

United States Senate

August 11, 2020

Mr. Ken D’Arcy
CEO
Remington Outdoor Company, Inc.
100 Electronics Blvd SW
Huntsville, Alabama 35824

Dear Mr. D’Arcy,

We write to express our concern that Remington’s current bankruptcy strategy threatens to derail the Sandy Hook lawsuit and leave them with no path to justice.

The families of the Sandy Hook lawsuit lost nine of their loved ones—many as young as six years old—in the December 2012 Sandy Hook shooting. In December 2014, they brought nine wrongful death claims against Bushmaster, Remington, and certain of their affiliates (“Remington”) in Connecticut state court.

Their lawsuit asks for millions in damages to account for the hundreds of years of life collectively taken from their loved ones by a shooter using an AR-15 manufactured and marketed by Remington. More importantly, however, their lawsuit asks for accountability for how Remington marketed, and continues to market, weapons of war to civilians and the role that such marketing plays in tragedies like the one at Sandy Hook.

The Connecticut Supreme Court ruled that this case should proceed under state laws that allow for “[t]he regulation of advertising that threatens the public’s health, safety, and morals.” After the U.S. Supreme Court denied Remington’s petition for certiorari, a trial date was set for September 2021. The Sandy Hook families have therefore pressed ahead with discovery and depositions to prepare for a Connecticut jury to hear their case.

Unfortunately, Remington’s bankruptcy filing has, for the moment, halted progress in the case. And, more concerning, Remington’s decision to omit any mention of these Sandy Hook families or their claims from both the initial bankruptcy filings and its listing of the Top 40 Unsecured Creditors raises concerns about the potential use of the bankruptcy process to selectively shed its liability to these Sandy Hook families while paying off other similarly situated creditors. This decision is particularly troubling because Remington’s own defense counsel in the Sandy Hook lawsuit is listed as an unsecured creditor.

In addition, the Sandy Hook families’ lawsuit was included on the listing of the Top 40 Unsecured Creditors in Remington’s 2018 bankruptcy filing, even though, at that time, the case had been dismissed and was on appeal at the Connecticut State Supreme Court. Including a dismissed case on appeal on the unsecured creditors list in 2018 but omitting

that same case now that it has a trial date set in 2021 certainly raises additional questions regarding how Remington is proceeding with its current bankruptcy filing.

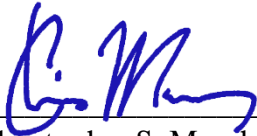
The timing of Remington's bankruptcy filing and quick-sale strategy also raises questions. On November 12, 2019, the U.S. Supreme Court denied Remington's petition for certiorari to stop the Sandy Hook families' lawsuit. On the very same day, Judge Bellis of the Fairfield District Superior Court of Connecticut scheduled a status conference, which was ultimately held on December 11, 2019, to set a schedule for the case through trial. It is at that same time that Remington began pursuing the sale process that culminated in the July 27th bankruptcy filing in Alabama.

Given these troubling developments in Remington's bankruptcy proceedings:

1. Will Remington commit at this time to allow the Sandy Hook Families to pursue their claims in Connecticut State Court by asking the Court to exempt the Sandy Hook Lawsuit from the automatic bankruptcy stay?
2. Will Remington commit to accepting a sale transaction only if it ensures that there are sufficient resources, whether under insurance or otherwise, or commitments from the buyer, to cover any monetary award that a Connecticut jury might award?

We look forward to your prompt attention to this inquiry, and would appreciate a response no later than August 19, 2020.

Sincerely,



Christopher S. Murphy
United States Senator



Richard Blumenthal
United States Senator

cc:

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