



## 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

January 25, 1983

James D. Huegli, Esq.  
Schwabe, Williamson, Wyatt, Moore & Roberts  
1200 Standard Plaza  
1100 S. W. 6th Avenue  
Portland, Oregon 97204

Re: See v.  
Remington Arms Company, Inc.

Dear Jim:

In the interests of being completely candid and open in answering plaintiff's interrogatories, I believe the case of Thomsen v. Remington (presently pending in Superior Court in California) should now be reported as a claim alleging Model 700 discharge when the safety was moved from "on" to "off". The plaintiff in Thomsen is now seeking to amend his original complaint to include such a claim. Enclosed is the original complaint. Remington has not yet had an opportunity to examine the exhibit rifle. The Thomsen accident occurred on November 1, 1980, and we were served with formal complaint on February 26, 1981. The plaintiff's attorney is Richard Flores of Kroloff, Belcher, Smart, Perry & Christopherson, 1044 North El Dorado Street, P.O. Box 720, Stockton, California 95201, (Telephone: 209-943-2222).

Very truly yours,

REMINGTON ARMS COMPANY, INC.

  
R. B. Sperling  
Associate Counsel

RBS:hss

Enc.

NAME AND ADDRESS OF ATTORNEY: <b>Orlie L. Curtis</b> <b>KROLOFF, BELCHER, SMART, PERRY &amp; CHRISTOPHERSON</b> <b>P.O. Box 720; 1044 N. El Dorado Street</b> <b>Stockton, California 95201</b> <small>ATTORNEY FOR (Name)</small>	TELEPHONE NO. <b>209/943-2222</b>	FOR COURT USE ONLY
<small>Insert name of court, judicial district or branch court, if any, and Post Office and Street Address:</small> <b>Superior Court of Sacramento, California</b> <b>Sacramento County Courthouse</b> <b>720-9th Street</b> <b>Sacramento, California 95814</b>		
PLAINTIFF: <b>JO ANN THOMSEN; DUANE THOMSEN; DENNIS THOMSEN, and KRISTA THOMSEN, minors, by and through their guardian ad litem, JO ANN THOMSEN</b>		
DEFENDANT: <b>DOUGLAS T. MESSER; STATE OF CALIFORNIA DEPARTMENT OF FISH &amp; GAME; REMINGTON ARMS COMPANY, INC.; DOES I through XXX, inclusive</b>		
<b>SUMMONS</b>		CASE NUMBER <b>234401</b>

**NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.**

**¡AVISO! Usted ha sido demandado. El tribunal puede decidir contra Ud. sin audiencia a menos que Ud. responda dentro de 30 días. Lea la información que sigue.**

If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your written response, if any, may be filed on time.

Si Usted desea solicitar el consejo de un abogado en este asunto, debería hacerlo inmediatamente, de esta manera, su respuesta escrita, si hay alguna, puede ser registrada a tiempo.

**1. TO THE DEFENDANT:** A civil complaint has been filed by the plaintiff against you. If you wish to defend this lawsuit, you must, within **30** days after this summons is served on you, file with this court a written response to the complaint. Unless you do so, your default will be entered on application of the plaintiff, and this court may enter a judgment against you for the relief demanded in the complaint, which could result in garnishment of wages, taking of money or property or other relief requested in the complaint.

DATED: **FEB 19 1981** **J.A. SIMPSON**, Clerk, By **N. DIER**, Deputy

(SEAL)

**2. NOTICE TO THE PERSON SERVED: You are served**

- a. ☐ As an individual defendant.
- b. ☐ As the person sued under the fictitious name of: .....
- c. ☒ On behalf of: **Remington Arms Company, Inc.**
- Under: ☒ CCP 416.10 (Corporation) ☐ CCP 416.60 (Minor)
- ☐ CCP 416.20 (Defunct Corporation) ☐ CCP 416.70 (Incompetent)
- ☐ CCP 416.40 (Association or Partnership) ☐ CCP 416.90 (Individual)
- ☐ Other: .....
- d. ☐ By personal delivery on (Date): .....

A written response must be in the form prescribed by the California Rules of Court. It must be filed in this court with the proper filing fee and proof of service of a copy on each plaintiff's attorney and on each plaintiff not represented by an attorney. The time when a summons is deemed served on a party may vary depending on the method of service. For example, see CCP 413.10 through 415.50. The word "complaint" includes cross-complaint. "plaintiff" includes cross-complainant, "defendant" includes cross-defendant, the singular includes the plural.

**PROOF OF SERVICE**  
(Use separate proof of service for each person served)

1. I served the
  - a. ☐ summons ☐ complaint ☐ amended summons ☐ amended complaint
  - b. On defendant (Name):
  - c. By serving (1) ☐ Defendant (2) ☐ Other (Name and title or relationship to person served):
  - d. ☐ By delivery at ☐ home ☐ business (1) Date of:  
(2) Time of: (3) Address:
  - e. ☐ By mailing (1) Date of: (2) Place of:
2. Manner of service: (Check proper box)
  - a. ☐ **Personal service.** By personally delivering copies. (CCP 415.10)
  - b. ☐ **Substituted service on corporation, unincorporated association (including partnership), or public entity.** By leaving, during usual office hours, copies in the office of the person served with the person who apparently was in charge and thereafter mailing (by first-class mail, postage prepaid) copies to the person served at the place where the copies were left. (CCP 415.20(a))
  - c. ☐ **Substituted service on natural person, minor, incompetent, or candidate.** By leaving copies at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household or a person apparently in charge of the office or place of business, at least 18 years of age, who was informed of the general nature of the papers, and thereafter mailing (by first-class mail, postage prepaid) copies to the person served at the place where the copies were left. (CCP 415.20(b)) (Attach separate declaration or affidavit stating acts relied on to establish reasonable diligence in first attempting personal service.)
  - d. ☐ **Mail and acknowledgment service.** By mailing (by first-class mail or airmail) copies to the person served, together with two copies of the form of notice and acknowledgment and a return envelope, postage prepaid, addressed to the sender. (CCP 415.30) (Attach completed acknowledgment of receipt.)
  - e. ☐ **Certified or registered mail service.** By mailing to address outside California (by registered or certified airmail with return receipt requested) copies to the person served. (CCP 415.40) (Attach signed return receipt or other evidence of actual delivery to the person served.)
  - f. ☐ Other (Specify code section):  
☐ Additional page is attached.
3. The notice to the person served (Item 2 on the copy of the summons served) was completed as follows (CCP 412.30, 415.10, and 474):
  - a. ☐ As an individual defendant.
  - b. ☐ As the person sued under the fictitious name of: .....
  - c. ☐ On behalf of: .....  
Under: ☐ CCP 416.10 (Corporation) ☐ CCP 416.60 (Minor) ☐ Other:  
☐ CCP 416.20 (Defunct corporation) ☐ CCP 416.70 (Incompetent)  
☐ CCP 416.40 (Association or partnership) ☐ CCP 416.90 (Individual)
  - d. ☐ By personal delivery on (Date): .....
4. At the time of service I was at least 18 years of age and not a party to this action.
5. Fee for service: \$ . . . . .
6. Person serving
  - a. ☐ Not a registered California process server.
  - b. ☐ Registered California process server.
  - c. ☐ Employee or independent contractor of a registered California process server.
  - d. ☐ Exempt from registration under Bus. & Prof. Code 22350(b)
  - e. ☐ California sheriff, marshal, or constable.
  - f. Name, address and telephone number and if applicable, county of registration and number:

I declare under penalty of perjury that the foregoing is true and correct and that this declaration is executed on (Date): . . . . . at (Place): . . . . ., California.

(For California sheriff, marshal or constable use only)  
I certify that the foregoing is true and correct and that this certificate is executed on (Date): . . . . . at (Place): . . . . ., California.

\_\_\_\_\_  
(Signature)  
A declaration under penalty of perjury must be made if signed in California or in a state that authorizes use of a declaration in place of an affidavit; otherwise an affidavit is required.

\_\_\_\_\_  
(Signature)  
A declaration under penalty of perjury must be made if signed in California or in a state that authorizes use of a declaration in place of an affidavit; otherwise an affidavit is required.

LAW OFFICES  
KROLOFF, BELCHER, SMART,  
PERRY & CHRISTOPHERSON  
1044 NORTH EL DORADO STREET  
POST OFFICE BOX 720  
STOCKTON, CALIFORNIA 95201  
(209) 943-2222

ENDORSED:

FEB 19 1981

Plaintiffs  
Attorneys for \_\_\_\_\_

J.A. SIMPSON CLERK  
By N. Dier, Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO

JO ANN THOMSEN; DUANE THOMSEN, DENNIS THOMSEN,  
and KRISTA THOMSEN, minors, by and through  
their guardian ad litem, JO ANN THOMSEN,

Plaintiffs,

vs.

DOUGLAS T. MESSER; STATE OF CALIFORNIA  
DEPARTMENT OF FISH & GAME; REMINGTON ARMS  
COMPANY, INC., DOES I through XX, inclusive,

Defendants.

No. 294401

COMPLAINT FOR DAMAGES  
FOR WRONGFUL DEATH AND FOR  
OTHER DAMAGES

Plaintiffs JO ANN THOMSEN and Plaintiffs DUANE THOMSEN, DENNIS  
THOMSEN and KRISTIN THOMSEN, minors, through JO ANN THOMSEN, their guardian  
ad litem, allege:

FIRST CAUSE OF ACTION

(Wrongful Death - Negligence)

For a first cause of action, Plaintiffs allege as follows:

I

Plaintiff JO ANN THOMSEN is the surviving spouse of FRITZ LINNE  
THOMSEN, deceased (hereinafter referred to as "decedent"), and plaintiffs  
DUANE THOMSEN, DENNIS THOMSEN and KRISTIN THOMSEN are the minor children of  
decedent. Plaintiffs are the sole surviving heirs at law of decedent.

1 II

2 Plaintiffs are ignorant of the true names and capacities of  
3 defendants sued herein as DOES I - XX, inclusive, and therefore sue these  
4 defendants by such fictitious names. Plaintiffs will amend this Complaint  
5 to allege the true names and capacities of said defendants when the same  
6 are ascertained. Plaintiffs are informed and believe and thereon allege that  
7 each of said fictitiously named defendants is responsible in some manner for  
8 the occurrences herein alleged, and that the injuries herein alleged were prox-  
9 imately caused by said defendants.

10 III

11 Defendant DEPARTMENT OF FISH AND GAME, hereinafter referred to as  
12 "defendant Department", is and at all times herein mentioned was, a political  
13 subdivision of the State of California, duly organized and existing under the  
14 laws of said State with its principal office in Sacramento County, California.

15 IV

16 Plaintiffs are informed and believe and thereon allege that, at  
17 all times herein mentioned, Defendant DOUGLAS T. MESSER was the agent or  
18 employee of defendant Department and DOES I through V, and in doing the  
19 things hereinafter alleged was acting in the scope of such agency or employment  
20 and with the permission and consent of said employing defendants.

21 V

22 For the purpose of this action and prior to its commencement,  
23 plaintiff JO ANN THOMSEN was duly appointed guardian ad litem of plaintiffs  
24 DUANE THOMSEN, DENNIS THOMSEN and KRISTIN THOMSEN by Order of this Court.

25 VI

26 On or about November 1, 1980, at or about the hour of 11:20 p.m.,  
27 defendant MESSER entered a campsite occupied by decedent and plaintiff  
28 DUANE THOMSEN and located near Summit Level Road east of Rail Road Flat in

1 Calaveras County, California.

2 VII

3 At said time and place, defendant MESSER awakened decedent from  
4 sleep and thereafter caused decedent to awaken plaintiff DUANE THOMSEN,  
5 decedent's son, who was sleeping in a nearby vehicle. Defendant MESSER then  
6 proceeded to check to see if a gun located inside said vehicle was loaded, and  
7 in so doing, he negligently picked up, handled, examined, inspected and  
8 controlled said gun in such a way as to cause its discharge, thereby wrongfully  
9 killing decedent in the sight and presence of his son, plaintiff DUANE THOMSEN.

10 VIII

11 At all times herein mentioned, defendant MESSER was unfit, by  
12 reason of his temperament or otherwise, to perform his duties as a game warden.  
13 Defendant DEPARTMENT and DOES I-V, had received numerous complaints from private  
14 citizens regarding defendant MESSER and the performance of his duties, and  
15 therefore, said employing defendants knew or should have known of such lack of  
16 fitness of defendant MESSER. By reason of the aforementioned, defendant DEPART-  
17 MENT and DOES I - V were negligent in employing and continuing to employ de-  
18 fendant MESSER as a game warden.

19 IX

20 As a proximate result of the negligence of defendants, and each  
21 of them, decedent died on or about November 1, 1980.

22 X

23 Prior to the death of decedent, decedent's heirs, plaintiffs  
24 herein, lived with him and were totally dependent on him for their support  
25 and maintenance. At all times prior to his death, decedent was a faithful  
26 and dutiful husband and father to plaintiffs.

27 ---

28 ---

1 XI

2 As a further proximate result of the negligence of defendants, and  
3 each of them, and of the death of decedent, plaintiffs have sustained pecuniary  
4 loss of the society, comfort, attention, services and support of decedent in an  
5 amount in excess of \$15,000.

6 XII

7 As a further proximate result of the negligence of defendants, and  
8 each of them, and of the death of decedent, plaintiffs have incurred funeral  
9 and burial expenses in the sum of \$2,790, which is the reasonable value of such  
10 services.

11 XIII

12 On or about November 24, 1980, plaintiffs presented to defendant  
13 DEPARTMENT OF FISH AND GAME a claim for the injuries, losses, and damages  
14 suffered by them by reason of the above-described occurrence by mailing said  
15 claim to the Board of Control of the State of California, all in compliance  
16 with the requirements of Section 905 et seq. of the California Government Code.

17 XIV

18 That on or about January 6, 1981, said claim was rejected  
19 in its entirety by said Board of Control.

20 WHEREFORE, plaintiffs pray Judgment as hereinafter set forth.

21  
22 SECOND CAUSE OF ACTION

23 (Negligent Infliction of Emotional Distress)

24 For a second cause of action, plaintiff DUANE THOMSEN, through his  
25 guardian ad litem, alleges as follows:

26 I

27 Plaintiff realleges and incorporates by reference each and every  
28 allegation contained in Paragraphs I-IX, inclusive, XIII, and XIV of the

1 first cause of action herein.

2 II

3 Plaintiff was in close proximity to the hereinabove-described  
4 occurrence and personally witnessed the shooting death of his father, the  
5 decedent.

6 III

7 As a proximate result of the negligence of defendants, and each  
8 of them, as hereinabove described, plaintiff DUANE THOMSEN sustained great  
9 emotional disturbance and shock and injury to his nervous system, all of which  
10 has caused, continues to cause, and will cause him great physical and mental  
11 pain and suffering, all to his damage in an amount in excess of \$15,000.

12 WHEREFORE, plaintiff prays for Judgment against defendants, and  
13 each of them, as set forth hereinbelow.

14  
15 THIRD CAUSE OF ACTION

16 (Punitive Damages)

17 For a third cause of action, plaintiffs allege as follows:

18 I

19 Plaintiffs reallege and incorporate by reference each and every  
20 allegation contained in Paragraphs I, II, V, VI, VII and IX through XIV,  
21 inclusive, of the first cause of action herein and Paragraphs II and III of  
22 the second cause of action herein.

23 II

24 Defendant MESSER, in doing the things hereinabove described, acted  
25 irresponsibly and without due consideration of the safety of decedent and the  
26 others at the campsite. Said defendant has a history, predating decedent's  
27 death, of similar reckless and irresponsible behavior in performing his duties  
28 as a game warden. Said defendant, in doing the things hereinabove described,



1 was aware of the probable consequences of his conduct, but wilfully, deliberately  
2 and recklessly failed to avoid such consequences.

3 III

4 By reason of the aforementioned, defendant MESSER acted in a wilful,  
5 wanton, and reckless manner and with a conscious and deliberate disregard for  
6 the safety of others, including decedent. Said conduct and disregard on the  
7 part of defendant MESSER constitutes malice within the meaning of Civil Code  
8 Section 3294, thereby justifying an award of punitive or exemplary damages, in  
9 the sum of \$500,000.

10 WHEREFORE, plaintiffs pray for Judgment against defendants, and  
11 each of them, as hereinafter set forth.

12  
13 FOURTH CAUSE OF ACTION

14 (Wrongful Death - Products Liability)

15 For a fourth cause of action, plaintiffs allege as follows:

16 FIRST COUNT (Negligence)

17 I

18 Plaintiffs reallege and incorporate by reference each and every  
19 allegation contained in Paragraphs I, II, V and IX through XII, inclusive, of  
20 the first cause of action herein and Paragraphs II and III of the second cause  
21 of action herein.

22 II

23 Plaintiffs are informed and believe and thereon allege that defendant  
24 REMINGTON ARMS COMPANY, INC. (hereinafter referred to as "defendant  
25 manufacturer") is, and at all times herein mentioned was, a corporation  
26 organized and existing under the laws of the State of Delaware, and qualified  
27 to do business and doing business in the State of California.

28 ---

1 III

2 Defendant manufacturer is, and at all times herein mentioned was,  
3 in the business of designing, manufacturing, testing, inspecting, marketing,  
4 advertising, distributing, and/or selling to wholesalers and retail stores for  
5 consideration guns and rifles for resale to and use by members of the general  
6 public for the purpose of hunting and for other purposes.

7 IV

8 As a part of its business, defendant manufacturer designed, manu-  
9 factured, tested, inspected, marketed, advertised, distributed, and/or sold for  
10 resale to and use by members of the general public the certain 30.06 caliber  
11 rifle hereinafter referred to.

12 V

13 Plaintiffs are informed and believe and thereon allege that each of  
14 the fictitiously named defendants sued herein as DOES VI through XX designed,  
15 manufactured, tested, inspected, marketed, advertised, distributed, promoted,  
16 serviced and/or sold the certain rifle hereinafter mentioned to distributors,  
17 wholesalers, retailers and/or the general public for use as a hunting rifle.

18 VI

19 At all times herein mentioned, the defendants, and each of them,  
20 were the employers, employees, agents and servants of each other, and in doing  
21 the things herein alleged were acting within the course and scope of their  
22 authority.

23 VII

24 At all times herein mentioned, defendants, and each of them, had  
25 a duty to properly design, manufacture, test, inspect, market, advertise,  
26 distribute, promote, service, and/or sell said rifle.

27 ---

28 ---

VIII

At all times herein mentioned, defendants, and each of them, knew, or in the exercise of reasonable care should have known, that said rifle was of such a nature that if it was not properly designed, manufactured, tested, inspected, marketed, advertised, distributed, promoted, serviced and sold for the use and purpose for which it was intended, it was likely to injure the person by whom it was used.

IX

At all times herein mentioned, Defendants, and each of them, so negligently and carelessly designed, manufactured, tested, inspected, marketed, advertised, distributed, promoted, serviced and/or sold the said rifle that the same was a dangerous product, and was unsafe for the use and purpose for which it was intended.

X

On or about November 1, 1980, said rifle was in the possession of decedent and plaintiff DUANE THOMSEN in a campsite located near Summit Level Road east of Rail Road Flat in Calaveras County, California.

XI

At all times herein mentioned, said rifle had been used by decedent and by others solely for the purpose for which it was intended, namely as a hunting rifle.

XII

On or about November 1, 1980, at the hour of 11:20 p.m., said rifle was being inspected by a game warden of the Department of Fish and Game, State of California, at the aforementioned campsite.

XIII

At said time and place, and as a proximate result of the negligence of the defendant manufacturer and DOES VI through XX, and each of them, said

1 rifle was caused to discharge, thereby killing decedent in the sight and  
2 presence of plaintiff DUANE THOMSEN.

3 XIV

4 As a further proximate result of the negligence of defendants, and  
5 of each of them, plaintiff sustained the injuries and damages described in the  
6 first and second causes of action herein.

7 SECOND COUNT (Strict Liability)

8 I

9 Plaintiffs reallege and incorporate by reference each and every  
10 allegation contained in Paragraphs I through VIII, inclusive, and X through  
11 XII, inclusive, of the first count of the fourth cause of action herein, inclu-  
12 ding each and every allegation realleged and incorporated by reference therein.

13 II

14 At all times herein mentioned, defendant manufacturer and DOES  
15 VI through XX, and each of them, knew and intended that the hereinabove-described  
16 rifle would be purchased by members of the public and used by such purchasers  
17 and others without inspection for defects.

18 III

19 At all times herein mentioned, said rifle was unsafe for its  
20 intended use by reason of a defect or defects in its design, manufacture,  
21 testing, inspection, service and distribution and/or by reason of the failure  
22 of defendants, and each of them, to provide adequate warnings concerning said  
23 rifle's use. As a result thereof, a defective condition existed in the  
24 trigger, safety, and firing mechanisms of said rifle and/or in its other  
25 components.

26 IV

27 Prior to November 1, 1980, said rifle was manufactured or other-  
28 wise placed into the stream of commerce by defendants, and each of them, in the

1 hereinabove-referred-to defective condition.

2 V

3 On or about November 1, 1980, at the hereinabove-described location,  
4 and as a proximate result of the aforementioned defect or defects, said rifle  
5 was caused to discharge, thereby instantly killing decedent.

6 VI

7 As a further proximate result of the aforementioned defect or de-  
8 fects, and of the death of decedent, defendant manufacturer and DOES VI through  
9 XX are strictly liable for the injuries and damages hereinabove described in the  
10 first and second causes of action.

11 THIRD COUNT (Breach of Implied Warranties)

12 I

13 Plaintiffs reallege and incorporate by reference each and every  
14 allegation contained in Paragraphs I through VIII, inclusive, and X through  
15 XII, inclusive, of the first count of the fourth cause of action herein, inclu-  
16 ding each and every allegation realleged and incorporated by reference therein.

17 II

18 Prior to November 1, 1980, defendant manufacturer and DOES VI through  
19 XX, and each of them, sold the hereinabove-described rifle to a purchaser from  
20 whom decedent eventually acquired said rifle.

21 III

22 Prior to and at the said time the defendants, and each of them, sold  
23 said rifle, and prior to and at the time that decedent used said rifle for its  
24 intended purpose, defendants, and each of them, impliedly warranted to said  
25 purchaser and to members of the consuming public that said rifle was of  
26 merchantable quality and safe for the use for which it was intended by defendants,  
27 namely as a hunting rifle.

28 ---

IV

Said purchaser relied on the skill and judgment of defendants, and each of them, in selecting and purchasing said rifle, and the decedent further relied on said skill and judgment of the defendants, and each of them, in acquiring said rifle and in using it in a foreseeably intended manner.

V

At all times herein mentioned, said rifle was used by decedent and others in a foreseeably intended manner.

VI

Said rifle was not safe for its intended use or of merchantable quality as impliedly warranted by defendants, and each of them, in that it was sold and distributed in a dangerous condition and had dangerous properties when put to its intended use.

VII

As a proximate result of the breach of said implied warranties by defendants, and each of them, decedent was killed by the discharge of said rifle, as hereinabove described, on November 1, 1980.

VIII

As a further proximate result of the breach of said implied warranties by defendants, and each of them, and of the death of decedent, plaintiffs sustained the injuries and damages hereinabove described in the first and second causes of action.

IX

After the date of decedent's death and in the time and in the manner and form prescribed by law, notice was given by plaintiffs to defendant manufacturer of the breach of said implied warranties.

WHEREFORE, plaintiffs pray for judgment against defendants, and each of them, as follows, under the FIRST and FOURTH CAUSES OF ACTION:

1           1. For general damages according to proof at the time of trial  
2 caused by the loss of decedent's society, comfort, attention, services and  
3 support.

4           2. For the reasonable funeral and burial expenses of decedent  
5 in the sum of \$2,790.00.

6           3. For costs of suit herein; and

7           4. For such other and further relief as the Court may deem proper.

8 ---

9           Plaintiff DUANE THOMSEN prays for judgment against defendants,  
10 and each of them, as follows, under the SECOND and FOURTH CAUSES OF ACTION:

11           1. For physical and mental pain and suffering, caused by the shock  
12 and injury to his nervous system in an amount according to proof at time of  
13 trial;

14           2. For costs of suit herein; and

15           3. For such other and further relief as the court may deem proper.

16 ---

17           Plaintiffs further pray for judgment against defendant DOUGLAS T.  
18 MESSER as follows under the THIRD CAUSE OF ACTION:

19           1. For punitive damages in the sum of \$500,000.

20           2. For costs of suit herein; and

21           3. For such other and further relief as the court may deem  
22 proper.

23           DATED: 2-13-81.

24  
25           KROLOFF, BELCHER, SMART, PERRY & CHRISTOPHERSON  
26           Attorneys for Plaintiffs

27           By: Orlie L. Curtis

28           ORLIE L. CURTIS

NAME AND ADDRESS OF SENDER: <b>Orlie L. Curtis</b> <b>KROLOFF, BELCHER, SMART, PERRY &amp; CHRISTOPHERSON</b> <b>P.O. Box 720; 1044 N. El Dorado Street</b> <b>Stockton, California 95201</b>		TELEPHONE NO.: <b>209/943-2222</b>	For Court Use Only:
Insert name of court, judicial district or branch court, if any, and Post Office and Street Address: <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO</b> <b>720-9th Street</b> <b>Sacramento, California 95814</b>			
PLAINTIFF: <b>JO ANN THOMSEN; DUANE THOMSEN, DENNIS THOMSEN, and KRISTA THOMSEN, etc.</b>			
DEFENDANT: <b>DOUGLAS T. MESSER; STATE OF CALIFORNIA DEPARTMENT OF FISH &amp; GAME; REMINGTON ARMS COMPANY, INC., DOES I through XXX, inclusive,</b>			
NOTICE AND ACKNOWLEDGMENT OF RECEIPT			Case Number: <b>294401</b>

**REMINGTON ARMS COMPANY, INC.**

TO: .....  
(Insert name of individual being served)

This summons and other document(s) indicated below are being served pursuant to Section 415.30 of the California Code of Civil Procedure. Your failure to complete this form and return it to me within 20 days may subject you (or the party on whose behalf you are being served) to liability for the payment of any expenses incurred in serving a summons on you in any other manner permitted by law.

If you are being served on behalf of a corporation, unincorporated association (including a partnership), or other entity, this form must be signed by you in the name of such entity or by a person authorized to receive service of process on behalf of such entity. In all other cases, this form must be signed by you personally or by a person authorized by you to acknowledge receipt of summons. Section 415.30 provides that this summons and other document(s) are deemed served on the date you sign the Acknowledgment of Receipt below, if you return this form to me.

**KROLOFF, BELCHER, SMART, PERRY & CHRISTOPHERSON**

**23 February 1981**

Dated: ..... By: **/s/ Orlie L. Curtis**

**ORLIE L. CURTIS**

(Signature of sender)

### ACKNOWLEDGMENT OF RECEIPT

This acknowledges receipt of: (To be completed by sender before mailing)

- ☐ A copy of the summons and of the complaint.
- ☐ A copy of the summons and of the Petition (Marriage) and:
- ☐ Blank Confidential Counseling Statement (Marriage)
- ☐ Order to Show Cause (Marriage)
- ☐ Blank Responsive Declaration
- ☐ Blank Financial Declaration
- ☐ Other: (Specify)

(To be completed by recipient)

Date of receipt: .....

\_\_\_\_\_  
(Signature of person acknowledging receipt, with title if acknowledgment is made on behalf of another person)

Date this form is signed: .....

\_\_\_\_\_  
(Type or print your name and name of entity, if any, on whose behalf this form is signed)



KROLOFF, BELCHER, SMART, PERRY & CHRISTOPHERSON  
ATTORNEYS AT LAW  
1044 NORTH EL DORADO STREET  
POST OFFICE BOX 720  
STOCKTON, CALIFORNIA 95201

TELEPHONE  
AREA CODE 209  
943-2222

YALE S. KROLOFF  
RICHARD BELCHER  
CLAUDE H. SMART, JR.  
THOMAS O. PERRY  
GARY E. CHRISTOPHERSON  
J. DOUGLAS VAN SANT  
JOHN F. STRANGMAN  
DANIEL F. QUINN  
PETER A. VIRI  
ORLIE L. CURTIS  
RICHARD MALLETT

23 February 1981

C. T. CORPORATION SYSTEMS, INC.  
700 South Flower Street  
Los Angeles, California 90017

Re: Thomsen v. Messer and State of  
California Department of Fish & Game,  
Remington Arms Company, INC.,  
Sacramento County Superior Court #294401

Gentlemen:

Enclosed find Summons and Complaint which we are serving upon you on  
behalf of REMINGTON ARMS COMPANY, INC. Please sign and return the  
enclosed Notice and Acknowledgment of Service. Thank you.

Yours truly,

  
ORLIE L. CURTIS

OLC:em

C T Corporation System  
The Corporation Trust Company  
C T Law Technology, Inc.

RECEIVED

MAR 4 - 1981

R. A. PARTNOY

TO: R. A. Partnoy, Gen. Csl.

Remington Arms Company, Inc.

939 Barnum Avenue

Bridgeport, Conn. 06602

(Authorized Recipient)

RECEIVED

MAR 4 - 1981

R. B. SPERLING

VIA: ☒ Certified First Class Mail  
☐ Messenger

RE: PROCESS SERVED IN

CALIFORNIA

(Jurisdiction)

FOR REMINGTON ARMS COMPANY, INC.

(Name of Company)

DEL

(Domestic State)

Enclosed are copies of legal process received by the statutory agent of the above company as follows:

1. Title of Action: Jo Ann Thomsen; Duane Thomsen, Dennis Thomsen, and Krista Thomsen minors, by and through their guardian ad litem, Jo Ann Thomsen, vs. Douglas T. Messer, et al incl., REMINGTON ARMS COMPANY, INC.
2. Document(s) Received: ☒ Notice of Acknowledgment of Receipt ☒ Summons ☒ Complaint  
☐
3. Court: ☒ Superior Court of California, County of Sacramento, # 294401  
☐
4. Nature of Action: Pltfs. seek damages described plus costs and further relief for wrongful death of FRITZ LINNE THOMSEN on November 1, 1980 in Calaveras County, California, due to alleged negligence of the deft.
5. Process Received By: C T CORPORATION SYSTEM, Los Angeles, California, via mail.  
From: Atty. Shown Below  
Envelope Post Marked 2/23/81 enclosed.
6. Date Received: 2/26/81
7. Appearance or Answer Due: ☒ Within 30 days  
☐
8. Plaintiff's Attorney(s): Kroloff, Belcher, Smart, Perry & Christopherson  
1044 North El Dorado Street  
P.O. Box 720  
Stockton, California 95201
9. Remarks: Service was made by mail under Section 415.30 of the California Code of Civil Procedure. IMPORTANT: Please note the enclosed Memorandum regarding California Service of Process by Mail, and the enclosed unsigned Acknowledgment of Receipt of Summons.

KINDLY ACKNOWLEDGE RECEIPT BY SIGNING THE  
CARBON COPY AND RETURNING IT TO ➡

aps

RECEIVED AND FORWARDED ON 3/2/81 (Date)

BY: C T CORPORATION SYSTEM

Per

V. Colvell De

V. COLVELL, V. P.

1633 Broadway

(Address)  
New York, NY 10019

# C T CORPORATION SYSTEM



## IMPORTANT

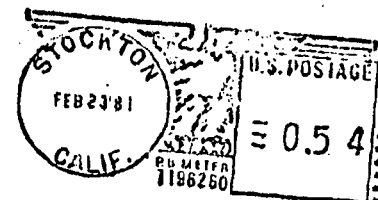
### CALIFORNIA - SERVICE OF PROCESS BY MAIL

The enclosed process was served by mail on C T Corporation System, the registered agent for service of process for this corporation in California, pursuant to Section 415.30 of the California Code of Civil Procedure. Section 415.30 (a) provides: "A summons may be served by mail as provided in this section. A copy of the summons and of the complaint shall be mailed (by first-class mail or airmail, postage prepaid) to the person to be served, together with two copies of the notice and acknowledgment provided for in subdivision (b) and a return envelope, postage prepaid, addressed to the sender." Section 415.30 (b) sets forth the prescribed form of "Notice" and "Acknowledgment of Receipt of Summons." Section 415.30 (c) provides that "Service of a summons pursuant to this section is deemed complete on the date a written acknowledgment of receipt of summons is executed, if such acknowledgment thereafter is returned to the sender."

The execution and return of the "Acknowledgment of Receipt of Summons" is a matter for the consideration of counsel, and both copies of the "Notice" and unsigned "Acknowledgment" are enclosed. In this connection, please note that the enclosed "Notice" states that failure to complete and return the Acknowledgment to the sender within twenty days may subject the party served to liability for the payment of any expenses incurred in effecting alternative service. Section 415.30 (d) provides that "If the person to whom a copy of the summons and of the complaint are mailed pursuant to this section fails to complete and return the acknowledgment form set forth in subdivision (b) within 20 days from the date of such mailing, the party to whom the summons was mailed shall be liable for reasonable expenses thereafter incurred in serving or attempting to serve the party by another method permitted by this chapter, and, except for good cause shown, the court in which the action is pending, upon motion, with or without notice, shall award the party such expenses whether or not he is otherwise entitled to recover his costs in the action."

C T CORPORATION SYSTEM

KROLOFF, BELCHER, SMART, PERRY & CHRISTOPHERSON  
ATTORNEYS AT LAW  
1044 NORTH EL DORADO STREET  
POST OFFICE BOX 720  
STOCKTON, CALIFORNIA 95201



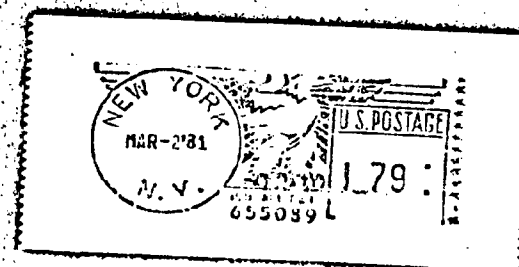
FEB 26 1981

C. T. CORPORATION SYSTEMS, INC.  
700 South Flower Street  
Los Angeles, California 90017

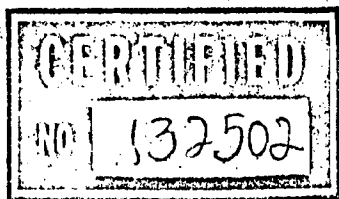
E-9B 7-80-10M

**C T CORPORATION SYSTEM**

1633 BROADWAY, NEW YORK, N. Y. 10019



RETURN RECEIPT REQUESTED



**CERTIFIED MAIL**

R. A. Partnoy, Gen. Csl.  
Remington Arms Company, Inc.  
939 Barnum Avenue  
Bridgeport, Conn. 06602

RECEIVED

MAR 4 - 1981

R. A. PARTNOY