

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

BARBARA SEYFERTH, or herself,)
as Executor of the Estate of)
DIETER H. SEYFERTH, and as)
representative and next friend)
of her minor child, NORBERT)
SEYFERTH, and DIETER SEYFERTH,)
JR., and GERHARD SEYFERTH,)

No. 83 L 17606

Plaintiffs,)

v.)

JOSEF OFFENWANGER AND REMINGTON)
ARMS COMPANY, INC., a foreign)
corporation,)

Defendants.)

JOSEF OFFENWANGER,)

Counterplaintiff,)

v.)

REMINGTON ARMS COMPANY, INC.,)
a foreign corporation,)

Counterdefendant.)

ORDER

THIS CAUSE COMING ON TO BE HEARD on "Plaintiff's Motion To Compel and For Sanctions," "Defendant, Remington Arms Company, Inc.'s Verified Response Thereto" and "Plaintiff's Motion for Leave To File Additional, Limited Non-Expert Discovery," due notice having been given, and the Court having considered the arguments of counsel:

IT IS HEREBY ORDERED THAT:

1. Defendant Remington Arms Co., Inc. ("Remington") shall within ten (10) days file with the Court an affidavit executed by an authorized and responsible agent of Remington having personal knowledge of the matters set forth in the affidavit, which affidavit shall state whether or not Remington has maintained copies of (or a list which would identify) any complaints, gun examination reports, correspondence or other documents relating to customer claims that a Remington Model 700 rifle fired when or as a result of movement of the safety from the "safe" position to the "fire" position ("FSR"), which Remington has provided in any or all of the lawsuits which have involved claims or allegations that a Remington Model 700 rifle FSR'd and whether or not Remington has reviewed all of those documents in connection with the production of documents to the plaintiff in this case.

2. If the Remington affidavit called for above does not confirm that Remington has maintained copies of (or a list which would identify) any complaints, gun examination reports, correspondence or other documents relating to customer claims of Model 700 FSR which Remington has provided in connection with other Model 700 FSR litigation described above and has reviewed those documents in connection with its document production in this case, then Remington will promptly transmit to the attorneys who represented Remington in those other lawsuits

(whether closed or pending) a letter requesting those attorneys to review their files and determine whether or not those attorneys have in their possession copies of (or a list which would identify) any complaints, gun examination reports, correspondence or other documents relating to customer claims of Model 700 FSR supplied to them by Remington; those attorneys shall be requested to assemble those documents and any such lists and forward them to Remington's counsel in Chicago, Illinois to be available for inspection and copying by the parties in this case.

3. The Court reserves further ruling with respect to the allocation of the costs for the review and assembly of documents referred to in paragraph 2 above until Remington files the affidavit described in paragraph 1 above.

4. The Court reserves any further ruling with respect to plaintiff's motions, and plaintiff's motions are continued for report on status and further hearing to June 8, 1988 at 9:30 a.m., without further notice.

5. Discovery in this case is continued generally pending further order of Court.

JUDGE ROBERT J. VALUKAS

ENTER:

JUN 8 1988

520 MORGAN M. FINLEY
Judge Clerk of the Circuit Court

Dated: _____

Agreed as to Form:

Paul W. [Signature]
One of the Attorneys for Plaintiff

Michael B. [Signature]
One of the Attorneys for Defendant
Josef Offenwanger

William E. [Signature]
One of the Attorneys for Defendant
Remington Arms Company, Inc.