

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

IAN POLLARD, on behalf of himself)
and all others similarly situated,)
)
Plaintiffs,)
)
v.)
)
REMINGTON ARMS COMPANY, LLC, et al.)
)
Defendants.)
_____)

Case No. 4:13-CV-00086-ODS

**SUGGESTIONS IN SUPPORT OF SUPPLEMENTAL JOINT MOTION FOR
CONDITIONAL CERTIFICATION OF SETTLEMENT CLASSES,
PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT, APPROVAL
OF NOTICE PLAN, APPOINTMENT OF CLASS ACTION SETTLEMENT
ADMINISTRATOR, AND APPOINTMENT OF CLASS COUNSEL**

EXHIBIT INDEX

EX. DESCRIPTION

1. Second Amended Settlement Agreement
 - Ex. A – Claim Forms
 - Ex. B – Long Form Notice
 - Ex. C – Short Form Notice
 - Ex. D – Direct Notice
 - Ex. E – CAFA Notice
2. Declaration of Derek L. Watkins
 - Ex. A – Resume
 - Ex. B – Recall Notice
 - Ex. C – Technical Data Sheet for Loctite 660
 - Ex. D – Technical Data Sheet for Loctite 263
 - Ex. E – Photo of specialty-cleaned X-Mark Pro trigger sub-assembly
 - Ex. F – Photo of specialty-cleaned X-Mark Pro trigger sub-assembly
 - Ex. G – Photo of specialty-cleaned X-Mark Pro trigger sub-assembly
 - Ex. H – Photo of specialty-cleaned X-Mark Pro trigger sub-assembly
 - Ex. I – Photo of operator dispensing Loctite 263 to trigger engagement screw
 - Ex. J – Photo of comparator setting of trigger engagement screw
 - Ex. K – Photo of curing station
3. Amended Declaration of Charles W. Powell
 - Ex. A – Curriculum Vitae
 - Ex. B – Trial and deposition testimony list
4. Amended Joint Declaration of Richard J. Arsenault, Charles E. Schaffer, W. Mark Lanier And Eric D. Holland
 - Ex. A – Richard J. Arsenault Curriculum Vitae
 - Ex. B – Firm Resumé of Levin Fishbein Sedran and Berman
 - Ex. C – W. Mark Lanier Curriculum Vitae
 - Ex. D – Eric Holland Curriculum Vitae, Firm Resumé
5. Declaration of John W. Perry
 - Ex. A – Curriculum Vitae
6. Declaration of Steve Weisbrot
 - Ex. A – Curriculum Vitae
7. Supplemental Declaration of Steven Weisbrot

Following the Court's preliminary approval hearing on February 5, 2015 and in response to the Court's February 19, 2015 Order, *see* Doc. #82, the Parties have identified and designated additional class representatives. Accordingly, the Parties submit this Supplemental Motion and Suggestions in Support, which incorporates by reference their prior Amended Joint Motion for Conditional Certification of Settlement Classes, Preliminary Approval of Class Action Settlement, Approval of Notice Plan, Appointment of Class Action Settlement Administrator, and Appointment of Class Counsel (Doc. #79) and Suggestions in Support (Doc. #80), but clarifies that the proposed class definitions and class representatives are as follows:

Settlement Class A:

Class A(1) – Plaintiffs Moodie and Waterman:

All current owners of Remington Model 700, Seven, Sportsman 78, and 673 firearms containing a Remington trigger mechanism that utilizes a trigger connector. Excluded from the class are: (a) persons who are neither citizens nor residents of the United States or its territories; (b) any Judge or Magistrate Judge presiding over the action and members of their families; (c) governmental purchasers; (d) Remington Arms Company, LLC, Sporting Goods Properties, Inc., E.I. du Pont Nemours and Company, and each of their subsidiaries and affiliates (the “Trigger Connector Class”).

Class A(2) – Plaintiff Delperdang:

All current owners of Remington Model 710, 715, and 770, firearms containing a Remington trigger mechanism that utilizes a trigger connector. Excluded from the class are: (a) persons who are neither citizens nor residents of the United States or its territories; (b) any Judge or Magistrate Judge presiding over the action and members of their families; (c) governmental purchasers; (d) Remington Arms Company, LLC, Sporting Goods Properties, Inc., E.I. du Pont Nemours and Company, and each of their subsidiaries and affiliates (the “Trigger Connector Class”).

Class A(3) – Plaintiffs Otis and Keesy:

All current owners of Remington Model 600, 660, and XP-100 firearms containing a Remington trigger mechanism that utilizes a trigger connector. Excluded from the class are: (a) persons who are neither citizens nor residents of the United States or its territories; (b) any Judge or Magistrate Judge presiding over the action and members of their families; (c) governmental purchasers; (d) Remington Arms Company, LLC, Sporting Goods Properties, Inc., E.I. du Pont Nemours and Company, and each of their subsidiaries and affiliates (the “Trigger Connector Class”).

Class A(4) – Plaintiff Barbre:

All current owners of Remington Model 721, 722, and 725 firearms containing a Remington trigger mechanism that utilizes a trigger connector. Excluded from the class are: (a) persons who are neither citizens nor residents of the United States or its territories; (b) any Judge or Magistrate Judge presiding over the action and members of their families; (c) governmental purchasers; (d) Remington Arms Company, LLC, Sporting Goods Properties, Inc., E.I. du Pont Nemours and Company, and each of their subsidiaries and affiliates (the “Trigger Connector Class”).

Settlement Class B:

Class B(1) – Plaintiffs Brown, Winterburn, and Hardaway:

All current owners of Remington Model 700 and Model Seven rifles containing an X-Mark Pro trigger mechanism manufactured from May 1, 2006 to April 9, 2014 who have not participated in the voluntary X-Mark Pro product recall. Excluded from the class are: (a) persons who are neither citizens nor residents of the United States or its territories; (b) any Judge or Magistrate Judge presiding over the action and members of their families; (c) governmental purchasers; (d) Remington Arms Company, LLC, Sporting Goods Properties, Inc., E.I. du Pont Nemours and Company, and each of their subsidiaries and affiliates (the “X-Mark Pro Class”).

Class B(2) – Plaintiffs Pollard, Anderson, Corsi, and Massie:

All current and former owners of Remington Model 700 and Model Seven rifles who replaced their rifle’s original Walker trigger mechanism with an X-Mark Pro trigger mechanism manufactured from May 1, 2006 to April 9, 2014. Excluded from the class are: (a) persons who are neither citizens nor residents of the United States or its territories; (b) any Judge or Magistrate Judge presiding over the action and members of their families; (c) governmental purchasers; (d) Remington Arms Company, LLC,

Sporting Goods Properties, Inc., E.I. du Pont Nemours and Company, and each of their subsidiaries and affiliates (the “X-Mark Pro Class”).

Attached as Exhibit 1 to these Suggestions is a Second Amended Settlement Agreement that incorporates these proposed class definitions and class representatives. The Second Amended Settlement Agreement includes: (1) the same attachments as the Amended Settlement Agreement with some nonmaterial changes; and (2) a supplemental declaration of Steven Weisbrot in support of Class Notice.

Finally, the Parties propose the following schedule regarding Notice to the Settlement Classes and final approval of the Settlement Agreement:

Event	Time For Compliance
Completion of Notice Plan	July 20, 2015
Deadline for Filing Joint Motion for Final Settlement Approval	September 4, 2015
Deadline for Filing Plaintiffs’ Motion for Attorneys’ Fees and Representative Plaintiff Awards	September 4, 2015
Deadline for Opting Out or Objecting	October 5, 2015
Deadline for the Parties’ Response(s) to Objections (if any)	November 23, 2015
Final Approval Hearing	December 7, 2015 (proposed).

For the reasons stated above, the proposed Settlement Agreement is the product of serious, non-collusive, arm’s-length negotiations, and is a fair, reasonable, and adequate resolution of Plaintiffs’ claims. The proposed Notice and Notice Plan also satisfy Rule 23’s due process requirements. As a result, the Parties respectfully request that the Court grant their motion and enter the proposed order which: (1) grants provisional certification of the Settlement Classes; (2) grants preliminary approval of the Settlement Agreement; (3) approves the Notice and Notice Plan; (4) appoints Class Counsel; (5) appoints Angeion Group as Class Action

Settlement Administrator; and (5) establishes a date for the Final Approval Hearing and other associated events as described above.

Respectfully submitted,

NEBLETT, BEARD & ARSENAULT

SHOOK, HARDY & BACON LLP

s/ Richard Arsenault

s/ John K. Sherk

Richard Arsenault
2220 Bonaventure Court
Alexandria, LA 71301
Phone: 800-256-1050
Fax: 318-561-2592
rsenault@nbalawfirm.com

John K. Sherk, MO Bar #35963
Amy M. Crouch, MO Bar #48654
Molly S. Carella, MO Bar #56902
2555 Grand Blvd.
Kansas City, MO 64108
Phone: 816-474-6550
Fax: 816-421-5547
jsherk@shb.com
amcrouch@shb.com
mcarella@shb.com

Charles E. Schaffer
LEVIN, FISHBEIN, SEDRAN & BERMAN
510 Walnut Street, Suite 500
Philadelphia, PA 19106
Phone: 215-592-1500
Fax: 215-592-4663
cschaffer@lfsblaw.com

Dale G. Wills
SWANSON, MARTIN & BELL, LLP
330 North Wabash Avenue, Suite 3300
Chicago, Illinois 60611
Phone: 312-321-9100
Fax: 312-321-0990
dwills@smbtrials.com

Eric D. Holland
R. Seth Crompton
HOLLAND, GROVES, SCHNELLER & STOLZE,
LLC
300 North Tucker Boulevard, Suite 801
St. Louis, MO 63101
Tel: (314) 241-8111
Fax: (314) 241-5554
eholland@allfela.com
scrompton@allfela.com

**Attorneys for Defendants Remington Arms
Company, LLC, E.I. du Pont de Nemours
& Company, and Sporting Goods
Properties, Inc.**

W. Mark Lanier
LANIER LAW FIRM
6810 FM 1960 West
Houston, TX 77069
wml@lanierlawfirm.com

John R. Climaco
John A. Peca
CLIMACO, WILCOX, PECA, TARANTINO &
GAROFOLI Co., LPA
55 Public, Suite 1950
Cleveland, OH 44113
jrclim@climacolaw.com
japeca@climacolaw.com

Richard Ramler
RAMLER LAW OFFICE, PC
202 W. Madison Avenue
Belgrade, MT 59714
richardramler@aol.com

Timothy W. Monsees
MONSEES & MAYER, PC
4717 Grand Avenue, Suite 820
Kansas City, MO 64112
tmonsees@mmmpalaw.com

Jordan L. Chaikin
PARKER WAICHMAN LLP
27300 Riverview Center Boulevard, Suite 103
Bonita Springs, FL 34134
jchaikin@yourlawyer.com

Jon D. Robinson
Christopher Ellis
BOLEN ROBINSON & ELLIS, LLP
202 South Franklin, 2nd Floor
Decatur, IL 62523
Phone: 217-429-4296
Fax: 217-329-0034
jrobinson@brelaw.com
cellis@brelaw.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of April, 2015, I filed the foregoing document with the clerk of the court using the court's CM/ECF system, which will serve electronic notice on all parties of interest.

/s John K. Sherk

**Attorneys for Defendants Remington
Arms Company, LLC, E.I. du Pont de
Nemours & Company, and Sporting
Goods Properties, Inc.**