

Lewis Roca

ROTHGERBER CHRISTIE

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February 6, 2018

VIA E-MAIL (BWASHBURN@SCOTTSDALEAZ.GOV; FIRE@SCOTTSDALEAZ.GOV)
VIA US. MAIL

Bruce Washburn, City Attorney
City of Scottsdale
City Attorney's Office 3939 N.
Drinkwater Boulevard
Scottsdale, AZ 85251

Fire Chief Tom Shannon
City of Scottsdale - Fire Department
Witzeman Public Safety Building
8401 E. Indian School Road
Scottsdale, AZ 85251

Re: [REDACTED] v. City of Scottsdale, et al.

Date of Loss: February 3, 2018

REPRESENTATION/INSPECTION/PRESERVATION

Dear Bruce and Chief Shannon:

[REDACTED] have retained us to investigate and pursue claims related to the death of their son [REDACTED] on February 3, 2018 at the Scottsdale Fire Station no. 1, located at 1901 N. Miller Road, Scottsdale AZ 85257. Please direct all further communications to me.

We are requesting a site/equipment inspection by an expert on the earliest possible date available to you. We understand you may wish to have repairs or maintenance done on the equipment or area involved, but we ask that the status quo be maintained (with appropriate safety measures taken) until the inspection can occur. We also understand you have ongoing operations at that station, and we wish to disrupt your operations as little as reasonably necessary to investigate these claims. With these concerns in mind, we are prepared to move quickly to schedule the inspection, and we will make ourselves available at any time, day or night, as you wish. Please have the appropriate person contact me to make arrangements.

I am also requesting that the City of Scottsdale and Scottsdale Fire Department preserve all information related to this incident and the day it happened. Under Arizona law, all persons in possession of information or materials that are relevant or could reasonably lead to the discovery of relevant information relating to a matter that could be the subject of litigation are required to preserve all such materials and information. See Souza v. Fred Carries

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Bruce Washburn, City
Attorney Fire Chief Tom
Shannon
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Contracts, Inc., 191 Ariz. 247, 250, 955 P.2d 3, 6 (App. 1997). Pursuant to this authority, I request that you preserve (and send to me) any known information in your possession or control that may shed light on this claim including, without limitation:

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Albuquerque / Colorado Springs / Denver / Irvine / Las Vegas / Los Angeles / Phoenix / Reno / Silicon Valley / Tucson

- 1 . All surveillance or other video from the station on day of the incident.
- 2 All video, photographs, incident reports, and any written or recorded statements or investigative reports prepared by you, your investigators or others since the time of the incident.
- 3 All purchase/repair orders, logs, reports and repair/maintenance records regarding the bay doors and related equipment at the station.
- 4 All parts or pieces from any repair or mechanical work already done on the bay doors and related equipment since the incident.
- 5 All records of people in attendance at the station on the day of the incident.

I look forward to hearing from you on this matter. Thank you.

Very truly yours,



Steven J. Hulsman

Lewis Roca Rothgerber Christie LLP

SJH/fl cc: [REDACTED] (via
email)

