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A Partnership Including  
Professional Corporations

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**FOR THE COUNTY OF SAN DIEGO**

Coordination Proceedings

Special Title (rule 1550 (b) ),

**FIREARMS CASES**

Including actions:

People, et al. v. Arcadia Machine &  
Tool, et al.

People, et al. v. Arcadia Machine &  
Tool, Inc., et al.

People, et al. v. Arcadia Machine &  
Tool, Inc., et al.

) JCCP NO. 4095

)

) DECLARATION OF MORGAN P.

) RUECKERT IN SUPPORT OF COLT'S

) MANUFACTURING CO., INC.'S EX

) PARTE MOTION FOR A PROTECTIVE

) ORDER RE DOCUMENT PRODUCTION

) BY COLT

)

) San Francisco Superior Court No. 303753

)

) Los Angeles Superior Court No. BC 210894

)

) Los Angeles Superior Court No. BC 214794

)

) Date: December 19, 2000

) Time: 8:30 a.m.

) Place: Dept. 65

Morgan P. Rueckert deposes and states as follows:

1. My name is Morgan P. Rueckert. I am an associate with the law firm of Shipman & Goodwin LLP ("Shipman"), which serves as local counsel to defendant Colt's Manufacturing Company, Inc. ("Colt") in several lawsuits filed against the firearms industry by various municipalities ("Firearm Lawsuits"). I submit this declaration in support of Colt's Motion for Protective Order regarding its document depository.

2. I have personal knowledge of the facts set forth herein and, if called and sworn as a witness, I could and would testify competently with respect thereto.

CREATION OF COLT DEPOSITORY

3. I was involved in the creation of Colt's document depository located in Hartford, Connecticut (the "Colt Depository"). Other individuals involved in creating the document depository included attorneys and staff from Shipman, attorneys from Jones, Day, Reavis & Pogue ("Jones Day"), as well as several interns and attorneys employed on a contractual basis for the project. In sum, the personnel working on the document depository project included fourteen attorneys, five summer associate/intern employees, five paralegals and two copy personnel employees.

4. Creation of the Colt Depository began in July 1999. Attorneys established the procedures for creation of the Colt Depository, which included file and document review procedures and categories of includable documents. The categories of documents that should be included in the depository are broadly defined based on, *inter alia*, anticipated potential discovery requests and issues.

5. Creation of the Colt Document Depository can be broken into the following four phases:

- Phase I: This phase included identifying and screening file cabinets, file shelves and boxes for files that reasonably may contain documents within the scope of one or more of the listed categories and listing those file cabinets, file shelves and boxes for review;
- Phase II: This phase included reviewing files from the identified file cabinets, file shelves and boxes and tagging for copying documents that fell within one or more of the listed categories;
- Phase III: This phase included creating a searchable file-level index and making an initial determination whether any of the documents were privileged or protected; and
- Phase IV: This phase included reviewing the documents initially determined to be privileged or protected, deciding whether the documents were privileged or protected, removing and marking the documents appropriately, and creating a privilege log.

Multiple quality-control procedures and multi-level reviews were implemented to reasonably insure the quality of the file and document selection process and privilege and protection determinations.

6. In Phase I, steps were taken to determine the universe of Colt files to be reviewed for potentially includable documents. Colt facilities were visited, Colt employees were interviewed, current Colt file cabinets, file shelves and boxes of files were examined, and lists of Colt archived records were reviewed. Based on this analysis, file drawers, file shelves and boxes of files containing potentially includable documents were identified at Colt's administrative buildings ("On-Site") in West Hartford, Connecticut, at various off-site employee offices ("Off-Site") and at the Iron Mountain records storage facility ("Iron Mountain") in East Hartford, Connecticut. As a result, approximately 225 file cabinets and shelves and 230 boxes of documents were included in the document review and collection effort.

7. In Phase II, On-Site files to be reviewed were pulled from their original locations in file shelves or file cabinets and/or drawers, placed in boxes, and delivered to a room designated for the document review. Iron Mountain files to be reviewed were ordered from the facility on a rolling basis and delivered to the same review room in their original boxes. Off-Site files were reviewed by visiting the locations of the files. Lawyers then

reviewed the documents contained in the identified files and tagged documents includable in one or more of the listed categories. Copy personnel then copied the tagged documents, the files in which the tagged documents resided, and the file cover sheets created by the reviewing personnel.

8. In Phase III, lawyers reviewing the files and documents created a file-level index and made an initial determination whether the documents were privileged or protected. The file-level index resides in a searchable computer database that can be made available to plaintiffs and includes such information as file name, date range, document types and issue numbers corresponding to the listed categories. After copying, the original files or boxes were returned to their respective On-Site and Iron Mountain locations. The copies were placed into new file folders and boxes were numbered according to depository protocol. The integrity of the original file structure was not altered and the files were not mixed within new folders.

9. In Phase IV, the documents initially determined to be privileged or protected were reviewed again by a team of lawyers to determine whether they were privileged or protected and, if so, the lawyers removed the documents and, where appropriate, created an entry for inclusion on a privilege log.

10. The following quality control measures, among others, were deployed throughout the project:

- a. A second "walk-through" of Colt's facilities and a random check of files were conducted to insure that all files containing documents within the scope of the listed categories were included in the review process during Phase I;
- b. Where possible, the file and document review during Phases II and III took place in one work space, thereby encouraging an open discussion of questions and issues that arose during the course of the review;
- c. A quality-control review of each box of files containing documents tagged for copying was undertaken during Phase II;
- d. A second review of every third file in each box containing one or more privileged or protected documents was undertaken during Phase III; and
- e. A second level of review of all documents designated as privileged or protected and a final review sign-off were undertaken with respect to all privileged and protected documents during Phase IV.

#### VOLUME OF COLT DOCUMENTS

11. Through November 30, 2000, the personnel involved in creating the document depository have worked in excess of an estimated 6,000 hours on the project. The depository contains in excess of 135 boxes of documents.

12. Pursuant to its obligations under various applicable rules of civil procedure, Colt is engaging in an ongoing review and evaluation of documents for inclusion in its document depository, subject to the same procedures and protocol outlined above.

13. In addition to the above documents, Colt also has available in West Hartford, Connecticut, form and repetitive documents that, by reason of their volume and organization, did not need to be re-copied and placed physically in the depository. These documents include purchase orders, design drawings, shipping documents and similar voluminous repetitive documents. It is estimated that the volume of these documents exceeds 500,000 pages. Upon request, Colt will make these documents available to plaintiffs at the depository in Hartford, Connecticut, if not otherwise objectionable, pursuant to applicable protective orders and privileges.

#### COST OF COPYING AND SHIPPING DEPOSITORY

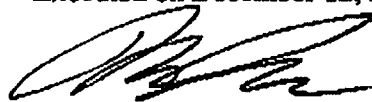
14. Based on the number of documents in the depository and the current copying costs at an average copy facility in the Hartford, Connecticut area, the estimated cost of copying the documents physically contained in the depository is in excess of \$45,000. If all documents, including form and repetitive documents, are included, the cost would be in excess of \$120,000. These cost estimates do not include costs associated with the personnel needed to oversee and administer the copying and file preparation and restoration process. Finally, the estimated cost of shipping the entire depository from Hartford, Connecticut to Washington, D.C. using an average delivery service is between \$1,500 and \$3,000, depending on the volume of documents included.

15. Because a confidentiality order had not been entered in any of the Firearm Lawsuits until recently, confidential documents were not identified or labeled. It was determined to be most cost effective for that review to take place as documents are selected for copying by plaintiffs, e.g., pursuant to paragraph 4 of the California Protective Order. If the entirety of the depository is to be copied and sent to plaintiffs, that review must take place now and include all documents in the depository. Given the level of staffing that has been devoted to the depository project in the past, it is my estimate that it would take at least two months and approximately 1,000 hours to do a complete confidentiality review of the documents physically located in the Colt Depository and mark these documents in accordance with the California Protective Order.



I declare under penalty of perjury under the laws of the State of California that  
the foregoing is true and correct to the best of my knowledge and belief.

Executed on December 12, 2000.



Morgan P. Rueckert

State of Connecticut

County of Hartford

City of Hartford

Subscribed and sworn to before me  
this 12th day of December, 2000.



NOTARY PUBLIC

DEANNA L. ALVAREZ  
NOTARY PUBLIC  
MY COMMISSION EXPIRES MAR. 31, 2002