NO. 84-46329

JACKIE AND RACHEL MORRIS, IN THE DISTRICT COURT

VS. HARRIS COUNTY, TEXAS

REMINGTON ARMS CO., INC., et al., 269TH JUDICIAL DISTRICT

THIS CAUSE came on for taking of deposition of MERLE H. WALKER, being taken by the Plaintiff, before Joyce Beall, Deputy Official Court Reporter and Notary Public, State of Florida at Large, at 10:30 a.m. on the 2nd day of February, 1987, at the Lake County Courthouse, Tavares, Lake County, Florida, at which time the following proceedings were had and testimony produced:

A P P E A R A N C E S:

Les Cochran, Esquire
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For the Defendants Lloyds

A P P E A R A N C E S: (Cont'd.)

Lee Ware, Esquire
VINSON & ELKINS
3124 First City Tower
Houston, Texas 77002
For the Defendant Remington

Also Present:

Jim Hutton, Representative of Remington
Illion, New York

I N D E X

WHEREUPON, the witness, MERLE H. WALKER, was sworn

estimates, the rifles might fire upon release of safety up to one percent of the time, that one percent of the rifles would do so?

A. No.

Q. You've never seen any minutes which discussed the fact that Remington rifles, the Model 700 rifles would fire about one percent of them would fire upon release of safety?

A. No.

Q. If those minutes did exist, given the number of Remington rifles, Model 700 rifles in the field, that would be many more than 20 complaints a year, wouldn't it?

A. Yes, it would.

Q. Would a situation that Remington, by its own estimates, states that about one percent of its Model 700's are susceptible, would that be an acceptable risk to Remington?

A. No.

Q. Do you think if that was the situation, Remington should look into redesigning these rifles?

A. Yes.

Q. And do you think if that were the situation, Remington should look into recalling those which are already on the market?

A. Yes.

Q. Do you feel that a rifle which fails the FSR test

would be defective?

A. If it failed it, yes.

Q. Do you feel that a rifle - Model 700 rifle here, I'm talking about - if it fails the trick test would be defective?

A. Possible.

MR. KAISER: For the record, we're out of video at this point.

BY MR. MILLER:

Q. You say it's possible that a rifle which failed the trick test would be defective?

A. Failing the trick test, under the present manufacturing conditions, it seems to me would be impossible.

Q. Let's assume that a Model 700 does fail the trick test, would you consider that rifle to be defective?

A. Yes.

Q. And I asked you a question before about your feelings on rifles if one percent of Remington's Model 700's would fire on release of safety. I want to ask you those same questions. If Remington estimates that one percent of its rifles would fail the trick test, one percent of its Model 700's, do you think that's something they should look into?

A. That would require a redesign.

Q. And if Remington estimates that one percent of its rifles would fail the trick test, the Model 700 rifles, do you feel that would justify a recall of those rifles?

A. Yes, it would.

Q. How about if the figure were as low at 4/10 of a percent?

A. I think that would also classify as a recall.

Q. And 6/10 would, of course, as well; 6/10 of a percent would, as well?

A. Yes.

Q. That would require a recall?

A. Yes.

MR. WARE: Off the record.

(After a recess, the deposition continued as follows:)

BY MR. MILLER:

Q. Back on the record with some questions after we played the tape and picked up on the video camera where we ran out of video tape. Was an optical comparator used in the manufacturing process in 1975, when you retired?

A. What's that?

Q. Was an optical comparator, the machine called an optical comparator, used in the manufacturing or quality control process in 1975, when you retired?

A. Uh-huh. (Indicating affirmatively.)