

1 THE ST. PETER LAW GROUP
MICHAEL ST. PETER (State Bar #042119)
2 Three Embarcadero Center, Suite 2900
San Francisco, CA 94111
3 Telephone No. (415) 955-0700

4 Attorneys for Defendant
Colt's Manufacturing Company, Inc.
5

6 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
7 **IN AND FOR THE COUNTY OF SAN FRANCISCO**
8 **UNLIMITED CIVIL JURISDICTION**

9 THE PEOPLE OF THE STATE OF

10 CALIFORNIA, et al.,

11 Plaintiffs,

12 v.

13 ARCADIA MACHINE & TOOL, et al.,

14 Defendants.

Case No.: 303753

**SUPPLEMENTAL RESPONSE OF
DEFENDANT COLT'S
MANUFACTURING COMPANY TO
PLAINTIFFS' REQUESTS FOR
PRODUCTION OF DOCUMENTS NOS.
6, 13, 25, 36, 38, 41, 45 AND 56**

15
16 PROPOUNDING PARTY: Plaintiffs The People of the State of California, et al.

17 RESPONDING PARTY: Defendant Colt's Manufacturing Company, Inc..

18 SET NUMBER: One (1) (Request for Production of Documents)
19

20 Pursuant to California Code of Civil Procedure Section 2031, Defendant Colt's
21 Manufacturing Company, Inc. ("Colt") files this supplemental response to plaintiffs' requests for
22 production of documents.

23
24 **I. GENERAL OBJECTIONS**

25 Colt makes the following general objections to plaintiffs' requests for production
26 of documents. The general objections set forth below are incorporated into each of Colt's
27 objections to plaintiffs' specific requests unless otherwise specifically indicated.
28

2/15

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

A. Previous Objections Incorporated

Colt hereby incorporates by reference the general objections set forth in its original responses to plaintiffs' requests for production of documents, served on November 8, 1999, as if set forth fully herein.

2. Colt's Supplemental Responses are Made Pursuant to Agreements Between the Parties

Colt is serving these supplemental responses pursuant to what it understood to be the agreements reached between the parties and in the spirit of advancing discovery among the parties through voluntary cooperation. Colt expects plaintiffs to join in this cooperative effort. Additionally, Colt states its offers to make available documents that relate to the subject matter of this litigation and plaintiffs' requests for production are based on a reasonable review of its documents and files, consistent with Colt's obligations under the California Code of Civil Procedure.

C. Document Depository

Dozens of municipalities and other entities have commenced numerous lawsuits across the country against Colt, other firearm manufacturers, and other entities. Requiring Colt to produce documents separately in response to each and every document request in each and every one of these pending cases would place an enormous burden upon Colt.

Therefore, Colt will be completing shortly the creation of a document depository in Hartford, Connecticut (the "depository"). Colt is making a good faith attempt, consistent with its obligations under the California Code of Civil Procedure, to seek out and produce to the depository documents that may be relevant in this litigation. Colt will continue to supplement the depository, as necessary, as relevant issues in this litigation are identified and/or newly

1 discovered documents become available. The depository will contain a reading room to be used
2 to inspect the documents. The documents at the depository will be kept as they are maintained in
3 the ordinary course of business. A file-level index will be available to assist those inspecting the
4 documents. It is anticipated that copies of requests for large volumes of documents can be filled
5 within one week to ten days. Reasonable arrangements to access the depository may be made by
6 contacting counsel for Colt.
7

8 **II. SUPPLEMENTAL RESPONSES TO SPECIFIC REQUESTS**

9 **REQUEST NO. 6:**

10
11 ALL ADVERTISEMENTS for ANY FIREARM manufactured by YOU.
12

13 **ORIGINAL RESPONSE:**

14 Colt objects to this request to the extent it seeks documents pertaining to COLT
15 brand firearms in commerce before September 16, 1994 and/or documents dated or created
16 before March 22, 1990. (See paragraph I.D., supra.) Colt objects to this request on the grounds
17 that it is overly broad, unduly burdensome, and seeks documents that are neither relevant nor
18 reasonably calculated to lead to the discovery of admissible evidence because, among other
19 things, it is not limited to documents that have some potential bearing on the issues in this case.
20 Colt objects to this request to the extent that it is not limited to the national, commercial firearms
21 market and seeks documents related to, inter alia, sales to military, international or law
22 enforcement entities. (See paragraph I.F., supra.)
23

24 **SUPPLEMENTAL RESPONSE:**

25
26 Subject to and without waiving its objections and subject to the agreements
27 reached among counsel, Colt states that copies of Colt's published and draft advertisements are
28

1 being produced to the depository and will be available to the plaintiffs for inspection and
2 copying upon request.

3 **REQUEST NO. 13:**

4
5 ALL DOCUMENTS, including, but not limited to, contracts, that IDENTIFY
6 ANY DISTRIBUTOR, DEALER, RETAILER OR SELLER to whom YOU sell FIREARMS.
7

8 **ORIGINAL RESPONSE:**

9 Colt objects to this request to the extent it seeks documents pertaining to COLT
10 brand firearms in commerce before September 16, 1994 and/or documents dated or created
11 before March 22, 1990. (See paragraph I.D., supra.) Colt objects to this request on the grounds
12 that it is overly broad, unduly burdensome, and seeks documents that are neither relevant nor
13 reasonably calculated to lead to the discovery of admissible evidence because, among other
14 things, it is not limited to documents that have some potential bearing on the issues in this case.
15 For example, by seeking "all documents" that "identify any distributor, dealer, retailer or seller,"
16 this request, as written, would encompass any document that contained the name of any Colt
17 distributor, dealer, retailer or seller, regardless of the content or context of the document. Colt
18 also objects to this request as duplicative of Request No. 19. Colt objects to this request to the
19 extent that it is not limited to the national, commercial firearms market and seeks documents
20 related to, inter alia, sales and/or distribution to military, international or law enforcement
21 entities. (See paragraph I.F., supra.) Colt further objects to this request to the extent it seeks
22 documents that are confidential, and/or privileged or protected. (See paragraph I.B., supra.)
23
24
25
26
27
28

1 **SUPPLEMENTAL RESPONSE:**

2 Subject to and without waiving its objections and subject to the agreements
3 reached among counsel, Colt states that copies of distributor agreements are being produced to
4 the depository and will be available to the plaintiffs for inspection and copying upon request.
5

6 **REQUEST NO. 25:**

7
8 ALL DOCUMENTS that CONSTITUTE, REFLECT, REFER to, OR RELATE
9 to ANY COMMUNICATIONS between YOU and ANY FIREARMS trade organization,
10 including, but not limited to, the American Shooting Sports Council, Inc., the Hunting and
11 Shooting Sports Heritage Fund, the National Alliance of Stocking Gun Dealers, the National
12 Rifle Association, the National Shooting Sports Foundation, Inc., AND the Sporting Arms AND
13 Ammunition Manufacturers' Institute, Inc.

14 **ORIGINAL RESPONSE:**

15 Colt objects to this request to the extent it seeks documents pertaining to COLT
16 brand firearms in commerce before September 16, 1994 and/or documents dated or created
17 before March 22, 1990. (See paragraph I.D., supra.) Colt objects to this request on the grounds
18 that it is vague and ambiguous (e.g., in its use of the term "trade organization"), overly broad,
19 unduly burdensome, and seeks documents that are neither relevant nor reasonably calculated to
20 lead to the discovery of admissible evidence because, among other things, it is not limited to
21 documents that have some potential bearing on the issues in this case. Colt objects to this
22 request to the extent it seeks documents created in the exercise of Colt's First Amendment rights
23 to freedom of speech, freedom of assembly, and to petition the government for redress of
24 grievances. (See paragraph I.E., supra.) Colt further objects to this request to the extent that it
25 seeks confidential, and/or privileged or protected documents. (See paragraph I.B., supra.)
26
27
28

1 **SUPPLEMENTAL RESPONSE:**

2 Subject to and without waiving its objections and subject to the agreements
3 reached among counsel, Colt states that copies of documents that discuss or refer to
4 communications between Colt and any firearm industry trade association are being produced to
5 the depository and will be available to the plaintiffs for inspection and copying upon request.
6

7 **REQUEST NO. 36:**

8
9 ALL DOCUMENTS that REFLECT, REFER to, OR RELATE to the safe use
10 AND storage of FIREARMS, including, but not limited to, DOCUMENTS regarding
11 CHAMBER LOADED INDICATORS, MAGAZINE DISCONNECT SAFETIES,
12 PERSONALIZED GUN SYSTEMS, SAFETY DESIGNS, SAFETY DEVICES, AND SECURE
13 GUN STORAGE DEVICES.
14

15 **ORIGINAL RESPONSE:**

16 Colt objects to this request to the extent it seeks documents pertaining to COLT
17 brand firearms in commerce before September 16, 1994 and/or documents dated or created
18 before March 22, 1990. (See paragraph I.D., supra.) Colt objects to this request on the grounds
19 that it is overly broad, unduly burdensome, and seeks documents that are neither relevant nor
20 reasonably calculated to lead to the discovery of admissible evidence because, among other
21 things, it is not limited to documents that have some potential bearing on the issues in this case.
22 Colt further objects to this request to the extent it seeks documents that are confidential, and/or
23 privileged or protected. (See paragraph I.B., supra.)
24

25 **SUPPLEMENTAL RESPONSE:**

26 Subject to and without waiving its objections and subject to the agreements
27 reached among counsel, Colt states that copies of documents that discuss or refer to the safe use
28

1 and storage of firearms and firearm safety devices, including Colt firearm manuals, other product
2 warnings given by Colt, and documents that discuss or refer to research, development, testing,
3 marketing, and distribution of firearm safety devices, are being produced to the depository and
4 will be available to the plaintiffs for inspection and copying upon request.

5 **REQUEST NO. 38:**
6

7
8 ALL DOCUMENTS that CONSTITUTE, REFLECT, REFER to, OR RELATE
9 to ANY injuries or deaths caused by the use of ANY FIREARM manufactured by YOU.

10 **ORIGINAL RESPONSE:**
11

12 Colt objects to this request to the extent it seeks documents pertaining to COLT
13 brand firearms in commerce before September 16, 1994 and/or documents dated or created
14 before March 22, 1990. (See paragraph I.D., supra.) Colt objects to this request on the grounds
15 that it is overly broad, unduly burdensome, not limited in time and scope, and seeks documents
16 that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence
17 because, among other things, it is not limited to documents that have some potential bearing on
18 the issues in this case. For example, this request as written would compel Colt to provide
19 documents on every injury or death caused during a war or other military action involving the
20 use of a Colt M-16 or other military weapons. Colt objects to this request to the extent that it is
21 not limited to the national, commercial firearms market and seeks documents related to, inter
22 alia, sales to military, international or law enforcement entities. (See paragraph I.F., supra.) Colt
23 further objects to this request to the extent it seeks documents that are confidential, and/or
24 privileged or protected. (See paragraph I.B., supra.)
25
26
27
28

1 **SUPPLEMENTAL RESPONSE:**

2 Subject to and without waiving its objections and subject to the agreements
3 reached among counsel, Colt states that following a review of its files, Colt is aware of the
4 following claims or complaints (lawsuits) relating to injuries or deaths in California:

- 5 1. Guy Capone v. The Beverly Hills Gun Club and Rifle Range, Colt Industries, Inc., and
6 Does 1-100, inclusive, Court No. SC 041 570, Superior Court of the State of California,
7 County of Los Angeles. The claims against Colt were dismissed with prejudice
- 8 2. On January 6, 1998, Colt received a claim from the Chief James M. Bray and
9 Rangemaster Officer Kevin B. Fowles of the Kensington, California Police Department,
10 claiming that on December 31, 1997, an off-duty police officer accidentally discharged
11 his COLT 1911 MODEL "O" pistol (Serial No. C174812) while in its holster, resulting in
12 a hand injury. After analysis of the firearm, no further action was pursued. No lawsuit
13 was filed.

14 Colt further states that copies of Complaints, Answers, and discovery responses in cases in which
15 Colt was a party that involved issues similar or related to the issues in this litigation are being
16 produced to the depository and will be available to the plaintiffs for inspection and copying upon
17 request.

18 **REQUEST NO. 41:**

19 ALL DOCUMENTS that REFLECT, REFER to, OR RELATE to the
20 SECONDARY MARKET for FIREARMS.

21
22 **ORIGINAL RESPONSE:**

23 Colt objects to this request to the extent it seeks documents pertaining to COLT
24 brand firearms in commerce before September 16, 1994 and/or documents dated or created
25 before March 22, 1990. (See paragraph I.D., supra.) Colt objects to this request on the grounds
26 that it is overly broad and unduly burdensome (e.g., by defining "secondary market" as "any sale,
27 transfer, or trade of a firearm in which the manufacturer of the firearm is not a party"), and seeks
28

1 documents that are neither relevant nor reasonably calculated to lead to the discovery of
2 admissible evidence because, among other things, it is not limited to documents that have some
3 potential bearing on the issues in this case. Colt also objects to this request as duplicative of
4 Request No. 22 and No. 30. Colt further objects to this request to the extent that it seeks
5 confidential, and/or privileged or protected documents. (See paragraph I.B., supra.)
6

7 **SUPPLEMENTAL RESPONSE:**

8 Subject to and without waiving its objections and subject to the agreements
9 reached among counsel, Colt states that while it denies participation in any illegal "secondary
10 market" for firearms, copies of documents, if any, that discuss or refer to any illegal sales (such
11 as "straw" purchases) of COLT brand firearms are being produced to the depository and will be
12 available to the plaintiffs for inspection and copying upon request.
13

14 **REQUEST NO. 45:**

15 ALL DOCUMENTS that REFLECT, REFER to, OR RELATE to YOUR
16 marketing of FIREARMS.
17

18 **ORIGINAL RESPONSE:**

19 Colt objects to this request to the extent it seeks documents pertaining to COLT
20 brand firearms in commerce before September 16, 1994 and/or documents dated or created
21 before March 22, 1990. (See paragraph I.D., supra.) Colt objects to this request on the grounds
22 that it is overly broad, unduly burdensome, and seeks documents that are neither relevant nor
23 reasonably calculated to lead to the discovery of admissible evidence because, among other
24 things, it is not limited to documents that have some potential bearing on the issues in this case.
25 Colt also objects to this request to the extent that it is not limited to the national, commercial
26 firearms market and seeks documents related to, inter alia, sales, marketing and/or distribution to
27
28

1 military, law enforcement or international entities. (See paragraph I.F., supra.) Colt also objects
2 to this request as unduly burdensome as it is duplicative of Request No. 22. Colt further objects
3 to this request to the extent it seeks documents that are confidential, and/or privileged or
4 protected. (See paragraph I.B., supra.)

5 **SUPPLEMENTAL RESPONSE:**

6
7 Subject to and without waiving its objections and subject to the agreements
8 reached among counsel, Colt states that copies of documents that discuss or refer to marketing,
9 advertising, and sales strategy for the sale of COLT brand firearms are being produced to the
10 depository and will be available to the plaintiffs for inspection and copying upon request.

11 **REQUEST NO. 46:**

12
13 ALL DOCUMENTS that REFLECT, REFER to, OR RELATE to ANY
14 distribution agreement for the sale of FIREARMS, including, but not limited to, ANY agreement
15 to sell, transfer, trade, OR supply any FIREARM manufactured by YOU.

16 **ORIGINAL RESPONSE:**

17 Colt objects to this request to the extent it seeks documents pertaining to COLT
18 brand firearms in commerce before September 16, 1994 and/or documents dated or created
19 before March 22, 1990. (See paragraph I.D., supra.) Colt objects to this request on the grounds
20 that it is overly broad, unduly burdensome, and seeks documents that are neither relevant nor
21 reasonably calculated to lead to the discovery of admissible evidence because, among other
22 things, it is not limited to documents that have some potential bearing on the issues in this case.
23 Colt objects to this request to the extent that it is not limited to the national, commercial firearms
24 market and seeks documents related to, inter alia, sales to military, international or law
25 enforcement entities. (See paragraph I.F., supra.) Colt also objects to this request as duplicative
26
27
28

1 of Request No. 22. Colt further objects to this request to the extent it seeks documents that are
2 confidential, and/or privileged or protected. (See paragraph I.B., supra.)

3 **SUPPLEMENTAL RESPONSE:**

4 Subject to and without waiving its objections and subject to the agreements
5 reached among counsel, Colt states that copies of distributor agreements and other documents
6 that discuss or refer to agreements for the distribution of COLT brand firearms are being
7 produced to the depository and will be available to the plaintiffs for inspection and copying upon
8 request.

9
10 **REQUEST NO. 56:**

11
12 ALL DOCUMENTS that CONSTITUTE, REFLECT, REFER to, OR RELATE
13 to ANY method of distribution of ANY FIREARM manufactured by YOU, including, but not
14 limited to, POLICIES regarding the DISTRIBUTORS, DEALERS, RETAILERS, AND
15 SELLERS to whom YOU supply ANY FIREARM manufactured by YOU AND POLICIES
16 regarding the number of FIREARMS YOU furnish to ANY DISTRIBUTOR, DEALER,
17 RETAILER, OR SELLER.

18
19 **ORIGINAL RESPONSE:**

20 Colt objects to this request to the extent it seeks documents pertaining to COLT
21 brand firearms in commerce before September 16, 1994 and/or documents dated or created
22 before March 22, 1990. (See paragraph I.D., supra.) Colt objects to this request on the grounds
23 that it is overly broad, unduly burdensome, and seeks documents that are neither relevant nor
24 reasonably calculated to lead to the discovery of admissible evidence because, among other
25 things, it is not limited to Colt or COLT brand firearms or to documents that have some potential
26 bearing on the issues in this case. Colt objects to this request to the extent that it is not limited to
27
28

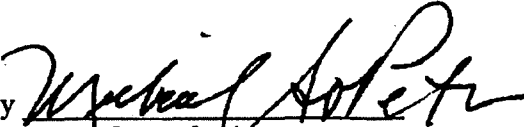
1 the national, commercial firearms market and seeks documents related to, inter alia, sales to
2 military, international or law enforcement entities. (See paragraph I.F., supra.) Colt also objects
3 to this request as unduly burdensome as it is duplicative of Request No. 19 and No. 22. Colt
4 further objects to this request to the extent it seeks documents that are confidential, and/or
5 privileged or protected. (See paragraph I.B., supra.)
6

7 **SUPPLEMENTAL RESPONSE:**

8 Subject to and without waiving its objections and subject to the agreements
9 reached among counsel, Colt states that copies of distributor agreements, correspondence with
10 distributors, and other documents that discuss or refer to Colt's policies regarding the distribution
11 of COLT brand firearms are being produced to the depository and will be available to the
12 plaintiffs for inspection and copying upon request.
13

14 Dated: February 15, 2000

THE ST. PETER LAW GROUP

15
16 By 
17 Attorneys for Defendant
Colt's Manufacturing Company, Inc.
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I, Margaret R. Peterson, declare:

I am employed in the City and County of San Francisco; I am over the age of 18 years and not a party to the within action; my business address is Three Embarcadero Center, Suite 2900, San Francisco, CA 94111. I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

On 2-15-00, I served the following documents(s):


Defendant Colt's Manufacturing Company's Supplemental Response to Plaintiffs' Requests For Production of Documents, Set 1

in the following manner:

- MAIL by placing a true copy(ies) thereof in a sealed envelope(s) in the outgoing mail tray located in my office for deposit in the United States mail, with postage fully prepared, addressed as shown below. I am readily familiar with the business practice at my place of business for collection and processing of outgoing mail with the U.S. Postal Service. Mail so collected and processed is deposited with the U.S. Postal Service that same day in the ordinary course of business.
- PERSONAL SERVICE: by requesting a messenger service to hand delivery the same in an envelope(s) addressed as shown below.

See Attached List

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on 2-15-00 at San Francisco, California.



Margaret R. Peterson

COMPLETE LIST OF PLAINTIFFS' COUNSEL/FULL ADDRESSES

Louise H. Renne, Esq.
San Francisco City Attorneys Office
Fox Plaza
1390 Market Street, 6th Floor
San Francisco, CA 94102-5408

Michael J. Dowd, Esq.
Milberg Weiss Bershad Hynes & Lerach, LLP
600 West Broadway, Suite 1800
San Diego, CA 92101

Patrick J. Coughlin, Esq.
Milberg Weiss Bershad Hynes & Lerach, LLP
100 Pine Street, Suite 2600
San Francisco, CA 94111

Richard M. Heimann, Esq.
Lieff, Cabraser, Heimann & Bernstein, LLP
Embarcadero Center West
275 Battery Street, 30th Fl.
San Francisco, CA 94111-3999

Alan M. Caplan, Esq.
Bushnell, Caplan & Fielding, LLP
221 Pine Street, Suite 600
San Francisco, CA 94104-2715

Dennis A. Henigan, Esq.
Center to Prevent Handgun Violence
1225 Eye Street, N.W., Suite 1100
Washington, D.C. 20005

Jonathan d. McCue, Esq.
McCue & McCue
600 West Broadway, Suite 930
San Diego, CA 92101

Richard S. Lewis, Esq.
Cohen Milstein Hausfeld & Toll, PLLC.
1100 New York Ave., N.W., Suite 500
Washington, D.C. 20005

Lloyd W. Pellman, Esq.
Los Angeles County counsel
500 West Temple St., #648
Los Angeles, CA 90012

James K. Hahn, Esq.
City Attorneys Office
1600 City Hall East
200 N. Main Street
Los Angeles, CA 90012

Samuel L. Jackson, Esq.
Sacramento City Attorneys Office
980 9th St., 10th Floor
Sacramento, CA 95814

Manuela Albuquerque, Esq.
Berkeley City Attorneys Office
1947 Center St., 1st Floor
Berkeley, CA 94704

Thomas F. Casey, III, Esq.
Office of the San Mateo County Counsel
400 County Center
Redwood City, CA 94063

Richard E. Winnie
Alameda County Counsel
1221 Oak Street, Room 463
Oakland, CA 94612-4296

Kristen Thorsness, Esq.
Office of Alameda County Counsel
1221 Oak Street, Room 463
Oakland, CA 94612-4296

Jayne W. Williams, Esq.
Oakland City Attorneys Office
One Frank Ogawa Plaza, 6th Floor
Oakland, CA 94612

Michael S. Lawson, Esq.
Thompson, Lawson LLP
East Palo Alto City Attorney
1600 Broadway, Suite 250
Oakland, CA 94612

David Kairys, Esq.
1719 North Broad Street
Philadelphia, PA 19122

Sayre Weaver, Esq.
Richards, Watson & Gershon
P. O. Box 1059
Brea, CA 92822-1059

Charles E. Dickerson II, Esq.
City Attorneys Office
One Manchester Blvd., #860
Inglewood, CA 90301

Legrand H. Clegg II, Esq.
City Attorneys Office
205 South Willowbrook Avenue
Compton, CA 90220

Michael Jenkins, Esq.
City Attorneys Office (West Hollywood)
333 South Hope St., 38th Fl.
Los Angeles, CA 90071