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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.)
)
) REMINGTON ARMS COMPANY, INC.,)
) a Delaware corporation,)
)
)
) Defendant.)
_____)

Civil No. 81-886

TELEPHONE DEPOSITION OF LAWRENCE PUCETTI
Taken in behalf of the Plaintiffs

BE IT REMEMBERED That, pursuant to court order and oral stipulation hereinafter set forth, the telephone deposition of LAWRENCE PUCETTI was taken in behalf of the Plaintiffs, before Susan K. Leedham, a Notary Public for Oregon, on Tuesday, August 3, 1982, beginning at 5:45 p.m., in the law offices of Bodyfelt, Mount, Stroup & Chamberlain, 214 Mohawk Building, Portland, Oregon.

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APPEARANCES:

Mr. 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.

ALSO PRESENT:

Ms. Kathy Auguston.

EXAMINATION INDEX

Examination by:	Pages
Mr. Chamberlain:	4
Mr. Huegli:	10

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 LAWRENCE PUCETTI may be taken in behalf of the Plaintiffs at the time and place set forth in the caption hereof, before Susan K. Leedham, a Notary Public for Oregon, and in stenotype by the said Susan K. Leedham.

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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LAWRENCE PUCCETTI

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 MR. CHAMBERLAIN:

Q. Mr. Puccetti, we have talked on the phone once or twice
before. As you know, my name is Peter Chamberlain, and
I represent the Sees, Mr. and Mrs. See, in a lawsuit
that they have brought against Remington Arms Company.
This is our chance to ask you some questions on the
record, and I would just ask that you bear with us
here. These haven't taken too long. Okay?

A. Okay.

Q. Could you spell your complete first and last name for
the court reporter, please.

A. Okay. My first name is Lawrence, L-a-w-r-e-n-c-e. My
last name is Puccetti, P-u-c-c-e-t-t-i.

Q. P-u-c-c-?

A. P-u-c-c-.

Q. -e-t-t-i?

A. Right.

1 Q. Okay. What's your present residence address?
2 A. 4110 Avenue T One Half in Galveston.
3 Q. Is that in the state of Texas?
4 A. Yes. Texas.
5 Q. Okay. Zip code 77550?
6 A. Right.
7 Q. Okay. I understand that you own a Remington rifle.
8 A. Yes, sir.
9 Q. Could you tell me what model rifle that is?
10 A. It's a Remington 700 BDL 30 aught six caliber.
11 Q. Those initials you gave me are "B" as in boy, "D" as in
12 David and "L" as in Larry?
13 A. Right.
14 Q. Did you purchase it new?
15 A. My wife purchased it brand new in Houston.
16 Q. In Houston?
17 A. Right.
18 Q. Do you remember about what date it was purchased?
19 A. Well, I got it for Christmas of '79.
20 Q. So it was purchased some time before that?
21 A. Yes, a few days before that.
22 Q. Do you have in the room there with you either the rifle
23 or something with the serial number on it?
24 A. I have the rifle.
25 Q. Could you read us the serial number?

1 A. Okay. Hard to see. A6818730.

2 Q. All those were numbers except for the first beginning
3 it which was the letter "A" as in apple?

4 A. Right.

5 Q. I understand that you have experienced some problem
6 with that rifle.

7 A. Yes, sir.

8 Q. Could you describe that problem for me?

9 A. Well, with this particular rifle here, I came in from
10 deer hunting one day, went to my truck and went to
11 unload it, and I had the barrel -- the door open of my
12 truck on the driver's side. I rested the barrel on the
13 seat of the truck, and when I flipped it off of the
14 safe position, it fired as I was lifting the bolt.

15 Q. Okay. So you moved the safety from the on safe
16 position to the fire position?

17 A. Right.

18 Q. Then you touched the bolt.

19 A. I started to lift the bolt, and the thing went off.
20 The bullet went through the seat of my truck and out
21 the side door on the passenger side.

22 Q. Now, on that occasion, did you have your finger or hand
23 or any other part of your body near the trigger of the
24 gun?

25 A. No.

1 Q. Okay. Was there any foreign object, any part of the
2 truck or anything else there that might have been
3 pushing on trigger?
4 A. No.
5 Q. Did it ever happen to you again?
6 A. Not again. It happened previous to that.
7 Q. Oh, that was the --
8 A. With another gun of the same model number.
9 Q. Another Model 700?
10 A. Right. It was a different caliber though. It was a
11 270 caliber.
12 Q. Whose gun was?
13 A. That was my brother's.
14 Q. Did he purchase that new?
15 A. His wife did.
16 Q. Okay. And do you know about when he purchased that
17 gun?
18 A. Oh, it's about two years newer than mine.
19 Q. Were you present -
20 A. It's older than mine.
21 Q. Older?
22 A. Yes.
23 Q. Were you present when that gun had the incident occur?
24 A. Yes. I was holding the gun.
25 Q. Okay. Why don't you tell us what happened on that

1 occasion.

2 A. Well, that particular day, we were coming in from deer
3 hunting, and it started raining. A cold front came in,
4 and so we went inside the cabin and went to unload the
5 gun, and it went off.

6 Q. What were you doing when it went off?

7 A. Unloading the gun.

8 Q. Did you already put the safety to the fire position?

9 A. Yes. You have to to raise the bolt.

10 Q. Okay. Then you were just starting to raise the bolt?

11 A. Well, the first time it happened, I'm not sure.

12 Q. Okay.

13 A. You know, because earlier that day about 30 minutes
14 before, you know, we came in from hunting, a cold front
15 came in, and it started raining, and I slipped on a
16 rock and dropped the gun.

17 Q. This is the 273 caliber?

18 A. Yeah, that was -- it was a plain 270 caliber.

19 Q. Two seventy?

20 A. Right.

21 Q. Is that a Model 700?

22 A. It's a Model 700 BDL.

23 Q. Just like --

24 A. I know I didn't have my finger on the trigger, but that
25 -- you know, that jar I had when I dropped the gun I

1 actually fell on the gun -- might have had something to
2 do with that one going off.

3 Q. Did it go off when you dropped it?

4 A. No, it did not go off when I dropped it. When I was
5 unloading it.

6 Q. Later that same day?

7 A. Right.

8 Q. Let's talk about your gun a little bit here. Did you
9 ever do any repairs to that gun before this incident?

10 A. No.

11 Q. Did you ever alter it?

12 A. The only thing I did to it was have the scope mounted
13 on it.

14 Q. Okay. You didn't go in and adjust the trigger or
15 anything like that?

16 A. No.

17 Q. Pardon?

18 A. No, sir.

19 Q. Okay. How about the condition of the gun? How did you
20 maintain it?

21 A. It's like new.

22 Q. Did you clean it regularly?

23 A. Yes.

24 Q. Okay. And again, talking about your 700, the 30 aught
25 6, am I correct in assuming that that gun cannot be

1 unloaded without moving the safety from the safe
2 position to the fire position?

3 A. It cannot.

4 Q. And am I also correct or did I understand you correctly
5 that this situation where it fired only occurred once
6 with that gun?

7 A. Yes. I haven't used it since then.

8 MR. CHAMBERLAIN: Okay. Thank you. I have
9 no further questions. Mr. Huegli may have some for you
10 though.

11 MR. HUEGLI: Peter, are you there?

12 THE WITNESS: Would you speak up? I can't
13 hear you.

14 MR. CHAMBERLAIN: Hello?

15 THE WITNESS: Could you speak up? I can't
16 hear you.

17

18 EXAMINATION

19

20 BY MR. HUEGLI:

21 Q. Yes. You sent that gun off to Remington about the 4th
22 of March 1981?

23 A. I sent it off. I don't remember exactly what day.

24 Q. Okay. It was last year though?

25 A. Well, I sent it off -- I took it back to Houston around --

1 it was January of that year.

2 Q. Okay. Did Remington send the gun back to you?

3 A. Yes, they did.

4 Q. And did they send you a letter or anything with it?

5 A. They sent me a letter.

6 Q. Do you have the letter?

7 A. I couldn't find it. But it stated that they put it
8 through all kind of tests and everything and everything
9 was in the accepted tolerances and all that, and that
10 they would not accept any financial responsibility for
11 any accident that occurred, you know, which I didn't
12 even mention or even ask for.

13 Q. Now, it's been about a year-and-a-half since the gun
14 was sent back to Remington; is that right?

15 A. Well, yes. Somewhere in there.

16 Q. Okay. Have you fired the rifle since then?

17 A. No, sir.

18 Q. Has it just been stored?

19 A. Yes, sir.

20 Q. But you still own it?

21 A. I still own it. Remington said that -- you know, sent
22 me a letter stating that they would change the trigger
23 mechanism in it, you know, to put my faith back into
24 the gun, you know, so I wouldn't have any trouble with
25 it.

1 Q. You never --
2 A. And I authorized that.
3 Q. Have you authorized it?
4 A. Yes, I have authorized it, and they say that they have
5 done it, but I haven't shot the gun since then.
6 Q. You put a new trigger mechanism in it?
7 A. Right.
8 Q. That was in the letter you got?
9 A. No. What happened was I got the letter. I was
10 supposed to let them know if I wanted a trigger
11 mechanism put in it or not so I called them
12 long-distance and told them to go ahead and do it.
13 Q. Have they done it?
14 A. Yes, they have.
15 Q. Okay.
16 A. You know, I already received the gun back and
17 everything.
18 Q. Okay. But you haven't fired it since you got it back?
19 A. No.
20 Q. Why not?
21 A. I don't trust it.
22 Q. Well, why do you still have it then?
23 A. Why do I still have it?
24 Q. Yes.
25 MR. CHAMBERLAIN: I'll object to the form.

1 It's argumentative.

2 BY MR. HUEGLI:

3 Q. Go ahead.

4 A. I'll answer that question.

5 Q. Yes. I'm just curious as to why you have it if you
6 really don't trust it.

7 A. I've taken it to two or three gun shows to try to swap
8 it out, you know, with other people but for a different
9 type of gun, but I just haven't found one that I've
10 liked so I keep it stored up in my attic.

11 Q. Now, in the two years -- you had it for about two years
12 before this problem?

13 A. No. I had it for about a year.

14 Q. About a year. During the year up until the first time
15 this happened, had it ever happened before, or did it
16 just happen one time with your rifle?

17 A. It just happened one time with my rifle.

18 Q. Okay. In your best estimation, how many times do you
19 suppose you turned the safety on and off, if you will,
20 in the year that you had the rifle? Several hundred?

21 MR. CHAMBERLAIN: I'll object to the form of
22 the question as leading, and also you don't state
23 whether you mean before or after this incident.

24 BY MR. HUEGLI:

25 Q. Mr. Puccetti?

1 A. Yes.
2 Q. Before the rifle fired and put the bullet through the
3 seat of your car, about how many times do you suppose
4 you flipped the rifle from the safe position to the
5 fire position when you owned it?

6 A. Oh, let's see. I've never counted it.

7 Q. I understand that.

8 A. You know, but it wasn't very much.

9 Q. One hundred? Would that be fair?

10 MR. CHAMBERLAIN: Object to the form.

11 Leading.

12 THE WITNESS: No, I tell you what. Each -- I
13 go on hunting trips three days -- like on a three-day
14 hunting trip. I'll hunt three days. Okay. And I'll
15 load and unload the gun each time I go out, and maybe
16 I'll hunt maybe -- deer hunting season is about six to
17 eight weeks long here in Texas, and maybe I've gone
18 about four or five times with this gun.

19 BY MR. HUEGLI:

20 Q. Okay. So that's about 15 days worth of hunting.

21 A. Right.

22 Q. You hunt morning and evening?

23 A. Hunt in the morning and the evening, weather
24 permitting.

25 Q. When you bring the gun back to camp, do you unload it

1 before you go out for the next hunt?
2 A. I don't unload it at camp anymore.
3 Q. Well --
4 A. Prior to coming to camp.
5 Q. Okay.
6 A. You know.
7 Q. Do you ever sight it in?
8 A. Yeah. I had a scope put on it when it was -- when it
9 was new.
10 Q. And?
11 A. Well, I imagine that I had -- a box of shells have been
12 shot through it.
13 Q. Okay. How many in a box?
14 A. Oh, I think there's around ten.
15 Q. Okay.
16 A. Ten or twelve, somewhere in there. I have a box here.
17 Let me see if it says on there.
18 Twenty. Twenty shells to a box.
19 Q. After the gun fired and the bullet went through the
20 seat of your car, did you try to duplicate that again
21 without using a bullet in the chamber, just flinging
22 the safety back and forth to see if it would fire?
23 A. Yeah, maybe a couple times.
24 Q. Did it do it again?
25 A. No. But my dad says --

1 Q. Thank you, Mr. Puccetti, for your time. I appreciate
2 it.

3 A. Huh?

4 Q. Thank you very much.

5 A. Okay.

6 MR. CHAMBERLAIN: Mr. Puccetti, under the
7 federal rules of civil procedure, you have the right to
8 read and sign your deposition after it's transcribed by
9 the court reporter or you can waive that right. It
10 doesn't make any difference to me except that if you
11 want to read and sign it, I have to send it to you for
12 that purpose.

13 THE WITNESS: Okay.

14 MR. CHAMBERLAIN: What's your preference? Do
15 you want to read and sign or waive?

16 THE WITNESS: Oh, I better read and sign it.

17 MR. CHAMBERLAIN: Okay. It will be some time
18 probably before it's transcribed, but when it is, we'll
19 send it out to you for reading and signing. Okay?

20 THE WITNESS: Okay.

21 MR. CHAMBERLAIN: Thank you very much, sir.

22 (Deposition concluded at 6:00 p.m.)
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STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

I, the undersigned, Susan K. Leedham, a Notary Public for Oregon, do hereby certify that the telephone deposition of LAWRENCE PUCETTI was taken before me at the time and place mentioned in the caption of the foregoing deposition; that Mr. Peter R. Chamberlain and Ms. Kathy Janssen appeared in behalf of the Plaintiffs and that Mr. James D. Huegli appeared in behalf of the Defenant, and the said witness being by me first duly sworn to testify the truth, the whole truth and nothing but the truth, in answer to oral interrogatories, testified as in the foregoing annexed deposition, Pages 1 to 16, both inclusive, set forth.

I further certify that all interrogatories propounded to said witness, together with the answers of said witness thereto, and all objections and other oral proceedings occurring upon the taking of said deposition, were then and there taken down by me in stenotype and thereafter reduced to typewriting under my direction, and that the foregoing annexed transcript, Pages 1 to 16, both inclusive, constitutes a full, true and accurate transcript of said deposition and proceedings, so taken by me in stenotype on said date, as aforesaid, and of the

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whole thereof; that the deposition, when fully transcribed, was submitted to the witness for examination and reading by him, and that the witness thereafter signed the deposition in the presence of a Notary.

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

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

/s/Susan K. Leedham
Notary Public for Oregon
My commission expires: 1/16/86

G E E
& ASSOCIATES

C o u r t · R e p o r t e r s

September 17, 1982

Mr. Lawrence Puccetti
4110 Avenue T One Half
Galveston, TX 77550

Re: Teri See, et al. vs. Remington Arms Co., Inc.
Civil No. 81-886

Dear Mr. Puccetti:

Enclosed is a copy of your deposition taken August 3, 1982 in the above-captioned case. Please review your deposition, noting any corrections you may have on the accompanying correction sheet, and then sign the sheet before a Notary Public.

After this has been done, please return both the signed correction sheet and transcript to me at your earliest convenience, so I may forward copies to the other parties.

Thank you very much.

Sincerely,

Susan K. Leedham
Court Reporter

cc: Mr. Peter Chamberlain
Mr. James D. Huegli ✓

310 S.W. 4th Ave. Suite 512 Port. Ore. 97204 (503) 222-3222

ps - Not sure how approved

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I have read my deposition and make the following corrections and/or additions:

<u>Page</u>	<u>Line</u>	<u>Correction/Addition</u>
15	25	NO. BUT MY DAD'S HAS

BARON FORM OW1125RR

Lawrence Puccetti
Lawrence Puccetti

Subscribed and sworn to before me this 23rd day of September, 1982.

Leo J. Galvan
Notary Public for
My commission expires:
9-30-84