

RECEIVED MAR 27 1990

FILED  
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MAR 23 1990

NO. 87C2042

DAVID T. CRAIG,  
Plaintiff

VS.

REMINGTON ARMS CO., INC. and  
DEBBIE JAMES  
Defendants

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IN THE 23RD JUDICIAL DISTRICT COURT OF

DISTRICT COURT OF

BRAZORIA COUNTY, TEXAS

FRANCIS BENNELL

Chief of District Court Brazoria Co., Texas  
BY \_\_\_\_\_ DEPUTY

DEFAULT JUDGMENT

On this 21<sup>st</sup> day of March, 1990, after having entered an order striking the pleadings of Defendant, Remington Arms Co., Inc. as a sanction imposed upon said Defendant for discovery abuse and bad faith conduct engaged in by said Defendant and it's counsel, B. Lee Ware, the Court now enters a default judgment against Defendant, Remington Arms Co., Inc. and in favor of the Plaintiff David T. Craig and it is accordingly

ORDERED, ADJUDGED AND DECREED that:

1. The liability of Remington Arms Co., Inc. to David T. Craig for his injuries is hereby established and David T. Craig have judgment against Remington Arms Co., Inc. for such damages and exemplary damages as may be established at the trial of this cause;

2. The following facts are taken as established against Remington Arms Co., Inc.:

(a) The design of the Model 700 rifle in question is unreasonably dangerous as alleged by Plaintiff and is, therefore, defective;

(b) Remington was negligent in the design of the rifle Model 700 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.

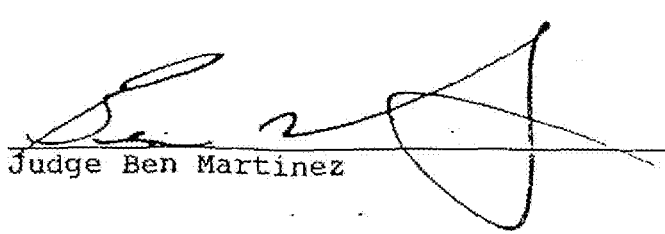
3. Remington Arms Co., Inc. shall not be allowed indemnity, contribution or any offset based upon the comparative responsibility of any other party or person with regard to the injuries sustained by David Craig.

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. All costs of court in this cause are taxed against the Defendant, Remington Arms Co., Inc.

6. This order shall be interlocutory in nature and shall be merged into a final judgment after the determination of the issues that remain to be decided which are the amount of actual damages sustained by Plaintiff and the amount of exemplary damages to be assessed against Defendant, Remington Arms Co., Inc.

SIGNED this 21<sup>st</sup> day of March, 1990.

  
Judge Ben Martinez