

other model. I seek to make that proof, Your Honor.

THE COURT: We are getting pretty close. We may be misleading the jury.

MR. HOWELL: Of course, I think the bolt-lock rifle is by far the most popular rifle on the market. There are by far more of those bolt-lock—

THE COURT: I'm going to deny it. Don't keep talking, I may change my mind.

(End of at-the-bench discussion.)

Q [defense counsel]: Would you rate on a scale of one to ten between shot-guns and bolt-action rifles, with one being the least safe or even dangerous, and with ten being the ultimate best safety that you know of on let's say just on bolt-action rifles, just bolt-action rifles, bolt-action sporting rifles from 1965 through 1981, would you rate on a scale of one to ten, with one being the least, the least good safety, and ten being the best, the Remington Model 700 two-position safety with bolt-lock?

A [defense witness] Nothing can be a ten. I would rate it like 9.8 or 9.9.

Q Do you know of any safety system on a bolt-action rifle marketed in that period of time that in your opinion was superior to the Remington Model 700, two-position safety and bolt-lock?

A No, sir.

Q From the standpoint of safety, reliability, usage, in every consideration?

A Absolutely nothing, no.

MR. LONGLEY: May we approach the bench, Your Honor?

THE COURT: You may. (At-the-bench discussion.)

MR. LONGLEY: Your Honor, this is not limited to time. This witness stated Weatherby would not use the two-position or bolt-lock unless this was most desirable, he rated the two-position bolt-lock 9.8 or nine instead of ten. It is not limited as to time. I wish, Your Honor, to go into the changes in design so that I

may show impeachment of this witness and impeachment of Remington as to what they have done.

THE COURT: There wasn't any limit as to time, and the question wasn't asked that way, wasn't mentioned that way. The ruling is the same.

(End of at-the-bench discussion.)

The stressing of the importance of the excellence of the two-position safety, which Remington had abandoned in its 1981 design change, continued into closing argument when defense counsel argued to the jury that a preeminent rifle authority considered it "the best combination of safety and operation yet devised." Defense counsel stated:

Can you name a rifle with a two position safety that has been manufactured in the last 20 years that you don't have to take off safe to unload it? No, I cannot. There may be some, but I cannot. I mean you, you want Remington to depart from the judgment of the entire firearms industry according to your view, and make it different from everybody else's when it is—I think the evidence shows the most popular rifle in the whole world, the rifle against which other rifles are judged? And according to a preeminent rifle authority with a safety device that is perhaps the best combination of safety and operation yet devised....

MR. LONGLEY: Excuse me, Your Honor. Your Honor, I wish the court would note the argument counsel just made.

THE COURT: It is noted.

MR. HOWELL: So when you are talking about wouldn't it be safer, safer, safer—yes, and you are talking refinements of safety in one of the best rifles, maybe the best production rifle ever designed in the world, and we almost had to—I think we have come close to proving, I would suggest to you, that the Remington Model 700 is the best rifle and the safety is the safest safety, it is the safest bolt-action rifle.