

The Remington Shotgun Barrel Class Action

In 1995, Remington et al entered into a settlement of class action claims brought by owners of certain Remington 12-gauge shotguns including Remington 12-gauge Model 870, 1200, 11-87, 3200, and Sportsman 58, 12-A or 12-P shotguns. The action named all of these models manufactured between 1960 and June 1995. This was substantially all shotguns made by Remington during those years.³⁵

This shotgun liability suit was filed against the Remington Arms Company, Inc., E. I. du Pont de Nemours and Company, and Sporting Goods Properties, Inc., the du Pont subsidiary formerly known as Remington. The complaint alleged that the type of steel formerly used for the barrels of these shotguns (American Iron and Steel Institute C-1140 modified steel) constituted a manufacturing defect that could and had resulted in the explosion of the barrel in use.

In 1997, the Court approved payments to more than 477,000 class members, who owned more than 750,000 eligible shotguns. It was paid out of a 31.5 million dollar fund established to meet current and future claims.³⁶

This aggregate body of information makes it clear that numerous firearms can and do fire unexpectedly, without contact with their triggers. Many of these firearms fire ammunition too powerful to allow for true "aim in a safe direction," while engaging in normal gun handling. In the following section, we will examine the firearms industry's common responses to such safety information, lawsuits, and resulting efforts to establish gun-related consumer safety standards and regulations.

Section Four: The Gun Industry's Response

Like many American industries, the bottom line is the primary concern of the gun industry when considering consumer safety.³⁷ If product liability claims can be settled for pennies-on-the-dollar, or litigation prolonged to discourage legitimate claims, the gun industry wins. If product recalls can be avoided or costly model upgrades put off, the industry wins.

As outlined in Section Three of this report, the firearms industry has long known that millions of guns in America share design features that expose their owners and those

³⁵ Garza v. Sporting Goods Properties, Inc., 1996 WL 56247, W.D.Tex., 1996.

³⁶ Garza Class Action Settlement Notice of May 30, 1997.

³⁷ Affidavit of Robert A. Ricker, IN SUPPORT OF PLAINTIFFS' OPPOSITION TO DEFENDANT MANUFACTURERS' MOTION FOR SUMMARY JUDGMENT, Consolidated California Cases, March 7, 2003.