

FILED
FEB 03 1989

NO. 87C2042

DAVID T. CRAIG

VS.

REMINGTON ARMS CO., INC. and
DEBBIE JAMES

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IN THE DISTRICT COURT OF DALLAS COUNTY, TEXAS
FRANCES BENNETT
CLERK
BRAZORIA COUNTY, TEXAS

23RD JUDICIAL DISTRICT

REVISED ORDER

This revised order is issued to clarify certain rulings made by the special master and incorporated in the Court's order of January 30, 1989. Nothing in this order shall be construed to relieve Defendant of any duty or to extend any deadline imposed by the prior order.

On the 30th day of January, 1989, came on for consideration Plaintiff's motion to compel discovery and the objections of Defendant Remington Arms Co., Inc., regarding Plaintiff's first set of written interrogatories and first request for production of documents and tangible things.

The Court initially heard the agreements of counsel for Plaintiff and Defendant Remington with respect to a number of discovery requests. Remington is hereby ordered to comply with those agreements as stated in open court and on the record.

With the agreement and consent of counsel for Plaintiff and for Defendant Remington, the Court then appointed Bert Huebner as special master to hear the disputed discovery matters and to submit his findings and proposed rulings to the court. After reviewing Plaintiff's discovery requests, Defendant Remington's objections, and Plaintiff's motion to compel and supporting brief, and the arguments and authorities provided to this Court

by counsel, the Court hereby adopts the recommendations of the special master and orders the following:

1. Defendant's objections to request for production 3 are overruled. To the extent any documents exist they shall be produced to Plaintiff's counsel by 5:00 o'clock p.m., Friday, February 3, 1989.

2. Defendant's objections to request for production 4 are overruled. To the extent any documents exist they shall be produced to Plaintiff's counsel by 5:00 o'clock p.m., Friday, February 3, 1989.

3. Defendant's work-product objection to request for production 5 is sustained.

4. Defendant shall tender to the special master by January 31, 1989, any statement responsive to request for production 7 that is withheld as privileged or exempt from discovery.

After the special master's in camera inspection of the document tendered by the Defendant, the Court finds that Defendant's objection should be, and hereby is, sustained.

5. Defendant's objections to requests for production 11, 12, 13, 14, 15, 16, 17, and 19 are overruled. To comply with these requests, Remington may review the exhibit list of the Plaintiffs in Castleberry v. Remington, CA No. C-85-357 (S.D. Tex., Corpus Christi Div.). After reviewing this list, Remington shall either: (1) identify by exhibit number the documents contained in the list that are responsive to these requests and state that such documents are all that are responsive to these requests up to July 1988; or (2) if the documents in the exhibit

list are not all that would be responsive to these requests, identify those exhibits that are responsive and produce all additional documents that would be responsive up to July 1988. In either case, Remington shall produce all responsive documents dated July 1988 or later.

It is the intent of this paragraph to allow plaintiff discovery of all documents responsive to requests for production 11-17, and 19, and to assure plaintiff that all responsive documents have been produced, without requiring Remington to reproduce documents previously produced to plaintiff's counsel in other litigation.

Remington shall comply with this part of the order by identifying and/or producing all documents responsive to these requests by 5:00 o'clock p.m., Friday, February 3, 1989.

6. Defendant's objections to requests for production 59, 60, 61, 62, 63, 64, 65, 66, 67, and 68 are overruled. Defendant shall produce the complete, original minutes, along with all attachments, to Plaintiff's counsel by 5:00 o'clock p.m., Friday, February 3, 1989. Plaintiff's counsel may not copy or disclose the contents of these documents without prior approval of the Court or the special master. This confidentiality provision does not extend to documents already in the possession of Plaintiff's counsel. Further, plaintiff's counsel may not copy minutes if objection is made, however, Plaintiff's counsel may make note of the date, committee and page number sufficient to identify the particular minute and such minute shall then be submitted to the Court for an in camera inspection.

Remington shall also submit to the court or to the special master any minutes that it contends should not be copied because they contain confidential information and shall specify the portions Remington contends should not be allowed at trial. This procedure for allowing Remington to present these portions to the court or special master does not relieve Remington of its obligation to produce all minutes to plaintiff's counsel.

7. Defendant's objections to requests for production 70, 71, and 74 are overruled, and by agreement of Remington's counsel, all documents responsive to those requests shall be produced to Plaintiff's counsel by 3:00 o'clock p.m., Friday, February 3, 1989.

8. Defendant's objections to request for production 88 is sustained.

9. Defendant's objection to request for production 96 is overruled. Remington is granted leave to seek a protective order from Judge Blackwell of the Travis County District Court or a writ of mandamus, but absent such a protective order or writ of mandamus, Remington shall produce all such responsive documents to Plaintiff's counsel by 3:00 o'clock p.m., Friday, February 3, 1989.


10. Defendant's work-product objection to requests for production 98 and 101 is sustained.

11. Defendant's objection as to lack of time to answer interrogatories 7 and 8 is sustained, and Defendant is not required to further answer those interrogatories if this case goes to trial on February 6, 1989. However, Remington's counsel

has agreed, and the Court so orders, that if the trial in this case does not commence on February 6, 1989, then Remington shall provide full and complete answers to interrogatories 7 and 8 within sixty (60) days from the date of this order.

IT IS SO ORDERED.

SIGNED this 3 day of February, 1989.


HONORABLE NEIL CALDWELL,
DISTRICT JUDGE