

Hon. J. Kelley Arnold

CV 01-05311 #00000027

BY WESTERN DISTRICT OF WASHINGTON MAR 29 2002

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KEN L. JARAMILLO, individually and
as Personal Representative of the Estates
of ANGELA L. JARAMILLO and
MCKENNA LEE JARAMILLO,
GERALD R. TARUTIS as guardian ad
litem for RILEY R. JARAMILLO, a
minor, and BRADFORD J. FULTON as
guardian ad litem for SAWYER D
JARAMILLO, a minor,

Plaintiffs,

v.

FORD MOTOR COMPANY, a Delaware
corporation; and DOREL JUVENILE
GROUP, INC., a foreign corporation,

Defendants

NO C01-5311JKA

DEFENDANT DOREL
JUVENILE GROUP,
INC.'S FRCP 26
DISCLOSURE

Defendant Dorel Juvenile Group, Inc., by counsel, makes the following initial disclosures pursuant to FRCP 26.

Rule 26(a)(1)(A) states that a party shall provide "the name and, if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information."

Scene Witnesses The following persons are believed to have been at the

DEFENDANT DOREL'S
FRCP DISCLOSURE - 1

HOUGER & WALT, P.S.
1702 North 34th Street
Seattle, Washington 98103
(206) 675-1600

ORIGINAL

27

1 accident scene either the day of or the day after and may have knowledge of the
2 circumstances surrounding the accident, the vehicle and child restraint either before or after
3 the accident, and the nature and extent of plaintiffs' injuries:

4 Kenneth Jaramillo
5 c/o Stritmatter Kessler Whelan Withey Coluccio
6 200 Second Avenue W
7 Seattle, WA 98119
8 (206) 448-1777

9 Diane H Willis
10 David Willis
11 2160 E 3950 N
12 Filer, ID 83328
13 (208) 326-5674

14 Diane Meckling
15 Address Unknown
16 (208) 367-2747

17 Joe Jaramillo
18 c/o Stritmatter Kessler Whelan Withey Coluccio
19 200 Second Avenue W
20 Seattle, WA 98119
21 (206) 448-1777

22 B Law Enforcement Personnel The following persons were involved in the
23 investigation of the accident for the Idaho State Police and may have information regarding
24 the accident, the vehicle, the vehicle seat belts, and/or the child restraint

25 Trooper Robert Bingham
26 Idaho State Police
27 626 Eastland Drive So
28 Twin Falls, ID 83301
(208) 736-3072

Sergeant Christopher Schenk
Idaho State Police
626 Eastland Drive So
Twin Falls, ID 83301
(208) 736-3072

C. Elmore County Sheriff's Office Personnel The following person may have
attended the accident scene and may have knowledge regarding the accident, the vehicle, the
child restraint, and/or the nature and extent of injuries:

Robyn Ellis
c/o Elmore County Sheriff's Office

1 (208) 587-2100

2 D. Life Flight Personnel. The following persons are believed to have provided
3 emergency assistance at the accident scene and may have knowledge concerning the accident,
4 the vehicle, the child restraint, and/or the nature and extent of injuries:

5 Nurse Meyer
6 Life Flight
7 Saint Alphonsus Regional Medical Center
8 1055 N. Curtis Street
Boise, ID 83706
(208) 367-2121

9 Paramedic Smith
10 Life Flight
11 Saint Alphonsus Regional Medical Center
12 1055 N. Curtis Street
Boise, ID 83706
(208) 367-2121

13 Nurse Hazelwood
14 Life Flight
15 Saint Alphonsus Regional Medical Center
1055 N. Curtis Street
Boise, ID 83706
(208) 367-2121

16 David Corchand, Paramedic
17 Life Flight
18 Saint Alphonsus Regional Medical Center
1055 N. Curtis Street
Boise, ID 83706
(208) 367-2121

19 J Furner, Paramedic
20 Life Flight
21 Saint Alphonsus Regional Medical Center
22 1055 N. Curtis Street
Boise, ID 83706
(208) 367-2121

23 E. Northwest Paramedic Association Personnel: The following persons are
24 believed to have provided emergency assistance at the accident scene and thus may have
25 knowledge concerning the accident, the vehicle, the child restraint, and/or the nature and
26 extent of injuries

27 Brian Chevalier
28 Northwest Paramedic Associates, Inc.

1 P O. Box 44740
2 Boise, ID 83711
(208) 424-0018

3 Jim Wilson
4 Northwest Paramedic Associates, Inc
5 P O Box 44740
Boise, ID 83711
(208) 424-0018

6 Ron Hickey
7 Northwest Paramedic Associates, Inc
8 P O Box 44740
Boise, ID 83711
(208) 424-0018

9 Melissa Schaeffer
10 Northwest Paramedic Associates, Inc
11 P O. Box 44740
Boise, ID 83711
(208) 424-0018

12 Don Stroup
13 Northwest Paramedic Associates, Inc
14 P O. Box 44740
Boise, ID 83711
(208) 424-0018

15 F. Camas County Emergency and Fire Department Personnel. The following
16 persons are believed to have provided emergency assistance at the accident scene and may
17 have knowledge concerning the accident, the vehicle, the child restraint, and/or the nature
18 and extent of injuries.

19 Wayne Marloff
20 Street Address Unknown
Fairfield, Idaho
(208) 764-2923

21 Lisa Nolton
22 Street Address Unknown
23 Fairfield, Idaho
(208) 764-2376

24 Dave and Tiffany Hanks
25 Residence Address Unknown
(208) 678-5849

26 Mike Stewart
27 Street Address Unknown
28 Fairfield, Idaho
(208)764-3301

1 Mark Tate
2 Street Address Unknown
3 Fairfield, Idaho
4 (208) 764-3301

5 Eldon Tate
6 c/o Sheriff's Office/Dispatch
7 (208) 764-2261

8 Raoul Ornelas
9 Street Address Unknown
10 Fairfield, Idaho
11 (208) 764-9261

12 G Tow Truck Operator: The following individual towed and stored the plaintiffs'
13 vehicle after the accident as well as participated in debris removal at the scene and may have
14 knowledge relevant to the accident, the vehicle, and/or the child restraint

15 Scott Marloff
16 Scott's Towing
17 Hill City, Idaho
18 (208) 764-2664

19 H Medical Witnesses: The following physicians and medical personnel may have
20 knowledge regarding the circumstances of the incident, as well as plaintiffs' injuries

21 Mark A. Henzler, M.D.
22 Saint Alphonsus Regional Medical Center
23 1055 N. Curtis Street
24 Boise, ID 83706
25 (208) 367-2121

26 Paul D. Traugher, M.D.
27 Saint Alphonsus Regional Medical Center
28 1055 N. Curtis Street
Boise, ID 83706
(208) 367-2121

D. Lee Binion, M.D.
Elmore Medical Center Hospital
P.O. Box 1270
Mountain Home, ID 83647
(208) 587-8401

Sandra Loyer, PA-C
Shelton Family Medicine, PLLC
939 Mountain View Drive
Suite 100
Shelton, WA 98584
(360) 426-2653

1 Dr. Michael G.E Thomas
2 221 Professional Way
3 Shelton, WA 98584
4 (360) 426-0121

5 J.D Harviel, M.D
6 Saint Alphonsus Regional Medical Center
7 1055 N. Curtis Street
8 Boise, ID 83706
9 (208) 367-2121

10 David T Gough, D O.
11 Saint Alphonsus Regional Medical Center
12 1055 N. Curtis Street
13 Boise, ID 83706
14 (208) 367-2121

15 Stanley Waters, M D
16 Saint Alphonsus Regional Medical Center
17 1055 N. Curtis Street
18 Boise, ID 83706
19 (208) 367-2121

20 Christine M. Bozich, M.D
21 Shelton Family Medicine, PLLC
22 939 Mountain View Drive
23 Suite 100
24 Shelton, WA 98584
25 (360) 426-2653

26 David J Stackhouse, M.D
27 Radiology Consultation
28 Group Health Cooperative of Puget Sound

Michael Thomas, M.D
221 Professional Way
Shelton, WA 98584
(360) 426-0121

Neil Davey, M D
Gem State Radiology
P O Box 9649
410 S. Orchard, Suite 116
Boise, ID 83707-1965
(208) 385-0045

Pediatrician for McKenna
Shelton Family Medicine, PLLC
939 Mountain View Drive
Suite 100
Shelton, WA 98584
(360) 426-2653

I Coroners and Morticians. The following witnesses may have information

1 relating to injuries to Angela Jaramillo and McKenna Jaramillo, their conditions and causes
2 of death:

3 Marla Spence, M D.
4 Coroner
5 Elmore County, ID

6 Glen Groben, M D.
7 5550 Morris Hill
8 Boise, ID

9 Jerry L Rost
10 Summers Funeral Home
11 Mountain Home, ID

12 J. Dorel Juvenile Group, Inc. With respect to Dorel Juvenile Group, Inc.'s
13 employees who have knowledge relevant to the claims and defenses in this case, due to the
14 complexity of the design, development, manufacturing, distribution and advertising
15 processes, it is impossible to identify a particular individual or group of individuals
16 responsible for all such decisions. There is no one person who had overall responsibility for
17 the Grand Explorer child restraint seat allegedly at issue in this case In general terms, the
18 design and development process resided with Richard Glover, Dorel's Vice-President of
19 Product Development. Dorel Juvenile Group, Inc would further refer Plaintiffs to the many
20 pages of documents it has agreed to make available below, many of which pertain to the
21 design and development of the Grand Explorer child restraint and indicate on their faces the
22 names of the individuals involved in various phases of such design and development

23 In general terms, the overall testing and regulatory compliance responsibility for the
24 Grand Explorer resided with Dorel Juvenile Group, Inc 's Terry Emerson, Products Standards
25 Manager Dorel Juvenile Group, Inc would further refer Plaintiffs to the many pages of
26 documents that it has agreed to make available below, many of which pertain to the testing
27 and regulatory compliance of the Grand Explorer and may indicate on their faces the names
28 of individuals in various phases of the program

In addition, over the past few years, Dorel Juvenile Group, Inc. employees and agents
have had their depositions taken by Plaintiffs' counsel on design, development,

1 manufacturing, testing, and various other issues in connection with personal injury litigation
2 involving the Grand Explorer child restraints. Below is a partial list of Dorel Juvenile Group,
3 Inc employees and agents who have been deposed in Grand Explorer litigation and who have
4 discoverable evidence to support Dorel Juvenile Group, Inc 's claims of defense:

5 Terry Emerson
6 Richard Glover
7 James Kain

8 At this time, given the broad nature of Plaintiffs' allegations and the fact that this
9 litigation, as pertains to Dorel Juvenile Group, Inc. is in its most preliminary stages, Dorel
10 Juvenile Group, Inc cannot further identify with specificity any particular employees likely
11 to have discoverable information.

12 **II Rule(a)(1)(B) states that a party shall provide "a copy of, or a description by
13 category and location of, all documents, data compilations, and tangible things
14 in the possession, custody, or control of the party and that the disclosing party
15 may use to support its claims or defenses, unless solely for impeachment.**

16 A Dorel documents Dorel Juvenile Group has compiled documents collected by
17 it through numerous expensive and time-consuming searches in connection with discovery
18 propounded in Grand Explorer personal injury litigation, and which are not protected from
19 disclosure by the attorney-client privilege and/or the work product doctrine. These
20 documents would generally be arranged in the following subject matter categories to
21 facilitate production to Plaintiffs.

22 **General Corporate**

- 23 • Cosco History
- 24 • Organizational Charts
- 25 • Annual Reports

26 **R&D/Product Development**

- 27 • Patent/Copyright
- 28 • Labels, Instructions, and Packaging (box)
- Engineering Drawings (Grand Explorer)

Testing

1 **Production**

2 **Marketing/Advertising**

3 **Sales**

4 **NHTSA**

5 **Customer Contacts**

6 Upon written request and a party's agreement to pay copying costs, Dorel Juvenile
7 Group, Inc will make available a hard copy of these documents that Dorel Juvenile Group,
8 Inc believes are reasonably responsive to any such request at a cost of \$0 20 per page

9 B **Case-related Documents.** Dorel Juvenile Group, Inc. will provide a copy of the
10 following documents specific to the accident or injuries alleged in this case

- 11 • Idaho State Patrol Vehicle Collision Report
- 12 • Idaho State Patrol Photographs of Scene and Vehicle
- 13 • Idaho State Patrol Video Tape of Accident Scene
- 14 • Cosco Grand Explorer (Exemplar)
- 15 • Labeling and Instructions for the Grand Explorer including box

16 III ***Rule 26(a)(1)(C) states that a party shall provide "a computation of any category
17 of damages claimed by the disclosing party, making available for inspection and
18 copying as under Rule 34 the documents or other evidentiary material, not
19 privileged or protected from disclosure, on which such computation is based,
20 including materials bearing on the nature and extent or injuries suffered."***

21 Not applicable. Dorel Juvenile Group, Inc. is not presently claiming any damages
22 other than a claim for attorney fees pursuant to RCW 4 28.185(5)

23 IV ***Rule 26(a)(1)(D) states that a party shall provide "for inspection and copying as
24 under Rule 34 any insurance agreement under which any person carrying on an
25 insurance business may be liable to satisfy part or all of a judgment which may
26 be entered in the action or to indemnify or reimburse for payments made to
27 satisfy the judgment."***

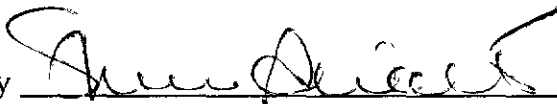
28 Dorel Juvenile Group, Inc. has a self-insured retention of two million dollars
(\$2,000,000) with insurance coverage over this amount placed with TIG Specialty Insurance.
A copy of Dorel's insurance policies will be made available at a requesting party's expense

1 **V Rule 26(b)(5). Claims of Privilege or Protection of Trial Preparation Materials.**

2 Dorel Juvenile Group, Inc will provide a privilege log regarding documents that
3 Dorel Juvenile Group, Inc. presently claims are precluded from discovery on the basis of the
4 attorney-client privilege, attorney work-product or other protection.
5

6 DATED this 28th day of March, 2002
7

8 HOUGER & WALT, P.S.
9

10 By 
11 L WILLIAM HOUGER, WSBA No 2595
12 SHARON AMBROSIA-WALT, WSBA No 15212
13 Attorneys for Defendant Dorel
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CERTIFICATE OF SERVICE

The undersigned does hereby certify that on the 28th day of March, 2002, I
[] deposited with the U S Postal Service with correct postage affixed, [X] placed with legal
messengers; [] faxed a true and correct copy of the document to which this certification is
attached for delivery to all counsel of record, addressed as follows.

Paul W Whelan
STRITMATTER KESSLER
WHELAN WITHEY COLUCCIO
200 Second Avenue West
Seattle, WA 98119

Raymond S Weber
MILLS MEYERS SWARTLING
1000 Second Avenue, 30th Floor
Seattle, WA 98104-1064

Dated this 28th day of March, 2002 in Seattle, Washington.


SHARON AMBROSIA-WALT