



E. I. DU PONT DE NEMOURS & COMPANY
INCORPORATED
WILMINGTON, DELAWARE 19898

bcc: E. F. SIENKIEWICZ - REM
W/ATTACH.

LEGAL DEPARTMENT

July 11, 1986

John D. McKay, Esquire
Petruccelli, Cohen, Erler and Cox
50 Monument Square
Portland, Maine 04101

Dear Mr. McKay:

Thank you for your letter dated June 30, 1986,
concerning the Muzyka case.

In Muzyka, the plaintiff was shot when a Remington Model 700 bolt action rifle accidentally discharged while being unloaded in the house by her stepfather. The stepfather was in the process of closing down the bolt handle, thinking the gun was fully unloaded, when the gun fired. Plaintiff argued that the gun fired without the trigger having been pulled. In addition, she claimed that the design was unreasonably dangerous because with a two position safety (either "on" or "off"), and a bolt lock feature (when safety is "on", the bolt is locked down to prevent inadvertent movement of the bolt handle upward which in turn could cause a failure to fire), the user must put the safety to the "fire" (off) position in order to raise the bolt to begin the unloading process.

Remington argued that its examination of the subject gun revealed no mechanical defects, and that the only way the subject gun could fire was to have the trigger pulled with the safety "off". We pointed out that the bolt lock feature insures the reliability of the gun (gun will be ready to fire when shooter wants the gun to fire), and does not make the gun less safe in handling. The jury's verdict in favor of Remington indicates that they believed the stepfather negligently hit the trigger when he closed the bolt. The appellate court remanded for a new trial on the grounds that the plaintiff should have been allowed to use for impeachment purposes, Remington's subsequent removal of the bolt lock feature from its Model 700 rifle line. The new trial has not yet been scheduled.

There is no causal connection between a bolt lock feature on a rifle and whether or not that rifle will fire when the safety is moved to the "fire" position. The latter condition