

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

TERI SEE and DARREL SEE,
wife and husband,

Plaintiffs,

-vs-

REMINGTON ARMS COMPANY, INC.,
a Delaware corporation,

Defendant.

Held at Remington Arms
Ilion, New York
August 17 & 18, 1982

DEPOSITION of JAMES STEKL, taken by
the Plaintiffs.

APPEARANCES:

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BY: PETER R. CHAMBERLAIN, ESQ., of Counsel

S T I P U L A T I O N S

At said time and place, the following stipulation was entered into by counsel present for the respective parties. It is hereby stipulated and agreed by and between the parties hereto, through their respective counsels, that the deposition of James Stekl, a material witness called for the examination by Plaintiffs may be taken before Lorraine Smith, a Notary Public, at this time and place on oral interrogatories, direct and cross, to be propounded to the Deponent. It is further stipulated that all irregularities as to notice of time and place and manner of taking said deposition are hereby waived, except that each party reserves the right to object at the time of trial to any question or answer but that objections as to the form of the questions or irresponsiveness of the answers are waived unless made at the time of taking said deposition.

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J A M E S S T E K L , having been duly sworn by a
Notary Public in the State of New York,
testified under his oath as follows:

BY MR. CHAMBERLAIN:

Q Mr. Stekl, we have been introduced. My name is Peter Chamberlain. I am the attorney representing Mr. and Mrs. See in a lawsuit they have brought against Remington Arms Company pending in Federal Court in Portland. This is my chance to ask you some questions under oath. Have you had a chance to talk to your lawyer, and do you understand what a deposition is?

A Yes.

Q Okay. Have you had your deposition taken before?

A No, I haven't.

Q Have you ever testified in court before?

A Yes.

Q For Remington Arms?

A Yes.

Q What kind of a case was it?

A It was a Model 1100 shotgun, high-pressure damage.

Q Is that the only case you have testified at?

A Yes, it is.

Q Do you remember the name of that case?

A It was Moore, Moore versus Remington.

Q M-o-o-r-e?

A Yes.

Q What state was the trial being held in?

A It was Illinois.

Q In Chicago?

A Decatur.

Q What is your address?

A R.D. 1, Mohawk, New York.

Q You are presently employed by Remington?

A Yes, sir.

Q How long have you been so employed?

A This is my fifteenth year.

Q And what is your age?

A Forty-three.

Q It is important to me and probably also to your employer that you understand my questions before you attempt to answer them. If I ask a question that doesn't make any sense or that you don't actually

understand, please feel free to stop me and ask me to restate it or rephrase it or clarify it so that you understand it before you answer.

A Yes.

Q And it is also important for the court reporter taking this down that you answer out loud with yeses or noes and not uh-huhs or huh-uhs or nods of the head, because they come out looking sort of funny.

A Okay.

Q Let me ask you, what is your education?

A Four years of high school and two years in electronics technology.

Q Junior college?

A Yes.

Q Was that right after high school?

A Yes, it was.

Q What did you do from age eighteen to age twenty-eight?

A Well, let's see. The two years immediately following high school, I was enrolled in Alfred University in ceramic engineering. I then discontinued that and

went to Alfred Tech and got an A.A.S. degree in electronics technology. For five years after that, I was employed with my father in a retail hardware business, and then I came to work at Remington in October of '67.

Q Did you sell firearms at your hardware store?

A Yes, for about the last year that I was there.

Q Remington products?

A Yes.

Q Okay. And then you came to Remington in October of '67. Why don't you give me a brief outline of what your employment history has been here, what departments you were in and what jobs you have had.

A Okay. For about the first eight months I was here, I was employed as a lab technician in the Research Measurement Lab. After that, I transferred to the custom shop, where I worked on accuracy related developments, target shooting. I was there for, let me think, about four years, five years. Then I supervised the bench rest bullet production area.

Q Bench --

A Bench rest --

Q -- bullet production?

A Yes.

Q Would that be up in Bridgeport?

A No, here in Ilion. And following that, I came into my current job in February of '79.

Q And your current job is what?

A I am supervisor of Product Service Fire Arms.

Q This bench rest job you were talking about, does that have to do with ammunition rather than rifles?

A Well, it is the bullet only, accuracy, what is called a projectile.

Q Okay. Can you give me a brief outline of what your present job entails, sort of a job description, if you will?

A Well, very basically, it's resolution of product complaints.

Q Anything else?

A No.

Q And when you say, "product complaints," does that refer to post-sale complaints only? In other words, do you get involved with, say, a gun that comes off the assembly line and doesn't work in some phase of

its testing or inspection?

A No. My area of concern is primarily with the consumer. I have nothing to do with special problems.

Q Used guns only, then, or returned firearms?

A Yes.

Q In that position, do you come in contact with all of Remington's products, all of their firearms, I mean?

A Basically, just firearms, yes.

Q All the rifles, shotguns?

A Yes.

Q Pistols?

A That is right.

Q And whatever else they make?

A That is right.

Q Bazookas?

A No, not that.

Q Okay. You said you were supervisor. Does that mean you are in charge of your department?

A Yes, one-man department.

Q One-man department, okay. It is not frequent that I get to depose a whole department at once.

MR. HUEGLI: Well, there are a lot of women.

BY MR. CHAMBERLAIN:

Q You have a secretary?

A Yes.

Q Where do I want to start here? Let's start with the Remington rifle that is involved in this lawsuit. We have here in the room a gun that has been marked as Exhibit 2, that I will represent to you is the rifle that was involved in the shooting accident that gave rise to Mrs. See's injuries.

A Yes, sir.

Q You have had a chance to look at this gun, at least the gun in an assembled condition and with the stock off, right?

A Yes, some time ago.

Q And on that occasion, you had Jack Chisnall with you?

A That is correct.

Q And Mr. L.S. Martin with you or he was present?

A Yes.

Q Okay. At that meeting, were you personally

performing the inspection? Was it you or Chisnall?

A Chisnall and myself.

Q Are you and Mr. Chisnall in the same relative positions as far as your expertise with the 700 is concerned?

A I don't understand.

Q Okay. Is he your boss?

A No.

Q Are you his boss?

A No.

Q You work in totally different departments?

A He is located in Bridgeport, Connecticut.

Q Is his position one parallel to yours?

A Basically, yes.

Q Who is your supervisor here?

A I have no supervisor here in Ilion.

Q Who is your supervisor in Remington?

A That would be Ken Green.

Q And he is what? What is his title?

A That is a good question. Bob, he and Fred sort of split the responsibilities of field and product and consumer service.

Q Okay. Is he the vice-president of something?

A No. He is a manager.

Q When you prepared this or when you examined this rifle, did you prepare a Gun Examination Report?

A No. Mr. Chisnall submitted a written report.

Q Okay. I have that. In fact, I have two of them. Did you provide information to him that went into the report?

A No. It was a joint examination. We discussed it when we disassembled the rifle.

Q Okay. One of your conclusions after examining the rifle was that it was generally in poor condition?

A Definitely.

Q Okay. I will hand you the rifle and maybe you can tell me in particular what led you to that conclusion.

A Well, the first thing we noticed is the bolt stop is nearly inoperative.

Q That is the device that prevents the bolt from sliding out if you pulled it open to unload it?

A Right, like that. And then, further disassembly -- in other words, taking the barrel action out of the

stock -- disclosed that the trigger assembly and underside of the receiver were very gunky, dirty. It looks to be in better condition now than when we saw it before.

Q Did you do anything to change the condition of the gun at the time you looked at it?

A No, sir.

Q You are familiar with the so-called trick condition that has been talked about in regard to the Model 600 and also the 700?

A Yes.

Q In your experience, has an inoperative bolt stop ever been a cause or a contributing factor that was causally related to the trick condition occurring?

A Not the bolt stop itself, no.

Q On this rifle, you found the trigger pull to be in excess of seventy-two ounces?

A That is right.

Q Which is within Remington's specifications?

A Yes.

Q And you found that the trigger adjustment screws on the trigger assembly had not been adjusted?

A That appeared to be the case.

Q The shellac -- it is a shellac that Remington puts on when they set these?

A It is an adhesive.

Q And that appeared to be intact?

A Yes, it appeared to be.

Q And it appeared to be the same thing that Remington uses when they adjust the screws?

A Yes.

Q And then you noticed that the retaining pins that hold the trigger assembly to whatever it is held to were in a reversed position?

A I believe we did note that, yes.

Q Okay. In your experience with Model 700's, has a reversal of those pins ever been causally related to the rifle's ability to fail or pass the trick test?

A Not directly.

Q It does show you that the trigger has been off?

A That is right.

Q The assembly, or whatever you call it?

A Yes.

Q Now, if you would take the screwdriver in the room, could you remove the wooden stock that you have on the gun?

A Yes.

Q Based upon your recollection of your examination of that firearm in that condition in April of 1981, does it appear to be in the same or similar condition as it was on the day of your prior inspection?

A I would think so, to the best I can recollect.

Q This rifle has been flatbedded, has it not?

A Yes.

Q And the purpose of that is to make the barrel fit tighter in the stock?

A Well, it is usually done in an attempt to improve accuracy.

Q In your experience, can you tell me if there is any causal relationship of the flatbedding of the stock and the ability of the Model 700 to pass or fail the trick test?

A It can.

Q It can what?

A Affect it so that it will fail it.

Q How so?

A Well, in this particular instance, there is no problem. But in some instances, if the job is not done properly, the compound can get into the trigger assembly and cause problems.

Q But that is not the case with this particular rifle?

A No. As I said, it isn't.

Q Can you identify what I will call at this time as the black substance on the right side of the stock near the slot where the bolt goes down? I don't expect a chemical analysis, but based upon your experience in examining these rifles, can you tell me what that is?

A No, I can't.

Q Okay.

A Let's see. It looks like some of the color has come off the receiver that is adjacent to the stock, where it contacts it.

Q You are basing that conclusion on the bright spot on the metal of the receiver?

A Yes.

Q That is where it contacts it?

A Yes.

Q Okay. Now, in your report or in Mr. Chisnall's report, you state that the trigger assembly and bolt stop were full of solidified solvent, with the bolt stop inoperative. We have already talked about the bolt stop and whatever that substance is that you referred to. What I would like you to do, if you can, is take this trigger mechanism and point out to me what led you to the conclusion that the trigger is full of solidified solvent.

A Well, there is the first clue.

Q Okay. You have to say what you are referring to so that the court reporter can get it.

A Well, the varnish substance, or whatever it is, on the bolt stop, which impedes its movement. I pushed down the sear safety cam, and it stuck.

Q And it stuck down, which indicates what to you?

A That the same material is inside the trigger assembly.

Q Is that as far as you went in disassembling the trigger assembly?

A Yes, it is.

Q Is there anything else you looked at or noticed on the trigger assembly which led you to the conclusion that it is full of solidified solvent?

A Let's see. Yes. You can see some of it on the bottom here.

Q Right in front of the trigger itself?

A Yes.

Q Underneath the release for the bolt?

A Yes. And there is an indication of it on the connector, too.

Q The connector being what?

A This little silver-colored part.

Q Right at the very uppermost front part of the trigger itself?

A That is right.

Q Is there anything else?

A No.

Q Okay. When you used the words "solidified solvent," what did you intend to mean? What are you trying to describe there?

A Well, here again, it is very hard to determine

what the material is, but it is generally some type of an attempted cleaning of the mechanism or lubricating it. Some of the material solidified and leaves this varnishy wax residue.

Q Now, you have seen other 700's that are full of solidified solvent, have you not?

A Yes, sir.

Q Do you have any idea how many you have seen in that condition?

A That would be strictly a guess. No. I wouldn't guess.

Q Over ten?

A I would think so, yes.

Q Okay. What is your understanding of Remington's recommendations or advice about the use of solvents on its trigger mechanisms?

A It is not recommended, as far as I know. I think we so state that in the manual.

Q In your use of the word "solvent," would diesel fuel fall within that term?

A I certainly wouldn't consider diesel a solvent, no.

Q All right. So your answer is no?

A That is right.

Q What is your understanding of Remington's recommendations regarding the use of lubricants in the trigger mechanism in the Model 700?

A I don't believe we recommend the use of any lubricant.

Q Okay. When you say, "solidified solvent," is that meant to refer to a lubricant?

A Well, it could be. It could be a solvent. It could be a lubricant. As I said before, sometimes it is difficult to determine what the exact nature of the material is.

Q Are you familiar with the coding, c-o-d-i-n-g, used on the Remington owner's manuals to indicate the date of the most recent revision?

A Yes, I believe so.

Q Okay. I will hand you Deposition Exhibit 10 and ask you if you can tell when that manual was last revised.

A Well, this revision is November of '75.

Q Okay. So all rifles manufactured after

November of '75 would have that manual as an enclosure in the box until the manual was again revised?

A Yes, I believe so.

Q Do you know when it was revised after that revision?

A No, I don't.

Q Just assume for the purposes of my question that it was not again revised until after that rifle, Exhibit 2, was manufactured and sold. Okay?

A Yes.

Q And my information is that this rifle was manufactured in December of '76. The manual was next revised in January of '77.

A Could be.

Q Okay. Can you show me in that manual where it states that the rifle should not be -- that the trigger should not be lubricated or should not have solvent in there, or whatever it was you said?

A Well, right here, we have a section on lubrication.

Q Page 2?

A Well, not counting the cover, it is page 2.

report on this rifle?

A Well, I would interpret a petroleum solvent as a cleaning agent of some type.

Q When you use the words "solidified solvent," what does that refer to? Doesn't that refer to a cleaning agent?

A Not necessarily. Here again, I am no chemist, but based upon our knowledge of some of the materials that are left on some of these guns, they are certainly not cleaning agents. They are more of a lubricant.

Q Okay. On that same page under, "Lubrication," the last sentence in that section says, "When shooting in freezing weather, remove excess oil for best results. Use dry graphite if necessary to lubricate metal parts." Do you know what the reason for that advice is?

A Well, I would assume that any liquid or fluid-type material under cold conditions could freeze up or become solid and prevent the mechanism from working in the manner that it was designed.

Q And it could also thicken with colder weather?

A I would think so.

Q As part of your job at Remington, you have been

a member of the committee that has been given various names here today?

A Yes.

Q The Return Gun Committee?

A Yes.

Q Does it have a correct name that you are aware of?

A (No response.)

Q You won't find it there.

A No. I have never heard it referred to by a different name. It is just the Gun Examination Committee.

Q And its function is to examine guns returned by customers or by gunsmiths where they make some complaint, right?

A Yes, basically.

Q And the committee then reaches some conclusions about what, in all likelihood, was the source of that complaint or the cause of that complaint?

A Yes.

Q And then you try to respond to your customers and tell them what you found, don't you?

A That is right.

Q How long have you been on that committee?

A Since I have been in this job, three-and-a-half years.

Q And you are on it today?

A Yes.

Q In the course of your work on that committee, you have had an opportunity, have you not, to examine any number of Remington 700's where the customer's complaint was, to use your code, the F.S.R. complaint?

A Yes.

Q F.S.R. being, fired when safety was moved from safe to fire?

A Uh-huh.

Q Okay. In the course of analyzing those complaints, you found some rifles where the customer had gone in and tampered with the trigger adjusting screws?

A Yes.

Q And that was an adequate explanation for the malfunction?

A In some instances.

Q Now, in some of the complaints, you concluded

that the malfunction was caused by what your committee termed a gummed up fire control?

A Yes.

Q What do you mean by that term, "gummed up fire control?"

A Well, one that is in a condition similar to that one, where there is either some type of lubricant, or whatever, that has, let's say, partially evaporated, left a gummy residue inside the trigger assembly.

Q Not a condition that Remington recommends that you get your gun in?

A No.

Q But one that they realize happens from time to time with certain owners, right?

A We see it, unfortunately.

Q On at least one or maybe more than one of these gun examinations that have been performed on 700's with the F.S.R. complaint, your committee had Research and Development perform a trick test at zero degrees Fahrenheit, right?

A I believe so.

Q Okay. I will hand you Deposition Exhibit 3,

which I think is a Gun Examination Report from one such occurrence. Do you recognize that?

A Yes.

Q Do you have any independent recollection of that complaint and your committee's handling of it?

A Not other than what is on that form.

Q Have you had a chance to review the entire form there?

A Yes.

Q Okay. At the bottom of that form it states that the trigger has been adjusted outside Remington, as evidenced by black lacquer and adjusting screws. Then it says, "Engagement .050." Earlier today, Mr. Hill testified that, based upon his review of that report, that trigger adjustment outside Remington was not causally related to the customer's complaint. Do you agree with that?

A It may not have been. I couldn't say for sure.

Q Okay. Based upon your review of that report, can you tell me why in that particular instance a zero degree temperature test was done; whereas, on many of

these other reports it was either not done or not noted?

A Well, I am surmising here somewhat, but I would guess that probably the customer in this instance stated that this occurred during very cold weather.

Q If you have colder weather and you have some petroleum product, either a solvent or oil or grease, in the trigger mechanism, that substance is going to be thicker in cold weather, right?

A I think so.

Q Based upon your knowledge of the 700 and the problem we have been discussing, is a trigger that has a substance in it more apt to fail the trick test at zero degrees Fahrenheit than it would be at room temperature?

A Probably.

Q That is because of the thickness?

A Yes.

Q Is it also, then, fair to say that a gun that does fail it at zero degrees Fahrenheit might pass the trick test when you tried it again at room temperature, when that solvent got a little more viscous?

A Very possibly.

Q I am confusing myself. It got more runny.

A Very possible.

Q That is possible?

A Yes.

Q In the owner's manual under the section entitled, "Lubrication," where you referred me to or, for that matter, anywhere else in the 11/75 revision of the owner's manual, does Remington warn users of their rifles that lubrication in the trigger mechanism in and of itself or lubrication combined with the use of the gun in cold temperatures may cause the gun to discharge when the safety is pushed to the fire position?

A No. I don't think we have any specific warning like that.

Q Do you give any general warning like that?

A No, other than what is mentioned under, "Lubrication," that section there.

Q Well, reread the "Lubrication" section. Read out loud the portions you feel are a warning to that effect, if any.

A Well, there is no warning to that specific point that you just made.

Q Okay. Are you an hourly employee?

MR. HUEGLI: He is done at four-thirty.

THE WITNESS: I am done at four-thirty.

BY MR. CHAMBERLAIN:

Q In your experience with Remington Model 700's, is it possible that a firearm that, say, has been lubricated in the trigger mechanism could lose part of that lubrication due to either dripping out or due to it sort of traveling across the metal like you see a little bit here on the bolt lock? Is that something we could expect over time?

A Is it possible for the firearm to lose some of the lubrication? Is that your question?

Q Right.

A I would say probably so.

Q All right. This question may be better put to Mr. Chisnall, but I have two reports prepared by him; one in -- both on April 10th of '81. Both are addressed to you. I have looked at them, and they appear to be substantially identical, except that one of

them mentions that the safety was tested, and the rifle would not fire when the safety lever was moved to the fire position and that the alleged incident could not be duplicated. Do you know why there are two reports?

A You are going to have to ask Jack Chisnall that question. I have never seen two reports.

MR. CHAMBERLAIN: Do you want to have one of these marked?

THE WITNESS: I don't want to have these. This one we could. This one is a copy. Neither one of these is forwarded to me, as you said. These are to R.B. Sperling.

BY MR. CHAMBERLAIN:

Q I am sorry. I am getting my names mixed up. Pardon me.

Let's talk about the so-called trick condition a little bit. Do you know what I mean when I say, "trick condition?"

A I think so.

Q When did you first learn about that condition regardless of whether it applied or was applied to the 600 or the 700 Remington?

A I would imagine when I came on to this job.

Q When you first started working for Remington?

A No, this particular assignment now, current assignment.

Q Which has been since February of '79?

A I am sure it was '79, yes.

Q Okay. Did you first learn of it in conjunction with the 600 or the 700?

A 600.

Q I am not sure I understand physically what happens with a rifle when it experiences that condition. Maybe you can educate me a little bit. I have here Deposition Exhibit 4, which is a field service manual for a 700.

A Yes.

Q I believe, based upon its code on the back, 3/76, that that was the one in effect in December of '76 when this rifle was manufactured.

A Yes.

Q Would that be correct?

A I think so.

Q I show you page 11 there, and what I would like

to have you do is tell me, first of all, is the drawing of the trigger mechanism and sear safety cam and trigger connector that appears on that page a couple of times an accurate representation of the trigger connector, trigger and sear safety cam on the Model 700?

A I believe it is.

Q How about on the Model 600?

A Yes, basically.

Q Okay. In fact, this publication, at least this page, is intended to apply to both the 600 and the 700, isn't it?

A That is what it says.

Q Okay. When a rifle is put in the trick condition, it is a situation where the circled corner of the sear safety cam goes point to point with the top right-hand corner of the trigger connector?

A Yes.

Q Physically, the two parts are hanging up point to point, basically?

A Yes.

Q And then from that stage, when the safety is flipped to the fire position, the firing pin falls?

A Yes.

Q Okay. Do you know what force is exerted in pounds per square inch by the sear safety cam?

A No, I don't.

Q On the trigger connector?

A No.

Q The sear safety cam is spring loaded, right?

A Yes. It is loaded right here, but what that force is, I wouldn't know.

Q And the reason it is loaded is so that when the gun is off safe and the trigger is pulled, it will come down with enough force to fire the weapon? Is that right?

A I wouldn't think the spring under the sear safety cam would have anything to do with that, no.

Q Okay. I note on page 11 of Exhibit 4, it makes mention of the fact that these corners where the trigger connector meets the sear safety cam should be -- I am not sure what wording it uses, but it says it should be sharp and very angular. Do you know what language I am referring to?

A No, I don't.

Q Why don't you take a look at it there, so that we can speed this up a little bit. Look right at the bottom.

A Can you show me where you are referring to?

Q Right there. It says, "Corners must be sharp," and then it refers you to a couple of arrows in the right-hand corner.

A Yes.

Q They are referring to the corners where the sear safety cam meets the trigger connector, right?

A That is right.

Q Do you know why it is important that those two corners be sharp?

A Well, I can't give you an engineering description of it, no.

Q When you examine a Model 700 that has an F.S.R. complaint, do you look to see if those corners are sharp?

A Well, what determines sharp? I mean, razor blade sharp? What we look for, primarily, is the amount of engagement.

Q The overlap amount?

A The overlap amount, yes. I don't think we delve into the degree of sharpness.

Q I agree, it is an ambiguous word.

A Yes.

Q But it is Remington's word.

A Yes.

Q Okay. Do you in your job get involved at all with preparing the field service manuals that are sent out to gunsmiths?

A No, I don't.

Q Or Remington revisions or changes in the manuals?

A No.

Q Do you know who receives copies of your field service manuals?

A They are primarily meant for our recommended gunsmiths, warranty repair stations.

Q Are those two different categories of gunsmiths?

A They can be.

Q Did you say warranty gunsmiths?

A Warranty repair stations and recommended gunsmiths.

Q Warranty repair stations are the recommended gunsmiths that do work on new or fairly new Remingtons?

A Yes.

Q Have you, based upon your examination of the Model 600's and the Model 700's trigger assemblies that have been returned where there has been a complaint of F.S.R., have you reached any kind of conclusions as to whether or not the sharpness of those little corners we have been talking about has any bearing on whether or not the gun will fail or pass the trick test?

A No. I haven't reached any conclusions to that effect.

Q Your field service manual, page 11, states in the third paragraph that the safety should function on two positive stop positions, correct?

A Yes.

Q By that, do you understand what they are telling the person that would be reading that?

A (No response.)

Q For instance, would a safety that can be put in the null position between safe and fire qualify as a safety with two positive stop positions?

A According to this, it should -- I would interpret it that it has got to be a very positive feeling in the on position, on safe position, and in the off position.

Q And that you could not stop it anywhere else or that you could?

A It doesn't say that.

Q What is your understanding as far as Remington's intention?

A I think the intent here is that when the safety lever is all the way forward, it is in a very positive position. When it is all the way to the rear, it is in a very positive position. In other words, it is held there by a little detent ball.

Q There is a spring, or something like that?

A Yes, a little detent ball.

Q Do you know who wrote or helped to write the last two pages of Exhibit 4, the two pages we have been talking about that refer to the Models 725, 721, 722, 700 and 600?

A Well, we have got J.P.L.

Q Who is that?

A That, I assume, would be John Linde.

Q All right. Who is F.G.H.?

A That, I assume, would be Frank Hart.

MR. CHAMBERLAIN: Don't worry, Jim, I am not adding him to the list.

BY MR. CHAMBERLAIN:

Q Are you familiar with the similarities and differences between the trigger mechanisms employed by Remington on the Model 600 and the Model 700 both before and after the recall of the Model 600?

A Basically.

Q What is your understanding about the similarities -- Strike that.

Are any of those three trigger assemblies identical?

A No. No, they are not.

Q When they recalled the Model 600 and substituted a different trigger assembly, did they use one that was very similar to the Model 700's assembly that was in use in December of '76?

A Yes.

Q How were they different?

Q Well, you would have dimensional differences, simply because the 600 and the 700 are two differently designed rifles. Some of the parts are different sizes. You would have to get into a comparison of the parts' dimensions. But there are differences in sizes, primarily. The function is, as I understand it -- the function is the same.

Q Same design concept?

A Yes.

Q But a different dimension of the parts?

A Yes.

Q Now, then, comparing these two triggers with the Model 600 before the recall, was it a totally different design?

A Well, the word "totally," doesn't apply here, I don't think.

Q If we looked at the sear safety cam, trigger connector and the trigger on all three, would they look essentially like the picture we have on page 11 of Exhibit 4?

A Yes. They would look essentially like that. However, there are differences in dimensions, clearances,

tolerances.

Q For instance, on the 600, you would have to have a little longer safety lever?

A It may be that is the case. Like I said, they are two differently designed rifles. The parts' requirements are somewhat different.

Q Have you ever experienced or heard of a problem with the Model 700 where the rifle was used in low temperatures, and ice crystals formed somewhere in the trigger mechanism and caused the gun to discharge when the safety was moved to the fire position?

A Not that I can recall.

Q Have you ever contemplated that as a possibility?

A I suppose it would be possible. I can't imagine what the conditions could have been to set it up, though.

Q You are aware that the Model 700's trigger assembly has been recently redesigned within the last year?

A Yes.

Q And that redesign involved, basically, a decision to shorten this part of the safety, didn't it,

the safety lever, or whatever you call it, the bolt lock?

A. Point to it. Yes.

Q. What is that piece called?

A. Well, that is part of the safety lever arm that does incorporate the bolt lock.

Q. And the design change was to chop that thing off and round it?

A. Basically, yes.

Q. So that when you put the safety in the on safe position, you could -- it doesn't lock the bolt closed?

A. That is right.

Q. Consequently, you could unload the firearm without moving the safety from on safe to on fire?

A. Uh-huh.

Q. Were you involved, consulted, talked to or advised in any way about the reasons for making that change?

A. No.

Q. Do you know either from anything you have read or anything you have seen or anybody you have talked to

why that change was made?

A The only thing I heard was that it was a decision made by our marketing people. It was a marketability decision.

Q Do you know who told you that?

A Not at this point.

Q Based upon your work on the gun, the Return Gun Committee, or whatever you want to call it, what conclusions have you reached as to the cause or causes of the Remington Model 700 to fail the trick test or to otherwise fire when the rifle is flipped to the fire position -- when the safety is flipped to the fire position?

A Well, we have seen some that the improper adjustments of the adjusting screws might cause this problem. We have seen other ones similar to this particular rifle that have had, I will call it, gunk in excess inside the trigger assembly.

Q That is a generic term, "gunk?"

A Gunk.

Q I saw it called "crud" earlier. Is that the same thing?

A I think it would fall in the same category. I believe we have seen some that have had a broken part. This could cause a similar malfunction.

Q A broken sear connector, for example?

A Connector?

Q Trigger connector?

A Yes. And then some, very frankly, we are at a loss to explain. We cannot duplicate the problem that has been reported. Those are mainly the four categories they fall in to.

Q In that fourth category, do you assume that what probably happened is that the gun user actually did have his finger on the trigger despite the fact that he says he did not?

A Somehow the trigger was contacted. That is the only conclusion we can come to.

Q Other than the shotgun lawsuit you referred to earlier, are you aware of any lawsuits or claims that have been made against Remington Arms in particular involving the Model 700 where there is a claim that the rifle discharged when the safety was put in the fire position?

A Not that I am aware of right at this particular moment.

Q You know they exist, but you don't know them by name? Is that accurate?

A I am not even sure of that. I know we have some cases pending on the 700, but to tell you at this point what the allegation is, I don't know for sure.

Q Now, as part of your job as a committee member, you have had the responsibility to correspond with customers who have complained or gunshops that have sent in rifles?

A That is right.

Q Is that your job on all claims handled by the gun committee?

A Well, it depends on the circumstances, really.

Q Assuming the letter is going to be written, is it always written by you?

A No, not necessarily. It could be Jack Chisnall, for example.

Q When the complaint involves a Model 700, is it always you?

A Not necessarily.

Q When the complaint was one that involved a Model 700 and an F.S.R. complaint, was it always you?

A No. Jack Chisnall wrote the one on this particular rifle, for example.

Q I am going to hand you a document that is not marked as an exhibit, but it is a Receiving and Estimate Report connected with Complaint Number 599. Do you know who fills these reports out?

A That is done by one of the personnel in our Arms Services division.

Q Okay. And there are two columns that I am interested in; one is the customer's complaint. Do you see that line?

A Yes.

Q And that information, I assume, would come from the customer's complaint? Is that fair?

A That is generally taken from the customer's correspondence.

Q And the next line down says, "Main fault." Do you see that?

A Yes.

Q In your experience, is that line usually filled

in before or after the committee has rendered its collective opinion?

A Well, in the instance of a firearm that went to the committee, that would be filled in after the committee's examination.

Q So when the form asks for the main fault, it is asking for not the customer's complaint but Remington's

A No. That is basically our findings or our resolution.

Q Okay. That makes sense. It looks like it is probably filled in by the same person who originally prepared the Receiving and Estimate Report.

A It looks like the writing. It looks the same.

Q Can you give me any idea of how long you personally have known that gunk, to use your word, in the trigger mechanism of a Model 700 could cause it to fire when the safety is pushed to the fire position?

A I would say since my involvement with the job that I currently have.

Q I wrote it down here somewhere. February of '79?

A That is right.

Q Do you have any information as to how long Remington has known about that possibility?

A No.

Q Certainly before February of '79, wasn't it?

A I would think so.

Q When you took over your present job, did someone tell you about that possibility?

A Well, as I remember, I think I probably would have gotten this information when I started sitting in with the committee.

Q A gun came along that had that condition, and it was discussed?

A Yes. I was learning as I was sitting in with the committee.

Q And when the trigger mechanism has that gummed up condition present -- Strike that.

Is the malfunction that we have been talking about, is that one that only happens when the gun gets put in the trick condition, or could it actually happen when the safety is flipped from safe to fire?

A Well, that would depend on other factors. Possibly the trigger assembly had had outside adjustment

that was incorrect. And coupled with it --

Q Let's ignore all other factors and assume there has been no outside adjustment, because I know what you are saying. With outside adjustment, the gun could fire from being jarred, couldn't it?

A Yes.

Q But assuming it is adjusted to factory specifications and all other things being equal, but you have a gunked up trigger, could it actually happen? In your experience, have you seen it happen where the trigger is in the full safe position and the gun handler pushes it to the full fire position, and it goes off? If you want to take a moment and look through all of the examination reports, you can do that.

A Yes, because I can't recall that we have had a specific example as you have stated it.

Q ~~But you have had examples where it is in this~~
~~trick condition, the trigger is gunked up, and it fires~~
when pushed to fire?

A Yes.

*gunked up by trigger being
held simultaneously.*

MR. HUEGLI: Off the record.

(A discussion was held off the record.)

(Whereupon, the proceedings were adjourned.)

August 18, 1982

M O R N I N G S E S S I O N

(Whereupon, the proceedings resumed as follows:)

MR. CHAMBERLAIN: We might as well mark these.

(Documents were marked Plaintiffs' Exhibits 19 through 30 for identification.)

J A M E S S T E K L , having been previously duly sworn, testified further under his oath as follows:

BY MR. CHAMBERLAIN:

Q Mr. Stekl, you understand you are still under oath?

A Yes.

Q Are you familiar with a committee within or a subcommittee within Remington called the Product Safety Subcommittee?

A I know of it.

Q You are not a member of it?

A No.

Q Do you know what that is a subcommittee of?

A No.

Q Do you know who serves on the subcommittee?

A No.

Q Would Mr. Linde know more about that, do you suppose?

A I would think so.

Q Has anyone ever told you why the Remington Model 700 was designed originally such that you could not unload it without putting the safety in the fire position?

A Well, I have heard that it was so designed to prevent the accidental opening of a bolt in hunting conditions, such as by brush, limbs, in other words, the bolt handle catching on some object and opening it.

MR. HUEGLI: Could you read the last question back, please.

(The last question was read back by the reporter as follows: "QUESTION: Has anyone ever told you why the Remington Model 700 was designed originally such that you could not unload it without putting the safety in the

fire position?")

MR. HUEGLI: Can you answer that question?

BY MR. CHAMBERLAIN:

Q Has anyone ever told you?

A No, not really.

Q But you have the information you just gave me a minute ago about preventing accidental --

A To prevent accidental opening of the bolt, yes.

Q Is that your own assumption as to why it was designed that way?

A Yes.

Q Okay. If this rifle were designed such that the bolt could be opened when the gun was on -- I am not sure I understand that. Is it your assumption that the reason for the bolt lock feature was to prevent accidental opening of the bolt when the gun was on safe?

A That is right.

Q Does that present some danger?

A Well, it could, I suppose, depending on, let's say, the game that was being hunted, dangerous animals, African game. If someone brought the rifle up and thought they were ready to shoot, released the safety

and went to pull the trigger, the mechanism would not work if the bolt handle were not in a fully down position.

Q Oh, in other words, let's pretend the gun was on safe. The bolt was accidentally opened, and then the shooter flips it to fire. The hunter goes to fire, and nothing happens?

A Nothing.

Q You are saying that presents a threat to life and limb or trauma because the game might attack him?

A That is right.

Q On the Model 700 as it was designed in 1976, if the bolt was partway open and the safe was on fire --

A That is what happened.

MR. HUEGLI: Excuse me. Do that again.

BY MR. CHAMBERLAIN:

Q If the bolt is all the way open, flipped all the way up, and the gun is on fire, it wouldn't fire. That is all. But if it is partway closed, and you pull the trigger, it snaps shut and fires?

A I don't believe it would fire.

MR. HUEGLI: It fired.

THE WITNESS: The firing pin fell, but
I doubt the rifle would fire.

MR. HUEGLI: Off the record.

(A discussion was held off the record.)

BY MR. CHAMBERLAIN:

Q Were you one of the people at Remington that
was in charge -- not in charge of, but helped out
counsel in producing documents pursuant to the
plaintiffs' request for production of documents in this
case?

A Yes.

MR. HUEGLI: I forgot to get you the
original copy, a better copy of that letter.
Let's go off the record for a moment.

(A discussion was held off the record.)

BY MR. CHAMBERLAIN:

Q Does Remington Arms store any documents on
microfilm?

A Yes.

Q Are any of the documents that were produced
from microfilm for this case?

A Some of those were.

Q Okay. So when I requested documents, in your interpretation of that request, you included within the term "documents," anything that was recorded on microfilm or microfiche?

A Yes.

Q What is Remington's policy regarding document retention?

A Generally, we adhere to the DuPont record retention schedule, which is three years.

Q Does that apply to all documents?

A No. There are different categories. Very honestly, I don't know what the breakdown would be.

Q So you keep the deed to your property here longer than that?

A I would think so.

Q Things like product complaints, would they be kept longer than three years?

A No.

Q Or correspondence from customers?

A No. I think that would fall in the three-year category.

Q Are you familiar in general with the categories

of the documents we have requested in this case? Have you seen the request for documents?

A Yes.

Q As to all the documents that we have requested, would you say they all fall within the three-year retention program?

MR. HUEGLI: Let's take a moment and let him read the request.

MR. CHAMBERLAIN: There are two of them.

MR. HUEGLI: Start out with number 1.

Off the record.

(A discussion was held off the record.)

BY MR. CHAMBERLAIN:

Q How about documents that relate to lawsuits that Remington has been involved in involving the Model 700?

A I don't know about that. I think Bob could probably better answer that question.

Q I am interested in documents that would record test procedures and test results for the various numbers of different tests that may have been performed on the 700. Included are things such as tests that may

have been performed on the rifle or component parts when it was in the design stage, tests that may have been performed on the rifle or the component parts when there was, say, a redesign.

A Yes.

Q And tests that may have been performed when Remington was, say, trying to analyze a problem with the rifle or a reported problem with the rifle. In that category, are those documents kept more than three years?

A Well, it is really a -- you have got an overlap situation here, because, for example, every rifle is tested by our process procedure.

Q Every new rifle?

A Yes.

Q And those test results are recorded on the barrel?

A Yes. And each rifle is submitted to a series of tests during the assembly of the rifle and after completion. The record of that, of course, is on the rifle. The rifle doesn't leave our plant here unless it has successfully passed those tests.

Q That is one example of records of tests that last more than three years?

A Yes.

Q You don't keep them, but they exist?

A That is correct.

Q How about in the area of tests that are done in the design process or in the process of changing the design of the rifle?

A Well, I think normally these are retained for a longer period of time.

Q But you don't know who has them or where they would be or even where --

A Well, it depends if it is a manufacturing situation, a design situation or process. There are different areas of retained records for different aspects of the rifle testing.

Q I understand from Mr. Huegli, you have prepared an index or summary on all tests performed on the 700?

MR. HUEGLI: No. That is not what I indicated. He knows that tests were performed, as I understand it. But Linde is the man that will be able probably to give you a running

list. He is the designer.

THE WITNESS: That is the process aspect of it and overlap into design, too.

MR. HUEGLI: I am not saying, don't answer any of these questions. If you know what tests were performed on the 700, like strength, and things like that, just answer.

THE WITNESS: I don't, really.

BY MR. CHAMBERLAIN:

Q Were you also involved in preparing answers to interrogatories --

A Yes.

Q -- in this case?

A Yes.

Q Who worked with you on that project?

A Well, basically, my function on interrogatories is to coordinate getting the information together. If it is a design question, I go to our design people. If it is a process question, I go to our process people. It all depends on what area is involved in any interrogatory question.

Q So you would be the liason between the attorney

and the --

A That is basically it.

Q -- information source?

A Yes.

Q How about requests for admissions, do you get involved in that, answering requests for admissions?

A Well, from the same standpoint.

Q In request for admission number 5, I requested that Remington admit that on the date of its examination of this rifle, Exhibit 2, it met all of your manufacturing design and performance specifications. The response was that you were unable to admit or deny that request, as tests were not conducted on the date of examination to determine whether the rifle met manufacturing, design and performance specifications. What tests would you have to run to determine whether or not the gun does meet Remington's manufacturing, design and performance specifications?

A Well, I would assume that they would test it from the standpoint to test it in our inner process for the 700.

Q The same tests that are performed on a new

rifle when it is manufactured?

A Yes.

Q The gallery test, the proof test?

A No. I am sure they wouldn't fire a gallery test or a proof test on it.

Q What tests would they do?

MR. HUEGLI: If you know.

THE WITNESS: I don't know. But it would be in the other tests that are in the process for the Model 700, the checks they make on the individual parts, assemblies. Here again, I don't know what those are, per se.

BY MR. CHAMBERLAIN:

Q One of the documents which was attached to the answers to interrogatories, in partial response, was a chart entitled, "Trigger Assembly Chart," which I think was meant to be a comparison between the 600 and the 700 trigger assemblies. On the bottom, it has the initials of its author, J.W.B. Do you know who that is?

A I would imagine it was John Brooks.

Q Not Jerry Burns?

A No.

Q In this case, the person that was holding this rifle at the time that it discharged and shot Mrs. See has told us that, among other things, the rifle -- number one, he told us that the reason he was handling the rifle was, they had just finished a hunting trip. It was loaded. They brought it into the house, and he thought he should unload it.

A Yes.

Q I see you rolled your eyes. Why are you doing that?

A I can't imagine anybody who would bring a loaded gun into the house.

Q Well, you would agree that a person can be shot outside a house as well as inside?

A Yes.

Q The gun is inside, and he felt he should unload it. At that point, there is testimony from him and other people in the room that he flipped the safety on the rifle from safe to fire, because in this particular rifle, you have to put the safety in the fire position to open the bolt and unload the gun, as this gun was designed in '76. That is right, isn't it?

A Yes. But the rifle wasn't designed in '76.

Q As the gun was manufactured in '76. Isn't that true?

A Yes.

MR. HUEGLI: True that you have to flip the safety like that to unload it?

MR. CHAMBERLAIN: Right.

MR. HUEGLI: Okay.

BY MR. CHAMBERLAIN:

Q Given the facts that I have just given you, that the person is approaching and handling the gun for the purpose of unloading it, is it also true that if that rifle -- and I want you to assume for the purpose of my question that it did discharge when it was flipped to fire. Okay?

A Yes.

Q Just assume that. It is also true, then, isn't it --

MR. HUEGLI: I think these are leading questions, and I am going to object.

MR. CHAMBERLAIN: Okay. I will still ask them.

MR. HUEGLI: Okay.

BY MR. CHAMBERLAIN:

Q Is it then true also that had this gun been designed as the Model 700 is now designed, that that gun owner could have unloaded the gun without moving the trigger -- correction, without moving the safety from the safe to fire position?

MR. HUEGLI: Objection. The question is leading. Go ahead and answer it.

THE WITNESS: Please repeat the question.

MR. CHAMBERLAIN: All right.

BY MR. CHAMBERLAIN:

Q I have given you some facts or some assumptions that the person handling this Model 700 in October of '79 -- and by "this Model 700," I meant Exhibit 2. The person was approaching it for the purpose of unloading it; that the gun was loaded. It was cocked, and it was on safe. I want you to also assume that there will be testimony that when the safety on the gun was pushed from the safe position to the fire position, it discharged. Assume those facts. If this Exhibit 2 had been designed such that you could open the bolt

without pushing the safety to the fire position, this rifle could have been unloaded on that occasion without having it discharge.

MR. HUEGLI: I object to the form of the question.

BY MR. CHAMBERLAIN:

Q Is that true or not true?

MR. HUEGLI: Go ahead.

THE WITNESS: Yes.

BY MR. CHAMBERLAIN:

Q And is it also true that that is how the gun is now designed? Right?

A Yes.

Q Are you familiar with any other rifles manufactured by other companies that were available in the 1975/1976 period that could be unloaded with the safety in the on safe position?

A I am really not too familiar with other rifles.

Q Okay. There is a name that has popped up a few times that I can barely pronounce. I think it is Sienkiewicz or Sankiewicz. Do you recognize that name?

A Yes. We have a Mr. Sienkiewicz working for us.

Q What is his full name?

A Edward.

Q Do you know how to spell his last?

A S-i-e-n-k-i-e-w-i-c-z.

Q Very good.

A I can't guarantee that spelling. I think that is it.

Q What does he do for Remington today?

A He works in Product Service in Bridgeport.

Q Has he been in that position for quite some time, a number of years?

A Well, with a brief interval that, I believe, he was in the research section in Bridgeport for a year, possibly.

Q You are familiar with an organization commonly called S.A.A.M.I.?

A Yes.

Q And they produce various regulations for gun and ammunition manufacturers -- not manufacturers but industry standards?

A No.

Q What do they do?

A They make recommendations, recommended practices. They do not set standards.

Q What areas do they make recommended practices in?

A Well, primarily, as I understand it, dimensions of chambers, ammunition.

Q To your knowledge, are they expanding the area in which they are making recommendations to other design and manufacturing areas in the firearms industry?

A I don't know.

Q Do you know where they are headquartered?

A Somewhere in Connecticut.

Q Is Remington Arms Company a member of S.A.A.M.I.?

A Yes.

Q Okay. Does the National Rifle Association produce some sort of a safety rules book? I am sure that is not the title. Do they produce some sort of a gun handler's safety manual?

A I am not sure.

Q Does Remington install or include in their new rifle packages any information from the N.R.A.?

A I don't know if that booklet is from N.R.A. or not. There is a booklet on firearms handling, safety, that is packaged, but I am not sure. I don't know if that is an N.R.A. publication.

Q Do you know how long that has been included as a package enclosure?

A No.

MR. CHAMBERLAIN: Can I get a copy of one of those, Jim?

MR. HUEGLI: Sure. I don't know if it was the same in '76 as it is now, but I will get you a current one.

Is it possible to get a copy of that?

THE WITNESS: Yes.

MR. CHAMBERLAIN: Let's not do it now.

MR. HUEGLI: No. I was just asking him.

BY MR. CHAMBERLAIN:

Q I want to ask you some questions about the Gun Examination Reports that have been produced for us. I went through these last night in an attempt to

shorten this up. We will see if I am successful or not.

First, I am going to hand you Exhibit 19 which I will represent to you is a Gun Examination Report. It is numbered 623 and is dated January of 1982. The first thing I want to ask you is, when a Model 700 comes in and you evaluate it and a decision is made to replace the trigger mechanism, for whatever reason, is that trigger mechanism, the old one, normally kept?

A Yes.

Q Who keeps those?

A Arms Services.

Q Who is in charge of Arms Services?

A Mr. Santana.

Q Okay. Do you know why they are kept?

A For possible future reference.

Q How long have you had the practice of keeping the removed trigger assemblies of the 700's?

MR. HUEGLI: Excuse me, Peter. Is that 623?

MR. CHAMBERLAIN: Yes. I think it would be near the top of your file.

BY MR. CHAMBERLAIN:

Q How long has that been the practice?

A Well, I have been doing it for the past three years.

Q And that is as long as you have been in the department?

A Yes.

Q Do you know if it has been done before that?

A No, I don't.

Q Have you ever had occasion in the last three years to refer back to one or more such trigger assemblies?

A No.

Q I would like you to take a look at the entirety of Exhibit 19. After you finish, I would like you to look at the last two pages, in particular.

A Okay.

Q Take a look at the next to the last page and tell me what that letter is, what that document is.

A That is a copy of a letter that I wrote to Surplus City, U.S.A. describing our examination and findings on this Model 700 BDL 30-06, serial number 6749631. It was sent to us for examination.

Q Was that letter sent this year?

A February 1982.

Q And on the second page, it bears your signature?

A Yes, it does.

Q On this particular complaint, referring to the front page of the Gun Examination Report, the committee concluded they were unable to duplicate the customer's complaint and concluded that the gun passed the trick test, right?

A Yes.

Q And the customer's complaint was that when the safety is thrown off, the gun goes off?

A Yes.

Q Based upon the information contained in the Gun Examination Report, did your committee reach a conclusion as to what caused this customer's complaint?

A On this particular one, I don't think so.

Q You didn't find any screws out of adjustment, right?

A No.

Q And you didn't find any gummed up trigger assembly?

A No. It would have been noted under the "Comments" section if we had.

Q Was it you yesterday that was telling me that -- I think I asked you what various conditions you found can cause the trick condition on the Model 700's trigger, and you listed several and then said there were a certain number of those that you never were able to explain?

A I believe that sounds familiar, yes.

Q Now, when you have a complaint that you cannot explain, such as the one listed in Exhibit 19, you deny any liability to your customer, right?

A If we can't find anything wrong with it.

Q Is it typically your practice to also tell your customer or suggest to the customer that it is possible that the gun handler touched the trigger in the process of moving the safety from the safe to fire position?

A Yes.

Q Do you have any personal contact with gun owners? By "personal," I mean, do you talk to them on the phone in addition to corresponding with them?

A Yes.

Q You do?

A Yes.

Q Do you inquire of the gun owners as to whether or not this condition has occurred once or more than once?

A No.

Q Would it be significant to you -- Strike that.

In analyzing one of these unexplained F.S.R.'s, would it be significant if the gun owner told you, "Well, I was handling the gun. I pushed the safety from safe to fire, and it went off. I wasn't certain whether or not I had my finger on the trigger, but it scared me so much that every time after, I made a fist with my right hand. I flipped the safety with my thumb, with my left hand way up on the stock. I made sure nothing was touching the trigger so it would not happen again?" Would that be significant to you in solving the problem?

A I am sure we would examine it in the manner we would as any other with that complaint.

Q In your analysis, would it help you to rule out that the handler inadvertently touched the trigger?

A Repeat that. Let me make sure of your question.

Q Okay. I told you the factual scenario. What I am asking, with that information from your customer; he had it happen more than once and it scared him and thereafter he was very careful not to put his finger on the trigger and the fact that he would make a fist with his right hand and use his thumb to push the safety to the fire position -- my question is, if your customer told you that, would that help you in analyzing the problem, to rule out the possibility that the customer inadvertently brushed the trigger?

MR. HUEGLI: I think I would object to the form of the question. I don't think you are telling us whether or not the gun went off when he did that again.

MR. CHAMBERLAIN: And it went off.

MR. HUEGLI: And it went off, okay.

THE WITNESS: Well, we still have the same mechanism to examine. We would look at

it from the same standpoint we would with any other rifle when it is sent to us with this complaint. There are certain things you look for.

BY MR. CHAMBERLAIN:

Q I agree that doesn't change the physical facts of the rifle.

A That is right.

Q But in your letter to your customer, at least in Exhibit 19, you suggest -- I will read it to you. "It is possible that while your customer was moving the safety lever from the safe to the fire position, he, at the same time, inadvertently contacted the trigger." Now, given the facts that I have given you, would it help you to rule out that possibility?

A Not necessarily.

Q No, all right. Now, I will hand you Exhibit 20. This is a Gun Examination Report from March of 1981 where it was noted by your checker, Mr. Hardy, that the gun passed the trick test and that the sear lift was .012 when the gun was on full safe and the sear lift was .008 when the safety was in the

null position and that the engagement at the trigger connector was .030. The customer's complaint was that the gun fired when the safety was released. The committee's comments were recorded, I guess, by Mr. Hill.

A Yes.

Q The comments were that the committee was unable to duplicate the customer's complaint.

MR. HUEGLI: What number is that?

MR. CHAMBERLAIN: I am sorry. It is 431.

BY MR. CHAMBERLAIN:

Q Take a look at that, and let me ask you a question.

There again, the committee was unable to find anything in the condition of the rifle that caused the customer's complaint, right?

A That is right.

Q And again, you wrote and suggested that perhaps the customer inadvertently touched the trigger when he was flipping the safety from safe to fire?

A There is no other explanation.

Q In your Return Gun Committee, was it the practice in the time that you have been on the committee

to perform a trick test on every Model 700 that came in with an F.S.R. complaint?

A I do.

Q Do you see every Model 700?

A No, probably not, because I am not always at the committee meetings.

Q Is the gun at the committee meetings, typically?

A Yes.

Q What is the committee's practice, if you are aware of it, as to recording whether or not the gun passed or failed the trick test, recording it on the Gun Examination Report?

A I think it is normally recorded on there. It is a practice, I believe.

Q Regardless of whether it passed or failed?

A Yes.

Q And then on the Gun Examination Reports that we have where there was no indication of the trick test, passage or failure, would it be likely or more probable than not that on these rifles no trick test was performed?

A No, because whenever the committee looks at a rifle that is returned with this complaint, this is

part of the examination procedure on this type of complaint, to perform the trick test.

Q Are you aware of any instances when the committee or any member of the committee has performed a trick test on a Model 700 where the complaint is F.S.R., and the rifle fails the trick test and that fact has not been recorded on the Gun Examination Report?

A No. If it isn't included on the report, I would have to say it is an oversight, because that is part of our procedure.

Q Okay. Then, it would also be true, wouldn't it, that you are unaware of any Model 700's that have passed the trick test and that fact has not been recorded?

A (No response.)

Q This is just the converse of the prior one. Are you aware of any situations with a Model 700 that has come in with an F.S.R. complaint, the trick test has been performed and the rifle has passed the trick test and this fact has not been recorded on the report?

MR. HUEGLI: I object to the form of the question. It is a double negative. It

is asking if he is -- it is a double negative.

It can't be answered yes or no.

MR. CHAMBERLAIN: Yes, it can.

Let me restate it and try again.

BY MR. CHAMBERLAIN:

Q What I am asking you, are you aware of any situations where a 700 has come in with an F.S.R. complaint and the trick test has been performed and the gun has passed that test and that fact has not been recorded on the Gun Examination Report?

A Here again, it is a possibility, but I would have to say it is an oversight.

Q If it has occurred at all?

A That is right.

Q Is it the committee's practice or your practice to write a letter to every customer that sends in a rifle with a product complaint?

A No, I don't write a letter to every customer that sends a rifle in with a product complaint.

Q What is the criteria on whether or not you do so?

A Well, the committee guns, primarily.

Q What does that mean?

A Guns that have been examined by the committee.

Q Okay.

A Here again, I don't respond to all of those, either.

Q Every gun that comes in that has a product complaint that is reviewed by the committee, does somebody on the committee write a letter to that customer or gunsmith and say, "This is what we found," in the normal course? I realize you could miss one.

A Well, the customer is responded to in one way or another. If it is not done by myself, it is done by our Service Division.

Q So if I am given a Gun Examination Report, a Receiving and Estimate Report and a copy of a letter from a customer stating his complaint, but I am not given a responding letter from Remington, it is probable that that letter was lost in the shuffle?

A Yes.

Q Rather than because you didn't respond?

A That is right. The customer is responded to in one way or another on any firearm that has been sent

back to us.

Q Okay. I will hand you Exhibit 21. Take a second and look at that.

MR. HUEGLI: What number is that?

MR. CHAMBERLAIN: 500.

BY MR. CHAMBERLAIN:

Q That is a Gun Examination Report dated July of 1981 where the customer's complaint was that the safety fires -- that the gun fires when the safety is released at times, right?

A Yes.

Q On the "Components condition," it is noted that the rifle had the old style fire control. What does that mean?

A I am not sure.

Q I should ask Mr. Hardy, I guess, right?

A (No response.)

Q This gun was manufactured in July of '66, according to the code?

A Yes.

Q Would that perhaps explain some difference in the fire control?

A It could be they are referring to the different design, the older style design of the sear and the safety cam.

Q When was that change?

A (No response.)

Q Was it before 1976?

A I believe it was.

Q On this particular complaint, the committee was of the opinion that the sear safety cam was sticking in the downward position because of an accumulation of dirt and oil. Is that true?

A That is what it says.

Q Okay. Let me see this for one second.

MR. CHAMBERLAIN: This is Gun Examination Report 592.

BY MR. CHAMBERLAIN:

Q Why don't you take a look at Exhibit 22 for a second there.

A Okay.

Q Now, why don't you identify that document just for the record, at least the top page. Can you do that?

A It is Gun Examination Report Number 592.

Q In December of '81, right?

A Yes.

Q On this report, the complaint was that the rifle fired when the safety was released, true?

A Yes.

Q Your committee concluded that the gun passed the trick test; that the horizontal sear engagement was within specs, true?

A Yes.

Q And you were unable to duplicate the customer's complaint?

A That is right.

Q And on Exhibit 22, in addition to the Gun Examination Report and the Receiving and Estimate Report, we have a fairly long letter from the customer explaining his experience?

A That is right.

Q And then your response, right?

A Yes.

Q And part of your response told the gun owner that the condition of the gun appeared to be good and

that the various specifications, and whatnot, were within Remington's tolerances?

A Yes.

Q You told him you couldn't repeat the incident, right?

A That is right.

Q And that the trigger adjustment screws had not been tampered with, true?

A If that is what I said.

Q Okay. Well, you say also that the factory seals were intact on the trigger adjustment screws indicating no alterations of the gun were made outside your company?

A Okay.

Q And then you state, "Our examination did disclose slight rust deposits on the trigger assembly. It is possible that dampners (possibly condensation) could have frozen and caused the internal parts of the trigger to hang up, resulting in an accidental firing." What is the basis for that statement?

A It is a distinct possibility.

Q Is that something that Remington has experienced

on their rifles in the past, on their Model 700's?

A I am not sure we have experienced it, but if there was moisture inside the trigger assembly and it did freeze, it could very possibly cause the internal parts to hang up, such as an accumulation of crud, if you will.

Q And Remington has known about this possibility for quite some time, haven't they?

MR. HUEGLI: I object to the form of the question.

BY MR. CHAMBERLAIN:

Q How long has Remington known about this possibility?

A I have no idea.

Q How long have you known about this possibility?

A For about three years, probably.

Q Ever since you have been on this particular job?

A That is right.

Q Did someone tell you about it as a possibility?

A Probably. I would guess I would have learned about it through discussions in the committee.

Q You don't remember a name of a person?

A No, I don't.

Q Take a look at Exhibit 23, if you would.

MR. HUEGLI: Is it number 244?

MR. CHAMBERLAIN: Yes.

BY MR. CHAMBERLAIN:

Q That is a Gun Examination Report of February of 1980, correct?

A That is right.

Q And in this case, the customer's complaint was that the gun will discharge when the safety is moved to the fire position?

A That is right.

Q And your checker, Mr. Joy, found that the trigger adjusting seals on that trigger assembly had been broken. He also noted that the gun failed the null trick test, right?

A Right.

Q The null trick test is the same as the trick test, isn't it?

A Yes.

Q Based upon the comments inserted on the report

by the committee, did you conclude that the adjusted --
correction, that the broken adjusting screw seals were
causally related to this gun's failure of the trick
test?

MR. HUEGLI: Just the broken seals or
the adjusting screws?

MR. CHAMBERLAIN: Well, start with the
broken seals.

THE WITNESS: That has no affect.

BY MR. CHAMBERLAIN:

Q Did you figure that the trigger adjusting
screws were set outside of Remington's specifications?

A Yes.

Q Well, which ones were adjusted outside of
your specifications?

A Well, I said that the over travel adjustment
on the trigger was excessive.

Q Do you mention any others?

A The trigger pull was within specifications,
three-and-a-half pounds.

Q The sear lift was within specs, wasn't it?

A I believe so.

Q .0095 is within specs?

A Yes. I believe it is.

Q In your experience, an excessive over travel adjustment, can that cause failure of the trick test?

A I don't know, really. It is a possibility.

Q You have never seen it, have you?

A We saw it on this one. This rifle failed the trick test, and it was -- it did have excessive over travel.

Q In your opinion, is that why it failed the trick test?

A It is a possibility. You would have to talk to one of the designers on that. I am not a designer.

Q The adjustment of the trigger engagement screw could cause the gun to fail the trick test, couldn't it?

A The trigger engagement screw?

Q Right.

A I believe so.

Q Okay. But you didn't note any adjustment of that screw on your report in Exhibit 23, did you?

A Well, the seals were broken, as the report

said. We don't know without getting into it if that had been adjusted. I can't say based upon what is on the report. The seals were broken on the adjusting screws. Whether that means all of them or part of them, I don't know at this time.

Q My point is, you did note the trigger pull in pounds. You did note the sear lift in thousandths of inches. There is no notation, however, as to the trigger engagement.

A No, not on that report.

THE WITNESS: While you are reading that, can I get a drink of water?

MR. CHAMBERLAIN: Sure.

(Whereupon, a short recess was taken.)

BY MR. CHAMBERLAIN:

Q I will hand you Exhibit 25, which is a Gun Examination Report dated December of '78 where the customer's complaint is that the gun fired upon taking off safety. I ask you to take a look at that.

MR. HUEGLI: That was 25?

MR. CHAMBERLAIN: Your number 52.

MR. HUEGLI: Did I miss 24? What was 24?

MR. CHAMBERLAIN: I marked it and didn't use it. Do you want to know what it is?

MR. HUEGLI: Yes.

MR. CHAMBERLAIN: It is number 106.

BY MR. CHAMBERLAIN:

Q Now, on Exhibit 25, the committee concluded it was unable to duplicate this incident, correct?

A That is right.

Q But it did note excessive oil in the fire control, and it noted that that could cause impaired mechanism function?

A Yes.

Q By saying that, "could cause impaired mechanism function," did you mean or did the committee mean that that could cause the gun to fire upon taking off the safety?

A I would assume so, in different wording.

Q Were you on the committee when this report was prepared? It looks to me from the date that you maybe were not on the committee.

A No.

Q But by the time it came up for approval, you

were, true?

A I would think so, based upon the date.

Q When it came in, you were not, but when it came up for approval, you were?

A I was not on the committee when this rifle came in.

Q And then you wrote a letter on March 27th, of 1979, to the customer, did you not?

A Yes.

Q And that letter bears your signature, right?

A Yes, it does.

Q In that letter, amongst other things, you pointed out that the trigger assembly contained, to use your words, an excessive amount of heavy oil. You told the customer that an accumulation of that nature coupled with cold temperatures could possibly cause the trigger mechanism to hang up and result in an accidental discharge when the safety is released, right?

A Yes.

Q You go on to say that Remington strongly recommends that oil be used sparingly on the rifle with no lubrication added to the trigger mechanism. My

question is, where is that strong recommendation made?

A Right in the manual.

Q What manual?

A The owner's manual that we had yesterday.

Q So when you use the words "strong recommendation," by saying that, you are referring to the language that we discussed yesterday under the heading, "Lubrication," on the second printed page of the owner's manual?

A That is what I was referring to, yes.

Q Incidentally, I haven't seen an original of this exhibit. Is it done in color on the owner's manual?

A I believe it is green. It was like that.

MR. HUEGLI: Off the record.

(A discussion was held off the record.)

BY MR. CHAMBERLAIN:

Q Is your recollection that all of the printing is in black?

MR. HUEGLI: Here is a '78 version, if that helps you.

THE WITNESS: The same format.

BY MR. CHAMBERLAIN:

Q So the section involving lubrication is all

black ink, right?

A Yes.

Q And that is what you called the strong recommendation?

A That is my wording, yes.

Q For the court reporter's benefit, by the way, if you would wait until I finish my question, it would be appreciated. I know you know what I am going to ask, but it comes out looking crazy in the transcript.

A I am sorry.

Q You go on to say in your letter, in the third paragraph of your March 26, 1979 letter to Mr. Benjamin, you state, "In most of our investigations concerning the problem that was experienced, we have found that when the safety was pushed to the fire position, accidental contact was made with the trigger." What I want to know is, what investigations Remington has conducted to reach that conclusion.

A That pile of examination reports.

Q Okay. And what is there that you can show me in the examination reports that shows any of these users brushed the trigger?

A Well, this has to be an assumption on our part, as I stated before, because we can find nothing else wrong with the trigger.

Q So when you were saying, "In most of our investigations," you don't mean investigations in what the user was doing?

A I used the wrong word, possibly, if we are going to nit pick words.

Q What you mean is, in most of your examinations of the rifles, you couldn't find a problem, so you concluded it must have been the user's fault?

A Yes.

Q I hand you Exhibit 26, which is a Gun Examination Report from February of '82. Again, the complaint from the customer was that the gun fired when the safety was moved to the fire position, right?

A Yes.

Q And the committee's conclusion was that the malfunction was possibly caused by a gummed up fire control, true?

A That is what it says.

MR. HUEGLI: What exhibit number is that?

MR. CHAMBERLAIN: 539, Exhibit Number 26.

BY MR. CHAMBERLAIN:

Q In this case, you wrote two letters to the user, did you not, one in December of '81?

A Let me see. Yes.

Q The first one was dated in December of 1981, and the second one was in March of '82, right?

A Yes.

Q And in the first letter, the December 15, 1981 letter that you wrote, you explained that the incident the customer complained of, the F.S.R. incident, resulted from improper adjustment of the trigger assembly or from foreign material such as excessive lubrication inside the trigger assembly or from pressure being inadvertently applied to the trigger at the instant the safe is moved, right?

A Qualified with the word, "Generally."

Q There are other possibilities?

A That is why I used the word, "Generally."

Q And the other possibilities include moisture that has frozen in the trigger assembly?

A That is a possibility, anything foreign.

Q What else could cause it?

A Misadjustment.

Q Of the trigger screws?

A Yes.

Q That has already been mentioned in here, improper adjustment of the trigger assembly.

A Yes.

Q Okay. What other possibilities are there besides the ones you mentioned in that paragraph that starts off with the word, "Generally?"

A That about covers it.

Q In your second letter to Mr. Gregory, the gun owner in Exhibit 26, you noted to him that the condition of the gun appeared to be used and dirty, right?

A Yes.

Q And you noted that the trigger assembly was full of solidified oil, right?

A That is right.

Q And you told him that it was your assumption that the oil accumulation caused the trigger parts to hang up and caused the accidental discharge, right?

A Yes.

Q I was paraphrasing you.

A Uh-huh.

MR. CHAMBERLAIN: Jim, number 585 is Exhibit 27, but I am not going to ask any questions about it. 585 is Exhibit Number 27. It is the one with the attachments.

BY MR. CHAMBERLAIN:

Q Would you take a look at Exhibit 28.

My first question is, what is molycoat?

A That is a dry lubricant that we use on internal action parts in some instances.

Q Primarily graphite?

A I would assume it is a graphite base.

Q Is molycoat a brand name?

A I don't know.

Q Is it a DuPont product?

A I don't know that either.

Q Would it be normal to find some molycoat in the action of a Model 700 as it comes off the assembly line?

A Possibly, yes.

MR. HUEGLI: In the action?

MR. CHAMBERLAIN: Yes.

BY MR. CHAMBERLAIN:

Q Well, you should find some, shouldn't you?

A If this is what the process calls for.

Q Do you know if it does?

A I don't know.

Q We are still on Exhibit 28. On page two and page three there is a letter that you wrote to Mr. Albert Moon on June 13, 1979, regarding the problem that is documented on the front page of Exhibit 28, true?

A (No response.)

Q Let's see. In this particular case, it was an F.S.R. complaint. You were unable to repeat the complaint, and the gun passed the trick test, right?

A Yes.

Q You told the customer these facts, and you told him that it was your assumption that the safety was pushed to the fire position and that contact was made with the trigger. Then you go on to explain that when the safety is in the on safe position, the trigger is lifted off the trigger connector, and very little

effort is required to pull the trigger rearward unknowingly; thus, taking the trigger out from under the sear. What you are saying is, with the gun cocked and in the safe position, you can still move this trigger?

A That is right.

Q And that takes very little effort?

A That is right.

Q And if a user was holding the trigger back and he pushed the safety to fire, it would fire?

A That is right.

Q Are you familiar with any bolt action rifle designs on which the putting of the safety to the on safe position also locks the trigger such that it cannot be easily pulled back?

A As I said before, I am not really familiar with competitive designs.

Q You have never heard of that type of design?

A No.

Q Take a look at Exhibit 29. That is Remington Number 62. Exhibit 29 is a Gun Examination Report from January of '79 involving an F.S.R. complaint with the Model 700, right?

A Yes, it is.

Q And the committee's conclusion was that the malfunction appeared to be caused by excessive oil in the trigger mechanism, true?

A That is what it says.

Q And then it goes on to say that R & D, which I assume is Research and Development, confirmed the malfunction at low temperature test, zero degrees Fahrenheit?

A That is what it says.

Q What is the low temperature test? Are you familiar with that?

A No. I was not on the committee at that time, apparently, so I really can't comment on that one.

Q Okay. Your initials don't appear on this one?

A No, they don't.

Q But this was in a period of time when you were in your present job position, wasn't it?

A Yes. But as I said before, I don't attend all these meetings. I may have been on a trip, or something like that. I wasn't there at that time.

Q And do you have any experience at all with

Model 700's with the F.S.R. complaint being trick tested at low temperatures?

A None other than what it says there.

Q I don't mean on this rifle. On any other rifles --

A No, I don't.

Q You did, on this occasion, write the letter to the customer, right?

A Yes.

Q Is that letter generally written just from the information contained on the Gun Examination Report?

A Basically.

Q Plus your general knowledge?

A Generally from what is on the report.

Q I have also noticed, looking at some of these that you have written and comparing them, that frequently the language from letter to letter is either identical or very similar.

A Well, I use a form letter approach whenever possible. It is expedient.

Q Do you have one of these machines where you can pick up paragraphs, and you can tell your secretary

to use that paragraph?

A No. I wish I did.

Q So each one is separately dictated?

A That is right.

Q So you are using form paragraphs?

A From memory, primarily.

Q Okay. In this Exhibit 29, this Gun Examination Report, you told the customer that it could be possible that the oil accumulation coupled with the cold temperatures could cause the trigger mechanism to hang up, resulting in an accidental discharge when the safety was released?

A Yes.

Q And again, you told the customer that you strongly recommend no additional lubrication be added to the trigger mechanism?

A That is right.

Q On Exhibit 30, I would just ask you to look at that. Tell me whether or not the top page of that exhibit is a letter that you wrote to the customer --

A Yes, it is.

Q -- explaining the findings of Remington?

A Yes.

Q Let's see. You are still on the committee, right?

A Yes.

Q Are you aware of any F.S.R. complaints on the Model 700's that have come in in the last year -- Strike that.

Are you aware of any F.S.R. complaints that have come in on the Model 700 since it was redesigned?

A No, no. I am not saying that. There may be some pending at this point, but none that I am aware of.

Q And that design has only been in production what, six months?

A A very short period. I am not sure specifically when it was implemented, but a short time.

Q These field service manuals are updated from time to time, aren't they?

A Yes.

Q And these little numbers and letters that we talked about in the bottom right-hand corners would document those updates?

A I believe so.

Q In addition to these updates, are there any kind of bulletins issued by Remington periodically to further fine tune the information that is contained in the manual, to make corrections or to provide additional information to their repair people in the field?

A I don't know for sure.

Q Does Remington have any other kind of bulletin that it issues to gunsmiths in general or its warranty people in particular, you know, monthly newsletters?

A Not that I am aware of.

Q Not necessarily monthly, but periodic newsletters or updates?

A Not that I am aware of.

Q Do they have any sort of what you would call an industry magazine that they produce?

A That Remington produces?

Q Right.

A No.

Q Is there an industry magazine that someone else produces that you are aware of?

A What do you mean by that?

Q Well, I represent a company called A.B. Chance that makes hardware for the power industry. They produce a magazine on, I think, a monthly basis called Chance's Tips, where they promote their product. They also publish little news items about personnel, new design. It is basically an advertising vehicle directed to people in their trade.

A Okay.

Q Does Remington have anything similar to that?

A Not that I know of.

Q You identified Mr. Linde yesterday as the person who had primary responsibility for the 1976 update of the field service manual?

A From the initials that appeared on the page, yes.

Q Do you know who has parallel responsibility for updates of the owner's manuals?

A Well, that is an R & D function. It would be Clark Workman's group.

Q On Exhibit 10 there, in the bottom right-hand corner of the last page, it says, "Form R.D.," and then it has a number. Is that R.D. reference Research and

Development?

A It is a guess.

Q Or is that just a good guess?

A It is a guess.

MR. CHAMBERLAIN: I am sure you will be disappointed, but that is all the questions I have.

(Whereupon, a short recess was taken.)

* * * * *

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

I, JAMES STEKL, being duly
sworn, hereby state that I have read the above
deposition of my testimony in the above-entitled
action taken on August 17 & 18, 1982, before
LORRAINE SMITH, a Shorthand Reporter and Notary
Public, at Remington Arms, Ilion, New York, and
that the same is true and correct.

Sworn to before me this _____
day of _____, 1982.

C E R T I F I C A T E

I, LORRAINE SMITH, a Shorthand Reporter
and Notary Public in and for the State of
New York, DO HEREBY CERTIFY that the foregoing
is a true and accurate transcript of my
stenographic notes in the above-entitled
matter.

Dated: September 16, 1982

Lorraine Smith

cc: R.B. Sperling
bcc: F.T. Millener
K.D. Green

November 1, 1982

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. - Employee Depositions

Dear Jim:

The transcripts of the depositions taken here at the factory on August 16, 17, & 18, 1982 are being sent under separate cover.

I have had copies made of John Linde's and mine for future reference.

Sincerely,

J.A. Stekl, Supervisor
Firearms Product Service

JAS:tp