

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

No. 91597

4215
4250
4229
4251
4258

BARBARA SEYFERTH, et al.,)
)
 Plaintiffs,)
)
 v.)
)
JOSEF OFFENWANGER and)
REMINGTON ARMS COMPANY, INC.,)
)
 Defendants.)

No. 83 L 17606

03L1481092

ORDER

THIS CAUSE COMING ON TO BE HEARD for trial, and for hearing on "Plaintiffs' Motion For Sanctions Against Defendant Remington," and "Defendant Josef Offenwanger's Motion To Join In Plaintiffs' Motion For Sanctions," due notice having been given and the Court having considered the written response filed by Remington, the extensive oral arguments of counsel, and the various exhibits submitted to the Court during oral argument:

THE COURT FINDS THAT Remington has unjustifiably and purposefully failed to comply with its obligations to produce relevant documents in response to document requests and that the plaintiffs and defendant/counterplaintiff Offenwanger have been substantially prejudiced by Remington's failure to comply with its obligations relating to discovery; the Court further incorporates by reference the additional findings of the Court as set forth in the transcript of the hearing on the motions, which transcript is attached hereto and incorporated herein by reference.

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ACCORDINGLY, IT IS HEREBY ORDERED AS FOLLOWS:

1. That Plaintiff's Motion For Sanctions and Defendant Offenkanger's Motion For Sanctions are granted. 4215

2. That the six Operations Committee minutes and their respective exhibits ("Documents") referred to in the Motions For Sanctions are admitted into evidence as business records of defendant Remington. 4252

3. That defendant Remington may not attempt to explain or impeach any of the Documents or the statements set forth in the Documents. 4229

4. That the Court will advise the jury with respect to the Documents as follows: 4251

(a) that in 1984, plaintiffs and defendant Offenkanger requested Remington to produce documents pertaining to the design and redesign of the safety of the Model 700 rifle at issue in this lawsuit;

(b) that pursuant to the rules of court, defendant Remington was obligated to produce promptly the documents in question to the plaintiff Seyferth and defendant Offenkanger, said Documents being described in these proceedings as Plaintiffs' Exhibits Nos. 35, 37, 38, 39, 42 and 43;

(c) that Remington unjustifiably failed to produce for and withheld the Documents from plaintiff and defendant Offenkanger;

(d) that Remington only produced the Documents to plaintiff and defendant Offenkanger after plaintiff and defendant Offenkanger had, through their independent

investigation, determined that the Documents existed;

(e) that Remington produced these Documents for plaintiff and defendant Offenwanger approximately one week prior to the date on which this case was scheduled for trial; and

(f) that the Court has admitted the Documents into evidence as business records of the Remington Arms Company and has prohibited Remington from attempting to explain or impeach these Documents or the statements set forth in these Documents.

5. The Court will consider petitions from the plaintiff and defendant Offenwanger for the imposition of economic sanctions against Remington in order to compensate plaintiffs and defendant Offenwanger for the attorneys' time and expenses devoted to obtaining the Remington Documents at issue and presenting the Motions For Sanctions. Remington will be afforded a reasonable opportunity to submit a written response to any petitions which may be submitted by plaintiff or defendant Offenwanger. 423E

DATED: _____

ENTERED: _____


Judge

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JUDGE FRANK ORLANDO

DEC 14 1989

AURORA POLINSKI
CLERK OF CIRCUIT COURT