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 N-. 83-3172-CZ-S-2

* *

Held at Remington Arms Company
14 Hoeffler Avenue
Ilion, New York
March 29, 1984

DEPOSITION UPON ORAL EXAMINATION of

JOHN P. LINDE, taken pursuant to Notice.

APPEARANCES:

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

ALSO PRESENT:

RICHARD C. MILLER, ESQ.
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Shorthand Reporter.

LAWYER'S NOTES

PAGE	LINE	

SEE 1780

MR. MC DONALD: Mr. Linde, day three.

J O H N P. L I N D E, having been previously duly sworn, testified further on his oath as follows:

BY MR. MC DONALD:

Q I remind you you are still under oath.

There are three basic kinds of safety design, is that correct?

A Yes.

Q One interferes or retracts the firing pin; one interferes with the sear, and one interferes or blocks the trigger, is that basically correct?

A Yes.

Q In the Model 700 Remington, which design concept is used?

A It's a block or lift sear.

Q Is the block trigger concept used at all?

A No.

Q Has it been considered as a design concept for the 700?

A No.

SEE 1781

Q Has the firing pin retraction or interference design concept been considered at all for the 700?

A Well, let me go back. We have looked at all different kinds of safety, so I can't say that it hasn't been considered. We have looked at all different kinds of safety, so I would have to say yes, they have been considered.

Q Remington has made a deliberate choice not to use the firing pin interference or retraction system and a deliberate choice not to use the trigger interference system, is that a fair statement?

A Yes.

Q It has made a deliberate choice to use the sear lift or interference system, is that correct?

A Yes.

Q Now, where the sear is lifted on the 700 or when that happens, the weapon -- Let's assume our firearm is cocked, bolt in the battery position, round chambered, sear lifted by reason of the safety being on. What happens to the trigger in that instance?

A Nothing.

Q There is nothing to interfere with the movement

of the trigger, is that correct?

A Nothing happens to the trigger.

Q Is there anything that interferes with the movement of the trigger in that condition which I have just described?

A No.

Q A person, an operator could grasp the trigger, squeeze it and cause it to move, is that correct?

A Yes, you could.

Q Any other obstruction that could get into the trigger guard could cause the trigger to move, is that correct?

A Yes.

Q All of this was obviously known and considered by Remington when they designed the 700, correct?

A Yes.

Q And has been continuously available in terms of knowledge to Remington throughout the life of the 700, correct?

A Yes.

Q As a matter of engineering design where you have an implement that is one which is a personal use

SEE 1783

implement such as a firearm -- Could we agree that a firearm is one which is a personal use implement?

A No.

Q Could we agree that a firearm is one which is intimately impacted by the operator in terms of its operation?

A Yes.

MR. HEADLEY: I hope you two know what "intimately impacted" means because I don't.

THE WITNESS: I interpret it to mean that the operator is in control.

MR. MC DONALD: That's correct.

BY MR. MC DONALD:

Q In that kind of situation, an engineer in designing that must take into consideration the human factor and the various propensities of the operator in designing a firearm, would you agree?

A Yes. He has to be aware of how the operator operates it.

Q Where you have an implement such as a bolt-action rifle that is going to have wide distribution, you have to take into consideration the number of

SEE 1784

different possibilities which it can be operated by the wide number of humans that will operate it, would that be a fair statement?

A You have to take into consideration the shooters, the firearms are normally sold to a select group of the population. That is, your hunters and target shooters. So, yes, you have to take into consideration the use that these people would be using it.

Q You tried to foresee from a design standpoint what an operator will do in handling a firearm when you designed it, is that correct?

A Yes.

Q That's part of the design process, is to take a look at what an operator will likely do with a weapon when they are handling it, is that true?

A That's one part.

Q I am not saying that that's an exclusive part, but that's a factor?

A That's a factor, yes.

Q Did Remington make any particular studies of human operation factors that might impact the 700?

SEE 1785

A Not that I am aware of.

Q Relied on their years of experience and knowledge in this area in designing this weapon, would that be a fair statement?

MR. HEADLEY: I am going to again object. I am not skilled, and I don't know what is meant by "human factors," although I thought we just got through saying that Remington does consider what a shooter is likely to do with a firearm, and it seems to me that that's a human factor. These shooters are human, aren't they, Mr. Linde?

THE WITNESS: Yes, they are.

MR. HEADLEY: I guess maybe it's the terminology of the human factor that is kind of left open. It's not clear to me.

(Whereupon, the following question was reread by the reporter:

"QUESTION: Relied on their years of experience and knowledge in this area in designing this weapon, would that be a fair statement?")

SEE 1786

BY MR. MC DONALD:

Q Would that be a fair statement?

A Yes.

Q Remington over the years has made a study either directly or through observation of how operators handle guns or firearms, is that correct?

A Yes. They are aware of how operators handle firearms.

Q You are a deer hunter, correct, sir?

A Yes. I have hunted deer.

Q I assume you have found yourself in a situation where you are hunting with a bolt-action rifle, correct?

A Yes.

Q High-powered center fire firearm?

A Yes.

Q Have you used a 700 for instance in hunting?

A Yes, I have.

Q Has it ever been your experience not to get a deer in a single day?

A Yes, it has.

Q Have you followed this procedure, for instance, loaded your firearm in the morning, put it on safety,

SEE 1787

hunted all day, never taken the safety off, and come back in and then unloaded the weapon?

A Well, normally I would stop for lunch and unload my weapon while I stopped for lunch, so I don't know if I ever hunted all day without unloading my weapon.

Q You have gone for long periods of time?

A I went for three or four hours at one time, yes.

Q You have had the situation where you have loaded your firearm in the morning, maybe you have unloaded it at lunch, then loaded it back after lunch, hunted all day and unloaded without firing it, correct?

A Yes.

Q Put it on safety once and leave it on safety, correct?

A Yes.

Q Have you ever put a weapon on safety and then touched the trigger?

A I am sure I have.

Q That's something that in the course of a day's hunting would happen maybe without the conscious knowledge of a hunter, would that be a fair statement?

SEE 1788

A Not in my case.

Q Well, then you have deliberately touched the trigger after you have put the weapon on safety, is that correct?

A Yes.

Q That's so with the 700, is that correct?

A Yes.

Q Moved the trigger?

A Yes.

Q So that if I understand the workings of a 700 at that stage, when you have the 700 off safe and the weapon or firearm -- I apologize for continuing to use the word weapon. That's just what I am familiar with. Whenever you have it off safe and cocked, the bolt and battery, the sear rests on top of the trigger connector and forms what we call an engagement, is that correct?

A Yes.

Q Whenever you place the 700 on safe, it lifts the sear cam safety, is that correct?

A Yes, it does.

Q Therefore, naturally breaks the engagement

SEE 1789

between sear cam safety and the trigger connector, is that correct?

A The safety sear cam is a trigger connector.

Q The engagement between those two is broken, is that correct?

A Yes.

Q There is a separation in that case, is that right?

A Yes.

Q The desirable separation from a design standpoint is .006 thousandths, is that correct?

A No.

Q What is the desirable separation?

A I don't know.

Q You have no knowledge?

A I can tell what the range would be.

Q What is the range?

A But it can't be an exact six thousandths.

Q What is the range?

A I don't know.

Q Where would you find the range?

A I would go through the drawings and calculate it out.

SEE 1790

Q Now, at any rate, whatever the figure is, there is a design range which Remington wishes to maintain between the sear safety cam and the trigger connector whenever the firearm is on safe, cocked and loaded, is that correct?

A Yes.

Q Now, whenever the weapon or the firearm is cocked and loaded, on safe, and the trigger is pulled or moved forward, that removes or causes the trigger connector to go forward so that the sear safety cam could not come down and form an engagement with the trigger connector, is that correct?

A No.

Q Tell me what happens in this situation. The firearm is loaded, has a cartridge in the chamber, you are on safe, the bolt, of course, is locked in forward, the trigger is pulled and the safety is released, what will happen?

A The trigger pulled, the firing pin will fall.

Q And cause the cartridge to do what?

A To ignite.

Q Discharging or firing the weapon, is that

SEE 1791

correct?

A Yes, it will.

Q So that if the trigger is pulled and for one reason or another maintained in a position where it does not return immediately beneath the sear safety cam, then an engagement cannot be made whenever the sear falls, correct?

A That's right.

Q This is essentially a condition that is known as fire on safe, is that correct?

A No.

Q This isn't the internal workings of a 700 when you have a fire on safe condition?

A Not as you described it.

Q Well, let's just assume that for one reason or another the trigger connector is not returned to a position immediately beneath the sear cam for whatever reason.

A Okay.

Q The weapon would then fire when you go from the safe on safe position to off safe position, correct?

A Yes, it would.

SEE 1792

Q Now, in fire on safe, this is a situation that occurs, isn't it? In other words, the trigger connector is not returned to a position below the sear safety cam so that it can support the sear safety cam whenever it's lowered when you go from off safe to on safe?

A Yes. That would be one of the reasons for a fire off safe.

Q I am sorry. It is fire off safe. So we can say then that it's essential to the safe operation of the Remington Model 700 that a satisfactory engagement between the sear safety cam and the trigger connector be maintained when the firearm is cocked and in the off safe position. That would be correct, wouldn't it?

A Yes.

Q And that you might take that into consideration when you design a firearm such as the 700, is that correct?

A Such as any firearm, yes.

Q But the 700 is what we are talking about right now. Would that be correct?

A Yes.

SEE 1793

Q You would have to take that into consideration whenever you manufactured the 700, isn't that correct?

A Yes.

Q Now, it's essential to the safe operation of the Remington 700 that the trigger connector be in a position below the sear safety cam to support the sear safety cam whenever it's lowered, would that be correct?

A What do you mean by "whenever it's lowered"?

Q Whenever it's lowered if the 700 is on safe and you are going from on safe to off safe?

A Yes.

Q That is a consideration that would have to be made and one which a designer would have to take into consideration when designing the 700, would that be a fair statement?

A Yes, he would.

Q It would be a consideration which Remington must keep before it when manufacturing the 700, is that correct?

A Yes, it is.

Q It's essential to the safe operation of the Remington 700 that if the trigger is squeezed when the

SEE 1794

firearm is cocked, that the trigger connector return to a position below the sear safety cam to support the sear safety cam as it's lowered when the firearm is cocked, and assume that it's on safety and taken from safe to off safe?

A Yes.

Q That is a consideration which a designer of a 700 would have to make in designing that firearm, is that correct?

A That's right.

Q Remington would have to keep that consideration in mind whenever it manufactured the 700, is that correct?

A Yes.

Q Any process that interfered with that principle would be one which would create a dangerous condition, wouldn't it?

A It could have the potential to, but it would not create a dangerous condition.

Q Anything that would interfere with the proper sear safety cam trigger connector engagement relationship when the firearm is cocked would be a dangerous condition

SEE 1795

assuming it were not a deliberate trigger pull by the operator, would that be correct?

A No.

Q The safety operation would be one which could interfere, is that what you had in mind?

A No.

Q What do you have in mind?

A Just the way you read the question.

Q Anything that would interfere with the proper sear safety cam trigger connector engagement when the firearm is cocked and loaded and is off safe would constitute a dangerous condition?

A The answer is no.

Q Anything that would interfere with the return of a trigger on a 700 to a position below sear safety cam so that the trigger connector would be in a position to form a proper engagement between the sear safety cam and the trigger connector if the weapon was taken from on safe to off safe would constitute a dangerous condition?

A I can't answer it the way it's presented.

Q Well, is there something you don't understand

SEE 1796

about the question?

A Yes, because I don't know what the relationship would be between the two.

Q You don't know what the relationship between the trigger connector and the sear safety cam should be?

A Would be in the condition you described.

Q I don't care what it would be. Do you know what it should be whenever the weapon is on safe?

A Yes.

Q What should it be?

A It would be the engagement that you have in a gun.

Q On safe?

A When it's on safe, there would be no engagement.

Q But where should the trigger connector be?

A The trigger should be back against the trigger engagement screw.

Q The trigger connector should be in a position immediately beneath the sear cam to receive the sear cam when it's taken from on safe to off safe, isn't that correct?

A Should it be in a position to sear safety cam?

SEE 1797

Q And to form the proper engagement between the two parts, is that correct?

A To form an engagement with the two parts.

Q Well, the proper one.

A That's what's proper.

Q What's proper? You tell me. What is the proper engagement between those two parts?

A Proper engagement would be with the connector back against the trigger, with the trigger back against the engagement screw.

Q We can agree on this principle, can't we, that whenever a 700 is on safe, the trigger connector should be in a position below the sear safety cam so that it can receive the sear safety cam and form an engagement whenever the firearm is taken from on safe to off safe?

A Yes, we can.

Q Anything that would interfere with that trigger connector returning to a position where it can receive the sear safety cam when it's taken from on safe to off safe would constitute a dangerous condition, wouldn't it?

A It would have the potential for that, yes.

SEE 1798

Q Well, in that situation with the weapon cocked and loaded, it will fire on every occasion, won't it?

A No.

Q Not every occasion?

A If it doesn't support it, it will fire.

Q On every occasion, won't it?

A That's right.

Q So on every occasion where the trigger connector does not return to a position immediately beneath the sear safety cam to receive the sear safety cam when the weapon is taken from an on safe to off safe condition, the weapon is going to fire, isn't it?

A That's right.

Q That's going to constitute a dangerous condition, isn't it?

A It depends on the condition.

Q Are you saying that it is desirable to fire a 700 by using the safety lever as a trigger mechanism?

A No, I am not.

Q Now, that would be an abnormal operation of that weapon, wouldn't it?

A Yes.

SEE 1799

Q Anything that would cause that weapon to operate in that function would constitute an abnormal operation, wouldn't it?

A If it fired with the safety and not with the trigger, yes.

Q The weapon is not designed with two triggers, is it?

A No, it's not.

Q As a matter of fact, it would be misleading to the public in general and to users to have the weapon fire when going from on safe to off safe by the operation of the safety lever, wouldn't it?

A Yes.

Q There is nothing in your brochures and materials that would ever give anyone any notice that that kind of a situation would occur in the normal use of the 700, is there?

A No, there is not.

Q You have never published any articles? You've never taken out any advertisements in any papers? You have never gone on TV or radio to inform the public of that condition, have you?

SEE 1800

A That we think that our 700 should fire off safe?

Q That your 700 can fire when going from safe to off safe if the trigger connector does not return to a position below the safety cam to support the trigger and to support the safety cam whenever it goes from on safe to off safe?

A Not that I am aware of.

Q You are aware,are you not, sir, that in certain circumstances that condition can occur in the 700?

A Yes.

Q You are aware that there are situations which cause the trigger connector not to return to a position immediately below the sear safety cam so that it will support it when the firearm is taken from off safe to on safe?

A Yes.

Q You are aware, are you not, sir, that one of the reasons at least that that condition can occur is because the manufacturing imperfections in some of the parts?

A No. I am not aware of that.

SEE 1801

Q I see. Are you saying that you are unaware that certain parts of the fire control system of the 700 may have manufacturing imperfections in them which cause them to bind, and therefore, cause the trigger connector not to return to a position immediately beneath the sear safety cam so that it will support it when the weapon is taken from on safe to off safe? Is that your testimony?

A What you are saying is, can some dimensions cause the gun to fire off safe?

Q That's right.

A You can say some dimensions could cause the gun to fire off safe. I am not questioning that. Your question was, can the product as manufactured here with the dimensions cause the gun to fire off safe, and what my answer to that is that the guns are assembled and tested, and I know when they leave here that they are not going to fire off safe.

Q But on occasion, you have in fact found weapons that would fire off safe after assembled but before inspection, haven't you?

A Yes, we have.

SEE 1802

Q As a matter of fact, there are hundreds of those guns that have been assembled at this very plant, isn't that true?

A What do you mean "hundreds"?

Q I mean hundreds of 700's have been assembled at this very plant that have manufacturing imperfections in them that when assembled they will fire when taken from a position of on safe to off safe prior to the inspection process?

A I don't know if we have hundreds. We have had guns that would fire off safe after we had assembled them where we had interferences. The most common is where we have an interference with the stock.

Q You also have interferences because of burring and because of the tumbling processes, because of heat treatment processes which add dimensions because of carbonization. You have all kinds of manufacturing imperfections that you personally have been involved in and discovered, haven't you?

A No, we do not. Not as you describe.

Q Have you ever had a dimension on a part in the fire control system of the 700 that has been impacted by

SEE 1803

reason of the tumbling process?

A We have had parts that we have changed to help us with the tumbling process, yes.

Q To help?

A Yes.

Q Have you ever been aware, sir, in your position with Remington that parts have been burred as a result of the tumbling process, and that it has caused interference with the free movement as designed within the 700 fire control system?

A We use the tumbling processes to remove the burrs.

Q I am not asking you what you generally do.

MR. HEADLEY: Let him finish his answer, Mr. McDonald.

A I am aware of parts being burred in a tumbling operation.

BY MR. MC DONALD:

Q Now, are you also aware --

A But not tied back to the context that you led up to it.

Q You tie it to whatever context you want to,

SEE 1804

but you are aware that parts within the fire control system of the 700 have been burred as a result of the tumbling process, is that correct?

A Yes.

Q Are you aware that that burring has on occasion interfered with the free movement of those parts as designed within the 700 fire control system?

A I know what the problem is, I know how it was corrected. I am going through and trying to answer your question. Not what you would like me to answer, but what actually happened. If you want me to, I mean, that's what I am trying to do. I don't know if it's interfered with the free movement of parts. I know that we had a burr when we were assembling the trigger assemblies. The operator, when they have any kind of a bind, they take the thing apart and they remove the burr.

Q That's prior to inspection that you would acknowledge that you could have a burring that would interfere with the free movement of parts within the fire control system of the 700?

A No. The subassembler puts the parts together. They put the sear in and the pin in, and they check it.

SEE 1805

Q I am not necessarily talking about final assembly, Mr. Linde. You and I both recognize that the fire control system is a subassembly component assembly process of the 700, right?

A And you and I both know that the burr you are talking about comes forth at the time that you are putting the pin in.

Q Granted. Are you aware of any burring that has occurred within the tumbling process of the sear safety cam?

A Yes.

Q What pin are you talking about? Are you talking about the pin in your instance that penetrates through the sear safety cam, the pivot pin?

A Yes.

Q You were personally involved with investigating that situation, weren't you?

A Yes, I was.

Q You recommended changes to rectify that situation, didn't you?

A Yes, I did.

Q The reason among other reasons -- one of the

SEE 1806

reasons was that you recognized the fact that it could interfere with the free movement of the sear safety cam, isn't that true?

A Yes.

Q And that it could constitute a danger or a hazard in the operation of the 700 if not corrected, isn't that true?

A I wasn't so concerned about that. I was concerned about the operator having to disassemble parts in the added cost.

MR. HEADLEY: That's why you rectified it?

THE WITNESS: I rectified it because to get rid of the burr.

BY MR. MC DONALD:

Q Did safety enter your mind at all?

A I am always concerned about safety.

Q Were you concerned about safety then when you rectified that problem?

A Safety is a fact of life.

Q Were you concerned about safety when you rectified the burring problem?

A Not necessarily because the load on that sear

SEE 1807

would be minute.

Q In your opinion?

A In my opinion.

Q Do you know what the screwdriver test is?

A As applied to what?

Q As applied to the trigger connector?

A Okay.

Q Has it applied to other places?

A Yes.

Q Where?

A You can check your 870 ejector spring with a screwdriver. You can check the retainer. In fact, you probably own a shotgun. The retainer for your magazine spring. That's how you normally take that out is with a screwdriver.

Q I know that the screwdriver is used in many instances.

A I am not trying to mince with you. I just want to make sure I am talking about the same thing.

Q The screwdriver test is a term of art that was developed by Remington to test the trigger connector, right?

SEE 1808

A That's one of the terms, yes.

Q Now, tell me how you conduct the screwdriver test on the 700. Would you like to use the Lewy firearm to demonstrate?

MR. HEADLEY: That would be a little difficult to probably give the demonstration on paper. If you can orally describe it.

A I can tell you exactly where the screwdriver test came from, what it was used for.

BY MR. MC DONALD:

Q Go ahead.

A The screwdriver test was used on the Model 600. Now, I don't know if I should or not. It really doesn't relate. I will go ahead. The Model 600 trigger assemblies, when we were making them for the field, we did not put the trigger assemblies in the gun and test them.

MR. HEADLEY: I think before we get into that, to be consistent with our objections, I think the question is simply what is the screwdriver test.

A (Cont'g.) The screwdriver test was used with

SEE 1809

the gauge that we have in the subassembly operation, and the gauge measures the sear lift. What we would do is take all the 600 trigger assemblies --

MR. HEADLEY: Did you ever use the screwdriver test with relation to the 700? Just say what the screwdriver test is without referring to model numbers, then.

THE WITNESS: We have used the screwdriver test on the 700.

MR. HEADLEY: Then just say what the screwdriver test is without referring to what rifle, and if you used it on the 700, then restrict it to the 700.

THE WITNESS: The screwdriver test on the 700 was different.

MR. HEADLEY: I am probably interfering too much, but was that your question?

MR. MC DONALD: I simply want to know what it is on the 700, and he knows and I know.

MR. HEADLEY: What is it on the 700?

THE WITNESS: A normal test on the screwdriver test was on the 600, but the screw-

SEE 1810

driver test on the 700 is where you take and pick up the bottom of the connector. It doesn't necessarily have to be with a screwdriver. It can be with anything, and you pull the trigger and see if the trigger and the connector will turn.

BY MR. MC DONALD:

Q That's in order to test and see whether or not you can create a condition where you get a FOS, fire on safe?

A No.

Q It's never been used in connection with that phenomenon? Is that what you are saying?

A That's right.

Q Fire off safe?

A What's your question?

Q My question is, has that test ever been used to see if you can create a situation or a condition within the 700 such as to create the phenomenon of fire off safe, FOS?

A The test was used at one time to measure the clearance between the trigger and the connector and see

SEE 1811

if the rifle would fire off safe.

Q In other words, what happens if you have a trigger connector whose dimensions are larger than those specified by the designer,if you have a trigger whose dimensions are less than those that are specified by a designer, a combination of the two, you can get a tolerance with regard to the trigger connector that is undesirable, is that true?

A Not necessarily.

Q Not necessarily?

A That's my answer.

Q That's the one you want on the record?

A It's fine for the record.

Q Now, let me ask you this. As a design concept, is Remington attempting to restrict the horizontal movement of the trigger connector as it seats on the trigger?

A As a design concept?

Q Yes.

A Yes, it does.

Q Why?

A To make the interaction between the connector and the trigger work correctly.

SEE 1812

Q Does it also desire that the trigger connector not ride up on the trigger and interfere with the safe return or the return of the trigger connector beneath the sear safety cam when the firearm is on safe?

A No.

Q It doesn't care about that?

A No. The thing is not going to ride up when the firearm is on safe.

Q You don't think it can?

A Not unless there is something that causes it to do that.

Q Such as?

A Such as reaching in with a screwdriver and physically pushing it up.

Q How about upside down jar?

A Upside down jar, unless the spring is backed all the way out, is not going to do it.

Q You might be surprised, sir. Now, let me ask you this. Is it possible under certain conditions for the trigger connector to ride up horizontally and interfere with the safe return of the trigger beneath the sear safety cam when the firearm is on safe and the trigger has

SEE 1813

been pulled?

A Not that I know of. If no adjustments are made to the mechanism.

Q If the dimensions of the trigger connector are not as designed by Remington or if the dimensions of the trigger are not as designed by Remington or if the dimensions of the sear safety cam are not as designed by Remington, or a combination thereof?

A Would it have clearance when you put the safety on?

Q Yes.

A Then you would have clearance when you took the safety off.

Q In every situation that you can think of?

A In the situation that you described, yes.

Q Where the dimensions are not as designed?

A That's right.

Q You are assuming there is no movement of the trigger connector part, is that what you are assuming?

A Yes.

Q Let's assume this situation. Assume that there is by reason of a manufacturing defect of the trigger

SEE 1814

connector part that its dimensions are such that it can ride up on the face of the trigger if a force is exerted to the trigger connector which causes it to ride up after the trigger is squeezed when you have your weapon cocked, loaded and on safe -- by the way, if I say "cocked, loaded and on safe," can we dispense with all the other language? You understand what I mean?

A I am not going to say yes every time, so I will say yes if I don't object. If I object, I am not going to say yes.

Q If I say "cocked, loaded and on safe," we know what that means, don't we?

A At this point, unless I object.

Q Cocked, loaded, on safe, the trigger connector dimension is larger than that specified by design, and assuming that some force is exerted to the trigger connector after the trigger is squeezed in that situation causing the trigger connector to ride up, and in that case can it interfere with it, being the trigger connector, interfere with the safe return of the trigger connector beneath the sear safety cam?

A If you put a screwdriver, and you pushed up on

SEE 1815

the connector, and there was a clearance, yes, it would restrict the return of the trigger connector under the sear safety cam.

Q Forget screwdriver for a minute. I said some force.

A I am saying some force. Screwdriver is some force.

Q Well, forget specifying the force. Any force which would cause that trigger connector to ride up on the face of the trigger after the trigger is squeezed where you have the firearm cocked, loaded and on safe, would cause the trigger connector to interfere with the safe return of the trigger beneath the sear safety cam, right?

A No.

Q Are you saying that in no set of circumstances could there be a part that exists that has enough dimension in it to create -- by "part," I mean a trigger connector -- that phenomena?

A No, I am not.

Q Let me back up and say it again because I want you to understand the question. I am hypothesizing to

SEE 1816

you this situation. Remington 700 fire control system, firearm loaded, cocked, on safe, trigger is caused to be pulled or moved forward by some force. After trigger is caused to be pulled forward by some force, trigger connector rises up on the face of the trigger because of a manufacturing defect in the trigger connector or design defect, dimensional design defect in the trigger. In that instance, can the trigger connector interfere with the safe return of the trigger to a position beneath the sear safety cam?

A If you position the connector up in a position, yes, it would.

Q Now, let's take another concept. Assume 700 fire control system. By the way, is there a term or word of art for the particular corner, the bottom plane of which is used to constitute the engagement surface and the perpendicular leg? Is it called anything in particular?

A On what?

Q On the sear safety cam.

A The bearing surface on the bottom of the sear, you want to know that?

SEE 1817

Q Yes. What's that called?

A I don't know. You can call it the engagement surface.

Q Let's call it the engagement surface. That is on a horizontal plane if the firearm is held in a shooting position?

A If the firearm is on a horizontal plane, that's on a horizontal plane.

Q That plane intersects with the perpendicular plane and forms a corner, correct?

A Yes.

Q What's the perpendicular leg called? Is it identified in some fashion?

A I don't know if it's identified.

Q You want to call it the trigger connector striking surface?

A No.

Q Well, let's call it the potential trigger connector striking surface.

A Why don't we just call it the sear surface?

Q Let's call it the perpendicular sear surface. The perpendicular sear surface, you know what I am

SEE 1818

talking about when I refer to that point, right?

A Yes.

Q Now, have you ever investigated a situation where the sear cam safety sets lower in the 700 fire control system than designed?

A I can't remember doing that.

Q Do you understand the question?

A I understand the question.

Q Have you ever heard of the phenomenon of added dimension by reason of heat treatment, carbonization?

A Yes.

Q Did you personally investigate that phenomenon as it relates to the sear safety cam?

A I am aware of that investigation.

Q Did you supervise it?

A I don't know if I did or not on that.

Q Did you authorize a dimensional change to compensate for that phenomenon on a sear safety cam?

A The growth in heat treat?

Q Well, you did, Mr. Linde, in case it slipped your mind.

A Well, maybe I did. I can't remember.

SEE 1819

MR. HEADLEY: Again, if Counsel is making this statement, if you have got something to refresh the witness's recollection, it is apparent here that you have got records from all sorts of cases. I suggest that you show it to him rather than just telling him that he did without more.

MR. MC DONALD: I am going to get right down to the very specifics in a minute.

BY MR. MC DONALD:

Q I just want to know if Mr. Linde has it at the tip of his memory right now.

A Yesterday when we were here, you asked me things that happened in '76, and you acted like I should have them on the tip of my memory. About thirty minutes later we lost a piece of paper on the table here which you had lost for six minutes, and you couldn't find it, and you couldn't remember where it was at, and you were demanding to me to remember things that happened in 1976, and you couldn't even remember things that happened six minutes ago. I can't remember the carbonization. I know we worked with the carbonization.

SEE 1820

Q Possibly my memory is more recently refreshed than yours. I apologize in that regard. It is possible to add dimension to parts by reason of heat treatment and the contraction of carbon molecules, is that right?

A That can happen, yes.

Q Is that relatively standard knowledge that that phenomenon can occur?

A I couldn't say that.

Q When did you first become aware of that phenomena?

A I became aware of changes in heat treat when I went to engineering school.

Q Isn't that a matter of basic education of a mechanical engineer?

A Distortion is. Whether heat treat growth is, I am sure you could find a reference in an engineering book on that.

Q You studied it when you went to school, didn't you?

A Yes. That was one of the elements you covered in metallurgy.

Q Would it be a fair statement to say that an

SEE 1821

engineer, mechanical engineer, has had an adequate and normal engineering education would have been exposed to that phenomenon during the course of his education?

A He would have been exposed to it. Whether he remembered it or not, I don't know.

Q Some people might forget what they learned. That's true. As a professional engineer, it's something that one should have as a basic piece of their engineering knowledge, would you agree with that?

A If they were working in that area.

Q In mechanical engineering area?

A No. With heat treat.

Q In other words, when any manufacturer, not just Remington, and when you are dealing with tie tolerances, whenever you put a part through heat treat, you have to take into consideration the phenomenon of growth by reason of heat treatment, don't you?

A No, you don't. Some parts shrink when you heat treat them, but you can't say that all industry is going to worry about growth of parts.

Q Dimensional change by reason of heat treatment is something that must be taken into consideration when

SEE 1822

you subject the part to that process, is that a fair statement?

A Yes.

Q Any manufacturer dealing with tie tolerances must take that into consideration, right?

A Yes.

Q Would you consider .006, assuming that that is a tolerance within a design tolerance within a 700 fire control system, to be a rather tie tolerance?

A No.

Q With regard to heat treatment and carbonization of a part, did you ever now that we have discussed it some have occasion to investigate that phenomenon as it related to the sear safety cam?

A You said I did.

Q Do you remember it now?

A No, I don't.

Q Have you ever considered the dimensional change of the sear safety cam as being a causative factor relating to the phenomenon of fire off safe?

MR. HEADLEY: This word "phenomenon" has always bothered me through this deposition.

SEE 1823

MR. MC DONALD: What would you like me to use?

MR. HEADLEY: I don't know. How about situation?

MR. MC DONALD: Okay. I will use situation.

MR. HEADLEY: Phenomenon may carry other meanings.

MR. MC DONALD: Is situation okay? I will try.

MR. HEADLEY: Is that all right with you, Mr. Linde?

THE WITNESS: Okay.

BY MR. MC DONALD:

Q Have you ever investigated that situation?

A Heat treat of the sear safety cam with relation to the fire off safe?

Q No. The dimension of the sear safety cam for whatever reason as it might relate to the situation of fire off safe.

A A direct correlation between the two, no.

Q You never considered that?

SEE 1824

A Not as a direct correlation.

Q Have you ever considered it as a part of the correlative factors that might contribute to the situation of fire off safe?

A It's one of the parts in the trigger assembly, so it's one of the parts that would definitely relate to a fire off safe.

Q Have you ever investigated or given your professional consideration, your experience consideration to the sear safety cam dimensions as they relate to the situation of fire off safe?

A No.

Q Have you ever had supervisor capacity over any people who have considered the dimension of the sear safety cam as being a contributing factor to the situation of fire off safe?

A To try to combine the two relationships, no. I have worked on the sear safety cam. I have worked on the trigger. In fact, I have worked on every part in the trigger assembly.

Q I understand that you have done that. Let me ask it this way. Have you ever backed into the problem

from fire off safe and tried to figure out what made it happen?

A Yes, I have.

Q Have you arrived at any conclusions as to what can cause the situation of fire off safe?

A On every gun that I looked at, I came to the conclusion of what caused that gun to fire off safe.

Q Did you ever come to the conclusion that there were design defects that caused that?

A No, I never did.

Q You never did?

A No.

Q Did anyone working for you ever come to that conclusion?

A I don't believe so, no.

Q Did you ever come to the conclusion that there were manufacturing defects that caused fire off safe?

A The majority of the guns that I looked at, the majority are caused by adjustments or broken parts of fire off safe condition. I can't remember one where the cause would have been a manufacturing mistake.

Q Not a one?

SEE 1826

A I am not saying that there haven't been. I can't in my mind say there was this gun that I looked at that had a manufacturing problem.

Q I am not necessarily, nor do I want you, to restrict yourself to a single firearm.

A They are single firearms when you look at them.

Q Mr. Linde, I want you to look at some parts and the relationship of the parts as a whole. Have you ever come to the conclusion that there are manufacturing defects in any of the parts that have caused or contributed to cause this situation of fire off safe or could cause or contribute to cause the condition of fire off safe?

A I am sure I have in my job come upon parts that would be rejected because they could have led to a fire off safe. I am sure that could have happened. I wouldn't question that for a minute.

Q Haven't you in fact rejected trigger connector parts from outside vendors before because they don't meet your dimensional design specs?

A We rejected trigger connectors, yes.

Q From outside vendors was my question. Have you

SEE 1827

rejected them from outside vendors?

A Yes. I am sure we have.

Q And you have done it to Stark for one, haven't you?

A He is an outside vendor of a trigger connector. I am sure we have.

Q Do you know you have?

A I haven't seen a rejection slip and said yes, we have rejected, but I imagine we have rejected some from Stark.

Q And you, being Remington, have manufactured trigger connectors yourself, haven't you?

A I don't know if we have or not.

Q You have no knowledge one way or the other on that point?

A Whether Remington has manufactured trigger connectors?

Q Yes.

A No, I do not.

Q You have processed trigger connector blanks that have been made by vendors and brought back in to Remington and have been processed within Remington's

SEE 1828

plant, haven't you?

A We bring the blanks back in, and we do operations on them here, yes.

MR. HEADLEY: What is a blank? Just for my benefit, what is a blank?

THE WITNESS: The blank that is formed in one of the first sequence of operations is called a blank, b-l-a-n-k.

BY MR. MC DONALD:

Q The trigger stop screw passes through a hole in the trigger connector, correct?

A Yes, it does.

Q That hole is punched rather than drilled, right?

A I believe so.

Q Did you ever discover that you were having stress cracks as a result of the punching process?

A Not that I remember.

Q Mr. Linde, do you recall a 1976 repair manual, Pages 11 and 12, which you contributed to or at least read over that one of the things that you tell gunsmiths and repairmen, your own people in your repair shops to look for stress cracks at the hole in the trigger

SEE 1829

connector?

A Yes.

Q You authored or contributed to author those two pages, didn't you?

A Stress cracks?

Q Well, cracks?

A There is nothing there that says stress cracks.

Q You are right. It doesn't say stress cracks. Cracks.

A No. I am not aware of any cracks from the vendor.

Q Why do you look for them then? You tell them to look for them.

A Have them look for cracks on this?

Q Yes.

A Yes.

Q Why?

A To make sure that that part where the hole comes through is the minimum amount to make sure it's not cracked.

Q Where?

A I have seen some from custom repair that had

SEE 1830

cracks that were broken right in two.

MR. HEADLEY: You are talking about the connector?

THE WITNESS: The connector was broken through the hole.

BY MR. MC DONALD:

Q How does that occur?

A The connector would break right through the hole, and this would be my engineering opinion, is if you had a pierced primer, and this would have to be a real hot load. Say you have a hand-loader who had a real hot load, and he way overloaded the 700, which will take an overload, he overloaded it, he blows the primer, the primer comes back, and he packs the firing pin, the firing pin goes all the way back to the back, comes forward, comes down, strikes the back, comes down, pushes down on the connector and made large force on the connector could possibly crack the connector.

Q Thank you. That's been bothering me. Then you don't attribute that situation to a manufacturing defect by reason of punching the hole?

A Not at all.

SEE 1831

Q Could the situation of cracking in the trigger connector occur by reason of the trigger connector having dimensions larger than those specified or the trigger having dimensions less than those specified or a combination thereof thus causing the trigger connector to move, wiggle, if you will, on the trigger stop screw?

A Not that I would ever imagine. I will tell you what we ought to do. We ought to stop with any more diagrams, and we ought to stop using the hand characterizations because what we are doing is putting this on the record, and of course, we don't get to see what you are doing in the printing on the record when we go back to read it.

Q I apologize. I'm not trying to mislead you. I'm simply trying to understand. If that would make you more comfortable.

A It would make me more comfortable. I don't think that sometimes we adequately describe the situation that we are talking about.

Q I know I don't, so you are right. Now, maybe we can use the blueprints. Would that help?

A That would be fine.

SEE 1832

(Whereupon, a short recess was taken.)

BY MR. MC DONALD:

Q Back on the record. Mr. Linde, certain firearms have been designed to use a combination safety such as the sear interference combined with trigger lock, am I correct?

A Could you give me an example?

Q The Swedish rifle, is it Sava? Am I pronouncing it correctly?

A Hus-uvarna.

Q That is not one I am thinking of. Let me just ask you the question. Are you aware of any firearms that use the combination trigger lock and sear interference?

A I am not aware of any manufacturers of any significance.

Q Are you aware of any?

A I can't think of any.

Q Am I correct in at least my assumption from what I think I may know about the 700 fire control system that in the instance where the trigger connector is not returned to a position beneath the sear where you

SEE 1833

have the weapon loaded, locked and on safe, and where you have a potential, FOS, fire off safety, situation, the trigger block design would prevent that particular situation from occurring that I've just described?

A. No.

Q. Why?

A. Because the trigger block safety, if you had a trigger where you described it and fire off safe is when you pull the trigger with the gun on safe, and you have already got the trigger pulled.

Q. You are right, of course, but wouldn't it prevent the trigger and trigger connector from ever moving to a position when you are locked, loaded and on safe where it could be out of position to receive the sear engagement surface when you went from the on safe to an off safe position?

A. If you block the trigger and when you go from on safe to off safe, the trigger connector would be under the sear.

Q. So that to the extent that the fire off safe situation is created in the 700 by the trigger connector not being in a position to receive the sear engagement

SEE 1834

when you go from on safe to off safe, the trigger block safety design would prevent that from occurring, would that be a fair statement?

A. No, it couldn't.

Q. Why not?

A. Because in one case you are saying that something happened on the block sear safety, and you are assuming that the block trigger safety would work perfectly, and then you are taking those two assumptions and putting them together.

Q. Do you know of an occasion when the trigger block safety has not worked?

A. Yes.

Q. Is that a function of the adjustment of the sear and trigger engagement surface?

A. It could be, yes.

Q. Is that the most general situation where you find that the trigger block design will not prevent firing?

A. I don't know if you could say that would be the most common.

Q. What is the most common failure?

SEE 1835

A I wouldn't know what would be the most common.

Q You designed the 3200?

A Yes, I did. I headed the design team.

Q You hold the majority of the patents that were at least new as a result of new design coming on the 3200, correct?

A My name is on the patent, yes.

MR. HEADLEY: That's a shotgun?

THE WITNESS: Yes, it is.

BY MR. MC DONALD:

Q It uses the trigger block safety system, doesn't it?

A No, it doesn't.

Q What safety system does it use?

A It uses the unique safety system peculiar only to the 3200.

Q Describe it.

A It's a safety system on an over and under, but the safety and the barrel selector are combined into one unit. Unlike the Browning and the other over and unders, this particular gun was one motion. You can take the gun off safe and select a barrel. With the other guns

SEE 1836

you have to go from one to three motions to take the gun off safe and select a barrel.

Q The safety selector is on the grip, back of the grip?

A The safety selector is on the top tank behind the lever which activates the action.

Q What models of Remington use the trigger block design? Mostly shotguns, am I correct?

A Yes.

Q You do have some pump-action rifles. Is it the 588? Is that a pump-action rifle?

A No.

Q What pump-action Remingtons use the trigger block design?

A The Model 6 and 7600.

Q Have you ever examined any fire off safe cases involving the trigger block design where you have concluded that there was a failure of the trigger block mechanism that caused the fire off safe?

A Pertaining to what?

Q Anything.

Q Pertaining to shotguns?

SEE 1837

Q Any firearm you can think of.

A Repeat the question.

(Whereupon, the following question was read by the reporter:

"QUESTION: Have you ever examined any fire off safe cases involving the trigger block design where you have concluded that there was a failure of the trigger block mechanism that caused the fire off safe?")

A I can't remember a case that I have investigated.

BY MR. MC DONALD:

Q Have you ever read of one?

A Yes. Aware of them.

Q With any particular model, brand or model?

A Generic sense, yes.

Q What generic sense are you talking about?

A Bolt-action rifles.

Q Can you give me the name of a firearm that uses the trigger block in bolt-action?

A It's a Ruger 77.

Q Do they use a combination sear interference

SEE 1838

trigger block?

A No, they do not.

Q Am I correct that the 700 is a Mauser type action?

A No.

Q Isn't it true that it cocks on the upper movement of the bolt handle?

A Yes.

Q Is that a characteristic of a Mauser type action?

A No.

Q Does the Enfield also cock on the upper lift of the bolt handle?

A No.

Q Describe to me the characteristics most common to Mauser type action.

A Which Mauser action would you like?

Q 98.

A It's a bolt-action. Shall I describe the whole rifle or just the receiver?

Q Just the receiver.

A It's a bolt-action receiver. It is a blocking

SEE 1839

system that has three lugs, two forward lugs and one rear lug. It has a guide slot on the top of the bolt to insure smooth action. It has a magazine follower with the shell feeding cuts cut into the bottom of the receiver. It is a flat bottomed receiver. It uses a recoil lug which is integral with the receiver that's machined right to the receiver. The front take-down screw goes into this recoil lug.

Q Can you describe the cocking function and how the mechanisms operate in the 98?

A Yes. Would you like to clarify what year?

Q No. There are differences per year, is that what you are saying?

A Tremendous differences in the 98.

Q How many differences?

A I couldn't name all the differences.

Q You are not willing to concede that the 700 is more akin to the Mauser action than the Enfield action, is that correct?

A They are all individual, really. The 700, the Mauser and the Enfield.

Q You wouldn't then attribute it as being most

SEE 1840

closely akin to the Enfield?

A It would matter in which respect you are talking about.

Q Let's talk about the bolt and receiver.

A The Enfield and the Mauser would be similar in some respects on the bolt and the receiver. The Remington has a round receiver.

Q Anything else?

A No.

Q So it's your statement that there is no similarity that would make the 700 more akin to the Mauser then the Enfield?

A No. You asked the question on the receiver, what was the differences in the receiver, and I told you what the differences were in the receiver.

Q Take the characteristics of the weapon in general.

A The weapon in general, the bolts on the Model 1917 Enfield and the bolt on the Model 700 would be different from the respect that the 1917 Enfield has a dogleg in it, and that that rifle cocked on closing where the Model 700 cocks on opening. The Mauser cocks

SEE 1841

on opening. The Mauser 98 did anyway, cocks on opening. The receiver on the 700 is a round receiver. The Mauser is a flat bottomed receiver. The Enfield is a flat bottomed receiver. The barrel lug on the Remington is a separate piece. It fits between the barrel and the receiver. It's integral on the other two. The trigger mechanism on the Enfield and on the original Mauser 98's would be similar. They would be military type, where the Model 700 is a later designed trigger assembly. The safety mechanism on the Enfield is a two-position safety with a bolt lock which would be similar in outward appearances to the Remington 700, which is also a two-position with bolt lock.

Q Used to be, right?

A Yes. The subject rifle. The early Mausers had a three-position safety, and the later Mausers had a two-position safety with the bolt lock.

Q The 03 Springfield was a design which Remington manufactured for the government during World War I, is that correct?

A No, it's not.

Q When did Remington manufacture the Springfield?

SEE 1842

A Second World War. In the deposition you read, he lied. That's right. I wouldn't say he lied. He just didn't know.

MR. HEADLEY: What deposition are you talking about?

THE WITNESS: The only place I know that came up was in the Shutts case.

BY MR. MC DONALD:

Q At any rate, how many Springfields were manufactured by Remington?

A I don't know.

Q Hundreds of thousands?

A I couldn't say. A significant number, though.

Q Would the numbers be nearly equal to or as significant as the number of Enfields that Remington made?

A Nowhere near.

Q The Springfields you said were made primarily for World War II. Were the Enfields made primarily for World War II also?

A They were used in both.

Q The Springfield as you have indicated used a three-position safety, is that correct?

SEE 1843

A No.

Q Did it?

A Yes.

Q Did it use a three-position safety, the 98?

A No. I answered that already. The first Mauser used a three-position safety, and a later model used a two-position safety with a bolt lock.

Q Now, I want you to assume the following situation. Assume that this firearm, which is Exhibit 5, the subject firearm in this case, was loaded, had full complement of cartridges, one chamber, locked, bolt in battery, safety on, round in chamber. Do you follow the situation so far?

A Yes.

Q Could this firearm be unloaded without moving the safety from the safe position to the off safe or fire position?

MR. HEADLEY: We covered this yesterday, but go ahead.

A No. You have to move the safety from the on safe to the off safe position.

BY MR. MC DONALD:

SEE 1844

Q This particular firearm, Exhibit 5, has the sear connector forward of, towards the end of the barrel, the position which was designed for the trigger connector in the situation I have just described, and the safety was moved from the on safe position to the off safe position, what would happen to the weapon?

A I can't go along with your chain of logic.

Q You can't go along with my chain of logic?

A That's right.

Q Assume that the trigger connector was forward of the position that it was designed to be in. Just assume that.

A I can't assume that based on what else you have told me.

Q Well, I am asking you to assume it.

A I am telling you I can't assume it.

Q Assume it is true anyway, what would happen in that position?

A I can't assume it.

Q You can't assume the trigger and trigger connector is forward of the position where it was designed to be?

SEE 1845

A I can assume that.

Q Well, assume it.

A I have assumed it.

Q Assume that the weapon is cocked, loaded and on safe.

A I can't assume that.

Q You can't assume that?

A No.

Q Why not?

A Because how do you get it cocked?

Q The round has been chambered.

A No.

Q By actuation of the bolt.

A Okay.

Q Assume it.

A Okay. I have assume a round is chambered as you described.

Q And it's on safe.

A Now you put it on safe.

Q And for whatever reason the trigger connector is forward of its intended design position.

A Okay. It will be.

SEE 1846

Q And you go from safe to off safe, what will occur?

A Nothing will occur in that case.

Q You are saying that the sear will not drop and the weapon will not fire?

A That's what I am saying.

Q Why?

A Because you are assuming that the connector is forward. You are assuming that the trigger is forward or the connector. In your assumption you have got the gun, and you are going to change it around. When you change it around, the gun is going to follow down because there is nothing supporting the firing pin head.

Q It's chambered.

A You chamber it, the gun is going to follow it down.

Q Forget all of it. We will back up. When you start this whole process, assume that the trigger connector is in its intended design position, all right?

A Okay.

Q Which is immediately below the sear so that it

SEE 1847

can receive a proper engagement. You with me so far?

A Yes, I am.

Q Now, you chamber a round. You know what chamber a round means, don't you? Operate the bolt and then fully backwards and forwards lock down battery and go to safe. We following each other so far?

A Yes.

Q Now, then assume that for whatever reason the trigger connector moves forward of its intended design position, and it is not in position to receive the sear; if the firearm is taken off safe, further assume that the firearm is taken from on safe to off safe, what will occur?

A If you are holding the trigger back like in that case, and you kick it to off safe, the rifle will discharge.

Q I didn't say holding it back. I said assume that the trigger connector is forward of its intended design position for whatever reason.

A Okay. You are holding the connector in the position.

Q Not necessarily holding. Just assume it's

SEE 1848

forward. Forget the holding. Just assume it's forward.

A There is something that's holding it there.

Q That could well be.

A If it's there, something is holding the trigger.

Q It could be gravity holding it there.

A Well, hardly.

Q Well, it could be.

A No, it could not be.

Q Just assume it's forward.

A Assume something is holding the connector out from underneath the sear.

Q Right. What will happen?

A The rifle will discharge.

Q Now, this particular firearm, Exhibit 5, assume that the reason that the weapon is moved from the on safe to off safe position is for purposes of unloading the weapon, and that's the reason it discharges, is there a way that the operator could have avoided moving that weapon from on safe to off safe to achieve the unloading process?

A No.

SEE 1849

Q Now, assume the later model, which is Exhibit G, which we have already introduced and you have inspected in my hypothetical situation, and in that instance could the operator have unloaded Exhibit G without moving the safety from the safe position to the off safe position?

MR. HEADLEY: Again, we covered it yesterday.

A Yes, he could have.

BY MR. MC DONALD:

Q Why is that?

A Because in the second exhibit or Exhibit G on the Model 700 Rifle, he could open it up because it does not have a bolt lock.

Q So in this particular case, are you familiar with the facts of this accident?

A No. The only thing I know is that the rifle discharged and went up through the ceiling.

Q Assuming that the operator of this particular rifle, the one I am holding right now, Exhibit 5, had had the later design, Exhibit G, on the date of the accident, that operator, Mike Lewy, could have unloaded

SEE 1850

that firearm without moving the weapon from the on safe to the off safe position, isn't that true?

A Yes.

Q In that event, the weapon would not have discharged, correct?

A I don't know that.

Q Assume that the condition that exists in Exhibit 5 is one which would be termed "fire off safe."

A I have not investigated.

Q Assume it.

A I have not investigated Exhibit No. 5, so I don't know what the problem with Exhibit No. 5 is.

Q Just assume that it is, and assume further that Mike was not touching the trigger at the time of the operation, and assume he was using the later design, Exhibit G, then there would have been no accident, would there?

A I can't say that.

Q Why not?

A Because number one, I don't know what happened here with what he did with this, and I don't know what he would do with Exhibit G.

SEE 1851

Q Assume that he would simply operate the bolt and unload it.

A I can't. I don't know how he would operate it.

Q Assume it.

A Okay. Now I am assuming it, but I still don't know how he would operate Exhibit G.

Q If he operated the bolt to unload it without taking it from the on safe to off safe, there would have been no discharge, would there?

A Now you are adding another characteristic.

Q All right. There would have been no accident?

A I don't know.

Q You don't know whether or not --

A I don't know what he did.

Q I am telling you to assume it, Mr. Linde. Assume that he would have unloaded the weapon without taking it from the on safe to off safe position.

A Okay.

Q Assume that he would have unloaded the weapon by activating the bolt handle and extracting the cartridges that were in the weapon. In that instance, there would have been no accident, would there?

SEE 1852

A. If he would have done it as he should, no, there wouldn't.

Q. Well, the way I have just talked about it, would there have been an accident?

A. Based on all your assumptions, no.

MR. HEADLEY: That's assuming he didn't touch the trigger?

THE WITNESS: The problem with his assumption is that you are assuming that the man is acting as a reasonable person, when did the man really act as a reasonable person.

BY MR. MC DONALD:

Q. Let's talk about the design of Exhibit G. Assume that he is unloading it holding the trigger back all the way, and it's on safe, and he activates the bolt, and he extracts, what's going to happen then?

A. Nothing.

Q. Not a thing, is it?

A. No.

Q. So it doesn't matter if he is touching it at all, does it?

A. Not as long as he keeps the safety on safe.

SEE 1853

used when we were investigating a 600 complaint from Texas.

Q It's been used on the 700, though, hasn't it?

A Not that we are aware of.

Q Just be willing to accept my word that it has been.

A Maybe it has a place. I remember where we used the Worst test connotation was when we were on the 600. They broke it down to Worst test and a number of different things.

Q Without getting into the whole 600 and 700 drill, if you were going to perform the Worst test or if you were going to apply that terminology to the 700, explain it, please.

A I can't remember exactly how the Worst test was defined.

Q Do you know how you checked the firearm?

MR. HEADLEY: Which firearm? The 700?

MR. MC DONALD: I am asking him to apply the Worst test to the 700, and if he would be able to explain how to apply it to the 700.

A To me the Worst test on the 700, and I don't

SEE 1854

used when we were investigating a 600 complaint from Texas.

Q It's been used on the 700, though, hasn't it?

A Not that we are aware of.

Q Just be willing to accept my word that it has been.

A Maybe it has a place. I remember where we used the Worst test connotation was when we were on the 600. They broke it down to Worst test and a number of different things.

Q Without getting into the whole 600 and 700 drill, if you were going to perform the Worst test or if you were going to apply that terminology to the 700, explain it, please.

A I can't remember exactly how the Worst test was defined.

Q Do you know how you checked the firearm?

MR. HEADLEY: Which firearm? The 700?

MR. MC DONALD: I am asking him to apply the Worst test to the 700, and if he would be able to explain how to apply it to the 700.

A To me the Worst test on the 700, and I don't

SEE 1855

know if there is any kind of documentation or anything, I am just telling you how I understand it.

BY MR. MC DONALD:

Q That's fine. Go ahead.

A You put the gun fully on safe. You would pull the trigger, and you would move the safety from the on safe to the off safe. If the firing pin fell, then it would fail the Worst test.

Q Did you select the terminology Worst test?

A I don't believe I did.

Q Was that a test that was in existence before you became acquainted with the test, or did you develop it?

A I believe that both the Worst test and the trick test came into existence about January of '75.

Q Trick test is something that is peculiar to the 600, is that correct?

A That's correct.

Q But it is performed on the 700, is that correct?

A Yes, it is.

Q That's simply moving the safety lever until you get the safety lever and the safety lever detent ball and

SEE 1856

safety lever detent spring in the position where the ball rests on the apex between the on safety and the off safety, is that correct?

A Yes.

Q Just as I have demonstrated on five?

A I don't know if it's there, but you have described it correctly.

Q Well, it is. It can be duplicated on five as I am holding it here, can't it?

A Yes.

Q Did I just do it?

A Yes, you did.

MR. HEADLEY: You say duplicated. You mean move the safety halfway up and hold it there?

MR. MC DONALD: Yes. I am not holding it there. I am able to rest that safety. You can acknowledge that?

MR. HEADLEY: Yes.

BY MR. MC DONALD:

Q It just stays there by itself between positions, right?

SEE 1857

A Yes, it does.

Q I hand you what's been marked as Plaintiffs' Exhibit N. Do you recognize that, sir?

A Yes.

Q Do you recognize it?

A It's a DCR, yes.

Q Do you recognize the contents?

A Yes. I read the contents.

Q Mr. Linde, have you ever seen it before today?

A No, I haven't.

Q Are you familiar with what it is referring to, the subject matter?

A Generally, yes.

Q You recognize that it deals with the issue of the sear safety cam, correct?

A Yes. It deals with the sear safety cam blank.

Q You also recognize the fact that it deals with the phenomenon of carbon dimension increase by reason of heat treatment, correct?

A Yes.

Q This is the DCR that deals with changing the dimensions to accommodate the carbonization of the sear

SEE 1858

safety cam blank, is that correct?

A No.

Q What does it deal with?

A This change, the way I understand it, is that we grind the notch on the sear safety cam. The part was re-dimensioned, and it says that the dimensions do not change on finished part. So the dimensions were not changed on the finished part.

Q But they were changed on the blank?

A Yes.

Q Why was that?

A Because previous to this we ground the surface in the plant, and by getting the blanks to that dimension, then we don't have to ungrind them in the plant. Now, when we did this study or did this, they ran parts through, and what you have to do is you have powder metal. You make your dies to one size, incinerate, and then when you heat treat you have growth. What you have to do is you have to go through and run parts and see what your growth is in or out, up or down, as we discussed this morning, and then you take those dimensions, and you compensate them back into your blank drawing.

SEE 1859

Q So at the end of the heat treatment process, you have got a final product that is in accordance with your original design, correct?

A Yes.

Q What you were getting and what you found when you started heat treating this sear safety cam blank is that you were getting 4,000ths growth in the vertical dimension of the blank, right?

A No.

Q Run the calculations.

A I don't have to run the calculations.

Q You are saying that's not so?

A I am saying that's not so.

Q After changing the dimensions as per this DCR,--and, by the way, this is 11569--isn't it true that you decreased the dimension, at least one of the dimensions, by 4/1000?

A Yes.

Q That dimension is shown right here, is that correct? I am pointing now to F31.

A Yes, you are.

Q That was a reduction, wasn't it?

SEE 1860

A Dimension 3 is not a cross. Dimension 3 is 177174 dimension.

Q I want to focus right now on Change 2. .336 is now .332?

A Okay.

Q That was a reduction of a blank dimension in order to accommodate carbonization for heat treatment, correct?

A I don't know.

Q Is that what the DCR says?

A That's what the DCR referenced to, but I know that that can't be what you are saying.

Q That's what it says, isn't it?

A No. It says that amongst other things. It says, for example, last thing it says is the dimensions do not change on finished part.

Q I am talking about the blank.

A I agree with the blank.

Q And you are looking at F31 which is the blank drawing, right?

A Okay. If the dimensions will not change on the finished part, and if you reduce this from heat treat,

SEE 1861

what you are saying from 336 is, there would be a 4,000ths difference, and if there was a 4,000ths difference, every dimension on that part would change by 4,000ths?

Q Exactly.

A You know that that can't happen, or otherwise to get this thing to work correctly, if the finished drawing worked, you would have to reduce everything by the proportional amount.

Q That's what it says, doesn't it?

A No. It says, "The new dimensions will compensate for component growth due to carbon absorption at heat treat."

Q At any rate, the DCR speaks in terms of Dimension 2 being a reduction, correct?

A The DCR shows that Dimension 2 is reduced.

Q Right. The drawing shows that, doesn't it?

A Yes, it does.

Q All right. Now, on Dimension 3, can you find on the DCR Change 3 where it says, "Was .173, .170," correct?

A Yes.

Q It says now, ".177, .174," correct?

SEE 1862

A Yes.

Q That dimension was increased, wasn't it?

A Yes, and the other dimension was decreased.

Q Right. Now, where Dimension No. 3 makes reference to the point where the sear safety cam lever comes in contact with the sear safety cam, correct?

A No.

Q What does it make reference to?

A Makes reference where the sear safety cam comes into relationship with the cam on the safety lever.

Q That's the contact point, right?

A Yes, it is.

Q In other words, that particular contact point was increased, wasn't it? The dimension was increased?

A The dimension went from 170 to 173 to 174 to 177.

Q Was it increased?

A That's what it shows, yes.

Q Assuming no further changes in the safety cam lever are decreased in that dimension on the safety cam lever, that would have the overall effect of lifting the safety cam higher in the operation of the firearm,

SEE 1863

wouldn't it?

A No.

Q Well, you want to explain that one?

A Because the lift is determined by the surface on the sear safety cam and on the sear itself. The sear safety cam and the cam on the safety lever, that's what determines the lift on the sear safety.

Q Assuming the cam on the safety lever has never been changed after this DCR?

A Right.

Q I will tell you it wasn't. Now, the effect of these two changes, 2 and 3 on Exhibit N, DCR 11569, had the overall effect of lifting the engagement area higher, isn't that true?

A Well, the one dimension, the 177, 174, would increase the clearance, but to say that the other dimension is .332, I don't see what effect that's going to have on the engagement. I also don't understand why in one place you are saying that the thing is growing in heat treat or increasing it, and in the other place it says that the thing is shrinking. So I am a little confused.

SEE 1864

Q So don't you understand what happened, Mr. Linde?

A No. I guess I don't understand what happened in this case.

Q In this case I am talking about this drawing and this DCR.

A That's right. I don't understand.

Q The design was changed to lift the sear higher to give more clearance. You would agree with that, wouldn't you?

A No. I can't agree to that.

Q Why not?

A Because it says, "Dimensions do not change on finished part." If the dimensions don't change on the finished part, then as far as the finished gun is concerned, the clearance is not increased.

Q That's what it says?

A That's what it says. Now, this is the surface that we grind. If we grind it after it's a blank, then that's the clearance they are going to be getting here. If we go to powder metal and have them put the surface in for us, then we don't have to grind it.

SEE 1865

Q Don't you really have to look at your progress records to see how much you're grinding off to really get the answer?

A I would think you would have to do something like that. I don't think that you can get the answer looking at this blank drawing.

Q Assume just for the sake of my question, I don't know that you're grinding off exactly the same amount where the lever cam comes in contact with the sear safety cam, what would be the net effect to the operation of the sear?

A You would never grind that surface.

Q Then that wasn't the surface that was changed, was it, by grinding?

A The surface that you grind is, you grind the surface on this surface right here, the corner, to get it to be dead sharp.

Q That's the only place that you grind, right?

A That we grind the surfaces. See where it says "16 micro inch"?

Q Yes. I know exactly where it is. The corner, yes. That's the one you grind?

SEE 1866

A Yes. We have also ground this other one.

Q You don't grind where the lever cam comes in contact with the sear safety cam, do you?

A No.

Q And you never have, have you?

A No.

Q Now, if you increase the dimension of the blank and you don't grind, what happens?

A We are not increasing the dimension of this point here. The 539, 534 hasn't changed.

Q 173 to 170 is now 177 to 174?

A Okay. That's this dimension right here?

Q Right. What does that do?

A That is the dimension from the sear surface to the cam surface.

Q Let me ask you this, sir. I'm just going to lay Exhibit N in front of you, and I am going to lay Exhibit F31 in front of you, and I am going to ask you a simple question. Following the processes which are spelled out in Exhibit N and which are spelled out in Exhibit F31, the drawing, does that have the net effect if followed of raising the sear safety cam in the 700

SEE 1867

fire control system for clearance purposes in the engagement area?

A This drawing taken with this DCR and with nothing else would increase the clearance.

Q By how much?

A By whatever the difference is between those two dimensions.

MR. HEADLEY: But with nothing else, if you want to explain that answer, well, go ahead.

A By nothing else, this is just a blank drawing, and that doesn't say what happens on downstream when this part is processed.

MR. HEADLEY: You don't have the finished drawing here?

THE WITNESS: No. This is the blank drawing. This is not the finished drawing.

BY MR. MC DONALD:

Q Here's the finished drawing, F32. You've got that in front of you now, also.

A The finished drawing shows the same dimensions as we had here. The finished drawing shows 173, 170, and

SEE 1868

this is now 177, 174, and it was 173, 170, so that ties together and says that there was no change as it says on the DCR.

Q Would it have the net effect of lifting the sear if followed in creating greater clearance?

A If this is followed, there is no change.

Q No change at all?

A No change.

Q As to your engineering opinion?

A That's right.

Q Let's go back to Exhibit N and F31 and F32. Change 4 talks of a drafting error, right?

A It says, "Was and is the same dimension."

Q Change 4?

A Yes. They had a number reversed.

Q They transposed 95 to 59?

A Yes.

Q Assuming that transposition error was actually followed in the manufacturing process, what would have occurred to the engagement area?

A Nothing would have happened.

Q It would have moved the engagement area back

SEE 1869

how much?

A. It would have moved the engagement area forward. If it's 865 to 895, the dimension is from here back. If it's 859, then that surface would come forward.

Q. What was it changed to?

A. Well, maybe I am the one that's got it backwards. If it was 865 to 895, then the surface would have been back this way. It would have moved the engagement surface back.

Q. What is the total horizontal dimension of the engagement area which Remington attempts to achieve by design in the 700 fire control system?

A. It's adjusted to 18 to 20,000ths.

Q. If this transposition error was followed in the manufacturing process, it would require a substantial adjustment in the engagement screw to make up for that manufacturing error, wouldn't it?

A. Well, there are two things. I can't see how it would happen because we grind it so it would have been caught when you grind it.

Q. Do you know when this original error was made

SEE 1870

on the blueprint?

A. No, I don't.

Q. Do you know when it was caught, don't you?

A. Yes.

Q. When was it caught?

A. It was caught in 1982.

Q. Do you know how long it had been on the blueprints?

A. No. I would have to go back and trace through.

Q. You could make up for such a manufacturing error assuming that it might have happened by doing what within the engagement screw?

A. By backing the engagement screw off.

Q. Assuming that manufacturing error was in fact made, you could create, couldn't you, sir, in your professional opinion a greater probability of the FOS situation, fire off safe?

A. No. I don't see how it would create a greater fire off safe condition.

Q. You don't see how that could happen?

A. No, I don't.

Q. Well, this is Exhibit 5 that I am holding up

SEE 1871

here. Now, assume that the parts in this firearm were manufactured prior to Exhibit N, right?

A Yes.

Q Assuming that, it is possible, isn't it, that the dimensions of the sear safety cam in this weapon were greater than those called for by the design of Remington?

A That is your assumption. That's what we are assuming, yes.

Q Is that possible?

A That's your assumption.

Q Is it possible?

A I don't believe it is possible, is what I said.

Q Well, from the drawing and from the DCR, couldn't you conclude that?

A From the drawings and the DCR you could conclude that.

Q If the dimensions of the sear safety cam were greater than those called for by the design of Remington, that would have the effect of reducing the clearance between the trigger connector and the sear safety cam engagement area, correct?

SEE 1872

A You could not see any reduction.

Q There are lots of things we can't see without a micrometer.

A I am saying if you lay that out and projected it, that you couldn't see the difference.

Q Would it or would it not increase the clearance under the assumption I have just made?

A Theoretically it would reduce the clearance. It could reduce it maybe 1/10,000 or maybe 100,000ths of an inch.

Q As a matter of fact, you were getting a dimension addition of 4/1,000 by reason of carbonization, weren't you?

A No, we were not.

Q Is that what it says?

A That is not what it says.

Q It that your engineering opinion?

A You bet it is.

Q It is possible to increase the dimensions where the lever cam comes in contact with the sear safety cam and to cause the sear to rise higher than previously designed because the only obstruction to the

SEE 1873

sear safety cam is the firing pin head, and it can rise forward and backward on the incline which holds it, the firing pin striking head surface?

A That's this surface back here.

Q Because it rises up and down on that incline, correct?

A It stops against that incline, yes.

Q Assuming normal laws of physics and the only restriction is the corner of the perpendicular plane of the firing pin head against an incline, then it will simply have the mechanical effect of withdrawing the firing pin further, correct?

A Yes.

Q So what I am saying is, when you increase the dimension on the sear safety cam and cause it to rise higher, that is mechanically possible because you have a moving part above it. You don't have a solid surface against which you are impacting, do you follow me?

A Yes.

Q Am I correct?

A Yes. It will just push the firing pin head back farther if you lift it higher.

SEE 1874

Q He can squeeze and squeeze and squeeze, can't he?

A Yes, he can.

Q So the later design of the 700 would have avoided the accident in the Lewy case assuming the facts that I have given you, is that true?

A If he goes through every one of the assumptions that you have made up to the end and what I said, yes.

Q Then Evelyn Lewy would not have a 30-06 in her side, right?

MR. HEADLEY: I object to that question. It goes beyond the witness's knowledge.

MR. MC DONALD: I will withdraw it. You are right again.

BY MR. MC DONALD:

Q Three position safety would allow for the clearing of a bolt-action weapon without taking the weapon from the on safe to the off safe mode?

A It could be done with a three position safety.

Q The Springfield used a three position safety, is that correct?

A Yes.

SEE 1875

Q That simply is just as it sounds, like, if you move the safety activation lever to the rear position, it would be on safe?

A No. Not on the Springfield.

Q What are the characteristics of that safety? What do you have to do to put it on safe?

A Springfield is a safety lever on top of the bolt plug, so I rotate the lever.

Q To the left is?

A I don't know which way, but it's a lever that you rotate.

Q And straight up would allow for the bolt to be freed so that you could extract, is that your recollection?

A If you desire, yes.

Q In other words, assume an operator wants to empty his weapon without going from the on safe to the off safe mode on the 03, the middle position would allow for the clearing of the weapon, is that correct?

A Yes, it would.

Q What's the Worst test as used by Remington?

A The Worst test was the connotation that was

SEE 1876

Q By the way, your shop where you work on your weapons at home, your firearms at home, is it in your basement?

A Yes.

Q You have changed out 700 fire control systems and put 40-X fire control systems in?

A I did two.

Q What is the recommended clearance in the on safe position between the sear safety cam trigger connector in the 40-X?

A I don't know for sure. I think it's between ten and fifteen thousandths.

Q What is the recommended trigger pull in the 40-X?

A I don't know what it is.

Q Two pounds?

A It could be, but I don't know what it is.

Q At any rate, the 40-X fire control system is a more sensitive fire control system than is the 700, would that be a correct statement?

A It's more sensitive than other things, yes.

Q Is it more sensitive to trigger pull?

SEE 1877

A Yes.

Q Is it designed to give a crisper break between the sear safety cam engagement surface and the trigger connector?

A Yes, it is.

Q That's a desirable characteristic in a target rifle?

A Yes, it is.

Q When you put it in a hunting rifle -- isn't the 700 generally designed as a hunting rifle?

A Yes, it is.

Q You are putting in a more sensitive fire control system into a hunting rifle, aren't you?

A Yes, if you did that you would be.

Q Did you do that?

A I put a 40-X into a 700 action that I put a bolt barrel on.

Q Have you ever converted a hunting rifle using a 40-X?

A No. I had no need to.

Q Had you ever done that for friends?

A No, I haven't.

SEE 1878

Q Do you ever know of that being done?

A No.

Q So what you were doing then was converting the 700 to a target rifle in essence?

A Yes.

Q In the process of working on weapons, firearms, do you ever have occasion to cycle rounds through them?

A Working on firearms?

Q Yes.

A No.

Q You have never done that?

A Not the way you are describing it, no.

Q Have you ever cycled a live round through a firearm while working on it?

A We don't have live rounds for cycles.

Q I am asking if you have ever done that?

A No.

Q Never have?

A No, I haven't.

Q Do you have blank rounds?

A I have some dummy rounds.

Q So it's your testimony that you have never

SEE 1879

cycled a live round through a rifle while you were bench working it?

A While I was bench working it?

Q Yes.

A No. I didn't say that.

Q Does bench working have some mystical term to you?

A It does to me.

Q You are talking about target shooting?

A Yes.

Q Let's talk about bench working like most folks out at their home would talk about it. Did you ever cycle a live round through this?

A In my cellar?

Q Anywhere.

A No, I wouldn't.

Q Have you ever cycled live rounds through a 700?

A Yes, I have.

Q Have you ever cycled them through a 700 during a period of time where you are making adjustments to it?

A I would never have cycled it through while I had the thing disassembled, no.

SEE 1880

Q Have you ever cycled through live rounds while you were working on it while it was assembled?

A Yes.

Q I am handing you Exhibit F. Would you show me how you would unload that rifle in the field?

A Yes. I am in the field. I've got the gun on safety as you described. You would point the gun in a safe direction. I would take and position the safety off safe. Then I would take and open the bolt, pull the bolt back, eject a round.

Q That's the one that was chambered, correct?

A The one that was chambered. Then you would rotate this over, and I would just kick it, and the cartridge would fall out in my hand.

Q In other words, you don't pick it up each time on the extractor, is that correct?

A You don't have to.

Q Is that your normal practice?

A Yes.

Q What you have done is rotated the rifle as we were looking at it from the butt clockwise and laid the breech over on the side or down towards the ground,

SEE 1881

is that correct?

A Yes. Of course, that depends on the weather and the conditions. For example, if you are wearing gloves or some other concern, you might just take and grab it with my hand and put it in my pocket. If my hands were cold or if it's difficult, your dexterity.

Q Are you familiar with the port arm's position?

A Yes.

Q Did you ever unload a weapon from the port arm's position?

A No. Normally I point it down toward the ground.

Q Would you consider the port arm's position to be a safe position?

A It depends on the circumstances.

Q But it could be a safe position, correct?

A In Wyoming it could have been a safe position.

Q In Missouri could it have been a safe position, Texas, New York?

A It depends where you are at.

Q It doesn't make any difference what state it's in, does it?

SEE 1882

A If you were unloading it in Wyoming in that position and it did go off, you wouldn't have to worry about it striking anything.

Q You could recommend positions to purchasers, consumers and users of 700's as to how to unload them?

A Yes, we do.

Q In what materials?

A In the owner's manual.

Q What does it say?

A It says to point it in a safe direction.

Q It doesn't say point it up or down, does it?

A No. It says in a safe direction.

Q Safe direction might be parallel?

A Might be.

Q No prohibition or warning against unloading the weapon from the port arm's position, right?

A If it's a safe direction.

Q Are you familiar with military marksmanship training at all?

A No, I am not.

Q Would it surprise you to know that that's the recommended position in the military for clearing a fire-

SEE 1883

arm?

A I wouldn't know.

Q You produced Exhibit O yesterday. You recognize it as DCR?

A Yes.

Q Do you recognize the contents of this particular DCR?

A Yes.

Q Tell me what it is.

A Just clarified the drawing.

Q What did it deal with?

A It dealt with the thickness of the bolt stop release.

Q I hand you what has been marked as Plaintiffs' Exhibit R which was produced yesterday. Do you recognize that?

A It's a DCR.

Q Do you recognize the contents of that particular DCR?

A Yes, I do.

Q Did you participate in the drafting of that DCR?

SEE 1884

A I approved it.

Q Where does your approval show, by the way?

A Right here at the bottom of the sheet.

Q We went over that yesterday, I think. Those are your initials, right?

A Yes, they are.

Q The bottom two changes on the parts deal with both the M70 and the M600, correct?

A Yes, they do.

Q By the way, what does the initial M mean?

A Model.

Q The first part dealing with the M700 is what, sir?

A Trigger housing assembly complete.

Q That refers to which drawing?

A C-26655.

Q Do you have C-26655 in front of you?

A Yes, I do.

Q As a matter of fact, it's really in three parts that we have marked F16, 17 and 18?

A I believe so, yes.

Q Now, when was the change made?

SEE 1885

MR. HEADLEY: I caution the witness not to refer in any way to any other model.

MR. MC DONALD: I have no intent to trick or deceive. I am only asking for the 700 at this time, not that I don't want to know about the 600. It's just that you won't let me.

A The only thing I can find on this is these parts were used for the Model 600. That's the way it reads to me.

BY MR. MC DONALD:

Q What's the explanation?

A It says, "To provide the Model 600 with a more positive fire control, better safety and a common, more easily adjustable fire control housing." This was the parts list change, and I should have read this. All this is just adding these parts to the 600.

Q Are you saying there is no application between design changes?

A Yes. Revised and redrawn 17, which is 26655, but it also shows in here that it was revised and redrawn and added to the Model 600.

MR. HEADLEY: There is no change there

SEE 1886

with respect to the 700?

THE WITNESS: No change that I see other than they added a 600 and 700 and made them a common assembly housing.

MR. MC DONALD: If I haven't, I will offer N, O and P.

(Plaintiffs' Exhibits N, O and P offered.)

(Whereupon, a recess was had.)

BY MR. MC DONALD:

Q I am sorry to repeat this, sir, but I wasn't quite clear as to precisely the procedure that you were following before lunch unloading Exhibit 5. Could you show me again, please? Now, I have placed the bolt in Exhibit 5 and put it on safety, and with a chambered round, you would normally have five cartridges, is that correct?

A It depends upon the caliber.

Q 06?

A I don't see four or five.

Q Let's just assume five. I am handing it to you in that condition. Just slowly show me what you would do. You are pointing it down now?

SEE 1887

A Yes. I would move the safety to the off safe position.

Q You used your thumb to do that. Gripped it around the pistol grip?

A Yes. I just move my finger back behind the trigger guard.

Q Pushed it to the off safe position. Now, go ahead and show me. You have lifted the bolt handle, and you have extracted the bolt back full length first time, right?

A Right.

Q The next step would be what?

A To kick it over.

Q You have rotated it clockwise and grabbed it with your left hand. I assume the purpose of that is to allow the cartridges to fall in your left hand?

A Yes.

Q Then what?

A I just kick the cartridges free into my hand.

Q You are moving it about an inch at a time?

A Yes. You can kick it loose. You can feel it when you pick them up on it.

SEE 1888

Q Go ahead and complete.

A That is the complete.

Q You have handed it to me with the bolt open?

A Yes.

Q You finished your unloading procedure, is that correct?

A Yes, I have.

Q What position is the safety in?

A It's in the fire position.

Q I'm going to hand you what has been marked as Exhibit DD, Plaintiffs' Exhibit DD, a series of instruction books that have been provided by Remington's counsel, and I would ask you if you are familiar with these instruction books?

A Yes.

Q It's my understanding that they are chronological in terms of years running from when to when?

MR. MILLER: Running from the most recent all the way back to 1962.

BY MR. MC DONALD:

Q So the most recent to early '62 is what has been produced for us. I would refer you to Revision 375

SEE 1889

which is March of 1975, and specifically refer you to the first page. Would you take a look at that, please? I specifically want you to look at the unloading provision.

A Yes.

Q Did you just follow as you demonstrated to the room the unloading provisions? Did you follow the recommended procedures that are shown in the Remington Owner's Manual?

A No.

Q You didn't put the safety on after extracting the first round, did you?

A No. I never do.

Q Now, have you ever been a member of the Operations Committee and specifically the Product Safety Subcommittee?

A No.

Q Were you on the distribution of those minutes?

A I have been on the distribution of them.

Q Have you ever been a member of the Operations Committee?

A No.

SEE 1890

Q Have you ever attended any of the meetings?

A Yes, I have.

Q Did you ever attend any meetings dealing with the 700?

A Yes.

Q Did you ever attend any meetings dealing with recall of the 700?

A No.

Q Did you ever receive any minutes dealing with the subject of recall of the 700?

A No, I haven't.

Q If you are shown the distribution of those minutes, would that come as a surprise to you?

A Yes, it would.

Q Are you on the distribution of the Operations Committee minutes?

A Yes, I am.

Q Were you on the normal distribution of the Product Safety Subcommittee minutes?

A No, I am not.

Q Does the Product Safety Committee always make minutes of its meetings so far as you know?

SEE 1891

A I don't know.

Q Is it custom and practice within Remington's organization for Remington to form committees to handle special subjects? We might call them task forces rather than committees.

A Remington has, yes.

Q Does Remington have standing committees within its organization?

A Yes, they do.

Q I am really not interested in such committees as finance or anything like that, but insofar as design of firearms is concerned or safety of firearms or things of that nature, can you list for me those committees that you are aware of?

A I don't know of any committees that just deal with design or safety. The Safety Subcommittee would deal with just safety.

Q Are you aware of any committees that deal with production?

A Yes.

Q Which ones?

A In production we have our Steering Committee.

SEE 1892

We meet every week. We have a quality meeting.

Q What is a quality meeting?

A It's a meeting where we get together and go through the quality performance of the previous week.

Q Who is "we"?

A Members of the quality department, the engineering, production.

Q Does that quality meeting have a particular name?

A Yes.

Q What is it?

A Central Quality Committee.

Q Does it keep minutes?

A No, it doesn't.

Q Under whose chairmanship does it meet?

A It would have been Jim Snetinger's.

Q Would have been? Has it been disbanded?

A Yes. We just changed it.

Q What is the name?

A Manufacturing Productivity Improvement Committee.

Q Does that committee keep minutes?

SEE 1893

A Yes, it does.

Q Who chairs it?

A Dick Lom.

Q Are you a member?

A Yes, I am.

Q Were a member of the predecessor?

A Yes, I was.

Q Were you on the normal distribution of the minutes?

A We didn't have minutes in the quality meeting.

Q Are you on the normal distribution of the minutes now?

A Yes, I am.

Q Are there other committees that deal with production that you are aware of?

A Yes. We have our staff meeting.

Q When is that?

A Every week.

Q Where?

A It's in the staff conference room.

Q Here in this building?

A Yes, it is.

SEE 1894

Q Who chairs it?

A Plant manager.

Q Minutes kept?

A Yes.

Q How long have you been attending that particular meeting?

A Since 1978.

Q Did that particular meeting occur before '78, but you simply didn't attend it by reason of your position?

A Yes.

Q Have regular minutes been kept of those meetings?

A I don't believe so.

Q Are minutes kept of those meetings?

A They are now.

Q Since when?

A I think it started, like, in 1980.

Q Do you know if in the staff meetings the subject of the 700 has ever been brought up?

A What subject on the 700?

Q Any subject? Fire control system?

SEE 1895

A I would doubt it.

Q Why?

A It would not be something normally covered in staff.

Q Is that more of an administrative meeting?

A Yes, it is.

Q And has little to do with the production and design of the business?

A Yes, it does.

Q When was the Product Safety Subcommittee formed, if you know?

A I don't know.

Q What's your best judgment?

A I really wouldn't know. It's in Bridgeport, and I really don't have that much association.

Q Who -- and I don't really need names -- typically serves on that committee?

A It would be the department heads.

Q Simply of one plant or more than one plant?

A It would be the department heads of the company.

Q Would plant managers typically sit on that committee?

SEE 1896

A No, they wouldn't.

Q Would it be fair to say that it would be fairly heavy ladened with design people?

A No. I don't think so.

Q Equal number of production people in this particular committee?

A Yes. I would think close anyway.

Q Is there a procedure, be it formal or customary, within Remington for people who are on distribution of minutes to make comments on those minutes and feedback, for instance, to the chairman or in some other fashion? Do you follow my question?

A Yes.

Q Is that a customary thing to do?

A Not that I am aware of.

Q In that same vein, when there is a design change to a part -- and let's limit it to the fire control system and 700 -- how does notice of that design change get out within Remington's organization? How does that knowledge spread or permeate?

A That information that you have a design change request.

SEE 1897

Q That would be sent to various people notifying them that there was a request in process?

A Yes. That it was coming through.

Q When the request goes out, is there a comment procedure? In other words, what I am getting at is this. Let's say that you decided that you, for whatever reason, that it was appropriate to change the design on a part of the fire control system. Would you then send out notices through the design change request to a number of other people, and they would review what you are requesting and might comment upon that change?

A No.

Q Is there any procedure within Remington's organization for feedback from various people about an impending design change?

A Yes. Normally it's handled with the people involved contacting one another before the change is made.

Q Not to say it's not effective, but it's an informal procedure rather than a formal one, right?

A Yes. You can pick that up in some of the drawings. You will see changes made, and then it's

SEE 1898

changed back where somebody figured out for some reason the change could not be made. I am sure you ran into that in the drawings.

Q Yes. Sir, I am going to hand you what is Exhibit W and ask if you recognize generally what this is without going through the quarter-inch paper that's there?

A It says "Operations Committee Product Safety Subcommittee."

Q Have you ever seen documents such as that before?

A Yes, I have.

Q I'm going to represent to you that those are minutes from that particular committee, and that they are in chronological order. Assuming the truthfulness of my statement, does that appear from your examination to be correct?

A Yes. The cover page definitely is a Product Safety form.

Q Have you throughout your tenure with Remington either had access to these minutes or read these minutes?

A I have had access to the minutes when I

SEE 1899

attended the meeting, and that was all.

Q You would not be on normal distribution otherwise?

A No.

Q If you had desired to read these minutes, would your position have enabled you to do so?

A I don't know. I never tried to get them.

Q Well, I have the strange feeling that you could if you wanted to, couldn't you?

A I would think so.

MR. MC DONALD: We will offer Plaintiffs' W at this time.

(Plaintiffs' Exhibit W was offered.)

BY MR. MC DONALD:

Q In particular, sir, I'm interested in knowing whether or not you have read the Product Safety Subcommittee minutes of January 2nd, 1979, where the subject of the recall of the Model 700 was discussed?

A I don't believe I have because I didn't know it had been discussed in Product Safety Subcommittee.

Q Well,my question is, have you read the January 2nd, '79 minutes of the Product Safety Subcommittee

SEE 1900

meeting?

A I don't know.

MR. HEADLEY: If you got it there, and obviously you appear to be holding a document there looking at it, and if that document that you are looking at that we can specifically see is the meeting on January 2, 1979, of the Product Safety Subcommittee, you might show it to the witness and maybe that will refresh his recollection.

MR. MC DONALD: I will in just a moment.

MR. HEADLEY: It would save time.

BY MR. MC DONALD:

Q Do you recall the January 22nd, 1980 meeting of the Product Safety Subcommittee?

A Could you tell me what was discussed?

Q Well, in particular there was a discussion concerning the use and number of failures of the M70, and in particular the fire control system, and in addition to that, a further discussion of the means and methods that Remington intended to use to bring this matter to the attention of the public.

SEE 1901

A I don't remember being there.

Q When was the last Product Safety Subcommittee that you have attended?

A I honestly don't know. I have attended some of them. I know I have. When the last one was, I don't know.

Q Have you ever been present when the 700 was discussed?

A Yes.

Q You ever been present when the situation fire off safe as it would apply to the 700 fire control system had been discussed?

A Yes.

Q Have you ever participated in those discussions?

A Yes.

Q Have you ever ventured any statements or opinions as to whether or not that was caused by a design defect?

A I was called upon to demonstrate how the Model 600 worked, and at that time I was at the Product Safety Subcommittee and demonstrated what we had with the cam on the lever. I remember stating that we did not have the

SEE 1902

problem on the Model 700, so I know the Model 700 was discussed.

Q My question is, do you ever remember being present at a Product Safety Subcommittee meeting when the subject of fire off safe as it applies to the 700 fire control system was discussed, and did you ever venture any opinion at that time that that situation at least in part was caused by a design defect?

A No. I don't remember doing that.

Q That's your recollection, is that right?

A Yes.

Q Do you recall ever venturing an opinion that the situation that I have just described was caused at least in part by manufacturing defects, parts that were not manufactured right?

A No, I don't.

Q You have no recollection of any of that, is that right?

A At a Product Safety Subcommittee, no, I don't.

Q You are very careful, Mr. Linde, and that's very good. Maybe it wasn't exactly a formal meeting of the Product Committee. Is that something that you are

SEE 1903

being troubled with, is whether or not it was a regularly scheduled meeting or something of that nature? Have you ever been at a meeting where you ventured that opinion?

A No. That's my first question. I can't think of being in Bridgeport and venturing that opinion in the discussion that you are talking about. I have been in Bridgeport and I have talked about the trigger assemblies, the fire controls. I went through and showed how they worked and what have you from a technical standpoint. What you are asking me, no, whether on the 700.

Q At that time did you demonstrate and discuss the attempted tolerances that you tried to achieve from a design standpoint between the sear safety cam and the trigger connector?

A I don't believe so. Not in 1979. I demonstrated it in 1975, '76 time frame on the Model 600 when we were having a problem there.

Q And you related it at that time to the 700 also, didn't you?

A We talked about the 700, and we explained the difference between the 600 and 700 so they would know, yes.

SEE 1904

Q At that point in time, the subject matter of the tolerances, the design tolerances between the sear safety cam and the trigger connector on the 700 as well as the 600 was discussed, wasn't it?

A Yes. That's what I said.

Q That was in 1970-what?

A '75, '76. In that time frame.

Q Was that discussed in respect to the situation of fire off safe?

A Yes, it was. From the guns we had from Texas.

Q So that as early as 1975 and '76, from your own personal knowledge, Remington was investigating the question of fire off safe and the possible causation with regard to the tolerances between the sear safety cam and the trigger connector?

A No. It was between the sear safety cam and the cam on the safety lever.

Q You are saying you never brought up the subject of the trigger connector and the tolerances between the trigger connector and the sear safety cam?

A The big question at that time was the question on the safety lever.

SEE 1905

Q I don't want big question versus little question. Was it ever brought up?

A It's in the whole system. It's a system. The whole system was discussed.

Q And so the tolerances between the sear safety cam and the trigger connector were also discussed in '75 and '76 from your own personal knowledge, isn't that true?

A From my own personal knowledge, I am telling you the big concern was the cam on the safety lever.

Q I am not saying that you all weren't focusing on something else.

A That's what the focus of the meeting was.

Q My question is whether or not the tolerances between the sear safety cam and the trigger connector on the 700 fire control system were also discussed?

A The amount of clearance that we have between the connector and the sear safety cam was discussed, yes.

Q That was in a meeting dealing with among other subjects, I am sure, but one of the subjects was the fire off safe phenomenon or situation, correct?

A It was a fire off safe on the Model 600. That's

SEE 1906

why we had the meeting.

Q But you also discussed the 700, correct?

A Yes, we did.

Q What is the purpose of the Operations Committee Product Safety Subcommittee? What's its purpose?

A I really wouldn't do a good job of describing it. You are going to be talking to other people who are familiar with the Product Safety Subcommittee.

Q What's your understanding?

A Of the Product Safety Subcommittee?

Q Yes.

A My understanding of the Product Safety Subcommittee would be that they are the group that looks at situations that arise on our products that could affect the consumer and/or our safety.

Q Is it your understanding that this is the committee that first considers whether or not recalls will be issued on a Remington product?

A I would think that that committee would have a major impact on whether a recall was issued or not, yes.

Q You are aware of at least two recall campaigns that Remington has issued, one on the Mohawk 600, and

SEE 1907

the other on the 700 as a result of the chrome peeling, correct?

A Yes, I am.

Q Any others?

A I know that they have had some recalls on some of the ammunition products.

Q But as to firearms, any other firearms?

A That's the only two.

Q XP-100?

A Well, the 600 and the XP-100 were together.

Q I consider them the same, and I am sure you did, too, correct?

A Yes.

Q Any shotguns that you can think of?

A No.

Q Would it be fair to say then that Remington is familiar with the recall procedure, to institute a recall?

A Remington did institute a recall.

Q And therefore, ergo are familiar with the recall procedure, would you agree?

A Yes.

SEE 1908

Q This is when a defect in a product is discovered, something which Remington considers, would that be a fair statement?

A Not necessarily.

Q Is there a level at which Remington starts considering recall?

A I couldn't answer that for Remington.

Q Who could for Remington?

A I think that would have to be discussed with somebody like Mr. Sperling.

Q Legal counsel?

A Yes.

MR. HEADLEY: You don't know who would consider that?

THE WITNESS: No. I am giving him an example.

BY MR. MC DONALD:

Q Are there any engineers involved in that decision?

A Yes. They would supply the technical input.

Q You would be one of those people, wouldn't you?

A Could, yes.

SEE 1909

Q Your position at Remington, if there was a recall being considered or something being considered for the 700 fire control system, don't you think you would be involved in that?

A Yes, I would, but there could be a recall on something else that I would not be considered on. That's the only point I'm making.

Q Okay. Has recall for the 700 been considered to your knowledge?

A I don't know when we have ever considered recalling the Model 700.

Q What would be your own criteria? You have indicated that you are involved in such a decision. Tell me, you as a person and as an engineer and as a person who is quite obviously expert in firearms design and manufacturing, what would be your criteria? What would be your input as to when a Remington product should be recalled?

A My input would be that if there was a condition where you had something that was unreasonably unsafe or could develop into a situation that was unreasonably unsafe, that you should take appropriate action.

SEE 1910

Q Do you consider fire off safe a situation or a phenomenon that is unreasonably unsafe?

A I consider fire off safe an unsafe act, yes.

Q Is it unreasonably unsafe?

A I thought a long time about what your question is, and it's based on and your premise is based on a recall situation. That's what you were leading up to, or that's where you started your logic, anyway, from a recall situation. Then you get to a specific fire off safe is not a good condition. There is no question. As far as it being unreasonably unsafe, when you look at the conditions involved, I think you have to treat it like on an individual basis. I had to think back to an incident I had where I had a fire off safe on a rifle that I owned, and I was hunting with a number of other people. I had the rifle aimed in a safe direction, and it discharged when the safety went off. I corrected the problem. To me, from that point on, that was not an unreasonably unsafe firearm, but having a firearm that does that is not a good situation at all.

Q If a firearm -- and when we say a firearm, you and I understand we are talking about a model, not just

SEE 1911

a single firearm -- has the propensity for even a small number of those firearms out in the hands of the general public to fire off safe, and if that condition could be corrected or could be guarded against by a recall, wouldn't you recommend it?

A I would have to say in answer to that question that you are putting a general question, but that the specific is aimed at the Model 700. In my position I have looked at 700's that have come back with the fire off safe condition, and in that case, no, I would not recommend it.

Q I am not interested in your interpretation of where I am ultimately going. I am interested in an answer to my question.

A My answer is to your question. I gave you my answer.

Q You are willing to crank in the Model 700, and I didn't mention any particular model. I am talking about a general principle, as an engineer, a gun designer and as a manager of Remington, wouldn't you do what I just asked?

A If I had a condition even in a small percent

SEE 1912

where I knew that condition existed in those guns, and if I knew that that condition could definitely cause physical harm, yes, I would recall them.

Q You talk about could cause physical harm. You can't possibly as a responsible person and engineer and designer say that any fire off safe condition that could be corrected might not have the potential of danger or would not have the potential of danger, right?

A A fire off safe could have a potential of danger.

Q Regardless of the --

A Major manufacturer of the rifle.

Q You can't rely on the safety habits of the general public to guard against that situation, can you?

A Well, you have to rely on the safety habits of the general public when they handle a rifle. At some point that safety, whether you are throwing it off safe or when you are using it, that rifle is armed.

Q Do you believe that a fire off safe phenomenon or situation is one which the public anticipates or should anticipate in the handling of a firearm?

A No. I don't think that they should anticipate

that the rifle is going to fire off safe, but I think they should anticipate that the rifle could fire at any time, and that should be pointed as a safety measure.

Q Has Remington ever taken any steps to warn the general public that the Model 700 may fire off safe?

A Not that I am aware of.

Q Have you been aware personally since 1975 and '76 or before that the Model 700 Remington Rifle might have an internal defect which could cause it to fire off safe?

A No, I am not.

Q Have you been aware since 1975 or '6 or before that that there were a number of Remington 700 rifles in the hands of the general public that had defectively designed parts?

A No, I am not.

Q Have you been aware since 1975 or '76 that a number of Remington 700 rifles have come out of your assembly procedure in such a fashion that they have the propensity to fire off safe?

A Yes, I am.

Q Have you engaged in any steps to insure that

SEE 1914

Remington 700 rifles after assembly and having the fire off safe propensity or situation do not get into the hands of the general public?

A Yes.

Q What steps have you taken personally?

A I have personally been involved in bringing the records up to date as far as our training and our process records on the assembly of the trigger assembly, of making improvements to our fixtures and gauges in that area, to make sure that the knowledge is being transferred from one employee to the other. I have also made some training aids to help show how the thing works, how the various components work within the trigger assembly, and we monitor the area quite closely. We have a special area in the gallery where if we get a rifle such as this, that it's placed so that there is no way that it can get passed on where an inspector would reject it, that the engineer comes right in and looks at that rifle and it's not disturbed.

Q We are talking about, by the way, rifles that are the same as Exhibit 5, correct?

A Yes.

SEE 1915

Q Now, when did you take these steps personally?

A I have taken these steps personally since I have been involved. On the subject I have just talked about, I have been doing that since 1978.

Q Before that, who was taking such steps?

A Clark Workman had the position I had before me.

Q What was Mr. Workman's position before he had your current title?

A It was Harvey Boyle who had the job that I had before me, and then it would have been Clark Workman before him.

Q Do you know of any Remington 700's that have left the assembly or have passed through inspection and got into the hands of the general public with the fire off safe propensity being present in that weapon?

A I am having a problem with your question because the fire off safe rifles that we get back are normally used and have been altered or misused for some reason. As far as saying that rifles we produced have a fire off safe condition, I am familiar with having a rifle just produced, and say, okay, I have a fire off safe condition. It came out of your factory, and it's defective.

SEE 1916

Q You have never seen them?

A I can't say that I have never seen that.

Q Isn't it true, Mr. Linde, that your own research people, your own lab people, have gone over your own inventory after it passed through production and inspection and have pulled 780 out and have run tests on them and have found fire off safe propensities in some of those rifles that have already passed through the inspection process?

A It's true that our own test lab had taken and pulled a sample of 600's. I remember that, and they found some that could be corrected that were in the warehouse.

Q You are not aware of such a test having gone on with regard to the 700's?

A Where the test lab had pulled out a gun that was fire off safe?

Q I don't mean to mislead you. I am not sure about test lab.

A Has went in and pulled guns from our warehouse that would fire off safe? No. I am not aware of that.

Q Now, are you aware of any modifications that

SEE 1917

have been made to the plates in the trigger housing to provide a screw hole? I show you what's been marked as Plaintiffs' Exhibit X and ask you if you recognize that?

A. This is a malfunction index for the gallery.

Q. Go ahead and thumb through it.

A. It's the malfunction index, and then it looks like there is some yearly summaries of gallery performance.

Q. I understand that you could not possibly verify each page, but generally that's what that document purports to be, correct?

A. Yes.

MR. MC DONALD: I offer into evidence Plaintiffs' Exhibit X.

(Plaintiffs' Exhibit X offered into evidence.)

BY MR. MC DONALD:

Q. You got any idea as to what it shows?

A. It shows the compilation of all the malfunctions on the product.

MR. MC DONALD: May I offer Plaintiffs' Exhibit W.

(Plaintiffs' Exhibit W offered into

SEE 1918

evidence.)

BY MR. MC DONALD:

Q The malfunction index code which is the first two pages of Exhibit X is simply a coding which Remington uses to represent certain kinds of malfunctions that it might find on more than one occasion in a weapon, is that a fair statement?

A Yes.

Q The purpose of this is to have short abbreviations so your gallery people don't have to list out long terms, is that right?

A Yes.

Q It fits nicely, and the computer runs that way so you can have standardization data processing, right?

A Yes.

Q Can you tell me which code represents fire off safe?

A It's FSR, fire when safe is released.

Q What's FOS?

A That's fire on safe.

Q Which number is FSR?

SEE 1919

A It doesn't have it on your sheet here.

Q Now, it would be our count that that was No. 64, but your copy, the original, might be more enlightened on that point. Would it surprise you to know that in the 1975 that your gallery rejected sixty-eight new 700's because of that phenomenon or situation, FSR?

A If that's what the figures say.

Q Do you consider that to be a significant number?

A Yes, I do.

Q Would it surprise you to learn that in 1975 that in addition to those sixty-eight, your gallery rejected five other 700's that were returned to Remington for repair?

A That would surprise me.

Q For a total of seventy-three?

A I don't believe that's correct.

Q Well, there is a column that says, "Repaired Guns Rejected." Can you tell me what that means?

A Yes, I can.

Q Maybe we are simply not thinking straight on this issue. What does "Repaired Guns Rejected" mean?

SEE 1920

A It means that if you have a gun that goes through the gallery, and it's rejected for any reason, it goes out on a ticket. If the gun goes back through regardless of what was done to it, the gun is completely retested again. For any reason that gun was rejected again, it would be classified as a repair.

Q Then I may have misspoken to you a moment ago when I said that guns returned to Remington for repair and were tested in your gallery were rejected.

MR. HEADLEY: It wasn't returned from the outside.

BY MR. MC DONALD:

Q Let's say that when I ask the question, that's what you had in mind. I am not saying that doesn't happen. I am simply saying that that's what I had in mind, and right now --

MR. HEADLEY: You are talking about just those five?

MR. MC DONALD: Yes. Just five.

BY MR. MC DONALD:

Q Would it surprise you to learn that in 1978 there were twenty-eight new guns rejected by your gallery

SEE 1921

as a result of the FSR condition?

A If that's what it says.

Q Do you consider that to be a significant number?

A I consider it to be significant, yes.

Q Would it surprise you that in 1977 your gallery rejected forty-four Model 700's as a result of FSR?

A If that's what the figures say.

Q Do you consider that to be a significant number?

A Yes, I do.

Q Would it further surprise you to learn that in 1977 that your gallery had an additional seven that were rejected guns or guns that had been sent back through your manufacturing process for a total of fifty-one in 1977?

A No. If that's what the numbers say.

Q Do you consider that to be a significant number?

A Yes, I do.

Q In 1978, would it surprise you to learn that your gallery rejected seven 700's as a result of FSR?

A If that's what the figures say.

Q Would you consider that to be a significant

SEE 1922

number?

A Yes, I would.

Q At any rate, 1979, the number dropped to one. Do you consider that to be a significant number?

A Yes, I do.

Q In 1980, the number dropped to nine. Do you consider that to be a significant number?

A Yes, I do.

Q In 1981,to seven. Do you consider that to be significant?

A Yes, I do.

Q In 1982, to one. Do you consider that to be significant?

A Yes.

Q Do you consider that the work you did on the fire control system in the 700 may have had a significant impact on decreasing the number of FSR weapons that were rejected by your gallery?

A I can't answer your question.

Q I think you can. Will you?

A No. I can't answer it.

Q Isn't it true, Mr. Linde, that you personally

SEE 1923

made a number of efforts both from a design standpoint and from a production standpoint to reduce the phenomenon of FSR in the 700?

A I think I consider an FSR to be very significant, and I am always conscious of it, sure.

Q Didn't you make some specific efforts to rectify that situation from a design standpoint and production standpoint?

A I have made improvements to the product. I agree.

Q One of those that you concentrated on was the phenomenon of the weapon firing off safe, right?

A Yes. I concentrate on firing off safe.

Q Now, just so that we are clear on this, we have been using fire off safe in our previous testimony and your previous testimony. Fire off safe being a condition that we were describing it there as whenever the operator switched the weapon from safe to off safe. You understood that, didn't you?

A Fire off safe there is if you pull the trigger and the rifle fires. We have been using the other terminology, but FOS is fire on safe.

SEE 1924

Q With regard to this particular?

A FSR is what we have been talking about previously.

Q You understood that, didn't you?

A When we were talking about FSR, sure. A couple times though, you changed it from FSR, and I thought you did that intentionally.

Q With regard to Exhibit X, I understand, yes.

A A couple of times in your discussion you switched back and forth. I thought you did that purposely. You can ask your associate. I am not trying to be smart.

Q Well, let's put it this way, sir. When you testified fire off safe, you understood that as the question was put to you, it was moving the safety from the on position to the off position, right?

A Not the last time, no.

Q With regard to Exhibit X?

A The FSR is fire when safe released. You asked me on fires on safe, and we described that fires on safe before. The only time that you have used fires on safe is almost the last question or two before last. When you said fire on safe at that point, you said FOS,

SEE 1925

and I understood that to mean fires on safe on that last question.

Q Right. But in the two days previously when I said fires off safe.

A When you said fires off safe, if the safe goes off, I understood it to be the fires when the safe goes off, but you have interchanged a number of the terms a couple times, but sometimes you do it intentionally.

MR. HEADLEY: You think?

THE WITNESS: I think he has, yes.

BY MR. MC DONALD:

Q FSR would be the same thing as fires off safe, right?

A You can interpret it the same, yes.

Q I didn't want to get confused. There was no intention. We are now going to the trigger connector.

(Whereupon, a short recess was had.)

BY MR. MC DONALD:

Q Mr. Linde, you have before you certain drawings, P20, 21, 22 and F23A and F23 all dealing with the trigger connector, correct?

A Yes.

SEE 1926

Q What does the term "swedged" mean? Is that when the hole is punched in?

A I don't know. Where did you find that term?

Q It's in the DCR. We are looking at 10173, which is Page 02, correct?

A Yes.

Q Specifically reasons for changes.

A That's a swedge. That doesn't have anything to do at all with the connector.

Q What does the term "swedge" mean?

A That's on a rivet, and that's when you got a rivet through that looks like a cut off nail. You come down, and you swedge it out. You flatten the head of the rivet.

Q This hole, it's a top screw, is it not?

A Yes.

Q That's shown in the trigger connector on F23, is that hole punched or drilled?

A I believe it's punched.

Q Does this dimension show any tolerance for bowing or bending?

A No, it does not.

SEE 1927

Q If in the manufacturing process the trigger connector gets a bow or a bend on the edge as a result of the punching process, would that cause it to be out of dimension? Could it cause it to be out of dimension as designed?

A It would depend upon the tolerance.

Q What is the tolerance on the width?

A It's .167 plus or minus 5 on this drawing.

Q So that's 5/1000?

A 5/1000, yes.

Q If the punching process caused a bow or a bend on each side or along the edge of the trigger connector in excess of 5/1000, that part would be defective, wouldn't it?

A Not necessarily. What I am saying is if you've got .167, if you want to the top of your tolerance, and then you had it swedged out bigger, then that swedge portion would be bigger than the part's tolerance.

Q You're using the term swedge.

A Not swedge. I am sorry. You got me confused. When you put the punch through there, if there was any bowing around where that hole was, if you were to the max of your part tolerance, yes, that particular point

SEE 1928

where the hole is could go greater than the max of the part tolerance.

Q In which case it would be defective parts, wouldn't it?

A In which case it would be out of spec. It doesn't necessarily mean it would be defective.

Q Well, aren't these dimensions critical to the proper operation of the fire control system?

A The dimensions are critical to the proper operation of the fire control, but to say that one specific item is critical, I can't do that. I would have to look at it.

Q I am getting a little close to my departure time, so I'm going to get to the heart of it. One of the things that you did was step in and widen the trigger housing. I don't know that you personally did that, but the people under you certainly did that in your tenure, and there was an expansion of the width of the trigger housing, and the stated reason in this DCR is to allow for proper tolerances so that there would be no part interference between the trigger housing, the interior walls of the trigger housing and the parts. One

SEE 1929

of the parts obviously involved in that function is a trigger connector, isn't it?

A Yes, it is. Your first preface is not correct.

Q Which preface is not correct?

A The housing is not wider.

Q The housing is not wider?

A That's right.

Q The housing is narrower?

A No. The housing was not changed.

Q Well, if that's your recollection. Is that your recollection?

A That's my recollection.

Q Would it surprise you to know that it was changed?

A I know what DCR you are talking about, and I know what the effect is, and I know that the housing is not changed.

Q Let me understand what you are saying. Then you are saying that the internal dimensions of the trigger housing on the 700 has not changed?

A That's right.

SEE 1930

Q Do you know whether the internal dimensions of the 700 fire control trigger housing has been changed?

A Yes.

Q Has it?

A It has not that I know of.

Q Then that's your best recollection right now, is that correct?

A Yes.

Q Have you ever seen trigger connectors or have you ever gained knowledge of any trigger connectors that have bows on the edge as a result of the punching process?

A Yes. I have see bows.

Q Can you tell me whether in your opinion such trigger connectors should have been put in 700 fire control systems and released to the general public?

A The bow really is not an important factor. The overall dimension is, whether you have binding with the trigger housing assembly or not.

Q Is it your opinion then that any trigger connector, whether it has bows or not, as long as it falls within these dimensions could be used within the 700 fire control system?

SEE 1931

A Yes.

Q If a trigger connector has dimensions larger than those dimensions shown on Exhibit F20, 21 and 22, larger than, beyond the tolerance, should they be used in the 700 fire control system?

A No, they shouldn't.

Q If I told you that I have personally seen such items, would that come as a surprise to you?

A Yes, it would.

Q Would you admit, would you not, sir, that if such items were in the hand of the general public in an assembled fire control system, that they would constitute a danger, wouldn't they?

A No, they wouldn't.

Q I see. Well, let's just take this situation. By the way, normally an operator of the 700 can't gain access to the insides of the trigger housings to clean them, can they?

A Not without taking the parts out.

Q That's not recommended in the owner's manual, is it?

A No, it's not.

SEE 1932

Q So the answer is that if a person follows the owner's manual, then they have no means or method available to them to gain access to the inside of the trigger housing to clean it, do they?

A Not that I am aware.

Q Now, if you assume that there is a trigger connector assembled inside the 700 fire control system, and as soon as that trigger connector has a bow or a bulge that is in excess of the dimensions and tolerances specified in exhibits before you but free enough, in other words, in dimensions, there is enough dimension there so that when the housing is in a clean condition, as I assume it is when it is assembled, correct?

A Yes.

Q That it would pass your inspection process, but assume further that it gets out in the hands of a normal user and operator and gathers dust; that it may in fact gather the residue of cleaning oil, possibly carbon, things of that nature in the inside of the trigger housing and between the trigger housing walls and the trigger connector; assume that the weapon that we are talking about is the same as Exhibit 5; in other

SEE 1933

words, it has the bolt locking feature; and assume further that there is a round chamber, that the bolt is locked, that the weapon is placed on safe, and that for some reason the trigger is pulled or squeezed or moved. Is it possible that dirt, gunk or other debris could bind the trigger forward so that the trigger connector would not return to its designed position thus enabling it to form a proper engagement with the trigger sear when that weapon was taken from an on safe to an off safe mode?

A I can't conceive of that happening.

Q Why not?

A Because the amount of bearing you have, you actually would come almost to a point bearing if it was, and you are saying that in the initial position there is not an interference. So what you are talking about is any kind of oil or a film or dirt, and if it's working and it's running there, and if there is a spring load on it, that connector would snap readily.

Q Would that be a function of the spring loading of the trigger?

A It would be a function of the spring loading

SEE 1934

of the trigger and the amount of the force that would be applied by the change in the form that you are talking about.

Q And the gunk and debris, the consistency of that that might lodge in between?

A Yes, but the area is so small you're talking about that really would be infinitesimal.

Q What about debris?

A Even debris with the area that you are talking about is infinitesimal.

Q Is that condition which I have just described and assuming that gunk or debris or dust or dirt could hold the trigger forward, would that create the phenomenon or situation of fire off safe?

A No. Not in the situation you described.

Q Assume that the trigger would be held forward.

A Now you are going to hold the whole trigger forward.

Q I am going to hold the trigger connector forward with the gunk and debris or whatever that I have hypothesized. Assume that it would hold it forward.

A Let's assume that the trigger is stuck forward.

SEE 1935

Q Now, would that constitute the fire off safe condition that we have been talking about?

A Sure. If you hold the trigger forward, it's going to fire off safe.

Q Now, were you responsible for the addition of a view hole in the side plate of the trigger housing?

A Yes. I have done that.

Q Did you do it with regard to the 700 fire control system?

A No. I think I did it with regard to the 788.

Q At any rate, we understand that the view hole we are talking about is the one that allows inspection of the engagement point between the sear safety cam and the trigger connector, right?

A Yes.

Q Why was that added?

A That has always been there as far as I know.

Q It wasn't on the 788 apparently?

A No, it wasn't.

Q You added it. Why?

A Because on the 788 we changed design on them.

Q Why would you want to screw that point?

SEE 1936

A You want to screw that point so that you can see what your engagement is, what the engagement of the sear and trigger connector is.

Q Why would that be important?

A Because that's an important part of the gun.

Q Why?

A Because that's the surface that the firing load is resting on in the static condition.

Q Is it critical to safety?

A It's critical to safety, yes.

Q Were you aware of marketing changes in the ownership manual from eliminating the term "adjustment" from the manual?

A I have heard about that, but that came in after the job I am in now, so I don't really know that.

Q You didn't participate in that?

A No.

Q You don't know what it was doing?

A No. I wasn't involved in that.

Q You were aware that the early 700 ownership manuals provided instructions as to how to adjust the adjusting screws, right?

SEE 1937

A Yes, I am.

Q Did you recommend that they take that out of the ownership manual?

A No. I never.

Q Did you participate in the decision to cause a change from F52 parts, taking off the bolt lock mode?

A No. I never.

Q You agree with that decision?

A No. I personally like the bolt lock better.

Q That's been a decision that's been applied across the board to all bolt-action rifles in Remington's inventory, isn't it?

A Yes. It would be.

Q So that at some point in time, Remington decided that it would be best to eliminate the bolt locking feature from all the bolt-action rifles, is that right?

A Yes.

Q Can you tell me why?

A I can tell you how I understand it.

Q Tell me how you understand it.

SEE 1938

A I understand that the bolt lock is a feature that's been a feature in bolt-action rifles for years. It's a feature that has been demanded by customers, and it's a feature that the bolt-action is rated by. It's considered a feature by the customer, and in some studies that marketing has run on the bolt-action rifles, they found the desirability of a bolt lock, desire on the customers' parts, had been decreasing.

MR. HEADLEY: Didn't we cover this before?

THE WITNESS: I don't know.

MR. MC DONALD: We absolutely did not.

BY MR. MC DONALD:

Q Now, have you seen those marketing studies?

A No, I haven't.

Q Do you know when they were made?

A No, I don't.

Q Who would we talk to to find out about those?

A I think the marketing person at that time was Paul Holmberg.

MR. MC DONALD: Mr. Linde, I have no further questions at this time. I appreciate

SEE 1939

the two and a half days that you have given me or more. I am making a statement for the record. By no means can the stretch of the imagination consider Mr. Linde's deposition can be through. We have been precluded consistently and throughout for making inquiries between the relationship of various other models and the 700, and I might say for the record it is absolutely abundantly clear the relationship between those, and it has been made clear with at least with regard to more than two models by the witness's testimony in other cases. There is a relationship of the models and the 700. As a result, we are going to reserve the right to continue this deposition with Mr. Linde, but given the limits and constraints that I have been working in today, I have done the best I can do.

MR. HEADLEY: You, of course, have the right to make whatever statement you make, but let the record show that by our not engaging in some eloquent discourse with

SEE 1940

counsel for plaintiffs, it by no means means that we are agreeing with what he says, and concerning any relationship between the 700 and any other rifle, maybe they both fire cartridges and cartridges come out of the end of the barrel, but I think we will have an argument on just what that relationship may be.

(Whereupon, the proceedings were adjourned.)

SEE 1941

C E R T I F I C A T E

I, ELIZABETH CAPECELATRO, 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 25, 1984

Elizabeth Capecelatro

SEE 1942

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 29, 1984, before ELIZABETH CAPECELATRO, Notary Public, at the Remington Arms Company, Ilion, New York, and that the same is true and correct.

_____

Sworn to before me this _____
day of _____, 1984.

_____

SEE 1943