

1 RUSSELL L. WINNER, ABA 7811149  
2 **WINNER & ASSOCIATES, P.C.**  
3 900 West Fifth Avenue - Suite 700  
4 Anchorage, Alaska (AK) 99501  
5 Telephone: (907) 277-9522  
6 Facsimile: (907) 277-4510

7 STEPHEN W. DRINNON (*Pending Admission*  
8 *Pro Hac Vice*)  
9 **THE DRINNON LAW FIRM, PLLC**  
10 1700 Pacific Avenue – Suite 2230  
11 Dallas, Texas 75201  
12 Telephone: (972) 445-6080  
13 Facsimile: (972) 560-6089

14 JEFFREY W. HIGHTOWER, JR. (*Pending Admission*  
15 *Pro Hac Vice*)  
16 **HIGHTOWER ANGELLEY, LLP**  
17 4144 N Central Expressway Ste 1230  
18 Dallas, TX 75204  
19 Telephone: (214) 580-9800  
20 Facsimile: (214) 580-9804

21 Attorneys for Plaintiff

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Clerk of the Trial Courts

22 **IN THE SUPERIOR COURT OF THE STATE OF ALASKA**  
23 **THIRD JUDICIAL DISTRICT AT ANCHORAGE**

24 **JAY RAMBO,**  
25 **Plaintiff,**  
26  
27 v.  
28 **REMINGTON ARMS COMPANY,**  
**INC.; and DON HANKS, d/b/a/**  
**BOONDOCK SPORTING**  
**GOODS & OUTFITTERS,**  
**Defendants.**

CASE NO. 3AN-10-10376 Civil

**COMPLAINT FOR DAMAGES**

Plaintiff Jay Rambo alleges the following causes of action against Defendants Remington Arms Company, Inc., and Don Hanks, d/b/a/ Boondock Sporting Goods & Outfitters:

1 **PARTIES**

2 1. Plaintiff Jay Rambo was at all relevant times hereto and is a resident of  
3 Anchorage, Alaska.

4 2. Defendant Remington Arms Company, Inc. (“Remington”), was and is organized  
5 and incorporated under the laws of the State of Delaware and its principal place of business is  
6 located in North Carolina. At all times relevant to this action, Remington is with sufficient  
7 minimum contacts to subject it to personal jurisdiction in Alaska, including selling,  
8 manufacturing and distributing rifles through its distributors and sales force.

9 3. Defendant Don Hanks, d/b/a/ Boondock Sporting Goods & Outfitters  
10 (“Boondock”), was and is at all relevant times material hereto a resident of the state of Alaska,  
11 doing business in Eagle River, Alaska.

12 **FACTUAL BACKGROUND**

13 4. Defendant Remington manufactures, markets and distributes the Remington  
14 Model 700 bolt action rifle, including the action, fire control system, and safety (hereinafter the  
15 “rifle” or “Remington Model 700 rifle”). The rifle contains a dangerously defective “Walker”  
16 fire control system that may (and often does) fire without a trigger pull upon release of the  
17 safety, movement of the bolt, or when jarred or bumped. This rifle and the injuries caused by the  
18 same is the basis of this lawsuit.

19 5. The Remington Model 700 rifle was defective in its design and/or manufacture.  
20 Defendant Remington continues to utilize the “Walker” fire control design and manufactures,  
21 distributes and sells its product lines, including the Remington Model 700 rifle. Although  
22 Defendant Remington has designed a new trigger mechanism that is safe, it only installs the new  
23 mechanism in some of its rifles.

24 6. In the summer of 2008, Plaintiff’s father, Dale Rambo, purchased a Remington  
25 Model 700 rifle from Defendant Boondock in 2008. Neither Plaintiff nor Dale Rambo was  
26 aware of the defective and dangerous propensity of the rifle to fire without a trigger pull, and  
27 neither received a warning from either Defendant Remington or Defendant Boondock of this  
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1 propensity, either before or after that purchase.

2 7. On or about September 11, 2009, Plaintiff and Dale Rambo were preparing to go  
3 hunting near Fairbanks, Alaska. Both were experienced hunters. While preparing their gear and  
4 loading it on a four wheeler, Dale Rambo was in the process of loading his rifle when the rifle  
5 fired. He did not pull or in any way touch or engage the trigger. The rifle discharged striking  
6 Plaintiff in the forearm, then exiting and entering his left gluteus and then right gluteus with a  
7 continued path into the trees.

8 8. Plaintiff brings this action to recover damages from Defendants Remington and  
9 Boondock arising from his personal injuries caused by this incident. Plaintiff's damages include  
10 the following: past and future medical and related expenses; past and future mental and physical  
11 pain and suffering; past and future lost quality and enjoyment of life; past and future physical  
12 impairment; loss of earnings; impaired earning capacity; past and future disability; past and  
13 future disfigurement; and other general and special damages in an amount to be determined by  
14 the jury at the trial of this action.

15 **FIRST CAUSE OF ACTION**  
16 **(Strict Products Liability – Design Defect)**

17 9. Plaintiff hereby incorporates by reference all above allegations as if fully set forth  
18 herein.

19 10. At all relevant times, Defendant Remington was engaged in the business  
20 designing, manufacturing, assembling, distributing and selling firearms, and in this regard did  
21 design, manufacture, distribute, sell, and place into the stream of commerce the Remington  
22 Model 700 rifle, knowing and expecting that the rifle would be used by consumers and around  
23 members of the general public in the state of Alaska. At all relevant times, Defendant Boondock  
24 was engaged in the business of selling rifles, including the Remington Model 700 rifle, to the  
25 public.

26 11. Defendants Remington and Boondock are strictly liable to Plaintiff for selling a  
27 Remington Model 700 rifle to Dale Rambo because the rifle was defective, unsafe, unreasonably

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1 dangerous, not merchantable, and not reasonably suited to the use intended at the time of its  
2 manufacture or sale. Defendants knew, or in the exercise or ordinary care should have known, of  
3 the defective condition of the rifle at the time of that sale. Defendants are strictly liable for  
4 manufacturing, selling, and placing into the stream of commerce the Remington Model 700 rifle  
5 with a defective trigger that was the proximate cause of those personal injuries sustained by  
6 Plaintiff.

7 12. At all relevant times, the Remington Model 700 rifle was defective and/or  
8 unreasonably dangerous to Plaintiff and other foreseeable users, and to persons in the vicinity of  
9 the users, at the time it left the control of Defendants. Defendants had actual or constructive  
10 knowledge that the rifle was dangerous to users, and to persons in the vicinity of the users,  
11 specifically, that the rifle has a propensity to unexpectedly discharge without pulling the trigger.

12 13. Neither Plaintiff nor Dale Rambo had knowledge of this defective condition and  
13 had no reason to suspect the rifle was unreasonably dangerous prior to the inadvertent discharge.

14 14. As a direct and proximate result of the defective and dangerous condition of the  
15 Remington Model 700 rifle sold to Dale Rambo, Plaintiff sustained serious injuries and damages,  
16 including but not limited to pain and suffering, permanent disability, medical expenses and lost  
17 wages.

18 **SECOND CAUSE OF ACTION**  
19 **(Strict Products Liability - Failure to Warn)**

20 15. Plaintiff hereby incorporates by reference all above allegations as if fully set forth  
21 herein.

22 16. At all relevant times, Defendant Remington designed, manufactured and  
23 distributed the Remington Model 700 rifle. Defendant Boondock was in the business of selling  
24 this model rifle to the public.

25 17. Defendants Remington and Boondock knew, or in the exercise of ordinary care  
26 should have known, of the Remington Model 700 rifle's propensity to unexpectedly discharge  
27 without pulling the trigger, yet Defendants failed to notify or warn Plaintiff or Dale Rambo of  
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1 this propensity, either before or after Dale Rambo's purchase of the rifle from Defendant  
2 Boondocks.

3 18. Neither Plaintiff, nor Dale Rambo, nor the general public recognized the risks  
4 associated with the Remington Model 700 rifle without such a warning.

5 19. Defendants Remington and Boondock owed a duty to Plaintiff and Dale Rambo to  
6 adequately warn of the defect of the Remington Model 700 rifle prior to the sale of the product to  
7 Dale Rambo and thereafter. Failure to warn Plaintiff and Dale Rambo of the risks associated  
8 with the Remington Model 700 rifle was a breach of Defendants' duties to Plaintiff to provide  
9 adequate warnings, both before and after the sale of the defective product, of the dangerous  
10 conditions of the product.

11 20. As a direct and proximate result of the Defendants' failure to warn Plaintiff and  
12 Dale Rambo of the defective and dangerous condition of the Remington Model 700 rifle,  
13 Plaintiff sustained serious injuries and damages, including but not limited to pain and suffering,  
14 permanent disability, medical expenses, and lost wages.

15 **THIRD CAUSE OF ACTION**  
16 **(Negligence)**

17 21. Plaintiffs hereby incorporate by reference all above allegations as if fully set forth  
18 herein.

19 22. Defendants Remington and Boondock were negligent in the design, manufacture,  
20 marketing, and sale of the Remington Model 700 rifle to Dale Rambo. Defendant Remington  
21 breached its duty to Plaintiff by acting unreasonably in selecting the design of the Model 700  
22 rifle, specifically the trigger mechanism, given the probability and seriousness of the risk posed  
23 by the design, the usefulness of the rifle in such a condition, and the burden on Defendant  
24 Remington to take necessary steps to eliminate the risk. Defendants Remington and Boondock  
25 knew, or in the exercise of ordinary care should have known, that the Remington Model 700 rifle  
26 was defective and unreasonably dangerous to those persons likely to use, or to be near those  
27 persons likely to use, the product for the purpose and in the manner it was intended to be used,  
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1 and for foreseeable misuses of the rifle. Defendants' negligence was a proximate cause of the  
2 occurrence in question and of Plaintiff's damages.

3 23. Defendants Remington and Boondock knew, or in the exercise of ordinary care  
4 should have known, of the means of equipping the rifle with an adequate fire control system,  
5 thereby preventing injury to Plaintiff. Defendants had actual knowledge of the means of  
6 designing or adding such a product, which would not fail in one or more of these ways.  
7 Notwithstanding this knowledge, Defendants failed to equip the product in question with an  
8 adequate fire control system to prevent the injuries to Plaintiff.

9 24. Defendants Remington and Boondock had actual or constructive knowledge of  
10 the problems with the Remington Model 700 rifle at the time it was sold to Dale Rambo, in  
11 particular the rifle's propensity to unexpectedly discharge without pulling the trigger, such that  
12 the danger was known or, at a minimum, was reasonably foreseeable, but negligently failed to  
13 notify or warn Plaintiff or Dale Rambo of the rifle's dangerous condition.

14 25. Defendants Remington and Boondock owed Plaintiff the duty of reasonable care  
15 when they designed, manufactured, marketed, and sold the product in question. Defendants  
16 violated these duties and were negligent, as set forth above.

17 26. Each of the above-mentioned negligent acts or omissions was a proximate cause  
18 of the injuries and damages to Plaintiff.

19 **FOURTH CAUSE OF ACTION**  
20 **(Punitive Damages)**

21 27. The actions of Defendants Remington and Boondock involved an extreme degree  
22 of risk, considering the probability and magnitude of the potential harm to their consumers and  
23 the general public, including Plaintiff. Defendants had and have actual, subjective awareness of  
24 the risk involved in utilizing a fire control mechanism for the Remington Model 700 rifle derived  
25 from the Walker fire control mechanism, but they nevertheless proceeded with conscious  
26 indifference to the rights, safety, and welfare of others to manufacture, distribute, market, and  
27 sell that rifle.



**CASE DESCRIPTION – SUPERIOR COURT**

Case Number: 3AN-10-16376 CI

Check the box that best describes the case. Mark one box only. If the caption is "In the Matter of", do not select Civil – Superior Court case. Use either Superior Court Miscellaneous Petition or appropriate Domestic Relations case type. For district court cases, use form CIV-125D.

<p><b>CIVIL – SUPERIOR COURT</b></p> <p><b>CONTRACT</b> – <i>Contract cases involving real property should be reported under the real property category.</i></p> <p><input type="checkbox"/> Debt Collection (CISDEB)</p> <p><input type="checkbox"/> Claim Against Seller of Goods/Services (CISCLAIM)</p> <p><input type="checkbox"/> Employment Dispute (CISEMP)</p> <p><input type="checkbox"/> Other Contract (CISOCT)</p> <p><b>TORT</b></p> <p><input type="checkbox"/> Intentional Tort (e.g., assault, battery, vandalism) (CISIT)</p> <p><input type="checkbox"/> Slander/Libel/Defamation (CISSLD)</p> <p><input checked="" type="checkbox"/> Product Liability (CISPL)</p> <p><input type="checkbox"/> Wrongful Death (CISPID)</p> <p>Automobile Negligence:</p> <p><input type="checkbox"/> Personal Injury Only (CISPIA)</p> <p><input type="checkbox"/> Property Damage Only (CISPDA)</p> <p><input type="checkbox"/> Both (CISIDA)</p> <p>Other Negligence:</p> <p><input type="checkbox"/> Personal Injury Only (CISPIO)</p> <p><input type="checkbox"/> Property Damage Only (CISPDO)</p> <p><input type="checkbox"/> Both (CISIDO)</p> <p><b>MALPRACTICE</b></p> <p><input type="checkbox"/> Legal Malpractice (CISLMP)</p> <p><input type="checkbox"/> Medical Malpractice (CISMMP)</p> <p><input type="checkbox"/> Other Malpractice (CISOMP)</p> <p><b>REAL PROPERTY</b></p> <p><input type="checkbox"/> Foreclosure (CISFOR)</p> <p><input type="checkbox"/> Condemnation (CISCNDM)</p> <p><input type="checkbox"/> Real Property Action (CISREM)</p> <p><b>OTHER CIVIL</b></p> <p><input type="checkbox"/> Arbitration Proceeding (CISAP)</p> <p><input type="checkbox"/> Confession of Judgment (CISCCONF)</p> <p><input type="checkbox"/> Declaratory Judgment/Injunc. Relief (CISINJ)</p> <p><input type="checkbox"/> OSC Request – Admin Agency (CIOSC)</p> <p><input type="checkbox"/> Action to Enforce Administrative Agency Order (Incl Subpoena) (CIBW)</p> <p><input type="checkbox"/> Writ of Habeas Corpus (CIWHC)</p> <p><input type="checkbox"/> Election Contest or Recount Appeal (CISELE)</p> <p><input type="checkbox"/> Enforcement of Arbitration Order or Subpoena AS 09.43.070 (CIARB)</p> <p><input type="checkbox"/> Unfair Trade Practice (CISUTP)</p> <p><input type="checkbox"/> Consumer Protection (CISCP) (Clerk: mail copy of complaint/initial pleading to attorney general)</p> <p><input type="checkbox"/> Other Civil Complaint (CISOCI). Describe: _____</p>	<p><b>FORCIBLE ENTRY AND DETAINER – SUPERIOR COURT</b></p> <p><input type="checkbox"/> Eviction – F.E.D. (CISFED)</p> <p><b>FOREIGN JUDGMENT – SUPERIOR COURT</b></p> <p><input type="checkbox"/> Registration of Foreign Judgment (CISFOJ) <i>Do not use for foreign support/custody order. See Domestic Relations category.</i></p> <p><b>POST-CONVICTION RELIEF TO SUPERIOR COURT</b></p> <p><input type="checkbox"/> Post-Conviction Relief (CISPCR)</p> <p><b>DOMESTIC RELATIONS</b></p> <p><b>DIVORCE WITHOUT CHILDREN</b></p> <p><input type="checkbox"/> Divorce Without Children (CISDIV)</p> <p><input type="checkbox"/> Uncontested Divorce Without Children – Superior Court (CISUDIV)</p> <p><b>DIVORCE OR CUSTODY WITH CHILDREN</b></p> <p><input type="checkbox"/> Petition for Custody (CISCUS)</p> <p><input type="checkbox"/> Uncontested Complaint for Custody (CISUCUS)</p> <p><input type="checkbox"/> Divorce With Children (CISDVC)</p> <p><input type="checkbox"/> Uncontested Divorce With Children (CISUDVC)</p> <p><b>LEGAL SEPARATION</b></p> <p><input type="checkbox"/> Legal Separation With Children (CICLS)</p> <p><input type="checkbox"/> Legal Separation Without Children (CISLS)</p> <p><b>DOMESTIC RELATIONS OTHER</b></p> <p><input type="checkbox"/> Ex Parte Application for OSC for Failure to Comply with Admin Order for Genetic Testing (CIOSCP)</p> <p><input type="checkbox"/> Action to Modify or Enforce Administrative Child Support Order (CIPCS)</p> <p><input type="checkbox"/> Petition for Order re: PFD or Native Dividend (CIPND)</p> <p><input type="checkbox"/> Establishment of Paternity (CISPAT)</p> <p><input type="checkbox"/> Disestablishment of Paternity (CIDPAT)</p> <p><input type="checkbox"/> Foreign Custody Order – Registration, Modification or Enforcement under AS 25.30 (DR483)</p> <p><input type="checkbox"/> Foreign Support Order – Registration, Modification or Enforcement under AS 25.25 (CIUIFSA)</p> <p><input type="checkbox"/> <u>Both</u> Foreign Custody and Support Order – Registration, Modification or Enforcement under AS 25.30 and AS 25.25 (CIFCS)</p> <p><input type="checkbox"/> Foreign Domestic Relations Order (Not Custody or Support) – Registration, Modification or Enforcement (CIDRFJ)</p> <p><input type="checkbox"/> Petition for Annulment (CIANNUL)</p> <p><input type="checkbox"/> Petition for Visitation (CIVIS)</p>
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**SUPERIOR COURT MISCELLANEOUS PETITION**

Entry & Inspection Warrant – AS18.60.083  
(CISWRNT)

Appointment of Trustee Counsel (CISTC)

Other Superior Court Petition (CISPET)

Describe: \_\_\_\_\_

**APPEAL & REVIEW MATTERS  
IN THE SUPERIOR COURT**

**ADMINISTRATIVE AGENCY APPEAL**

DMV Appeal (CIADDMV)

Administrative Agency Appeal (CIADR)

Employment Security Appeal (CIADRESA)

**APPEAL FROM DISTRICT COURT**

Civil or Small Claims Appeal (CIACI)

Criminal Merit Appeal (CIACRM)

Criminal Sentence Appeal (CIACRS)

Minor Offense Appeal (CIAMO)

**PETITION FOR REVIEW OR RELIEF**

Petition for Review from Admin. Agency (CIPRA)

Petition for Review from District Court (CIPRD)

Petition for Review from Admin. Agency –  
AS 44.62.305 (CIPRLF)

CSSD License Review Action (CICSED)

COUNSEL OF RECORD

CASE NO. 3AN-10-10376 CI

KEEP ON TOP OF FILE

NAME	MAILING ADDRESS & PHONE NUMBER	FOR WHOM
Russell Winner Winner & Associates	900 W. 5th Avenue, Ste. 700 Anchorage, AK 99501/ 277-9522	Jay Rambo
Stephen Drinnon The Drinnon Law Firm	1700 Pacific Avenue, Ste. 2230 Dallas, Texas 75201/972-445-6080	Jay Rambo
Jeffrey Hightower, Jr. Hightower Angelle, LLP	4144 N Central Expressway, Ste. 1230, Dallas, TX 75204/214-580-9800	Jay Rambo

TF-900 (3/00)(5 1/2 X 8 1/2)(canary cdsk)

ALASKA COURT SYSTEM

Receipt Type **Case** Outstanding Amount **0.00**  
Receipt Number **597334** Receipt Date **09/01/2010**

Case Number	<b>3AN-10-10376CI</b>
Description	<b>Rambo, Jay vs. Remington Arms Company Inc</b>

Received From **Winner & Associates**  
On Behalf Of **Rambo, Jay**

**Itemized Listing:**

Description	Amount
Complaint for Product Liability	150.00

Receipt Payments	Amount	Reference Description
Check/Money Order	150.00	13090

Total Received	150.00
Net Received	150.00
Change	0.00

Comments

Deputy Register **mdestouche** Transaction Date **09/01/2010 16:10:26**