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October 4, 1982

<sup>0</sup> WASHINGTON STATE BAR ONLY  
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RECEIVED

OCT 8 1982

R. B. SPERLING

Mr. Peter R. Chamberlain  
Attorney at Law  
214 Mohawk Building  
708 S.W. Third Street  
Portland, Oregon 97204

Re: See v. Remington

Dear Peter:

I have approved the pretrial order as drafted, but would make the following comments.

First, I want to make certain that by not including under contentions of law of the defendant that we are not waiving the contention of law as raised in subsection C of your contentions of law nor subsection E. In otherwords, I would add a defendant's contention of law as follows:

"Defendant contends that facts B through M inclusive do allege facts constituting a defense to plaintiff's claim. Defendant raises the negligence of a third party, who was aiming the rifle when it discharged injuring plaintiff, Teri See. As a matter of law, the negligence of this third party was the direct, proximate and legal cause of the injuries sustained by Teri See."

I would also suggest adding the following defendant's contention of law:

"The jury should be informed as to the existence of plaintiff's settlement with the Boudreaus and

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should be instructed in unequivocal language of the reasons for Boudreaus not being a participant in this particular lawsuit including the fact that the covenant entered into between the plaintiff and Boudreau and it's legal effect precludes Remington Arms from bringing Mr. Boudreau in as a third party defendant."

It would seem appropriate that the pretrial order should be changed in accordance with these contentions and I would ask that you include them in the pretrial order as defendant's contentions of law.

Would you please prepare the final draft of the pretrial order and forward it to our office for approval. I am sending a copy of this letter to the court to advise them that the pretrial order is in it's final days of preparation, and although it will not be filed on October 4th it will be filed within days thereafter.

Very truly yours,

James D. Huegli

JDH/djr  
cc: David Gribskov  
Bob Sperling ✓  
Honorable Judge Leavy