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MAR 23 1990
FRANCES DENNELL
Clerk of District Court Brazoria Co., Texas
BY DEPUTY

CAUSE NO. 87C2042

DAVID T. CRAIG Plaintiff	)	IN THE DISTRICT COURT
VS.	)	BRAZORIA COUNTY, TEXAS
REMINGTON ARMS CO., INC. AND DEBBIE JAMES Defendants	)	23RD JUDICIAL DISTRICT

ORDER IMPOSING SANCTIONS UPON DEFENDANT REMINGTON ARMS CO., INC.

On this day came on for consideration Plaintiff's motion for sanctions against Defendant, Remington Arms Co., Inc.. After careful consideration of the motion; the previous orders of this Court; the pleadings and exhibits on file; the prior course of discovery in this case; the conduct of counsel for Remington during the trial of this case; the findings pursuant to Rule 171 of the Special Master, and the arguments and authorities provided by counsel, the Court is of the opinion that Plaintiff's motion is meritorious and should be GRANTED. The Court finds that Remington and it's attorney B. Lee Ware, have acted in bad faith and have abused the discovery process in violation of this Court's order of February 9, 1989 and in violation of Rules 166b and 215 of the Texas Rules of Civil Procedure. Accordingly, the Court hereby imposes the following sanctions against the Defendant, Remington Arms Co., Inc.:

(1) The pleadings of Remington Arms Co., Inc. are stricken and a default judgment is hereby rendered against Remington on all issues establishing Remington's liability to David Craig for actual damages and exemplary damages.

(2) The following facts are taken as established against Remington:

(a) The Model 700 rifle in question was defectively designed at the time it was manufactured in that it was unreasonably dangerous as designed taking into consideration the utility of the product and the risk involved in its use.

(b) Remington was negligent in the design of the Model 700 rifle in question and in the other particulars as alleged by Plaintiff;

(c) The defective design and negligence of Remington were a producing and a proximate cause of David Craig's injuries; and

(d) Remington was grossly negligent in the design of the rifle in question and in the other acts of negligence as alleged by Plaintiff sufficient to support an award of exemplary damages.

(3) Remington Arms Co., Inc. shall not be allowed indemnity, contribution or any offset based upon the comparative responsibility of any other party or person with regard to the injuries sustained by David Craig.

(4) Remington shall not be allowed to produce any evidence nor to support or oppose the issues established by paragraphs (1) and (2) of this order. The only issues that may be contested by Remington upon a trial of this matter are the amount of actual damages sustained by David Craig and the amount of exemplary damages that may be assessed against Remington;

(5) Remington is prohibited from requesting any further discovery in this cause; and

(6) All costs of Court are taxed against Remington Arms Co., Inc.

SIGNED this the 21st day of March, 1990.

JUDGE BEN MARTINEZ