

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

EVELYN LEWY and JACK LEWY,)	
)	
Plaintiffs)	
)	
v.)	Civil Action
)	No. 83-3172-CV-S-2
REMINGTON ARMS COMPANY, INC.,)	
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.

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 Claggett & Norquist
2600 Mutual Benefit Life Building
2345 Grand Avenue
Kansas City, Missouri 64108
for Defendants

Also Present: Robert B. Sperling

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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 all 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.

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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, AAAAA. 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 AAAAAA?

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

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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. Husquvarna.

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 Husquvarna?

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 Husquvarna?

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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I N D E X

10

DEPONENT: John P. Linde

PAGE

11

Examination by Mr. Miller

253

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ERRATA SHEET/DEPONENT'S SIGNATURE

PAGE 281

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CERTIFICATE OF REPORTER

PAGE 282

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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
6 I, Kurt A. Fetzer, Registered
7 Professional Reporter and Notary Public, do hereby
8 certify that there came before me on the 7th day of
9 November, 1985, the deponent herein, JOHN P. LINDE,
10 who was duly sworn by me and thereafter examined by
11 counsel for the respective parties; that the
12 questions asked of said deponent and the answers
13 given were taken down by me in Stenotype notes and
14 thereafter transcribed into typewriting under my
15 direction.

16 I further certify that the foregoing is
17 a true and correct transcript of the testimony given
18 at said examination of said witness.

19 I further certify that I am not
20 counsel, attorney, or relative of either party, or
21 otherwise interested in the event of this suit.

22
23 _____
24 Kurt A. Fetzer

25 DATED: _____
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