

NO. 13,461

LAURO HOMER CHAPA AND * IN THE DISTRICT COURT
RAQUEL LOPEZ CHAPA, *
INDIVIDUALLY AND AS NEXT *
FRIEND OF LUIS RICARDO *
CHAPA, A MINOR *
VS. * 229TH JUDICIAL DISTRICT
REMINGTON ARMS CO., *
AND EDELMIRO CHAPA * DUVAL COUNTY, TEXAS

ORAL DEPOSITION OF ROBERT B. SPERLING
MAY 4, 1989

A P P E A R A N C E S:

THE CHAFFIN LAW FIRM
7500 San Felipe, Suite 1030
Houston, Texas 77063-1711
BY: ROBERT A. CHAFFIN

WOOLSEY, FISHER, WHITEAKER,
McDONALD & ANSLEY
300 S. Jefferson, Suite 600
Springfield, Missouri 65806
BY: RICHARD C. MILLER

COUNSEL FOR THE PLAINTIFFS

GARY, THOMASSON, HALL & MARKS
210 South Carancahua
Corpus Christi, Texas
BY: DAVID J. DEMARS
RUSSELL MANNING

COUNSEL FOR THE DEFENDANT
REMINGTON ARMS CO.

BRIN & BRIN
1202 Third Street
Corpus Christi, Texas 78404
BY: ALAN J. COUTURE

COUNSEL FOR THE DEFENDANT
EDELMIRO CHAPA

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ROBERT B. SPERLING

THE WITNESS

RHONDA JERNIGAN HOGAN

CERTIFIED SHORTHAND REPORTER

JOHN J. CHARLES

VIDEO TECHNICIAN

ORAL ANSWERS AND DEPOSITIONS of the witness,
ROBERT B. SPERLING, who resides in Wilmington, New
Castle County, Delaware, in answer to questions
propounded to him in the above styled and numbered
cause, taken on behalf of the Plaintiffs, before Rhonda
Jernigan Hogan, Certified Shorthand Reporter in and for
the State of Texas, on the 4th day of May A. D. 1989, in
the law offices of Gary, Thomasson, Hall & Marks, 210 S.
Carancahua, Corpus Christi, Nueces County, Texas,
between the hours of 10:55 o'clock a.m. to 11:55 o'clock
a.m. and 1:15 o'clock p.m. to 3:15 o'clock p.m. of said
day, pursuant to notice and the following agreement of
counsel:

FORM CSR - DATA PRINT LASER REPORTERS PAPER & MFG. CO. 800-626-6313

X The original deposition is being delivered to the witness for examination and signature with the agreement that it will be returned to the court reporter within 20 days.

— In the event that the original deposition has not been signed by the time of trial or any hearing, the unsigned original or a copy of the deposition may be used as if it were the executed original.

Notice of Delivery/Filing:

X Pursuant to the Rules of Civil Procedure.

— Pursuant to the Rules of Civil Procedure, except notice to be sent regular mail. (Not certified, return receipt requested)

Other agreements:

— Please specify: _____

In addition to the stipulations marked above, I request to be provided with a transcript of the deposition(s) as indicated below.

Executed this 4th day of May, 1989.

Original and 1 copy

Copy of Exhibits — Yes — No X

Robert A. Chaff
Signature for Original
Attorney for _____

Copy of Deposition Yes — No X
Copy of Exhibits Yes — No

[Signature]
Signature
Attorney for _____

Copy of Deposition Yes — No X
Copy of Exhibits Yes — No

[Signature]
Signature
Attorney for _____

Copy of Deposition — Yes — No X
Copy of Exhibits — Yes — No

Signature
Attorney for _____

Copy of Deposition — Yes — No X
Copy of Exhibits — Yes — No

Signature
Attorney for _____

1 MR. DEMARS: Bob, before you get started, I
2 would like to give a short list of the documents
3 we have produced here so far for your review.

4 All right?

5 They include documents that were at Vinson,
6 Elkins which were shipped to me to be produced to
7 you and the documents were 27344, 27335 through
8 27343, 12287 to 12422, 13677 to 13708 and 13830,
9 as well as documents 2165 and 2169, 6949, 10645
10 to 10652, 12071 and 12072. Further, documents
11 25441, documents 18897 to 18912, documents 18913
12 through 30 to 18934, document 2774, as well as a
13 records retention manual for DuPont, a file
14 containing correspondence from people who desire
15 the bolt lock feature on bolt action rifles, a
16 list of the members of the operations committee
17 and a list of the members of the products safety
18 subcommittee both from January 1975 to November
19 1978. A sheet showing Model 700 shipments from
20 the years 1975 through 1988 on an annual basis
21 and a file containing some documents relating to
22 alternative designs which will be copied and --
23 and given to you as well as a manual --

24 MR. MILLER: These are my manuals.

25 MR. MANNING: Not the first one.

1 MR. DEMARS: Not the first one.
2 MR. MILLER: You're right.
3 MR. DEMARS: A records --
4 MR. MILLER: It's Remington's.
5 MR. DEMARS: -- control schedule for
6 Remington.

7 MR. CHAFFIN: Do we admit that the
8 documents concerning alternative design were
9 properly included within my 1987 request for
10 production and they're just now being produced?

11 MR. DEMARS: Without review of it I don't
12 know. We can talk about that later. I'll look
13 at it.

14 MR. CHAFFIN: What do you need to look at
15 it for? They clearly are alternative design
16 documents and I clearly asked for them and here
17 you are producing them over two years later.

18 MR. DEMARS: Well, I'm just stating now
19 what I'm producing now. They haven't been
20 produced before. If they're responsive or not,
21 we can argue about that later.

22 And also the originals of the product
23 safety subcommittee minutes from January of '75
24 through November 20th of 1978. Okay.

25

1 ROBERT B. SPERLING,

2 the witness, being by me first duly cautioned and sworn
3 to tell the truth, the whole truth and nothing but the
4 truth, testified as follows:

5 E X A M I N A T I O N

6 BY MR. CHAFFIN:

7 Q Would you give us your full name, please, sir?

8 A Robert B. Sperling.

9 Q Mr. Sperling, my name is Robert Chaffin. I
10 represent Luis Chapa and his parents in a lawsuit
11 that has been filed against Remington Arms
12 Company as a result of a dangerously manufactured
13 weapon. Do you understand that?

14 MR. DEMARS: I'm going to object to the
15 form of the question as containing the reference
16 dangerously defective weapon. That's your
17 allegation and he is not going to answer by his
18 answer or agree that that is the case.

19 \ Come on, Bob.

20 BY MR. CHAFFIN:

21 Q Do you understand, Mr. Sterling -- Sperling, I'm
22 sorry, sir, that I represent Luis Chapa in a
23 lawsuit that he has filed against the Remingtons
24 Arms Company in which he alleges that the gun
25 with which he was shot was a dangerously

1 defective weapon? Do you understand that?

2 A Yes.

3 Q And you have before given your deposition in

4 other cases where someone has alleged they have

5 been shot with a dangerously defective weapon,

6 and in particular Model 700 series rifles

7 manufactured by Remington. That's true, isn't

8 it, sir?

9 A Yes, I've given my deposition in other 700 cases.

10 Q Are you a lawyer, sir?

11 A Yes, I am.

12 Q How long have you been a lawyer?

13 A Let's see. 1961. Since 1961.

14 Q And what is your position at the present time

15 with Remington?

16 A I am not employed by Remington. I'm employed by

17 the DuPont Company.

18 Q How long have you been employed by DuPont?

19 A Since 1985.

20 Q And do you presently serve in any capacity

21 whatsoever with Remington Arms Company?

22 A Not as an official capacity. I do handle and

23 coordinate their litigation -- their litigation.

24 Q What percentage of your time do you spend

25 coordinating Remington Arms litigation?

- 1 A Perhaps 50 percent.
- 2 Q And of the 50 percent of your time that you spend
- 3 on Remington Arms Company business, is that time
- 4 billed to Remington or is it simply paid for by
- 5 DuPont?
- 6 A I believe it's billed to Remington.
- 7 Q Do you know that for a fact?
- 8 A No.
- 9 Q Do you get a paycheck strictly from DuPont, sir?
- 10 A Yes, I do.
- 11 Q Even though you receive a paycheck from the
- 12 DuPont Company, 50 percent of your time is spent
- 13 on activities for the Remington Arms Company; is
- 14 that correct?
- 15 A Yes.
- 16 Q Are you required at Remington or at DuPont to
- 17 keep a hourly division of the time you spend on
- 18 either companies' activities?
- 19 A No.
- 20 Q So even though you are an employee of the DuPont
- 21 Company you spend 50 percent of your time on
- 22 Remington Company's business and you draw your
- 23 paycheck from the Remington Company; correct?
- 24 Excuse me, the DuPont Company.
- 25 A Yes, you better repeat that because I --

1 Q You spend 50 percent of your time approximately
2 on Remington Arms business.

3 A Right.

4 Q You spend approximately 50 percent of your time
5 on DuPont business; right?

6 A Yes.

7 Q And you draw one paycheck from the DuPont
8 Company.

9 A That's right.

10 Q And you're not required to divide your time or
11 keep your time as to which company you spend it
12 for.

13 A That's correct.

14 Q So in effect you are doing employment activities
15 for both companies, aren't you?

16 A Well, I -- that's -- that's a description of how
17 I work.

18 Q Well, when you were a staff attorney or an
19 attorney for the Remington Arms Company, isn't it
20 true that you performed the same functions there
21 while you were on the payroll at Remington as you
22 now do at DuPont in relation to litigation
23 coordination?

24 A Yes, with respect to litigation coordination it's
25 basically the same.

- 1 Q So even though you switched payrolls you perform
2 the same activities; right, to an extent?
- 3 A With respect to Remington litigation, yes.
- 4 Q How is it that you came to switch from Remington
5 to DuPont, sir?
- 6 A Remington disbanded its legal department and I
7 was offered a position at DuPont legal.
- 8 Q When did Remington disband its legal department?
- 9 A In 1985.
- 10 Q Is that at the time you were moved to Wilmington?
- 11 A Yes.
- 12 Q Are all of the functions previously performed --
13 performed by the Remington legal department now
14 performed by the DuPont legal department?
- 15 A I believe so.
- 16 Q How many lawyers were in the Remington legal
17 department when it was disbanded?
- 18 A I believe there were six.
- 19 Q Have all six of those lawyers or did all six of
20 those lawyers accept positions with the DuPont
21 legal department?
- 22 A No.
- 23 Q How many of them did?
- 24 A Three.
- 25 Q Is it true that Remington Arms has the same needs

1 for legal services now that they did before the
2 legal department was disbanded in 1985 and that
3 simply all of those functions and -- and services
4 have been shifted to the DuPont legal department?
5 A I don't know. I know with respect to litigation
6 it's basically the same.
7 Q What about the other legal functions? You -- you
8 know the other lawyers who were shifted along
9 with yourself, don't you, sir?
10 A I know -- yes, I do.
11 Q And those lawyers continue to work on Remington
12 Arms business as well, don't they?
13 A No.
14 Q They do not?
15 A (Witness shakes head.)
16 Q How many lawyers other than yourself work on
17 Remington Arms business?
18 A One other.
19 Q And what's his name?
20 A Ronald A. Partnoy.
21 Q Is Mr. Partnoy also an employee of the DuPont
22 legal department?
23 A Yes, he is.
24 Q And what's his title?
25 A He's senior counsel, legal department.

1 Q What was his title at DuPont -- excuse me, at
2 Remington?
3 A He was general counsel.
4 Q And what percentage of Mr. Partnoy's time does he
5 spend on Remington business, if you know?
6 A I don't know.
7 Q Would it be about as much as yourself do you
8 think, your best guess 50 percent?
9 A It would be strictly a guess. I really don't
10 know.
11 Q But he does spend time on Remington Arms
12 business.
13 A Yes.
14 Q He is on the DuPont payroll as well; right?
15 A Yes.
16 Q Do you have any other clients other than
17 Remington and DuPont, sir?
18 A No.
19 Q Those are the two companies and solely the two
20 companies you perform business for.
21 A Correct.
22 Q And you have no way of keeping your hours or
23 telling at which particular time you worked for
24 which particular company, do you?
25 A Not right now, no.

- 1 Q As a matter of fact you just consider yourself to
2 be working for DuPont and for Remington just to
3 be a part of DuPont, don't you, sir? That's the
4 way you look at your job, isn't it?
- 5 A I'm sorry, I -- I didn't --
- 6 Q You consider your job to be a lawyer for both
7 DuPont and Remington, don't you?
- 8 A Yes. I think so.
- 9 Q Even though you are not on the payroll of
10 Remington.
- 11 A That's right.
- 12 Q Now, when you were at Remington you performed the
13 function of secretary for the product safety
14 subcommittee, didn't you, sir?
- 15 A No, actually I was acting secretary on several
16 occasions when the secretary was not there.
- 17 Q How many occasions were you acting secretary?
- 18 A I don't know. I'd have to count up from the
19 minutes.
- 20 Q You as a lawyer know how important it is to give
21 truthful answers on your deposition because you
22 understand this testimony may be shown to a jury;
23 right, sir?
- 24 A Yes.
- 25 Q And you understand that in your previous

1 depositions you were supposed to give truthful
2 answers to your questions; right?

3 A Yes.

4 Q And complete, truthful answers; right?

5 A Right.

6 Q You know that if you know information or have
7 gleaned information as an employee of Remington
8 Arms Company which is relevant to the questions
9 that you have been asked that you must give a
10 full answer disclosing all information that you
11 know; right, sir?

12 A I believe so.

13 Q In other words, if someone asks you a question,
14 you're not allowed to be cute with your answer
15 and try to avoid it. You must tell the truth and
16 the whole truth and give all facts to which you
17 know; right?

18 A Yes.

19 Q Do you remember, sir, that in 1986 you were asked
20 under oath whether or not you had attended any
21 meetings of the operations committee of
22 Remington?

23 A I don't remember that, but --

24 Q Do you admit, sir, that under oath in the case
25 styled Campbell versus Remington Arms Company on

1 November the 19th of 1986 that you gave sworn
2 testimony that you had never attended an
3 operations committee meeting?

4 MR. DEMARS: Would you please -- would you
5 please show the witness what you're referring to?

6 MR. CHAFFIN: Yes, sir. Line -- page 40 of
7 that deposition. The line does not have a
8 number. It says, quote, "I never attended a
9 product -- an operations committee meeting."

10 MR. DEMARS: I think it's appropriate for
11 you to show him the document.

12 BY MR. CHAFFIN:

13 Q All right. You -- you can look at it here, Mr.
14 Sperling. I -- I don't want to misquote at all.
15 Do you admit, sir, that under oath in November of
16 1986 you denied that you had ever attended an
17 operations committee meeting?

18 A Do I admit -- yes, I did.

19 Q You made that denial; right, sir?

20 A Yes, I did.

21 Q That's not -- that's not truthful, is it?

22 A I believe it is.

23 Q Well, sir, sitting before me today I have minutes
24 of the operations committee on March 21st of 1975
25 which indicates that you were in attendance at

1 the meeting. I also have minutes of the
2 operations committee, sir, on September the 19th
3 of 1975 that indicates that you were in
4 attendance. And I also have minutes of the
5 operating committee on April the 21st of 1977
6 showing you were in attendance. So it's not a
7 truthful answer, is it?

8 A I don't remember ever being -- attending an
9 operations committee minutes -- meeting.

10 Q There's nothing wrong with your memory, is there,
11 Mr. Sperling?

12 A I don't think so.

13 Q Were you taking any medications or under any
14 drugs in November of 1986 when you swore that you
15 had never attended those meetings?

16 A No.

17 Q Do you deny that you were at the meetings or just
18 simply that you cannot remember?

19 A I don't remember ever being at an operations
20 committee meeting.

21 Q You don't deny the accuracy of the company
22 records which place you at those meetings, do
23 you, sir?

24 A No. I mean, I don't have any --

25 Q Do you remember attending a meeting where the

1 statement that was made that safe gun handling
2 demands a design that enables the shooter to
3 operate the action with the safety on in relation
4 to the M/700 safety?

5 A No, I don't remember that.

6 Q You have no recollection of that?

7 A No.

8 Q Well, do you agree with the statement in -- as it
9 relates to the M/700 rifle series that safe gun
10 handling demands a design that enables the
11 shooter to operate the action with the safety on?

12 MR. DEMARS: Bob, I'm going to interpose an
13 objection based upon the fact that I thought our
14 agreement was that Mr. Sperling and Mr. Hutton
15 were going to be here today to talk about
16 document production and not the substance of the
17 law.

18 MR. CHAFFIN: I'm not talking to Mr.
19 Hutton. I'm taking Mr. Sperling's deposition.

20 MR. DEMARS: That wasn't our agreement.

21 MR. CHAFFIN: Well, these are not hard
22 questions.

23 MR. DEMARS: Well, I understand that, but I
24 want a running objection to any of this because
25 our agreement that was embodied in the letter I

1 sent you yesterday or the day before said that
2 they were going to be here for the limited
3 purpose of discussing document production.

4 MR. CHAFFIN: I made no such agreement.

5 MR. DEMARS: And you were not -- and you
6 were not waiving your right to recall them.

7 MR. CHAFFIN: I made no such agreement.

8 MR. DEMARS: You're denying that as to both
9 people?

10 MR. CHAFFIN: I spoke with you on the
11 telephone concerning only Mr. Hutton that I
12 reserved my right to depose him at a later date
13 in his capacity as a expert. That was my sole
14 conversation with you, David. We did not discuss
15 any limitations whatsoever on Mr. Sperling's
16 deposition and I will accept none.

17 MR. DEMARS: Well, I want a running
18 objection.

19 MR. CHAFFIN: You can have it.

20 MR. DEMARS: It's a violation of our
21 agreement.

22 MR. CHAFFIN: You can have your running
23 objection.

24 BY MR. CHAFFIN:

25 Q Mr. Sperling, listen to the question, sir. Do

1 you admit that safe gun handling in relation to
2 the M/700 rifle demands a design that enables the
3 shooter to operate the action with the safety on;
4 do you admit that, sir?

5 A Well, I can't -- I can't admit it. I don't feel
6 I have the qualification to make any
7 representations as to the design or manufacture
8 of any particular firearm.

9 Q Do you know what a known product deficiency is,
10 sir?

11 A A known product deficiency?

12 Q Do you know what a known or suspected product
13 deficiency is?

14 A Well, I assume it's a -- I assume it's a
15 deficiency that's known or suspected in a
16 product.

17 Q You will admit on behalf of the Remington Arms
18 Company that if you have a known product
19 deficiency -- deficiency that affects the safety
20 of operation of that firearm, then that gun
21 should not be sold, should it?

22 A A known product deficiency. I would assume so.

23 Q Should not be sold; right, sir?

24 MR. DEMARS: Could you repeat your
25 question?

1 BY MR. CHAFFIN:

2 Q If you have a gun with a known or suspected
3 product deficiency that affects the safe
4 operation of that gun, it should not be sold on
5 the market, should it?

6 A Well, if you know that it's a defective product
7 that you're putting out on the market, I would
8 say you shouldn't do it.

9 Q Right. And according to the minutes of the
10 operations committee which were taken on March
11 the 21st of 1975 and at which you were in
12 attendance, sir, it was declared by that
13 committee Remington product deficiencies known or
14 suspected, the M/700 safety, ~~safe gun handling~~
15 demands a design that enables the shooter to
16 operate the action with the safety on. Do you
17 recall that, sir?

18 A No.

19 MR. DEMARS: I'm going to object to the
20 form of the question as it -- as it states that
21 that is the opinion and final statement of that
22 committee.

23 BY MR. CHAFFIN:

24 Q Well, sir, do -- do you remember that statement
25 being made?

1 A No, I don't.

2 Q If you were in attendance at a committee meeting
3 and a statement was made affecting safety of a
4 firearm and you disagreed with it, you would have
5 said something, wouldn't you?

6 A I -- I don't remember being at any operations
7 committee meeting. I don't remember that
8 statement being made so I -- it's hard for me to
9 speculate what I would have done.

10 Q Well, let's see what you agree to at this date,
11 Mr. Sperling. Do you agree that in relation to
12 the M/700 series rifles that safe gun handling
13 demands a design that enables the shooter to
14 operate the action with the safety on? Do you
15 agree to that, sir?

16 A Well, as I said before we're getting into design
17 questions that I don't feel myself capable of
18 answering.

19 Q Well, you have answered similar questions to
20 these in the past, Mr. Sperling. Do you recall
21 testifying in the past that whether or not you
22 could load the gun with the safety in the on or
23 off position had nothing to do with the safe
24 design of the gun? Do you recall that?

25 A I think I was testifying against -- about the

1 bolt lock.

2 Q All right.

3 A Situations of what I understood about it. But
4 I've never -- I don't think I've ever testified
5 as to design criteria of the gun.

6 Q Well, did you testify in the past, sir, generally
7 that whether or not you could load or unload the
8 gun with the safety in the on position had
9 nothing to do with the safe handling -- with
10 safety?

11 A Well, I don't know what the context of it was. I
12 remember saying that in -- in a context in a
13 specific litigation that the bolt lock had
14 nothing to do with the particular accident
15 involved and that you could unload a gun as
16 safely with or without a bolt lock as you could
17 with or without a bolt lock.

18 Q Now, you've just said right then that you could
19 unload a gun just as safely with or without a
20 bolt lock; right?

21 A Yeah.

22 Q And in March of 1975 the operations committee
23 took exactly the opposite position to that while
24 you were in attendance by saying that safe gun
25 handling demands a design that enables the

1 shooter to operate the action with the safety on.

2 MR. DEMARS: I'm going to object to the
3 form of the question. Are you reading from the
4 minutes or an exhibit to the minutes? Because
5 there's a difference with regard to whether the
6 committee is stating it as a position or not, and
7 I want you to be clear with the witness what
8 you're reading from as you cross-examine him.

9 MR. CHAFFIN: Your objection is noted.

10 BY MR. CHAFFIN:

11 Q Do you understand this is part of the minutes to
12 the product -- to -- of the operations committee
13 meeting even though it's labeled an exhibit? It
14 is also a part of the substance of the meeting;
15 that's correct, isn't it?

16 A I will accept that.

17 Q You just testified a moment ago that you had
18 previously given testimony that the bolt lock, in
19 other words being able to unload the gun with the
20 safety in the on position, had nothing to do with
21 safe gun handling; right?

22 A No. I said that I -- it was my opinion that the
23 bolt lock, whether you had a bolt lock or not,
24 doesn't diminish the fact that you can unload a
25 gun safely.

1 Q Well, that -- it says right here on behalf of the
2 operations committee that safe gun handling
3 demands a design that enables the shooter to
4 operate the action with the safety on. You're
5 not disagreeing with that, are you?

6 A I don't know if I am or not. I -- I -- I don't
7 remember the statement ever being made to me.
8 All I'm saying is that when you have -- whether
9 you have a bolt lock or not, to my mind it
10 doesn't diminish the ability of the user of the
11 gun to unload the gun safely. Now --

12 Q Do you know a man named Mr. E. F. Barrett?

13 A Yes, I do.

14 Q And Mr. J. P. McAndrews?

15 A Yes.

16 Q What -- what was Mr. McAndrews' position in 1975
17 with the Remington Company? Was he an officer
18 with the company, sir?

19 A Oh, yes, he was an officer. I'm not -- he was
20 either marketing director or executive
21 vice-president.

22 Q And Mr. Barrett was the head of research?

23 A Yes, he was director of research.

24 Q Mr. Barrett would be eminently more qualified
25 technically than yourself?

1 A Yes.

2 Q How about Mr. Sparre?

3 A Yes, he was director of production.

4 Q And Mr. J. G. Williams?

5 A He was director of marketing.

6 Q And Mr. Beattie?

7 A I believe he was in the finance department.

8 Q How about Mr. Fox?

9 A He's been in several positions. I'm not sure

10 exactly -- I think he was in production at that

11 time.

12 Q Anyway Mr. Barrett and Mr. Sparre were eminently

13 technically qualified to sit on the committee,

14 weren't they, sir?

15 A The operations committee?

16 Q Yes, sir.

17 A I believe so.

18 Q Better than yourself?

19 A Oh, yes.

20 Q And they sat on the committee at which you were

21 present which passed the minute that says that in

22 order to safely handle your gun that safety

23 demands a design that enables the shooter to

24 operate the gun with the safety on; you sat at

25 that meeting, didn't you?

1 A Well, it's so reflected. I don't remember
2 sitting on any operations committee nor do I ever
3 remember hearing statements to that effect.
4 Q Well, if you had remembered hearing a statement
5 that says that safe gun handling demands a design
6 that enables the shooter to operate the action
7 with the safety on, if you had remembered such a
8 statement and you had been present when that was
9 spoken by officers of the company, then after
10 that you could hardly truthfully take the
11 position that you don't need a safety that allows
12 you to unload the gun with the safety on, do you,
13 sir?

14 MR. DEMARS: Object to the form of the
15 question.

16 THE WITNESS: Well, if I honestly believed
17 it I certainly would continue to take that
18 statement -- make that -- take that position and
19 make that statement.

20 BY MR. CHAFFIN:

21 Q But you don't honestly believe that, do you, Mr.
22 Sperling? I mean, there --

23 A Honestly --

24 Q Sir?

25 A -- believe what?

1 Q In your experience with Remington you have come
2 to know that you must have a design that allows
3 the shooter of an M/700 rifle to unload the gun
4 or load it with the safety on. You know that,
5 don't you, sir?

6 A No, I don't. You mean to be safe?

7 Q Yes.

8 A No, I don't.

9 Q You disagree with that statement?

10 A Yes.

11 Q Even though that was a statement that was made
12 and passed at an operations committee meeting in
13 which you were present at in 1975 and in which no
14 objection on your behalf was noted, you say today
15 that you disagree with the statement.

16 MR. DEMARS: I'm going to object to the
17 form of the question with regard to what was
18 passed. I don't know where you're getting the
19 idea that something was passed one way or the
20 other.

21 BY MR. CHAFFIN:

22 Q You can answer the question now.

23 A I -- my belief is that -- I'm afraid I've lost
24 the -- lost the thought. My belief is --

25 Q If you disagreed with the operations committee's

1 minutes in 1975, if you disagreed with the
2 business of the operations committee when they
3 said that safety demands a design where you can
4 load or unload the gun with the gun in the safe
5 position, why didn't you say something back then
6 so we could see it on the minutes, sir?

7 A Sir, I don't remember being at that -- that
8 meeting.

9 Q I know you --

10 A I don't remember being at any operations meeting
11 and I don't remember that statement being made.

12 Q It says right here --

13 A So it's hard for me to -- to say why I didn't
14 object because I just don't remember being there.

15 Q Well, as an individual, as a human being, as a
16 lawyer if you're at a meeting and somebody says
17 something that you disagree with and you think
18 it's wrong, then you're going to bring that up
19 and note your disagreement, aren't you?

20 A Yes, sir, I would.

21 MR. DEMARS: I'm going to --

22 BY MR. CHAFFIN:

23 Q And you didn't do that back in 1975, did you?
24 You didn't say a word that said you disagreed
25 with the notion that you needed a rifle that was

1 designed where you could load it or unload it in
2 the safe position. You didn't say a word to
3 disagree with that, did you?

4 A I don't remember. I don't remember being at the
5 meeting.

6 Q Well, we don't need you to remember because we
7 have the minutes here; okay?

8 A Well, then let them speak for themselves.

9 MR. DEMARS: I'm going to object to that we
10 don't need that speech and also I want the record
11 to reflect that he is not a member of the
12 committee even as the face sheet shows.

13 BY MR. CHAFFIN:

14 Q You -- you have the minutes ~~in front of~~ you
15 there, Mr. Sperling. I'd like for you to look at
16 the minutes for March 21st, '75 and September
17 1975 and see if that -- the people that were
18 there, if that refreshes your memory whatsoever
19 as to your attendance at those different
20 meetings.

21 A Well, I -- I see that three minutes have listed
22 me as being another -- an attendee. I've looked
23 at the minutes of those meetings, at least the
24 minutes that were produced and I don't remember
25 any of the subject matter that was discussed. I

1 just -- it doesn't refresh my recollection of
2 being there.

3 Q You don't deny you were there, though.

4 A I can't deny I was there. I'm listed.

5 Q Now, if in fact, sir, safety demands that you
6 furnish a rifle with a design that enables the
7 shooter to operate the action with the safety on,
8 then you should not sell a rifle that does not
9 meet that safety design criteria, should you?

10 MR. DEMARS: Object to the form of the
11 question.

12 THE WITNESS: Well, since I just -- as I've
13 already stated, I don't agree with the original
14 statement.

15 BY MR. CHAFFIN:

16 Q I'm not asking you to agree with the statement.

17 A And if -- if what you're saying is basically if
18 something -- if safety demands you don't do
19 something and you go ahead and do it, you
20 shouldn't do it.

21 Q Right. So now we've established that based upon
22 the minutes of the operations committee that were
23 taken in 1975, and I'm quoting their language,
24 "Safe gun handling demands a design," you're not
25 disputing that, are you, sir?

1 MR. DEMARS: I'm going to object to the
2 form of the question as to what this testimony
3 has established one way or the other. And your
4 preference to that was improper. I'm going to
5 object to the form of the question. The witness
6 is not going to answer it in that form.

7 BY MR. CHAFFIN:

8 Q Mr. Sperling, it's very simple. If the minutes
9 of the operations committee are true and correct,
10 which no one disputes today, that safe gun
11 handling demands a design, and that is the word,
12 demand, demands a design that enables the shooter
13 to operate the action with the safety on, then a
14 gun should not be sold to the public or allowed
15 to be in use by the public that fails that
16 criteria that Remington itself has established
17 that safety demands it; right?

18 MR. DEMARS: I'm going to object to the
19 form of the question. There is no evidence that
20 a criteria was established by Remington based
21 upon an exhibit to a minute this man doesn't
22 remember attending the meeting of.

23 MR. CHAFFIN: I'll tell you what. Would
24 you please just follow the rules? The way you
25 object is say I object to the form or I object to

1 the response, okay? I do not appreciate you
 2 instructing the witness. I really don't, okay?
 3 I don't want to have to take this in front of a
 4 master, but I'm going to ask that we follow the
 5 rules, all right? You can object. This is a
 6 lawyer. He's a big boy.

7 MR. DEMARS: I understand.

8 MR. CHAFFIN: So please, please don't
 9 instruct him with every objection. All right?

10 MR. DEMARS: I won't instruct him --

11 MR. CHAFFIN: I'd hate to have this taken
 12 in front of a master. Now, we've already
 13 established that you have denied me documents for
 14 over two years.

15 MR. DEMARS: Again, we haven't established
 16 anything.

17 MR. CHAFFIN: Yes, we have.

18 MR. DEMARS: No, we haven't. And that's
 19 the problem with your questions. You're trying
 20 to be very deceiving in your questions.

21 MR. CHAFFIN: Oh, come on. Get serious, my
 22 friend.

23 BY MR. CHAFFIN:

24 Q Mr. Sperling.

25 A Yes.

1 Q We both know what we're talking about here today,
2 don't we, sir?

3 MR. DEMARS: Object to the form of the
4 question.

5 THE WITNESS: You mean, this particular
6 statement?

7 BY MR. CHAFFIN:

8 Q Yes, sir.

9 A Yes, I've read this statement now.

10 Q The statement says essentially if you're going to
11 have an M/700 rifle, that safety demands you be
12 able to load or unload with the safety in the on
13 position; right?

14 A No, I disagree with that. Reading it it says,
15 "Ease of operation and safe gun handling demand a
16 design that enables a shooter to operate the
17 action with the safety on."

18 Q What does that mean to you?

19 A It's a statement. I don't know what context it
20 was put in. It might have been is this true and
21 then they had a discussion about whether that's
22 true or false.

23 Q No, sir, it -- the context that statement is made
24 is it's listed under the category entitled
25 Remington Product Deficiencies Known or

1 Suspected. Do you understanding that?

2 MR. DEMARS: I'm going to object to the
3 form of the question.

4 THE WITNESS: No, I don't.

5 BY MR. CHAFFIN:

6 Q Do you disagree with that?

7 A I don't disagree. All I have is this -- this
8 statement on a -- on a sheet.

9 Q All you have to do, sir, is look at Exhibit 1 if
10 you want to. The page number is 27664 at which
11 the top of the page it states Remington Product
12 Deficiencies Known or Suspected and the next page
13 produced by your company is 27665 under which it
14 lists the M/700 safety. And the second part of
15 the statement is, "Safe gun handling demands a
16 design that enables the shooter to operate the
17 action with the safety on." Now, I've stated
18 that correctly, haven't I?

19 A I have a sheet here that's listed, the heading
20 Remington Product Deficiencies Known or
21 Suspected.

22 Q What does that mean to you?

23 A Remington product deficiencies known or
24 suspected.

25 Q And under that you have a category E called the

1 M/700 safety. Do you see that?

2 A Well, so the record understands it, what I have
3 is a blank sheet of paper with a -- with a
4 statement on it that says Remington Product
5 Deficiencies Known or Suspected. That's a
6 heading, nothing on that page. Now, at the
7 bottom --

8 Q Let me -- let me get this clear with you, Mr.
9 Sperling. Why you have the heading on the page
10 with nothing under it is because your company has
11 blanked out what's under it. The way this
12 originally appeared was categories were listed A
13 through E and beyond with known product
14 deficiencies -- excuse me, known or suspected;
15 you understand that?

16 A Uh-huh.

17 Q And that so this would originally appear it would
18 be Remington Product Deficiencies Known or
19 Suspected, category E, M/700 safety.

20 A Okay. That follows on --

21 Q All right.

22 A -- on the next page.

23 Q So what we have here is a listing then of a -- of
24 a known or suspected Remington product
25 deficiency.

1 A Uh-huh.

2 Q With category E called the M/700 safety; right,

3 sir?

4 A That's right. Now --

5 Q Now --

6 A That doesn't -- that somewhat supports my

7 hypothesis that apparently what they're saying is

8 when there's deficiencies known or suspected,

9 they're listing either known or suspected

10 deficiencies, and the question is is this a real

11 deficiency or is it a suspected deficiency that

12 turns out not to be a deficiency after the

13 discussion.

14 Q Well --

15 A I don't know. I'm just saying that that's a

16 possible --

17 Q -- if -- if the statement says that safe gun

18 handling demands a design that enables the

19 shooter to operate the action with the safety on,

20 that doesn't sound like it's suspected, does it,

21 when they're saying demands a design. Nothing in

22 there that says it's suspected, is there?

23 A Well, the suspecting is part -- is part of that

24 heading. This could be just like they state a --

25 a -- a topic for debate.

1 Q Oh, so back --

2 A You have a statements and then -- then you debate
3 the -- the question.

4 Q I see.

5 A I don't know.

6 Q Do you see any debate here?

7 A I don't see anything except this statement.

8 Q Well, the fact is that in both 1975 and in 1976
9 that Remington recognized that the M/700 safety
10 needed to be designed so that the shooter could
11 operate with the action -- the action with the
12 safety on; that's true, isn't it sir?

13 MR. DEMARS: I'm going to object to the
14 form of that question.

15 BY MR. CHAFFIN:

16 Q That's what it says in the minutes; right?

17 A No. I -- I don't -- I don't agree with that
18 interpretation. I -- I don't get that from the
19 two sheets of paper you've given me here.

20 Q Do you know, Mr. Sperling, why Remington Arms
21 Company failed to produce these records from 1975
22 and 1976 from operations -- from their operations
23 committee in response to a properly formulated
24 request for production to the company? Do you
25 know that, sir?

1 A No, I don't. I wasn't involved in the production
2 of these.

3 Q Well, if someone hypothetically had properly
4 asked for these documents to turn over to me any
5 documents you have from the operations committee
6 dealing with the M/700 safety and these were
7 withheld for over two years, there's no excuse
8 for that, is there?

9 MR. DEMARS: So the record will be correct,
10 those were given to you in a supplemental
11 response by Remington without any hearing on
12 objections or any motion to compel.

13 MR. CHAFFIN: Two years later.

14 MR. DEMARS: Two years later.

15 MR. MILLER: Without any hearing of
16 objections --

17 MR. DEMARS: Right.

18 MR. MILLER: -- or motion to compel in this
19 case.

20 BY MR. CHAFFIN:

21 Q Mr. Sperling, let's take -- you're a lawyer,
22 right, Mr. Sperling?

23 A That's right.

24 Q And you understand the need to have both files
25 placed in -- both parties placed a position where

1 they can get a fair trial, don't you?

2 A Yes, sir.

3 Q You understand that perfectly, right?

4 A Yes, I believe so.

5 Q And even you will admit that if one party
6 withholds from the other crucial documents in a
7 case that have been properly requested for over
8 two years, that may deprive the party of a right
9 to a fair trial; right? You know that.

10 A That -- that may.

11 Q And when you ask someone under oath to give you
12 all documents in response to a clear description
13 of your operations committee minutes dealing with
14 the M/700, they should turn them over to you
15 promptly, shouldn't they?

16 A As I say, I wasn't involved in this. I don't
17 know all the --

18 Q I'm not asking you to say you were involved, sir.
19 All I'm asking you to say truthfully is that if
20 Luis Chapa, a nice young boy who was shot, asked
21 that Remington turn over to him their operations
22 committee documents dealing with the M/700
23 safety, that should be done promptly, shouldn't
24 it?

25 MR. DEMARS: I'm going to object to the

1 form of the question.

2 BY MR. CHAFFIN:

3 Q You can answer now.

4 A I believe if the plaintiff asks for documents,
5 those documents should be produced if they are
6 available.

7 Q And if Remington fails to produce those documents
8 for over two years with absolutely no good reason
9 or no good excuse, then that's an attempt to
10 deprive someone of a fair trial, isn't it?

11 MR. DEMARS: I'm going to object to the
12 form of the question. You don't know what the
13 reasons are, you don't know what happened and
14 this man says he wasn't involved.

15 MR. CHAFFIN: All right. Thank you.

16 BY MR. CHAFFIN:

17 Q You understand the question, don't you, Mr.
18 Sperling?

19 A I do. And I have to say that I just don't have
20 the background of this situation to know what's
21 reasonable or not reasonable.

22 Q Well, if -- Remington has these operations
23 committee minutes at their headquarters; right?
24 That's where they're kept; right?

25 A These operation --

1 Q The operations committee minutes for Remington
2 are kept at the company headquarters; right, sir?
3 A I don't believe so.
4 Q They're kept in Remington's possession, people
5 know where they are; right?
6 A Yes.
7 Q And if you want to go look at them, all you'd
8 have to do is go to where they are and look at
9 them if you're a Remington employee with
10 authority to do so; right?
11 A Yes.
12 Q And if someone sends you a request for production
13 in a lawsuit and says turn over to me the
14 operations committee minutes dealing with the
15 M/700 rifle, it's not very much trouble to go get
16 them, is it?
17 A I don't know. I assume if they know where they
18 are they can get them.
19 Q Somebody with Remington always knows where they
20 are, don't they?
21 A Yes.
22 Q And if somebody from Remington goes and picks and
23 chooses the ones they want you to have and leaves
24 out others ones that they know you need,
25 hypothetically speaking, sir, that could be an

1 attempt to deprive you of a trial, couldn't it?

2 MR. DEMARS: I object to the form of the
3 question.

4 THE WITNESS: Well, hypothetically it would
5 depend upon how the question was asked and what
6 they're looking for.

7 BY MR. CHAFFIN:

8 Q If it's very clear as it is in this case.

9 MR. DEMARS: I'm going to object to the
10 form of the question. This witness has testified
11 he has absolutely no involvement in this document
12 production.

13 BY MR. CHAFFIN:

14 Q Well, Mr. Sperling, what's a good excuse for
15 failure to turn over documents for over two years
16 that were rightfully requested?

17 A I don't know. I haven't --

18 Q There's no good excuse, is there?

19 A There may very well be. I don't know. I don't
20 know what the situation was.

21 MR. DEMARS: You're going to have an --

22 BY MR. CHAFFIN:

23 Q Did you --

24 MR. DEMARS: -- opportunity to talk to the
25 witness who was involved in it.

1 BY MR. CHAFFIN:

2 Q Did you know, Mr. Sperling, that it costs about
3 32 cents, according to the Remington records, to
4 take off the feature that makes it impossible to
5 load or unload the gun with the safety in the on
6 position; did you know that?

7 A Are you talking about the bolt lock?

8 Q Yes, sir.

9 A I knew it was a small number. I didn't -- I
10 don't remember that it was 32 cents.

11 Q Well, if you make the statement that safety
12 demands a design that allows you to operate the
13 action which is loading or unloading with the
14 safety in the on position, if safety demands
15 something, if that's your own statement, then for
16 32 cents a gun you can hardly ignore that demand,
17 can you?

18 MR. DEMARS: I'm going to object to the
19 form of the question as being very argumentative.

20 THE WITNESS: Well, as I said, I -- the
21 context in which that statement is made I don't
22 believe clearly states that that's the company's
23 position.

24 BY MR. CHAFFIN:

25 Q Well --

1 A There's a question of -- of what it really means
2 and --
3 Q If you have --
4 A -- I'm not in a position to tell you --
5 Q Yeah.
6 A -- what it really means.
7 Q If you have a known or suspected product
8 deficiency and a statement that says safety
9 demands a design that allows you to load or
10 unload the gun with the safety in the on position
11 and you can fix that for 32 cents, you ought to
12 do it, shouldn't you?

13 MR. DEMARS: Object to the form of the
14 question.

15 THE WITNESS: The question is whether the
16 decision at that point was by the company that --
17 whether that was a actual deficiency in their
18 opinion.

19 BY MR. CHAFFIN:

20 Q Do you know anything about the operations
21 committee?

22 A No.

23 Q Nothing.

24 A Well, I know that there was an operations
25 committee.

1 Q Do you know who the members of the operations
2 committee are?

3 MR. DEMARS: It's been produced to you this
4 morning.

5 THE WITNESS: At what time frame?

6 BY MR. CHAFFIN:

7 Q I mean, generally are there people who are
8 members of it such as the executive
9 vice-president, the head of research, the head of
10 marketing, that sort of thing?

11 A My understanding is it's the top officers, the
12 heads of the departments of Remington.

13 Q The top officers and heads of the department of
14 Remington in 1975 and again in 1976 declare
15 something to be a known product deficiency or a
16 suspected product deficiency.

17 A About -- is that a question or what's going on?

18 Q All right. You understand that; right? From the
19 records.

20 A No. We've been debating that for the last five
21 minutes. What I'm saying is you -- you indicated
22 that you think this has been decided as a known
23 deficiency. What I'm saying is what -- what I've
24 been given, although I haven't been at the --
25 can't remember this meeting if I ever was at it

1 it says deficiencies known or suspected and then
2 they have a list. I don't know whether that
3 situation is that they put a list in and then
4 they -- they had a four hour discussion and
5 decided that this definitely was not a
6 deficiency. I don't know what -- what the
7 determination was.

8 Q Well --

9 A I've never heard subsequently in any of the
10 discussions I've had with anybody that said a
11 bolt lock is a -- a safety feature that is unsafe
12 for a gun.

13 Q What does it mean to you when it says safe gun
14 handling demands a certain design? Does that
15 mean you have to include that design within the
16 gun design or you haven't got a safe gun?

17 A The question -- yeah, it says, "Ease of operation
18 and safe gun handling demand a design that
19 enables the shooter to operate the action with
20 the safety on."

21 Q And that's listed under known or suspected
22 product deficiencies; right?

23 A Yeah. And then we get back to this -- the
24 question why is that statement made and what was
25 the ultimate resolution of that statement. If

1 you're asking me now if someone told -- tells me
2 a designer says, "I'm designing a gun and it
3 demands for safety reasons that I have a design
4 that enables the operator to -- to operate the
5 action with the safety on," I as a non-designer
6 will say okay.

7 Q You're a non-designer; right?

8 A No, I'm not a designer.

9 Q Well, the head of the design department was
10 apparently present when this statement was made,
11 right? Isn't that Mr. Barrett?

12 A Yes, he was the head of research at this time.

13 Q Well, research and design are the same thing,
14 aren't they?

15 A Right.

16 Q And -- and -- and the statement was made again at
17 the same meeting in March of 1976, one year
18 later. Again Remington states, "Product
19 deficiencies known or suspected in 1976.

20 Category D, Model 700 safety lever, ease of
21 operation and interest of safe gun handling
22 demand a design that enables the shooter to
23 operate the action with the safety on." Now --

24 MR. DEMARS: I'm going to object to the
25 form of the question.

1 THE WITNESS: I'm sorry. So I can follow
2 you, I've -- I've split these minutes up so
3 badly. This is minute number?

4 BY MR. CHAFFIN:

5 Q I -- I've just read to you from the 1976 minutes;
6 all right?

7 MR. DEMARS: Exhibits to the minutes.
8 Please keep the record clear.

9 THE WITNESS: Exhibits to the minutes. Is
10 that minute 16 for 1976?

11 BY MR. CHAFFIN:

12 Q Yes, sir.

13 A "Product Deficiencies Known or Suspected, D.
14 Model 700 safety lever. Ease of operation and
15 interest of safe gun handling demand a design
16 that enables the shooter to operate the action
17 with the safety on."

18 Q Again, if you look at the persons present for
19 that, the head of the design department is
20 present again, all right? Mr. Barrett.

21 A Yes.

22 Q And Mr. McAndrews in 1976 became president of
23 Remington, didn't he?

24 A He became president. I'm not sure of the year,
25 but that's --

1 Q So we have either -- either the present president
2 or someone who would very shortly become
3 president of the company and the head of the
4 company's design department present at a meeting
5 attending where it's declared that a product
6 deficiency known or suspected under the category
7 of the Model 700 safety lever is ease of
8 operation and interest of safe gun handling
9 demand a design that enables the shooter to
10 operate the action with the safety on.

11 MR. DEMARS: And I'm --

12 BY MR. CHAFFIN:

13 Q You can agree to that, can't you, sir?

14 MR. DEMARS: And I'm going to object to the
15 form of the question that that was a declaration
16 of that committee.

17 THE WITNESS: Well, we have the same
18 context, the same structure as we had in 1975 so
19 my statements and my understanding concerning
20 that would be the same. I don't believe I have
21 anything to be -- make a basis, a decision that
22 that was the decision of the committee or of Mr.
23 Barrett or of Mr. McAndrews.

24 BY MR. CHAFFIN:

25 Q If you're at attendance at a committee meeting

1 and the committee prepares the minutes after
2 that, the minutes are reflective of the business
3 that was discussed at the committee meeting,
4 aren't they, sir?

5 A Yes.

6 Q You just don't make up the minutes out of the
7 blue, do you?

8 A No. I wouldn't think so.

9 Q And the minutes are then circulated to the people
10 who attended the meeting to make sure they're
11 correct; right?

12 A I'm not sure that's true. I don't -- I don't
13 know what the operation committee does.

14 Q So you attended other committee meetings for
15 Remington?

16 A Product safety subcommittee.

17 Q And at the product safety subcommittee which --
18 which is a subcommittee to the operations
19 committee, you make up the minutes after the
20 meeting, right?

21 A Right.

22 Q And you circulate them, right?

23 A Well, we circulate them to the members.

24 Q Circulate them to the members and if any members
25 have corrections to make they do that, right?

1 A That's true.

2 Q And if anything discussed at the meeting is
3 inaccurate or incorrect you correct the minutes,
4 right?

5 A Right.

6 Q And you understand that the minutes that have
7 been given to Mr. Chapa whom I represent are
8 supposedly the final, correct minutes; do you
9 understand that?

10 A Well, as I say, I didn't compile them. I'm
11 assuming they are, yes.

12 Q All right. And at those minutes was the
13 president of the company and the head of the
14 design department and there is a category called
15 product deficiencies known or suspected, right?

16 A That's correct.

17 Q Do you know what that means when you have a known
18 or suspected product deficiency?

19 MR. DEMARS: Object. This has been asked
20 and answered a number of times.

21 THE WITNESS: As I say, I -- I don't know
22 that there's any catch words in this. As I read
23 it, it means there's a list of deficiencies that
24 are either known or that they could be
25 deficiencies being in that they are suspected to

1 be deficiencies.

2 BY MR. CHAFFIN:

3 Q Well, the one categorizing the M/700 safety that
4 says essentially that you need a design that
5 enables the shooter to load or unload with the
6 safety on, is that listed either as a known or
7 suspected deficiency or in other words --

8 A It's listed as D, Model 700 safety lever.

9 Q So it could either be a known or a suspected
10 deficiency, right?

11 A That's right.

12 Q Or it could --

13 A As far as I know.

14 Q -- be both. Could be both, right?

15 MR. DEMARS: Object to the form of the
16 question.

17 BY MR. CHAFFIN:

18 Q Sir?

19 A It could be known, both?

20 Q Yeah, it could be known or suspected or both?

21 A Well, it would be hard -- if it's known, it's
22 known.

23 Q Well, does Remington make a distinction as to
24 whether it's a known or suspected deficiency?

25 A I'm not sure exactly what you're --

1 Q Well, the category talks about known or suspected
2 product deficiencies.

3 A That's right.

4 Q Now, under the M/700 safety does it say whether
5 it's a known deficiency or a suspected
6 deficiency?

7 A No, that's why it could either be known or
8 suspected. It couldn't be both, just from an
9 English standpoint I would think. If it's known,
10 it's known, it wouldn't be suspected.

11 Q If hypothetically speaking, sir, it were a known
12 product deficiency to distribute a weapon, in
13 this case the M/700, that needed to be on safe
14 when you loaded or unloaded it, then you got a
15 dangerous weapon out there that should not be
16 sold at all, haven't you?

17 A Well, without getting into the semantics of -- of
18 our problems.

19 Q Just assume this is a true statement.

20 A Hypothetically -- well, I -- I'm not disputing
21 the truth or accuracy of that statement. What
22 I'm saying is you don't -- we don't know what the
23 context of it is. Is it put as a debate
24 statement? Is it -- is it -- is it something to
25 be discussed as a suspected one that later on

1 became we've made all these decisions, we've --
 2 we've looked at the design and it's not a
 3 problem? I don't know that. But let's assume
 4 hypothetically -- I think your question is if
 5 hypothetically there is a known defect in a
 6 product, should a company continue selling that
 7 product, I would say no.

8 Q Now, we all know that Remington changed the
 9 design of the Model 700 to remove the bolt lock
 10 in 1982, right?

11 A Yes.

12 Q And your position on that now and in the past is
 13 it had nothing to do with safety whatsoever.

14 A That's true.

15 Q Now, from reading the minutes of the 1975 and
 16 1976 operations committee do you think you need
 17 to change that position?

18 A No.

19 Q Well, at least in 1975 and 1976 Remington
 20 suspected at the very least that it might be a
 21 safety problem, right?

22 MR. DEMARS: Object to the form of the
 23 question. That's not been his testimony. Don't
 24 mischaracterize his testimony.

25 BY MR. CHAFFIN:

1 Q Sir?

2 A That they suspected it?

3 Q Yes, sir. It was known or suspected to be a
4 problem in 1975 and in 1976, known or suspected
5 to be a safety problem, right?

6 A All I see is a statement that was probably
7 discussed during the minutes. I don't know what
8 the conclusion was. If the conclusion was at the
9 end of that, yes, that's true, it is a suspected
10 or it's known, then it would be true; but I don't
11 know that. I don't know what -- what we --
12 what -- what was decided.

13 Q Have you ever been involved in any discussions
14 whatsoever, any talk whatsoever or heard of
15 anything whatsoever regarding a recall of the
16 Model 700 series rifles?

17 A Yes.

18 Q Can you describe that for me, please, sir? Every
19 instance of recall that you have ever had any
20 association with whatsoever concerning the Model
21 700 rifle.

22 A I believe there was a recall about -- under five
23 hundred 700 rifles in the early '80s for some
24 safety cam of the -- of the trigger assembly was
25 improperly manufactured and it was recalled

1 and -- and I believe we got all of them back. It
 2 was a small number of them and I can't remember
 3 the number now. And then there's a recall 700 as
 4 I understand it going on now. I believe it
 5 started in -- I'm not sure when it started, '88
 6 or '89, which involves improper heat treating, I
 7 believe it is, on the connector and maybe some
 8 other component. And that's on a production run
 9 that covered several months.

10 Q Is there any doubt in your mind, Mr. Sperling,
 11 that a jury would be very interested to see the
 12 documents which list a known or suspected product
 13 deficiency?

14 MR. DEMARS: I'm going to object to the
 15 form of that question. He can't debate what's in
 16 a juror's mind or what they want to see. Come
 17 on.

18 BY MR. CHAFFIN:

19 Q Well, would -- would you at least agree, Mr.
 20 Sperling, that this is relevant evidence in this
 21 case as to whether or not it was a known or
 22 suspected product design?

23 A I -- I really can't determine that until I see
 24 what the decision was.

25 Q Well, can you think of any reason whatsoever why

1 these documents should not have been timely and
2 properly produced as requested by Mr. Chapa?
3 A I really can't because I wasn't involved in it.
4 I don't know what the considerations were. I
5 don't know what the question, how it was framed,
6 what -- what the decision was, what motions were
7 made at the time, whether it was relevant or not.
8 I just don't know.
9 Q Well, do you have any doubt that it was relevant?
10 A I don't know. I don't have -- I wasn't involved
11 in it so I can't make -- it's hard for me to make
12 that determination.
13 Q Were you an employee of Remington in December of
14 1978?
15 A Yes, I was.
16 Q Did you ever hear any talk or have any
17 involvement then with the plans to develop a
18 retrofitable fire control system that would block
19 both the hammer and sear?
20 A No.
21 Q You've never heard of that, sir?
22 A No, I never have.
23 Q Do you know what retrofit means?
24 A Retrofit means -- well, as I understand it, I --
25 I believe it means fitting after it's already out

1 on the marketplace.

2 Q Retrofit means you have to recall something;
3 right?

4 A Yes, I would imagine it's one of the main ways
5 you can do it.

6 Q Remington would not be designing a retrofitable
7 fire control system that would block both the
8 hammer and sear unless they were consider
9 recalling something, would they?

10 A I don't know.

11 Q Well, if work is in progress to develop a revised
12 design of a retrofitable system, that means you
13 have to recall something to retrofit it, right?

14 A I guess, yes. Or you can send it out and have
15 someone install it.

16 Q I understand that, sir, but that means you have
17 to change the design or change the actual product
18 after it left the factory when you retrofit it,
19 right?

20 A Yes.

21 Q All right. In December 1978, did you know that
22 consideration was being given to retrofitting the
23 fire control system of the M/700 rifle series?

24 A No, I didn't.

25 Q Have you ever heard of that?

1 A No.

2 Q Of course you weren't present at the operations
3 committee meeting, right?

4 A I don't remember being present at any operations
5 committee meeting.

6 Q Well, if you're looking at a retrofit design or a
7 recall, you must have some problem with the
8 rifle, right? It makes sense, doesn't it?

9 MR. DEMARS: Object to the form of the
10 question.

11 THE WITNESS: If you're looking to recall a
12 product and you decide not to recall a product, I
13 assume you've made the decision that you don't
14 have a problem with the product.

15 BY MR. CHAFFIN:

16 Q Or you may have made the decision that it might
17 not be cost effective to do it, right? It might
18 be cheaper just to defend the lawsuit than to
19 recall the rifle. That's another --

20 MR. DEMARS: Object to the form of the
21 question.

22 BY MR. CHAFFIN:

23 Q Well, Mr. Sperling, you can make two decisions,
24 right? You can recall the rifle or you can
25 defend the lawsuits if it's defective. Now, the

1 company has that option, doesn't it?

2 A Well --

3 MR. DEMARS: Object to the form of the
4 question.

5 THE WITNESS: A rational company really
6 doesn't have that option. There's only one
7 option. If you have a defective product out
8 there, you've got to go out and get it.

9 BY MR. CHAFFIN:

10 Q But -- I understand what you mean by a rational
11 company, but we may not be talking about rational
12 companies always. So if you have a defective
13 product out there, a company has two options,
14 don't they, sir? They can recall it or they can
15 continue to leave it out there and defend the
16 lawsuits, right?

17 MR. DEMARS: Object to the form of the
18 question.

19 THE WITNESS: There may be other options, I
20 don't know.

21 BY MR. CHAFFIN:

22 Q Those are two options, though, aren't they?

23 A Well, two ways you can go about it.

24 Q Two ways you can go about it, right?

25 A Uh-huh.

1 Q One is to recall, one is to defend the lawsuits,
2 right? Sir?

3 A That's -- that's certainly an option.

4 Q All right. And we know in December of 1978 here
5 just looking at the minutes, page 27537, work is
6 in progress to develop a revised design of a
7 retrofitable fire control that will block both
8 the hammer and sear. Now, those rifles were
9 never recalled to retrofit the fire control, were
10 they?

11 A I don't recall any -- any such recall.

12 Q Well you would not be working at Remington on a
13 retrofitable fire control that would block both
14 the hammer and sear unless there was some need to
15 have that design, would you?

16 MR. DEMARS: I'm going to object to the
17 form of the question. He's already testified
18 it's outside his area of expertise or knowledge.

19 BY MR. CHAFFIN:

20 Q Mr. --

21 A I really don't know. We never got into
22 retrofitting designs in the legal department. I
23 don't know what -- what they do.

24 Q Well, you got into recalls in the legal
25 department, didn't you?

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A Yes.

Q Whenever there was a consideration of a recall was there some sort of cost estimate done? In other words, what's it going to cost us to recall this weapon?

A There may have been. I wasn't involved in it.

Q Well, who would do the cost estimate for recalls? Where would we look for those records?

A If there were any done I don't know, probably the accounting department or the finance department.

Q Were you involved with any recalls or have you been involved with any recalls during your association with Remington?

A Yes. To the extent that I reviewed some -- some letters that went out to the -- to the field if you want to call it product.

Q Have you ever seen any cost estimates or any financial figures whatsoever that were prepared in conjunction with those recalls?

A I may have seen some cost estimates or actual costs involved in placing ads in magazines. I don't think I've seen anything, you know, having a whole recall priced out like -- like labor intensive or whatever. I don't think I've seen anything like that.

1 Q Do you know when the work began to develop a
2 revised design for a retrofitable fire control
3 system for the M/700 series rifle?

4 A No.

5 Q Well, you don't work on a retrofitable design
6 unless you've got a problem, do you?

7 A I don't know. I don't know when you do certain
8 things.

9 Q Well, it only makes common sense that you don't
10 retrofit something or go back and change it
11 unless you've got a problem with it, do you?

12 MR. DEMARS: Object to the form of the
13 question.

14 THE WITNESS: I have no idea. I -- I
15 assume you can -- you can make some design that's
16 an improvement or -- or is desirable that you
17 might want to give the option to the public to
18 have it put on their -- their model.

19 BY MR. CHAFFIN:

20 Q Has Remington ever done that?

21 A I don't know.

22 Q How long have you been with Remington, sir?

23 A Since 1970.

24 MR. DEMARS: Bob, my watch says noon and
25 I'm starved. Break for lunch?

1 MR. CHAFFIN: Do you want to break right
2 now?

3 MR. DEMARS: Yeah, please. I haven't eaten
4 any breakfast this morning. I'm dying.

5 MR. CHAFFIN: Would you at lunchtime have
6 our copies of those things made?

7 MR. DEMARS: Yes, sir.

8 MR. CHAFFIN: Do you have a color copier
9 here?

10 MR. DEMARS: No, I don't.

11 (Noon recess.)

12 (Mr. Couture attended the deposition
13 after the noon recess.)

14 BY MR. CHAFFIN:

15 Q Mr. Sperling, what exactly is your role in the
16 Remington firearms litigation?

17 A I would get the complaint and summons as it came
18 in and I would obtain a local counsel and would
19 send him a summons and complaint and ask him to
20 defend our interests in this matter. And if he
21 had any questions or who he should be contacting
22 of the plant that was involved of the product
23 that was being alleged to be a problem, I would
24 give him some names of who he could talk to
25 depending on what the attorney's problem was,

1 questions he had and so forth.

2 Q And what --

3 A And then --

4 Q I'm sorry, go ahead.

5 A And then I would be the one who would -- as the
6 case got on toward trial, I would alert
7 management, Remington management to it, when the
8 trial date was. If there was any settlement
9 discussions, I would be involved in that with the
10 attorney and then advise Remington management
11 what the outcome, disposition of the case was.
12 So really from the beginning to the end.

13 Q Do you participate in the discovery phase of the
14 case?

15 A I used to participate more. Now I would be
16 participating to the extent that what they were
17 asking for was sort of in my bailiwick so to
18 speak. If they asked some insurance questions,
19 if we were covered by insurance, I would handle
20 that; if they asked for documents that were down
21 logistically where I was, I would try to compile
22 those; that kind of thing.

23 Q Well, for instance you -- you styled yourself I
24 think as the litigation coordinator; is that
25 correct?

1 A That's right.

2 Q You would then be responsible, sir, for ensuring
3 that truthful responses were made to requests for
4 discovery that came through Remington?

5 A Only to the extent that I signed a particular
6 interrogatory answer. I used to do that when I
7 was at Remington. I don't think I've done that
8 recently. I just haven't had the -- had the
9 time.

10 Q For instance if a request for production came
11 in --

12 A Uh-huh.

13 Q -- would that go through your office?

14 A It might; it might not. It depends on how -- you
15 know, if they've already been working with
16 somebody, it might go through. It depends on the
17 questions asked.

18 Q Do you know if the request for production in this
19 particular case, the Chapa case, went through
20 your office?

21 A It did not.

22 Q Did you have anything to do with compiling the
23 materials that were responsive to the request for
24 production?

25 A No. I have currently been asked to look into --

1 into compiling some documents.

2 Q Well, were you asked to help compile, for

3 instance, operations committee documents?

4 A No.

5 Q You had nothing to do with that?

6 A No.

7 Q Are you aware of the fact that in this case we

8 have searched the operations committee records

9 that were produced for the plaintiffs and we find

10 that there are minutes missing for the operations

11 committee for at least eight different months?

12 A No, I'm not aware of --

13 Q Sir?

14 A I'm -- I'm not aware of that.

15 Q You have never heard of that?

16 A I'm not aware of it. I know there's some

17 contention about operations committee minutes,

18 but I don't know the specifics with them.

19 Q Have you assisted whatsoever in the search for

20 operations committee minutes that have been

21 declared to be missing?

22 A No, I have not.

23 Q No one's even asked you about it?

24 A Missing operations committee minutes?

25 Q Yes.

- 1 A No.
- 2 Q Were you asked about some product safety
- 3 subcommittee minutes for the period in time 1975
- 4 through '78?
- 5 A Yes.
- 6 Q Were you the acting secretary of the product
- 7 safety subcommittee during that period of time?
- 8 A Well, I was acting secretary only on a meeting-
- 9 by-meeting basis. If the secretary wasn't there
- 10 and I was, they would ask me to be an acting
- 11 secretary. There was no period of time that I
- 12 would have held -- it wasn't a specific position,
- 13 it was just the person who was there at the
- 14 meeting.
- 15 Q Do you remember who the official secretary of the
- 16 committee was during that period of time?
- 17 A I believe it was Tom Sharpe.
- 18 Q What is his position in the company?
- 19 A Well, he was in the research department. I don't
- 20 know his -- his exact title.
- 21 Q Is he still with the company?
- 22 A No.
- 23 Q Where is he now?
- 24 A He's deceased.
- 25 Q How about Mr. E. Hooton, Junior; who is that?

1 A E. Hooton, Junior was the director of production.
2 Q Is he still with the company?
3 A No.
4 Q Is he deceased?
5 A I don't believe so.
6 Q Do you know where he lives?
7 A No.
8 Q Mr. E. Sparre?
9 A Yes, he was director of production before E.
10 Hooton.
11 Q Is he still with the company?
12 A No.
13 Q Do you know where he lives?
14 A I believe he's deceased.
15 Q How about E. G. Larson?
16 A E. G. Larson was I believe in the marketing
17 department at this time.
18 Q Where is he now?
19 A He is retired.
20 Q Do you know where he resides?
21 A Somewhere in Connecticut, I don't know the town.
22 Q J. G. Williams?
23 A J. G. Williams at this time was director of
24 marketing.
25 Q Where is he now?

1 A He's retired and I don't know where he is.
2 Q Mr. Partnoy?
3 A That's Ronald A. Partnoy. He was general counsel
4 of Remington at that time.
5 Q And he was a member of the product safety
6 subcommittee?
7 A Yes.
8 Q For the whole time?
9 A I believe so, yes.
10 Q Do you know what his position in the committee
11 was?
12 A No. There weren't any positions except chairman
13 and the secretary, I believe.
14 Q How about Tom Sharpe, where is he now?
15 A Tom Sharpe is deceased.
16 Q So the only person that -- on the committee
17 during the period '75 through '78 who still works
18 for either Remington or DuPont would be Mr.
19 Partnoy?
20 A Who still works for DuPont.
21 Q I think you testified that he still works for
22 DuPont?
23 A Yes. Yes. What I was speculating over is the
24 only member of the committee. Did you read me
25 all the members of the committee?

1 Q Hooton, Sparre, Barrett, Larson, Williams,
2 Partnoy and Sharpe.
3 A Okay. I didn't hear Barrett's name on the list.
4 Barrett is -- was a member as I remember and
5 he -- he is retired, yes.
6 Q I understand Mr. Barrett was the director of
7 research then?
8 A Yes, I believe so, in '75.
9 Q Now, give me some history of the product safety
10 subcommittee if you could, sir, as to when it was
11 formed and why it was formed and what the purpose
12 of the committee would be.
13 A I believe it was formed sometime in 1970 or '71,
14 very early '70s and it was comprised of the head
15 officers of the Remington Company. It would be
16 the director of research, director of marketing,
17 director of production, general counsel and I
18 believe -- I believe -- I believe E. G. Larson
19 was a member and I'm not sure what his title was
20 and why. And then I don't know who the -- who
21 the first secretary was, it could be Tom Sharpe.
22 He was in the research department. It was formed
23 to -- I don't know if I've ever heard an official
24 explanation, but it seemed to me as a person who
25 attended most if not all of these meetings was it

1 got all the department heads together to discuss
2 unique problems with the products that -- that
3 needed action where more than one department was
4 involved.

5 Q Well, to me when you say product safety
6 subcommittee it obviously sounds like the
7 committee was formed to deal with the safety of
8 your product; right?

9 A Yes.

10 Q And the principal purpose of the product safety
11 subcommittee would have to be to address safety
12 problems related to Remington products, which
13 would be firearms and ammunition, right, sir?

14 MR. DEMARS: Object to the form of the
15 question.

16 THE WITNESS: Well, it was -- it was to
17 discuss safety or potential safety problems of
18 the product.

19 BY MR. CHAFFIN:

20 Q Now, were potential safety problems with products
21 referred from the operations committee to the
22 product safety subcommittee or vice versa?

23 A I don't remember -- I don't remember ever -- the
24 product safety subcommittee ever referring a
25 problem back to the operations committee. I'm

1 not sure who referred -- it usually came from the
2 chairman of the -- of the subcommittee who said,
3 here's -- here's what we're going to discuss. I
4 don't know where he got his topics.

5 Q Who was the chairman of the products safety
6 subcommittee from '75 to '78?

7 A I believe it was Ed Barrett.

8 Q And I see that Mr. Barrett was also a member of
9 the operations committee for that same period of
10 time. Are you familiar with that?

11 A No.

12 Q You didn't know that?

13 A I assumed it. I assumed all the top officers
14 were in operations committee.

15 Q You believe you attended most of the meetings for
16 the product safety subcommittee?

17 A Yes, I'm -- I'm sure I attended most. I could
18 have attended all, I'm not -- I'm not sure.

19 Q Now, you understand that as a part of our
20 production in the Chapa case we've asked that all
21 minutes of the product safety subcommittee be
22 produced?

23 A I -- I believe that's -- that's true, yes.

24 Q And you understand that from late 1975 until late
25 1978, almost a three year period, we can find no

1 history of any meeting that was conducted during
2 that period of time.

3 A That's -- that's true.

4 MR. DEMARS: I --

5 BY MR. CHAFFIN:

6 Q Were there any meetings conducted of the products
7 safety committee whatsoever between 1975 late in
8 the year and 1978?

9 A No.

10 Q So for a three year period the product safety
11 subcommittee simply did not meet; is that what
12 you're saying?

13 A That's true.

14 Q Why would the committee the company formed to
15 deal with product safety fail to meet for a three
16 year period?

17 A Well, as I say, the -- there wasn't any scheduled
18 meeting scheduled for the -- these meetings.

19 Q You met every other year, didn't you?

20 A I don't know if we did. It was just --

21 Q I -- I find no other gap in the meetings other
22 than from the period 1975 through 1978. Can you
23 explain why there is a three year gap between '75
24 and '78 when no product safety subcommittee
25 meetings were held?

1 A Well, to address your first point, I believe
 2 there was a gap between 1983 and '85, was a long
 3 period of time without any meetings. And in fact
 4 there were no scheduled -- as I say, there was no
 5 schedule for the -- for the meetings. It was a
 6 event driven committee meetings. If the chairman
 7 felt that there was a topic that wanted to be
 8 discussed by the -- by the committee, he would
 9 call the subcommittee together. For these three
 10 years if there was no meetings, I suppose that
 11 what was going on from the safety standpoint of
 12 the product was that each individual person who
 13 was on the committee was handling it in his
 14 individual department.

15 MR. CHAFFIN: I'm going to object to the
 16 responsiveness.

17 BY MR. CHAFFIN:

18 Q Mr. Sperling, wouldn't it be the job of the
 19 product safety subcommittee to deal with known or
 20 suspected product deficiencies? Wouldn't that be
 21 one of the purposes of the product safety
 22 subcommittee?

23 A Well, it's awfully broad. I suppose if there was
 24 a known defect, manufacturing defect in a
 25 product, that would not probably be -- come

1 before the product safety subcommittee. That
2 would --

3 Q Is it --

4 A -- be handled by the plant who had the product
5 out and the plant manager, his quality control
6 manager would handle that. These are -- these
7 were problems that were pervasive over a long
8 product line, a whole product line that's up to
9 the chairman who was the research department
10 director felt he wanted a meeting with all the
11 other departments to discuss it.

12 Q I'm going to hand you, if you would, here, the
13 list of members of operations committee. And if
14 you would, just take it from the top and tell me
15 which of the persons you know to still be alive
16 and if you can identify anybody that's still with
17 Remington or DuPont I would appreciate it.

18 A These are members of the operations committee.
19 E. Hooton.

20 Q He is still alive?

21 A He is retired and I believe he's still alive. At
22 least I -- I don't know that he's dead or
23 deceased. E. Sparre I know is deceased. Ed
24 Beattie I believe is deceased. I'm not
25 absolutely sure of that. Ed Barrett I know is

1 alive and is retired. E. M. Douglass I don't
2 recognize the name. G. M. Calhoun was director
3 of research during this period and -- well, at
4 least of the '74, '75, and he is deceased. H. M.
5 Stoessal is deceased. J. G. Williams is retired
6 and alive, I believe. J. H. Sweeney, the name is
7 vaguely familiar to me, but I don't know in what
8 context and I don't know his whereabouts. J. P.
9 McAndrews is alive and retired. J. R. Malloy is
10 alive and is working for DuPont.

11 Q What's his position?

12 A I believe he is director of external affairs
13 division.

14 Q What was his position with Remington?

15 A He was head of the finance department. J. R.
16 Bower is a name that's is familiar to me. I
17 associate him with Ilion's firearms plant, but
18 I -- I don't know if he's still there or retired.
19 L. Fox, I don't know his whereabouts. He I
20 associate in with the system at Ilion also at
21 this time frame. H. K. Boyle acting secretary
22 was -- I believe he's retired. He was plant
23 manager at one time up at Ilion. I don't believe
24 at this period of time.

25 Q Do you know where Mr. Boyle is today?

1 A No.

2 Q So of all those people only Mr. Partnoy and Mr.
3 Malloy remain in the employ of DuPont?

4 A Could I just see it once more? I -- I'll take
5 your -- you jotted it down, I wasn't still
6 remembering it. Malloy, Partnoy is not on this
7 list, but that's true. I don't know where
8 Sweeney and Bower are so they could still be with
9 Remington, but I don't know.

10 Q Would -- would a product that is being designed
11 for retrofit purposes, would that be something
12 that would come within the auspices of -- of what
13 the product safety subcommittee would be
14 addressing?

15 A I don't know.

16 Q Has Remington ever done work where they compared
17 the average cost of defending the Model 700
18 alleged defect cases with the cost of recalling
19 and correcting the weapon?

20 A Not to my knowledge.

21 Q You've never heard of that?

22 A No.

23 Q Do you know what the average cost to defend a
24 Model 700 case is?

25 A No, I don't.

1 Q You have no idea?

2 A No.

3 Q Well, generally speaking would -- would the legal
4 department be consulted prior to engaging in an
5 exercise where Remington was going to retrofit
6 and recall a particular product?

7 A They're going to recall a particular product?

8 Q Yes.

9 A I would say most of the time we would be alerted
10 to a recall.

11 Q You -- you don't have any recollection whatsoever
12 as to discussions that were conducted in late
13 1978 concerning a retrofitable fire control
14 system that would block the hammer and sear?

15 A I honestly don't.

16 Q When -- when did you move to Wilmington,
17 Delaware, Mr. Sperling?

18 A June of 1985.

19 Q Was there any significance to that particular
20 date? I mean, did anything take place as far as
21 a specific corporate action to cause you to move?

22 A Well, it's the date I became employed by DuPont.

23 Q Well, when you became employed by DuPont, is that
24 also the date that the Remington legal department
25 was eliminated?

1 A No, I can't say that.

2 Q When -- when was the Remington legal department
3 eliminated?

4 A I don't know. It could be the same month, I'm
5 not sure.

6 Q Was it about that same period in time?

7 A I would say it was about that same period of
8 time.

9 Q Were there other departments with Remington that
10 were eliminated or merged into DuPont other than
11 legal?

12 A I believe there were some staff functions, yes,
13 that were merged.

14 Q Could you describe what other functions other
15 than legal were eliminated?

16 A I'd really be guessing. It's some -- somehow
17 some accounting functions I suppose.

18 Q Well, to your knowledge does Remington have a
19 separate accounting department?

20 A Not to my knowledge.

21 Q Is the accounting function for Remington handled
22 by the DuPont accounting department?

23 A I really don't know.

24 Q Well, do you know?

25 A I assume so, but I don't know.

1 Q Why do you assume so?

2 A I just assume that it has to be handled by
3 someone and I'm not aware that they went outside
4 the DuPont organization to have it.

5 Q Well, was the accounting department at Remington
6 eliminated back in 1985 as well?

7 A I believe so.

8 Q Well, the company could not exist without an
9 accounting department, could it?

10 A I wouldn't think so, no.

11 Q The company would have a hard time existing
12 without a legal department as well, wouldn't
13 they?

14 A Probably, yes.

15 Q Was the finance department also merged into the
16 DuPont finance department?

17 A I don't know. Perhaps portions of it were. I'm
18 not -- I'm not sure on that. I just don't have
19 that kind of knowledge about the finance
20 department.

21 Q Well, was the accounting department eliminated in
22 about the same time in 1985 that the legal
23 department was?

24 A There was a -- there was about a year there
25 before 1985 where various departments, various

1 people were moving down to Wilmington, were
2 retiring or going -- going out of the company and
3 I believe the legal department was one of the
4 last to leave.

5 Q Name for me the other departments that left Ilion
6 to go to Wilmington, Delaware.

7 A I don't know.

8 Q Name anything that you know.

9 A Well, the accounting department I think did, the
10 finance department --

11 Q Is there an employee benefits department?

12 A Yes.

13 Q Is that employee benefits department also handled
14 through DuPont now?

15 A I believe it is.

16 Q And the employee benefits department, did it move
17 about 1984 or 1985 as well?

18 A Probably about that time frame, yes.

19 Q Were there employees in the accounting department
20 as well as the employee benefits department that
21 became DuPont employees?

22 A I believe there were. I can't think of any
23 individual names at the moment, but I -- I'm
24 almost sure.

25 Q But you think there were?

1 A Yes.

2 Q What about the insurance department, do you have
3 an insurance department that handles things like
4 corporate insurance and health benefits and that
5 sort of thing?

6 A We didn't at Remington.

7 Q Never?

8 A No. We had an outside insurance company.

9 Q Is there a corporate safety department within
10 Remington?

11 A Corporate safety department?

12 Q Yes, sir.

13 A I haven't heard of such a department.

14 Q Was there ever such a department?

15 A I can't remember any and I came in 1970.

16 Q Does -- does DuPont have a corporate safety
17 person who serves that function for Remington as
18 well?

19 A I don't believe so.

20 Q Does DuPont have a safety department?

21 A They have a safety department, but it's -- it's
22 for -- it's not product safety department, if you
23 know what I mean.

24 Q I understand that. Do they have --

25 A It's an employee safety department sort of thing.

1 Q Does DuPont have an employee safety department?

2 A I believe so.

3 Q And does Remington have an employee safety

4 department separate from DuPont?

5 A At the current -- at the present time?

6 Q Yes, sir.

7 A I've never heard of it, no.

8 Q Does the DuPont employee safety department also

9 serve that same function for Remington?

10 A I believe -- believe it serves it, yes.

11 Q Do you know who the president of Remington is at

12 the -- right now, sir, today?

13 A I -- yes.

14 Q Who is that?

15 A I believe it's a person by the name of Bobby

16 Brown.

17 Q And who is Mr. Bobby Brown employed by; where

18 does he get his paycheck?

19 A I don't know.

20 Q Well, Mr. Brown is not an employee of the

21 Remington Company, though, is he?

22 A I don't know.

23 Q Isn't he employed by another one of the DuPont

24 companies?

25 A Well, he originally and he still is the president

1 of Consolidated Coal Company.

2 Q So the person who is the president of
3 Consolidated Coal Company is also the president
4 of Remington Arms Company now; is that correct?

5 A I believe so, yeah.

6 Q Does Mr. Brown also serve on the board of
7 directors for DuPont?

8 A I don't know.

9 Q Do you know if Mr. Brown gets his paycheck from
10 Consolidated Coal Company?

11 A I don't know.

12 Q Isn't that where he gets his paycheck, from
13 Consolidated Coal Company?

14 A I really don't know.

15 Q In any event the man serves simultaneously as the
16 president of at least two DuPont subsidiaries,
17 right?

18 A I believe -- I -- I really don't know the status
19 of Consolidated Coal, but -- but he -- he
20 certainly is head of both -- both of those
21 entities.

22 Q Now, where are your offices physically located?

23 A Wilmington, Delaware.

24 Q Is that where Mr. Brown's office is located as
25 well?

1 A No.

2 Q Where is his office?

3 A I believe he's in Pittsburgh, Pennsylvania.

4 Q Does Remington have any offices in Pittsburgh?

5 A Well, I suppose since he's there that --

6 Q Do you know of any office in Pittsburgh where it

7 would have Remington on the door?

8 A No.

9 Q So the president of Remington resides in

10 Consolidated Coal headquarters in Pittsburgh,

11 right?

12 A I don't know that. I just know he's somewhere in

13 Pittsburgh. I've never been to his office, I

14 don't know what it says.

15 Q Well, you know that the headquarters for

16 Consolidated Coal are in Pittsburgh, right?

17 A I believe so, yes.

18 Q And that's where Mr. Brown's office is who is

19 also the president of Remington, right?

20 A Yes.

21 Q Are there any other Remington employees in

22 Pittsburgh?

23 A Not that I'm aware of.

24 Q Who is the chief executive officer for the

25 Remington Arms Company?

- 1 A Well, I really don't know if there is such a
2 title. I know that Bobby Brown is the president
3 and the executive vice-president would be Jack
4 Preiser.
- 5 Q Now, where is he located?
- 6 A Excuse me. He's in Wilmington, Delaware.
- 7 Q Does he work for any other DuPont company as
8 well?
- 9 A I don't believe so.
- 10 Q Does he have a Remington background; in other
11 words, did he come up through the company?
- 12 A Yes, I remember him at Bridgeport, Connecticut.
- 13 Q And what was his position there?
- 14 A Well, he had various positions up through the
15 marketing department. I'm not exactly sure what
16 he -- what he did. I think he was in the
17 marketing department and then I think he also was
18 in the finance department at one time.
- 19 Q Now, is Mr. Preiser -- does he have his offices
20 in Wilmington where you have yours?
- 21 A Well, we're both in Wilmington, we're in separate
22 buildings.
- 23 Q Well, what building is Mr. Preiser in?
- 24 A He's in the Brandywine Building.
- 25 Q And are there other DuPont employees in that

1 building?

2 A Other DuPont employees?

3 Q Yes, sir.

4 A Yes.

5 Q Are there other Remington employees in that

6 building?

7 A Yes.

8 Q Does Mr. Preiser have duties that extend beyond

9 Remington such as yourself?

10 A Not that I'm aware of. He may have, but I don't

11 know.

12 Q Does your office where you -- where you reside

13 have any Remington Arms signs on it or any -- any

14 indication that a person is there who does work

15 for Remington Arms?

16 A No. Not on my door.

17 Q Anyplace in the building, sir?

18 A No. Just the files on my desk.

19 Q Does Remington Arms Company have a separate board

20 of directors?

21 A Yes.

22 Q Do you know who the members are?

23 A No, I don't.

24 Q Were you familiar with the fact that any

25 expenditure of over \$500,000 by the Remington

1 Arms Company had to be approved by the DuPont
2 executive committee?
3 A No, I wasn't aware of that.
4 Q You never heard of that?
5 A Well, I -- I assume there was some -- some
6 cutoff, but I didn't know what it was.
7 Q Why did you assume there was some cutoff?
8 A Well, because DuPont is a hundred percent owner
9 of Du -- of Remington.
10 Q Do you know any other employees of DuPont other
11 than yourself and Mr. Brown who works for
12 Consolidated Coal who work in a dual function in
13 both Remington and DuPont?
14 A Do I know of any employees that work both for
15 DuPont and Remington?
16 Q Yes, sir. Who perform functions for both the
17 companies, understanding they're on the DuPont
18 payroll.
19 A Ron Partnoy.
20 Q And what's his job?
21 A Well, he's senior counsel in the legal
22 department.
23 Q Senior counsel in the DuPont legal department?
24 A Yes.
25 Q And he came from Remington, right?

1 A That's correct.

2 Q Well, how did you get your job with DuPont?

3 A I was interviewed by the head of the legal

4 department of DuPont.

5 Q And did you carry over from your seniority with

6 Remington into DuPont?

7 A Yes.

8 Q So you didn't lose any time at work or anything

9 on the seniority list or retirement list or

10 employee benefits list; right?

11 A That's correct.

12 Q Is that true of all the employees who have moved

13 from Remington to DuPont?

14 A Is what true, that they interviewed or that

15 they --

16 Q That they maintained their seniority and their

17 position and employee benefits.

18 A I believe so, yes.

19 Q And all of the employee benefits for Remington

20 employees are provided through DuPont, aren't

21 they?

22 A They are now, yes.

23 Q Well, has it been some different in the past?

24 A I don't know.

25 Q Can you remember when it was any different than

1 that?

2 A No. I -- I really can't remember ever

3 considering it.

4 Q Have you ever seen a separate financial statement

5 produced by DuPont -- excuse me, by Remington?

6 A Separate?

7 Q Separate financials. Do you know if Remington

8 has separate financial statements apart from

9 those issued by DuPont?

10 A I believe they at one time had separate financial

11 statements.

12 Q Do you know if that's true today?

13 A I don't believe it's true today.

14 Q Do you believe today the only statement issued by

15 Remington would be a joint statement with DuPont?

16 A Publicly, yes.

17 Q Have you ever attended any board of directors

18 meeting that were held strictly for Remington

19 Arms Company?

20 A I don't believe so, but --

21 Q Do they have --

22 A I can't remember any.

23 Q -- such --

24 A Huh?

25 Q Do they have such meetings?

1 A Board of directors meetings?

2 Q Yes.

3 A Yes.

4 Q For Remington Arms Company?

5 A Yes.

6 Q Was there a change that took place in '84 or '85

7 in -- in the relationship between Remington and

8 DuPont?

9 A Well, I think -- I think the change really

10 occurred in 1980, '81 when DuPont acquired a

11 hundred percent of the stock of DuPont -- of

12 Remington, excuse me, and then as I say, in '84

13 and '85 there was this consolidation where --

14 where the organization of Remington had cut out

15 some staff functions and relocation of the

16 corporate headquarters of Remington was relocated

17 in Wilmington, Delaware.

18 Q What staff functions were eliminated if you can

19 remember?

20 A Well, we went through that before. The legal

21 department and I think some of the financing --

22 the financial aspects, the accounting employee

23 relations probably.

24 Q Do you remember the names of the three attorneys

25 who left Remington when the consolidation

1 occurred?

2 A Left Remington?

3 Q Yes, sir.

4 A Nick Skorvan.

5 Q How do you spell his name?

6 A S-k-o-r-v-a-n, I believe.

7 Q Do you know where he lives?

8 A No, I don't. He's retired. He at one time lived

9 in Connecticut. I'm not sure if he moved out or

10 not. That's the only one I -- I know left

11 Remington.

12 Q Well, you named -- you mentioned three that were

13 not carried over into DuPont. Do you know the

14 names of the other two?

15 A Yes. Bill Ericson. Bill Ericson is employed by

16 Remington Arms up at Ilion, New York, and Barry

17 Estrin who is a patent attorney now for DuPont.

18 Q What I'm looking for is the names of people who

19 are not with DuPont or Remington either one,

20 other than Mr. Nick Skorvan?

21 A You mean, in the legal department that was there?

22 Q Yes. Yes.

23 A Well, I gave you the -- I gave you the number of

24 six that was the last time I remember the -- the

25 number in the legal department. Now, there were

1 people in there before I came, I'm sure they're
2 retired, but of the six there was Ron Partnoy,
3 myself, Bob Kirk -- oh, Bob Kirk is -- is with
4 DuPont. He's in the personnel department. Nick
5 Skorvan, who is in the patent department; Bill
6 Ericson, who was in the patent department and
7 then came to the general Remington legal
8 department for about four years, three or four
9 years before he went up to Ilion; and Barry
10 Estrin and that should be the six.

11 Q When the operations committee identified product
12 deficiencies that were known or suspected, at any
13 time were those product deficiencies referred to
14 the product safety subcommittee for any further
15 study whatsoever that you can recall?

16 MR. DEMARS: I'm going to object to the
17 form of the question as stating facts not in
18 evidence.

19 THE WITNESS: They may have been, but they
20 weren't -- I can't recall them being referred to
21 as here's a -- here's a product deficiency that's
22 referred to us by the product -- by the
23 operations committee.

24 BY MR. CHAFFIN:

25 Q You just don't recall that.

1 A I don't recall that -- that kind of report.

2 Q Do you know today that I had asked you to bring
3 with you any letters, communications whatsoever
4 with Remington customers who had complained about
5 the lack of a bolt lock on the gun since 1982?
6 Are you familiar with that request, sir?

7 A I'm familiar with the request. I -- I personally
8 didn't bring it along, Jim Hutton brought it
9 along.

10 MR. DEMARS: But we have produced it to you
11 this morning.

12 BY MR. CHAFFIN:

13 Q Do -- do you realize that there is probably ten
14 or less complaints in that?

15 A I haven't seen the folder.

16 Q Well, if -- if you have ten people out of over
17 600,000 sales of Model 700 rifles that even write
18 to comment on the lack of a bolt lock would not
19 seem to be very much of a marketing problem
20 whatsoever, would it?

21 MR. DEMARS: Objection.

22 THE WITNESS: I don't know the status of
23 the file, whether it's everyone they've ever
24 received. I just don't know.

25 BY MR. CHAFFIN:

1 Q Well, assuming that they brought all the ones
2 they had a record of still in their file.
3 There's only ten people out of 600,000 that
4 complained about the removal of bolt lock.
5 That's hardly any evidence whatsoever of any
6 consumer preference or comment whatsoever on the
7 product, isn't it?

8 MR. DEMARS: I'll -- objection to the form
9 of the question. Where do you get the number
10 600,000? I mean, you're asking him to comment,
11 I'm just --

12 MR. CHAFFIN: I added them up.

13 MR. DEMARS: From what year?

14 MR. CHAFFIN: From '82 forward.

15 BY MR. CHAFFIN:

16 Q Since 1982 Remington has sold six hundred and
17 five thousand Model 700 rifles. And of those six
18 hundred and five thousand only ten people have
19 bothered to even write a letter commenting on the
20 lack of a bolt lock, which is approximately one
21 out of every 60,000. Now, that tells you,
22 doesn't it, sir, just as common sense that the
23 lack of a bolt lock has very little to do with
24 the marketing of the rifle, right?

25 A No.

1 MR. DEMARS: Objection.

2 THE WITNESS: I don't think it has anything
3 to do with it.

4 BY MR. CHAFFIN:

5 Q You don't think the lack of a bolt lock has
6 anything to do with the marketing of the rifle?

7 A No. I'm saying I don't think the number of
8 letters that are written in by customers has
9 anything to do with why Remington did or did not
10 include a bolt lock. There's a lot of ways
11 they -- they measure customer reaction. They go
12 out and take surveys, they talk to the field
13 reps. Not everyone sits down and takes the time
14 to write a letter.

15 Q Well, certainly not. If only one person out of
16 every 60,000 write a letter concerning the lack
17 of a bolt lock, don't you have to admit, Mr.
18 Sperling, just using your common sense and what
19 you know to be correspondence habits of Remington
20 customers, you've got to admit that is absolute
21 proof that customers just don't care about the
22 bolt lock, do they?

23 A I can't --

24 MR. DEMARS: Objection. Are you
25 testifying, Bob?

1 THE WITNESS: I can't derive that from
2 that -- that fact.

3 BY MR. CHAFFIN:

4 Q You can't derive it from that fact, sir?

5 A No, I can't.

6 Q Well, you had hundreds of letters written to
7 Remington by people who complained about their
8 rifles firing during the process of the loading
9 and unloading of the rifles, didn't you, sir?
10 Hundreds of them.

11 A I'm not sure of the number.

12 Q Well, it's hundreds, though, isn't it?

13 A I don't know. Could be. I -- I don't have the
14 number in my mind. But assuming that's true.

15 Q You got 40 or 50 times as many people complaining
16 about the rifle misfiring during loading and
17 unloading without pulling the trigger as you do
18 people coming in and writing anything whatsoever
19 about the lock -- lack of a bolt lock, don't you?

20 A But there's no correlation. If a person is -- a
21 person is upset and writes about an accidental
22 firing doesn't mean he's upset about the bolt
23 lock or existence of a bolt lock or nonexistence
24 of a bolt lock.

25 Q Well, the correlation is this, isn't it, sir,

1 that Remington pays attention to what their
2 customers say to them in correspondence, don't
3 they?

4 A Yes, they do.

5 Q And only one person approximately every nine or
6 ten months bothers to even write a letter
7 concerning the bolt lock, but every month you get
8 a number of letters about people complaining that
9 their rifle, their Model 700 fired without
10 pulling the trigger, right?

11 A Yes. But what I'm saying, it has nothing to do
12 with the bolt lock. And when we get those
13 letters we ask them to send in the rifle. We're
14 very concerned about it. The rifle shouldn't
15 accidentally discharge.

16 Q Well, as a matter of fact when Remington sells a
17 rifle they warrant, they guarantee in essence
18 that unless you pull the trigger on that rifle if
19 it's properly maintained and cared for it will
20 not fire; right?

21 MR. DEMARS: Objection.

22 THE WITNESS: Well, I haven't seen that
23 particular warranty, but that -- that should --
24 should certainly be when you send out a rifle, if
25 it's not abused and misused in some way, it

1 should not fire unless you're intending it to
2 fire by pulling of a trigger.

3 BY MR. CHAFFIN:

4 Q Sir, even if Remington doesn't write it down on
5 paper, when you sell a rifle you guarantee that
6 customer that if he takes care of the rifle,
7 doesn't abuse it, doesn't misuse it, that the
8 rifle is not going to fire unless you pull the
9 trigger, right? That's a guarantee that goes
10 with it unwritten.

11 MR. DEMARS: Objection.

12 THE WITNESS: Well, I think every product
13 should be a safe product and certainly if a rifle
14 that fires without the trigger being pulled if
15 it's not misused or abused or altered in some way
16 is certainly a product that should not be sold.

17 BY MR. CHAFFIN:

18 Q Mr. Sperling, do you know how to answer a
19 question yes or no?

20 A I believe so.

21 MR. DEMARS: He explained his answer.

22 MR. CHAFFIN: Okay.

23 MR. DEMARS: And it was responsive to your
24 question.

25 BY MR. CHAFFIN:

1 Q This is a very simple question, Mr. Sperling.
2 A All right.
3 Q If you sell a rifle or any type of gun, the
4 person who manufactures and sells that gun, the
5 company, guarantees it even if it's not in
6 writing that if the customer takes care of the
7 gun and does not misuse it, the gun will not fire
8 unless you pull the trigger, right? That's a
9 guarantee.

10 MR. DEMARS: Are you asking him to comment
11 on the law of implied warranty; is that what
12 we're doing?

13 BY MR. CHAFFIN:

14 Q You can answer now, sir. It's a guarantee, isn't
15 it, sir?

16 MR. DEMARS: Object to the form of the
17 question.

18 THE WITNESS: Well, regardless of whether
19 it's a legal guarantee or not, my own personal
20 opinion is it should be.

21 BY MR. CHAFFIN:

22 Q All right. Well, it is. I mean, common sense
23 tells you that when you buy a gun, it's about the
24 most dangerous product that you can buy
25 potentially.

1 MR. DEMARS: Objection.

2 BY MR. CHAFFIN:

3 Q And if -- if you --

4 MR. DEMARS: It's no more dangerous than a
5 car used in the right way.

6 MR. CHAFFIN: I'm going to ask you again,
7 okay?

8 MR. DEMARS: Well, you're the one
9 testifying in almost every question and I'm
10 trying to get by here by saying objection to the
11 form. I don't want to hear later, well, I don't
12 understand what's wrong with that question.
13 You're testifying in almost every question.

14 BY MR. CHAFFIN:

15 Q If a person buys a gun from Remington and they
16 take care of that gun and there's nothing wrong
17 with the way they take care of it or the way they
18 use it and then while they're using the gun, the
19 gun fires without the trigger being pulled, then
20 you have got a breach of Remington's guarantee of
21 Remington's promise that the gun will not fire
22 unless it's intended to, right?

23 A Well, those --

24 MR. DEMARS: Objection.

25 THE WITNESS: -- qualifications are -- are

1 true, yes.

2 BY MR. CHAFFIN:

3 Q In a situation like that where a gun fires
4 without the trigger being pulled that is in the
5 proper condition and properly cared for, then the
6 responsibility should belong with Remington,
7 shouldn't it?

8 A I believe so. If they produce the gun.

9 Q Now, isn't it true that in 1975 and 1976 there
10 was a great deal of concern at Remington with the
11 Model 700 series rifle because you had a number
12 of customer complaints during that period of time
13 that the gun was firing without the trigger being
14 pulled? That's true, isn't it?

15 A I guess we've always had a concern when we have a
16 product coming back with the allegation that it's
17 firing without the trigger being pulled.

18 Q But the Model --

19 A You can't put any particular time frame on it.

20 Q But in 1975 and 1976 Remington -- and even in the
21 years right before that Remington became acutely
22 aware that the Model 700 rifle was drawing an
23 inordinate number of complaints about people
24 saying the rifle was firing without pulling the
25 trigger, right, sir?

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MR. DEMARS: Objection.

THE WITNESS: I don't know. I can't agree to the word inordinate. It became acutely aware there were complaints throughout the period of a lot of rifles, a lot of shotguns. Always allegations that it was firing and we always examined the guns when we could get them back and see if that allegation was proved true.

BY MR. CHAFFIN:

Q And during the period of time when there were lots of complaints and that period of time has existed up to today, hasn't it, sir, that you have lots of complaints about the M/700 firing when you don't pull the trigger?

MR. DEMARS: Objection to the form of the question as what's lots.

THE WITNESS: Other than that, we've had complaints. I can't classify --

BY MR. CHAFFIN:

Q Well, the M/700 series of rifle draws a particular complaint, doesn't it, and that is that the rifle will fire without pulling the trigger?

A That's one of the complaints.

Q That's one of the complaints with the Model 700

1 series, isn't it?

2 A Yes.

3 Q Sir?

4 A Yes.

5 Q And when misfiring most frequently occurs or when
6 the complaints most frequently occur with the
7 Model 700 series rifle is during the process of
8 loading and unloading the rifle, especially the
9 pre-1982 rifles where you did not have the
10 ability to load or unload with the safety in the
11 on position, correct, sir?

12 A I'm not -- I'm not sure that -- I -- I don't know
13 the comparison between the pre-1982 and post-
14 1982, so the complaints are basically that I
15 would say probably the majority of them are
16 either in the loading or unloading mode. Alleged
17 to have occurred in the unloading or loading
18 mode.

19 Q And in response to those complaints in
20 Remington's own investigation in 1975 and in 1976
21 the M/700 safety wherein you had to put the
22 safety into the fire position in order to load or
23 unload the rifle, that was declared to be either
24 a known or suspected product deficiency, that's
25 when that happened, isn't it, sir?

1 MR. DEMARS: I'm going to object to the
2 form of the question as to what that exhibit to
3 the minutes says.

4 THE WITNESS: Well, we've gone around this
5 on the first -- first go around and I said I -- I
6 don't know what the ultimate determination was.
7 I assume I later -- what I know from the later
8 aspect that it was determined that that was not a
9 product defect.

10 BY MR. CHAFFIN:

11 Q Well, that's what we have here, isn't it, sir?
12 In 1975 and 1986 -- '76, it was declared by the
13 Remington operations committee or it's put in
14 their minutes, however you want to put it, that a
15 known product defect existed or a -- or a
16 suspected product deficiency existed with the
17 Model 700 rifle because you had to place it in
18 the fire position to load or unload it. And
19 later on we see come 1979 and 1980 Remington has
20 changed their position that that's no longer
21 determined to be a problem with the safety of the
22 gun. Right, sir? They just changed their
23 position from '75 and '76 to '79 and '80. That's
24 true, isn't it?

25 A No, I don't believe that.

1 MR. DEMARS: Objection.

2 THE WITNESS: I don't know when they
3 changed their position, if they changed the their
4 position. All we know is in a statement in the
5 operations exhibit or -- or committee minutes --

6 BY MR. CHAFFIN:

7 Q Mr. Sperling, I want --

8 A It says --

9 Q -- you to do me a favor, sir.

10 A Yes.

11 Q I want you to cut the BS, all right?

12 MR. DEMARS: Objection. It's not BS and
13 he's being responsive. If you're going to harass
14 the witness, we're going to terminate the
15 deposition.

16 BY MR. CHAFFIN:

17 Q You're a lawyer, aren't you, Mr. Sperling?

18 A Yes.

19 Q And you know when a company has taken conflicting
20 positions, don't you?

21 A I think I do, yes.

22 Q And you've read these minutes, haven't you?

23 A I've read them right here, that's the first time.

24 Q No. You've read them before, haven't you?

25 A No, I haven't.

1 Q Not before today you've never --
2 A The operations committee minutes? No.
3 Q You mean today in 1989, in May of 1989, is the
4 first time you have ever read the operations
5 committee minutes that say it is a known or
6 product deficiency -- excuse me, in May of 1989
7 is the first time you have ever read the
8 operations committee minutes which say that
9 Remington has a product deficiency known or
10 suspected in the M/700 safety? You've never read
11 that before?
12 A I have never read that before.
13 Q So today is your first knowledge of that then,
14 right?
15 A Yes.
16 Q Well, then to be truthful as you sit here today,
17 today being the first time that you have read the
18 1975 and 1976 operations committee minutes, you
19 have to admit today that there appears to be a
20 conflicting position in Remington's statements in
21 '75 and '76 skipping to '79 and '80. In '76 --
22 '5 and '6, the company declares it to be a known
23 or suspected product deficiency that you have to
24 load the gun with the safety off, and in 1979 and
25 1980 they change completely to say no, it has

1 nothing to do with safety. Now, those are
2 conflicting positions, aren't they?

3 MR. DEMARS: Are you done with your
4 testimony? I'm going to object to the whole form
5 of the question. If you'd like --

6 THE WITNESS: As I specified before that is
7 not my --

8 BY MR. CHAFFIN:

9 Q Just tell me if those are conflicting positions.

10 A They are not conflicting positions.

11 Q One year you declare that it's a known or
12 suspected product defect and that safety demands
13 that you be able to unload the gun with the rifle
14 in the on safe position and the next year you say
15 no, safety doesn't demand that, it has nothing to
16 do with safety. Now, those are absolutely
17 conflicting positions in a hypothetical sense,
18 aren't they, Mr. Sperling?

19 MR. DEMARS: Object to the form of the
20 question. He hasn't said any of those things.
21 You've changed the question now and changed the
22 years. You're changing it that he has said that
23 and we've gone over this and over this --

24 BY MR. CHAFFIN:

25 Q By you I mean Remington. You understand that,

1 don't you, Mr. Sperling?

2 A Yes.

3 Q I've never referred to you personally, you

4 understand that, sir?

5 A Uh-huh.

6 Q Now -- now, today you have told me under oath

7 that never before have you seen the operations

8 committee of 1975 or 1976, never before have you

9 seen their minutes, right?

10 A That's right.

11 Q So today would be your first knowledge that in

12 1975 and 1976 the Remington operations committee

13 placed in their minutes the words product

14 deficiencies known or suspected with the category

15 the M/700 safety saying that safety demands a

16 design that you be able to unload the gun with it

17 in an on safe position. You never before had

18 knowledge of that, right?

19 A That's true.

20 Q Today you have that knowledge, right?

21 A Well, I have the knowledge that it's written on

22 that paper and I think we've gone through this --

23 Q Well, let's just assume --

24 A -- many, many times about what my interpretation

25 was -- of that could be. I don't know what it

1 means.

2 Q All right.

3 A But it could mean --

4 Q Do you know what a hypothetical question is?

5 A Yes.

6 Q Hypothetically speaking, if these notes are true
7 and correct --

8 A Yes.

9 Q -- and if in 1975 and 1976 the Remington
10 operations committee considered the M/700 safety
11 wherein you had to place the rifle in the fire
12 position to load or unload it to be a known or
13 suspected product deficiency, then that is
14 completely contrary to their position in 1979 and
15 1980, isn't it, sir?

16 A No, it isn't because I don't dispute the fact
17 that it -- it's placed in the minutes. I dispute
18 with you an interpretation of it as why it's
19 placed in the minutes. Is it -- is it a debate
20 item? Is it -- is it a conclusion? Is it
21 something for discussion? I don't know what the
22 position of the company was there; therefore, I
23 can't tell you when it was changed. I don't
24 think it was changed. I have never heard anybody
25 tell me that the bolt lock contributes to the

1 unsafeness of a gun.

2 Q But that's what it seems to say here, isn't it?
3 That the bolt lock contributes to the unsafe
4 design of the gun. That's what these minutes in
5 '75 and '76 say, isn't it, sir, truthfully?

6 A Truthfully there's a statement there and the
7 question is is it a debate argument or is it a
8 statement of the position of the company.

9 Q Mr. Sperling, let's cut it here. There is
10 nothing in these minutes that indicates this is
11 any debate at all. This is the official position
12 of Remington in '75 and '76. The official
13 position of Remington in 1975 and '76 in their
14 operations committee minutes, ~~if we~~ refer to
15 nothing else but those minutes, is that the M/700
16 safety requiring the shooter to place the rifle
17 in the fire position to load and unload was a bad
18 design, right?

19 MR. DEMARS: I'm going to object --

20 THE WITNESS: No.

21 MR. DEMARS: -- to the form of the
22 question. The man has testified as to what his
23 understanding or lack of understanding about
24 those minutes are.

25 BY MR. CHAFFIN:

1 Q Mr. Sperling, so we don't have any conflict
2 today, I believe that you're being a very evasive
3 witness and deliberately not answering these
4 questions that are clear in the English language.
5 Do you understand that, sir?

6 A I understand and you understand that I don't
7 agree with that assessment.

8 Q Sir, I -- I think that you do agree with that
9 assessment, but you're just trying to circumvent
10 this deposition.

11 MR. DEMARS: Objection. Is this -- we're
12 going to take a break.

13 MR. CHAFFIN: We don't need to take a
14 break.

15 MR. DEMARS: Well, we're going to take a
16 break. I have a right.

17 MR. CHAFFIN: Take a break then because
18 this is complete bullshit, and you can put it on
19 the record.

20 MR. DEMARS: If you're going to raise your
21 voice and you're going to --

22 MR. CHAFFIN: Take a break, take him out.
23 Take him out and bring him back, okay? Because
24 I've had it for now too. Take a break.

25 MR. DEMARS: Sir, lower your voice and

1 we'll conduct the deposition. If you're going
2 to --

3 MR. CHAFFIN: Why do have to go through
4 this --

5 MR. DEMARS: -- yell and slam the table and
6 carry on.

7 No, it's on the record.

8 MR. CHAFFIN: Leave it on the record.

9 Why do we have to go through this? Why
10 can't he give me a straight answer to a straight
11 question?

12 MR. DEMARS: He has --

13 MR. CHAFFIN: Oh, come on.

14 MR. DEMARS: -- to the best of his
15 knowledge.

16 MR. CHAFFIN: Oh, bullshit. Complete
17 bullshit. He knows it and I know it and you know
18 it. Now, go out there and do whatever
19 straightening up you want to do.

20 MR. DEMARS: I'm not going to do any
21 straightening up and I'm going to object to your
22 tone and your conducting of yourself in this
23 deposition.

24 MR. CHAFFIN: I -- listen. I guess we're
25 sick of each other because today you have again

1 produced records that were due two -- over two
2 years ago. Today the witness comes and says that
3 he has been a lawyer there for 20 years or
4 whatever and has never seen these operations
5 committee minutes and deems them to be some kind
6 of a debate when clearly that ain't what they
7 are. What I don't --

8 MR. DEMARS: That's your interpretation of
9 what they are and aren't.

10 MR. CHAFFIN: It's complete bull, you know
11 it is, I know it is. Why do we even have to sit
12 here and go through this? If he could just
13 answer the questions straight and truthful we'd
14 get this over with, but I guess we'll sit here as
15 long as we have to.

16 MR. DEMARS: Now, we're going to take a
17 break.

18 MR. CHAFFIN: Take a break.

19 (Recess.)

20 BY MR. CHAFFIN:

21 Q Mr. Sperling, when did you first become involved
22 with a Remington Model 700 case of any sort where
23 it was alleged that the rifle had gone off
24 without the trigger being pulled and had a
25 defective design to market a rifle that required

1 you to load it and unload it with the safety in
2 the fire position? When did you first become
3 involved with one of those cases?
4 A Probably in the early '70s, '73 somewhere around
5 there.
6 Q Sir?
7 A '73, '72, I -- I couldn't --
8 Q At that point in time were you supervising or
9 coordinating litigation dealing with that
10 particular type of firearm?
11 A At that time I was involved in all litigation
12 concerning Remington products.
13 Q Well, truthfully almost continuously then since
14 1973 to the present for the last 16 years, you
15 have been coordinating or supervising litigation
16 involving Model 700 rifles, right?
17 A Yes.
18 Q And most of that litigation, some 40 lawsuits or
19 so, have involved allegations or claims that the
20 rifle fired without the trigger being pulled
21 sometime during the loading or unloading process,
22 right?
23 A I'm not sure of the number 40. There is
24 certainly a number of them, but I don't know the
25 number.

1 Q Well, that -- the general complaint is that the
2 rifle fired sometime during the loading or
3 unloading process without the trigger being
4 pulled, right?

5 A Yes, there have been those complaints.

6 Q And -- and that's a complaint in a lawsuit that
7 you have been dealing with now for some 15 or 16
8 years, right?

9 A Well, there have been different lawsuits, yes.

10 Q It's a complaint that you have known about for 15
11 or 16 years, right, sir?

12 A Yes, I have.

13 Q And you're telling me that in 15 or 16 years of
14 involvement with those lawsuits, that never before
15 have you seen the minutes of the operation
16 committee that declare that safety design to be a
17 known product or suspected product deficiency?

18 MR. DEMARS: Object to the form of the
19 question about the declaration in the minutes.

20 THE WITNESS: I've never been a member of
21 the operations committee. To my knowledge I
22 never attended operations committee. I've never
23 looked at the operations committee minutes.
24 They've never been sent to me. I've never poured
25 through them. I have never seen that to my

1 knowledge before now.

2 BY MR. CHAFFIN:

3 Q Well, Mr. Partnoy was your supervisor during
4 those years, right?

5 A Yes, he is -- was.

6 Q A member of the products safety subcommittee who
7 is also a member of the operations committee is
8 present at at least two meetings where it is
9 declared to be a known product or a suspected
10 product deficiency to have to load or unload the
11 rifle to safety in the fire position. Your
12 supervisor and you're supervising litigation over
13 that very same thing and you never heard of it;
14 right?

15 MR. DEMARS: Again, object to the form of
16 the question with regard to declarations in the
17 minutes as to what that was.

18 THE WITNESS: I have never heard of it.
19 I'm not sure Ron Partnoy is a member of it or was
20 a member of the operations committee. I don't
21 know what he heard, what he understood, but he's
22 never told me that Remington's position or his
23 own position is that a bolt lock affects the
24 safety of a bolt --

25 BY MR. CHAFFIN:

1 Q Mr. Partnoy was your --

2 A -- action rifle.

3 Q Mr. Partnoy was your supervisor, right, sir?

4 A Yes.

5 Q Well, now, your lawyer here has given us a list
6 today guaranteeing us that Mr. Partnoy was a
7 member of both -- of the operations committee in
8 1975 through 1978; do you understand that?

9 A I understand he gave you a list. I didn't look
10 at the list.

11 Q All right. Well, you're not arguing that Mr.
12 Partnoy, your supervisor, was a member of the
13 operations committee during '75 through '78, are
14 you?

15 A I'm not arguing one way or the other. I'm saying
16 I don't know that.

17 Q But your testimony today is that you never before
18 heard the statement that it was a known or a
19 suspected product deficiency to have the Model
20 700 rifle where you had to load it with the
21 safety in the fire position; never even heard of
22 that, right?

23 A Well, I've heard the statement. The plaintiffs
24 have made that a number of times. I've heard
25 that allegation. I've heard that the fact that

1 we've looked into the problem. I've never heard
2 Remington say or anyone in an official capacity
3 of Remington or anyone from Remington for that
4 matter saying the bolt lock poses a safety
5 problem to the user of the gun that has a bolt
6 lock.

7 Q Well, you -- assuming that the statement
8 contained here is true where it says safe gun
9 handling demands a design, demands a design. You
10 understand that language, don't you?

11 A Yes.

12 Q If safe gun handling demands a design that
13 enables the shooter to operate the action with
14 the safety on, then the bolt lock was a problem,
15 right, if this is a true statement? Just say yes
16 or no.

17 A Well -- well, I can't say yes or no because there
18 are so many qualifications to it.

19 Q There's not really any qualifications.

20 A If I answer it yes or no it -- it would be
21 incomplete. It wouldn't mean anything.

22 Q It would be truthful, though, wouldn't it?

23 A No, it wouldn't.

24 MR. DEMARS: Objection.

25 THE WITNESS: I have to qualify it to let

1 you know what I'm thinking so you know --

2 BY MR. CHAFFIN:

3 Q I don't need to know what you're thinking. If
4 this statement that's contained in the operations
5 committee meetings is true, if this is just a
6 true statement, because I'll tell you, sir, I
7 have examined the minutes myself and there is
8 nothing whatsoever regarding this debate you have
9 spoken of in the past. Do you understand that?

10 A I didn't speak of a debate. I said it's possible
11 that that is a argumentative statement that they
12 were going to discuss during the minutes. I
13 don't know what it was.

14 Q But it's not that; okay?

15 A I'm just saying I don't know what it was.

16 Q Let's eliminate that possibility, okay?

17 MR. DEMARS: Let's -- let's not unless
18 you're going to testify.

19 MR. CHAFFIN: Well, we can call Houston and
20 have them send the whole things down here, but
21 I've examined them closely and there's absolutely
22 nothing in the operations committee that would
23 indicate that this is a point of debate or an
24 argumentative statement. Do you understand that?

25 MR. DEMARS: I understand that's your

1 position.

2 MR. CHAFFIN: Listen, David, really there
3 is not. And I -- really. I mean, you're just
4 making that up. We're all just making that up
5 right now. I want it stopped.

6 BY MR. CHAFFIN:

7 Q The statement of the operations committee was,
8 Mr. Sperling, plainly and simply that safety
9 demands, safe gun handling demands a design that
10 enables the shooter to operate the action with
11 the safety on. Now, you're telling me today that
12 you have never before heard that statement made
13 by anybody from Remington, right?

14 MR. DEMARS: Object to the first part with
15 regard to the minutes, but he can answer the
16 question. Go ahead.

17 THE WITNESS: I have never heard anyone
18 make that statement that safety demands us to
19 have that kind of safety on a -- on a gun or I've
20 forgotten the wordage of it now.

21 BY MR. CHAFFIN:

22 Q Safety demands a design that enables the shooter
23 to operate the action with the safety on. Before
24 today in May of 1979, you have never before heard
25 that statement made by anybody for Remington,

1 right?

2 A Not as a position of Remington, no.

3 Q Then you must be surprised that it's here in the
4 operations committee, right, sir?

5 A -- I was surprised that anything is there because
6 I -- I've never seen it before.

7 Q Doesn't it seem a little strange to you, Mr.
8 Sperling, that a man who has been involved with
9 litigation of people who claim to have been shot
10 and some killed by the failure to have a design
11 where you could load or unload the gun with it in
12 the safe position, doesn't it seem a little
13 strange that that man has never before seen the
14 minute of the operations committee that declares
15 that to be a known product deficiency?

16 A Well, first of all I don't agree with that
17 statement.

18 MR. DEMARS: I object to the last part of
19 the question.

20 THE WITNESS: And I -- I don't know whether
21 it's strange or not, but I have never gone
22 through the operations committee minutes.

23 BY MR. CHAFFIN:

24 Q Of course, we know that you were in attendance at
25 the operations committee minute when this

1 statement was made, sir, or when this minute was
2 approved, yet you don't remember it, right?

3 A I do not remember being there. I don't remember
4 the statement and I don't remember ever getting
5 minutes of them.

6 Q And you have just a minute --

7 MR. DEMARS: And I object about the
8 approval of the minutes.

9 BY MR. CHAFFIN:

10 Q Mr. Sperling, you just one minute ago testified
11 that you had never before heard of a statement
12 that safe gun handling demands a design that
13 enables the shooter to operate the action with
14 the safety on when in fact you were present at
15 the meeting when the minute was adopted. Now,
16 how can you explain that?

17 MR. DEMARS: Object to the form of the
18 question with regard to the minute being adopted.

19 You can answer the question.

20 BY MR. CHAFFIN:

21 Q How can you explain you deny you ever heard of it
22 when you were there when it was done?

23 A I don't remember ever hearing it. I don't
24 remember ever being at this minute. I don't know
25 why my --

1 Q But the truth is, Mr. Sperling --

2 A -- name is there. I probably was there, but I
3 don't know why.

4 Q Mr. Sperling --

5 A I don't know how it -- how it -- I just don't
6 remember.

7 Q Mr. Sperling, if you remembered being at this
8 meeting, if you remembered being there when a
9 statement was made by a person who would within a
10 year or two become the president of Remington,
11 Mr. McAndrews, and the head of research, if you
12 remembered them adopting a position two years
13 running that safe gun handling demands a design
14 that enables the shooter to operate the action
15 with the safety on, if you remembered ever
16 hearing that statement before, then you would
17 have given some false testimony in the past,
18 wouldn't you, sir?

19 MR. DEMARS: Object to the form of the
20 question, Bob. You've said now that -- that
21 Barrett said it, McAndrews said it and it was
22 adopted by them. They were present at the
23 meeting and those are exhibits and we've known
24 that. Please quit trying to interpret this in
25 your own best light.

1 MR. CHAFFIN: Why don't you drop it, man?
2 We know that this is the operations committee
3 minutes discussed, circulated, approved and
4 adopted by them. Now, why don't you just drop
5 what you're doing, David? I'm serious. This is
6 complete -- you're doing it again. We know that
7 the operations committee minutes -- and the
8 operations committee met and adopted these
9 positions. It's right here in black and white.

10 MR. DEMARS: Why don't you depose Mr.
11 Barrett, which you're going to do in two weeks,
12 and you'll find out what that was?

13 MR. CHAFFIN: I'm sure by then he will have
14 a nice story made up, okay? ~~and then~~

15 MR. DEMARS: I'm going to object to that.

16 BY MR. CHAFFIN:

17 Q Mr. Sperling, I want to get back to you, sir.

18 We sit here today knowing that it's true
19 that you were present at a meeting when the
20 minutes were adopted declaring it to be a known
21 or suspected product deficiency to have to load
22 or unload the rifle with the safety in the fire
23 position. You were there when that happened, but
24 you don't remember it, right?

25 A That's correct. I don't know if I was there.

1 I'm assuming it because I'm on the list, but I
2 don't know how that list is prepared, whether it
3 was prepared before the meeting. I -- I -- I
4 just don't know. I can't -- I can't argue with
5 you that I'm there or not because I don't
6 remember.

7 Q Well, it shows you're there on the list, right?

8 A That list at the beginning of the -- of the
9 minutes shows that my name is there and I was
10 there, but I don't remember being there and I
11 don't remember anything that went on at that
12 meeting.

13 Q The man who's present at the meeting when this
14 statement was adopted or when this minute was
15 adopted concerning the unsafe design of the rifle
16 and the man who is in charge of the litigation
17 for 15 years now takes the position you've never
18 heard of it, right?

19 A I've always taken that.

20 MR. DEMARS: Object to the form of the
21 question.

22 THE WITNESS: I haven't changed my
23 position. I've always -- I don't remember that
24 meeting. I've never testified any other way.

25 BY MR. CHAFFIN:

1 Q Because if you did remember this meeting all your
2 previous testimony about it never being a safety
3 problem would be false, wouldn't it?

4 A No. That has nothing to do with that.

5 Q Mr. Sperling, if you were present at a meeting
6 when the chief of research and the president of
7 the company adopted minutes to declare the lack
8 of the ability to load or unload with the gun in
9 the safe position to be a known product
10 deficiency, if you knew that to be the position
11 of the top executive and top research people at
12 Remington, then you could not truthfully give
13 sworn testimony that the safety on the Model 700
14 prior to 1982 was acceptable, could you, sir?
15 You just couldn't truthfully do that, could you?

16 MR. DEMARS: Object to the form of the
17 question with all the inclusions of your
18 testimony.

19 BY MR. CHAFFIN:

20 Q You can answer it now.

21 A Well, I won't go through all this about not being
22 present at the meeting. I don't know; I don't
23 remember. However, if I was there and if someone
24 stood up, president of the company or whatever,
25 and made that statement, said this is Remington's

1 position, that still wouldn't say that my own
2 position would be any different about the bolt
3 lock and the -- towards the affiliation with the
4 bolt lock to the safety issue.

5 Q But, Mr. Sperling, you being a lawyer, sir, when
6 people took your sworn testimony in the past
7 under oath concerning the Model 700 series rifle
8 since you were present at this meeting when it
9 was declared to be a known or suspected product
10 deficiency, you should have told them what you
11 knew the position of the executives of the
12 company to be, shouldn't you, sir? You should
13 have given a full and complete disclosure.

14 A I did in every -- every deposition, and I just
15 didn't remember it then. I don't remember it
16 now.

17 Q Safety is the most important thing with firearms,
18 isn't it?

19 A I would think so, yes.

20 Q And that includes the manufacture and design of
21 the firearm, right, sir?

22 A Yes.

23 Q And if in fact safety design, safety design
24 demands that the shooter be able to operate the
25 gun, to load and unload it without placing the

1 safety in the fire position, if that is a demand
2 of safety, then a gun that is manufactured and
3 sold contrary to that design is defective, isn't
4 it?

5 MR. DEMARS: Object to the form of the
6 question.

7 THE WITNESS: I believe I've answered that.
8 I -- I just cannot grapple with that -- that
9 statement because I don't know the context in
10 which it's made --

11 BY MR. CHAFFIN:

12 Q Well, let's do it hypothetically, sir.

13 A -- and I'm not a designer.

14 Q Hypothetically speaking -- you know what a
15 hypothetical is, right?

16 A Yes.

17 Q If you assume this statement to be true, if you
18 assume that the truth is that you cannot safely
19 manufacture and sell the Model 700 series rifle
20 without a safety that allows the shooter to
21 operate the action with the safety in the on
22 position, if you assume that to be a true
23 statement, then all Model 700 rifles that were
24 manufactured forcing the shooter to place the
25 safety in the fire position to load and unload

1 were defective, weren't they?

2 MR. DEMARS: Object to the form of the
3 question.

4 BY MR. CHAFFIN:

5 Q If you assume those to be the true facts.

6 MR. DEMARS: Object to the form of the
7 question. It's contrary to his previous
8 testimony and his own personal beliefs.

9 BY MR. CHAFFIN:

10 Q You can answer the question now, sir.

11 A I believe --

12 Q I'm not asking what you believe. I'm asking you
13 for an answer based upon the statement contained
14 in the operations committee ~~minutes~~ to be true.
15 If you assume the truth is that safety demands a
16 design that enables the shooter to operate the
17 gun, to load and unload it with the safety on, if
18 safety demands that feature then the manufacture
19 and sale of a gun without that feature amounts to
20 the distribution of a defective product, doesn't
21 it, sir?

22 MR. DEMARS: I'm going to object to the
23 form of the question with regard to minutes.

24 THE WITNESS: If that statement is true and
25 you put a gun out on the market that doesn't live

1 up to that statement, then you have to say that
2 it's in contradiction to that statement.

3 BY MR. CHAFFIN:

4 Q And because that's in contradiction to the
5 statement in the operations committee, Remington
6 in 1979 and 1980 changed their position in the
7 committee, didn't they, sir?

8 A No, they did not. Well, changed their position
9 in the committee?

10 Q Yes, the committee in 1979 and 1980 adopts the
11 position that the lack of a safety that allows
12 you to load or unload with the gun in the safe
13 position has nothing to do with safety, right?

14 A I don't know. This is the ~~operations committee~~
15 you're talking about. I don't know what they did
16 throughout the years.

17 Q How can you truthfully appear as a witness for
18 Remington when you know that you're going to be
19 examined as a corporate representative and asked
20 questions about whether or not a certain feature
21 of the rifle is safe without examining the
22 operations committee minutes when you know these
23 type of discussions took place?

24 MR. DEMARS: Object to that. He did not
25 know that you were going to ask him about

1 operations committee minutes. I know that
 2 because I told him what I thought you were going
 3 to ask him about which was the product safety
 4 subcommittee and its meetings from '76 to '78.
 5 BY MR. CHAFFIN:
 6 Q Look, Mr. Sperling, you've known about the
 7 operations committee for a number of years,
 8 haven't you?
 9 A I knew there was such a committee, right.
 10 Q And you knew the operations committee
 11 discussed -- discussed such things as product
 12 safety and product design, right?
 13 A I knew they probably discussed product design,
 14 yes.
 15 Q And you knew that the operations committee was
 16 the highest voice except for perhaps the
 17 executive committee of the whole company, right?
 18 A It's a very high voice, yes.
 19 Q It's the highest voice except for the executive
 20 committee, right?
 21 A I don't know of any executive committee, but it's
 22 a very high voice.
 23 Q Is there an executive committee at Remington?
 24 A I haven't been able to uncover any executive
 25 committee.

1 Q So the operations committee then is the highest
2 executive voice of the company at Remington,
3 right? The highest one you know of.
4 A The highest committee probably, yes.
5 Q This is the highest group of executives that are
6 assembled at Remington to give their opinion, to
7 issue their statements and to take their
8 positions on the products of the company, right?
9 A I would say that's probably true, yes.
10 Q And in 1975 and again in 1976 the highest voice
11 at Remington declared it to be a known or
12 suspected product deficiency --

13 MR. DEMARS: I'm going to object to the
14 form --

15 BY MR. CHAFFIN:

16 Q -- to have a rifle --

17 MR. DEMARS: I'm going to object to the
18 form of the question with regard to the
19 declaration of the minutes.

20 MR. CHAFFIN: I'll tell you what, why don't
21 you tell me what's wrong with the declaration of
22 the minutes? I mean, am I doing something wrong?
23 Is there something I don't see? Are we dancing
24 around with some issue here?

25 MR. DEMARS: The issue is that those are

1 exhibits to a minute that this man has said he
2 does not know whether they were copies --

3 MR. CHAFFIN: Well, what's the difference
4 between the exhibit to the minutes and the
5 minutes?

6 MR. DEMARS: You're not taking my
7 deposition.

8 MR. CHAFFIN: Well, just tell me.

9 MR. DEMARS: I'm telling you the basics for
10 your --

11 MR. CHAFFIN: Give me a hint. Give me a
12 hint. I know it has something to do with
13 circumventing the proper production of the
14 documents.

15 MR. DEMARS: I object to that and I'm not
16 going to discuss that with you on the record.

17 MR. CHAFFIN: Well, give me a hint.

18 MR. DEMARS: If you want the basis to my
19 objection, you'll let me -- give me the courtesy
20 of finishing.

21 MR. CHAFFIN: Okay.

22 MR. DEMARS: I'll promise to extend the
23 same courtesy to you.

24 MR. CHAFFIN: I just want a hint to these
25 exhibits thing. You know, I know I'm doing

1 something wrong. I just want you to give me a
2 hint what it is. Seriously.

3 MR. DEMARS: Go ahead, continue with your
4 questioning. If you don't want to listen to
5 my -- the basis of my objection, go ahead.

6 BY MR. CHAFFIN:

7 Q Mr. Sperling.

8 A Yes.

9 Q The highest voice in the company, the combined
10 voice of Remington's executives spoke in 1975 and
11 again in 1976 to declare it to be a known or
12 suspected product deficiency to have a design
13 that forced a shooter to load and unload the gun
14 with the safety in the fire position.

15 MR. DEMARS: Object to the form of that
16 question.

17 BY MR. CHAFFIN:

18 Q Now, we can agree on that, can't we, sir?

19 A No, we can't. We've been arguing about that for
20 hours. That's where we depart.

21 Q You don't have any problem reading the English
22 language, do you?

23 A I don't think so.

24 Q Well, Mr. Sperling, do you think it has anything
25 to do with Remington's decision not to recall and

1 fix the Model 700 safeties that are out there now
2 that require a shooter to load and unload it in
3 the fire position; do you think it has anything
4 to do with Remington's decision that the recall
5 of those rifles would amount to a declaration of
6 those defects?

7 MR. DEMARS: Object to the form of that
8 question.

9 THE WITNESS: No. The reason they don't
10 recall is because they don't feel that having a
11 bolt lock on a gun is defective.

12 BY MR. CHAFFIN:

13 Q I'll tell you this, Mr. Sperling: Does it make
14 sense to you that if you could fix a suspected
15 safety problem for 32 cents you ought to do it?

16 A But it's no defect to have a bolt lock on a gun.

17 Q Wait a minute. Whoa, whoa, whoa, whoa, whoa,
18 whoa. Mr. Sperling, it says right here it's
19 either a known or a suspected deficiency, right?

20 A That's the heading on the -- on the list.

21 Q We assume that things under the heading follow
22 the heading, right? If the heading at the top of
23 the page is Remington Product Deficiencies Known
24 or Suspected and the next thing under it is M/700
25 safety, they must have something to do with one

1 another, right, sir?

2 A They either have to be known or suspected.

3 Q If you just suspect that it's a flaw in the
4 safety of the gun to have to put it in the fire
5 position to load and unload the gun, if you just
6 suspect that's a safety flaw and you can fix it
7 for 32 cents, it doesn't make any sense not to
8 fix it, does it?

9 A It does if you determine that it's not a safety
10 flaw.

11 Q Why do you think it was suspected to be a safety
12 flaw in '75 or '76 and later became not a safety
13 flaw then?

14 A I don't know. I don't know who wrote that. I
15 don't know who made that statement. I don't know
16 if anyone made that statement.

17 Q But what I'm saying, Mr. Sperling, is just think
18 about it now.

19 A Uh-huh.

20 Q A gun that will fire potentially when you're
21 loading and unloading it unbeknownst to a shooter
22 that that's a danger, that's a big problem, isn't
23 it?

24 A A gun that will accidentally fire when you don't
25 pull the trigger?

1 Q Yes, yes.
2 A Sure.
3 Q And if you suspect that to be a safety problem
4 based upon hundreds of complaints that the
5 company has received and you can fix it for 32
6 cents a gun, even if you just save one or two
7 lives it's worth it, isn't it?
8 A Yes, but the removal a bolt lock doesn't have
9 anything to do with an accidental firing of the
10 gun.
11 Q The gun fires most often accidentally when you're
12 loading it and unloading it, right?
13 A I don't know.
14 Q That's what the customers say, isn't it?
15 A That's the customer's complaint.
16 Q You don't think all the customers are crazy, do
17 you?
18 A I don't know.
19 Q Assuming that the customers aren't crazy, that
20 they're sending in hundreds of true complaints to
21 Remington, even if Remington cannot discover
22 exactly what's in each customer's mind and what
23 happened on each exact occasion, just knowing
24 that hundreds of customers are complaining that
25 the rifle fires when you're loading and unloading

1 it and knowing that you could fix that problem
2 for 32 cents a gun, and don't do it is crazy,
3 isn't it?

4 MR. DEMARS: Object to the form of the
5 question.

6 THE WITNESS: Well, there are so many parts
7 of it I'd like to answer.

8 First of all, you don't fix a problem, if
9 there is a problem, by removing the bolt lock.
10 You look at the gun and decide why if indeed --
11 if indeed it did fire accidentally. If you don't
12 find that the gun is firing accidentally and
13 there's no problem, you don't run around making
14 corrections to a gun that you find is operating
15 and functioning properly.

16 BY MR. CHAFFIN:

17 Q But it's a known fact that the gun was firing
18 accidentally, sir, because we find later in 1978
19 that they're attempting to retrofit the fire
20 control system. Unless the gun is firing
21 accidentally you don't replace the fire control
22 system, do you?

23 MR. DEMARS: Object to the form of the
24 question.

25 THE WITNESS: I don't agree with that. I

1 don't know why they were even thinking about
2 replacing the fire control system.

3 BY MR. CHAFFIN:

4 Q In any event, you think they did the right thing
5 not to spend the 32 cents, right?

6 MR. DEMARS: Object to the form of the
7 question. That's not what he said and it's
8 contrary to what he's testified to.

9 BY MR. CHAFFIN:

10 Q Well, what's your opinion, Mr. Sperling? Do you
11 think it would have been a good idea to spend 32
12 cents to make the gun where you could load and
13 unload it without placing it in the fire
14 position?

15 A Well, being a non-hunter let me give you my
16 opinion for what it's worth. I don't believe
17 that the bolt lock has anything to do with the
18 accidental firing of a rifle.

19 Q Even the Model 700, right?

20 A Any model, including the Model 700. Any model
21 with a bolt lock.

22 Q If the gun is -- is receiving hundreds of
23 complaints that it fires during the operation of
24 the bolt while loading and unloading and if you
25 place a modification in the gun where -- where

- 1 it's on safe where it can't possibly fire during
2 that period of time, then you've fixed that
3 problem, haven't you?
- 4 A No, you haven't fixed the problem. One of the
5 problems is is the safety on or off.
- 6 Q Mr. Sperling, have you ever been involved in any
7 proceeding for -- since you've been with
8 Remington where sanctions were issued either
9 against you or the company in a case in which you
10 were coordinating?
- 11 A When you say involved I -- I've been in -- I've
12 had cases where I understand sanctions have been
13 imposed. I haven't been involved in the
14 proceedings.
- 15 Q Has any judge ever commented upon your conduct to
16 your knowledge?
- 17 A Not to my knowledge.
- 18 Q Has it ever been alleged to your knowledge
19 that -- that you participated in some way in not
20 properly responding to discovery?
- 21 A Me personally?
- 22 Q Yes, sir.
- 23 A Not that I know of.
- 24 Q In your capacity as a lawyer with Remington?
- 25 A I don't remember any.

1 Q Well, when Mr. Partnoy was -- was your boss back
2 in -- in the '70s, were you physically located
3 close to one another?
4 A Right across the hall.
5 Q I mean, within walking distance?
6 A Yes.
7 Q Did you talk to him on a daily basis?
8 A Pretty much so.
9 Q So you and him exchanged ideas and knowledge
10 regularly, right?
11 A Yes.
12 Q And Mr. Partnoy, he was present too at these
13 operations committee minutes where the known or
14 suspected product deficiency was discussed. Do
15 you have any recollection of him ever mentioning
16 that to you?
17 A No, I didn't know he was there.
18 Q Well, he was there according to the minutes,
19 isn't he, sir?
20 A No, I mean, I -- I don't remember knowing
21 particularly what minutes -- what meetings he was
22 attending at any particular time. He's never
23 come across to me and said Remington has decided
24 in this committee that --
25 Q Do you have --

1 A -- having a bolt lock on the gun is now -- is now
2 unsafe.
3 Q Do -- do you have a recollection of attending
4 some product safety subcommittee minutes?
5 A Yes.
6 Q You do?
7 A Meetings?
8 Q Yes, sir. Right?
9 A Right.
10 Q How many do you remember attending?
11 A Not a number. I just remember attending quite a
12 few.
13 Q Well, do you know of any reason why you can
14 remember attending the product safety
15 subcommittee meetings, but you cannot remember
16 attending the operations committee minutes?
17 A Well, maybe because I attended a lot of them and
18 I remember -- I remember them. I can't -- I
19 can't tell you why I remember that and I don't
20 remember the other. I --
21 Q You remember the product safety subcommittee
22 minutes?
23 A Yes.
24 Q Right?
25 A Uh-huh.

1 Q You remember going to the product safety
2 subcommittee meetings back in the '70s, right?

3 A Right.

4 Q And now it shows us that you are at the
5 operations committee minute -- meetings where
6 this problem of known or product safety defect
7 was discussed, but you don't have any
8 recollection of that whatsoever, right?

9 A No, I don't.

10 Q So you -- you remember one meeting, but you don't
11 remember the other one. Do you ever stop and
12 count --

13 A It's not like one meeting against another. It's
14 just a whole series of meetings of the product
15 safety committee. I can't remember every
16 particular meeting that I attended. I remember
17 certain ones because I took the minutes for them.
18 Others that I -- that I didn't I don't have any
19 independent recollection of them. I don't
20 remember any operations committee. I don't
21 remember any other meetings that I attended. I
22 may have, but I just don't remember them.

23 Q Have you ever heard of the term convenient
24 memory?

25 MR. DEMARS: Object to that.

1 THE WITNESS: Convenient memory? Yes.

2 BY MR. CHAFFIN:

3 Q Sir?

4 A Yes.

5 Q Convenient memory is a term well-known to

6 lawyers, isn't it?

7 A I couldn't comment on that, but I know what it

8 means.

9 Q Well, sometimes you can conveniently remember

10 being where you want to and not remember being --

11 MR. DEMARS: Object to the form of the

12 question. You don't have to answer that. It's

13 being argumentative with the witness.

14 BY MR. CHAFFIN:

15 Q Who would I go to to talk to find out everything

16 I possibly could concerning the financial

17 considerations behind any recall that was ever

18 considered or any retrofit that was ever

19 considered; where would I look for those

20 documents and that information?

21 A I don't know if they exist.

22 Q Well, where would I look for them if they did

23 exist?

24 A Maybe in the accounting department.

25 Q And who would I ask in that department?

1 A I don't know.

2 Q Give me a name.

3 A I don't know any names in the accounting
4 department. I just -- I used to in the Remington
5 when they were there, but I haven't -- I just
6 don't know who -- who would do that.

7 Q Have you been the coordinator on the Chapa
8 litigation?

9 A I'm the one that retained the law firm and I
10 haven't been involved in it since then really.

11 Q Well, let me tell you this, Mr. Sperling: Back
12 in 1987, like two and a half years ago, I asked
13 for any and all design drawings and documents of
14 any sort dealing with alternative designs for the
15 fire control system and the safety system in the
16 Remington 700. Did you know that?

17 A I didn't know it --

18 Q Did you know?

19 A -- when it happened. I understand that you have
20 asked for certain things.

21 Q Did you know that under the rules of civil
22 procedures in order to guarantee all parties a
23 fair trial in the state of Texas that those
24 documents are supposed to be furnished within 30
25 days; did you know that?

1 A I believe so.

2 Q Now, 30 days would have been about two and a half
3 years ago from my request. Now, can you think of
4 any good reason why we sit here today in May of
5 1979 and today I get new documents describing
6 alternate designs for the safety and alternate
7 designs for the fire control system that are now
8 produced over two years late? Do you know of any
9 reason for that?

10 A I have not -- I just don't -- wasn't involved in
11 it and I don't know any reason.

12 Q There's no good reason for that type of conduct
13 is there -- is there, Mr. Sperling?

14 MR. DEMARS: Objection.

15 THE WITNESS: I don't know. I'm not the
16 one that did it.

17 BY MR. CHAFFIN:

18 Q Mr. Sperling, you as the coordinator of this
19 litigation for Remington know that in order to
20 get a fair trial against your company when
21 injured people like Mr. Chapa ask for the records
22 dealing with alternative designs, they should be
23 produced according to the rules of procedure,
24 right?

25 A Yes, I would imagine so.

1 Q And you will admit that if you're producing
2 documents that fit the description of what's been
3 asked for some two years late that possibly you
4 have deprived someone of a fair trial, right?

5 MR. DEMARS: Object to the form of the
6 question. You know the rules as well as I do
7 that the parties have a right to supplement their
8 responses.

9 MR. CHAFFIN: The parties have a duty to
10 truthfully fulfill their responses the first
11 time.

12 MR. DEMARS: And this man has said he has
13 nothing to do with it.

14 MR. CHAFFIN: I -- I'm not accusing him
15 personally at this point.

16 BY MR. CHAFFIN:

17 Q All I'm saying, Mr. Sperling, isn't it very clear
18 that when someone asks you for documents from a
19 company dealing with alternative designs that
20 would possibly prove one design was unsafe and
21 you come up with the alternative design documents
22 over two years after you were supposed to have
23 originally turned them over, you perhaps have
24 deprived somebody of a fair trial, right?

25 MR. DEMARS: Object to the form of the

1 question.

2 THE WITNESS: I just don't know that. I
3 don't know what the reason is. I don't know --

4 MR. CHAFFIN: Forget about the reason.

5 MR. DEMARS: He also doesn't know if you've
6 been prejudiced.

7 BY MR. CHAFFIN:

8 Q Well, you will admit here today, Mr. Sperling,
9 that I hold in my hand now documents which
10 originally should have been given to Mr. Chapa
11 over two years ago, right?

12 A I can't say that. I don't know. You hold in
13 your hand some documents that we're now
14 producing. I don't know --

15 Q These documents --

16 A -- when they should have been produced or what
17 they -- what -- what they are even.

18 Q Do you think it's right for Remington to produce
19 documents two years late?

20 A I just -- I'm not in a position to say. I don't
21 know all the facts in the situation. I don't
22 know what those documents are, when they were
23 asked for, how they were asked, why they were
24 produced even now.

25 Q Who -- who was responsible for the production of

1 documents in the Chapa case; who is the man at
2 Remington who bore that responsibility?

3 A Well, I believe Jim Hutton was coordinating it.
4 I don't know who he dealt with to get the
5 documents.

6 Q Mr. Hutton's an engineer, right?

7 A Yes.

8 Q When you asked Mr. Hutton, the engineer, to give
9 you all the design drawings for alternate designs
10 of fire control systems and safety systems,
11 there's not much question he should know what to
12 get, is there, sir?

13 A Know what to get?

14 Q Yes, sir. If you say to Mr. Hutton: Bring me
15 all your designs or alternative designs for the
16 Model 700 fire control system that have ever been
17 made, he knows what you want, doesn't he?

18 A I would assume that he would be the guy to go to,
19 yes.

20 Q And two years later he comes up with the
21 documents. There's no excuse for that, is there?

22 A I don't know. We'll have to ask Jim if he's the
23 one that did it or who he got those documents
24 from.

25 Q You'll agree with me that Remington has a duty to

1 make a thorough search of their files when asked
2 for documents by somebody who accuses them of
3 manufacturing a defective weapon, wouldn't you,
4 sir?

5 A Yes, I do.

6 Q If these documents that have now been produced
7 could have been produced two years ago through a
8 thorough search, then it can only be the fault of
9 Remington; right?

10 MR. DEMARS: Object to the form of the
11 question.

12 THE WITNESS: You're asking me a question
13 that I just am not in a position to answer.

14 BY MR. CHAFFIN:

15 Q Well, let's just ask a simple question then.

16 MR. DEMARS: That would be fun.

17 BY MR. CHAFFIN:

18 Q Is it fair to produce documents two years after
19 they were requested when they were in your
20 possession the whole time; yes or no?

21 A It depends on the type of question that was
22 asked --

23 Q Simple straightforward question.

24 A -- and what was produced. I don't know.

25 Hypothetically it's so broad it takes in so many

1 scenarios.
2 Q What's broad about it? What's broad about it?
3 Assuming you had the documents right there and
4 the description was fully made and you didn't
5 give them up when you were supposed to.

6 A If there was a document that you asked for and
7 they're right there on my desk and I say, "I'm
8 not going to give these up," that's wrong.

9 Q Even if they're in the back room and you don't
10 give them up, it's wrong.

11 A Well, see, now we're getting into permeations. I
12 don't see it -- every time you qualify it there's
13 a different set of considerations. I don't know.

14 Q How old is Mr. Partnoy?

15 A I'm sorry?

16 Q How old is Mr. Partnoy?

17 A I guess about 55.

18 Q Do you remember the recall of the Model 600
19 rifle, sir?

20 A Yes.

21 Q Do you agree that the Model 600 rifle was a
22 defective rifle which needed to be recalled?

23 A Defective rifle that needed to be recalled?

24 Well, it was recalled.

25 Q Do you agree it was a defective design?

1 MR. DEMARS: Object to the form of the
2 question.

3 THE WITNESS: Well, I'm not a designer. I
4 would say it wasn't a design defect that was the
5 problem in that gun.

6 BY MR. CHAFFIN:

7 Q What would you say the problem was?

8 A Well, the problem was a dimensional one which
9 allowed the user to manipulate or trick as we
10 call it, quote, trick, unquote, the gun into a
11 situation where it could then subsequently be
12 fired when you moved the safety to the fire
13 position.

14 Q You don't think that had anything to do with the
15 design of the fire control system?

16 A Well, again I'm not a designer, but my
17 understanding is it was a manufacturing
18 dimensional problem.

19 Q Well, the problem with the Model 600 series
20 rifles first came to light in 1975, right, sir?

21 A Yes.

22 Q And the rifle was not recalled until 1979, right,
23 sir?

24 A Late 1978, I believe.

25 Q So Remington knew in 1975 they had a serious

1 problem with the Model 600 rifle, but for a
2 period of over three years failed to recall it,
3 right?

4 A No, that's not true. We did not know we had a
5 serious problem. We knew that the trick
6 situation could be done. We learned about it
7 through a complaint in 1975 --

8 Q Why didn't you recall the rifle right then?

9 MR. DEMARS: Please let him finish his
10 answer.

11 THE WITNESS: The history of the -- of the
12 gun was that no one had done this manipulation or
13 complained about it and we just didn't feel that
14 there would be any problem with this gun. It was
15 an intentional act that was something that would
16 not normally be done by a user of a gun.

17 BY MR. CHAFFIN:

18 Q What was the intentional act?

19 A Putting the safety lever in the mid position,
20 pulling the trigger while it was still in the mid
21 position and then releasing the safety to the
22 fire position.

23 Q Was there any particular reason that the product
24 safety subcommittee began to meet again at -- at
25 the time the Model 600 was recalled?

1 A Any particular reason?

2 Q Yes, sir. It appears that the product safety
3 subcommittee did not meet for about a three year
4 period until late 1978. Immediately thereafter
5 the recall of the 600 occurred.

6 A I believe that's when the product safety
7 committee met for that issue.

8 Q In 1984 and 1985 were all of the executives from
9 Remington moved to Wilmington, Delaware?

10 A They were all moved from Bridgeport, Connecticut.
11 Some went to Wilmington, some retired, went to
12 other places, I guess.

13 Q Other places with Remington?

14 A Well, no, not with -- well, yeah, some of them
15 went to other places with Remington, others with
16 other companies.

17 Q Well, were the headquarters or the executive
18 offices of Remington in Bridgeport, Connecticut?

19 A Up to 1985, right.

20 Q And in 1985 those headquarters were closed and
21 moved to Wilmington, Delaware; is that correct?

22 A That's correct.

23 Q Now, tell me all of the functions that were
24 located in Bridgeport, Connecticut.

25 A All the corporate functions?

- 1 Q Yes.
- 2 A Well, there was the legal department, there was
- 3 the -- top officers were there, president,
- 4 executive vice-president, directors of marketing,
- 5 production, director of research was there, there
- 6 was some advertising people, all the marketing --
- 7 well, high echelon of marketing was there, the
- 8 director of marketing, product manager was there,
- 9 some accounting people were there, the treasurer
- 10 was there, the plant manager for the Bridgeport
- 11 ammunition plant was there, his staff, employee
- 12 relations department was there.
- 13 Q Was the employee relations department of
- 14 Remington also merged into DuPont?
- 15 A I'm not sure of the real terminology, whether it
- 16 was merged or whether the employee relations
- 17 department of DuPont was just retained to do the
- 18 function for Remington. I'm not sure how that
- 19 worked.
- 20 Q In any event, the employee relations department
- 21 also ceased to exist at Remington in '84 and '85?
- 22 A Somewhere along that period, I believe so, yes.
- 23 Q Well, did all of the executive officers, the
- 24 president, the vice-president and those people,
- 25 did they go to one central location in

1 Wilmington, Delaware?

2 A I believe they all went to the Brandywine

3 Building.

4 Q How did Mr. Brown come to be elected as the

5 president of Remington?

6 A I don't know.

7 Q He doesn't have any background whatsoever in the

8 firearms business, does he?

9 A I don't -- I don't know what his background is

10 in.

11 Q The Brandywine Building, that's in Wilmington,

12 Delaware?

13 A Yes.

14 Q Is that a DuPont building?

15 A Yes.

16 Q What's -- what's the sign on the building say,

17 DuPont?

18 A I don't think there is any sign on the building,

19 but there are three buildings right in a row that

20 all belong to DuPont and house DuPont employees.

21 Q Is the executive vice-president of Remington now

22 is Mr. Preiser, is he an employee of DuPont?

23 A I don't -- I don't know -- I don't know that.

24 He's in the Brandywine Building.

25 Q Do you know when the product safety committee and

1 the operations committee held their last minutes?
2 A I believe the last minutes of the product safety
3 commit -- subcommittee was 1985.
4 Q Essentially was --
5 A I don't know the operations committee.
6 Q Essentially was the product safety subcommittee
7 and the operations committee disbanded when the
8 offices were moved from Bridgeport, Connecticut
9 to Wilmington, Delaware?
10 A I -- I don't think there was a connection between
11 the actual move. I think it was more change of
12 management personnel, how they wanted to conduct
13 the management of the company.
14 Q Well, after the -- I take it essentially what
15 happened is that the executive and corporate
16 functions of Remington were simply moved into the
17 DuPont offices though.
18 A Well, they were moved to Wilmington, Delaware
19 into Remington offices that are located in a
20 building that houses DuPont employees.
21 Q Does Remington have a treasurer now?
22 A I don't know. I haven't -- I haven't heard --
23 heard of one in a long time.
24 Q Is the treasurer's function also a function that
25 has been assumed by the DuPont treasury office?

1 A I don't even know if there is a DuPont treasury
2 office. It's an office of finance.
3 Q Well, who is the chief financial officer for
4 Remington?
5 A At this present time I don't know.
6 Q Is that person a DuPont employee?
7 A I don't know. I don't know who -- who it is and
8 I don't know what his affiliation is.
9 Q Do you have any contact with the Remington
10 financial people at all?
11 A No.
12 Q Are there any Remington financial people that you
13 know of or are they all DuPont people?
14 A I don't know who -- who they're employed by if
15 they are. I just don't have any contact with
16 them. I don't have any dealings -- any occasion
17 to deal with them at this point.
18 Q What -- what other officers of Remington can you
19 name?
20 A Of Remington?
21 Q Yes, sir.
22 A Well, starting -- starting with Bobby Brown as
23 president, Jack Preiser is executive
24 vice-president. Now, I don't know the titles of
25 these people, but they seem to be in the -- the

1 echelon. Under Jack Preiser there is Clem Riley,
2 I don't know his title. I believe firearms
3 manager, product manager would be E. O. Fini,
4 F-i-n-i. At the present time I believe the
5 ammunition manager is Paul Holmberg. The
6 research director would be W. Coleman.

7 Q How long has he been with the company?

8 A I don't know. He -- I think he came in the '80s.
9 He's relatively new, about three or four years
10 maybe.

11 Q When you settle a case, who pays for that;
12 DuPont?

13 A Remington if it's a Remington case.

14 Q Well, how -- do you draw a check on Remington or
15 a check on DuPont?

16 A I don't know physically how it's -- how it's
17 done. I -- I get my approvals for settlement
18 from Jack Preiser.

19 Q Do you know if Remington even has a separate
20 checking account of any kind or is it all issued
21 through DuPont?

22 A I don't -- I don't have any firsthand knowledge.
23 I know Remington has its own assets, but I don't
24 know checking account situation.

25 Q Where are the operations committee minutes

1 maintained, the originals?

2 A I'm just going to guess that the operations

3 committee, at least for firearms would probably

4 be at Ilion somewhere.

5 Q Do you know of any reason why if a request had

6 been properly made for pertinent parts of those

7 minutes they could not have been timely produced?

8 A I personally don't know of any reason.

9 MR. CHAFFIN: Take a break for just about

10 two minutes.

11 (Recess.)

12 (After the recess the deposition was

13 concluded without going back on the

14 record.)

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1 I HEREBY CERTIFY that I have read the foregoing
2 deposition, and that this deposition, together with any
3 corrections, is a true record of my testimony given at
4 this deposition and all answers are within my personal
5 knowledge and are true and correct.

6
7
8
9
10
11 BEFORE ME the undersigned authority, personally
12 appeared ROBERT B. SPERLING, who upon his oath, states
13 that all answers given by him in the foregoing
14 deposition are within his personal knowledge and are
15 true and correct.

16 SUBSCRIBED AND SWORN TO BEFORE ME, this _____
17 day of _____, A.D. 1989.

18
19
20 _____
21 NOTARY PUBLIC

22 MY COMMISSION EXPIRES _____.
23
24
25

NO. 13,461

LAURO HOMER CHAPA AND * IN THE DISTRICT COURT
RAQUEL LOPEZ CHAPA, *
INDIVIDUALLY AND AS NEXT *
FRIEND OF LUIS RICARDO *
CHAPA, A MINOR *
VS. * 229TH JUDICIAL DISTRICT
*
REMINGTON ARMS CO., *
AND EDELMIRO CHAPA * DUVAL COUNTY, TEXAS

ORAL DEPOSITION OF ROBERT B. SPERLING
MAY 4, 1989

I, Rhonda Jernigan Hogan, Certified Shorthand Reporter in and for the State of Texas, hereby certify pursuant to the Rules and/or agreement of the parties present to the following:

That this deposition transcript is a true record of the testimony given by the witness named herein, after said witness was duly sworn by me.

That \$ 674.25 is the charge for the preparation of the completed deposition transcript and any copies of exhibits, charged to Robert A. Chaffin.

That the deposition transcript was submitted on May 22, 1989 to Robert B. Sperling for examination, signature and return to HOGAN & HOGAN COURT REPORTERS by June 12, 1989.

WITNESS MY HAND AND SEAL OF OFFICE this the 22nd day of May, A.D. 1989.

Rhonda Jernigan Hogan
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NO. 13,461

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 REMINGTON ARMS CO., *
 AND EDELMIRO CHAPA * DUVAL COUNTY, TEXAS

ORAL DEPOSITION OF ROBERT B. SPERLING
 MAY 4, 1989

I, Rhonda Jernigan Hogan, Certified Shorthand Reporter in and for the State of Texas, do hereby certify that said original deposition of ROBERT B. SPERLING _____ was _____ was not returned to our office along with the changes annotated by the witness on the attached errata sheet.

Said original deposition having been returned to our office is being forwarded to _____ on _____ as the custodial attorney, and notification of such action is being forwarded to all parties.

Said original deposition having not been returned to our office, a copy of this certificate is being filed with the clerk on this the _____ day of _____, A.D. 1989, and notification of such action is being forwarded to all parties.

Robert A. Chaffin, Counsel for Plaintiffs
 David Demars, Counsel for Defendant Remington Arms Co.
 Douglas Mann, Counsel for Defendant Edelmiro Chapa

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WITNESS MY HAND AND SEAL OF OFFICE this the
day of _____, A.D. 1989.

RHONDA JERNIGAN HOGAN, CSR, RPR
HOGAN & HOGAN COURT REPORTERS
Certificate No. 1105
Expiration Date: 12-31-90
5866 S. Staples, Suite 102
Corpus Christi, Texas 78413
(512) 993-8586

CORRECTIONS IN THE DEPOSITION OF:
ROBERT B. SPERLING
Taken on: MAY 4, 1989

	<u>PG/LN</u>	<u>READS</u>	<u>SHOULD READ</u>	<u>REASON FOR CHANGE</u>
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OPERATIONS COMMITTEE
(Product Safety Sub-Committee)

MINUTE #3 - 1975

P.H. Burdett
J.P. McAndrews
E. Sparre
J.G. Williams
E.F. Barrett
R.A. Partnoy
R.B. Sperling

W.E. Leek
E.G. Larson
R.L. Hall
J.H. Hodgson
L.L. Presnell
C.B. Workman
T.J. Sharpe

COPY NO. Bk

Bridgeport, Connecticut
May 1, 1975

PRODUCT SAFETY SUB-COMMITTEE
OPERATIONS COMMITTEE
BRIDGEPORT, CONNECTICUT
April 23, 1975

PRESENT:

COMMITTEE

E.F. Barrett, Chairman
R.B. Sperling, Acting Secretary

OTHERS

R.L. Hall
W.E. Leek
C.B. Workman
J.P. Linde
J.S. Martin
A.A. Hugick

Sperling

This meeting was held to develop plans to conduct a safety analysis of bolt action fire controls.

The following is a summary of the status reports given by each Department and their plans for further action.

RESEARCH

The investigation to date has been largely confined to the Model 600. An investigation has also been made of the M/788 and the M/580 series fire controls. Research has completed an analysis of the design of the M/600 fire control and has:

1. Changed part dimensioning to insure adequate lift of the sear by the safety cam;
2. Specified hardening the fire control housing to minimize wear between the detents; and
3. Increased the length of the safety lever cam.

These modifications are being tested to evaluate their effectiveness and to insure there is no interaction with the other aspects of fire control performance.

Research has concluded that the present design for a 3-position safety is inadequate and plans to begin a study during the second half of 1975 to develop a new safety mechanism.

MARKETING

Approximately 600 Model 600 rifles are expected to be returned to the Plant as the result of the special quality audit.

Marketing will review the available information on all bolt action rifles as it relates to the safety performance of bolt action fire controls. This will include gunsmith reports, arms repair data, parts usage, etc.

PRODUCTION

Inspection of 147 Model 600 rifles, returned for the safety audit, show the following.

1. Safety cannot be "tricked" - 103
2. Safety can be "tricked" but movement of safety lever to full "safe" position clears trigger connector and sear and gun will not fire when moved to "off" position - 40

3. Safety can be "tricked"; trigger connector remains disengaged from sear when moved to "safe" position and gun will fire when the lever is moved to "off" position - 4
4. Trigger can be set in unsafe condition when safety lever is in "safe" position - 0

Production is rejecting guns which fall in the #2, #3, and #4 categories. Indications are that this provides an ample safety factor that wear will not lead to the category #4 situation during the life of the gun.

A gauge is being developed that will permit checking for sear lift at assembly.

Production is analyzing variations in purchased and internally manufactured parts and reviewing quality control procedures and limits. A list of recommendations for improving quality performance will be developed and reviewed by the Product Safety Committee.

A follow-up meeting is scheduled for the week of May 19.

T.J. Sharpe
Secretary

TJS:KLK

Section 3

~~CONFIDENTIAL DISTRIBUTION~~
OPERATIONS COMMITTEE
(Product Safety Sub-Committee)

MINUTE #2 - 1975

P.H. Burdett
J.P. McAndrews
E. Sparre
J.G. Williams
E.F. Barrett
R.A. Partnoy
R.B. Sperling

W.E. Leek
E.G. Larson
R.L. Hall
J.H. Hodgson
L.L. Presnell
C.B. Workman
T.J. Sharpe

COPY NO. Book

Bridgeport, Connecticut
April 10, 1975

PRODUCT SAFETY SUB-COMMITTEE
OPERATIONS COMMITTEE
BRIDGEPORT, CONNECTICUT
April 2, 1975

PRESENT:

COMMITTEE

E.F. Barrett, Chairman
E. Sparre
R.B. Sperling, Acting Secretary

OTHERS

E. Hooton, Jr.
F.E. Morgan
E.G. Larson

FIREARMSMODEL 600 RIFLE

E.F. Barrett reported to the Subcommittee that Remington's examination of approximately 300 Model 600s, drawn from the stock of a Texas dealer, revealed that about 80% of the sample could be "tricked" (easing the safety to the midway position, then pulling the trigger) so as to cause the gun to fire when the safety is moved to the off position. Four guns were found to fire under the following sequence of events: the trigger is pulled with the safety on and then the safety is taken off (hereinafter referred to as the "full safe condition"). These four guns have been returned to Ilion for further examination. At Ilion, a recheck produced consistent repetition of the problem in only one of the four guns.

It was estimated that approximately 1,000 Model 600s were shipped from Ilion in January. The return from this quantity should provide an adequate sample to analyze the nature and magnitude of the problem, and to calculate the number of guns that may be out in the field in the "full safe condition".

COMMITTEE ACTION

An immediate request to all Remington wholesalers to whom the Model 600s were shipped in January 1975, to return said inventory to Ilion for a quality audit. Every gun Remington examines, and every gun which is returned to Ilion for any reason, will be modified by substituting a longer safety lever if it is found to be necessary to prevent the "tricking" of the gun or to correct the "full safe condition".

AMMUNITION

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OPERATIONS COMMITTEE
(Product Safety Sub-Committee)

MINUTE #4 - 1975

P.H. Burdett
J.P. McAndrews
E. Sparre
J.G. Williams
E.F. Barrett
R.A. Partnoy
R.B. Sperling

W.E. Leek
E.G. Larson
R.L. Hall
L.L. Presnell
C.B. Workman
T.J. Sharpe

COPY NO. Bnk

Bridgeport, Connecticut
July 7, 1975

PRODUCT SAFETY SUB-COMMITTEE
OPERATIONS COMMITTEE
BRIDGEPORT, CONNECTICUT
June 20, 1975

PRESENT:

COMMITTEE

E.F. Barrett, Chairman
E. Sparre
J.G. Williams
R.B. Sperling, Acting Secretary

OTHERS

R.L. Hall
W.E. Leek
F.E. Morgan
C.B. Workman
J.P. Linde
J.S. Martin

Sperling 6.

Final results of the Model 600 quality audit revealed that a high percentage of the guns are subject to the "trick" safety condition--safety is put in midway position, trigger is pulled, then safety is put in "off" position and gun automatically fires. Newly-instituted check procedures have eliminated the "trick" safety condition in all bolt action guns now leaving the Plant. Design improvements, which should be in production within the next six months, give added insurance against recurrence of the problem.

The relatively few incidents of reported safety release firings reported from the field in the past few years give support to our conclusion that the shooter is not likely to place his gun in the "trick" condition. Examination also revealed that major competitive bolt action models can be "tricked," in one way or another, so as to fire upon movement of the safety.

After discussion, it was decided that John Linde take charge of revising the section in the Gunsmith Manual covering bolt action fire controls, so as to include (1) appropriate checks for the "trick" safety condition, and (2) recommendations for corrective action. As soon as the revision is completed, copies of the revised section will be distributed to all recorded holders of the Gunsmith Manual.

Another safety meeting will be held in about six weeks to hear a progress report on the Gunsmith Manual revision.

R.B. Sperling
Acting Secretary

RBS:TJS:KLK

Sperling 7

LIMITED DISTRIBUTION

PRODUCT SAFETY SUBCOMMITTEE MEETING
OCTOBER 23, 1978

PRESENT:

SUBCOMMITTEE

E. F. BARRETT, CHAIRMAN
R. A. PARTNOY
E. G. LARSON
E. HOOTON

OTHER

J. H. CHISNALL
J. E. PREISER
A. W. BELL
H. D. ALBAUGH
E. S. MCCAWLEY
R. B. SPERLING, ACTING SECRETARY

MOHAWK MODEL 600, ETC.

The John Coates case, involving the accidental discharge of a Mohawk Model 600, was settled today for \$6,800,000. Remington's investigation into the case indicated that it was unlikely that the gun fired without the trigger being pulled, but that it was possible due to the fact that the safety selector and the trigger can be manipulated in a way that subsequently moving the selector to fire can lead to an accidental discharge. In light of the ramifications of this case, the Subcommittee decided to recommend to the President that the Mohawk Model 600, as well as the guns with similar trigger assemblies, Remington Model 600 and 660 and the XP-100, which were manufactured before February, 1975, should be recalled.

Since the guns can be fixed by the substitution of a new trigger assembly, the Subcommittee determined that the most expeditious method to affect this correction would be to refer gun owners to the nearest Remington recommended gunsmith in their area.

Spierling 8

OCTOBER 23, 1978

The Subcommittee, therefore, adopted the following recommendations to implement the proposed recall:

1. Marketing should contact selected gunsmiths throughout the country and solicit their aid in the recall. Production should make available adequate supplies of trigger assemblies. Public Relations should prepare a news release to be delivered to the major wire services.
2. Marketing should prepare notices to Remington distributors and dealers soliciting their assistance in tracing gun owners.
3. A message center should be established in Atlanta, Georgia, with a toll-free number, which would refer callers to the nearest recommended gunsmith.
4. Research should begin an examination of all bolt action rifle trigger assemblies, including competitive models, to determine if there was a possible safety problem with other bolt action assemblies which had not yet come to Remington's attention.

(Secretary's Note: Subsequently on October 23, 1978, the President approved these recommendations.)

R. B. Sperling
Acting Secretary

RBS:hss

Sperling.9

LIMITED DISTRIBUTION

PRODUCT SAFETY SUBCOMMITTEE MEETING
OCTOBER 26, 1978

PRESENT:

SUBCOMMITTEE

E. F. BARRETT, CHAIRMAN
R. A. PARTNOY

OTHER

E. B. BEATTIE
H. K. BOYLE
E. S. MCCAWLEY
R. G. SHERMAN
J. E. PREISER
R. B. SPERLING, ACTING SECRETARY

MOHAWK MODEL 600, ETC.

Starting on the evening of October 23, the television media and the press gave wide coverage to the Coates settlement. The following day's stories contained Remington's news release announcing the recall program. (See Exhibit A).

Public Relations is to obtain copies of these televised news broadcasts aired over the national networks which carried news of the recall, along with data concerning the areas reached by these broadcasts and the audience rating for each of these broadcasts. Public Relations also will obtain clippings of press items on the subject.

It was reported that the message unit which was set up in Atlanta, Georgia, was extremely busy with calls. It was decided that toll-free WATS lines should be set up in Ilion and in Bridgeport in order to handle recall complaints and those questions the Atlanta unit could not answer.

Available trigger assemblies are to be sent to Texas, where the Coates case originated and from where most of the calls received by Atlanta were coming. Three representatives are to be dispatched

PRODUCT SAFETY
SUBCOMMITTEE MEETING

-2-

OCTOBER 26, 1978

to Texas to review the replacement procedures being utilized by the recommended gunsmiths.

Production of any new Mohawk 600's is to be suspended so that 600 fire controls will be available for the recall correction. Available trigger assemblies will be allocated on a where-most-needed basis.

R. B. Sperling
Acting Secretary

RBS:hss

Sperling-11

SEE 3630

LIMITED DISTRIBUTION

PRODUCT SAFETY SUBCOMMITTEE MEETING
OCTOBER 27, 1978

PRESENT:

SUBCOMMITTEE

E. F. BARRETT, CHAIRMAN
E. G. LARSON

OTHER

J. E. PREISER
R. G. SHERMAN
E. S. McCAWLEY
H. K. BOYLE
R. B. SPERLING, ACTING SECRETARY

MOHAWK MODEL 600, ETC.

Advertisements concerning the recall will be prepared for newspaper distribution in Alaska and Hawaii.

It was reported that 1,300 calls were received at the Atlanta message unit, and that the WATS lines had been already installed at Bridgeport.

Clarification on serial numbers of guns subject to recall will be given to the message unit and to our distributors, dealers and our field representatives.

Forms to be utilized by the gunsmiths in recording the serial number of the gun repaired and the name and address of the gun owner were approved and directed to be distributed to the participating recommended gunsmiths.

The 600 line has been shut off and we have obtained more 600 trigger assemblies from the warehouse for the recall.

Letters requesting assistance in the recall from distributors were directed to be prepared for distribution next week.

R. B. Sperling
Acting Secretary

RES:hss

LIMITED DISTRIBUTION

PRODUCT SAFETY SUBCOMMITTEE MEETING
OCTOBER 30, 1978

PRESENT:

SUBCOMMITTEE

E. F. BARRETT, CHAIRMAN
R. A. PARTNOY
E. G. LARSON

OTHER

J. E. PREISER
H. K. BOYLE
R. B. SPERLING, ACTING SECRETARY

MOHAWK MODEL 600, ETC.

It was reported that every replacement trigger assembly is being gauged at Ilion and a 10% quality check is being conducted.

Remington Representatives are now in Texas to review recommended gunsmiths' procedures on correcting guns and to see what, if any, problems are being encountered.

R. B. Sperling
Acting Secretary

RBS:hss

Sperling 12

LIMITED DISTRIBUTION

MEETING WITH INTERNATIONAL ON RECALL
OCTOBER 31, 1978

PRESENT:

SUBCOMMITTEE

E. F. BARRETT, CHAIRMAN
R. A. PARTNOY

OTHER

E. J. GINER
P. J. ROSENDAHL
J. E. MILLHOFFER
M. F. deMAYO
E. S. CIPCEK
R. B. SPERLING, ACTING SECRETARY

MOHAWK MODEL 600, ETC.

The status of the Mohawk 600 and related gun recall was explained to International.

It is estimated that there are about 10,000 recall guns in Canada. Remington Arms of Canada is to arrange for advertisements in appropriate sporting magazines. In addition, Canadian distributors and dealers are to be contacted for assistance in getting notification of the recall to the public. It is estimated that in Canada there are about 15 good gunsmiths scattered throughout the country that can assist in the modification. A WATS line will be installed in the Canada office.

In Europe, recall notifications will be placed on the wire services, and with the Army and Navy posts abroad. Distributors and retailers will be requested to check records to trace gun owners for personal notification.

R. B. Sperling
Acting Secretary

Continued 14

LIMITED DISTRIBUTION

MEETING CONCERNING RECOMMENDED GUNSMITHS
NOVEMBER 1, 1978

PRESENT:

SUBCOMMITTEE

E. F. BARRETT, CHAIRMAN
E. G. LARSON

OTHER

H. K. BOYLE
R. B. SPERLING, ACTING SECRETARY

MOHAWK MODEL 600, ETC.

After discussion concerning success of Remington Representatives' trip to Texas, it was determined that 10 to 15 additional Representatives should be sent across the country to visit all of the recommended gunsmiths participating in the Mohawk 600 recall. Representatives will be selected from Ilion personnel, who will be briefed on the questions and problems they might expect to encounter in the field.

R. B. Sperling
Acting Secretary

RBS:hss

Sperling 15

LIMITED DISTRIBUTION

PRODUCT SAFETY SUBCOMMITTEE MEETING
NOVEMBER 3, 1978

PRESENT:

SUBCOMMITTEE

E. F. BARRETT, CHAIRMAN
E. G. LARSON

OTHER

J. E. PREISER
E. J. GINER
E. S. MCCAWLEY
R. G. SHERMAN
E. B. BEATTIE
N. S. OLENIK
A. W. BELL
H. K. BOYLE
R. B. SPERLING, ACTING SECRETARY

MOHAWK MODEL 600, ETC.

It was reported that 5,600 calls so far have been received at Atlanta. The first two day's tapes of the calls have been analyzed and the other tapes will be processed very soon.

It was reported that outdoor sports writers are beginning to run stories on the recall.

A. W. Bell reported on the progress of the data processing of serial numbers subject to recall. Within a week the initial list covering about 25% of the recall guns will be provided to distributors.

Confirmation letter will be prepared and sent to all of those who have called the message unit in Atlanta.

Remington Representatives will be sent out on November 8 to visit all gunsmiths. Gunsmiths are to be told to have all Model XP-100's sent to Ilion for repair.

Letter to distributors approved for mailing, and a similar letter for retailers was ordered prepared.

R. B. Sperling
Acting Secretary

LIMITED DISTRIBUTION

PRODUCT SAFETY SUBCOMMITTEE MEETING
NOVEMBER 17, 1978

PRESENT:

SUBCOMMITTEE

E. F. BARRETT, CHAIRMAN
J. G. WILLIAMS
R. A. PARTNOY
E. G. LARSON

OTHER

J. E. PREISER
R. F. DIETZ
R. B. SPERLING, ACTING SECRETARY

MOHAWK MODEL 600, ETC.

Recall ads for outdoor sports and firearms magazines were approved for appearance in the January issues. (See Exhibits A and B).

It was reported that our recall ads have appeared in newspapers in Hawaii and Alaska. Ads will be sent to Alaskan sports magazines.

It was also reported that to date 52,371 trigger assemblies have been sent to participating gunsmiths, and that amount adequately fulfills current requirements. So far the participating gunsmiths have received about 3,000 guns for modification.

R. B. Sperling
Acting Secretary

RBS:hss
Attachments

Continued 17

LIMITED DISTRIBUTION

PRODUCT SAFETY SUBCOMMITTEE MEETING
JANUARY 2, 1979

PRESENT:

SUBCOMMITTEE

E. F. BARRETT, CHAIRMAN
J. G. WILLIAMS
E. HOOTON, JR.
R. A. PARTNOY

OTHER

R. B. SPERLING, ACTING SECRETARY

SAFE GUN HANDLING

It was reported to the Committee that in 1975, due to what we learned from a quality audit on the Mohawk 600, Remington instituted new inspection procedures for all center fire bolt action rifles which were designed to catch a gun capable of being "tricked" into firing when the safety lever is released from the "safe" position. "Tricked" in this context means, safety lever placed in between "safe" and "fire" positions, trigger is then pulled, and the safety lever is subsequently moved to the "fire" position and the gun discharges. The inspection procedures involve the following:

- (1) A visual check for adequate clearance between the sear and the connector.
- (2) Measurement of this clearance by use of a .005 shim.
- (3) Attempting to trick the gun--three times in assembly, three times in gallery and three times at final inspection.

Sperling 18

JANUARY 2, 1979

In addition to the above inspection procedures, Remington also changed the trigger assembly for the Model 600 family of guns by adopting Model 700 design features. Changes to the 600 included:

1. Going from a folded housing to an assembly consisting of side plates held together by rivets and spacer block.
2. Providing more lift to the sear.

No such changes were made in the design of the Model 700 because it already had those features.

Remington is confident because of the checks instituted in 1975, that bolt action rifles made during and after 1975 will not trick. Since June 1978, 500 post-1975 Model 700's have been returned to Ilion for repair for various reasons. Starting in June, Remington conducted a quality audit on these returned guns and none could be tricked.

During this same period (June 1978 to the present), two hundred pre-1975 Model 700's were returned to Ilion for repair, and it was found that two could be tricked (one because of insufficient clearance between sear and connector, and one because of a warped connector). Based on this sample, about 1% of the pre-1975 Model 700's in the field may be subject to tricking. There are about 2,000,000 pre-1975 Remington guns in the field with the Model 700 trigger assembly. (By comparison, it is noted that the 1975 quality audit indicated about 50% of the Model 600 family of guns in the field were susceptible to

Continued

tricking.)

In addition to the above sample of 700's, 19 Model 700's have been returned to Ilion in response to the Model 600 recall with the complaint that the gun will fire when the safety lever is moved to the "fire" position. Remington found that only one of those guns could be tricked, the cause being insufficient clearance. Three other guns did fire with the safety being moved, but for reasons associated with owner alteration of the product. In one instance, an owner was about to return a gun for accidental discharge upon release of the safety; but just before sending the gun, the owner discovered that he was inadvertently pulling the trigger as he released the safety. It is suspected that this was also the case with the remaining 15 guns, since they were found to be in proper operating condition.

Remington has run quality audits on competitor bolt action rifles and has found that a large percentage of competitor models can be tricked. This includes some famous guns, such as the "Springfield" 30 caliber rifle, which was used in quantity in both World Wars.

The Subcommittee discussed the issue of tricking, as well as other causes of accidental discharge. It was decided that tricking, along with problems such as owner adjustment of the trigger engagement screw or the trigger adjustment screw, finger on the trigger when the safety is released, and trigger assembly alterations, are really problems more associated with abnormal use or misuse of the product rather than indication of a defective

Carling 20

product. Consequently, a notice warning or a series of warnings against abnormal use or misuse, and highlighting safe gun handling procedures, is the most direct solution to the problem of accidental discharge.

The Subcommittee considered the possibility of recalling all pre-1975 Remington center fire bolt action rifles, many of which have been in the hands of the public well over several decades.

The Subcommittee decided against a recall for the following reasons:

1. Based on Remington's sample, only 1% of the pre-1975 Model 700 family of guns out in the field which number about 2,000,000 can be tricked. That would mean the recall would have to gather 2,000,000 guns just to find 20,000 that are susceptible to this condition.
2. An attempt to recall all bolt action rifles would undercut the message we plan to communicate to the public concerning proper gun handling. It would indicate that the answer to accidental discharge can be found entirely within the gun, when in reality only proper gun handling can eliminate injuries resulting from such occurrences.

The Subcommittee decided to recommend that an informational warning concerning accidental firing and safe gun handling be prepared and effectively communicated to the gun handling public. The Marketing, Legal and Public Relations Departments were to

See 3640

JANUARY 2, 1979

coordinate their efforts, with possible help from outside consultants, in preparing such a notice.

Further meetings would be held to ensure that this informational program was launched effectively and expeditiously.

(Secretary's Note: The President approved these recommendations on January 2, 1979.)

R. B. Sperling
Acting Secretary

Sperling 22

LIMITED DISTRIBUTION

PRODUCT SAFETY SUBCOMMITTEE MEETING
JANUARY 16, 1979

PRESENT:

SUBCOMMITTEE

J. G. WILLIAMS, ACTING CHAIRMAN
R. A. PARTNOY

OTHER

J. E. PREISER
A. W. BELL
R. B. SPERLING, ACTING SECRETARY

MOHAWK MODEL 600, ETC.

A. W. Bell reported that to date Remington has prepared computer runs on Model 600 guns manufactured and sold from 1970 through 1975, which would represent about 27% of the guns currently subject to the 600 recall. Bell estimated that it would take about six months of intensive effort to produce read-outs on pre-1970 Model 600 guns, and about two person-years of work to contact all the distributors who have received Model 600 guns to get the names of the dealers to whom the distributors sold the Model 600.

After reviewing Bell's report, the Subcommittee determined that in order to save months of time, Remington would consider contacting Federal Firearms License holders, and ask them to provide names of their customers for the pre-1975 Model 600. Remington would attempt to secure a list of Federal Firearms License holders from the Bureau of Alcohol, Tobacco and Firearms. In the meantime, Remington would prepare and send out a letter to

Sperling.23

PRODUCT SAFETY
SUBCOMMITTEE

-2-

JANUARY 16, 1979

all the dealers listed on its Key and A list of dealers requesting them to send us names of their pre-1975 Model 600 customers.

R. B. Sperling
Acting Secretary

RBS:hss
3/30/79

Sperling 74

SEE 3643

LIMITED DISTRIBUTION

PRODUCT SAFETY SUBCOMMITTEE MEETING
FEBRUARY 6, 1979

PRESENT:

SUBCOMMITTEE

OTHER

E. F. BARRETT, CHAIRMAN
B. K. DAUBENSPECK, SECRETARY
E. HOOTON, JR.
R. A. PARTNOY
J. G. WILLIAMS
E. G. LARSON

J. E. PREISER
R. B. SPERLING
C. B. WORKMAN
J. H. CHISNALL

XP-100 CHANGES

Sperling 25

RECALL OF CERTAIN MODELS 600, 660 AND MOHAWK 600 RIFLES
AND XP-100 PISTOLS

A letter is to be mailed to all of our key dealers on February 8, 1979, giving them detailed information on procedures for this recall. A copy of this letter is attached to these minutes.

Efforts will be made by Marketing to obtain a complete list of Federal Firearms licensees to be used for mailing similar information. Attempts to get a machine-readable list of license holders from the Bureau of Alcohol, Tobacco and Firearms (BATF) failed because BATF has now gone to microfiche which is not easily converted to computer. Working from microfiche would mean months of delay in getting the information mailed.

Recall advertisements have been run in newspapers, weeklies, verticals, etc. An advertisement was placed in the January, 1979, issue of American Rifleman and will be repeated in the April issue.

Sierling 76

Mr. Larson reported on the status of the recall as follows:

Total guns involved about 200,000

Telephone calls from customers
to Atlanta, WATS numbers, through
January 29. 18,885

Trigger assemblies shipped to repair
stations through January 29 13,976

Invoice for guns repaired paid to date
in the United States 7,786
and in Canada 156

Mr. Preiser reported that he will assess and review results
of the recall advertisements shortly.

GUN SAFETY - COMMUNICATION WITH CUSTOMERS

To develop a program for communicating to our customers
the importance of safe gun handling and to give them needed
information, we have engaged the firm of Hill and Knowlton.

Mr. Partnoy reported that we expect to hear from them concerning
their outline for a program within the next two weeks.

30-30 WIN. "ACCELERATOR"

/ / /

LIMITED DISTRIBUTION

PRODUCT SAFETY SUBCOMMITTEE MEETING
FEBRUARY 23, 1979

PRESENT:

SUBCOMMITTEE

J. G. WILLIAMS, ACTING CHAIRMAN
E. HOOTON, JR.
R. A. PARTNOY

OTHER

P. H. BURDETT
J. P. McANDREWS
E. S. McCAWLEY
R. B. SPERLING, ACTING SECRETARY

SAFE GUN HANDLING

The submitted suggestions of Hill and Knowlton for the promotion of safe gun handling were reviewed and discussed by the Subcommittee.

The proposed warning concerning the "trick" condition in bolt action rifles was approved with some language modification to make it technically more accurate (copy of approved version attached). It was decided that the Marketing and Public Relations Departments would consult with Hill and Knowlton with respect to means for disseminating the warning.

Other suggestions submitted by Hill and Knowlton concerning the promotion of safe gun handling were reviewed and discussed. It was decided that Remington should draft a general outline utilizing these suggestions and submit this proposed safe gun handling program to the Sporting Arms and Ammunition Manufac-

Sperling 78

PRODUCT SAFETY
SUBCOMMITTEE MEETING

-2-

FEBRUARY 23, 1979

turers' Institute (SAAMI) for consideration and possible
industry action.

R. B. Sperling
Acting Secretary

RBS:hss

Attachment

Sperling 29

LIMITED DISTRIBUTION

PRODUCT SAFETY SUBCOMMITTEE MEETING

APRIL 6, 1979

Present:

Subcommittee

E. F. Barrett, Chairman
B. K. Daubenspeck, Secretary
E. G. Larson
R. A. Partnoy
J. G. Williams

Other

R. B. Sperling

RECALL OF CERTAIN REMINGTON MODELS 600, 660 AND
MOHAWK 600 RIFLES AND XP-100 PISTOLS

A letter was mailed to all of our key dealers on February 8, 1979, giving them information on the procedures for this recall and asking them to furnish us with names and addresses of customers owning these products. Responding to this letter, 470 dealers have furnished names and addresses of 5,089 gun owners. A letter will now be mailed to each owner requesting him to return his gun for repair.

A. W. Bell has obtained a list of Federal Firearms licensees comprising about 170,000 names. After the names of the Key and A dealers, to whom letters have already been sent, are removed from the list, the Subcommittee will consider a procedure for mailing a letter to the remainder to obtain names of customers who bought rifles under recall.

A statement on the trick condition will be published in various periodicals from May through April, 1980, according to the advertising schedule attached (Exhibit A).

Sperling 30

PRODUCT SAFETY
SUBCOMMITTEE MEETING

-2-

April 6, 1979

Mr. Larson presented a summary of recall statistics to date, as follows:

Number of Atlanta calls	21,254
Number of repairs made by gunsmiths	
Domestic	13,057
Canada	301
Number of guns repaired at Ilion	
Models 600-660	429
Model XP-100	<u>727</u>
Total	1,156
Number of trigger assemblies shipped to gunsmiths	19,303
Number of triggers on hand at Ilion	1,300

MODEL 552 RECALL

Sierlina 31

SEE 3650

April 6, 1979

SAFE GUN HANDLING

An ad hoc Task Force on Shooting Safety has been organized by SAAMI. At a meeting on April 5, 1979, the Task Force considered the development of a program for effective communication with consumers and the general public concerning gun safety. It is proposed to develop a series of specific messages on gun safety topics to be disseminated as advertisements, film strips, or other means to be determined. The minutes of the meeting are attached as Exhibit B. The Task Force will meet again in about three weeks and will present their proposals to the SAAMI Executive Committee in June.

Sherling 37

Minute #10 - 1979

PRODUCT SAFETY SUBCOMMITTEE MEETING

JUNE 21, 1979

Present:

Subcommittee

E. F. Barrett, Chairman
B. K. Daubenspeck, Secretary
E. Hooton, Jr.
E. G. Larson
R. A. Partnoy

Others

W. G. Bell
W. L. Flaherty
W. D. Nickel
J. E. Preiser
L. L. Presnell
T. W. Rawson
R. B. Sperling

30-06 HIGH PRESSURE LOADS

Sperling zz

RECALL OF CERTAIN REMINGTON MODELS 600, 660 AND
MOHAWK 600 RIFLE AND XP-100 PISTOLS

The status of the product recall was reviewed and results to date are shown in Exhibit B attached.

The advantages and disadvantages of mailing a notice to FFL license holders in order to obtain additional names of original purchasers were discussed. It was decided by the Subcommittee that although we probably would not receive the same percentage response as our dealer notification, we would receive enough to warrant proceeding with the mailing. The estimated cost of making this mailing was reported at 20¢ per letter with an approximate total cost of \$30,000. It was also reported that Computer Operations would attempt to remove, to the extent possible, the duplication between our listing of FFL license holders and the list of dealers that we have already notified. A discussion was held at this point on whether or not the Atlanta phone system should be shut down and future calls referred directly to our Remington phone numbers. It was decided that since we pay a nominal rate per call for this service it would be best to leave this facility open, at least until notices are sent to consumers obtained from the FFL mailing.

Sperling 34

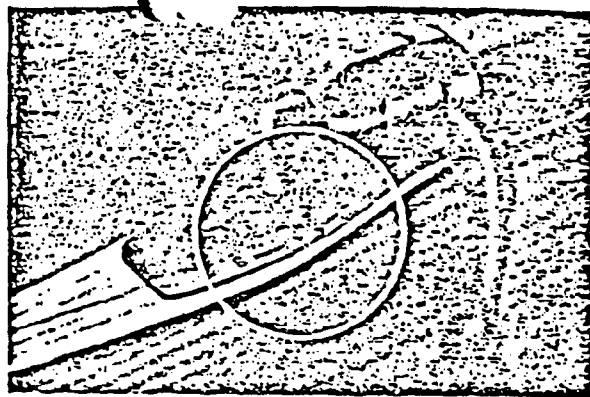
Remington's safe gun handling campaign, which will be supported by SAAMI, was initiated in May with the first publication of the "Half Safe is Unsafe" advertisement, concerning the problems inherent in the improper handling of bolt action rifles and highlighting the danger of "tricking" the gun safety. A copy of this ad is attached as Exhibit C. With the commencement of this extensive campaign, it was decided that the Company's efforts to reduce accidents would now be best served by publicizing proper gun handling and maintenance information, rather than to continue running Model 600 Recall notices producing diminishing returns. The message we want to get across is that the answer to accidental discharge cannot be found exclusively within the firearm involved, and that only proper gun handling can eliminate injuries resulting from such occurrences.

BK Daubenspeck
B. K. Daubenspeck
Secretary

BKD/cas

Sperling 25

HALF SAFE IS UNSAFE.




The safeties and triggers on bolt-action rifles can, in some cases, be manipulated in a way that will cause the gun to fire when the safety is released. For example, an accidental discharge can sometimes be caused by placing the safety somewhere between the "fire" and "safe" positions, pulling the trigger, and then moving the safety to the "fire" position.

Clearly, placing and leaving the safety mechanism in a position between "fire" and "safe" violates good safety procedures. This sequence also points up the critical factor in any potentially dangerous activity: the human factor. No mechanical device, be it a rifle safety, or the guard around a power-saw blade, is of any value unless the person operating it uses it properly.

No mechanical device can guarantee safety if it is improperly used; and no individual is completely safe if he or she does not follow *all* necessary safety procedures. The mechanical device used as a gun safety should never be relied upon as foolproof, but should be used as a part of a complete system of safe gun handling, including the following:

- Always have the gun pointed in a safe direction
 - when handling, carrying or firing.
 - when moving the safety to the "fire" position for firing or unloading.
- Always operate the safety by placing it in the "safe" or "fire" locations — never in between them.
- Never pull the trigger when the safety is on "safe" or in between "safe" and "fire."
- Always unload the gun before entering a vehicle or a building.
- Never have a finger near the trigger when the safety is being moved to the "fire" position.
- Remember that a safety cannot prevent all accidental firings, and act accordingly.
- *The instant a hunter or shooter picks up a gun, he or she becomes part of the system — both in terms of operation and safe handling. From that point on, no consideration of the system's function can ignore what the shooter does, for the shooter is the only part of the system that has control over the operations that can make a gun safe — or unsafe.*

After all, the gun operator is the primary "safety"; to rely entirely upon mechanical devices is to be, at best, only half safe.

Remington. 

Remington is a trademark registered in the United States Patent and Trademark Office by Remington Arms Company, Inc., Unionville, Conn. 06082

LIMITED DISTRIBUTION

MINUTES #1 - 1980

PRODUCT SAFETY SUBCOMMITTEE MEETING

JANUARY 22, 1980

PRESENT:

SUBCOMMITTEE:

E. F. BARRETT, CHAIRMAN
J. G. WILLIAMS
E. HOOTON, JR.
E. G. LARSON
R. A. PARTNOY

OTHERS:

J. P. GLAS
J. E. PREISER
W. L. FLAHERTY
E. S. MCCAWLEY
T. W. RAWSON
J. H. CHISNALL
R. B. SPERLING, ACTING SECRETARY

RECALL OF CERTAIN REMINGTON MODELS 600, 660 AND MOHAWK 600 RIFLES AND XP-100 PISTOLS

The status of the product recall and the results to date were reviewed. It was reported that 23,318 recall guns had been repaired since the introduction of the recall. Returns have been steadily declining. Through December 31, 1979, 25,000 telephone calls have been received at our Atlanta toll-free number. We are down now to about 7 calls a day. The Atlanta number will remain open until further evaluation.

In August of 1979, approximately 130,000 letters (see copy attached as Exhibit A) were sent out to Federal Firearms License holders requesting the names of customers who purchased recalled guns. Remington received the names of 1,922 customers, to whom we mailed copies of our recall letter.

Continued 37

Pending litigation involving claims against guns subject to recall was discussed. The current status of Remington's audit on the Model 700 was also presented, which showed that from June 13, 1978, to January 15, 1980, 3,376 Model 700's returned to Ilion for service were tested for the "trick" condition. Of this sample, 35 guns failed the "trick" test. But of these 35 guns, 22 guns were trickable because they had been altered or damaged out in the field. This means that the audit to date indicates that only about .4% of the audited Model 700's were susceptible to tricking due to causes not attributable to customer misuse. It is also known that only .4% of the guns manufactured before 1975 are so susceptible.

Since January of 1979, Ilion has added a new test to the Model 700 audit which involves turning the returned Model 700 on its back and inserting a screwdriver into the trigger assembly and attempting to trap the connector so that it cannot move freely back under the sear. In this condition, the gun will fire when the safety lever is moved to the "fire" position. This has been termed "firing off safe". Since the inception of the new test, 38 returned Model 700's were found to "fire off safe", but of this number, only 9 would do so because of causes not attributable to alteration or damage in the field--4 of which were guns manufactured before 1975.

Even if you combine the number of "trickable" guns with the number of guns that will "fire off safe", the figures indicate that approximately .6% of the Model 700's currently in the field will be susceptible to "tricking" or "firing off safe".

Coertlin 38

The status of the Model 600 recall and the Model 700 audit confirms the wisdom of Remington's previous determination, made in January of 1979 (See Product Safety Subcommittee Minutes dated January 2, 1979), that the Company's efforts to reduce accidents involving bolt action rifles would be best served by publicizing proper gun handling and maintenance information, rather than to continue running Recall notices producing ever-diminishing returns. Remington's ad "Half Safe is Unsafe" will run through April of 1980. The SAAMI sponsored firearms safety ads will be initiated in February 1980 and will be run with heavy intensity through 1981. (See Exhibit B for samples of the SAAMI advertising program.) It was reported that the SAAMI booklet "Firearms Safety Depends on You" (see Exhibit B) is being packed with every Remington firearm shipped from the factory. This program was initiated in January of 1980.

It was suggested that Remington consider putting an insert in its ammunition boxes which would contain the ten firearms safety headings found in the "Firearms Safety Depends on You" booklet. After discussion, it was decided to put the safety message on the panels at the back of the shotshell and center fire ammunition boxes where currently there is placed product information.

MODEL 788 BOLT ACTION RIFLE

Snorling 20

Product Safety Subcommittee Meeting
December 7, 1981

Distribution of Minutes

1) E. F. Barrett/J. P. McAndrews (return to Sec'y.)
2) E. Hooton, Jr./T. W. Rawson (return to Sec'y.)
3) J. G. Williams/C. A. Riley (to circulate and return to Sec'y.)
4) W. H. Coleman, II (to circulate and return to Sec'y.)
5) C. B. Workman (to circulate and return to Sec'y.)
6) J. P. Glas
7) R. A. Partnoy
8) R. B. Sperling
9) Secretary

Subcommittee

Present

J. P. Glas, Chairman
E. Hooton, Jr.
T. W. Rawson
C. A. Nash, Secretary

Absent

J. G. Williams
R. A. Partnoy

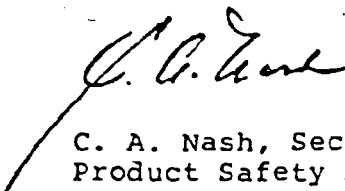
Others

J. H. Chisnall
E. J. Garrity
P. H. Holmberg
P. A. Lewis
F. T. Millener
R. B. Sperling

Sperling 4A.

Policy for Dealing with Bolt Locks on Model 700 and
Model 40X (B,C, & R) Firearms Returned for Repairs

There was discussion of procedures to be followed in repairing firearms with bolt locks. Since the absence or presence of a bolt lock is not a safety problem, determination of the policy to follow in these circumstances was not a matter for the Product Safety Subcommittee.


C. A. Nash, Secretary
Product Safety Subcommittee

CAN/kam

Serial 41

SEE 3660

CONFIDENTIAL

MINUTE #2 - 1976

Jan. 23, 1976

FROM PAGE NUMBER

1

SUBJECT

Item 1 - Development Schedule

MODEL 700 IMPROVEMENT

1. Model 700 Improvement

R & D reported they are investigating safety mechanism performance in all bolt action firearms, both Remington and competition. From this review, a design proposal is being developed to modify the safety mechanism in the Model 700 and Mohawk 600 rifles. The most important alteration would be a design change to allow the shooter to unload the rifle with the Safety in the ON position.

CONFIDENTIAL

Hutton 1

CONFIDENTIAL

MINUTE #2 - 1977

Jan. 26, 1977.

FROM PAGE NUMBER

2

SUBJECT

M/700-600 Fire Control Improvement
(Item 1 - Dev. Sched.)

1. M/700-600 Fire Control Improvement

R & D reported that design changes are being developed to make the fire control more versatile. The preliminary design should be completed by September, 1977.

CONFIDENTIAL

Hutton 2

CONFIDENTIAL

MINUTE #8 - 1977

April 21, 1977

FROM PAGE NUMBER

13

SUBJECT

MOHAWK 600 & MODEL 700 FIRE CONTROL REVIEW

SPECIAL REPORTS

MOHAWK 600 AND MODEL 700 FIRE CONTROL REVIEW

MOHAWK 600 RIFLE

R & D reported that drawings have been transmitted to the plant to alter the Mohawk 600 Fire Control. The Fire Control Housing presently used on the M/700 has been modified so that it will fit the Mohawk 600. This change will yield a common Fire Control Housing for the Mohawk 600 and M/700 rifle. It will reduce cost, as the factory cost of the M/700 Fire Control Housing is less than the factory cost of the Mohawk 600 Fire Control Housing. This change should also improve the detent action of the Mohawk 600 Fire Control. The side plate on the M/700 Housing is heat treated. This is the surface the hardened steel detent ball is spring loaded against to obtain the two Safety positions.

CONFIDENTIAL

Hutton 3

CONFIDENTIAL

MINUTE #13 - 1977

July 19, 1977

FROM PAGE NUMBER

12

SUBJECT

M/700-600 FIRE CONTROL IMPROVEMENTS
Chart 19

M/700-600 FIRE CONTROL IMPROVEMENTS

Research is presently performing a design analysis on the M/700 - M/600 trigger assemblies to improve their performance and customer desirability. The development program is aimed at designing a trigger assembly with the following features (see Chart 19): 1) trigger externally adjustable for pounds pull within safe limits; 2) sear engagement and trigger over-travel determined by design (not adjustable by customer); 3) rifles can be unloaded with the safety in the "On Safe" position; 4) improved trigger pull characteristics; and 5) reduction of trigger assembly costs.

The Development Schedule states that prototypes with different design options will be available for inspection and testing by March, 1978. The preferred model will be ready for extensive testing in July, 1978; and the design will be complete in March, 1979.

CONFIDENTIAL

Hutton 4

CONFIDENTIAL

October 18, 1979

MINUTE #17 - 1979

FROM PAGE NUMBER

17

SUBJECT

Model 700 Bolt Lock

MODEL 700 BOLT LOCK
(1981 Introduction)

Research reported that two designs for a separate Bolt Lock are progressing. A model of each has been fabricated and assembled, but require revisions. The next samples of both designs will be ready for review in December.

CONFIDENTIAL

Hutton 5

SEE 3665

CONFIDENTIAL

MINUTE # - 1979

December 12,, 1979

FROM PAGE NUMBER

15

SUBJECT

MODEL 700 BOLT LOCK

MODEL 700 BOLT LOCK

(1981 Introduction)

Research reported that layouts of newly suggested designs are being made. Assembly of previous designs is scheduled for mid-December.

CONFIDENTIAL

Hutton 6

CONFIDENTIAL

MINUTE #3 - 1980 FEBRUARY 20, 1980

FROM PAGE NUMBER 8 & 9

SUBJECT MODEL 700 BOLT LOCK

MODEL 700 BOLT LOCK
(1982 Introduction)

Research reported that revisions have been made to increase the size and appearance of the two versions. Parts are being fabricated, and should be available shortly.

The Chairman commented that, because of the purpose of this change, it is important to emphasize this item. Research felt that they could have a prototype available in May.

CONFIDENTIAL

Hutton 7

CONFIDENTIAL

MINUTE #9 April 16, 1980
FROM PAGE NUMBER 13
SUBJECT MODEL 700 BOLT LOCK

MODEL 700 BOLT LOCK
(1981 Introduction)

Research reviewed a design concept for a selective Bolt Lock that is independent of the Fire Control. This system allows the shooter the freedom to choose the type of Bolt Lock operation he desires and to operate the Safety in any condition the rifle may be in. This means the Bolt may be open or closed, and the rifle may be fired or unfired.

Exhibit4-2 shows the Safety in the "ON SAFE" position with the Bolt locked and the Bolt handle down.

Exhibit4-3 shows the Safety in the "ON SAFE" position, the Bolt unlocked and the Bolt handle raised. Here the shooter depresses the release with his thumb to unlock the Bolt.

Exhibit4-4 shows the Safety in the "ON SAFE" position, the Bolt unlocked with the Bolt handle raised and starting back to a load and unload position.

Exhibit4-5 shows the Safety in the "OFF SAFE" position, the Bolt locked and the gun ready to fire.

Exhibit4-6 shows the Safety again in the "OFF SAFE" position. The gun has been fired and the Bolt handle can be raised to load or unload the next round without having to depress the release

CONFIDENTIAL

Attachment 8

SEE 3668

CONFIDENTIAL

MINUTE #10 - 1980 May 14, 1980

FROM PAGE NUMBER 6

SUBJECT MODEL 700 BOLT LOCK

MODEL 700 BOLT LOCK
(1981 introduction)

Research reported that model drawings are complete for the latest Bolt Lock design, reviewed at the April meeting, and have been forwarded to Process Engineering for cost estimates. They requested Marketing approval to transmit the design, explaining that potential appearance changes should not affect the cost. Marketing responded that they are satisfied with the appearance of the latest design.

Production reported that work has already begun on the cost estimate.

CONFIDENTIAL

Hinton 9

SEE 3669

CENTER FIRE RIFLESMODEL 700 BDL - 7mm-08 REM
(1961 Introduction)

Production reviewed the economics of adding the 7mm-08 REM Caliber to the Model 700 BDL line (Exhibits 10 & 11). Margin and Return on Investment are slightly improved as a result of the incremental volume increase.

All tooling is currently available for this gun. Two hundred Trial and Pilot guns will be produced in April, with the next scheduled run of Short Actions.

MODEL 700 CLASSIC 7mm NAUSER (7 x 57)
(1961 Introduction)

Marketing reported that this non-catalogue version of the Model 700 Classic will be announced at the NRA Show in May, pending a successful Trial and Pilot.

Research indicated that tests have been satisfactorily completed on this model, and presented a sample for Committee review.

Production noted that the Mauser is currently scheduled for initial production to begin in April. The Secretary presented the economics of adding the Mauser Caliber to the Classic line (Exhibits 12 and 13).

Committee Action

The Operations Committee approved the addition of the 7mm Mauser (7 x 57) Caliber to the Model 700 Classic line.

MODEL 700 BOLT LOCK

Research presented samples of the Model 700 with and without the Bolt Lock feature for Committee review. Research has discussed potential cost reductions with Production, and the Plunger and Operating Handle are being re-evaluated. They pointed out, however, that costs are not expected to be reduced more than 5% to 10%. Five prototypes of the latest design are being tested along with the new Fire Control System. Testing will be completed this month.

A review of competitors' designs (Exhibit 14) indicates that a few of them have Bolt Locks but only the Colt Sauer has a Bolt Lock which can be released independent of the Safety.

Hutton 10

Hutton 1

	RECOMMENDED RETAIL PRICE	BOLT LOCK BOLT LOCK PART OF SAFETY BOLT LOCK INDEPENDENT	BLOCK TRIGGER	BLOCK SEAR	BLOCK STRIKER	2-POSITION SAFETY	3-POSITION SAFETY	UNLOAD SAFE-ON	LOAD SAFE-ON
REM. M/788 M/600 CURRENT M/700 PROPOSED M/700		X X X X	X X X X	X X X X	X X X X	X X X X		X X X X	X X X X
COLT SAUER	\$680	X	X	X	X	X		X	X
NIKKO GOLD EAGLE	\$399			X		X		X	X
BROWNING	\$399	X	X	X		X			
WIN. M/70	\$354	X	X				X	X	X
WEATHERBY VANGUARD	\$349			X		X		X	X
RUGER 77	\$245	X	X	X		X			
S & W 1500	\$238			X		X		X	X
SAVAGE 340-D	\$149	X	X	X		X			

CONFIDENTIAL

MINUTE # 12 - JULY 27, 1981

FROM PAGE NUMBER 5

SUBJECT: MODEL 700 BOLT LOCK

MODEL 700 BOLT LOCK

The Chairman asked that Production and Research develop an implementation schedule for eliminating the Bolt Lock from the Model 700 Safety Assembly. He indicated that the schedule should be based on a flying transition.

CONFIDENTIAL

Hutton 12

CONFIDENTIAL

MINUTE # 18 - OCT. 15, 1981

FROM PAGE NUMBER 3

SUBJECT - MODEL 700 BOLT LOCK

CENTER FIRE RIFLES

MODEL 700 BOLT LOCK

Production reported that plans have been finalized to delete the Bolt Lock from the Model 700 fire Control. Research will transmit drawings by October 16. Vendor samples of the new Safety Lever will be available by the end of November. Production quantities will be available from the vendor by mid-December.

Marketing noted that the Bolt Lock is to be phased out of the Model 700 line in order to simplify unloading. Because it is a change in process only, it will not affect guns currently in the warehouse or guns received for repair.

The Chairman directed that the Product Safety Committee should review the owner's manual, and that the change be implemented in December.

CONFIDENTIAL

Hutton 13

CONFIDENTIAL

MINUTE # 4 - 1982

FROM PAGE NUMBER 3

SUBJECT - MODEL 700 BOLT LOCK DELETION

CENTER FIRE RIFLES

MODEL 700 BOLT LOCK DELETION

Production reported that the initial sample of Safety Levers from the vendor's new tooling was rejected for hole size and cam position. New samples are expected by February 12. Production shipments will begin two to four weeks after sample approval.

About 10,000 old style Safety Levers have been modified by the vendor. The modification involves clipping the Safety Arm to a new (shorter) dimension. Another 10,000 will be modified by mid-February. As soon as sample parts from new production tooling have been approved, the change will be implemented using the modified Safeties on hand. Research will test a sample from the first production lot.

The Chairman noted that further discussion is required to determine how to handle the transition and subsequent customer repairs. The Chairman also pointed out that the Bolt Locks will be deleted from other bolt action rifles as well.

CONFIDENTIAL

Attachment 14

LIMITED DISTRIBUTION
OPERATIONS COMMITTEE
FIREARMS - TRAPS

MINUTE #6 - 1975

P. H. BURDETT
J. P. McANDREWS
E. SPARRE - E. HOOTON, JR.
H. M. STOESSEL
J. G. WILLIAMS
R. A. PARTNOY
E. F. BARRETT
E. B. BEATTIE
L. FOX
L. J. SCOTT

F. E. MORGAN
R. C. MAY
R. L. HALL
J. H. HODGSON
A. J. HERMANDORFER
W. E. LEEK
D. S. FOOTE
T. J. SHARPE
J. H. SWEENEY

COPY NO. Book

OPERATIONS COMMITTEE
ILION DIVISION

MARCH 21, 1975

PRESENT:

Committee

J. P. McANDREWS, CHAIRMAN
E. SPARRE
E. F. BARRETT
J. G. WILLIAMS
E. B. BEATTIE
L. FOX
J. H. SWEENEY, SECRETARY

Others

E. HOOTON, JR.	R. L. HALL
H. D. ALBAUGH	C. B. WORKMAN
F. T. MILLENER	W. E. LEEK
R. W. STEELE	J. P. LINDE
L. J. SCOTT	J. S. MARTIN
R. B. SPERLING ✓	

The meeting convened at 9 a.m. at Ilion.

NOT FOR REPRODUCTION
OR FURTHER DISTRIBUTION

[REM 0027643]

C
H
A
P
A

Product deficiencies known or suspected in 1975 - Exhibit 15.

| REM 0028349 |

| REM 0027644 |

BUSINESS MEETING - contd.RESEARCH PERFORMANCE

In response to product deficiencies reported by Marketing, R & D made the following reply:

- . Model 700 three position Safety - development of this feature is in progress.
- . Model 788 Bolt Handle failures - a revised design for Bolt Handle attachment is in test.

The R & D report on progress versus schedule follows:

Program _____

Release Design
Schedule _____

| REM 0028221 |

| REM 0027645 |

REMINGTON PRODUCT DEFICIENCIES KNOWN OR SUSPECTED

C
H
A
P
A

| REM 0028350 |
| REM 0027664 |

EXHIBIT

E. M/700 SAFETY

• EASE OF OPERATION AND SAFE GUN HANDLING DEMAND A DESIGN THAT ENABLES THE SHOOTER TO OPERATE THE ACTION WITH THE SAFETY "ON".

| REM 0028223 |

| REM 0027665 |

PRODUCT DEFICIENCIES (KNOWN OR SUSPECTED) 1975

Remington 3200 -

Model 1100 -

Model 1100 and 870

Model 742 -

Model 700 - three position safety would be desirable.

Model 788 - bolt handle breakage.

[REM 0028214]

[REM 0027621]

EXHIBIT 16

LIMITED DISTRIBUTION

OPERATIONS COMMITTEE

FIREARMS - TRAPS

MINUTE #15 - 1975

P. H. BURDETT
J. P. McANDREWS
E. SPARRE - E. HOOTON, JR.
H. M. STOESSEL
J. G. WILLIAMS
R. A. PARTNOY
E. F. BARRETT
E. B. BEATTIE
L. FOX
J. R. MALLOY

L. J. SCOTT
F. E. MORGAN
R. C. MAY
R. L. HALL
J. H. HODGSON
A. J. HERMANDORFER
W. E. LEEK
D. S. FOOTE
T. J. SHARPE
J. H. SWEENEY

COPY NO. _____

OPERATIONS COMMITTEE

ILION DIVISION

SEPTEMBER 19, 1975

PRESENT:

Committee

J. P. McANDREWS, CHAIRMAN
E. SPARRE
H. M. STOESSEL
J. G. WILLIAMS
E. F. BARRETT
L. FOX
J. H. SWEENEY, SECRETARY

Others

E. HOOTON, JR.
J. R. MALLOY
L. J. SCOTT
F. E. MORGAN
E. G. LARSEN
R. B. SPERLING
E. B. WALLIN
C. M. ALBRIGHT, JR.
R. L. HALL
C. B. WORKMAN
*W. E. LEEK
J. P. LINDE
J. S. MARTIN
*J. L. TEAL
*H. L. HAMEISTE

* Part time

The meeting convened at 11:50 a.m. at Ilion.

REM 0027622 1

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OR FURTHER DISTRIBUTION

LIMITED DISTRIBUTION

OPERATIONS COMMITTEE

FIREARMS - TRAPS

MINUTE #6 - 1976

P. H. BURDETT
J. P. McANDREWS
J. G. WILLIAMS
E. HOOTON, JR.
J. R. MALLOY
R. A. PARTNOY
E. F. BARRETT
E. B. BEATTIE
L. FOX
L. J. SCOTT

F. E. MORGAN
J. C. CALLAHAN
R. L. HALL
J. H. HODGSON
A. J. HERMANDORFER
W. E. LEEK
D. S. FOOTE
T. J. SHARPE
J. H. SWEENEY

COPY NO. _____

OPERATIONS COMMITTEE ILION DIVISION

MARCH 18, 1976

PRESENT

Committee

J. P. McANDREWS, CHAIRMAN
J. G. WILLIAMS
E. HOOTON, JR.
J. R. MALLOY
E. F. BARRETT
E. B. BEATTIE
L. FOX
J. H. SWEENEY, SECRETARY

Others

L. J. SCOTT
F. E. MORGAN
H. D. ALBAUGH
R. L. HALL
W. E. LEEK
J. S. MARTIN
H. K. BOYLE
*H. L. HAMEISTER
*J. L. TEAL

*Departed at 2:00 p.m.

The meeting convened at 1:45 p.m. at the Horizon Hotel, Oneida County Airport, N. Y.

NOT FOR REPRODUCTION
OR FURTHER DISTRIBUTION

REM 0027614

PRODUCT DEFICIENCIES KNOWN OR SUSPECTED IN 1976

C
H
A
P
A

| REM 0028348 |

| REM 0027616 |

EXHIBIT 12-1

D. MODEL 700 SAFETY LEVER

- ° EASE OF OPERATION AND INTERESTS OF SAFE GUN HANDLING DEMAND A DESIGN THAT ENABLES A SHOOTER TO OPERATE THE ACTION WITH THE SAFETY "ON".

C
H
A
P
A

REM 0027617

EXHIBIT 12-2

LIMITED DISTRIBUTION

OPERATIONS COMMITTEE

FIREARMS - TRAPS

MINUTE #8 - 1977

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G. E. PUCKETT
C. B. WORKMAN
D. S. FOOTE
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OPERATIONS COMMITTEE MILION DIVISION

APRIL 21, 1977

PRESENT:

COMMITTEE

J. P. McANDREWS, CHAIRMAN
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J. R. MALLOY
J. G. WILLIAMS
L. FOX
J. H. SWEENEY, SECRETARY

OTHERS

L. J. SCOTT	R. L. HALL
W. J. BOETTNER	J. R. AYERS
J. C. CALLAHAN	H. K. BOYLE
H. D. ALBAUGH	W. E. LEEK
C. M. ALBRIGHT, JR	C. B. WORKM
R. B. SPERLING	J. S. MARTI
L. L. PRESNELL	J. P. LINDE
R. W. FARRINGTON, SR	

The meeting convened at 9:15 a.m. at the Horizon Hotel, Oneida County Airport, N. Y.

REM 0027598

(Ilion Research Division presentation contd.)

MAJOR PRODUCT UPGRADING

Cost Improvements - Contd. (Slide A24)

The design of the Model 700 and Model 600 Sear Safety Cam is being altered so that the same part will be used in both assemblies and models will be in test by the end of July.

(Slide A25)

Consolidation of design, if and where possible, is being looked at to help cut down on the number of parts. The Trigger of the Models 700 and 600 Fire Control can presently be adjusted for engagement with the Sear Safety Cam and for overtravel. It can also be adjusted for pounds pull when the Action is removed from the Stock. Designs have been altered and test models made to incorporate these features.

This slide shows the present Fire Control and a newly developed test model.

1. Fixed Sear and Trigger engagement

On the present Fire Control this is accomplished by adjustment of the Trigger Engagement Screw. On the proposed assembly, this is accomplished by a shoulder on the Sear that stops the Trigger and gives fixed engagement.

2. Fixed overtravel

On the present assembly, this is accomplished by adjustment of the Trigger Stop Screw. On the proposed model, a shoulder near the rear of the Sear Safety Cam will stop the Trigger overtravel.

IREM 0027578 1

(Ilion Research Division presentation contd.)

MAJOR PRODUCT UPGRADING

Cost Improvements - Contd.

3. Trigger externally adjustable

The adjustment of the present assembly is done with the Trigger Adjusting Screw and Spring after removing the Action from the Stock. The proposed Screw and Spring for adjusting pounds pull will be placed in the Trigger so that adjustment can be made without removing the Action from the Stock.

Another feature being tested in this new model is removal of the present Connector.

The first designs will be ready for testing by the end of July. These designs eliminate one screw, a Connector and two drilled and tapped holes. If materials being investigated for these parts do not prove adequate, more expensive material may be required. This could negate some cost improvements; however, improved function in creep and Trigger pull would help outweigh the cost disadvantage.

Standardization of Operation

Presently, all of our shotguns and some of our rifles can be unloaded with the Safe in the "ON" position. The rest of our rifles must be unloaded with the Safe in the "OFF" position. This is, and has been, a normal practice for years on rifles sold to the trade by all manufacturers. Research feels that Remington should offer the customer the option of being able to unload their Bolt Action firearms with the Safe in the "ON" position, while at the same time if possible, retaining the Bolt Lock condition. Designs have been developed and some models built for testing. They have been given to Marketing for their evaluation in order to decide which type of design the customer would prefer.

[REM 0027579]

(Ilion Research Division presentation contd.)

MAJOR PRODUCT UPGRADING

Standardization of Operation - Contd. (Slide A26)

One model is a three-position Safety. The "OFF" Safety position is forward. The middle position is "ON" Safe and the Bolt is locked. The rear position is "ON" Safe but the Bolt can be unlocked.

(Slide A27)

The other model is a Bolt Lock mounted on the Bolt Plug. It is used in conjunction with the present two-position Safety. When the Bolt is closed and cocked, the Bolt Handle is locked in the down position. With the Safe in the "OFF" position, the Trigger can be actuated to fire the rifle and this will automatically unlock the Bolt so that it can be opened. To open the Action with the Safe "ON", the Bolt Lock Lever on the Bolt Plug must be depressed, while at the same time, lifting the Bolt Handle. This can be done easily with a natural motion of the hand and thumb.

Prototypes of these designs are now in test. It is anticipated that final designs will be ready for acceptance by December 1978.

Guns with each of these design features are on display boards and can be examined after the presentations.

XSG

Because the autoloading shotgun market is such an important segment of the total industry, there has been heavy competitive pressure over the past few years. This can readily be seen in the quality and durability of our competitors' latest offerings. While we have not yet lost market share, the effects of the Browning 2000, Winchester SX-1 and Smith and Wesson 1000 will be felt.

REM 0027580

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OPERATIONS COMMITTEE

FIREARMS - TRAPS

MINUTE #20 - 1978

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OPERATIONS COMMITTEE ILION DIVISION

DECEMBER 13, 1978

PRESENT:

COMMITTEE:

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L. FOX
J. W. BOWER, SECRETARY

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R. L. HALL
J. P. LINDE
J. S. MARTIN
J. E. PREISER
C. B. WORKMAN

The meeting convened at 10:00 A.M. at Bridgeport.

**NOT FOR REPRODUCTION
OR FURTHER DISTRIBUTION**

REM 0027535

SHOTGUNS - Contd.MODEL XSGCENTER FIRE RIFLESMODEL 700 - 7mm EXPRESS REMINGTON

Production reported that with the notification of the change in designation on December 7, a number of methods have been tried to rework the existing rifles. The methods tried have yielded Barrels with diameters smaller than model drawing in the roll mark area, and has increased the clearance between the Stock and Barrel. It now appears necessary to start new Barrels through the line, with a projected March warehouse of this rifle.

Production further reported that the roll mark is not complicated, but it will be necessary to have the selected designation as soon as possible to avoid any further delay.

Marketing questioned if there was a safety problem if Barrels were reduced below model drawing. Research responded that there would not be a safety problem. The Chairman remarked that there should be no guns produced with undersized Barrels.

Production stated that it will cost approximately \$100,000 to scrap the Barrels that have already been marked 7mm-06. Research said that there was a possibility of obliterating the 7mm-06 marking, remarking the Barrels as 280 caliber, and selling them on the export market. This will be investigated.

Production asked if a new caliber designation had been decided upon. Marketing responded that 7mm Express Remington will probably be the designation. Production asked if this was firm enough to proceed with a new run of Barrels and produce as far as roll mark. Marketing responded that it was firm.

REM 0028189REM 0027536

CENTER FIRE RIFLES - Contd.MODEL 700-600 FIRE CONTROL IMPROVEMENTS

Research reported that several prototype Fire Controls have been made that allow the user to open the gun with the Safety on, and yet still include the Bolt lock feature. Two of these have been given to Marketing for use with focus panels. Work is in progress to develop a revised design of a retrofittable Fire Control that will block both the Hammer and Sear. Research is also conducting a survey of competitive guns, and are developing a position on exactly what Bolt Action Safeties should do. This report should be ready for review at the January meeting.

MODEL 600 RESTYLING

Research reported that five (5) models, with various cosmetic changes to the Action and Stock, have been delivered to Marketing for a focus panel.

MODEL 788 RESTYLED

Research reported that a new Stock has been fabricated and accepted by Marketing. The drawings will be finished by December 15, and prints will be furnished to Production.

Further discussions are to be held with Marketing on December 18, about cosmetic changes on the Action.

MODEL 788 NEW CALIBERS

Research reported that updated drawings for the 30-30 caliber have been completed and turned over to Production for cost estimating. A prototype of the 22 Hornet is being chambered and will be ready by December 15.

Production reported that engineering estimates have been completed for the 30-30 caliber showing various process alternatives. Economics are being prepared and should be available in January.

REM 0027537 I

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FIREARMS - TRAPS

MINUTE #2 - 1979

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OPERATIONS COMMITTEE ILION DIVISION

JANUARY 24, 1979

PRESENT:

COMMITTEE:

J. P. McANDREWS, CHAIRMAN
E. F. BARRETT
E. HOOTON, JR.
E. B. BEATTIE
L. FOX
J. W. BOWER, SECRETARY

OTHERS:

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W. J. BOETTNER
L. J. BOYLE
J. W. BROOKS
M. F. DE MAYO
W. H. FORSON, JR.
R. L. HALL
J. W. MARTIN
J. P. LINDE
J. E. PREISER
L. L. PRESNELL
R. S. SWARTZ

The meeting convened at 11:25 A. M. at Ilion.

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REM 0028073.1

CENTER FIRE RIFLES - Contd.MODEL 700 CLASSIC - Contd.

Currently, this process is being used on all Classics and will be introduced, across the board, on all Model 700's by mid-February.

Samples of new and old style Classics were shown to demonstrate the appearance difference of the clean Barrel and the improved metal finish.

SEMI-ANNUAL FIREARMS - TRAP DEVELOPMENT SCHEDULE

The items on the Development Schedule were reviewed.

ITEM 1 - BOLT ACTION FIRE CONTROL IMPROVEMENTS

Research reported that a program has been instituted to design new Fire Controls for the entire Bolt Action line. Three Fire Controls have now been developed that allow the Safety Arm to be in the "ON" position for unloading the rifle. Two have Bolt Locks that are independent of the Safety Arm. These Fire Controls are on prototype rifles that are to be shown to a Marketing focus panel. Research also has another design on the drawing board that includes a Sear Block and Trigger Block. It should be possible to define model requirements by March.

ITEM 2 - BOLT ACTION CARBINE STYLING

Research reported that six (6) rifles with new carbine styling have been furnished to Marketing for a January focus panel. Two (2) of these models were reviewed with the Committee. These models included some of the following proposed features:

- . Restyled Stock -
- . Walnut or Birch wood
- . Improved wood finish
- . Checkering
- . Sling Strap and Swivel
- . New Sights
- . New metal Trigger Guard
- . New Bolt Handle
- . Improved metal finish

REM 0028074 1

OPERATIONS COMMITTEE

FIREARMS - TRAPS

MINUTE #8 - 1979

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OPERATIONS COMMITTEE
ILION DIVISION

APRIL 18, 1979

PRESENT:

COMMITTEE:

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E. HOOTON, JR.
E. B. BEATTIE
J. W. BOWER, SECRETARY

OTHERS:

W. J. BOETTNER	W. H. FORSON, JR.
H. K. BOYLE	P. H. HOLMBERG
W. H. COLEMAN II	R. B. HURLEY
M. F. DE MAYO	J. P. LINDE
W. L. ERICKSON	J. S. MARTIN
J. E. PREISER	K. C. ROWLANDS

The meeting convened at 9:00 A.M., in Bridgeport

IREM 0028055

CENTER FIRE RIFLESBOLT ACTION FIRE CONTROL - Contd.

The present design has a mechanism to block the Trigger as well as the Sear. Research is also considering using an interceptor lever to support the Sear if the Trigger fails to reposition itself properly.

Research further reported that, if practical, they would like to design the Safety so it can be placed on "safe" at any point in the firing and cocking cycle. In the present rifle, this is impossible as the Sear cannot be blocked by the Safety because the Firing Pin Head is in the way.

Research plans to begin layouts of two designs in May, one of which will satisfy the preceding requirements, and begin fabricating model parts in June. It now appears that a prototype Fire Control will be ready for testing in September.

BOLT ACTION CARBINE

Research reported that the focus panel report has been received by Marketing, and a copy furnished to Research. Research is now waiting on Marketing's decision on what combination of features should be included in the final design prototype.

Marketing reported that they are presently working on a comprehensive Bolt Action marketing study that includes a carbine for future introduction. Based on the findings to date, Marketing sees a market position, and opportunity for Remington, for a carbine between the Model 788 and Model 700 ADL. When their Bolt Action marketing strategy is complete, Marketing will give a full report to the Committee.

Marketing's recommendations concerning desirable marketing features for a Bolt Action Carbine will be finalized and given to Research before the end of the month.

IREM 0028057 1

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FIREARMS - TRAPS

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D. K. DAUBENSPECK
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J. W. BOWER

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OPERATIONS COMMITTEE ILION DIVISION

FEBRUARY 20, 1980

PRESENT:

COMMITTEE

E. F. BARRETT, CHAIRMAN
J. P. GLAS
E. HOOTON, JR.
L. FOX
M. F. deMAYO
J. W. BOWER, SECRETARY

OTHERS

H. K. BOYLE	R. J. LONG
J. W. BROOKS	J. E. PREISER
W. H. FORSON, JR.	T. W. RAWSON
R. L. HALL	L. J. SCOTT
P. H. HOLMBERG	C. B. WORKMAN
J. P. LINDE	

The meeting convened at 11:20 A.M., in Ilion.

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IREM 0028012

February 20, 1980

CENTER FIRE RIFLESMODEL 700 BOLT LOCK - Contd.

The Chairman commented that, because of the purpose of this change, it is important to emphasize this item. Research felt that they could have a prototype available in May.

MODEL 700 FIRE CONTROL IMPROVEMENTS
(1982 Introduction)

Research reported that the two Fire Control designs have been assembled. The design with a Sear Block Safety is complete and ready for testing. The design with a Sear and Trigger Block Safety is still in the revision stage. All components necessary for the second model have been made except for the Safety arm. Scheduled assembly is mid-March.

BOLT ACTION CARBINE
(1982 Introduction)

Research reported that Actions in all five calibers have been assembled and will be ready for testing by the end of February.

Production reported that engineering estimates are being prepared based on preliminary drawings supplied by Research. Production expects to have high-spot costs available for review with Research in April.

PISTOLSXP-100 - 7MM BR REM. CALIBER
(1980 Introduction)

Production reported that due to the favorable customer reception to this model, they have amended the trial and pilot procedures, and are processing a larger than normal quantity of components, which are expected to be ready in March (Exhibit 6).

Barrel Blanks have been started. Tooling is available to process these blanks through cut-off and crown, which is about half way through the sequence of operations. Production is closely monitoring tool deliveries, and are expediting where possible. The goal is to have Barrel Assemblies complete in early March.

Sample Front Sight Ramps have been completed. Required revisions to the powder metal coining tools have been accomplished, and a production run of Ramps is scheduled for the first week of March.

REM 0028014 1

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FIREARMS - TRAPS

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OPERATIONS COMMITTEE ILION DIVISION

MAY 14, 1980

PRESENT:

COMMITTEE

E. F. BARRETT, CHAIRMAN
J. P. GLAS
J. G. WILLIAMS
L. FOX
G. D. CAMPBELL, SECRETARY

OTHERS

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N. J. RUSSO
C. B. WORKMAN

The meeting convened at 11:25 A. M., at Ilion.

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IREM 0028003 1

CENTER FIRE RIFLESMODEL 700 FIRE CONTROL IMPROVEMENTS
(1982 Introduction)

Research reported that work is proceeding on three separate designs. New components for the original design are being fabricated. A Fire Control of the second design will be ready for assembly the week of May 26. A third design is in progress with parts being fabricated in the Model Shop. This third design will use existing Model 700 components, adding features of the Trigger Block and Sear operation from the first two designs. Tests will begin in mid-June.

In response to a question from the Chairman, Research indicated that none of the designs have been reviewed with Production or Marketing. The Chairman asked that this program be reviewed again in July.

BOLT ACTION CARBINE
(1982 Introduction)

Production reported that high spot factory costs for the Bolt Action Carbine with a custom checkered birch Stock have been determined and submitted to Marketing and Research. At Marketing's request, an additional estimate is being prepared using a cut checkered walnut Stock. A suggested retail selling price will be calculated for each option using current sales margins for the Model 700.

Research reported that function tests for all calibers are being run this week. Models in 7MM-08 REM Caliber for a Marketing field test are on schedule.

Research is reviewing the factory cost estimate. If redesign is not required, an updated parts list and drawings will be furnished to Process Engineering to be used for final cost purposes.

PISTOLSMODEL XP-100 - 7MM BR REM
(1980 Introduction)

Research reported that trial and pilot for this gun has been successfully completed.

IREM 0028005

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OPERATIONS COMMITTEE (Ammunition and Firearms)

Minute #14 - 1980

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P. F. CUNNINGHAM
B. K. DAUBENSPECK
W. H. FORSON, JR.
L. FOX
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J. P. GLAS
K. D. GREEN
R. L. HALL
R. B. HARTMAN
P. S. HEBERT
A. J. HERMANDORFER

P. H. HOLMBERG
E. HOOTON, JR./F. T. MILLENER
G. W. HOWELL
J. P. McANDREWS
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W. L. TOMER
J. G. WILLIAMS
C. B. WORKMAN

COPY NO. 5

Bridgeport, Connecticut
August 27, 1980

JOINT OPERATIONS COMMITTEE AMMUNITIONS-FIREARMS DIVISIONS

July 17, 1980

Present:

Committee

E.F. Barrett, Chairman
E.B. Beattie
G.D. Campbell, Ilion Secretary
B.K. Daubenspeck, Bpt Secretary
L. Fox
J.P. Glas
E. Hooton, Jr.
T.W. Rawson
J.G. Williams

Other

J.R. Ayers
J.W. Bower
H.K. Boyle
J.C. Callahan
W.H. Coleman
W.L. Ericson
B. Estrin
R.L. Hall
R.B. Hartman
P.S. Hebert
A.J. Hermandorfer
P.H. Holmberg
G.W. Howell
R.B. Hurley
J.P. Linde
F.T. Millene
W.D. Nickel
W.L. Penn
J.E. Preiser
G.E. Puckett
L.J. Scott
R.S. Swartz
W.L. Tomek
C.B. Workman

The meeting convened at Bridgeport at 9:00 a.m.

IREM 0027998

-2-

During the coming year, examples of improvements that will be made are:

- M/580-788 - Fire control redesign and reprocess
- M/600 - Fire control redesign Safety and Housing
Side Plates
- M/788 - Improve Bolt Handle fastening

These items will be supplemented with other improvements that are devised and implemented by R & D and Production people during the year.

EXHIBIT 14-2

[REM 0027636]

[REM 0028345]

FIREARM'S RESEARCH DIVISION
ALLOCATION OF RESOURCES

<u>CATEGORY</u>		<u>ENG. MANPOWER</u>	<u>BUDGET 1980</u>	<u>ENG. MANPOWER</u>	<u>BUDGET 1981</u>
I	NECESSITY	2.2	255M	2.5	335M
II	COMMITMENTS	20.5	1,980M	21.2	2,695M
III	NEW INITIATIVES				
IV	OTHER WORK				
		31.9	2,890M	36.0	3,525M

CHART XXXV

FIREARM'S RESEARCH DIVISION

CATEGORY I

NECESSITY

	<u>ENG. MANPOWER</u>	<u>BUDGET 1980</u>	<u>ENG. MANPOWER</u>	<u>BUDGET 1981</u>
M700 BOLT LOCK	.7	115M	.5	75M
M700 FIRE CONTROL	1.2	120M	1.5	200M
M788 SAFETY	.3	20M	.5	60M
	2.2	255M	2.5	335M

CHART XXXVI

IREM 0028347

IREM 0028000

OPERATIONS COMMITTEE

FIREARMS - TRAPS

MINUTE # 14 - 1982

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E.B. BEATTIE
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C.A. RILEY
M.C. ZUMSTEG

H.K. BOYLE
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J.R. AYERS
T.W. RAWSON
G.D. CAMPBELL

COPY NO. _____

OPERATIONS COMMITTEE

ILION DIVISION

JULY 28, 1982

PRESENT:

COMMITTEE:

E.F. BARRETT, CHAIRMAN
R.E. FIELITZ
R.L. HALL
E. HOOTON, JR.
J.G. WILLIAMS
G.D. CAMPBELL, SECRETARY

OTHERS:

J.W. BOWER
H.K. BOYLE
T.L. CAPELETTI
W.W. COOK
W.H. FORSON, JR.
P.H. HOLMBERG
J.P. LINDE
T.W. RAWSON
L.J. SCOTT
R.E. SCHRADER
C.B. WORKMAN

The meeting convened at 8:35 AM.

IREM 0027948

REMINGTON ARMS COMPANY, INC.

INTER-DEPARTMENTAL CORRESPONDENCE

Remington
GUPONPETERS
GUPONXc: J. W. Brooks
J. S. Martin
F. E. Martin

"CONFINE YOUR LETTER TO ONE SUBJECT ONLY" _____

April 30, 1982

TO: C. B. WORKMAN
 FROM: T. L. CAPELETTI *TC*
 SUBJECT: BOLT ACTION RIFLE DEVELOPMENT — REPLACEMENT FOR MODEL 700

Based on our discussion Friday, April 23, the proposed specifications for bolt action rifle development are as follows:

A. Preferred Design B. Contingency Design #1 C. Contingency Design #2

1) Receiver

- | | | |
|-------------------------------------|-------------------------------------|-----------------------------------|
| a) Flat bottom octagonal | a) Round bottom octagonal | a) Full round |
| b) Integral recoil lug | b) M/700 - thicker | b) M/700 - thicker |
| c) Integral & standard scope mounts | c) Integral & standard scope mounts | c) Standard scope mounts |
| d) Anti-bind bolt | d) M/700 - no bind | d) M/700 - no bind |
| e) Front lock
— two lug system | e) Front lock
— two lug system | e) Front lock
— two lug system |
| f) Short and long actions | f) Short and long actions | f) Short and long actions |
| g) New bolt stop-release | g) New bolt stop-release | g) M/700 |

REM 0027949

A. Preferred DesignB. Contingency Design #1C. Contingency Design #22) Safety

a) Block trigger and firing pin

a) Block trigger and firing pin

a) Block trigger and sear

b) Reposition switch to bolt plug

b) Reposition switch to tang

b) M/700

c) Independent bolt lock

c) Independent bolt lock

c) No bolt lock

d) Cocking indicator

d) Cocking indicator

d) Cocking indicator

3) Fire Controla) Fully adjustable in stock - With limits on engagement
- Safe lower limita) Weight of pull adjustable in stock
- Pre set engagement and overtravel

a) Tamper proof M/700

b) Standard trigger

b) Standard trigger

b) Double set trigger

c) Exposed components
- No housing

c) Skeletonized housing

c) Skeletonized housing

4) Barrel

a) High gloss without removing hammer marks

a) High gloss without removing hammer marks

a) M/700

b) Light weight contour

b) Light weight contour

b) Light weight contour

c) Target crown

c) Target crown

c) Target crown

d) Recoil reducing muzzle device - Option

d) Recoil reducing muzzle device - Option

d) No recoil reducing device

e) Stainless steel - Option

e) Carbon steel

e) Carbon steel

f) Clean barrel

f) Drilled & tapped for iron sights
- no sights

f) Iron sights

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