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5 Attorneys for Plaintiffs

6  
7

8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE DISTRICT OF OREGON

10 TERI SEE and DARREL SEE, )  
wife and husband, )  
11 Plaintiffs, ) Civil No. 81-886  
12 )  
v. )  
13 REMINGTON ARMS COMPANY, INC., ) MOTION TO COMPEL PRODUCTION AND  
REQUEST FOR ORAL ARGUMENT; AND  
14 a Delaware corporation, ) AFFIDAVIT OF PETER R. CHAMBERLAIN  
15 Defendant. )

16 Pursuant to FRCP 37(a), plaintiffs move this court for  
17 an order requiring defendant to produce the following:

- 18 1. All documents which relate in anyway to any recall  
19 campaigns for defendant's Model 600 rifle.  
20 2. All documents relating to all tests performed by  
21 defendant on its Model 600 rifle.  
22 3. All memoranda, correspondence, reports, letters or other  
23 documents generated as part of defendant's design, manufacture, testing  
24 and/or modification of the safety mechanisms on defendant's Model 600  
25 rifle.  
26 4. All memoranda, correspondence, reports, letters or other

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AFFIDAVIT OF PETER R. CHAMBERLAIN

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1 documents generated as a part of defendant's design, manufacture,  
2 testing and/or modification of the trigger mechanisms on defendant's  
3 Model 600 rifle.

4 . 5. All manufacturing, trade and governmental standards,  
5 codes or regulations with which defendant complied or attempted to  
6 comply, whether suggested, voluntary or mandatory in the design,  
7 manufacture and sale of the Remington Model 600 rifle.

8 6. All documents relating to all tests performed by the  
9 defendant on its Model 700 rifle.

10 Plaintiffs did previously on the 30th day of September,  
11 1981, pursuant to FRCP 34, serve a request upon the defendant for  
12 the above discovery and inspection. By letter dated February 23, 1982,  
13 defendant served upon plaintiffs a written response to the request  
14 objecting to the request noted above. Defendant objected to Items 1  
15 through 5 above on the basis that the requested documents were  
16 irrelevant and immaterial, and that said request was cumbersome and  
17 burdensome. Defendant further objected to Item 6 above as being too  
18 broad to enable defendant to adequately comply.

19 Plaintiffs' motion is based on the grounds that the requested  
20 documents are proper objects of discovery. Although the plaintiffs'  
21 complaint alleges damages resulting from a defect in defendant's  
22 Model 700 rifle, it is plaintiffs' contention that the defendant's  
23 Model 600 has substantially the same history of defects and that there  
24 is discoverable material in the documents requested concerning the  
25 Model 600 which is relevant and applicable to the alleged defects  
26 of the Model 700 rifle.

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1 for preparation of the case for the plaintiffs.

2 9. I was informed that said documents are in the custody,  
3 care and control of the defendant and may constitute or contain evidence  
4 relevant to the matters involved in this action.

5 10. On September 30, 1981, I requested defendant's attorney  
6 to permit inspection of such documents and to make copies thereof at  
7 plaintiffs' expense, but defendant's attorney has not produced any  
8 of such documents.

9 /s/ Peter R. Chamberlain  
10 Peter R. Chamberlain

11 Subscribed and sworn to before me this 9<sup>th</sup> day of  
12 April, 1982.

13  
14 151 W. 11th St. E. Portland  
15 Notary Public for Oregon  
16 My Commission Expires: 9-21-82

CERTIFICATE — TRUE COPY

I hereby certify that the foregoing copy of motion to compel and request for oral argument and affidavit is a complete and exact copy of the original.

Dated April 9, 1982

Attorney(s) for Plaintiffs

ACCEPTANCE OF SERVICE

Due service of the within is hereby accepted on , 19 , by receiving a true copy thereof.

Attorney(s) for

CERTIFICATES OF SERVICE

Personal

I certify that on , 19 , I served the within on attorney of record for by personally handing to said attorney a true copy thereof.

Attorney(s) for

At Office

I certify that on , 19 , I served the within on attorney of record for by leaving a true copy thereof at said attorney's office with his/her clerk therein, or with a person apparently in charge thereof, at , Oregon.

Attorney(s) for

Mailing

I hereby certify that I served the foregoing MOTION TO COMPEL PRODUCTION AND REQUEST FOR ORAL ARGUMENT; AND AFFIDAVIT OF PETER R. CHAMBERLAIN on the following attorneys on the 9th day of April, 1982, by mailing to each a true copy thereof, certified by me as such, contained in a sealed envelope, with postage paid, addressed to said attorneys at the last known address of each shown below and deposited in the post office on said day at Portland, Oregon:

James D. Huegli
1200 Standard Plaza
1100 S.W. 6th Avenue
Portland, OR 97204

/s/ Peter R. Chamberlain
Attorney(s) for Plaintiffs

BODYFELT, MOUNT & STROUP

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SCHWABE, WILLIAMSON, WYATT, MOORE & ROBERTS

ATTN: Bridgeport Claims

PD 186-8178

WASHINGTON, D.C. 20007

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March 23, 1982

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

Peter R. Chamberlain  
Attorney at Law  
222 SW Morrison Street  
Portland, OR 97204

Re: See v. Remington Arms

Dear Pete:

This will confirm that the depositions of Mrs. See, Jim McDermitt and Sgt. Laughman will be taken in Phil Nelson's office on Friday, April 2 beginning at 1:30 p.m. Please find enclosed the Notice of Depositions.

I have made arrangements for a court reporter to be present as well.

Thank you for your assistance.

Very truly yours,

James D. Huegli

JDH:lr  
cc: Phil Nelson  
Rance Smith

MAR 25 1982