

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: Monday, April 12, 2021 5:00:59 PM
Attachments: [REDACTED]

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Attn: Legal Department:

Attached please find your copy of the First Amended Notice of Intent to Download the Data from the Electronic Data Recorder and Inspect, Examine, and Test the Seat Belt Safety Restraining 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
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Quality Control Analyst



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Douglas County District Court, Colorado 400 Justice Way Castle Rock, CO 80109 Telephone: 720.865.7800	▲COURT USE ONLY▲
In the Interest of: , 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 E-mail: rhatten@chalatlaw.com FAX Number: 303.861.0506	Case Number Division Courtroom C
FIRST AMENDED 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	

Counsel for , by and through her co-conservators and co-guardians,
 and , files this First Amended Notice to all interested parties:

VEHICLE: 2004 ACURA TL, VIN 19UUA66264A

DATES AND TIMES OF INSPECTION, EXAMINATION AND TESTING:
 Beginning at 1:00 p.m. MT on April 22, 2021 the EDR data will be downloaded from the vehicle.
 Beginning at 9:00 a.m. MT on April 23, 2021 the seatbelts will be inspected, examined, and tested.

PLACE: Front Range Marine & Vehicle Storage, 2727 S. Tejon Street, Englewood, CO 80110, for the EDR download and the seat belt inspection, examination, and testing, followed later on April 23, 2021 at a time to be determined the seatbelts will be taken to a laboratory at 3773 S. Jason St., Unit 2, Englewood, CO 80110 for x-ray and microscope examination.

NOTE: The 2004 Acura TL is presently at the Douglas County Sheriff's impound lot at 2965 US-285 in Castle Rock, Colorado 80109. On Friday, April 9, 2021, at approximately 11:30 a.m. MT, the 2004 Acura TL will be picked up by Westside Towing at the impound lot, placed on a flatbed truck, and delivered to Front Range Marine & Vehicle Storage, 2727 S. Tejon Street, Englewood, CO 80110, where it will remain until the inspections on April 22, 2021 and April 23, 2021.

The 2004 Acura requires manufacturer specific hardware/software to read data contained within its electronic data recorder (EDR). Ed Stewart, Wheeler Trigg O'Donnell LLP, counsel

for American Honda Motor Company, Inc., has agreed to have a representative from American Honda Motor Company, Inc., present at 1:00 p.m. MT on April 22, 2021 to download the EDR data recorded of the collision that occurred at approximately 2325 hours MT on October 13, 2020. The EDR data must then be interpreted by American Honda Motor Company, Inc. using a Honda specification. Mr. Stewart, on behalf of American Honda Motor Company, Inc., will produce the specification and its interpretation of the data to Russell R. Hatten, Chalat Hatten & Banker PC, counsel for [REDACTED] and [REDACTED] and [REDACTED], Co-Conservators and Co-Guardians of [REDACTED], and other Qualified Persons to be identified in an agreed Confidentiality Agreement. Additionally, Mr. Stewart has agreed that Mr. Knapp and other interested parties in attendance on April 22, 2021 may take screen shots, photographs and/or video of the computer screen used by American Honda Motor Company, Inc.'s representative during the EDR imaging download to document the collection process and the data contained within the Acura's EDR.

Prior to any disassembly of the seatbelt systems, all interested parties will be allowed to inspect, photograph and otherwise document the condition of the seatbelt system as currently installed in the 2004 Acura. The inspection will require minimal disassembly after the EDR data is downloaded and all interested parties have had an opportunity to examine the Acura's interior/exterior and seatbelt systems. The electrical connections of the driver and front passenger seatbelts will be tested. Stephen D. Knapp, P.E., will remove the driver and front passenger seatbelts from the Acura for visual/physical examination by all interested parties and, in the presence of all interested parties in attendance, place the seatbelts in a bag marked "EVIDENCE". Mr. Knapp will then transport the sealed EVIDENCE bag to a laboratory at 3773 S. Jason St., Unit 2, Englewood, CO 80110 so that the seatbelts can be examined by x-ray and microscope by all interested parties later that day. The time of the unsealing will be announced by Mr. Knapp after the seatbelts are placed into the EVIDENCE bag at the impound lot. Mr. Knapp will be responsible for keeping the EVIDENCE bag sealed until it is unsealed at the laboratory in the presence of all interested parties in attendance at the laboratory at the time announced by Mr. Knapp. Mr. Knapp and/or undersigned counsel will provide, upon request, copies of any data, images, videos and/or other documentation generated by the x-ray and microscope examinations described above.

There will be a video recording made of the proceedings at the impound lot, as well as the pre-disassembly inspection, the disassembly process and the laboratory activities described above. The proceedings at the laboratory will also be available for viewing via a video link made available to all interested parties upon request. After the seat belts are examined at the laboratory, Mr. Knapp shall once again place the seatbelts in a bag marked "EVIDENCE" and shall retain possession and control of the bag during the pendency of the proceedings in "*In the Interest of* [REDACTED]", Douglas County, Colorado District Court case [REDACTED] and [REDACTED], *Ward and Protected Person by and through her co-guardians and co-conservators,* [REDACTED] and [REDACTED], and [REDACTED] and [REDACTED], *individually, v. E.A., a minor child by and through* [REDACTED], *his parent and guardian, and* [REDACTED], *individually,* Douglas County, Colorado District Court case [REDACTED] or until counsel for the parties in such cases and counsel for American Honda Motor Company, Inc., agree on the disposition of the seatbelts.

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.

Dated: April 9, 2021.

CHALAT HATTEN & BANKER PC

/s/ Russell R. Hatten

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

CERTIFICATE OF SERVICE

I hereby certify that on April 9, 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

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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 Chalat Hatten & Banker, PC