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RECEIVED
604-8934 Reg ✓
OCT 13 1981
R. B. SPERLING

E. Richard Bodyfelt
Barry M. Mount
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SEP 23 1981

September 21, 1981

Mr. Chuck Jackson
Claims Adjuster
Liberty Mutual Insurance Company
1500 N.E. Irving
Portland, OR 97232

Re: See v. Remington Arms
P604-8934REG

Enclosed you will find the document(s) listed below for:

() Judge's signature (X) Your information () Other: _____
(X) Filing () Recording _____

- | | | |
|------|---|---------------------------------|
| Enc: | () Affidavit | () Notice of Deposition |
| | () Answer | () Order |
| | () Check \$ _____ | () Petition |
| | → () Complaint | () Praecipe |
| | () Confirmation card
(Please complete & return) | () Receipt of _____ |
| | () Cost Bill | () Reply |
| | () Decree | () Request for Production |
| | () Judgment | () Response |
| | () Memorandum | () Satisfaction of Judgment |
| | () Motion | () Sheriff's Return of Service |
| | () Other: _____ | |

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5 Of Attorneys for Plaintiff
6
7

8 UNITED STATES DISTRICT COURT

9 FOR THE DISTRICT OF OREGON

10 TERI SEE and DARREL SEE,)
wife and husband,)

11 Plaintiffs,)

12 v.)

13 REMINGTON ARMS COMPANY, INC.,)
14 a Delaware corporation,)

15 Defendant.)

Civil No. 81-886

C O M P L A I N T

(Civil Action for Personal
Injury and Loss of Consortium)
AND DEMAND FOR JURY TRIAL

16 For her CLAIM FOR RELIEF, plaintiff Teri See alleges:
17

18 I

19 Plaintiff is an individual who, at all material times,
20 resided within and is a citizen of the State of Oregon.

21 II

22 Defendant is a Delaware corporation and is a citizen of
23 that state.

24 III

25 The amount in controversy, exclusive of costs, exceeds
26 \$10,000.

///

1 IV

2 Jurisdiction of this Court is pursuant to 28 USC 1332.

3 V

4 Defendant is in the business of designing, manufacturing
5 and selling firearms, including a rifle known as a Remington
6 Model 700.

7 VI

8 On or about October 27, 1979, plaintiff suffered per-
9 sonal injury, as more fully set forth below, as a result of the
10 unexpected discharge of a Remington Model 700 rifle designed,
11 manufactured and sold by defendant.

12 VII

13 At the time said rifle left defendant's hands, it was in
14 an unreasonably dangerous and defective condition in the follow-
15 ing particulars:

16 (1) The rifle could not be unloaded without disengaging the
17 safety; and

18 (2) The trigger mechanism could be moved despite the fact
19 that the safety was engaged; and

20 (3) The trigger mechanism was designed such that it was
21 susceptible to becoming contaminated by dirt and debris; and

22 (4) The rifle failed to meet the reasonable expectations of
23 the average consumer in that it discharged without warning as the
24 safety was being disengaged; and

25 (5) The rifle was sold and placed in the stream of commerce
26 without adequate warnings and instructions.

1 VIII

2 The rifle was in substantially the same condition at the
3 time it caused plaintiff's injuries as it was when it left defen-
4 dant's hands and was being handled in a manner foreseeable to
5 defendant.

6 IX

7 As a result of the above-described accident, plaintiff
8 suffered injury, including severe and permanent injury to both of
9 her legs, which has required medical care, all to plaintiff's
10 general damages in the sum of \$250,000. In addition, plaintiff
11 has incurred special damage, including lost wages, medical
12 expenses and hospitalization expenses in the sum of \$15,000.

13 X

14 Plaintiff will incur additional medical expenses in the
15 future.

16 XI

17 Plaintiff's earning capacity has been impaired.
18 For his CLAIM FOR RELIEF, plaintiff Darrel See alleges:

19 XII

20 Plaintiff is an individual who, at all material times,
21 resided within and is a citizen of the State of Oregon.

22 XIII

23 Realleges paragraphs II, III, IV, V, VII, and VIII.

24 XIV

25 On or about October 27, 1979, plaintiff's wife suffered
26 personal injury, as more fully set forth above, as a result of

1 the unexpected discharge of a Remington Model 700 rifle designed,
2 manufactured and sold by defendant.

3 XV

4 The unreasonably dangerous and defective condition of
5 the rifle caused plaintiff's wife's injuries, more fully
6 described above, and caused plaintiff the loss of companionship,
7 society and services of his wife, all to plaintiff's damages in
8 the sum of \$25,000.

9 WHEREFORE, plaintiff Teri See prays for judgment against
10 defendant as follows:

- 11 1. For \$250,000 general damages;
- 12 2. \$12,500 for medical expenses and hospitalization
13 expenses incurred to date;
- 14 3. \$2,500 for lost wages;
- 15 4. For her costs and disbursements incurred herein;

16 And plaintiff Darrel See prays for judgment against
17 defendant as follows:

- 18 5. For \$25,000 on his claim for relief for loss of consor-
19 tium; and
- 20 6. For his costs and disbursements incurred herein.

21 BODYFELT, MOUNT & STROUP

22 By

23 Peter R. Chamberlain, Of
Counsel for Plaintiffs

24 Plaintiffs demand trial by jury.

25 BODYFELT, MOUNT & STROUP

26 By

Peter R. Chamberlain, Of
Counsel for Plaintiffs

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