

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION

* * * * *

EVELYN LEWY and JACK LEWY,

Plaintiffs,

-VS-

REMINGTON ARMS COMPANY, INC., and
K MART CORPORATION,

Defendants.

Civil Action No. 83-3172-CV-S-2

* * * * *

Held at Remington Arms Company
14 Hoeffler Avenue
Ilion, New York
March 27, 1984

DEPOSITION UPON ORAL EXAMINATION of
JOHN P. LINDE, taken by the Plaintiffs, held
pursuant to Notice.

APPEARANCES:

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BY: JACK W. R. HEADLEY, ESQ., of Counsel

ALSO PRESENT:

JOHN SHAW, ESQ.
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JAMES HUTTON
On Behalf of Remington

Ann Short,
Reporter.

REPORTERS PAPER & MFG. CO., LOUISVILLE, KY.

[illegible]

REPORTERS PAPER & MFG. CO., LOUISVILLE, KY.

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S T I P U L A T I O N S

IT IS STIPULATED by and between the attorneys for the respective parties that the testimony contained herein may be used upon the trial of this action; that all objections, except objections as to form, are reserved until the time of trial, and that objections as to form shall be noted on the record; and that the testimony be taken before Ann Short, a Shorthand Reporter and Notary Public in the State of New York, whose oath is waived.

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J O H N P . L I N D E , having been duly
sworn by a Notary Public of the State of New York,
testified under his oath as follows:

BY MR. McDONALD:

Q Please state your full name for the record.

A John P. Linde.

Q Mr. Linde, we have met prior to the deposition.
My name is Bill McDonald, and I represent the plaintiffs
along with Richard Miller. I know you have had some
experience in depositions before, but I will give you
the standard admonition that I give. If at any time you
don't understand my question, stop me, have me rephrase
it until you do. All right?

A Yep.

Q What's your date of birth?

A April 15, 1943.

Q That makes you how old, sir?

A Forty.

Q What's your home address?

A Box 728, Richfield Springs, New York.

Q What is your business address?

A Remington Arms, Ilion, New York.

Q Is there a mailing address?

A You don't need a mailing address.

Q That will be delivered, if it gets to Ilion?

A That's right.

Q Married man?

A Yes.

Q Your wife's first name, please.

A Doesn't have any bearing on the case.

Q I'm asking the questions. What's your wife's first name?

MR. HEADLEY: Go ahead and answer it.

A I don't really see the relevance. Shirley.

BY MR. McDONALD:

Q Would you give me the listing of your addresses chronologically, please, since you graduated from high school.

A Yes. I don't know what bearing it has.

MR. HEADLEY: That may or may not be so, Mr. Linde, but this is a discovery deposition.

THE WITNESS: What does this have to do with the rifle?

MR. HEADLEY: They want to know your

background and educational qualifications.

THE WITNESS: Where I live has something to do with it?

MR. HEADLEY: I think the question is where you went to high school.

BY MR. McDONALD:

Q I asked where you lived since you graduated from high school.

MR. HEADLEY: Go ahead and answer it.

Just answer it.

A Okay. I lived -- I grew up in Custer, South Dakota.

BY MR. McDONALD:

Q That is all right. That's fine. I'm not interested --

A Then I went to Laramie, Wyoming.

Q What years?

A That would be sixty-one to sixty-five, and then I moved to Ilion, New York, and then I moved to Richfield Springs.

MR. HEADLEY: Which is right near here, too, isn't it?

THE WITNESS: Yes, it is.

BY MR. McDONALD:

Q Custer, South Dakota is where you grew up, is that correct?

A Yes, it is.

Q Did you grow up in town or on a farm?

A In town.

Q Laramie, Wyoming is where you went to school?

A Yes, it is.

Q And Ilion, New York and Richfield Springs have been residences that you have had while working for Remington, is that right?

A Yes.

Q Nothing in between, is that right?

A That is right.

Q Have you had any military service?

A No, I have not.

Q Beginning with high school, where were you educated?

A Well, beginning with high school, I went to the Custer High School in Custer, South Dakota.

Q What years?

A Well, graduated in sixty-one, so it would be fifty-seven to sixty-one.

Q Did you go directly from high school to college?

A Yes, I did.

Q The name of the college, please?

A University of Wyoming.

Q Years, please?

A Sixty-one to sixty-five.

Q Majors and minors while at college?

A My major was bachelor of science in mechanical engineering.

Q Any minors?

A When you get an engineering degree, you don't have time for minors.

Q Is the answer no?

A That's the answer.

Q Emphasis in your major area?

A Mechanical engineering.

Q Other than that, though. I mean, anything in particular?

A Not in particular, no.

Q All right. You have indicated you have a B.S.

in mechanical engineering. Any other degrees other than that?

A No, I do not.

Q Did you take any postgraduate work?

A Yes, I have.

Q Where?

A I have taken it at Utica College, a division of Syracuse University.

Q In what area, sir?

A Mostly in business.

Q Have you aimed at or are you attempting to achieve a certain degree?

A I was working on an MBA course.

Q How far along did you get?

A I think I had twenty of the thirty hours required.

Q Is it your intention to complete that degree?

A No, it is not.

Q Have all your postgraduate college courses been in the area of business, or have you had engineering courses?

A I have had engineering courses.

Q Which ones?

A I have had courses in computer science. I have had courses in quality control.

Q Any others?

A I'm sure there is, but I can't think of them.

Q Have you attended any postgraduate seminars?

A Yes, I have.

Q Can you tell me what you have attended and when?

A Okay. I can't tell you when. I've been to seminars for safety, where you are dealing with safety performance on the job. I went to a seminar on hazards research, which would be like in the 1979-1980 time frame. I went to seminars on time management. This would be in like the 1981 time frame. I went to seminars on cost improvement procedures, like, pertaining to quality circles, and that sort of thing. This would be in probably the 1981 time frame.

Q Do you maintain a file of seminars attended?

A No, I do not.

Q Does your company, Remington, keep track of seminars and conventions attended?

A Not necessarily, no. It might be, but then again, you can't count on it.

Q There might be?

A There might be. There's personnel files. Now, just exactly what they put in the personnel files, I don't know. I know that people report to me that have attended seminars, and a lot of times it is not in there.

Q As a matter of practice, does Remington keep a record of postgraduate work and seminars attended?

A Where there are items paid for by the company, there would be records. Where they are not paid for by the company, not necessarily.

Q Have any of your postgraduate courses, seminars or conventions dealt with design of weapons or safety mechanisms of weapons?

A No, not that I remember.

(A history card was marked as Plaintiffs'

Exhibit A for identification.)

BY MR. McDONALD:

Q Does Remington have any type of in-house educational program that you have participated in with

regard to arms manufacturing, design, production, things of this nature? Do you understand my question?

A No, I don't.

Q Well, for instance, is there a course or series of courses taught in-house by Remington for its people with regard to design of weapons?

A Not that I am aware of.

Q Is there an in-house course taught with regard to production?

A I don't really understand your question. Are you talking formal course?

Q I'm talking a formal course, yes.

A Not that I am aware of.

Q Is there an informal course?

A Not a course, no.

Q All right. You seemed to hedge a little bit on that answer. Can you tell me what you are thinking about? Is there a method of learning that is available through Remington with regard to --

MR. HEADLEY: Object.

BY MR. McDONALD:

Q I'll rephrase. My question is, is there a

method by which Remington personnel learn how to design weapons?

A What do you mean, an outline method?

Q Any method, sir. I'm sure you have some idea of what I mean.

A No, I really don't.

Q All right. Did you know how to design weapons when you came here?

A No, I never.

Q Did you learn how?

A Yes, I did.

Q How did you learn?

A I learned by being assigned small design jobs. I learned by working in different areas where I could see the input from the -- what was required in those areas. I learned by working under people who were experienced in firearms design.

Q Now, be it formalized in terms of a written program or not, is this a typical method for educating people in the design of weapons internally in Remington?

A It would be one of the typical methods, yes.

Q Is there another typical method?

A The method used in business is normally you tailor the requirements around the individual.

Q Is that a method that is used in Remington?

A Yes.

Q Is this a matter of policy that is written somewhere?

A Not that I am aware of.

Q Just a course of practice, a custom within the company, would that be a fair statement?

A It would be a statement, yes.

Q Would it be a fair statement?

A I would imagine, yes.

Q All right. Now, a number of your courses have apparently dealt -- Strike that.

A number of your postgraduate courses have apparently dealt with management subjects, is that a fair statement?

A Yes.

Q Have you attempted to educate yourself for purposes of filling management positions within Remington?

A Yes.

Q Now, did you have any courses in undergraduate school or elsewhere that dealt with the design of weapons?

A No.

Q Did you have any courses in undergraduate school or elsewhere that dealt with the production or manufacturing of weapons?

A Not directly, no.

Q Simply courses with general principles that you applied later on, is that it?

A General engineer principles.

Q Do you hold any professional licenses?

A No.

Q You are not a licensed engineer in any state?

A No, I'm not.

Q Have you ever been a licensed engineer in any state?

A No, I have not.

Q Have you ever written any articles?

A That have been published?

Q Published or unpublished.

A I have never written any published articles.

Q Have you ever written any unpublished articles?

A I have written articles that were used to prepare, oh, for presentations, and what have you, yes, in my business.

Q Have you ever written any articles dealing with the design of weapons?

A Yes.

Q Have you ever written any articles dealing with the design of fire control systems in weapons? By the way, we understand each other when I use the term "fire control system," do we not?

A Maybe we'd better not assume that.

Q All right. What does a fire control system mean to you?

A Fire control system means to me the basic trigger assembly. It would be your trigger, sear, all those elements that fire the weapon.

Q Would that include the safety mechanism?

A Not necessarily, but it could.

Q All right. For the purposes of this discussion and this deposition, when I use the term "fire control system," can we agree that it would include the safety

mechanism?

A If you want it to, yes.

Q All right. Then we understand each other, is that right?

A Sure.

Q Now, have you ever written any articles with regard to fire control systems?

A I have written stuff on fire control systems, yes.

Q Any dealing with the 700 Model Remington?

A I'm sure I dealt with the design of the 700.

Q That's not really my question, whether or not you dealt with the design. The question is whether or not you have written any articles dealing with the 700 --

A I'm sure I have written articles.

Q I don't want to get into the position of arguing with you, sir.

MR. HEADLEY: Wait until he finishes.

BY MR. McDONALD:

Q The court reporter can't take all this down. I'll try to watch it, if you will.

A Okay.

Q Now, the question is, have you written any articles dealing with the Remington 700 fire control system?

A Okay. Tell me what you mean by "article."

Q Well, when I started out, I wanted to know whether or not you had written anything that had been published, and you said, "No."

A That's the way I understood article to mean, like something you read in a newspaper or magazine.

Q Yes, and then we got into the question whether you had written any unpublished articles, and you indicated that you had.

A I indicated that I had put together information that was used in articles.

Q All right. Then you have either acted as a consultant or participated in the writing or research of articles, is that a fair statement?

A Yes.

Q All right. And dealing with the Remington 700, is that correct?

A No. When you got to that, I asked you what you meant by "article."

Q Yes, and I am still back to my original situation where I said either published or unpublished articles.

A Okay. Can I ask you a question?

Q You go right ahead.

A Would a report be considered an article?

Q Yes.

A Would a progress report be considered an article?

Q You bet.

A I have written articles.

Q All right. Are they kept in a central location?

A No, they are not.

Q Do you recall them?

A Not per individual articles, no.

Q Do you have any way of gathering those articles?

A I have the articles which would be in my files, yes.

Q All right. So that you kept copies of what you have written?

A Not necessarily, no.

Q Well, Mr. Linde, can you go to some source and find out which articles you have either consulted on or

helped in researching?

A We have what we call a -- I don't know. It is a procedure on data information, and it's laid down by our parent company, Dupont, and on all our file systems, we have a detail on the front of it telling what that information is and for what the retention schedule is, and like on process reports and reports that are good for a year or two, that stuff is disregarded after two years on some reports, three years on other reports, so when I was working on the Model 700 which you are talking about, that was the seventy-five to seventy-eight time frame, and I was in a different department, and so what articles that I had written that are still available, I really do not know.

Q There is a method by which you could check, is that correct?

A Yes, you could go through the files and see what's there.

Q Now, have you written articles dealing with the 600?

A Again, what do you mean by "articles"?

Q Same thing I meant before.

A Published or unpublished?

Q Same thing I meant before.

MR. HEADLEY: I'm going to make a statement here that counsel for the plaintiff is aware of, and that is that we are going to restrict the questioning of these witnesses this week to the rifle and the model of the rifle in question, which is the Model 700. We are not going to permit inquiry on other model rifles, which has been the basis of the contention and objection that's pending before the Court, and namely, the Model 600 and models such as the 721 or 722.

MR. McDONALD: We might as well get to the area of 725, 768, XP100.

MR. HEADLEY: Yes, all of them.

MR. McDONALD: All right.

MR. HEADLEY: And counsel for plaintiff is aware and has been so informed by us for the defendant, and I will instruct the witness not to answer. Now, on this one particular question of these written articles

about the 600, I will let you inquire just as to their existence.

MR. McDONALD: Well, I'm going to ask the same question with regard to all of the models I have indicated.

MR. HEADLEY: Then I think maybe just to save time I will just instruct him not to answer.

BY MR. McDONALD:

Q All right. Do you understand the question?

A Repeat it, please.

Q My question is whether or not you have ever written articles or reports or speeches or participated in any researching articles, reports or speeches dealing with the Model 721, 722, 725, 788, XP100, 600 or 660.

MR. HEADLEY: I will object to the question and instruct the witness not to answer.

THE WITNESS: Okay.

MR. HEADLEY: And his next question is going to be, do you so refuse to answer upon

my advice.

BY MR. McDONALD:

Q No. My next question is, you did understand the question?

A Yes.

Q And are you refusing to answer the question?

A Yes.

Q On advice of counsel?

A Right.

MR. McDONALD: Certify the question. Now, Mr. Headley, let me say at this point, so that the record is perfectly clear, the lineage of the 700, the design application, the parts application, the functioning, etc. of these weapons that I have listed have a direct bearing and are pertinent to the 700 and the questions involved in this case. We are here, and we are willing to proceed, and we are available to proceed in this area right now, and if we are forced to come back to New York, which it appears we are going to be now, as soon as the Court clears up this

matter, then we will be seeking all costs, and we will be asking relief of the Court possibly requiring Remington people, and the documentation, and so forth, to be brought to Springfield rather than here, and I don't say that as a threat. You are a man that I don't intend to try to threat, because I know it would be a useless endeavor. I am saying it as a matter of pure fact.

MR. HEADLEY: Well, I understand what you are saying, and I should also say for the record that we have advised you of this position well in advance of the scheduled depositions. The Court has scheduled a hearing on April 4 on this very question, and it certainly has been your option to wait and take these depositions at a later date after the Court has ruled on this subject, but you have chosen not to, and you are here today, and we are maintaining our consistencies, as we have advised you earlier, that we will object and not permit discovery from these

witnesses on these other models, and we will await the Court's ruling.

MR. McDONALD: I acknowledge the communication through Mr. Miller. You haven't communicated it to me directly, but I understood your objections. I just don't understand the rightness of it.

MR. HEADLEY: All right. That often happens with lawyers, that we disagree on what's right.

BY MR. McDONALD:

Q All right, sir. Now, with regard to the 700, not by choice, but with regard to the 700, have you written any books? Have you written any articles, reports or other documents dealing with the Model 700?

A Yes.

Q All right. Can you tell me what you have written?

A Well, I have written no books.

Q Okay.

A What was your second one?

Q Articles.

A I have written no published articles.

Q Unpublished?

A Not necessarily articles, no. I don't understand what an unpublished article is. You still confuse me on that.

Q Well, let's say something that was intended to be put in some form of magazine or newspaper, be it a trade or be it one of common circulation, but was never submitted or was never accepted. Now, with that definition, does that help you out some?

A Okay. No, I have never done that.

Q Okay. Now, have you ever participated in researching any articles or books dealing with the 700? When I say "books," of course, it might not be a whole book. It might be a part of a book. Understood?

A Yes.

Q Okay.

A Yes, I have.

Q All right. Which articles have you participated in researching or which books have you participated in researching?

A Well, one of the closest examples that I can

think of would have been in like 1978 when we brought out the Model 700 Classic rifle, and I generated a lot of the information that was used in the selling of that rifle.

Q Now, when you say "generated a lot of the information," are you talking about providing the research, for instance, to marketing for a final write-up?

A That's right, provided the information they needed to make their marketing write-ups.

Q All right. How about articles that might appear in such magazines as Guns & Ammo and Shooters?

A Yes.

Q Okay. Would you be the source point for that information within Remington for the Model 700?

A No.

Q Would it be a number of different people?

A The source point from the writers of sporting magazines?

Q Yes.

A No, I would not be the source point.

Q All right. Let's just take Guns & Ammo as an

example.

A Yes.

Q Let's say someone chooses to write an article on the 700 for Guns & Ammo, and they contact Remington and let them know they're going to do so. What is Remington's procedure in terms of helping that person out?

A I don't know.

Q Okay. Have you ever participated in that kind of procedure?

A I have participated, yes.

Q Okay. In those instances where you have participated, what was the procedure that was followed?

A In those instances where I participated, I was mostly on new models, and we were introducing the new model, and we would introduce a new model to the press, and we would go through the features of the new model, and we would let the writers shoot the new model, and we would normally make models available for their use, so they could test them independently.

Q Okay. Is that the procedure you used in the case of the 700?

A In the case of the 700 Classic, yes.

Q All right. Was it a press conference affair when you first introduced the 700 Classic?

A Yes. It would be similar to that.

Q Where was it held?

A It was either at the Remington Arms in Maryland, or it was in East Texas.

Q You don't recall which, is that correct?

A No, I don't.

Q All right. Were you in charge of that particular press conference?

A No, I was not.

Q Who was usually invited there -- Strike that. Who was invited to that conference with regard to the 700 Classic?

A It would have been the leading gun writers. It would have been representatives from the American Rifleman or the National Rifle Association. There would have been some of the leading newspaper editors or sportswriters, possibly, and there would have been the -- Well, that would be it.

Q Okay. You recall being at the news conference

which released the 700 Classic, is that right?

A Yes.

Q You just don't remember which state it was in?

A That is right.

Q All right. Now, at that news conference, did you hand out written materials?

A Yes. There is a press release that's handed out.

Q Okay. Is there a file kept on that kind of thing?

A Yes, I'm sure there is.

Q In preparing the news conference, did you have meetings with various other Remington personnel?

A Yes, I'm sure we did.

Q Did you keep minutes of that meeting?

A There could have been, but I'm not aware of it.

Q Is that the general procedure that's followed?

A Depends upon what the meeting is about, whether minutes are kept or not.

Q Who would be in charge of keeping those minutes?

A It would depend upon what the meeting was about,

what you were covering.

Q We are talking about the 700 Classic.

A Yes, I know. I am just trying to get around to that. I would think in that case, if marketing minutes would have been taken, that marketing would have the minutes, because they would be the ones who were responsible.

Q With regard to the Model 700, when it was first released for sale to the public, was there a press conference held?

A I said there was.

Q All right. Seven hundred Classic is the initial release of the Model 700, is that correct?

A No.

Q All right. Were you involved in the initial release of the Model 700?

A No, I was not.

Q All right. Were you aware of a press conference that released the Model 700?

A No, I'm not.

Q Okay. But you are with regard to the 700 Classic?

A Yes, I am.

Q Who in marketing would be knowledgeable of the existence of any files dealing with the release of the 700 Classic?

A It would probably be Ted McCulley.

Q Who in marketing would be knowledgeable of any pre-press conference meetings dealing with the release of the 700?

A Pre-conference meetings?

Q Pre-press conference meetings.

A Of the Model 700?

Q Of the Model 700.

A I don't know.

Q Now, have you been personally contacted by or talked to or communicated with any author who has ever done any articles dealing with any of the various models of 700?

A Yes.

Q Who?

A I have been to these conferences where all the gun writers are invited, so I have met all the writers, and they have done articles on the Model 700, so I

would have known the writers.

Q Which conferences are you speaking of?

A The presentations where we present our new product.

Q Have you been to all of the conferences that deal with the release of the Model 700?

A No.

Q Which conferences have you been at dealing with the release of these various models of the 700?

A I would have been at the one in 1973, and to the 700 that was introduced that year, which was the left-hand version. Between then and seventy-eight, I think I was to two or three more, but I don't know the exact number that I have been to.

Q Do you have records that would show that?

A Probably something someplace that we could find out.

Q Where would you go look?

A I don't honestly know.

Q Okay. Do you have a secretary that keeps track of that kind of thing?

A I have a secretary, and this is probably the

sixth secretary I have had.

Q Do any of your six secretaries keep track of these kinds of things?

A Yes, when you are in that department.

Q When you are in that department?

A Yes, when they are your secretary, they keep track.

Q All right. Wouldn't you have records, regardless of any secretaries that you have had, that would show what conferences you have attended with regard to the release of any of the Model 700's?

A I don't know.

Q Have you looked?

A Have I looked?

Q Have you looked?

A No.

Q All right. Now, have any specific authors who have been writing articles with regard to the 700 been in touch with you, or have you consulted with them in any fashion during the course of the writing of these articles?

A No, I haven't.

Q Do you know anyone who has?

A Not for sure, no.

Q Do you have some guesses?

MR. HEADLEY: Well, for the record, you do not have to guess, and I am so advising you that you do not have to guess, because a guess is not a proper kind of an answer.

BY MR. McDONALD:

Q Do you have any judgments?

MR. HEADLEY: Now, the word "judgment" calls upon your memory. If you know, you tell him. If you don't know, you don't know.

A I don't know who they had been talking to.

BY MR. McDONALD:

Q Would that information generally be handled --
Strike that.

Would that kind of contact generally be handled through your Marketing Department?

A Normally, yes.

Q Does your Marketing Department then contact

the various other areas within Remington to gather up information?

A That's normally the way it is handled.

Q So that when various authors write about a particular model Remington weapon, their normal contact is through marketing, is that a fair statement?

A Yes, it is.

Q And then marketing falls back on the technical capability of the various other departments to get information, is that a fact?

A Yes, they do.

Q Okay. Specifically, have you ever been called on to provide information for marketing with regard to articles that an author was either researching or about to publish with regard to the Model 700 fire control system?

A Not that I can remember.

Q Do you belong to any gun-related, nonprofessional organizations such as NRA?

A Yes, I do.

Q Which ones?

A I belong to the NRA, and I belong to the

Richfield Springs Gun Club.

Q Is the Richfield Springs Gun Club affiliated with any national organization?

A Not that I am aware of.

Q Do you belong to any gun-related professional organizations?

A I don't believe so.

Q Are there such organizations, that you are aware of?

A Yes.

Q Can you tell me the ones you are aware of?

A The SAAMI organization, S-A-A-M-I.

Q What does SAAMI stand for?

A I think it is the Society for Arms and Ammunition Manufacturers Institute, or maybe it is Ammunition and Arms Manufacturers Institute.

Q Have you ever been a member of SAAMI?

A I was on a committee.

Q Which one?

A I don't remember.

Q When would you have been on it?

A Maybe late in 1978.

Q Did it deal with ammunition, or did it deal with weapons?

A I don't know.

Q Do you have any files that would tell you?

A I don't believe so. I never went to any meetings.

Q Other than SAAMI, can you think of any other gun-related professional organization?

A Gun-related organization?

Q Gun-related professional organizations, yes, sir.

A No, I can't.

Q To your knowledge --

A Well, just a minute. Well, some others could be gun-related. Your Ducks Unlimited could be gun-related.

Q Gun-related professional organizations.

A I don't know. The National Shooting Sports Foundation.

Q Others?

A I can't think of any others.

Q Do you know whether or not Remington supports

either financially or by belonging to any professional gun-related organizations?

A I know they are a member of SAAMI.

Q Any others?

A National Shooting Sports Foundation, I would think that they would be a member of that too.

Q All right.

A They also, now that I think about it, would be a member of the National Sporting Goods Association.

Q Any others?

A Oh, I'm sure there are some others before it comes to wholesaling and distributing firearms, but I'm not aware of them.

Q Who would know that?

A Probably the people in marketing, the name you have, Ted McCulley.

Q All right. Do you belong to any professional organization, and I am thinking particularly in your field of education, engineering associations?

A I belong to the American Society for Quality Control.

Q How long have you belonged?

A A couple of years.

Q Serve on any committees?

A No, I don't.

Q Hold any positions?

A No, I don't.

Q Why did you join?

A Because I wanted to.

Q Did you hope to gain information or knowledge that would be useful in your work at Remington?

A Yes.

Q In what area?

A In all areas of quality.

Q Are there regular publications that emanate from the American Society for Quality Control?

A Yes, there are.

Q Do you receive those?

A Yes, I do.

Q What are the names of those publications?

A I don't know if it is their monthly magazine.

Q Do any of them deal with weapons, ammunitions manufacturing?

A Well, indirectly, yes.

Q Does the American Society for Quality Control

have bylaws, a constitution, standards, written standards?

A They have bylaws. They have a constitution.

Q Do they have a set of written standards?

A What do you mean by "written standards"?

Q By that, are there specifications or guidelines as to how one should implement quality control in a written form that emanate from this organization?

A I don't believe that they have what you call "standards."

Q Okay. We understand each other?

A No, we don't.

Q We don't understand each other. All right. Now, for instance, there are standards with regard to certain testing procedures that emanate from certain engineering organizations, correct?

A That is right.

Q That's the kind of standards I'm talking about with regard to quality control. Are there such standards in existence with regard to quality control?

A There is guidelines, but there is not

standards.

Q All right. Guidelines. The American Society for Quality Control has certain guidelines, would that be a fair statement?

A I don't know if they have publications, and what have you, on how you deal with certain situations. They don't say that there is a right way or wrong way.

Q Recommendations and guidelines, is that correct?

A Yes, you could say that.

Q All right. Do you subscribe to those written guidelines?

A What do you mean, do I subscribe to them?

Q Well, do you agree with them?

A I can't answer that.

Q Have you reviewed them?

A No.

Q Okay. Have you ever called upon them or used them in your work for Remington?

A Yes.

Q Were you aware of them before you joined the American Society for Quality Control?

A Yes.

Q How long have you been aware of them?

A I have been aware of guidelines for a long time.

Q Guidelines by the American Society for Quality Control?

A Yes.

Q All right. Have you relied upon them throughout the years in your work for Remington?

A Yes, I have consulted them.

Q Have you consulted them with regard to quality control procedures that have been implemented by Remington with regard to the Model 700?

A Yes.

Q Did you use them with regard to quality control procedures that were implemented by Remington in the manufacturing of the 700?

A It is one of our sources of information.

Q Would the same be true with regard to other models?

A Yes.

Q Are there gun-related publications that you

regularly read?

A Yes.

Q Such as?

A American Rifleman.

Q Any others?

A Not on the same frequency.

Q Are there other certain publications such as the American Rifleman, Guns & Ammo, which you consider authoritative?

A Not necessarily, no.

Q Okay. Are there any other books concerning the manufacture of weapons or the design of weapons which you consider authoritative?

MR. HEADLEY: I don't know if there is a difference between weapons and firearms, but I have had a suggestion here that the word "firearms" might be better.

BY MR. McDONALD:

Q All right. Is firearms agreeable with you?

A Fine.

Q Does that fit the bill for Remington?

A Yes, it does.

Q All right. Let's talk about firearms. Are there books that are authoritative with regard to the design of firearms?

A Yes.

Q Which ones do you recognize as being authoritative?

A Let's see. The shotgun book by Gough Thomas, I think that was good.

Q Others?

A Yes. There is one on the manufacture of guns by Chen, and then there are some that are interesting, like, there is a bolt action book by Otteson, a bolt action book by DeHaas.

Q Any others?

A I can't think of anything that you'd say is a real source book. There are a number of other books that you can use for various information, but when you are looking at specific items -- and that's normally how I use the books.

Q Well, let's talk about fire control systems in bolt action rifles. Are there any books that you look to with regard to the design of those particular

firearms? And you will have to continue to remind me the difference between firearms and weapons.

MR. HEADLEY: I don't know if there is a difference. I was just suggesting it, but maybe a weapon would be a hand grenade.

MR. McDONALD: Or bazooka, you're right.

A What's the question?

BY MR. McDONALD:

Q The question is whether or not there are any books that deal with or are authoritative that you regularly consult with regard to the design of bolt action firearms.

A Not any others than the one that I told you about that I would regularly consult.

Q Do you consider the books that you mentioned to be authoritative with regards to the design of bolt action firearms?

A I consider them to be interesting books. I don't consider those books, though, to be perfect in every detail, no.

Q Maybe not perfect in every detail, but are they authoritative, sir?

A Yes, they are authoritative.

MR. HEADLEY: Do you know what
"authoritative" means?

THE WITNESS: It just means the guy
thinks he knows something about it, and that's
his opinion, and that's his book, and I
honor that.

BY MR. McDONALD:

Q Are you a personal user of firearms, sir?

A Yes, I am.

Q Do you own firearms?

A Yes, I do.

Q Do you own any of the 700 series Remington --

A Yes, I do.

Q Which ones?

A I own a 280.

MR. HEADLEY: Do you understand the
question?

THE WITNESS: He said how many 700's do
I own.

MR. McDONALD: He's talking about
caliber.

MR. HEADLEY: Okay.

A (Continuing) 280, and I own a 30-06 Model 700. I think I own one more 700, but I can't think of what caliber it is.

BY MR. McDONALD:

Q Do you know the year of manufacture of the 280 and the 30-06?

A No, I don't.

Q Do you remember what year you acquired them?

A No, I don't.

Q Would you acquire those through a retail outlet or through some procedure here?

A Some procedure here at the plant.

Q Okay. You have one other 700, the caliber of which you can't remember?

A I think so. I have quite a few guns, so you are asking me kind of a difficult question.

Q Okay. Those, I assume, are all center fire weapons -- or Strike that -- firearms, is that correct?

A All of my own are firearms.

Q All the 700's that you own are center fire

firearms, is that correct?

A Yes, that is correct.

Q Are you able to ascertain what year those weapons were manufactured?

A Yes, I could, if I desired to.

Q Now, do you own and use bolt action center fire weapons that are not Remington?

A Yes.

Q Which ones?

A I own a Winchester.

Q Model 70?

A No.

Q Which kind?

A 1917.

Q Okay. Anything else?

A You're talking bolt action?

Q Yes, sir.

A No, I would not. That would be the only one.

Q Do you have any military weapons -- Strike that -- firearms, whether or not they are Remington or not? I am thinking particularly of Mausers, Enfield, and I have trouble with the Italian version.

A. Carcano?

Q. Carcano. Do you own any of those?

A. Yes, I do.

Q. Which ones?

A. I own a Mauser 98.

Q. You will have to tell me the caliber on that.

A. It is a seven millimeter.

Q. Any other military versions of the bolt action?

A. Yes. I own another 1917 Enfield.

Q. That's a 303?

A. No. That's a 30-06.

Q. Was that Remington manufactured?

A. Yes, it was.

Q. In addition to owning and using weapons --
well, Strike that.

In your use of firearms, is that mostly
target, or do you also hunt?

A. I do both.

Q. Deer hunting?

A. Yes.

Q. How long have you been a deer hunter?

A. Twenty-four, twenty-five years.

Q Do you use both standing and walking procedures in hunting deer?

A Yes.

Q Familiar with both procedures, correct?

A I am familiar with how I do it, yes.

Q Have you ever hunted in the State of Missouri?

A No.

Q Have you ever used a Model 700 Remington to hunt deer?

A Yes.

Q Over how many years have you used that particular model to hunt deer?

A I'd say six or eight years.

Q That's your 30-06?

A No. I use all different kinds.

Q Model 700?

A Yes.

Q In addition to being a personal owner of Model 700, I assume you have access to --

A That is right.

Q What is your preferred caliber for hunting deer?

A I like the 30-06.

Q With or without scopes?

A Depends on where I am hunting.

Q In brush.

A In brush, it also depends on where I am at.

If it is brush where there is not much rain or snow, then I like a scope. When there is brush when there is lots of rain and snow, then I use wood sights.

Q I assume you are familiar with the process of mounting and dismounting scopes on the Remington 700, is that correct?

A Yes, I am.

Q You have done it yourself, haven't you?

A Yes, I have.

Q Do you know of anything during the course of the process of mounting or dismounting scopes on Remington 700's that, in anyway, affects the fire control systems on that weapon?

A The way that I would do it, no.

Q All right. Is there a way that it can be done, that you are aware of, that affects the fire control system on a Remington 700?

A No, but I don't know how everybody else would do it.

Q You never seen an example of a scope affecting the fire control system on a Remington 700?

A That would be a fair statement, yes.

Q All right. Are you familiar with the particular weapons involved -- Strike that -- firearm involved in this case?

A No, I'm not.

Q Sir, I will show you and be glad to hand you and let you examine it, in anyway you wish, what has been marked as Defendants' Exhibit 5, which I will represent to you as the subject weapon in this lawsuit, along with the Bushnell Sports Scope and all the pertinent apparatus, and I will ask you to take a look at it and tell me if there is anything that you see, from your experience, as to the way that particular scope is mounted on this weapon that could have caused any interference with the fire control system. Feel free to look at it.

A I don't see anything readily apparent that would have bothered the trigger assembly.

Q Well, we used the terminology "fire control system," and we have already defined that as to include the safety mechanism, is that right?

A That is right.

Q Now, back to my original question, and with regard to the fire control system, did you find anything from your examination that could have interfered or affected the operation of the fire control system on Defendants' Exhibit 5, based on your examination?

A From the scope?

Q From the scope or the mounting of the scope.

A All right. From my visual examination, I didn't see anything that was readily apparent to me.

Q Are there other tests which you would wish to perform before you gave a completely definitive answer on that?

A Yes, if it was my problem, there would be.

Q Well, my question to you is, are there other tests which you would wish to perform before you gave a completely definitive answer on that subject.

A Yes.

Q Which ones, which tests?

A. Have the guy who mounted the scope go through and show me how he did it.

Q. Other than that?

A. From that I could determine the effect it would have on the trigger assembly -- excuse me -- fire control.

Q. Any other tests that you would want to perform?

A. I wouldn't need to perform any other tests, if I could see that.

Q. All right. Sir, I failed, in the sequence of events, to show you Plaintiffs' Exhibit A and ask you if you recognized that.

A. No, I don't.

Q. You have no idea what it is?

A. Sure. It is my record. It says, "History Card, Linde, John Paul."

Q. Have you ever seen this before?

A. Maybe I have, but I don't remember.

Q. Well, whether you have seen it or not, why don't you read it over and see if it is accurate.

A. Yes, that is right.

Q. Are there any additions that should be made

to it?

A Not that I can see.

MR. McDONALD: Offer into evidence
Exhibit A, Plaintiffs' A.

BY MR. McDONALD:

Q I took it from your earlier testimony and what I may know of you, sir, that you have only been employed by Remington on a full time basis since graduation from engineering school, is that correct?

A That is right.

Q You had various summertime employment, and so forth, during college and high school while you were growing up, is that right?

A That is correct.

Q But none of it was weapons or firearms related, is that correct?

A That is right.

Q Did you have any employment in high school or in college dealing with engineering?

A Yes and no.

Q Let's take the yes. How about the yes part?

A Okay. In my job, I designed a number of

different things that were used.

Q In your job?

A In some of the jobs that I had.

Q Okay. What summer jobs did you have where you designed a number of different things?

A Okay. We were always building something in the sawmills.

Q You'll have to excuse me. I have no idea what "we" means.

A Okay. I worked in a sawmill, and in the sawmill, everything that was used was made at that site. Very few things were purchased on the outside. Almost everything was welded, constructed, made right there, and in the course of business, I helped with a number of different items.

Q Okay.

A Now, that's engineering, but I was not an engineer.

Q Okay. Aside from your work at Remington, do you do any bench work, gunsmith work on firearms?

A No, I don't.

Q You have no shop at home?

A Yes, I do.

Q What is the shop for?

A It is for anything I want to make.

Q All right. Do you ever do any work on firearms at home?

A Yes, I have.

Q Do those include -- well, Strike that.

Tell me what kind of work you have done on firearms at home.

A I have repaired a number of firearms.

Q Bolt action firearms?

A All kinds.

Q Bolt action firearms?

A Included, yes.

Q Ever repair any 700's?

A I'm sure I have.

Q What kind of repairs have you effectuated on the 700's that you worked on at home?

A I don't know. In the course of my job, people know that I work here, and they will stop by with a rifle and tell me to take a look at it, and I'll take a look at it. I don't do that much, but I

know that I have looked at different rifles, but on a frequency basis, it is not something that happens very often.

Q Have you ever worked on any Model 700's?

A At home?

Q Yes.

A Yes.

Q Have you ever worked on any fire control systems in the Model 700's?

A Yes, I have.

Q Have you ever worked on any safeties on the Model 700's?

A No, I haven't.

Q Have you ever made any modifications to any Model 700?

A Yes, I have.

Q What kinds of modifications have you made?

A Oh, I've --

MR. HEADLEY: Now we are still at home, aren't we?

MR. McDONALD: We are at home. Let's just say outside the plant. He might be at a

neighbor's house too.

MR. HEADLEY: Well, if he was.

A (Continuing!) I have modified some Model 700's for specific purposes.

BY MR. McDONALD:

Q Such as?

A Using them for varmint hunting.

Q What modifications have you made?

A The one you were talking about on trigger assemblies, I have taken and put a 40X trigger assembly on a Model 700.

Q What trigger assembly did you replace when you put in the 40X?

A The 700 trigger assembly.

Q The 40X being another rifle, is that right?

A Yes, it is.

Q Why did you do that?

A Because a 40X is a target rifle, and I wanted a target rifle trigger on this Model 700.

Q Was this for your personal use?

A Yes.

Q Have you ever done any other work on fire

control systems, any other work outside of your work at Remington?

A Like that, yes.

Q You have modified other 700's for other people?

A No, I won't do that.

Q Well, "like that," are we talking exclusively of taking out the 700 fire control system and putting in a 40X fire control system?

A Yes. I won't do that for other people.

Q But for yourself, you have done that on more than one occasion, is that correct?

A I have done it on more than one occasion, yes.

Q Does the 40X have a similar safety to that of the 700?

A Yes, it does.

Q Does it have a bolt lock?

A Yes, it does.

Q Will the 40X be compatible with the 700 bolts that would come as standard equipment with that particular 700?

A Yes, pretty much, yes.

Q What do you mean "pretty much," sir?

A There is some variations in the 40X, because it is a target rifle.

Q How does the bolt lock operate in the 40X when inserted in the 700?

A Identical to the 700.

Q Have you ever inserted a -- well, Strike that.

Does the 40X, as manufactured by Remington today, have a bolt lock?

A I don't know if we make the 40X today. We make a target rifle, but I don't know if it is called the 40X.

Q Does the target rifle that's made today by Remington have a safety system that includes a bolt lock?

A No, it does not.

Q Have you ever taken a 40X or other target fire control system and put it into a Model 700 when that particular fire control system or safety did not include a bolt lock?

A No, I have not.

Q In every instance you have replaced the 700

with another fire control system or safety, that has included a bolt lock, is that your testimony?

A Yes, it is.

Q Have you ever done any consulting work outside of Remington?

A No, I haven't.

Q Have you ever served as an expert witness for any other entity other than Remington?

A No, I haven't.

Q Do you derive any income from any other source dealing with firearms other than from Remington?

A No, I do not.

Q Have you ever testified by deposition or at a trial?

A Yes.

Q On how many different occasions, and where, and when?

A I have testified at the Lang case in Southern Illinois. I have testified at the See case in Portland, Oregon. I have testified at the Shutts case in Oswego, New York, and I have testified in a deposition for the Thomsen complaint in California.

Q Those four cases have all dealt with the Remington 700's, is that correct?

A That is right.

Q Are those the only four pieces of litigation which you have testified at in your life?

A No, they're not.

Q What other cases have you testified in?

A I have testified in a case on a Model 1100 shotgun.

Q What was the name of that case?

A I have no idea.

Q Where was it?

A I don't know. They came here and took my deposition like you are today.

Q Do you know whether it was in state or Federal court?

A No, I don't.

Q Do you know the lawyers involved?

A No, I don't.

Q Do you have a record that would tell you?

A I'm sure there is a record somewhere.

Q Could you find it, if I asked you to do so?

A I probably could, yes.

Q All right. Any other cases that you have testified in?

A Yes. I have testified in a case in Kingston, New York.

Q Dealing with what, sir?

A Model 788.

Q What was the name of the case?

A I don't remember.

Q State or Federal Court?

A I believe it is the State Court.

Q When did you testify?

A It was a couple of years ago.

Q Do you have a record of that?

A Yes, I'm sure there is a record.

Q Any other case -- well, Strike that.

The 788 is a center fire rifle also, is that correct?

A Yes, it is.

Q Do you know the caliber on that?

A No, I can't remember.

Q Year of manufacture?

A I can't remember.

Q Did it deal with the fire control system?

A I believe so, yes.

Q Do you recall whether or not it was a fire on safe condition?

A No, I don't. I don't believe so.

Q Do you recall the nature of the alleged defect?

A I don't think I can. The only thing I can remember is that the guy was handing a 788 to a man at the top of a cliff, and it discharged.

MR. HEADLEY: Can we stop for a minute.
Off the record.

(Discussion off the record.)

(A short recess was taken.)

(Documents were marked as Plaintiffs' Exhibits B, C and D for identification.)

BY MR. McDONALD:

Q It is not clear to me with regard to your home, and I am going to call it gunsmith work, because that's the shorthand you chose. Your home work on Model 700, have you always used the 40X as a replacement

on your 700's?

A Yes. I have only done it a couple of times.

Q Okay. Have you ever made any other adjustments to the fire control system on the 700?

A No, I don't believe I have. I changed it to the target rifle, so I had no need, really, to change the trigger assemblies that were in them.

Q Have you ever modified a 700 by cutting or filing off the bolt lock on the trigger?

A No.

Q Now, you mentioned in your testimony the record control policy of the parent company, Dupont, and by the way, Remington is owned by Dupont, is that correct?

A Yes, they are.

Q All right. How long has that been the case?

A Oh, since 1980, I believe, or eighty-one.

Q Okay. I'm going to hand you what has been marked --

A It is one-hundred percent owned. They controlled it before that.

Q All right.

MR. HEADLEY: Just answer his questions.

THE WITNESS: Okay.

BY MR. McDONALD:

Q I'm going to show you what's been marked as Plaintiffs' Exhibit B and ask you if you recognize that document.

A No, I don't recognize it. It says, "records control schedule."

Q Have you ever seen a similar document?

A I have.

Q Do you know whether or not there exists within Remington a written policy with regard to records control?

A Yes, there is.

MR. HEADLEY: Now, let me just stop a minute. Let me look at that.

THE WITNESS: Okay.

MR. McDONALD: Go right ahead.

MR. HEADLEY: Okay. Thank you.

BY MR. McDONALD:

Q Have you ever seen a written procedure within Remington's organization dealing with record retention and document destruction?

A Yes, I have.

Q Do you have copies of such documents in your possession?

A I don't know if I directly do, but they would be available.

Q Okay. Have you ever reviewed them, personally?

A When it was instituted, I did.

Q When was it instituted?

A I don't know when they took us over fully, but shortly after that they started with this and lots of other things.

Q Has there been changes from time to time in Remington's document or record retention system?

A I'm sure there has been.

Q Well, are you aware of them?

A Well, to say that they changed this bylaw, or whatever, no, but from any organization, you are making changes from time to time.

Q Mr. Linde, I'm aware of that, but I am really trying to be more specific than that. Have you from time to time been made aware by writing or by oral communication that there have been changes in

Remington's document control system?

A Not that I can recite.

Q Have you been made aware that there have been changes in Remington's document control policy?

A Yes.

Q Have you been aware of those changes by written memo or document?

A By the institution or implementation of the records control system.

Q As exhibited by Exhibit B?

A I don't know that for a fact, but I know we have got a record control schedule here that says, "record control schedule for Remington use only." I don't know if I took this upstairs, if this is exactly what we would have or not. It is purported to be so. I'm sure it is.

Q Where would you take it, if you were going to take it upstairs?

A I would probably go ask my secretary. She knows where the records control schedule is at.

Q Does she maintain all of the written communications that you have with regards to records

control?

A No.

Q Who does?

A Between her and I, we both would.

Q So that you have custody and control of some documents dealing with records control and record destruction, is that correct?

A Not necessarily. I think that the records control schedule is a bunch of crap, and personally, it is just one more of those things I have to do. I do it as part of my job, but as far as myself, I'm really not too personally concerned with the records control system.

Q Why do you think it is a bunch of crap?

A Because I have lots of things that I have to do in my job, and I'm not concerned on whether a file is destroyed after six months or destroyed after a year.

MR. HEADLEY: Are you saying that's not your department?

THE WITNESS: I'm just saying that if I come to something that is important, you know, I may keep it for a year. If it is

something that is just taking up space, and I don't figure it is any good, I have no problem in tearing it up.

BY MR. McDONALD:

Q You don't necessarily follow this records control schedule?

A Oh, yes, I try to, but I'm just saying that I don't consider it a tenth commandment.

Q Let me ask you this. With regard to consumer complaints regarding Model 700's, where would they be kept?

A Consumer complaints?

Q Yes, users, consumers. We do understand each other when we say "consumers and users," don't we?

A Maybe you could define what you mean.

Q Well, a user would be someone who picks up a Model 700 and operates it.

A Yes.

Q All right. A consumer would be someone who purchases or acquires Model 700's. Can we operate with those definitions?

A Okay.

Q All right. Users and consumers of Model 700's, any complaints that they have, where are those records kept?

MR. HEADLEY: If you know.

A I don't know. I know that they are on the plant, but I don't know. I couldn't put my hand on them without asking somebody.

BY MR. McDONALD:

Q Have you ever had occasion to see them?

A I have seen some complaints, yes.

Q Where were they when you saw them?

A Brought them to my office.

Q Who brought them?

A It would be like one of the supervisors or one of the people that report to me.

Q Which ones?

A Which what?

Q Which ones report to you who bring you consumer complaints?

A It could be Dennis Sanita.

Q What's his position?

A He is the supervisor of arms service.

Q Isn't arms service the area that usually receives the consumer complaints after they have been cycled through marketing?

A Yes, they could. It would make sense.

Q It does make sense, doesn't it?

MR. HEADLEY: Are they cycled through marketing?

THE WITNESS: Not necessarily, no.

MR. HEADLEY: Listen to his question.

A If they went through marketing, could they go through Dennis? They could go through Dennis. They could also go someplace else.

BY MR. McDONALD:

Q What department is the department that initially receives consumer complaints with regard to the 700?

A The consumer complaint could come into -- they could come out to the Arms Service Division. That is where the majority of the consumer complaints would come directly to. Now, you could get a letter that would go to the press, and you could get a letter that would come into management. These, of course, would

go to these places, and they could go through maybe a normal routine like to one of your marketing people, or they could go to Dennis Sanita, or to somebody else at the discretion of the individual.

Q Is there a normal channel of communication with regard to complaints at Remington?

A The normal channel would be that the complaints would come to Arms Service.

Q And from there where would they go?

A They would be handled.

Q Handled in what way?

A Our normal complaint is a firearm that comes back, and they would receive it at Arms Service, log it in, determine what the problem is, write the individual a letter telling them what they found and if he will authorize it to be repaired, and if he says yes, it is repaired and shipped back to the customer.

Q Are there complaints made on occasion by consumers or users of Model 700's which do not involve the shipping of the firearm to Remington?

A Yes.

Q In those instances, is some record made of that

complaint?

A I don't know.

Q Who would normally receive that type of complaint that I just hypothesized?

A It would probably come into Ed Sienkiewicz, who is our marketing representative on the plant.

Q Would it be a fair statement to say that where there are consumer complaints concerning the Model 700, and where the firearm is not shipped to Remington here, that those complaints are handled through marketing?

A That is right.

Q Is there a particular title for the person or persons who handle those types of complaints?

A There is, yes.

Q What is that?

A I don't know.

Q How would you find out?

A I'd call him up and ask him what his title was.

Q Okay. The person, though, is who?

A Ed Sienkiewicz.

Q How long has he been designated as the person

who handles those types of complaints?

A I don't know the exact date that he came here.

Q I'm sorry, sir?

A I don't know.

Q Has it been more than three years, let's say?

A Probably around two to three years.

Q All right. Has he been the person who has --

A Just a minute. I don't think it has been that long. No, it wouldn't have been. He has been here about a year now.

Q Is Mr. Sienkiewicz the manager of products service?

A I don't know.

Q If that's what his history card indicates, would you have any reason to disagree with that?

A No, I wouldn't.

Q Do you know whether or not Mr. Sienkiewicz had a predecessor who handled consumer complaints regarding the Model 700 where the firearm was not shipped to Remington?

A It would be his predecessor. It would be Jim Stekl.

Q How long did Jim Stekl handle the types of problems that I just hypothesized?

A I don't know what the dates are.

Q Maybe I asked you this, and maybe I didn't. I'll ask it again. Do you know what kind of record is made of the kind of complaint that I have just hypothesized?

A No, I don't.

Q Mr. Stekl's title is also supervisor of product service, would you agree with that?

A Yes, sounds right.

Q Let's talk for a minute, since we seem to be near the subject, about the organization of Remington. I assume that there is a Board of Directors, correct?

A No, there is not.

Q There is not. Is there a president?

A Not as such.

Q What is he called, the head guy?

A I don't know what his official title is.

We are a division of Dupont, and you can't have more than one president of a company.

Q How about division manager, would that be a

good name?

A Could be.

Q Who is the guy that you think might be in charge around here?

A His name is E. F. Barrett. I don't think that. I know that.

Q I thought you might. Now, under Mr. Barrett there are various division or department heads?

A Yes, there are.

Q Are those functions divided into staff functions, and then production functions, or two different categories?

A Not necessarily, no.

Q All right. Well, let's just take it bits and pieces, then. Is Remington divided up into various divisions and departments?

A Yes, it is.

Q All right. Are you familiar with the names of those divisions and departments?

A Some of them, yes.

Q Those that you are, why don't you tell me the names of them.

A There is the Production Department.

Q Okay. Who is the head of the Production Department?

A Mr. Hooton, H-o-o-t-o-n.

Q First name?

A Ed.

Q Any other department?

A Research Department.

Q Who is the head of that department?

A Bob Fielitz.

Q L-i-t-z?

A Fielitz, yes.

MR. BEADLEY: How do you spell it?

THE WITNESS: F-i-e-l-i-t-z.

BY MR. McDONALD:

Q Other departments?

A Planning.

Q Head of that department?

A Don Condon.

Q Go ahead.

A Legal.

Q Who heads that?

A Ron Partnoy.

Q Other departments?

A Marketing.

Q Who heads that?

A Ahrens.

Q First name?

A Gerry.

Q Other departments?

A Finance.

Q Who heads that?

A Carl Wagner.

Q Go ahead.

A That's all I know.

Q What is the function of the Planning Department?

A Where you go into your long-range planning.

Q Does that encompass both product and production facilities?

A Yes.

Q Would it be fair to say that conceptual designs emanate out of planning with regard to a product?

A No.

Q Do they generally emanate out of research?

A Yes.

Q So in other words, the initial idea for a product would emanate from the Research Department, would that be a fair statement?

A No.

Q They come from anywhere?

A No.

Q Where do they come from?

A They could come from -- normally, from marketing and/or research.

Q Now, are there sub-divisions of each of the departments?

A Depends upon the department.

Q Well, let's take research, for instance. Is there a general distinction drawn organizationally between rifles and shotguns, for instance?

MR. HEADLEY: Rifles and shotguns for what?

BY MR. McDONALD:

Q For instance.

A I don't understand what you mean.

Q Well, for instance, is it likely that a

designer of a shotgun would be put in charge of design -- Strike that, please.

The design manager of a shotgun would cross over and be a design manager of a rifle, for instance?

A Yes, that could happen.

Q In other words, a designer is a person who might be involved in either shotguns or rifles, is that a fair statement?

A Yes.

Q Okay. Is there any distinction made within Remington, say between military and civilian firearms with a designer?

A I really can't answer that.

Q All right. Let's take your Research Department. Is it divided up into various sub-divisions?

A Yes.

Q Tell me those sub-divisions.

A We have a powdered metal and injection molding group. We have a group that works on abrasive products. We have a group that works on ammunition. We have a group that works on firearms.

Q Go ahead.

A That's all I'm familiar with or can think of.

Q Who heads up the firearms sub-division of your Research Department?

A Bill Coleman.

Q How long has he been in that position?

A About four months, I think.

Q Before that who headed it?

A C. B. Workman.

Q How long did C. B. Workman head up the firearms sub-division of the Research Department?

A I think he came in 1977 or seventy-six.
I'm not sure.

Q And before that gentleman who headed it up?

A W. E. Leek, L-e-e-k.

Q How long did Mr. Leek head up the firearms sub-division of the Research Department?

A I'm not sure on the dates, but it would be like seventy-four or seventy-five, up until Clark Workman took over.

Q Do you know the gentleman who headed it up before Mr. Leek?

A Yes, I do.

Q Who was that?

A S. M. Alvis, A-l-v-i-s.

Q How long did he head it up?

A I think he started in forty-seven or forty-eight.

Q All right. Are there various sub-divisions of the firearms sub-division of the Research Department?

A Yes.

Q What are they?

A I don't know how they got it split up now, but normally they have a couple of groups. Oh, there was one other group I forgot in research. We have a research group on process research.

Q Okay. The firearms sub-division of the Research Department, you say, is divided up into various groups?

A By their supervision, yes.

Q What are those various groups?

A They have a group, and I'm not sure on this, but they have a group that works on shotguns and a group that works on rifles.

Q So there is a separation of function by rifle

and shotgun within the firearms sub-division, is that correct?

A Not a true separation, no.

Q But generally?

A Yes.

Q Who heads up the rifle group of the firearms sub-division of the Research Department?

A I believe it is Dave Sindlay. Oh, not the rifle. He is the shotgun. I don't know who's actually the man in charge of the rifles now.

Q Do you know anyone who was?

A Who has been?

Q Who has been?

A Yes, I know one person who was. I was.

Q When?

A Seventy-five to seventy-eight, and then John Brooks would have had it from seventy-eight up until eighty-two, probably, but there was a combination of things. It is not a clear distinction.

Q What do you mean by that?

A Well, as you know, in any organization, the organization never really completes a line diagram.

You have some people who can work on more than one thing.

Q And that's the case generally throughout?

A That's the case everywhere.

Q I'm talking generally through Remington.

A Yes.

Q Would it be a fair statement to say that you headed up the rifle group of the firearms sub-division of the Research Department when the Model 700 was introduced?

A No.

Q When was the 700 introduced?

A 1962.

Q Was it introduced as the 700?

A Yes, it was.

Q Who headed up the firearms, or the rifle group of the firearms sub-division of the Research Department when the Model 700 was introduced?

A I don't know. Let me think. Maybe I do know. I don't know this for sure, but I think it would have been Mike Walker.

Q Is Mr. Walker still employed by Remington?
Never mind. I know the answer to that.

Is there a further organizational breakdown of the rifle group of the firearms sub-division of the Research Department?

A You can break it down to individual, but basically what you have there is the way it is.

Q Typically, how many employees would the rifle group of the firearms sub-division of the Research Department have?

A Depends upon what's going on.

Q That particular group is added to and detracted from based on demand?

A Based on the programs.

Q All right. Powdered metal and mold injection?

A Injection molding.

Q Injection molding, I'd like to focus on that for just a moment. Am I correct in saying that a number of parts that compose the fire control system of the Model 700 are powdered metal products?

A Yes, they are.

Q Except for the trigger connector, are there any other parts that are not powdered metal?

A Lots of other parts that are not.

Q Okay. I guess all the springs and the screws are steel, is that correct?

A Yes.

Q Anything other than springs, screws and trigger connector?

A Yes.

Q What?

A Your side plates are steel. Your safety lever is steel. The ball is a steel ball bearing. The spring is spring steel. The retainers are spring steel. The pins are all screw machine or ground. We discussed the screws. That would be it.

Q And prior to modification, certainly the bolt lock that was attached or parts of the trigger were all powdered metal products, is that correct?

A No.

Q What products were they?

A What products was what?

Q The trigger.

A The trigger is powdered metal.

Q All right. How about the bolt lock?

A The bolt lock is steel.

Q Okay. Now, the powdered metal sub-division of the Research Department, would they do anything other than effectuate designs given to them by some other group or entity within Remington?

A Yes.

Q What would they do?

A The research group has nothing to do with the parts produced.

Q But generally, wouldn't they be told, as a result of the design process, that there was a particular part that might be manufactured by the powdered metal process, and they would research whether or not that was feasible? Would that be a fair generalization of what they do?

A No.

Q Okay. Why don't you tell me what the powdered metal sub-division of the Research Department usually does.

A They are concentrating on new powders, new blends and research on both materials and processes in the powdered and metal area.

Q More of a metallurgic approach as opposed to a design approach?

A That is right.

Q Okay. For us lay people, then, this would be within your Research Department? This would be the metallurgy area, is that basically true?

A No.

Q Okay. Where would -- would various different entities or groups deal with metallurgical questions?

A They could.

Q Do they?

A Yes.

Q All right. Is the idea of the powdered metal sub-division of the Research Department a continuing research or attempt to ascertain where the powdered metal process can be used?

A Yes, it could be.

Q Is it?

A I can't answer it in the context of your question.

Q Well, let me ask you in this context. What, if anything, did the powdered metal sub-division of

the Research Department have to do with the Model 700?

A Probably very little.

Q Do you know that?

A Not one-hundred percent, no.

Q Who headed it up during the design phase?

MR. HEADLEY: Of what?

BY MR. McDONALD:

Q The 700.

A Who headed up powdered metal research?

Q What is the function of the -- I'm sorry.

Who is in charge of the powdered metal sub-division of the Research Department now?

A I don't know how they have it divided up.

Q You don't know the division of the Research Department, is that what you are saying?

A No.

Q All right. Can you name anyone who ever headed up the powdered metal sub-division of the Research Department?

A Yes.

Q Who?

A Louie Baum.

Q From when to when?

A I don't know.

Q Anyone else?

A No, not that I can say.

Q During the design phase of the Model 700, would the powdered metal sub-division of the Research Department have dealt with the application of the trigger connector to the trigger?

A The powdered metal research people?

Q Yes.

A I don't think they would have.

Q Okay. Specifically, I want to know whether or not they would have dealt with tolerances between the trigger connector and the trigger?

A No, I don't believe they would have.

Q Is it correct to state that the tolerance specified between the trigger connector and the trigger is .006 on the Model 700?

A I don't know.

Q Assuming that is the tolerance specified, and I will represent to you that it is, where would that tolerance have emanated from?

A Research.

Q Which particular sub-division of the Research Department?

A The firearms design.

Q Pardon me, but firearms design is a term that you have not used before. Before you used firearms. Is the complete name firearms design of the sub-division of the Research Department?

A I just called it firearms design. You can call it anything. It is the research division here that works on firearms.

Q Does it have a name, or doesn't it?

A It has a name.

Q What is it?

A Research firearms, research and development, I believe.

Q Thank you. And before when we had been talking about firearms sub-division of the Research Department, you have been talking about research firearms, research and development, is that correct?

A Yes.

Q Generally speaking, what does abrasive

products sub-division do within the Research Department?

A They look at new applications and new designs for abrasive saws.

Q The ammunition sub-division of the Research Department deals with exactly what it would sound like?

A That is right.

Q Would the research sub-division of the -- or Strike that.

The ammunition sub-division of the Research Department has interplay with the initial design of a firearm, or would it focus mainly on adapting ammunition to the design of the firearm? Do you understand my question?

A No, I don't.

Q Well, for instance, the standard 30-06 cartridge -- There is a standardization through SAAMI, is that correct?

A Yes.

Q When Remington gets ready to design the new weapon, does it design around the standard cartridge, or does, to some extent, the cartridge design to the firearm?

A It could be either way.

Q So there could be modifications to the ammunition based on the design of the firearm, is that what you are saying?

A That's right.

Q Is that a general truism that has existed within the recent history of Remington?

A Yes, it is.

Q Process research division of the Research Department, tell me what the function of that particular sub-division is?

A They are looking at new processes to manufacture firearm components.

Q So it deals primarily with products, is that right?

A That is right.

Q Do you know -- well, Strike that.

Whenever you were tooling up for the 700, would process research have participated in tooling acquisition, for instance?

A No.

Q Would they have specified or designed tooling

for the 700?

A No.

Q What, if anything, would process design have done with regard to the 700?

A They could be looking at new ways to make the receiver.

Q How about the fire control system?

A They could be looking at that also.

Q Do you know if they did?

A Yes, I do.

Q Did they?

A No.

Q Why not?

A Because they never existed.

Q When did they come into existence?

A Probably around 1980.

Q Who handled the functions that process design now handles prior to 1980?

A P.E. & C.

Q What is P.E. & C.?

A Official name is Product Engineering and Control. It is known as process engineering.

Q Just so that we have it clear, were these departments, which you have named, in existence whenever the 700 was designed and put into production?

A Some of them were.

Q And some of them weren't, right?

A Right.

Q Which were, and which weren't?

A I don't know for sure, but I know that the plant was not the way it is now.

Q Was that a functioning of marketing?

A Maybe a combination of --

Q Tell me how it was, then.

A The planning function, at that time, was done by some of the -- it was done by some people in marketing and some people in finance.

MR. HEADLEY: I'm not clear what time you're talking about when you say "at that time."

BY MR. McDONALD:

Q The design phase of the 700. Do you know when the design phase of the 700 was?

A Yes, I do.

Q When was it?

A 1960.

Q We understand, and maybe the record doesn't, and maybe you don't, but I will back up. We are talking about the design phase of the 700, and that occurred in the year 1960, correct?

A Yes.

Q Any of it before?

A Yes.

Q When?

A I imagine a year or two before.

Q So 1958 to 1960, would that encompass all the design phase?

A Oh, it probably went from -- I don't know if it was started in 1960, but it would be before 1960, and it would go up until the time it was introduced, and thereafter.

Q Okay. Can we say 1957 would certainly encompass --

A I just don't know exactly when they laid the first line on the piece of paper.

Q What is your knowledge -- well, Strike that.

It is my understanding that you are knowledgeable about the history of the 700, is that a fair statement?

A Yes.

Q All right. What is your first knowledge of the conception of the 700?

A What was my first knowledge of it?

Q Well, what is your knowledge of when it first came about as a concept?

A As I said, probably must have been around fifty-eight.

Q Okay.

A Fifty-nine to introduce it in sixty-two.

Q Okay. And in 1958, where was the planning function contained within Remington's organization?

A As I said, it would have been spread between marketing, finance and appliance.

Q Okay. Was there a Research Department in 1958?

A Yes, there was.

Q In 1958, did it have the various sub-divisions that you have indicated in your previous testimony with

the exception of process research, which was then process engineering?

A I wouldn't know for sure.

Q Would you be able to find that out through various documents, if you wanted to?

A I don't know if it could be done or not.

Q Okay. You have organizational charts of Remington's various departments, don't you?

A Yes, I do.

Q And those have been in existence for a number of years, is that correct?

A Yes, they have.

Q Do you know what the oldest organizational charts are that you have seen?

A Yes, I do.

Q How old?

A When I came in 1965.

Q So from 1965 to present, the various organizational structures of Remington have been committed to paper, is that correct?

A Yes, to some degree or another.

Q Okay. What -- well, Strike that.

Was there a marketing sub-division of --
Strike that.

Was there a Marketing Department, per se,
in existence in the late fifties within Remington?

A Yes, there was.

Q Are there sub-divisions of marketing in
existence today?

A Yes, there are.

Q What are they?

A There is sales and promotion.

Q Who heads it?

A I believe it is Ed Conroy.

Q What is its function?

A He handles the field folders and selling and
distribution of the product.

Q Are there further sub-divisions of the sales
and promotion sub-division of the Marketing Department?

A I don't know what you mean.

Q Well, are there functional divisions of the
sales and promotion sub-division of the Marketing
Department?

A Yes.

Q What are they?

A They have regional offices in a number of cities throughout the country.

Q Okay. By the way, are there exclusive Remington distribution points within your distribution system? And by that, what I'm talking about, are there Remington shops or stores in your distribution system that are purely Remington, and they sell nothing else?

A There might be. I don't know.

Q You aren't aware of it?

A Yes.

Q Okay. Are there further sub-divisions other than the regional offices within the Sales Department?

A Yes.

Q What?

A You go down to the individual.

Q Okay. Are there district offices?

A Yes, there are.

Q All of this organization is committed to paper, is that correct?

A Paper?

Q Paper, this stuff.

A You mean they have an organization chart?

Q Yes.

A Yes, they do.

Q All right. Has that been true since the late fifties to date?

A I don't know.

Q Now, are there further sub-divisions other than sales within the Marketing Department?

A Yes.

Q What?

A Well, there is a product section.

Q Who heads that up?

A Headed by Clem Riley.

Q What is its function?

A It interfaces between the plants and sales of the new products.

Q Would it be the sub-division of marketing responsible for introducing new products within your distribution system?

A I can't quite answer it the way you --

Q What is its function -- for instance, let's

say during the introduction of the Model 700, what function would it have had with regard to introducing the product?

A It would work with the requirements of the field, the requirements of the financial people, the requirements of the plant and working with research on the features and the product finishes, and what have you, targeted for product to a certain marketing segment.

Q That would be the sub-division within marketing that would give feedback to the designers as to what features should be included within the design, would that be a fair statement?

A That would be marketing's input, but the design would come through them.

Q All right. Who heads that up? You said Clem Riley?

A Yes, sir.

Q How long has Clem Riley been in charge of that sub-division?

A I'd say about three years.

Q Who was his predecessor?

A I know, but I can't think of his name right now.

Q Did this particular sub-division exist during the design phase of the Model 700?

A Yes.

Q Did it have input into the design of the Model 700?

A Yes, it would have.

Q In what fashion or form would that input have come into play?

A What do you mean by "fashion or form"?

Q What means or mode of communication? How did this particular sub-division affect the design of the 700?

A They would have worked with the designers on which market segment they would want to go after, what product features would exist in that design segment, what finishes fit, and what's required from the marketing standpoint.

Q From the marketing standpoint, would there have been input from the fire control system design?

A There could be limited input.

Q Specifically, would there have been input with regard to the choice made of a two position versus a three position safety?

A There could be.

Q Do you know whether there was?

A No, I don't.

Q Would you be able to ascertain that from documents within Remington's possession?

A No, I don't believe so.

Q Why not?

A Well, because the individual who was in that position at the time was named Pete Morgan.

Q Go ahead.

A And he was one of these guys that would call you on the telephone repeatedly, and he hated to commit things to writing.

Q Where is Mr. Morgan today?

A He is in Connecticut.

Q Retired?

A Yes.

Q Where in Connecticut?

A I don't know exactly where.

Q Is he on a consulting contract?

A No, he is not.

Q He retired in seventy-three, is that your recollection?

A That would be about right, yes.

Q His history card would indicate that his last position -- well, Strike that.

The position that he held in fifty-eight through seventy-two was "products manager firearms, marketing product and market planning AAT & T."

Does that mean anything to you?

A AAT & T doesn't mean anything to me.

Q His last position was "senior product manager firearms, marketing product and market planning firearms." Does that mean anything to you?

A (No response.)

Q I'm reading from your records.

A I don't know what it is supposed to be, what it is supposed to mean. To me, it means that that was his position.

Q What is that position?

A That's the position that deals with the --

he is the interface between the marketing and research and production on new products.

Q And that was his title, as you recall it?

A I don't know. I can't recall that title.

Q Are there further sub-divisions of marketing?

You have indicated sales in the product section.

A Yes, there is the promotional, and what they are called, I don't know.

Q Who heads up promotional?

A I think right now it is Jack Williams.

Q Who was it when the 700 was introduced?

A I think, at that time, it was Ted McCulley.

Now, just a minute. Yes, I believe it would have been Ted McCulley.

Q What is their function of the promotional sub-division of the Marketing Department?

A They deal with the advertising of the product.

Q Are there sub-divisions of the promotional sub-division?

A Not that I am aware of.

Q Are there any other sub-divisions of marketing other than the product section, promotional and sales?

A I think there is, but I am not familiar enough to know.

Q Where does firearms services fit in?

A Okay. That would be under the service group in marketing, product service.

Q So there is a product service group, is that correct?

A Yes, there would be.

Q Who heads the product service group?

A I believe it is Ken Green.

Q How long has Mr. Green been in that position?

A Oh, I think for like six months, or something like that.

Q Who was his predecessor?

A I believe it was Fred Millner.

Q From when was Mr. Millner head of the product service group?

A I don't know.

Q Who was head of the product service group whenever the 700 was introduced?

A I don't know.

Q Do you know other people who have headed the

product service group other than Mr. Millner and Ken Green?

A Earl Larson.

Q When did Earl Larson head the product service group?

A I don't know.

Q From the years 1975 to 1979, who headed the product service group?

A It would have been Earl Larson during that time.

Q What is the function of the product service group?

A They deal with the customer on service. They deal with the gunsmiths. They deal with the product shoots, the major shoots. They are pretty much the marketing interface with the customer.

Q There are two methods by which a weapon -- Strike weapon -- a firearm might be serviced, repaired or modified within Remington, if a consumer desired that to be done. One would be to go to an authorized Remington dealer or gunsmith, and the other would be to send the firearm directly to Remington, is that a

fair statement?

A Yes.

Q All right. Now, are those two means or methods divided out functionally within the product service group? In other words, is there a person who heads up dealers and gunsmiths and a person who might handle the direct return of firearms?

A It would have to be divided, I would think.

Q Exactly. Do you know --

A I don't know why you say "exactly."

Q Well, it is. So do you know who heads those up?

A I know that the person who gets the guns in here comes into customer service, and Dennis Sanita is the supervisor.

Q Who heads up the gunsmith or dealers sub-division in the product service group?

A I don't know actually who the person is.

Q Do you know anyone who has been in charge of that particular function?

A No, I don't know how that's split up.

Q Do you know Dennis Sanita's predecessor?

A Yes. I think it is -- I think it was Plunkett.

Q What was Plunkett's first name?

A That doesn't sound right.

MR. HEADLEY: If you don't know, say you don't know. Don't guess.

A (Continuing) I don't know. I can't think of his name. It wasn't Plunkett.

BY MR. McDONALD:

Q Does Marshall C. Hardy ring a bell?

A No.

Q Do you know anyone that has headed up the same position as Dennis Sanita?

A I can't remember his name.

Q How long has Dennis Sanita held his current position within the product service group?

A I don't know. It must be six, seven years, I would think. I don't know that for a fact.

Q Within marketing, and so far you have identified product service group, promotional group, the product section and sales, are there any other sub-divisions that you are aware of, of the marketing section?

A No, I don't know of any others.

MR. McDONALD: Okay. This is a good place to stop.

(A recess was taken.)

BY MR. McDONALD:

Q We were talking about the Marketing Department, and have we exhausted all of the sub-divisions of the Marketing Department, that you are aware of, sales product section, promotional, product service?

A Yes. You know, I'm not familiar with their structure. As far as names, and what have you, I am just --

Q I'm just asking for your recollection.

A Yes.

Q Is that it?

A That's my recollection.

Q All right. With regard to consumer -- customer service, we talked about the function of repairing or doing work on firearms that are sent into the factory here by customer service. I'm wondering if there are other functions of customer service other than that?

A Other functions?

Q Other functions.

A Of our customer service?

Q Yes.

A Yes.

Q What are they?

A We make special items.

Q What special items do you make?

A We make special stocks.

Q Custom work to weapons, would that be it?

A That's right.

Q Maybe alterations for a particular target shooter, or something of that nature?

A Yes, we could do that.

Q All right. Well, you said, "custom stocks."

A That's right. That's the majority of it.

We do custom stocks. We do high grade guns.

Q All right.

A As far as the service section, they don't really get involved in target rifles.

Q Who gets involved in target rifles?

A Our customs shop.

Q Where does the customs shop fit into the structure?

A The customs shop is a separate entity.

Q Does it really answer to marketing, for instance?

A No, it doesn't. It goes through the production organization.

Q So it would fall under Production Department, is that correct?

A Yes, it would.

Q Who heads up the customs shop?

A Now it is Tim McCormick.

Q How long has he headed it?

A I don't know the exact date, but he has been there less than a year.

Q Who headed the customs shop before Tim McCormick?

A Larry Blackhurst.

Q How long?

A I don't know.

Q Who headed the customs shop when the 700 was released?

A Which 700?

Q The first 700.

A I don't know.

Q Would the customs shop do work on fire control systems?

A What do you mean "do work on"?

Q Any kind of work. Would they alter, modify, change, fix, repair, any of those words?

A Yes, they could.

Q Have they?

A Yes, they have.

Q 700's?

A Yes.

Q What kind of changes to fire control systems have they made?

A If a customer sent in a 700 C grade, it would be to the customs shop. If he said he wanted a trigger assembly adjusted, they would be the ones that would adjust it.

Q When you say "the trigger assembly adjusted," are you talking about such things as trigger travel, over travel?

A. That could be, but I don't think it would apply.

Q Any other adjustments that they might make?

A No.

Q A 700 C grade -- Classic, is that what that stands for?

A No.

Q Tell me what a 700 C grade weapon is?

A It is just an upgraded Model 700.

Q All right. The mechanism, how it functions, is it any different?

A It is identical.

Q The grade A, B, C, and so forth, pertain to the quality of the cosmetics of the weapons?

A No.

Q Are there any other designations other than C?

A Yes.

Q What?

A There is the ADL, the BDL, the Classic, the Varmint, the left hand, and there may be more. I don't know.

Q And of course, the C?

A That's right.

Q As to the C, ADL, BDL, Classic, Varmint, and left hand, all of the functional operations of those 700's are the same, is that correct?

A No, it is not.

Q What's different about any of them?

A On the ADL, as far as functional characteristics, it does not have a floor plate. The wood comes all the way back. And the BDL, it does have a floor plate.

Q Is that the only difference in those two?

A There are other differences than those two.

Q Functional differences?

A No other functional that I can think of.

Q All right. Are there other differences?

A Other differences in what?

Q Other differences in the other kinds, the Classic, for instance, the Varmint, the C grade, the left hand.

A Yes. The left hand you have a mirror image of your right hand. Your receiver is cut different. The

bolts are cut different. The trigger and fire control is different.

Q You can obtain a left hand version in all the various types of weapons?

A No, we don't.

Q You only make it in what grade?

A I think the left hand is only made in the long action, and I believe it is only made in a BDL.

Q Okay. Is there any functional difference between the C grade and the BDL?

A Not that I am aware of.

Q Is there any functional difference in the Classic and the BDL?

A Not that I am aware of.

Q Is there any functional difference in the C grade and the ADL?

A Yes, there is.

Q What is it?

A Well, there again, the ADL does not have the floor plate.

Q Anything else?

A As far as functional?

Q As far as functional.

A Yes. Well, there is changes in the magazine spring. That would be different. The magazine follower is different.

Q Anything else?

A I'm sure there are, but I can't think of them.

Q Any functional difference in the Classic and the ADL?

A I thought that's what we just talked about.

Q I talked about the C grade and the ADL.

A You want it now between the what and what?

Q Classic and ADL.

A The Classic has the aluminum trigger guard floor plate, and the ADL does not have it. You have a different follower, and you have a different follower spring.

Q Any other functional differences?

A Do you consider sling swivel studs a difference?

Q No, not really.

A Do you consider a magazine cap different?

Q Nope.

A A grip cap?

Q Let's just limit it to the fire control system.

A Okay. Fine.

Q Is there any functional differences between the C grade and the ADL fire control system?

A No.

Q Is there any functional differences between the Classic and the ADL fire control system?

A No.

Q Is there any functional differences between the Varmint and the ADL fire control system?

A No, there is not.

Q There are no differences between any of the various items you have mentioned, C, ADL, BDL, Classic, Varmint and left hand in the fire control system, is that correct?

A That's not correct.

Q All right. Tell me the differences. Is it the left hand that's different from the others?

A Yes, it is.

Q All right. On the left hand, is the safety on the left side rather than the right side, the safety lever?

A Yes, it is.

Q Is that the only difference?

A I think there are some other differences in the view hole, and what have you, but I'm not sure.

Q Are you talking about where the sear and the trigger connector --

A No. I'm talking about where you view the sear and trigger connector through the side plate.

Q Are those the only two differences, functional differences that you can think of?

A I don't know. I'd have to go look it up.

MR. HEADLEY: Well, pressing time, you're not saying that's all, but that's your best recollection right now?

THE WITNESS: Yes.

BY MR. McDONALD:

Q Okay. Now, the difference between the short and the long receiver -- is that the correct terminology?

A That would be fine.

Q Does that deal solely with caliber?

A No.

Q What are the differences between the short and long receiver, let's say, in a 30-06 if any?

A None.

Q Are there short and long receivers in the 30-06?

A No.

Q Tell me what calibers the different short and long receiver is in.

A Basically, your long action calibers have your long receiver, and the short action calibers have a short receiver.

Q So that the caliber determines whether you have a short or long receiver?

A No.

Q What does determine whether you have a short or long receiver?

A The cartridge.

Q Okay. I see. Functionally, is there any difference in the fire control system between a long and short action receiver?

A No.

Q With regard to the Production Department, are there sub-divisions of the Production Department?

A Yes, there are.

Q What are they?

A In your Production Department, you have the different plants. You have the Ada, and that's in Oklahoma. You have the Finley plant. You have the Ilion plant. You have the Lonoke plant.

Q Lonoke?

A Yes, Lonoke, and that's in Arkansas. You have the Bridgeport plant.

Q Each plant constitutes a sub-division of the Production Department?

A I don't know how it shows on the organizational chart.

Q Okay. Are there other sub-divisions of the Production Department?

A Not that I'm aware of.

Q Do each of these plants -- Strike that.

Was there a particular plant or plants that manufactured and assembled 700's?

A Yes.

Q Which one?

A Ilion.

Q Any other?

A None.

Q Any parts of the 700 at any time manufactured other than at Ilion?

A None.

Q Were any parts of the 700 manufactured outside the Remington organization?

A Yes.

Q Which parts? I'm really limiting it to the fire control system, also.

A The side plates, the rivets, the connector, the pins, the safety lever, the safety lever spring, the safety lever ball, and safety lever retainer. That's all I can think of.

Q Okay. Was there one subcontractor or vendor of these parts, or were there various subcontractors?

A There is various.

Q All right. Let's just talk about the trigger connector. We understand what part that is, I assume,

right?

A Yes.

Q All right. Was there only one subcontractor or vendor of that part?

A Yes.

Q Who was that?

A That would be Stark.

Q S-t-a-r-k?

A Yes.

Q Is there more to the name than Stark?

A I don't know.

Q Where is Stark located?

A In Mohawk. That's where they were located.

Now, I think they have moved.

Q Generally, what kind of business is Stark engaged in?

A I don't know. It is a little -- I think he is like a small machine shop.

MR. HEADLEY: Just to clear this up, you're not talking for the whole time that Stark has made these connectors?

MR. McDONALD: I'm ready to ask that

question.

MR. HEADLEY: I just wanted to make sure, because I think your question is -- you just said who did it, and he said they did it, and the implication was that, and I don't know myself.

BY MR. McDONALD:

Q I'll go ahead and clear it up, and I don't know the answer to this, but did Remington manufacture some connectors and Stark some connectors, or did Stark do it exclusively for Remington?

MR. HEADLEY: If you know, and don't guess.

A I don't know.

BY MR. McDONALD:

Q From when to when did Stark manufacture the trigger connectors?

A I know they were manufacturing them in 1978.

Q How do you know that?

A Because in my position, I had knowledge of that fact.

Q Do you know of any other years that they were

manufacturing them?

A Yes. They were manufacturing them in seventy-eight, in seventy-nine, eighty, eighty-one.

Q Any other years?

A They made some in eighty-two and eighty-three.

Q Do you know if they made them before 1978?

A No, I don't.

Q Now, you have listed the years in which Stark made trigger connectors for Remington. During those same years, did Remington also make trigger connectors?

A I don't believe so.

Q Before 1978, did Remington make trigger connectors for the 700?

A I don't know.

Q Who in Remington's organization was liaison with Stark for purposes of assuring quality control of the trigger connector?

A For what year?

Q All of them.

A I don't know.

Q Any year?

A I don't know who the contact would have been

with Stark.

Q Okay. What Remington person was in charge of quality control to assure that these trigger connectors met Remington's specifications during the year 1978?

A That's what I'm telling you I don't know. I don't know who the contact was with Stark.

Q All right. Would that have been functionally someone within the Production Department?

A Yes, it would have been.

Q Now, whenever -- Strike that.

Were all of the fire control systems for the 700 assembled here at Ilion?

A Yes.

Q Whenever Stark supplied trigger connectors to the Ilion plant, and Ilion began the assembly process, what checks were made to assure that the trigger connectors met Remington's specifications? Right now you can limit it to pre-assembly.

A Well, to get all the facts, I'd have to go back and look through all the records.

Q Which records?

A I'd have to go back through the process record.

Q The process record?

A The process record.

Q What is the process record?

A That is the process record that lists the operations that are done to manufacture a part.

(Process records were marked as
Plaintiffs' Exhibit E for identification.)

BY MR. McDONALD:

Q I hand you what has been marked as Plaintiffs' Exhibit E and ask if you recognize those documents.

A Yes. They are process records describing the quality function.

Q Do they have anything to do with the trigger connector?

A Why didn't you ask me that before I went through them? Okay. What is the question you want to know? They do have something to do with the trigger connector.

Q What do they have to do with the trigger connector?

A They describe the operations in there as manual operations.

Q Meaning what?

A Well, meaning that the assembly, that could be classified as one-hundred percent operation.

Q What does that mean?

A That means when you assemble them, the operator has to assemble each one as opposed to being done where the machine actually does the operation.

Q Does that pertain to the entire fire control system?

A This?

Q Yes.

A In what way?

Q Well, you talked about the assembly process. Does this describe the entire assembly process of the fire control system?

A No.

Q Does it describe the process of assembling the trigger connector to the trigger?

A No, it does not.

Q Can you tell me if there are documents in Remington's possession which describe the pre-assembly checks which Remington performed on each batch of

trigger connectors which they received from Stark?

THE WITNESS: Can you read that back?

(The last question was read by the reporter.)

A Relating to our process, I really can't answer that question.

BY MR. McDONALD:

Q Who could?

A I don't know who could answer it.

Q Okay. Would that be someone from production?

A I said I didn't know who could answer the question.

Q Do you know whether or not any pre-assembly checks were made by Remington to determine whether or not the trigger connectors met Remington's specifications before they assembled them in the Model 700 rifle?

A When?

Q Anytime.

A Yes.

Q Now, when did they make those checks?

A Well, there was checks made forever.

Q What kinds of checks?

A There were checks made to the incoming material when it came from the vendor. There were checks made when they were assembling the connector to the assembly.

Q What kind of checks were made to the connector when they were assembling them to the trigger?

A They could check the connector to make sure that it would not bind, that it worked free. They would check the fit of the connector to the trigger.

Q Who is "they"?

A The assembler.

Q Were there records kept of that check or that process?

A What do you mean "records kept"?

Q I mean, were there records kept when they made the check?

A You mean a check sheet that they would check every gun that they put up?

Q Yes.

A No, there was not.

Q Were there records kept -- well, Strike that.
Do you know if any of the trigger connectors

were rejected because the tolerance was too great?

A No, I wouldn't know that.

Q Would there be any record of any such rejection on the part of Remington?

A I don't know.

Q Who would know?

A It would be the purchased parts engineer.

Q Under what department does he function?

A He would be in the Quality Department and/or the Engineering Department.

Q Quality Department or Engineering Department, are those in the Production Department, or are they separate departments?

A They are in the Production Department.

Q So they are sub-departments, if you will, of the Production Department?

A That's right.

Q Who is the purchased parts engineer today?

A Spencer Bennett.

Q Who was his -- Strike that.

How long has he been the purchasing parts engineer?

A Well, there has been a change in the job scope, so it is kind of hard to describe his relationship at the present time. He has done certain aspects of that function for a number of years.

Q Okay. When was the change in the job scope effectuated?

A It has been about a year ago or a year and a half ago.

Q Before that, what was the title of the person who had responsibility for assuring that parts that were not manufactured by Remington, but they were purchased from other vendors, met Remington's specifications?

A It would be a combination. It would be a combination of the planning, production and quality. It would be in between planning and production.

Q Planning, production and quality, would there be people from each of those areas that would serve on a committee?

A Not necessarily.

Q Describe to me how they would function.

A Describe to me what the problem is.

Q The question is whether or not there was

someone checking parts that were purchased by Remington, that were not manufactured by Remington to ensure that they met Remington's specifications.

A Yes, there were.

Q Who were they?

A What I'm telling you is I can't answer the question the way it is presented.

Q Well, what function did planning, production and quality have with regard to the question I have just asked you?

A To which part?

Q The part dealing with acquiring parts outside of Remington's production facilities.

A Okay. As far as the production on certain parts or production engineering, there are certain engineers that deal with those parts and work with the vendors. As far as the purchased parts inspection, there is an inspection group, and in that inspection group, that is reported to one or two different areas, and they concentrate on different parts than some of the other groups.

Q The inspection group would have the

responsibility of ensuring that the trigger connectors met Remington's specifications, is that correct?

A Trigger connectors?

Q Trigger connectors.

A Yes, they would have.

Q With regard to the inspection group, who headed that group?

A When?

Q Let's say a year ago.

A That was in the quality organization, and it would have been Steve Hall.

Q Two years ago?

A I don't know who the actual foreman would have been.

Q Three years ago?

A I don't know.

Q Well, let's just take the years that Remington purchased trigger connectors from Stark. In 1978, who headed it?

A I don't know.

Q Seventy-nine?

A I don't know.

Q Eighty-one?

A I don't know.

Q Eighty-two?

A Possibly -- well, I think a change would have been made in either late '82 or '83 where it moved to Steve Hall.

Q Do you know if the inspection group ever rejected any trigger connectors provided by Stark?

A No, I don't know.

Q If they had, would records be kept of that rejection?

A I really don't know.

Q Where would you go to look for those records?

A I'd go ask the foreman.

Q Which foreman?

A The foreman right now.

Q What's his name?

A Well, I gave you his name.

Q I didn't realize who was the foreman. I'm sorry. You didn't tell me that.

A You said, "who was responsible?"

Q Is his title foreman?

A Yes.

Q His name again?

A Steve Hall.

Q Do you know if Remington ever rejected any trigger connectors that were provided by Stark as a result of the tolerances not being great enough?

A I don't know if we directed any. Why would I know that?

Q I don't know. It's very difficult to understand what you do and don't know.

A Okay. I don't know.

Q Okay. Do you know, at anytime prior to '78, who was in charge of the inspection group?

A No, I don't.

Q Stark is the only vendor or provider of connectors, that you are aware of, is that correct?

A No, it is not.

Q Whom else?

A Connecticut Spring.

Q From when to when did Connecticut Spring provide trigger connectors?

A I don't know when they started.

Q Are they still providing them?

A Yes, they are.

Q How many years are you aware of that, that they have been providing them?

A For about two years.

Q Do you know whether or not Remington has ever rejected any trigger connectors from Connecticut Spring as a result of the tolerances being too great?

A No, I don't.

Q Do you know whether or not Remington has ever rejected any trigger connectors from either Stark or Connecticut Spring, because they did not meet Remington's specifications?

A No, I don't.

Q Are you aware of Remington's specifications with regard to the trigger connector?

A Yes, I am.

Q What is the tolerance that Remington prescribes for the trigger connector and the trigger?

A I don't know.

Q Can you tell me what the specifications are for the trigger connector, that you are aware of?

A Give me a drawing, and I can go right through it with you.

Q Okay.

(Drawings were marked as Plaintiffs'

Exhibits F1 - 115.)

BY MR. McDONALD:

Q I'm going to hand you what has been marked as Plaintiffs' Exhibit, F1, which is a set of drawings which has been provided to us by your attorneys in response to requests for production documents directed to Remington, and I ask if you recognize them.

A Yes.

Q What are they?

A They are drawings.

Q What are they drawings of?

A Well, the first one is a drawing of the Model 700 ADL trigger guard.

Q Is that C91927? Is that the drawing number?

A Yes, it is.

Q And that is the trigger guard, is that correct?

A Yes, it is.

Q Is that the current 700 drawing?

A It appears to be.

Q Well, do you see anything that would indicate that it is not?

A No, I don't.

Q All right. Tell me what you look for to ascertain whether it is the current design drawing.

A I'd look in the alterations box to see if it said deleted, or something across here that said for service parts only.

Q And it doesn't show any, correct?

A That's right.

Q Is it your testimony, then, that it is the current drawing for the trigger guard 700?

A It appears to me that it is.

Q All right. I can see that it will take us some time, but we will spend the time. Let's just mark them as we go.

MR. HEADLEY: We don't have any objection to Mr. McDonald marking them, and that way you can mark them over there and shoot them across to us. However you want to do it.

BY MR. McDONALD:

Q All right. The second page is what, sir?

A It is the trigger guard, C15281.

Q Is that the current drawing of the trigger guard?

A Yes, it appears to be, but the date on here says "approved in '61" and this other trigger guard here --

Q The one you have just been looking at is F2. All right.

A Okay. I understand what we are doing here.

Q My question was whether or not F1 is the current design drawing for the Model 700 trigger guard?

A Yes, it is.

Q And it has not been modified at any time, is that correct?

A Not since it was drawn, no.

Q When was it drawn?

A Right here it says, "drawn 4/15/80."

Q All right. Was there a predecessor drawing to C91927?

A I don't believe there was.

Q All right. What drawing would indicate the Model 700 trigger guard prior to 1980?

A I don't believe that there was a drawing to duplicate this drawing.

Q Okay. Well, tell me, if you will, what your production people used to make trigger guards for the Model 700 prior to 1980 in the way of drawings.

A Well, I don't know this for sure, but if you take a look at this --

Q Looking at P2 now.

A "For finished drawing, see 15/2/81." This says, "for blank drawing see C91927." Now, that ties these two drawings together. You see that this one here was drawn on 7/10/60, and this ties into the introduction of the Model 700 in 1962. This was the drawing that was used. This drawing here was put together in 1980. It was put together, because we were going along with an MRP program, and in an MRP program, it demands you have a blank plan.

Q What is the MRP program?

A It means material requirements planning.

Q Is there more of a description than that?

A It is the way that you control your inventories and the way you have the parts you need when you need them.

Q Okay. So that F2 would be the drawing that was in effect at the time that the Model 700 went into production?

A That's the way it appears, yes.

MR. HEADLEY: Well, doesn't it show some revisions later on up in the upper right-hand corner?

THE WITNESS: Yes.

MR. HEADLEY: Well, then, that sheet, as it presently exists -- you mean back in 1962 it looked just like this?

THE WITNESS: Yes, it did.

BY MR. McDONALD:

Q With those alterations, notations?

A It can't look that way, if the date on the alteration is '71.

Q That's what your attorney is asking.

MR. HEADLEY: I was asking it, because I

think your answer kind of seemed to say that's the way it looked in '62.

THE WITNESS: Well, that's the way it basically looked, but it couldn't have the alterations in '62.

BY MR. McDONALD:

Q As F2 was altered, those notations are in the upper right-hand corner, is that correct?

A Yes, they are.

Q Do they describe anything other than alterations? I know that the heading says "alterations," but are there other items contained within that particular block?

A Yes, there can be.

Q What, for instance, is contained there?

A You can add a note, like it says here, "note added."

Q So in other words, the heading "alterations" is not inclusive of all that is shown there, is that correct?

A No, it is not.

Q That's simply a convenient place for making a

record of what is done with regard to a particular drawing, is that a fair statement?

A Yes.

Q Okay. Now, can you tell me by looking at F2 whether or not all of the items contained under "alterations" are shown on F2, or does F2 exist as it was prior to those notations being placed in the upper right-hand corner? Do you follow my question?

A Can I tell you that?

Q Please.

A I can't tell you that.

Q Okay. Well, if you don't know, that's all I want.

A I don't.

Q Okay. All right. We are on F3. What is F3?

A F3 is a screw.

Q Where does it go in the fire control system?

A It says it is a trigger stop screw, so it is the front upper screw in the fire control.

Q All right. Is it the same as the other three adjusting screws, the other two adjusting screws in the fire control system?

A Okay. No, it is not.

Q Okay. Has it been altered -- Strike that.
F3 was first drawn in what year?

A 1961.

Q Has it been altered since '61?

A Yes, it has.

Q What has been done to it as that legend shows?

A It was add used on the 700 A and 700 ADL.

It was add used on the 40X center fire. It was add used on the 40XB. It was add used on something else in 1966. It was add used on the 40XB and 40XC, and again on the 40XB, and it was add used on something else in 1980.

Q All right. So where the terminology "add use" appears on Exhibit F in the various drawings, that simply means that part is used in the manufacturing of that other model, is that correct?

A That's right.

Q Okay. By the way, F3, is that the current design drawing for the Model 700?

A Yes, it appears to be.

Q F4, can you tell me what that is?

A That's the trigger spring.

Q All right.

A Or spring. The title is "spring".

Q Where does it fit in the fire control system?

A It is the trigger return spring.

Q All right. When was it first drawn?

A It was drawn in 1961.

Q Has it been changed or altered since '61?

You can forget the add uses. I'm not interested in them now.

A In '79 it says, "ground and add view," and in 1979, there was a note added, added note.

Q Okay. Anything else other than that?

A Not that I can see.

Q All right. Is that the current design drawing for the trigger spring in the Model 700?

A Yes, it appears to be.

Q Okay. F5, can you tell me what that is?

A That's a plate blank.

Q Okay. More descriptive, at least to a lay person, would that be that housing in which the trigger fits?

A No, it is not.

Q All right. What function does the plate blank -- Strike that.

Tell me what the plate blank is.

A It is a plate. That is one of the plates on the trigger assembly.

Q Okay. Is that prior to finished processing?

A That's prior to anything.

Q Okay. In other words, the holes have not been drilled, and so forth?

A No, the holes are drilled.

Q Is it finished for assembly purposes as depicted in F5?

A For what assembly?

Q Trigger housing.

A No.

Q What other process would have to be done to a plate blank that would appear as it appears in F5 before assembly?

A Before assembly, it would have to be heat treated.

Q Anything else?

A Yes. I think there is a heat treat, and then you polish it up.

MR. HEADLEY: Read the drawing number

on that F5.

BY MR. McDONALD:

Q C32785, is that correct, sir?

A Yes, it is.

Q When was F5 drawn?

A On 4/18/80.

Q Is there a predecessor to F5?

A I don't know if there is or not.

Q Is there anything on F5 that would indicate that there was a predecessor?

A Drawing?

Q Drawing.

A There is a note which says, "for finished drawing, see C30780."

Q Okay. Would it be your judgment that that was its predecessor?

A No, it is not a predecessor.

Q All right. Immediately beneath is F6, which is 30780, is that correct?

A Yes, it is.

Q And also 30781, is that correct?

A Yes, it is.

Q In other words, combined numbers, and we are marking that F6, is that correct?

A Yes, we are.

Q All right. What is F6?

A F6 is a plate.

Q All right. What relation does F6 have to F5?

A F6 is a finished F5.

Q Okay. So this would describe all of the processes after the initial stamping of an F5 blank, is that correct?

A Yes.

Q Okay. When was F6 first drawn?

A In '66.

Q Does F6 have a predecessor drawing?

A Yes. Right here it says, "superSeded 8005."

Q Has there been any changes or alterations to F6 as depicted by the drawings?

A Yes, there have been.

Q What change or alteration is shown, and where is that shown?

A There is a change.

Q What change?

A Change three was a quarter of an inch radius. Change four was .187 to .185. Change five was .70 to .380. Change six was .285 to .75. Change seven was .282 to .278. Something was added, and change nine was revised for the Model 700 left hand.

Q Okay. F7, what is that, sir?

A It is the plate.

Q What relationship does it have to F6 and F5?

A I don't know what relationship it has. Just a minute. Can I see the last drawing?

Q Sure.

A Okay. This says, "supersedes revision number 39780."

Q F7 says that?

A Yes, so this would be this drawing.

Q F6 would then go to F7 in chronology, is that correct?

A That's right.

Q So really F6 is a predecessor to F7?

A Yes, it is.

Q All right. Is F7 the current design drawing?

A It appears to be.

Q Tell me what F8 is.

A F8 is an update of F7 with another revision on it.

Q What is the revision?

A Right here it says, "eleven was added." It says, "for blank drawing see C32785."

Q Okay.

A So that would be your last one.

Q So that is the current design?

A That's right.

Q What is F9?

A It is a spacer rear blank.

Q When was that first drawn?

A 1980.

Q Is there a predecessor drawing to that?

A Yes. It says, "reference DCR 11193."

Q All right. Now, sir, in the lower right-hand corner there is a series of model numbers, is that

correct?

A Yes, there is.

Q Does that mean that this particular spacer is used in the Mohawk 600?

A Yes, it does.

Q Does it mean that it was used also in the 40XCP?

A Yes.

Q And in the 40XB, is that correct?

A Yes.

Q In other words, it was interchangeable, is that correct?

A Yes, it was.

Q Is that the current design drawing for the 700?

A Yes, it appears to be.

Q All right. Now, this is the first time, I think, we have run into this. A DCR is not a drawing, correct?

A No, it is not.

Q It is a written communication within Remington's organization to convey the necessity for making a change,

is that correct, as a generalization?

A No, it is not.

Q All right. Tell me what a DCR is.

A It is a design change request.

Q That would be in writing, wouldn't it?

A Yes, it could be.

Q Well, do you know of any oral design change requests?

A No, I don't.

Q Well, then they would be in writing, wouldn't they?

A Yes, they would.

Q F10, what is that?

A It is a trigger housing spacer.

Q Now, with regard to this drawing, is it a current design drawing?

A No. Like I said, it says, "superseded." It gives you when it was superseded.

Q It is superseded by design change request 709, is that correct?

A That is correct.

Q Does this appear to be November 7, 1969 as to

the date of supersession?

A Yes, it is.

Q All right. Now, is there a successor drawing to F10?

A Not necessarily, no.

Q Do you know if this part, which is depicted in F10 -- by the way, it is B19923. Can you tell me whether or not that part is still in use in the fire control system of the 700?

A Yes, I can.

Q Is it?

A No.

Q Why was it eliminated?

A Because it was superseded.

Q Superseded by design change request 7109?

A Yes.

Q But was there another part that was substituted for that one?

A Yes, there would have to be.

Q Do you know what part was substituted for F10?

A No.

Q Can you tell by looking at F10?

A Yes.

Q All right. Tell me what part was substituted?

A I'd have to look up and see what that DCR called for.

Q Okay. In other words, you can't tell from memory. You would have to look at this record, is that correct?

A That's right.

Q F11, what is that, sir?

A Spacer rear.

Q What relation does that have to F10?

A I don't believe they are related.

Q Okay. Is that a current design drawing for the 700?

A Yes, it appears to be.

Q All right. Have there been any alterations or modifications -- well, Strike that.

When was it first drawn?

A It was drawn in August of '66.

Q Has there been any alterations or modifications to this particular part since that date?

A Yes, there has been.

Q All right. Can you tell me what those were?

A Yes. Alteration number one, .186 to .185.

Alteration two, remove .243 --

MR. HEADLEY: All you are doing is reading this. Is there some way of doing this without reading it all. It shows it in the upper right-hand corner of that Exhibit.

BY MR. McDONALD:

Q Well, please. It shows alterations have been made.

A It shows alterations have been made.

Q What kind of alterations?

A Dimensional and notes added.

Q That's all we really need to know. Other than dimensional changes, anything shown in terms of modifications or changes to that part?

A Not that I can see.

Q All right. Fl2, which is B91923, what is that, sir?

A It is a spacer front blank.

Q Current design drawing for the 700?

A Yes, it is.

Q When was it first drawn?

A 1980.

Q Okay. Was there a predecessor drawing?

A Yes, there was.

Q What was that?

A It doesn't tell you what it is.

Q You'd have to refer to DCR 11193?

A Yes, you would.

Q Is B91923 also a part that was used in the
Mohawk 600?

A Yes, it was.

Q What was the last one?

A Twelve.

Q F13, what was that, sir?

A That is a spacer.

Q Current design drawing for the Model 700?

A No, it is not.

Q Has it been superseded?

A Yes, it has.

Q By what?

A Per DCR 8179.

Q Without reference to that DCR, you can't tell
us what part superseded this?

A No, I cannot.

Q It is a part which was also used in the 40XB, 40XCS, and the 40X, is that correct?

A Yes, it was.

Q Those are all target weapons, is that correct?

A Yes, they are.

Q F14, what is that, sir?

A It is a spacer front.

Q Is it a current design drawing -- Strike that. This is drawing B14630, is that correct?

A Yes, it is.

Q Is that a current design drawing for the Model 700 fire control system?

A Yes, it is.

Q When was it first drawn?

A 1967.

Q Did it have a predecessor drawing?

A Yes, it did.

Q What drawing was that?

A B19923.

Q Do you know if F14 superseded the predecessor drawing?

A That's what it says here.

Q Okay.

A Or appears to say.

Q It superseded 8005, is that correct?

A Yes, but it superseded B19923.

Q Tell me what the number two in alterations means in the upper right-hand corner.

A That would be a change, I think, made to the add use column. See where it says, like, number five?

Q Yes.

A Then it comes down to the balloons on number five.

Q All right. Now, F14 was used in the Mohawk 600, is that correct?

A Yes, it was. Here it shows where it was added.

Q Add use five?

A Yes.

Q What year was the part depicted by F14 added to be used in the Mohawk 600?

A In June of '76.

Q F15, what is that?

A It is a rivet.

Q What's it for?

A It's for riveting.

Q Got that? I need a little more description.

A Pardon me. It is a trigger housing rivet.

Q Where in the trigger housing assembly does that particular rivet that is shown by drawing A14632 -- where is it used?

A It is -- four rivets such as this are used to hold the two side plates and spacer blocks to make a housing.

Q When was it first drawn, F15?

A It was drawn in 1966.

Q Did it have a predecessor?

A No, it did not.

Q Okay. Is it a current design drawing for the rivets used to hold the housing together in the Model 700?

A Yes, it is.

Q Okay. F16, which is drawing C26655, correct?

A Yes.

Q What does that depict, sir?

A It is a housing assembly.

Q All right. This is the assembled housing, would that be a correct statement?

A Yes, it is the housing assembly.

Q Well, is this what is depicted in F16, the finished product in so far as the housing assembly is concerned?

A Yes, it is.

Q Okay. So this is how it should look when you take the two plates, the spacers and the rivets and manufacture them and process them and place all those parts together, is that correct?

A No, it is not.

Q Tell me what would be left to be done to this part at this stage.

A Nothing is left to be done to it.

Q Tell me all of the parts that go to make up this part.

A Well, it has your two side plates, as you can see here, and your three spacer blocks.

Q All right. There are no rivets shown in this drawing?

A No, there are not.

Q Okay. When was this first drawn, F16?

A 1961.

Q Has it been changed or altered since '61?

A Yes, it has.

Q Are all the changes and alterations dimensional?

A No, they are not.

Q What other changes and alterations are there?

A Heat treat was added.

Q To the entire part?

A That's what it appears to be, yes.

Q Okay.

A Added use on the 40XB. There is a couple of statements where they added it on something else. There is another statement where they add used it on something else. They reinstated it once, and they added some dimensions.

Q I have seen the term "reinstated" used a number of times in these drawings. Can you tell me what that means?

A Yes. That means that you are using a part, and you went to something else, and you came back to a

given part. You reinstated it.

Q Okay. Can you tell from a drawing, which uses the terminology "reinstated," what part was used in place of that part in the interim?

A You can go through and check your DCR reference.

Q Okay. So where it says "reinstated," if you go to that particular DCR, then that should tell you what part was used immediately prior to the reinstated part?

A It will tell you something, sure.

Q Okay. Will it tell you what I have just asked you?

A I don't say -- I can't say that in all cases, no.

Q But generally speaking?

A Yes.

Q All right. Is this a current design drawing for the 700, F16?

A No, it is not.

Q Is it superseded by some other drawing?

A Yes. It says right here "superseded."

Q Okay. Per 81797

A Yes.

Q All right. Is that a DCR?

A Yes, it is.

Q All right. F17 is what, sir?

A A trigger housing assembly.

Q What is its relationship to F16?

A It looks like it is the one that superseded it.

Q Okay. Which is C26655?

A Yes.

Q By the way, F16 bears the same number. What is F17, sir? You have described it, but what is its relationship to F16, and maybe subsequent drawings?

A It is the riveted trigger assembly, and that was the brazed trigger assembly.

Q All right. Now, brazed talks about a form of welding, would that be correct?

A No, it is not.

Q What does brazing mean?

A It is more like soldering, but much better than soldering. You are not combining a common element.

Q F17 depicts a riveted assembly as opposed to

a brazed assembly, is that correct?

A Yes, it does.

Q All right. F18 is what, sir?

A It is a trigger housing assembly.

Q What is its relationship to F16 and F17?

A It would be a continuation. It would be a more recent drawing than in the last one. If you see where alteration sixteen is here, your alteration goes to seventeen.

Q Is F18 your current drawing for your trigger housing, assembly housing?

A Yes, it appears to be.

Q Is it true, sir, this trigger assembly housing is used in the Model Mohawk 600?

A Yes, it is.

Q Is it fair to say that the trigger housing in the 700 and 600 is interchangeable?

A No, it is not.

Q Why not?

A Because they won't fit.

Q Okay. Can you tell me what the differences are in the F16 as used in the Mohawk 600 and the 700?

MR. HEADLEY: Well, I have been letting you go into it a little bit. Now you are starting to get into something more than what's disclosed about the drawings we have talked about, and again, I instruct the witness not to answer any questions with respect to the differences between the 600 and the 700.

MR. McDONALD: Well, Mr. Headley, we do have a hearing, as you have indicated, and one of the things that the judge is going to be interested in knowing is the similarities.

MR. HEADLEY: Yes.

MR. McDONALD: Now, we are in the midst of being able to trace down some of these similarities and being able to provide that information for the Court in order for it to make its consideration. Now, I am going to continue to ask, but you can instruct him.

I think it is apparent what your reasoning is.

BY MR. McDONALD:

Q Sir, I'll ask you again with regard to F18.

Is this the current design drawing for the Model 700?

A Yes, it is.

Q Is it also the current design drawing for the Mohawk 600?

A No, it is not.

Q Is it the latest design drawing for the Mohawk 600?

THE WITNESS: Should I answer that?

MR. HEADLEY: Answer that, and then we will cut him off.

A Yes, it is.

BY MR. McDONALD:

Q Okay. Now, the part F18, as depicted, was identical when used in the Mohawk 600 and in the 700, is that correct?

A Yes, it was.

Q F19 is drawing 891922, is that correct?

A Yes, it is.

Q What does it depict?

A It is a screw blank.

Q Where is it used in the fire control system of the 700?

A It is the trigger engagement screw.

Q Okay. When was it first drawn?

A In 1980.

Q There is a predecessor to that, is that correct?

A Yes, there is.

Q Where would we find the information on the predecessor?

A You would go to your DCR.

Q 11193?

A Yes, you would.

Q All right. Is this a current design drawing for the screw blank used in the Model 700?

A Yes, it is.

MR. McDONALD: By the way, I am going to, right now, for all of these drawings that we are marking, offer them into evidence. I realize that we haven't got them all marked and described yet, but nonetheless, I'm making that offer, so that I don't fail to do so.

BY MR. McDONALD:

Q P20 is the old connector blank, right? Strike the word "old."

A It is the connector blank A.

Q All right. Now, it is drawing C91921, is that correct?

A Yes, it is.

Q And it was first drawn when?

A In 1980.

Q There is a predecessor drawing, is that correct?

A Yes, there was.

Q Can you tell what predecessor drawing that was?

A Yes, you can, on DCR 11193.

Q Okay. Now, is P20 the current design drawing for the trigger connector?

A It appears to be, yes.

Q Is there other manufacturing processes to be applied to this blank prior to final assembly in the 700?

A Yes, there is.

Q What?

A It has to be heat treated.

Q Is that the only thing that's left to do to it?

A It has to be heat treated, and I believe it would have to be ground.

Q That would be -- as we are looking at the drawing, would that be on the left perpendicular portion?

A Yes, it would be.

Q And that would be the area of which comes in contact with the sear cam, is that correct?

A Yes, that's right.

Q The purpose of grinding that area is what, sir?

A To get a good finish.

Q Is it also -- Strike that.

Can you tell me what finish Remington is attempting to achieve on that portion which comes in contact with the sear cam?

A Sure. When we get to the drawing, it will say right on there, probably.

Q Well, isn't this the final design drawing for it?

A I don't believe so.

Q Okay. This is just for the blank prior to

those processes?

A That's what it says.

Q F21, what is that, sir?

A That's the connector blank B.

Q What is the difference between connector blank A and connector blank B?

A That would be the heat treat and the finished dimensions.

Q So F21, which is drawing C919397 depicts the trigger connector after it has gone through the heat treatment process and the grinding process?

A Yes, it is.

Q Is this the final design drawing for the trigger connector?

A Yes, I believe so.

Q Is it current?

A Yes, it appears to be.

Q Now, other than F20, are there other drawings or predecessor drawings that deal with the trigger connector?

A Yes, there would be.

Q Which ones are they, can you tell?

A You'd have to trace that on the DCR again.

Q And which DCR, in particular?

A 11193.

Q All right. Sir, we are now looking at F22, and F22 is drawing C19461, is that correct?

A Yes, it is.

Q What is the relation of F22 to F21 and 20?

A Okay. This is the connector drawing, and if you look to revision seventeen, you'll see, "for blank drawing, see A." This is your first blank right here.

Q Would you refer to these numbers, please?

A Okay. Your first blank drawing is F20. That's blank A. Your next drawing goes to your F21, which is your blank B, and then this would be your final connector drawing.

Q F22, then, is the final design drawing, is that correct?

A That is correct.

Q I mean, previously you had indicated 21 was, but that is incorrect?

A Yes. I indicated blank B would be, and it should be this one right here.

Q This one is 22?

A That's right.

Q All right. Now, is there a predecessor drawing to F22?

A Yes, there should be.

Q Can you tell me what that is?

A No, I can't, but it says, "revised and redrawn."

Q When?

A In 1977.

Q Okay. Now, I'd like for you to look through the remainder here particularly while we are at this point, and tell me if the predecessor drawing is shown anywhere in this packet of drawings.

(A short recess was taken.)

BY MR. McDONALD:

Q Mr. Linde, you have had an opportunity to look through the remainder of the drawings that were produced by your attorney, and I think you had drawn the conclusion that the predecessor to F22 is not present, is that correct?

A Yes.

MR. HEADLEY: And let me say that we discovered this and are already getting this predecessor drawing, whatever it looks like. I haven't seen it, and we ought to have it here in a few minutes, so unless you want to wait, we can go ahead.

MR. McDONALD: Why don't we just go ahead. Let's leave F23 for the predecessor drawing.

(Discussion off the record.)

BY MR. McDONALD:

Q While we are looking for F23, let's move to F24. What is that, sir?

A That's a screw blank.

Q B91920, is that a current drawing for the 700 fire control system?

A Yes, it appears to be.

Q All right. Does it have a predecessor?

A Yes. DCR 11204.

Q What is the function of the screw depicted in F24?

A It stops the forward motion of the trigger.

Q Was it also used in the Mohawk 600?

A Yes.

Q Was it the last design drawing for this particular screw for the Mohawk 600?

A Yes.

Q Does it have a predecessor drawing -- I'm sorry. I asked you that.

We are now looking at F25. What is the relationship of F25 to F24?

A F25 is a screw. Yes, it says, "reference A4743," whatever that means, but it is basically the same screw.

Q All right. Now, F25 doesn't appear to have a drawing -- Strike that.

It does have a drawing number. It is A17053, is that correct?

A Yes.

Q It says, however, to "see B17053," is that correct?

A Yes, it does.

Q Now, does that mean B17053 supersedes F24?

A No.

Q What does it mean?

A This drawing here, A17053, was a predecessor of B19120.

Q What does B17053 have to do with this drawing, F25?

A I think it was a mistake. It went to a B size, and this is a B size paper.

Q Okay. When was F23 first drawn?

MR. HEADLEY: F25.

BY MR. McDONALD:

Q I'm sorry. F25, when was that first drawn?

A It was drawn in 1944.

Q What models was the screw depicted in F25 used in?

A It was used in the models 721, 722, 40X, 725, 40X center fire, and I don't know what the 1FR is. It was used in the 700 ADL, BDL, XP100 and XC13.

Q Okay. And subsequently it went in the Mohawk 600, is that correct?

A Yes.

Q What is the function of this screw shown in F24 and F25?

A I already answered that.

Q Please answer it again.

A It is the trigger stop screw.

Q All right. With regard to F25, I note that the size of the drawing is different, and at that time, that the drawing starts with the letter A rather than with the letter B. Does that depict paper size or drawing size?

A Yes, it does.

Q At what break in the Remington's history or point in history did they change from an A size to a B size paper?

A Never.

Q They never did?

A No.

Q All right. Well, didn't you just say that A depicts this size of drawing?

A Yes.

Q As showing the F25?

A Yes.

Q And B depicts this size drawing, is that correct?

A That's right.

Q Both are still in use?

A Yes.

Q Okay. F26 is what, sir? And by the way, F26 is B17053.

A It is a screw.

Q What does it depict?

A It says it is a trigger stop screw on the Mohawk 600. It depends on where it was used. Let's see.

Q Well, right now I don't want to know the model number. It says it is the trigger stop screw?

A That's what it says.

Q What is the relationship from F26 to F24 and F25?

A Well, let me have F24 and F25. This is the first drawing.

Q This is F25?

A F25 is A17053. It says, "redrawn, see drawing 17053." You go to B17053, and here it is redrawn for blank drawing. It says, "see B91912".

Q All right. Now, tell us what models that this trigger stop screw was used in?

A Okay. It was used in the Mohawk 600, the 660, the 700 Varmint, the 40XB, 40XC, 40XD, X600, XP700, 700 ADL, 700 BDL, the 1PR, 40XCP, 725, 40X, 722, 721.

Q It is interchangeable in all those firearms, is that correct?

A No, it isn't.

Q What is the differences used in each of the firearms?

A Well, it is interchangeable for those firearms at certain dates as dictated on the drawings.

Q All right. F27 is what, sir?

A Trigger blank.

Q When was it first drawn?

A 1980.

Q Does it have a predecessor?

A Yes, it does.

Q Would that be found in DCR 11139?

A Yes, it would.

Q Is the trigger blank the same kind of situation we found in other blanks? In other words, there were further manufacturing processes to be applied to the blank?

A Yes.

Q Do you know what else has to be applied to F27?

A No, I don't.

Q All right. By the way, that's drawing C91912, is that correct?

A Yes.

Q All right. Now, is F28 the final design of the trigger?

A Yes, it appears to be.

Q All right. That is the trigger that is currently being used in the Model 700, is that correct?

A Right.

Q F28 is C15280, and it is the finished trigger, am I right about that?

A Yes.

Q Okay. When was F28 first drawn?

A In 1960.

Q Has it been changed or modified in any way since 1960?

A There has been some alterations made to it.

Q All right. Now, I want to be very specific

about those alterations, and I am particularly interested in the area over which the trigger connector fits. Do we understand what area that is?

A Yes, we do.

Q As we face F28, it would be the perpendicular portion and to the right, is that right?

A It would be a frontal view, right.

Q Yes. Okay. You're right. A frontal view, am I correct?

A Yes.

Q All right. Sir, has there been any change to the dimension shown on that particular portion which I'm asking about? Let me Strike that question.

Let me go further. What is depicted in the middle of the trigger? What do you call that part?

A I call that a hole.

Q What goes into that hole?

A The trigger pin.

Q All right. Sir, let's use that as a reference point. From the trigger pin to -- well, Strike that.

From the curved portion to the right and below the trigger pin hole to the top of the trigger,

has that dimension been changed at any time in the history of F28?

A Yes. The inch 079, inch 077 dimension has been changed.

Q Which way?

A It's been changed from an inch 076.

Q To an inch 077, inch 079?

A Yes.

Q Now, the figure 1.079 and 1.077 depicts the tolerances and limits of the manufacturing process, is that correct?

A That depicts the part dimensions, is what it depicts.

Q Well, doesn't that call out what Remington specifies? In other words, that portion of the trigger must fall within those dimensions in order to be a proper part, isn't that true?

A No.

Q It is not?

A That's right.

Q What does it mean?

A It means that if you make the part to those

dimensions, the probability that everything will fit together and work the first time is very good.

Q All right. Would Remington use a trigger that has a dimension larger than 1.079 and smaller than 1.077 in its final assembly process?

A Yes, they could have.

Q What are the outer limits of the tolerances which Remington would use in its final assembly process?

A It would not be the outer reaches of that tolerance. It would be the relationship between the trigger and the connector.

Q What would be the relationship between the trigger connector -- who would make the determination of the relationship between the trigger and the trigger connector in the assembly process?

A The assembly engineering and research people.

Q Can you give me names?

A Yes, I could give you names.

Q Will you give me names?

A You would have to tell me what time frame.

Q Let's try today.

A Okay. Today the relationship would be

determined by Jim Bower in research. He is the one that would determine what they would allow, and it would be through me in P.E. & C.

Q What steps do you take in P.E. & C. to ensure that the relationship between the trigger connector and the trigger as depicted in F28 are acceptable to Remington?

A What I would do is I would go through and see what the dimensions are. If the dimensions are as called for, then there is no question. If the dimensions are not as called for, then I would go through and weigh what are the considerations in the relationship.

Q You would need to know, would you not, sir, the dimensions of the connector as well as the dimensions of the trigger, is that correct?

A Yes. You would need to know what the fit is between the two parts.

Q Isn't the fit determined by the dimensions?

A Yes, it is.

Q So you would want to know the difference or the lack of difference in space or area between the

surfaces, wouldn't you, between the trigger connector surface as it sits over the trigger, is that correct?

A That's right. That's the relationship you're talking about.

Q All right. And that is a process which you attempt to determine, is that correct? Strike that.

That is a relationship that you attempt to determine, is that correct?

A That's right.

Q What test do you use here at Remington to determine that relationship between the trigger connector and the trigger?

A I don't know what test I would use.

Q Do you use any?

A You asked me what I would do.

Q I'm asking you what you do. Do you do anything to determine that?

A Yes, you would.

Q I don't care about what you are doing now to determine.

A I'm not doing anything now.

MR. HEADLEY: I think the problem is when

you say, "what do you do," he's taking it as directed at him, personally. Do you mean him, or do you mean someone from Remington. That may be the problem. I'm not sure.

THE WITNESS: No, the only place I'm coming from is that we are talking about this dimension.

MR. HEADLEY: Well, go ahead. Let him ask the questions.

BY MR. McDONALD:

Q Well, all right. Does anyone at Remington determine the relationship, the space, the distance, the dimension, whatever term you want to use, between the trigger connector, as finally processed, and the trigger when those two items are assembled?

A Yes.

Q Who?

A The subassembler.

Q Is there any tests that are standard, that are customarily used to determine that relationship?

A Yes.

Q Which tests?

A They check the clearance between the two.

Q How do they check it?

A With a gauge.

Q Each time a trigger connector is assembled over a trigger, it is checked by a gauge, is that correct?

A Yes.

Q Is there a record kept of that?

A Of each individual?

Q Of each individual assembly, yes?

A No.

Q Are there occasions when trigger connectors and/or triggers are rejected and not used by Remington in the assembly process, because the relationship between the trigger connector and the trigger is not within acceptable limits to Remington?

A I would think there would have to be sometime.

Q Are you aware of any?

A I am aware that we check it.

Q Are you aware of Remington ever rejecting any trigger connectors, because they don't fit on the triggers?

A I can't say that I am.

Q Are you aware of Remington ever rejecting any triggers, because the triggers don't fit into the trigger connector?

A Yes, I am.

Q When did that occur?

A Oh, that occurred on the -- well, it must have been -- this wasn't the 700. I don't know if we have ever rejected the 700 triggers not fitting in the connectors.

Q Would there be records that would reflect such a rejection of those parts?

A Not that I'm aware of.

Q Who would have knowledge of such a rejection?

A The final assembly engineer might have them.

Q Who is the final assembly engineer today?

A That would be Bob Joy.

Q Who was Bob Joy's predecessor?

A It would be Church Prosser and Marshall Hardy.

Q From when to when was Church Prosser and Marshall Hardy the final assembly engineers?

A Would have been an overlap with Bob Joy.

Actually, Marshall Hardy reported to Bob Joy. I couldn't give you exact dates on that.

Q What's your best judgment?

A I'd say that Church Prosser went out in about 1977, probably towards the end of the year.

Q Who was Church Prosser's predecessor?

A I don't know.

Q I'm showing you now, sir, F20, F21 and F22, and you have before you F28, and I'll also show you F27. Now, those five drawings together depict the trigger connector and the trigger through its various manufacturing stages and its final design stage, is that correct?

A Yes, they do.

Q Now that you have those five in front of you, do you think you can answer the question as to what tolerances Remington allows or calls for or specifies or wants between the trigger connector and the trigger?

A Yes, I can.

Q Tell me what they are?

A Okay. The trigger is an inch 078 plus or minus one.

Q Plus or minus one what, sir?

A Thousandth. The connector is an inch 080, an inch 083.

Q Now, what two drawings did you refer to for that information?

A Went to F20, which -- let me see if the other one is the same. Maybe there is a change in that. Okay. Use F22 and F28.

Q All right. F22 and F28 are the final design drawings with regard to the trigger connector and the trigger, right?

A Yes.

Q Trigger connector fits over the trigger, correct?

A That's right.

Q All right. Now, what is the function of the trigger connector?

A Okay. Just a second. Can I get rid of all these drawings now?

Q No. I'll move them out of your way, but I am going to keep going on the drawings.

A The trigger connector is a hardened steel piece.

piece, which rides between the trigger and the sear safety cam.

Q And the sear safety cam also has a hardened surface where the trigger connector comes in contact with it, is that correct?

A That's right.

Q What finish are you attempting to achieve at the point of contact between the trigger sear cam and the trigger connector?

A We specify a sixteen inch -- sixteen micro-inch finish.

Q What does that mean?

A It means that it is a sixteen microinch finish.

Q Well, is that smooth, or is it hard compared to other surfaces in the weapon? Could you be descriptive for us?

A It is a poly surface.

Q And it is a hardened surface, isn't it?

A The sixteen microinch doesn't tell you that, no.

Q Do you know whether it is a hardened surface?

A Yes, I do.

Q Is it?

A It is an R15N, 88 to 92.

Q Well, let's just play like I don't know what that means. What does it mean?

A It means hard like a file.

Q It is hardened, is it not?

A Yes.

Q All right. Now, you testified previously with regard to Exhibit 28 that Remington would not necessarily reject a trigger, because its dimensions did not fit within .190 and .186, is that right? No, I'm sorry. 1.079 and 1.077, is that correct?

A That's right.

Q In other words, it could be that the trigger would be as small as 1.070 and Remington would still use it, correct?

A I can't say that if it was as small as 1.071, Remington would still use it.

Q How can you tell that?

A Because it says on change nineteen that an inch 079 and inch 077, the drawing was changed.

Q It made it bigger, didn't it?

A The drawing made it bigger?

Q No, sir. The drawing depicts that the dimension of the trigger as used today is bigger than that which used to be used?

A No, it doesn't.

Q Smaller?

A It actually could be a little smaller.

Q Could the outer limit of the tolerance be bigger than the trigger actually used today?

A Yes, it could be.

Q Okay. Could the trigger used today be bigger than the trigger that was shown by the change on sixteen?

A No, it can't be.

Q Why not?

A The change says nineteen, and this says it was an inch 076.

Q All right. Now, with this information in front of you, again, can you tell me what the outer limits of the acceptable tolerance to Remington has been with regard to the fit of the trigger connector

over the trigger?

A It says right here that it was an inch 079 and inch 077. That's what it currently is. It says it was a change nineteen. It was an inch 076.

Q I'm talking about the difference between the trigger connector, the space between the trigger connector and the trigger?

A Yes. So all you do is you take these two dimensions and you subtract them from the other two dimensions.

Q The other two dimensions shown by what?

A On the trigger connector.

Q And which drawing?

A It would be F22.

Q All right. Now, can you calculate those for us, please?

A Yes, I can. It would be 77 to 83. That would be your worst case, and that would be six thousandths, and your other case would be one thousandth to six thousandths fit, the way it is currently dimensioned.

Q Do you know if the tolerance, the six thousandths tolerance that's indicated by the first

place has ever been succeeded by the Remington --

A Six thousandths would have been exceeded, because the drawing was changed to an inch -- from an inch 076 to this dimension on change number nineteen.

Q So that -- well, Strike that.

When was the first time, from a design standpoint, that Remington went to 006 thousandths as a tolerance between the trigger connector and the trigger?

A Well, this drawing says it was changed on 1/30/80. Now, I don't know when we actually went to the six thousandths at the inspection point.

Q Okay. Do you know what the allowable tolerance between the trigger connector and the trigger was prior to 1/30/80?

A It says if you take this tolerance, that your maximum would be an inch 081, and your connector is an inch 083, which in some cases, it would go from a slight interference -- it would actually go from a one thousandth interference down to 071.

Q .071?

A 1071 to 1073, which would be a twelve

thousandths clearance.

Q So it's true, isn't it, in 1980 Remington went to a specification, a design specification on tolerances between the trigger connector and the trigger of half of what they previously specified?

A No, I don't believe so.

Q Well, isn't -- did you use the figures 0012 as the worst case in the prior situation?

A I used the --

Q 012?

A Okay. I used the figure 1.076, so the max on that would have been 1.081, and the minimum would have been 1.071.

Q I can read those numbers. What I can't do, though, is determine what the worst case tolerance situation was by design which Remington would accept prior to 1980.

A Okay. And what I am telling you is that I can take these dimensions, and I can go through them, but I don't know what we actually were inspecting to --

Q I'm not worried about what you actually are inspecting. I'm worried about what your design --

A Based on this inch 076 figure, which you have right here, what it shows is that you would go from no clearance to twelve thousandths clearance.

Q How would you express twelve thousandths, .0012?

A I would express it .012.

Q Okay. In the worst case situation called for by today's standards, today being after 1980, is .0096, is that correct?

A Based on the drawing, yes.

Q Now, back to my question. Isn't it true that Remington has reduced by one half the worst case situation that is allowable between the dimensions of the trigger connector and the trigger in 1980?

MR. HEADLEY: I'm going to object to use of this phrase, "worst case." There's something about that that just doesn't ring right. Maybe you can use a phrase like maximum tolerance.

MR. McDONALD: I'll use the term he used. He is the one that brought it up.

MR. HEADLEY: I'd prefer that the witness

use something other than worst case, because that could be misconstrued by a layman such as me, and you are an engineer.

THE WITNESS: Yes.

BY MR. McDONALD:

Q You use whatever you want. I'm going to continue to use worst case, because that's what you called it, isn't it true?

A I'd like to use something else.

MR. HEADLEY: You use whatever you want.

BY MR. McDONALD:

Q The worst case situation allowed prior to 1980 was .012, and today the worst case situation is .006, correct?

A Based on the drawing you have showed me right here and just going through these figures, that's what the drawing says.

Q All right. What is the operational -- Strike that.

That assumes, does it not, sir, that the parts, the trigger connector and the trigger are, in fact, manufactured within tolerances, correct?

A What assumes that?

Q Those worst case situations. In other words, if everything is manufactured as the design drawings call for, that would be the outer limit within the design, correct?

A That would be a way of phrasing it.

Q All right.

A That doesn't necessarily mean it would be correct.

Q No, it doesn't. You are right. Now, tell me, if you will, whether or not Remington would use a trigger that did not fall within the dimensions 1.079 and 1.077 as shown in F28?

A I'll answer that again. If you look at this, it depends upon what the time frame is that you are asking me.

Q Today, let's try today.

A Today we would use the trigger within the inch 079 to inch 077.

Q Are there ever any occasions when Remington would use a trigger in today's assembly which did not fall within 1.079 and 1.077?

A I don't know if there would be or not.

Q Who would know that?

A Well, just a minute. You're asking me a hypothetical, and then you are asking me who would know. I would know it, if it happened.

Q Who would be the person -- who would know whether or not that kind of situation exists?

A If we were using triggers outside the inch 079, inch 077 right now, I would know that.

Q Do you know?

A Yes.

Q What's the answer?

A We are not.

Q And you would not?

A I didn't say that.

Q Would you?

A I could.

Q Under what circumstances?

A I could use it, if I went through and found that a different dimension would work and function correctly. I could go back and talk it over with research. They could talk it over and test it and change

whatever dimension you want on the drawing.

Q But assume that you are going to manufacture in accordance with these designs, these designs being the trigger connector that you have testified to here today and the trigger as depicted on F28. Now, assuming those are your design criteria, and you are not going to change your design criteria, would you, under those circumstances, use a trigger that exceeded 1.079 or 1.077?

A If there was a change where, for example, you wanted to make a change to the housing or wanted to make a change to the sear or some other changes.

Q Forget it.

A You can't forget it. The system all works together.

Q I'm willing to use the same design criteria that you used today. Using the same design criteria, there are occasions when you might use a trigger beyond the dimensions of 1.079 and 1.077, is that correct?

A You could, if there was corresponding changes made to something else or some other changes in the process.

Q There would have to be a corresponding change to the trigger connector, wouldn't there?

A Not necessarily, no.

Q There are occasions when you might use a trigger beyond the dimensions 1.079 and 1.077, but yet the trigger connector would have the same dimensions as called for in F22, is that correct?

A That's your assumption.

Q I'm asking you to assume.

A I'm saying you could make changes in the system to allow you to use some other dimension than that, and the firearm would still work functionally perfect.

Q And I'm asking you to assume there is no change to the trigger connector as dimensions are shown in F22.

A Okay.

Q Assume that.

A Okay.

Q Assume that there are changes with regard to the dimensions called for in F28, namely, that they are either larger or smaller than the dimensions called for

in 19 and F28. Under that set of circumstances, would you go ahead and use that trigger?

A That set of circumstances on the one side, no, you couldn't.

Q Which side?

A If the thing gets too big, it is not going to work.

Q But you could use it, if it was smaller?

A Under certain circumstances.

Q What circumstances?

A It would depend upon the changes and how the system works.

Q Would it require change to the sear cam?

A It could.

Q Would it?

A It could.

Q If you got a trigger connector that is the same dimensions as are called for in F22, and you have a trigger that is smaller than the dimensions called for in F28, and you assemble those two together, and you make no changes in the sear cam at all, the dimensions in the sear cam as they are called out in today's design,

would you, under those circumstances, use the smaller trigger?

A You could, if you changed something else.

Q What else would you change?

A You could change the position of the hole.

Q Now, if you didn't change the position of the hole, would you, under those circumstances, use a trigger that was smaller than the dimensions called for in F28, namely, 1.0777

A You could still do it, if you wanted to.

Q How would you do it?

A You could change the bottom of the sear.

Q Without changing the sear?

A You could change the housing.

Q How would you change the housing?

A You move the pivot in the housing.

Q Assume you don't change the pivot in the housing.

A Okay. Then you could change the surface on the connector.

Q Assume you don't change the surface on the connector.

A I don't know.

Q You don't know the answer?

A I can't think of it right now.

Q What do you need to think about? Do you need to refer to something?

A No.

Q You can't answer the question?

A I answered the question.

Q No.

A I answered all your assumptions.

Q I'm asking you to assume all those things as true, and in that situation where you don't move the housing, you don't move the trigger pivot point, you don't move anything.

A Okay.

Q You leave the design just as it is today, and you don't change the cam at all.

A Yes.

Q The trigger dimension is less than 1.077, but the trigger connector is the same dimension as called for in F22.

A Yes.

Q And in that circumstance, would you go ahead and assemble a 700 and use it? Would Remington do that?

A I don't know, but if you went through, and you did assemble it, and you went through your checks, and everything, I don't think you would have a problem.

Q Forget the checks.

A We don't forget the checks.

Q I'm asking you to hypothesize. I'm asking you to assume that it did happen. Assume that it did happen.

A Okay. What are we going to assume? What is your basic assumption?

Q Mr. Linde, you really are much, much brighter than this, and I am aware of it, and you are too.

MR. HEADLEY: Now, I'm going to object to that, because I don't understand your question either, so both of us here aren't very bright.

MR. McDONALD: Let me do it on layman's terms. Do you mind if I use the board? That way we can kind of explain it too, Mr. Headley.

MR. HEADLEY: Go ahead.

BY MR. McDONALD:

Q Rough drawing surface of the trigger, trigger connector, tolerance .006, is that correct?

A No, that's not.

Q Another zero?

A No. You had me calculate that that was 126.

Q Outer limits?

A Outer limits of 126.

Q Let's use this outer limit.

A When you are talking tolerances, you have got to use both.

Q I don't want to use both. I want to use this. That's one end of the tolerance. Is that one end of the tolerance?

A Yes, it is.

Q .006 is one end of the tolerance?

A That's right.

Q All right. Now, if the trigger were smaller, this area in here --

A Okay.

Q You understand that, don't you, sir?

A Yes, I do.

Q With no other design change, it would increase this tolerance, the area?

A No, it would not.

Q It would not?

A No, because if you take a look at it in a gun, where you are showing your six thousandths clearance it can't exist.

Q Where is the six thousandths clearance?

A It would be on the bottom.

Q Excuse me. There?

A Okay. You got six thousandths clearance.

Q No. You've got more than six thousandths. You've got a smaller trigger surface.

A Okay.

Q Would you go ahead and assemble that product?

A Yes, you could.

Q In what circumstances?

A You could assemble it, and you could go through, and you could test it, and you could verify it was okay.

Q How could you test it and verify it was okay?

A Send it through your gallery testing and make

all your checks on it.

Q What would you be checking for?

A Checking to make sure your safety functioned correctly.

Q Which safety?

A The rifle safety.

Q The one that keeps it from going off?

A That's right.

Q All right. What other test would you look for?

A You could run it right through your standard tests where you would adjust your trigger pull. You would adjust your over travel. You would adjust your engagement. You would check your safety clearance.

Q Why would you adjust your over travel and trigger pull?

A Because shooters are very sensitive to over travel, and they want the over travel adjusted to the minimum.

Q Wouldn't the adjustment screws make up for the manufacturing differences? Isn't that the reason you would adjust your over travel and trigger pull, and so forth?

A Make up for what?

Q Well, the fact that your parts don't fall within your specifications.

A No. The screws are there, because no matter how close you make your parts on the equipment, you cannot put that many parts together and get the kind of engagement you're talking about in a center fire rifle.

Q You just testified that one of the things you would look for in a hypothetical situation where your trigger is smaller than the dimensions called for, but your trigger connector is within the dimensions called for in your design drawings, that one of the things you would do is send it through your gallery, and you would test that weapon.

A That's right.

Q And you would make an adjustment on the weapon with your adjustment screws, is that correct?

A No, I didn't say that.

Q You wouldn't make any adjustments?

A No. I'm saying when you assemble your parts, that's when you make your adjustments.

Q Why would you make those adjustments?

A Because any mechanism where you are trying to get an adjustment as close as this, you have to adjust the various parts, because there is no way you can make those parts that accurate to get the kind of measurements you need.

Q Are you saying, then, there are times when Remington assembles 700's when the trigger connector and trigger do not fall within the design specifications?

A I'm not saying that.

Q Does it ever happen?

A I'm saying I don't know. It could have happened.

Q And if it did happen, and you sent that weapon, that firearm through your gallery procedure, you can make adjustments for those tolerances, which are not within design specs by your various adjustment screws, couldn't you?

A No, that's not what I'm saying.

Q You couldn't do that, could you?

A No.

Q Why couldn't you?

A The adjustments that you are talking about have nothing to do with the fit.

Q That's your opinion?

A No. You're saying that you want me to use those adjustments to adjust some kind of clearance or tolerance out of it, and I am saying those adjustments are not for adjusting clearance or tolerance for the adjustments you are talking about.

Q Why are they not for that?

A They are for your engagement, your over travel and for your spring load on the trigger.

Q Would it be your professional opinion as an engineer and as an experienced gun manufacturer, firearms manufacturer, that attempting to adjust for any excessive tolerances between the fit of the trigger and trigger connector with any of the three adjustment screws in the 700 as currently shown in your design drawings would not be a safe practice?

A The question doesn't make sense to me.

(The last question was read by the reporter.)

A (Continuing.) The question just doesn't hang together for me.

BY MR. McDONALD:

Q All right. Well, we'll try it again. We'll keep trying until maybe we can communicate the thought. Assume that either the trigger connector is too large dimensionally or that the trigger is too small dimensionally. Do you follow me up to now?

A Why don't you just show me, so we don't get confused.

Q Okay. I'm showing you 28.

A Okay.

Q And I am pointing to the surface, and that's where the trigger connector is.

A The one that has drawing change twenty-eight, right?

Q No. F28.

A F28. Okay.

Q Are we tracking?

A Yes, I agree.

Q Is that where the trigger connector goes?

A Yes, it is.

Q All right. And the trigger connector, the final design drawing is shown in P22?

A Yes, that's right.

Q Okay. Now, assume that the dimension on the trigger is smaller than that specified by Remington.

A Okay.

Q Or that the trigger connector is larger, the dimensions are larger than that specified by Remington.

A Okay.

Q Or a combination of either.

A Okay.

Q Are you with me so far?

A Yes, I am.

Q So that the tolerances called for by Remington, .006 in the worst case situation, would not be met.

A Okay.

Q Now, can you make up for, if you will, that difference in design specification in that hypothetical situation by use of any of the three adjustment screws in the 700 fire control assembly?

A No.

Q Why not?

A They have nothing to do with this fit.

Q Do any of those screws hold or apply any pressure on the trigger connector?

A The trigger adjustment screw would put tension against the trigger spring, which would exert pressure against the connector.

Q Would that have the effect of holding the trigger connector against the surface of the trigger?

A That's right, it would.

Q So if you applied more pressure on that particular screw, would that have the effect of holding the trigger connector in place?

A It would just hold it where it is at.

Q Exactly. Now, on the trigger connector there is a hole in the front of it, isn't there?

A Yes, there is.

Q And that's for the trigger stop screw, isn't it?

A Yes, it is.

Q Have we passed the trigger stop screw design drawing in our rambling?

A Yes, you did.

Q Let's ramble back to it. Now, 25 and 26 depict the trigger stop screw, is that right? I'm sorry. That's trigger over travel, isn't it?

A It is just a screw, is what it is.

Q Well, what is 25 and 26? Where does it go?

A It is the trigger stop screw, is what the function of it is.

Q What does the trigger stop screw do?

A It stops the forward travel of the trigger.

Q All right. Now, does the trigger stop screw have any relationship to the trigger connector?

A Yes. They are both in the same housing.

Q Well, aside from being neighbors, is there any relationship?

A The trigger stop screw goes through the trigger connector.

Q Goes through the hole, doesn't it?

A Yes, it does.

Q All right. What effect does that have on the trigger connector when the trigger stop screw is in place and the front portion is into the trigger connector?

A It has no effect.

Q None at all?

A None at all.

Q And why is that?

A Because there is a clearance around the screw.

Q How much of a clearance is there?

A I don't know.

Q It is more than .006, isn't it?

A I don't think it would be considerably more than that.

Q Substantially more than that?

A Yes.

Q Now, is there ever an instance -- By the way, the threaded portion of the screw, we know what that is. Is there some name for the front shank or shaft of that screw?

A Not that I am aware of.

Q What can we call it, so we know what we are talking about?

A I don't know.

Q How about shaft, how do you like that?

A That's a good name.

Q All right. Let's use that, then. We'll call it the front shaft of the screw. Now, the front shaft of the trigger stop screw passes through the trigger connector, correct?

A Yes, it does.

Q Can you tell me what relationship there is between the length dimension of the shaft of the trigger stop screw and the width or thickness of the trigger connector?

A I could look at the drawings and tell you.

Q Would you?

A The shaft length is 125, and the connector thickness is .074, .0765.

Q Can you tell me if there are any design tolerances allowed in the length of the trigger stop screw as depicted in F26, the total length?

A There is a plus or minus five tolerance.

Q Is there any tolerance called out or specified in the shaft of the screw? In other words, could it be shorter or longer within any specification?

A It is plus or minus five also.

Q All right. So that the total tolerance allowed

for the total length of the trigger stop screw is plus or minus what?

A Ten thousandths.

Q And that would be according to design specifications, is that correct?

A Yes, it would be.

Q By the way, why don't we get to the trigger connector hole through which the trigger stop screw passes, and of course, including the shaft. Do you recall that dimension?

A It is 100 to 102 thousandths.

Q And that is shown on Exhibit F22?

A F22, yes.

Q All right. What is the tolerance depicted on the shaft of the trigger stop screw on F26?

A It is .055, .060.

Q What is the tolerance called for on the screw portion of the trigger stop screw in terms of diameter?

A It is a 640 thread. It is a national sign number two fit.

Q Is there any diameter tolerances that are called for within that spec?

A Yes. There is a max Od, and there is your pitch diameter.

Q Total width, though, from the outer edge of any surface, is that dimension specified?

A Yes.

Q What is that?

A It is a 138, 133.

Q All right. Now, assume with me for just a moment that for whatever reason, there is not a good fit between the trigger connector and the trigger, that either the trigger is smaller than the dimension called for, or the trigger connector is larger, or both. In that set of circumstances, is there any relationship to the trigger connector and the sear cam that is affected?

A If the trigger connector dimension is small?

Q Or if the trigger connector is large.

A Is there any difference in the relationship between the trigger and the sear safety cam?

Q Yes.

A No, there is not.

Q Wouldn't, in your opinion, affect it at all,

is that right?

A No, it would not.

Q Why not?

A Because there is no change in the tolerances of that relationship.

Q Now, are you assuming -- What position are you assuming the rifle to be in?

A I'm assuming it to be either the cocked or fired position.

Q What if the rifle is inverted?

A There would be no affect.

Q Why?

A Because the return spring would be holding the connector tightly against the trigger.

Q Which trigger spring?

A The trigger return spring.

Q What if the trigger return spring does not hold it tightly?

A Then the gun wouldn't function.

Q Why not?

A Because the trigger wouldn't return back underneath the sear.

Q Assume that the trigger returns back under the sear or returns so that the gun is inverted, that the holding spring does not hold the connector firmly against the face of the trigger, what set of circumstances would occur then?

A If the gun is fired, like you said, the gun would be fired. What set of circumstances would occur?

Q The gun would be fired?

A No. You said, "assume the gun is fired."

Q Assume that there is a chambered cartridge, and assume that the gun is on safe, and assume that the tolerances between the trigger connector and the trigger are not within dimensions, and assume that either the trigger is smaller or that the trigger connector is larger or a combination thereof, and also assume that the trigger is in its normal position and the safety is on, in which case the sear cam would be lifted up, correct? Am I correct?

A You are correct with lifting the sear cam, yes.

Q Now, would the trigger connector, assuming that the spring would not hold it by its force in place, be

allowed to slide up and down on the face of the trigger?

A If there was no spring force on it?

Q Or if there was insufficient spring force.

A It would have to, with no spring force.

Q What about a jar?

A Well, it would have to be fairly substantial, as light as the part is with respect to the load that's on the spring.

Q In that set of circumstances, would the trigger connector slide towards the top of the gun? Could it?

A If there was not spring tension on it, it could.

Q All right. And then assume that the safety was taken from the safe position to the off safe position with the trigger connector directing upward in the housing, again, what effect, if any, would it have?

A No effect.

Q Why not?

A The connector is going to come down. The sear is going to come on top of it.

Q Is that your opinion?

A That's my opinion.

Q All right. Now, assume that the trigger connector does not simply slide upward, but it moves forward in the housing.

A How can I assume that?

Q Just assume that.

A I have no basis to assume that.

Q I'm asking you to assume it.

A You'd have to tell me how the thing would slide.

Q I don't have to tell you anything.

MR. HEADLEY: You don't have to answer anything.

BY MR. McDONALD:

Q Fine, if you can't answer it.

MR. HEADLEY: That's right.

BY MR. McDONALD:

Q I'm going to hypothesize the situation, and if you want to take the position you can't answer it, that's fine with me, but I am hypothesizing the same set of circumstances as previously stated, chambered

round, safety on the on position, tolerances of the trigger and the trigger connector are not within specifications, either the trigger is smaller or the trigger connector is too large, that the spring force applied on the trigger connector is insufficient to hold it in place. I want you to assume that the trigger connector moves forward. If the safety is switched from the safety position to the off position, what happens?

A I have no -- I can't conceive of that.

Q You can't answer it?

A I can't answer it, because I can't conceive of how it can happen.

Q Conceive that it could happen. What would happen?

A I don't know.

Q Well, let's assume that it moves forward, that the trigger connector is able to move forward sufficiently, so that it does support the sear safety cam.

A Let's assume that the thing falls all the way forward, and that there is no spring tension on it. If

you kick the gun from the safe to the fire position, the firing pin would fall.

Q And strike the primer?

A Yes, it could.

Q And cause the gun to go off?

A Yes, it could.

Q Okay. Let's go back. We were having so much fun marking the drawings that we ought to continue on with that, I think.

Oh, one final question in this area. In that hypothetical situation I just gave you, the shaft which penetrates through the trigger connector is not a sufficient length to retain the trigger connector against the face of the trigger, is that the --

A I have no idea what you are talking about.

Q Well, simply this. The length of the shaft is longer than the thickness or width of the trigger connector, isn't it?

A Yes, it is.

Q So that the end or face of the threaded portion does not apply pressure against the trigger connector, correct?

A I don't understand what you're saying.

Q Well, let me draw it for you a little. This is the side view of the trigger connector. All right?

A Yes.

Q Hole through the trigger connector, the shaft, stop screw, threaded portion of stop screw, and I'm calling this the face of the threaded portion. Do we follow each other?

A That's the face, fine.

Q Okay. The length of the shaft?

A Why don't you draw in the trigger. Where's the trigger at this time?

Q It is right here. The trigger is in approximately that position. The connector is generally --

A Okay. So the trigger is up against the stop screw?

Q The trigger is up against the stop screw, and the trigger connector is up against the trigger.

A Okay.

Q Don't be misled by this. I'm not meaning anything about this dimension at all.

A Where's your trigger spring?

Q The trigger spring?

A Yes. Is it up against the connector?

Q Up against the connector.

A Okay.

Q All right. Now, are we together so far?

A Yes, we are.

Q All right. The dimension of the shaft of the trigger stop screw is greater than the width or thickness of the trigger connector, correct?

A Yes, it is.

Q So that now assume that for whatever reason, the spring tension is taken away. Just assume it.

A Okay. Now you're going to assume no spring tension?

Q I'm going to assume none or not very much.

A It has got to be one or the other in a hypothetical.

Q We'll assume no.

A The part is just hanging in there?

Q Right, it is hanging in there. Would that allow for -- well, Strike that.

The trigger stop screw would not stop the

forward or backward motion, assuming that the weapon is held, the firearm is held parallel to the ground, and it would not stop the trigger connector from moving forward and backward, would it?

A What do you mean by "forward and backward"? It can't move forward and backward. It has to move one direction, right?

Q Let's say forward, that being towards the end of the gun, the one where the projectile comes out. Would it?

A Would that shoulder stop it?

Q Yes.

A No.

Q It wouldn't, would it?

A No.

Q One other question in this area while I'm here. Assume this situation, sir.

A What is it?

Q It is real rough. Trigger, trigger stop screw, tension not being exerted by the spring, and assume that the cam is, of course, lifted by reason of the safety being on, and assume for one reason or

another that the trigger connector is allowed to slide forward towards the end of the gun as you are holding the gun parallel. Is there potential for the trigger connector to bind against the shaft of a stop screw holding it in place?

A Is that your question?

Q Yup.

A I have never seen a stop screw binding the connector.

Q Is it possible from an engineering standpoint?

A I don't know. I've never seen that happen.

Q Is the math possible, the dimensions of the hole, the dimensions of the shaft of the stop screw?

A I don't believe that, not the way you have it.

Q All right. Let's just assume that it did happen just the way I have got it. We will assume that it did happen.

A You are going to assume that that part is bound that way.

Q Now, assume that it did happen, and assume that the weapon, the Model 700 Remington is taken from the safe position to the off position. What will happen?

A I just have to go back on your hypothetical.
You show the connector above the trigger --

Q I want you to use some kind of --

MR. HEADLEY: Let him finish.

A (Continuing.) What holds the connector up
there?

BY MR. McDONALD:

Q I misdrew. Let's get it down here. Let's
get it down here, and I can't stand here at the
blackboard and give you exact dimensions, but let's
get it down.

A What part is actually supporting the
connector?

Q What part is supporting the connector? The
stop screw shaft.

A Okay. And it is bound that way?

Q It is bound that way.

A And there is no spring tension on it?

Q No spring tension for right now.

A Okay. That's an impossibility.

Q Okay. Well, assume that.

A I'm assuming that.

Q Assume it happens.

A I'm assuming it's bound. That's an impossibility.

Q But assume it.

A I'm assuming it's bound.

Q Then you switch the firearm from the safe to the off safe, what would happen?

A I can't get the firearm in a safe position the way you have it there.

Q Well, assume that it was in a safe position when it started.

A You can't get it in a safe position the way you have it there.

Q Just assume that it was in the safe position.

A I can't assume something that's impossible.

Q Yes, you can.

MR. HEADLEY: No, he doesn't have to assume it, if it is impossible.

BY MR. McDONALD:

Q All right. That's fine. You say that's impossible, is that your opinion?

A That's right.

Q Okay.

A On your hypothetical.

Q Okay. You understand the hypothetical, I assume?

A Yes.

Q And it is your opinion and Remington's opinion that's impossible?

MR. HEADLEY: As depicted by the way he drew it, which he just now erased.

MR. McDONALD: Well, I'll draw it and put it in the record. That's fine. Is that what you want?

MR. HEADLEY: I don't want anything. I'm just trying to clear up the answer.

BY MR. McDONALD:

Q Okay. Now, I'll mark it as F23, and this one is F23A.

A Actually, this doesn't apply.

Q You produced it, sir. All right. In our chronology, we had proceeded from F20 to F21 to F22 on the trigger connector. F20 and 21 were blanks. F22, I think, you testified to, is that correct?

A That's correct.

Q All right. Now, its predecessors are depicted by F23 and F23A, is that correct?

A That's right.

Q F23 would be the immediate predecessor, and F23A would precede F23 in point of time, is that correct?

A Yes.

Q Tell me when F23 was drawn?

A It was drawn in 1962.

Q All right. And tell me when F23A was drawn?

A It was drawn in 1951.

Q Can you tell me the differences in dimensions between F23 and F22?

A No, I can't.

Q Is there any modification between F23 and F22?

A I don't know.

Q Can you tell by looking at the drawings?

A I could go through every dimension.

Q All right. F23 was used in what weapon, sir?

A It was used in the 700 Varmint, the 700 BDL, 700 ADL, 725, 722 and 721.

Q Okay. 725, 22, and 21 are predecessors to the 700, correct?

A Not necessarily, no.

Q Was F23A, that connector -- Can you tell what models it was used?

A Yes. It was used on the 721, 722.

Q And was it also added?

A Excuse me. That's why we have got it in there. The 725, the 700 ADL and 700 BDL.

Q Same connector used in all firearms?

A Same connector used in all that I just described, those five.

Q All right. Would it be true that the trigger connector is an integral portion or a part of the fire control system of the 700?

A Yes, it is a part of the fire control.

Q Isn't it an important part?

A Yes, it is.

Q Isn't it the part that supports the sear cam, if the gun is in the off safe position?

A No, it isn't.

Q What portion of the trigger assembly supports

the sear cam when the gun is on the off safe position?

A Well, the trigger is really supporting the connector, which is in turn supporting the sear.

Q All right. But the surface of the trigger connector is actually next to or most contiguous with the sear cam, isn't that true?

A Yes, it is.

Q All right. And when the trigger is activated by applying pressure to it, it moves the trigger connector forward towards the end of the barrel, and it allows the sear cam to drop, allowing the firing pin to move forward striking the primer and discharging the projectile out the barrel, correct?

A Basically, yes.

Q So the portion of the trigger connector in relation to the sear cam is a critical position in the design of the 700, isn't that true?

A It is a factor.

Q Is it a critical factor?

A I don't know if it is any more critical than any of the other factors that goes into it.

Q You don't know that?

A Not how you're phrasing it, no.

Q How do you want it asked?

MR. HEADLEY: It is his job to ask the questions.

BY MR. McDONALD:

Q The relationship between the surface of the trigger connector and the sear cam safety, do you or do you not consider that to be a critical factor in the design of the 700 fire control system?

A The relations between those two parts?

Q Yes, sir.

A When they are working in their normal duties?

Q I don't care whether they are working or not. Do you consider it to be a critical factor?

A The relationship between the sear and the connector is an important factor.

Q Do you consider it to be a critical factor?

A That's a play on words, important or critical.

Q Do you consider it to be?

A My word is important, and your word is critical.

Q Do you or do you not consider it to be a critical factor in the design of the 700 fire control

system?

MR. HEADLEY: You don't have to answer yes or no. You can use your words.

THE WITNESS: I don't know what he means by "critical."

BY MR. McDONALD:

Q Very important, the most important.

A I can't say it is the most important.

Q All right. You don't consider it to be the most important, is that correct?

A The relationship between the two?

Q Yes.

A Not the way you are defining it.

Q How am I defining it?

A My definition or my understanding is the proximity between these two parts -- the relationship between the sear and the sear safety cam and the connector is the most important thing in the gun?

Q In the fire control system?

A And I guess the way I look at it, I guess if there is a lot of other things that aren't there, that relationship doesn't make any difference.

Q Now, you used the word "proximity." We will use your word now. The proximity of the trigger connector to the sear cam, whenever the 700 is in the off position, that design relationship, do you or do you not consider it to be a critical factor in the design of the 700?

A If you are talking about the engagement, the engagement between the connector and the sear safety cam, that is an important dimension.

Q How important?

A It is very important.

Q You may have already answered this. F23A, when was it first drawn?

A It says it was drawn in 1951.

Q Okay. It obviously was used in weapons that were designed prior to the 700. Can you tell which ones?

A It was used on the 721, 722.

Q Okay. When was it used on the 725?

A It would have been used in the -- well, this is kind of inconsistent here. It doesn't say when it was used in the 725.

Q If you wanted to find that fact out, where

would you look?

A You would go to this -- you could probably see ~~in~~ the drawing right there, and it would tell you.

Q So that's drawing 24 -- Strike that.

That's D-24575?

A Yes.

Q All right. Now, I note here certain drawings dealing with the 700 ADL and the 700 BDL that begin with the designation D, correct?

A Yes.

Q That appears to me to be D-2245, as best I can make it out.

A I can't tell.

Q What does the designation D mean?

A It looks like it would be an assembly drawing.

Q As opposed to a design drawing?

A Well, assembly drawing is a design drawing.

Q All right. What is the significance of the B, C, A and D letter preceding each of the drawings that we have looked at here today?

A Tells you what size print it is.

Q All right. When you were going through these

drawings, did you see any D drawings?

A No, I never -- oh, yes. There is a D right there.

Q Okay. D-91562, correct?

A That's what that D is, yes.

Q Okay. Now, does that correspond to any of the numbers on F23A?

A No.

Q Okay.

A There would be no reason for it.

Q Are there more D's in there?

A If you look at it, this drawing was changed. It was changed right at the time when the gun was introduced, and actually, this drawing was outdated just as that gun was coming in. This is really the 700 drawing right here. That's the drawing they went with.

Q F23A shows the designation for the 700 ADL and BDL?

A Sure. That's what they picked up on, but this is the one they went with. You can see the dates.

Q Are there any differences with the dimensions or drawings, that you can make out, between F23A and F23?

A I really don't see any difference.

Q All right. I hand you what's been marked as F29, and what is that?

A It is a spring.

Q What kind of spring?

A Helical, h-e-l-i-c-a-l.

Q What's the spring used for?

A It is the sear spring.

Q That's drawing number A17047?

A Yes, it is.

Q What is the function of the sear spring?

A The sear spring exerts pressure over force on the sear.

Q Assuming the gun is held parallel to the ground, does it exert pressure on the bottom of the sear and force pressure towards the top?

A Yes, it would.

Q What is located towards the front of the sear near the pivot, what do you call that? Is that a rivet, or what is that little job that the sear pivots on?

A I call it a pin.

Q Okay. It is located towards the front near a pin, is that right?

A Yes.

Q Now, when was F29 drawn?

A It was drawn on 6/28/57.

Q What models or firearms was it used in?

A It was used on the 721, 40X, 722, 725, the IFR, the 40XCF, 700 ADL, 700 BDL, 600, 40XB, 40XB, and it looks like IFR, 40XCF, 700 Varmint and 660.

Q Did you mention the 600 Mohawk?

A No, I never. Oh, 700 BDL. I think I said 700 ADL. The 600 is on there, but not the Mohawk, just the 600. I don't know. Maybe I did read it.

Q Okay. But at any rate, it is on there, and it was used in the 600, right?

A Yes, this was.

Q That is the one that was recalled, isn't it?

MR. HEADLEY: Object to that and instruct you not to answer.

BY MR. McDONALD:

Q Are you refusing to answer?

MR. HEADLEY: On the advice of counsel,

I'm instructing you not to answer.

THE WITNESS: I won't answer it, then.

MR. McDONALD: Certify it. Okay. Mr. Remington Counsel, I'm having a little difficulty deciphering the typewritten portions of this particular exhibit. Do you suppose we could get a copy that is legible to be substituted tomorrow?

MR. HEADLEY: Off the record.

(Discussion off the record.)

BY MR. McDONALD:

Q All right. Sir, what is the relationship of F30 to F29? F30 is A17045.

A It is a continuation of F29.

Q All right.

A And you don't really need another print. You got all your information right there.

MR. HEADLEY: Clear it up for him, if that's so.

A (Continuing.) This is just a duplicate. This is just a duplication of what this is right here. I believe it is. You can check it, if you want. That's

normally the way it's done.

BY MR. McDONALD:

Q If you assure me that's so, that's fine with me. So that F30, the typewritten portion should be a duplication of the typewritten portion of the bottom of F29?

A Yes, it should be. You can see the numbers continue right on.

Q All right. Now, this is the first time that I recall seeing this kind of information shown in F30 in relation to a drawing. What is F30?

A It is a spring drawing.

Q Is this typical information that would be included on all drawings?

A No. This is typical information that you need to make a spring.

Q I see. Okay. So that is peculiar to -- this type of information would be peculiar to springs, is that right?

A That's right.

Q F31, what is that, sir?

A That's a gear safety cam blank.

Q The same process as we discussed before, that there is to be more manufacturing processes applied to this blank before it begins the final stage for assembly, is that correct?

A Yes.

Q F31 is C91919, is that correct?

A Yes, it is.

Q All right. When was it first drawn?

A This one was drawn in 1980.

Q Does it have a predecessor?

A It really wouldn't have a predecessor. It has a reference to a DCR.

Q That's 11193, is that correct?

A Yes.

Q You said it really wouldn't have a predecessor. Why do you say that?

A All these where you see 11193, those were blanks we drew up to implement our MRP process.

Q Now, there were alterations in this blank as shown in the upper right-hand corner of F31, correct?

A Yes.

Q Now, let's go to alteration one. What is that

alteration?

A Something was added.

Q What was added?

A They added it to the 40XR and 40XC.

Q Okay. In other words, it is used in those two firearms also?

A That is correct.

Q Alteration number two, what was that, sir?

A .336, that was a dimension. It is .332 now, and it was .336.

Q Made it thinner?

A No. Made this dimension right there thinner.

Q All right. That dimension is a distance between what and what?

A Let me get my alteration number two right here. Okay. It is down to this surface right here. It is .332 now. It was .336.

Q All right. And it goes up to the topmost surface?

A Actually, it goes up -- yes, it would be.

Q All right. Now, I use the words "made the blank thinner." You don't choose to agree with those

words?

A Yes. They changed the dimension to .332 from .336.

Q Do you know why that change was made?

A No, I don't.

Q How would you know why that particular change was made?

A You can go through your DCR reference 11569.

Q Okay. Well, I grant you that, but do you have any knowledge, personal knowledge as to what the thinking was in making that blank thinner?

A No, I don't.

Q Alteration three was a change from .173-.170 to which dimension, sir?

A That would be right here. It was .177-.174.

Q All right. Isn't it true that dimension alteration number three is the contact point between the trigger connector where it comes in contact with the sear cam?

A Yes. The trigger connector would come up here to the front part of this surface.

Q But doesn't it rest on the plane that is

depicted by alteration number three?

A Yes, it would depict a set on that, but only the front portion.

Q Now, am I true in saying or thinking that that surface has been shortened, if we use the horizontal axis? Do you understand what I am saying?

A No.

Q Well, assume from top to bottom of the drawing is the vertical axis, and assume from side to side is the horizontal axis.

A Okay.

Q All right. Is it true that the dimension which has been shortened is the vertical axis, side to side?

A No.

Q What has been shortened by alteration three.

A Well, the dimension right here from that point up to the surface in that direction.

Q All right. But from whence did the change come? In other words, was it a lessening of the curved portion? Do you follow me?

A No, that was not what was changed.

Q Well, I truly do not understand this particular alteration. Is it from this point back to this point that it was changed, or is it from this point to --

A It is this surface, the plane surface that you were talking about right there down to that corner.

Q Okay. I see. Now, this line -- Do you use the very tip as the beginning of the plane?

A You can, yes.

Q Well, is that what this drawing shows?

A No.

Q What?

A The drawing shows that it has a five ten-thousandths radius, and what you are using is the theoretical point, the theoretical section of the two lines.

Q Now, is there a slight difference in the thickness of the cam at the point from the top or surface or basis to this plane at the point where the cam rests on the trigger connector?

A Slight difference in the surface.

Q Yes. The width in that dimension. In other

words, if we were to flip the cam over on its top, is this a slight raised area?

A I don't believe so, no.

Q Doesn't it appear to be shown on that drawing?

A No, that's like the shadow mark that comes from this. That line right there is what you are picking up.

Q Okay. I see. In other words, you have to refer to the cross section. Okay. Alteration number four is what?

A It was .865-.895, and now it is .865-.859.

Q All right. Now, what particular change is that pointing at?

A That's the dimension from the hole back to this line.

Q Okay. What further manufacturing processes are applied to the sear stamp cam?

A You have got the next drawing. That will show you.

Q After F32?

A Right here, "for finish drawing, see C15666,"

and here you have got 15666, and this is your finished drawing.

Q Can you tell me what manufacturing processes are depicted in F32?

A Yes. The items that aren't completed here are completed in this drawing, and it is also heat treated right here. Do you see your heat treated block?

Q Okay. Now, is there a predecessor drawing to F32?

A Well, it says here it supersedes this.

Q N26590?

A Yes, but that doesn't make any sense, because we don't have any drawing N. I can tell you by the dates that this is the original drawing.

Q But it says that it supersedes a drawing, doesn't it?

A Yes, it does. Yes, it says that.

Q What drawing is that?

A I would just have to guess, and maybe I shouldn't.

Q What's your guess?

A I'd guess it is the two piece sear.

Q What is the two piece sear?

A The sear safety cam that this replaced.

Q And what sear safety cam, the two piece, are we talking about? How did it operate as opposed to this one piece cam?

A It operated almost identical.

Q What was two pieces about the sear safety cam in the predecessor process?

A It was a stamping. It was made out of two stamps that were set together and ground, and you did one function -- you seared off one, and you safetied off the other.

Q Was the two piece sear safety cam used in any other weapons?

A It was used in the 721, 722.

MR. McDONALD: Sorry. Mr. Headley, I for sure want that drawing. I will make the request now. Are we going to have a problem with that?

MR. HEADLEY: Well, what's the number? Off the record.

(Discussion off the record.)

BY MR. McDONALD:

Q Mr. Linde, it is true, is it not, that there was a two piece sear safety cam that preceded the drawing that's shown by F32, is that correct?

A Yes, that's right.

Q And that was used in the 700, 721 and 722, is that correct?

A Yes, it was.

Q Do you know, was that also used in the 600?

A I don't know. The dates are real close. I don't know if it would have been or not.

Q All right. If I told you that it is my information that it was, would you be able to contradict me at this point?

MR. HEADLEY: Your answer is that you don't know, and you'll stand by that.

A I couldn't contradict.

BY MR. McDONALD:

Q You're right. He's absolutely right. All right. Sir, at any rate, it has been determined that you have looked through the drawings that have been produced by Remington's attorney, and the two piece safety

cam is not included within those, is that correct?

A That's right.

Q It is my understanding that we are going to try to get that, so we can talk a little bit about that tomorrow.

MR. HEADLEY: Yes, we will make every effort to find out where it is.

BY MR. McDONALD:

Q F33 -- oh, I'm sorry. Which one of these is the final design drawing?

A That's the blank, so it would be this part right here.

Q F32?

A F32.

Q F33 is what, sir?

A It is a pin blank.

Q All right. What does it do?

A It is a safety pivot pin.

Q Allows the safety lever to pivot, is that correct?

A It is to pivot for the safety lever.

Q Yes. I assume it also allows it to pivot.

At any rate, what was the date of this drawing?

A It is 4/15/80.

Q Okay. And does it have a predecessor?

A Yes. It is DCR 11204, and this is also a blank, so there would be another part there.

Q Well, let's stay with this, which is B91918, correct?

A Yes.

Q And this blank was used in the Mohawk 600, is that correct?

A Correct.

Q It was also used in the 600 series?

A Yes.

Q The 40XB?

A Yes.

Q The XP100?

A Yes.

Q 700 BDL?

A Right.

Q 700 ADL?

A Yes.

Q 40XCF?

A Yes.

Q Any others?

A You listed them all.

Q All right. Final design blank drawing?

A Yes.

Q F34 is what, sir? First of all, is that drawing, F34, A17044, correct?

A A17044.

Q What is that, sir?

A That is a clip.

Q And that is the -- I forget the name of the little part it holds in. What is that? The clip, what does it hold in?

A I don't know what it holds in.

Q Doesn't hold in anything, does it?

A It is the clip, right.

Q Does it fit in this screw right there?

A Yes, it does.

Q So it kind of holds whatever is depicted in F33, then, doesn't it?

A Into what? It clips on to that, yes.

Q All right. Sometimes towards the end of the

day I lose my descriptive ability, not that I had it to begin with.

All right. This drawing has been superseded, correct?

A Yes, it has been.

Q When was it superseded?

A It was superseded on the nineteenth of April, 1966.

Q By what, sir?

A It says, "revision fifteen." It would be on the next drawing right here.

Q So that would be F35, correct?

A Yes.

Q All right. Is that F35 the final design drawing that's in effect today?

A Yes, it would be.

Q All right. Tell me -- take a look at F34 and F35, and tell me in how many different models that part is used.

MR. HEADLEY: Are these two different parts reflected by F34, F35?

THE WITNESS: No. They are a continuation

of the same part.

MR. HEADLEY: Then you've only got one part you're talking about?

THE WITNESS: That's right.

BY MR. McDONALD:

Q Okay.

A The Model 721, Model 722, Models 40X, 40XCT, 725, IFR, 700 ADL, 700 BDL, XP100, Model 600, 40XB, 40XB, IFR, 40XCF, 700 Varmint, 660 and the Mohawk 600.

Q F36 is drawing number A17043, is that correct?

A Yes, it is.

Q Does it relate to drawing F33?

A Yes, it does.

Q All right. What is the relation?

A Label that too. That would be F37.

Q F37 also, the three of them go together, don't they?

A It looks like it. That says, "redrawn B17043." Here is B17043. 17043 says, "for blank drawing, see B91918." Here's blank drawing 91918.

Q When was this particular part first drawn?

A First drawn?

Q Yes.

A 1944.

Q From 1944 to date, have there been any changes in it?

A Yes.

Q Tell me what the changes were.

A Okay. A number of dimensions have been changed.

Q Length?

A I don't know.

Q Well, why don't you check it.

A Want me to go through every one?

Q Sure. Couldn't we just shorten it down. Why don't you just skim through there and see if the length has been changed.

A The overall length, number nine, has been -- well, a dimension has been added, thirteen. That was changed from .555 to .545. Okay. That's the only change I see in the length.

Q Okay. How about the width or diameter?

A Diameter?

Q Yes.

A Yes, that diameter was changed. Let me just see. No, actually the diameter isn't changed.

Q Not at all, from '44 to date, is that it?

A That's what it looks like.

Q Same part except for the length, is that right?

A Not necessarily.

Q Okay. It is the same diameter from 1944 to present, isn't it?

A Dimension after heat treats, .123 and .125, and that's what it was before.

Q Is the answer that it has been the same from 1944 to present?

A The diameter, yes.

Q All right.

A You said same with the length.

Q No, sir, I didn't.

A I thought you said that after you said diameter.

Q All right. The clip, which is depicted by F34 and F35, how long has that clip been the same?

A How long has the clip been the same?

Q Yes, sir.

A The clip was designed in 1944, to start with, and then there is a number of alterations.

Q Have there been any dimensional alterations?

A Yes, there have.

Q What dimensional alterations have there been?

A Well, they added some dimensions. They added a dimension. They added a bunch of different models to it.

Q I'm only interested in knowing the physical changes of the clip.

A Well, I don't see very many physical changes.

Q Well, do you see any?

A I see in the first one where we add a dimension.

Q With thickness?

A No. It was a slot dimension.

Q Which one are you looking at?

A Right here.

Q Okay. When was that change made?

A That was in '46, it looks like.

Q After '46, has it been the same?

A Yes. I don't see any changes.

Q All right. Now, the function of these two parts as shown by F34 and F35 and F33, 36 and 37, when combined, is to do what?

A What?

Q When the function of those two parts,--when you combine them, what do they do?

A It is a pin and a spring clip. When you combine them, you got a pin that's retained in the housing.

Q And what pivots around the pin?

A The safety lever.

Q Anything else?

A What pivots around the pin?

Q What pivots around the pin?

A The safety spring.

Q What else?

A The safety disc retainer also pivots.

Q Anything else? Let's get the final design, so we don't have any confusion about it. I'm pointing to F37.

A Okay. The safety lever pivots on the pin.

Q Anything else?

A Yes. The spring retainer pivots on it.

Q The spring retainer holds in the detent ball?

A Right, and the detent ball works with the assembly, so it is actually pivoting with the assembly.

Q What else?

A And then you have the spring clip we talked about.

Q Anything else that pivots on this shaft that is depicted by F34?

A There is nothing that pivots on that shaft.

Q Anything else connected to it inside the housing?

A Not inside the housing, no.

Q Outside the housing?

A I think we used it on the outside of the housing as a guide.

Q For what?

A The bolt release.

Q In which models do you use it for a guide of the bolt release?

A It would be Model 700.

Q Any other models?

A On the 721, 725.

Q 721, 722?

A Yes.

Q In which models do you use it as a pivot for the safety lever?

A On all the models that I listed.

Q It is used on the 600, the 660, the 721, the 725, and it is the same in all of them, isn't it?

A That's right.

Q All right. It has been since 1946, correct?

A That's right.

(Discussion off the record.)

(Whereupon, the proceedings were adjourned!)

C E R T I F I C A T E

I, ANN SHORT, a Shorthand Reporter
and Notary Public in and for the State of
New York, DO HEREBY CERTIFY that the foregoing
is a true and accurate transcript of my stenographic
notes in the above-entitled matter.

Dated: April 18, 1984

Ann Short

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION

I, JOHN P. LINDE, being duly sworn,
hereby state that I have read the above deposition
of my testimony in the above-entitled action
taken on March 27, 1984 before Ann Short, a
Shorthand Reporter and Notary Public, at the
Remington Arms Company, 14 Hoeffler Avenue,
Ilion, New York, and that the same is true and
correct.

Sworn to before me this _____
day of _____, 1984.