



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 John Brooks, 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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JOHN BROOKS, having been duly sworn by a Notary Public in the State of New York, testified under his oath as follows:

BY MR. CHAMBERLAIN:

Q Is it John R. Brooks?

A John W.

Q Mr. Brooks, we have been introduced. My name is Peter Chamberlain. I represent the Sees, Mr. and Mrs. See, in a lawsuit that they have brought against Remington Arms that is pending in Federal Court in Portland, Oregon. In the lawsuit, we claim that this Model 700 discharged when the safety was flipped, and it caused personal injuries to Mrs. See's legs. This is our chance to ask you some questions under oath, find out a little bit about yourself and your company and your job and little bit about the 700.

Have you talked to your lawyers about what a deposition is?

A Yes.

Q And what your obligations are?

A Yes.

Q Do you understand that you are sworn to tell

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the truth?

A Yes.

Q And it is just as if we were in a court of law, except there is no judge here?

A Yes.

Q The court reporter is taking everything down that I ask you. This will be typed into a transcript form that we can use at the time of trial.

A Okay.

Q So it is very important that you -- I know you wouldn't mislead me on purpose, but it is possible that you might not understand a question and thereby mislead me accidentally. So please listen to my questions carefully and make sure you understand them. If you don't understand them, ask me to explain what I mean. Ask me to clarify, or whatever else is necessary so that you do understand the question. Okay?

A Yes.

Q It is also important to answer out loud, so that the court reporter can take down our words. She has trouble with nods, and that sort of thing. All right?

A Yes.

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Q Can you give me a brief summary of your educational background starting with high school?

A I graduated from high school. Do you want the high school?

Q No. I don't care.

A Then I graduated with a Bachelor of Science degree, mechanical engineering, University of Michigan.

Q In what year?

A 1951.

Q What is your age?

A Sixty.

Q And have you had any other education, formal education, since then?

A Various subjects that I have taken in college but nothing toward a degree.

Q Just classwork in various subjects?

A Yes.

Q Engineering or business, or what?

A Both.

Q Any other areas that you have taken classes in since college, I mean?

A I don't know what you mean.

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Q Have you taken classes in any subject matters other than business and engineering since you graduated from college?

A I took a physiology course.

Q Can you trace for me your employment with Remington? First of all, let me ask you, when did you start working for Remington?

A '53.

Q Were you in the service between '51 and '53?

A No.

Q What were you doing for those two years?

A Working for another company.

Q What company was that?

A Baldwin Lima Hamilton.

Q What do they do?

A They are a conglomerate. They made everything at that time from locomotives to army tanks to machine tools, et cetera.

Q What was your area of concentration in college?

A Mechanical engineering.

Q Is that a subspecialty, not a major but a certain emphasis? Did you get into metallurgy or stress

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analyses, or anything like that?

A No. We have all of those subjects under the curriculum.

Q What did you first do for Remington when you came to work for them in '53?

A I worked in Process Engineering as an engineering assistant.

Q How long did that last?

A One year.

Q Then what did you do?

A I transferred to the research section.

Q What was your job there?

A I worked on power actuated tools.

Q Ramset guns?

A Remington.

Q Okay. That is the brand name?

A Yes.

Q How long did you stay in Research and Development with power actuated tools?

A Probably until the latter part of the '60's.

Q Now, is it fair to say that up to that point, you had little or no contact with the design and

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manufacture of rifles?

A That is correct.

Q And then things changed in the latter part of the '60's, is that right?

A Yes.

Q What did you do then?

A I went into the design of rifles.

Q Would this still be in Process Engineering?

A No.

Q Research and Development?

A Yes.

Q Okay. What rifles were you working on?

A The ones I started working on would be the Model 700, the 40X.

Q When you say "started," you mean when you first went into the design of rifles? That was in the late '60's, and those were the first two you worked on?

A Yes.

Q Okay. As far as the 700, then, that was -- that gun already existed.

A That is correct.

Q So what do you call it, the process or continuing

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update, or that sort of thing?

A Yes, improvements.

Q Okay. And how long did you work on those two weapons? How many years did you spend?

A Off and on up to the present.

Q Well, what else have you been doing during your off times?

A Well, we had a scope that we manufactured. We made some bullets, target-quality bullets. And now I work on other guns, also.

Q Other rifles?

A Other rifles, other shotguns.

Q Were you involved in the recent, the last year, or so, redesign of the Model 700's trigger where they eliminated the bolt lock?

A Yes, the safety.

Q What did you do in that redesign?

A We took the bolt lock off, off the safety.

Q As a matter of shortening the safety lever arm?

A Yes.

Q On the end that connects with the bolt lock?

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A That is correct.

Q Did you take any part in making the decision or encourage the decision to make that change?

A No, I did not.

Q How were you involved in that change?

A We were asked to make the change, and we made the change.

Q Were you ever told what the reason was for that change?

A No, I was not.

Q Do you have any information as to what the reason was for that change?

A I believe Marketing recommended it.

Q Where did you get that information from?

A From Marketing.

Q Who in Marketing?

A Well, it would be Paul Holmberg.

Q When did he talk to you about that?

A Well, he didn't specifically discuss it with me. It is just when the thing was done, when it was asked to be done, they recommended that it be done.

Q The directive came from Marketing, in other

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words?

A Yes.

Q I will show you Exhibit 18 and ask if you can identify that.

A Yes.

Q What is that?

A This is what we call a D.C.R.

Q What does D.C.R. stand for?

A Design change request.

Q And who is that from?

A It comes from the research department. It is sent to the plant.

Q I thought a moment ago you told me that Marketing made the decision. Does Marketing tell Research once Marketing makes the decision?

A Yes.

Q Marketing would say to Research, "Here is what we want to do. You figure out how to do it?"

A That is right.

Q And Research would figure out how to do it and give it to Manufacturing and say, "Do it?"

A That is right.

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Q There is a certain logic to that. Okay.

Now, on Exhibit 18, it says it was requested by J.W. Brooks. That is you?

A Yes.

Q This form is a request to do what, change the official drawings?

A Well, we change the drawings and transmit them to the plant. They then make the change in the part and in the product.

Q And on this document, it says that the reason for the change is to eliminate having to put the safety in the off position to open the bolt, right?

A That is correct.

Q And it says that is to be done by removing the bolt lock arm?

A That is correct.

Q Do you have some role in preparing or editing or writing, or whatever, the owner's manual for the Model 700?

A Well, we might furnish information to the people who do write them, and then we would read them after they are finished and make any comments along

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with other people who approve them.

Q So you have a role in it but not a primary role, right?

A That is correct.

Q Can you think of a name of a person who has the primary role in writing the owner's manual or in revising one on a 700?

A Well, Frank Hart used to do the writing.

Q Are you familiar with a coding used, c-o-d-i-n-g, on the back page of the manual to determine the date of publication?

A Well, I think the revision is the date and that would be, I think, November of '75.

Q So on this particular one that I have handed you, which is Exhibit 10, it went into effect in November of '75?

A I would say yes.

Q And it would then be supplied to all gun purchasers in the boxes that the guns come in?

A Yes.

Q And this would be the owner's manual that each buyer would receive or rather until this is revised

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again?

A Yes.

Q Do you know when it was revised the next time?

A No.

Q My information, based upon other owner's manuals provided to me by Remington, is that the next one had a code date of 1/77. That would indicate January of '77, right?

A Yes.

Q Based upon your knowledge of these owner's manuals, does it seem likely that that is the appropriate interval, that it would be a little over a year between revisions?

A I don't think you could say there is any specific time for it. It just depends on what changes are made in the product as to whether the manual should be changed.

MR. CHAMBERLAIN: Are you guys in a position to stipulate that was the one provided with the guns that were manufactured in December of '76?

MR. HUEGLI: I think so. Yes. We would

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stipulate to that.

Off the record.

(A discussion was held off the record.)

MR. HUEGLI: Let me get the green copy before I stipulate to the photocopy.

MR. CHAMBERLAIN: For the purposes of my questions, I am going to assume that Exhibit 10 is an accurate copy of the one that was supplied to gun purchasers for guns manufactured in December of '76.

MR. HUEGLI: For the purpose of the record, I am also under that assumption.

MR. CHAMBERLAIN: If it turns out to be wrong, I may have to reask a lot of questions.

MR. HUEGLI: I understand that. We will be glad to reopen it if you do.

BY MR. CHAMBERLAIN:

Q In what way would your department or the area where you work aid in providing information for the Model 700's owner's manual?

A Well, either discuss with the writer or give him a short paragraph of the subject that he is writing

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about and then after he has written it, along with other people, we are distributed a copy which we comment on. We send it back to him and then get approval from everyone before it is printed.

Q Are there particular sections in the manual which are within the area of your department's knowledge? Take a minute and look at it, if you would like to.

MR. CHAMBERLAIN: Off the record.

(A discussion was held off the record.)

THE WITNESS: Anything that concerns the Model 700 would be our department. There are items like, they mention here, ear protection, shooting glasses.

BY MR. CHAMBERLAIN:

Q How about the section entitled, "Lubrication," would your department have been asked to comment and give information to include in that section?

A Yes.

Q And I take it, it would be a fairly common occurrence that you would make recommendations to Mr. Hart and his people and that some of those would be incorporated and some would not be incorporated

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or would be changed slightly before incorporation?  
In other words, they would go through an editing process?

A Yes, they do.

Q What happens to these drafts that are floating around before the language is finalized? Are they kept?

A I don't know.

Q Do you have any independent recollection of the preparation of the manual for the Model 700 and what information you recommended to then be put into the manual?

A Well, the majority of this information probably goes back to the basic manual that was written at the time the rifle was --

Q -- first manufactured?

A -- first manufactured, yes.

Q Do you have any recollection that your department made recommendations that additional warnings be included in the manual, which warnings were not incorporated by the final writers of the manual?

A No, I do not.

MR. CHAMBERLAIN: Why don't we mark this.

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(A document was marked Plaintiffs' Exhibit 32 for identification.)

BY MR. CHAMBERLAIN:

I will hand you Exhibit 32, which I will represent to you, is a Model 700 owner's manual, a copy of one supplied to me by your employer which, I believe, based on the code on the last page, is the revision that was made in September of '74. Does that look right to you?

A What am I supposed to look at?

Q The date in the lower right-hand corner.

A September '74.

Q And then what I would like you to do is compare the sections on, "Lubrication," and tell me if you are aware of any changes that were made in the owner's manual in the sections of "Lubrication," between September of '74 and November of '75?

A I would say they are exactly the same.

Q Okay. Now, this September '74 manual is the earliest one I have. I assume there are any number of manuals that preceded that one. Is that a fair assumption?

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A There would be manuals preceding. I don't know how many.

Q The 700 has been manufactured since when, 1948?

A No, since 1960 -- I can't give you the exact date. It was early '60's, approximately '62, something like that. I am not sure.

Q Turning back now to Exhibit 10, I just want to make sure I understand this. Look at page 2.

A Is this Exhibit 10? It says 32 on it.

Q I am sorry. Let's look at Exhibit 32, then. Maybe you don't need to look at the manual for this, but my question is, can you load the Remington 700 as it was manufactured in '76 with the safety in the on position, with the safety in the on safe position?

A You cannot put a cartridge in the chamber.

Q You cannot go in through the bolt, right?

A Right.

Q You cannot go like that and put one in there?

A Right.

Q You could open the magazine without putting a cartridge up through this way?

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A They would not go into the chamber until you opened the bolt. You could put a cartridge in there, but they would not go into the chamber until you opened the bolt.

Q And in the same vein, if you had a bullet in the chamber, you could not unload it through the magazine, right?

A That is correct.

Q Regardless of whether the safety is on or off?

A That is correct.

Q Now, I was provided with a document in response to a question -- I think it was actually in response to an interrogatory, a document that bears your initials entitled, "Trigger Assembly Parts." Do you recognize that?

A Yes, I do.

Q Was that prepared specifically for use by Remington's attorneys in providing information to me in this lawsuit?

A I don't know.

Q Did you prepare it fairly recently, like in the last six months?

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A Well, June 10, '82.

Q And to prepare something like that, what source information would you have to go to, or can you do it all from memory?

A Most of it from memory, but I had to look. I think I had to look some of it up.

Q The dates, and that sort of thing?

A Yes.

Q Would that be from drawings?

A Well, these are manufacturing dates. These dates are when the product was manufactured.

Q So what would be the source of the information that goes in there?

A We keep a record of when we introduced a product and when we dropped a product.

Q It is not part of your drawings?

A No.

Q But it is part of your manufacturing records?

A Well, it is records.

MR. CHAMBERLAIN: That is all the questions I have.

MR. HUEGLI: Let me take a brief break

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with Mr. Brooks.

(A discussion was held off the record.)

MR. HUEGLI: I have nothing further.

(Whereupon, the proceedings were adjourned.)

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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

I, JOHN BROOKS, 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.

*John W. Brooks*

Sworn to before me this 4<sup>TH</sup>  
day of October, 1982.

*Margaret D. Hall*

MARGARET D. HALL #4637696  
NOTARY PUBLIC, STATE OF NEW YORK  
REGISTERED IN HERKIMER COUNTY  
BY COMMISSION EXPIRES MARCH 30, 1984.

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CERTIFICATE

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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