

EXHIBIT 10

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

CALEB BARNETT, et al.,)
)
Plaintiffs,)
) Case No.
-vs-) 3:23-cv-209-SPM
)
KWAME RAOUL, et al.,)
)
Defendants.)
-----)
DIANE HARREL, et al.,)
)
Plaintiffs,)
) Case No.
-vs-) 3:23-cv-141-SPM
)
KWAME RAOUL, et al.,)
)
Defendants.)
-----)
JEREMY W. LANGLEY, et al.,)
)
Plaintiffs,)
) Case No.
-vs-) 3:23-cv-192-SPM
)
BRENDAN KELLY, et al.,)
)
Defendants.)
-----)
FEDERAL FIREARMS LICENSEES OF)
ILLINOIS, et al.,)
)
Plaintiffs,)
) Case No.
-vs-) 3:23-cv-215-SPM
)
JAY ROBERT "JB" PRITZKER, et)
al.,)
)
Defendants.)

VIDEOCONFERENCE DEPOSITION OF JAMES RONKAINEN
August 2, 2024

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13 Defendants.
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NOTE: Exhibits were provided for inclusion with deposition transcripts.

1 THE REPORTER: Before we proceed, I will
2 ask all counsel to agree on the record that there
3 is no objection to this Certified Shorthand
4 Reporter administering a binding oath to the
5 witness remotely.

6 Will all counsel state their agreement
7 on the record, please.

8 MS. HELFRICH: No objection.

9 MR. LOTHSON: No objection.

10 MR. MAAG: No objection.

11 MR. BRADY: No objection.

12 MR. SIGALE: No objection.

13 (Whereupon the witness was
14 duly sworn.)

15 THE REPORTER: Thank you.

16 Please proceed.

17 MS. HELFRICH: Thank you.

18 JAMES RONKAINEN
19 witness herein, called for examination, having been
20 first duly sworn via videoconference, was examined
21 and testified as follows:

22 EXAMINATION

23 BY MS. HELFRICH:

24 Q Good morning, Mr. Ronkainen. Thank you

1 for being here today.

2 I'm Gretchen Helfrich. I'm an
3 attorney with the Office of the Illinois Attorney
4 General, and I'm going to be taking your deposition
5 today.

6 A Okay.

7 Q I represent the State defendants,
8 Governor Pritzker, Attorney General Raoul, and
9 Director Kelly of the ISP.

10 So I understand you've given
11 depositions many times before; is that right?

12 A I have given depositions previously as an
13 expert, as a corporate witness, and as a fact
14 witness.

15 Q Now, have you given a deposition by Zoom?

16 A No, ma'am. This is my first time.

17 Q Okay. Well, as you probably know from
18 all of those depositions, I'm going to start by
19 going over some ground rules, and there will be
20 some extras that apply to Zoom specifically.

21 A Okay.

22 Q So as you know you are, and I remind you,
23 you are testifying under oath today. Do you
24 understand that?

1 A Yes, I do.

2 Q And you understand that that is the same
3 oath you would take if we were in a courtroom in
4 front of a judge?

5 A Yes, ma'am.

6 Q All right. June, the court reporter, is
7 taking down what's being said by everybody, and she
8 can't do that or she'll have a hard time doing it
9 if we talk over each other. So I'm going to ask
10 you to let me finish my questions, let me come all
11 the way to the end of the question, before you
12 answer, okay?

13 A Okay.

14 Q And that's for two reasons. It's for
15 June, but it's also so that we can be sure that
16 you're actually answering the question that I ask
17 and not anticipating a different question. So I
18 will, likewise, try not to ask a new question until
19 you have finished answering, okay?

20 A Okay.

21 Q Now, we are both going to break that
22 rule, everybody always does, but as we go along
23 I'll try to remind us both to do that and, believe
24 me, June will remind us if she needs to. So just

1 be aware that there might be interjections of that
2 sort.

3 Mr. Lothson here is representing --
4 will be speaking on behalf of the plaintiffs. What
5 that means is he may from time to time object to my
6 questions. He's not going to, my questions are
7 wholly unobjectionable, but he may object.

8 MR. LOTHSON: Objection.

9 BY MS. HELFRICH:

10 Q He may object, and if he does you will
11 answer the question anyway. It's not like in court
12 where the judge will rule on the objection.

13 So unless he specifically instructs
14 you not to answer the question, you're going to go
15 ahead and answer it, okay?

16 A Yes.

17 Q If you don't understand a question, would
18 you please ask me -- would you please let me know
19 that you don't understand it, all right?

20 A I will.

21 Q And if you answer a question I'm going to
22 assume that you understood it. Is that fair?

23 A Yes, that's fair.

24 Q So this is a little bit personal, but I

1 have to ask. Are you on any medication today that
2 would impair your ability to give truthful
3 testimony?

4 A No, ma'am, I am not.

5 Q Anything that would impair your ability
6 to remember things accurately?

7 A No.

8 Q Is there any other circumstance existing
9 today that would impair your ability to give
10 truthful testimony or to remember things
11 accurately?

12 A No, ma'am.

13 Q All right. So specifically to Zoom,
14 since this is your first time we'll go over some
15 rules that pertain to Zoom. So you're in Kentucky.
16 I'm in Chicago. Other folks on this call are in
17 lots of different places. The only way we can talk
18 to each other while we're on the record is through
19 this screen, so that means that when we're on the
20 record the only way you're going to be able to talk
21 to your attorney is to talk out loud.

22 You understand that?

23 A Yes.

24 Q Okay. Do you have any other applications

1 open on your computer right now?

2 A I do not.

3 Q Okay. Do you have your cell phone near
4 you?

5 A I do not. It's in another room.

6 Q Okay. I would ask you to keep it that
7 way for the duration of the day, no other
8 applications, no cell phone.

9 A Understood.

10 Q All right. Thank you.

11 Do you have any documents in front of
12 you?

13 A I have my rebuttal report as well as the
14 catalogs that were referenced as part of my report.

15 Q Okay. Catalogs, do you mean Gun Digest?

16 A Gun Digest are actually soft copies.
17 These are hard copies of catalogs from Remington,
18 DPMS, Bushmaster, and Advanced Armament Company or
19 AAC. They're part of my file.

20 Q Understood, but in your report you didn't
21 list those as materials that you reviewed except
22 for the manufacturing report.

23 Oh, yes, you did. Sorry; product
24 catalogs. Gotcha. Sorry; my bad.

1 A Okay.

2 Q So what I would like to do is I would
3 like to ask you not to refer to those unless you
4 tell me that you're going to refer to them.

5 A Yes, ma'am.

6 Q So if you're drawing information from a
7 source other than your memory or your report, I'd
8 like you to let me know that, okay?

9 A Okay.

10 Q If you are having any problems with the
11 technology we're using today, please let me know
12 immediately and we will stop and fix it and make
13 sure that June hears everything that we're saying,
14 okay?

15 A Okay.

16 Q All right. Thanks.

17 Now the name of the lawsuit that
18 you're being deposed in today is Barnett versus
19 Raoul, Number 23-cv-209, pending in the U.S.
20 District Court for the Southern District of
21 Illinois. Are you aware of that?

22 A Yes.

23 Q And there are three other cases that have
24 been consolidated with the Barnett case. Those are

1 Harrel versus Raoul, 23-cv-141, Langley versus
2 Kelly, 23-cv-192, and Federal Firearms Licensees of
3 Illinois versus Pritzker, 23-cv-215.

4 Are you aware that all four cases have
5 been consolidated?

6 A Yes, I am.

7 Q In part, consolidated in part.

8 And do you understand that the
9 deposition you are giving today may be used in all
10 four of those cases?

11 A Yes, I do.

12 Q All right. Thank you.

13 So that's it for the preliminaries.
14 Now, I'd like to start with some basic information
15 and definitions. In your report you use the term
16 modern sporting rifle and you abbreviate it MSR,
17 correct?

18 A That is correct.

19 Q Can you define what you mean when you use
20 that term in your report?

21 A I'm sorry. You broke up there, ma'am.
22 Could you repeat that?

23 Q Sure. Can you tell me what you mean when
24 you use that term in your report?

1 A That term applies to AR-style rifles,
2 AK-style rifles, semiautomatic rifles in general.
3 So that's my understanding and my intention in the
4 use of that in the report.

5 Q Do you know, and I'm only asking if you
6 know, I'm not asking for a legal conclusion -- so
7 let me rephrase.

8 Is it your understanding or do you
9 have an understanding of whether the firearms that
10 are banned under the Protect Illinois Communities
11 Act -- I'm sorry. I'm saying this backwards.

12 Would your definition of firearms
13 apply to all of the firearms banned under the
14 Protect Illinois Communities Act, if you know?

15 A I believe it does. I would have to go
16 back and look at the specifics regarding which
17 particular models are banned, but in my review
18 previously of that I believe modern sporting rifles
19 were pretty much completely within the category of
20 banned products in the state of Illinois.

21 Q Okay. Now as the term as you have just
22 defined it, AR-style rifles, AK-style rifles, and
23 semiautomatic rifles generally --

24 A Yes.

1 Q -- is that the way the term was used when
2 you were the director of MSR at Remington?

3 A Yes.

4 Q Director of MSR product development.

5 A Yes, it was.

6 Q Okay. Does that category, pardon me if
7 this sounds weird, does that category include
8 pistols?

9 A In the fact that it's modern sporting
10 rifles, no, it does not. I understand that there
11 are pistols and handguns that are banned by the
12 particular law in Illinois as well as some
13 shotguns.

14 Q Okay. I understand. I'm not trying to
15 trip you up here. I'm just trying to understand
16 how you use the term.

17 So you would not include pistols in
18 your definition of MSR?

19 A You can have an AR-style firearm that is
20 a pistol, and it would include those. It's not
21 handguns such as, you know, Glocks, a conventional
22 pistol like that that -- I don't consider that to
23 be a rifle, but modern sporting rifles does include
24 AR-style pistols in my opinion.

1 Q So when you or when Remington, for
2 example, when you were there, when Remington had to
3 report manufacturing numbers for rifles to the ATF,
4 you know, for those AFMER reports would it report
5 AR-style pistols as rifles?

6 A Those are reported separately as pistols,
7 I believe.

8 Q Okay.

9 A By the rules that are applicable for the
10 AFMER sheets that were supplied by manufacturers to
11 BATF.

12 Q Okay. Does modern sporting rifle as you
13 use the term include shotguns?

14 A It does not. There are some AK-style
15 firearms that fire shotshell projectiles. Those
16 potentially I would consider based on their pattern
17 and style, but in general shotguns utilize a
18 slightly different layout for the firearm itself.

19 Q Okay. Does the category of MSR as you
20 use the term include .50 caliber rifles?

21 A If they are of a semiautomatic operating
22 system, yes, it would.

23 Q So when you were at Remington and you
24 were the head of MSR product development were you

1 overseeing the product development of pistols?

2 A Pistols in terms of what Remington did
3 were handguns and they were handled by a separate
4 director. If it was an AR-pattern pistol, that
5 would have fallen within my purview. As I recall
6 looking back on the development activities we had,
7 I don't recall doing any pistols that were AR-style
8 during my time period in that role, but the company
9 certainly had and sold those.

10 Q Had and sold pistols or had and sold
11 AR-15 style pistols?

12 A It had and sold AR-style pistols.

13 Q Okay. And did the product development of
14 any shotguns fall within your purview?

15 A We did not do any work on shotguns in an
16 AR style. Those were handled within a separate
17 group within the R&D department.

18 Q Okay. And what about .50 caliber rifles,
19 was that within your purview?

20 A It was. We did not offer any in
21 Remington, Bushmaster, DPMS, or AAC, any .50
22 caliber semiautomatic rifles. There were, I
23 believe, a bolt-action .50 caliber offered by
24 Bushmaster. That was our sole .50 caliber offering

1 that I'm aware of.

2 Q That wasn't within your purview there?

3 A That particular gun since it was for
4 Bushmaster it would have been. We didn't do any
5 development work on it. That was a design that was
6 in place when Bushmaster and Remington were
7 combined.

8 Q Okay. Are there any specific calibers or
9 cartridges that are part of the definition of MSR?

10 A Not that I'm aware of. A modern sporting
11 rifle can handle quite a large range of centerfire
12 ammunition, all the way from .204 Ruger, .223/5.56
13 NATO, .243 Winchester, .308 Winchester, up to and
14 including .338 Lapua Magnum.

15 So there's a wide range of centerfire
16 calibers that can be there. There are versions of
17 MSRs that utilize .22 Long Rifle, which is rimfire
18 cartridge as well.

19 Q Okay. Would you say that your
20 understanding of the term MSR and the understanding
21 of MSR that was in place at Remington when you
22 worked there is an understanding shared in the
23 firearms market?

24 A Generally I would agree with that. There

1 may be certain people that have slightly different
2 interpretations of that, but I think that was
3 the -- the common term that was used through the
4 industry for that style of firearm.

5 Q Okay. And at its core we're talking
6 about AR-style rifles, AK-style rifles, or
7 semiautomatic rifles generally?

8 A In general, yes.

9 Q Okay. Thank you.

10 MR. LOTHSON: And can I have one point of
11 clarification because Remington had semiautomatic
12 rifles that were not MSRs.

13 THE WITNESS: That is correct. There was
14 the Model 750 and previous to that was the Model
15 7400.

16 BY MS. HELFRICH:

17 Q Okay. I'm going to get into some
18 specifics about that --

19 A Okay.

20 Q -- later. Thank you, though.

21 Okay. Now, I am also aware that
22 Remington, and I believe this would be Remington
23 Defense, produced a modular sniper rifle and that
24 is also abbreviated MSR; is that correct?

1 A The initials of that are MSR as well,
2 yes, ma'am.

3 Q Okay. When I use the term MSR today I
4 want you to understand that I mean modern sporting
5 rifle, okay?

6 A Understood, ma'am.

7 Q And if I mean modular sniper rifle I'll
8 tell you, okay?

9 A Okay.

10 Q And if you mean modular sniper rifle when
11 you say MSR please tell me, okay?

12 A Yes, ma'am.

13 Q Fair.

14 Another term that you used in your
15 report is AR platform. Can you say what you mean
16 by AR platform?

17 A AR platform is -- kind of refers to a
18 general layout for the firearm's construction, a
19 lower receiver assembly, an upper receiver assembly
20 held together with detent pins. The functions
21 within the AR-style platform, the trigger group is
22 within the lower receiver and the bolt is within
23 the upper receiver, the barrel is part of the upper
24 receiver. So that's my interpretation of

1 AR style.

2 There are some -- I take that back.
3 Let's stick with that. I was going someplace that
4 doesn't make any sense, so I apologize.

5 Q That's okay.

6 So do you use the terms AR platform
7 and AR style interchangeably?

8 A I can, and I probably did in my report.
9 In my interpretation of that they are
10 interchangeable terms for purposes of, you know, my
11 understanding in describing the type of platform
12 that, you know, I'm discussing.

13 Q And what you just described, the lower
14 receiver held with pins, trigger group in the lower
15 receiver, bolt in the upper receiver, that could be
16 AR platform or AR style?

17 A AR platform or AR style. It's anything
18 that follows the -- you know, the traditional AR
19 pattern, if you will, for construction of a
20 firearm.

21 Q And when you say the traditional AR
22 pattern, are you talking about a pattern based on
23 the AR firearms that were designed at ArmaLite in
24 the '50s?

1 A Yes. In overall terms, yes. There are
2 also modern sporting rifles that are based on other
3 operating systems. For instance, the AK platform
4 is one and then FALs are another. They -- there
5 are differences between the AR and the AK and the
6 FAL, and, you know, those -- we worked only on
7 really AR style or AR platform weapons at Remington
8 and Remington Defense, Bushmaster, DPMS, and AAC.

9 Q So if I understand you, you just said all
10 of those companies made MSRs based on the AR
11 platform, not AK platform, not FAL platform?

12 A That is correct.

13 Q Okay. And what does AR stand for?

14 A Automatic rifle is my understanding. We
15 could go back and look at what ArmaLite used for
16 that, but, you know, it's two initials. Lots of
17 people, I think, have applied different names to
18 what those are. We just kind of ignored whatever
19 they might have connoted and it was AR for us.

20 Q Okay. So you don't care what it stands
21 for?

22 A Yes, ma'am, that's correct.

23 Q All right. Now the -- specifically the
24 AR -- Strike that.

1 When you say AR platform do you mean
2 or AR style do you mean AR-15?

3 A AR-15 and AR-10.

4 Q Okay.

5 A Which is a larger version. It's a scaled
6 version of that.

7 Q And those were both designed in the '50s
8 at ArmaLite, correct?

9 A I believe that is correct.

10 Q And they were designed in response to
11 specifications from the military, correct?

12 A They were designed at the behest of the
13 military. I'm not certain what exact
14 specifications were provided to ArmaLite and to any
15 other companies that were providing example weapons
16 when the government was looking for a new -- new
17 firearm.

18 Q Okay. They were designed for the
19 military?

20 A The original design for those was as a
21 weapon for the soldier to carry, which is different
22 than what civilians typically use. By the National
23 Firearms Act ownership of fully automatic firearms
24 is restricted and it's based on, you know, law.

1 Anything produced after 1986, March or May of that
2 time, is not allowed to be possessed. Guns
3 produced prior to that date are transferable with a
4 tax stamp and with a background check through the
5 BATF.

6 Q And the AR-15 that was developed at
7 ArmaLite in the '50s, that was eventually adopted
8 by the military as the M16 sometime in the first
9 half of the 1960s?

10 A I believe that is the chronology of what
11 took place. There were upgrades that were done
12 based on experience in the field with the weapon
13 system to improve the reliability. Again, it's out
14 there in the public as to exactly all the different
15 things that were done to the original design that
16 Eugene Stoner did.

17 Q Are you talking about upgrades that
18 happened before the military adopted the rifle or
19 afterwards?

20 A I believe it was afterwards.

21 Q Okay.

22 A They originally fielded the gun. In use
23 they identified certain shortcomings, and they
24 added design modifications to that in order to

1 improve the performance of the firearm in the
2 application they had there, which was, you know,
3 fighting a war.

4 Q Okay. And then the AR-15 was initially
5 sold on the civilian market as a semiautomatic by
6 Colt, right?

7 A I believe that's correct, yes.

8 Q Okay.

9 A There may have been others, other -- they
10 may have gone through another channel, another
11 company may have been involved. Colt was the large
12 producer of those for the U.S. military. There may
13 have been other companies involved with it as well,
14 though, in the commercialization for the civilian
15 market.

16 Q Okay. I want to ask you about the AK
17 platform. What does AK stand for, first of all?

18 A It is a Russian term, and I do not know
19 what -- you know, what the specific Russian name is
20 for it. It was designed by Kalashnikov. The
21 initials, again, I know what the gun looks like,
22 but they're Russian words and their English
23 equivalents I do not know.

24 Q Would you agree that the "K" stands for

1 Kalashnikov or Kalashnikova?

2 A It could. It could.

3 Q Okay. And the AK was designed by
4 Kalashnikov for the Russian military in the 1940s;
5 does that sound right?

6 A I believe that is the time frame that the
7 gun was developed in, yes.

8 Q And it was an automatic weapon as
9 developed for the military?

10 A Yes, I believe so.

11 Q And it is now -- AK-style or AK-platform
12 rifles are now sold on the civilian market in
13 semiautomatic versions, right?

14 A Yes. They're only available in
15 semiautomatic versions.

16 Q Can you tell me what constitutes the AK
17 platform in the way you did for the AR platform
18 just a few minutes ago?

19 A My familiarity with the AK platform is
20 obviously much less than what the AR platform is.
21 Again, it's a firearm that has an upper receiver
22 and a lower receiver. It's held together, you
23 know, with pins so that it can be disassembled and
24 maintenance can be conducted on it.

1 It utilizes a gas piston system as
2 opposed to the direct impingement system utilized
3 on the AR. So the gas is not entering the
4 internals of the bolt carrier group as it is on the
5 AR, it's pushing against the front of a piston, and
6 so it utilizes gas from the fired round that's bled
7 off to operate the action but it's not by directing
8 the gas back into inside the bolt as it is on the
9 AR platform. It's done into a piston and it
10 operates the action that way.

11 Q So help me understand, it's my
12 understanding that Remington Defense manufactured
13 some rifles that had a gas piston system; is that
14 right?

15 A Yes, we did.

16 Q If I'm remembering right, the Remington
17 ACR had a gas piston system?

18 A The ACR had a gas piston system as well
19 as the R5.

20 Q Okay. But you would not describe those
21 as AK platform?

22 A No, those the -- the R5 was an adaptation
23 of the AR platform to utilize a gas piston, which
24 other companies have done. In particular I think

1 Adams Arms has utilized that and there are several
2 others as well.

3 And the ACR from its inception was a
4 gas piston operated, you know, firearm similar in
5 pattern to an AR but utilizing different
6 construction methods. The upper receiver was
7 primarily an extrusion with a trunnion to hold the
8 barrel versus, you know, on an AR it's a forged
9 receiver that's machined and then the barrel is
10 mounted directly to it. So the mechanics are
11 slightly different, at least in terms of the way
12 the firearm is constructed.

13 Q Okay. This isn't quite the order I meant
14 to go in, but since we're here at the ACR I want to
15 ask you some more questions about that, if I can.

16 So it's my understanding that the
17 firearm that eventually became the Remington ACR
18 started life as a firearm produced by Magpul?

19 A That is correct. The design was
20 originated by Magpul. The rights to the design for
21 production were purchased by Bushmaster, and then
22 Remington and Bushmaster became partners, whatever,
23 you know, basically we were owned by the same
24 company, Freedom Group, and Remington Defense

1 became involved with the use of that platform then
2 potentially as a weapon for use by U.S. military.

3 Q And the weapon that was developed for use
4 by the U.S. military was a select-fire rifle?

5 A Yes, ma'am, it was.

6 Q When it started at Magpul it was a
7 semiautomatic; is that correct?

8 A I would have to go back and look and see
9 if there's any documentation. It could have. It
10 could have been, you know, the intent for a full
11 auto fire may or may not have been there. I don't
12 have personal information on that to be able to
13 answer the question for you. I'm sorry.

14 Q Okay. When it was at Bushmaster or when
15 Bushmaster got it and started selling it which,
16 correct me if I'm wrong, they sold it as the
17 Bushmaster ACR?

18 A They did sell it as the Bushmaster ACR,
19 and it was a semiautomatic only.

20 Q And then Remington modified the
21 Bushmaster ACR to create the Remington ACR for the
22 military?

23 A Yes. We actually worked somewhat early
24 on in the program in conjunction with Bushmaster on

1 that, but eventually we assumed responsibility for
2 the Remington ACR within the Remington Defense
3 group.

4 Q Okay. I'm going to ask you some more
5 questions later about the organization of the
6 companies because it's a little confusing and a
7 little bit dynamic so we'll try to pin that down a
8 little later, but let me go back to some questions
9 about you and your background.

10 A Okay.

11 Q You have a degree in mechanical
12 engineering?

13 A Yes, ma'am.

14 Q And where did you get that?

15 A University of Minnesota.

16 Q Now, can you describe what mechanical
17 engineering is as opposed to other kinds of
18 engineering?

19 A Mechanical engineering as a field is a
20 fairly broad one. It can involve a lot of things
21 that are actually mechanical. It also takes into
22 account a lot of things that are thermal; for
23 instance, HVAC systems, heating/cooling, things of
24 that nature.

1 My particular interest in the areas of
2 study I did were in mechanical design, so machinery
3 and things of that nature as opposed to the thermal
4 sciences or other areas within mechanical
5 engineering.

6 Q Okay. I believe you got a bachelor's in
7 mechanical engineering from the University of
8 Minnesota?

9 A Yes, I did.

10 Q Did you get any other degrees?

11 A I did not.

12 Q Okay. So by training you are an
13 engineer?

14 A Yes.

15 Q You are not a historian?

16 A No.

17 Q You're not a historian of firearms?

18 A No, other than just personal interest.
19 It's not my background as a historian. As you
20 said, I'm a mechanical engineer.

21 Q And you're not here today as a firearms
22 historian?

23 A No, ma'am, just by my own personal
24 recollections. I claim no expertise in that area

1 other than, you know, the little bit I do know.

2 Q Okay. And no formal training as a social
3 scientist?

4 A No, ma'am.

5 Q No formal training as a statistician or
6 data analyst?

7 A I have done a lot of data analysis as
8 part of my job and use of statistics to analyze
9 test results and, you know, items of that nature.
10 So, yes, I have done work with statistics. Am I
11 trained specifically in that? No, but it's
12 something I utilized in my job.

13 Q Are you here today as an expert in data
14 analysis or statistics?

15 A As an expert, no, ma'am. I'm here as an
16 expert on firearms.

17 Q Okay. Do you have any training in survey
18 methodology?

19 A I do not.

20 Q Okay. Would it be fair, then, to
21 characterize your training as engineering and your
22 expertise as the firearms industry during the
23 period in which you worked in the firearms
24 industry?

1 A I would say that characterizes the core
2 of what I do and what I know. As I said, data
3 analysis was part of what I did on my job. I
4 wasn't strictly design. It was analyzing test
5 results and understanding how things went. Those
6 tools apply themselves to areas outside of just
7 straight-up design and test results. I've also
8 been trained in Six Sigma by Remington and the
9 Freedom Group.

10 So I have some familiarity with it and
11 beyond what you normally would. In terms of what
12 my day-to-day job is and what I do, it is not data
13 analysis but I do have --

14 Q Can you explain --

15 A Go ahead.

16 Q Can you explain what Six Sigma is for the
17 record?

18 A Six Sigma is a statistical methodology
19 for analyzing data to understand interrelated
20 effects and it allows a more -- a more rapid means
21 of arriving at an optimal point for a given system
22 where many factors are in play. It allows you to
23 do tests that are efficient and essentially points
24 you in the right direction and gets you to the

1 finish line for an optimal design more quickly than
2 traditional one-factor-at-a-time type of testing.

3 Q So Six Sigma, it's a method?

4 A It's a methodology and, again, it
5 involves a very broad area. It can include lean
6 manufacturing and different things like that. The
7 specific areas where I worked were within
8 statistical analysis and optimization via design of
9 experiments.

10 Q Okay. And that was training you got from
11 your employer or through your employer?

12 A Yes.

13 Q Okay. Your current employment, you say
14 in your CV you are the owner and managing director
15 at Boundary Oak Enterprises, LLC; is that correct?

16 A That is correct.

17 Q Now, is that named after the tree on the
18 Lincoln farm?

19 A You got it, ma'am. Very good. I live
20 about -- I'm about two miles from Lincoln's
21 birthplace. So it was an appropriate name, I felt,
22 and it wasn't taken when I went to register my
23 business, so I took it.

24 Q Okay. And what does Boundary Oak

1 Enterprises, LLC, do?

2 A Boundary Oak Enterprises, LLC, does
3 contract firearms design work for smaller firearms
4 companies that don't have the engineering staff to
5 do product design or to supplement companies that
6 do have it, as well as I do litigation support for
7 expert witness work, corporate witness work, and
8 fact witness work as needed.

9 Q How many employees does your company
10 have?

11 A I am the only employee.

12 Q Okay. How many clients do you have?

13 A I probably have four or five. Right now
14 confidentiality agreements in our contracts don't
15 permit the disclosure of who they are. Obviously I
16 am working with Andy and his law firm, Swanson,
17 Martin & Bell, but aside from that I'm really not
18 able to disclose. I'm sorry.

19 Q Okay. No, that's fine. I understand
20 that.

21 The other you said four or five
22 clients right now?

23 A I've had four or five clients
24 historically. Right now I'm working with I believe

1 two.

2 Q Okay. Other than Mr. Lothson and his law
3 firm, are your other clients all firearms
4 manufacturers?

5 A The other clients are, yes.

6 Q Okay. Are you familiar with the National
7 Shooting Sports Foundation?

8 A Yes, I am. In fact, my business is a
9 member of the NSSF.

10 Q Oh, that was my next question.

11 So today when I use the NSSF I mean
12 the National Shooting Sports Foundation, okay?

13 A Okay.

14 Q All right. So your company is a member.
15 Are you personally a member?

16 A Businesses are allowed to join,
17 individuals are not. So Boundary Oak Enterprises,
18 LLC, is the member within the NSSF. So yes. It's
19 my business, not myself.

20 Q Okay. Have you or your business -- other
21 than membership dues, have you or your business
22 ever been donors to the NSSF?

23 A We have donated to their political action
24 committee and other than the I think once or twice

1 we did that also attended the SHOT Show which
2 requires payment of a fee to attend, and aside from
3 the annual membership dues, no.

4 Q Okay. Cumulatively do you know how much
5 you have donated other than SHOT Show attendance
6 and dues to the NSSF?

7 A I think \$250. That's what I remember is
8 somewhere in that range. It's 200 to \$250 total
9 over the life of my business, so seven years.

10 Q Okay. Are your clients, any of your
11 clients, members of NSSF?

12 A I believe they are. I would have to do a
13 little bit of investigating to confirm that,
14 though.

15 Q Okay. You believe -- let me put it this
16 way. The firearms manufacturers who are your
17 clients, it is your belief that all of those
18 companies are members of NSSF?

19 A I believe so.

20 Q Okay. And so what percentage of your
21 income let's say over the last five years has come
22 from clients who you believe are members of NSSF?

23 A Probably off, you know, a
24 back-of-the-envelope calculation maybe 75 or 80

1 percent.

2 Q And I know this is intrusive, but how
3 much income is that roughly?

4 A Oh, gosh. How many years are we talking?

5 Q Let's say five.

6 A 350, \$400,000 maybe. I'd have to
7 actually go back and look, Gretchen. I don't have
8 that information at my fingertips. I can certainly
9 go back into my accounting system and look.

10 Ballpark it's that. You know, given
11 it's a kind of off-the-top-of-my-head thing it
12 could be lower, it could be higher. I don't put a
13 lot of faith in exactly what that number is I guess
14 would be the way I'd put it.

15 Q Okay.

16 A I believe it's about that, but, again, I
17 need to confirm.

18 Q But you're relatively confident that it's
19 75 to 80 percent of your income?

20 A In years past it has been, yes.

21 Q Okay. I'd like to talk to you about your
22 work as an expert witness, as a witness in general.
23 You listed four cases in your expert report in
24 which you had been deposed or given testimony -- or

1 sorry. Let me see.

2 Okay. You know what? Let's do this
3 now.

4 A Okay.

5 MS. HELFRICH: June, can you let me share
6 screen?

7 THE REPORTER: Yes.

8 BY MS. HELFRICH:

9 Q Okay. Okay. Mr. Ronkainen, can you see
10 a document that says Rebuttal Report of James
11 Ronkainen?

12 A Yep. It's kind of small, but if I lean
13 ahead I can read it.

14 Q Let me roll it up. How's that?

15 A That's better.

16 Q Okay. I'm going to scroll through this
17 document, and I'm going to ask you to take a look
18 at it while I scroll and tell me if you recognize
19 this document. I'm happy to scroll all the way
20 through if you want me to.

21 A Based on page 1 I recognize this document
22 as my report, my rebuttal report.

23 Q So that's your rebuttal expert report in
24 Barnett versus Raoul, this case listed here,

1 23-cv-209?

2 A Yes, ma'am.

3 MS. HELFRICH: Okay. So I'd like that
4 marked as Exhibit 1, please.

5 (Document was marked Exhibit 1
6 for identification.)

7 BY MS. HELFRICH:

8 Q Here you say in the past four years I
9 have provided testimony in the following matters as
10 either a corporate witness or a firearms expert,
11 and then you list four cases, right?

12 A Yes.

13 Q Okay. Olinick versus Remington is the
14 first one, Federal District Court in Pennsylvania.
15 Were you an expert witness there or a corporate
16 witness?

17 A I was a corporate witness in that
18 particular case.

19 Q So you were a witness on behalf of
20 Remington?

21 A Remington and DuPont actually, DuPont and
22 SGPI, the predecessor for -- you know, basically
23 the company that sold Remington to the investment
24 bankers based on the time period that the firearm

1 in this particular case was produced.

2 Q And so did your testimony relate to the
3 time you were employed by DuPont?

4 A It was actually as a corporate witness
5 and talking about documents that, you know, were
6 contemporary with my employment all the way back to
7 ones that were generated well before I was born.

8 Q Okay. What was the case about?

9 A It was a claimed negligent discharge
10 where a young boy was injured.

11 Q What was the firearm involved?

12 A It was a Model 700.

13 Q And do you recall the substance of your
14 testimony? Can you summarize that for me?

15 A It was basically just going over and
16 interpreting, describing the documents that the
17 plaintiff's lawyer presented with regard to the
18 development of the product and, you know, related
19 to, you know, that litigation up through the time
20 of production of that firearm. I believe the
21 firearm was produced in the 1970s in that case, so,
22 again, it was an older gun.

23 Q Was it a semiautomatic firearm?

24 A It was a bolt-action firearm. The Model

1 700 is a bolt-action firearm.

2 Q Bolt-action.

3 The second case is Scott v. Remington,
4 Federal District Court in Alabama. Do you remember
5 that case?

6 A Yes, ma'am.

7 Q Were you an expert or a corporate
8 witness?

9 A I was a corporate witness in that case as
10 well.

11 Q And for which corporation?

12 A For Remington.

13 Q And when you say a corporate witness both
14 in this case and the previous case, do you mean
15 that you were giving testimony on behalf of the
16 corporation?

17 A Yes, ma'am.

18 Q Okay. So you were what's called a
19 30(b)(6) witness? Are you familiar with that term?

20 A Yes, I am, and that was the role I played
21 in those two cases.

22 Q Okay. And what was Scott v. Remington
23 about?

24 A That was a Model 770 bolt-action rifle,

1 an accidental discharge where a young teenaged girl
2 was killed as the gun was being lowered from a deer
3 stand.

4 Q And you said negligent discharge case?

5 A That's what I believe how it would be
6 characterized, yes.

7 Q Or the allegation was negligent
8 discharge?

9 A That was the allegation, yes.

10 Q Okay. And what was the substance of your
11 testimony?

12 A It was, again, as a corporate witness,
13 30(b)(6).

14 Q Talking about the characteristics of the
15 firearm or what?

16 A No, not so much. That was covered by the
17 expert in the case and the particular findings of
18 that firearm. Mine was more as the corporate
19 representative to discuss other documents related
20 to -- you know, other corporate documents related
21 to the case.

22 Q Okay. The third case is Clay v.
23 Remington, and this is state court in Alabama. Do
24 you remember that case?

1 A Yes, ma'am.

2 Q And in that case were you an expert or
3 corporate witness?

4 A I was a corporate witness. That was a
5 Model 7, Remington Model 7, bolt-action rifle that
6 was in dispute in that case.

7 Q Was that also a negligent discharge case?

8 A Yes, it was.

9 Q And you were a corporate -- you were a
10 30(b)(6) -- well, that was a state court. Were you
11 the equivalent of a 30(b)(6) witness in that case?

12 A I believe that's what you would consider
13 it, yes.

14 Q All right. And that was on behalf of
15 Remington?

16 A Yes.

17 MR. LOTHSON: And just for clarification,
18 it was actually on behalf of DuPont and a
19 subsidiary of DuPont called Sporting Goods
20 Properties, Inc. Remington was also a defendant at
21 one time in the Clay matter but has been dismissed.

22 BY MS. HELFRICH:

23 Q Is that consistent with your
24 understanding, Mr. Ronkainen?

1 A Yes, it is.

2 Q Okay. Is that case ongoing; do you know?

3 A Clay is ongoing. There's been a decision
4 offered in Scott. I believe Olinick may have come
5 to resolution. I'm not certain of that, so Andy
6 could provide the details on that with better
7 specificity than me.

8 Q Okay. Well, we'll talk to Andy some
9 other time. I want to talk to you today.

10 MR. LOTHSON: I can provide incredible
11 details on these cases, but I'm not giving a
12 deposition today.

13 MS. HELFRICH: I look forward to it.

14 BY MS. HELFRICH:

15 Q The last case is Teague v. Remington,
16 Federal District Court in Montana. Do you remember
17 that case?

18 A Yes. That was a Model 700 claimed
19 negligent discharge, involved the death of a
20 young -- I believe a 15-year-old boy in the state
21 of Montana.

22 Q And expert or corporate?

23 A Corporate witness in that one and maybe
24 as a fact witness as well. I'd have to go back and

1 check, but it was not as the expert in that
2 particular case.

3 Q Okay. So -- and corporate witness on
4 behalf of Remington?

5 A In that case it would have been -- that
6 would have been DuPont/SGPI, I believe, based on
7 the production date of the firearm in question
8 there.

9 Q Okay. You also filed an expert report in
10 a case called Tosseth v. Remington. Do you
11 remember that case?

12 A Yes.

13 Q That was in North Dakota?

14 A Yes.

15 Q And you were -- I believe you were an
16 expert witness in that case, not a corporate
17 witness, right?

18 A Yeah. That was outside of the four-year
19 period we listed here, but, yes, I was the expert
20 on that.

21 Q Yes, yes. No, I understand. You weren't
22 required to disclose it.

23 A Yep.

24 Q When was that case?

1 A Pardon? Could you repeat that?

2 Q When was that case?

3 A 2018 or '19. I'd have to go back and
4 look in my records to honestly see. It's been a
5 while.

6 Q Okay. And you were an expert on whose
7 behalf? Who engaged you?

8 A Remington engaged me in that particular
9 case.

10 Q And what was the substance of that case?

11 A It was a .22 pistol that was produced by
12 Beretta that had a misfire using, I believe,
13 Remington ammunition, and my job in that was to
14 examine the gun and provide an expert witness
15 report on behalf of Remington as to what I believe
16 happened in that particular case.

17 Q Remington manufactured the ammunition?

18 A Yes.

19 Q Was there an allegation that the
20 ammunition had malfunctioned or that was the cause
21 of the problem?

22 A It was indeterminate at the time that the
23 suit was filed, and it was Remington ammunition
24 used in a Beretta pistol. Both parties were sued.

1 I believe ultimately Remington was dismissed from
2 the case, and what eventually happened with the
3 result of that after the dismissal I didn't follow
4 any of the particulars on that case.

5 Q Okay. Have you provided expert reports
6 in any other cases that you didn't list here?

7 A There's one additional case, state of
8 Louisiana, it's Baldwin. It's a Remington Model 11
9 autoloading shotgun case. The gentleman was
10 operating the firearm in a method that was unsafe
11 and had a discharge and lost part of his hand
12 because it was over the muzzle of the gun as he was
13 demonstrating its operation to his hunting
14 partners.

15 Q Okay. And were you an expert on behalf
16 of Remington?

17 A Yes. And that would probably fall
18 underneath Remington slash -- you know, it's the
19 DuPont/SGPI entity given the production date on
20 that firearm was the early 1900s, nineteen teens.
21 It might have been 1911. It might have been 1917.
22 I'd have to go back and review my report and see
23 what the -- you know, what the serial numbers
24 showed in terms of when it was made, but it was a

1 very old gun. I believe it was about -- it was a
2 hundred years old when I examined it.

3 Q Okay. I understand that, but what I'm
4 asking is who engaged you as an expert? Was it
5 Remington?

6 MR. LOTHSON: I'll object just from the
7 standpoint of my law firm engaged Mr. Ronkainen.

8 THE WITNESS: That's correct. Swanson,
9 Martin & Bell engaged me on that particular case.
10 BY MS. HELFRICH:

11 Q Was your -- all right. I would like to
12 ask you some questions now about your patents that
13 you invented or your inventions that you patented I
14 guess is probably the better way to put it.

15 A Okay.

16 Q According to your CV you are an inventor
17 or co-inventor on nine U.S. patents; does that
18 sound right?

19 A That sounds correct.

20 Q And you say on your CV various foreign
21 patents. Do you have a number roughly?

22 A I do not. I'd have to actually go onto
23 the European patent website and search and see. I
24 know that we sought intellectual property

1 protection for several of the U.S. patents that
2 were granted. I don't have an answer as to whether
3 or not we actually were able to achieve a patent
4 issuance on all of them or, you know, which ones
5 exactly. I'd have to look.

6 Q So are the foreign patents that you have,
7 these are patents related to the same inventions
8 that you have the U.S. patents for?

9 A Yes, ma'am.

10 Q Okay. So are there any other inventions
11 that you have patents for that are not listed in
12 your -- in the U.S. patents you list in your CV?

13 A No, ma'am.

14 Q Okay. So I took a look at the patents,
15 and some of the patents are assigned to Remington
16 Arms Company; does that sound right?

17 A That would be the maj -- yeah, they
18 should all be assigned to various corporate forms
19 of the Remington Arms Company depending on when
20 they were issued.

21 Q Some were assigned to a company called RA
22 Brands, LLC. Can you tell me what that is?

23 A I believe that was a legal entity that
24 was set up by our corporate company. Why they did

1 it, I'm an engineer, not a lawyer, but there was
2 a -- they felt there was a legal reason for doing
3 that. I don't know what that particular reason
4 was, but RA Brands is one. There may be others
5 that are listed as assigned to Remington Arms.

6 You know, I'd have to look at each one
7 individually, and why they had the different
8 corporate structures I'm not privy to why that was.
9 I'm sorry.

10 Q That's fine, but RA Brands is a -- RA
11 Brands, LLC, is an entity within the Remington
12 corporate family?

13 A Yes, ma'am, I believe so.

14 Q Okay. These patents are dated from 1996,
15 the earliest is 1996, the latest is 2013, so these
16 were all from when you worked at Remington?

17 A That is correct.

18 Q All right. Several of them relate to
19 electronic firearms. Can you explain what that
20 means?

21 A In the mid to late 1990s after the sale
22 of Remington Arms from DuPont to Clayton, Dubilier
23 & Rice there was a push for developing new
24 technologies and new firearm products. During that

1 time one of the initiatives was converting the
2 ignition of firearms from mechanical percussion,
3 striking a conventional primer, to being able to
4 initiate the round with an electronically sensitive
5 or an electrically sensitive primer where a pulse
6 of a given voltage and amperage for a certain
7 period of time would ignite the primer as opposed
8 to the impact of the firing pin on the primer cup
9 itself.

10 The patents we have are with regard to
11 the firing system and the particular firearm where --
12 the aspects of the firearm of that that were unique
13 and worthy of seeking intellectual property
14 protection.

15 Q So you said that this was in the '90s and
16 there was a push for new technology; am I
17 characterizing that correctly?

18 A Yeah. Yeah. New technology was there
19 and it was just, you know, one thing that they
20 said, hey, you know, could we have a firearm that
21 rather than being initiated via percussion as they
22 conventionally had been would it be possible to do
23 one that was initiated with an electrical primer.

24 So there were patents with regard to

1 the firearm itself, which I'm part of; there are
2 also separate ones for the electronics and the
3 control aspects of it; and then there are patents
4 as well for the ammunition, specifically the primer
5 that's electronically sensitive, that I'm not part
6 of.

7 Q So it was a different primer?

8 A It was a different primer.

9 Q From a traditional. Traditional primer
10 you'd use in a firing pin type of situation?

11 A Yes, ma'am. Yes, ma'am. As I described,
12 it's one that was initiated with an electrical
13 impulse versus a mechanical impact.

14 Q So was there a specific reason in this
15 time period why Remington or any other firearms
16 manufacturer was looking for new technologies?
17 What I mean by that is was there a niche to fill in
18 the market? Was there some other -- you know, I
19 know everybody is always trying to develop new
20 products, but was there a specific push behind this
21 one?

22 A The primary thrust behind this product
23 was the ability to initiate the round more quickly
24 than you could with a mechanical system. There's a

1 term called lock time that's utilized in the
2 firearms industry where when the trigger is pulled
3 and the mechanism of the trigger releases the
4 firing pin to strike the primer, the period of time
5 from when it's released to when it's impacted and
6 set off is called lock time.

7 And on a good bolt-action rifle that
8 can be about three milliseconds, which, you know,
9 for all intents and purposes is very quick, but
10 during that three-thousandths of a second your
11 firearm is moving from where it was when you pulled
12 the trigger and released it, so there's the
13 possibility that you could have an excursion of the
14 barrel and where you're pointing it a slight amount
15 from where you intended to have it. The electronic
16 ignition system that we developed basically cut the
17 lock time down to three-millionths of a second. So
18 it was, I think, three orders of magnitude faster.

19 So there would be the opportunity for
20 less excursion of the firearm's muzzle where you're
21 pointing it at the target between when you pulled
22 the trigger and when the round initiated, and we
23 actually said that based on our measurements the
24 bullet was out of the barrel before the firing pin

1 would have even impacted the primer on a
2 conventional firearm with a mechanical firing
3 system. So it --

4 Q Can you explain what you mean by --

5 A Go ahead.

6 Q Can you explain what you mean by
7 excursion? I think I know what you mean, but could
8 you give us a definition?

9 A Excursion is the distance that the muzzle
10 moves. You know, the deviation from where you were
11 pointing when you pulled the trigger to where the
12 muzzle actually ends up in that period of time
13 given, you know, the normal motion that's imparted
14 by the human being holding the gun.

15 Q And was this electronic firearm a rifle?

16 A It was a bolt-action rifle.

17 Q Bolt-action rifle. And what -- so
18 typically bolt-action rifles are popular hunting
19 rifles; is that right? Were you thinking of this
20 as a hunting rifle?

21 A We were thinking of it primarily as a
22 hunting rifle for some uses but actually more as a
23 target rifle given the much faster lock time it
24 offered.

1 Q When you say a target rifle, do you mean
2 like a competition rifle?

3 A Yeah, something where you would use for
4 shooting benchrest competitions or other long-range
5 activities like that.

6 Q Okay. And did you ever produce this
7 firearm?

8 A Yes. It went into production I believe
9 in 1999, for sale in 2000, and it was on the market
10 for several years, two, three years as I recall.

11 Q What was it called?

12 A Model 700 -- excuse me, if I can say
13 this. Model 700 EtronX, and that's E-t-r-o-n-X.

14 Q Of course it is.

15 A Yeah.

16 Q And how many of those sold in those
17 several years?

18 A I would have to, you know, go back and
19 consult some records. I don't know. It was on the
20 order of thousands, but I think that particular
21 product was one where the technology was ahead of
22 what the marketplace was ready to accept.

23 Q What do you mean by that?

24 A The fact that you have to have in this

1 case a 9-volt battery in your firearm in order to
2 fire it. Well, in a mechanical-based system the
3 gun is always able to work. It's not dependent
4 upon a battery to be able to, you know, fire the
5 round.

6 So there was, you know, concern on the
7 part of most of the public. They didn't see --
8 necessarily feel that the benefits afforded you by
9 the faster lock time were worth what their
10 perceived reliability issues were with having to
11 have a battery as a power source. What happens if
12 you're out hunting, shooting and the battery goes
13 dead and you don't have one, well, then you're done
14 for the day is kind of the mind-set, I believe,
15 there, and ultimately, you know, the customers
16 weighed in and the product was taken out of
17 production.

18 Q Did you or have you ever received
19 royalties under any of these patents?

20 A No. They were assigned -- you know, the
21 rights were assigned to Remington. As an employee
22 that was the agreement that we had was the company
23 received the -- you know, received basically the
24 benefits of it and the individuals named on it did

1 not. There was no monetary remuneration for us.

2 Q Okay. So I believe that three of them
3 are still current, they haven't expired, and that
4 would be the patents from 2011, '12, and '13; is
5 that right?

6 A Given the statute of limitations on
7 patents and their current lives, yeah, those are
8 probably still active. I would have to even go
9 look at what those are. Those are things that are
10 on my CV but not anything that comes up as part of
11 my normal everyday discussion.

12 Q Okay. Do you know who those three
13 patents are currently assigned to?

14 A I would have to look at the individual
15 patents. I would imagine it is to Remington Arms
16 because they are related, I believe, to firearms,
17 but, again, one of them, you know, the one with
18 respect to the Remington gas piston system and the
19 plug that goes into the front of the gas block and
20 the way of camming that out, it would go to whoever
21 owns those particular rights from Remington,
22 whether it's the newest rendition of Remington Arms
23 Company, which I believe is RemArms, or if it went
24 to some other subsidiary that was sold separately.

1 I don't know.

2 MS. HELFRICH: Okay. I want to ask you
3 some questions about your employment at Remington.
4 We've been going just about an hour. I forgot to
5 say at the outset that you can ask for a break any
6 time you want one. Lots of people want a break
7 after about an hour, so would you like a break?

8 THE WITNESS: Yes, ma'am. My water glass
9 is empty, so I'd like the opportunity to fill that
10 up.

11 MS. HELFRICH: Okay. How about a
12 five-minute break, we'll come back at 10:10 Central
13 Time?

14 THE WITNESS: Sounds good.

15 MS. HELFRICH: All right; great.

16 (Whereupon, a recess was taken
17 at 11:05 a.m. ET and resumed at
18 11:10 a.m. ET as follows:)

19 MS. HELFRICH: Let's go back on the
20 record.

21 BY MS. HELFRICH:

22 Q Mr. Ronkainen, I want to ask you some
23 questions about your employment at Remington. I
24 want to start at the end, work backwards for a few

1 years, and possibly also jump around just to warn
2 you.

3 A Okay.

4 Q So the last position that you list on
5 your CV is director, DoD/Military/LE and MSR
6 product development, Remington Arms, Research &
7 Development Center, Huntsville, Alabama, correct?

8 A That is correct.

9 Q And you say that you held that position
10 from January of 2016 to June of 2016, right?

11 A That is correct.

12 Q Okay. Now I read your CV, but tell me
13 more about what you did in this role. What were
14 your responsibilities?

15 A As the director over those particular
16 areas I had engineers working for me in the
17 commercial MSR market as well as the Remington law
18 enforcement and defense stuff, and we were working
19 on, you know, product development programs for the
20 commercial market in the case of the MSR side and
21 the law enforcement and the military was for
22 typically military programs and occasionally some
23 law enforcement as well.

24 Q So when you say MSR side, military/law

1 enforcement side, are these like separate
2 divisions, separate teams working on those
3 projects?

4 A Yes, they were separate teams, separate
5 groups of engineers working on those programs.

6 Q And in this time period were there other
7 product development teams at Remington Arms?

8 A There were that concentrated on the other
9 product lines that were offered; for instance,
10 ammunition, shotguns, handguns. There were quite a
11 number of them. I want to say maybe four or five
12 total.

13 Q Okay. Were there product development
14 teams working that were not your teams working on
15 rifles?

16 A Bolt-action rifles, yes, for the
17 commercial market and for, you know, semiauto and
18 pump rifles commercial, you know, non-MSR firearms
19 produced by Remington and its affiliated companies.

20 Q So there were -- this is, again, going
21 back to understanding how you use the term MSR.

22 A Sure.

23 Q So there were -- there was a product
24 development team or division, if I'm using the term

1 correctly, for semiautomatic rifles that were not
2 MSRs?

3 A That would have been the Model 750, the
4 Model 7600, historical products that Remington had
5 produced for, you know, a long period of time prior
6 to that date.

7 Q But they were semiauto; yes?

8 A Semiauto. Some were pump, pump-action,
9 where the fore-end moves back and forth to operate
10 the action. So yes.

11 Q So just in terms of the organization of
12 the company, were all of those kinds of rifles in
13 one product development group?

14 A I believe they were, yes.

15 Q Okay.

16 A I believe that those particular products
17 were covered by other teams within the company.

18 Q So specifically what I'm asking is was
19 there a product development team or product
20 development division for rifles other than MSRs?

21 A Yes.

22 Q Was it just one team for all rifles that
23 weren't MSRs?

24 A I believe it was. I would have to go

1 back and check an org chart if I have one in my
2 records that -- you know, to absolutely, you know,
3 say, but my recollection is, yes, it was a separate
4 team.

5 Q So the organization would be like this.
6 Tell me if I have this right. Under you there's
7 military and law enforcement and MSR, and then out
8 here under somebody else there's other rifles?

9 A Yes.

10 Q Okay.

11 A And at various times I had other groups
12 that were underneath me as we roll back in history,
13 but yes.

14 Q Okay. Do you know who was in charge of
15 that other rifle group?

16 A I believe it was Andy Haskin at that
17 time. Again, I'd need to go back and check to see
18 exactly what the org chart was for it, but Andy was
19 the director of product development for that and it
20 was rifles and shotguns and more conventional
21 historic products for Remington.

22 Q Altogether in one product development
23 group?

24 A I believe that's how it was structured,

1 yes.

2 Q Okay. You mentioned the Model 750 and
3 the Model 7600 as both being semiautomatic rifles
4 that are not MSRs, correct?

5 A The 750 is a semiautomatic rifle. The
6 7600 is a pump-action rifle. So that's a
7 differentiation, but, yes, they're both not modern
8 sporting rifle platform style firearms.

9 Q So the Model 750 that is semiautomatic,
10 why is it not a modern sporting rifle?

11 A It's constructed differently than modern
12 sporting rifles. The barrel is permanently
13 attached to the receiver. The trigger group is
14 actually a trigger plate that drops out the bottom.

15 It was a historic product that, you
16 know, has a different design lineage or pedigree
17 than modern sporting rifles. It was an approach
18 and a design, you know, that was not within the
19 idea or the realm of MSRs.

20 Q Okay. And MSRs -- just a second. So
21 there was a time period back in 2013 when you were
22 the director of product development -- no, I'm
23 sorry. Strike that question. I'm going to ask it
24 a different way.

1 In the time that you were leading
2 product development teams at Remington were MSRs
3 and military rifles always together in the same
4 product development team?

5 A No. They were always separate. They
6 were always separate. My first role as a director
7 or leader was military and LE product development
8 and later on MSRs were added within my purview.

9 Q When was that?

10 A I have to look at the CV. I'm going to
11 pull up my report here. Hopefully my CV is at the
12 back of it.

13 Q Here, let me pull it up. I'll pull it
14 up.

15 A Please.

16 Q Then everybody can look at it.

17 A Yep.

18 Q Can you see it?

19 A Yes, I can.

20 Q Your CV is attached, so I'm going to
21 scroll to your CV.

22 Tell me if I need to keep going.

23 A Keep going. It's at the very end.

24 Okay. We're here basically in the

1 time period we're discussing and my roles at
2 Remington. So you can see from, you know, December
3 of 2013 through December of 2015 and actually
4 through June of 2016 I was the director of DoD/
5 Military/LE and MSR product development. The last
6 six months from January through June were in
7 Huntsville. We had closed the Elizabethtown
8 location at that time, and so I was commuting for
9 approximately six months working with the -- you
10 know, my teams and with the company to identify who
11 was going to take responsibility for, you know, my
12 teams after that because I chose not to move down
13 to Huntsville. It just didn't work out for my
14 family.

15 So at that point then I retired.
16 After my waiting period or my noncompete period I
17 started my own business, the Boundary Oak
18 Enterprises.

19 Q Plus you would have had to move away from
20 the Boundary Oak.

21 A Absolutely.

22 Q Okay. In your final position were you
23 designing firearms?

24 A My teams were. I was giving technical

1 guidance as needed, if people had questions I
2 offered it, but it was not my role to do the
3 day-to-day design on it. It was to lead the team.

4 So basically give them the resources
5 that they needed to accomplish their jobs in the
6 timelines we had. As we used to kind of jokingly
7 say, you know, to kick down doors and grease skids.
8 You know, my job was to make way for them so that
9 we could meet the development timelines we had.

10 For the military programs, those are
11 very hard and concise timelines. If you aren't
12 done and deliver product on the day that they say
13 that the solicitation is over, you get there an
14 hour late and your product is not accepted. So we
15 were working to very firm and hard, firm and fast
16 timelines for that particular side of the business.

17 Also with the modern sporting rifle
18 product development the commercial side was
19 utilizing those same things. The timelines on that
20 side were a little more flexible, but you don't
21 ever want to be lackadaisical about the delivery
22 dates. You worked hard and addressed the problems
23 that you identified as you went through the testing
24 programs. So I was not providing --

1 Q Were you involved in sales at all?

2 A No, I was not in sales directly. I
3 worked directly with our salespeople both in the
4 military and LE side, DoD, as well the modern
5 sporting rifles. So I interfaced to them. I
6 wasn't out calling on customers normally. I did
7 interface with some of our military customers and
8 that, but it wasn't my primary role.

9 Q Were you involved in marketing?

10 A Again, in speaking with our -- our
11 marketing teams that was my involvement, but in
12 terms of setting up advertising campaigns and
13 things of that nature, no, I was not.

14 Q So I notice that in this entry you no
15 longer list Ilion, New York, as the location of
16 this job. It was listed as a location for your
17 prior position. What is -- what explains that
18 change?

19 A Can you direct me to which date you're
20 talking about here just so I'm sure when we're
21 talking?

22 Q Sure. Can you see my cursor?

23 A Yep.

24 Q So 1/16 to 6/16, Research & Development

1 Center, Huntsville, Alabama?

2 A Yes.

3 Q In your prior position which ended
4 December 2015 you say Elizabethtown, Kentucky;
5 Ilion; Huntsville. Now you explained --

6 A That's correct.

7 Q -- that they shut down operations in
8 Elizabethtown. What about Ilion?

9 A In Ilion, New York, with the standing up
10 of the Huntsville facility models -- excuse me,
11 modern sporting rifle production was moved from the
12 Ilion, New York, facility, the commercial side of
13 it, down to Huntsville, Alabama.

14 So all of the production of the guns,
15 the manufacturing of the components, the testing,
16 the packaging, and shipping that had prior taken
17 place in Ilion was then done through the Huntsville
18 facility and modern sporting rifle production for
19 commercial purposes in Ilion, New York, ceased.

20 Q What about for military purposes?

21 A For military purposes the production and
22 the manufacturing group was still in Ilion, New
23 York, and was -- as it had been throughout the
24 time, it was a separate standalone area where that

1 production took place.

2 Q So the Ilion manufacturing facility was
3 still in operation after January of 2016?

4 A Yes, ma'am. It only, I believe, ceased
5 operation here in March of this year.

6 Q Okay. But you just weren't there for it?

7 A I was not interacting with the modern
8 sporting rifle, the product line and manufacturing
9 up there. I was working with the Remington Defense
10 team, the production team that was up there, in the
11 January of 2016 through June of 2016 time period.

12 I guess, you know, perhaps we could say I should
13 have listed that out there but, you know, I didn't.

14 Q Okay. Okay. That's all I wanted to
15 understand, if there was some reason why you had
16 stopped dealing with those folks.

17 So how did you determine what products
18 to design? Let's start off on the military side.

19 A Okay. The military side typically there
20 were military solicitations, requests for new
21 weapon systems that were put out by the Department
22 of Defense. They're formal solicitations,
23 extremely lengthy description of specifications
24 that the firearm needs to meet as well as

1 production requirements, testing requirements that
2 the firearm needs to be capable of meeting, and,
3 you know, we're talking on the order of probably
4 anywhere from 20 to 30 pages long in terms of the
5 specification requirements.

6 So when -- as the government typically
7 would start fishing, if you will, or hinting at
8 programs it would put out draft solicitations for
9 comment by industry on their different things, and
10 that was, you know, how we -- it was FedBizzOpps, I
11 believe, was the site that we utilized for seeing
12 and having visibility on the different programs
13 that were underway, and FedBizzOpps not only
14 covered like the DoD. It also covered federal
15 agencies like Secret Service, Treasury, and
16 different groups like that that would also have
17 need of our products.

18 That said, you know, we would read
19 that, understand how our products lined up, do kind
20 of a rack and stack or a ranking of our products'
21 capabilities versus what they were asking for, and,
22 you know, if we thought something was unreasonable
23 or going to be difficult to do we were able to
24 provide feedback to the customer prior to the

1 issuance of the real solicitation to allow them to
2 modify the solicitation if they saw fit. Quite
3 often they'd say -- their answer was thank you for
4 your feedback, it is what it is.

5 And so we would utilize that document
6 then as a means of lining out what our product had
7 to be and fine-tuning if we needed to meet any of
8 the requirements. It also gave us some guidance
9 with regard to the testing regimen that we had to
10 be able to pass, and so if we had not conducted
11 those tests previously on the product we envisioned
12 as offering for that we would go back and actually
13 conduct that test internally and, if needed, you
14 know, modify the design so that we performed to the
15 levels expected in the solicitation.

16 Q And you're talking about products that
17 already exist?

18 A It may exist. In some cases it was, hey,
19 this is completely, you know, brand new from
20 scratch. You know, if we have enough time and we
21 feel that it is a program worth competing on we
22 could start from scratch and come up with a new
23 product that was responsive to the solicitation.

24 Q But you didn't always do it that way,

1 sometimes you started from products you already
2 had?

3 A It really depended upon, you know, what
4 the -- how much runway we had and how much notice
5 we had that there was this particular program
6 coming.

7 For bigger programs like the
8 individual carbine program there was more than
9 adequate notice from the Department of Defense that
10 that was going to go on just because they wanted
11 everybody to be prepared for the solicitation so
12 that they could do it, and it wasn't typically just
13 a tweak or a modification of an existing item. In
14 many cases it was a new from scratch design that
15 was provided for -- for that.

16 The channels, you know, at the very
17 early on in that when they start hinting at things
18 are sometimes informal, but as the program comes
19 closer and closer to reality that's when the draft
20 product descriptions, the PD documents would come
21 out, and we would utilize those for, you know, in
22 some cases crafting a product from scratch or
23 modifying an existing product to meet whatever the
24 requirements were in particular.

1 On the commercial side of the business
2 it was a little bit different in that the feedback
3 we would get was from our marketing and our sales
4 teams for, you know, what they had heard, what they
5 envisioned, where their vision was for what the
6 customer might want next. Some of that was based
7 on customer feedback. Some of that was based on
8 intuition and experience in the marketplace.

9 Again, there were product, you know,
10 requirements listed. Obviously not as formally
11 defined as the U.S. government for the programs
12 that they had, but they followed a similar format
13 along with expected delivery dates and things like
14 that because, you know, they envisioned having this
15 product available to offer in the marketplace at
16 some certain point in time.

17 Q I'm sorry. I missed part of what you
18 said. Who is it that established the timeline for
19 developing a new commercial product?

20 A A lot of that came from our sales and
21 marketing team with feedback from the engineering
22 team because, you know, perfect world I want this
23 tomorrow. Reality is you can have that in a year,
24 you can have that in six months. You know, there

1 was a discussion.

2 And, you know, it was never to the
3 point that it's like, oh, well, go ahead and take
4 three years to develop this. It was to set
5 expectations for them when the product would be
6 reasonably available and, you know, that was -- you
7 know, we always strived to do better than that, but
8 we were always happy when we were able to meet
9 their expectations for it on the commercial side of
10 the business.

11 We always had to meet it on the
12 military side. As I mentioned, there was no slack.

13 Q So you said that sometimes the military
14 solicitation could be 20 to 30 pages long full of
15 specs and standards and testing requirements and
16 things like that?

17 A Yes.

18 Q For a commercial product you would be
19 developing all those specs and standards and
20 testing requirements internally, you'd have your
21 own specs and standards?

22 A Yes, they would exist. You know,
23 historically within the company I think they -- you
24 know, early on, and I'm talking like when I started

1 with the company, they may not have always been as
2 formal a document or as extensive a document, but
3 as we grew as a company, and, you know, it's
4 interesting to say that for a company that was 200
5 years old when I left, we got better about how we
6 did that and we got better specificity. We had
7 forms and formats for, you know, describing what
8 the requirements were based somewhat in part on the
9 structure that the government provided in their PD
10 documents.

11 And these were used not only for the
12 modern sporting rifle, commercial modern sporting
13 rifle product developments. They were for shotgun
14 programs, they were for bolt-action rimfire
15 programs, any firearms program that the company
16 might undertake.

17 Q So you'd end up with a document -- it's
18 not a solicitation that's 20 to 30 pages long but a
19 pretty substantial document saying here's our
20 product development plan for this product?

21 A Yeah, you know, the number of pages that
22 those were, it obviously was less. We weren't
23 referencing necessarily all the mill standards for
24 the anodization or the heat treatment or other

1 things that the -- that the military and LE
2 products needed to meet, but some of it was
3 implicit.

4 We understood that, you know, if it
5 was a shotgun program that the bolt would be made
6 from hardenable steel. There may be specifications
7 about what the particular finish on it was, whether
8 it was chrome-plated, whether it was black-oxidized
9 for the cosmetics, whether the receiver was
10 polished to a high level so it was nice and shiny
11 or if it was intentionally left with a matte finish
12 so that it would be less detectable.

13 All those items and, you know,
14 specific requirements were listed in the documents
15 that were available for us.

16 Q Less detectable by whom or what?

17 A Game typically. If you can imagine
18 you're out in, say, a duck blind or something or
19 hunting turkeys, and you may have never done that,
20 a lot of those guns are camouflaged, they have a
21 camouflage coating on them, or if they're not
22 camouflaged they have a nonreflective finish on
23 them so as to not draw attention to yourself in the
24 presence of the game so that you'd have the ability

1 to hopefully take the game if the opportunity
2 presented itself.

3 Q So I guess what I'm asking you is you get
4 a big package of requirements from the military,
5 but when you're designing your own commercial
6 products, when you're designing commercial MSRs,
7 you're not winging it, you're being precise about
8 every aspect of the gun and how it's going to be
9 made even if it's implicit because you've been
10 doing it for a long time, you're not just making it
11 up as you go along, you have a plan and you have
12 standards and you say we're going to do it this
13 way?

14 MR. LOTHSON: Objection; form, misstates
15 testimony.

16 BY MS. HELFRICH:

17 Q You can answer.

18 A There are documents that we had and we
19 worked with that were kind of the what we would
20 refer back to whenever there was a question about
21 what -- you know, what features and what
22 performance items the firearm was expected to have.

23 Q Okay. And in this position, I'm talking
24 about your final position from January '16 to June

1 '16, 2016 I mean, did this position require you to
2 be familiar with MSRs manufactured by other
3 firearms manufacturers?

4 A We were familiar with them as far as
5 manufactured by other companies as part of, you
6 know, just an ongoing product teardown. You know,
7 somebody would come out with a new offering and we
8 would essentially buy a copy of it and reverse
9 engineer it, tear it apart, understand how did it
10 work, what made it tick, and based on that inform
11 our designs potentially for things we might want to
12 do if they weren't protected by intellectual
13 property or, you know, could be considered for
14 patent infringement or things we could potentially
15 do better than what the competitors had.

16 So there was -- you know, that type of
17 an activity took place where it was a competitive
18 review of firearms.

19 Q And when you're doing that review did you
20 understand or did you need to understand what the
21 target audience for the firearm was; in other
22 words, whether that other manufacturer intended to
23 sell a particular firearm for hunting, for
24 self-defense, for competition?

1 A You know, looking at the firearms and
2 what their intended use was, in a lot of cases it's
3 fairly obvious. Some aspects of the design are
4 applicable across the board regardless of the final
5 end use, and that was, you know, kind of the way we
6 viewed it was, okay, you know, this is a new or a
7 different way of causing the firearm to operate in
8 this fashion or doing this, should we do something
9 like that and where is that applicable across our
10 product line, both for military and LE work as well
11 as the commercial modern sporting rifles.

12 Q So how did on a day-to-day basis or
13 week-to-week, whatever it was, how did you keep up
14 with what was out there in the marketplace?

15 A You know, a lot of that was through
16 media. You know, back in the day, the early 1990s,
17 there was no social media. There really wasn't
18 even an internet. Some of that was, you know,
19 keeping up via going to the gun shows, going to gun
20 stores.

21 A lot of the market awareness was
22 provided through our sales and marketing teams.
23 They had a lot of interfacing with the public,
24 different gun shows, different things like that,

1 where they could see competitive products and, you
2 know, say, hey, that looks interesting, maybe we
3 need to get one of those and, you know, look at it,
4 test it and see -- you know, understand what makes
5 it tick.

6 Q Okay. In your second to last position,
7 the position that you held from December of 2013 to
8 December of 2015 which has basically the same title
9 as the last position except in a different
10 location; is that correct?

11 A Yes.

12 Q So did anything change about your
13 responsibilities when you transitioned from the
14 second to last position to the last position?

15 A Yes, it did a little bit. Obviously when
16 I was in Elizabethtown, Kentucky, and, you know,
17 that was where I was headquartered I was an RP on
18 our FFL, so that responsibility left when the
19 Elizabethtown facility was closed and all the
20 activities were transferred down to Huntsville.
21 But in terms of --

22 Q Can I stop you there? Can you explain
23 what RP on an FFL means?

24 A It's responsible party. For an FFL for a

1 given site there are identified responsible parties
2 that the BATFE requires so that when they come to
3 make a visit they're able to say I need to -- you
4 know, we're here to do, for instance, an audit.
5 The responsible party is the person that would
6 interface with them when they came on site and also
7 for inquiries with regard to any paperwork that
8 they may need for tracing operations or anything
9 like that.

10 Q Okay. And for the record, FFL is federal
11 firearms license?

12 A Yes, ma'am, federal firearms license.

13 Q And ATF is the Bureau of Alcohol, Tobacco
14 and Firearms?

15 A Yeah, BATF, and it's actually BATFE,
16 Bureau of Alcohol, Tobacco, Firearms and
17 Explosives. BATF, ATF were also acronyms used to
18 describe that organization.

19 Q And that's what you were referring to
20 when you said ATF?

21 A Yes.

22 Q Okay. Just want a clear record.

23 Now, in your last position your
24 responsibilities -- or, sorry, in your last

1 position you were doing product development for
2 Remington Defense, Remington Arms, Bushmaster, and
3 DPMS; is that correct?

4 A Yes.

5 Q Those four brands?

6 A I believe at that point AAC may have been
7 under another director. I see it listed there,
8 but, yeah, it would have been those entities that
9 you mentioned.

10 Q Can you explain what AAC means on your
11 resume?

12 A Yeah, it's Advanced Armament Corporation.
13 It was a brand or a company that was purchased by
14 Freedom Group. Their primary product line was
15 silencers for firearms, and they also did some -- a
16 small quantity of firearms in addition to that.

17 Looking back through it, there was a
18 version of the Model 700 that was chambered in .300
19 Blackout that they offered that was kind of an
20 AAC-specific product. There was an H&R Handi Rifle
21 that was similar that they offered and there was
22 also, I believe, an AR platform firearm that was
23 .300 Blackout that they offered, but their primary
24 business was muzzle devices for silencers, flash

1 hidiers as well as silencers.

2 Q Okay. And so you have them listed in the
3 position from 3/13 to 12/13, but I don't see them
4 listed in the position you held from 12/13 to
5 12/15. Is that just an oversight?

6 A No, that actually I was able to shed some
7 responsibility because at that point I was getting
8 spread pretty thin in terms of the groups I was
9 managing. I had my teams at the Elizabethtown R&D
10 Center, I also had a team up in Ilion, New York,
11 and I had the team down in Lawrenceville, Georgia,
12 and so I was running from pillar to post to kind of
13 keep track of everything. So responsibilities
14 during that time frame after December of 2013 were
15 transitioned to another gentleman that was the
16 director of product work for them.

17 And I see, you know, in the 2016 time
18 frame that it's listed as AAC brands. I do recall
19 during that time frame they were under the
20 responsibility of a separate director, and he was
21 one that ultimately succeeded me with Remington
22 Defense and the MSR product development.

23 Q Okay. So that's just an error in your
24 resume that you weren't doing --

1 A It is.

2 Q -- you weren't in charge of AAC brands?

3 A That's correct.

4 Q Okay. This isn't a test about your
5 resume.

6 Congratulations to you for getting rid
7 of some responsibility. That's not easy to do.
8 Once they give it to you, it's hard to get rid of
9 it.

10 A Sometimes, yes, ma'am.

11 Q Okay. So the position that you held from
12 March of 2013 to December of 2013 you're still --
13 is this essentially the same position? What's
14 changing?

15 A What happened there was I picked up
16 responsibility for modern sporting rifles in
17 March of 2013, so that's when Ilion, New York,
18 became the location because the Remingtons and at
19 that time Bushmaster MSRs were produced in the
20 Ilion, New York, facility, so that part of the team
21 was added to me. There were engineers on the team
22 that was at the Elizabethtown facility that was
23 doing work for DPMS products and others. They were
24 added to me.

1 So I assumed responsibility in
2 March of 2013 for modern sporting rifle product
3 development throughout the Remington Arms Company.

4 Q And the Remington Arms Company the brands
5 at that point were Remington Arms -- or Remington?

6 A Remington, yes.

7 Q Well, you say them. You know better --

8 A Remington, Bushmaster, DPMS, and AAC for,
9 you know, what activities they had with regard to,
10 you know, MSRs. It was limited, but they did some
11 work.

12 Q And then Remington Defense was --

13 A And Remington Defense as well.

14 Q Okay. So March 2013 you get it all,
15 right? Meaning you get military, you get MSR. Why
16 was that reorganization made?

17 A At about that same time the handgun
18 development group within Remington was really
19 growing and some of -- there was just a reshuffling
20 of responsibilities within the directors of product
21 development to free up a director to concentrate on
22 our handgun market, and so at the same time that he
23 was relieved of some of his other commercial
24 product development responsibilities there was just

1 a shuffling and it ended up that modern sporting
2 rifles they felt that they were aligned reasonably
3 well with the work I did as part of the DoD,
4 military, and LE so, hence, my assumption of the
5 responsibility for those teams.

6 Q But other non-MSR rifles were still
7 somewhere else, you didn't have those?

8 A That's correct.

9 Q Now I'm going to scroll down to the
10 bottom of that page of your resume, the bottom of
11 page 1, back here in the period from November of
12 2008 to January of 2011 that's where we see this
13 entry here about the adaptive combat rifle. This
14 is what we were -- this is what I intended to ask
15 about before, and I think this is what we talked
16 about before. This is the Remington ACR?

17 A That's correct. That was the --
18 Bushmaster originally had the design and did the
19 refinement on the design to make it producible.
20 The Remington Defense team then took what they had
21 and further refined the design so that it was going
22 to be -- meet the requirements for the IC
23 competition, the individual carbine competition I
24 mentioned previously.

1 Q And that's a military competition?

2 A Yes, it is, or was.

3 Q And did the modification done, the second
4 modification, not the initial modification by
5 Bushmaster but the second one to make it suitable
6 for the military, include the addition of automatic
7 fire?

8 A Automatic fire capability had come from
9 Bushmaster. They had included that as part of
10 their development. The refinement of that was --
11 took place by my teams in Elizabethtown, New York,
12 as well as design upgrades that helped the ACR meet
13 the requirements for the individual carbine
14 competition.

15 So there were several fairly
16 significant design modifications that took place
17 that removed features from the original ACR design
18 as received from Magpul by Bushmaster and, you
19 know, incorporated by Bushmaster into what we
20 ultimately submitted for the IC program.

21 Q All right. Thank you for explaining
22 that.

23 I want to ask some broader questions
24 about Remington but I do want to clarify, so you

1 worked continuously for Remington Arms from August
2 of 1990 through June of 2016; is that correct?

3 A That is correct.

4 Q But you also had this gig here in '85,
5 '86 where you were a field services engineer?

6 A That's correct. I was originally hired
7 by DuPont as a field services engineer, which is a
8 program that DuPont had for hiring engineering
9 talent and exposing them to a variety of areas
10 within the DuPont company.

11 When I was hired basically I was on
12 the fence with am I going to go to graduate school
13 for a master's in mechanical engineering or am I
14 going to go into the workforce. The opportunity to
15 go to Remington, given my interest from childhood
16 in firearms, was a real strong pull and is the
17 reason I went with that option, thinking that at
18 some point if I didn't enjoy that or if it wasn't
19 fun I could always go back for grad school later
20 on.

21 You know, 30 some -- you know, 36, 37,
22 38, 39 years later didn't make it to grad school.
23 I started off as a field engineer, did an
24 approximately two-year assignment, maybe just

1 slightly shy of that, maybe like 20 months, and
2 then moved on to another assignment because that's
3 the way the field engineering program worked where
4 I was at the Imaging Systems Department in Newark,
5 Delaware. We worked on equipment and machinery for
6 doing off-press proofing.

7 That's kind of a strange thing,
8 somebody hears that and it's like you have no idea
9 what it is. Basically for all color printing they
10 use four different colors ink. It's four process
11 colors. There's yellow, magenta, cyan, and black.
12 And in order to get the picture to turn out, we've
13 all seen pictures that have been printed that, you
14 know, they don't look good, the coloration is
15 wrong, this allowed companies to verify that
16 their -- the separations and the picture that would
17 ultimately be printed with those printing plates
18 would be good without having to make the printing
19 plates.

20 It was an off-line process that
21 simulated what the printing press would do and
22 allowed them to take and do this check and confirm
23 that they had everything, make adjustments so that
24 they weren't doing it when the press was running.

1 Q So this period was --

2 A After that -- yeah, go ahead.

3 Q This period 1/87 to 2/89, field services
4 engineer --

5 A Yes.

6 Q -- Newark, Delaware, you were not working
7 on anything to do with firearms; is that right?

8 A That is correct.

9 Q And in this period from March of '89 to
10 July of '90, Engineering Development Laboratory,
11 Wilmington, Delaware, are you doing anything
12 related to firearms?

13 A I was not doing that during that period.
14 It was with advanced composites that, you know,
15 were my primary assignments.

16 Q So when you were doing this first stint
17 with Remington in May of '85 to December '86 were
18 you employed by Remington or were you employed by
19 DuPont?

20 A I was employed by DuPont. Remington was
21 a wholly owned subsidiary of DuPont during that
22 time period, and there were several other field
23 engineers that were at the Ilion location working
24 in different roles besides myself there. So it

1 wasn't a one-off thing. As I recall, there were
2 probably three, four other engineers altogether
3 besides myself there during that time period.

4 There was an economic downturn during
5 the fall of 1986 and the plant went basically to
6 operating on three days a week and eventually had
7 to do a layoff, and it was hard to keep, as I
8 called myself jokingly, a rental engineer but it
9 was hard to keep a non-Remington direct employee
10 working there when Remington direct employees were
11 being let go. So my assignment ended about three
12 or four months early, and that's how I ended up
13 down at Imaging Systems Department in Newark.

14 Q And during this period from January '87
15 to July of '90 were you trying to get back into the
16 firearms industry?

17 A At that point I had the -- you know,
18 within the field engineering program there was the
19 opportunity to do career transfers. They typically
20 wanted you to do at least two assignments before
21 you made that transfer. They would encourage you
22 doing three or more so that you got, you know, a
23 much better idea of the breadth of the company and
24 areas where your skills aligned with the

1 requirements or the needs of those particular
2 divisions.

3 So I felt that after three assignments
4 I knew that I wanted to go back to Remington.
5 There was the opportunity to do so, and so I did.

6 Q And so from August of 1990 through to
7 June of 2016 you were an employee of Remington the
8 entire time?

9 A Yes.

10 Q Okay. You said you had a childhood
11 interest in firearms. Can you talk a bit about
12 that? Specifically what made you want to go into
13 the firearms industry?

14 A Well, growing up in, you know, northern
15 Minnesota, firearms and hunting were a big part of
16 growing up. I remember the first time I ever, you
17 know, shot a gun it was with my family. It was my
18 dad and my brother and my mother and shot a
19 Remington .22, a 572 pump-action .22 that my father
20 had, and I thought that was really cool.

21 Had the opportunity to do hunting,
22 first not carrying a gun because you had to be 12
23 years old in order to go through firearm safety and
24 I get a hunting license, so starting at about the

1 age of seven or eight I got to do a lot of walking
2 and sitting with my extended family as we deer
3 hunted and did other hunting in northern Minnesota.

4 Q Okay.

5 A So that was really the impetus and, you
6 know, the seed for my interest in firearms was
7 learning to use them as a kid and understanding,
8 you know, the enjoyment I had from them.

9 Q So during the time that you were at
10 Remington there were shifts in Remington's
11 corporate ownership, corporate structure. Can you
12 describe that to me? As best you can remember,
13 what's the timeline for Remington becoming
14 associated with Bushmaster, DPMS, and AAC?

15 A Okay. I'll do my best on this.

16 In a lot of cases I was, you know, the
17 recipient of the information rather than the
18 deliverer of it, but when I hired into Remington in
19 1985 it was a wholly owned subsidiary of DuPont. I
20 believe DuPont had purchased all of the outstanding
21 stock for Remington in the late '70s, early '80s,
22 at which point it became a wholly owned subsidiary.
23 Prior to that it was a standalone company.

24 In November of 1993, I believe, DuPont

1 sold Remington along with Stren, and Remington at
2 that time included the firearms and the ammunition
3 business, Stren was a fishing line business that
4 they owned, to an investment banking firm called
5 Clayton, Dubilier & Rice. CD&R is the acronym used
6 for them.

7 CD&R, their way of doing business was
8 they purchased divisions of larger conglomerates
9 that no longer aligned with the direction that the
10 parent corporation was going, and that was
11 basically, you know, DuPont at that time, I
12 believe, had -- probably it was no longer in the
13 gunpowder business and so as a result the affinity
14 and the alignment that they had from when they
15 originally invested in the company to that point
16 was -- had diminished and they just felt it was a
17 good thing to sell at that point so they did.

18 With the purchase of Remington by
19 Clayton, Dubilier & Rice they had the feeling that
20 the product development R&D groups would do better
21 if they were taken away from the manufacturing
22 facilities and put into a standalone facility so
23 that their attention wouldn't be diverted to
24 address manufacturing issues as they arose in the

1 plant, and so that was the impetus for the
2 selection of Elizabethtown, Kentucky, as the
3 combined R&D site for both the firearms and the
4 ammunition manufacturing.

5 They purchased the facility, they
6 refurbished it, added the laboratory space that was
7 needed to do firearms and ammunition development,
8 including a hundred-yard range, shooting -- what we
9 called shooting butts but basically a short range
10 where firearms could be tested without, you know,
11 letting bullets go outside the building. We shot
12 the firearms into special devices that caught the
13 projectiles and then allowed the recycling of the
14 material.

15 In 2008 Clayton, Dubilier & Rice, I
16 believe it was 2008, sold Remington to Cerberus
17 Capital Management, and at that point Cerberus was
18 the parent company that was over Remington. They
19 also had other firearms assets within their
20 portfolio. I believe, you know, Bushmaster was
21 owned by them prior to the purchase of Remington.
22 There may have been other entities as well. Again,
23 that wasn't something that was, you know, part of
24 my day-to-day activities as to who owned what and

1 all the things that were happening there, but my
2 recollection is that Bushmaster was there.

3 After they combined the businesses,
4 moved Bushmaster and Remington underneath the same
5 umbrella, they purchased several other
6 firearms-related businesses and some just
7 outdoor-related businesses. DPMS was purchased at
8 one point. Mountain Khakis, which was a clothing
9 company, was also purchased. There were just quite
10 a wide range of different acquisitions that took
11 place. Advanced Armament was part of that.

12 And so they built what became Freedom
13 Group, which ultimately, you know, was there until
14 I retired or, you know, finished my work with the
15 company in 2016.

16 I think that's reasonably accurate.
17 That's from my point of view how it all went down.
18 I'm sure there are a lot more specific details that
19 could be provided, but as a layman's view from
20 inside the company that's how I believe it went
21 down.

22 Q That's fine. I'm asking so we have at
23 least the same understanding, even if it's wrong.

24 Can you tell me, though, at what point

1 or by what point were Remington, Bushmaster, and
2 DPMS all in the same corporate family?

3 A Well, I know, like I had mentioned, I
4 believe Bushmaster was owned by Cerberus Capital
5 Management prior to the purchase of Remington. You
6 know, there may have been some rearrangement and
7 reorganization within the group post-acquisition of
8 Remington. What exactly that was I don't know.

9 DPMS was purchased at a point sometime
10 after Remington was purchased by Cerberus Capital
11 Management. Again, I don't have a specific date.

12 Q Okay.

13 A Bushmaster was a standalone firearms
14 development company in -- when I started my role as
15 a director of military and LE product development.
16 My management from the non-R&D side, the actual
17 business side, we're the ones that were working
18 with Bushmaster specifically for the development of
19 potential military weapons, not really doing
20 anything with regard to commercial development.
21 That was handled via Bushmaster's own internal
22 marketing and sales organization.

23 Q Okay. But by 2008 at least Bushmaster
24 and Remington are in the same corporate family and

1 then sometime within the next few years DPMS gets
2 added?

3 A That's my recollection of it, yes.

4 Q Well, let me ask you, I want to refer to
5 a chart you have in your report. You have an AFMER
6 chart of production, this is on page 4 of your
7 report, "AMFER" but I think you meant AFMER
8 Production Volumes, Bushmaster, DPMS, and it starts
9 in 2007.

10 A Yes. This is really without regard to
11 ownership or acquisition --

12 Q Who owned it, okay. All right. That's
13 what I wanted to understand.

14 A Yeah. Yeah.

15 Q Got it. That's what I wanted to
16 understand.

17 Okay. So when you're working on
18 product development for all the brands it isn't
19 necessarily the case that all the brands are one
20 company, they may be different companies, but it
21 doesn't matter, you cross lines because you're all
22 one family; fair?

23 A That is an accurate description of the
24 way we worked. You know, our engineers were

1 flexible with regard to the product line they were
2 working on. As programs for one brand wrapped up,
3 those resources as they were no longer required for
4 the program that was being launched were redeployed
5 for -- you know, on other programs that, you know,
6 could have been potentially for other brands within
7 the portfolio.

8 Q Okay. I got it.

9 Let me ask you some questions about
10 the firearms industry more broadly. When you first
11 worked for Remington in 1990 Remington was not
12 making modern sporting rifles, correct?

13 A That is correct.

14 Q What was their product line roughly?
15 What kind of product lines did they have?

16 A Their product line was primarily
17 bolt-action rifles in the Model 700 and Model 7
18 product line. There were also shotguns, the Model
19 870 pump-action shotgun, Model 11-87 semiauto
20 shotgun. There was a bolt-action pistol called the
21 XP-100, and there were rimfire products that were
22 both bolt-action, pump-action, and semiautomatic is
23 my recollection of the product line in 1990.

24 Q And were you interested in working on

1 MSRs or working on AR platform firearms at that
2 time?

3 A Regardless of what my interest would have
4 been, the opportunity wasn't there at Remington.
5 You know, personally I was working on bolt-action
6 rifles during that time period, so, unfortunately,
7 it's one of those, you know, what you want to do
8 and what you have to do are not always perfectly
9 aligned.

10 Q I've heard. But were you -- let me put
11 it this way. Were you interested in MSRs at that
12 point in your career?

13 A I was mildly interested, but it wasn't,
14 you know, a passion that I had. I'd had limited
15 exposure to them up to that point.

16 Q Do you know when you started in 1990, in
17 the early '90s, do you know how many companies were
18 making MSRs, what the size of that market was --
19 or, sorry, not the size of the market, the players
20 in the market?

21 A You know, I would have to go back and
22 look. I'm aware of certain players that were, you
23 know, active back then. You know, Bushmaster has
24 been around for quite a long time. Colt predates

1 them. ArmaLite was also a player.

2 Again, I'd have to go back and look at
3 historically who they were in that time period
4 because I didn't follow it closely. It wasn't, you
5 know, an all-consuming passion that I had
6 personally during that time period.

7 Q You state in your report at some point
8 that at the end of your career at Remington there
9 were scores of companies, that's the term you used,
10 scores, manufacturing MSRs. Do you remember saying
11 that?

12 A Yes.

13 Q I'm going to find it for you.

14 A Okay.

15 Q Because I want to get it right, too.

16 Oops. Didn't work. What happened
17 there. Here we go: Indeed, scores of other
18 companies besides mine were significantly involved
19 in this consumer MSR marketplace.

20 And you're talking about 2012 onward,
21 I believe, in this section; is that correct?

22 A Yes.

23 Q So scores means at least 40, and what I'm
24 interested in is how did that number compare to

1 what was around in 1990 or the early '90s when you
2 were first at Remington?

3 A It was substantially larger than what it
4 was, you know, during the 1990s.

5 Q Do you know what the size of the MSR
6 market was in the early 1990s?

7 A I do not. I don't have that information.
8 That was prior to my involvement with the product,
9 and, as I said, Remington during that time period
10 was not active in the production of MSRs and it
11 wasn't a personal interest I had outside of, you
12 know, what I was working on. So I don't know.

13 I'm sure data exists, you know, AFMER
14 reports from that time period that might be able
15 to, you know, hint at what the market size was, but
16 personally I don't have information from that time
17 period to share.

18 Q Okay. Do you know how many companies
19 were making MSRs in 2004 when the federal assault
20 weapons band ended?

21 A That number, you know, I've looked at
22 some of the data and it was -- you know, without
23 extensive investigation of what each company's
24 product line was, there were in excess of 20 that I

1 identified just based on my own personal knowledge
2 that the company was producing MSRs at that time.
3 There are potentially a lot of smaller companies of
4 which I had no awareness of what their specific
5 products were that may have been producing MSRs
6 during that time.

7 Q But it wasn't scores, you wouldn't use
8 the term scores?

9 A In the 2005 time frame I would say, yeah,
10 it's certainly a score and probably was scores.
11 Like I said, I personally identified about 20, but
12 I'm sure there were a lot more. Like I said, we'd
13 have to go in and investigate each company, okay,
14 were they making MSRs.

15 One of the issues with the AFMER
16 reports is that, unfortunately, they don't classify
17 rifles as anything other than rifles, so MSRs get
18 grouped in with bolt-actions and other
19 semiautomatic firearms or rifles and pump-action.
20 So if you have a company that's producing a myriad
21 of product lines or multiple product lines that
22 involve all those products you don't have the
23 ability with that data to extract exactly what the
24 MSR market is, but as I understand, you know, other

1 folks have gone and done that work and gone and dug
2 a little bit deeper and publicly
3 questioned -- not publicly but privately questioned
4 some of the manufacturers, okay, what was your
5 breakdown and they have that information.
6 Unfortunately, I don't have that information
7 personally. I only have the AFMER reports to
8 review.

9 Q Okay. I'm trying to assess -- I'm not
10 trying to pin you down on a specific number, but
11 I'm trying to assess like between 2004 when you say
12 you know of about 20 companies making MSRs and when
13 you left Remington in 2016 how many more companies
14 were there in 2016 or less or fewer?

15 A You know, in reviewing the reports and,
16 again, the number of FFLs reporting the manufacture
17 of rifles increased greatly. I mean, you take a
18 look at just the PDFs for the reports themselves
19 the rifle section grew, you know, probably doubled
20 in length.

21 A lot of these companies are small.
22 The numbers they're reporting are not particularly
23 large. Some of them -- some of the companies, some
24 of the more traditional companies, produced a

1 significant quantity as evidenced by the number
2 they reported, but, you know, by identifying
3 companies that I know produced MSR products and
4 exclusively MSR products rather than some mixture
5 where you can't differentiate given the data I had
6 access to, I would say that easily the field
7 doubled and went into the forties and, quite
8 honestly, I'd say with a more extensive examination
9 and probing of what the product line was for each
10 company it could have been even more than that.

11 Q So based on your experience, and I
12 understand all of the limitations on what you're
13 saying, but from your experience the number of
14 companies you would say roughly doubled from 2004
15 to 2016 and I'm saying the number of companies
16 manufacturing MSRs, correct, that's what you said?

17 MR. LOTHSON: Objection; misstates
18 testimony.

19 THE WITNESS: You know, what I said was
20 that from the inception of when I started looking
21 at data through about 2016, yeah, the number of
22 manufacturers I was able to identify approximately
23 doubled.

24

1 BY MS. HELFRICH:

2 Q Okay. And comparing 2004 to 1990 you
3 said -- and, again, I'm not asking you to give me a
4 specific number, but did it double, did it triple --
5 sorry, 1990 to 2004, in your experience did the
6 number of manufacturers double, triple, stay the
7 same, go down?

8 A I didn't have access to reports from that
9 time period, from the early '90s. The only ones I
10 had accessible to me were through I want to say the
11 early 2000s. If there were ones from that earlier
12 time period I did not see those.

13 So I'm not able to offer an estimate
14 of what the market change was over that time period
15 just because I don't have data for the starting
16 point.

17 Q Fair. And this growth in the number of
18 companies, is this related to a growth in the size
19 of the market for MSRs in your view?

20 A I would say it is related to a growth in
21 the size of the market because, you know, standard
22 economics are a supply-and-demand thing. You can
23 have a large supply, but if there's not demand for
24 it they wouldn't be -- you know, the firearms

1 manufacturers wouldn't be shipping the product.

2 So there was demand in the marketplace
3 for the MSR products as evidenced by, you know, the
4 increasing number of participants in the market for
5 manufacturing as well as the numbers produced.

6 Q And Remington itself entered the MSR
7 market in 2008; is that correct?

8 A I believe that's correct. It's within
9 that time frame, 2008, 2009. I would have to go
10 back and do some studying of catalogs to see what
11 the introduction date was for the R-15 and the
12 R-25.

13 Q Do you know why Remington decided to make
14 that move at that time?

15 A Well, I believe at that point in time we
16 were -- you know, Bushmaster and DPMS at a later
17 point were partners for us. We wanted to offer an
18 MSR that was tailored for hunting and for varmint
19 used them for target use. So there was a
20 rebranding, rebadging, if you will, of products as
21 well as some that were Remington-specific in terms
22 of the features that they offered.

23 Q In your view was the market for MSRs
24 expanding at that time around 2008?

1 A Yes, I believe it was. You know, with
2 the expiration of the assault weapons ban that's
3 when I think, you know, based on the data I've seen
4 with market participants and that that there was an
5 increase in the number of companies producing the
6 firearms as well as the quantities produced as
7 well.

8 Q Do you know whether it was a big increase
9 or just similar to what had come before?

10 A You know, you'd have to actually map it
11 all out, but the growth curve seemed like for the
12 first several years after the lapse of the ban was
13 a steady growth and then there were times where
14 later on the growth was steeper. And there were
15 actually in some cases, a couple cases, where there
16 were slight market declines as well, but in general
17 the trend was towards higher quantities and more
18 participants in the -- you know, in the manufacture
19 of modern sporting rifles.

20 Q So I have read, and I'm not vouching for
21 this number, but I have read that Bushmaster and
22 DPMS in 2007 had about half the market for AR-15s.
23 Does that sound right to you?

24 A They had a significant part of the

1 market. To pin me down to a specific number I'd
2 have to go back and run the numbers myself.

3 So it doesn't sound particularly
4 outrageous, but, you know, again, for specificity I
5 would really need to take and do the numbers myself
6 to confirm that.

7 Q Okay. Would it be correct to say based
8 on your experience that in 2007 AR-15s were a
9 dominant part of the MSR market?

10 A I would say that they were one of the
11 primary products that were being sold in the MSR
12 market. I think, you know, also the importation
13 bans that were in place for some of the other
14 products, with the lapse of those there was
15 interest in people, you know, in AKs and other
16 platforms that, you know, kind of fall under the
17 MSR umbrella, but the AR market I would say
18 definitely was in a growth mode.

19 Q Around that time, around 2007, 2008?

20 A It had started, yes. As I mentioned
21 previously, with the lapse of the assault weapons
22 ban the market grew and, you know, based on the
23 reported numbers in AFMER.

24 Q And is it correct to say that AR-15s were

1 a really dominant part of the market and then their
2 share is kind of shrinking as other things come in?

3 A You know, yeah, their market probably did
4 decrease, the percentage of the modern sporting
5 rifle market that they commanded decreased as other
6 products were introduced, other platforms that were
7 within that same umbrella. Again, need to take and
8 do a deeper dive on the AFMER data to understand,
9 you know, really what that shift was.

10 You know, at a high level I would say
11 it decreased some, but, you know, since there's
12 really no way to -- for me given the data I have to
13 be able to tell you exactly what it is, I can only
14 offer my estimation of what it is.

15 MS. HELFRICH: Okay. I'd like to take a
16 five-minute break, if that's all right with you.
17 So we'll come back on the record at 11:25.

18 THE WITNESS: Okay. Can we take a lunch
19 break then, say, around noon your time?

20 MS. HELFRICH: Well --

21 THE WITNESS: Or is that not -- not
22 within what you'd like to do?

23 MS. HELFRICH: How about 12:15?

24 THE WITNESS: That will work. I'm on

1 Eastern Time.

2 MS. HELFRICH: Are you on Eastern Time?

3 THE WITNESS: I am on Eastern Time. I'm
4 five miles from the timeline.

5 MS. HELFRICH: Okay. So your stomach is
6 on Eastern Time, too.

7 THE WITNESS: Yeah, unfortunately.

8 MS. HELFRICH: Okay. Well, I'll aim for
9 12:15 lunch break.

10 THE WITNESS: Excellent.

11 MS. HELFRICH: Okay. Thank you.

12 THE WITNESS: Thank you.

13 (Whereupon, a recess was taken
14 at 12:21 p.m. ET and resumed at
15 12:26 p.m. ET as follows:)

16 MS. HELFRICH: So we'll go back on the
17 record.

18 BY MS. HELFRICH:

19 Q Mr. Ronkainen, I want to ask you some
20 questions about your report, so I have to do a
21 little bit of business first to clean up the
22 record.

23 You've already said that Exhibit 1 is
24 the report you submitted in this case. You were --

1 and you've said that you were retained by Lothson's
2 firm; is that correct?

3 A That is correct.

4 Q All right. What was your assignment in
5 this case?

6 A My assignment was to provide a point of
7 view or a rebuttal to expert witnesses' reports
8 that were provided originally in this case, in this
9 matter, and to provide the perspective of somebody
10 that had been in the industry and active within it
11 in a role that involved the development of the
12 product in question and, you know, a participant in
13 the industry that worked with the sales and
14 marketing and somebody that was basically involved,
15 a player, if you will.

16 Q Do you have personal beliefs about
17 whether the firearms restricted by Illinois' law
18 should be available to civilians?

19 A I do. I support the Second Amendment
20 and -- you know, so we can leave it at that.
21 Basically, yes, I support the Second Amendment and
22 we'll leave it at that.

23 Q Did you have that view that the weapons
24 restricted by the Illinois law should be available

1 to civilians, did you have that view when you
2 started in the firearms industry in 1990?

3 A Yes.

4 Q In your report you list on page 7 to 8 --
5 no, actually 6 to 7 you list materials reviewed,
6 expert reports of Louis Klarevas, Lucy Allen, Phil
7 Andrew, and James Yurgealitis, correct?

8 A Yes.

9 Q Now, did you review the original report
10 by Mr. Klarevas or the corrected report by
11 Mr. Klarevas?

12 A I'm uncertain as to which one I actually
13 reviewed. It was probably the corrected one, but I
14 don't know. I didn't realize there were two.

15 Q Okay. I thought that might be the case
16 but let me just ask you, your rebuttal is to pages
17 7 to 21 of his report.

18 A Okay.

19 Q Here's what you say up here because I
20 think we can solve this problem pretty easily. You
21 say that his statements that he makes are wrong,
22 see Klarevas report pages 7 to 21. So that's the
23 section of the report that you're addressing?

24 A Yes.

1 Q Okay. So long as you're not addressing
2 anything else I can tell you that none of the
3 changes that were made affect pages 7 to 21, so I'm
4 going to probably show you his report later but
5 I'll show you the corrected one and I believe we
6 don't need to worry about that. Mr. Lothson can
7 have a different opinion if he thinks that you
8 reviewed a different report.

9 So did you review any -- sorry?

10 A I was going to ask when the correction
11 took place.

12 Q Just like a week later there was a --

13 A Okay.

14 Q -- change in an academic article that
15 came to Mr. Klarevas's attention.

16 A Okay.

17 MR. LOTHSON: Untimely disclosure which
18 we'll move to strike.

19 BY MS. HELFRICH:

20 Q Did you draft the report yourself?

21 A Yes, I did.

22 Q And do you stand by everything in the
23 report or do you want to change anything today?

24 A I stand by the report as written.

1 Q Okay. Let me point something out, and
2 then I'm going to ask you that question again.

3 A Okay.

4 Q You say here -- so here we're on page 4:
5 The AFMER data alone confirms that my companies,
6 e.g., Bushmaster and DPMS, respectively, produced
7 302,530 and 848,311 for a total of 1,150,841 MSRs
8 during the period for which such data directly
9 attributable to each company was available.

10 Now, those --

11 A Could you share your screen, please?

12 Q Oh, my gosh. I thought I was sharing.

13 A No.

14 Q Can you see it now?

15 A Yes, I can see it now.

16 Q Okay. So this is the sentence that I
17 just read, starts with "The AFMER data alone." Go
18 ahead and read that sentence.

19 A Can you scroll down so I can also see the
20 table?

21 Q Yeah. I want to ask you about the table.

22 A Okay.

23 Q Because for Bushmaster, for example, in
24 the first line this total here is equals rifles

1 minus exported rifles but then the second line the
2 total equals just rifles and it looks like you
3 didn't subtract exported rifles and the same for
4 the third line --

5 A Based on what you're showing me there I
6 would agree that that is -- the formulas
7 calculating the value shown and total are
8 different.

9 Q So was it your intention, were these
10 totals intended to represent, the totals you give
11 in the text up here, intended to represent rifles
12 produced minus rifles exported?

13 A I believe that's what my intent was, and
14 obviously with the math equation issue it did not
15 reduce the number of rifles exported, which would
16 have made a difference of about 5,600 perhaps,
17 5,800, somewhere in that neighborhood. So it would
18 reduce the total --

19 Q Yeah, it's not a huge difference, but I
20 just wanted to understand what your intention was.

21 So can I assume, then, that the total
22 attributable to each company is the number of
23 rifles produced, so the second column from the
24 left, minus rifles exported, fourth column from the

1 left?

2 A That would be the intent, yes, ma'am.

3 Q Okay. That's fine. I just wanted to
4 understand. I did not see that issue arising in
5 the DPMS data. It was just Bushmaster, who knows
6 why.

7 So with that correction do you stand
8 by everything that's in your report?

9 A I do stand by everything that's in my
10 report with the exception of those total numbers
11 would vary based on correction of the math there
12 that took place there.

13 Q Okay.

14 A With the magnitude of the error being
15 approximately 56 to 5,800 units in total for the
16 time period in question.

17 Q And is everything in the report true to
18 the best of your knowledge?

19 A Yes, ma'am, it is.

20 Q Okay; great.

21 Now, I want to ask you some more about
22 the market for MSRs. So you say on page 3: I have
23 also reviewed the report submitted by the State's
24 expert, Mr. Klarevas. Mr. Klarevas's suggestion

1 that MSR production volumes did not result in
2 significant quantities of MSRs being produced for
3 the civilian marketplace is wrong.

4 Did I read that correctly?

5 A Yes.

6 Q Okay. And, as you said earlier, your
7 rebuttal is aimed at pages 7 to 21 of his report,
8 correct?

9 A Yes.

10 Q All right. Then you go on to say:
11 During my tenure as the director of MSR new product
12 development for Remington, DPMS, and Bushmaster,
13 MSR production volumes for lawful sales to
14 civilians stayed robust year over year. ATF AFMER
15 data for DPMS and Bushmaster confirms this point.
16 Overall, the market has been consistent or
17 expanding, not contracting on the whole.

18 Did I read that correctly?

19 A Yes.

20 Q Okay. So when you say during my tenure
21 as director of MSR new product development for
22 Remington, DPMS, and Bushmaster, could you say what
23 time period you are referring to?

24 A That is when I had responsibility for the

1 product development, which would have been
2 starting, I believe, in 2013 by my CV.

3 Q So 2013 to 2016?

4 A Yes, would have been in that time period.

5 Q Okay. I want to ask you about some
6 numbers that Mr. Klarevas gives, so let me stop
7 sharing and show you a different document.

8 Can you see a document that has a
9 title Declaration of Louis Klarevas?

10 A Yes, I see that.

11 Q Okay. And just to make Mr. Lothson
12 happy, I'm going to use Mr. Klarevas's first report
13 since pages 7 to 21 are unchanged.

14 Do you recognize this document as
15 something that you reviewed?

16 A Yes.

17 Q I'm going to scroll.

18 Do you recognize this?

19 A Yes.

20 Q Okay. I'm going to go to page 14 of this
21 report. I need to make this bigger.

22 Can you still see it, the chart?

23 A Yes, I can still see it.

24 Q Okay. This is a chart that Mr. Klarevas

1 included in his report. Now, these are numbers
2 that the NSSF provides regarding annual production
3 of MSRs. Now I assume that you are not able to
4 vouch for the accuracy of these numbers, but if I'm
5 wrong please let me know.

6 A I am unable to vouch for those. The only
7 access I would have had for those would have been
8 in Mr. Klarevas's report.

9 Q That's fine.

10 What I want to ask you about is the
11 pattern that these numbers show, so the specific
12 numbers don't matter. What I want to ask you is
13 whether the pattern of growth is the same pattern
14 of growth that you experienced in this market, and
15 what I want to point out especially is I want to
16 divide it up into sort of three different decades.

17 So if we look in the '90s, and I
18 understand that you don't -- you didn't study the
19 data from the 1990s, in the 1990s we've got a much
20 smaller market than we do between, let's say, 2010
21 and 2021. That would seem to jibe with what you've
22 told me; is that right?

23 A That's correct. The numbers that
24 Mr. Klarevas is listing there are all firearms,

1 which are handguns and everything else. MSRs is a
2 part of the total market --

3 Q Well, hang on because this first column
4 here is MSRs annual. MSRs --

5 A Yes.

6 Q This column --

7 A For calculation of the percentages he's
8 using all firearms annually. My data when I've
9 looked at it has been with regard to rifles only,
10 so I'll make that caveat.

11 Q Do you mean your data has been -- I don't
12 understand. Could you explain again?

13 A In the third column there where it says
14 All Firearms (Annual).

15 Q Yeah.

16 A That's all firearms, shotguns, rifles,
17 pistols, everything, and so the data I've done in
18 terms of, you know, MSR and market analysis has
19 been looking strictly with regard to rifles. It
20 doesn't count in handguns, which are a significant
21 part of the market, or other firearms. It's
22 strictly looking at rifles in total.

23 Q So you have no thoughts about this
24 percentage of MSRs as a percentage of total

1 firearms produced?

2 A I would say that it's, you know, the
3 trend that's indicated there is, you know, similar
4 to I think what I showed. I would say the absolute
5 value of the numbers that are shown there are low
6 because of the denominator used to calculate them,
7 all rifles -- or, excuse me, all firearms versus
8 rifles.

9 Q Understood. What about the pattern of
10 growth from 2 percent in 1990 to 18 percent in
11 2021?

12 A Again, as I said, generally it's
13 directionally correct. My estimations were in
14 terms of part of the market a little bit higher
15 because I was looking strictly at rifles, not all
16 handguns and shotguns and other things, but, yes,
17 directionally it's the same.

18 There are economic downturns that are
19 indicated there, specifically 2010 was a slow year,
20 and there have been different times, I think, like
21 some of the financial crises affected the overall
22 growth, but in general if you were to draw a trend
23 line from 1990 to 2021 it's definitely a positive
24 slope and going up with individual variations based

1 on some years being less than previous years but
2 the trend line is definitely a growth trend line.

3 Q And would you agree that the slope gets a
4 lot steeper maybe starting 2007, 2008?

5 A Based on the data Mr. Klarevas has in
6 this table I would agree that, yes, it does get
7 steeper.

8 Q Does that square with your experience,
9 does that jibe with your experience of the market?

10 A As I said during my time period, yes. In
11 the data analysis I did for times prior to my
12 involvement in the MSR market, prior to the
13 expiration of the assault weapons ban in 2004, you
14 know, it was a very slow-moving market,
15 consistently, you know, 150 to 200,000 units in
16 total going in, but then when the sales were able
17 to increase you'll notice that all of a sudden you
18 went up to, you know, six-digit production numbers
19 in certain years where, you know, people were
20 purchasing a lot of the products.

21 Q Okay. So without endorsing these
22 specific numbers, this growth pattern at least from
23 the mid 2000s onward is consistent with your
24 experience, the pattern?

1 A The pattern and the trend are consistent
2 with my experience.

3 Q Okay. And, again, not asking you to
4 vouch for these specific numbers, this last column
5 that Mr. Klarevas has, which I have to say, I'm not
6 a numbers person, it took me a while to figure out
7 how to read this column, what this column suggests
8 is that if these numbers were accurate, and we're
9 not saying they are, then half of the MSRs produced
10 between 1990 and 2021 were actually produced just
11 between 2015 and 2021 -- sorry, 2016 and 2021. So
12 that's this group here.

13 Without vouching for a specific
14 number, does that square with your view of the
15 market?

16 A Yeah, I believe that -- you know, as I
17 stated before, that the number of manufacturers
18 increased as well as the volumes they were
19 producing based on the rudimentary analysis I
20 conducted of the AFMER numbers during certain
21 sections of that time period.

22 So there's growth, and based on
23 Mr. Klarevas's numbers, if you accept those as, you
24 know, accurate, yeah, about 50 percent of them

1 produced in -- you know, from that 2016 to the 2021
2 time period.

3 Q Well, just to be clear, these are NSSF
4 numbers, not Mr. Klarevas's, but that's okay, but I
5 want to be clear. I'm asking you whether your
6 experience of the market is consistent with what's
7 shown here.

8 A As I stated previously, yes. The market
9 has grown. I'd say in recent years it has grown
10 more steadily or at a higher rate than it had
11 previously, and some of that was due to, like I
12 said, the assault weapons ban expiring and the
13 availability of the product to more people in more
14 configurations that weren't limited by what the
15 previous law had in it.

16 Q Okay. Now in terms of rebutting
17 Mr. Klarevas's report, I just want to ask you, did
18 you review the English survey?

19 A English survey?

20 Q Yes. Are you familiar with the English
21 survey?

22 A I don't recall what that is. Can you
23 show me what it is and I'll tell you if I've seen
24 it?

1 Q Yeah. I'm going to go back to sharing.

2 Can you see the chart again?

3 A Yes.

4 Q Okay. So page 7 of Professor Klarevas's
5 report, Section IIIA says Assault Weapons, and then
6 Section IIIAi says The English Survey. In 2021
7 Georgetown University professor William English
8 conducted a survey of gun owners.

9 Have you reviewed that survey?

10 A I have not reviewed that survey in
11 particular. I've seen a reference of it in this
12 document, but I have not gone through that survey
13 personally to analyze the details that are there.

14 Q Okay. Here on page 12, Section IIIAii,
15 it's titled NSSF Publications. Did you review the
16 NSSF publications that Mr. Klarevas is referring to
17 in this section of his report?

18 A As I said before, I didn't have access to
19 those.

20 Q Sorry for all the scrolling.

21 Here on page 19 of his report, Section
22 IIIAiii, The Washington Post/Ipsos Survey, did you
23 review the Washington Post/Ipsos survey?

24 A I have not reviewed that survey in

1 particular. I reviewed Mr. Klarevas's comments on
2 it, but I have not gone back and personally read
3 the survey and the details with regard to it.

4 MS. HELFRICH: All right. I'm going to
5 stop sharing.

6 I was hoping to go back to your
7 report, but I seem to have lost it. Here we go.
8 I'm going to share again.

9 Just a second. June, I don't think --
10 I don't remember whether I asked that the Klarevas
11 report be marked as Exhibit 2. I would like to ask
12 that it be marked as Exhibit 2.

13 THE REPORTER: You had not.

14 (Document was marked Exhibit 2
15 for identification.)

16 BY MS. HELFRICH:

17 Q Okay. Mr. Ronkainen, can you see your
18 report?

19 A Yes.

20 Q I want to ask you about some statements
21 in your report. On page 2 you say -- let me find
22 it. Well, now I can't find it.

23 Here we go: During my time in the
24 firearms industry, demand and sales of commercial

1 MSRs climbed markedly and steadily.

2 Do you see that?

3 A Yes.

4 Q When you say commercial sales -- sorry,
5 when you say sales of commercial MSRs, does
6 commercial MSRs include any MSRs sold to law
7 enforcement?

8 A Typically, no. Those would have been
9 sold -- they are on some occasions sold,
10 semiautomatic versions, to law enforcement agencies
11 that require that, but by far and away the majority
12 were sold to the general public as opposed to LE
13 sales.

14 Q When you report rifle sales to ATF, the
15 Bureau of Alcohol, Tobacco, Firearms and
16 Explosives, when you report rifle sales that data
17 includes any sales to law enforcement, correct?

18 A Yes, it does. They're disposed of in
19 commerce, so they would be included on that report.

20 Q It does not include sales to the
21 military, correct?

22 A Sales to the military, I believe, were
23 not part of that. These are strictly ones that are
24 into commerce.

1 Q Okay.

2 A The rules for the AFMER reporting, you
3 know, delineate exactly what needs to be reported.
4 Based on my recollection of having read those, I
5 believe military sales are excluded from that.
6 Again, I'd have to go back and read that in detail
7 to confirm that for you.

8 Q Okay. In this statement that we just are
9 looking at here, when you say demand and sales of
10 commercial MSRs climbed markedly and steadily, are
11 you referring to demand and sales at your companies
12 or in the market overall?

13 A Specifically based on my recollection of
14 what was going on with our company, but, you know,
15 being involved in the industry you could see that
16 there were a lot of competitors coming into the
17 marketplace and the overall numbers of the products
18 being sold into commerce was increasing as well.

19 So, I mean, our salespeople had access
20 to the specific data, albeit on the time lag that
21 happens by the reporting period. It's typically
22 trailing data by 12 to 18 months, I believe, based
23 on when the ATF finally generates the report. So,
24 you know, our experience was that sales were

1 growing, both, you know, with Bushmaster,
2 Remington, DPMS, as well as what we saw our
3 competitors doing.

4 Q Okay. Now other than that AFMER chart on
5 page 4, which we're going to look at in a second,
6 other than that AFMER chart you don't provide any
7 sales numbers in here, in your report, correct?

8 A That is correct.

9 Q Why not?

10 A Basically I only needed them to prove
11 what I had to, you know, the statements I was
12 making in the table. Specific sales data it's all
13 available, it's available in the references that I
14 have for my report. It's from the AFMER data, so
15 it would be redundant to do that I felt.

16 Q So it's in the data from your report. Do
17 you mean the materials you reviewed?

18 A Yes. It's available within that.

19 Q In the Annual Firearms Manufacturing and
20 Export Reports?

21 A Yes.

22 Q Okay. But as we said, that might include
23 sales to law enforcement, correct?

24 A Let's talk about that a little bit. You

1 know, sales to law enforcement, yes, that would be
2 in there. It would be a very small percentage.
3 You look at the total volumes that were produced
4 and sold, if those volumes were going in any
5 quantities, any large percentage into law
6 enforcement, there would be so many guns in the
7 cars of the officers that are out there policing
8 our streets that it wouldn't be possible for them
9 to do anything but sit in the car themselves.

10 So, yes, there were sales, but to
11 claim that it's, you know, any significant
12 percentage is I think -- you know, it's incorrect.

13 Q Okay. Let me ask you, when you say that
14 are you talking about sales from your companies or
15 the market overall?

16 A I'm saying, you know, from sales from my
17 company and I would expect that by extrapolation
18 that it wouldn't be any different for other
19 companies. There aren't any other of the
20 competitors that we had that I'm aware of that were
21 selling exclusively into the LE market and not into
22 the commercial modern sporting rifle market.

23 Q Now, the BATF AFMER reports show
24 production of rifles, right, it doesn't separate

1 out modern sporting rifles, correct?

2 A That is correct. That data is
3 confounded. So for a company like Remington that
4 produced both types of products, you're not able to
5 extract from the reported data, you know, which is
6 which. I believe the NSSF data, as I understand
7 it, there was contact outside of the AFMER reports
8 to get information from the companies firsthand as
9 to what the actual breakdown was. As I said,
10 though, I didn't have access to that information to
11 include it in my analysis.

12 Q Okay. But I actually can't tell from ATF
13 data how many MSRs a particular company produced
14 because they're just going to list rifles, right?

15 MR. LOTHSON: Objection; misstates
16 testimony. That's not what he said.

17 BY MS. HELFRICH:

18 Q I'm asking.

19 A The data can be parsed in a way for
20 companies that produce modern sporting rifles
21 exclusively or nearly exclusively compared to gun
22 companies that produce both lines of products and
23 it obscures what the modern sporting rifles
24 component of their sales were.

1 For example, Springfield Armory
2 produces the M1A as well as a line of AR rifles. I
3 can't tell what the percentage is for them, I don't
4 have access to that information, but for a company
5 like Arrow Precision or another company that's
6 producing exclusively ARs, that's data that I can
7 rely upon to say, okay, that is truly AR sales,
8 it's not commingled with other rifle sales; and
9 based on adding that up for known AR producers and
10 excluding producers that, you know, have both
11 product lines where it's impossible for me to tell
12 what's -- what percentage of the total number
13 reported is MSRs, even with that, you know, it
14 looks like based on the data analysis I've
15 conducted, you know, you're looking at 30 -- you
16 know, anywhere from -- you know, arising from the
17 teens of percentages up to probably 25 to even 30
18 percent of the total sales conservatively are
19 modern sporting rifles of the total number of
20 rifles reported.

21 The actual number I would expect to be
22 higher, but, again, I don't have the ability to
23 disambiguate that data to be able to tell, okay,
24 Remington Arms from Ilion, New York, produced

1 53,207 or something like that. That's data and
2 information that the NSSF was able to get via
3 contact through additional --

4 (Audio Interruption.)

5 MS. HELFRICH: I'm sorry. Can someone
6 mute?

7 MR. LOTHSON: That would be Troy Owens is
8 unmuted.

9 Troy, we're hearing your conversation
10 relative to a different case.

11 THE REPORTER: I just muted him, but I
12 would like to hear the end of the answer again
13 because he was speaking over you. You said "That's
14 data and information that the NSSF was able to get
15 via contact through additional..."

16 THE WITNESS: It was data that the NSSF
17 was able to get via contact directly with the
18 companies for their own disambiguated production
19 numbers for modern sporting rifles.

20 BY MS. HELFRICH:

21 Q Okay. I asked you a while ago why you
22 didn't include sales numbers and you said it was in
23 the materials reviewed so you didn't think you
24 needed to repeat it, but in actual fact I can't

1 disambiguate modern sporting rifles from rifles
2 total by looking at ATF reports, AFMER reports,
3 right?

4 A You probably cannot --

5 MR. LOTHSON: Objection.

6 THE WITNESS: Go ahead.

7 MR. LOTHSON: I'll object. That's not
8 his testimony.

9 BY MS. HELFRICH:

10 Q I'm asking. Can I disambiguate --
11 looking at just -- let me rephrase.

12 Looking at just the AFMER reports, can
13 I know the number of modern sporting rifles that
14 were sold in a given year?

15 A An exact number you would be unable to do
16 that. You can estimate it based upon companies
17 that sell only modern sporting rifles and excluding
18 others that sell a mixture, which tends to be a
19 more conservative estimate of the number of guns
20 produced because you're disregarding or not able to
21 incorporate production volumes of modern sporting
22 rifles from companies that offer both, you can't
23 disambiguate their data, but for ones that where
24 you know that their sole product lines are

1 MSR-based you can add those up and come up with an
2 estimation of what the sales are. That's what I've
3 done.

4 Q But you haven't stated that number in the
5 report. You haven't stated an annual total of MSRs
6 produced in your report. You've only given data
7 for Bushmaster and DPMS, correct?

8 A Because that was data that I was able to,
9 you know, look at and answer based on my own
10 personal experience. For companies outside of the
11 Remington Arms Company and Bushmaster and DPMS and
12 AAC, I have to use my knowledge of the industry to
13 say who's producing what.

14 You know, I can look at the AFMER list
15 and I can say that, okay, Rock River Arms, they're
16 producing exclusively modern sporting rifles, so
17 their number, we'll add that to the tally of guns
18 being produced. For somebody like Sturm Ruger or
19 Remington, some portion of what they're producing
20 and reporting is modern sporting rifles. I'm not
21 able to disambiguate that, so I'll disregard it.

22 But using the ones of known producers
23 of modern sporting rifles that I was able to do
24 based on my own personal knowledge and experience

1 with the competitors that were in the marketplace I
2 was able to develop, you know, what their
3 approximate sales numbers were and, as I said, it's
4 a conservative estimate. It is actually probably --
5 it isn't probably, it is higher, but I'm not able
6 to tell you exactly how much higher.

7 The NSSF data may help that because
8 they did actually reach out to the firearms
9 manufacturers for disambiguation of that data. I
10 didn't, and I didn't have access to their numbers
11 to run myself when I did my analysis.

12 Q So when you did your analysis did you
13 come up with an estimate using the method you've
14 described of annual sales of MSRs for the years
15 that you were in the firearms industry or for the
16 years when you were director of product development
17 for MSRs?

18 A I did not go through and do that
19 particular activity. I was looking strictly at the
20 Bushmaster and DPMS. The more extensive look at
21 overall within the industry wasn't in place at that
22 time.

23 Q What do you mean wasn't in place?

24 A I hadn't done the analysis at that time.

1 Q At the time --

2 A That's not in my report.

3 Q -- of your report?

4 I'm sorry. We spoke over each other.

5 A The overall sales numbers are not in the
6 report.

7 Q And when you wrote the report you had not
8 done that analysis?

9 A I had not completed the analysis at that
10 point.

11 Q Have you completed that analysis now?

12 A Rudimentary pass at it, yes, I have.

13 Q Okay. All right. I want to ask a few
14 more questions. We're very close to lunch, I
15 promise you.

16 Okay. This is page 4 of your report.
17 I'm going to read the first sentence of this
18 paragraph here: As a family of companies, with
19 Remington as the head, we reviewed the marketplace
20 and our competitors. Other manufacturers
21 experienced similar growth during this time frame,
22 which confirmed that this was a market-wide sales
23 expansion and not a phenomenon experienced only by
24 Remington/Bushmaster/DPMS.

1 Do you see that statement?

2 A Yes, I do.

3 Q At the time you wrote the report what was
4 your basis for saying that this was a market-wide
5 sales expansion?

6 A Anecdotally that was the experience. The
7 exact amount or the magnitude of same I didn't have
8 that number. That was actually something that I
9 needed to do the analysis on to be able to report
10 that. That was not done, but we could see based on
11 the fact that our sales were peaking that the same
12 thing was happening at other companies.

13 There was a lot of advertising.
14 There's, you know, information from point of sale
15 that, you know, not only was our product moving but
16 so were the products of other manufacturers. So
17 it's an anecdotal recollection of what was going on
18 within the market.

19 Q Okay. Going back to the earlier
20 statement on page 2 that during my time in the
21 firearms industry demand and sales of commercial
22 MSRs climbed markedly and steadily, do you remember
23 we talked about that sentence?

24 A Yes.

1 Q So I want to ask you about -- well, let
2 me find it. I realized I can highlight these and
3 they'll be easier to see. I'm a little slow
4 sometimes.

5 So this sentence, climbed markedly and
6 steadily, I would like you to flesh that out for
7 me. What do you mean by markedly?

8 A Well, Remington's sales, and Remington
9 being Remington, DPMS, and Bushmaster, the sales
10 volumes increased. There was year-to-year
11 variation, there was occasions where you had
12 contraction, but to throw a trend line on it the
13 growth was positive. In some cases, you know, the
14 production numbers would jump a hundred percent
15 year over year, in other cases they would decline
16 some, but the general trend was upward and it was
17 steadily upward.

18 You know, and it really depends on how
19 you want to define steadily. Is it always
20 increasing? No, there were times when economic
21 conditions in the marketplace caused a downturn in
22 the market for Remington and for the market in
23 general, but the general trend line, as I said, was
24 increasing, was positive slope, and was steady.

1 Q Okay. Not to be a noodge, but isn't a
2 trend line always steady?

3 A Generally I would agree with you, yes.

4 Q Okay. So I -- even if the trend is
5 upward, is it still correct to say that the growth
6 is steady?

7 A With the annual and year-to-year
8 downturns steadily is not maybe the most succinct
9 way of saying that. It was looking at it over a
10 period of time, the years you had contractions,
11 follow-up years were growth, and the level was to
12 above what it had been previously.

13 So in general, yes, it was growing.
14 Steadily implying that there was no decline, well,
15 maybe that's not an accurate statement completely,
16 but, you know, in general, as I've stated, the
17 market was growing, sales were growing.

18 Q Let's look at this chart again, the AFMER
19 production values. For DPMS you have a value at
20 2007 of 58,674 rifles produced?

21 A Yep.

22 Q Net of exports, 58,269. Eight years
23 later in 2015 you're at a lower number 50,455.
24 You've gone way up. You've gone way down. Are you

1 saying that you would characterize that as steady?

2 A With the exception of the last two years
3 reported there, I would say, yes, it demonstrated
4 growth.

5 As I said, there are years where you
6 had a hundred percent increase in production volume
7 over previous years and then there were obviously
8 declines. So if you want to argue about the word
9 steadily, you know, go ahead and strike that from
10 the report. You know, it grew. Did it grow year
11 over year without ever a contraction? I would say,
12 well, the data doesn't support that statement
13 exactly, but the general trend was for it to grow.

14 Q All right.

15 A And I think Mr. Klarevas's data
16 demonstrates the same thing, that it was -- the
17 market grew as well over that time period. There
18 were times where it slowed, but the general trend
19 was up.

20 Q And, again, to be clear, that's NSSF
21 data, it's not Mr. Klarevas's data?

22 A It's his analysis of it, yes, that's
23 correct.

24 MS. HELFRICH: Okay. This is a good time

1 to break for lunch. So 30 minutes, is that enough
2 time?

3 THE WITNESS: Sounds good.

4 MS. HELFRICH: Okay. Thank you, and
5 we'll see you back here -- well, let's call it
6 12:40 Central Time.

7 MR. LOTHSON: Gretchen, may I ask -- and
8 we're off the record now I assume.

9 MS. HELFRICH: That's fine.

10 (Whereupon, a recess was taken
11 at 1:07 p.m. ET and resumed at
12 1:41 p.m. ET as follows:)

13 BY MS. HELFRICH:

14 Q Mr. Ronkainen, I want to ask you about
15 the innovations you talk about in your report. I
16 want to talk about them individually, and I want to
17 understand what they are but I also want to
18 understand which ones happened while you were in
19 charge of product development or if any of them are
20 from other time periods, okay?

21 A Okay.

22 Q All right. On page 2 of your report, and
23 I will share it, can you see the chart?

24 A Yes.

1 Q All right. I'm going to page 2. You
2 say: Some of the many innovations in MSR design
3 include modifying the gas system design to work
4 reliably with cartridges besides .223 Rem/5.56x45
5 NATO and .308 Win/7.62x51 NATO; is that correct?

6 A That is correct.

7 Q .223 Rem/5.56 NATO, those are common
8 cartridges used with AR platform MSRs, correct?

9 A Those are cartridges used with an AR-15.
10 The AR-10 or the larger pattern uses a .308
11 Win/7.62x51 NATO as its parent cartridge, and
12 there's actually -- there have been modifications
13 to the AR-10 platform that allow for a smaller
14 package than the AR-10 to handle the .308 family of
15 cartridges and other similar cartridges. So...

16 Q I think that's one of the innovations
17 we're going to talk about.

18 A Okay.

19 Q But just back up a second. I believe you
20 just used the phrase parent cartridge?

21 A Yes.

22 Q What does that mean?

23 A There are families of cartridges that are
24 based upon a parent case. For example, on the .308

1 Winchester, that same case, the body of the case we
2 all know and understand, it looks like a bottleneck
3 case, the diameter of the neck where the bullet
4 actually is seated in the cartridge can vary in
5 diameter based on, you know, the particular needs
6 of the gun.

7 So, for example, if a bullet is in the
8 243-thousandths diameter there's a cartridge called
9 .243 Win, which the actual dimensions of the bullet
10 and that may differ by a few thousandths but it
11 uses the .308 cartridge with the shoulder that's on
12 there where it's neck down just with the reduced
13 diameter to hold the smaller bullet. Likewise, the
14 .260 Remington, 7mm-08 are other children of the
15 parent .308 cartridge.

16 There are other cartridges that have
17 been developed that don't use the .308 as the
18 basis, as the parent case for it. Some of the PRC
19 cartridges which have come out in the last several
20 years utilize a newly designed cartridge that's
21 approximately the size of a .308. It fits within
22 the envelope of what the AR-10 or other platforms
23 that are capable of handling .308s but aren't
24 necessarily dimensionally the same as the .308.

1 It's the shoulder may be in a different position,
2 the body diameters may be larger or smaller as the
3 case may be, so there are differences dimensionally
4 in other cases.

5 But when I say parent I'm talking
6 about other calibers, other cartridges that are
7 reliant upon the parent case with modifications, as
8 I've discussed.

9 Q Do you know roughly in the market for
10 AR-15 platform MSRs what percentage are chambered
11 in .223 or 5.56?

12 A With any great degree of specificity, no.
13 I would say that the majority, more than 50
14 percent, of the MSRs made are for cartridges in
15 that range, but, you know, to hang a number, an
16 exact number on it, I don't have that information
17 and it's not available through, you know, the BATF
18 or others that I'm aware of.

19 Q Okay. Same question for the .308
20 Win/7.62 with regard to the AR-10 platform, can you
21 give me a percentage of AR-10 style MSRs that are
22 chambered in these calibers, these cartridges?

23 A Again, there's not any cartridge-specific
24 data. Most -- of the AR-15, the .223 and the 5.56

1 are probably the majority of them. You know, who
2 knows. I won't even offer a percentage, but the
3 .308 family, though, there are enough other options
4 there that, you know, the .308/7.62x51, is it 50
5 percent, is it 40 percent, is it 70 percent? I
6 don't have that information, and I'm not sure how
7 I'd get it.

8 Q Okay. All right. So why was Remington
9 interested in modifying the gas system design to
10 work with other cartridges?

11 A Well, for other applications for the
12 AR-15, for instance, as I mentioned here, the .204
13 Ruger was a cartridge that was developed primarily
14 for varmint hunting. So people that wanted to hunt
15 coyotes or other type of game like that wanted to
16 utilize an AR MSR-style firearm that was capable of
17 shooting .204 Rugers.

18 So first you have to create the barrel
19 with the chamber that is for the .204 Ruger because
20 the .204 Ruger will not shoot safely within a .223,
21 and then the pressure time characteristics of the
22 cartridge as the bullet is moving down the barrel
23 affect the amount of gas and the pressure that's
24 available for operating the action. As we

1 discussed previously, the AR-15 basically bleeds
2 off gas and puts it inside of the bullet in order
3 to operate the action, and the pressure time
4 characteristics and pressure displacement
5 characteristics of the .204 Ruger cartridge are
6 different than the -- than the .223. So you have
7 to modify the design in order to make the gun
8 function reliably with that cartridge.

9 Q Okay. Let me ask you some specific
10 questions about the .204 Ruger, but before I do
11 that I think you said, and I'm not trying to put
12 words in your mouth so tell me if this is right,
13 you said that one of the motivations for modifying
14 the gas system was to be able to use AR-15s or
15 AR-10s for other purposes like varmint hunting?

16 A It was to utilize that cartridge for
17 people that wanted to varmint hunt with it. A .223
18 is a perfectly acceptable gun for using for varmint
19 hunting. The .204 Ruger has the slight advantage
20 in terms of it has a higher muzzle velocity and the
21 arc of the bullet as it's flying through the air,
22 it's not as much of a rainbow, it's a flatter
23 shooting cartridge. So --

24 Q So let me ask you to explain that

1 because -- I'm sorry to interrupt you, but I want
2 to go carefully and make a clean record about this
3 because I want to understand the terms.

4 You say -- you describe the .204 Ruger
5 as a high velocity, flat shooting cartridge adapted
6 to permit the ethical and reliable harvesting of
7 predators and varmints using AR-15 type platform
8 MSRs, right?

9 A That's what it says, yes.

10 Q Okay. Can you explain, I think you were
11 doing it right now, but can you explain what flat
12 shooting is?

13 A Okay. Every gun when it shoots a bullet
14 regardless of, you know, what type it is, there's
15 this thing called gravity in this world, and the
16 gravity starts pulling the bullet towards the
17 ground from the moment it leaves the muzzle until
18 it finally impacts the ground. The faster a
19 cartridge is traveling typically the less drop it
20 experiences, but it will always reach the ground.
21 It will have a trajectory that is flatter; that is,
22 it's not as arced in the center as, you know, other
23 cartridges perhaps with heavier bullets or
24 slower-moving bullets. So in this instance the

1 .204 Ruger, the muzzle velocities on that cartridge
2 as loaded are higher than what .223 Remingtons are.

3 One other thing to help everybody
4 understand is if a barrel is level and just, you
5 know, the center line is perfectly level, if you
6 were to shoot a round and drop the bullet at the
7 same time, if you were physically able to do that,
8 the bullet would land at the ground at your feet
9 that you dropped, you manually dropped, at the same
10 time the bullet would impact the ground at some
11 distance out from the muzzle.

12 And so when we talk about flat
13 shooting, it's with respect to how far the bullet
14 will travel before it impacts the ground. The
15 farther it goes, the flatter shooting it is.

16 There's also when you shoot sometimes,
17 this is intentional, the muzzle will be pointed
18 slightly upwards and so that gives it a launch-up,
19 so the bullet climbs until gravity is such that the
20 climbing ceases and then it starts to travel down
21 towards the ground. That is where, when I
22 mentioned the rainbow-type trajectory, that gives
23 you an idea. It's not a line, it's a curve, and in
24 the case of a rainbow it goes up and it eventually

1 goes down. How much and how -- how rainbow-like it
2 is is essentially, you know, a less desirable form
3 or a less desirable trajectory for that particular
4 bullet because it makes accuracy in hitting what
5 you're shooting at, especially at a longer
6 distance, more difficult because the drop that it
7 experiences from its maximum or its apogee of its
8 trajectory down to where you want it to impact is
9 more, and you have to estimate what that is if a
10 cartridge like the .204 Ruger, which has a higher
11 muzzle velocity, experiences less drop over a given
12 distance than a slower-moving bullet such as the
13 .223 or some other caliber.

14 Q So am I right in thinking that there is a
15 different meaning -- that there's a second meaning
16 for flat shooting that has to do with movement of
17 the muzzle as you fire the firearm?

18 A There is -- the term is used in that
19 same -- in an alternate thing, and the way you
20 describe it is yes. Flat shooting, the way you
21 describe it is a little less common usage of that
22 phrase.

23 Q That's not what you mean here, correct?

24 A That's not necessarily what I mean here.

1 This is more with respect to the trajectory of the
2 bullet.

3 Q Okay. I just wanted to be absolutely
4 sure about that.

5 A Yeah.

6 Q What do you mean by ethical and reliable
7 harvesting of predators and varmints?

8 A When you're hunting it is the -- you
9 know, my personal belief this is, it is only
10 ethical to shoot and kill something in the most
11 humane fashion that you can. For instance, if
12 you're hunting coyotes or something like that that
13 when you shoot they die instantly or very, very
14 quickly after the shot takes place versus having
15 them wounded and dying at some later time from
16 their wounds or being injured and, you know, having
17 to live with those wounds for the rest of their
18 life.

19 So that boils down to the ethical and
20 reliability part of it.

21 Q So you said that's your personal opinion,
22 but is this a generally accepted understanding of
23 what ethical hunting is?

24 A Yes, it is.

1 Q Okay.

2 A And the fact that I share it personally,
3 I believe that is the ethos of hunters in the
4 United States. Not to say it's an absolute perfect
5 world and that everybody adheres to that, but I
6 would say that by far and away the majority of
7 hunters subscribe to that ethos.

8 Q Okay. And if you said ethical hunting,
9 this cartridge allows more ethical hunting, a
10 hunter would understand what you mean by that even
11 if they don't agree?

12 A Yes. And, you know, for somebody that's
13 against hunting they would potentially argue with
14 me about whether or not it's even ethical to hunt
15 animals, but in lines of my beliefs and, you know,
16 that, I believe what's stated there.

17 Q Okay. So what is it about flat shooting
18 that enhances the ability to ethically and reliably
19 harvest predators and varmints?

20 A Well, as I described, when you have a
21 bullet's trajectory that's very arced,
22 rainbow-like, being able to consistently impact the
23 bullet where you want to to shoot accurately at
24 distance is more difficult with a bullet that's

1 flying slower and has a greater arc to it, there's
2 more uncertainty as to exactly where it's going to
3 hit the target or the game that you're shooting at,
4 and when you use a flatter shooting bullet the
5 bullet gets there faster, there's less climb,
6 there's better -- typically better accuracy at
7 distance for conducting the activity that you're
8 looking for, in this case predator hunting.

9 Q So when you developed this cartridge, and
10 let me clarify, this was developed during your
11 tenure as director of product development for MSRs?

12 A This actually was in the product line
13 prior to my assuming responsibility, but it's a
14 cartridge that's been available since, I believe,
15 mid 2000s, somewhere in that time frame. I would
16 have to actually go back and look at literature to
17 see when Ruger introduced it.

18 Q Okay. So this cartridge, when it was
19 invented you have to also create or someone has to
20 also create MSRs chambered in this cartridge,
21 right, this isn't a cartridge you just stick into
22 the existing ARs?

23 A As I said, yes, this -- the diameter of
24 the bullets for this particular cartridge are

1 different and, you know, actually smaller than the
2 .223 Remington. So you have to have the smaller
3 diameter and rifling to spin the bullet. You have
4 to have the chamber machined into the barrel that
5 corresponds with the dimensions of the .204 Ruger
6 rather than the .223. So there's a bunch of steps
7 that need to take place.

8 This cartridge is used across, you
9 know, bolt-action rifles as well as, you know,
10 modern sporting rifles and other platforms for
11 varmint and predator hunting, so the dimensions are
12 all known. It's the internal ballistic
13 characteristics that are specific to the .204 Ruger
14 that require the adaptation of the gas system to
15 make the gun function reliably.

16 Q So if someone wanted to use a .204 Ruger
17 with an AR platform they'd have to buy a rifle?

18 A They would have to buy a rifle. You
19 know, that's one way of doing it. Given the AR's
20 modularity you could buy an upper receiver assembly
21 for a .204 Ruger that would work there. The bolt,
22 I believe, matches up with .223, but in the event
23 that it didn't you'd have to buy a bolt carrier
24 assembly or a bolt carrier group for that

1 particular caliber.

2 But the rest of the gun, you know, the
3 magazine would have to perhaps be specific for it,
4 there may be adaptations of it, but it would fit
5 within the lower receiver. But, yeah, you can do
6 it and you could also buy just a barrel assembly
7 yourself and modify your upper receiver by taking
8 off an existing barrel and putting this one on in
9 its place to make the gun shoot.

10 So there's several different avenues
11 for adapting a modern sporting rifle to do this.
12 The easiest way is to go ahead and purchase the gun
13 outright, but there are other options for modifying
14 existing guns or buying just an upper receiver
15 assembly for -- you know, for it, too, so that you
16 could shoot this caliber.

17 Q Did Remington or Bushmaster, DPMS, any of
18 your companies, produce MSRs chambered in .204
19 Ruger?

20 A Yes, Remington did, I believe Bushmaster
21 did, and I believe DPMS may have as well. I'd have
22 to review their catalog to be certain.

23 But, as I said, this all predated my
24 involvement with the commercial or the civilian MSR

1 side of the business. I know very early on when
2 the R-15 was offered by Remington .204 Ruger was an
3 optional caliber for that.

4 Q And so help me understand the market and
5 the dynamics and the demand. Are you aiming
6 this -- aiming to sell this to people who already
7 use AR-15s for something else and might want to
8 also use it for hunting or are you aiming it at
9 hunters who have been using bolt-action rifles and
10 want to move to AR-15s or both or what? How did
11 that -- what was the aim?

12 A The aim was both. You know, if there was
13 somebody that was already hunting with an MSR it
14 was to give them the ability to shoot the .204
15 Ruger in a platform they were familiar with. If
16 there were people that were shooting bolt-action
17 rifles and were interested in, you know, trying out
18 an MSR platform for varmint shooting, I had offered
19 them the opportunity to do that as well.

20 So it was really -- you know, both
21 aspects were avenues to getting the cartridge out
22 there and addressing the interest based on what the
23 customers wanted.

24 Q And do you know how many of those your

1 company sold?

2 A I don't have specific information on
3 that. It was a fairly -- fairly well-liked product
4 and was in the product line for quite a few years.
5 It may have been there till the very end. I'd
6 actually, again, have to go back and confirm
7 through the catalog, you know, when it was
8 introduced and perhaps when it was finally -- you
9 know, if it ever ceased production when that was.

10 Q All right. You also say on page 2
11 beginning here: The .30 Rem AR cartridge was
12 developed to ethically and reliably harvest
13 deer-sized big game using AR-15 type platform MSRs.

14 Did I read that correctly?

15 A Yes.

16 Q Okay. So when -- was this developed --
17 this is developed at Remington?

18 A This was developed at Remington in
19 conjunction with DPMS. At that time, you know, the
20 product development work that DPMS was doing was
21 actually conducted within Remington's R&D
22 organization, and so the development of this
23 product took place at the R&D Center in
24 Elizabethtown, Kentucky.

1 Q So what makes the .30 Rem AR cartridge
2 suitable for ethical and reliable harvesting of
3 deer-sized big game?

4 A The cartridge itself utilizes a .30
5 caliber bullet but does so with a cartridge that
6 fits within the confines of the AR-15 platform.
7 The length and the diameter of the cartridge are,
8 you know, such that they fit within that versus the
9 .308 which utilizes the same diameter bullet is a
10 larger cartridge. The case for it is larger in
11 diameter, the overall length of the cartridge,
12 cartridges, is longer, and so it does not fit
13 within the AR-15 type platform and the -- the .30
14 Rem AR was developed specifically to fit inside
15 that platform for use on deer hunting.

16 Q And so when you developed this cartridge
17 did you also have to develop a rifle chamber to
18 this cartridge or not?

19 A Yes. Yes. This was something that
20 really the authorship of this whole concept came
21 from Remington and DPMS. You can -- people hunt
22 deer with .223 Remington, and you can shoot deer
23 with that and do it ethically and, you know, with
24 minimal risk of wounding an animal and not being

1 able to recover it.

2 The larger bullets that the .30 Rem AR
3 offered were better at that than .223 and better to
4 a greater distance. So that was the primary reason
5 for doing it.

6 So when the cartridge was developed
7 the firearm had to be tested, so the gas system had
8 to be developed and optimized to work with that
9 because, as we spoke about previously, the
10 pressure -- time and pressure displacement
11 characteristics of the cartridge as the bullet is
12 moving down the barrel vary from cartridge to
13 cartridge. So a .308 is different than a .223, is
14 different than a .204 Ruger, and is different than
15 a .30 Rem AR.

16 So you have to size the gas ports that
17 you have there and their distance down the barrel
18 so that you can reliably function the firearm. In
19 this case the magazine was also different. Most
20 magazines that are used for .223/5.56 alternate
21 feeding from side to side. They're a
22 double-stacked magazine and they feed rounds from
23 both sides into the chamber.

24 For this particular cartridge it was a

1 little bit larger in diameter and so did not stack
2 as the .223 had inside the magazine, so the
3 magazine design was modified at the upper portion
4 where it presents the rounds for feeding such that
5 it always fed from one side and supported that
6 shell so that it would always go into the chamber.
7 If you tried to do it with a double stack, as I
8 understand it, the shells didn't want to stay in
9 the magazine and it caused a lot of malfunctions
10 with the firearm.

11 Q Okay. Do you know, how many MSRs
12 chambered in .30 Rem did you sell? And I should
13 correct myself and say .30 Rem AR.

14 A Yeah, I don't have that specific
15 information.

16 Q Again on page 2 of your report you say:
17 The .450 Bushmaster was created as a
18 straight-walled cartridge to meet the requirements
19 of states that do not permit the use of
20 bottlenecked cartridges for taking big game with
21 centerfire rifles.

22 Did I read that correctly?

23 A Yes, you read that correctly.

24 Q Bottlenecked cartridges, would that

1 include .223 Rem and 5.56?

2 A Yes. You know what? As I was describing
3 previously, there's a shoulder that's present on
4 most cartridges, especially those used in the
5 modern sporting rifle platform. The state laws as
6 they're written for hunting cartridges in specific
7 states, and I think Illinois is one of these, is
8 that you're not allowed to use a cartridge for
9 hunting deer that is a bottlenecked cartridge. It
10 has to be a straight-walled; that is, the sides
11 from the base all the way up to where the bullet
12 are held are tapered but there's no shoulder
13 present on the case itself.

14 And so the .450 Bushmaster was what we
15 would call a straight-walled case. It was tapered
16 from the base of the shell up to where the bullet
17 was held without any bottleneck present in it
18 allowing its use in states that did not permit the
19 use of bottlenecked cartridges for taking big game.

20 Q What is your understanding of why states
21 prohibit bottlenecked cartridges in taking big
22 game?

23 A My understanding is that based on -- most
24 bottlenecked cartridges tend to be higher velocity,

1 higher energy, and a longer range cartridge,
2 whereas most straight-walled cartridges tend to be
3 slightly lower velocity and more limited range, so
4 states that require straight-walled cartridges are
5 doing so because the ballistics of that
6 straight-walled cartridge are more in line with
7 what shotgun slugs and other means of hunting that
8 are typically employed and not putting other
9 hunters at risk for bullets that travel well beyond
10 where they were intended to to impact an animal.

11 Q I'm not sure I follow you, so let me ask
12 a few more questions.

13 A Sure.

14 Q When you say the bottlenecked cartridges,
15 I think you said this, the bottlenecked cartridges
16 have ballistics that were more like a shotgun; did
17 you say that?

18 A No, it's exactly the opposite. The
19 straight-walled cartridges have ballistics that are
20 more like a shotgun slug whereas the range of the
21 projectile is more limited than it would be with a
22 bottlenecked cartridge.

23 And some of that, you know, boils down
24 to the velocity that the projectile has when it

1 leaves the muzzle of the barrel, it's on a
2 straight-walled cartridge typically lower or less
3 than it would be if it was fired from a
4 bottlenecked cartridge. And bottlenecked case is
5 probably the better way because I think cartridges
6 and cases may be part of what's confusing you. I
7 apologize for that. I try to be succinct --

8 Q No, that's not what's confusing me at
9 all. Don't worry about that.

10 So is the .450 Bushmaster higher or
11 lower velocity relative to a .223 or a 5.56?

12 A It is lower velocity and the bullets are
13 450-thousandths in diameter, so nearly twice as
14 large in diameter. Actually, almost exactly twice
15 as large in diameter as the .223.

16 Q And slower?

17 A And slower.

18 Q And, again, did you have to develop MSRs
19 that could utilize -- actual rifles that could
20 utilize this cartridge, that were chambered for
21 this cartridge?

22 A Yes, for the exact reasons we talked
23 about before. The internal ballistics of that
24 cartridge, the pressure that follows the bullet,

1 and the pressure at different points forward from
2 the breech face, the pressure time and pressure
3 displacement characteristics of the cartridge are
4 different than .223, are different than .30 Rem AR,
5 are different than .204 Ruger, so you have to
6 optimize that.

7 Sometimes -- we typically will utilize
8 existing tap locations, so a distance from the end
9 of the barrel out to where the gas is actually
10 tapped so that it can come back to the action.
11 There are several different standard lengths that
12 are out there, carbine gas length -- carbine-length
13 gas systems, mid-length gas systems, rifle-length
14 gas systems, pistol-length gas systems, so we would
15 pick one of those lengths that was best for that
16 particular cartridge and also would help with
17 reliability and functioning and then develop what
18 the diameter of the gas port is that's drilled into
19 the barrel to tap that gas to operate the action so
20 you could have it function -- have the gun function
21 reliably.

22 Q Okay. Near the bottom of page 2 you say:
23 Innovations were not limited to only the adaptation
24 of existing MSR platforms for new cartridges, but

1 also included the creation of new MSR platforms
2 that offered functional and performance advantages
3 over prior designs.

4 Did I read that correctly?

5 A That's correct.

6 Q Okay. When you say performance
7 advantages over prior designs, are you talking
8 about prior commercial designs, prior military
9 designs, or both?

10 A It would be both. For example, in the
11 example I cite here it's the DPMS Gen II, the DPMS
12 Gen II utilized the .308 family of cartridges, so
13 that would be .308 Winchester, 7mm-08 Remington,
14 6.5mm Creedmoor, and .243 Winchester, in a package
15 that was very nearly the same size as the AR-15.
16 So the overall length of the receiver and the other
17 componentry there were changed to make the gun a
18 little bit smaller, little bit lighter, little bit
19 more easy to handle, yet provide the ballistics
20 that those cartridges provided in a smaller package
21 than the AR-10.

22 Q And the DPMS Gen II, that's a military
23 rifle?

24 A No, that is a commercial rifle that was

1 developed specifically for the commercial market.

2 Q Okay. I'm sorry. I thought you were
3 saying it was a military rifle. That's fine.

4 Did the military ever express interest
5 in this design change?

6 A Not that I'm aware of. It didn't happen
7 on my watch. The particular calibers that this was
8 offered in, the Gen II was offered in, were not
9 ones that were in the military's inventory so if --
10 they really didn't have interest in them, and there
11 was a program subsequent to my time with the
12 company that whereas we'd had the individual
13 carbine program, which we'd spoken about a little
14 bit previously, there was basically a new infantry
15 rifle where the firearm itself and the cartridge
16 that it utilized could be different than what the
17 Army currently had.

18 For the individual carbine you could
19 vary from the 5.56 NATO or 7.62x51 NATO, but it was
20 with the assumption of a lot of risk because you
21 had to produce the ammunition for it and develop
22 the whole proposal of how you would produce that at
23 scale for the Army. So there were some fairly
24 significant technical hurdles to overcome in order

1 to implement a new cartridge.

2 But when the -- you know, they had a
3 follow-on solicitation several years later, the
4 ultimate winner of that was SIG and they offer it's
5 a 6.8 SIG, I believe, is the designation for the
6 round, so it uses a bullet that's about
7 270-thousandths in diameter rather than .223 or 6.8
8 millimeters in diameter versus 5.56 and utilizes
9 some new technology for the case and has distinct
10 performance advantages over conventional
11 brass-cased ammo.

12 So the DPMS Gen II, you know, at some
13 point after I was there may have -- they may have
14 thought about providing it for solicitation. I'm
15 not aware of it, though.

16 THE REPORTER: Excuse me. May I
17 interrupt for just a moment?

18 (Whereupon a discussion was
19 held outside the record.)

20 MS. HELFRICH: Okay. We'll go back on
21 the record.

22 BY MS. HELFRICH:

23 Q Mr. Ronkainen, continuing on page 3 you
24 say that these design innovations included

1 important subsystems within the original AR-based
2 platforms. Could you explain what you mean by a
3 subsystem?

4 A Subsystems in the context of what I've
5 used here are different parts of the firearm
6 assembly itself. That's one thing about the modern
7 sporting rifle platform is it's modular, so trigger
8 groups can be exchanged from whatever was supplied
9 with the gun, albeit ones that are -- select-fire
10 is not an option there. It's higher performance,
11 lower trigger pull force, things of that nature,
12 but not the ability to have the gun go to full
13 automatic fire.

14 Hand guards are also a big area of
15 customization. A lot of hand guards are used for
16 mounting lights, optics, bipods, things of similar
17 nature that can be used or are useful when using
18 the gun. And, you know, you can even get into
19 altering the -- like, say, the selector to have --
20 be ambidextrous so that a right-handed or
21 left-handed shooter can use it equally well versus
22 the standard AR or modern sporting rifle, it's set
23 up and used typically for the right-handed shooter.
24 So those are modifications that can take place.

1 Grips, if you find that the particular
2 grip on the gun is at an angle that's uncomfortable
3 for your wrist you can actually buy grips that are
4 tilted at a different degree that may be of more
5 comfort. You can buy grips that have a rubber
6 overlay that may feel better than the hard plastic.

7 It's -- basically when it's subsystems
8 it's all different componentry that can be attached
9 to the gun that may not necessarily affect the
10 caliber or something like that, so it's addition of
11 parts.

12 Q But these subsystems and the changes you
13 can make as a result of the modularity, these are
14 all things you can do with commercial MSRs,
15 correct, and with military rifles you have to do
16 what the military tells you to do?

17 A That's correct. And the military in a
18 lot of cases likes or will prefer characteristics
19 of a commercially available hand guard or something
20 like that and they will write their specifications
21 around typically the hand guard that they prefer,
22 and so, you know, the people that are participating
23 in the solicitation have the option at that point
24 of sourcing the preferred hand guard from the

1 company making it or coming up with their own
2 design that is the equivalent of it provided it
3 doesn't infringe upon any intellectual property.

4 Q Is that common that the military looks at
5 some innovation on the commercial side and says we
6 like that, we'd like to have that on our rifles?

7 A There has been some of that. You know,
8 the desires and the flow go both ways. I think
9 back to when we were doing the individual carbine
10 solicitation, the ACR, which was our submission
11 platform, the hand guard on that was for the
12 commercial gun molded plastic and there was an
13 enhanced version that was, I believe, machined
14 aluminum. Well, we opted for a machined aluminum
15 hand guard that had features that were different
16 than what the commercial hand guard had.

17 For instance, with the use of night
18 vision, electro-optics and stuff like that, there's
19 a lot of cords and wiring that is associated with
20 the use of those type of objects on the gun. So
21 having a wire management means available built into
22 the hand guard was viewed as very favorable by the
23 customer. It allowed us to sell something and they
24 could put whatever they felt they needed to have on

1 that and have the cabling and the switches neatly
2 packaged so that they weren't hanging off in all
3 kinds of different directions and potentially there
4 to snag -- snag on things that would impede your
5 use of the gun.

6 And so there were times that the
7 government looked and said, hey, you know, I really
8 like quad rails, which means there's a Picatinny
9 rail on all four quadrants of the firearm, so
10 there's one at 12 o'clock, 3 o'clock, 6 o'clock,
11 and 9 o'clock, all on the full length. There are
12 other times where they'll specify, you know, we
13 only want one at the 12 o'clock point or we want
14 Picatinny rails up at the front as in a quad rail
15 but then slick sides going back.

16 So, you know, a lot of what the
17 government chose to include in their solicitations
18 was tied to, you know, stuff that they found useful
19 that was available out in the commercial market
20 space.

21 Q Okay. You say -- I want to ask a
22 question about ambidextrous controls because I will
23 be honest and say I was left confused by this.
24 Were ambidextrous controls something that was

1 developed for military rifles?

2 A I believe that they were actually
3 developed on a commercial basis. Their
4 incorporation into military-specific platforms came
5 about after they were in existence on the
6 commercial side of the business, but I'd have to go
7 back and do some literature review to confirm that
8 that was actually the order that things happened
9 in.

10 But, you know, if you were to look at
11 the specifications for the M4 and some of the
12 variants there and the M16 they were typically
13 intended for right-handed shooters, so the selector
14 there was such that the operating part that the
15 user interacted with was set up for use by a
16 right-handed person and not a left-handed.

17 Q The reason I'm asking is I had
18 understood, possibly erroneously, that the military
19 generally doesn't have ambidextrous controls on its
20 firearms and if you're a left-handed person, like
21 me, you're out of luck.

22 A That was their MO for a long time, that
23 it was you learned to shoot right-handed, you were
24 going to be right-handed. Subsequently with the

1 different solicitations the requirement for
2 ambidextrous safety and controls were, you know,
3 put in there, and sometimes it wasn't as --
4 necessarily as a baseline requirement but it could
5 be as an optional requirement which would give you
6 essentially, you know, a little bit higher ranking
7 when they go to score everything that, hey, look,
8 they've got ambidextrous controls.

9 That wasn't a baseline requirement, it
10 was an enhanced requirement or an optional
11 requirement, so you get a few extra points in the
12 grading process for offering that provided that it
13 works and that it -- that it doesn't compromise
14 reliability in any way.

15 Q So sounds like the military is not too
16 concerned about lefties. Meaning left-handed
17 people; let me be clear.

18 A Probably not as much as the general
19 public.

20 Q Are ambidextrous controls a common
21 feature of commercial MSRs?

22 A I believe they are on the higher end
23 guns, but as an entry-level gun I believe most of
24 them are still standard, you know,

1 non-ambidextrous. They're available as aftermarket
2 parts so that if you were to desire that you could
3 replace the selector on your gun with one that is
4 set up to be ambidextrous.

5 Some of the designs even have the
6 option of switching out the configuration of the
7 switch that your thumb would push on or that you'd
8 use to operate the selector. So you have
9 customizability in that sense in that you have
10 several different interchangeable knobs, if you
11 will, that you can push on and you get one that
12 when you're shooting doesn't interfere with your
13 hand, doesn't dig in or anything like that.

14 Q Okay. Just for my understanding you have
15 this sentence on page 3: Stag Arms introduced
16 AR-type platforms designed and made available for
17 left-handed shooters, allowing fired shells to not
18 eject across and toward the left-handed user's face
19 and eyes.

20 Did I read that correctly?

21 A That is correct.

22 Q What is Stag Arms?

23 A Stag Arms is a firearms manufacturer that
24 produced left hand-specific modern sporting rifles.

1 DPMS also had what they called their lefty. I've
2 never seen the DPMS lefty version, but that was
3 also a modern sporting rifle AR style that was
4 patterned for use by left-handers so that the
5 shells ejected to the left rather than to the
6 right.

7 Q Okay. And Stag Arms was never part of
8 the Remington family?

9 A No, it is not. It was another competitor
10 in the field.

11 Q Okay; good. I understand. I understand.

12 On page 5 of your report you have
13 these two bullet points that are both preceded by
14 this phrase, "rifles intended for military use
15 are," and then the first bullet point is: Almost
16 always select-fire, capable of firing
17 semiautomatically, one trigger pull equals one shot
18 fired, as well as fully automatically, one trigger
19 pull equals gun fires repeatedly until the trigger
20 is released or the magazine is empty.

21 Correct?

22 A Yes.

23 Q So tell me what you mean by almost. What
24 are the exceptions?

1 A The exceptions would have been for sales
2 to some federal agencies that don't permit the use
3 of select-fire where they want semiauto
4 capabilities only for the weapons that they would
5 purchase for military rifles, and up above I did
6 say military use. I should have said
7 military/government use to be a little bit more
8 succinct or accurate there.

9 Q Okay.

10 A But the military in all the
11 specifications I've ever seen for individual
12 carbine and other weapon systems has been for
13 select-fire capability. They would just be for the
14 specific agencies that did not want that capability
15 in the hands of their agents.

16 Q Can you specify which agencies those are?

17 A I would have to go back and look. I
18 honestly -- I don't recall right now.

19 Q Okay. But these are law enforcement
20 agencies?

21 A No, these were actually federal
22 government agencies. So it could be potentially
23 Secret Service, although I would believe that they
24 would probably have select-fire. It could be FBI.

1 It could be ATF. It would depend. And it would
2 state in the solicitation if it was something other
3 than select-fire what it had to be.

4 Q Let me clarify. So you would not
5 consider those law enforcement agencies?

6 A Well, I made the distinction law
7 enforcement agencies in my mind by my definition
8 are local law enforcement agencies, whether it be
9 state police, sheriffs, police departments, things
10 of that nature, versus government agencies such as
11 the FBI and other entities in the Department of
12 Justice, Secret Service, ATF, IRS, all of those
13 groups are -- you know, fall more under the -- by
14 my definition the governmental agencies. They do
15 have law enforcement functions, but my definition
16 of them is more as a government agency instead.

17 Q So when we were talking before about
18 sales to law enforcement were you excluding --
19 okay. Strike that.

20 Before we were talking about AFMER
21 data and you said you thought AFMER data included
22 sales to law enforcement. Did you mean only local
23 law enforcement?

24 A Yes, that's what I believe. Again, I'd

1 have to do some more looking at what the reporting
2 requirements are.

3 Q Okay.

4 A I know that the military deliveries are
5 explicitly excluded from those, but I didn't dig
6 deeper into the reporting requirements to see for
7 law enforcement agencies, whether they be a local
8 type of law enforcement agency as we just discussed
9 or a U.S. governmental agency, you know, how their
10 things were kind of -- I believe that the U.S.
11 governmental agencies probably permitted
12 select-fire and may not have had their stuff
13 counted as part of that, but the -- the local law
14 enforcement agencies were purchasing through law
15 enforcement channels, law enforcement sales
16 channels, specific distributors and stuff of that
17 nature, so they were dealing with a sales force
18 that was dealing exclusively with them.

19 There may have been occasion where a
20 department might have gone out and bought a gun off
21 the rack at some gun shop, but by far and away my
22 experience with the company their purchases were
23 coming through law enforcement-specific
24 distributors. So we would have to go back and

1 check the reporting requirements to see how local
2 law enforcement sales were with respect to counting
3 in AFMER.

4 Q Okay. Let me ask another clarifying
5 question because I just want to have our terms
6 clear. When you were talking about law enforcement
7 sales you're talking about sales to law enforcement
8 agencies?

9 A Yeah, local law enforcement agencies.

10 Q So the reason I'm asking that is because
11 in Chicago individual police officers purchase
12 their own duty weapons sometimes.

13 A Okay.

14 Q And they just go to a gun store, buy the
15 weapon. I mean, they do the paperwork, whatever,
16 but that wouldn't be regarded as a sale to law
17 enforcement the way you're using the term?

18 A It probably would not, but they may be
19 going to a law enforcement sales only store, a
20 supplier or distributor with that. I'm not
21 familiar with how they conduct their business in
22 Chicago with respect to the specifications for
23 purchase. I'm sure the department outlines -- if
24 they have a restriction on where it can be

1 purchased, I'm sure they make the officers aware of
2 that.

3 Q Okay. But generally when you're talking
4 about law enforcement sales you're talking about
5 sales to law enforcement agencies?

6 A Yes.

7 Q Okay. Thank you.

8 Okay. Your second bullet point here,
9 "rifles intended for military use are," I think you
10 mean have: An extensive list of specifications and
11 standards from the customer that the firearms must
12 meet related to the strength, ability to operate
13 reliably under extreme conditions, accuracy,
14 expected useful life that MSRs for the civilian
15 market are not required to meet.

16 Did I read that correctly?

17 A Yes, you read that correctly.

18 Q We talked before about those solicitation
19 packets that might be 20 or 30 pages. Is that what
20 you're talking about here?

21 A Yes, the explicit statement of what the
22 performance requirements are down to mean rounds
23 between failure, barrel life, and, you know,
24 acceptable accuracy, you know, how long that has to

1 be, environmental capabilities.

2 A lot of these are specific military
3 requirements and they sit on top of, you know, a
4 list of requirements that SAAMI, the Sporting Arms
5 and Ammunition Manufacturers' Institute, have for
6 safety of the gun. So there's drop testing that's
7 conducted with these firearms to ensure that they
8 don't discharge when testing is conducted, jar-off
9 testing, rotation testing, environmental testing
10 that SAAMI specifies that they meet as well.
11 That's kind of like ground zero. All of the guns,
12 whether they're for commercial sales or for
13 military and LE sales, have to meet that
14 requirement.

15 On top of that then the government
16 has, like I mentioned here, extensive list of
17 specifications, and there have been occasions where
18 we've read the product description that they
19 provided and we have to point out to the
20 contracting officer that some of what they're
21 asking for is actually in conflict with each other,
22 it's not possible to have both A and B because
23 they're mutually exclusive capabilities. So...

24 Q And is it true that the standards that

1 the military requires for its firearms are not
2 always higher than the standards that a firearms
3 manufacturer might impose on its own civilian MSRs?

4 A As I said, the baseline requirements for
5 all the guns is, you know, meeting the SAAMI
6 requirements for safety. And that includes, as I
7 mentioned, drop, jar-off, rotation, firing of a
8 proof round in the gun, which is an intentional
9 overpressure cartridge to test the integrity of the
10 locking system to ensure that it won't fail when
11 using standard pressure rounds, and all that stuff.

12 So, yeah, there are times that the
13 government will default to some industry standard,
14 but they really like to write their specs and they
15 typically explicitly state something even if it is
16 just mirroring or parroting what the baseline
17 applications are, your baseline requirements.

18 Q Okay. I was actually thinking of
19 something different. So you say -- I think I'm
20 thinking of something different. You say there are
21 standards related to accuracy, that the government
22 will have standards related to accuracy, correct?

23 A Yes.

24 Q You -- Remington or another manufacturer,

1 there are -- Strike that. Let me get this question
2 right.

3 There are commercial MSR's that are
4 more accurate than comparable military rifles; is
5 that not true?

6 A That is a truthful statement. You know,
7 with the government's requirements they will say
8 accuracy at round level. So as you use a gun and
9 as you shoot it the hot gases that propel the
10 bullet down the barrel start to degrade the
11 interior of the barrel, and ultimately if you were
12 to take and measure accuracy when the gun is brand
13 new and at, you know, typical intervals, let's say
14 1,000 round intervals or pick a number, you would
15 see over time as the barrel starts to exhibit wear
16 on the interior sometimes a slight opening up or
17 the accuracy decreases slightly.

18 The government will specify that at
19 some given round level the accuracy must meet this
20 requirement. So they're allowing for the
21 degradation in accuracy that takes place.

22 Typically those same requirements are
23 not specified for a commercial gun. So, yes,
24 commercial guns out of the box may exhibit and have

1 better accuracy and may have, you know, more
2 stringent accuracy requirements. Some of that is
3 related to their intended end use.

4 Q Meaning what?

5 A For instance, we'd spoken previously
6 about varmint rifles. Varmint rifles you're
7 shooting at very small targets, very small animals
8 or what have you at long distances. Those it helps
9 very much at that point that the gun be accurate so
10 that you're able to actually hit what you're
11 shooting at. It's a small target, it's at a great
12 distance.

13 For the military the typical target is
14 a man-sized target and, you know, the allowed
15 deviation from one hole out to that is measured
16 typically in minutes of angle, which is a common
17 terminology that's used across the firearms
18 industry both for commercial and for military work,
19 and what the government cares about is that my gun
20 lasts a long time and still shoots acceptably
21 versus the varmint hunter, they're not going to
22 shoot at the same rate that the military
23 application does. You can imagine being involved
24 in a firefight where you go through a battle pack

1 or more of ammunition in a very short period of
2 time, the gun will get very hot and it would be
3 subject to more wear than it would be if somebody
4 is out varmint hunting or taking a shot every 15
5 minutes or, you know, something like that.

6 So the accuracy requirements are
7 different, and it's -- they're interpreted
8 differently and they're more related to what the
9 end use of the firearm is.

10 Q Okay. So you're talking about two
11 dimensions, I think, two dimensions of accuracy.
12 There's the -- you know, what the accuracy actually
13 is in terms of MOA and then there's how long it's
14 that accurate and whether it stays that accurate
15 for a long period of time, right, or for over
16 numerous rounds?

17 A Exactly. It's measurement of accuracy
18 over the number of rounds expended and accuracy is
19 not to degrade to the point that it exceeds the MOA
20 requirement in the product specification at that
21 given round level, and that's across multiple
22 samples that you'd have and test.

23 Q It's my understanding that another area
24 where civilian MSR's would differ from military MSR's

1 has to do with trigger pull weight; is that
2 correct?

3 A There are different specifications for
4 the trigger pull weight depending upon the
5 particular product. Military specifications
6 generally, if memory serves me, are in the five and
7 a half to seven-pound range, and for some trigger
8 systems in commercial modern sporting rifles it
9 would be less than that.

10 And, again, it ties into the end use.
11 On a battle rifle you would want to ensure that
12 when the trigger pulled it was deliberate versus
13 when you're using an MSR in your varmint hunting
14 you don't want to have to exert a high amount of
15 force because it tends to make the gun move when
16 you're trying to make your shot.

17 So trigger pull is one factor that
18 changes, and the specification is really dependent
19 upon the customer.

20 Q So --

21 A Go ahead.

22 Q I'm sorry. Go ahead.

23 A I was going to say that the varmint
24 product or the target type products that are sold

1 tend to be trigger pulls that are more in line with
2 trending towards SAAMI minimums, down in the
3 three-pound range, versus the military
4 specifications that are, you know, five and a half
5 or five to seven or eight pounds, whatever they
6 happen to be.

7 Those are typically called out -- you
8 know, the military trigger pull force specs are
9 called out in the product specification. They
10 leave nothing to chance.

11 Q So a heavier trigger pull, all other
12 things being equal, is going to be less likely to
13 be accidentally -- you're less likely to
14 accidentally discharge that firearm?

15 A I believe that's the -- you know, the
16 thought process or the logic involved there, yes.

17 Q Why does SAAMI have a minimum trigger
18 pull weight?

19 A SAAMI has a minimum because some firearms
20 with the trigger mechanisms that they actually have
21 could not be safely tested in jar-off below that
22 threshold, and so SAAMI as an organization that has
23 voluntary standards that are adhered to by all the
24 members basically said, listen, three pounds

1 appears to be where we're at, for target triggers
2 and that we'll make an exception of two and a half
3 pounds, but they still require that you go through
4 the SAAMI abuse test, as we call them, where you
5 conduct the jar-off test and that is 12 inches from
6 the lowest point on the firearm to a rubber mat
7 that's backed by concrete. The rubber mat is --
8 has a specified durometer. I want to say Shore B
9 75. I'd have to go back and read the specs to give
10 you the exact number.

11 Q I promise you, I'm not going to correct
12 you.

13 A Good. Good.

14 And you drop it in all six attitudes.
15 So you imagine that the gun is assumed to be a
16 prismatic object, it's got six sides on the box, so
17 you drop it from 12 inches measured from the mat to
18 the butt of the stock. Same from the muzzle, same
19 from the top, same from the bottom, same from the
20 right side, same from the left side. And that test
21 is conducted with the safety, or in this case, the
22 MSR, the selector, in the fire position.

23 So the gun is ready to go, and it's
24 testing that you don't have a trigger mechanism

1 there that's subject to accidental release when
2 it's dropped from a 12-inch height onto that rubber
3 mat.

4 The same rubber mat is used for what's
5 called the drop test, which, you know, it sounds
6 like I just described a drop test but, in fact, the
7 drop test is conducted from a four-foot level from
8 the center of gravity of the firearm down to the
9 mat in the same six attitudes I described
10 previously, so butt, muzzle, right/left side, top,
11 and bottom. And on that when the test is conducted
12 there's actually a prime cartridge in place in the
13 firearm itself so that you'll know when the hammer,
14 in the case of an MSR, was released to cause the
15 gun to fire.

16 And then the final test is a rotation
17 test where, you know, I've been told by a lot of
18 the old-timers at Remington that was to simulate a
19 gun leaning against a fence that then rotated over
20 onto its right side or onto its left side, and we
21 test it with both, again, with the safety in the
22 fire position or selector in the fire position and
23 a prime cartridge in place there to confirm that,
24 you know, it doesn't discharge. And that's done

1 across multiple samples.

2 Q Okay. Another standard or another area
3 of standards that you would get from the military
4 has to do with ability to operate reliably under
5 extreme conditions. Do you see that here?

6 A Yes.

7 Q Okay. I had a question about the gas
8 piston operating system in the Remington ACR. It's
9 my understanding that that operating system was
10 actually designed in part to make the gun more
11 reliable in certain kinds of conditions and more
12 durable in certain kinds of conditions; is that
13 right?

14 A The gas piston system that's utilized on
15 the ACR and on the RGP and on other firearms that
16 utilize that same technology enhances reliability
17 in some situations, and I would say that, you know,
18 it's been my experience that that's pretty much
19 across the board.

20 The primary reason for that is in the
21 direct impingement system that was originally
22 designed by Eugene Stoner the gas itself is tapped
23 from the barrel, sent back through a gas tube, and
24 then blown through the gas key or the carrier key

1 on top of the bolt carrier assembly or the bolt
2 carrier group into the interior of the bolt and
3 then that causes the bolt carrier to move
4 backwards, there's a cam path that rotates the bolt
5 head, disengages it from the locking lugs, and
6 everything proceeds on with, you know, ejecting the
7 spent shell and reloading a new cartridge, cocking
8 the hammer and everything else.

9 The introduction of the gas and
10 anything that's entrained in it to the inside of
11 the bolt is something that gives you an item that
12 needs to be maintained. You have to clean that
13 more frequently to ensure reliable operation.

14 Now, there have been many different
15 technologies applied that enhance the reliability
16 of a direct impingement system, but the gas piston
17 system more or less divorced the introduction of
18 gas inside the bolt carrier group and kept it far
19 away from the interior of the upper receiver so
20 that you didn't introduce those fouling agents
21 inside of the bolt carrier group or the upper
22 receiver assembly.

23 Q Okay. Another example -- Strike that.

24 After these two bullet points you

1 start the next paragraph by saying: When and where
2 appropriate, the knowledge and technologies gained
3 designing and testing military/law enforcement
4 rifles can find its way back into commercial/
5 consumer/civilian MSRs.

6 Did I read that right?

7 A Yes, you did.

8 Q Where would it not be appropriate for
9 that transmission of technology to happen?

10 A Well, where it's prohibited by law. I
11 mean, obviously trigger technologies for full auto
12 firing would never find their way back into
13 commercial/consumer/civilian MSRs. It's more the
14 application of process technologies, like the
15 example I cited with ferritic nitrocarburization
16 that would be there, and it's also dependent to a
17 certain degree upon what is the target market for
18 that particular MSR that you're selling, just like
19 with automobiles there are entry-level cars and
20 then there are, you know, the very desirable ones,
21 the high end, the Mercedes, the Cadillacs, the
22 Ferraris and all those.

23 The cost for adding some of these
24 processes to those -- to the components in those

1 guns makes them -- you know, basically can move
2 them out of the cost range where people could
3 afford them. And so, for instance, the standard
4 chrome plating works very well, but in our
5 experience the ferritic nitrocarburization worked
6 better. It gave us extended barrel life beyond
7 what we were able to get with standard chrome
8 plating. It was a little more expensive to effect
9 that on the guns, but, you know, it was something
10 that for high-end guns people weren't -- you know,
11 cost really wasn't much of a consideration for
12 that. You know, they were more willing to accept
13 the added price increase that gave in terms of what
14 it gave them in terms of extended barrel life.

15 Q Where does the military use or which
16 military rifles use ferritic nitrocarburization?

17 A We use that on our submission rifles for
18 the individual carbine, so the ACR rifles we're
19 using that. There may be other competitors that
20 are offering that or did that. I'm not intimate
21 with what their offerings were for IC with regard
22 to all the points of technology that they use, but
23 it was something we found in our use that was very
24 useful.

1 And ultimately we didn't win the
2 individual carbine competition, nobody did, but we
3 found that technology useful and as a result we
4 ported it over into our commercial MSRs.

5 Q So sometimes you have technology that's
6 too expensive for there to be a lot of demand on
7 the civilian side, the commercial side, right,
8 technology that you've used in a military rifle
9 that's too expensive for the consumer market,
10 right?

11 A There are occasions where, you know, that
12 happens. Ferritic nitrocarburization is an example
13 of that.

14 Q And so that's limited you, say, to
15 high-end commercial MSRs but not your
16 run-of-the-mill MSR?

17 A Yeah, and I think that, you know, as that
18 becomes more common, there are more suppliers
19 providing the service, it's essentially a heat
20 treatment process of the surface of the steel in
21 the barrel that introduces nitrogen and carbon into
22 it to make it very hard and wear resistant, as
23 there are more people out there doing that I think
24 you're starting to see that technology find its way

1 further and further down in the MSR, you know,
2 product offering lineup so that it's becoming more
3 common in guns that are, say, just above entry
4 level.

5 Q So assuming it's legal to transfer some
6 technology from the military sphere to the
7 commercial sphere we'll say.

8 A Uh-huh.

9 Q That process is driven by demand on the
10 commercial side, cost on the commercial side, you
11 know, whether you can sell it on a commercial MSR;
12 is that right?

13 A Yeah. I mean, obviously you have to sell
14 the consumer that there's a benefit to the use of
15 this technology. It makes whatever -- you know, it
16 makes your barrel last longer or in the case of the
17 nickel boron treatment it makes your bolt carrier
18 assembly or bolt carrier group easier to clean.
19 You can remove the residue that's present that
20 comes in there from a direct impingement gun more
21 easily versus having to scrub very deliberately and
22 diligently to get everything cleaned up so that
23 your firearm continues to operate reliably.

24 And, you know --

1 Q Okay. I'm sorry.

2 A -- the nickel boron is -- you know, it's
3 an added expense. It's probably on par or even
4 more so than what the ferritic nitrocarburization
5 is. So, you know, all the technologies probably
6 have their price point with, you know, at what
7 point the consumer will say, yeah, it's nice, but I
8 can't afford that.

9 So also there's a lot of -- you can
10 buy an entry-level AR MSR-style gun and you can buy
11 the bolt group, bolt carrier assembly, bolt carrier
12 group, as a separate part later on that has the
13 nickel boron treatment so you can upgrade that
14 component on a -- you know, strictly a part swap
15 basis.

16 Q Mr. Ronkainen, I'm going to stop for a
17 second, we're going to stay on the record, but I'm
18 going to ask you to pop back up a little higher
19 because we're losing your mouth down below the
20 screen and I know that the court reporter likes to
21 be able to see people. It's easier for her to
22 transcribe.

23 A Yep.

24 Q Okay; thanks.

1 You say in your report, page 6:
2 Notably, at Remington, we had an entirely separate
3 division devoted to military firearms development
4 and production (Remington Defense) to meet the
5 distinct needs of the separate military market.

6 Did I read that right?

7 A Yes, that's correct.

8 Q Okay. So Remington Defense was not a
9 separate company, correct?

10 A No, it was a separate group. Remington
11 Defense was a subset of the organization that
12 concentrated on military, law enforcement, and DoD
13 product solicitations.

14 So we had a group of engineers that
15 were dedicated specifically to working on those
16 products. Modern sporting rifles were part of it,
17 the other MSR, the modular sniper rifle that we
18 talked about previously, was part of that, the
19 precision sniper rifle was part of that, the
20 compact sniper rifle were all part of that. So my
21 team on that side, those engineers, worked
22 exclusively on military/government agency
23 solicitations for those products and --

24 Q Is Remington --

1 A Go ahead.

2 Q Is Remington Defense also a brand?

3 A It didn't start out to be that but
4 eventually it was just to kind of help
5 differentiate it in the minds of the purchasing
6 folks within DoD and that they were aware that
7 Remington was a firearm provider and, in fact, we
8 had done military sales long before we had ever
9 stood up the Remington Defense organization, but it
10 was to kind of drive home that, hey, listen, you're
11 not dealing with folks that are going to be
12 distracted with commercial product lines. They're
13 here, they're dedicated to meeting your needs, and
14 so as a result we created the separate engineering
15 teams, separate production group within the factory
16 up in Ilion, and separate marketing organization
17 within the company.

18 Q Okay. That is helpful. I was a little
19 confused by, again, the organization.

20 So I want to ask you about this next
21 statement or another statement in your report on
22 page 6. You say: All Remington Defense production
23 took place in a secured area of the manufacturing
24 facility in Ilion, New York, separated from

1 commercial production, even after all private
2 commercial MSR production was moved to Huntsville,
3 Alabama.

4 Did I read that correctly?

5 A Yes, you did.

6 Q Okay. So you have this separate area in
7 the Ilion facility for defense production, right?

8 A That is correct.

9 Q How is it separated from the other
10 manufacturing that goes on there?

11 A The area is physically separated from the
12 rest of the production facility. It was in a
13 building on a floor, it was a -- I'll give you just
14 a real quick rundown of what the Ilion facility was
15 like.

16 It was a World War I vintage
17 production facility, so it's multi-story buildings
18 with elevators, freight elevators, for moving
19 products between floors. In some cases there were
20 conveyor systems that allowed you to move product
21 between floors.

22 The Remington Defense manufacturing
23 group was in an area that was physically separated
24 from the rest of the plant. Entry was -- you know,

1 you had to have -- it had CASS badge entry, so
2 basically you had to scan in. If you were not
3 approved to be in there, you weren't allowed to be
4 in there, you had to be -- you know, had to have
5 somebody let you in. The assembly of the firearms
6 took place in that area. The production of the
7 parts would happen elsewhere in the plant, but the
8 assembly took place there.

9 And then the firearms from there were
10 taken down to the gallery, which was in close
11 proximity to where the assembly area was, it was, I
12 think, one floor away and just, you know, a hundred
13 feet or so down a hallway, to be tested. So all of
14 the firearms were function tested and tested for
15 accuracy per whatever the specification, the
16 requirement, was for that particular program, if it
17 was weapons or if it was sampling, what have you,
18 and then the firearms were then taken back up to
19 the production area.

20 One of the reasons for this was, you
21 know, these were all select-fire guns, which are
22 considered to be NFAs, kind of, you know, in a
23 special subset, and the NFA is the National
24 Firearms Act firearm. Short-barreled rifles,

1 short-barreled shotguns, things of that nature,
2 silencers, are NFA items that are still currently
3 allowed to be purchased and owned by individuals.

4 Select-fire firearms produced after
5 1986, March or May of '86, as we talked about
6 previously, are not available for sale, and because
7 these were select-fire guns there was certain
8 additional security that was placed on top of that
9 besides what was security for the factory. They
10 were in a secured area inside the secured factory.

11 So they would come out for the
12 testing, that was a shared facility with the rest
13 of production, but then they would go back up for
14 subsequent packaging and shipment from that
15 dedicated area.

16 Q Now, this security -- let me ask you to
17 be specific about what the security was for. First
18 of all, was the security required by law?

19 A I don't believe it was, we could go back
20 and check, but it was an internal control that
21 Remington wanted to have so that you had control of
22 these essential, you know, items, these machine
23 guns, these select-fire weapons, that they wouldn't
24 find their way out of the plant.

1 And we utilized a similar method at
2 the Elizabethtown facility that for our select-fire
3 guns that were in the process of being developed
4 and tested every night they went into a locked cage
5 that only select people had the keys to, and the
6 locked cage was inside of a locked room which,
7 again, was a second means of -- security cameras on
8 the doors so you could tell if anybody entered. It
9 was just to prevent any loss or potential theft of
10 an item that should not get out.

11 Q Did the Department of Defense require you
12 to have any particular security measures?

13 A I believe they may have, I'm not familiar
14 with what those exactly were, but they would have
15 been specified. And as part of the inspection
16 process for production the government did send out
17 inspectors that not only inspected the product
18 being made but inspected the facility to ensure
19 that we complied with all the requirements that
20 they had in their -- whether it was part of the PD
21 or if it was something referenced within the
22 product description with regard to securing the
23 product while it was being made.

24 Q And by securing the product you mean --

1 or is it what you mean keeping anybody unauthorized
2 from getting their hands on it?

3 A Yes, whether it be, you know, another
4 employee of the company or, you know, somebody from
5 the outside.

6 Q And is this because these are dangerous
7 firearms or because this is secret?

8 A Primarily it was because these are
9 firearms that are covered by the NFA Act, and up
10 and above what short-barreled rifles,
11 short-barreled shotguns were, these were
12 select-fire guns that the public was not allowed to
13 own.

14 People are able to possess machine
15 guns or, you know, fully automatic weapons that
16 were produced prior to March of -- or May of 1986
17 and they can sell those, they can possess them
18 legally provided they pass the background checks
19 and pay for the tax stamp. These were ones that
20 didn't qualify for that. They were obviously
21 produced post that date, and so they were secured
22 in that fashion just to prevent any accidental, you
23 know, loss of any of those.

24 Q Okay.

1 A And there was also security at the front
2 gate of the factory and metal detectors. So, you
3 know, it wasn't like the rest of the production was
4 unmonitored. It was monitored. This was just an
5 added level of security that was utilized within
6 the factory.

7 Q You said, or I think you said, that the
8 rifles were assembled in this secured area?

9 A Yes.

10 Q Does that mean nothing was actually
11 manufactured in that area?

12 A Manufactured in terms of the assembly,
13 yes. Componentry for these would have been made
14 elsewhere within the factory or been provided --
15 you know, if it was an outside supplied item, it
16 would have been shipped to this area for inventory
17 until it was needed for production.

18 Q Okay. But like, for example, a barrel
19 would have been produced somewhere else, it
20 wouldn't have been produced or manufactured in that
21 secured area?

22 A That is correct. The barrels, the
23 machinery required to that, whether it's for the
24 rotary forging operation or the machining and that

1 that happens after the barrel is made, you know,
2 after the riffling inside is formed, it was done on
3 shared equipment with the plant, and if it required
4 special specifications that were different than
5 what -- what normal production would be those would
6 be adhered to as they were being made.

7 Q And what about the receivers, where were
8 they manufactured?

9 A Receivers were, I believe, for a period
10 of time manufactured in Ilion. At the end of my
11 tenure I don't know if the machining of the
12 receivers moved to Huntsville. I suspect it did,
13 but I can't confirm that.

14 Q Machining of the receivers for military
15 rifles? That's what I'm asking about.

16 A Yes. I would have to check on that and
17 see. I don't know if that moved or if they
18 retained that capability in-house in Ilion.

19 Q When the receivers were being
20 manufactured at Ilion they were not being
21 manufactured in that secured area, correct?

22 A They were not manufactured in the secure
23 area, but they were controlled because obviously
24 once the features are in place for a select-fire

1 gun they can be turned into that short of
2 anodization or anything like that.

3 So it wasn't like you could walk down
4 the aisle and, you know, there was a whole tubful
5 of select-fire lower receivers. They would have
6 been secured as they were being produced to
7 prevent, you know, theft or pilferage.

8 Q And what kind of machine is a receiver
9 made on?

10 A The receivers that we utilized started
11 off life as a 7075 aluminum forging, so you would
12 take a block of material, it would be heated up and
13 placed into some forging dies, and then basically
14 the dies would compress and put the outer shape on
15 the receiver for the lower receiver and for the
16 upper receiver.

17 Subsequent to that then you would take
18 that forging and you would mount it in a machine,
19 in our case it would have been a CNC machine, a
20 computer numerically controlled machining center,
21 and the actual machining is done to the features
22 that are required on the gun.

23 In some cases the -- well, I think in
24 all cases the machining was done but the magazine

1 well where the magazine fits in the lower part of
2 the lower receiver needed to go through a broaching
3 operation, which that's a special machining
4 operation that helps to form the complex shape
5 that's there. It's difficult to make that shape
6 with just conventional machining. The radii in the
7 corners are fairly small, and there's a lot of
8 cutter deflection as you try to reach in and
9 machine it. So the best way and the most accurate
10 way was to broach it.

11 And then after that was done, after
12 all the machining was complete, they would go
13 through an anodization process which dips the
14 aluminum part into a bath that's controlled, it has
15 nitric acid and several other chemicals in it, and
16 electricity is applied to it and it essentially
17 turns the exterior surface of the aluminum into
18 aluminum oxide, which is a very hard ceramic
19 material and gives the good wear characteristics
20 that are noted for, you know, modern sporting
21 rifles for their upper and lower receivers for
22 those modern sporting rifles that utilize aluminum
23 upper and lower receivers.

24 Finally then it would go back up to

1 the assembly area, all the other parts would end up
2 getting added to it, and at that point, you know,
3 that's where it would become the finished gun.

4 Q Okay. And I'm sorry if you said this
5 already and I didn't hear it. You said that the
6 receivers once they're manufactured are controlled.
7 How are they controlled?

8 MR. LOTHSON: Objection; asked and
9 answered.

10 THE WITNESS: Yeah, we did talk about
11 this. The serial numbers are applied when the
12 receivers are made, and those specific serial
13 numbers are registered as NFAs, in this case full
14 auto receivers, and then paperwork is submitted to
15 the ATF.

16 The receivers themselves while they
17 were in process were under some controls. Exactly
18 what those were I had not witnessed that, but there
19 was special control above and beyond what was
20 normally utilized for nonselect-fire lower
21 receivers.

22 BY MS. HELFRICH:

23 Q Okay. I have a few questions about the
24 solicitation process that you've talked about with

1 regard to military rifles. When a solicitation was
2 issued you said there's a period where you give
3 feedback on the proposal, where you tell them like
4 that's not going to work or that's a bad idea or
5 something like that, but before you're actually
6 making any firearms you're commenting on the
7 proposal; is that right?

8 A Some proposals offered that opportunity.
9 Others you straight-up took what they gave you.
10 With regard to being able to help or improve what
11 they had there, that opportunity didn't exist.

12 For our major proposals for the -- in
13 this case, you know, the individual carbine and for
14 the sniper rifle programs they would offer a
15 pre-solicitation specification to industry to
16 review. So we got to see it. Any of our
17 competitors were welcome to look at it and provide
18 comment.

19 You gave that back to the program
20 management office, which in most cases was the
21 Picatinny Arsenal in New Jersey, and, as I said
22 before, they could take your feedback and say, hey,
23 that's a great idea or they could take your
24 feedback and say, yeah, thanks but no thanks, we're

1 going to stick with what we have.

2 So it was the opportunity to comment.
3 At most you might have gotten one or two cracks at
4 it. They would offer revisions out there and we
5 could look at it and say, well, no, you didn't
6 quite capture what I was saying, you didn't catch
7 the intent of what I meant, so let's -- you'd have
8 a second go-around. You would explain maybe a
9 little more explicitly what you were doing.
10 Hopefully at that point then they got the gist of
11 exactly what you were saying and why and would
12 modify the -- the solicitation appropriately.

13 And I think in a lot of cases when
14 they heard that -- when they got that same feedback
15 from multiple members of industry that are
16 competitors it was like, hey, wait a minute, maybe
17 these guys know a little bit more about this than
18 we do so maybe we ought to take what they're saying
19 into consideration or maybe we need to be more
20 explicit about exactly what we're asking and why
21 we're asking for it.

22 Q Did you -- typically would you get
23 solicitations from federal government agencies
24 other than the military? In other words, was that

1 solicitation process also something that those
2 other agencies went through?

3 A Yes. I recall we did a program with the
4 Secret Service. We also did a few others that, you
5 know, the process was very similar, perhaps just,
6 you know, one notch less formal than what the DoD
7 was but very much in that vein with reference to
8 appropriate military specifications for anodization
9 type and thickness and properties and, you know,
10 different things like that where they felt it was
11 important to be explicit about that or for them to
12 adopt the DoD standards for that so that they know
13 it works well for the military, we ought to have
14 the same thing for us, but they're very, very
15 similar.

16 Arguably sometimes a tad shorter, so
17 instead of 20 to 30 pages sometimes 15 to 25. So
18 we're not talking, you know, a very brief one or
19 two-page thing versus something that's 20 to 30
20 pages. It's just a slightly lighter version of the
21 military product description.

22 Q And were there ever solicitations from
23 law enforcement agencies, like state and local law
24 enforcement agencies?

1 A I recall one that was with the Los
2 Angeles Sheriff's Department. The particulars of
3 it, oh, gosh, I don't remember exactly what they
4 were. I believe it was for MSRs.

5 Occasionally for very large law
6 enforcement agencies, the what I would consider to
7 be local law enforcement agencies per our past
8 discussion or previous discussion, occasionally the
9 larger agencies there might do something that was
10 more in line with what the military did but in a
11 lot of cases, I would say by far the majority that
12 I recall, they just purchased their products
13 through law enforcement distribution channels,
14 which, you know, there's typically a couple of
15 distributors per state or per region that do that,
16 that actually make those sales, and they've got an
17 ongoing relationship with those particular
18 companies to -- you know, when they need something
19 they're able to specify I want this particular
20 thing, they would send them a purchase order, and
21 then that distributor would fulfill their order.

22 Q When you say this particular thing, are
23 they asking for some firearm that you're already
24 manufacturing or are they saying can you

1 manufacture this in this way for us?

2 A It was sometimes both. I would say the
3 vast majority of what we sold through the local --
4 to local law enforcement was stock product, but,
5 you know, they may have a request for use of a
6 certain type of stock or a certain trigger group or
7 something like that where if the volume of product
8 was sufficient it would be economically worthwhile
9 for Remington to provide that to them and we would
10 go ahead and create a specific SKU for that and the
11 bill of material and everything else that went into
12 the manufacture of that product for them.

13 But, again, that was in cases where
14 that was more than the onsies, twosies. I think
15 you probably had to start talking in excess of a
16 dozen or more weapons, you know, probably maybe
17 even 50 or a hundred before we would even entertain
18 that.

19 Q Okay. That's actually a small number. I
20 thought you were going to say a much higher number.

21 A Again, it happened so infrequently I'd
22 have to go back and look and see what the
23 volumes -- the requested product quantity was to
24 give you a definitive answer on it, but it wasn't

1 for ones or twos. It was for something that was
2 probably approaching high double digits or
3 certainly triple digits.

4 Q Okay. And you mentioned that part of the
5 process of a military solicitation or something
6 that might be included in a military solicitation
7 was a requirement to test the firearms in the
8 gallery at Ilion, correct?

9 A Yes. And that --

10 Q And --

11 A Go ahead.

12 Q You said this testing was done by
13 Remington Defense personnel?

14 A Yes. When I was talking about the
15 production area being a separate area and then we
16 talked about the product being moved from there
17 down to the test area, the test area was the
18 gallery and it wasn't tested by non-Remington
19 Defense personnel. The employees that were doing
20 the testing were aware of the specific requirements
21 and the specific rigors of the tests that were
22 being conducted and they were different than what
23 the commercial testing might be.

24 So, for instance, we did a military

1 contract with the Philippine Army and there was a
2 requirement for accuracy testing that be done on,
3 you know, a sample of the rifle, sample of the
4 number produced at some given frequency. Well, all
5 the guns were function tested, all the guns were
6 proof tested prior to function test. Then the
7 select quantity of whatever they were, every
8 hundredth gun or whatever, whatever the criteria
9 was for that particular contract, were then taken
10 over to the accuracy range in the gallery and
11 tested to confirm that they met the requirement.

12 So the testing was conducted by the
13 Remington Defense personnel as opposed to the
14 personnel that were normally in the gallery
15 conducting testing on the commercial products,
16 whether they be MSRs, bolt-action rifles, shotguns,
17 what have you.

18 Q So testing is done for civilian MSRs as
19 well?

20 A Yes. Yes. The testing takes place in
21 the gallery for them. There is the same
22 high-pressure round, the proof round requirement,
23 and then there's also functional requirements to
24 ensure that the guns operate as they're supposed

1 to. The specifics of that are listed in the
2 process records for that particular gun, and that's
3 where they reference for what testing they needed
4 to be -- needed to be conducted on those.

5 Q And when you say requirements for testing
6 in regard to a civilian MSR, you're talking about
7 requirements imposed by Remington itself?

8 A Imposed by Remington or by industry
9 standards, by SAAMI. You know, SAAMI was the
10 one --

11 Q Okay.

12 A -- that, you know, since we adhered to
13 SAAMI we agreed that we were going to proof test
14 our guns, so we fired a proof round in all of our
15 barrels to ensure that they met the requirements,
16 that they were safe and that.

17 So there was some of that, but I would
18 say that most of the specifications that had to be
19 met were ones that were internally generated.

20 Q So not from requirements from customers?

21 A I would say that most customers don't
22 really -- wouldn't necessarily know how to specify
23 in exact or engineering terms the performance
24 requirements that they had or that they wanted. So

1 that typically came from, you know, our marketing
2 folks when they're developing the specifications
3 for a particular firearm, hey, the accuracy needs
4 to be this and trigger pull needs to be that and,
5 you know, as a result then the process records,
6 which is basically the recipe that's used for
7 building and then ultimately testing the gun,
8 lists, okay, you have to shoot five shots at a
9 hundred yards and accuracy of those five shots
10 cannot exceed 1.2 inches. You know, that's some
11 fictitious thing I just made up.

12 In the course of testing reliability
13 and function in the gallery you'd have to shoot
14 five rounds in order, bang, bang, bang, bang, bang,
15 and then on the last round don't fire it but use
16 the charging handle to extract the round, extract
17 the live round to ensure that that works.

18 So, again, the recipe or the
19 directions for what testing needed to be done and
20 how to do it were in the process records for making
21 those products.

22 Q So why would it be marketing that decided
23 what testing had to be done?

24 A Well, marketing would provide the

1 specifications for expectations on accuracy and
2 what they were providing to the customer. So, you
3 know, if they say that I want trigger pull to be
4 between 3.25 and 3.75 pounds, we needed to measure
5 that to ensure that we actually achieved that. And
6 likewise --

7 Q And that's because -- sorry.

8 A And likewise for the accuracy
9 requirements, if there was a special accuracy
10 requirement we would need to confirm that the
11 firearm as it is being made actually conform to
12 that.

13 Q And that's because when you're selling
14 the firearm you're going to say this is the trigger
15 pull of this firearm and this is the accuracy
16 rating of this firearm?

17 A In some cases that information is
18 explicitly given to the customers. In others it's
19 not.

20 An example of that might be for a
21 particular trigger group there are different
22 manufacturers that are out there that sell trigger
23 components for use in modern sporting rifles. One
24 company is Geissele. They're -- Geissele

1 Automatics, they're from Pennsylvania, and they
2 started off as a company that exclusively made
3 triggers and have since branched out into making
4 full guns.

5 Now, they have many different
6 iterations of their trigger groups that can provide
7 fairly large ranges or differences between the
8 particular models for what trigger pull they give.
9 They have some that are, you know, an M4 type of
10 specification that will give you five and a half to
11 eight pounds of trigger pull consistently. They
12 have some that are intended for more, you know,
13 better accuracy where the trigger pulls are
14 reduced. They might be three and a half pounds.

15 So by specifying what the trigger
16 group is there's a certain understanding, may not
17 be directly stated within Remington literature or
18 DPMS literature or Bushmaster literature or
19 anybody's, that, no, it uses this Geissele trigger
20 system. Well, it's understood that that is a four
21 and a half pound trigger.

22 Q Okay.

23 A So we test to make sure that, you know,
24 when we put it together it, in fact, you know,

1 adheres to what we said the specifications are for
2 the firearm.

3 MS. HELFRICH: Okay. Mr. Ronkainen, I
4 just have a little bit more and then I'm going to
5 let you go.

6 THE WITNESS: Would it be possible to
7 have a bio break right now for just a minute?

8 MS. HELFRICH: Absolutely. Absolutely.
9 Let's go five minutes.

10 THE WITNESS: All right. Thank you.

11 (Whereupon, a recess was taken
12 at 3:22 p.m. ET and resumed at
13 3:30 p.m. ET as follows:)

14 BY MS. HELFRICH:

15 Q I have just a few more questions and then
16 I will let you go. Mr. Lothson may have some
17 questions, and he'll have an opportunity to ask
18 those when I'm done.

19 I wanted to ask about hunting again
20 because I actually wanted to ask about varmint
21 hunting and make sure that I understood what you
22 said. It's always been my understanding that if
23 you're hunting game, an animal you're going to eat,
24 you want to kill that animal with one shot so that

1 you don't destroy the meat, correct?

2 A That's correct.

3 Q And in addition, you want to fire one
4 shot because that's the most ethical way to kill
5 the animal, correct?

6 A It's the most humane way to do it.

7 Q Okay. Is that also true for varmints?

8 A Some varmints actually if you're hunting
9 in the wintertime you can get the fur from them.
10 So it's a means of -- you know, some people trap
11 foxes, coyotes, or whatever for the fur. It's
12 another means of harvesting the animal to get the
13 fur from it and so again --

14 Q So you still want one clean shot? I'm
15 sorry. I'm sorry.

16 A You want one clean shot. It serves a
17 purpose there in that it doesn't damage the pelt to
18 the degree that a larger caliber would, and it's
19 also you want the same humane treatment of the
20 animal. You want to kill it with one shot quickly
21 so that there's no prolonged suffering available or
22 happening there.

23 Q Okay. So generally you want one shot,
24 kill the animal, that's the ethical way to do it

1 even if there are also other reasons?

2 A Yes.

3 Q Okay. Then I wanted to ask way back at
4 the beginning we talked a little bit about the SHOT
5 Show. Did you --

6 MR. LOTHSON: Objection. No, I don't
7 believe so.

8 BY MS. HELFRICH:

9 Q Okay. Well, then we're going to talk
10 about the SHOT Show. Are you familiar with the
11 SHOT Show?

12 A Yes, I am familiar with the SHOT Show.

13 Q Can you tell me what that is?

14 A The SHOT Show is a sporting and hunting
15 and outdoor trade show. It's an industry-wide show
16 sponsored by the NSSF where it's a trade show to
17 bring together companies in the firearms business,
18 in the ammunition business, and in related
19 businesses together in a single forum so that their
20 customers, their primary customers, the gun shops,
21 the distributors, and anybody that's involved with
22 the industry, can see all of the wares in one
23 place.

24 And so early on the SHOT Show rotated

1 locations. I recall attending in Dallas and in
2 Atlanta and in Orlando. Recently, as in probably
3 the last 10 or 15 years, it has been resident in
4 Las Vegas. It was determined that, you know, Las
5 Vegas was a very good venue because of the large
6 number of hotel rooms available, the venues for
7 holding a convention or a gathering of that size,
8 and so they have held it there for, gosh, like I
9 said, probably the last 15 years, 12 to 15 years.
10 And it's an --

11 Q And did you --

12 A Go ahead.

13 Q No, you go ahead.

14 A I was going to say, it's an opportunity
15 to walk around. For instance, for myself and my
16 business I've attended, and I meet with customers
17 there, potential customers. I get an opportunity
18 to kind of bring myself up to speed with what's
19 going on in the industry, see new developments,
20 and, you know, things of that nature.

21 There's -- you know, what we found --
22 what I found as an engineer within the industry is
23 that there's a lot of -- there's a lot of friends
24 that you meet, former co-workers, stuff like that

1 that used to work for, say, Marlin Firearms and are
2 now with Ruger or something like that, it's an
3 opportunity to get together, say hi, maybe go out
4 to dinner or whatever, as well as conduct real
5 business other than just catching up with friends,
6 look for potential customers, contracts, see how
7 products that you may have designed are actually
8 received by the public. So you can kind of get
9 some feedback on that in a way outside of what the
10 sales channel provides. You can be the little fly
11 on the wall by something you designed and talking
12 to some customer and they say, you know, this is
13 the dumbest thing I've ever seen, why on earth
14 would they do that, and it's like mental note,
15 okay, they don't like that. So...

16 Q Did that ever happen to you?

17 A Probably not at SHOT Show, but I've had
18 people offer unfiltered feedback on some of what
19 I've worked on and, you know, anonymously, and it's
20 like okay. Sometimes, you know, you just say,
21 well, you know, I did work on that, I developed
22 that, and it's like there's all kinds of stuttering
23 and fumbling over themselves to try to get out of
24 that awkward situation, but it is what it is. We

1 all have opinions on things, and theirs is as valid
2 as mine is on other objects, rather other subjects.
3 So...

4 Q Did you attend the SHOT Show regularly
5 throughout your career?

6 A When I was with Remington as an engineer
7 we typically attended only when we had a large
8 product introduction that took place at the SHOT
9 Show.

10 So, for example, when we did the Model
11 700 EtronX I had the opportunity to visit the SHOT
12 Show. Part of that is to provide some technical
13 expertise to the sales team to explain to them
14 really what this thing is and if, for instance, a
15 customer is interested in the product but just
16 doesn't understand it you have somebody there that
17 can give them a good technical explanation that a
18 layman can understand. It's not all engineering
19 speak. You can equate this to, you know, words and
20 items in language that's more relatable for them.

21 Q Did there come a point in your career at
22 Remington where you attended the SHOT Show every
23 year?

24 A When I was made the director of military

1 and LE product development, DoD/military/LOD, DoD,
2 you know the job, my first assignment there, that
3 was when we -- I started attending regularly, and I
4 believe I only missed one time in my tenure and
5 that's when we had a solicitation for it was a
6 government program that was due like a week after
7 the SHOT Show and I really felt that at that time
8 it was more important that I remain in
9 Elizabethtown with my team to support them rather
10 than, you know, go to the SHOT Show.

11 So that's the one time I recall that I
12 didn't attend after I was a director, but sans that
13 one time, you know, I believe I attended every
14 year.

15 Q Well, in your experience of the SHOT Show
16 did you see changes in the way that MSRs were
17 displayed or marketed there?

18 A I think I saw changes in the way firearms
19 and everything was displayed differently and
20 marketed there. It wasn't just MSRs.

21 Early on, you know, you could say back
22 in the '80s and possibly even early '90s, the SHOT
23 Show was a good ole boy show and there were not
24 very many women, females that were there that were

1 in attendance, and as a result sometimes the
2 culture would be, construed by modern standards, it
3 would be a little uncouth. You know, there was
4 just things that were said and done that you
5 wouldn't do today. That said --

6 Q Are you talking about the '90s?

7 A Talking about the '90s.

8 Q Okay.

9 A '80s and '90s. You know, we all I think
10 can understand that. If we didn't live through it
11 at least we have awareness of it.

12 I think the marketing has changed so
13 that it's a lot more inclusive. It's gender
14 inclusive. There have been different slants in
15 that, but, you know, quite honestly, that's the
16 primary difference I saw.

17 Q Any specific differences with regard to
18 MSRs?

19 A Nothing that comes to the forefront of my
20 mind right now. There may have been more pictures
21 of females with MSRs, there may have been more
22 female competitive shooters there for 3-gun than
23 there were, but part of that was back in the '90s
24 3-gun didn't really exist and, quite honestly,

1 women's involvement in that was very limited. It's
2 only later on that they became involved and they
3 actually created divisions within the organization
4 that sanctioned those events to allow them to
5 compete, and, you know, there's some female
6 shooters today that, you know, quite honestly, are
7 very competitive with the male shooters.

8 Lena Miculek is one I think of. She
9 is an outstanding shooter, and, you know, it stands
10 to reason, her father is one of the best that
11 there's ever been, especially with revolvers. So
12 she has the genetics to do it well and she's had
13 the training throughout her life to do it well, and
14 there are many others as well.

15 There are a lot of female shotgun
16 target shooters, skeet, trap, sporting clays, that
17 do well. A lot of 3-gun shooters. A lot of women
18 that compete now in, you know, they call it F-Class
19 shooting where it's shooting at a thousand yards at
20 targets and trying to shoot as small a group as you
21 can.

22 So that's been it. It's the
23 involvement of -- you know, more involvement of
24 women and to a certain degree children as well

1 within the industry, but for the most part it's
2 been adults and it's been women.

3 Q Now, the SHOT Show is sponsored or
4 organized by the National Shooting Sports
5 Foundation, right?

6 A That is correct.

7 Q Are you aware of any conditions that the
8 NSSF at any time placed on the display or sale of
9 MSRs at the SHOT Show?

10 A I am not aware of any specific
11 restrictions. There may have been some that
12 predated me. My awareness with the SHOT Show and
13 the display requirements are more the generic ones
14 with related to firearms.

15 There is a group of individuals within
16 the NSSF that go to every booth and inspect every
17 firearm that's at the show to ensure that it's been
18 disabled so that it's impossible for it to fire.
19 So somebody bringing ammunition in could grab a gun
20 off the shelf and it's not going to be potentially
21 able to fire and hurt anybody.

22 With regard to restrictions beyond
23 that, those are generic for all firearms, I'm not
24 aware of any. There may have been some at some

1 point, but I'm not privy or aware of those.

2 Q Okay. Last thing I want to ask you about
3 is Remington after you left and what happened to
4 the brands there. So you left in the middle of
5 2016, right?

6 A Yes.

7 Q And at that point Remington itself was
8 already tapering off production of MSRs, right?

9 A I don't agree with that. There was a
10 very substantial MSR production activity in
11 Huntsville, Alabama. So I don't believe that
12 that's necessarily a truthful statement.

13 What the quantities that were produced
14 from Huntsville for Remington I don't know, I don't
15 have that information, I don't have the sales
16 figures, but that kind of runs contrary to what I
17 understood. Again, I don't have catalogs from that
18 time period to be able to say, hey, look, they took
19 it out.

20 So when I left, I can speak up until
21 that point in time, but post that I really don't
22 have the information available to offer you any
23 opinion on it.

24 Q Okay. Does the Remington -- Strike that.

1 Does Remington Defense still exist?

2 A I don't know.

3 Q Does Remington Arms still exist?

4 A Remington Arms as a company that's called
5 RemArms exists. They were located in both Ilion,
6 New York, and LaGrange, Georgia. The Ilion
7 facility as of March 3rd or 4th of this year was
8 closed and production now solely takes place in
9 LaGrange, Georgia, to my knowledge.

10 Q Who owns RemArms?

11 A We'd have to go back and look through the
12 bankruptcy auction results. I believe it's a
13 company called Green Hill Capital or something to
14 that effect, but I'm doing that from memory and I
15 haven't looked at that information in several
16 years. So it's not something that's at the tip of
17 my tongue for recall.

18 Q And Remington went through bankruptcy
19 twice, right?

20 A Yes, it was twice. There was the first
21 time was I think in 2017, '18, again, I wasn't with
22 the company so, no, there's not an indelible mark
23 in my mind as to exactly when that was, and then
24 the second time was in 2020, I believe.

1 Q And what happened --

2 A 2020.

3 Q Sorry. What happened to Bushmaster?

4 A Bushmaster was sold to another company.

5 I think Bushmaster was sold to Franklin Armory.

6 Again, same issue with recall on that particular
7 asset and who acquired it. I'd have to look at the
8 bankruptcy court proceedings to see who it was, but
9 as I recall it was Franklin Armory. If it wasn't
10 Franklin Armory, it was Palmetto State Armory.

11 So and then DPMS was purchased by the
12 other entity. So which is which, again, I'd have
13 to reference the paperwork from the bankruptcy
14 court to give you a definitive answer.

15 Q Are there still firearms produced under
16 the Bushmaster brand?

17 A I believe there are. I've seen some
18 recently. It's nothing I've gone out and probed
19 very hard, but I do seem to recall that they've had
20 some advertisements in some of the trade
21 publications I get, but, again, it's -- I wasn't
22 looking for it so it wasn't necessarily something I
23 was, you know, out to acquire the information never
24 to forget. So...

1 Q What about DPMS, are there still firearms
2 sold under that brand?

3 A Yes, there are. I have seen those. As I
4 said, I believe Palmetto State bought DPMS or
5 Franklin Armory, one of the two. Those two were
6 there, and who Bushmaster belongs to and who DPMS
7 belongs to it's one of the two companies. I can
8 certainly find out if you'd like and let you know.

9 Q No, I just wanted to know if you knew.

10 A Yep. I don't.

11 Q Okay. What is your understanding, if you
12 have one, of why Remington went into bankruptcy in
13 2017?

14 MR. LOTHSON: Objection, form, or 2018
15 and this is a legal question anyway. So...

16 But, Jim, if you know, go ahead. This
17 is after you left the company.

18 THE WITNESS: Yeah. As I understand it
19 the company was carrying quite a bit of debt at
20 that point in time, in excess of I want to say
21 maybe \$500 million, it could have been more, and
22 they used the initial bankruptcy there to get
23 better terms from their creditors because a lot of
24 the profit that the company was making was going

1 towards debt service, Jim's opinion. So it was
2 that to kind of reorganize their debts and their
3 ability to pay those and with the hope of being --
4 with the transition and reorganization that they'd
5 be successful in being able to come out of that.

6 Ultimately with the second bankruptcy
7 that happened that proved not to be the case, that
8 they weren't able to recover, and I want to say for
9 the second bankruptcy the amount of debt was
10 approaching a billion dollars. The exact amount is
11 certainly available in court records. In ballpark
12 numbers it was a lot of money.

13 BY MS. HELFRICH:

14 Q Do you know where the debt came from?

15 A The debt came from acquisitions of a lot
16 of companies. There may have been some other
17 causes for it. Off the top of my head I don't
18 know.

19 You know, there were a ton of
20 acquisitions that took place and, you know, just,
21 unfortunately, when the companies were acquired and
22 brought in underneath the Remington umbrella the --
23 they were unable to integrate things well and be
24 able to turn the level of profit that they needed

1 to with those companies after acquisition to make
2 their -- the debt incurred worthwhile and be able
3 to pay it off.

4 MS. HELFRICH: All right. That's all I
5 have today.

6 Mr. Lothson, if you'd like to ask some
7 questions it's your turn.

8 MR. LOTHSON: I would.

9 EXAMINATION

10 BY MR. LOTHSON:

11 Q I'm going to share my screen.

12 All right. My screen is being shared.
13 Jim, this is your report which I believe was marked
14 as Exhibit 1. I've highlighted a sentence here.
15 There was some discussion before the lunch break
16 regarding this sentence. It reads during my time
17 in the firearms --

18 A We're not seeing it.

19 MS. HELFRICH: We're not seeing it.

20 THE WITNESS: We're not seeing your
21 screen yet.

22 BY MR. LOTHSON:

23 Q Oh, I've got to hit share.

24 A There you go.

1 Q I'm showing you your report.

2 A Yes.

3 Q I've gone to page 2. I've highlighted a
4 sentence that was the subject of discussion shortly
5 before the lunch break. In this sentence it reads
6 in full: During my time in the firearms industry,
7 demand and sales of commercial MSRs climbed
8 markedly and steadily.

9 Do you see that?

10 A Yes.

11 Q And then there was a scroll down and some
12 discussion several pages later to the report -- or
13 the AFMER production volumes and some references
14 specifically to DPMS, of which my cursor is now
15 highlighting. Do you see that?

16 A Yes.

17 Q And specifically you were questioned on
18 some of the DPMS numbers specifically at the years
19 2014 and 2015. Do you see that?

20 A I do.

21 Q Okay. Is DPMS production alone in any
22 particular year indicative of the Remington family
23 of companies on the whole's MSR production for
24 civilian sales?

1 A It may track to a certain degree with
2 Bushmaster and with Remington, but they're all
3 three independent brands that when they're on the
4 shelf at the gun store the gun consumer has the
5 ability to take and make any one -- you know,
6 choose which one to purchase. So a decrease in
7 sales for DPMS doesn't necessarily correlate with a
8 complete reduction in quantity of MSRs produced by
9 Remington/BFI Bushmaster/DPMS.

10 And, you know, as I mentioned before
11 several times, the data for Bushmaster got
12 incorporated into Remington's data and you can't
13 disambiguate that. So when you add those three
14 together, unfortunately, I don't have available
15 information for R-15s and R-25s to add, say, a
16 third column over there, but if we were able to do
17 that and then look at the total I think we'd
18 probably find that overall they were -- you know,
19 the trend was steady to growing, but, you know,
20 right now the DPMS data by itself would indicate
21 that, you know, it's dropping off but let's say
22 that's not the whole picture.

23 Q And with respect to DPMS specifically,
24 were there changes in the way DPMS's firearms were

1 constructed and the type of MSR's that DPMS
2 ultimately produced?

3 A During that time frame the DPMS Gen II
4 was being implemented into production, and the
5 resources required to generate that new model at
6 DPMS supplemented with my engineers from the
7 development team, it took time away from what they
8 were able to produce.

9 There may have been other things going
10 on at the facility at that time that I wasn't aware
11 of because I was only working on new products.
12 There may have been availability issues, and there
13 could have very well been just an overall downturn
14 in the market that hit DPMS particularly hard, but
15 it's such a -- a picture of a small spot of the
16 marketplace it's difficult to say that it is
17 reflective of really what the whole total MSR --
18 commercial MSR market was.

19 Q And do you have personal knowledge of
20 Remington, the Remington brand MSR's, the R-15 and
21 the R-25?

22 A Yes, I do.

23 Q And during your time at the company were
24 tens of thousands of Remington MSR's sold to the

1 civilian market?

2 A They were. They were, in fact, sold.
3 There were model line extensions. Sometimes that's
4 as simple as a new camouflage pattern, in other
5 cases new hand guards. Sometimes it was the
6 addition of new calibers.

7 So there was a lot of work that took
8 place there, and there were a lot of sales which,
9 unfortunately, underneath the AFMER production
10 volumes are masked, hidden, commingled with the
11 other Remington products that were being made at
12 that time.

13 Q Is it fair to say there were hundreds of
14 thousands of Remington brand MSRs sold during your
15 time at the company?

16 A During my time with the company, yeah,
17 I'd say that hundreds of thousands is a fair
18 estimate. What each specific year was, again, it's
19 difficult to say, but that production area was
20 always very busy and, you know, they were knocking
21 out the product.

22 Q Let's talk about Bushmaster in the years
23 2012 and onwards, for example. During your time at
24 the company did Bushmaster sell hundreds of

1 thousands of Bushmaster brand rifles that were MSRs
2 to the civilian marketplace?

3 A Yes. Bushmaster was a very popular brand
4 for modern sporting rifles, one of the most -- one
5 of the largest producers, and, again,
6 unfortunately, the data for their specific
7 production numbers isn't readily available or
8 evident from, you know, the AFMER data.

9 Q Let's take, for example, the year 2013
10 when DPMS sales were up to over 200,000 units.
11 Where would Bushmaster fall relative to DPMS?

12 A You know, based on kind of above, you
13 look at there was very close tracking between DPMS
14 and Bushmaster in terms of their product volumes.
15 It would have been very nearly in that
16 neighborhood, if not possibly even exceeding it.
17 Again, acquisition of that exact number isn't
18 possible given the way the data was tabulated.

19 Q Impossible by you, right?

20 A Impossible by me. It certainly via FFL
21 A&D records or something like that would be
22 possible. I don't have access to that. I'm not
23 sure who does or where those records exist today,
24 but, yeah, it's beyond the scope of what I'm able

1 to complete with the data I have available to me.

2 Q So by the year, let's say, 2014, for
3 example, there were Bushmaster MSRs, there were
4 DPMS MSRs, and there were Remington brand MSRs all
5 being sold to the commercial marketplace, correct?

6 A Yes.

7 Q Okay. And in terms of a steadily growing
8 market, were those three brands a part of that
9 marketplace?

10 A Yes. I would say that our production
11 number trends and our production volumes were
12 similar to what the other manufacturers in the
13 industry experienced.

14 So when there was an uptrend we saw an
15 increase in volume. When there was a downtrend,
16 which, you know, there have been a few through the
17 course of that looking at the overall AFMER data,
18 we tracked with that, too.

19 Q Let's talk about --

20 A Go ahead.

21 Q On this point, DPMS and the Gen II, you
22 talked earlier about the Gen II itself being
23 modified -- or, excuse me, an expansion of the
24 product line such it was focused on, for example,

1 hunting was one of the goals of a Gen II rifle?

2 A Yes. And the primary reason for it, it
3 was -- you know, the end use was hunting, but it
4 was a .308 capable AR modern sporting rifle design
5 that was in a smaller package than the existing
6 AR-10s which fired the equivalent cartridge, fired
7 the same cartridge. So it gave the user a more
8 compact package to work with. That function then
9 operated as reliably as those did.

10 Q To some extent did the Remington brand of
11 MSRs compete with the Gen II DPMSs for marketplace
12 share?

13 A They did. They did, along with the .308
14 offerings that Bushmaster had.

15 Bushmaster didn't have a super
16 extensive .308 lineup but they had some guns that
17 were offered there, and there was let's put it --
18 cannibalization is not necessarily the right term,
19 but there was competition between all the brands
20 that were resident or owned under one umbrella.
21 It's the nature of the beast. Some people like
22 Ford, some people like Chevys, and some people like
23 Dodges. You buy what you like.

24 Sometimes something new comes out, you

1 have a new Dodge Ram pickup truck, and all of a
2 sudden sales kind of swing in that fashion. The
3 overall truck market probably doesn't change a ton,
4 but, you know, the brand that's in favor benefits
5 from, you know, the added sales that they get by
6 whatever feature set it is that they offer, whether
7 it's better fuel economy, higher load capacity,
8 better aesthetics, whatever, you know, for the
9 truck analogy.

10 Q In terms of suitability of uses for the
11 products that you were involved in the manufacture
12 and sale of, the DPMS line, the Remington line, and
13 the Bushmaster lines, all of them were suitable for
14 various uses; is that right?

15 A Yes.

16 Q And that would include hunting and
17 sporting uses, correct?

18 A Hunting and sporting uses, sporting uses
19 specifically target shooting, as well as
20 self-defense uses.

21 Q And that would be self and home defense
22 uses; is that what you're saying?

23 A Yes.

24 Q In terms of the numbers that you

1 discussed, and I'm still sharing my screen on
2 Exhibit 2, page 4, the AFMER production volumes,
3 when you had a chance to go back and look at the
4 AFMER data, for example, in the Bushmaster totals
5 for the year of 2011 did you uncover any
6 typographical error there?

7 A Yeah, and looking at that I fat-fingered
8 that. It should be 38,075 rather than 57. So,
9 again, the difference is, what, 12, 13, whatever
10 the math is. I'm an engineer, I should be able to
11 do this, but it's been a long day.

12 I'll just say that it's there. It's
13 listed as 57 here, but by my recollection looking
14 at the AFMER data last night it was actually
15 38,075.

16 MR. LOTHSON: I believe that's all the
17 questions I have at this time.

18 MS. HELFRICH: I just have two
19 follow-ups.

20 FURTHER EXAMINATION

21 BY MS. HELFRICH:

22 Q You said that during the time you were in
23 charge of product development for MSRs at
24 Remington, Remington sold hundreds of thousands of

1 MSR in the commercial market, is that correct, am
2 I restating your statement correctly?

3 A Yes. We sold between a hundred and
4 200,000. Again, I don't have a way of coming up
5 with the exact number, but it was a substantial
6 quantity.

7 Q What share of the MSR market was that; do
8 you know?

9 A I've done some preliminary analysis. It
10 was -- you know, historically when Remington
11 acquired DPMS and Bushmaster they held the lion's
12 share of the commercial MSR market, maybe in the
13 neighborhood of 40 percent, maybe even higher.
14 It's difficult to really say.

15 With time and with the addition of
16 competitors and different competitor offerings I
17 think that the market share, even though the total
18 quantity increased, our market share percentage
19 decreased from, say, 40 or so percent to begin with
20 down into the 20 percent neighborhood, maybe even
21 slightly lower than that.

22 Again, this is based on estimations
23 that are probably conservative because where guns
24 were produced, MSRs were produced by companies that

1 produced other rifles, that data was not utilized
2 in calculating market share percentage just because
3 you can't do the calculation. You can't figure it.
4 So...

5 Q And is any of that analysis of
6 Remington's market share in your report?

7 A It's work that took place subsequent to
8 the issuing of my report.

9 Q After the report, okay.

10 And, again, your assertion today that
11 Remington sold hundreds of thousands of MSRs, that
12 number is not in the report, correct?

13 A That number is not listed specifically in
14 the report, but based on my knowledge of being
15 there at that time I believe that to be a true
16 statement.

17 MS. HELFRICH: Okay. That's all I have.

18 Do you want to reserve?

19 MR. LOTHSON: Yes.

20 MS. HELFRICH: Okay. So that means,
21 Mr. Ronkainen, that Andy, your attorney, will get a
22 copy of the transcript and you'll have a chance to
23 review the transcript and make sure that what you
24 said was transcribed accurately. You can't change

1 your answer, but if what you said wasn't taken down
2 correctly you can let the reporter know and she can
3 make the change.

4 THE WITNESS: Yeah. I'm familiar with
5 that process, and I'll do that.

6 MS. HELFRICH: Okay. Well, I want to
7 thank you for your time.

8 THE WITNESS: Thank you. Have yourself a
9 good weekend.

10 MS. HELFRICH: Thank you, and you, too.
11 And, June, thanks to you as well.

12 THE REPORTER: Sure.

13 May I have transcript orders, please?

14 MS. HELFRICH: Let's just say we're off
15 the record.

16 (Whereupon the deposition was
17 concluded at 4:05 p.m. ET.)

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1 STATE OF ILLINOIS)
) SS.

2 COUNTY OF K A N E)

3 The within and foregoing videoconference
4 deposition of the aforementioned witness was
5 reported remotely by JUNE M. STEARNS, CSR, RMR, and
6 Notary Public, at the date and time aforementioned.

7 There were present via videoconference
8 during the taking of the deposition the previously
9 named counsel.

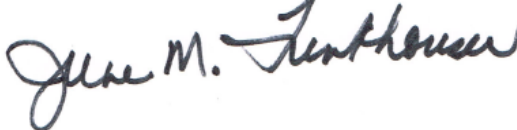
10 The said witness was first duly sworn via
11 videoconference and was then examined upon oral
12 interrogatories; the questions and answers were
13 taken down in shorthand by the undersigned, acting
14 as stenographer and Notary Public; and the within
15 and foregoing is a true, accurate and complete
16 record of all of the questions asked of and answers
17 made by the aforementioned witness, at the time and
18 place hereinabove referred to.

19 The signature of the witness was not
20 waived, and the deposition was submitted, pursuant
21 to Rule 30(e) of the Rules of Civil Procedure for
22 the United States District Courts, to the deponent
23 per copy of the attached letter.

24 The undersigned is not interested in the

1 within case, nor of kin or counsel to any of the
2 parties.

3 Witness my official signature and seal as
4 Notary Public in and for Kane County, Illinois, on
5 the 20th day of August, A.D. 2024.

6 

7 JUNE M. STEARNS, CSR, RMR

8 Notary Public

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Veritext Legal Solutions
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Phone: 216-523-1313

August 20, 2024

To: Mr. Lothson

Case Name: Barnett, Caleb, Et Al. v. Raoul, Kwame, Et Al.

Veritext Reference Number: 6831501

Witness: James Ronkainen Deposition Date: 8/2/2024

Dear Sir:

Enclosed please find a deposition transcript. Please have the witness review the transcript and note any changes or corrections on the included errata sheet, indicating the page, line number, change, and the reason for the change. Have the witness' signature notarized and forward the completed page(s) back to us at the Production address shown above, or email to production-midwest@veritext.com.

If the errata is not returned within thirty days of your receipt of this letter, the reading and signing will be deemed waived.

Sincerely,
Production Department

NO NOTARY REQUIRED IN CA

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DEPOSITION REVIEW
CERTIFICATION OF WITNESS

ASSIGNMENT REFERENCE NO: 6831501
CASE NAME: Barnett, Caleb, Et Al. v. Raoul, Kwame, Et Al.
DATE OF DEPOSITION: 8/2/2024
WITNESS' NAME: James Ronkainen

In accordance with the Rules of Civil Procedure, I have read the entire transcript of my testimony or it has been read to me.

I have listed my changes on the attached Errata Sheet, listing page and line numbers as well as the reason(s) for the change(s).

I request that these changes be entered as part of the record of my testimony.

I have executed the Errata Sheet, as well as this Certificate, and request and authorize that both be appended to the transcript of my testimony and be incorporated therein.

8/30/2024
Date

James Ronkainen
James Ronkainen

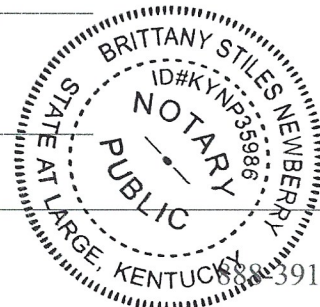
Sworn to and subscribed before me, a Notary Public in and for the State and County, the referenced witness did personally appear and acknowledge that:

- They have read the transcript;
- They have listed all of their corrections in the appended Errata Sheet;
- They signed the foregoing Sworn Statement; and
- Their execution of this Statement is of their free act and deed.

I have affixed my name and official seal this 30 day of August, 2024.

Brittany S. Newberry
Notary Public

09/13/25
Commission Expiration Date



VERITEXT LEGAL SOLUTIONS MIDWEST

ASSIGNMENT NO: 6831501

ERRATA SHEET

Page	Line	Changes	Reason
71	10, 13	"FedBizOpps" should be "FedBizOpps"	Transcription error
76	1	"...they may not have always been..." should be "...there may not have always been..."	Transcription error
76	23	"...all the mill standards..." should be "...all the MIL standards..."	Transcription error
85	18	"...Remingtons..." should be "...Remington..."	Transcription error
93	21	"Had the opportunity..." should be "I had the opportunity..."	Transcription error
93	23-24	"...and I get a hunting license..." should be "...and get a hunting license..."	Transcription error
95	19	"...Clayton, Dubilier & Rice they had..." should be "...Clayton, Dubilier & Rice, they had..."	Transcription error
97	4	"...moved Bushmaster and Remington..." should be "...they moved Bushmaster and Remington..."	Transcription error
98	17	"...side, we're the ones that were..." should be "...side, were the ones that were..."	Transcription error
118	11	"...correction of the math there..." should be "...correction of the math error..."	Transcription error
134	5	"Arrow Precision" should be "Aero Precision"	Transcription error
136	15	"An exact number you would be..." should be "An exact number - you would be..."	Transcription error
138	1	"...were in the marketplace l..." should be "...were in the marketplace, l..."	Transcription error
146	7-8	"...if a bullet is in the 243-thousandths diameter..." should be "...if a bullet is 243-thousandths in diameter, ..."	Transcription error
146	9	"...which the actual dimensions..." should be "...which is the actual diameter..."	Transcription error
146	12	"...where it's neck down..." should be "...where it's necked down..."	Transcription error
146	23	"...of handling .308s but..." should be "...of handling .308s, but..."	Transcription error
148	12	"...AR-15, for instance, as..." should be "...AR-15. For instance, as..."	Transcription error
148	17	"...shooting .204 Rugers." should be "...shooting .204 Ruger."	Transcription error
149	2	"...inside of the bullet..." should be "...inside of the bolt..."	Transcription error
151	2	"...what .223 Remingtons are." should be "...what .223 Remington's are."	Transcription error
151	18	"...gives it a launch-up,..." should be "...gives it a launch upward,..."	Transcription error
152	9	"...what that is if a..." should be "...what that is. If a..."	Transcription error
159	9	"...ceased production when that was." should be "...ceased production, when that was."	Transcription error

VERITEXT LEGAL SOLUTIONS MIDWEST

ASSIGNMENT NO: 6831501

ERRATA SHEET

163	11	"...where the bullet are held..." should be "...where the bullets are held..."	Transcription error
166	10	"...come back to the action." should be "...come back into the action."	Transcription error
177	1	"...they called their lefty." should be "...they called their Lefty."	Transcription error
177	2	"...seen the DPMS lefty version,..." should be "...seen the DPMS Lefty version,..."	Transcription error
186	8	"Those it helps..." should be "For those it helps..."	Transcription error
186	16	"...in minutes of angle,..." should be "...in minute of angle,..."	Transcription error
190	4	"...the SAAMI abuse test,..." should be "...the SAAMI abuse tests,..."	Transcription error
191	12	"...actually a prime cartridge..." should be "...actually a primed cartridge..."	Transcription error
191	23	"...a prime cartridge..." should be "...a primed cartridge..."	Transcription error
194	18	"...MSR that you're selling, just..." should be "...MSR that you're selling. Just..."	Transcription error
195	17	"We use that on..." should be "We used that on..."	Transcription error
195	18	"...so the ACR rifles we're..." should be "...so the ACR rifles were..."	Transcription error
195	22	"...technology that they use,..." should be "...technology that they used,..."	Transcription error
206	23	"...machinery required to that,..." should be "...machinery required to do that,..."	Transcription error
207	2	"riffling" should be "rifling"	Transcription error
217	3	"...a sample of the rifle,..." should be "...a sample of the rifles,..."	Transcription error
220	11	"...actually conform to..." should be "...actually conformed to..."	Transcription error
221	16	"...understanding, may not..." should be "...understanding that may not..."	Transcription error
223	21-22	"...suffering available or happening there." should be "...suffering happening there."	Transcription error
224	14-15	"The SHOT Show is a sporting and hunting and outdoor trade show." should be "The SHOT Show is a Sporting and Hunting and Outdoor Trade show."	Transcription error
228	5-6	"...a solicitation for it was a government program that was..." should be "...a solicitation - it was a government program - that was..."	Transcription error
244	7-10	"So it gave the user a more compact package to work with. That function then operated as reliably as those did." should be "So it gave the user a more compact package to work with that functioned and operated as reliably as those did."	Transcription error

#9410

VERITEXT LEGAL SOLUTIONS MIDWEST

ASSIGNMENT NO: 6831501

ERRATA SHEET

8/30/2024

Date

James Ronkainen

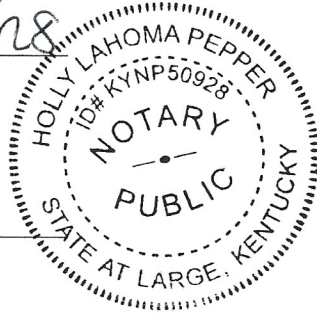
James Ronkainen

SUBSCRIBED AND SWORN TO BEFORE ME THIS 30 DAY OF August,

20 24.

Holly Pepper KYNP 50928

Notary Public



5.18.24

Commission Expiration Date

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days

after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate.

The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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