

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

**TERI SEE and DARREL SEE,**

No. \_\_\_\_\_

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 28  
SPERLING DEPOSITION EXCERPTS**

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

**COPY**

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 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 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 --