MR. LONGLEY: Your Honor, I wish to note the argument at this point also.

As noted, the jury returned a verdict in favor of Remington. Ruling on Muzyka's motion for a new trial, the judge indicated that the evidence should have been admitted for purposes of impeachment. "It is true that throughout the trial and especially in final argument defense counsel made remarks which could have been misleading without the jury's knowing of the 1981 design change of the rifle in question...." But the trial judge viewed the error as harmless. "[T]he Court would not hesitate to grant Plaintiff's Motion for New Trial except for the fact that the jury found a third party's negligence to have been the *sole* cause of the accident."

ANALYSIS

[1] Although counsel for Muzyka argues forcefully that the evidence of design-change should have been allowed to prove feasibility or causation, we are not prepared to say that the trial court erred in its original ruling excluding the evidence. But we are persuaded that in light of the posture of the defense, and the manner in which the evidence unfolded, especially in light of defense counsel's opening statement and closing argument, evidence of the design-change should have been permitted for purposes of impeachment. That allowance would have been consistent with both the letter and spirit of Fed.R.Evid. 407.

[2] Rulings on admissibility of evidence are entrusted to the broad discretion of the trial court. *Consolidated Grain & Barge Co. v. Marcona Conveyor*, 716 F.2d 1077 (5th Cir.1983); *Young v. Illinois Central Gulf R. Co.*, 618 F.2d 332 (5th Cir.1980). On appellate review, we will reverse the district court for an error in an evidentiary ruling only if a substantial right of a party is affected. Fed.R.Evid. 103(a); Fed.R. Civ.P. 61; *Pregeant v. Pan American World Airways, Inc.*, 762 F.2d 1245 (5th Cir.1985). The district court voiced second thoughts about excluding the evidence, but in denying the motion for a new trial expressed the view that if error was made, it was harmless. We must disagree with this assessment. As we held in *Johnson v. William C. Ellis & Sons Iron Works*, 609 F.2d 820, 823 (5th Cir.1980): "It is not for us to decide that the effect of what was excluded might not have altered the jury's views.... [I]f there is a reasonable likelihood that a substantial right was affected, we should not find the error harmless."

It is obvious from the record that the rifle discharged unexpectedly. As posited to the jury, the rifle fired for one of two reasons—either Melton accidentally touched the trigger or, as he testified, the rifle malfunctioned and the weapon fired as he moved the bolt into the down and lock position. The jury received the evidence about Melton's method of handling and attempting to unload the rifle. The jury heard considerable expert testimony about the design and function of the bolt and the safety. The jury was told that the Remington Model 700 rifle was not only a fine and safe gun but that it was the standard against which all competition was measured and that it embodied the ultimate in gun safety. The rifle was described as the premier rifle, *the* best and *the* safest rifle of its kind on the market. The three-position safety which allows the unloading of the gun with the safety on was disparaged by defense witnesses.

Having received that evidence, the jury was denied evidence in impeachment of the experts who spoke in those superlatives. The witnesses were not asked to explain why the safety on the Model 700 series was changed within weeks of the subject accident. They may have had reasons why the safety and the bolt operation on the safest and best and most popular rifle was redesigned. They may have had reasons why the three-position safety became acceptable. Whatever those reasons, we are persuaded that the jury was entitled to hear them and to evaluate and weigh that evi-