

OF INFORMATION ACT (FOIA), 5 U.S.C.552(B)(6)

From: [REDACTED]
To: [EVOO \(NHTSA\)](#); [REDACTED]
Cc: [NHTSA ODI CRD](#); [REDACTED]
Subject: ODI# 11372597
Date: Tuesday, March 16, 2021 10:27:58 AM
Attachments: [REDACTED]

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Attn: Legal Department:

Attached please find your copy of the Notice of Intent to Download the Data from the Electronic Data Recorder and Inspect, Examine and Test the Seat Belt Safety Restraint System on the 2004 Acura TL, VIN 19UUA66264A [REDACTED], filed today regarding In the Matter of [REDACTED] Case No. [REDACTED], your tracking number 11372597.

Please feel free to contact us if you have any questions.

Thank you,
Denise Ramirez
Paralegal
CHALAT HATTEN & BANKER PC
1600 Broadway Suite 1920, Denver, CO 80202
O. 303.861.1042 | F. 303.861.0506 | chalatlaw.com

[REDACTED]
Quality Control Analyst



8300 Greensboro Drive, Suite 600, McLean, VA 22102
240-247-8812 (Desk) | 240-241-5625 (Fax) | www.telesishq.com

Contracting Vehicles: GSA FSS 70, GSA 8(a) STARS II, CIO SP3 (SB), Seaport-e, ITES-3S, RS3

Certifications: CMMI-DEV2; CMMI-SVC3; ISO20000; ISO9001; ISO27001

Partnerships: MS SILVER-Devices & Deployment; AWS Standard Consulting Partner; Blackberry Authorized Reseller Partner

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Douglas County District Court, Colorado 400 Justice Way Castle Rock, CO 80109	▲COURT USE ONLY▲
Telephone: 720.865.7800	
In the Interest of: [REDACTED],	
Respondent.	
Attorney or Party Without Attorney (Name and Address): Russell R. Hatten #30399 1600 Broadway, Suite 1920 Denver, CO 80202 Phone Number: 303.861.1042 Fax Number: 303.861.0506 E-mail: rhatten@chalatlaw.com	Case Number: [REDACTED] Division Courtroom C
NOTICE OF INTENT TO DOWNLOAD THE DATA FROM THE ELECTRONIC DATA RECORDER AND INSPECT, EXAMINE AND TEST THE SEAT BELT SAFETY RESTRAINT SYSTEM ON THE 2004 ACURA TL, VIN 19UUA66264A034424	

Counsel for [REDACTED], by and through her conservators and guardians, [REDACTED] and [REDACTED], file this notice to all interested parties:

In anticipation that the plea and sentencing in the pending traffic case against E.A., a minor, Douglas County 20T4418, will take place as planned on March 23, 2021 at 1:30 p.m. in Douglas County Court Division G, the data download from the electronic data recorder (EDR) and the inspection, examination, and testing of the seat belt safety restraint system on the 2004 ACURA TL, VIN 19UUA66264A [REDACTED] will take place beginning at 0900 hours on March 25, 2021 at the Douglas County Sheriff's impound lot at 2965 US-285 in Castle Rock, Colorado 80109.

If the plea and sentencing has not been completed prior to March 25, 2021, the planned EDR data download and inspection, examination, and testing will be rescheduled.

Jacob Edson, Chief Deputy District Attorney, Civil Division, Office of the District Attorney 18th Judicial District, and Dawn Johnson, Sr. Assistant County Attorney, Douglas County

Attorney's office, have agreed to the Acura's availability upon the entry of a plea and sentencing in the pending traffic case against E.A., a minor, as noted on copies of the attached emails.

The protocol for the EDR data download and inspection, examination, and testing of the Acura's seat belt safety restraint system will proceed generally as outlined by the attached Plan proposed by Stephen D. Knapp, P.E..

Dated: March 15, 2021.

CHALAT HATTEN & BANKER PC

/s/ Russell R. Hatten

Russell R. Hatten, Atty. Reg. No. 30399

1600 Broadway; Ste. 1920

Denver, Colorado 80202

Telephone: 303.861.1042

Fax: 303.861.0506

Email: rhatten@chalatlaw.com

***Attorneys for [REDACTED] and [REDACTED], Co-
Conservators and Co-Guardians for
[REDACTED] Respondent***

CERTIFICATE OF SERVICE

I hereby certify that on March 15, 2021, a true and accurate copy of the foregoing was served to the following:

Ed Stewart,
Wheeler Trigg O'Donnell LLP,
Counsel for
American Honda Motor Company., Inc.
Via email to: stewart@wtotrial.com

Autoliv Inflators
Autoliv Safety Technology, Inc.
250 American Way
Brigham City, UT 84302

Joel S. Babcock
Sutton | Booker | P.C.
4949 S. Syracuse St., Ste. 500
Denver, CO 80237
Attorney for James T. Albi
Served via email to
jbabcock@suttonbooker.com

Rob Baldwin
Baldwin Law
66 West Springer Drive, Suite 306
Highlands Ranch, CO 80129
Attorney for E.A., a minor
Via email to: Rob@RobBaldwin.Law

Marco Chayet
Chayet & Danzo, LLC
650 S. Cherry Street
Denver, CO 80246
Guardian ad Litem for Respondent
Via email to: Marco@coloradoelderlaw.com

Iris Eytan
Eytan Nielsen LLC
3200 Cherry Creek South Drive, Suite 720
Denver, CO 80209
Attorney for E.A., a minor
Via email to: Iris@Eytan-Nielsen.com

Stuart Morse
Stuart D. Morse & Associates, L.L.C.
5445 DTC Parkway, Ste. 250
Greenwood Village, CO 80111
Attorney for E.A., a minor
Via email to: smorse@sdmorselaw.com

U.S. DOT National Highway Traffic Safety
Administration (NHTSA)
NHTSA tracking number 11372597
Via email to: <https://www.nhtsa.gov/about-nhtsa/contact-us>

/s/ Denise Ramirez
for Chalath Hatten & Banker, PC

Denise Ramirez

Subject: FW: E.A., a minor - 2004 Acura TL seat belt inspection and disassembly

From: Jacob Edson <jedson@da18.state.co.us>
Sent: Thursday, March 4, 2021 11:51 AM
To: Russell R. Hatten <rhatten@chalatlaw.com>; Dawn Johnson <djohnson@douglas.co.us>
Subject: RE: E.A., a minor - 2004 Acura TL seat belt inspection and disassembly

Russell,

We are not going to sign or agree to enter into your proposed written stipulation. This is unnecessary. As I have consistently stated from the beginning, we will agree to release the vehicle upon plea and formal sentencing of the defendant in the traffic matter, whenever that may be.

Jacob Edson
Chief Deputy District Attorney – Civil Division
Office of the District Attorney, 18th Judicial District

From: Russell R. Hatten <rhatten@chalatlaw.com>
Sent: Thursday, March 4, 2021 11:32 AM
To: Dawn Johnson <djohnson@douglas.co.us>; Jacob Edson <jedson@da18.state.co.us>
Subject: RE: E.A., a minor - 2004 Acura TL seat belt inspection and disassembly

Dear Dawn and Jacob:

Since you are in agreement to produce the Acura upon conclusion of the plea and sentencing in E.A.'s case, I have drafted for your review an Agreed Stipulation (attached). Please advise your comments. Thanks.

Russell R. Hatten
Attorney/Partner

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1600 Broadway Suite 1920 | Denver, CO 80202
O. 303.861.1042 | F. 303.861.0506 | Cell 303.898.3987 | chalatlaw.com





From: Dawn Johnson <djohnson@douglas.co.us>
Sent: Monday, March 1, 2021 11:06 AM
To: Jacob Edson <jedson@da18.state.co.us>; Russell R. Hatten <rhatten@chalatlaw.com>
Subject: RE: E.A., a minor - 2004 Acura TL seat belt inspection and disassembly

DCSO takes the same position as that of the DA's office.

Regards,

Dawn L. Johnson
Sr. Assistant County Attorney
Douglas County Attorney's Office
100 Third Street
Castle Rock, CO 80104
Phone: (303) 660-7362
Email: djohnson@douglas.co.us

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From: Jacob Edson <jedson@da18.state.co.us>
Sent: Monday, March 1, 2021 10:26 AM
To: Russell R. Hatten <rhatten@chalatlaw.com>; Dawn Johnson <djohnson@douglas.co.us>
Subject: RE: E.A., a minor - 2004 Acura TL seat belt inspection and disassembly

As stated from the beginning, as soon as the defendant enters a guilty plea and is formally sentenced, we will agree to release the vehicle, whenever that may be.

Thanks,

Jacob Edson
Chief Deputy District Attorney – Civil Division
Office of the District Attorney, 18th Judicial District

From: Russell R. Hatten <rhatten@chalatlaw.com>
Sent: Monday, March 1, 2021 9:51 AM
To: Jacob Edson <jedson@da18.state.co.us>; Dawn Johnson <djohnson@douglas.co.us>
Subject: E.A., a minor - 2004 Acura TL seat belt inspection and disassembly

Dear Dawn and Jacob:

I wanted to follow-up our previous discussions about the 2004 Acura TL now that the court has quashed our subpoenas. Assuming that E.A., a minor, enters a plea on March 23rd, are you both agreeable that we could go forward with the planned examination, testing, and disassembly of the seat belts as soon as March 24th? Please reply to this email with your response. I am wanting to get the examination, testing, and disassembly scheduled in advance since there are going to be multiple experts involved. I am happy to talk if you have any questions. I am working remotely and can be reached on my cell at 303-898-3987.

Russell R. Hatten
Attorney/Partner

CHALAT | HATTEN | BANKER PC
1600 Broadway Suite 1920 | Denver, CO 80202
O. 303.861.1042 | F. 303.861.0506 | Cell 303.898.3987 | chalatlaw.com




Denise Ramirez

Subject: FW: E.A., a minor - 2004 Acura TL seat belt inspection and disassembly

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Sent: Monday, March 1, 2021 11:06 AM

To: Jacob Edson <jedson@da18.state.co.us>; Russell R. Hatten <rhatten@chalatlaw.com>

Subject: RE: E.A., a minor - 2004 Acura TL seat belt inspection and disassembly

DCSO takes the same position as that of the DA's office.

Regards,

Dawn L. Johnson
Sr. Assistant County Attorney
Douglas County Attorney's Office
100 Third Street
Castle Rock, CO 80104
Phone: (303) 660-7362
Email: djohnson@douglas.co.us

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Chief Deputy District Attorney – Civil Division
Office of the District Attorney, 18th Judicial District

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Russell R. Hatten
Attorney/Partner

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Plans proposed by Stephen D. Knapp, P.E., on behalf of [REDACTED] and [REDACTED] and [REDACTED] Conservators and Guardians of [REDACTED], for the inspection of the seat belt safety restraint system on the 2004 Acura, VIN 19UUA66264A [REDACTED] on March 25, 2021, beginning at 0900 hours MT at Douglas County's impound lot at 2965 US-285 in Castle Rock, Colorado 80109.

The subject inspection is contingent upon a plea and sentencing first being entered in the pending traffic case against E.A., a minor, Douglas County 20T4418, which plea and sentencing is presently set for a dispositional hearing on March 23, 2021 at 1:30 p.m. in Douglas County Court Division G. As noted on the attached emails, the Douglas County Sheriff and Douglas County District Attorney have agreed that the subject Acura will be made available upon the entry of a plea and sentencing in the traffic case against E.A., a minor. Assuming the plea and sentencing takes place as scheduled on March 23, 2021, the 2004 ACURA TL, VIN 19UUA66264A [REDACTED] will be available for inspection at Douglas County Sheriff's impound lot at 2965 US-285 in Castle Rock, Colorado 80109.

If weather becomes an issue on the date of the inspection, arrangements will be made to have the Acura moved to a covered facility.

The 2004 Acura requires manufacturer specific hardware/software to read data contained within the electronic data recorder (EDR) on the Acura. It is anticipated that a representative from Acura/Honda will be present to download the EDR data at or near the beginning of the inspection provided that a copy of the downloaded data in a report format (not coded) specifically identifying each element and their respective values recorded as a result of the collision is provided to Russell R. Hatten, Chalat Hatten & Banker PC, counsel for [REDACTED] and [REDACTED] and [REDACTED], Conservators and Guardians of [REDACTED], and any other interested parties. Additionally, it is anticipated that Mr. Knapp and other interested parties in attendance will take screen shots, photographs and/or video of the computer used during the EDR imaging to document the collection process and the data contained within the Acura's EDR.

The inspection will require minimal disassembly after the EDR data is imaged and all parties have documented the Acura interior/exterior and seatbelt systems. First, the electrical connections of the driver and front passenger seatbelts will be tested. Second, the driver and front passenger seatbelts will be removed from the Acura for visual/physical examination. There will be no test fixtures and no attempt to deploy the subject seatbelt pretensioners. This portion of the examination should conclude before noon. The Acura will then be transported to a laboratory at 3773 S. Jason St., Unit 2 Englewood, CO 80110 for x-ray and microscopy of the

seatbelt assemblies, which process should take less than a couple of hours to complete. Additional disassembly of the retractor / automatic tensioner assemblies can be performed if agreed upon by the attending parties. Mr. Knapp will have exemplar seatbelt assemblies available to discuss any protocols that go beyond x-ray or microscopy of the subject seatbelt assemblies.