

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION**

TERI SEE and DARREL SEE,

No. 3:13-cv-01765-BR

Petitioners ,

vs.

**REMINGTON ARMS COMPANY,
LLC.,** A Delaware Limited Liability
Company, and **SPORTING GOODS
PROPERTIES, INC.,** A Delaware
Corporation

**PETITION FOR RELIEF FROM
JUDGMENT TO REMEDY FRAUD ON
THE COURT**

Defendants.

**EXHIBIT 3
LETTERS REGARDING 49 GER'S PRODUCED**

July 9, 1982

James D. Hueglin
Attorney at Law
1200 Standard Plaza
Portland, OR 97204

Dear Jim:

Re: See v. Remington Arms

This will follow up our telephone conversation of July 8. I understand that you will arrange for the court reporter for the depositions that are to be taken during the week of August 15. This will also confirm that you have made arrangements to produce for deposition, in addition to the people already requested, the person or persons in Remington's Marketing Department who were primarily involved in the decision to discontinue the bolt lock feature on the Model 700. This will also confirm that you will make efforts to locate and produce for deposition Mr. Mike Walker, who I understand is retired from Remington. If he is not available for deposition, I would request that you produce his full name, address, phone number, Social Security Number and any other information in Remington's possession which will aid me in locating Mr. Walker.

I understand that you are obtaining the phone numbers of Mr. Hardy and Mr. Jay and that you are agreeable to my talking with these gentlemen on the phone prior to the August depositions for the purpose of my determining whether or not I need to take their depositions while we are back east. This will also confirm that you have agreed that I need not formally notice the depositions that we are going to take and that those depositions will be taken pursuant to the usual stipulation. Since the court reporter in New York may not know what the usual stipulation is for Oregon, I will provide a copy of that stipulation from one of the prior depositions taken in this case.

We also discussed Sperling's response to your May 19 letter and you indicated you would provide me with a copy of that letter so that I could better understand his responses. Next, I mentioned that Remington's response to my request for production no. 14 was inadequate. Number one, I cannot tell from that response what documents they do or do not have and number two, it is our position that the court has ordered Remington to produce all documents in advance of the depositions. I should not be required to

Exhibit "E"

James D. Hugel
July 9, 1982
Page Two

paw through numerous documents on the morning that depositions are scheduled to start.

I am a bit concerned that Remington may be taking a somewhat narrow view as to what depositions we are entitled to take. My concern arises from some of the comments in the communications from Sperling to you, which you have provided to me. So that there is no misunderstanding, I trust you have made it clear to Remington that I intend to take the depositions of all the people listed in my original notice of deposition in this case, with the possible exceptions of Mr. Hardy and Mr. Jay. As to those two, I will not be able to determine whether I want their depositions until I have had a chance to talk with them informally. I do want to take their depositions if I am not afforded the opportunity to talk with them in advance of our trip back east. In addition to the people listed in the notice, as mentioned above, I want to depose the original gun designer, Mr. Walker, and someone from Marketing.

As I mentioned on the phone, I have a number of problems with Remington's compliance with our request for production. I understand from my conversation with you that there is some correspondence involving the 49 other claims that Remington has not, as yet, been able to cull out from their records. I also understand that they will make these documents available to me, in Portland, prior to the August depositions. I would refer you to my request for production numbers 5 and 20. I have asked for all documents relating to other lawsuits. Thus far, I have only been given one or two documents relating to each lawsuit. I find it difficult to believe that there are not additional documents relating to these other lawsuits. Next (reference request for production number 7), no documents have been produced regarding the recall campaign for the Remington Model 600. As you know, the court has entered its order compelling production of those documents.

As to test results, I think that there is a breakdown in communication more than an unwillingness on the part of Remington to produce documents. In request for production numbers 8 and 9, I

James D. Huegli
July 9, 1982
Page Three

asked for test documents relating to the 600 and 700 Model rifles. I understand that this may call for a large quantity of information. If that is the case, I am willing to accept, for the time being, an index of such tests so that I may determine what documents I should pursue further. In addition, we have asked for tests in several very specific areas. We have asked for the test results which must have been generated by Remington in the design of the Model 700 trigger, test results for tests conducted during the design of the safety mechanism for the Model 700 and the test results which are recorded in the 49 gun examination reports. I feel that these are very specific requests which should enable Remington to locate the specific documents requested.

In request for production number 10, we requested a copy of Remington's insurance policies. Thus far, the only information I have received is that they have policy limits of \$1,000,000. There is no indication as to excess insurance. Nor is there any indication as to whether or not this policy is a "consent" policy. We are entitled to inspect any and all policies covering this loss. I would ask that these documents be produced.

In request numbers 11 and 12, we asked for documents regarding the redesign of the Model 600 trigger and safety mechanism. I get the impression from some of Remington's responses to requests that they are making a distinction between the trigger/safety problem and a redesign of the "bolt lock." It seems to me that we are getting bogged down in the niceties of what is actually being redesigned. Regardless of which part of the rifle you refer to you know, and I believe Remington knows, that I'm interested in documents relating to the redesign which resulted from the major recall of the Remington 600. I have received no adequate response to my request for documents in this area.

In response to request for production number 16, it appears that Remington has produced another copy of Chisnall's report. I already have that report. What I was asking for was a copy of the gun examination report similar to the other gun examination reports already produced. Perhaps one was not prepared on this gun. If that is the case, I would like to be so informed.

James D. Hueglin
July 9, 1982
Page Four

I suppose you, or at least your client, think I am being a pest about all the requests that I have made in this case. I would only remind you (or them) that Remington has been ordered to produce all of the documents that I have requested. I intend to do everything I can to enforce that order. As I consider most of these documents critical to the depositions which are scheduled for August, and since the federal court has already suggested that I employ the "devices" available under the federal rules to obtain the information sought, I will tell you now, and I hope that you will tell your client, that I intend to seek sanctions against them no later than the end of this month if I have not received full compliance of all my requests.

Very truly yours,

Peter R. Chamberlain

PRC:lap

JUL 16 1982

Schwabe, Williamson, Wyatt, Moore & Roberts

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July 14, 1982

* WASHINGTON STATE BAR ONLY
** OREGON STATE AND WASHINGTON STATE BARS

Peter Chamberlain
Attorney at Law
708 SW Third Avenue
Portland, OR 97204

Re: See v. Remington Arms

Dear Peter:

Thanks for your letter of July 9. I believe that my client has complied with most, if not all, of your requests. I have asked them to get whatever else they can regarding the "lawsuits" and other "claims" in response to numbers 5, 7 and 20. They, I believe, provided you with all documents regarding the recall of the 600.

As far as the tests are concerned, I have asked them to prepare a brief index if they are able to do that. I don't know whether we are talking about tests as to how much the gun weighs, what the muzzle velocity is, whether it's a marketable product, etc., but I am asking them to use their own judgment as best they can.

They have already provided you with the information in requests numbers 11 and 12 regarding redesign of the Model 600 trigger and in fact, have provided you with diagrams in that regard.

As far as number 16 is concerned, all they have is a copy of Chisnell's report. They don't have a gun examination report similar to the other gun examination reports as I understand it.

Exhibit "F"

July 14, 1982
Page 2

As far as insurance policies are concerned, your lawsuit is for \$250,000 and we've provided information that we have at least one million dollars worth of liability insurance. No useful purpose can be served going into umbrella and excess policies for Remington Arms, which has been in existence over 100 years.

Very truly yours,

James D. Huggli

JDH:lr
cc: Bob Sperling
Chuck Jackson