

1 Mr. Zenger.

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

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

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

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

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

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

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

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

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

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

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

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

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

14 THE COURT: That's true.

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

25 So I realize it may be an inconvenience for

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

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

7 MR. SINGER: No, sir.

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

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

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

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

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

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

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

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

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

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

10 Now, what are the objections you have?

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

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

19 THE COURT: No, I don't.

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

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

22 MR. SINGER: Yes.

23 THE COURT: The additional parts are not on?

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

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

4 Is that right, Steve?

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

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

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

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

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

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

24 MR. SINGER: No, Your Honor.

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

1 respond.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 Let's call in the jury.

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

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

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

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

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

5           AITOR BELATEGI, PLAINTIFFS' WITNESS BY VIDEOTAPED DEPOSITION

6           THE COURT: Play the deposition.

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

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

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

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

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

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

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

5 MR. SINGER: Yes, Your Honor.

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

11 With that, you may call your witness.

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

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

16 AITOR BELATEGI, DEFENDANTS' WITNESS, SWORN

17 THE CLERK: You may take the stand.

18 DIRECT EXAMINATION

19 BY MR. SINGER:

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

22 A. Yes.

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

25 A. He took one day and a half.

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

3 A. Yes, I think so.

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

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

8 Q. Guggenheim Museum there?

9 A. Yes.

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

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

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

15 A. Yes, it is.

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

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

23 BY MR. SINGER:

24 Q. Do you understand English pretty well?

25 A. Yes, I do.

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

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

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

5 A. Yes. That's all right.

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

9 A. Okay.

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

12 A. Yes.

13 Q. The falling-block design?

14 A. Yes.

15 Q. What is a falling-block?

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

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

23 A. Yes, I was.

24 Q. And after the development stage?

25 A. Yes.

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

4 A. Yes.

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

7 A. Yes.

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

11 A. Yes.

12 Q. How many times?

13 A. A lot of times. Maybe 50.

14 Q. And where do you do that?

15 A. In the Proofhouse of Eibar.

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

18 A. Yes.

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

21 A. Yes.

22 Q. In the pre-series stage?

23 A. Yes.

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

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

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

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

11 A. Yes.

12 Q. What are those?

13 A. The break-actions.

14 Q. What models are the break-actions?

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

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

18 A. Yes.

19 Q. Same breech plug?

20 A. Exactly the same.

21 Q. Interchangeable?

22 A. Interchangeable.

23 Q. Same breech plug threads?

24 A. Yes.

25 Q. Same breech plug hole?

1 A. Yes.

2 Q. Same machines made it?

3 A. Yes.

4 Q. Same operators made it?

5 A. Yes.

6 Q. Some tap formed threads?

7 A. Yes.

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

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

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

19 A. Yes.

20 Q. With Dikar representatives in February of 2002?

21 A. Yes.

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

24 A. Yes.

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

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

3 A. Yes.

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

6 A. Yes.

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

8 A. Ikerlan and Dikar both.

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

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

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

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

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

18 A. Yes.

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

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

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

25 A. Sorry.

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

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

5 Q. So double the maximum magnum load?

6 A. Yes.

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

9 A. Yes.

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

11 A. By the proofhouse, yes.

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

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

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

16 A. Yes.

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

18 A. Yes. No problem.

19 Q. It sustained the overpressure test?

20 A. Yes.

21 Q. It sustained the functional test?

22 A. Yes.

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

25 A. Yes.

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

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

5 Q. Describe what pre-series is.

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

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

18 A. Yes.

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

20 A. Yes.

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

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

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

1 A. Yes, I did.

2 Q. Did you watch others fire them?

3 A. Yes.

4 Q. At magnum load?

5 A. Yes.

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

7 A. Yes, sir.

8 Q. Do you know what they did exactly?

9 A. No.

10 Q. Do you know they fired them?

11 A. Yes.

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

15 A. No.

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

18 THE COURT: Sustained.

19 BY MR. SINGER:

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

21 A. Not yet.

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

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

25 Q. And did they provide that approval?

1 A. Yes, they did.

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

4 MR. SINGER: May I approach?

5 THE COURT: You may.

6 BY MR. SINGER:

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

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

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

13 A. Yes.

14 Q. And overpressure test and the shooting test?

15 A. Yes.

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

18 A. Yes.

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

21 A. Yes.

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

24 A. Yes.

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

1 business?

2 A. Yes.

3 Q. Is that a Dikar business record?

4 A. Yes.

5 MR. SINGER: Move Exhibit T.

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

9 THE COURT: You can check.

10 MR. SINGER: That is correct.

11 THE COURT: T is received.

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

14 BY MR. SINGER:

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

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

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

23 A. Yes.

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

1 action gun?

2 A. Yes.

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

4 A. Yes.

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

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

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

9 A. Yes.

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

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

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

22 A. Yes, almost the same.

23 Q. And the same shooting test?

24 A. Yes.

25 Q. Same pre-series?

