

1993

House v. Armour of America : Brief of Appellee

Utah Court of Appeals

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IN THE UTAH COURT OF APPEALS 9350552CA

ANN C. HOUSE, individually
and as the Personal Representative
of the Estate of Freddie Floyd
House,

Plaintiff/Appellant,

-vs.-

ARMOUR OF AMERICA, INC., a
California corporation; LAWCO
POLICE SUPPLY, a Utah
corporation; E. I. DuPONT de
NEMOURS, a Delaware corpora-
tion, and JOHN DOES III
through XX,

Defendants/Appellees.

**ADDENDUM OF APPELLEES ARMOUR OF AMERICA,
INC., E. I. DuPONT de NEMOURS and
LAWCO POLICE SUPPLY**

Appeal from the Judgment of the Third Judicial District
Court, Salt Lake County, the Honorable Richard H. Moffat, Presiding

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IN THE THIRD JUDICIAL DISTRICT COURT OF SALT LAKE COUNTY

STATE OF UTAH

ANN C. HOUSE. individually, and as the
Personal Representative of the Estate of
Freddie Floyd House.

Plaintiff.

vs.

ARMOUR OF AMERICA. INC.. a
California corporation: LAWCO POLICE
SUPPLY. a Utah corporation: E.I.
DuPONT de NEMOURS. a Delaware
corporation. and JOHN DOES III through
XX.

Defendants.

INITIAL PRE-TRIAL
ORDER

Civil No. 890901427CV

Judge Richard H. Moffat

001275

Pursuant to the Management and Scheduling Order of the Court reflecting actions taken at the Management and Scheduling conference on July 16, 1992, counsel for the parties have together prepared and submitted the following initial pretrial order which the Court hereby adopts and enters:

I. GENERAL NATURE OF THE CLAIMS OF THE PARTIES

1. Plaintiff, as the widow of Freddie Floyd House ("Lt. House") individually, and as the personal representative of the estate of Lt. House on behalf of his heirs, claims against (1) defendant Armour of America, Inc. ("Armour") the manufacturer of what plaintiff terms "bulletproof vests", (2) defendant Lawco Policy Supply ("Lawco") as the seller of Armour "bulletproof vests", and (3) defendant E.I. DuPont de Nemours ("DuPont") the manufacturer and seller of the KEVLAR fiber that Armour has woven by weavers into the fabrics used by Armour in its "bulletproof vests" as follows:

Plaintiff claims that Lt. House was issued an Armour tactical vest with a chest panel insert sold by Lawco to the Utah State Department of Corrections which he relied upon to protect him from torso shots and that while he was performing his law enforcement duties a bullet penetrated his vest causing his death. Plaintiff claims that Lt. House's "bulletproof vest" was defective and unreasonably dangerous, not because of any defect in its material, design or manufacturing, but because it was unaccompanied by adequate warnings or instructions concerning its capabilities and limitations, making defendants strictly liable. Plaintiff claims that Armour, as the vest manufacturer, and

Lawco, as the vest seller, each had a specific duty to warn Lt. House so that he could take adequate precautions for his safety and that DuPont had a general duty to provide adequate information to all police officers because of its actions in promoting the use of KEVLAR-based vests. Plaintiff claims that the defendants, both at the time of the sale of the vest and continuing through to the date Lt. House was killed, failed to discharge their respective duties to warn and/or instruct Lt. House concerning the capabilities and limitations of his vest including. (1) that the vest would likely fail if struck by a rifle bullet or a steel-jacketed bullet. (2) that the velocity or angle which the bullet strikes the vest or the area of the vest struck by the bullet is a critical factor in determining the vest's capability. (3) that such capability may be diminished if the vest is wet and (4) that an officer should undertake no action in reliance on the vest that would not be undertaken absent the vest. Plaintiff also claims that Lawco, as the seller of the Armour tactical vest, had reason to know of the particular purpose for which the vest was required, that the buyer relied upon Lawco's knowledge and judgment to select a suitable vest, and that this created an implied warranty of fitness by Lawco which Lawco breached. Plaintiff claims that as a result of the lack of these warnings or instructions accompanying the vest, the false "bulletproof" impression that had been created of the vest's capabilities, and Lawco's breach of implied warranty, Lt. House exposed himself to the fatal gunfire which resulted in his death and damages to the plaintiff, her minor children, and Lt. House's estate.

2. Defendant Armour's Claims and Responses to Plaintiff's Claims.

Defendant Armour admits that it designs, manufactures, tests and sells personal body armor, which are also known as bullet-resistant vests, to retail outlets like Lawco for resale to law enforcement agencies and officers. Armour further admits that it sold to Lawco the Tactical vest worn by Lt. House when he was fatally shot (Lt. House's vest) which consisted of soft body armor containing ballistic fabric woven from KEVLAR fiber that would stop most common handgun bullets and a 10" x 12 " hard armor ceramic chest panel weighing 6.6 lbs. for insertion in the front of the vest that provided protection against rifle fire. Armour claims that law enforcement officers who acquire and wear soft body armor are informed and know that it will not stop rifle fire and that law enforcement officers who acquire and wear tactical vests know that only hard armor inserts like the ceramic panel that was inserted in the front of Lt. House's vest are capable of stopping rifle fire. Armour claims that the label that was attached to Lt. House's vest indicated that the soft body armor would only protect against some handguns and buckshot and that a brochure which accompanied the vest made clear that higher velocity rifle fire protection was only provided by the hard armor ceramic chest panel. Armour claims that it had no duty to give any warnings or provide any information in addition to that contained in its brochures and labels and that its failure to provide any other information had nothing to do with Lt. House's death. Armour

further claims that Lt. House knew that only his 10" x 12" hard armor ceramic 6.6 lbs. chest panel provided rifle fire protection and that Lt. House did not expose himself to danger in the belief that the soft body armor of his vest also provided him rifle fire protection.

3. Defendant Lawco's Claims and Responses to Plaintiff's Claims.

Defendant Lawco admits that in 1981 it was in the business of selling police equipment and uniforms to law enforcement agencies and officers, including bullet resistant vests made by several different manufacturers and that in June of 1981 it sold to the Utah State Department of Corrections ten Armour Armour-Hide + P ("AHP") soft body armor vests consisting of nine concealable vests and one Tactical vest weighing 6 lbs. with a 6.6 lb. hard armor ceramic panel insert. Lawco claims that the Department of Corrections personnel interested in acquiring bullet resistant vests were informed and knew that the nine concealable vests would not contain rifle fire and that only the hard armor ceramic panel would do so, by reason of extensive information about bullet-resistant vests provided to them both prior to and at the time of their purchase of these Armour vests. Some of this information was contained in the Armour brochure which both Lawco and Armour provided all vest purchasers and in the label attached to each Armour vest. Lawco claims that there is no evidence that it made any representations of any kind to Fred House or any representative of the Department of Corrections in

addition to, or that differed from, the representations made in the brochures and labels furnished by Armour. Lawco claims further that it had no duty to make any representations or give any warnings beyond those provided by Armour and contained in the Armour brochures and labels. Lawco further claims that there is no evidence Lt. House exposed himself to danger in any mistaken reliance upon his vest's capabilities, that the vest performed as it was designed and manufactured to perform and that Lt. House was unfortunately killed because the rifle bullet did not hit the "Strike Face" of the hard armor ceramic panel which he knew or reasonably should have known was the only part of his vest that would stop rifle fire.

4. Defendant DuPont's Claims and Responses to Plaintiff's Claims.

Defendant DuPont admits that it developed, manufactured and sold the KEVLAR fiber that was used in Lt. House's vest. DuPont claims that there was nothing defective or unreasonably dangerous with either the KEVLAR fiber or Lt. House's vest. DuPont claims that, while it provided the KEVLAR fiber to a weaver who wove the fiber into the ballistic fabric utilized in the vest's soft body armor, Armour was responsible for the ballistic fabric weave specifications and number of layers of the soft body armor, the composition and structure of the hard armor ceramic panel, the design and manufacture of the vests and the information provided on the label of the vest and in the Armour brochure that accompanied the vest. DuPont claims that it had no duty and no

opportunity to provide information or warnings to Lt House or directly to any other purchaser or wearer of soft body armor made of fabrics woven from KEVLAR fiber. DuPont claims that all of the information that it has disseminated about KEVLAR and soft body armor made of KEVLAR fiber by way of KEVLAR Facts Books, video tapes, articles in law enforcement magazines or otherwise has been accurate in all respects and has made clear that while soft body armor containing KEVLAR fiber is constructed to resist the penetration of certain handgun bullets, it cannot provide protection from rifle fire such as that which killed Lt. House because of the higher velocities of rifle bullets. Finally, DuPont claims that Lt. House knew that only his 10" x 12" hard armor ceramic chest panel provided rifle fire protection and that Lt. House did not expose himself to rifle fire because of a mistaken belief that the soft body armor of his vest would protect him from it.

II. UNCONTESTED FACTS

1. Plaintiff is the widow of Lt. House and the Personal Representative of his estate. Lt. House was born on February 1, 1952 and was killed on January 28, 1988 at the age of 35.96 years. According to the Statistical Abstract of the United States 1988, 108th Edition, if Lt. House had worked until age 65, he could have expected to live another 14.8 years. Plaintiff brings this wrongful death action on behalf of his heirs, including herself and their three minor children, Seth N. House, Janneke A. House and Christine R. House. Plaintiff remarried in July 1991.

2. Armour, a California corporation with its principal place of business in Los Angeles, California, is engaged in the business of designing, manufacturing, testing and selling bullet resistant vests, which are also known as soft body armor, to provide torso protection against handguns. Armour also designs, manufactures, tests and sells hard body armor in the form of ceramic plates which can be inserted in some of its heavier soft body armor vests to provide protection against rifle fire.

3. In June, 1981 Armour sold to Lawco one AHP Tactical vest weighing 6 lbs. for \$320.00, a 10" x 12" hard armor ceramic chest panel weighing over 6 lbs. for \$180.00, and nine concealable AHP soft body armor vests without inserts. These nine concealable vests included three regular size each weighing 3.4 lbs and costing \$130.00, five standard size each weighing 3.85 lbs. and costing \$145.00 and one extra large weighing 4.7 lbs. and costing \$180.00. These ten vests all had a label attached which provided the following information:

THIS VEST WILL CONTAIN
44 MAG. 240 GR. (6" BBL)
U.S.A. 9mm 124 GR. FMJ
357 MAG. 125 GR. SJHP (6" BBL)
22 MAG. (6" BBL) 38 CAL. 00 BUCKSHOT
NOT FOR A.P. ROUNDS
ARMOUR OF AMERICA
P.O. BOX 1405
BEVERLY HILLS, CA 90213
DO NOT MACHINE WASH OR DRY CLEAN.
CLEAN WITH DAMP CLOTH AND SMALL
AMOUNT OF SOAP.

4. Lawco was a Utah corporation with its principal place of business in Weber County, Utah that engaged in the business of selling police supplies to law enforcement

organizations and officers including, among other things, bullet resistant vests manufactured by several different body armor manufacturers. In June, 1981 Lawco sold to the State of Utah Department of Corrections the Armour AHP Tactical vest with hard armor ceramic chest panel and the nine concealable AHP soft body armor vests without panel inserts. The Lawco price to the Department of Corrections was \$750.00 for the Armour AHP Tactical vest with the hard armor ceramic front panel and \$190.00 each for the nine concealable AHP soft body armor vests. The Utah Department of Corrections purchased these vests for use by the Utah State Prison's two Tactical Squads.

5. DuPont, a Delaware corporation, developed, manufactures and sells KEVLAR which is a DuPont registered trademark for a family of aramid fibers that are utilized in many ways and sold under one of six types -- KEVLAR, KEVLAR 29, KEVLAR 49, KEVLAR 129, KEVLAR 149, and KEVLAR KM2. KEVLAR is engineered to reinforce radial tires and mechanical goods such as hoses, conveyor belts, and power transmission belts. KEVLAR 29 is tailored for industrial uses such as ropes, cables, ballistic fabrics, coated fabrics, tapes, webbings and asbestos replacement products. KEVLAR 49, a higher modulus fiber is designed for plastic reinforcement of parts ranging from airplane propellers and boat hulls to auto bodies and snow skis. KEVLAR 129 is an improved version of KEVLAR 29 and is utilized for some of the same purposes. As KEVLAR 29 and KEVLAR 129 are used in bullet resistant vests, they can stop bullets from most common handguns but not higher velocity bullets from

rifles. KEVLAR 149 is an ultrahigh modulus fiber for aircraft/aerospace composites. KEVLAR KM2 was recently introduced as a fiber initially designated for military ballistic uses.

6. KEVLAR aramid fibers were developed by DuPont during the late 1960's and first marketed in 1972 as reinforcement material in tires, belts and hoses. DuPont did not develop KEVLAR fiber for body armor and has never designed or manufactured body armor. However, a number of other companies like Armour recognized the potential of KEVLAR fiber in body armor and by the mid-1970's these companies, using fabrics woven from KEVLAR fiber, were able to make light concealable soft body armor commercially available for the first time. Designed to stop bullets fired from most common handguns and notably lighter in weight than earlier ballistic apparel, vests containing KEVLAR aramid provided police officers with an effective body armor that was inconspicuous under the uniform and comfortable enough to wear routinely on an everyday basis in all climates.

7. Soft body armor constructed from fabric woven from KEVLAR aramid fiber is durable and has exceptional ballistic resistant properties. It is constructed of multiple layers of this woven fabric assembled into a ballistic resistant panel which is inserted into a carrier of conventional garment fabrics, such as nylon or cotton. The ballistic protection is determined by the weave and number of layers of fabric in the ballistic

panel. Soft body armor can provide protection from handguns and even 9 millimeter submachine guns. However, soft body armor is not designed to withstand rifle fire.

8. Soft body armor was developed for continuous wear to protect police officers against injury from unexpected handgun assaults. A review of the statistics concerning weapons confiscated nationwide during the period from 1964 to 1974 revealed that the .38 caliber handgun, firing bullets at a nominal velocity of 800 feet per second was the most common weapon threat to officers and that the .38 caliber and smaller caliber handguns accounted for more than 85% of the confiscated weapons.

9. The degree of threat from handguns depends upon caliber, bullet configuration (i.e., lead round nose, hollow point, jacketed, weight, composition and shape) and impact velocity. Thus, soft body armor that defeats a specific projectile at one impact velocity may not defeat the same caliber projectile at a higher velocity or different composition or configuration. For example, armor designed to defeat a 9mm lead case round at a given velocity will not necessarily defeat the same round at the same velocity if that round has a steel case; armor designed to defeat a 40 grain .22 caliber lead round at 1,000 ft./second will not necessarily defeat a 158 grain 357 caliber magnum lead round at 1,250 ft./second; armor designed to defeat a 40-grain .22 caliber round with a velocity of 1,000 ft./second from a 2-inch long barrel will not necessarily defeat a 40 grain .22 caliber magnum round with a velocity of 1,600 ft./second from a 6-1/2-inch long barrel.

10. The first step in selecting appropriate body armor is to establish the level of protection that meets the needs of the officer based on the realistic weapon threat that he faces in performing his law enforcement duties. The weapons and ammunition commonly found on the street vary with geographical location and therefore consideration should be given to information concerning weapons confiscated in both the local jurisdiction and nearby surrounding areas as well as to statistics concerning gun sales. Soft body armor should be selected that protects the officer against both the street threat he faces and the handgun that the officer carries. Moreover, since no protection is provided unless it is worn, soft body armor should be selected to provide only as much protection as the officer is willing to wear at all times.

11. There is no such thing as "bulletproof" armor. It is impossible to construct wearable armor that will protect against all possible threats. Moreover, body armor, by its obvious extent and nature, provides only limited torso protection. It does not cover and thus does not provide protection against bullets striking the head, neck, arms, armpits, groin or lower extremities. Statistics show, however, that a law enforcement officer is more likely to be shot in the torso than in the head.

12. When soft body armor made of KEVLAR is struck by a handgun bullet, the KEVLAR acts much like a trampoline with the fibers absorbing and dispersing the energy from the struck fibers to other fibers in the weave of the fabric. This transfer occurs at "crossover points", where the fibers are interwoven with further energy being

absorbed by the fabric parallel to the path of the bullet or fragment. Since the woven fibers work together to dissipate the impact energy, a large area of the garment becomes involved in preventing the bullet's penetration. This energy dissipation reduces the severity of the shock delivered to the body when a bullet or fragment is stopped abruptly.

13. Hard body armor panels which are inserted into front and back pockets in some soft body armor to provide protection from rifle fire are made of metal, ceramic materials or rigid reinforced plastic. They are heavy, rigid, expensive and designed primarily for special operations teams for use in high risk situations where they will be inserted in the bullet-resistant vest.

14. Fabric woven from KEVLAR loses some of its ballistic resistant efficiency when soaking wet, but returns to normal ballistic efficiency upon drying. This problem is circumvented by using a water repellant treatment such as Zepel D fabric fluoridizer or "Scotchgard" on the KEVLAR fabric or the fabric may be protected from moisture by encasing it in a moisture proof container. Armour makes all of its vests waterproof by manufacturing them with a nylon cover coated on the outside with Zepel and on the inside with a heavy coat of Urethane.

15. The Armour brochure which Armour was distributing in 1981 to provide information about the personal body armor that it was manufacturing and selling describes the four basic grades of soft body armor vests that Armour then manufactured

and identifies on a chart the handgun rounds that each grade protects against. These four vest grades were the:

(i) Ultra Thin for the low velocity handgun rounds indicated on the chart:

(ii) Armour-Hide for the medium velocity handgun rounds and .00 buck-shot indicated on the chart plus the lesser threats stopped by the Ultra Thin vest:

(iii) Armour-Hide + P for the higher velocity handgun and submachine-gun rounds indicated on the chart together with the lesser threats stopped by the Ultra Thin and Armour-Hide: and

(iv) Super Armour-Hide to stop the high velocity handgun rounds and 12 gauge slug indicated on the chart plus all of the lesser threats stopped by the three lighter vests.

16. The stopping capacity of a vest increases with the number of layers of fabric woven from KEVLAR fiber which in turn increases the weight and thickness of the vest. Thus, the Ultra Thin is the lightest, thinnest and least expensive of the four Armour bullet-resistant vests and the Super Armour-Hide is the heaviest, thickest and most expensive.

17. The Armour brochure explains that the heavier and thicker Armour-Hide + P and Super Armour-Hide vests can come with a front and back pocket for the insertion of Armour's hard armor ceramic panels which upgrades the vest's ability to stop high-

velocity, large-caliber rifle attack by taking large-bore rifle fire, military-ball ammo and armor-piercing ammo with multiple-hit combination. A chart in the brochure identifies various different styles of tactical and riot armor vests and the particular rounds of handgun and rifle fire that they will protect against. The particular chart only identifies two "Armour-Shield" hard armor panels, Grade 64 and Grade 92, both with varying sizes and weights for front and back inserts. Armour also manufactured other grade hard armor panels including Grade 75 hard armor panel which was the one purchased by Lawco. Grade 75 indicates 7.5 lbs. per square foot. Thus the 10" x 12" ceramic front plate in Lt. House's vest weighed about 6.3 lbs.

18. DuPont has never designed or manufactured soft or hard body armor but has extensively tested ballistic fabrics woven from KEVLAR fiber used in soft body armor vests and has encouraged law enforcement officers to wear such vests. DuPont has published and widely disseminated free of charge to manufacturers of body armor and interested law enforcement agencies and organizations thousands of copies of a body armor Facts Book each year beginning with 1985. This first Facts Book in 1985 was entitled "KEVLAR Soft Body Armor Facts Book." The DuPont Facts Book cover and form of interior contents were changed in 1986 and each year's book thereafter followed the 1986 Facts Book cover and interior form. These later Facts Books had front covers with the two titles "KEVLAR Personal Body Armor Facts Book" and "Dress for Survival." All of the Facts Books, published and disseminated by DuPont, informed the

reader that soft body armor made of KEVLAR fiber is not designed to provide protection from rifle fire because of the higher velocities of bullets fired from these types of weapons. DuPont has also disseminated video tapes concerning soft body armor containing KEVLAR. The first video tape entitled "DuPont KEVLAR - Law Enforcement" was produced and made available to law enforcement in the late 1970's. The second video tape entitled "Protecting Society's Protectors" was produced and widely distributed without charge in the early 80's to police agencies, organizations and training academies. A third video tape entitled "Knights in Modern Armor" was produced in 1986 by Georgetown Productions which sold the film to interested law enforcement agencies and organizations. DuPont acquired the rights to this video tape in 1988 and thereafter provided copies of it, without charge like it had previously done with "Protecting Society's Protectors." All of these video tapes advised the viewer that no soft body armor made of KEVLAR will protect against rifle fire.

19. Since 1983, DuPont has been an active member of the Personal Protective Armor Association, an organization comprised of manufacturers of soft body armor containing ballistic fabric woven from KEVLAR fiber. DuPont has placed ads in various police journals and DuPont employees have written a number of articles and presented papers at seminars encouraging the wearing of soft body armor containing KEVLAR. DuPont has participated in the development of testing standards for soft body armor containing KEVLAR and has lobbied the Federal Government and its agencies

concerning the adoption of testing standards for such soft body armor. DuPont has funded studies addressing the effects of blunt trauma and police officers' and management's attitude toward soft body armor and provides funding and other support to the IACP/DuPont KEVLAR Survivors Club, which DuPont sponsors with the International Association of Chiefs of Police, and the Vested Interest Program, which promotes the wearing of body armor. DuPont performed an extensive study and testing of used soft body armor containing fabric woven from KEVLAR which resulted in the Rational Replacement Policy recommendations which DuPont disseminated through articles and presentations to law enforcement agencies.

20. Lt. House began working as a corrections officer for the Utah State Department of Corrections in 1973. At the time of his death on January 28, 1988, he was a senior supervisor and in command of the canine unit of the Utah State Prison Special Operations Team. In 1987, Lt. House was paid \$31,919.00.

21. Lt. House divided his time between his family, his work and Karate training and teaching. He had achieved a Fourth Degree Black Belt in Karate and operated a sole proprietorship called Shotokan Karate of America. He conducted this business two nights a week, teaching a Karate self defense program, and on weekends and other times practiced Karate with other Shotokan Karate members. He planned to retire from the Prison after he had completed 20 years of service so that he could devote his time to his

Karate business and a new business that he would set up that would train and develop dogs.

22. Lt. House was a trained law enforcement officer. In addition to his corrections and police officer training, Lt. House also attended numerous Special Weapons and Tactics (SWAT) training courses, police dog handler courses, several Officer Survival seminars, and other Peace Officer Standards and Training (P.O.S.T.) courses. He was also a Category I Firearms Instructor. The following reflect some of the P.O.S.T. approved training which Lt. House completed:

Basic Corrections Academy Training	9/9/74 - 9/20/74
Corrections Pistol Training	9/24/74
SWAT Training with Salt Lake Police Department	7/3/80
Firearms Instructors Course	7/17/81
Corrections SWAT Training	9/14/82, 12/7/82, 6/26/86, 9/4/86, 10/30/86 & 11/24/86
Police Service Dog Handler's Course	11/1/82 - 2/25/83
Officer Survival	11/16/82
Corrections SWAT Handguns Training	12/14/82
Officer Survival Seminar	9/13/83
Instructor Development	6/12/84 - 7/18/84
Canadian National Police Canine Association Seminar and Police Service Dog Competition	8/10/84 - 8/12/84
POLIZEISCHUTZHUNDPRUEFUNG Canine Mini-Course (Denver)	9/3/84 - 9/7/84
Corrections Canine Training	7/18/85, 7/20/85 & 9/18/86
Canadian Police Dog Training (Calgary, Alberta)	8/6/85
Officer Survival Seminar	6/13/85
Category I Police Academy Certification	1/5/87 - 3/20/87
Police Service Dog Training	8/31/87 - 9/4/87
Canine Law Enforcement Instructor Course (Tuscaloosa, AL)	9/87 - 12/87

23. In 1980, the members of the Utah Prison's Tactical Squads, all of whom were weapons instructors, determined that they needed to obtain bullet resistant vests. The members of these two squads began researching body armor and contacting body armor

retailers and manufacturers to obtain literature on bullet resistant vests. They also had sales representatives visit the prison to provide them with body armor information including brochures and catalogs and to demonstrate bullet resistant vests. The Tactical Squad members learned that the vests came in a number of different styles, each with different threat protection levels, but that they were generally of two types, concealable vests for wear under an officer's outer clothing, and larger non-concealable tactical vests. The Tactical Squads' body armor investigation developed a consensus on what vests they wanted and ultimately resulted in the purchase from Lawco in June, 1981 of the nine Armour AHP concealable vests and one Armour AHP Tactical vest with hard armor ceramic insert. No representative of Lawco Police Supply or the Utah Department of Corrections remembers any discussions between them about the purchase of this body armor.

24. Lt. House was one of the main players in convincing the Warden to authorize the purchase of bullet-resistant vests for the Tactical Squads. Lt. House was issued the Tactical vest with the hard armor ceramic chest panel because he was then the point man of the Utah Prison's five man entry team and therefore was provided this additional protection. The other members of the Tactical Squads were issued the nine concealable soft body armor vests without inserts.

25. On January 28, 1988, Lt. House was shot and killed while assisting in the apprehension of suspects who had bombed a chapel in Marion, Utah and thereafter

barricaded themselves in the Vickie Singer home containing six adults and nine children in the compound of the Singer/Swapp polygamist group. A 13-day standoff between the suspects and law enforcement officers from a number of agencies including the Federal Bureau of Investigation ("FBI"), Bureau of Alcohol, Tobacco and Firearms and Utah Department of Public Safety resulted.

26. Lt. House was wearing his Armour Tactical vest and had the hard armor ceramic chest panel inserted in the front pocket when he was killed by a .30 caliber steel jacketed round fired from a Plainfield carbine rifle by Timothy Singer. The round struck the inside edge of the chest panel and then penetrated through the soft body armor portion of the vest, perforating his aorta and causing his death.

27. At the beginning of the standoff, the Department of Corrections was requested to send to Marion a canine officer and his dog to assist the federal and state law enforcement officers in case there was an attack by the suspects. There was concern that the suspects, who were known to have explosives, might try to throw dynamite or some other explosive into the homes occupied by the law enforcement officers and that in such an event the dog would be sent out to stop them before they could do so. Lt. House, Officer Jerry Pope and Officer Cliff Cardall took turns with their dogs in providing this canine protection.

28. After the standoff had continued for some 10 days, a plan was devised to capture Addam and Jonathan Swapp which utilized two of the canine officers' dogs. The

FBI teams set up bright lights and sound equipment to induce the Swapp brothers to come out of the barricaded Singer home to destroy the sound and light equipment at which time the dogs would be sent to subdue them. At that juncture armored personnel carriers would be used to act as a barricade to protect an FBI Hostage Rescue Team in securing the Swapp brothers. This plan was implemented at approximately 1:00 a.m. on January 28, 1988, with Officers Pope and Cardall and their dogs but the dogs failed to locate the suspects and the plan failed.

29. Following that unsuccessful attempt, law enforcement officials then devised an alternative plan which would also use the dogs. Each morning during the siege, the bombing suspects, Addam and Jonathan Swapp, had been observed leaving the barricaded residence and proceeding to a goat pen where they obtained goat milk for family members in the Singer home. The plan called for Lt. House, Officer Pope, and some FBI Hostage Rescue Team members to secret themselves inside the "Green" house located some 70 yards from the barricaded home and in closer proximity to the goat pen. When the two suspects made their morning trip to the goat pen, Lt. House and Officer Pope would send their dogs out of the front door of the "Green" house to subdue them and then get out of the front entryway so the Hostage Rescue Team members behind them could cover the Swapp brothers with their weapons.

30. At approximately 8:30 a.m. on January 28, 1988, the Swapps walked to the pen. As they were returning to their home, orders were given to implement the new plan. Lt. House opened the front door which faced the barricaded home and he and Officer Pope alerted and released their dogs. Almost instantaneously, rifle shots were fired by Timothy Singer from the barricaded home through the open doorway and into the entryway where Lt. House, Officer Pope and several FBI agents were located. All of the officers sought cover but Lt. House was killed by one of the first rounds. FBI agents within the home returned fire, wounding Addam Swapp and shortly thereafter, the Singer/Swapp clan surrendered and the siege ended. Timothy Singer told law enforcement officers that he was aiming at the dogs that were coming up to get Addam and Jonathan Swapp and not at the officers. An examination of the sights on Timothy Singer's rifle revealed that they were not properly set and that at a distance of 75 yards, a fired bullet would impact some 14-15 inches above the point of aim.

III. CONTESTED ISSUES OF FACT

A. Plaintiff's Contested Issues of Fact.

1. Were Lt. House's vest and plate defective in that information accompanying the vest was inadequate to instruct and/or warn Lt. House concerning the capabilities and limitations of his vest?
2. Did the defective vest and plate proximately cause Lt. House's death?

3. Did DuPont, Armour and/or Lawco have a duty to warn and/or instruct Lt. House concerning the capabilities and limitations of KEVLAR-based soft body armor?
4. Did DuPont, Armour and/or Lawco breach its duty, if any? If so, did that breach proximately cause Lt. House's death?
5. Did Lawco and/or Armour breach any implied warranties given to Lt. House in connection with his purchase of the vest and plate? If so, did that breach proximately cause his death?
6. What is the amount of plaintiff's special damages?
7. What is the amount of the plaintiff's general damages?
8. Is the fact that Ann House remarried relevant?
9. Was DuPont, Armour and/or Lawco negligent in instructing and/or warning Lt. House concerning the capabilities and limitations of his vest?

B. Defendants' Contested Issues of Fact.

1. Are the dangers from bullets to a wearer of a bullet-resistant vest open and obvious?
2. Did Armour have a specific duty to warn or otherwise make affirmative representations to purchasers of Armour vests in addition to or that differed from representations and warnings contained on the labels or in the brochures delivered with

or used in connection with the sale of the vest in order to make the vest reasonably safe for use? If so, what was Armour's duty?

3. Did Lawco have a specific duty to warn or otherwise make affirmative representations to purchasers of Armour vests in addition to or that differed from representations and warnings contained on the labels or in the brochures delivered with or used in connection with the sale of the vest in order to make the vest reasonably safe for use? If so, what was Lawco's duty?

4. Did DuPont have a general duty to warn or otherwise make affirmative representations to purchasers of Armour vests in addition to or that differed from representations and warnings contained on the labels or in the brochures delivered with or used in connection with the sale of the vest in order to make the vest reasonably safe for use? If so, what was DuPont's duty?

5. If Lawco had any duty to warn or make affirmative representations to Lt. House, were those duties in addition to or separate from the duties of Armour? If so, what was the scope and extent of those duties?

6. Did Armour, Lawco or DuPont breach any duty that any of them might have had as claimed by the plaintiff that was required in order to make Lt. House's bullet-resistant vest reasonably safe for his use, and if so, was such breach a proximate cause of Lt. House's death?

7. Did Lt. House take any action proximately causing his death in reliance on any misperception of his vest's capabilities which resulted from any failure to warn by Armour, Lawco or DuPont?
8. Was Lt. House a sophisticated user of bullet-resistant vests?
9. Did Lt. House know that his soft body armor vest would not contain rifle fire?
10. Did Lt. House know that he should not take any risk in reliance on his vest that he would not take absent the vest?
11. Did Lt. House knowingly expose himself to rifle fire?
12. Did Lt. House knowingly expose himself to rifle fire in reliance on any misperception of his vest's capabilities resulting from a failure to warn by Armour, Lawco or DuPont?
13. Was any exposure of Lt. House to rifle fire caused by the arrest plan to capture the Swapps?
14. What percentage of plaintiff's damages was caused by the fault of Jonathan Singer?
15. What percentage of plaintiff's damages was caused by the fault of the Department of Corrections?
16. What percentage of plaintiff's damages was caused by the fault of those responsible for the arrest plan?

17. What percentage of plaintiff's damages was caused by the fault of Lt. House?
18. What percentage of plaintiff's damages was caused by the fault of Armour?
19. What percentage of plaintiff's damages was caused by the fault of Lawco?
20. What percentage of plaintiff's damages was caused by the fault of DuPont?

IV. CONTESTED ISSUES OF LAW.

1. What is the standard for judging adequacy of the warning and/or instructions given to Lt. House, if any, concerning the capabilities and limitations of the vest?
2. Can Armour, Lawco or DuPont be held strictly liable for an alleged failure to warn?
3. Must the plaintiff show in order to establish liability for her failure to warn claims against each of the defendants that a warning is necessary to make Lt. House's vest reasonably safe for its intended use, that the defendant had a duty to provide such a warning, that the defendant failed to provide such a warning, and that the defendant's failure was a proximate cause of her husband's death?
4. Did Lt. House have a duty to learn about the protection provided by the soft body armor portion of his vest and the hard armor ceramic front panel?
5. Did either Armour, the manufacturer, or Lawco, the retail seller of the vest, have a specific duty to warn Lt. House that the soft body armor portion of his vest would not contain rifle fire in order to make his vest reasonably safe for use?

6. Did DuPont, the manufacturer of the KEVLAR fiber that is woven into the ballistic fiber utilized in soft body armor, have a general duty to warn Lt. House that the soft body armor portion of his vest would not contain rifle fire in order to make his vest reasonably safe for use?

7. Did either Armour or Lawco have a specific duty to warn Lt. House that he should take no risk in reliance on his bullet-resistant vest that he would not take absent his vest in order to make his vest reasonably safe for use?

8. Is there any evidence any employee or agent of Lawco ever made any representations to Lt. House or any other representative of the Department of Corrections concerning the vest in question that differed from the representations made on the Armour label contained in the vest and the Armour brochure delivered with it or in connection with its sale?

9. Did DuPont have a general duty to warn Lt. House that he should take no risk in reliance on his bullet-resistant vest that he would not take absent his vest in order to make his vest reasonably safe for use?

10. Did Armour or Lawco have a specific duty to warn Lt. House that the bullet-resistant capacity of his soft body armor would be diminished if wet in order to make his vest reasonably safe for use?

11. Did DuPont have a general duty to warn Lt. House that the bullet-resistant capacity of his soft body armor would be diminished if wet in order to make his vest reasonably safe for use?

12. Did Armour or Lawco have a specific duty to warn Lt. House that the velocity or angle at which the bullet strikes the vest or the area of the vest struck by the

bullet is a critical factor in determining the vest's capability in order to make the vest reasonably safe?

13. Did DuPont have a general duty to warn Lt. House that the velocity or angle at which the bullet strikes the vest or the area of the vest struck by the bullet is a critical factor in determining the vest's capability in order to make the vest reasonably safe?

14. Is plaintiff's claim of failure to warn regarding limitations of soft body armor made from KEVLAR fiber when wet irrelevant as a matter of law?

15. Is plaintiff's claim of failure to warn regarding bullet velocity, angle or area struck irrelevant as a matter of law?

16. Is the fact that Ann House remarried relevant?

V. EXHIBITS

1. Plaintiff's Exhibits.

See Schedule A.

2. Defendant Armour's Exhibits.

See Schedule B.

3. Defendant Lawco's Exhibits.

See Schedule C.

4. Defendant DuPont's Exhibits.

See Schedule D.

The authenticity of the above exhibits has been stipulated to. However, the parties reserve all substantive objections to the actual introduction of these exhibits.

except that copies may be used in lieu of originals. Some exhibits may not be offered and others may be utilized for cross-examination. If other exhibits may be offered or so utilized which are presently unanticipated, they will be submitted to opposing counsel as soon as possible.

VI. WITNESSES

1. In the absence of reasonable notice to opposing counsel to the contrary, Plaintiff will or may call as witnesses the witnesses set forth on Schedule E.

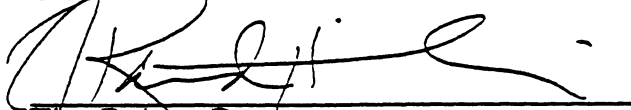
2. In the absence of reasonable notice to opposing counsel to the contrary, Defendant Armour will or may call as witnesses the witnesses set forth on Schedule F.

3. In the absence of reasonable notice to opposing counsel to the contrary, Defendant Lawco will or may call as witnesses the witnesses set forth on Schedule G.

4. In the absence of reasonable notice to opposing counsel to the contrary. Defendant DuPont will or may call as witnesses the witnesses set forth on Schedule H.

Approved and Submitted this 24th day of September, 1992. subject to any additions that may in the future be determined to be required for inclusion in the final Pretrial Order.

DUNN & DUNN



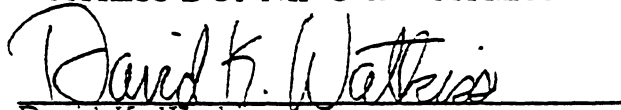
Tim Dalton Dunn
J. Rand Hirschi
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Lawco Police Supply

SUITTER AXLAND ARMSTRONG
& HANSON



Fred R. Silvester
Charles P. Sampson
Attorneys for Plaintiff
Ann C. House

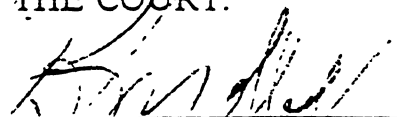
WATKISS DUNNING & WATKISS



David K. Watkiss
Attorneys for Defendants
Armour of America and
E.I. DuPont de Nemours

DATED this 24th day of September, 1992.

BY THE COURT:



Honorable Richard H. Moffat
District Court Judge

Tab 2

Stewart M. Hanson, Jr. #1356
Fred R. Silvester #3862
Charles P. Sampson #4658
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175 South West Temple, Suite 700
Salt Lake City, Utah 84101-1480
Telephone: (801) 532-7300

IN THE THIRD JUDICIAL DISTRICT COURT IN AND FOR
SALT LAKE COUNTY, STATE OF UTAH

ANN C. HOUSE, individually)	
and as the Personal Represen-)	
tative of the Estate of)	
Freddie Floyd House,)	
)	
Plaintiff,)	PLAINTIFF'S RESPONSES TO
)	DEFENDANTS' SECOND SET
vs.)	OF INTERROGATORIES AND
)	REQUESTS FOR PRODUCTION
)	
ARMOUR OF AMERICA, INC., a)	
California corporation,)	
LAWCO POLICE SUPPLY, a Utah)	Civil No. 890901427CV
corporation, E.I. DuPONT de)	
NEMOURS, a Delaware corpora-)	
tion, and JOHN DOES III)	Hon. Richard H. Moffat
through XX,)	
)	
Defendants.)	

Plaintiff, by and through her counsel, hereby answers defendant
Lawco Police Supply's First Set of Interrogatories as follows:

INTERROGATORY NO. 1. Have you taken or received any
statements, either oral or in writing, from any person concerning
the occurrences or any other facts alleged in the Complaint? If
so, as to each such person, state:

- a. His or her identity;
- b. The date of any such statement; and

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a. State how the alleged failure to give this warning made the vest and/or inset defective and unreasonably dangerous;

b. State how the alleged failure to give this warning contributed to or caused decedent's death;

c. State how the alleged failure to give this warning is relevant to this case; and

d. State exactly how the decedent's behavior would have changed if he had been given this warning.

ANSWER: DuPont's experts, Mr. Louis Miner and Mr. Edward Bachner, and Mr. Larry Gates have testified, and the PPAA testing standard and all NIJ testing standards state, that the velocity at which a bullet strikes a vest is a factor in determining a vest's capability. With respect to the remaining subparagraphs of Interrogatory No. 10, see Answer to Interrogatory No. 8 above.

INTERROGATORY NO. 11. Please state the factual basis of the allegation contained in ¶ 18 of plaintiff's Complaint, that the vest worn by Lt. House was defective and unreasonably dangerous in that Armour failed to warn Lt. House that "[T]he angle from the perpendicular at which a bullet strikes the vest is a critical factor in determining the vest's capability" and then also answer the following:

a. State how the alleged failure to give this warning made the vest and/or inset defective and unreasonably dangerous;

b. State how the alleged failure to give this warning contributed to or caused the decedent's death;

c. State how the alleged failure to give this warning is relevant to this case; and

d. State exactly how the decedent's behavior would have changed if he had been given this warning.

ANSWER: The angle from the perpendicular at which the bullet strikes a vest affects the vest's ability to contain the bullet. See PPAA testing standard and all NIJ testing standards. In addition, Mr. Louis Miner testified concerning this issue. With respect to Lt. House's vest, assuming all other factors were the same, the soft body armor would not have contained the round despite the angle that the bullet struck; however, the plaintiff contends her husband should have been informed of all of the limitations previously set forth.

INTERROGATORY NO. 12. Please state the factual basis of the allegation contained in ¶ 18 of plaintiff's Complaint, that the vest worn by Lt. House was defective and unreasonably dangerous in that Armour failed to warn Lt. Hose that "[T]he area of the vest struck by a bullet is a critical factor in determining the vest's capability" and then also answer the following:

a. State how the alleged failure to give this warning made the vest and/or inset defective and unreasonably dangerous;

b. State how the alleged failure to give this warning contributed to or caused decedent's death;

c. State how the alleged failure to give this warning is relevant to this case; and

d. State exactly how the decedent's behavior would have changed if he had been given this warning.

ANSWER: With respect to the area of the vest struck by the bullet, Mr. Louis Miner, the PPAA testing standard and all NIJ testing standards state that if a bullet strikes too close to the edge of the vest or another strike, the Kevlar fibers do not perform at optimum. The bullet that killed Lt. House struck the middle of the vest and, therefore, the failure to apprise users that the vest's ability to contain bullets depends upon the area of the vest struck did not come directly into play into this case; however, despite the area of the vest struck by the bullet, plaintiff contends that it is a limitation of which her husband should have been apprised.

INTERROGATORY NO. 13. Please state the factual basis of the allegation contained in ¶ 18 of plaintiff's Complaint, that the vest worn by Lt. House was defective and unreasonably dangerous in that Armour failed to warn Lt. House that "commercially-available

bullets listed on the express warranty/warning tag attached to the vest might penetrate the vest" and then also answer the following:

a. State how the alleged failure to give this warning made the vest and/or inset defective and unreasonably dangerous;

b. State how the alleged failure to give this warning contributed to or caused decedent's death;

c. State how the alleged failure to give this warning is relevant to this case; and

d. State exactly how the decedent's behavior would have changed if he had been given this warning.

ANSWER: The warning label attached to Lt. House's vest was not limited as to the velocity of the striking bullet, the area of the vest struck by the bullet, the angle from the perpendicular at which the bullet strikes or the proximity of one bullet strike to another bullet strike. Bullet strikes having one or more of these criteria are considered "unfair hits." Commercially available bullets can penetrate the vest if the velocity is too high or too low, the bullet is too hard, the area struck by the bullet is too close to the edge or another bullet hit, or if the vest is wet. A 9mm bullet penetrated a similar vest during plaintiff's testing. See, testing documents previously provided.

fully the nature, substance and source of any evidence you have or intend to adduce at trial tending to support this allegation.

ANSWER: Not applicable.

INTERROGATORY NO. 21. Do you contend that the velocity of the bullet which killed decedent contributed to or caused his death? If so, state the basis for your claim and identify fully the nature, substance and source of any evidence you have or intend to adduce at trial tending to support this allegation.

ANSWER: Yes. The bullet that killed Lt. House was above the V-50 limit of the vest for that bullet. See the testing documents previously produced.

INTERROGATORY NO. 22. If the answer to Interrogatory No. 21 is no, state how the performance of a vest relative to bullet velocity is relevant to this case, and identify fully the nature, substance and source of any evidence you have or intend to adduce at trial tending to support this allegation.

ANSWER: Not applicable.

INTERROGATORY NO. 23. Do you contend that the angle at which the bullet entered decedent's vest contributed to or caused his death? If so, state the basis for your claim and identify fully the nature, substance and source of any evidence you have or intend to adduce at trial tending to support this allegation.

ANSWER: According to testing conducted by plaintiff, the bullet that killed her husband likely would have penetrated

the vest at 70 yards despite the angle of incidence; however, the angle at which the bullet passed through the vest and Lt. House obviously contributed to his death.

INTERROGATORY NO. 24. If the answer to Interrogatory No. 23 is no, state how the performance of a vest relative to the angle at which the bullet enters the vest is relevant to this case, and identify fully the nature, substance and source of any evidence you have or intend to adduce at trial tending to support this allegation.

ANSWER: Not applicable.

INTERROGATORY NO. 25. Do you contend that the area of decedent's vest struck by the bullet contributed to or caused his death? If so, state the basis for your claim and identify fully the nature, substance and source of any evidence you have or intend to adduce at trial tending to support this allegation.

ANSWER: Yes. The bullet struck the vest in an area protecting vital organs which lead to Lt. House's death.

INTERROGATORY NO. 26. If the answer to Interrogatory No. 25 is no, state how the performance of a vest relative to the area of the vest which is struck by the bullet is relevant to this case, and identify fully the nature, substance and source of any evidence you have or intend to adduce at trial tending to support this allegation.

ANSWER: Not applicable.

INTERROGATORY NO. 27. Do you contend that blunt trauma contributed to or caused decedent's death? If so, state the basis for your claim and identify fully the nature, substance and source of any evidence you have or intend to adduce at trial tending to support this allegation.

ANSWER: Blunt trauma did not kill Lt. House; however, plaintiff contends that her husband should have been warned and instructed concerning the effects of blunt trauma.

INTERROGATORY NO. 28. If the answer to Interrogatory No. 27 is no, state how blunt trauma is relevant in this case, and identify fully the nature, substance and source of any evidence you have or intend to adduce at trial tending to support this allegation.

ANSWER: See Answer to Interrogatory No. 27.

INTERROGATORY NO. 29. Do you contend that decedent's vest was wet when he was killed, and that the wet condition contributed to or caused his death? If so, state the basis for your claim and identify fully the nature, substance and source of any evidence you have or intend to adduce at trial tending to support this allegation.

ANSWER: No.

INTERROGATORY NO. 30. If the answer to Interrogatory No. 29 is no, state how performance of a vest when wet is relevant to this case, and identify fully the nature, substance and source

- c. A summary of the grounds for each opinion; and
- d. Identify all reports prepared by the expert in connection with this matter.

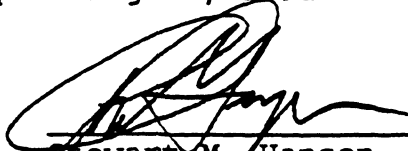
ANSWER: At this time, plaintiff has not decided who, if anyone, it will call as an expert witness at the trial of this matter. When such a determination is made, this Interrogatory will be answered.

REQUEST FOR PRODUCTION

REQUEST NO. 1: Please produce each and every document identified in your responses to Interrogatory Nos. 1-84 above.

RESPONSE: All documents supporting the foregoing Interrogatories have been previously produced.

DATED this 9th day of August, 1991.



Stewart M. Hanson, Jr.
Fred R. Silvester
Charles P. Sampson
Attorneys for Plaintiff

CS42.6

Tab 3

PENCAD

11/1
13/10/02



Armour of America

Concealable Armour

Choose from four basic grades:
Ultra Thin, Armour-Hide®,
Armour-Hide® +P and
Super Armour-Hide®.

Superior stopping capacity and flexible design make Armour of America's concealable armour the standard of the industry. There are four basic grades of armour to choose from in both the rectangular and contour style vests. They are the Ultra-thin, Armour-Hide®, Armour-Hide®+P and Super Armour-Hide® (see chart page 3 for stopping capacity). Available in blue or white colors in the following styles:

Rectangular Vest

Sizes:

Standard - 12½" X 14"
front and back

Large - 12½" X 16"
front and back

Smaller or larger sizes are available on special order.

Weights:

Sizes	Ultra Thin	Armour-Hide®	Super Armour-Hide®
Standard	2.2 lbs	2.6 lbs	4.3 lbs
Large	2.45 lbs	3.05 lbs	4.75 lbs

Contour Vest

Contour style offers additional side torso protection, while remaining comfortable and flexible.

Sizes:

Regular - 14" X 17" front
12" X 14" back

Standard - 16" X 19" front
12½" X 16" back

Large - 17" X 22½" front
12½" X 16" back

Extra Large - 18" X 25" front
12½" X 16" back

Smaller or larger sizes are available on special order.

Weights:

Sizes	Ultra Thin	Armour-Hide®	Armour-Hide®+P	Super Armour-Hide®
Regular	2.4 lbs	2.8 lbs	3.4 lbs	4.6 lbs
Standard	2.75 lbs	3.30 lbs	3.85 lbs	5.25 lbs
Large	3.25 lbs	3.85 lbs	4.3 lbs	6.0 lbs
X-Large	3.8 lbs	4.35 lbs	4.7 lbs	6.7 lbs

Women's Vest

Our women's model is form fitting, flexible and tailored. Women's vest sizes are small, medium, large, and extra large in both short and long waists. **Specify bust size, weight, height and long or short-waisted** when ordering. The women's vest is available in Ultrathin, Armour-Hide® and Armour-Hide®+P grades. Available in white only.

Upgrade

The Armour-Hide®+P and Super Armour-Hide® Contour Vests can be manufactured with a pocket that accepts our hard armour chest panels. With the addition of these panels the vest will defeat any military ball ammunition at a distance of 15 feet and still be concealable. Refer to chart on page 5.

Covers

All vests are sealed against body odor and can be wiped clean with a damp cloth or soap and brush. However, if preferred, a machine washable 50-50 polyester cotton cover is available for all concealable vests (Not Illustrated). Colors: Blue or white.

Harness

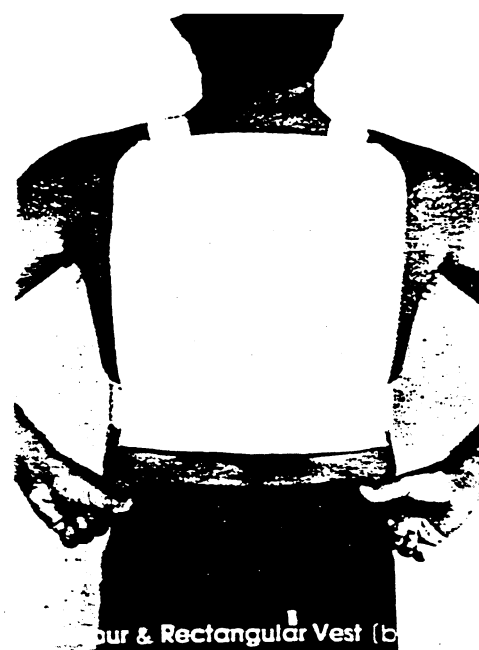
A second option, applicable to warmer climates, is an inexpensive harness which allows the user to wear the front panel only.



Rectangular Vest



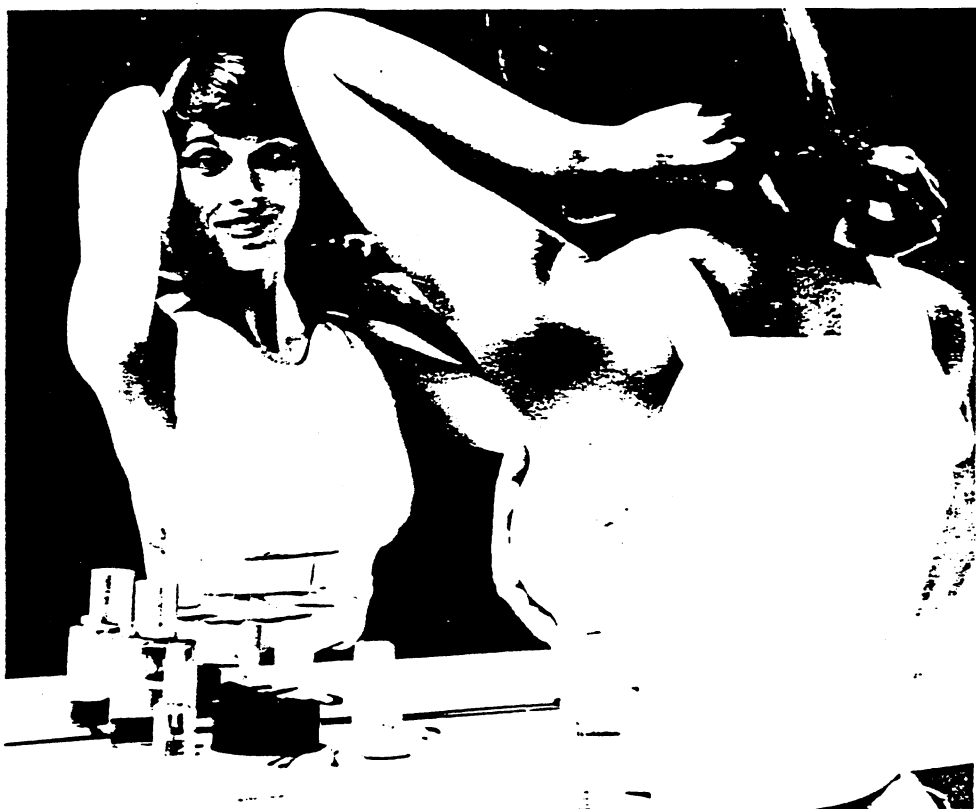
Contour Vest



Harness & Rectangular Vest (b)



Harness



Concealable Armour

	.22 Magnum 1400 FPS	.22 LR	.38 Caliber	.41 Magnum 1200 FPS	.45 ACP 800 FPS	.00 Buckshot 12 Gauge 18" BBL	.357 Magnum 1450 FPS	9MM FMJ U.S.A. 1150 FPS	.44 Magnum 6" BBL	Rifled Slug 12 Gauge 18" BBL	9MM Submachine Gun (25ft.) U.S.A., Europe 1325 FPS
Ultra Thin	●	●	1000 FPS	●	●		158 Grain Onlv	Hollow Point Onlv			
Armour-Hide®	●	●	1450 FPS	●	●	●	158 Grain Onlv	115 GR FMJ Onlv			
Armour-Hide® +P	1600 FPS	●	1450 FPS	1350 FPS	●	●	1450 FPS	124 Grain U.S.A.	●		●
Super Armour-Hide®	1800 FPS	●	1450 FPS	1450 FPS	●	●	1450 FPS	U.S.A., Europe	7.5" BBL	●	●

001324

Tactical & Riot Armour

Sacramento AHP[®] Vest

The most extensively tested and proven riot body armour available anywhere is our Sacramento AHP[®] Vest. This vest has been used by many major agencies across the United States. In addition to the "-P" protection throughout, this unique riot vest has energy absorbing ballistic felt to protect shoulders, neck and groin areas against bullets, heavy rocks, clubs and bottles. This vest maintains total mobility and comfort and weighs only 9 lbs. without hard armour insert.

Sacramento AHP[®] with Insert

The Sacramento AHP[®] Vest can easily be upgraded to take all military ball rifle fire by simply inserting one of our "Armour-Shield[®]" hard Armour panels into the 10X12 inch pocket, standard on all Sacramento[®] Vests. The Armour-Shield[®] panel comes in two grades -- H64 and H92. Please refer to chart on page 5.

Tactical Vest

Designed for S.W.A.T., the "TACT" vest is now used by more special weapons teams than any other vest in the U.S. Greater mobility and all around protection are the key. This vest accepts the new hard armour inserts which upgrade its ability to stop high velocity, large caliber rifle attack. It is available in two grades depending on your requirements. The **AJ Tactical Vest** will stop .44 Magnum (7 1/2" BBL.), 9MM SMG, rifled slug and lesser threats and weighs 10 lbs. The **AHP Tactical Vest** will stop .44 Magnum (6" BBL.) and lesser threats. Weight is 6 lbs. The Tactical Vest may be ordered in Standard and Large sizes with optional pockets for ammo and walkie-talkies, customized to fit your department needs.

Assault Vest

The newly designed Assault Vest is for fast action and mobility where minimum weight and rifle fire protection for vital organs are required. It is vented at both sides for climate comfort. Including collar, the vest will take 9MM SMG at 20 feet (6 meters), is excellent for fragmentation and with chest panel will take multiple hits from any military ball ammo. This special forces vest has a total weight of 11 lbs. (Vest and chest panel insert).

Fragmentation Vest

Latest U.S. military design incorporating less heat retention and more comfort. Armour of America Model FV-U.

This same design is also made in an Armour-Hide[®] -P ballistic grade to take 9MM SMG, .44 Magnum (6" BBL) and lesser threats. This vest is excellent for tactical use. Pockets are manufactured to customer requirements. Colors available--dark blue, olive green, black, brown and camouflage. Armour of America Model FV-AHP.

Armour-Shield[®]

These thin, contoured, lightweight panels can be inserted into our Contour, Tactical, Assault, Fragmentation, Sacramento AHP[®] and Helicopter Vests in less than 10 seconds. It is produced in two grades -- H64 and H92. Each grade takes large bore rifle fire, military ball ammo, or A.P. with multiple hit capability. (7.62, 5.56 and 30.06 ammunition. See chart page 5 for specifics).

Size	Grade	Total Weight
10.5" x 12.25" Fr 3.8k	H64	5.88 lbs.
10.5" x 12.25" Fr 3.8k	H92	8.5 lbs.
12.25" x 14.5" Fr 3.8k	H64	7.1 lbs.
12.25" x 14.5" Fr 3.8k	H92	9.93 lbs.
16.25" x 14.5" Fr 3.8k	H64	8.56 lbs.
16.25" x 14.5" Fr 3.8k	H92	12.1 lbs.
14.25" x 14.5" Fr 3.8k	H64	7.62 lbs.
14.25" x 14.5" Fr 3.8k	H92	10.74 lbs.



Tactical & Riot Armour

	22 Magnum 1600 FPS	22 LR	38 Caliber 1450 FPS	41 Magnum 1300 FPS	45 ACP 800 FPS	00 Buckshot 12 Gauge 18" BBL	357 Magnum 1450 FPS	9MM FMJ U.S.A. 1150 FPS	44 Magnum 6" BBL	Rifled Slug 12 Gauge 18" BBL	9MM Submachine Gun (25 ft.) U.S.A., Europe 1325 FPS
Sacramento Vest® AHP	•	•	•	•	•	•	•	•	•	•	•
Tactical Vest AJ	•	•	•	•	•	•	•	U.S.A. Europe	7.5" BBL	•	1450 FPS
Tactical Vest AHP	•	•	•	•	•	•	•	•	•	•	•
Fragmentation Vest	•	•	1000 FPS	•	•	•	158 Grain	•	•	•	•
Fragmentation Vest AHP	•	•	•	•	•	•	•	•	•	•	•
Assault Vest	•	•	•	•	•	•	•	•	•	•	•

Tactical & Riot Armour with Armour-Shield® Insert

5.56 30.06 7.62 Military Ball	7.62 AP AK 47 AP (25 ft.) 2750 FPS
H64	H92
H64	H92
H64	H92
H64	H92
H64	H92
H64	H92

001326

Heli-Armour

For All Helicopters
Including Bell, Hughes,
Sikorsky and Aerospatiale.

This remarkable armour protects against multiple hits 7.6 centimeters apart (3 inches apart) from any military ball ammo at 100 meters. Yet it weighs only 34.0 kilograms per square meter (7.0 pounds per square foot). Armour of America also manufactures kits to stop all military ball or armour piercing rounds at muzzle velocity.

Armour of America supplies three basic kits, or any combination of components desired. These include:

Kit 1.
Complete cockpit floor.

Kit 2.
Cockpit floor, seat backs (also side and door panels not shown in illustration).

Kit 3.
Cockpit and cabin floors (also side and door panels not shown in illustration).

Individual panels also may be purchased. For example: floor panel under pilot's seat.

The economy is as outstanding as the performance. If a helicopter floor containing our armour is hit, only the damaged panel need be replaced. It is not necessary to purchase a new kit. Therefore, savings in time and spare parts are substantial.

If a helicopter is down for maintenance, a complete set of cockpit and cabin armour can be moved from one helicopter to another by 2 men in less than an hour.

Please specify the aircraft involved, when writing for information.

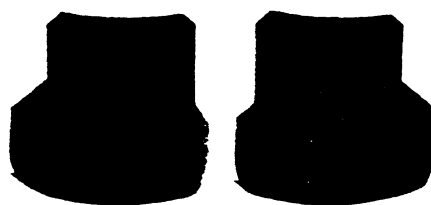
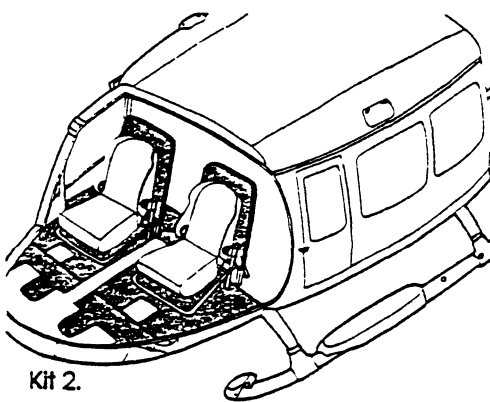
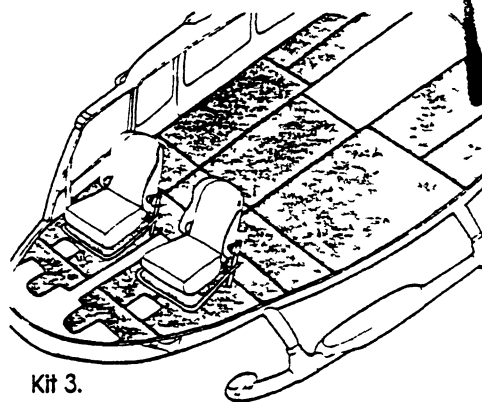
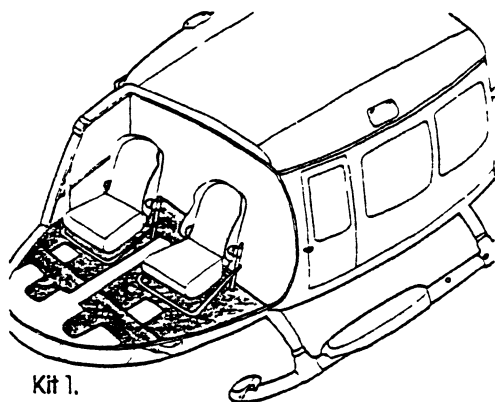
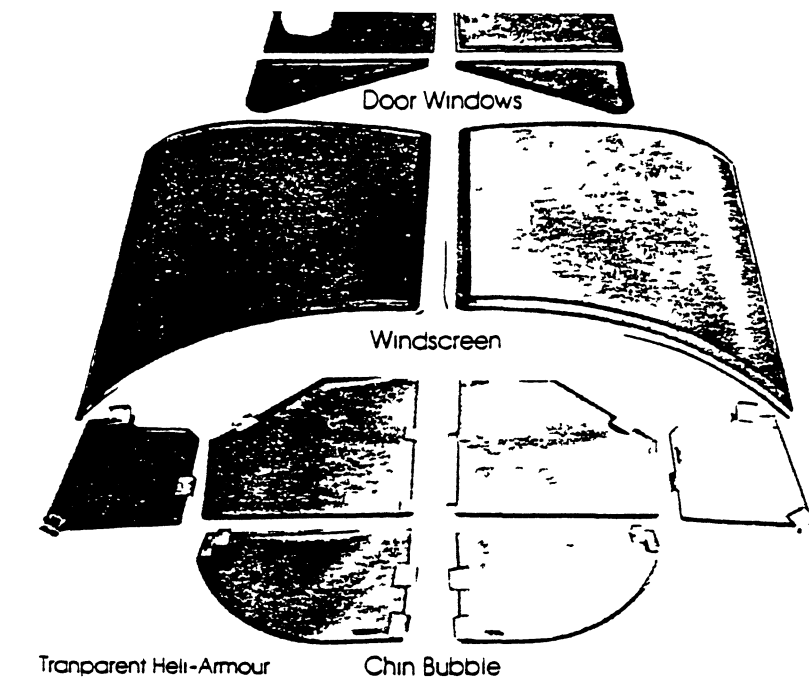
Heli-Armour Vests

Our Heli-Vests are designed to take small arms fire and high velocity fragments to chest and exposed side (Left hand and right hand panels illustrated for pilot and co-pilot). Additional energy absorbing layers are added to protect the pilot from excessive blunt trauma. This means a pilot hit in the chest will be bruised by the impact but still can maintain control of the aircraft. Body contoured back panels fit into vest. U.S. Coast Guard approved flotation inserts for Navy Helicopter personnel are also available.

Transparent Armour

Armour's new Transparent Helicopter Armour is available for all makes of helicopters. Made from a lighter and thinner laminated glass composite, it replaces existing windscreen, chin bubble and door window glass. The special feature of this armour is its ability to maintain visibility under multiple hits by all types of military ball ammo. In addition, it eliminates glass fragments (spall) from entering the cockpit area.

Engineered, developed and manufactured by Goodyear Aerospace Corp., this unique glass meets stringent protective requirements and provides optical properties suitable for aircraft applications.



Heli-Armour

	Weight Per Square ft.	Effective Distance	5.56 Military Ball	30.06 Military Ball	7.62 Military Ball	AK 47 Military Ball	Military AP (25 ft) 2750 FPS
H70	70 lbs.	100 Meters	•	•	•	•	
H78	78 lbs.	6 Meters	•	•	•	•	•
H92	92 lbs.	6 Meters	•	•	•	•	•

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Special Applications

Armour of America's experienced and skilled professionals also create armour for a wide range of individualized uses including the following:

Curtains -- to protect interiors of buildings, such as banks, from bomb fragmentation and bullets.

Coverings -- to safeguard costly exposed equipment.

Fragmentation Blankets -- excellent for fragmentation, will defeat any U.S. or European hand grenade. Can be utilized in auto floors or seats or draped in an APC or troop transport truck.

Fragmentation Covers -- protection for military equipment from bomb fragmentation.

Vehicle Armour -- provides protection for occupants and vehicles while exposed to ambush. Transparent, soft or hard armour available.

Dress Vests -- stylish, unobtrusive designs protect against common street handguns.



Vehicle Armour
Soft, Hard & Transparent



Fragmentation Cover



Dress Vest

Armour of America

P.O. Box 1405
Beverly Hills, Ca. 90213 U.S.A.
Telex: [REDACTED] ARMOURHIDE

001329

Tab 4

TEEN

AROUND

Soft Body Album
Facts Book



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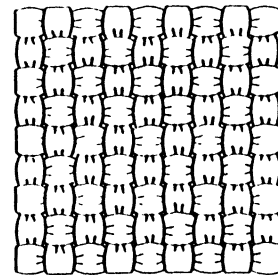
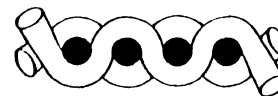
*Du Pont registered trademark

Du Pont does not manufacture fabric or soft body armor. KEVLAR aramid is made only by Du Pont.

Lightweight Soft Body Armor-Background

Manufacturers of soft body armor design their garments to save lives and reduce serious injury by absorbing the energy from a striking bullet and thus resisting its penetration. Until recent years, "modern day" soft body armor was made of ballistic nylon but was worn infrequently by law enforcement officers because of its bulkiness and weight. In 1972 Du Pont introduced KEVLAR aramid fiber, which led to the manufacture of ballistic garments that could resist the penetration of more powerful handgun bullets. Soft body armor of KEVLAR is worn more frequently because of its significantly lower weight and bulk vs. garments of ballistic nylon. Today KEVLAR is the premier fiber used in ballistic apparel for law enforcement officers and military personnel.

Ballistic Performance of Soft Body Armor of Du Pont KEVLAR aramid fiber



Plain Weave Crossover Points

When soft body armor made of KEVLAR is struck by a handgun bullet, the fibers stretch and disperse the impact energy from the struck fibers to other fibers in the weave of the fabric. This transfer occurs at "crossover points," where the fibers are interwoven. Further energy is absorbed by the fabric parallel to the path of the bullet or fragment.

Soft body armor manufacturers may specify various fabric styles to enable them to design a variety of bullet-resistant apparel. However, to take full advantage of the properties of KEVLAR, a plain balanced, woven fabric is generally preferred by manufacturers in order to maximize the number of "crossover points."

Since the woven fibers work together to dissipate the impact energy, a large area of the garment becomes involved in preventing the bullet's penetration. This energy dissipation reduces the severity of the shock ("blunt trauma") delivered to the body when a bullet or fragment is stopped abruptly.

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Threat Levels Classification

The National Institute of Justice (U.S. Department of Justice) has developed standards of ballistic resistance called "threat levels" (see table below).

All soft body armor should be clearly labeled by the manufacturer to indicate the threat level protection provided by that garment.

Vests which meet Threat Levels IIA and II are the ones most commonly purchased. They offer protection from the majority of handguns most commonly used in armed robberies and criminal assaults, according to currently known statistics.

000000

Armor type	Test Variables				Performance Requirements		
	Test ammunition	Nominal bullet mass	Suggested barrel length	Required bullet velocity	Required fair hits at 0° angle*	Maximum depth of deformation	Required fair hits at 30° angle*
I	22 LRHV Lead	2.6 g 40 gr	15 to 16.5 cm 6 to 6.5 in	320 ± 12 m/s 1050 ± 40 ft/s	4	44 mm 1.73 in	2
	38 Special RN Lead	10.2 g 158 gr	15 to 16.5 cm 6 to 6.5 in	259 ± 15 m/s 850 ± 50 ft/s	4	44 mm 1.73 in	2
II-A	357 Magnum JSP	10.2 g 158 gr	10 to 12 cm 4 to 4.75 in	381 ± 15 m/s 1250 ± 50 ft/s	4	44 mm 1.73 in	2
	9 mm FMJ	8.0 g 124 gr	10 to 12 cm 4 to 4.75 in	332 ± 12 m/s 1090 ± 40 ft/s	4	44 mm 1.73 in	2
II	357 Magnum JSP	10.2 g 158 gr	15 to 16.5 cm 6 to 6.5 in	425 ± 15 m/s 1395 ± 50 ft/s	4	44 mm 1.73 in	2
	9 mm FMJ	8.0 g 124 gr	10 to 12 cm 4 to 4.75 in	358 ± 12 m/s 1175 ± 40 ft/s	4	44 mm 1.73 in	2
III-A	44 Magnum Lead SWC Gas Checked	15.55 g 240 gr	14 to 16 cm 5.5 to 6.25 in	426 ± 15 m/s 1400 ± 50 ft/s	4	44 mm 1.73 in	2
	9 mm FMJ	8.0 g 124 gr	24 to 26 cm 9.5 to 10.25 in	426 ± 15 m/s 1400 ± 50 ft/s	4	44 mm 1.73 in	2
III	7.62 mm (308 Winchester) FMJ	9.7 g 150 gr	56 cm 22 in	838 ± 15 m/s 2750 ± 50 ft/s	0	44 mm 1.73 in	0
	30-06	10.8 g	56 cm	868 ± 15 m/s	1	44 mm	0
IV	AP	166 gr	22 in	2850 ± 50 ft/s		1.73 in	

Notes:

Armor parts covering the torso front and torso back, with or without side coverage, shall each be impacted with the indicated number of fair hits. Armor parts covering the groin and coccyx shall each be impacted with three fair hits at 0° angle of incidence. The deformation due to the first fair hit with a velocity not less than 10m/s (32.8ft/s) below the maximum for the test round shall be measured to determine compliance. No fair hit or lower velocity bullet shall penetrate the armor.

Abbreviations:

AP—Armor Piercing
FMJ—Full Metal Jacketed
JSP—Jacketed Soft Point
LRHV—Long Rifle High Velocity
RN—Round Nose
SWC—Semi-Wadcutter

*Per armor part at specified angle of incidence.

Effects of Body Perspiration and Water Immersion

Body perspiration will not generate sufficient moisture to adversely affect the ballistic-resistance capability of soft body armor of KEVLAR. However, when such garments are saturated or totally immersed in water, a decreased level of ballistic-resistance capability can result while they remain in such a saturated condition. To eliminate this potential problem during use, some manufacturers coat the fabric layers with a water repellent or enclose the entire pad of KEVLAR in a water-resistant bag.

Care of Soft Body Armor

The following information is designed to provide the owner of soft body armor with some general guidance as to the proper method of laundering and cleaning the panels of KEVLAR, which in some garments can be removed and washed as noted below. However, because of the variety of soft body armor designs, owners should refer to and follow the manufacturer's recommendations on the proper care and maintenance of their specific style ballistic garment.

• Laundering

Soft body armor of KEVLAR should not be machine washed or dried, since it has been demonstrated that damage to the fiber can occur from the laundry equipment itself, ultimately affecting its ballistic performance. Therefore, a gentle hand wash with mild detergent in cold water and indoor drip drying are recommended. Commercial laundries must also be avoided, since the detergents they use are much harsher than home detergents and can reduce the ballistic-resistant characteristics of fabrics of KEVLAR.

• Laundering Water Repellents

While soft body armor containing water-repellent-treated fabrics of KEVLAR can be hand washed, they must be thoroughly rinsed. The fabrics will retain a high level of their original water-repellent treatment, but without proper rinsing, they can accumulate a film of residual soap that absorbs water, and ballistic resistance is reduced. For this reason, thorough rinsing after hand washing is strongly recommended.

• Laundry Additives

Under no circumstances are bleach or products containing bleach to be used in the laundering of soft body armor of KEVLAR. Bleach, even when highly diluted, will adversely affect the ballistic resistance level of the garment. Pre-soak products, fabric softeners, and stain removers should have no effect on the ballistic resistance of fabrics of KEVLAR.

• Drycleaning

Perchloroethylene, the most commonly used dry cleaning solvent, has been demonstrated to have no adverse effect on the ballistic resistance of fabrics of KEVLAR. However, because of the variety of drycleaning solvents in use today, most soft body armor manufacturers recommend that drycleaning be avoided.

• Sunlight Drying

KEVLAR is susceptible to ultraviolet (UV) degradation, as are many other manmade textile fibers. However, during normal use a cotton or polyester/cotton carrier protects the KEVLAR from UV exposure. Ballistic fabrics of KEVLAR should never be dried outdoors.

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Sewing and Repairing

If any part of the vest is damaged, it should be returned to the manufacturer for repair. Sewing does not impair the ballistic-resistant properties of fabrics of KEVLAR. Multiple layers of fabric in some types of soft armor are stitched together. If the sewing thread deteriorates, or unravelling of the fabric occurs, the vest must be returned to the manufacturer for repair or replacement. Do not attempt to repair the garment yourself.

Garment Styles and Comfort Considerations

A wide variety of styles of soft body armor are commercially available, such as T-shirts, vests, smocks, jackets, raincoats and topcoats. Various garment designs provide protection for the chest, stomach, groin, front, back and/or side areas. Generally, the greater the threat level of protection, the heavier and bulkier the garment. Since wearer comfort is subjective, the desired protection level and proper fit are key considerations.

Blunt Trauma (hidden injuries)

Although a ballistic projectile may not penetrate the soft body armor, the part of the body behind the point of impact usually receives a "hammer-like" blow as a result of the deformation of the armor from the impact of the projectile as its velocity and energy are dissipated. This blow can result not only in bruises or lacerations to the surface skin, but also can result in damage to internal organs.

Because of the potential for hidden injuries that may not be visible to the wearer, DuPont strongly recommends that such persons immediately seek appropriate medical treatment, even if they are not experiencing any pain as a result of a shooting incident. For this reason, live testing of soft body armor should not be conducted.

Limitations of Soft Body Armor

Ballistic vests made of KEVLAR have exhibited some degree of protection against "slashing-type" knife attacks. However, they are not designed to protect the wearer against a direct-thrust knife assault or against other sharp, pointed weapons such as an ice pick, screwdriver, stiletto, etc.

Similarly, soft body armor of KEVLAR is not designed to provide protection from rifle fire because of the high velocities of bullets fired from these types of weapons. Some garments can be made to withstand rifle fire but must be modified to include ceramic, metal, or other hardened material inserts.

In addition, soft body armor of KEVLAR aramid fiber will not stop handgun bullets classified as "armor piercing," including (but not limited to) bullets with steel cores.

If during an incident, one or more bullets impact soft body armor, or damage to the fibers occurs as a result of an assault or accident, the garment should be replaced.

Soft Body Armor Life Expectancy

Like any article of clothing, the useful life of soft body armor of KEVLAR will vary, depending on its care and use. Some manufacturers specify that garments be returned after a certain period of time for reevaluation. DuPont has a continuing test program underway to evaluate used soft body armor in order to determine a reasonable life expectancy estimate. However, a reasonable estimate of the life expectancy of ballistic garments has not yet been determined.

Match the Vest to the Threat Level-It Could Make All the Difference

Your decision on which vest to wear is as important as the critical decision to wear a vest at all. Why? Because not all soft body armor gives you the same level of protection.

To help you get the protection you need, the National Institute of Justice has developed standards describing the levels of ballistic resistance of soft body armor. You can use these standards to protect yourself and your people.

Whatever level of protection you choose, you'll find that lightweight body armor made with DuPont KEVLAR aramid fiber is available to fit your needs.

Select the construction that's right for you, and go by the standards. It's too important to leave to chance.

We'll be glad to send you a free copy of the NIJ standard and a list of manufacturers of vests of KEVLAR.

We believe this information is the best currently available on the subject. It is offered as a helpful suggestion on the selection and care of soft armor which you may choose to follow. It is subject to revision as additional knowledge and experience are gained. Du Pont makes no guarantee of results and assumes no obligation or liability whatsoever in connection with this information. Anyone intending to use recommendations contained in this publication concerning the care and selection of soft body armor should first satisfy themselves that the recommendations are suitable for their use and meet all appropriate standards and guidelines. References to soft body armor preparation and/or treatment of said products which are not of Du Pont manufacture do not indicate either endorsement of said products or unsuitability of other products.

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For further information on soft body
armor made of KEVLAR aramid fiber,
contact your nearest ballistic apparel
manufacturer, or write to:

E. I. du Pont de Nemours & Co. (Inc.)
Textile Fibers Department
KEVLAR® Ballistic Apparel
Centre Road Building
Wilmington, DE 19898



Printed in U S A

E-73017

001336

Tab 5

MASTER

**Dress
For
Survival**



KEVLAR
Personal
Body Armor
Facts Book

001337

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"What is KEVLAR?"

KEVLAR is a remarkable, exciting high tech fiber discovery from Du Pont. It is five times stronger than an equal weight of steel, has a very high tensile modulus, is inherently flame resistant, and will not melt. KEVLAR is the ideal fiber for a growing variety of end uses, including bullet resistant vests, hard composite armor, high performance gunstocks, radial tires, and mechanical rubber goods. It is also ideal in aircraft, automotive, aerospace and marine composites, ropes and cables, gaskets, tapes, fiber optics, ignition wires, and friction products (to replace asbestos). New applications for its unique properties continue to emerge frequently.

Du Pont does not manufacture fabric or soft body armor.
KEVLAR aramid is made only by Du Pont.

2nd Edition Sept., 1986.

During the early 1970's, availability of KEVLAR® made production of soft, concealable Personal Body Armor practical for the first time. Although manufacturers of these "bullet resistant vests" engineer their products to meet ballistic standards, history shows that such garments also provide limited protection against other threats. Personal Body Armor has protected hundreds of police officers from death or serious injury during handgun, shotgun pellet, club and knife assaults (will not protect against sharp, pointed knives or ice picks!). It has also helped minimize injury during falls, explosions, automobile accidents, fires, motorcycle spills, and even bull goings! Hundreds more could have been saved had they only bothered to wear their armor. Nothing protects you totally—but Personal Body Armor of KEVLAR is the best available today. If you are a police officer, security officer, or hold another high threat job, please get it—and wear it!

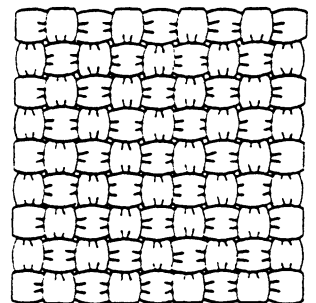
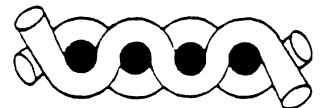
Lightweight Soft Body Armor—Background

When soft body armor made of KEVLAR is struck by a handgun bullet, the fibers stretch and disperse the impact energy from the struck fibers to other fibers in the weave of the fabric. This transfer occurs at "crossover points," where the fibers are interwoven. Further energy is absorbed by the fabric parallel to the path of the bullet or fragment.

Soft body armor manufacturers may specify various fabric styles to enable them to design a variety of bullet-resistant apparel. However, to take full advantage of the properties of KEVLAR, a plain balanced, woven fabric is generally preferred by manufacturers in order to maximize the number of "crossover points."

Since the woven fibers work together to dissipate the impact energy, a large area of the garment becomes involved in preventing the bullet's penetration. This energy dissipation reduces the severity of the shock ("blunt trauma") delivered to the body when a bullet or fragment is stopped abruptly.

"How Does KEVLAR Work?"



Plain Weave Crossover Points

**“Where Can I Get
Personal Body
Armor?”**

Du Pont manufactures KEVLAR® aramid fiber for many end uses. Ballistic quality fibers are sold to manufacturers of ballistic fabrics who sell their products to manufacturers of Personal Body Armor. Most major manufacturers belong to the Personal Protective Armor Association—working together to insure optimum protection and use of Personal Body Armor. P.P.A.A. members are listed on the back cover of this information booklet.

**“What Kind
of Armor is
Available?”**

Today, Personal Body Armor is available in many configurations to suit your needs: concealable vests and T-shirts to wear under a uniform, “executive” vests and overshirts for plainclothes persons, windbreakers, raincoats, briefcases, etc. are being made to satisfy your needs. A full range of sizes, shapes and coverages is available to fit male and female figures. Manufacturers are constantly innovating and designing new products for your protection.

“What Will It Stop?”

Personal Body Armor is engineered against various ballistic standards and should be clearly marked as to “Threat Level,” or “Protection Level” offered. Concealable body armor for everyday wear is designed to protect against the low and medium energy handguns most typically used in those unexpected assaults that frequently claim police officers’ lives. Ballistic vests of KEVLAR have also exhibited some protection during shotgun pellet and “slashing” knife attacks (but not stilleto or ice pick stabs), auto accidents, falls, cycle spills, fires, explosions, etc.

Personal Body Armor of KEVLAR is not designed to protect against rifle fire. Because of the higher velocities and different bullet configurations, heavier, tactical armor is needed and available for those special situations when such trouble is expected. Typically, these “Tactical” or “Special Purpose” garments contain hardened steel or ceramic inserts and more KEVLAR than practical for concealable armor.

A wide range of concealable, tactical and special purpose protection is available to suit your needs. Manufacturers are happy to explain each of their offerings in detail.

For a copy of the most recent National Institute of Justice voluntary ballistic standard, ask your manufacturer, or contact: National Institute of Justice, Box 6000, Rockville, MD 20850.

The key to this answer lies in the question "What will I wear?". Protection level and degree of coverage are important—to a certain point, the more, the better. Protection against your own weapon (about 15% of the police officers killed each year are shot with their own gun) and ammunition is also important. Additionally, the type of weapons being confiscated in your area should be considered. However, most police officers are killed during unexpected assaults associated with routine activities—when they haven't had time to go get armor and put it on. To improve your chances of surviving such assaults, buy only as much protection as you're willing to wear—every day!

"What Should I Buy?"

Police Officer Savings		
Firearm	1974	1984
Handgun	15%	15%
Shotgun	15%	15%
Rifle	15%	15%
Machine Gun	15%	15%
Explosive	15%	15%
Vehicle	15%	15%
Other	15%	15%
Total	15%	15%

“What About Blunt Trauma?”

When a ballistic projectile is stopped by Personal Body Armor, the individual receives a “hammer-like” blow as the energy is dissipated. History has shown that superficial bruises and lacerations usually occur. Additionally, the potential exists for hidden injuries to internal organs. Therefore, we recommend that persons involved in such incidents seek appropriate medical examination to insure against possible internal damage even though they may not experience any pain as a result of the incident. Additionally, live testing or demonstration of soft body armor should never be conducted.

Effects of Body Perspiration and Water Immersion

Body perspiration will not generate sufficient moisture to adversely affect the ballistic-resistance capability of soft body armor of KEVLAR®. However, when such garments are saturated or totally immersed in water, a decreased level of ballistic-resistance capability can result while they remain in such a saturated condition. To eliminate this potential problem during use, some manufacturers coat the fabric layers with a water repellent or enclose the entire pad of KEVLAR in a water-resistant bag.

Care of Soft Body Armor

The following information is designed to provide the owner of soft body armor with some general guidance as to the proper method of laundering and cleaning the panels of KEVLAR, which in some garments can be removed and washed as noted below. However, because of the variety of soft body armor designs, owners should refer to and follow the manufacturer's recommendations on the proper care and maintenance of their specific style ballistic garment.

Soft body armor of KEVLAR® should **not** be machine washed or dried, since it has been demonstrated that damage to the fiber can occur from the laundry equipment itself, ultimately affecting its ballistic performance. Therefore, a gentle hand wash with mild detergent in cold water and indoor drip drying are recommended. Commercial laundries must also be avoided, since the detergents they use are much harsher than home detergents and can reduce the ballistic-resistant characteristics of fabrics of KEVLAR.

Laundrying

While soft body armor containing water-repellent-treated fabrics of KEVLAR can be hand washed, they must be thoroughly rinsed. The fabrics will retain a high level of their original water-repellent treatment, but without proper rinsing, they can accumulate a film of residual soap that absorbs water, and ballistic resistance is reduced. For this reason, thorough rinsing after hand washing is strongly recommended.

Laundrying Water Repellents

Under no circumstances are bleach or products containing bleach to be used in the laundrying of soft body armor of KEVLAR. Bleach, even when highly diluted, will adversely affect the ballistic resistance level of the garment. Presoak products, fabric softeners, and stain removers should have no effect on the ballistic resistance of fabrics of KEVLAR.

Laundry Additives

(Continued on page 7)

For more information on the PPAA write to:



Personal Protective Armor Association

MR. LARRY B. GATES, EXECUTIVE DIRECTOR
28 BELCARO CIRCLE - BURTON HILLS,
NASHVILLE, TN 37215

Soft Armor Manufacturers Using KEVLAR® Aramid

American Body Armor

115 S. 2nd Street
Fernandina Beach, FL 32034
Mr. Steve Geordanello
(904) 261-4035

Armour of America

P.O. Box 1405
Beverly Hills, CA 90213
Mr. Art Schreiber
(213) 532-0690

Blauer Mfg. Co.

20 Aberdeen Street
Boston, MA 02215
Mr. Charles Blauer
(617) 536-6606

Point Blank Body Armor, Inc.

55 St. Mary's Place
Freeport, L.I., NY 11520
Mr. Richard Stone
(516) 223-4044

Progressive Apparel Co.

2807 A Merrilee Drive
Fairfax, VA 22031
Mr. Bob Coppage
(703) 573-0700

Protective Apparel Corp. of America

333 Sylvan Avenue
Englewood Cliffs, NJ 07632
Mr. Leonard Rosen
(201) 871-0108

Protective Materials Co.

Folly Mill Road
Seabrook, NH 03874
Mr. Scott McMichael
(603) 474-5523

Safariland

1941 S. Walker Avenue
Monrovia, CA 91016
Mr. Neale Perkins
(818) 357-7902

Second Chance Body Armor

Box 578
Central Lake, MI 49622
Mr. Richard Davis
(616) 544-5721
(800) 253-7090

Silent Partner

230 Lafayette Street
Gretna, LA 70053
Mr. Tim Zuffe
(504) 366-4851
(800) 321-5741

This source list is designed to present a representative group of suppliers. It does not necessarily include all the companies selling or making these products. It is not an endorsement of any specific manufacturer.

KEVLAR is a Du Pont registered trademark for its aramid fiber. Du Pont does not make ballistic fabrics or garments.

E-85864



Printed in U.S.A.

001348

Tab 6

IN THE THIRD JUDICIAL DISTRICT COURT FOR SALT LAKE COUNTY

STATE OF UTAH

ANN C. HOUSE, individually and)	
as the Personal Representative	:	
of the Estate of Freddie Floyd)	
House,	:	
Plaintiff,)	
vs.	:	Civil No. 890901427 CV
)	
ARMOUR OF AMERICA, INC., a	:	Hon. Richard Moffatt
California corporation, LAWCO)	
POLICE SUPPLY, a Utah corpora-	:	
tion, E.I. DuPONT de NEMOURS,)	
a Delaware corporation, and	:	
JOHN DOES III through XX,)	
	:	
Defendants.)	

DEPOSITION UPON ORAL EXAMINATION

OF

KARL N. BARTELL

Taken Pursuant to Notice and the Utah Rules of
Civil Procedure
Monday, February 24, 1992, 3:45 p.m.

At the offices of:

Suitter, Axland, Armstrong & Hanson
Attorneys at Law
700 Clark Leaming Office Center
175 South West Temple
Salt Lake City, Utah 84101-1480

By: Peggy Grover, R.P.R., C.M., Notary Public



Associated Professional Reporters
10 West Broadway / Suite 200 / Salt Lake City, Utah 84101

001350

1 helped him out a lot.

2 Q. And what was Mark Roberts' position?

3 A. Mark Roberts was the team leader.

4 Q. So he would be involved in all of these decisions,
5 too?

6 A. Yes. If he wasn't there, we would still talk to
7 people and say, "Hey. We have got to go to our team leader.
8 We have to go to our supervisors. We have got to get okay
9 with this equipment, the cost of it. They have to okay the
10 requisition, where we can get it from." If it's a lot of
11 dollars, then it has to go to bid. I can't remember the price
12 range exactly on what we could just go out and buy with just
13 signature requisitions as to what we had to go out and buy
14 with bid process.

15 Q. Do you remember approximately where that dollar cut
16 off was?

17 A. I don't. I know what it is now but I didn't-- I
18 know now if it is under a hundred dollars, you can just get a
19 signature with the department level and you can go out and buy
20 it. Anything over a hundred dollars has to go to bid State
21 wide so it can be competitive. But at that time I did not
22 know what it was. I just know we had a zone that we can buy
23 small stuff that we just signed. The warehouse gets in other
24 things we could go pick up at the warehouse, like batteries
25 and screws, and nails, whatever you needed that the warehouse

COMPUTERIZED TRANSCRIPT

1 had, we could go pick up. The other things we had to go get
2 signatures from our supervisor if it was under bid cost, and
3 I don't remember what that was. And the other things we had
4 to say, "We have got to put to bid."

5 Q. So you were involved in selecting the vests?

6 A. Yes.

7 Q. Did I hear you say that various people came in to
8 talk to you about the vests?

9 A. Yes.

10 Q. Do you remember who any of them were?

11 A. By name, no. By product, I remember looking at
12 Point Blank, Armour of America, Second Chance. We looked at
13 a large variety because we wanted the best that money could
14 buy.

15 Q. So you probably looked at more than just three?

16 A. Yes.

17 Q. But these are the three you can remember?

18 A. That I can recollect that come to mind right off.

19 Q. And you recall that sales reps would come around to
20 show you these?

21 A. Yes. That's what we wanted. "Before we buy, come
22 and tell us what you have got." And we would be quite frank,
23 "We are looking for the best. If you don't fit into what our
24 specs are, we don't want them." And we were looking for the
25 best.

COMPUTERIZED TRANSCRIPT

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1 A. Fred House was automatically there because I was the
2 captain and he was the lieutenant.

3 Q. And he was there from the outset?

4 A. On the full time.

5 Q. He didn't get a new vest; you figured the old vest--

6 A. The new vests came after his death.

7 Q. So it was after his death, so we can tie it down at
8 least that far?

9 A. Yes.

10 Q. But regardless of what you have said about the
11 thoroughness in which you investigated vests for the full time
12 team, you do recall talking to several sales reps back in
13 1980?

14 A. Yes. We brought them in. The last guy I remember
15 was the guy that we bought the vests from, this company here.

16 Q. Which company do you remember?

17 A. Whatever that vest is.

18 Q. Armour of America?

19 A. Armour of America.

20 Q. Do you remember anything about that guy?

21 A. Yes. He literally sold us on the vest as being the
22 top of the line and the best that money can buy. He said,
23 "You know, what does your team need?" And we explained
24 everything to him, what our team was going to be doing.
25 Obviously, we were a SWAT team, we were going to go into, if
there is an armed suspect, anything with weapons, we were

COMPUTERIZED TRANSCRIPT

1 going to be involved in. And he says, "Okay. There are
2 several categories." And he says, "You want the best. You
3 want the Cadillac of vests. You don't want this one, this one
4 down here on the line, you want the best." And we said,
5 "Yes." And he says, "What is the most powerful rifle? What
6 is the most powerful weapon that you have to stop?" And we
7 told him, "We have two 30.06s that the sniper squad has that
8 we will need to stop." And then he says, "This vest, then,
9 will do for the team members and you want this vest for
10 whoever is the point man." And we at that time knew who our
11 point man was, which was Fred. So Fred was measured and we
12 bought the one vest for him that was supposed to stop that
13 .06.

14 Q. What did this guy look like; do you recall? You
15 were there while he was talking?

16 A. Yes, but I don't recall what he looks like now. You
17 know, representatives, we talked to a lot of them, and I still
18 talk to representatives about equipment. That is how you do
19 business, you talk to people and you see. I was looking at
20 this and you talk to another representative. All I know is
21 that he represented that the vest that Fred was wearing was
22 supposed to stop an .06, anything we have up to an .06.

23 Q. That was the vest that Freddie was wearing was the
24 closest to that?

25 A. Yes.

COMPUTERIZED TRANSCRIPT

1 Q. Was it your understanding that the vest for the rest
2 of you was supposed to stop an .06?

3 A. A .44 magnum at point blank range, anything from a
4 hand gun up to a .44 magnum.

5 Q. That was your understanding of what it would stop?

6 A. Yes.

7 Q. Fred's would stop everything up to an .06?

8 A. Everything ours would stop plus up to an .06.

9 Q. Do you recall the difference between your vest and
10 Fred House's?

11 A. His vest was supposed to have more Kevlar in it,
12 thicker, plus Fred's was supposed to be called a wrap, that
13 means no side blanks like ours have, and Fred's had a big
14 trauma plate in the front that was supposed to guard his
15 chest.

16 Q. Guard his chest against rifle fire?

17 A. Any rifle slug.

18 Q. Now, when you said side plates, you kind of
19 indicated under your arm.

20 A. Side covers.

21 Q. Side covers?

22 A. There was no gaps. Our vests had left gaps down the
23 side, meaning if we got hit in the side we would have no vest
24 protection because ours stopped here in the front and stopped
25 in the back. It had no Kevlar, or anything, on the sides.

COMPUTERIZED TRANSCRIPT

1 Fred's vest was called an overlap. His was designed to have
2 no gaps.

3 Q: And so was it your understanding that the purpose of
4 that-- Well, let me ask you this, to describe the plate in
5 Fred's vest. You indicated--

6 A. It was built so it slid into a pouch so it can be
7 lifted out and the vest would be there all the time. The
8 trauma plate was supposed to be tile with Kevlar wrapping
9 which is how they explained it.

10 Q. Do you think that could have been ceramic with
11 Kevlar wrapping?

12 A. Yes, like tile roofing, ceramic tile.

13 Q. Did you ever actually see the plate?

14 A. Just the black when it come in shipping and we
15 picked it up and stuck it in the vest.

16 Q. Can you estimate how much it weighed?

17 A. Twice as much as my vest weighed.

18 Q. And how about the thickness of that plate?

19 A. Thickness, probably I would estimate to be about
20 half an inch thick.

21 Q. And, once again, that was the only vest like that
22 with a plate that was purchased for the SWAT team?

23 A. Yes.

24 Q. Now, why does a point man need a heavier vest like
25 that, a better vest?

COMPUTERIZED TRANSCRIPT

002612

1 A. If the team went in and the team had to withdraw and
2 we lost a weapon, we had to be able to stop any weapon that
3 the team carried, and at that time we carried 30.06s as a
4 sniper, and the sniper would have that weapon with him when he
5 went in. If we lost tha rifle inside the institution and we
6 had to go back in and retrieve it, Fred would have been the
7 point man to take that shot.

8 Q. That would be Freddie's job to do it?

9 A. Yes.

10 Q. To go get that rifle?

11 A. We would all go in behind him but Freddie would go
12 in first and that was the reason for buying his level of vest,
13 was to stop anything that we were carrying.

14 Q. The vest that you were wearing and the rest of the
15 team was wearing, it wasn't your understanding those were
16 designed to stop a 30.06?

17 A. No. We knew that those wouldn't stop a 30.06 but we
18 were told that they would stop a .44 magnum on down.

19 Q. And you have reason to doubt that now?

20 A. Yes, I do.

21 Q. How come?

22 A. Because I did the testing after Fred's death on the
23 prison range with the guns.

24 Q. With the .44 magnum

25 A. Yes.

COMPUTERIZED TRANSCRIPT

1 vest indicated it would contain all of the kinds of rounds you
2 fired at it?

3 A. Yes.

4 Q. Getting back to 1980, was it your understanding that
5 the purpose of that plate was to stop rifle fire?

6 A. Yes.

7 Q. But you called it a trauma plate?

8 A. Yes.

9 Q. Was that what everybody called it at that time?

10 A. Yes.

11 Q. But the trauma plate was to prevent rifle fire going
12 through that area of the vest?

13 A. A trauma ballistics plate.

14 Q. Now, what did you understand about the capacity of
15 the remainder of the vest that didn't have that, wasn't
16 covered by the plate?

17 A. My understanding between the vests that we wore and
18 the vest that Freddie wore was that Freddie's, even at a long
19 range, his vest had more levels of Kevlar. His vest was
20 supposed to be better than ours. Ours was supposed to stop
21 .44 mag. and below, and Freddie's was supposed to stop even
22 more, because his had more levels of Kevlar and we bought the
23 heavier, we bought it designed to stop more because he was the
24 point man, he was obviously going to take more risk than the
25 rest of us. Even though, you know, I don't know what caliber

COMPUTERIZED TRANSCRIPT

1 risk you want to talk about the first man and the second man
2 in, but his was designed to stop more.

3 Q. Now, of course, that goes without saying with the
4 armor plate.

5 A. Even without the armor plate, his vest was
6 represented to us to stop more because his had more levels,
7 more layers of Kevlar than ours would.

8 Q. Did you understand that it would stop rifle fire
9 without the plate?

10 A. Obviously, without the plate it wouldn't stop a
11 rifle slug, but it was represented if the rifle slug were to
12 hit any part of that plate, it would stop it.

13 Q. It would stop it, any part of the plate?

14 A. Any part of it would stop it.

15 Q. Now, if Fred's label in Fred's vest had indicated
16 that without the plate it would stop the same levels of fire
17 as the vest you had, you would understand, then, that it would
18 stop up to a .44 magnum. Does that question make sense to
19 you? I wasn't sure where I was going when I started that.

20 A. Obviously if the tag says it will stop a .44 magnum
21 and mine says it will stop a .44 magnum, that's what it should
22 stop.

23 Q. Was it your understanding it would stop anything
24 more?

25 A. No.

COMPUTERIZED TRANSCRIPT

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1 Q. You didn't expect anything more than that out of
2 your vest?

3 A. That's what was represented to me, it should stop a
4 handgun at point blank range.

5 Q. Up to?

6 A. And Fred's would stop an .06 at point blank range.

7 Q. The plate would stop an .06?

8 A. Yes.

9 Q. It is my impression that you are not quite sure that
10 the rest of Fred's vest would stop or was expected to stop.
11 You don't recall that?

12 A. Not what type of round it would stop other than it
13 should stop more than ours because it was a heavier vest.

14 Q. But less than a 30.06?

15 A. Yes, obviously, if he got shot in the back, it would
16 penetrate the vest. The rifle round needed to hit that plate.

17 Q. If it hit off the side of the plate, it would
18 penetrate?

19 A. The way he represented it was, obviously, if Freddie
20 was taking on a frontal assault, the side of this vest, the
21 two layers of this vest should stop a heavy round coming in.
22 Exactly what size, you know, who knows?

23 Q. But if he got a direct hit, not on the plate,
24 without the plate.

25 A. Without the plate and one single layer of vest, it

COMPUTERIZED TRANSCRIPT

1 would probably penetrate.

2 Q. And that was your understanding at the time?

3 A. Yes.

4 Q. Have you ever heard of Lawco Police supply?

5 A. No, I haven't. Oh, yes, I have.

6 Q. What do you know about that?

7 A. They supply police equipment, vests, tactical,
8 street survival, all kinds of equipment.

9 Q. Did you do any business with them personally?

10 A. I got all kinds of toys, being on the team from 1980
11 to almost 1990.

12 Q. Yes.

13 A. I had all kinds of stuff.

14 Q. Who did you deal with there; do you recall?

15 A. Just the guy that gives you the best deal.
16 Obviously, there was commission involved. If a guy wanted to
17 cut down his commission to make a sale, he could cut his price
18 to a certain extent. We bought equipment from Lawco, we
19 bought it from Strauss Uniforms, we bought equipment from
20 them. We just bought equipment where we can get it and if one
21 company was selling something and another company wasn't, we
22 would, you know, go around and hit the company that was
23 selling what we wanted.

24 Q. Did you ever hear anyone from Lawco Police Supply or
25 Lawco represent that your vest would contain a 30.06?

COMPUTERIZED TRANSCRIPT

001359

1 MR. HALE: Did the plate sit in front of the vest or
2 between the vest and the body?

3 THE WITNESS: I don't remember exactly how it sits.
4 I would have to look at the vest again. I would have to see
5 the vest, where the pocket is.

6 Q. (Mr. Hirschi) Let me ask you this question again,
7 Karl. Did anyone represent to you that Fred House's vest
8 without the plate--

9 A Yes.

10 Q. Let me finish this question first. That Fred
11 House's vest without the plate would stop a 30.06?

12 A. Without the plate?

13 Q. Yes. Did anybody represent that to you?

14 A. I don't remember getting into aspects of if Fred's
15 plate fell out, he took a shot, would it stop a bullet.

16 Q. Would it stop a 30.06?

17 A. 30.06. We knew it wouldn't stop a 30.06 without the
18 trauma plate.

19 Q. You knew that?

20 A. Yes.

21 Q. And no one ever represented that it would?

22 A. No.

23 Q. Okay.

24 A. I can't-- It just sits in a pocket in front and
25 then you have the vest itself. It is supposed to be so you

COMPUTERIZED TRANSCRIPT

002629

1 all right. I'm going to put Fred in front of me anyway."

2 Q. Did you ever talk with Fred about his vest and the
3 plate?

4 A. I talked to Fred all the time. He was my
5 lieutenant. We had a dialogue going for years. As far as I
6 know, once we represented and bought the vest, that he figured
7 he was pretty well indestructible.

8 Q. As far as the plate was concerned?

9 A. The plate plus the added protection. When we bought
10 the vest we figured we were buying a better vest for Freddie,
11 it is supposed to have had more layers of Kevlar, plus the
12 trauma plate had Kevlar layers on it.

13 Q. Right. Fred knew that the plate would stop rifle
14 fire? Right?

15 A. Yes.

16 Q. 30.06?

17 A. And lower, right.

18 Q. But he knew the other part would not stop rifle fire
19 without the plate. Right?

20 A. We were under the impression where the vest was
21 doubled it should stop pretty much, or at least not penetrate
22 completely through, the bullets shouldn't penetrate completely
23 through both thicknesses of the vest. Each part of the vest
24 was approximately a half inch thick. And then he would have
25 almost an inch of vest on his side and then the front part of

COMPUTERIZED TRANSCRIPT

1 it only half an inch vest but half inch plate in the front,
2 and we figured if he took anything from the front it should
3 stop it.

4 Q. If it hit the plate, as far as rifle fire?

5 A. Yes.

6 Q. I gather that he was interested, like you, in the
7 equipment, and what was told to you by the Lawco
8 representative with respect to the vest was also told to Fred
9 House; is that correct?

10 A. Yes.

11 MR. HIRSCHI: I am going to object to that. I don't
12 think that it has been established that was a Lawco
13 representative.

14 Q. (Mr. Watkiss) I'm sorry. I thought the people who
15 sold these vests to you were the Lawco people.

16 MR. HIRSCHI: I think he said Armour of America.

17 THE WITNESS: We had so many people coming in.

18 Q. (Mr. Watkiss) I understand.

19 A. I don't know who all--

20 Q. Whoever it was. I didn't think there was a question
21 about it.

22 A. Would have said--

23 Q. Whoever sold that vest and Fred's vest to you, what
24 he told you, that you described at some length, was also told
25 to Fred House?

COMPUTERIZED TRANSCRIPT

1 plate, it would stop, and if it hit on the two layers where
2 you are looking at an inch of Kevlar, if it did penetrate it
3 shouldn't do much damage, is what they were saying.

4 MR. SAMPSON: I don't have anything else.

5 EXAMINATION

6 BY MR. HIRSCHI: Q. Maybe we ought to clear up the
7 point that came up. The fellow who sold these vests to you, do
8 you recall if he was from Lawco or where he was from?

9 A. I don't. Like I said, we were trying to get the
10 best, and in order to get the best, you bring in everybody,
11 and they were coming in two or three a day; one this day, one
12 the next, and it was so far back, I don't remember, you know.
13 All I know is what the guy said that vest would do.

14 Q. Okay.

15 A. Because that's the one we ended up with and the guy
16 indicated that Fred's vest would stop a 30.06 rifle slug.

17 MR. HALE: Is that the guy you bought from?

18 THE WITNESS: He is the representative. He is the
19 one that sold it, it is my understanding. He come in and
20 said, "I'll sell you this many vests for this cost, and this
21 is what you need for your point man."

22 Q (Mr. Hirschi) Did you have any direct participation
23 in the sale itself? I mean did you have anything to do with
24 deciding how much to pay for vests?

25 A. No.

COMPUTERIZED TRANSCRIPT

002668

1 Q. When the invoice came in, did you have anything to
2 do with that?

3 A. I never saw the invoice, either.

4 Q. You don't know whether Lawco had an exclusive on
5 Armour of America products or not, do you?

6 A. No, I don't.

7 Q. You don't know whether this man might have been from
8 Armour of America as opposed to--

9 A. Me personally?

10 Q. Yes. Do you know that?

11 A. No. I just know that we had a lot of bids with a
12 lot of people trying to get equipment and what we were doing
13 was trying to get the best for our money.

14 Q. Now, is this label that is on this vest here-- Let
15 me show you.

16 A. Okay.

17 Q. That label. Have you read that label before?

18 A. Yes. My vest said the same thing.

19 Q. Says exactly the same thing? Could you, just so we
20 will have a record of it, can you read that for us.

21 A. "This vest will contain a .44 magnum, 240 grain (6-
22 inch barrel), a US 9 mm., 124 grain full metal jacket, .357
23 magnum, 125 grain semi-automatic hollow point (6-inch barrel),
24 .22 mag. (6-inch barrel), .38 caliber, 00 buckshot," which
25 means a shotgun, and it also says "Not for AP rounds." This

COMPUTERIZED TRANSCRIPT

002669

1 Q. And you bought nine of these type of vests that we
2 have been talking about; is that correct?

3 A. Yes.

4 Q. And would that be around June of 1981?

5 A. Obviously, you are reading off of--

6 Q. Well, I'll let you read it. It is Exhibit 1 that
7 talks about buying nine Armour Hide vests and one tactical
8 vest in June of 1981. Is this about the time you bought the
9 nine vests?

10 A. Yes.

11 Q. And the one tactical vest?

12 A. Yes. Because we were buying it for our 10-man
13 squad.

14 Q. Right. And that was from, apparently, Lawco Police
15 Supply of the prison. Right?

16 A. Lawco Police Supply of the prison?

17 Q. To the prison.

18 A. It would go to the Utah State Prison. Leonard
19 Skinner was handling invoices and purchasing orders. At the
20 time what we had to do is have an individual come in, give us
21 a bid, and we would have to write up specs to approve it.

22 Q. For a purchase of this size, \$2460; this would
23 require a bid and specs?

24 A. Yes, for the lowest bidder to come up with a
25 comparable or better, same or better product for that price.

COMPUTERIZED TRANSCRIPT

1 Q. Now, does that mean that actually you had other
2 people bid on this other than Lawco?

3 A. I am not exactly sure what Leonard Skinner done.
4 All I know is that for a certain price range we could go out
5 and buy.

6 Q. Right.

7 A. Obviously, this is out of that certain price range
8 and it would have had to have gone to bid. That's State
9 policy and I know that.

10 Q. So you are not sure whether there were other
11 manufacturers or manufacturers representatives that bid on
12 this?

13 A. I am sure that there was, just by policy, they would
14 have been given the opportunity to bid on providing us with
15 what we wanted.

16 Q. Is Leonard Skinner still there at the prison?

17 A. I don't know.

18 Q. The last time you saw him. Huh?

19 A. It was years ago. I don't know if he is still in
20 that position or somebody else. People come and go and I have
21 been away from the prison two and a half years.

22 Q. Did you ever belong to any SWAT organizations?

23 A. Yes.

24 Q. Outside the State?

25 A. Outside the State?

COMPUTERIZED TRANSCRIPT

1 something to do with State laws.

2 Q. Did you continue to convey information back and
3 forth and do any training jointly with other SWAT teams?

4 A. We did a lot with the F.B.I., only because of having
5 state-wide jurisdiction we were able to do things where the
6 F.B.I. agent wanted to do something in one county and all of
7 a sudden they go from one county to another county, and we
8 could travel with them, whereas Salt Lake couldn't leave Salt
9 Lake as a team and run down and do something in Utah County,
10 because it involved too much bureacracy and too much red tape,
11 where we can go, for example, say we can go and do a joint
12 effort with the F.B.I. and, being a State agency, having the
13 word "State" by our name, we can actually go anywhere we
14 wanted with the permission from our supervisors.

15 Q. When you acquired your vest back in 1981, Karl, do
16 you remember receiving a brochure with your vest?

17 A. I am sure we received all kinds of brochures. We
18 got literature from prior and probably with it. No, I
19 couldn't tell you.

20 Q. Do you remember receiving anything like that, this
21 brochure?

22 A. I probably saw it but I don't remember it.

23 Q. When you got these brochures, I guess you read them?
24 You were interested in what they were telling you about body
25 armor?

COMPUTERIZED TRANSCRIPT

Tab 7

IN THE THIRD JUDICIAL DISTRICT COURT FOR SALT LAKE COUNTY

STATE OF UTAH

ANN C. HOUSE, individually and)	
as the Personal Representative	:	
of the Estate of Freddie Floyd)	
House,	:	
)	
Plaintiff,	:	
vs.	:	Civil No. 890901427 CV
)	
ARMOUR OF AMERICA, INC., a	:	Hon. Richard Moffat
California corporation, LAWCO)	
POLICE SUPPLY, a Utah corpora-	:	
tion, E.I. DuPONT de NEMOURS,)	
a Delaware corporation, and	:	
JOHN DOES III through XX,)	
	:	
Defendants.)	

DEPOSITION UPON ORAL EXAMINATION

OF

RICHARD A. BILLINGS

Taken Pursuant to Notice and the Utah Rules of
Civil Procedure
Tuesday, February 25, 1992, 9:00 a.m.

At the Instance of Defendants

At the offices of:

Suitter, Axland, Armstrong & Hanson
Attorneys at Law
700 Clark Leaming Office Center
175 South West Temple
Salt Lake City, Utah 84101-1480

By: Peggy Grover, R.P.R., C.M., Notary Public



Associated Professional Reporters
10 West Broadway / Suite 200 / Salt Lake City, Utah 84101

001363

1 Q. Right. Anyway, that type of gun you thought your
2 vest protected you from?

3 A. Sure.

4 Q. What was your understanding, if any, about Fred's
5 vest? What type of protection was it supposed to provide?

6 A. Well, Fred's vest was kind of the pride and joy of
7 the team, that we felt that, we knew there was no doubt who
8 was always going to be the Number 1 Man, and that was always
9 Fred, and we felt his vest was without a doubt, we were sure
10 it was the best available. I mean this was, you know, some of
11 us tried it on, and things like this, and I can remember some
12 guy even hitting it in the chest, and things like that, and,
13 you know, because everybody knew there ain't no way you are
14 going to-- I mean this is the point man vest and it was
15 quite, it was pretty impressive. It was a very heavy vest and
16 at the time, like I say, I was one of the snipers. I think we
17 had two snipers, I think there was myself and I think there
18 was a Jim Horlacker, I believe were snipers at the time, and
19 we were carrying the 30.06, and the understanding that we had
20 at the time was his vest would even stop the 30.06, unless you
21 went to armor piercing, or something like this, there was no
22 way it would stop that, but standard 30.06 ammo, stuff like
23 that, that vest will stop it if you hit it in the plate area.

24 Q. Right. You knew your vest wouldn't stop rifle fire?

25 A. Yes.

COMPUTERIZED TRANSCRIPT

1 Q. But Fred's vest, that ceramic plate, your
2 understanding was if the rifle fire hit that ceramic plate it
3 would stop the rifle fire?

4 A. In fact, that was the purpose. And I don't remember
5 whether it was ceramic or steel, or whatever it was, but I
6 remember it had a heavy insert that you put into it whereas
7 this stuff was malleable, or at least there was no way, like
8 I say, I had even seen a guy once in a while maybe hit Fred,
9 you know, in the chest area with his fist, and, you know--

10 Q. Where the insert was?

11 A. Right.

12 Q. You knew that the remainder of Fred's vest, the back
13 of it, or that without the insert, wouldn't stop the rifle
14 fire?

15 MR. SAMPSON: I'll object. Leading.

16 Q. (Mr. Watkiss) Did you know that?

17 A. Well, the only thing that -- We just felt that when
18 Fred went in, whatever he took on up to what we had, that vest
19 was going to stop it. If it was a rifle, it seemed like that
20 it would have to hit the ceramic plate or the plate. The
21 plate would stop a rifle.

22 Q. Do you recall, Richard, ever seeing that insert?

23 A. I do, but, like I say, I can't even remember whether
24 it was ceramic or steel.

25 Q. I understand.

COMPUTERIZED TRANSCRIPT

1 A. Or what the composition was. I just remember that
2 when these guys would hit him, they would hit him in the plate
3 and always complained that, you know, that thing is hard.

4 Q. Did Fred always wear the insert in the vest or did
5 sometimes he leave it out of the vest, depending on what you
6 were doing?

7 A. He was absolutely religious, that was the one guy
8 that I can unequivocally state always, always, always wore his
9 vest. Training, actual incidents, Fred wore his vest. We
10 talked a number of times that we felt that the people that
11 were not wearing their vests were not training as they would
12 operate and would not be familiar with how cumbersome you are
13 in the vest as opposed to being without the vest, and so
14 regardless of what training we ever did as a team, you know,
15 you could bank on the fact that Fred would have his vest. In
16 fact, when I was with the Fire Fighters and the news came from
17 Marion that an officer had been shot at Marion, the first
18 thing that came to my mind, they said he is a dog handler, the
19 first thing that came to my mind, I said, "I know it ain't
20 Fred because I know Fred has got his vest on." I mean that was
21 just the way it was. There were other people that were not
22 that, you know, you had to tell them, "Why don't you put your
23 vest on for this," and stuff like that.

24 Q. But Fred was conscientious and always wore it; is
25 that it?

Tab 8

CERTIFIED COPY

IN THE THIRD JUDICIAL DISTRICT COURT FOR SALT LAKE COUNTY

STATE OF UTAH

ANN C. HOUSE, individually and)	
as the Personal Representative	:	
of the Estate of Freddie Floyd)	
House,	:	
)	
Plaintiff,	:	
vs.	:	Civil No. 890901427 CV
)	
ARMOUR OF AMERICA, INC., a	:	Hon. Richard Moffat
California corporation, LAWCO)	
POLICE SUPPLY, a Utah corpora-	:	
tion, E.I. DuPONT de NEMOURS,)	
a Delaware corporation, and	:	
JOHN DOES III through XX,)	
	:	
Defendants.)	

DEPOSITION UPON ORAL EXAMINATION

OF

TOM T. HOUSE

Taken Pursuant to Notice and the Utah Rules of
Civil Procedure

Monday, February 24, 1992, 9:00 a.m.

At the offices of:

Suitter, Axland, Armstrong & Hanson
Attorneys at Law
700 Clark Leaming Office Center
175 South West Temple, Suite 700
Salt Lake City, Utah 84101-1480

By: Peggy Grover, R.P.R., C.M., Notary Public



Associated Professional Reporters
10 West Broadway / Suite 200 / Salt Lake City, Utah 84101

001786.

1 Q. Right.

2 A. In the early days I was aware of some white colored
3 stuff that looked smaller and thinner that people tend to wear
4 under their duty uniform and I was aware of more bulky stuff
5 that seemed to be thicker and cover more areas with less gap.
6 That's about the beginning of my knowledge base.

7 Q. Right. Did you personally have any involvement in
8 the acquisition of the body armor vests that were ultimately
9 acquired?

10 A. Yes.

11 Q. For the prison?

12 A. Yes.

13 Q. Tell me what your involvement was.

14 A. It really, from my perspective, evolved down to a
15 number of main buyers, more by circumstance than objective.
16 Steve Minor was very successful in getting information and
17 bringing information back to us through his phone calls and
18 his visits with local suppliers, and so on. Fred also was one
19 of those that brought information back, Will Fowlke, he was
20 the signer, if you will, the authorizing signature for the
21 requisition initially, as I recall. Those seem to be the main
22 players. Myself, I found myself in the same circumstance that
23 perhaps other SWAT team members did. We would be in informal
24 groupings with two of those people that I suggested, maybe
25 three, maybe one, and the topic of vests and vest acquisition

COMPUTERIZED TRANSCRIPT

1 Q. But you felt that with the vest you had on there was
2 a risk you could be killed by blunt trauma. Right? Because
3 you didn't have a so-called trauma plate in; is that your
4 understanding?

5 A. It was my belief that I had a serious risk of
6 injury, not only because of blunt trauma but because indeed
7 the vest only covered the torso.

8 Q. So that you could get a serious injury on other
9 parts of your body that were still exposed?

10 A. That's correct. Our research at the time indicated,
11 at least according to F.B.I. statistics, that there was a high
12 probability of ammunition fire striking the torso and by
13 protecting the torso we were covering the area that received
14 incoming fire the highest percentage of the time.

15 Q. When was this research engaged in?

16 A. I don't know when the research was engaged in.
17 There was an F.B.I. report that I believe Will Fowlke surfaced
18 at or before that time that talked about where police officers
19 sustained injury and from whence those injuries are received:
20 his own service weapon, some others, whether it was knives or
21 guns or whatever.

22 Q. I think I have seen something like that. I think you
23 are right.

24 A. I think there was an annual report that comes out.

25 Q. That the greatest threat or threat where you used to

COMPUTERIZED TRANSCRIPT

IN THE THIRD JUDICIAL DISTRICT COURT FOR SALT LAKE COUNTY
STATE OF UTAH

---0000000---

ANN C. HOUSE, individually :
and as the Personal
Representative of the Estate :
of Freddie Floyd House,

Plaintiff,

vs.

ARMOUR OF AMERICA, INC., a
California corporation,
LAWCO POLICE SUPPLY, a Utah
corporation, E.I. DuPONT
de NEMOURS, a Delaware
corporation, and JOHN DOES
III through XX,

Defendants.

Civil No. 890901427 CV

Deposition of:

TOM T. HOUSE

Volume II

Hon. Richard Moffat

---0000000---

Deposition of TOM T. HOUSE, Volume II, taken at
the instance and request of the Defendant DuPont, at the law
offices of Sutter, Axland, Armstrong & Hanson, 175 South
West Temple, #700, Salt Lake City, Utah, on the 4th day of
March 1992, at the hour of 1:50 p.m., before DAVID A.
THACKER, a Certified Shorthand Reporter, Registered
Professional Reporter, Utah License No. 173, and Notary
Public in and for the State of Utah.

---0000000---



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001377

1 of thing that people had to stand up straight and kind of
2 inch past each other because it was so confining in its
3 dimension longways -- or widthwise.

4 Q All right. As a matter of fact, rather than
5 standing up straight, haven't you learned that Fred was
6 crouched down at the time he was hit?

7 A I've come to understand that Fred was probably
8 not in a totally erect position standing on his feet.

9 Q What I'm getting at, didn't you learn that Jerry
10 Pope and Fred House were there at the entryway to release
11 their dogs and then immediately seek cover, so that the
12 FBI Hostage Rescue Team members, who were also in the
13 entryway with their weapons prepared to provide cover and
14 protection, could fire unobstructedly?

15 A I've come to an understanding that indeed no
16 member of that force was exposing himself to any fire.
17 The plan and the positioning was to indeed not expose
18 themselves to fire, hostile fire.

19 Q And how did you come to learn that?

20 A Indeed with my training as a SWAT team member,
21 my repetitive practice of those concepts, and indeed my
22 review of where people were and what the original plan was
23 as depicted by some of those folks that were actually
24 there, there was a conscious effort to preclude, or if not
25 entirely preclude, to minimize to the greatest degree

1 possible, any exposure of law enforcement, this tactical
2 team, to hostile fire.

3 Q And that's standard procedure with hostile
4 things; is it not?

5 A Yes.

6 Q Did you learn that one of the first shots that
7 were fired hit Fred?

8 A Again, as a preface, I have to indicate that it
9 depends on who you talk to. I believe that no one is sure
10 which of the rounds hit Fred in terms of those
11 sequentially fired, the first, the second, the third, or
12 any of those subsequent. There is not a clear
13 understanding of which of those sequential rounds hit
14 Fred.

15 Q I understand that. I'm not saying it was the
16 first, second or third, but didn't you learn that there
17 were a number of shots fired into that house, and
18 particularly that entryway, and that because of the
19 continuing fire they had to close the door so that there
20 were not just a couple of shots fired, there was a
21 continuing barrage of fire, and with that understanding,
22 that one of the first of the shots of that barrage was
23 what hit Fred?

24 A Somewhere in the beginning of the barrage, yes.

25 Q Have you learned whether the shot that hit Fred

Tab 9

CERTIFIED COPY

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

---oooOooo---

ANN C. HOUSE, individually :
and as the Personal :
Representative of the Estate :
of Freddie Floyd House,

Plaintiff,

vs.

ARMOUR OF AMERICA, INC., :
a California corporation; :
LAWCO POLICE SUPPLY, a Utah :
corporation; E.I. Du PONT :
de NEMOURS, a Delaware :
corporation, and JOHN DOES :
III through XX,

Defendants.

Civil No. 90-C-508A

Deposition of:

LYNN JORGENSEN

Hon. Aldon J. Anderson

---OooOooo---

Deposition of LYNN JORGENSEN, taken at the instance
and request of the Plaintiff, at the law offices of Suitter,
Axland, Armstrong & Hanson, 175 South West Temple, #700, Salt
Lake City, Utah on the 30th day of October 1990, at the hour
of 9:35 a.m., before DAVID A. THACKER, a Certified Shorthand
Reporter, Registered Professional Reporter, Utah License No.
173, and Notary Public in and for the State of Utah.

---oooOooo---



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001385

1 Q (BY MR. SILVESTER) Do you know who did the
2 research to determine whether or not Fred's vest would
3 withstand a long gun round?

4 A No, I do not. I think Fred participated, but
5 again that's really an assumption.

6 Q Did you ever talk to Fred about his vest, why he
7 was acquiring the vest he was acquiring?

8 A Well, first of all, it was not only his
9 preference, it was everybody's, you know. Hey, Fred is
10 point man, he's going to be the first in, he probably
11 needs to be able to take the best that somebody has got
12 to offer.

13 I kind of got lost there.

14 Q Yes. I just want -- I kind of got lost to, too,
15 so let's both start over.

16 A All right.

17 Q Did you ever become aware that Fred's vest had a
18 trauma plate in it?

19 A Yeah. Yes.

20 Q And what was your understanding of the other
21 differences between your vest and Fred's vest?

22 A Fred's vest was physically different. I mean,
23 you know, it was longer and wider and went down. I
24 thought it went down more towards his solar plexus and
25 groin area. And it had a compartment to -- it was my

1 understanding that it met our standards. But if he put
2 these plates in it, then, you know, it would withstand a
3 long gun round up to a 30-06. You know, for some reason
4 we centered on 30-06.

5 Q Did you have any understanding of what his label
6 said the vest would stop?

7 A No, I don't.

8 Q Did you have any understanding whether or not
9 the plates that went in his vest were labeled?

10 A No, I don't.

11 Q Do you know if Fred was present when the film
12 was shown?

13 A I would just make an assumption that he was.
14 It seems like the team, you know, that we all went to our
15 supervisors to beg for a couple of hours off, you know,
16 somebody would cover for us while we went.

17 Q Do you remember if that film was shown at the
18 prison or somewhere else?

19 A As I recall, it was shown at the prison.

20 Q Did you have any understanding of what type of
21 body armor in terms of the types listed on page D499 of
22 Exhibit 36, Fred's vest fit within?

23 MR. DUNBECK: I'm going to object to the form of
24 the question, lack of foundation, in that he's previously
25 testified that he hadn't seen this at the time and wasn't

1 back in 1978?

2 MR. HALE: When you say anything, what do you
3 mean? Informationwise?

4 Q (BY MR. DUNBECK) Yes. Any substantive
5 information. Thank you.

6 A Well, the content of it seemed to be very
7 different. I know that in the film, that the 1978 film,
8 that they went through the various levels and talked about
9 that. This video that I just seen seemed to go, as I
10 recall, it now seems to go into a little more detail as I
11 compare the two, in regards to the care and -- you know.
12 It seemed to be a little more updated and newer.

13 Q The current video has more detail; is that what
14 you're saying?

15 A In regards to the maintenance about soap and
16 water and perspiration and like that.

17 MR. DUNBECK: Fred, could I have a one --

18 MR. SILVESTER: One of them. Not the one we've
19 already marked.

20 (Discussion held off the record.)

21 Q (BY MR. DUNBECK) I'm going to show you what's
22 been previously marked as Exhibit No. 36, and I'm going to
23 refer to page D00499. And there's a table on that page,
24 table 1, titled Protection Afforded by Police Body Armor,
25 and there's some horizontal lines across it. And grouped

1 within I guess it's actually the fourth group of
2 horizontal lines, is 7.62 FMJ. Do you see those groups of
3 threats?

4 A Yes, I do.

5 Q Mr. Silvester asked you questions concerning Mr.
6 House's, or Lt. House's, vest's ability to the stop those
7 threats. Do you recall those questions?

8 A Yes, I do.

9 Q I believe, if I'm not mischaracterizing your
10 testimony, that you indicated that Mr. House's vest, based
11 upon your understanding at the time of the purchase, would
12 have stopped each of those threat levels; is that correct?

13 A Yes, it is.

14 Q In responding to that question, is it it your
15 understanding that Lt. House's vest would stop those
16 threat levels if the bullet did not strike the ceramic or
17 steel plate insert?

18 A It was my understanding that the vest would not
19 stop some of those rounds if it did not strike the metal
20 plate.

21 Q The rounds that it would not stop would be
22 rounds shot from long-barreled guns or rifles; is that
23 correct?

24 A That's correct.

25 Q So if some of these rounds were shot from

1 short-barreled weapons, you would anticipate that they may
2 be stopped by the soft part of the body armor as opposed
3 to the ceramic plate?

4 A That's correct.

5 Q Do you have an opinion whether Lt. House shared
6 your view that you've just expressed of his vest's
7 bullet-stopping capabilities?

8 MR. SILVESTER: I'm going to object to the
9 opinion testimony. I don't think he's got adequate
10 foundation to have an opinion on what Fred knew or
11 thought.

12 Q (BY MR. DUNBECK) Do you have an opinion about
13 that?

14 A Yes, I do.

15 Q And what is that opinion?

16 A On occasions Fred would pull the plates out when
17 we'd go do various operations, and in listening to him
18 talk about the plates, I believe he felt that his vest
19 without the plates had the same ballistic capabilities as
20 did the rest of the SWAT team members.

21 Q Which was that it would stop handguns but not
22 rifles; is that correct?

23 A .44 magnum or less handguns, yes.

24 Q But not rifles?

25 A But not rifles.

1 Q Based upon your conversations with Lt. House
2 then, you believe it was his understanding that the plate
3 was necessary in order to stop rifle fire?

4 A Yes.

5 MR. SILVESTER: Objection again. I don't think
6 there's adequate foundation for that.

7 Q (BY MR. DUNBECK) What is the basis for the
8 opinion that you just expressed that Lt. House understood
9 that the plate was necessary in order to stop rifle fire?

10 A I thought that that would be what he was told,
11 that to increase the protective capabilities of his vest
12 to accomodate rounds from long guns, he would have to have
13 those plates in place.

14 MR. SILVESTER: Object to the question and the
15 answer as nonresponsive, and move to strike.

16 Q (BY MR. DUNBECK) Let's do a time out. I have
17 to tell you a quick story. I did a deposition of one of
18 the partners in our law firm who is a transactional
19 attorney, on Friday, and I never explained to him,
20 thinking that he knew how depositions were, that we do
21 objections and then we have answers. So we had a big
22 objection and he sat there. I'm going --

23 So anyway, the practice is that they make
24 objections, I've made objections, to preserve them for the
25 Court, and then you're permitted to go ahead and answer

1 unless your attorney directs you otherwise. And it's
2 really -- it's not a game, but it's something necessary
3 for us to do to preserve our record for when we get to
4 court.

5 MR. SILVESTER: Right.

6 Q (BY MR. DUNBECK) Your understanding of what Lt.
7 House knew about the bullet-stopping capabilities of his
8 vest, is it true that it's that knowledge is based upon
9 what the people in the SWAT team knew generally, common
10 knowledge if you will?

11 MR. SILVESTER: Again I'm going to object as
12 lack of foundation. I don't think he has yet said he has
13 an opinion that he knows what Fred knew. He just assumed
14 Fred knew certain things. And I don't think that's
15 adequate foundation for him to render an opinion.

16 MR. DUNBECK: Okay.

17 THE WITNESS: I don't know where we're at.

18 MR. DUNBECK: Could you read the question back?
19 (Record read.)

20 MR. SILVESTER: Again, vague and ambiguous, and
21 I don't think there's foundation to answer that.

22 MR. HALE: That's if you know. Answer it.

23 THE WITNESS: I would answer yes, in that a lot
24 of the exercises that we would participate in, if it was
25 very close quarters, a lot of building clearing, that Fred

1 would take the plates out, and as we would talk about it,
2 you know, we would reason out that the probability of
3 someone having a long gun in there was minimal, and we
4 would probably be up against shotguns and handguns.

5 Yet when we would go out to Camp Williams and do
6 run-and-shoot exercises out, you know, even though we
7 might be operating in a 50 yard area, Fred would always
8 put the plates in, because he would be so much more open
9 to being hit from a long gun. A long gun could get to him
10 in those types of scenarios.

11 Q (BY MR. DUNBECK) I want to go to a different
12 place and try to review some of the things that Mr.
13 Silvester has already reviewed with you. And let me, if
14 your counsel will permit, preface my comments by
15 explaining parts that I'm confused about, and then maybe
16 we can work through.

17 What I'd like to have is a clear understanding,
18 if I can, of the organizational structure of the
19 department. And I've never seen this as far as who's on
20 top, which I assume is the warden, and we work down, and
21 how the SWAT team fits within the organizational
22 structure. So that's what I'm going to try to do. But
23 let me ask some questions to arrive at that.

24 MR.. HALE: Will you identify a time period,
25 please?

1 Q (BY MR. DUNBECK) Yes. Let's start with the
2 time period prior to the purchase of the SWAT team vests.

3 A Okay.

4 Q At that time I'm assuming that --

5 MR. SILVESTER: Joe, before you get into this,
6 I don't know if this will speed anything up, but you've
7 asked him a few questions about the video. Would it be
8 worthwhile for Rand and I to ask him about the video now
9 before we go onto a bunch of other stuff while he's got it
10 fresh on his mind? Otherwise we might have to show him
11 the same video the next time he comes back.

12 MR. HALE: I'd like to do that.

13 MR. DUNBECK: Sure. I have no objection to
14 that, Rand. Do you?

15 MR. HIRSCHI: I have no objection.

16 MR. DUNBECK: In fact, for the record, I was
17 handed the video as I was walking out this morning. The
18 one I showed you is not the one I thought we were going to
19 see. So for whatever it's worth, go ahead.

20 MR. HIRSCHI: And I don't have any questions.
21 So why don't you go ahead.

22 MR. SILVESTER: Regarding the video?

23 MR. HIRSCHI: Regarding the video.

24 FURTHER EXAMINATION

25 BY MR. SILVESTER:

Tab 10

CERTIFIED COPY

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

---oooOooo---

ANN C. HOUSE, individually :
and as the Personal
Representative of the Estate :
of Freddie Floyd House,

Plaintiff,

vs.

ARMOUR OF AMERICA, INC., :
a California corporation; :
LAWCO POLICE SUPPLY, a Utah :
corporation; E.I. Du PONT :
de NEMOURS, a Delaware :
corporation, and JOHN DOES :
III through XX,

Defendants.

Civil No. 90-C-508A

Deposition of:

WAYNE MARK JORGENSEN

Hon. Aldon J. Anderson

---oooOooo---

Deposition of WAYNE MARK JORGENSEN, taken at the instance and request of the Plaintiff, at the law offices of Suitter, Axland, Armstrong & Hanson, 175 South West Temple, #700, Salt Lake City, Utah on the 31st day of October 1990, at the hour of 2:35 p.m., before DAVID A. THACKER, a Certified Shorthand Reporter, Registered Professional Reporter, Utah License No. 173, and Notary Public in and for the State of Utah.

---oooOooo---



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001230

1 A A fully automatic 308, belt fed.

2 Q That's a machine gun?

3 A Yes. Fully-automatic machine gun. An H & K
4 MP5, which is a fully-automatic 9 mm submachine gun with a
5 silencer, suppressor. And some .223, H & K .223s.

6 Q Is that a rifle?

7 A Yes. And a number of 9 mm pistols.

8 Q Did you shoot at targets or --

9 A Yes.

10 Q I guess you shot at something.

11 A Yes, we did.

12 Q Did you have occasion to shoot anything else
13 that day?

14 A Yes.

15 Q What did you shoot?

16 A A ballistics vest.

17 Q Do you remember what manufacture that vest was?

18 A I do not.

19 Q Do you remember what threat level it was?

20 A I do not.

21 Q How did they set up the vest for you to
22 shoot it?

23 A They leaned it against a four-by-four wooden
24 post and secured the straps as if the post were a small
25 portion of the chest in a vertical position.

1 I'm not coaching anyone. I think you have to be fair with
2 the witness.

3 MR. DUNBECK: Do you want to read back the
4 question and the answer?

5 MR. SAMPSON: Read back the question.

6 MR. DUNBECK: My question was its purpose was to
7 stop rifle fire. I wasn't characterizing any evidence of
8 his. I was asking him a question.

9 Q (BY MR. DUNBECK) Its purpose was to stop rifle
10 fire; isn't that correct?

11 A All fire, rifle, pistol, directed at you.

12 Q The stopping power of Lt. House's vest, its
13 ability to stop rifle fire, depended upon it having the
14 ceramic or steel insert in place; isn't that correct?

15 A What little I know of his particular vest, yes,
16 the trauma plate would need to be there.

17 MR. SAMPSON: Just to clarify the record, Joe,
18 are you talking about the witness' knowledge now or
19 before?

20 MR. DUNBECK: The witness' knowledge on which
21 his opinion that Lt. House was surprised that -- would
22 have been surprised in this situation.

23 THE WITNESS: That would have been the knowledge
24 I was in possession of prior to his death.

25 Q (BY MR. DUNBECK) And would he have had that

1 knowledge as well, in your opinion?

2 A Yes.

3 Q So if I'm correctly understanding, and you will
4 correct me, and your counsel and Plaintiff's counsel will
5 correct me, but the surprising aspect of the incident was
6 the distance that the bullet had to travel, number one?

7 A Number one, yes.

8 Q And number two was --

9 A The caliber.

10 MR. HALE: Was there any other numbers?

11 Q (BY MR. DUNBECK) That's fine. I thought there
12 were only two. Was there any other numbers?

13 A There are several factors in there, in my
14 opinion.

15 Q Based upon what you know today, that would make
16 you think that that vest should have stopped this rifle
17 fire.

18 A Yes.

19 Q One was caliber.

20 A One was caliber. Velocity.

21 Q How would you know the velocity?

22 A Well, .30 caliber carbine.

23 Q What's the velocity of a .30 caliber carbine?

24 A Well, I would need to know the head stamp on
25 that particular case. I'll bet you it's an army surplus

1 and pulling the trigger with his right thumb.

2 Q Did Fred House see that video?

3 A I have no knowledge of that.

4 Q Is it possible that that was a Second Chance
5 presentation? If you don't know --

6 A I don't know.

7 MR. HALE: When you say Second Chance, that's a
8 name of video?

9 MR. DUNBECK: The manufacturer.

10 THE WITNESS: The manufacturer.

11 MR. DUNBECK: He's the guy that we talked about
12 yesterday who shoots himself.

13 MR. HALE: I just remembered it.

14 Q (BY MR. DUNBECK) Other than the H & K
15 presentation or whatever it's called, did you have other
16 discussions with Fred House concerning the bullet-stopping
17 abilities of his vest?

18 A Yes.

19 Q I think you mentioned earlier that he called
20 himself superman sometimes.

21 A Yes.

22 Q Could you describe to me the circumstances in
23 which he would do this.

24 A It would be usually after we'd stuck him with a
25 dagger or clubbed him with a stick or a piece of pipe.

1 Q It was part of the roughhousing that you
2 described before.

3 A Yes. Yes, it was. And just a discussion that a
4 feeling Fred had that he was okay up to a 30-06, a full
5 metal case 30-06. Anything in that range he'd be up the
6 creek.

7 Q And I know he's a friend of yours, it's
8 unfortunate, nobody is arguing about --

9 A No. I understand. I understand.

10 Q But the impression I get is that Fred, in fact I
11 read an article by his sister that Fred swaggered, he
12 couldn't walk without swaggering. Is that a fair
13 characterization of his personality?

14 A Yes.

15 Q Cocky?

16 A He knew he possessed the abilities to be able to
17 defend himself, either armed or unarmed.

18 Q When I go into court I'm cocky because I'm
19 prepared. Is that the way he was cocky?

20 A Uh huh. He knew the tactical plan, he knew the
21 backup was there, he knew the limitations of his handgun
22 or an MP5 or whatever he might be carrying, and he knew
23 that if worse came to worse he had these (indicating).

24 Q And to your knowledge, he was educated in the
25 use of his equipment?

1 A Oh, yes.

2 Q More so than most corrections officers?

3 A Yes.

4 Q He was interested in it as well as it was his
5 job; is that fair?

6 A He had to be interested because he came from
7 California and didn't know beans about it, so he was
8 playing a lot of catch-up.

9 Q I see.

10 A To become acquainted with it. And then he
11 became an expert.

12 Q The H & K presentation, I couldn't write fast
13 enough. I have Bartel was there, Carl Bartel.

14 A (Witness indicating affirmatively.)

15 Q Fred was there.

16 A Yes.

17 Q And I've got a Jim is it?

18 A I think Jim Horlacher was there.

19 Q Who is he?

20 A I believe he was with the enforcement bureau at
21 the time, assigned to go simply to see if their weapons
22 would be of use in our setting, in the prison setting.

23 Q Why were you invited?

24 A Because of my expertise in sniping.

25 Q And Fred House was invited because he was the

1 ceramic plate, the bullet.

2 A Yes.

3 Q And that's based on your understanding today; is
4 that correct?

5 A Yes.

6 Q And you had that same understanding at the time
7 of the Marion incident; is that correct?

8 A No.

9 Q What was your understanding at the time of the
10 Marion incident?

11 A Prior to Marion, my belief was that without that
12 trauma plate, we were in pretty good shape without the
13 trauma plate, in stopping fire, even on the side, from the
14 back, from the front, from wherever it may be.

15 Q What was your opinion or understanding as to
16 what, without the trauma plate or without the ceramic or
17 steel insert, what was your understanding that that vest
18 would stop?

19 A Anything but rifle fire. Rifle fire, not
20 carbine. Carbine fire.

21 Q How do you define rifle?

22 A Rifle, anything over 16 inches.

23 Q What is your opinion as to what Lt. House
24 thought that the vest would stop without the ceramic or
25 steel inserts?

Tab 11

IN THE THIRD JUDICIAL DISTRICT COURT FOR SALT LAKE COUNTY

STATE OF UTAH

ANN C. HOUSE, individually and)	
as the Personal Representative :	
of the Estate of FREDDIE FLOYD)	
HOUSE, :	
Plaintiff,)	
vs. :	Civil No. 890901427CV
)	
ARMOUR OF AMERICA, INC., a :	Hon. Richard Moffat
California corporation, LAWCO)	
POLICE SUPPLY, a Utah corpora- :	
tion, E.I. DuPONT de NEMOURS,)	
a Delaware corporation, and :	
JOHN DOES III through XX,)	
:	
Defendants.)	

DEPOSITION UPON ORAL EXAMINATION

OF

STEVE MINOR

Taken Pursuant to Notice and the Utah Rules of
Civil Procedure
Tuesday, February 25, 1992, 1:40 p.m.

At the offices of:

Suitter, Axland, Armstrong & Hanson
Attorneys at Law
700 Clark Leaming Office Center
175 South West Temple, Suite 700
Salt Lake City, Utah 84101-1480

By: Peggy Grover, R.P.R., C.M., Notary Public



Associated Professional Reporters
10 West Broadway / Suite 200 / Salt Lake City, Utah 84101

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1 Q. What was on that list; do you recall?

2 A. It started out like you mentioned, from handcuffs
3 and restraints to flashlights to the uniforms. We bought
4 shirts, hats, boots, and then it went into belt equipment,
5 speed loaders, holsters, and then developed into vests, and
6 things like that.

7 Q. And you said you were the quasi-equipment man?

8 A. Yes.

9 Q. What do you mean by quasi?

10 A. Quasi meaning they appointed as going through me and
11 I remember Will Fowlke directing me being equipment person for
12 all requisitions, and things, and items that we needed would
13 come through me. I was supposed to be inventorying and making
14 sure everybody had them, and wasn't taking other stuff, and
15 everything like that. Like I said, even if they had sometimes
16 seemed to be their own equipment manager, if they could get--

17 Q. I see.

18 A. And it wasn't one person's fault, it was just the
19 operation of the department at that time, or the operation of
20 the facility at that time. If I was working in an area where
21 I had a lot off free time, then I could go up to Lawco, or I
22 would go up to Lawco, or I could go up to Gallenson's, the
23 other place, Pro Arms. Well, Pro Arms wasn't around then, but
24 other places, and get the items that were needed. My position

25 COMPUTERIZED TRANSCRIPT

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1 didn't allow me to do that, I was tied down. So the only time
2 I could do it, there were certain days that I knew that I was
3 going to be shut down that they would say, "This is what we
4 need. Go get the requisition and go pick up this, and
5 inventory them, identify them, and say this is yours and this
6 is yours," and so on.

7 Q. Now, we have heard a fair amount of the process of
8 determining what vest to buy and how they were purchased. Can
9 you tell us what you remember about that.

10 A. What I remember was we received brochures of
11 everybody that we thought made flack vests and, again, at that
12 time I don't know if there were one, two or 15,000 companies,
13 I don't know, but what information we talked about at that
14 time and, you know. My understanding is there were tests
15 done, and things like that, that this vest would do this, and
16 this vest would do that, and the two that come to mind was
17 Body Armour and Point Blank, I think it was. There were two
18 that I specifically remember and only remember probably in
19 regards to the protection vest or flack vests at that time,
20 but I think there was more, more companies. It was just those
21 are two that seemed, you know, this day that come to my mind.

22 Q. How did you obtain the brochures you mentioned?

23 A. Just got them from the various distributors, wrote
24 the companies and had them sent.

25 Q. Would you do that yourself sometimes?

COMPUTERIZED TRANSCRIPT

1 A. Well, I did or, like I said, whoever thought that
2 they needed one, they would get it, and then we had an
3 armorer, Tom Troop, that was involved. I think he would just
4 come in at the armory. He was supposed to keep track of the
5 bullets, and the guns, and the main lethal inventory stuff,
6 and he would also get that information, because he was on the
7 mailing list, or whatever, and then he would send it to us.

8 Q. Pass it on to you?

9 A. Yes.

10 Q. What was his name again?

11 A. Tom Troop.

12 Q. T-r-o-o-p?

13 A. Yes.

14 Q. And he was the prison armorer when?

15 A. At that time we didn't really have an assigned
16 armorer but he was the one that would clean the guns and take
17 care of it. I think he did go back that far. If he wasn't,
18 he came in right shortly with that equipment.

19 Q. Do you recall sales representatives, salesmen coming
20 around to talk to you at the prison?

21 A. I remember probably a couple individuals coming and
22 talking about stuff but I don't remember who they are or what
23 they were or anything. I can't even tell you if they were
24 talking about vests, or flashlights, or guns, or whatever. It
25 is just that the time that we spent in regards to people

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1 talking to us was numerous. We had Hechler and Koch people
2 come and talk to us. I remember them inviting us on a
3 shooting one time up at the Salt Lake Gun Club, and we had
4 somebody, I think, representing Smith & Wesson and, like I
5 said, it was a lot of different people, but I don't remember
6 anybody in particular saying by name who they represented or
7 who it was at that time.

8 Q. Or even if they were there for the body armor or
9 something else?

10 A. Yes. I relied more probably on the brochures and
11 the distributors explaining to me what the flack vest, body
12 armor would do, yes.

13 Q. Do you recall eventually making a decision
14 determining what armor to buy?

15 A. Yes.

16 Q. Do you recall what kind of armor that was?

17 A. I think it was Body Armour, Armour of America, or
18 whatever it was, from Lawco. I do remember the day I did take
19 a trip with one other officer, and I think it was Karl
20 Bartell, that we went up to Lawco personally and I think when
21 we went up there we weren't there about vests but we got
22 talking about vests. We were talking about speed loaders and
23 there is a name for it, but it is special belts, and stuff,
24 that we acquired at that time, holsters, and things that would
25 be the best, and I do recall that.

COMPUTERIZED TRANSCRIPT

1 Q. Do you recall where that store was at that time?

2 A. Not exactly, but we took off there by Layton
3 somewhere and we come up around by Weber State and it was
4 right there on that road before you take off to go to Weber
5 State down in Ogden. If I remember, it was a building by
6 itself somewhere on a highway. That was the only time I ever
7 went to Lawco.

8 Q. Now, did you all get together, all of the SWAT team
9 get together and decide, "This is the vest we are going to
10 buy"?

11 A. Yes.

12 Q. And we know you got nine soft body or soft armor
13 vests.

14 A. Well, I think we got together as a group and we
15 decided what we wanted between a couple of choices, but I
16 think the final outcome was two got the bid on it, if I
17 recall, because it was over \$200, or it was over the amount
18 that we didn't have any control on, so it had to go out to
19 bid, if I remember right.

20 Q. So it was either -- Maybe it depended on whether
21 Lawco gave the low bid?

22 A. Gallenson's or somebody, I don't know exactly who
23 all was involved in the bid at that time.

24 Q. I guess the bid process may have been that they sent
25 requests for bids or quotations out to all of the police

COMPUTERIZED TRANSCRIPT

1 supply stores around?

2 A. Yes. And I wasn't involved in that part so I really
3 don't know what the specs were or what we were after, or
4 anything. All I remember is, "It will stop the bullet." And
5 one issue did come up that I recall, you know, strongly was,
6 "What about an ice pick?" And they said, "There isn't a vest
7 out that will stop an ice pick." Because I didn't really care
8 about an inmate having a gun as much as I cared about inmates
9 having an ice pick or sharp instrument that would pierce it.
10 That was my concern. The information was, "Nothing is going
11 to stop a spike or an ice pick but it will stop bullets up to
12 .44 caliber," or something, is what was explained.

13 Q. Up to .44 magnum?

14 A. Yes, up to the plated vest, .38 on the others, or
15 something like that. It will knock you down but it will not
16 penetrate, was the information I remember.

17 Q. And so you got your own vest when they were finally
18 delivered?

19 A. Yes.

20 Q. Before we get into that, maybe you remember who at
21 the prison in those days would have been responsible--this was
22 in around June of 1981--who would have done--

23 A. Purchasing?

24 Q. Purchasing.

25 A. Frank Allred. He has been there for 28 years.

COMPUTERIZED TRANSCRIPT

1 about was an ice pick. When I got the vest I wasn't concerned
2 about, because we weren't into any tactical training where we
3 had people firing back at us, and so, you know, to give you an
4 answer by saying I thought I was God with it, no, but to say
5 that I wasn't safe with it, no, either. So it was kind of in
6 between. I never knew. The only reason I knew it was there
7 was because of the weight. Other than that, I didn't care,
8 but I figured, you know, through stats and through reports,
9 that they do save lives and it would help. That's all I
10 remember.

11 Q. I probably asked a bad question then where I said
12 expectation. If someone were to ask you, "Will that vest stop
13 a rifle fire," what would your answer have been?

14 A. I would say, "My understanding is it would stop up
15 to a .44 but I could suffer broken bones, or fall down and
16 crack my head, or whatever," and that's all I would say.
17 That's what I would say is my understanding, because we didn't
18 take one up to the range and shoot a bullet on it or put one
19 on and somebody say, "Stand there and let's see if it really
20 works."

21 Q. That's a .44 magnum pistol you are talking about?

22 A. Yes.

23 Q. And up to, so what about beyond a .44 magnum?

24 A. My mind?

25 Q. In your mind at that time.

COMPUTERIZED TRANSCRIPT

1 A. You would have to get into high caliber bullets,
2 .300s, 30.06, and .308, things like that.

3 Q. Those are bullets you couldn't expect to stop?

4 A. My expectation, I wouldn't expect it to stop.

5 Q. Now, Fred House had a different vest?

6 A. Yes.

7 Q. And you all got together and talked about the vest
8 he was going to get?

9 A. We were instructed through some of our training with
10 Mike Rowzee, and stuff, "If you have what you call an entry
11 man, the man that goes first, you want him to be better
12 protected than the rest of you, because he is the one that is
13 going to take the brunt of whatever you are facing." And so
14 at that time the request was, "If you go to that, then get
15 something better for the entry guy, the guy that goes in
16 first." And that was Fred at that time was the entry man, and
17 the vest really wasn't bought for Fred as much as the vest was
18 bought for the position, which was the entry man.

19 Q. And Fred was in that position?

20 A. Fred was the entry man, that was his assignment.

21 Q. And how was that vest different; can you recall?

22 A. The vest was different to the point, I think it was
23 the same as ours in regard to what it would do except with a
24 plate in the front that was made out of a special Kevlar,
25 ceramic material, or something that I didn't fully understand.

COMPUTERIZED TRANSCRIPT

1 I am not an entry man, so I really didn't have a lot of--what
2 should I say--saying, "How does this work? What does it
3 really do," or anything.

4 Q. Did you ever look at it?

5 A. Yes, I seen the plate. It came out and they pulled
6 it out and showed it to everybody and how thick it was, and
7 how hard it was, and stuff.

8 Q. Can you remember how thick it was, what it looked
9 like?

10 A. It seemed like it was about three-quarters of an
11 inch, if I recall.

12 Q. Do you remember the size?

13 A. About a 12x12, roughly, maybe something like that.

14 Q. And do you recall how it fit? You say they pulled
15 it out.

16 A. It fit in the main body mass, in the middle of the
17 vest in the front, as I recall.

18 Q. Covered the chest area basically?

19 A. Yes, the vital organ section, is what my
20 understanding was.

21 Q. And what did you understand about the stopping
22 capacity of that vest?

23 A. Just through what Fred said and what the others were
24 talking about. Again, I didn't see any information that it
25 would stop anything. It would stop a high powered rifle

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1 unless it was armor-piercing special bullets made by Russia,
2 or somebody, then it might be different, but that's all I ever
3 heard.

4 Q. Now would high powered rifles have to hit it
5 straight for it to stop it?

6 A. Yes, that's my understanding, was if you hit the
7 plate, then it would stop it. If it didn't hit the plate,
8 then it would penetrate past that.

9 Q. Without the plate, the vest had approximately the
10 same stopping capacity as --

11 A. As mine.

12 Q. --as your vest?

13 A. Correct.

14 Q. Do you recall ever talking to anyone from Lawco
15 Police Supply about the vest specifically?

16 A. No, I don't.

17 Q. You don't recall any conversations about the vest at
18 all with anyone from Lawco?

19 A. Just the times I have mentioned before and that was
20 off the wall stuff but none-- I did not talk to anybody from
21 Lawco on specifics about vests at all that I recall.

22 Q. You don't recall talking to anyone from Lawco about
23 the Armour of America vests that were finally purchased for
24 the SWAT team?

25 A. No.

COMPUTERIZED TRANSCRIPT

1 Q. And you don't remember anyone from Lawco coming to
2 the SWAT team or making a presentation to the SWAT team with
3 respect to the vest?

4 A. I don't recall exactly who it was but there were
5 people that had come and talked to us about various things but
6 I don't remember exactly who it was or what it was.

7 Q. And you don't know whether or not any of those
8 people were from Lawco Police Supply?

9 A. Not directly, no, I don't.

10 Q. Were you involved in the Marion scene at all?

11 A. No, I wasn't on the SWAT team at that time.

12 Q. You were on the SWAT team until 1987?

13 A. Roughly 1986 or '87. Just after Mr. DeLand came in
14 there was a changing of the SWAT team in regards to, you know,
15 again my position kind of took me away, handicapped me from
16 going out on training and doing a lot of that stuff, and they
17 wanted younger people.

18 Q. He was thinking of making a full time SWAT team?

19 A. Fred was, due to the fact he was in Enforcement and
20 his assignment was in the Enforcement area, and he was canine.

21 Q. Were you a close friend of Fred's?

22 A. I would say fairly close, yes, just through work
23 relationships.

24 Q. Did you do social things with him outside?

25 A. A couple of things. I studied karate from him and

COMPUTERIZED TRANSCRIPT

1 several vest models; do you remember? In other words, did
2 Lawco just represent one manufacturer or did they have several
3 manufacturers?

4 A. That I couldn't answer for sure.

5 Q. But, in any event, if Lawco didn't represent
6 several, you at least got material from several so you could
7 compare them. Right?

8 A. Information, yes.

9 Q. And make a decision so that you had more than one
10 choice; in other words, you had to be sure that whatever they
11 got is something your team really wanted, it was the best you
12 could get, but there also had to be a bid involved, as I
13 understand you?

14 A. That's what I understand.

15 Q. Do you recall who else was chosen by you, other than
16 the Armour of America vest that you people selected, for the
17 bid; do you remember?

18 A. No, I don't know who was on the bid. I remember
19 Point Blank seems to ring a bell, and that's the only other
20 one I can remember.

21 Q. Second Chance?

22 A. It could be but Point Blank just stands out for some
23 reason, I don't know why.

24 Q. Do you have a vest now, Steve?

25 A. No.

COMPUTERIZED TRANSCRIPT

and--

A. I think revolver and a pistol is the same thing, and I guess you can use pistol and semi-automatic is the same thing, when I say semi-automatic. I recall that they either call it a pistol or a revolver.

Q. You are talking about handgun?

A. Right.

Q. That is what you are talking about when you are talking about the kind of weapons this soft body armor will stop--handguns?

A. Right. Correct.

Q. Have you ever participated in or observed any shooting of vests, testing of vests?

A. No, I haven't. The only thing that I would have been even in contact with was training tapes that showed vests being shot at, and things like that.

Q. That's what I was going to get to next.

A. Okay.

Q. Did you ever see any videos or training films on vests?

A. Yes, I recall seeing those.

Q. Do you remember how many you saw?

A. Maybe two.

Q. Would that be before or after you bought the vests; do you remember?

COMPUTERIZED TRANSCRIPT

Tab 12

CERTIFIED COPY

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

---oooOooo---

ANN C. HOUSE, individually :
and as the Personal
Representative of the Estate :
of Freddie Floyd House,

Plaintiff,

vs.

ARMOUR OF AMERICA, INC., :
a California corporation; :
LAWCO POLICE SUPPLY, a Utah :
corporation; E.I. Du PONT :
de NEMOURS, a Delaware :
corporation, and JOHN DOES :
III through XX,

Defendants.

Civil No. 90-C-508A

Deposition of:

JERRY RICHARD POPE

Hon. Aldon J. Anderson

---OooOooo---

Deposition of JERRY RICHARD POPE, taken at the instance and request of the Plaintiff, at the law offices of Switter, Axland, Armstrong & Hanson, 175 South West Temple, #700, Salt Lake City, Utah on the 30th day of October 1990, at the hour of 2:05 p.m., before DAVID A. THACKER, a Certified Shorthand Reporter, Registered Professional Reporter, Utah License No. 173, and Notary Public in and for the State of Utah.

---oooOooo---



Associated Professional Reporters
10 West Broadway / Suite 200 / Salt Lake City, Utah 84101

1 A My understanding of blunt trauma, is that even
2 though the round doesn't penetrate the vest, it deforms
3 the vest a certain distance inside, into the body, and if
4 it goes past a certain distance it can be considered
5 lethal even without penetrating the vest.

6 Q How did you come to that understanding?

7 A Read about it, tried to understand what it was
8 when I was buying the vest.

9 Q Do you remember where you read it?

10 A No, huh uh. I don't remember.

11 Q It sounds like you did quite a bit of research
12 before buying your vest; is that accurate?

13 A A little bit. Yeah. Yeah.

14 Q Do you remember any of the publications you read
15 about vests?

16 A No. Not per se. Before -- no. Basically what
17 I looked at was the manufacturer charts that they issue
18 with the vests that state the different types of weapons
19 and bullet weights and stuff like that that -- barrel
20 lengths that the vest should stop.

21 Q What calibers or bullets does the vest that you
22 bought, the American Body Armour vest, say that it will
23 stop?

24 A If I remember right, it's been a long time since
25 I've looked at it, it will stop all the way up to 00 buck,

1 .44 magnum, I believe it will even stop a slug out of a
2 shotgun. And most handguns, if I remember right, even
3 some of Israeli weapons, the longer 9 mm barrels. But I
4 don't believe it will stop normal rounds, but I'm not
5 sure.

6 Q Have you come to any understanding of the
7 difference between Israeli 9 millimeters and Norma 9 mms?

8 A The only thing I know about a Norma, is that
9 it's a steel-jacketed round. Israeli, the only difference
10 in that is that it's -- I don't know the particulars on
11 the bullet, but usually the barrel lengths are a little
12 bit longer. And so they're usually an Israeli weapon that
13 has longer barrels, my understanding on it.

14 Q When did you determine that Norma 9 mms were
15 steel jacketed?

16 A That was before -- that was after I purchased
17 the vest. So that's been since that I've learned about
18 that.

19 Q How did you find out?

20 A About that type of round? To tell you the
21 truth, I don't even remember. I just saw it in some
22 literature somewhere. That's about it.

23 Q When you did this initial research, did you come
24 to some kind of understanding about the way vests work?

25 A Basically a little bit, yeah.

1 A Well, the SWAT team at that time, our -- we were
2 attached to the FBI, and so our SWAT team really didn't
3 have anything to do with that. We were attached to the
4 FBI and were under FBI jurisdiction.

5 Q I see. So basically you were, that is you being
6 the people from the Department of Corrections who were
7 assisting, were just asked to come in and assist?

8 A Correct. We were asked by the FBI and the
9 Department of Public Safety.

10 Q Right. Can you recall kind of what plans were
11 made that morning for you and Fred?

12 A Yeah. Pretty good.

13 Q Tell us just generally what the plan was, how
14 that was all set up.

15 A Well, there was actually two plans.

16 Q Okay.

17 A The first plan was there was two houses, there
18 was the Bates home and then the home directly behind the
19 Bates home was the white house. The first plan was for me
20 and Officer Cardall from the second house to come out with
21 an FBI SWAT team to the try to apprehend Adam and Jonathan
22 as they came out to shoot the speakers like they'd done
23 previously. We attempted to do that and that failed.

24 The next plan was for two dogs to be situated in
25 the Bates home, when Adam and Jonathan came out of the

1 house to milk the goat like they had every morning, to
2 deploy the dogs and in essence separate them from the
3 rest of the group and try to make the apprehension at that
4 point.

5 Q And that's the one that you were putting into
6 effect at the time that Fred was shot; is that right?

7 A Yes, it was.

8 Q How long had you been in the house before the
9 dogs were to be turned loose?

10 MR. HALE: Are you talking about that day?

11 Q (BY MR. SILVESTER) That day, yes.

12 A Probably, if memory serves, four or five hours.

13 Q Okay.

14 A Somewhere in there, if I remember right.

15 Q Had you worked with Fred on prior occasions?

16 A Yes, I had.

17 Q And you were working, he was the lieutenant over
18 the K-9 core at that time; is that right?

19 A Yes, he was. Uh huh.

20 Q What kind of supervisor was Fred?

21 A I couldn't have asked for a better supervisor.
22 I thought he was a good supervisor. He knew what he was
23 doing and was a good supervisor.

24 Q In terms of his work with the K-9 group, what
25 were there; four officers at the time?

1 A There was six of us.

2 Q Six of you at the time.

3 A Five or six. I can't remember, it's changed so

4 often.

5 Q What kind of officer was Fred?

6 A You wouldn't find a better officer.

7 Q Why do you say that?

8 A He knew what he was doing, well trained, very

9 level-headed, and had a lot of common sense. The type of

10 person you'd want with you.

11 Q Had you ever seen Fred wear his vest before?

12 A On other occasions?

13 Q Yes.

14 A Yeah. I believe I had.

15 Q Had you ever talked with him about his vest,

16 what kind of vest he had?

17 A No.

18 Q What it did?

19 A No.

20 Q Did you talk with him the day that you were in

21 Marion at all?

22 A Regarding --

23 Q About his vest.

24 A No.

25 Q When the plan was made for the two of you to go

1 to the Bates house and try to separate the two individuals
2 with the dogs, was there some sort of plan as to who was
3 ato go out the door first?

4 A Yes, there was.

5 Q And what was that plan?

6 A Fred would go in front of me and I'd be directly
7 behind Fred.

8 Q Was there a particular reason for Fred going
9 first?

10 A I don't know if there was a particular reason,
11 other than it was Fred.

12 Q Explain that to me.

13 A Fred liked to be at the front of everything.
14 So, you know, and he had the experience and the training.
15 And so I think, you know, I don't think you'd have found
16 him anyplace else.

17 Q Were you aware up to that point that he'd been
18 the point man for the SWAT team upon more than one
19 occasion?

20 A Yes.

21 Q What happened that morning; can you recall?

22 A At which point?

23 Q From the time it was Jonathan, and I can't
24 remember the other --

25 MR. DUNBECK: Adam.

1 Q (BY MR. SILVESTER) The two gentlemen came out
2 of the other house. Just tell us what happened.

3 A We got the signal from the observers that they
4 were coming out of the house and to get ready. We went in
5 and staged at the front door. Freddie opened the door, we
6 got the dogs ready and sent the dogs.

7 Q Then what happened?

8 A If I recall right, the dogs went out, and the
9 next thing I knew, Fred was over, had been shot and was
10 over on the side. And then the dogs came back in the
11 house and I was busy getting dogs under control.

12 Q Did you have any understanding of what kind
13 of weapons the Singers had in their compound before you
14 went in?

15 A Yeah.

16 Q And what did you understand they had?

17 A Well, we knew they had rifles. Particular
18 calibers, no. I knew that Adam was carrying a 30-06,
19 because it's an M-1 Girand, and I knew they'd seen some
20 carbines. But other than that, some handguns and stuff
21 like that.

22 Q Okay.

23 A So we knew they had rifles.

24 Q After Fred was shot what happened?

25 A After Fred was shot I got the dogs under

1 facility involving Lt. House?

2 A Yes, I was.

3 Q How many assignments like that were you involved
4 envy?

5 A I couldn't even give you a number. I don't
6 know.

7 Q And this was part of the K-9 unit?

8 A Uh huh.

9 Q What types of things were you assigned to?

10 A Well, like I said before, we assisted adult
11 probation and parole with their narcotics searches. If
12 they were doing apprehensions, we set up perimeters on the
13 outside in case somebody came through. Building
14 clearings, that kind of stuff.

15 Q So you were involved in some siege-type
16 situations in which you had to go in?

17 A Sure. I guess, yeah.

18 Q When did you acquire your body armor?

19 A The first to middle of '87.

20 Q Would you describe what your body armor looks
21 like?

22 A Well, it's just the basic front and back with a
23 wrap-around sides.

24 Q Does it have -- excuse me.

25 A It doesn't have a separate cover from itself.

1 It's all contained in one unit.

2 Q Does it have a ceramic or steel insert that can
3 be used?

4 A Yeah. It's got a trauma plate.

5 Q How thick is your trauma plate?

6 A An eighth of an inch maybe. It looks like sheet
7 metal with plastic or a plastic coating on it.

8 Q Can the insert be put in and taken out?

9 A Yes, it can.

10 Q In connection with your work with Lt. House, did
11 you have times when you wore your vest with and without
12 the insert?

13 A No, not really. I usually pretty much kept
14 it in.

15 Q You always had the insert was in?

16 A Uh huh.

17 Q What was his practice with respect to wearing
18 his vest?

19 A I couldn't tell you.

20 Q So you don't know whether he wore his with the
21 insert in or out?

22 A No.

23 Q Did you ever have any discussions with him with
24 respect to what the purpose for the insert was?

25 A For my vest?

1 Q No. With respect to either of the vests.

2 A No.

3 Q In situations in which you were faced with rifle
4 fire, is it ordinary that the insert would be in or out?

5 A It would be in.

6 Q And why is that?

7 A On my vest? Well, on my vest, my vest isn't
8 rated for rifles, but it's just something that's between
9 me and the bullet if it's going to hit me. You know, I
10 like to get as much protection between me and it as I can.

11 Q Will the cloth portion or the soft portion of
12 the vest stop rifle fire without its insert?

13 A On my vest?

14 Q On any vest.

15 MR. HALE: Without a what?

16 Q (BY MR. DUNBECK) Without an insert. On any
17 vest.

18 A On any vest?

19 Q Yes.

20 A I couldn't speak for any vest, I can only tell
21 you about mine.

22 Q Was Lt. House your supervisor up until the point
23 of his death?

24 A Yes, he was.

25 Q Did he have responsibility for providing you

IN THE THIRD JUDICIAL DISTRICT COURT OF SALT LAKE COUNTY

STATE OF UTAH

---oooOooo---

ANN C. HOUSE, individually :
and as the Personal
Representative of the Estate :
of Freddie Floyd House,

Plaintiff,

vs.

ARMOUR OF AMERICA, INC., :
a California corporation; :
LAWCO POLICE SUPPLY, a Utah :
corporation; E.I. Du PONT :
de NEMOURS, a Delaware :
corporation, and JOHN DOES :
III through XX,

Defendants.

Civil No. 890901427CV

Deposition of:

JERRY RICHARD POPE
Volume II

Judge Richard Moffata

---oooOooo---

Deposition of JERRY RICHARD POPE, taken at the instance and request of the Defendant Armour of America, at the law offices of WATKISS, DUNNING & WATKISS, 111 East Broadway, Suite 800, Salt Lake City, Utah, on the 13th day of August 1992, at the hour of 9:15 a.m., before DAVID A. THACKER, a Certified Shorthand Reporter, Registered Professional Reporter, Utah License No. 173, and Notary Public in and for the State of Utah.

---oooOooo---



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1 after the shooting?

2 THE WITNESS: I believe it was within probably
3 two hours.

4 MR. HALE: Were you upset?

5 THE WITNESS: Yes, I was.

6 MR. HALE: It's right here on page five.

7 THE WITNESS: Page five.

8 Okay, on page six, my name three down from the
9 top it says, "Okay. Freddie wasn't in the door.
10 Freddie was off to the side when the round came through
11 the door jam and hit Fred."

12 That, at that time when I gave this interview,
13 was a conclusion on my part after seeing the door jam
14 had been splintered. Fred and I were in the doorway.
15 Now, as how much of his body was exposed in the doorway,
16 I could guess at. I know we were in the doorway, and
17 the splintering of the door jam has come to my knowledge
18 that it was done by when they were taking Fred out of
19 the door and putting him in the armored car. It was not
20 done by a bullet.

21 So we were exposed in the doorway, and that is
22 not an accurate -- that is not an accurate statement.

23 Q (BY MR. WATKISS) In other words, you and Fred
24 were in the doorway or the entryway which was just back
25 from the doorway, you weren't standing on the threshold

1 A As far as who was in the home?

2 Q Yes.

3 A We knew they had their kids in there, the
4 sisters were in there, Adam and Jonathan, Timothy,
5 Benjamin. You know, the Singer -- Vickie. You know, I
6 can't recall all their names, but there were quite a few
7 people.

8 Q The wives, the children?

9 A Right.

10 Q Was there any discussions at all about any
11 potential fire coming from the house?

12 A Not that I recall.

13 Q Now, you indicated that the plan was for you
14 and Fred to open the door, alert your dogs, or focus
15 your dogs, and use the terms that are proper, send your
16 dogs, and then get into the alcove. Is that correct?

17 A Get out of the way. Correct.

18 Q And as I understand it, you were to get out of
19 the way because there were some what, FBI -- yes,
20 Hostage Rescue Team people that were going to be with
21 you in the hallway that were going to be covering these
22 people? Is that your understanding?

23 A Yeah. Yeah. That's correct.

24 Q What kind of weapons did you observe they had,
25 the hostage rescue people?

1 A MP5 I believe was what most of them were
2 carrying.

3 Q Now, was it your understanding that as soon as
4 you and Fred sent your dogs and got out of the way into
5 the alcove, that you were to leave the door open so that
6 these Hostage Rescue Team members could cover the two
7 Swapp brothers with their weapons, or was someone to
8 close the doors as soon as the dogs had been sent?

9 A I don't recall, to be honest with you. Common
10 sense would say you'd leave the door open so that they
11 could cover people and wait for the APCs and be able to
12 get out, and once the dogs had apprehended them, to be
13 able to get out as quickly as we could. But I don't
14 recall it ever being talked about specifically. Not
15 with me anyway.

16 Q So all you knew, is that you and Fred were to
17 be up by the door, alert your dogs, send them, and get
18 out of the way into the alcove. Is that it?

19 A That's correct.

20 Q Now, as I understand it from your statement,
21 and this is several places up on the top of page two,
22 you opened the door, used the term "fired the dog," and
23 that's when the rounds started coming through the walls.
24 Is that accurate?

25 A Coming through the wall, the doorway. That's

1 correct.

2 Q And as you recall, and this is over on page
3 three, there were a couple of guys from HRT with you in
4 the hallway?

5 A Yeah. As far as I recall, that's correct.
6 I'm not exactly sure the number.

7 Q On page four you made a correction on the top
8 there about the alcove, and clarified that you weren't
9 to send the dogs from the alcove but you were to send
10 the dogs when you were in the hallway and then get into
11 the alcove.

12 A Uh huh (affirmative).

13 Q You then go on and say you opened the door and
14 did your standard procedure, which is stop, police, or
15 we'll send the dogs. You sent the dogs. They got about
16 15 feet out the door, the next thing you knew there were
17 in coming rounds. I was diving for cover. I saw Fred
18 get hit, and the dogs came back into the house. Where
19 the two suspects went you had no idea because you were
20 diving for cover.

21 Is that generally your recollection?

22 A Yeah, that's pretty close.

23 Q When you say your standard procedure, do I
24 understand it that there is a procedure for you to get
25 down with your dog and focus the dog, and then send them

1 Q Right.

2 A And so exactly how Fred keyed his dog and
3 whatever, I couldn't tell you. I know what I did, I got
4 down, whispered in my dog's ear, and police officer,
5 stop or I'll send my dog, and the two dogs went out at
6 the same time. Because I sent mine after Fred sent his
7 dog. And so what Fred said to his dog, I didn't hear.

8 Q I understand. What I'm saying is, when you
9 use the term "standard procedure," and I'm trying to
10 understand, my understanding is that the handler in
11 standard procedure gets down about eye level, or close
12 down to the dog's head so he can essentially see what
13 the dog is seeing, and he then can stimulate him or
14 focus him, and then use the key words that you're
15 talking about, which you don't shout out, you whisper or
16 say into the dog's ear so the dog gets the message to
17 move. Right?

18 A That's basically correct, yes.

19 Q Okay.

20 A Now, that day, of course, I couldn't do that,
21 because Fred was standing in front of me. So all I
22 would have seen was Fred, with the dog being off to the
23 side he would have had a different view than I did. So
24 what Fred did, I have no idea.

25 Q I understand. But you both were down, Fred a

1 little in front, but essentially side by side, with both
2 of your dogs to be focused and stimulated and sent about
3 the same time. Isn't that it?

4 A That's correct. That's correct.

5 Q And you were to do it as quickly as you could
6 get out of the way; right?

7 A That's correct.

8 Q Now, as soon as the dogs went out, is that
9 when the firing started?

10 A Yes. It was almost an immediate thing. The
11 door came open, we sent the dogs within seconds of the
12 door coming open, and the next thing we were getting
13 shot at.

14 Q Right.

15 A Now, what the time frame on that is, I
16 couldn't tell you.

17 Q All very quick?

18 A Very quickly.

19 Q And you and Fred and the HRT people in the
20 hallway, I don't know what Fred did because he got hit
21 by one of the first rounds, as I understand it. Is that
22 correct?

23 A Uh huh (affirmative). As far as I understand,
24 that's correct.

25 Q But the rest of you people all were diving for

1 cover; right?

2 A Yes.

3 Q You were all exposed in the hallway getting
4 out of the line of fire as quickly as you could?

5 A Uh huh (affirmative).

6 Q Right?

7 A That's correct.

8 Q And you went over behind, instead of into the
9 alcove where Fred I think had been hit and dropped down;
10 correct?

11 A Uh huh (affirmative).

12 Q You went over behind a staircase; is that
13 correct?

14 A That's correct. Looking back on it now and
15 being able to replay the situation, what happened was
16 the FBI agent behind me actually moved me like this out
17 of the way so that he could return fire. In fact, he
18 was the one that actually shot Adam Swapp. And so it
19 wasn't a matter of me not going into the alcove, what it
20 was is he realized we were getting shot at before I did,
21 and he moved me out of the way.

22 Q So you wound up on the left?

23 A So I wound up down by the stairwell. He's the
24 one that grabbed the mop and shut the door.

25 Q Closed the door.

1 And I gather after that the firing seemed to
2 stop, after the door had been shut?

3 A That's correct. I don't remember any shots
4 being fired once the door was shut.

5 Q As I understand it, I think Ann House is the
6 one that testified that you'd told her that you'd been
7 grazed by the eye by one of the shots; is that it?

8 A Not me. Cliff had been.

9 Q I thought you indicated that you had had one
10 graze by your eye?

11 A Not me. No. Cliff. To tell you the truth, I
12 don't know how close they came to me. I didn't get hit,
13 so I have no idea.

14 Q Okay.

15 A But Cliff did get grazed in the head. And it
16 was the only bullet I think that hit the Jepson home,
17 was the one that hit Cliff.

18 Q Now, did you see the Swapps through the
19 doorway as you were standing, or crouched down with your
20 dog? Did you see the Swapps?

21 A When the door opened, yes, I saw them.

22 Q And were they on a line toward the Singer
23 house, or to the left, or where essentially were they?

24 A As far as their relationship to the house, I
25 don't recall. I just remember seeing them.

1 Q And they were what, walking away from them?

2 A Walking away.

3 Q You indicated they had your backs, this is on
4 page four, that their backs were to you and they were
5 about halfway between the green house and number one,
6 which I take it is Vickie Singer's house; is that
7 correct?

8 A Yeah, that's correct.

9 Q On the top of page five you made the comment
10 that the guy had a bead on us as soon as that door
11 opened up. Correct?

12 A Yes, I did state that. That was an opinion.
13 After the shooting had occurred, and I found out after
14 the shooting that Timothy had shot from the open window
15 by the pine tree. There was no way that he could have,
16 unless he'd already had the gun in the window and was
17 watching and covering Adam Swapp and those guys, that he
18 could have gotten the weapon up that fast, got to the
19 window and fired rounds, without it already been
20 situated in the window.

21 Q In other words, the firing started so quickly
22 after you opened the door, that you believe he must have
23 had a bead on you at the time, or was providing cover
24 for the two brothers, Swapp brothers; is that right?

25 A That's my opinion. That's correct.

1 seconds. Is that correct?

2 A It was very quick, yes.

3 Q That's indicated on your answer there about
4 your next to last answer on that page. Is that
5 accurate, right?

6 A Uh huh (affirmative).

7 Q On page seven, toward the bottom you indicate
8 that one of the first rounds hit Fred, and that rounds
9 were coming past me and hitting the wall behind me.
10 Right?

11 A Uh huh (affirmative).

12 Q I guess that what I put together was what Ann
13 House had said about you having rounds going past you
14 into the wall behind you. Is that what you recall?

15 A Yeah, I just remember the rounds hitting the
16 wall.

17 Q You were exposed to that fire, I take it?

18 A Yes, I was.

19 Q And that's why you were getting out of the way
20 as quickly as you could, diving for cover I think you
21 termed it?

22 A You bet.

23 Q You describe that Fred was getting out of the
24 door into the alcove, and that's when it caught him in
25 the side. Is that --

1 that discussed?

2 MR. WATKISS: I just asked him if he knew.

3 MR. SAMPSON: Okay. That's fine.

4 Q (BY MR. WATKISS) They asked you earlier on
5 about your acquisition of a vest which you purchased I
6 believe in, according to my notes, in October of '86; is
7 that correct?

8 A Yeah. I purchased a vest, and right now I
9 can't recall what month or year. But approximately.

10 Q Whatever you said in your deposition?

11 A That's correct.

12 Q And from Strauss Police Equipment; is that
13 correct?

14 A That's correct, uh huh (affirmative).

15 Q At which time they provided you the vest,
16 together with a chart that identified the various
17 ballistic rounds or threats that the vest would stop; is
18 that correct?

19 A That's correct. I believe it did come with
20 the vest.

21 Q And as I understand it, they also had a label
22 on the vest that indicated that what the vest would stop
23 as far as the rounds it would stop, and indicated it was
24 not for rifle fire?

25 A I believe so, yes.

1 Q Do you recall whether that label said anything
2 about AP rounds, not for AP rounds?

3 A On my particular vest?

4 Q Yes.

5 A I don't believe -- I don't recall, to be
6 honest with you. I don't believe it has anything on
7 there about AP rounds, but I don't recall for sure.

8 Q As I understand it, you also received a
9 pamphlet, which you identified, from Strauss at the time
10 you bought your vest, which was identified by you and is
11 attached to your deposition, entitled Dress for
12 Survival. Kevlar Personal Body Armor Fact Book. Right?

13 A That's correct.

14 Q Did you review that fact book at the time you
15 acquired your vest?

16 A I don't recall.

17 Q I do understand that you had made an
18 investigation before you bought the vest, as to what
19 vest you should buy, and talked with a number of people,
20 and acquired some information, and had made a decision,
21 as a matter of fact, on the vest you wanted, before you
22 really bought it?

23 A That's correct.

24 Q You apparently had learned about how the
25 layers of Kevlar dispersed the energy of the bullet over

1 a large area, and how it would provide the protection
2 you were looking for. Right?

3 A That's correct.

4 Q And you knew that various vests would provide
5 different types of protection, and that you decided on
6 this particular American Body Armour threat 3-A to
7 provide you that level of protection and the particular
8 bullets that you knew it would stop. Right?

9 A That's correct.

10 Q You also looked at Point-Blank, Second Chance,
11 and some other information about their vests, but made
12 the decision to get the American Body Armour because you
13 thought that suited your particular needs better.
14 Right?

15 A That's correct.

16 Q There is on page 39, a term that I wasn't sure
17 I understood, line eight.

18 A Uh huh (affirmative).

19 Q Let me back up so you get the proper context.
20 You're talking about, I think, Lt. House, your
21 supervisor, on the page before up to the point of his
22 death, and he had a responsibility for providing you
23 with training. You indicate he did. And what kind of
24 training, and you indicated it was mostly canine
25 training. Is that correct?

1 in July of 1985?

2 A That's correct.

3 Q You purchased your vest in October of '86?

4 A Uh huh (affirmative).

5 Q What did you know about vests before you
6 undertook your study of vests, purchasing your own?

7 A Nothing.

8 Q Nothing?

9 A Huh uh (negative).

10 Q Did you know that there was no soft body armor
11 that would contain rifle fire, before you undertook your
12 study?

13 A To be honest with you, I hadn't really paid
14 that much attention to body armor, so I didn't know what
15 it could do and what it couldn't do. Once I did my
16 investigation, or once, you call it an investigation,
17 once I looked into it a little bit, it was real apparent
18 from the start that soft body armor isn't going to stop
19 a rifle round. There isn't any now, and I don't think
20 there ever will be, that's concealable that will stop a
21 rifle round. That's why when you buy them, you get the
22 strike plates that are level four and possibly higher,
23 that will stop those rifle rounds.

24 MR. WATKISS: These are the ceramic plates
25 you're talking about.

1 Q And this is one of the reasons you got
2 interested in armor, or in what was the kind you bought?

3 A American Body Armour.

4 Q American Body Armour.

5 A That's correct.

6 MR. WATKISS: I have nothing further.

7 FURTHER EXAMINATION

8 BY MR. HIRSCHI:

9 Q Let me ask just one more. Did you see Fred do
10 anything just before he was shot, that deviated at all
11 from the plan, as you understood the plan?

12 A No.

13 MR. HIRSCHI: That's all I've got.

14 MR. WATKISS: That's it.

15 (Whereupon, at 11:35 a.m., the deposition was
16 concluded.)

Tab 13

CERTIFIED COPY

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

---0000000---

ANN C. HOUSE, individually :
and as the Personal
Representative of the Estate :
of Freddie Floyd House,

Plaintiff,

vs.

ARMOUR OF AMERICA, INC., :
a California corporation; :
LAWCO POLICE SUPPLY, a Utah :
corporation; E.I. Du PONT :
de NEMOURS, a Delaware :
corporation, and JOHN DOES :
III through XX,

Defendants.

Civil No. 90-C-508A

Deposition of:

MARK AARON ROBERTS

Hon. Aldon J. Anderson

---0000000---

Deposition of MARK AARON ROBERTS, taken at the instance and request of the Plaintiff, at the law offices of Suitter, Axland, Armstrong & Hanson, 175 South West Temple, #700, Salt Lake City, Utah on the 2nd day of November 1990, at the hour of 9:40 a.m., before DAVID A. THACKER, a Certified Shorthand Reporter, Registered Professional Reporter, Utah License No. 173, and Notary Public in and for the State of Utah.

---0000000---



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1 THE WITNESS: Lone Peak.

2 Q (BY MR. DUNBECK) Do you recall, you indicated
3 that the SWAT team or the tactical squad has weekly
4 meetings concerning I take it a number of topics; is that
5 correct?

6 A Yes.

7 Q How long were the meetings? Just generally.

8 A A couple of hours.

9 Q Was Fred House, did he ordinarily attend those
10 meetings?

11 A Yes.

12 Q How often, if you recall, was the topic of
13 bullet-resistant vests discussed at those meetings?

14 A I don't recall.

15 Q Would it have been more than one meeting?

16 A Very likely, yes.

17 Q When you took the proposal to purchase the
18 bullet-resistant vests to the warden, did anybody go with
19 you to make that presentation?

20 A When I first approached the warden I approached
21 the warden alone, and as I recall, there was a meeting set
22 up and the warden was in attendance at that time.

23 Q And who was present at that meeting?

24 A I don't remember. I really don't.

25 Q Would it have been the whole SWAT team or just

1 you?

2 A All the SWAT team members that were able to be
3 at that meeting, yes.

4 Q Did you make a written proposal or was it
5 orally?

6 A It was oral with, I don't know, some brochures
7 that were given to me.

8 Q What did you tell the warden and what did he
9 say? What was the nature of the discussion concerning the
10 vest?

11 A Well, I explained the need for the vest, our
12 feeling for our need need for the vest, and that it was a
13 very viable purchase. I can't even recall right now what
14 the costs of the vests were, but I explained our purpose
15 for needing the vest, for wanting the vest, and ran
16 different scenarios by him of possibilities where we would
17 need them.

18 As I recall, at that time there was
19 representative from somewhere came, was going to come out
20 and present the vest and what they do and everything, and
21 I asked him if he'd attend that meeting so he could make a
22 decision from them rather than just me. And he did so. I
23 don't remember who came to the meeting, though.

24 Q You're getting used to the routine here, aren't
25 you.

1 Q Were you involved in the decision as to which
2 type of vest to purchase, or types of vests?

3 A I made a recommendation, as I recall, because
4 that was just it. The recommendation came from the entire
5 team, the one they wanted. So I don't know.

6 Q Do you remember which one they wanted?

7 A No, I don't. I couldn't tell you the name, no.

8 Q Was a vest purchased for every member of the
9 team?

10 A Yes.

11 Q Were all of the vests purchased the same?

12 A All but one.

13 Q Whose vest was different?

14 A Fred's.

15 Q How did Fred's vest differ from the other vests?

16 A It was heavier duty, had a steel plate in the
17 chest area, and I'm not sure if it had one in the back or
18 not. I don't think so. Because he was the scout and went
19 in first.

20 Q When you say heavier duty, do you mean that the
21 fabric itself was heavier?

22 A That was my understanding, yes, it was heavier
23 duty.

24 Q Whether you purchased those vests, do you recall
25 whether you received any additional information with your

1 vest by way of pamphlet or brochure or manual?

2 A I think there was a pamphlet with them, but I'm
3 not positive.

4 Q Okay.

5 A I'm not positive.

6 Q Did any representative of the manufacturer come
7 out and talk to the team members about their vests?

8 A I believe there was a salesman came out and
9 talked to us, yes.

10 Q After the purchase or before?

11 A I think it was before. I think.

12 Q Do you recall what that salesman said about
13 vests?

14 A No. Just that they were the best, of course,
15 you know. Better than any others. But I don't recall
16 exactly what was said, no.

17 Q Do you recall whether the salesman said anything
18 specifically about Fred's vest, about the vest that Fred
19 ultimately purchased?

20 A We told him we needed a heavier duty vest. We
21 didn't want the cumbersomeness of the steel plate and
22 everything for all of us, because they had too much
23 maneuvering and things we had to do. Fred needed that.
24 We needed one guide that had, not specifically Fred, but
25 the person that went in to scout needed a heavier vest

Tab 14

IN THE THIRD JUDICIAL DISTRICT COURT OF SALT LAKE COUNTY

STATE OF UTAH

---0000000---

ANN C. HOUSE, individually :
and as the Personal
Representative of the Estate :
of Freddie Floyd House,

Plaintiff,

vs.

ARMOUR OF AMERICA, INC., :
a California corporation; :
LAWCO POLICE SUPPLY, a Utah :
corporation; E.I. Du PONT :
de NEMOURS, a Delaware :
corporation, and JOHN DOES :
III through XX,

Defendants.

Civil No. 890901427CV

Deposition of:

ARTHUR G. SCHREIBER

Judge Richard H. Moffat

---0000000---

Deposition of ARTHUR G. SCHREIBER, taken at the instance and request of the Plaintiffs, at the law offices of Suitter, Axland, Armstrong & Hanson, 175 South West Temple, #700, Salt Lake City, Utah on the 8th day of July 1992, at the hour of 9:45 a.m., before DAVID A. THACKER, a Certified Shorthand Reporter, Registered Professional Reporter, Utah License No. 173, and Notary Public in and for the State of Utah.

7-0000000---



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1 it's all about. And it falls true for any product,
2 including cleaning it.

3 Q But you go on the road and tell them
4 everything you know about vests?

5 A That's the best way I know how to sell vests.

6 Q Back in the early days, we were talking about
7 what type of information went out with your vests, you
8 told me about the demonstrations that you performed and
9 the brochures. Were those sales brochures?

10 A Yes.

11 Q Were they provided with every vest that you
12 sold?

13 A Yes.

14 Q How was that done?

15 A Just put it into the bag with the vests.

16 Q Did that continue through 1981?

17 A Yes.

18 Q Who was in charge of putting that information
19 in the bag with the vests back in 1981?

20 A People that were in shipping and were in my
21 facility. We gave out brochures, anybody that was a
22 distributor of mine had always ample, when we sent
23 brochures we didn't send brochures at 5 or 10, we would
24 send 50 or 100, and even places 200 or 300. I mean, we
25 wanted to have everybody have brochures.

1 Q Before you sold the vests?

2 A Before and during. I mean, it was -- we
3 needed exposure, we needed people to know.

4 Q Are you to this day putting brochures in bags
5 with vests?

6 A Yes.

7 Q Sales brochures?

8 A Yes.

9 Q So that hasn't changed since you started?

10 A No.

11 MR. WATKISS: Do you want to take a break?

12 MR. SAMPSON: Yes, we can take a break. We've
13 been going over an hour.

14 THE WITNESS: Okay.

15 (Discussion held off the record.)

16 (Whereupon, a 10 minute break was taken.)

17 Q (BY MR. SAMPSON) Mr. Schreiber, up through
18 1981 did the method by which you tested your vest change
19 in any way from what you've described to me?

20 A Well, the method --

21 Q Well --

22 A You mean the procedure?

23 Q Procedure.

24 A No, I don't think the procedure was any
25 different.

1 that the vest would contain?

2 A No.

3 Q Why was that?

4 A We listed the rounds that were showing what
5 the integrity of the vest would do, and on a label such
6 as this to say that we would need to list a .380 or a
7 .25 caliber or so, we could have had a label that was
8 this long (indicating).

9 Q So you listed --

10 MR. WATKISS: When you say this long, he isn't
11 getting it. You're talking about a long label with a
12 lot --

13 THE WITNESS: Six inch, with a lot of
14 information that was superfluous.

15 Q (BY MR. SAMPSON) So is it fair to say that
16 you listed the high-end weapons on the label?

17 A Yes, we did here, and what we could do with
18 them, right.

19 Q But the vest would, in fact, contain many more
20 weapons than --

21 A Many more rounds.

22 Q Many more rounds, excuse me.

23 A Yes.

24 Q Than listed on the label. And those rounds
25 would be I guess called lesser threats?

1 A Yeah, but all handguns.

2 Q And how do you know that that's all handguns?

3 That the lesser threats are all handguns?

4 A There's no rifle rounds here.

5 Q Well, there are shotgun rounds; aren't there?

6 A That's not a rifle, it's a shotgun.

7 Q Okay. So all handguns are shotguns; is that

8 what you're saying?

9 A Not all shotguns. This is limited to 00 buck.

10 Q Can you tell me why you didn't include on that

11 label, that the vest was not designed to stop rifle

12 fire?

13 A We have it in every place that -- and we've

14 told everybody, and it was accepted generally and known.

15 It was accepted by people who used the vests, that this

16 was soft armor and these were listed here as handgun

17 rounds, and that says it.

18 Q So was it a conscious decision on your part

19 not to include --

20 A No, I have no conscious decision and so forth.

21 You asked me why, and I gave you an answer.

22 Q It's because everybody knew?

23 A Everybody knew it. There were -- everybody

24 knew that you can't take one hit on top of another.

25 Everybody knew that this thing would not stop an ax.

1 the label; does it?

2 A Yes, it does.

3 MR. WATKISS: He's telling you it does.

4 THE WITNESS: I'm saying to you that if you're
5 a policeman and you're involved, these are handgun
6 rounds. And then I've distinguished with the barrel
7 lengths to boot. I mean, there is no six-inch rifle
8 barrel.

9 Q (BY MR. SAMPSON) Is there a 9mm that can
10 shoot a 124 grain full metal jacket bullet that's not a
11 handgun?

12 A In the classifications of handguns, if you
13 mean a submachine gun that's still considered the same
14 thing. It is not small arms, it falls within the
15 qualifications of this type of gun.

16 Q A submachine gun is not a handgun though, is
17 it, Mr. Schreiber?

18 A If you'd like me to show you a picture of an
19 Ingram, and you would say it is not a handgun, and I
20 could fire it with one hand and it's only about 7-1/2
21 inches long, you'd have a pretty good question of debate
22 here. And in the classifications of what are small
23 arms, what are handguns, submachine gun 9mm falls into
24 it.

25 Q And how would I know that if I were a

1 policeman?

2 A If you were a policeman and you were firing
3 weapons, you would know that. And I'm saying that this
4 would stop a 9mm. And I'm saying here that it's a U.S.
5 nine and this is what it would take.

6 Q Notwithstanding the barrel length? Didn't
7 matter what the barrel length was?

8 A And again, in our brochure we did distinguish
9 the barrel length in the nine millimeters.

10 Q Talking about the label, you said this is a
11 handgun label.

12 A Uh huh (affirmative).

13 Q Will it stop, will this vest contain a nine
14 millimeter 124 grain full metal jacket bullet with any
15 length barrel?

16 A Any length barrel.

17 Q Right. That's available --

18 MR. WATKISS: But are there any lengths of
19 barrels out there that shoot this kind, is his point.
20 I think he's telling you there are not.

21 Q (BY MR. SAMPSON) Well, are there? You tell
22 me. Are there any weapons available out on the street,
23 that will shoot a nine millimeter 124 grain full metal
24 jacket bullet, that this vest will not contain?

25 A I don't know of any out on the street.

1 Q What had other information would have been put
2 in the vest packet to go to the user in June of 1981?

3 A To the user?

4 Q Wearer.

5 A To the wearer?

6 Q Yes, whoever was wearing the vest?

7 A No, that's what I would put in. It went --
8 there were times when we would send it directly to a
9 department, and there were times it would go to the
10 distributor.

11 Q Would it go to the distributor, the
12 information go to the distributor, independent of the
13 vests? Under separate cover or --

14 A It would go with the vest, and I think I've
15 answered about 10 times. And yes, the distributor also
16 had brochures. I mean, an abundance.

17 Q Would any other written information accompany
18 a vest sold in June of 1981, other than the label
19 attached to the vest and a copy of Exhibit 3?

20 A I don't think so.

21 Q Mr. Schreiber, earlier you mentioned that a
22 vest bearing the label marked Exhibit 1 would be a, I
23 believe you said an Armour-Hide; is that correct?

24 A Yes.

25 Q And then the next level above that, at least

1 June order, in fact it said, I believe, AJ/AHP -----
2 vest.

3 A Well, it was their mis -- I mean, it's one --
4 AHP is a +P, and the AJ is what they had gotten as a
5 sample and then subsequently returned.

6 Q And looking at those invoices, you noticed
7 that the AHP was sent, was the product that you actually
8 shipped to Lawco; right?

9 A Yes.

10 Q Do you know why an AHP was shipped instead of
11 an AJ?

12 A They asked for it.

13 Q They did ask for it?

14 A I remember, though, why they changed.

15 Q Why did they change?

16 A They changed because it was decided that, from
17 what I understood, that the Department of Corrections
18 wanted to have, didn't need the weight of the AJ, didn't
19 need the threat capability of the AJ inside the prison.
20 And I thought it was a very practical thing to do.

21 Q What do you base that statement on?

22 A Experience that inside a prison it's very
23 difficult to get a .44 magnum.

24 Q No. Where did you get the information that
25 the Department of Corrections changed its mind?

1 A I'm not sure. I know that they had one, but I
2 don't think that I ever actually -- there was never a
3 place where there would be any reason. I mean, you
4 know, I see -- I do it, I don't have to see it. But I
5 don't think I've ever seen a tape.

6 Q Would you agree with me that DuPont is a major
7 force in the marketing of soft body armor?

8 A Yes. They advertise heavily.

9 Q In fact, they advertise more and spend more
10 money on advertising and soft body armor than any
11 individual vest manufacturer; don't they?

12 A They're a little bit bigger.

13 Q Just a little. And they've been doing that
14 since before 1981?

15 A Oh, I don't know when they started. I really
16 don't. I don't remember.

17 Q Has DuPont ever called you or written you a
18 letter or given you any advice on how to label your
19 vests?

20 A No.

21 Q To your knowledge, has DuPont ever reviewed
22 your labels?

23 A No, not to my knowledge.

24 Q Has DuPont ever participated in any testing at
25 your facility in California?

1 A No. No.

2 Q Has DuPont ever suggested the way you test?

3 A No, nor would I permit it.

4 Q Do you recall back during the 05 versus 03
5 testing controversy, DuPont threatening -- well, writing
6 a letter stating that they would not sell kevlar to
7 manufacturers who did not test in accordance with the 05
8 standard, unless certain requirements were met with
9 respect to the sewing and the number of layers of the
10 Kevlar?

11 A They wouldn't send a letter like that to me,
12 so I don't see it.

13 Q Did you ever discuss such an issue at a PPAA
14 meeting?

15 A No. No. Manufacturers make their particular
16 type of vests, and what they use and what they do, and
17 we have a very, as a whole, an extremely safe industry.

18 Q You're not aware of that at all, that DuPont
19 at one time was considering not selling Kevlar to
20 manufacturers who didn't test in accordance with the 05
21 standard unless they manufactured their vests in
22 accordance with certain layer requirements? Never heard
23 of that?

24 A No. They never said any such thing to me
25 ever.

1 speaking, he didn't know any more about it than I did.

2 Q Do you know if he talked to the Department of
3 Corrections?

4 A I know through --

5 Q Well, I don't want to know what you --

6 A That's all.

7 Q Did you purchase the thread or did you
8 actually purchase the cloth, the Kevlar cloth, from the
9 weaver?

10 A I purchased the Kevlar cloth from the weaver
11 to a specific style, and we've -- and that was certified
12 by the weaver that it was woven in these things. And
13 then, of course, we did our own inspection.

14 Q Was the weave specification yours or DuPont's?

15 A Oh, DuPont has never given me anything like
16 that.

17 Q When you purchased the cloth from the weaver,
18 did any documents or any tags or anything accompany the
19 cloth from DuPont?

20 A No.

21 Q Okay.

22 A Wait a minute.

23 Q Were there any tags on it or --

24 A From DuPont through the weaver to me?

25 Q Right. Was any DuPont information passed

1 through the weaver to you?

2 A Not that I recall.

3 Q Was any information given to you by the
4 weaver, any written information?

5 A Such as? I don't know --

6 Q Just any type of written information
7 concerning Kevlar?

8 A Well, he would certify that this is woven in
9 accordance with the mill specs, and that it was
10 certified.

11 Q Okay.

12 A And, of course, the onus is then on me. Once
13 I cut it it's mine. So I have to know what it is, and
14 we have ways of checking it out too.

15 Q With respect to the various grades or vests
16 that you manufactured, were each of those grades
17 individually tested by lot number of cloth, or did you
18 test them once, it's this grade, and then the testing
19 was discontinued?

20 A No, we would test by lots.

21 Q So you would test each grade level with
22 respect to each different lot you received from the
23 weaver?

24 A (Witness indicating affirmatively.)

25 Q Would it be the same extent of testing as the

1 that the vest would contain?

2 A No.

3 Q Why was that?

4 A We listed the rounds that were showing what
5 the integrity of the vest would do, and on a label such
6 as this to say that we would need to list a .380 or a
7 .25 caliber or so, we could have had a label that was
8 this long (indicating).

9 Q So you listed --

10 MR. WATKISS: When you say this long, he isn't
11 getting it. You're talking about a long label with a
12 lot --

13 THE WITNESS: Six inch, with a lot of
14 information that was superfluous.

15 Q (BY MR. SAMPSON) So is it fair to say that
16 you listed the high-end weapons on the label?

17 A Yes, we did here, and what we could do with
18 them, right.

19 Q But the vest would, in fact, contain many more
20 weapons than --

21 A Many more rounds.

22 Q Many more rounds, excuse me.

23 A Yes.

24 Q Than listed on the label. And those rounds
25 would be I guess called lesser threats?

1 A Yeah, but all handguns.

2 Q And how do you know that that's all handguns?
3 That the lesser threats are all handguns?

4 A There's no rifle rounds here.

5 Q Well, there are shotgun rounds; aren't there?

6 A That's not a rifle, it's a shotgun.

7 Q Okay. So all handguns are shotguns; is that
8 what you're saying?

9 A Not all shotguns. This is limited to 00 buck.

10 Q Can you tell me why you didn't include on that
11 label, that the vest was not designed to stop rifle
12 fire?

13 A We have it in every place that -- and we've
14 told everybody, and it was accepted generally and known.
15 It was accepted by people who used the vests, that this
16 was soft armor and these were listed here as handgun
17 rounds, and that says it.

18 Q So was it a conscious decision on your part
19 not to include --

20 A No, I have no conscious decision and so forth.
21 You asked me why, and I gave you an answer.

22 Q It's because everybody knew?

23 A Everybody knew it. There were -- everybody
24 knew that you can't take one hit on top of another.
25 Everybody knew that this thing would not stop an ax.

Tab 15

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

---oooOooo---

ANN C. HOUSE, individually :
and as the Personal
Representative of the Estate :
of Freddie Floyd House,

Plaintiff,

vs.

ARMOUR OF AMERICA, INC., :
a California corporation; :
LAWCO POLICE SUPPLY, a Utah :
corporation; E.I. Du PONT :
de NEMOURS, a Delaware :
corporation, and JOHN DOES :
III through XX,

Defendants.

Civil No. 90-C-508A

Deposition of:

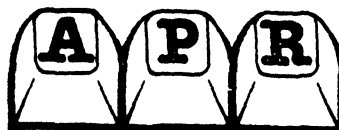
WAYNE W. WADMAN

Hon. Aldon J. Anderson

---OooOooo---

Deposition of WAYNE W. WADMAN, taken at the
instance and request of the Plaintiff, at the law offices of
Switter, Axland, Armstrong & Hanson, 175 South West Temple,
#700, Salt Lake City, Utah on the 6th day of May 1992, at the
hour of 8:55 a.m., before DAVID A. THACKER, a Certified
Shorthand Reporter, Registered Professional Reporter, Utah
License No. 173, and Notary Public in and for the State of
Utah.

---oooOooo---



Associated Professional Reporters
10 West Broadway / Suite 200 / Salt Lake City, Utah 84101

001457

1 A No, I don't believe so. No.

2 Q And you stated earlier that you believe that
3 Lawco was formed sometime around 1976, '78?

4 A If I recall, it was around that period of time,
5 uh huh. I'm not exactly positive of the dates.

6 Q Did you incorporate Lawco?

7 A Yes.

8 Q After Lawco was formed, did it sell soft body
9 armour?

10 A Yes. I'm not sure whether we sold it right
11 away, it was -- but we did sell it during the course of
12 events.

13 Q Do you recall which manufacturer's body armour
14 you sold while at Lawco?

15 A Yes, we sold Armour of America and Point-Blank,
16 and I believe there were some orders taken on Second
17 Chance and Safariland.

18 Q Did you contact Armour of America in order to
19 sell their products?

20 A I don't recall. I have to think that we
21 probably did, because in order to get merchandise from any
22 company we would have to have contacted them. No matter
23 what company it was, you'd have to apply. So I'm assuming
24 that we had to have contacted Armour of America, as well
25 as any company, to get their line of product.

003305

1 A I don't remember the individual's name. I don't
2 even know -- it just seemed like I talked to several
3 people. I have no idea who the person is.

4 I do recall one person, and he was a captain.
5 Oscar Henriksen. He was in charge of not purchasing, but
6 he was in charge of helping them make selections, and he
7 was their armorer also.

8 Q Did Lawco carry an inventory of Armour of
9 America products?

10 A Yes.

11 Q How many vests would you stock at any one time?

12 A Not very many. Probably 10.

13 Q Other than the Salt Lake City Police Department,
14 do you recall any other departments that you sold Armour
15 of America body armour to?

16 A I seem to recall Green River Police Department
17 and Rock Springs Police Department.

18 Q Do you know when those sales occurred?

19 A I don't.

20 Q Any others?

21 A No.

22 Q So I'm not trying to mislead you, you don't
23 remember selling body armour to the Department of
24 Corrections, Utah Department of Corrections?

25 A I don't.

1 Q You don't recall meeting Fred House?

2 A I don't even know what he looks like.

3 Q You don't recall meeting anyone from the
4 Department of Corrections in connection with the sale of
5 body armour?

6 A I don't.

7 Q That simplifies matters.

8 Let's talk about your relationship with Armour
9 of America while at Lawco. Did they provide you with the
10 catalogs similar to the ones you had at Swanson?

11 A Yes.

12 Q What else did they provide you with?

13 A Well, on each individual vest there was a
14 warning label, or there was a label that signified what
15 the vest was capable of. They provided the literature
16 relative to each vest, as to what it was capable of.

17 Q Let me stop you there. You say literature
18 relative to each vest. Are you saying there was a
19 different package of --

20 A Maybe I miss -- it was a catalog, and in the
21 catalog was each vest.

22 Q Okay. Similar to the one you described while
23 you were at Swanson?

24 A That's correct.

25 Q Did they send you a lot of those catalogs?

1 A If he was busy, it would perhaps be a lieutenant
2 who was in charge of purchasing or who was in charge of
3 helping make a decision.

4 Q Did you prefer one manufacturer's vest over
5 another, or did you just take all the catalogs out?

6 A Well, I guess I preferred Armour of America
7 because it was -- it looked good, it was light weight, it
8 was comfortable. They provided good catalog brochures,
9 and it was good informational -- brochures were provided
10 to us for selling it. And it just was a nice looking
11 vest. I preferred Armour of America.

12 If somebody talked Safariland or somebody talked
13 Second Chance or Point-Blank, I would certainly show them
14 literature on that also. I had literature for all, all
15 the companies.

16 Q Did you have any information concerning the
17 performance of Armour of America vests, independent of
18 what they told you the vest would do?

19 A I don't recall anything like that. It's
20 possible, I just don't recall it. Other than the
21 brochures, the catalogs I carried, and the vests, I
22 sometimes carried the vests with me. Not in all
23 instances, but I sometimes did, because they wanted to see
24 what it looked like, the aesthetic value of what it looked
25 like.

1 A O-N-I-S-H-I.

2 Q Okay.

3 A Rae Klontz. That's R-A-E.

4 Q Okay. K-L --

5 A K-L-O-N-T-Z.

6 Terri Frazier.

7 Q Terri with a Y or an I?

8 A I think.

9 MR. HIRSCHI: A woman? She was a woman?

10 THE WITNESS: Yes.

11 And that's all.

12 Q (BY MR. SAMPSON) Do you know if they're all
13 still in the Ogden area?

14 A Terri Frazier is, and she works for Strauss
15 Uniform. Pat Onishi also works for Strauss Uniform. And
16 Rae Klontz, last place I heard, and this goes back four or
17 five years ago, she was working for Job Service.

18 MR. SAMPSON: Why don't we take a break for a
19 few minutes.

20 MR. HIRSCHI: Okay. I'm game.

21 (Whereupon, a 10 minute break was taken.)

22 Q (BY MR. SAMPSON) I just want to confirm, you
23 have no recollection of dealing with any personnel at the
24 Department of Corrections concerning Armour of America
25 vests?

1 A I don't.

2 Q Do you have any recollection of them even buying
3 vests from Lawco?

4 A I don't. But I'm going to say that I looked at
5 an invoice and it has my name on it, and that's not
6 unusual. All of us wrote up invoices. If a purchase
7 order came in, we would write up an invoice on it. Or if
8 somebody called on the telephone, and if they don't use
9 purchase orders or whatever, we'd write up an invoice on
10 it. Or if something came in that we had to do some
11 billing, I'd write up an invoice on it. It was paperwork,
12 part of the paperwork process. And I just took care of
13 some billings, Tom took care of billings, Pat, Rae. It
14 was a nice, cooperative effort. We just all pitched in
15 and did what we have to do.

16 Q But as you sit here today, you have no
17 independent recollection of dealing with the Department of
18 Corrections concerning soft body armour?

19 A I don't. —

20 Q And I may have asked this question, if I did I
21 apologize. What is your understanding as to why soft body
22 armour won't stop rifle fire?

23 A I'm not quite sure --

24 Q If you have one. I mean, I'm not even --

25 A I'm not quite sure I understand you.

003339

1 A I haven't seen a vest since I left Lawco, so I
2 don't know if it says that or not. I just don't recall.

3 Q When did you leave Lawco?

4 A Approximately, I'm not exactly sure of the dates
5 on this, so it could have been maybe '81 or '82, '83, I'm
6 not sure on the dates though. Let's just assume probably
7 at the far side, maybe '83.

8 Q That's close enough.

9 I think I'm going to pass the baton to David and
10 see what he has to say, and gather my thoughts.

11 EXAMINATION

12 BY MR. WATKISS:

13 Q Let me pick up on your date. Do I understand
14 that you left Lawco, but Lawco continued to do business?

15 A Yes.

16 Q I think Chuck wanted to talk about some
17 brochures that he couldn't lay his hands-on, and I think
18 these are what you're talking about, Chuck.

19 MR. SAMPSON: Right.

20 Q (BY MR. WATKISS) You have indicated, you've
21 talked about a catalog that you thought contained a lot of
22 information that was provided by Armour of America. Is
23 this the catalog you're referring to?

24 A That is a catalog I've seen that Armour of
25 America provided to us, yes.

1 Q Right. Okay. Do you remember any other catalog
2 other than this one?

3 A Yeah, it seems like there was some other stuff
4 that was forwarded to us. I just can't remember what it
5 looks like. But it does seem like there were other things
6 forwarded to us.

7 Q In addition to this catalog?

8 A Yes, uh huh.

9 Q When you go on the road, was this the kind of
10 thing you were taking with you?

11 A Yes, uh huh.

12 Q And leaving with the people?

13 A Yes.

14 Q For their information.

15 You made a comment earlier on, you were
16 describing the material that you had concerning the
17 packaging and what was provided. Were you aware of the
18 fact that in the packaging of these vests, the individual
19 packaging of each vest, they had a catalog that went along
20 with the vest?

21 A Well, as I mentioned, I didn't open the boxes.
22 I don't recall ever opening boxes at all.

23 Q You can't recall whether that is true or not?

24 A I can recall, you know. I'd see the boxes
25 opened or I'd see the vests, I'd see whatever was in

1 there. Speaking specifically of vests, I recall the vest
2 being packaged in a plastic, and then a number of vests,
3 you know, in a cardboard box.

4 Q In other words, if you put out an order for more
5 than one vest, the vest would come individually wrapped in
6 plastic, but you might have a number of them in the same
7 box; is that what you're saying?

8 A That's correct. That's correct.

9 Q Okay. And you can't recall specifically whether
10 or not each vest in that plastic packaging had a catalog
11 that went along with it?

12 A I don't recall anything like that.

13 Q There is another brochure that may have come
14 after your time at Lawco, I don't know whether you've ever
15 seen this one, Armour of America with a blue cover. Do
16 you recall anything like that?

17 A I don't recall that one. It's possible that it
18 was, I just don't recall that one.

19 Q I see. But do you remember this black and white
20 one?

21 A Yeah, I do remember that one, because it was a
22 specific instance with the bullets on the front, it just
23 looked --

24 Q Indicating how they were mushroomed?

25 A It just looked different, yeah.

1 Q Okay.

2 A I do recall other literature, I just don't
3 remember what it was.

4 Q You were talking, or I think Chuck asked you
5 about the material in the vests, and here we're concerned
6 with a tactical vest. Are you aware of that fact?

7 A Yes.

8 Q Do you recall going to the prison on occasion,
9 whether or not in connection with soft body armour or
10 ammunition or leather goods? Do you remember actually
11 that being one of your customers that you used to try to
12 sell to?

13 A Yes.

14 Q So you do recall being there on occasion, and
15 actually selling or trying to sell some of Lawco's
16 equipment?

17 A Yes.

18 Q We had a number of depositions taken of a group
19 of people out at the prison that were a special, special
20 team, SWAT team, or I think they had a different name for
21 them. Do you remember ever talking to any of these people
22 specifically?

23 A No.

24 Q Do you remember a fellow named Will Fowlke at
25 the prison?

1 A I didn't know what his name was. I knew it
2 started with an F. I didn't remember whether it was
3 Foulger or Fowler or something else.

4 Q There were some others, another fellow any the
5 name of Steve Minor?

6 A That name doesn't ring a bell.

7 Q Karl Bartell?

8 A I don't know.

9 Q Tom House, Fred House, any of these people?

10 A The only reason that Fred House rings a bell, is
11 because that's the man that was shot. But I've never met
12 the man.

13 Q These particular individuals in the SWAT, from
14 the SWAT team, described how they acquired, as a group,
15 catalogs and brochures from various manufacturers of soft
16 body armour, and also talked to representatives just the
17 way you said you would often sell to people like that.
18 And I'm wondering if it's possible you could have been one
19 of those people they were talking to. You just can't
20 remember; is that --

21 A I don't ever remember ever talking to any of
22 those gentlemen.

23 Q This particular catalog or brochure that you
24 identified as having taken on the road with you and
25 leaving with prospective purchasers or purchasers, this is

1 the one you said you had a large number of?

2 A Yes.

3 Q So you gave out, this is part of your sales
4 efforts, you would give out these to anyone who was
5 interested; is that correct?

6 A A lot of information provided in those catalogs,
7 and so I gave them to anybody at the department that would
8 want them, and I usually was talking to the chief, but if
9 somebody else came in the room I was talking to him, or
10 the lieutenant or whoever. They were included right in
11 the conversation.

12 Q And as I understand it -- well, also sometimes
13 you'd take with you a sample of the vest, or let them see
14 actually what the vest looked like. And you talked about
15 fitting and comfort. How did you fit them? Didn't you
16 have to have something there to try on them to determine
17 the size?

18 A Yes. The vests were made in different sizes.

19 Q Right. So how would you determine which size
20 the person would have?

21 A They're built by frame size. If you had a real
22 small individual, you didn't want the vest to wrap over,
23 overlap each other, but you wanted it to come around as
24 far as the sides here. The sides were open. They didn't
25 meet, but the sides were open on each individual vest.

Tab 16

COPY

1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH CENTRAL DIVISION

FILED DISTRICT COURT
Third Judicial District

ANN C. HOUSE, individually,
and as the Personal
Representative of the Estate
of Freddie Floyd House,

Plaintiff,

v.

ARMOUR OF AMERICA, INC., a
California corporation;
LAWCO POLICE SUPPLY, a Utah
corporation; E.I. Du PONT
de NEMOURS, a Delaware
corporation, and JOHN DOES
III through XX,

Defendants.

APR 2 1990

Civil Action
No. 90-C-508A
Hon. A. J. Anderson

890901427

Deposition of THOMAS E. BACHNER, JR., taken
pursuant to notice at the DuPont Hotel, Newark Room,
11th and Market Streets, Wilmington, Delaware,
beginning at 9:08 a.m. on Friday, July 20, 1990,
before Edward N. Hawkins, Registered Professional
Reporter.

APPEARANCES:

Fred R. Silvester, Esq.
and Charles P. Sampson, Esq.
Suttter Axland Armstrong & Hanson
Clark Leaming Office Center
175 South West Temple
Salt Lake City, Utah 84101
for the Plaintiff

David K. Watkiss, Esq.
and Joseph T. Dunbeck, Jr., Esq.
Watkiss & Saperstein
310 South Main Street, 12th Floor
Salt Lake City, Utah 84101
for the Defendants
Armour of America, Inc. and
E.I. DuPont de Nemours & Company

1 to when they should replace concealable body armor.

2 Q. What's DuPont's participation in the
3 Vested Interest Program?

4 MR. WATKISS: In the what?

5 MR. SILVESTER: Vested Interest Program.

6 A. In the Vested Interest Program.

7 The Fraternal Order of Police Ladies
8 Auxiliary, now known as the Fraternal Order of Police
9 Auxiliary, came to DuPont with a vision to do
10 something of value in the law enforcement community.
11 There were a number of officers' safety issues that
12 they had in mind. They wanted to become a pro-active
13 organization that contributed something concrete to
14 law enforcement broadly, and they had a vision of the
15 VIP program, or the Vested Interest Program.

16 We have spent a lot of resources trying to
17 motivate the use of police body armor. And we had
18 always been concerned about the importance of the
19 loved one in the home, in that circle, but knew that
20 we, as a corporation, had no way to persuade people
21 like that. So we welcomed their involvement and they
22 said: We need help to do this.

23 And we thought it was such a good idea
24 that we said: Okay. We think it's a good idea,

1 too. You people put up the effort and the energy and
2 your share of the creativity and we will assist you
3 with the resources and we will finance the program.

4 Q. Do you remember how much money you put
5 into that program?

6 A. No. I don't know how much money I put
7 into that, or we put into that program. We continued
8 to put money into that program. I can give you some
9 estimates of what it took, but I don't recall what,
10 how much.

11 Q. What is your best estimate of the amount
12 you have got in it today?

13 A. My guess is we may have put as much as 75
14 or \$80,000 in the design and the development of the
15 program and perhaps -- and printing materials and
16 making the pins that they use, and those kinds of
17 things. We continued to provide them with computer
18 resources, and equipment, and mailing, and expenses
19 and that sort of thing.

20 Q. Let me show you what's previously been
21 marked in this case as Exhibit 50 and see if you can
22 identify that document?

23 MR. WATKISS: 50?

24 MR. SILVESTER: Yes.

1 statement similar to that in there.

2 Q. Did you think that was an important
3 statement to have in the facts book?

4 A. Yes.

5 Q. Do you support the PPAA 05 standard?

6 A. Yes.

7 Q. And you've made attempts after that
8 standard is issued to limit the sale of Kevlar to
9 people who don't comply, haven't you?

10 A. We announced an intent to require that
11 manufacturers who made vests represented as passing
12 the 03 standard make the kind of semirigid body armor
13 required to pass the 03 standard consistently. We
14 never implemented that plan.

15 Q. Do you recall considering the requirement
16 that there be certain stitching patterns in a
17 40-layer vest?

18 A. Yes. I recall considering the
19 requirements for stitching patterns and the number of
20 layers.

21 Q. Do you recall that was 40 layers?

22 A. I don't recall that it was, but that might
23 have been the number of layers that was described for
24 a level 3A body armor to stop .44 magnums and 9

1 millimeter submachine guns. That would have been in
2 the ballpark with heavy quilting.

3 Q. Was that semirigid armor what you're
4 describing as quilted 40-layer armor?

5 A. Yes.

6 Q. When you say "semirigid," you don't mean
7 containing any kind of ceramic plates, do you?

8 A. No.

9 Q. Let me show you what's been marked as
10 Exhibit 44 and see if you recognize that document?

11 A. Yes. This is the letter that I sent to
12 the armor association on the 21st of July, 1989,
13 announcing our intent to install conditions on the
14 sale of Kevlar to insure that vests that were
15 representatives meeting the 03 standard in fact did
16 what the label said they did on them.

17 Q. Is that a true and correct copy of the
18 document in your files?

19 A. I believe it to be.

20 Q. Let me show you what's been marked
21 previously in the case as Exhibit 52, and my question
22 is whether or not you can tell from looking at that
23 label under what standard this vest was tested?

24 A. No.

Tab 17

ORIGINAL

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

---0000000---

FILED DISTRICT COURT
Third Judicial District

APR 2 1992

ANN C. HOUSE, individually :
and as the Personal :
Representative of the Estate :
of Freddie Floyd House,

BY Thomas Wesley Carlson
SALT LAKE CITY
Deputy C.

Plaintiff,

Civil No. 90-C-508A

vs.

Deposition of:

ARMOUR OF AMERICA, INC., :
a California corporation; :
LAWCO POLICE SUPPLY, a Utah :
corporation; E.I. Du PONT :
de NEMOURS, a Delaware :
corporation, and JOHN DOES :
III through XX,

THOMAS WESLEY CARLSON

Hon. Aldon J. Anderson

Defendants.

---0000000---

Deposition of THOMAS WESLEY CARLSON, taken at the instance and request of the Plaintiff, at the law offices of DUNN & DUNN, Salt Lake City, Utah on the 26th day of May 1992, at the hour of 2:35 p.m., before DAVID A. THACKER, a Certified Shorthand Reporter, Registered Professional Reporter, Utah License No. 173, and Notary Public in and for the State of Utah.

---0000000---



003425

1 Q Do you remember as you sit here today, what the
2 Armour of America catalog looked like? Was it a catalog
3 like I have here, or a brochure?

4 A It was that size, but maybe 16 pages or so. We
5 used to more or less copy it. Anything -- most of the
6 time when we put it in our catalog it was nothing but a
7 copy of theirs. We just copied directly. We never did
8 any copy, I mean typesetting or anything.

9 Q When did Armour of America agree to allow you to
10 distribute their products, if you remember?

11 A I mean, I would only guess. If we started in
12 '78, 1979, '80 would be my guess.

13 Q Do you remember if Armour of America or the
14 person you met with at Armour of America, told you
15 anything about the capabilities and limitations of their
16 bullet-resistant vests during that first meeting?

17 A Sure. We pretty much caught onto that right
18 away.

19 Q Tell me about that, how you caught onto it?

20 A Each vest had a threat level, each threat level
21 had to do with ballistics of certain bullets. Each
22 officer that purchased a vest would be asked what threat
23 level he would like to purchase, usually it would be one
24 that would at least stop the firearm that he carried. If
25 he wanted less or more, that was an option.

001784

1 And there was two types of vests basically,
2 there was SWAT, tactical, as one category, and then there
3 was personal use vest.

4 Q By personal use, do you mean concealable?

5 A Concealable, every-day law enforcement officer
6 would wear.

7 Q Now, is this information that was given to you
8 during that first meeting at Armour of America, or did
9 you --

10 A No.

11 Q -- or did you obtain it from the brochure?

12 A We learned about the threat levels probably in
13 general conversation when he introduced this to us. But
14 after that we learned what we had to sell. We learned the
15 product. We'd learn Kevlar, we'd learn how many layers of
16 Kevlar it would take for a certain vest to be a certain
17 threat level. Some companies evidently could use less
18 layers because of the different way they might have weaved
19 their Kevlar, thus making a vest lighter, making it maybe
20 more desirable for every day officers.

21 Q Would you define threat level for me as you --
22 in the context of how you learned it back when you were
23 talking with Armour of America?

24 A Threat level was just a term used to define a
25 limit that a vest would stop as far as a bullet. It would

001785

1 A I can't think of anything else that I saw. Like
2 a hang tag or something, I didn't --

3 Q Do you recall seeing any instruction booklets
4 put out by Armour of America that would go with the vests?

5 A I don't recall any.

6 Q Do you recall any information put out by DuPont
7 that would accompany a vest to the police officer?

8 A (Witness indicating negatively.)

9 Q So as you sit here today, back in June of 1981
10 what sources of information concerning the capabilities
11 and limitations of a bullet-proof -- or bullet-resistant
12 vest made by Armour of America, would be available to a
13 police officer?

14 MR. DUNN: Would be available to the police
15 officer, not went with the vest itself?

16 Q (BY MR. SAMPSON) Right. No what went with the
17 vest. If I went up to Lawco and I wanted to buy a vest,
18 what sources of information would be available to me to
19 educate me concerning that vest?

20 A We had an information bin, if you'd like, with
21 all kinds of slots where we kept all our free literature
22 and information for the police. There was plenty of
23 always Armour of America literature. And I'm not so sure
24 there wasn't some little spec sheets that were available
25 from time to time. Whether or not they came from DuPont,

Tab 18

COPY

1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH CENTRAL DIVISION

FILED DISTRICT COURT
Third Judicial District

ANN C. HOUSE, individually,
and as the Personal
Representative of the Estate
of Freddie Floyd House,

Plaintiff,

v.

ARMOUR OF AMERICA, INC., a
California corporation;
LAWCO POLICE SUPPLY, a Utah
corporation; E.I. Du PONT
de NEMOURS, a Delaware
corporation, and JOHN DOES
III through XX,

Defendants.

APR 2 1991
SALT LAKE COUNTY
By *[Signature]*
Civil Action
No. 90-C-508A
Hon. A. J. Anderson

890901427

Deposition of LOUIS H. MINER, taken
pursuant to notice at the DuPont Hotel, Odessa Room,
11th and Market Streets, Wilmington, Delaware,
beginning at 9:02 a.m. on Thursday, July 19, 1990,
before Edward N. Hawkins, Registered Professional
Reporter.

APPEARANCES:

Charles P. Sampson, Esq.
and Fred R. Silvester, Esq.
Suttter Axland Armstrong & Hanson
Clark Leaming Office Center
175 South West Temple
Salt Lake City, Utah 84101
for the Plaintiff

David K. Watkiss, Esq.
and Joseph T. Dunbeck, Jr., Esq.
Watkiss & Saperstein
310 South Main Street, 12th Floor
Salt Lake City, Utah 84101
for the Defendants
Armour of America, Inc. and
E.I. Du Pont de Nemours & Company

Hawkins Reporting Service

812 MARKET STREET
WILMINGTON, DE 19801
(302) 658-6697

001939

DISCOVERY **XX**

1 Q. Were all PPAA members testing in
2 accordance with the 01 standard after it was
3 promulgated?

4 A. Yes. They all went out and got their
5 vests certified to 01.

6 Q. Was that a PPAA rule or regulation, or
7 among the PPAA, did they say, "We will adopt the 01
8 standard as our testing standard"?

9 A. No. I don't think there was anything
10 officially said. It sort of goes without saying.

11 Q. Did DuPont impose a criteria that
12 manufacturers test in accordance with the 01 standard
13 in order to take advantage of Kevlar, to purchase
14 Kevlar?

15 A. You will have to --. I don't understand
16 the question.

17 Q. I'm sorry. Did DuPont require an
18 assurance that a manufacturer would test in
19 accordance with the 01 standard before DuPont would
20 allow that manufacturer to use Kevlar?

21 A. Oh, no. No.

22 Q. Subsequently when the 02 standard came
23 out, did DuPont require assurance from the
24 manufacturer that the manufacturer would comply with

1 the 02 standard before Kevlar would be sold to the
2 manufacturer?

3 A. No.

4 Q. How about under the 03 standard?

5 A. We never --. We announced conditions of
6 sale, but never -- never went through with them.

7 MR. SILVESTER: Do you want to clear up
8 the record on that 01, and then David can have that
9 copy that's been marked? It's already marked as 36.

10 MR. SAMPSON: 01 was marked in Mr. Gates'
11 deposition as Exhibit 36. Because we couldn't find
12 that, we marked it again as Exhibit 43. Now we have
13 two, and you can look at that if you want.

14 MR. SILVESTER: Do you want to withdraw
15 43? Let's withdraw 43. The reference in the record
16 will be to 36 instead of 43 and we will reuse number
17 43, the number.

18 MR. WATKISS: That's fine.

19 MR. DUNBECK: Off the record.

20 (Following a discussion off the record:)

21 BY MR. SAMPSON:

22 Q. Mr. Miner, would you refer to Exhibit 36,
23 please?

24 A. Sure.

1 the 02 standard. Now sell me Kevlar."

2 Q. So that there was no condition with
3 respect to the standards that DuPont imposed upon a
4 manufacturer; is that correct?

5 A. There were no conditions, that's correct.
6 And you understand, also, there are other standards
7 besides this one, besides 02, 03 and 01?

8 Q. What other standards are there?

9 A. California Highway Patrol has their own
10 standard.

11 Q. What other standards?

12 A. There's standards outside the country.
13 I'm trying to make the distinction. No one ever came
14 to us and said, "Here is what my vest will do. Now
15 sell me Kevlar."

16 Q. Okay. So the statement -- well, strike
17 that.

18 I guess to sum it up then. DuPont did not
19 require that a manufacturer test in accordance with
20 any standard before Kevlar would be sold to that
21 manufacturer?

22 A. That's a fair statement.

23 Q. We talked earlier about the distinction
24 between rifle fire and handgun fire. And I think

1 conducted?

2 A. Oh, yes. LEAA followed through with that
3 study.

4 Q. What did they find out?

5 A. The work, as I recall, was done again by
6 Aerospace Corporation, and Aerospace -- one of the
7 questions Aerospace asked the police officers after
8 they had had a chance to wear the vest for a while,
9 on whether they had a -- whether they thought they
10 were supermen.

11 And the answer came back conclusively -- I
12 can't recall the percentage, but it was very high.
13 They concluded conclusively that they did not get the
14 superman complex; that they didn't feel that they
15 were more reckless or aggressive. It was
16 specifically in the questionnaire that was sent out
17 to the 5,000 police officers. That's public
18 information through Aerospace and through NILE/CJ.

19 Q. Do you have a copy of that in your file?

20 A. I don't know if I have a copy of that
21 report or not. I'd have to look.

22 Q. Do you agree that they shouldn't think
23 they are supermen, don't you?

24 A. Yes, absolutely.

1 BY MR. SAMPSON:

2 Q. Mr. Miner, have you seen Exhibits 49
3 before?

4 A. No, I haven't.

5 Q. I'll represent to you that that was
6 distributed by the Vested Interest Program at a
7 recent law enforcement convention in D.C. honoring
8 dead police officers.

9 Is that the kind of image DuPont wants to
10 promote in connection with the wearing of soft body
11 armor?

12 A. You know, you have to give me a context
13 here.

14 MR. DUNBECK: Are you referring to them as
15 collectively or individually?

16 MR. SILVESTER: They came out a
17 collective. That's a single poster.

18 MR. SAMPSON: That's a single poster.

19 MR. DUNBECK: You can't tell?

20 MR. SAMPSON: No. We have the original at
21 our office. When we copied them, they couldn't copy
22 a full size. These are together like this.

23 MR. WATKISS: Wait a minute. Do I
24 understand you have never seen this before, Ed? Or

1 Lou?

2 THE WITNESS: No, I have never seen it.

3 MR. WATKISS: You don't know where they
4 came from or anything about about it or how it was
5 used?

6 THE WITNESS: I don't know what the
7 context is.

8 BY MR. SAMPSON:

9 Q. Is it accurate, Mr. Miner?

10 MR. WATKISS: Accurate compared to what?

11 Q. Is it accurate in connection -- in your
12 opinion, based on your expertise, does that convey an
13 accurate picture?

14 MR. WATKISS: Which?

15 A. Of what?

16 Q. Of soft body armor.

17 MR. WATKISS: Which one are you pointing
18 to, the A or B?

19 MR. SAMPSON: It's one poster.

20 MR. WATKISS: No. I mean, you're pointing
21 at this one; right?

22 MR. SAMPSON: Right.

23 MR. WATKISS: You're pointing to one with
24 the bullets bouncing off, something that looks like

1 an H, whatever it's supposed to stand for.

2 MR. SAMPSON: Right.

3 MR. WATKISS: And that is 49A. What's the
4 H stand for, I wonder?

5 THE WITNESS: I don't know. And the top
6 is cut off here, too.

7 MR. SAMPSON: Well, I can show you a
8 condensed copy of the poster. Let's have this marked
9 as Exhibit 50.

10 (Exhibit 50 marked for identification.)

11 MR. WATKISS: What is this? Is this 50?

12 MR. SAMPSON: That's 50. That's the
13 pamphlet that accompanied the poster.

14 THE WITNESS: It looks like an effort to
15 promote vest wear. I really don't know the context,
16 because I haven't been involved in the Vested
17 Interest Program.

18 Q. You have looked at a lot of vests in your
19 career at DuPont, haven't you, Mr. Miner?

20 A. Uh-huh. Yeah.

21 Q. Is this concealable? Does this look like
22 concealable soft body armor?

23 A. Yes.

24 Q. Have you ever seen a bullet bounce off

Tab 19

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF UTAH, CENTRAL DIVISION

-o0o-

ANN C. HOUSE, INDIVIDUALLY,)	
AND AS THE PERSONAL REPRESENTATIVE OF THE ESTATE OF)	
FREDDIE FLOYD HOUSE,)	CIVIL NO. 89-C341-W
)	
PLAINTIFF,)	DEPOSITION OF:
)	
VS.)	<u>ROBERT A. LARSON</u>
)	
ARMOUR OF AMERICA, INC., A)	
CALIFORNIA CORPORATION; AND)	
JOHN DOES I THROUGH XX,)	
)	
DEFENDANTS.)	

-o0o-

BE IT REMEMBERED THAT ON THE 7TH DAY OF JULY, 1989,
THE DEPOSITION OF ROBERT A. LARSON, PRODUCED AS A WITNESS
HEREIN AT THE INSTANCE OF THE DEFENDANT HEREIN, IN THE ABOVE-
ENTITLED ACTION NOW PENDING IN THE ABOVE-NAMED COURT, WAS
TAKEN BEFORE LISA M. BERNARDO, A CERTIFIED SHORTHAND REPORTER
AND NOTARY PUBLIC IN AND FOR THE STATE OF UTAH, COMMENCING AT
THE HOUR OF 10:15 A.M. OF SAID DAY AT THE OFFICES OF WATKISS
& CAMPBELL, ATTORNEYS AT LAW, 310 SOUTH MAIN STREET, SALT
LAKE CITY, STATE OF UTAH.

THAT SAID DEPOSITION WAS TAKEN PURSUANT TO NOTICE AND
SUBPOENA DUCES TECUM.

-o0o-



**Rocky Mountain
Reporting Service, Inc.**

322 Newhouse Building
10 Exchange Place
Salt Lake City Utah 84111
Phone (801) 531-0256

Lisa M. Bernardo, C.S.R., R.P.R.

1 AND "B" NORTH, AND THAT'S BASICALLY MY CAREER.

2 Q CAN YOU TELL ME WHAT YOUR EDUCATIONAL
3 BACKGROUND IS BRIEFLY?

4 A I HAVE A DEGREE IN -- NOT SOCIAL WORK, A MINOR
5 IN PSYCHOLOGY AND THE OTHER ONE IS IN...

6 MR. BARRY: I DIDN'T DO IT.

7 THE WITNESS: SOCIOLOGY.

8 Q (BY MR. FOWLER) YOU HAVE A BACHELOR'S DEGREE?

9 A YES.

10 Q WHERE DID YOU RECEIVE IT?

11 A PART AT BRIGHAM YOUNG. GRADUATED AT WEBER
12 STATE.

13 Q ANY POST GRADUATE EDUCATION?

14 A NO.

15 Q NOW, MR. LARSON, DID YOU HAVE RESPONSIBILITY
16 AT THE DEPARTMENT OF CORRECTIONS FOR GATHERING THE
17 DOCUMENTS THAT WE HAVE REFERRED TO THAT WERE PRODUCED IN
18 RESPONSE TO THE SUBPOENA DUCES TECUM?

19 A YES, UH-HUH (AFFIRMATIVE).

20 Q LET ME ASK YOU FIRST ABOUT RECORDS RELATING TO
21 THE PURCHASE ACQUISITION OF BODY ARMOR. I DIDN'T SEE ANY
22 OF THE MATERIAL THAT WAS PRODUCED THAT PREDATED ABOUT
23 1986.

24 A UH-HUH (AFFIRMATIVE).

25 Q DO YOU KNOW WHETHER THE DEPARTMENT MAINTAINS

2 A TO MY BEST KNOWLEDGE, THAT DOCUMENTATION IS
3 NOT AVAILABLE.

4 Q DO YOU KNOW WHAT HAPPENED TO IT?

5 A THAT WAS BEFORE MY TIME. I ASSUME IT WENT TO
6 ARCHIVES, BUT I'M NOT SURE.

7 Q HAVE YOU LOOKED IN THE ARCHIVES FOR IT?

8 A YES.

9 Q AND IT WASN'T THERE?

10 A I COULD NOT FIND IT.

11 Q WHO IS RESPONSIBLE AT THE ARCHIVES FOR
12 MAINTAINING CUSTODY OF THOSE DOCUMENTS?

13 A I HAVE NO IDEA.

14 Q DID YOU ASK SOMEONE THERE IF THEY HAVE IT?

15 A DALE MCMILLAN IS THE ONE I ASKED AT STATE
16 PURCHASING.

17 Q WHAT IS HIS TITLE, IF YOU KNOW?

18 A I HAVE NO IDEA. HE IS JUST MY CONTACT THERE.

19 Q CAN YOU TELL ME WHAT YOU WERE TOLD BY MR.
20 MCMILLAN?

21 LET ME FIRST BACK UP. DID YOU PHYSICALLY LOOK
22 FOR THE DOCUMENTS IN THE ARCHIVES?

23 A YES.

24 Q YOU PERSONALLY DID?

25 A YES.

1 Q SO YOU WENT TO SEE MR. MCMILLAN AND HE
2 DIRECTED YOU TO SOME AREA WITHIN THE ARCHIVES?

3 A UH-HUH (AFFIRMATIVE).

4 Q WHAT DID HE TELL YOU?

5 A INITIALLY HE TOLD ME TO COME ON UP, WE'LL LOOK
6 IN MY RECORDS HERE IN HIS OFFICE, IN STATE PURCHASING.
7 WE DID THAT. I WAS THERE WITH HIM WHEN HE LOOKED. COULD
8 NOT FIND ANY DOCUMENTS. SET IT UP WITH ARCHIVES TO GO
9 OVER THERE AND LOOK. WE IDENTIFIED THE YEARS AS CLOSE AS
10 WE COULD, AND WENT THROUGH THOSE BOXES PERSONALLY. HE
11 WAS THERE WITH US. COULD NOT LOCATE ANY PROCUREMENT
12 DOCUMENTS OR REQUISITIONS.

13 Q WHO ELSE WAS WITH YOU?

14 A THERE WAS TOM HOUSE, ELAINE HOUSE, AND DALE
15 MCMILLAN.

16 Q WHAT BOXES DID YOU LOOK IN?

17 A I DIDN'T WRITE DOWN THE BOX NUMBERS.

18 Q DID THEY CONTAIN DEPARTMENT OF CORRECTIONS
19 DOCUMENTS?

20 A YES.

21 Q DID YOU LOOK AT ANY OF THE DOCUMENTS IN THE
22 BOXES TO ASCERTAIN WHAT THEIR SUBJECT MATTER WAS?

23 A YEAH.

24 Q CAN YOU TELL ME GENERALLY WHAT THEY INVOLVED?

25 A THEY INVOLVED -- MOST OF THEM INVOLVED PRISON

1 RECORDS, REQUISITIONS FROM THOSE PARTICULAR YEARS THAT WE
2 WERE -- HAD TARGETED.

3 Q WHICH WERE WHAT?

4 A THE YEARS?

5 Q YES.

6 A I'D HAVE TO GO BACK AND LOOK, BUT RIGHT AROUND
7 -- RIGHT AROUND '79, '78.

8 Q WHEN DID THIS ALL TAKE PLACE?

9 A WHEN DID WE DO THIS?

10 Q YES.

11 A I'D HAVE TO GO BACK AND LOOK IN MY PLANNER. I
12 THINK IT --

13 MR. BARRY: IT WAS PROBABLY JANUARY OR
14 FEBRUARY.

15 Q (BY MR. FOWLER) OF 1989?

16 A I BELIEVE SO.

17 Q SO WHAT YOU ARE DESCRIBING TO ME NOW WAS NOT
18 DONE IN RESPONSE TO OUR SUBPOENA DUCES TECUM?

19 A OH, NO.

20 Q WHAT WAS YOUR PURPOSE IN GOING TO ARCHIVES IN
21 JANUARY OR FEBRUARY?

22 A THE FIRM REPRESENTING ANN HOUSE WANTED TO
23 LOCATE THOSE.

24 Q THOSE BEING PROCUREMENT RECORDS FROM 1978 AND
25 1979?

1 A UH-HUH (AFFIRMATIVE), THE PROCUREMENT RECORDS
2 FOR THE BODY ARMOR THAT FRED WAS WEARING AT THAT
3 PARTICULAR TIME.

4 Q AND YOU ARE TALKING ABOUT MR. HANSON OR MR.
5 SAMPSON?

6 A UH-HUH (AFFIRMATIVE).

7 Q WERE EITHER OF THEM WITH YOU AT THE TIME
8 YOU --

9 A NO.

10 Q -- REVIEWED THE DOCUMENTS?

11 A NO.

12 Q AND YOU HAVE TOLD ME, IF I UNDERSTOOD YOU
13 CORRECTLY, YOU FOUND SOME REQUISITION DOCUMENTS, BUT THEY
14 DIDN'T RELATE TO BODY ARMOR AT ALL, OR JUST NOT TO MR.
15 HOUSE'S BODY ARMOR?

16 A THEY WERE NOT IN RELATION TO BODY ARMOR, JUST
17 NORMAL PURCHASES THAT THE PRISON HAD MADE FOR, YOU KNOW,
18 FOOD, CLOTHING FOR INMATES, ALL KINDS OF NORMAL PURCHASES
19 BY THE PRISON.

20 Q SO WHEN YOU WERE CONTACTED BY MR. BARRY WITH
21 RESPECT TO OUR SUBPOENA, YOU SIMPLY SAID I'VE ALREADY
22 LOOKED FOR THOSE BEFORE AND WE DON'T HAVE THEM?

23 A YEAH.

24 Q DO YOU KNOW ANYTHING ABOUT HOW THOSE RECORDS
25 WERE MAINTAINED BY THE DEPARTMENT DURING THE TIME FRAME

OF THE EARLY EIGHTIES;

A I HAVE NO IDEA.

3 Q YOU DON'T KNOW WHO WOULD HAVE HAD THAT
4 RESPONSIBILITY?

5 A NOPE, I REALLY DON'T.

6 Q DO YOU KNOW WHERE THEY WOULD HAVE BEEN KEPT
7 PHYSICALLY?

8 A NO. I HAD NOTHING TO DO WITH ANY REQUISITIONS
9 BACK AT THAT PARTICULAR TIME.

10 Q WHO WOULD --

11 A OTHER THAN TO FILL THEM OUT AND GET THEM
12 SIGNED AND SEND THEM ON.

13 Q DO YOU KNOW WHO WAS RESPONSIBLE FOR THE
14 REQUISITIONS? WOULD IT HAVE BEEN MR. FOWLKE?

15 A I'M NOT SURE WHO WAS RESPONSIBLE, YOU KNOW,
16 WHEN THEY PURCHASED THOSE. I WAS NOT INVOLVED AT THAT
17 PARTICULAR TIME.

18 Q WAS MR. FOWLKE INVOLVED IN THOSE ACTIVITIES
19 GENERALLY? NOT NECESSARILY REQUISITIONS, BUT WOULD HE
20 KNOW WHO --

21 A I KNOW THAT HE WAS PART OF THE S.W.A.T. TEAM,
22 BUT I DON'T KNOW WHEN HE ENTERED -- THE EXACT TIME HE
23 ENTERED THE S.W.A.T. TEAM.

24 Q SO THE MATERIALS THAT HAVE BEEN PROVIDED, TO
25 YOUR KNOWLEDGE, REPRESENT EVERYTHING THE DEPARTMENT OF

1 CORRECTIONS CORRECTION --

2 BODY ARMOR?

3 A YES.

4 Q WE ALSO ASKED FOR DOCUMENTS CONCERNING THE
5 TESTING OF BODY ARMOR, AND THERE WERE SOME MATERIALS
6 PRODUCED RELATING TO TESTING PERFORMED IN NOVEMBER OF
7 1988 AT WHITE LABORATORIES.

8 A UH-HUH (AFFIRMATIVE).

9 Q ALONG WITH A VIDEO TAPE OF A PORTION OF THAT?

10 A UH-HUH (AFFIRMATIVE).

11 Q DO YOU HAVE ANY OTHER MATERIALS? DID YOU LOOK
12 FOR ANY MATERIALS OF ANY OTHER TESTING?

13 A I LOOKED THROUGH ALL OF OUR RECORDS.

14 MR. HANSON: I DON'T UNDERSTAND. ANY OTHER
15 TESTING OTHER THAN NOVEMBER OF 1988?

16 MR. FOWLER: RIGHT.

17 MR. HANSON: THANK YOU.

18 THE WITNESS: THAT'S ALL I COME UP WITH.

19 Q (BY MR. FOWLER) WHAT RECORDS DID YOU LOOK
20 THROUGH SPECIFICALLY?

21 A OUR OFFICE RECORDS, OUR FILES.

22 Q MEANING THE ENFORCEMENT --

23 A UH-HUH (AFFIRMATIVE).

24 Q -- AND INVESTIGATIONS BUREAU?

25 A UH-HUH (AFFIRMATIVE).

Tab 20

FILED
DISTRICT COURT

Nov 20 12 35 PM '92

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THIRD JUDICIAL DISTRICT
SALT LAKE COUNTY
[Signature]
DEPUTY CLERK

Attorneys for Plaintiff

IN THE THIRD JUDICIAL DISTRICT COURT IN AND FOR
SALT LAKE COUNTY, STATE OF UTAH

ANN C. HOUSE, individually)
and as the Personal Represen-)
tative of the Estate of)
Freddie Floyd House,)
Plaintiff,)
vs.)

ARMOUR OF AMERICA, INC., a)
California corporation,)
LAWCO POLICE SUPPLY, a Utah)
corporation, E.I. DuPONT de)
NEMOURS, a Delaware corpora-)
tion, and JOHN DOES III)
through XX,)
Defendants.)

MEMORANDUM OF POINTS AND
AUTHORITIES IN OPPOSITION
TO DEFENDANTS' ARMOUR OF
AMERICA'S AND DUPONT'S MOTION
FOR SUMMARY JUDGMENT

Civil No. 890901427 CV

Hon. Richard H. Moffat

INTRODUCTION

In June of 1981, the Utah Department of Corrections purchased ten bullet-proof vests for its newly-formed tactical squads. Nine of the vests were concealable, they could be worn under uniform shirts. The tenth vest was a tactical vest which was heavier and provided more coverage than the concealable vests. The tactical vest also had a pocket which would accept a hard armor

The only warning on the label is that the vest will not contain armor-piercing rounds.

Between June of 1981 when Lt. House's vest was purchased and the time of his death, there is no evidence that any other information concerning Fred's vest's capabilities and limitations ever reached him.

Lt. House was killed on January 28, 1988, on the 13th day of a standoff between law enforcement officers and the Singer/Swapp families at Marion, Utah. At the time of his death, Lt. House was kneeling in an open doorway in the direct line of fire of both Addam and Jonathan Swapp and the Singer home. He was approximately two to three feet in front of another corrections officer, Jerry Richard Pope, when he swung open a door so that he and Officer Pope could release their dogs to apprehend Addam and Jonathan Swapp. Gunfire erupted immediately. According to Officer Pope, it was as if "they had a bead on us." A .30 caliber bullet fired from a carbine struck the back edge of the trauma plate inserted in Lt. House's vest and then penetrated the vest.

Lt. House died instantly. Thus, he is unable to tell us whether he was adequately instructed and warned of the capabilities and limitations of his vest to allow him to intelligently use that vest. We must, therefore, rely upon other tactical squad members' knowledge and understanding concerning the capabilities and limitations of Lt. House's vest to infer what Lt. House knew. As the facts set forth below will demonstrate, the other tactical squad members had varied and often erroneous understandings

some of the particular needs that we felt...the point man...should have." (Id. p. 50, L. 11-13.) "We wanted it to be able to take a long gun round....[A]nd I made the assumption that my vest and the other members, with the exception of Fred's vest, would not be able to withstand a long gun round." (Id. L. 15-20.)

c. "Fred was initial entry and point man, point man in terms of getting intelligence from an extended position, feeding that information back to the team and then he was typically entry, the person who was initially entering." (Tom House deposition, Vol. 1, p. 39, L. 5-8.) "[F]red was the most likely person...to take fire face on at point blank." (Id. p. 97, L. 20-22.)

d. "The reason we bought the -- bought that particular vest and that boilerplate, that thick ballistic plate, for [Fred] is he was the initial entry person on any kind of a forced entry. And at that particular time, we bought what we thought was the best available, and we thought that would stop anything. And he normally wore that in high risk assignments." (Robert Larson deposition, p. 51, L. 1-8.)

e. "[The sales representative] literally sold us on the vest as being the top of the line and the best that money can buy....Obviously, we were a SWAT Team, we were going to go into, if there is an armed suspect, anything with weapons, we were going to be involved in. [And the sales representative] says, 'Ok. There are several categories.' And he says, 'You want the best. You want the Cadillac of vests. You don't want this one, this one down here on the line, you want the best.' And we said, 'Yes.' And he says, 'What is the most powerful rifle? What is the most powerful weapon that you have to stop?' And we told him, 'We have two 30.06s that the sniper squad has that we will need to stop.' And he says, 'This vest, then, will do for the team members and you want this vest for whoever is the point man.' And we at that time knew who our point man was, which was Fred. So Fred was measured and we bought the one vest for him that was suppose to stop that .06." (Karl N. Bartell deposition, p. 18, L. 21-25; p. 19, L. 1-13.)

f. "It was because Fred was on the team. Fred was basically the point man on the team, which meant he was the first man into the problem. If you were doing a room entry, or whatever, he would be the first person into the room, so he had the heaviest vest, yes." (Richard Billings deposition, p. 25, L. 6-10.) Richard Billings would expect a vest that would contain a .44 caliber magnum round, which is touted as being the most powerful handgun made, would contain a .30 caliber carbine round at 70 yards, unless it was armor-piercing.

and wear it covertly, and our vest had the capability to wear it under something, and an untrained person, they probably would not be able to tell whether you had body armor on." (Id. p. 55, L. 6-11.) Fred's vest had more stopping power than Mr. Billing's vest since it was "obviously a bigger, heavier vest....[T]his was a very serious looking vest." (Id. p. 56, L. 4-7.)

5. The members of the tactical squads had different views on what Lt. House's would contain. Specifically:

a. Without the plate, Fred's vest had approximately the same stopping power as Steve Minor's vest. Mr. Minor thought his vest would stop up to a .44 caliber pistol. He would not expect it to stop high caliber bullets such as .300, 30.06 and .308. (Steven Minor deposition, p. 28, L. 14-20; p. 29, L. 1-2.) It was his understanding at the time of the deposition that high powered rifles had to hit Fred's plate or they would penetrate. (Id. p. 31, L. 1-9.) Mr. Minor did not know whether a vest labeled as being capable of stopping a .44 magnum at point blank range would stop a .30 caliber carbine round at 70 yards. (Id. p. 54, L. 4.)

b. Fred's vest, without the plate, would not stop rounds shot from long-barreled guns or rifles. (Lynn Jorgensen deposition, p. 70, L. 24.)

c. [Fred's vest] would stop anything. (Robert Larson deposition, p. 51, L. 1-8.)

d. "We knew it wouldn't stop a 30.06 without the trauma plate." (Karl N. Bartell deposition, p. 38, L. 17-18.) "With the vest and thing of where the plate meet, there are two layers of vest that come in together at the edge of this. The way it was represented to me, if a bullet strikes any place on this plate it should stop, with the vest, this should stop a bullet." (Id. p. 37, L. 7-11.) The bullet struck the edge of Fred's plate "then it had to penetrate two layers of vest and a .30 caliber carbine won't come up near the specs of a .44 magnum handgun." (Id. p. 35, L. 7-13.) The reason why a vest that will stop a .44 magnum won't stop a 30.06 is that the vest is not thick enough, there is not enough Kevlar. (Id. p. 71, L. 10.) "I had a lesser quality vest than Freddie. Freddie's vest was suppose to be thicker and Freddie's vest had a plate." (Id. p. 71, L. 4-6.) Based upon his label, Mr. Bartell did not know whether his vest would have stopped a .30 caliber round at 70 yards even though it would stop a .44 magnum at point blank range. (Id. p. 72, L. 20-24.)

e. [Fred's vest] had "more layers of Kevlar and weight, probably three times what mine weighed." (Wayne Jorgensen

them wore it on duty. Brand Study at 23. It found that the attitudes of some officers were "tainted" by "'old wives' tales," including the argument that, "[s]ince the bad guys know that police wear body armor they now shoot at the head rather than the torso." Id. at 25, 49. The defendants undertook to educate police officers by telling them that an officer was more likely to be hit in the torso than in the head or extremities. This is because gunmen tend to aim at the point of critical mass--the torso. A trier of fact could conclude that the defendants' efforts had the desired effect on Lt. House and that he accordingly discounted the possibility of being killed by a gunshot to the head, arms or legs. And, in fact, the bullet that struck Lt. House did not strike him in an unprotected area but hit the plate in the front of his vest and penetrated the vest.

Finally, the defendants argue that Lt. House's exposure to rifle fire was the result of the arrest plan, which did not anticipate rifle fire from the Singer home, and not Lt. House's misplaced reliance on his vest. The simple answer to this argument is that Lt. House may not have even been on the scene had he and the other officers at Marion been adequately warned. Even though the arrest plan did not anticipate rifle fire from the Singer house, it did anticipate rifle fire from Addam and Jonathan Swapp, who were much closer to Lt. House and the arresting officers and who were carrying rifles. A reasonable jury could conclude that, had everyone involved known of the limitations of vests and the lack of protection the officers in the green house had, they would

Inc., 481 So.2d 1022, 1033 (La. Ct. App. 1985). Whether DuPont adequately fulfilled its duty to warn is a question for the trier of fact. See, Bickram, 712 F. Supp. at 22.

CONCLUSION

For the foregoing reasons, Armour's and DuPont's motion for summary judgment should be denied.

REQUEST FOR HEARING

Pursuant to rule 4-501(3) of the Judicial Council Rules of Judicial Administration, the plaintiff requests a hearing and oral argument on the defendants' motion.

DATED this 20th day of November, 1992.

SUITTER AXLAND ARMSTRONG & HANSON



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CERTIFICATE OF SERVICE

I hereby certify that I a true and correct copy of the foregoing MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION TO DEFENDANTS' ARMOUR OF AMERICA'S AND DUPONT'S MOTION FOR SUMMARY JUDGMENT was hand-delivered this 20th day of November, 1992, to:

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