

1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 IN AND FOR THE COUNTY OF CALAVERAS
3
4

5 JO ANN THOMSEN, ET AL,)
6 Plaintiffs,) NO. 10718
7 -Versus-)
8 DOUGLAS T. MESSER, ET AL,) NOVEMBER 2, 1983
9 Defendants.)

10 - - - - -
11 AND RELATED CROSS ACTIONS)
12
13

14 DEPOSITION OF JOHN LINDE, Witness, taken
15 on behalf of the State of California, by Susan
16 Oswiecinski Hite, a Notary Public within and for
17 the State of Connecticut, on the 2nd day of
18 November, 1983, at 9:07 a.m., in the Litchfield
19 Room of the Stratford Motor Inn, 6905 Main Street,
20 Stratford, Connecticut, pursuant to Notice of
21 Deposition.
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Katramados Reporting Service

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A P P E A R A N C E S

For the Plaintiffs:

KROLOFF, BELCHER, SMART, PERRY & CHRISTOTHERSON

BY: PETER A. VIRI, ESQ.

1044 North Eldorado Street

Stockton, California 05202

For the Defendant Remington Arms Company:

WEINTRAUB, GENSHLEA, HARDY, ERICH & BROWN

BY: STEVEN T. SCULLY, ESQ.

1000 G Street

Sacramento, California 95820

For the Defendants and Cross-Complainants Douglas T. Messer
and the State of California, Department of Fish and Game:

ATTORNEY GENERAL OF THE STATE OF CALIFORNIA

BY: CHRISTOPHER AMES, ESQ.

Deputy Attorney General

6000 State Building

San Francisco, California 94102

Also Present: Robert B. Sperling, Esq., Counsel for
Remington Arms; Charles Rau; James Hutton.

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1 MR. AMES: I'd like to note on the record
2 the time is nine o'clock. Mr. Ames and Mr. Viri
3 are the only ones present.
4

5 J O H N L I N D E , 54 Lake Street, Ridgefield
6 Springs, New York, being called as a Witness on
7 behalf of the Defendant, having been first duly sworn
8 by the Notary Public, testified on his oath as follows:

9 DIRECT EXAMINATION BY MR. AMES:

10 Q Mr. Linde, you are presently an employee of Remington
11 Arms Company?

12 A Yes, I am.

13 Q What is your present position?

14 A Superintendent of Product Engineering and Control.

15 Q When did you join Remington Arms?

16 A In July of 1965.

17 Q Where did you graduate from high school?

18 A Custer, South Dakota.

19 Q And did you attend college?

20 A University of Wyoming.

21 Q And did you obtain a degree?

22 A Bachelor of Science, mechanical engineering.

23 Q Any minor or specialty?

24 A None.

25 Q Until the time you graduated from college, had you

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1 ever worked as a gunsmith?

2 A No, I had not.

3 Q Ever designed any firearms?

4 A No.

5 Q Ever manufactured any firearms?

6 A I customized a number, yes.

7 Q Sir, have you obtained any formal education beyond
8 your Bachelor of Science in mechanical engineering?

9 A Yes, I've taken a number of courses.

10 Q In what areas?

11 A I've taken them in technical areas.

12 Q Were you pursuing a higher degree?

13 A Yes, I was.

14 Q What degree was that?

15 A MBA degree.

16 Q And have you obtained the MBA?

17 A No, I have not.

18 Q What year did you graduate from the University
19 of Wyoming?

20 A '65.

21 Q Were you employed directly upon graduation, by
22 Remington Arms Company?

23 A Yes, I was.

24 Q In what capacity?

25 A As an engineer in the Research Department.

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1 Q What was your title?

2 A I don't know exactly what it was when it first
3 started. Either Design Engineer or Engineering Assistant.

4 Q How long were you in that first job category with
5 Remington?

6 A Six months to a year and a half, I don't know when
7 the new title change came.

8 Q As an engineer in the Research Department -- that
9 was Ilion?

10 A Yes.

11 Q How long were you in the Research Department at
12 Ilion?

13 A Through 1977.

14 Q The end of 1977?

15 A Yes, December 31st.

16 Q December third?

17 A 31st.

18 Q And what evolutions did you go through with respect
19 to your title through that period?

20 A I went from Design Engineer to a Research Engineer
21 to a Senior Research Engineer to the Research Supervisor to
22 the Research Manager.

23 Q In the first position at Remington, who was your
24 immediate supervisor?

25 A My first supervisor was Clark Workman.

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1 Q And would you list for me your supervisors in
2 the Research Department?

3 MR. SCULLY: Chronological order?

4 Q If you can.

5 A Clark Workman, I might not have it exactly correct.
6 I worked for Clark Workman. I worked for Howard Waterman.
7 I worked for Charlie Morris. Then, I worked for Wayne Leek.

8 Q And were you working for Wayne Leek at the time
9 you transferred from the Research Department at the end
10 of '77?

11 A No, I had worked for Clark Workman again for about
12 a year. It was at the end. When I transferred to Products,
13 I was working for Clark Workman.

14 Q Is that your transfer in January of 1977?

15 A In '78, yes.

16 Q I'm sorry, '78. Where did you go to?

17 A Superintendent of Product Engineering and Control.

18 Q Prior to your January 1, 1978 transfer, had you
19 worked in the Products Department?

20 A No, I had not.

21 Q And you are presently superintendent of Product
22 Engineering and Control?

23 A That's right.

24 Q Going back to the time that you first went to
25 work for Remington, what were your duties at that time?

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1 A When I first went to work for Remington, they had
2 me in, like, a semi-orientation or a training program for the
3 first few months. Then, I moved into a program that I worked
4 on where we developed a camera and shotgun system where we
5 could film skeet shooting, where we had a camera of 16 milli-
6 meters modeled with the shotgun where we could take a picture
7 of shooting skeet.

8 We made a movie on skeet shooting. The customer
9 could tell what the proper leads are. When you're trying to
10 shoot at a moving target, it's difficult to determine how
11 much lead you should use. We developed the mechanism so
12 we could put together a film on the proper way for skeet
13 shooting and leads.

14 Q What was your assignment after working on the film?

15 A Well, then I worked in the engineering, in the
16 test lab, and I worked on a number of tests. The testing
17 of various models for whatever was, you know, the
18 designers were working on.

19 Q What was the time frame in which you were working
20 in the test lab?

21 A Oh, I don't know. I must have worked there, I
22 would say, maybe anywhere from nine months to a year and a
23 half. I can't remember.

24 Q And, approximately, what time period was that?

25 A This would be, like, 1966, '65 or '66.

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1 Q And after working in -- is that the testing and
2 measurements lab?

3 A Yes, it is.

4 Q After working there, what did you do?

5 A Then I went into the design area and was given
6 design jobs.

7 Q That would have been, approximately, '66 that
8 you went into the --

9 A Well, I don't know. '66 or '67, that time frame.
10 There was a period in there, like six months or nine months,
11 I also worked on processing of parts. Remington processed
12 gun parts and computer related interface.

13 Q Is that the development of the numerical
14 control system?

15 A Yeah, I guess you could say that.

16 Q Who were you working on that with?

17 A Clark Workman.

18 Q What was the next change in your job?

19 A I went into the design area as a designer.

20 Q Numerical came after the test lab and before the
21 design work?

22 A That's right.

23 Q Okay. And what was the next change in your job
24 duties after working in the design area?

25 A Well, then I started in the design area. I started

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1 with small projects and worked right up to major programs.

2 Q Did you stay in the design area in the Research
3 Department until December of 1977?

4 A I guess I did.

5 Q Okay. What was your first assignment, with respect
6 to design, if you recall?

7 A I worked on some diversification for a couple of
8 months. They were looking at, like, an off the road vehicle.
9 I worked on that for a few months. I went into the firearms
10 design and I worked on various programs.

11 Q Can you be more specific about the programs and
12 firearms design that you began?

13 A I can remember, other than it was, you know, if they
14 had a small mechanism they wanted to change, an improvement
15 made, I would investigate it and go through and do all the
16 drawings.

17 Q Was it design change requests?

18 A No, not necessarily. At that point, you're
19 just assigned to stuff by the supervisor and it's, you know,
20 you can't know, essentially, where it's coming from, whether
21 it's a design change request or something he is thinking of,
22 what he wants to do.

23 Q At some point, did your responsibilities -- let's
24 go with respect to the time in which you were working on the
25 small programs, was that in connection with center fire bolt

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1 action rifles?

2 A I did some.

3 Q Did that include the model 700?

4 A I didn't do much on that. It was more the 788 and
5 580's.

6 Q When did your responsibilities change?

7 A Well, I continued to just have greater and greater
8 responsibilities added to my workload.

9 Q At some time, did you become involved with the design
10 of any new product?

11 A Very definitely.

12 Q When was that?

13 A It was '68. I started working on the over and
14 under shotgun.

15 Q Was that a new product?

16 A Yes, it was.

17 Q And was that eventually done?

18 A Yes.

19 Q The model number?

20 A Model 3200.

21 Q Did your duties include working on design change
22 requests?

23 A Sure.

24 Q As your responsibility proceeded?

25 A Sure.

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1 Q Can you approximate what time period that would
2 have been?

3 A That would have happened from 1970 on.

4 Q Did you work on the design change requests related
5 to the model 700?

6 A No, I never.

7 Q You have never worked on design change requests on
8 model 700?

9 A Yes, I have.

10 Q When did you begin working on design change
11 requests with respect to the 700?

12 A 1975.

13 Q Have you had any responsibility for supervision
14 with respect to model 600?

15 A Yes, I have.

16 Q When was that?

17 A From '75 on.

18 Q When in 1975?

19 A The first day.

20 Q Have you ever had responsibility for design with
21 respect to the model 700?

22 A Yes.

23 Q When was that?

24 A January first on.

25 Q 1975?

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1 A Right.

2 Q What was the change in your duties or responsibilities
3 that gave you these particular assignments?

4 A I picked up all the manually operated firearms.

5 Q Prior to January of 1975, had you had responsibility
6 for design and design changes in manually operated firearms?

7 A Yes, I had all the 3200 line.

8 Q Which are shotguns?

9 A Yes.

10 Q Prior to January of 1975, did you have responsibility
11 for center fire bolt action rifles?

12 A No.

13 Q But you had worked on some design changes with
14 respect to the center fire bolt action rifles prior to
15 that time?

16 A Yes, I had, previous to the 3200.

17 Q Did you have responsibility with respect to the
18 center fire bolt action rifle design from 1975 until
19 December of 1977?

20 A Yes, I did.

21 Q Who were you reporting to beginning in January of
22 1975?

23 A Wayne Leek.

24 Q Subsequent to that, Mr. Workman again?

25 A Yes.

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1 Q Sir, are your duties as Supervisor of Product
2 Engineering and Control today, the same as they were
3 in January of 1978?

4 A No, they are not. That is superintendent.

5 Q Superintendent, I'm sorry. The superintendent
6 has a supervisor of PE&C working under him?

7 A Yes.

8 Q What were your duties as superintendent of the PE&C
9 when you took that position?

10 A I was responsible for the manufacturing engineering
11 and new products engineering and the quality control areas.

12 Q What changes, with respect to those responsibilities,
13 occurred between January of 1978 and the present?

14 A I'm now responsible for industrial engineering,
15 the custom gun shop and the customer repair.

16 Q Customer repair is the same thing as Arms Service?

17 A Yes.

18 Q When did the responsibility for the industrial
19 engineering get added to your duties?

20 A I would probably say about June or July of '82.
21 You can answer that better than I can. About mid year last
22 year, I believe.

23 Q When did responsibility for the customer gun shop
24 get added?

25 A That was a couple months later. That would have

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1 been, like, in September. Something like that, or October.
2 I'm not sure on those.

3 Q When did the customer repair get added?

4 A It was the same time as the custom gun shop.

5 Q Who had responsibility for the customer repair, in
6 the supervisory level, prior to yourself?

7 A It was an individual by the name of Jack Carter.

8 Q Who did he report to?

9 A He reported to the plant manager.

10 Q And do you report to the plant manager?

11 A Yes, I do.

12 Q That's Mr. Boyle?

13 A Yes, it is.

14 Q Have you reported to the plant manager since
15 January of 1978?

16 A No, I have not.

17 Q Who did you report to beginning in January of 1978?

18 A I reported to the plant manager.

19 Q And it is sometime between then and now, you
20 reported to someone else?

21 A Yes, I did.

22 Q When was there such a change?

23 A I don't know exact dates, but it must have been, like,
24 in 1980. I reported to the assistant plant manager, then
25 back to the plant manager, for the period of time I reported

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1 to the assistant plant manager.

2 Q And has the plant manager, from the time you have
3 been superintendent of the PE&C, been Mr. Boyle?

4 A Not, it has not.

5 Q Who preceded him?

6 A R.L. Hall.

7 Q As Superintendent of the PE&C, in January of 1978
8 to the present, have your duties with respect to the manu-
9 facturing engineering, new products engineering and quality
10 control remained the same?

11 A And what?

12 Q Quality control, have they been the same?

13 A Essentially.

14 Q What have your duties been with respect to the
15 manufacturing engineering?

16 A We support the process engineering on the manu-
17 facturing of products.

18 Q What does that mean?

19 A That means, if you have a tooling problem or a
20 process problem, that the process engineering engineers
21 handle that problem or the engineers support the manufacturing
22 operation.

23 Q Can you give me an example of such a problem that
24 has occurred?

25 A Sure.

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1 Q If you can, with respect to the model 700.

2 A Sure. You could have a call from, say, the
3 receiver line, where they say, we've got a problem down here,
4 instead of getting sixty pieces per cut, we're only getting
5 thirty pieces per cutter. So, an engineer goes down to see
6 what the problem is.

7 Q What are your responsibilities with respect to the
8 new products?

9 A We are responsible for the tooling of new products.
10 When the design is released from Research, we take the design
11 and develop the tooling to manufacture the product.

12 Q What are your responsibilities with respect to
13 quality control?

14 A The quality control organization runs through the
15 process engineering and all the quality control functions
16 are headed up through that department.

17 Q Can you outline for us, the quality control
18 functions that are under your supervision?

19 MR. SCULLY: At this time?

20 MR. AMES: That have been under your super-
21 vision since January of 1978.

22 A There has been some changes but, basically, the
23 quality control functions are, you have material inspections,
24 you have purchase parts inspections, you have raw materials
25 inspection, you have heat treatment inspections, you have

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1 process audits, you have machine capability studies, you have
2 control point inspections, you have the next level,
3 functional testing, you have gun inspections and you have
4 warehouse auditing. That might be incomplete.

5 Q What changes have there been with respect to
6 quality control functions in the time that you've been the
7 superintendent of the PE & C?

8 A The major changes have been more of a consolidation
9 of the quality control functions. We have consolidated and
10 put all the quality control functions in the quality depart-
11 ment.

12 Q You said that your responsibilities in the quality
13 control department have involved materials inspections and
14 raw materials inspections. You used both terms. Are
15 those the same?

16 A Not necessarily, no.

17 Q What is the difference?

18 A Raw materials is, we change incoming steel to
19 make sure that you have the correct steel and it's to our
20 standards. And materials inspections, what I'm talking
21 about there is when you buy a purchase part. For example,
22 when you buy aluminum casting, you would check that material
23 to make sure that material is correct.

24 Q So, materials inspection is the same as purchase
25 parts?

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1 A No, it's just a play on words. Your purchase
2 parts inspector checks to make sure it's dimensionally
3 correct and then, if it's material he can't check out in
4 his area, he sends it down to the lab.

5 Q Do the persons making inspections of purchase
6 parts, raw materials and heat treatments, all report up
7 through the line of command to you?

8 A Yes, they do now.

9 Q You use the term, process audits. What do you
10 mean by that?

11 A That is audits that you conduct on the floor when
12 the individuals or operators are running the parts or
13 doing the various operations, random audits.

14 Q Random audits of parts to determine if they are
15 manufactured to specifications?

16 A Random parts to see if they are to gauge, yes.

17 Q You use the term, control points inspections.
18 What are control points?

19 A Some applications where we have, particularly,
20 visual operations, where you have a lot of hand work. We'll
21 have a person just inspect everything coming through.

22 Q For example, on the model 700, what control point
23 inspections are there?

24 A You're checking the stock.

25 Q Anything else?

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1 A No.

2 Q Would you describe for me, the functional testing
3 with respect to the model 700 and, specifically, with
4 reference to the fire control?

5 A You want it on all levels?

6 Q Well, you used functional testing as what you
7 consider it to be.

8 A I was using functional testing as the gallery
9 test. We shoot every gun.

10 Q And that's after the gun has come off the produc-
11 tion line and prior to shipment to the warehouse?

12 A That's right. We have no production line.

13 Q What would your terminology be?

14 A We do not have a line like an automobile line.
15 We have one man who puts the gun together.

16 Q Okay. So it's after final assembly, is that the
17 correct terminology?

18 A Yes, right.

19 Q You used the term, gun inspection after functional
20 testing.

21 A That's right.

22 Q What was the gun inspection?

23 A A final inspection.

24 Q After the gallery test?

25 A That's right.

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1 Q And that's done by somebody working for quality
2 control?

3 A Yes, it is.

4 Q What does that consist of?

5 A They take the gun, they check it for the visual,
6 functional safety requirements.

7 Q Is that a hundred percent test?

8 A Yes, it is.

9 Q As is the gun gallery test?

10 A Yes, it is.

11 Q Is the gun inspection done in conjunction with the
12 gallery testing?

13 A No, it's not.

14 Q You made reference to some warehouse quality control
15 process, what is that?

16 A We audit guns out of the warehouse.

17 Q What does that mean?

18 A What does it mean?

19 Q Yes, that you audit guns.

20 A Every day, we take a sample of a gun that went to
21 the warehouse.

22 Q And go back and run what test?

23 A We run a visual, a functional and the tear down.

24 Q Have the gallery test procedures changed since you
25 have become superintendent of the PE&C, with respect to the

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1 model 700 fire control?

2 A The gallery, no, I don't believe so.

3 Q Has the gun inspection, with respect to the model
4 700 fire control, changed during the time that you've been
5 the superintendent?

6 Q Yes, it has.

7 Q What changes have occurred?

8 A Well, your standards continue to change. There
9 are certain visual standards and, for example, we changed
10 the finish on the receiver. We changed the finish on the
11 barrel. All of a sudden, you've got a new standard. You've
12 got to change your inspection standards.

13 Q Have there been any changes with respect to gun
14 inspections while you've been superintendent of the PE&C,
15 relating to the fire control of the model 700?

16 A There could be, but, there is nothing significant
17 in my mind.

18 Q Anything change in the warehouse audit procedure?

19 A Pardon?

20 Q Have there been any changes in the warehouse audit
21 procedure?

22 A Yes, there has been.

23 Q With respect to the model 700 fire control, have
24 there been any?

25 A Not that I'm aware of.

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1 Q Was the model 600 in production when you became
2 superintendent of the PE&C?

3 A Yes, it was.

4 Q How long did that continue?

5 A Actually, it wasn't the model 700. It was a
6 Mohawk 600.

7 Q Was the Mohawk 600 in production at that time?

8 A Yes, it was.

9 Q And was the fire control in that Mohawk 600
10 virtually identical to that which had been in the model 600?
11 Than the earlier 600?

12 A No, it wasn't. It, essentially, changed when I
13 came out there.

14 Q How did it change?

15 A The 600, previously, was a folded assembly. The
16 600, starting in '78, was a riveted assembly. That is the
17 assembly that the parts ride in. Essentially the same as
18 the 700, as far as the trigger assembly side plates.
19 So, the adjustment screws and, what have you, also were
20 changed.

21 Q During the time -- well, do I understand
22 correctly, at sometime during this time that you are
23 superintendent of the PE&C, the production on the model 600
24 the Mohawk, was discontinued?

25 A Yes, it was.

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1 Q During the time that you were superintendent of
2 the PE&C, were any of the functional tests, applicable to
3 the model 600, changed?

4 A No, not the guns that we were producing to the
5 warehouse. There were no changes that I'm aware of on the
6 model 600, Mohawk 600.

7 Q When you were producing from final assembly all the
8 way to the warehouse --

9 A In 1978, the design on the trigger assembly had
10 been changed the first of the year, and you know, when that
11 changed, whatever changes came with that design change, did
12 not change the rest of the year.

13 Q Did it change at any time, until the end of
14 production?

15 A That's what I'm saying.

16 Q At the time you became the superintendent of the
17 PE&C, was a trick test being performed with respect to the
18 model 600, anywhere in the production process up to the
19 warehouse?

20 A It depends what you mean by trick test.

21 Q Remington's definition of trick test. Let me ask
22 you what you understand it to be.

23 A It depends on the gun. You know, there are a
24 number of things that you can trick.

25 Q With respect to the fire control of the model 600.

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1 Define for me the trick test, as you understand it, that has
2 been applied to the fire control of the model 600.

3 A The trick test to the Mohawk 600, as I understand
4 it, you take the gun, you check the ammunition, close the
5 bolt. You put the gun in the on-safe, full on-safe position.
6 You then take the safe and you move it to the intermediary
7 position, such that the detente point ball is riding on the
8 edge. This would be the edge that determines whether it
9 goes on-safe or off-safe. You pull the trigger.

10 What is the engineering term, just a minute, where
11 the ball is sitting right on the apex, dynamically unstable,
12 I guess that's the engineering term. And you pull the
13 trigger and then you take and you kick the safety to the fire
14 position.

15 Q And was that trick test being done with the model
16 600 when you became superintendent of the PE&C?

17 A Yes, it was.

18 Q Was a similar trick test done with the model 700
19 when you became superintendent of the PE&C?

20 A Yes, it was.

21 Q To your knowledge, have any 700's ever been found,
22 as part of the production and quality control process, in
23 which the fire control could be tricked by this test?

24 A Yes, I remember one.

25 Q Have there been more than one?

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1 A I remember one. I don't remember any more than one
2 from the production guns.

3 Q Is that during the time that you were superintendent
4 of the PE&C?

5 A Yes, it was.

6 Q What was the cause of that one?

7 A The cause was that there was a projection on the
8 wood and that the safety was not in the intermediary
9 position at all. It was forward of the intermediary
10 position.

11 Q The safety lever was hanging up in it's arc of
12 travel, forward of the intermediate position?

13 A That's right.

14 Q Is the trick test still performed with respect to
15 the model 700?

16 A Yes, it is.

17 Q And has that method by which it was performed,
18 changed since you have been superintendent?

19 A Not, it's essentially the same.

20 Q How is the intermediate position determined by
21 the person performing the trick test?

22 A It's determined by taking the safety and a lot of
23 people use two thumbs, some use one thumb. After they have
24 done it a lot of times, they can feel it fairly readily,
25 the safety, and they play with it until it's in the null

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1 position.

2 Q How do you know they have got it in the null
3 position?

4 A They don't know a hundred percent, until they get
5 it to hang by itself, they get it in that position.

6 Q Without being held by the fingers?

7 A That's right.

8 Q Is there only a single null position where the
9 safety of the model 700 can be tricked in this test that we
10 have been discussing?

11 A By null position --

12 Q One position in which the trick test is performed.

13 A Yeah, there is one area that you put the thing
14 up to and it will just sit there.

15 Q And how large is that area with respect to the arc
16 the safety lever moves through?

17 A I don't know how large the area is.

18 Q Sir, in performing the trick test on the model
19 700, as it has been done, to your knowledge at Remington
20 Arms in the production process, does that involve a hard
21 pull of the trigger?

22 MR. SCULLY: What do you mean by hard pull?

23 Q How much force is applied to the trigger in perform-
24 ing this trick test?

25 A Well, it would be two or three times the normal

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1 trigger pull.

2 Q And the specified range for the pull is three to
3 five pounds?

4 A That's right.

5 Q Is that gauged somehow by the person performing the
6 trick test or just --

7 A He just pulls the trigger.

8 Q Why it is done two or three times harder than
9 normal trigger pull?

10 A You want to make sure the trigger is definitely
11 being retracted.

12 Q I will show you a document, previously marked as
13 RLH-X-1, dated August 25, 1983, ask you if you prepared
14 that document?

15 A Yes, I did.

16 Q And what is it?

17 A That's the examination of the Thomsen gun at the
18 Failure Analysis facility in California.

19 Q And I note that it is a typed document. Was it
20 prepared from written notes?

21 A Yeah, what I did, I did rough notes when I was
22 out there, writing down various things.

23 Q And then what did you do with the rough notes?

24 A I don't, frankly, know. I don't know if I still
25 have them. I normally rip my notes up. I'm not really too

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1 proud of my handwriting.

2 Q Did you dictate from those notes to create this
3 document?

4 A No. What I did, I took a number of pictures, I
5 took notes and then I took the pictures and notes and pre-
6 pared the document.

7 MR. AMES: Can we have a stipulation, counsel,
8 that the photographs that were handed to me by
9 Mr. Sperling last Friday, are the photographs to
10 which Mr. Linde is referring?

11 MR. SCULLY: Why don't you go through these
12 and make sure these are the ones.

13 MR. AMES: My question is whether the photo-
14 graphs from Mr. Sperling are the same photographs
15 that Mr. Linde has just referred to in his
16 deposition testimony.

17 MR. SCULLY: Why don't you pose that question.

18 THE WITNESS: Yes, they are.

19 Q Sir, prior to examination of the Thomsen gun in
20 August of 1983, had you ever seen that rifle?

21 A No, I had not.

22 Q Did you see any photographs of that rifle?

23 A Yes, just preceding that, I reviewed some photo-
24 graphs.

25 Q Are the photographs that were taken by the lab

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1 photographers in the October, 1981, inspection of the rifle?

2 A I don't know, they must have been.

3 Q Prior to the examination of the Thomsen rifle,
4 did you see any notes taken by Mr. Stekl in October of 1981?

5 A No, I haven't.

6 Q Have you ever seen those notes?

7 A No, I haven't.

8 Q Prior to or during the August of 1983 inspection,
9 in which you were present, did you show the photographs
10 of the October, 1981 inspection to Mr. Davis or Mr. Hillberg?

11 A I don't believe so. Maybe I did but I can't
12 remember if maybe we did the day before. We wouldn't have
13 reviewed them at Ilion but we could have reviewed them the
14 day before. I don't know. It would make sense that we would
15 have, but I can't remember actually doing it.

16 Q To your knowledge, has anybody provided a copy of
17 Mr. Stekl's notes from October of 1981 to you and Mr. Davis
18 or Mr. Hillberg?

19 A I don't believe so.

20 Q Do you have any reason to believe that when you
21 saw the Thomsen rifle first, as the Failure Analysis in
22 August of 1983, this year, the condition of that rifle was
23 in any way different than it's condition when Mr. Stekl
24 had seen it at the end of the inspection in October of 1981?

25 A I have no reason to doubt that it wasn't but I

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1 don't know this.

2 Q Prior to your examination of the Thomsen rifle
3 in August of '83, did you discuss with Mr. Stekl, any
4 observations he may have made in October of 1981?

5 A Yes, I did.

6 Q Okay. And when was that discussion?

7 A Oh, that must have been preceding the August trip.

8 Q And what did Mr. Stekl say?

9 A He said that he went out to the California facility.
10 He disassembled it so that the failure analysis could analyze
11 it.

12 Q Did he tell you anything about the rifle?

13 A Yeah, he said that it was, essentially, your show.
14 All he was there for was to disassemble it and assemble it
15 again.

16 Q Did he tell you anything about the condition of
17 the rifle, sir?

18 A Essentially, he just said it looked good to him.
19 Essentially, that's it. He never went into any detail on
20 it.

21 Q Did you question him with respect to the condition
22 of the rifle when he first saw it?

23 A I don't know. I think the only thing that I
24 questioned him about, I asked him if it had adjusted -- if
25 the rifle had --

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1 Q Adjustment of the fire control screws?

2 A Yeah, the screws or somebody had taken a file to
3 it.

4 Q What was his answer to that?

5 A As I recall, he said that nothing had been done.
6 I don't actually remember this as a conversation but, you
7 know, I think that's the way it went.

8 Q Other than your conversation with Mr. Stekl, prior
9 to your examination of the Thomsen rifle, did you have --
10 and having reviewed the photographs taken in October of
11 1981, did you have any other information with respect to that
12 rifle at the time you began your examination in August?

13 A No.

14 Q Were you in charge of the group examining the rifle
15 in August of 1983?

16 A No, I was not.

17 Q Who was?

18 A There, actually, was nobody in charge. The outside
19 experts, they have their own integrity and their own program.
20 We coordinated it, but it was really nobody in charge.

21 Q Did you provide --

22 A I took the notes but that was because when we got
23 in, someone said, John you've got a pencil and paper, why
24 don't you take the notes. That's how that was coordinated.
25 It was prepared, I guess.

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1 Q Have you, at any time, provided to Mr. Hillberg,
2 any factory drawings and specifications with respect to
3 the model 700?

4 A No, I don't believe so.

5 Q Have you provided any such information to Mr. Davis?

6 A No, I haven't.

7 Q Sir, in your examination of the Thomsen rifle, did
8 you make any observations of a bulge at the muzzle of that
9 rifle?

10 A No, I made an observation -- I can tell you what
11 observation I made on the muzzle. Someplace in here, it was
12 bright or dark or something like that.

13 Q Page two, three-quarters of the way down. No wear
14 on muzzle?

15 A Yea.

16 Q Did you notice anything else about the condition
17 of the, say, the forward six inches of the barrel of that
18 rifle?

19 A No, I haven't. Was there something there I
20 should have noticed? I'll look at it, though, next time
21 I see it.

22 Q To the best of your knowledge, do the statements
23 written down here in RLH-X-1, reflect your observations of
24 the Thomsen rifle?

25 A Definitely.

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1 Q So, the data and the information here reflects your
2 observations in each case?

3 A That's right.

4 Q Did you add in any data or information from Mr.
5 Hillberg or Mr. Davis, to your own observations that you did
6 not verify yourself?

7 A Yes, I did. I talked to them, you know, like
8 after the first night and I talked to them at the end of the
9 second day and I wrote down their observations. We went
10 through my notes and we went through and discussed it and I
11 wrote down observations that they had made.

12 Q Okay. Are you able, reviewing this document, to
13 tell me which are their observations and which are yours?

14 A No, I could not now.

15 Q Are all of the figures here in this RLH-X-1 exhibit,
16 figures that you verified or took yourself?

17 MR. SCULLY: Narrative, overly broad. You
18 can answer.

19 A Would you repeat the question.

20 Q There are numbers there, measurements and
21 figures set out here, they are referenced in a few cases,
22 to the forces necessary to move various elements of
23 the fire control.

24 A Right.

25 Q Did you either, take all of those measurements or

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1 verify those measurements and figures yourself?

2 MR. SCULLY: Compound, overly broad.

3 A No, it depends on the measurement, really.

4 Q Are there any measurements that would be taken
5 by anybody else?

6 A Sure.

7 Q Are there any here that you didn't verify yourself?

8 A What do you mean verify? That I actually did the --

9 Q Checked their readings; observe them make it and
10 observe their reading?

11 A I don't really quite understand what you're getting
12 to. If they make a measurement, you can duplicate their
13 measurement. They can make a measurement, you can read it
14 on the scale to verify what their scale reads. Which context
15 are you talking about?

16 Q Did you duplicate all of the measurements made by
17 anyone else which may be reflected here?

18 A No, I never.

19 Q Did you verify by visually observing their measure-
20 ments and looking at the scale or the dial?

21 A I'm sure there was one or two that I never.

22 A Sir, have you received assignments with respect
23 to testifying to the design and manufacture of the subject
24 rifle in this lawsuit?

25 A Yes.

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1 Q And what is that assignment?

2 MR. SCULLY: Counselor, that question is vague
3 and overly broad. Please narrow it down.

4 MR. AMES: I asked him what his assignment is.

5 A My assignment is to come down here and have my
6 deposition taken down. My assignment was to go out to
7 California and take a look at it.

8 Q Have you received any assignment with respect
9 to trial testimony?

10 A Not yet I haven't. I know that I'll be going. I
11 mean, if you've done this to this point, you'll definitely
12 be going to the trial.

13 MR. AMES: Mr. Scully, the designation of
14 Expert Disclosure of Expert Witnesses, filed by
15 Remington, makes no mention of Mr. Linde testify-
16 ing with respect to the condition of the rifle or
17 his observations about it's many possible causes
18 of accidental discharge. It refers only to the
19 design and manufacture of the subject rifle.

20 May I rely on the statements here for purposes
21 of my questioning?

22 MR. SCULLY: Counsel, I would suggest that you
23 delve into those areas, so you can't go back to court
24 and intimate that I precluded you from inquiring
25 of this particular witness regarding these areas.

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1 I would suggest that you delve into those areas.
2 I will certainly not prohibit you from doing so.

3 MR. AMES: Are you telling me that he may testi-
4 fy regarding the possible causes or circumstances
5 of discharge of the Thomsen rifle?

6 MR. SCULLY: That's correct.

7 Q Mr. Linde, what is your information with respect
8 to the circumstances of the accident leading to this case?

9 A How I understand the accident?

10 A Yes, what information do you have with respect
11 to the accident?

12 A You want me to repeat what I know about the
13 accident? I understand that the game warden was investigating
14 a complaint or, anyway, had reason to believe that a party
15 may have, I don't know, poached a deer, had been doing some-
16 thing illegal anyway. And that he was -- in his investigation,
17 he came up to a vehicle and there was a young individual
18 sleeping on the seat and there was a rifle on the floor and
19 that the individuals father was standing at the driver's
20 side of the vehicle.

21 It was late at night. This guy had a flashlight
22 in one hand and he took his other hand, he reached in to
23 check this model 700. Supposedly, he asked the individual
24 on the seat if the gun was loaded and the guy mumbled some-
25 thing. And he, in handling the 700, the 700 discharged and

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1 it killed the individual's father.

2 Q Specifically, sir, what information do you have
3 with respect to how the warden was handling the 700 from the
4 time he first touched it?

5 A Honestly, I have no information on how he handled
6 it. Nobody explained to me how he was handling it.

7 Q What is your source of the information which
8 you've just testified to?

9 A My source of information is from Mr. Bob Sperling.

10 Q Other than your conversations with Mr. Stekl and
11 any conversations you may have had with Mr. Hillberg and
12 Mr. Davis, have you discussed this case with anyone else?

13 A Yes, I have.

14 Q And who else?

15 A I've discussed it with my staff. I told them last
16 week that I was going to be coming down here to have a
17 deposition taken. A couple of them said they knew about it.

18 Q Have you discussed this with Mr. Hutton?

19 A Yes, I have.

20 Q Have you discussed it with -- who in your staff
21 did you discuss it with?

22 A I discussed it with all the people in my staff. I
23 told them that I was -- that I looked at the gun in August.
24 I would be here for my deposition. I would not be at the
25 plant Tuesday morning or Wednesday morning or Wednesday all

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1 night.

2 Q With any of your staff people that you discussed it
3 with, did you talk about the accident or the issues in the
4 case?

5 A I didn't discuss the issues in the case. I told
6 them an individual had been killed. It was with a model 700.

7 Q Other than your discussions with your staff and
8 Mr. Hutton, who else have you discussed the case with?

9 A I discussed it with Harvey Boyle last Friday or
10 Monday, I guess it was. He said you had talked to him on
11 Friday afternoon.

12 Q Anyone else you can think of?

13 A I've discussed it, I talked to Stekl, talked to
14 Ed Sienkiewicz, Bob, Jim, Steve Scully, people in my
15 staff, told my secretary.

16 Q Did you prepare --

17 MR. SCULLY: Tell your wife?

18 THE WITNESS: Yeah, I sure did.

19 MR. SCULLY: Kids?

20 THE WITNESS: Yeah.

21 Q Have you prepared for this deposition by reviewing
22 any documents or written material?

23 A Yes, I did.

24 Q What documents and written material?

25 A I went through some of the process records and

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1 some of the drawings.

2 Q Those are process records and design drawings
3 of the model 700?

4 A Yes.

5 Q What process records did you review?

6 A Well, really, I was just looking for dates. The
7 dates, for example, when the changes were made to the 600,
8 when the 600 recall came to be, when we made the changes on
9 the 600 trigger assembly, changes that we have made on the
10 700's.

11 Q Any other materials that you've looked at in pre-
12 paration for the deposition?

13 A Yeah, I read this a couple of times last night.
14 This right here. I went through the pictures.

15 Q By this, you refer to the notes of the gun exami-
16 nation?

17 A RLH-1.

18 Q Did you discuss this case with Mr. Hutton, at any
19 time yesterday?

20 A Yeah, last night I had dinner with Mr. Hutton.
21 Then, afterwards, we sat around and talked about it a little
22 while. We talked about the facts. Recalled some factors
23 in the case, what we thought was important. What you might
24 put in the questions.

25 Q What did you discuss that you thought was important?

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1 A They thought that, as far as, that you might be
2 trying to tie in the 600 with the 700. That you'd be talk-
3 ing about the function of the gun and you'd be talking about
4 testing that's been done on the guns, be talking about test-
5 ing that's been done on the guns, be talking about the quality
6 control functions, the processing. How we manufacture it.

7 He also said that you'd be talking from a podium.

8 Q Was that correct?

9 A That's right.

10 Q So far, is everything what you expected?

11 A No.

12 Q Mr. Linde, what were the results of your examina-
13 tion of the Thomsen gun in summary form?

14 A Right here. That's the summary of the Thomsen
15 gun.

16 Q And you're referring to the whole exhibit?

17 A Yes.

18 Q And did you find any malfunctions in the fire
19 control of the Thomsen gun at the time you examined it?

20 A No, I never.

21 Q Did you find any part of the Thomsen gun that
22 was not to Remington's specifications as of the date of
23 the manufacture of that rifle?

24 A I don't understand that. I didn't go back and
25 check the dimensions against the drawings.

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1 Q Have you an opinion with respect to the cause of
2 the discharge of the Thomsen rifle?

3 A Yes, I do.

4 Q When did you form that opinion?

5 A After I looked at the rifle.

6 Q What is your opinion?

7 A The trigger was pulled.

8 Q What is the basis of your opinion?

9 A There was nothing wrong with the rifle.

10 Q In formulating that opinion, did you consider it
11 to be of any importance to know whether or not various parts
12 of the fire control were to Remington's specifications as
13 of the date of manufacture of that rifle?

14 A Well, the question really is, did the trigger assem-
15 bly work as it was intended. And yes, it did.

16 Q When you examined it?

17 A Yes.

18 Q And finding out whether or not it worked as
19 intended, would you examine -- was it important to you to
20 know whether or not there were any variations from factory
21 manufacturing specifications for that rifle?

22 A On the trigger assembly, what you're looking for,
23 you're looking for what are or what is the end result and that
24 is due to your tolerance stack up and do you have your
25 clearances where you need them. Do the parts function as

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1 intended and do you get the required results.

2 Q Your inspection notes, RLH-X-1, state that the
3 Sear and Safety Cam work independent, are not retracted in
4 their operation, is that a correct statement?

5 A Where is that at?

6 Q Page two, a third of the way from the bottom.
7 Sear and Safety Cam work independent, were not retracted
8 in their operation.

9 A That's right. That's what I said.

10 Q And were those observations that you yourself made
11 at the time of the examination as opposed to one of the other
12 persons present?

13 A I don't remember.

14 Q Do you know?

15 A I definitely, I tried the Sear Safety Cam, it
16 worked independent of each other. The Sear Safety Cam not
17 retracted in their operation, I'm positive on that. I
18 checked that five or six times myself.

19 Q How about Sear and Safety Cam work freely in
20 assembly?

21 A That's what I'm saying.

22 Q Sear and Safety Cam were not retracted in their
23 operation. I checked that, as I said, I checked that five
24 or six times, at least.

25 Q Up above, here, Sear and Safety Cam work freely

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1 in assembly. See that?

2 A Yeah. I notice that it's, essentially, down
3 there twice.

4 Q Okay. That you checked yourself?

5 A Yes, I did.

6 Q Do you know whether the Sear and Safety Cam were
7 working independently and not retracted in their operation,
8 do you know if that was also the case when Mr. Stekl first
9 observed the Thomsen rifle in October of 1981?

10 MR. SCULLY: Counsel, that is compound. One
11 question at a time, please. Read it back and you'll
12 see it's compound. There is two questions there.

13 MR. AMES: I'll restate it.

14 Q Sir, were the Sear and Safety Cam working freely
15 in assembly at the time Mr. Stekl first observed the rifle
16 in October of 1981?

17 A I don't know. You'd have to ask Mr. Rau that.

18 Q I'm asking you as to whether you know?

19 A No, I don't know.

20 Q You don't know Mr. Stekl's observations?

21 A No, I don't know.

22 Q Sir, do you know whether the Sear and Safety Cam
23 were working independent of one another at the time Mr.
24 Stekl first observed the Thomsen rifle in October of 1981?

25 A No, I don't.

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1 Q Would it be important to your opinion, with respect
2 to the cause of this accident, to know that information?

3 A Not necessarily.

4 Q Why would it not be important to your opinion to
5 know if those parts were working independent of each other
6 at the time he observed it?

7 A If they are working -- by independent, let me
8 phrase how I understand what you're asking. If the parts
9 were working as a unit, the firearm was still functioning
10 properly. If the parts were such that they were not stuck
11 together in any way, it would work as intended.

12 Q So, it's your opinion that if the Sear and Safety
13 Cam were stuck together and working as a single unit.

14 A That's right.

15 Q That that would not affect the operation of the
16 fire control?

17 A If they were stuck together, the way they would
18 have to be stuck together by the way that the things
19 operates, yes.

20 Q What do you mean when you say by the way the
21 thing operates?

22 A Because the spring urges them both up. What is
23 stopping them are the ground surfaces. The ground surfaces
24 stop on the fire head. They would come up as a unit. They
25 would both be in line on the firing pin head. If they were

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1 stuck, they'd be stuck as a unit.

2 Q Do you know whether they were stuck in that position
3 at the time Mr. Stekl saw it?

4 A I don't know if they were stuck at all. If they've
5 ever been stuck.

6 Q If you will assume with me for a moment, they
7 were stuck together, would that be indicative to you of the
8 presence of dried oil or other foreign material in the fire
9 control assembly of that rifle?

10 A It would be indicative, something was holding
11 them together, yes.

12 Q That would require some foreign material, would it
13 not?

14 A Yes, it would require something.

15 Q And would the presence of some foreign material,
16 at that time, be indicative that the fire control of the
17 Thomsen rifle may have been gummed up by some foreign
18 material at the time of the accident?

19 A No.

20 MR. SCULLY: Let's define gummed up, as between
21 you and this witness.

22 A No, it would not in this case. I went out there.
23 I've seen the rifle. I would know what the fire control
24 looked like inside.

25 Q How many people handled the rifle, how many people

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1 handled the parts of the inside of the fire control, including
2 the Sear and Safety Cam, prior to the time that you first
3 saw it?

4 A I don't know.

5 Q So, how do you know what the condition of the
6 rifle was at the time of the accident?

7 MR. SCULLY: You're arguing with this witness.
8 That's not very nice.

9 A The rifle was presented to me, this was what was
10 told to me, it was presented. It would be in check, no way
11 had it been disturbed. The thing had been looked at scien-
12 tifically and that the least changes had been made to this
13 as physically possible.

14 Q Who told you that?

15 A That was what I was led to believe by Mr. Sperling.

16 Q Did you ever inquire of Mr. Stekl with respect
17 to what changes may have occurred in the fire control as a
18 result of the disassembly that he made in the procedure
19 that occurred at that time, in October of 1981?

20 A No, I never. Are you saying that he made changes
21 to that trigger assembly when it was investigated the first
22 time?

23 Q I'm not making any statement at all. I'm asking
24 you questions with respect to your knowledge and information.

25 MR. SCULLY: He is just trying to clarify a
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1 question. Don't get angry.

2 MR. AMES: I'm not angry.

3 MR. SCULLY: Okay.

4 Q Sir, the photographs that you saw prior to your
5 examination, do those include photographs of the Sear and
6 Safety Cam removed from the trigger assembly?

7 A Yes, I looked at those last night.

8 Q You had seen those prior to your examination in
9 August?

10 A Yes, I had.

11 Q Okay. And therefore, is it not correct that those
12 were removed from the fire control at the time those photo-
13 graphs were taken?

14 A They would have been.

15 Q Do you have any information with respect to what me
16 measurements were taken of those part in October of 1981?

17 A No, I do not. In fact, I don't know if that
18 information was ever supplied to us.

19 Q Do you know that Mr. Stekl was present in October
20 of 1981?

21 A Yes.

22 Q When the rifle was disassembled and he was the one
23 that disassembled it and reassembled it?

24 A Yes.

25 Q Going back to an earlier point, would you explain

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1 to me, your understanding of the term gum up as it is used
2 at Remington Arms Company, with respect to the fire control
3 of the model 700 rifle?

4 A There is no, to my knowledge, there is no defini-
5 tion of gum up at Remington Arms Company. If you talk to
6 any of the individuals, you'll get a different definition
7 from each one. There is nothing in our book of malfunctions
8 where you list it. Doesn't blow back, doesn't lock up,
9 that is an understood situation. You say gum up, that
10 really doesn't -- that conjures up different things to
11 different people.

12 Q Do you, in your job, have occasion to review gun
13 examination reports?

14 A I've seen them, yes.

15 Q Have you seen the words, gum up, on the reports?

16 A Yes, I have.

17 Q What have you understood that term to mean?

18 A I understood it to mean, kind of an oil build-up
19 in the trigger assembly.

20 Q Sir, is there any evidence of such an oil residue
21 in the Thomsen rifle trigger assembly, was there when you
22 examined it in August of 1983?

23 A There was, like, a fine residue between the two --
24 the Sear and Safety Cam, where they had worked together
25 that you could see. And there was a real fine film on the

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1 inside of the parts. There was no gun, as such, in this
2 trigger assembly.

3 Q Sir, you made a reference to the malfunction a
4 moment ago. Let me show you -- I can't read the sticker,
5 the document is entitled malfunction index. Are you
6 able to identify -- is that the malfunction code that you
7 were just referring to?

8 A Yes, it is.

9 Q That's for purposes of coding gallery test results?

10 A That's right.

11 Q Sir, did you have occasion to discuss with Mr. Stekl,
12 last night, his findings at the time or observations at
13 the time he disassembled the Thomsen rifle in August of 1981?

14 A No we never.

15 Q Have you seen his notes?

16 A No, I haven't.

17 MR. VIRI: For the record, the exhibit is
18 GRB-6.

19 Q Sir, would you characterize the Thomsen fire control
20 trigger assembly, at the time you saw it, as being loaded
21 with oil, dirt and dust?

22 A No, I would not.

23 Q Did you observe any rust on top of the trigger
24 connector where it engages the Sear surface?

25 A There could have been. I could check the pictures,

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1 if you want. Would you like me to check the pictures?

2 Q Why don't you do it during the break. Would you
3 describe the general condition of the Thomsen rifle, at the time
4 you saw it, to be very dirty?

5 A I'll tell you how I would describe that, the
6 internal parts, the internal surfaces, they had an oil film
7 on them. The outside had a quite fibrous material. It
8 looked like a fine sawdust or something. You could take
9 your finger, the stuff would brush right off.

10 The inside was quite clean and looked very good.
11 It wouldn't inhibit function.

12 MR. SCULLY: Why don't we take a break and
13 find the photograph you were referring to.

14 (Recess was taken from 10:33 a.m. to 10:43 a.m.)

15 Q Mr. Linde, before we recessed, you were going to
16 check the photographs and tell me whether there was rust
17 on the trigger connector.

18 A I don't see any rust on these. I don't have a
19 picture of the top of the connector. I think that's what
20 you were making reference to. There is no rust on the sides
21 or back or front. You had some pictures of the trigger
22 connector too. If you want me to go through yours.

23 Q My question really goes as to what you observed
24 in August of 1983.

25 A Well, the pictures here, on the back and the sides,

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1 show no rust on these right here. But I don't have the top
2 or the bottom or the insides.

3 Q Other than what you may have observed in looking
4 at those pictures there, do you have any independent
5 recollection now, as to questions with respect to whether
6 there was any rust on the top of the trigger connector?

7 A I think there was. I think one of your pictures
8 show some discoloration. I think you had a blow up of the
9 top of the connector. I don't exactly remember what it
10 looked like. There was corrosion or something.

11 Q Do you recall it in August of 1983?

12 A In my mind's eye, no.

13 Q Sir, do I understand correctly that you had some
14 responsibility with respect to parts of the Field Service
15 Manual?

16 A I've made a number of proposed changes to the
17 Field Service Manual over a period of years.

18 Q Would it involve any revisions of the Field
19 Service Manual reflected here on pages six and seven,
20 previously marked EFB-2.? I'll note there are some under-
21 lining marks on there which are not represented to be part
22 of the Field Service Manual.

23 A So, what is your question?

24 Q Did you make some revisions to that portion of the
25 Field Service Manual in March of 1976?

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1 A Yes, I did.

2 Q Sir, let me identify, if I may, the Field Service
3 Manual is the manual provided for Remington to gunsmiths
4 to use in servicing Remington products, is that correct?

5 A That's right.

6 Q And with respect to the bolt action rifles, the
7 Field Service Manual has one page that deals in common with
8 the model 715, 721, 722, 700 and 600?

9 A Yes.

10 Q Sir, was the addition of the section of the Field
11 Service Manual, there in front of you, underneath "Safety
12 Performance Check", that is the left hand column text and
13 the balance of the information shown on the first page of that
14 Field Service Manual exhibits, now text for the Field Service
15 Manual, as of March of 1976?

16 A Yes, it was.

17 Q What did the Field Service Manual, prior to that
18 time, provide with respect to safety performance check of
19 the model 700 fire control?

20 A What do you mean prior? It told about the dis-
21 assembly and assembly of the gun.

22 Q Let me see if I can clarify. Do I understand
23 that when a revision is made to the Field Service Manual,
24 it is sent to the holders of records of Field Service
25 Manuals in the form of an insert page or pages?

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1 A It can be handled any number of ways. That's one
2 way, yes.

3 Q Okay. And were the two pages shown there in the
4 Field Service Manual exhibit, sent out in the form of
5 inserts to the Field Service Manual?

6 A I don't know if they were sent out as an insert or
7 if they were incorporated with the revision to the overall
8 Field Service Manual and included in the new manuals going
9 out.

10 Q Would there have been a process, if they were
11 incorporated as a revision in the new manual, of informing
12 holders of the old manual as to the changes?

13 A I don't know. It would seem like there would be
14 but, I don't know.

15 Q Back to the record, with respect to this Field
16 Service Manual, was there a safety performance check safety
17 section in the field service manual prior to the time that
18 this March, 1976 revision was put into effect?

19 A No, there wasn't.

20 Q Why did you -- let me clarify the process.
21 Exactly what was your role with respect to the safety
22 performance check?

23 A I prepared the form on the trigger assembly and I
24 presented it to, I believe, Frank Hart, who put together
25 this two pages.

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1 Q And was Mr. Hart's role as a technical editor?

2 A You could say that he was responsible for changes
3 to the Field Service Manual and to the owner's manuals.

4 Q And did he have the expertise to make technical
5 changes to the Field Service Manual?

6 MR. SCULLY: That's vague and ambiguous.

7 A Yes and no to that.

8 Q Were you, primarily, the author of the revision
9 reflected there in that two page exhibit?

10 A Yes.

11 Q Okay.

12 A He took my information and rewrote it. That's
13 how it's presented here and how it's presented was done by
14 him.

15 Q Did you provide him with the diagram?

16 A No, he did that. I provided sketches or something
17 of this sort.

18 Q Why did you provide him -- what led you to provide
19 him with information for that revision to the Field Service
20 Manual?

21 A Like the other revisions, to get more information
22 out to the gunsmiths on our firearm products.

23 Q Is there any particular reason why a revision
24 adding the safety performance check, with respect to these
25 models, was added in, approximately, March of 1976?

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1 A Yeah, the only reason why it was added at that
2 time is that I was working on the trigger assembly and, in
3 concentrating on that area, it was the culmination of the
4 knowledge at that time and I thought we could help to
5 clarify the Field Service Manual.

6 Q So, no one gave you a specific assignment to clarify
7 the Field Service Manual with respect to the safety per-
8 formance check?

9 A No.

10 Q The idea was your's?

11 A Yeah, I don't even think that the people in
12 the legal department knew we did it. I could be wrong on
13 that. It wasn't anything that came from them.

14 Q Prior to handing the information you prepared to
15 Mr. Hart, was your work on that point reviewed by anyone
16 else?

17 A Yes, it would have been reviewed by Wayne Leek.

18 Q Did you review Mr. Hart's work product when he had
19 worked on what you provided to him?

20 A You mean, did I read this over?

21 Q After he'd done his work.

22 A Yes, I did.

23 Q Did you agree with the form that he had put it in?

24 A Basically. We never agreed -- the writers and
25 engineering never totally agreed with it.

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1 Q Specifically, with respect to the forms on those
2 two pages there, what disagreement did you have?

3 A Well, basically, how things were presented; how
4 things were laid out.

5 Q How would you have changed the presentation?

6 A I don't know but, I remember at the time talking
7 to him and they want things laid out a certain way. To me,
8 I have my logic pattern, someone else has his. I can't
9 remember anymore.

10 Q Was the final form of the revision, reflected
11 there in that exhibit, approved by anyone?

12 A Well, I would imagine. I'm sure Wayne read it,
13 whether it was approved by anybody else, I don't know.

14 Q Sir, on the second page of that exhibit, the
15 initials, JPL. Are those your initials?

16 A Yes, they are.

17 Q There is a heading under the word malfunction.

18 A Right.

19 Q What is the purpose of putting the heading,
20 Malfunctions, after the heading safety performance check?

21 MR. SCULLY: That calls for speculation,
22 lacks foundation. He can answer it.

23 A The two things on this, I really don't understand
24 why he did performance check, then, on the next page, put
25 malfunctions. Really, the safety performance check, if you

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1 follow right through, what you're doing is asking individuals
2 for the follow down condition, to check if the rifle will
3 follow down. The malfunction, if you rifle back or some-
4 thing, they said this rifle malfunctions. That's the only
5 way.

6 Q You've lost me on that answer. With respect to
7 the category under malfunctions, the word follow down check
8 for the follow down condition and then it lays out certain
9 steps?

10 A Yes, it does.

11 Q There are several other comments there with respect
12 to the probably follow down?

13 A That's right.

14 Q What is it that you don't understand about that
15 section?

16 A I'm saying that you're checking for these conditions
17 but it's part of a check. I'm just saying the title doesn't
18 necessarily follow through like it should.

19 Q That checking for follow down is part of the safety
20 performance check?

21 A Yeah.

22 Q So it should have been included in the general
23 heading of safety performance check?

24 A Yeah.

25 Q The other two, firing pin falls and fire pin fails

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1 to fall.

2 A That would be more from malfunctions standard
3 of what to look for.

4 Q Did Mr. Hart delete any malfunctions from the text
5 that you submitted to him?

6 A I don't know if he deleted any malfunctions. He
7 deleted a lot of words.

8 Q Did you attempt to get any words back in when you
9 had reviewed his version of the text?

10 A I can't remember. I'm sure I did.

11 Q What was Mr. Hart's position at the time that he
12 was doing this?

13 A What do you mean, what was his position?

14 Q His title, his job.

15 A He was the one that did the Owner's Manual and
16 the Field Service Manual.

17 Q Who did he report to?

18 A He reported to Wayne at that time.

19 Q Was your work on this done in early 1976, prior to
20 the March revision date?

21 A Yeah, it would have been.

22 Q What was your title at that time?

23 A I was Manager of Manual Firearms Design.

24 Q Are you familiar with the term, Products Safety
25 Sub-Committee?

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1 A Yes, I am.

2 Q And when did you first attend the Products Safety --
3 did you ever attend a Products Safety Sub-Committee meeting?

4 A Yes.

5 Q When did you first --

6 A I attended some meetings, I believe, in 1975 or '76.

7 Q And in what connection, sir?

8 A In connection with the model 600.

9 Q Was that in connection with the trick problem
10 that had been detected in the model 600?

11 A Yes, it was.

12 Q Have you had occasion to review any minutes of
13 the Product Safety Sub-Committee in the last six months?

14 A Yes, I have.

15 Q How recently did you do so?

16 A Last week I ran into a copy and I read it. It
17 was pertaining to the 600 recall, not recall, but the 600
18 when I went down there.

19 Q You mean when you went down here?

20 A No, the Product Safety Committee, it was the
21 minutes of the meeting.

22 Q How did you happen to run onto those minutes?

23 A I was looking through my information to see if I
24 could find something in preparing for this deposition.

25 Q Do you recall what meeting the minutes you

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1 observed were?

2 A No, I don't.

3 Q I'll show you a copy that appears to be the minutes
4 of July 5, 1975, being two pages. My first question, is
5 that the document that you looked at last week?

6 A That's the one. It must have been because I only
7 went to a couple of them and I was there.

8 Q Do you recall being at a meeting in, Approximately,
9 July of 1975?

10 A I might have been, yeah.

11 Q Okay. Could you read those minutes to yourself,
12 please.

13 A I didn't read this one. I didn't read that I was
14 going to be in charge of revising the gunsmith manual for
15 the bolt action fire controls. No, I didn't read this one.
16 It must have been another one.

17 MR. AMES: I'll mark that. That will be
18 JL-X-1.

19 (Minutes dated July 5, 1975, was duly marked
20 Plaintiff's Exhibit JL-X-1 for Identification.)

21 Q Sir, you did just read the minutes on JL-X-1?

22 A Yes, I did.

23 Q Reference is made there, in the last paragraph
24 that it was decided that John Linde take change of revising
25 a section of the gunsmith manual covering bolt action fire

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1 controls, as to have a proper check for the trick safety
2 and recommendations for corrective actions.

3 A Yes.

4 Q Did you ever take any steps to revise the section
5 of the gunsmith manual as indicated by these minutes?

6 A I don't believe I did because there is nothing
7 here that covers the trick condition. I don't believe so.

8 Q But here, you're referring to the exhibit from
9 the Field Service Manual previously referred to?

10 A Yeah. It doesn't address it directly, no.

11 Q Sir, can you explain why the Product Safety
12 Sub-Committee decided that you should make certain revisions
13 involving the trick test and, by your testimony you don't
14 believe that you did make such revisions?

15 MR. SCULLY: Question is compound, counselor.

16 One at a time.

17 A I don't know.

18 Q Did anyone ever order you not to make the revisions
19 referred to here in the minutes of the Product Safety Sub-
20 Committee?

21 A I don't know that. Until I just read that, I
22 didn't know I was supposed to be doing that.

23 Q You were present at the July 7, 1975 meeting?

24 A Yes, I was. My name is on there. I was sure
25 there.

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1 Q How long did you continue to have any responsibility
2 with respect to the Field Service Manual?

3 A The only responsibility I had was supplying them
4 with information and that was up until I left research.

5 Q December of '77?

6 A Yes.

7 Q Are you familiar with revisions to the fire control
8 related sections, generally relating to bolt action center
9 fire rifles of the Field Service Manual from December of
10 1977 to the present?

11 A No, I'm not.

12 Q Sir, up until December of 1977, to your knowledge,
13 had any information been put in the Field Service Manual
14 with respect to the appropriate check for the trick safety
15 condition?

16 A Not that I know of.

17 Q In your opinion, would it have been advisable
18 to inform users of the Field Service Manual with respect
19 to the appropriate check for the trick safety condition up
20 until December of 1977?

21 A I don't know. Adviseable?

22 Q Yes.

23 A I don't know. You're asking is it advisable,
24 I don't know if it would be.

25 Q The trick safety condition with respect to the

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1 model 600 and 700, had been known since early 1975, had it
2 not?

3 A The trick condition, as indicated on the 600,
4 had been known since 1975.

5 Q And had it not, also, been known with respect to
6 the model 700, sometime in 1975?

7 A 700 had a trick problem?

8 Q Had been identified with that trick?

9 A No.

10 Q Sir, was there ever an audit or review of the
11 model 700, in the period of 1975 through 1978, with respect
12 to the performance of the fire control?

13 A Yes, there has. There has been a number.

14 Q Specifically, I'm asking you whether there was a
15 particular audit with respect to the function of the fire
16 control in the model 700 between '75 and the end of '78?

17 A Yes.

18 MR. SCULLY: Asked and answered.

19 Q Again, let me ask the same question and clarify
20 by saying, I'm not referring on the ongoing quality control
21 procedures in the plant at Ilion as to new production
22 model 700's.

23 A Neither am I.

24 Q Okay. Sir, what is the earliest date at which it
25 came to your attention that the model 700 could have the

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1 fire control tricked in a manner similar to that of the 600?

2 MR. SCULLY: You're assuming facts not in
3 evidence.

4 A The 700 has never been able to be tricked like the
5 600.

6 Q Has the 700 fire control ever been able to be
7 tricked, to your knowledge?

8 A Like I said earlier, only where you had one or two
9 specific cases, there was something there other than the
10 condition that we had on the 600.

11 Q Sir, is the gunsmith manual referred to here in the
12 June 20, 1975 minutes, the same thing as the Field Service
13 Manual that we have been discussing?

14 A Yes, it would be.

15 Q The last paragraph of the minutes state that
16 another safety meeting will be held in six weeks, to hear
17 a progress report. Do you have any knowledge as to whether
18 any such meeting was held?

19 A No but you have all the information.

20 Q We have all what information?

21 A I don't have the information. You have Product
22 Safety Sub-Committee minutes. I don't have the information
23 on the Product Safety Sub-Committee.

24 Q Did you attend any product Safety Sub-Committee
25 meeting after June 20, 1975, wherein revisions to the

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1 gunsmith manual were discussed?

2 A Not that I remember. Now, I could have. I know
3 that I attended two and I could have attended more.

4 Q Sir, referring to the Field Service exhibit,
5 I will direct your attention to the first paragraph in the
6 left hand column at about the middle of the page. The
7 words, accumulation of gun oil or dried oil can build a film
8 that may cause malfunctions.

9 A The section you have underlined.

10 Q Yes. Was that the language that you suggested
11 to Mr. Hart?

12 A I don't know if it was or not.

13 Q Did you make any observations to the use of that
14 particular wording in that sentence?

15 A I can't remember.

16 Q What was your knowledge, at the time you proposed
17 this revision, with respect to the accumulation of gun oil
18 or dried oil building a film?

19 MR. SCULLY: Assuming he proposed that
20 revision.

21 MR. AMES: He testified earlier that he did.

22 A Okay. Accumulation of gun oil or dried oil can
23 build a film, we caution right in the owner's manual, you
24 should use the oil sparingly. Actually, the fire control
25 is lubricated with a dry lubricant and that is a reiteration

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1 of that. But I had just had an experience, about a year
2 preceding this, with oil. That experience was that I went to
3 a NSGA meeting in Houston, Texas and I was at the booth and
4 this guy was selling oil.

5 He was saying this oil could be used for firearms.
6 He had spray testing going. He had this 370, one of our
7 shotguns in there that wasn't rusted. This oil is unbeliev-
8 able, you can use it on everything.

9 So I thought, I better get a couple cans of that.
10 I took a couple of cans, it's supposed to be a wonder lubri-
11 can't. I thought, well, hell, northeast cars rust, I had
12 some places on my chrome, I sprayed some of this and it
13 stopped the rusting. Well, that stuff formed a film on
14 there that you couldn't chip off with a chisel.

15 I thought, damn, I better be cognizant of that.
16 Really, that was part of the background of that, that there
17 is oils and then there is oils. And some oils can build
18 a film. This was supposed to be an oil but it really wasn't
19 a good gun oil at all.

20 I had no proof, you know, that that could happen
21 but I just thought, in the fire control, that was not the
22 kind of thing you want to have in here.

23 Q So, as of early 1976 when you proposed this
24 language, you had no demonstrated instance of an accumulation
25 of gun oil or dried oil building a film that might cause a

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1 malfunctions?

2 A I had no documentation as far as receiving guns
3 and or complaints that had an oily film or caused a malfunction.

4 Q Does an oily --

5 A But that has been, well, I don't know, being
6 consistent with the previous firearms practices that you do
7 not take heavy oil on a firearm.

8 Q Is the accumulation of gun oil or dried oil build-
9 ing a film that may cause malfunctions, is that within the
10 terminology of gum up of a fire control?

11 MR. SCULLY: The question is compound.

12 A I don't know because it just depends on how you
13 define gum up.

14 Q To your knowledge, as of the time that you recommended
15 adding this statement, had anyone at Remington inspected
16 a center fire bolt action rifle returned from the field,
17 in which an accumulation of gun oil had contributed to the
18 malfunction of that fire control?

19 A Not that I'm aware of.

20 Q Since early 1976, are you aware that anyone at
21 Remington has observed a center fire bolt action rifle
22 in which the accumulation of gun oil has contributed to the
23 malfunction of the fire control?

24 A Yes, I've seen that.

25 Q Where have you seen that?

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1 A I seen that on some of these reports.

2 Q Have you ever actually seen any of the firearms
3 on which the report that you've seen were made?

4 A No, I haven't.

5 Q Have you ever --

6 A Well, just a minute. I've seen some. I've seen
7 some that allegations were made, yes.

8 Q Have you seen any in which the accumulation of
9 gun oil --

10 A Actually caused the thing to malfunction, no, I
11 haven't inspected those.

12 Q Do you know that some person or persons at
13 Remington have seen model 700's in which the fire control
14 malfunctions were caused by the presence of gun oil?

15 A I've seen it alleged to the fact that malfunctions
16 could have been caused by that. And I think one or two instances,
17 it was actually verified. But more than anything else,
18 I've seen the allegation not worthy of proof.

19 Q In those cases in which it was verified, did you
20 see the firearm in question yourself?

21 A No, I never.

22 Q Were there any verified cases of malfunctions in
23 the fire controls of any of the models listed here at the
24 top of the page, in the Service Manual exhibit, verified
25 prior to 1976, to your knowledge?

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1 A Not that I can remember.

2 Q At the time you were working on the revision of
3 March, 1976, shown here in the Field Service Manual exhibit,
4 did you make any inquiry from anyone at Remington, as to
5 whether -- as to a verified case of a malfunction occurring
6 as a result of an accumulation of gun oil had been identified?

7 A Not that I can remember.

8 MR. VIRI: For the record, since the record
9 could be deceiving, the witness has a phrase he
10 used, "no, I never", and he completes his answer
11 that way. And I just want the record to reflect
12 that he is not being cut off. He has used it
13 several times today.

14 Q Sir, if at any time you feel I've cut off your
15 answer, please indicate you want to restate the answer.

16 MR. SCULLY: Are you insinuating that the record
17 is not clear?

18 MR. AMES: I'm trying to make sure it is.

19 MR. VIRI: The record may not be clear.
20 That's only because he used a phrase, "no, I never".
21 Some people might consider that incomplete. He
22 is using it as a complete phrase, as I understand
23 it. I just want the record to be clear. He is
24 not being cut off in his answer.

25 Q Sir, in the years 1974 through 1978, did you have

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1 responsibility for all bolt action firearms design in the
2 Research and Development in '74 up to January of '78?

3 A '75 through '78, I believe.

4 Q In that position, did you receive reports with
5 respect to the results of gun examinations on bolt action
6 firearms returned from service?

7 A No, I never.

8 Q Sir, in that position, did you receive information
9 during those same years, '75 through January of 1978, with
10 respect to the results of the quality control testing of
11 the model 700's, all of which you've referred to earlier
12 under the general heading of quality control?

13 A Some of the information, I did. Some of it I
14 never. It just depended on the area.

15 Q Did you receive information, sir, during the
16 years '75 until January, '78, with respect to results of
17 quality control audits, specifically, as to the fire
18 controls of center fire, Remington, bolt action rifles?

19 MR. SCULLY: Auditing by quality control?

20 MR. AMES: Yes.

21 A Some of it, yes.

22 Q Did you receive that information on a regular
23 basis?

24 A It depended on what it was. Some of it I received
25 on a regular basis, it was done regularly. Others that I

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1 received, if I had the information, I called an individual
2 up if I knew it was going on.

3 Q With respect to the fire controls of the Remington
4 center fire bolt action rifles, did you receive any informa-
5 tion on a regular basis as to the results of quality control
6 audits?

7 A Audits of what?

8 Q Of the performance of the fire controls?

9 A I guess not.

10 Q Did you receive reports, during the years '75 until
11 January of '78, with respect to the results of functional
12 tests in the gallery, of center fire bolt action rifles
13 fire control?

14 A Yes.

15 Q Did you receive that on a regular basis?

16 A Yes.

17 Q Who from?

18 A It comes from the gallery report.

19 Q Did you receive the individual report forms filled
20 out on each firearm in which there may have been malfunction?

21 MR. SCULLY: Calls for speculation.

22 A No.

23 Q What form --

24 A I received a compilation of various guns, how
25 many shot and what the malfunctions were.

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1 Q That was a computer print out?

2 A I think it is.

3 Q And was that -- over what period of time was that?

4 A I received it every day.

5 Q You received a daily report?

6 A Yes.

7 Q Did you receive a monthly report?

8 A No, I never.

9 Q Did you receive an annual report?

10 A No.

11 Q Did you ever see any report, daily report that
12 you received, summarized for any period of time beyond the
13 daily results?

14 A Yes, I have.

15 Q Okay. Where did you see that summary?

16 A Well, if you're working on a problem, a lot of
17 times you'll take the gallery performance and maybe plot
18 it out. I've seen that done before.

19 Q With respect to the malfunctions in the fire con-
20 trols of Remington center fire bolt action rifles?

21 A No, I haven't seen that.

22 Q Have you seen any other summaries for any period
23 of time greater than one day with respect to malfunctions in
24 fire controls of the Remington center fire bolt action
25 rifles?

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1 MR. SCULLY: The question has been asked
2 and answered. Go ahead.

3 A No, not in that time frame, no.

4 Q Have you ever seen any since that time period?

5 A Yes.

6 Q When have you seen them?

7 MR. SCULLY: You're asking him every time he
8 saw them? The question is overly broad.

9 A We compiled gallery results once a month and sent
10 it to the quality manager in Bridgeport.

11 Q So, since you have been in the PE&C, you've seen
12 a monthly summary of results?

13 A That's right.

14 Q Is there summaries of gallery results for any
15 other time period, prepared since you've been superintendent
16 of the PE&C?

17 A There have been monthly summaries.

18 Q Has there been a summary as to any other period
19 of time?

20 A Yes.

21 Q What period of time?

22 A Weekly summaries.

23 Q Weekly. So, we have daily, weekly and monthly.
24 Any other period of time?

25 A Not that I'm aware of.

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1 Q You, in your position until January first of 1978,
2 did not see the weekly or the monthly report?

3 MR. SCULLY: That question has been asked
4 and answered. Number three.

5 A I didn't know that the monthly report even existed.

6 Q Where are the gallery tests data with respect to
7 malfunctions in the model 700 fire control kept?

8 A There is no place that the 700 fire control malfunc-
9 tions are kept. The gallery data is kept with the gallery
10 data. That's kept in the quality control area.

11 Q Is that gallery control data -- does it include
12 the 700?

13 A It includes the 700 performance.

14 Q When you say, in the quality control area, is
15 it kept there under your supervision since January of 1978?

16 A What do you mean? It's under my supervision.

17 Q Has it been since January of 1978?

18 A Yes, it has.

19 Q Is that data kept in the form of computer memory?

20 A No, it's just computer sheet run offs.

21 Q And is the original data programed into the
22 computer, retained anyplace?

23 A Not that I'm aware of.

24 Q So, if you wanted to go back and find out what
25 the 1978 gallery test data was, with respect to the

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1 malfunctions in the model 700 fire control, you would not
2 be able to obtain that information as a current print out
3 from a computer?

4 A You sure wouldn't be able to, no.

5 Q Why is that?

6 A It's not in the memory.

7 Q How recent is the information in the memory?

8 A It's daily.

9 Q And it's not kept inside the computer memory
10 process beyond daily?

11 A Not that I'm aware of.

12 Q How far back do the print out sheets, with respect
13 to malfunction data from the gallery including model 700
14 fire control malfunctions data exist?

15 A I don't know. I don't know what the retention
16 code is on them.

17 Q When did the retention code, with respect to that
18 information, go into effect?

19 A The whole retention code came about when we were
20 bought by Dupont. We used to be sixty percent owned by
21 Dupont. Then, when they bought the control a hundred percent,
22 that was one of the things that came with the hundred
23 percent, the retention schedule. I think that's right
24 around 1980, mid year 1980.

25 Q Have you ever had occasion, since you have been

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1 superintendent of the PE&C, to look back over all the history
2 of malfunctions in the model 700 fire control?

3 A No, I haven't.

4 Q Have you ever made any study with respect to any
5 kind of malfunctions in the model 700 fire control based on
6 historical data from the gallery testing?

7 A I would think so. I can't remember. I don't
8 believe that I did it, but I would imagine that when we
9 went into the trick condition, we would have taken a look
10 at what the gallery performance was.

11 Q On the model 700?

12 A Also on the 700.

13 Q At that time, you were still in research?

14 A That's right.

15 Q Who would have taken a look at that information?

16 A I have no idea, at this point.

17 Q Who, in PE&C or, make that anywhere in Remington,
18 would know better than you, the information that I was asking
19 for a minute ago, with respect to where gallery test data
20 on the model 700 fire control malfunctions, historically,
21 is located?

22 MR. SCULLY: Overly broad.

23 A No, it's not stored as data. It's our whole gallery
24 performance report. There is not a report on the 700 fire
25 controls specific elements.

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1 Q I understand but, information as to malfunctions
2 in the model 700 fire control is within the larger body of
3 data that is retained someplace, correct?

4 A That's right.

5 Q Who would know best, where all of that data is
6 and available, historically, from the present going back?

7 MR. SCULLY: Vague and ambiguous, calls for
8 speculation, overly broad. Go ahead.

9 A It would be right in the quality -- we could ask
10 the supervisor of the quality department. He could tell you
11 which cabinet that it's stored in.

12 Q Who is the supervisor?

13 A Jim Tettiker.

14 Q Prior to him, who was the supervisor?

15 A Jerry Burns.

16 Q Sir, has anybody shown you any of the documents
17 which have been exhibits to depositions of any other
18 Remington employees in this case?

19 A No. I didn't know that you had any of them
20 printed up yet.

21 Q I'll show you, GJH-2, gallery test data summary on
22 the model 700, 1976, and ask you if you've ever seen that
23 document before?

24 MR. SCULLY: That specific document?

25 MR. AMES: That gallery test.

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1 A No, I haven't seen this before.

2 Q Have you ever seen a gallery test data summary
3 by model, for a one year period?

4 A Yes, I have.

5 Q And as to any particular model?

6 A As to what particular model?

7 Q Have you seen it as to a particular model?

8 A You asked me that. I said, yes, I have.

9 Q What particular model have you seen it as to?

10 A I've seen it in a number of particular models.

11 Q The model 700?

12 A Yes, I have.

13 Q What year period?

14 A Every year.

15 Q But you told me you never?

16 A You asked me if I ever seen a test data summary,
17 right?

18 Q Right.

19 A Not this summary. We have charts that we follow
20 with all our major models. How many were rejected every week.
21 That is a summary of our gallery performance.

22 Q Do those charts cover it over a year period?

23 A Yes, I've seen those, that is a yearly summary
24 of our gallery performance.

25 Q What is the earliest such chart that you have?

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1 A Damn, I don't know. I'm not sure. I don't know
2 how far it goes back. I can remember them for years.

3 Q When you took the job as superintendent of the PE&C,
4 were there such charts for years preceding January of '78?

5 A I'm sure there were.

6 Q And are those charts still in existence?

7 A I don't know. You know, we tear them up after a
8 period of time. But the charts, like, that we're using this
9 year and last year and the year before, I'm sure are there.

10 Q Can I have that back?

11 A Sure.

12 Q Have you heard the term, FSR?

13 A Yes.

14 Q And would you tell me your understanding of the
15 term, FSR.

16 A You tell me what you mean by FSR.

17 Q I'm asking the question. I'm asking you what you
18 understand it to be.

19 MR. SCULLY: All he is asking for is a
20 clarification. What does the term FSR represent.
21 I'm asking you, counsel.

22 MR. AMES: That's not my job.

23 MR. SCULLY: He is instructed not to
24 answer.

25 MR. AMES: He has testified in other cases

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1 on the meaning of the term and I want to know his
2 present definition.

3 MR. SCULLY: He is instructed not to answer.

4 MR. AMES: On what grounds?

5 MR. SCULLY: On the grounds that you're
6 harrassing him. It's vague and ambiguous and he
7 is instructed not to answer.

8 MR. VIRI: It's my understanding that you have
9 no right to instruct an expert witness not to
10 answer a question.

11 MR. SCULLY: I have the right to instruct an
12 expert witness when he is being harrassed. I also
13 have the right to terminate this deposition if I
14 feel an expert witness is being harrassed.

15 MR. AMES: How is he being harrassed?

16 MR. SCULLY: Define what you mean by FSR.
17 What does the word mean to you?

18 MR. AMES: I want to know what it means to
19 him. I'm inquiring of him. I'm entitled to inquire
20 of him as to that. He is a Remington employee.

21 MR. SCULLY: He has been instructed not to
22 answer. You're harrassing him.

23 MR. AMES: I will certify the question. I'm
24 entitled to an answer. Mr. Linde will be produced
25 in California at Remington's expense.

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1 MR. SCULLY: Underline the word Remington,
2 indicating emphasis.

3 BY MR. AMES:

4 Q Sir, I previously asked you if you would identify
5 a malfunction code index, that you had made reference to.
6 On the record, I identify that as having been previously
7 marked, GRB-6. I'll ask you to look at the malfunction code
8 index that you told me earlier is used in the gallery.

9 A Yes, it is.

10 Q I'll refer you to the second page. Specifically,
11 item number 64 in the left hand column. I'll ask you to
12 read that item as it runs across.

13 A Sixty-four, FSR, fire when safety is released.

14 Q Have you ever heard the term, FSR, used at
15 Remington other than fire when safety is released?

16 A Yes.

17 Q You have?

18 A Yes.

19 Q Would you tell me how?

20 A I can't remember what it meant, but it was for
21 something else. It was with the data processing people. I
22 asked them what it mean and they couldn't tell me.

23 Q The data processing people had another term. FSR?

24 A Yeah, they have a term, FSR, that they use. I
25 asked them what it meant. They couldn't tell me.

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1 Q Didn't that term refer to the internal data
2 processing situation?

3 A Yeah.

4 Q It wasn't a term they were using for firearms?

5 A No.

6 Q Other than that, have you --

7 A Listen, let me just clarify. We have this
8 Remington internal code. It has nothing to do with the
9 gun industry. With gun people, when you're talking about
10 terminology, it's best to have the individual describe what
11 he is talking about so you get on the same wave length.

12 I'm not trying to be smart. All I want to do is
13 know what you're talking about, so I could be talking on
14 the same ground. There is no common terminology.

15 Q Within Remington, is there common terminology
16 with respect to FSR, other than the computer people?

17 A Yes.

18 Q That means, fire on safe release?

19 A Yes.

20 Q Would you explain to me, what fire on safe release
21 means?

22 A On which model?

23 Q First, as to the model 600.

24 A Model 600. Fire on safe release would be when you
25 pick the rifle up, check the ammunition, close the bolt,

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1 lock the bolt down, put the safety all the way on safe,
2 pull the trigger, release the trigger, release the safety
3 and if the rifle would fire, it would fire on safe release.

4 Now, the fire on safe release could also be if you
5 just put the gun on safety and release the safety without
6 pulling the trigger. The gun is fired when the safety is
7 released.

8 Q Without the trigger having been moved since the
9 bolt was closed?

10 A Yes.

11 Q Is the trick situation, that you described earlier,
12 when the safety lever is put in an intermediate position,
13 trigger is pulled and the safety is released, within the
14 general terminology, FSR, as you understood it?

15 A Not at all.

16 Q Would you agree with me that the result is the
17 same, that the firearm fires upon movement forward of the
18 safety in the trick condition?

19 A No, I wouldn't agree with you on that.

20 Q What is the difference between the trick condition
21 and FSR?

22 A All you're doing is taking the last element of the
23 sequence and saying, would you agree from that standard that
24 it's the same.

25 Q Sir, in the trick condition for which the trick test

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1 is being done --

2 MR. SCULLY: For any model firearm?

3 Q With respect to any model -- well, let's take the
4 trick test in the 600 and 700, is it the same test?

5 A Yes, it is.

6 Q And that is the test to determine, is it not,
7 whether or not there is sufficient Sear lift to prevent the
8 trigger connector from being trapped forward of the Sear?

9 MR. SCULLY: That's your definition of it?

10 A That's one definition.

11 Q Can you give me another definition of what the
12 trick test is testing for?

13 A The trick test was originally brought about
14 because of the condition we found on the 600's. And what
15 we needed, we needed a way to rapidly check the 600's to see
16 if they had enough clearance between the safety or between
17 the Sear Safety Cam and the connector. And by doing this,
18 by doing the trick test, you can rapidly check the 600 for
19 clearance in the null position and how the clearance decreased
20 as you came down the Cam, you could find the suspect guns
21 very rapidly with that test.

22 It was a test that could be done by -- we could
23 do it repeatedly by the products operator without any
24 equipment.

25 Q In performing the trick test on the model 700, are

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1 you checking for the same condition?

2 A That's right.

3 Q Okay. Is one cause of FSR, as you have defined it,
4 a situation wherein the trigger connector does not return
5 underneath the Sear when the trigger has been pulled and
6 released, such that upon movement of the safety lever to the
7 forward position, the firearm discharges?

8 A Not necessarily.

9 Q Why is that not necessarily one condition which
10 can occur?

11 A Because you have to go through a sequence of
12 events.

13 Q Let's back up. On the model 700.

14 A Yes.

15 Q Is one sequence leading to FSR, in the model 700,
16 as follows: the safety is in the off forward position.

17 A Okay.

18 Q The bolt is closed and locked.

19 A Okay.

20 Q The safety is put in the on position.

21 A Okay.

22 Q The trigger is pulled sufficiently to cause the
23 connector to move out from underneath the Sear.

24 A Okay.

25 Q The trigger and the trigger connector remain in

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1 that forward position our from underneath the Sear and
2 safety is moved to the off position.

3 A That's right. The firing pin would fall.

4 Q Is that an FSR?

5 A Yes.

6 Q Now, in the model 600 trick test, is it also not
7 correct, that the sequence is that the safety is in the off
8 forward position, the bolt is closed and locked. The
9 trigger is pulled, moving it out -- I'm sorry. The safety is
10 put on to an intermediate position, the trigger is pulled
11 and moves forward and remains forward, because of insuffi-
12 cient Sear lift, and upon release of the safety lever, the
13 rifle fires?

14 A That's right.

15 Q Is that, also, not a variation of an FSR?

16 A The code on FSR is the trick test. Now, if you
17 can't -- if you want to combine them in your mind, that's
18 your prerogative. You're asking me what Remington's position
19 is. We have a terminology for FSR. We have a terminology
20 for the trick test.

21 Q Is the trick test failure coded there in the mal-
22 function index?

23 A I don't know.

24 Q Would you take a look at it and tell me if it is?

25 A You want me to read every one and see?

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1 Q If that's what you need to do.

2 A That's what I'll have to do.

3 Q Sir, have you read GRB-6, the malfunction index?

4 A Yes, I have.

5 Q Is there a code number there for the trick test?

6 A No, there is not.

7 Q And you have reviewed the gallery data reports
8 that you told me about earlier, you used that malfunction
9 index to interpret notes, computer print outs?

10 A Yes, I do.

11 Q Do you know why there is no trick test code in the
12 malfunction index?

13 A Yeah, it doesn't surprise me a bit, because if there
14 were a gun that had a problem, there would be more attention
15 than you'd care to know about.

16 Q What instructions are given to the persons per-
17 forming the gallery malfunction test, with respect to the
18 model 700, since you have been superintendent of the PE&C,
19 as to how to code the failure of a trick test?

20 A How to code it? I suppose to code, they are
21 supposed to go to their foreman. They go to the foreman,
22 if they get a gun with any Sear safety problem.

23 Q What is the purpose of a code 64, FSR?

24 A So we can pick it up.

25 Q Is FSR not a serious safety problem?

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1 A Yes, just as serious as a trick. You have just
2 as much attention.

3 MR. AMES: Let's break for lunch.

4 MR. SCULLY: How long do you want?

5 MR. AMES: Let's make it 1:30 p.m.

6 (Lunch recess was taken from 12:00 p.m. to
7 1:30 p.m.)

8 Q Mr. Linde, back on the record after the lunch
9 break. Sir, have you had your deposition taken since --
10 you've had your deposition taken in the See case, is that
11 correct?

12 A Yes, I did.

13 Q Have you had your deposition taken since that
14 time?

15 A No, I don't believe so.

16 Q Have you testified in the See case?

17 A Yes, I did.

18 Q Have you testified on behalf of Remington since
19 that case?

20 A No.

21 Q Mr. Linde, why is the model 700 given the trick
22 test in the quality control procedure, since you have been
23 superintendent of the PE&C?

24 A Just another added check that we do.

25 Q Why have you added that check, with respect to

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1 the model 700?

2 A We'll we're sensitive from the Coats case, from
3 the 600. We don't want to produce a gun that can be put
4 in the center position and then kicked off and have the gun
5 discharge.

6 Q Sir, on page two of the gun examination notes,
7 marked RLH-1, you have a heading near the bottom of the
8 page, Charlie Rau performed the following tests.

9 A Yes.

10 Q Do you have any other observations with respect
11 to Mr. Rau's tests at the August, 1983 gun examination,
12 in your presence, other than what you have here?

13 MR. SCULLY: Activities regarding his
14 inspection?

15 MR. AMES: Yes.

16 A I have other thoughts.

17 Q Observations with respect to his activities?

18 A Well, there is some on the next page.

19 Q A continuation of what is on the bottom of page two?

20 A Yes. I'm sure there are other observations. I
21 watched him do the tests that he performed and he watched us
22 do the tests that we performed.

23 Q Do you have, as you sit here, any observations
24 with respect to what tests he performed which are not shown
25 in your notes?

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1 A I really don't understand. If there is supposed
2 to be something that jumps out, I don't know what it would be.

3 Q I'm asking you, did you make certain observations
4 here in your notes?

5 A Yes, I did.

6 Q Okay.

7 A I made these. I did these notes for my benefit.
8 I did not do these notes for your benefit. I didn't even
9 know that you were going to get these notes. That is what
10 I wrote down.

11 Q And other than what you wrote down here, do you
12 recall any other thoughts you may have had with respect
13 to Mr. Rau's activities at the August, 1983 gun examination?

14 A Yeah, I have other thoughts about it.

15 Q Would you tell me those thoughts, please?

16 A I thought that it was unfair that we had to go to
17 Failure Analysis. I thought it was unfair that we couldn't
18 go to a neutral facility. I thought it was unfair that we
19 could not have the gun come to Ilion and inspect it on our
20 equipment. We were unfamiliar with his equipment, even
21 though they have a complete lab. There is a certain fami-
22 liarity that you have to acquire to handle this equipment
23 and understand the peculiarities, if you will, of the indi-
24 vidual pieces of equipment.

25 We had everything that we needed at the plant to

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1 look at this and it bothered me, we had to come to California.
2 We couldn't have your expert come to the Ilion plant.

3 It bothered me that we couldn't bring all our
4 instrumentation from the plant. It bothered to me to have
5 people in the room who didn't really seem to have any
6 interest in it, other than standing around and watching.

7 Also, I understood that it was our examination and
8 over half of the time was spent with Mr. Rau and your people
9 making measurements and what have you. I didn't know
10 whose examination it was about halfway through the examina-
11 tion.

12 Q Do you have any thoughts with respect to how Mr.
13 Rau conducted what examination he did do in August of 1983?

14 A Mr. Rau is a real professional.

15 Q Sir, prior to the August, 1983 examination, did
16 you have occasion to review the court orders with respect
17 to the terms of that examination?

18 A No, I never.

19 Q You never saw it?

20 A No.

21 Q Did you see it there at the actual examination?

22 A No, the only thing that I know, that you and
23 Steve kept saying, the court ordered this, the court ordered
24 that. You can't do this, you can't do that.

25 Q Sir, did you lack any equipment necessary for your

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1 examination in August of 1983, when you made that examination?

2 A Yes.

3 Q What equipment did you lack?

4 A We would have liked our comparator. We would have
5 liked force measuring techniques. I mean, we have stress,
6 or strain gauges. We have all this other stuff at the lab.

7 Q With respect to the strain gauge, you brought a
8 strain gauge -- what is a strain gauge?

9 A That's not a strain gauge. They had some strain
10 gauge for measurements.

11 Q At Failure Analysis?

12 A Yes.

13 Q Did anyone prevent you from bringing your own?

14 A No, you never. We could have carried the whole
15 plant out there.

16 Q Sir, you did have access to the optical comparator?

17 A Yes.

18 Q Was that optical comparator, technically inadequate?

19 A No, it worked.

20 Q It would have been easier to use your own?

21 A Yes, it would have. Do you feel uncomfortable
22 spending the night here? Do you sleep better in your own
23 bedroom?

24 Q Mr. Linde, are you aware, when the court ordered
25 the examination to take place, we offered the facilities at

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1 Failure Analysis and your counsel accepted?

2 MR. SCULLY: How is this relevant? How in
3 the hell is this relevant?

4 MR. AMES: He is making comments about the
5 facilities, among other things.

6 A They have tremendous facilities. There is no
7 question about it. They have tremendous facilities. We
8 have tremendous facilities. The question is why couldn't
9 we use our tremendous facility.

10 Q That's between you and the judge.

11 A No, it isn't.

12 Q Mr. Linde, my question was with respect to whether
13 you were aware, at the time of the examination, that once
14 the court ordered them to be in California, we offered, we
15 volunteered the Failure Analysis facility, and your counsel
16 accepted the offer?

17 A I was aware we were going to the Failure Analysis.

18 Q You didn't know why?

19 A I didn't know why we couldn't --

20 MR. SCULLY: After repeated attempts to have
21 the gun inspected at the Ilion plant, over your
22 objections. The court overruled our request and
23 we finally agreed to having the gun inspected there.
24 Let's get on with it. What that has to do with
25 this proceeding, God only knows.

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1 Q Mr. Linde, what is your understanding of the
2 function of the gun examination committee?

3 A It looks at guns that come back that have been
4 damages or that have some defects that we feel should be
5 given extra insight.

6 Q Has that function changed, to your knowledge, since
7 you've been with Remington Arms company?

8 A Yes, it has.

9 Q Has that --

10 A It changed in February or March of this year.

11 Q And how did the function change?

12 A Well, Ed Sienkiewicz, formerly in Bridgeport,
13 had been transferred up to Ilion. He had handled a number
14 of litigations, but he is also very adept at ammunition and
15 firearms. He has changed a lot of functions of that committee.

16 Q So, the committee functions stayed the same, the
17 personnel has changed?

18 A No, the committee functions and the personnel have
19 both changed. What has happened is that since, I guess,
20 1980, we have had quite a scale back in the number of pro-
21 ducts that we're producing at our Ilion plant. Our daily
22 rates have been dropeed significantly. We have cut out a
23 lot of people in doing so. We have been consolidating
24 and when they consolidated down here and they brought
25 Sienkiewicz up, that was an opportunity to have him pick up

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1 some of the operations which our people were doing.

2 Q How did the 1983 change effect the functions of
3 the examination committee?

4 A A lot of guns, he doesn't have a committee look
5 at. He can see, for example, if it is a high pressured load
6 or if the barrels are obstructed, then he won't bother the
7 other people who are on the committee.

8 Q Prior to the time that Mr. Sienkiewicz returned
9 to the Ilion plant in 1983, had the gun committee been the
10 same during your employment at Remington, to the best of your
11 knowledge?

12 A I don't know in the late 60's. But, like, moving
13 on in the 70's, yes, it's pretty much the same.

14 Q Have you ever been a member of the gun examination
15 committee?

16 A No, I have not.

17 Q I'll direct my questions, now, to the gun examina-
18 tion committee prior to Mr. Sienkiewicz taking charge.

19 Why is it that the gun examination committee has
20 been looking at damaged or, allegedly damaged or defective
21 firearms, what is the purpose for their doing so?

22 A The purpose is to see exactly what the field --
23 what is happening in the field and if we have to make
24 corrections in your process or design to incorporate those
25 in the design. If there is a problem with ammunition, a

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1 problem with customer understanding.

2 Q Do I understand correctly that the gun examination
3 committee is made up of personnel from various departments
4 at Ilion?

5 MR. SCULLY: Presently?

6 Q Again, I direct these questions to the time before
7 Mr. Sienkiewicz came, early in 1983?

8 A Yes, they are all Ilion people.

9 Q They represent different departments?

10 A Yes. Well, I don't know. They are from different
11 departments.

12 Q And, to your knowledge while you have been super-
13 intendent of Process Engineering and Control, has there
14 been someone from your department?

15 A Very definitely.

16 Q Has that been Mr. Hill?

17 A Hill has been, yes.

18 Q Up until the time Mr. Sienkiewicz took over as
19 chairman?

20 A Yes.

21 Q And Mr. Hill held that assignment subject to your
22 authority to assign someone else, if you chose?

23 A What do you mean, assign someone else?

24 (Preceding question was read.)

25

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1 A What do you mean by that?

2 Q Mr. Hill served on the committee beginning at the
3 time you were superintendent?

4 A Yes.

5 Q He worked for you?

6 A Yes.

7 Q You had the authority to assign someone else, if
8 you chose?

9 A Yes.

10 Q As far as you're concerned, did Mr. Hill perform
11 that job satisfactorily?

12 A No.

13 Q How did he not perform satisfactorily, in that
14 position?

15 A Well, at the See case, it became evident to me,
16 when he would write down such things as, could have been
17 caused by lubrication or something like that, no documenta-
18 tion. Lubrication caused this problem and they did not
19 document or prove on a number of conclusions that they reached
20 on those reports.

21 Q By they, you mean the committee?

22 A Yes.

23 Q The gun examination committee, between January
24 of '78 and early 1983, did they reflect the consensus of
25 the committee?

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1 A I'm sure they did bring out the consensus of the
2 committee. What I'm saying is that, what they did, it was
3 just what they thought, conjecture on their part, in some
4 of those cases.

5 Q And the basis for their opinions was not sufficient
6 documents on the gun examination reports?

7 A Their basis was not documented at all. That was
8 just their opinion.

9 Q Did anyone else on the committee, other than Mr.
10 Hill, not perform satisfactorily, in your judgment?

11 A Well, I think it's the way the committee was set
12 up. I think they've done a good job. They could be more
13 responsive.

14 Q Going back, is there anyone --

15 A The committee was fine for what it was intended
16 to be. When people take what the committee is intended
17 for and use it to their advantage, the committee is not
18 satisfactory then.

19 Q And what was the committee intended to do?

20 A The committee's purpose was to help us find out
21 the problems and get back to the people who can gauge the
22 changes, so that the people can make the changes in
23 the products or whatever it has to be.

24 Q Was the committee not performing that function
25 in 1978 to 1983?

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1 A Just that -- yeah. The only thing I had a problem
2 with is that there was no documentation.

3 Q Sir, is it your opinion that, with respect to any
4 of the gun examination reports made by that committee,
5 between January of '78 and up until Mr. Sienkiewicz took over
6 in 1983, reached incorrect conclusions?

7 A No, I didn't say that. They would look at the
8 rifle. If the rifle showed certain signs, they can say this
9 is what happened and they definitely know those conclusions
10 are correct. If you get a model 870, for example, you know,
11 and it's all blown to hell, and it's blowing up in a certain
12 way, they know what happened.

13 They have no documentation. They can go back and
14 they can go through reports and what have you, and show
15 duplications of what happened. Now, what you're asking me,
16 everything that they did was wrong, no. The only thing I
17 said is wrong, they did not have documents in some cases,
18 they drew conclusions without any kind of testing.

19 Q Well, sir, with respect, specifically, to the
20 conclusions about the fire controls of the center fire bolt
21 action rifles, including the model 600 and 700, during the
22 time that you have been the superintendent of the PE&C,
23 in your opinion, did they arrive at any incorrect conclusions?

24 MR. SCULLY: That question is overly broad.

25 A I don't know because all they did is put down an

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1 opinion.

2 Q Mr. Linde, have you ever seen any reports showing,
3 by reports I mean studies and data, information in any sense,
4 showing the number of verified complaints with respect to
5 fire controls of Remington firearms?

6 A Could you --

7 MR. SCULLY: Any firearms?

8 A Yes, I have.

9 Q And what studies, with respect to the verified
10 complaints of the category that I've just asked you about?

11 A I've seen a study that was presented to the Product
12 Safety Committee, we went through an audit of the 700's
13 for safety problems. Really, what we were looking for is, we
14 were verifying the Sear lift and verifying what else was
15 there, verifying Sear lift and determining just exactly what
16 problems, safety problems could happen to the 700's. They
17 were guns returned from customers.

18 Q And did that study break down the pre-1975 manu-
19 factured 700's?

20 A I believe it did. I believe it had a total. I
21 think it broke down the pre- 1975 and '75 on, something
22 like that.

23 Q And who prepared that study?

24 A It was prepared -- the information was prepared
25 through my department and it was supplied to the Product

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1 Safety Committee.

2 Q By your department, you mean the PE&C?

3 A Yes.

4 Q During the time that you've been the superintendent?

5 A That's right.

6 Q When was this prepared and by who?

7 A I don't know who actually put the report together,
8 who drew the information together. We sent them down,
9 took the information off sheets and sent them a letter with
10 the information compiled on it.

11 Q To the Committee?

12 A Well, no. I don't know who it went to. I would
13 imagine it went to Sperling. I'm not sure.

14 Q That was --

15 Q Now, it might have went to, if I prepared it,
16 it probably went through, I don't know. I don't know if that
17 would be through my supervision or directly to Bob. I
18 don't know for sure. Anyway, it's destination was the Product
19 Safety Sub-Committee.

20 Q What was the time frame of that study?

21 A That would be, like, in '78, '79. Probably in
22 that time frame.

23 Q You said you didn't know who pulled together the
24 information. Do you know of anyone who worked on the
25 study?

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1 A Yes, I do.

2 Q Who?

3 A We had a product auditor pull the raw information.

4 Q What is his name?

5 A His name is Everett Barnes. I don't know exactly
6 who he reported to at that time, but it's obtainable.

7 Q Anyone else?

8 A No.

9 Q As far as you know, is there a copy of that study
10 that still exists?

11 A I don't know if that would or not. I would
12 probably have it if it did. It would be in my files.
13 You know, you're interested in one thing. Well, the last
14 secretary I had, she was good on filing and my files were
15 not brought up to date as of last year. When she became
16 my secretary, we started on it. You've got to code every
17 files, retention code on it and if you keep a piece of
18 paper for a year, then you mark on it. Well, they were
19 going to come up and audit and make sure we were meeting
20 the retention schedule.

21 You've got people in there with the stuff they've
22 proposed, and if you throw in the EPA and OSHA, we had
23 everybody together because they come in and audit for what
24 they want. They were going to audit us on that. Anything
25 to help American industry, right.

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1 Q Other than Everett Barnes, can you recall if anyone
2 else worked on the study?

3 A Yeah, who ever was the foreman of Quality Control.

4 Q Do you know if Gene Bullis worked on this?

5 A No, he wouldn't have.

6 Q Sir, what was the source of the data that you say
7 they pulled together for the study?

8 A Checked the Sear lift of the guns in customer
9 repair, customer guns. So, this gives a representation of the
10 complete population but the problem with that was that the
11 damn thing was screwed because what happened in '78, we had
12 the problem with the 600 recall and with that, they put in
13 the 800 number. There was a lot of publicity that went
14 out to the field.

15 When the publicity hit the field, what people
16 did, if they had a problem gun, they sent the problem gun
17 in at that time. So, in our population, what we were
18 really after was more knowledge, more Sear lift, we had a
19 population of the guns, bolt action rifle, and so we sampled --
20 it wasn't a sample of the population at all. Actually, it
21 was a sample of the guns sent back with problems.

22 Q Sir, are you aware of any other study, used in a
23 broad sense, with respect to justified complaints about
24 malfunctions in the fire controls of Remington firearms,
25 other than the one that you've just told me about?

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1 A No, nothing where you would -- well, the 600, we
2 did a study on that in '75, where we called in, at that time,
3 for a population. That was a true analysis of the population.
4 We called in and got back, like, over 600 guns. We got
5 those from wholesalers.

6 Q So that was a study of the population that had been
7 manufactured fairly recently?

8 A Then we brought, the 700's, they were returned
9 to us because they had problems already. So, it really
10 wasn't a sample of the population.

11 Q Other than a study, are you aware of any other
12 that comes under the category that you just mentioned?

13 A Nothing formalized. We followed a lot of customer
14 complaints. We'll get a gun book to the customer, on an
15 individual basis. You have that information in that report
16 that we issued. That goes through our committee.

17 Q Gun examination report?

18 A Yeah, the follow up work done on the guns.

19 Q Mr. Linde, if you wanted to go back today, and
20 find out how many justified complaints there were with
21 respect to FSR of the model 700, say for the years 1970
22 through '74, is there any existing source of data which you
23 could consult to determine that information?

24 A There is nothing that I could put my hands on.

25 Q I show you two documents, previously marked

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1 GRB three and four, and ask you if you have ever seen either
2 of those?

3 A These specific documents counsel?

4 Q Yes. Those are, obviously, copies of the originals
5 of those documents.

6 A I could have saw this or could have saw this
7 information. This information was available to me when I
8 was working on the 600 and 700 in research. Whether I saw
9 these exact sheets, I don't know. But this information was
10 available to me. What you're talking about, you're talking
11 about the complaints and you asked me about the number of
12 justified complaints. There is a difference.

13 Q Doesn't that GRB-3, have a category for number of
14 justified complaints?

15 A Okay, yes.

16 Q And sir, with respect to the data there on the
17 number of justified complaints, would it be possible to
18 reconstruct, from any source now available, those numbers,
19 to the best of your knowledge?

20 A Not that I'm aware of.

21 Q I direct your attention, sir, to the line from
22 the model 700 and ask you if you will look at the line
23 under the heading of number of justified complaints. That's
24 on GRB-3.

25 A What was your question?

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1 Q You have any reason to believe that the numbers
2 therein, in the model 700 line under number of justified
3 complaints, are not accurate figures for the years shown?

4 MR. SCULLY: That calls for speculation. The
5 document speaks for itself.

6 A No, I have no idea.

7 Q So the second page, GRB-4.

8 A This one?

9 Q Yes. Have you seen such a code schedule before
10 my handing this to you here today?

11 A Yes.

12 Q Do you know why that used a different set of code
13 numbers than the malfunction index code system for the
14 gallery testing, that we've talked about earlier this morning?

15 MR. SCULLY: Assumes facts not in evidence.

16 A There is two different systems.

17 Q Do you know why there are two different systems?

18 A Because we haven't been -- we haven't brought
19 the two systems together.

20 Q Sir, is the system, with respect to the code
21 numbers there on GRB-4, has that information been computerized,
22 to your knowledge?

23 A I believe so.

24 Q What is the purpose of the system which uses that
25 set of code numbers?

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1 A What do you mean?

2 Q There are two different systems.

3 A There is one system for the internal gallery and
4 one system for external, customer guns.

5 Q Is there any place in the system for external
6 customer guns where information, with respect to various
7 categories of malfunctions in the fire controls of guns
8 which were examined and found to have justified complaints,
9 can be found?

10 MR. SCULLY: Unintelligible, vague and
11 ambiguous.

12 Q Do you understand the question?

13 A No.

14 Q Let me back up. You've told me that there are
15 two systems.

16 A Yes.

17 Q Who uses the system for -- who uses the 100 series
18 of numbers there in GRB-4?

19 A That is a system used for the guns coming through
20 customer repair.

21 Q Okay. And who codes the information with respect
22 to the guns coming through customer repair?

23 A The people who determine that are the repair
24 people and the people who receive the guns at the receiving
25 area and then it's coded in these codes by the people in the

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1 gallery.

2 Q To your knowledge, how long has that system existed?

3 A Probably, I don't know, I would just have a stab
4 at it, '74 or '75.

5 Q Is there a name for this system that distinguishes
6 it from the internal system you referred to?

7 A No, well, I imagine there is a name but I don't
8 know what it is. I mean, do you need a name? It's the
9 customer complaints, the gallery performance.

10 Q Okay. With respect to the customer complaints,
11 to your knowledge, who has been provided with the results
12 of this coding and data system?

13 MR. SCULLY: Position or name?

14 Q Title or name.

15 A This information here?

16 Q Right.

17 A Normally, it's done on request.

18 Q Have you seen all of the information with
19 respect to justified customer complaints on the fire controls
20 of model 700, since that model was put into production?

21 MR. SCULLY: Overly broad.

22 A No, I really don't understand what you mean.
23 Have I seen a compilation of guns?

24 Q Compilation of numbers, data with respect to the
25 number of justified complaints in the model 700 fire control

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1 malfunctions running back to the beginning of production of
2 the model 700?

3 A No.

4 Q To your knowledge, has such a compilation ever
5 been made?

6 A Not that I know of.

7 Q Do you know of anyone in the company who would
8 have had occasion to obtain such information?

9 A No, I don't.

10 Q To your knowledge, are customer justified complaints,
11 with respect to malfunctions in the Remington firearms,
12 is that system in operation?

13 A I believe it is but I can tell you this, we have
14 had some data processing people up and we have been looking
15 at this. We have been reviewing it and what we're really
16 doing, actually, the question you asked me, we're looking
17 at consolidating our whole program from the customer, all
18 the way back through the gallery. Whether we're continuing
19 the system that we have right now, I don't know. I know
20 we're beginning the gallery. Whether we're continuing to
21 code these every day, I don't know.

22 Q Presently, how far back does data, with respect
23 to this coded system of customer complaints, exist?

24 A I don't know.

25 Q Without looking at the document retention schedule,

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1 would you be able to tell me what category in the document
2 retention schedule, would apply to that information?

3 A No, whenever there is something, I look it up
4 in the schedule. I'm not going to pollute my mind with that.
5 It irritates me, to tell you the truth.

6 Q Sir, is the information, with respect to number
7 of verified complaint with respect to malfunctions in the
8 fire control of the model 700, relevant to performance of
9 your duties of superintendent of the PE&C?

10 A Sure, it's relevant.

11 Q Why is it relevant?

12 A It's relevant, from my duties in the PE&C so that
13 I can make sure that the checks of the -- the quality checks
14 are performed, that are done in sequence and the right
15 checks are done and that the product is safe.

16 Q You want to make sure, with respect to the
17 customer complaints?

18 A Yes.

19 Q Is the data, with respect to the categories of
20 customer complaints that I mentioned a moment ago, relevant
21 to your job?

22 A It's relevant in that, when there is a problem
23 and something comes back, it feeds back into the process,
24 yes.

25 Q Sir, is the coding system with respect to the

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1 customer complaints, break down the dates of production so
2 that when you look at the information, you know when a
3 particular model was produced?

4 A I don't know if the coding on the report breaks it
5 down. I would think it would. I don't know that. You
6 can find that by going back. When one of the problems
7 comes in, you can find that by the date code on the barrel.
8 When we investigate, the investigation of the rifles, the
9 date code is always put on the investigation form so we
10 know when the rifle was manufactured.

11 Q You told me that you have seen print outs of coded
12 data from this customer complaint service.

13 A Yes. I'm not familiar with it, going through
14 what column is what or any of this. I'm just telling you,
15 it makes sense to put the date. I don't know if it's
16 actually done.

17 Q Sir, with respect to the reports to the Product
18 Safety Sub-Committee that you mentioned a few moments ago,
19 which Mr. Barns was involved, you know the name or title of
20 that study or report?

21 A It wouldn't have been a -- it would be in a
22 letter form with the compilation of what we found.

23 Q You recall who the addressee of that letter was?

24 A I told you, I don't know if it went through my
25 organization or went to Bob.

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1 Q That would be to Mr. Sperling, as secretary of
2 the Products Safety Sub-Committee?

3 A I don't know if he is the secretary. I know he
4 is involved. That's who I deal with. Are you the secretary?

5 I was wrong about something this morning. Jim
6 told me we do have an annual report on the gallery performance.
7 It doesn't cross my desk. I've never seen it. I didn't
8 know we had that. I want to tell you that we do have a
9 yearly report.

10 MR. SCULLY: Quit volunteering.

11 MR. VIRI: I would think he'd want to correct
12 a misunderstanding.

13 Q Mr. Linde, to your knowledge, have any tests ever
14 been performed, by Remington, on the fire controls of the
15 Remington center fire bolt action rifle, including the
16 model 600 and 700, by introducing foreign materials
17 into the fire control to see if that would induce a malfunction?

18 A Yes.

19 Q Have you ever done any such testing yourself?

20 A No, I haven't.

21 Q But you tell me, if you can, of the first such
22 test that you know of?

23 A I know --

24 MR. SCULLY: In time?

25 MR. AMES: In time.

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1 A I know that Wayne Leek, who I reported to, came
2 from Aberdeen, where they do sensitive testing and he made a
3 test lab, where I worked. He had a number of different
4 categories, different chambers. It was like a big box and it
5 was made to induce dust and what have you in guns. And
6 reviewing some of these things with him, with Charlie Morris,
7 who I also reported to. They told me about all the testing
8 they had done on various models. This is what we called
9 a modernization program, after the second world war.

10 He started with the 721 and 22 and the predecessor
11 of the 700. All the work they did on checking the fire
12 controls out. As far as a recent test, that I'm aware of,
13 of actually blowing dirt and dust in there, no, I'm not
14 aware of any.

15 Q Was this testing that Mr. Leek told you about,
16 actually on-going during the time that you worked in the
17 Research Department?

18 A We did some testing. I know there was some
19 testing with dust, testing with dirt, done on the 788 at that
20 time. We were just bringing those rifles into the line, but
21 as far as the 700, no.

22 Q Was Mr. Leek testing, that you're aware of, then,
23 in connection with prototype tests prior to the production?

24 A I don't know. All I know is what he was telling
25 me, that one of his jobs, when he came to Remington, was to

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1 institute a testing facility, which he did. And he prided
2 himself on having testing better than the Army had, at the
3 time.

4 MR. VIRI: On that line, what is your under-
5 standing as to when he ran these tests?

6 THE WITNESS: The year that they developed
7 the 721 and 722, they ran a series of tests on
8 those trigger assemblies.

9 MR. VIRI: What years?

10 THE WITNESS: They were brought out about
11 the '48, '49 time frame.

12 Q Are you aware of any other testing with respect
13 to foreign materials in the category I mentioned a moment
14 ago, other than Mr. Leek's which you just told me about?

15 A None that I can think of.

16 Q Are you aware of any testing of any lubrication
17 products in the fire control of Remington center fire bolt
18 action rifles?

19 A Yes, I am.

20 Q What is the earliest of such testing, in time,
21 that you're aware of?

22 MR. SCULLY: The testing of lubricants?

23 Q Lubrication products in the fire control.

24 A That would be starting in , like, '75.

25 Q Did you ever run such tests?

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1 A Yes, I did.

2 Q And the one starting in '75, is that the test that
3 you ran?

4 A I ran one in, oh, it must have been '76 or '77.

5 Q Who was running tests of the lubrication products
6 for fire controls in '75?

7 A Well, I was involved in the fire controls in '75.
8 When I got into it, after I had been into it a while, I
9 started doing some tests on lubricants in fire controls.

10 Q Who was doing it before you started?

11 A I don't know if anybody else was.

12 Q Why did you start doing it?

13 A Well, I had worked on the 3200 and I had come up
14 with a special lubricants on the 3200. It was not commer-
15 cially available, that had excellent properties. What I
16 did, I worked with that on the critical Sear and Safety Cam
17 connector surface and what I was really doing, I was working
18 on smoothing up the trigger pull or reducing the pull but
19 maintaining, you know, increased engagement. I was doing
20 this because Wayne Leek was interested in silhouette shooting
21 and he was shooting something like ten thousand rounds a year.
22 He was real interested in this. I was really pursuing this,
23 number one for him and number two for Remington.

24 Q This testing, with respect to the trigger connector,
25 that was on the fire control of bolt action rifles?

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- 1 A Yes.
- 2 Q It was not in connection with the 3200?
- 3 A That's where it was.
- 4 Q What was special?
- 5 A It was a molliccoat paste.
- 6 Q And did you test similar products in the fire
7 control of the model 600 or 700 in '75 or '76?
- 8 A Yes.
- 9 Q Is that a graphite product?
- 10 A No.
- 11 Q Briefly, what is it?
- 12 A It's a disulfide. I'll tell you what I know
13 about it, if you want to know.
- 14 Q Does it dry?
- 15 A Yes, it does. But, essentially, it stays on
16 there forever.
- 17 Q Does it contribute to a gum up condition in the
18 fire control?
- 19 A I don't believe so. All you need is one little
20 drop with a pin and you put it on the surface.
- 21 Q Did you test, yourself, any other lubrication
22 products?
- 23 A No.
- 24 Q Do you know if anyone else did?
- 25 A Not when I was in research.

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1 Q Have you tested any since then?

2 A Yes, I have been responsible for it.

3 Q Since you've been superintendent of the PE&C?

4 A Yes.

5 Q What testing have you been responsible for?

6 A We tried some different lubricants in our tanks
7 where we come out with a black oxide. You bring them into
8 a lubricant and the lubricant stops it from rusting and
9 also adds a certain degree of lubricity. I was never ever
10 satisfied with it because when you open the box, the outside
11 of the guns look like they're dirty. It doesn't have a high
12 luster like you want. You really want it to shine because
13 the lubricant had a dulled surface. You had to shine it up.

14 And I had one chemist who reports through me,
15 work on different kinds of lubricants to see if we can
16 come up with something that had a nicer shine.

17 Q Any other testing since you've been superintendent
18 of the PE&C, with respect to the lubricants?

19 A Yes, we did some testing with the research
20 running extensive testing on wet lub. And when they told
21 us they wanted us to go to that on the model 700, we also
22 did some -- made some samples for them. We ran it through
23 the trigger, like the trigger housing. We lubricate and it
24 did not rust. Ran it through the dryer and it actually
25 dried the lubricant.

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1 Q What was the time frame of the wet lub testing?

2 A I don't know, about a year and a half ago.

3 Q When you said the research wanted you to use it,
4 you mean in the production process?

5 A Yeah, they told us to switch to the wet lub which
6 we did.

7 Q And you ran it through the dryer, what do you mean?

8 A Well, in some lubricants, you take it and flash
9 the solvents out of the oil so you've got a thin film of
10 oil, yet it's not wet. It's dry to the touch.

11 Q How do you do that?

12 A You just put it in an oven.

13 Q At what temperature?

14 A I have no idea.

15 Q Do you have any knowledge of anyone at Remington
16 ever testing any gun oils, setting aside what you've talked
17 about, and their effects in the fire controls of the model
18 six and 700?

19 A Yeah, when research did the testing, they started
20 with all sort of different lubricants.

21 Q And this is in 1980's?

22 A Well, I guess so, yeah. It was within the last
23 few years.

24 Q Do you have any knowledge of any testing of fire
25 controls of Remington bolt action center fire rifles by use

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1 of cold, by that I mean, at less than room temperature?

2 A Yes.

3 Q What knowledge do you have of that subject?

4 A We have taken rifles and we have, as part of our
5 testing, we run them at below normal temperatures. We have
6 had some testing where we have tested at 20 below, 40 below,
7 some testing uses a dry ice down to 60 below.

8 Q Who is we?

9 A Talking about the test lab at the Research
10 Department.

11 Q What is the earliest date of any such testing, to
12 your knowledge?

13 A We have done that for years.

14 Q Were they doing that testing when you were there?

15 A Yes.

16 Q Did that testing involve the presence of any kind
17 of material in the fire control?

18 A I'm not sure what you mean.

19 Q You've done cold testing at different temperatures?

20 A Right.

21 Q Has that cold testing been only with respect to
22 the fire controls that were clean of any other material of
23 any kind?

24 A No, I know on some of the rifles and shotguns,
25 what they have done is taken and shot them five hundred rounds,

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1 cold test them; shoot them, cold test them. This is sort
2 of a sequence so that, you know, you're now picking up your
3 normal debris.

4 Q Do you know of any that have been tested with oil
5 or other lubricant in the fire control?

6 A What guns are you talking about?

7 Q The fire controls of any bolt action rifles.

8 A We even checked some of these sent back from the
9 field that allegedly fired off start.

10 Q Did you have any other returned to the field?

11 A I was asking, trying to get straight which guns
12 you wanted.

13 Q I want bolt action fire control. Any source.

14 A We have checked model, trial and pilot guns and
15 when they have design changes it would effect something in
16 that area.

17 Q Was that checked with lubricants in the fire
18 control in the cold test?

19 A In some cases.

20 Q Was that ever done with respect to the model 700?

21 A I'm sure it has been.

22 Q Do you know, of your own knowledge?

23 A I know that they cold tested the 700's.

24 Q Cold tested them with lubrication in the fire control?

25 A I'm sure it would have been with lubrication.

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1 Q Have you, yourself, ever run any cold tests on the
2 model 700 fire control?

3 A Yes, I have.

4 Q How recently?

5 A Well, within the last couple of months.

6 Q What cold tests have you run in the last couple
7 of months?

8 A I've taken firearms and put it in the freezer, get
9 it down to a certain degree and had it checked.

10 Q And why have you been making those tests yourself?

11 A Because I was unhappy with the way that your
12 complaints and that report that you keep referred to was
13 worded and presented. And so I've taken some of these guns
14 that have come back that have a complaint of fire off safe
15 release. I've taken them just the way we've received them
16 and put them in the freezer and ran it down to 30 degrees.

17 Q Did you do that in any of the guns on which there
18 were gun examination reports written between '78 and '82?

19 A No, that's what I was saying. I wished I had.

20 Q As to the four or five that you have so tested,
21 have any of them been model 700?

22 A Yes, they have.

23 Q What was the condition of the fire control prior
24 to your testing them?

25 A Well, some of them had oil in them. Some of them

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1 had dirt in them, all different kinds of conditions.

2 Q Has your testing involved making any tests of the
3 force necessary to move the components of the fire control
4 before or after the cold test?

5 A No.

6 Q Has your testing involved checking the functions
7 of the fire control manually before and after the cold test?

8 A Yes.

9 Q Has your testing involved any other steps, other
10 than checking functions before and after the cold test?

11 A Yes, a number of other steps.

12 Q What other steps?

13 A I've taken it, checked it and left it the way it
14 is. Put it into the cold box and go through a certain series
15 of steps after we pull it out of the cold box.

16 Q What steps, after you pull it out?

17 A We go out and check it to make sure, first, the
18 fire off safe release; check the tension on the trigger to
19 see if the trigger returns; check the safety operation;
20 check the firing pin fall; check and make sure it will
21 actually fire.

22 Q Now, in your tests, how many model 700's have you
23 tested?

24 A I think four or five.

25 Q So, you think all the ones you tested have been

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1 model 700's?

2 A Yes.

3 Q Have any of those fired on movement of the safety,
4 during your cold testing procedures?

5 A None that we cold tested, no.

6 Q Any of them fired on movement of the safety prior
7 to your cold testing?

8 A Some of them that I've looked at have.

9 Q Did you cold test those?

10 A Never had to.

11 Q Why did you consider it important to do this cold
12 testing in the last several months?

13 A Because I thought that some of these complaints,
14 reports were leading to false conclusions.

15 Q Referring to the gun examination?

16 A Yes.

17 Q And references therein to the effect of colder
18 temperatures?

19 A That's right.

20 Q Have you arrived at any conclusion with respect to
21 the effect of the cold on the function of the fire controls
22 in which there is the presence of oil?

23 A Yes.

24 MR. SCULLY: On any model?

25 A In the model 700.

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1 A Yes, I have. Every one is different.

2 Q What is your conclusion?

3 A Every one is different. It's a set of circumstances
4 involved on that particular rifle.

5 Q What are the different factors involved, in your
6 opinion?

7 MR. SCULLY: Calls for a narrative, vague
8 and ambiguous.

9 A The different factors involved are: does it have
10 any broken parts; does it have anything that is altered;
11 anything that's deformed; what kind of lubricant is it;
12 how is it maintained; if there is dirt, what kind of dirt.

13 Q Does the combination of the various tolerances
14 to which the part in that particular fire control was
15 manufactured, in your opinion, have a bearing on the outcome
16 of these tests?

17 A The cold test?

18 Q Yes.

19 A So far, no.

20 Q Sir, when you receive a firearm from the general
21 public, a complaint about fire on movement of the safety,
22 are you able to determine what any material that you find
23 in the fire control is?

24 A We can, yes.

25 Q How can you tell?

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1 A What do you mean? It depends on what the material
2 is.

3 Q If it appears to be gummed up, sticky material,
4 can you tell what that is?

5 A We have -- I don't know if we can or not. We have
6 a lab that says they can.

7 Q You mean a Remington lab or somebody else?

8 A Somebody else. I don't actually know that they
9 can or not.

10 Q Have you seen any results back from that lab?

11 A I remember seeing result but not on that.

12 Q Not on this question of the type of material?

13 A That's right.

14 Q Have you ever seen a model 700 in which there was
15 solidified solvents present in the fire control?

16 A Never seen solidified solvents.

17 Q Sir, in your opinion, can temperatures below room
18 temperature increase the forces necessary to move the
19 internal parts of the fire control in a model 700 where
20 there is oil and dirt present in that fire control?

21 A What kind of temperature are you talking about?

22 Q Below 50 degrees.

23 A No, you're giving me a range.

24 Q At what temperature, in your opinion, does the--
25 withdraw that. In the fire controls of the model 700, at

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1 what temperature does cold become a significant factor in
2 causing an increase in resistance to movement of the parts,
3 where there is dirt and oil present?

4 A It would be just like your automobile, when you
5 have lived in this area, you know, you have certain weight
6 oils. If you had a 40 weight oil and it was 20 degrees out,
7 the car would turn over harder. If you had a 520, you would
8 probably not notice any difference. That's the same with
9 the firearm.

10 Q Have you made any study to determine what type
11 of lubricant used begins to impede the motion of the parts
12 at any particular temperature?

13 A No, I haven't.

14 Q Mr. Linde, with respect to the fire control in the
15 Thomsen rifle, the model 700, in your opinion, is it
16 possible that the internal forces necessary to move the
17 internal parts in that fire control, as of the time of the
18 accident, would have been greater at 40 degrees than at 70
19 degrees?

20 A I think it would be insignificant.

21 Q What is the basis for that opinion?

22 A Just what I've seen with other firearms.

23 Q You're referring to the four or five that you've
24 been testing recently?

25 A I've used Remington 700's for years and I've used

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1 them in all kinds of temperatures, all kinds of weather.

2 I'm saying that's my opinion.

3 Q Have you, with respect to any of those that you've
4 used for years, actually made any measurements at different
5 temperatures with respect to the forces necessary to move
6 parts inside the fire control at different temperatures?

7 A Not directly for that reason, no.

8 Q Have you made such measurements for any reason?

9 A Yes.

10 Q For what reason?

11 A I worked up a system because I wanted to see if
12 you could tell the difference between a creepy trigger and
13 a crisp trigger. That's terminology, a creep trigger --

14 Q Jerks back?

15 A Yeah, and the crisp trigger breaks nice. I
16 worked up an arrangement. I measured the forces on the
17 trigger, force displacement and figured out what the good
18 trigger was and what was a poor trigger. I did check it
19 with different conditions and lubricants.

20 Q Were any of those that you were checking, at
21 different temperatures?

22 A That's what I was saying. I didn't vary the
23 temperatures significantly. The temperature was a factor
24 but I didn't run it down. It was, like, 50 degrees.

25 Q Sir, have any of the model 700's that you've owned

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1 or used over the years, have the fire control mechanism
2 gummed up?

3 A No.

4 Q Have any of them had an accumulation of dried
5 oil and dirt?

6 A No. I did have one that looked a lot like the
7 one in this case.

8 Q Your own?

9 A Yes.

10 Q It had the two piece Sear and Safety Cam?

11 A Yes. When I was, it was kind of ironic. I hadn't
12 cleaned my rifle for a couple of years. I was going through
13 this and I found it and it kind of surprised me. It was
14 still a two piece. I had kept it down in the shop. It
15 had kind of a fine dust on the outside. It looked a lot
16 like the Thomsen rifle.

17 Q On the outside of the fire control assembly but
18 inside the stock?

19 A Yes.

20 Q You said it looked a lot like the Thomsen rifle.

21 A It looked dirty from the outside, nice and clean
22 on the inside.

23 Q You mean as of August of 1983?

24 MR. SCULLY: Counsel, are you assuming you
25 people cleaned the inside of the trigger between

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1 the first examination and the second examination?

2 MR. AMES: I'm making no assumptions whatsoever.

3 MR. SCULLY: There is inuendo, you people
4 changed the property of the trigger.

5 MR. AMES: You've been objecting to insundo
6 that you imagined since the beginning of the
7 deposition.

8 MR. SCULLY: I'm very careful as to where my
9 tax dollars are going. I just don't like being
10 abused.

11 Q When you say the appearance of the Thomsen rifle,
12 are you referring to August of 1983?

13 A That's the only time I saw it, other than the
14 pictures.

15 Q Which pictures are you referring to?

16 A Well, the pictures that I actually saw. The
17 initial pictures taken on the first examination. There are
18 certain areas, when you examine it, that don't change because
19 they're not touched.

20 Q What areas are those?

21 A Well, there are certain places where your hands
22 don't touch. Like in back, in and around the screws and
23 what have you, where you can't get access at.

24 Q Are you referring to the adjustment screws for
25 the fire control?

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1 A Yes.

2 Q Are those areas that dirt can get into, around
3 the stock and down through the receiver?

4 A I didn't say that. Somebody who has inspected
5 it, they wouldn't touch it.

6 Q What areas of the model 700 fire control are not
7 checked, in your experience, when the fire control is handled?

8 A What do you mean, not checked?

9 Q Didn't you say there are some areas that are not
10 handled?

11 A Yeah.

12 Q What are those areas?

13 A I just said, when you handle it, there is certain
14 areas in around the screws that your hands wouldn't normally
15 touch, where you have a recess. Above the blocks, for
16 example, there is an area in the back, above the block.

17 Q Referring to your photographs of the August, '83
18 gun examination, would you point out to me, more specifically,
19 what you're talking about.

20 A Why don't you get your pictures out and I'll show
21 you. What are you looking for? Like right here, okay, here
22 on the front, underneath the block, for example.

23 Q Underneath the blocks, between the side plates, in
24 front of the trigger?

25 A Yeah. And like, right here, along the edge there,

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1 where your hands would brush over.

2 A lot of other parts were not touched at all.
3 For example, on the trigger guard, in the stock and what
4 have you, nobody touched anything inside. The dust was still
5 undisturbed.

6 MR. SCULLY: I'll stipulate that those
7 originals can be kept in your possession but,
8 let's mark them.

9 (Photographs of the Thomsen rifle were duly
10 marked Defendant's Exhibits JL-X- 2A through
11 JL-X-2F, for Identification.)

12 MR. AMES: We have a stipulation that I can
13 retain those prints along with Mr. Linde's examina-
14 tion, which were previously provided to me by
15 Mr. Sperling.

16 MR. SCULLY: Yes, sure.

17 Q Going back to the subject of any studies of lubri-
18 cants, with respect to the fire controls, Remington bolt
19 action firearms, are you aware of any studies or research
20 other than what you have told me about so far here today?

21 A No, I'm not.

22 Q Are you aware of any studies or research with
23 respect to the effect of a combination of lubricants,
24 materials and dirt and, by dirt, I mean dust, debris or any
25 other foreign material?

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1 A Only what I said, what our normal procedure is in
2 the firearms developments and design changes.

3 Q With respect to the testing, in connection with the
4 normal procedure, is that done in the box with the rubber
5 gloves that you referred to in connection with Mr. Leek?

6 A Not necessarily, not.

7 Q How else is that done?

8 A It can be done any number of ways. In the chamber,
9 like when you might use a salt spray. It could be done
10 where you just take a tweezer or one of these blowers and
11 you have dirt or what have you, and you blow it in a specific
12 area, you can measure it out.

13 MR. AMES: This might be a good time to break.

14 (This portion of the deposition was
15 concluded at 3:00 p.m.)

16 (Page 133 follows; no omissions)

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(The deposition resumed at 3:15 p.m.)

BY MR. AMES:

Q Mr. Linde, for purposes of the present line of questioning, I'm going to ask you some questions with respect to specifications with respect to the Thomsen Model 700 at the time it was manufactured by Remington.

Do you understand, as I do that, that that was 1962?

A Yes.

Q Sir, in your examination of the Thomsen rifle, did you measure the width of the trigger connector?

A Yes, I did.

Q You have your notes, marked RLH X-1 in front of you?

A Yes, I do.

Q And are those results shown next to the last line of page three, where it says, trigger connector width --

A .1677-.1698 inches.

Q The last line, connector width, .1647-.1648 inches.

A Yes.

Q Did you make that measurement yourself?

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1 A I believe in that case, I'm not sure, but
2 I believe both Hillberg and myself measured that
3 individually.

4 Q And did you make the next measurement shown,
5 that .1688 at hole?

6 A I believe I did.

7 Q Does that measurement refer to the width
8 of the connector at the hole in the connector?

9 A Yes, it does. There's the picture, right
10 there. You can see it.

11 Q With respect to the measurements here for
12 the trigger connector that you made, are all three
13 of those measurements within the specification for
14 Thomsen Model 700?

15 MR. SCULLY: The question is compound.

16 THE WITNESS: Do I answer?

17 MR. SCULLY: Go ahead, if you can.

18 THE WITNESS: I don't know what the
19 dimension is on the drawing. I didn't
20 check that against the drawing.

21 BY MR. AMES:

22 Q You didn't. By that you mean the connector
23 width you did not check against the drawing?

24 A I measured the dimensions this rifle had.
25 That's what I did, and that's what this report is.

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1 Q What was your purpose for making these
2 measurements?

3 A I wanted to know what the connector width
4 was.

5 Q Why did you want to know the connector width?

6 A Because I also measured the width of the
7 housing with the gauge lock, and I know what that
8 dimension is.

9 Q Is it of any importance to you if the
10 trigger connector were not within Remington's
11 specifications?

12 A I wanted to know the interference with the
13 trigger housing width.

14 Q Would it be of concern to you if the trigger
15 connector were not to the manufacturing specification
16 for the Thomsen rifle?

17 A It would be a concern, but it has no
18 bearing on the case.

19 Q Sir, referring again to page three of your
20 notes of the August examination of the Thomsen rifle,
21 sixth item up from the bottom of that page, there's
22 reference to the trigger assembly top opening, and
23 there's reference to a .171 inch gauge lock. Did
24 you make that measurement yourself?

25 A I believe I did, yes.

1 Q Sir, what is the specification for the
2 opening between the side of the trigger assembly on
3 the Thomsen Model 700?

4 MR. SCULLY: The present spec?

5 MR. AMES: The spec at the time of the
6 manufacture of the Thomsen rifle.

7 THE WITNESS: I don't know. I'd have
8 to look on the drawing.

9 BY MR. AMES:

10 Q Sir, would a .172 gauge block work freely
11 in the areas referred to in your notes here, which
12 you measured the .171 inch gauge block worked freely?

13 A Yes.

14 Q Why did you not note the .172 gauge block
15 would work freely in these areas?

16 A Obviously, I must have tried it, and there
17 must have been a slight interference.

18 Q So it would not work freely; correct?

19 A That's the implication, yes.

20 Q Sir, would it be important to you, with
21 respect to your examination of the Thomsen rifle,
22 and calculations with respect to that rifle, to know
23 what the specification for width between the trigger
24 assembly side plate was?

25 A Not for the investigation of the rifle.

1 It was important to me to know what the
2 dimension is.

3 Q Would it be important to know if the width
4 was not as specified for the Thomsen rifle at the
5 time of manufacture?

6 A It would be interesting to note, but it's
7 not necessary for the investigation.

8 Q Is it your position that, as with the
9 trigger connector width, it would have no bearing
10 on the cause of the accident?

11 A That's right.

12 Q Sir, did you measure the engagement between
13 the sear and trigger connector in the Thomsen rifle
14 in August of 1983?

15 A Yes, I did.

16 Q And was that engagement as measured by you
17 to Remington specification for the Thomsen rifle as
18 of the time of its manufacture?

19 A You're talking about the engagement on
20 page five?

21 Q Engagement between sear and trigger
22 connector.

23 MR. SCULLY: The one on page five?

24 THE WITNESS: That's the one you're
25 talking about?

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1 BY MR. AMES:

2 Q The engagement between sear and trigger
3 connector, did you measure it?

4 A Yes, if you're talking about the comparator
5 measurement.

6 Q Did you measure by any method other than
7 the comparator?

8 A No.

9 Q And are the measurements that you made with
10 respect to engagement between the sear and trigger
11 of the Thomsen rifle shown here on page five of your
12 notes?

13 A Yes, they are.

14 Q And are the engagement readings shown there
15 within Remington's specifications for the Thomsen
16 rifle as of the time of manufacture?

17 A I don't know for the time of manufacture
18 of the Thomsen rifle, but right now the measurement
19 is fifteen to twenty thousand, so this would be half
20 a thousand under.

21 Q So therefore out of present specification?

22 A Out of present specification.

23 Q In your opinion, does that have any bearing
24 with respect to the possible cause of the firing of
25 the Thomsen rifle in this case?

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1 A No, it never.

2 Q By never, you mean it does not?

3 A It does not.

4 Q Sir, at your examination of the Thomsen
5 rifle, did you measure the total width of the sear
6 and safety cam?

7 A Yes, I did.

8 Q Are those results shown here in your notes?

9 A I believe they are.

10 Q Would you point out to me where.

11 MR. VIRI: I think it's on the bottom
12 of page three.

13 THE WITNESS: Yes, it is, combined
14 with a sear and safety cam as measured with
15 calibrated micrometer measured .1673 inches.
16 At extreme tails they measured .1686 inches.

17 BY MR. AMES:

18 Q Sir, are those measurements within Remington's
19 specifications for the Thomsen rifle as of the time
20 of its manufacture?

21 A I don't know.

22 Q Does whether or not they are within
23 Remington specification at the time of manufacture
24 have any bearing on the question of the cause of the
25 Thomsen accident?

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1 A No, it doesn't.

2 Q Sir, as of the time of manufacture of the
3 Thomsen rifle, did Remington's manufacturing procedures,
4 including quality control, call for measurement of
5 total width of the sear and safety cam at any time
6 during the production of the rifle?

7 A I don't know.

8 Q Did Remington manufacturing procedures,
9 including quality control, ever call for measurement
10 of the total width of the sear and safety cam during
11 the time in which the sear and safety cam was being
12 produced?

13 A What is the difference about this question
14 and the last question?

15 Q My last question went to the date of
16 production of the Thomsen rifle. I'm now going over
17 the whole time period over which the two-piece sear
18 and safety cam was produced.

19 A The two piece?

20 Q Right.

21 A I don't know.

22 MR. VIRI: Can I ask a clarification
23 question?

24 MR. AMES: Sure.

25 MR. VIRI: Which end has the extreme

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1 tails? Is that the end closest to the
2 shooter or farthest away from the shooter?

3 THE WITNESS: This would be better
4 to show you the tail.

5 MR. SCULLY: You're using what exhibit
6 here, EFB2?

7 THE WITNESS: The tail I'm talking
8 about is here.

9 MR. VIRI: So the end closest to the
10 butt?

11 THE WITNESS: No. The butt of the
12 rifle --

13 MR. AMES: Just to clarify, the rifle,
14 that's the end of the safety cam that is
15 cammed up by action of the safety?

16 THE WITNESS: Well, on one side of it.
17 It's truncated on the other side.

18 BY MR. AMES:

19 Q So the cam portion of the safety?

20 A Yes. It's toward the cam.

21 Q As opposed to --

22 A Toward as opposed to toward the hole.

23 Q Or the operative end?

24 A That's right.

25 Q Sir, in your examination of the Thomsen

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1 rifle, did you measure the specific constant of the
2 trigger spring?

3 A No, we never.

4 Q Was there a specification for the trigger
5 spring in the specification, constant specification
6 for the trigger spring at the time of manufacture of
7 the Thomsen?

8 A Yes, there was.

9 Q Do you know what that was?

10 A No, I don't.

11 Q Where would we be able to obtain that
12 information?

13 A On a part drawing.

14 Q Sir, if the trigger spring constant of the
15 Thomsen Model 700 were too soft, would that affect
16 the amount of the force with which the trigger and
17 trigger connector would be returned beneath the sear?

18 A Not necessarily, no.

19 Q Could it affect it?

20 A No. It depends upon the design.

21 Q How does it depend upon the design?

22 A Well, your spring constant depends on what
23 kind of load you want to start at, travel, and at
24 the end of travel, and that depends on how long a
25 spring you have, what kind of pre-load you want on it.

1 A spring has a number of variables, other
2 than the spring.

3 Q Is it your testimony that in the Thomsen
4 Model 700 a low spring constant would not affect the
5 force with which the trigger and trigger connector
6 would return beneath the sear?

7 A Well, I --

8 Q Well, is there a correlation, in your mind,
9 between less spring constant and the force with
10 which the trigger and trigger connector return
11 beneath the sear in the Thomsen rifle?

12 A No. The pre-load would be determined by
13 the force. You could have a low spring constant and
14 high pre-load.

15 Q Would you explain to me a little fully
16 what you mean by that.

17 A I mean that the operating forces, when you
18 design something like this, forces are determined by
19 the load that you need and the area and how you
20 want the forces applied, and you can vary a number
21 of things. When it comes to a spring, you can vary
22 the constant, you can vary the length, and the
23 constant, of course, is affected by the diameter,
24 how tight you want it, how big, how heavy the wire is.

25 There are so many variables. I just can't

1 explain them all. If you start changing things,
2 everything changes.

3 Q If the spring constant were half of that
4 specified, would that affect the amount of the force
5 with which the trigger would return beneath the sear?

6 A It depends on what point you're talking
7 about. It could, if, at a given point, you have
8 exactly the same force.

9 Q At any given point with half the --

10 A You pick a given point. You could have the
11 same force with half the spring.

12 Q Sir, everything else being equal, that is,
13 size, length and other factors about the spring, does
14 the --

15 A It couldn't be equal. You couldn't have
16 a spring where everything is equal, the same, and
17 have one with half the spring rate. Another, some-
18 thing has to change.

19 Q Well, does the spring rate affect the amount
20 of force applied to the trigger over a certain area?

21 A It would, yes.

22 Q Sir, if you had two springs of the same
23 length --

24 A Okay.

25 Q -- would the spring constant be doubled?

1 A Sure.

2 Q And in the Thomsen Model 700, in that
3 situation, would one exert more force than the other
4 to return the trigger beneath the sear?

5 A If you have two distinctly different
6 springs, sure, you could have different loads on them.

7 Q If the distinction is as to constant, but
8 the length is the same?

9 A Yes.

10 Q They would exert, in my terminology, a
11 different amount of force on the trigger?

12 A Yes.

13 Q Would you agree with the statement that
14 the safety mechanism should never rely on a spring?

15 A I can't go along with your statement, unless
16 you clarify exactly what you mean.

17 Q What part of it needs clarification, is
18 unclear?

19 A Well, you're saying -- would you repeat
20 your question?

21 Q Would you agree with the statement that a
22 safety mechanism should not rely on a spring?

23 A Okay, I'll answer it.

24 What I would say is that you should never
25 have a spring-activated safety system, shouldn't have

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1 a mechanical system where you're mechanically blocking,
2 overlocking or linking something.

3 Q Is that because something can make the
4 spring inactive?

5 A No. It's that a spring is much more
6 sensitive to inertia forces.

7 Q Is whether or not something could get in
8 and block the operation of the spring a factor?

9 A No.

10 Q Sir, did you measure the trigger pull on
11 the Thomsen rifle in your examination of it?

12 A Yes, we did.

13 Q And was the result of that within Remington's
14 specifications for the Thomsen rifle at the time of
15 its manufacture?

16 A Yes, it was.

17 Q Was that result any different from those
18 results of the measurement of the trigger pull forces
19 in Sacramento in October of 1981, before the trigger
20 assembly was disassembled by Mr. Stekl?

21 A I don't know. Do you have that information?

22 Q What information are you asking about?

23 A I just wanted to know, did you take the
24 trigger pull in Sacramento? That would be interesting
25 to see.

1 Q Sir, in your examination of the Thomsen
2 rifle, did you measure the force reached to move the
3 sear within the trigger assembly?

4 A No.

5 Q You did say earlier that it didn't stick
6 when you inspected it; correct?

7 A I said there was no binding.

8 Q Does that mean that the sear spring was
9 strong enough to overcome any drag on the sear, on the
10 right side plate at the time you were inspecting it?

11 A That means, no, I didn't feel any drag.

12 Q Can you tell, in examining the sear in a
13 Model 700 of the type of the Thomsen rifle sear and
14 safety cam, that there's no drag or partial bind
15 without measuring the force necessary to move the
16 sear within the trigger assembly?

17 A You can't tell if there was, like if there's
18 a slight bind or a slight drag, and it was less than,
19 say, 15 percent of the overall force you would have
20 a hard time finding that just by actuating the parts
21 back and forth, but anything that was significant,
22 that would bind it or tend to gall or catch it, yes,
23 you could pick it right up.

24 Q Is there a Remington specification as to
25 the force necessary to push the safety from the on

1 position to the off position in the Model 700 as
2 manufactured at the time of the Thomsen rifle?

3 A I believe, yes.

4 Q Do you know what it is?

5 A I believe it's three pounds minimum.

6 Q Is there a maximum?

7 A I think there is.

8 Q Do you know what that is?

9 A I think it's ten pounds.

10 I'm not sure on those numbers, but it
11 should be in that range.

12 Q Do you know where that information would
13 be available?

14 A I think it would probably be in the process
15 records.

16 Q Did you measure --

17 A And also, it could also be in the standards.

18 Q Did you measure the force necessary to push
19 off the safety in the Thomsen rifle in your examina-
20 tion?

21 A Yes, we did.

22 Q What was it?

23 A Well, safety off force, force applied was
24 over three pounds.

25 Q Sir, where are you referring in your notes?

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1 A On page two, and on page three we also
2 checked it with a stock on and stock off.

3 Q Would you put the photographs back
4 together in a package, or packages.

5 I have here the Remington Model 700 owners'
6 manuals produced by Remington.

7 I'd like to ask you if you can tell me or
8 identify for me the owner's manual which would have
9 accompanied the Thomsen rifle at the time that it
10 was shipped from Remington.

11 A I have them in what for myself seems to
12 be chronological order. Which folder is it?

13 Q Well, if you have that, that's just an
14 easy starting place. I'm not sure.

15 A You want the one that went with that rifle?

16 Q That's what I'm trying to find out.

17 A It's right here on top, it looks like.
18 Yes.

19 It could be any one of the first three, in
20 my mind, here, based on the serial number.

21 Q Based on the serial number of the rifle?

22 A It's not that one. It could be this one
23 here.

24 MR. VIRI: We need a record here.

25 THE WITNESS: It could be that, in

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1 there, or it could be in the first one.

2 MR. AMES: Mr. Linde has been referring
3 to JL X-3.

4 THE WITNESS: Or it could be with this
5 one right here. It could be this one right
6 here.

7 It would be either one of the first
8 two.

9 BY MR. AMES:

10 Q The one you already referred to?

11 A No, these two. You want either one of these
12 two.

13 MR. AMES: We can refer to them by
14 our serial number system, which we provided
15 you a set.

16 MR. VIRI: For the record, the first
17 one he's indicated, is Exhibit CBW19,000061
18 through 000064.

19 BY MR. AMES:

20 Q This one numbered 61 through 64 is the first
21 one that you referred to?

22 A Yes.

23 Q You said it might be that one?

24 A Yes. There was a revision in between that
25 at the time that that came out, and it would be either

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1 one. I don't know which one would have went with
2 this, because I don't know exactly what month it was
3 produced.

4 Do you know what month the rifle was
5 produced? I could tell you exactly.

6 Q Remington has told us when it was, but I'm
7 just curious as to the process, when you look at
8 those, how are you going about it?

9 A I just have a memory when it comes to those
10 changes, and I can tell, just by looking at it.

11 Q Just as to the text?

12 A Yes. I know what I'm doing on those.

13 Q Can you explain the process that you use?

14 A Yes.

15 MR. VIRI: Can we get the other one
16 identified, that he said could be the one?

17 THE WITNESS: If you want to tell me
18 what month it was produced, I can tell you
19 exactly.

20 MR. AMES: What is the date of production
21 of the Thomsen rifle by month?

22 MR. HUTTON: According to my interpreta-
23 tion, it's May of 1962. I believe the
24 letter is at the top, J.
25

1 BY MR. AMES:

2 Q So we can disregard the prior reference
3 to the manual, the numbers 61 through 64, and we'll
4 now refer to a manual bearing the numbers 000162
5 through 000166; right?

6 A Yes.

7 MR. VIRI: That manual has previously
8 been marked as CBW20.

9 BY MR. AMES:

10 Q How did you go about determining that the
11 one you've just identified is the manual that accompanied
12 the Thomsen rifle?

13 A Because it's the right manual for that time
14 frame. It has the correct code on it.

15 Q What code are you referring to?

16 A there's a code on the bottom there telling
17 you the date code.

18 Q RAV362?

19 A Yes.

20 Q So if I had one of those in this group
21 produced by Remington that had no RAV, it would be
22 the first one?

23 A That would be, yes.

24 Q And is the code usually at the last page
25 of the manual?

1 A Well, not necessarily, no.

2 Q Is there more than one RAV number?

3 A I don't believe so, no.

4 MR. VIRI: The 362 would mean it was
5 revised in March of 1962?

6 THE WITNESS: That's right. It was
7 produced in May, you said, the gun?

8 MR. VIRI: Yes.

9 BY MR. AMES:

10 Q Mr. Linde, do you have any recollection
11 of working on FSR problems while you were in the
12 Research Division?

13 A What do you mean, working on FSR problems?

14 Q I mean any work in connection with fire on
15 safety releases on Remington firearms while you were
16 in the Research Division.

17 A I didn't concentrate on it. I worked on
18 trigger assembly fire controls.

19 Q Did you work on some FSR's while you were
20 in research?

21 A I'm sure that I've looked at them. I
22 didn't work on them per se.

23 Q Do you recall reaching any conclusions as
24 to what caused the FSR's in any that you looked at
25 while you were in research?

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1 A Sure. I would have had a conclusion for
2 every one that I looked at.

3 Q Do you recall any of those conclusions now?

4 A All I can recall is some of the more common
5 ones.

6 Q What were those?

7 A I think probably the biggest single number
8 were people backed off the trigger, adjust the screw
9 or made some other alteration in the trigger adjustment
10 screw so that either the trigger connector was not
11 positioned under the sear safety cam and/or there was
12 no spring tension to hold it under the sear safety
13 cam.

14 Q Were these firearms FSR questions that you
15 looked at in research ones that had been received
16 from Field Service with complaints from customers?

17 A No. I might have been involved in helping
18 out, but, no, I wasn't involved in, per se, looking
19 at the guns back from customers.

20 Q Where would the FSR guns that you just
21 told me about having looked at have come from?

22 A Those guns would have actually been some
23 customers' guns, but I got them through Jim Bower.

24 Q What was Jim Bower's position at the time?

25 A He was a supervisor in Process Engineering.

1 Q And would those have been guns that had
2 been reviewed by the Gun Examination Committee?

3 A Yes, in some cases, and he knew that I was
4 working on fire controls and he would bring them back
5 for me to look at.

6 Q Do you know if he brought all the Gun
7 Examination Committee --

8 A I know he never.

9 Q Do you know what criteria he used?

10 A Just keeping me informed, more than anything
11 else.

12 Q Sir, can an FSR in a Model 700 be caused
13 by a deformed trigger assembly side plate?

14 A What do you mean by a deformed trigger side
15 plate?

16 Q If the housing on the side plate were not
17 flat, could that cause FSR?

18 A It would depend on where you had your
19 deformation and how much you had and when you got it.

20 Q If there was deformation someplace, could
21 it or could it not --

22 MR. SCULLY: He already answered that,
23 Counsel, it would depend on certain factors.

24 THE WITNESS: I mean, you know, it
25 just doesn't just happen.

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1 BY MR. AMES:

2 Q I understand that. I'm just asking you
3 whether, in your opinion, sufficient deformation
4 could cause FSR.

5 MR. SCULLY: That's been asked and
6 answered.

7 THE WITNESS: It would depend on the
8 situation and the circumstance.

9 BY MR. AMES:

10 Q Could a Model 700 be tricked without any
11 change in the adjustment of the trigger screws from
12 the factory specifications?

13 A Could a Model 700 be tricked?

14 Q Right, without adjusting the adjustment
15 screws from the factory settings.

16 MR. SCULLY: That's argumentative.

17 I believe his former testimony was
18 that it couldn't be tricked.

19 THE WITNESS: No, it can't. The
20 700 was never trickable like the 600.

21 BY MR. AMES:

22 Q Sir, I'm looking at a copy of your deposi-
23 tion in the See case, by way of reference, page 48.
24 I don't have a line reference.

25 Mr. Chamberlain asked you a question: "And

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1 'you knew you could trick a 700 without adjusting the
2 adjustment screws?" Your answer was: "There are
3 other ways to do it." Question was: "List them,"
4 and you then said: "You could take in, the customer
5 could disassemble it, hit the housing, deform the
6 housing."

7 A That's right.

8 Q And would that cause a Model 700 to be
9 tricked?

10 A Yes, it could.

11 Q How would it cause the Model 700 to be
12 tricked?

13 A If you lock the thing by upsetting it, if
14 you locked it into position, or deformed the tolerance
15 such that you lost your engagement, it could cause it
16 to be tricked.

17 Q When you say locked it in position, you
18 would lock the sear safety cam into position?

19 A In this case -- you see, what I'm trying to
20 get to you is, you have to go through a certain
21 set of circumstances. You would have to cock the
22 rifle first. You have to go through a sequence of
23 events to get the event that happens.

24 Q Assuming that the sequence of events was
25 such that it was deformed after it was cocked, could

1 that cause it to FSR?

2 A Sure.

3 Q Could a specified engagement contribute to
4 FSR in the Model 700?

5 A Yes, if you went down, like in, say, a
6 three or four thousandths range of engagement, where
7 you had the two radiuses essentially coming down on
8 one another, where it would trick the trigger away,
9 sure, it could.

10 Q Sir, can some Model 700's be cocked with
11 the safety in the on position?

12 MR. SCULLY: Up to the present?

13 MR. AMES: Any, any ever manufactured.

14 THE WITNESS: Yes.

15 BY MR. AMES:

16 Q Can the Thomsen Model 700 be cocked with
17 the safety on?

18 A No, it cannot.

19 Q You started to tell me the common causes
20 of FSR, I believe. What, in your experience, are
21 the other causes of FSR?

22 A Another cause could be if you had the
23 trigger bound back, whether it be the trigger guard
24 or the stock or some other obstruction. A broken
25 connector would cause an FSR. No engagement would

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1 cause an FSR.

2 Q You say the trigger bound back. You mean
3 something restricting the trigger from returning?

4 A Back to its battery position.

5 Q That's underneath the sear?

6 A That's right.

7 Q When you say the trigger, do you actually
8 mean the trigger and connector?

9 A Yes, the trigger and connector.

10 Q Is there any way the trigger could return
11 and the connector not return?

12 A There's circumstances. If you did not
13 have enough clearance, which would be the case in the
14 700, where the trigger would try to return but the
15 connector would be hung up on the base of the sear.

16 Q What causes, to your knowledge, are there
17 for the trigger connector not returning underneath
18 the sear?

19 A A broken connector.

20 Q What other causes?

21 MR. SCULLY: Are we talking about
22 a 700?

23 MR. AMES: Model 700.

24 THE WITNESS: I know no other causes.
25 I could contemplate other causes, but I've

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1 never seen any other causes.

2 BY MR. AMES:

3 Q What other causes do you believe to be
4 conceptually possible?

5 A If the connector was wider than the
6 housing. If there's something, some way that the
7 thing was binding.

8 Q Are there any other common causes of FSR,
9 to your knowledge, other than the ones you've told
10 me about?

11 A I don't know. I think I've covered the
12 majority of them.

13 Q Sir, I'd like you to assume with me a
14 Model 700 of the same vintage as the Thomsen Model
15 700, with the two-piece cam and safety, and further
16 assume, for purposes of my question, that the bolt
17 can be closed with the safety on.

18 MR. SCULLY: Unlike the Thomsen rifle?

19 THE WITNESS: No. He said closed with
20 the safety on.

21 BY MR. AMES:

22 Q You previously testified, did you not, that
23 in your opinion the Thomsen rifle, you couldn't
24 close the bolt with the safety on?

25 A No. You said cock the rifle with the safety

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1 on, and I said you cannot cock the rifle with the
2 safety on.

3 Q By that you mean open the bolt?

4 A When you open the bolt you cock it, and
5 the striker.

6 Q How much force is required, in a Model 700
7 of the Thomsen type, to unlock the bolt, while we're
8 on this subject?

9 A You mean the bolt force?

10 Q The force necessary to unlock the bolt.

11 A I don't know.

12 Q Can you give me an approximation of that?

13 A No, I'd rather not.

14 We've calculated it, and we've run, we've
15 taken a look with the scale, you know, or a
16 transducer and cranked the gun down and measured
17 what the bolt loads are, and we've done it with a
18 number of rifles, so we have a good sample.

19 Q Is the force necessary to unload the, or
20 to unlock the bolt handle when it's in the down,
21 closed position more than five pounds in force?

22 A I don't know. I might be a little more
23 than that.

24 Q Sir, in the Thomsen rifle, is it possible
25 to close the bolt with the safety on?

1 A Yes, it is.

2 Q Assume with me that you have a Model 700
3 of the same manufactured date as the Thomsen rifle,
4 and the bolt is closed and the rifle fired.

5 A Okay.

6 Q Assume further that the --

7 MR. SCULLY: By pulling the trigger?

8 MR. AMES: By pulling the trigger,
9 that the sear remains stuck below the
10 normal upward rest position for the sear
11 due to foreign material in the trigger
12 assembly.

13 Further assume that the bolt is
14 open and that at some future time a new
15 round is put into the chamber and the bolt
16 is closed.

17 In your opinion, will that lead to
18 a follow down of the rifle?

19 MR. SCULLY: Incomplete hypothetical.
20 It's not relevant to this proceeding, either.

21 Go ahead.

22 THE WITNESS: If you held the sear
23 down?

24 BY MR. AMES:

25 Q The sear is stuck down in my question.

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1 A No. If you held the sear down, the sear
2 was physically held down, and if you did what you
3 said and the force on the other, on the spring would
4 just let the sear, would be held down, trigger's
5 forward, okay.

6 Now you're sure you want the sear held down?

7 Q I want the sear stuck in a downward position.

8 A It's being held down, firmly being held down
9 when the firing pin head comes forward, again, it
10 would follow down.

11 Q You understand what I say when I say held
12 down that I'm referring to stuck down by some foreign
13 material?

14 A But, you see, the problem between you and
15 me is, I've seen the rifle and I know that the sear
16 was not stuck down.

17 Q In the Thomsen rifle?

18 A Yes.

19 Q I'm giving you a hypothetical question.

20 A Yes.

21 I know what you're leading to, and I know
22 what your next question will be.

23 Q What is my next question, sir?

24 MR. SCULLY: Counsel, ask your next
25 question.

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1 MR. AMES: He said he knows what it
2 is.

3 MR. SCULLY: You're arguing with the
4 witness.

5 THE WITNESS: You're asking the
6 questions.

7 BY MR. AMES:

8 Q In that hypothetical that I just posed,
9 is the reason that this follows down that there
10 was nothing locking the firing pin from moving forward?

11 A That's right. You're saying if the
12 sear is held down, so essentially that gun does not
13 have a sear.

14 Q Let me ask you, then, to add an additional
15 factor, which is that the bolt is also stuck down.
16 Assume that the safety is then put in an on position,
17 camming the safety, the safety half of the sear, and
18 safety assembly up sufficiently to keep the bolt from
19 going forward; I'm sorry, keeping the firing pin
20 from going forward.

21 Can the sear still stay stuck down far
22 enough so that the connector can't return underneath
23 it?

24 A You're the one that's sticking the sear
25 down. Don't ask me if the sear can stay stuck down.

1 Q I'm asking you if the action of camming
2 up the sear -- I'm sorry, the safety piece, half
3 the sear and safety cam assembly, can result in the
4 sear half remaining stuck far enough down to keep
5 the trigger connector from coming back underneath it.

6 A You can't ask me that, because you had
7 assumed that the sear is stuck down, so you get all
8 through with this chain of events, then you say,
9 can you say that the sear is going to be stuck down.

10 Q I'm asking you to assume that it started
11 out stuck down and you then put the safety on sufficient
12 to cam up a portion of that two-piece assembly.

13 A When did you put the safety on?

14 Q Let me back up. I'll see if I can clarify
15 the first question.

16 The rifle is fired by pulling the trigger
17 with the bolt closed sometime, and the sear sticks
18 down at that time.

19 A Okay. Now you have the sear stuck down.
20 That's what you want, you want that stuck down?

21 Q For my question, yes, and it's stuck down
22 far enough that the trigger connector can't return
23 underneath.

24 A Okay.

25 Q Sometime thereafter the bolt is opened,

1 and sometime later a new round is put in the chamber,
2 and before the bolt is closed the safety is put in
3 the on position sufficient to raise the safety cam
4 up enough that if the bolt were then closed there
5 would not be a follow down.

6 A Yes.

7 Q As of the point at which the safety cam
8 is put in the upper position that I've just described,
9 is it mechanically possible for the sear to stay
10 stuck down far enough that the trigger connector
11 can't get underneath it?

12 MR. SCULLY: You've changed your
13 hypothetical.

14 BY MR. AMES:

15 Q Can you answer my question?

16 A You're saying the sear is stuck down --

17 Q That's my question. Is it mechanically
18 possible that once stuck down that the sear could
19 stay there if the safety cam were cammed up?

20 A You're assuming that it stays stuck down?

21 Q Right. Is it possible? Are they tied
22 together? Is there any interrelationship between
23 the two?

24 A There's a pin in there.

25 Q You're referring to the little button on

1 the safety cam piece?

2 A Yes.

3 Q Would that force the sear up with the safety
4 cam?

5 A I don't believe so. It could in the extreme
6 case, but I don't believe that that's its intention.

7 Q So am I correct in my hypothetical that
8 mechanically you can, by putting the safety on --

9 A Forget the hypothetical. If you want me
10 to say, are the parts locked together in this assembly,
11 no, they're not.

12 Just forget the hypothetical, because,
13 you know, I can't answer a hypothetical. I've looked
14 at the gun, and that's what we're here to talk about.

15 Q I'm asking you a hypothetical in an
16 attempt to analyze the problem.

17 A I'm here because of that gun. I'm not
18 here because of a hypothetical gun.

19 Q But what I'm trying to do is get an under-
20 standing of how these guns work.

21 A What you want to know is, is it mechanically
22 possible?

23 Q That's a part of my question, what I told
24 you so far. Can the sear stay down and the safety cam
25 be cammed up?

1 A It's hypothetical.

2 Q As my question was posed, the sear can stay
3 down and the safety cam comes up?

4 A Yes. You said that.

5 Q To your knowledge, is there any engineering
6 reason why that can't happen?

7 A I'm telling you, they're not locked together.

8 Q So there's no reason it can't happen?

9 A I'm not going to go through and say that.
10 They're your assumptions. You're laying the ground-
11 work, and if what you want from me is that they're
12 locked together, I'm telling you, no, it's not.

13 Q Let's back up.

14 Is it mechanically possible, in your
15 opinion, that the sear could be stuck down, as I
16 asked you to assume?

17 A Could it become stuck down?

18 Q Yes.

19 MR. SCULLY: By what?

20 MR. AMES: By any foreign material.

21 BY MR. AMES:

22 Q Is that within the realm of engineering
23 possibility?

24 A Yes. You could take some type of super
25 adhesive, you could bolt it together and it stays

1 stuck down.

2 Q Is there anything else in my hypothetical
3 so far that, in your judgment, is a mechanical
4 impossibility?

5 A I already told you that they're not locked
6 together.

7 Q So we now have the sear stuck down at the
8 safety cam?

9 A You have.

10 Q As I posed the hypothetical.

11 A You have it, yes.

12 Q And all of the steps, as I've posed them,
13 are in the realm of possibilities; is that correct?

14 A No. When you say assume that, you're
15 setting up assumptions.

16 Q I'm asking you if each of those assumptions
17 is possible.

18 A Okay.

19 Q Are they?

20 A the first one you're saying is if the sear
21 is stuck down, and I'm telling you, yes, assuming
22 you drilled a hole, you could put a screw in it, and
23 it's down, sure. You could do that. You can open
24 the bolt, you can put the gun on safety.

25 Q Let's back up and start over and tell me,

1 as to each of the elements of my hypothetical, as to
2 whether those are possible.

3 MR. SCULLY: However remote.

4 BY MR. AMES:

5 Q That is that upon the gun being fired by
6 pulling the trigger at some time the sear sticks down
7 due to some foreign material.

8 A You're saying foreign material?

9 Q Right.

10 A I don't know that that sear could stick
11 down with foreign material.

12 Q Is it mechanically possible some foreign
13 material could cause it to stick down?

14 A I don't know that.

15 Q You don't know that?

16 A No.

17 MR. SCULLY: He just answered it.

18 Now you're arguing.

19 THE WITNESS: I told you that you could
20 take and induce a foreign material. You
21 could induce Locktite or something, and
22 it's going to stick. I mean, you could
23 drill a hole and put a bolt in.

24 BY MR. AMES:

25 Q Let's assume that there's a foreign

1 material that has caused it to stick down.

2 A Fine. It's your assumption.

3 Q And is that assumption possible? Is that
4 something that can occur, to make that sear stick
5 down?

6 A You bet.

7 Q Is it further possible that someone might
8 open the bolt at some later time and put another
9 round in? Is there anything impossible about that?

10 MR. SCULLY: Counsel, what are you
11 talking about, through normal use?

12 MR. AMES: I'm talking about mechanical
13 possibilities.

14 MR. SCULLY: That includes abnormal
15 use?

16 MR. AMES: No. My question is, is
17 it mechanically possible to do it.

18 MR. SCULLY: Through abnormal use,
19 through normal use, any time?

20 MR. AMES: Just whether it's still
21 mechanically possible.

22 MR. SCULLY: I'm having trouble with
23 the intent involved.

24 BY MR. AMES:

25 Q What we have is the sear stuck down. We

1 pull the trigger, and the gun fires. Now what we
2 do is, we induce something to stick the sear down
3 and we fire the gun. We use some means to stick
4 that sear down so it can't come up, some foreign
5 material. You mentioned Locktite.

6 A Yes, or a screw.

7 Q I'm talking about something other than
8 another piece of metal. I'm talking about some
9 material such as Locktite. Would you agree with me
10 on that?

11 A You've Locktited it to the side?

12 Q So Locktite, which is a form of glue, is
13 in there, right, for purposes of this hypothetical?

14 A I don't know if it's a form of glue or not,
15 but let's don't argue about it any more. You have
16 Locktite in there. Fine.

17 Q Is it mechanically possible that the bolt
18 can be opened and the spent cartridge case removed?

19 A Sure.

20 Q Is it further mechanically possible to put
21 the safety on such that the safety cam, side of the
22 sear and safety cam move up far enough to engage the
23 bolt but that the sear remains stuck down?

24 A You mean engage the firing pin?

25 Q Yes.

1 A If you haven't put any Locktite between
2 the two surfaces?

3 MR. SCULLY: Are we assuming Locktite
4 will adhere to the side plate even though
5 the safety is put on?

6 BY MR. AMES:

7 Q Listen to my question.

8 MR. VIRI: I'd just like to clarify
9 his last answer.

10 Mr. Linde, you said between the two
11 surfaces?

12 THE WITNESS: I was just being smart.

13 MR. VIRI: Did you mean between the
14 surface of the sear and the safety cam?

15 THE WITNESS: Yes.

16 I apologize.

17 BY MR. AMES:

18 Q Is it now within the realm of mechanical
19 possibility that at some future time, those conditions
20 we've already discussed being the same, someone might
21 put a fresh round in the chamber and close the bolt?

22 A No. You're saying, is it mechanically
23 possible?

24 Q Right.

25 A It's mechanically possible to put a round

1 in the chamber, sure.

2 Q Given the prior steps we've talked about?

3 A Yes, you could.

4 Q Now the firing pin would not move forward
5 because of the safety cam port being cammed up;
6 correct?

7 A Yes.

8 I don't know what the purpose of that dog
9 is. I don't know if the dog would pick it up or not.

10 Q What do you mean by the dog?

11 A Well, that dog that's on the side of that
12 part.

13 MR. VIRI: Is that what we've called
14 the button before?

15 THE WITNESS: Yes, or whatever you
16 call it.

17 MR. VIRI: What's the purpose of that
18 button?

19 THE WITNESS: That is so you can't
20 disassemble it. The safety cam is only,
21 cam on the safety lever is only so wide,
22 and it has to be under that corresponding
23 cam, if you put the thing on the wrong
24 position then you can't get the gun together,
25 so that the dog would stop it from being

1 disassembled or assembled incorrectly, to
2 make sure your safety always works.

3 But I don't know the relationship with
4 respect to the dog, with respect to the sear.
5 To say that, you know, in all cases that
6 it wouldn't pick that up, so the trigger
7 would clear, I'd have to go through all the
8 tolerances.

9 BY MR. AMES:

10 Q So it's possible that the sear could stay
11 down and the safety cam go up?

12 A I'm saying, I don't know if that would
13 apply in all cases, for example in the case we're
14 talking about here.

15 Q You're referring to the Thomsen rifle?

16 A Yes.

17 Q How much lift in the Thomsen gun is required
18 to engage that dog?

19 MR. SCULLY: With the safety cam --

20 THE WITNESS: I don't know. That
21 wasn't mentioned in your hypothetical. I
22 don't know.

23 BY MR. AMES:

24 Q Further assume, then, that the dog button
25 on the safety cam port does not raise the sear far

1 enough so the trigger connector can get back under-
2 neath. The trigger connector is still blocked from
3 returning.

4 MR. SCULLY: You're still assuming
5 that the sear is stuck?

6 MR. AMES: I'm assuming that the dog
7 has not raised it far enough to lock the
8 trigger connector.

9 THE WITNESS: Okay.

10 BY MR. AMES:

11 Q Now if the bolt is closed, the firing pin
12 will remain in the cocked position; correct?

13 A Yes, it will.

14 Q If the safety lever is then moved from
15 the safe on to the safe off position, what will
16 happen?

17 MR. SCULLY: That's an incomplete
18 hypothetical, an impossibility, assumes
19 facts not in evidence.

20 BY MR. AMES:

21 Q Why is it an impossibility?

22 A You tell me what will happen.

23 Q I'm asking you what happens, then.

24 A No. It's your assumption. You're making
25 that point.

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1 Q You're the expert. I'm asking you what
2 would happen, assuming those assumptions are correct.

3 A When you kick the safety forward, the sear
4 safety cam is going to come down. The striker is
5 going to come forward.

6 Q And that's because the sear is not there
7 to support the --

8 A No. You glued it to the side wall.

9 There's one other thing I have to say,
10 which I didn't cover. The safety is only a mechanical
11 contrivance, and, really, the safety, in handling it,
12 in this case it would engage if the handler just
13 followed the basic safety rules.

14 Q Is it possible, in the same hypothetical,
15 that the sear might be stuck down to a position
16 wherein the connector would return underneath the
17 sear only to a very small engagement, less than the
18 full engagement?

19 MR. SCULLY: That's an incomplete
20 hypothetical.

21 THE WITNESS: I doubt that very much.

22 BY MR. AMES:

23 Q Why do you doubt that there could be a
24 position of the sear wherein the connector would
25 only come back partially underneath?

1 A Because when you're handling a mechanism
2 like this, what would happen is, you're vibrating
3 it when opening and closing it, so the thing is being
4 shaken, and it's moving.

5 Q I'm asking you whether it's possible that
6 the trigger connector could, given certain positions
7 of the safety cam being stuck down in my hypothetical,
8 return partially underneath the sear but not to its
9 full engagement position?

10 A No.

11 Q Why is that?

12 A It's going to return. You're jiggling it,
13 because as you come under it, you have the hypotenuse
14 of the triangle, and it comes at an angle like this.
15 The angle is going to become shorter as you come
16 around.

17 Q Have you ever heard the term "hair trigger"?

18 A I've heard it, yes.

19 Q What would you understand that term to
20 mean as applied to the fire control of the Model 700?

21 A It wouldn't have anything to do with the
22 700 as we know it.

23 Q Is it possible that a Model 700 might, for
24 reasons of some malfunction, have a hair trigger?

25 MR. SCULLY: That calls for speculation.

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1 THE WITNESS: I don't know. I've
2 never seen it.

3 BY MR. AMES:

4 Q Have you ever heard of the Model 700 being
5 susceptible to jar-off?

6 MR. SCULLY: Assumes facts not in
7 evidence.

8 THE WITNESS: Tell me what you mean
9 by jar-off.

10 BY MR. AMES:

11 Q Going off because of jarring of the firearm,
12 firearm being jarred.

13 A Yes.

14 Q And in fact jar-off is one of the coded
15 items in the malfunction index?

16 A It could be, yes.

17 Q Would you review that, sir, and tell me
18 if it is here.

19 A Yes. It's JO.

20 Q Is there a code number?

21 A Code 84.

22 Q What do you understand JO, as used there
23 in the malfunction index, to mean, sir?

24 A It means gun jars off.

25 Q Jars off because of what?

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1 A Because if there's impact it will go off.

2 Q Impact to the gun?

3 A Yes.

4 Q Showing you the other malfunction codes
5 with respect to customer complaints, do you see one
6 there with the number 107?

7 A It could be combined, yes.

8 Q 107 is combined with something else?

9 A Jar-off or fire on closing.

10 Q Jar-off is the same, meaning --

11 A No. Jar-off can have more than one
12 meaning.

13 Q Is the meaning, as used there, the same
14 as in the malfunction index we just referred to?

15 A I would think it would be.

16 Q Sir, is it possible that the jar-off
17 condition in the Model 700 fire control could occur
18 because of the trigger connector not returning to
19 its full engagement position underneath the sear?

20 MR. SCULLY: Incomplete hypothetical,
21 not relevant to this proceeding. First,
22 the fire control doesn't jar off. The
23 rifle would jar off.

24 BY MR. AMES:

25 Q Right.

1 A You're saying the rifle jars off. You
2 can have a rifle jar-off because you have inadequate
3 sear connector engagement, sure. If you crank that
4 engagement up so that you're right on the line,
5 right on the edge, and you close the bolt hard, sure,
6 it will jar off.

7 Q What about if close the bolt and then
8 bang the rifle against something?

9 A Well, that's something else again.

10 Well, you know, I mean, you're jarring it,
11 either way, but by the way you're jarring it.

12 Q Could it happen from banging the rifle
13 after the bolt was closed?

14 A If you take and adjust the thing down to
15 minimum engagement and you jar it, sure, you could
16 set it off.

17 Q When it's in that minimum engagement
18 position, if the trigger were pulled, would that
19 result in what's called a hair trigger?

20 A Would you repeat that?

21 Q If you adjust the trigger until it has
22 minimum engagement, which is what I refer to as a
23 hair trigger --

24 A Sure. You could just touch it and it's
25 going to go, if you adjust it, or grind it, whatever.

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1 Q In the Model 700 fire control, if the
2 trigger sticks in such a position that the engagement
3 is so small, can it result in being jarred off
4 if the firearm is banged?

5 MR. SCULLY: It's an incomplete
6 hypothetical, calls for speculation.

7 THE WITNESS: I can't speculate on
8 that. I've never seen that or heard of
9 that happening.

10 BY MR. AMES:

11 Q Is it hypothetically possible that the
12 trigger would stick forward in such a position that
13 the engagement would --

14 A It's not mechanically possible.

15 Q Why is it not mechanically possible?

16 A Because it's not mechanical. If it's
17 sticking, something's holding it.

18 Q That's a mechanical process, isn't it?

19 A It depends on how you define that.

20 Q Let me try again.

21 Is it possible that the trigger can stick
22 forward such that the engagement is as small as
23 you've just referred to someone doing by intentional
24 alteration of the engagement?

25 A You're asking me, as an expert, and I'm

1 saying I can't conceive of it, I've never seen it or
2 heard of it, and I can't conceive how it could happen.

3 Q You can't conceive how it could be stuck
4 in such a small engagement?

5 MR. SCULLY: That's been asked and
6 answered. You're harassing the witness.

7 THE WITNESS: No, I can't.

8 BY MR. AMES:

9 Q Why is it that you can conceive of someone
10 adjusting the engagement down that small but --

11 A Because I've seen it, and I can see where
12 they would do it.

13 Q Is the only reason you can't conceive of
14 it happening as a result of the trigger sticking
15 forward because you haven't seen it?

16 A No, because if you compress the spring you
17 release the spring and the thing comes forward. It's
18 going to stop there, and it's going to come back
19 until it reaches its rest position.

20 Q You mean that the trigger is just going to
21 stop?

22 A That trigger will just stop.

23 Q To your knowledge, has the Gun Examination
24 Committee ever reported triggers to be found to be
25 sticking forward in Remington bolt action fire

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1 controls in their examination?

2 A I'm sure they would have.

3 Q Mr. Linde, I'd like to ask you about another
4 statement made in your deposition in the See case.
5 It's on page 81.

6 You stated, if you're blocking the trigger
7 in some way, whether it be gunk or whatever, so that
8 it will cause distortion or cause interference with
9 the trigger, then you can set the gun up to discharge
10 when the safety is released.

11 Would you agree with that statement?

12 MR. SCULLY: I object to your taking
13 that out of context.

14 THE WITNESS: I remember in that
15 deposition the lawyer got confused on what
16 he asked me, and he left one element out of
17 it and I replied in the negative because it
18 couldn't conceivably work, so if you take
19 something out of context like that, I'm not
20 going to answer. He had things in there
21 based on what he said, and he said the
22 things out of context.

23 BY MR. AMES:

24 Q Let me read you the question, then.

25 Have you seen or heard of a gun-up condition

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1 in a 700 causing the rifle to accidentally fire under
2 some circumstances, and your answer was, yes, you can
3 set it up, if you're blocking the trigger in some way,
4 whether it be gunk or whatever, so that it will cause
5 distortion or cause interference with the trigger, then
6 you can set the gun up to discharge when the safety is
7 released.

8 Do you still agree with that statement?

9 A Yes, I would.

10 Q And how would you set up the gun to discharge
11 when the safety is released in the circumstances set
12 forth in your answer there?

13 A Well, you've got the trigger blocked forward;
14 right?

15 Q If you're blocking the trigger in some way.

16 A If there's no support under the sear and if
17 you open the bolt and you put the safety on, then you
18 release the safety, sure, it will strike, or fall.

19 Q When you release the safety?

20 A Sure.

21 (A short recess was had.)

22 BY MR. AMES.

23 A Mr. Linde, would you agree with the statement
24 that a firearm is really a fairly complex thing to manu-
25 facture, that there are lots of performance tolerances
which are quite

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1 critical?

2 A Yes, I would.

3 Q Sir, it's my understanding, with respect
4 to the fire control of the Model 700, that the
5 Remington specifications for the sear and safety
6 cam called for a maximum width of those two parts,
7 is that correct, at the time it was manufactured?

8 A You're talking 1962?

9 Q Right.

10 A I don't know that.

11 Q Would you consider it a reasonable assump-
12 tion that Remington did have a specification for the
13 maximum width of the sear and safety cam?

14 A Of the two parts?

15 Q Yes.

16 A Yes, there was.

17 Q Is there presently a minimum spacing between
18 the side plate of the fire control assembly in the
19 Model 700?

20 A Well, it's something we checked.

21 Q Is there a specified minimum presently?

22 A Well, there's a specified minimum that you
23 can calculate, sure.

24 Q What do you mean by that?

25 A Well, there's a specified dimension for the

1 trigger housing and for the sear safety cam.

2 Q So there's a minimum width between the side
3 plate and the housing per se?

4 A Yes. There's a dimension for the housing,
5 if that's what you're asking me.

6 Q I'm asking you that now.

7 A Oh, sure.

8 Q And is it your understanding also that the
9 maximum sear and safety cam is less than the minimum
10 between the side plate of the fire control
11 housing; is that correct?

12 A Yes, it would be.

13 Q What is the reason for that?

14 A So that you have clearance.

15 Q What do you mean?

16 A Because if you have an interference, the
17 thing will drag.

18 Q It is my further understanding that the
19 Remington specification for the maximum width of the
20 sear and safety cam is approximately five-thousandths
21 less than the minimum spacing between the side plate.
22 Is that generally consistent with your understanding
23 of those specifications?

24 A I don't think so.

25 Q What is your understanding, Mr. Linde?

1 A I'd have to get the drawings out and just
2 take the time to calculate it out.

3 Q How long would that take?

4 A All I'd have to do is just take a pencil
5 and figure it out.

6 Q Could you do that now, because I'd just
7 like to establish that so I can go on and ask further
8 questions.

9 A You don't have to establish that, though,
10 because it's a physical fact that you have to have
11 a clearance.

12 Q I'd like to establish a sufficient founda-
13 tion for further questioning, and I'd like to
14 establish that.

15 A I answered that you have to have a clearance
16 for the thing to work right.

17 Q What is the clearance, in your opinion,
18 between --

19 A If you're going to ask me that, and you
20 want a definite dimension, then I'll have to calculate
21 that out. If you want to tell me what it is, I'll
22 assume that with you.

23 Q I'd like a definite dimension.

24 A Oh, you do?

25 Q Yes.

1 A Okay. Then we'll have to calculate it,
2 won't we?

3 Q Unless you know it.

4 A I don't know it.

5 Do you know what the size of a dime is?

6 Q No, but then I've not --

7 A You have how many of them in your pocket?

8 Q I'm not an expert with respect to dimes
9 either, nor did I examine the Thomsen rifle.

10 Is there a design drawing of the Model 700
11 in front of you there?

12 (While witness is checking drawings) Do
13 you need the drawing number? Would that help you?

14 MR. VIRI: We have an index of drawing
15 numbers.

16 THE WITNESS: That would be beautiful.

17 May I ask a question, so I understand
18 why we're doing this?

19 You know what the dimensions are,
20 exactly, of the rifle in question. You
21 know what the dimensions are, you know
22 what the parts measure, you have all that
23 information. What difference does that make?

24 BY MR. AMES:

25 Q I want to know what the specified clearances

1 are.

2 A Oh, okay. You want the specified clearances.

3 MR. RAU: Drawing number 17946. They
4 should be indexed.

5 THE WITNESS: There's one.

6 MR. RAU: There's the safety cam.

7 THE WITNESS: That's the new one. You
8 can take a look. Maybe I don't understand
9 your system correctly.

10 MR. VIRI: I think these are all the
11 new ones.

12 BY MR. AMES:

13 Q While the checking is going on, the purpose
14 for the spacing between the maximum size of the parts,
15 by that I mean the sear and safety cam, and the mini-
16 mum specified space in the fire control housing is to
17 prevent the parts from dragging against the housing;
18 is that correct?

19 A That's right.

20 Q You said earlier words to the effect that
21 what the spacing was in this gun with respect to the
22 specification was not of concern to you; is that
23 correct?

24 A It's of concern to me, but it did not
25 affect the gun in question.

1 Q And if there had been dried oil and dirt
2 in the fire control of the Thomsen gun at the time
3 of the accident, would that be a factor?

4 MR. SCULLY: You're assuming at the
5 time of the accident there was dried oil,
6 and not dried oil at the time of the
7 examination?

8 MR. AMES: That's all in Mr. Stekl's
9 notes, as well as Mr. Linde can --

10 I'm just asking you a question. How
11 can you have dried oil at one time and not
12 at another time? Does it disappear in the
13 interim? It's an impossibility.

14 THE WITNESS: I may have seen
15 Mr. Stekl's notes, but the only way I can
16 answer is what I looked at. I looked at
17 the trigger assembly, and there wasn't any
18 dried oil.

19 BY MR. AMES:

20 Q If there had been oil and dirt in the fire
21 control at the time of the accident, would that
22 change your opinion as to whether or not the spacing
23 in the fire control side plate and the trigger --
24 I'm sorry, and the sear and safety cam was of
25 significance to you in determining the cause of this

1 accident?

2 A. I don't believe so.

3 Q If the clearance between those parts and
4 the side plate is, hypothetically, half a mil total,
5 the presence of oil and dirt would affect, possibly
6 affect whether or not that fire control would mal-
7 function; isn't that correct?

8 MR. SCULLY: That calls for specula-
9 tion.

10 THE WITNESS: It's not going to make
11 any difference whether it's half a mil or
12 three mils. It's going to depend upon the
13 dirt in the lubricant.

14 BY MR. AMES:

15 Q But at three mils, would certain kinds of
16 dirt and oil in the fire control, that could cause
17 that fire control to malfunction, could it not?

18 MR. SCULLY: That calls for speculation.

19 THE WITNESS: I just don't know.

20 BY MR. AMES:

21 Q Are you familiar with a document known as
22 a DCR?

23 A. Sure.

24 Q What is the purpose of a DCR?

25 A. Are you talking about a design change

1 request?

2 Q Yes.

3 A Yes.

4 Q What is the purpose of a design change
5 request?

6 A Initiate a request for a design change,
7 just as the name says, really.

8 Q I'll show you a DCR number 10173, bearing
9 a transmittal date of 8/16/76.

10 I'll ask you to particularly note down at
11 the bottom what appear to be some initials.

12 A Yes.

13 Q Do those appear to be your initials?

14 A No. That's a copy of my initials.

15 Q Does that mean that you approved that DCR?

16 A That means that I approved it.

17 Q Did you, in your capacity in the Research
18 Division, have responsibility for Remington rifles,
19 including the Model 700, in 1976?

20 A Yes.

21 Q What was the reason for that design change,
22 if you know?

23 A Just as it says here, increase blank
24 dimension from .179-.175 to .180-.176, finished
25 dimension from .175-.173 to .176-.174.

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1 Q Who requested that you do this, do you know?

2 A From the initials at the top, JAA, John
3 Albenino.

4 Q Do you recall the circumstances?

5 A Well, he came out to talk to me, and he
6 said that, could we rivet the two side plates together.
7 In fact, that's the housing, right there; I'm sorry,
8 they're right on top. See these rivets?

9 Well, there's the two spacer blocks there,
10 sintered, and they go in between those two side
11 plates, and you apply the rivet and you put the thing
12 in a press, and what we found was that when you press
13 and put the rivet in that you're actually compressing
14 that and you get this dimension here.

15 Q By that do you mean the dimension between
16 the side plates?

17 A Yes, and so what he wanted to do was to
18 increase the overall spacers one-thousandths to allow
19 for this compression when we put the parts together.

20 Q You're referring to drawing number C-26655?

21 A Yes.

22 MR. AMES: May I have the DCR back
23 (handing to counsel)?

24 MR. SCULLY: Did you see the drawing
25 number?

1 THE WITNESS: C-26655. I did, yes.

2 BY MR. AMES:

3 Q The DCR I just asked you about refers to,
4 makes reference to allowing more clearance for the
5 trigger because of a slight bow of plate when rivet
6 swaged (?) can cause trigger to bind.

7 In fact, some triggers can bind --

8 A What happened was that when you take, you
9 put the trigger in the assembly, you take and move
10 it back and forth, and they had to screen out a few
11 that were actually going a little undersized.

12 Q Why is it important to have more clearance
13 for the trigger?

14 A It's not important to have more clearance.
15 What we were trying to do was maintain the clearance
16 of what we had.

17 The housing, such as in the gun you're
18 talking about, the assembly was not a riveted
19 assembly.

20 Q You're referring to the Thomsen gun?

21 A Having a brazed assembly.

22 MR. AMES: I'll have this DCR marked
23 as the next in order, JL X-3.

24 (Copy of one-page DCR number 10173,
25 transmittal date 8-16-76, bearing production

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1 number 001693, was marked for identifica-
2 tion as Defendants' Exhibit JL X-3.

3 THE WITNESS: That's the DCR?

4 MR. AMES: That we've marked three
5 for identification, right.

6 THE WITNESS: Yes.

7 BY MR. AMES:

8 Q Why was it important to preserve the
9 trigger clearance that you had at this time?

10 A Because we, as I said, if you go undersize
11 and if you generate any binding, they you don't want
12 that. You don't want to make parts you can't use.

13 Q Can binding of the trigger lead to FSR?

14 A I think we talked about that. It depends
15 upon the clearance.

16 Q Can that happen, given other conditions?

17 A Well, all your conditions that could lead
18 to FSR, and it's possible, so this one we watch
19 very closely.

20 Q Is it correct that the Model 600 trigger
21 fire control housing was changed to be the same as
22 that of the Model 700 in 1976?

23 A Just the housing itself was changed in 1978.

24 Q I'll show you a DCR with a number that's not
25 legible, 1 something 195, dated 7/2/76, and ask you

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1 if that's the DCR that changed the Model 600 fire
2 control.

3 A It didn't change the fire control. The
4 fire controls on the 600 and the 700 are completely
5 different. All that happened was that it went to
6 a common housing.

7 Q Did it change the housing on the firearm?

8 A Yes, it did.

9 MR. SCULLY: Let's have that marked,
10 please. The number is 10195. It's very
11 legible on the second page.

12 MR. AMES: Not on the first page,
13 however, is it?

14 THE WITNESS: No, it's not.

15 Yes, that appears to be the change.

16 MR. SCULLY: Let's have that marked,
17 please.

18 (Copy of four-page DCR number 10195,
19 dated 7/2/76, bearing production numbers
20 001694 through 001697, was marked for
21 identification as Defendants' Exhibit
22 JL X-4.)

23 BY MR. AMES:

24 Q Mr. Linde, as the spacing between the side
25 plates of the fire control of the Model 700 were, and

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1 the sear and safety cam inside those side plates were
2 increased, did that decrease the probability of those
3 parts binding?

4 MR. SCULLY: There was no testimony
5 that the spacing was increased.

6 BY MR. AMES:

7 Q If it was to be increased, would that
8 decrease the probability of --

9 A It might increase the probability of
10 binding.

11 Q How would it increase it?

12 A Because you're giving it a wider area to
13 rotate over, and on a sear, and on the trigger what
14 you're trying to do is maintain positions relative
15 to one another to maintain the consistency.

16 Q Are you aware, have you ever heard the
17 term "relieved" with respect to parts of the fire
18 control of the Model 700?

19 A I've heard of that. I've heard of parts
20 being relieved, but --

21 Q ARE you aware of any testing being done
22 with respect to relieved parts of the fire control
23 in the Model 700?

24 A Yes. Yes, I have.

25 Q What was the purpose of that testing?

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1 A Well, we ran several tests where we were
2 working on new fire controls, and some of them had
3 had sections thinned down.

4 Q By parts thinned down, do you mean the
5 parts were made thinner?

6 A Yes.

7 Q Why were the parts made thinner?

8 A We were trying to reduce the bearing area.
9 We were making target pistols, and we were trying
10 to reduce the bearing area to get the trigger pull
11 like under a pound.

12 Q Did that testing indicate that where you
13 relieved the parts inside the fire control the
14 probability of binding increased?

15 A As I recall, it wasn't conclusive.

16 Now this is conjecture on my part, but as
17 I recall, when we were doing this we never got the
18 result we anticipated, but actually it did give us
19 what we wanted.

20 Q Which was less trigger pull?

21 A Less binding, yes.

22 Q Do you recall it creating any binding
23 problems?

24 A I don't remember, but it made the trigger
25 and the sear unstable or something. It relieved the

1 other problem.

2 MR. AMES: I'll show you a DCR which
3 I believe there's the number 10521. It
4 also has the number 001703 on it, and has
5 a transmittal date of 11/18/77.

6 We'll mark that JL X-5.

7 (Copy of one-page document described
8 above was marked for identification as
9 Defendants' Exhibit JL X-5.)

10 BY MR. AMES:

11 Q Does your name appear at the top of this
12 document with an arrow pointing to "requested by"?

13 A You bet.

14 Q Did you --

15 A I guess, I never here said it was requested
16 by somebody else with my name there, too. Oh, I
17 see. I did request that.

18 Q May I see that, please.

19 A (Handing to counsel) You sure can.

20 Q What is the interference between the
21 trigger and housing referred to here as the reason
22 for change?

23 A The reason for change is that the part is
24 made out of sintered steel, and when you sinter it
25 you come into difficulty. When we press that, when

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1 dyes come down, it comes down with extreme pressure,
2 and they tend to open up a little and you tend to
3 get a flash around the side.

4 Now this flash comes back up. It's a burr.
5 Now what we did is changed it. We put a land in, so
6 if there's a tiny burr generated it won't scratch
7 the side assembly. We de-burr those parts, or run
8 them through a tumbler.

9 We were paying for de-burring, and this way,
10 with that land, we can run them through ourselves.
11 It smooths the surface of the part.

12 Q And you changed to powder metal parts?

13 A Yes, sintered.

14 Q Is that what you mean by powder metal?

15 Is that the same thing as sintered steel?

16 A You bet it is.

17 The same thing for the sear, for the same
18 reason. I changed them both.

19 Q Sir, I show you DCR number 10524. Is that
20 what you're referring to?

21 A Yes.

22 Q Have you been getting interference between
23 the component parts since it was changed?

24 A Since we've been doing this de-burring?

25 Q Getting interference was the question.

1 MR. SCULLY: Let's mark that JL X-6.

2 (Copy of two-page design change
3 request number 10524, dated 11/18/77, was
4 marked for identification as Defendants'
5 Exhibit JL X-6.)

6 BY MR. AMES:

7 Q How did you find out that there was a burr
8 problem on the rear safety cam that needed to be
9 corrected, sir?

10 A I was in the powder metal area. That's
11 an on-site facility.

12 We also make parts for some of our
13 competitors, and there was a competitor's part there
14 that somebody was working on, and I said to the guy,
15 what are you doing there, and he said, well, they
16 found that they get finer burrs if they put that land
17 on there, that they can just put it in a tumbler and
18 remove the burrs and have no problem. I said, why
19 don't you do it for us, and he said, because you
20 never requested it.

21 So I went back and I requested it, and
22 this is where that came from. We just eliminated
23 some of our burring.

24 If you look at the drawings, you'll see
25 that --

1 MR. SCULLY: There's no question, John.

2 MR. AMES: I think that's all I have
3 now.

4 - - -

5 CROSS-EXAMINATION BY MR. VIRI:

6 Q Mr. Linde, you said earlier that you would
7 have conducted a cold test on the Thomsen rifle upon
8 your first examination. Why would you have done that?

9 A Just to eliminate any question of whether
10 the cold had an effect on the rifle. That would have
11 put that to rest from the start.

12 Q Isn't the best possible examination to
13 determine whether a rifle malfunctions to duplicate
14 the circumstances which surrounded the alleged
15 malfunction of the rifle?

16 A That would be, yes.

17 Q And isn't it best to conduct any such test
18 prior to any disassembly of the rifle?

19 A Yes, it is.

20 Q With respect to the safety cam function,
21 which you also referred to as, I think, a dog --

22 A Yes.

23 Q -- was that designed onto the safety cam
24 for the purpose of raising the sear?

25 A No.

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1 Q So it had --

2 A Not to my knowledge, no. In fact, I don't
3 know even if it was there.

4 Q Is there any reason that such a device
5 could not have been designed on the safety cam for
6 purposes of raising the sear?

7 A They could have made it one piece or
8 two pieces with some kind of interbolt dog, sure.

9 Q You've indicated that you've inspected,
10 and I think maybe cold-tested some five Model 700's.

11 A I don't know exactly how many, but a number.

12 Q And with respect to those, I assume that
13 you ran the cold test before disassembling the rifle
14 in any way?

15 A Yes.

16 Q After running whatever test you did, did
17 you in fact disassemble any of those rifles?

18 A Yes, we have.

19 Q Have you saved any of the fire controls
20 from those rifles?

21 A Yes, we have.

22 Q Have you done any studies of the fire
23 controls to see how they compared to one another?

24 A Yes, we did.

25 Q And what findings, if any, did you reach?

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1 A We didn't find any correlation.

2 Q Did you take the fire controls apart, to
3 the extent that you measured each part therein, to
4 see if they reached Remington's specifications?

5 A Certain critical dimensions, yes, we do.

6 Q What are the critical dimensions that you
7 have in mind?

8 A Well, it would depend upon the fire
9 control and what the circumstances were. The
10 dimensions, for example, that we talked about here,
11 the clearance, the cam, any dimensions like width
12 or anything that could affect or obstruct the motions
13 of parts.

14 Q With respect to those rifles, did you
15 measure, for example, the width of the connector or
16 the width of the trigger as relates to the spacing
17 between the trigger housing?

18 A I can assume, yes, but I can't recall
19 specifically.

20 Q Did you find any correlation at all?

21 A No, I don't believe so, on all of them;
22 some, yes.

23 Q You've already told us what the purpose
24 of the gun examination was, and I'd like to know a
25 little bit about the distribution of gun examination

1 reports.

2 To whom were the gun examination reports
3 distributed?

4 A I think that they were retained. The
5 copy was released in Jerry Hill's office, and one
6 copy was sent to Customer Repair.

7 Q As far as you know, was there any other
8 distribution?

9 A I don't know. I think that, when Sinkowitz
10 got involved, I think that, of course he gets a copy.
11 I don't know if Jim Stekl gets one or not.

12 I know that if letters had to be written
13 or some correspondence had to be conducted, then
14 Stekl gets a copy.

15 Q Did anyone ever sit down and do a comprehensive
16 study of the gun examination reports to see if there
17 were any recurring difficulties described in those
18 reports with respect to the Model 700?

19 A Not formally, but just by being involved
20 in it you could anticipate, you know, what areas to
21 look at.

22 Q You mean a member of the Committee could?

23 A Yes.

24 For example, on the 700, we didn't get that
25 many of them, but the first thing we'd do is see if

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1 there had been any other complaints, similar
2 complaints.

3 Q Well, did someone sit down with whoever
4 prepared the gun examination report and go through
5 any kind of comparative study of those gun examination
6 reports to see if there were recurring problems in
7 the Model 700 fire control, for example?

8 A Not that I'm aware of.

9 Q You indicated earlier that you became upset
10 with the content of some of those reports at the
11 time of the See case; correct?

12 A Yes.

13 Q Did you monitor those reports at all at
14 any time prior to the See case?

15 A I read them over for information.

16 Q But were those reports monitored?

17 A Well, the Committee was doing their job,
18 but as far as I know, monitoring, I mean looking at
19 every report, not that I'm aware of.

20 Q So there was no one person, other than the
21 people on the Committee, who had the responsibility
22 of monitoring the reports?

23 A Yes.

24 Q Was there any other person who had the
25 responsibility of monitoring the reports other than

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1 Mr. Hill and the people on the Committee?

2 A Not that I'm aware of.

3 MR. SCULLY: The question was vague.

4 BY MR. VIRI:

5 Q You stated earlier that you had made an
6 entry in the Field Service Manual based on some
7 findings that you had made with respect to care
8 involving lubrication?

9 A Yes.

10 Q With respect to lubrication, did you ever
11 initiate any tests with respect to the Model 700
12 fire control to see if excessive lubrication led
13 to malfunction of that fire control?

14 MR. SCULLY: Him personally?

15 BY MR. VIRI:

16 Q You personally.

17 A No.

18 Q Are you aware of any tests that were
19 conducted to determine if excessive lubrication would
20 lead to malfunctioning of that fire control?

21 A I'm unaware of that.

22 Q Have any tests --

23 A Okay. I don't know if, when we developed
24 the new Teflon, if they did anything like that or not.

25 Q You're talking about the test in 1980?

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1 A Yes.

2 Q Other than what may have occurred in the
3 eighties, are you aware of any other tests to determine
4 if excessive lubrication could cause malfunctions in
5 the Model 700 firearm?

6 A No, I'm not.

7 Q Has there been any kind of field audit or
8 anything of that nature with respect to the claims
9 of malfunction caused by excessive lubrication in a
10 Model 700 fire control?

11 A Not that I'm aware of.

12 Q Are you aware of any audits of the Model 700
13 to see what the lubrication practices of their users
14 are?

15 A Not unless it was combined with that report
16 that Research did.

17 Q The one in --

18 A In the eighties, when we used a Teflon web.

19 Q Assuming that you have a rifle that is
20 trickable, that is, the fire control is trickable
21 such as in the 600, and a person who had purchased
22 that rifle was not aware of the formal test that you
23 had at Remington, the trick test, and operated the
24 trigger and the safety to such a degree that he
25 placed it in the trick condition, then released the

1 safety and the gun fired, how would you expect that
2 person to report that to Remington?

3 MR. SCULLY: Calls for speculation,
4 incomplete hypothetical.

5 THE WITNESS: Normally, when you have
6 a situation like this, the individual, if
7 he has a rifle that fires off safe, will
8 either call us up, and if he did indeed
9 go through the chain of events that would
10 lead to a trick test, he will relate that,
11 because when the gun goes off he's going to
12 be very surprised and he's going to go back
13 and say, what did I do, and he's going to
14 try very hard to recall the events real
15 close to the time that he tricked it, and
16 the sequence of events that he went through.

17 BY MR. VIRI:

18 Q So it's your expectation that that person
19 would be able to fully describe what happened?

20 A I think pretty close, yes.

21 Q And you wouldn't expect him to simply turn
22 it in as, I moved the safety and this gun went off?

23 A No, I don't think so.

24 MR. VIRI: I have no further questions.
25

- - -

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RE-DIRECT EXAMINATION BY MR. AMES:

1 Q Mr. Linde, have you ever seen the engagement
2 between sear and trigger connector in the Model 700
3 fire control reduced below fifteen-thousandths due
4 to the presence of gummy material in the trigger
5 assembly?

6 A No.

7 Q Have you had a Model 700 in which the
8 trigger stuck forward due to gummy material, the
9 person went through the trick test sequence that you
10 described to me earlier, and when the safety was
11 released, that gun would fire, would it not?

12 A No, it wouldn't.

13 Q Why not?

14 A Because in the trick test you normally
15 close the butt, then you put the safety on. You
16 don't get the safe on in the case you just described,
17 because the firing pin would follow down.

18 Q Would it have already followed down?

19 A Yes.

20 Q If the trigger had not yet stuck forward,
21 could you --

22 A And then the trigger would be supporting
23 the sear.

24 Q If the safety and the trigger were pulled,
25

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1 moving it forward, and it stuck there, it would not
2 be supporting the sear, would it?

3 A No, it wouldn't be.

4 Q And if you then moved the safety forward,
5 the gun would fire?

6 A You bet. That's the same as pulling the
7 trigger, right.

8 Q Sir, prior to November 1st of 1980, did
9 the Remington owner's manual ever tell owners of the
10 Model 700 that the gun oil, accumulation of gun oil
11 can cause malfunctions in the Model 700?

12 MR. SCULLY: Does November 1, 1980,
13 have some significance, Counsel?

14 MR. AMES: It's the date of the accident
15 in this case.

16 THE WITNESS: No.

17 The only thing it says is, use
18 sparingly, or no lubricants.

19 BY MR. AMES:

20 Q Showing you what's been previously marked
21 as CBW20, is that the owner's manual which you
22 previously talked about with the Thomsen?

23 A Yes.

24 Q Sir, does that owner's manual not tell the
25 owner to re-oil very lightly?

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1 A Just let me -- it says a number of things,
2 okay?

3 Q It does say that, though?

4 A I don't know.

5 MR. SCULLY: Well, the document speaks
6 for itself, Counsel.

7 Slow down.

8 THE WITNESS: It says, clean bolt and
9 action in solvents and wipe clean. It
10 will remain clean longer if little or no
11 oil is used on action parts.

12 BY MR. AMES:

13 Q It also says to re-oil lightly, does it not?

14 A It says, lubricate cam surfaces on bolt
15 to prevent wear. Wash action and bolt parts with a
16 good grade of petroleum solvent, dry and re-oil very
17 lightly.

18 Q And does Remington recommend that the Model
19 700 be washed with petroleum solvents, the fire
20 control?

21 A They would have some fancier name for that
22 now. I don't know.

23 Q Does the owner's manual anywhere tell the
24 owner that gun oil may build a film that may cause
25 malfunctions?

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1 MR. SCULLY: Counsel, the document
2 speaks for itself.

3 It's a compound question.

4 THE WITNESS: Yes, I could expect that.

5 BY MR. AMES:

6 Q And would you expect that to be a danger?

7 A Yes, I would.

8 Q At the time you decided to initiate a
9 change --

10 A May I just add something to that.

11 Any gun is dangerous if safe handling
12 practices haven't been followed. No gun is dangerous
13 at all if you have it pointed in a safe direction.

14 Q Why do you have a safety on a rifle?

15 A You have a safety to prevent the inadvertent
16 firing of the rifle.

17 Q And if safe gun handling practices were
18 followed a hundred percent of the time, absolutely
19 always observed, you wouldn't need the safety, would
20 you?

21 A Absolutely. We have them on skeet trap
22 guns, too.

23 Q I mean on bolt action center fire rifles.

24 A Not really, not necessarily, no.

25 Q Would you need the safety?

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1 A Not necessarily, no.

2 Q At the time that you determined, in 1976,
3 to modify the Field Service Manual, did it occur to
4 you to communicate with owners of Model 700's manu-
5 factured by Remington from 1962 until that date that
6 in your opinion an accumulation of dried oil could
7 cause a malfunction in the fire control?

8 A Could you simplify that question a little
9 bit?

10 MR. AMES: Would you read it back.

11 (The pending question was read back
12 by the court reporter.)

13 MR. SCULLY: The question is vague
14 and ambiguous, calls for a narrative, overly
15 broad.

16 BY MR. AMES:

17 Q Do you understand the question?

18 A Well, you said based on my opinion would
19 it malfunction; right?

20 Q Was your opinion that that could cause
21 a malfunction in the Model 700?

22 A I said, in the write up there, that this
23 is something you should look for. That's one of many
24 things you should look for, but there are probably
25 many other things that could be sent out to all the

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1 people that own these 700's that are probably equally
2 as important.

3 Q My question is as to whether it occurred to
4 you on this point.

5 A I don't believe it did, no.

6 Q Why did you feel it necessary to advise
7 gunsmiths and not owners in the field of this possible
8 malfunction?

9 A I'm of the opinion that keeping gunsmiths
10 up to date is advantageous to us as a company.

11 Q Is it not also advantageous to you to send
12 that information to the owner, where it may lead to
13 a malfunction?

14 MR. SCULLY: Counsel, that calls for
15 speculation, calls for a narrative.

16 Go ahead.

17 THE WITNESS: I don't know.

18 BY MR. AMES:

19 Q Sir, your test results with respect to the
20 cold test that you say you conducted on four or five
21 Model 700's, are there any writings on those?

22 A What?

23 Q Is there any written material with respect
24 to your test results on those cold tests on the four
25 or five Model 700's?

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1 A Yes.

2 Q What writings exist with respect to those?

3 A Lab writings.

4 Q Lab notes?

5 A Yes.

6 Q And you're sure that they do presently
7 exist?

8 A Yes, I am.

9 MR. AMES: Sir, I'll show you a process
10 records assembly sheet, operation number
11 eight, page one of one, bearing number 000891
12 in our numbering system.

13 We'll mark that JL X-7.

14 (Document described above was marked
15 for identification as Defendants' Exhibit
16 JL X-7.)

17 BY MR. AMES:

18 Q Mr. Linde, from looking at this document,
19 are you able to tell me what was the procedure for
20 measuring trigger connector width prior to February
21 of 1976?

22 A No. How could I?

23 Q Are you able to tell me what the method for
24 measuring trigger connector width was at the time of
25 manufacture of the Thomsen 700?

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1 A No.

2 The way I understand that was from --
3 well, it doesn't. I stand corrected.

4 Based on this, we checked the max connector
5 width, if necessary, using a special receiving
6 gage.

7 Q As of what date?

8 A Well, it says, added element on 3/15/76,
9 number three, and, well, this while thing is new in
10 1976. So no, I can't tell you. As of 1976, though,
11 we were using the receiving gage.

12 Q Do you know whether, prior to 1976, there
13 was any measurement of the width of the trigger
14 connector in the process of producing the fire control
15 for Model 700's?

16 A Yes. There was a way to measure it, sure.

17 Q How was this done?

18 A I don't know.

19 Q You can't tell from that process record?

20 A No, I can't.

21 MR. AMES: Mr. Scully, would you be
22 willing to stipulate that if he were provided
23 all the other process records which we've
24 been provided, he would be unable to answer
25 the same question as I've just asked him

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1 with respect to the process record marked
2 JL X-7?

3 MR. SCULLY: No.

4 MR. AMES: Would you hand Mr. Linde
5 all the process records that have been
6 produced by Remington.

7 BY MR. AMES:

8 Q I'll ask you to review those and tell me
9 if you can answer the same question based on your
10 review of all of those process records, and I
11 apologize for the amount of time that it will take.

12 MR. VIRI: Is the question regarding
13 a trigger connector?

14 MR. AMES: How the trigger connector
15 was measured prior to 1976 in the Model 700
16 internally as to how it was done in 1962,
17 at the time of the manufacture of the
18 Thomsen rifle.

19 MR. SCULLY: How is this relevant?

20 THE WITNESS: What does this have to
21 do with this case?

22 BY MR. AMES:

23 Q It has to do with what the quality control
24 procedures were.

25 A Why don't you ask what the quality control

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1 procedures are?

2 Q I'm asking whether that can be determined
3 from the process records that we've been given.

4 A What are we looking for? You want me to
5 go through all these?

6 MR. SCULLY: Would you quit asking
7 questions.

8 The record should reflect that those
9 process records are numbered consecutively
10 from 000885 to 001029, triple, then double.

11 Counsel has verified my conclusions.

12 Also, Counsel on behalf of the State
13 has handed me two more process records,
14 one of which is numbered, in consecutive
15 order, 001233 to 001279, and a manila folder
16 marked LF7, Loyd Fox' deposition process
17 records, State of California number 001280
18 to 001297.

19 Do you have any more questions,
20 Counsel, regarding process records, so we
21 don't have to go through all those records
22 again to answer consecutive questions? I
23 will permit a compound question at this time.

24 MR. AMES: I'm also going to ask him,
25 with respect to categories of process records,

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1 about quality control inspection procedures
2 referred to in earlier depositions.

3 MR. SCULLY: Did you hear that, John?

4 (Discussion off the record.)

5 MR. SCULLY: So apparently he's
6 supposed to know what your prior questions
7 were.

8 MR. AMES: He said that there are
9 certain process records that are not here.

10 BY MR. AMES:

11 Q I would ask you whether there are any
12 process records with respect to quality control
13 inspection procedures, which category of process
14 records is not present in the group that you're
15 looking at, that you've gone through.

16 Would you also answer that question for
17 me.

18 A Right now I'm looking for the width of
19 the connector.

20 Q How the connector width was determined in
21 1962.

22 (After witness has reviewed documents)

23 Mr. Linde, I believe I asked you if you could tell
24 me what the 1962 date of manufacture of the Thomsen
25 rifle procedure was for checking maximum trigger

1 connector width from reviewing the process records,
2 and you told me, from looking at the process records
3 marked JL X-7 that you could not determine it based
4 on that document; is that correct?

5 A That's right.

6 Q And I asked you to review the balance
7 of the process records that Remington has produced
8 to us, and have you now done so?

9 A Yes, I have.

10 Q Are you able to tell me, solely based on
11 what you found in those process records, what the
12 procedure for determining the maximum trigger
13 connector width was at the date of the manufacture of
14 the Thomsen rifle?

15 A It was on your incoming inspection report.

16 Q You're referring to a particular document
17 there?

18 A Yes. It's your connector blank B.

19 Q You're referring to a document entitled
20 "Process Record Inspection," which has our document
21 number 001292, and specifically what part of that
22 document are you referring to, sir?

23 A Well, right here it says, inspect --

24 Q When you say right here --

25 A Visually inspect for flatness, right here,

1 check for max width.

2 Q You're referring to the words that say,
3 check for max width?

4 A It has a receiving gage, max .172, min .162.

5 Q Is that with respect to the trigger
6 connector?

7 A What do you mean? The trigger connector,
8 that's what we're talking about.

9 Q I asked you about that. How do you know
10 that the document you're referring to here makes
11 reference to the trigger connector?

12 A Because it says it's part number 91. We
13 don't put the part number on that, but the trigger
14 connector is the trigger connector.

15 Q So the part named here is connector blank
16 B, is it not?

17 A Yes.

18 Q Does the word "trigger" appear there
19 anywhere?

20 A No, it doesn't.

21 Q From looking at the process records
22 assembly sheet marked JL X-7, is there any reference
23 there to connector blank B?

24 A No, there is not.

25 Q Sir, is there any reference in JL X-7 --

1 A Wait a minute. These records are for us.
2 They're not for you. We understand them. They're
3 for us, to run our own company, and they're not set
4 up just the way you might like them to be.

5 You know what I'm trying to say? Those
6 are our records, to run our business.

7 MR. AMES: I'd like marked as JL X-8
8 this document we've been referring to. It
9 bears our number 001292.

10 (Copy of one-page process record-
11 inspection described above was marked
12 for identification as Defendants'
13 Exhibit JL X-8.)

14 BY MR. AMES:

15 Q How do you know that this was the procedure
16 with respect to the Thomsen rifle at its date of
17 manufacture in 1962?

18 A Because of this right here. They added
19 element three. It was new.

20 MR. VIRI: You're referring now to
21 Exhibit 7?

22 THE WITNESS: Yes. It was new in
23 2-10-76, and what we did was, we went
24 through this and we added this. We added
25 that element to check the width using a

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1 receiver gage, so that what we've done is,
2 we've checked it statistically. Then, in
3 1976, on 2/10/76, we also added another
4 element. Then they crocus clothed the
5 surface.

6 BY MR. AMES:

7 Q Referring now to JL X-8, sir, can you tell
8 me how, looking at this form and having no particular
9 training or knowledge with respect to Remington
10 product records, I could tell that the procedure
11 here, check for max width, that you referred to a
12 moment ago applied in 1962 at the date of manufacture
13 of the Thomsen rifle?

14 A No, but it's a continuous record.

15 Q So I can't tell from looking at this
16 particular sheet?

17 A It's not telling you that, no.

18 Q Was there a process record inspection with
19 respect to checking for maximum width of the trigger
20 connector in existence in 1962?

21 A This is your process record inspection.
22 Yes, there was.

23 Q And it says, 9/26/80, new sheet, does it not?

24 A Yes. That's what it says.

25 Q Meaning that sometime prior to 9/26/80 there

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1 was a prior sheet?

2 A What it says here is 9/26/80, new sheet,
3 changed part number, was 19461 (after grind by vendor).

4 Q How can I tell, by looking at this, solely
5 by use of this document, what the check for max width
6 of the trigger connector was in 1962, because there's
7 not something on this record, process record, that
8 says this was in effect in 1962.

9 A This has been in effect, and what we did
10 is change the part number, because, I can tell you
11 why, they changed the part number because they went
12 to a material requirement, planning thing. They
13 couldn't have the same part number on the part
14 before heat treat as after heat treat.

15 Q I asked you, how could I tell this?

16 A The procedure in effect in 1962?

17 MR. SCULLY: He's asking you how he
18 could tell.

19 THE WITNESS: I don't know.

20 MR. SCULLY: The witness has told you,
21 he just knows.

22 MR. AMES: I don't understand the
23 answer. I'm asking him to clarify that
24 so that I can understand.
25

1 BY MR. AMES:

2 Q How, looking at this, can I tell that this
3 particular check for max width referenced here on
4 JL X-8, dated 9/26/80, was in existence in 1962?

5 A Because it tells me that.

6 Q How does it tell you that?

7 A It's a new sheet, changed part number,
8 was 19461 after grind by vendor.

9 Q How do you know that the prior sheet was
10 in existence in 1962?

11 A I don't know. Now I hope to hell they
12 took the prior sheet and ripped it up, so that this
13 is the sheet on that part.

14 It doesn't say revisions. Well --

15 MR. VIRI: Are you saying simply
16 because of the fact that that sheet exists
17 that it had to be in existence in 1962?

18 THE WITNESS: Yes. It's a continuous
19 file in this case, yes.

20 BY MR. AMES:

21 Q Sir, have any new procedures with respect
22 to the Model 700 fire control production process
23 been added since 1962?

24 A Concerning what, the fire control?

25 Q Concerning the fire control.

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1 A Yes.

2 Q And how do I know, from looking at this
3 sheet, that was not a new procedure sometime after
4 1963? I'm referring to JL X-8.

5 MR. SCULLY: You're asking him to
6 speculate.

7 THE WITNESS: We assume.

8 BY MR. AMES:

9 Q How can you tell?

10 A I can't tell specifically.

11 Q Sir, you pulled another page out of the
12 process record when you were looking at it. Was
13 that with respect to my prior question?

14 A That was how it was assembled.

15 Q Is that referencing the trigger connector?

16 A Yes, how it was assembled to the trigger.

17 Q Sir, can you tell from looking at this
18 sheet, operation number ten, bearing number 000894,
19 how the trigger connector was assembled with the
20 trigger in 1962?

21 A I can read it.

22 Q Well, can you tell me, sir, how it was
23 assembled in 1962 from reference to that sheet?

24 MR. VIRI: He just wants a yes or no,
25 I think.

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1 THE WITNESS: Yes, I can.

2 BY MR. AMES:

3 Q You can?

4 A Yes.

5 Q And does that require knowledge of prior
6 revisions?

7 MR. SCULLY: How in the hell is this
8 relevant? Please, tell me how it's relevant
9 to this case.

10 MR. AMES: It's relevant to the
11 quality control procedures in 1962, Counsel,
12 about which there seems to be a lot we
13 haven't been able to find out, and there's
14 a court order now limiting us to those
15 procedures on the face of those documents,
16 and I want to know what the quality control
17 procedures for 1962 are as shown on the
18 face of that document. My question goes
19 as to what he knew.

20 MR. SCULLY: Okay.

21 Don't ask him a million times, however.
22 He's told you how he interprets that.

23 Tell him, John.

24 THE WITNESS: This is the assembled
25 trigger housing.

1 BY MR. AMES:

2 Q What is the date of that sheet?

3 A Date is 10/16/74.

4 Q What was your procedure prior to 10/16/74
5 on that point?

6 A This was the one on 10/16/74. They added
7 element 2a.

8 Q Can you tell us what that element is?

9 A Obviously, this sheet is a process record.
10 There was no need to change it until 10/16/74. On
11 4/28/75, they added 2b, and the guy who did it was
12 C. P., Church Proser, initials.

13 I don't know who C. O. is.

14 Q Sir, by reference to this document, can
15 you explain to me the process by which you know what
16 the 1962 procedure for --

17 A Because, assemble the trigger housing
18 assembly, and we have assembled them since 1962 and
19 even before that, and here it says date and reason
20 for revisions.

21 Now this is the date that the revisions
22 were made, right, and so this process record has to
23 be the process record back between, from 1962 on up.
24 That's the way it sure looks to me.

25 Q Sir, at the top there's a date and a

1 reference to new sheets. Would that indicate that
2 there are revisions on a prior sheet which are not
3 shown on the new sheet?

4 A Pardon?

5 MR. AMES: Let me get one. Can I have
6 a new sheet, please.

7 We'll identify the process records
8 sheet referred to by the witness, which I
9 previously identified as 000894 in our
10 numbering system, as JL X-9.

11 (Copy of one-page process records
12 assembly sheet identified above was marked
13 for identification as Defendants' Exhibit
14 JL X-9.)

15 (Copy of three-page process records
16 assembly sheet, dated 8/24/79, bearing
17 production numbers 000910 through 000912,
18 was marked for identification as Defendants'
19 Exhibit JL X-10.)

20 BY MR. AMES:

21 Q I'll show you a document with a number ten,
22 a process records assembly sheet consisting of three
23 pages, and ask you whether, from reviewing that sheet,
24 you can tell me what the function check for the
25 trigger assembly was in 1962, at the time of the

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1 Thomsen rifle manufacture?

2 A Can I ask you just one question before I
3 go through the same thing as to what you're doing?
4 Did you ask for just the documents of the Thomsen
5 rifle or did you ask for all documents?

6 (Discussion off the record.)

7 MR. AMES: I'm not going to answer
8 questions as to --

9 THE WITNESS: If you were to ask for
10 the documents of just the Thomsen rifle,
11 then that would answer this question;
12 right?

13 MR. AMES: I'm not going to debate
14 this on the record. We can go off the
15 record, and I'll explain it to you.

16 THE WITNESS: I mean, if you had
17 those, you'd know.

18 You want me to go back and see, were
19 those elements done in 1962?

20 BY MR. AMES:

21 Q I'm asking, is it from that document?

22 A No. I can't tell which elements were done
23 in 1962.

24 We were asked to pull the process records
25 from 1962 for the trigger assembly, and see what it

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1 says, and that's what we've done.

2 Q Am I correct in stating that this document
3 says at the top that this process record assembly
4 sheet is new on 8/24/79?

5 A Yes, you are.

6 Q So do you know if there was a process
7 record assembly procedure for a function check of the
8 completed trigger assembly in 1962?

9 A No, I don't know that.

10 Q Can you tell from that document?

11 A No, I cannot.

12 Q You would have to refer to some other
13 process records?

14 A Yes, I would, and if those process records
15 don't exist, I would have to assume it wasn't done.

16 (Discussion off the record.)

17 MR. SCULLY: Let's go back on the
18 record, please.

19 Now what was the question?

20 MR. AMES: I asked if you could assist
21 Mr. Linde in identifying where, in the
22 process records, there would be information
23 that indicates what the function test of the
24 trigger assembly was in 1962. If we can
25 get an answer somewhere else, we can avoid

1 the necessity of that.

2 MR. HUTTON: The function check for
3 the completed trigger assembly is in the
4 file, and it's in the file as a process
5 record first established for the prior
6 model rifles similar to the Model 700,
7 specifically the 721 and 722.

8 It was first revised January 1, 1951,
9 and it's your document number 939 through
10 941, and as far as all of these process
11 records go, this is the final assembly
12 of the Model 700 fire control, and this
13 process was in existence and used in 1962,
14 and it was the process used in the Thomsen
15 rifle.

16 BY MR. AMES:

17 Q Referring to the process record just
18 identified by Mr. Hutton --

19 A Yes.

20 MR. AMES: First let's have that
21 marked.

22 (Copy of three-page process record
23 assembly sheet dated 1/16/59, bearing
24 production numbers 000939 through 000941,
25 was marked for identification as Defendants'

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Exhibit JL X-11.)

1
2 BY MR. AMES:

3 Q Sir, referring to the document that has
4 been marked JL X-11, which is operation number 175,
5 which shows the revision date of 1/16/59 at the top,
6 was there a 100 percent function check of completed
7 trigger assemblies at the time of the Thomsen rifle
8 being manufactured?

9 A Yes, there was.

10 Q And how can you tell that from JL X-11?

11 A Because in 1962, when we assembled the
12 rifle, we had the final assembler himself assemble
13 it, and we never used the comparator we had. We
14 didn't use a sub-assembly approach which we did later.

15 Q How do you know that?

16 A Because that's what it says here. It says,
17 pick action from truck, position and clamp in vise,
18 pick trigger assembly, insert trigger assembly into
19 receiver, pick sear pin and start, and you go through
20 all these and you'll see the other safety checks in
21 here.

22 Q And were there any changes with respect to
23 the function check of the completed trigger assembly
24 between the date of the Thomsen rifle as manufactured
25 and 8/24/79?

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1 A Yes. I just told you that in this time
2 frame we had the final assembler assemble the whole
3 gun, the fire control, everything in it. He assembled
4 the rifle. He did the whole job.

5 Q That's in 1962?

6 A That's right.

7 Q And here we have a process record assembly
8 sheet marked JL X-10 of 8/24/79?

9 A Yes.

10 Q With respect to function check of trigger
11 assembly?

12 A Right.

13 Q Between those dates, can you tell me from
14 those documents whether any changes were made as to
15 the function check of the completed trigger assembly?

16 MR. SCULLY: Why is that relevant?

17 THE WITNESS: Because this man checked
18 it as a gun, that man checked it as an
19 assembly. He's checking those items, if
20 that's what you're talking about.

21 BY MR. AMES:

22 Q Between those two dates, 1962 and August
23 of 1979, were there any other changes in function
24 check other than the fact that the man checked it as
25 an assembly as opposed to as a completed gun?

1 A Yes, I'm sure there have been.

2 Q Can you tell that from those two documents?

3 A As far as the process, just as far as the
4 process is concerned, the putting together, there
5 were probably not that many changes, I guess.

6 When I say changes, there's been changes in
7 the parts, their properties and this sort of thing,
8 so as far as the process of checking critical elements,
9 actually there haven't been that many changes. The
10 things that made the gun work in 1962 are the
11 same as what make it work in 1982.

12 Q My question is, can you tell from those
13 two documents, ten and eleven, what changes there
14 have been?

15 A Yes. If you want to, you can just take a
16 look and see what we did there and what we did here,
17 and you can compare the two.

18 The problem, of course, is that you need
19 this, plus you need the other steps in it and in the
20 assembly, and they'll all fall into place for you.
21 All the information is here. All you have to do is
22 just read it.

23 Q Referring to eleven, with respect to 1962,
24 the date of manufacture of the Thomsen rifle, in
25 looking at eleven, operation 175, in effect at that

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1 time, as I understand it from your testimony, how can
2 you tell that as of the Thomsen rifle manufacture date
3 there was not a separate operation for a function
4 check of the completed trigger assembly such as
5 there was begun on 8/24/79?

6 A Because the parts were assembled completely
7 in a different manner then.

8 Q How can you tell that, sir, from eleven?

9 MR. SCULLY: Asked and answered,
10 Counsel.

11 THE WITNESS: You can't. That's how
12 they're assembled, how they're made. If
13 that's what you want to know, that's what
14 it tells you.

15 BY MR. AMES:

16 Q How do you know that?

17 A Because these documents tell me that, as
18 I said.

19 Q You're referring to eleven?

20 A Yes.

21 Q How do you know there weren't additional
22 functional checks with respect to the trigger assembly
23 back in 1962?

24 A I don't know how to tell you, because the
25 thing was assembled as a rifle in 1962. It was

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1 assembled, and then it went into a rifle in 1972/73.

2 Q But how do you know that from those docu-
3 ments?

4 A Because it tells you. It says, pick up
5 action from truck, position and clamp in vise.

6 The thing speaks for itself. That's
7 sufficient.

8 Q Let me see if I can ask the question a
9 bit clearer.

10 You've told me that certain procedures are
11 specified for 1962 --

12 A That's right.

13 Q -- in eleven.

14 How do you know that in 1962 there were
15 not additional procedures, such as a functional
16 check of just the trigger assembly in 1962?

17 MR. SCULLY: Are you asking if there
18 were other procedures aside from the ones
19 outlined here in eleven? Is that what you're
20 asking him?

21 MR. VIRI: He wants to know how he
22 knows there were not others.

23 BY MR. AMES:

24 Q How do you know there were not others?

25 A I've told you how the procedure was changed,

1 the guy put it together.

2 Q But you can't tell that just from the
3 face of eleven, can you?

4 MR. SCULLY: He's answered that question.
5 Stop harassing this witness. Just because
6 he's not giving you the answers you want,
7 you can't keep asking the same question
8 over and over and harassing him. He's
9 told you.

10 THE WITNESS: I told you when the
11 process was changed.

12 BY MR. AMES:

13 Q But from just the face of eleven, how do
14 you know, absent your special knowledge of what was
15 going on in 1975, how do you know, just from the
16 face of eleven, there was no additional testing with
17 respect to the fire control of the Model 700 going
18 on in 1962?

19 MR. SCULLY: You're asking him to
20 speculate.

21 MR. AMES: I'm asking him based on
22 his specialized training to explain to me
23 the process records system and how he can
24 tell whether there were any other functional
25 tests of the Model 700 fire control in

1 effect in 1962.

2 MR. SCULLY: You're asking him to
3 speculate.

4 THE WITNESS: If you can read it, it's
5 right here on eleven.

6 BY MR. AMES:

7 Q Where on Exhibit 11 does it say that these
8 were the only safety functional tests being used
9 in 1962?

10 MR. SCULLY: Does it say anywhere on
11 those sheets that those were the only ones?

12 THE WITNESS: No.

13 The document speaks for itself.

14 BY MR. AMES:

15 Q Mr. Linde, is it possible there were other
16 functional tests with respect to the trigger assembly
17 in 1962 which are not shown here on the document marked
18 Exhibit 11?

19 A Not that I'm aware of.

20 Q Sir, with respect to the trigger connector
21 of the Model 700 as of 1962, was that trigger
22 connector machined after the purchase part inspection
23 that you referred to earlier?

24 A Machined?

25 Q Right, after the trigger connector, and

1 let me show you this.

2 Eight is the inspection procedure for the
3 purchased part; right?

4 A Yes.

5 Q So that's the connector, blank B is the
6 trigger connector?

7 A Yes.

8 Q Is there any machining done on that
9 purchase part after Remington inspects it as a
10 purchase part?

11 A No machining.

12 Q Any heat treat done for that part?

13 A Yes.

14 Q From this process record, can you tell me
15 what the inspection procedure for determining,
16 whether there was an inspection procedure for
17 checking the width of the trigger connector after the
18 heat treatment process?

19 A You know, it doesn't exist.

20 Q That's a simple answer.

21 When you say it doesn't exist, you mean
22 there is not a procedure?

23 A That's right.

24 Q Well, was there such a procedure in 1962?

25 A For checking this part after heat treat?

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1 Q Yes.

2 A No.

3 Q Was this part a purchased part in 1962?

4 A I would imagine it was, yes.

5 Q Can you tell that from the process record
6 there?

7 A Yes, you can.

8 MR. SCULLY: Can he tell?

9 MR. AMES: Can you, I said.

10 THE WITNESS: Yes, I can.

11 MR. SCULLY: I'm asking him.

12 BY MR. AMES:

13 Q Would you tell me whether it was or was
14 not a purchased part in 1962?

15 A Yes.

16 Q What was your answer?

17 A It was.

18 MR. AMES: That's all I have.

19 (The deposition was concluded at

20 7:00 p.m.)

21 STATE OF)

22 COUNTY OF)

John Linde

23 Subscribed and sworn to
24 before me this day
of November, 1983.

25 _____
Notary Public

(SEAL)

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