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R. B. SPERLING

IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PENNSYLVANIA.  
CIVIL ACTION - LAW

THOMAS JOHN BROWN, )  
Plaintiff )  
vs )  
MONTGOMERY WARD AND COMPANY, )  
INC., a corporation and )  
REMINGTON ARMS CO., INC., a )  
corporation, ) No. 865 April Term, 1971  
Original Defendants )  
vs )  
CHARLES KUNCHER, )  
Additional Defendant )

ANSWERS TO INTERROGATORIES

The plaintiff, by his attorney, William C. Stillwagon,  
answers the defendant, Remington Arms Co., Inc., as follows:

1. The witnesses to the actual happening of the accident  
were: Thomas Brown, 244 Owens Avenue, Derry, Pennsylvania; Charles  
Kuncher, 608 North Chestnut Street, Derry, Pennsylvania; Robert  
Faulk, Box 186A, Derry, Pennsylvania; John Volpe, Donahue Road,  
Greensburg, Pennsylvania; and Joseph Plencher of R. D. #1, Derry,  
Pennsylvania.

2. There are no additional witnesses.

3. N/A.

4. Those people listed above, plus an expert, the name  
of whom will be supplied at a later date; Jerome Curtain, M. D.,  
Latrobe, Pennsylvania; the Medical Records Librarian, Latrobe  
Hospital, Latrobe, Pennsylvania; and the employer of Thomas Brown,  
Blairsville Machine Company.

5. (a) Thomas John Brown.

(b) None

(c) October 27, 1947, Derry, Pennsylvania.

(d) The plaintiff reached the 11th grade in high-  
school.

(e) Plaintiff is presently married having been  
married on June 6, 1970, at St. Rose's Church  
in Snyderstown.

(f) No.

(g) N/A.

(h) The plaintiff has no criminal record whatsoever.

6. The part of the body injured was the left foot. Gunshot wound, severe, with tissue and tendon injury, fracture of the second and third metatarsal bones.

7. Yes, there is scarring, abrasions, contusions and lacerations of the foot of the plaintiff. There is a very visible and huge scar on the top and bottom of the left foot where the bullet entered and caused damages within the foot by crushing certain bones, ligaments and tendons, the same causing abrasions and contusions in and about the left foot and laceration by way of puncture from the bullet. Further, it was necessary to lacerate the foot to remove fragments remaining in the foot after the initial operation.

8. The physician who attended the plaintiff was Jerome E. Curtain, M. D., 1006 Ligonier Street, Latrobe, Pennsylvania. Mr. Brown was tended to by Dr. Curtain on 12/1/70, and he was seen on various occasions at the Latrobe Hospital from 12/6/70 thru 12/15/70 and from 12/16/70 thru 12/19/70. He was also seen on 12/21/70, 1/4/71, 1/7/71, 1/14/71, 1/21/71, 1/25/71, 1/28/71, 2/2/71, 2/9/71, 2/18/71, 2/24/71, and 3/11/71. He was also seen on later occasions where he had additional metal removed from his foot and additional hospitalization where the doctor took care of him at that time.

9. The exact amount of money necessary for future medical expenses is not ascertainable at the present time because of the nature of the wound and the injury. That information would have to be supplied at a later date.

10. The plaintiff was hospitalized as a result of the accident and was confined to Latrobe Hospital, Latrobe, Pennsylvania, where he was tended to by Dr. Curtain abovenamed.

11. X-rays were taken at the Latrobe Hospital - \$10.00.

12. No.

13. This is a rather ambiguous question. The total amount of the bills from Latrobe Hospital to date are \$759.55 and \$13.30.

14. The plaintiff's employer was Blairsville Machine Products Co., Inc., Blairsville, Pennsylvania.

(b) The plaintiff began working for Blairsville Machine Products Co., Inc., in April of 1970.

(c) His wages on beginning his work were \$2.35 per hour.

(d) He is still employed by Blairsville Machine and his present rate of pay is \$2.54 per hour.

(e) Another job opening became available which was an easier job, but enabled him to receive additional money. He bid on the job and it was given to him.

(f) N/A

(g) \$1,442.48.

(h) The plaintiff was able to return to work on March 15, 1971.

(i) Because of the plaintiff's physical incapacity, his earning power would be reduced in that he would not be able to stand or use his left foot for extended periods of time or to its fullest extent, thereby necessitating him to maintain a job similar to the one he has.

15. Prior to his employment with Blairsville Machine, the plaintiff was a member of the armed forces and his income was based on those wages of pay from the service.

16. Plaintiff is not presently aware of any loss in this respect.

17. Social Security No. 161-30-9040.

18. Yes, 1040 form. Thomas Brown, filed in Philadelphia Pennsylvania. Copies of the return are not available.

19. No, the plaintiff is still hampered in his movements and activities by the wound which he received in the left foot, and will in the future be caused to sustain rather severe pain and limitation as a result of the wound he received.

20. Yes, Plaintiff had a hernia operation some years ago and of course, the general childhood diseases.

21. Yes, plaintiff's family doctor is Dr. Oliver from Derry, Pennsylvania.

22. Yes, the plaintiff was involved in an automobile accident sometime prior to this accident and received a slight concussion. No suit was filed.

23. No.

24. He was confined to his home, but was able to ambulate by using crutches.

25. The plaintiff used only crutches and the same were supplied to him.

26. No.

27. None

28. No.

29. The plaintiff had unloaded his firearm and was standing against the automobile used to get to the sight when the accident occurred.

30. At the time Mr. Kuncher attempted to unload his rifle, the rifle was pointing towards the ground.

(b) As to the method Mr. Kuncher used to unload the rifle, everyone else had unloaded and it looked as though he had just touched the safety when the rifle discharged.

(c) The plaintiff was only standing next to his automobile when the rifle discharged.

31. (a) The defective condition was discovered upon discharge into the plaintiff's foot.

(b) Those witnesses listed in Paragraph #1 are aware of the dangerous condition of the rifle.

32. Yes, only to sight-in the rifle. The rifle was shot approximately 13 or 14 times.

33. The authorizations are properly executed and attached hereto.

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Attorney for Plaintiff

