

FBT-CV15-6048103-S

DONNA L. SOTO, ADMINISTRATRIX OF THE ESTATE OF VICTORIA L. SOTO et al.	:	SUPERIOR COURT
	:	
Plaintiffs,	:	JUDICIAL DISTRICT OF FAIRFIELD
	:	
v.	:	AT BRIDGEPORT
	:	
BUSHMASTER FIREARMS INTERNATIONAL, LLC, et al.	:	JULY 29, 2016
	:	
Defendants.	:	

REMINGTON’S OBJECTIONS AND RSPONSES TO PLAINTIFFS’ REVISED FIRST REQUESTS FOR PRODUCTION

Defendants, REMINGTON ARMS COMPANY, LLC and REMINGTON OUTDOORS COMPANY, INC. (“Remington”) respond to Plaintiffs’ First Requests for Production – Revised, dated June 29, 2016.

DEFINITIONS

For purposes of these Requests for Production only, "AR-15 style rifle" is defined as:

AR-15 style rifle means a gas-operated, magazine-fed, modular rifle, with an upper receiver, to which a barrel is attached, that is pinned to a lower receiver, to which a separate pistol grip and butt stock are attached, regardless of whether it is semi-automatic or select fire.

OBJECTIONS AND RESPONSES

- 1.a. Documents demonstrating the relationships among Bushmaster Firearms International, LLC; and/or Freedom Group, Inc.; and/or Bushmaster Firearms; and/or Bushmaster Firearms, Inc.; and/or Bushmaster Holdings, LLC from January 1, 2006 to the present day.

Response: The Bushmaster rifle involved in the December 14, 2012 shooting incident was manufactured by Bushmaster Firearms International, LLC (“BFI”) in 2009 and shipped from Windham, Maine to Camfour in Westfield, Massachusetts on February 11, 2010. The rifle was manufactured and shipped by BFI under a Type-10 Manufacturer of Destructive Devices federal firearm license (FFL No. 6-01-005-10-2D-00956). At that time, Freedom Group, Inc. was the sole member of BFI. Freedom Group, Inc. was the

sole member of Remington Arms Company, Inc., the predecessor to Remington Arms Company, LLC. On July 1, 2011, BFI merged with and into Remington Arms Company, LLC under the name of “Remington Arms Company, LLC.”

Thus, BFI does not exist, since its assets and liabilities were merged with and into Remington Arms Company, LLC in 2011. Freedom Group, Inc. is the predecessor to Remington Outdoor Company, Inc. and also no longer exists. Remington Outdoor Company, Inc. is the sole member of FGI Holding Company, LLC, which in turn is the sole member of FGI Operating Company, LLC. FGI Operating Company, LLC is the sole member of Remington Arms Company, LLC.

Remington will produce documents demonstrating the above information, and will produce additional documents under the terms of the Protocol Relating to the Production of Documents and Electronically Stored Information (“ESI Protocol”) to be entered by the Court. Remington reserves the right to object to this request as unduly burdensome under the terms of the ESI Protocol.

- 1.b. Documents concerning the relationship between the Company and Camfour, Inc. and/or Camfour Holding, LLP, including any rebates, financial incentives, co-marketing agreements and other such documents/agreements. Production in response to this Request shall not include bills, bills of lading, purchase orders, sales orders, except for those pertaining to the weapon in issue in this case. The time frame of this interrogatory is from January 1, 2006 to December 14, 2012.

Response: Remington will produce copies of Distributor Agreements to which Remington and Camfour were parties between January 1, 2006 and December 14, 2012. Remington will produce additional documents under the terms of the Protocol Relating to the Production of Documents and Electronically Stored Information to be entered by the Court. Remington reserves the right to object to this request as unduly burdensome under the terms of the ESI Protocol.

2. Documents concerning contractual and/or business relationship(s) between or among the Company and Riverview Sales, Inc. from January 1, 2006 to December 14, 2012.

Response: Remington did not have a “contractual and/or business relationship” with Riverview Sales, Inc. with respect to the rifle involved in the shooting or any other matter.

7. Documents concerning the branding, marketing, and/or sale of AR-15 style rifles as modern sporting rifles during the period January 1, 2006 through December 14, 2012.

Response: Remington will produce documents responsive to this request, some of which contain proprietary commercial information and will produced under the terms of an appropriate protective order. Remington will produce additional documents under the terms of the Protocol Relating to the Production of Documents and Electronically Stored Information (“ESI Protocol”) to be entered by the Court. Remington reserves the right to object to this request as unduly burdensome under the terms of the ESI Protocol.

8. Documents concerning marketing, promotion, promotional strategies, the Company's customer base, the Company's desired customer base, and market research received, obtained and/or created by the Company concerning AR-15 style rifles including but not limited to the Remington/Bushmaster model XM15-E2S, from January 1, 2006 to December 14, 2012.

Response: Remington will produce documents responsive to this request, some of which contain proprietary commercial information and will produced under the terms of an appropriate protective order. Remington will produce additional documents under the terms of the Protocol Relating to the Production of Documents and Electronically Stored Information (“ESI Protocol”) to be entered by the Court. Remington reserves the right to object to this request as unduly burdensome under the terms of the ESI Protocol.

9. Documents, including web site postings, blog postings, and/or any other internet marketing created by or at the behest of the Company or any other defendant in this action concerning AR-15 style rifles use of assault rifles for home defense, suitability of assault rifles as gifts or family guns, and/or appropriate uses of assault rifles, prior to December 14, 2012.

Response: Remington will produce documents responsive to this request, some of which contain proprietary commercial information and will produced under the terms of an appropriate protective order. Remington will produce additional documents under the terms of the Protocol Relating to the Production of Documents and Electronically Stored Information (“ESI Protocol”) to be entered by the Court. Remington reserves the right to object to this request as unduly burdensome under the terms of the ESI Protocol.

10. Documents concerning the use of video games to market and/or promote the sale of AR-15 style rifles including, but not limited to the Remington/Bushmaster model XM15-E2S, from January 1, 2006 to December 14, 2012.

Response: Remington will produce documents responsive to this request, some of which contain proprietary commercial information and confidentiality agreements, and will produced under the terms of an appropriate protective order. Remington will produce additional documents under the terms of the Protocol Relating to the Production of Documents and Electronically Stored Information (“ESI Protocol”) to be entered by the Court. Remington reserves the right to object to this request as unduly burdensome under the terms of the ESI Protocol.

11. Documents concerning the display of AR-15 style rifles in video games, including, but not limited to the Remington/Bushmaster model XM15-E2S, from January 1, 2006 to December 14, 2012.

Response: Remington will produce documents responsive to this request, some of which contain proprietary commercial information and confidentiality agreements, and will produced under the terms of an appropriate protective order. Remington will produce additional documents under the terms of the Protocol Relating to the Production of Documents and Electronically Stored Information (“ESI Protocol”) to be entered by the Court. Remington reserves the right to object to this request as unduly burdensome under the terms of the ESI Protocol.

13. Documents concerning the manner in which AR-15 style rifles including but not limited to the Remington/Bushmaster model XM15-E2S, were used by non-military and non-law enforcement owners prior to December 14, 2012, including but not limited to documents concerning storage, sharing, transfer, gifting, transport and/or re-sale of AR-15 style rifles, any and all other uses of AR-15 style rifles by such owners.

Response: Remington will produce the owner’s manual for the Subject Firearm and documents reflecting safe storage and transport of firearms. Remington will also produce documents concerning the use of AR-15 rifles for hunting, home/self-defense, and shooting sports activities. Remington will produce additional documents under the terms of the Protocol Relating to the Production of Documents and Electronically Stored Information (“ESI Protocol”) to be entered by the Court. Remington reserves the right to object to this request as unduly burdensome under the terms of the ESI Protocol.

14. Documents concerning training and instruction provided to or available to purchasers of AR-15 style rifles including to purchasers of the Remington/Bushmaster model XM15-E2S, prior to December 14, 2012.

Response: Remington will produce the owner's manual for the Subject Firearm and documents reflecting safe storage and transport of firearms. Remington will produce additional documents under the terms of the Protocol Relating to the Production of Documents and Electronically Stored Information ("ESI Protocol") to be entered by the Court. Remington reserves the right to object to this request as unduly burdensome under the terms of the ESI Protocol.

15. Documents concerning the volume of sales of AR-15 style rifles including but not limited to the Remington/Bushmaster model XM15-E2S, by the Company from January 1, 2006 to December 14, 2012.

Response: Remington will produce information reflecting the number of AR-15 semi-automatic firearms manufactured and shipped in the relevant time period under the terms of an appropriate protective order. Remington will produce additional documents under the terms of the Protocol Relating to the Production of Documents and Electronically Stored Information ("ESI Protocol") to be entered by the Court. Remington reserves the right to object to this request as unduly burdensome under the terms of the ESI Protocol.

16. Documents concerning the volume of sales of AR-15 style rifles including but not limited to the Remington/Bushmaster model XM15-E2S, in the industry from January 1, 2006 to December 14, 2012.

Response: Remington states that it does not have access to the proprietary business records of other firearm manufacturers. However, documents in the public domain and equally available to Plaintiffs reflecting firearms industry sales of AR-type semi-automatic firearms will be produced.

18. Documents concerning RIVERVIEW GUN SALES, INC. AKA RIVERVIEW GUN SALES store security, including surveillance procedures during the period of January 1, 2006 to December 14, 2012.

Response: Remington does not possess documents responsive to this request.

19. Documents concerning the particular XM15-E2S sold to Nancy Lanza, and described in Exhibit A attached hereto at page 3, including but not limited to information concerning what component parts went into this firearm, where they were sourced and where and how they were assembled.

Response: Objection. Plaintiffs' request for all "documents concerning...what component parts went into" the "particular XM15-E2S sold to Nancy Lanza" and "where they were sourced and where and how they were assembled" is vague, overly broad and unduly burdensome. Subject to and without waiving these objections, Remington will produce basic design drawings related to the Subject Firearm under the terms of an appropriate protective order, and documents reflecting the manufacture of certain firearm components under a variance approved by the Bureau of Alcohol, Tobacco, Firearms & Explosives.

20. Documents concerning the sale of any firearms to Nancy Lanza or Adam Lanza, including, but not limited to, documents concerning regulatory compliance in connection with such sale.

Response: Remington refers Plaintiffs to the documents identified by Plaintiffs as Exhibit A to their Requests for Production. Remington does not possess any other documents responsive to this request.

21. Documents concerning the federal firearms license held by David LaGuercia, including, but not limited to, information concerning compliance *vel non* by the licensee and/or RIVERVIEW GUN SALES, INC. AKA RIVERVIEW GUN SALES with applicable firearms laws from January 1, 2006 to December 14, 2012.

Response: Remington does not possess documents responsive to this request.

22. Documents concerning any entries in the Company's Acquisition and Disposition Book pertaining to the particular XM15-E25 sold to Nancy Lanza and described in Exhibit A, attached hereto at page 3.

Response: Remington no longer possesses the Acquisition & Distribution Book ("A & D Book") for the federal firearms license under which the Subject Firearm was manufactured and transferred by BFI (Type-10 Manufacturer of Destructive Devices, FFL No. 6-01-005-10-2D-00956). The A & D Book was sent to the ATF Out-of-Business Records Center in Falling Waters, West Virginia when Remington's Windham, Maine manufacturing facility was closed, as required under 18 U.S.C. § 923(g)(4) and 27 C.F.R. § 478.127.

THE DEFENDANTS,

REMINGTON ARMS CO., LLC and
REMINGTON OUTDOOR COMPANY, INC.

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 July 29, 2016 to the following counsel:

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