

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
CIVIL DIVISION

NICHOLAS JOHN NIGRO,

No. G.D. 82-20776

Plaintiff,

v.

REMINGTON ARMS COMPANY, INC.,

Defendant.

ORDER

And now this 10TH day of JULY, 1992, it is hereby ordered, adjudged and decreed as follows:

1. For the reasons set forth in the accompanying opinion, judgment notwithstanding the verdict be and is entered in favor of Plaintiff and against Defendant on the issue of liability and a new trial is ordered as to damages only.

2. In the alternative, for the reasons set forth in the accompanying opinion, in the event that judgment NOV is not appropriate, Plaintiff is granted a new trial on all issues.

3. For the reasons set forth in the accompanying opinion, the Court finds that Remington Arms Company wilfully failed to comply with discovery Orders dated June 6, 1986, and May 22, 1987, by failing to answer interrogatories and requests for production of documents, provide information and produce documents concerning the Remington Model 700 Rifle, and its predecessor and successor models, which had been sold to the United States Government as the Military Model M40 Remington Rifle.

EXHIBIT

It is hereby ordered that Defendant Remington answer all interrogatories and requests for production, provide all information and produce all documents requested by Plaintiffs with reference to the sale of the Remington Model 700 Rifle (designated Military Model M40), its predecessors and successors, to the United States Government, within 10 days of the date of this order. Thereafter, the Court will entertain an application by Plaintiff concerning whether or not sanctions should be entered against Defendant Remington pursuant to Rule 4019(c) for willful failure to comply with discovery Orders. The discovery ordered herein shall be produced by Defendant Remington in Pittsburgh, Pennsylvania, at the offices of Plaintiff's attorneys, 1404 Grant Building, Pittsburgh, Pennsylvania 15219.

4. The judgment entered by the prothonotary at the request of Defendant Remington on January 18, 1989, was improper and is stricken from the record for the reasons set forth in the accompanying opinion.

