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CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

BARBARA SEYFERTH, for herself, as Executor of the
estate of DIETER H. SEYFORTH, and as representative
and next friend of her minor child, NORBERT SEYFERTH
and DIETER SEYFERTH JR., and GERHARD SEYFERTH,

Plaintiffs,

- vs -

JOSEF OFFENWANGER and REMINGTON ARMS COMPANY INC.,
a foreign corporation,

Defendants.

JOSEF OFFENWANGER,

Counter Plaintiff,
Counter Defendant,

- vs -

REMINGTON ARMS COMPANY INC, a foreign corporation,

Counter Defendant,
Counter Plaintiff.

EXAMINATION BEFORE TRIAL of
GERALD J HILL held at the Ramada Inn, New
Hartford, New York, on October 22, 1986
at 9:00 a.m. before DIANE A. PALMER, Court
Reporter and Notary Public in and for the
State of New York.

Palmer's Court Reporting Service
* 32 Oxford Road New Hartford New York 13413 *
[315] 732-8574

APPEARANCES:

For Plaintiffs:

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Suite 3900
Chicago, Illinois 60602

BY: ARTHUR W. AUFMANN, ESQ.

For Defendant:
(Offenwanger)

WILLIAMS & MONTGOMERY LTD.
Attorneys at Law
Twenty North Wacker Drive
Chicago, Illinois 60606

BY: MICHAEL R. LaBARGE, ESQ.

For Defendant:
(Remington)

POPE, BALLARD, SHEPARD &
FOWLE LTD.
Attorneys at Law
69 West Washington Street
Chicago, Illinois 60602

BY: CHARLES E. JOERN JR, ESQ.

Also Present:

WILLIAM L. ERICSON, ESQ.
Consultant-Litigation
for:
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Ilion, NY 13357

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1 G E R A L D J. H I L L

2 having been first duly sworn
3 by a Notary Public of the State of
4 New York, testified under oath as
5 follows:

6 MR. AUFMANN: Let the record reflect
7 that this is the discovery deposition of
8 Gerald Hill taken pursuant to notice and
9 by agreement of the parties at this date
10 and time.

11 Let the record also reflect that the
12 Witness has been sworn, this deposition
13 will be taken in accordance with the
14 Illinois Supreme Court rules and the
15 Illinois Code of Civil Procedure.

16 Good morning Mr. Hill, my name is
17 Art Aufmann, I represent the Plaintiff in
18 this action, Mr. LaBarge represents Josef
19 Offenwanger. He and I are going to be
20 asking you a series of questions
21 pertaining to procedures at Remington
22 Arms Company prior to 1983 and we're
23 going to be asking you some questions
24 specifically about the Remington Model
25 700 bolt action rifle.

1 If at any time, you don't understand
2 any of my questions, just let me know,
3 I'll be glad to rephrase.

4 Let's try our best not to talk at
5 the same time, because that makes it hard
6 on the Court Reporter. And if you're
7 going to make a "yes" or "no" response to
8 a question, try not to use phrases like
9 "uh-huh," or "uh-uh," because sometimes
10 they become confused.

11 As to the basic format, as to what's
12 going to be -- are you familiar with it?
13 Have you been deposed before?

14 THE WITNESS: Yes, I have.

15 MR. AUFMANN: How many times have
16 you been deposed before?

17 THE WITNESS: 'Best of my knowledge,
18 twice, and it may have been one other
19 that I don't have a record of.

20 EXAMINATION BY MR. AUFMANN:

21 Q In any of the cases in which you have given a
22 deposition, have any of them involved Remington Model
23 700?

24 A Yes.

25 Q Do you remember what the names of those cases

1 were?

2 A One was the Thompson case. The other I
3 believe, was not a 700, to the best of my knowledge,
4 did not involve a 700, it was a --

5 Q So the best you recall, the only Model 700
6 case that you have given a deposition in is the
7 Thompson case?

8 A Yes.

9 Q Was that the one out of California?

10 A I don't know.

11 Q How old a man are you, sir?

12 A 52.

13 Q And what's your present address?

14 A 115 West Street, Ilion, New York.

15 Q Are you still employed by Remington?

16 A Yes.

17 Q Could you give me a brief summary of your
18 educational background?

19 A I have an engineering, mechanical engineering
20 degree from Michigan, Michigan Tech.

21 Q And what year did you graduate?

22 A 1960.

23 Q What did you do after 1960?

24 A Since that time, I've been employed by
25 Remington Arms Company.

1 Q You went to Remington straight out of college?

2 A Yes, I did.

3 Q Have you received any formal education since
4 graduation from college?

5 A No, I have not.

6 Q What about in connection with your employment
7 with Remington: have you attended seminars or
8 instruction other than on-the-job training?

9 A Yes, I've attended seminars.

10 Q What would those seminars have concerned?

11 A They would have involved machining, metal
12 machining, management-type seminars.

13 Q Have you had any training, whether inside or
14 outside Remington, on the design of firearms or the
15 design of components of firearms?

16 A No.

17 Q What was the first position that you held when
18 you started work for Remington in approximately 1960?

19 A It was a position of engineer, engineer
20 training, junior engineer. I'm not exactly sure what
21 they called it.

22 Q Was that within a specific department of
23 Remington?

24 A Yes, it was.

25 Q What was that?

1 A It was in the process engineering group.

2 Q Could you briefly describe for me, what
3 function the process engineering group plays at
4 Remington?

5 A The process engineering group takes design
6 drawings from our research and development group and
7 transforms them into a workable process to manufacture
8 components, assemble guns.

9 Q Would process engineering be the group that
10 works sort of as an intermediary between research and
11 development and production?

12 A Yes.

13 Q Is that a fair way of describing it?

14 A Yes, it is.

15 Q Without regard for what the exact title was,
16 how long did you hold the position of, you called it
17 "junior engineer," when you first came to Remington?

18 A Perhaps a year.

19 Q What was the next step?

20 A Then I went up to process engineer and a group
21 leader and I believe I was in the process engineering
22 group for about nine years.

23 Q So it's been approximately 1960 to 1969?

24 A Yes.

25 Q Could you just give me some examples of the

1 types of duties that you had during those nine years,
2 what you would be doing on a day-to-day basis?

3 A We would be solving production problems that
4 arise on the manufacturing floor, we would be setting
5 up new processes, process improvements, cost reduction,
6 things in that area.

7 Q As an example, if a problem developed on a
8 production line, would the production people go to
9 research and development with their problem or would
10 they come to you with their problem?

11 A Generally, they would start with the process
12 engineering group.

13 Q And if it was a problem that couldn't be
14 solved there, then the problem would be sent to
15 research and development?

16 A If there was any problem that arises, then we
17 would try to work with the research group, two groups,
18 and resolve this --

19 Q Okay. Within process engineering, were there
20 a number of subgroups or subsections to the process
21 engineering and control group?

22 A There was one area responsible for machining,
23 another responsible in the assembly area, that's the
24 way it was broken down.

25 Q Those two main groups?

1 A Those two main groups.

2 Q From 1960 to 1969, which group were you?

3 A I was -- involved in the manufacturing group
4 or processing group.

5 Q During those approximately nine years, were
6 there, was your work connected with a certain line of
7 Remington firearms or did it concern all of the
8 firearms processed at the plant there?

9 A The area I was responsible, really was
10 responsible for, over the whole line, components in all
11 lines of the firearms that we manufacture.

12 Q So it would have included bolt action rifles
13 then?

14 A Yes. Or at least components that feed into
15 bolt action rifles.

16 Q And at approximately 1960 -- '69, how did your
17 job classification change?

18 A 1969, I went out to be a production supervisor
19 with responsibility for production schedules, people,
20 manufacturing from a different, responsible from a
21 different angle.

22 Q How was that function different than what you
23 had been doing before?

24 A Well mainly, production schedules and, in
25 place of processes.

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1 Q So you were now in an entirely different
2 department within the company?

3 A Yes, I was.

4 Q Production as opposed to process engineering?

5 A Yes.

6 Q And how long did you hold that position?

7 A Approximately five years.

8 Q So through approximately 1974?

9 A 1974.

10 Q Were you the production supervisor or were you
11 a production supervisor?

12 A I was a production supervisor.

13 Q And approximately how many production
14 supervisors were there?

15 A Five or six.

16 Q How were those five or six production
17 supervisors categorized within the --

18 A These areas of responsibility, based on
19 components.

20 Q All right. Could you briefly describe for me,
21 what those five or six areas were?

22 A An area would be a, barrel receivers; assembly
23 area; they had one called "miscellaneous machining;"
24 the one I was responsible for was barrel and receiver
25 blank manufacturing area.

1 Q We got barrel receivers; assembly;
2 miscellaneous machining; can you think of any others?

3 A Wood, there was a wood area.

4 Q Any others?

5 A I can't think of any now.

6 Q For those approximately four years as
7 production supervisor, did you stay with the same
8 barrel and receivers group the entire time?

9 A Yes, I did.

10 Q Could you briefly describe for me, what your
11 job duties were on a day-to-day basis in that
12 department? What you would be typically doing on a
13 day.

14 A Typical day-to-day would be attending a lot of
15 production meetings, would be tying in with foreman
16 that I was responsible for on any of the problems they
17 might have, schedules, people, machinery, machinery
18 that might be down requiring repair.

19 Really, involved was keeping the area
20 going and making the schedules.

21 Q Okay. And would it be fair to say that the
22 work that you were doing as production supervisor
23 involved production of components for bolt action
24 rifles also?

25 A 'Could have.

1 Q I'm a little confused with that answer.

2 A Okay. It would involve some of the components
3 of the bolt action rifles.

4 Q But not necessarily all of them, is that
5 right?

6 A That's right.

7 Q In other words, there are some wood pieces to
8 a bolt action rifle and that would not have been within
9 barrel and receivers?

10 A That's right.

11 Q The case that we're here today on involves
12 some controversy over the component parts that go into
13 a trigger assembly: would those component parts have
14 been within your group in barrels and receivers, and if
15 not, what group would that have fallen into?

16 A To the best of my knowledge, it was not in my
17 area, it would fall in either the combination of
18 miscellaneous machining area and the assembly area.

19 Q We got up through approximately 1974, what
20 came next?

21 A 1974, was transferred back into the
22 engineering department and the supervisor of quality
23 control.

24 Q When you say "back to engineering," does that
25 mean process engineering?

1 A Process engineering group, yes.

2 Q Okay. And before, we were talking about some
3 of the subgroups within process engineering and I think
4 we mentioned there was machining, and assembly is
5 another subgroup, quality control --

6 A I better clarify that a little: the
7 engineering section is called, the overall engineering
8 section is "product engineering and control." And that
9 is similar to the manufacturing area and production
10 area, there are similar areas of responsibility.

11 One is current product process
12 engineering or process engineering current products,
13 which is where I started out; there is process
14 engineering new products, there is a quality control
15 section, there is a product testing and specifications
16 section also.

17 But I went back from production, went
18 back into product engineering and control in the
19 quality control section.

20 Q So that your first time around with product
21 engineering, you had been in the current arms process
22 engineering?

23 A Yes, I was.

24 Q But this time when you came back, you were in
25 a different subgroup called "quality control"?

1 A Yes.

2 Q And it was in approximately '74 or '75?

3 A 1974.

4 Q And how long did you stay in that group?

5 A I was in that group for approximately a year,
6 I believe it was two years, and then it was combined,
7 that job was combined with the product testing. And I
8 held that job, combined job there for another year
9 until approximately 1977.

10 Q Were you a supervisor of quality control or
11 the supervisor of quality control?

12 A "The;" I was the only one.

13 Q And could you just briefly describe for me
14 what your duties were as supervisor of the quality
15 control?

16 A There, I was responsible for I guess, quality
17 of the product, through a system of some people and
18 through a system of audits on components, audits of
19 final guns, and audit of our, through final guns, of
20 our testing procedures.

21 Q So the people who were working below you would
22 do inspections or tests on individual components and
23 they would also do inspections or tests of completed
24 firearms that had already, that were completely
25 assembled, is that what you're saying?

1 (Whereupon, the reporter read back
2 the last question)

3 THE WITNESS: We called them
4 "audits," but they were inspections and/
5 or tests.

6 BY MR. AUFMANN:

7 Q Did those audits concern components that went
8 into bolt action rifles and completed bolt action
9 rifles?

10 A Yes.

11 Q When your quality control group was doing
12 audits of components, would they be looking to see if
13 the components were manufactured to size
14 specifications, is that an example of what they would
15 be looking for?

16 A An audit in this case would be taking complete
17 components that an operator had finished and was, said
18 they were okay, they would take a sample from this and
19 just recheck it on the, basically, the same gauges that
20 the operator had used.

21 Q But is that to determine that it's the right
22 size or the right strength or whatever the thing they
23 were looking for?

24 A They would check dimensions, yes, that would
25 be the dimension number check.

1 Q Anything other than dimensions?

2 A That's on the components?

3 Q Right. On the components, anything other
4 than --

5 A They might be checking for visual smoothness
6 of a part or proper finish.

7 Q Yesterday we had, we took a deposition of
8 Richard Long who I believe, indicated that he spent
9 some time in the miscellaneous machining group and he
10 talked about how some of the work that was done in
11 there was drilling and machining and grinding and
12 things like that. Is that the type of work that your
13 group would be auditing to see that that type of work
14 was done correctly?

15 A Yes.

16 Q I think he also mentioned tumbling, would be
17 another function that would be done, and one of the
18 puposes of tumbling was to remove burrs off of
19 components. Is that another thing that your group
20 would be checking?

21 A Yes, that's why I mentioned previously, we
22 would be looking at finish, surface finish.

23 Q What about with respect to completed
24 firearms? What are things that your audit would be
25 looking for?

1 A The quality control audit on the finished
2 components would be to take finished guns from the
3 production floor or from the warehouse, take them back
4 through a series of tests including visual, functional,
5 to see that these guns meet our specifications.

6 Q Now yesterday, Mr. Long mentioned that he
7 spent some time in the gallery: is that what you're
8 talking about, gallery testing?

9 A Yes.

10 Q So the gallery fell within the quality control
11 department?

12 A The gallery and setup, as I previously
13 mentioned, was in the product and -- product test and
14 specifications area which I also previously said, that
15 was combined in my job for one year there, from up
16 until 1977.

17 Q I also heard some testimony about, yesterday,
18 about something called a lab test: is that something --
19 and I think it was also mentioned that that was
20 something different than a gallery test. Do you know
21 what the lab test is?

22 A I do not know what was mentioned.

23 MR. JOERN, JR.: Art, maybe if you
24 referred to the department that was doing
25 that, it might assist him in answering.

1 BY MR. AUFMANN:

2 Q I think the testimony was that a lab test was
3 something done within the research and development
4 department, I'm not entirely sure, but I was just
5 wondering if the lab test is a term you're familiar
6 with at Remington?

7 A I'm familiar with the lab but I'm not familiar
8 with what was mentioned yesterday, I have no idea what
9 Mr. Long was --

10 Q I think it was Mr. Workman; what's your
11 understanding of what the lab is?

12 A A lab to me is a laboratory.

13 MR. JOERN, JR.: You mean what does
14 he understand the lab to be at Remington?

15 MR. AUFMANN: I thought you said you
16 had an understanding of what the lab is
17 at Remington.

18 THE WITNESS: We have several labs;
19 we have a chemical and metal lab, we have
20 an R and D lab.

21

22 BY MR. AUFMANN:

23 Q Do you have an understanding of a laboratory
24 at Remington that does some testing on completed
25 firearms?

1 A I am not --

2 MR. JOERN, JR.: Testify, if you
3 know about it, tell him about it; if you
4 don't know about it don't guess as to
5 what you think might be there.

6 THE WITNESS: Research does have an
7 area they call a test lab in which they
8 do testing of guns.

9 BY MR. AUFMANN:

10 Q Okay. Do you know what the purpose of those
11 tests is?

12 A No.

13 Q With regard to the gallery testing of
14 completed firearms, specifically bolt action rifles, is
15 one of the things that your audits would be looking
16 for, whether the bolt action rifle fires on safety
17 release?

18 A The quality control gallery tests or audit,
19 which we call finish gun audit, will take guns and run
20 function, safety, visual checks as part of the -- part
21 of this audit. We'll include a check for safety, check
22 for proper operation of the safety as well as other, in
23 other areas also.

24 Q Specifically though, is one of the things that
25 audit is looking for, whether the rifle will fire on

1 safety release?

2 A I don't recall.

3 Q Are you familiar with a term called "trick
4 test"?

5 A Yes, I am.

6 Q Is that one of the tests that would be
7 performed during a gallery audit on a bolt action
8 rifle?

9 A Yes.

10 Q Could you tell me what the purpose of the
11 trick test is?

12 A The trick test is to check if the safety
13 works, safety and firing mechanism works properly.

14 Q During the time that you were in the quality
15 control department at Remington, did you ever become
16 aware of a Model 700 rifle that fired on safety release
17 during a gallery test?

18 A I don't recall any specific ones.

19 Q Not necessarily a specific rifle that did, but
20 did you at least become generally aware that at some
21 time during some gallery test, a Model 700 fired on
22 safety release.

23 A Yes.

24 Q All right. Do you have an understanding of
25 what the possible causes are of a Model 700 firing on

1 safety release?

2 A Yes.

3 Q Could you please list those possible causes
4 for me?

5 THE WITNESS: Can I have a question
6 here with my Counselor?

7 (Whereupon, the Witness conferred
8 with his Counsel.)

9 (Whereupon the reporter read back
10 the last question.)

11 THE WITNESS: Yes. 'Could be a
12 foreign material, could be incorrect
13 parts, could be improper assembly, that's
14 why we have an audit system to check for
15 these things.

16 BY MR. AUFMANN:

17 Q Okay. To your knowledge, has a Model 700 ever
18 fired on safety release during a gallery test for any
19 reason other than the three you just gave me?

20 A No.

21 Q As to the foreign material category, what
22 would an example of that be, a metal chip?

23 A Could be.

24 Q Okay. Would that category encompass any other
25 than a metal chip?

1 A 'Could be other, could be a stone, it could
2 be --

3 Q A piece of dirt?

4 A A piece dirt; 'could be something in that
5 area.

6 Q Have you ever been aware of a Model 700 firing
7 on safety release because of over-lubrication?

8 A Yes.

9 Q What category would that fall into?

10 A I believe I said "foreign material" didn't I?

11 Q Yes, you gave me "foreign material, incorrect
12 parts or improper assembly."

13 A Foreign material.

14 Q So if there was more than the required amount
15 of lubrication in the trigger assembly, the excess
16 lubrication would be considered foreign material then?

17 MR. JOERN, JR.: I'm going to object
18 because I think you're assuming in your
19 question, that lubrication is part of
20 that. I don't know if that's been
21 established one way or another yet,
22 lubrication as part of the trigger
23 assembly area material.

24 MR. AUFMANN: Can you repeat the
25 last question please?

1 (Whereupon, the reporter read back
2 the last question.)

3 MR. JOERN, JR.: I would prefer if
4 you would ask him first, if there is
5 lubrication in the trigger and set the
6 foundation for the question. I believe
7 that would be, resolve my
8 objection.

9 MR. AUFMANN: I think, if the
10 Witness has indicated that over-
11 lubrication can be a cause of fire on
12 safety release, we certainly have
13 foundation that the trigger is
14 lubricated.

15 MR. JOERN, JR.: I don't think you
16 established over-lubrication was at the
17 manufacturing site or after.

18 MR. AUFMANN: This entire line of
19 questioning has to do with gallery
20 testing which is, by this Witness'
21 description, guns that are taken either
22 off the assembly line or out of the
23 warehouse.

24 So this entire line of questioning
25 is limited to guns which are taken from

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(Whereupon, the reporter read back the last question.)

MR. JOERN, JR: I would prefer if you would ask him first, if there is lubrication in the trigger and set the foundation for the question. I believe that would be, resolve my objection.

MR. AUFMANN: I think, if the Witness has indicated that over-lubrication can be a cause of fire on safety release, we certainly have foundation that the trigger is lubricated.

MR. JOERN, JR.: I don't think you established over-lubrication was at the manufacturing site or after.

MR. AUFMANN: This entire line of questioning has to do with gallery testing which is, by this Witness' description, guns that are taken either off the assembly line or out of the warehouse.

So this entire line of questioning is limited to guns which are taken from

1 production at Remington, not guns that
2 come back out of the field or anything
3 like that.

4 MR. JOERN, JR.: Was that your
5 understanding?

6 THE WITNESS: Yes.

7 MR. JOERN, JR.: Okay, all right.
8 If you can answer the question, go ahead;
9 if you need to qualify your answer in any
10 way, you can do that.

11 THE WITNESS: Can you repeat it,
12 please.

13 BY MR. AUFMANN:

14 Q We were just talking about the three
15 categories of fire on safety release and we talked
16 about how a metal chip is an example of foreign
17 material category, a piece of dirt is an example of
18 foreign material, a stone is an example of foreign
19 material.

20 And we got to the, my question about over-
21 lubrication and you said "yes," that can be a cause of
22 fire on safety release and you indicated that would be
23 an example of a foreign material, firing on safety
24 release.

25 And my question to you was, with regard

1 to an over-lubricated bolt action rifle, do you
2 consider the foreign material to be that part, that
3 amount of lubrication which is in excess of the
4 required amount, that is considered to be the foreign
5 material?

6 MR. JOERN, JR.: In the trigger
7 assembly, you're talking about?

8 MR. AUFMANN: Yes.

9 MR. JOERN, JR.: Can you answer the
10 question as it's posed? If not, or if
11 you need to --

12 THE WITNESS: No, I can't.

13 MR. JOERN, JR.: Okay, all right.

14 MR. AUFMANN: Can you tell me then,
15 why an over-lubricated trigger assembly
16 that fires on safety release would fall
17 under the category of foreign material?

18 THE WITNESS: Can I talk to Counsel,
19 again?

20 MR. JOERN, JR.: Sure.

21 (Whereupon, the Witness conferred
22 with his Counsel.)

23 (Whereupon, the Reporter read back
24 the last question.)

25 (Whereupon, there was a discussion

1 off the record.)

2 THE WITNESS: We talked about FSRs
3 in the three categories, which I said
4 foreign material, and we talked, foreign
5 material could be a metal chip, stone,
6 dirt, over-lubrication.

7 To the best of my knowledge, in the
8 gallery testing which I was responsible
9 for at that time, or gallery audit at
10 that time, I don't recall ever seeing any
11 FSRs at attributed to over-lubrication.

12 BY MR. AUFMANN:

13 Q Whether at that time when you were the head of
14 quality control or at any time that you've been at
15 Remington, have you ever been aware that there's been
16 an FSR in a gallery test caused by over-lubrication?

17 A No, I have not.

18 Q When you were talking about an FSR caused by
19 over-lubrication, what were you referring to, then?

20 A Guns received from customers that allegedly
21 FSR'd and on examination of these, there was over-
22 lubrication in the fire control.

23 Q In gallery tests now, let's talk about foreign
24 material, FSR caused by a metal chip: do you have an
25 understanding of how a metal chip can cause an FSR, a

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1 metal chip in the trigger housing, how that can cause
2 an FSR?

3 A Yes.

4 Q Can you give me an example of how that can
5 happen?

6 A If the chip was of sufficient size, it could
7 wedge between the components in the fire control and
8 cause improper function, improper operation.

9 Q Do you have an understanding of what a
10 sufficient size metal chip would be, how big would it
11 have to be before it could cause --

12 A I don't know.

13 Q -- improper action in the trigger assembly?

14 A I don't know.

15 Q Would one of the factors as to whether a metal
16 chip could cause an FSR, be a location that the metal
17 chip is inside the trigger assembly?

18 A Yes.

19 Q Do you have an understanding as to which
20 critical locations inside the trigger assembly, which
21 would be the critical locations where you cannot have a
22 metal chip in there or else it's going to cause an FSR?

23 A There would be several areas I'm sure, that
24 would be critical.

25 Q Would you be able to list some or all of these

1 areas for me?

2 A One would be the sear safety cam; it could be
3 any of the components in the fire control, to the best
4 of my knowledge.

5 Q Virtually any of them?

6 A Any except for the housing itself, but I would
7 say any of the components could possibly, if as you
8 say, a foreign material, chip, whatever in there, could
9 possibly cause an FSR.

10 Q In your experience with gallery tests of Model
11 700s, have you ever been aware of an FSR caused by a
12 metal chip?

13 A I don't recall. Could I go back? I'm sure
14 during my tenure there, there was some but I don't
15 remember any.

16 MR. JOERN, JR.: All we want is your
17 best recollection.

18 BY MR. AUFMANN:

19 Q To the best you can recall, has it ever been
20 determined what the possible sources are, of metal
21 chips in a trigger assembly?

22 In other words, if the question assumes --
23 I would like to know if Remington has ever determined
24 that -- if we find a metal chip in a trigger assembly,
25 it's got to come from either this place, this place,

1 this place, or this place. So let's check and see if
2 we're doing something wrong in those areas, that type
3 of thing?

4 A As you described it, if we find foreign metal
5 chips, that's what we do, we go back to areas that we
6 think could be, where chips are formed or chips would
7 be -- can't say "manufactured" -- but where chips could
8 enter into the process. Then they do thoroughly check
9 to find out if there's a problem and then we would
10 correct it.

11 Q Would you be able to give me a list of those
12 possible sources of metal chips?

13 A Our manufacturing area is a machining area;
14 machining areas have cutters, cutters make chips and
15 most of our components where we make chips, if they're
16 not properly removed, properly cleaned, could be a
17 source.

18 Q It's possible that you've answered the
19 question in your own way, but the specific question
20 was, would you be able to give me a list of possible
21 sources of metal chips?

22 A Yes.

23 Q Could you give me the list?

24 A Machining operations, that's the main one that
25 I can think of.

1 Q As far as the location where certain functions
2 are performed at Remington, are there machining
3 operations that are done in close proximity to the area
4 where the trigger -- what's the word -- off the record.

5 (Whereupon, there was a discussion
6 off the record.)

7 BY MR. AUFMANN:

8 Q Are there any machining operations that are
9 performed from close proximity to where the trigger
10 housing is assembled?

11 A No.

12 Q Are all the machining operations performed,
13 perhaps like in an entirely separate room than where
14 the trigger housing is assembled? Just how much are
15 they separated, those functions?

16 MR. JOERN, JR.: I think he's asking
17 you how far away is the closest
18 machining operation, from the trigger
19 housing assembly. I don't want to put
20 questions in the record that you don't
21 want, Art, but I think that's it.

22 MR. AUFMANN: I think I'm trying to
23 find out how much Remington separates
24 these two functions.

25 THE WITNESS: Assembly, generally

1 our assembly areas are separated from our
2 manufacturing areas in the fire control
3 assembly area, trigger housing assembly
4 area, I would say they're done in one
5 room and generally, machining of
6 components would be done in another room.

7 BY MR. AUFMANN:

8 Q So it's a separate room as opposed to separate
9 buildings?

10 A Right.

11 Q Has anyone at Remington ever determined how it
12 is that a, how a metal chip from a machining operation
13 then, could get from where the machining is done to the
14 area where the assembly is done?

15 A Yes.

16 Q How has it been determined that that happens?

17 A 'Could be from improper cleaning of components
18 in, after machining; it could be for some reason that
19 the components, machines were magnetic. Those are the
20 two main ones that I can think of.

21 Q While you were in the production department,
22 approximately '69 to '74, do you know what type of
23 lubrication was used in the trigger assemblies for bolt
24 action rifles like the Model 700?

25 A No, I don't.

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1 Q When you were in the quality control
2 department in the mid '70's, do you know what
3 lubrication was used for trigger assemblies?

4 A I do not recall.

5 Q Do you know what kind is used now?

6 A I do not recall.

7 Q Without regard for whether you know the type
8 of lubrication that's been used over the years, do you
9 know whether or not the type of lubrication has been
10 changed over the years?

11 MR. JOERN, JR.: I think I'm going
12 to object to that, he says he doesn't
13 know what it is so how could he know if
14 it's changed?

15 MR. AUFMANN: He wouldn't have to
16 know what the lubrication is to know that
17 it's been changed over the years.
18 'Could've been brand "X," in the '60's
19 and brand "Y" in the '70's and brand "Z"
20 in the '80's and he wouldn't have to know
21 what those brands are.

22 MR. JOERN, JR.: I think your
23 question assumes that he knows what it
24 was so he can know whether it's changed
25 or not. I'm not going to instruct him

1 not to answer the question --

2 MR. AUFMANN: I think it's a fair
3 question.

4 MR. JOERN, JR.: I disagree; if you
5 can understand the question --

6 MR. ERICSON: I'm not sure he knows
7 that there's any lubricant or not.

8 MR. JOERN, JR.: Lack of foundation,
9 also.

10 MR. AUFMANN: That's ridiculous. If
11 you can answer it, without regard for
12 whether you know exactly what kind of
13 lubrication has been used at any time, do
14 you at least know whether the type of
15 lubrication used in trigger assemblies
16 has changed over the years?

17 THE WITNESS: I don't know for sure.

18 BY MR. AUFMANN:

19 Q You talked about, we talked about FSRs caused
20 by over-lubrication and I think you said you became
21 aware of those types of FSRs in connection with your
22 work in examining rifles returned from customers, is
23 that right?

24 A Yes.

25 Q If you were examining a rifle returned from a

1 customer and you opened up the trigger housing and
2 checked how much lubrication was in there, how would
3 you know whether it's too much?

4 A You could just tell if there was; the ones I'm
5 referring to, you can look in there and they are just
6 covered with oil or foreign material or what-have-you.

7 Q Okay. In connection with your work at
8 Remington either in examining rifles or in any of the
9 departments you worked in, did you become aware of a
10 Remington specification for how much lubrication should
11 be in the trigger housing so that you can make a
12 determination whether there is too much in there?

13 MR. JOERN, JR.: Let me ask for a
14 little clarification on that: are you
15 talking now, about about Remington
16 specifications for manufacture if they
17 exist, as to lubrication or are you
18 talking about specifics that Remington
19 might have with regard to guns returned
20 to them after manufacture?

21 I think that's two different areas;
22 do you understand what my --

23 MR. AUFMANN: You may think that's
24 two different areas but the Witness
25 hasn't said that.

1 MR. JOERN, JR.: Well, I do and I'm
2 his Counsel and if I find the question
3 confusing, I'm not going to let him
4 answer.

5 MR. AUFMANN: I'm concerned whether
6 the Witness thinks the question is
7 confusing and I think this entire
8 deposition is getting real close to
9 coaching with all the meetings and all
10 the objections that you think of as
11 confusing when the Witness hasn't given
12 any indication that he thinks something
13 is confusing or any indication that some
14 fact hasn't been established.

15 We've talked about lubrication of
16 trigger assemblies, the Witness has
17 talked about assemblies that come back
18 that he feels have over-lubrication in
19 there, I'm getting into a line of
20 questioning that's trying to find out
21 "How do you know if it's too much, you
22 must have some type of standard that says
23 this is enough and if it's more than
24 this, it's too much."

25 It's a real clear line of

1 questioning, he hasn't indicated any
2 confusion at all and your continually
3 suggesting to this Witness that a
4 question is confusing or that we're
5 getting into some area that you think he
6 might not want to answer and I think it's
7 getting real, real close to coaching,
8 Chuck.

9 MR. JOERN, JR.: Art, you were just
10 talking about guns that were returned by
11 customers, right? And just previous to
12 that time, you're talking about guns that
13 were being tested in a manufacturing
14 setting, okay?

15 You jump from one area to another.
16 If you want to include both areas, that's
17 fine; I'm not telling you what questions
18 you have to ask, I just want the question
19 to be clear.

20 If you're asking about both areas,
21 that's fine, I have no objection. I'm
22 not telling him what to answer, I just
23 didn't want to have him answer on the
24 basis of one theory that it has to do
25 with one area or another and have that

1 question be misleading on the record.

2 All I'm saying is, let's make the
3 record clear, that's all I'm saying. You
4 went from a factory to after-factory.

5 MR. AUFMANN: I certainly did and
6 I'm sure the Witness was aware of that.

7 MR. JOERN, JR.: Well, I don't know
8 that he was or not.

9 MR. AUFMANN: The record is going to
10 speak for itself. I moved from gallery
11 testing and started asking this Witness
12 questions about when he was doing
13 examination of guns returned (from
14 customers) -- and nothing could be more
15 clear than that.

16 MR. JOERN, JR.: Does the one about
17 over-lubrication specifications have to
18 do with guns returned by customers?
19 That's the area you're on?

20 MR. AUFMANN: That's exactly what
21 the question was.

22 MR. JOERN, JR.: Okay, fine, that's
23 what I wanted to know.

24 BY MR. AUFMANN:

25 Q Sir, the question was, so that we don't have

1 to go back through the record again, when you were
2 doing examinations of guns returned from customers, how
3 could you make a determination that lubrication inside
4 the trigger assembly was too much lubrication?

5 Specifically, did you have a
6 specification that you could refer to, to see whether
7 there was more lubrication than the specification
8 called for?

9 A No, but I'm sure there was some specification
10 on lubrication on factory guns which I do not recall,
11 and this was used as comparison, to compare to customer-
12 returned guns that had this complaint.

13 Q So you don't know what the specification is
14 today as you sit here, but when you were doing the
15 testing on guns returned from customers, you could
16 refer to that specification, is that what you're
17 saying?

18 A We would have that to refer to, either through
19 a, through another person or a specification.

20 Q The information was available to you?

21 A Yes.

22 Q Are you aware sir, that there's ever been a
23 different lubrication specification for brand new,
24 completed guns and used guns that have come back from
25 the field?

1 A No, I'm not.

2 Q As far as you know, the specification is the
3 same, whether it's brand new or used?

4 A Yes.

5 Q In the situations where you were looking at
6 it, where you were examining a gun that came back from
7 the field where a customer complained, how could you
8 quantitatively measure the amount of lubrication inside
9 the trigger housing?

10 A We couldn't; we could not.

11 Q Would it be just based on your experience in
12 looking at the amount that's in there?

13 A Yes, it would be visual.

14 Q When you examine guns that came back from the
15 field with customer complaints, is there any way you
16 and your fellow workers who were doing these
17 examinations could determine whether the lubrication
18 that was inside the trigger housing came from some
19 process that was performed at Remington or was done
20 outside of Remington, once the gun left Remington's
21 hands?

22 A We cannot determine where it was done but we
23 know in our process, in our manufacturing, in our
24 auditing, that we do not have an excess amount of
25 foreign material in them.

1 Q Okay. Was one of the functions of the gallery
2 testing, to check to see whether lubrication inside the
3 trigger housing met the Remington specifications?

4 MR. JOERN, JR.: Could you read back
5 the question, please?

6 (Whereupon, the Reporter read back
7 the last question.)

8 THE WITNESS: You mean gallery tests
9 and audit or would that be the audit test
10 or in the regular gallery test of a
11 component?

12 MR. AUFMANN: That's a good
13 question. It was my understanding that
14 the gallery tests of a component meant
15 for example, like the sear safety cam,
16 that's a component; would you consider
17 the trigger housing with all the
18 components put together inside, would you
19 consider that also to be a component?

20 THE WITNESS: Yes.

21 BY MR. AUFMANN:

22 Q Okay. Would there be a gallery test of simply
23 the trigger housing and its inner components, apart
24 from when the trigger housing is attached to the entire
25 rifle?

1 A That would be a test but we would call it an
2 audit rather than a gallery test; a gallery test
3 strictly is on completely assembled firearms.

4 Q Then let's take one at the time. Let's start
5 with the audit of the, I guess you would call it a sub-
6 assembly, a trigger housing with its inner components
7 put together, was there some type of audit to determine
8 whether the lubrication inside the trigger housing met
9 the Remington specification?

10 MR. JOERN, JR.: I'm going to object
11 again, I don't think it's been
12 established that there was a Remington
13 specification for lubrication, but if
14 there was, fine.

15 THE WITNESS: The audit would be
16 performed to whatever specifications
17 there were in that area and I'm sure if
18 there was excess amount of lubrication,
19 that would be so noted.

20 Again, it would be a visual check on
21 a part of the audit.

22 BY MR. AUFMANN:

23 Q Do you know how the visual check of the
24 trigger housing to check on the lubrication, was done?
25 In other words, was one of the side plates opened up to

1 look in there or was it done through a view hole or how
2 was that done?

3 A I don't know.

4 Q Could you briefly describe for me, whether
5 there was any change in your job function when the
6 quality control department combined with the -- I think
7 you said product testing, in 1976?

8 A The quality control function again, was
9 responsible for audits, finished gun auditing which
10 again as I previously mentioned, would be taking guns
11 out of the warehouse and doing testing on those.

12 When it was combined with the product
13 testing area, that meant that responsibility increased,
14 that all manufactured guns go through a, what we call
15 "gallery test," which is again, several areas.

16 It includes a proof testing on all guns,
17 which is a prescribed pressure shell to test the gun
18 for strength. It also includes after that, function
19 testing to make sure the gun functions properly with
20 shells.

21 And on high-powered rifles, bolt action
22 rifles, it includes an accuracy test, which is to make
23 sure the gun can hit the target. And then this, that
24 responsibility was added, that responsibility for all
25 guns going through that area.

1 It also put responsibility for safety
2 checks throughout the product testing and to make sure
3 when the gun came into the gallery and when it left the
4 gallery, it was a proper operating fire arm.

5 Q Is there a separat audit or test at the
6 gallery stage, the completed firearm, to determine
7 whether the amount of lubrication inside the trigger
8 housing meets the Remington specifications?

9 A No.

10 MR. JOERN, JR.: Just so I don't
11 have to keep interrupting, I'm going to
12 have a continuing objection to, based on
13 as I stated before, the assumption that
14 there is a specification. If it's been
15 established, fine. If not, then I'm
16 objecting, based on that assumption and
17 not just for the record, that will be
18 continuing. I won't interrupt you again
19 on that, okay.

20 Read back the last question and his
21 answer.

22 (Whereupon, the Reporter read back
23 the last question and answer.)

24 BY MR. AUFMANN:

25 Q Sir, just so the record is again clear, you

1 don't recall as you sit here today, what the Remington
2 specification was for lubrication inside the trigger
3 housing but you know that there was a specification,
4 right?

5 A That's correct.

6 Q Okay. Your work in quality control then, did
7 that end sometime in 1977 and you moved on to a
8 different department?

9 A Yes, I did.

10 Q Where did you move on to then?

11 A Okay. 1977, I moved back to the current
12 products group of the product engineering section.

13 Q That's the place that you started at, right?

14 A Yes, except that I moved back as a supervisor.

15 Q Okay. You got a promotion. Could you just
16 briefly describe what your duties were now as
17 supervisor of current products in the --

18 A Basically, they were the same as before except
19 now I'm responsible for a group of engineers and
20 technicians to trouble shoot machining problems in the
21 area, set up new processes, update, cost reduction,
22 work on any problems that would arise in the
23 manufacturing area.

24 Q And that started in approximately '77 and ran
25 until how long?

1 A Until today, still in that position.

2 Q Okay. So from '77 up until today, your title
3 has been supervisor of process engineering, current
4 products?

5 A Yes, and continuing.

6 Q For one reason or another, a little while back
7 we jumped ahead of the order in which I wanted to go at
8 this and we started talking about your work in
9 examining rifles returned from customers: as best you
10 can recall, when did that work start?

11 A Part of the responsibility from 1977 on, was
12 being chairman of a committee that examined customers'
13 returned guns that were a variety, that should be
14 looked at, other than just the ordinary repairman.

15 Q So that responsibility coincided with your
16 promotion to supervisor of current arms?

17 A Yes, it did.

18 Q And how long did you act as the chairman of
19 the committee to examine returned guns from customers?

20 A Until the committee was dissolved several
21 years ago.

22 Q Can you give me an approximate date?

23 A I don't recall the exact date; it was several
24 years ago, to the best of my knowledge.

25 Q Can you recall whether it was before or after

1 1980?

2 A It was after 1980, to the best of my
3 knowledge.

4 Q Can you recall whether it was before or after
5 1983?

6 A I don't recall the date when the committee
7 was --

8 Q That's where it starts getting fuzzy?

9 A Yes.

10 Q . Just so I'm clear on this, was your role as
11 chairman of the examination committee, was that a
12 separate position that you held or was that simply a
13 part of your responsibility of being supervisor of
14 current products?

15 A It was part of the responsibility that went
16 with the supervisor of current products.

17 Q Had the committee already been established
18 when you first joined it in 1977?

19 A Yes.

20 Q Okay. And was the previous chairman of the
21 committee, also the previous supervisor of current
22 products?

23 A Yes, he was.

24 Q Do you recall what his name was?

25 A Prior to myself, for a short period of time it

1 was Dennis Anderson. Prior to him was Jim Bower.

2 Q Do you know whether either of these
3 individuals still work for Remington?

4 A Both of them do.

5 Q Do you know what positions they hold now?

6 A Dennis Anderson has a staff position in the
7 product engineering group; Jim Bower works in
8 research --

9 MR. LaBARGE: I missed the
10 question: what are these two gentlemen?

11 MR. JOERN, JR.: The previous
12 supervisors of the current products
13 group.

14 MR. AUFMANN: And previous chairmen
15 of the gun examination committee.

16 MR. LaBARGE: Thank you.

17 BY MR. AUFMANN:

18 Q When you became chairman of the gun
19 examination committee, were you given some type of
20 orientation as to how the committee worked and what it
21 was supposed to do and how it was supposed to do its
22 function?

23 A Yes.

24 Q Who provided you with that orientation?

25 A The previous, probably one of the previous two

1 gentlemen; it was not a lot of instruction, other than
2 basically, "This is what we do, here's how it's done."

3 Q Did Remington have a set of written
4 instructions or a manual or anything in written form as
5 to how to perform that function?

6 A To the best of my knowledge, no.

7 Q At any time since then, has Remington come up
8 with some type of written manual, instructions for the
9 examination committee?

10 A I do not recall or I do not know.

11 Q When you first joined the examination
12 committee, who was the committee comprised of -- not --
13 I'll get the individuals in a second, but as far as
14 position?

15 A The head representatives from various areas in
16 the plant and it could have included research, it would
17 include product service and myself from the engineering
18 department. There may have been other people but I do
19 not recall at this time.

20 Q When you first joined the committee, can
21 recall the number of people that were on the committee,
22 without regard to what departments they came from?

23 A No, I can't.

24 Q Can you recall whether it was more than ten?

25 A It was in the neighborhood of five,

1 approximately five people.

2 Q Could you tell me what the product service
3 group or department is?

4 A They are a group that has liaison between the
5 plant and the customers.

6 Q Can you recall who served on the committee
7 from the product service group when you joined the
8 committee?

9 A No, I cannot.

10 Q Can you recall who served on the committee
11 from the product service group at any time that you
12 were a member of the committee?

13 A Jim Stekl.

14 Q Any others?

15 A Ed Sienkiewicz.

16 Q Any others?

17 A There was a person in Bridgeport who did not
18 serve on our committee although he was, he got some of
19 the information and really worked between the plant,
20 the committee and the customer, and that was Jack
21 Chisnall.

22 (Whereupon, there was a momentary
23 break in the testimony.)

24 Q I think you were describing that to your
25 understanding, Mr. Stekl and Mr. Sienkiewicz came from

1 the product service group but that Mr. Chisnall wasn't
2 really a member of the product service group but served
3 in some other capacity?

4 A He was a member of the product service group
5 but he was one of the first ones, but he was
6 headquartered out of Bridgeport, so he did not attend
7 our meetings. We had our meetings, did our reports and
8 information as required, was sent to him.

9 When Mr. Sienkiewicz and Mr. Stekl came
10 on the committee, they came out of the Ilion plant,
11 then this was nullified, then we could handle it at
12 Ilion.

13 Q Do you know whether the product service group
14 was a sub-department under the marketing department of
15 Remington?

16 A I do not know.

17 Q Do you know whether the marketing department
18 had a person who served on the examination committee?

19 A I don't recall that specifically but we had a
20 gentleman -- and I don't recall his name -- I think he
21 was from the product service group. I do recall his
22 name if you want it, Joe Martin.

23 Q At the time that you first became chairman of
24 the examination committee, was the examination
25 committee filling out any types of reports when they

1 examined rifles returned from customers?

2 A We had a gun examination report, which was
3 filled out by various people and then routed to, you
4 know, through the marketing or through the customer
5 service rep, to wherever action was needed to be taken.

6 Q When you say it was routed through the
7 customer service rep, are you saying that after you
8 completed gun examination reports, that's who it was
9 sent to, was a customer service rep?

10 A How it worked is that after the report was
11 completed and signed by all attending, I made a copy of
12 it, sending it with the paperwork that came up with the
13 gun -- when I say "paperwork," each gun returned from a
14 customer or from the field as we call it, has a form
15 that goes with it so we can keep track of that.

16 That, our report would be sent back to
17 what we call our armed services department, with our
18 recommended action if there was any. And then a copy
19 would be retained for a certain period of time in our
20 records for any future follow-up that we might need.

21 Q Who would get the original gun examination
22 report?

23 A I would keep it in this file that we would
24 keep.

25 Q So when you said you retained a copy --

1 A I made one copy, generally, one copy.

2 Q Let me show you a multi-page exhibit which has
3 previously been marked "Brooks Exhibit 14": are these
4 examples of the gun examination reports that you're
5 talking about?

6 A Yes, they are.

7 Q Okay. And is that the form that was being
8 used when you first joined the committee in '77?

9 A To the best of my knowledge, yes.

10 Q To the best you can recall, did the form ever
11 change througout the time that you were on that gun
12 examination committee?

13 A No, it did not.

14 Q You previously mentioned the armed service
15 department: by "armed service department," do you mean
16 a department other than customer service or are those
17 two terms the same?

18 A In our plant, we call the armed service
19 customer repair department where guns are returned from
20 customers with a problem or something they want to
21 change in the gun or may want a new stock or they may
22 have a cracked stock and it's a customer repair
23 department.

24 Guns come in, they're repaired, put into
25 our standards and working order and then they are sent

1 back to the customer.

2 (Whereupon, a short recess was
3 taken.)

4 BY MR. AUFMANN:

5 Q I would like to go back for just a second, we
6 were talking about this gun examination report and I
7 think one of the first comments you made was that you
8 routed them through customer service: to your
9 understanding, was customer service a separate
10 department from the arms service department?

11 A Yes.

12 Q So you said you sent a copy of the gun
13 examination report with the gun paperwork to the armed
14 service department: did you also send a copy of the
15 gun examination report to customer service?

16 A If they so wanted a copy, they requested and
17 we gave them a copy.

18 Q Do you recall the names of any of the
19 individuals that you dealt with in the customer service
20 department?

21 A I think we have a little problem on department
22 here; the customer service representatives which I have
23 mentioned, were Stekl, Sienkiewicz, Chisnall and George
24 Martin.

25 Q Okay. Is customer service the same as product

1 service, then?

2 A Okay. Yes, in this case, it was. We have --
3 let me just clarify, we have, what we call an armed
4 service and customer repair section; now some people
5 call it the "armed service," some call it "customer
6 repair." That's where the guns come in to be repaired,
7 from customers.

8 Product service is the one where the, or
9 customer service, they're probably two names that are
10 synonymous, also that deals between the customer and
11 the plant and these people would be Jim Stekl, Ed
12 Sienkiewicz and some people like that.

13 Q Okay. So when you said that you would route
14 them through customer service, you were talking about
15 George Martin, Sienkiewicz, Chisnall?

16 A After we had our gun examination report
17 committee meeting, we would keep a copy or I would keep
18 a copy on file, one would go with the paperwork of the
19 gun back to the repair, armed service section; if the
20 customer service or product service representative
21 wanted a copy, we would give him a copy for whatever he
22 had to do with it.

23 Q We can get back to the gun examination reports
24 later. First, I would like to ask you about design
25 change requests. Do you have an understanding of what

1 that term means?

2 A Yes, I do.

3 Q What is that understanding?

4 A In our area, a design change request is a
5 change to product design which comes from the research
6 section or research and development, to the process
7 engineer, product engineering section, in which we have
8 to act on it or put it into a workable process. And
9 subsequently, manufacture components to the design
10 change request.

11 Q Do you have an understanding of the approval
12 process of design change requests?

13 A No, I do not.

14 Q Have you ever heard of the operations
15 committee?

16 A Yes, I have.

17 Q Do you have an understanding of what the
18 function of the operations committee is?

19 A Yes, I do.

20 Q And what's that understanding?

21 A The operations committee was a committee that
22 met representatives from research and the manufacturing
23 areas, plus people from Bridgeport area at that time,
24 and they discussed operations of the plant, products
25 that were going to be introduced and made and I'm sure,

1 functions or changes of any products.

2 And these were set up on some sort of a
3 schedule.

4 Q Have you served on the operations committee?

5 A No, I have not.

6 Q Do you know what the -- for lack of a better
7 word -- "qualifications" are in order to sit on the
8 operations committee? Do you have to hold a certain
9 position or title?

10 A I'm sure the operations committee members were
11 made up, as you say, people who were in certain company
12 positions at the time.

13 Q But you don't know what positions?

14 A I do not know.

15 Q Have you ever attended an operations committee
16 meeting?

17 A No, I have not.

18 Q Do you know whether the operations committee
19 has anything to do with the approval of design change
20 requests?

21 A No, I do not.

22 Q Are you familiar with a product safety
23 subcommittee?

24 A I have heard of it.

25 Q Do you know whether that subcommittee still

1 exists?

2 A I do not.

3 Q Do you recall when it was that you first heard
4 about it?

5 A No, I don't.

6 Q Do you have an understanding of what the
7 function of the product safety subcommittee is?

8 A No, I do not.

9 Q To your recollection, have you ever attended a
10 product safety subcommittee meeting?

11 A No, I have not.

12 Q Do you know anyone who has ever served on the
13 product safety subcommittee?

14 A No.

15 Q Have you ever had any involvement with design
16 change requests prior to the time that they are
17 approved?

18 A No.

19 Q Throughout your work at Remington, you have
20 never been consulted as to whether a certain design
21 change request should or should not be approved?

22 A I don't recall any.

23 Q In any of your positions at Remington, have
24 you ever been provided with copies of design change
25 requests, the actual forms?

1 A The completed forms?

2 Q Yes.

3 A Yes.

4 Q And in what position at Remington have you
5 been provided --

6 A In my present position, as I mentioned before,
7 the design change comes from research to our group and
8 we process and implement them into a product and these
9 would be through design change requests.

10 Q Are these design change requests that have
11 already been approved?

12 A Yes, they are.

13 Q Let me show you what's been previously marked
14 as "Brooks Group Exhibit 2," it's a multi-page exhibit
15 made of what I believe to be design change requests.
16 When you said you've received copies of design change
17 requests, are these the type of forms you were talking
18 about?

19 A Yes, they are.

20 Q Have you ever had any responsibility or input
21 as to the information that's filled out on a design
22 change request?

23 A Yes.

24 Q How would you be involved in compiling the
25 information to be filled out on a design change

1 request?

2 A Some of the requests for design change may
3 come from the product engineering and process
4 engineering section; we may have a request of something
5 that we would want changed and we would institute one
6 of these and send it back to research for their
7 investigation and approval.

8 Q Can you think of any examples of a situation
9 where product engineering initiated a design change
10 request?

11 A No, I cannot.

12 Q On the occasions where the design change
13 request has come from product engineering, who in the
14 product engineering department would have the
15 responsibility of filling out the request form?

16 A It could be engineers in my section and
17 usually they would come to me, so we would concur and
18 agree on it and then I may initial them and send them
19 back to research just for information.

20 So I know they are going back there and
21 they know that we have looked at them and would want to
22 act on them; and if there is, anything would come from
23 them, there could be discussions, meetings, but these
24 are ones that would be going from our department back
25 to research.

1 Q In the next couple of questions, I use the
2 word "you": I don't necessarily mean you, personally,
3 I'm going to be (referring to) -- "you," as in your
4 group, product engineers. When you would fill out a
5 design change request form, would you typically fill
6 out this section towards the top of the form that has
7 the heading, "part, name, drawing number, part number"?

8 A Yes, we would.

9 Q Would you typically fill out the part of the
10 form that has "drawing number, revision number, design
11 change"?

12 A Yes, we would.

13 Q Would you fill out that part of the form
14 headed "Classification of Change," that has a selection
15 of "functional, safety mechanism or appearance"?

16 A No, we would not.

17 Q Do you have an understanding as to why that
18 part of the form, you would not be filling out?

19 A No, I do not.

20 Q Was it simply your understanding that that was
21 someone else's responsibility to fill out that part of
22 the form?

23 A We just never filled them out because we were
24 merely a request and we did not, I have, to the best of
25 my knowledge, did not fill out any of those.

1 Q What about the section of the form that has
2 for example, "Reason for Change"?

3 A If we had a reason, we would put it on there.

4 Q But not the part where it says "Classification
5 of Change"?

6 A That's correct.

7 Q What about the part at the bottom where it
8 says "disposition of parts on hand," and indicates to
9 check either "scrap, alter or use inventory"?

10 A Generally, we did not fill that either.

11 Q Do you have an understanding as to why you
12 wouldn't be filling out that part?

13 A No.

14 Q Do you know whether it was because that was
15 the responsibility of someone else to make that
16 decision?

17 A Just go back on the previous question.
18 Generally, design change requests are the
19 responsibility of the reseach area in the area of new
20 products and changes that -- are initiated that way.

21 Sometimes as I mentioned, on the floor,
22 we see things that need change; it may be some part
23 number changes or whatever and we just fill out what we
24 feel is applicable to what we want.

25 Q Mr. Hill, are you aware that for a number of

1 years prior to 1980, Remington produced the Model 700
2 bolt action rifle with a two-position safety that had a
3 bolt lock arm on it?

4 A Yes, I am.

5 Q And are you generally aware that at some time
6 after 1980, Remington changed the safety on its Model
7 700 rifles to, in order to remove the bolt lock arm?

8 A Yes, I am.

9 Q Do you know specifically when that change was
10 implemented?

11 A To the best of my knowledge, it was in the
12 area of 1982, approximately.

13 Q Let me show you again, Brooks Group Exhibit 2,
14 specifically the three pages that pertain to DCR
15 11486: could you take a second to review those three
16 pages and see if that aids at all, your recollection as
17 to when the change in the safety was implemented?

18 A That would be it; it would be when the bolt
19 lock was --

20 MR. JOERN, JR.: I think his
21 question to you was, does that help you
22 as to when the change was implemented?

23 THE WITNESS: Yes, it would be in
24 October of '81.

25 BY MR. AUFMANN:

1 Q Okay. These documents indicate that the
2 originating date of DCR 11486 is October 21, 1981: Do
3 you know how long a time it took to actually implement
4 the change so that Model 700 started being produced
5 with a two-position safety without the bolt lock?

6 A As I mentioned previously, early 1982, I would
7 say it was in the first quarter of 1982.

8 Q Some time within the first three months of
9 1982?

10 A Yes. That would be the time that would take
11 the change on paper to get to the actual change.

12 Q What would be taking place during those
13 months?

14 A During those months, we would take drawings,
15 we would be seeing what parts have been changed, what
16 has to be changed, we would be going out to the
17 manufacturing -- if we were manufacturing the part, we
18 would be changing the manufacturing process in the
19 plant to make components to the new dimensions.

20 Or -- if, in the case of some other part
21 that we manufacture into guns -- are manufactured by
22 someone other than us, we would be working with them to
23 change their tooling to produce the part to the
24 change.

25 And that would take a period of time.

1 And then we would get, when everything would be ready,
2 then we would set up the time to implement it into the
3 final product and that again would be dependent on how
4 long (to implement) -- it would take.

5 Q With regard to the safety mechanisms for
6 Remington 700s, prior to this change, were those
7 safetys being produced by Remington or an outside --

8 A They were being produced by an outside vendor.

9 Q And what about after the change reflected by
10 11486?

11 A It would be produced by the same vendor.

12 Q Do you know who that vendor was?

13 A To the best of my knowledge, it was Square
14 Stamping, a local concern.

15 Q Square Stamping?

16 A Yes.

17 Q Do you know where they're located?

18 A I believe they're in Barneveld, New York, just
19 north, just north of Utica.

20 Q Do you know how to spell that?

21 A B-a-r-n-e-v-e-l-d.

22 Q The work that Remington had to do with Square
23 Stamping to get the changes implemented, for Square
24 Stamping's new production of a new safety, do you know
25 who at Remington was dealing with the people at Square

1 Stamping?

2 A I do not recall specifically who it was.

3 Q I'll take a shot at it anyway: do you know
4 who at Square Stamping, was dealing with Remington?

5 A No, I don't.

6 Q During a typical year, would, say a typical
7 year prior to when the change was put through, would
8 Model 700s be produced on a regular basis throughout
9 the year or would they be produced like, a month and
10 then six months off and then another month of
11 production?

12 A Generally, production schedules are set up so
13 they are producing Model 700s every day.

14 Q With regard to the change in the safety that
15 was put through, do you know whether that change caused
16 an interruption in the production of Model 700s?

17 A It did not.

18 Q Do you have an understanding as to why the
19 safety mechanism for the Model 700 was changed in order
20 to remove the bolt lock arm?

21 A No, I don't.

22 Q Have you ever discussed with anyone at
23 Remington, that subject as to why the safety was
24 changed?

25 A I could have but I do not recall.

1 Q Do you know whose decision it was to change
2 the safety?

3 A No, I do not.

4 Q Prior to the time that you received the
5 approved DCR in your product engineering department,
6 were you aware that Remington was considering a change
7 in the safety on the Model 700?

8 A I do not recall.

9 Q Forgive me if I asked this already: do you
10 know who approved the change?

11 A No, I don't.

12 Q Do you have an opinion as to whether this was
13 a major or a minor change to the Model 700?

14 A You have to clarify that, from what respect?

15 Q With respect to the operation of the rifle.

16 A It was a change; I don't have an opinion
17 whether it was major or minor.

18 Q At any time since you learned of the decision
19 to change the safety on the Model 700, have you formed
20 an opinion as to whether you agree or disagree with
21 that decision?

22 A No.

23 Q Do you have an opinion as to whether the Model
24 700 is more or less safe since the change to its safety
25 mechanism?

1 A No.

2 Q Do you have any knowledge of whether, prior to
3 changing the safety on the Model 700, whether Remington
4 did a survey of customer preferences on features to
5 bolt action rifles?

6 A I have no knowledge of any survey.

7 Q Prior to Remington changing the safety on the
8 Model 700, were you aware of any criticism by people
9 outside of Remington, criticisms lodged against the Model
10 700 two-position safety with the bolt lock?

11 A I don't recall any or I'm not aware of any.

12 Q Prior to the change in the safety, did you
13 make it a regular practice to read any magazines or
14 publications about firearms?

15 A No.

16 Q Have you ever read a magazine called "Guns and
17 Ammo"?

18 A I have read articles in it but not regularly.

19 Q Let me show you what's previously been marked
20 as Brooks Group Exhibit 12: it's a three-page
21 exhibit. The first page is a one-page article from the
22 January -- I'm sorry from the June 1981 issue of "Guns
23 and Ammo," and the second two pages are a two-page
24 article from the January 1983 issue of "Guns and
25 Ammo."

1 Could you please take a few minutes to
2 look through these two articles and then one at the
3 time, tell me whether you can recall ever reading the
4 articles.

5 (Whereupon, there was a short break
6 in the testimony.)

7 BY MR. AUFMANN:

8 Q Back on the record. First Mr. Hill, with
9 respect to the June 1981 article by John Sundra, do you
10 remember ever having read that article before?

11 A 'Never before, other than just now.

12 Q And what about the second article from Exhibit
13 12, by John Sundra: have you ever read that one before?

14 A To the best of my knowledge, I've never read
15 it before, until today.

16 Q Do you know who John Sundra is? Have you ever
17 heard of him before?

18 A No, I have not.

19 Q In the first article, the author talks about
20 a purpose of the bolt lock, to prevent a missed
21 shooting opportunity which might occur if the bolt was
22 raised, if there was no bolt lock and the bolt was
23 accidentally raised.

24 Do you know any other purpose for having
25 a bolt lock on a safety mechanism?

1 A No, I do not.

2 Q The author then indicates that in his opinion,
3 the advantage of having a bolt lock to prevent a missed
4 shooting opportunity is outweighed by what he feels are
5 positive safety considerations in removing the bolt
6 lock. Do you agree or disagree with his opinion?

7 A I don't have any opinion.

8 Q Okay. In the last paragraph of the second
9 "Guns and Ammo," article the January 1983, the author
10 talks about June of 1982 being the time when the 700
11 came out with the new safety: does that change your
12 recollection at all as to when the new safety came out
13 on the 700?

14 A No. 'Still say the first quarter '82 is when
15 I was involved with it.

16 Q Okay. Sir, do you know who Paul Holmberg is?

17 A Yes, I do.

18 Q What's your understanding of who he is?

19 A He is an employee of Remington Arms Company.

20 Q In what department?

21 A At the present time, I do not know.

22 Q Do you know what department he was in, in
23 1981?

24 A No, I don't.

25 Q Have you ever spoken with Mr. Holmberg about

1 any subject concerning firearms?

2 A Yes.

3 Q Have you ever spoken to Mr. Holmberg
4 specifically about the subject of safety mechanisms?

5 A Not to my knowledge.

6 Q Prior to the change in the safety on the Model
7 700, do you know whether Remington was producing any
8 bolt action rifles that had a safety without a bolt
9 lock?

10 A Not to my knowledge.

11 Q Again, prior to this change to the 700, do you
12 know whether Remington was producing any rifles that
13 had a three-position safety?

14 A No, I don't.

15 Q When the change was made to the safety
16 mechanism of the 700, did you receive any written
17 communications about the change other than DCR 11486?

18 A No, to the best of my knowledge, no.

19 Q Do you know if Remington made any
20 communications with the general public to let them know
21 about the change?

22 A I do not.

23 Q Do you know whether there was any discussion
24 at Remington about a possible recall of Model 700s that
25 had the old safety on them?

1 A I do not know.

2 Q Do you know if the change to the safety
3 mechanism had any effect on the cost of producing Model
4 700s?

5 A No, I don't

6 MR. JOERN, JR.: What was the last
7 question?

8 (Whereupon, the reporter read back
9 the last question.)

10 THE WITNESS: Back up on that one, I
11 would like to change that answer because
12 all changes cost, would cost money. So
13 it is a, it would incur a cost to the
14 company but I don't...

15 BY MR. AUFMANN:

16 Q Okay. Let me ask the question a little more
17 specifically then: do you know if the change had any
18 effect on the per-unit cost of producing Model 700s?

19 A I don't know, offhand.

20 Q Let's go back to the gun examination reports
21 previously marked as Brooks Exhibit, Group Exhibit 14:
22 to your knowledge, has Remington ever compiled an
23 historical review of gun examination reports?

24 A No.

25 Q To your knowledge, has Remington ever engaged

1 in an analysis of gun examination reports to place them
2 into certain categories or classifications or anything
3 along those lines?

4 A I don't recall any.

5 Q Do you know if Remington had ever produced any
6 logs or summaries of gun examination reports?

7 A I do not recall any.

8 Q Earlier in the deposition, we started, we
9 briefly talked about customer complaints of Remington
10 700s firing on safety release: do you recall that?

11 A I don't recall it.

12 MR. JOERN, JR.: I think Art, we
13 were talking about FSRs in the gallery.

14 MR. AUFMANN: Then I think the
15 Witness himself said that there were FSRs
16 from customers who, it turned out to be
17 over-lubrication, we did briefly mention
18 it?

19 THE WITNESS: Yes, we did.

20 MR. AUFMANN: There was no intent to
21 trick you or anything, I just wanted to
22 move into this area.

23 BY MR. AUFMANN:

24 Q During the years that you were on the gun
25 examination committee, did the committee ever determine

1 that a Model 700 fired on safety release for a reason
2 other than over-lubrication, which we have also
3 discussed?

4 MR. LaBARGE: Could you read back
5 that question?

6 (Whereupon, the reporter read back
7 the last question.)

8 THE WITNESS: I don't recall any.

9 BY MR. AUFMANN:

10 Q During your years on the gun examination
11 committee, in examining rifles returned from customers,
12 did the committee ever determine whether -- did the
13 committee ever determine that a fire on safety release
14 occurred because of a foreign object in the trigger
15 assembly?

16 A I do not recall.

17 Q Did the committee ever determine that the fire
18 on safety release had occurred because of --

19 (Whereupon, there was a discussion
20 off the record.)

21 MR. JOERN, JR.: Incorrect parts or
22 improper assembly is what you're looking
23 for.

24 MR. AUFMANN: Would you repeat the
25 question as far as I've gotten?

1 (Whereupon, the reporter read back
2 the last question.)

3 MR. AUFMANN: -- incorrect parts?

4 THE WITNESS: I don't recall any.

5 BY MR. AUFMANN:

6 Q Did the committee ever determine that a
7 customer's Model 700 had fired on safety release
8 because of improper assembly?

9 A I do not recall any at this time.

10 Q Did the committee ever determine that a
11 customer's Remington 700 had fired on safety release
12 for a reason other than over-lubrication, a foreign
13 object, incorrect parts or improper assembly?

14 A I don't recall any offhand.

15 Q Do you recall over the years that you were on
16 the gun examination committee, that the committee
17 determined that on several occasions it could not
18 duplicate the customer's complaint?

19 A Yes.

20 Q Without regard to the specific complaint of
21 the 700 firing on safety release, do you recall any
22 occasions where the gun examination committee was able
23 to duplicate the customer's complaint?

24 A I'm sure that we looked at a lot of guns; I do
25 not recall the specifics on every one of them but I'm

1 sure in some cases, we were able to verify what the
2 customer says and other times we weren't. But
3 specifically, I can't recall any of them.

4 Q With respect to only Model 700s, during the
5 years that you spent on the gun examination committee,
6 did you perceive there to be any type of pattern with
7 respect to the customer complaints about Model 700s?

8 In other words, when customers were
9 complaining about Model 700s, did it seem as though the
10 complaint always fell into either one or two or three
11 categories? Was there some type of pattern that you
12 noticed?

13 A I do not recall.

14 Q During your years at Remington, have you ever
15 been aware of a design change request that was written
16 up as a result of gun examination reports?

17 A No, I don't recall any.

18 Q During your years at Remington, have you ever
19 been aware of whether the results of gun examinations
20 have had any effect on a decision whether to make a
21 design change?

22 A No, I do not.

23 Q Do you know what the trick test is?

24 A Yes, I do.

25 Q Could you just briefly describe for me, what

1 the trick test is?

2 A The trick test is a, of a Model 700, is to
3 check how -- I would perform the trick test, I would
4 take a Model 700, point it in a safe direction, I would
5 close the bolt, put the safe on the "on" position and
6 pull the trigger; "safe" -- or, the trigger should not
7 fire.

8 I would move the safety arm to the half
9 way or full position, I would also pull the trigger at
10 that point; gun should not fire. I would put the safe
11 to the "off" position and the gun should not fire.

12 Q Do you know when -- strike that. Is the trick
13 test performed as one of the gallery tests?

14 A 'Best of my knowledge the trick test is
15 performed in some sequence of the assembly of the Model
16 700; I'm not sure exactly where it is.

17 Q Do you know when it first started being used
18 in the assemble process for Model 700s?

19 A I do not recall.

20 Q Do you know the reason why it first started
21 being used?

22 A I do not recall that either.

23 Q Is the trick test performed on rifles returned
24 from customers to the gun examination committee when
25 there's been a complaint of firing on safety release?

1 A Yes, it would.

2 Q Why is that?

3 A We want, just in this case, we would want to
4 see if it would pass the trick test.

5 Q Do you recall there ever being a Model 700
6 returned from a customer that did not pass the trick
7 test?

8 A I do not recall any.

9 Q While you were on the gun examination
10 committee and customers sent in rifles with complaints
11 of firing on safety release, do you recall whether
12 Remington ever replaced the customer's fire control
13 free of charge?

14 A I don't recall specifics but I'm sure we did.

15 Q Do you know if Remington had any type of
16 formal policy as to whether it would or it would not
17 replace a customer's components free of charge?

18 A No, I don't.

19 Q Do you recall that on occasions even where the
20 gun examination committee cannot duplicate the
21 customer's complaints, that the customer's fire control
22 was still replaced free of charge?

23 A It could have been but I would like to just
24 emphasize again, we looked at a lot of guns, made a lot
25 of decisions and I just can't remember every one of

1 them.

2 But I'm sure there are times when we took
3 liberties and took, the gun examination committee felt
4 (it) was better for the customer and Remington -- and
5 we made that recommendation.

6 Q Do you know what factor or factors were used
7 to make the decision as to whether Remington would
8 replace a customer's fire control free of charge, even
9 if Remington did not duplicate his complaint?

10 A No, I don't.

11 Q Do you know who made those decisions?

12 A I'm sure it was a group consensus from the gun
13 examination committee; it could not have been
14 specifically one person.

15 Q As chairman of the committee, did you have any
16 more decision-making authority than the other
17 individual members?

18 A No, I did not.

19 Q After Remington had made the change to the new
20 safety without the bolt lock, do you recall there still
21 being occasions where a customer would make an FSR
22 complaint, Remington would be unable to duplicate it,
23 yet Remington would replace the fire control free of
24 charge?

25 A I don't recall any.

1 Q Over the years that you chaired the gun
2 examination committee, would you be able to estimate
3 how many customer complaints you received of Remington
4 Model 700 customers who said that their rifle had fired
5 on safety release?

6 A No, I cannot.

7 Q Would you be able to estimate whether it was
8 more or less than a hundred?

9 A No.

10 Q Would you be able to estimate whether it was
11 more or less than fifty?

12 A I don't have a recollection of how many it
13 was; as I said, we look at a lot of guns. I don't have
14 a count of them.

15 Q Without regard for the actual number of FSR
16 complaints that you received on Model 700s, do you know
17 whether there is any other Remington firearm that had
18 as many complaints of FSRs as the Model 700?

19 MR. JOERN, JR.: I'm going to object
20 to that question because as we stated at
21 an earlier deposition, I think that's an
22 unfair request, to ask him to compare
23 something to an unknown number.

24 He's testified in several different
25 ways today that he doesn't have any idea

1 of how many complaints there were and to
2 ask him to compare another number to this
3 admittedly unknown number, I think is
4 unfair and improper.

5 THE WITNESS: Could you repeat the
6 question?

7 MR. AUFMANN: Sure. Let me ask it
8 this way.

9 BY MR. AUFMANN:

10 Q Are you aware of any other Remington firearm
11 that a customer has complained of a firing on safety
12 release?

13 A Yes.

14 Q Could you give me an example of other firearms
15 where you have received that type of complaint?

16 A I'll give you a specific example.

17 Q No, just a, the model, which gun?

18 A Model 600; that's the only one I recall.

19 Q The Model 600 was not in production in 1977
20 anymore, was it?

21 A I do not recall.

22 Q Okay. Can you think of any other Remington
23 firearm that customers have complained about firing on
24 safety release?

25 A No, I can't.

1 Q With regard then to the one that you do
2 remember, the 600, without regard to the actual number,
3 can you recall whether over the years, there have been
4 more FSR complaints about Model 700s or Model 600s?

5 MR. JOERN, JR.: I'm going to renew
6 the same objection I made before.

7 THE WITNESS: I can't recall the
8 quantities of any of them.

9 MR. AUFMANN: I don't have any other
10 questions at this time.

11 I would like to ask you a quick
12 question outside, before you do your
13 Examination.

14 MR. LaBARGE: Okay.

15 (Whereupon, there was a short break
16 in the testimony.)

17 BY MR. AUFMANN:

18 Q Mr. Hill, I think you said that at some point
19 in the early '80s, the gun examination committee was
20 dissolved.

21 A Yes, it was.

22 Q When was that, approximately?

23 A I don't recall when it was dissolved, the
24 committee was dissolved as such, but there were other
25 people that were responsible for looking at some of

1 these guns, so ...

2 Q So the function of the committee continued,
3 just in a different form?

4 A Yes.

5 Q Do you know who comprised the new committee?

6 A Mr. Stekl and Mr. Sienkiewicz, to the best of
7 my knowledge.

8 MR. AUFMANN: Okay, that's it.

9 Thanks.

10 EXAMINATION BY MR. LaBARGE

11 Q Did you say you don't know why the gun
12 examination committee was dissolved?

13 A No, I don't know.

14 Q Whose decision was it to dissolve it?

15 A I do not know.

16 Q It's your understanding that Mr. Stekl and Mr.
17 Sienkiewicz performed basically, the same function now
18 that the gun examination committee performed when you
19 were the chairman?

20 A Yes, they did.

21 Q Is there any formal name for that, the
22 activity that they do now? Do they have a committee
23 name or anything like that?

24 A To the best of my knowledge, they don't.

25 Q And you said they were in the customer service

1 or product service group?

2 A Yes, they are.

3 Q You've testified that you had given two or
4 three depositions in the time you've been with
5 Remington: have you ever testified at trial?

6 A No, I have not.

7 Q Did you review your testimony, your deposition
8 testimony in the Thompson case before your deposition
9 today?

10 A Yes, I did.

11 Q When did you review that?

12 A Within the last week.

13 Q Did you find any -- strike that. Did you meet
14 with anyone before today, to discuss this deposition
15 and your testimony?

16 A Yes, I did.

17 Q Who was that?

18 A I believe it was this past week, Monday or
19 Tuesday of this week.

20 Q Who did you meet with?

21 A I met with the two lawyers present here, Mr.
22 Ericson and Mr. Joern.

23 Q That was it?

24 A That was it. Well, Mr. Hutton was there and
25 the other people who have given depositions.

1 Q You mean Mr. Workman and Mr. Long?

2 A To start with, they were at the meeting, yes.

3 Q Were there others in the meeting?

4 A I don't recall anybody else.

5 Q Okay. Where did the meeting take place?

6 A It took place in, at Remington Arms Company.

7 Q How long did the meeting last?

8 MR. JOERN, JR.: Mike, I'm going to
9 start to cut him off pretty soon here.

10 I don't think that that's a real
11 proper area of inquiry, it's attorney-
12 client privilege and I think I've given
13 you some latitude in that and I'll have a
14 little more tolerance but just so you're
15 aware of it.

16 MR. LaBARGE: Okay.

17 BY MR. LaBARGE:

18 Q Do you remember the last question? I'll
19 repeat it: how long did the meeting last?

20 A Approximately an hour.

21 Q What did you mean when you said Workman and
22 Long were present to start with?

23 A Well, we had a general--

24 MR. JOERN, JR.: I'm going to object
25 and I'm going to instruct him not to

1 answer to any areas that include possible
2 attorney-client discussions.

3 MR. LaBARGE: That's fine; I don't
4 think I've got into any areas --

5 MR. JOERN, JR.: I think his
6 testimony is going to start to get into
7 those areas.

8 I think it's an improper area for
9 you to inquire into and I'm going to
10 instruct him not to answer any questions
11 that have to do with any discussions he
12 had with any of the attorneys in this
13 case.

14 MR. LaBARGE: Fine. I'll rephrase
15 the question.

16 BY MR. LaBARGE:

17 Q Were Mr. Long or Mr. Workman present for the
18 whole meeting?

19 THE WITNESS: I've been instructed
20 not to answer.

21 MR. JOERN, JR.: I'm not going to
22 get into this area, Mike. I think that,
23 I don't see any relevance to it outside
24 of the--

25 MR. LaBARGE: I'm entitled to know

1 who he met with, when he met with them,
2 how long the meeting lasted and who was
3 there.

4 I'm not entitled to get into what
5 was said during the meeting.

6 MR. JOERN, JR.: I think you've
7 already hit all those questions.

8 MR. LaBARGE: I asked, my question,
9 the present-ending question is, "Were Mr.
10 Workman and Mr. Long present for the
11 whole meeting?" that was my only
12 question, that's the pending question.

13 MR. JOERN, JR.: Go ahead.

14 THE WITNESS: No.

15 MR. LaBARGE: For purposes of
16 preserving a record, what did you discuss
17 during that meeting?

18 MR. JOERN, JR.: I'm going to
19 object, I think there is no reason for
20 you to even make a record on this, it's
21 very clear that that's attorney-client
22 privilege. I'm going to instruct him not
23 to answer that question.

24 I can't see any rationale behind the
25 asking of that question, especially when

1 we just discussed --

2 MR. LaBARGE: You've told me on a
3 number of occasions, you don't represent
4 Mr. Workman because he's not an employee
5 of Remington. So conversations in the
6 presence of Mr. Workman, I don't believe,
7 are privileged under the attorney-client
8 privilege.

9 MR. JOERN, JR.: I'm going to
10 instruct him not to answer that question.

11 MR. LaBARGE: Okay. You're not
12 claiming that you represent Mr. Workman,
13 and that you're his attorney?

14 MR. JOERN, JR.: Mr. Workman is a
15 retired employee of Remington.

16 MR. LaBARGE: Right. Are you
17 claiming that you represent him?

18 MR. JOERN, JR.: I'm not going to
19 get into my deposition now.

20 MR. LaBARGE: Just so the record is
21 clear on the basis of your instructing
22 the Witness not to answer is clear, I
23 think I need to whether you're claiming
24 that you represent Mr. Workman.

25 MR. JOERN, JR.: The basis of my

1 objection and instructions in this
2 matter is that I represent this man and
3 you're asking him about matters that are
4 privileged in this attorney-client
5 relationship.

6 If you want to have a motion or
7 something like that, that's fine. But
8 I'm not going to go into this whole
9 thing; I think we've had standing pretty
10 clearly.

11 BY MR. LaBARGE:

12 Q Do you have any present plans to retire?

13 A Some day, not presently, though.

14 Q Are there any present plans in the works to
15 change jobs at Remington?

16 A I have no idea.

17 Q Not that you're aware of?

18 A Not that I'm aware of.

19 Q Before, we were discussing the trick test, and
20 you described it: is the trick test performed on all
21 rifles, or just Model 700 rifles?

22 A To the best of my knowledge, it's on the 700
23 rifles.

24 Q Your'e not aware of any trick test being
25 performed on other rifles manufactured by Remington?

1 A No, I'm not.

2 Q To your knowledge, is there only one trick
3 test, that being the one you described earlier?

4 A Yes.

5 Q Are you aware of any trick test using a
6 screwdriver and pressing on the, I believe, the trigger
7 connector?

8 A I've heard of that test.

9 Q What is your understanding of that test?

10 A I don't recall what it is at this time.

11 Q Have you ever performed that test?

12 A I don't recall.

13 Q Under what circumstances did you become aware
14 of that test?

15 A From my employment and working with Model
16 700s -- center fire rifles.

17 Q That was another test that was performed on
18 Model 700 rifles?

19 A I do not recall.

20 Q Do you know if that test is still being
21 performed on Model 700 rifles?

22 A I do not know.

23 Q Do you know what the purpose of that test was,
24 what it was checking for?

25 A No, I don't; I don't recall, let's put it that

1 way.

2 Q I believe you testified that product testing
3 was done on all assembled Model 700 rifles, is that
4 right? That the assembled Model 700 was tested?

5 A Yes, it was; yes, it is.

6 Q In addition to that, quality control did an
7 audit in which they tested just selected Model 700
8 rifles, is that right?

9 A Yes.

10 Q What was the purpose of the quality control
11 audit if all of the rifles had been tested at the time
12 that they were assembled?

13 A An audit is just to, is a means of determining
14 whether the procedures of manufacturing are being
15 followed, similar to what we talked about, auditing
16 components. We also audit the finished product.

17 Q Were the same types of tests done in the
18 quality control audit as were done in the testing of
19 the assembled Model 700s at the time that they were
20 assembled?

21 A Some of them would be the same; the quality
22 control tests may be, there may be additional tests
23 that the quality control --

24 Q What tests were done in the quality control
25 audit that were not done of the assembled Model 700

1 during the regular product testing?

2 A I do not recall.

3 Q Do you recall what percent of Model 700 rifles
4 were audited?

5 A No, I don't.

6 Q Was it a fixed percent?

7 A No.

8 Q Who determined how many guns would be audited
9 and when they would be audited?

10 A I'm sure it was determined by the person in
11 charge of quality control at that time.

12 MR. JOERN, JR.: Mike, can I just
13 suggest that maybe on some of these
14 questions, you might want to put a time
15 frame on there?

16 I don't know if it's changed from
17 one time period to another, but it might
18 make the record a little more accurate.

19 BY MR. LaBARGE:

20 Q You were involved in quality control between
21 '74 and '77, is that right?

22 A That's correct.

23 Q Were you the head of quality control?

24 A Yes, I was.

25 Q So when you just said the perosn who would

1 decide was head of quality control, you were speaking
2 of yourself during that period of time?

3 A Yes.

4 Q But you don't recall how many --

5 A Generally, a fixed number of guns were taken
6 from either the production line or warehouse, of each
7 model per day, maybe two, three, four.

8 Q Something that was done every day?

9 A Yes, it was.

10 Q Referring to what you had previously seen and
11 has been marked as Exhibit Deposition Number 14 for
12 identification, which you have identified as a stack of
13 gun examination reports, I'm going to ask you to go
14 through the report, I'm going to ask you some questions
15 about some of the particular entries.

16 Is the gun examination report that you
17 have in front of you, Number 432?

18 A Yes, it is.

19 Q What does the upper left-hand corner, the term
20 "PI" what does that mean?

21 A Whether there is a personal injury involved or
22 not.

23 Q By the way, were all of these reports filled
24 out at the time of the gun examination or was part of
25 it filled out earlier?

1 A Okay. Prior to the gun coming to the gun
2 examination committee, a person responsible under --
3 would take the gun and fill out basically, well, I
4 guess the top half of the report with general
5 information as to serial number, date of manufacture,
6 caliber, his opinion of what the condition of the gun
7 would be and stamps indicating when and who was
8 involved in the manufacture of it, who assembled it,
9 who tested it.

10 He would also fill out the component
11 condition.

12 Q What lines are the component condition?

13 A It says "Component Condition," that bottom
14 center, "Component damage." He would also fill in the
15 complaint if there was a complaint in an accompanying
16 letter or something, from the customer. That would be
17 it.

18 Q Would you get the gun from the armed service
19 department, that's where the gun request initially came
20 into Remington's factory?

21 A Yes, it would.

22 Q And they would send it to you?

23 A Yes.

24 Q And they would send along any accompanying
25 letter or whatever?

1 A Yes, they would.

2 Q The arms service department won't fill out any
3 report before sending it to your?

4 A They would fill a report with a code number to
5 keep track of the gun within the factory so they would
6 know where it was, where we could track it down.

7 Q What information would be on that report?

8 A I don't recall, other than it would be from so
9 and so customer and his complaint on it.

10 Q Do you know what the name of that report is?

11 A No, I do not.

12 Q Would a copy of it be sent to you?

13 A Yes, a copy would be in the paper work, it may
14 be in the paper work with the gun as it came up to me.

15 Q Would that contain any -- strike that. On
16 occasion, were complaints called into Remington?

17 A I do not know.

18 Q If a gun was returned to Remington without an
19 accompanying letter listing the nature of the
20 complaint, would any efforts be made by Remington to
21 determine what the complaint was or would the complaint
22 section of the gun examination report simply be left
23 blank?

24 A That's two questions. If we didn't receive,
25 we -- I don't know if there would be any follow-up or

1 anything to find out what happened. And I'm sure if we
2 didn't receive any complaints on it, we would not fill
3 anything in.

4 Q If an effort was made by Remington to find out
5 the nature of the complaint, that would be done by the
6 arms service department?

7 A Possibly.

8 Q Would it also possibly done by your
9 department?

10 A Or it could be done by the people on our team
11 in product services or customer service.

12 Q Referring back to the gun examination report,
13 the lines that said, heading, "breach opening recoil
14 shoulders and chamber," could those refer to--

15 A Those refer to a check that we would make on
16 this particular gun as it came in, check the heading
17 for -- we've had -- a head space in the gun is the
18 space for the head, for the shell to fit into the
19 chamber.

20 And we have two plugs, one for minimum
21 and one for maximum that we would check and the shells
22 are all manufactured within these specifications. And
23 breach opening recoil shoulders would be -- and chamber
24 would be again, just visual check to see that they
25 weren't damaged.

1 Q For the condition of those parts?

2 A Right.

3 Q On the right side in the top half, there's a
4 number of lines, the lines above "checked by": there's
5 six or seven of them. Would that be things that would
6 be filled out by the person who initially got the gun,
7 in your department, before you had your committee
8 meeting?

9 A Yes they would.

10 Q "checked by," line and then a name, what is
11 that?

12 A That means that, that indicates the person who
13 filled out the information we had just talked about.

14 Q And there's four lines on, under that, for
15 "approved"?

16 A Yes.

17 Q What do those indicate?

18 A Those indicate the people who were at the
19 meeting at the time we investigated this gun and the
20 decision was made or whatever (was) decided, was put in
21 it.

22 Q Comment section -- strike that. So all of the
23 people that initialed as approved were all present when
24 the initial July examination was performed?

25 A Yes, they were.

1 Q Am I correct that the only section that would
2 be filled out during or after the actual examination by
3 the committee, is the comment section?

4 A Yes.

5 Q What's the difference between the complaint
6 section and the comment section?

7 A Complaint section is generally taken from the
8 correspondence from the customer. In other words, he
9 would say in his letter, this is what happened as he
10 described it. The comment section would be -- I don't
11 really have any comments on that because we really did
12 not fill in that section that much.

13 Q What is the purpose of the comment section?

14 A This is what the, our committee, investigating
15 the gun would put in for comments of things that we had
16 done and/or recommendation of what to do with the gun.

17 Q I notice on a number of these gun examination
18 reports, for example, the one on top there that we've
19 been looking at, it does not indicate a disposition or
20 a suggestion as to what should be done, does it?

21 A It does not.

22 Q If there was no suggested disposition, what
23 would happen to the gun after you examined it?

24 A 'Could happen two ways: it could be returned
25 to the arms service section and just repaired and sent

1 back to the customer or a follow-up call could be made.

2 Or a letter or a contact could be made
3 with the customer saying we are unable to, in this
4 case, duplicate your complaint. And then there may be
5 a recommendation made as to what the company would
6 recommend doing with the firearm.

7 Q If a follow-up had to be made with the
8 customer, would that be made by the armed services
9 department?

10 A Could be, or the product service members that
11 were on our committee.

12 Q That would not be something that you or your
13 department would do?

14 A No, I did not contact any customers.

15 Q How often did the gun examination committee
16 meet?

17 A Generally, once a week.

18 Q You had a regularly scheduled weekly meeting?

19 A Yes.

20 Q How many guns did you generally examine during
21 your weekly meeting?

22 A Well, it could vary from several to more than
23 we could say, handle at one time. And we would just
24 have a time limit, an hour or an hour and a half and
25 we would hold them over to the next week.

1 Q You would meet for a certain length of time
2 and do all that you could and anything you couldn't do,
3 you would hold over to the next meeting?

4 A Generally. And again, it was the feeling of
5 the committee, if they wanted to go on, they had other
6 commitments to go from there.

7 Q Approximately how long would it take you to
8 dispose of one gun, to examine it and prepare your
9 report and move on to the next one?

10 A Oh, that could vary. I would say it would
11 vary in time.

12 Q You don't have an estimate of an average?

13 A I would say on an average, hour meeting, we
14 may, we could look at as many as between five and ten
15 guns.

16 Q In an hour meeting, would you say?

17 A Yes.

18 Q If after reviewing -- strike that. If after
19 examining the gun, you suggested a disposition such as
20 "replace fire control" or something else to be done to
21 the gun, would that have to be authorized or okayed by
22 anyone else, that suggested disposition?

23 A No. However, sometimes a customer was
24 contacted.

25 Q Before anything was done?

1 A Yes.

2 Q To determine what their feeling was?

3 A Yes.

4 Q But no one else at Remington had to approve
5 what you recommended?

6 A No.

7 Q I think you testified earlier that there were
8 several copies of these gun examination reports?

9 A Yes.

10 Q And one would go to the product service or
11 customer service section, you would keep one?

12 A I keep the other one.

13 Q And I can't recall, did they go anywhere else?

14 A Well, we had three. We would make two
15 copies: I would copy the original; one would go with
16 the gun itself back to the repair or arms service
17 section and if the representative from the product
18 services or customer service desired one, they would
19 have a copy also.

20 Q Did anyone in a supervisory capacity at
21 Remington regularly or automatically get a copy of this
22 gun examination report?

23 A No, they did not.

24 Q How were these gun examination reports kept by
25 you? Were they kept-- strike that. Was a file opened

1 for each customer or each gun that was sent back
2 because of a complaint?

3 A My copies were kept by model, by year, so...

4 Q So you would have one folder, a pile for model
5 700s in 1980, another pile for model 700s in 1981?

6 A Yes, in addition to any other models; it
7 wasn't all 700s. There were other models.

8 Q How long did you or do you keep your copy of
9 these gun examination reports?

10 A Our Dupont retention policy is three years.

11 Q And that's what you have followed?

12 A Yes, we did.

13 Q If you -- strike that. Were these gun
14 examination reports or results or information ever put
15 on a computer, to your knowledge?

16 A To my knowledge, no.

17 Q If you wanted to locate a particular gun
18 examination report for a particular gun of a particular
19 customer, is there any way, would there be any way for
20 you to find that, other than going through all of the
21 reports for a particular year?

22 A Probably not.

23 Q You don't have them cross-referenced by
24 customer?

25 A Unless you knew a model; if you knew what the

1 model was and you knew what year it was, then you would
2 go to one folder.

3 Q But you don't have cross-referenced or
4 separate files for customers?

5 A Customers, no.

6 Q Who would keep the letter or other information
7 that was sent in with the, or with the gun by the
8 customer?

9 A That would be kept I believe, by the arms
10 services section and in their files.

11 Q It wasn't kept by you?

12 A No, it was not.

13 Q You testified that you were not on the
14 operations committee, correct?

15 A Yes, that's correct.

16 Q Who from your department, was on the
17 operations committee, if anyone?

18 A I do not know.

19 Q Who do you report to?

20 A Presently?

21 Q Yes. By title.

22 A Jim (Mistusik), superintendent of operations.
23 That's at the present time.

24 Q That has changed recently?

25 A Yes.

1 Q Who did you report to back in 1981, by title,
2 if you can recall?

3 A By title, it would be the superintendent of PE
4 and C, product engineering and control.

5 Q Do you own any rifles?

6 A No, I do not.

7 Q Have you ever owned any rifles?

8 A Yes.

9 Q Have you ever owned any Remington rifles?

10 A 'Owned one.

11 Q What model was it?

12 A It was a model 581, .22 rifle.

13 Q That was a number of years ago?

14 A Two years ago.

15 Q That's a bolt action rifle?

16 A Bolt action, yes.

17 Q What model was that? I didn't catch it.

18 A A model 580, bolt action rim fire rifle.

19 Q Is that still manufactured by Remington?

20 A No, it is not.

21 Q When did Remington stop manufacturing that?

22 A I do not recall.

23 Q Was it a number of years ago?

24 A Yes.

25 Q What type of safety did that rifle have?

1 A Safe on, safe off.

2 Q Two-position safety?

3 A Yes, it did.

4 Q Did the bolt lock down when the rifle was on
5 "safe"?

6 A I don't recall.

7 Q Do you know how many Model 700s Remington
8 manufactures and sells in a given year?

9 A No, I don't.

10 Q Have you reviewed any market research reports
11 prepared by or for Remington concerning bolt action
12 rifles?

13 A To the best of my knowledge, no.

14 Q Have you had any conversations with anyone at
15 Remington about the safety mechanisms on bolt action
16 rifles?

17 A Yes.

18 Q Have you ever had any conversations with
19 anyone at Remington about the relative merits of
20 different types of safeties for bolt action rifles?

21 A I don't recall any.

22 Q You don't have any opinion about the relative
23 merits of different types of safeties for bolt action
24 rifles?

25 A No, I do not.

1 Q Did you ever have to report to the product
2 safety subcommittee concerning the results of gun
3 examinations that you and your department conducted?

4 A No, I did not.

5 Q Who is "M. Hardy"?

6 A Marshall Hardy, he's a retired employee of
7 Remington Arms who worked in our department; his title
8 was a senior technician.

9 Q Was one of his responsibilities, to take part
10 in these gun examinations?

11 A Yes, from the filling out of the information;
12 he did not sit in on the committee meeting, however.

13 Q I see. This was generally the case, that the
14 person that filled out the main part of the gun
15 examination report and whose name is in the "checked
16 by" column did not sit in on the examination?

17 A Generally, they did not. If we had any
18 specific question, we could ask them.

19 Q If after-- strike that. If during your gun
20 examination report, you could not-- strike that,
21 again.

22 If a customer's complaint was that the
23 gun fired on safety release and you and your committee
24 were unable to duplicate the customer's complaint, did
25 you make any assumptions about the validity of the

1 customer's complaint?

2 A I do not recall.

3 Q Is it your opinion that if the customer's
4 complaint was that the gun fired on safety release and
5 after your examination you were unable to duplicate the
6 customer's complaint, that the customer must have
7 pulled the trigger?

8 MR. JOERN, JR.: Read back the
9 question, please.

10 (Whereupon, the reporter read back
11 the last question.)

12 THE WITNESS: I don't know.

13 BY MR. LaBARGE:

14 Q You don't know whether that's your opinion?

15 A No. Repeat the question for me one more time,
16 please.

17 (Whereupon, the reporter read back
18 the last question.)

19 THE WITNESS: I don't know; I don't
20 know.

21 BY MR. LaBARGE:

22 Q You don't have an opinion?

23 A I don't have an opinion.

24 Q You never formulated any general opinion about
25 complaints of fire on safety release when you were

1 unable to duplicate complaints?

2 A Possibly but I don't recall any.

3 Q Are you aware of any policy of Remington
4 concerning the validity of a customer's complaint that
5 the gun fired on safety release when Remington, after
6 performing the gun examination report, could not
7 duplicate the customer's complaint?

8 A No.

9 Q I think you testified that you don't recall
10 when you stopped doing gun examination reports, is that
11 right?

12 A That's correct.

13 Q Do you remember if you stopped doing gun
14 examination reports before or after Remington changed
15 the design of the Model 700 to do away with the bolt
16 lock?

17 A I don't recall when we stopped our committee
18 meetings.

19 Q So you don't recall when you ever examined any
20 Model 700s that did not have the bolt lock?

21 A I don't recall.

22 Q I believe you testified that it was up to the
23 gun examination committee to decide whether to repair
24 or replace a certain part of the gun such as the
25 trigger housing, is that right?

1 A We would make that -- we would make that
2 recommendation.

3 Q What factors did you personally take into
4 account when trying to decide whether to replace a
5 trigger housing?

6 A What I personally take into account?

7 Q Right.

8 A Well, personal opinion: condition, customer
9 relations between the company and Remington.

10 MR. AUFMANN: Between the customer
11 and Remington?

12 THE WITNESS: Yes.

13 MR. AUFMANN: I thought you said,
14 between "the company and Remington"?

15 THE WITNESS: Well, between the
16 customer and Remington, that's what I
17 meant, if I --

18 MR. LaBARGE: Would it generally be
19 the case that if you, "you," being the
20 gun examination committee, could not
21 duplicate the customer's complaint and
22 could not find anything wrong with the
23 gun visually or pursuant to your other
24 tests, that you would take no action with
25 respect to that gun?

1 THE WITNESS: Generally, if we
2 couldn't verify the complaint, I'm sure
3 the customer would be contacted and said,
4 "we couldn't" -- but our recommendation
5 would be for example, replace the fire
6 control or something similar to that,
7 but --

8 BY MR. LaBARGE:

9 Q But that -- strike that. If the gun
10 examination report didn't have a recommendation, any
11 subsequent recommendation, it would -- if the gun
12 examination report did not make a specific
13 recommendation and the customer was contacted and a
14 recommendation was made to the customer, that contact
15 and recommendation would be made, was not made by you,
16 is that right?

17 A That's correct.

18 Q Do you know if Mr. -- I think you said
19 "Hutton" and Sienkiewicz, who now examine the guns for
20 Remington, do you know if they prepare gun examination
21 reports?

22 A It's Mr. Stekl and Mr. Sienkiewicz; I do not
23 know if they prepare any type of reports.

24 Q If they do, you don't see them?

25 A I do not.

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MR. LaBARGE: Off the record.

(Whereupon, there was a discussion
off the record.)

EXAMINATION BY MR. AUFMANN:

Q Mr. Hill, do you know whether any customer has
ever claimed an FSR on a Model 700 with the new safety?

A I do not know.

Q Do you know if there's an easy way to
determine that by a record search or any other means?

A I do not know.

MR. LaBARGE: That's all the
questions I have.

MR. JOERN, JR.: Signature reserved.
(Whereupon the proceedings were
adjourned.)

* * *

STATE OF NEW YORK)

)

SS.:

)

COUNTY OF HERKIMER)

GERALD J. HILL, being duly sworn, deposes and says:

I have read the foregoing transcript, pages numbered 3 through 110, know the contents thereof, and subscribe that the same is true.

Notary Public

Comm. Expir. Date: _____

STATE OF NEW YORK)

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SS.:

COUNTY OF HERKIMER

GERALD J. HILL, being duly sworn, deposes and says:

I have read the foregoing transcript, pages numbered 3 through 110, know the contents thereof, and subscribe that the same is true.

Gerald J Hill

Margaret D Hill
Notary Public

Comm. Expir. Date: 1/31/89

MARGARET D. HALL
4637696
NOTARY PUBLIC, STATE OF NEW YORK
REGISTERED IN HERKIMER COUNTY
MY COMMISSION EXPIRES 1-31-89

C E R T I F I C A T E

I, DIANE A. PALMER, a 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: November 29, 1985

Diane A. Palmer

* * *

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