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STATE OF NEW YORK

SUPREME COURT : COUNTY OF WESTCHESTER

JAMES TSACHALIS and
ARMONTO TSACHALIS,
Plaintiffs,

-vs-

SPORTING GOODS
PROPERTIES, INC., et. al.,
Defendant.

Deposition of JOHN P. LINDE, held before
Dennis Taylor, Notary Public, at 1800 One M & T
Plaza, Buffalo, New York, on Tuesday, June 27,
1997, at 10:05 a.m., pursuant to notice.

APPEARANCES: RHEINGOLD, VALET & RHEINGOLD, P.C.
BY: THOMAS P. GIUFFNA, ESQ.,
113 East 37th Street,
New York, New York 10016-3042,
Attorneys for the Plaintiffs.
(212) 684-1880.

BRYAN CAVE LLP
BY: JOHN W. SHAW, ESQ.,
3500 One Kansas City Place,
1200 Main Street,
Kansas City, Missouri 64105-2100,
Attorneys for the Defendant
Sporting Goods Properties, Inc.
(816) 374-3300.

WIT: JOHN P. LINDE - GIUFFNA - 6/27/97

1 J O H N P. L I N D E, having been first
2 duly sworn, was examined and testified as
3 follows:

4
5 **EXAMINATION BY MR. GIUFFNA:**

6 Q. Good morning, Mr. Linde. My name is Tom Giuffna
7 and I represent the plaintiff in an action
8 called James Tsachalis verses Sporting Goods
9 Properties, Inc. and Mt. Vernon Shooting
10 Center. I'm going to be asking you a few
11 questions about your time with Remington and
12 questions regarding the M-700 rifle.

13 Now, I'm going to refer to the defendants as
14 Remington but we know it's Sporting Goods
15 Properties, Inc. but just for purposes of the
16 record I will refer to it as Remington.

17 MR. GIUFFNA: Do you have a problem with
18 that, John?

19 MR. SHAW: No, as long as we establish that
20 at the outset.

21 Q. Right. Now, if you don't understand any of my
22 questions let me know and I will try to properly
23 rephrase it. If you give me a response make it

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1 a verbal response because shrugs and uh-hum's or
2 such can't be taken down by our court reporter.

3 If you want to take a break just let me know
4 or if you want to consult with your attorney Mr.
5 Shaw to clarify something but I would ask you to
6 respond to a pointed question, is that fair?

7 A. Sure, I understand.

8 Q. Okay, great. So I take it you have been here,
9 had depositions before. Just before we start I
10 am going to try to get you out of here in one
11 day but if we can't we might have to call you
12 back but I will try to move it along quickly,
13 okay, because I like to tell the witness that I
14 will get you done as soon as possible but this
15 one as you will see will probably take longer
16 than you and I would like.

17 Okay. Mr. Linde, what is your current
18 occupation?

19 A. I work for a company Solid Surface Acrylics and
20 we manufacture table tops.

21 Q. And where are they located, in Buffalo?

22 A. In North Tonawanda, New York.

23 Q. What is your job with them?

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- 1 A. I'm the president.
- 2 Q. And I imagine it's in the manufacture of table
3 tops?
- 4 A. Yes.
- 5 Q. Okay. And how long have you been with Solid
6 Surface Acrylics?
- 7 A. Since 1993.
- 8 Q. Have you always been the president?
- 9 A. Yes.
- 10 Q. Okay. Where were you before you worked for
11 Solid Surface Acrylics?
- 12 A. With the DuPont Company.
- 13 Q. And what division of DuPont, if any?
- 14 A. I was with the Finishes and Fabricating Products
15 Department. I was with the Polymers Department,
16 P-o-l-y-m-e-r-s.
- 17 Q. And where were you, what DuPont facility? Where
18 was it located?
- 19 A. In Wilmington, Delaware.
- 20 Q. In Wilmington? And what was your
21 responsibilities with that?
- 22 A. I had numerous jobs.
- 23 Q. Just an overview would be great.

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1 A. I was a manager, technical manager and a
2 manufacturing consultant.

3 Q. And when did you start working for DuPont?

4 A. 1984.

5 Q. Okay. And prior to DuPont where were you
6 employed?

7 A. I worked for Remington Arms Company.

8 Q. And that's in Ilion I imagine?

9 A. Ilion, yes.

10 Q. When did you work for Remington?

11 A. 1965 to 1984.

12 Q. And what did you do for Remington?

13 A. I did a multitude of jobs for them from design
14 to manufacturing, engineering.

15 Q. And that would be I assume on firearms?

16 A. Yes.

17 Q. Okay. Rifles, pistols or was it all kinds of
18 firearms?

19 A. I worked on all kinds of firearms.

20 Q. Was one of the firearms you were involved with
21 the Remington M-700 bolt action rifle?

22 A. Yes, it was.

23 Q. Okay. When did you start working on the M-700,

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1 approximately? I know it's an old gun.

2 A. In the 19 -- that would be somewhere in the 1974
3 to 1976 time frame.

4 Q. Did you continue to work on the M-700 rifle up
5 through 1984?

6 A. In different -- I was in different capacities,
7 yes.

8 Q. Okay. And what capacities were you involved in
9 on the M-700?

10 A. I was involved in design and then I was involved
11 in manufacturing.

12 Q. What about testing?

13 A. I was not involved in the testing.

14 Q. Did any of your design duties involve the
15 trigger mechanism?

16 A. Yes.

17 Q. Okay. When I say trigger I don't mean just the
18 trigger itself but also the parts that make up
19 the trigger, the housing, et cetera. Do you
20 understand what I mean when I say trigger?

21 A. Yes.

22 Q. Okay. And you also did manufacture of the
23 trigger?

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- 1 A. Yes.
- 2 Q. Okay. Prior to working for Remington in 1965
3 what did you do?
- 4 A. I was going to the University of Wyoming.
- 5 Q. And were you pursuing a graduate or
6 undergraduate degree?
- 7 A. Graduate. Or pardon me, an undergraduate.
- 8 Q. Did you receive that degree?
- 9 A. Yes.
- 10 Q. Okay. When did you receive it?
- 11 A. 1965.
- 12 Q. And what was that degree in?
- 13 A. Mechanical engineering.
- 14 Q. When you were at the University of Wyoming did
15 you have any classes in the design of firearms?
- 16 A. No.
- 17 Q. Okay. Was the first time you had involvement
18 with design or manufacture of firearms when you
19 commenced your employment with Remington Arms
20 Company in 1965?
- 21 A. Yes.
- 22 Q. The training you received in design of firearms,
23 was that pretty much on-the-job or were you

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- 1 taking special classes for it?
- 2 A. It's pretty much on-the-job.
- 3 Q. Were you in a specific department when you began
- 4 working for Remington in 1964?
- 5 A. Yes, I was, in 1965.
- 6 Q. Excuse me?
- 7 A. I was in the Research Department.
- 8 Q. And did your research include bolt action
- 9 rifles?
- 10 A. Yes. At certain times, yes.
- 11 Q. Okay. Did you stay in research the whole time
- 12 you were employed by Remington or did you go
- 13 into different departments?
- 14 A. I moved into the Process Engineering and Control
- 15 Department from Research.
- 16 Q. When did you move? When did you go into Process
- 17 Engineering?
- 18 A. I don't know.
- 19 Q. Okay. And what did you do for Process
- 20 Engineering?
- 21 A. I was the superintendent.
- 22 Q. And what did that involve?
- 23 A. I was responsible for the tooling design,

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- 1 chemical and metallurgical, quality control,
2 product testing, manufacturing and engineering
3 analysis and the new tooling development.
- 4 Q. And during the time that you were in the Process
5 Engineering were you involved with the M-700
6 rifle?
- 7 A. Yes.
- 8 Q. Okay. Can you give me an approximate year that
9 you moved into Process Engineering? In the
10 '70's, '80's, late '60's?
- 11 A. Probably 1977, '78, something in that time
12 frame.
- 13 Q. Okay. And did you stay in Process Engineering
14 until you began working for DuPont in 1984?
- 15 A. Yes.
- 16 Q. Did any of your responsibilities involve
17 investigating customer complaints regarding the
18 rifles?
- 19 A. Yes.
- 20 Q. Did it involve any testing of returned rifles?
- 21 A. Yes.
- 22 Q. Did it involve testing new designs?
- 23 A. Yes.

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1 MR. SHAW: If I could interpose just for
2 clarification. When you're asking John any of
3 these general questions --

4 MR. GIUFFNA: It's just basic.

5 MR. SHAW: -- it's just of his career at
6 Remington?

7 MR. GIUFFNA: Right.

8 MR. SHAW: Did he at times --

9 MR. GIUFFNA: Right.

10 MR. SHAW: -- involve himself in those
11 activities, right?

12 MR. GIUFFNA: Right.

13 MR. SHAW: Okay.

14 MR. GIUFFNA: What I'm trying to get is a
15 general idea at this point.

16 MR. SHAW: Sure.

17 MR. GIUFFNA: I'm not trying to get into
18 anything to strategic.

19 MR. SHAW: I understand.

20 MR. GIUFFNA: I just want to focus on where
21 he was during his time there.

22 Q. Would you also test new processes as far as
23 testing new designs, that sort of thing?

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1 A. Yes.

2 Q. Did you have a supervisor when you were
3 superintendent or were you in charge of that
4 department?

5 A. I was in charge of that department.

6 MR. GIUFFNA: Okay. All right. Off the
7 record.

8

9 (Discussion held off the record.)

10

11 MR. SHAW: For the record Mr. Giuffna is
12 going to be using a number of documents with Mr.
13 Linde which gives rise to a business record's
14 issue. We want to avoid having to take up Mr.
15 Linde's time to qualify each and every document
16 as a business record so we're going to take the
17 documents as they come in and let's start off
18 with some initial documents and when they're
19 used as exhibits I will state the position of
20 the company and see if we can work out some sort
21 of effective stipulation so we're not here all
22 day trying to qualify the documents.

23

MR. GIUFFNA: That seems fair to me.

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1 BY MR. GIUFFNA:

2 Q. Okay. Mr. Linde, do you have any idea when the
3 M-700 rifle first entered production? Again,
4 approximately, I'm not going to hold you to
5 specific dates.

6 A. It has to be I would think in the 1960's. I
7 would have to jog my memory a little bit for
8 that.

9 MR. SHAW: It was 1962.

10 A. Oh.

11 MR. SHAW: We will stipulate to that.

12 Q. All right. Okay. And the M-700 was a bolt
13 action rifle, right?

14 A. Yes, it is.

15 Q. And does it have -- is it a single shot or does
16 it have a magazine or--

17 A. It has a magazine.

18 Q. How many shots can go into the magazine?

19 A. Depends on the caliber.

20 Q. For 30.06?

21 A. I believe it's five.

22 Q. Would that include one in the snap if you will?

23 A. I think it's five total. I think it's probably

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1 about four in the magazine and one in the
2 chamber.

3 Q. Okay. And what kind of rifle is a M-700? I
4 mean it's not a bolt action when it's used?

5 A. It's a bolt action. It's a bolt action rifle.

6 Q. When it was intended to be used was it intended
7 to be used as a hunting rifle, a military arm?

8 A. The M-700 was designed to be a bolt action
9 rifle. I mean that's what it is, it's a bolt
10 action rifle.

11 Q. But it's intended use was not of the bolt
12 action?

13 A. Yes, it's an intended use but it's like a car.
14 I mean certain cars lend themselves to certain
15 markets depending upon but the manufacturer
16 makes the car and he doesn't say you only drive
17 this car in one way.

18 Q. No, I'm not saying that but when you think of
19 certain cars they're designed for a certain
20 market like a Formula 1 is designed primarily
21 for the racing market, a station wagon is
22 designed for the bigger market.

23 A. But a bolt action is unique for a number of

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1 things and the bolt action rifle has a number of
2 uses. I'm not trying to evade your question.

3 Q. No, I know.

4 A. But what I'm trying to say is the bolt action
5 rifle is not designed for a specific thing
6 because it was not.

7 Q. Okay. That's a fair answer. Was the use of one
8 of M-700 for hunting?

9 A. Yes.

10 Q. One of it's uses? Any type of specific hunting,
11 deer, breaking bird?

12 A. The rifle zero is a single projectile so
13 normally with birds and water fowl you use a
14 shotgun where you have multiple pellets so
15 rifles are normally obviously a single
16 projectile type of firearm.

17 Q. Now, is there any kind of special consideration
18 that it's design would take for a rifle that's
19 being used for hunting as opposed to a target
20 rifle for example or a pistol?

21 A. Yes, there are.

22 Q. Okay. What are they?

23 A. Well, the first probably is the accuracy. What

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1 is the accuracy potential? I mean if you have a
2 target rifle, just by the nature of it being a
3 target rifle it has to have a high degree of
4 accuracy.

5 Q. Okay. Go on.

6 A. And if you have a hunting rifle, then it has a
7 different restraint in that how you can carry
8 it, how heavy it is, you know. The sighting
9 depends on what they're shooting, on how the
10 sights are set up. And then of course if you
11 have a target rifle, why you have to have a
12 trigger that's more sensitive than a hunting
13 rifle and a rifle has to be more sensitive than
14 a shotgun.

15 Q. Okay. Would one of the considerations used in
16 the design of bolt action rifles such as the
17 M-700 would be the environment that it's being
18 used in?

19 A. Yes.

20 Q. All right. How would that be a consideration?

21 A. With any design you take a look at where it's
22 being used and what it's intended purpose is and
23 you design a product for that.

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1 Q. Okay. Would one of the considerations be --
2 would it be fair to say the M-700 would be a gun
3 that you could see being used in the field?

4 A. Yes.

5 Q. Okay. And as a field gun it's exposed to
6 certain elements, the weather, is that true?

7 A. Yes.

8 Q. And you would take the weather and the
9 conditions into account of the design, correct?

10 A. Yes.

11 Q. Okay. Since it's being used as a rifle like
12 this, would be used in the field, would you take
13 into account the fact that it could be, you
14 know, subject to a certain amount of abuse in
15 its use?

16 MR. SHAW: Objection. Vague. Object to the
17 form.

18 A. I -- the only point I would make is that when
19 you say abuse what do you mean?

20 Q. Okay, that's a fair -- you can always ask me to
21 that, to define any question because I'm trying
22 to keep it a little broad because we are really
23 not in the detail stage. For example, would it

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1 or would you take into account that a user would
2 have this on a sling for example?

3 A. Yes.

4 Q. Okay.

5 A. You would.

6 Q. Would you also take into account the possibility
7 that this rifle could be banged up against a
8 tree or something like that?

9 A. Yes.

10 Q. What about being dropped?

11 A. Yes.

12 Q. And just so I understand it, is the M-700 -- I
13 know how you were saying certain guns are
14 marketed differently. Is there a rifle that is
15 marketed for adults, women, children, something
16 like that?

17 A. There is no firearm that I know that's marketed
18 for children.

19 Q. Well, when you say for children, is it a entry
20 level type of gender? Hunter is something for a
21 middle age hunter or --

22 A. I think it depends on for the purpose.

23 Q. What do you mean?

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1 A. Well, if you're a deer hunter you select from
2 what kind of deer hunting you're doing. You
3 would select your rifle based on that. For
4 example, if you were in the brush you might go
5 with one of the small rifles like a Winchester
6 Model 94 because it's easy to handle.

7 If you were say in Wyoming you might want to
8 definitely go with like a bolt action where you
9 have shots that are a long ways off where you
10 might be shooting four hundred or five hundred
11 yards where you would want the accuracy, where
12 you have the time to sit there and be real clear
13 on your shot.

14 Q. Now, the most -- I'm sorry.

15 A. You see that a lot in the United States. If you
16 take a look at the northeast you see a lot of in
17 fact even deer hunting with the shotgun.

18 Q. Really?

19 A. Well, the majority of the deer in the northeast
20 is shot with shotguns.

21 Q. I didn't know that. That's interesting. Now,
22 would the Remington, the M-700 be a rifle -- as
23 you said, you gave the example of the shotgun

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1 that you would use in brush or one in Wyoming.
2 Where would it fall? Would it be more general
3 purpose or --

4 A. It's a general purpose. I mean it could be
5 used -- the bolt actions in the firearm
6 industry, the bolt actions are a certain type.

7 Q. Uh-huh.

8 A. And so if you are a manufacturer of bolt action
9 line -- Ruger would have a bolt action line.
10 Remington had a bolt action line. Winchester
11 had a bolt action line and the different
12 manufacturers have bolt actions.

13 Q. And they have different characteristics?

14 A. They have different characteristics but they're
15 all basically bolt actions and they're all
16 basically the same kind, kind of firearm.

17 Q. Right.

18 A. How they're operated and how they're used.

19 Q. Right. Just basically so I understand it, is
20 there also kind of like a kind of rifle my
21 father would use in the army like a Springfield,
22 that kind of thing, a bolt action with a clip?

23 A. They used the bolt action in the military

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1 service, yes.

2 Q. Right, right. So, would this rifle have any
3 kind of special application which would make it
4 more desirable in certain as you said terrain?

5 A. The bolt action rifles are noted for their
6 accuracy.

7 Q. Okay.

8 A. They're normally for -- from a rifle standpoint
9 they're the most accurate rifle.

10 Q. Okay. What was the initial cost of the M-700,
11 do you know? If you don't know, sir, that's
12 fine.

13 A. I don't know that.

14 Q. Do you have any idea of the range, four, five
15 hundred bucks?

16 A. Well, I worked there for eleven years.

17 Q. Well, the last?

18 A. It varied over that time and I can't really
19 answer that.

20 Q. Okay, that's a fair response. So, this is a gun
21 that you wouldn't expect to only be used on a
22 range just so I'm clear? It's a gun which you
23 would expect to go take out in the field and

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1 used for, you know, going on a hunting trip?

2 A. It could be used for hunting. It could be used
3 for target shooting.

4 Q. Right, but it's not a gun that only is going to
5 be used for that purpose? It isn't a certain
6 target rifle that would only be expected to be
7 used for that purpose?

8 A. Yes, right.

9 Q. But this is a gun that you wouldn't expect a
10 hunter to go out and staking and all that,
11 okay. Is there a -- what kind of fire mechanism
12 is used in the M-700 rifle? Is there a specific
13 type? Does it have a name?

14 A. Not that I'm aware of.

15 Q. Okay. Have you ever heard of a Walker firing
16 mechanism?

17 A. Well, the Remington had a Walker design.

18 Q. Uh-huh.

19 A. But I never heard people on the outside say that
20 it was a Walker firing pin.

21 Q. Well, inhouse then?

22 A. I never heard them say it's a Walker. If it's a
23 Model 700 fire control it's a Model 700 fire

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1 control.

2 Q. Do you know if the Walker was designed, was used
3 in the Model 700 fire control?

4 A. It was the basis for it, yes.

5 Q. Okay. And do you know whether or not the
6 Walker -- was there a patent on the Walker fire
7 control?

8 A. Yes.

9 Q. All right. Do you know who held the patent?

10 A. I'm sure it would be Mike Walker and I think
11 there might have been another name or two on
12 them.

13 Q. And you say this was the basis of the M-700 fire
14 control system, right?

15 A. Yes.

16 Q. All right. Was there anything unique about the
17 Walker? I'm going to refer to it as the Walker
18 fire control just for my own head. Is there
19 anything unique about it as on opposed to a
20 standard fire control design for a bolt action
21 rifle?

22 MR. SHAW: Objection, vague.

23 A. There is no standard.

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1 Q. Well, did it utilize anything that set it apart
2 from any of the others?

3 A. All of the bolt action fire control mechanism
4 was different, uniquely different from one
5 another.

6 Q. Uh-huh. Do other manufacturers use a trigger
7 connector?

8 A. No, not that looks like the one in the Model
9 700.

10 Q. Okay. How is the one in the 700 different?

11 A. Well, the other ones I'm familiar with the way
12 the firearm is designed, they have a different
13 shape and because of the way the thing is set up
14 and what they're trying to do is somewhat
15 different.

16 Q. Okay. Do other manufacturers use a resiliently
17 mounted trigger connector?

18 A. There were.

19 Q. Who? What manufacturers?

20 A. I don't know now but I know there are a couple
21 of target rifles that have a connector.

22 Q. What about bolt action?

23 A. They were bolt action.

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- 1 Q. Yeah, but were they hunting rifles or target
2 rifles? I don't know. I would have to go back
3 and research it.
- 4 Q. Do you know whether any of the major firearm
5 manufacturers marketed a bolt action rifle with
6 a resiliently mounted trigger connector?
- 7 A. When you say manufacturer, who?
- 8 Q. I mean Winchester?
- 9 A. No, there was not.
- 10 Q. Okay. What about Ruger?
- 11 A. No.
- 12 Q. What about Weatherbee?
- 13 A. No.
- 14 Q. How about Sacco?
- 15 A. No.
- 16 Q. Well, who would be the major bolt action -- the
17 major competitors of Remington?
- 18 A. It would be Winchester, Ruger and then some of
19 the other ones like Weatherbee and then -- oh, I
20 don't know. Those would be the majors.
- 21 Q. What about Marlin?
- 22 A. No.
- 23 Q. Did they make a bolt action rifle?

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1 A. It wasn't part of their line but I can't
2 remember if at any time. Sometimes they would
3 offer imports. I don't know if they --

4 Q. Okay.

5 A. I don't know. I don't remember.

6 Q. What about Savage?

7 A. Savage has made.

8 Q. Okay. Do they use a resiliently trigger
9 connector?

10 A. No.

11 Q. Well, would it be fair to say that the major
12 competitors of Remington -- well, let me ask
13 this first. Did the M-700 Remington use a
14 resilient mounted trigger connector?

15 A. They use a trigger connector, yes.

16 Q. So, would it be fair to say that Remington's
17 competitors, of them -- well, withdraw that.
18 Strike that. Would it be fair to say that of
19 the major manufacturers of bolt action rifles in
20 the United States that a Remington was the only
21 one that utilized a trigger connector?

22 A. Yes.

23 Q. In the bolt action trigger connector?

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1 A. Yes.

2 Q. I'm going to show you some pictures that Mr.
3 Shaw has given me. I don't know. You want me
4 to pull these out of the book or can we just use
5 the book back and forth?

6 MR. SHAW: What I would ask for clarify of
7 the record is, you know, to speed things along,
8 you can probably leave them in the book as long
9 as the witness and I can see them.

10 MR. GIUFFNA: Yeah, sure.

11 MR. SHAW: And we should call out the--

12 MR. GIUFFNA: The TS stamp.

13 MR. SHAW: TS, T as in Tom, S as in Shaw,
14 Dennis, to identify them for the record.

15 MR. GIUFFNA: I hate to drag you through
16 this stuff but okay. Why don't we mark this,
17 TS-02105 as Plaintiff's Exhibit 1.

18 The following was marked for identification:
19 Plaintiff's Exhibit 1 Generalized Trigger
20 Mechanism drawing
(TS-02105)

21
22 **BY MR. GIUFFNA:**

23 Q. Okay. Mr. Linde, I'm going to show you what's

WIT: JOHN P. LINDE - GIUFFNA - 6/27/97

1 been marked as Plaintiff's Exhibit 1. Do you
2 recognize that to be anything?

3 A. That's your schematic of your Model 700 trigger
4 assembly.

5 MR. SHAW: For the record this isn't really
6 a business record of Remington's.

7 MR. GIUFFNA: I know.

8 MR. SHAW: This is just a demonstrative
9 drawing of what somebody used.

10 MR. GIUFFNA: That's all right.

11 MR. SHAW: And did he get it on the record,
12 Dennis? This is TS-02105.

13 Q. All right.

14 A. Is this document supplied by Remington?

15 Q. Yeah. Yeah, it is.

16 MR. SHAW: In discovery phase.

17 Q. In the discovery. I don't know where this
18 originated from. Off the record.

19

20 (Off the record discussion held.)

21

22 **BY MR. GIUFFNA:**

23 Q. Okay, back on. Okay. Mr. Linde, do you

WIT: JOHN P. LINDE - GIUFFNA - 6/27/97

1 recognize this to be a schematic of the
2 Remington Arms control, fire control system of
3 the M-700 rifle, is that correct?

4 A. Yes, trigger assembly.

5 Q. Trigger assembly, okay. Would you show me where
6 the trigger connector is?

7 A. This is this piece that sets right here on top
8 of the trigger (indicating).

9 Q. Okay. Indicating the part of the drawing which
10 is marked connector, right?

11 A. Yes.

12 Q. Okay. Now, could you explain to me how the
13 trigger connector, well, functions in relation
14 to operating the gun, the rifle?

15 A. The trigger connector sets on this, on the
16 trigger. The sear, this is the element that
17 blocks the firing pin head which in turn blocks
18 the firing pin so you have a force on the sear
19 on this angle right here. This pushes the sear
20 down on the top of the connector. Your
21 engagement is determined by the amount of
22 bearing that this trigger connector has
23 underneath the sear and when the rifle is fired,

WIT: JOHN P. LINDE - GIUFFNA - 6/27/97

1 you pull the trigger, the trigger rotates about
2 its trigger pin, comes forward, the sear drops
3 down, the firing pin comes forward.

4 Q. I see. This one isn't as nice a picture.

5 Okay. So, this is the sear right here, right.

6 Let's mark it. This is the sear, this part
7 that's about three inches long that's on top of
8 the drawing held on by what's indicated on the
9 exhibit as the sear pin, correct?

10 A. Yes.

11 Q. Okay. So the connector, is it fair to say that
12 the sear rests on the connector which is this
13 part where it's almost like two half squares
14 here?

15 A. Yes.

16 Q. Okay. Now, what causes the sear to rest on the
17 connector? Is it cycling the bolt?

18 A. No.

19 Q. How does it happen then?

20 A. No. When you bring the bolt forward the firing
21 pin head picks up on this surface right here
22 (indicating). The firing pin is then
23 compressed.

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WIT: JOHN P. LINDE - GIUFFNA - 6/27/97

1 Q. Uh-huh.

2 A. So you are compressing the firing pin so the
3 firing pin load -- that is the load that's
4 supporting the firing pin is picked up and that
5 load is transferred through that angle with a
6 downward load that pushes the sear down on the
7 connector.

8 Q. Okay. But how does the bullet get in to put
9 that pressure on it?

10 A. How does the bullet get in?

11 Q. No, I'm saying how do you get it there if it
12 requires you to cycle the bullet into the
13 chamber, right?

14 A. No.

15 Q. No?

16 A. No, no. When you close the bolt it has nothing
17 to do with the bullet or cartridge but when you
18 push the bolt forward, when you close the bolt
19 to lock the bolt and as you come down and lock
20 the bolt, the cam angle picks up and pulls the
21 firing pin back so the firing pin is -- actually
22 you're picking up the head of the firing pin
23 spring on this surface.

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WIT: JOHN P. LINDE - GIUFFNA - 6/27/97

- 1 Q. So, it's just a question of pulling the bolt
2 down, engaging it, right, is that what you're
3 saying?
- 4 A. I'm saying that you're picking up the load of
5 the firing pin.
- 6 Q. Right.
- 7 A. So the load -- you're saying that's the load on
8 here (indicating). I'm telling you it's the
9 load from the firing pin, the cocked firing pin
10 spring.
- 11 Q. Right.
- 12 A. Is the load on that sear.
- 13 Q. Yeah, right, but how do you cock the firing pin
14 spring?
- 15 A. The firing pin is cocked, the initial cock when
16 you open the bolt.
- 17 Q. Right.
- 18 A. The firing pin comes back, is drawn back.
- 19 Q. Right,?
- 20 A. Okay. By the cam.
- 21 Q. Right.
- 22 A. Then when you open the bolt and you come forward
23 you actually increase the amount of load on the

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1 firing pin spring.

2 Q. Right.

3 A. So you're actually pulling the firing pin back
4 even further.

5 Q. Right, okay. So that causes -- so, how much
6 does this sear rest on the connector? Does it
7 rest the whole thing or is it at a point between
8 the two pins or --

9 A. The sear rest on the connector by the amount of
10 engagement.

11 Q. Okay. But on this drawing where would it engage
12 if you could just show me?

13 A. On that drawing this trigger engagement screw
14 should actually be back. Back and this
15 connector sets right underneath that sear.

16 Q. Okay. So, you're saying this area here that's
17 open between the connector?

18 A. No, I'm saying this (indicating), this in normal
19 operation and this screw here, right here where
20 it says trigger engagement screw (indicating).

21 Q. Right.

22 A. That actually allows the trigger to come back
23 and then when this sear comes down it's going to

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1 come down on that connector.

2 Q. So you're saying that this fairly and accurately
3 doesn't represent the trigger mechanism of the
4 M-700?

5 A. I'm saying what do you want it to represent? It
6 represents all the parts in the trigger
7 assembly.

8 Q. Right.

9 A. I'm saying if you want it to be a scale such as
10 does everything -- if you moved it, that
11 everything would be in exact scale, no, I don't
12 think it does.

13 Q. No, I'm not saying scale but I'm saying all the
14 parts are present there?

15 A. All the parts are present, yes.

16 Q. So, I'm a little confused.

17 MR. SHAW: A basic rule, would it help and I
18 have no objection to this if you took a red pen
19 and you can indicate it.

20 Q. Yeah, why don't we do that, that's a good idea.

21 MR. SHAW: Is there a red one here? Hear
22 you go. I love a conference room with a lot of
23 pens.

WIT: JOHN P. LINDE - GIUFFNA - 6/27/97

1 Q. So why don't you show me where the pin sear sets
2 on that?

3 A. I'm saying the cock would be back further and
4 this would be back further (indicating).

5 Q. Right.

6 A. And then this surface right here and this
7 surface right here is where it rests (all
8 indicating).

9 Q. Okay. So the area in front of there, it doesn't
10 rest on that?

11 A. No.

12 Q. Okay. So this is the main area of the business
13 area, is that part right here where I'm
14 indicating where you have drawn that little red
15 mark?

16 A. Yeah.

17 Q. And that part above it?

18 A. Yeah, right here and right here (all
19 indicating).

20 Q. Okay. So, then I understand it. All right.
21 And then the bullet is discharged when you pull
22 the trigger and that causes this, the sear to
23 fall, right, or what falls?

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1 A. Yeah, this (indicating).

2 Q. This moves forward?

3 A. When you pull the trigger this moves, rotates
4 forward and this allows the sear to drop down
5 and when the sear drops down it allows the
6 firing pin to go forward.

7 Q. To go forward, okay. Is there any reason why a
8 connector was used on the M-700 rifle?

9 A. Yes.

10 Q. What was that reason?

11 A. There were a number of reasons.

12 Q. Why don't you tell me what they were?

13 A. The major reason that the connector is in there
14 is to improve the trigger pull, to make the
15 trigger crisper.

16 Q. When you say trigger pull does that mean it's
17 not a one, two, it's just a one when you pull
18 it?

19 A. One, two?

20 Q. Well, when I was in ROTC it was a one, two pull
21 with the M-16 as I recall.

22 A. Well, that's for something all together
23 different.

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1 Q. Okay.

2 A. This is -- when I say crispness, that is how
3 crisp does it break. What you want on a bolt
4 action is you want to be able to pull the
5 trigger. You don't want to feel any jerkiness
6 if you will so that when it goes you want it to
7 be a surprise.

8 Q. Oh, okay, I got you. So, it's just a smooth
9 revolution?

10 A. It's a smooth but then if you have where you can
11 feel loads going up and down that's called a
12 crispy trigger to people in the firearms
13 industry.

14 Q. And why is that a bad thing?

15 A. Because the trigger pull is one of the most
16 sensitive things to do in accuracy and so one of
17 the major criterias when somebody selects a bolt
18 action rifle is how good the trigger pull is.

19 Q. And the trigger pull means you have less
20 jerkiness when you're aiming, is that what you
21 mean?

22 A. Oh, yeah, it's all around the accuracy.

23 Q. So if you have a crispy trigger then it's going

WIT: JOHN P. LINDE - GIUFFNA - 6/27/97

- 1 to reflect how steady you hold the gun?
- 2 A. And how steady you shoot.
- 3 Q. Was there any other reasons for that?
- 4 A. The major reason that I'm aware of would be the
- 5 overall feel of the trigger when it comes down.
- 6 Q. Remington competitors, how did they compensate
- 7 having a crisp pull?
- 8 A. Well, that was one of the major features, of the
- 9 major sales feature of the Model 700, is that it
- 10 had the best trigger pull.
- 11 Q. So the other manufacturers, their rifles had
- 12 crispy triggers?
- 13 A. Some of them, yes.
- 14 Q. Okay. Who didn't? Which manufacturers?
- 15 A. Well, when it comes to trigger pulls it's how
- 16 much work and effort you want to put into it in
- 17 their case and some of it, what you can do is
- 18 you can keep reducing the amount of engagement.
- 19 Q. And how do you do that?
- 20 A. Well, you reduce how much surface that you're
- 21 supporting it.
- 22 Q. And how would you --
- 23 A. And that's a problem in firearms that some of

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1 the manufacturers can have because what they
2 will do is the customer can take and go in there
3 and he doesn't like the crispy trigger and he
4 can go ahead and alter it.

5 Q. And how would the customer alter it? Sand it
6 down, grind it down, that kind of thing?

7 A. Yes.

8 Q. And with the connector there is no need for that
9 kind of sanding?

10 A. No, the 700 had an excellent trigger.

11 Q. And that was the main selling point of the 700?

12 A. That was one of them. I mean there was accuracy
13 and handling and the stock and the checker rings
14 and the white-line spacers and I mean it's a
15 package.

16 Q. And this is just something that makes it more
17 attractive to the general public; it's an
18 accurate gun and it has a nice pull?

19 A. Yeah.

20 Q. Okay. Are there any drawbacks to having a
21 trigger connector?

22 A. Yeah, you got added parts. It's one more part
23 to deal with.

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1 Q. I guess the reason you said added parts, the
2 more complicated the more likely it's going to
3 break?

4 A. No, no. Whenever you can make something with
5 three parts it's easier to make than if you make
6 it with four parts, so --

7 Q. Okay. Did the M-700 trigger mechanism use more
8 parts than generally its competitors?

9 MR. SHAW: I'm going to object to that as
10 kind of overbroad.

11 Q. Okay. Well, let me strike that question.

12 A. Okay.

13 Q. In comparison to let's say a Weatherbee Vanguard
14 would you say the Remington 700 trigger
15 connector is more complicated or less
16 complicated?

17 A. I couldn't say.

18 Q. Could you do any testing to tell?

19 A. Well, the Weatherbees have changed their design
20 and what-have-you a number of times so what
21 you're asking me is you're asking me about
22 something that there is really no stage in the
23 sand where I could.

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1 Q. Okay, that's fair. Would the use of a connector
2 affect the stability of the sear?

3 A. I don't understand.

4 Q. Well, on a normal trigger what you say is there
5 is no sear?

6 A. No, I didn't say that.

7 Q. I mean no connector, sorry.

8 MR. SHAW: I object to that.

9 A. I didn't say normal. I didn't say normal.

10 Q. Okay. A competitor.

11 A. What's normal?

12 Q. Fair enough. Let's say in a Winchester.

13 A. Yes.

14 Q. Bolt action rifle.

15 A. Yes.

16 Q. They wouldn't have a connector?

17 A. They do now.

18 Q. Okay. What would support a sear in the bolt
19 action Winchester rifle? Would it just be a
20 trigger pin?

21 A. Oh, no.

22 Q. What would support it? What kind of part would
23 they have?

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1 A. I was just trying to think.

2 Q. For the trigger pin. I'm sorry, the trigger.

3 A. Their system is different than this and they had
4 two major parts in there. I could explain it
5 easier if I had a schematic of this drawing.

6 Q. Yeah.

7 A. But I'm really not going to try without a
8 schematic.

9 Q. No, that's fair, that's fair. Okay. I probably
10 should have given you this picture. That's off
11 the record.

12 MR. GIAFFNA: Can we mark this as
13 Plaintiff's 2 and that's TS-02106.

14 The following was marked for identification:
15 Plaintiff's Exhibit 2 Picture of Trigger
16 Assembly with Firing Pin
(TS-02106)

17

18 BY MR. GIUFFNA:

19 Q. Okay. Mr. Linde, what we were talking about
20 before about the firing pin and the way its
21 function is and the connector, basically what
22 you have testified to is you pull the trigger,
23 the connector and the trigger rotates forward;

WIT: JOHN P. LINDE - GIUFFNA - 6/27/97

1 the sear drops causing the firing pin to spring
2 forward and strike the cartridge and then
3 discharge the bullet down to the barrel of the
4 gun, is that how it works?

5 A. Similar, yeah.

6 Q. Okay. What other parts of the rifle support the
7 sear besides the trigger connector?

8 A. The sear pin.

9 Q. But I mean as far as the sear pin isn't going to
10 effect whether the sear drops, does it? That's
11 just a function?

12 A. Well, no, that, it supports it.

13 Q. And how does it support it?

14 A. Well, this is what you're pivoting the load from
15 the trigger is coming. The majority from the
16 load of the trigger is at the sear pin. If you
17 take a look at the angle that's on here the
18 angle is such that it blocks up the load such
19 that the load on the connector has been
20 reduced.

21 Q. So, you're saying the sear pin is adding what
22 principally supports the sear?

23 A. The sear pin.

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1 Q. But when I say supports I mean from dropping?

2 A. From rotating, it's the connector.

3 Q. Okay, that's what I mean. Okay. So, what
4 prevents the sear from rotating aside from the
5 connector?

6 A. Nothing.

7 Q. Okay.

8 A. Unless you have a safety on and if you have had
9 the safety on which is back here (indicating) --

10 Q. Right.

11 A. -- then that cam comes underneath the sear.
12 Pulls up the sear, pulls the trigger back and
13 locks everything up.

14 Q. Okay. But if the safety is not being utilized
15 the only part that really is supporting the pin
16 from pivoting is the connector?

17 A. Is the trigger connector, yes.

18 Q. Right, okay. What amount of engagement is
19 designed for the connector to have on the sear?

20 A. I don't remember the exact but it's right around
21 twenty thousandths of an inch. So, that's the
22 specification, around that, but it's around
23 twenty thousandths but I don't know the exact

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1 specification.

2 Q. And how are these connectors manufactured? Are
3 they stamped parts or are they handmade parts?
4 How do you make them?

5 A. Those were -- it was a special form material.
6 It's a special steel.

7 Q. Uh-huh.

8 A. And they were formed. I can't remember if it
9 goes by a company that had a special expertise
10 in working with a forming of them, the steel.

11 Q. So, when you say that is this like a pour steel
12 they use?

13 A. No.

14 Q. Or do they pour it into a mold?

15 A. No, there is a rock, a rock alloyed.

16 Q. Okay. Is it the same thing, a method used to
17 manufacture the trigger?

18 A. No.

19 Q. Okay, that's different. What about the sear?

20 A. No.

21 Q. Okay. Now, the connector was made by an outside
22 contractor?

23 A. Yes.

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WIT: JOHN P. LINDE - GIUFFNA - 6/27/97

1 Q. Do you know who that is?

2 A. No, I don't.

3 MR. GIUFFNA: John, I will leave a place in
4 the record, make a demand that you let me know
5 who manufactured these for you.

6 MR. SHAW: At the time that Mr. --

7 MR. GIUFFNA: Tsachalis was hurt.

8 MR. SHAW: The accident, okay.

9 MR. GIUFFNA: And was that '83?

10 MR. SHAW: '81 I think.

11 MR. GIUFFNA; '81, okay.

12 Q. Is there anyway to adjust the pull on the M-700
13 rifle?

14 A. Yes.

15 Q. How do you go about that?

16 A. Adjust it to factory.

17 Q. Okay. And the 700, is that intended to be
18 adjusted by the consumer or does Remington have
19 it?

20 A. It's Remington adjusts it to factory.

21 Q. Okay. And do they have a specific pull?

22 A. Yes.

23 Q. What is it?

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1 A. I would have to look at the records for sure but
2 that should be in the area of three to six
3 pounds. You're asking me for specifications.

4 Q. No, just general ones so I could have some idea
5 because again I understand that you're not going
6 to remember these specifications.

7 A. Okay.

8 Q. I know you're an engineer and probably good with
9 numbers but I'm just trying to get an idea in my
10 head and that's all I'm doing. I'm not going to
11 hold you to these because I understand it's
12 difficult. I'm not going to hold you to the
13 specs. Where would the pull adjust?

14 A. When you say pull, what is your definition of
15 pull?

16 Q. Well, the pull of the trigger, there is a
17 certain amount of pressure that you have to
18 exert to have the connector pivot.

19 A. So you are talking about the trigger force?

20 Q. Yeah.

21 A. Okay. The trigger force is determined by the
22 poundage screws.

23 Q. Okay, that's my next question.

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1 A. Up above where the firing pull is determined.

2 Q. And how would it be adjusted at the factory? Is
3 this one of those?

4 A. There was a special fixture that was made.

5 Q. Uh-huh.

6 A. To adjust the whole trigger assembly.

7 Q. Okay.

8 A. And so I think on the trigger pull it would have
9 been using like a dead weight type of so you can
10 get a consistent --

11 Q. Review?

12 A. Yeah. And the trigger screw is adjusted and
13 which adjusts the poundage screw is adjusted
14 which adjusts the spring.

15 Q. Okay.

16 A. Which determines the load on the trigger.

17 Q. Okay. And when you say spring, which spring is
18 that, the trigger spring?

19 A. This striker spring. It says trigger right here
20 (indicating). This trigger spring.

21 Q. And after it was adjusted would the factory do
22 anything to prevent anybody from tampering with
23 it?

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1 A. Yes, there was a seal put on or some other
2 technique that we used.

3 Q. Okay. A seal would go where the screw would be,
4 is?

5 A. Where the screw is, yeah.

6 MR. GIUFFNA: Okay. Off the record.

7

8 (Discussion held off the record.)

9

10 BY MR. GIUFFNA:

11 Q. Okay. Mr. Linde, what would happen -- what
12 happens within the fire control mechanism after
13 you have pulled the trigger, the gun is shot,
14 the bullet is shot, what happens then inside the
15 trigger housing?

16 A. You pull the trigger.

17 Q. Right.

18 A. And the trigger connector comes forward.

19 Q. Right.

20 A. The sear then after it gets to the point to
21 allow the sear to drop, --

22 A. Right.

23 A. -- the sear drops. The trigger comes to a

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1 stop. The sear continues to go down.

2 Q. Right.

3 A. And the firing pin proceeds forward.

4 Q. Okay. And after that happens what happens?

5 A. After that happens, the firing pin continues
6 down. If you take a look at this, the sear has
7 dropped down (indicating).

8 Q. Right.

9 A. The firing pin, you see this clearance right here
10 (indicating)?

11 Q. Yes.

12 A. That's the clearance for when the sear has
13 dropped.

14 Q. Right.

15 A. And the connector is pushed slightly forward.

16 Q. Right, okay. And then after the gun is fired
17 does it remain forward or does it go back?

18 A. It remains there.

19 Q. And how does it go back?

20 A. When you open the bolt, that releases the --
21 pulls the firing pin head back.

22 Q. Right.

23 A. Which allows the sear with the sear spring,

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1 which is right here (indicating), --

2 Q. Right.

3 A. -- pushes the sear spring back allowing the
4 trigger and the connector to go back against the
5 stop screw.

6 Q. Okay. So, to put a new bullet in the chamber
7 you have to open the bolt then, is that correct,
8 or no?

9 A. Yes.

10 Q. Okay. So, the act of opening the bolt causes
11 everything to reset itself, what you have just
12 been telling me about?

13 A. Yes, to open the bolt and then to come back,
14 reset the trigger assembly.

15 Q. Okay. But unless you do that everything remains
16 forward, is that true?

17 A. Yes, if the firing pin is down.

18 Q. Okay.

19 A. Yeah.

20 Q. Great. Would a decreased trigger pull cause --
21 well, where is the -- when you say -- where is
22 the retraction taking place in the trigger
23 assembly? Is that when you say retraction, it

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1 goes back up and then it engages again or am I
2 not --

3 A. Why don't you restate your question?

4 Q. Okay, sure. When it sets itself, is that called
5 trigger retraction? You don't know what I'm
6 talking about?

7 A. No.

8 Q. Okay. Let me see if I can get my wording.

9 MR. SHAW: Are you like talking about --

10 MR. GIUFFNA: The trigger.

11 MR. SHAW: -- the gun itself and that kind
12 of stuff?

13 MR. GIUFFNA: Yeah.

14 MR. SHAW: So, just to help move things
15 along, the phrase retraction in these guns that
16 we're looking at, these guns that we're talking
17 about, the question was with the trigger in the
18 on-safe position, the trigger moves when you
19 release it, does it come back with the spring
20 force.

21 MR. GIUFFNA: Okay.

22 MR. SHAW: That's retraction and in this
23 Tsachalis rifle I think both Mr. Butters and Mr.

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1 Barnett answered that it had retraction.

2 MR. GIUFFNA: Okay, good. So, basically
3 it's a retraction. Off the record.

4
5 (Discussion held off the record.)

6
7 **BY MR. GIUFFNA:**

8 Q. Can a decreased trigger pull cause the connector
9 retraction to be erratic?

10 A. Decreased trigger pull?

11 Q. Yeah.

12 A. Let's go back. When you say trigger pull you're
13 talking the spring here, the force here.

14 Q. Yeah, that's adjusted by the poundage spring.

15 A. Now, your question is if this spring is
16 decreased, --

17 Q. Right.

18 A. -- it decreases the trigger pull, --

19 A. Right.

20 A. -- what's going to happen?

21 Q. Could it cause the retraction of the connector
22 to become less than designed?

23 MR. SHAW: Now, object, just because I think

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1 that's vague and inadequate, hypothetical and
2 for the record I'm not sure where you cross the
3 line on this. As I understand your practice out
4 this way, you know, you don't get expert
5 depositions and we're not really producing Mr.
6 Linde as an expert.

7 MR. GIUFFNA: No, I'm not saying it is. I'm
8 just asking if he has any knowledge. If he
9 doesn't have any knowledge he doesn't have
10 knowledge.

11 MR. SHAW: But I realize you're just asking
12 general questions but to the extent that it's
13 hypothetical I object to the form because you
14 have enough facets in it.

15 Q. All right. I'm going to move away from these
16 designs. Okay. Do you recall approximately how
17 many Remington M-700 rifles they have
18 manufactured? Approximately again.

19 A. No, but I know that's a common number.

20 Q. Is it in the millions or in the hundreds?

21 A. Oh, yes, I'm sure. I'm sure it's at least a
22 million.

23 Q. And were they principally sold in the U.S. and

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1 Canada or all over the world?

2 A. They're sold in the U.S., Canada. I think some
3 were sold in Europe and some were sold in
4 Australia.

5 Q. Would the principal market for the Remington
6 M-700 be in North America?

7 A. Yes.

8 MR. GIUFFNA: Okay. We can mark this.
9 They're all these (indicating). How do you want
10 to do this? This is all one group so we don't
11 have to go through each one.

12 MR. SHAW: What is it?

13 MR. GIUFFNA: They're all the new Process
14 Record Change Authorizations. I would rather
15 not go through each one.

16 MR. SHAW: Yeah. Why don't you mark them as
17 collective exhibits?

18 MR. GIUFFNA: Yeah. And just as I go
19 through them I will give the TS numbers.

20 MR. SHAW: Fine.

21 MR. GIUFFNA: Mark this please.

22

23 The following was marked for identification:
Plaintiff's Exhibit 3 Documents (TS-00592)

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1 BY MR. GIUFFNA:

2 Q. It's going to be Plaintiff's Exhibit 3. Number
3 TS-00593 is what I'm going to ask about. Okay.
4 Mr. Linde, I'm showing you what has been marked
5 collectively as Plaintiff's Exhibit 3 but it's
6 in Bates stamp TS-593. What do you recognize
7 that to be?

8 A. It's a Process Record Change Authorization.

9 Q. And what is a Process Record Change?

10 A. It's where -- it's a sheet that talks about
11 changing the -- what is the changing of the
12 process records.

13 Q. And what is a process record?

14 A. A process record is sheets that describe what is
15 done to manufacture a component or an assembly
16 part.

17 Q. Okay. So that would be the specifications, is
18 that fair to say?

19 A. It's the how to and what you do it with type of
20 information.

21 Q. Okay. So it says you do X to make this part
22 basically?

23 A. You use this gauge and this cutter.

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1 Q. Okay. Now, this document 593, who makes the
2 request to change, to make a process record
3 change?

4 A. It could be requested by somebody in the
5 manufacturing. In production they call it. It
6 could be somebody requests it in the process
7 engineering.

8 Q. So, would it have to be requested by an engineer
9 or could anybody do it?

10 A. Well, what happens is the engineer ends up with
11 it. Anybody could request a change but then
12 like if it was a supervisor or an employee they
13 would go to an area -- what they call the area
14 engineer and the area engineer is the one who
15 would initiate the change.

16 Q. Okay. So, on this one it looks like a C.
17 Prosser, he would be the engineer who had the
18 final say to determine whether to make the
19 change or not?

20 A. No, he would be the engineer there who would
21 initiate the change.

22 Q. Okay.

23 A. And then the change would go through a number of

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1 signatures before it was allowed to be a change.

2 Q. Okay. In this one it's dated 2/16/73. Could
3 you tell me what the change is that the engineer
4 was requesting?

5 A. It says, "Add specific test for sear safety cam
6 bind." C-a-m, B-i-n-d.

7 Q. And what does that mean?

8 A. Well, let's --

9 MR. SHAW: If you know.

10 Q. Let's go back. If you know.

11 A. Well, it says -- the only thing I know is what
12 the document says I mean. It says that he was
13 obviously adding -- where is it? -- some final
14 assembly. So, he was adding some testing in
15 final assembly to see if the sear safety cam in
16 the gun worked free.

17 Q. Okay. Now, let's go back to our drawing of the
18 gun. Where would this be, this sear safety cam
19 mark?

20 A. This is the sear safety cam (indicating).

21 Q. And where would the bind take place?

22 A. The sear safety cam would probably be pushing,
23 pulling the trigger and pushing the thing. I'm

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1 guessing, okay, because I have no idea.

2 Q. I just want to know what your understanding is.

3 A. But he would probably pull the trigger in some
4 way, check this, or if it was in such assembly
5 just moving the part back and forth to make sure
6 there is not a bind.

7 Q. And what is a bind?

8 A. A bind is something restricting the motion.

9 Q. Okay. Meaning that some part would get hung up,
10 is that what you're checking for?

11 A. Yeah, whether does it move free or doesn't move
12 free.

13 Q. And what would happened if it doesn't move free?

14 A. Well, you don't know what's going to happen. I
15 mean it could be nothing or if it bound up, then
16 it could affect the operation of the gun.

17 Q. Okay. So could that cause the connector to not
18 properly engage the sear if there is a bind?

19 A. No, I don't think so. I'm not going to
20 speculate but it's not a --

21 Q. Okay.

22 A. You want everything in there to work free
23 obviously and that's one of the components that

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1 you definitely want to work free but I'm not
2 going to speculate and say it will.

3 Q. Okay.

4 A. Because you don't know how much it's bound or
5 where it's bound or at what point in the cycle.

6 Q. But if it's bound, if there is a bind, that's a
7 bad thing?

8 A. Well, it's bad because you want everything to
9 function correctly.

10 Q. Right.

11 A. And I mean you want the front sight to be in
12 alignment also and that's a bad thing.

13 Q. But as far as --

14 A. As far as a function, yes, you want it to work
15 free, yeah.

16 Q. Okay. So, you don't want anything if you will
17 affecting the free movement of these parts?

18 A. You don't want them bound, no.

19 Q. Okay. I'm going to show you what's been marked
20 as TS-00555. Again it's another Design Change
21 Request. I don't see who requested it but if
22 you could just tell me what that change is?

23 A. It's the 700 sear safety cam. It says, "Add

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1 view C.C. to show chamfer as shown. To
2 eliminate burr build-up on edges when the part
3 is tumbled."

4 Q. Okay. What is this chamfer then, what does that
5 mean?

6 A. Well, that's a chamfer. That's put on powered
7 metal parts and it's a chamfer that is put on
8 some of those parts such that the chamfer comes
9 down on the edge. Then when the burr comes up
10 the burr comes up underneath the chamfer so when
11 you tumble the part the tumbling breaks that
12 burr right off.

13 Q. Okay. So, the burr is just excess powered metal
14 that built up?

15 A. Yeah, right, like in the die, yeah.

16 Q. Okay, I got it. I'm going to show you what's
17 been Bates stamped TS-00591 and this looks like
18 it was requested by C. Prosser as well. Can you
19 just tell me what this request is all about?

20 A. This is in final assembly area. "Add element to
21 final inspection to check for possible
22 connector-sear interference. At least
23 twenty in 1972, and four so far in 1973 customer

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1 complaints."

2 Q. Okay. What would that indicate to you reading
3 that?

4 A. Let me see. "Add element to final inspection to
5 check for possible connector-sear."

6 Q. Off the record.

7

8 (Off the record discussion held.)

9

10 BY MR. GIUFFNA:

11 Q. Okay, back on. So, you don't know what that
12 means?

13 A. No, I really don't.

14 Q. Okay. Does it indicate to you that there was a
15 possible -- there was some kind of awareness by
16 design people that there was a possible
17 connector-sear interference on the guns that
18 they finally manufactured?

19 A. It looks to me like he had some kind of flag.
20 That he was looking at this, yeah.

21 Q. Okay.

22 A. I don't know --

23 Q. So, he was --

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1 A. -- just exactly what he was looking at, I'm not
2 sure.

3 Q. No, I wouldn't expect you to know. You wouldn't
4 understand that but would connector-sear
5 interference cause a problem of any kind?

6 A. It depends on what he's talking about.

7 Q. Well, let's make a broad question then. Would
8 sear-connector interference affect the operation
9 of the gun as intended by the designers?

10 A. It could, yes. Yeah.

11 Q. Okay. All right. I'm going to show you what's
12 been marked as TS-00595 and this is another one
13 from Mr. C. Prosser.

14 A. This is a add operation. It looks like -- I
15 can't tell but it looks like B-5 or something
16 like that to control portion, it looks like of
17 safety arm and eliminate dead safe or fire on
18 safe.

19 Q. Okay. What's dead safe mean?

20 A. Dead save is normally referred to -- the safety
21 is -- there is --

22 Q. Do you want me to keep this thing, the
23 schematic?

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1 A. No, no, because that's not in there.
2 Q. Okay.
3 A. But on the safety there is a ball.
4 Q. Right.
5 A. It's like a ball-bearing.
6 Q. Uh-huh.
7 A. And then the way the holes are made, you know,
8 it's not true. I mean I'm going to show you.
9 Q. Yeah.
10 A. But figure like a diamond.
11 Q. Right.
12 A. Okay. On a safety the ball rolls down this side
13 of that hill and it's on safe.
14 Q. Uh-huh.
15 A. It rolls down this side of that hill and it's on
16 the on fire position.
17 Q. Right.
18 A. You don't want it that such that top of the hill
19 or something causes that ball to have what you
20 call a dead area. You want it to be either on
21 safe or on fire.
22 Q. Okay. So that means that if it's in dead safe,
23 does that meant that the safety --

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1 A. What he's saying is he wants the safety to be,
2 the way I understand it, --

3 Q. Of course.

4 A. He wants the safety to be crisper. He wants the
5 design to be more positive.

6 Q. So it's either on or off?

7 A. Yes.

8 Q. Okay. Now, what does fire on safe mean, do you
9 know?

10 A. Fire on safe? Now, I will you what it means to
11 me today. A couple of those terminologies have
12 taken on a life of their own.

13 Q. Okay. Like anything else I suppose.

14 A. Fire on safe is when you got the gun all the way
15 on safe and you pull the trigger and the gun
16 fires.

17 Q. Okay. Why would the gun fire if it's on safe?
18 Wouldn't the safety prevent it from firing?

19 A. If there was some problem on there, in there, or
20 if the gun wasn't completely on safe.

21 Q. So, could it purge on safe? Not fully engage
22 the safety if you don't move the safety fully?

23 A. Purge?

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1 Q. Well, not purge. What I'm saying, in the way --
2 let's go back to Plaintiff's 2. This is the
3 safety on this 700 (indicating), right?

4 A. Yes.

5 Q. It has these two lips here and the full safe I
6 imagine is when it engages fully up here
7 (indicating)?

8 A. If it was on safe, the safety cam comes
9 underneath that and picks the sear safety cam
10 up.

11 Q. Okay. So, if it's not on full safe is there a
12 zone in between, between fire and between safe?

13 A. Well, there is always going to be a zone in
14 between because if you're on fire here and
15 you're on safe back here there is going to be a
16 zone where it meets in fire or in safe.

17 Q. What would happen then if you pulled the trigger
18 if it meets in fire or in safe, would the gun go
19 off or would it not?

20 A. It depends on where you're at.

21 Q. So there's a certain area of I guess it's gray
22 on whether it fully engaged the safety or it's
23 kind of half engaged?

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1 A. No, that's why the safety has to disengage.

2 Q. So what were you talking about a few minutes ago
3 where it's in that area where you either --

4 A. No, you were saying is there an area where you
5 go through and I said there is an intermediary
6 that it goes through and I said that it has to
7 be on safety or on fire.

8 Q. So who's to say when the safety pivots? Does it
9 pivot up or down when you operate this safety?

10 A. The safety arm is tied to that safety cam so if
11 I pulled the safety back I'm rotating this.

12 Q. Right, okay.

13 A. Counterclockwise picking up the sear safety cam.

14 Q. Okay. Is there any -- okay. And how do you
15 engage the safety on this M-700 and this is the
16 '81 rifle?

17 MR. SHAW: '81 but it's been the same
18 forever.

19 A. You pull the safety back. It's a lever on the
20 top, the top tang of the rifle, and you have to
21 go fully to where it ends.

22 Q. Do you have to move it up? Do you move it
23 down? Do you understand my question?

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1 A. T-a-n-g. It's a rotation.

2 Q. Right.

3 A. You rotate it back.

4 Q. Right, okay, that's what I want.

5 A. It's on safe, yeah.

6 Q. What if you put it halfway on safe and where
7 it's suppose to be, what would happen then?

8 A. That's what we were talking about earlier.

9 There is a detent system, d-e-t-e-n-t I guess,
10 but there is a roller and what the roller does
11 as I think I was explaining with the mountain,
12 you push the roller up one side of the mountain
13 and it slopes down to the other side because
14 there is a spring loaded roller in there that
15 pushes the safety so if you start and you start
16 getting part way it will actually push -- and
17 you take your finger away from it and it will
18 actually push the safety to that position.

19 Q. Okay, I got you. Now, what would cause a fire
20 on safe though if it does that automatically
21 once you engage it?

22 A. Well, if you had a fire on safe what he's saying
23 is if you had a mushy which is if you had the

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1 point of the peak wasn't changed and so if you
2 pulled that part away --

3 Q. Right.

4 A. -- and it stayed there and the cam was not
5 engaged.

6 Q. Okay. So that means if you pulled the trigger
7 and it wasn't fully engaged it would go off?

8 A. Yes.

9 Q. Okay. I'm going to show you what was marked as
10 TS-603. Can you tell me what this is? Again it
11 looks like --

12 A. This is Interim Operation Authorization.

13 Q. Uh-huh.

14 A. And it says trigger connector, the part name,
15 Model 700, and it says, "Inspect for warped
16 trigger connector. Add operation to" -- it
17 looks like "identify for warped parts. Warped
18 connector causes fire," something and I can't
19 read it, "fire on."

20 Q. These are old documents that are copied.

21 A. No, it says condition, unsafe condition. Until
22 standard is corrected or situation or something
23 is corrected at vendor.

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1 Q. Okay. So, does this indicate to you that in
2 1975 there was a concern about warped connectors
3 from the vendors?

4 A. No, what that indicates to me is that that was
5 an interim operation, that when the parts come
6 into the factory there was a receiving
7 inspection and then the receiving inspection
8 operation they would check the parts for a
9 specific function and I'm just, you know, now
10 hypothesizing.

11 Q. No, no, I understand.

12 A. What I think.

13 Q. Right.

14 A. I don't know this was the case but I would say
15 in this case because it's -- you see, it's an
16 interim operation.

17 Q. Yep.

18 A. I would say that the parts came in. They were
19 inspected. They were checked and somebody said
20 these parts have a warped or a something that's
21 not to standard.

22 Q. Okay.

23 A. And so they said well, we have to have these

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1 parts, can we alter them or do an operation
2 here. So they said yes, we can. So, they put
3 them in the temporary -- what they call a
4 temporary operation and corrected the parts and
5 then put them into production.

6 Q. Okay.

7 A. And then they were -- as parts piled up they
8 were going to get back to the vendor to make
9 sure that the vendor in subsequent lots were to
10 the Remington specifications.

11 Q. Okay. Would a warped -- strike that. Why would
12 a warped connector be an unsafe condition?

13 A. Well, obviously there's some kind of rocker or
14 rock or something on here but I'm not going to
15 say one way or the other because I don't know
16 how they're warped or whatever.

17 Q. Would that cause the trigger, you know, just
18 based on your knowledge, would that cause it to
19 affect the operation of the trigger?

20 A. No. Now, just a minute. What I'm telling you
21 is that what you're doing is you're taking
22 something, a hypothetical.

23 Q. Well, tell me --

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1 A. No, I have to explain this, okay?

2 Q. Uh-huh.

3 A. To explain that document. What that document is
4 is a temporary operation.

5 Q. Right.

6 A. That caught a condition at the incoming
7 inspection and dealt with it.

8 Q. Right, right, I understand that. So my question
9 is --

10 A. So then to say why, I mean that's what that
11 document is.

12 Q. I understand that.

13 A. Oh, okay.

14 Q. I'm just asking you why would a warped trigger
15 be an unsafe condition, that's all I'm asking
16 you?

17 A. And I don't know.

18 Q. Oh, okay.

19 A. Because I don't know in that case why it's
20 warped.

21 Q. Okay. All right. I'm going to show you what's
22 been marked -- well, it hasn't been marked.

23 This is marked TS-559 and this is another Design

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1 Change Request. Would you tell me what was done
2 in that design change and for what purpose?

3 A. Yes, this was at a time when we converted the
4 Model 788. It was 541 Custom Supporter, the 581
5 series. We converted them from what we called
6 the block trigger safety to a safety that blocks
7 the sear.

8 MR. SHAW: Let me shorten this and save us a
9 little time.

10 A. It's a 788.

11 MR. SHAW: The exhibits that Mr. Miller had
12 selected, this is not even a 700.

13 MR. GIUFFNA: Yeah, I know.

14 MR. SHAW: It's a 788.

15 A. It's a 788 eight.

16 MR. GIUFFNA: It's not the 700. Strike
17 everything about that --

18 MR. SHAW: Let's move on.

19 MR. GIUFFNA: -- on 559.

20 Q. Okay. This one is a 700. This is TS-563. Could
21 you tell me what was done here and why?

22 A. Okay. This, this was done when we changed the
23 material. The material -- now, again, this has

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1 now been quite a while.

2 Q. Sure, I understand.

3 A. But as I recall and this, this is when we
4 changed the material. We were getting one type
5 of material and we changed the powder to another
6 type of material and then when we went in and we
7 made that. We added some sections for the
8 people in our area who did that to clarify it.

9 Q. Uh-huh.

10 A. And that was the sections that were added but
11 the main thing was to change the material and
12 then when we changed the material it had a
13 different what they called a changing rate and
14 what-have-you so we had to change some of the
15 dimentions to eliminate possible interference
16 with the trigger and the housing.

17 Q. And if you had any interference with the trigger
18 and the housing it's not up to what the design
19 specs would be?

20 A. That's right, yeah. Yeah.

21 Q. And would that affect the operation of the
22 trigger as intended?

23 A. Yes. Yeah.

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1 Q. So, would it be fair to say that any kind of
2 interference of a component would be not a
3 desirable function?

4 A. If you have a interference in that you can't get
5 it together.

6 Q. Right. Okay.

7 A. See what I mean?

8 Q. Yeah.

9 A. The sear, when you are talking about the sear
10 safety cam and the trigger.

11 Q. Okay.

12 A. I'm assembling them. I stick the trigger in. I
13 got an interference that won't go in so that's a
14 problem.

15 Q. Oh, I got you, okay. I thought it was inside
16 the --

17 A. Well, it is. It's how it fits inside.

18 Q. Oh, okay.

19 A. But you can't get in if there is a interference.

20 Q. Okay.

21 A. It isn't a surprise.

22 Q. No, I wouldn't think so. Okay. I'm going to
23 show you TS-567 and just take a quick look. I'm

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1 trying to move these along a little bit before I
2 get to the big stuff. Off the record.

3

4 (Off the record discussion held.)

5

6 BY MR. GIUFFNA:

7 Q. I'm going to show you what's been marked as
8 TS-2548. But before we do I want to ask you a
9 couple of questions.

10 A. About this?

11 Q. No, no, just general questions about what it
12 refers to. What was the special replacement,
13 the trigger assembly special replacement
14 program?

15 MR. SHAW: Could I look at that?

16 MR. GIUFFNA: Sure. I'm not going to use it
17 just yet.

18 A. This is a Remington 600. It doesn't pertain to
19 anything to what you're talking about either.

20 Q. Yes, I know, right. Is there any kind of
21 program with the 700 --

22 A. No.

23 Q. -- to replace triggers?

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1 A. No.

2 Q. Was there ever a point in time -- if say I was a
3 general consumer and I said something happened
4 with my gun, Remington as a matter of course
5 would replace the trigger assembly?

6 A. There would be -- if you had a problem with your
7 gun and you were of concern we would do
8 everything we could to make you happy.

9 Q. Okay.

10 A. And if that required changing the trigger
11 assembly we would change the trigger assembly.

12 Q. Would you do it free of charge or would you
13 charge me?

14 A. It would depend.

15 Q. What would it depend on?

16 A. It would depend on whether it looked like a
17 legitimate, you know. You have people that --
18 well, let me tell you this: All my years in
19 Quality where we inspected the guns --

20 Q. Right.

21 A. -- we had, every year we would have a certain
22 low number of complaints where somebody got a
23 less expensive for a more expensive gun or a

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1 less expensive gun for a more expensive gun.

2 Q. Right.

3 A. We never had a complaint with somebody getting a
4 more expensive gun and they had ordered a less
5 expensive gun.

6 Q. I got you.

7 A. So the only thing I'm saying is you use a
8 certain degree of judgement when you're handling
9 something like this and yeah, if you have
10 somebody who is concerned, our goal is to
11 satisfy the customer.

12 Q. Okay. Was there ever a point --

13 A. Remington was very customer orientated before it
14 was the thing.

15 Q. Okay. But was there ever a point in time where
16 a customer complained about the function of his
17 gun where the trigger would be replaced free of
18 charge? It was always --

19 A. That could have been.

20 Q. It could have been?

21 A. I mean, sure.

22 Q. Was there any kind of policy though?

23 A. Sure, we would. I mean we replaced sights. We

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1 replaced triggers, guards. We replaced this and
2 that.

3 Q. Yes. I'm only interested in the trigger.

4 A. Yeah, but what I'm saying you're only pulling
5 something out which was no different than
6 anything else that we would.

7 Q. I understand that. I'm just saying --

8 A. So, if there was something special, I don't
9 know.

10 Q. So, just so we're clear for the record, there
11 was never any kind of program where in the
12 matter of course if a customer would complain
13 about the function of the trigger assembly and
14 when I say that, that's all the parts we're
15 talking about this morning, where as a matter of
16 course the parts would come in and the trigger
17 automatically would be replaced, is that
18 correct?

19 A. Not that I know of.

20 Q. Okay. And did there come a point where any kind
21 of policy -- were you involved in service at all
22 by the way?

23 A. I was some, yes.

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1 Q. Who was in charge of service during the time you
2 were there?

3 A. Oh, there were numerous people.

4 Q. Okay. Could you tell us say from -- let's say
5 1970 to when you left?

6 A. Ha, ha, ha.

7 Q. Or are we talking about fifty zillion people?

8 A. No, it's not fifty zillion. I'm just chuckling
9 over my memory struggling over twenty years
10 ago.

11 Q. As best you can recall. I will make a request.

12 A. Why don't you make a request, then you will have
13 it clean.

14 MR. GIUFFNA: Okay. I will make a request
15 for identities of persons in charge of service
16 at Remington from 1970 to 1981.

17 Q. So, then, you weren't really that personally
18 involved in service I don't get the impression?

19 A. No.

20 Q. No? Who is Mike Walker?

21 A. He's a engineer that worked for Remington.

22 Q. Okay. Is he still around or is he --

23 A. I don't know.

WIT: JOHN P. LINDE - GIUFFNA - 6/27/97

1 Q. Don't know, okay. Do you know who J.G. Williams
2 is? I'm probably trying your memory but --

3 A. No.

4 Q. No, okay. Are you aware of any testing which
5 was done on the Remington M-700, and again I'm
6 testing your memory going back to 1968 which was
7 reported in Consumer Reports?

8 A. I know that there was a -- that there was a test
9 done in Consumer Reports and I know there was a
10 problem with a specific rifle that they had
11 tested.

12 Q. Okay. And what was the problem?

13 A. I believe --

14 Q. Now, I know this is your memory.

15 A. You're pushing me here but as I recall I think
16 the trigger guard in that particular rifle was
17 bent and it was holding the trigger, would
18 actually have held the trigger rear guard
19 because as I recall they were actually firing
20 stupidly, firing the gun using the safety.

21 Q. So, when you say a bend in the trigger guard
22 that was causing it, what would happen now?
23 What was it?

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1 A. Well, in your drawing the trigger guard, the
2 trigger was wedged all the way to the back
3 position.

4 Q. Right.

5 A. So, if the trigger is wedged all the way to the
6 back, that's the bottom --

7 Q. Right.

8 A. -- of the rotation. So, it would be rotated
9 clockwise.

10 Q. Right.

11 A. Then there is nothing supporting the sear.

12 Q. So, if you just put a bullet in it's going to go
13 or it wouldn't even load?

14 A. No, no.

15 Q. It wouldn't even load?

16 A. If you put a bullet in you get what they call,
17 you get a fire pin and just fold it right down
18 and nothing would happen so the gun would be
19 safe but what the people from Consumer Reports
20 did as I recall, they put the safety on and then
21 closed the bolt and then that of course
22 supported the sear safety cam and than when they
23 pushed the safety off, then the rifle would

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- 1 fire.
- 2 Q. Okay. Would that be called firing on safety
3 release, is that the technical term?
- 4 A. If you want to stretch it you could say yes,
5 it's firing on safety release but they set the
6 condition up purposely.
- 7 Q. And this was defective, the gun was manufactured
8 improper?
- 9 A. No, no.
- 10 Q. Well, you said it had a bent trigger.
- 11 A. Yes, but I think what happened though it needed
12 a shipping -- it didn't come out of the factory
13 that way. It was actually, you know, as I
14 recall but I'm stretching, but as I recall the
15 trigger guard was deformed.
- 16 Q. And that was not from the factory as far as your
17 recollection?
- 18 A. We don't normally deform them.
- 19 Q. No, I wouldn't think you did. Would any kind of
20 a tight fit of the trigger pin in the housing
21 affect the operation of the rifle?
- 22 A. No.
- 23 Q. Okay.

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1 A. Because what we do is when you have the thing
2 together they drive the pin in and then they
3 check it to see if it works free.

4 Q. Okay. But what if it doesn't work freely?

5 A. Well, depends on how tight you wind it up,
6 yeah. You could hold the trigger wherever it
7 was at.

8 Q. Okay. I'm going to show you what's been marked
9 TS-2710. I see your name at the top. Can you
10 tell me what this is?

11 A. That's the Research Presentation in July, 1975.

12 Q. Okay. And what was the purpose of the Research
13 Presentation?

14 A. Once a year we would present to management a lot
15 of the proposed new product.

16 Q. Okay. And would it include improvements to
17 existing products or ways to enhance market
18 sharing in different products?

19 A. Any host, it's a host of things, yeah.

20 Q. So, it could include --

21 A. Yeah.

22 Q. I'm going to show you page eight of that
23 document which is TS-2710 and there is a Model

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1 700 program. It discusses that, right?

2 A. Yes.

3 Q. Okay. And your discussion there is regarding
4 different improvements, different marketing of
5 tools, that sort of thing, right?

6 A. Yes.

7 Q. Fine. And then on the next page it says, "For
8 the long long program we are looking at the
9 following items:", and there is some items
10 listed here. What is decreasing the lock time,
11 l-o-c-k time mean?

12 A. That's the time for the bolt action rifle when
13 you pull the trigger and you get a release.

14 Q. Yeah.

15 A. The time when it takes for the trigger or the
16 firing pin to go and it's distance and impact
17 with the target.

18 Q. Okay. And that again, that's attractive for
19 accuracy purposes, right?

20 A. Yes, because if the rifle is moving across the
21 target from the time that you decide to shoot
22 until the bullet leaves, leaves the muzzle, --

23 Q. Right.

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1 A. -- it's critical because the quicker that time
2 the less time you would have swept past your
3 target.

4 Q. Right, okay. Now, you also have a provision
5 here that says "Improved trigger mechanism."

6 A. Yes.

7 Q. And again I'm playing with your memory. What is
8 your recollection of what that improved trigger
9 mechanism was or what were you trying to do?

10 A. If you take a look at the page behind it.

11 Q. Right.

12 A. Okay. We were working on -- you see it says a
13 700 BDL Varmint rifle.

14 Q. Right.

15 A. And on this we were looking at the Varmint rifle
16 to make the thing more accurate if you will.
17 The Silhouette Shooter which was becoming a big
18 thing and we thought this could really have
19 potential because it was becoming a big market
20 because you have the people actually using
21 rifles for a targeting sport and the advantage
22 with target sports was that spectators could
23 watch and something happens because nobody

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1 enjoys people just shooting bullets, see? They
2 can't see but at a silhouette you were shooting
3 at a metal like target, at different targets and
4 you could see the thing. Either they fall over
5 or they didn't fall over.

6 Q. Right.

7 A. And so one of the people that had the program,
8 he thought that this would be an excellent
9 potential market where you're talking, you know,
10 significant ammunition and increased rifle sales
11 and so if you take a look at the majority of
12 these programs they're really based around what
13 do you do to make your rifle more advanced to
14 us, to this market.

15 Q. To just the silhouette target or --

16 A. Well, it's going to be everything.

17 Q. Okay.

18 A. But particularly the silhouette because that's
19 what you are thinking about.

20 Q. Right.

21 A. And then this is the other, some of the other
22 items.

23 Q. Right, I understand that but was the

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1 improvements of the trigger mechanism that was
2 contemplated, did you ever give an oral
3 presentation or was this just handed out?

4 A. No, there was an oral presentation but all this
5 is is the points that were discussed.

6 Q. Okay.

7 A. And so this was, this is in a program like
8 this. This is what you're saying I'm going to
9 take a look at. This doesn't mean that you're
10 going to do it. This means from a research
11 standpoint it means here's where I'm going to
12 spend some time to take a look at these things.

13 Q. What sort of potential improvements of the
14 trigger mechanism were you going to take a look
15 at?

16 A. I don't know but I'm sure it would be around the
17 trigger pull, how it functions, you know,
18 because I remember at that time that I developed
19 some interesting measuring techniques where I
20 could measure your what is so-called grip. The
21 shooter says grip. Well, I would say to the one
22 person this is a good trigger or not and people
23 could tell me what a good trigger was but I

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1 decided to put and I developed like an
2 electronic measuring where I could actually
3 measure the grip at the time so I could put it
4 on a gauge. I could tell you whether you had a
5 good trigger or bad trigger. When I say good or
6 bad as per how it felt.

7 Q. Okay.

8 A. And then from that information then you could
9 take -- once you could put a measurement around
10 it you could say okay, if I do this or I alter
11 this or I alter the spring or I do this, then
12 you could see a cause and effect. So, that was
13 some of the work that I was working on at the
14 time.

15 Q. But you were focusing on the grip or limiting
16 the grip?

17 A. Well, I'm saying that and other things, yeah.

18 Q. Okay.

19 A. I'm not saying because I can't remember, I was
20 telling you that.

21 Q. Okay. Do you know if Remington took any kind of
22 transcript of these presentations or is this all
23 that remains?

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1 A. This is the comprehensive thought, the minutes
2 of every meeting.

3 Q. Okay. You have a minutes group that there would
4 be minutes of this meeting?

5 A. Well, these are. That's what you're looking at.

6 Q. But I'm saying you discussed this where the
7 discussions were taken down?

8 A. This is on that.

9 MR. GIUFFNA: Off the record.

10 MR. SHAW: There's no verbatim transcript,
11 no.

12 MR. GIUFFNA: That's what I want.

13 A. No, this is when you have a salesman coming to
14 your office, he says to me --

15 Q. This is the pitch?

16 A. This is the pitch.

17 Q. Right, I got you.

18 A. And you don't see it there unless it's something
19 you're really working on.

20 Q. Okay. What other bolt action models did you
21 make -- strike that. What percentage of
22 Remington's bolt action rifle sales were the
23 M-700 during the time that you were there more

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1 or less and I know there is different rifles
2 within the family of the 700?

3 A. What percentage of the total that we produced
4 today was 700's?

5 Q. Yes, of your sales. Say would the M-700 be
6 fifty percent of bolt action rifles, sixty,
7 seventy, ten?

8 A. As far as what all Remington sold I would say
9 that the 700 would probably be about ten percent
10 of what we made in a day.

11 Q. Okay. But as far as the bolt action rifles?

12 A. That was our bolt action rifle.

13 Q. So, there is only one model?

14 A. Well, we made some others but it was dominant of
15 the rifles we made. We made the 788. We made
16 the 600 for awhile. We made the 660.

17 Q. Right.

18 A. Yeah, we made other ones but that's the dominant
19 bolt action rifle.

20 Q. And in that dominant bolt action rifle you had
21 certain models?

22 A. Yes.

23 Q. Based on the same principals of the 700?

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1 A. Yes.

2 Q. Which was the Varmint and I thing the 2100 is
3 one. The Varmint or different other models of
4 gun based on the same basic frame of the 700,
5 right?

6 A. Yes.

7 Q. Okay. But as far as bolt action sales you
8 couldn't approximate what percentage they
9 represented which involved all Remington bolt
10 action sales of the 700 family?

11 A. Well, the 700 was the dominant bolt action rifle
12 that we made.

13 Q. Okay. So would it be over fifty percent of all
14 bolt actions that you sold?

15 A. That we sold, yes.

16 Q. Okay, yes. And what was the market place of the
17 popularity of the Remington M-700 rifle?

18 A. It was either the most popular or the second
19 most popular year after year.

20 Q. And who was the main competitor of the 700?

21 A. Winchester and Ruger.

22 MR. SHAW: Are you moving on to another
23 document hear at this point?

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1 MR. GIUFFNA: Yes. I would like to go to --

2 MR. SHAW: What I would suggest is that --
3 we can go off the record.

4

5 (Lunch recess)

6

7 **BY MR. GIUFFNA:**

8 Q. Okay. Mr. Linde, were you on the operations
9 committee in Ilion when you were an employee of
10 the Remington Arms Company?

11 A. I went to the arms committee meetings but I
12 don't think I was actually, quote, " a member".

13 Q. Would you actually actively attend their
14 meetings?

15 A. Yes.

16 Q. Okay. Do you recall that in 1977 that there was
17 discussion regarding improvement of the M-700
18 fire control?

19 A. I don't. If you would show me the minutes, I
20 can.

21 Q. Sure. I just want to avoid marking too many
22 documents that we don't need. This is off the
23 record.

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1 MR. GIUFFNA: Mark this please.

2 The following was marked for identification:

3 Plaintiff's Exhibit 4 Document TS-00655.

4

5 **BY MR. GIUFFNA:**

6 Q. All right. I'm going to show you what's been
7 marked Plaintiff's Exhibit 4 which is Bates
8 stamped TS-655. It's the minutes number two
9 from 1977, page two, and that is the blurb
10 there?

11 A. Yes, it just said they're looking at design
12 changes, which we were.

13 Q. Okay. Do you recall what design changes you
14 were looking into?

15 A. Yeah, we were looking into different ways on
16 this 700, 600 fire control because at that time
17 that is when we were looking at the 600 and one
18 of the things that we did that came out of that
19 was that we made a cam 700 and 600 fire
20 control. So, when I say, comment, we took the
21 600 fire control and made it a lot more like the
22 700 so we had some interchangeable parts in
23 there.

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1 Q. And do you recall what the improvements were
2 offhand?

3 A. No, I don't.

4 Q. Would there be any records that would show this?

5 A. I don't know.

6 MR. SHAW: There would be reference, other
7 references in other minutes.

8 A. Yeah, just to help you, --

9 Q. Okay.

10 A. -- if you track through this, I mean if it
11 references it here you will see what was done as
12 you go through it. I mean you can actually read
13 it yourself. I mean there is nothing in here
14 that's missing. I mean if it was something was
15 done on it, then it will show on subsequent. If
16 nothing was done, then it was just dropped.

17 Q. Okay.

18 A. So --

19 Q. Okay. So, when they made design changes to make
20 the fire control more versatile basically what
21 they're saying is trying to have common parts in
22 the 600 or 700?

23 A. Or it could be so many other things, that's what

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- 1 I'm saying, but that's one of the things we
2 actual did, so --
- 3 Q. Okay. All right. Sir, what's a -- what does it
4 mean when it says a follow-down?
- 5 A. That's when you close the bolt. The bolt opens,
6 you close the bolt and the firing pin does not
7 remain cocked. There is a cam on the back of
8 the bolt.
- 9 Q. Uh-huh.
- 10 A. That cams the firing pin back when you open it.
- 11 Q. Yeah.
- 12 A. That instead of the sear holding the firing pin
13 back --
- 14 Q. Uh-huh.
- 15 A. -- the firing pin just comes right straight
16 forward and then as you close the bolt you just
17 walk it down to the cam again and unload the
18 firing pink spring.
- 19 Q. And what effect would that have if you have a
20 bullet in the chamber?
- 21 A. No effect.
- 22 Q. Would it indent the cartridge?
- 23 A. No.

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1 Q. And fire on safe means that the gun will fire if
2 you have the gun on safe and you pull the
3 trigger it will go off?

4 A. Yes, yes.

5 Q. And what will cause that?

6 A. That's if you're -- well, it could be a number
7 of things but if you didn't have the -- if the
8 cam is not underneath supporting the -- you
9 know, supporting the sear.

10 Q. Would that be considered a malfunction of the
11 rifle?

12 A. Yes, it would.

13 Q. Okay. And what is a jar off?

14 A. A jar off is normally referred to when the rifle
15 is bumped in some direction or in some way -- or
16 what is it? The other -- oh, let me figure on
17 this. I would have to go through and refresh my
18 memory on that.

19 Q. Okay, that's fair.

20 MR. GIUFFNA: Can we mark this one then?

21 The following was marked for identification:
22 Plaintiff's Exhibit 5 5/20/75 letter from
23 G.W. Martin to E.F.
Barrett.

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1 BY MR. GIUFFNA:

2 Q. Okay. I'm going to now show you what has been
3 marked as Plaintiff's Exhibit No. 5. It has
4 Bates -- it doesn't have a Bates stamp.

5 MR. SHAW: Not any page of it.

6 Q. Uh-uh. That's odd. Well, I do have a Bates
7 stamp 151 but it doesn't look like the TS ones.

8 MR. SHAW: No, that should have been. Our
9 office in the New York office did that.

10 Q. It also doesn't even have an exhibit number.

11 MR. SHAW: Number 20. Why don't you just
12 describe it?

13 Q. Okay. Plaintiff's Exhibit No. 5 looks like a
14 memo to E.F. Barrett from G.W. Martin, Subject:
15 Bolt Action Rifle Safeties on May 20, '75. Okay
16 Mr. Linde, I'm going to show you page two of
17 this document which is entitled Safety
18 Malfunctions Gallery. Who was George Martin?

19 A. He was an individual that worked for Remington.
20 He coordinated some marketing functions at the
21 factory.

22 Q. And what about Gene Bullis?

23 A. He would have been -- oh, I don't know. He

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1 might have been working in the test area, I
2 don't know.

3 Q. Okay, that's fair. I'm going to show you
4 Plaintiff's Exhibit No. 5 and specifically the
5 page regarding safety malfunctions gallery.
6 Directing your attention to where it says jars
7 off, does that refresh your recollection of what
8 that means?

9 A. Yeah.

10 Q. Okay. What is it?

11 A. So that would be, the jar off is when the hammer
12 fails to stay engaged with sear and falls down
13 when gun is jarred. So, normally what I recall
14 on that is when you close the bolt real hard, if
15 the firing pin would then go forward it was
16 considered a jar off.

17 Q. What about if it was then struck by some kind of
18 force or something like that?

19 A. No, no, what that was referring to as I recall
20 in the jar off is where you were closing and
21 opening the bolt. It would be closing the bolt
22 in this case.

23 Q. So closing the bolt would cause the gun to go

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1 off, is that what it means?

2 A. No, what it's saying is this is a gallery. This
3 is where you're testing the rifles.

4 Q. Right.

5 A. In the factory and they go through a number of
6 different sequence of things so this is where
7 you would be. You close the bolt as hard as you
8 could to see if everything would stay in
9 engagement.

10 Q. What would happen to have a jar off?

11 A. Then what happens is you close it real hard and
12 the firing pin comes forward.

13 Q. Okay. And the firing pin forward, if you had a
14 cartridge in the chamber would mean the rifle
15 would discharge, right?

16 A. Not necessarily.

17 Q. Okay.

18 A. In this case it's like I was describing where
19 this bolt action follows down. It's a follow
20 down and it would all depend whether it was
21 going to fire or not on how fast you could
22 rotate the handle so you would have to rotate
23 the handle fast for it to fire.

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1 Q. Okay.

2 A. But the firing pin would fail?

3 A. Yes.

4 Q. Okay. What about the part where it says "falls
5 down when gun is jarred", what is happening?

6 A. That's when you're jarring it.

7 Q. Okay. I'm going to direct your attention to
8 page what I will call it four of that exhibit
9 and I will mark it four so when we have copies
10 exchanged it's clear. Hear it says, "jars off
11 or fires closing." Is that what you mean?

12 A. Yeah.

13 Q. Okay. And did Remington consider a jar off to
14 be a malfunction?

15 A. Oh, yes, they would have.

16 Q. And in this on Plaintiff's Exhibit No. 5 the
17 second page where it's Safety Malfunctions, over
18 at the column which is JO which appears to mean
19 jar off, does this show on their testing groups
20 that there was any jar offs?

21 A. It says none.

22 Q. Okay. Does it indicate there were any on the
23 follow downs, where there would be a follow down

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1 on any of the testing groups?

2 A. Yes.

3 Q. What about fire on safe?

4 A. It shows that.

5 Q. Okay. And how about the jar off test, would
6 that just be performed as you said, just jamming
7 down the bolt hard?

8 A. Yeah.

9 MR. GIUFFNA: Okay. I'm going to go off the
10 record.

11

12 (Off the record discussion held.)

13

14 **BY MR. GIUFFNA:**

15 Q. Mr. Linde, did there come a point in time where
16 Remington introduced certain inspection
17 procedures for all bolt action rifles to inspect
18 whether the gun could be tricked into firing
19 when the safety is released?

20 A. Yes.

21 Q. Okay. Why did they do that?

22 A. Because we had a situation with the Model 600.

23 Q. What was the situation?

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1 A. It was the -- it was to do with the lack of lift
2 on the sear's safety cam. I mean on the safety
3 cam.

4 Q. Okay. And what would happen, you would release
5 the safety and the gun would go off, is that it?

6 A. No, it was more complicated than that. Do you
7 really want to get into it on the 600? It has
8 nothing to do with the 700.

9 Q. Well, did the 600 and the 700, did they both
10 utilize the Walker start trigger?

11 A. It was similar but the parts on the 600 were
12 different than the parts on the 700, than the
13 parts in question.

14 Q. Okay, I will let it go. And what were the new
15 test procedures?

16 A. That, when we did that, when we had the problem
17 with the six, then we just did every operation
18 on bolt actions was the same.

19 Q. Okay. Which was?

20 A. Just to go through and as I recall to put the
21 gun in the center, that position that I was
22 talking to you about.

23 Q. Yep.

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1 A. Where you got the balance right on the center in
2 on safe position.

3 Q. Yes.

4 A. And then you can check to see if the gun had any
5 problem in that safety position. So, that area
6 that you were talking about, that gray area in
7 between, --

8 Q. Right.

9 A. -- what we were doing was keeping the gun in the
10 on safe position longer.

11 MR. GIUFFNA: Okay. Let me just go off the
12 record one second.

13

14 (Discussion held off the record.)

15

16 BY MR. GIUFFNA:

17 Q. Would insufficient clearance between the sear
18 and the connector cause a friction situation on
19 a 700 as well?

20 A. Yeah.

21 Q. Okay. Every single M-700 that goes out of
22 Remington plant goes through this check, it's
23 not just a grouping, is it?

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1 A. No, everything went, was checked through.

2 Q. And was there some kind of marking put on them?

3 A. There is a whole bunch of markings, yeah.

4 Q. Okay. Was there ever any kind of discussion of
5 recalling the M-700 rifle in light of the
6 situation with the 600?

7 A. No.

8 Q. All right. Was there ever a consideration by
9 the safety subcommittee of recalling all
10 Remington bolt action rifles?

11 A. No.

12 MR. GIAFFNA: Could we mark this?

13

14 The following was marked for identification:
15 Plaintiff's Exhibit 6 Bates stamp TS-00679

16

17 **BY MR. GIAFFNA:**

18 Q. Okay. I'm going to show you what's been marked
19 as Plaintiff's Exhibit 6. It's Bates stamp
20 TS-679. It's minute number 8 from 1979, okay?
21 I see your name as being on as an attendee. I'm
22 going to direct your attention what's entitled
23 at page 9 at 10, Bolt Action Fire Control.

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1 A. Okay. What am I attending?

2 Q. It's a safety subcommittee meeting.

3 A. Okay.

4 Q. And operations meeting. Operations, I'm sorry.

5 I would direct your attention there and I would
6 ask you to have a look at it.

7 A. Yes.

8 Q. All right. Do you recall this meeting?

9 A. I don't recall that specific meeting, no.

10 Q. Okay. Do you recall this, what they're talking
11 about where they're considering using an
12 interceptor lever to support the sear if the
13 trigger fails to reposition itself properly? Do
14 you recall that at all?

15 A. I recall the general discussions, yes.

16 Q. And what do you recall about these general
17 discussions?

18 A. We were looking at different alternatives. What
19 happens like with the situation on the 600 you
20 get involved with that and then all of sudden
21 you're looking at all different ramifications.

22 Q. Right.

23 A. And you say what could we be doing differently

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1 and so from a research standpoint I mean that's
2 your job and so we're looking at different ways
3 to, you know, try to accomplish the same and
4 different things.

5 Q. Okay.

6 A. And one of the things that was on there was that
7 could you make the rifle such so you could put
8 it on safety at any time, put it in the on
9 safety position at any time.

10 Q. Was there a concern among the design people that
11 through use the trigger could fail to reposition
12 itself properly over time?

13 A. No.

14 Q. No? Well, what would be the purpose of an
15 interceptor lever?

16 A. Of the interceptor lever? I don't really know.

17 Q. Who would know?

18 A. I don't know.

19 Q. Okay. Do you remember who was involved doing
20 any kind of research in this area?

21 A. No, I know that 1979 -- no, I really don't. I
22 don't know who would have done that.

23 Q. Would that have been under your supervision or

WIT: JOHN P. LINDE - GIUFFNA - 6/27/97

1 in a different area?

2 A. That would have been in a different area I think
3 in '79.

4 Q. Okay. So, you have no independent recollection
5 about considerations of use of an interceptor
6 lever to support the sear if the trigger fails
7 to reposition itself --

8 A. No.

9 Q. -- properly?

10 A. No, I don't. You know, I don't really quite
11 understand what their -- how that would work.

12 Q. Okay, that's a fair response.

13 A. Yeah.

14 MR. GIUFFNA: All right. Let's mark this
15 one.

16

17 The following was marked for identification:

18 Plaintiff's Exhibit 7 Bates number TS-00712

19

20 BY MR. GIUFFNA:

21 Q. Again, Mr. Linde, I appreciate that you don't
22 know everything that has happened and I'm just
23 trying to get your own knowledge. I'm going to

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1 show you what's been marked Exhibit 7 which has
2 Bates stamp TS-712. It's minute number nine
3 from 1980. I guess you attended as well.

4 A. Yes, I did.

5 Q. And I'm going to direct your attention to what's
6 discussed as a Model 700 Fire Control
7 Improvements 1982 Introduction and I'm going to
8 ask you a few questions about that and see what
9 you know.

10 A. Just this pull lock doesn't really reflect it.

11 Okay.

12 Q. Okay?

13 A. Yeah.

14 Q. Do you recall any discussions in 1980 of certain
15 improvements of the 700 fire control?

16 A. Yes.

17 Q. Okay. Now, what is your recollection of the
18 improvements which were discussed?

19 A. They were working on a new bolt action rifle and
20 they were looking at different trigger assembly
21 options.

22 Q. Okay.

23 A. And they were trying some different concepts and

WIT: JOHN P. LINDE - GIUFFNA - 6/27/97

1 they made -- I don't know whether they made
2 prototypes or not but they were, you know,
3 trying a bunch of different ideas.

4 Q. And that was the End Bar Program?

5 A. I don't know.

6 Q. Okay.

7 A. I was never good at those catchy phrases.

8 Q. Okay, fair enough. Me either. Okay. Do you
9 remember what the purpose of having the safety,
10 the trigger and the interceptor with a common
11 pivot, what would be the purpose of that?

12 A. I know what the purpose of the design is.

13 Q. Sure.

14 A. That you try to reduce your amounts of tolerance
15 buildup.

16 Q. And when you say tolerance buildup what do you
17 mean?

18 A. The more parts you have and how the parts
19 interrelate is determined by how the parts are
20 manufactured. So, if you can have common pivots
21 and what-have-you, instead of taking a set of
22 tolerance out you can get a more precise
23 mechanism.

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1 Q. So the goal of this is to reduce the amount of
2 parts if I'm not misunderstanding you?

3 A. No, no. It's really to reduce the tolerances so
4 you can get a tighter fit or whatever. Remember
5 what you're really trying to do also here is get
6 a nice trigger pull.

7 Q. And what was the purpose of the sear -- what was
8 the purpose of having the sear being supported
9 by two independently moving parts?

10 A. I don't know.

11 Q. Okay. Who would know?

12 A. I don't know that.

13 Q. Do you know who was involved with the design,
14 the M-700 fire control improvements?

15 A. I would think that it would have been John
16 Brooks would have been the research person on
17 that.

18 MR. GIUFFNA: Off the record.

19

20 (Off the record discussion held.)

21

22 MR. GIUFFNA: Okay. Upon my review of the
23 documents which have been supplied to me through

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1 discovery I note that the exhibits which are
2 appended to 1980 which were provided with
3 Exhibit 7 were not provided with the exhibits of
4 the fire controls and on the documents it's
5 Exhibit 4-7 through 4-11 or 4-7 through 4-12 and
6 I'm asking for the production of these
7 documents.

8

9 BY MR. GIUFFNA:

10 Q. Mr. Linde, what's a bolt lock?

11 A. A bolt lock locks the bolt in the on fire
12 position so on a bolt action rifle the bolt
13 projects out --

14 Q. Right.

15 A. -- from the gun and it can be suspendable from
16 caves, brush or whatever and if it does the bolt
17 can open up and if you had had the rifle loaded
18 the cartridge could come out or if it came out
19 part way if you pulled the trigger the rifle
20 would not fire.

21 MR. GIUFFNA: Let's mark this.

22

23 The following was marked for identification:

WIT: JOHN P. LINDE - GIUFFNA - 6/27/97

1 Plaintiff's Exhibit 8 Bates stamp TS-03108

2

3 BY MR. GIUFFNA:

4 Q. Okay. Mr. Linde, I'm going to show you what's
5 been marked as Plaintiff's Exhibit 8 with Bates
6 stamp TS-03108. It looks to be a memo from C.B.
7 Workman to T.L. Capeletti. Would you have a
8 look at that?

9 A. Okay.

10 Q. Okay. Mr. Linde, you have had an opportunity to
11 review Plaintiff's Exhibit 8?

12 A. Yes.

13 Q. Okay. I'm going to direct your attention to --
14 well, I wanted to ask you about this part where
15 they discuss the lubrication of the fire
16 control.

17 A. Yeah.

18 Q. And there is a comment about Dick St. John
19 saying that the most serious and frequent
20 complaints received from gunsmiths during visits
21 by field personnel and then it goes on was that
22 of sticking sears and again, I'm not reading
23 that verbatim so don't get me on that. So, does

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1 that indicate to you that at some point you
2 received complaints from the field regarding
3 sticking sears?

4 MR. SHAW: Objection. Lack of foundation on
5 that. If you want to ask what he may recall --

6 MR. GIUFFNA: Yeah.

7 MR. SHAW: -- as opposed to tying it to this
8 document which I'm not sure he's a recipient of.

9 MR. GIUFFNA: Okay, fine. You know, you're
10 right, I will withdraw that.

11 Q. Did there come a point in time while you were at
12 Remington that you tended to receive complaints
13 from the field regard sticking sears on the 700
14 Remington rifle?

15 A. No, but I could tell you about the document if
16 you want me to.

17 Q. Okay. So you hadn't received any complaints
18 about sticking sears?

19 A. I don't know. I don't know.

20 Q. Okay. So, why don't you tell me about the
21 document then?

22 A. Well, I remember on that what I was told back to
23 do was to take a look and see the lubricates

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1 that we used in manufacturing to stop the parts
2 from rusting.

3 Q. Uh-huh.

4 A. When it came from, you know, the manufacturing
5 process to see if that in any way could cause
6 any kind of sticking or building up or
7 whatever. So, that was my scope of involvement
8 there.

9 Q. Who is Dick St. John?

10 A. He was one of the people that worked for
11 Remington that would call on gunsmiths. He
12 would go around and work with gunsmiths to
13 assist them and help them and this sort of
14 thing.

15 Q. So he was basically again just trying to get
16 feedback on Remington products basically?

17 A. He was a Remington employee.

18 Q. Yes, I understand that.

19 A. Yeah.

20 Q. But was that it?

21 A. Yes, he was kind of a tie-in back and forth.

22 Q. Okay. So, do you recollect whether Dick St.
23 John had ever reported to you or anybody else at

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1 Remington that there were complaints coming in
2 from the field about the sears sticking?

3 A. I don't recollect other than what you read
4 there, yeah.

5 Q. Okay. So, does this indicate that there were?

6 A. Well, I don't know.

7 Q. Okay.

8 A. No, I'm not trying to be nebulous because this
9 guy was kind of one of these irrational
10 bellringers and so that's -- I'm not playing any
11 games with you, so when I read something that he
12 had something to do with I never know quite
13 where to cut it.

14 Q. Okay, that's fair.

15 A. I'm sorry.

16 Q. No, no, that's a fair statement.

17 A. Yeah.

18 Q. What was your solution for the replacement of
19 Steelguard during assembly in the plant?

20 A. We looked at other techniques and things. I
21 think we came up with some other process for it.

22 Q. As part of your developing that replacement
23 during the assembly process did you ever test

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1 any product for recommendations for use in the
2 field or the ultimate owner?

3 A. No, we never did that.

4 Q. Was it ever done as far as you know?

5 A. Yeah, there was some, yeah, in developing some
6 ultimate lubricants for the field.

7 Q. Okay. When was that done?

8 A. I don't know. It must have been fairly close in
9 time frame.

10 Q. Was that in response to the problem of the
11 sticking sear?

12 A. No.

13 Q. Okay.

14 A. No.

15 Q. What effect did a sticking sear have on the
16 operation of the rifle?

17 A. It would all depend because if for example if
18 this spring didn't return it, --

19 Q. Yeah.

20 A. -- if you close the bolt, then all you did was
21 just get a follow down.

22 Q. And would it affect the engagement of the sear
23 and connector?

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- 1 A. Not necessarily, no, because the sear's path is
2 fixed so if it was sticking the worse I could
3 see is that -- if it was sticking down, then it
4 would not hold. You know, the system wouldn't
5 even go back and reset.
- 6 Q. Okay. But the system didn't reset then?
- 7 A. Then all that happens was when you closed the
8 bolt, then the firing pin would just follow down
9 that cam.
- 10 Q. Okay. Would it affect the operation of the
11 connector itself?
- 12 A. No, no.
- 13 Q. All right.
- 14 A. No, that's a different part.
- 15 Q. Was a follow down a safety concern of
16 Remington's?
- 17 A. Was it a safety concern? Yeah.
- 18 Q. In 1981 did Remington begin to conduct a
19 research on potential bolt action fire controls,
20 do you recall?
- 21 A. They could have.
- 22 Q. Okay. Did you have any involvement with that?
- 23 A. No.

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1 Q. So, at that point as I recall from your resume
2 you were in the production end?

3 A. Yes, I was.

4 Q. So you weren't involved in that?

5 A. I wasn't involved in that.

6 Q. Who was design, in the design department in the
7 '80's?

8 A. That was John Brooks was the head of that.

9 Q. John Brooks. Anybody else involved who were the
10 principal players?

11 A. Well, he would have reported to Chuck Workman.

12 Q. I don't know any of these guys. Are they still
13 around?

14 MR. SHAW: Workman is from my understanding
15 still alive. He's retired.

16 MR. GIUFFNA: All right. Off the record.

17

18 (Off the record discussion held.)

19

20 **BY MR. GIUFFNA:**

21 Q. Let's just go back on, Mr. Linde. Is it fair to
22 say that your involvement in the 1980's with
23 potential redesign of the M-700 fire control was

WIT: JOHN P. LINDE - GIUFFNA - 6/27/97

1 basically non-existent?

2 A. That's right.

3 Q. Okay. Would it be fair to say at that time your
4 job or principal focus was with the fabrication
5 of the rifles?

6 A. Yes.

7 Q. Okay. Is Fred Martin still around?

8 MR. SHAW: He is.

9 Q. Any of these documents that your name isn't on
10 as cc in the distribution list you wouldn't have
11 received, is that correct?

12 A. That's right.

13 Q. Do you have any recollection of a new design
14 M-700 sear block evaluation taking place in
15 1982?

16 A. No.

17 Q. No, okay. Who J.W. Bower?

18 A. That's Jim Bower.

19 Q. And who was he?

20 A. He worked for Remington.

21 Q. Okay. In what capacity?

22 A. He had a number of different jobs but he was
23 pretty much in process engineering.

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WIT: JOHN P. LINDE - GIUFFNA - 6/27/97

1 Q. B-o-w-e-r. What about R.S. Murphy?

2 A. He worked in research area.

3 Q. And J.R. Snedeker, S-n-e-d-e-k-e-r?

4 A. He was in research.

5 MR. GIUFFNA: Off the record.

6

7 (Off the record discussion held.)

8

9 BY MR. GIUFFNA:

10 Q. Do you have any independent recollection of any

11 considerations of replacement rifles for the

12 M-700 as far as design replacement?

13 A. Other than the ones you were talking about.

14 Q. Yeah.

15 A. They were looking at that rifle.

16 Q. Okay.

17 A. As a replacement.

18 Q. But did you have any kind of interaction with

19 this or not really?

20 A. Not really other than if you did an estimate or

21 something, you know, where they come up and ask

22 you a question.

23 Q. Okay. But as far as --

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1 A. But I never got involved in it.

2 Q. Okay. Within -- well, that gets us through end
3 bar. Did you have any involvement with product
4 recall procedures?

5 A. No.

6 Q. Okay. Who would be involved with that?

7 A. Product recall procedures?

8 Q. Yeah.

9 A. I don't know. I would think that would be more
10 from a legal standpoint and I guess that would
11 be Bob Sperling, S-p-e-r-l-i-n-g.

12 Q. And did you ever have any involvement with a
13 recall while you were at Remington? That's a
14 broad question I know. I'm not going to --

15 A. I had involvement, yes.

16 Q. But just processing?

17 A. Yeah.

18 Q. Not determining?

19 A. Yeah.

20 Q. You weren't involved in making any kind of
21 determination?

22 A. No.

23 Q. Was there any testing before or testing to be

WIT: JOHN P. LINDE - GIUFFNA - 6/27/97

1 made?

2 A. Well, there was information to be guaranteed or
3 what-have-you but the only experience I had was
4 with the Model 600.

5 Q. Did you have any involvement with the recall?

6 A. Just on generating information and
7 what-have-you.

8 Q. I won't touch it then. Do you know what the
9 protocol was at Remington relating to recall of
10 a certain product?

11 A. No, I don't.

12 Q. Do you have any recollection of how a Remington
13 product was to comply with the Consumer Product
14 Safety Act?

15 A. No.

16 Q. Okay. J.P. Glas?

17 A. He was the head of Remington research for a
18 period of time.

19 Q. Did he start working at Remington before or
20 after you left, Glas?

21 A. He was -- Glas was there while I was there.

22 Q. Okay. And who was Chuck Workman again?

23 A. He had worked at Remington under a number of

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1 different capacities over his career.

2 Q. What capacities specifically?

3 A. He had worked in research. He had been the
4 superintendent of process engineering and he was
5 a research manager.

6 Q. And do you recall approximately how long he
7 worked for Remington?

8 A. His whole career.

9 Q. His whole carrer so he was an oldtimer then?

10 A. Yes.

11 MR. GIAFFNA: Let's mark this manual.

12
13 The following was marked for identification:
14 Plaintiff's Exhibit 9 Remington Instruction
15 Book, Model 700
(TS-03438)

16 **BY MR. GIUFFNA:**

17 Q. Mr. Linde, did you have any involvement with the
18 writing of the owner's manual which accompanied
19 this 700 manual?

20 A. No.

21 Q. Okay. Who would have done that?

22 A. John Finnigan I know would have been involved in
23 that.

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1 Q. And who is John Finnigan?

2 A. He was the guy who did the owner's manual and
3 the field service manual.

4 Q. Fine. Off the record.

5

6 (Off the record discussion held.)

7

8 **BY MR. GIUFFNA:**

9 Q. Did the Remington M-700 come equipped with a
10 swivel for a sling attachment?

11 A. The Model 700 BDL.

12 Q. Okay. So, when it was sold it was with the
13 intention that the users probably could use a
14 sling with it?

15 A. The BDL?

16 Q. Yeah.

17 A. Yes.

18 Q. And what's the difference between the BDL --

19 A. And the ADL?

20 Q. -- and ADL?

21 A. The ADL was the least expensive. The BDL was
22 the more expensive.

23 Q. Okay. All right. Would either of those rifles,

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1 would it be intended that they been used with a
2 sling?

3 A. The BDL had a sling with it .

4 Q. Okay. And the ADL, did it have any fittings
5 that would allow it?

6 A. No, no.

7 Q. That would allow you to use the sling?

8 A. No.

9 Q. Could you use a sling with the ADL?

10 A. You had to fit a sling to it.

11 MR. SHAW: I think this was a BDL --

12 MR. GIUFFNA: Yes, this was.

13 MR. SHAW: -- your client had.

14 Q. Okay. Mr. Linde, you had a chance to take a
15 quick glance at these, this owner manual which
16 has been marked Plaintiff's Exhibit No. 9 which
17 is TS-03438. Would you show me where the
18 section is on cleaning instructions?

19 A. I have to look through it.

20 Q. Oh, sure.

21 A. There on the section of the barrel it says, "To
22 clean the barrel following the instructions
23 shown on page 11." "Lubrication And Maintenance:

WIT: JOHN P. LINDE - GIUFFNA - 6/27/97

1 To Clean The Barrel", and it tells how to do it.

2 Q. Okay. That's on page 11 of Exhibit 9, TS-3438.

3 Okay. So, looking through this it would be
4 pages 11, 12 and 13 would be the sum and
5 substance of the instructions pertaining to
6 lubrication of the rifle?

7 A. Well, the heading, it says Lubrication And
8 Maintenance.

9 Q. Okay.

10 A. I can't say this is the sum and substance
11 because on the other pages it tells you about
12 how to disassemble and what-have-you so that's
13 part of, you know, the process of cleaning
14 anything.

15 Q. Okay. But what about as far as lubrication?

16 A. Well, as far as lubrication, in the manual
17 that's what you noted. That's what it has here.

18 Q. Okay. Are there any other documents as far as,
19 you know, pertaining to lubrication of the rifle
20 provided with the gun when it's sold?

21 A. Not that I'm aware of.

22 Q. Okay, fine. Now, how is this gun packaged
23 typically for sale? Is it kept in a box or do

WIT: JOHN P. LINDE - GIUFFNA - 6/27/97

1 they have it loose?

2 A. No, typically it's Remington ships with a double
3 box so the inner box would have been like -- in
4 this case would have been a green box, had the
5 name Remington on it. Then inside there would
6 have been a little container around safe gun
7 practices. I mean a little thing about safe gun
8 practices and the owner manual and I think
9 possibly the owner manual was even attached to
10 the trigger guard, I'm not sure.

11 Q. Okay.

12 A. And this was in a box that had a polystyrene so
13 the rifle is completely supported and then this
14 box was put into an outer plain cardboard box.

15 MR. SHAW: For the record I brought this
16 along for you (indicating). This is a copy
17 which I would have thought would have been in
18 all the various documents that you looked at
19 which is the pamphlet that the industry produced
20 at the time that would have been included in the
21 box along with the owner's manual.

22 MR. GIUFFNA: Isn't that after the fact
23 though, John?

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1 MR. SHAW: What do you mean?

2 MR. GIUFFNA: I think that was after '81.

3 MR. SHAW: No, there have been various
4 versions of it but in 1980 I think that would
5 have been and I will double-check that since you
6 raised it. There always has been some safety
7 pamphlet that's an industry one that goes in --

8 MR. GIUFFNA: Yeah.

9 MR. SHAW: -- boxes that probably
10 Winchester, Ruger, whoever distributes and I
11 wanted to make sure that you have that one and I
12 will double-check and I will say that on the
13 record, that whether what I have given to you
14 here this afternoon or something different for a
15 rifle that went out in October of '81 but I'm
16 relatively sure it would have been that
17 firearm. Safety depends on a new pamphlet.

18 Q. Okay. A rifle needs a certain amount of
19 maintenance, is that correct?

20 A. Yes.

21 Q. Okay. Would part of that maintenance be
22 lubrication?

23 A. Yes.

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WIT: JOHN P. LINDE - GIUFFNA - 6/27/97

1 Q. Okay. And what parts in the care of the rifle
2 need lubrication?

3 A. It would say right in the manual, it would give
4 you.

5 Q. So, the bolt assembly?

6 A. Yeah.

7 Q. The barrel and the action?

8 A. Yeah.

9 Q. Now, what is the action?

10 A. The action is the bolt assembly with the action
11 that it rides in.

12 Q. And where is the action in relation to --

13 Q. It would be what your barrel is screwed to.

14 Q. Okay. What's a floor plate?

15 A. That's the piece that sets underneath the
16 trigger guard.

17 Q. Uh-huh. And that allows you to unload the gun
18 by rotating a -- there's like a cam there. You
19 rotate and then the floor plate opens up and
20 allows all the cartridges to be taken out at one
21 time.

22 Q. So this rifle isn't like you see with a clip,
23 you just open the floor plate and you fill it

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1 in, is that correct?

2 A. No, no. To load it you would load it through
3 the top.

4 Q. Right.

5 A. But to unload it you can just remove the floor
6 plate and then the floor plate rotates on the
7 hinge.

8 Q. Right.

9 A. And then all the cartridges come right in your
10 hand.

11 Q. Right. I'm just saying it's not like you jam a
12 clip in?

13 A. No, no, it's not a clip.

14 Q. Like an M-14 or something?

15 A. No, it's not a clip.

16 Q. Would you lubricate the part where you put the
17 bullets in?

18 A. I don't know.

19 Q. Okay.

20 A. I could read that but I mean this is the only
21 moving part, are the hinge and the hinge is back
22 hear (indicating) so I mean, you know, they
23 would require some lubrication at some point.

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WIT: JOHN P. LINDE - GIUFFNA - 6/27/97

- 1 Q. What about the part -- I imagine the bullets are
2 fed by a spring?
- 3 A. Yes.
- 4 Q. In that right?
- 5 A. Yes.
- 6 Q. Would that have to be lubricated, that area?
- 7 A. No.
- 8 Q. You wouldn't lubricate where it's feeding?
- 9 A. No. You're asking me, I wouldn't.
- 10 Q. Okay. Getting back, where would the bolt rest
11 in relation to -- well, we're going backwards, I
12 hate to do that but where would the bolt rest in
13 relation to the trigger control?
- 14 A. The bolt doesn't. The bolt would fit over the
15 top of it.
- 16 Q. Yeah, that's what I mean. It rest on top of it,
17 right?
- 18 A. Yeah, this (indicating), the firing pin assembly
19 goes in the center of the bolt and then the bolt
20 goes over the top of this trigger assembly.
- 21 Q. Okay. Are there any open parts between where
22 the bolt sits and the trigger assembly?
- 23 A. Open parts?

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1 Q. Openings.

2 A. No.

3 Q. Okay.

4 A. No.

5 Q. So, is the trigger assembly a sealed unit?

6 A. No.

7 Q. Okay.

8 A. No, but when you say openings the opening is
9 once the amount of clearance that you have
10 between the sear safety cam and the side plate.

11 Q. Right. So it's not a totally sealed part?

12 A. It can't be. It cannot be and still operate,
13 no.

14 Q. Okay, that's all I want to know.

15 A. No.

16 MR. GIUFFNA: Okay. Can we mark this?

17

18 The following was marked for identification:
19 Plaintiff's Exhibit 10 10/13/80 memo from
Clark Workman to Joe
20 Glas (TS-02542)

21

22 BY MR. GIUFFNA:

23 Q. I'm going to show you what has been marked as

WIT: JOHN P. LINDE - GIUFFNA - 6/27/97

1 Plaintiff's Exhibit No. 10. It's Bates stamp
2 TS-2542. It's a memo to Joe Glas from Clark
3 Workman.

4 MR. SHAW: What's the date?

5 Q. Oh, sorry. It's 10/13/80.

6 A. This is in relation to that other thing that you
7 showed me on the meeting.

8 Q. Okay.

9 A. You had T. Capeletti and Clark Workman.

10 Q. Right.

11 A. And it referenced the same, the same concern.

12 Q. Okay. And the concern -- well, I don't recall
13 this but refresh my recollection. Do you recall
14 at some point in 1980 that there was some
15 concern about the amount of instruction
16 Remington gave to the general public regarding
17 proper cleaning lubrication of the rifles?

18 A. No, I wouldn't have saw this. The other
19 document that you showed me around where they
20 were talking about coating of the trigger
21 assembly --

22 Q. Right.

23 A. -- with the lubricate, the Steel Guard, --

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1 Q. Uh-huh.

2 A. -- that's what I was involved with and then in
3 that meeting I was telling you about. Now, this
4 is a document that's going in the research
5 organization, that.

6 Q. You never saw it?

7 A. So I never saw that. I don't know what this is
8 referring to.

9 Q. Did you ever during your course of employment at
10 Remington to become aware that there was some
11 concerns in the Research Department about the
12 construction of cleaning the rifle?

13 A. Oh, sure.

14 Q. And what were those concerns?

15 A. There is always a concern that you're trying to
16 do the best you can as far as trying to tell the
17 customer how to take care of his gun and if you
18 would take a look at our owner manuals over the
19 years they continually improved what they
20 marketed and how to care for it, what-have-you.
21 So, in the market place it was -- I mean years
22 ago it was very much common knowledge of how you
23 take care of your gun and what you do and

WIT: JOHN P. LINDE - GIUFFNA - 6/27/97

1 what-have-you and when years went on we needed
2 to supply more and more of that information.

3 Q. What effect would improper cleaning or
4 lubrication of the fire control have on its
5 operation?

6 A. We merely depend on it. It would be merely
7 speculation.

8 Q. Well, for example is the fire control meant to
9 be cleaned?

10 A. No.

11 Q. Is it meant to be cleaned?

12 A. No. I mean at this stage I mean the unit was
13 lubricated with a dry molybdenum disulfide. So
14 that trigger assembly was lubricated with a
15 molybdenum disulfide.

16 Q. The trigger assembly that they're talking about
17 in this memo?

18 A. No, no.

19 Q. Okay.

20 A. I mean that's what they were. You asked how
21 they lubricated it and that's how they
22 lubricated it, with the molybdenum disulfide in
23 the factory.

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1 Q. What about for routine cleaning for use in the
2 field?

3 A. No, what I would do is I would go back to what
4 does it say here.

5 Q. I'm just asking you.

6 A. No, I would go right back to that.

7 Q. Okay. So, you don't know?

8 A. I'm not going to try to search my memory to try
9 to tell you.

10 Q. Okay. So you don't recall any discussions
11 concerning failure to warn about improper
12 cleaning or improper lubrication of fire control
13 in the Remington manual for the M-700 rifle?

14 A. I remember that meeting that I was talking to
15 you about.

16 Q. I know, I'm asking about this.

17 A. No, on this I don't know.

18 MR. GIUFFNA: Okay. All right. Let's mark
19 this then.

20
21 The following was marked for identification:
22 Plaintiff's Exhibit 11 10/3/80 letter from
E.G. Larson to J.P.
23 Glas (TS-02543)

WIT: JOHN P. LINDE - GIUFFNA - 6/27/97

1 BY MR. GIUFFNA:

2 Q. This is TS-2543. Okay. Do you have any
3 independent recollection of this? Were any
4 complaints of guns coming in from firearms
5 repair places or stores where the consumer had
6 complained that the safety, the trigger assembly
7 had become gummed up and had had any kind of
8 accident on discharge?

9 A. I know we looked at gummy triggers as it says in
10 there but how many complaints, you know, I know
11 we looked at complaints that had gummy triggers
12 in them.

13 Q. And would that cause a possible discharge with
14 the trigger being pulled?

15 A. That's why I have with your questions been very
16 careful, because you can't say or I can't say
17 because of all the extenuating circumstances;
18 had it been altered, had they done anything else
19 to it. And when I say gum that's really so
20 nebulous because, you know, I mean you could
21 have somebody who could be putting something
22 like not even a lubricant, taking a mineral
23 solvent or something on their trigger or

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1 something, you know, so it wouldn't even -- you
2 know what I'm saying? The course could actually
3 not even be a lubricant, it could be something
4 else that somebody told him.

5 Q. So could some kind of lubricant have caused the
6 gumming in the retracted position? Is it
7 possible?

8 A. I know it's possible. Anything is possible.
9 I'm saying with normal lubricants there was no
10 problem with that gun.

11 Q. Okay. But during the time you were at Remington
12 did guns ever come in where customers had
13 complained that the gun had gone off without
14 them pulling the trigger and upon investigation
15 you discovered that the trigger assembly was
16 gummed up with lubricants?

17 A. That could have been.

18 Q. Okay. Would that present a safety problem?

19 A. Here again, see, I don't know. Like I would
20 have to go back and look at each individual one.

21 Q. Okay. But I'm just saying as a general
22 practice.

23 A. As a general rule, you can't say that. I can't

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1 say it was a problem gumming, a safety problem,
2 no.

3 Q. I'm going to show you Plaintiff's Exhibit No.
4 11, Bates stamp TS-2543 which has your cc on it
5 and also refers to a telephone conversation you
6 had with E. Larson and I ask you to take a look
7 at it.

8 A. Okay. Yeah, this is exactly what I was saying,
9 that there was a question around the Steel Guard
10 and protective coating we use in the plant and
11 what they're saying is can this cause any kind
12 of gumming and that's what I'm saying, we went
13 through and investigated that. We couldn't find
14 the correlation but what we did was we just went
15 ahead and changed it anyway.

16 Q. Their concern was that people would be using
17 lubrication in the field and this would be a
18 safety problem as you recall? If you don't
19 remember, that's fine.

20 A. No, no, I don't.

21 Q. You don't recall?

22 A. I remember the thing about with the Steel
23 Guard. We got rid of the Steel Guard but I

WIT: JOHN P. LINDE - GIUFFNA - 6/27/97

1 don't remember this to be a problem with
2 lubrication, a problem in the field.

3 Q. But is that as far as your knowledge?

4 A. That's as far as my knowledge.

5 Q. Okay, that's fine. And you conducted certain
6 tests of lubricants and determined which one you
7 liked best?

8 A. I know they did, yeah.

9 Q. Okay.

10 A. I know they did, yeah.

11 Q. Okay. Did you have any involvement concerning
12 the evaluation of lubricants on firearms?

13 A. No, not at the point they were doing this.

14 Q. Okay. And do you know who J.H. Hennings was?

15 A. Yes, he worked in the Remington test facility.

16 Q. Okay. What about F.L. S-u-p-r-y?

17 A. He worked there also.

18 Q. Okay. As far as you know as a result of these
19 tests did Remington determine that certain
20 lubricants would cause the rifles to fail to
21 function properly?

22 A. No, I don't know that. I don't remember that at
23 all. You have the results there so it would

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1 show you.

2 MR. GIUFFNA: Off the record.

3

4 (Off the record discussion held.)

5

6 **BY MR. GIUFFNA:**

7 Q. Who is Evan Ritchie, R-i-t-c-h-i-e?

8 A. He was in the research test lab.

9 Q. Would weather conditions have an effect on the
10 operation of a lubricated fire control system?

11 A. Weather has an impact on the lubrication.

12 Q. Yeah. And would it get more gummy or stickier
13 depending on weather, hot, cold?

14 A. Yes, things get stickier when it's cold and
15 gummy, yes.

16 Q. And did you ever have as a result of the testing
17 of the different lubrications whether Steel
18 Guard would gum up as opposed to other types of
19 lubricants?

20 A. Yes, but see, let me just back you up a second.
21 Steel Guard wasn't a lubricant.

22 Q. But as far as would it gum up or congeal?

23 A. It will congeal, yes.

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1 Q. Okay. And you don't have any independent
2 recollection of the outcome of the fire control
3 lubrication evaluation, do you?

4 A. No.

5 Q. Okay. That would be within Evan Ritchie or --

6 A. Yes, these people would deal with that.

7 Q. Okay. Who would handle rifles that come in
8 from customers alleging a problem?

9 A. They would come in to the Arms Service Division.

10 Q. And who was in charge of the Arms Service
11 Division in 1981?

12 A. I don't know.

13 Q. Okay. What about when you were there, the last
14 person in charge of it?

15 A. Dennis Sanita. S-a-n-i-t-a I think it was.

16 Q. Did you have any kind of involvement with rifles
17 coming in from the field with customer
18 complaints or no?

19 A. I had some, yeah.

20 Q. What was the extent of your involvement?

21 A. Well, they would bring some up for me to look at
22 or asking me questions on a certain thing.

23 Q. Okay. Do you recall during the time you were at

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1 Remington where rifles came in where the
2 consumer complained of the discharge of the
3 rifle without pulling the trigger?

4 A. Yes.

5 Q. Approximately how many of those complaints do
6 you recall coming in while you were there?

7 A. No, I don't.

8 Q. Who would be in a better position to tell us
9 something more about customer complaints in the
10 field that's still alive?

11 A. What?

12 Q. That's still alive.

13 A. Oh, I don't know.

14 MR. SHAW: If you know I mean.

15 Q. If you know.

16 A. I don't. You know, you can dig through the
17 records and try to figure out who it is or I
18 could but I don't know.

19 Q. Who is R.H. Potter?

20 A. R.H. Potter?

21 Q. Potter?

22 A. I don't know a Potter.

23 Q. So, your involvement as far as testing of guns

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1 coming in from the field regarding complaints or
2 problems is pretty small, is that fair to say?

3 A. Yeah. I was involved with some but I wasn't in
4 the loop so to speak.

5 Q. So that is it fair to say that wasn't your main
6 function while you were at Remington Arms?

7 A. No, that wasn't my main function.

8 Q. Okay. Did you ever become aware of the total
9 number -- did there ever come a time where you
10 became aware of certain allegations of customers
11 being injured as a result of rifles discharging?

12 A. Without them pulling the trigger?

13 Q. You want me to rephrase that?

14 MR. SHAW: Come back, yeah.

15 Q. Did there ever come a time when you became aware
16 of complaints coming in from the field of users
17 in the field or immediate vicinity of people
18 being injured in respect to rifle discharges?

19 A. I knew that people had been injured with the
20 rifle.

21 Q. But did you become aware of people being injured
22 claiming that they were injured because of the
23 rifle discharging without them pulling the

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1 trigger?

2 A. I heard that, yes.

3 Q. Okay. When did you first start hearing of that,
4 if you recall?

5 A. I don't recall. I don't remember.

6 Q. Would it have been in the '70's, '60's, '80's?

7 A. It would have been in the '70's because that was
8 the time that I was in position to be involved.

9 Q. Do you recall the number of allegations of that
10 kind of problem?

11 A. No, I don't.

12 Q. Okay. Do you know if Remington undertook any
13 kind of investigation aside from legal
14 investigation?

15 A. Oh, I'm sure they would. We -- everything like
16 that we handle very seriously. I mean
17 everything was looked at.

18 Q. Okay. Do you know who would have been in charge
19 of looking into that sort of thing during the
20 time that you were there?

21 A. Well, there would have been a number of people
22 over the time but I --

23 Q. Just two names?

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1 A. Oh, I don't know. I don't know.

2 Q. Okay. That's a fair one. Do you recall
3 approximately how many complaints of rifles
4 going off without the trigger being pulled came
5 into Remington?

6 A. No, I wouldn't know.

7 Q. Was it more than ten, less than ten?

8 MR. SHAW: Over what period?

9 Q. Over the period of time you were there. If you
10 don't know you don't know.

11 A. I don't know, no. I just would be speculating.

12 Q. No, I don't want you to guess. I mean John and
13 I have all those things, the sheets coming in
14 and we know the numbers but I just want to know
15 your independent knowledge.

16 Did there come a point in time that
17 Remington instituted drop testing of the Model
18 700 rifle?

19 A. We always drop tested guns.

20 Q. Okay. Tell me how you would drop test an M-700?

21 MR. SHAW: At what time frame?

22 A. During the time he was there.

23 A. How would we do it? We do it with a pendulum

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1 tester.

2 Q. And describe the test?

3 A. It would be a heavy concrete brick wall and then
4 on that wall would be either steel, hard maple,
5 two to three inches of hard maple and neoprene,
6 which would be like a ninety dilatometer which
7 is harder than hell. It would be about an
8 inch. Then that would be on the wall, one of
9 those three, and then you would have the rifle
10 suspended with the wires from the ceiling --

11 Q. Right.

12 A. -- as a pendulum and then whatever that
13 measurement was. It would come back with like a
14 one foot rise, two foot rise, three foot rise,
15 four foot rise, five foot rise, six foot rise
16 and then the rifle would be released and it
17 would go down to different attitudes, muzzle
18 first, butt first, top, bottom and then strike
19 that hard steel or whatever plate.

20 Q. And then you would determined whether the firing
21 pin fell?

22 A. That's right.

23 Q. Okay. And if you did have the firing pin fall

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1 would that be a jar off?

2 A. I don't know. I'm not trying to mince words.

3 Q. No, I understand.

4 A. But what happens is it gets real confusing what
5 people call this and what people call that so
6 all I'm saying is did the firing pin fall or
7 didn't it.

8 Q. If the firing pin falls --

9 A. Then it failed to test at that height, yeah.

10 Q. So, it's not a good thing if a firing pin falls?

11 A. No, it's a test. You're measuring just like if
12 you measure what the diamond of your pencil is.
13 I mean it measures something.

14 Q. Okay. And what it measures --

15 A. Whether it's good or bad has to do with whatever
16 reference you're establishing on that.

17 Q. Now, is it a desirable feature for the firing
18 pin to fall without the trigger being pulled?

19 MR. SHAW: Objection, overdrawn and vague.

20 A. No, that doesn't mean anything if you're talking
21 about the test. The test is the test. Just
22 like if I lift something up a foot and it
23 breaks, two foot and it breaks, three foot and

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1 it breaks and you say well, how many feet would
2 I be able to drop it in the kitchen and not have
3 it break. You're asking me if I break the plate
4 is that bad. Well, I guess to the little
5 housewife it would be bad.

6 Q. Okay.

7 A. But what is reasonable for her, a plate to be
8 able to drop from the --

9 Q. Okay, but for a rifle which you admit is a
10 dangerous -- well, I don't want to say that.
11 Strike that. On a rifle it's not a desirable
12 feature for the firing pin to fall unless the
13 trigger is pulled, is that fair to say?

14 A. No, you don't want that.

15 Q. Okay.

16 A. Yeah.

17 Q. So, part of the jar off test is to maximize the
18 amount?

19 A. No, the jar off test is to measure how good the
20 rifle is in meeting that criteria.

21 Q. And the criteria is of use --

22 A. And the criteria is determined by what you're
23 saying is what, what are you measuring.

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1 Q. Uh-huh.

2 A. I mean that's it. You're putting the
3 quantifiable material around a condition.

4 Q. Okay. Well, the jar off, what's it measuring?

5 A. I mean like you said you blow a gun up and you
6 said okay, it will blow up at a certain point.

7 Q. Right, but what is the jar off?

8 A. The jar off is measuring how many feet at
9 whatever attitude that this rifle will withstand
10 that load and not have the firing pin fall.

11 Q. Okay. And when did Remington first start doing
12 drop tests?

13 A. They have done them forever as I know.

14 MR. GIAFFNA: Off the record.

15

16 (Off the record discussion held.)

17

18 BY MR. GIUFFNA:

19 Q. Back on. When they performed these drop
20 tests -- and if I use them interchangeably
21 please correct me. When would they use, put a
22 cartridge in there like a blank to see if the
23 pin would indent?

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1 A. No.

2 Q. Would it just be -- how would they know then
3 whether --

4 A. Whether the firing pin falls or not.

5 Q. So there wouldn't be a cartridge in it to see if
6 whether it would indent?

7 A. No.

8 Q. So they couldn't tell if a cartridge wasn't in
9 there whether it went off? I'm just saying you
10 can't tell.

11 A. Well, if the firing pin fell the assumption you
12 would make is it would.

13 Q. Okay, that's just what I want to be sure of.
14 So, once you have a falling of the firing pin if
15 there's a bullet in there it's going to go off
16 more or less?

17 MR. SHAW: Well, I object to that.

18 A. You can't always say that.

19 Q. Okay, you're right. The assumption is it will
20 but you can't always say that?

21 MR. SHAW: For purposes of clarification, I
22 think what John is saying is all they checked
23 for is the firing pin for purposes of the test

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1 without regard to whether if a cartridge had
2 been in there it would have fired. They did not
3 now go into that.

4 Q. Okay. Is that your testimony as well?

5 A. Yeah, that's right.

6 Q. Okay.

7 A. Well, if you think it through, if the bolt comes
8 up a little bit when it hits the gun is not
9 going to fire so there is a number of things, a
10 number of counter things that could stop the
11 thing from firing.

12 Q. Okay. Why don't they use a dummy cartridge when
13 they tested it?

14 A. I don't know.

15 Q. Okay.

16 A. I don't know.

17 Q. You familiar with SAAMI?

18 A. Just know what it is and what-have-you.

19 Q. What is it?

20 A. It's Society -- well, I'm trying to think of
21 what the thing stands for. Society For Arms And
22 Manufacturers or something like that.

23 Q. Okay.

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1 A. That's where all the arms and ammunition
2 manufacturers come together. Now, if you
3 have -- for example if you have a 30.06
4 cartridge you have to have specifications around
5 that cartridge such that the cartridge would be
6 made around a number of different manufacturers
7 and that that cartridge will fit in that rifle.
8 It made it for that rifle. So, sometimes you
9 have got people making ammunition or you have
10 people making firearms and you have to have
11 standards around what the cartridge is going to
12 be, what's the dimension of the cartridge,
13 what's the number of the cartridge, what's the
14 chamber and all that, these sort of things so
15 you have got a standard.

16 Rugar for example wants to bring on a new
17 cartridge that Remington is going to supply the
18 ammunition that is going to fit in that
19 cartridge and that's why the customer is going
20 to be safe, you know, buys that cartridge and
21 puts that in the rifle.

22 Q. So, SAAMI is an organization that consists of
23 firearms and ammunition manufacturers?

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1 A. It's manufacturers, yes.

2 Q. Do they have a system where they have delegates
3 or something like that?

4 A. They have a system where they have delegates and
5 then they have committees that would address
6 certain phases of manufacturing.

7 Q. Did Remington have a delegate to your knowledge?

8 A. Yes.

9 Q. During sometime that you were there?

10 A. Yes, they always had people there that were
11 represented on the committee.

12 Q. Do you know which committees specifically?

13 A. No, I don't.

14 Q. Okay. Do you know what the standard that
15 Remington utilized in say the 1970's for
16 acceptable jar off testing like acceptable
17 limits I guess I mean to say?

18 A. You say jar off. This would be with the safety
19 in the fire position?

20 Q. Yes.

21 A. On what guns?

22 Q. On 700, everything we are talking about with the
23 700.

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1 A. Okay. 700 as I recall it, something like 18
2 inches.

3 Q. 18 inches, so if the pin doesn't jar off after
4 18 inches it's okay?

5 A. Yes.

6 Q. How was that arrived at as a standard?

7 A. I think it was arrived over years and years of
8 experience with bolt action rifles.

9 Q. Did there come a time when you were employed by
10 Remington that you became aware of there being
11 complaints from the field that the firing pin in
12 the 700 would fire off when the safety was
13 released?

14 A. Fire off the safe?

15 Q. Yes.

16 A. With a 700?

17 Q. Yeah.

18 A. I'm not familiar with that. What you're talking
19 about -- if you let me look at the document
20 maybe I could see.

21 Q. Sure. I don't want to mark it, just have a
22 look.

23 A. Yeah, here (indicating). Yeah, this pretty much

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1 is self-explanatory.

2 Q. I thought it was too.

3 MR. SHAW: Let me see it. Okay.

4 Q. So, is it your testimony that there were
5 complaints from the field that the rifle, the
6 M-700, would fire off off safe?

7 A. Yes. Yeah.

8 MR. GIUFFNA: Let's mark this.

9
10 The following was marked for identification:
11 Plaintiff's Exhibit 12 Bates stamp TS-02635

12

13 **BY MR. GIUFFNA:**

14 Q. All right. Mr. Linde, the records reflect that
15 we have marked Plaintiff's Exhibit No. 12, Bates
16 stamp number TS-2635. Did there come a time in
17 the early 1980's that a new trigger design was
18 tested by Remington?

19 A. Yeah, we went through that here earlier.

20 Q. Yeah, I know.

21 A. Yeah.

22 Q. Okay. There was, okay. And this was during
23 your tenure with Remington, correct?

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1 A. Yes.

2 Q. Okay. Do you know whether that new style
3 trigger was ever adopted by Remington?

4 A. I don't believe so.

5 Q. Why was the new style trigger not adopted to
6 your knowledge?

7 A. I have no idea.

8 Q. Okay. Who would have knowledge of that?

9 A. Again, it would be the people in Research that
10 were working on that.

11 Q. And was that, let's see, C.E. Ritchie or R.W.
12 Howe?

13 A. I don't know but it wouldn't be Ritchie because
14 Ritchie would be the person who just tested.
15 He's a test person.

16 Q. Okay.

17 A. So he would just be testing what somebody else
18 gave him.

19 Q. Fine. Oh, what about D. Bullis?

20 A. He would have just been -- he was just a
21 designer. He would not have been responsible
22 for a design like that.

23 MR. GIUFFNA: All right. Let's mark this

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1 one.

2

3 The following were marked for identification:

4 Plaintiff's Exhibit 13 Bates stamp TS-02538

5 Plaintiff's Exhibit 14 Bates stamp TS-03418

6

7 **BY MR. GIUFFNA:**

8 Q. Okay. Mr. Linde, I'm going to show you what's
9 been marked as Plaintiff's Exhibit No. 13. It's
10 Bates stamp TS-2538. It's a memorandum to C.B.
11 Workman from C.E. Ritchie. You have been cc'd
12 on it. Do you want to have a look at that?

13 A. Yeah.

14 Q. Okay. Did you read the whole document or just
15 the first page?

16 A. Oh, no, I just read the first page. Yes?

17 Q. What's the difference between a M-7 and M-700,
18 they two separate --

19 A. Yes. The Model 7 was a -- oh, it was like a
20 real tiny carbine.

21 Q. Okay. Do you recall in 1983, I gather from
22 reading this document there have been some
23 testing on that, what's been called here as a

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1 new style trigger?

2 A. Yes.

3 Q. Do you recall hearing that the new style trigger
4 meets or surpasses the SAAMI jar off test
5 requirements?

6 A. No. You know, I got a copy of it obviously but
7 why they forwarded a cop to me is because this
8 would be a change in the trigger.

9 Q. I don't know.

10 A. Because I was responsible for the manufacturing
11 engineering. It was learning its effect so I
12 could look at it from our standpoint so you saw
13 how I would -- I'm just telling you how I would
14 have looked at it from my concern, what are they
15 doing and how would I process it.

16 Q. And you don't have an independent recollection?

17 A. No, and at no point I don't even care. I don't
18 mean to sound callous but --

19 A. No, I know.

20 A. But my concern was how would I process this.

21 Q. And you testified earlier that the new style
22 trigger was not adopted and you didn't recall
23 why. Does this --

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1 A. You mean this new style?

2 Q. Yeah.

3 A. Oh, I think they were just messing around with
4 something. I don't know what they were doing
5 with this.

6 Q. Okay.

7 MR. SHAW: And that might be lack of
8 foundation or vague or whatever what they're
9 saying there for new style for the Model 7
10 versus the End Bar Program. I'm not sure if
11 there is a connection as I sit here.

12 A. I wouldn't read that into it because on that
13 Model 7 it had a trigger guard floored plate
14 that they were redoing because when they were
15 starting there were complaints from the field
16 that it was flimsy so they were looking at
17 changing the trigger and changing how that
18 worked with that trigger guard, so --

19 Q. Okay.

20 A. And they would have to have a clearance for the
21 way they were doing it but --

22 MR. GIAFFNA: Okay. I have these two. I
23 don't know -- off the record.

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1

2

(Off the record discussion held.)

3

4

BY MR. GIAFFNA:

5

Q. Mr. Linde, did you have any involvement with the

6

M-700 new design trigger screw and spring?

7

A. No.

8

Q. Any independent recollection?

9

A. No.

10

Q. If I showed you some document pertaining to that

11

would that help you out at all?

12

A. Yes, if I knew about it.

13

MR. GIAFFNA: Okay. Let's mark it then.

14

15

The following was marked for identification:

16

Plaintiff's Exhibit 15 Bates stamp TS-03400

17

18

WITNESS: No, I wouldn't. This is in a time

19

frame where I won't know about that.

20

21

BY MR. GIAFFNA:

22

Q. You wouldn't know about that?

23

A. If it's an '83 it would be something I wasn't

WIT: JOHN P. LINDE - GIUFFNA - 6/27/97

1 working on.

2 Q. All right. So, you don't have any knowledge of
3 the new design trigger screw and spring
4 evaluation or any tests that went around with
5 it?

6 A. No.

7 Q. What about the M-700 modified trigger connector?

8 A. No, I don't know what that was.

9 Q. Were you ever aware that they had potentially
10 redesigned the M-700 trigger connector?

11 A. No.

12 Q. What about the new design M-700 trigger sear
13 block?

14 A. Trigger sear block? No. What are the dates on
15 those?

16 Q. This one is '82.

17 A. Oh, okay. These must be all research documents.

18 Q. Yeah, they are. Modified trigger connector, you
19 don't know about that, right?

20 A. No.

21 Q. Okay. When did you leave Remington, what month?

22 A. '84.

23 Q. What month?

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- 1 A. June.
- 2 Q. Do you recall being privy to any drop testing
3 that went on involving the M-700 rifle?
- 4 A. Not at that time, no.
- 5 Q. Do you know who would know whether some drop
6 testing was taking place at that time?
- 7 A. No. They did drop testing though. That was
8 always going on with something.
- 9 Q. Do you know who would be involved in that?
- 10 A. It would be Evan Ritchie and those people who
11 test. That would be the people.
- 12 Q. Who is R.W. Howe?
- 13 A. I don't know. You asked me that before.
- 14 Q. Oh, you're right, I did.
- 15 A. I should know but I can't place the guy.
- 16 Q. H-o-w-e. Are you aware of any comparison drop
17 testing that Remington conducted?
- 18 A. No.
- 19 Q. What about any abuse tests, testing of the
20 M-700?
- 21 A. That would have all been done back in
22 Research.
- 23 Q. Research?

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1 A. Test lab.

2 Q. Was a jar off considered to be a malfunction?

3 A. It would be.

4 Q. As far as you know during the testing of the
5 M-700 rifle would a jar off occur if the rifle
6 was struck a blow on any part of it?

7 A. Well, that's why you have a test like the
8 pendulum drop test.

9 Q. Right.

10 A. Yeah.

11 Q. So I'm asking you did any jar offs occur?

12 A. Well, sure, you could, yeah.

13 Q. So, was that known to Remington at that time?

14 A. That you could take a 700 and put it on a
15 pendulum and strike it against a steel plate and
16 have that, yes.

17 MR. SHAW: From a certain distance you're
18 saying?

19 A. Yeah, but I mean, you know, it's like a plate
20 example. I mean everything has a standard in
21 industry and you can see the standards where
22 you're going to be.

23 Q. Are there any government regulations as far as

WIT: JOHN P. LINDE - GIUFFNA - 6/27/97

1 standards pertaining to jar offs that you know
2 of?

3 A. Not that I'm aware of.

4 Q. Does the government -- does the United States
5 government regulate standards of firearms as you
6 know?

7 A. The only regulation that I would know on the 700
8 was that the Model 700 was purchased by the
9 government and if they had a criteria, a
10 purchasing criteria, I'm not aware of that.

11 Q. I'm only interested in consumer products
12 safety.

13 A. No, I'm not aware of it.

14 Q. Were there any inspections of Remington in the
15 M-700 rifles by any government entities to
16 determine their suitability for example to the
17 general public?

18 A. No.

19 Q. Okay. Is a jar off one of the occurrences which
20 occur with a rifle which -- strike that. To
21 your knowledge has Remington ever recommended to
22 the public that the only way an M-700 rifle will
23 go off is if the trigger was pulled?

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WIT: JOHN P. LINDE - GIUFFNA - 6/27/97

1 A. I -- I wouldn't know how to answer that.

2 Q. Do you know?

3 A. No.

4 Q. Okay. Well, my question is do you know whether
5 Remington has ever had statements to the general
6 public saying our rifle won't go off unless the
7 trigger is pulled? If you don't know you don't
8 know.

9 A. No, I don't know.

10 Q. Have you ever heard of using the safety hooks on
11 the firing pin of the bolt action rifle to
12 prevent a jar off?

13 A. Safety hooks?

14 Q. Yeah, safety hooks.

15 A. No.

16 Q. Okay. In the use and operation of a bolt action
17 rifle such as a M-700, as a result of the rifle
18 operating, would part of the brass of the
19 cartridge possibly be chewed up or anything like
20 that, like parts of the cartridge, the shell?

21 A. Yeah.

22 Q. Can that get --

23 A. Well, there is a bullet --

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- 1 Q. Yeah.
- 2 A. -- which goes out the barrel.
- 3 Q. Right. Then you have the cartridge?
- 4 A. Then you have the cartridge to support that.
- 5 Q. Right. When it hits that --
- 6 A. What?
- 7 Q. Are shavings from the -- when the hammer falls
- 8 and the action of when -- you would reject the
- 9 discharge round by cycling the bolt off, right?
- 10 A. Yes.
- 11 Q. Okay. Are shavings from the brass cartridge
- 12 ever left in the chamber?
- 13 A. I have never seen that where you would unless
- 14 you had something where you had something sharp
- 15 or something that could cut it but the guns were
- 16 made where they went through what they call a
- 17 vibra honing process to break off any sharp
- 18 edges in there. So, I mean as far as, you know,
- 19 getting the gun back or inspecting the guns that
- 20 had brass shavings where you would have a bunch
- 21 -- where you have something cutting it, --
- 22 Q. Yeah.
- 23 A. No, I haven't seen that.

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1 A. As far as having a spec of brass, you know,
2 someplace you could have that because just of a
3 flash off the cartridge but it wouldn't be
4 something that was shavings. It would be
5 something that had been carried along.

6 Q. Okay. So, you have heard of pieces of brass?

7 A. No, I'm just -- I'm just being hypothetical
8 here. I mean I haven't looked at any reports
9 and seen shaved brass, no. I mean because
10 anytime you have a shaving then what there is is
11 there's a energy created to make that cut and
12 you would feel it in operation of the gun.

13 Q. Right.

14 A. So I mean it would be something that you would
15 pick up immediately.

16 Q. Okay. Whose R.A. Partnoy, P-a-r-t-n-o-y?

17 A. He would have been a corporate lawyer.

18 Q. Is he in-house?

19 A. Well, let's see. Was he? Yeah, I think he was
20 a lawyer but I'm just starting to think whether
21 he was -- yeah, he would have been the corporate
22 lawyer.

23 Q. You ever hear of a self-engaging safety being

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1 utilized in a bolt action rifle?

2 MR. SHAW: I will have to object to that as
3 vague because I don't know what a self-engaging
4 safety is.

5 MR. GIAFFNA: An automatic safety.

6 MR. SHAW: Okay.

7 Q. Have you ever heard of an automatic safety?

8 A. I heard of automatic safeties, yeah.

9 Q. Did you ever hear of them being used in a bolt
10 action rifle?

11 A. Yes.

12 Q. Was there an automatic safety being utilized in
13 the M-700?

14 A. Not that I'm aware of.

15 Q. Was it ever considered?

16 A. Not that I'm aware of.

17 Q. You aware of any other manufacturers that
18 utilized a automatic safety in the bolt action
19 rifle?

20 A. There were some automatic safeties used by
21 Remington years ago. I'm just interpreting
22 that, what you mean by automatic. That when you
23 open the bolt that the gun would put the safe

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1 on, you know, in a safe position.

2 Q. And why wasn't that utilized on the M-700?

3 A. They were made as I recall, and this is
4 strictly, you know, memory but as I recall those
5 were like Boy Scout rifles. They were used
6 rifles and they were single shots for training
7 new shooters.

8 Q. Yes.

9 A. So they were a single shot .22 Remington fired
10 rifle.

11 Q. Was there any reason they couldn't be used with
12 a 30.06?

13 A. Well, the theme of the 30.06 is something that
14 you have for a repeat shot, so that you could
15 shoot one shot after another and what you're
16 asking the deer hunter to do is take a shot and
17 when he gets ready for the next shot he has to
18 load the rifle up off safe so he can make the
19 next shot.

20 Q. So it means that each time you want to get your
21 shot off you have to put your clip, safety off?

22 A. Yes.

23 Q. And it would not be a desirable feature for a

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1 deer rifle?

2 A. It would not be desirable, no.

3 Q. Did any of the Remington competitors use and
4 automatic safety?

5 A. Not that I'm aware of.

6 Q. Just so I understand it, at a certain point the
7 Remington rifle if you drop it it's going to go
8 off as far as you know or the pin will drop, the
9 firing pin?

10 A. At a certain point.

11 Q. Yes.

12 A. It would depend.

13 Q. Okay. Let's just say for --?

14 A. At a certain point. It wouldn't at a certain
15 point.

16 Q. Okay. Would it drop if you dropped it -- I
17 don't know. Let me use your standards that they
18 use in the industry. As far as you know will
19 there come a point if you drop the Remington
20 M-700 with the safety off muzzle first that it
21 would discharge?

22 A. I think if you dropped it muzzle first it
23 probably never discharge.

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1 Q. Okay. What about if you dropped it butt first,
2 would it discharge?

3 A. Probably never.

4 Q. What if you dropped it on its top sides?

5 A. If you dropped it on its top sides, either the
6 top or bottom, after a certain point you
7 probably get a discharge.

8 Q. What about the right side or the left side?

9 A. I don't think that would have any impact.

10 Q. Okay. Do you know at what point the M-700 would
11 discharge if it's dropped on the bottom or right
12 side?

13 MR. SHAW: Objection again. If you're
14 asking him again if he knows --

15 MR. GIAFFNA: I'm asking him if he knows.

16 MR. SHAW: But it's a hypothetical question
17 which may be a problem for this witness who's
18 not being tendured yet as an expert.

19 MR. GIAFFNA: Well, I'm just asking his
20 knowledge.

21 MR. SHAW: And number two, it's probably an
22 improper hypothetical because you don't have
23 enough variables in terms of engagement, trigger

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1 pull, et cetera.

2 Q. All right. Let me ask you this: During the
3 period you were employed by Remington Arms did
4 you become aware that Remington had an in-house
5 standard as far as what was acceptable for a
6 drop fire?

7 A. Yes.

8 Q. Okay. What was their standard?

9 A. I believe it was 12 inches.

10 Q. Okay, 12 inches. Do you know how that standard
11 was arrived at?

12 A. No. The only thing that I could say about that
13 is that it had been arrived at over years and
14 years of experience with bolt action rifles.

15 Q. Okay. And the M-700 is designed for use by --
16 strike that. Was the size of the operator of
17 the M-700 taken into consideration when it was
18 designed as far as you know?

19 A. I don't know.

20 Q. Okay. This isn't a kid's rifle like --

21 A. No.

22 Q. Okay.

23 A. No.

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1 Q. You would expect somebody that has some sort of
2 experience with firearms to use this kind of
3 rifle, is that correct?

4 A. Yes.

5 Q. All right. Would it be unexpected for an
6 operator of an M-700 rifle to carry it on his
7 shoulder on a sling?

8 A. Carry a rifle?

9 Q. Yeah.

10 A. With a sling?

11 Q. Yeah.

12 A. No.

13 Q. Okay. Would it be unexpected for a user of a
14 rifle to carry it say in the port arms position?

15 A. No.

16 Q. Okay. What are the positions that -- well,
17 strike that. Would it be unexpected for a user
18 of a bolt action rifle to carry it about waist
19 height?

20 A. Yeah.

21 Q. Okay. What about any lower than the waist,
22 would that be expected or unexpected?

23 A. You could have it lower than the waist.

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- 1 Q. And in what circumstances?
- 2 A. Well, if you were creeping along but if you were
3 doing that then you would normally have your
4 safety in the on safe position.
- 5 Q. And when you say creeping you mean on your
6 stomach, that kind of thing?
- 7 A. No, no, just if you were kneeling to get under
8 some brush or something like that.
- 9 Q. Okay. But if you are walking you would expect
10 them to have it at what height?
- 11 A. Just as you're carrying it.
- 12 Q. Okay. Now, as far as -- now, does the owner's
13 manual which was provided with a Remington M-700
14 rifle as shown in 1981, does that contain any
15 warnings that the rifle will discharge if it's
16 dropped from a height greater than a foot?
- 17 A. I don't know.
- 18 Q. Could you look, review?
- 19 A. I mean you could read it but I mean it speaks
20 for itself.
- 21 Q. I know but would you read it and tell me whether
22 it does or doesn't?
- 23 A. You want me to read it?

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1 Q. Yes, please.

2 A. Really, I mean you got the document and that's
3 what you're after.

4 Q. Yeah. I mean I just want to know what you guys
5 think. Well, it speaks for itself, I mean I
6 don't know if it does or doesn't.

7 MR. SHAW: You can ask him if he would do it
8 and I will tenure an objection on the record but
9 that's an argumentative question that assumes
10 facts.

11 MR. GIAFFNA: I'm saying if there is a
12 warning.

13 MR. SHAW: That that should be warned
14 about?

15 MR. GIAFFNA: Well, I'm not deposing him on
16 that question. I'm deposing him --

17 Q. Is there a warning?

18 A. No. I mean here you have the document
19 (indicating).

20 Q. Okay.

21 A. And I understood that the reason I'm here is so
22 you can get information.

23 Q. Right.

WIT: JOHN P. LINDE - GIUFFNA - 6/27/97

- 1 A. And you have the information.
- 2 Q. Okay.
- 3 A. That's all I'm saying so why spend the time
4 going through it if you already have it.
- 5 Q. Because I'm just going to --
- 6 A. No, there has to be something else.
- 7 A. No, I'm getting to it if you let me.
- 8 A. Oh, okay.
- 9 Q. I'm just saying is there anything in that
10 manual?
- 11 A. I will tell you what, to save me some time, is
12 there?
- 13 Q. I don't think there is.
- 14 A. I don't know. "Unload your firearm before
15 climbing up or over a fallen tree, fence or
16 slippery area.
- 17 Unload firearms when not in use.
- 18 Keep firearms and ammunition away from
19 children.
- 20 Lock firearms and ammunition in separate
21 cabinets.
- 22 Always keep the muzzle pointed in a safe
23 direction.

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1 Keep the barrel clean, and free of
2 obstructions.

3 To use your firearm correctly and safely,
4 read and follow the instructions in the enclosed
5 firearm safety booklet and this instruction
6 book.

7 Before you pull the trigger, make sure you
8 can see the target clearly and the path of the
9 bullet beyond the target."

10 MR. GIAFFNA: Would you strike that response
11 as non-responsive.

12 A. "Never enter a vehicle with a loaded firearm" --

13 Q. Maybe I didn't make myself clear. Is there
14 anything in there that says the gun will go off
15 by any other means besides pulling the trigger?
16 It's a yes or a no. It either does or it
17 doesn't.

18 A. It says, "STOP. Even when the safety switch is
19 in the safe position, careless handling can
20 cause the firearm to fire."

21 Q. Okay.

22 A. It says, "WARNING: The firearm will fire when
23 the trigger is pulled and safety switch is in

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1 the safety position." I mean in the the fire
2 position, I'm sorry.

3 Q. Okay. Could I see that?

4 A. Yeah.

5 Q. Are there any warnings stamped on the rifle
6 itself that you know of?

7 A. I don't know in 1981 but I know there was a
8 thing that said if you do not have the owner's
9 manual to call write to factory or something
10 like that. I don't know when that came to be.

11 MR. GIAFFNA: I don't know. I called for
12 production of any warnings that are stamped in
13 schematic and the only thing that would be on
14 the barrel is what Mr. Linde alluded to which
15 either is or is not on Mr. Tsachalis' barrel
16 which is a roll mark that says to contact the
17 plant for instruction manual, something to that
18 effect. Okay. I just want to know when that
19 was, happened.

20 MR. SHAW: Okay. I will try to remember to
21 find that out.

22 Q. Who is R.B. Sperling?

23 A. He was a corporate attorney.

WIT: JOHN P. LINDE - GIUFFNA - 6/27/97

1 Q. What about J.H. Chisnell, C-h-i-s-n-e-l-l.

2 A. Oh, I don't remember what specifically his job
3 was. He was in Bridgeport.

4 Q. While you were at Remington were you aware of
5 any comparison testing between Remington's
6 rifles and it's competitors as far as its
7 ability to withstand a drop?

8 A. No. But we continually tested our guns against
9 competitive guns.

10 Q. Okay. Do you know if -- do you know if
11 Weatherbee manufactured a Vanguard about the
12 time of 1981?

13 A. I don't know. They manufactured a Vanguard
14 model amongst a bunch of others they had.

15 Q. Is Weatherbee a competitor of Remington?

16 A. They, yes and no. They sold a very high-end gun
17 and they sold very few of them but they sold
18 them at a very high price and then they brought
19 in some Japanese made guns in there for a while.

20 Q. Did you ever become aware that foreign debris
21 could become trapped in the trigger housing?

22 A. No.

23 Q. Okay. Did you ever learn at any point while

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1 you were employed by Remington that foreign
2 debris was found within the fire control
3 assembly?

4 A. You could have some. You could have some tiny
5 particles in the trigger assembly but when you
6 say foreign debris I mean you only have like
7 three our four thousandths clearance so the
8 debris would have to be really fine to get in
9 there.

10 Q. Okay. Did you ever learn at any point during
11 the time that you were employed by Remington
12 that foreign debris was causing the rifles to
13 act erratically?

14 A. No.

15 Q. Okay. Did you ever hear that foreign debris
16 had caused a follow-down involving an M-700
17 rifle?

18 A. You could have. You could have an isolated
19 case.

20 Q. Okay. Were you aware of any?

21 A. I could have been, I don't know.

22 Q. Would an out of adjustment trigger cause the
23 fire control mechanism not to behave to perform

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1 as intended?

2 A. Oh, very definitely.

3 Q. The way you guarded against that, check for that
4 was the sealing that you put on the screws, is
5 that correct?

6 A. Yeah.

7 Q. Okay. Did you ever become aware that it was
8 determined that -- strike that. If the
9 engagement between the sear and the connector
10 isn't at the -- sorry, strike that.

11 Q. That twenty thousandth of an inch, would that
12 affect the stability of the connector and in the
13 sear?

14 A. The stability?

15 Q. Yeah.

16 A. In what?

17 Q. Would it be more of a situation connected to a
18 follow-down or a accidental discharge?

19 MR. SHAW: Object to form. It's a
20 hypothetical.

21 Q. Did you ever hear of anything like that?

22 A. Well, the term engagement has to do with how
23 much -- well, how much engagement you have.

WIT: JOHN P. LINDE - GIUFFNA - 6/27/97

1 Q. Right.

2 A. Yeah.

3 Q. And did you ever learn while you were employed
4 by Remington that some rifles were coming in
5 where the engagement was off due to fire matter
6 in the trigger control mechanism?

7 A. Fire matter?

8 Q. Yes.

9 A. No, we had them where the engagement was off.

10 Q. And when the engagement is off did you possibly
11 hear that was causing problems with the fire
12 control mechanism?

13 A. It could cause problems.

14 Q. And did you hear one of those problems being an
15 accident discharge?

16 A. No, and I'm saying by problems you could have
17 that but that wasn't normally. What would
18 happen is the thing would follow-down if it
19 didn't have enough engagement.

20 Q. And follow-down means the firing pin goes down?

21 A. Follows the bolt down when it closes the gun.

22 Q. Yeah.

23 A. Because the trigger connector is not supporting

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1 the sear.

2 Q. Would the use of too thick a lubricant in fire
3 matter cause a follow-down or a follow-down
4 safe? Did you ever become aware of that
5 particular situation?

6 A. I don't remember any of that.

7 Q. And you say excessive clearance between the
8 trigger and connector could cause a follow-down.
9 Did you learn anything about that while you were
10 at Remington?

11 A. We looked at that but excessive clearance
12 between the trigger and the connector, that
13 really shouldn't have a whole heck of a lot of
14 impact on a follow-down.

15 Q. While you were at Remington did you ever learn
16 that it was determined that excessive clearance
17 between a connector and trigger could allow the
18 connector to work up the clearance with the sear
19 preventing retraction with the safety on?

20 A. With the safety? No, I don't believe that could
21 happen.

22 Q. Let me ask you something. The trigger housing,
23 is that the metal part that it's all encased in?

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1 A. Yes.

2 Q. Okay. Could the fit of the trigger to the
3 housing affect the connector sear -- what's the
4 -- off the record. Engagement of the trigger
5 to the connector?

6 A. No.

7 Q. You never heard about that being a problem, the
8 fit?

9 A. Oh, you could have a fit that could be a
10 problem, yeah, but like I told you earlier when
11 you were talking about the fit, normally the
12 problem with that would be that you can't get
13 the trigger in the housing to assemble it.

14 Q. Okay. At what point would the trigger connector
15 sear engagement be insufficient to support the
16 sear?

17 MR. SHAW: Objection. Improper
18 hypothetical.

19 Q. Well, did you ever learn what the limits were?

20 A. Well, sure.

21 Q. For proper engagement?

22 A. What do you mean proper?

23 Q. Well, maximum engagement that you wanted for the

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1 follow-down.

2 A. No, the engagement we want was the engagement we
3 set and that was engaged on testing.

4 Q. Okay.

5 A. Yeah.

6 Q. And anything underneath that would not give it
7 proper support, is that correct?

8 A. No, no, your gun is designed for certain things
9 and you could have a gun with less engagement
10 and use it for target shooting. It's done all
11 the time.

12 Q. But I mean in a field context?

13 A. In the field and this was a field rifle. Those
14 were the twenty thousandths. That tolerance was
15 based on for a field rifle.

16 Q. Okay. Who the owner of the rifle is, are they
17 as part of their maintenance supposed to take
18 the trigger housing out of the rifle at any time
19 to clean it?

20 A. There is no need for that.

21 Q. Okay. So, it's basically a permanent
22 non-maintenance part?

23 A. Yes.

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1 Q. Okay. Did you ever learn while you were
2 employed by Remington that the use of too heavy
3 a lubricant could cause a malfunction of the
4 rifle?

5 A. You could have that.

6 Q. Did you ever become aware that rifles were being
7 returned to Remington with a complaint of
8 trigger bind?

9 A. No, but that's possible. I mean if you have a
10 gun shooter, somebody who's pointing it, taking
11 it in and out or working on it, if they deform
12 the housing, you could be binding the trigger.

13 Q. Okay. But did you ever become aware of a rifle
14 just coming out of the field, a hunter saying
15 that there was this problem?

16 A. No.

17 Q. Okay, that's fine. Did you ever hear of rifles
18 being returned from the field where it was
19 determined that there were excessive burrs on
20 the trigger?

21 A. You could have that.

22 Q. Would that cause a problem with the operation of
23 the trigger?

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1 A. It could.

2 Q. Did Remington ever encounter as far as you know
3 burrs appearing on the side of triggers that
4 were sold where they were returned because of
5 the problem?

6 A. Not that I'm aware of.

7 Q. Okay. Would burrs on the sides of trigger
8 housing cause a problem that would result in a
9 follow-down?

10 A. I just don't know. You know, I just don't know
11 because you're --

12 Q. Okay. Did you ever become aware of any rifles
13 being returned to Remington in which steel
14 shavings were encountered in the trigger
15 housing?

16 A. I don't know.

17 Q. What about in M-700's being returned where
18 solidified lubricants caused the sear to stay
19 down in the fired position?

20 A. I don't know.

21 Q. If you don't know, you don't know. Do you know
22 approximately during the period you were
23 employed by Remington Arms how many people were

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1 injured as a result of an accidental discharge
2 involving a M-700 rifle? Again, I only ask if
3 you know.

4 A. I don't know.

5 Q. Do you have any idea, approximately?

6 A. No.

7 Q. Do you know how many M-700 rifles were returned
8 with an allegation of accidental discharge
9 without the trigger being pulled during the time
10 that you were employed by Remington Arms?

11 A. I don't know.

12 MR. SHAW: I think you asked these already,
13 didn't you?

14 Q. Do you know?

15 A. I don't know.

16 Q. Do you know the number of returned rifles
17 alleging this, an accidental discharge which
18 caused any kind of investigation by Remington
19 Arms?

20 A. Yes.

21 Q. Okay. What were the steps taken?

22 A. Every rifle that come back that had a problem,
23 it was looked at.

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1 Q. Okay. What about for specifically the design of
2 the M-700?

3 A. They would be looking for everything. They
4 would.

5 Q. Just so I understand it, the trigger connector
6 fails to retract, what supports the firing pin?

7 A. Nothing.

8 Q. Okay.

9 A. Unless you have the safety on.

10 Q. All right.

11 A. And then it's supporting the firing pin. It
12 would be supporting the sear safety cam which in
13 turn supports the firing pin.

14 Q. Do you know what height the M-700 rifle is not
15 designed to jar off at? The one foot is the
16 standard just so I'm clear?

17 A. Yes. I don't know what the -- I know the
18 standard is one foot.

19 Q. Okay.

20 A. I don't know what the design of it was.

21 Q. Is there any residue left in the rifle after a
22 cartridge is spent, a bullet is shot?

23 A. No.

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1 Q. How about powder, is there any residue in that?

2 A. No, you could have some of that. You could have
3 this, what they call a Otto loading gun where
4 the bolt is literally tearing the cartridge out
5 under pressure so you still got some residue
6 coming out but in a bolt action by the time you
7 could get the thing open almost everything is
8 gone, you know.

9 Q. So there wouldn't be any residues?

10 A. They're a lot cleaner, yeah.

11 Q. So that there is not as much an issue of buildup
12 of powder?

13 A. No, nothing like you have with a military gun
14 and the involvement that they had. They had a
15 real problem. I mean you were mired with that
16 with like the Mausers and what-have-you but this
17 just wasn't a issue.

18 Q. What's on the top of the trigger assembly?

19 A. The sears safety cam.

20 Q. Okay. But on the trigger assembly itself aside
21 from that is there anything on top of it?

22 A. No.

23 Q. Okay. So, just so, I understand this correctly,

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1 is the top of the trigger assembly exposed?

2 A. No.

3 Q. Well, aside -- once you take the sears safety
4 cam off?

5 A. No. No, when the gun is together the bolt is
6 over the top, over the top of the sears safety
7 cam.

8 Q. Okay. But what if I take the dead bolt out to
9 clean it, what's on top of that then?

10 A. Well, if you pulled the bolt back like normally
11 then you're over it. Then if you take the bolt
12 out, then you can see it.

13 Q. So, it's exposed?

14 A. It's exposed, yes.

15 Q. Now, when you clean this rifle are you putting
16 lubricant down the barrel?

17 A. Yes.

18 Q. Okay. And typically when the M-700 is cleaned,
19 when you clean the barrel like that do you take
20 the bolt out?

21 A. Yes.

22 Q. Okay. Do you know if any other manufacturers
23 have that exposed trigger assembly like that on

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1 a bolt action rifle?

2 A. Yes.

3 Q. Which ones?

4 A. They all have to. They all have to have a sear
5 that's going to come up and grab the firing pin
6 head so there has to be a hole or a clearance or
7 a projection coming through the receiver to grab
8 hold of the firing pin.

9 Q. Right, but with the Remington the whole top of
10 the trigger control, the trigger assembly is
11 open, is that right?

12 A. No, Remington has more area.

13 Q. Okay.

14 A. By the nature of design.

15 Q. Right.

16 A. But they have to all have the same.

17 Q. No, I understand that they have to have
18 something there.

19 A. And they're all open.

20 Q. Yeah. So there is the possibility that debris
21 could get in there, isn't there, by virtue of
22 that design?

23 A. No. Like I was saying when you say debris you

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1 have to have something that's going to go
2 between the side plates.

3 Q. But what about lubricant, would it be --

4 A. Lubricant could go if it's a liquid, yeah.

5 Q. When the M-700 was designed did Remington take
6 into consideration the fact of environment
7 contaminants, what the effect had on the trigger
8 mechanism and firing pin?

9 A. Yes, I'm sure they did.

10 Q. And do you know what steps they took?

11 A. I know the individual who worked on that came
12 from Remington's breech guns and helped conduct
13 some sort of test with the government and that
14 was his -- you know, one of his specialties.

15 Q. This is Mike Walker?

16 A. No, this is Wayne Leek. He was in the testing
17 facility at the time.

18 Q. Is there any way that the user could tell if
19 there is full engagement between the sear and
20 the trigger connector visually?

21 A. Yes.

22 Q. How?

23 A. There is a hole in the side of the trigger

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1 assembly.

2 Q. You're saying if I have the gun with the bullet
3 in there and operate the bolt I can look into
4 the trigger assembly and see this?

5 A. No, I'm saying if you have the action out of the
6 stock.

7 Q. No, I understand you can see it.

8 A. No, no, your question was could you see whether
9 your engagement is visual externally and the
10 answer is yes, you can.

11 Q. What if you did have it fully assembled, the
12 design to be used, and you have the bullet in
13 there and bolt down, could you see it then?

14 A. No.

15 Q. Did Remington ever attempt to design a single
16 piece connector where they're eliminating the
17 connector?

18 MR. SHAW: A single piece connector where
19 they're eliminating the connector?

20 Q. Well, I'm sorry, right. Where they eliminate
21 the two pieces?

22 A. I'm sure they have.

23 Q. Do you know if it was ever adopted?

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- 1 A. I'm sure it wasn't.
- 2 Q. The M-700 considered to be a high powered rifle?
- 3 A. Yes.
- 4 Q. And it's principal intention is for hunting
5 sport, that kind of thing, right?
- 6 A. The one we are talking about, the 700 BDL, yes.
- 7 Q. Okay. How is the trigger connector mounted to
8 the fire control assembly? I mean is it pegged
9 on? What holds it in?
- 10 A. The trigger connector?
- 11 Q. Yeah.
- 12 A. The trigger connector is held to the trigger
13 with a spring.
- 14 Q. Okay. Is there anything else? Is there a pin?
- 15 A. No.
- 16 Q. And when you pull the trigger the connector
17 swings forward, the sear drops, is that correct?
- 18 A. Yes.
- 19 Q. All right. And when the sear drops where does
20 the sear go? It goes down when you fire it, is
21 that correct?
- 22 A. The back goes down.
- 23 Q. The back goes down and where does the connector

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1 contact? Does it contact anything when the sear
2 drops?

3 A. Yeah, the edge of that face on the sear is
4 pushing against the back face of the connector.

5 Q. Okay. And what happens to the trigger once you
6 release it?

7 A. The trigger will return.

8 Q. Okay. And what causes the trigger to return?

9 A. The trigger return spring.

10 Q. And does the connector move back at the same
11 time?

12 A. No.

13 Q. Okay. What causes the connector to go back?

14 A. The spring.

15 Q. And how does the spring actuate it? When you
16 move the bolt?

17 A. When you lift the bolt, yeah.

18 Q. Up, all right. Then what ensures that the
19 connector gets itself back in its proper
20 position after the bolt is lifted up?

21 A. The spring.

22 Q. Okay. What if the spring isn't in the right
23 proper position?

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1 A. The spring is trapped there in the set position.

2 Q. How is it trapped?

3 A. It's setting on the screw and then in that
4 recess in the housing.

5 Q. What about if over time the spring loses its
6 spring, would the break wear down or --

7 A. No, the spring is called what is called a set
8 infinite life spring.

9 Q. So that means it works?

10 A. It would take a -- the spring is already spring
11 set.

12 Q. So, would it wear down?

13 A. That's what I'm telling you, it's what you call
14 a set spring. The set spring doesn't get weaker
15 over time.

16 Q. Okay. Did you ever hear of while you were
17 working at Remington something called a fire on
18 bolt closer?

19 A. When the gun fires, when you close the bolt.

20 Q. Okay.

21 A. You can have that. You could have that.

22 Q. Okay. What would cause that?

23 A. The firing pin hit could hang up somehow

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1 momentarily and then as you were closing the
2 bolt then it could come forward.

3 Q. And that's without pulling the trigger?

4 A. That would be without pulling the trigger. You
5 would have to have a few other things that would
6 have to be happening at the same time.

7 Q. Okay. You ever hear of firing a bolt opening?

8 A. Firing a bolt opening? You could have that.

9 Q. Okay. And that's just what it sounds like, you
10 lift the bolt and it goes off?

11 A. Yes.

12 Q. Again, is that without pulling the trigger?

13 A. That could be, yeah.

14 Q. What would cause that to happen?

15 A. That can be because if you had for example
16 somebody taking the trigger return spring and
17 backed it off and so that what you had is you
18 had the sear and connector just sitting on a
19 knife edge and so the minute they jarred the gun
20 in anyway, why they could kick it off.

21 Q. Are the firing springs -- strike that. Is the
22 firing pin spring and the sear spring, are they
23 the same size or they different sizes?

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- 1 A. They're different.
- 2 Q. Okay. Is one stronger than the other?
- 3 A. I don't know.
- 4 Q. Okay. Did you ever hear of anything, a soft
5 follow-down?
- 6 A. No.
- 7 Q. No, okay. Is there an opening around the
8 trigger and the connector at the bottom of the
9 trigger connector assembly?
- 10 A. Yes.
- 11 Q. Do the other manufacturers have a trigger like
12 that on their bolt actions?
- 13 A. Yes, you have to have a clearance for the
14 trigger to come through the bolt or whatever,
15 the plate you have.
- 16 Q. Right. It's pretty small scale movement within
17 that fire control mechanism, isn't it, dealing
18 with the thousandths of an inch, is that
19 correct?
- 20 A. No, you would have -- you know what the
21 engagement is. I mean the engagement is twenty
22 thousandths so your movement has to be a little
23 over that.

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1 Q. Right. So, it's a tight space, is that fair?

2 A. I don't know if it's fair. I mean it's what it
3 is. I mean it's got actual dimensions on it.

4 Q. Okay. Did you ever hear while you were working
5 at Remington of accidental discharges occurring
6 due to interference between the vertical faces
7 of the trigger connector and sear?

8 A. Interference of the what?

9 Q. The trigger connector, the vertical faces of the
10 trigger connector and sear.

11 A. Was it interference?

12 Q. Yeah, causing an accidental discharge.

13 A. I don't know that.

14 Q. Did you ever hear of something called a
15 screwdriver test?

16 A. Yes.

17 Q. What is it?

18 A. Just take a screwdriver in the opening of the
19 bottom and push up on the connector.

20 Q. And what's the purpose of that?

21 A. I don't really know. It was a matter of
22 clearance between the connector and the trigger.

23 Q. Did you ever hear of a trick test?

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1 A. Sure.

2 Q. What was that?

3 A. That was what we talked about on the 600 that we
4 elected not to get into.

5 Q. Do you know if it was part of Remington's
6 testing of the 700 after, did trick tests before
7 it was okayed for sale?

8 A. We did after we started doing it on everything.

9 Q. And what is the purpose of the trick test? Just
10 give me an example.

11 A. It's just again, it was is the safe on when it's
12 in the center position.

13 Q. So it's basically to determine if there is
14 interference or not between the --

15 A. No, it's basically to see if the safe was on in
16 the center position such that the gun couldn't
17 be tricked.

18 Q. Was Remington aware prior to, during the time --
19 well, no, strike that. At what point did you
20 become aware that certain conditions could cause
21 the rifle to go out without the trigger being
22 pulled, if at all?

23 A. I don't know.

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1 MR. SHAW: Object to that. Vague.

2 A. I mean you got the information of everything
3 that probably came back so I mean --

4 Q. I know. I just want to try to find out when it
5 was known.

6 A. It was known when you had a rifle came back.
7 You would go look at it, write a report on it,
8 so -- I mean you're only looking at a small
9 fraction. I mean any gun that came back I mean
10 you would do an analysis.

11 Q. All right. Aside from the jar off test we have
12 talked about earlier Remington perform any other
13 tests to determine whether the rifle will
14 discharge without the forces subjected to it or
15 is it limited to the pendulum test?

16 A. I don't -- I don't know. The pendulum was the
17 standard.

18 Q. Okay, that was the standard. When you were
19 employed by Remington did you ever become aware
20 of any situations in which a person was shot as
21 a result of dropping their rifle, you
22 personally?

23 A. No, I didn't. I don't remember that.

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1 Q. What about on a fire on safe situation, were you
2 ever aware of anything like that, you
3 personally?

4 A. Oh, I'm sure I have. If you want me to site
5 something --

6 Q. No, I just want to know. Do you recall when you
7 first became aware of that?

8 MR. SHAW: You're asking him again as you
9 have about allegations?

10 MR. GIAFFNA: Right.

11 A. Yeah, I have read where people have been shot,
12 you know. I mean if you want me to site when or
13 where, I can't.

14 Q. No, I don't want you to, I don't want that.
15 What about a firearm bolt closer, you ever
16 become aware of any allegation like that?

17 A. Yes.

18 Q. What about fire on safety release?

19 A. Yeah, I don't think -- I mean I would have to --
20 I was involved with a number of guns that had
21 been involved in accidents and to say now it was
22 this or it was that, I can't. I can't sit here
23 and tell you which ones were which.

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1 Q. Do you hunt?

2 A. Yes.

3 Q. You ever drop a gun?

4 A. Yes.

5 Q. It go off?

6 A. No.

7 Q. Is that one of the things that happens when you
8 hunt, you drop the weapon?

9 A. Not normally, no.

10 Q. But it's been known to happen?

11 A. It has happened.

12 Q. Was that known to you while you were working at
13 Remington?

14 A. Yes.

15 Q. And with a field gun did Remington try to take
16 into account situations such as, you know, the
17 shooter losing control of his weapon, dropping
18 it or something of the like?

19 MR. SHAW: Objection.

20 A. Yes.

21 Q. Okay. What about the weapon banging up against
22 a tree?

23 A. I mean what you are talking about is your

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1 talking about the history of firearms.

2 Q. Ha, ha.

3 Q. You really are and the history of firearms is
4 made up of what's mechanically possible, what,
5 how they work, how they function and how they're
6 handled and that's what you're talking about.

7 Q. Uh-huh.

8 A. Remington did not step up in a certain year, say
9 1962, and design something all together new like
10 a VCR.

11 Q. I understand that.

12 A. So what you're talking about really is firearms
13 history, not only how they're designed and
14 manufactured but how they're used.

15 Q. Right.

16 A. Based on what you have to work with.

17 Q. No, I just want to know.

18 A. So it's hard to answer your question because
19 it's not -- it's something that's covered over
20 time. It's not something that's a snapshot.

21 Q. Okay. No, I'm just trying to ascertain whether
22 this was a known thing in the industry, that's
23 all.

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1 A. Yeah.

2 Q. Are you aware of any other competitor's rifles
3 which wouldn't be discharged no matter how much
4 abuse they're subjected to?

5 A. With the gun in the fire position?

6 Q. Yeah.

7 A. Sure, but they're not center fire rifles.
8 They're not bolt action rifles.

9 Q. So you're not aware of any competitor's rifles
10 that --

11 A. The bolt action rifle, that's the nature of the
12 beast.

13 Q. So that the majority of the bolt action rifle
14 will go off?

15 A. The majority of them will, yes.

16 Q. At any point and if they're dropped?

17 A. Yes.

18 Q. Are you aware of any designs which would prevent
19 a firing pin from falling without the trigger
20 being pulled in a bolt action rifle?

21 MR. SHAW: Objection. Overbroad.

22 Hypothetical. Lack of foundation.

23 MR. GIAFFNA: Well, I'm asking what his own

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1 personal knowledge is.

2 A. I don't know.

3 Q. Do you know if during the time that you were
4 employed by Remington whether any trigger fire
5 control mechanisms had been designed by
6 Remington personnel which would prevent a jar
7 off?

8 A. I'm not aware of any.

9 Q. Just so we're clear for the record, you don't
10 really have any knowledge of any of the design
11 functions that were taking place during the time
12 you were employed by Remington? That wasn't
13 really your function?

14 A. No, I was responsible for design for a certain
15 time but in the time that you're talking about I
16 was in the manufacturing process engineering
17 function.

18 Q. Okay. So, during that period you weren't
19 involved in any design?

20 A. No, no.

21 Q. Okay, that's clear. In the time that you were
22 employed by Remington was the possibility of a
23 drop fire of concern?

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1 MR. SHAW: Objection. Vague.

2 MR. GIUFFNA: Well, I will withdraw it. I
3 don't want to question him on it. Off the
4 record.

5

6 (Off the record discussion held.)

7

8 **BY MR. GIUFFNA:**

9 Q. Were you aware at the time that you were
10 employed by Remington of whether any of the
11 competitors' rifles had a better induction to
12 jar off testing than the M-700?

13 A. No.

14 Q. Okay. Was there a disparity between the
15 competition and the Remington rifles as far as
16 you know?

17 A. No.

18 Q. In drop off testing?

19 A. No.

20 Q. All about the same?

21 A. No, I think we were better generally than most
22 of them as I recall. That's my memory.

23 MR. GIUFFNA: All right. Thanks for

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coming.

WITNESS: Okay.

MR. SHAW: That's it. Thank you.

(Deposition concluded.)

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DOS: 6/27/97 PROPOSED ERRATA SHEET

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I have read the foregoing transcript and, with the above proposed errata, if any, I find it to be a complete and accurate transcription of my testimony in the above captioned matter.

Signature _____
Date _____

Subscribed and sworn to before me
this _____ day of _____, 1997

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STATE OF NEW YORK)

) ss.

COUNTY OF ERIE)

I, Dennis Taylor, Notary Public, in and for the County of Erie, State of New York, do hereby certify:

That the witness whose testimony appears hereinbefore was, before the commencement of his testimony, duly sworn to testify the truth, the whole truth and nothing but the truth; that said testimony was taken pursuant to notice at the time and place as herein set forth; that said testimony was taken down by me and thereafter transcribed into typewriting, and I hereby certify the foregoing testimony is a full, true and correct transcription of my shorthand notes so taken.

I further certify that I am neither counsel for nor related to any party to said action, nor in anyway interested in the outcome thereof.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my seal this 18th day of August, 1997.

Dennis Taylor

Dennis Taylor
My commissioner expires
2/28/98.