

1 Mr. Zenger.

2 THE COURT: Thank you. Who is our next witness?

3 MR. EATON: At this time we will play Mr. Belategi's
4 deposition.

5 MR. SINGER: Your Honor, while the jury is still out,
6 just a couple of things. We had just a couple of objections to
7 the designated portions, if you have time to take them up.
8 They're very few. And then we would also like the opportunity--
9 As the Court remembers, because of taking the day off Tuesday
10 because of the unfortunate circumstances last Monday, the Court
11 allowed us--Mr. Belategi to be scheduled after his deposition is
12 played, taking him out of order in the plaintiffs' case. We
13 would like an opportunity for Mr. Belategi to be present in the
14 courtroom when his deposition is shown not only to get through
15 it quicker, but we don't have to go over it, and just to move
16 things along.

17 MR. EATON: I didn't hear all of that. We don't have
18 any objection to Mr. Belategi being present, but we do object to
19 him appearing out of order.

20 THE COURT: I thought the two of you had a discussion
21 about that?

22 MR. EATON: I don't think so. That's not been our
23 position, to allow him to appear out of order. We don't have
24 any objection to him sitting in the courtroom, but we don't want
25 him giving part of his case-in-chief in our case-in-chief.

1 The defendants did not counter-designate anything from
2 his deposition. Rule 32 allows for that and provides for that.
3 Defendants did not do that. So we object to him appearing out
4 of order. We don't object to him being in the courtroom.

5 MR. SINGER: Your Honor, very briefly. I think
6 counsel may have misremembered when we had the discussion the
7 evening before Thanksgiving as to when we would start the trial
8 of the case. It was supposed to be set for December 1st, had
9 been set for December 1st for four months, I believe. Counsel
10 was willing to start on Wednesday so that they could not
11 have--just jury selection so they could take doctors'
12 depositions Wednesday afternoon that they had not taken before
13 the trial started. They didn't want to break up their case.
14 They also had expert scheduling issues and wanted to go straight
15 through without an interruption in their case with their
16 experts. And, therefore, wanted to take the entire day off
17 Tuesday and not go, and also take nothing Wednesday, except voir
18 dire, not opening or anything else.

19 We specifically discussed in a conversation with Your
20 Honor that though we didn't want to do that, and we would prefer
21 to start first thing Tuesday morning, or even possibly jury
22 selection Monday afternoon in the event that the funeral of
23 Mr. Eaton's brother-in-law was not on Monday but over the
24 weekend, we, under the circumstances, agreed to start Wednesday
25 morning with that schedule, provided Mr. Belategi, coming all

1 the way from Spain, could get on as soon as his deposition is
2 shown and get back to the factory and his family. We've had him
3 here since last Thursday for that very purpose.

4 My understanding was that it was a specific agreement
5 where Mr. Eaton said yes, he agreed with that, and the Court
6 acknowledged that that's the procedure we would go with.

7 THE COURT: Mr. Eaton, we did have a discussion about
8 that, didn't we?

9 MR. EATON: I don't remember ever being agreeable to
10 that, Judge, because that would be just contrary to the way we
11 planned our case. We discussed a lot of things. But these
12 doctors' depositions were certainly nothing that were the
13 plaintiffs' choice.

14 THE COURT: That's true.

15 MR. EATON: We subpoenaed those folks, that was part
16 of our trial schedule. I sure don't want to use my family
17 situation as a reason because I think it's totally irrelevant to
18 this issue. It delayed the trial one day, I guess. I guess we
19 would have started Tuesday rather than Wednesday. But it was
20 never our intent to allow Mr. Belategi to come in and put on his
21 case-in-chief--or his evidence from his case-in-chief in our
22 case-in-chief. The defendants had every opportunity to counter-
23 designate, and Mr. Belategi is present like any other witness
24 they may choose to call.

25 So I realize it may be an inconvenience for

1 Mr. Belategi, but it's certainly contrary to our trial strategy,
2 and I just don't believe I ever agreed to that. It's just quite
3 different than our trial plan in this case. That's all I'm
4 going to say.

5 THE COURT: Is your examination of Mr. Belategi going
6 to be within the scope of direct examination?

7 MR. SINGER: No, sir.

8 THE COURT: So it would be proper only as a part of
9 your case?

10 MR. SINGER: Yes, sir. It's going to be both.

11 MR. EATON: It's going to be what?

12 MR. SINGER: It's going to be both. It will cover the
13 explanation of things in more detail he covered in the
14 deposition, as well as the other information that he's got
15 that's relevant.

16 THE COURT: Mr. Eaton, I can only go on the basis of
17 my own recollection, but I thought there was an understanding
18 concerning Mr. Belategi; because of the scheduling, that he
19 would be presented out of order after the reading of his
20 deposition. I'm sorry, that's what I recollect. We weren't on
21 the record at the time, I don't believe, otherwise I'd check.

22 MR. EATON: I don't remember one way or the other.
23 Obviously if we were on the record we can check, and we would
24 certainly stand by what we said on the record. If Your Honor
25 remembers that, you're the boss in this case, and that's fine.

1 We can certainly live with that, it's just not our preference.

2 THE COURT: I understand. I recall the discussion
3 Mr. Singer mentions. If it was a misunderstanding, perhaps it
4 was, but that's as I understood it. That was the Wednesday
5 before Thanksgiving when all this came up.

6 MR. EATON: If that's Your Honor's recollection, we'll
7 certainly live with it.

8 THE COURT: We'll go with that. That's my best
9 recollection.

10 Now, what are the objections you have?

11 MR. SINGER: Your Honor, with regard to Mr. Belategi's
12 deposition, there's a couple of pages and lines that counsel has
13 designated that we believe under the doctrine of optional
14 completeness should be read. Three of them--a few of them are
15 immediately after the testimony, a couple are before, because
16 the testimony is taken out of context.

17 Your Honor, do you have a copy of Mr. Belategi's
18 deposition?

19 THE COURT: No, I don't.

20 MR. SINGER: I can hand up my copy.

21 THE COURT: This has all been prepared on CD; right?

22 MR. SINGER: Yes.

23 THE COURT: The additional parts are not on?

24 MR. SINGER: That's correct. We would just want to
25 read--as counsel represented, and as in the other deposition, it

1 begins with a blank screen, and it says these pages and lines,
2 and then it plays, and then the next one comes up with pages and
3 lines, I believe.

4 Is that right, Steve?

5 MR. EATON: Yeah. Just like the others.

6 MR. SINGER: May I pass up a copy?

7 THE COURT: That's fine, but my suggestion, why don't
8 you read what you think is necessary for completeness at the
9 conclusion of the video portion of the deposition, since we're
10 not going to have it on video conveniently now, right?

11 MR. SINGER: Right. I don't want to show it on video.
12 He takes--in one of these things he asks about a taper. You
13 heard the testimony about taper. There's two kinds of taper.
14 One is the plaintiffs' theory of taper, when the hole is formed.
15 Another is an intentional taper on the outside of the barrel
16 formed during the manufacturing process to make the muzzle end
17 smaller, therefore lighter and more aesthetically pleasing. He
18 talks about the taper, and there are a couple of
19 misrepresentation issues like that that we would have.

20 And then in particular--for the record that's just
21 adding--

22 THE COURT: Have you shown this to Mr. Eaton? Have
23 you shown these portions of the deposition to Mr. Eaton?

24 MR. SINGER: No, Your Honor.

25 MR. EATON: Let Mr. Singer finish, and then I'll

1 respond.

2 MR. SINGER: He's designated page 12, line 7, to page
3 14, line 13. We would think that after 13, lines 14 through
4 15/12 should be read. He's designated page 15 through 18, line
5 11. We think that 18, line 12 through 19/18 should be read for
6 completeness.

7 We think that page--he's got 28 through line 15, and
8 we think 16 through 19 should be read.

9 Before his designation beginning on page 50, line 16,
10 we need to go back to page 49, line 23. Two of them begin in
11 the middle of an answer. Page 84, line 1, is one of his
12 designations, and page 11, line 3 begins in an answer.

13 And so we have those issues that we think would be
14 appropriate to either read the appropriate part of it, happy to
15 do it in a reading fashion, and some additional would need to be
16 included at--therefore, page 49, lines 23 to 50, line 15; page
17 83, 24 to 25.

18 THE COURT: How long is the portion of the Belategi
19 deposition you'll play?

20 MR. EATON: I think it runs somewhere between an hour
21 and half and two hours.

22 THE COURT: Here's what we're going to do: You may
23 recall at the final pretrial conference I said--I know I said
24 this because I always do--if you're presenting a deposition, I
25 want all the objections and everything raised beforehand so that

1 we don't have to keep the jury waiting while we sort out
2 objections, which is exactly what we're doing now. This should
3 have been brought to my attention before now.

4 B, we're not going to spend any more time leaving this
5 jury waiting. We're going to bring them in, we're going to play
6 this deposition as it is here. The two of you are going to talk
7 over the noon hour, and you let me know if you have objection to
8 the portions of the deposition that he wants to read for the
9 purpose of completeness. If there is, we'll get back here about
10 1 o'clock, I will rule on those objections, and, Mr. Singer, you
11 can read them, put in the portions of the record you want to
12 from the deposition prior to presenting Mr. Belategi out of
13 order. And that's the way we'll handle it.

14 MR. EATON: Judge, I can say right now we can object
15 to Mr. Singer reading parts of the deposition of Mr. Belategi
16 and then putting Mr. Belategi on to explain everything. If
17 Mr. Belategi is here and wants to go out of order, and Your
18 Honor is going to allow him to go out of order, we see
19 absolutely no reason to read counter-designations in the
20 deposition that were never raised until today.

21 THE COURT: I understand your point, but even if
22 Mr. Belategi were testifying here live right from the beginning,
23 and you impeached him with his deposition, if I felt that for
24 reasons of completeness that additional portions of the
25 deposition should be read, I would order it read. So I don't

1 think that's a reason to reject it, but--I don't know, it's
2 simply a fairness thing.

3 MR. SINGER: Your Honor, if I might, I think I can
4 clear this up and make it easy for everybody. In light of the
5 Court's ruling as well as if we're going to go ahead anyway
6 right now and not interrupt him, I will just wait. And then at
7 the end I will talk to Mr. Eaton, if he has a problem.
8 Otherwise, we will just have Mr. Belategi read that part when he
9 is up on the witness stand as opposed to reading from the
10 deposition before we put him on.

11 THE COURT: Let's go ahead with the deposition
12 transcript you want to present.

13 Let's call in the jury.

14 (In open court, in the presence of the jury.)

15 THE COURT: Good morning. I want to particularly
16 thank you for your patience this morning while the Court and the
17 attorneys went over certain issues while you're waiting. I know
18 it's frustrating, but the purposes of our discussions are to
19 smooth things over and actually make things go more
20 expeditiously. As I told you earlier, I'm still resolving legal
21 issues that have to be resolved, and that's where we've been at.

22 But it was a lengthy period of time, and I regret we
23 kept you waiting this long a period of time before we got to
24 you, but it's something that happens from time to time in a
25 case, and I ask you continue to be patient with us.

1 At this time, Mr. Eaton, your next witness is going to
2 be?

3 MR. EATON: Your Honor, at this time the plaintiffs
4 call Mr. Aitor Belategi who appears by deposition.

5 AITOR BELATEGI, PLAINTIFFS' WITNESS BY VIDEOTAPED DEPOSITION

6 THE COURT: Play the deposition.

7 (The designated portions of the deposition of Aitor
8 Belategi were played in open court.)

9 THE COURT: Members of the jury, we're going to take
10 our noon recess at this time. Court will be in recess until
11 1:15 this afternoon. During the noon hour, please bear in mind
12 the admonition previously given.

13 We'll see you at 1:15. Thank you.

14 (Recess at 12:10 p.m., until 1:20 p.m.)

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1 AFTERNOON SESSION (1:20 p.m.)

2 (In open court, in the presence of the jury.)

3 THE COURT: Counsel, I believe we're going to take a
4 witness out of order; is that correct?

5 MR. SINGER: Yes, Your Honor.

6 THE COURT: Members of the jury, the next witness is
7 being presented by the defendants. This witness is being taken
8 out of order for scheduling reasons. You're to consider this
9 next testimony as if it was offered during the defendants'
10 case-in-chief.

11 With that, you may call your witness.

12 MR. SINGER: Thank you, Your Honor. I'll call
13 Mr. Aitor Belategi.

14 THE CLERK: Please step forward and raise your right
15 hand.

16 AITOR BELATEGI, DEFENDANTS' WITNESS, SWORN

17 THE CLERK: You may take the stand.

18 DIRECT EXAMINATION

19 BY MR. SINGER:

20 Q. Mr. Belategi, you've seen your videotaped--portions,
21 selected portions, of your deposition?

22 A. Yes.

23 Q. How long was your deposition? How long did Mr. Eaton
24 question you?

25 A. He took one day and a half.

1 Q. Are there some portions of the questions and answers that he
2 played that are taken out of context?

3 A. Yes, I think so.

4 Q. How--I don't want to go into your background. You went over
5 that on the video before, but how big of a city, for those of us
6 who aren't familiar with the north part of Spain, is Bilbao?

7 A. I'd say around two million people.

8 Q. Guggenheim Museum there?

9 A. Yes.

10 Q. The university that you went to there for your advanced
11 engineering degree was a recognized university?

12 A. Yes. It's one of the most reputable in Spain.

13 Q. And the seven-and-a-half year program that you were on, is
14 that the normal?

15 A. Yes, it is.

16 MR. SINGER: Now, we have Nick here as the
17 interpreter, if necessary. I don't know whether we should have
18 him sit closer, or to just keep trying in English and get as far
19 as we can get.

20 THE COURT: Why don't we go as far as we can go. If
21 he does need interpreter services, if you could come forward at
22 that time, we would appreciate it.

23 BY MR. SINGER:

24 Q. Do you understand English pretty well?

25 A. Yes, I do.

1 Q. How often do you get to speak English?

2 A. More or less a couple of weeks every year, more or less.

3 Q. And you were agreeable to trying to do this in English to
4 speed things up and move it along?

5 A. Yes. That's all right.

6 Q. If you don't understand what I ask you, or what Mr. Eaton
7 asks you, please ask and we'll have it interpreted for you,
8 okay?

9 A. Okay.

10 Q. Now, you were involved in the development and bringing to
11 market the Kodiak; is that correct?

12 A. Yes.

13 Q. The falling-block design?

14 A. Yes.

15 Q. What is a falling-block?

16 A. A falling-block is a kind of gun where the preloading
17 system, where the gun--down the frame, I would say, to load the
18 gun, to put the primer on. It's the system where the primer
19 is.

20 Q. Were you involved in the testing of the Kodiak with respect
21 to its function, its features, its integrity, and its safety in
22 the development stage?

23 A. Yes, I was.

24 Q. And after the development stage?

25 A. Yes.

1 Q. I want you to tell us, if you don't mind, has the--Dikar, do
2 they do ongoing testing in addition to what was done in the
3 development stage?

4 A. Yes.

5 Q. Are there additionally ongoing tests that are required in
6 Spain to be done?

7 A. Yes.

8 Q. Now, have you personally put a Kodiak brand new, right out
9 of the factory, up to your shoulder and shot it with a magnum
10 primer?

11 A. Yes.

12 Q. How many times?

13 A. A lot of times. Maybe 50.

14 Q. And where do you do that?

15 A. In the Proofhouse of Eibar.

16 Q. Have you watched other people at Dikar do those same
17 shooting tests?

18 A. Yes.

19 Q. Now, was there proof-testing done in the development stage
20 of the prototype?

21 A. Yes.

22 Q. In the pre-series stage?

23 A. Yes.

24 Q. And when we say "proof-testing," what do you mean?

25 A. Proof-testing means for me doing tests. One of them is the

1 functional test, I mean that the gun works, it fires with no
2 problem. We do also the drop test, which means we fall the gun
3 to the floor to see if it fires, if the safety works. This is
4 our functional test, this is one part of the development. And
5 the second part is the firing test that we perform in the
6 Proofhouse of Eibar.

7 Q. Is there any other Dikar designed muzzleloaders that
8 incorporate the same barrel and breech plug configuration, made
9 on the same machines, made out of the same materials, use the
10 same breech plug, as the Apex and Kodiak you described?

11 A. Yes.

12 Q. What are those?

13 A. The break-actions.

14 Q. What models are the break-actions?

15 A. The Optima, the Pro, the Wolf.

16 Q. Are the Optimas, Pros and Wolfs, and Apexes and Kodiaks the
17 same barrel material?

18 A. Yes.

19 Q. Same breech plug?

20 A. Exactly the same.

21 Q. Interchangeable?

22 A. Interchangeable.

23 Q. Same breech plug threads?

24 A. Yes.

25 Q. Same breech plug hole?

1 A. Yes.

2 Q. Same machines made it?

3 A. Yes.

4 Q. Same operators made it?

5 A. Yes.

6 Q. Some tap formed threads?

7 A. Yes.

8 Q. Now, I want to talk to you just a little bit about the
9 general development of the falling-block design. Tell, just
10 generally, the ladies and gentlemen of the jury how that product
11 came to be, what steps it went through in the development stage.

12 A. The development of the design of the Kodiak started in
13 around February 2002, and the development also was done with a
14 Spanish center, a laboratory named Ikerlan. They developed the
15 design under the supervision of the Dikar people, and some
16 prototypes were prepared.

17 Q. Well, let me--I want to walk you through the process. So it
18 began in the design phase at Ikerlan?

19 A. Yes.

20 Q. With Dikar representatives in February of 2002?

21 A. Yes.

22 Q. And then after--well, first of all, does Ikerlan have
23 computer design equipment?

24 A. Yes.

25 Q. Does Ikerlan have the ability, and did it, to do computer

1 analysis on the forces and the stresses involved in the gun as
2 it was designed?

3 A. Yes.

4 Q. And did Dikar engineers also have input, with Ikerlan, in
5 the design of the gun?

6 A. Yes.

7 Q. Once the design is approved--did Ikerlan approve the design?

8 A. Ikerlan and Dikar both.

9 Q. Once it got approved, what was the next step, first step
10 done?

11 A. The first step is obviously make the drawings and prepare
12 the prototypes.

13 Q. Now, the prototypes, how are they made?

14 A. The prototypes were made partially by Ikerlan and partially
15 by Dikar. Some parts of the falling-block were made by Ikerlan.
16 The barrel, the breech plug were done at Ikerlan.

17 Q. The first prototypes, were they shooting prototypes?

18 A. Yes.

19 Q. Where were they shot, and how were they shot?

20 A. They were shot in the Proofhouse of Eibar always, and two
21 different firing tests were performed. One was with two guns.
22 Each one of them was shot with a 50 magnum charges, magnum shot,
23 and then later two other guns were shot with a 5--

24 Q. You're going to have to slow down just a little, please.

25 A. Sorry.

1 Q. You created within the barrel what kind of pressure at the
2 proofhouse?

3 A. Forty-two thousand psi. It's double what the pressure that
4 the manual shows is created in the barrel.

5 Q. So double the maximum magnum load?

6 A. Yes.

7 Q. Now, in addition to that testing, which was the firing
8 testing done by the Dikar employees--

9 A. Yes.

10 Q. --and then the overpressure testing done by the proofhouse--

11 A. By the proofhouse, yes.

12 Q. --what else is done in the prototype phase, if anything?

13 A. You mean apart from the functional test and the firing test?

14 Q. Yes. Anything else? Functional test and firing test. Is
15 that it in the prototype stage?

16 A. Yes.

17 Q. Did the gun pass, the falling-block design?

18 A. Yes. No problem.

19 Q. It sustained the overpressure test?

20 A. Yes.

21 Q. It sustained the functional test?

22 A. Yes.

23 Q. It sustained the firing test of the magnum load by the
24 employees of Dikar?

25 A. Yes.

1 Q. Once it got by that prototype stage, what is the next stage
2 in the development process?

3 A. Once the prototypes are approved, then the next step is to
4 start with a pre-series of the manufacturing.

5 Q. Describe what pre-series is.

6 A. The prototypes are normally prepared with not a--or not with
7 the final equipment. The machines are not prepared, tolerances
8 on the machines are not prepared, so some of the parts are made
9 by outside suppliers. But the pre-series is done with the final
10 equipment, the final machines, the machines that will do the big
11 production, with the same people, with the same checking tools,
12 with the same everything so that way we know when mass
13 production arrives, what kind of problems we'll have. The
14 purpose is to solve the problems before it is mass produced.

15 Q. So before you start the production, you actually make a
16 series that you call a pre-series of a number of guns in the
17 manufacturing process?

18 A. Yes.

19 Q. As you said, same people, same equipment, same everything?

20 A. Yes.

21 Q. And what is then done with those guns?

22 A. Okay. Those guns are tested again. Mainly the same thing,
23 the functional test to see the performance of the gun, and also
24 the firing test.

25 Q. Did you fire those in the pre-series?

1 A. Yes, I did.

2 Q. Did you watch others fire them?

3 A. Yes.

4 Q. At magnum load?

5 A. Yes.

6 Q. Did you also send those guns to BPI in the U.S.?

7 A. Yes, sir.

8 Q. Do you know what they did exactly?

9 A. No.

10 Q. Do you know they fired them?

11 A. Yes.

12 Q. Now, just having made those guns and having fired them
13 again, could you begin, in the country of Spain, manufacturing
14 the Kodiak at that point in time?

15 A. No.

16 MR. EATON: Objection. The question calls for a legal
17 conclusion.

18 THE COURT: Sustained.

19 BY MR. SINGER:

20 Q. Did Dikar begin its manufacturing at that point?

21 A. Not yet.

22 Q. What did you have to do before you began manufacturing?

23 A. Okay. We have to send a sample to the proofhouse for it to
24 get their approval to start the production.

25 Q. And did they provide that approval?

1 A. Yes, they did.

2 Q. Now, let me show you what we've previously marked as
3 Defendant's Exhibit T, pages 1 through 12.

4 MR. SINGER: May I approach?

5 THE COURT: You may.

6 BY MR. SINGER:

7 Q. I'd ask you just to identify that document, please, the 12
8 pages just generally.

9 A. Yes. These are the documents of the design of the falling-
10 block model, documents that we made when we do the design of the
11 falling-block model.

12 Q. Does it confirm the testing done internally and externally?

13 A. Yes.

14 Q. And overpressure test and the shooting test?

15 A. Yes.

16 Q. Were those documents, Exhibit T, maintained in the regular
17 course of business?

18 A. Yes.

19 Q. Were they prepared by somebody with knowledge, personal
20 knowledge at the time?

21 A. Yes.

22 Q. And was it in the regular course of business to prepare
23 those documents at the time they were made?

24 A. Yes.

25 Q. And have they been maintained in the regular course of

1 business?

2 A. Yes.

3 Q. Is that a Dikar business record?

4 A. Yes.

5 MR. SINGER: Move Exhibit T.

6 MR. EATON: Plaintiff does not object to Exhibit T if
7 that's Dikar documents 354 through 365, Bates Nos. 354 through
8 365.

9 THE COURT: You can check.

10 MR. SINGER: That is correct.

11 THE COURT: T is received.

12 (Defendants' Exhibit T was offered and
13 received in evidence.)

14 BY MR. SINGER:

15 Q. When did Dikar actually complete the design phase with
16 Ikerlan, the prototype testing phase, the pre-series testing
17 phase, and finally complete all the shooting tests for the
18 falling-block design and the Kodiak?

19 A. The procedure was tested in May 2003, and we can say that
20 the design was finished in May 2003.

21 Q. And at some point after that, the proofhouse gave you
22 approval, and you began manufacturing or production?

23 A. Yes.

24 Q. Now, you talked a moment ago that the identical same breech
25 plug and thread connection and barrel is utilized in the break-

1 action gun?

2 A. Yes.

3 Q. Did the break-action undergo the same process?

4 A. Yes.

5 Q. Was it going on about the same time?

6 A. More or less the same time, yes.

7 Q. Was there anything different about--was it independently
8 developed separate from the Kodiak?

9 A. Yes.

10 Q. And what was different, if anything, about the development
11 of the break-action gun at the time of the Kodiak as you've
12 described?

13 A. Okay. One of the differences is that the design of the
14 break-action gun was done in Dikar by ourselves, and the design
15 of the falling-block was done at the Center of Ikerlan. So the
16 main reason Ikerlan did the design of the falling-block was too
17 much for our company, was two important new designs, was too
18 much, so we decided it was for them to do it.

19 Q. Did it undergo the same quality audits and testing of the
20 prototype that you've described for us and is documented with
21 Kodiak?

22 A. Yes, almost the same.

23 Q. And the same shooting test?

24 A. Yes.

25 Q. Same pre-series?

1 A. Uh-huh.

2 Q. The same sending to BPI in the U.S.?

3 A. Yes.

4 Q. And then did you also obtain approval, Dikar, from the
5 proofhouse to begin manufacturing the break-action?

6 A. Yes. We must have this approval, otherwise we're not
7 allowed to start production.

8 Q. When did you start, approximately, the break-action?

9 A. Around, more or less, the same as the falling-block, January
10 2003, January or February 2003.

11 Q. A little bit before?

12 A. Pardon me?

13 Q. A little before the falling-block?

14 A. More or less at the same time.

15 MR. SINGER: Your Honor, may I approach?

16 THE COURT: You may.

17 BY MR. SINGER:

18 Q. I will show you Exhibit J-1 through J-4 and ask if you can
19 identify these documents, please, sir.

20 A. The first document is the drawing of the Wolf barrel which
21 is a break-action barrel, .50 caliber, carbon steel.

22 Q. Does it have the same--does it have the drawing on it that
23 reflects the threaded area for the breech plug?

24 A. Yes.

25 Q. And is it the same as you've previously described?

1 A. Yes.

2 Q. And what is document No. J-2, please?

3 A. It is a drawing of an Optima barrel, which is also a
4 break-action barrel, .50 caliber, carbon steel.

5 Q. And it also has the same--at the point that we're talking
6 about, the rear of the barrel, the breech threaded area, the
7 same configuration, the same--everything is identical?

8 A. Yes.

9 Q. And what is page 3?

10 A. Page 3 is the drawing for an Apex barrel, which is a falling
11 block model. It's .50 caliber, carbon steel.

12 Q. What is Exhibit 4--J-4?

13 A. It is a drawing for a Kodiak barrel. It is falling block
14 barrel, .50 caliber, carbon steel.

15 Q. Again, those are the same as well?

16 A. Yes.

17 Q. As far as those drawings go, they have the actual model name
18 on them?

19 A. Yes.

20 Q. As far as Dikar is concerned, is there any difference when
21 we're talking about the making of the hole, the tapping of the
22 hole, the rolling of the threads, the barrel, its metal or
23 breech plug, any difference for any four of those?

24 A. No. They're the same.

25 MR. SINGER: Move J-1 through 4 in, please.

1 MR. EATON: Your Honor, I don't think the Plaintiffs
2 have any objection to those. Without the Bates stamp, I don't
3 know exactly what documents--

4 MR. SINGER: We had bigger copies that are not Bates
5 stamped.

6 MR. EATON: I don't think we object, I'm just not sure
7 which document it is.

8 Plaintiffs have no objections to Defendants' J-1
9 through J-4.

10 THE COURT: Thank you. J-1 through 4 are received.

11 (Defendants' Exhibits J-1 through 4 are
12 offered and received in evidence.)

13 BY MR. SINGER:

14 Q. Now, you mentioned the breech plug.

15 MR. SINGER: May I approach, Your Honor?

16 THE COURT: You may.

17 BY MR. SINGER:

18 Q. Let me show you what we've marked as Exhibit K which is
19 Bates No. Dikar 0167, and ask if you can identify that document,
20 please, sir?

21 A. Yes. This is the drawing of the breech plug for the
22 falling-block and for the break-action.

23 MR. SINGER: Move that be admitted.

24 MR. EATON: Which one is that?

25 THE WITNESS: K-1.

1 MR. SINGER: It's K, and it's Bates No. 0167.

2 MR. EATON: No objection to Exhibit K.

3 THE COURT: K is--

4 MR. EATON: It's one page out of the Exhibit K. No
5 objection.

6 THE COURT: It's received.

7 (Defendants' Exhibit K was offered
8 and received in evidence.)

9 BY MR. SINGER:

10 Q. Was this breech plug different from the breech plug used
11 before then for other Dikar muzzleloaders?

12 A. Yes, it's different.

13 Q. How is it different?

14 A. Okay. You say breech plug?

15 Q. Is it different on the back end, how it's put in, taken out?

16 A. Yes. The previous breech plug for other models have the one
17 spring to hold the primer. This one doesn't. This breech plug,
18 the total length is shorter, but the thread is actually larger.

19 Q. It's a larger thread than the other one?

20 A. Larger thread, yes.

21 Q. All right. Thank you. Now, let me get you to walk through
22 very quickly, don't spend a lot of time, but we've talked about
23 how this gun is made, and I'd like you to tell the jury just
24 generally--and I may interrupt you. Start with a piece of steel
25 back in the receiving plant for the barrel, and just walk us

1 quickly through how this gun is made, please.

2 A. The main steps of the process?

3 Q. Yes, main steps.

4 A. Okay. We receive the barrels. And the first step of the
5 process is making the thread for the breech plug, open the hole
6 and make the thread. Second step is do the outside contour of
7 the barrel. Third step is the polishing.

8 Q. Let me back up and ask you this, because in the questions
9 that were played to this jury out of your deposition, the word
10 "taper" was mentioned.

11 A. Yes.

12 Q. Was that out of context?

13 A. Yes.

14 Q. Okay. Is there any taper in the hole for the breech plug,
15 or inside the barrel at all?

16 A. No.

17 Q. Is there any taper in the thread forms?

18 A. No.

19 Q. Is there a taper on the outside of the barrel?

20 A. Yes, there is.

21 Q. Down at the muzzle end?

22 A. Yes.

23 Q. Is the barrel made narrower as it goes out?

24 A. Yes.

25 Q. What is the purpose of that?

1 A. One purpose is to make the barrel more beautiful, as we say;
2 and another reason is to reduce the weight of the barrel, make
3 it lighter.

4 Q. So a hunter going around is not carrying a very heavy piece
5 of steel?

6 A. Yes, otherwise very heavy.

7 Q. I'm sorry. I interrupted you. Please keep going.

8 A. After making the contour of the barrel, we polish the
9 outside of the barrel with different sandpapers to get a bright
10 finish of the barrel. Then we weld parts on the bottom of the
11 barrel, some parts are welded. Right then we go to milling
12 machines, to machine into the barrel the holes for the sights,
13 and machine for the finishing of the barrel.

14 Then we sandblast the barrel to make it a matte
15 finish. Later we brew the barrel in different tanks where we
16 introduce the barrels. After the brewing process we make the
17 marking on the barrel with a marking machine.

18 Then we start the breech plug, and once the breech
19 plug is done, the barrel is finished in the assembly line. In
20 the assembly line we assemble the falling-block, the stock, and
21 put the gun in the box and ship.

22 Q. Let me talk to you about the machine that actually makes the
23 first part of the barrel. You're talking about where you drill
24 the hole in the back and you thread it. Now, on your videotaped
25 deposition you describe the various checks that were done in

1 that process; correct?

2 A. I'm sorry, sir?

3 Q. The quality checks?

4 A. Okay.

5 Q. Have you prepared a video that shows the manufacturing
6 machine making a hole in the barrel?

7 A. Yes.

8 Q. Have you showed video of the worker checking the size of the
9 opening?

10 A. Yes.

11 Q. With the go/no-go gauge that's utilized in the factory?

12 A. Yes.

13 Q. And have you prepared a video that shows the tapping, the
14 forming of the hole for the tap--

15 A. Yes.

16 Q. --I mean the actual threads?

17 A. Yes.

18 Q. And the checking of the threads is done on 100 percent?

19 A. Yes.

20 Q. And also the threading go and no-go?

21 A. Yes.

22 Q. And that utilizes the gauges that you use, those operators?

23 A. Yes.

24 Q. And do you also have a video of the lady who puts in the
25 breech plugs doing that on the Kodiak barrel?

1 A. Yes.

2 Q. And this video is of a Kodiak; correct?

3 A. Yes.

4 Q. And the machine is the same machine that was there in 2004
5 when Mr. Katzenmeier's Kodiak was made?

6 A. Yes.

7 Q. Same machines?

8 A. Yes.

9 Q. How about the worker?

10 A. Same worker.

11 MR. SINGER: We would like to show that at this time.
12 It's EE.

13 MR. EATON: May I--

14 THE COURT: Just a minute. Mr. Eaton?

15 MR. EATON: Before we object or don't object, can I
16 ask this witness a couple of questions to voir dire this
17 witness?

18 THE COURT: You may.

19 MR. EATON: Thank you, sir.

20 VOIR DIRE EXAMINATION

21 BY MR. EATON:

22 Q. Mr. Belategi, were you present when these several different
23 segments of video were taken?

24 A. Yes. I record them myself.

25 Q. You're the man that took those--made those?

1 A. Yes.

2 Q. It's your testimony that's a true and correct depiction of
3 those segments along the way in the manufacturing process?

4 A. Yes.

5 MR. EATON: We don't object to the admission of that
6 video, Judge.

7 THE COURT: Exhibit EE is received.

8 (Defendants' Exhibit EE was offered
9 and received in evidence.)

10 MR. SINGER: May I publish at this time?

11 THE COURT: Yes.

12 THE WITNESS: I think the video may be more helpful
13 than my explaining this.

14 DIRECT EXAMINATION (Resumed)

15 BY MR. SINGER:

16 Q. Let me go through this kind of quick.

17 Just describe what we're seeing here.

18 A. Okay. This is the lathe where we make the opening of the
19 hole for the breech plug and the thread for the breech plug.
20 This first step, this is the drill that will open the hole for
21 the breech plug.

22 Q. That's the hole that we're talking about that you
23 understand, from reading Dr. Tipton's deposition and report and
24 the plaintiffs' complaint in this case, is at issue?

25 A. Yes.

1 Q. Now, let's run through that again because it will play
2 again, and if I can stop it--well, I'm going to ask you a
3 question in just a moment as this comes in closer.

4 Now, that is the drill that is used in the CNC lathe
5 machine; correct?

6 A. Yes.

7 Q. Describe--is it a straight drill?

8 A. Yes.

9 Q. Does it have three sections to it?

10 A. Yes.

11 Q. What is the little knob or first part that's on that drill?

12 A. It is the guide for the tool to follow the barrel, the guide
13 for .50 caliber.

14 Q. So the front of that drill has a part of it that is not a
15 drill itself, right?

16 A. It doesn't cut. Just a guide.

17 Q. It's just something fitted into the hole?

18 A. Yes.

19 Q. Now, I see that the barrel, if you look at it, the barrel is
20 being held in a collar of some type, and it's actually what
21 turns, is it not?

22 A. Yes. The barrel is turning, the drill is not turning.

23 Q. Behind it, is this also in the tube holding the barrel?
24 It's just about the size of the barrel as it's spinning?

25 A. Yes.

1 Q. Now, as we walk through this again, we will see that the
2 guide starts in and it doesn't have any cutting, and then it
3 starts some kind of shavings, and then it looks like a different
4 kind of cutting; is that correct?

5 A. Yes.

6 Q. Is that the third step of the drill?

7 A. Yes.

8 Q. What does that part of the drill do?

9 A. After the guide there is one diameter that will be the one
10 which will hold the threads in the breech plug later. On the
11 end of the tool there is a bigger diameter which will be the
12 part of the barrel that has no threads. So they have to put
13 that through. The guide for the hole, where the threads will
14 be, and the bigger diameter, got more pressure.

15 Q. You described earlier that after that hole is formed, the
16 stock--it's calibrated on that machine; correct? The machine is
17 calibrated, that CNC lathe machine?

18 A. Yes.

19 Q. And the operator, when it's made, then checks every 25th
20 part?

21 A. Yes.

22 Q. And you described in your deposition a go/no-go gauge?

23 A. Yes.

24 Q. And we have a video that will show that. This is pretty
25 quick.

1 A. Okay.

2 Q. I want you to kind of describe, first of all, as he's doing
3 that first step, that's the go gauge?

4 A. Yes.

5 Q. And that next step is the no-go gauge; right?

6 A. Yes.

7 Q. And that is--that shows that the go/no-go is, as you
8 described it, a bar?

9 A. Yes.

10 Q. With round cylinders on each end?

11 A. Yes.

12 Q. They are the same diameter all the way up and back, are they
13 not? In other words, the go is a straight cylinder?

14 A. Yes.

15 Q. And the no-go is a straight cylinder?

16 A. Yes.

17 Q. It is not a round ball, is it?

18 A. No, it isn't.

19 Q. Now, the next step you describe was the making of the
20 threads; correct?

21 A. Yes.

22 Q. And we'll get that going here in just a second. Would you
23 just kind of--is that the tap that you see? It's kind of a
24 blurry zoomed-in view, but that's the tap that forms the
25 threads?

1 A. Yes, this is our rolling tap.

2 Q. Rolling tap.

3 A. The barrel is turning in one direction, and when the tool
4 comes out, it turns in the other direction.

5 Q. That is what we've been hearing about, you've described as
6 the forming and the working of the metal up to form the threads
7 inside the barrel?

8 A. Yes, sir.

9 Q. Here's where that turns and goes the other way; right?

10 A. Right.

11 Q. And that tap is straight, is it not?

12 A. It is straight.

13 Q. Now, you describe checking the no-go/go--an additional test?

14 A. Yes.

15 Q. There are two more tests done just by that worker; correct?

16 A. Yes.

17 Q. One is every 25 pieces, once they're formed with the thread,
18 are checked with a threaded go/no-go; right?

19 A. Yes.

20 Q. And the other one is 100 percent of the pieces, every single
21 one, is checked with a go/no-go for size; correct?

22 A. Correct.

23 Q. Do you have video clips to show these two checks?

24 A. Yes.

25 Q. And I'll just run those as well. You can just explain them.

1 Use the big screen here in a second, see if I can get it back so
2 you can see. Can you tell, first of all, what worker that is?

3 A. You mean the name?

4 Q. Yes.

5 A. His name is David DePrado.

6 Q. And describe what he's doing here, please.

7 A. Well, he takes the barrel out from the machine, the barrel
8 is finished. He takes the go/no-go, the one we use on 100
9 percent of the parts. He puts the pole into the barrel, and
10 then he tries to put into the barrel the no-go, but there's no
11 way, it must not enter.

12 Q. Does he lightly touch it?

13 A. No. The no-go must be done strongly, something like "boom,
14 boom, boom." Like this, you have to do it hard (indicating).

15 Q. Straight and push it in?

16 A. Yes.

17 Q. Now, you have seen, have you not, circumstances when
18 the--when something is wrong with the alignment, or something is
19 wrong with the tap, and a no-go goes; correct?

20 A. Yes, correct.

21 Q. And you've described that, in the nine years you've been
22 there, 25, perhaps as many as 50 times; right?

23 A. Yes. More or less, uh-huh.

24 Q. It's not usual, but it happens?

25 A. It happens.

1 Q. Is that why you do the checks?

2 A. Absolutely.

3 Q. What happens, in your experience, what you've seen, what you
4 felt, what you've done yourself, when you put in the no-go and
5 it goes? Can you tell it?

6 A. Yes. You have a taper thread, the no-go will go in the
7 barrel until a certain point. So it will go in, the no-go, do
8 something like (indicating), and it will be difficult to take it
9 out because you're introducing a cylinder into a cone. It will
10 do something like (indicating). It would be even difficult to
11 take it out.

12 Q. But it's very easy to detect?

13 A. Yes.

14 Q. And, again, this shows David with the go/no-go, using the go
15 first, and then the no-go?

16 A. And the no-go.

17 Q. And the no-go also has--you can see a thin part of the tool
18 sticks out if the no-go doesn't go like it should, correct?

19 A. This is important because you can't clearly see that it
20 doesn't go. It's something like "clunk, clunk, clunk," you
21 can't even hear the noise like this. So it's a feel test.

22 Q. And if you--not only can you feel it if it goes beyond where
23 it should, but you can see it with the eye on that tool?

24 A. Yes.

25 Q. And that's why that tool is made that way?

1 A. Exactly.

2 Q. Now, you discussed the threaded go/no-go?

3 A. Uh-huh.

4 Q. I want to talk with you about that in just a minute. You
5 described it earlier, but it's similar, as you see it up on the
6 screen, it is a similar gauge; correct?

7 A. Yes.

8 Q. It is a cylinder that's the same at the front edge as it is
9 at the back edge of the go?

10 A. Yes.

11 Q. It's linear, it's not tapered, it's not round?

12 A. Linear.

13 Q. At the other end it is the same, too; correct?

14 A. Yes.

15 Q. But it is used to thread it; right?

16 A. Yes.

17 Q. And is this also the job of the operator, to do the
18 threading, once that's made?

19 A. Yes.

20 Q. Now, again, how many of the size go/no-go are--how many
21 pieces are checked?

22 A. Repeat, please.

23 Q. The one we just looked at, the no-go and go, after the
24 threads are formed, just for the size, to check the size of the
25 opening, how many are checked, how many of the pieces?

1 A. All the parts, 100 percent.

2 Q. How many of the threaded ones are checked?

3 A. One every 25 parts.

4 Q. If something is found out of the ordinary in that 25, as you
5 said in the videotape, you have to go back and check the
6 previous 24?

7 A. Yes.

8 Q. You also have to stop the production and call quality?

9 A. Yes, for sure.

10 Q. We'll go through this quick and I'll just play David doing
11 the threading because it takes a moment.

12 Is this the go?

13 A. Yes, it is. This is the no-go.

14 Q. Okay. Now, the barrel, once it finishes that process, does
15 it then go to the outside to be worked on?

16 A. Yes.

17 Q. Is the inside, from that standpoint, complete--

18 A. Complete.

19 Q. --once it's been checked?

20 Now, are there additional quality audits that are done
21 on that part each day?

22 A. Yes, there are.

23 Q. You were almost talking about it in the video deposition but
24 it was cut off and didn't play. Was that another area that was
25 out of context?

1 A. Yes.

2 Q. I want you to describe for this jury what additional checks
3 are done every day on using the go/no-go for the diameter of the
4 opening of that barrel?

5 A. There are mainly two additional checkings that are done to
6 the parts. The first one, when the worker starts, the first
7 part must be checked by the quality people, one person from the
8 quality department must do all the checking and must give our
9 worker approval to start the production.

10 The second quality control that is done by the quality
11 control people, they do random checking in the whole factory of
12 the different machines. They go and they check different parts.
13 This is their job, they do it every day.

14 Q. Are quality people trained on every machine?

15 A. Yes.

16 Q. Can they operate every machine, do every job in the plant?

17 A. Yes.

18 Q. Are they somehow different, or can you see that they're not
19 just a worker that day at a machine?

20 A. Yes.

21 Q. How can you tell a quality person apart from another person?

22 A. They wear different clothes.

23 Q. What do the quality people wear?

24 A. They wear different colored clothes. They're dressed in
25 green. The workers you see here are gray, as you can see.

1 Q. Again, I just want to go back to what you just said. Before
2 the machine--the first part is made, a part is made, it is
3 checked by the worker. Each of the checks is made, the
4 calibration of the machine is checked, and when that piece comes
5 out and it passes that work, before you can begin production and
6 send that barrel or make any other barrels, the quality
7 department has to come and approve it?

8 A. Yes.

9 Q. And then independently, totally separate and distinct,
10 during the course of the day the quality people come by and do
11 checks?

12 A. Yes.

13 Q. And they do it throughout the plant?

14 A. Yes.

15 Q. Do they especially do it in the area of the forming of the
16 barrel?

17 A. Yes.

18 Q. Why is that?

19 A. Because the making of the thread for the breech plug is
20 critical step of the process.

21 Q. Is it important to have good safety for that?

22 A. Yes.

23 Q. It is possible in engineering and in mechanics that tools
24 wear out and things get out of line and there may be an out-of-
25 tolerance part?

1 A. Yes.

2 Q. That's why you do these checks?

3 A. Exactly.

4 Q. Is that also why the quality people come back and check it
5 as well?

6 A. Yes.

7 Q. Describe the checking that the quality person does each day
8 of the barrels made in that process.

9 A. Okay. The quality people go to the machine and they see all
10 the different checkings of this barrel, and--for example, it's
11 very easy to check a go/no-go, to check, see if the thread is
12 correct, because when barrels are finished, they are put in a
13 rack. They're all in a row. So you can check with a go and
14 no-go one by one to see if they are or are not correct.

15 For example, in ten minutes you can check 200 parts.
16 It's fast and easy, but important.

17 Q. So the quality people, after the barrels have already been
18 made and gone through the 100 percent quality audit that the
19 operator does, the quality people each day check a whole bunch
20 of them, too?

21 A. Yes.

22 Q. Do they check every single one?

23 A. No.

24 Q. Some days they do, some days not?

25 A. Some days they check 100 percent, some days no.

1 Q. But they just come to verify everything is accurate?

2 A. Yes.

3 Q. You described that the barrel then goes to the outside work,
4 then goes to various processes through the plant. But you told
5 us that it gets to a point where the breech plug is installed;
6 correct?

7 A. Yes.

8 Q. Now, is that another step where the critical safety factor
9 of the engagement of the breech plug in the barrel and the
10 forming of the threads is inspected?

11 A. Yes.

12 Q. Describe that for the jury.

13 A. The person who assembled the breech plug into the gun must
14 look at the barrel, the tip of the barrel, must check it, if
15 they see anything strange in it. He has to install the breech
16 plug by hand to feel if there is anything strange in the
17 threads. The assembly of the breech plug must be small,
18 otherwise they may have something broken.

19 Q. We have a video of that as well?

20 A. Yes.

21 Q. All right.

22 A. This is a breech plug installing process for a Kodiak.

23 Q. Who is this madam here? Who is the lady?

24 A. The name you mean?

25 Q. Yes.

1 A. Her name, Ampara Lijo.

2 Q. Was she also a breech plug installer and doing this function
3 in 2004 when this gun was made?

4 A. Yes. It was the person who installed the breech plug in the
5 batch with this gun.

6 Q. You checked the records and she was the one who was the
7 breech plug installer on the Katzenmeier's batch of guns?

8 A. Yes.

9 Q. And was David the lathe operator on the Katzenmeier batch of
10 guns?

11 A. Yes.

12 Q. Just describe what she is doing, please.

13 A. She checks the inside of the barrel.

14 Q. Both ends?

15 A. Both, yes; the muzzle to see if it's rightly done, turn the
16 barrel and checks the threaded area for that breech plug, if
17 everything is correct. Then she takes the breech plug and puts
18 this grease on it.

19 Q. Anti-seize compound?

20 A. Sorry?

21 Q. Anti-seize lubricant for the breech plug?

22 A. Yes.

23 Q. And she puts it in by hand?

24 A. She puts it in by hand to feel with the hand that everything
25 is correct. She first install the breech plug with a pneumatic

1 tool in the end, then some threads back, and she finally
2 finishes by hand again.

3 Q. She's also about to go through another checking. And
4 describe what that is before we go on.

5 A. This is another go and no-go to check if the position of the
6 breech plug is correct, it's not too far on the other side, too
7 far to plug.

8 I think it's finished.

9 Q. Now, I think Exhibit 102 and 101 was introduced yesterday by
10 the plaintiffs. You have not seen it. It's an exhibit prepared
11 by Mr. Tipton whose deposition you have read, I believe;
12 correct?

13 A. Yes.

14 Q. I would like you to look at the exhibit of his artist
15 rendering of what he thought the go/no-go looked like.

16 Mr. Belategi, that obviously looks absolutely nothing
17 like the gauges you used, is it?

18 A. No.

19 Q. How many countries have you been in where you have seen
20 go/no-go gauges in use in factories? Or just tell us the
21 countries.

22 A. I've seen this kind of go/no-go as the one we use in
23 Germany, Swiss, Spain, of course, United States, even China.

24 Q. Have you ever seen a round-shaped go/no-go in your life?

25 A. No, never.

1 Q. Would any engineer ever use a round shaped go/no-go gauge to
2 try to measure the shape of a hole?

3 MR. EATON: Objection, Your Honor. Lack of
4 foundation.

5 THE COURT: Sustained.

6 BY MR. SINGER:

7 Q. Would you ever use or allow a Dikar person to use any round
8 go/no-go gauge shaped in a ball like Mr. Tipton had--Professor
9 Tipton, to check the size of an opening?

10 A. No. It's not appropriate to use this kind for the go/no-go.

11 Q. And you buy no-go gauges; is that correct? That's part of
12 your job at the factory?

13 A. Yes.

14 Q. And have you ever even seen one shaped like that in a
15 catalog offered anywhere for sale?

16 A. No, never.

17 Q. Okay. Thank you. Now, you described earlier that in
18 addition to the testing done in the development, Dikar does and
19 the guns undergo ongoing testing; is that correct?

20 A. Yes. Uh-huh.

21 Q. I want to ask you first of all about test shooting that
22 Dikar employees do of the guns. Do they shoot the guns?

23 A. Yeah, they do.

24 Q. Where?

25 A. In the Proofhouse of Eibar.

1 Q. Can you just go out in Spain to a farm and take your
2 employees and shoot?

3 A. No.

4 Q. It's not allowed?

5 A. No.

6 Q. How often are Dikar employees at the Proofhouse of Eibar on
7 the gun range putting guns to their shoulders and shooting?

8 A. They go at least three days per week. The proofhouse
9 shooting gallery is reserved for Dikar people on Monday,
10 Tuesday, and Wednesday of every week for one-and-a-half hours.

11 Q. Have you, yourself, gone and shot those guns?

12 A. Yes.

13 Q. What's the purpose? What do you use that for?

14 A. Okay. They are different purposes, but they want to--one is
15 training our people. We think it's important for them to know
16 how the guns work, how they perform, it's a gun, how it works.
17 And we do some production tests, accuracy tests, this kind of
18 thing, accuracy tests, different powder, different bullets, I
19 mean this kind of stuff.

20 Q. Is that a required testing?

21 A. No. It's voluntary test.

22 Q. Is there any paperwork kept when you do that every Monday,
23 Wednesday, Friday?

24 A. No.

25 Q. Is there anybody at the factory, anybody at Dikar that does

