

NO. 7417

PATRICIA MUÑOZ, Individually
and On Behalf of the Estate
of José Muñoz, Deceased,
and As Next Friend of
MONICA MUÑOZ and
LOUIS MUÑOZ, Minors
VS.

REMINGTON ARMS COMPANY,
INC., E. I. DU PONT DE
NEMOURS AND COMPANY, and
VEE BAR, LTD.

§ IN THE DISTRICT COURT OF
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§
§ CHILDRESS COUNTY, TEXAS
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§
§ 100TH JUDICIAL DISTRICT

AFFIDAVIT OF JOHN T. BUTTERS, P.E.

STATE OF TEXAS
COUNTY OF HARRIS

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§

BEFORE ME, the undersigned authority personally appeared JOHN T.
BUTTERS, P.E., who after being first duly sworn, deposed and said:

"My name is JOHN T. BUTTERS, P.E. I am of full age and sound mind and have never been convicted of a felony or crime of moral turpitude. I have personal knowledge of the facts stated in this affidavit.

"I am registered as a Professional Engineer by the State of Texas and have over 30 years of experience as a practicing design engineer concerned with mechanisms of the type at issue in this case.

"I have studied the Remington Model 700 Bolt Action Rifle, and in particular its fire control system, extensively over the last fifteen (15) years. The materials I have relied upon in forming my opinions are of the type reasonably relied upon by experts in this field for purposes of forming opinions and inferences.

"Based upon the documents produced by Remington Arms Company in other litigation concerning the working of the Model 700 fire control system and the May 31, 1985, Firearms Business Team Minute as reported by Mr. Robert A. Chaffin, it is my opinion that the features attributed to the improved fire control reported in the May 31, 1985, meeting are the same or substantially the same as the design features


exhibited by Design No. 1, attached. The "technical improvements" attributed to the design discussed in the May 31, 1985, Firearms Business Team minute are also found in Design No. 2, attached. Both these designs were initially presented to Remington management in the 1977-1978 period and contain no uniquely new features.

"The development effort being carried out by Remington in its New Bolt Action Rifle program is a logical continuation of a design effort that commenced when Remington realized that the Model 700 fire control contains serious design inadequacies. For an example, see the attached Minute #14 of the Operations Committee, dated July 17, 1980, where it is stated that improvements to the Model 700 fire control are a necessity for product safety reasons. Other earlier documentation similarly addressed fire control problems.

"The fire control configuration presented to Remington management on May 31, 1985, contains only well known and proven design features utilized in various firearms whose history extends back into the 19th century. The rotary magazine was known and used by Savage Arms Company in its Model 1899 rifle. Safety mechanisms that blocked the trigger and sear in the "on safe" setting were used by the Sako Company since the 1950s. The fixed lower limit on trigger pull adjustment was employed in an almost identical way by Ruger in their Model 77 rifle which appeared prior to 1970. The use of hardened one-piece steel triggers and sears was the design method of choice until the advent of powder metallurgy and other mass-production metal forming processes that were introduced subsequent to the end of World War II. Preset engagements of sear and trigger and preset trigger overtravel are design choices obtainable by part configuration and present no complexity beyond dimensions and specifications. Safeties enabling a bolt lift with the safety in the "on safe" position are likewise nothing new, Winchester among others having used such a scheme since the mid-1930s and Remington itself used such a safety on its Model 725 bolt action rifle in the late 1950s.

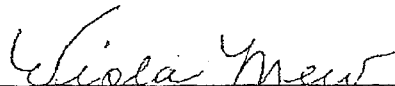
"It is essential from a technical standpoint to view and examine Remington's continuing development of alternative fire control designs from 1977 to the present day. The documentation associated with these designs would be essential to the jury in explaining and understanding the defects at issue in this case, as well as Remington's past activities as they were confronted with those defects.

Further, Affiant sayeth naught.



JOHN T. BUTTERS, P.E.

SUBSCRIBED AND SWORN TO BEFORE ME, to certify which witness
my hand and seal of office this 17th day of July, 1991.



Notary Public in and for
the State of Texas