



REMINGTON ARMS COMPANY, INC.

TELEX
964-201
STRATFORD, CT

SPORTING ARMS-AMMUNITION-TARGETS-TRAPS

939 BARNUM AVENUE
P.O. BOX 1939

TELEPHONE
203-333-1112

BRIDGEPORT, CONNECTICUT 06601

December 10, 1981

Mr. Richard W. Hall
Claims Supervisor
Liberty Mutual Insurance Co.
3715 Main Street
Bridgeport, CT 06601

Re: David Toltzman v.
Remington Arms Company, Inc., et al.

Dear Dick:

Enclosed are summons and complaint from the State of Wisconsin personally served on Remington here in Bridgeport on December 9, 1981. The summons specifies that we have 20 days from date of service in which to file an answer, which means we must respond by December 30, 1981.

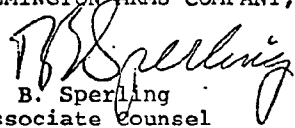
The complaint alleges that in 1978, a Remington Model 700 rifle (Serial No. A6568699) accidentally discharged while in the hands of co-defendant, Gary Lennartz, resulting in the plaintiff suffering severe injuries to his face, jaw and teeth. The plaintiff's claim against Remington is based upon the contention that the gun discharged upon release of the safety without the trigger being pulled. The plaintiff is suing Remington for \$50,000 in compensatory damages and for \$50,000 in punitive damages.

Kindly make the appropriate arrangements for the defense of Remington's interests in this matter pursuant to the terms of our policy. Please advise as to choice of counsel in accordance with our prior understanding.

Remington is incorporated under the laws of Delaware, and is not qualified to do business in Wisconsin.

Very truly yours,

REMINGTON ARMS COMPANY, INC.


R. B. Sperling
Associate Counsel

RBS:hss
2cc: Liberty Mutual
Enclosures

file

DAY & GROSS
Attorneys at Law
Spencer, Wis.

STATE OF WISCONSIN CIRCUIT COURT CLARK COUNTY

DAVID L. TOLTZMAN,)
Plaintiff,)

Vs.)

SUMMONS

GARY LENNARTZ,

and)

REMINGTON ARMS COMPANY, INC.,
a Foreign Corporation,)

Defendants.)



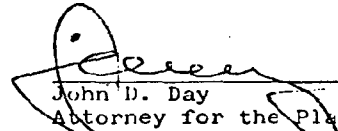
NOV 17 1981

CASE NO. 81-CR-439-S

STATE OF WISCONSIN, To said Defendants:

You and each of you are hereby summoned and required to serve upon John D. Day, plaintiff's attorney, whose address is 107 North LaSalle Street, Spencer, Wisconsin, an answer to the complaint which is herewith served upon you within twenty days after service of this summons upon you, exclusive of the day of service, and in case of your failure so to do judgment will be rendered against you according to the demand of the complaint.

DAY & GROSS
Attorneys at Law
Spencer, Wis.


John D. Day
Attorney for the Plaintiff

Post Office Address:

107 North LaSalle Street
Spencer, WI 54479

Telephone No. (715) 659-3840

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R. B. SPERLING

STATE OF WISCONSIN

CIRCUIT COURT

CLARK COUNTY

DAVID L. TOLTZMAN,

Plaintiff,

vs.

GARY LENNARTZ,

and

REMINGTON ARMS COMPANY, INC.,
a Foreign Corporation,

Defendants.



NOV 17 1981

CASE NO. 81-cr-429-S

Now comes the plaintiff in the above entitled action by his attorney, John D. Day, and as a cause of action against the above named defendants, alleges and shows to the Court as follows:

1. That the plaintiff is an adult and resides at Route 1, Spencer, Clark County, Wisconsin, and is by occupation a laborer.
2. That the defendant, Gary Lennartz, is an adult and resides to the best of plaintiff's knowledge and belief, in the City of Milwaukee, Milwaukee County, Wisconsin, and that the occupation of said defendant is unknown.
3. That the defendant, Remington Arms Company, Inc., is a foreign corporation, with its principal place of business in the City of Bridgeport, State of Connecticut, and is engaged in the business of manufacturing rifles and other firearms.
4. That on or about the 18th day of November, 1978, the plaintiff, in the company of companions, including the defendant, Gary Lennartz, was deer hunting during the open season for White Tail Deer at a location in the Town of Unity, Clark County, Wisconsin.
5. That at said time and place the plaintiff sustained a severe and disabling injury when he was shot in the face and particularly in the area of the jaw and teeth by a Remington Mode

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Attorneys At Law
SPENCER, WIS.

700 Rifle, Serial No. S/N A6568699, owned and operated by the defendant, Gary Lennartz.

6. That at the time and place of said accident, the defendant, Gary Lennartz, was negligent in the manner in which he handled and controlled the firearm held by him and allowing the same to discharge in the direction of the plaintiff.

7. That the defendant, Remington Arms Company, Inc., was negligent in the manner in which it designed the Remington Model 700 Rifle owned by the defendant, Gary Lennartz, in that the design of said rifle permitted the same to be discharged without the proper triggering of said rifle and further in the manner in which it manufactured the ammunition for said rifle.

8. That as a result of the negligence of the defendants, the plaintiff incurred medical expenses and dental expenses and lost wages because of his inability to perform his duties and has endured and will endure considerable pain, suffering and disfigurement as a result of the gunshot wound and has sustained a permanent injury, all to his damages in the sum of Fifty Thousand (\$50,000.00) Dollars.

9. That as and for a separate and additional claim for damages and cause of action against the Remington Arms Company, Inc., the plaintiff alleges that the defendant, Remington Arms Company, Inc., knew or should have known that the Remington Model 700 Rifle was dangerously defective in that the said rifle had a propensity to discharge without trigger pull upon release of the safety mechanism; that corrective design changes could have been made prior to the date of the incident of November 18th, 1978, to correct such defect; that Remington Arms Company, Inc. failed to notify users of the Remington Model 700 Rifle of the potential danger when such danger was or should have been apparent

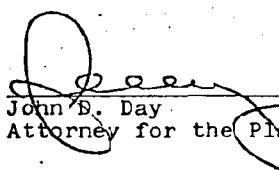
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to them and that the failure of the Remington Arms Company, Inc. to warn the users or to correct such defects constituted intentional, deliberate, reckless, willful, wanton, gross, callous, malicious, and fraudulent disregard for the safety of those persons engaged in hunting parties in which another member of the hunting party was equipped with and using a Remington Model 700 Rifle and that the plaintiff is entitled to punitive damages against the defendant, Remington Arms Company, Inc., in the amount of Fifty Thousand (\$50,000.00) Dollars in addition to all compensatory damages awarded herein.

WHEREFORE, plaintiff prays judgment as follows:

1. For the sum of Fifty Thousand (\$50,000.00) Dollars as compensatory damages against the defendants, Gary Lennartz, and Remington Arms Company, Inc., jointly and severally.
2. For the additional sum of Fifty Thousand (\$50,000.00) Dollars punitive damages against Remington Arms Company, Inc.
3. For the costs and disbursements of this action.
4. For such other and further relief as may be just and equitable.

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John D. Day
Attorney for the Plaintiff

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107 N. LaSalle Street
Spencer, WI 54479

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