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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

TERI SEE and DARREL SEE,)	
wife and husband,)	
)	
Plaintiffs,)	
)	
vs.)	Civil No. 81-886
)	
REMINGTON ARMS COMPANY, INC.,)	
a Delaware corporation,)	
)	
Defendant.)	

TELEPHONE DEPOSITION OF RONALD KLOSOWSKI
Taken in Behalf of Plaintiffs

BE IT REMEMBERED that, pursuant to court order and oral stipulation hereinafter set forth, the telephone deposition of RONALD KLOSOWSKI, was taken in behalf of the Plaintiffs, before Theresa Gach, a Notary Public for Oregon, on Thursday, August 5, 1982, beginning at 9:00 a.m. in the law offices of Bodyfelt, Mount, Stroup & Chamberlain, 214 Mohawk Building, Portland, Oregon.

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APPEARANCES:

Ms. Peter R. Chamberlain and Ms. Kathy Janssen, of attorneys,
appearing in behalf of the Plaintiffs;
Mr. James D. Huegli, of attorneys, appearing in behalf
of the Defendant.

COMPUTER ASSISTED TRANSCRIPTION

-BY-

GEESMAN & ASSOCIATES
310 S. W. 4TH, Suite 512
Portland, Oregon 97204
(503) 222-3222

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STIPULATION

(At said time and place the following stipulation was entered into between the attorneys present in behalf of the respective parties:)

It is hereby stipulated and agreed by and between the parties hereto, through their respective attorneys of record, that the deposition of RONALD KLOSOWSKI may be taken in behalf of the Plaintiffs, on Thursday, August 5, 1982, at the time and place set forth in the caption hereof, before Theresa Gach, a Notary Public for Oregon, and in stenotype by the said Theresa Gach.

It is further stipulated that the deposition when fully transcribed, may be used in the trial of the above-entitled action as by the law and the Rules of Civil Procedure for District Courts of the United States provided; that all questions as to the notice of the time and place of taking the same are waived; and that all objections as to the form of questions are waived unless objected to at the time the questions are asked, but that all objections as to materiality, relevancy and competency of the questions and answers are reserved to the parties until the time of trial.

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RONALD KLOSOWSKI

was thereupon produced as a witness in behalf of the
Plaintiffs and, having been first duly sworn on oath, was
examined and testified as follows:

EXAMINATION

(BY MS. JANSSEN):

Q. Mr. Klosowski, could you state your full name and spell
it for me, please.

A. Full name is Ronald George Klosowski, R-o-n-a-l-d,
G-e-o-r-g-e, K-l-o-s-o-w-s-k-i.

Q. And could you tell me what your current address is?

A. 1100 West Youngditch Road.

Q. And what city is that in?

A. Bay City, Michigan.

Q. And the zip code?

A. 48706.

Q. Is that your permanent residence?

A. Yes, it is.

Q. What's your telephone number there?

A. Area code 571 893-0304.

Q. Did you at one time own a Remington rifle?

1 A. Yes, I did.
2 Q. What model was it?
3 A. It was 700 DBL seven millimeter.
4 Q. Was that the only model Remington 700 you've owned?
5 A. Yes.
6 Q. Do you still own it?
7 A. No, I don't.
8 Q. Do you remember when you purchased it?
9 A. I'm not 100 percent positive. It was either '74 or
10 '75.
11 Q. Was it new when you purchased it?
12 A. Yes, it was.
13 Q. Do you happen to know the serial number of that rifle?
14 A. You know -- no, I don't at the present time. I don't
15 have it with me right now.
16 Q. Did you ever alter the rifle in any way?
17 A. No, I never did.
18 Q. How did you maintain it? What was your maintenance
19 habit?
20 A. It was the same as I do all of my guns, you go out and
21 shoot it and you come back and clean the -- I clean it
22 all the time. The gun was like brand new.
23 Q. Did you ever have any trouble with it?
24 A. No -- yes, just that one incident last year.
25 Q. Can you explain what happened then?

1 A. Well, I was out deer hunting with my buddy, and we came
2 in about 11:00, it was only a half a day, and when we
3 come in -- I had a trailer up there and he had a camper --
4 and I said, well, I'm going to unload, and we'll pack
5 up and unload because it wasn't doing much. And I
6 always put the stock of the gun -- which might not be a
7 good thing -- but I always put it between my legs, and
8 I put my left hand on the forearm, then I take my right
9 hand and I put my index finger and thumb on the safety,
10 and once I release the safety, then I open the bolt.
11 Well, when I put the fingers on the safety, the gun
12 went off, and I thought I broke my thumb, to begin
13 with, and I just stayed bent over trying to figure out
14 what in the heck went on. And my buddy came over and
15 he asked me what happened. And I said, "I don't know.
16 I touched the safety and the gun went off." So I kept
17 the gun pointed at the ground, and we shot it for a
18 while. And I tried to rack the gun, and when I went to
19 rack the gun, it wouldn't even rack. I couldn't pull
20 the bolt up to bring it back to bring the shell out.
21 So after I monkeyed with it for a while, I got the
22 shell out, and then I racked another shell, and I
23 proceeded to take the safety off and go back about 50,
24 70 times. I just kept going over and over and I
25 couldn't get it to repeat, to do it again, so then I

1 just unloaded the gun and then that was the end of my
2 hunting.

3 Q. When this happened, did you have your fingers or any
4 part of your hands or body near the trigger at any
5 time?

6 A. No.

7 Q. Were there any other objects near the trigger to press
8 on it in any way?

9 A. Nothing.

10 Q. Now, did you say this is the type of rifle where you
11 cannot unload it without moving the safety to the fire
12 position?

13 A. You have to put it to fire position to unload it.

14 Q. Did you send it back to Remington?

15 A. Yes, I did.

16 Q. Did you receive any correspondence or communication
17 from them about the ----

18 A. Yes, I did.

19 Q. -- the inspection?

20 A. Pardon me?

21 Q. Did they inspect the rifle?

22 A. Well, yes. I wrote them a letter, and they said they
23 wanted to see the gun, so I shipped them the gun. And
24 they wrote a letter back stating that the gun was
25 inspected before it was sold and everything went all

1 through their tests and all that kind of stuff and they
2 went through the gun and they said they really couldn't
3 find anything wrong with it, everything looked good.
4 And the trigger mechanism had never been monkeyed with,
5 but they said they kind of seen a couple of rough spots
6 but they replaced it at their own cost, and that was
7 it.

8 Q. Do you remember about what time it was when you sent it
9 back to Remington, what time of year?

10 A. I believe it was in January.

11 Q. 19 ----

12 A. '82.

13 Q. That is just to the best of your recollection?

14 A. I'm not 100 percent sure. I know I come back in
15 November, and it was either the end of the season or
16 first part of December when I wrote them a letter, and
17 then they said they wanted to see the gun. It could
18 have been December of '81 that I sent it back, too.

19 Q. Do you still own that gun?

20 A. Pardon me?

21 Q. Do you still own that gun?

22 A. No, I don't.

23 Q. You sold it?

24 A. Well, I didn't feel safe with it even after I got it
25 back, I just didn't, so I took it to a dealer and I

1 traded it in and I bought myself a Winchester. It has
2 a three-way position.

3 MS. JANSSEN: I don't have any other
4 questions.

5
6 EXAMINATION

7
8 (BY MR. HEUGLI):

9 Q. Do you load your own ammunition?

10 A. No, it's all factory ammunition that I shoot.

11 Q. You bought the gun in '74, so I assume from '74 to 1981
12 you didn't have any trouble with it?

13 A. Correct.

14 Q. And I assume during that period of time you flipped
15 that safety back and forth a few hundred times from '74
16 to '81?

17 A. I don't know, but I could tell you that I haven't even
18 shot two boxes of shells out of that gun, so that will
19 tell you the few times I shot it.

20 Q. After the gun discharged when you said the safety was
21 moved, you then flipped it back and forth you said 50
22 to 75 times and couldn't duplicate it?

23 A. No. I did flip it quite a few times and it did not
24 repeat.

25 MR. HUEGLI: That's all I have. Thank you

1 very much.

2
3 EXAMINATION

4
5 (BY MS. JANSSEN):

6 Q. Mr. Klosowski, under the federal rules of civil
7 procedure, you have the right to read the deposition
8 and correct it and sign it, or you can waive that. The
9 court reporters are very accurate.

10 MR. HEUGLI: I'm going to hang up.

11 (BY MS. JANSSEN):

12 Q. And you can waive that if you want or you can have us
13 send the deposition if you want to read and sign it.
14 It's up to you.

15 A. It don't make any difference. What I said is just
16 basically everything I told you.

17 (Deposition concluded at 9:07 a.m.)

1
2 STATE OF OREGON)
3) ss
4 COUNTY OF MULTNOMAH)

5 I, the undersigned, Theresa Gach, a Notary
6 Public for Oregon, do hereby certify that RONALD KLOSOWSKI
7 personally appeared before me at the time and place mentioned
8 in the caption of the foregoing deposition; that Mr. Peter
9 Chamberlain and Ms. Kathy Janssen appeared in behalf of
10 Plaintiffs, and that Mr. James Huegli appeared in behalf
11 of the Defendant, and the said witness being by me first
12 duly sworn to testify the truth, the whole truth and nothing
13 but the truth, in answer to oral interrogatories, testified
14 as in the foregoing annexed deposition, Pages 1 to 10, both
15 inclusive set forth.

16 I further certify that all interrogatories pro-
17 pounded to said witness, together with the answers of said
18 witness thereto, and all objections and other oral proceed-
19 ings occurring upon the taking of said deposition, were
20 then and there taken down by me in stenotype and there-
21 after reduced to typewriting under my direction, and that
22 the foregoing annexed transcript, Pages 1 to 10, both
23 inclusive, constitutes a full, true and accurate
24 transcript of said deposition and proceedings, so taken
25 by me in stenotype on said date, as aforesaid, and of the
whole thereof.

1 I further certify that I am not a relative or
2 employee or attorney or counsel for any of the parties,
3 or a relative or employee of such attorney or counsel,
4 or financially interested in said cause.

5 IN WITNESS THEREOF, I have hereunto set my
6 hand and notarial seal this 16th day of September, 1982.
7

8
9
10 /s/Theresa Gach
11 Notary Public for Oregon
12 My commission expires: 11/01/83
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