

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION**

TERI SEE and DARREL SEE,

No. 3:13-cv-01765-BR

Petitioners ,

vs.

**REMINGTON ARMS COMPANY,
LLC.,** A Delaware Limited Liability
Company, and **SPORTING GOODS
PROPERTIES, INC.,** A Delaware
Corporation

**PETITION FOR RELIEF FROM
JUDGMENT TO REMEDY FRAUD ON
THE COURT**

Defendants.

**EXHIBIT 13
1978 SPERLING LETTER**

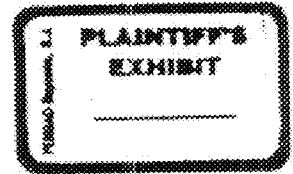
Copy to E. Hall 11/6
(As per RAF)

REMINGTON ARMS COMPANY, INC.

INTER-DEPARTMENTAL CORRESPONDENCE

Remington

WAL

Bridgeport, Connecticut
November 6, 1978

R. R. INGHAM

FINANCE

E. I. DU PONT DE NEMOURS & CO., INC.
WILMINGTON, DELAWARECOATES V. REMINGTON

You have inquired as to Remington's position with respect to the Mohawk 600 bolt action rifle.

Remington first became aware in 1975 that the safety selector and the trigger on the Mohawk 600 could be manipulated in such a way that subsequently moving the safety selector to the fire position could result in accidental discharge. The first complaint calling this condition to our attention was received early in 1975 from an individual in Texas who accidentally discharged his gun by putting it in the "trick" condition (safety selector is put in a mid-position between safe and fire detents of this two-position safety, trigger is pulled and subsequently the safety selector is pushed to fire position and the gun discharges).

Upon receipt of this complaint, which did not involve a personal injury, Remington conducted a quality audit on a sampling of Mohawk 600's obtained from wholesalers throughout the country, and it was determined that a significant percentage of these guns could be placed in the trick condition. Remington's Product Safety Subcommittee met several times on this matter while the audit was being conducted. At the completion of the audit, and after evaluating the results, the Product Safety Subcommittee concluded that the situation did not present a safety problem.

It was believed that the chances of a shooter putting his gun in the trick condition, intentionally or by accident, was extremely remote, let alone having the loaded gun pointing at someone while the safety selector of the gun was being taken off safe, thereby violating the most basic rule in hunting. Absence of complaints on the problem over the 12 years this gun had been on the market supported this conclusion. Remington did correct the condition

Jiw

R. R. Ingham

-2-

November 6, 1978

on newly manufactured guns and did test and modify, if necessary, the guns sent into Remington for repair.

The next and only other complaint of this nature received by Remington concerning the Mohawk 600 was the Coates case. John Coates alleged that he was injured when his son, in the process of unloading his Mohawk 600 in the back seat of their Jeep, pushed the safety selector to the fire position (safety must be in fire position before this Model can be unloaded) and the gun discharged.

Given the intricate maneuvering with the safety and the trigger that is necessary to set up the trick condition, we believe, although the Coates gun is one that can be tricked, that the accident most likely occurred because the boy inadvertently had his finger on the trigger when he took the safety off safe. Our believed that there was a substantial risk of high compensatory and punitive damages being awarded, and consequently settled the case against Remington's recommendation.

Once the allegations of the case became public and the settlement given wide publicity, Remington had no other choice, regardless of our beliefs as to cause of the Coates accident, but to recall the Mohawk 600, and other models having the same trigger assembly (Remington Model 600 and 660 rifles and the XP-100 pistol). The day the settlement was announced, Remington was in the process of planning the recall, which was announced the following day.

It is believed that about 200,000 guns are involved. Remington issued news releases to the wire services, which contained a toll free number that could be called for recall information. A message center was set up in Atlanta, Georgia, which would refer callers to the closest recommended gunsmith capable of repairing the caller's gun. WATS lines were set up at Remington locations in Bridgeport, Connecticut, and Ilion, New York, to handle complaints connected with the recall. Remington personnel were dispatched to Texas, the origin of the majority of calls being received at the message center, in order to deliver replacement trigger assemblies and to instruct gunsmiths how to make the replacement. Remington representatives will visit other gunsmiths throughout the country reviewing gunsmith repairs.

All of our wholesalers who sold the suspect guns will be contacted for a list of the retail outlets to whom they sold the recall models. The dealers will be asked to review their records for the names and addresses of the customer to whom they sold the gun. Each such customer will then receive from Remington written notification of the recall. Similar appropriate steps are being taken in Canada and in other foreign countries where these guns were sold. It is expected that this recall campaign will take somewhere between 6 months to a year to complete.

R. R. Ingham

-3-

November 6, 1978

To date, the Atlanta message unit has received about 5,000 calls. We have received responses from every state in the Union, which indicates our current releases have been given broad circulation. Remington is committed to a full, widely advertised recall, and we believe, at least from the initial public response, that it will be successful.


R. B. Sperling
Associate Counsel

RES:hss