block is what
10 you're saying?

11 A. Yes.

12 Q. Is Remington unique in that they have the
13 two-positioned safety, bolt lock blocking the sear?

14 A. I don't believe so.

15 Q. So, in other words, their Model 700 in those
16 three aspects is at least like one other rifle?

17 A. You know, another rifle does not immediately
18 jump out but there are some other blocked sear type
19 mechanisms.

20 Q. Let me add one more factor, the trigger
21 connector situation, the presence of a trigger
22 connector. Does that make Remington unique among
23 the other manufacturers, when I add that in?

24 A. Well, the question is, when you say "other"

1 manufacturers," I've been misled a couple of times
2 in depositions when I considered other manufacturers
3 like maybe just Winchester, Ruger, the leaders, and
4 then somebody will pull out something that was made
5 in Yugoslavia and say, "Well, look at this." And so
6 I have a hard time answering your question, if you
7 will.

8 Q. I understand. I'm not going to pull
9 anything out because I don't have a Yugoslavian gun
10 and I don't even know what one would be.

11 What I'm saying is in your experience
12 at the present time -- I'm not going to trip you up
13 on this here -- do you know of any other rifles by
14 any other manufacturers which have a two-positioned
15 safety, a bolt lock, blocks the sear and also
16 incorporates a trigger connector into the system?
17 I'm just asking for your knowledge at the present
18 time.

19 A. I can't think of any.

20 Q. Would it have been possible for Remington at
21 any time during the manufacture of the 700
22 bolt-action rifle to incorporate a block on the
23 firing pin rather than the sear?

24 A. You could change the design, yes.

1 Q. Would it have been possible for Remington at
2 any time during the manufacture of the Model 700
3 bolt-action rifle to block the sear and in addition
4 the trigger rather than just the sear by a change in
5 design?

6 A. That would be a little more difficult but --

7 Q. Possible?

8 A. I would think so. I don't know.

9 Q. Would it have been possible for Remington at
10 any time during the manufacture of the Model 700
11 bolt-action rifle, possible again, to block the sear
12 and the firing pin rather than just the sear?

13 A. Well, I think you can even take it a step
14 further. It would even be possible that you could
15 weld all the parts together so they wouldn't move at
16 all. Yeah.

17 Q. Part of my question --

18 MR. HEADLEY: Wait a minute. Let
19 Mr. Linde finish.

20 A. You can make designs. Whether they're
21 practical or not, you could make a design.

22 Q. I understand what you're saying. I still
23 want to have a functioning rifle, one that you could
24 sell to the public that would shoot, of course.

1 Would it be possible to block the sear
2 and the firing pin and still have a functioning
3 rifle, given a design change?

4 A. You want to block the sear and the firing
5 pin?

6 Q. Right.

7 A. With the same mechanism?

8 Q. Well, with a safety mechanism that's
9 operated by one switch or one lever.

10 A. Well, the closest thing that will do that
11 right now is the 700. I can't think of anything
12 else where you would block the two.

13 Q. Because the sear acts against --

14 MR. HEADLEY: Wait a minute.

15 A. Yeah. Because the sear acts against the
16 firing pin you're essentially blocking the firing
17 pin. But to make a mechanism that jumps from your
18 receiver to your bolt with one lever would be very
19 difficult.

20 Q. So you're blocking up the system, the system
21 now as it is, but not the system down to the
22 trigger?

23 A. That's right.

24 Q. You said it's possible in each of these

1 instances but you said practical is another matter.

2 Which ones would be practical?

3 A. Well, to start with, you could say the 700
4 is practical because it's being done. Now what?

5 Q. Let me go through the examples again. Tell
6 me whether they're practical or impractical for
7 either financial reasons, design reasons, time
8 reasons, desirability reasons, whatever.

9 The three-positioned safety, would that
10 be a practical modification of the 700?

11 A. You could do that.

12 Q. You consider that practical?

13 A. It could be done.

14 MR. HEADLEY: You mean excluding his
15 own preferences of why he prefers the two-positioned
16 over the three-positioned for the reasons he
17 stated?

18 MR. MILLER: That's correct.

19 MR. HEADLEY: Thus asking him to carve
20 out his reasons from this definition of practical?

21 MR. MILLER: That's correct.

22 MR. HEADLEY: Well, as long as we
23 understand it because the witness has said what he
24 prefers because that's part of practicality.

1 BY MR. MILLER:

2 Q. We're talking from a general design
3 standpoint, not personal preference.

4 Would it be practical?

5 A. Possible.

6 Q. We already talked about possible. We're
7 talking about practical now. You've used that
8 term.

9 Would it be practical to incorporate a
10 three-positioned safety on a Model 700 rifle?

11 MR. HEADLEY: You mean asking him how
12 others would feel about it, out in the public and
13 things like that?

14 MR. MILLER: Yes.

15 BY MR. MILLER:

16 Q. Would it be practical from a design
17 standpoint to utilize a three-positioned safety in a
18 Model 700 bolt-action rifle?

19 MR. HEADLEY: Well, now you got "from a
20 design standpoint" and you're putting a further --

21 Q. Do you understand my question?

22 MR. HEADLEY: Wait a minute. Let me
23 finish.

24 MR. MILLER: Okay.

1 MR. HEADLEY: You're putting another
2 feature in it. It sounded like you're saying
3 probable or possible because before you just said
4 would it be practical. Now you've added would it be
5 practical from a design standpoint. That seems to
6 be more limiting.

7 BY MR. MILLER:

8 Q. Do you understand my question, first?

9 A. I'll answer the question this way. I'll
10 answer the question that from a design standpoint
11 you could design the 700 with a three-positioned
12 safety.

13 Q. It would be practical to do so?

14 A. By "practical," now, if you look at the
15 spirit of influence, practical from a design
16 standpoint, you could put that into practice.
17 Practical from a marketing standpoint, a customer
18 standpoint or all the other points, I can't say.

19 Q. We're just talking about practical from a
20 design standpoint. Okay?

21 A. Okay.

22 Q. Would it be practical from a design
23 standpoint to remove the bolt lock on the Model 700
24 bolt-action rifle?

1 A. From a design standpoint you could do it,
2 yes.

3 Q. It was done as a matter of fact?

4 A. Yes. Right.

5 Q. Would it be practical from a design
6 standpoint to block the trigger rather than the sear
7 on the Model 700 bolt-action rifle?

8 MR. HEADLEY: Well, I don't see any
9 differences in these questions and the ones that you
10 asked about would it be possible because we're
11 talking about the same thing.

12 MR. MILLER: The reason I'm asking
13 these questions is the witness distinguished between
14 "possible" and "practical." So I'm going back
15 through the same questions I asked about possible
16 due to the fact that he distinguished between those
17 two terms.

18 MR. HEADLEY: I think you're the one
19 who asked the question.

20 BY MR. MILLER:

21 Q. Go ahead. Would it be practical?

22 A. You would have to change a number of parts
23 on the 700 trigger assembly to get it to be a
24 blocked trigger. It would not be a simple thing

1 like you were talking about on the bolt lock.

2 As far as could you do it from a design
3 standpoint, yes, you can do it, but it would require
4 a fairly substantial change.

5 Q. Now, would you feel comfortable in testing
6 from a sales or marketing standpoint --

7 A. No, I wouldn't.

8 Q. You've already told me what you feel from a
9 consumer standpoint.

10 A. That's right.

11 Q. How about the consumers in question and not
12 you individually?

13 A. No. That's just an opinion and I'd rather
14 not get into that.

15 I'll tell you what I would like to do.
16 I would like to take a little break, if you don't
17 mind.

18 Q. Of course.

19 MR. HEADLEY: Of course, Mr. Linde.

20 You have been going for sometime now and let's take
21 a break.

22 (A brief recess was taken.)

23 MR. MILLER: Back on the record.

24

1 BY MR. MILLER:

2 Q. Now, you have not examined the Lewy rifle in
3 this case at all. You testified to that earlier, I
4 believe.

5 A. Yes.

6 Q. But of course you've had no opportunity to
7 do it since that prior deposition?

8 A. No, I have not.

9 Q. Have you read the reports that resulted from
10 the examination of the Lewy rifle either the first
11 time or the second time?

12 A. No, I haven't.

13 Q. Have you seen the photographs taken of the
14 Lewy rifle either the first time or the second time?

15 A. No.

16 Q. Have you discussed the Lewy rifle with
17 anyone other than perhaps your attorneys in
18 preparation for these depositions?

19 A. No. They came down early and told me about
20 the case.

21 Q. Now, have you been involved in any other
22 Model 700 litigation in which it was alleged the
23 bolt-action rifle Model 700 fired on release of the
24 safety?

1 A. I've been involved in other 700 litigation.
2 I don't know if that was the exact complaint in the
3 other cases, so I really can't say.

4 Q. Just to make sure we understand our terms,
5 FSR means fire on release of safety. Is that
6 correct?

7 A. Fire safe release. Yes, that will be fine.

8 Q. Do you know the FSR test, do you know what
9 that is?

10 A. Why don't you tell me how you interpret it
11 so that we get a common understanding?

12 Q. I'm going to do that with three different
13 tests, the FSR test, the trick test and the
14 screwdriver test.

15 Let me go through the FSR test first:
16 The bolt is placed in a down position, a locked down
17 or closed position?

18 A. The rifle's cocked?

19 Q. Yes.

20 A. Okay.

21 Q. The safety is placed on or is on. You pull
22 the trigger while the safety's on. You release the
23 trigger. Then you push the safety to the off
24 position, full off position or fire position. If

1 the rifle fires, then it's failed the FSR test. If
2 it doesn't fire, then it passed the FSR test.
3 That's my understanding of the test.

4 Is that your understanding?

5 A. Not totally.

6 Q. Tell me what I've left out.

7 A. Well, you could have the rifle on safe, for
8 example, and if you never pulled the trigger and you
9 kicked the safety off and the firing pin dropped,
10 that would also be a fire on safe release.

11 Q. All right. We'll include that in the
12 definition.

13 A. Sure.

14 Q. How about the trick test, you set it up the
15 same way: The rifle bolt or the rifle's cocked; the
16 safety is begun in the safe position; you move it to
17 an intermediate position, halfway between safe and
18 fire. In that position you pull the trigger; you
19 release the trigger. Then you move the safety to
20 the off position. If the rifle fires, it's failed
21 the trick test. If the rifle doesn't fire, it's
22 passed the trick test.

23 Are we understanding one another there?

24 A. Yes. This would be -- it wouldn't

1 necessarily have to be halfway in between wherever
2 the intermediate -- the intermediate position would
3 be where the detent ball would be on the apex where
4 the rifle is neither on safe or on fire.

5 Q. But that doesn't mean that the safety lever
6 is necessarily exactly halfway between the safety
7 fire --

8 A. That's what I'm trying to say, yes.

9 Q. Well, if I substituted the word
10 "intermediate position" rather than half position.

11 A. I have no problem with either one as long as
12 you understand that.

13 Q. Okay. Then the screwdriver test, the way
14 I'm going to describe it is the same as the FSR test
15 with an additional function. That being as you pull
16 the trigger, you push on the bottom portion of the
17 trigger connector which appears next to the bolt
18 stop release on the underside of the rifle, push
19 against that with some pressure upward on the
20 trigger connector and then when you release the
21 trigger, you of course release the pressure. Then
22 you take the rifle off safe from a full safe to a
23 fire position. If the rifle fires, it's failed the
24 screwdriver test. If it doesn't fire, it's passed

1 that test.

2 Do we understand each other on that?

3 A. If that's what your definition is, that's
4 fine.

5 Q. Is that your understanding of what the
6 screwdriver test is?

7 A. No, it's not.

8 Q. What is your understanding of the
9 screwdriver test?

10 A. My understanding of the screwdriver test is
11 on the Model 600 when we had a gauge in the final
12 assembly operation we would take a screwdriver and
13 kick the connector into gauge, like what you were
14 talking about. Now, you can take a rifle and you
15 can do what you said, so I don't question that. If
16 you want to call that your screwdriver test, you
17 can.

18 But the screwdriver test, saying that's
19 a common terminology used in Remington, it's really
20 not.

21 Q. You had a gauge that you measured the amount
22 of play between the trigger and trigger connector is
23 what you're saying?

24 A. No.

1 Q. No. What did this gauge measure and do?

2 A. This was a gauge that we used on the Model
3 600 when we were making trigger assemblies to ship
4 out on the 600 recall. And what it did is it was a
5 gauge that we set the assembly up on to make sure
6 that all the functions were there.

7 Q. What did this gauge do with respect to the
8 trigger and trigger connector relationship?

9 A. Well, it checked, as I recall -- well, let
10 me think.

11 I'm trying to separate it. When we
12 assembled the whole rifle, we would set the rifle up
13 on a comparator and we made the adjustments, the
14 trigger assembly adjustments. When we were making
15 trigger assemblies to ship out by themselves we had
16 a gauge -- it wouldn't necessarily be a gauge but a
17 fixture that we put the trigger assemblies in to
18 adjust them because they weren't on the rifle. This
19 was different than our normal manufacture.

20 Now, we used a screwdriver in that
21 gauge and at that time that was known as a
22 screwdriver test. Now, I can't remember the details
23 on that but I remember that people were talking
24 about that at that time.

1 Q. Did you use this screwdriver to exert force
2 against the trigger connector?

3 A. I think we did, but I'm not sure. I'd
4 really rather not comment and say, "Well, this is
5 what we did" because I really can't remember.

6 Q. In this process where you were shipping out
7 the trigger assembly separately, did you ever use a
8 shim or other device to measure the actual amount of
9 play or difference in the links or the trigger and
10 trigger connector?

11 A. We have.

12 Q. What is the current amount of tolerance, the
13 maximum tolerance between the trigger and the
14 trigger connector?

15 A. I don't know.

16 Q. What was it when you left Remington?

17 A. I don't know.

18 Q. Do you know what that amount of tolerance or
19 play is historically, how it's changed?

20 A. No. I would have to go back and go through
21 the drawings.

22 Q. We did that once. We don't need to do it
23 again. I just wanted to see if you remembered.

24 A. You seriously believe that I could remember

1 something like that?

2 Q. I remember it.

3 A. You do?

4 Q. Yes.

5 A. Yeah. But you're going through it all the
6 time.

7 MR. HEADLEY: He probably read it last
8 night at your prior deposition when it was gone
9 into.

10 MR. MILLER: Yep.

11 BY MR. MILLER:

12 Q. The reason I ask is it's going to become
13 important in some questions down the line which I
14 haven't asked before and I'll be glad -- I think I
15 can pick the pages out in the deposition, which
16 might be the easiest way to go about it, or you can
17 just look at the drawings or whatever you want to.

18 A. Why don't you just tell me what it is?

19 Q. I'll be glad to do it and let you check
20 whatever you want to to confirm it, but you might
21 not want to believe me. I'll do that right now.

22 Now it's six-thousandths of an inch
23 maximum of play between the trigger and the trigger
24 connector. That is vertical. In your deposition

1 testimony I believe that prior to the 1975 change
2 you said the play could have been up to twelve-
3 thousandths of an inch and the trigger itself and
4 the trigger connector could still be within
5 Remington's specifications.

6 Now, I think that's what your
7 deposition today said. I'll let you read it and
8 look at the drawings when the time comes.

9 MR. HEADLEY: My recollection is we
10 didn't talk in terms of the term "play." This is
11 Mr. Miller's term of "play" with reference to his
12 .006 of an inch measurement between the top of the
13 trigger and the bottom of the connector.

14 It's my recollection also that
15 Mr. Linde stated that that was the tolerance, .006.
16 Now, I don't recall him saying that that's the
17 tolerance that existed before 1975 only. I believe
18 his testimony was not that the tolerance existed but
19 that the .006 tolerance was not something that was
20 put into effect in 1975. I believe his testimony
21 was that that came later, like maybe 1979, and up
22 until that time there had been a different
23 tolerance.

24 Now, that's my recollection of the

1 prior testimony.

2 Q. Let me ask you a question. Do you
3 understand my term "play" to mean what you mean by
4 "tolerance"?

5 A. I guess I would look at it if you take the
6 two parts, they each have dimensions. You put them
7 together, you got some relationship, the
8 relationship of the trigger with the connector.

9 Q. What is the word that you use to describe
10 that relationship? Is it a tolerance?

11 A. No. I wouldn't use "tolerance."
12 "Tolerance" normally applies to one part or another
13 part.

14 Q. Tolerance is a central figure with a certain
15 amount of leeway on either side, like five inches
16 plus or minus a half inch or something like that?

17 A. Something like that, yes.

18 Q. But what I'm getting at is what term you
19 would use. I'm using the term "play." Would you
20 want to use something else?

21 A. No. "Play" really isn't the correct term.
22 I would just say what is the clearance, what can the
23 clearance be max and min.

24 Q. Maximum and minimum clearance?

1 A. Yeah.

2 Q. Well, given those terms, it was my
3 understanding of your prior testimony that prior to
4 1975 and even sometime past that point -- but August
5 of 1975 is the date I'm worried about -- during that
6 month and prior to that month the maximum possible
7 clearance when you put those two pieces together and
8 still have those pieces, the trigger and trigger
9 connector, meet Remington's specifications was
10 twelve-thousandths of an inch. Sometime after that
11 time that was changed -- it may have been changed
12 more than once -- and at the present time it is now
13 six-thousandths of an inch, half as much.

14 Now, that's my understanding of your
15 prior testimony and when I ask you a question on
16 that, if you want to confirm that, if you want to
17 look at drawings, your prior deposition, please feel
18 free to. In fact, I can look at the prior
19 deposition.

20 Now, we were talking about some prior
21 cases and you said you weren't sure whether the ones
22 you worked on were FSR cases. I'm going to go
23 through a list of cases quickly with you. Just tell
24 me if you know if you worked on the case or if you

1 know anything about the case, too. Those are two
2 questions, have you worked on it, if you know
3 anything about it.

4 A. Okay.

5 Q. The Aschlager case?

6 A. No.

7 Q. The Carter case?

8 A. No.

9 Q. The Covalt case?

10 A. No.

11 Q. The Hansen case?

12 A. No.

13 Q. The Hines case?

14 A. No.

15 Q. The Lange case?

16 A. Yes.

17 Q. Now, what did you do or what do you know
18 about that case?

19 A. I testified in that case.

20 Q. That was filed in Illinois, right?

21 A. Yes.

22 Q. Was that a Model 700?

23 A. I believe so, yes.

24 Q. Was the allegation firing on release of

1 safety or something else? This is plaintiff's
2 allegation.

3 A. I can't remember what the plaintiff's
4 allegation was.

5 Q. Do you remember if that rifle in that case
6 would fire on release of the safety?

7 A. No, I can't.

8 Q. The Lopez case?

9 A. I've heard the name but I wasn't involved.

10 Q. The Morris case?

11 A. No.

12 Q. The Muzyka case?

13 A. No.

14 Q. The Nigro case?

15 A. No.

16 Q. The Parker case?

17 A. No.

18 Q. The Schierkolk case?

19 A. I've heard the name but I wasn't involved.

20 Q. The See case?

21 A. Yes, I was involved.

22 Q. Now, what did you do in that case?

23 A. I testified in that case and had my
24 deposition taken.

1 Q. Was that a Model 700 FSR allegation by
2 plaintiff?

3 A. I don't know what the allegation was.

4 Q. Were you able to make that rifle fire on
5 release of safety?

6 A. I can't remember.

7 Q. The Seyfurth case?

8 A. No.

9 Q. The Shutts or Shuttz case?

10 A. Yes.

11 Q. What was your involvement in that case?

12 A. They took my deposition and I testified in
13 the trial.

14 Q. Do you know whether Remington was able to
15 make that rifle fire on the release of the safety?

16 A. As I recall on that, there wasn't anything
17 wrong with the rifle.

18 Q. Was that a Model 700 FSR allegation by
19 plaintiff?

20 A. I don't recall.

21 Q. The Slatter or Slatter case?

22 A. No.

23 Q. The Stark case?

24 A. Stark?

1 Q. Stark.

2 A. Yes.

3 Q. What do you know about that case?

4 A. I think that was a 788 case.

5 Q. Do you know what plaintiff's allegation was
6 in that case?

7 A. No, I don't know what their allegation was.

8 Q. The Sussex case?

9 A. No.

10 Q. The Thomsen case?

11 A. Yes.

12 Q. What was your involvement in that case?

13 A. They took my deposition.

14 Q. Did you check that rifle out, did Remington
15 check it out?

16 A. Yes.

17 Q. Were you involved in that?

18 A. Yes, I was.

19 Q. Was Remington able to make that rifle fire
20 on release of the safety?

21 A. I can't remember now.

22 Q. The Toltzman case?

23 A. No.

24 Q. And the VanAllen case?

1 A. No.

2 Q. Now I'm going to go through another list
3 with you because I find this is the quickest way to
4 do these things. I'm going to give you some names
5 of some documents. I'm going to ask if you have
6 ever seen the documents and, if so, in what
7 capacity, how often and things like that.

8 Gunsmith call reports?

9 A. Yes.

10 Q. Do you know what those are?

11 A. Yes.

12 Q. Have you ever seen any of those in which the
13 complaint says that a customer claims a Model 700
14 bolt-action rifle fired on release of safety?

15 A. Either that or something equivalent to that.

16 Q. How about with the 600 where they claimed it
17 fired on the release of the safety, the customer?

18 A. I can't remember on the 600.

19 Q. For what reason did you see these reports?

20 A. I think on one on the 700 somebody showed it
21 to me when I was involved in the 700.

22 Q. Another case you mean?

23 A. No. No. The gunsmith call report came in
24 and there was something there on questioning the 700

1 and they brought it back to me and I said -- well,
2 the guy said, "This is significant" and I said, "You
3 bet it is." And we called the gunsmith right up and
4 it was a guy in Texas. I can't remember his name
5 now.

6 And I said, "What's the story on it"
7 and I went through it on what he did and what he had
8 found to determine what the problem was. And I
9 requested that we get the rifle back, that we could
10 look at it. And he had already shipped it back to
11 the customer.

12 Q. Was this Mr. Cross?

13 A. No.

14 Q. It wasn't Mr. Cross?

15 A. No.

16 Q. Ewell or Malcolm Cross?

17 A. I don't believe so.

18 Q. What time period would this have been in as
19 best you can tell?

20 A. Well, it would have been when I was working
21 in research on bolt-action rifles.

22 Q. I think in your prior deposition it was 1975
23 through 1978?

24 A. Yes.

1 Q. Do you remember where the gunsmith's shop
2 was? Was it Fort Worth or Houston?

3 A. No. I really don't. I remember it was
4 Texas.

5 Q. The name Malcolm or Ewell Cross doesn't ring
6 a bell to you?

7 A. No, it doesn't.

8 Q. How about Carter's Country, does that mean
9 anything to you?

10 A. Well, I know where Carter's Country is at.
11 If it would have been them, I would have remembered.

12 Q. When you talked with the gunsmith about this
13 rifle that the customer complained it fired on
14 release of safety, what did the gunsmith tell you?
15 First, was he able to duplicate that condition
16 himself?

17 A. I can't remember the details. The only
18 thing I can remember is it wasn't what the call
19 report said it was. It was either like a fire safe
20 release or fire off safe or fire on safe or
21 something like this that really grabs you. When we
22 called the gunsmith up and went through it piece by
23 piece it really wasn't a fire safe release. It was
24 something else. There was some other problem.

1 And I can't remember really what the
2 detail was. But I remember I was relieved when I
3 got done talking with him because it really wasn't a
4 problem.

5 Q. You don't remember what the problem was
6 though?

7 A. No, I don't.

8 Q. If you had been shown a gunsmith call report
9 in which a gunsmith, a Remington-recommended
10 gunsmith, had claimed that he had seen around a half
11 dozen Model 700 bolt-action rifles which would fire
12 on release of the safety in which he stated the
13 problem was insufficient sear lift in those rifles,
14 not adjustments of the trigger mechanism by anyone
15 or someone else or something else, but he said the
16 problem was insufficient sear lift, would that be
17 the type of gunsmith call report that would have
18 caught your attention?

19 A. Yes, it would have.

20 Q. Did you make any modifications --

21 A. It would have caught my attention if
22 somebody made me aware of it, sure.

23 Q. I assume since you already mentioned the one
24 gunsmith call report nobody brought to your

1 attention a gunsmith call report of the type I just
2 described?

3 A. I don't remember.

4 Q. Were you on a regular distribution list for
5 gunsmith call reports or was that one that you just
6 mentioned one that was shown to you by happenstance?

7 A. I believe in my second job -- I say "second
8 job," where I was superintendent of PE&C -- I
9 believe I was on the distribution for gunsmith call
10 reports. When I was in research I don't believe
11 that I was.

12 Q. What period of time would that second job
13 have covered?

14 A. That would be like '78 till I left up there,
15 which would be, what, '84.

16 Q. I'm going to hand you a part of Plaintiff's
17 Exhibit NN-10 which is a group of gunsmith call
18 reports. This is NN No. 10, page 10, NN.

19 Is this the type of gunsmith call
20 report that would have caught your attention?

21 A. Yes, that sure would have caught my
22 attention.

23 Q. Is that the type of gunsmith call report
24 that would have caused you to want to make further

1 investigation into the claims made in the report?

2 A. Yes.

3 Q. Now, this is dated March 5, 1975 in the
4 upper left-hand corner. You were with the company
5 then but not on the regular distribution of gunsmith
6 call reports?

7 A. I don't believe I received them at that
8 time.

9 Q. Do you ever remember seeing this one before?

10 A. No, I don't. I could have but I don't
11 remember seeing it.

12 Q. This isn't the one that caused you to make a
13 call to Texas, is it?

14 A. No. No, it's not.

15 Q. Do you remember what time period it was when
16 you made that call to Texas?

17 A. No, I don't.

18 Q. Now I'm going to hand you what has been
19 marked as Plaintiff's Exhibits --

20 A. Excuse me. Could I look at the last one?

21 Q. Sure.

22 A. (Pause).

23 Q. (continuing) Plaintiff's Exhibits ZZZ, AAAA,
24 BBBB, CCCC, DDDD and ask you if those are also the

1 kind of gunsmith call reports that would have caught
2 your attention and caused you to want to do further
3 investigation. Take your time and read them over.

4 A. (Pause).

5 MR. HEADLEY: Before you answer the
6 question, I would like to look at the exhibits.

7 (Discussion off the record.)

8 MR. MILLER: Back on the record here
9 and also on the video record.

10 BY MR. MILLER:

11 Q. These exhibits, Plaintiff's Exhibit zzz and
12 AAAA through DDDD, are they also the type of
13 gunsmith call reports that would cause you notice
14 and perhaps make investigation into the cause of
15 those allegations?

16 A. Yes.

17 Q. Had you seen these before? You might want
18 to see their dates. They're March 25, '83, all from
19 '83 when I think you said you were on the
20 distribution list.

21 A. Yes.

22 Q. Do you remember seeing these particular
23 reports before?

24 A. No, I do not.

1 Q. But you would have at least been on the
2 distribution list at that time?

3 A. Yes, I would have.

4 Q. How about gun examination reports which are
5 reports done by the gun examination committee?

6 A. Yes.

7 Q. Have you seen any of those which have
8 alleged that the rifle fired, Model 700 rifle fired
9 on the release of the safety?

10 A. Yes.

11 Q. Do you know if Remington has ever been able
12 to duplicate a customer's complaint as received by
13 the gun examination committee in one of their
14 meetings?

15 A. Yes.

16 Q. In one of those instances have they been
17 able to find the cause of the fire on safe release
18 condition?

19 A. Yes.

20 Q. Just one question generally, in the FSR
21 condition when it does appear, is it one that
22 happens a hundred percent of the time in the rifle
23 that it appears in or is it one that's intermittent
24 that may happen one time or may not happen another

1 time when you attempt the FSR test?

2 A. It could be intermittent.

3 Q. Have you ever observed or heard of a Model
4 700 bolt-action rifle which is still in factory
5 condition, no screws have been adjusted on it, no
6 changes have been made, any other changes by the
7 user or consumer, which has been returned to
8 Remington with the complaint of an FSR and Remington
9 has been able to duplicate that condition, in other
10 words, make the rifle fire on release of the
11 safety?

12 MR. HEADLEY: Read that question back,
13 please.

14 (The reporter read back the last
15 question.)

16 MR. HEADLEY: I'll object to the
17 question because it says a rifle still in factory
18 condition but it has been returned from the user,
19 and any time a rifle has been used it's not in the
20 same condition as when it left the factory.
21 Therefore, it would be inconsistent terms, depending
22 upon the definition of "factory condition."

23 BY MR. MILLER:

24 Q. Are you able to answer my question?

1 A. No.

2 MR. HEADLEY: Every time you fire a
3 rifle, if a rifle has been fired once --

4 A. He makes a good point. If it went out of
5 the factory, it's not in factory condition.

6 Q. Let me change the question around. Have you
7 ever seen, observed or heard of a Model 700
8 bolt-action rifle that Remington has been able to
9 substantiate fires upon release of the safety in
10 which Remington did not blame the cause of that
11 firing on user modification or a change that's
12 occurred in the rifle since it left the factory?

13 A. No. I can't think of a specific instance,
14 no.

15 Q. In those instances where Remington has
16 examined a rifle in the process of this gun
17 examination committee and they cannot find any user-
18 made change, in other words, alteration or any other
19 change since it was manufactured that might support
20 or give a reason why that rifle was alleged to have
21 FSR'd and Remington has not been able to duplicate
22 the FSR condition itself in its gun examination
23 committee or otherwise, does Remington always take
24 the position that it was user error; he must have

1 brushed or pulled the trigger when he was taking the
2 safety off?

3 A. I don't know.

4 Q. Gun repair invoices, do you know what those
5 are or have you seen them?

6 A. I know that they exist, but it never came
7 across my desk.

8 Q. Have you ever seen any of those in which the
9 gunsmith has indicated that the rifle he repaired
10 would fire on release of safety?

11 A. No.

12 Q. Gallery test data?

13 A. Yes.

14 Q. What was your involvement with the gallery
15 test data in your different capacities at Remington?

16 A. When I was in research I used to look at the
17 report. When I was in manufacturing I used to look
18 at the report every day.

19 Q. When were you in manufacturing?

20 A. Well, I was in PE&C. That's considered
21 manufacturing.

22 Q. That was after research?

23 A. That was after research.

24 Q. What were you in just prior to research? I

1 can't remember.

2 A. I was not in anything.

3 Q. Did you come with Remington in '75?

4 A. I came with Remington in '65.

5 Q. What were you in just prior to 1975?

6 A. I was in the research lab. I was working in
7 a different area, shotguns.

8 Q. Now, during the 1975 to 1978 period, did you
9 have occasion to look at this gallery test data?

10 A. Yes.

11 Q. And the summaries done on a yearly basis,
12 did you look at those as well?

13 A. No, I didn't. I didn't even know they
14 existed until somebody told me a while back. In
15 fact, I think it was at your deposition.

16 Q. Did you ever have occasion to analyze any
17 gallery test data summarized by year for any years
18 prior to '75: '74, '73, '72, '71, '70?

19 A. I don't know.

20 Q. Now I can't find what I need right now so
21 let me ask another question.

22 Did arms services produce any data or
23 reports on guns they examined for the FSR complaint
24 or other similar complaints? "Armed services" I

1 guess is the correct term.

2 A. I don't know.

3 Q. Have you seen any evaluation or study of FSR
4 complaints compiled by year by armed services?

5 A. No.

6 Q. If the gallery test data showed in 1975 that
7 there were nine instances in which a Model 700 off
8 the factory line in factory condition would fire on
9 release of safety, would that give you cause to want
10 to do an investigation or study or examine those
11 nine rifles in your capacity in charge of
12 bolt-action rifles?

13 A. Those nine rifles would have been
14 investigated.

15 Q. Would you have done that?

16 A. They are not in factory condition because
17 the gallery is just one step in the factory and
18 manufacturing process.

19 Q. They have at least not had a chance to be
20 altered or changed by user or consumer, right?

21 A. Yes.

22 Q. Would you have done that investigation of
23 those nine rifles if they existed or would it have
24 been someone else?

1 A. It would have been someone else.

2 Q. Who would it have been, what department or
3 division?

4 A. It would have been in the PE&C group. It
5 would have been done by a final assembly engineer.

6 Q. During 1975 who would some of those people
7 have been? Do you know?

8 A. I think that person would have been Church
9 Prosser.

10 MR. HEADLEY: Who?

11 THE WITNESS: Church, just like a
12 Church, Prosser. That's P-r-o-s-s-e-r.

13 BY MR. MILLER:

14 Q. Now, did you ever have any occasion to
15 request that tests be done by the testing lab at
16 Remington on the fire control systems of the Model
17 700 bolt-action rifle? This is the lab that
18 Mr. Hennings is now associated with.

19 A. Yes.

20 Q. Do you remember any of those particular
21 tests?

22 A. I had a multitude of tests run.

23 Q. Have you ever examined any rifle examination
24 reports? By that, I mean written reports done as a

1 result of examining a rifle involving one of those
2 cases that I mentioned earlier?

3 A. Help me to understand what you're saying.

4 Q. Well, in this case there were two
5 examinations of the Lewy rifle and each one produced
6 a report.

7 A. Okay.

8 Q. I don't know if a report is produced in each
9 case. But if it was in one of the other litigations
10 involving the Model 700, did you ever have occasion
11 to examine one of the reports produced in those
12 cases?

13 A. I would have, yes.

14 Q. Do you remember any of those reports in
15 particular?

16 A. No.

17 Q. Do you know what armed services usage
18 reports are?

19 A. Yes.

20 Q. Have you ever had any occasion to examine
21 any of those?

22 A. I've looked at them.

23 Q. What was the reason you looked at it?

24 A. I can't remember.

1 Q. Have you ever examined armed services usage
2 reports to determine the usage of trigger assemblies
3 in the Model 700; in other words, how many were
4 being replaced?

5 A. I can't remember doing that.

6 Q. How about Model 600?

7 A. I can't remember. That really wouldn't
8 apply to my area that much.

9 Q. I'll move on then. Design change request
10 forms and blueprints of course you know a lot
11 about. Am I right?

12 A. Some, yes.

13 Q. We'll talk about those in depth in a
14 moment.

15 How about process records as part of
16 process engineering and control?

17 A. Yes.

18 Q. Would you be familiar with those?

19 A. Yes.

20 Q. Do you know what changes were made in the
21 process and manufacturing of the Model 700 that had
22 to do with the fire control system?

23 A. It would be in the records.

24 Q. Would you be able to find that out from the

1 records?

2 A. Yes.

3 Q. Now, owner's manuals and field service
4 manuals, did you ever have responsibility for
5 writing, editing or revising or reviewing those?

6 A. I contributed some to owner's manuals. I've
7 contributed to field service manuals.

8 Q. With respect to fire control systems in
9 bolt-action rifles, have you contributed to that?

10 A. On the field service manual I have.

11 Q. What did you contribute to the field service
12 manual that you remember?

13 A. Oh, I can remember contributing a couple of
14 pages on performance checks on the bolt-action fire
15 control trigger assemblies.

16 Q. Do those performance checks include the
17 trick test, describing the trick test?

18 A. I don't believe so.

19 Q. Did those performance checks include
20 describing the FSR test in the manual?

21 A. What do you mean an FSR test?

22 Q. Fire on release of safety test, as we went
23 through before.

24 A. Stating what it is exactly? I don't believe

1 so, no.

2 Q. How about the screwdriver test, did they
3 ever mention that?

4 A. I wouldn't think it would.

5 Q. In your review in this check procedure --
6 what did you call the procedure?

7 A. I can't remember. I remember putting in
8 some information together and supplying it to Franky
9 Hart. That's in our field service manual. It's got
10 my initials on it so it's easy to find.

11 Q. I don't think I have those with me. We
12 might want to bring those back this afternoon.

13 Would it have been up to you at the
14 time you made this revision to include the FSR, the
15 trick test or the screwdriver test, if you felt it
16 was important?

17 A. I don't know.

18 Q. How about sales catalogs and price lists,
19 have you ever had any responsibility in that area?

20 A. Only to supply information.

21 Q. All right. In front of you, you have the
22 somewhat worn copy of the drawings we went through
23 last time, Exhibit F numbered sequentially, as you
24 remember, F-1 in the bottom right-hand corner.

1 They're still I think in the same order that they
2 were in before.

3 Do you remember going through these
4 drawings last time?

5 A. Partially, yes.

6 Q. We went through every one last time.

7 Whether it was worthwhile or not, I don't know.

8 We're not going to do that again. You have those
9 next to you so you have access to them.

10 I can't tell you where everything you
11 might want to know in those depositions are but if
12 you want to look at your depositions, please feel
13 free to do so.

14 MR. HEADLEY: Well, right, except let's
15 all keep in mind that that was two-and-a-half days
16 of his deposition and to sit here and look through
17 two-and-a-half days of deposition testimony would
18 mean that we wouldn't be able to start again until
19 late sometime tomorrow, if he was asked to read all
20 that.

21 Q. I'm not asking you to read it now. It's
22 just if you want to look at it -- I realize there's
23 problems of finding stuff in there -- if you want to
24 look at it, please feel free to. Okay?

1 What I'm going to be specifically
2 talking about are the design change request forms.
3 Now, we went through some of these before. Since
4 that time some additional ones have been produced.
5 Also, you wouldn't answer any questions, and I'm not
6 griping about that, but you didn't give me answers
7 on the Model 600 before, which the Court has now
8 instructed that we're now entitled to inquire into.
9 And you also hadn't concluded your second
10 examination before so some of the questions weren't
11 answered on that basis.

12 So I'm going to try to avoid repetition
13 again but given all those changes, I can't say that
14 I'm going to be successful in doing it every time.
15 Also for that reason these aren't contained in the
16 same exhibit. There are some different exhibits
17 that we've numbered since then in other depositions
18 and some that we've used in your deposition.

19 What I want to do is ask you several
20 questions on these. I want to know what change was
21 made, what rifle it was made to, what's the
22 importance of that change as far as you're concerned
23 and why was it made.

24 Do you follow the type of questions I'm

1 going to be asking?

2 A. Yes.

3 Q. Let's just begin in the order of the
4 exhibits as I got it in my folder and I think we've
5 talked about them before.

6 I'm going to hand you Plaintiff's
7 Exhibit N which is the first page of that Exhibit
8 DCR 11569. Now, what was the reason for that?

9 A. Excuse me. Could I have just a minute?

10 Q. Sure. The first question will be: What was
11 the reason for that change?

12 MR. HEADLEY: Now, that particular
13 exhibit was explained in detail by Mr. Linde in his
14 earlier deposition on pages 182 and 183.

15 Now, I'd ask Mr. Miller, since he has
16 those depositions in front of him, he brought them
17 along, to read those pages.

18 MR. MILLER: 182 and 183 of which day?

19 MR. HEADLEY: Of volume 2.

20 MR. MILLER: If I'm looking at it, I
21 don't see an explanation of the change. What page
22 is that on?

23 MR. HEADLEY: I'm just referring you to
24 the pages where you went into it the last time. And

1 I'm trying to avoid repetition of the questions that
2 you asked at that time.

3 MR. MILLER: I don't see where the
4 question was asked what was the reason for the
5 changes on that one. Now, maybe I'm missing it
6 here. But if that's the case, I do want to go into
7 that area. I don't think I've done it before.

8 MR. HEADLEY: All right. Proceed. In
9 the meantime, you might show Mr. Linde those two
10 pages, too. It will help him.

11 MR. MILLER: Sure.

12 BY MR. MILLER:

13 Q. Here are the two pages he's referring to
14 from the second day of volume 2.

15 A. (Pause).

16 MR. SHAW: I also see that it was
17 discussed in volume 3, pages 81, 82, 83, 84, 85, 86,
18 87, perhaps 88 and 89.

19 MR. HEADLEY: Yes, I see that now too.

20 Volume 3 starting on page 80.

21 MR. MILLER: It looks like there was a
22 question asked here about the reason. Let me review
23 this quickly while he's looking at the DCR and I'll
24 see if I need to go into this.

1 BY MR. MILLER:

2 Q. This is the one you were looking at here?

3 A. Yes.

4 Q. I'll hand you this one, if you want to look
5 at it. They say it starts at page 81. Apparently
6 whoever copied this for me goes from 81 to 92. They
7 may have the full text over there. I don't know if
8 they do or not.

9 MR. HEADLEY: Well, let me look and see
10 what your copy shows here.

11 MR. MILLER: My copy shows it starts
12 out on 81, but then I'm missing 10 pages.

13 MR. HEADLEY: Well, your copy shows
14 page 81 and then the next page on your copy is page
15 92. It looks like these pages have been taken out
16 of your copy.

17 MR. MILLER: Or not copied in the first
18 place. Do you have a full copy handy?

19 MR. HEADLEY: No, I don't have a full
20 copy. I have a digest which says what was gone into
21 on those pages for quicker and more ready
22 reference. Our digest shows that you went into it
23 in detail of what that DCR 11569 is, what the
24 changes were and what the reasons were for it.

1 BY MR. MILLER:

2 Q. I think your testimony, if I remember it
3 from that time, was -- and I'm sure they'll object
4 if I mischaracterize it -- was that this was not, as
5 the DCR says, dimensions do not change unfinished
6 part.

7 A. That's right.

8 Q. It was a different process. You cut out the
9 grinding process. Is that right?

10 A. That's right.

11 Q. So what you did was you predicted what
12 amount of powder metal you would have to use to make
13 the part come out in the right size rather than make
14 it come out larger and having to grind it back?

15 A. Yes.

16 MR. HEADLEY: Let the record show that
17 it's repetitious of what was gone over with
18 Mr. Linde during the two-and-a-half days that he
19 testified for the plaintiff, the plaintiff taking
20 his deposition in 1984.

21 Q. Now, I've still got some questions that I
22 don't believe are repetitious. It says -- well, if
23 that's the case, that wouldn't have had any effect,
24 this change, on the lift of the sear, the clearance

1 between the sear and the trigger connector when the
2 safety is placed on. Is that correct?

3 MR. SHAW: That was covered on page 78,
4 which you're missing in your copies, in volume 3 of
5 the deposition, so that is repetitious.

6 Q. Is that correct?

7 A. Whatever I said last time. You know, I was
8 closer to it the last time you took my deposition
9 than I am now.

10 Q. Well, my question to you is this, which I
11 don't think was asked last time. I may be wrong.

12 MR. HEADLEY: That's what you said the
13 last question.

14 MR. MILLER: I don't have it in front
15 of me so I'm going on memory.

16 MR. HEADLEY: Well, I object to you
17 coming in here and starting with this witness -- you
18 spent two-and-a-half days with him last year and you
19 haven't got any idea by virtue of the questions
20 you've asked already of whether you've asked it
21 before of him or not and your deposition copies that
22 you had and have with you aren't complete. And
23 apparently you don't have any index, at least I
24 haven't seen any, to give you some guidance of what

1 you asked earlier. I think you came in here today
2 just ready to go at it all again.

3 And I'm just simply asking that you
4 should refrain from it. We want to have a lot of
5 latitude and not appear that we're obstructing, but
6 there is a certain reasonableness about all this,
7 which I'm sure if we were in the courtroom you can't
8 go through a subject and then sometime later try to
9 go through the same thing all over again.

10 It constitutes not only a question here
11 of harassment and delay in extending a deposition
12 but also a question of asking a witness the same
13 question over a year later, thinking you might get a
14 different answer so you can use that against him
15 later.

16 Now, those are the problems that are
17 involved in what we're seeing here today with
18 Mr. Linde.

19 Q. Nevertheless, Mr. Linde, why was the term
20 "enhanced" used in revision 2 and 3 of the
21 explanation, "This change will enhance clearance
22 between the sear safety cam and the trigger
23 connector and assembly"?

24 A. I don't know. John Brooks is the one who

1 signed it. I would suggest that you talk to him
2 about it. You know, it would just be conjecture on
3 my part as to why he used a word.

4 Q. Would you interpret "enhance" in your review
5 of this DCR to mean increase?

6 A. No, I wouldn't.

7 Q. Now, you are familiar with DCRs, aren't you?

8 A. Yes.

9 Q. Design change request forms?

10 A. Yes.

11 Q. You have requested them, prepared them
12 yourself, reviewed them, you know what they do,
13 right?

14 A. Yes.

15 MR. HEADLEY: Well, that's objective.
16 It's repetitious not only in this deposition but it
17 was repetitious of what was asked the witness in his
18 prior deposition.

19 Q. Now, did this design change, any of the
20 revisions of 1 through 4, do anything to decrease
21 the width of the sear safety cam at the point where
22 that sear safety cam interacts with the trigger
23 connector?

24 MR. HEADLEY: Objection, repetitious

1 from the last deposition.

2 A. I don't know. I would have to go through
3 the drawing.

4 MR. MILLER: What page is it on in the
5 last deposition?

6 MR. HEADLEY: All these pages that we
7 referred to you earlier that you didn't have.

8 A. You have this, you have the drawing number,
9 you have the revision number and you have what it
10 was and what it is now. You know how to do that on
11 the drawings. You essentially have the information
12 that you're asking me.

13 Q. But I'm not an engineer and I'm not an
14 employee of Remington or was not.

15 The other question I have is: Did any
16 of those revisions increase the width of the sear
17 safety cam at the point where it interacts with the
18 safety?

19 A. I don't know.

20 Q. We'll go on and may come back to this.

21 MR. HEADLEY: Let the record show that
22 Mr. John Brooks testified in this case with
23 Mr. Miller taking his deposition last week in Ilion,
24 New York.

1 MR. MILLER: Yes. Let the record show
2 also that Mr. Brooks said he didn't know anything
3 about this one. He only knows that he might have
4 requested information. He doesn't appear under the
5 requesting paragraph. It's process engineering and
6 control and Mr. D. Anderson. Therefore, if you want
7 me to take Mr. Anderson's deposition, if that's the
8 person I should talk to, fine. Otherwise, I've got
9 the wrong one.

10 I'm sorry. It's Mr. Joy requested it.

11 MR. HEADLEY: What exhibit is that?

12 MR. MILLER: This is Exhibit N.

13 MR. HEADLEY: Which DCR Exhibit N is
14 it?

15 MR. MILLER: 11569. That's the one
16 we've been talking about.

17 THE WITNESS: I'll clarify this.

18 MR. HEADLEY: Before you do, I will
19 just say I refer you to the pages from the prior
20 deposition for your explanation of this DCR that you
21 have there, Mr. Miller.

22 BY MR. MILLER:

23 Q. What do you want to clarify?

24 A. My clarification is the point that you

1 brought up with me, is what is the meaning of the
2 word "enhance." My reply to you is I'll be dang if
3 I'm going to tell you what their meaning of the word
4 "enhance" is.

5 Q. I understand that. The story I get --

6 A. So that's not saying that we're not
7 answering the questions.

8 Q. The story I get from some people is to
9 understand the meaning of the DCR I have to go to
10 the person who requested it. Then the story I get
11 from other people is I have to go to the person who
12 approved it. And I'm sure at least one person has
13 told me I have to go to someone else in the form,
14 and maybe the person who signed it down here.

15 So every time I ask someone they say,
16 "It's not me. It's someone else up in another space
17 on the form." I'm not getting an answer to the
18 meaning of the DCRs.

19 MR. HEADLEY: Just a second.

20 MR. MILLER: Let me finish the
21 question.

22 MR. HEADLEY: Wait a minute.

23 MR. MILLER: I haven't finished the
24 question. Then you can enter an objection.

1 MR. HEADLEY: I thought you were making
2 a speech.

3 MR. MILLER: I'm doing that, too.

4 BY MR. MILLER:

5 Q. My question is: Who would you suggest on
6 the DCR I go to? Is there a particular blank I
7 should look at, the requested by, the approved by,
8 the additional signatures, this signatures down
9 here, the changed by or other people? Who should I
10 go to to get the answers to the question as to what
11 is the reason behind the DCR?

12 MR. HEADLEY: Now before you answer.

13 MR. SHAW: I object. I was there for
14 Mr. Brooks' deposition. I think I can make a point
15 on this legitimately, although this is Mr. Headley's
16 witness at this point.

17 Your constant reference to people
18 checking with someone else, you're just muddying the
19 record. I don't think you should be able to waste
20 our time on these speeches. My notes reflect from
21 the Brooks deposition that you asked him
22 specifically about DCR 11569, although you belabored
23 that with Mr. Linde prior to Mr. Brooks' deposition
24 for innumerable pages that we can't even calculate;

1 that Mr. Brooks explained what he knew about that.

2 I don't see anything. I think the
3 record will reflect that he did not tell you you had
4 to check with someone else. He explained what the
5 various revisions were on that DCR and you discussed
6 a number of other DCRs with him. Now you're coming
7 in here several days later after having talked with
8 Mr. Brooks and you want to take Mr. Linde's time on
9 a second occasion to discuss these same DCRs.

10 BY MR. MILLER:

11 Q. Mr. Linde, who would I go to with respect to
12 a DCR to get an answer to say why certain language
13 is used in the DCR?

14 A. You can't go to any one specific person.

15 The thing on the DCR is they originate from
16 different places and they go to different places for
17 the work to be done and come back through research.
18 So the person who might have the knowledge on a
19 given DCR could be any one of the people that you
20 just pointed to. So on any given DCR it could be a
21 different person.

22 Q. So I can't go to any particular point on a
23 DCR, like the approved signature blank at the bottom
24 or the requested by or changed by at the top or the

1 signature blank here or these blanks here for
2 initials, I can't go to any of those people by the
3 position they're located on the DCR and get my
4 answers is what you're saying?

5 A. Not all the answers you want, no. You can
6 get pieces of what each individual contributed or
7 what his part was in that DCR.

8 MR. MILLER: It's 12:15. Would you
9 like to break for lunch?

10 MR. HEADLEY: Would you, Mr. Linde?

11 THE WITNESS: Yes.

12 (Discussion off the record.)

13 (Recessed for lunch at 12:12 p.m.)

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1 AFTERNOON SESSION

2 1:17 p.m.

3 MR. MILLER: We're back on the record
4 after a lunch break.

5 BY MR. MILLER:

6 Q. Mr. Linde, I'm going to hand you some more
7 design change request forms for a while. You have
8 seen these before but I don't believe we talked
9 about any of the others in as much depth as you
10 talked about Exhibit I think it was N we referred to
11 before. I'm going to hand you DCR 10173, which is
12 Exhibit Q page 2. You'll note in the upper
13 right-hand corner we've numbered these in a
14 particular exhibit with the exhibit letter and then
15 a number. So I'll refer to them both by design
16 number and by Q-2, the numbers, so your attorneys
17 can get a copy out if they want to take a look at
18 it.19 Now, on that form what changes have
20 been made in the design parts and what parts have
21 been changed?22 MR. HEADLEY: What's that exhibit
23 again? Exhibit Q?

24 MR. MILLER: Q-2, DCR 10173.

1 MR. HEADLEY: Okay.

2 A. (Pause) Yes.

3 Q. My first question is: What part is being
4 changed?

5 A. The front and rear spacers.

6 Q. Is that both the blank and the finished
7 piece?

8 A. The blank in this case is the finished
9 piece.

10 Q. Now --

11 MR. HEADLEY: I might ask you,
12 Mr. Miller, have you asked questions on this DCR
13 before of Mr. Linde?

14 MR. MILLER: Not in detail. This DCR
15 has been referred to in general but not gone over
16 specifically as to each particular change.

17 MR. HEADLEY: All right.

18 BY MR. MILLER:

19 Q. Now, with respect to this DCR --

20 THE WITNESS: Just a minute. I think I
21 remember something on this. I think he did go
22 through it because there's not that much.

23 MR. HEADLEY: We're looking through our
24 summary.

1 MR. MILLER: If you come across it, you
2 let me know. In the meantime I'm going on with the
3 deposition.

4 MR. HEADLEY: Wait just a minute. We
5 might be able to help you.

6 MR. MILLER: All right.

7 MR. HEADLEY: Well, rather than delay
8 it, while we're looking, go ahead. If we find a
9 reference, why, then, we can refer you to it and
10 that might help you more.

11 MR. MILLER: I think that would save
12 some time.

13 BY MR. MILLER:

14 Q. What does the spacer do in the control, fire
15 control housing?

16 A. The spacer is the intermediate piece between
17 the two side plates.

18 Q. Is one of its functions to maintain the
19 distance between the side plates at a certain
20 minimum?

21 A. No. It's the spacer, the piece, the
22 intermediate piece when you put the two side plates
23 together.

24 Q. Is one of the functions of that intermediate

1 piece to assure that the side plates not get any
2 closer together than a certain minimum distance?

3 A. No. The spacer will determine what the
4 minimum distance is.

5 Q. So that's one of its functions, isn't it?

6 A. No. Well, you're wordsmithing. The spacer
7 is a piece which goes in between the two side
8 plates. Whatever the thickness of the spacer will
9 determine the thickness -- will contribute to
10 whatever the thickness that you end up with.

11 Q. You just don't like my term "function"?

12 A. Yeah. What is functioning?

13 Q. A function is one of the things that
14 something does. Now, you said this spacer does
15 determine the thickness or the width between the
16 side plates?

17 A. That's what I said, as a result of.

18 Q. We won't use "function." We'll use
19 "result."

20 A. I don't care, but it's very basic. You put
21 a spacer in. You put the two side plates on and you
22 rivet the assembly together.

23 Q. Now, in this spacer that the design is being
24 changed on what change is being made?

1 A. The change, the spacer blanks are being
2 increased from .179/.175 to .180/.176.

3 Q. Now, that gives the tolerance of the width
4 of the spacer blank, those dimensions you gave. Is
5 that right?

6 A. Well, now, just a minute. I was wrong.
7 There is a blank and a finish on this. The blank
8 dimension was increased and the finished dimension
9 is also increased, .175/.173 to .176/.174.

10 Q. The tolerance had previously been for the
11 blank dimension on both .177 plus or minus .002. Is
12 that right?

13 A. Yes. There's no difference between .177
14 plus or minus two or .179/.175; it's the same
15 dimension.

16 Q. But the central figure is 177, .177, and the
17 variances is .002 either way, correct?

18 A. No. What you're really talking about here
19 is you're just talking about what the part dimension
20 is. The part dimension is .179. If you want to
21 call it a mean of .177, you can do that.

22 Q. Let's do that. A mean of .177 and a
23 variance either way of .002 of an inch, correct? Is
24 that what it was before the change?

- 1 A. Yes. That's what the dimension is, yes.
- 2 Q. Now, after the change the mean became what
- 3 on the blank dimension?
- 4 A. The mean between the two would be .178.
- 5 Q. An increase of .001, correct?
- 6 A. Yes.
- 7 Q. The variances then would be between .176 and
- 8 .178, still a .002 variance either side?
- 9 A. Yes.
- 10 Q. Is that the same thing that happened, an
- 11 increase in the mean figure, the central figure, for
- 12 the finished part?
- 13 A. Yes.
- 14 Q. And it went from a mean of .174 plus or
- 15 minus .001 to a mean of .175 plus or minus .001?
- 16 A. Yes.
- 17 Q. On both the front and rear spacer?
- 18 A. Yes.
- 19 Q. Now, does that mean that Remington was
- 20 trying to increase the mean width of the side plates
- 21 in their Model 700 fire control system?
- 22 A. No.
- 23 Q. What were they trying to do by this DCR
- 24 then?

1 A. Now, I'll tell you. I might -- I can't
2 remember everything.

3 Q. Tell me what you remember.

4 A. But, as I recall, this was a request made by
5 John Alberino and the situation was that this is a
6 powdered metal part. And, as I recall, the powdered
7 metal that we were receiving was coming from a
8 supplier. The supplier in this time frame had to
9 stop making the powder that we were using because of
10 contamination to the rivers, which is part of the
11 clean water acts and what have you. And this though
12 happened in Sweden. They were legislated
13 essentially out of business.

14 So we had to start getting our powder
15 from a different supplier. When we did, when we
16 converted, we found some of our powder metal parts
17 did not perform the same when they went through the
18 operations as before. One of the things I remember
19 is on this operation, this is put together, it's
20 pressed and it's riveted and when they changed the
21 powder, that the impression on this was a little
22 different than it was before. This change was made
23 to compensate for the powder so that when we got all
24 done with our final assembly -- I think if you check

1 the assembly drawing you will find there was no
2 change in the spacer, in the space before or after
3 this DCR -- that we could essentially come up to
4 where we were before.

5 Q. Just looking at the DCR though, doesn't it
6 call for spacers both blank and finished with a
7 dimension increase?

8 A. Yes.

9 Q. Now, what was the reason -- well, you
10 explained the reason to me.

11 You never mentioned anything down here
12 about the reason they put in the paper "allow more
13 clearance for trigger." Was that part of the
14 reason?

15 A. I don't know. I don't know why they would
16 put that down there. But if you never increased it,
17 then you would have less clearance obviously because
18 it would go down below the assembly drawing number.

19 Q. No. It also says under reasons for change
20 "Slight bow of plate when rivet swaged can cause
21 trigger to bind when spacer to .173 dimension."

22 Now, what does that mean to you?

23 A. Well, this is just what it means to me
24 because I don't know why the person would put that

1 down there. What it means to me was if you would
2 have left the dimension at .173 with the old spacers
3 after the change in powder was made, that when you
4 put the thing together and if everything was to the
5 min that you would be under the .173 dimension when
6 you ended up with the operation.

7 Q. Did Remington ever have a problem with a
8 bind in the side plate housing of the fire control
9 system when a rivet was swaged?

10 A. Other than when they changed powder, no, I
11 wouldn't know of any.

12 Q. Why would the change in powder have an
13 effect on the riveting process on a fire control
14 system?

15 A. Because the riveting process comes down and
16 the rivet goes into tension and the block goes into
17 compression.

18 Q. But why would a change in powder have any
19 effect on the riveting process?

20 A. Because the powder affects what they call --
21 what is it? -- modulus of that part that you end up
22 with. If you change powders, you're going to change
23 your modulus.

24 Q. Did you have a riveting problem of bowing in

1 the side plates no matter what type of material the
2 spacer was made out of?

3 A. I don't know.

4 Q. But you blame this whole -- not blame -- you
5 state the only reason you know of for this change,
6 DCR 10173, is due to the change in manufacture of
7 the spacer itself?

8 A. Yes.

9 Q. It's not due to the bowing of the side
10 plates and it's not merely an attempt to get greater
11 clearance between the trigger and side plate
12 housing?

13 A. Well, it will give you greater clearance if
14 you went undersize. The way I interpret this is if
15 you would use the old blanks and you press them
16 together, what's going to happen is your assembly is
17 going to end up with something with less than .173
18 and if you end up with .173 and you increase it,
19 what you're trying to do is get back up to where you
20 were before. So, yes, it's going to give you
21 greater clearance for the trigger.

22 Q. Why didn't the person who made this change
23 indicate the real reason for the change, being the
24 change in the manufacturer or the manufacture of the

1 spacer blocks?

2 A. I do not know.

3 Q. Unfortunately our copy is not that good.

4 But I believe I detect the first initial of your
5 name and perhaps the second.

6 Does that look like a J that you might
7 write?

8 A. It looks like a J, yes.

9 Q. Does it look like one you might write?

10 A. Yes.

11 Q. In fact, if I show you Exhibit Q-3, DCR
12 10301, there you can see the whole JPL?

13 A. Yes.

14 Q. Do you think this JPL over here at the
15 bottom of Exhibit Q-2, which is DCR 10173, is the
16 beginning of your initials?

17 A. Yes, I do.

18 Q. You must have approved this form then. Is
19 that correct?

20 A. Yes, I did.

21 Q. How come you didn't make sure that the
22 correct reason, the full reason I should say -- the
23 full reason being the change in the manufacture of
24 the spacer blocks -- was indicated on the

1 explanation paragraph?

2 A. Frankly, I wasn't concerned about it.

3 Q. Are you concerned about the real reason now?

4 A. No. My concern now is to tell you what the
5 real reason was. But my concern then was running a
6 business, doing my job.

7 Q. I'm going to hand you what has been marked
8 as Plaintiff's Exhibit Q-3, DCR 10301. Take your
9 time and look at it.

10 A. (Pause).

11 Q. Did Remington at any time have any problems
12 with a burr being present in the fire control system
13 resulting in binding of parts of that system?

14 A. They had problems when you put it together
15 with the burrs.

16 Q. What would the burr do?

17 A. Well, on this particular burr when you try
18 to put, drive the pin in, sometimes the burr would
19 stop the entry of the pin and it could make the pin
20 drive hard and just wasn't readily assembled. You
21 would have to stop and futz around with the burr.

22 Q. Is it possible for a burr to become
23 dislodged from a piece at sometime and find its way
24 into the area say between the trigger and the

1 trigger connector and the side plates and interfere
2 with those parts?

3 A. I haven't seen that.

4 Q. Would it be possible, though?

5 A. If it was possible, you could see it and I
6 haven't seen it because these burrs are very, very
7 hard.

8 Q. Would it be possible for a burr to interfere
9 between the side plates and the sear in a fire
10 control system?

11 A. Well, you could have a burr there that would
12 interfere, yes.

13 Q. Have you seen that?

14 A. No, I haven't, not in a finished rifle.

15 Q. How about prior to a finished rifle?

16 A. Well, I've seen it on parts. Then if you
17 got a burr there, you would have to finish
18 de-burring it or send it back for another operation.

19 Q. Let's take that same instance. If a burr is
20 present between the side plate housing and the
21 trigger or trigger connector --

22 A. On the trigger or trigger connector?

23 Which?

24 Q. It's been dislodged; it's just merely in the

1 mechanism itself.

2 A. Where would it be in the mechanism?

3 Q. Somewhere between the trigger and trigger
4 connector. Let's take them one at a time.

5 Somewhere between the trigger connector
6 and the side plate housing -- all right? -- and you
7 pull the trigger and the trigger connector goes
8 forward and the burr becomes lodged between the
9 trigger and trigger connector in the forward
10 position, would that be possible?

11 A. I don't know. I can't see how it could be.

12 Q. Why wouldn't it be?

13 A. Well, the clearances are such that it would
14 have to be a very small burr to start with, very
15 minute burr. And then if it was in the assembly,
16 what was going to keep it in the assembly? Because
17 normally when you shoot a rifle it would be in the
18 vertical. So what's going to hold it there?

19 Then if you get something to hold it
20 there when you pull the trigger, it would have to be
21 in front of it and there would be something of a
22 wiping action that I would think would push the burr
23 forward.

24 Q. Let's take dirt, debris, dried gun oil,

1 burrs, accumulation as a result of the discharge or
2 powder accumulations, rust, any type of foreign
3 matter that could find its way into the fire control
4 system, let's put that matter between the side
5 plates and the trigger connector. Would it be
6 possible for the trigger connector to bind in a
7 forward position, given the introduction of that
8 type of foreign matter?

9 A. I don't see how.

10 Q. Would that be anywhere within the potential
11 range of the movement of the trigger connector?

12 A. I don't understand the question.

13 Q. Well, your trigger connector will move from
14 a position at rest when it's back against the
15 engagement screw to a position as far as it can
16 until it hits the overtravel screw, right?

17 A. No.

18 Q. What are the parameters of the movement of a
19 trigger connector when you pull the trigger? Where
20 does it begin and where does it end?

21 A. Well, the trigger connector's initial
22 position or battery position is determined by the
23 trigger, which you say is determined by the trigger
24 stop screw. The other way the trigger connector,

1 the way it's attached to the face of the trigger,
2 the trigger stop screw stops the trigger. It does
3 not stop the connector.

4 So what would determine that motion is
5 the sear coming down and pulling the trigger
6 connector just a little farther forward.

7 So I guess an answer to your question
8 is it would be the sear that would actually
9 determine the forward travel of the connector.

10 Q. In the fire position prior to being fired,
11 what stops the movement of the trigger connector?

12 A. Just help me to understand what you're
13 saying.

14 Q. Well, you've got a trigger connector sitting
15 on a trigger?

16 A. Yes.

17 Q. It's in the fired position?

18 A. Fired or --

19 Q. Ready-to-fire position?

20 A. -- ready-to-fire.

21 Q. What stops the trigger and trigger connector
22 from moving any further back in this direction?

23 A. The trigger engagement screw.

24 Q. The trigger engagement screw at one end of

1 the spectrum?

2 A. Yes.

3 Q. When you pull the trigger and you fire the
4 gun and the trigger connector goes forward along
5 with the trigger, what stops the movement in that
6 direction?

7 A. The trigger is stopped by the trigger stop
8 screw or whatever the correct name of it is and the
9 connector is stopped by the motion of the sear
10 coming down and pulling the connector a little
11 farther forward. Pardon me. The sear coming down.

12 Q. That's what causes the trigger connector to
13 go a little farther forward, correct?

14 A. Yes.

15 Q. But it doesn't necessarily stop it, does it?

16 A. No. You said what determines its forward
17 travel. That's the way I understood your question.

18 Q. But the trigger engagement screw stops the
19 trigger; nothing stops the trigger connector but
20 what determines how far forward it goes is the
21 action of the sear?

22 A. Yes.

23 Q. Now, in the full range of potential movement
24 of that trigger connector from where it stopped with

1 the trigger against the engagement screw to where it
2 can move forward with the trigger and then given the
3 added inertia or force supplied by the sear, do you
4 see any possibility of that trigger connector
5 binding?

6 A. I lost my train of thought. Could you go
7 through it again?

8 Q. I'll go back. Through the full range of
9 potential movement of the trigger connector from
10 when it's braced against the trigger engagement
11 screw and the trigger, all the way to the forward-
12 most position where the trigger has been pulled and
13 is stopped by the stop screw and the additional
14 movement, whatever that might be, of the trigger
15 connector due to the effect of the sear, do you see
16 any way that foreign matter or material, the list I
17 went through before, can get into the fire control
18 system and bind the trigger connector in that
19 forward position so it doesn't return with the
20 trigger?

21 A. No.

22 Q. Now let's take an example where the
23 overtravel has been backed off some. Let's say the
24 overtravel has not -- well, let's say it's five or

1 .010 of an inch, would your answer be the same?

2 A. Yes.

3 Q. Now, when the overtravel -- I'm going to
4 increase it periodically -- when that increases that
5 has an effect on how far the trigger goes forward
6 because that's what stops the trigger, right?

7 A. That's right.

8 Q. So indirectly it will also have an effect on
9 how far the trigger connector goes forward. Is that
10 right?

11 A. That's correct. Sure.

12 Q. Now, how about if it were .027 of an inch?

13 A. I don't know.

14 Q. Do you see any way that foreign matter would
15 interfere if the trigger has been pulled .027 of an
16 inch?

17 A. I don't know.

18 Q. Is there a reason why you don't know at this
19 point?

20 A. Well, because my experience has been where
21 it's adjusted, where you adjust the trigger assembly
22 so that the firing pin won't fall but you're holding
23 back on the trigger and you just keep backing out on
24 the trigger stop screw until the firing pin falls

1 and then you just give it a little bit more and then
2 you seal it. So that's what I'm used to doing and
3 that's where I'm used to seeing the trigger assembly
4 setup.

5 Q. But you also are an engineer and have worked
6 with this system for quite a while, right?

7 A. Yes.

8 Q. What I'm wondering is, could you foresee the
9 possibility? Do you think it could happen, that
10 there would be interference between the side plates
11 and the trigger connector in a situation where the
12 trigger overtravel has been backed off to say
13 twenty, .030 of an inch?

14 A. I don't know. I'd have to think about it.

15 Q. How about fifty, .060 of an inch?

16 A. I'd have to think about that also.

17 Q. How about .100 or a tenth of an inch?

18 A. I have no idea.

19 Q. You would have to think about it?

20 A. Yeah. I don't even know how much travel
21 total, after you get out there like maybe forty or
22 .050, how much more the thing would go. I don't
23 even know that.

24 Q. How about through its full range of motion

1 of the overtravel, is what I'm curious about? You
2 would have to think about that?

3 A. Yeah.

4 Q. Can you think of any reason right now why
5 there may be interference further out, in other
6 words, with more overtravel, than with lesser
7 overtravel?

8 A. No, I can't.

9 Q. If you come upon a reason throughout the
10 rest of this deposition, because this is going to be
11 my only chance to talk with you, as I'm sure you're
12 relieved to hear, if you think of anything, let me
13 know. Okay?

14 A. Okay.

15 Q. Let me hand you what's been marked as
16 Plaintiff's Exhibit Q-4. This is DCR 10308.

17 MR. HEADLEY: I apologize, Mr. Miller.
18 I didn't catch that.

19 MR. MILLER: Q-4. 10308 is the DCR
20 number, as best I can make it out.

21 A. (Pause).

22 Q. Now, on this exhibit there's some
23 explanations of the changes. First there's revision
24 No. 6.

1 What is that change?

2 A. That says changed .100 to .136, the angle 15
3 degrees to 7 degrees, 30 minutes.

4 Q. What's being changed there?

5 A. I don't know.

6 Q. Could you refer to the drawing and let me
7 know?

8 A. Yes, I could.

9 MR. MILLER: I don't know. If you pull
10 your handy, dandy little list out, we might get
11 through this a little faster.

12 MR. SHAW: What's the drawing number?

13 THE WITNESS: 15666.

14 MR. MILLER: In fact, if you have it,
15 you might want to let him take a look at it. It
16 would save the court reporter taking down yours and
17 my comments.

18 BY MR. MILLER:

19 Q. Mr. Linde, if you remember, there are some
20 smaller drawings, too.

21 A. What does that say? It says they're C
22 size. These are C size here.

23 MR. MILLER: He's been through them
24 before.

1 MR. HEADLEY: With you, two-and-a-half
2 days.

3 MR. MILLER: That's right,
4 educational.

5 MR. SHAW: Mr. Linde, could you tell us
6 what the F number is?

7 MR. MILLER: Bottom right-hand corner.

8 MR. SHAW: On the bottom right-hand
9 corner.

10 MR. MILLER: F-32, John.

11 A. Would you like me to describe what that
12 change is?

13 Q. Yes.

14 A. This is the change right here in this area.
15 This is the area of the sear, where the part is what
16 you call densified, and this is a powdered metal
17 part. There's a die cavity, there's a lower punch
18 and an upper punch. These punches come down
19 together. This punch was closed in a little bit in
20 this area to give a higher density in this specific
21 area.

22 What this DCR says is that when the
23 punches were designed the original model drawing
24 called for 15 degrees and obviously they couldn't

1 get that kind of an angle on the punch designed and
2 they made it a 7 degree, 30 minute. And this
3 drawing is just bringing this part up to date with
4 what's actually being produced.

5 Q. Are you pinching the sides in, is what
6 you're sizing?

7 A. It's not pinching anything. It's when
8 you're actually forming the plant you're giving a
9 higher density right here in this corner where you
10 want the optimum performance.

11 Q. Does a higher density mean greater wear?

12 A. Yes. It will impart that. That's one of
13 the characteristics.

14 Q. That is, the angle change, does that also
15 take care of the --

16 A. The angle has to go with it because the
17 angle is part of the dimension of how far it runs
18 out. So if that's how you dimension the part, that
19 has to change with the angle. The angle and the
20 dimension have to change together. You can't change
21 one or the other.

22 Q. Now, under revision 2 --

23 A. That's not even this part. That's just
24 adding a section on some drawing.

1 Q. What is the section that's been added?

2 A. Well, it's like this here, he added a
3 section 8A.

4 Q. Can you read the reason under that?

5 A. No, I can't. I tried to.

6 Q. I'm sorry. Could you do one other thing for
7 me? Check that same drawing, or the drawing with
8 the section being added, and tell me what section is
9 being added.

10 A. Well, it says section C-C.

11 Q. What does C-C show or represent?

12 A. I don't know.

13 MR. MILLER: Could you go to the
14 drawing that's 91470, I believe, John?

15 A. That would be a Model 600.

16 Q. That's fine.

17 A. Are they in here?

18 MR. SHAW: No.

19 Q. No. Then we can't do it in that group.

20 I'm going to hand you what's been
21 marked as Plaintiff's Exhibit Q-5, DCR 10345.

22 A. (Pause) Okay.

23 Q. The trigger connector is the part that's
24 being changed, correct?

1 A. Yes, it is. It's actually not being
2 changed. The dimensions are just being changed.

3 Q. On both the Model 600 and 700, correct?

4 A. Yes.

5 Q. Now, what change is being made in the
6 dimension of the trigger connector?

7 A. There're essentially no changes. They're
8 just changing the position of the hole, how it's
9 dimensioned. This is going from the outside of the
10 plant to the inside of the part.

11 Q. Measuring where the hole is to be located,
12 in other words?

13 A. Yes.

14 Q. Why was this change made?

15 A. I would imagine because it's easier to gauge
16 something going from the inside because you're going
17 up a surface to a hole as oppose to from the
18 outside. It would strictly be in the gauging, how
19 the part's gauged.

20 Q. I'm not understanding you. That hole,
21 you're trying to position it, right?

22 A. Well, in manufacturing you try to be
23 consistent on how you gauge your work, how your
24 vendor gauges the work and how you actually make

1 your drawing. What you like to do is you like to
2 give the same dimension to the vendor or whoever is
3 making the work so that your measurement is the same
4 way that they're gauging it so you don't have to
5 compensate for some other dimension.

6 Q. I understand that. How was this gauge done
7 prior to this change? How was it --

8 A. I don't know.

9 Q. How was it done after the change?

10 A. Well, it looks to me like they went from the
11 inside surface to the hole. If I was dimensioning
12 it to start with, that's how I would do it.

13 Q. The inside surface of what?

14 A. Of the connector, to the hole on the
15 connector.

16 Q. Just for my education purposes, draw me a
17 picture.

18 A. No. Let's take a look at the drawings.

19 Q. Okay. Let's do that.

20 A. Are you sure that that's here?

21 Q. I don't know. If it's a Model 700, it
22 should be.

23 (Discussion off the record.)

24 THE WITNESS: Okay. Right here, here's

1 change No. 12. You see the 12? Here it says change
2 location from .325 -- that would have been from this
3 surface down to the hole -- .325 to .249 or
4 whatever, to .249/.255.

5 BY MR. MILLER:

6 Q. Why was the change made?

7 A. To make location more consistent with
8 function in rifle and with method of manufacture.
9 But you can see when you manufacture this how you
10 would do it. That hole is pierced so you would set
11 this, you would set this down over a block like
12 this. You would push it here. You would come in
13 with a die set and you would stamp the hole. So the
14 best way to maintain the control of that hole is to
15 locate off of this surface and to have your direct
16 dimension from there.

17 Q. When you're measuring it or when you're
18 producing it, that makes it a more consistent
19 location, a more consistent way to locate that
20 hole. Is that right?

21 A. Well, it just makes it more consistent all
22 the way through. It's easier for the person to
23 understand what is important to you, too.

24 Q. Does it make the hole more consistently fall

1 where you want it to fall?

2 A. Not necessarily.

3 Q. It's just a difference in the way of
4 measuring it?

5 A. Yes.

6 Q. Well, the person who makes that part in the
7 first place has to have a way of measuring it,
8 right?

9 A. Yes, he did.

10 Q. If he measured it by the old system that
11 wouldn't be as consistent as measuring it by the
12 system you use now?

13 A. It could be as consistent. But what you're
14 doing is that you're just bringing in the tolerance
15 a little bit. What you were saying, your mean or
16 your centrality figure is the same regardless. So
17 the dimension does not change, the overall
18 dimension. Just how you get to the dimension is
19 changed.

20 Q. I realize the dimension doesn't change. But
21 the reliability of your measuring system, both to
22 the person who is making this part and the person
23 who is checking to make sure the part has been made
24 correctly and the hole is in the right place, that's

1 going to change, isn't it?

2 A. It's just easier. You don't have to allow
3 for the thickness of the part. All you got to do is
4 place it on the gauge, push it and measure it. It's
5 just a better way to do it.

6 Q. What do they mean by the term "consistent"
7 there in that DCR, "to make location more consistent
8 with function in rifle and with method of
9 manufacture"?

10 A. On this it's just conjecture on my part
11 because it's just wordsmithing. I would say what
12 they're saying here is this is the way the part is
13 being gauged and manufactured. They're gauging from
14 that inside surface to the hole. What this is doing
15 is this is making it consistent. This is making the
16 drawing consistent with what we're actually doing.

17 MR. HEADLEY: Mr. Linde, you're giving
18 your opinion here based on looking at the drawings
19 themselves?

20 THE WITNESS: Yes. I have no idea if
21 that's the case at this point. That's just -- it
22 would be my interpretation at this point in time.

23 MR. HEADLEY: Based upon your best
24 judgment looking at the drawings?

1 THE WITNESS: Yes.

2 BY MR. MILLER:

3 Q. I'm going to hand you what's been marked as
4 Plaintiff's Exhibit Q, pages 6 and 7, which is DCR,
5 reading from the second page, 10524.

6 MR. HEADLEY: 24?

7 MR. MILLER: Yes.

8 MR. HEADLEY: That's Plaintiff's
9 Exhibit Q --

10 MR. MILLER: 6 and 7.

11 A. (Pause).

12 Q. Does your name appear on that DCR?

13 A. Yes, it does.

14 Q. What part is being changed in that DCR?

15 A. It's the sear safety cam for the Model 600
16 and 700.

17 Q. There are four changes listed on that DCR.

18 What do each of those changes do?

19 A. The first one is added notes. The second
20 one, revision No. 9, add dimensions to section C-C.

21 Q. What does that do?

22 A. I don't know.

23 Q. Take the time to look at the drawing, if you
24 would like.

1 A. Didn't I go through these once before for
2 you, all these?

3 Q. No, you didn't. You've looked at them in
4 general but we've never gone through them one by
5 one. We have gone through a few of them one by
6 one. For instance, the first one I used we did talk
7 about in depth.

8 MR. SHAW: For us, Mr. Linde, what's
9 the F number?

10 THE WITNESS: F-32.

11 A. The note says, "No burrs wider than part
12 thickness permitted. Part to work freely in .1725
13 slot."

14 Q. What does that mean, "part to work freely in
15 .1725 slot"?

16 A. That means that if you have a slot that
17 was .1725 that you could take this part and work it
18 freely in that slot.

19 Q. Is that a test that's been incorporated to
20 check the width, the maximum width of the sear?

21 A. No. It just says it's supposed to work
22 freely in that slot, yeah.

23 Q. Is that a maximum width parameter then, the
24 .1725?

1 A. Yes, for burrs, that's right.

2 Q. For burrs and for the width of the part
3 itself?

4 A. Well, sure. Because if the part, if the
5 part was wider than .1725, it would not go through
6 there.

7 Q. What is the width of the part supposed to be
8 according to that drawing?

9 A. .168-.172.

10 Q. Now, what is the width of the side plate
11 housing?

12 A. I don't know.

13 Q. Didn't we look at a DCR back here, a spacer
14 DCR that increased the width of the side plate
15 housing?

16 A. Yes. But that's not the width of the side
17 plate housing. That's the width of the spacer.

18 Q. Didn't we determine that the spacer has an
19 effect on the width of the side plate housing?

20 A. Yes.

21 Q. The side plate housing can't be any narrower
22 than the spacer is wide, can it?

23 A. Yes, it is.

24 Q. How is it narrower than the spacer is wide?

1 A. We spent time going through that.

2 Q. I didn't understand that. Let's go through
3 it again.

4 A. We went into the spacer blocks were under
5 compression and the rivets are under tension.

6 Q. Mm-hmm. So do you mean to tell me that the
7 side plate housing can be narrower -- I didn't
8 understand this and I want to make sure I'm clear.

9 Are you telling me that the width
10 between the side plate housing can be less than the
11 width of the spacer blocks?

12 A. Yes.

13 Q. And the width of the spacer blocks,
14 according to DCR 10173, Exhibit Q-2, the final
15 spacer blocks is anywhere from a minimum of .174 to
16 .176, right?

17 A. Yes.

18 Q. Prior to that time it was anywhere from a
19 minimum of .173 to .175?

20 A. Yes.

21 Q. So the minimum width of the spacer blocks is
22 .173?

23 A. Before.

24 Q. Before?

1 A. Yes.

2 Q. Now, you're telling me that the side plate
3 housing, the width between those side plates can
4 even be less than .173?

5 A. I'm saying when they changed the powder that
6 that's what happened. It could go like a half a
7 thousandths less.

8 Q. Could the width of the side plate housing be
9 less than .173 --

10 A. No.

11 Q. -- as it was assembled prior to that change?

12 A. No. Because if you go to the assembly
13 drawing you will see that the tolerance on the
14 assembly drawing calls for a .173 housing.

15 Q. Now, comparing this figure, .173, to .175,
16 comparing prior to this change, DCR 10173, the width
17 of the side plate housing could be as little as
18 .173, right?

19 A. Yes.

20 Q. During that same time period prior to this
21 change, which occurred on 5-4 or 8-16-76 -- which
22 date did it occur on? The originating date or the
23 transmittal date?

24 A. It would probably be the transmittal date.

1 Q. Prior to the transmittal date, 8-16-76, what
2 was the width of the sear as seen from drawing F-32?

3 A. .168/.172.

4 Q. What's the maximum potential width of the
5 sear then?

6 A. .172.

7 Q. What is the minimum clearance possible if
8 both the spacer blocks and the sear are of the
9 correct or are within specifications? What is the
10 minimum space or clearance possible between the side
11 plate housing and the sear?

12 A. Now what dimension do you want?

13 Q. What do you mean "what dimension"?

14 A. The dimension of this is .168 to .172.

15 Q. The dimension of this is --

16 A. The dimension of that is the block that goes
17 in because that's not really the important -- the
18 housing drawing is what's important.

19 Q. Why is the housing drawing important?

20 A. Because that's where your final dimension is
21 of what the housing is going to be. And I believe
22 that's .173. That's just what I remember.

23 Q. That's the width of the spacer block too,
24 .173?

1 A. Yes. Yes.

2 Q. Where would you find the housing drawing?

3 A. On the housing drawing. The dimensions is
4 where you would find it.

5 Q. Could you find the housing drawing for me to
6 make sure the housing is .173 like the spacer is?

7 A. I could. Do you have a parts list?

8 Q. Not handy right now.

9 Why don't you just flip through and see
10 if you can find the housing drawing.

11 MR. HEADLEY: Would it be just as easy
12 for Mr. Miller to do it?

13 THE WITNESS: Yes.

14 MR. HEADLEY: Why don't you hand it to
15 him?

16 MR. MILLER: I wouldn't recognize the
17 housing drawing if I saw it, so I would appreciate
18 it if you would find it for me.

19 BY MR. MILLER:

20 Q. That's a housing drawing to me, the one you
21 just flipped past.

22 Is that a housing drawing there?

23 A. Yes, it is.

24 Q. Is that the one you need?

1 A. Here's the dimension, .173/.176.

2 Q. So the housing drawing, the minimum width
3 there is the same as the minimum width of the spacer
4 according to DCR 10173?

5 A. Yes.

6 Q. Now, given the housing drawing, that
7 additional information, what is the minimum
8 allowable clearance between the sear and the
9 housing, what's the minimum possible?

10 A. Well, you just take the two dimensions and
11 figure it out.

12 Q. And what is that?

13 A. Do you want me to figure it out for you?

14 Q. Yes.

15 MR. SHAW: What drawing are you on for
16 the F number there?

17 MR. MILLER: He wanted the housing
18 drawing. That was a few back there. I don't see it
19 right now.

20 It's F-18, is that correct, down in the
21 bottom right-hand corner, Mr. Linde?

22 THE WITNESS: F-18.

23 MR. MILLER: John, F-18.

24 A. Did you want between the trigger and the

1 sear -- I mean between the sear and the housing?

2 Q. Between the sear and the housing.

3 A. Sear and the housing?

4 Q. Yes.

5 A. Okay.

6 MR. SHAW: Mr. Miller, do you have
7 volume 1 of Mr. Linde's deposition in the first
8 session?

9 MR. MILLER: I might.

10 MR. SHAW: Could I see it?

11 MR. HEADLEY: You had it this morning.

12 MR. MILLER: I think this is it.

13 A. Okay. The dimension is it would vary from
14 .007 to .001.

15 Q. So the minimum possible allowable clearance
16 is .001 of an inch?

17 A. Yes. The maximum is .007.

18 Q. Now, if there's a bowing in the side plate
19 when the rivet is swaged which might cause a binding
20 in the system on the sear, is one way to resolve
21 that to increase the width between the side plates?

22 A. I don't know. I don't really understand the
23 bowing of the side plates.

24 Q. Well, on DCR 10173, Q-2, they do mention

1 bowing of the side plates, don't they?

2 A. I know they do. I don't understand that.

3 Q. You don't understand what's meant by that?

4 A. That's right.

5 Q. Let me hypothesize. Let me say that the
6 side plates curve in ever so slightly between the
7 rivets as a result of the riveting process. It's
8 concaved in, in other words. Let's say that's
9 bowing. Would that further reduce -- let's say both
10 side plates do or maybe just one, either way --
11 would that further reduce the clearance between the
12 sear and the side plate housing that we've already
13 specified according to your drawings can be as small
14 as .001 of an inch?

15 A. If you, for whatever reason, squash in the
16 two side plates, you're going to reduce the
17 clearance, obviously.

18 Q. When they say in DCR 10173 "Allow more
19 clearance for trigger. Slight bow of plate," could
20 they also be allowing more clearance for the sear?

21 A. I went through that with you twice on
22 allowing more clearance and I explained it to you
23 twice. I'm not going to explain it to you again.

24 Q. We talked in terms of the language here,

1 "Allow more clearance for trigger."

2 A. But that's what I was explaining to you. I
3 explained to the best of my ability what that meant
4 to me.

5 Q. So you can't tell me anything more as to
6 whether that would allow more clearance for the sear
7 as well?

8 MR. HEADLEY: The witness is saying he
9 has answered it before adequately and sufficiently
10 in his opinion.

11 A. That's the way I understood it. The side
12 plate is a side plate, whether it has a sear inside
13 or whether it has a trigger inside.

14 Q. So if it allows more clearance for the
15 trigger, it's going to allow more clearance --

16 A. For the sear.

17 Q. Okay.

18 Now, we were on revision No. 9, I
19 believe, of 10524. Could you explain to me what
20 revision or change No. 10 was?

21 A. (Pause) Yes.

22 Q. What is that revision, No. 10?

23 A. Revision No. 10 is just clarifying that this
24 dimension is after the part has been ground.

1 MR. HEADLEY: Do you have your volume 3
2 of the deposition, Mr. Miller?

3 MR. MILLER: I'll just give you the
4 whole thing and you can look through whatever you
5 want to. There you go.

6 BY MR. MILLER:

7 Q. It's changing the dimension from the center
8 of the sear pivot pin to the vertical face of the
9 point where the sear interacts with the trigger
10 connector, correct?

11 A. No, it's not.

12 Q. It's just --

13 A. It's just stating that this dimension was
14 after the part is ground so that there's no
15 confusion between the blank drawing and the finished
16 part drawing.

17 MR. HEADLEY: Let the record show that
18 on page 255 of Mr. Linde's prior deposition that he
19 gave over a year ago beginning there drawing F-32,
20 which is being referred to now, was gone into when
21 Mr. Miller was questioning him.

22 Q. Now, with respect to revision number, the
23 next revision number -- what is it? 12? -- 11, what
24 change was made in that revision?

1 A. What they did is that in the powder metal
2 division they changed their numbering system. And
3 if you would look at a lot of the old Remington
4 drawings, because powder metal technology was
5 developed there years ago, you'll probably see a
6 number that says HD1567. Now, don't quote me on
7 that.

8 What they have done is changed this to
9 the current system that was being used in powder
10 metal for commercial parts to bring the drawings up
11 to date. And because the parts, these parts
12 initially had been done in the plant and then when
13 powder metal started to take on commercial, they
14 made it a separate division. Then the powder metal
15 was making the parts and not the plants so they were
16 bringing all the drawings up to date.

17 You should see this on more than one
18 because we went through anything that I was
19 responsible for in bringing these drawings up to
20 date to stipulate what the current number is and
21 what the heat treat is on the drawing.

22 Q. That's just a change in the numbering system
23 is what you're telling me?

24 A. Yes.

1 Q. Now, the reason on this one stated is to
2 improve the function of the trigger assembly by
3 eliminating interference of components. What is
4 meant by that? What components were interfering?

5 A. Well, the notes have nothing to do with any
6 interference. Adding dimensions to sheet C-C sure
7 did.

8 Q. How about the other one?

9 A. I can just say that I can't see what is
10 meant by that reason for change, why it would be
11 that way.

12 Q. You signed that form down at the bottom,
13 didn't you?

14 A. Yes, I did.

15 Q. In fact, your name appears up at the top in
16 the requested blank, doesn't it?

17 A. Yes.

18 Q. You don't know why that eliminated
19 interference between components?

20 A. No, I cannot. I can go back through it and
21 check it again, but I can't see.

22 Q. Whatever you need to answer the question,
23 please do so.

24 A. I can't see why that would say that. Let me

1 just check the note again.

2 Q. Sure.

3 A. The only thing I can see on the note, if you
4 go back on the note, where it just says make sure
5 that no burrs are on the part. That would be the
6 only thing that I could see in the changes that
7 would have anything to do with that.

8 Q. Now --

9 A. That would only be as far as in the housing
10 when you're sliding them together.

11 Q. How about improve function of the trigger
12 assembly, do you see any of these changes that would
13 improve the function of the trigger assembly?

14 A. No.

15 MR. HEADLEY: You're not reading the
16 sentence. It says improve function by eliminating.

17 Q. With respect to DCR 10521, which is Exhibit
18 Q-8 that we're going to talk about next, first did
19 you request that DCR?

20 A. Yes, I did.

21 Q. Did you also sign it at the bottom?

22 A. I initialed it.

23 Q. Initialed it at the bottom, yeah. What part
24 is being changed there?

1 A. It's a Model 700 trigger.

2 MR. HEADLEY: Now, what's the number of
3 that?

4 MR. MILLER: 10521.

5 THE WITNESS: This is drawing 15280,
6 DCR 10521.

7 BY MR. MILLER:

8 Q. How many different revisions are being made
9 to that drawing?

10 A. There's four.

11 Q. What do each of those revisions do?

12 A. I don't know. Do you want me to go through
13 it?

14 Q. Yes, please.

15 MR. SHAW: When you find the drawing,
16 if you would call out that F number?

17 THE WITNESS: Okay. It's an F-28. The
18 first revision is No. 14.

19 A. Added section B-B.

20 Q. What does B-B represent?

21 A. I don't know. I'll have to find it.

22 Q. It's down here.

23 A. Okay. Section B-B shows a section across
24 the holes, across the trigger itself. It says,

1 "relief shown in section" --

2 (The reporter interrupted at this point
3 to have the witness repeat his statement.)

4 Q. He's not getting it.

5 MR. HEADLEY: I think you're both
6 trying to talk at the same time. That's his
7 problem. If you'd just let Mr. Linde finish his
8 talking.

9 MR. MILLER: Jack, I didn't say a word
10 until the court reporter interrupted and said he
11 didn't get it and that's why I --

12 MR. HEADLEY: The tape will show that
13 you both were talking at that point. That's all I'm
14 saying.

15 A. "Relief shown in section B-B to run entire
16 periphery of the .170/.172 dimension, to run out on
17 .050 radius on .210 dimension to be done by powder
18 metal both sides."

19 Q. Explain to me what that means.

20 A. That means that this relief right here is
21 going to start here and it's going to run up around
22 this part and all the way down the other side.

23 Q. What is the relief?

24 A. Right here. There's a 10 to 1. That shows

1 the relief. It's a little flat with this 30 degree
2 angle. That right there is what this whole thing is
3 all about.

4 That runs around the periphery of the
5 part. If you get a part, you can look right on it
6 and see it.

7 Q. A little dimple area you're talking about?

8 A. It's not a dimple area. It's a change of
9 the form right at the edge of the part.

10 Q. A little compressed-in area?

11 A. Yes.

12 Q. Why was that change made?

13 A. That change was put on there because in the
14 powder metal technology -- I don't know how much you
15 want me to get into this.

16 Q. As much as you need to explain it to me.

17 A. The powder metal technology, when you come
18 down with your die sets it forms the part; the die
19 expands out a little bit. When it does, it leaves a
20 little fine burr. By putting this down, what we
21 have done is we've driven that burr right out there
22 on the edge. And when you put it in your tumbling
23 media, it will neatly take the burr off.

24 What it does is it saves you to have to

1 set up and by hand have somebody de-burr parts, so
2 you can get a good automated de-burring operation.

3 Q. You get a good burr that you can eliminate
4 easily?

5 A. No. No. What it does is it gives you a
6 controllable, fine controllable burr. But these
7 burrs I'm talking about are like not a round
8 particle. They're an edge that goes around it.

9 Do you know what I'm saying? It's like
10 a little tiny knife edge, if you will.

11 Q. I understand what you're saying.

12 A. So then you run that through a tumbling
13 media and it breaks that knife edge off.

14 Q. Okay.

15 MR. HEADLEY: That doesn't have
16 anything to do with a defectively designed rifle,
17 does it, Mr. Linde?

18 MR. MILLER: I'm going to object, move
19 the question be stricken. Wait for
20 cross-examination.

21 MR. HEADLEY: Is that right?

22 THE WITNESS: All this shows is it
23 shows the cross section to show how you would
24 de-burr it.

1 MR. HEADLEY: What I'm getting at is --

2 MR. MILLER: Same objection.

3 MR. HEADLEY: -- you're stating you're
4 not sure how much you should explain it to
5 Mr. Miller. I think it's obvious in going through
6 these design change requests the one thing he's
7 searching for is some evidence to suggest or show
8 that what we did before in manufacturing was bad and
9 that the change that we made was to eliminate some
10 problem that would affect the function of the rifle,
11 and keep that in mind as we go through it and try to
12 clear it up as we go and then I don't have to ask a
13 lot of questions later.

14 THE WITNESS: Okay.

15 MR. MILLER: Same objection.

16 BY MR. MILLER:

17 Q. Now, go to the second revision on that page,
18 please.

19 A. "Change material was powder metal." I
20 explained that previously.

21 Q. That's what you explained about the change
22 in the numbering system?

23 A. Yes, adding it.

24 Q. How about the third revision?

- 1 A. Just added an angle.
- 2 Q. What angle did you add?
- 3 A. We added this angle right here, No. 16.
- 4 Q. What angle does that represent?
- 5 A. It says 90 degrees.
- 6 Q. What is 90 degrees? The inner section of
7 the vertical face?
- 8 A. This face with that face.
- 9 Q. The vertical face of the trigger connector
10 with the upper face?
- 11 A. Yes.
- 12 Q. What was it before?
- 13 A. It was 90 degrees.
- 14 Q. You just added the dimension to insure it
15 was 90 degrees?
- 16 A. I added a dimension because I think I'm the
17 one who asked for it and because it was implied by
18 everybody to be 90 degrees. And I said, "We ought
19 to have it put on there in case sometime in the
20 future we ever have the trigger made by somebody
21 else."
- 22 Q. Were triggers being manufactured at 90
23 degrees?
- 24 A. Yes.

1 Q. If a trigger was not 90 degrees was there
2 any test to determine what degree it was?

3 A. This is made in a die set and the trigger is
4 either made at 90 degrees or it's not made because
5 you got one die set and you check it once and it's
6 going to stay that way.

7 Q. How about the fourth revision?

8 A. Just added a note.

9 Q. What note?

10 A. That would be note 17.

11 Q. What does note 17 do?

12 A. "No burrs wider than part thickness
13 permitted. Part must work freely in .1725 wide
14 slot."

15 Q. It's the same situation that we went through
16 on the previous one where you had that same note.

17 Is that correct?

18 A. Yes. This is a change in process and what
19 you're doing is you're going -- I'm just surmising
20 this because what you're doing is you're changing
21 the process. When you change the process, then if
22 you're going to like an automatic tumbling
23 operation, you want to make sure when the parts come
24 out of that they will work freely in the gun.

1 Now, before when the person was doing
2 it by hand he's going to make sure he's got all the
3 burrs off. There's no question. Actually if you do
4 it by hand, you're going to get a better part than
5 probably if you do it this way, but it's going to be
6 caught by the sub-assembly.

7 Q. Now, the second part of that last note you
8 read -- what was the number? No. 17 -- said
9 something about make sure it fits .1725?

10 A. .1725 slot.

11 Q. We went through that description in a
12 previous DCR of having a sear fit in a .1725 width
13 slot, right?

14 A. Yes.

15 Q. Are we now talking about the trigger fitting
16 in that same slot?

17 A. Yes, we are.

18 Q. So it's the same thing, just with respect to
19 the trigger?

20 A. Yes.

21 Q. Now, would our discussion of the
22 relationship between the sear and the housing, the
23 minimum potential tolerance, potential clearance
24 there be the same with respect to the trigger and

1 the housing, that being .001?

2 A. I don't know.

3 Q. Why don't you know?

4 A. Well, I'd have to go back through and
5 calculate it out and see if the dimensions are the
6 same.

7 Q. Well, if the width of the side plate
8 housing --

9 A. That's not going to change.

10 Q. If it can be as low as .173, I believe, and
11 if the maximum width of the trigger can be -- what?

12 A. What was it?

13 Q. Well, here you said it had to fit between a
14 .1725. That's the only parameter I know right now.

15 A. Well, it was .168/.172. Was it? Let me
16 have the DCR.

17 Q. What number do you need?

18 A. 15280.

19 MR. MILLER: John, 15280.

20 MR. SHAW: F-28. Is that DCR 15280?

21 THE WITNESS: Yeah.

22 A. It's .170/.172 and -- no, it's not the
23 same. Is it? That goes from one to .005 clearance.

24 Q. So the minimum again would be .001?

1 A. Yes.

2 Q. In that respect it would then be the same.

3 Is that right?

4 A. No. One is one to seven and one is one to
5 five.

6 Q. But in the minimum they would both be the
7 same?

8 A. They both have a .001 minimum.

9 MR. HEADLEY: Now, do we want to go
10 over that again?

11 MR. MILLER: Nope, unless you do.

12 BY MR. MILLER:

13 Q. Did you have anything further to say on this
14 one?

15 A. Not at all.

16 MR. HEADLEY: Well, we covered that
17 three times now.

18 Q. Again, the explanation on this one is to
19 improve the function of the trigger assembly by
20 eliminating interference between trigger and
21 housing.

22 Would your comments here be the same as
23 the comments in the DCR which indicated to eliminate
24 interference between the housing and the sear?

1 A. I'll tell you what. I actually don't have a
2 comment. I don't really know the intent of this.
3 It doesn't make sense.

4 Q. You asked for it, didn't you?

5 A. Yes.

6 Q. That's your writing down there, isn't it?

7 A. And that's my initials on the bottom. What
8 I'm telling you is I'm not going to go back to '77
9 and tell you, even though I asked for it and it's my
10 initials, what the intent was because I can't see
11 how it's going to improve the function of the
12 trigger assembly.

13 I can see how it would improve the
14 function of the trigger assembly in the sub-assembly
15 operation but not as a rifle.

16 Q. The Exhibit is Q-8.

17 Now, that is your writing under "Reason
18 for Change," isn't it?

19 A. I've said that three times. Just a minute.
20 Just a minute.

21 MR. SHAW: Which number is that?

22 A. This is my name.

23 MR. MILLER: I've said it three times.

24 A. This is my name. This is my initials. I

1 wrote my initials.

2 Q. Is that the only thing you wrote on that
3 entire exhibit?

4 A. Yes.

5 Q. Now, how would it improve the function of
6 the trigger assembly by eliminating interference
7 between the housing and the sub-assembly? You said
8 in the sub-assembly you could understand it.

9 A. I said if you had an operation where you had
10 to have an individual sit there and file off burrs
11 it would eliminate that so that that individual
12 didn't have to do that.

13 MR. HEADLEY: You mean the tumbling
14 process, the new process?

15 MR. MILLER: Objection. Objection.

16 THE WITNESS: Yes.

17 MR. MILLER: Could you keep it until
18 the cross-examination?

19 MR. HEADLEY: We've gone over it. He's
20 explained it. I'm trying to show that this is
21 repetitious.

22 MR. MILLER: Then object and say
23 repetitious and move on.

24 MR. HEADLEY: That's right. That's

1 what I do. I object and it's repetitious because
2 we've covered it three times now. That doesn't
3 count the first deposition.

4 BY MR. MILLER:

5 Q. It doesn't talk anything about the
6 sub-assembly process, does it, DCR 10521, Exhibit
7 Q-8?

8 A. No.

9 Q. If that was the reason, shouldn't the
10 sub-assembly process be mentioned on there as to why
11 you were making this design change?

12 A. Rich, I would like to help you out on this,
13 I would like to, because my name is on here
14 requesting it; my initials are on it. But I just
15 can't remember. I cannot go back and recreate it.
16 All I'm doing is grasping and I don't want to grasp.

17 Q. All right. Let's move on to the next one.
18 I'm going to hand you what's been marked as
19 Plaintiff's Exhibit Q-9, DCR 10522.

20 Again, are your initials at the bottom?

21 A. Yes, there.

22 Q. Are you the one who is shown as requesting
23 that change?

24 A. Yes.

1 Q. Is the connector the part that's being
2 changed?

3 A. Yes, it is.

4 Q. What change or revision is being made to the
5 connector?

6 A. It says, "Revised and redrawn and changed
7 drawing size from B to C to obtain better surface
8 finish and dimensional control of part."

9 Q. How did those revisions accomplish that
10 purpose?

11 A. I don't know.

12 Q. Take a look at the drawing, if you would,
13 please, if that's what you need to look at.

14 A. (Pause) Okay. What's the question?

15 Q. What change was being made?

16 A. Essentially the way I see it is there's no
17 changes in the physical part but what the changes
18 are here is to redimension the part. Not
19 redimension the part. But dimension the part so
20 it's easier to understand really what we were
21 after.

22 As I recall, the reason for this was we
23 had one connector supplier and that we were trying
24 to get another connector supplier -- and I think

1 that was Connecticut Spring -- as a source of supply
2 because this is a critical part and we wanted at
3 least two sources of supply. And we redrew the
4 drawing so we could send it to them because they
5 didn't have a history of making this part that our
6 original supplier had so there would be no confusion
7 on what we wanted.

8 Q. Were you having any problems with the
9 original supplier and the parts he was supplying?

10 A. In that we couldn't get enough. And we were
11 continually like sending a car over to pick them up
12 or something like this, hand to mouth all the time.

13 Q. Were you having any trouble in the
14 dimensions of those parts as supplied?

15 A. Not that I recall.

16 We have had some problems with the
17 parts as far as the stock that we received being
18 undersized where we had to go and scrap it and try
19 to pull more stock that was thicker. We have had
20 that problem that I remember.

21 But from a normal supply situation
22 nothing else comes to my mind.

23 Q. What dimension is being renumbered or
24 redrawn? Where's the number on this one? Was it

1 13?

2 A. Yes.

3 Q. Where's No. 13, revision 13 on the drawing?

4 A. All right. We show right here revised and
5 redrawn.

6 Q. So there's nothing on the drawing itself
7 other than up in the upper corner?

8 A. That's right.

9 Q. So the better surface control and
10 dimensional control of the part is for that new
11 supplier?

12 A. Yes. So that he would know what we want.

13 Q. So there's no change in the dimension of the
14 part as a result of this DCR?

15 A. Not that I'm aware of.

16 Q. Now, I'm going to show you what's been
17 marked as Q-10, which is DCR 10586.

18 A. Yes.

19 Q. What part is being changed there?

20 A. Sear safety cam.

21 Q. What change is being made to that part?

22 A. I don't know.

23 Q. Take a look at the drawing, if you need to.

24 Q. What number is it? John may be able to help you.

1 A. It's C15666.

2 MR. SHAW: We looked at that earlier.

3 32.

4 A. Okay. Okay. What's the question?

5 Q. What changes are being made?

6 A. Well, they changed the .865 to .859
7 dimension.

8 Q. Is that the correction that was discussed in
9 the prior deposition?

10 A. The one -- just a minute -- that we
11 discussed already today?

12 Q. No. I don't think we discussed that one
13 today. It was discussed at a prior deposition that
14 we took of you, I think.

15 A. I think I have.

16 Q. You don't remember?

17 A. No. I don't remember. I don't know
18 actually why this is done this way either.

19 Q. How about the second change?

20 A. They're both together. 12 and 13 are
21 together. One is changing it to a blank dimension.
22 The other one is after grind. I don't know why it's
23 done that way.

24 Q. We haven't discussed that with respect to

1 this particular DCR. But you're not sure why it's
2 done that way?

3 A. No, I'm not. Well, actually -- just a
4 minute now. 9 and 10, that's the other drawings.
5 So both drawings were changed. Essentially it's the
6 same thing on two different drawings.

7 Q. Do you know the reason for the change on
8 either drawing?

9 A. No, I don't.

10 Q. Can you figure it out from the DCR and the
11 drawing?

12 A. No, I can't. That's just what I was trying
13 to do. I'd rather not speculate.

14 Q. It says down here "for better dimensional
15 control of parts."

16 Do you know what that means in this
17 instance?

18 A. No, I don't.

19 Q. I'm going to hand you what has been marked
20 as Plaintiff's Q-11, which is DCR 10667.

21 A. (Pause).

22 MR. HEADLEY: That's Exhibit Q-11.

23 A. Okay.

24 Q. What change is being made?

1 A. I don't know. I'd have to --

2 Q. First what part is it?

3 A. It's a trigger connector for 600 and 700.

4 It's C15436.

5 MR. SHAW: Is that a 600 drawing,

6 Mr. Linde?

7 THE WITNESS: Yes. The 700 would be
8 C19461.

9 MR. MILLER: That might be 23 I think
10 in that group.

11 MR. SHAW: 19461.

12 22 is the C drawing.

13 A. It says added -- I'm just talking to
14 myself. I'm sorry.

15 On the first one as far as the design
16 change "The ground end must be square with leg plus
17 or minus a degree."

18 Q. What does that mean?

19 A. I don't know.

20 Q. How about the second part?

21 A. "Add note to inside surface must be smooth,
22 clean and free of burrs."

23 Q. That's the inside surface of the trigger
24 connector?

1 A. That would be right here.

2 Q. Is that because a burr might interfere with
3 the operation of the trigger connector on the
4 trigger?

5 A. No. I think it's because of -- let me
6 think. I don't know which way the hole's pierced.
7 My problem is I don't know what the intent was. I
8 don't know if this DCR was added to help the people
9 at Connecticut Spring to manufacture the part, to
10 clarify something. I really don't know what the
11 intent of it was.

12 Q. Is that indicated on there, that the purpose
13 on there is to help the people at Connecticut Spring
14 manufacture the part?

15 A. No. And it wouldn't be.

16 Q. Not under the reason for change section?

17 A. No.

18 Q. Do you know the reason for any of the other
19 notations on there, any other changes listed?

20 A. "Part must not rock when inside surface."

21 Rest on a flat surface." Well, I can understand
22 that, because we've also insisted from the start
23 that we get the parts square and straight. I can
24 see us specifying that on the drawing to make sure

1 anybody who wouldn't know knew that.

2 There's a notation here. It says, "Max
3 bend, twist or bow." I can understand why they
4 would put that on the drawing because we insisted on
5 that. See, Stark was in a little community next to
6 Ilion so our people really worked with him on a very
7 close relationship.

8 Q. Any other thing on the changes on that one?

9 A. No.

10 THE WITNESS: Should we take a break
11 now? It's almost 3:00 o'clock.

12 MR. MILLER: If you would like to.

13 THE WITNESS: Yes.

14 (A brief recess was taken.)

15 BY MR. MILLER:

16 Q. I'm going to hand you what's been marked as
17 Plaintiff's Exhibit Q-13. This one I didn't see
18 when we did it last time.

19 This is DCR 10777. What's being done
20 there in your understanding?

21 A. This would just be a change to clarify the
22 dimple height dimension.

23 Q. What is the dimple height dimension in that
24 piece?

1 A. I'll show you.

2 Q. That's the safety detent spring, is what
3 you're referring to?

4 A. Yes. There's a little dimple on it. Do you
5 want to see it?

6 Q. Well, what's the purpose of the dimple? Can
7 you describe it in words to me?

8 A. It's just a little detent.

9 Q. Does the dimple force the detent ball down
10 into a particular hole?

11 A. No. I'll show you.

12 Q. Okay.

13 MR. SHAW: What's the drawing number?

14 THE WITNESS: It's B15368.

15 MR. SHAW: F-39.

16 A. I don't see it in here.

17 Q. Is it one of the smaller ones maybe?

18 A. That's what I thought.

19 MR. HEADLEY: Covered by pages 7
20 through 14 in volume 2 of Mr. Linde's first
21 deposition a year ago.

22 Q. F-39 is what we're talking about?

23 A. Yes.

24 Q. If I can't find it, we don't need to talk

1 about it. How's that sound? It doesn't appear I'm
2 going to find it.

3 Maybe I will. There's 41. 39. There
4 you go.

5 A. Okay. Right here (indicating). It's change
6 No. 12. It says ten to .020 is just how far that
7 dimple right there is projecting out. It used to
8 say .020 max.

9 Q. And now it's ten to .020?

10 A. Yes.

11 Q. What's the purpose of that?

12 A. Just a clarification in the drawing.

13 Q. How about if the dimple would have been less
14 than .010, what effect would that have had on the
15 safety mechanism?

16 A. I don't know.

17 Q. Would it be a less positive safety?

18 A. I don't think so.

19 Q. Let's say the dimple was only .001, what
20 effect would that have on the system?

21 A. I don't know.

22 Q. How about if this piece -- what's the name
23 of the piece again?

24 A. Safety detent spring.

1 Q. How about if it didn't have a dimple on it
2 at all, what would the effect be on the safety
3 mechanism?

4 A. I don't know. I'd have to look it all over.

5 Q. Do you know if this change was made to
6 insure that the safety detent mechanism would have a
7 certain degree of feel to it, a certain degree of --

8 A. No. I think the change was just made
9 because the dimension was open-ended and they were
10 just trying to bracket the dimension.

11 Q. It wouldn't have made the safeties that were
12 manufactured any more positive than they were
13 before?

14 A. I don't know if the dimension or the
15 physical dimension on any of the detent springs was
16 actually changed. I don't believe so.

17 Q. What I'm getting at is -- maybe we're
18 talking about two different things. I don't know --
19 but if you have got a safety detent or a dimple in
20 this piece that's .020 maximum, the maximum
21 allowable dimple, and if you got another one that's
22 less than .010, say .005 or something, what does
23 that dimple do, what's its purpose?

24 A. I believe -- I think it's just for an

1 Q. If I told you I talked to John Brooks and he
2 said he didn't know the reason for the change, he
3 was just told to make it, do you have any other
4 ideas who I should look to?

5 MR. SHAW: Well, Mr. Miller, I wish you
6 would be fair with the form of the question and not
7 try to explain to Mr. Linde what you think
8 Mr. Brooks told you because I was there at that
9 deposition.

10 Q. You can go ahead and answer the question.

11 A. I would go back to Brooks.

12 Q. Brooks told me somebody --

13 A. Then I would ask Brooks "Who should I go
14 to?"

15 Q. I asked Mr. Brooks to --

16 A. That's what I would do.

17 Q. Mr. Brooks said someone in marketing; he was
18 told by marketing to make the change.

19 Do you have any idea who in marketing
20 might have been involved in that particular change?

21 A. I don't know who it would be. I would go to
22 Brooks and then I would go to Workman. That's what
23 I would do because they were the people in research.

24 Q. I think I tried both of them, as John said,

1 alignment for the clip that holds it. Actually it
2 has nothing to do with the function of the safety.

3 Q. Now, I'm going to hand you what's been
4 marked as Plaintiff's Exhibit P, pages 88, 89 and
5 90. This being DCR 11486.

6 I represent to you that that's the DCR
7 that removed the bolt lock on the Model 700 rifle.

8 Is that correct?

9 A. (Pause).

10 MR. SHAW: Mr. Miller, for the record,
11 as you will recall, you went over this with John
12 Brooks during his deposition as well as
13 Mr. Workman.

14 MR. MILLER: I have one question for
15 this witness that will explain why I'm going over it
16 with him.

17 A. Yes.

18 Q. Do you know the reason for that design
19 change?

20 A. No, I don't.

21 Q. Who would you point me to on the design
22 change request form or otherwise that could tell me
23 the reason for that change?

24 A. I'd talk to John Brooks about it.

1 and neither of them knew the reason, other than to
2 say marketing requested it, is I think the best I
3 got out of them.

4 Now I'm going to hand you what's been
5 marked as Plaintiff's Exhibit R, which is DCR --
6 well, several DCRs. The one I'm concerned with is
7 the first page, DCR 10195. This concerns both the
8 Model 600 and the Model 700. As you look at it, the
9 first several revisions, four to be exact, concern
10 the Model 600. The next ones concern the 600 and
11 the 700. I'm going to ask you questions about the
12 two different groups.

13 MR. HEADLEY: Before you ask the
14 question, please give us the exhibit number and the
15 drawing.

16 MR. MILLER: Exhibit R. 10195 is the
17 DCR number.

18 MR. SHAW: Mr. Miller, for the record,
19 in volume 2 of Mr. Linde's deposition with regard
20 not only to this DCR but also to the drawing that
21 accompanied it you asked him and covered this on
22 pages 32 through 45, it would appear, including
23 questions with regard to the reason for the change,
24 the alterations or revisions that were covered on

1 the drawing and the DCR.

2 MR. MILLER: Also for purpose of the
3 record, at the last deposition we were not permitted
4 due to your instruction of the witness not to answer
5 any questions in the area of the Model 600 to go
6 into that model. This DCR concerns the Model 600
7 and that's one of the reasons why I'm bringing it
8 back up at this time. It's not my fault I have to
9 go back into it. It's the fault of you all of you
10 objecting to us going into 600 in the first place.

11 The Court's now ruled on that and I'm
12 now going to go into it.

13 BY MR. MILLER:

14 Q. With respect to the changes in the Model 600
15 which is the first four changes, is what is
16 occurring in that DCR merely an adoption of the
17 parts of the Model 700?

18 A. (Pause).

19 MR. HEADLEY: Well, I have looked at
20 the reference to those page numbers that Mr. Shaw
21 referred to and Mr. Miller is incorrect because the
22 difference between the Model 600 and 700 was asked
23 and the 600 was discussed and it was explained. So
24 if you refer to your own deposition copy that you

1 have, Mr. Miller, well, you would see that there was
2 no restriction on questions concerning the 600 with
3 respect to that DCR.

4 MR. MILLER: If we can get back to
5 proper form, who's going to be making the objection
6 from here on out, you or John?

7 MR. HEADLEY: Probably both of us just
8 to try to speed it along. I'm trying to help you.
9 I've got one reference here and Mr. Shaw has the
10 depositions and we're trying to just clear the
11 record. Otherwise, you just have to wait while one
12 of us goes through both documents.

13 MR. MILLER: I'll wait, if that's what
14 it takes. I'd just rather have objections coming
15 from one person. I'm sure that if I had been
16 objecting and Bill had been objecting to your
17 depositions of our people regarding to what we
18 wanted too, I'm sure we would have gotten the same
19 response.

20 I'd appreciate it if you would keep it
21 to one person as I asked you before in these
22 depositions.

23 MR. HEADLEY: Normally we do that. I
24 recognize that. I'm just saying this speeds it up.

1 I wouldn't think it makes any difference to you.

2 MR. MILLER: It does.

3 MR. HEADLEY: I could write it out for
4 Mr. Shaw and he can state what I want to say and I
5 think it would take longer.

6 MR. MILLER: Please do that.

7 MR. HEADLEY: Well, I don't think I
8 will.

9 BY MR. MILLER:

10 Q. Now back to my question. Are you merely
11 changing the 600 over to use the 700 system?

12 A. That's what it appears. But I can go
13 through and check it, if that's what you want me to
14 do.

15 Q. No. On the 700 though, what are you doing
16 in that model?

17 A. It says, "Trigger housing assembly
18 complete." That's the assembly drawing and the
19 plate. It says revised and redrawn. I would
20 imagine that when they added the 600 that they just
21 had revised and redrawn it and added them to the
22 Mohawk 600 on it and combined it and made it one
23 drawing.

24 Q. Now, Exhibit PPP, which are DCRs which were

1 not produced at the time we took your previous
2 deposition which were subsequently produced and
3 again have been numbered, although not in red but in
4 ink at the top of the page, I'm going to refer you
5 to PPP 3, page 3.

6 You're changing the trigger connector,
7 correct, or changing the process with respect to the
8 trigger connector?

9 MR. SHAW: Could you tell us which one
10 that is?

11 THE WITNESS: It's 11022, DCR.

12 MR. SHAW: Thank you.

13 A. (Pause) Yes.

14 Q. You're changing or adding a procedure on
15 that one. Am I right?

16 A. Adding a note to add a procedure.

17 Q. Is that the same procedure you added for the
18 trigger and the sear? In other words, this part
19 should pass between a gauge that's .1725 in width?

20 A. Yes, that's right.

21 Q. So you have done that for all three parts
22 now, the trigger, the sear and the trigger
23 connector?

24 A. Yes.

1 Q. It says this was requested by process
2 engineering and control. Do you know why they were
3 interested in inspecting the width of the trigger
4 connector at this point?

5 A. The only thing I can think of is the parts
6 from Connecticut Spring, as I recall, were going to
7 be done complete. The parts from Stark, he would do
8 a blank. He would send it in. We would heat-treat
9 it. We would send it back to him. He did some
10 operations on it, sent it back to us. And so the
11 parts coming from Connecticut Spring might be that
12 in purchased parts inspection, inspected the parts,
13 they just want to slip gauge, just to run the parts
14 through.

15 Q. So you're doing this to convey to
16 Connecticut Spring that you want parts of a maximum
17 width?

18 A. No. We're just telling them -- PE&C would
19 use that for purchased parts inspection.
20 Connecticut Spring would never know we were doing
21 this.

22 Q. Connecticut Spring didn't make the sear or
23 the trigger, did they?

24 A. No.

1 Q. The next one I'm going to show you is DCR
2 11109, which is Exhibit PPP-4.

3 MR. SHAW: What was that number again?

4 MR. MILLER: 11109.

5 BY MR. MILLER:

6 Q. What part are you working on there, or
7 parts?

8 A. (Pause) It says the trigger and the sear
9 safety cam.

10 Q. Is the purpose of that design change request
11 to make the fit between the trigger and trigger
12 connector tighter?

13 A. I don't know. I can go through it.

14 Q. No. We went through this in the first
15 examination but we didn't have the benefit of this
16 DCR, if I'm correct. In the first examination or
17 first deposition I remind you that what you
18 determined in that deposition is that there was a
19 maximum play between the trigger and trigger
20 connector or maximum clearance of .012 of an inch
21 prior to any changes. After the changes it became
22 .006 of an inch.

23 Now, what I'm wondering is, is this the
24 DCR that was in part responsible for that change?

1 Do you need to go through the DCR to figure it out?

2 A. I'd have to, sure.

3 Q. Do that, please, because I think this is an
4 important DCR.

5 MR. MILLER: I don't think I have ever
6 discussed this one before. Have I, John?

7 MR. SHAW: Well, I'm not sure. I would
8 have to check. I will say for the record, and I
9 think I have to say it because Mr. Headley was not
10 at Mr. Brooks' deposition, that you did cover this
11 with Mr. Brooks with regard to this particular DCR
12 which Mr. Brooks has signed. My purpose in making
13 that statement for the record is you continue to say
14 that you need to talk to the individual who signed
15 it or whatever and that will shorten things up and
16 then we have the situation where you talked to
17 someone like Mr. Brooks who gives you testimony with
18 regard to it and that does not serve to shorten
19 things up at all. You come back with another
20 witness and you want to go into it with him. But
21 you did discuss it with Mr. Brooks.

22 What drawing is that, Mr. Linde?

23 THE WITNESS: This is F-28.

24 MR. SHAW: What's your question, Rich?

1 I'm not really objecting. I'm just trying to find
2 out what you're doing.

3 MR. MILLER: I'm curious whether this
4 DCR which was not available to us last time we took
5 Mr. Linde's deposition is the DCR that made the
6 changes that he referred to at the last deposition.
7 That's the only thing I want to know about this
8 DCR. If he says yes, I'm going on.

9 If you got the pages picked out, you
10 might want to refer him to those pages so he can
11 read those as well.

12 Do you have my deposition that we took
13 last time, first volume, page 192?

14 MR. SHAW: This is probably it.

15 BY MR. MILLER:

16 Q. Let me go back and ask a question again as
17 maybe you have forgotten it here. Is this the DCR,
18 No. 11109, that you changed, revision No. 19 changed
19 the tolerance on the trigger from 1076 --

20 A. 1076 to 1077.

21 Q. It used to be 1076 plus or minus .005,
22 didn't it?

23 A. I don't know. I would have to go back and
24 check that.

1 Q. It changed it from 10976 to 10977?

2 A. That's what this says, yes.

3 Q. Do you know the reason for that change?

4 A. No.

5 Q. What have you been checking over there?

6 Have you been checking some of the other revisions?

7 A. Yes.

8 Q. What do some of the other revisions do?

9 A. I was just trying to check what the DCR is
10 to the best of my ability.

11 Q. Let's take revision No. 2. What part does
12 that play in the change?

13 A. I would have to take them all.

14 Q. Why don't you do that?

15 A. I don't understand how 19 ties in, but what
16 they've done -- this is what it looks to me. Brooks
17 and Finelli did the work so they would understand.
18 They took this sear safety cam and they re-
19 dimensioned this part and they redimensioned the
20 trigger.

21 What they did is they came up with the
22 same relationship as they had before but they tied
23 the dimensions better together on the sear safety
24 cam so that the two surfaces that are important to

1 the function are called out. You can see they've
2 tied the sear surface to the cam surface together
3 with one dimension, which is just it's good
4 dimensioning sense to do it that way, even though
5 this part is made in a die and whatever you had
6 before, whether you grind the surface or not.

7 So I can see where as you go forward
8 and somebody makes up a new die the problems of
9 having to go back and rework the die would be a lot
10 less and that would be a smart thing to do.

11 Q. Do they change the relationship, dimensional
12 relationship between those two points, the point
13 where the trigger connector hits the sear and the
14 point where the sear safety cam is cammed up by the
15 safety?

16 A. Yeah. I can't tell. What they do say is
17 they don't change the overall dimensions. What I
18 would say is the overall dimension was maintained
19 between the two parts.

20 Q. But from the figures that you are looking at
21 that they used and prior figures in the drawing you
22 can't tell whether that is in fact the case? You're
23 basing that on the language that is in the document?

24 A. Yes.

1 Q. Let me hand you what's been marked as PPP-5,
2 DCR 11233. My question to you here is, this
3 involves the safety detent spring. It says, "to
4 prevent rotation of safety retaining clip on the
5 Model 700 fire control, giving a more consistent
6 spring force on the safety detent ball."

7 Why do you want to do that?

8 A. Can I go through it first?

9 Q. Sure. That's my question.

10 MR. HEADLEY: Give us the number of the
11 DCR again?

12 THE WITNESS: 11233.

13 (Discussion off the record.)

14 (Mr. Headley left the deposition room
15 at this point.)

16 BY MR. MILLER:

17 Q. We're back on the record again after looking
18 at it for a while.

19 A. You tell me what you want to know.

20 Q. What I want to know is this says the DCR was
21 to prevent rotation of the safety retaining clip on
22 the Model 700 fire control.

23 Why is it desirable to do that? What
24 happens if you don't, in other words?

1 A. The safety clip is clipped on over this
2 spring and because it's a little odd-shaped, if you
3 get a slight rotation there will be a slight effect
4 on the amount of tension that the spring exerts on
5 the ball. So if you put it on with two clips when
6 in that form, it always keeps the retainer in one
7 spot.

8 Q. And the correct amount of tension on the
9 safety detent?

10 A. I can't say the correct amount. But it's
11 more consistent.

12 Q. It's more likely to produce the correct
13 amount of tension?

14 A. No. It's more likely to -- it just reduces
15 the amount of variation that you have.

16 Q. Without that change and if the safety
17 retaining spring or clip rotates, is it possible
18 that the tension on the safety detent ball might be
19 relaxed sufficiently to allow the safety to hang up
20 in an intermediate or null position in the Model
21 700?

22 A. No.

23 Q. It's not possible?

24 A. No.

1 Q. Let me ask you that question. Is it
2 possible for you to trick the Model 700, any Model
3 700; in other words, place it in an intermediate or
4 null position and have it fail the trick test like
5 the Model 600 might have done?

6 A. No.

7 Q. So the 700 is not trickable?

8 A. That's right.

9 Q. Have you ever seen the Model 700 trick?

10 A. It depends on your definition of a "trick."

11 Q. "Trick" is the trick test I referred to
12 before in the intermediate position.

13 A. The "trick" that I use as "trick" is the
14 trick as originally developed for screening 600s.
15 And what we were looking for there is the cam, the
16 safety lever cam, and whether you had enough lift
17 off of the cam. I've never seen a 700 that didn't
18 have enough lift.

19 If I've got a complaint on the trick of
20 a 700, it's always been something else. For
21 example, wood or something not allowing some of the
22 parts to work freely.

23 Q. On the 700, if you did have a 700 that would
24 trick, in other words, would hang up in that

1 intermediate position --

2 A. No. That's not trick.

3 Q. What is trick?

4 A. Well, just because the lever would hang up
5 in the intermediate position really doesn't mean
6 that it's trick. It just means that the lever will
7 hang up in that intermediate position.

8 Q. Let me ask you this. Will a 700 lever or
9 lever, whatever, hang up in the intermediate
10 position between fire and safe?

11 A. I think it would vary a little bit and I
12 think because it is a mechanical mechanism that if
13 you could either use instrumentation or had fine
14 enough touch in your finger, you could probably get
15 that set right on that edge. It would be like
16 balancing a ball bearing on a knife edge. Given
17 enough persistence, yes, it's possible.

18 Q. That same thing was possible in the Model
19 600, right?

20 A. No. The question on the trick had nothing
21 to do from the customer's standpoint. The question
22 on the trick is the way to screen guns without
23 tearing them apart to see if the condition existed.

24 Q. Let's go through it this way. If you put

1 the safety in the intermediate position, either the
2 600 or the 700, no matter how difficult it is to put
3 it there at all --

4 A. You got it.

5 Q. -- you don't get as much sear lift as if you
6 put the safe fully on fire, correct?

7 A. That's right.

8 Q. So in that instance what you're saying is on
9 the 700 that doesn't make any difference because it
10 has enough lift even in that position so that it
11 won't fail the trick test?

12 A. Not only that it has enough lift but the cam
13 came farther forward so it kept it on safety longer.

14 Q. In the intermediate position the cam came
15 farther forward is what you're saying?

16 A. Yes.

17 Q. It's still not on the 700 in its full lift
18 though?

19 A. No.

20 Q. In the intermediate position?

21 A. No. Some guns if you checked it, it would
22 be. Other guns you might see a thousandths or two
23 drop off.

24 Q. Let's take a situation in which the sear

1 lift on the Model 700 is .0085. Are you following
2 me?

3 A. Yes.

4 Q. It's on full safe?

5 A. Okay.

6 Q. How much, if it were on the intermediate
7 position of the half safe position, how much sear
8 lift do you think you would have?

9 A. I couldn't say.

10 Q. Maybe half as much?

11 A. Oh, no. If there was any change at all, it
12 might be half a thousandth to a thousandth,
13 something on this order of magnitude.

14 Q. Have you seen any figures on the Model 600
15 to see how much lesser the sear lift is on the half
16 or intermediate position than on the full safe
17 position?

18 A. I believe I have, but I can't remember. But
19 I remember working on it and the cam, the actual cam
20 that cams the sear up was farther back on the 600.

21 Q. If I told you on the 600 it was about double
22 the amount of lift when it was on full safe as
23 oppose to the half safe position, would that jog
24 your memory, refresh your recollection?

1 A. No. No.

2 Q. Now, let's take that Model 700 hypothesis of
3 a sear lift of .0085 fully on safe. Let's take a
4 corresponding trigger and trigger connector in the
5 same mechanism which have a play or a maximum
6 clearance between the two of .010 of an inch. Let's
7 run that system through the FSR test. In other
8 words, place the rifle or the bolt down; the rifle
9 is on safe. You have a lift of .0085 from the sear
10 to the trigger connector. You pull the trigger and
11 by doing so the trigger and trigger connector go
12 forward. For one reason or another -- I'm not going
13 to specify the reason right now. I just want you to
14 assume that the trigger connector rides up on the
15 trigger. In other words, the bottom of the trigger
16 is in contact with the bottom of the trigger
17 connector but the clearance between the top of the
18 trigger and the top of the trigger connector and the
19 clearance is the .010 that I mentioned before.

20 When that trigger connector and trigger
21 try to return back underneath the sear, the trigger
22 connector won't make it because it will interfere
23 with the sear, correct?

24 A. That's right.

1 Q. Now, can you think of any reason why the
2 trigger connector might ride up on the trigger in
3 that instance?

4 A. No, I cannot.

5 Q. Let's take another situation since we're
6 talking hypothetical, Model 700 control systems.
7 I'm concerned not so much with the lift but I'm
8 concerned with the overtravel and the pull and the
9 tension of the pull spring as it relates to the
10 overtravel.

11 A. Okay.

12 Q. Those two screws.

13 A. Okay.

14 Q. All right. Let's say you have a rifle in
15 which the overtravel is .010 of an inch. Okay?
16 When you pull back on that trigger to fire the
17 rifle, the poundage you need to fire the rifle is --
18 I don't think this figure's important but I'll give
19 you four pounds, halfway between the three and five
20 pound recommended specifications. So you have an
21 overtravel of .010 and a four-pound trigger pull.

22 When you pull back on that spring,
23 you're exerting force on that trigger, force against
24 the spring, aren't you?

1 A. Yes, you are.

2 Q. You have to overcome four pounds of force to
3 fire that rifle according to my hypothetical,
4 correct?

5 A. Your trigger finger would, yes.

6 Q. Now, and you could move that after you fired
7 the rifle .010, roughly .010 of an inch overtravel
8 until the trigger stop screw, overtravel screw stops
9 the movement, correct?

10 A. Yes.

11 Q. In that additional overtravel distance of
12 .010 of an inch, have you compressed the trigger
13 pull spring more?

14 A. Yes.

15 Q. So you got really two compartments or two
16 separate sections of compression. The first is to
17 clear out the engagement. In other words, the first
18 thing you have got to do is you got to fire the
19 rifle. You compress the spring far enough until the
20 engagement becomes zero and the sear will drop,
21 right? Are you following me?

22 A. Yes. Well, go ahead. It's your
23 hypothetical.

24 Q. And then you've got to pull the spring

1 further if you want to get to the maximum .010
2 overtravel, pull the trigger further, compressing
3 the spring more. Is that right?

4 A. Yes.

5 Q. Now, what I want to do in my hypothetical is
6 I'm going to not change the engagement, the first
7 portion of the spring compression. I'm going to
8 change the second though, the overtravel.

9 A. Okay.

10 Q. I'm going to increase that overtravel to say
11 twenty-five or .030 of an inch. Does that mean that
12 spring on the trigger pull screw is going to get
13 compressed even more than it did in my first
14 example?

15 A. Yes.

16 Q. Now, if you compress a spring more you're
17 exerting more pressure against it, right?

18 A. Or force.

19 Q. More force?

20 A. Yes.

21 Q. In turn, when you release that trigger and
22 release the force, the spring is going to be
23 exerting more force back against the trigger
24 connector, isn't it?

1 A. No.

2 Q. Why not?

3 A. The force going forward on the spring is at
4 a constant rate so the force to take it over, the
5 force to take it over will be the same.

6 Q. Let's say that the pull on the trigger to
7 fire the rifle is four pounds. Let's say the
8 additional distance you move that trigger for the
9 .010 of an overtravel adds an additional three
10 pounds. So to get to the full measure of overtravel
11 you've compressed that spring up to seven pounds in
12 force.

13 Do you understand what I'm talking
14 about?

15 A. Yes.

16 Q. Now, that's the .010 overtravel. Now let's
17 say you want to go to .027 overtravel so you back it
18 off further; you back the overtravel screw off
19 further. Let's say that adds another three pounds
20 in force, so now you're up to now seven pounds but
21 ten pounds to get to the full measure of twenty,
22 twenty-five to .030 of overtravel.

23 What I want to know is in each of my
24 examples, the .010 overtravel and the twenty-five to

1 .030 overtravel, when you release that spring or
2 that trigger what force is that spring going to be
3 exerting back in the opposite direction?

4 A. It will be whatever you had. If you got up
5 to a point where you had four pounds, it has four
6 pounds pushing it back. If you got up to seven
7 pounds, it will have seven pounds pushing it back.
8 If you got up to ten pounds, it will have ten pounds
9 pushing it back.

10 Q. So the more pressure you exert on a spring
11 in this case by pulling the trigger, the more
12 pressure it's going to exert in the opposite
13 direction when you release that spring?

14 A. Yes.

15 Q. So if you backed off the overtravel on a
16 Model 700 bolt-action rifle, would you think that
17 that is going to increase the spring force exerted
18 against the trigger connector to return that trigger
19 connector to its position underneath the sear?

20 A. There would be a slight increase, which
21 could be calculated.

22 Q. How would you go about calculating that?

23 A. You know what your spring rate is; you know
24 how much you've compressed it.

1 Q. Distance-wise?

2 A. Distance-wise.

3 Q. When you say "slight," are you talking about
4 a difference of a pound?

5 A. I have no idea. I could just calculate it
6 out.

7 Q. If I told you the spring, if this is of any
8 help to you, is about .210 or .211 of an inch in
9 length, about a fifth of an inch --

10 A. No. I wouldn't calculate it in my head. I
11 might give you the wrong information.

12 Q. Let's go back to the hypothetical
13 questions. You seem to like those questions better
14 than these on the DCRs. I like them too. They're
15 easier.

16 A. Well, you're asking a lot, to ask somebody
17 to remember back ten years.

18 Q. I know it. I don't remember what I was
19 doing ten years ago either. Probably trying to
20 understand the basic physics in college.

21 I'm going to hand you what's been
22 marked as Plaintiff's Exhibit PPP-7, which is DCR
23 11216.

24 MR. SHAW: What are the P numbers?

1 MR. MILLER: PPP-7.

2 MR. SHAW: Wait just a moment.

3 (Discussion off the record.)

4 MR. SHAW: For the record, Mr. Miller,
5 you discussed this for quite some length I think
6 with Mr. Brooks in his earlier deposition.

7 BY MR. MILLER:

8 Q. Whenever you're ready, let me know. My
9 question again is: What would be the reason for
10 that change?

11 A. I don't know. I wish you would have shown
12 this to me before. That was one of the problems I
13 was having figuring out the other system that you
14 gave me.

15 Q. Which one is that? Is that this one here
16 that you're talking about?

17 A. Right.

18 Q. I'm sorry.

19 A. This ties it together, the drawing by -- the
20 drawing has a .173/.170 on it. I couldn't
21 understand on the -- I don't know. I guess it was
22 the one before that.

23 Q. This one here?

24 A. Yeah. There. It has .173. .193/.197.

1 There's your .193/.197. This is .173/.170. It ties
2 together with the drawing. Why, I don't know.

3 Q. Does it still not change the dimension?

4 A. No, I don't believe it does. To tell you
5 the truth -- well, I better not.

6 Q. Go ahead and tell me the truth.

7 A. It looks to me like the drawing should be
8 .173/.170, is what they wanted. I don't know.

9 That's what it looks to me like.

10 Q. I'm just trying to understand your
11 comments.

12 A. This ties everything together. If you
13 combine them, it just shows what they did. It just
14 shows how they redimensioned the part. It is
15 consistent all the way through because then they end
16 up with the dimension that's on the print.

17 Q. When you say "redimensioned," you're not
18 saying they changed the dimensions on the part?

19 A. No. No. What they did is they went through
20 and redimensioned the part to come up with the same
21 end.

22 Q. They took measurements from different
23 points?

24 A. Yes. They're just taking their dimensions

1 from a different point, exactly.

2 Q. Well, if I had known that was what that one
3 related to or remembered it, I would have shown it
4 to you.

5 These are also additionally produced
6 DCRs. We're going to talk about a few of these. I
7 might have to have these marked though, I'm afraid.

8 MR. MILLER: I'll go ahead and mark
9 them, if that's all right.

10 (Plaintiff's Deposition Exhibit TTTT-1
11 through TTTT-3, respectively, were marked for
12 identification.)

13 (Discussion off the record.)

14 MR. MILLER: These are DCRs 05964,
15 05980, 07385.

16 (Discussion off the record.)

17 BY MR. MILLER:

18 Q. Now, in this exhibit could you tell me what
19 is being done in the three DCRs that are being
20 referred to?

21 A. (Pause) Which one would you like to cover
22 first?

23 Q. Can you do them in a group or do you need to
24 cover them individually?

1 A. No, I think they're individually.

2 Q. Do the first one first. That is DCR what?

3 A. This is DCR 05964. Why they did it, I don't
4 know.

5 Q. Can I see it for a second? Read the second
6 one, if you would.

7 A. And the second one is 05980. This is a
8 change in the housing assembly. They're adding a
9 dimension, .173 to .176.

10 Q. What dimension, what side of that dimension
11 are they adding, the lower or the upper end?

12 A. The upper end.

13 Q. Why did they say they were adding that upper
14 end?

15 A. They say it calls for a min plug gauge but
16 no max; the parts are all being produced well above
17 the max .176 dimension.

18 Q. When you take a part that's produced above
19 the maximum .176 dimension and put it in there, what
20 was being complained of?

21 A. It says, "Numerous complaints have been
22 received from the field on very loose triggers.
23 Correct existing parts."

24 Q. Now, is this -- let's talk about the third

1 one for a moment. What are they doing on the third
2 one? That's DCR what?

3 A. It's a spacer front, spacer rear and they're
4 changing the dimensions.

5 Q. What did they do in that situation?

6 A. I don't know. It looks to me that they're
7 just changing the blank thickness.

8 Q. From what to what? How much of a change?

9 A. Well, changed .286/.285 to I guess maybe
10 it's .287 to .284. Yeah, it must be .287 to .284.

11 Q. That's changed how?

12 A. Well, that's a blank and the final dimension
13 is done in the plant. So all that is is just an
14 in-process change to allow powdered metal to make
15 the part.

16 Q. Let's forget about the third one for the
17 time being. With respect to the first two, the
18 first one, TTTT-1, change thickness to .172/.170 on
19 the trigger, and the other one, TTTT-2, which adds
20 the dimension .173 to .176 on the housing assembly,
21 is that trying to tie down the amount of clearance
22 you have between the trigger and the housing in the
23 rifle?

24 A. It would be just conjecture on my part. I

1 don't know the background on these.

2 Q. Does that look like what they're doing?

3 MR. SHAW: Objection, form of the
4 question.

5 A. Your guess is just as good as mine.

6 Q. I'm not an engineer, though.

7 A. I don't know.

8 (Discussion off the record.)

9 BY MR. MILLER:

10 Q. Without marking this, just so I know whether
11 I need to go into it, can you tell me on that DCR
12 what it's doing?

13 MR. SHAW: Just answer that yes or no,
14 Mr. Linde.

15 A. Yes.

16 Q. You can?

17 A. Yes.

18 MR. SHAW: Then let's mark it.

19 MR. MILLER: Do you want to mark it?
20 Let's mark it as UUUU.

21 THE WITNESS: I'm just going to tell
22 you they cut the length.

23 BY MR. MILLER:

24 Q. The length of what?

1 A. The rivet.

2 Q. What purpose does that serve?

3 A. I don't know. It looks to me like a request
4 from a vendor.

5 Q. I guess since we talked about it as UUUU, we
6 better mark it. That's all I wanted to know about
7 it.

8 (Plaintiff's Deposition Exhibit UUUU
9 was marked for identification.)

10 MR. SHAW: What's the number on it?

11 MR. MILLER: 07648.

12 (Discussion off the record.)

13 (A brief recess was taken.)

14 (Plaintiff's Deposition Exhibit VVVV
15 was marked for identification.)

16 MR. MILLER: Back on the record.

17 BY MR. MILLER:

18 Q. I think the next one I need to talk about,
19 VVVV --

20 MR. SHAW: Quadruple what?

21 MR. MILLER: V, which is DCR 08041.

22 BY MR. MILLER:

23 Q. And I ask you what that DCR does, what
24 change it makes.

1 A. (Pause).

2 Q. Feel free to look at the drawing, if you
3 need to.

4 A. Okay. I have no idea. I can't tell for
5 sure, but what cut they're talking about is right
6 here, this .025 cut, that cut-out right there. And
7 that would come across in this view as this surface
8 right there.

9 Q. Does that enter into the trigger housing at
10 any time during the rotation of the trigger?

11 A. No. No, it doesn't.

12 (Plaintiff's Deposition Exhibit WWWW
13 was marked for identification.)

14 BY MR. MILLER:

15 Q. I'm going to hand you what's been marked as
16 Plaintiff's Exhibit WWWW. It's two DCRs, Nos. 11694
17 and 11717.

18 Would you tell me what those two DCRs
19 do? And go ahead and look at the drawings that you
20 need to.

21 A. (Pause) This is removing this and changing
22 actually to a tapered.

23 Q. That's which one? Which DCR?

24 A. That's the 11694.

1 Q. Is that the only thing 11694 does?

2 A. Yes. It also add use to Model 7 light-
3 weight trigger.

4 Q. What does the other DCR do that I handed
5 you?

6 A. Let me go through it.

7 What the second one is, it's just
8 allowing more material on the spacer blank for
9 powdered metal.

10 Q. What is the reason for that?

11 A. It says, "to insure complete cleanup of
12 sides of part at the grind operation." So what it
13 appears to be is when they grinded it into final
14 form they had some that the part didn't clean up all
15 the way across the part.

16 Q. So when they grind it off they have an even
17 surface, is what you're telling me?

18 A. It would be square to the grinding and then
19 if it didn't clean up there would be some portion of
20 it that would be the dimension as pressed.

21 Q. I got one more DCR I want to talk about.
22 Let me make sure I got the right one here. I'm
23 going to hand you what's been marked as, I guess
24 what needs to be marked as Plaintiff's XXXX.

1 (Plaintiff's Deposition Exhibit XXXX
2 was marked for identification.)

3 MR. SHAW: Number?

4 MR. MILLER: DCR 10558.

5 BY MR. MILLER:

6 Q. That applies to the Model 600. Can you tell
7 me what that DCB does?

8 MR. SHAW: Could you wait a minute
9 until I find it, please?

10 MR. MILLER: Sure.

11 MR. SHAW: Could I see that, please?

12 MR. MILLER: Fine, as soon as he gets
13 done with it.

14 A. Are you ready for the answer on this?

15 Q. Yes.

16 A. I don't know. I don't know. If you had the
17 600 drawing, I could go back.

18 Q. Oh, I do have the 600 drawings.

19 A. Okay.

20 Q. No. It looks like I left them out in the
21 car.

22 (Discussion off the record.)

23 BY MR. MILLER.

24 Q. You can't tell from that is what you're

1 saying?

2 A. I can't hardly read it all either.

3 Q. Neither can I.

4 MR. MILLER: Let me shut this off.

5 (Discussion off the record.)

6 MR. SHAW: While we were off the record
7 we had a discussion with Mr. Linde regarding
8 concluding his deposition. We're going to try to go
9 as much as we can this evening, in light of the
10 reporter's limitations due to an injured hand.

11 Beyond that, Mr. Linde has got other business
12 commitments, has indicated that he would be
13 available for an additional hour tomorrow, that's
14 Thursday, to answer further questions.

15 MR. MILLER: That's satisfactory to me
16 and I'll try to finish up in that time.

17 BY MR. MILLER:

18 Q. I'm going to hand you what has been marked
19 as Plaintiff's Exhibit ZZ and AAA through GGG. I
20 represent to you that these are test lab reports
21 done in the Ilion test lab of Remington on various
22 bolt-action rifles, all entitled model something or
23 another safety evaluation. The reports are numbered
24 1 through 8.

1 I would like you to take a look at
2 those for a second.

3 A. (Pause).

4 Q. If you want to get to the 700 study, it's
5 the last report, No. 8.

6 A. What are your questions?

7 Q. Well, first, you are on the distribution
8 list for that report, weren't you?

9 A. Yes, I was.

10 Q. Each of those reports? You might want to
11 check the upper right-hand corner. I think your
12 name appears on each of them. There's one that
13 doesn't appear you received. In fact, there's more
14 than one it looks like.

15 Do you know if you received copies of
16 that report?

17 A. No.

18 Q. There it picks up again.

19 The ones that your name appeared on you
20 would have received copies of. Is that right?

21 A. Yes, I would have.

22 Q. Do you know why you were on the distribution
23 list for those?

24 A. It would be because of the job I had in

1 1975.

2 Q. Was this during the period where you were
3 examining the Model 700 fire control systems and
4 other bolt-action fire control systems?

5 A. Well, it was really at the point I was
6 really tied up on the 600, 788 and 580, was my prime
7 interest.

8 Q. Did you eventually expand out into the Model
9 700 bolt-action fire control system?

10 A. I made changes to it, yes.

11 Q. Now, the last one, the No. 8 report, which I
12 think is GGG, these reports all appear to be to
13 Wayne Leek from Mr. Hugick, Hugick?

14 A. Yes.

15 Q. Who would have the most information on these
16 reports as to why they were done and what was being
17 tested for? Would that be you, Mr. Leek or
18 Mr. Hugick?

19 A. (Pause) I think I know what this is, this
20 top one.

21 Q. What is it?

22 A. Safety evaluation. This would be a three-
23 gun control sample of a Model 700, and the question
24 at the time was converting, using a 700 trigger

1 assembly in a Model 600. This sounds to me like
2 what they're doing is he's testing three 700 rifles
3 and using that as a control.

4 Q. The other rifles he's testing are doing
5 what?

6 A. The others he would be testing -- the 600
7 safety evaluations he might be going through and --
8 I'd have to read through. Maybe testing what you
9 have now, what you have with the change and a
10 control what the 700 is.

11 Q. The other seven reports is a control?

12 A. That's what it looks like to me. Some of
13 them deal with the 788, so obviously that would be
14 something different, and the 580s. That would be
15 that change in the trigger assembly.

16 Q. What type of testing are they doing in
17 there? What are they testing for?

18 A. They're testing to see, primarily to see if
19 there's any wear in the system. You can see they
20 went 50,000 safe on/safe off cycles and 7,000 cock
21 and dry cycle fires. So they're checking to see if
22 the safety system changes over very much extended
23 testing.

24 Q. Are they testing for FSR or trick tests?

1 A. No. They're testing for function and wear.

2 Q. Did they notice any wear or any alteration
3 in the function of the Model 700?

4 A. No. This one shows that they have -- in all
5 three cases they have some what looks like either
6 measurement error or some shifting, the thing kind
7 of goes like this.

8 Q. What thing kind of goes like that?

9 A. Well, their information says safe on force
10 variation range from 7-1/2 pounds max to 4-1/2
11 pounds minimum. So this says to me that you have
12 changes of how the thing is lubricated over the life
13 of the test. They had some safe off variation.
14 Striker and fire control parts inspection indication
15 were good. So they have information to back that up
16 which shows there is essentially no wear in the
17 system going through the test.

18 Q. The thing I'm interested in here is the sear
19 lift data. In rifle No. 1 -- I'll go through it
20 with you.

21 MR. SHAW: Which report are you
22 referring to?

23 MR. MILLER: This is Model 700 safety
24 evaluation report No. 8, Exhibit GGG.

1 BY MR. MILLER:

2 Q. The sear lift data shows variations from a
3 minimum of I assume that's .007 to a maximum of
4 .009. That's not negative, is it?

5 A. No.

6 Q. So we have a variation in rifle No. 1 of
7 .002 over a cycling of 10,000 cycles. Is that
8 right?

9 A. 50,000. 50,000 safe on/safe off.

10 Q. Safe on and safe off, you're right.

11 But no trend is indicated, right?

12 A. That's right.

13 Q. A trend would be whether it was increasing
14 over time or decreasing over time?

15 A. That's right.

16 Q. Now, in rifle No. 2 the sear lift data
17 showed variations of a minimum of .048 to a maximum
18 of .073, which is a variance of .025. Is that
19 right?

20 A. Yeah. .0025.

21 Q. Yeah, .0025. We've got .048 there, right?

22 A. No. That's .0048.

23 Q. That's right. That's right. You're right.

24 Now, forty-eight ten-thousandths would

1 be the correct way to state it?

2 A. That's correct.

3 Q. And seventy-three ten-thousandths, which is
4 twenty-five ten-thousandths or .0025. You're
5 right.

6 A. Yeah.

7 Q. Back on the previous one, the variance there
8 was .002.

9 A. Yes. Now, that's as recorded. That's what
10 I was saying. The question is how did they measure
11 it and what's your measurement error and what your
12 actual measurements were. I don't know because I
13 don't know --

14 Q. You don't know how it was done?

15 A. Yeah. I don't know what they would have
16 done in '75.

17 Q. But I'm just getting at these figures here,
18 we have a variance of .002 on the first rifle,
19 two-and-a-half on the second. The second doesn't
20 indicate whether there's a trend or not, does it?

21 A. Yeah. It says it shows variation. That's
22 right. There's no trend. That one was very
23 scientific. If there would have been a trend, it
24 would have said trend.

1 Q. This one down here, the third one we got
2 variations between .0053 and .0068, which is .0015
3 or one-and-a-half-thousandths?

4 A. Yeah.

5 Q. And that does show sear lift data indicate a
6 minor trend of decreasing.

7 A. Yes. That's what it says.

8 Q. In other words, there's a minor trend over
9 time of decreasing sear lift?

10 A. Yes. I feel comfortable with that though in
11 that he's done other tests and recycled them 50,000
12 times and there's essentially no change. That test
13 has been duplicated a number of times and I feel
14 very comfortable in the 700 that there's no change
15 due to wear.

16 Q. In other words, no decrease over time?

17 A. That's right.

18 Q. Of the sear lift?

19 A. Yeah. When you go 50,000 cycles, that's
20 really --

21 Q. That's a lot of cycles?

22 A. You bet.

23 Q. Does it show variance over that amount of
24 cycles?

1 A. I couldn't comment on that. I just don't
2 know.

3 Q. Do you know what they're doing back on this
4 page here? This would be the one where they have a
5 graph and they call it page 3, but in chronological
6 order it's not page 3.

7 MR. SHAW: What exhibit are you on
8 now?

9 MR. MILLER: The same exhibit, just a
10 different page.

11 MR. SHAW: Could I see that for a
12 moment? My copy of the report No. 8, Mr. Miller,
13 only has three pages to it.

14 MR. MILLER: Let me straighten this
15 out. This is the form it came to me in, John.
16 Well, now, there's another exhibit, another one
17 stapled to it. I guess that's the one I'm talking
18 about.

19 Let me separate that, if you don't
20 mind. Your then, John, Exhibit GGG will only have
21 three pages.

22 I guess I need to identify this next
23 exhibit. I think we're on Y, aren't we?

24 (Plaintiff's Deposition Exhibit YYYY

1 was marked for identification.)

2 (Discussion off the record.)

3 BY MR. MILLER:

4 Q. I'm going to hand you what's been marked as
5 YYYY, which is a report dated 2-12-83, report
6 No. 830423. I'm going to ask you some questions
7 about that. You might want to take a look at it.

8 A. (Pause).

9 MR. SHAW: Did you cover this before?

10 MR. MILLER: No. I never have because
11 I didn't know it was there.

12 MR. SHAW: I think Mr. Linde has been
13 cooperative as he can be, although he made the
14 comment with regard to this last report that beyond
15 reading the report he might not be able to tell you
16 anything other than what's stated in the report.
17 This one was requested by Mr. Brooks, it looks like
18 from the face of the document, the third page of
19 it.

20 MR. MILLER: Sure. And I understand he
21 won't and can't tell me what he doesn't know.

22 THE WITNESS: Yes.

23 BY MR. MILLER:

24 Q. What are Remington specifications for the

1 sear lift on a Model 700 bolt-action rifle?

2 A. I don't know.

3 Q. That report refers to -- well, have you ever
4 seen those?

5 A. This report?

6 Q. No. Well, have you ever seen that report?

7 A. Yes.

8 Q. When have you seen that report before?

9 A. Well, when they sent it to me in '83.

10 Q. Do you have any independent recollection of
11 anything discussed beyond what's in that report?

12 A. I know why it was done.

13 Q. Why was it done?

14 A. We had a supplier who supplies us the
15 connector material and we had a lot of the material
16 that was undersized one to .003, like the report
17 says. And we didn't have any material other than
18 this one to .003 material that was undersized and
19 the question come up "Well, what do we do to get
20 parts" because this is a special material made a
21 special way. We wanted to use this material but we
22 didn't want to use it if it should put the gun in
23 jeopardy in any way.

24 So what we did is we worked up a test

1 where we bracketed all the tolerances, max and min
2 conditions, in Model 700s and ran the test to make
3 sure that we could use this material. Then we went
4 ahead and changed the drawings, as I recall. And I
5 think Brooks -- it was one to .003 and I think he
6 gave us .001 more or something so we could continue
7 to manufacture guns.

8 Q. When you talk about the max and min brackets
9 that you used or bracketing you did, explain that to
10 me, please.

11 A. We went through the stack-up of tolerances
12 in the system.

13 Q. What were the parts or the tolerances you
14 were stacking up? Was that in --

15 A. Yeah. I don't know. Back here it shows.

16 At this point I don't know. I know that that was --
17 just exactly what stack-up, which way each stack-up
18 went, I don't know.

19 Q. What I'm trying to get at, were you stacking
20 up the relationship of the trigger to the trigger
21 connector as it relates to the sear?

22 A. Yes.

23 Q. Those --

24 A. I believe, I believe that's what it was.

1 Q. And it would come out, the final
2 relationship would come out in terms of the sear
3 lift, is that right, when the rifle's on safe?

4 A. You know, I really don't know for sure. I
5 remember what precipitated the problem and why we
6 did it, why we ran the test. But just exactly what
7 the maximum was, I don't know.

8 Q. Let me point you to the sear lift
9 measurements -- maybe that might help you out --
10 which are in the raw data containing several pages,
11 back at the bottom of that first piece of graph
12 paper.

13 We take the four rifles across the top
14 column. In the first two you have sear lifts of
15 .0205?

16 A. That's .0205, .0265, .0070 and .0060.

17 Q. So the first two look like the maximum lift
18 and the second two look like the minimum lift. Is
19 that right?

20 A. There's a big difference between the sear
21 lift, yes.

22 Q. Now, is there any correlation between the
23 sear lift as oppose to the two that have the maximum
24 or the higher sear lift and the other two that have

1 the minimum or the low sear lift and the
2 corresponding measurements on the trigger pull?

3 A. I wouldn't think there would be.

4 Q. If I suggested this to you, would you agree
5 with me, that the two rifles that have the higher
6 sear lift, the greater sear lift, also have the
7 greater trigger pull, and the two rifles with the
8 lower or lesser sear lift had the lesser trigger
9 pull?

10 A. Yeah.

11 MR. SHAW: I object to the form of the
12 question.

13 A. And --

14 MR. SHAW: Excuse me, Mr. Linde.
15 Mr. Linde.

16 Are you asking him whether that's the
17 case in terms of the measurements or whether there's
18 a causal relationship?

19 A. That's what I was just going to say. If the
20 measurements show there's a difference, whether it's
21 caused because of the sear lift, I really don't
22 know.

23 Q. You agree with my summary of the document
24 though. Is that right?

1 A. Well, it shows a higher, yeah, trigger pull
2 than it does for these two.

3 Q. "These two" are the first two you're
4 referring to with the greater sear lift?

5 A. Yeah. Whether there's a correlation that's
6 caused by that or not, I frankly can't see how.

7 Q. Do you see how the lift might cause the
8 trigger pull or vice versa?

9 A. No, I really don't.

10 Q. You don't find that significant then?

11 A. No, I don't.

12 Q. Now, you said Mr. Brooks gave you an
13 additional thousandth. What did you mean by that?

14 A. Well, it says here that the trigger
15 connectors from the vendor which were slightly, one
16 to .003, out of specification --

17 Q. What specification or measurement was that?

18 A. It's a drawn steel piece and the thickness
19 of that steel was one to .003 under where it should
20 be, not under our min but what they normally
21 processed. What would happen is when you processed
22 the part and you ground that surface that we bear
23 off, if you started in the mean, sometimes when you
24 ground it, you would be a little under our min.

1 So what we did is he allowed us to go a
2 thousandth smaller. That's my recollection.

3 Q. In the measurement of the steels that came
4 in or in the minimum after you processed the piece?
5 Where did he allow that thousandth?

6 A. In the final dimension on the drawing he
7 allowed us to come down one more thousandth, as I
8 recall.

9 Q. That width would be the width of the trigger
10 connector at any point in its circumference?

11 A. Yes.

12 Q. So he gave you an additional .001 of an
13 inch?

14 A. Yes.

15 Q. Does that mean then that the trigger
16 connector at the top portion and the bottom portion,
17 where it's bent over, you know, those two pieces,
18 could be a thousandth thinner than what had been
19 previously allowed?

20 A. Yes.

21 Q. And were those pieces, that steel, used in
22 the trigger connectors that are being tested here?

23 A. Yes, I believe they were. You know, if they
24 weren't, they would have ground the parts to --

1 Q. .001 less?

2 A. Yes.

3 Q. At any point in this report do you note
4 where they conducted the FSR test or the trick test?

5 A. I did not notice it when I went through it.

6 Q. I also note that the safe on and safe off
7 forces follow that same pattern. In other words,
8 when there's a higher or greater lift, the safe on
9 and safe off forces appear to be greater than when
10 there's a lesser lift.

11 A. That's right.

12 Q. Do you attach any significance to that?

13 A. There's a correlation.

14 Q. What is the correlation you find there which
15 isn't found --

16 A. The correlation there is you're lifting the
17 seat higher so you're putting more energy into it
18 and the travel is the same in each case, so
19 obviously you have to have a little higher force.

20 Are you following me?

21 Q. I'm trying to.

22 A. You're doing so much work, force over time.
23 If I do more work, I have to have a little higher
24 force. So if I'm lifting it higher in a given

1 amount of space, I have to apply a little more
2 force.

3 Q. I'm following you now. Thank you.

4 MR. MILLER: I've hit the half hour I
5 promised you. Let's cut it here.

6 (Deposition adjourned at 5:35 p.m.)

7 L.N.D.E.X

8	DEPONENT: John P. Linde	PAGE
9	Examination by Mr. Miller	2
E X H I B I T S		
11	PLAINTIFF'S DEPOSITION EXHIBITS	MARKED
12	TTTT-1 DCR No. 05716	224
13	TTTT-2 DCR No. 05980	224
14	TTTT-3 DCR No. 07385	224
15	UUUU DCR No. 07648	228
16	VVVV DCR No. 08041	228
17	WWWW DCR No. 11694 and No. 11717	229
18	XXXX DCR No. 10558	231
19	YYYY Research test and measurement 20 report No. 830423 with attachments	240
21		
22	ERRATA SHEET/DEPONENT'S SIGNATURE	PAGE 250
23	CERTIFICATE OF REPORTER	PAGE 251
24		

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REPLACE THIS PAGE

WITH THE ERRATA SHEET

AFTER IT HAS BEEN

COMPLETED AND SIGNED

BY THE DEONENT.

VARALLO & WILCOX

1 State of Delaware)
2 New Castle County)

3

4 CERTIFICATE OF REPORTER

5

I, Kurt A. Fetzer, Registered
Professional Reporter and Notary Public, do hereby
certify that there came before me on the 6th day of
November, 1985, the deponent herein, JOHN P. LINDE,
who was duly sworn by me and thereafter examined by
counsel for the respective parties; that the
questions asked of said deponent and the answers
given were taken down by me in Stenotype notes and
thereafter transcribed into typewriting under my
direction.

11

I further certify that the foregoing is
a true and correct transcript of the testimony given
at said examination of said witness.

13

I further certify that I am not
counsel, attorney, or relative of either party, or
otherwise interested in the event of this suit.

15

16

Kurt A. Fetzer

17

18

DATED: -----

19

20

21

22

23

24

VARALLO & WILCOX

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION

EVELYN LEWY and JACK LEWY,)
Plaintiffs)
v.) Civil Action
REMININGTON ARMS COMPANY, INC.,) No. 83-3172-CV-S-2
and K MART CORPORATION,)
Defendants)

Continued videotape deposition of JOHN P. LINDE taken pursuant to agreement on behalf of Plaintiffs at the offices of E. I. du Pont de Nemours & Company, Brandywine Building, (Conference Room B-11376), Wilmington, Delaware, beginning at 11:50 a.m., on Thursday, November 7, 1985, before Kurt A. Fetzer, Registered Professional Reporter and Notary Public.

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COPY

1 JOHN P. LINDE,
2 having been previously sworn as a witness,
3 was resumed on examination and testified
4 further as follows:

5 EXAMINATION

6 BY MR. MILLER:

7 Q. Mr. Linde, just for purposes of the record
8 so he doesn't have to go through it again, I remind
9 you that you're under oath from yesterday. You
10 understand that, of course?

11 A. Yes.

12 Q. It's just a mere formality.

13 A. Yes.

14 Q. I guess what we'll start out with is the
15 process records. You said the other day, yesterday,
16 that you were familiar with the process records and
17 had actually made some changes in those process
18 records on the Model 700. Am I right?

19 A. No.

20 Q. Tell me what you said.

21 A. I'm familiar with process records. I
22 physically never made any changes.

23 Q. Were you involved in the decision-making
24 process to make changes?

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1 A. Yes, I have been.

2 Q. On the Model 700?

3 A. On all models.

4 Q. But you didn't actually write the change
5 down?

6 A. No, I didn't.

7 Q. That's where I misinterpreted your answer
8 then.

9 A. No, I didn't do any writing on process
10 records.

11 Q. I'm going to hand you my file of the process
12 records. Those are all of the process records that
13 have been produced to me in this case in somewhat of
14 an order by subject matter, whether it's trigger
15 assembly, final assembly, quality control, gallery
16 testing, et cetera.

17 Now, I talked with Mr. Warren about a
18 change that was made in the assembly of the I
19 believe it was the trigger to the trigger
20 connector. It was a sub-assembly that he
21 instituted.

22 Were you responsible for making that
23 change to the sub-assembly?

24 A. I know what you're talking about.

1 Q. Do you remember when it was taken out of the
2 regular assembly steps and made a sub-assembly and
3 there were some tests done, added to the assembly
4 procedure?

5 A. No. I don't remember when.

6 Q. What do you remember happened when the
7 change was made?

8 A. All I remember is there was an area over in
9 the sub-assembly area where a guy was doing
10 sub-assembly operations and I would walk by that
11 area on the way to the gallery.

12 Q. That was a change made by Mr. Warren. Do
13 you remember that?

14 A. He was the engineer working on it.

15 Q. Do you remember the reason for that change,
16 why it was made a separate sub-assembly?

17 A. No, I don't.

18 Q. Do you know what the sub-assembler was doing
19 that might have been different from the prior
20 procedures?

21 A. No, I don't.

22 (Plaintiff's Deposition Exhibit AAAAA
23 was marked for identification.)

24

1 BY MR. MILLER:

2 Q. I'm going to hand you what has been marked
3 as, believe it or not, AAAAAA. You're here to break
4 in a whole new series, in other words. I'm going to
5 refer to this as a list of changes or differences in
6 Model 700 trigger assembly procedures; assembly
7 testing from sub-assembly through final inspection
8 of completed firearm. Now, this was produced to me
9 as well.

10 What I would like you to do is to go
11 through and tell me whether this listing of changes
12 -- and you'll see the early system and the present
13 system on it -- is an accurate listing of what
14 changes were made.

15 MR. MILLER: John, do you know what I'm
16 referring to here?

17 MR. SHAW: Sure, if we could pause here
18 for a minute.

19 (Discussion off the record.)

20 THE WITNESS: What is your question?

21 BY MR. MILLER:

22 Q. Is that an accurate listing of the
23 operations -- what do they call it? -- the
24 differences in Model 700 trigger assembly procedures

1 from sub-assembly through final inspection?

2 A. Yes. This here shows the changes going from
3 where you had one operator assemble the whole rifle
4 to presently how the rifle's produced where you have
5 an operator who assembles the trigger assembly,
6 sub-assembly and then a final assembler who
7 assembles that to a rifle. It's an accurate
8 representation of that change.

9 Q. Were those changes made at the same time
10 Mr. Warren made his change by instituting the
11 sub-assembly procedure?

12 A. No.

13 Q. Were some of those changes instituted by
14 Mr. Warren that we talked about earlier?

15 MR. HEADLEY: I might say for the
16 record it's our understanding that that column that
17 says "early" over there refers to 1962 methods or in
18 that era when the gun, the Model 700, when they
19 first started the manufacturing. Then "present"
20 would refer to the date that's shown at the top of
21 when that exhibit was prepared.

22 THE WITNESS: Yeah.

23 A. No, I don't believe that he changed any of
24 those.

1 Q. Is that your understanding, that the "early"
2 column refers to the first procedures established
3 for manufacturing the Model 700 and the "present"
4 column refers to the procedures in existence on
5 5-2-83, which is the date at the top?

6 A. No.

7 MR. HEADLEY: I think what he's saying
8 is --

9 THE WITNESS: I don't know the dates.

10 MR. HEADLEY: -- he hasn't reviewed it
11 himself.

12 A. I don't know if the dates are accurate.

13 It's the difference between assembling the rifle and
14 taking the two steps with the sub-assembly.

15 Q. Do you know when any of these particular
16 changes were made?

17 A. No. I don't know the exact date.

18 Q. Do you know if they were during the period
19 1975 through maybe 1978 or '79?

20 A. No, they were not.

21 Q. You're sure that none of them were made
22 during that period?

23 A. Yes.

24 Q. Would they have been before that period or

1 after that period?

2 A. Before that period.

3 Q. The last three checks which talk about
4 correct safety operation tested at the mid location
5 three times by the final assembler, by the gallery
6 tester and by the final inspector, would those have
7 been instituted during the 1975 through 1978-79
8 period?

9 A. Okay. As far as the assembly of the rifle,
10 that's correct. As far as the tests in the mid
11 position, I wouldn't think so, at the mid location.
12 I would think that that would have been new in '75,
13 but I don't know that for sure.

14 Q. So what you're saying is the testing or the
15 inspection was new in 1975; the other stuff pre-
16 dates 1975?

17 A. That's what I would think.

18 MR. HEADLEY: I would state that the
19 record shows that Mr. Linde during his deposition
20 that he gave for two-and-a-half days over a year ago
21 in Ilion, New York, stated that that mid position or
22 trick test was instituted in or about April or
23 around April of 1975. That's in the record.

24 Q. Now, from memory or from looking at those

1 that you need to, do you know what other changes in
2 the process of manufacturing the Model 700
3 bolt-action rifle occurred in the period 1975 to
4 1978-79?

5 A. I'd have to go through the process records.

6 Q. Do you know what other changes occurred --
7 when I say "other," I'm excluding Mr. Warren because
8 I talked to him about one of the changes, the
9 addition of the sub-assembly -- but what other
10 changes occurred in the assembly of the fire control
11 system on the Model 700 bolt-action rifle during
12 that period 1975 to 1978 or '79?

13 A. I'd have to go through the process records.

14 Q. What are --

15 MR. HEADLEY: Now, the changes you're
16 talking about here, you're talking about the
17 assembly procedures?

18 MR. MILLER: Yeah, the assembly
19 procedures.

20 MR. HEADLEY: As stated on this
21 Exhibit AAAAA?

22 MR. MILLER: Yeah.

23 BY MR. MILLER:

24 Q. Now, if I ask you about quality control

1 procedures, gallery testing procedures, final
2 assembly, not just the trigger housing assembly,
3 would your answer be the same: You'd have to go
4 through the --

5 A. Yes, I would.

6 Q. I have here some documents which I'd like
7 you to look at, if I can separate them out. These
8 are called process record change authorizations.
9 This is what I produced by looking through the 22
10 file drawers. They have been marked as Exhibit S
11 and I'm going to refer to some particular changes in
12 those exhibits.

13 Somehow I think they will refer you to
14 certain process records that you might want to
15 consult, just like the DCR refers to the blueprints
16 or drawings, so please feel free to do so.

17 MR. HEADLEY: What exhibit is that?

18 MR. MILLER: The one I'm going to first
19 hand him is S, page 15.

20 MR. SHAW: What?

21 MR. MILLER: Exhibit S, page 15.

22 BY MR. MILLER:

23 Q. Now, I would like you to first read it.

24 A. (Pause).

1 MR. SHAW: What's the number on that
2 one?

3 MR. MILLER: S-15.

4 MR. SHAW: No. It has a number on it.

5 MR. MILLER: He'll have to read it to
6 you. I can't see it right now.

7 A. Maybe you could help me. Do you have the
8 process record for the individual parts?

9 Q. You've got everything I've got.

10 A. Because it says add operation 35 to control
11 position of safety arm and eliminate dead safe or
12 fires off safe or fires on safe. I think it would
13 be fires on safe. What it is, here's the safety
14 assembly and this is the number, 26585, is the
15 lever.

16 What they did is they added operation,
17 they added operation 35. And what they were doing
18 is they were bending that lever so that it wouldn't
19 interfere with the wood so they could get a full
20 stroke.

21 Q. Next I'm going to hand you what's been
22 marked as Plaintiff's Exhibit S-3. Can you tell me
23 what problem was being remedied there? Also you
24 might want to mention the number of this process

1 record change form.

2 (Discussion off the record.)

3 A. I guess the only thing I can say is, the
4 only thing I can find is this little piece of paper
5 here. I don't know the background.

6 Q. You can't find any process record that that
7 deals with?

8 A. No.

9 Q. It says on here "Restate operation 41.
10 Excessive burrs from machining. Parts are thrown
11 out of assembly," and the part name is the trigger.
12 Is that correct?

13 A. Yes.

14 Q. This is change No. 266659. Is this the same
15 burring situation that you mentioned earlier with
16 respect to the parts?

17 A. I don't know.

18 Q. I hand you what's been marked as Plaintiff's
19 Exhibit S-18. Without looking at the records, can
20 you tell me what change is being made there, or what
21 problem was encountered?

22 A. (Pause) It says they're going to torch draw
23 the safety lever, which the safety lever is a hard
24 part, so that they could get the position of the

1 lever correct with the cam.

2 Q. Were they having problems in that area?

3 A. I have no idea.

4 Q. I hand you Plaintiff's Exhibit S-19, which
5 is interim operation authorization change
6 No. 273151.

7 MR. SHAW: Have you marked that?

8 MR. MILLER: S-19.

9 BY MR. MILLER:

10 Q. Can you tell me what that does?

11 A. (Pause) No, I cannot.

12 Q. Is fire on safe the same as FSR?

13 A. No, it's not.

14 Q. What is the lap, l-a-p, sear surface?

15 A. It's an operation.

16 Q. What is that operation?

17 A. A lap is something where you generate an
18 extremely smooth surface.

19 Q. Why would you want an extremely smooth
20 surface on the trigger surface?

21 A. To get a good trigger pull.

22 Q. I'm going to hand you what's been marked as
23 Plaintiff's Exhibit S-27, interim operation
24 authorization change No. 273861. Do you understand

1 what's being done there?

2 A. (Pause) I would know no more than what it
3 says.

4 Q. You would know no more than what it says?

5 A. Yes.

6 Q. Why was the operation canceled, interim
7 operation canceled on 4-8-75 by J. Bowers?

8 A. Well, you put in an interim operation -- I
9 can't tell why this was. You put in an interim
10 operation when you pick up something. For example,
11 any heat-treat operation if you were picking up
12 warpage all of a sudden for some reason, then you
13 would put in an interim operation to screen a
14 hundred percent to get anything that's warped out.

15 If you went back and decided what was
16 causing that warpage, then you would eliminate the
17 operation that you had as a temporary. It's a
18 method of cost accounting to make sure you pick up
19 the cost and account for every minute that's put
20 into a firearm.

21 Q. Now, that's different from a process record
22 change authorization, correct?

23 A. Yes, it is.

24 Q. A process record change authorization is

1 meant to be a permanent change. Am I right?

2 A. Well, you know, I don't have a dictionary of
3 what our terms are, but that's the way I would
4 interpret it.

5 Q. Now, explain to me one more time the problem
6 that you were having with the Swedish company on the
7 spacers and the materials and all that.

8 A. What?

9 Q. You mentioned a problem that you were having
10 with some sort of Swedish company on the spacing
11 blocks. Do I remember that correctly?

12 A. I just remember answering your questions on
13 the trigger assembly.

14 Q. Well, you mentioned some sort of situation
15 with a Swedish company, as I remember, in which
16 there was a problem, that they went out of business
17 or something and you couldn't get the same
18 material.

19 A. I was just talking about powder supply.

20 Q. Powder supply, okay. So you had to use a
21 different type of powder. Is that what happened?

22 A. That's right.

23 Q. When you changed to the different type of
24 powder, what happened to the design of the rifle and

1 to those spacer blocks?

2 A. We changed our process to compensate for the
3 different powder.

4 Q. Because the different powder came out a
5 different size?

6 A. No. It came out with different physical
7 characteristics.

8 Q. What physical characteristics were different
9 in it?

10 A. It had a different compression modulus, I
11 would think. Now, I don't know the exact terms.

12 Q. What is a compression modulus?

13 A. How much is compressed with a given load.

14 Q. It was being compressed more than what the
15 material, the same material would compress as
16 provided by the Swedish manufacturer?

17 A. Yeah. I really don't know for sure.

18 Q. Do you remember the name of the Swedish
19 manufacturer?

20 A. Yes, I do.

21 Q. Who was that?

22 A. Husqvarna.

23 Q. I'm going to hand you what's been marked as
24 Plaintiff's Exhibit S-35, which is process record

1 change No. 274943. What was the reason for this
2 change?

3 A. I would think that this would be the change
4 that corresponds to the change that we discussed on
5 the model drawing.

6 Q. Which particular change in the model
7 drawing?

8 A. Of the two front rear spacers.

9 Q. Would S-38, which is process record change
10 authorization No. 275204, be the same thing?

11 A. (Pause) Just a minute. Let me check. Was
12 that the spacer front?

13 Q. I'm going to hand you also -- this may
14 answer that question for you -- process change
15 authorization No. 275205. Does that help you answer
16 that question?

17 A. It references which DCR number right on here
18 so all you have to do is just check the DCR.

19 Q. Are those all related to that change due to
20 the lack of powdered metal from Husqvarna?

21 A. Yes. It appears that way.

22 Q. None of these process changes, S-35, 38 and
23 39, then were made prior to that problem with
24 getting the powdered metal from Husqvarna?

1 A. Yeah. That's my recollection.

2 Q. Now, I've gone through some of these. I
3 just don't have time right now to go through the
4 rest of them. I don't really want to if I don't
5 have to.

6 Can you tell me this in general from
7 your memory -- I won't hold you down precisely -- do
8 you remember any other process changes that were
9 made, whether they were interim changes or whether
10 they were process record changes, that were meant to
11 be permanent on the Model 700 fire control system
12 for the period 1975-1978 or '79?

13 A. I would think that you have everything.

14 Q. You don't remember anything else?

15 A. No.

16 Q. Now, in the Model 600 fire control system,
17 when you had a problem with the trick condition that
18 was due to insufficient clearance of the sear,
19 correct?

20 A. It was insufficient clearance between the
21 trigger connector and the sear, yes.

22 Q. And in those rifles that would trick, that
23 would be because there wasn't that sufficient
24 clearance, right?

1 A. There was not sufficient clearance with the
2 safety in the intermediate position, yes.

3 Q. That's the trick test?

4 A. Yes.

5 Q. Now, in that situation when you did have
6 some lift, maybe not a full lift of what Remington
7 wanted but you did have some lift, say a couple of
8 thousandths, two, three, maybe .004, would you still
9 get a trick condition in that situation?

10 A. No.

11 Q. What do you mean by insufficient clearance
12 then?

13 A. Where you didn't have any clearance, where
14 you actually had an interference.

15 Q. Well, I'm taking the parts not as the
16 trigger connector is coming back underneath the
17 sear. I understand that you can't have any
18 clearance there. I'm talking the parts as they
19 exist prior to pulling the trigger.

20 If you put the safety on in some
21 intermediate position and you get some clearance,
22 some lift, a couple of thousandths, would those
23 rifles then later on after you did the rest of the
24 trick test fail that test?

1 A. No.

2 Q. Why's that?

3 A. If it has clearance it won't fail the trick
4 test.

5 Q. So what you're saying the best term for me
6 then would be no clearance between the trigger
7 connector and the sear?

8 A. That's correct. That's what you end up with
9 if it failed the trick test.

10 Q. That's what you ended up with when the
11 trigger connector was coming back trying to return
12 underneath the sear?

13 A. That's what you ended up with going in.

14 Q. That was going to be my next question.

15 Did you have to have no clearance going
16 in?

17 A. Yes.

18 Q. In other words, before you pulled the
19 trigger after you put the safety in that
20 intermediate position, there was no clearance?

21 A. That's right.

22 Q. In other words, the safety was ineffective
23 and you got no lift from the safety?

24 A. That's right.

1 Q. And the sear still rested on the trigger
2 connector?

3 A. That's right.

4 Q. Did you specifically look into that
5 situation to see if it was only those rifles with no
6 clearance that would fail the trick test or if some
7 rifles with a minimum amount of clearance, say a
8 couple thousandths, two, three, maybe .004, would
9 also fail the trick test?

10 A. Yes.

11 Q. What did you conclude as a result of that?

12 A. That you had to have interference for it to
13 fail the trick test.

14 Q. Interference? In other words, no clearance?

15 A. No clearance.

16 Q. Were you ever able to make a Model 600 rifle
17 fail the trick test in a situation in which you
18 measured it and there was some clearance when you
19 put the safety in the intermediate position?

20 A. No.

21 Q. In other words, in the Model 600 the
22 tolerance problem when it caused a failure of the
23 trick test caused it by stacking up or building up
24 so that there was no lift on the sear in the

1 intermediate null position?

2 A. Yes.

3 Q. Now, you stated yesterday -- and if I'm
4 wrong in my summary of your statement, tell me and
5 we'll try to correct that first -- but you stated
6 yesterday that you felt that given a rifle with --

7 A. Excuse me. But if I stated it yesterday and
8 you asked the question yesterday, why go over it
9 again?

10 Q. Because if I don't go over it, you won't
11 know what I'm talking about when I ask my next
12 question. Okay?

13 A. Okay.

14 Q. I got to begin somewhere. Remember the
15 example -- maybe I'll do it this way -- remember the
16 example that I gave you where we've got a Model 700,
17 I hypothesized a trigger pull of four pounds because
18 it was halfway between a three- and five-pound
19 Remington specification, do you remember that
20 example?

21 A. Yes. If you want to ask me questions on it,
22 go through it and make your scenario again.

23 Q. You want me to do it again?

24 A. Yeah. I'm not going to try to remember your

1 scenario again. Just go through your scenario and
2 ask your next question.

3 Q. Now, the question I asked you was: Given
4 that trigger pull and overtravel varying between
5 zero, which is the minimum amount of overtravel, or
6 just a minute amount, enough to make the rifle fire,
7 and an overtravel backed off to, oh, twenty, .030 or
8 maybe even fifty, sixty, .080, if you can back off
9 that far, and I asked you whether you thought
10 debris, foreign matter, burrs, other parts, other
11 things that could get in there could interfere and
12 bind the trigger connector in a forward position --
13 are you following me? Do you remember that example?

14 A. Yes.

15 Q. If I changed that example around -- I think
16 I've given you all the information I gave you the
17 other day -- and said the trigger pull was
18 three-and-a-half pounds, would your answer still be
19 the same?

20 A. My answer would be that -- because I really
21 don't understand your question. What's the question
22 though? Now you've given me the scenario. We've
23 reduced it to three pounds or three-and-a-half
24 pounds.

1 Q. Could dirt, debris, foreign material of
2 whatever type, interfere and cause the trigger
3 connector to bind, remaining in the forward position
4 at a lesser trigger pull than four pounds?

5 A. I wouldn't think so.

6 Q. How about at a greater trigger pull than
7 four pounds?

8 A. I wouldn't think so.

9 Q. Are you familiar with the Mike Walker patent
10 on the Model 700 fire control system?

11 A. I've seen it, yes.

12 Q. Do you ever review any magazines in the
13 firearms industry for what authors are writing about
14 Remington products?

15 A. Yes.

16 Q. Have you ever reviewed articles on the Model
17 700?

18 A. Yes, I have.

19 Q. Have you ever reviewed any articles having
20 to do with the presence of a bolt lock on the Model
21 700?

22 A. Not particularly, no, I cannot remember. If
23 it was combined into an article on the 700 I would
24 be sure that I read it.

1 Q. Do you regularly read any articles by John
2 Sundra?

3 A. Yes, I have.

4 Q. Do you ever remember him recommending to
5 Remington to remove its bolt lock on its Model 700?

6 A. In his articles?

7 Q. Yes, in any of his articles.

8 A. No, I don't.

9 Q. Do you know John Sundra?

10 A. Yes.

11 Q. Have you ever talked that subject over with
12 him?

13 A. No.

14 Q. I have about another ten minutes.

15 A. 20 of I got to leave, by my watch. I got a
16 guy waiting in my office.

17 Q. How much time does that give me?

18 A. Six minutes.

19 Q. Do you know what caused the accident in the
20 case at hand, the Lewy case?

21 A. No.

22 Q. Do you have an opinion as to what caused the
23 accident in this case?

24 A. No, I do not.

1 Q. You mentioned in volume 3 at page 33 of your
2 prior deposition that Remington desires to restrict
3 the movement on its trigger connectors as they're
4 assembled in the fire control system. What's the
5 reason for that?

6 A. Remington -- repeat your question, please.

7 Q. You mentioned at page 33 of volume 3 of your
8 prior deposition that Remington, the design people
9 at Remington, desires to restrict the movement of
10 the trigger connector on the trigger in their
11 bolt-action rifles, Model 700.

12 What would be the reason for that?

13 MR. SHAW: Show him the deposition.

14 MR. HEADLEY: Yes.

15 A. I can't remember. I'd have to go through
16 whatever the logic was leading up to that.

17 Q. When did you first become aware that the
18 Model 600 rifle could be tricked?

19 A. It would have been when we were
20 investigating the 600 information. The trick test
21 was not something that we became aware of. It was
22 something that we actually developed.

23 Q. When did you yourself become aware that
24 certain models of the 700 would fire on release of

1 the safety?

2 A. I don't understand your question.

3 Q. Are you aware that certain Model 700s will
4 fire on release of the safety?

5 A. I've seen specific rifles.

6 Q. When did you first become aware of that
7 situation?

8 A. When I was working on 700s.

9 Q. When would that have been? Would that have
10 been the same period as the 600s?

11 A. 1975, when I was assigned to the job of
12 working on 700s. Then I started looking at 700s,
13 600s, 580s, 788s, the whole line.

14 Q. The whole line?

15 A. The bolt-action line, yes.

16 Q. That all began at the same time due to the
17 discovery of the problem of the 600?

18 A. No. It became at the time because Mike
19 Walker retired and they moved me from shotguns into
20 center-fire rifles.

21 Q. What time period was that?

22 A. That would have been right around the first
23 part of 1975. It was probably January 1.

24 MR. MILLER: I think I probably hit

1 your time limit. I'll let you go.

2 THE WITNESS: Yeah. Okay.

3 MR. MILLER: Thank you.

4 BY MR. MILLER:

5 Q. One question. What is this?

6 A. I don't know.

7 Q. Have you seen that before?

8 A. No.

9 MR. HEADLEY: Let the record show
10 before you leave, Mr. Linde, that, yes, Mr. Linde
11 was scheduled yesterday for his deposition. We went
12 all day. At the conclusion it was agreed that he
13 would be able to come back, be present for one hour
14 today, even though it does interrupt his day, and
15 that he has schedules and commitments for today and
16 tomorrow and plaintiff's attorney had been so
17 advised of it previous to today.

18 MR. MILLER: We might also want the
19 record to show that I was willing to go on yesterday
20 with the deposition but the court reporter did have
21 a problem with his finger and that was the primary
22 reason why we discontinued the deposition
23 yesterday.

24 MR. HEADLEY: But it was about 5:30

1 yesterday, as I understand, in the afternoon that we
2 discontinued, having started at about 9:00 o'clock
3 in the morning.

4 MR. MILLER: That's correct.

5 MR. HEADLEY: Thank you, Mr. Linde.

6 THE WITNESS: So long.

7 (Deposition concluded at 12:40 p.m.)

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L_N_D_E_X

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REPLACE THIS PAGE
WITH THE ERRATA SHEET
AFTER IT HAS BEEN
COMPLETED AND SIGNED
BY THE DEPONENT.

VARALLO & WILCOX

1 State of Delaware)
2)
New Castle County)

3

4

CERTIFICATE OF REPORTER

5

I, Kurt A. Fetzer, Registered
Professional Reporter and Notary Public, do hereby
certify that there came before me on the 7th day of
November, 1985, the deponent herein, JOHN P. LINDE,
who was duly sworn by me and thereafter examined by
counsel for the respective parties; that the
questions asked of said deponent and the answers
given were taken down by me in Stenotype notes and
thereafter transcribed into typewriting under my
direction.

11

12

I further certify that the foregoing is
a true and correct transcript of the testimony given
at said examination of said witness.

13

14

I further certify that I am not
counsel, attorney, or relative of either party, or
otherwise interested in the event of this suit.

15

16

Kurt A. Fetzer

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DATED: -----

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