

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.	:	SEPTEMBER 2, 2016
	:	
Defendants.	:	

REMINGTON’S OBJECTIONS AND RESPONSES TO PLAINTIFFS’ FIRST SET OF REQUESTS FOR ADMISSIONS

Defendants, REMINGTON ARMS COMPANY, LLC and REMINGTON OUTDOOR COMPANY, INC. (“Remington”) object and respond to Plaintiffs’ First Set of Requests for Admission.

DEFINITIONS

1. “The Company” means Remington Outdoor Company, Inc., Remington Arms Company, LLC, and any and all predecessor companies, including but not limited to Remington Arms Company, Inc. and Freedom Group, Inc.

REQUESTS FOR ADMISSIONS

1. In 2010, the Company was licensed as a dealer under a Type 1 Federal Firearms License.

Response: Remington objects to this request because it is compound in form and seeks discovery of irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence. Plaintiffs’ definition of “the Company” includes multiple, legally distinct corporations and limited liability companies, which did not manufacture or sell the firearm used by Adam Lanza in the shooting.

The firearm involved in the shooting was manufactured by Bushmaster Firearms International, LLC (“BFI”) in 2009 at its Windham, Maine location, and shipped

from that location by BFI in 2010. BFI manufactured and shipped the firearm under a Type 10 Manufacturer of Destructive Devices license (FFL No. 6-01-005-10-2D-00956). Whether any other corporation or limited liability company held a Type 01 federal firearms license in 2010 is irrelevant.

Subject to the foregoing and without waiving these objections, Remington denies that BFI was licensed as a dealer under a Type 01 federal firearms license in 2010.

2. Currently, the Company is licensed as a dealer under a Type 1 Federal Firearms License.

Response: Remington objects to this request because it is compound in form and seeks discovery of irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence. Plaintiffs' definition of "the Company" includes multiple, legally distinct corporations and limited liability companies, which did not manufacture or sell the firearm used by Adam Lanza in the shooting.

The firearm involved in the shooting was manufactured by Bushmaster Firearms International, LLC ("BFI") in 2009 at its Windham, Maine location, and shipped from that location by BFI in 2010. BFI manufactured and shipped the firearm under a Type 10 Manufacturer of Destructive Devices license (FFL No. 6-01-005-10-2D-00956). Whether BFI or any other corporation or limited liability company currently holds a Type 01 federal firearms license is irrelevant.

Subject to the foregoing and without waiving these objections, Remington states that BFI was dissolved in 2011, and therefore denies that BFI is currently licensed as a dealer under a Type 01 federal firearms license.

3. In 2010, the Company purchased manufactured firearm parts.

Response: Remington objects to this request because it is compound in form and seeks discovery of irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence. Plaintiffs' definition of "the

Company” includes multiple, legally distinct corporations and limited liability companies, which did not manufacture or sell the firearm used by Adam Lanza in the shooting.

The firearm involved in the shooting was manufactured by Bushmaster Firearms International, LLC (“BFI”) in 2009 at its Windham, Maine location, and shipped from that location by BFI in 2010. BFI manufactured and shipped the firearm under its Type 10 Manufacturer of Destructive Devices license (FFL No. 6-01-005-10-2D-00956). Whether any other corporation or limited liability company purchased manufactured firearm parts in 2010 is irrelevant.

Subject to the foregoing and without waiving these objections, Remington admits that BFI purchased manufactured firearms parts in 2010.

4. Currently, the Company purchases manufactured firearm parts.

Response: Remington objects to this request because it is compound in form and seeks discovery of irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence. Plaintiffs’ definition of “the Company” includes multiple, legally distinct corporations and limited liability companies, which did not manufacture or sell the firearm used by Adam Lanza in the shooting.

The firearm involved in the shooting was manufactured by Bushmaster Firearms International, LLC (“BFI”) in 2009 at its Windham, Maine location, and shipped from that location by BFI in 2010. BFI manufactured and shipped the firearm under a Type 10 Manufacturer of Destructive Devices license (FFL No. 6-01-005-10-2D-00956). Whether BFI or any business entity currently purchases manufactured firearm parts is irrelevant.

Subject to the foregoing and without waiving these objections, Remington states that BFI was dissolved in 2011, and therefore denies that BFI currently purchases manufactured firearm parts.

5. In 2010, the Company sold firearms at wholesale.

Response: Remington objects to this request because it is compound in form and seeks discovery of irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence. Plaintiffs' definition of "the Company" includes multiple, legally distinct corporations and limited liability companies, which did not manufacture or sell the firearm used by Adam Lanza in the shooting.

The firearm involved in the shooting was manufactured by Bushmaster Firearms International, LLC ("BFI") in 2009 at its Windham, Maine location, and shipped from that location by BFI in 2010. BFI manufactured and shipped the firearm under its Type 10 Manufacturer of Destructive Devices license (FFL No. 6-01-005-10-2D-00956). Whether any other corporation or limited liability company sold firearms at wholesale in 2010 is irrelevant.

Remington also objects to this request because "wholesale" is not defined.

Subject to the foregoing and without waiving these objections, Remington denies that BFI sold firearms at wholesale in its federally licensed status as a Type 10 Manufacturer of Destructive Devices in 2010.

6. Currently, the Company sells firearms at wholesale.

Response: Remington objects to this request because it is compound in form and seeks discovery of irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence. Plaintiffs' definition of "the Company" includes multiple, legally distinct corporations and limited liability companies, which did not manufacture or sell the firearm used by Adam Lanza in the shooting.

The firearm involved in the shooting was manufactured by Bushmaster Firearms International, LLC ("BFI") in 2009 at its Windham, Maine location, and shipped from that location by BFI in 2010. BFI manufactured and shipped the firearm

under a Type 10 Manufacturer of Destructive Devices license (FFL No. 6-01-005-10-2D-00956). Whether BFI or any business entity currently purchases manufactured firearm parts is irrelevant.

Remington also objects to this request because “wholesale” is not defined.

Subject to the foregoing and without waiving these objections, Remington states that BFI was dissolved in 2011, and therefore denies that BFI currently sells firearms at wholesale.

7. In 2010, the Company devoted time, attention and labor to the sale of firearms.

Response: Remington objects to this request because it is compound in form and seeks discovery of irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence. Plaintiffs’ definition of “the Company” includes multiple corporations and limited liability companies, and includes multiple business entities that did not manufacture or sell the firearm used by Adam Lanza in the shooting.

The firearm involved in the shooting was manufactured by Bushmaster Firearms International, LLC (“BFI”) in 2009 at its Windham, Maine location, and shipped from that location by BFI in 2010. BFI manufactured and shipped the firearm under its Type 10 Manufacturer of Destructive Devices license (FFL No. 6-01-005-10-2D-00956). BFI was a manufacturer of firearms, and did not devote time, attention and labor to dealing in firearms in 2010. Whether any other corporation or limited liability company devoted time, attention and labor to the sale of firearms in 2010 is irrelevant.

Subject to the foregoing and without waiving these objections, Remington denies that BFI was engaged in the business as a dealer of firearms, and denies that it devoted time, attention and labor to dealing in firearms in 2010. Remington admits that BFI devoted time, attention and labor to the manufacture and sale of

firearms to other federal firearms licensees in its federally licensed status as a Type 10 Manufacturer of Destructive Devices in 2010.

8. Currently, the Company devotes time, attention and labor to the sale of firearms.

Response: Remington objects to this request because it is compound in form and seeks discovery of irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence. Plaintiffs' definition of "the Company" includes multiple, legally distinct corporations and limited liability companies, which did not manufacture or sell the firearm used by Adam Lanza in the shooting.

The firearm involved in the shooting was manufactured by Bushmaster Firearms International, LLC ("BFI") in 2009 at its Windham, Maine location, and shipped from that location by BFI in 2010. BFI manufactured and shipped the firearm under a Type 10 Manufacturer of Destructive Devices license (FFL No. 6-01-005-10-2D-00956). Whether BFI or any business entity currently devotes time, attention and labor to the sale of firearms is irrelevant.

Subject to the foregoing and without waiving these objections, Remington states that BFI was dissolved in 2011, and therefore denies that BFI currently devotes time, attention and labor to the sale of firearms.

9. In 2010, the Company sold firearms as a regular course of trade or business.

Response: Remington objects to this request because it is compound in form and seeks discovery of irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence. Plaintiffs' definition of "the Company" includes multiple, legally distinct corporations and limited liability companies, which did not manufacture or sell the firearm used by Adam Lanza in the shooting.

The firearm involved in the shooting was manufactured by Bushmaster Firearms International, LLC (“BFI”) in 2009 at its Windham, Maine location, and shipped from that location by BFI in 2010. BFI manufactured and shipped the firearm under its Type 10 Manufacturer of Destructive Devices license (FFL No. 6-01-005-10-2D-00956). Whether any other corporation or limited liability company sold firearms as a regular course of trade or business in 2010 is irrelevant.

Subject to the foregoing and without waiving these objections, Remington admits that BFI manufactured and sold firearms as a regular course of trade or business in its federally licensed status as a Type 10 Manufacturer of Destructive Devices in 2010.

10. Currently, the Company sells firearms as a regular course of trade or business.

Response: Remington objects to this request because it is compound in form and seeks discovery of irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence. Plaintiffs’ definition of “the Company” includes multiple, legally distinct corporations and limited liability companies, which did not manufacture or sell the firearm used by Adam Lanza in the shooting.

The firearm involved in the shooting was manufactured by Bushmaster Firearms International, LLC (“BFI”) in 2009 at its Windham, Maine location, and shipped from that location by BFI in 2010. BFI manufactured and shipped the firearm under a Type 10 Manufacturer of Destructive Devices license (FFL No. 6-01-005-10-2D-00956). Whether BFI or any business entity currently sells firearms as a regular course of trade or business irrelevant.

Subject to the foregoing and without waiving these objections, Remington states that BFI was dissolved in 2011, and therefore denies that BFI currently sells firearms as a regular course of trade or business.

11. In 2010, the Company sold firearms with the principal objective of profit.

Response: Remington objects to this request because it is compound in form and seeks discovery of irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence. Plaintiffs’ definition of “the Company” includes multiple, legally distinct corporations and limited liability companies, which did not manufacture or sell the firearm used by Adam Lanza in the shooting.

The firearm involved in the shooting was manufactured by Bushmaster Firearms International, LLC (“BFI”) in 2009 at its Windham, Maine location, and shipped from that location by BFI in 2010. BFI manufactured and shipped the firearm under its Type 10 Manufacturer of Destructive Devices license (FFL No. 6-01-005-10-2D-00956. Whether any other corporation or limited liability company sold firearms with the principal objective of profit in 2010 is irrelevant.

Subject to the foregoing and without waiving these objections, Remington admits that BFI manufactured and sold firearms with an objective of earning a profit from its manufacturing activities in its federally licensed status as a Type 10 Manufacturer of Destructive Devices in 2010.

12. Currently, the Company sells firearms with the principal objective of profit.

Response: Remington objects to this request because it is compound in form and seeks discovery of irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence. Plaintiffs’ definition of “the Company” includes multiple, legally distinct corporations and limited liability companies, which did not manufacture or sell the firearm used by Adam Lanza in the shooting.

The firearm involved in the shooting was manufactured by Bushmaster Firearms International, LLC (“BFI”) in 2009 at its Windham, Maine location, and shipped from that location by BFI in 2010. BFI manufactured and shipped the firearm under a Type 10 Manufacturer of Destructive Devices license (FFL No. 6-01-005-

10-2D-00956). Whether BFI or any business entity currently sells firearms with the principal objective of profit irrelevant.

Subject to the foregoing and without waiving these objections, Remington states that BFI was dissolved in 2011, and therefore denies that BFI currently sells firearms with the principal objective of profit.

13. Bushmaster's XM15-E2S line of rifles and carbines are small caliber, gas operated firearms that are substantially similar to the M16 type rifles and M4 type carbines used by the U.S. Military.

Response: Remington objects to this request because it is compound and vague. "XM15-E2S" is a designation for a lower receiver, which was a component of various firearms manufactured by Bushmaster Firearms International, LLC ("BFI") from 2006 to 2011, many of which had different functional characteristics, including models with selective-fire capability. This request is also vague because "substantially similar" is not defined.

Subject to the foregoing and without waiving these objections, Remington admits that firearms manufactured by BFI with an XM15-E2S lower receiver were small caliber, gas operated firearms. Remington denies that the semiautomatic firearms manufactured by BFI that incorporated an XM15-E2S lower receiver, including the firearm used by Adam Lanza in the shooting, were similar in design and function to the M16 and M4 rifles used by the United States military, which were designed and produced using proprietary technical specifications owned by Colt.

14. Since 1991, Bushmaster has continuously used the term M4 in its advertising in connection with the sale of its XM15-E2S firearms.

Response: Remington objects to this request because it is compound, vague and overly broad. "XM15-E2S" is a designation for a lower receiver, which was a component of various firearms manufactured by BFI, many of which have different functional characteristics, including models with selective-fire capability. Remington also objects to this request because "continuously" is not defined.

Subject to the foregoing and without waiving these objections, Remington cannot admit or deny the entirety of this request because, on reasonable inquiry, the information known or readily available to Remington is insufficient to enable it to admit or deny the request. BFI acquired the assets of Bushmaster Firearms, Inc. in 2006. BFI was merged into Remington Arms Company, LLC in 2011. Remington does not presently possess all Bushmaster Firearms, Inc. advertising materials dating back to 1991. Remington admits that BFI used “M4-type” in connection with the promotion of certain firearms incorporating XM15-E2S lower receivers from 2006 until its merger into Remington Arms Company, LLC in 2011. Remington denies that BFI used “M-4” to describe its products in advertising materials.

THE DEFENDANTS,

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

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

Jonathan P. Whitcomb
Scott M. Harrington
DISERIO MARTIN O'CONNOR &
CASTIGLIONI LLP #102036
One Atlantic Street
Stamford, CT 06901
(203) 358-0800
jwhitcomb@dmoc.com
sharrington@dmoc.com

James B. Vogts (pro hac vice #437445)
Andrew A. Lothson (pro hac vice #437444)
SWANSON, MARTIN & BELL, LLP
330 North Wabash, Suite 3300
Chicago, IL 60611
(312) 321-9100
jvogts@smbtrials.com
alothson@smbtrials.com

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was mailed on September 2, 2016 to the following counsel:

Koskoff Koskoff & Bieder, PC
350 Fairfield Avenue
Bridgeport, CT 06604
jkoskoff@koskoff.com
asterling@koskoff.com
khage@koskoff.com

Renzulli Law Firm LLP
81 Main Street
Suite 508
White Plains, NY 10601
crenzulli@renzullilaw.com
sallan@renzullilaw.com

Peter M. Berry, Esq.
Berry Law LLC
107 Old Windsor Road, 2nd Floor
Bloomfield, CT 06002
firm@berrylawllc.com

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