

DN FBT CV 15 6048103-S

DONNA L. SOTO, ADMINISTRATRIX )	SUPERIOR COURT
OF THE ESTATE OF VICTORIA L. )	
SOTO, DECEASED, ET AL. )	J.D. OF FAIRFIELD/BRIDGEPORT
)	@ BRIDGEPORT
v. )	
)	
BUSHMASTER FIREARMS )	
INTERNATIONAL, LLC, ET AL. )	MAY 19, 2016

**OBJECTION OF DEFENDANTS, REMINGTON OUTDOOR COMPANY, INC. and  
REMINGTON ARMS COMPANY, LLC, TO PLAINTIFFS' MOTION FOR  
PERMISSION TO FILE SURREPLY (#170.00)**

The Defendants in the above-referenced matter, REMINGTON OUTDOOR COMPANY, INC. and REMINGTON ARMS COMPANY, LLC (“Remington”), respectfully object to the Plaintiffs’ Motion for Permission to File Surreply dated May 19, 2016 (#170.00). Remington’s original Motion for Extension of Time (#142.00), Plaintiffs’ Partial Objection thereto (#159.00), and Remington’s Reply to Plaintiffs’ Partial Objection (#164.00) are being claimed for adjudication at the status conference in this matter previously scheduled for May 26, 2016. Remington requests that the Court hear argument from the parties on the issues raised in those pleadings at the status conference, so that the Court can be aware of the positions of all parties on the issues.

In the alternative, if the Court grants the Motion for Permission to File Surreply and permits the proposed Surreply attached to the Motion to be filed, Remington respectfully moves that it be permitted to file the proposed Response to the Surreply, a copy of which is attached

hereto as Exhibit 1, so the Court has the benefit of the additional communications between the parties regarding the issue which the Plaintiffs have not attached to their proposed Surreply.

THE DEFENDANTS,

REMINGTON OUTDOOR COMPANY, INC.  
& REMINGTON ARMS COMPANY, LLC

BY: /s/ Scott M. Harrington/#307196

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**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing was mailed on May 19, 2016 to the following counsel:

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# **EXHIBIT 1**

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OF THE ESTATE OF VICTORIA L. )	
SOTO, DECEASED, ET AL. )	J.D. OF FAIRFIELD/BRIDGEPORT
)	@ BRIDGEPORT
v. )	
)	
BUSHMASTER FIREARMS )	
INTERNATIONAL, LLC, ET AL. )	MAY 19, 2016

**RESPONSE OF DEFENDANTS, REMINGTON OUTDOOR COMPANY, INC. and  
REMINGTON ARMS COMPANY, LLC, TO PLAINTIFFS' SURREPLY IN RESPONSE  
TO THE REMINGTON DEFENDANT'S REPLY IN SUPPORT OF THEIR MOTION  
FOR EXTENSION OF TIME**

The Defendants in the above-referenced matter, REMINGTON OUTDOOR COMPANY, INC. and REMINGTON ARMS COMPANY, LLC (“Remington”), respectfully respond to the Plaintiffs’ Surreply in Response to the Remington Defendants’ Reply in Support of their Motion for Extension of Time.

Plaintiffs suggest that Remington was somehow disingenuous when it expressed surprise that Plaintiffs would involve the Court by filing their Partial Objection to Remington’s Motion for Extension of Time, because Plaintiffs claim to have advised Remington that it was going to do so in an email dated May 11, 2016 (Surreply, p. 2). In fact, Remington was surprised because immediately upon receiving that email, Remington’s counsel responded on the same day, May 11, 2016, and advised that Remington would in fact file its Objections to the Requests for Production on May 16, 2016 and that there was no need for the Plaintiffs to file a motion regarding same. (Exhibit A). Plaintiffs did not respond to that email.

Remington and Plaintiffs agreed on April 29, 2016 that they would meet and confer regarding Remington's Objections to Requests for Production on June 2, 2016, when lead counsel for Remington, James Vogts, expected to complete the trial he started on May 16, 2016. The only issue raised by Attorney Vogts in his May 9, 2016 email was whether the objections would be served on Plaintiffs on May 16, 2016, with any unresolved objections to be filed with the Court after the June 2, 2016 meet and confer, or whether those objections also would be filed with the Court on May 16, 2016. Attorney Vogts' email of May 11, 2016, attached as Exhibit A, confirmed that Remington would in fact file its objections on May 16, 2016 which is exactly what Plaintiffs requested. Those objections were filed on May 16, 2016. (#162.00).

THE DEFENDANTS,

REMINGTON OUTDOOR COMPANY, INC.  
& REMINGTON ARMS COMPANY, LLC

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Scott M. Harrington

# **EXHIBIT A**

## Scott Harrington

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**From:** James Vogts <jvogts@smbtrials.com>  
**Sent:** Wednesday, May 11, 2016 3:10 PM  
**To:** Alinor C. Sterling  
**Cc:** Scott Harrington  
**Subject:** Re: Soto/Recap of Discovery Agreements from April 29 Conference Call

Alinor, there's no need to file a response. I'll file Remington's objections on Monday. I just had a different understanding of our agreement.

Sent from my iPhone

On May 11, 2016, at 1:47 PM, Alinor C. Sterling <ASterling@koskoff.com<mailto:ASterling@koskoff.com>> wrote:

Jim,

That was not the approach we discussed in our phone conference, and I'm not agreeable to shifting to it now. It seems to me that it is more likely to slow the process than to speed it.

Since we don't have an agreement on how to proceed with regard to the RFPs, I'll file a response to your Motion for Extension of Time.

Thanks,

Alinor

Alinor C. Sterling  
Phone: (203) 336-4421  
FAX: (203) 368-3244