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JORDAN & MAHONEY LAW FIRM, P. C.

615 Story St., P.O. Box 219
Boone, IA 50036-0219
(515) 432-4510
FAX (515) 432-2426

Richard T. Jordan
Michael F. Mahoney
John D. Jordan
Ryan J. Mahoney
Meredith C. Mahoney Nerem
John R. Flynn

Madrid Office
318 S. Kennedy
P.O. Box 147
Madrid, IA 50156
(515) 795-3641
FAX (515) 795-3539

Sender's e-mail:
johnflynn@jordanmahoney.com

INFORMATION Redacted PURSUANT TO THE FREEDOM OF
INFORMATION ACT (FOIA), 5 U.S.C. 552(B)(6)

October 4, 2012

Ms. Patrice Moore
U.S. Department of Transportation
1200 New Jersey Avenue SE
Washington, DC 20590

RE: DOT Reference #11636
Crash Date: March 21, 2012

Dear Ms. Moore:

As we recently discussed over the phone, our office represents [REDACTED] in his personal injury claim against waste management arising out of a motor vehicle which occurred in Polk County, Iowa on March 21, 2012. It is my understanding that we will be contacted by an engineer from your office regarding an investigation into the garbage truck's brake system failure (broken brake pedal stem).

Thank you for your cooperation and I look forward to working with you and your colleagues regarding this matter.

Sincerely,

JORDAN & MAHONEY LAW FIRM, P.C.

By: 
John D. Jordan

JDJ/krh



U.S. Department
of Transportation
**National Highway
Traffic Safety
Administration**

1200 New Jersey Avenue SE
Washington, DC 20590

May 22, 2012

Altoona Police Dept
700 1st Avenue South
Altoona, IA 50009

Attn: Accident/Crash Records:

**Re: Attached News Letter / Three hospitalized after garbage truck collides with van
DOT Reference # 11636
Crash Date: 3/21/2012**

Altoona Police Dept,

I would like to request any photographs and/or crash investigation reports that may exist on the attached News Story.

This information will assist NHTSA/DOT in learning if a safety related defect exists on this vehicle. Any reports and/or photographs can be mailed to 1200 New Jersey Ave SE, NVS-200, Washington, DC 20590, Attn: Patrice Moore or emailed to patrice.moore@dot.gov. If you have any questions, please do not hesitate to contact me at the below listed number.

Sincerely,

Patrice Moore
DOT, NHTSA
Office of Defects Investigation
202-366-5290
202-366-3081 (Fax)

#11636

[blogs.desmoinesregister.comhttp://blogs.desmoinesregister.com/dmr/index.php/2012/03/21/three-hospitalized-after-garbage-truck-collides-with-van/](http://blogs.desmoinesregister.com/dmr/index.php/2012/03/21/three-hospitalized-after-garbage-truck-collides-with-van/)

Three hospitalized after garbage truck collides with van

Police said a preliminary investigation indicated brake failure may have caused a crash that sent three men to the hospital Wednesday afternoon.

According to Altoona police, a Waste Management truck was on an eastbound off-ramp from Interstate Highway 80 in Altoona around 1:30 p.m. when its brakes may have failed.

The truck, driven by [REDACTED] reportedly went through a stoplight and struck a heating and plumbing van on Northeast Hubbell Avenue. The garbage truck ended up on its side, police said.

[REDACTED] the van's driver, [REDACTED] and a passenger in the van were all taken to a hospital. Crews had to extricate [REDACTED] from the van, authorities said.

The crash remains under investigation and officials with Iowa Department of Transportation motor vehicle enforcement will likely inspect the truck within two days to determine whether the brakes were functioning.

Tags: [altoona police](#), [waste management](#)



Iowa Department of Transportation INVESTIGATING OFFICERS REPORT OF MOTOR VEHICLE ACCIDENT

Law Enforcement Case Number:

12-000654

#11636

Legal Intervention? Private Property?

Location Literal Description
**US 6/FREDERICK M
HUBBELL AVE AND
INTERSTATE 80**

X-Coordinate: **00458698**
Y-Coordinate: **04612224**

If Divided Highway, Provide Route (Cardinal) Travel Direction
"N/A"

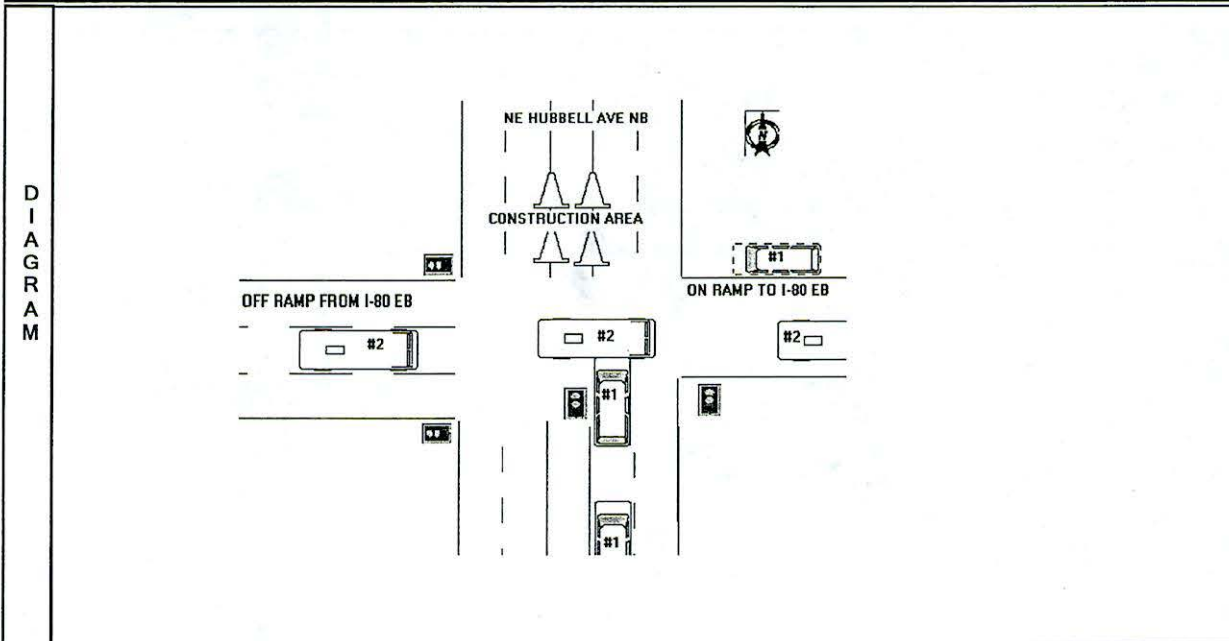
L O C A T I O N	Date of Accident 3/21/2012	Time of Accident 13:15 Hrs.	County POLK - 77	Accident occurred within corporate limits of (city) ALTOONA - 0132
	If accident occurred outside of city limits show general vicinity: "N/A" of nearest city "N/A"			
	On Road, Street, or Highway: "N/A"		At Intersection with: "N/A"	
	Note: Unless accident occurred at an intersection which is completely described above, use the space below to give the exact location from a milepost or definable intersection, bridge, or railroad crossing, using two distances and directions if necessary.			
Distance "N/A"	Direction "N/A"	Distance "N/A"	Direction "N/A"	of
Milepost Number "N/A"		Or		Definable intersection, bridge, or railroad crossing "N/A"

U N I T	Driver's Name - Last, First, Middle, Suffix, Home/Cell Phone Number									
	Address, City, State, Zip									
	Date of Birth	Driver's License Number				Citation Charge Code 1	Citation Charge 1			
	Gender MALE	State IA	Class C	Endorsements NONE	Restrictions B	Citation Charge Code 2	Citation Charge 2			
	Alcohol Test Given? 1 - NONE	Test Results:	Drug Test Given? 1 - NONE	Test Results:	Citation Charge Code 3	Citation Charge 3				
	Seating Position 01	Injury Status 2	Occupant Protection 2	Airbag Deployment 1	Airbag Switch Status 3	Ejection 1	Ejection Path 1	Trapped 3		
	Transported to: MERCY HOSPITAL					Transported by: ALTOONA AMBULANCE				
	Owner's Name - Last, First, Middle, Suffix, Owner Company Name J&M HEATING COOLING & PLUMBING									
	Address 407 GARDEN RD , City AMES , State IA , Zip 50010									
	Insurance Co. Name PROGRESSIVE CASUALTY , Insurance Policy #, License Plate #, State IA , Year 2012									
	VIN No. 1FTEE14N8TH	Year 1996	Make FORD - FORD	Model E150	Style VAN	Tow # YES	Approximate Cost to Repair or Replace \$10,000.00			

U N I T	Driver's Name - Last, First, Middle, Suffix, Home/Cell Phone Number									
	Address, City, State, Zip WEST DES MOINES									
	Date of Birth	Driver's License Number				Citation Charge Code 1 321.430	Citation Charge 1 DEFECTIVE BRAKING EQUIPMENT			
	Gender MALE	State IA	Class A	Endorsements NONE	Restrictions NONE	Citation Charge Code 2	Citation Charge 2			
	Alcohol Test Given? 1 - NONE	Test Results:	Drug Test Given? 1 - NONE	Test Results:	Citation Charge Code 3	Citation Charge 3				
	Seating Position 03	Injury Status 4	Occupant Protection 9	Airbag Deployment 5	Airbag Switch Status 3	Ejection 1	Ejection Path 1	Trapped 1		
	Transported to: MERCY HOSPITAL					Transported by: ALTOONA AMBULANCE				
	Owner's Name - Last, First, Middle, Suffix, Owner Company Name WASTE MANAGEMENT INC									
	Address 201 SE 18TH ST , City DES MOINES , State IA , Zip 50317-7663									
	Insurance Co. Name ACE AMERICAN INS. CO. , Insurance Policy #, License Plate #, State IA , Year 2012									
	VIN No. 5VCDC6LF04H	Year 2004	Make AUTOCAR - AUTO	Model	Style GARBAGE TRUCK	Tow # YES	Approximate Cost to Repair or Replace \$50,000.00			

ACCIDENT ENVIRONMENT			ROADWAY CHARACTERISTICS Major Contributing Circumstances:			WORKZONE RELATED? YES		SEQUENCE OF EVENTS	
Location of First Harmful Event	1	Weather Conditions (up to two)	03	Environment	1	Location	4	First Harmful Event of Crash (use codes 11-42 only)	
Manner of Crash/Collision	5	Surface Conditions	1	Roadway	01	Type	8	21	
Light Conditions	1			Type of Roadway Junction/Feature	16	Workers Present?	2		

PERSON INFORMATION	Name - Last		First		Middle		Suffix			
	Address				City AMES		State IA		Zip Code	
	Date of Birth	Sex MALE	Unit No. 1	Seating Position 03	Injury Status 3	Occupant Protection 2	Airbag Deployment 6	Airbag Switch Status 3	Ejection 1	
								Ejection Path 1	Trapped 2	
INJURED	Transported to: MERCY HOSPITAL					Transported by: ALTOONA AMBULANCE				
	NON-MOTORIST	Type	Location	Action	Condition	Safety Equipment	Contributing Circumstances	Unit No. of Vehicle Striking		



NARRATIVE

Describe what happened (refer to vehicles by number)

I was dispatched to a possible roll over accident involving a semi and maybe two other cars at mile marker 142 I-80 east bound.

As I was getting closer to the intersection of Adventureland Dr. and NE Hubbell Ave, I could see that the accident was at the construction area of I-80 and the on and off east bound ramp at NE Hubbell Ave. I could see a green and white garbage dump truck on it's side and a badly damaged white van.

I notified dispatch that the accident was at this location and not on I-80, so medical could get right to the scene and have my back up be able to block off certain area's to re route traffic as well.

As I pulled up to the scene, I noticed several people helping with the occupants of the white van (Unit 1). The white van was heavily damaged in the left front area.

Several people were yelling at me that the driver of the garbage truck that had rolled over was okay and he was standing there by his truck. When Detective Ferguson arrived, I had him get the normal information from the driver of the garbage truck for me.

When Officer Mayo arrived, I had him get any witness information and take statements or have them write statements for us. Mayo told me that he was having all of the witnesses go to our Police Department and fill out statements.

I then talked to the driver of the garbage truck (Unit 2), who is now identified as [REDACTED]. He advised me that as he was getting off of I-80 east bound and coming down the ramp towards NE Hubbell Ave. (This intersection is controlled by traffic lights, due to the re routing north bound traffic heading to Bondurant / north bound NE Hubbell Ave.) He went to apply his brakes and the brake pedal broke off. He continued down the ramp until he went into the intersection and collided with the Unit 1 who was going north bound on NE Hubbell Ave. [REDACTED] did admitted to me that he went through the red light because his brake pedal broke off.

I could not speak with the driver of Unit 1, due to him being incapacitated and unconscious.

I spoke to the passenger briefly, until he was taken away by ambulance. His name is [REDACTED]. I asked him which way they traveling? He said north on NE Hubbell Ave. He did inform me that the Drivers name of Unit 1 was [REDACTED] and he's [REDACTED] years old, and this is a part time job. [REDACTED] goes to college and his mother works at [REDACTED].

NARRATIVE

Describe what happened (refer to vehicles by number)

Both drivers and passenger were transported to Mercy Hospital.

Iowa Department of Transportation Motor vehicle enforcement arrived to assist. The D.O.T. officers will do the inspection of the garbage truck on 03/22/2012 and inform us of their findings. Unit 2 was impounded to Hanifen's Towing.

Unit 1 was taken to Peters Towing.

Polk County Deputy Schuster will be handling the technical accident investigation for us.

After reading all of the witnesses statements, they all said that Unit 2 was heading east bound on the off ramp from I-80, towards NE Hubbell Ave and that he ran the traffic light at NE Hubbell Ave, then Unit 1 struck Unit 2.

After Hanifen's rolled Unit 2 back upright, you could tell by the marks on the truck the Unit 1 struck Unit 2 in the middle of the truck right before the rear axles.

Officer Mayo requested that the Iowa Department of Natural Resources be notified, due to hazardous liquids leaking from unit #2. DNR official, Bill Gross arrived and said another company (Hydro Klean), will handle the spill and clean up of the liquids.

No traffic charges were filed at this time, due to the possibility of mechanical failure.

W I T N E S S	Witness Name - Last		First	Middle	Suffix	
	Address		City		State	Zip Code
	Home/Cell Phone #		Work Phone #			
			AMES		IA	

W I T N E S S	Witness Name - Last		First	Middle	Suffix	
	Address		City		State	Zip Code
	Home/Cell Phone #		Work Phone #			
			DES MOINES		IA	

W I T N E S S	Witness Name - Last		First	Middle	Suffix	
	Address		City		State	Zip Code
	Home/Cell Phone #		Work Phone #			
			FERGUSON		MO	

W I T N E S S	Witness Name - Last		First	Middle	Suffix	
	Address		City		State	Zip Code
	Home/Cell Phone #		Work Phone #			
			DES MOINES		IA	

W I T N E S S	Witness Name - Last		First	Middle	Suffix	
	Address		City		State	Zip Code
	Home/Cell Phone #		Work Phone #			
			MILFORD		IN	

Officer KERCHEE ROYAL	Badge No. 253	Time Officer Notified of Accident 13:19	Hrs.	Time Officer Arrived At Scene 13:22	Hrs.
Name of Agency ALTOONA POLICE DEPARTMENT	Date of Report 03/21/2012	Investigation made at scene? YES	T.I. # 77-83		
Report Reviewed By: PARKER, DENNIS	Date Reviewed 04/19/2012	Agency Specific ALTOONA	Other Technical Investigation Agency POLK COUNTY SHERIFF'S OFFICE		



IOWA INCIDENT REPORT SUPPLEMENTAL

ALTOONA POLICE DEPARTMENT

700 1ST AVE. SOUTH

(515) 967-5132

icc030102

C A S E I N F O	Case Number 12-000654	Date of This Report 3/22/2012	County in which Incident Occurred POLK - 77	
	ORI Number ALTOONA POLICE DEPARTMENT - IA0770800			
	Date of Original Occurrence 3/21/2012		Type of Offense PERSONAL INJURY ACCIDENT	
	Name - Last [REDACTED]	First [REDACTED]	Middle [REDACTED]	Suffix
	Clearance Classification <input type="checkbox"/> Unfounded <input type="checkbox"/> Exceptionally Cleared <input type="checkbox"/> Cleared by Arrest		Investigative Status <input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Suspended	

Narrative

On 03-22-12 at approximately 0740 hours, I contacted Mercy Medical Center and asked to speak to a family member of [REDACTED].

I was transferred to a surgical waiting room, and the telephone was answered by [REDACTED], the mother of [REDACTED]. I first asked [REDACTED] about [REDACTED] condition. [REDACTED] told me that [REDACTED] is in critical condition, with a severe head injury. [REDACTED] said that two surgeries have been performed, in an effort to reduce swelling of the brain. [REDACTED] also told me that [REDACTED] is currently in a comatose state, and that the pressure on the brain continues to increase. [REDACTED] told me that [REDACTED] chances of survival are not good, at this point.

I offered condolences on behalf of the police department, and then explained the circumstances surrounding the accident. I informed [REDACTED] that once the investigation is completed, she would be able to obtain a copy of the accident report on [REDACTED] behalf.

I also informed [REDACTED] that she could contact me with any questions that she may have concerning the accident, and that I would check back with her periodically for updated information as to [REDACTED] condition.

[REDACTED] provide a cellular telephone number to contact her, which is: [REDACTED]

Assistant Polk County Attorney Jim Ward, was notified of the accident, in case [REDACTED] does not survive his injuries sustained in the accident.

Officers will keep Ward informed of the progress of the investigation.

O F F I C E R	Complainant/Reporting Party (Signature)	
	Reporting Officer PARKER DENNIS <i>DEP</i>	Badge Number 259
	Assisting Officer / Administrative Reviewer	Badge Number
	Supervisor	Badge Number
	Incident Assigned to:	



IOWA INCIDENT REPORT SUPPLEMENTAL

ALTOONA POLICE DEPARTMENT

700 1ST AVE. SOUTH

(515) 967-5132

ric030102

C A S E I N F O	Case Number 12-000654	Date of This Report 3/22/2012	County in which Incident Occurred POLK - 77	
	ORI Number ALTOONA POLICE DEPARTMENT - IA0770800			
	Date of Original Occurrence 3/21/2012		Type of Offense PERSONAL INJURY ACCIDENT	
	Name - Last [REDACTED]	First [REDACTED]	Middle [REDACTED]	Suffix
	Clearance Classification <input type="checkbox"/> Unfounded <input type="checkbox"/> Exceptionally Cleared <input type="checkbox"/> Cleared by Arrest		Investigative Status <input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Suspended	

Narrative

On 03-21-12, while assisting Sgt. Kerchee and Deputy Tim Schuster at a serious personal injury accident, I took seven digital photographs of the Waste Management truck that was involved, once it was up righted from its side.

I also took custody of a brake pedal from the truck, that had allegedly broken off of it's attachment, prior to the accident. The brake pedal was placed into an evidence bag, then secured at the police department in a temporary evidence storage locker.

O F F I C E R	Complainant/Reporting Party (Signature)		
	Reporting Officer PARKER DENNIS <i>DZP</i>	Badge Number 259	
	Assisting Officer / Administrative Reviewer	Badge Number	
	Supervisor	Badge Number	
	Incident Assigned to:		



IOWA INCIDENT REPORT SUPPLEMENTAL
ALTOONA POLICE DEPARTMENT
700 1ST AVE. SOUTH

(515) 967-5132

ric030102

C A S E	Case Number 12-000654	Date of This Report 3/23/2012	County in which Incident Occurred POLK - 77	
	ORI Number ALTOONA POLICE DEPARTMENT - IA0770800			
	Date of Original Occurrence 3/21/2012		Type of Offense PERSONAL INJURY ACCIDENT	
	Name - Last [REDACTED]	First [REDACTED]	Middle [REDACTED]	Suffix
I N F O	Clearance Classification <input type="checkbox"/> Unfounded <input type="checkbox"/> Exceptionally Cleared <input type="checkbox"/> Cleared by Arrest		Investigative Status <input type="checkbox"/> Open <input checked="" type="checkbox"/> Closed <input type="checkbox"/> Suspended	

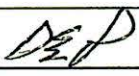
Narrative

On this date, I received inspection reports from the Iowa Department of Transportation, Motor Vehicle Enforcement Division, in regards to this accident.

According to the reports, the brakes on the rear axles were functional during the inspection. The brakes on the front axles could not be tested because of damage sustained in the crash.

The results of the inspection indicate that the reason for the driver of the truck not being able to apply the brakes, is due to the brake pedal breaking off of the housing that holds the pedal in place, on the floor of the truck.

See attached reports prepared by Officer Justin Mack, of the Iowa Department of Transportation Motor Vehicle Enforcement Division.

O F F I C E R	Complainant/Reporting Party (Signature)	
	Reporting Officer PARKER DENNIS 	Badge Number 259
	Assisting Officer / Administrative Reviewer	Badge Number
	Supervisor	Badge Number
	Incident Assigned to:	



IOWA INCIDENT REPORT SUPPLEMENTAL

ALTOONA POLICE DEPARTMENT

700 1ST AVE. SOUTH

(515) 967-5132

ric030102

C A S E I N F O	Case Number 12-000654	Date of This Report 3/23/2012	County in which Incident Occurred POLK - 77	
	ORI Number ALTOONA POLICE DEPARTMENT - IA0770800			
	Date of Original Occurrence 3/21/2012		Type of Offense PESONAL INJURY ACCIDENT	
	Name - Last [REDACTED]	First [REDACTED]	Middle [REDACTED]	Suffix
	Clearance Classification <input type="checkbox"/> Unfounded <input type="checkbox"/> Exceptionally Cleared <input type="checkbox"/> Cleared by Arrest		Investigative Status <input type="checkbox"/> Open <input checked="" type="checkbox"/> Closed <input type="checkbox"/> Suspended	

Narrative

On this date at approximately 1300 hours, I went to the intensive care waiting room at Mercy Medical Center to meet with [REDACTED], the mother of [REDACTED].

I met with [REDACTED] along with [REDACTED] father, [REDACTED] in a private room.

I first asked if there had been any change in [REDACTED] condition. [REDACTED] told me that [REDACTED] is still in a coma and on life support. I explained the circumstances of the accident to both [REDACTED] and [REDACTED] and advised them that the Iowa Department of Transportation officers completed the inspection of the Waste Management truck.

I explained that the findings show that brake failure, due to the brake pedal separating from the housing, was the cause of the accident, and that tests show that the rear brakes of the truck are functional, within the normal range, according to the inspection reports.

I provided a copy of Sgt. Kerchee's accident report to [REDACTED] and asked if she would contact the police department if [REDACTED] condition either improved or worsened. I also informed [REDACTED] that if she had any other questions, she could contact the police department.

O F F I C E R	Complainant/Reporting Party (Signature)	
	Reporting Officer PARKER DENNIS <i>PDP</i>	Badge Number 259
	Assisting Officer / Administrative Reviewer	Badge Number
	Supervisor	Badge Number
	Incident Assigned to:	



IOWA INCIDENT REPORT SUPPLEMENTAL
ALTOONA POLICE DEPARTMENT
700 1ST AVE. SOUTH

(515) 967-5132

ric030102

C A S E I N F O	Case Number 12-000654	Date of This Report 03/26/2012	County in which Incident Occurred POLK - 77	
	ORI Number ALTOONA POLICE DEPARTMENT - IA0770800			
	Date of Original Occurrence 03/21/2012		Type of Offense MOTOR VEHICLE CRASH	
	Name - Last [REDACTED]	First [REDACTED]	Middle	Suffix
	Clearance Classification <input type="checkbox"/> Unfounded <input type="checkbox"/> Exceptionally Cleared <input type="checkbox"/> Cleared by Arrest		Investigative Status <input type="checkbox"/> Open <input checked="" type="checkbox"/> Closed <input type="checkbox"/> Suspended	

Narrative

On this date at approximately 1000 hours, [REDACTED] stopped by the police department to find out if he had satisfied everything that was expected of him, in reference to the accident.

I spoke with [REDACTED] about the accident and asked him if he could write out a statement of the events leading up to the accident.

[REDACTED] advised me that he sustained a head injury, and that the only thing he remembers is eating lunch before the accident, although he could not tell me where he had lunch at.

I asked him if he could confirm that he was driving from the right side of the truck, and he stated that he doesn't remember, although he stated that he always drives from that side when he is on his route, and that he would have been headed to Bondurant to pick up garbage totes that day.

I advised [REDACTED] that someone would contact him on a later date to speak with him further about the accident.

O F F I C E R	Complainant/Reporting Party (Signature)	
	Reporting Officer PARKER, DENNIS	Badge Number 259
	Assisting Officer / Administrative Reviewer	Badge Number
	Supervisor	Badge Number
	Incident Assigned to:	



IOWA INCIDENT REPORT SUPPLEMENTAL

ALTOONA POLICE DEPARTMENT

700 1ST AVE. SOUTH

(515) 967-5132

ric030102

C A S E I N F O	Case Number 12-000654	Date of This Report 04/18/2012	County In which Incident Occurred POLK - 77	
	ORI Number ALTOONA POLICE DEPARTMENT - IA0770800			
	Date of Original Occurrence 03/21/2012		Type of Offense MOTOR VEHICLE CRASH	
	Name - Last [REDACTED]	First [REDACTED]	Middle [REDACTED]	Suffix
	Clearance Classification <input type="checkbox"/> Unfounded <input type="checkbox"/> Exceptionally Cleared <input type="checkbox"/> Cleared by Arrest		Investigative Status <input type="checkbox"/> Open <input checked="" type="checkbox"/> Closed <input type="checkbox"/> Suspended	

Narrative

On this date, [REDACTED] the driver of the Waste Management truck, signed and received a citation for defective braking equipment.

O F F I C E R	Complainant/Reporting Party (Signature)	
	Reporting Officer PARKER, DENNIS	Badge Number 259
	Assisting Officer / Administrative Reviewer	Badge Number
	Supervisor	Badge Number
	Incident Assigned to:	

OFFICER COPY

Dispatch / Case #: 12-000654

Citation #: 022 0253 120418 091159 5

Form 420001E 3/07 Reference #: AL2K13H IOWA UNIFORM CITATION AND COMPLAINT
 PLAINTIFF: Law Enforcement Agency - ALTOONA POLICE DEPARTMENT

State of Iowa County of: POLK - 77 City of: _____
 In the Court at: POLK COUNTY COURTHOUSE 500 MULBERRY STREET DES MOINES IA 50309
 VS. DL/State ID Viewed? YES DOB _____
 Name: _____ DL# _____
 Defendant, Last First Middle Suffix
 Address: _____ City WEST DES MOINES State IA Zip Code _____ Race W Ethnicity N
 DL State IA DL Class A DL End. NONE DL Rest. NONE Height 5' 05" Weight 185 LBS Sex MALE
 The undersigned states that on or about 03/21/2012 at 1:15 PM defendant did unlawfully: Operate Motor Vehicle/Boat 2004 GRN AUTO GARBAGE
 US DOT# 232628 ICC# _____ Lic. Plate #REG _____ State IA Year 2012 CDL Req? YES Pass End Req? NO HazMat End Req? NO
 Upon a public highway at NE HUBBELL AVE AND I-80 WB OFF RAMP Located in the county and state aforesaid and did then and there commit the following offense:
 Scheduled Violation/Fine \$100.00 Court Appearance Required (805.10) Road Work Zone Non-scheduled Violation Speed _____ In _____ Zone
 Criminal Surcharge \$35.00 Reason: Serious P.I. Fatal Accident Civil Damage Assessment Other Fed/Adm Code: _____
 Co. Ent. Surcharge N/A Violation DEFECTIVE BRAKING EQUIPMENT IA Code: 2011 DATA CODE: 183
 Court Costs \$60.00
 Total Fine/Costs \$195.00 Sec #: 321.430 ICIS Sec #: 321.430 Local Ord. _____ ICIS Ord. _____

Officer's Signature: *R. Kender* I.D. No. 253
 Dated 04/18/2012

Court Date: If you must appear in court or if you choose to appear to answer to a charge which does not require an appearance, report to the above named court on: 05/18/2012 at 9:00 AM

NOTICE: Providing false identification information is a violation of Section 719.1A of the Code of Iowa and is punishable as a simple misdemeanor.
 You hereby are given notice that within a reasonable time but no later than the date scheduled for your initial appearance a citation/complaint sworn under oath will be filed with the district court clerk of the county in which this citation was issued.
 My signature below is not a plea of guilty, but acknowledges all of the following:
 1. I hereby swear and affirm that the information provided by me on this citation is true under penalty of providing false information.
 2. I promise to appear in said court at said time and place. I understand that a person who willfully fails to appear in court as specified by this citation may be subject to arrest and/or loss of driving privileges.
 3. If a court appearance is not required, I may enter a plea of guilty prior to the designated appearance date by delivery in person, or by agent, or by mail to the court specified by this citation.
 The following applies to simple misdemeanors only:
 4. I hereby give my unsecured appearance bond in the amount of \$262.50 dollars and enter my written appearance. I agree that if I fail to appear in person or by counsel to defend against the offense charged in this citation, the court is authorized to enter a conviction and render judgment against me for the amount of my appearance bond in satisfaction of the penalty and surcharge plus court cost.

Signature of Defendant: _____ Dated: 04/18/2012
 022 0253 120418 091159 5

APPEARANCE PLEA OF GUILTY
 I, the undersigned, do hereby enter my appearance on the complaint of the offense charged on this citation. I have been informed of my right to trial, that my signature to this plea of guilty will have the same force and effect as a judgment of court and this record will be sent to the Department of Transportation of this state (or of the state of my residence). I do hereby PLEAD GUILTY to said offense as charged and agree to the penalty prescribed for my offense.

IF YOU ARE REQUIRED TO POST BAIL TO OBTAIN RELEASE
 A. If you desire to enter a plea of guilty, the officer may release you from custody upon observing you mail the citation, admission of guilt and minimum fine, surcharge, with court costs to a traffic violations office in an envelope furnished by the officer.
 B. If you choose to plead NOT GUILTY, the officer may release you from custody by observing you mail the citation, and one and one half times the minimum fine, surcharge, with court costs, or in lieu of one and one half times the fine and costs a guaranteed arrest bond certificate together with signing the following statement:
 "I agree that either (1) I will appear pursuant to this citation or (2) if I do not so appear, the amount deposited as bail will be forfeited."

Dated: _____
 Signature of Defendant: _____

COMMENTS

Vehicle VIN: 5VDC6LF04H2 _____

WITNESS
 Name - Last First Street City State Zip Code Contact Phone
 _____ DES MOINES IA _____

WITNESS
 Name - Last First Street City State Zip Code Contact Phone
 _____ DES MOINES IA _____

WITNESS
 Name - Last First Street City State Zip Code Contact Phone
 _____ AMES IA _____

STOPPED AT LIGHTS - TRUCK WENT BY HERE.

Case # 12-000654

ALTOONA POLICE DEPARTMENT VOLUNTARY STATEMENT

I [redacted] am not under arrest for, nor am I being detained for any criminal offenses concerning the events I am about to make known to the Altoona Police Department. Without being accused of or questioned about any criminal offenses regarding the facts I am about to state, I volunteer the following information of my own free will, for whatever purposes it may serve.

I am [redacted] years of age and I live at [redacted] Ames, IA. [redacted]

NARRATIVE

I was stopped at red light on I-80 off ramp to highway 65. Garbage truck came down ramp, ran the red light at what looked like full speed. Garbage truck hit the white van on driver side pushing it to the on ramp of I-80 eastbound. The garbage truck rolled after hitting van

I have read each page of this statement consisting of 1 page(s), each page of which bears my signature, and corrections, if any bear my initials, and I certify that the facts contained herein are true and correct.

Dated at (Location/Address) Altoona Police Dept.

This 21 day of March, 2012

Signed: [redacted]

Witness: _____

Witness: _____

Following the Truck coming off I-80

Case # 12 - 000654

ALTOONA POLICE DEPARTMENT VOLUNTARY STATEMENT
(In Custody)

I [redacted], make this statement voluntarily and of my own free will and accord without threat or promise of any leniency whatsoever, knowing that it may be use against me in court.

I am [redacted] years of age and I live at [redacted] Ferguson, MD [redacted]

NARRATIVE

I, [redacted] was travel on I80E to EXIT At Highway ^{US 6} directly behind the truck that cause the accident. The truck in Front of me got off on the exit ramp going towards the traffic light at end of the ramp But, never hit his brakes. The signal for he and I was Red So I knew something was wrong he was traveling about 55 mph he went through the Red light and hit the driver in the van who was traveling East on highway 6 he had the green light I don't think he seen the other driver coming when he got hit.

I have read each page of this statement consisting of 1 page(s), each page of which bears my signature, and corrections, if any bear my initials, and I certify that the facts contained herein are true and correct.

Dated at (Location/Address) 3/21/12 I80 + Highway 6

This 21 day of MARCH, 20 12

Signed: [redacted signature]

Witness: _____

Witness: _____

Following the white van.

Case # 12 - 000654

ALTOONA POLICE DEPARTMENT VOLUNTARY STATEMENT

I [redacted] am not under arrest for, nor am I being detained for any criminal offenses concerning the events I am about to make known to the Altoona Police Department. Without being accused of or questioned about any criminal offenses regarding the facts I am about to state, I volunteer the following information of my own free will, for whatever purposes it may serve.

I am [redacted] years of age and I live at [redacted] DSM, IA [redacted]

NARRATIVE

I was following a white service van ~~at~~ apx. 15 yards distance coming to the intersection of on/off ramp of I80/65. I was preparing to enter the intersection on a green light when I noticed a Metro Waste truck going apx 70 mph. I immediately slowed making a distance of apx 35 yards. I at this time noticed the van not slowing so I second guessed if I had a green light. But upon reviewing saw that I did have the right of way. At this time with no horn breaks not visible or audible gave as to a problem from the Metro Waste truck whom besides incredible speed ^{was not seen to be having problem.} struck the van. I immediately put my car in gear and told my son to stay put turned my hazard on and exited to the van first. The driver was not visibly breathing with shallow pulse the

I have read each page of this statement consisting of [redacted] page(s), each page of which bears my signature, and corrections, if any bear my initials, and I certify that the facts contained herein are true and correct. (over)

Dated at (Location/Address) ALTOONA POLICE DEPT.

This 21 day of MARCH, 2012.

Signed: [redacted]

Witness: [redacted]

Witness: _____

passenger was conscious w/ severe face trauma
I went to the truck where the driver
was fully aware and ~~he~~ stated "ya im
fine im fine how was the other drivers?"
he did not attempt to approach the
other vehicles once out of his cab
at that time several other cars had begun
to stop.

Just saw Truck Bill CASE 12-000654

STATEMENT/INTERVIEW

STATEMENT OF: Last Name [Redacted] First Name [Redacted] Address [Redacted] Phone [Redacted]

ACCIDENT: [Redacted] Time/Date: 1:42pm 3-21-12

TAKEN AT (Place): [Redacted] Time: DSM Date: [Redacted]

GIVEN TO: [Redacted] Badge: [Redacted] Dept.: [Redacted]

WITNESS TO STATEMENT

DATA	MIRANDA GIVEN			DATA	Known mechanical defects:	
	No _____ Yes _____ Time _____	When did you first perceive any danger (location):				
	Age _____ Birthdate _____	Evasive action taken:				
	Direction headed: _____ How fast: _____	Headlights on: _____ Familiar with vehicle: _____				
	Coming from where: _____ Time left: _____	Roadway conditions: _____ Roadway defects: _____				
	Going to: _____ Route taken: _____	Any medication or alcohol taken in past 8 hours:				
Passenger names and positions in vehicle:			Drinking: _____ Time Started/Stopped: _____ Amount/Type: _____			
Seat belts on:						

TELL ME WHAT YOU SAW HAPPEN:

I was making a right on to I-80 when I saw a waste management truck flip out of control with a white van. It appeared that the waste management truck was unable to stop without hitting the white van.

ANYTHING ELSE YOU RECALL THAT IS NOT MENTIONED?

SIGNATURE OF PERSON BEING INTERVIEWED

DATE/TIME



3-21-12 1:45pm

12-654

City of Altoona
Police Department



Jody L. Matherly
Chief of Police

700 1st Avenue South
Altoona, Iowa 50009
Emergency: 911
Phone: 515-967-5132
Fax: 515-967-5133

Media Release
RE: Serious Injury Vehicle Crash
March 22, 2012

For Immediate Release

On March 21st, 2012, at approximately 1:15 P.M. a motor vehicle crash occurred at the intersection of the Interstate 80 Eastbound off ramp, and Hubbell Ave, in Altoona.

A Waste Management truck that had just exited Eastbound I-80, approaching Hubbell Ave, went through a red traffic light at the intersection and collided with a van that was traveling Northeast on Hubbell Ave.

The driver of the Waste Management truck stated that the brakes failed, causing the truck to go through the red traffic light without stopping.

The driver of the truck, [REDACTED] old [REDACTED] of [REDACTED] in West Des Moines, was taken by Altoona ambulance to Mercy Medical Center, with minor injuries, where he was treated and released.

A passenger in the van, [REDACTED] old [REDACTED], of [REDACTED] in Ames, was taken to Mercy Medical Center, where he was treated for minor injuries and released.

The driver of the van, [REDACTED], of [REDACTED] in Ames, was taken to Mercy Medical Center, where he remains in critical condition.

The accident is under investigation by the Altoona Police Department, Polk County Sheriff's Office, and the Iowa Department of Transportation, Commercial Motor Vehicle Enforcement Division.



IOWA INCIDENT REPORT SUPPLEMENTAL

ALTOONA POLICE DEPARTMENT

700 1ST AVE. SOUTH

(515) 967-5132

ric030102

C A S E I N F O	Case Number 12-000654	Date of This Report 04/16/2012	County in which Incident Occurred POLK - 77	
	ORI Number ALTOONA POLICE DEPARTMENT - IA0770800			
	Date of Original Occurrence 03/21/2012		Type of Offense MOTOR VEHICLE CRASH	
	Name - Last [REDACTED]	First [REDACTED]	Middle [REDACTED]	Suffix
	Clearance Classification <input type="checkbox"/> Unfounded <input type="checkbox"/> Exceptionally Cleared <input type="checkbox"/> Cleared by Arrest		Investigative Status <input type="checkbox"/> Open <input checked="" type="checkbox"/> Closed <input type="checkbox"/> Suspended	

Narrative

On this date I contacted Assistant Polk County Attorney, Jim Ward, in reference to this accident.

I discussed the case with Ward, and asked if the state code 321.430, which is defective braking equipment, would apply in this case. I also asked Ward if his opinion would be to issue the driver of the Waste Management truck a citation for the violation.

After reading the code, Ward suggested that the driver of the truck be issued the citation, as discussed.

I instructed Sgt. Kerchee to prepare a citation, and issue it to the driver of the Waste Management truck.

O F F I C E R	Complainant/Reporting Party (Signature)	
	Reporting Officer PARKER, DENNIS	Badge Number 259
	Assisting Officer / Administrative Reviewer	Badge Number
	Supervisor	Badge Number
	Incident Assigned to:	

NYEMASTER GOODE

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David J. Bright
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Kristina M. Stanger
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Anna W. Mundy
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Roger L. Ferris
Luther L. Hill, Jr.
Keri K. Farrell-Kolb

April 13, 2012

VIA EMAIL dparker@altoona-iowa.com AND U.S. MAIL

Lieutenant Dennis Parker
Altoona Police Department
700 1st Avenue S.
Altoona, IA 50009

Re: Evidence (brake pedal) held by Altoona Police Department Regarding
March 21, 2012, Accident Involving Waste Management Truck
Accident No. 12-000654

Dear Lieutenant Parker:

Our firm represents Waste Management and is at this time assisting our client in its investigation of the March 21, 2012, accident involving its truck. You may recall that I spoke to you over the telephone a couple of weeks ago about the brake pedal from the Waste Management truck, which is currently being held as evidence by the Altoona Police Department.

I am writing regarding several issues relating to the brake pedal, as follows.

1. Could you provide me with an estimate as to how long the pedal will be retained by your department as evidence? If you could let me know at your earliest convenience, it would be quite helpful.

2. Pending the release of the pedal, I did want to remind you that the pedal is the property of Waste Management. Once the Altoona Police Department or the Polk County Attorney's office determines it is no longer necessary to retain the pedal as evidence, please be

Joseph A. Quinn

Direct Number: (515) 283-3136 • Facsimile: (515) 283-3108 • E-Mail: jquinn@nyemaster.com
700 Walnut, Suite 1600 • Des Moines, IA 50309-3899 • (515) 283-3100

With offices in Des Moines and Ames

www.nyemaster.com

April 13, 2012

Page 2

sure that the pedal is not released to anyone other than an employee, agent or attorney for Waste Management.

3. While the pedal is being held, please take all precautions to protect the pedal from the elements and from handling by anyone other than law enforcement personnel and Waste Management representatives. Please assure the pedal is otherwise kept in the same condition it was in when removed from the truck and taken into evidence by the Altoona Police Department on March 21.

4. Please refrain from any testing on the pedal, which would result in alteration or any amount of damage or destruction to the pedal.

5. If the pedal is to be subjected to any type of testing, please notify my office at least three days prior to the testing so that we can arrange to have someone present to observe and document any such tests.

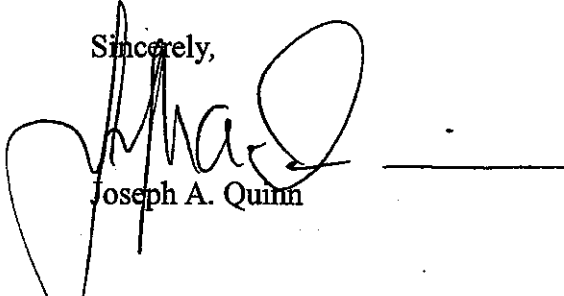
6. Please make sure the chain of custody of the pedal is well-controlled and documented.

7. Please notify our office immediately once your department determines or is notified that it no longer needs to retain the pedal as evidence. We will make the appropriate arrangements to take possession of the pedal at that time.

I am sure all of the above would be done by your department as part of its standard practices and procedures. However, because the pedal will likely be important to all parties concerned at some point in the future, we thought we would contact you about these issues out of an abundance of caution.

Should you have any questions or comments regarding the matters discussed above, please do not hesitate to call, email or write me. I would very much appreciate it if you could let me know at your earliest convenience, your thoughts as to how much longer you will need to hold onto the pedal. Thank you for your attention to this matter. I look forward to hearing from you soon.

Sincerely,


Joseph A. Quinn

JAQ/llb

12-000654

OFFICE OF MOTOR VEHICLE ENFORCEMENT

COVER SHEET

Officer: Justin T Mack T# 157

Incident Time/Date: 1330 hrs 03-21-2012

County: Polk

Motor Carrier: Waste Management of Iowa INC

Driver: [REDACTED]

Type of Incident:

- Post-Accident
- Alcohol
- Drugs
- Weapons
- Other

CONTACTS:

EXHIBIT(s):

Office of Motor Vehicle Enforcement

6310 SE Convenience Blvd
Address

Ankeny Iowa 50021
City State Zip

515.237.3247
Telephone

Other Contact Name

Address

City State Zip

Telephone

- Incident Report
- Serious Violator/Portable Scale Reports
- Inspection # TT6HJZ3
- Citation(s) Yes No
(See Report for Citation #'s)

- Consent to Search
- Property/Evidence Receipt
- Disposition of Seized Property
- Vehicle Tow/Inventory Report
- Complaint & Affidavit
- OWI Report
- Intoxilyzer Checklist
- Intoxilyzer Evidence Card
- Implied Consent
- Driver's A File _____
- Other - _____
- Other - _____
- Other - _____
- Other - _____

INCIDENT REPORT

Iowa Department of Transportation
 Motor Vehicle Enforcement
 6310 SE Convenience Blvd
 Ankeny, Iowa 50021

Original Incident Case #:
 T15703212012001

Arrest Transaction/Booking #:

Agency ORI IA-0771000

IDENTIFICATION	Arrested Sequence #		Name (Last, First, Middle)			Alias AKA		Social Security #	
	<input checked="" type="checkbox"/> W-White <input type="checkbox"/> I-Indian <input type="checkbox"/> B-Black <input type="checkbox"/> U-Unknown <input type="checkbox"/> A-Asian		<input type="checkbox"/> F-Female <input checked="" type="checkbox"/> M-Male		Date of Birth	Age	<input type="checkbox"/> H-Hispanic <input checked="" type="checkbox"/> N-non-Hispanic <input type="checkbox"/> U-Unknown		Place of Birth (City, County, State, Zip)
	Height 5'5"	Weight 185	Eye Blue	Hair	Skin Light	Scars, Marks, Tattoos, Amputations			
	DL #		DL State IA		DL Status Valid		<input checked="" type="checkbox"/> R-Resident <input type="checkbox"/> U-Unknown <input type="checkbox"/> N-non-Resident		
Home Address (Street, City, State, Zip)				Residence Phone		Occupation			
Waste Management of Iowa INC				201 SE 18 th St, Des Moines, IA 50317		Driver			
Employer (Name of Company/School)				Business Address (Street, City, State, Zip)		Business Phone			
Waste Management of Iowa INC				201 SE 18 th St, Des Moines, IA 50317		615-299-2524			
Employer Contacted?				Location of Arrest (Street, City, State, Zip)					
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO									
Condition of Arrestee:		<input type="checkbox"/> drunk <input type="checkbox"/> sober <input type="checkbox"/> drinking <input type="checkbox"/> narcotic		Resist Arrest?	Injuries To?	Officer-Treated?	Armed?	Description of Weapon	
				<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Date of Offense	Arrested (Day, Date, Time)		Type of Arrest			Arrested Before?			
03-21-12			<input type="checkbox"/> S - summoned/cited <input type="checkbox"/> O - on-view arrest <input type="checkbox"/> T - taken into custody			<input type="checkbox"/> Yes <input type="checkbox"/> No			
Charge of Offense		State/City Statute	UCR Offense Code	Warrant # SIN/NIC	ORI/Case/Citation #				
#1									
#2									
#3									
#4									
#5									
#6									
#7									
Arrest Disposition:				Location of Incarceration		Arrested with Accomplice(s) - Name & DOB			
<input type="checkbox"/> Held <input type="checkbox"/> Bail <input type="checkbox"/> Released <input type="checkbox"/> Other									
Year	Make	Model	Style	Color	License Plate#	License State	License Year		
2004	AUTOCAR		Truck	White/Green		IA	2012		
VIN			Impounded?		Location				
5VCDC6LF04H			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Hanifen's				
Register Owner: Name			Address			Vehicle Damage?			
Waste Management of Iowa INC			201 SE 18 th ST, Des Moines Iowa 50317			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Explain: Severe	
Year	Make	Model	Style	Color	License Plate #	License State	License Year		
1996	Ford	E-350	Van	White		IA	2012		
VIN			Impounded?		Location				
1FTEE14N8TH			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Peter's Towing				
Registered Owner: Name			Address			Vehicle Damage?			
J&M Heating Cooling & Plumbing			407 Garden RD , Ames, IA 50010			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Explain: Totaled	
Miranda By:			Date:	Time:	Additional incidents cleared in this jurisdiction:				
					Case # _____ Case # _____				
Officer:			T#:	Supervisor:			T #:		

ARREST

VEH 1

VEH 2

MISC

On 03/21/2012, I, Officer Mack (T157), along with Officer Schooley (T375), responded to a serious injury accident at Hubbell Ave in Altoona and the on-ramp to I-80 EB involving a commercial motor vehicle. Upon arrival, we found a Waste Management garbage truck on its side in the median of the on-ramp and a white van on the shoulder of the on-ramp.

It was determined that Altoona PD Sgt. R. Kerchee would do the accident report and Officer Schooley and I would do a level one inspection on the garbage truck. Upon an initial walk around of the garbage truck we did find that the right side brake pedal was broken off of the housing that holds it to the floor of the garbage truck. The garbage truck was a type that could be driven from either the left or right side. It was determined that the driver of the garbage truck ([REDACTED] B-DOB [REDACTED]) was driving the garbage truck from the right side. Hanifen's was called to upright the garbage truck and tow it to their lot for safekeeping. Officer Schooley and I determined we would do a full level one inspection on the garbage truck at Hanifen's lot the following day.

On 03/22/2012, Officer Schooley and I arrived at Hanifen's lot at approx. 0800 hrs to perform a level one inspection on the garbage truck. We started our inspection at approx 0830 hrs. Our inspection included the following violations:

- 1) Front ID/Clearance lights inoperable (Accident Related)
- 2) Front/Rear - Right/Left turn signals unable to check due to damage
- 3) High Beam Headlamps (unable to check)
- 4) Brake lights were unable to be checked due to lack of access to left side brake pedal and broken right side brake pedal
- 5) Right outside tail lamp inoperable
- 6) Right/Center Rear ID lamps inoperable
- 7) Axle 2 Left Outside tire flat (Accident Related)
- 8) Axle 2 Left Outside Rim Bent (Accident Related)
- 9) Axle 3 Left Inside tire flat (Accident Related)
- 10) Axle 3 Left Inside Rim Bent (Accident Related)

The brakes on the garbage truck were also measured during the inspection. The brakes are as follows:

- 1) Axle 1 Left was a type 20 brake chamber and was un-measurable due to damage to the garbage truck.
- 2) Axle 1 Right was a type 20 brake chamber and was un-measurable due to damage to the garbage truck
- 3) Axle 2 Left was a type 30 brake chamber and measured at 2 inches
- 4) Axle 2 Right was a type 30 brake chamber and measured at 1 1/8 inches
- 5) Axle 3 Left was a type 30 brake chamber and measured at 1 1/2 inches
- 6) Axle 3 Right was a type 30 brake chamber and measured at 1 1/2 inches

(Hanifen's assisted in filling the air tanks and releasing the brakes)

There was a current annual inspection sticker found on the garbage truck. The annual inspection sticker indicated that the last annual inspection was done in March of 2012.

The inspection concluded at approximately 0945 hrs.

NYEMASTER GOODE

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April 13, 2012

VIA EMAIL dparker@altoona-iowa.com AND U.S. MAIL

Lieutenant Dennis Parker
Altoona Police Department
700 1st Avenue S.
Altoona, IA 50009

Re: Evidence (brake pedal) held by Altoona Police Department Regarding
March 21, 2012, Accident Involving Waste Management Truck
Accident No. 12-000654

Dear Lieutenant Parker:

Our firm represents Waste Management and is at this time assisting our client in its investigation of the March 21, 2012, accident involving its truck. You may recall that I spoke to you over the telephone a couple of weeks ago about the brake pedal from the Waste Management truck, which is currently being held as evidence by the Altoona Police Department.

I am writing regarding several issues relating to the brake pedal, as follows.

1. Could you provide me with an estimate as to how long the pedal will be retained by your department as evidence? If you could let me know at your earliest convenience, it would be quite helpful.

2. Pending the release of the pedal, I did want to remind you that the pedal is the property of Waste Management. Once the Altoona Police Department or the Polk County Attorney's office determines it is no longer necessary to retain the pedal as evidence, please be

Joseph A. Quinn

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With offices in Des Moines and Ames

www.nyemaster.com

Denny Parker

From: Denny Parker
Sent: Monday, April 16, 2012 12:30 PM
To: [REDACTED]
Subject: RE: Waste Management Truck Accident

[REDACTED]

Our policy is to retain the evidence for up to twenty-four months, depending on circumstances of the case. The brake pedal is currently in our property room, safe from being tampered with. We will continue to follow guidelines for chain of custody, and we do not have plans to have the brake pedal tested.

Per our earlier conversation, please give us advance notice if you plan to come to the police to look at, take photographs etc... of the brake pedal, so that I can make sure that the evidence custodian is available.

Lt. Denny Parker
Altoona Police Department
700 1st Ave South
Altoona, Ia 50009
Office: 967-5132
Fax: 967-5133

From: [REDACTED]
Sent: Friday, April 13, 2012 3:19 PM
To: Denny Parker
Subject: Waste Management Truck Accident

[REDACTED]

[REDACTED]

Legal Assistant to [REDACTED] and [REDACTED]
Nyemaster Goode, P.C.
700 Walnut Street, Ste 1600
Des Moines, IA 50309-3899
Telephone: 515/283-8020
Fax: 515/283-3108
e-mail: llb@nyemaster.com
www.nyemaster.com

April 13, 2012

Page 2

sure that the pedal is not released to anyone other than an employee, agent or attorney for Waste Management.

3. While the pedal is being held, please take all precautions to protect the pedal from the elements and from handling by anyone other than law enforcement personnel and Waste Management representatives. Please assure the pedal is otherwise kept in the same condition it was in when removed from the truck and taken into evidence by the Altoona Police Department on March 21.

4. Please refrain from any testing on the pedal, which would result in alteration or any amount of damage or destruction to the pedal.

5. If the pedal is to be subjected to any type of testing, please notify my office at least three days prior to the testing so that we can arrange to have someone present to observe and document any such tests.

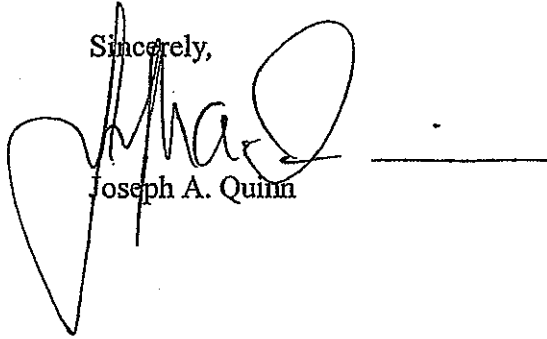
6. Please make sure the chain of custody of the pedal is well-controlled and documented.

7. Please notify our office immediately once your department determines or is notified that it no longer needs to retain the pedal as evidence. We will make the appropriate arrangements to take possession of the pedal at that time.

I am sure all of the above would be done by your department as part of its standard practices and procedures. However, because the pedal will likely be important to all parties concerned at some point in the future, we thought we would contact you about these issues out of an abundance of caution.

Should you have any questions or comments regarding the matters discussed above, please do not hesitate to call, email or write me. I would very much appreciate it if you could let me know at your earliest convenience, your thoughts as to how much longer you will need to hold onto the pedal. Thank you for your attention to this matter. I look forward to hearing from you soon.

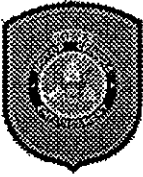
Sincerely,


Joseph A. Quinn

JAQ/llb

12-000654

DRIVER/VEHICLE INSPECTION REPORT (Driver Copy)



MOTOR VEHICLE ENFORCEMENT
IOWA DEPARTMENT OF TRANSPORTATION
(800) 925-6469

Officer No. T167	Date 03/22/2012	Begin Time 07:45	Time Zone CENTRAL TIME	Inspection Number TT6 HJ23
Commerce Type 1 - INTERSTATE			Inspection Level 1 - FULL INSPECTION	
County Number POLK - 77	Location Number 99	Location Description HUBBLE AVE NB @ I-80 ON RAMP EB		
Mile Post # 142	Special Checks 05			

DRIVER						
DRIVER Name - Last	First	Middle	Suffix			
Address City State Zip Code WEST DES MOINES IA						
Driver License Number	State of License IA	Date of Birth	CDL Class A	Endorsement(s) NONE	Restriction(s) NONE	
Height 5'05"	Weight 185 LBS	Drug Search NO	Arrests 0	Alcohol Test Administered NO	Results	BAC

CO-DRIVER			
CO-DRIVER Name - Last	First	Middle	Suffix
Driver License Number	State of License	Date of Birth	

CARRIER			
MOTOR CARRIER Name WASTE MANAGEMENT OF IOWA INC			
Address 201 SE 18TH STREET			
City DES MOINES	State IA	Zip Code 50317	
U.S. DOT Number 00232638	ICC Number	Phone Number (515) 265-5267	Fax Number

VEHICLES							
Unit 001	Company's Unit Number	Vehicle Year 2004	Vehicle Make AUTC	Vehicle Type TR	License State IA	License Number	GWR 64,000
VIN # 5VCDCLF04H							
Existing CVSA Decal Status NONE	Existing CVSA Decal	CVSA Decal Issued #	OOS Sticker # 123488	Cargo Seal Removed	Cargo Seal Replaced		
I E P	U.S. DOT Number	Name					
	Source of Identification			Chassis Pool	SCAC		

LOAD							
Origin City DES MOINES	State IA	Destination City BONDURANT	State IA	Exempt #	HazMat Code	Reportable Qty.	Haz Waste
Shipping Paper # NONE	Shipper Name			Placards Required	HazMat Code	Reportable Qty.	Haz Waste
Cargo EMPTY - 07	Cargo Breakdown			Cargo Tank Specs	HazMat Code	Reportable Qty.	Haz Waste

VIOLATIONS			
Identification	Unit No.	Out of Service	Citation

390.3A1	1 - POWER UNIT	YES	
Description RIGHT SIDE BRAKE PEDAL BROKEN AT BOLT HOUSING			Verification

Brake Adjustment	Chamber	Axle 1	Axle 2	Axle 3	Axle 4	Axle 5	Axle 6	Axle 7	Surveillance	
		Right	C-6	C-30	C-30					
		Left	N/M	1 1/8	1 1/2					
			N/M	2	1 1/2					

COMMENTS
Vehicle involved in a serious injury accident. Driver was taken to hospital and there fore unable to sign the inspection.

PCSO-12-2004
ALTOONA-12-654

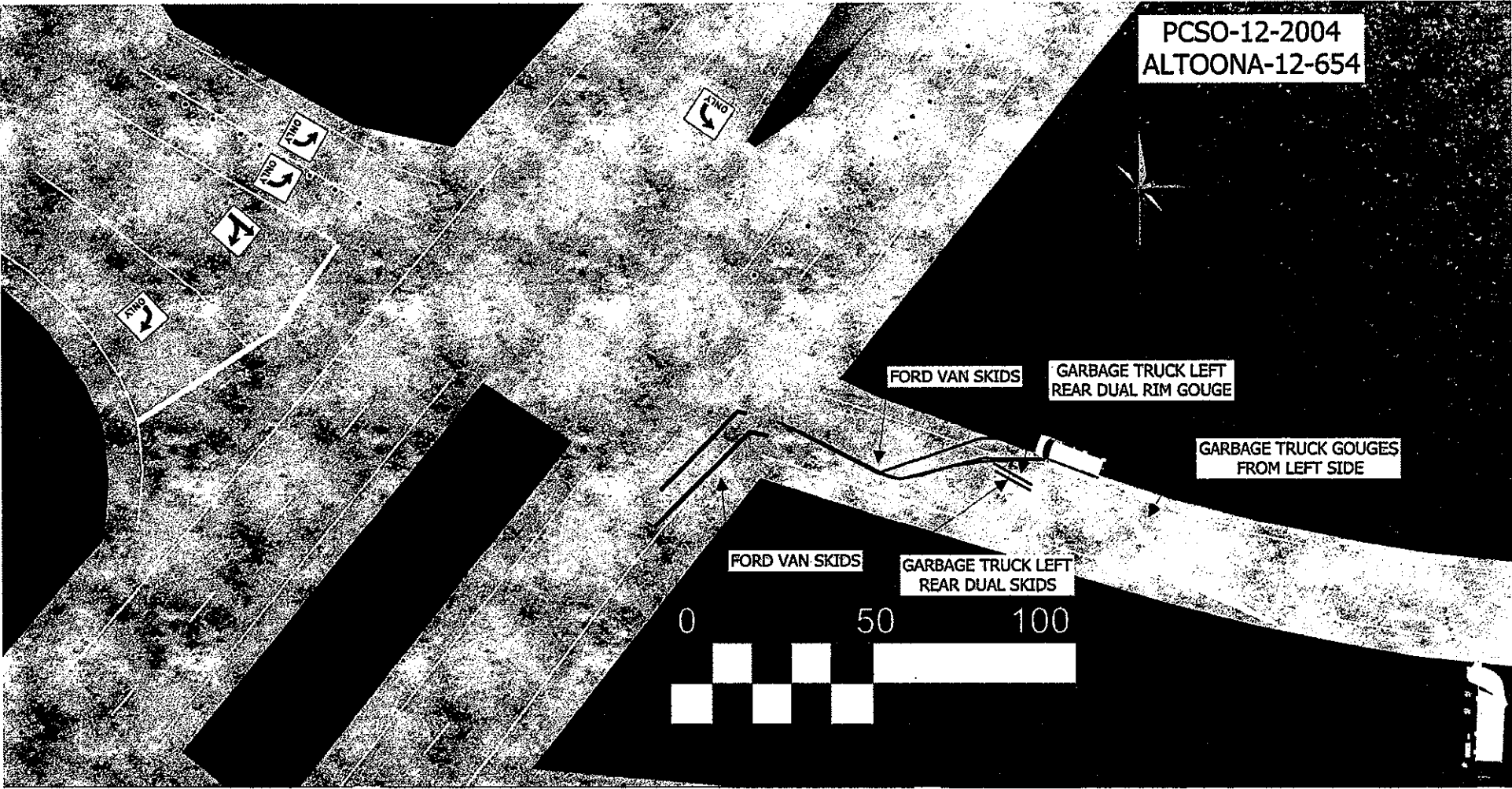
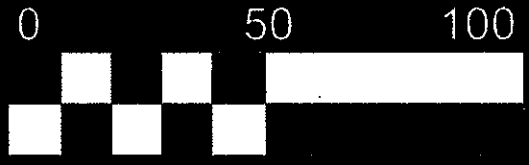
FORD VAN SKIDS

GARBAGE TRUCK LEFT
REAR DUAL RIM GOUGE

GARBAGE TRUCK GOUGES
FROM LEFT SIDE

FORD VAN SKIDS

GARBAGE TRUCK LEFT
REAR DUAL SKIDS



Field Headquarters
6023 NE 14th Street
Des Moines, Iowa 50313-1206



Phone (515) 286-3306
Fax (515) 286-3399
www.polkcountyiowa.gov/sheriff

**POLK COUNTY SHERIFF'S OFFICE
TECHNICAL ACCIDENT INVESTIGATION**

Case Number: 12-2004 Altoona Case # 12-654
Subject: 2 Vehicle accident assist for Altoona PD
Date/Time: March 21, 2012 1315 hrs
Location: I80/NE Hubbell ave
Technical Investigator: Deputy Tim Schuster
Accident Investigator: Officer Kerchee Royal/Altoona PD
Vehicle #1: 1996 Ford E150 Van Iowa plate [REDACTED]
Driver #1: [REDACTED]
Vehicle #2: 2004 Autocar Garbage truck Iowa plate [REDACTED]
Driver #2: [REDACTED]
Assisting Agencies: Iowa DOT Motor Vehicle Enforcement
Assisting Officers: Officer Schooley, Officer Mack, Lt. Parker

OUT OF SERVICE / SIGNATURES

Driver/Vehicle Out of Service Notice

Pursuant to Iowa Code Section 321.449 and 321.450, I hereby declare the **VEHICLE** "OUT OF SERVICE". The violations indicated in the violation section(s) and marked out-of-service must be repaired before the vehicle containing these defects is operated on the public highways of Iowa.

No motor carrier shall permit or require this driver to operate any motor vehicle until: _____ on _____

DRIVER'S SIGNATURE: I acknowledge being present while the above vehicle was inspected and have been informed of the above infractions and/or deficiencies.

Officer's Signature

Date Completed

Not Present



03/22/2012

Time Completed

TT6HJZ3

TT6HJZ3

09:45

All information requested is required. This document will be used for enforcement action and statistical reporting by the Office of Motor Vehicle Enforcement. This form is provided to the Federal Motor Carrier Safety Administration, and to the public upon request.

DRIVER : This report must be furnished to the motor carrier whose name is listed on this report.

MOTOR CARRIER : Please sign and certify that all noted deficiencies have been corrected. As required by 49CFR 396.9, retain a copy of this report at your principal place of business for 12 months from the date of the inspection and return the signed certification within 15 days to the Iowa Department of Transportation, Office of Motor Vehicle Enforcement, PO Box 10473, Des Moines, Iowa 50308-0473.

The undersigned certifies that all violations noted on this report have been corrected and action has been taken to assure compliance with the Federal and State Motor Carrier Safety and Hazardous Material Regulations insofar as they are applicable to motor carriers and drivers. I understand that failure to comply will subject me to additional violations under the regulations noted.

Signature of Carrier Official

Title

Date Signed

SCHEDULE OF ATTACHMENTS

- State accident report by Office Royal
- Supplemental from Lt. Parker
- Witness statement by [REDACTED]
- Witness statement by [REDACTED]
- Witness statement by [REDACTED]
- Witness statement by [REDACTED]
- Inspection reports from Officer Mack/Schooley
- Scaled diagrams from Edge Fx
- Cad report
- Photos

Arrival and Observations

I assisted Altoona PD on an accident with injuries at the intersection of NE Hubbell Ave and Interstate 80 eastbound off/on ramp. When I arrived I observed a Ford van on the eastbound on-ramp to I80 facing west with heavy front end damage. There were several bystanders tending to the driver and passenger who both had injuries with the driver's appearing serious. Further east on the ramp there was a garbage truck facing south, on its left side. The driver was out and walking around. The driver of the garbage truck advised officers that he had lost his brakes and/or brake pedal. Lt. Parker from Altoona PD asked for my assistance in the technical investigation of the accident. Officer Schooley of the Iowa DOT Motor Vehicle Enforcement was also on scene. He advised he would assist in the inspection of the garbage truck. Witnesses were advising the van was northbound on Hubbell ave approaching the intersection with a green light. Witnesses behind the garbage truck said it was traveling 55-70 MPH and had no indication of braking. It continued east through a red light. The two collided in the intersection



At the intersection Hubbell is a 4 lane divided road. The southbound side has a left turning lane to enter the eastbound on ramp for I80. The northbound side of Hubbell ave had the left lane blocked with traffic barrels for construction. In the right lane of northbound Hubbell Ave just south of the intersection there were two sets of tire friction marks that continued into the intersection and then diverted to the east.



More tire friction marks and fluid trails from the van led to its resting location facing west on the north side of the on ramp. All of the van's damage was on the front and driver's door. There were no tire friction marks prior to impact from the garbage truck. Post impact marks from the left rear duals show the truck yawed clockwise. Next to the marks there was a semi circular gouge which appeared to come from a rim. Further east on the ramp there were several deep gouges where the garbage truck rolled counter clockwise onto its left side. The truck slid on its left side coming to rest in the ditch south of the roadway.

Weather Conditions

Weather conditions at the time of the crash were as follows; temperature-69°, dew point-59°, humidity-70%, wind was SE at 12 MPH

On Scene Investigation

I first did a walkthrough of the scene. The intersection is controlled by traffic lights which were operating correctly. The off ramp of I80 eastbound has 4 lanes at the intersection of NE Hubbell Ave. The far left lane was blocked off with traffic cones for road construction on the I80 bridge over Hubbell ave.



The left side of the truck cab had major damage from impact after it rolled. The driver had indicated he was driving on the right side. The garbage truck has the capability to be driven from either side. The truck had damage to the right side just rear of the cab with white transfer paint. I photographed and marked all evidence with paint throughout the scene. Before the garbage truck was up righted I photographed the right side brake pedal. It was broken off of its pivot point.



More photos were taken after the truck was put back on its wheels. The brake pedal was given to Lt. Parker to be kept for evidence. Officer Schooley advised he would be conducting an inspection the following day at the tow lot. Due to the high volume of traffic I decided to return at a later time to measure the scene with the Total Station.

Follow Up Investigation

I returned to scene on March 23 to measure the scene with the Total Station and then completed a scaled diagram. I went Hannifens tow lot and took more photos of the garbage truck focusing on the right side and impact area. I went to Peters towing and took more photos and inspected the van.

Driver Statements

The driver of the van at the time of this report is still incapacitated and could not be interviewed. At the scene several officers were assisting in collecting written statements. At one point an unknown State Patrol Officer said he would get a written statement from the driver of the truck. As of yet a statement has not been received. I did hear the truck driver tell another officer that he had lost his brake pedal and could not stop.

Witness Statements

See attached written statements from witnesses.

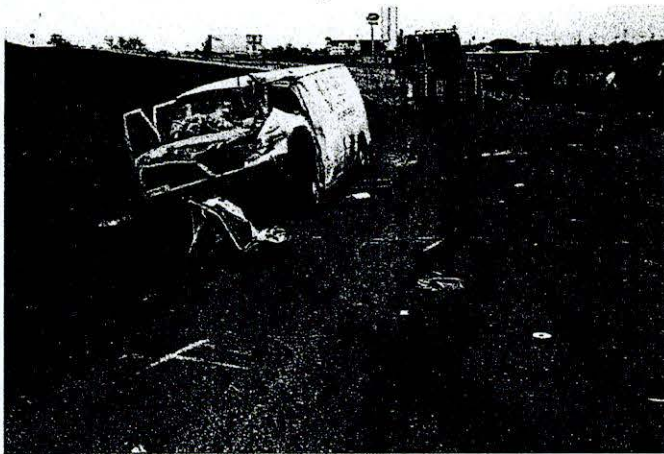
Evaluation of Roadway Evidence and Scene

Tire friction marks from the van indicated a pre-impact skid and then an abrupt yaw clockwise. The location where the skids divert to the east show the area of impact. The van yawed approximately 270 degrees before coming to rest.

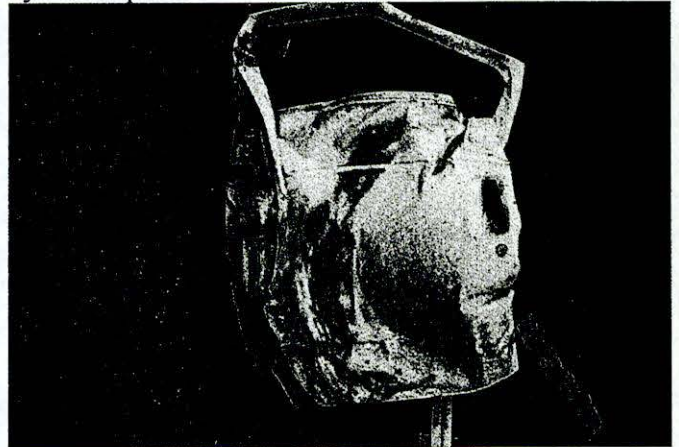


There were no pre-impact tire marks from the garbage truck. Just east of the impact area there are tire friction marks from the trucks left rear duals. Next to the marks there is a semi-circular gouge that indicated the tires becoming unseated from the rims. Further east there are deep gouges from the left side of the truck leading to its resting point.

The left frame rail had been forced downward and the body separated from the left front suspension. The driver's door had a circular tire mark and was removed by rescue personnel.



The tire marks and gouges show the truck yawed clockwise and rolled counter-clockwise. I watched the traffic lights through several cycles and they were working correctly.



Evaluation of Vehicle Damage Evidence

The van had heavy damage across the full length of the front. The van had contact damage that forced the body to the rear and slightly to the right.



There was contact damage on the left A-pillar and on the roof line at the windshield on the left side. The left front fender had tear marks going left to right.



Rescue personnel also used mechanical devices to force the A-pillar and firewall forward to assist in extrication of the driver. There was induced damage at the B-pillar forced to the rear. The left front tire was unseated. The other three tires were still inflated. The driver's air bag had been deployed and the seat belt cut off by rescue. The passenger's seat belt was unlatched. There was no other exterior damage to the van to indicate a secondary impact.

The garbage truck had scrape marks on the left side and heavy damage to the left side of the cab. The cab's damage was forced rearward and to the right. It appeared all of this damage was from the impact with the ditch.



The left rear duals had tires unseated from their rims. The left outside front tire of the left rear dual had damage to the rim where it gouged the roadway.

MARs 503

MAIL REPORTS TO:
Iowa Department of Transportation
Office of Driver Services
P.O. Box 9204
Des Moines, Iowa 50306-9204



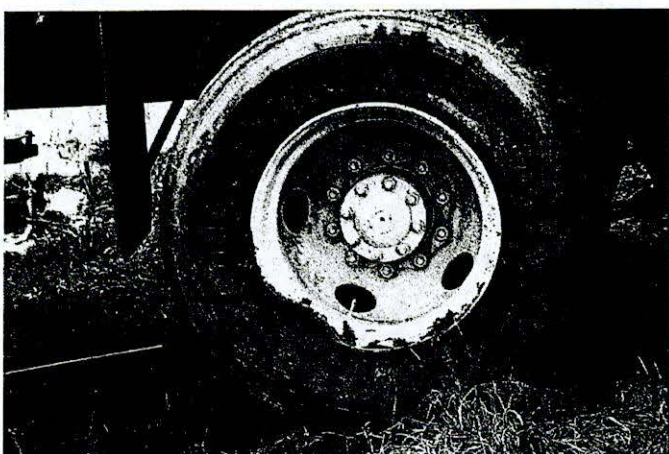
Iowa Department of Transportation INVESTIGATING OFFICERS REPORT OF MOTOR VEHICLE ACCIDENT

Law Enforcement Case Number: 12-000654	
Legal Intervention? <input type="checkbox"/>	Private Property? <input type="checkbox"/>
Location Literal Description US 6/FREDERICK M HUBBELL AVE AND INTERSTATE 80	
X-Coordinate: 00468698 Y-Coordinate: 04612224	
If Divided Highway, Provide Route (Cardinal) Travel Direction "N/A"	

L O C A T I O N	Date of Accident: 3/21/2012	Time of Accident: 13:16 Hrs.	County: POLK - 77	Accident occurred within corporate limits of (city): ALTOONA - 0132
	If accident occurred outside of city limits show general vicinity: "N/A" of nearest city "N/A"			
	On Road, Street, or Highway: "N/A"		At Intersection with: "N/A"	
	Note: Unless accident occurred at an intersection which is completely described above, use the space below to give the exact location from a milepost or definable intersection, bridge, or railroad crossing, using two distances and directions if necessary.			
	Distance: "N/A"	Direction: "N/A"	Distance: "N/A"	Direction: "N/A"
Milepost Number: "N/A"		Definable intersection, bridge, or railroad crossing: "N/A"		

U N I T	Driver's Name - Last		First	Middle	Suffix	Home/Cel Phone Number		
	City: AMES		State: IA		Zip			
	Date of Birth	Driver's License Number		Citation Charge Code 1	Citation Charge 1			
	Gender: MALE	State: IA	Class: C	Endorsements: NONE	Restrictions: B	Citation Charge Code 2	Citation Charge 2	
	Alcohol Test Given? 1 - NONE	Test Results:	Drug Test Given? 1 - NONE	Test Results:	Citation Charge Code 3	Citation Charge 3		
	Alcohol Test Given? 1 - NONE	Test Results:	Drug Test Given? 1 - NONE	Test Results:	Citation Charge Code 4	Citation Charge 4		
	Seating Position: 01	Injury Status: 2	Occupant Protection: 2	Airbag Deployment: 1	Airbag Switch Status: 3	Ejection: 1	Ejection Path: 1	Trapped: 3
	Transported to: MERCY HOSPITAL				Transported by: ALTOONA AMBULANCE			
	Owner's Name - Last		First	Middle	Suffix	Owner Company Name: J&M HEATING COOLING & PLUMBING		
	Address: 407 GARDEN RD		City: AMES		State: IA	Zip: 50010		
	Insurance Co. Name: PROGRESSIVE CASUALTY		Insurance Policy #		License Plate #	State: IA	Year: 2012	
	VIN No. 1FTEE14N8TH	Year: 1995	Make: FORD - FORD	Model: E150	Style: VAN	Tow # YES	Approximate Cost to Repair or Replace: \$10,000.00	
	Initial Travel Direction: 1	Vehicle Action: 01	Speed Limit: 45	Point of Initial Impact: 08	Most Damaged Area: 01	Extent of Damage: 5	Underride/Override: 1	Private? <input checked="" type="checkbox"/>
	Total Occupants: 02	Traffic Controls: 02	Vehicle Config: 03	Cargo Body Type: 01	Vehicle Defect: 01	Driver Condition: 1	Vision Obscured: 01	Contributing Circumstances, Driver (up to two): 28
	SEQUENCE OF EVENTS		First Event: 21	Second Event: 01	Third Event:	Fourth Event:	Most Harmful Event (by vehicle): 21	
Commercial Trailer License Plate #	Attached to Power Unit:	State:	Year:	Attached to Trailer Unit:	State:	Year:	Emergency Vehicle Type: 1	Emergency Status: 3
Carrier Name		Address		City		State		Zip
US DOT #	or MC #	Number of Axles	Gross Vehicle Weight Rating	Placard #	Hazardous Materials Released?			

U N I T	Driver's Name - Last		First	Middle	Suffix	Home/Cel Phone Number		
	City: WEST DES MOINES		State: IA		Zip			
	Date of Birth	Driver's License Number		Citation Charge Code 1	Citation Charge 1			
	Gender: MALE	State: IA	Class: A	Endorsements: NONE	Restrictions: NONE	Citation Charge Code 2	Citation Charge 2	
	Alcohol Test Given? 1 - NONE	Test Results:	Drug Test Given? 1 - NONE	Test Results:	Citation Charge Code 3	Citation Charge 3		
	Alcohol Test Given? 1 - NONE	Test Results:	Drug Test Given? 1 - NONE	Test Results:	Citation Charge Code 4	Citation Charge 4		
	Seating Position: 03	Injury Status: 4	Occupant Protection: 9	Airbag Deployment: 5	Airbag Switch Status: 3	Ejection: 1	Ejection Path: 1	Trapped: 1
	Transported to: MERCY HOSPITAL				Transported by: ALTOONA AMBULANCE			
	Owner's Name - Last		First	Middle	Suffix	Owner Company Name: WASTE MANAGEMENT INC		
	Address: 201 SE 18TH ST		City: DES MOINES		State: IA	Zip: 50317-7653		
	Insurance Co. Name: ACE AMERICAN INS. CO.		Insurance Policy #		License Plate #	State: IA	Year: 2012	
	VIN No. 5VDC6LF04H	Year: 2004	Make: AUTOCAR - AUTO	Model:	Style: GARBAGE TRUCK	Tow # YES	Approximate Cost to Repair or Replace: \$50,000.00	
	Initial Travel Direction: 2	Vehicle Action: 01	Speed Limit: 35	Point of Initial Impact: 03	Most Damaged Area: 08	Extent of Damage: 4	Underride/Override: 1	Private? <input type="checkbox"/>
	Total Occupants: 01	Traffic Controls: 02	Vehicle Config: 05	Cargo Body Type: 08	Vehicle Defect: 02	Driver Condition: 1	Vision Obscured: 01	Contributing Circumstances, Driver (up to two): 01,08
	SEQUENCE OF EVENTS		First Event: 21	Second Event: 01	Third Event: 11	Fourth Event:	Most Harmful Event (by vehicle): 11	
Commercial Trailer License Plate #	Attached to Power Unit:	State:	Year:	Attached to Trailer Unit:	State:	Year:	Emergency Vehicle Type: 1	Emergency Status: 3
Carrier Name: WASTE MANAGEMENT INC		Address: 201 SE 18TH ST		City: DES MOINES		State: IA		Zip: 50137
US DOT # 232628	or MC #	Number of Axles: 3	Gross Vehicle Weight Rating: 64000	Placard #	Hazardous Materials Released? 3			



On the right side mid way on the truck, there was damage to the container portion with white paint transfer. There was also damage to the frame area with more paint transfer. The damage was to the left and proceeding rearward. There was white paint transfer on the mud flap that is in front of the right rear duals. The contact damage on the truck appears minimal compared to the van. This is because the heavy steel construction of the trucks frame and container.



At the scene the driver indicated he was right side driving and lost his brake pedal. The pedal was found in the cab broken off of its mount. Officer Schooley conducted an inspection of the truck, see attached.

Correlation of Physical Evidence and Witness

The physical evidence of the vehicles and roadway indicate the location of the impact and the vehicle dynamics afterward. All witnesses indicated the van had a green light to proceed through the intersection and that the truck had a red light to stop. Witnesses behind the truck stated the truck came off the interstate and continued at highway speeds through the intersection with no indication of braking (no slowing or brake lights). The truck driver at the scene stated he lost his brake pedal.

Summary of Accidents

The van was northbound on Hubbell ave in the right lane. The van had a green light to proceed through the intersection of the I80 eastbound on/off ramps. The garbage truck was eastbound on I80 and exited at Hubbell ave. The driver stated he lost his brake pedal and could not stop. The truck went into the intersection through a red light. In the right lane of Hubbell the van impacted the truck on the trucks right side. The van yawed 270 degrees and came to rest facing west east of the intersection. After impact the truck yawed clockwise and rolled onto its left side. It continued until it impacted the ditch east of the intersection.

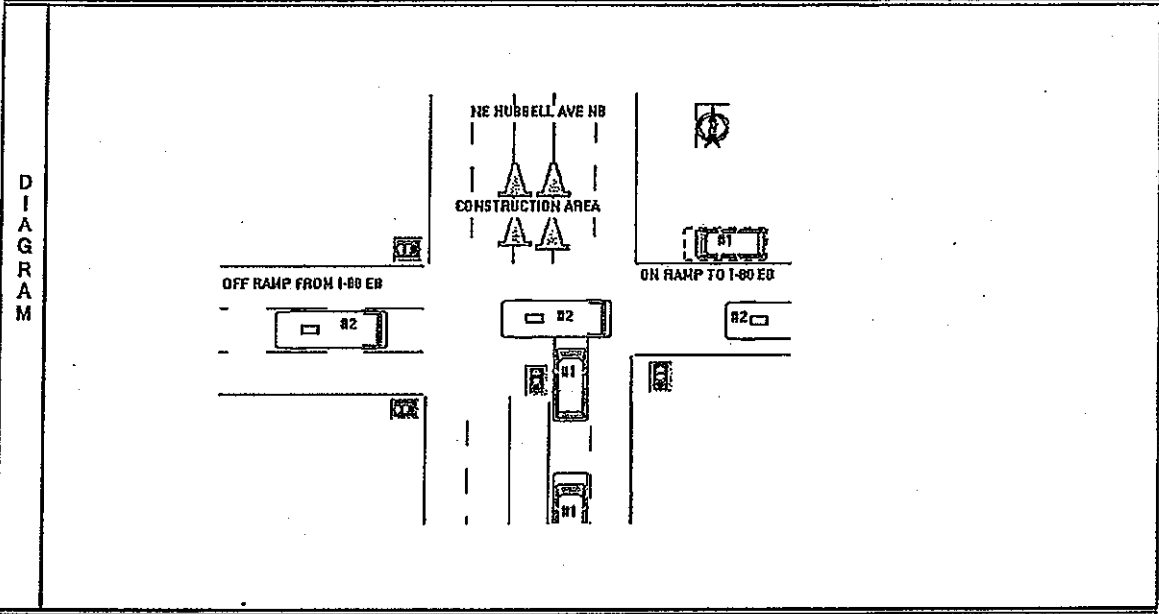
Conclusion

The physical evidence and witness/driver statements indicate the driver of the garbage truck failed to stop for a red light. The driver stated he lost his brake pedal. Further inspections may show this was a mechanical failure which will have to be followed up by experts in that field.

Deputy Tim Schuster 77-83

ACCIDENT ENVIRONMENT			ROADWAY CHARACTERISTICS Major Contributing Circumstances:			WORKZONE RELATED? YES		SEQUENCE OF EVENTS	
Location of First Harmful Event	1	Weather Conditions (up to two)	03	Environment	1	Location	4	First Harmful Event of Crash (use codes 11-42 only)	
Manner of Crash/Collision	6	Surface Conditions	1	Roadway	01	Type	8	21	
Light Conditions	1			Type of Roadway Junction/Feature	16	Workers Present?	2		

PERSON INFORMATION	Name - Last		First		Middle		Suffix			
	[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]			
	City		State		Zip Code					
	AMES		IA		[REDACTED]					
Date of Birth	Sex	Unit No.	Seating Position	Injury Status	Occupant Protection	Airbag Deployment	Airbag Switch Status	Ejection	Ejection Path	Trapped
[REDACTED]	MALE	1	03	3	2	6	3	1	1	2
Transported to:					Transported by:					
MERCY HOSPITAL					ALTOONA AMBULANCE					
NON-MOTORIST		Type	Location	Action	Condition	Safety Equipment	Contributing Circumstances	Unit No. of Vehicle Striking		



NARRATIVE

Describe what happened (refer to vehicles by number)

I was dispatched to a possible roll over accident involving a semi and maybe two other cars at mile marker 142 I-80 east bound.

As I was getting closer to the intersection of Adventureland Dr. and NE Hubbell Ave, I could see that the accident was at the construction area of I-80 and the on and off east bound ramp at NE Hubbell Ave. I could see a green and white garbage dump truck on it's side and a badly damaged white van.

I notified dispatch that the accident was at this location and not on I-80, so medical could get right to the scene and have my back up be able to block off certain area's to re route traffic as well.

As I pulled up to the scene, I noticed several people helping with the occupants of the white van (Unit 1). The white van was heavily damaged in the left front area.

Several people were yelling at me that the driver of the garbage truck that had rolled over was okay and he was standing there by his truck. When Detective Ferguson arrived, I had him get the normal information from the driver of the garbage truck for me.

When Officer Mayo arrived, I had him get any witness information and take statements or have them write statements for us. Mayo told me that he was having all of the witnesses go to our Police Department and fill out statements.

I then talked to the driver of the garbage truck (Unit 2), who is now identified as [REDACTED]. He advised me that as he was getting off of I-80 east bound and coming down the ramp towards NE Hubbell Ave. (This intersection is controlled by traffic lights, due to the re routing north bound traffic heading to Bondurant / north bound NE Hubbell Ave.) He went to apply his brakes and the brake pedal broke off. He continued down the ramp until he went into the intersection and collided with the Unit 1 who was going north bound on NE Hubbell Ave. [REDACTED] admitted to me that he went through the red light because his brake pedal broke off.

I could not speak with the driver of Unit 1, due to him being incapacitated and unconscious.

I spoke to the passenger briefly, until he was taken away by ambulance. His name is [REDACTED]. I asked him which way they travelling? He said north on NE Hubbell Ave. He did inform me that the Drivers name of Unit 1 was [REDACTED] and he's [REDACTED] years old, and this is a part time job. [REDACTED] goes to college and his mother works at [REDACTED]

NARRATIVE

Describe what happened (refer to vehicles by number)

Both drivers and passenger were transported to Mercy Hospital.

Iowa Department of Transportation Motor vehicle enforcement arrived to assist. The D.O.T. officers will do the inspection of the garbage truck on 03/22/2012 and inform us of their findings. Unit 2 was impounded to Hanifen's Towing.

Unit 1 was taken to Peters Towing.

Polk County Deputy Schuster will be handling the technical accident investigation for us.

After reading all of the witnesses statements, they all said that Unit 2 was heading east bound on the off ramp from I-80, towards NE Hubbell Ave and that he ran the traffic light at NE Hubbell Ave, then Unit 1 struck Unit 2.

After Hanifen's rolled Unit 2 back upright, you could tell by the marks on the truck the Unit 1 struck Unit 2 in the middle of the truck right before the rear axles.

Officer Mayo requested that the Iowa Department of Natural Resources be notified, due to hazardous liquids leaking from unit #2. DNR official, Bill Gross arrived and said another company (Hydro Klean), will handle the spill and clean up of the liquids.

No traffic charges were filed at this time, due to the possibility of mechanical failure.

WITNESSES	Witness Name - Last	First	Middle	Suffix
	Address		City	State
	Home/Cel Phone #		Work Phone #	

WITNESSES	Witness Name - Last	First	Middle	Suffix
	Address		City	State
	Home/Cel Phone #		Work Phone #	

WITNESSES	Witness Name - Last	First	Middle	Suffix
	Address		City	State
	Home/Cel Phone #		Work Phone #	

WITNESSES	Witness Name - Last	First	Middle	Suffix
	Address		City	State
	Home/Cel Phone #		Work Phone #	

WITNESSES	Witness Name - Last	First	Middle	Suffix
	Address		City	State
	Home/Cel Phone #		Work Phone #	

Officer KERCHEE ROYAL	Badge No. 263	Time Officer Notified of Accident 13:19	Hrs.	Time Officer Arrived At Scene 13:22	Hrs.
Name of Agency ALTOONA POLICE DEPARTMENT	Date of Report 03/21/2012	Investigation made at scene? YES	T.I. # 77-83		
Report Reviewed By: PARKER, DENNIS	Date Reviewed 03/22/2012	Agency Specific ALTOONA	Other Technical Investigation Agency POLK COUNTY SHERIFF'S OFFICE		

STOPPED AT LIGHTS - TRUCK WENT BY HORN.

Case # 12-000654

ALTOONA POLICE DEPARTMENT VOLUNTARY STATEMENT

I [redacted] am not under arrest for, nor am I being detained for any criminal offenses concerning the events I am about to make known to the Altoona Police Department. Without being accused of or questioned about any criminal offenses regarding the facts I am about to state, I volunteer the following information of my own free will, for whatever purposes it may serve.

I am [redacted] years of age and I live at [redacted] Ames, IA. [redacted]

NARRATIVE

I was stopped at red light on I-80 off ramp to highway 65. Garbage truck came down ramp, ran the red light at what looked like full speed. Garbage truck hit the white van on driver side pushing it to the on ramp of I-80 eastbound. The garbage truck rolled after hitting van

I have read each page of this statement consisting of 1 page(s), each page of which bears my signature, and corrections, if any bear my initials, and I certify that the facts contained herein are true and correct.

Dated at (Location/Address) Altoona Police Dept.

This 21 day of March, 2012

Signed: [redacted]

Witness: _____

Witness: _____



IOWA INCIDENT REPORT SUPPLEMENTAL
ALTOONA POLICE DEPARTMENT
 700 1ST AVE. SOUTH

022004

(515) 967-5132

hc030102

CASE INFO	Case Number 12-000654	Date of This Report 03/28/2012	County in which Incident Occurred POLK - 77	
	ORI Number ALTOONA POLICE DEPARTMENT - IA0770800			
	Date of Original Occurrence 03/21/2012		Type of Offense MOTOR VEHICLE CRASH	
	Name - Last [REDACTED]	First [REDACTED]	Middle	Suffix
	Clearance Classification <input type="checkbox"/> Unfounded <input type="checkbox"/> Exceptionally Cleared <input type="checkbox"/> Cleared by Arrest		Investigative Status <input type="checkbox"/> Open <input checked="" type="checkbox"/> Closed <input type="checkbox"/> Suspended	

Narrative

On this date at approximately 1000 hours, [REDACTED] stopped by the police department to find out if he had satisfied everything that was expected of him, in reference to the accident.

I spoke with [REDACTED] about the accident and asked him if he could write out a statement of the events leading up to the accident.

[REDACTED] advised me that he sustained a head injury, and that the only thing he remembers is eating lunch before the accident, although he could not tell me where he had lunch at.

I asked him if he could confirm that he was driving from the right side of the truck, and he stated that he doesn't remember, although he stated that he always drives from that side when he is on his route, and that he would have been headed to Bondurant to pick up garbage totes that day.

I advised [REDACTED] that someone would contact him on a later date to speak with him further about the accident.

OFFICER	Complainant/Reporting Party (Signature)	
	Reporting Officer PARKER, DENNIS	Badge Number 259
	Assisting Officer / Administrative Reviewer	Badge Number
	Supervisor	Badge Number
	Incident Assigned to:	

Following the Truck coming off I-80

Case # 12 - 000654

ALTOONA POLICE DEPARTMENT VOLUNTARY STATEMENT
(In Custody)

I [redacted], make this statement voluntarily and of my own free will and accord without threat or promise of any leniency whatsoever, knowing that it may be use against me in court.

I am [redacted] years of age and I live at [redacted] Ferguson, MD [redacted]

NARRATIVE

I, [redacted] was travel on I80E to EXIT At Highway ^{US 6} directly behind the truck that cauge the accident. The truck in Front of me got off on the exit ramp going towards the traffic light at end of the ramp but, never hit his brakes. The signal for he and I was red So I knew something was wrong he was traveling about 55mph he went through the red light and hit the driver in the van who was traveling east on highway 6 he had the green light I don't think he seen the other driver coming when he got hit.

I have read each page of this statement consisting of 1 page(s), each page of which bears my signature, and corrections, if any bear my initials, and I certify that the facts contained herein are true and correct.

Dated at (Location/Address) 3/21/12 I80 + Highway 6

This 21 day of MARCH, 20 12.

Signed: [redacted]

Witness: _____

Witness: _____

122004

Just saw Truck Roll CASE 12-000654

STATEMENT/INTERVIEW

STATEMENT OF: Last Name: [Redacted] First Name: [Redacted] Address: [Redacted] Phone: [Redacted]

ACCIDENT: [Redacted] Time/Date: 1:42pm 3-21-12

TAKEN AT (Place): [Redacted] Time: ASM Date: [Redacted]

GIVEN TO: [Redacted] Badge: [Redacted] Dept.: [Redacted]

WITNESS TO STATEMENT

DATA	MIRANDA GIVEN		DATA	Known mechanical defects:	
	No	Yes		When did you first perceive any danger (location):	
	Age	Birthdate		Evasive action taken:	
	Direction headed:			How fast:	
	Coming from where:			Time left:	
	Going to:			Route taken:	
	Passenger names and positions in vehicle:			Headlights on:	
Seat belts on:		Roadway conditions:		Roadway defects:	
		Any medication or alcohol taken in past 8 hours:			
		Drinking:		Time Started/Stopped: Amount/Type:	

TELL ME WHAT YOU SAW HAPPEN:

1. I was making a right on to I-80 when I
2. saw a waste management truck flip out of
3. control with a white van. It appeared that
4. the waste management truck was unable to
5. stop without hitting the white van.
- 6.
- 7.
- 8.

ANYTHING ELSE YOU RECALL THAT IS NOT MENTIONED?



ACCIDENT INVESTIGATION

SIGNATURE OF PERSON BEING INTERVIEWED: [Redacted]

DATE/TIME: 3-21-12 1:45pm

Following the white van.

Case # 12 000654

ALTOONA POLICE DEPARTMENT VOLUNTARY STATEMENT

I [redacted] am not under arrest for, nor am I being detained for any criminal offenses concerning the events I am about to make known to the Altoona Police Department. Without being accused of or questioned about any criminal offenses regarding the facts I am about to state, I volunteer the following information of my own free will, for whatever purposes it may serve.

I am [redacted] years of age and I live at [redacted] DSM, IA [redacted]

NARRATIVE

I was following a white service van ~~at~~ apx. 15 yards distance coming to the intersection of on/off ramp of I80/65. I was preparing to enter the intersection on a green light when I noticed a Metro Waste truck going apx 70 mph. I immediately slowed making a distance of apx 35 yards. I at this time noticed the van not slowing so I second guessed if I had a green light. But upon reviewing saw that I did have the right of way. At this time with no horn breaks not visible or audible give us to a problem from the Metro Waste truck whom besides incredible speed ^{was not seen to be having problems} struck the van. I immediately put my car in gear and told my son to stay put turned my hazard on and exited to the van first. The driver was not visibly breathing with shallow pulse the

I have read each page of this statement consisting of [redacted] page(s), each page of which bears my signature, and corrections, if any bear my initials, and I certify that the facts contained herein are true and correct. (over)

Dated at (Location/Address) ALTOONA POLICE DEPT.

This 21 day of MARCH 2012

Signed: [redacted]

Witness: [redacted]

Witness: _____

passenger was conscious w/ severe face trauma
 I went to the truck where the driver
 was fully aware and ~~stated~~ stated "ya im
 fine im fine how was the other drivers?"
 he did not attempt to approach the
 other veh-~~ical~~ ONCE out of his cab
 at that time several other cars had began
 to stop.

[Faint, mostly illegible handwritten notes, possibly bleed-through from the reverse side of the page.]

(over)

[Faint handwritten notes at the bottom of the page.]

12-000654

122004

OFFICE OF MOTOR VEHICLE ENFORCEMENT

COVER SHEET

Officer: Justin T Mack T# 157

Incident Time/Date: 1330 hrs 03-21-2012

County: Polk

Motor Carrier: Waste Management of Iowa INC

Driver: [REDACTED]

Type of Incident:

- Post-Accident
- Alcohol
- Drugs
- Weapons
- Other

CONTACTS:

EXHIBIT(s):

Office of Motor Vehicle Enforcement

6310 SE Convenience Blvd
Address

Ankeny Iowa 50021
City State Zip

515.237.3247
Telephone

Other Contact Name

Address

City State Zip

Telephone

- Incident Report
- Serious Violator/Portable Scale Reports
- Inspection # TT6HJZ3
- Citation(s) Yes No
(See Report for Citation #'s)

- Consent to Search
- Property/Evidence Receipt
- Disposition of Seized Property
- Vehicle Tow/Inventory Report
- Complaint & Affidavit
- OWI Report
- Intoxilyzer Checklist
- Intoxilyzer Evidence Card
- Implied Consent
- Driver's A File _____
- Other - _____
- Other - _____
- Other - _____
- Other - _____

122004

INCIDENT REPORT

Iowa Department of Transportation
 Motor Vehicle Enforcement
 6310 SE Convenience Blvd
 Ankeny, Iowa 50021

Original Incident Case #:
 T15703212012001

Arrest Transaction/Booking #:

Agency ORI IA-0771000

IDENTIFICATION

Arrested Sequence #	Name (Last, First, Middle)		Alias AKA		Social Security #
<input checked="" type="checkbox"/> W-White <input type="checkbox"/> B-Black <input type="checkbox"/> A-Asian	<input type="checkbox"/> I-Indian <input type="checkbox"/> U-Unknown	<input type="checkbox"/> F-Female <input checked="" type="checkbox"/> M-Male	Date of Birth	Age	<input type="checkbox"/> H-Hispanic <input checked="" type="checkbox"/> N-non-Hispanic <input type="checkbox"/> U-Unknown
Height 6'5"	Weight 185	Eye Blue	Hair	Skin Light	Scars, Marks, Tattoos, Amputations
DL #	DL State IA	DL Status Valid	<input checked="" type="checkbox"/> R-Resident <input type="checkbox"/> N-non-Resident		<input type="checkbox"/> U-Unknown
Home Address (Street, City, State, Zip)		Residence Phone		Occupation	

ARREST

Employer (Name of Company/School)		Business Address (Street, City, State, Zip)		Business Phone	
Waste Management of Iowa INC		201 SE 18 th St, Des Moines, IA 50317		615-299-2524	
Employer Contacted?		Location of Arrest (Street, City, State, Zip)			
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO					
Condition of Arrestee:	<input type="checkbox"/> drunk <input type="checkbox"/> drinking	<input type="checkbox"/> sober <input type="checkbox"/> narcotic	Resist Arrest?	Injuries To?	Description of Weapon
Date of Offense		Arrested (Day, Date, Time)		Type of Arrest	Arrested Before?
03-21-12				<input type="checkbox"/> S - summoned/cited <input type="checkbox"/> O - on-view arrest <input type="checkbox"/> T - taken into custody	<input type="checkbox"/> Yes <input type="checkbox"/> No
Charge of Offense		State/City Statute	UCR Offense Code	Warrant # SIN/NIC	ORI/Case/Citation #
#1					
#2					
#3					
#4					
#5					
#6					
#7					
Arrest Disposition:		Location of Incarceration		Arrested with Accomplice(s) - Name & DOB	
<input type="checkbox"/> Held <input type="checkbox"/> Released		<input type="checkbox"/> Bail <input type="checkbox"/> Other			

VEHICLE 1

Year	Make	Model	Style	Color	License Plate #	License State	License Year
2004	AUTOCAR		Truck	White/Green		IA	2012
VIN			Impounded?	Location			
5VDC66LF04H			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Hanifen's			
Register Owner: Name			Address		Vehicle Damage? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Waste Management of Iowa INC			201 SE 18 th ST, Des Moines Iowa 50317		Explain: Severe		

VEHICLE 2

Year	Make	Model	Style	Color	License Plate #	License State	License Year
1996	Ford	E-350	Van	White		IA	2012
VIN			Impounded?	Location			
1FTEE14N8TH			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Peter's Towing			
Registered Owner: Name			Address		Vehicle Damage? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
J&M Heating Cooling & Plumbing			407 Garden RD, Ames, IA 60010		Explain: Totaled		

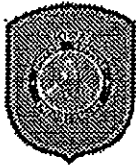
MISC

Miranda By:	Date:	Time:	Additional Incidents cleared in this jurisdiction: Case # _____ Case # _____	
Officer:	T#:	Supervisor:	T#:	

12-000654

122004

DRIVER/VEHICLE INSPECTION REPORT (Driver Copy)



MOTOR VEHICLE ENFORCEMENT
IOWA DEPARTMENT OF TRANSPORTATION
(800) 825-6469

Officer No. T157	Date 03/22/2012	Begin Time 07:45	Time Zone CENTRAL TIME	Inspection Number TT6 HJZ3
Commerce Type 1 - INTERSTATE			Inspection Level 1 - FULL INSPECTION	
County Number POLK - 77	Location Number 99	Location Description HUBBLE AVE NB @ I-80 ON RAMP EB		
Mile Post # 142	Special Checks 05			

DRIVER

DRIVER Name - Last						First						Middle						Suffix																													
Address												City WEST DES MOINES												State IA												Zip Code											
Driver License Number						State of License IA						Date of Birth						CDL Class A						Endorsement(s) NONE						Restriction(s) NONE																	
Height 5'05"				Weight 185 LBS				Drug Search NO				Arrests 0				Alcohol Test Administered NO				Results				BAC																							

CO-DRIVER

CO-DRIVER Name - Last						First						Middle						Suffix					
Driver License Number						State of License						Date of Birth											

CARRIER

MOTOR CARRIER Name WASTE MANAGEMENT OF IOWA INC																							
Address 201 SE 18TH STREET																							
City DES MOINES												State IA						Zip Code 50317					
U.S. DOT Number 00232838				ICC Number				Phone Number (515) 265-5287				Fax Number											

VEHICLE

Unit 001	Company's Unit Number	Vehicle Year 2004	Vehicle Make AUTC	Vehicle Type TR	License State IA	License Number	GVWR 84,000
VIN # 5VCDG6LF04H							
Existing CVSA Decal Status NONE		Existing CVSA Decal	CVSA Decal issued #	OOS Sticker # 123488	Cargo Seal Removed	Cargo Seal Replaced	
I U.S. DOT Number		Name					
E Source of Identification		Chassis Pool				SCAC	

LOAD

Origin City DES MOINES	State IA	Destination City BONDURANT	State IA	Exempt #	HazMat Code	Reportable Qty.	Haz Waste
Shipping Paper # NONE		Shipper Name			Placards Required	HazMat Code	Reportable Qty. Haz Waste
Cargo EMPTY - 07			Cargo Breakdown	Cargo Tank Specs	HazMat Code	Reportable Qty.	Haz Waste

VIOLATIONS

Identification 388,3A1	Unit No. 1 - POWER UNIT	Out of Service YES	Citation
---------------------------	----------------------------	-----------------------	----------

Description RIGHT SIDE BRAKE PEDAL BROKEN AT BOLT HOUSING

Brake Adjustment	Chamber	Axle							Surveillance	
		Axle 1	Axle 2	Axle 3	Axle 4	Axle 5	Axle 6	Axle 7		
		Right	C-6	C-30	C-30					
		Left	N/M	1 1/8	1 1/2					

COMMENTS

Vehicle involved in a serious injury accident. Driver was taken to hospital and there fore unable to sign the inspection.

On 03/21/2012, I, Officer Mack (T157), along with Officer Schooley (T375), responded to a serious injury accident at Hubbell Ave in Altoona and the on-ramp to I-80 EB involving a commercial motor vehicle. Upon arrival, we found a Waste Management garbage truck on its side in the median of the on-ramp and a white van on the shoulder of the on-ramp.

It was determined that Altoona PD Sgt. R. Kerchee would do the accident report and Officer Schooley and I would do a level one inspection on the garbage truck. Upon an initial walk around of the garbage truck we did find that the right side brake pedal was broken off of the housing that holds it to the floor of the garbage truck. The garbage truck was a type that could be driven from either the left or right side. It was determined that the driver of the garbage truck ([REDACTED] B-DOB [REDACTED]) was driving the garbage truck from the right side. Hanifen's was called to upright the garbage truck and tow it to their lot for safekeeping. Officer Schooley and I determined we would do a full level one inspection on the garbage truck at Hanifen's lot the following day.

On 03/22/2012, Officer Schooley and I arrived at Hanifen's lot at approx. 0800 hrs to perform a level one inspection on the garbage truck. We started our inspection at approx 0830 hrs. Our inspection included the following violations:

- 1) Front ID/Clearance lights inoperable (Accident Related)
- 2) Front/Rear - Right/Left turn signals unable to check due to damage
- 3) High Beam Headlamps (unable to check)
- 4) Brake lights were unable to be checked due to lack of access to left side brake pedal and broken right side brake pedal
- 5) Right outside tail lamp inoperable
- 6) Right/Center Rear ID lamps inoperable
- 7) Axle 2 Left Outside tire flat (Accident Related)
- 8) Axle 2 Left Outside Rim Bent (Accident Related)
- 9) Axle 3 Left Inside tire flat (Accident Related)
- 10) Axle 3 Left Inside Rim Bent (Accident Related)

The brakes on the garbage truck were also measured during the inspection. The brakes are as follows:

- 1) Axle 1 Left was a type 20 brake chamber and was un-measurable due to damage to the garbage truck.
- 2) Axle 1 Right was a type 20 brake chamber and was un-measurable due to damage to the garbage truck
- 3) Axle 2 Left was a type 30 brake chamber and measured at 2 inches
- 4) Axle 2 Right was a type 30 brake chamber and measured at 1 1/8 inches
- 5) Axle 3 Left was a type 30 brake chamber and measured at 1 1/2 inches
- 6) Axle 3 Right was a type 30 brake chamber and measured at 1 1/2 inches

(Hanifen's assisted in filling the air tanks and releasing the brakes)

There was a current annual inspection sticker found on the garbage truck. The annual inspection sticker indicated that the last annual inspection was done in March of 2012.

The inspection concluded at approximately 0945 hrs.

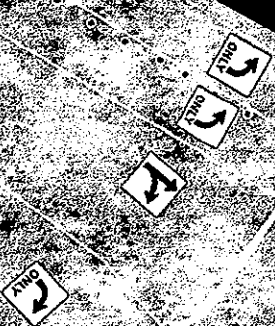
122004

OUT OF SERVICE SIGNATURES		
<p>Driver/Vehicle Out of Service Notice, Pursuant to Iowa Code Section 321.449 and 321.450, I hereby declare the VEHICLE "OUT OF SERVICE". The violations indicated in the violation section(s) and marked out-of-service must be repaired before the vehicle containing these defects is operated on the public highways of Iowa.</p> <p>No motor carrier shall permit or require this driver to operate any motor vehicle until: _____ on _____</p>		
<p>DRIVER'S SIGNATURE: I acknowledge being present while the above vehicle was inspected and have been informed of the above infractions and/or deficiencies.</p> <p><i>Not Present</i> TT6HJZ3</p>	<p>Officer's Signature</p> <p><i>[Signature]</i> TT6HJZ3</p>	<p>Date Completed 03/22/2012</p> <p>Time Completed 09:45</p>

All information requested is required. This document will be used for enforcement action and statistical reporting by the Office of Motor Vehicle Enforcement. This form is provided to the Federal Motor Carrier Safety Administration, and to the public upon request.

DRIVER :	This report must be furnished to the motor carrier whose name is listed on this report.
MOTOR CARRIER :	Please sign and certify that all noted deficiencies have been corrected. As required by 49CFR 396.9, retain a copy of this report at your principal place of business for 12 months from the date of the inspection and return the signed certification within 15 days to the Iowa Department of Transportation, Office of Motor Vehicle Enforcement, PO Box 10473, Des Moines, Iowa 50306-0473.
<p>The undersigned certifies that all violations noted on this report have been corrected and action has been taken to assure compliance with the Federal and State Motor Carrier Safety and Hazardous Material Regulations insofar as they are applicable to motor carriers and drivers. I understand that failure to comply will subject me to additional violations under the regulations noted.</p>	
Signature of Carrier Official	Title Date Signed

PCSO-12-2004
ALTOONA-12-654



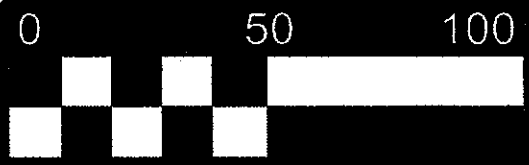
FORD VAN SKIDS

GARBAGE TRUCK LEFT
REAR DUAL RIM GOUGE

GARBAGE TRUCK GOUGES
FROM LEFT SIDE

FORD VAN SKIDS

GARBAGE TRUCK LEFT
REAR DUAL SKIDS





PCSO-12-2004
ALTOONA-12-654

FORD VAN SKIDS

GARBAGE TRUCK LEFT
REAR DUAL RIM GOUGE

GARBAGE TRUCK GOUGES
FROM LEFT SIDE

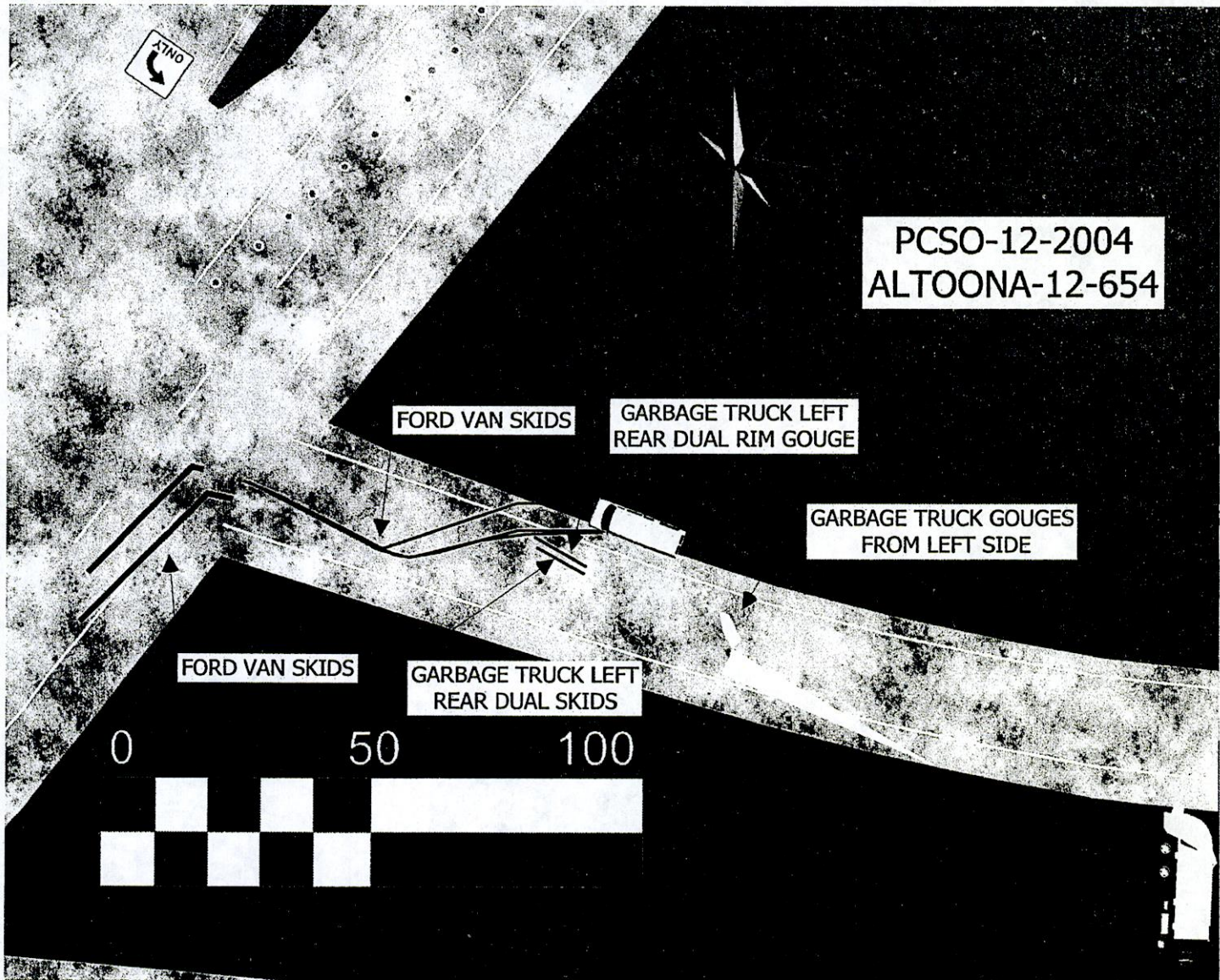
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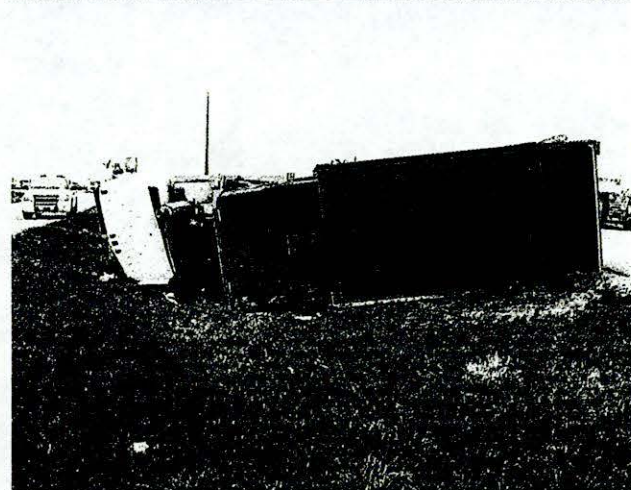
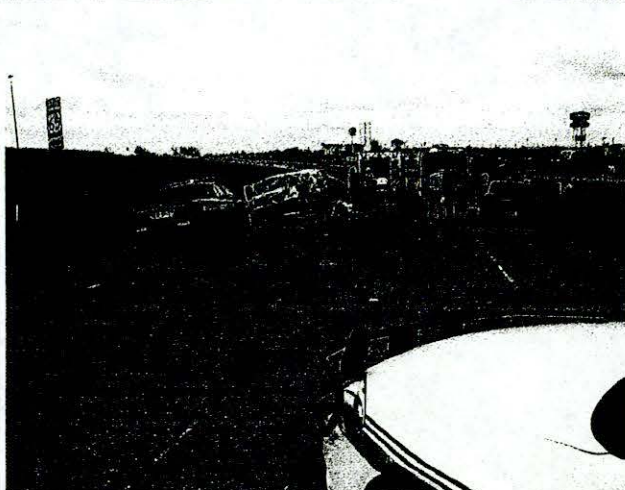
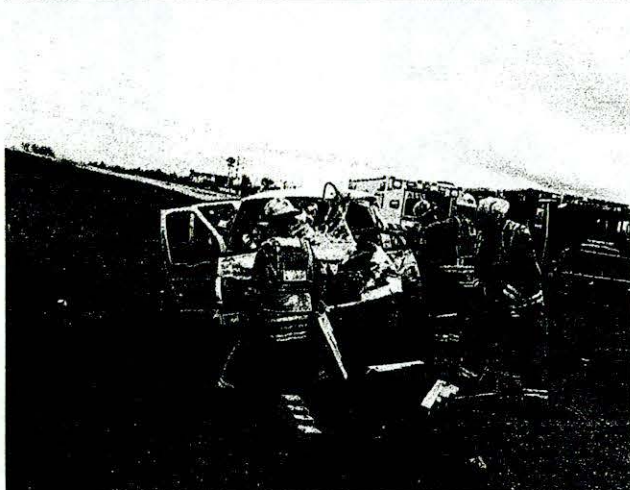
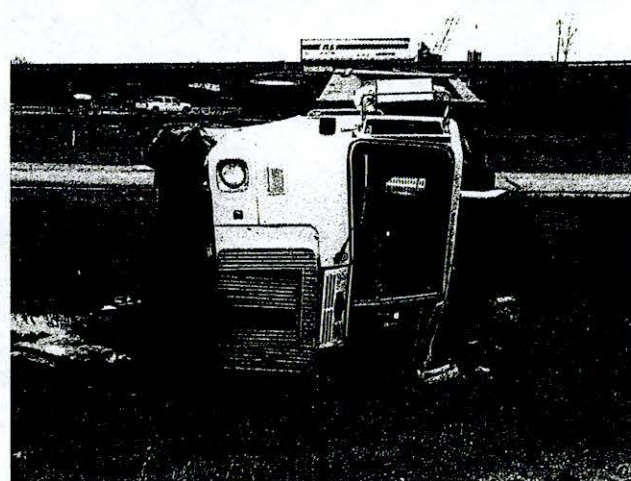
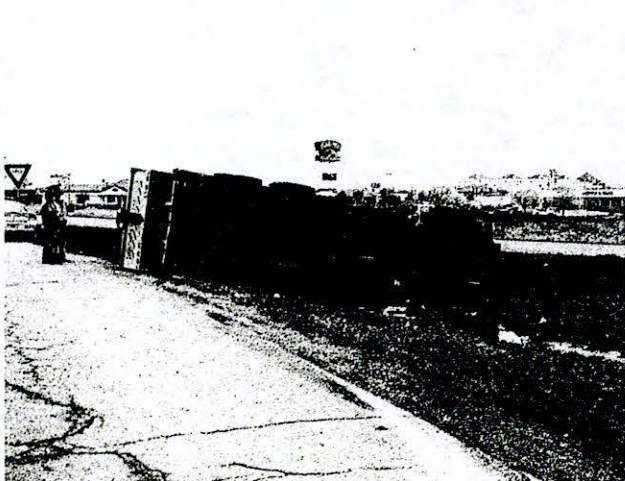
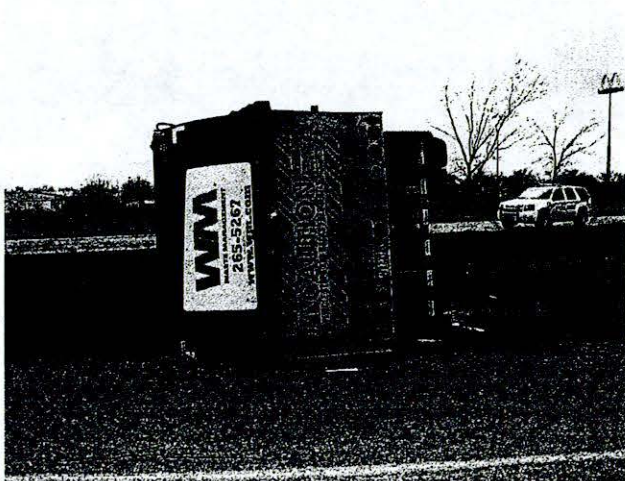
GARBAGE TRUCK LEFT
REAR DUAL SKIDS

0

50

100





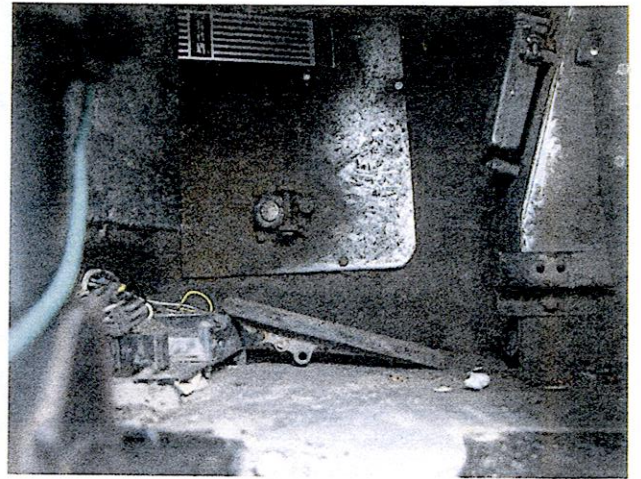
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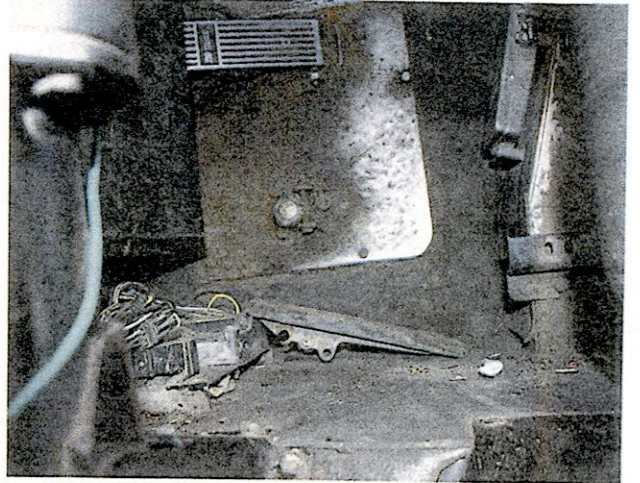
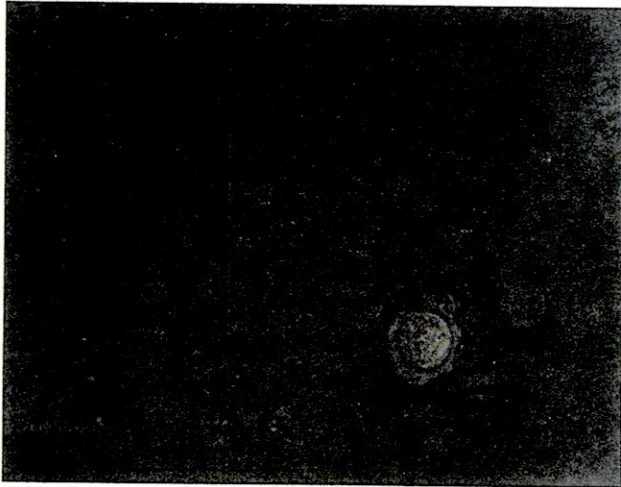
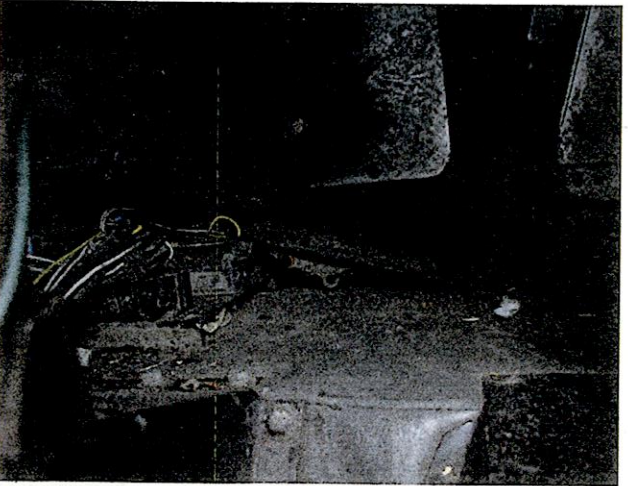
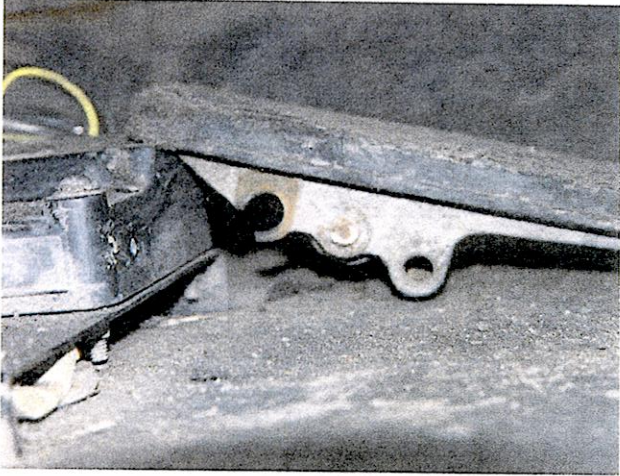
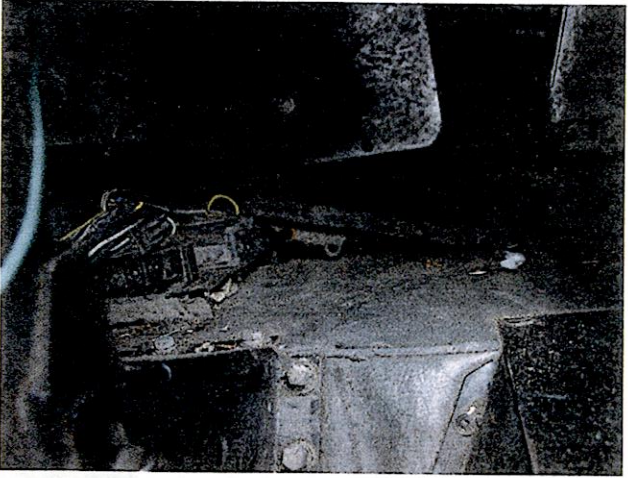
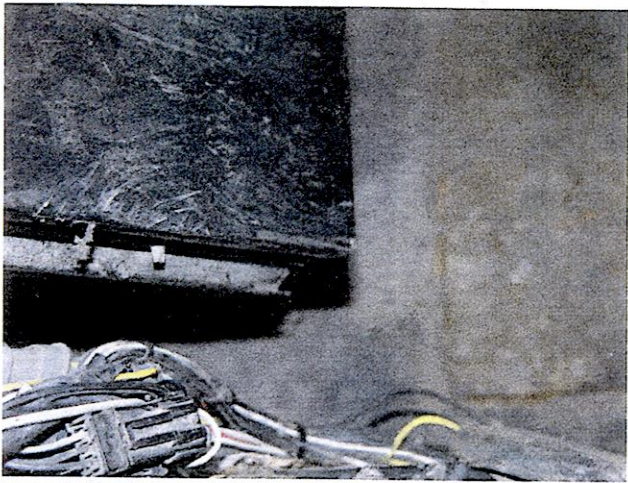
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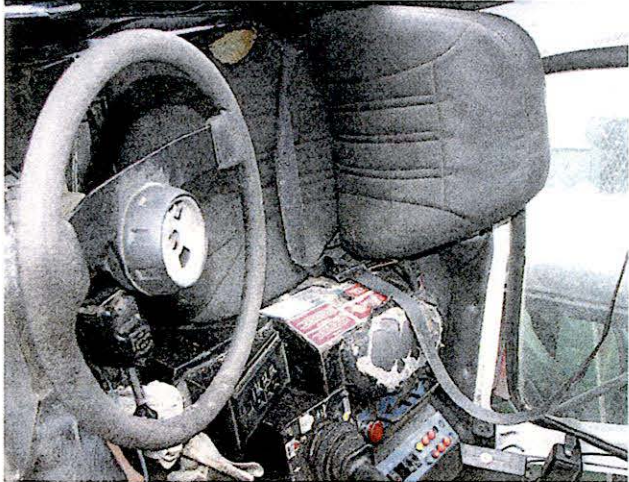
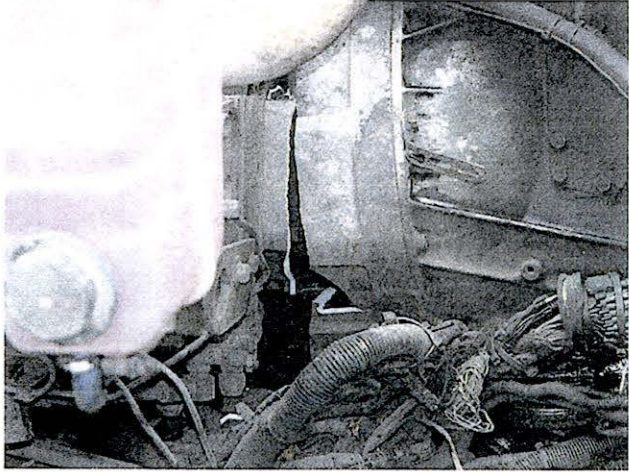
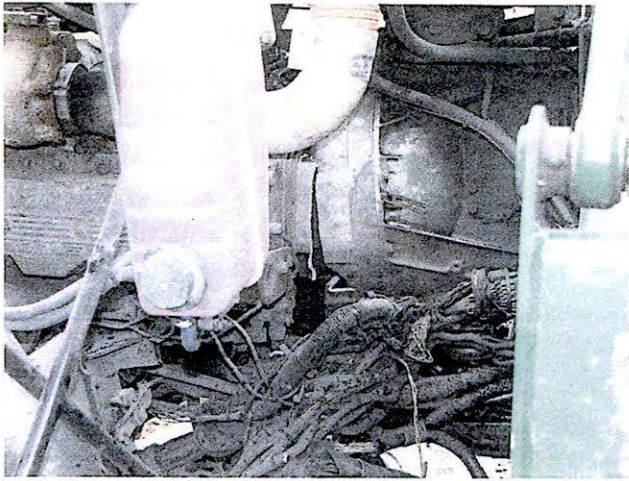
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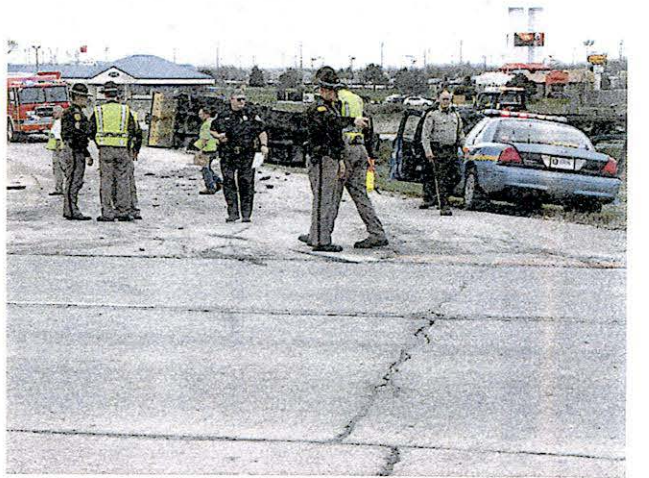
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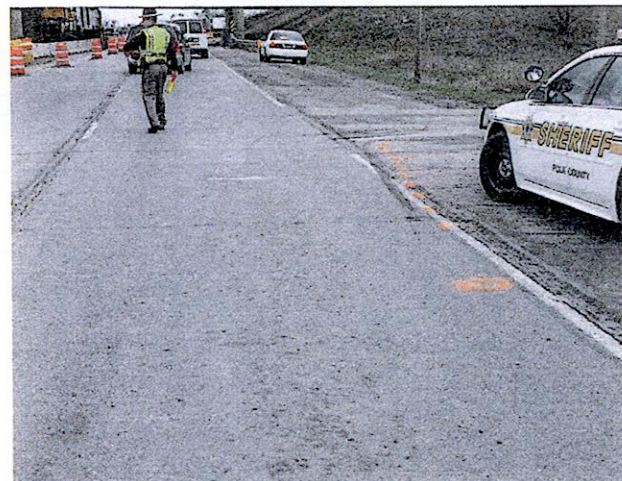
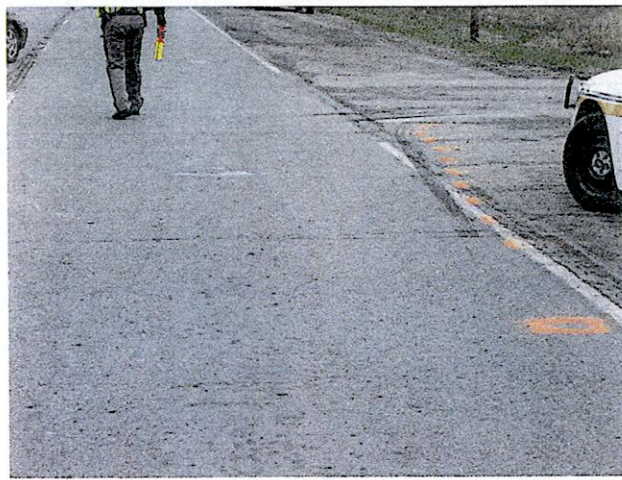
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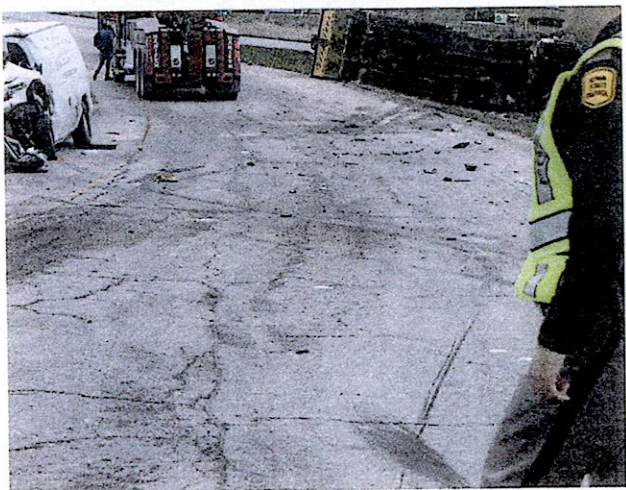
122004



122004

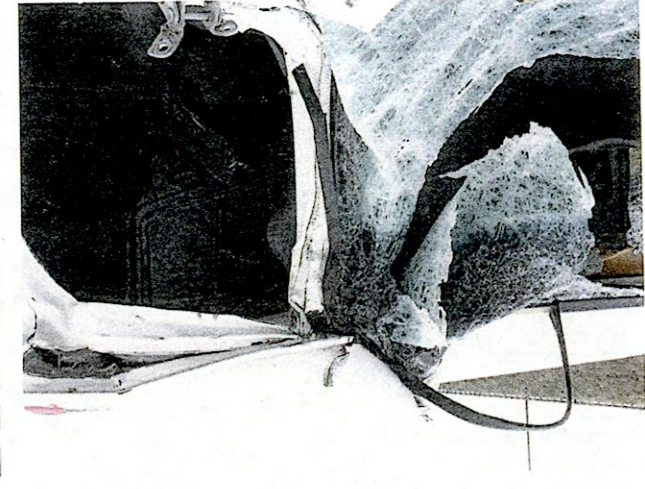
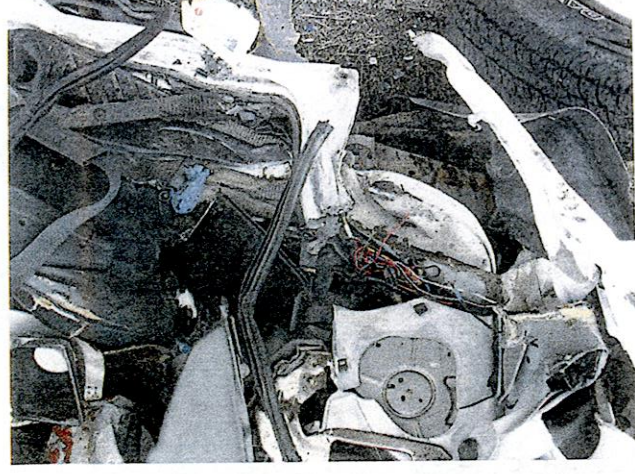
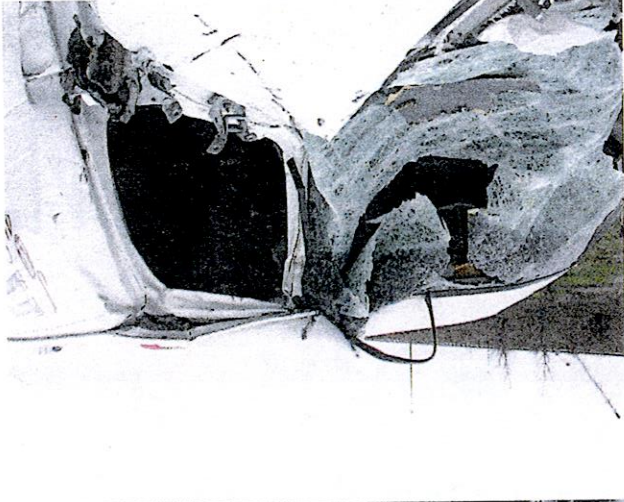


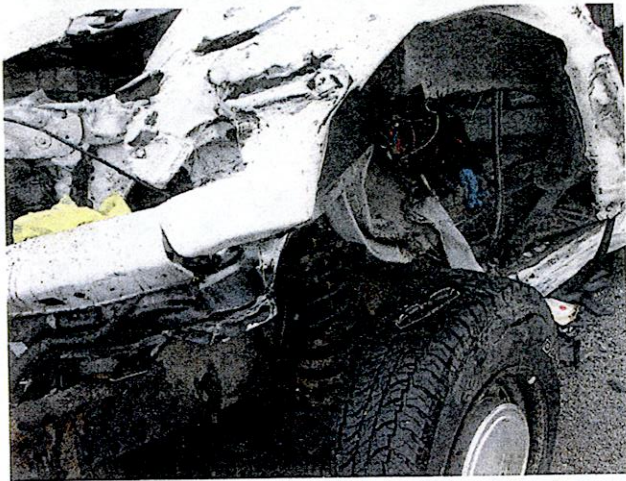
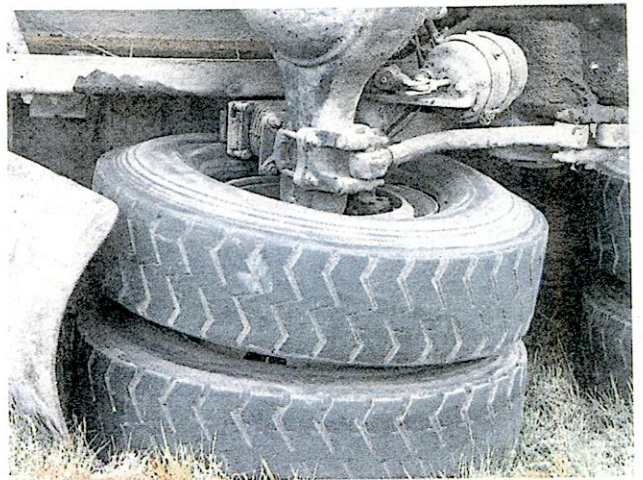
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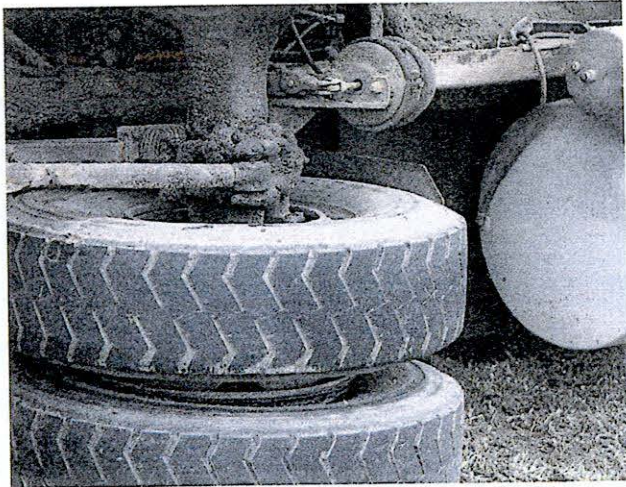
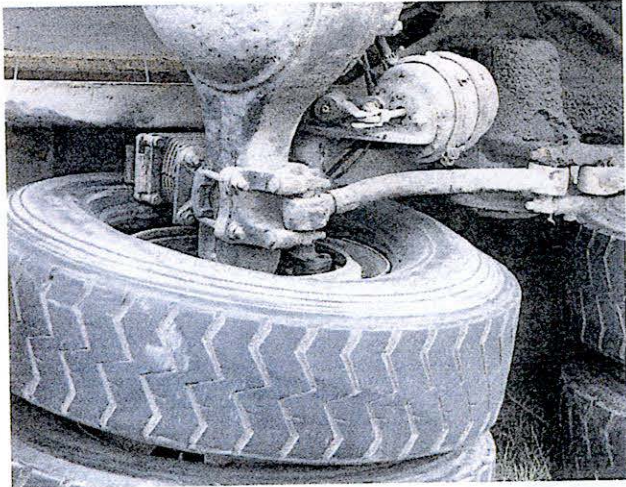
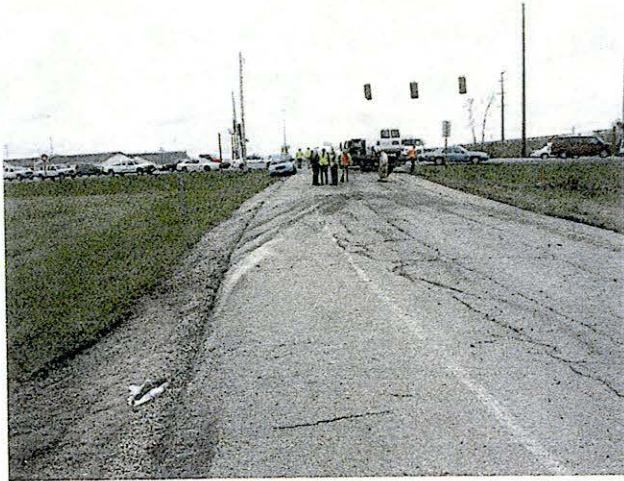


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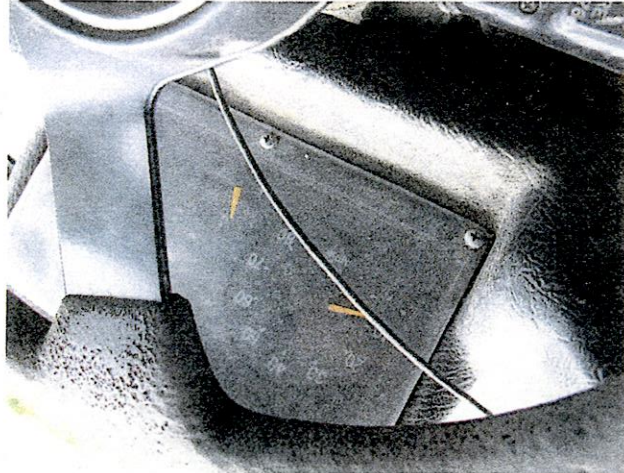
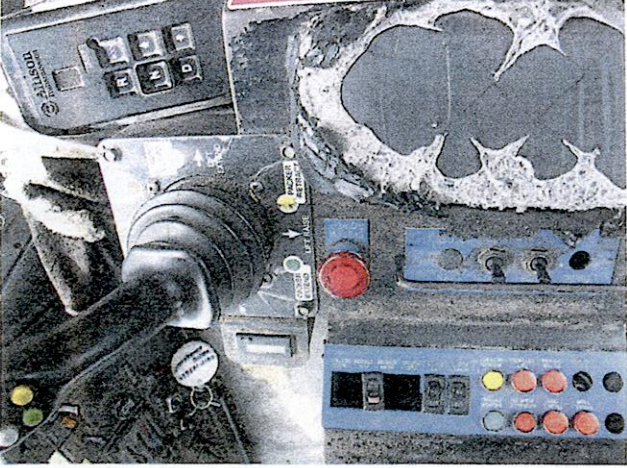
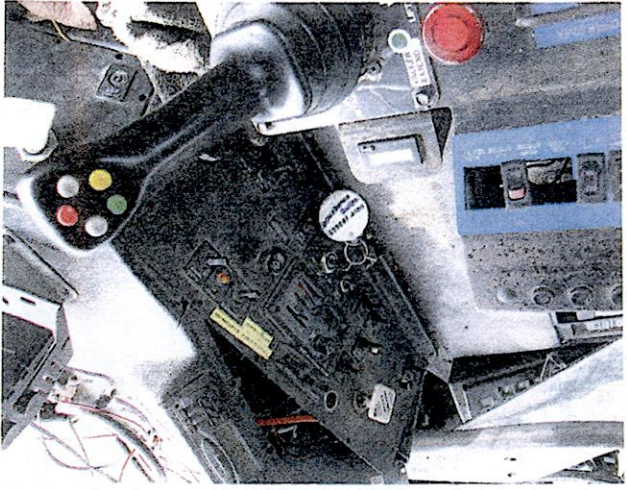


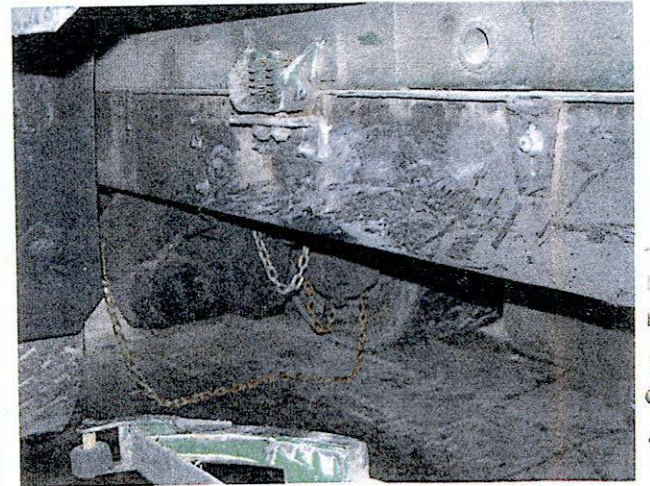
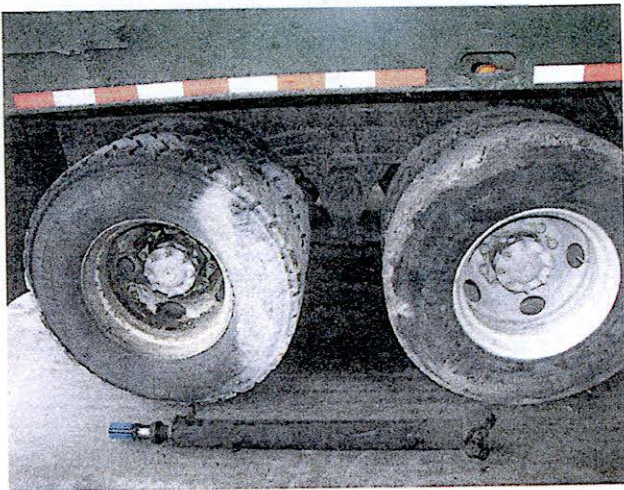
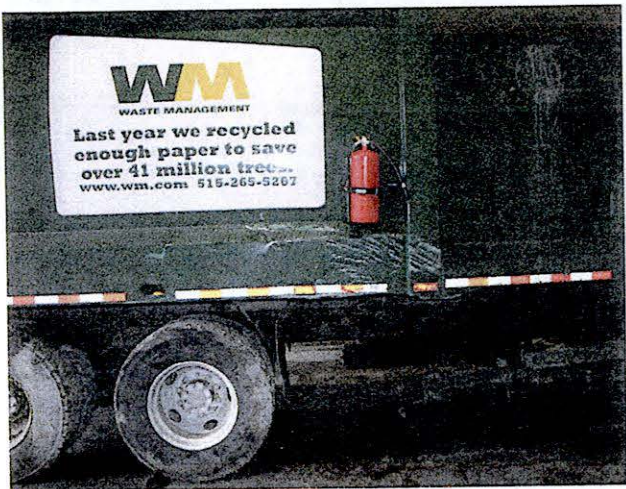
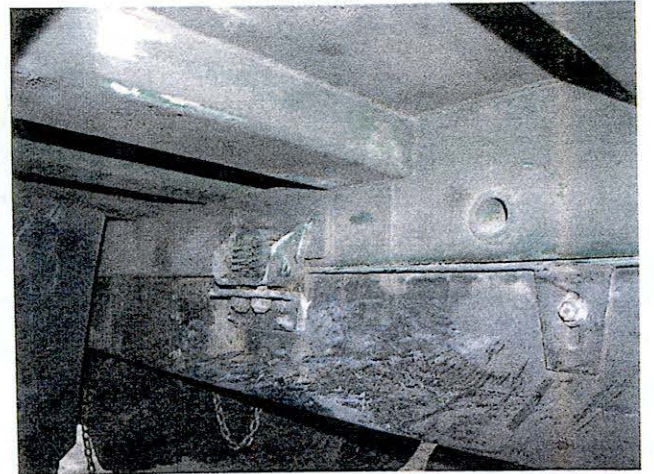
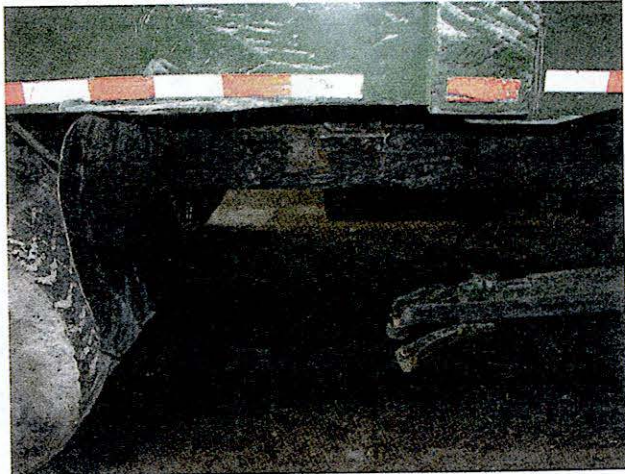
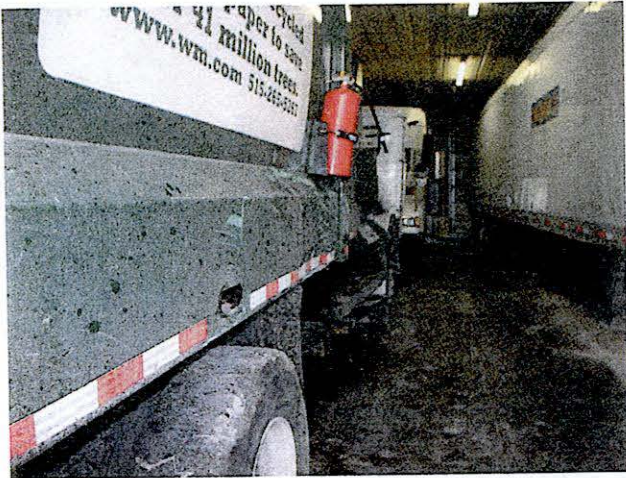
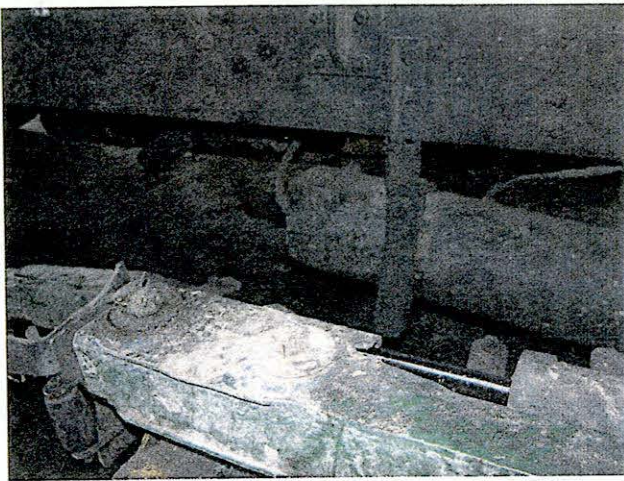
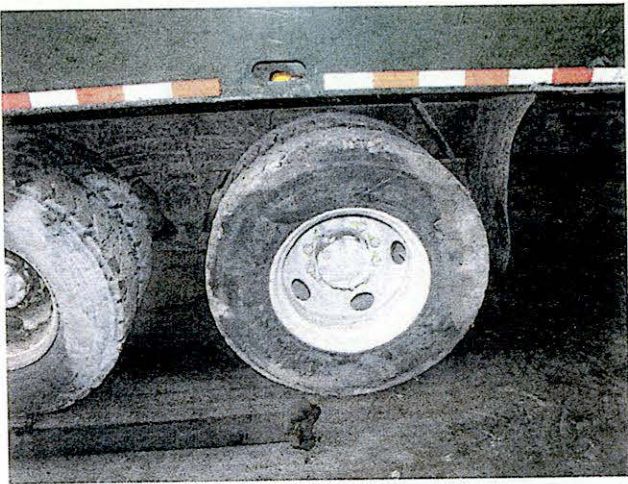
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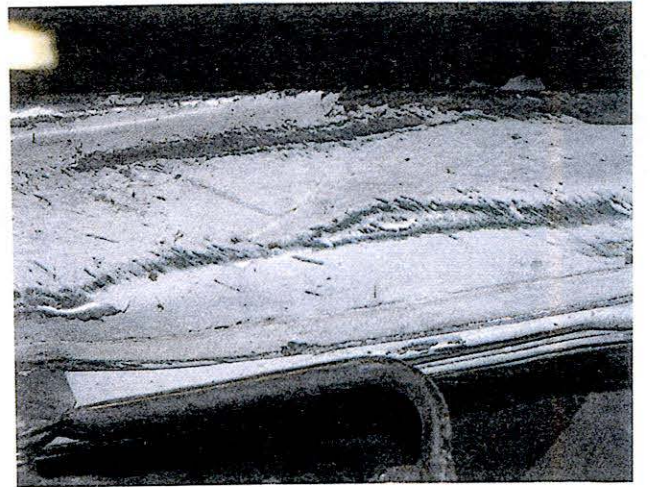
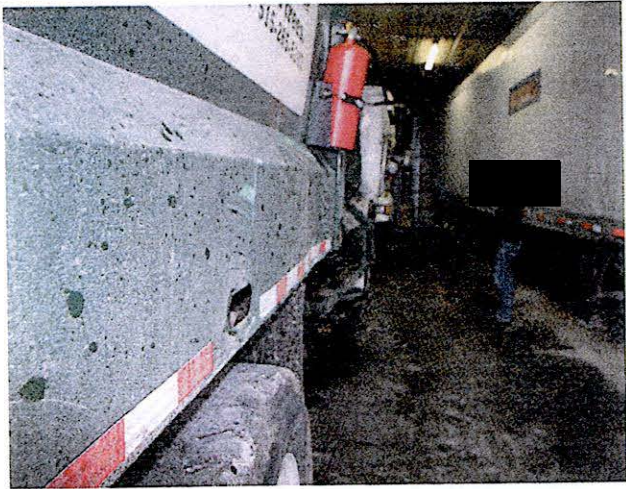
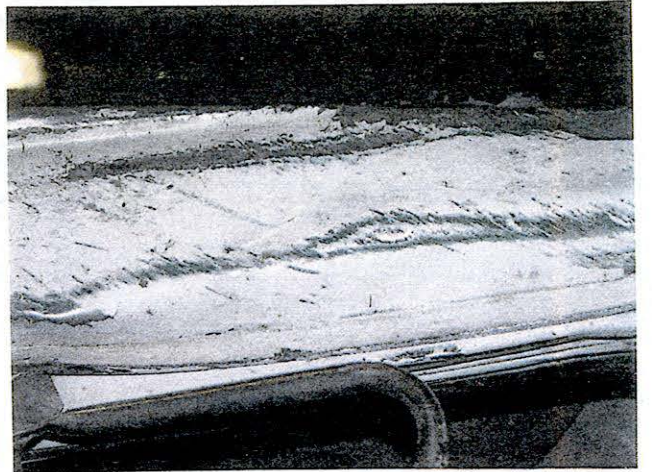
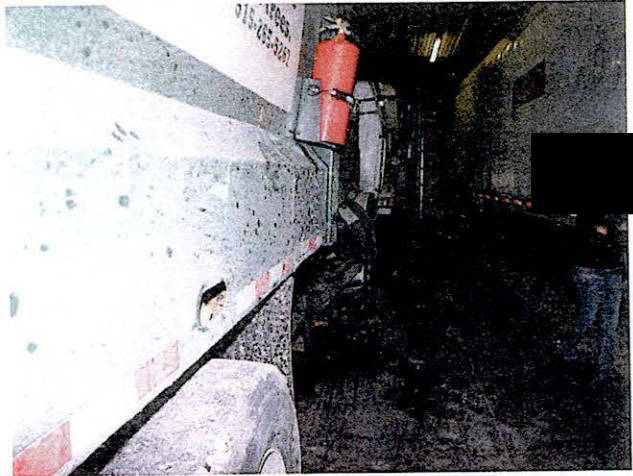
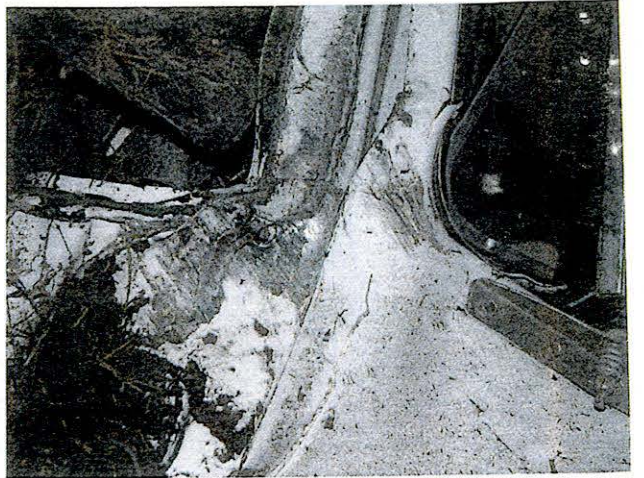
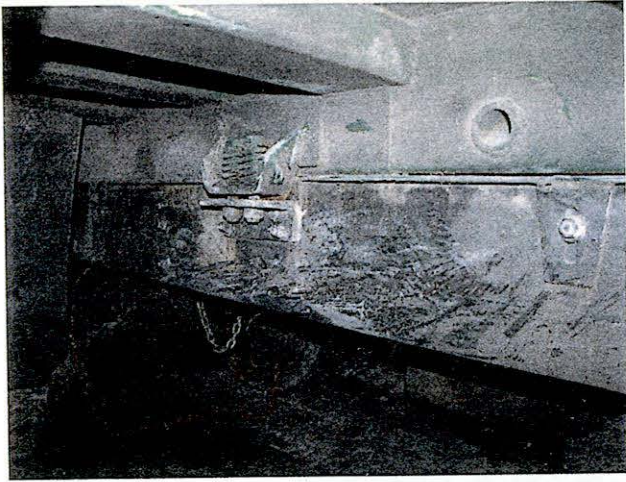
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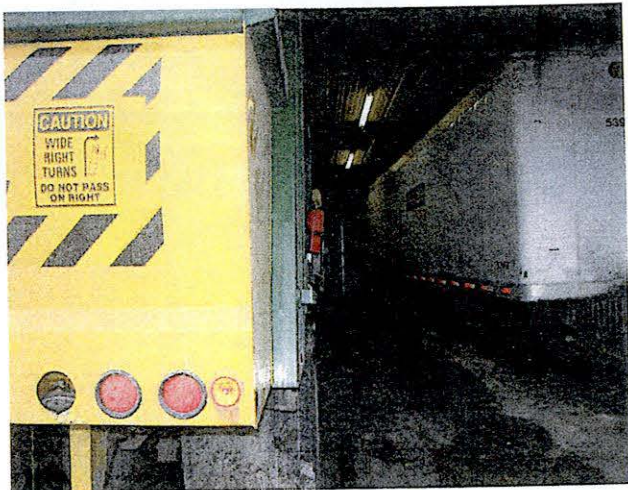
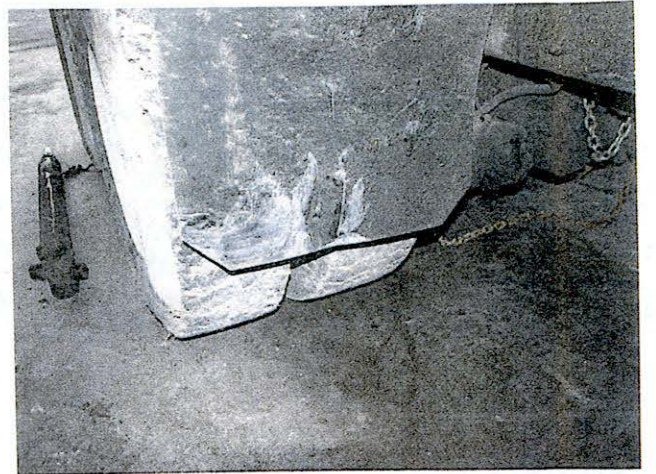
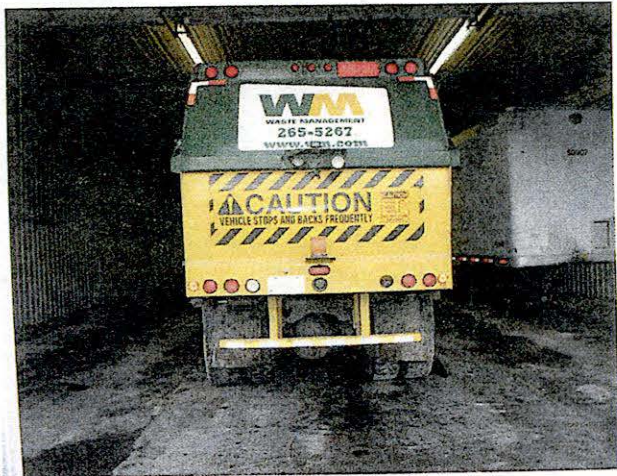
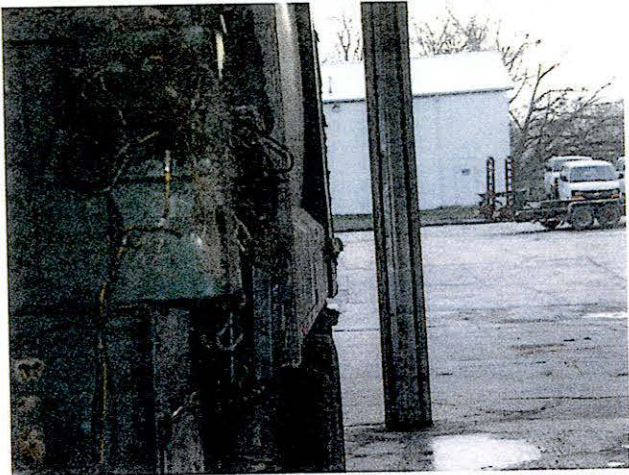
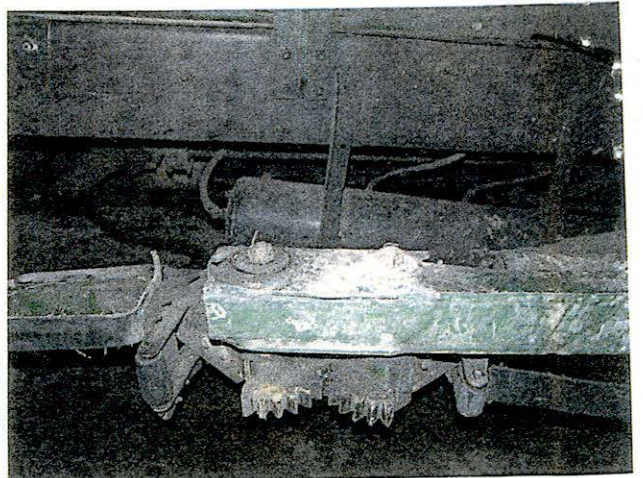
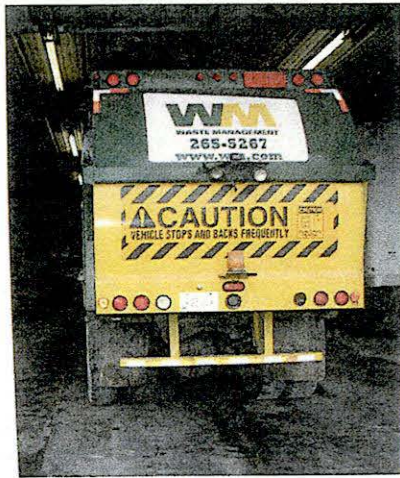
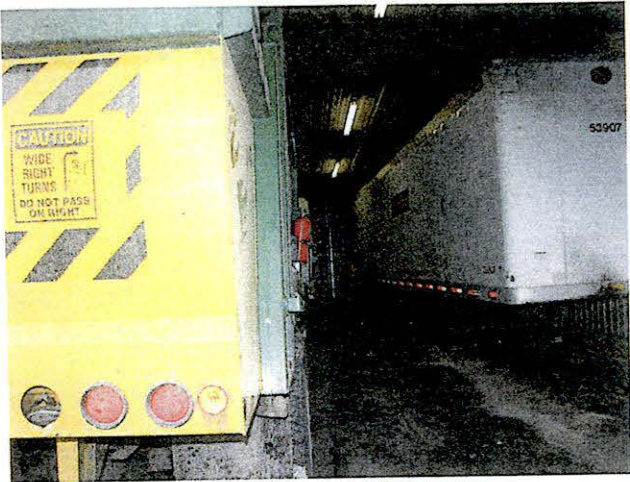




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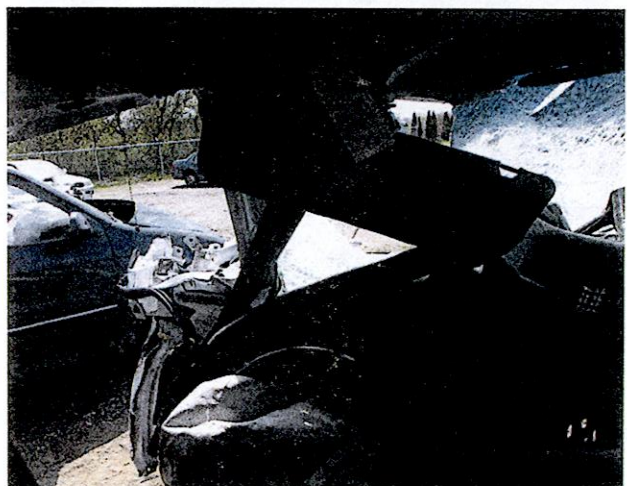
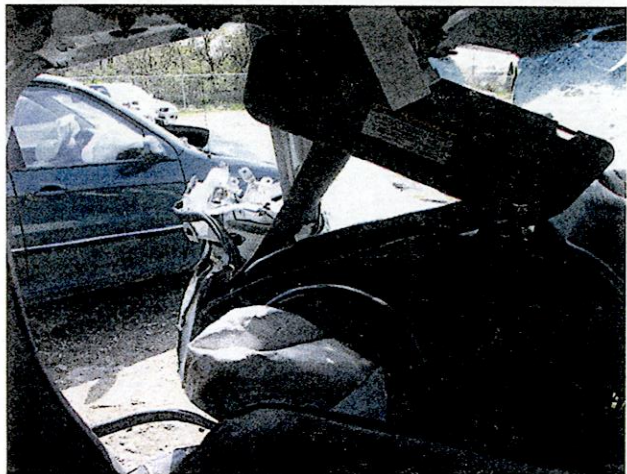
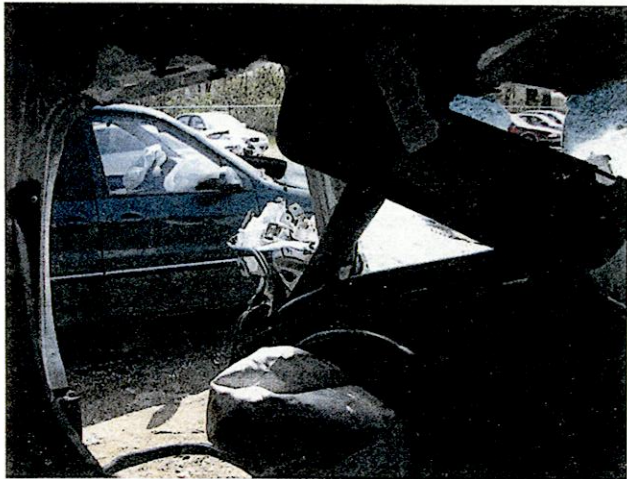
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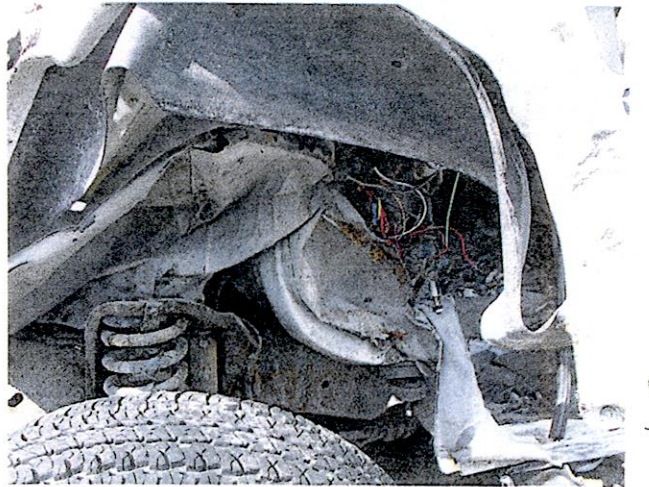
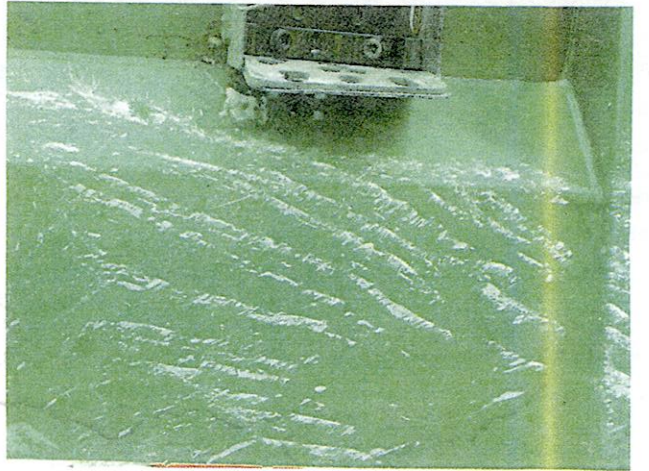
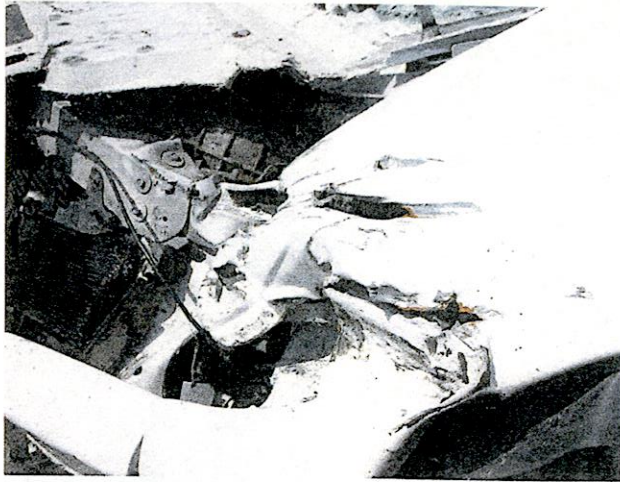


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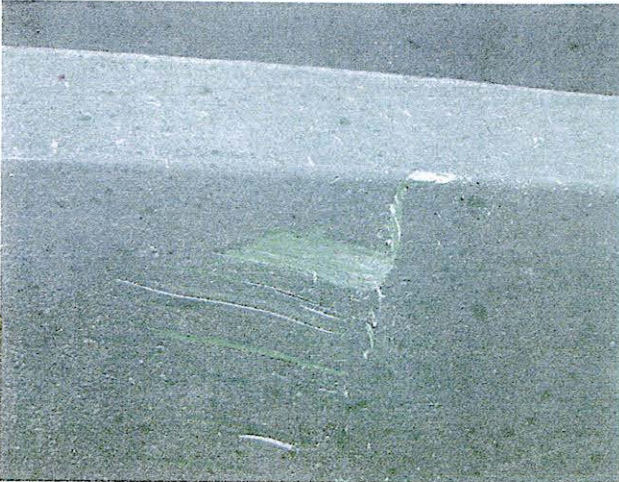
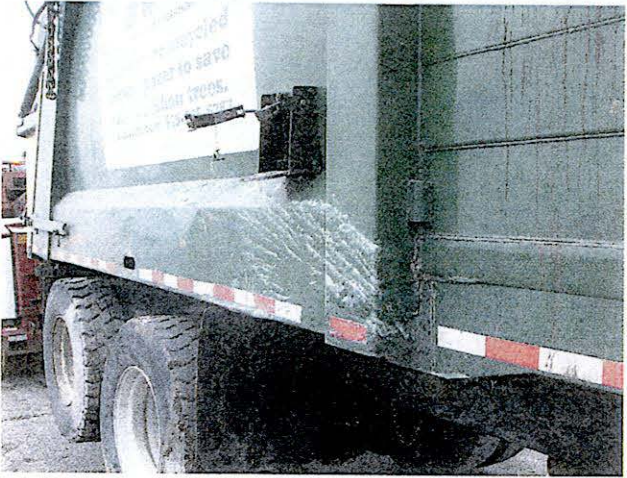


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Sincerely,



This message contains information which may be confidential and privileged. Unless you are the addressee (or authorized to receive for the addressee), you may not use, copy or disclose to anyone the message or any information contained in the message. If you have received the message in error, please advise the sender by reply e-mail to e@barrerasinc.com, and delete the message.

Thank you very much.

On Mar 3, 2014, at 8:20 AM, BI Automotive <biautomotive@barrerasinc.com> wrote:

From: [REDACTED]
Sent: Friday, February 28, 2014 4:42 PM
To: jbrabero@jaguarlandrover.com; Pianca Vazquez-Ahmed
Cc: jagloring@prtc.net; biautomotive@barrerasinc.com
Subject: Status/REF.7805475
Importance: High

Dear Mr. Brabero:

Thanks so much for starting the official process of good faith communication /negotiation, regarding the case of the **xkr-s** 2012 belonging to Dr.Jose Hernandez-Loring.

The car will be inside the premises of BI Automotive, until receiving the official repair job following the guidelines of The Federal Trade Commission: "Auto Repair Basics". I do hope we will be receiving this document before the end of next week.

You will also receive,during the end of next week, our official report,including, official documents related to this case.

Hope we all learn from this process, and expeditiously sign an agreement before the month of March/2014.

If there is anything you need,don't hesitate to contact me by phone and /or email.

Sincerely yours,