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

FOLEY
FOLEY & LARDNER LLP

ATTORNEYS AT LAW
WASHINGTON HARBOUR
3000 K STREET, N.W.
SUITE 600
WASHINGTON, D.C. 20007-5109
202.672.5300 TEL
202.672.5399 FAX
WWW.FOLEY.COM

WRITER'S DIRECT LINE
202.295.4792
nenglund@foley.com EMAIL

CLIENT/MATTER NUMBER
122152-0101

August 17, 2020

VIA E-MAIL

Jeffrey Eyres
Senior Trial Attorney
Office of Chief Counsel
National Highway Traffic Safety Administration
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

Re: Harmony Juvenile Products Partial Response to NHTSA's July 20, 2020 Information Request – AQ 20-001

Dear Mr. Eyres:

On behalf of Harmony Juvenile Products, we are submitting the enclosed Partial Response to the Agency's July 20, 2020 Information Request regarding Audit Query (AQ) 20-001. Per the Agency's extension, the enclosed includes Harmony's responses to Request Nos. 1 through 5 and an explanation that products involved in Canadian Recall Nos. 1 through 3 (V7 Convertible Deluxe Car Seats) were not identical or substantially similar to products sold in the United States. Responses to the remainder of the requests (Requests Nos. 6 through 32) will be submitted on or before August 31, 2020.

Please contact me at (202) 672-5542, or Nick Englund at (202) 295-4792, if you have any questions.

Sincerely,

[redacted]

Christopher H. Grigorian

Enclosures

cc: Tanya Topka (NHTSA ODI)
Dr. Elizabeth Wolfe (NHTSA ODI)
Michael Noah (Harmony Juvenile Products)

Harmony Juvenile Products
Partial Response to July 20, 2020 Information Request (AQ 20-001)

This Partial Response to the Agency's July 20, 2020 Information Request regarding Audit Query (AQ) 20-001 is submitted on behalf of Harmony Juvenile Products (Harmony).[1]

This response was prepared pursuant to a diligent search for the requested information. The scope of Harmony's search for responsive information focused on the locations where responsive information is most likely to be maintained and on review of Harmony files in which responsive information ordinarily would be expected to be found and to which Harmony ordinarily would refer. Harmony notes that although electronic information was included within the scope of its search, it has not attempted to retrieve from computer storage electronic files that were overwritten or deleted.

To the extent that the Agency's definition of Harmony Juvenile Products includes suppliers and contractors for which Harmony does not exercise day-to-day operational control, we note that information belonging to such entities ordinarily is not in Harmony's possession, custody, or control. Similarly, we note that information belonging to distributors and retailers is not in Harmony's possession, control, or custody.

Harmony is providing responsive information only insofar as such information is not subject to the attorney-client privilege or attorney work product.

Background

On or around July 11, 2019, Harmony received a writ of summons informing Harmony that a civil action brought by [redacted] had been instituted that named Harmony as one of the Defendants. *See* Exhibit No. 1 ([redacted] Writ of Summons). Because Harmony is a Canadian entity, the plaintiff executed service of the writ through The Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, which resulted in the writ of summons being served more than several months after the initial date stamp of November 14, 2018 and over a month after the second date stamp of June 3, 2019. *See id.*

The writ of summons did not assert a claim for relief or contain any allegation of a defect, and it did not provide any information regarding potential products involved in the civil action, the basis for the action, or any facts with respect to the action. Rather, the writ simply provided notice that [redacted] had commenced a civil action and demanded a jury trial. *See id.*

Due to the unique procedural rules of the Commonwealth of Pennsylvania, a plaintiff may initiate a civil action using a writ of summons, without filing a complaint. Harmony's

[1] NHTSA agreed to extend the due date for responses to Requests Numbers 1 through 5 to August 17, 2020. Harmony also agreed to submit by this date an explanation that the products involved in Canadian Recall Numbers 1 through 3 (V7 Convertible Deluxe Car Seats) were not identical or substantially similar to products sold in the United States. For the remainder of the requests (Request Nos. 6 through 32), NHTSA extended the response date to August 31, 2020.

understanding is that the writ of summons procedure may be used to conduct pre-complaint discovery, even in the absence of written demands for relief or facts set out in a pleading specifying the products involved. As of August 14, 2020, no complaint has been filed in the [redacted] suit. *See* Exhibit No. 2 (Docket from [redacted] Lawsuit).

On September 25, 2019, Ms. Tanya Topka and Dr. Wolfe from NHTSA's Office of Defects Investigation's (ODI's) Trends Analysis Division spoke with Mr. Michael Noah, Harmony's Senior Vice President. In that discussion, Mr. Noah advised that Harmony had not had a reportable death or injury claim since the third quarter of 2014.

On September 27, 2020, outside counsel for Harmony obtained, and then forwarded to Harmony, photographs of a Harmony product alleged to have been involved in the [redacted] Accident. *See* Exhibit No. 3 (Photographs of the [redacted] Seat). The photographs revealed the Harmony product's model name and model number. *See id.*

On November 17, 2019, NHTSA contacted Mr. Noah to inquire about an alleged fatality in Pennsylvania that resulted in the [redacted] Lawsuit. In response to the inquiry, Mr. Noah stated in a phone call with NHTSA personnel that he was not aware of the alleged fatality in the [redacted] Lawsuit. On November 20, 2019, after internally conferring with Harmony personnel who had been working with Harmony's outside counsel on the [redacted] Accident, Mr. Noah e-mailed Dr. Wolfe and Ms. Topka to advise that, in fact, Harmony did learn of the fatality, and reported the fatality notice in an Excel Spreadsheet using NHTSA's EWR template (the 11/20/2019 D&I Spreadsheet), which he attached to the e-mail. *See* Exhibit No. 4 (E-mail from Mike Noah to NHTSA 20 Nov 2019). In a December 17, 2019, response to Mr. Noah, Dr. Wolfe asked Mr. Noah to upload the 11/20/2019 D&I Spreadsheet through Harmony's EWR Account. *See* Exhibit No. 5 (E-mail from Dr Wolfe to Mike Noah 19 Dec 2020). On December 19, 2019, Dr. Wolfe confirmed that Mr. Noah could submit the 11/20/2019 D&I Spreadsheet as part of Harmony's fourth quarter (Q4) of 2019 early warning reporting (EWR) data. *Id.* Accordingly, Harmony re-submitted the 11/20/2019 D&I Spreadsheet in Harmony's Q4 2019 EWR submission.

On March 10, 2020, NHTSA sent Harmony a letter requesting additional information related to the 11/20/2019 D&I Spreadsheet. *See* NHTSA DI20-001. On March 30, 2020, Harmony responded to NHTSA DI20-001 and provided a copy of the writ of summons, a copy of the Commonwealth of Pennsylvania Police Crash Report related to the [redacted] Accident, and a copy of a Motion to Quash filed by the Pennsylvania State Police (which included subpoenas for two PA State Police Officers and the docket of pending criminal charges related to the [redacted] Accident). *See* Exhibit No. 6 (Harmony Response to NHTSA DI20-001).

Responses to NHTSA's Requests

Responses to the Agency's Requests are set forth below. As requested, after each numeric designation, we have set forth verbatim the request for information, followed by our response. Unless otherwise stated, Harmony has undertaken to provide responsive documents dated up to and including August 14, 2020.

Request No. 1.

State the date on which you first received a claim or notice relating to the [redacted] Accident that contained minimal specificity and alleged that a death or injury was caused by a possible defect in the Harmony child restraint system, and produce a copy of that claim or notice.

Response to Request No. 1

The writ of summons received by Harmony on or about July 11, 2019 did not identify the model of the Harmony product allegedly involved in the [redacted] Accident. *See* Exhibit No. 1 ([redacted] Writ of Summons). Because the writ of summons did not contain a demand for relief or a written allegation of a defect, Harmony does not believe it constituted a claim or notice. Moreover, because the writ of summons did not identify the model of the Harmony product, it did not meet the minimal specificity requirements of 49 CFR 579.28(d) and, thus, could not have constituted a reportable claim or notice of an injury or fatality incident.

On September 27, 2019, Harmony's outside counsel, Wilson Elser Moskowitz Edelman & Dicker LLP, obtained photographs from the plaintiffs that depicted a Harmony product and that included the product's model name and model number. *See* Exhibit No. 3 (Photographs of the [redacted] Seat). Thus, even if the writ of summons constituted a "claim" or "notice," the minimal specificity requirement of 49 CFR 579.28(d) was not met until these photographs were received.

As noted above, as of August 14, 2020, Harmony still has not received a copy of complaint or any other written claim for relief or notice alleging a defect in the product.

Request No. 2

Identify and produce all notices you received relating to the [redacted] Accident prior to December 31, 2019 and, for each such notice, identify the person who received the notice, the date on which you received the notice, and the manner (e.g., mail, email, courier service, or service of process) in which you received the notice.

Response to Request No. 2

As explained in the background section above and in response to Request No. 1, Harmony initially received a writ of summons (which did not meet the minimal specificity requirements) on or about July 11, 2019. Exhibit No. 1 ([redacted] Writ of Summons) The writ was received by Harmony at its headquarters. Harmony does not have a record of the precise manner of delivery of the writ. The person most likely to be familiar with the manner of delivery, Mr. Ely Goldberg, recalls that Harmony received a paper copy of the writ. But Harmony cannot determine whether delivery was made by a courier, a process server, or other delivery method. Harmony's outside counsel (Wilson Elser) received copies of the photographs on September 27, 2019. Exhibit No. 3 (Photographs of the [redacted] Seat).

Additionally, Mr. Noah received an e-mail from Dr. Wolfe on November 7, 2019 that attached a copy of a "Notice of Taking Depositions on Oral Examinations Pursuant to PA R.C.P., No. 4007.1 and in Aid of Filing a Complaint and Request for Production Pursuant to PA R.C.P. 4007.1(d) and 4009," which was dated September 14, 2019. *See* Exhibit No. 7 (E-mail from Dr. Wolfe to Mike Noah 7 Nov 2019). Harmony's understanding is that NHTSA obtained a copy of this notice from another manufacturer involved in the [redacted] Lawsuit. The Notice of Taking Depositions contained allegations of two deaths and identified a Harmony seat model alleged to be involved in one of the deaths, but the notice did not contain an allegation that the seat contained a defect. *See id.* Harmony notes that its outside counsel did not enter its appearance in the [redacted] Lawsuit until October 23, 2019 and had not received a copy of the Notice of Taking Depositions until NHTSA provided a copy to Mr. Noah. *See* Exhibit No. 2 (Docket Entry from [redacted] Lawsuit).

Request No. 3

Identify and produce all claims you received relating to the [redacted] Accident prior to December 31, 2019 and, for each such claim, identify the person who received the claim, the date on which you received the claim, and the manner (e.g., mail, email, courier service, or process server) in which you received the notice.

Response to Request No. 3

Harmony has not received any written requests or written demands for relief, including money or other compensation, assumption of expenditures, or equitable relief, related to a motor vehicle crash, accident, the failure of a component or system of a vehicle or an item of motor vehicle equipment. Due to the unique procedural rules of the Commonwealth of Pennsylvania, the civil action related to the [redacted] Accident was initiated by a writ of summons, which did not request or demand relief. *See* Exhibit No. 1 ([redacted] Writ of Summons). As of August 14, 2020, a complaint has not been filed in the lawsuit related to the [redacted] Accident.

Request No. 4

Identify and produce all pleadings (including writs, summonses, complaints, and notices of depositions) you received relating to the [redacted] Lawsuit prior to December 31, 2019, and, for each such pleading, identify the person who received the notice, the date on which the pleading was received, and the manner (e.g., mail, email, courier service, or process server) in which you received the notice.

Response to Request No. 4

Below is a table of pleadings related to the [redacted] Lawsuit that Harmony received prior to December 31, 2019.

Pleading	Person Who Received the Notice	Date of Receipt	Manner of Service	Previously Provided to NHTSA
Writ of Summons	Ely Goldberg	On or about 7/11/2019	A paper copy of the writ was delivered to Harmony. But Harmony does not have a record of the precise manner of delivery whether by courier, process server, or similar delivery method.	See Exhibit A of Harmony's 3/30/2020 Response to DI20-001
Notice of Deposition of [redacted]	Jonathan Dryer	10/02/2019	E-mail	N/A
Notice of Deposition of [redacted]	Jonathan Dryer	10/02/2019	E-mail	N/A
Subpoena to Testify and Attend – Directed to Trooper Breanne Glad, PA State Police	Jonathan Dryer	10/02/2019	E-mail	See Exhibit C of Harmony's 3/30/2020 Response to DI20-001
Subpoena to Testify and Attend – Directed to Trooper Robert Eck, PA State Police	Jonathan Dryer	10/01/2019	E-mail	See Exhibit C of Harmony's 3/30/2020 Response to DI20-001
Subpoena to Produce Documents or Things for Discovery Pursuant to Rule 4009.22 – Directed to Robert Eck, PA State Trooper	Jonathan Dryer	10/01/2019	E-mail	See Exhibit C of Harmony's 3/30/2020 Response to DI20-001

Copies of these documents are enclosed as Exhibit No. 8 ([redacted] Lawsuit Documents).

Request No. 5

State the date on which you reported the [redacted] Accident and/or the [redacted] Lawsuit to NHTSA under 49 C.F.R. 579.25, and, if you contend that your report was timely, describe in detail why your report was timely with specific reference to the regulations and requirements.

Response to No. 5

As detailed in response to Request No. 1, assuming (without conceding that) the writ of summons constitutes a claim or notice, Harmony did not receive sufficient information to meet the minimal specificity requirements in 49 CFR 579.28(d) until September 27, 2019 (3Q2019). Harmony submitted the 11/20/2019 D&I Spreadsheet – which reported the alleged incident – in an e-mail to Dr. Wolfe on November 20, 2019. The due date for Q3 2019 EWR data was November 29, 2019. *See* 49 CFR 579.28(b). Additionally, as directed by Dr. Wolfe, Harmony subsequently re-submitted the fatality report with its Q4 2019 EWR submission. Accordingly, Harmony believes that it timely provided EWR data related to the [redacted] Accident to NHTSA's Trends Analysis Division of ODI.

Explanation of V7 Convertible Deluxe Car Seat (Model# 0302001TNC)

As the Agency is aware, 49 CFR 579.11(a) generally requires manufacturers to report certain foreign safety recalls or other safety campaigns in a foreign country covering motor vehicle equipment that are identical or substantially similar to equipment sold or offered for sale in the United States. Request Nos. 6 through 23 seek information regarding three notices published by Transport Canada related to Harmony's V7 Convertible Deluxe Car Seat, Model# 0302001TNC (the V7 seat), which NHTSA refers to as Canadian Recall Nos. 1 through 3. In advance of providing full responses to Request Nos. 6 through 23, Harmony would like to share with NHTSA that the V7 seat was a unique seat design that was never sold in the United States and, therefore, was not "identical or substantially similar" to a product sold or offered for sale in the United States.

Specifically, the V7 seat was a convertible child restraint system that utilized an internal five-point harness. *See* Exhibit No. 9 (Photograph of V7 Seat). Between December 7, 2011 and November 2, 2012 (the dates of manufacture involved in Canadian Recall Nos. 1 through 3), the V7 seat was the only Harmony product with a five-point harness. Products sold in the United States at that time were limited to booster-style seats, which did not have an internal five-point harness. Harmony first introduced a five-point-harness child restraint system to the U.S. market with the Defender Harnessed Car Seat in 2013. *See* Exhibit No. 10 (Photograph of Defender Seat).

The Defender uses a design internally developed from the ground up by Harmony that is distinct from the V7 seat design, which Harmony purchased "off the shelf" from the assembler of the V7. Specifically, the backrest for the V7 seat is completely flat and the harness is simply routed through two plastic slots and attached to a splitter plate on the back of the seat. The V7 seat's head

rest is fixed and the harness height is adjusted by routing the straps through different plastic slots through the backrest.

In contrast, the Defender's backrest is a more robust design with many reinforcement points. These reinforcements include plastic vertical columns that a have greater ability to absorb forces than the V7 seat in crash. Unlike the V7 seat, the Defender's walls have ridges, which can withstand higher loads and make the material less prone to bending. The Defender's harness wraps around a metal bar that serves to further disperse the load placed on the plastic reinforcement columns. The Defender has an adjustable head rest to accommodate changes in the passenger's height and does not require re-routing the harness straps. Finally, the Defender components were tooled-up from scratch and do not share any parts with the V7 seat.

Harmony has not used the V7 design in any products sold in the United States. Accordingly, Harmony believes that the V7 seats involved in Canadian Recall Nos. 1 through 3 involve products for which an identical or substantially similar product was never sold or offered for sale in the United States.

* * *

EXHIBIT No. 1

A

REQUEST
FOR SERVICE ABROAD OF JUDICIAL OR EXTRA JUDICIAL DOCUMENTS

DEMANDE
AUX FINS DE SIGNIFICATION OU DE NOTIFICATION A L'ETRANGER
D'UN ACTE JUDICIARE OU EXTRAJUDICIAIRE

Convention on the service abroad of judicial and extrajudicial documents in civil or commercial matters, signed at The Hague, November 15, 1965

Convention relative à la signification et à la notification à l'étranger des actes judiciaires ou extrajudiciaires en matierè civile ou commerciale, signée à La Hage, le 15 Novembrè 1965.

Identity and address of the applicant
Indentité et adresse du requérant

L. Celeste Ingalls**
Crowe Foreign Services
1020 SW Taylor Street, Suite 240
Portland, Oregon 97205
USA
Email: Lci@foreignservices.com
Fax Number: 1-503-222-3950

Address of receiving authority
Adrese de l'autorité destinataire

Central Authority Quebec/Dept. of Justice
1200 route de l'Eglise, 2nd Floor
Ste-Foy, Quebec
Canada G1V 4M1

T (418) 643-1436 ext. 20748 F (418) 646-1696

The undersigned applicant has the honour to transmit - in duplicate - the documents listed below and, in conformity with article 5 of the above-mentioned Convention, requests prompt service of one copy thereof on the addressee, i.e.,
(identity and address)
Le requérant soussigné a l'honneur de faire parvenir - en double exemplaire - a l'autorité destinataire les documents ci-dessous énumérés en la priant conformément à l'article 5 de la Convention précitée, d'en faire remettre sans retard un exemplaire au destinataire, savior:
(identité et adresse)

Harmony Juvenile Products
2435 Rue Guenette, Saint-Laurent, QC H4R 2E9, Canada

☒ **(a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of article 5 of the Convention.***
a) selon les formes légales (article 5, alinéa premier, lettre a).

☐ **(b) in accordance with the following particular method (sub-paragraph (b) of the first paragraph of article 5)*:**
b) selon la forme particulière suivante (article 5, alinéa premier, lettre b): *To be served by Lillian Levy, Huissier de Justice*

☐ ~~**(c) by delivery to the addressee, if he accepts it voluntarily (second paragraph of article 5)*.**~~
~~*c) le cas échéant, par remise simple (article 5, alinéa 2).*~~

The authority is requested to return or to have returned to the applicant a copy of the documents - and of the annexes* - with a certificate as provided on the reverse side.
Cette autorité est priée de renvoyer ou de faire renvoyer au requérant un exemplaire de l'acte - et de ses annexes - avec l'attestation figurant au verso.

List of documents
Enumération des pièces

Done at Portland, Oregon, USA, the 20 day of June, 2019.
Fait à Portland, Oregon, USA, le...
Signature and/or stamp.
Signature et/ou cachet

Executed "Summary" (2 pages)

*** Letter to Harmony Juvenile Products dated June 3, 2019
*** Writ of Summons

GOKHAN GULER
CHJQ
1003
HUISSIER DE JUSTICE

SIGNIFIÉ LE
2019/07/11 13 hrs 21

[redacted]

[redacted]

L. Celeste Ingalls

OFFICIAL STAMP
LYLE CELESTE INGALLS
NOTARY PUBLIC-OREGON
COMMISSION NO. 971979
MY COMMISSION EXPIRES MARCH 04, 2022

* **Delete if inappropriate**
Rayer les mentions inutiles

** **Authorized applicant pursuant to Rule 4(c)(2) of the Federal Rules of Civil Procedure, Public Law 97-462**
*** **with French translation**

SUMMARY OF THE DOCUMENT TO BE SERVED

ELEMENTS ESSENTIELS DE L'ACTE

Convention on the service abroad of judicial and extrajudicial documents in civil or commercial matters, signed at The Hague, November 15, 1965

Convention relative à la signification et à la notification à l'étranger des actes judiciaires et extrajudiciaires en matière civile ou commerciale, signée à La Hage, le 15 Novembre 1965.

(article 5, fourth paragraph)
(article 5, alinéa 4)

Name and address of the requesting authority:
Nom et adresse de l'autorité requérante:

L. Celeste Ingalls
Crowe Foreign Services
1020 SW Taylor Street, Suite 240
Portland, Oregon USA 97205

Particulars of the parties*:
Indentité des parties:

[redacted] ..... PLAINTIFFS
[redacted] ..... DEFENDANTS

JUDICIAL DOCUMENT**

ACTE JUDICIAIRE

Nature and purpose of the document:
Nature et objet de l'acte: To give notice to defendant, Harmony Juvenile Products, that a court action has been filed.

Nature and purpose of the proceedings, and, where appropriate, the amount in dispute:
Nature et objet de l' instance, le cas échéant, le montant du litige:

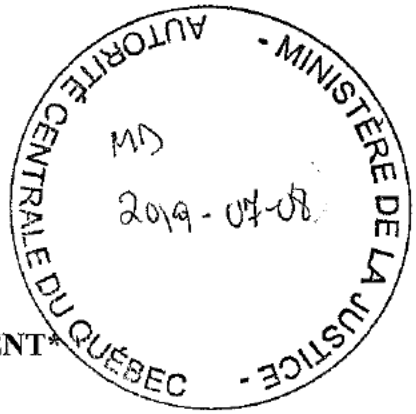
Notification that a Civil claim for damages in an action against Harmony Juvenile Products was filed in the Court of Common Pleas of Northampton County, Pennsylvania.

Date and place for entering appearance:**
Date et lieu de la comparution: N/A

Court which has given judgment:**
Juridiction qui a rendu la décision: N/A

Date of judgment:**
Date de la décision: N/A

Time limits stated in the document:**
Indication des délias figurant dans l'acte: N/A



EXTRAJUDICIAL DOCUMENT*

ACTE EXTRAJUDICIAIRE

Nature and purpose of the document:
Nature et objet de l'acte: N/A

Time limits stated in the document:**
Indication des délias figurant dans l'acte: N/A

*** If appropriate, identity and address of the person interested in the transmission of the document.**
S'il y a lieu, identité et adresse de la personne intéressée à la transmission de l'acte.

**** Delete if inappropriate.**
Rayer les mentions inutiles.

SUMMARY OF THE DOCUMENT TO BE SERVED
PAGE 2 OF 2

Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, signed at The Hague, the 15th of November 1965
(Article 5, fourth paragraph)

Identite et adresse du destinataire / *Identity* **and address** of *the* **addressee** / **--:**

Harmony Juvenile Products
2435 Rue Guenette, Saint-Laurent, QC H4R 2E9, Canada

IMPORTANT



Pennsylvania Bar Association - Lawyer Referral Service
100 South Street
Harrisburg, PA 1710
1-717-238-6807

IMPORTANT

THE ENCLOSED DOCUMENT IS OF A LEGAL NATURE AND MAY AFFECT YOUR RIGHTS AND OBLIGATIONS. THE 'SUMMARY OF THE DOCUMENT TO BE SERVED' WILL GIVE YOU SOME INFORMATION ABOUT ITS NATURE AND PURPOSE YOU SHOULD HOWEVER READ THE DOCUMENT ITSELF CAREFULL Y IT MAY BE NECESSARY TO SEEK LEGAL ADVICE

IF YOUR FINANCIAL RESOURCES ARE INSUFFICIENT YOU SHOULD SEEK INFORMATION ON THE POSSIBILITY OF OBTAINING LEGAL AID OR ADVICE EITHER IN THE COUNTRY WHERE YOU LIVE OR IN THE COUNTRY WHERE THE DOCUMENT WAS ISSUED.

ENQUIRIES ABOUT THE AVAILABILITY OF LEGAL AID OR ADVICE IN THE COUNTRY WHERE THE DOCUMENT WAS ISSUED MAY BE DIRECTED TO:

Pennsylvania Bar Association - Lawyer Referral Service
100 South Street
Harrisburg, PA 1710
1-717-238-6807

BUREAUX JUDICIAIRE DE
John R. Vivian, Jr.
831 LEHIGH STREET
EASTON, PENNSYLVANIE 18042
-
(610) 258-6625
Télécopie (610) 258-4875
E-MAIL : JRVIVIAN@VERIZON.NET
site web: www.johnvivianjr.com

Le 3 juin 2019

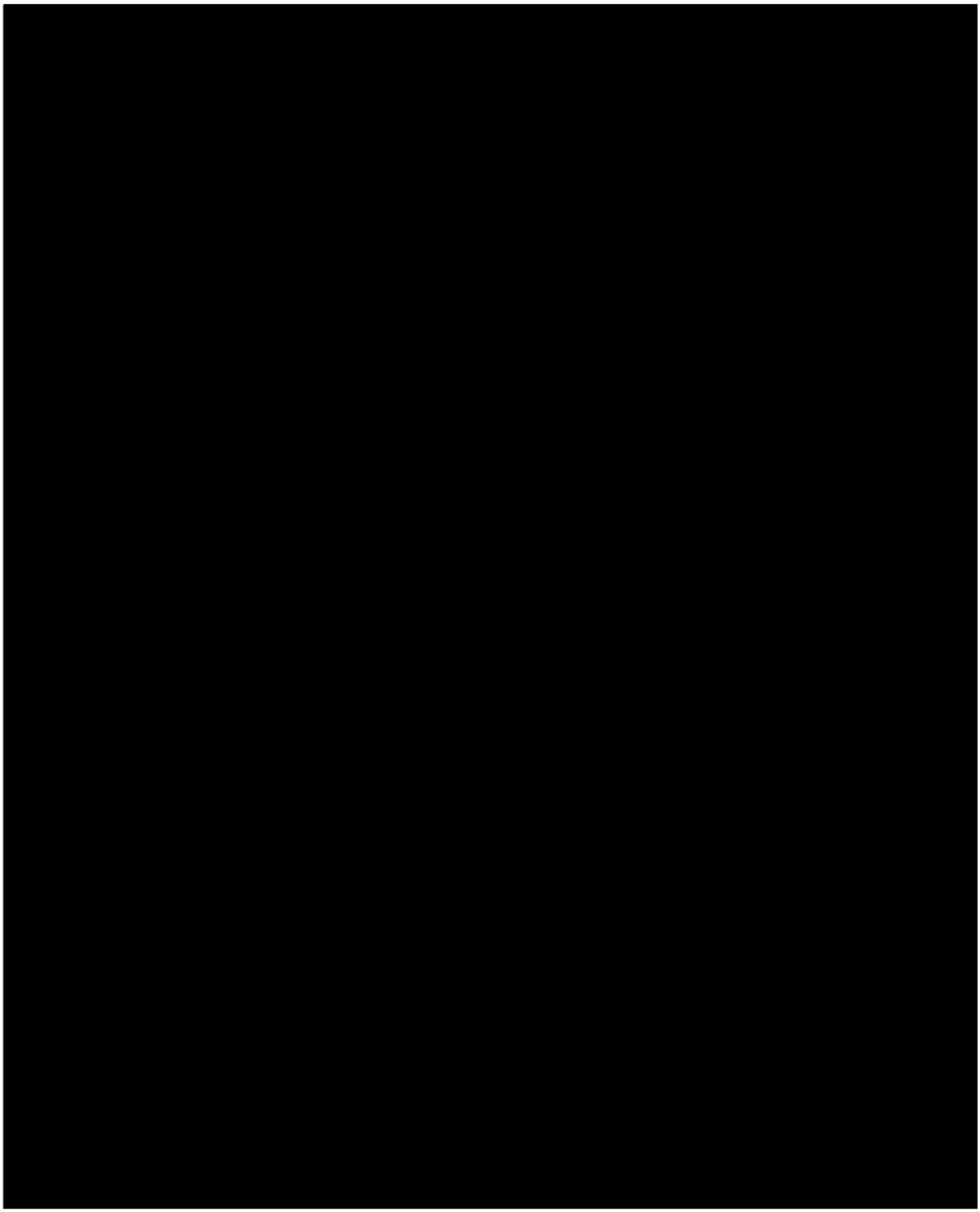
JOHN R. VIVIAN, JR.

• AVOCAT AGRÉÉ AUPRÈS DES TRIBUNAUX CIVILS PAR LE CONSEIL NATIONAL DU BARREAU
UNE AGENCE AGGRÉDITÉE DE LA COUR SUPRÊME EN PENNSYLVANIE

Harmony Juvenile Products
2435 Guenette Street
Saint-Laurent, QC H4R 2E9, Canada

IN RE: [redacted] Adm. Ad Ad Prosequendum de la succession [redacted] [redacted], mineur décédé, et al. vs [redacted] et al.
No. [redacted]

[redacted]



LAW OFFICES OF
JOHN R. VIVIAN, JR.
831 LEHIGH STREET
EASTON, PENNSYLVANIA 18042
(610) 258-6625
FAX (610) 258-4875
EMAIL: JRVIVIAN@VERIZON.NET
WEBSITE: www.johnvivianjr.com

JOHN R. VIVIAN, JR.*

* CERTIFIED CIVIL TRIAL ADVOCATE BY THE NATIONAL BOARD OF TRIAL ADVOCACY.

A PENNSYLVANIA SUPREME COURT ACCREDITED AGENCY

June 3, 2019

Harmony Juvenile Products
2435 Guenette Street
Saint-Laurent, QC H4R 2E9, Canada

IN RE: [redacted] Adm., Ad Prosequendum of the [redacted], Deceased Minor, et al. vs. [redacted], et al.
No. C-0048-CV-2018-8566

To the Defendant Named in the Within Papers:

Please be advised that you are being served with a Writ of Summons. This means that a civil legal action has been instituted against you as a Defendant. You should turn these papers over to your attorney and/or any insurance carrier providing coverage to you for this type of action.

Should you have any questions about this matter, please consult with an attorney and/or insurance representative. I would prefer that any inquiry you have come from those sources. Please do not call my office directly.

Thank you for your attention to this matter.

Very truly yours,

[redacted]

JOHN R. VIVIAN, JR.

JRV:sdh
Enclosure: As stated above

IN THE COURT OF COMMON PLEAS OFNORTHAMPTON COUNTY, PENNSYLVANIA
CIVIL DIVISION

11 14 18
Deputy

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF NORTHAMPTON

6/3/19

[redacted] ADMINSTRATRIX AD PROSEQUENDUM OF THE ESTATE OF [redacted] A DECEASED MINOR, [redacted], ADMINISTRATOR AD PROSEQUENDUM OF THE ESTATE OF [redacted] A DECEASED MINOR AND [redacted]
Plaintiff(s)

vs

No. [redacted]

[redacted], [redacted] NISSAN , USA, NISSAN NORTH AMERICA, INC., NISSAN WORLD OF SPRINGFIELD, NISSAN MOTOR COMPANY, LTD., HARMONY JUVENILE PRODUCTS, EVENFLO COMPANY, INC., AND EVENFLO JUVENILE PRODUCTS COMPANY, INDIVIDUALLY AND JOINTLY
Defendant(s)

CIVIL ACTION
JURY TRIAL DEMANDED

WRIT OF SUMMONS

TO: [redacted] NISSAN , USA, NISSAN NORTH AMERICA, INC., NISSAN WORLD OF SPRINGFIELD, NISSAN MOTOR COMPANY, LTD., HARMONY JUVENILE PRODUCTS, EVENFLO COMPANY, INC., AND EVENFLO JUVENILE PRODUCTS COMPANY, INDIVIDUALLY AND JOINTLY

You are notified that [redacted] ADMINISTRATRIX AD PROSEQUENDUM OF THE ESTATE OF [redacted] A DECEASED MINOR, [redacted] ADMINISTRATOR AD PROSEQUENDUM OF THE ESTATE OF [redacted] A DECEASED MINOR AND [redacted]
(Name(s) of Plaintiff(s))

has (have) commenced an action against you.

Date SEPTEMBER 14, 2018

Holly Ruggiero
Prothonotary

By [redacted]
Deputy

Attorney Name: JOHN R. VIVIAN, JR., ESQ.
Address: 831 LEHIGH STREET
EASTON, PA 18042
Telephone No. 610-258-6625
Attorney for Plaintiff(s)

A TRUE COPY
ATTEST:

HOLLY RUGGIERO
CLERK OF COURT
CIVIL/PROTHONOTARY
[redacted]

EXHIBIT No. 2

CountySuite CIVIL COURT

CASE DETAILS

STEFANY STEPHENS vs. DAVID B GETZ

Public Web User Home Help [redacted]

Close

Date filed: 09/14/2018 01:33 PM

Days Open: 699

Date closed:

Status: OPEN

CIVIL: TORT - MOTOR VEHICLE

Plaintiff

Name: [redacted]

Address: NEWARK NJ [redacted]

HOME

vs.

Defendant

Name: [redacted]

Address: EASTON PA [redacted]

Attorney

Name: JOHN R VIVIAN, JR, ESQ

Address: 831 LEHIGH STREET
EASTON PA 18042
6102586625

ATTORNEY ADDRESS

Attorney (Defendant)

Name: G CHRISTOPHER PARRISH, ESQ

Address: FORRY ULLMAN
1 BETHLEHEM PLAZA
STE 400 BROAD & NEW STREETS
BETHLEHEM PA 18018
6109546868

Case Details

SubCategory:

Commencement: Writ of Summons

Filing Options: ☐ Pro Se ☐ Class Action Suit ☑ Money Damages ☑ Outside Arbitration Limits ☐ MDJ Appeal ☐ In Forma Pauperis

Disposition: Final: AOPC:

Public Notes:

Reference Nos.

Linked Cases

Case Number	Case Participants	Case Category	Opened	Status

Case Docket Entries

Date	Category	Description
3/23/2020	ORDER OF COURT	ORDER OF COURTDATED MARCH 23, 2020 FILED WHEREIN IT IS...
2/12/2020	RESULT OF CALL OF LIST	RESULT OF THE CALL OF THE MISCELLANEOUS HEARING LIST -...
2/12/2020	MEMORANDUM	PLAINTIFF'S BENCH MEMORANDA RE: COMMONWEALTH MOTION TO...
2/12/2020	ANSWER TO MOTION	PLAINTIFF [redacted] ANSWER TO COMMONWEALTH OF...
2/6/2020	MOTION	MOTION TO QUASH, OR IN THE ALTERNATIVE, A MOTION TO ST...
12/30/2019	CERTIFICATE PRE-REQUISITE	CERTIFICATE PRE-REQUISITE TO SERVICE OF A SUBPOENA PUR...
11/25/2019	STATUS CONFERENCE ORDER	STATUS CONFERENCE ORDER DATED NOVEMBER 20, 2019 FILED....
10/23/2019	ENTRY OF APPEARANCE	ENTRY OF APPEARANCE ON BEHALF OF HARMONY JUVENILE PROD...
10/2/2019	STATUS CONFERENCE	STATUS CONFERENCE scheduled for 11/20/2019 10:00 AM in...
8/15/2019	STATUS CONFERENCE ORDER	STATUS CONFERENCE ORDER DATED AUGUST 14, 2019 FILED. ...
6/27/2019	STATUS CONFERENCE	STATUS CONFERENCE scheduled for 8/14/2019 10:00 AM in ...
6/21/2019	STATUS CONFERENCE ORDER	STATUS CONFERENCE ORDER DATED JUNE 19, 2019 FILED. BAR...
6/3/2019	FILE ONLY	FILE ONLY

6/3/2019	PRAECIPE TO RE-ISSUE	PRAECIPE TO RE-ISSUE WRIT OF SUMMONS FILED BY JOHN R. ...
4/25/2019	STATUS CONFERENCE	STATUS CONFERENCE scheduled for 6/19/2019 9:00 AM in M...
4/1/2019	ENTRY OF APPEARANCE	ENTRY OF APPEARANCE ON BEHALF OF NISSAN MOTOR CO., LTD...
3/4/2019	PRAECIPE TO WITHDRAW	PRAECIPE TO WITHDRAW RULE TO FILE COMPLAINT FILED BY R...
2/14/2019	STATUS CONFERENCE ORDER	STATUS CONFERENCE ORDER DATED FEBRUARY 12, 2019 FILED....
2/11/2019	PRAECIPE FOR RULE TO FILE	PRAECIPE AND RULE TO FILE COMPLAINT FILED BY [redacted]
2/11/2019	ENTRY OF APPEARANCE	ENTRY OF APPEARANCE ON BEHALF OF [redacted] FILED BY...
1/18/2019	AFFIDAVIT OF SERVICE	AFFIDAVIT OF SERVICE FILED BY JOHN R. VIVIAN, JR., ESQ...
1/8/2019	STATUS CONFERENCE	STATUS CONFERENCE scheduled for 2/12/2019 1:00 PM in M...
12/24/2018	ENTRY OF APPEARANCE	ENTRY OF APPEARANCE ON BEHALF OF NISSAN WORLD OF SPRIN...
12/24/2018	WITHDRAWAL OF APPEARANCE	WITHDRAWAL OF APPEARANCE ON BEHALF OF NISSAN WORLD OF ...
12/17/2018	ENTRY OF APPEARANCE	ENTRY OF APPEARANCE AND JURY DEMAND ON BEHALF OF EVENF...
12/10/2018	ENTRY OF APPEARANCE	PRAECIPE FOR ENTRY OF APPEARANCE ON BEHALF OF [redacted].
11/14/2018	FILE ONLY	FILE ONLY
11/14/2018	PRAECIPE TO RE-ISSUE	PRAECIPE TO RE-ISSUE WRIT OF SUMMONS FILED BY JOHN R. ...
11/13/2018	ENTRY OF APPEARANCE	ENTRY OF APPEARANCE ON BEHALF OF NISSAN WORLD OF SPRIN...
10/11/2018	ENTRY OF APPEARANCE	ENTRY OF APPEARANCE ON BEHALF OF NISSAN NORTH AMERICA,...
9/28/2018	RETURN OF SERVICE SUBMITTED	Sheriff's Return - Civil Action - Standard - Complaint...
9/14/2018	ENTRY OF APPEARANCE	ENTRY OF APPEARANCE ON BEHALF OF PLAINTIFFS, [redacted]
9/14/2018	SERVICE-EXIT TO SHERIFF	SERVICE-EXIT TO SHERIFF ON 9/14/18
9/14/2018	PRAECIPE FOR SUMMONS	PRAECIPE FOR SUMMONS FILED BY JOHN R. VIVIAN, JR., ESQ...
9/14/2018	CASE CAPTION	CASE CAPTION IS [redacted] ADMINISTRATRIX AD PR...

Case Judgments

Date	Creditor	Debtor	Disposition	Amount	...

EXHIBIT No. 3


harmony
harmony






MODEL #: 0303007TST
NAME: Dreamtime 2 Deluxe Comfort Booster Seat
SERIAL #: 0303007TST 0122 114956
MANUFACTURED IN: 2015/01/22
HARMONY JUVENILE PRODUCTS
1600 53rd St., North Bergen, NJ 07047 1-877-306-1001
Date of delivery
Made in Ningbo, China

EXHIBIT No. 4

Englund, Nick

From: Harmony <info@harmonyjuvenile.com>
Sent: Wednesday, November 20, 2019 11:58 AM
To: 'Wolfe, Elizabeth (NHTSA)'
Cc: 'Topka, Tanya (NHTSA)'
Subject: RE: Child restraint fatality notice
Attachments: ChildRestraintsDi_Pennsylvania.xlsx

Hello Elizabeth, Hello Tanya,

I am sorry to report that there has been a death and it is the one your flagged in Pennsylvania.

While we do have counsel now appointed to defend in this case, I do not have any formal details – including confirmation of the seat, model, etc. Until I have some formal information to validate that it was, in fact, our seat and that (as per your email with the lawsuit with Nissan) it was the Dreamtime 2…I have reported the death in the attached file but left the other information blank for now. Of course, I will update that as soon as confirmations are presented to us.

There seems to be some very conflicting information surrounding this crash that needs further clarification. First, we know now that both children died but in my attached file – I only specified 1 child having to do with the alleged Harmony seat. Please confirm I reported that correctly.

Kindly find a link to the accident:
[redacted]

In your Nissan file to me, it reads as if the child in the Harmony seat was ejected from the car while the other child did not. The local news at the scene seems to have reported that both children were ejected. And, my lawyer communicated to me verbally that the 2nd child was not ejected fully from the car but was found out of the carseat. I only bring this up because it is going to be some time before the details are sorted out and that we can not only report to you properly, but also to launch a proper investigation.

Please confirm if I have completed the attached file in a way that is acceptable to you, and of course – I will continue to add detail as information is reported to us…

Best regards,
Mike

From: Wolfe, Elizabeth (NHTSA) <elizabeth.wolfe@dot.gov>
Sent: November 7, 2019 2:11 PM
To: Michael Noah <info@harmonyjuvenile.com>
Cc: Topka, Tanya (NHTSA) <tanya.topka@dot.gov>
Subject: RE: Child restraint fatality notice

Hello Mike,

Thanks again for reaching out and talking today. Here is a copy of the civil suit that you were named a defendant in from the fatality that occurred on September 14, 2016. As we discussed, please review your records, including the notification of legal action that you received yesterday from Portland, Oregon, and reconcile if this 2016 PA case is, or is not, the same fatality case.

If yes, please let me know at your earliest convenience so we may begin the documentation process for EWR. If not, still let me know as both the 2016 PA fatality, and the one you were notified of from Portland, OR, both have to be reported.

I will reach back out to you on December 2nd, 2019 when I return from holiday leave if I have not heard from you by then. If you have any questions or concerns in the meantime please let me know.

Best,

Beth Wolfe, DHS, ATC
Safety Defect Analyst
Department of Transportation
National Highway Traffic Safety Administration
1200 New Jersey Avenue SE., Washington, DC 20590
Office: 202-366-3976

From: Michael Noah [mailto:info@harmonyjuvenile.com]
Sent: Thursday, November 7, 2019 10:49 AM
To: Wolfe, Elizabeth (NHTSA) <elizabeth.wolfe@dot.gov>
Cc: Topka, Tanya (NHTSA) <tanya.topka@dot.gov>
Subject: Re: Child restraint fatality notice

Thank you, Beth....anytime you are free is much appreciated!

Can you kindly call me at 1-514-234-4566 when you are available? I'll look for your call. My only conference call today is between 2-3pm.

Thank you,
Mike

Get Outlook for Android

On Thu, Nov 7, 2019 at 10:43 AM -0500, "Wolfe, Elizabeth (NHTSA)" <elizabeth.wolfe@dot.gov> wrote:

> Hello Mike,
>
> I'm sorry I missed your call; I've been away from my desk this morning. Would you have time to talk at 12:30p EST today?
>
> Beth
>
> ---
>
> **From:** Harmony [mailto:info@harmonyjuvenile.com]
> **Sent:** Thursday, November 7, 2019 10:22 AM

To: Wolfe, Elizabeth (NHTSA) <elizabeth.wolfe@dot.gov>
Cc: Topka, Tanya (NHTSA) <tanya.topka@dot.gov>
Subject: RE: Child restraint fatality notice

Good morning Beth,

Can you please call me urgently at 1-514-234-4566? I just tried calling you but got your machine…

Best regards,
Mike

From: Wolfe, Elizabeth (NHTSA) <elizabeth.wolfe@dot.gov>
Sent: November 7, 2019 9:58 AM
To: Harmony <info@harmonyjuvenile.com>
Cc: Topka, Tanya (NHTSA) <tanya.topka@dot.gov>
Subject: Child restraint fatality notice

Hello Mike,

In our outreach phone call with you on September 25, 2019, you stated that Harmony Juvenile Products had not had any reportable deaths or injuries since 2014. However, NHTSA has been made aware of a fatality that occurred in Pennsylvania on September 14, 2016 that involved a Harmony Juvenile Products booster seat. After reviewing our death and injury records, we do not have this fatality in our Artemis database or in any of your quarterly EWR submissions. You can find the death and injury reporting requirements in 49 CFR 579.25.

To remedy this issue, please review your files and provide to us any documentation you may have regarding this fatality from September 14, 2016. Additionally, please review your records and processes to identify all fatalities and injuries that have you been notified of that involves one of your manufactured child restraints. If there are any outstanding reports or cases that have not yet been submitted to NHTSA please notify me so that we can begin reconciling your records.

If you have any other questions or concerns regarding the September 14, 2016 fatality please let me know.

Sincerely,

NHTSA

Beth Wolfe, DHS, ATC
Safety Defect Analyst
Department of Transportation
National Highway Traffic Safety Administration
1200 New Jersey Avenue SE., Washington, DC 20590
Office: 202-366-3976

InfoName	InfoValue
ManufacturerName	Harmony Juvenile Products
ReportQuarter	
ReportYear	
ReportName	ChildRestraintsDI
ReportVersion	
ReportGeneratedDate	11/20/2019
ReportContactName	Michael Noah
ReportContactEmail	info@harmonyjuvenile.com
ReportContactPhone	514-2344566
NHTSATemplateRevisionNo	1.2



SeqID	ManUniqueID	Make	Model	ProdYear	IncidentDate	NumDeaths	NumInjuries	StateOrFCntry	SysOrCompA	SysOrCompB
		Harmony			09/14/2016	1		Pennsylvania		

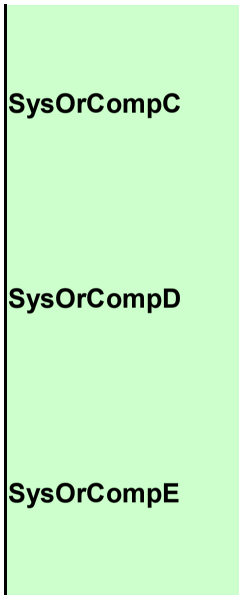

SysOrCompC
SysOrCompD
SysOrCompE

EXHIBIT No. 5

Englund, Nick

From: Wolfe, Elizabeth (NHTSA) <elizabeth.wolfe@dot.gov>
Sent: Thursday, December 19, 2019 6:19 AM
To: Harmony
Cc: Topka, Tanya (NHTSA)
Subject: RE: Child restraint fatality notice

Hello Michael,

Yes you are correct and that is my error. Please submit this DI with your 2019 Q4 submission.

Happy holidays,

Beth Wolfe, DHS, ATC, CPST
Safety Defect Analyst
Trends Analysis Division
Office of Defects Investigation
U.S. Department of Transportation
National Highway Traffic Safety Administration
1200 New Jersey Avenue SE., Washington, DC 20590
Office: 202-366-3976

From: Harmony [mailto:info@harmonyjuvenile.com]
Sent: Thursday, December 19, 2019 6:15 AM
To: Wolfe, Elizabeth (NHTSA) <elizabeth.wolfe@dot.gov>
Cc: Topka, Tanya (NHTSA) <tanya.topka@dot.gov>
Subject: RE: Child restraint fatality notice

Good morning Beth,

Many thanks.

Last we spoke, I believe we had discussed sending you the completed form and then I would resubmit the form with any updates in the next EWR submission. Kindly advise if that is still ok considering it is just a few weeks away…I will have the updates just after New Years.

In the meantime, Happy Holidays and all the best for a Happy, Healthy and Joyous New Year!

Best regards,
Michael

From: Wolfe, Elizabeth (NHTSA) <elizabeth.wolfe@dot.gov>
Sent: December 17, 2019 7:15 AM
To: Harmony <info@harmonyjuvenile.com>

Cc: Topka, Tanya (NHTSA) <tanya.topka@dot.gov>
Subject: RE: Child restraint fatality notice

Hello Mike,

For the D&I spreadsheet that you emailed on 11/20/19, did you submit/upload this D&I into our Artemis system? If you have not done so, please submit your D&I through the same channels as you are currently submitting your quarterly reports (e.g., either through the manufacturer login or through our Artemis Helpdesk).

If you have any issues submitting this let me know; I am happy to help.

Best,



Beth Wolfe, DHS, ATC, CPST
Safety Defect Analyst
Trends Analysis Division
Office of Defects Investigation
U.S. Department of Transportation
National Highway Traffic Safety Administration
1200 New Jersey Avenue SE., Washington, DC 20590
Office: 202-366-3976

From: Wolfe, Elizabeth (NHTSA)
Sent: Monday, December 2, 2019 10:52 AM
To: Harmony <info@harmonyjuvenile.com>
Cc: Topka, Tanya (NHTSA) <tanya.topka@dot.gov>
Subject: RE: Child restraint fatality notice

Hello Mike,

Thank you for the additional information and sorry for the delay. We are reviewing your information and may contact you in the future for additional information.

Best,



Beth Wolfe, DHS, ATC
Safety Defect Analyst
Department of Transportation
National Highway Traffic Safety Administration
1200 New Jersey Avenue SE., Washington, DC 20590
Office: 202-366-3976

From: Harmony [mailto:info@harmonyjuvenile.com]
Sent: Wednesday, November 20, 2019 11:58 AM
To: Wolfe, Elizabeth (NHTSA) <elizabeth.wolfe@dot.gov>
Cc: Topka, Tanya (NHTSA) <tanya.topka@dot.gov>
Subject: RE: Child restraint fatality notice

Hello Elizabeth, Hello Tanya,

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While we do have counsel now appointed to defend in this case, I do not have any formal details – including confirmation of the seat, model, etc. Until I have some formal information to validate that it was, in fact, our seat and that (as per your email with the lawsuit with Nissan) it was the Dreamtime 2…I have reported the death in the attached file but left the other information blank for now. Of course, I will update that as soon as confirmations are presented to us.

There seems to be some very conflicting information surrounding this crash that needs further clarification. First, we know now that both children died but in my attached file – I only specified 1 child having to do with the alleged Harmony seat. Please confirm I reported that correctly.

Kindly find a link to the accident:
[redacted]

In your Nissan file to me, it reads as if the child in the Harmony seat was ejected from the car while the other child did not. The local news at the scene seems to have reported that both children were ejected. And, my lawyer communicated to me verbally that the 2nd child was not ejected fully from the car but was found out of the carseat. I only bring this up because it is going to be some time before the details are sorted out and that we can not only report to you properly, but also to launch a proper investigation.

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Mike

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Subject: RE: Child restraint fatality notice

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Beth Wolfe, DHS, ATC
Safety Defect Analyst
Department of Transportation
National Highway Traffic Safety Administration
1200 New Jersey Avenue SE., Washington, DC 20590
Office: 202-366-3976

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Cc: Topka, Tanya (NHTSA) <tanya.topka@dot.gov>
Subject: Re: Child restraint fatality notice

Thank you, Beth....anytime you are free is much appreciated!

Can you kindly call me at 1-514-234-4566 when you are available? I'll look for your call. My only conference call today is between 2-3pm.

Thank you,
Mike

Get Outlook for Android

On Thu, Nov 7, 2019 at 10:43 AM -0500, "Wolfe, Elizabeth (NHTSA)" <elizabeth.wolfe@dot.gov> wrote:

> Hello Mike,
>
> I'm sorry I missed your call; I've been away from my desk this morning. Would you have time to talk at 12:30p EST today?
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> Beth
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> **From:** Harmony [mailto:info@harmonyjuvenile.com]
> **Sent:** Thursday, November 7, 2019 10:22 AM
> **To:** Wolfe, Elizabeth (NHTSA) <elizabeth.wolfe@dot.gov>
> **Cc:** Topka, Tanya (NHTSA) <tanya.topka@dot.gov>
> **Subject:** RE: Child restraint fatality notice
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> Good morning Beth,
>
> Can you please call me urgently at 1-514-234-4566? I just tried calling you but got your machine…
>
> Best regards,
> Mike

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If you have any other questions or concerns regarding the September 14, 2016 fatality please let me know.

Sincerely,

NHTSA

Beth Wolfe, DHS, ATC
Safety Defect Analyst
Department of Transportation
National Highway Traffic Safety Administration
1200 New Jersey Avenue SE., Washington, DC 20590
Office: 202-366-3976

EXHIBIT No. 6

WILSON ELSER
WILSON ELSER MOSKOWITZ EDELMAN & DICKER LLP

Robert D. Sullivan, Jr.
914.872.7727 (direct)
Robert.Sullivan@wilsonelser.com

March 30, 2020

BY FIRST CLASS MAIL

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
OFFICE OF DEFECTS INVESTIGATION
1200 New Jersey Avenue SE
Washington, DC 20590

Attention: Tanya Topka
Chief-Trends Analysis Division

Re: NEF-108sd
DI20-001

Dear Ms. Topka:

We represent Harmony Juvenile Products ("Harmony"). Here are Harmony's responses to NHTSA ODI's March 10, 2020 additional-information requests.

Very truly yours,

Wilson, Elser, Moskowitz, Edelman & Dicker LLP

Robert D. Sullivan, Jr.

Robert D. Sullivan, Jr.

Enclosures

NEF-108sd
DI20-001

Sequence ID: 1

1. **Provide a complete copy of the initial claim or notice document(s) that notified Harmony of the incident, excluding: (a) medical documents and bills, except those showing the cause of death or injury; (b) property damage invoices or estimates; and (c) documents related to damages.**

   Attached as Exhibit A is the June 3, 2019 letter from the Law Offices of John R. Vivian, Jr., which enclosed a write of summons, providing notice of the incident.

   - **Identify the source of the information. Exhibit A.**

     Harmony provided Exhibit A to Wilson Elser, Harmony's attorneys.

   - **Indicate the last date the information was gathered.**

     The information is current as of the date of this response.

2. **Provide a copy of any related Police Accident Report that is in your possession.**

   Attached as Exhibit B is the Commonwealth of Pennsylvania Police Crash Report.

3. **Provide copies of any and all electronic data recorder (EDR) reports related to the incident at issue.**

   We have no EDR reports related to the incident at issue.

4. **Provide Harmony's assessment of the circumstances that led to the incident including Harmony's analysis of the claim and/or notice regarding allegations of defect.**

   To date, Harmony has not taken possession of the equipment from claimants' counsel to conduct a forensic investigation.

   The driver of the vehicle is suspected to have operated the vehicle under the influence of alcohol or drugs, or both. On March 3, 2018, the Northampton County District Attorney's Office filed criminal charges of homicide by vehicle and involuntary manslaughter against the driver. Those charges remain pending.

   - **Identify the source of the information. Exhibits B and C.**

     Attached as Exhibit B is the Commonwealth of Pennsylvania Police Crash Report.

Attached as Exhibit C is the February 7, 2020 motion to quash filed by the Pennsylvania State Police. See paragraph 5 regarding the pending criminal charges.

- **Indicate the last date the information was gathered.**

The information is current as of the date of this response.

Exhibit A

A

REQUEST
FOR SERVICE ABROAD OF JUDICIAL OR EXTRA JUDICIAL DOCUMENTS

DEMANDE
AUX FINS DE SIGNIFICATION OU DE NOTIFICATION A L'ETRANGER
D'UN ACTE JUDICIARE OU EXTRAJUDICIAIRE

Convention on the service abroad of judicial and extrajudicial documents in civil or commercial matters, signed at The Hague, November 15, 1965

Convention relative à la signification et à la notification à l'étranger des actes judiciaires ou extrajudiciaires en matierè civile ou commerciale, signée à La Hage, le 15 Novembrè 1965.

Identity and address of the applicant *Indentité et adresse du requérant*	**Address of receiving authority** *Adrese de l'autorité destinataire*
L. Celeste Ingalls** **Crowe Foreign Services** **1020 SW Taylor Street, Suite 240** **Portland, Oregon 97205** **USA** **Email: Lci@foreignservices.com** **Fax Number: 1-503-222-3950**	**Central Authority Quebec/Dept. of Justice** **1200 route de l'Eglise, 2nd Floor** **Ste-Foy, Quebec** **Canada G1V 4M1** **T (418) 643-1436 ext. 20748 F (418) 646-1696**

The undersigned applicant has the honour to transmit - in duplicate - the documents listed below and, in conformity with article 5 of the above-mentioned Convention, requests prompt service of one copy thereof on the addressee, i.e.,
(identity and address)
Le requérant soussigné a l'honneur de faire parvenir - en double exemplaire - a l'autorité destinataire les documents ci-dessous énumérés en la priant conformément à l'article 5 de la Convention précitée, d'en faire remettre sans retard un exemplaire au destinataire, savior:
(identité et adresse)

Harmony Juvenile Products
2435 Rue Guenette, Saint-Laurent, QC H4R 2E9, Canada

☑ **(a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of article 5 of the Convention.***
a) selon les formes légales (article 5, alinéa premier, lettre a).

☐ **(b) in accordance with the following particular method (sub-paragraph (b) of the first paragraph of article 5)*:**
b) selon la forme particulière suivante (article 5, alinéa premier, lettre b): *To be served by Lillian Levy, Huissier de Justice*

☐ ~~**(c) by delivery to the addressee, if he accepts it voluntarily (second paragraph of article 5)*.**~~
~~*c) le cas échéant, par remise simple (article 5, alinéa 2).*~~

The authority is requested to return or to have returned to the applicant a copy of the documents - and of the annexes* - with a certificate as provided on the reverse side.
Cette autorité est priée de renvoyer ou de faire renvoyer au requérant un exemplaire de l'acte - et de ses annexes - avec l'attestation figurant au verso.

List of documents
Enumération des pièces

Executed "Summary" (2 pages)

*** Letter to Harmony Juvenile Products dated June 3, 2019
*** Writ of Summons

Done at Portland, Oregon, USA, the 20 **day of** June **, 2019.**
Fait à Portland, Oregon, USA, le...
Signature and/or stamp.
Signature et/ou cachet

GOKHAN GULER
CHJQ
1003
HUISSIER DE JUSTICE
SIGNIFIÉ LE
2019/07/11, 13 hrs 21
[redacted]

OFFICIAL STAMP
LYLE CELESTE INGALLS
NOTARY PUBLIC-OREGON
COMMISSION NO. 971979
MY COMMISSION EXPIRES MARCH 04, 2022

[redacted]
L. Celeste Ingalls

* **Delete if inappropriate**
Rayer les mentions inutiles

** **Authorized applicant pursuant to Rule 4(c)(2) of the Federal Rules of Civil Procedure, Public Law 97-462**
*** **with French translation**

SUMMARY OF THE DOCUMENT TO BE SERVED

ELEMENTS ESSENTIELS DE L'ACTE

Convention on the service abroad of judicial and extrajudicial documents in civil or commercial matters, signed at The Hague, November 15, 1965

Convention relative à la signification et à la notification à l'étranger des actes judiciaires et extrajudiciaires en matière civile ou commerciale, signée à La Hage, le 15 Novembre 1965.

(article 5, fourth paragraph)
(article 5, alinéa 4)

Name and address of the requesting authority:
Nom et adresse de l'autorité requérante:

L. Celeste Ingalls
Crowe Foreign Services
1020 SW Taylor Street, Suite 240
Portland, Oregon USA 97205

Particulars of the parties*:
Indentité des parties:

[redacted] ..... PLAINTIFFS
..... DEFENDANTS

JUDICIAL DOCUMENT**

ACTE JUDICIAIRE

Nature and purpose of the document:
Nature et objet de l'acte: To give notice to defendant, Harmony Juvenile Products, that a court action has been filed.

Nature and purpose of the proceedings, and, where appropriate, the amount in dispute:
Nature et objet de l' instance, le cas échéant, le montant du litige:

Notification that a Civil claim for damages in an action against Harmony Juvenile Products was filed in the Court of Common Pleas of Northampton County, Pennsylvania.

Date and place for entering appearance:**
Date et lieu de la comparution: N/A

Court which has given judgment:**
Juridiction qui a rendu la décision: N/A

Date of judgment:**
Date de la décision: N/A

Time limits stated in the document:**
Indication des délias figurant dans l'acte: N/A

AUTORITÉ CENTRALE DU QUÉBEC - MINISTÈRE DE LA JUSTICE -
MD
2019-07-08

EXTRAJUDICIAL DOCUMENT*

ACTE EXTRAJUDICIAIRE

Nature and purpose of the document:
Nature et objet de l'acte: N/A

Time limits stated in the document:**
Indication des délias figurant dans l'acte: N/A

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S'il y a lieu, identité et adresse de la personne intéressée à la transmission de l'acte.

**** Delete if inappropriate.**
Rayer les mentions inutiles.

SUMMARY OF THE DOCUMENT TO BE SERVED
PAGE 2 OF 2

Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, signed at The Hague, the 15th of November 1965
(Article 5, fourth paragraph)

Identite et adresse du destinataire / *Identity* **and address** of *the* **addressee** / --:

Harmony Juvenile Products
2435 Rue Guenette, Saint-Laurent, QC H4R 2E9, Canada

IMPORTANT



Pennsylvania Bar Association - Lawyer Referral Service
100 South Street
Harrisburg, PA 1710
1-717-238-6807

IMPORTANT

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BUREAUX JUDICIAIRE DE
John R. Vivian, Jr.
831 LEHIGH STREET
EASTON. PENNSYLVANIE 18042
-
(610) 258-6625
Télécopie (610) 258-4875
E-MAIL : JRVIVIAN@VERIZON.NET
site web: www.johnvivianjr.com

Le 3 juin 2019

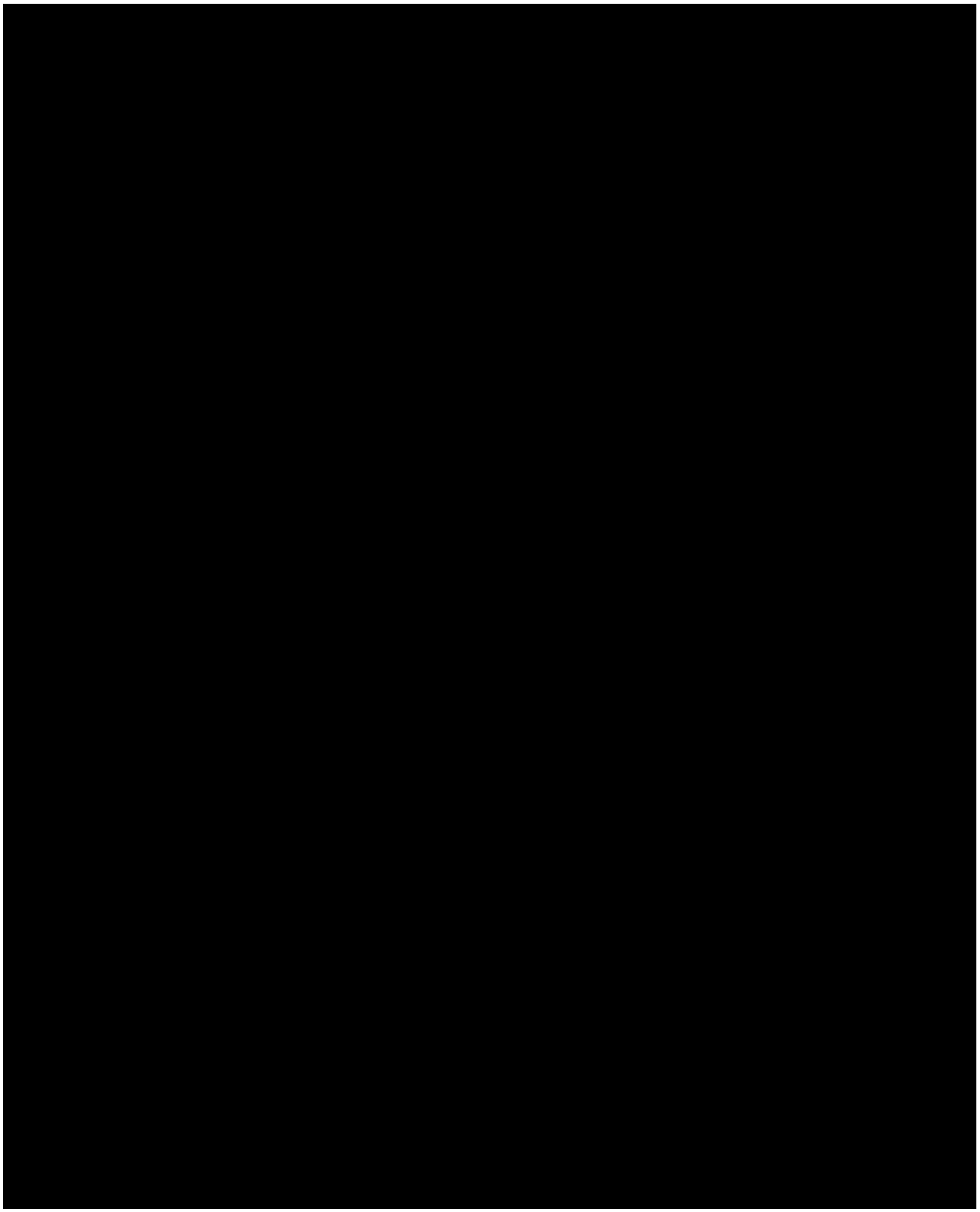
JOHN R. VIVIAN, JR.

* AVOCAT AGRÉÉ AUPRÈS DES TRIBUNAUX CIVILS PAR LE CONSEIL NATIONAL DU BARREAU
UNE AGENCE ACCRÉDITÉE DE LA COUR SUPRÊME EN PENNSYLVANIE

Harmony Juvenile Products
2435 Guenette Street
Saint-Laurent, QC H4R 2E9, Canada

IN RE: [redacted] Adm. Ad Ad Prosequendum de la succession [redacted], mineur décédé, et al. vs [redacted] et al.
No. [redacted]

[redacted]



LAW OFFICES OF
JOHN R. VIVIAN, JR.
831 LEHIGH STREET
EASTON, PENNSYLVANIA 18042
(610) 258-6625
FAX (610) 258-4875
EMAIL: JRVIVIAN@VERIZON.NET
WEBSITE: www.johnvivianjr.com

JOHN R. VIVIAN, JR. *

* CERTIFIED CIVIL TRIAL ADVOCATE BY THE NATIONAL BOARD OF TRIAL ADVOCACY.

A PENNSYLVANIA SUPREME COURT ACCREDITED AGENCY

June 3, 2019

Harmony Juvenile Products
2435 Guenette Street
Saint-Laurent, QC H4R 2E9, Canada

IN RE: [redacted] Adm., Ad Prosequendum of the [redacted], Deceased Minor, et al. vs. [redacted] et al.

To the Defendant Named in the Within Papers:

Please be advised that you are being served with a Writ of Summons. This means that a civil legal action has been instituted against you as a Defendant. You should turn these papers over to your attorney and/or any insurance carrier providing coverage to you for this type of action.

Should you have any questions about this matter, please consult with an attorney and/or insurance representative. I would prefer that any inquiry you have come from those sources. Please do not call my office directly.

Thank you for your attention to this matter.

Very truly yours,

[redacted]

JOHN R. VIVIAN, JR.

JRV:sdh
Enclosure: As stated above

IN THE COURT OF COMMON PLEAS OFNORTHAMPTON COUNTY, PENNSYLVANIA
CIVIL DIVISION

11 14 18 [redacted] Deputy

6/3/19 [redacted]

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF NORTHAMPTON

[redacted] ADMINSTRATRIX AD PROSEQUENDUM OF THE ESTATE OF [redacted] A DECEASED MINOR, [redacted] ADMINISTRATOR AD PROSEQUENDUM OF THE ESTATE OF [redacted] A DECEASED MINOR AND [redacted]
Plaintiff(s)

vs

No. [redacted]

[redacted] NISSAN , USA, NISSAN NORTH AMERICA, INC., NISSAN WORLD OF SPRINGFIELD, NISSAN MOTOR COMPANY, LTD., HARMONY JUVENILE PRODUCTS, EVENFLO COMPANY, INC., AND EVENFLO JUVENILE PRODUCTS COMPANY, INDIVIDUALLY AND JOINTLY
Defendant(s)

CIVIL ACTION
JURY TRIAL DEMANDED

WRIT OF SUMMONS

TO: [redacted] NISSAN , USA, NISSAN NORTH AMERICA, INC., NISSAN WORLD OF SPRINGFIELD, NISSAN MOTOR COMPANY, LTD., HARMONY JUVENILE PRODUCTS, EVENFLO COMPANY, INC., AND EVENFLO JUVENILE PRODUCTS COMPANY, INDIVIDUALLY AND JOINTLY

You are notified that [redacted] ADMINISTRATRIX AD PROSEQUENDUM OF THE ESTATE OF [redacted] A DECEASED MINOR, [redacted] ADMINISTRATOR AD PROSEQUENDUM OF THE ESTATE OF [redacted] A DECEASED MINOR AND [redacted]
(Name(s) of Plaintiff(s))

has (have) commenced an action against you.

Date SEPTEMBER 14, 2018

Holly Ruggiero
Prothonotary

By [redacted]
Deputy

Attorney Name: JOHN R. VIVIAN, JR., ESQ.
Address: 831 LEHIGH STREET
EASTON, PA 18042
Telephone No. 610-258-6625
Attorney for Plaintiff(s)

A TRUE COPY
ATTEST:

HOLLY RUGGIERO
CLERK OF COURT
CIVIL/PROTHONOTARY

[redacted]

Exhibit B

AA-500 TX

Incident Number: [redacted]

Commonwealth of Pennsylvania
Police Crash Report

REPORTABLE CRASH

Crash Involves:

(●) DUI (●) Fatality ( ) Hit and Run ( ) Commercial Vehicle ( ) State Police Vehicle ( ) Local Police Vehicle
( ) N/A ( ) Work Zone ( ) ATV ( ) Snowmobile ( ) Commonwealth Vehicle ( ) Local Gov Vehicle

Police Agency Data

Agency Name	Case Closed	Patrol Zone	Investigation Date
PA STATE POLICE - BELFAST	NO	M0637	[redacted]

Dispatch Time	Arrival Time	Investigator	Badge Number
01:00 hrs.	01:04 hrs.	ECK, ROBERT	11139

Approval Date	Reviewer	Reviewer Badge Number
10/04/2016	SCHNEIDER, MICHAEL R	06670

Crash Data

Date of Crash	Time of Crash	Day of the Week	Crash Description
[redacted]	00:56 hrs.	WEDNESDAY	HIT FIXED OBJECT

County	Municipality
NORTHAMPTON	LOWER SAUCON TWP

Weather Conditions	Relation to Roadway
NO ADVERSE CONDITIONS	SHOULDER

Illumination	Road Surface Conditions
DARK-NO STREET LIGHTS	DRY

# of Units	# of People	# of Injured	# Killed	EMS Agency	Medical Facility
003	006	004	002	DEWEY EMS	LEHIGH VALLEY CEDAR CREST

School Bus Related	School Zone Related	PennDOT Property Damaged	Type of Intersection	Special Location
NO	NO	NO	MIDBLOCK	NOT APPLICABLE

Work Zone

Work Zone	Work Zone Type	Where in Work Zone
NO		

Speed Limit	Workers Present	Officer Present	Work Zone Characteristics
			[ ] Lane Closure [ ] Road Closed with Detour [ ] Work on Shoulder or Median [ ] Intermittent or Moving Work [ ] Flagger Control [ ] Other

Principal Road

Route Signing	Route Number	Segment Number	Travel Lanes	Speed Limit	Orientation
INTERSTATE(NOT TURNPIKE)	0078		05	65 MPH	EAST

House Number	Street Name	St. Ending
	I-78	HIGHWAY

Intersecting Rd.

Used in Intersection Crashes

Route Signing	Route Number	Segment Number	Travel Lanes	Speed Limit	Orientation

Street Name	St. Ending

Distance From Landmark

Used for Mid-Block Crashes

Landmark 1

Route Number	Or Mile Post	Tenths	Delimiting Road Type	Ramp Use Only	Feet

Street Name	Street Ending	Or Miles	Tenths
		00	1

Landmark 2

Route Number	Or Mile Post	Tenths	Delimiting Road Type	Ramp Use Only

Street Name	Street Ending
REDINGTON	ROAD

The above entry is the distance from the Crash Scene to Landmark 1

GPS

Latitude:	Degrees	Minutes	Seconds	Decimal	Longitude:	Degrees	Minutes	Seconds	Decimal
	40	37	47	512	-	75	16	45	450

TCD

Traffic Control Device	Traffic Control Functioning
NOT APPLICABLE	NO CONTROLS

Lane

Lane Closed	Lane Closure Direction	Traffic Detoured	Estimated Time Closed
FULLY	EAST	YES	> 9 HRS

Event Information

Environmental / Roadway Potential Factors (E/R)

Factor 1	Factor 2	Factor 3
NONE		

First Harmful Event in the Crash		Most Harmful Event in the Crash	
Unit Number	Harmful Event	Unit Number	Harmful Event
001	HIT GUARD RAIL	001	HIT GUARD RAIL

Indicated Prime Factor	Unit Number	Prime Factor Driver Action
DRIVER ACTION	001	UNKNOWN

Prime Factor Enviromental/Roadway	Prime Factor Vehicle Failure	Prime Factor Pedestrian Action

Road Surface Type	Special Jurisdiction
BLACKTOP	NO SPECIAL JURISDICTION

Commonwealth of Pennsylvania
Police Crash Report

REPORTABLE CRASH

(●) DUI (●) Fatality ( ) Hit and Run ( ) Commercial Vehicle ( ) State Police Vehicle ( ) Local Police Vehicle
( ) N/A ( ) Work Zone ( ) ATV ( ) Snowmobile ( ) Commonwealth Vehicle ( ) Local Gov Vehicle

Driver/Pedestrian Information

Unit Number	Type Unit	Commercial Vehicle
1	Motor Vehicle In Transport	No

First Name	MI	Last Name	Suffix	DOB	Telephone Number
[redacted]		[redacted]		[redacted]	[redacted]

Street Address	City	State	Zip Code
[redacted]	NEWARK	NJ	[redacted]

Gender	License Number	License State	Class	Expiration Date	Owner/Driver
FEMALE	[redacted]	NJ	D	09/30/2018	PRIVATE VEHICLE OWNED/LEASED BY DRIVER

Driver Presence	Physical Condition	Alcohol/Drugs Suspected	Alcohol Test Type	Alcohol Test Results
DRIVER OPERATED VEHICLE	UNKNOWN	ALCOHOL AND DRUGS	BLOOD	UNKNOWN RESULTS

Violation 1	Charged	Violation 2	Charged
3309 Driving on roadways laned for traffic	NO		
Violation 3	Charged	Violation 4	Charged

Driver Action: UNKNOWN

Pedestrian Action	Pedestrian Signals	Pedestrian Clothing	Pedestrian Location

	Left or Right Side	Most Harmful	Utility Pole Number
1st Harmful Event: HIT GUARD RAIL	RIGHT SIDE OF	YES	
2nd Harmful Event: STRUCK BY UNIT 2	Left or Right Side	NO	Utility Pole Number
3rd Harmful Event: STRUCK BY UNIT 3	Left or Right Side	NO	Utility Pole Number
4th Harmful Event	Left or Right Side	Most Harmful	Utility Pole Number

Vehicle Information

Owner First Name	Owner MI	Owner Last Name or Business Name	Suffix
[redacted]		[redacted]	

Street Address	City	State	Zip Code
[redacted]	NEWARK	NJ	[redacted]

Vehicle Type	Special Usage	Government Equipment Number
AUTOMOBILE	NOT APPLICABLE	

Model Year	Vehicle Make	Vehicle Model	Vehicle Color	VIN
2011	NISSAN	VERSA	BLACK	3N1BC1CP0[redacted]

License Plate	Reg. State	Est. Speed	Vehicle Towed	Towed By
[redacted]	NJ	099	YES	FAST LANE TOWING

Insurance	Insurance Company	Policy Number	Expiration Date
YES	PROGRESSIVE	[redacted]	11/23/2016

Direction of Travel	Vehicle Position	Vehicle Movement	Initial Impact Point
EAST	LEFT LANE	GOING STRAIGHT	12 O'CLOCK

Damage Indicator	Gradient	Road Alignment	Possible Vehicle Failures
DISABLING	DOWNHILL	STRAIGHT	NONE

Trailing Units

# of Units	Type Unit 1	Tag Number	Tag Year	Tag State
0				

Unit Make	Unit Owner

Type Unit 2	Tag Number	Tag Year	Tag State

Unit Make	Unit Owner

Motorcycle

Engine Size	Passenger?	Saddle Bag/Trunk?	Trailer?	Driver Education?
cc				

	Helmet Stayed On?	DOT/Snell Designation?	Eye Protection?	Long Sleeves?	Long Pants?	Over Ankle Boots?
Driver Helmet Type						
Passenger Helmet Type						

Pedalcycle

Passenger?	Helmet?
Head Lights?	Rear Reflectors?

Incident Number: [redacted]

Commonwealth of Pennsylvania
Police Crash Report

REPORTABLE CRASH

Crash Involves:

(●) DUI (●) Fatality ( ) Hit and Run ( ) Commercial Vehicle ( ) State Police Vehicle ( ) Local Police Vehicle

( ) N/A ( ) Work Zone ( ) ATV ( ) Snowmobile ( ) Commonwealth Vehicle ( ) Local Gov Vehicle

Driver/Pedestrian Information

Unit Number	Type Unit	Commercial Vehicle
2	Motor Vehicle In Transport	No

First Name	MI	Last Name	Suffix	DOB	Telephone Number
[redacted]	[redacted]	[redacted]	Jr	[redacted]	[redacted]

Street Address	City	State	Zip Code
332 W ST JOSEPH STREET, APT. B	EASTON	PA	18042

Gender	License Number	License State	Class	Expiration Date	Owner/Driver
MALE	[redacted]	PA	C	05/29/2020	PRIVATE VEHICLE OWNED/LEASED BY DRIVER

Driver Presence	Physical Condition	Alcohol/Drugs Suspected	Alcohol Test Type	Alcohol Test Results
DRIVER OPERATED VEHICLE	APPARENTLY NORMAL	NO	TEST NOT GIVEN	

Violation 1	Charged	Violation 2	Charged
Violation 3	**Charged**	**Violation 4**	**Charged**

Driver Action: NO CONTRIBUTING ACTION

Pedestrian Action	Pedestrian Signals	Pedestrian Clothing	Pedestrian Location

Harmful Event	Left or Right Side	Most Harmful	Utility Pole Number
1st Harmful Event: HIT UNIT 1		YES	
2nd Harmful Event		Most Harmful	Utility Pole Number
3rd Harmful Event		Most Harmful	Utility Pole Number
4th Harmful Event		Most Harmful	Utility Pole Number

Vehicle Information

Owner First Name	Owner MI	Owner Last Name or Business Name	Suffix
[redacted]	B	GETZ	Jr

Street Address	City	State	Zip Code
[redacted]	EASTON	PA	[redacted]

Vehicle Type	Special Usage	Government Equipment Number
AUTOMOBILE	NOT APPLICABLE	

Model Year	Vehicle Make	Vehicle Model	Vehicle Color	VIN
2014	KIA	FORTE	BLACK	KNAFK4A66[redacted]

License Plate	Reg. State	Est. Speed	Vehicle Towed	Towed By
[redacted]	PA	070	YES	FAST LANE TOWING

Insurance	Insurance Company	Policy Number	Expiration Date
YES	STATE FARM	[redacted]	11/23/2016

Direction of Travel	Vehicle Position	Vehicle Movement	Initial Impact Point
EAST	LEFT LANE	GOING STRAIGHT	1 O'CLOCK

Damage Indicator	Gradient	Road Alignment	Possible Vehicle Failures
DISABLING	DOWNHILL	STRAIGHT	NONE

Trailing Units

# of Units	Type Unit 1	Tag Number	Tag Year	Tag State
0				

Unit Make	Unit Owner

Type Unit 2	Tag Number	Tag Year	Tag State

Unit Make	Unit Owner

Motorcycle

Engine Size	Passenger?	Saddle Bag/Trunk?	Trailer?	Driver Education?
cc				

	Helmet Stayed On?	DOT/Snell Designation?	Eye Protection?	Long Sleeves?	Long Pants?	Over Ankle Boots?
Driver Helmet Type						
Passenger Helmet Type						

Pedalcycle

Passenger?	Helmet?

Head Lights?	Rear Reflectors?

Commonwealth of Pennsylvania
Police Crash Report

Crash Involves:
(●) DUI (●) Fatality ( ) Hit and Run ( ) Commercial Vehicle
( ) N/A ( ) Work Zone ( ) ATV ( ) Snowmobile

REPORTABLE CRASH
( ) State Police Vehicle ( ) Local Police Vehicle
( ) Commonwealth Vehicle ( ) Local Gov Vehicle

Driver/Pedestrian Information

Unit Number	Type Unit	Commercial Vehicle
3	Motor Vehicle In Transport	No

First Name	MI	Last Name	Suffix	DOB	Telephone Number
[redacted]		[redacted]		[redacted]	[redacted]

Street Address	City	State	Zip Code
[redacted]	WARREN	NJ	[redacted]

Gender	License Number	License State	Class	Expiration Date	Owner/Driver
MALE	[redacted]	NJ	D	01/31/2020	PRIVATE VEHICLE OWNED/LEASED BY DRIVER

Driver Presence	Physical Condition	Alcohol/Drugs Suspected	Alcohol Test Type	Alcohol Test Results
DRIVER OPERATED VEHICLE	APPARENTLY NORMAL	NO	TEST NOT GIVEN	

Violation 1	Charged	Violation 2	Charged
Violation 3	Charged	Violation 4	Charged

Driver Action: NO CONTRIBUTING ACTION

Pedestrian Action	Pedestrian Signals	Pedestrian Clothing	Pedestrian Location

	Left or Right Side	Most Harmful	Utility Pole Number
1st Harmful Event: HIT UNIT 1		YES	
2nd Harmful Event			
3rd Harmful Event			
4th Harmful Event			

Vehicle Information

Owner First Name	Owner MI	Owner Last Name or Business Name	Suffix
[redacted]		[redacted]	

Street Address	City	State	Zip Code
[redacted]	WARREN	NJ	[redacted]

Vehicle Type	Special Usage	Government Equipment Number
VAN	NOT APPLICABLE	

Model Year	Vehicle Make	Vehicle Model	Vehicle Color	VIN
1996	DODGE	CARAVAN	PURPLE	1B4GP44R5T[redacted]

License Plate	Reg. State	Est. Speed	Vehicle Towed	Towed By
[redacted]	NJ	070	YES	FAST LANE TOWING

Insurance	Insurance Company	Policy Number	Expiration Date
YES	CURE	[redacted]	06/11/2017

Direction of Travel	Vehicle Position	Vehicle Movement	Initial Impact Point
EAST	LEFT LANE	GOING STRAIGHT	11 O'CLOCK

Damage Indicator	Gradient	Road Alignment	Possible Vehicle Failures
DISABLING	DOWNHILL	STRAIGHT	NONE

Trailing Units

# of Units	Type Unit 1	Tag Number	Tag Year	Tag State
0				

Unit Make	Unit Owner

Type Unit 2	Tag Number	Tag Year	Tag State

Unit Make	Unit Owner

Motorcycle

Engine Size	Passenger?	Saddle Bag/Trunk?	Trailer?	Driver Education?
cc				

	Helmet Stayed On?	DOT/Snell Designation?	Eye Protection?	Long Sleeves?	Long Pants?	Over Ankle Boots?
Driver Helmet Type						
Passenger Helmet Type						

Pedalcycle

Passenger?	Helmet?
Head Lights?	Rear Reflectors?

Exhibit C

IN THE COURT OF COMMON PLEAS OF
NORTHAMPTON COUNTY, PENNSYLVANIA - CIVIL DIVISION

[redacted] ADM. AD PROSEQUENDUM OF THE ESTATE OF [redacted] A DEC'D MINOR, ET AL.

Plaintiff

v.

[redacted]

Defendant

Civil [redacted]

ORDER

AND NOW, this _____ day of _____ 2020, it is hereby ORDERED that the Pennsylvania State Police's Motion to Quash is GRANTED and Troopers Glad and Eck are not required to appear for the deposition as described in Plaintiff's Subpoena to Attend and Testify.

BY THE COURT:

_____
J.

IN THE COURT OF COMMON PLEAS OF
NORTHAMPTON COUNTY, PENNSYLVANIA - CIVIL DIVISION

[redacted] ADM. AD PROSEQUENDUM OF THE ESTATE OF [redacted] A DEC'D MINOR, ET AL.

Plaintiff

v.

[redacted]

Defendant

Civil N[redacted]

ORDER

AND NOW, this _____ day of _____ 2020, it is hereby ORDERED that the Pennsylvania State Police's Motion to Stay is GRANTED and Troopers Glad and Eck are not required to appear for the deposition as described in Plaintiff's Subpoena to Attend and Testify until a disposition has been reached in the criminal case involving Defendant [redacted]

BY THE COURT:

_____
J.

IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY, PENNSYLVANIA - CIVIL DIVISION

[redacted] ADM. AD PROSEQUENDUM OF THE ESTATE OF [redacted] A DEC'D MINOR, ET AL.	:	
	:	Civil No. 2018-CV-8566
Plaintiff	:	
v.	:	
[redacted]	:	
Defendant	:	

MOTION TO QUASH, OR IN THE ALTERNATIVE, A MOTION TO STAY SUBPOENAS

TO THE HONORABLE COURT:

Pursuant to Pa.R.C.P. 234.4, the Pennsylvania State Police and its Commissioner (collectively, "PSP" or "Department"), as well as Troopers Brianne Glad and Robert Eck, by and through their counsel, Alyssa L. Kuhl, Esquire, respectfully submit this Motion to Quash and, in support thereof, aver the following:

1. On October 7, 2019, PSP, a third party in this case, received a Subpoena to Produce Documents and Things issued by John Vivian, Esquire, attorney for the Plaintiff, [redacted] pursuant to Pa.R.C.P. 4009.22.

2. The subpoena directed PSP to produce to the Plaintiff:

> Each and every document generated by the PA State Police involved in the above investigation of an accident occurring on 9/14/16, on I78, Eastbound in Lower Saucon Twsp., County of Northampton, Commonwealth of PA approx. 0.4 miles from Exit 71 near mile marker 70.6. In addition, you should produce any photographs, videos, inspection reports, witness statements, supplemental reports, and each and every item which in anyway relates to the investigation of this accident.

(*See* Plaintiff's Subpoenas to Produce Documents or Things, attached as PSP Exhibit 1).

3. Additionally, Plaintiff issued subpoenas to the following PSP Troopers seeking their appearance to provide testimony at a deposition:

- Trooper Breanne Glad
- Trooper Robert Eck

(*See* Plaintiff's Subpoenas to Attend and Testify, attached as PSP Exhibit 2).

4. By way of background, PSP conducted an investigation into the motor vehicle collision that resulted in the deaths of [redacted] and [redacted] on [redacted]

5. On March 13, 2018, the Northampton County District Attorney's Office filed criminal charges of, *inter alia*, Homicide by Vehicle and Involuntary Manslaughter against the criminal defendant [redacted] criminal trial is scheduled to take place on March 2, 2020. (*See Commonwealth of Pennsylvania v.* [redacted] Criminal Docket, attached as PSP Exhibit 3).

6. PSP Troopers Glad and Eck participated in the Commonwealth criminal investigation that is the basis for the criminal charges being prosecuted by the Office

of the District Attorney in the above *Commonwealth of Pennsylvania v.* [redacted] [redacted] *Supra.*

7. The Plaintiff's subpoenas require that PSP produce the criminal investigative information in the nature of testimony.

8. On November 26, 2019, Attorney John Vivian and undersigned counsel entered into a confidentiality agreement in order to protect the confidential information relating to the deaths of the juveniles in this matter. (*See Confidentiality Agreement Governing Confidential Information*, attached as PSP Exhibit 4). Pursuant to the terms of the confidentiality agreement, PSP provided documents relating to this case to Attorney Vivian.

9. Providing testimony prior to the conclusion of the criminal case would violate Pennsylvania's Criminal History Record Information Act (CHRIA), 18 Pa.C.S. §§9101-9183, which specifically prohibits criminal justice agencies from disseminating investigative information, except to other criminal justice agencies. 18 Pa.C.S. §9106(c)(4).

10. CHRIA defines "investigative information" as "[i]nformation assembled as a result of the performance of any inquiry, formal or informal, into a criminal incident or an allegation of criminal wrongdoing." 18 Pa.C.S. §9102.

11. PSP's investigation into the motor vehicle accident which caused the deaths of [redacted] [redacted] and [redacted] ultimately led to a decision by the

Northampton County District Attorney's Office to file criminal charges against Ms. [redacted] Any relevant testimony that the subpoenaed Troopers would be able to provide would be derived from knowledge gained because of the investigation into the motor vehicle accident. Thus, that testimony would be providing investigative information to a non-criminal justice agency.

12. Undersigned counsel spoke with First Assistant District Attorney Richard Pepper and Deputy District Attorney Sandra McClure of the Northampton County District Attorney's Office whose position is that the Troopers should not testify due to the ongoing criminal case and its continuing investigation.

13. On February 6, 2020, the Northampton County District Attorney's Office filed a Motion to Quash, or in the Alternative, a Motion to Stay Subpoenas in this matter. As the Northampton County District Attorney's Office argued in its Motion to Quash, if the Troopers were to provide testimony prior to the resolution of [redacted] criminal case, it would be prejudicial to the effective criminal prosecution of the Commonwealth of Pennsylvania in the [redacted] matter presently pending before this Court.

WHEREFORE, the Pennsylvania State Police moves this Honorable Court to Quash the Subpoenas, or in the alternative, Stay compliance until a final disposition is reached in the criminal case against Ms. [redacted]

Respectfully submitted:

PENNSYLVANIA STATE POLICE:

Date: 02/07/20

[redacted]

Alyssa L. Kuhl, Assistant Counsel
Attorney I.D. No. PA 324468
Pennsylvania State Police
1800 Elmerton Avenue
Harrisburg, Pennsylvania 17110
717.783.5568| 717.772.2883 (fax)
akuhl@pa.gov

Exhibit 1

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF NORTHAMPTON

[redacted], Adm., Ad Prosequendum of the Estate of [redacted], a Dec'd
Minor, et al.
vs.
[redacted] et al.,

FILE NO. [redacted]

SUBPOENA DUCES TECUM

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS
FOR DISCOVERY PURSUANT TO RULE 4009.22

TO: PA STATE TROOPER ROBERT ECK c/o Commissioner of PA State Police, Custodian of Records, 1800 Elmerton Avenue, Harrisburg, PA 17110
(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: Each and every document generated by the PA State Police involved in the above investigation of an accident occurring on 9/14/16, on [redacted], County of Northampton, Commonwealth of PA approx. 0.4 miles from [redacted]
See attached for additional production of materials.

at Law Office of John R. Vivian, Jr., 831 Lehigh Street, Easton, Pennsylvania
(Address)

You may deliver or mail legible copies of the documents or produce things requested by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek in advance the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena within twenty (20) days after its service, the party serving this subpoena may seek a court order compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: John R. Vivian, Jr., Esquire
ADDRESS: 831 Lehigh Street
Easton, PA 18042
TELEPHONE: (610) 258-6625
SUPREME COURT ID # [redacted]
ATTORNEY FOR: Plaintiff

RECEIVED
RIGHT-TO-KNOW LAW OFFICE
SUBPOENA UNIT
2019 OCT -7 A 10:27

BY THE COURT: [redacted]
Prothonotary/Clerk, Civil Division

DATE: October 1, 2019
Seal of the Court

[redacted]
Deputy

(EFF. 7/97)

In addition, you should produce any photographs, videos, inspection reports, witness statements, supplemental reports, and each and every item which in anyway relates to the investigation of this accident.

RECEIVED
RIGHT-TO-KNOW LAW OFFICE
SUBPOENA UNIT
2019 OCT -7 A 10: 28

Exhibit 2

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF NORTHAMPTON

[redacted], Adm., Ad Prosequendum of the Estate of [redacted] a dec'd minor, et al.
vs.
[redacted], Jr., et al.,

FILE NO. [redacted]

SUBPOENA TO ATTEND AND TESTIFY

TO: TROOPER BREANNE GLAD, PA STATE POLICE

2930 Airport Road, Bethlehem, PA 18107

1. You are ordered by the court to come to the Law Office of John R. Vivian, Jr., 831 Lehigh Street,
(Specify courtroom or other place)
at Easton, Northampton County, Pennsylvania, on October 16, 2019
at 9:00 a.m. o'clock, A.M., to testify on behalf of Plaintiff
in the above case, and to remain until excused.

2. And bring with you the following: See attached production materials

If you fail to attend or to produce the documents or things required by this subpoena, you may be subject to the sanctions authorized by Rule 234.5 of the Pennsylvania Rules of Civil Procedure , including but not limited to costs, attorney fees and imprisonment.

REQUESTED BY A PARTY/ATTORNEY IN COMPLIANCE WITH Pa.R.C.P. NO. 234.2(a):

NAME: John R. Vivian, Jr., Esquire

ADDRESS: 831 Lehigh Street
Easton, PA 18042

TELEPHONE: (610) 258-6625

SUPREME COURT ID # 34459

BY THE COURT:

[redacted]
Prothonotary/Clerk, Civil Division

Date: October 2, 2019
Seal of the Court

[redacted]
Deputy

OFFICIAL NOTE: This form of subpoena shall be used whenever a subpoena is issuable, including hearings in connection with depositions and before arbitrators, masters, commissioners, etc. in compliance with Pa.R.C.P. 234.1. If a subpoena for production of documents, records or things is desired, complete paragraph 2.

(EFF. 7/97)

RETURN OF SERVICE:

On the 2 day of OCTOBER, 2019 I, MARGARET VIETRO

served TROOPER BREANNE GLAD
(Name of person served)

with the foregoing subpoena by: PERSONAL HAND DELIVERY @ 10 A.M.
(Describe method of service)

.

I verify that the statements in this return of service are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.

DATE: 10/2/19

[redacted]
(Signature)

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF NORTHAMPTON

[redacted], Adm., Ad Prosequendum of the Estate of [redacted] a Dec'd
Minor, et al.,
vs.
[redacted] Jr., et al.,

FILE NO. [redacted]

SUBPOENA TO ATTEND AND TESTIFY

TO: TROOPER ROBERT ECK, PA STATE POLICE
654 BANGOR ROAD
NAZARETH, PA 18064

1. You are ordered by the court to come to the Law Office of John R. Vivian, Jr., 831 Lehigh Street,
(Specify courtroom or other place)
at Easton, Northampton County, Pennsylvania, on October 16, 2019
at 10:30 o'clock, A. M., to testify on behalf of Plaintiff
in the above case, and to remain until excused.

2. And bring with you the following: Each and every documented by the PA State Police involved in the above investigation of an accident occurring on 9/14/2016 on [redacted] County of Northampton, Commonwealth of PA approx. [redacted] See attached for additional production materials.

If you fail to attend or to produce the documents or things required by this subpoena, you may be subject to the sanctions authorized by Rule 234.5 of the Pennsylvania Rules of Civil Procedure , including but not limited to costs, attorney fees and imprisonment.

REQUESTED BY A PARTY/ATTORNEY IN COMPLIANCE WITH Pa.R.C.P. NO. 234.2(a):

NAME: John R. Vivian, Jr., Esquire

ADDRESS: 831 Lehigh Street
Easton, PA 18042

TELEPHONE: (610) 258-6625

SUPREME COURT ID # [redacted]

BY THE COURT: [redacted]
Prothonotary/Clerk, Civil Division

Date: October 1, 2019
Seal of the Court

[redacted]
Deputy

OFFICIAL NOTE: This form of subpoena shall be used whenever a subpoena is issuable, including hearings in connection with depositions and before arbitrators, masters, commissioners, etc. in compliance with Pa.R.C.P. 234.1. If a subpoena for production of documents, records or things is desired, complete paragraph 2.

(EFF. 7/97)

RETURN OF SERVICE:

On the 1 day of OCTOBER, ~~19~~ 2019 I, MARGARET VIETRO

served CORPORAL MARVIN SHAIR, WHO ACCEPTED FOR TROOPER ROBERT ECK
(Name of person served)

with the foregoing subpoena by: PERSONAL HAND DELIVERY @ 4 P.M.
(Describe method of service)

I verify that the statements in this return of service are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.

DATE: 10/1/19

[redacted]

(Signature)

Exhibit 3

COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY

DOCKET

Docket Number: [redacted]

CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania
v.
[redacted]

CASE INFORMATION

Judge Assigned: Koury, Michael J. Jr.
Date Filed: 03/13/2018 Initiation Date: 08/09/2017
OTN: T 946711-3 LOTN:
Originating Docket No: [redacted]
Initial Issuing Authority: District Justice Alan Roger Mege
Final Issuing Authority: District Justice Alan Roger Mege
Arresting Agency: PSP - Belfast
Arresting Officer: Eck, Robert E.
Complaint/Incident #: [redacted]
Case Local Number Type(s)
Case Local Number(s)

STATUS INFORMATION

Case Status: Active

Status Date	Processing Status
12/14/2018	Awaiting Pre-Trial Conference
09/28/2018	Awaiting Trial Scheduling
09/27/2018	Awaiting Formal Arraignment
05/29/2018	Awaiting Pre-Trial Conference
05/24/2018	Awaiting Trial
03/13/2018	Awaiting Formal Arraignment
03/13/2018	Awaiting Filing of Information

Arrest Date: 09/14/2016

Complaint Date: 08/09/2017

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COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY

DOCKET



Docket Number: [redacted]

CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania
v.
[redacted]

CALENDAR EVENTS

Case Calendar Event Type	Schedule Start Date	Start Time	Room	Judge Name	Schedule Status
Formal Arraignment	05/24/2018	1:00 pm			Scheduled
Pre-Trial Conference	07/06/2018	9:00 am	Courtroom 9	President Judge Michael J. Koury Jr.	Moved
Criminal Court	07/30/2018	9:00 am	Courtroom 1		Moved
Criminal Court	07/30/2018	1:00 pm	Courtroom 1		Moved
Omnibus Pre-Trial Motion	08/17/2018	9:00 am	Courtroom 9	President Judge Michael J. Koury Jr.	Moved
Pre-Trial Conference	09/14/2018	9:00 am	Courtroom 9	President Judge Michael J. Koury Jr.	Moved
Omnibus Pre-Trial Motion	09/28/2018	9:00 am	Courtroom 9	President Judge Michael J. Koury Jr.	Scheduled
Criminal Court	10/01/2018	9:00 am	Courtroom 1		Moved
Miscellaneous List	11/09/2018	9:00 am	Courtroom 9	President Judge Michael J. Koury Jr.	Moved
Omnibus Pre-Trial Motion	11/21/2018	9:00 am	Courtroom 9	President Judge Michael J. Koury Jr.	Scheduled
Miscellaneous List	11/30/2018	9:00 am	Courtroom 9	President Judge Michael J. Koury Jr.	Scheduled
Pre-Trial Conference	12/14/2018	9:00 am	Courtroom 9	President Judge Michael J. Koury Jr.	Scheduled
Pre-Trial Conference	01/04/2019	9:00 am	Courtroom 9	President Judge Michael J. Koury Jr.	Moved
Criminal Court	01/07/2019	9:00 am	Courtroom 1		Moved
Pre-Trial Conference	04/05/2019	9:00 am	Courtroom 9	President Judge Michael J. Koury Jr.	Scheduled
Criminal Court	04/29/2019	9:00 am	Courtroom 1		Moved
Pre-Trial Conference	06/10/2019	9:00 am	Courtroom 9	President Judge Michael J. Koury Jr.	Scheduled
Conference	07/19/2019	9:00 am	Courtroom 9	President Judge Michael J. Koury Jr.	Scheduled
Conference	07/24/2019	9:00 am	Courtroom 9	President Judge Michael J. Koury Jr.	Scheduled
Pre-Trial Conference	09/27/2019	9:00 am	Courtroom 9	President Judge Michael J. Koury Jr.	Scheduled
Omnibus Pre-Trial Motion	09/27/2019	9:00 am	Courtroom 9	President Judge Michael J. Koury Jr.	Scheduled
Criminal Court	09/30/2019	9:00 am	Courtroom 1		Cancelled
Criminal Court	03/02/2020	9:00 am	Courtroom 1		Scheduled

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COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY

DOCKET

Docket Number: [redacted]

CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania
v.
[redacted]

DEFENDANT INFORMATION

Date Of Birth: [redacted] City/State/Zip: Newark, NJ [redacted]

CASE PARTICIPANTS

Participant Type	Name
Defendant	[redacted]

BAIL INFORMATION

[redacted]

Nebbia Status: None

Bail Action	Date	Bail Type	Percentage	Amount	Bail Posting Status	Posting Date
Set	08/18/2017	Monetary	10.00%	$22,800.00		
Change Non-Monetary Conditions	08/17/2018	Monetary	10.00%	$22,800.00		
Revoke	09/13/2018	Monetary	10.00%	$22,800.00		
Set	09/19/2018	Monetary	10.00%	$22,800.00		
					Posted	08/18/2017
					Posted	08/18/2017
					Posted	08/17/2018
					Posted	08/17/2018
Set	09/27/2018	Monetary	10.00%	$75,000.00		
					Posted	09/27/2018

CHARGES

Seq.	Orig Seq.	Grade	Statute	Statute Description	Offense Dt.	OTN
1	1	F2	**18 § 2504 §§ A**	Involuntary Manslaughter	09/14/2016	T 946711-3
2	2	F2	**18 § 2504 §§ A**	Involuntary Manslaughter	09/14/2016	T 946711-3
3	3	F2	**75 § 3735 §§ A**	Homi By Veh While Dr Under The Infl	09/14/2016	T 946711-3
4	4	F2	**75 § 3735 §§ A**	Homi By Veh While Dr Under The Infl	09/14/2016	T 946711-3
5	5	F2	**75 § 3735.1 §§ A**	Aggravated Assault By Vehicle While Dui	09/14/2016	T 946711-3
6	6	F2	**75 § 3735.1 §§ A**	Aggravated Assault By Vehicle While Dui	09/14/2016	T 946711-3
7	7	F3	**75 § 3732.1 §§ A**	Aggravated assault by vehicle	09/14/2016	T 946711-3
8	8	F3	**75 § 3732.1 §§ A**	Aggravated assault by vehicle	09/14/2016	T 946711-3
9	9	F3	**75 § 3732 §§ A**	Homicide By Vehicle	09/14/2016	T 946711-3
10	10	F3	**75 § 3732 §§ A**	Homicide By Vehicle	09/14/2016	T 946711-3
11	11	M	**35 § 780-113 §§ A16**	Int Poss Contr Subst By Per Not Reg	09/14/2016	T 946711-3
12	12	M	**35 § 780-113 §§ A31I**	Marijuana-Small Amt Personal Use	09/14/2016	T 946711-3
13	13	M	**35 § 780-113 §§ A32**	Use/Poss Of Drug Paraph	09/14/2016	T 946711-3
14	14	M	**75 § 3802 §§ D1i***	DUI: Controlled Substance - Schedule 1 - 1st Offense	09/14/2016	T 946711-3

Recent entries made in the court filing offices may not be immediately reflected on these docket sheets . Neither the courts of the Unified Judicial System of the Commonwealth of Pennsylvania nor the Administrative Office of Pennsylvania Courts assume any liability for inaccurate or delayed data, errors or omissions on these reports. Docket Sheet information should not be used in place of a criminal history background check which can only be provided by the Pennsylvania State Police. Moreover an employer who does not comply with the provisions of the Criminal History Record Information Act may be subject to civil liability as set forth in 18 Pa.C.S. Section 9183.

COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY

DOCKET

Docket Number: [redacted]

CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania
v.
[redacted]

CHARGES

Seq.	Orig Seq.	Grade	Statute	Statute Description	Offense Dt.	OTN
15	15	M	**75 § 3802 §§ D1iii***	DUI: Controlled Substance - Metabolite - 1st Offense	09/14/2016	T 946711-3
16	16	M	**75 § 3802 §§ D2***	DUI: Controlled Substance - Impaired Ability - 1st Offense	09/14/2016	T 946711-3
17	17	S	**75 § 3309 §§ 1**	Disregard Traffic Lane (Single)	09/14/2016	T 946711-3
18	18	S	**75 § 3714 §§ A**	Careless Driving	09/14/2016	T 946711-3
19	19	S	**75 § 3736 §§ A**	Reckless Driving	09/14/2016	T 946711-3
20	20	S	**75 § 3809 §§ A**	Restrictions on Alcoholic Beverages	09/14/2016	T 946711-3

DISPOSITION SENTENCING/PENALTIES

Disposition
Case Event — Disposition Date — Final Disposition
Sequence/Description — Offense Disposition — Grade — Section
Sentencing Judge — Sentence Date — Credit For Time Served
Sentence/Diversion Program Type — Incarceration/Diversionary Period — Start Date
Sentence Conditions

Waived for Court (Lower Court) Defendant Was Present

Lower Court Disposition	03/06/2018	Not Final	
1 / Involuntary Manslaughter	Waived for Court (Lower Court)	F2	18 § 2504 §§ A
2 / Involuntary Manslaughter	Waived for Court (Lower Court)	F2	18 § 2504 §§ A
3 / Homi By Veh While Dr Under The Infl	Waived for Court (Lower Court)	F2	75 § 3735 §§ A
4 / Homi By Veh While Dr Under The Infl	Waived for Court (Lower Court)	F2	75 § 3735 §§ A
5 / Aggravated Assault By Vehicle While Dui	Waived for Court (Lower Court)	F2	75 § 3735.1 §§ A
6 / Aggravated Assault By Vehicle While Dui	Waived for Court (Lower Court)	F2	75 § 3735.1 §§ A
7 / Aggravated assault by vehicle	Waived for Court (Lower Court)	F3	75 § 3732.1 §§ A
8 / Aggravated assault by vehicle	Waived for Court (Lower Court)	F3	75 § 3732.1 §§ A
9 / Homicide By Vehicle	Waived for Court (Lower Court)	F3	75 § 3732 §§ A
10 / Homicide By Vehicle	Waived for Court (Lower Court)	F3	75 § 3732 §§ A
11 / Int Poss Contr Subst By Per Not Reg	Waived for Court (Lower Court)	M	35 § 780-113 §§ A16
12 / Marijuana-Small Amt Personal Use	Waived for Court (Lower Court)	M	35 § 780-113 §§ A31I
13 / Use/Poss Of Drug Paraph	Waived for Court (Lower Court)	M	35 § 780-113 §§ A32
14 / DUI: Controlled Substance - Schedule 1 - 1st Offense	Waived for Court (Lower Court)	M	75 § 3802 §§ D1i*
15 / DUI: Controlled Substance - Metabolite - 1st Offense	Waived for Court (Lower Court)	M	75 § 3802 §§ D1iii*
16 / DUI: Controlled Substance - Impaired Ability - 1st Offense	Waived for Court (Lower Court)	M	75 § 3802 §§ D2*
17 / Disregard Traffic Lane (Single)	Waived for Court (Lower Court)	S	75 § 3309 §§ 1
18 / Careless Driving	Waived for Court (Lower Court)	S	75 § 3714 §§ A

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COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY

DOCKET

Docket Number: [redacted]

CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

v.

[redacted]

DISPOSITION SENTENCING/PENALTIES

Disposition Case Event Sequence/Description Sentencing Judge Sentence/Diversion Program Type Sentence Conditions	Disposition Date Offense Disposition Sentence Date Incarceration/Diversionary Period	Final Disposition Grade Section Credit For Time Served Start Date
19 / Reckless Driving	Waived for Court (Lower Court)	S 75 § 3736 §§ A
20 / Restrictions on Alcoholic Beverages	Waived for Court (Lower Court)	S 75 § 3809 §§ A
Proceed to Court Defendant Was Not Present		
Information Filed	09/27/2018	Not Final
1 / Involuntary Manslaughter	Proceed to Court	F2 18 § 2504 §§ A
2 / Involuntary Manslaughter	Proceed to Court	F2 18 § 2504 §§ A
3 / Homi By Veh While Dr Under The Infl	Proceed to Court	F2 75 § 3735 §§ A
4 / Homi By Veh While Dr Under The Infl	Proceed to Court	F2 75 § 3735 §§ A
5 / Aggravated Assault By Vehicle While Dui	Proceed to Court	F2 75 § 3735.1 §§ A
6 / Aggravated Assault By Vehicle While Dui	Proceed to Court	F2 75 § 3735.1 §§ A
7 / Aggravated assault by vehicle	Proceed to Court	F3 75 § 3732.1 §§ A
8 / Aggravated assault by vehicle	Proceed to Court	F3 75 § 3732.1 §§ A
9 / Homicide By Vehicle	Proceed to Court	F3 75 § 3732 §§ A
10 / Homicide By Vehicle	Proceed to Court	F3 75 § 3732 §§ A
11 / Int Poss Contr Subst By Per Not Reg	Proceed to Court	M 35 § 780-113 §§ A16
12 / Marijuana-Small Amt Personal Use	Proceed to Court	M 35 § 780-113 §§ A31I
13 / Use/Poss Of Drug Paraph	Proceed to Court	M 35 § 780-113 §§ A32
14 / DUI: Controlled Substance - Schedule 1 - 1st Offense	Proceed to Court	M 75 § 3802 §§ D1i*
15 / DUI: Controlled Substance - Metabolite - 1st Offense	Proceed to Court	M 75 § 3802 §§ D1iii*
16 / DUI: Controlled Substance - Impaired Ability - 1st Offense	Proceed to Court	M 75 § 3802 §§ D2*
17 / Disregard Traffic Lane (Single)	Proceed to Court	S 75 § 3309 §§ 1
18 / Careless Driving	Proceed to Court	S 75 § 3714 §§ A
19 / Reckless Driving	Proceed to Court	S 75 § 3736 §§ A
20 / Restrictions on Alcoholic Beverages	Proceed to Court	S 75 § 3809 §§ A

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COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY

DOCKET

Docket Number: [redacted]

CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

v.

[redacted]

COMMONWEALTH INFORMATION

Name: Sandra Foster McClure
District Attorney
Supreme Court No: 073234
Phone Number(s):
484-767-0295 (Phone)
Address:
Northampton Co Gov'T Center
669 Washington St
Easton, PA 18042-7490

ATTORNEY INFORMATION

Name: Philip D. Lauer
Private
Supreme Court No: 007935
Rep. Status: Active
Phone Number(s):
610-258-5329 (Phone)
610-258-5329 (Office)
Address:
Lauer & Fulmer Pc
701 Washington St
Easton, PA 18042-4373
Representing: [redacted]

ENTRIES

Sequence Number	CP Filed Date	Document Date	Filed By
1	08/18/2017		[redacted] [redacted]
Bail Posted - [redacted]			
1	02/08/2018		Baratta, Stephen G.
Order Scheduling Preliminary Hearing Breslin, Eleanor M. 02/08/2018 First Class Commonwealth of Pennsylvania 02/08/2018 Interoffice			
1	03/13/2018		Court of Common Pleas - Northampton County
Original Papers Received from Lower Court			
2	03/13/2018		Criminal Division Northampton
Formal Arraignment Scheduled 05/24/2018 1:00PM			
1	05/14/2018		Northampton County Clerk of Courts
Criminal Court Scheduled 07/30/2018 1:00PM			
2	05/14/2018		Northampton County Clerk of Courts
Criminal Court Scheduled 07/30/2018 9:00AM			
1	05/24/2018		Court of Common Pleas - Northampton County
Arraigned			

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COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY

DOCKET



Docket Number: [redacted]

CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania
v.
[redacted]

ENTRIES

Sequence Number	CP Filed Date	Document Date	Filed By
1	05/25/2018		Court of Common Pleas - Northampton County
Assigned to Judge: Koury, Michael J. Jr.			
2	05/25/2018		Zito, Leonard N.
Order of Court for Attachment Commonwealth of Pennsylvania 05/25/2018 Interoffice Breslin, Eleanor M. 05/29/2018 First Class			
1	05/29/2018		Northampton County Clerk of Courts
Pre-Trial Conference Scheduled 07/06/2018 9:00AM			
2	05/29/2018		Koury, Michael J. Jr.
Order Scheduling Hearing Commonwealth of Pennsylvania 05/29/2018 Interoffice Breslin, Eleanor M. 05/30/2018 First Class [redacted] 05/30/2018 First Class [redacted] 05/30/2018 Certified 06/04/2018 Accepted			
1	06/04/2018		Breslin, Eleanor M.
Entry of Appearance			
2	06/04/2018		Breslin, Eleanor M.
Certificate of Service			
1	06/25/2018		Breslin, Eleanor M.
Omnibus Pre-Trial Motion			
2	06/25/2018		Breslin, Eleanor M.
Certificate of Service			
1	06/29/2018		Koury, Michael J. Jr.
Pre-Trial Conference Held			

Recent entries made in the court filing offices may not be immediately reflected on these docket sheets . Neither the courts of the Unified Judicial System of the Commonwealth of Pennsylvania nor the Administrative Office of Pennsylvania Courts assume any liability for inaccurate or delayed data, errors or omissions on these reports. Docket Sheet information should not be used in place of a criminal history background check which can only be provided by the Pennsylvania State Police. Moreover an employer who does not comply with the provisions of the Criminal History Record Information Act may be subject to civil liability as set forth in 18 Pa.C.S. Section 9183.

COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY

DOCKET

Docket Number: [redacted]

CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania
v.
[redacted]

ENTRIES

Sequence Number	CP Filed Date	Document Date	Filed By
2	06/29/2018		Zito, Leonard N.
Order of Court for Attachment Breslin, Eleanor M. 06/29/2018 First Class Commonwealth of Pennsylvania 06/29/2018 Interoffice			
1	07/02/2018		Northampton County Clerk of Courts
Criminal Court Scheduled 10/01/2018 9:00AM			
2	07/02/2018		[redacted]
Waiver of PA.R.Crim.P.600 & Application for Continuance			
3	07/02/2018		Breslin, Eleanor M.
Motion for Continuance			
4	07/02/2018		Zito, Leonard N.
Order Granting Motion for Continuance			
5	07/02/2018		Koury, Michael J. Jr.
Order Scheduling Hearing Breslin, Eleanor M. 07/02/2018 First Class Commonwealth of Pennsylvania 07/02/2018 Interoffice			
6	07/02/2018		Koury, Michael J. Jr.
Order Scheduling Hearing Breslin, Eleanor M. 07/02/2018 First Class Commonwealth of Pennsylvania 07/02/2018 Interoffice [redacted] 07/02/2018 First Class [redacted] 07/02/2018 Certified		07/08/2018	Accepted
7	07/02/2018		Northampton County Clerk of Courts
Pre-Trial Conference Scheduled 09/14/2018 9:00AM			

Recent entries made in the court filing offices may not be immediately reflected on these docket sheets . Neither the courts of the Unified Judicial System of the Commonwealth of Pennsylvania nor the Administrative Office of Pennsylvania Courts assume any liability for inaccurate or delayed data, errors or omissions on these reports. Docket Sheet information should not be used in place of a criminal history background check which can only be provided by the Pennsylvania State Police. Moreover an employer who does not comply with the provisions of the Criminal History Record Information Act may be subject to civil liability as set forth in 18 Pa.C.S. Section 9183.

COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY

DOCKET



Docket Number: [redacted]

CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania
v.
[redacted]

ENTRIES

Sequence Number	CP Filed Date	Document Date	Filed By
8	07/02/2018		Northampton County Clerk of Courts
Omnibus Pre-Trial Motion Scheduled 08/17/2018 9:00AM			
1	08/17/2018		Koury, Michael J. Jr.
Bail Hearing Held			
2	08/17/2018		[redacted]
Bail Posted - [redacted]			
1	08/21/2018		Northampton County Clerk of Courts
Criminal Court Scheduled 01/07/2019 9:00AM			
2	08/21/2018		Breslin, Eleanor M.
Motion for Continuance			
3	08/21/2018		Zito, Leonard N.
Order Granting Motion for Continuance			
4	08/21/2018		[redacted]
Waiver of PA.R.Crim.P.600 & Application for Continuance			
1	08/22/2018		Zito, Leonard N.
Order of Court for Attachment			
Breslin, Eleanor M.			
08/22/2018	First Class		
Commonwealth of Pennsylvania			
08/22/2018	Interoffice		
2	08/22/2018		Northampton County Clerk of Courts
Pre-Trial Conference Scheduled 12/14/2018 9:00AM			
1	08/24/2018		Koury, Michael J. Jr.
Order Scheduling Hearing			
Breslin, Eleanor M.			
08/24/2018	First Class		
Commonwealth of Pennsylvania			
08/24/2018	Interoffice		
[redacted]			
08/27/2018	First Class		

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COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY

DOCKET

Docket Number: [redacted]

CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania
v.
[redacted]

ENTRIES

Sequence Number	CP Filed Date	Document Date	Filed By
Service To		Service By	
Issue Date	Service Type	Status Date	Service Status
[redacted]			
08/27/2018	Certified	09/25/2018	Returned - Unserved
1	08/27/2018		Northampton County Clerk of Courts
Omnibus Pre-Trial Motion Scheduled 09/28/2018 9:00AM			
2	09/13/2018		Koury, Michael J. Jr.
Order Issuing Bench Warrant - 9/13/18			
Commonwealth of Pennsylvania			
09/14/2018	Interoffice		
[redacted]			
09/14/2018	First Class		
[redacted]			
09/14/2018	First Class		
1	09/14/2018		Court of Common Pleas - Northampton County
Bail Refund			
2	09/19/2018		Dally, Craig A.
Bail Set - [redacted]			
3	09/19/2018		Dally, Craig A.
Bench Warrant/Bail Hearing Held - 9/19/18			
1	09/27/2018		Koury, Michael J. Jr.
Bail Set - [redacted]			
2	[redacted]7/2018		[redacted]
Bail Poste[redacted]			
3	09/27/2018		Breslin, Eleanor M.
Motion for Recording & Transcribing Court Proceedings			
4	09/27/2018		Breslin, Eleanor M.
Certificate of Service			

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COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY

DOCKET

Docket Number: [redacted]

CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania
v.
[redacted]

ENTRIES

Sequence Number	CP Filed Date	Document Date	Filed By
5	09/27/2018		Commonwealth of Pennsylvania
Information Filed			
1	09/28/2018		Koury, Michael J. Jr.
Omnibus Pre-Trial Motion Hearing Held			
1	10/04/2018		Northampton Co Court Reporter
Transcript of Proceedings			
1	10/05/2018		Breslin, Eleanor M.
Request for Bill of Particulars			
2	10/05/2018		Breslin, Eleanor M.
Certificate of Service			
3	10/05/2018		Breslin, Eleanor M.
Motion for Preparationn of Export Report			
4	10/05/2018		Breslin, Eleanor M.
Certificate of Service			
1	10/10/2018		Koury, Michael J. Jr.
Order Denying Additional Time to File Omnibus Pre-Trial Motions			
Commonwealth of Pennsylvania	10/10/2018	Interoffice	
Breslin, Eleanor M.	10/12/2018	First Class	
1	10/19/2018		Breslin, Eleanor M.
Amended Omnibus Pretrial Motion			
2	10/19/2018		Breslin, Eleanor M.
Certificate of Service			
3	10/19/2018		Koury, Michael J. Jr.
Order Directing Report to be Filed			
Commonwealth of Pennsylvania	10/19/2018	Interoffice	
Breslin, Eleanor M.	10/22/2018	First Class	

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COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY

DOCKET

Docket Number: [redacted]

CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania
v.
[redacted]

ENTRIES

Sequence Number	CP Filed Date	Document Date	Filed By
Service To		Service By	
Issue Date	Service Type	Status Date	Service Status

1 10/22/2018 Koury, Michael J. Jr.
Order Scheduling Hearing
Commonwealth of Pennsylvania
10/22/2018 Interoffice
Breslin, Eleanor M.
10/23/2018 First Class

1 10/23/2018 Northampton County Clerk of Courts
Miscellaneous List Scheduled 11/09/2018 9:00AM

1 10/24/2018 Northampton County Clerk of Courts
Omnibus Pre-Trial Motion Scheduled 11/21/2018 9:00AM

1 10/26/2018 Northampton Co Court Reporter
Transcript of Proceedings Filed

2 10/26/2018 Koury, Michael J. Jr.
Order Dismissing Amended Omnibus Pretrial Motion
Commonwealth of Pennsylvania
10/26/2018 Interoffice
Breslin, Eleanor M.
10/29/2018 First Class

1 10/30/2018 Koury, Michael J. Jr.
Amended Rule to Show Cause/ Scheduling Heairng
Commonwealth of Pennsylvania
10/30/2018 Interoffice
Breslin, Eleanor M.
11/02/2018 First Class

1 11/02/2018 Northampton County Clerk of Courts
Miscellaneous List Scheduled 11/30/2018 9:00AM

1 11/07/2018 Commonwealth of Pennsylvania
Commonwealth's Expert Report

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COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY

DOCKET



Docket Number: [redacted]

CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania
v.
[redacted]

ENTRIES

Sequence Number	CP Filed Date	Document Date	Filed By
2	11/07/2018		Commonwealth of Pennsylvania
Commonwealth's Response to Defendant's Request for Addition Discovery			
3	11/07/2018		Northampton Co Court Reporter
Evidence Retention Form			
4	11/07/2018		Northampton Co Court Reporter
Evidence Retention Form			
5	11/07/2018		Breslin, Eleanor M.
Defense Expert Reports			
6	11/07/2018		Breslin, Eleanor M.
Certificate of Service			
1	11/20/2018		Brotman, Ellen C.
Response of Meshkov & Breslin to Rule to Show Cause Introduction			
1	11/29/2018		Commonwealth of Pennsylvania
Commonwealth's Response to Meshkov & Breslin Response to Show Cause			
1	12/04/2018		Breslin, Eleanor M.
Motion to Suppress Evidence			
2	12/04/2018		Breslin, Eleanor M.
Certificate of Service			
3	12/04/2018		Koury, Michael J. Jr.
Order Granting Motion to Disqualify Defense Counsel			
Commonwealth of Pennsylvania			
12/04/2018	Interoffice		
Breslin, Eleanor M.			
12/05/2018	First Class		
1	12/12/2018		Court of Common Pleas - Northampton County
Hearing Notice - Criminal Court (1/9/2019)			
1	12/14/2018		Northampton County Clerk of Courts
Pre-Trial Conference Scheduled 01/04/2019 9:00AM			

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COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY

DOCKET

Docket Number: [redacted]

CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania
v.
[redacted]

ENTRIES

Sequence Number	CP Filed Date	Document Date	Filed By
2	12/14/2018		Lauer, Philip D.
Entry of Appearance			
3	12/14/2018		Lauer, Philip D.
Certificate of Service			
4	12/14/2018		Northampton County Clerk of Courts
Criminal Court Scheduled 04/29/2019 9:00AM			
1	12/17/2018		Lauer, Philip D.
Motion for Continuance			
2	12/17/2018		Koury, Michael J. Jr.
Order Granting Motion for Continuance			
1	12/19/2018		Zito, Leonard N.
Order of Court for Attachment			
Commonwealth of Pennsylvania			
12/19/2018	Interoffice		
Lauer, Philip D.			
12/19/2018	First Class		
1	12/20/2018		Koury, Michael J. Jr.
Order Scheduling Hearing			
Commonwealth of Pennsylvania			
12/20/2018	Interoffice		
Lauer, Philip D.			
12/21/2018	First Class		
[redacted]			
12/21/2018	First Class		
[redacted]			
12/21/2018	Certified	01/25/2019	Returned - Unserved
1	01/02/2019		Northampton Co Court Reporter
Transcript of Proceedings Filed			
1	01/14/2019		Lauer, Philip D.
Omnibus Pre-Trial Motion			

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COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY

DOCKET



Docket Number [redacted]

CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania
v.
[redacted]

ENTRIES

Sequence Number	CP Filed Date	Document Date	Filed By
2	01/14/2019		Lauer, Philip D.
Certificate of Service			
1	02/04/2019		[redacted]
Waiver of PA.R.Crim.P.600 & Application for Continuance			
1	03/11/2019		Northampton County Clerk of Courts
Pre-Trial Conference Scheduled 04/05/2019 9:00AM			
1	04/03/2019		Court of Common Pleas - Northampton County
Hearing Notice - Criminal Court (4/29/2019)			
1	04/12/2019		Koury, Michael J. Jr.
Pre-Trial Conference Continued			
2	04/12/2019		Northampton County Clerk of Courts
Criminal Court Scheduled 09/30/2019 9:00AM			
3	04/12/2019		Northampton County Clerk of Courts
Pre-Trial Conference Scheduled 06/10/2019 9:00AM			
4	04/12/2019		Zito, Leonard N.
Order of Court for Attachment			
Commonwealth of Pennsylvania			
04/12/2019	Interoffice		
Lauer, Philip D.			
04/12/2019	First Class		
5	04/12/2019		Lauer, Philip D.
Motion for Continuance			
6	04/12/2019		Koury, Michael J. Jr.
Order Granting Motion for Continuance			
7	04/12/2019		[redacted]
Waiver of PA.R.Crim.P.600 & Application for Continuance			
1	05/10/2019		Northampton Co Court Reporter
Transcript of Proceedings Filed			

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COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY

DOCKET

Docket Number: [redacted]

CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania
v
[redacted]

ENTRIES

Sequence Number	CP Filed Date	Document Date	Filed By
1	07/16/2019		Northampton County Clerk of Courts
Conference Scheduled 07/19/2019 9:00AM			
1	07/23/2019		Northampton County Clerk of Courts
Conference Scheduled 07/24/2019 9:00AM			
1	07/25/2019		Koury, Michael J. Jr.
Order of Court for Attachment Lauer, Philip D.			
07/26/2019	First Class		
[redacted]			
07/26/2019	First Class/Certified	07/29/2019	Returned - Unclaimed
1	07/26/2019		Northampton County Clerk of Courts
Pre-Trial Conference Scheduled 09/27/2019 9:00AM			
1	08/23/2019		Northampton Co Court Reporter
Transcript of Proceedings Filed			
1	08/27/2019		Northampton County Clerk of Courts
Omnibus Pre-Trial Motion Scheduled 09/27/2019 9:00AM			
2	08/27/2019		Northampton Co Court Reporter
Evidence Retention Form			
1	09/09/2019		Northampton County Clerk of Courts
Criminal Court Cancelled			
1	09/24/2019	[redacted]	
Motion for Continuance and Waiver of Pa.R. Crim.P. 600/1013			
2	09/24/2019		Lauer, Philip D.
Motion for Continuance			
3	09/24/2019		Koury, Michael J. Jr.
Order Granting Motion for Continuance			
1	09/25/2019		Northampton County Clerk of Courts
Criminal Court Scheduled 03/02/2020 9:00AM			

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COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY

DOCKET

Docket Number: [redacted]

CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

v.

[redacted]

ENTRIES

Sequence Number	CP Filed Date	Document Date	Filed By
1	10/17/2019		Northampton Co Court Reporter
Transcript of Proceedings Filed			
1	12/11/2019		Lauer, Philip D.
Brief Filed			
2	12/11/2019		Lauer, Philip D
Certificate of Service			
1	02/05/2020		Court of Common Pleas - Northampton County
Hearing Notice - Criminal Court (3/2/2020)			

CASE FINANCIAL INFORMATION

Last Payment Date: 09/14/2018 Total of Last Payment: -$456.00

[redacted]
Defendant

	Assessment	Payments	Adjustments	Non Monetary Payments	Total
Costs/Fees					
Miscellaneous Issuance County (Northampton)	$17.50	$0.00	$0.00	$0.00	$17.50
Poundage/Bail Fee (Northampton)	$456.00	($456.00)	$0.00	$0.00	$0.00
Bench Warrant (Clerk Fees) (Northampton)	$5.00	$0.00	$0.00	$0.00	$5.00
Bench Warrant (Sheriff Fees) (Northampton)	$69.00	$0.00	$0.00	$0.00	$69.00
Costs/Fees Totals:	$547.50	($456.00)	$0.00	$0.00	$91.50
Grand Totals:	$547.50	($456.00)	$0.00	$0.00	$91.50

** - Indicates assessment is subrogated

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Exhibit 4

CONFIDENTIALITY AGREEMENT GOVERNING CONFIDENTIAL INFORMATION

This Confidentiality Agreement is made among the Pennsylvania State Police (PSP), represented by Alyssa L. Kuhl, Esquire, a [redacted] Adm., Ad Prosequendum of th[redacted] a Deceased Minor, represented by John R. Vivian, Jr., Esquire (collectively "the parties"), as follows:

WHEREAS, counsel for [redacted] Adm., Ad Prosequendum of the [redacted] a Deceased Minor, John R. Vivian, Jr., Esquire, issued subpoenas *duces tecum*, dated October 1, 2019, upon the Commissioner of PSP seeking production of the records described in the attached Exhibit "A" ("subpoenaed records");

WHEREAS, the parties to this agreement, intending to be legally bound, have agreed that certain materials and information shall be treated as confidential in this action and shall be protected from use and/or disclosure except as specifically set forth in this Confidentiality Agreement;

WHEREAS, PSP maintains that the subpoenaed records contain sensitive information, including investigative information, the identity of juveniles, and similar information which is protected from public disclosure by the laws of the Commonwealth of Pennsylvania, but has offered to provide them subject to a Confidentiality Agreement;

WHEREAS, these documents shall be provided on a single compact disc marked as "PSP Incident PA" and any documents, diagrams, photographs, excerpts or information derived therefrom, printed out in hard copy or stored electronically in any manner from said disc shall be deemed to constitute and shall hereinafter be referred to as the "Confidential Information;"

WHEREAS, the parties to this agreement agree that no disclosure of such Confidential Information should occur except as necessary for the purposes of this litigation;

WHEREAS, the protections herein stipulated to by the parties to this agreement afford the most appropriate means for protecting the confidentiality of the records while maintaining the fairness of the judicial and discovery process;

WHEREAS, this Confidentiality Agreement is proposed pursuant to Rules 201 (Agreements of Attorneys); and

WHEREAS, the parties to this agreement agree not to disclose these records, supplied pursuant to this Confidentiality Agreement, to anyone other than those persons hereafter to be specified, in Paragraph 4, below;

NOW, THEREFORE IT IS hereby STIPULATED and AGREED as follows:

1. This Confidentiality Agreement shall govern all documents produced by PSP, pursuant to the subpoenas dated October 1, 2019, to any party or his/her counsel in this action, as well as all information derived from such documents in accordance with Paragraphs 2 and 3 below, and all copies, excerpts or summaries of such documents.

2. All Confidential Information provided by PSP pursuant to the subpoenas is covered by this Confidentiality Agreement and shall, without the necessity of further designation, be treated as confidential during the pendency of this action.

3. Confidential Information, as described herein, shall be used by the parties to this agreement solely for the purposes of this litigation and not for any other purpose and shall not be disclosed to any person not designated in Paragraph 4, unless otherwise ordered by the Court. All Confidential Information shall be carefully maintained to preclude access by persons not designated in this Confidentiality Agreement. Control and distribution of all Confidential Information covered by this Confidentiality Agreement shall be the responsibility of PSP and the attorneys of record.

4. No party to this agreement shall disclose Confidential Information received from PSP pursuant hereto, or information derived from such documents, to any person except as provided in this Confidentiality Agreement. Confidential documents received from PSP pursuant hereto, and information derived from them may be inspected and disclosed by the parties to this agreement only to the following persons and only for the purpose of conducting litigation in the subject matter:

a. Counsel representing any party in this litigation, and their employees, including experts, law students, and legal assistants;

b. Any person retained by counsel described in Paragraph (a) to assist in the preparation and trial of this litigation, and any subsequent appeals;

c. Parties to this litigation;

d. Any witness who counsel for a party in good faith believes may be called to testify at trial or deposition in this action;

e. Insurers and indemnitors to the extent reasonably necessary to defend and evaluate the litigation;

f. The author and custodian of the documents;

g. The Court, and any persons employed by the Court, working on this litigation;

h. Court reporters utilized for depositions; and

i. Jurors at the trial of this action as necessary for trial purposes.

5. All Confidential Information or excerpts thereof may be referred to in pleadings, discovery requests and responses, motions, memorandums, briefs, affidavits, and stipulations of fact and may be used in depositions and marked as deposition exhibits in this proceeding, subject to Paragraphs 4 and 6. To the extent that any materials made confidential pursuant to this Confidentiality Agreement are proposed to be filed with the Court or introduced as an exhibit at a proceeding before a court, the parties

to this agreement agree that counsel of record shall request that the record be sealed as to that filing or exhibit.

6. Prior to the disclosure of the Confidential Information to any person or entity listed in Paragraph 4 above, counsel for the disclosing party shall deliver a copy of this Confidentiality Agreement to the person or entity to whom disclosure will be made and explain its terms to such person. Counsel for the Plaintiff shall be responsible for maintaining a list of all persons to whom disclosure of Confidential Information is made. Any and all persons given access to Confidential Information shall not make copies, duplicates, extracts, summaries or depositions of such material, or any portion thereof, except for use in connection with this action, and each such copy is to be treated in accordance with the provisions of this Confidentiality Agreement.

7. Portions of any Confidential Information and any papers filed with the Court in this action that include or make reference to Confidential Information shall be considered as Confidential Information governed by the terms of this Confidentiality Agreement, it being understood and agreed by the parties to this agreement that the entire document being filed shall not be considered "Confidential Information" for purposes of the Confidentiality Agreement, only the portions(s) so designated as containing Confidential Information, or reference thereto, shall be subject to the provisions hereof.

8. The admissibility, confidentiality, and use of all Confidential Information at trial shall be subject to determination by the Court in this action.

9. The terms of this Confidentiality Agreement are subject to modification, extension, or limitation as may hereafter be agreed to, in writing, by all parties to this agreement or by Order of the Court.

10. In the event that Confidential Information, as described herein, is either inadvertently or intentionally disclosed to someone not authorized to receive such records under this Confidentiality Agreement, or if a person so authorized breaches any of his or her obligations under this Confidentiality

Agreement, that person responsible for or aware of the disclosure shall immediately give notice of such unauthorized disclosure or breach to the undersigned counsel for PSP and shall disclose the circumstances of the unauthorized disclosure or breach, if known.

11. This Confidentiality Agreement and Order shall be effective immediately, and shall survive the conclusion of this action, and any appeals related thereto, unless otherwise ordered by the Court, and the Court shall retain jurisdiction to enforce the terms of this Confidentiality Agreement and Order for so long as it remains in force.

12. Within thirty (30) days of the conclusion of the litigation of this action, including appeals, all material treated as Confidential Information under this Confidentiality Agreement and not received in evidence shall be returned to the Pennsylvania State Police or counsel shall certify in writing that the documents, compact disc, and any electronically stored information derived therefrom shall have been destroyed. Counsel, however, may retain complete copies of all pleadings, discovery requests and responses, motions, memorandums, briefs, affidavits, and stipulations-of-fact, as well as any exhibits attached thereto, for archival purposes, subject to the provisions of this Confidentiality Agreement. The parties agree to request that the Clerk of the Court return to the Pennsylvania State Police, or destroy, any sealed material and/or Confidential Information used as evidence at the end of the litigation, including appeals.

13. This Confidentiality Agreement may be executed in counterparts, each of which shall be an original and all of which shall constitute one Agreement. Copies, scanned images, and facsimile signatures on this Confidentiality Agreement are and shall be enforceable for all purposes.

AGREED TO BY:

[redacted]

John R. Vivian, Jr., Esquire
Attorney ID # 34459
Counsel for Plaintiff

Date: 11-26-19

[redacted]

Alyssa L. Kuhl, Esquire
Attorney ID # 324468
Counsel for Pennsylvania State Police

Date: 11/26/19

EXHIBIT A

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF NORTHAMPTON

[redacted] Adm., Ad Prosequendum of the Estate of [redacted] a Dec'd
Minor, et al.
vs.
[redacted], et al.,

FILE NO. [redacted]

SUBPOENA DUCES TECUM

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS
FOR DISCOVERY PURSUANT TO RULE 4009.22

TO: PA STATE TROOPER ROBERT ECK c/o Commissioner of PA State Police, Custodian of Records, 1800 Elmerton Avenue, Harrisburg, PA 17110
(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: Each and every document generated by the PA State Police involved in the above investigation of an accident occurring on 9/14/16, on [redacted], County of Northampton, Commonwealth of PA approx. 0.4 miles from [redacted]
See attached for additional production of materials.

at Law Office of John R. Vivian, Jr., 831 Lehigh Street, Easton, Pennsylvania
(Address)

You may deliver or mail legible copies of the documents or produce things requested by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek in advance the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena within twenty (20) days after its service, the party serving this subpoena may seek a court order compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: John R. Vivian, Jr., Esquire
ADDRESS: 831 Lehigh Street
Easton, PA 18042
TELEPHONE: (610) 258-6625
SUPREME COURT ID # 34459
ATTORNEY FOR: Plaintiff

RECEIVED
RIGHT-TO-KNOW LAW OFFICE
SUBPOENA UNIT
2019 OCT -7 A 10:2[illegible]

BY THE COURT: [redacted]

Prothonotary/Clerk, Civil Division

DATE: October 1, 2019
Seal of the Court

[redacted]
Deputy

(EFF. 7/97)

EXHIBIT No. 7

From: Wolfe, Elizabeth (NHTSA) <elizabeth.wolfe@dot.gov>
Sent: November 7, 2019 2:11 PM
To: Michael Noah <info@harmonyjuvenile.com>
Cc: Topka, Tanya (NHTSA) <tanya.topka@dot.gov>
Subject: RE: Child restraint fatality notice

Hello Mike,

Thanks again for reaching out and talking today. Here is a copy of the civil suit that you were named a defendant in from the fatality that occurred on September 14, 2016. As we discussed, please review your records, including the notification of legal action that you received yesterday from Portland, Oregon, and reconcile if this 2016 PA case is, or is not, the same fatality case.

If yes, please let me know at your earliest convenience so we may begin the documentation process for EWR. If not, still let me know as both the 2016 PA fatality, and the one you were notified of from Portland, OR, both have to be reported.

I will reach back out to you on December 2nd, 2019 when I return from holiday leave if I have not heard from you by then. If you have any questions or concerns in the meantime please let me know.

Best,

NHTSA

Beth Wolfe, DHS, ATC
Safety Defect Analyst
Department of Transportation
National Highway Traffic Safety Administration
1200 New Jersey Avenue SE., Washington, DC 20590
Office: 202-366-3976

From: Michael Noah [mailto:info@harmonyjuvenile.com]
Sent: Thursday, November 7, 2019 10:49 AM
To: Wolfe, Elizabeth (NHTSA) <elizabeth.wolfe@dot.gov>
Cc: Topka, Tanya (NHTSA) <tanya.topka@dot.gov>
Subject: Re: Child restraint fatality notice

Thank you, Beth....anytime you are free is much appreciated!

Can you kindly call me at 1-514-234-4566 when you are available? I'll look for your call. My only conference call today is between 2-3pm.

Thank you,
Mike

Get Outlook for Android

On Thu, Nov 7, 2019 at 10:43 AM -0500, "Wolfe, Elizabeth (NHTSA)" <elizabeth.wolfe@dot.gov> wrote:

> Hello Mike,
>
> I'm sorry I missed your call; I've been away from my desk this morning. Would you have time to talk at 12:30p EST today?
>
> Beth
>
> ---
>
> **From:** Harmony [mailto:info@harmonyjuvenile.com]
> **Sent:** Thursday, November 7, 2019 10:22 AM
> **To:** Wolfe, Elizabeth (NHTSA) <elizabeth.wolfe@dot.gov>
> **Cc:** Topka, Tanya (NHTSA) <tanya.topka@dot.gov>
> **Subject:** RE: Child restraint fatality notice
>
> Good morning Beth,
>
> Can you please call me urgently at 1-514-234-4566? I just tried calling you but got your machine…
>
> Best regards,
> Mike
>
> ---
>
> **From:** Wolfe, Elizabeth (NHTSA) <elizabeth.wolfe@dot.gov>
> **Sent:** November 7, 2019 9:58 AM
> **To:** Harmony <info@harmonyjuvenile.com>
> **Cc:** Topka, Tanya (NHTSA) <tanya.topka@dot.gov>
> **Subject:** Child restraint fatality notice
>
> Hello Mike,
>
> In our outreach phone call with you on September 25, 2019, you stated that Harmony Juvenile Products had not had any reportable deaths or injuries since 2014. However, NHTSA has been made aware of a fatality that occurred in Pennsylvania on September 14, 2016 that involved a Harmony Juvenile Products booster seat. After reviewing our death and injury records, we do not have this fatality in our Artemis database or in any of your quarterly EWR submissions. You can find the death and injury reporting requirements in 49 CFR 579.25.
>
> To remedy this issue, please review your files and provide to us any documentation you may have regarding this fatality from September 14, 2016. Additionally, please review your records and processes to identify all fatalities and injuries that have you been notified of that involves one of your manufactured child restraints. If there are any outstanding

reports or cases that have not yet been submitted to NHTSA please notify me so that we can begin reconciling your records.

If you have any other questions or concerns regarding the September 14, 2016 fatality please let me know.

Sincerely,

Beth Wolfe, DHS, ATC
Safety Defect Analyst
Department of Transportation
National Highway Traffic Safety Administration
1200 New Jersey Avenue SE., Washington, DC 20590
Office: 202-366-3976

IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

[redacted] Administratrix Ad Prosequendum of the Estate of [redacted], a Deceased Minor, [redacted], Administrator Ad Prosequendum of the Estate of [redacted] a Deceased Minor and [redacted],	)	NO [redacted]
Plaintiffs,	)	
vs.	)	
[redacted] NISSAN, USA, NISSAN NORTH AMERICA, INC., NISSAN WORLD OF SPRINGFIELD, NISSAN MOTOR COMPANY LTD., HARMONY JUVENILE PRODUCTS, EVENFLO COMPANY, INC. and EVENFLO JUVENILE PRODUCTS COMPANY, Individually and Jointly.	)	
Defendants.	)	CIVIL ACTION JURY TRIAL DEMANDED

FILED
2018 SEP 14 P 1:30
COURT OF COMMON PLEAS
CIVIL DIVISION
NORTHAMPTON COUNTY, PA

NOTICE OF TAKING DEPOSITIONS ON ORAL EXAMINATIONS PURSUANT TO PA R.C.P., NO. 4007.1 AND IN AID OF FILING A COMPLAINT AND REQUEST FOR PRODUCTION PURSUANT TO PA R.C.P. 4007.1 (d) and 4009

TO: [redacted] NISSAN USA, NISSAN NORTH AMERICA, INC., NISSAN WORLD OF SPRINGFIELD, NISSAN MOTOR COMPANY, LTD., HARMONY JUVENILE PRODUCTS, EVENFLO COMPANY, INC., and EVENFLO JUVENILE PRODUCTS COMPANY :

You are hereby notified that depositions will be held to inquire into circumstances necessary in aid of filing a Complaint in the above-captioned matter, at the offices of John R. Vivian, Jr., Esquire, attorney for the above-captioned Plaintiff, at 831 Lehigh Street, City of

Easton, County of Northampton, Commonwealth of Pennsylvania on **Monday, November 19, 2018, beginning at 9:00 a.m.**

[redacted]	**9:00 a.m.**
	10:30 a.m.
Nissan World of Springfield Designee	**11:30 a.m.**
PA State Trooper Robert Eck	**1:30 p.m.**
PA State Trooper Breanne Glad	**2:30 p.m.**
Nissan Motor Company Designee	**4:00 p.m.**

Pursuant to Pa. R.C.P. No. 4007.1 (c) you are informed that the nature of the cause of action and of the matters to be inquired into are as follows:

The nature of the cause of action is one of wrongful death and survival as regards the death of [redacted] arising out of an automobile accident on September 14, 2016, [redacted] approximately [redacted] There are also anticipated causes of action on account of grievious and serious injuries suffered by [redacted] guest passenger in the Nissan vehicle described hereinafter.

The accident involved in a multi-vehicle collision involving three vehicles identified as a 2011 Nissan Versa, black in color; bearing New Jersey license plate [redacted] (Plaintiff's vehicle), a 2014 Kia Forte, black in color, bearing Pennsylvania license plate [redacted] (owned and operated by Defendant [redacted]), and a 1996 Dodge Caravan, purple in color, bearing New Jersey license plate [redacted] owned and operated by [redacted].

At sometime during the accident sequence [redacted] a minor, suffered ejection from the vehicle and sustained injuries resulting in his death. Prior to the ejection it is believed that the minor decedent [redacted] was secured properly in a Harmony Juvenile Products Dreamtime 2 Deluxe Comfort Booster Seat, Model Number 030300TTST, in the rear seat, passenger side. At the time of her death deceased minor [redacted] was secured in an EvenFlo Tribute carseat believed to be Model Number 38111010. At the time of the accident and prior to the ejection, the Plaintiff [redacted] was a right side guest passenger properly secured and seat belted within the Nissan vehicle.

The period of inquiry involving the above accident will encompass all aspects of the happening of the accident particularly from the aspect of the drivers involved including, but not limited to [redacted] Defendants. Full inquiry will be made into all aspects of the operation of the Kia driven by Defendant [redacted] and the Dodge Caravan driven by Defendant [redacted] This inquiry will include prior property damage or collision damage to either of the vehicles, and all aspects of operation during the accident sequence described above, any and all statements including statements made to Defendants' respective insurance carriers.

Full inquiry will be made into all aspects of the Nissan vehicle of the Plaintiff as regards the non-firing of side impact air bags, seat belt and restraint operation, ejection from the vehicle, and any and all inquiries involving the purchase of the vehicle, or the inspection of vehicles by the Commonwealth of Pennsylvania State Police and any other inspections that have occurred on these three vehicle, which are still impounded to Plaintiffs' knowledge by the State Police. Full inquiry will be made concerning the two booster/car seats described in detail heretofore from a product liability aspect of recalls, construction, and any other information necessary to explain how ejection or death occurred with respect to the booster/car seats.

Complete and full inquiry will be made at the time of the depositions concerning any and all investigations done by the Commonwealth of Pennsylvania State Police. As part of this complete inquiry, any and all information gathered by the State Police, any testing, any inspections, any access to the EDR system on any and all vehicles will be explored, and each and every aspect of the investigation together with an exploration of any documents compiled or created by the State Police including, but not limited to documents, videos, photographs, etc., will be inquired into at the time of the deposition.

Plaintiff is without adequate information given the death of the decedent and the lack of memory of the operator of the vehicle during the crash, one [redacted] and the lack of memory of the accident attributable to Plaintiff [redacted], who was also ejected at the time of the accident; and therefore, has no direct testimony of note from any of the captioned Plaintiffs to be able to fairly evaluate whether causes of action exist under the applicable laws for wrongful death and survival statutes and is unable to prepare a factually explicit Complaint without said information as required by the laws of the Commonwealth of Pennsylvania and the Rules of Civil Procedure applicable thereto.

All original records will be expected to be produced as set forth below at the time of the deposition. Please be advised that the original receipts, product manuals, and other items to be produced below must be produced at the time of the deposition. Full inquiry will also be made as to all matters appearing in these documents, which are currently believed to be in the custody and control of the various Defendants and the Commonwealth of Pennsylvania, State Police.

Pursuant to PA R.C.P. No. 4007.1(d) and 4009, you as a deponent are hereby further requested to produce the following **ORIGINAL** documents, statements and things and bring same with you to the deposition at 9:00 a.m. on the date and at the place set forth in paragraph one of this Notice of Taking Depositions:

1. The entire claims and investigation file or files (excluding references to mental impressions, conclusions or opinions representing the value or merit of the claim or defense or

respecting strategy or tactics and privileged communications from counsel), including but not limited to all written statements, signed or unsigned; descriptions of statements; transcripts of statements and/or written accounts of investigation, as maintained by the respective insurance carriers of Defendants [redacted]

2. All transcriptions and summaries of all interviews conducted by anyone acting on behalf of a defendant, or the insurance carrier of a defendant, or any other individual and/or entity of any potential witness and/or person(s), who has any knowledge of the accident or its surrounding circumstances.

3. All statements of any party and/or witness to this accident in the possession, knowledge or control of defendant or defendants' representatives.

4. All photographs, video and/or diagrams of the area involved in this accident, the locale or surrounding area of the site of this accident, any party to this accident, or any other person or thing involved in this accident.

5. All property damage estimates rendered for any vehicle belonging to a defendant and/or plaintiff that was involved in this accident and property damage estimates for the vehicle(s) driven by a defendant and/or plaintiff at the time of the accident.

6. All inter-office memoranda between representatives of the insurance carrier of defendant, or memoranda to the insurance carrier of defendant concerning the manner in which this accident occurred or the injuries sustained by any party (this includes any inter-office memoranda or correspondence between this Defendant, their insurance carrier, as well as any excess carrier).

7. A copy of any written accident report concerning this accident signed by or prepared by defendant for his/her/its insurance carrier or his/her/its employer or employee.

8. A copy of the face sheet and/or declarations page of any policy of insurance providing coverage to defendant for the claims that will be asserted in the future by plaintiff in this action, and within the terms of the area of inquiry as set forth heretofore.

9. All bills, reports, and records from any and all physicians, hospitals, or other health care providers concerning the injuries sustained by any party as a result of this accident.

10. All photographs and/or motion pictures of any and all surveillance of defendant or plaintiff performed by anyone acting on behalf of defendant, its/her/his insurance carrier, attorney or any other person and/or entity.

11. All documents relating to the manner of the accident, the events giving rise to or leading up to the accident and/or the causes or causes thereof, other than statements of witnesses or parties produced in response to the preceding Requests.

12. Any and all photographs or video that depict any automobile involved in this accident both as they existed immediately prior to the accident and as they existed after the accident, including any damage thereto from the accident.

13. Any official weather reports or other documents that describe or depict the conditions of the weather, lighting and roadway at the scene of the accident on the date of the accident.

14. All documents relating to the manner in which the accident could have been avoided.

15. All documents relating to any facts upon which it is asserted by Defendant that the conduct of Plaintiff contributed to the happening of the accident or injuries and/or losses allegedly suffered as a result thereof.

16. A true and correct copy of all raw data, analysis, or other downloading of EDR data from any vehicle involved in this accident including, but not limited to the vehicles operated by [redacted]

17. Any and all documents received by any Defendant or parties named herein, from any source related to any criminal, social and/or employment background check completed by Defendants as to any party involved in this case including Plaintiffs and Defendants herein.

18. A copy of any and all cell phone billings and receipts related to cell phone use by Defendant [redacted] comprising the most recent cell phone billing prior to the happening of the accident and the first cell phone billing received immediately after the accident.

19. A copy of any and all cell phone billings and receipts related to cell phone use by Defendant [redacted] comprising the most recent cell phone billing prior to the happening of the accident and the first cell phone billing received immediately after the accident.

20. A copy of any and all statements given by the Defendant [redacted] to his insurance carrier in the aftermath of this accident.

21. A copy of any and all statements given by the Defendant [redacted] to his insurance carrier in the aftermath of this accident.

22. Any and all maintenance manuals, books, records, papers, data bases, users/ owners manuals regarding the Kia vehicle identified above as owned and operated by [redacted] on the date of the subject accident.

23. Any and all maintenance manuals, books, records, papers, data bases, users/ owners manuals regarding the Dodge Caravan vehicle identified above as owned and operated by [redacted] on the date of the subject accident.

24. To the extent not previously produced, any and all documents regarding the vehicle maintenance of the Kia vehicle described heretofore driven by [redacted] on the date of the subject accident.

25. To the extent not previously produced, any and all documents regarding the vehicle maintenance of the Dodge Caravan vehicle described heretofore driven by [redacted] on the date of the subject accident.

26. With respect to Defendant Harmony Juvenile Products, the complete instruction manual along with each and every document provided with the sale of said Dreamtime 2 Deluxe Comfort Belt - Positioning Booster Car Seat.

27. With respect to Defendant Harmony Juvenile Products, a list of any and all recalls of any of your Booster/Car Seat products including, but not limited to the Dreamtime 2 Deluxe Comfort Belt - Positioning Booster Car Seat.

28. With respect to Defendant EvenFlo Company, Inc., the complete instruction manual along with each and every document provided with the sale of said Evenflo Tribute Car Seat.

29. With respect to Defendant EvenFlo Company, Inc., a list of any and all recalls of any of your Car Seat products including, but not limited to the Evenflo Tribute Car Seat.

30. With respect to Defendant Nissan World of Springfield, each and every document that relates to the sale of the 2011 Nissan Versa to [redacted]

31. Any and all recall notices involving or applicable to the 2011 Nissan Versa purchased b[redacted]r any 2011 Nissan Versa including, but not limited to air bag recall notification, seat belt, harness or passenger restraint related recalls, for the 2011 Nissan

Versa received by the Defendant Nissan World of Springfield in any form including, electronic transmission.

32. True and correct copies of any notices sent out regarding any type of recall for the 2011 Nissan Versa sold by Nissan World of Springfield to any consumer including, but not limited to [redacted]

33. Any and all maintenance records in the possession of Nissan World of Springfield that relate to the 2011 Nissan Versa sold to [redacted] including, but not limited to car fax report or similar documents, certifying documents, any warranty related documents, and maintenance records maintained prior to the sale of the 2011 Nissan Versa to [redacted] as well as all records that post date said sale.

You should be advised that pursuant to Pa. R.C.P. 4007.1 (d) and 4009, the Plaintiff hereby requests that the Defendants, Nissan USA, Nissan North America, Inc., and Nissan Motor Company, Ltd., designate individuals as described above who are fully aware and have knowledge as to the facts expected to be inquired into at the deposition. It is further required that these designees have full knowledge and awareness as to the circumstances and information regarding the 2011 Nissan Versa model particularly with regard to any and all facts involving side airbag manufacture, design, maintenance, installation, defects, and any potential recalls concerning same. It is further required that these designees have full knowledge and awareness as to the circumstances and information regarding the 2011 Nissan Versa model particularly with regard to any and all facts involving the seatbelt, harness, and passenger restraint systems manufacture, design, maintenance, installation, defects, and any potential recalls concerning same.

You should be advised that pursuant to Pa. R.C.P. 4007.1 (d) and 4009, the Plaintiff hereby requests that the Defendants, Nissan World of Springfield, designate individuals as described above who are fully aware and have knowledge as to the facts expected to be inquired into at the deposition regarding the sale of the 2011 Nissan Versa to [redacted] as well as to any and all records requested heretofore. It is further required that these designees have full knowledge and awareness as to the circumstances surrounding the vehicle purchased, its maintenance, and any and all recalls involving said vehicle.

You should be advised that pursuant to Pa. R.C.P. 4007.1 (d) and 4009, the Plaintiff hereby requests that the Defendants, EvenFlo Company, Inc., and EvenFlo Juvenile Products Company, designate individuals as described above who are fully aware and have knowledge as to the facts expected to be inquired into at the deposition regarding the EvenFlo Tribute Car Seat - Model #38111010, in terms of the product's design, testing, maintenance, use, recalls, defects, product safety analysis, etc..

You should be advised that pursuant to Pa. R.C.P. 4007.1 (d) and 4009, the Plaintiff hereby requests that the Defendant, Harmony Juvenile Product Company, designate individuals as described above who are fully aware and have knowledge as to the facts expected to be inquired into at the deposition regarding the Dreamtime 2 Deluxe Comfort Belt - Positioning Booster Car Seat - Model #030300TTST, in terms of the product's design, testing, maintenance, use, recalls, defects, product safety analysis, etc.

Deposition of your designated persons will be held as set froth above at the place and on the date set forth in paragraph one of this Notice of Deposition.

Please be further advised that pursuant to Pa. R.C.P. 4007 (d), when specific names of the deponents are unknown, the Notice of Deposition may contain "a general description sufficient

to identify" the person whose testimony is required. If you are unable to determine from the description given to you as to who should properly be designated by you to provide testimony at the deposition, please have your counsel contact us before the Depositions.

NOTICE OF INTENT TO SERVE SUBPOENA ON NON-PARTIES PURSUANT TO RULE 4009.21

Counsel for Plaintiffs has heretofore identified the Commonwealth of Pennsylvania State Police Officers as to the taking of their depositions at the times indicated heretofore. Exhibit "A" attached hereto is the Notice of Intent to Serve Subpoena to produce documents and things for discovery pursuant to Rule 4009.21.

Plaintiffs above captioned intend to serve Subpoenas identical to the Subpoenas that are attached to this Notice as Exhibit "B" herein. You have twenty (20) days from the date you are served with this notice to file of record and serve upon the undersigned an objection to the Subpoenas. If no objection is made the Subpoena may be served.

Dated: September 14, 2018

[redacted]

JOHN R. VIVIAN, JR.
I.D. No. 34459
831 Lehigh Street
Easton, PA 18042
(610) 258-6625
jrvivian@verizon.net

[redacted]

ADAM D. MESHKOV
I.D. No. 94856
830 Lehigh Street
Easton, PA 18042
(610) 438-6300
adm@meshkovbreslin.com
Attorneys for Plaintiff

EXHIBIT No. 8

A

REQUEST
FOR SERVICE ABROAD OF JUDICIAL OR EXTRA JUDICIAL DOCUMENTS

DEMANDE
AUX FINS DE SIGNIFICATION OU DE NOTIFICATION A L'ETRANGER
D'UN ACTE JUDICIARE OU EXTRAJUDICIAIRE

Convention on the service abroad of judicial and extrajudicial documents in civil or commercial matters, signed at The Hague, November 15, 1965

Convention relative à la signification et à la notification à l'étranger des actes judiciaires ou extrajudiciaires en matierè civile ou commerciale, signée à La Hage, le 15 Novembrè 1965.

Identity and address of the applicant *Indentité et adresse du requérant*	**Address of receiving authority** *Adrese de l'autorité destinataire*
L. Celeste Ingalls** **Crowe Foreign Services** **1020 SW Taylor Street, Suite 240** **Portland, Oregon 97205** **USA** **Email: Lci@foreignservices.com** **Fax Number: 1-503-222-3950**	**Central Authority Quebec/Dept. of Justice** **1200 route de l'Eglise, 2nd Floor** **Ste-Foy, Quebec** **Canada G1V 4M1** **T (418) 643-1436 ext. 20748 F (418) 646-1696**

The undersigned applicant has the honour to transmit - in duplicate - the documents listed below and, in conformity with article 5 of the above-mentioned Convention, requests prompt service of one copy thereof on the addressee, i.e.,
(identity and address)
Le requérant soussigné a l'honneur de faire parvenir - en double exemplaire - a l'autorité destinataire les documents ci-dessous énumérés en la priant conformément à l'article 5 de la Convention précitée, d'en faire remettre sans retard un exemplaire au destinataire, savior:
(identité et adresse)

Harmony Juvenile Products
2435 Rue Guenette, Saint-Laurent, QC H4R 2E9, Canada

☑ **(a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of article 5 of the Convention.***
a) selon les formes légales (article 5, alinéa premier, lettre a).

☐ **(b) in accordance with the following particular method (sub-paragraph (b) of the first paragraph of article 5)*:**
b) selon la forme particulière suivante (article 5, alinéa premier, lettre b): *To be served by Lillian Levy, Huissier de Justice*

☐ ~~**(c) by delivery to the addressee, if he accepts it voluntarily (second paragraph of article 5)*.**~~
~~*c) le cas échéant, par remise simple (article 5, alinéa 2).*~~

The authority is requested to return or to have returned to the applicant a copy of the documents - and of the annexes* - with a certificate as provided on the reverse side.
Cette autorité est priée de renvoyer ou de faire renvoyer au requérant un exemplaire de l'acte - et de ses annexes - avec l'attestation figurant au verso.

List of documents
Enumération des pièces

Executed "Summary" (2 pages)

*** Letter to Harmony Juvenile Products dated June 3, 2019
*** Writ of Summons

Done at Portland, Oregon, USA, the 20 **day of** June **, 2019.**
Fait à Portland, Oregon, USA, le...
Signature and/or stamp.
Signature et/ou cachet

GOKHAN GULER
CHJQ
1003
HUISSIER DE JUSTICE
SIGNIFIÉ LE
2019/07/11, 13 hrs 21
[redacted]

OFFICIAL STAMP
LYLE CELESTE INGALLS
NOTARY PUBLIC-OREGON
COMMISSION NO. 971979
MY COMMISSION EXPIRES MARCH 04, 2022

[redacted]
L. Celeste Ingalls

* **Delete if inappropriate**
Rayer les mentions inutiles

** **Authorized applicant pursuant to Rule 4(c)(2) of the Federal Rules of Civil Procedure, Public Law 97-462**
*** **with French translation**

SUMMARY OF THE DOCUMENT TO BE SERVED

ELEMENTS ESSENTIELS DE L'ACTE

Convention on the service abroad of judicial and extrajudicial documents in civil or commercial matters, signed at The Hague, November 15, 1965

Convention relative à la signification et à la notification à l'étranger des actes judiciaires et extrajudiciaires en matière civile ou commerciale, signée à La Hage, le 15 Novembre 1965.

(article 5, fourth paragraph)
(article 5, alinéa 4)

Name and address of the requesting authority:
Nom et adresse de l'autorité requérante:

L. Celeste Ingalls
Crowe Foreign Services
1020 SW Taylor Street, Suite 240
Portland, Oregon USA 97205

Particulars of the parties*:
Indentité des parties:

[redacted] ..... **PLAINTIFFS**
..... **DEFENDANTS**

JUDICIAL DOCUMENT**

ACTE JUDICIAIRE

Nature and purpose of the document:
Nature et objet de l'acte: **To give notice to defendant, Harmony Juvenile Products, that a court action has been filed.**

Nature and purpose of the proceedings, and, where appropriate, the amount in dispute:
Nature et objet de l' instance, le cas échéant, le montant du litige:

Notification that a Civil claim for damages in an action against Harmony Juvenile Products was filed in the Court of Common Pleas of Northampton County, Pennsylvania.

Date and place for entering appearance:** **N/A**
Date et lieu de la comparution:

Court which has given judgment:** **N/A**
Juridiction qui a rendu la décision:

Date of judgment:** **N/A**
Date de la décision:

Time limits stated in the document:**
Indication des délias figurant dans l'acte: **N/A**

AUTORITÉ CENTRALE DU QUÉBEC - MINISTÈRE DE LA JUSTICE -
MD
2019-07-08

EXTRAJUDICIAL DOCUMENT*

ACTE EXTRAJUDICIAIRE

Nature and purpose of the document: **N/A**
Nature et objet de l'acte:

Time limits stated in the document:** **N/A**
Indication des délias figurant dans l'acte:

*** If appropriate, identity and address of the person interested in the transmission of the document.**
S'il y a lieu, identité et adresse de la personne intéressée à la transmission de l'acte.

**** Delete if inappropriate.**
Rayer les mentions inutiles.

SUMMARY OF THE DOCUMENT TO BE SERVED
PAGE 2 OF 2

Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, signed at The Hague, the 15th of November 1965
(Article 5, fourth paragraph)

Identite et adresse du destinataire / *Identity* **and address** of *the* **addressee** / --:

Harmony Juvenile Products
2435 Rue Guenette, Saint-Laurent, QC H4R 2E9, Canada

IMPORTANT



Pennsylvania Bar Association - Lawyer Referral Service
100 South Street
Harrisburg, PA 1710
1-717-238-6807

IMPORTANT

THE ENCLOSED DOCUMENT IS OF A LEGAL NATURE AND MAY AFFECT YOUR RIGHTS AND OBLIGATIONS. THE 'SUMMARY OF THE DOCUMENT TO BE SERVED' WILL GIVE YOU SOME INFORMATION ABOUT ITS NATURE AND PURPOSE YOU SHOULD HOWEVER READ THE DOCUMENT ITSELF CAREFULL Y IT MAY BE NECESSARY TO SEEK LEGAL ADVICE

IF YOUR FINANCIAL RESOURCES ARE INSUFFICIENT YOU SHOULD SEEK INFORMATION ON THE POSSIBILITY OF OBTAINING LEGAL AID OR ADVICE EITHER IN THE COUNTRY WHERE YOU LIVE OR IN THE COUNTRY WHERE THE DOCUMENT WAS ISSUED.

ENQUIRIES ABOUT THE AVAILABILITY OF LEGAL AID OR ADVICE IN THE COUNTRY WHERE THE DOCUMENT WAS ISSUED MAY BE DIRECTED TO:

Pennsylvania Bar Association - Lawyer Referral Service
100 South Street
Harrisburg, PA 1710
1-717-238-6807

BUREAUX JUDICIAIRE DE
John R. Vivian, Jr.
831 LEHIGH STREET
EASTON. PENNSYLVANIE 18042
-
(610) 258-6625
Télécopie (610) 258-4875
E-MAIL : JRVIVIAN@VERIZON.NET
site web: www.johnvivianjr.com

Le 3 juin 2019

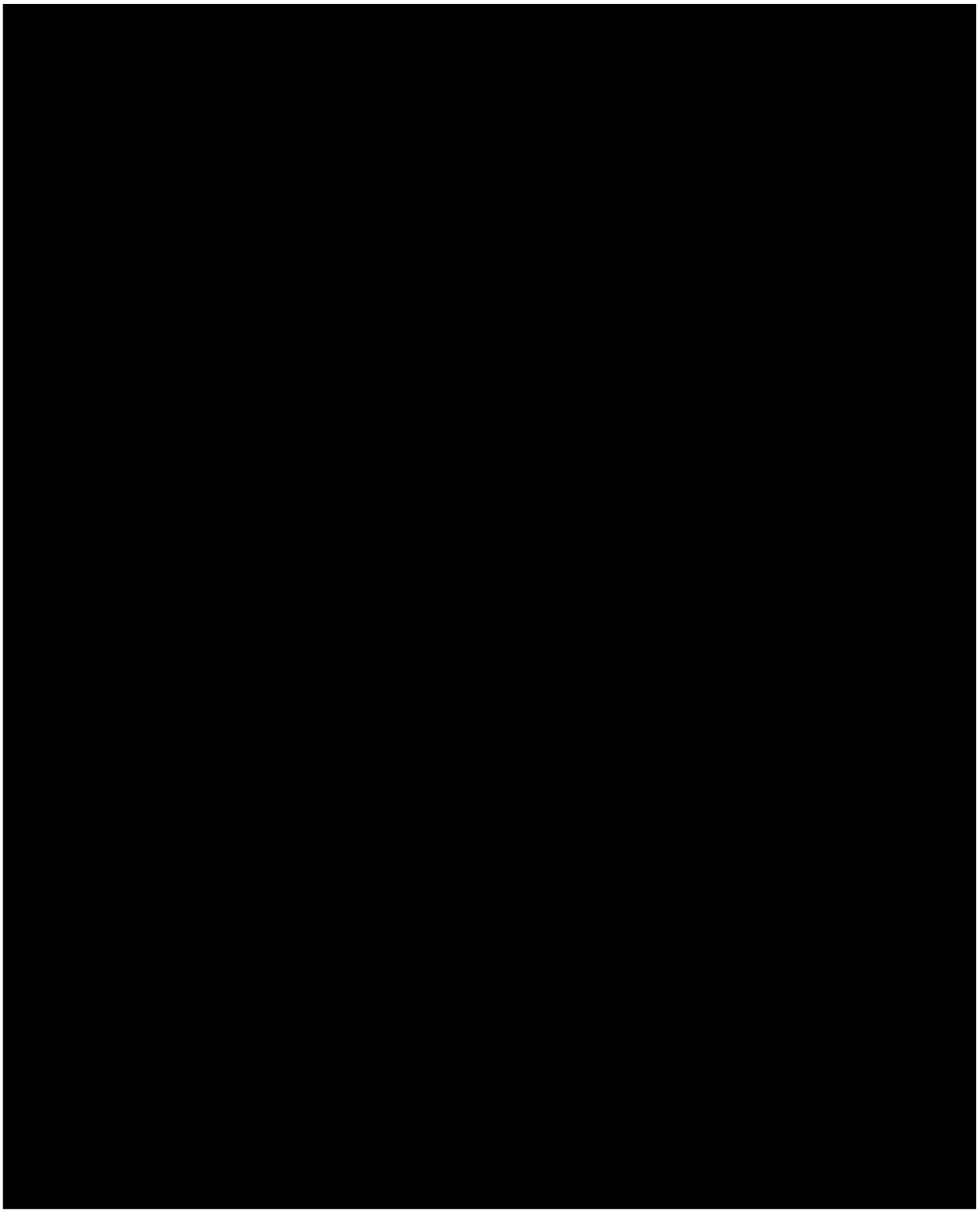
JOHN R. VIVIAN, JR.

* AVOCAT AGRÉÉ AUPRÈS DES TRIBUNAUX CIVILS PAR LE CONSEIL NATIONAL DU BARREAU
UNE AGENCE ACCRÉDITÉE DE LA COUR SUPRÊME EN PENNSYLVANIE

Harmony Juvenile Products
2435 Guenette Street
Saint-Laurent, QC H4R 2E9, Canada

IN RE: [redacted] Adm. Ad Ad Prosequendum de la succession [redacted], mineur décédé, et al. vs [redacted] et al.
No. [redacted]

[redacted]



LAW OFFICES OF
JOHN R. VIVIAN, JR.
831 LEHIGH STREET
EASTON, PENNSYLVANIA 18042
(610) 258-6625
FAX (610) 258-4875
EMAIL: JRVIVIAN@VERIZON.NET
WEBSITE: www.johnvivianjr.com

JOHN R. VIVIAN, JR.*

* CERTIFIED CIVIL TRIAL ADVOCATE BY THE NATIONAL BOARD OF TRIAL ADVOCACY
A PENNSYLVANIA SUPREME COURT ACCREDITED AGENCY

June 3, 2019

Harmony Juvenile Products
2435 Guenette Street
Saint-Laurent, QC H4R 2E9, Canada

IN RE: [redacted] Adm., Ad Prosequendum of the [redacted], Deceased Minor, et al. vs. [redacted] et al.
[redacted]

To the Defendant Named in the Within Papers:

Please be advised that you are being served with a Writ of Summons. This means that a civil legal action has been instituted against you as a Defendant. You should turn these papers over to your attorney and/or any insurance carrier providing coverage to you for this type of action.

Should you have any questions about this matter, please consult with an attorney and/or insurance representative. I would prefer that any inquiry you have come from those sources. Please do not call my office directly.

Thank you for your attention to this matter.

Very truly yours,

[redacted]

JOHN R. VIVIAN, JR.

JRV:sdh
Enclosure: As stated above

IN THE COURT OF COMMON PLEAS OFNORTHAMPTON COUNTY, PENNSYLVANIA
CIVIL DIVISION

11 14 18 ISSUED
Deputy

6/3/19

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF NORTHAMPTON

[redacted] ADMINSTRATRIX AD PROSEQUENDUM OF THE ESTATE OF [redacted] A DECEASED MINOR, [redacted] ADMINISTRATOR AD PROSEQUENDUM OF THE ESTATE OF [redacted] A DECEASED MINOR AND [redacted]
Plaintiff(s)

vs

No. [redacted]

[redacted], NISSAN , USA, NISSAN NORTH AMERICA, INC., NISSAN WORLD OF SPRINGFIELD, NISSAN MOTOR COMPANY, LTD., HARMONY JUVENILE PRODUCTS, EVENFLO COMPANY, INC., AND EVENFLO JUVENILE PRODUCTS COMPANY, INDIVIDUALLY AND JOINTLY
Defendant(s)

CIVIL ACTION
JURY TRIAL DEMANDED

WRIT OF SUMMONS

TO: [redacted] NISSAN , USA, NISSAN NORTH AMERICA, INC., NISSAN WORLD OF SPRINGFIELD, NISSAN MOTOR COMPANY, LTD., HARMONY JUVENILE PRODUCTS, EVENFLO COMPANY, INC., AND EVENFLO JUVENILE PRODUCTS COMPANY, INDIVIDUALLY AND JOINTLY

You are notified that [redacted] ADMINISTRATRIX AD PROSEQUENDUM OF THE ESTATE OF [redacted], A DECEASED MINOR, [redacted] ADMINISTRATOR AD PROSEQUENDUM OF THE ESTATE OF [redacted], A DECEASED MINOR AND [redacted]
(Name(s) of Plaintiff(s)

has (have) commenced an action against you.

Date SEPTEMBER 14, 2018

Holly Ruggiero
Prothonotary

By [redacted]
Deputy

Attorney Name: JOHN R. VIVIAN, JR., ESQ.
Address: 831 LEHIGH STREET
EASTON, PA 18042
Telephone No. 610-258-6625
Attorney for Plaintiff(s)

A TRUE COPY
ATTEST:

HOLLY RUGGIERO
CLERK OF COURT
CIVIL/PROTHONOTARY

[redacted]

LAW OFFICES OF
JOHN R. VIVIAN, JR.
831 LEHIGH STREET
EASTON, PENNSYLVANIA 18042
(610) 258-6625
FAX (610) 258-4875
EMAIL: JRVIVIAN@VERIZON.NET
WEBSITE: www.johnvivianjr.com

JOHN R. VIVIAN, JR.*

* CERTIFIED CIVIL TRIAL ADVOCATE BY THE NATIONAL BOARD OF TRIAL ADVOCACY

A PENNSYLVANIA SUPREME COURT ACCREDITED AGENCY

October 2, 2019

Richard DiTomaso, Esquire
1800 JFK Blvd., Suite 405
Philadelphia, PA 19103

Re: [redacted] Adm, et al., v[redacted] t al.
Northampton County No.[redacted]

Dear Attorney DiTomaso:

Enclosed herewith please find a Notice of Deposition for your client, Michael Gura. This will confirm that deposition will take place on Thursday, October 17, 2019 @ 10:00 a.m., said deposition will take place at my office, 831 Lehigh Street Easton, Pennsylvania 18042. This will confirm that I have retained the Court Stenographer.

Should you have any questions with regards to the enclosed, please do not hesitate to contact this office. Thank you for your attention to this matter.

Very truly yours,

[redacted]

JOHN R. VIVIAN, JR.

JRV:mlw
Enclosure

cc: G. Christopher Parrish, Esquire (w/encl.)
Leona McFadden, Esquire (w/encl.)
Michael S. Takacs, Esquire (w/encl.)
John Dryer, Esquire (w/encl.)
J. Michael Kunsch, Esquire (w/encl.)

COMMON PLEAS OF NORTHAMPTON COUNTY, PENNSYLVANIA
CIVIL DIVISION - LAW

[redacted]S, Administratrix Ad Prosequendum of the Estate of [redacted] a Deceased Minor, [redacted] Administrator Ad Prosequendum of the Estate of [redacted] a Deceased Minor and [redacted]	:	[redacted]
Plaintiffs,	:	
vs.	:	
[redacted] NISSAN, USA, NISSAN NORTH AMERICA, INC., NISSAN WORLD OF SPRINGFIELD, NISSAN MOTOR COMPANY LTD., HARMONY JUVENILE PRODUCTS, EVENFLO COMPANY, INC. and EVENFLO JUVENILE PRODUCTS COMPANY, Individually and Jointly.	:	CIVIL ACTION JURY TRIAL DEMANDED
Defendants.	:	

NOTICE OF DEPOSITION

TO: [redacted]
c/o Richard DiTomaso, Esquire
1800 JFK Blvd., Suite 405
Philadelphia, PA 19103

NOTICE IS HEREBY GIVEN, that pursuant to Pennsylvania R.C.P. No. 4007.1, the deposition of the Defendant, [redacted] will be taken an oral examination at the office of John R. Vivian, Jr., 831 Lehigh Street, Easton, Pennsylvania 18042, on **Thursday, October 17, 2019 at 10:00 a.m.,** on and at any and all adjournments thereof.

The discovery will substantially aid in the preparation for trial. The information to be inquired into is relevant to the subject matter in this action and is not privileged.

The deposition will not violate any of the restrictions of Pennsylvania R.C.P. No. 4011.

[redacted]

JOHN R. VIVIAN, JR.
I.D. # 34459
831 Lehigh Street
Easton, PA 18042
(610) 258-6625
jrvivian@verizon.net
Attorney for Plaintiff

LAW OFFICES OF
JOHN R. VIVIAN, JR.
831 LEHIGH STREET
EASTON, PENNSYLVANIA 18042

(610) 258-6625
FAX (610) 258-4875
EMAIL: JRVIVIAN@VERIZON.NET
WEBSITE: www.johnvivianjr.com

JOHN R. VIVIAN, JR. *

* CERTIFIED CIVIL TRIAL ADVOCATE BY THE NATIONAL BOARD OF TRIAL ADVOCACY

A PENNSYLVANIA SUPREME COURT ACCREDITED AGENCY

October 2, 2019

G. Christopher Parrish, Esquire
1 Bethlehem Plaza
Broad & New Streets, Suite 400
Bethlehem, PA 18018

Re: [redacted] et al., v. [redacted] Jr., et al.
Northampton County No.: [redacted]

Dear Attorney Parrish:

Enclosed herewith please find a Notice of Deposition for your client, [redacted] This will confirm that deposition will take place on Thursday, October 17, 2019 @ 12:00 p.m., said deposition will take place at my office, 831 Lehigh Street Easton, Pennsylvania 18042. This will confirm that I have retained the Court Stenographer.

Should you have any questions with regards to the enclosed, please do not hesitate to contact this office. Thank you for your attention to this matter.

Very truly yours,

[redacted]

JOHN R. VIVIAN, JR.

JRV:mlw
Enclosure

cc: Richard DiTomaso, Esquire (w/encl.)
Leona McFadden, Esquire (w/encl.)
Michael S. Takacs, Esquire (w/encl.)
John Dryer, Esquire (w/encl.)
J. Michael Kunsch, Esquire (w/encl.)

COMMON PLEAS OF NORTHAMPTON COUNTY, PENNSYLVANIA
CIVIL DIVISION - LAW

[redacted] Administratrix Ad Prosequendum of the Estate of [redacted] a Deceased Minor, [redacted], Administrator Ad Prosequendum of the Estate of [redacted] a Deceased Minor and [redacted]	:	NO [redacted]
Plaintiffs,	:	
vs.	:	
[redacted] NISSAN, USA, NISSAN NORTH AMERICA, INC., NISSAN WORLD OF SPRINGFIELD, NISSAN MOTOR COMPANY LTD., HARMONY JUVENILE PRODUCTS, EVENFLO COMPANY, INC. and EVENFLO JUVENILE PRODUCTS COMPANY, Individually and Jointly.	:	CIVIL ACTION JURY TRIAL DEMANDED
Defendants.	:	

NOTICE OF DEPOSITION

TO: [redacted]
c/o Christopher Parrish, Esquire
1 Bethlehem Plaza
Broad & New Streets, Suite 400
Bethlehem, PA 18018

NOTICE IS HEREBY GIVEN, that pursuant to Pennsylvania R.C.P. No. 4007.1, the deposition of the Defendant, [redacted] will be taken an oral examination at the office of John R. Vivian, Jr., 831 Lehigh Street, Easton, Pennsylvania 18042, on **Thursday, October 17, 2019 at 12:00 p.m.,** on and at any and all adjournments thereof.

The discovery will substantially aid in the preparation for trial. The information to be inquired into is relevant to the subject matter in this action and is not privileged.

The deposition will not violate any of the restrictions of Pennsylvania R.C.P. No. 4011.

[redacted]

JOHN R. VIVIAN, JR.
I.D. # 34459
831 Lehigh Street
Easton, PA 18042
(610) 258-6625
jrvivian@verizon.net
Attorney for Plaintiff

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF NORTHAMPTON

[redacted], Adm., Ad Prosequendum of the [redacted], a dec'd minor, et al.
vs.
[redacted], Jr., et al.,

FILE NO. [redacted]

SUBPOENA TO ATTEND AND TESTIFY

TO: TROOPER BREANNE GLAD, PA STATE POLICE
2930 Airport Road, Bethlehem, PA 18107

1. You are ordered by the court to come to the Law Office of John R. Vivian, Jr., 831 Lehigh Street,
(Specify courtroom or other place)
at Easton, Northampton County, Pennsylvania, on October 16, 2019
at 9:00 a.m. o'clock, A.M., to testify on behalf of Plaintiff
in the above case, and to remain until excused.

2. And bring with you the following: See attached production materials

If you fail to attend or to produce the documents or things required by this subpoena, you may be subject to the sanctions authorized by Rule 234.5 of the Pennsylvania Rules of Civil Procedure , including but not limited to costs, attorney fees and imprisonment.

REQUESTED BY A PARTY/ATTORNEY IN COMPLIANCE WITH Pa.R.C.P. NO. 234.2(a):

NAME: John R. Vivian, Jr., Esquire

ADDRESS: 831 Lehigh Street
Easton, PA 18042

TELEPHONE: (610) 258-6625

SUPREME COURT ID # 34459

BY THE COURT:

[redacted]
Prothonotary/Clerk, Civil Division

Date: October 2, 2019
Seal of the Court

[redacted]
Deputy

OFFICIAL NOTE: This form of subpoena shall be used whenever a subpoena is issuable, including hearings in connection with depositions and before arbitrators, masters, commissioners, etc. in compliance with Pa.R.C.P. 234.1. If a subpoena for production of documents, records or things is desired, complete paragraph 2.

(EFF. 7/97)

RETURN OF SERVICE:

On the 2 day of OCTOBER, 2019 I, MARGARET VIETRO

served TROOPEL BREANNE GLAD
(Name of person served)

with the foregoing subpoena by: PERSONAL HAND DELIVERY @ 10 A.M.
(Describe method of service)

.

I verify that the statements in this return of service are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.

DATE: 10/2/19

[redacted]
(Signature)

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF NORTHAMPTON

[redacted], Adm., Ad Prosequendum of the Estate of [redacted] a Dec'd
Minor, et al.,
vs.
[redacted] Jr., et al.,

FILE NO. [redacted]

SUBPOENA TO ATTEND AND TESTIFY

TO: TROOPER ROBERT ECK, PA STATE POLICE
654 BANGOR ROAD
NAZARETH, PA 18064

1. You are ordered by the court to come to the Law Office of John R. Vivian, Jr., 831 Lehigh Street,
(Specify courtroom or other place)
at Easton, Northampton County, Pennsylvania, on October 16, 2019
at 10:30 o'clock, A.M., to testify on behalf of Plaintiff
in the above case, and to remain until excused.

2. And bring with you the following: Each and every documented by the PA State Police involved in the above investigation of an accident occurring on 9/14/2016 on [redacted], County of Northampton, Commonwealth of PA approx. 0.4 miles from [redacted] - See attached for additional production materials.

If you fail to attend or to produce the documents or things required by this subpoena, you may be subject to the sanctions authorized by Rule 234.5 of the Pennsylvania Rules of Civil Procedure , including but not limited to costs, attorney fees and imprisonment.

REQUESTED BY A PARTY/ATTORNEY IN COMPLIANCE WITH Pa.R.C.P. NO. 234.2(a):

NAME: John R. Vivian, Jr., Esquire

ADDRESS: 831 Lehigh Street
Easton, PA 18042

TELEPHONE: (610) 258-6625

SUPREME COURT ID # 34459

BY THE COURT: [redacted]

Prothonotary/Clerk, Civil Division

Date: October 1, 2019
Seal of the Court

[redacted]
Deputy

OFFICIAL NOTE: This form of subpoena shall be used whenever a subpoena is issuable, including hearings in connection with depositions and before arbitrators, masters, commissioners, etc. in compliance with Pa.R.C.P. 234.1. If a subpoena for production of documents, records or things is desired, complete paragraph 2.

(EFF. 7/97)

RETURN OF SERVICE:

On the 1 day of OCTOBER, ~~19~~ 2019 I, MARGARET VIETRO

served CORPORAL MARVIN SHAIR, WHO ACCEPTED FOR TROOPER ROBERT ECK
(Name of person served)

with the foregoing subpoena by: PERSONAL HAND DELIVERY @ 4 P.M.
(Describe method of service)

.

I verify that the statements in this return of service are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.

DATE: 10/1/19

[redacted]

(Signature)

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF NORTHAMPTON

[redacted], Adm., Ad Prosequendum of the Estate of [redacted], a Dec'd Minor, et al.
vs.
[redacted] Jr., et al.,

FILE NO. [redacted]

SUBPOENA DUCES TECUM

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS
FOR DISCOVERY PURSUANT TO RULE 4009.22

TO: PA STATE TROOPER ROBERT ECK c/o Commissioner of PA State Police, Custodian of Records, 1800 Elmerton Avenue, Harrisburg, PA 17110
(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: Each and every document generated by the PA State Police involved in the above investigation of an accident occurring on 9/14/16, on [redacted], County of Northampton, Commonwealth of PA approx. 0.4 miles from [redacted]
See attached for additional production of materials.

at Law Office of John R. Vivian, Jr., 831 Lehigh Street, Easton, Pennsylvania
(Address)

You may deliver or mail legible copies of the documents or produce things requested by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek in advance the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena within twenty (20) days after its service, the party serving this subpoena may seek a court order compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: John R. Vivian, Jr., Esquire
ADDRESS: 831 Lehigh Street
Easton, PA 18042
TELEPHONE: (610) 258-6625
SUPREME COURT ID # 34459
ATTORNEY FOR: Plaintiff

RECEIVED
RIGHT-TO-KNOW LAW OFFICE
SUBPOENA UNIT
2019 OCT -7 A 10 27

BY THE COURT: [redacted]
Prothonotary/Clerk, Civil Division

DATE: October 1, 2019
Seal of the Court

[redacted]
Deputy

(EFF. 7/97)

In addition, you should produce any photographs, videos, inspection reports, witness statements, supplemental reports, and each and every item which in anyway relates to the investigation of this accident.

RECEIVED
RIGHT-TO-KNOW LAW OFFICE
SUBPOENA UNIT
2019 OCT -7 A 10:28

EXHIBIT No. 9


harmony
harmony

EXHIBIT No. 10


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harmony