

**STATEMENT OF OBJECTION TO
Pollard v. Remington Arms Co., LLC, et al., Case No.
4:13-cv-00086-ODS**

Henry J. (Jack) Belk, Jr.

May it please the Court,

My full name is Henry Jackson Belk, Jr. I go by Jack. I'm a citizen of Idaho and a member of the class known as Pollard by way of ownership of multiple applicable rifles and triggers. I am also a professionally-trained gunsmith, gunmaker and expert witness in matters involving firearms design, function, failures, ballistics and range design. My current resume' is attached.

My extensive experience with the Remington Walker trigger began in 1969 with the identification of the defect and subsequent development and reporting of a repair for it to Remington. In 1993 I was hired by the late Mr. Rich Miller of the same firm as Mr. Monsees to analyze and testify in Aleksich v. Remington. Over the intervening years, I've given testimony in dozens of firearms cases as well as consulted with lawyers and shooters on a regular basis. Many of these consultations have been in regards to various Remington trigger mechanisms. My past testimony history is attached.

In 2013, Mr. Monsees hired me in what I later learned to be this same Pollard case (**Pollard v. Remington Arms Co., LLC, et al., Case No. 4:13-cv-00086-ODS.**) I understood my job to be to advise and consult as needed concerning an appropriate trigger to replace the Walker trigger which has been known by Remington and others to be defective due to its functional unreliability since its inception in 1947. There was no activity on my part in the Pollard matter until 2014 when I was contacted by Mr. Jon Robinson, another plaintiff's attorney. At that time, I advised Mr. Robinson the X Mark Pro (XMP) triggers I had seen in the field to my observation so-far were not a suitable replacement for the Walker due to the influence of the use of inferior quality materials. Information that I thought necessary to arrive at any other conclusion was promised to me but never provided. I was left with nothing but my personal observations and tests of the XMP trigger upon which to base my declaration to the court. Instead, I was being advised that I was expected to testify to conclusions unsupported by my observations of performance of any prior triggers I had examined nor of the performance of the trigger provided by Remington and sent to me for testing. My draft declaration reflected those observations and offered the opinion that the XMP is not a suitable replacement for the defective Walker. For my truthful draft declaration sent to Mr. Robinson I was soundly cursed out, derided and later fired from the case. My draft Declaration and test report are attached.

A portion of the information asked for but never received was a copy of the proposal of the settlement in Pollard that I was being asked to swear was in the best interest of the owners of dangerous rifles. Once the agreement was obtained privately, I realized my very first conversation with Mr. Robinson had successfully informed him that there was a very real problem with the agreement. But he tried and failed to get me to change my observations to suit his needs, so he eventually fired me. I submitted a modest bill to cover 18 months of work and it was promptly paid.

Your honor, this proposed settlement is a bad deal for the rifle owners of America - and the rest of the world - for three primary reasons:

The proposed settlement places triggers known to be short-lived and unreliable, the X Mark Pro in the place of triggers known to be defective and unreasonably dangerous by design, the Walker. The XMP

trigger introduces a defect in rifles unheard of in four hundred years of firearms development by simply being so fragile as to fail long before the end of the expected useful life of the rifle. Historically, the trigger should be and is expected to be the last thing on the rifle to wear out, not the first. It was told to me by plaintiff's council (and then denied) that up to 30% of returned XMP triggers are replaced due to wear or other faults instead of being cleaned and returned to service.. Documents to confirm or deny this figure were not supplied me nor were any of the rejected triggers made available for my examination. I can only surmise, from the multiple XMP triggers I've seen and examined in detail, that I am seeing a true cross-section of the triggers in use, and they are failing to maintain their specified configuration and dimensions due to accelerated degradation of critical parts of the trigger assembly. This in my opinion is clear indication of a material defect in the quality of those parts that must be corrected before rifles fitted with XMP triggers are deemed to be safer for use by the shooting public than rifles fitted with the Walker trigger.

Secondly, it is not fair to gun owners to require de-facto registration of their firearm for a very simple parts-replacement repair. There is no reason for a customer's rifle to leave his state of residence to be re-fitted with a suitable replacement trigger. To require shipment of a customer's rifle back to the factory is unnecessarily inconvenient, complicated and expensive and assures very limited response by gun owners to a very serious problem of public safety. Such a requirement is therefore obviously counter productive to the stated purpose of the suit.

Lastly, the proposed Pollard settlement has no provisions for the education and advising of customers of a dangerous condition in existence since the manufacture of their firearm. There is no provision for widespread publicly disseminated educational information whatsoever concerning what Remington has known to be a defect for more than sixty-five years. If the customer does not know the true facts about his defective product he can make no fully informed decision with regard to its ultimate repair.. This lack of basic truthful information made available by the manufacturer has created an unduly dangerous condition literally affecting world markets. It was and is my hope the Pollard case would address this factor. It presently does not. In fact, the proposed Pollard settlement does exactly the opposite by furthering improper public perceptions of injustices done to Remington Arms company by plaintiff's lawyers when in fact it is Remington that has created and promoted the dangerous confusion by continuing its mode of defense of a defective product rather than devoting its full efforts to the correction of the defects exhibited by that product. Speaking as the owner of several of the most dangerous of the Walker triggers, I would rather have the truth from Remington than a twelve dollar hat.

I am in favor of a nationwide advisory and I would be in favor of a replacement program for Walker triggered guns, but only if the replacement is safer and of better quality than the Walker. Remington claims the XMP is better. So do plaintiff's attorneys, but they have denied me the triggers and the information needed to support their position. I therefore have no choice but to oppose the proposed settlement of the Pollard suit for the above reasons.

HJ Belk Jr