



STIPULATIONS

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 Dennis Santina, 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.

MARTIN MURPHY, CSR, P.C.

DENNIS SANTINA, 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. Santina, we have been introduced. I am the lawyer representing Mr. and Mrs. See in a lawsuit that they have brought in Federal Court in Oregon against Remington Arms. The lawsuit arises out of a gunshot wound to Mrs. See involving this 30-06 to my left here. In this case, we claim that the safety on the rifle was pushed from the safe to the fire position and that the rifle discharged causing her some injuries.

Have you had it explained to you what a deposition is?

A No.

Q Okay. Have you had a chance to talk to Remington's lawyers?

A Yes.

Q A little bit?

A Yes.

Q Basically, this is my opportunity to talk to

MARTIN MURPHY, CSR, P.C.

you with you under oath and ask you a little bit about yourself, about your job and about Remington Arms and in particular about the Model 700. Although it is an informal atmosphere here, you are under oath. It is your obligation to tell the truth just as if we were in a court of law.

A Let me backtrack. This has been said to me.

Q Okay. The court reporter is taking down everything that is said so that it can be used at trial.

A Okay.

Q I think it is important to me and also to your employers that you be certain you understand my questions before you attempt to answer them. If at any time you don't understand what I am asking you or if you need clarification, please stop me and I will repeat it or clarify my question so you are certain in your own mind that you understand the question before you answer it. Okay?

A Yes.

Q Also, please answer out loud so that the court reporter can get down your words. Please don't use

MARTIN MURPHY, CSR, P.C.

nods of the head and don't use uh-huhs and huh-uhs, because she has trouble with those kinds of things. Please also let me finish my questions before you start to answer them, even if you know what I am going to ask you because it is hard for her to get both of us down. Also, it comes out sort of screwy in the transcript if I don't finish my question and you start to answer it.

A Okay.

Q Can you tell me a little bit about your educational background?

A I have a year-and-a-half, almost two years, of a business degree. I completed high school. This is college.

Q When did you do that? Are you still doing it?

A I am still doing it.

Q What is your age?

A Thirty-nine.

Q How long have you worked for Remington?

A It will be nineteen years October 11th.

Q Between high school and starting to work for

MARTIN MURPHY, CSR, P.C.

Remington, did you have a couple of years in there in the service or another job or school, or whatever?

A. I had about a year-and-a-half at General Electric, radio receiver.

Q. Is that the name of it, radio receiver or was that your position?

A. That is the name of it.

Q. What did you do for them?

A. Expediter.

Q. Shipping and receiving department?

A. Stockroom, parts.

Q. If you would, briefly trace your employment with Remington. Tell me what positions you have held, what responsibilities that involved, what departments you were in, that sort of thing.

A. Okay. I was hired in 1963. I was hired in the parts department in the Armed Services section of Remington. I worked there for approximately three years, and I was drafted. In '66 I was drafted. I got out of the service in '68.

MR. HUEBLLI: Off the record.

(A discussion was held off the record.)

MARTIN MURPHY, CSR, P.C.

BY MR. CHAMBERLAIN:

Q. Go ahead.

A. And in '68, I reported back in. Then I was assigned to the same department, in the parts section. And from there -- I think I was there at least nine years. Then I was promoted to an arms services correspondent and then foreman. I held that for about a year-and-a-half. I am currently supervisor.

Q. Are you still in the arms services department?

A. Yes.

Q. In your first job, the parts position, is that similar to what you were doing at General Electric? Is it expediting?

A. Yes, filling part orders.

Q. Okay. And then when you became an arms services correspondent, that was about '77?

A. I don't know about the date. It could be '77 or '78, but I am not sure about the date.

Q. What does an arms services correspondent do?

A. That position is held by individuals who answer phone inquiries, take part orders over the phone and process paperwork on repairs or part orders.

MARTIN MURPHY, CSR, P.C.

Q. Process paperwork on repairs and part orders?

A. Yes.

Q. In this position, did you have contact with used rifles that were returned to the company with customer complaints?

A. I don't understand. If a gun came back in for repairs?

Q. I will find an easier way to ask this.

A. Maybe the word used is throwing me off.

Q. As part of Exhibit 14, we have a document called the Receiving and Estimate Report. Have you seen these before?

A. Yes.

Q. Is that something that an armed or an arms services correspondent fills out?

A. No. He doesn't fill this out. He reviews this and makes sure action is taken that is requested by the customer or the repairman, make sure it has been done, makes sure the shipping address is correct, and it is going back to the right person.

Q. The arms service correspondent uses the Receiving and Estimate Report to make sure that the

MARTIN MURPHY, CSR, P.C.

repairs have been made and the gun gets back to its owner?

A. Yes. And check the serial number, make sure it matches the correct correspondence and the shipping address, where it is going back to, make sure that is correct. In other words, he does all the paperwork.

Q. Does he make any notations on the Receiving and Estimate Report?

A. He could, yes.

Q. Would he make any notations on the section entitled, "Main fault?"

A. No.

Q. How long were you an arms services correspondent?

A. Five years.

Q. That would be until when, 1980, '81?

A. Yes.

Q. And you became a foreman?

A. No. It has to be -- the dates are off.

Q. You told me you started --

A. I was in the parts section a total of nine years. That was from '63 to '72. I became a correspondent. That includes service time.

MARTIN MURPHY, CSR, P.C.

Q You were an arms services correspondent from about '73 to '78, then?

A Right.

Q Okay. From '78 to about '79 or the first part of '80, you were a foreman?

A Yes.

Q In what department?

A Arms Services.

Q What did you do as the foreman? What does that entail?

A I was in charge of Department 33, which was repairs, 37, which was the parts department, and the office, Department 34.

Q And the office?

A Yes.

Q And then you became a supervisor in '80?

A Yes.

Q Is that a supervisor of the arms services department?

A Yes.

Q One other step up the ladder, basically?

A Yes.

MARTIN MURPHY, CSR, P.C.

Q That is your job today, right?

A Yes.

Q What is the scope of your responsibilities now?

A Well, since I was foreman, we have -- I have two working foremen that report to me. I have also been assigned to the custom shop, who now report to me.

Q What is that?

A That is where custom firearms are built, special orders.

Q Okay. I have a number of Gun Examination Reports and correspondence, some of which has been marked as exhibits in these depositions that we have been taking. The Gun Examination Reports that I have been given relate to the Model 700 over the last three years where the customer's complaint has been that the gun fired when the safety is released. On a number of these reports, the documentation indicates that, for whatever reason, the trigger on the gun was replaced prior to the gun being returned to the owner.

A Okay.

Q Do you follow me so far?

MARTIN MURPHY, CSR, P.C.

A Yes.

Q On some of them, there is an addition, a memo from Mr. Stekl to you, indicating, please replace the trigger assembly on such and such and return the rifle at no charge to so and so. And then he says to keep the old trigger assemblies for possible future reference. I will show you one such report. This one happens to be attached to Exhibit 27.

Everybody tells me you are the person that was involved in keeping these triggers. Is that true?

A Yes.

Q Do you still have them?

A Yes.

Q Have you ever been called upon to turn them over to anybody for examination beyond the time that they were first given to you?

A No.

Q Where are they kept?

A They are kept in a cabinet in our department.

Q Let's see. Taking that particular memo there, that is what, 1992?

A Yes.

MARTIN MURPHY, CSR, P.C.

Q So you were a supervisor then?

A Yes.

Q Explain to me, if you can, how you would first get that memo and what the procedure is that would be gone through to accomplish what Mr. Stekl wanted there.

A I would have to look at the whole thing.

Q Okay.

A This gun would be placed on the rack after it comes down from the examination committee. This letter would be attached to the file waiting reply.

Q By "this letter," you mean --

A Jim Stekl's letter to Gell's. And this Don't say it - Write it, this authorization, from Jim to me to do this work, then I would give this to one of my correspondents and authorize them to pull this gun and get it on the repair line and comply with Jim's request.

Q And down the repair line, the old trigger mechanism would be removed?

A Yes.

Q Is the old part passed up the line to you, in

MARTIN MURPHY, CSR, P.C.

effect?

A No.

Q How does it get back to you?

A You mean the old trigger assembly?

Q Right.

A No. My repair people know where to place them.

Q They put them in there automatically?

A Yes.

Q Are they tagged?

A Yes, they are.

Q Let me finish my question. I know you know what I am going to ask. Are they tagged so that you know which trigger has come from which gun?

MR. HUEGLI: In other words, do you have a tag that says, "Mr. Brown's trigger," or "Gell's Sporting Goods' trigger?"

THE WITNESS: It could have that on it or the repair order with a serial number, which is as good as the name. But in some cases, it might have all of that. They are tagged, yes.

MARTIN MURPHY, CSR, P.C.

BY MR. CHAMBERLAIN:

Q Is that a locked cabinet?

A I am not really sure.

Q And your recollection is no one has ever come to you and said, "I want to grab a batch of those and test them," or "I want to grab a batch of those and clean them or throw them away?"

A No.

Q I realize you have only been in your present position for a couple of years, but what period of time have those triggers been saved, if you know?

A I really don't know that.

Q Are triggers from 600's put in there as well as 700's?

A I am not sure what you mean. Do you mean mixed with 600's or in the same cabinet?

Q Either way.

A Either way? I am not sure about that either.

Q You don't know if there are any 600's in that cabinet at all?

A No.

Q Those tags that go on the safeties, are they

MARTIN MURPHY, CSR, P.C.

dated?

A I am not sure either if they are dated.

Q Would a copy of any of the paperwork that you have before you here in the form of Exhibit 27 be included with the triggers?

A No.

Q You wouldn't fold up a Gun Examination Report?

A No.

Q And then on these rifles that had had their triggers replaced, are the new triggers that are installed just triggers out of your supply that are used for new manufacture?

A Yes.

Q So the trigger that is installed on the rifle, the replacement trigger, is identical to the trigger that you would receive if you bought a new rifle?

A Yes.

Q Were you involved at all in helping Remington's lawyers compile documents for production in this lawsuit?

MARTIN MURPHY, CSR, P.C.

A No.

Q Do you know where the Gun Examination Reports are stored within Remington's document storage system?

A I don't think I understand that.

Q Okay. Do you know where a document such as that would be stored in Remington?

A (No response.)

Q That is a Remington document.

A You mean this one or the original of this?

The original of this is in mine. That is what I mean. If this comes down with action to be taken, like this one, then I would have it.

Q You would have the original?

A Well, on film.

Q What is your procedure on how far back you keep such records?

A I have since 1980. My records are on microfilm. I have records back as far as -- I have got to think what is in the hall of records to be microfilmed. I think it is two years, two previous years.

Q Before '80?

A Yes. That is general repairs.

MARTIN MURPHY, CSR, P.C.

Q Would there be Gun Examination Reports in there that you would receive for preparation or for repairs?

A I am not really sure if there is any in those or not.

Q In any event, they wouldn't go -- Strike that.

That wouldn't date to before August of '78?

A I don't think I understand.

Q Well, you told me that you have two years microfilm and that you have two years waiting to be filmed that would go before '80?

A Yes.

Q I was just adding up those two years. I have got four years. Four years back from today is August of '78.

A Okay. So you are asking me what?

Q How far back your records go before 1980. Would it be all of '79 and all of '78?

A Yes.

Q But nothing before that?

A No. Now I understand what you mean. You mean

MARTIN MURPHY, CSR, P.C.

everything I have on repairs?

Q Right.

A I have back as far as 1975. That is general repairs.

Q Okay. When a gun comes in and there is a customer complaint and the Return Gun Committee decides repairs are appropriate and they send the gun for repairs, they send you at least some documentation?

A Yes.

Q Part of the documentation is a Receiving and Estimate Report, right?

A Are you talking about from the committee?

Q Right. What do they give you?

A A letter with the estimate and receiving report number, a serial number and model, like what Jim gave me on that.

Q The Don't say it - Write it thing?

A With the estimating receiving number.

Q So this sheet is all they would give you?

A Yes.

Q So when you talk about having repair records back to 1975, at least as it relates to the kind of

MARTIN MURPHY, CSR, P.C.

repairs we have been talking about, would it just be one of these for each repair?

A No.

Q What else would you have?

A I have a A through Z complete file of all repairs.

MR. HUEGLI: Off the record.

(A discussion was held off the record.)

BY MR. CHAMBERLAIN:

Q Are you aware of any testing that has been done on the Model 700 to determine under what situations the rifle will or might fire when the safety is flipped from the on safe position to the on fire position? For instance, one gentleman who testified here said that there is some information that if the trigger was gummed up and the safety was on safe and the user pulled the trigger and it stuck and then put it on fire, the gun would fire. Are you aware of any tests that have been done along those lines with the Model 700 to try to cause those kinds of problems?

A No.

Q Are you aware of any tests at all that have

MARTIN MURPHY, CSR, P.C.

been done on the Model 700 regarding malfunctions of the trigger assembly and/or the safety?

A No.

Q Is that outside of your bailiwick?

A Yes.

Q You were in charge of a recall of the Model 800 that occurred in late '81?

MR. HUEGLI: We never recalled the Model 700.

Am I mistaken?

MR. SPERLING: Yes. Remember that slight recall because of the safety cam?

MR. HUEGLI: That was that one small batch?

MR. SPERLING: Yes.

MR. HUEGLI: Okay. Excuse me.

BY MR. CHAMBERLAIN:

Q Were you in charge of that small recall?

A Yes.

Q I have been provided a couple of documents that relate to it and in particular a Remington letter from Mr. Holmberg to -- well, it is a blank form letter

MARTIN MURPHY, CSR, P.C.

to users and a second blank form letter which looks like it would go to sellers. Can you tell me briefly, what was Remington's first notice that there was a potential problem that ultimately resulted in that recall?

MR. HUEGLI: Well, you want this man to answer what Remington's first notice was or what his first notice was?

THE WITNESS: I don't know.

BY MR. CHAMBERLAIN:

Q Give me your first notice, then.

A Instructions from Mr. Holmberg that they were being returned and that file of those letters.

Q In other words, you were just told they were doing a recall, take care of it?

A Yes.

Q What is your function, then? How do you implement the recall?

MR. HUEGLI: I don't think there is any foundation that he implemented the recall, other than putting new parts in, action for the forms.

MARTIN MURPHY, CSR, P.C.

MR. CHAMBERLAIN: I think in the answers to interrogatories you said he was in charge of it. There was an answer somewhere that he was.

MR. HUEGLI: If I did that, Peter, I apologize. I don't think I put Mr. Santina in charge of recall campaigns. If I did, that is my mistake.

Off the record.

(A discussion was held off the record.)

MR. CHAMBERLAIN: Let's go back on the record.

BY MR. CHAMBERLAIN:

Q Are you familiar with the recall we are talking about?

A Yes.

Q Describe for me in as few words as possible what your role was in relation to that recall.

A I had to keep track and records of all the ones that were received against a copy of the orders and letters that went to certain dealers or jobbers that Marketing forwarded out and make sure that the

MARTIN MURPHY, CSR, P.C.

repairs were completed.

Q And the repair was what, replacing the sear safety can?

A I can't be sure now exactly what we did.

Q The information provided to me by your employer states, in response to Request for Production Number Six, that rifles were suspected of leaving the factory in January of 1980 having an improperly plated sear safety can. Does that refresh your recollection at all?

A Yes. I just can't be sure if we replaced that or the complete fire control to expedite the repairs.

Q It might be faster?

A Right, because you have recalled them. That is the only thing I am not sure about.

Q You weren't involved, then, in the determination that there was a problem or the decision to make a recall, or anything in those phases?

A No.

Q Okay. Did you serve a similar function in the recall of the 600 several years ago?

A I think I need that clarified.

MARTIN MURPHY, CSR, P.C.

Q Okay. Were you involved in implementing the recall of the Model 600 when it was recalled in 1978 or '79?

A No.

Q Okay. To your knowledge, is there a field service manual that is newer than the exhibit, Exhibit 4, the field service manual that I am handing you?

A Which? Can I have that clarified? You are showing me Model 725, 722, 721 and 700. This one here?

Q It is my information this is one whole service manual. On two different places, it bears that date you are looking at as the most recent one.

A Yes.

Q The second place is right here.

A You are asking me if there is a most recent one?

Q Is there one newer than that one?

A Yes.

Q Since '76, how many times has that been updated, changed, supplemented?

A I don't know that.

MARTIN MURPHY, CSR, P.C.

Q More than once?

A I don't know that.

Q It appears to me from the photocopy that I was given that this is a three-hole punched-type of manual printed on two sides of the page. Is that your recollection, or is it a booklet?

A Yes, three-ring booklet.

Q Such that if you needed to make a one-page replacement, you could or Remington could print up that one page and send it out with instructions to the holders of these books to delete the old page and insert the new one?

A It could, yes. That is also to add new models.

Q Is that field service manual just part of a larger manual that aids a serviceman in servicing all Remington products?

A Yes.

Q Okay. Is your department in charge of or do they have custody of this? Do they keep track of it and ship them out, and that sort of thing?

A Just ship them out.

MR. HUEGLI: Linda told us at the end of

MARTIN MURPHY, CSR, P.C.

deposition, not this one, but his, that he just got the new field service manual into his office today.

THE WITNESS: That is right. That is what he said.

MR. SPERLING: That is what he said.

MR. CHAMBERLAIN: All I want to do is make sure whatever there has been in the way of changes since March of 1976, that I have a complete set.

MR. HUEGLI: Okay.

MR. CHAMBERLAIN: And I guess I would ask that we leave open Linda's deposition or whoever else it might be that is looking for the revision.

MR. HUEGLI: I will hope to have those for you by the end of the day. I will ask him for them, because I want to take them with me.

MR. CHAMBERLAIN: I don't have any other questions.

MR. HUEGLI: I have nothing. Thank you.

(A discussion was held off the record.)

MARTIN MURPHY, CSR, P.C.

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

I, DENNIS SANTINA, being duly sworn, hereby state that I have read the above deposition of my testimony in the above-entitled action taken on August 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.

*Dennis J. Santina*

Sworn to before me this 8<sup>th</sup>  
day of October, 1982.

*Margaret D. Hall*

MARGARET D. HALL # 06 3769 G  
NOTARY PUBLIC, STATE OF NEW YORK  
REGISTERED IN HERKIMER COUNTY  
BY COMMISSION EXPIRES MARCH 22, 1985

MARTIN MURPHY, CSR, P.C.

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*

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