

# Remington.

OCTOBER 29, 2010

Recently CNBC produced an "expose" claiming that the trigger mechanism of the Model 700 rifle has a deadly design flaw. This claim is demonstrably false. Remington stands fully behind the safety and reliability of the Model 700 rifle. Whether by our hunters, target shooters, law enforcement officers, or military forces, the Model 700 has been put to the test billions of times under the most grueling and challenging conditions. The rifle's performance over the last five decades has led to its well-deserved reputation as the finest and most-trusted bolt action rifle in the world.

Supported by trial lawyers and a hired expert, CNBC sensationalizes tragic shooting accidents and takes decades-old documents out of context to smear Remington, its employees, and the iconic Model 700. Clearly, CNBC had no interest in providing a fair and accurate history of the Model 700. Rather, CNBC turned a blind eye to the multitude of facts - both provided by Remington and otherwise readily available - in order to demonize another member of the firearms industry.

Set forth below are Remington's itemized responses to many of the allegations made by CNBC. Remington provides these responses, with facts, as a service to its valued customers, its loyal employees, and the shooting public.

## CNBC ALLEGATION

The Model 700 rifle is prone to firing without the trigger being pulled because of a design defect in the Walker trigger mechanism.

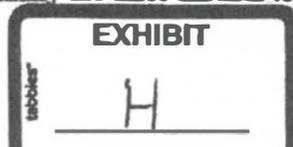
## REMINGTON FACT

Both Remington and experts hired by plaintiff attorneys have conducted testing on guns returned from the field, which were alleged to have fired without a trigger pull, and neither has ever been able to duplicate such an event on guns which had been properly maintained and which had not been altered after sale.

Mr. Belk, a paid plaintiffs' expert, was given extensive air time by CNBC to espouse his theory that the Remington 700 is defective because the trigger "connector" supposedly allows debris to interfere with the trigger mechanism (the "debris theory"). In statements made under oath, however, Mr. Belk has demonstrated the implausibility of the theory upon which he and CNBC rely.

- He admitted he has never found debris or contaminants to be interfering with the trigger and connector in a Model 700 rifle he had examined.
- He admitted that he has never attempted to duplicate his "debris theory" because the possibility of producing such an inadvertent firing is simply too remote.
- He admitted that accidental discharges can and do occur as a result of unknowing inadvertent trigger pulls, and that many use these excuses to avoid embarrassment or blame.

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## CNBC ALLEGATION

The shooting accidents featured in the CNBC program involved circumstances where the Remington Model 700 rifle fired without a trigger pull.

## REMINGTON FACT

Whenever a firearm is not handled properly, tragic accidents can occur. Each of the tragic and emotional personal injury and death cases cited by CNBC involved a breach of one or more important gun safety rules.

- Failure to keep the rifle pointed in a safe direction
- Failure to properly maintain the rifle
- Altering the rifle's trigger mechanism
- Failure to have the safety engaged when not actively engaged in firing the rifle

### BARBER ACCIDENT

The Barber rifle had been modified in multiple ways and poorly maintained (rusted action). Even so, in testing by experts for both Remington and the Barber family, the Barber rifle would fire only by pulling the trigger while the safety was in the fire position.

### JORDAN ACCIDENT

Mr. Jordan's Model 700 rifle, which CNBC alleged fired without a trigger pull, resulting in the accidental shooting of his wife, had a modified trigger. According to police reports, Mr. Jordan was carrying the rifle on a sling, and as it slipped off his shoulder, the gun discharged, striking Mrs. Jordan nearby. Mr. Jordan acknowledged that the gun's safety was in the "fire" position and also asked investigators, "do you think it could be possibly [sic] that I hit the trigger with my thumb or finger when I was reaching for the rifle?"

### ANDERSON ACCIDENT

Serious gun handling errors led to the tragic death of Kathy Anderson, another case featured on the program. The account provided by CNBC and the Andersons' attorney, Robert Chaffin - that the rifle fired when the owner was unloading his rifle in another room, and the bullet went through the wall - is unambiguously contradicted by police reports. Those reports clearly state that the shooting occurred when the owner was showing the loaded rifle to a 14-year-old boy in a room of people, including Mrs. Anderson. Testing by Remington and plaintiffs' experts verified that the firearm would only discharge when the trigger was pulled with the safety in the "fire" position.

### RAMBO ACCIDENT

Mr. Jay Rambo has a lawsuit pending against Remington. According to the allegations of the complaint, his father, Dale Rambo, was in the process of loading his rifle when the rifle fired. Because there is pending litigation in this matter Remington will not comment other than to note that its formal response to the lawsuit includes the allegation that the senior Mr. Rambo's careless and negligent handling of the rifle "was a direct and proximate cause" of his son's injuries.



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**CNBC ALLEGATION**

**Military and police agencies have had issues with Model 700s.**

**REMINGTON FACT**

**U.S. MARINE CORPS**

CNBC extracted portions of Marine Corps incident reports in an attempt to support its allegation that rifles were experiencing firing without trigger pulls. CNBC left out the facts that the Marine Corps found that the firearms in question had been improperly altered and that Marines had coded both of their incident reports "U" for "Misuse of Item" as opposed to finding the gun at fault. After its investigation, the Marine Corps revised its training and maintenance manual to limit alteration of the fire control.

**PORTLAND, MAINE POLICE DEPARTMENT**

CNBC showed a five second video of a rifle discharging when the bolt is touched by a man dressed in camouflage fatigues with his identity blocked. CNBC did not provide any information as to where the video was taken, who the shooter was, and most importantly, the condition of the gun. Remington has initiated contact with the Portland police department to inquire about the alleged problems and gain access to the guns and the officers.

**U.S. BORDER PATROL**

Remington representatives spoke with a Border Patrol official familiar with the CNBC allegation that Border Patrol officers had experienced misfires. The Border Control official advised Remington that the rifles had been improperly altered. The Border Patrol continues to utilize Walker fire controls in their Remington sniper rifles.

**U.S. MILITARY**

The Model 700 continues to be the firearm of choice for elite shooters from America's military and law enforcement communities, and has been the platform for the United States Marine Corps and U.S. Army sniper weapon systems for over two decades.

**A multitude of historical documents show that a defect in the design of the Model 700 trigger mechanism causes accidental discharges.**

During CNBC's program, portions of some isolated internal documents, going back as far as 1946, on a variety of topics, were mixed-and-matched by CNBC with other documents on unrelated topics to lead the viewer to false impressions. As the documents clearly demonstrate, both "tricking" and the "crowdriver" test refer to contrived, intentional manipulations of the trigger, not an unintended discharge as alleged in the CNBC program.

As explained in a 1979 Remington document, "tricking" required the user to first intentionally place the safety between the "safe" and the "fire" positions, then pull the



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**CNBC ALLEGATION**

**REMINGTON FACT**

trigger, then push the safety the remainder of the way forward to the "fire" position. If the firing pin released, the rifle was said to have failed the trick test. None of the events alleged to be involved in any of the shooting accidents featured in the CNBC program involved triking. In addition, even the contrived "tricking" condition only applied to the estimated 1 percent of Model 700 rifles manufactured before 1975, not to any rifles made thereafter as was put forth by CNBC.

CNBC also inappropriately relied upon 60-year-old documents created during the developmental and pilot testing phase for its proposition that the Remington 700 Walker trigger mechanism is unsafe. To the contrary, these documents underscore Remington's long-standing commitment to safety through its program of pre-production testing of its products.

**Jack Belk - Presented as the "Plaintiff Expert"**

Mr. Belk, a paid plaintiffs' expert, has made numerous statements under oath that demonstrate the implausibility of the allegations made throughout the CNBC program:

- Mr. Belk testified under oath that he has never been able to duplicate an accidental discharge of a Model 700 without a trigger pull in any of the accident guns he has examined.
- Mr. Belk has testified that he has never found debris or contaminants to be interfering with the trigger and connector in a Model 700 rifle he had examined.
- Despite his reliance on this theory as being the cause for accidental fires, Mr. Belk has testified that he has never attempted to duplicate his debris theory because the possibility of producing such an inadvertent firing is simply too remote.
- Mr. Belk has testified that he has no criticism of the design of the Model 700's manual safety mechanism.
- Mr. Belk has testified that accidental discharges can and do occur as a result of unknowing inadvertent trigger pulls, and that many use these excuses to avoid embarrassment or blame.
- Mr. Belk's focus has been in attempting to advance his "debris theory," a focus that he has not limited to the Walker trigger mechanism. Mr. Belk, as a paid plaintiffs' expert, has also advanced this theory against other gun manufacturers.



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**CNBC ALLEGATION**

**REMINGTON FACT**

**Roger James - Presented as the "Remington Insider"**

As the alleged "Remington Insider" Roger James has testified in open court, he last worked for Remington in 1993.

Mr. James never worked in the manufacturing or production of firearms; rather, he was employed in Remington's ammunition plant. In 1997, Mr. James was hired by plaintiffs' attorneys to testify in two cases involving Remington shotguns and one involving a semi-automatic rifle.

Testifying in those cases under oath, he was specifically asked whether he had "any recollection of ever hearing anyone at Remington discuss alleged accidental discharges involving bolt-action rifles." His answer was, "No, sir."

**"The complaints stack up in the 1970s after Remington recalls a similar rifle, the 600, over inadvertent discharges. But the company decides not to recall the more popular 700."**

The trigger mechanism of the Model 600 rifle at the time of the recall was different than the Model 700 rifle's trigger mechanism. In fact, when Remington recalled the Model 600 rifle, it replaced Model 600 trigger mechanisms with Model 700 trigger mechanisms.

**The 2007 X-Mark Pro is "exactly the same mechanism" that Mike Walker proposed in 1948.**

Remington has an extensive and ongoing research and development program across all of its product lines, and continuously introduces new and updated products. Remington introduced the X-Mark Pro trigger mechanism in 2007. The X-Mark Pro trigger mechanism has a one-piece trigger without a connector. Like the Walker trigger mechanism, the X-Mark Pro is a safe and reliable high performance system. Remington continues to utilize the Walker trigger mechanism in rifles sold to the U.S. military and for use in certain custom rifles as requested by our customers.

The 1948 design shown by CNBC is very dissimilar to the X-Mark Pro and, in fact, was not even Mr. Walker's, but that of another Remington engineer.

CNBC also did not note that Mr. Walker's 1948 proposal would have left the connector in place, or that when Mr. Walker designed the Model 700 in the early 1960s, he maintained the connector and incorporated a sear blocking safety mechanism, consistent with prior designs.



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**CNBC ALLEGATION**

**Instead of changing its guns, Remington changed its message to the public and developed the Ten Commandments of Firearms Safety with giant public relations firm Hill & Knowlton.**

**REMINGTON FACT**

Remington firmly stands behind the importance of gun safety and has actively supported and promoted safe gun handling practices and other safety initiatives for decades. Remington did not, however, develop the Ten Commandments of Firearms Safety. According to the Sporting Arms and Ammunition Manufacturers' Institute (SAAMI), the Ten Commandments of Firearms Safety have been in existence since the 1920s.

**"Every case is settled with a confidentiality agreement that prevents you from talking about it."**

Confidentiality agreements are a very common practice in civil litigation, and it is often the plaintiffs who want such a provision. In fact, when the Barber case was "satisfactorily resolved" in 2002, a confidentiality provision was included in the agreement at Mr. Barber's request.