

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

- - -

5	KEITH and BIANCA	:	
6	SLATOWSKI,	:	
7	Plaintiffs,	:	
8	vs.	:	CIVIL ACTION
9	SIG SAUER, INC.,	:	NO. 2:21-cv-00729
10	Defendant.	:	

The recorded video conference deposition of SEAN TONER, on Tuesday, January 10, 2023, commencing at 3:45 p.m. before Natalie J. Goldhill, a Professional Reporter and a Notary Public in and for the Commonwealth of Pennsylvania.

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1 between Christmas, a couples of weeks ago, and today
 2 to include a filter for manual safeties for the
 3 P320?
 4 A. I do not.
 5 Q. Were you asked about that?
 6 A. No, I wasn't.
 7 Q. Do you think it has anything to do
 8 with this litigation?
 9 MS. DENNISON: Objection to form.
 10 BY MR. ZIMMERMAN:
 11 Q. Do you know whether it has anything to
 12 do with this litigation?
 13 MS. DENNISON: Objection to form.
 14 THE WITNESS: I have no idea.
 15 BY MR. ZIMMERMAN:
 16 Q. Okay. Even now, sir, it looks like
 17 with the filters, there is no option to equip the
 18 gun with a tabbed trigger safety. Is that fair?
 19 A. Yes.
 20 Q. Now I want to direct your attention to
 21 the last page of your report. I'll zoom out a bit
 22 so it's easier to read. It says, "when the P320 was
 23 initially launched in '14, SIG Sauer made a tabbed
 24 trigger an optional feature on the pistol, but this

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1 feature was not desired by our customer base and,
 2 therefore, tabbed triggers were not put into
 3 production." Do you see that?
 4 A. Yes.
 5 Q. Okay. So for how long did SIG Sauer
 6 make the tabbed trigger an optional feature on the
 7 pistol?
 8 A. I don't have knowledge of that.
 9 Q. More or less -- more or less than a
 10 day?
 11 A. I don't have knowledge, but I would
 12 assume it's more than a day.
 13 Q. Okay. So when it was put into
 14 production for more than a day, users could say I
 15 want a P320 with a tabbed trigger?
 16 A. So I don't know how it worked on the
 17 sales channel side. I don't know if we offered a
 18 skew with that feature. So I don't know if it was
 19 as easy as you describe or if it would require a
 20 contract.
 21 Q. I guess that's my point. Do you know
 22 whether it was ever actually offered as an optional
 23 feature?
 24 A. I know that it was an optional

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1 feature, but I don't know how it worked on the sales
 2 side as far as a customer is concerned.
 3 Q. Okay. When it says, this feature was
 4 not desired by our customer base and, therefore,
 5 tabbed triggers were not put into production, who
 6 from the customer base told SIG it was not desired?
 7 A. I don't have knowledge of that. All I
 8 know is that from an engineering standpoint, it
 9 wasn't required from product management or sales
 10 teams to push that design forward.
 11 Q. Sure.
 12 MS. DENNISON: Bob, if I can just
 13 state for the record, to the extent -- because Mr.
 14 Toner was deposed as a 30(b)(6) witness in this
 15 litigation already almost a year ago now, I would
 16 ask that we not repeat the same questions that were
 17 asked.
 18 MR. ZIMMERMAN: This is in his expert
 19 report. So --
 20 MS. DENNISON: Understand. So you
 21 can. I mean, I'll let it go, but I just wanted to
 22 raise that, that I'd rather not spend a lot of time
 23 reiterating what was already testified to in this
 24 case.

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1 MR. ZIMMERMAN: Okay. My intent isn't
 2 to try to rehash the deposition. There aren't going
 3 to be many areas that I think you'd even think were
 4 rehashed. But this is one, especially since this is
 5 the last sentence before his conclusion, I just want
 6 to fully explore.
 7 BY MR. ZIMMERMAN:
 8 Q. Mr. Toner, did you speak with any
 9 customer of SIG Sauer who told you that a tabbed
 10 trigger was not a desired option?
 11 MS. DENNISON: I'm going to state the
 12 same objection. You can answer. Bob, he can
 13 answer, but this was actually fully, like pages and
 14 pages of the deposition transcript in March. Sean,
 15 you can go ahead and answer.
 16 THE WITNESS: Not that I recall
 17 speaking to a customer directly, no.
 18 BY MR. ZIMMERMAN:
 19 Q. Did you have any indirect
 20 conversations with customers?
 21 A. Like I said before, from an
 22 engineering standpoint in R&D, the information and
 23 the features that has to go into the products are
 24 driven by project management and sales. So if

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1 they're not asking for it, then I'm assuming that
 2 our customer doesn't want it either.

3 Q. Is this an assumption that the tabbed
 4 trigger option was not desired by the customers?

5 MS. DENNISON: Objection to form.

6 THE WITNESS: It's based on my
 7 experience with the product and the fact that nobody
 8 was asking me to design and put that to production.

9 BY MR. ZIMMERMAN:

10 Q. Did anyone ask you before the military
 11 contract to put a manual thumb safety on the gun?

12 MS. DENNISON: Objection to form.

13 THE WITNESS: We were working on the
 14 manual safety design before the military contract
 15 came out.

16 BY MR. ZIMMERMAN:

17 Q. Okay. But you all, from a design
 18 perspective, designed the P320 with the capability
 19 of using a tabbed trigger. Right?

20 A. I'm sorry, can you repeat that one
 21 more time?

22 Q. Sure. You all designed the P320 to
 23 have the capability and function of a tabbed trigger
 24 as an optional piece of equipment for the gun?

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1 A. Yes. We had some early on prototypes
 2 that had that feature, yes.

3 Q. I want to know the name of the person
 4 at SIG Sauer who talked to the customers who
 5 indicated they didn't want the tabbed trigger.

6 A. You want a name?

7 Q. Yes.

8 A. I don't know who that would be
 9 explicitly, but I'm sure it came through L.E. sales.
 10 So the V.P. of sales was Tom Jankiewicz.

11 Q. Did you publish the prototypes of the
 12 P320 on SIG's website?

13 A. I'm sorry, you broke up in the middle
 14 of that one.

15 Q. Did you put out the prototypes of the
 16 P320 that had the tabbed trigger on SIG Sauer's
 17 website?

18 MS. DENNISON: Objection to form.

19 THE WITNESS: I recall there being
 20 some pictures early on with the tabbed trigger in
 21 it. So I assume, yeah, that would be the parts they
 22 used for that, for that picture.

23 BY MR. ZIMMERMAN:

24 Q. How many customers were part of the

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1 customer base that did not desire the tabbed
 2 trigger?

3 MS. DENNISON: Objection to form.

4 THE WITNESS: I don't have that
 5 information.

6 BY MR. ZIMMERMAN:

7 Q. Was it more or less than -- was it
 8 more than one customer?

9 MS. DENNISON: Objection to form.

10 THE WITNESS: I don't have that
 11 information.

12 BY MR. ZIMMERMAN:

13 Q. Ms. Dennison tells me I've asked some
 14 of these questions a year ago. Between that time
 15 and the time that you actually wrote a report as an
 16 expert in this case, did you do anything at all to
 17 find out what customer or set of customers told SIG
 18 that it was not desired to have a tabbed trigger?

19 A. No, I did not.

20 Q. Despite the fact that you were going
 21 to, again, put that in an expert report, you didn't
 22 do anything to confirm whether or not that was even
 23 true?

24 MS. DENNISON: Objection to form.

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1 THE WITNESS: That's correct. I
 2 didn't look into it.

3 BY MR. ZIMMERMAN:

4 Q. Who told you that was true?

5 MS. DENNISON: Objection to form.

6 THE WITNESS: Like I said, I'm going
 7 on memory from early on in the years of development
 8 and it was coming through our sales channels that it
 9 wasn't desired.

10 BY MR. ZIMMERMAN:

11 Q. You have no idea who from the sales
 12 channel relayed that to you?

13 MS. DENNISON: Objection to form.

14 THE WITNESS: Like I said, the only
 15 person I remember talking remotely about it was Tom
 16 Jankiewicz.

17 BY MR. ZIMMERMAN:

18 Q. Sir, does a properly functioning
 19 tabbed trigger impede a user's ability to discharge
 20 a firearm?

21 A. Impede, can you just describe what you
 22 mean by impede?

23 Q. Yeah. Does it take longer to fire a
 24 gun with a tabbed trigger than without a tabbed

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1 trigger?
 2 MS. DENNISON: Objection to form.
 3 THE WITNESS: Typically, no. I
 4 haven't seen a relationship to that.
 5 BY MR. ZIMMERMAN:
 6 Q. Is there any downside to the tabbed
 7 trigger?
 8 A. There's definitely an ergonomic
 9 downside to a tabbed trigger. Many users don't like
 10 the feel of a tabbed trigger on their finger.
 11 Q. What are their names?
 12 MS. DENNISON: Objection.
 13 THE WITNESS: I don't have specifics.
 14 BY MR. ZIMMERMAN:
 15 Q. Any of the customers. Any of the
 16 customers, first and last name.
 17 MS. DENNISON: Objection.
 18 THE WITNESS: I don't have --
 19 MS. DENNISON: I don't think he has
 20 it, but I'm not going to have him disclose
 21 customer's names on a transcript regardless.
 22 MR. ZIMMERMAN: Well, hold on,
 23 Kristen.
 24 MS. DENNISON: Sure.

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1 MR. ZIMMERMAN: So if it is in his
 2 expert report and he's going to testify at trial
 3 that customers didn't want this and then you're
 4 going to say we're not going to tell you which
 5 customers said this, that seems just completely
 6 unfair.
 7 I mean, I dealt with this motion in
 8 limine before about this unidentified customer who
 9 doesn't want something. If there's a customer who
 10 said that, I'd like to know that person's name so I
 11 can ask Joe Smith if he actually did tell SIG that.
 12 MS. DENNISON: So I'm stating the
 13 objection. I think if you ask him, he's going to
 14 tell you he doesn't have a specific name. But if he
 15 has a specific name, I would object to the
 16 production of a significant customer's name on a
 17 number of bases because we're dealing with firearms
 18 and I don't think it's appropriate to disclose on
 19 public record the names of individuals who own
 20 firearms. So I'm going to object to it.
 21 BY MR. ZIMMERMAN:
 22 Q. Do you know the specific names of
 23 anyone, sir?
 24 A. Not that I can think of, no.

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1 Q. Do you know the general names of
 2 anyone?
 3 MS. DENNISON: Objection to form.
 4 THE WITNESS: It's more of an industry
 5 not standard, but just people say, oh, tabbed
 6 trigger, I don't like a tabbed trigger. Just people
 7 that are users of the firearms.
 8 BY MR. ZIMMERMAN:
 9 Q. Most guns -- most striker-fired guns
 10 have tabbed triggers. Right?
 11 MS. DENNISON: Objection to form.
 12 THE WITNESS: Yes.
 13 BY MR. ZIMMERMAN:
 14 Q. So just to confirm, sir, you don't
 15 recall speaking with any customer yourself who told
 16 you that they don't want it and you don't recall any
 17 specific person from SIG Sauer who told you a
 18 specific customer doesn't want this option. Is that
 19 fair?
 20 A. Correct. I don't recall outside
 21 customers that I talked to because I don't believe I
 22 did. But I do recall talking to internal SIG
 23 employees, which said that wasn't required -- or
 24 wasn't desired, excuse me. Not required.

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1 Q. I had asked you what's the downside of
 2 a tabbed trigger and you said something about
 3 ergonomics.
 4 Does a properly designed and
 5 functioning tabbed trigger prevent someone from
 6 discharging the pistol if they intend to do so?
 7 A. No, it does not.
 8 Q. Sir, let's just talk reality here.
 9 What is the downside? I mean, what is the downside?
 10 A. So one of the downsides that I've
 11 heard and I've experienced myself is what is called
 12 a Glock bite. Essentially, the tabbed trigger, when
 13 you pull the trigger and you fire the weapon
 14 repeatedly, you'll get a blister or a pinch on your
 15 finger and that's one of the things that I've heard
 16 people say and, like I said, I've experienced that
 17 myself.
 18 Q. What are the other downsides other
 19 than a Glock bite?
 20 A. I mean, you can make the argument that
 21 it costs more to have those components in the gun.
 22 Q. Have you done an analysis as to how
 23 much it would cost in a 4 to \$800 gun to put a
 24 tabbed trigger in it?