

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF OREGON
3

4 TERI SEE and DARREL SEE,)
husband and wife,)
5)
Plaintiffs,)
6)
vs.) Case No. 81-886
7)
REMINGTON ARMS COMPANY, INC.,)
8)
Defendant.)
9

10
11 TESTIMONY OF JOHN LINDE

12 March 3, 1983
13

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1 PORTLAND, OREGON: THURSDAY, MARCH 3, 1983; 2:15 P.M.

2
3 JOHN LINDE,

4 called as a witness on behalf of the defendant, having been
5 sworn, testified as follows:

6 THE CLERK: Please state your name and spell your last
7 name for the record.

8 THE WITNESS: Okay. John Linde, L-i-n-d-e.
9

10
11 DIRECT EXAMINATION

12 BY MR. HUEGLI:

13 Q. Mr. Linde, what is your age?

14 A. 39.

15 Q. And would you please tell the jury where you grew up?

16 A. I grew up in Custer, South Dakota. I went to grade school
17 and high school there.

18 Q. And what did you do when you got out of high school? Tell
19 us about your education and your job experience from that time.

20 A. Okay. When I graduated from high school, I went to the
21 University of Wyoming, at Laramie. I worked during the
22 summers at my father's sawmill, in Custer, South Dakota. I
23 paid for substantially the majority of my education.

24 I graduated in 1965 with a Bachelor of Science
25 Degree, in Mechanical Engineering.

1 Q What did you do working in the sawmill, what type of work
2 did you do there?

3 A Well, it was, I guess it would be a small sawmill by
4 Oregon standards. They cut about a million-and-a-half board
5 feet a year. There is probably 15 people employed.

6 I did, let's see, I cut logs, I skidded logs, I
7 hauled logs. I worked-- at that time they had what they call
8 a turn town (sic) since been automated. I worked on the edger;
9 I worked in the planer mill, fed the planer; fed a double end
10 trimmer; separated lumber; ran a forklift truck; about every-
11 thing but saw.

12 Q Okay. When you graduated from college with your engineer-
13 ing degree, what did you then do?

14 A Right out of college I interviewed a number of companies.
15 In fact, I interviewed a number of companies in Oregon and
16 Idaho. I interviewed Dupont, because I was interested in
17 firearms, with my experience in the sawmill, with the logging
18 roads, and what have you, there was a lot of hunting and use
19 for firearms; so I had this experience, and interviewed Dupont,
20 and, as I recall, the interview lasted for about eleven minutes.
21 I said that I wanted to work, if I worked for Dupont, for the
22 Remington Arms Company on design and manufacturing of firearms.

23 I actually didn't think I would have a chance,
24 because the guy said, okay, that was the end of the interview.

25 Q Did you go to work for Remington then?

1 A Yes, I did.

2 Q What did you first do at Remington with your engineering
3 background?

4 A I started as what they call Associate Engineer. I worked
5 on some small design projects.

6 One of the things I worked on at that time, I
7 developed a camera that would fit behind a shotgun if they were
8 making a movie or show the correct way of shooting skeet, and
9 I developed this system so that you could put the camera on
10 the back of the shotgun, 16 millimeter camera, and you could
11 shoot skeet to see the relative lead that the shooter should
12 seek to get, the correct sight, to see the bird at various
13 stages.

14 I worked on that and a number of projects similar in
15 scope to that, so I could develop my expertise on what it
16 really takes to become a designer.

17 Q Would you kind of tell the jury, then, please, Mr. Linde,
18 how you progressed through the Remington Firearm factory, what
19 positions you held.

20 A Then I worked in the testing facility. I spent, maybe,
21 like a year in the test area, where I tested firearms for
22 various circumstances, accuracy, endurance, functioning, all
23 of these factors that development is concerned with.

24 Also, we did a lot of work, like Mr. Martin was
25 talking about, where you use high-speed photography, you use

1 train gauges, accelerometers, different measuring techniques,
2 to see what is happening in the firearm.

3 In 1966 I was promoted to what they call Design
4 Engineer. In 1968 I was promoted to Research Engineer, and in
5 1972 I was promoted to Researching Supervisor. 1974 I was
6 promoted to Research Manager.

7 When I came out of the test lab, then I started
8 actually working under other people in firearm design in about
9 1968, and I worked on various small components of firearms.
10 You know, they would say, "We want this redrawn, or we want you
11 to take a look at this mechanism." Where you are working on
12 specific areas. I worked on these specific areas, and then in
13 1968, 1969 time frame, Remington was looking into what they
14 could do with the under-and-over shotgun market.

15 They had me looking over, investigating all
16 competitors' models. You go through and you do a complete
17 design analysis of what the competition has, what you think you
18 would like to do, what design requirements we have, and put
19 together, like a design package, and you go through and start
20 generating costs and economics and seeing if the market exists
21 for a product like we would make.

22 This progressed in 1969, and I started working on
23 design, over-and-under shotgun. There were two people to
24 start with, and then expanded up to four people. I was in
25 charge of this design group from 1969 to 1973. We designed and

1 tooled the Model 3200 Over-and-Under Shotgun, which was intro-
2 duced in 1973.

3 I hold a number of patents on the shotgun.

4 We then kept expanding the line. In '74 and '75 we
5 brought out, like, three-inch guns. We brought out special
6 trap guns, special skeet guns for specialized markets once we
7 had the basic done.

8 And '74 and '75 time frame, then I moved into-- my
9 responsibilities were expanded, and I have the responsibilities
10 for certain bolt-action rifles and other manually operated
11 firearms.

12 I moved from that, where I was just working on over-
13 and-under to all these, and then I started working on product
14 variations, such as the Model 700, classic variations to some
15 of the trigger assemblies, variations where you change
16 checkering patterns, stock patterns, and a number of people
17 would report to me, and it was expanded, as I recall, it was,
18 like, up to eight people.

19 In 1978 I was promoted to my present position, which
20 is Superintendent of the product engineering and control. I
21 moved from the research area to a manufacturing area. I'm in
22 charge of the manufacture, engineering, and this is-- once you
23 have a design, the design is checked and tested, and prototypes
24 are made, turned over with the drawings to the manufacture
25 engineering, and they take this design, and they make it and

1 tool it. What we call tooling. Where you procure the machines
2 to fixtures, the gauges, and what have you, it takes to
3 manufacture a firearm.

4 Like, in our Model 1100 we buy parts, and we make
5 parts, and we make many, many different parts.

6 1100 for example, I just happen to know those figures,
7 has over a hundred parts. We go over 650 operations at the
8 plant to manufacture that firearm, and each operation, of
9 course, we need a fixture-- you need a gauge, you need a
10 machine to machine the surface.

11 A firearm is actually a fairly complex thing to
12 manufacture. There is lots of parts and tolerances are quite
13 critical.

14 In my present position, I'm responsible for the
15 manufacturing engineering, and I'm also responsible for the
16 quality control section. I'm responsible for the Industrial
17 Engineer section.

18 And I, also, have a certain portion of the Customer
19 Repair Services. This is guns that come back from the field.
20 I'm responsible for certain parts of that.

21 Q. Mr. Linde, you are familiar with the Model 700 that is
22 involved in this lawsuit; is that correct?

23 A. Yes, I am.

24 Q. There has been a substantial amount of discussion, and I
25 think, as I remember, Mr. Chamberlain, his opening statement

1 was, that the bolt lock served no useful purpose or function.

2 Would you agree or disagree with that statement of Counsel?

3 A. I would have to disagree with that.

4 Q. Tell the jury a little bit about the bolt lock.

5 A. Okay.

6 Q. And how long the bolt lock was on that gun, and what
7 purpose does a bolt lock serve?

8 A. The bolt lock is called the bolt lock on bolt action
9 rifles; on other firearms, it could be called a number of other
10 things, like, we make a pump shotgun, and there is a number of
11 other pump shotguns made, and they have devices, when you close
12 the pump shotgun, to hold this shotgun or breach bolt in what
13 they call a battery position.

14 The bolt lock and bolt action is essentially the same
15 thing. The main purpose is when you close the bolt, and it's
16 in cocked position and ready-to-fire position, it maintains
17 that rifle in the ready position.

18 And the 870, which is our pump shotgun, or our 7600,
19 which is our pump rifle, we have a similar device on those
20 which maintains the bolt in the ready-to-fire position.

21 Now, the reason, of course, for this is that if you
22 pick up the rifle and you go to fire it and the breach bolt is
23 a little ways back, it's got a disconnecter in there, so it
24 would allow the gun to fire, because you do not want it to fire
25 if it's partially locked, because it could blow the case up.

1 So you want the gun, when it's fired, it has to be
2 locked up, or, otherwise, it won't fire.

3 Now, this bolt lock maintains the gun in the locked
4 up condition, so that when you are ready to fire, you can pull
5 the trigger and the gun will fire.

6 The bolt lock has been around. It's with us for
7 years and years. You can kind of look at the evolution of fire-
8 arms.

9 Remington has manufactured a number of bolt action
10 rifles, but we manufactured the Model 1917 Enfield. We
11 manufactured the Enfield for the British. These were guns that
12 we manufactured for the United States Government in World War I.
13 I think there was, like, over two million Enfields manufactured
14 in World War I.

15 Remington manufactured at the plant I'm from, we
16 manufactured them. Also from a plant that we run for the
17 Government, of these two million guns made for the United
18 State Government in World War I, we manufactured the majority
19 of them.

20 Now, that rifle, the Model 1917 Enfield has a two-
21 position safety in exactly the same lock as our Model 700 that
22 we are talking about here today, and it works almost exactly
23 the same.

24 Now, the mechanism is different, but the outside, the
25 way it appears, and how it functions, and how it operates is

1 exactly the same. So, over the years, Remington has made those
2 rifles.

3 We have, also, in World War II made the Model 1903
4 Springfield that you heard talked about here today from the
5 same plant.

6 We have made a number of two-position safeties, along
7 with-- we made, also, a three-position safety.

8 But as far as the Model 700 goes, with the bolt lock,
9 you can track its history right back to millions of rifles that
10 have the, essentially, the same thing and operate exactly the
11 same way, for the same purpose, to hold the rifle in a battery
12 position, so it could be fired in a ready-fire position.

13 Q Mr. Linde, the majority of-- do the majority of high-
14 powered rifles at the time this gun was manufactured in '76,
15 bolt action firearms, did the majority have a bolt lock?

16 A Yes, they did. What you would find is that none of the
17 shorter, your plinker cartridges, or 22 rim fire cartridges
18 have bolt actions without bolt locks.

19 But after you got into your big game caliber, then
20 you would normally find a bolt action with a bolt lock.

21 Q Are big game rifles what you would call a repeater gun,
22 instead of a single shot?

23 A Definitely.

24 Q Are big game rifles, such as we have here in the courtroom
25 today, those type of rifles that are used to hunt grizzly bears

1 or wild animals that cause damage to somebody if they got--

2 MR. CHAMBERLAIN: Objection--

3 THE WITNESS: Yes, very much--

4 MR. CHAMBERLAIN: --leading.

5 THE COURT: The objection is sustained.

6 Q. (By Mr. Huegli) Okay. Is there any danger to a hunter
7 when he's hunting big game animals in handling a gun that does
8 not have a bolt lock?

9 A. The danger could be, if you were walking through the brush,
10 and, for example, if you were carrying a rifle and had it with
11 a sling around your shoulder, and you were walking through the
12 brush, and you were in an area where you were ready to shoot,
13 and you had a cartridge in the chamber, and with the brush and
14 what have you, when you are walking through the woods, with the
15 brush alongside of you, there is potential that something could
16 pull the bolt handle up, and if at that time you were-- a big
17 grizzly, or something such as that, attacked you and jumped out,
18 yes, you could swing your rifle around, and it would not be in
19 a condition that you could actually use it, shoot.

20 Q. Okay.

21 A. I was going to cite another example, but I think one is
22 enough.

23 Q. Now, you say Remington did produce a three-position rifle
24 at one time?

25 A. Yes, they produced a number of them.

1 Q Can you tell us what three-position safety bolt action
2 rifles Remington has produced?

3 A Remington produced the Springfield for the Government,
4 during the Second World War, and, also, produced a Model 725,
5 which is the rifle that is somewhat similar to the Model 700.

6 Q Okay. Exhibit No. 2 is the rifle involved in this lawsuit.
7 It's a-- has a bolt lock on it, and I'd like you to tell the
8 jury how that rifle is, whether it functions as today, or
9 whether it functioned as designed, or whether you can find
10 anything wrong with it at all as to how it functions.

11 A It functions as intended.

12 Q Okay. Now, did you have an opportunity to examine this
13 rifle when this lawsuit was filed?

14 A Yes, I did.

15 Q When was that?

16 A As I recall, it was last October.

17 Q Okay. And where was it?

18 A At the plant.

19 Q And what were the circumstances surrounding the examination?

20 A Mr. Davis came up; the gun was sent to our factory for us
21 to take a look at, and Mr. Davis, Mr. Warren (phonetic), and
22 Mr. Stekl, and myself looked at the gun, rifle, over.

23 Q Very well. Now, there has been a substantial amount of
24 testimony about tricking a gun. Would you explain to the jury
25 what the trick condition is. It might be, if you would like

1 to stand in front of them with the rifle, please feel free to
2 do so.

3 A. (Standing in front of the jury box, demonstrating.) I
4 think a little background would be better. The trick condition,
5 the name trick condition was actually generated by the engineers
6 at the Ilion Plant. It has nothing to do with any kind of
7 terminology in the gun industry. It was an internal name that
8 we came up with to define a specific circumstance, and what it
9 had to do with, it had to do with actually the mechanical or
10 dimension of parts in the safety mechanism.

11 What we found was that we had a model, which was not
12 the 700, by the way, which you could take the safety, and you
13 could put it in a position, not in the safe position, not in
14 the fire position, but there is, like, a detent. For example,
15 the best way, if you had a V, you have a ball, and you roll it
16 one side of the V, or the other side of the V, take the ball
17 and put it right on the top of that V, and that's the position
18 where you put the ball, and that's where the word trick came
19 from. You put that ball either on-safe or off-safe, right on
20 the top of the ball.

21 Then that is not enough. You take and pull the
22 trigger, pull the trigger back hard. Then you take the safety,
23 and you go to the fire position, and the reason for this was to
24 see, to see if the mechanism-- mechanism cam that we have near
25 the positive cam, that lifts up, what we call the sear would

1 let down and trap that trigger behind it, because if it does,
2 then the rifle would fire.

3 And I actually think it would be better if I could
4 explain it a little later with the model, because it's much
5 easier to understand.

6 Let me finish up the description. It was a tradition,
7 we were looking for a specific problem, on a specific model,
8 and we came up with a name to define it, so if it was an
9 assembler, or inspector, or somebody in our gallery, regardless
10 who it was in our production line, who was checking that rifle,
11 we can say, Are you checking for the trick test.

12 It was something that we needed each person would
13 know what we wanted checked for.

14 The best analogy is, your electric light switch,
15 taking the switch, either off or on, right. Taking the
16 switch and putting it in-- right in the center position, saying,
17 I don't want the electricity to be on; if that switch is in the
18 right-- in the center position, that is what we are really
19 checking for.

20 Q. Okay. At the Ilion Plant, in New York, do you have--

21 We brought this--

22 I'd like to have this marked, if I might. This mockup

23 If you will have a 700 trigger mechanism, is that
24 what that big plastic thing is?

25 A. That's right. That is a ten-to-one scale model of

1 Model 700 trigger assembly, and we made that, because after,
2 if you have seen a trigger assembly, it has steel side plates
3 that are riveted together, and you can't really see in the
4 trigger assembly to see what is happening; so we made that as
5 a training aid; so we can take your sub-assemblers and final
6 assemblers, before they start assembling these, and we go
7 through this and show them exactly how this works.

8 Can you all see it clearly. Okay.

9 Q Okay. Was, Mr. Linde, was this plastic design made for
10 this lawsuit today?

11 A No. I just explained it was made for training.

12 Q Not available for training now, because we have it here
13 in Oregon?

14 A That's right.

15 Q Does the Remington Firearms Company make other mockups
16 of other types of things for training in the course of their
17 business?

18 A Oh, yes.

19 Q Would you come down here, please, Mr. Linde, and show the
20 jury, because now we have an opportunity to look in a plastic
21 side view here, where the sear is, where the trigger is, where
22 the safety cam is; so they can see what happens in our gun
23 when you go through the safety.

24 A Could I take the drawing I made in color?

25 Q Yes.

1 Did I ask you to draw this up so the jury can see
2 where the firing pin is in here?

3 The picture is No. 2.

4 THE COURT: Maybe that model could go on the counsel
5 table, up off the floor. Is that practical?

6 MR. HUEGLI: Sure.

7 Q (By Mr. Huegli) Mr. Linde, do you want to point to the
8 jury and tell them what we're looking at here, describe the
9 various colors, how this is hooked up on Exhibit 213?

10 A This is a model or cutaway, if you took the Model 700
11 rifle and slit it right through it, and we are seeing all of
12 the parts, so you can see what is inside.

13 You can see here, the color, I colored this in the
14 model here the other night. But I colored the wood a nice
15 walnut brown, and it gives you a perspective of what you are
16 looking at.

17 Here, this is the cartridge that we are talking about,
18 this is the brass container for the powder, and, also, it's
19 a seal, seals the gun when it's fired; here's the bullet.

20 Here's the firing pin, and you can see how it fits
21 in here, and it's spring loaded. That's what gives it energy,
22 drive forward.

23 It's in the cocked position. You can see it back
24 away from the primer, which is the item in the back of the
25 cartridge, which smacks the powder.

1 It's-- the firing pin is held at the outer-- held
2 like a collar on the back of the firing pin, held through with
3 this pin, that, in turn is being held with the sear.

4 This is the connecting link between the firing pin
5 and the trigger. We call that a sear, firing pin, is being
6 held right there with the sear, and the sear is being held with
7 the trigger.

8 Q Okay. Now, this is the bolt lock, as I understand?

9 A Well, let's just talk first about how the thing fires.
10 Take it one step at a time.

11 Q I'm not a gun expert. You tell me what we are looking at.

12 A The firing pin with the spring load on it wants to come
13 forward. It wants to come forward. It's being held back.
14 It's being held back, if you look right here, on an angle, you
15 can see this light angle, which is held with a pin lever, the
16 sear is being held right here with this pin; you are pushing
17 forward on the sear and down.

18 Can you see that. So the sear is being loaded
19 forward, holding it back and down.

20 So when you fire the trigger, pull the trigger, what
21 happens is that you pivot about this center right here. That's
22 to rotate. You pivot, you push the trigger here, which pivots
23 this, and this trigger comes forward, the sear drops down,
24 and the firing pin comes forward, igniting the cartridge.

25 So, really, we are only talking about three things in

1 the fire chain. We are talking about a trigger, we are talking
2 about an inner connecting link, a sear, and we are talking
3 about a firing pin.

4 Q Why is it important, Mr. Linde, to have only three links
5 in the chain? As you get more links, does it become more
6 complicated?

7 A Well, yes. You try to keep the number of minimum links
8 in the near fire rifle; the more links you put in, the longer,
9 what they call lock time, that is from the time you pull the
10 trigger until the time the gun ignites.

11 The customer wants a very quick lock time, because
12 when he's coming in on target, when he pulls the trigger, he
13 wants instantaneous action.

14 When the bullet goes out, if it was real slow, he
15 would be way past his target.

16 If you have ever shot a rifle before, it's kind of
17 hard to hold it. You want a fast response. This is how the
18 thing functions.

19 The safety that we are talking about, this is the
20 safety arm. Here's the arm, which comes up to the bolt lock,
21 here's the cam. If you can see the cam right there, see that
22 part right there, is the cam.

23 Q That is the thing in the plastic model?

24 A This cam comes up underneath that sear, and when we now
25 move over to our other model and let me just demonstrate what

1 I was talking about, this surface right here, with the angle
2 on it, that, I was telling you about that, is the surface that
3 holds the firing pin back, so the firing pin is pushing right
4 here, and, as I said, it's pushing down and forward.

5 When the trigger is pulled, pull the trigger, pull
6 the trigger, rotates forward, drops out of the way, the sear,
7 the sear comes down, allowing the firing pin to go forward and
8 ignite the cartridge.

9 That's all it is, pulling the trigger, drops, goes
10 forward, and fires.

11 The safety, that's this cam right here, the black cam,
12 here's the safety lever. Put the safety on, you come back, and
13 you can see there is a ball back there, that is the detent
14 that I was talking about, there is the ball, and there is, as
15 you can see, one hole here. There is two holes.

16 So, on the fire position, the ball is in one hole;
17 and the safe position, the ball is in the other hole. And this
18 is like a leaf spring that holds this in the two positions,
19 either on safe or off safe.

20 So you rotate it back around, and you can see that
21 the cam has come under here and mechanically cammed the sear
22 up.

23 And there is a clearance-- clearance between the sear
24 right here and the trigger.

25 So how the safety works, it locks, blocks the sear,

1 and disconnects the trigger.

2 Now, when it blocks the sear, it's a straight mechani-
3 cal, if you see the force down here, the force is coming right
4 through here, coming right down through that block right into
5 that pin; so that is a solid block.

6 When you heard Mr. Martin talk about one of the
7 problems with firearms is when you drop them. When you drop
8 them, you definitely want a solid block. You want it to be
9 mechanical, and you want it to be rigid.

10 As you can see, that is what this is.

11 Q Okay. Now, the jury is going to have in the jury room with
12 them some exhibits that Mr. Chamberlain put in evidence that
13 have the term engagement, so many thousandths of whatever.
14 Can you show the jury where the engagement is on here and what
15 it looks like.

16 A Sure. The engagement, the engagement on the center fire
17 bolt action rifle, one of the things that a customer wants in
18 this kind of gun, he wants a rifle that is accurate. That is
19 one of the basic reasons he buys it. He wants one that is
20 dependable, and, as you can see, it's dependable, because the
21 action is very simple.

22 To get the accuracy, you need a good trigger pull,
23 and to get the good trigger pull that depends on this surface
24 right here, that's the surface between the sear and trigger,
25 because when you pull it, you want it to break and go.

1 Now, what customers will do, or some of them, they
2 will take, and they will alter your mechanism, because--
3 because they say they want a better trigger pull, and they will
4 decrease this engagement.

5 Q How can they do that?

6 A Well, on the 700, they could take and actually adjust a
7 screw that is put in there that is sealed and locked.

8 Q Okay. All right.

9 A And that is the engagement, but on the engagement, you
10 want enough for the rifle to be safe, but you don't want too
11 much, or it will be what they call creepy, or have drag in it.

12 If you talked to a customer, he would say, I want my
13 trigger to break like an icicle.

14 Q In other words crisp?

15 A That is the kind of action that he wants.

16 Q Okay. All right. Thank you, Mr. Linde. I think that
17 pretty well described the trigger as you have it here.

18 MR. HUEGLI: We would offer these two Exhibits 212 and 213.

19 MR. CHAMBERLAIN: I have no objection, if you move it off
20 the table.

21 THE COURT: They are received.

22 (Whereupon, Defendant's Exhibits Nos. 212 and 213 were
23 received into evidence.)

24 MR. HUEGLI: Miss Clerk, could you bring the-- let's see--

25 Q (By Mr. Huegli) Mr. Linde, I'm going to hand you Exhibits

1 111 and 149.

2 A. If you're going to start talking about safety, could I
3 actually get that up and show what the-- how the three
4 different safeties are?

5 Q. With this exhibit?

6 MR. CHAMBERLAIN: Counsel, if you will help me, I'll take
7 it off.

8 MR. HUEGLI: He's going to use it again.

9 Are you not? I think you will have to in order to
10 explain.

11 Q. (By Mr. Huegli) All right, now, there are three different
12 safeties that we have talked about in this trial?

13 A. That's right.

14 Q. Thank you. Including the trigger block safety, sear block
15 safety; and what is the third one?

16 A. Firing pin block. We talked about three basic elements
17 in the firing chain-- the trigger, the sear, and the firing pin.

18 Q. Okay.

19 A. And the three safeties that we have talked about either
20 block or retract one of those three elements.

21 So you have heard of a blocked trigger safety. It's
22 a safety that comes in here and stops the trigger from rotating.

23 Q. Let me interrupt you for a moment, Mr. Linde.

24 On this sample, if you have a blocked trigger, you
25 would not be able to do this?

1 A. That's right.

2 Q. Trigger would be locked?

3 A. Not locked, but it would be blocked. There would be a
4 little motion there.

5 Q. Okay. Go ahead. We now have a sear block.

6 A. The sear block blocks this intermediate piece, and when
7 you block the sear, it lifts up, it cams it, and you can see
8 it's right against that trigger.

9 So, on this gun 700, they come in through this solid--
10 that I was talking to you about, you have a big engagement here
11 with your firing pin, and the firing pin, when that cams up,
12 it actually retracts the firing pin partially.

13 That rifle takes a big impact, the impact is going
14 to go through here and down through here.

15 What I'm saying is, if you have a real solid
16 mechanism, you are actually blocking the trigger back, which is
17 the last thing in the firing chain. The third safety is where
18 you come in and actually block the firing pin.

19 Q. Now, we have several rifles here. Can you show us--

20 A. --as we can--

21 Q. Mr. Linde, you will have to, you and I, have a tendency
22 maybe to talk at the same time.

23 Can you select one of these rifles and show the jury an
24 example of a trigger block safety.

25 A. On this rifle, Exhibit 113, you put the safety on the

1 back, on the on-safe position, and you pull the trigger, and
2 you can see there is a little perceivable motion. That is what
3 I was talking about.

4 Q So that trigger is blocked?

5 A Yes.

6 Q Are all the rest of the rifles in the courtroom here, none
7 of the rest have trigger blocks?

8 A This is the only one I can see right now.

9 Q Okay. Now, on the--

10 Let's go--

11 Are you done with this now, for right now?

12 A Yes.

13 Q Okay. Now, Mr. Linde, are there advantages and dis-
14 advantages from a marketing standpoint, and also from a user's
15 standpoint between a two-position safety and a three-position
16 safety?

17 A Yes, there are. From a manufacturing standpoint, there is
18 really not that much difference. From a user's standpoint, or
19 what the customer perceives, the balancing feature is really
20 where the decision is made. No features, when you are looking
21 at a firearm, you have to look at the whole range of uses that
22 the firearm is going to go through, and you have to balance the
23 features, how it's going to be used, of various systems. They
24 all have their pluses and minuses.

25 Q Let me interrupt you for a moment.

1 On the non-center fire rifle, in other words .22's
2 for example, can you perceive any reason why a low caliber rim
3 fire .22 would really need a bolt lock?

4 A. No reason.

5 Q. Okay. And from a-- from the standpoint of the manufacturing
6 companies, Mr. Martin has testified that manufacturers, and I
7 assume that he was referring to us, don't manufacture three-
8 position safety, because it's too expensive.

9 Does the cost, to the best of your knowledge, in all
10 your experience at Remington Firearms Company, has it ever
11 entered into a decision in making a three-position safety?

12 A. No. Three-position safety versus two-position cost, you
13 couldn't find it. Not in the total factory cost.

14 Q. Okay. Now, how many Model 700 firearms with the bolt lock
15 has Remington Firearms manufactured up until 1981 when this
16 suit was filed?

17 A. We manufactured, since 1962, we manufactured approximately
18 1.7 million rifles.

19 Q. With the identical design to the firearm in this lawsuit?

20 A. That's correct.

21 Q. Okay. Now, there has been a substantial amount of
22 discussion about heavy lubrication, overlubricating the gun,
23 grease in the trigger mechanism causing it to hang up; have
24 you heard that discussion?

25 A. Yes, I have.

1 Q I'd like to refer your attention specifically to the
2 question that this jury is going to have to decide, and that
3 question involves this rifle, not other rifles, but this one.

4 Did you hear the testimony of Mr. Boudreau in relation-
5 ship to the trigger pull on this particular rifle and whether
6 or not it changed from the time he bought it until the time he
7 was handling it when it shot Teri See?

8 A Yes, I did.

9 Q Did his testimony give you any idea as to whether or not,
10 in your professional opinion, there was in fact an accumulation
11 over the passage of time of oil or grease, or anything, for
12 that matter, in this particular gun?

13 A Yes, it did.

14 Q What did it tell you, Mr. Linde?

15 A Well, he said that from the time that he purchased the
16 rifle up to the time of the accident--

17 MR. CHAMBERLAIN: Well, Your Honor, I'm going to object
18 to this witness' characterization of other witnesses' testimony.
19 If he has an opinion, I don't have any objection to that.
20 I don't think he should be characterizing another witness'
21 testimony.

22 THE COURT: I think he should express his opinion first,
23 and then expand.

24 Q (By Mr. Huegli) All right, do you have an opinion, Mr.
25 Linde, as to whether or not the trigger pull on that firearm

1 was in any way affected by grease, oil, or anything else, for
2 that matter, on this particular firearm?

3 A. Yes, I do.

4 Q. What is your opinion?

5 A. My opinion is, based on what I heard about what the
6 trigger did from the time it was purchased to the time of the
7 accident, that, if anything, the pull got lighter, that
8 lubrication was not a problem in this particular accident.

9 Q. If there had been any evidence of an increase in lubrica-
10 tion in this gun that caused some mysterious buildup, what
11 effect would that have on the amount of pressure required to
12 pull the trigger?

13 A. The pressure on the trigger should increase if there was
14 lubrication, because there is a spring in there to turn the
15 trigger back.

16 Now, if the trigger, and that's the only way that
17 the thing can fire off safe, the trigger has to remain forward.

18 If the trigger is remaining forward, being held
19 there by something, when you pull it the other way, that means
20 that you have to overcome that resistance, going the other
21 way, too.

22 If it takes four-and-a-half to five pounds to pull
23 the trigger, it goes that way, right, it should spring right
24 back.

25 Now, if you increased resistance on the side, then

1 it's going to take something more than four-and-a-half to five.
2 pounds to pull that trigger in order to stop that trigger from
3 returning.

4 So, if it would have been gunked up, he should have
5 noticed or perceived in the days preceding the accident a
6 noticeable increase in the amount of trigger pull.

7 Q Okay. Now, I'd like you to assume, Mr. Linde, that in
8 this particular firearm, and I'm talking about this gun, that
9 Mr. Boudreau, after the accident and after-- and let's assume
10 that he was even telling the truth about what happened with
11 Deputy Laughman, when he flipped the safety back and forth,
12 and that he actually chambered it 20 times, assume that to be
13 true; I would also like you to assume from that point forward
14 that he did not fire the rifle again; he did not clean the
15 rifle again; I'd like you to assume the rifle went to his
16 lawyer's office, and that the lawyer chambered it a couple
17 times and moved around the bolt; and then it went directly to
18 L. S. Martin; assuming those facts to be true, do you have an
19 opinion, in the absence of washing out the mechanism, whether
20 any alleged lubricant that was inside that trigger, that
21 allegedly caused it to hang up, could have on its own flowed
22 out onto the floor?

23 MR. CHAMBERLAIN: I'll object to the form of the question,
24 in particular the use of the word alleged. It's argumentative.

25 MR. HUEGLI: It's not argumentative.

1 THE COURT: It's overruled.

2 Q. (By Mr. Huegli) Go ahead. Do you have an opinion?

3 A. Yes, I do.

4 Q. What is your opinion?

5 A. I can't conceive how it would become less, but, if
6 anything, with the moisture, and what have you, if you have a
7 gum in there, it should be taking on moisture and should become
8 more sticky.

9 Q. Do you notice anything at all sticky in the trigger pull
10 in the rifle that you examined here today?

11 A. No, I do not.

12 Q. Okay. Now, Mr. Martin has designed a firearm that he
13 has said he feels is safer than the Model 700 that was designed;
14 did you hear his testimony?

15 A. Yes, I did.

16 Q. And that firearm was brought in to court and marked as
17 an exhibit and has been admitted as Exhibit 45; is that
18 correct?

19 A. That's what I understand.

20 Q. I'd like you to take a look at Exhibit 45 and please tell
21 the jury whether you feel that that is a design-- that design
22 is an acceptable design from the standpoint of function. Not--

23 We'll approach function first, then we'll talk about
24 safety second.

25 A. From a functional standpoint, to me, it's not a practical

1 design.

2 Q Can you tell us why.

3 A The automatic safety is located on the left side of the
4 rifle. The actuation and motion are located on the right side
5 of the rifle.

6 That is, if you are a right-hand shooter and this is
7 a right-handed gun, then you actuate it, the motion takes
8 place on this side.

9 If you see these blocks on this rifle, these are
10 scope blocks; that is for a scope to sit on here. The scope
11 is fairly big, and they come back over this; so it obstructs
12 this, it makes it harder to get back.

13 The other thing, if you are running this rifle, let's
14 say, that you take it, and you use it, and you make a shot,
15 now you want to make another shot, and are in a hurry, you
16 run forward, and you can actually lift the bolt up, and when
17 you fired, the gun would not fire.

18 To me, the single biggest problem from the standpoint
19 of this design is that it defeats the purpose of a rifle.

20 Q Which is what?

21 A It's a bolt action repeater, and it's set up so you can
22 get a quick second shot or third shot.

23 You heard in the testimony yesterday how somebody
24 took a bolt action rifle and fired it three times in five-
25 and-a-half seconds.

1 No way that you could fire this in any rapid motion
2 at all. The automatic safety really defeats the purpose for
3 which the rifle was intended.

4 Q You have heard Mr. Martin testify as a gun expert with
5 his qualifications that he didn't know whether or not there
6 were any automatic safety bolt action rifles in production
7 today; did you hear that testimony?

8 A Yes, I did.

9 Q Do you know whether there are any bolt action rifles with
10 automatic safety in production today in the world?

11 A Automatic?

12 Q Automatic safety.

13 A On the bolt action rifle?

14 Q On bolt action rifle.

15 A I don't know, as far as rim fires. But I do know I have
16 never heard of a center fire bolt action rifle safety.

17 Q High powered?

18 A High powered.

19 Q Okay. That gun, also, the safety on that gun, also, has
20 as part of its functional quality a spring, spring actuated;
21 do you have any comment on what effect a spring actuated
22 safety would have versus a positive action safety?

23 A Yes, it's been our practice, and I think the practice of
24 most firearms designers that on a safety mechanism, you never
25 rely on a spring, for a number of reasons.

1 Relying on a spring pressure, and this is a case
2 where debris or something can get in there and mess up your
3 system, because it is exposed, or worse yet, something to make
4 that spring out, make the system inoperative.

5 When you have a safety mechanism, you want something
6 that is mechanical. And most produced today are like a
7 mechanical cross bolt or mechanical system.

8 Q Are you aware, Mr. Linde, any high powered, center fire
9 bolt action rifles in production today in the entire world that
10 have a spring actuated safety?

11 A No, I'm not.

12 Q Outside of one that Mr. Martin brought in the courtroom
13 today?

14 A That is the only one that I've seen.

15 Q Okay. Mr. Linde, there has been also a substantial
16 amount of discussion that this accident would not have happened
17 if we did not have a bolt lock. In other words, if you could
18 lift the bolt up and unload the gun while it was still on safe.
19 You heard that testimony from Mr. Martin?

20 A Yes, I did.

21 Q Do you have an opinion whether or not the design of this
22 gun, with the bolt lock on it, constitutes a design defect in
23 any way?

24 A In no way does it.

25 Q Would you tell us why not. In other words, what is--

1 Would unloading this gun in fire position be unsafe .
2 if it was handled properly?

3 A. No, it would not.

4 Q. Can you tell us why?

5 A. If you take the Model 700, point it in a safe direction,
6 let's say, it's loaded and locked in this case, you take the
7 safety to unload it, you take the safety switch and put it to
8 the fire position; you open the bolt, put it back on safety
9 position--

10 Well, let me go a step back. When you put it to the
11 fire position, as I have done here, the minute you touch that
12 bolt and you start your rotation, as I told you, when we were
13 talking about the bolt lock, that deactivates the rifle.

14 The minute you start lifting up the bolt handle, the
15 rifle is operative. It will not fire.

16 You come back, put it on safety, and you eject your
17 shell, and then the next one, right here, you can either
18 unload it with the latch on the bottom, flop it up, or you can
19 take and just kick it a little bit forward, and it will kick
20 the cartridge right out, and no need to feed it into the
21 chamber.

22 I could compare that to what we were just talking
23 about when we were talking about the three-position Model 70.
24 I don't know if we have a Model 70 here.

25 Q. Yes, we do.

1 The Model 70 is the gun that, I think, L.S. Martin
2 indicated was the most popular bolt action rifle ever, something
3 to that effect; is that correct?

4 A. On the Model 70 with the--

5 Q. Mr. Linde, did you hear Mr. Martin testify regarding that?
6 Would you agree with that?

7 A. No, I would not.

8 Q. Okay. Please continue.

9 A. Not to say it's not popular as a rifle, because it is.
10 There is no question about that.

11 On the three-position safety, we talked about the
12 center position, which allows you to unlock it, with the
13 safety in on-safe position.

14 But let's say with this rifle, let's say this rifle,
15 that you want to take a shot; okay, you shoot it. And now,
16 you take and open it; there is no way to put the safety on it.
17 The safety will not go on now.

18 I just demonstrated, of course, on the Remington,
19 it will. I come back here; there is no way that the safety
20 will go on. I feed my next round in the chamber, that is a
21 live round going in there, I cannot get the safety on; I come
22 down, you see, with the motion of my hand, when I come down,
23 the way my hands are coming, what are they coming towards--
24 they are coming towards the trigger.

25 There is no way that I could get that safety on that

1 rifle until I get it locked and loaded and ready to fire; then.
2 I can put the safety on.

3 Now, as I-- looks like a gun shop-- as I talked
4 about on the Remington, there, it's on the safe position. Okay.

5 Take the safety off; now that allows me to operate
6 the bolt. I can put the safety back on, and, of course, you
7 notice the motion when I'm unloading it, I'm coming away from
8 the trigger, as opposed to going into the trigger.

9 I come back, safety is still on, I feed the live
10 round into the chamber with the safety on.

11 Q Okay. Mr. Linde, the Model 70, do you have an opinion
12 as to whether or not the Model 70 is a perfectly safe and
13 adequate design?

14 A. Yes, I do.

15 Q What is your opinion?

16 A. I believe that it is. If it's used as it's intended to be
17 used.

18 Q Okay. We also have a Model 84 over here, a John Wayne-
19 type, lever action gun; do you have an opinion as to whether
20 that has an adequate and safe design?

21 A. Yes, but--

22 MR. CHAMBERLAIN: I'll object. We are talking now about
23 a lever action rifle. I believe this involved a bolt action
24 rifle. Objection on the grounds of relevance.

25 THE COURT: It's overruled.

1 THE WITNESS: I could demonstrate on that.

2 Q (By Mr. Huegli) Please do.

3 A This is a Model 94 Winchester, and to unload this rifle,
4 which this is a, I think it's about-- here it is-- this has--
5 this is 4446230. That means there is over four million of
6 these made before this one was made.

7 But on this rifle, right here, to unload it, let's
8 say that we are in what they call half cocked position, to
9 unload this rifle, you have to aim it in a safe direction. You
10 aim it in the safe direction; you come down, the first
11 cartridge comes out.

12 As I come forward, notice the hammer is cocked.
13 Notice where my fingers are coming. They are coming right
14 towards the trigger.

15 Now, that's a natural position. Of course, they
16 recommend that you leave your trigger outside of the bolt,
17 which you should, but you can still see where the motion is
18 coming. You come up, and you feed the next one out. That is
19 how you get every one of the cartridges out of that rifle.

20 Q So, is it impossible to unload that rifle with the safety
21 on?

22 A This rifle does not have a safety.

23 Q Okay. All right. We also have a two-position rifle. I
24 think it's a Remington 788.

25 A Yes.

1 Q. Without a bolt lock?

2 A. That's right.

3 Q. Do you have an opinion as to whether that is a safe and
4 adequate design?

5 A. Yes.

6 Q. What is your opinion?

7 A. The 788 we started with, we had a two-position safety with
8 a bolt lock on the 788 when we started manufacturing it, and
9 the problems that I was describing, the bolt lock-- pardon me,
10 not the bolt lock, but trigger clock safety, I'm quite
11 familiar with, because we had problems when we were manu-
12 facturing it.

13 We had to put in a number of inspection operations
14 to make sure that we could adequately block that trigger.

15 I could actually demonstrate it, if you would like,
16 on the model.

17 Q. That's okay. Just tell the jury.

18 A. In the engagement that I was talking about, the engage-
19 ment between the trigger and sear on a bolt action rifle, if
20 you block the trigger, there are certain manufacturing
21 tolerances to getting that block in the block; head of the
22 trigger has to be a clearance to work through to the block;
23 has to move freely, can't be plumb tight; you have to allow
24 clearances in it; when you allow clearances, and when you
25 pull the trigger in block trigger safety, you can actually feel

1 the trigger coming forward partially.

2 And it's actually reducing your amount of engagement,
3 so that amount of engagement is very, very critical. And when
4 we were manufacturing that rifle, we had to check it two or
5 three different places to make sure that we had the engagement,
6 that the rifle was safe.

7 You can say, well, why don't you increase the
8 engagement. If you increased the amount of engagement, you
9 put the plunger (sic) in there, and you increase the engagement;
10 then you are inviting the customer, because he'll find the
11 rifle trigger unsatisfactory, because it has such a long pull,
12 to go in and alter it.

13 If he alters it, that reduces the amount of engage-
14 ment. He puts the rifle on safe; he pulls the trigger; he
15 kicks the safety off; the rifle will fire. So you have created
16 an unsafe condition.

17 So, in 1974, when we put the designs through in '75,
18 we actually converted.

19 The reason why we could convert so rapidly, we were
20 making a target rifle which you can use a block trigger safety
21 because of tolerances, and requirements on a target rifle, we
22 were making a target rifle with almost identical trigger with
23 the Model 788, and we took that trigger, and we put it into
24 the Model 788, and because it was basically a rim fire trigger
25 assembly, it did not have the bolt lock on it, and when

1 checking with marketing, we went through some kind of analysis
2 in a way that would be satisfactory; and, of course, the
3 788 only takes a small cartridge, it does not take the bigger
4 cartridges.

5 Q Okay, now, Mr. Linde, you have told us that there are
6 safeties that block the pin safety, that block the sear, and
7 there are safeties that block the trigger?

8 A That's right.

9 Q Ours, in the '700, blocks the sear?

10 A That's correct.

11 Q Do you know of any guns on the market that block the
12 sear and the trigger on a bolt action, high-powered firearm,
13 block them both, rather than just one?

14 A The only one that I can think of that possibly could do
15 that would be the Sako, and I'm not sure of that.

16 Q Who manufactures that?

17 A It's made in one of the Scandinavian countries. I think
18 Sweden.

19 Q Other than that exception, are all of the rest of the
20 firearms either sear block--

21 A That's right, they block one or the other.

22 Q --trigger block, or no block?

23 A That's right.

24 Q In your opinion, then, Mr. Linde, do you have any, as far
25 as the safety mechanism on any one of these firearms that have

1 been introduced in evidence today, do you have an opinion if
2 any of them are dangerously defective in their design?

3 A. Not if used as intended.

4 Q. And as designed?

5 A. That's right.

6 Q. Now, in cross-examination-- or, I guess it was in recross-
7 examination-- or redirect of Mr. Martin, Mr. Chamberlain went
8 into some extensive discussions regarding a case called
9 Van Allen as to what happened in the Van Allen case, what the
10 problems were in the Van Allen case, and that case involved
11 a 700, did it not?

12 A. That's right.

13 Q. And would you tell the jury what the result of the
14 Van Allen case was?

15 MR. CHAMBERLAIN: Objection, relevance.

16 THE COURT: The objection is sustained.

17 MR. HUEGLI: Thank you, Mr. Linde, for your testimony.

18 MR. CHAMBERLAIN: May I have Exhibit 2, please (to the
19 clerk, who complies).

20

21 CROSS-EXAMINATION

22 BY MR. CHAMBERLAIN:

23 Q. Mr. Linde, you testified a moment ago that you felt the
24 lever action was perfectly safe?

25 A. Yes, I did.

1 Q. That's this lever action rifle that is in evidence?

2 A. That's right.

3 Q. And it has no safety?

4 A. That's right.

5 Q. And you testified that the Model 700 is not dangerously
6 defective and the presence of the bolt lock was not dangerous
7 if the gun was handled properly?

8 A. That's right.

9 Q. Well, if the gun is always handled properly, there is no
10 need to have a safety on any gun, is there?

11 A. Well, not necessarily.

12 Q. You never point that gun at another person unless you
13 intend to shoot them; or you never touch that trigger unless
14 you intend to pull the trigger; and if you never take a loaded
15 gun into a house where there is people, you are never going to
16 injure anybody even with no safety?

17 A. That's not right.

18 Q. That's not true?

19 A. No, no. Just a minute. The question that you were
20 asking, if you obeyed all of these safety rules, you would not
21 need a safety, that's the way I understood it.

22 Q. The gun would not need a safety, and if it didn't have a
23 safety, you would never injure anyone if you did the things
24 that I described; isn't that true?

25 A. No, that is not true.

1 Q. Okay. You talked about-- you were criticizing Mr. Martin's
2 safety, and one of the things that you pointed out was that
3 debris could get in that safety?

4 A. Yes, it could.

5 Q. In general, a rim fire rifle is smaller caliber than
6 center fire?

7 A. Substantially smaller.

8 Q. Both are large enough, though, if the gun was pointed at
9 a person, and it discharged, it could cause serious personal
10 injury?

11 A. Yes, they would.

12 Q. Do you have Mr. Martin's rifle up there, Exhibit 45?

13 A. Yes, I do.

14 Q. Could you point it out the window, to hold it like you
15 would hold that rifle if you were going to operate it if you
16 were going to fire it (witness complies).

17 Now, in your normal operation, normal holding of
18 the gun, then immediately before firing it, your left hand has
19 its finger on the trigger?

20 A. Right.

21 Q. I mean, your right hand?

22 A. Yes.

23 Q. And your thumb wraps around the gun, over the left side?

24 A. That's right.

25 Q. Thank you. You mentioned that-- I want to make sure I

1 heard you right; did you say that moisture, if you have a
2 trigger mechanism that is gummed up with lubrication, that
3 moisture would make that more sticky?

4 A. I said it could, yes.

5 Q. I think you also said that lubrication of a trigger would
6 make the trigger pull heavier; is that right?

7 A. No. No. I said gum would make it heavier.

8 Q. Gum. Okay. And in your experience, gum is sometimes--
9 or gum-up is sometimes caused, at least in part, by lubrica-
10 tion; isn't it?

11 A. Yes.

12 Q. Just pure old lubrication would probably make the trigger
13 pull lighter?

14 A. Initially, yes, it would.

15 Q. For the court reporter's sake, please let me finish my
16 question before you attempt to answer it.

17 A. All right.

18 MR. CHAMBERLAIN: Could I trade Exhibit 2 for Exhibit 31,
19 the Model 788.

20 Q. (By Mr. Chamberlain) Now, that Model 788 Remington has,
21 at least until 1974, had a block bolt lock feature on it,
22 right?

23 A. Yes, it did.

24 Q. And it did not have a trigger lock?

25 A. Until 1974.

1 Q Did it have a trigger lock?

2 A Yes, it did.

3 Q Then they eliminated the trigger lock and took off the
4 bolt lock?

5 A That's right. It was a combination.

6 Q Now, I want to talk a little bit about the trick
7 condition that you described for the jury. You mentioned that
8 was a term that Remington coined?

9 A That's right.

10 Q Just one that you folks used?

11 A That's right.

12 Q And you testified that 700's are not, quote, unquote,
13 trickable?

14 A That's right. In a sense, that's for sure.

15 Q Because the trickable condition is caused by a manu-
16 facturing defect in the sear safety cam; is that right?

17 A No.

18 Q In the shape of the cam that lifts the sear safety?

19 A It was in the shape of the cam, the die shape, that's
20 right, in the mechanical dimension of the cam.

21 Q Now, although a model--

22 May I approach the witness, Your Honor.

23 THE COURT: Yes.

24 MR. CHAMBERLAIN: I'm going to need Exhibit 2 again (to
25 the clerk, who provides the exhibit).

1 Q. (By Mr. Chamberlain) You are familiar with the situation
2 where certain Model 700's have fired when the safety was
3 released due at least in some cases to gum-up fire control,
4 or gummed-up trigger assembly?

5 A. Yes.

6 Q. And set that condition up. In addition to gum-up in the
7 trigger assembly, had the gun cocked with safety on; right?

8 A. That's right.

9 Q. And you would have to have some pressure pushing that
10 trigger?

11 A. Out of the way.

12 Q. And the gum keeps it in the pushed position such that it
13 fires when the safety is released?

14 A. That's right.

15 Q. Now, isn't it true that if you had the gun loaded, cocked,
16 and the safety, instead of all the way in the on-safe
17 position, that you had it halfway--

18 A. Yes.

19 Q. Like you do in the trick test, and someone pulled the
20 trigger, and it stayed pulled because of gum, and then the
21 safety was released, the gun would fire?

22 A. That's right.

23 Q. Now, the gun is not trickable, but in that circumstance,
24 it would fail the trick test?

25 A. That's right.

1 Q The only difference is what causes the failure, not the
2 result of the test; right?

3 A That's right.

4 Q Now, when Remington manufactured the Springfield, they
5 were manufacturing it with a three-position safety?

6 A Yes, they did.

7 Q Is there a lot of deaths every year from grizzly bear
8 attacks on hunters and other large game charging hunters; is
9 that a big problem?

10 A I don't know. I don't follow those statistics.

11 Q You would agree with me there are a lot more gunshot
12 wounds every year than large game attacks on hunters; wouldn't
13 you?

14 A Oh, yes.

15 Q Have you yourself designed any safeties?

16 A Yes, I have.

17 Q For the shotgun that you talked about earlier?

18 A Yes, I did.

19 Q And is the bolt lock on the shotgun that you worked on
20 the same as the bolt lock on the 700?

21 A There is no bolt lock on it.

22 Q On the shotgun?

23 A Well, the break action shotgun is kind of different. You
24 can call it a bolt lock, if you wanted to. It has a top lever.

25 Q I thought you called it a bolt lock during your direct

1 examination?

2 A. Bolt lock on over-and-under shotgun. I said there is bolt
3 locks on pump action shotguns.

4 Q And on that shotgun, it's a sliding bolt?

5 A. The 870?

6 Q The one that has the bolt lock.

7 A. Yes.

8 Q Whereas, on the 700, the bolt lock is a rotating bolt?

9 A. That's right.

10 Q And isn't it true that on the shotgun, the purpose of the
11 bolt lock is to lock the bolt against the recoil of the firing
12 of the gun?

13 A. No, that would be your locking system, just like the
14 two projections on the front of the bolt handle are the locking
15 lugs.

16 Q Now, you have testified that-- both here today and at your
17 deposition, that the design followed on the Model 700 is the
18 design that has been around in the gun manufacturing industry
19 for at least 60 years, right?

20 A. The basic principles, yes.

21 Q For that same period of time, there have been bolt action
22 rifles on the market which could be unloaded in the on-safe
23 position; haven't there?

24 A. Yes, there have been.

25 Q That was true in 1906?

1 A. I don't know that, but I'm sure it could have been.

2 Q. True in 1976?

3 A. Yes.

4 Q. True today, right?

5 A. Yes.

6 Q. And, as far as these rifles with the bolt locks,

7 Remington has been manufacturer of a number of them?

8 A. Yes.

9 Q. You mentioned some of them, right?

10 A. Yes.

11 Q. Including the 788, 725; right?

12 A. As far as what?

13 Q. That it has no bolt lock on it.

14 A. No, the 725 had a bolt lock.

15 Q. Okay. Three-position safety, and has a third position
16 where you can unload the gun with the safety in the on-safe
17 position?

18 A. That's correct.

19 Q. And the 591, which you have identified here today--

20 A. Does not have a bolt lock.

21 Q. And Remington 581 did not have a bolt lock?

22 A. No, it's rim fire.

23 Q. I'm talking about bolt locks.

24 A. None of our rim fires have bolt locks, that's right.

25 MR. CHAMBERLAIN: Your Honor, may we approach the bench?

1 THE COURT: Yes.

2 (Bench conference between Court and counsel outside the
3 hearing of the jurors and the court reporter.)

4 THE COURT: Did you have any other cross-examination other
5 than what we were just talking about?

6 MR. CHAMBERLAIN: Yes.

7 THE COURT: All right, go ahead.

8 MR. CHAMBERLAIN: I have 10 pages.

9 THE COURT: Well, let's take a recess.

10 (Recess.)

11 THE COURT: You can continue your cross.

12 Q. (By Mr. Chamberlain) Mr. Linde, before we took a break,
13 you were-- I asked you some questions about center fire
14 rifles versus rim fire, I think they are called. You have told
15 me that the rim fire is generally a smaller caliber?

16 A. Yes.

17 Q. And the center fire is generally a larger caliber?

18 A. Yes.

19 Q. Could you give me some examples of the larger, what
20 designations are used for the larger caliber rifles?

21 A. You start with your .22 caliber be like 222 Remington;
22 223 Remington also; 556; and the 80 round.

23 Q. Six millimeter?

24 A. Yes, 243, 257 Roberts; 7 millimeter Mauser; 7 millimeter
25 Remington Magnum; 8 millimeter Magnum; 30-06; 270 Winchester.

1 Q. 308 Winchester?

2 A. Yes.

3 Q. Are those always shot with a center fire?

4 A. Yes, they are.

5 Q. Those you have been talking about, high-powered rifles,
6 you are talking about rifles that fire those kind of bullets;
7 right?

8 A. You can really divide it in two categories: Short action,
9 which would be used for, like, deer and varmints; and then
10 your longer action of bigger cartridge, which are normally
11 used for big game.

12 Q. Deer and elk?

13 A. Like around here, elk would be a typical big game animal.

14 Q. Okay. Isn't it true that in February of 1983, Remington
15 introduced a new bolt action rifle to the market called a
16 Model 7-- just answer that question yes or no.

17 A. Well, it's not entirely correct, but, yes, on the basis
18 it is.

19 Q. Did I get the month wrong?

20 A. Yes, and it's called the Model 7 lightweight.

21 Q. And that shoots high powered millimeters 222 Remington,
22 243 Winchester-type shells?

23 A. That shoots the smaller cartridges I was talking about,
24 rifle designed for short action cartridge.

25 Q. Does fire the shells that we just described and center

1 fire rifle?

2 A. Center fire rifle.

3 Q. Brand new product from Remington?

4 A. Yes, it is.

5 Q. And a bolt action?

6 A. Yes, it is.

7 Q. That product does not have a bolt lock?

8 A. No, it does not.

9 Q. And you can unload that weapon with the safety in the on-
10 safe position, can't you?

11 A. Yes, you can.

12 Q. When you had your deposition taken back in New York, last
13 August, I asked you to list some of the rifles that could be
14 unloaded in the on-safe position, and I think you mentioned
15 most of them today. I just want to pick up some that we maybe
16 didn't mention.

17 MR. HUEGLI: Mr. Chamberlain, what page are we on?

18 MR. CHAMBERLAIN: I'm still in my notes. The 98 Mauser
19 is one such example?

20 A. That you can unload in the on-safe position?

21 Q. (By Mr. Chamberlain) Yes, it has a three-position safety.
22 Earlier ones do. Some of the later conversions do not.

23 Q. And we mentioned Winchester's .22 also can be unloaded
24 with the safety in the on-safe position, right?

25 A. Winchester's .22?

1 Q Right.

2 A I don't think we discussed those today.

3 Q Do you mean you do not think we discussed them today or
4 at your deposition?

5 A Today.

6 Q Right. I'm trying to pick up what we missed today. It's
7 one that can be unloaded in the on-safe position, isn't it?

8 A Winchester made a .22 that can be bolt action loaded and
9 unloaded in on-safe condition, yes.

10 Q There is an Italian make called Carcano, very similar to
11 Mauser?

12 A Yes, it's very similar to Mauser, and I have read about it
13 here lately. It has a different-- it's not exactly a Mauser-
14 type safety; it's a little different than Mauser-type safety.
15 It's a Mauser-type gun.

16 Q Well, be that as it may, that rifle has a safety that--
17 whereby you can have that gun in on-safe position, such that
18 pulling the trigger did not cause it to fire, and you can
19 unload it; true?

20 A If you say so.

21 Q Did you not say so at your deposition?

22 A I probably did. I'm trying to remember back. I just read
23 something about it a couple of weeks ago, and I'm trying to
24 remember how the safety works.

25 Q Did you review your deposition before this trial?

1 A. Not really.

2 Q. Now, you are aware that Remington customers, on a number
3 of occasions, have complained that the Remington Model 700
4 rifles fire when the safety is moved from the safety position
5 to the fire position?

6 A. Yes, I am.

7 Q. And you are aware that one cause, or one potential cause
8 of that is lubrication and gum-up in the trigger assembly?

9 A. It could be.

10 Q. And when a rifle has that condition, where it fires when
11 the safety is released, Remington has an abbreviation for that
12 called FSR; is that right?

13 A. Yes, we have an internal code for all of the different
14 malfunctions.

15 Q. It's your understanding that two publications that were
16 put into the Remington books in December of '76, with Model
17 700's, are the owners manual and the Remington Peter Hunters
18 Pocket Guide?

19 A. Yes, that's the publication. There also was a hang tag
20 that went on it.

21 Q. But those two publications were the two put in there in
22 December of '76?

23 A. That's right.

24 Q. At your deposition, didn't you tell me there was a
25 publication put in the box, put out by SAAMI called Firearms

1 Safety Depends on You; Make no Mistake About It?

2 A. I could have, yes. The safety publications, as I recall,
3 it's either done by SAAMI, or the National Shooters Sport
4 Foundation.

5 Q. In fact, that publication wasn't put in the box?

6 A. What do you mean, was not put in the box?

7 Q. Didn't you just a moment ago tell me the owner's manual
8 and pocket guide are the two publications put in the box?

9 A. Well--

10 MR. HUEGLI: Your Honor, are we talking about 1976 or
11 after 1976?

12 MR. CHAMBERLAIN: Talking about December '76.

13 THE WITNESS: The two things that I know go in the box
14 are the owner's manual and the safety guide.

15 MR. HUEGLI: I think, Mr. Linde, we are talking about when
16 this gun was sold, back in 1976.

17 MR. CHAMBERLAIN: Right.

18 Q. (By Mr. Chamberlain) The Remington Peters Hunters Pocket
19 Guide and the owner's manual?

20 A. The owner's manual, for sure. The safety manual, I don't
21 know which one went in at that time, but there was a safety
22 manual that went in there.

23 Q. All right. Well, other witnesses have testified it was
24 the Remington Peters Hunters Pocket Guide.

25 A. That's fine.

1 Q At your deposition you told me it was a SAAMI publication,
2 called Firearms Safety Depends on You.

3 THE WITNESS: Your Honor, that's what I thought it was.

4 MR. HUEGLI: Your Honor, may I have reference to the page?
5 I think this is an improper way to impeach him, so I would like
6 to follow on.

7 MR. CHAMBERLAIN: 93.

8 THE WITNESS: 93.

9 MR. CHAMBERLAIN: I'm sorry. That is the exhibit number.

10 MR. HUEGLI: Because we stopped at 89.

11 MR. CHAMBERLAIN: Good trick. I'm looking. I don't have
12 it listed here.

13 MR. HUEGLI: Okay. Well, go ahead.

14 MR. CHAMBERLAIN: Page 59 or 62.

15 Could the witness be handed Exhibit 93, please (to
16 the clerk, who complies). It's in an envelope.

17 MR. HUEGLI: Your Honor, I have a matter for the Court
18 at this time.

19 THE COURT: All right.

20 Members of the jury, you will be excused from the
21 courtroom for a bit. We'll tell you when we are ready. If
22 you don't mind, just wait out here in the hall. It will
23 probably be a very short while.

24 (The jury leaves the courtroom and proceedings were had
25 in open court outside the presence of the jury as follows:)

1 MR. HUEGLI: Your Honor, reference has been made to Mr.
2 Linde's deposition. At the time of the deposition, we had a
3 small publication called the SAAMI Manual. And Mr.
4 Linde testified in his deposition from page 59 to 62 that we
5 put this in our current firearms, and he made no statement
6 whatsoever this was put in the 1976 box.

7 And this particular publication is totally irrelevant.
8 Mr. Chamberlain is going to attempt to bring it as impeachment.
9 It will slip in as alleged impeachment but will really come in
10 as subsequent change in our booklets, which is not relevant
11 to what we put in in 1976.

12 If I may read (reading):

13 Mr. Linde, the question is, is it your under-
14 standing that this Exhibit 31 is the current
15 version of this little booklet.

16 It sure appears to be. We are talking about
17 '82.

18 And, is it your understanding that Remington
19 at the present time puts one of these in each of
20 these new gun boxes.

21 We tried to, yes.

22 Do you know how long they have followed
23 that practice.

24 For quite a number of years.

25 Do you know how many years.

1 NO, I do not.

2 Do you know if it's more or less five years,
3 that would be more than five years, more than,
4 or less than 10.

5 There's been one like that, there has been
6 one like this since I started here.

7 Which was when.

8 '65.

9 Now, there was one like it, there was a safety
10 manual put in the box that had been introduced and admitted
11 without objection into evidence. That was in the '76
12 Boudreau gun.

13 Mr. Chamberlain wants to bring this in to show
14 modifications in instructions, in an attempt to impeach this
15 witness, when it's going to come in to be argued at the time
16 for the jury, it's going to come in as substantive evidence.

17 I object.

18 MR. CHAMBERLAIN: On the contrary, I think, Your
19 Honor, you should take a look at the two exhibits. One is
20 Remington's publication; and one is the Manufacturers Associa-
21 tion Publication.

22 When we were in New York taking deposition, I asked
23 these people, What did you put in; what was your product
24 literature. Only two things, the owners manual and the
25 SAAMI Manual, and they gave me one.

1 I never saw a Remington Peter Pocket Guide until
2 about 10 days ago or two weeks ago.

3 THE COURT: You may be getting me off into a consideration
4 of what is fair, and that's not my problem right for the
5 moment.

6 The problem is that this witness has not acknowledged
7 that he said what you have attributed to him in the prior state-
8 ment. Isn't that right, so far?

9 MR. CHAMBERLAIN: Thus far.

10 THE COURT: And there is no-- there is no proof or no
11 foundation to support the exhibit that you fear, right?

12 MR. HUEGLI: Yes, sir.

13 THE COURT: All right now, we are just dealing with
14 anticipation.

15 MR. HUEGLI: Yes, sir.

16 THE COURT: Now, we just keep playing this thing straight,
17 and it will all work out. I don't see anything for the Court
18 to rule on.

19 MR. HUEGLI: The concern that I have, Your Honor, is that
20 this will be marked.

21 THE COURT: If he marks it and he offers it, we'll deal
22 with it.

23 MR. HUEGLI: Very well. Thank you, Judge.

24 THE COURT: You can ask the jury in.

25 (The jury returns to the courtroom and proceedings were

1 had further as follows:)

2 Q. (By Mr. Chamberlain) Do you have Exhibit 93 before you,
3 Mr. Linde?

4 A. Yes, I do.

5 Q. Can you identify it for us, please.

6 A. This says, Firearms Safety Depends Upon You; Make No
7 Mistake About That.

8 Q. Who is the publisher of that little booklet?

9 A. The SAAMI, Sporting Arms and Ammunition Manufacturer's
10 Institute.

11 Q. In your deposition which was taken August of last year,
12 that exhibit was present in the room, wasn't it?

13 A. Yes, it was.

14 Q. And at that time marked as Exhibit 31 to your deposition.

15 MR. HUEGLI: We would agree it was, Your Honor.

16 Q. (By Mr. Chamberlain) You told me at that time that the
17 group that published SAAMI is a manufacturing group, right?

18 A. That's right.

19 Q. And that that manufacturing group was established for the
20 purpose of standardizing the industry, promoting standardiza-
21 tion in the industry?

22 A. That's correct.

23 Q. Is Remington a member of SAAMI?

24 A. Yes, we are.

25 Q. And other gun manufacturers are members of SAAMI?

1 A. The majority of them.

2 Q In addition to that, there is some ammunition manu-
3 facturers?

4 A. Yes, because that is really where the standardization
5 comes from, so the cartridges, like, 30-06 cartridge will fit
6 in a 30-06 rifle.

7 Q I asked you at the time of your deposition whether or not
8 that publication, or one like it, was included in Remington's
9 Model 700 in December of 1976, and you told me it was; didn't
10 you?

11 MR. HUEGLI: Objection, improper way to cross-examine this
12 witness. He should be read the question and read the answer
13 and asked if he made that statement, rather than paraphrased
14 by Mr. Chamberlain.

15 THE COURT: It's overruled.

16 Q. (By Mr. Chamberlain) Do you remember the question?

17 A. Yes, I said there was this manual, or one like it, was
18 undoubtedly put in the box, or should have been put in the box.

19 Q. Since your deposition, you have found out in fact there
20 is not a SAAMI publication; there was not a SAAMI publication
21 put in the Remington Model 700 product box in December of '76;
22 haven't you?

23 A. I actually personally haven't, no.

24 Q. You still stand by your statement, then, that that was
25 put in the box in December of '76?

1 A. I know there was a safety instruction, whether it was
2 this one or one like it, yes, there was something like that
3 put in the box. Maybe it was SAAMI, or something else.

4 Q. Something like that, though?

5 A. It had the Ten Commandments of Firearms Safety, I'm sure.
6 What other literature went with it, I don't know.

7 Q. At your deposition, did I ask you these questions, and did
8 you give these answers, page 61:

9 (Reading:) Question: Is it your understanding
10 that this Exhibit 31 is the current version of
11 this little booklet.

12 Answer: It sure appears to be.

13 Question: And is it your understanding that
14 Remington at the present time puts one of these in
15 each of these new gun boxes.

16 Answer: We try to, yes.

17 Question: Do you know how long they have
18 followed that practice.

19 Answer: Oh, for quite a number of years.

20 Question: Do you know how many years.

21 Answer: No, I don't.

22 Question: Do you know if it is more or less
23 than five years.

24 Answer: It would be more than five years.

25 Question: More, less than 10.

1 Answer: There has been one like this since
2 I started here.

3 MR. HUEGLI: Your Honor, I object. That doesn't--

4 He's left out two sentences right out of the middle
5 of the quote, which is misleading to the jury.

6 MR. CHAMBERLAIN: Well, no intention. I thought it was an
7 objection, Counsel.

8 MR. HUEGLI: They were not.

9 MR. CHAMBERLAIN: In fact, it is a statement by you.

10 Let's start back up where we were.

11 (Reading:) . . .more or less than 10 years.

12 Statement by Mr. Huegli: Are you talking about
13 just SAAMI, or one like that.

14 One like that or this one. Was my answer.

15 And your statement was: There has been one
16 like this since I started here.

17 And I asked you: Which was when.

18 And your answer was: 1965.

19 Were these questions put to you, and did you give
20 those answers?

21 A. Yes, I sure did.

22 MR. CHAMBERLAIN: We'd offer Exhibit 93.

23 MR. HUEGLI: Objection. It's irrelevant, has nothing to
24 do with what was put in the box in 1976.

25 THE COURT: The objection is sustained.

1 MR. CHAMBERLAIN: Could the witness be handed Exhibit 4,
2 please (to the clerk, who complies).

3 Q. (By Mr. Chamberlain) Could you take a minute and review
4 Exhibit 4, Mr. Linde, and then identify it for us.

5 A. Yes, it's the Remington Field Service Manual for the
6 Model 700, section out of our big service manual that covers
7 all of our models.

8 Q. And this particular one was the one in current use
9 immediately before December of 1976?

10 A. I can't say for sure, because I don't know what the code
11 is on the Field Service Manual.

12 Q. What are your initials?

13 A. Pardon me?

14 Q. What are your initials?

15 A. My initials are on the end section. My initials are
16 376.

17 Q. Are your initials YPL?

18 A. Yes, I'm saying that my initials in the section added was
19 added as section 376.

20 Q. That is March of 1976?

21 A. Yes, it is.

22 Q. So, anyway, the information in here would have been
23 available to a reader of the Field Service Manual before
24 December of '76?

25 A. For what?

1 Q To a user of the reader of the Field Service Manual before
2 December of '76?

3 A Yes.

4 Q And now, the Field Service Manual is typically not given
5 to gun owners; is that right?

6 A That's correct.

7 Q Given to gunsmiths and Remington warranty repair people?

8 A That's right.

9 Q And in Exhibit 4, in the Field Service Manual, there is
10 a lot of information about how to take the gun apart and how
11 to put it back together and how to maintain it, that sort of
12 thing; true?

13 A Yes.

14 Q And on page 11 of that exhibit, page 11, incidentally, is
15 one of the parts that you have your initials on; isn't it?

16 A Yes, it is.

17 Q Page 11 of that exhibit, you tell in the fifth paragraph,
18 you tell the gunsmiths that when repairing a trigger housing
19 assembly, they should wash parts thoroughly with petrol solvent,
20 right?

21 A That's right.

22 Q And you don't tell them what particular petrol solvent,
23 do you?

24 A No, you do not have to tell a gunsmith that.

25 Q You don't have to tell a gunsmith that, because he's an

1 expert in such things and he knows, right?

2 A. Yes.

3 Q. You also tell the gunsmith that an accumulation of gun
4 oil or dried oil can build a film that may cause malfunctions;
5 true?

6 A. That's right.

7 Q. The Owner's Manual doesn't tell owners of the Model 700
8 that gun oil may build a film that may cause malfunctions, does
9 it?

10 A. No, it does not.

11 Q. And would you agree with me that gunsmiths are more expert
12 in the maintenance and handling of guns than is the average
13 user?

14 A. Yes, they are.

15 Q. And, although you do tell the gunsmiths that a dried
16 accumulation of gun oil may cause malfunctions, you don't tell
17 them what malfunctions may result, do you?

18 A. Not directly, no.

19 Q. Would you agree with me that any firearm that discharges
20 unexpectedly is dangerous?

21 A. Yes, it is.

22 Q. And if there was a condition of one of Remington's rifles
23 that made it discharge unexpectedly, you would want to warn
24 your gun users of that, wouldn't you?

25 A. Yes.

1 Q And you have heard of the gum-up condition of trigger
2 assembly and the Model 700 causing the rifle to fire when the
3 safe is released?

4 A Yes, I have heard of it.

5 Q The Owner's Manual does not warn of that possibility,
6 though, does it?

7 A No, it does not.

8 Q Now, isn't it true that if Remington did discover that
9 it had a problem with its Remington Model 700, a problem that
10 caused the gun to discharge unexpectedly, and it wanted to
11 warn not only new purchasers of the gun but also people that
12 already owned the gun of that possibility, that there is any
13 number of mediums through which Remington could transmit that
14 message?

15 A Yes, they could.

16 Q For instance, they could buy advertising space in gun
17 enthusiasts' magazines; right?

18 A Yes.

19 Q They could mail out, they have lists of people that buy
20 their guns, don't they, or at least partial lists?

21 A Partial lists.

22 Q Could use those lists and mail information to gun owners;
23 is that right?

24 A That's right.

25 Q You could transmit that kind of information to gunsmiths?

- 1 A. Yes.
- 2 Q. And your warranty repair people?
- 3 A. Yes.
- 4 Q. If it was a very serious problem, you could even issue a
5 press release, couldn't you?
- 6 A. Yes, you could.
- 7 Q. Or institute a recall of the product?
- 8 A. Yes, you could.
- 9 Q. Are you familiar with the NRA?
- 10 A. Yes, I am.
- 11 Q. What does that stand for?
- 12 A. National Rifle Association.
- 13 Q. And they have a number of publications for hunter safety
14 and hunter training safety?
- 15 A. Yes, they do.
- 16 Q. Including a student manual?
- 17 A. Yes.
- 18 Q. And you have read those publications?
- 19 A. Student Manual?
- 20 Q. Just in general, the publications of the NRA.
- 21 A. Yes, I get the magazine.
- 22 Q. And you have read some of their hunters safety manuals?
- 23 A. Not recently, no.
- 24 Q. Are you familiar with the reputation of the NRA in the
25 gun industry?

1 A. Yes, I am.

2 Q. Is their information generally authoritative?

3 A. Yes, it is.

4 Q. Would you agree with this statement: Although many people
5 know how to be safe, they sometimes forget to do it, and all
6 of us are careless sometimes?

7 A. Basically, yes.

8 Q. Remington knows that, and you know that; right?

9 A. Yes.

10 Q. And in designing a rifle, Remington has to design their
11 rifle with that in mind, don't they?

12 A. That's right.

13 Q. And you wouldn't be surprised to learn that the NRA
14 Student Manual that they instruct student hunters to oil all
15 metal parts of their rifle; would that surprise you?

16 A. It would surprise me if that's all they said about it.

17 Q. That's not all they say, but would it surprise you that
18 they talk about putting oil on all metal parts?

19 A. To maintain your firearm, it wouldn't surprise me at all.

20 Q. In December of '76, is there any reason that it wouldn't
21 have been feasible for Remington to develop a cleaning and
22 lubrication procedure for the Remington Model 700 fire control
23 and to inform gun owners of that procedure in detail?

24 A. A detailed procedure?

25 Q. Right.

1 A. Remington could have did that in '76.

2 Q. And once you got even something like that written, you
3 can put it about anywhere, put it in any owner's manual, for
4 instance; right?

5 A. You could.

6 Q. Or hang a tag on the trigger?

7 A. Might be kind of hard on a hang tag.

8 Q. Why, because there is not enough room?

9 A. No, we have had poor experiences with hang tags.

10 Q. They get torn off?

11 A. The dealers don't like them, because they feel they
12 obstruct the view of the rifles, and they will cut them off
13 on you.

14 Q. So, it's important, if you are going to communicate, it's
15 important to do it in a way where the dealer would not do
16 something like that and hang tags wouldn't be good, in your
17 opinion?

18 A. Yes and no. It's good, as many as you can get through
19 helps your cause, but you can't count on it.

20 Q. Doesn't it help your cause?

21 A. It helps your case in getting the information to the
22 customer.

23 Q. What are Remington's biggest sellers?

24 MR. HUEGLI: Objection. I don't know how that has
25 anything to do, any relevance as to whether or not Mr. Boudreau

1 did or did not pull the trigger.

2 MR. CHAMBERLAIN: We have heard about 1.7 million
3 Remington Model 700's sold over the years.

4 THE COURT: The objection is sustained.

5 Q. (By Mr. Chamberlain) Mr. Linde, your Model 1100 shotgun
6 has a trigger lock safety on it; isn't that true?

7 A. Yes.

8 Q. Model 1148 shotgun has a trigger lock safety?

9 A. Yes, it does.

10 Q. Model 11 and 31 has, also?

11 A. Most 31's, I'm sure of, because I own one, but the Model
12 11, I can't say for sure. Pump action rifle is Model 6.

13 Q. And that has a trigger lock safety?

14 A. Yes, it does.

15 Q. And then you also sell a Model 4 automatic rifle?

16 A. Yes, we do.

17 Q. And that has a trigger lock safety?

18 A. Yes, it does.

19 Q. Did you testify earlier there was only one rifle in the
20 room here that had a trigger lock safety?

21 A. Only one that I could see when I went over and looked.

22 Q. Mosberg 800 has one, doesn't it?

23 A. Yes, it does.

24 Q. That's not the one you identified earlier?

25 A. No, it's not.

1 MR. CHAMBERLAIN: Thank you. No further questions.

2

3

REDIRECT EXAMINATION

4 BY MR. HUEGLI:

5 Q Mr. Linde, shotguns have a trigger lock; do they have a
6 sear block? In other words, can you tell the jury what the
7 difference is between trigger locks on the shotguns that we
8 have discussed and what relation it has to the Model 700?

9 A The basic difference is on the 870, 1100, or Model 4 and
10 Model 6 he was just talking about, that has a block trigger.

11 These guns have a hammer in them; they don't have a
12 trigger in them.

13 They have a hammer that comes up, and this hammer is
14 engaged with a sear. Between the trigger and the sear there
15 is a connecting link.

16 There is another part in that mechanism. What that
17 other part does, it allows us to put a clearance between--
18 in the firing chain between the trigger and the sear.

19 Now, what I'm saying, there is a clearing in there,
20 so if you-- on this block trigger safety that we have on the
21 majority of our guns, if you pull the trigger, that clearance
22 in the trigger, it does not actually touch the sear.

23 I don't know if I'm being clear. There is a clearance
24 between the connecting link and the sear, so when you pull the
25 trigger, all of the clearances and what have you, are not

1 transferred onto the sear.

2 The other thing on these rifles, they are shotguns,
3 you have much more engagement between the sear and the hammer.

4 On the bolt action rifle, you are talking like
5 15 to 20 thousandths engagement, that is that trigger and sear
6 set on a rifle with a hammer system, you are talking almost
7 double, that you are talking like 30 to 35 thousandths
8 engagements; so you are talking two different systems.

9 And block trigger is very effective on these kinds
10 of hammer-type guns, but you have that inner connecting link
11 that allows you to take care of that clearance, as I
12 demonstrated on this trigger assembly here, it was that
13 triggering sear being the only link, my motion is transferred
14 up to that critical engagement. So it's--

15 They really are two altogether different mechanisms.

16 Q Okay. I'm curious, Mr. Linde, as to why Remington
17 apparently never has produced a bolt action rifle with an
18 automatic safety; can you tell us why?

19 A Well, I can't say that, because Remington has produced
20 a rifle with an automatic safety on it. I'm not really up on
21 my details that much, but I know when I first came to work there
22 we had made a rim fire .22 bolt action rifle, this is a single
23 shot, not a repeater, but a single shot, and, as I recall, the
24 market, I'm recalling from memory, so I don't know that it's
25 a hundred percent factual, but, as I recall, it was made

1 particularly for beginners, for people who are just starting
2 to shoot, and every time you would operate the bolt, the
3 safety would go on. This was for single shot .22 rifle, not
4 repeater.

5 And in this case, it's very advantageous automatic
6 safety for that type of rifle, really, to me, is a good idea,
7 because you are not trying to feed more than one round; you
8 are giving it to somebody who you are training, and I think
9 is advantageous.

10 Q. Why hasn't Remington produced a high-powered center fire
11 bolt action rifle with automatic safety?

12 A. Because automatic safety would defeat the purpose of the
13 repeating action.

14 Q. Can you explain that to us?

15 A. In something like the bolt action, by having to stop
16 every time and take the safety off, it would break up the
17 flow, and it would cause the shooter not to really want to do
18 it, because it would just defeat the purpose of the gun. He
19 wants something that he can shoot one right after another.

20 Q. Okay.

21 A. So, there really would be--

22 And, of course, if you are shooting at something,
23 then you have control of that gun, you have made up the
24 decision to shoot, you have taken the gun off safety, you have
25 shot one, you have got it pointed in safety direction, and what

1 would be the object to put the safety on when you have already
2 determined that is the place that you want to shoot, and it's
3 safe to shoot.

4 Q Okay. You indicated that Remington has certain internal
5 codes that you use in your engineering department for failures.
6 You said fires when safety is released is FSR; what are some
7 other codes that you use internally in your business?

8 A In our gallery plant, we shoot every gun that we manu-
9 facture, and the function, we proof test it, function test it,
10 and if they are a rifle, we target them for accuracy.

11 Q Is that before any rifle that is sold, that it goes
12 through those tests?

13 A Yes. In the gallery, where you are checking functional
14 performance of that gun, you do not want that operator, who
15 is there functioning that gun, to have to write down the
16 malfunctions. You give him the code, and we have, like, a
17 code book, you might have auto load lever, don't blow back,
18 don't lock that means it doesn't lock up or doesn't feed up
19 the magazine binds, just goes on, and on, the number of things
20 that you can have that go wrong that you want a code for.

21 So, all the guy has to do is to write down three
22 initials, and then, if you want to use, in the computer, the
23 keypunch only has to punch in those, so you can keep better
24 records.

25 Q In your owner's manual that you put in with the firearms,

1 Mr. Linde, particularly the one that we have introduced into
2 evidence here, Exhibit 10, that pertains to Mr. Boudreau's
3 rifle, in your opinion, is it possible to warn a user of
4 every possible abuse and the result of that abuse that could
5 occur in a firearm?

6 A. No, it wouldn't be possible at all. You have-- would
7 have some, a long list of all possible things that could
8 happen, and then try to define each one of those things, it
9 would be impractical.

10 Q. And if you left one out, they would say you didn't warn
11 me about that one?

12 A. Well, that could happen.

13 Q. In this lubrication section of the book here, your
14 instructions indicate to wash the action, this bolt part, with
15 a good grade of petrol solvent, dry it, and then recoil it
16 very lightly.

17 Why do you direct the user, assuming that he reads
18 this, to dry it first?

19 A. Because you want to get all of the residue off, when you
20 are done, you want something that has been washed and washed
21 clean, just like you would wash dishes, you wash them, you
22 get everything off them, then you rise them and dry them.

23 Q. Is that why you use the word wash as a generic?

24 A. You wash and then you dry it. You want to get rid of
25 anything that is left on it.

1 Q Thank you very much, Mr. Linde.

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REXCROSS-EXAMINATION

4 BY MR. CHAMBERLAIN:

5 Q The trigger mechanism on the Model 700 rifle is riveted
6 closed, isn't it?

7 A Yes, it is. It's in a housing.

8 Q In fact, that is why, in your big mockup, training mockup
9 that we have here, that's why you had to use plastic on the
10 outside, because you couldn't just hold one up and see through
11 it, because it's riveted closed?

12 A That's right.

13 Q Anything to stop a beginner from buying a Model 700 rifle
14 or any other rifle?

15 MR. HUEGLI: Objection, Your Honor, that goes completely
16 beyond redirect, starting the case over again.

17 MR. CHAMBERLAIN: To the contrary, Your Honor, he testified
18 that this bolt action with the automatic safety was a good gun
19 for beginner.

20 MR. HUEGLI: That was in response--

21 THE COURT: The objection is sustained.

22 MR. HUEGLI: Thank you.

23 Q (By Mr. Chamberlain) Assuming that the shooter is using
24 a bolt action rifle and he's just fired it--

25 Do you have one there?

1 A Yes, I do.

2 Q Okay, assuming that you have just fired it, fired it out
3 the window. Now, show the jury what the shooter has to do to
4 fire a second shot. You don't just pull the trigger again, do
5 you?

6 A No, you have to open it and come back all of the way, pick
7 up another round, feed it in and come forward.

8 Q Then put your hand back around the gun, and your finger
9 back on the trigger?

10 A That's right.

11 MR. CHAMBERLAIN: Thank you. No further questions.

12 (At 4:24 p.m. the testimony of this witness was concluded.)

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1 STATE OF OREGON)
) ss.
2 County of Multnomah)

I, Viola Joyner, RPR, do hereby certify that the foregoing
pages 1 through 76 are a true and accurate transcription
of my stenotype notes as reported at the time and place
heretofore indicated in re SEE v. REMINGTON, USDC 81-886.

7 Dated this 3rd day of *June* 1983, at Portland, Oregon.

8
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10

Viola Joyner
VIOLA JOYNER, RPR
Court Reporter