0698 SPA

U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

April 10, 1997

CERTIFIED MAIL

Ms. Jenny Wells
CBC ○ SRC ○ Market Place
205 Wellington Street, W, Room 5-H208
Toronto, Ontario
CANADA M5V3G7

Re: FOIA Request S702035: Spa Drain Cover Reports

Dear Ms. Wells:

Thank you for your Freedom of Information Act (FOIA) request seeking information from the Commission. The records from the Commission files responsive to your request have been processed and copies of the releasable responsive records are enclosed. The enclosed records constitute three Epidemiologic Investigation Reports with the underlying and supporting documentation. The Commission has received this information from its formal investigation systems. Through these systems the Commission hopes to learn when specific products are associated with illness, injury or death. The Commission believes that it has taken reasonable steps to assure the accuracy of this information. While conducting the interviews for the investigation reports, Commission staff or contractors have spoken with the individuals involved or with others who witnessed or are familiar with the incidents. Where possible, Commission staff have examined the products reportedly involved in the incidents. Although the Commission has investigated the incidents described in the investigation reports, the Commission has not necessarily determined the cause of the incidents.

Some of the manufacturers or private labelers identified have made comments regarding some of the records enclosed. To assure fairness to the manufacturers or private labelers, we are enclosing their comments attached to appropriate records.

Portions of the records that inaccurately identify a product have been removed from the report 960228CWE6001, pursuant to Exemption 3 of the FOIA, 5 U.S.C. § 552(b)(3), and section 6(b)(1) of the Consumer Product Safety Act (CPSA), 15 U.S.C. § 2055(b)(1), and our regulations, 16 C.F.R. § 1101.32. FOIA Exemption 3 provides

for the withholding from disclosure of matters that are specifically exempted from disclosure by another statute. In applying FOIA Exemption 3, we are relying on section 6(b)(1) of the CPSA. That section prohibits the Commission from disclosing information about a consumer product that identifies a manufacturer or private labeler unless the Commission has taken "reasonable steps" to assure that the information is accurate, that disclosure is fair in the circumstances, and that disclosure will be reasonably related to effectuating the purposes of the laws that the Commission administers. See Commission regulation, 16 C.F.R. § 1101.32. In this report the name of the product was erroneously identified and misused as a generic term referring to the spa.

You will note that in the documents disclosed information that could identify injured parties and persons treating them has been deleted, because section 25(c) of the CPSA, 15 U.S.C. § 2074(c)(1), prohibits such disclosures without the consent of those individuals. In some cases the parties have denied consent or consent has not otherwise been obtained.

According to the Commission's regulations implementing the FOIA at 16 C.F.R. § 1015.7, a partial denial of access to records may be appealed to the General Counsel of the Commission within thirty (30) days of your receipt of this letter. An appeal must be in writing and addressed to: FOIA APPEAL, General Counsel, ATTN: Office of the Secretary, U.S. Consumer Product Safety Commission, Washington, D. C. 20207.

Processing this request, performing the file searches and preparing the information, cost the Commission $80.00. In this instance, we have decided to waive all of the charges. Thank you for your interest in consumer product safety.

Sincerely,

Todd A. Stevenson
Deputy Secretary and
Freedom of Information Officer
Office of the Secretary

Enclosures

photos

I

EPIDEMIOLOGIC INVESTIGATION REPORT

1. CASE NO. 960228CWE6001	2. INVESTIGATOR'S ID [9][0][3][5]	3. OFFICE CODE [8][6][0]	
4. DATE OF INCIDENT YR MO DAY [9][6][0][2][2][5]	5. DATE INVESTIGATION INITIATED YR MO DAY [9][6][0][3][1][9]		

6. SYNOPSIS OF INCIDENT OR COMPLAINT A 12 year old female died from fresh water drowning in the famlies backyard spa after her shoulder length hair became entrapped in the suctiondrain cover of the spa.

7. LOCATION *(Home, school, etc.)* Backyard [1][1]	8. CITY Huntington Beach	9. STATE CA

10A. FIRST PRODUCT Home Spa [0][6][9][8]	11A. TRADE/BRAND NAME, MODEL NUMBER, MANUFACTURER & ADDRESS Possible Manufacturer is Beachport Spa, No additional information could be obtained
10B. SECOND PRODUCT Suction Cover [ ][ ][ ][ ]	11B. TRADE/BRAND NAME, MODEL NUMBER, MANUFACTURER & ADDRESS Hydro Air, Address unknown.

12. AGE OF VICTIM [0][1][2]	13. SEX *(USE NUMERICAL CODE)* MALE - 1 FEMALE - 2 [2] UNKNOWN- 3	14. DISPOSITION Died [8]	15. INJURY DIAGNOSIS Drowning [6][9]

16. BODY PART [8][5]	17. RESPONDENT(S) *(Mother, Friend)* Father & Grandfather [2]	18. TYPE INVESTIGATION ON SITE - 1 TELEPHONE - 2 [1] OTHER - 3	19. TIME SPENT [2][3].[5]

20. ATTACHMENTS Multiple [9]	21. CASE SOURCE [0][5]	22. REVIEWED BY YR MO DAY [8][0][9][7] [9][6][0][4][1][8]

23. PERMISSION TO DISCLOSE NAMES *(NON-NEISS CASES ONLY)* CPSC MAY DISCLOSE MY NAME [ ] CPSC MAY NOT DISCLOSE MY NAME [XX]

24. NARRATIVE *(See Instructions on Page 2)*	25. REGIONAL OFFICE DIRECTOR REVIEW DATE

MFR/PRVLBR NOTIFIED 3/17/97

_____ No Comments made

FRANKLIN Comments attached

25(c), 3(a)(1) Excisions/~~Revisions~~ INACCURATE REFERENCE TO PRODUCT

X Firm has not requested further notice

The information contained within this report was provided by the victim's father and grandfather. Additional information was obtained from official reports.

Pre-Event:

The victim was described by her father as a healthy and active 12 year old female, who weighed 91 pounds and was 61" tall. According to the victim's father his daughter loved the water and was a very good swimmer. The victim had lived in Hawaii for eight years, during which time she snorkeled and swam in the ocean. She also swam in swimming pools, and had been in various spas and hot tubs. The victim and her father had been residing in another state and were vacationing at the home of the victim's grandparents in California.

The victim had straight blond hair which was just past her shoulders. The father said that her hair was fine but she had lots of it.

According to the victim's grandfather when he purchased his residence two years ago there was a fiberglass spa in the backyard. The spa was similar in looks and design to a portable unit except that it was recessed into the ground and surrounded by a wooden deck, photographs #1-8, exhibit #8. The mechanical units (filter, pumps, heater) were located approximately 23 feet from the unit. An "L" shaped wooden fence partially obstructed the view of these components, photograph #2, exhibit #8. The spa was seldom used by the victim's grandparents, and did not require any professional servicing or repairs. The grandfather regularly cleaned the spa and tested the water for proper chemical levels. The filter, and the leaf catchers in the pump and blower units were cleaned as needed. The built-in light required resealing which was done by the victim's grandfather. No other servicing was required or conducted.

During her two week stay at her grandparents home, the victim was always asking if she could swim in the spa. She was allowed to do so on one occasion for approximately 10 to 15 minutes. However, the victim continued asking if she could go into the spa again. Sunday, February 25, 1996, was the last day of the victim's vacation. Her grandfather cleaned the spa in case her father allowed her to use it. At approximately 7:00 p.m. the family finished their evening meal. They retired to the garage to play cards with other family members who were present. At approximately 7:30 p.m. the victim's father allowed her to use the spa. The victim's grandfather went to the backyard with her and turned on the spa and the underwater light.

At approximately 7:50 p.m. the victim's grandmother went to the bathroom. There is a window in the bathroom which overlooks the spa. The grandmother looked out the window and did not see nor hear the victim. She advised her husband, and they searched the house and backyard. The spa was still operating but there was no sign of the victim. The grandfather turned off the spa and its light and returned to the garage. They advised the victim's father that the victim was not in the spa and could not be found. The victim's father looked in the yard and checked with several neighbors to the West. Approximately 8:00 p.m. the victim's father looked into the spa again. He was concerned because the victim's sweat pants and towel were still on the wooden deck next to the spa.

Event:

When the grandfather turned on the spa light they saw the victim face up with her head apparently attached to the spa drain.

Post-Event:

The suction drain is located on the side of the spa near the bottom. Both the father and the grandfather jumped into the spa, but were unable to remove the victim. A pair of scissors were obtained, and after about three to four attempts the father was able to free the victim.

The victim's grandmother had already phoned 911 emergency and the family began CPR until the paramedics arrived. The victim was transported to a local hospital and was pronounced dead at 2043 hours on February 25, 1996. Cause of death was listed in the coroner's summary as fresh water drowning. Blood alcohol level was 0.00%.

According to the father, the grandparents may not have originally seen the victim in the spa because of the bubbles created by the jets. Also the victim was wearing a brown colored swim suit which was similar in color to the spa.

Product Identification:

Efforts to identify the manufacturer of the spa were unsuccessful. There were no identifying labels or marks which could be traced to a specific manufacturer. A logo was cast into the fiberglass on the bottom of the spa. This was copied and shown to several spa retailers, but the identity of the spa manufacturer could not be identified. A copy of the logo design is appended as exhibit number one.

IDI: 960228CWE6001
Keven Barton (9035)
March 19, 1996

Product Identification:

Filter Pump:

Purex Pool Products Division
18400 E. Mohr Ave.,
City of Industry, CA
Model number unknown
Serial number unknown

Motor for Filter Pump:

Franklin Electric
Buffton, Indiana 46714

1081 Pool motor
Model #1104390424
Date code: H79
Time rating: Cont
Could not read horsepower
115/215-230 volts
3450 RPM
PH1 - HZ 60
29/14.5 amps - SF 1.0
KVA code JFR56C
Ins. B
Ref. P21134
E49787

Heater:

AO Smith
Swimming Pool Heater "Copper" Mediterranean II,
Year built: K76
Model Number BPC25740
Ser: 740CK760122
157,500 BTU'S

Filter:

DTE Filter
CHD Pool Equipment Co.
1848 No. Tyler Ave.
El Monte, CA
#SM820
Serial #12102
60 GPM
Pump size 1/2 hp.

IDI: 960228CWE6001
Keven Barton (9035)
March 19, 1996

Product Labeling:

The spa contained two labels located on the upper portion of the spas side just above the first step. The labels read:

1. Photograph #15, exhibit #8.

WARNING
DO NOT EXCEED
104

2. Photograph #14, exhibit #8.

CAUTION

The Consumer Product Safety Commission has stated that water temperature in a spa or hot tub should not exceed 104F immersion in water in excess of 104F could be hazardous to your health, children, aged persons, persons having medical problems and pregnant women should consult their physicians before using a spa or hot tub. Spa or hot tubs should not be used by persons under the influence of alcohol or by persons taking medication which induce drowsiness.

No other identifiable markings could be located on the unit.

Exhibits:

1. Drawing of spa logo.
2. Copy of building permit.
3. Police report.
4. Fire and Paramedic report.
5. Coroner summery report.
6. Catalog for Hydro Air pump.
7. Copy of Los Angeles Times article provided by grandfather.
8. Photographs and Negatives.
   Authorization for release of name.
   Assignment.

EXHIBIT #1
KB 3/21/96
960TTECWF6001

APR 29 1996

EXHIBIT #2
KB 4/3/96
96011ECW6001

SP 8776

SWIMMING POOL PERMIT

CITY OF HUNTINGTON BEACH
DEPARTMENT OF
DEVELOPMENT SERVICES
P.O. BOX 190 - CALIFORNIA 92648
(714) 536-5241

FEES		
Building Permit		19.00
Plan Check		12.50
Conservation		.50
Plumbing	1900	~~17.00~~
Electrical		

Item		No.	Each	Fees
Fixtures	55		~~.50~~	5.5
Switches	55	3	~~.50~~	1.65
Outlets	55		~~.50~~	
Motors HP = 0 to 1	300	1	2.40	3.00
Over 1 to 5	550	1	5.00	5.50
Time Clock	300	1	2.40	3.00
Altering Service	1400		~~12.50~~	
Sub Panel	550		~~5.00~~	
Issuance Fee				10.00
TOTAL FEES				[illegible]
Area of Pool		SPA		74.70
Valuation	11 50			

I have read this application and agree to comply with all local and state laws applicable to building construction.
(1) 1. I am validly registered and licensed as required by the City of Huntington Beach and the State of California, or
(X) 2. I am the legal owner of the above described property.

I have filed with the City of Huntington Beach
( ) 1. A certificate of consent to self-insure issued by the Director of Industrial Relations, or
( ) 2. A certificate of workers' compensation insurance issued by an admitted insurer, or
( ) 3. An exact copy or duplicate thereof certified by the Director or the insurer, or
(X) 4. I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers compensation laws of the State of California.

I certify (or declare) under penalty of perjury that the foregoing is true and correct, and this declaration was executed on the 29 day of 11, 1982 at Huntington Beach, California.

Permittee

If work is not commenced 180 days from date of issue of this permit, or if work is abandoned for more than 180 days, this permit shall be null and void.

Land Use App		Date 11-29-82
Permit Authorized		Date 11-29-82
Permit Issued By		Date 11-29-82
Receipt No.	184874	

Building Address	4952 MAIN ST. P.C.
Lot No.	Block No. Tract No.
Owner	[redacted]
[redacted]	
City HB	Tel. No. 846-3803
Contractor OWNER	
Address	
City	Tel. No.
State Lic. No.	City Lic. No.
Costal Permit Zone	Yes No X
Remarks:	
[redacted]	
Circulating pump	
Inside of Inside Bond Pk	
Inside of Inside Bond Pk	

APPROVALS

	Date	Inspector
O.K. to Gunite	Plans Exp.	
Rough Electric	12/24/82	[illegible]
Rough Plumbing		
Gas Test	12/24/83	[illegible]
P Trap	[illegible]	
Elect. Final		
Fencing - Gate	12/4/83	[illegible]
O.K. to Plaster		
Pool Final, J-Boxes, Cover		

1

EXHIBIT #3
KJB 4/01/96
960228CW E6001

HUNTINGTON BEACH POLICE DEPARTMENT
CASUALTY REPORT

Date of Report: 02/25/96 DR Number **96-004443**

Code Offense **Description**
- DEATH REPORT

Date Occurred: SUN 02/25/96 at 19:30
Or Between: SUN 02/25/96 at 20:10
Discovered: SUN 02/25/96 at 20:10
Reported: SUN 02/25/96 at 20:10

Location: **4952 MAUI LN.**
At or Near:
Name of Place:
RD: 155 Beat: 10

CRIME SCENE INVESTIGATION

CSI Conducted: **Y** by [redacted] PIN 0677 3250

INVESTIGATIVE ANALYSIS

Is there a witness ? Y
Was there an arrest(s) ? N
Can the suspect vehicle be identified ? N
Was there significant or serious injury ? Y
Is there identifiable stolen property ? N Are there any ID numbers ?
Is there significant Modus Operandi ? Y
Is there significant Physical Evidence ? Y
Is there good probability of solution ? N
Is this a continuing problem ? N
Has any associated Stolen Vehicle
or Bike report been completed ? N

Officer A. GREENBURG PIN 1061 Supervisor

Page 1 Date 3/26/96

TYPED BY: P. BROWN /420805 96-004443
HBPD FORM OFFENSE (rev. 12/91) printed on 02/26/96 at 12:14

HUNTINGTON BEACH POLICE DEPARTMENT
CASUALTY REPORT

960228C WE 6001

Date of Report: 02/25/96 DR Number 96-004443

PERSONS INVOLVED|

Involvement: **VICTIM** Sex: F Race:
Name: [redacted] DOB: 06/22/83 Age Range:
Address: [redacted] HOUSTON TX 77080
Home Phone: [redacted] Work Phone:
Occupation: STUDENT Employed by:
Employer Address:
Relationship: Interviewed? Can ID? Support Prosecution?
...

Involvement: **FINDER** Sex: M Race:
Name: [redacted] DOB: 04/14/62 Age Range:
Address: [redacted] HOUSTON TX 77080
Home Phone: [redacted] Work Phone: [redacted]
Occupation: Employed by:
Employer Address:
Relationship: Interviewed? Y Can ID? Support Prosecution?
...

Involvement: **WITNESS** Sex: M Race:
Name: [redacted] DOB: 11/06/43 Age Range:
Address: [redacted] HUNTINGTON BEACH CA 92649
Home Phone: [redacted] Work Phone: [redacted]
Occupation: CAR SALESMAN Employed by:
Employer Address:
Relationship: Interviewed? Y Can ID? Support Prosecution?
...

Details:

3(25(c))
6(b)(1)

PROPERTY: See evidence report, same DR number.

...

On 02-25-96, at 2011 hours, I received a call of a possible child drowning at 4952 Maui Lane. I was approximately two blocks from the location when I received the call and responded code 3. I arrived at 4952 Maui Lane less than one minute after I was dispatched.

Upon my arrival, I was directed to the rear yard of 4952 Maui. As I ran into the rear yard, I saw [redacted] lying on the wood deck adjacent to an in-ground [redacted] was lying on the ground, on her back, with her head [redacted] in an easterly direction. I saw her father, [redacted] leaning over [redacted] doing CPR. I also saw a female doing compressions on Krista. This female was identified by Officer MARTIN, see his supplemental report for details.

Officer A. GREENBURG PIN 1061 Supervisor [signature]

Page 2 . Date 2/26/96

TYPED BY: P. BROWN /420805 96-004443
HBPD FORM OFFENSE (rev. 12/91) printed on 02/26/96 at 12:14

HUNTINGTON BEACH POLICE DEPARTMENT 9602280 WE 6001
CASUALTY REPORT

Date of Report: 02/25/96

DR Number 96-004443

As I approache[redacted] I noticed that she was blue in color. I checked and saw that she was not breathing and had no pulse. I also noted that [redacted] had vomited.

I then removed my portable CPR mask which I carry on my person and cleared [redacted]'s airway and relieved [redacted] from doing CPR on his daughter, [redacted]. I continued to do two person CPR with the female that was already doing the chest compressions. I continued the CPR until Huntington Beach Medic Engine #48 arrived. I then continued to assist Huntington Beach Medic Engine #48 with CPR, until Huntington Beach Ambulance #42 transported [redacted] to Huntington Beach Medical Center.

After Kr[redacted] was transported to Huntington Beach Medical Center, I walked back into the backyard and examined the [redacted] area. I saw that the [redacted] was an approximate 7 foot octagon shaped in-ground [redacted] with a wood deck around it. I noticed that th[redacted] cover was lying on the wood deck, just west of the [redacted]. I also noticed that the [redacted] light was on, but the jets had been turned off. I looked inside the [redacted] and saw a pair of scissors with orange handles resting on the seat at the east end of the [redacted]. I then noticed a large mass of brown hair stuck in what looked like a drain cover, also on the east wall of the [redacted], below the seat, approximately one foot from the bottom of the [redacted]. For further details, refer to CSI report and additional supplemental reports by other officers who responded to the location.

I then spoke with [redacted]Y, the father of Krista.

3 25(c)
6(b)(1)

[redacted]Y told me that he and [redacted] live in Houston Texas and are in Huntington Beach on vacation, staying with Kirt's parent's, [redacted]s grandparents at 4[redacted], in Huntington Beach, phone number [redacted]

[redacted]Y told me that on 02-25-96, between 1930 hours and 1945 hours, he was unsure of the exact time, [redacted] had just finished dinner and asked if she could take a [redacted] said that his stepfather, [redacted], then went into the backyard and removed the cover of the [redacted] and turned the [redacted] heater on for [redacted].

[redacted]Y said approximately 30 minutes later, around 8 PM, his mother, [redacted] asked where [redacted] was and said that she was not in the [redacted] and [redacted] then went out, checked the [redacted] and the backyard for K[redacted] while [redacted] walked out to the front yard and checked the front yard for Krista's whereabouts. [redacted]

Officer A. GREENBURG PIN 1061 Supervisor [signature]

Page 3 Date 2/26/96

TYPED BY: P. BROWN /420805 96-004443

PD FORM OFFENSE (rev. 12/91) printed on 02/26/96 at 12:14

960228LWE6001

HUNTINGTON BEACH POLICE DEPARTMENT
CASUALTY REPORT

Date of Report: 02/25/96 DR Number 96-004443

[redacted] told me that he then went back inside the house and checked the entire interior of the house for [redacted] Unable to find her, he decided to go out into the backyard and double check the [redacted] for [redacted]

He walked back in the backyard again, this time with his stepfather, [redacted] turned on the [redacted] light, at which time [redacted] noticed [redacted] face up in the bottom of the [redacted] with her head pointed in an easterly direction. [redacted] said he tried to pull [redacted]a out of the pool, but was unable to due to the fact that her hair was caught in the drain of the [redacted] He then yelled for someone to get him a pair of scissors. [redacted]L brought [redacted] the scissors, at which time [redacted] cut [redacted]s hair in order to retrieve K[redacted] from the pool. Once out of the pool, Kirt immediately started CPR on [redacted] continued CPR until I relieved him and continued the CPR myself.

I then spoke with [redacted], the step-grandfather of [redacted]

[redacted] told me that on 02-25-96, around 1930 hours, he was unsure of the exact time, he had just finished dinner and went to play cards with [redacted] and other family members who were at his house located at [redacted] Approximately ten minutes after he started to play cards, he was unsure of the time, he believes it was around 7:30 PM, [redacted] asked [redacted] if he would turn on the [redacted] for her so she could take a [redacted] said yes to [redacted] and walked out to the backyard, removed the [redacted] cover from the [redacted] and turned on the [redacted] heater, filter, lights and [redacted] bubble jets. He then went back inside and asked [redacted] if [redacted] would be okay alone in the [redacted] told [redacted] yes, she'll be fine in the [redacted] and [redacted] then continued their card game.

3, 25(c) 6(b)(4)

Approximately 20 minutes after [redacted] turned on the [redacted] for [redacted] [redacted]s wife, K[redacted], left the card table and went to the restroom. When she came from the restroom, she said [redacted] is not in the [redacted] told me that [redacted] and himself talked for about 5 minutes at the card table about where [redacted]a could be.

[redacted] then walked out to the front yard and checked the front yard for K[redacted]a, while [redacted] and [redacted] checked the entire inside of the house, then checked the backyard and [redacted] for Krista. [redacted] told me that he and his wife, [redacted], walked in the backyard to the [redacted] looked into the [redacted] and noticed that the light of the [redacted] was on and the [redacted] bubble jets were on. [redacted]L turned off the [redacted] bubble jets and looked back into the [redacted] and still did not see [redacted]a inside the

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Officer A. GREENBURG PIN 1061 Supervisor [redacted]

Page 4 Date 2/26/96

TYPED BY: P. BROWN /420805 96-004443
HBPD FORM OFFENSE (rev. 12/91) printed on 02/26/96 at 12:14

HUNTINGTON BEACH POLICE DEPARTMENT
CASUALTY REPORT

960228 CWE 6001

Date of Report: 02/25/96 DR Number 96-004443

[redacted] and [redacted] then went back into the house.

As [redacted] walked back to the house, [redacted] had returned from the front yard and decided to double check his backyard [redacted] asked [redacted] if he was sure that [redacted] was not in the [redacted] and [redacted] said, yes. [redacted] then walked over to the [redacted] and yelled that he had found [redacted] looked outside the backyard and saw [redacted] try to pull [redacted] out of the [redacted] He noticed that [redacted] hair was stuck in the drain at the east end of the [redacted] then yelled for someone to bring him a pair of scissors, at which time [redacted] ran inside, retrieved a pair of scissors and brought them to [redacted] then used the scissors to cut [redacted] hair, enabling him to remove Krista from the [redacted]

[redacted] told me that once [redacted] removed [redacted] from the [redacted] he laid her on the deck, next to the pool, and immediately started CPR, at which time his neighbor, a nurse from across the street by the name of [redacted] came over to the house and assisted [redacted] with CPR. For further details regarding the interview of [redacted] refer to Officer [redacted]'s supplemental report.

3 25(c)
6 (b)(1)

Officer MARTIN, Officer COTTRIEL and Officer KLEMKE then drove to Huntington Beach Medical Center to conduct a follow-up investigation. For further details, refer to their supplemental reports.

No further investigation was conducted by me at this time.

Officer A. GREENBURG PIN 1061 Supervisor [signature]

Page 5 Date 2/26/96

TYPED BY: P. BROWN /420805 96-004443
HBPD FORM OFFENSE (rev. 12/91) printed on 02/26/96 at 12:14

AUTHORIZATION AND REQUEST FOR POLICE REPORT

OK to give copy per Sgt. Burgess

960228CWE6001

TO WHOM IT MAY CONCERN:

RE: Driver's License #: C 0161475

Location of Accident: [redacted]

Huntington Beach, CA 92649

City of / County of: Huntington Beach

Date of Accident: Feb 25, 1996

Parties Involved:

Kindly permit my attorneys, KESSLER & ASSOCIATES, or their representative, to examine and make copies of, and at their request, furnish them with copies of any police reports, photographs or other information you may have concerning the above referenced accident.

A copy of this signed Authorization bearing a copy of my signature shall be as effective and valid as the original.

DATED: _____ SIGNED: [redacted] (father of [redacted])

PLEASE MAIL REPORT TO:

GARY ALAN KESSLER, ESQ.
KESSLER & ASSOCIATES
4570 Campus Drive, Suite 17
Newport Beach, CA 92663
(714) 252-2168

HUNTINGTON BEACH POLICE DEPARTMENT
INCIDENT REPORT NARRATIVE

CASE # 96-04443

NARRATIVE: (List DRUGS, DOCTOR(S), HOSPITAL and CORONER, etc. in Casualty Report narratives)

SUPPLEMENTAL:

960228 CWE6001

VICTIM: [redacted]
6-22-83
2[redacted]
HOUSTON, TX 77080
[redacted]

ON 2-25-96, AT APPROX. 2045 HRS, I WAS REQUESTED BY SGT. STUART TO RESPOND TO [redacted].

UPON ARRIVAL, I CONTACTED SGT. STUART (WHO WAS IN THE LIVINGROOM. WE WALKED OUTSIDE, TO THE BACKYARD, AND I SAW OFFICER COTTREIL AND OFFICER MARTIN STANDING NEXT TO THE [redacted] OFFICER COTTREIL WAS USING THE "SKIMMER" TO RETRIEVE THE VICTIM'S HAIR THAT HAD BEEN CAUGHT IN THE DRAIN COVER.

3 25(c), 6(b)(1)

OFFICER COTTREIL HAD REMOVED THE DRAIN COVER, WHICH I TOOK POSSESSION OF AND WAS LATER BOOKED INTO EVIDENCE AS ITEM #2. THE HAIR THAT WAS COLLECTED FROM THE [redacted] AND DRAIN COVER WERE ALSO BOOKED INTO EVIDENCE AT A LATER TIME.

Officer: KLEMKE PIN: 182 Supervisor: [signature] Date: 2/26/96

960228CWE609

HUNTINGTON BEACH POLICE DEPARTMENT
INCIDENT REPORT NARRATIVE

CASE # 96-04443

NARRATIVE: (List DRUGS, DOCTOR(S), HOSPITAL and CORONER, etc. in Casualty Report narratives)

I WAS THEN REQUESTED TO GO TO "HUNTINGTON BEACH MEDICAL CENTER" TO INTERVIEW OTHER FAMILY MEMBERS.

UPON ARRIVAL, I WAS NOTIFIED BY SGT. TIDRICK THAT THE FAMILY HAD DECIDED TO GO BACK HOME. OFFICER COTTREIL, WHO ALSO SHOWED UP AT "H.B.M.C." THEN WENT BACK TO THE RESIDENCE TO INTERVIEW THE REST OF THE FAMILY MEMBER'S.

I STAYED AT "H.B.M.C." AWAITING THE ARRIVAL OF THE CORONER. AT APPROX. 2200 HRS., SENIOR DEPUTY CHRISTY WURSTER-McCOY (3.29.70) ARRIVED AND TOOK CUSTODY OF THE VICTIM. WHILE DEPUTY CHRISTY WURSTER-McCOY WAS CONDUCTING HER INVESTIGATION, SHE TOLD ME THAT SHE DID NOT SEE ANY SUSPICIOUS TRAUMA. THERE WERE TWO 1" SCRATCHES ON THE INNER PORTION OF HUMPHREY'S LEFT SHIN. ONE SCRATCH WAS APPROX. 1" x 1/2"(W) AND APPROX. 3 1/2" ABOVE THE ANKLE. THE OTHER SCRATCH WAS JUST ABOVE THIS OTHER ONE, AND IT WAS APPROX. 1"(L) x 1/4"(W). DEPUTY CHRISTY WURSTER-McCOY STATED THAT THESE SCRATCHES LOOKED "FRESH", HOWEVER, DUE TO THE VICTIM BEING IN WATER SHE WAS NOT STATING THIS TO BE FACT AT THIS TIME.

Officer: KLEMKE PIN: 182 Supervisor: Date: / /

960228CWEL001

HUNTINGTON BEACH

HUNTINGTON BEACH POLICE DEPARTMENT
INCIDENT REPORT NARRATIVE

CASE # 96-04443

NARRATIVE: *(List DRUGS, DOCTOR(S), HOSPITAL and CORONER, etc. in Casualty Report narratives)*

AT APPROX. 2225 HRS., DAN NEWTON FROM THE CORONER'S OFFICE REMOVED THE VICTIM'S BODY FROM "H.B.M.C."

I THEN RESPONDED TO THE "HUNTINGTON BEACH POLICE DEPARTMENT" WHERE THE PROPERTY WAS BOOKED INTO EVIDENCE.

NO FURTHER DETAILS, REFER TO OFFICER GREENBURG AND MARTIN'S REPORTS. SEE DEPUTY CHRISTY WURSTER-McCOY REPORT FILED UNDER 96-01341-WU.

Officer: KLEMKE PIN: 182 Supervisor: [signature] Date: / /

960228 CWE 600

HUNTINGTON BEACH POLICE DEPARTMENT
INCIDENT REPORT PROPERTY CONTINUATION

CASE # 96-04443

PROPERTY/EVIDENCE CODES: E-vidence safe-K-eeping F-ound L-ost S-tolen R-recovered D-amaged

CATEGORIES: Enter a Category number 1 - 11 | 1- Currency 2 - Jewelry 3 - Clothing/Furs 4 - Locally Stolen Vehicles 5- Office Equipment 6 - TV, Radio, Stereo 7 - Firearms 8 - Household Goods 9 - Consumable Goods 10 - Livestock 11 - Misc

Item #	Owner	Code	Category	Qty/Wt.	Description (Use first property section for guns only)	$ VALUE
			7		☐ Auto Pistol ☐ Revolver ☐ Military ☐ Rifle ☐ Shotgun	
Brand:			Model:		Barrel Length: Grips/Stock: Serial #	
Color:		No. Rounds:		Caliber:	Misc. Info:	$
Item #	Owner	Code	Category	Qty/Wt.	Description of Property (What is it?, Make, Model, Size Info, Color(s), S/N...)	
1	V	E	11	MISC.	VICTIMS HAIR THAT WAS COLLECTED FROM [redacted] AND DRAIN COVER	$ ~~0~~
2.	V	E	11	1	DRAIN COVER "HYDRO AIR P/N 10-6200".	$ ~~0~~
						$
						$
						$
						$
						$
						$
						$
						$
						$
						$
						$
						$
						$
					☐ SUB TOTAL or ☐ TOTAL VALUE	$

☐ Additional items of property on continuation page(s).

Property may be released to: ☐ Owner ☐ Finder ☐ Suspect ☐ Photo'd or Copied, then released ☐ Auctioned ☐ Destroyed

Per Detective/Officer: PIN # Date Signature

Finder's Signature: Date ☐ Finder wishes to claim property after 90-days

Signature of person releasing property: Date Identified person by ☐ DL ☐ ID Card ☐ Other:

Officer: KLEMKE PIN: 182 Supervisor: Date: / /

960222CWE6001

HUNTINGTON BEACH POLICE DEPARTMENT
SUPPLEMENTAL REPORT

Date of Report: 02/25/96 DR Number **96-004443**

Code Offense **Description**
- DEATH REPORT

Date Occurred: SUN 02/25/96 at 19:30
Or Between: at
Discovered: at
Reported: SUN 02/25/96 at 20:10

Location: [redacted]
At or Near:
Name of Place:
RD: Beat:

PERSONS INVOLVED

Involvement: **WITNESS** Sex: F Race:
Name: [redacted] DOB: 10/03/42 Age Range:
Address: [redacted] HUNTINGTON BEACH CA 92649
Home Phone: [redacted] Work Phone:
Occupation: Employed by:
Employer Address:
Relationship: Interviewed? **Y** Can ID? Support Prosecution?

Involvement: **WITNESS** Sex: M Race:
Name: [redacted] DOB: 11/01/33 Age Range:
Address: [redacted] MAUI HUNTINGTON BEACH CA 92649
Home Phone: [redacted] Work Phone: [redacted]
Occupation: Employed by:
Employer Address:
Relationship: Interviewed? **Y** Can ID? Support Prosecution?

Involvement: **WITNESS** Sex: F Race:
Name: [redacted] DOB: 02/12/37 Age Range:
Address: [redacted] HUNTINGTON BEACH CA 92649
Home Phone: [redacted] Work Phone:
Occupation: Employed by:
Employer Address:
Relationship: Interviewed? **Y** Can ID? Support Prosecution?

Officer D. MARTIN PIN 1046 Supervisor

Page 1 Date 2-26-96

TYPED BY: P. BROWN /420805 96-004443/1
BPD FORM OFFENSE (rev. 12/91) printed on 02/26/96 at 16:19

960228 CUE 6001

HUNTINGTON BEACH POLICE DEPARTMENT
SUPPLEMENTAL REPORT

Date of Report: 02/25/96

DR Number 96-004443

Details:

On 02-25-96 at 2010 hours, Dispatch broadcast a medical aid call at [redacted] Lane for a report of a 12-year-old who was found in a [redacted] Officer [redacted] #253, and I responded to the location to assist Officer [redacted] who had been assigned the call.

Upon our arrival at the location, Officer GREENBURG and Huntington Beach Fire Department were already at the scene. We entered the house and saw [redacted] the floor in the back living room. Huntington Beach Fire Department was attempting to resuscitate the unconscious victim. Officer GREENBURG asked me to assist him with his investigation.

Huntington Beach Fire Department transported [redacted] to Huntington Beach Medical Center. Officer COTTRIEL and I went to Huntington Beach Medical Center and were advised by the E.R. staff that Doctor William PARK pronounced the victim dead at 2043 hours.

Officer KLEMKE responded to Huntington Beach Medical Center and stood by with the victim and awaited the arrival of the coroner. See Officer KLEMKE's supplemental report for further details.

Officer COTTRIEL and I responded back to 4952 Maui Circle and I met with [redacted] 3 25(c) 6(b)(1)

She told me that at about 1940 hours this evening, the family had finished eating dinner and had gone into the garage to play cards. [redacted] came into the garage and asked [redacted] if she could go sit in the [redacted] told her that it would be alright and [redacted] went to [redacted] her bathing suit.

About 15 minutes later, [redacted] went to the bathroom and looked outside the bathroom window into the backyard. [redacted] noticed that [redacted] was not in the [redacted] She went back into the garage and asked the other adults where [redacted] had gone. Since none of the adults knew where [redacted] had gone, they began to search the house for her.

[redacted] and her husband, [redacted] walked outside to the [redacted] and noticed that the [redacted] lights and bubbles were on. They looked inside the [redacted] and did not see [redacted] [redacted] turned off the [redacted] and the [redacted] lights, then continued to search the house and the surrounding neighborhood for [redacted].

At about 2010 hours, [redacted], decided he wanted to check the [redacted] one more time. [redacted] went out to the backyard

Officer D. MARTIN PIN 1046 Supervisor [signature]

Page 2 Date 2-26-96

TYPED BY: P. BROWN /420805 96-004443/1
HBPD FORM OFFENSE (rev. 12/91) printed on 02/26/96 at 16:19

960228CWE6001

HUNTINGTON BEACH POLICE DEPARTMENT
SUPPLEMENTAL REPORT

Date of Report: 02/25/96 DR Number 96-004443

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wi[redacted] and [redacted] turned on the [redacted] light and saw his daughter lying at the bottom of th[redacted]. He reached into th[redacted] and grabbed his daughter and tried to pull her out of the water, however, [redacted]s hair was stuck in the filter opening at the bottom of the [redacted] yelled to M[redacted]L and told him to go get some scissors. [redacted] ran inside the house and returned several seconds later with a pair of scissors. [redacted] used the scissors to cut away his daughter's hair and free her from the [redacted]s filter. He was then able to pull his daughter out of the [redacted] and laid her on the deck.

[redacted] immediately began to perform CPR as Marjorie GUY walked into the house. Marjorie GUY, who is a nurse, shouted for [redacted]ELL to call 911. Marjorie GUY then ran over to K[redacted]REY and began to assist with CPR.

K[redacted] said she spoke to the 911 operator for several seconds and soon afterwards, Officer GREENBURG arrived at the scene and began to assist with CPR. See Officer GREENBURG's report for further details.

3 25 6 6(4)

I contacted Sam and Marjorie GUY who are [redacted] neighbors.

Marjorie GUY told me that she and her husband were walking across the street to go to [redacted]m and [redacted]s house to play cards. Marjorie said she met [redacted] on the front lawn of the [redacted] residence. [redacted] told Marjorie and Sam GUY that it appeared that K[redacted] had wandered away from the house and the other family members were looking for her. Several minutes later, Marjorie GUY heard several family members shouting inside the house. Marjorie GUY ran inside the house and saw [redacted] attempting to perform CPR on [redacted]. She immediately ran over and began to assist [redacted] with CPR. Less than a minute later, Officer GREENBURG arrived at the location and also began to assist Marjorie GUY with CPR.

Officer COTTRIEL and I inspected the [redacted]. I observed a large amount of human hair stuck to th[redacted] filter cover that was located on the side of the [redacted], near the bottom. Officer COTTRIEL and I removed the [redacted] filter cover and retrieved the hair. We turned the hair and the filter cover over to CSI Officer DZIEDZIC, #677. Officer COTTRIEL and I tested the [redacted] water temperature with a pool thermometer and noted that the temperature was 94 degrees at 2122 hours. I also looked at a nearby thermometer and noted that the ambient air temperature was 52 degrees.

Officer D. MARTIN PIN 1046 Supervisor [signature]

Page 3 Date 2-26-94

TYPED BY: P. BROWN /420805 96-004443/1
HBPD FORM OFFENSE (rev. 12/91) printed on 02/26/96 at 16:19

960228 CWE 6001

HUNTINGTON BEACH POLICE DEPARTMENT
SUPPLEMENTAL REPORT

Date of Report: 02/25/96 DR Number 96-004443

Officer COTTRIEL and I responded back to Huntington Beach Medical Center and met with Orange County Coroner WURSTER, employee #53. WURSTER told me she had examined [redacted]'s body and had determined that the cause of death was drowning. She also said she had found no obvious evidence of other trauma. WURSTER gave me an Orange County Coroner's case number of 96-01341.

[redacted] was treated at the scene by paramedics Don CONE and Steve TAYLOR. [redacted] was transported to Huntington Beach Medical Center by ambulance 42.

I did no further investigation.

Officer D. MARTIN PIN 1046 Supervisor

Page 4 Date 2-26-96

TYPED BY: P. BROWN /420805 96-004443/1
HBPD FORM OFFENSE (rev. 12/91) printed on 02/26/96 at 16:19

EXHIBIT #4
KTB ~~3/2~~ 4/03/96
96 0228 CWP 6001

HUNTINGTON BEACH FIRE

FIRE REPORT NUMBER 603053-00 PRINTED ON 03/20/96 AT 12:51

Multi Agency Incident Number : HTB-96-603053
Incident Date ..... : 02/25/96
Dispatch Time ..... : 20:11:17
Arrival Time ..... : 20:14:52
End Time ..... : 21:35:43
Number of Days ..... : 0
First In Company ..... : HME48
District ..... : HB

Types of Situations Found
1 ..... : 32 EMERGENCY MEDICAL CALL
2 ..... :
3 ..... :
4 ..... :

Automatic or Mutual Aid .... : 8 NO AUTO/MUTUAL AID REC.OR PROV
Method of Alarm ..... : 7 TELEPHONE TIE-LINE TO F.D.
Type of Weather ..... :
Air Temperature ..... :
Property Management ..... : 1 PRIVATE TAX-PAYING PROPERTY

Incident Location Information
Location ..... : 4952 MAUI CR
Room/Apt ..... :
Zip Code ..... : 92649 Grid .... :155
Census Tract ..... : 000000
Fire Hazard Severity Zone . :

Total Fire Service Personnel Responded
Career ..... : 6
Volunteer ..... : 0

Total Fire Apparatus Responded
Engine ..... : 0
Truck ..... : 0
Rescue/Medical ..... : 0
Other ..... : 2

Reporting Officer personnel # . : 0083 FREEMAN SCOTT B.
Reporting Officer unit # ..... : HME48
Officer in Charge if Diff. .... :
Fire Investigator name/city ... :

HUNTINGTON BEACH FIRE

FIRE REPORT NUMBER 603053-00 PRINTED ON 03/20/96 AT 12:51

960 228 C.U.E. 6001

Incident Owner/Resident/Other Information - Person 1

Person Type Code ..... :
Name ..... :
Telephone ..... :
Street ..... :
City ..... :
State/Zip ..... :

Incident Owner/Resident/Other Information - Person 2

Person Type Code ..... :
Name ..... :
Telephone ..... :
Street ..... :
City ..... :
State/Zip ..... :

Incident Property Information

General Property Use ..... : 41 1 OR 2 FAMILY RESIDENTIAL USE
Specific Property Use ..... : 411 ONE-FAMILY RESIDENCE, YEAR-ROUND USE
Building Code Occ Type .... :
Structure Type ..... :
Structure Status ..... :
Occupied at Incident Time . :

Mobile Property Involved

Property Type ..... : 98 MOBILE PROPERTY NOT APPLICABLE
Vehicle License No. ..... :
Vehicle Lic State Year .... :
Make ..... :
Model ..... :
D.O.T. ..... :
Vehicle ID number ..... :
Drivers License #/State ... :

HUNTINGTON BEACH FIRE

FIRE REPORT NUMBER 603053-00 PRINTED ON 03/20/96 AT 12:51

EMS INFORMATION

Number of Patients ..... : 1

Highest Level of Care Capable/Provided at the Scene

Fire Capable ..... : 6 ADVANCE LIFE SUPPORT

Fire Provided ..... : 6 ADVANCE LIFE SUPPORT

Other Capable ..... :

Other Provided ..... :

E.M.S. Type of Situation Found

1 ..... : 84 DROWNING

2 ..... :

3 ..... :

4 ..... :

Number of Patients Transported By

Fire Department ..... : 1

Private Ambulance ..... : 0

Coroner ..... : 0

Other ..... : 0

960228 CWE6001

960 228 CWE 6001

HUNTINGTON BEACH FIRE

FIRE REPORT NUMBER 603053-00 PRINTED ON 03/20/96 AT 12:51

Fire Service Casualty
Number of Injuries ..... : 0
Number of Fatalities ..... : 0

Non-Fire Service Casualty
Number of Injuries ..... : 0
Number of Fatalities ..... : 0

Other Types of Action Taken
1 ..... : 33 PROVIDE EMERGENCY MEDICAL SERV
2 ..... : 36 TRANSPORT
3 ..... :
4 ..... :

Special Studies Local
1/2/3/4 ..... :
Special Studies Statewide
1/2 ..... :

960228 CWE 6001

HUNTINGTON BEACH FIRE

FIRE REPORT NUMBER 603053-00 PRINTED ON 03/20/96 AT 12:51

UNIT	TYPE	DISPATCH	RESPOND	ON-SCENE	TRANSPORT	AT HOSP.	AVAILBLE
HME48	M	20:11:17	20:11:54				20:49:27
HA42	HA	20:11:18	20:11:57	20:16:47			21:35:43

Complainant phone: 8403164 20:11:02
Response area: 155 20:11:02
DROWNING (CEK) 20:11:08
CPR IN PROGRESS (CEK) 20:11:49
12 YR FEMALE FOUND IN[redacted](CEK) 20:13:09
PD ON SCENE (CEK) 20:13:12
B6 HBMC (NRF) 20:18:28
*** Original Location: 4952 MAUI CR
***Notes Added 02/25/96 On Port 214 at 21:49 by FREEMAN SCOTT B.
PATIENT FOUND UNCONSCIOUS IN[redacted]HE WAS PULLED OUT AND CPR WAS STARTED BY HBPD. ALS PROTOCOL WAS FOLLOWED AND PATIENT WAS TRANSPORTED TO HBMC.
***Notes Added 02/29/96 On Port 214 at 09:27 by FREEMAN SCOTT B.
***Notes Added 02/29/96 On Port 214 at 10:10 by FREEMAN SCOTT B.
ON FEB 25, 1996 AT 2011 HRS HME48 RESPONDED TO A POSSIBLE DROWNING AT 4952 MAUI ST. HUNTINGTON BEACH. UPON ARRIVAL HME48 CREW ENTERED THE RESIDENCE TO FIND TWO HBPD OFFICERS PERFORMING CPR ON A 12 Y/O GIRL. WE WERE INFORMED BY THE FAMILY THAT SHE WAS PULLED FROM A[redacted]FTER THEY FOUND HER UNCONSCIOUS
AT THE BOTTOM OF THE SPA. THE GIRLS FATHER STATED THAT HER HAIR WAS CAUGHT IN
THE[redacted]AIN AND THEY WERE FORCED TO CUT IT SO THEY COULD REMOVE HER. IT WAS ESTIMATED THAT SHE COULD HAVE BEEN IN THE SPA FOR 15 TO 30 MINUTES. HME48 PERFORMED ALL PARAMEDIC ALS PROCEDURES IN AN ATTEMPT TO REVIVE HER. SHE
WAS TRANSPORTED TO HBMC VIA HA42 WITH PARAMEDICS. SHE WAS PRONOUNCED DEAD AT THE HOSPITAL BY THE E.R. DOCTOR. NOTE: DUE TO THE FAMILY SCREAMING AT US UPON OUR ARRIVAL OUR AT SCENE BUTTON WAS NOT PUSHED. IT WAS DETERMINED FROM OUR PRE HOSPITAL MIC FORM THAT OUR ARRIVAL TIME WAS 20:15. FOUR MINUTES AFTER
THE INITIAL DISPATCH. THE SCENE WAS RELEASED TO HBPD FOR INVESTIGATION.
CAPT. SCOTT FREEMAN

3 6(b)(1)

960228CWEG001

EMS EMERGENCY MEDICAL SERVICE — ORANGE COUNTY EMERGENCY MEDICAL SERVICES

PRE-HOSPITAL CARE REPORT

INCIDENT NUMBER: 6038

FREQUENCY: ☐ EMT ONLY ☐ BH CONTACT ☐ PAU ONLY ☐ NO BH CONTACT

☐ MILD ☐ MOTOR VEH. ☐ NEURO ☐ DNR ☐ DISTRICT
☐ MODERATE ☐ CIVIL ☐ FIELD DEATH ☐ BURN ☐ UNITS
☐ ACUTE MEDICAL ☐ CARD/RESP ARREST ☐ MVI

BH | YEAR | MONTH | DAY | RUN | PT. CODE

NAME: [redacted]

INCIDENT LOCATION: [redacted] HB

AGE: 72 | DOB | SEX: M | WEIGHT: 350 KG LBS | ☐ COMM PROB. ☐ LANG BARR.

MAILING ADDRESS: [redacted] | PHONE/DEC

CHIEF COMPLAINT: Pt Collapsed Pulseless Apnic Unconscious

DURATION X

HX OF ILLNESS/INJ: Was in Jacuzzi Last Seen 30 min Pt Cyanotic

TX PTA: CPR

MED HISTORY: ☑ NONE ☐ UNK ☐ OTHER
☐ ANGINA ☐ CVA ☐ COPD ☐ ETOH ☐ PREGNANT
☐ ASTHMA ☐ CARDIAC ☐ DIABETES ☐ HTN ☐ PSYCH
☐ CANCER ☐ CHF ☐ DRUGS ☐ PACEMAKER ☐ OBS ☐ SEIZ

MEDS: ☐ NONE ☑ UNK

ALLERGIES: ☐ NONE ☑ UNK | PMD: ☐ NONE ☑ UNK

PRIMARY SURVEY

A: ☑ NORMAL ☐ PART OBST ☐ TOTAL OBST

B: ☐ NORMAL ☐ LABORED ☐ RAPID ☐ SHALLOW ☑ ABSENT

C: ☐ NORMAL ☐ WEAK ☐ BOUNDING ☐ IRREG ☑ ABSENT
EBL ____ CC

LOC: ☐ ALERT ☐ LOC ☑
ORIENTED X ____ ☐ PERSON ☐ PLACE ☐ TIME ☐ SITUATION
☐ ANXIOUS ☐ SIL / SLURRED
☐ ETOH ODOR ☐ CONFUSED
☐ LETHARGIC ☐ VIOL / COMB
☐ UNCOOPERATIVE ☐ POST-ICTAL
☐ UNCONSCIOUS X ____

C-SPINE
☐ PAIN ☐ MECHANISM
☐ MOTOR LOSS ☐ TENDERNESS
☐ NUMBNESS SEAT BELT WORN? ☐ YES ☐ NO ☐ UNK

TEMP: ☐ NORMAL ☐ WARM ☑ COOL ☐ HOT ☐ COLD

COLOR: ☐ NORMAL ☐ PALE ☐ FLUSHED ☐ CYANOTIC ☐ ____

MOIST: ☐ NORMAL ☐ DRY ☐ MOIST ☐ WET ☐ DIAPH

PUPILS: ☐ PERL
D.R. | ☐ PINPOINT | ☐ CONST | ☑ FIXED | ☑ DILATED | ☐ BLIND
L.R. | ☐ MIDP | ☐ RESPONDS | ☐ SLUGGISH | ☐ CATARACT | SIZE ____ MM

O2 ☑ 15 LPM VIA CANN / MASK
☐ PR / BVM ☐ CERV STAB
☑ SUCTIONING ☐ B/B ☐ C/C ☐ H/B
☑ CPR ☐ BANDAGING
☐ EMT-D ☑ BLEED CONTROL
☐ REFUSED CARE ☐ TRAC / SPLINT
☐ REASSIGNED ☐ OTHER STAB

SECONDARY SURVEY

	WNL	N/A	ABN	COMMENTS
NEURO	☐	☐	☑	☐ EQUAL GRIPS/PUSHES; Not Responsive
HEAD	☐	☐	☑	No Trauma - Cyanotic - Va
NECK	☐	☐	☑	☑ NO JVD; Cyanosis
CHEST	☐	☐	☑	☑ NEG BARREL HOOP; No Trauma - No Chest Rise
LUNGS	☐	☐	☑	☐ LUNGS CLEAR BILAT; Tidal Volume
ABD	☐	☐	☑	☑ SOFT/SUPPLE; Vomit - No Trauma
BACK SPINE	☐	☐	☑	
PELVIS	☑	☐	☐	☑ NEG BARREL HOOD
EXTREM	☐	☐	☑	☐ FROM; ☑ NO DISTAL EDEMA; Cyanotic

GLASGOW: TIME | EYES | MOTOR | VERBAL | TOTAL 3

GLUCOSE: TIME ____ MG/DL ☑ CLOT TUBE

A/C AIRWAY: ET SIZE 7.0 MM; ET/EOA BY 917; # OF ATTEMPTS ONE; VERIFIED BY ____ MD

IV THERAPY

TIME	NORMAL SALINE	SALINE LOCK	GAUGE	SITE	INFUSE RATE
2026	500 / 1000		20	(illegible)	NC
	250 / 1000				

TOTAL FLUID INTAKE | IV ATTEMPT(S) UNSUCCESSFUL

TIME	PULSE	REPS	B/P	EKG
2015	0	0	0	Asystole
2020	0	0	0	Asystole
2025	0	0	0	Asystole
2030	0	0	0	Asystole

TIME	TREATMENT / RESPONSE
2015	☐ SO ☐ CPR 1° 2° Assessment
	☐ SO ☐ CPR CPR in Progress Prior to Arr
2019	☐ SO ☐ CPR E.T. 7.0 Equal Lung Sounds
2021	☐ SO ☐ CPR Epi E.T. 10mg 1:1000 10ml
2031	☐ SO ☐ CPR Epi IV 1mg 1:10000 = →
2032	☐ SO ☐ CPR Atropine 1mg →
2036	☐ SO ☐ CPR Epi 1mg IV 1:10,000 = →
2037	☐ SO ☐ CPR 1097(a) HBH - Equal Lung Sounds

INITIAL ASSESSMENTS

COMMENTS/DETAILS: P: Arrived Called to Jacuzzi. Q: CPR in Progress - Pt Was Removed from Jacuzzi Last Seen 30 min Prior. R: Pt Was Found Unresponsive Cyanotic. S: Vomit other. T: Then Eating Dinner Just Before Entering Jacuzzi

Taylor 1717 RADIO EMT-P

Cone 1794 PT. EMT-P

OFFICER (TRAINEE/MON/MD)

☐ ADDITIONAL PAGES

ALARM			902-H		2026
10-97		2015	10-97 HOSP		2037
CONT BH			FINISHED		

REC CTR: HBH

REC'D BY: STAFF | ETA

TRANSPORT: ☑ AMB+ EMT/P ☐ AMB ☐ CODE 3 ☐ AIR AMB

COMM MODE: ☑ RADIO ☐ PHONE ☐ FREQ SHARE

BSPAU

Fire Department *Pre-Hospital Medical Supplies*

960228CWE6001

BH	YEAR	MONTH	DAY	RUN	PT
4	96	02	25	14	

LOG NUMBER

[redacted]

PATIENT NAME (FIRST) (LAST)

603053

INCIDENT NUMBER

Cone 137 137

COMPLETED BY: (PRINT NAME) (PIN)

UNITS

ENGINES		TRUCKS	AMB
☐ HME - 41	☐ HME - 47	☐ HQ - 42	☐ HA - 41
☐ HME - 42	☑ HME - 48	☐ HQ - 45	☑ HA - 42
☐ HME - 43	☐ HE - 241	☐ VQ - 31	☐ HA - 45
☐ HME - 44	☐ VME - 31		☐ _____
☐ HME - 45	☐ VME - 32		

QTY	COD	DESCRIPTION	QTY	COD	DESCRIPTION	QTY	COD	DESCRIPTION
		AIRWAYS			**SPLINTS**			**DRESSINGS**
	100	AIRWAY, EOA		200	SPLINT, ARM		500	ABD PADS
2	102	AIRWAY, NASAL SIZE: 32		201	SPLINT, LEG		501	TRAUMA DRESSINGS
	103	AIRWAY, ORAL SIZE:		202	SPLINT, WRIST		502	BURN PACK
	104	BULB ASPIRATOR		203	TRIANGULAR BANDAGE		503	COLD PACK LARGE
	105	CARTRIDGE, V-VAC		204	STIFFNECK COLLAR SIZE:		504	COLD PACK SMALL
1	106	AMBU BAG		205	HEAD BED		505	KERLIX, ROLL
1	107	ET. TUBE HOLDER					506	COBAN, ROLL
1	108	ET. TUBE SIZE: (7.0) 7.5 8.0					507	GLOVES, EXAM – PAIRS
	109	LARYNG. BLADE SIZE: 3			**I.V. SUPPLIES**	4	508	GLOVES EP – PAIRS
		(CURVED) OR STRAIGHT		300	ARMBOARD, LONG			
	110	NEBULIZER		301	ARMBOARD, SHORT			
	111	NG TUBE SIZE:		302	CHEM STRIP			
	112	O2 CANNULA ADULT			IV CATHETER:			**MEDICATIONS**
	113	O2 MASK ADULT		303	14 GA		600	ADENOSINE 6 mg VIAL
	114	O2 MASK PEDS		304	16 GA		601	ALBUTEROL
1	115	SUCTION CATHETER		305	18 GA		602	AMMONIA INHALENT
1	116	SUCTION CONT. (PRO-VAC)	2	306	20 ~~GA~~		603	ATROPINE VIAL1 mg/cc
1	117	SUCTION CONT. (AMB)		307	22 GA	1	604	ATROPINE SYR 1 mg/10cc
1	118	SUCTION TUBING		308	BUTTERFLY SIZE:		605	BENADRYL 50 mg VIAL
1	119	SUCTION YANKAUER		309	SALINE LOCK		606	BRETYLIUM 500 mg
			1	310	TOURNIQUET		607	DEXTROSE 50% SYR
				311	TRANSPARENT DRESSING		608	DOPAMINE 400 mg
		MISC. SUPPLIES	1	312	SHARPS CONTAINER		609	EPI 1:1000 1cc AMP
	900	DISPOSABLE BLANKET	1	313	SYRINGE SIZE: 10cc	1	610	EPI 1:1000 30cc VIAL
	901	DISPOSABLE RAZOR		314	NEEDLES SIZE:	2	611	EPI 1:10,000 10cc SYR
1	902	ELECTRODES, ADULT					612	GLUCAGON 1 mg
1	903	ELECTRODES, PEDS					613	GLUCOSE SOLUTION 10 fl oz
	904	EMESIS BASIN 500cc					614	IPECAC
	905	WASH BASIN 6 LITER			**SOLUTIONS & TUBING**		615	LASIX 40 mg
	906	FACESHIELD		400	IRRIGATION, H_2O		616	LASIX 100 mg
	907	OB KIT		401	NORMAL SALINE 10cc VIAL		617	LIDOCAINE 100 mg
	908	THERMOMETER, CRYSTALLINE	1	402	MICRO TUBING		618	MORPHINE 10 mg SYR
	909	THERMOMETER, GLASS	1	403	NORMAL SALINE 250 cc		619	MORPHINE 10 mg VIAL
	910	UNIVERSAL PRECAUTIONS KIT	1	404	MACRO TUBING		620	NARCAN
	912	SPILL KIT		405	NORMAL SALINE 1000cc		621	NITROGLYCERINE SPRAY
							622	SODIUM BICARB 50 mEq
							623	VALIUM 10 mg

#FD006 (11/95) SUBMIT ENTIRE FORM WITH *BLUE* & *GREEN* COPY OF MIC FORM TO FIRE MED

ORANGE COUNTY SHERIFF-CORONER
1071 W. SANTA ANA BLVD.
SANTA ANA, CA 92703

EXHIBIT # 5
KB 3/22/96
96022806E6001

BRAD GATES, SHERIFF-CORONER — CASE SUMMARY

DECEDENT: [redacted]

CASE NO.: 96-01341-WU
PD: HBPD
DR: 96-04443

RESIDENCE: [redacted]
CITY: Houston
STATE: TX 77080
AGE: 12 years
DOB: 06-22-83
RACE: White
SEX: Female

OCCUPATION: Student
RELATIVES: Father: [redacted]
ADDRESS: [redacted]
CITY/STATE: Huntington Beach, CA 92649

CLASSIFICATION: Accident
SUBCLASS CODE: MECAP

DATE OF DEATH: 02-25-96
TIME OF DEATH: 2043 hrs.
DATE OF INJURY: 02-25-96
TIME OF INJURY: Unknown hrs.

PLACE OF DEATH: Huntington Beach Medical Center
ADDRESS: 17772 Beach Blvd.
CITY: Huntington Beach, CA 92647
INJURY MODE: Spa
INJURY TYPE: Drowning/spa/private residence
INJURY SITE: Private residence/backyard spa
INJURY ADDRESS: [redacted]
INJURY CITY: Huntington Beach

ADMITTED FROM: Private residence
ADDRESS: [redacted]
CITY: Huntington Beach

CAUSE OF DEATH: Fresh water drowning

OTHER COND.: None

INVESTIGATOR: CHRISTY L. WURSTER
PATHOLOGIST: Joseph J. Halka, M.D.
AUTOPSY DATE: 02-26-96 TOX RETURNED: 03-14-96 MICRO RETURNED:

DRUGS FOUND PRESENT IN SIGNIFICANT LEVELS:

B/A LEVEL	0.00%
BENZOYLECGONINE	N
COCAINE	N
MORPHINE	N
CODEINE	N
CE	N
METHAMPHETAMINE	N
OTHER DRUGS	N
POISON	N

DATE CERTIFICATE ISSUED: 02-26-96

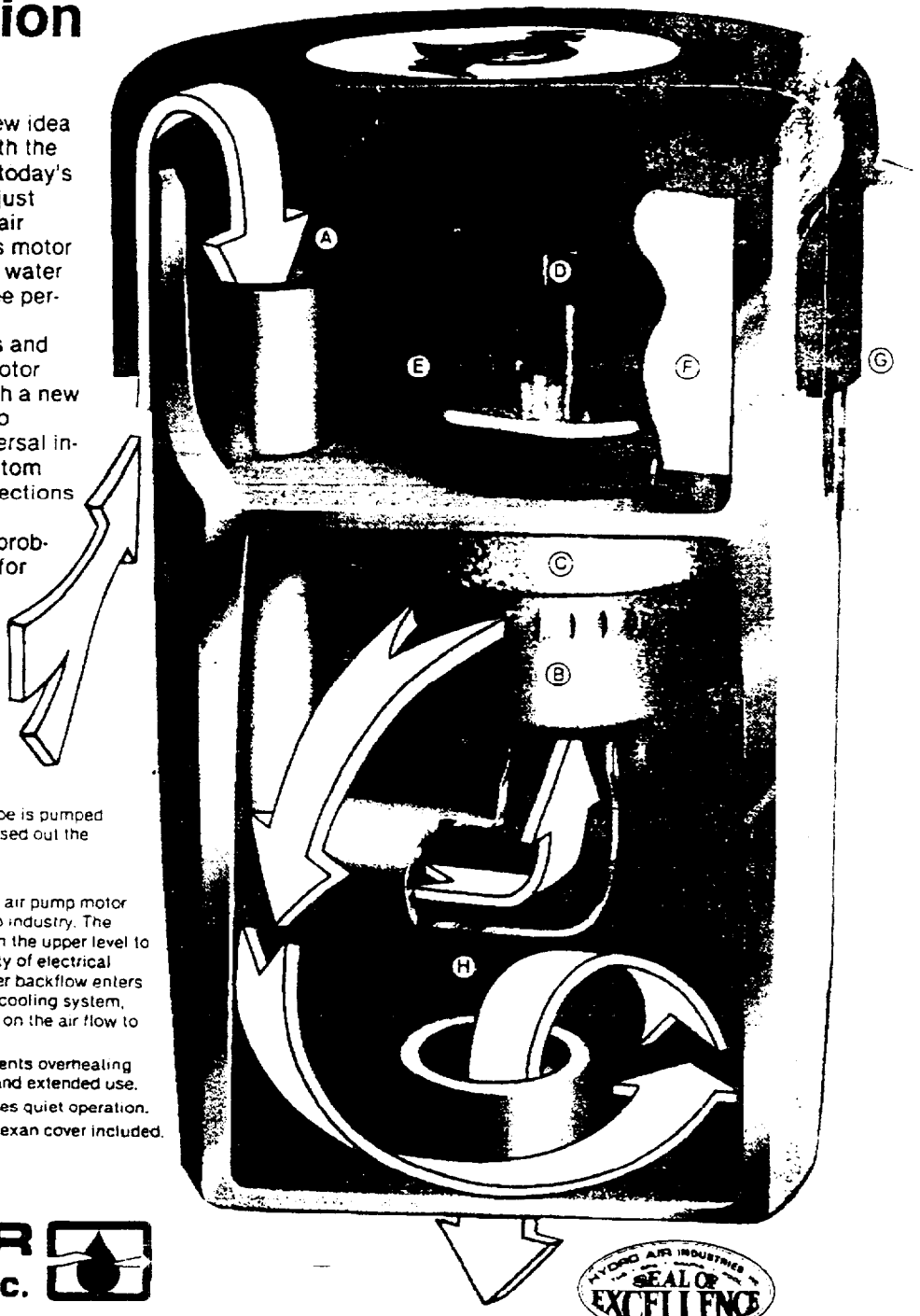
DATE CERTIFICATE AMENDED: - -

EXHIBIT # 6
KB 3/21/96
96022800e6001

Draw your own conclusions.

THE MARIAH AIR PUMP:

a new direction for blowers.



Hydro Air Industries—the new idea company—is making history with the revolutionary Mariah Air Pump, today's standard of excellence. It's not just another air blower, but the first air *pump* with a self-cooling bypass motor that eliminates overheating and water damage, and permits trouble-free performance year after year.

Developed specially for spas and hot tubs, the Mariah's unique motor design provides the industry with a new measure of safety, and an end to [illegible] r warranty problems. Universal in[illegible] tion of the unit (side or bottom [illegible]ts) requires plumbing connections of only 1½".

If you've put up with blower problems long enough, you're ready for the Mariah Air Pump. For details, contact us at Hydro Air Industries—the new idea company.

A. Air is drawn in under the lid and down the air intake tube, rather than over an electric motor as in conventional blower designs. Overheating is eliminated.

B. With the Mariah's peripheral discharge design, air from the intake tube is pumped through the impellers (stages) and released out the louvered side of the unit.

C. The gasket seal is watertight.

D. The Mariah incorporates the first air pump motor designed specifically for the spa/hot tub industry. The electrical component is safely located in the upper level to prevent water damage and the possibility of electrical shock in the event condensation or water backflow enters the air chamber. The motor has its own cooling system, unlike conventional units which depend on the air flow to retard overheating.

E. Thermal overload protection prevents overheating or damage to the unit during long runs and extended use.

F. Acoustical foam insulation ensures quiet operation.

G. Junction box, switch, and clear Lexan cover included.

H. Side installation option.

THE NEW IDEA COMPANY

HYDRO AIR INDUSTRIES INC.

1317 W. GROVE AVE., ORANGE, CA 92665 (714) 974-1920

HYDRO AIR INDUSTRIES SEAL OF EXCELLENCE

MARIAH AIR PUMP SIZING CHART

960222 CWF6001

MODEL NO.	STAGES	VOLTS	MAX. AMPS	MAX. PSI	MAX. CFM	WATER DEPTH	FLOOR HOLES @ 3/16"	-OR-	FLOOR HOLES @ 1/8"	SEAT HOLES @ 1/8"	NO. VENTURI'S
12-1201	1	120	7.2	2.3	153	24"	18		16	35	4-6
12-2401	1	240	3.8	2.3	144	30"	15		13	27	4-6
12-1202	2	120	9.1	4.1	105	24"	30		45	45	6-10
						30"	26		39	40	6-10
12-2402	2	240	4.1	4.1	97	36"	22		33	36	6-10
						48"	19		27	32	6-10
12-1203	3	120	9.8	4.8	90	24"	33		50	50	8-12
						30"	29		43	44	8-12
12-2403	3	240	4.3	4.8	86	36"	25		36	40	8-12
						48"	21		30	35	8-12

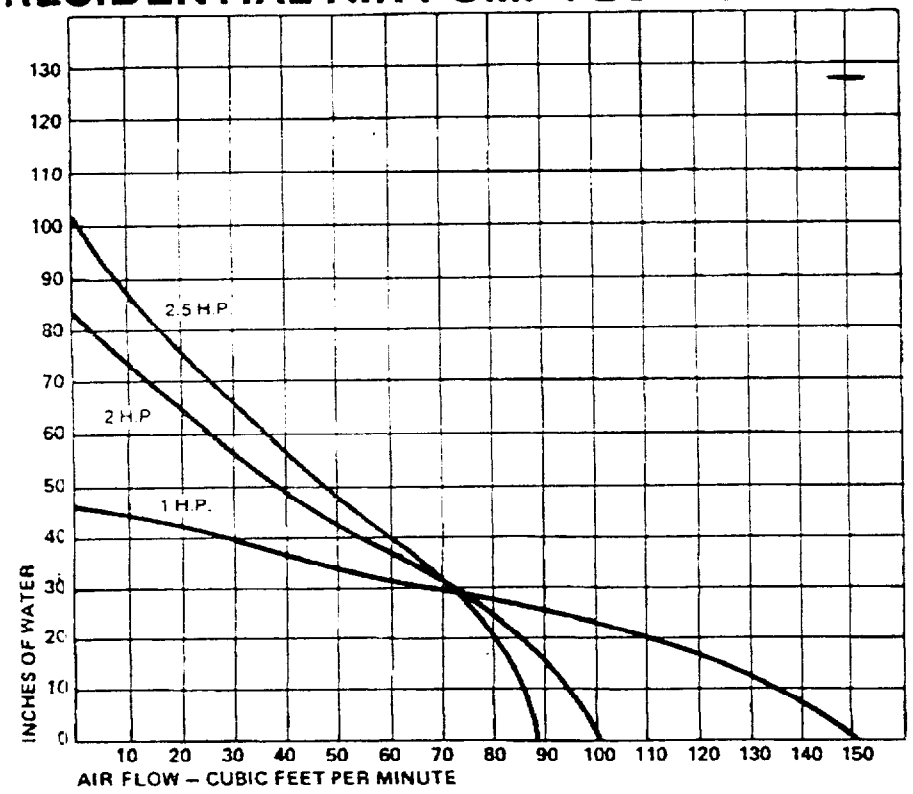
1) CALCULATIONS ARE FOR A 25' RUN USING 1½" PVC PIPE AND TWO (2) NINETY DEGREE ANGLES. FOR LONGER RUNS, DECREASE QUANTITY BY 10% FOR EACH ADDITIONAL TEN FEET AND 5% FOR EACH ADDITIONAL NINETY DEGREE ANGLE

2) FOR INCREASED ACTION OR IF MORE HOLES THAN LISTED ARE DRILLED, IT MAY BE NECESSARY TO USE TWO AIR PUMPS.

3) CALCULATE DEPTH OF WATER TO HIGHEST LEVEL IN SPA.

4) IF FEWER HOLES THAN LISTED ARE DRILLED, THE AIR PUMP WILL STILL FUNCTION AS LONG AS A MINIMUM OF 20 3/16" HOLES ARE DRILLED IN THE FLOOR OR SEAT.

MARIAH 120/240 VOLT RESIDENTIAL AIR PUMP FLOW CHART



AIR PUMP USAGE

1 H.P. — As an air boost for six (6) jets or for air induction on spas/hot tubs less than 30" deep and 5' x 5' or 25 square feet of surface area.

2 H.P. — As an air boost for six (6) to eight (8) jets or for air induction on spas/hot tubs less than 50" deep and 8' x 8' or 70 square feet of surface area.

2.5 H.P — As an air boost for eight (8) to ten (10) jets or for air induction on spas/hot tubs less than 60" deep and 10' x 10' or 100 square feet of surface area.

*NOTE: If the air line consists of more than thirty five (35) lineal feet of pipe, a larger size air pump should be used.

Officers Recognized

EXHIBIT #7
LTS 3/21/96
960228CWE6001

Potts, ... received the Distinguished Service Medal.

Schoen, 31, was honored for catching a fleeing suspect who allegedly fired a handgun at another officer but failed to hit him.

Officers learned later that the suspect was a parolee who had been involved in a gun battle with Los Angeles County sheriff's deputies in 1990.

Rudisil, 29, and Hunter, 29, were honored for their efforts in breaking up a ring of robbers who stole from pizza delivery people. Posing as pizza deliverymen, the officers were dispatched to a residence in the 200 block of West Valencia Drive, where they were confronted by two men who tried to rob them and fired several gun shots at Rudisil.

The two officers, who were not injured, returned fire. The suspects fled but later were arrested.

Potts, 33, was praised for his efforts, both on and off duty, in presenting training programs for fellow officers and the Special Weapons and Tactics (SWAT) Team.

COUNTYWIDE

Cypress College Cites Couple for Generosity

Business owners Lew and Margaret Webb are Cypress College's Americana Man and Woman of the Year.

The Webbs, who operate eight car dealerships in Orange and Los Angeles counties, were honored by the college for their work in several service organizations and for their financial support of community groups.

Recipients of the Laguna Hills couple's generosity include the American Cancer Society, St. Mary Medical Center Foundation, Casa Youth Shelter and Mission Hills Church.

—BY MIMI KO CRUZ

Northwest

HUNTINGTON BEACH 960228CWE6001

Spa Warnings Reiterated Following Girl's Drowning

The weekend drowning of a 12-year-old girl whose hair got sucked into the vent of a hot tub has prompted renewed warnings about the dangers of spas, especially the older single intake-type built before the enactment of safety codes.

"I've seen several of these [accidents] and every one of them happened in an old-style spa," Donald Boland, a spokesman for the Huntington Beach Fire Department, said Monday of the drowning o[redacted] "You remember every one of these; it's not like a car accident. These are the things that stick in your mind."

The accident occurred Sunday night at the home o[redacted] grandparents on Maui Circle, where she and her parents were visiting from their home in Houston.

The girl was in the spa alone about 8 p.m., Boland said, when her hair was apparently sucked into an intake valve, and she was pulled underwater.

By the time relatives had cut her hair to free her, the fireman said, she had lost consciousness. She later died at a hospital.

The incident closely resembled another in Villa Park just seven months ago that nearly took the life of the 6-year-old son of former Ram player Greg Meisner. In that case, however, Meisner was able to save the boy's life by wrenching him free of the drain, which left a 10-inch-diameter bruise on the youngster's back.

The drowning of a 9-year-old boy in 1976 prompted county officials to begin requiring two vents rather than one in all spas built in unincorporated areas. Designing spas with two vents, said Larry Nees, manager of building inspections for Orange County, significantly decreases the amount of suction in each one.

The county also began requiring that vents be covered and constructed in a manner designed to prevent hair or body parts from being pulled in.

Huntington Beach, where Sunday's drowning occurred, eventually adopted similar standards, said Bill Grove, the city's inspection manager, but not in time to affect construction of the spa in which Sunday's accident occurred.

—DAVID HALDANE

Spa Safety

Here are some precautions to keep in mind if you own a spa:

- **Avoid problems** with a single drain by installing a second one to disperse suction.
- **Install safety dome** on flat drains.
- **Instruct anyone with long hair** not to get it near a drain, and tell anyone who uses your spa not to stick fingers, toes or other body parts into drain.
- **Place power switch** nearby so it can be reached quickly in case of emergency.
- **If your spa is indoors,** lock the door to the room or use a cover that locks.
- **Closely supervise children,** even if they know how to swim.
- **If you are concerned** about a spa's safety, check with a building inspector.
- **For more information,** call the Orange County chapter of the National Spa and Pool Institute, (714) 832-1113.

Sources: National Spa and Pool Institute; Children's Hospital of Orange County

Older spa culprit in death of girl, 12

ACCIDENT: The tub apparently lacked safety devices that could have prevented her drowning.

By CAROL MASCIOLA
The Orange County Register

HUNTINGTON BEACH — [redacted] 12, went outside alone to use her grandparents' spa Sunday night and lost her life when her hair was sucked into a drain in the bottom of the tub.

The day after the accident, authorities and spa sellers warned people to destroy or upgrade older spas. A spa should have more than one drain, to diffuse the suction, and each of the drains should be capped with an "anti-vortex" cover to prevent hair and body parts from being trapped.

"It's very, very rare for something like that to happen," said Joe Chandler, owner of Chandler's Pool and Spa Repair in Tustin. "It's just a matter of putting on the right drain cover. Of course, anytime there's a kid in the water, somebody should be supervising."

Firefighters said [redacted] of Houston, Texas, was given permission to use the spa sometime before 8 p.m. Sunday. After about 20 minutes, family members, including the girl's father, noticed that the spa was operating but [redacted] nowhere to be seen. Her mother was not present.

When they went outside, family members discovered that [redacted] was pinned to the bottom of the spa by her hair. They tried to pull her out but had to cut her hair to free her, police said.

"You can imagine the terror that was going on when the poor child was on the bottom of the (spa) and they couldn't pull her off," said Donald Boland of the Huntington Beach Fire Department. "It must have been a horrible experience for the whole family."

A neighbor who is a nurse and

960228CWE6001
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Sect 15

Orange County Register
2/27/96

(2/25/96 SONTAG)

SPA

FROM 1

a policeman tried to resuscitate [redacted] Paramedics arrived at the grandparents' home on Maui Circle within five minutes. They used cardiopulmonary resuscitation and drug therapy, but were unable to revive the girl. Krista was pronounced dead Sunday at Huntington Beach Medical Center.

Huntington Beach and the county have enacted laws that require all new spas to have a minimum of two covered drains. But the laws don't apply to older spas.

"There's no rule that you have to go back and retrofit your older spa," said Chi Tran, manager of the county building-permits division.

Last July, 6-year-old Greg Meisner was sucked to the bottom of the spa at his Villa Park home and held under three minutes before his father, former Los Angeles Rams player Greg Meisner Sr., pulled him out and resuscitated him. Meisner said it took him three tries to extricate the boy from the drain.

U. S. CONSUMER PRODUCT SAFETY COMMISSION

AUTHORIZATION FOR RELEASE OF NAME

960 2270 [illegible]

Thank you for assisting us in collecting information on a potential product safety problem. The Consumer Product Safety Commission depends on concerned people to share product safety information with us. We maintain a record of this information, and use it to assist us in identifying and resolving product safety problems.

We routinely forward this information to manufacturers and private labelers to inform them of the involvement of their product in an accident situation. We also give the information to others requesting information about specific products. Manufacturers need the individual's name so that they can obtain additional information on the product or accident situation.

Would you please indicate on the bottom of this page whether you will allow us to disclose your name. If you request that your name remain confidential, we will of course, honor that request. After you have indicated your preference, please sign your name and date the document on the lines provided.

☐ You are hereby authorized to disclose my name and address with the information collected on this case.

☒ My identity is to remain confidential.

[redacted]

(Signature)

3-21-96

(Date)

Exhibit #8
960228CWE6001
3/19/96

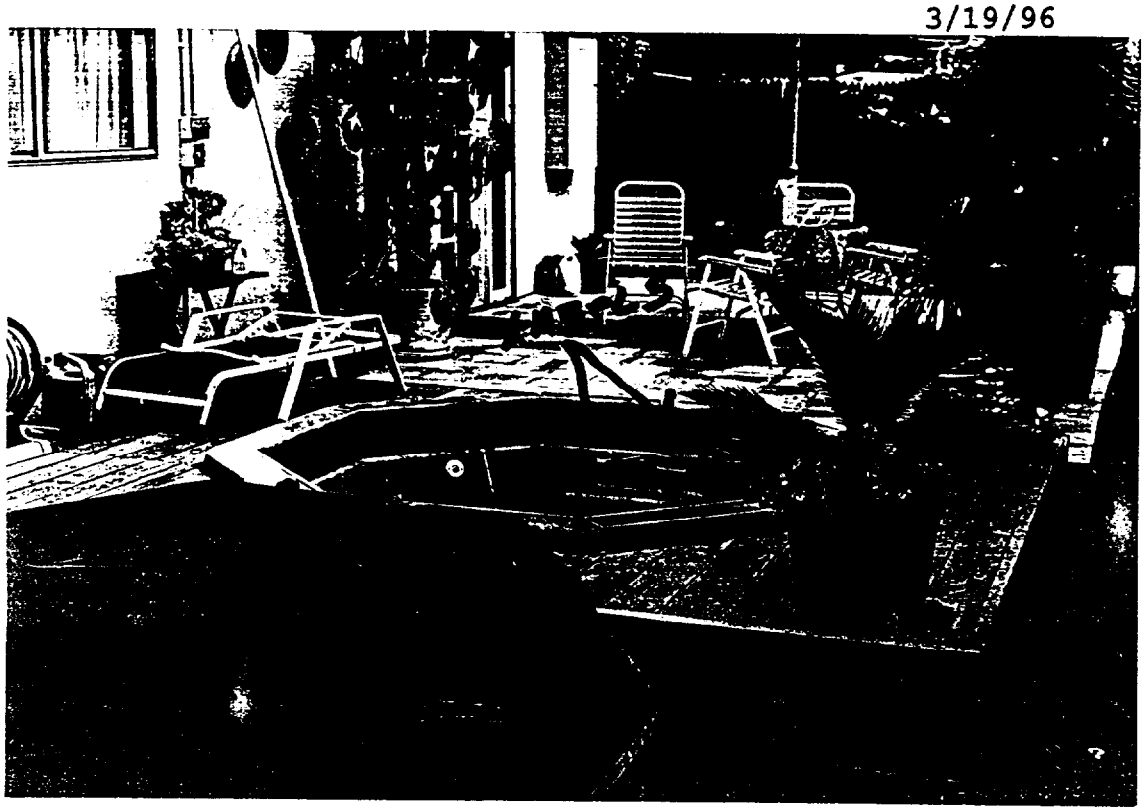
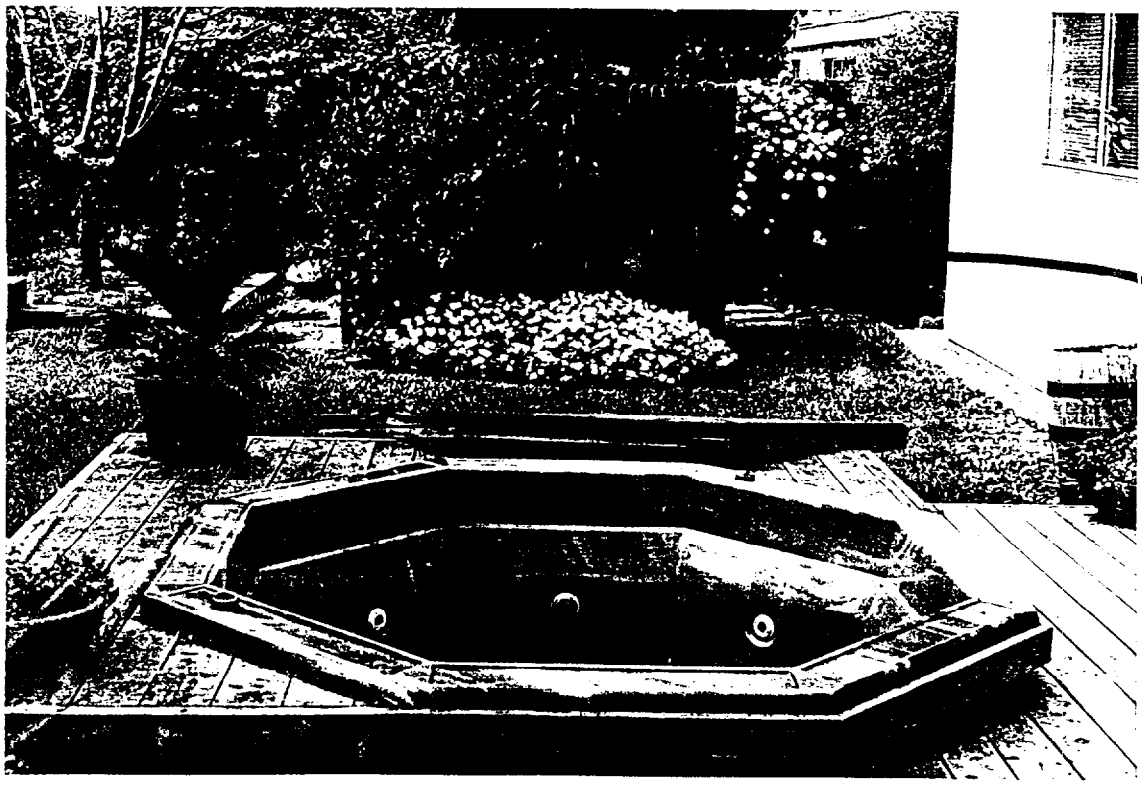
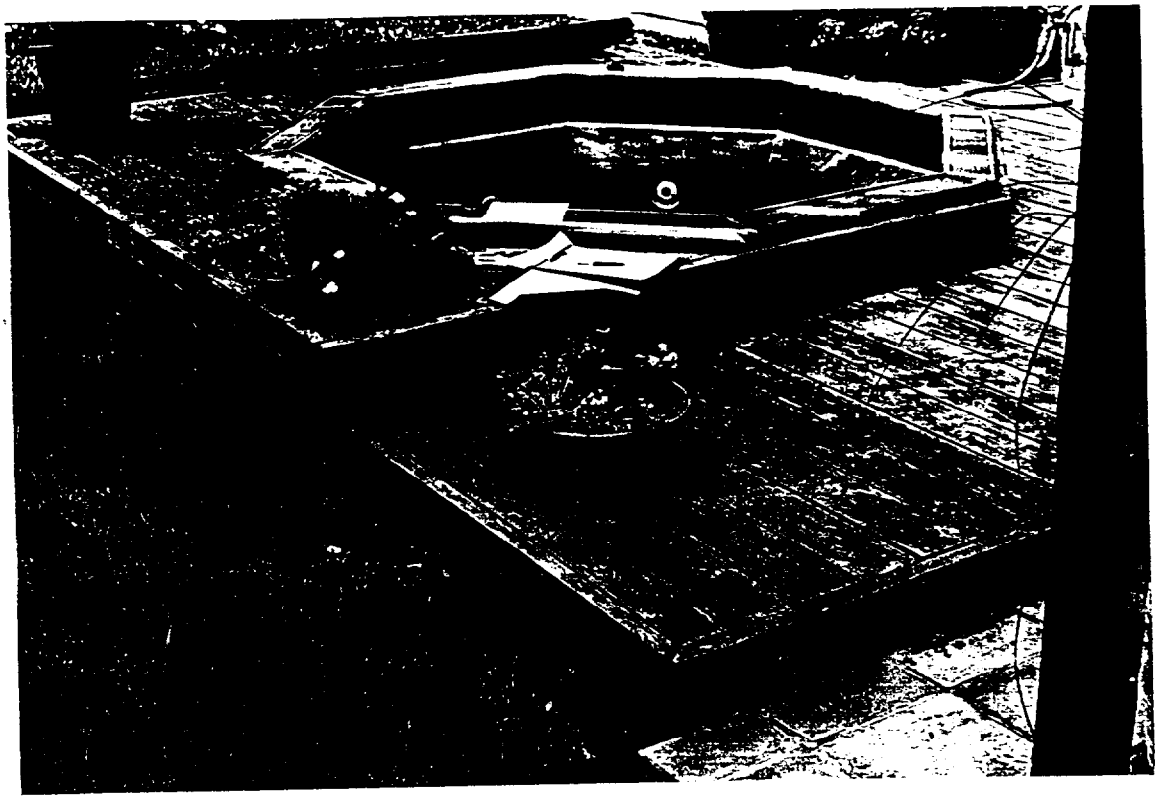


PHOTO #1, BACKYARD SPA

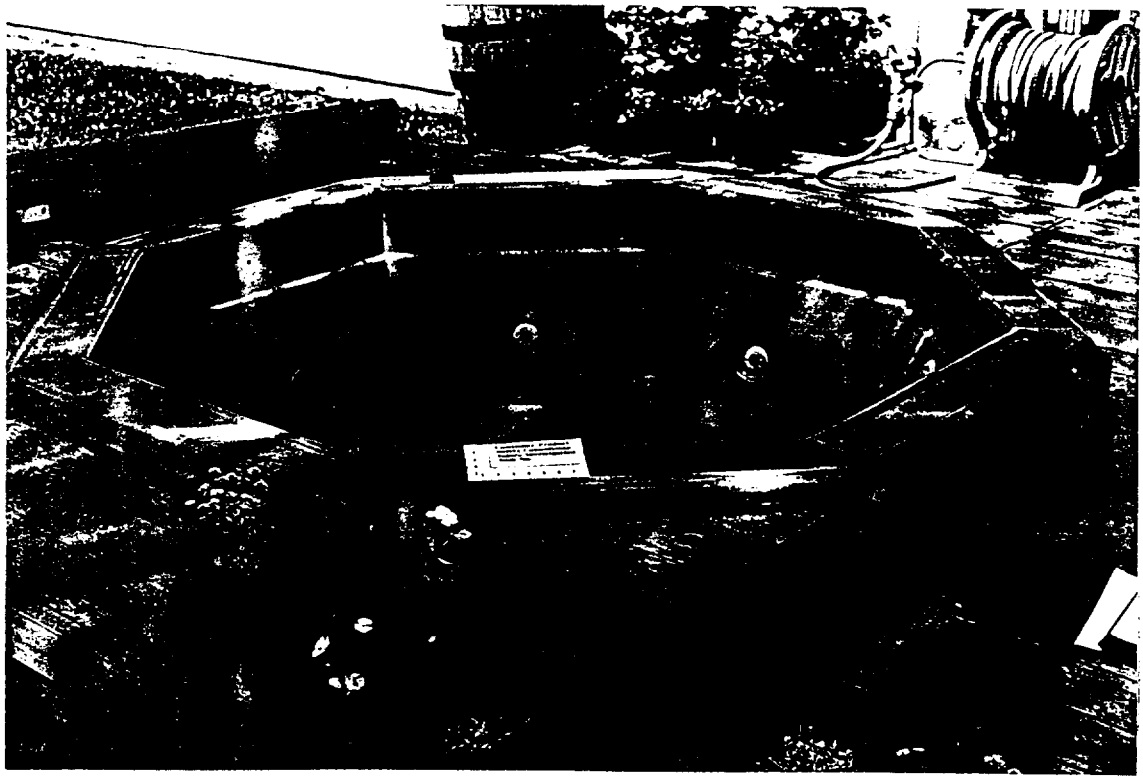


#2, SPA IN WOODEN DECK. "A" IS FENCE REQUIRED EQUIPMENT AREA.

Exhibit #8
960228CWE6001
3/19/96



#3,

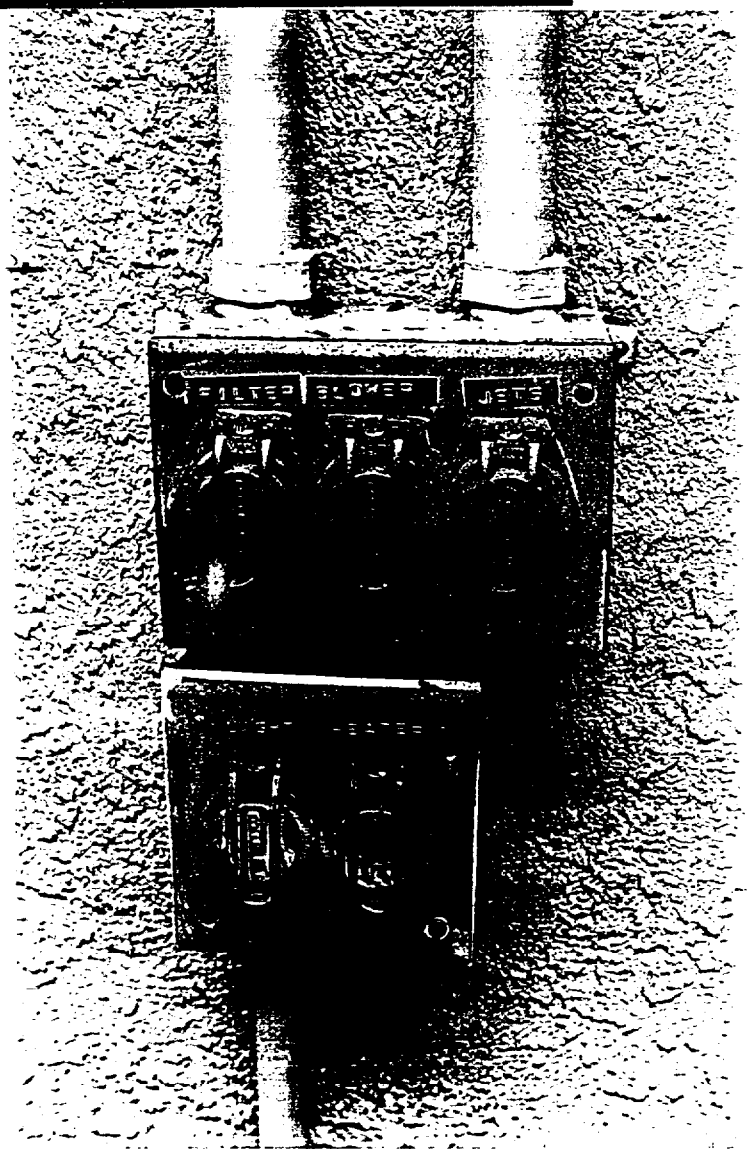


4,

Exhibit #8
960228CWE6001
3/19/96

"B"

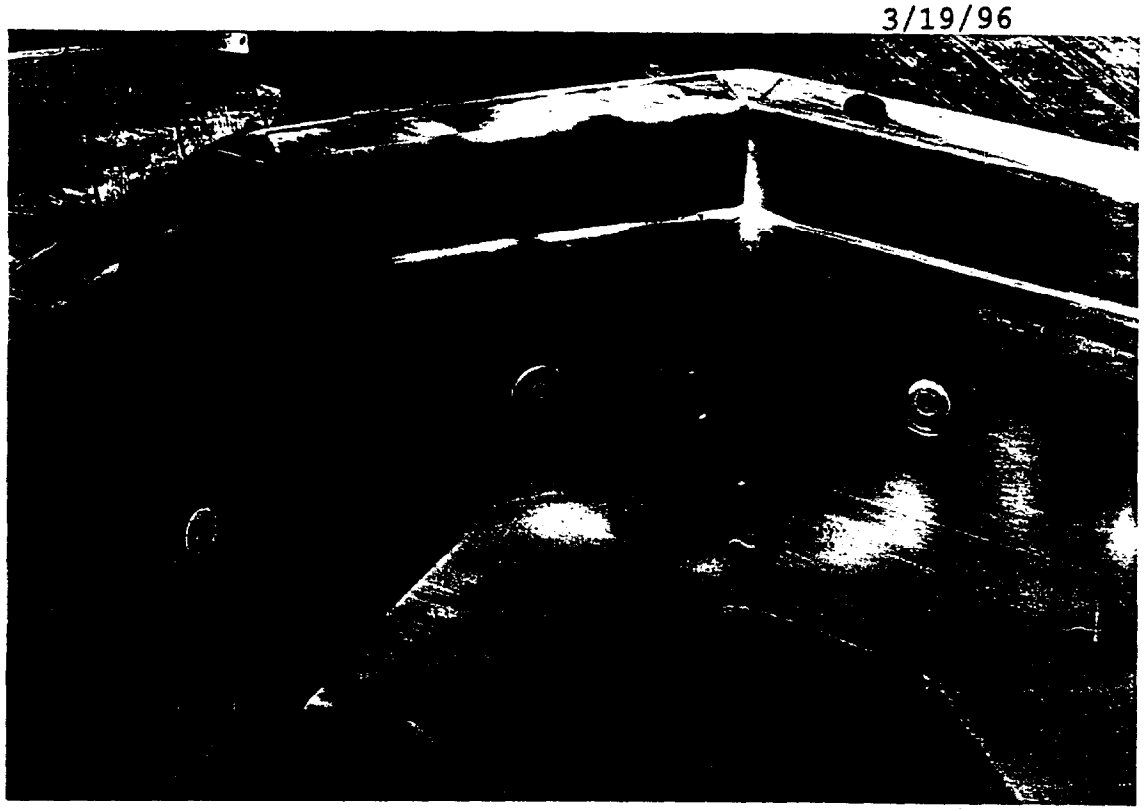
#5, "B" IS SPA CONTROLS MOUNTED ON WALL OF HOUSE.



#6 →
CLOSE-UP OF CONTROLS

0698

Exhibit #8
960228CWE6001
3/19/96



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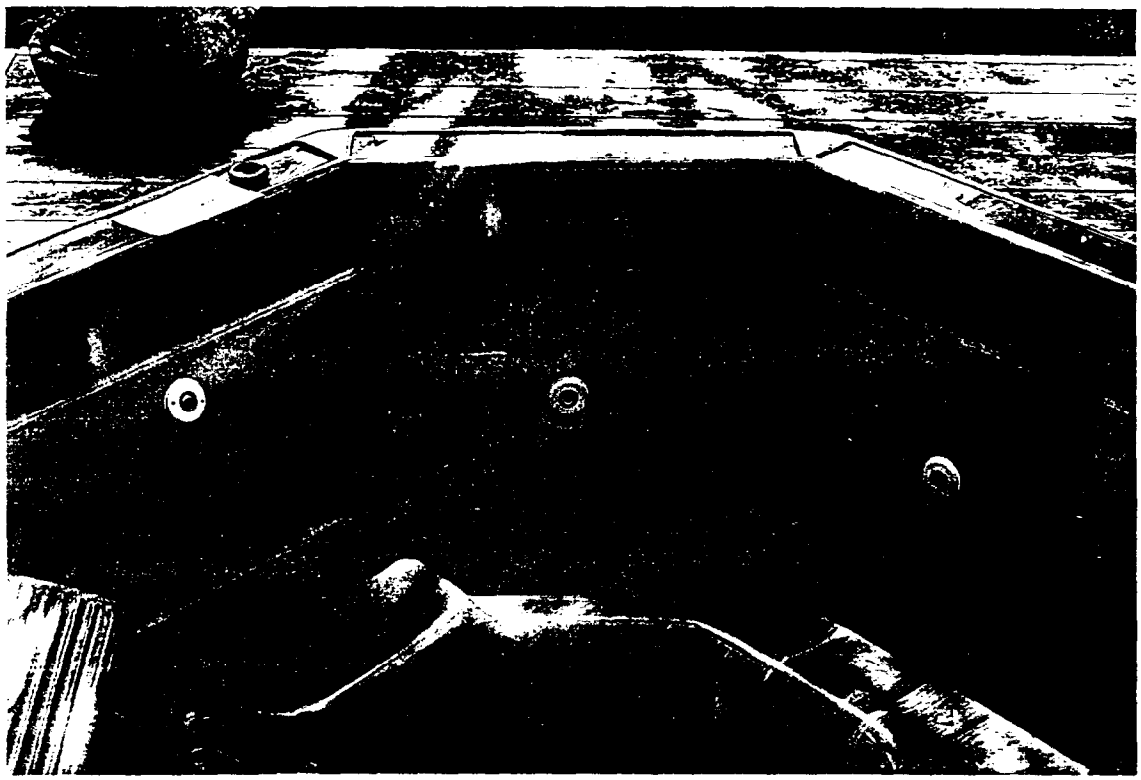
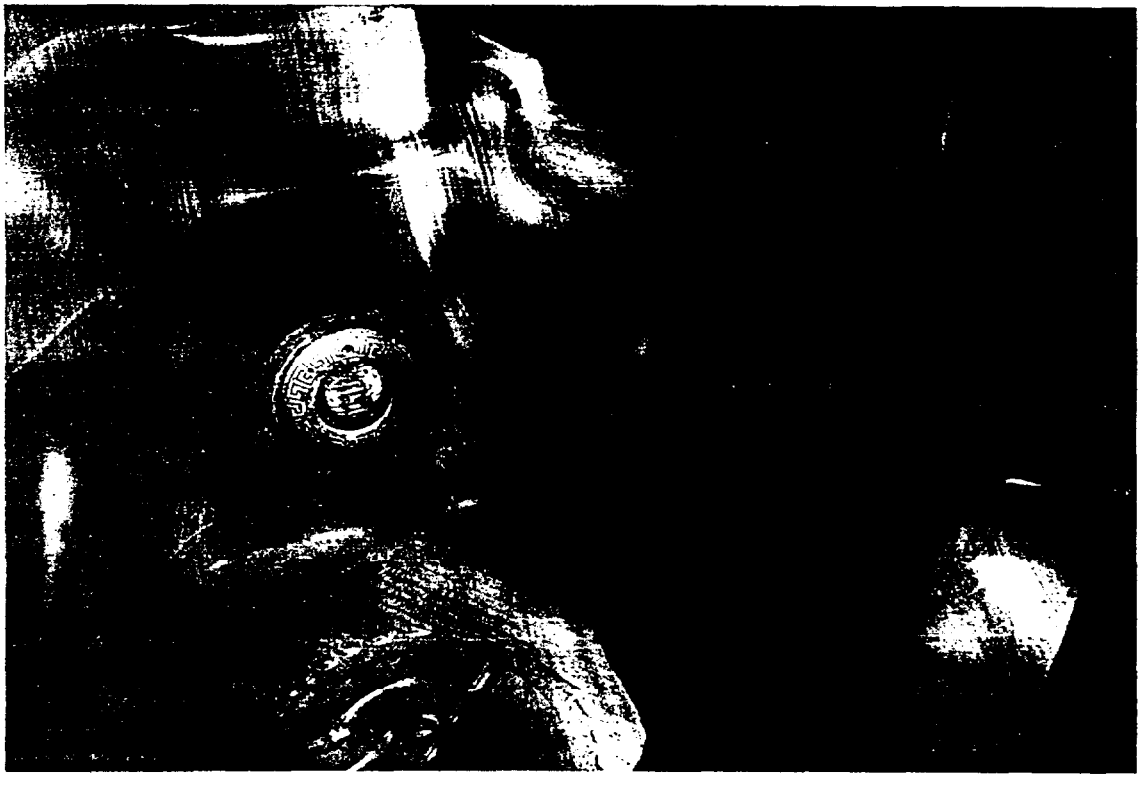


#8

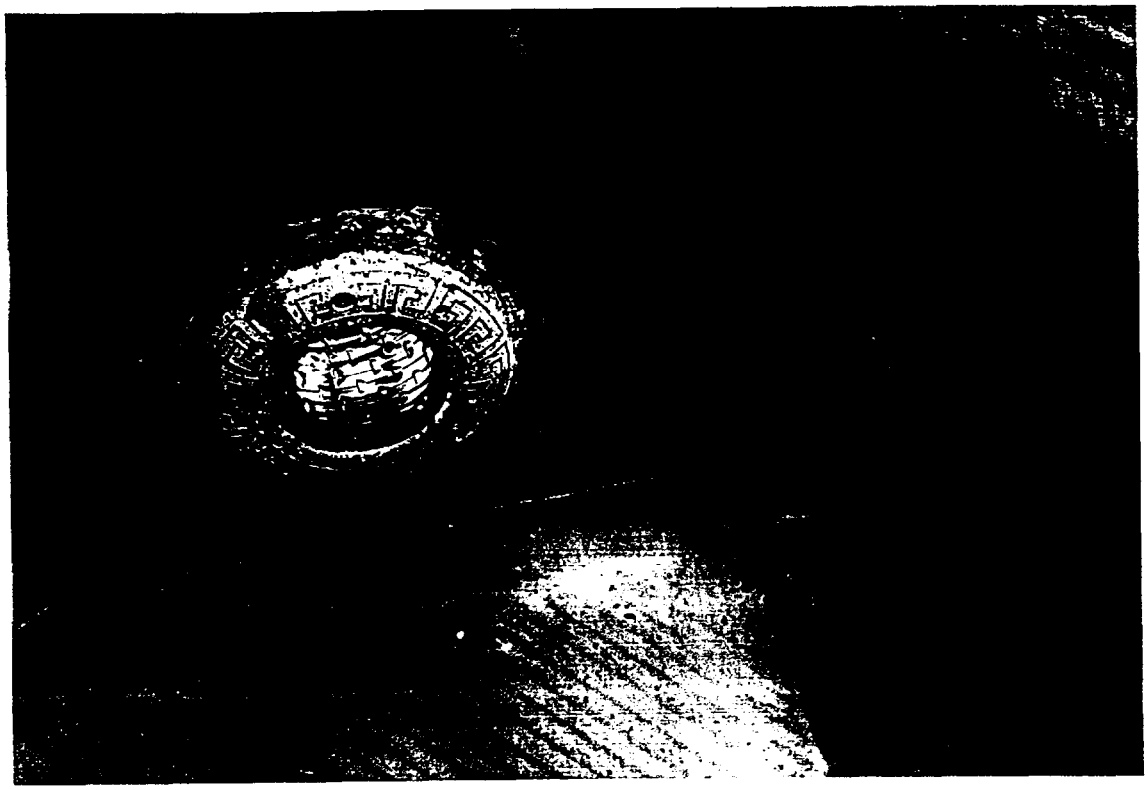
Exhibit #8
960228CWE6001
3/19/96

#9 STEPS LEADING INTO SPA. "C" IS SUCTION HOLE.

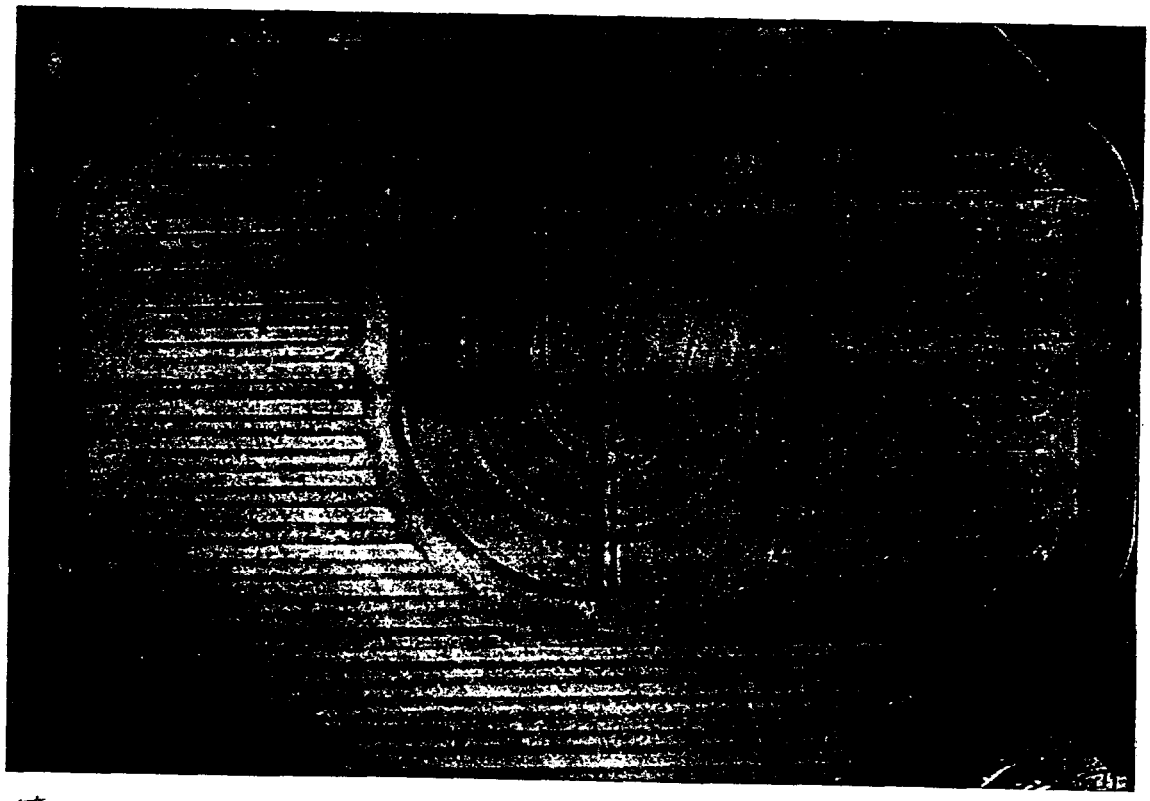


#10, SUCTION HOLE (WITHOUT COVER) & LIGHT.

Exhibit #8
960228CWE6001
3/19/96

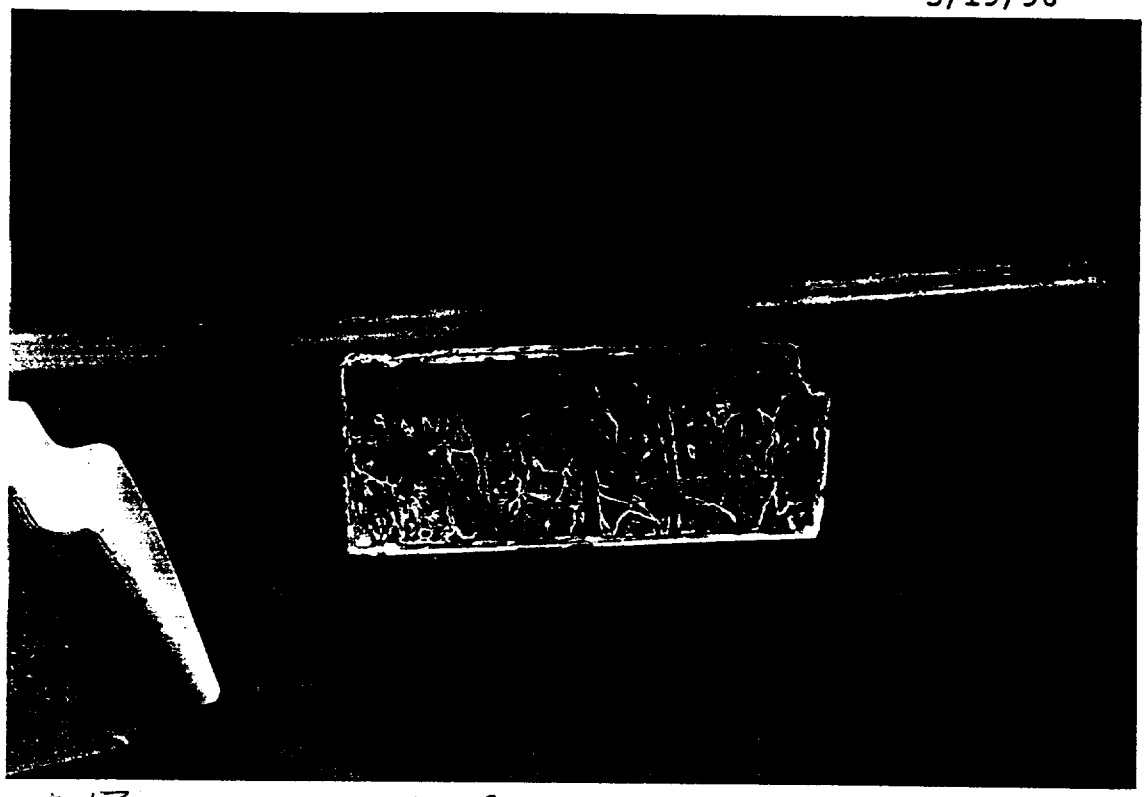


#11, CLOSE-UP OF LIGHT AND SUCTION HOLE.

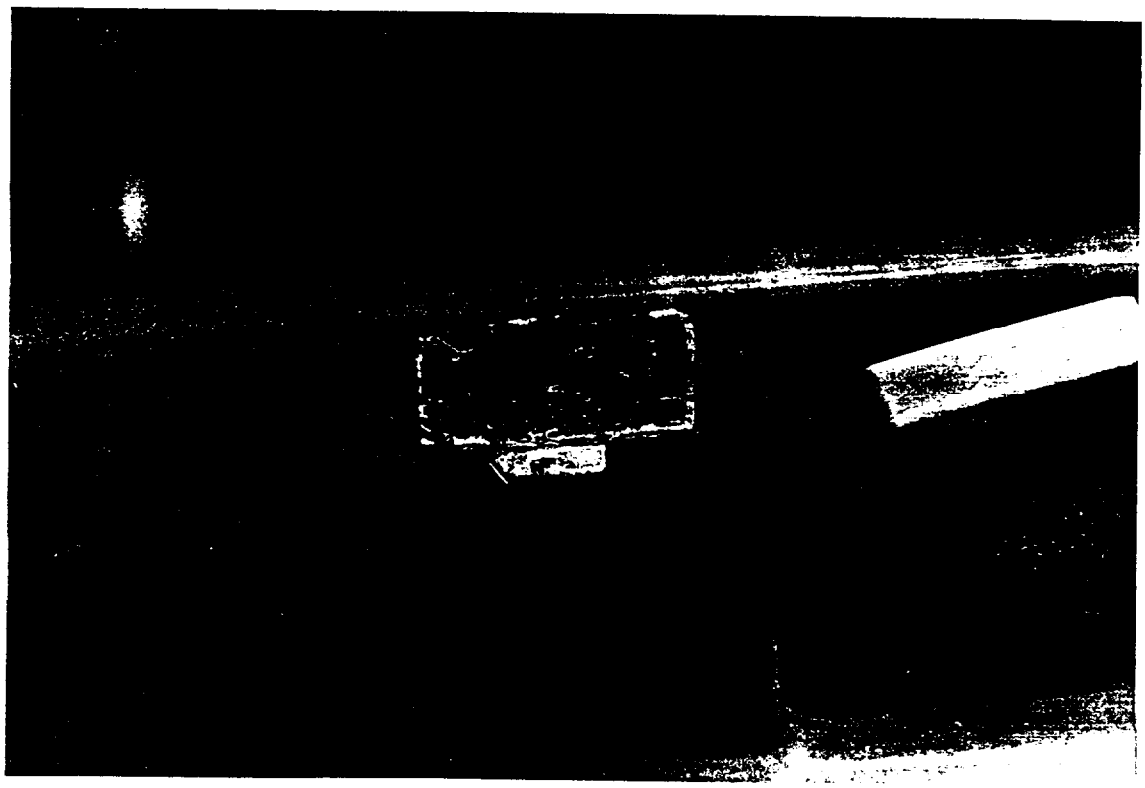


#12, CLOSE-UP OF LOGO ON BOTTOM OF SPA.

Exhibit #8
960228CWE6001
3/19/96

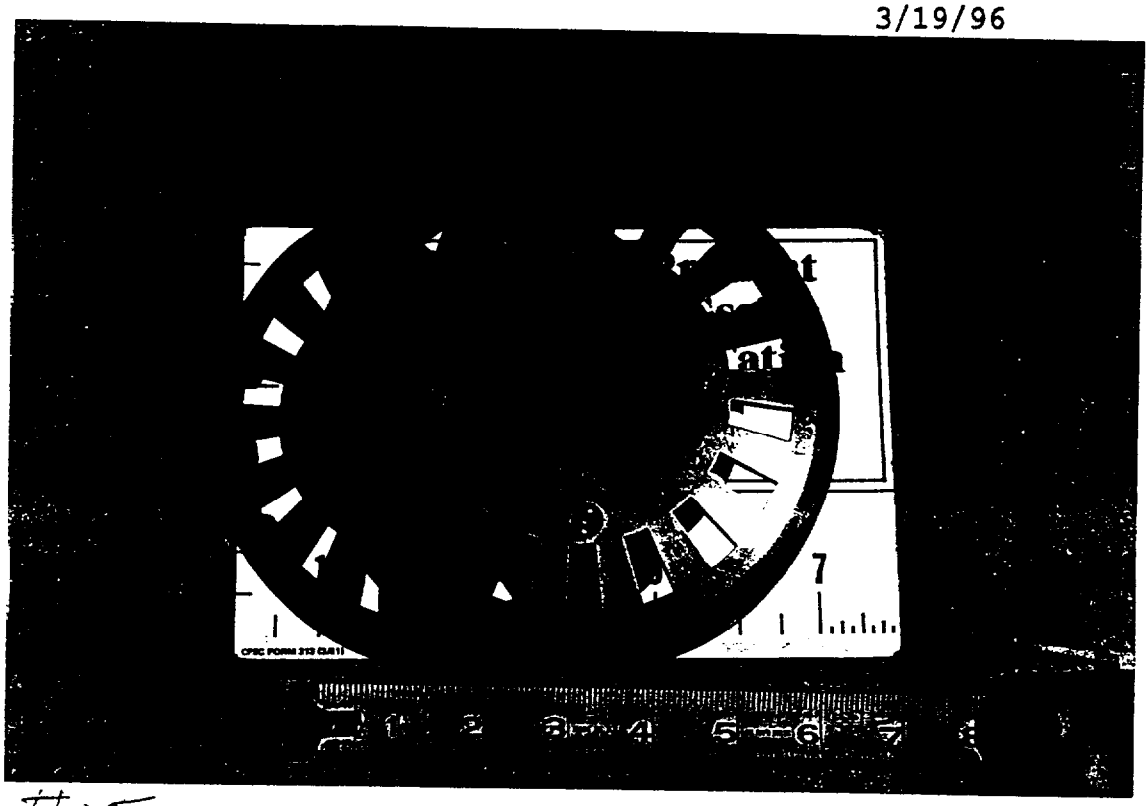


13, WARNING (CAUTION) LABEL LOCATED NEAR TOP STEP.

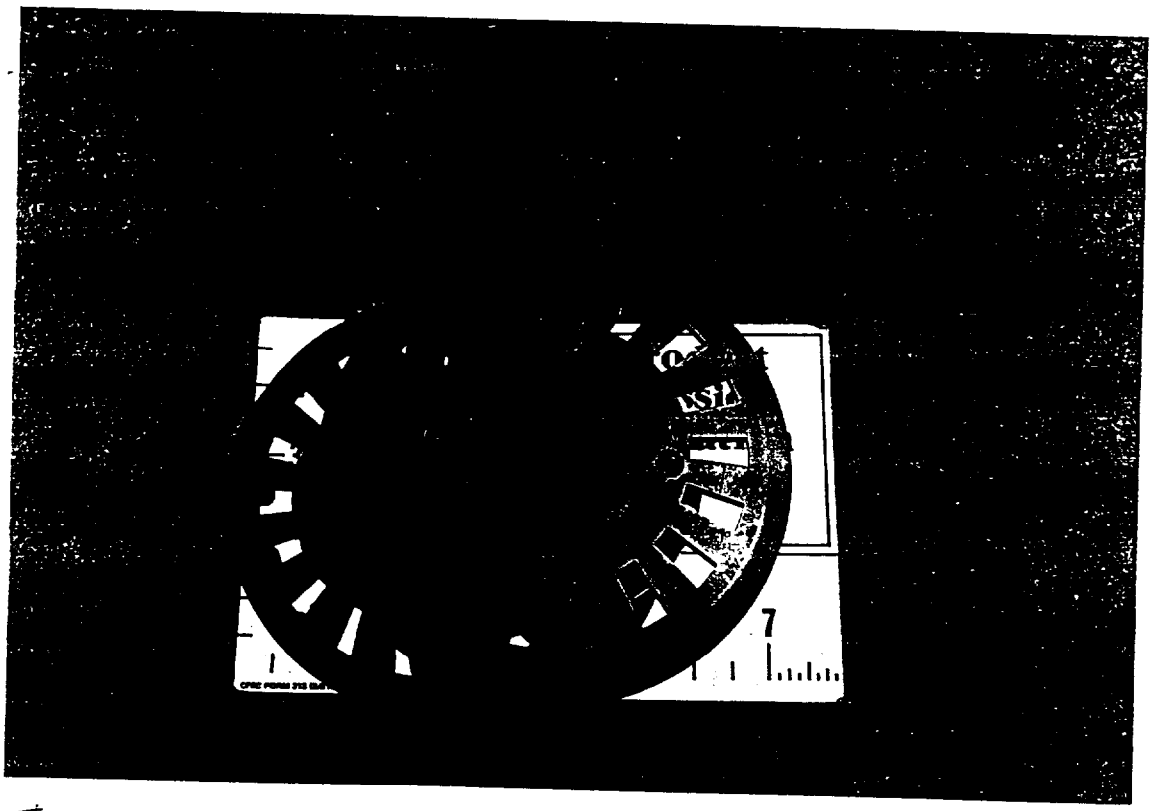


14, LABEL LOCATED NEAR TOP STEP.

Exhibit #8
960228CWE6001
3/19/96

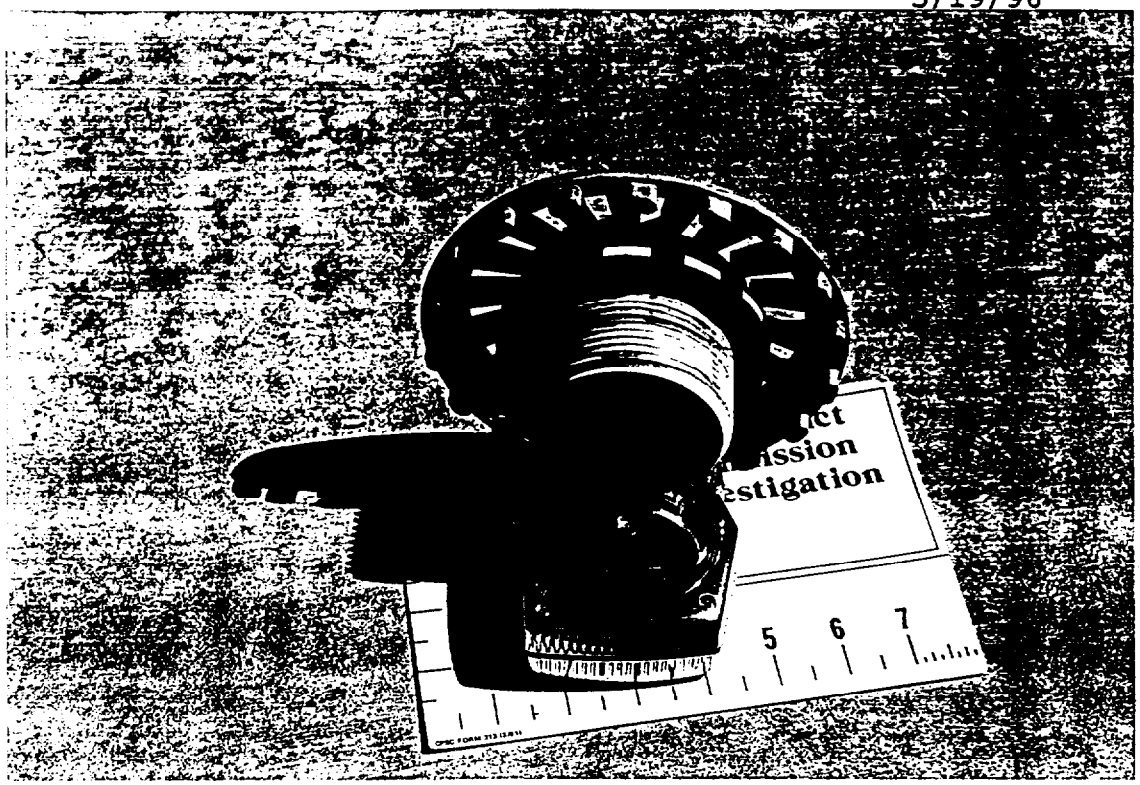


#15 SUCTION COVER, TOP

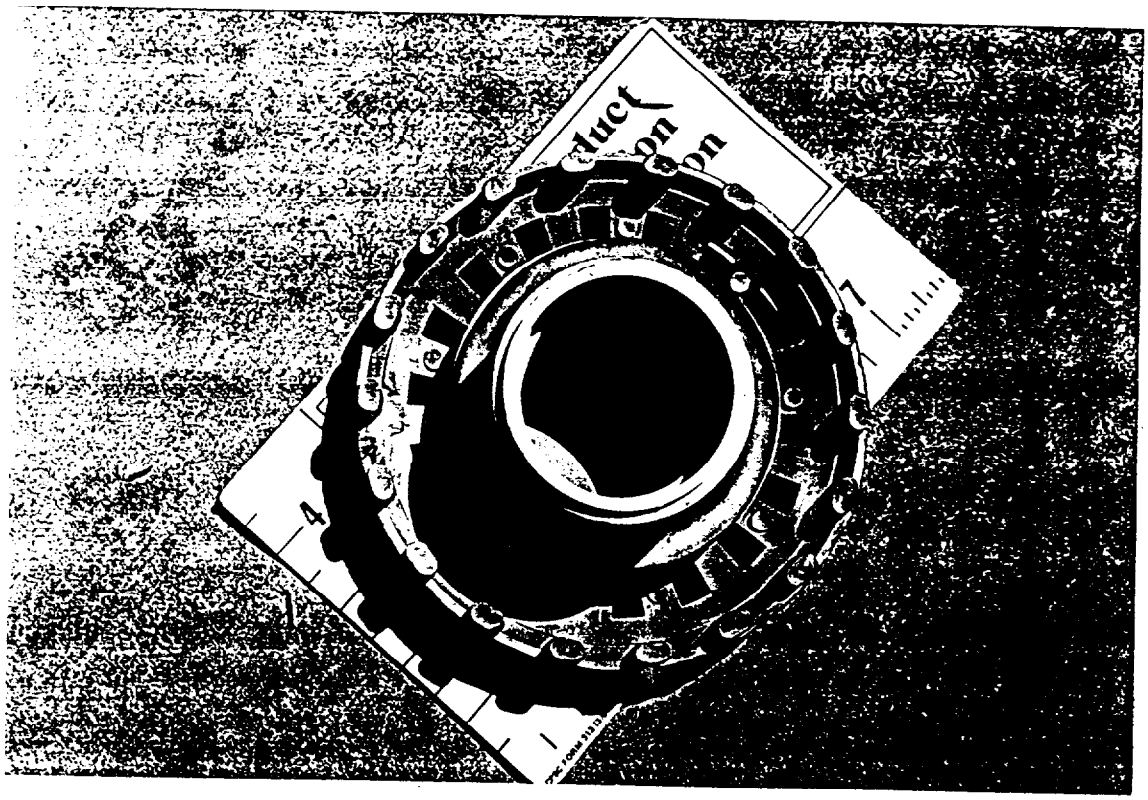


#16, SUCTION COVER, TOP.

Exhibit #8
960228CWE6001
3/19/96

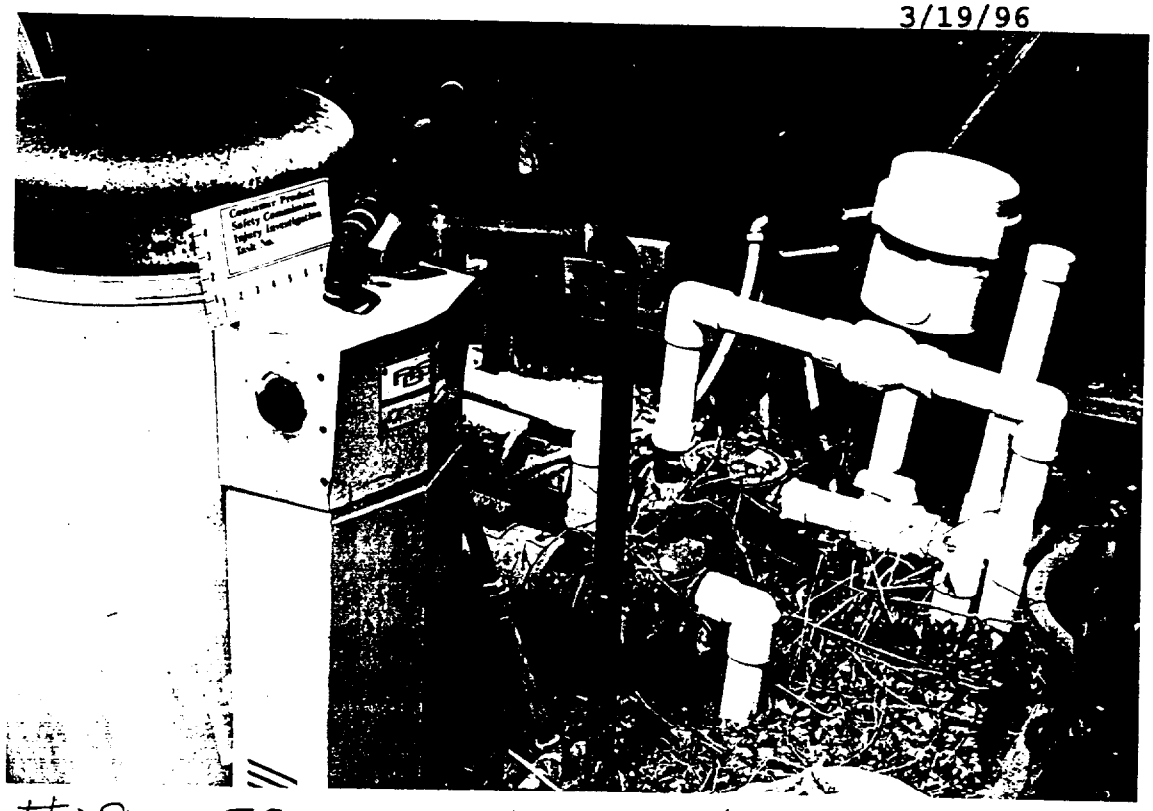


#17 SUCTION COVER, SIDE.

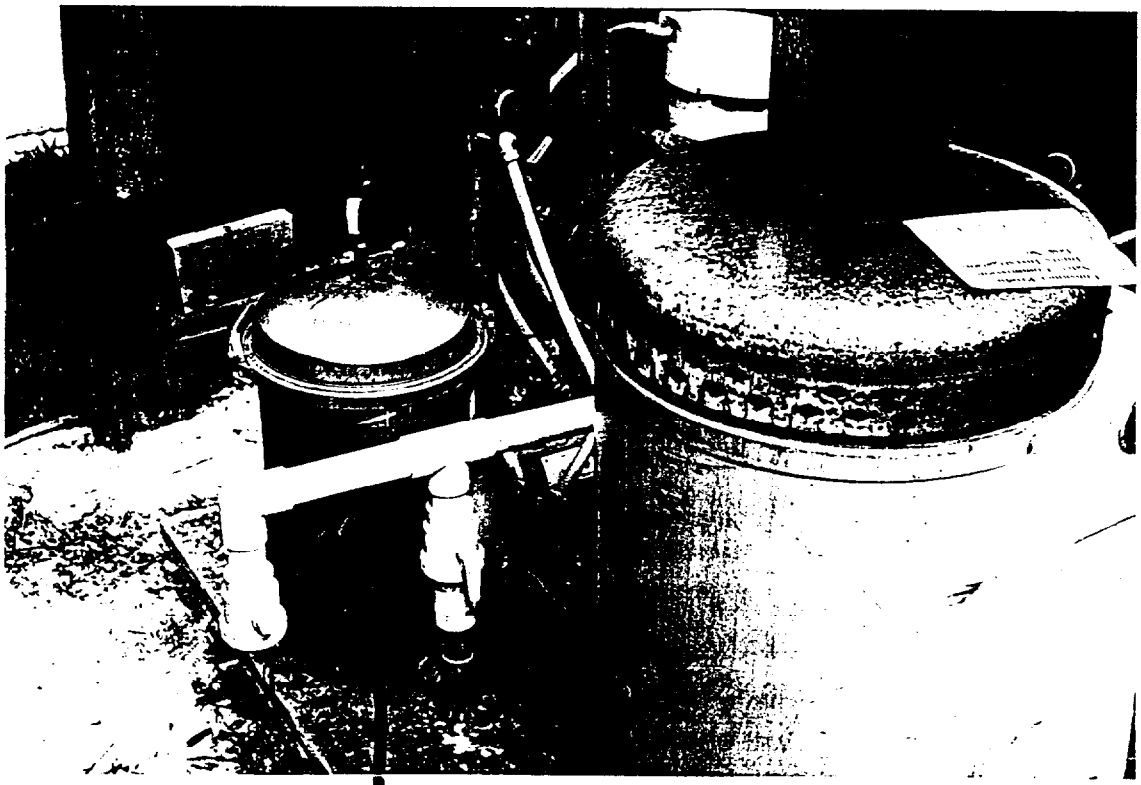


#18, SUCTION COVER, BOTTOM.

Exhibit #8
960228CWE6001
3/19/96



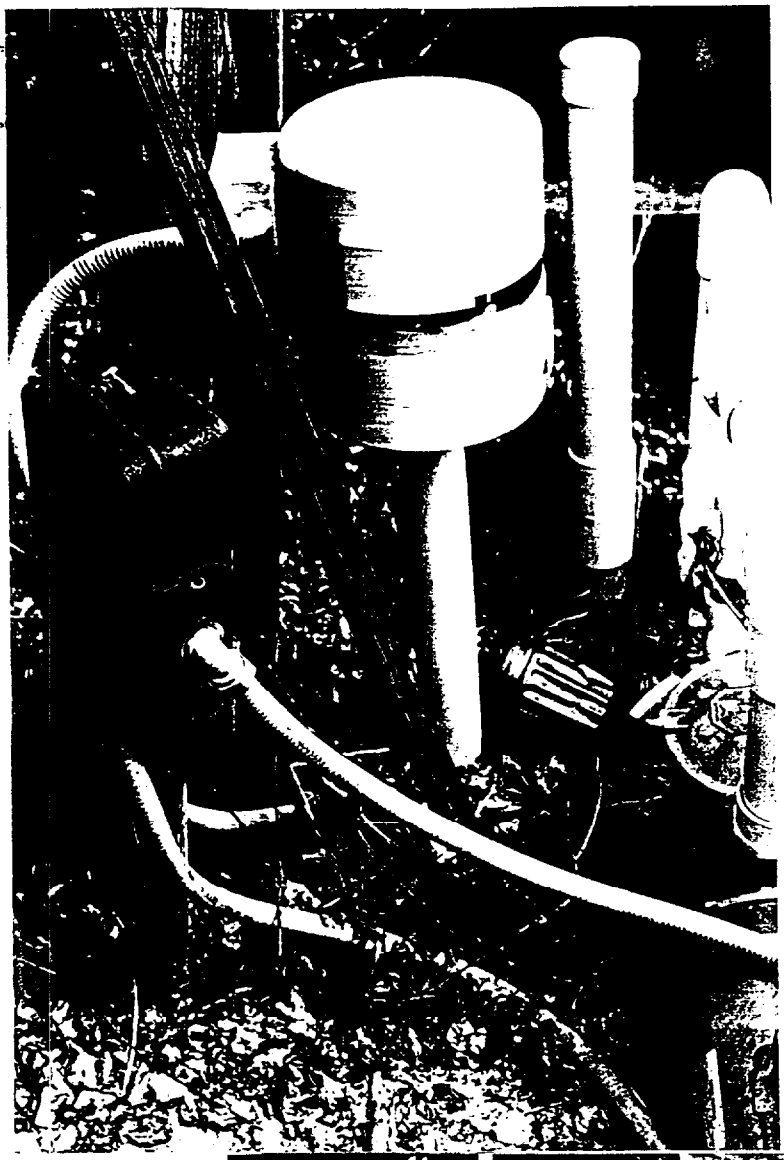
#19, EQUIPMENT AREA



#20

FILTER

Exhibit #8
960228CWE6001
3/19/96

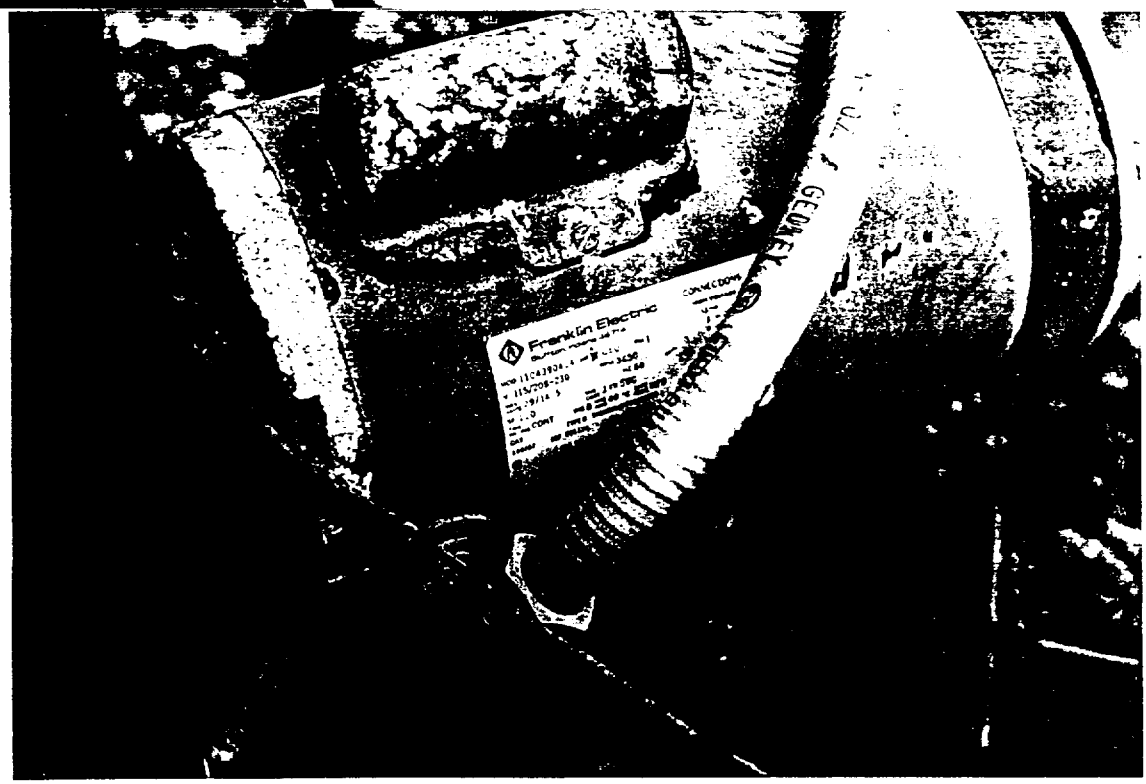


#21

#22 "D" = HEATER, "E" = FILTER PUMP, "F" = BLOWER FOR JETS, FILTER IS BEHIND "F".

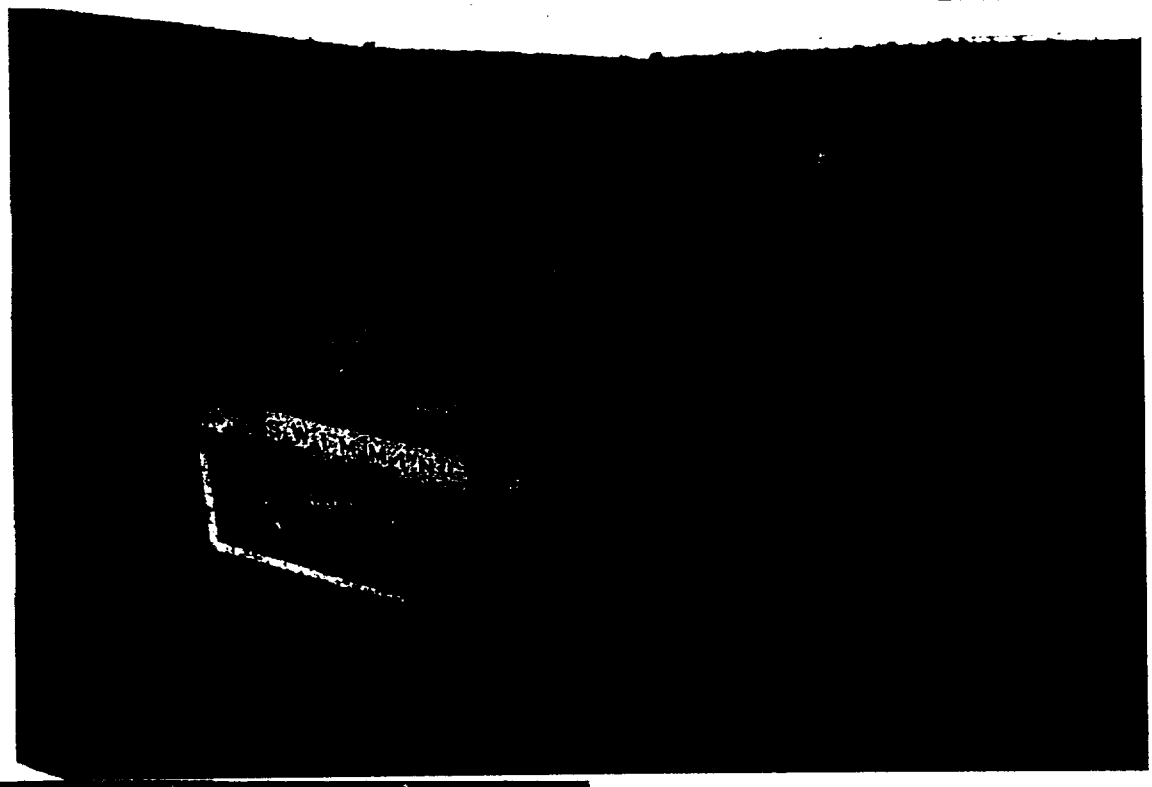
Exhibit #8
960228CWE6001
3/19/96

#23, "G" = BLOWER
"H" = FILTER PUMP
I = FILTER

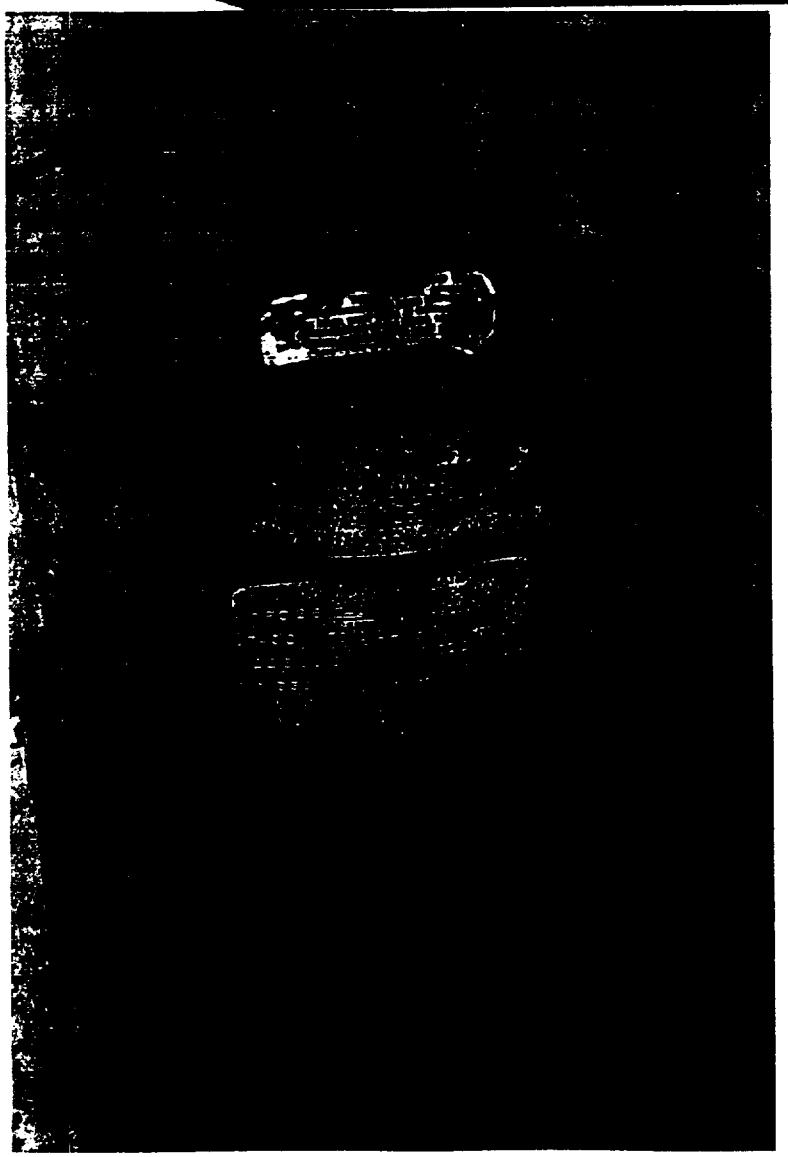


#24, JET MOTOR.

Exhibit #8
960228CWE6001
3/19/96



#25, HEATER NAME PLATE.



#26, HEATER ID PLATE.

Franklin Electric

CPSC/OFC OF THE SECRETARY
FREEDOM OF INFORMATION
1997 MAR 11 A 11:3

Mar.5,1997
Re: FOIA Request 5702035:
Report 960228CWE6001

Todd A. Stevenson
Deputy Secretary and
Freedom of Information Officer
Office of the Secretary
U.S. Consumer Product Safety Commission
Washington, D.C. 20207

Dear Todd,

We at Franklin Electric were saddened to hear of the tragic deaths of the children in the report from the U.S. CPSE. We extend our sympathy to their loved ones.

Upon receiving the information provided, we noted our motor model #1104390424 was the driver for the filter pump. This was a motor model we supplied to Purex Pool Products. It was designed specifically for use with this filter pump which is then sold as an assembled unit to the various spa manufacturers by Purex.

We supply a very safe, high quality, product to this industry and have done so for many years. As you know this motor is designed to meet and exceed all the UL and CSA construction requirements, the temperature requirements, the special water protection requirements, ampere and current leakage requirements, plus is provided with a safety overload protector should temperature become excessive.

We appreciate your notification that an inquiry has been made with respect to the reports originating from the above incident. Since the Franklin Electric motor involved in this matter was not defective nor did it play a role in the unfortunate incident, it would be our preference that the Franklin Electric name not be disclosed. If, however, you elect to disclose the Franklin Electric name, we would request that we be notified and receive a copy of all materials disclosed to the requesting party.

If we can be of further assistance , please contact us.

Best Regards

Richard L. Duff
EMPD Engr, Manager

960228 CWE6001
Release with disclosure. 3/17/97

Bluffton, Indiana 46714 (219) 824-2900

1 Case Number	2 Investigator ID	3 Office Code	EPIDEMIOLOGIC INVESTIGATION REPORT
960821CAA5543	8101	860	
4 Accident date 950818	5 IDI initiated 960903		

6 Synopsis of Accident or complaint
A ten year old girl drowned in a hot tub when her long hair became entangled in a suction cover. The cover was an older design that would not comply with the ASME standard for anti-hair entrapment.

7 Location	8 City	9 State
resort facility 51	Whitefish	MT

10a First Product	11a Trade/Brand name/Model/Mfgr
hot tub 0698	not known
10b Second Product ~~suction cover~~	11b Trade/Brand name/Model Hydro Air P/N 10-6200 Hydro Air Industries, Orange, CA

12 Age of Victim	13 Sex	14 Disposition	15 Injury diagnosis
010	2	08 fatal	anoxia 65

16 Body part	17 Respondents	18 Investigation type	19 Time spent
all 85	sheriff 03	other 03	8

20 Attachments	21 Case Source	22 Reviewed by
multiple 9	state health dept 02 9530004555	8101 961024

23 Permission to disclose names (Non-NEISS cases only)
___ CPSC may disclose my name
CPSC may not disclose my name

24 Narrative

25 Regional Director review date

MFR/PRVLBR NOTIFIED 3/17/97
X No Comments made
___ Comments attached
2510 Excisions/Revisions
X Firm has not requested further notice

CPSC Form 182

Information for this report was obtained from the 1) coroner's report, 2) autopsy report, and 3) a telephone conversation with the Chief of Detectives for the Sheriff-Coroner's office. The Whitefish Police Department was at the scene, but the coroner's office handled the investigation of the incident. The product involved is a hot tub.

PRE-EVENT

The site of this incident is a small city in a recreational area of the Rocky Mountains. The city is located 25 miles southwest of Glacier National Park.

The incident occurred at a lodgin facility in the nearby mountains. The mother of the victim worked at the facility. The victim was ten years old at the time. She and a seven year old female playmate went to the pool and hot tub area at the facility. The victim's mother and the mother of the playmate were in another building at the facility. The day was a Friday. The time was approximately 1156 hours.

EVENT

The victim and her playmate were in the hot tub. The victim went underwater several times then did not surface. The playmate thought the victim was purposefully staying under water. A male employee of the facility heard the playmate talking and observed the victim under water. The victim appeared to be trapped. The employee attempted to pull the victim free, but was unable to do so. He then shut off the pump that circulates water in the hot tub. He and another adult male contined attempts to free the victim. They realized her hair was caught in a suction drain. They managed to pull her hair loose and freed the victim. The drain cover broke in the process.

POST-EVENT

Cardio-pulmontary resuscitation was adminstered to the victim. She was transported to a hospital and pronounced dead at 1327 hours. Official cause of death was drowning.

Autopsy revealed the victim had a luxuriant amount of hair. It was measured at between two feet and two and one-half feet long from the crown. It went down past her shoulders. The weight of the victim's hair was not reported.

Investigating officials determined the water temperature in the hot tub was 101 degress Fahrenheit and that the flow rate of recycled water was 60 gallons per minute. The officials did not find any loose hair in the filters or skimmers of the hot tub.

PRODUCT IDENTIFICATION

The product involved in this incident is a hot tub. Photographs supplied by the Sheriff-Coroner show a tiled structure with three steps, a metal hand railing, and a shelf for seating all around the hot tub at the level of the second step. This shelf is actually a ledge in the design of the hot tub itself. A skimmer is visible as are ports which are probably points where water flows into the hot tub. The suction drain is located on the side of the hot tub near the bottom. The drain shows evidence of the cover which was broken off during the rescue of the victim. Four screws secured the cover to the drain.

The suction cover itself is circular in shape and measures approximately 14.5 cm in diameter. The cover is broken in half. Two screws remain in the cover. The cover has lifts along the circumference that measure 3/8 inches high and 1/4 inch wide. These lifts allow flow of water around the circumference of the cover. the face of the cover has 18 rectagonal openings along the circumference. These opernings measure approximately 3/4 inches by 1/4 inch.

The face of this cover has the following information molded into it: "USPC" (within a shield) and "Flow rate 60 gpm Hydro-Air P/N 10-6200."

CPSC file information indicates Hydro-Air is the brand name of products produced by Hydro-Air Industries, Orange, CA.

STANDARDS INFORMATION

None.

ATTACHMENTS

The following exhibits are attached to this report:

Exhibit #1: Coroner's report.
Exhibit #2: Autopsy report.
Exhibit #3: Photographs 1-9 supplied by Sheriff.

2 9 OCT 1996

Exh # 1 96Ø821CAA5543

Flathead County Sheriff Office
Coroner Report

Coroner: [redacted] Case No: 95-9764
Dispatch Time: 13:40 Arrival Time: 13:54 Report Date: 08/18/95
=== Coroner ========== Page: 1 =====

	Last	First	Middle	FCH ID#
Name:	[redacted]	[redacted]		95240017

DOB: 12/05/1984 Sex: F Race: W Age: 10 SSN: - -

Address: [redacted] MEADOWS Phone: [redacted]
City: COL FALLS State: MT Zip Code: -

Occupation: STUDENT Employer:

Date of Death: 08/18/95 Estimated Time of Death: 11:56
Pronounced Date: 08/18/95 Pronounced Time: 13:27
Location of Death: NORTH VALLEY HOSPITAL

Funeral Home: JOHNSONS Family: or Rotation: X

Person Discovering Body: D[redacted] Time: 11:55
Address: 4[redacted] WHITEFISH, MT 59937-

Phone: [redacted]

	Medication	Prescr. #	Physician	Pharmacy	Phone	Issued
1.					- -	/ /
2.					- -	/ /
3.					- -	/ /
4.					- -	/ /
5.					- -	/ /
6.					- -	/ /

Personal Effects: Cash: $ 0.00 Secured By:
Secured at Home? N
Left at Funeral Home? F
Secured at S.O.? N

Released? N To Whom:
Address: , -

Released By: [signature]

W

960821 CAA 5543

Flathead County Sheriff Office
Coroner Report

Case No: 95-9764
Report Date: 08/18/95

== Coroner ========== Page: 2 =====

Cause of Death:
1. PENDING AUTOPSY
2.
3.
4.

Manner of Death:
Natural: Homicide:
Suicide: Accident: X
Pending Investigation:

Autopsy? Y
Notified: 08/18/95
Coroner Present? N
Inquest? N

Pathologist: DR KELLENBERGER
Time: 18:00
Location of Autopsy: JOHNSON MORTUARY

Investigator: MERICAL 7-16
Notified: 13:55 hrs. Arrival: 14:35 hrs.

Department: FCSO
Report? Y Photos? Y

Identified By: MOTHER
Name:
Address: , -

Phone: - -

Next of Kin: MOTHER
Name: [redacted]
Address: [redacted] COLUMBIA FALLS, MT -

Notified By: ON SCENE
Notified Date: / / Time: :

Copied By: _____ E/MUCR: _____ Filed By: _____

Dissemination (Y/N):
CATTY: Y St. Med Exam: Y Other:

Signed By: [signature] 7-4
Coroner

960821CAA5543

Flathead County Sheriff Office
Coroner Report

Case No: 95-9764
Report Date: 08/18/95

Deceased 10 yr old [redacted] and her friend [redacted] who is 7 yrs old had gone to the pool and hot tub area at Anapurna Properties on the Big Mt., north of Whitefish. [redacted] mother [redacted] works at Anapurna and she and [redacted] were in the other building. [redacted] and [redacted] are in the hot tub when [redacted] decided to go completely under water. She apparently did this a couple times and then did not surface.

[redacted] pulled on [redacted] once, thinking she was playing around, telling her to "quit goofing around and come up". [redacted] was observed in the hot tub by [redacted] an employee of Anapurna, and heard her talking to someone under water. He observed [redacted] and attempted to pull her out, but was unable to do so. He ran to shut off the pump and was joined by [redacted] from Flathead Mech., who went into the tub and attempted to pull [redacted] up. Realizing her hair had been sucked into the pump suction vent, he pulled her hair loose, breaking the plastic vent grate, which remained in her hair.

CPR was started, and Whitefish ambulance responded along with ALS from North Valley Hospital [redacted] was transported to North Valley Hospital, and was attended to by Dr. Vaught in the ER. Efforts to revive her were unsuccessful and she was pronounced at 1327hrs.

Death appears to be caused from drowning, due to the victim's long hair becoming drawn in to the suction pipe in the hot tub. However there is no sign victim attempted to struggle to get free.

There was no loose hair in the filters or skimmers when checked by Det. Merical. There were also no indications from victim's fingernails that she had clawed at the tub or vent grate in a attempt to get free.

[redacted] hair was between two and two and one half feet long from crown and went down past her shoulders. The flow rate in the hot tub vent was 60 gallons per minute. Temperature in the hot tub was approximately 101 degrees F. The tub had been drained prior to Det. Merical arriving on the scene.

No suspicious circumstances surrounding the death, with exception of lack of evidence to suggest victim attempted to get free. Per autopsy, cause of death is drowning, manner is accidental.

NOTE: Vent grate is in evidence at FCSO Lab.

96 0821 CAA 5543

STATE OF MONTANA

DIVISION OF FORENSIC SCIENCE

DEPARTMENT OF JUSTICE

Broadway Building—Sixth Floor 554 West Broadway
Missoula, Montana 59802 (406) 728-4970

CORONER'S REPORT FORM

Case # 95-9764

Autopsy #

MDFS #

SUBMITTING AGENCY: FLATHEAD COUNTY SHERIFF/CORONER

County: FLATHEAD Coroner/Deputy: Brock Wilson

DECEDENT: (Full Given Name) [redacted]

Address [redacted] COL FALLS, MT

D.O.B.: 12/05/1984 Sex: ☐ M ☒ F Race: ☒ White ☐ Hispanic ☐ Native American ☐ Black ☐ Asian ☐ Unknown

Occupation:

DATE & TIME LAST SEEN ALIVE ☐; OR IF KNOWN DATE & TIME OF DEATH ☒: 08/18/95 13:27

DATE & TIME FOUND IF TIME OF DEATH UNKNOWN:

PLACE OF DEATH: NORTH VALLEY HOSPITAL

IF DEATH IN HOSPITAL, DATE & TIME ADMITTED: 08/18/95 12:16 Dr.'s Name: DR RODNEY VAUGHT

AUTOPSY: ☒ Y ☐ N If YES, by Dr. DR KELLENBERGER

TOXICOLOGY SPECIMENS TAKEN? ☐ Y ☒ N If YES, check which: ☐ Blood ☐ Vitreous ☐ Urine

FINGERPRINTS TAKEN? ☐ Y ☒ N PHOTOGRAPHS TAKEN? ☒ Y ☐ N ☐ Scene ☐ Autopsy

DEATH CERTIFICATE (D.C.) CERTIFIED BY ☒ Coroner/Deputy WILSON OR ☐ Dr.

CAUSE OF DEATH (As appears on D.C.) PENDING AUTOPSY ☐ Pending

MANNER OF DEATH: ☐ Pending ☒ ☐ Accident ☐ Homicide ☐ Suicide ☐ Undetermined ☐ Natural

DETAILS SURROUNDING DEATH: (Describe below or check ☒ if report attached. If applicable please include past medical history; i.e. heart disease, hypertension, diabetes, alcohol abuse, seizures, etc., and current medications.)

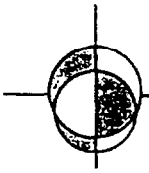
See Attached Report

Signature:

Coroner/Deputy

FORM DFS2 (Rev. 3/92) *DISTRIBUTION: White — Coroner; Canary — State Medical Examiner; Pink — County Attorney*

Exh. 2 96Ø821CAA5543



KALISPELL REGIONAL HOSPITAL

"We care for your health."

Autopsy A-95-22

Deceased: [redacted]

Age:	10 years
Date/Time of Autopsy:	August 19, 1995, 1000 hours
Place of Autopsy:	Johnson Funeral Home, Kalispell, Montana
Autopsy Requested By:	Flathead County Coroner, Deputy Brock Wilson

FINAL DIAGNOSES:

RESPIRATORY SYSTEM:
Lungs - Aspiration of Foreign Material - Probable Agonal

INTEGUMENTARY SYSTEM:
Hair - Head - Entangled Foreign Body - Drain Guard
Scalp - Subgaleal Hemorrhage - Recent

BODY AS A WHOLE:
Drowning - Accidental

R E Kellenberger

R. E. Kellenberger, M.D.
Pathologist
10/06/95

96 0821 CAA 5543

GENERAL: The body is that of a well developed, well nourished, Caucasian female who appears to be near the stated age of 10. There are numerous signs of attempts at cardiac resuscitation. There is a gastric tube in place and a nasal tracheal tube as well as an indwelling catheter in the bladder. There are electrode plates on the right and left upper anterior thorax. There is an indwelling catheter in the right anticubital fossa. There are recent needle marks in both inguinal areas. There is a recent and sutured incision on the left lateral chest following the course between the seventh and eighth ribs. This incision measures 16 cm in length.

The patient has a luxuriant amount of hair and entangled within this hair is a plastic object. When removed, this is seen to be circular in shape, broken into two parts and measures approximately 14.5 cm in diameter. This object has numerous holes and is consistent with a drain guard.

The pupils are round, regular and equal. The lips are edematous and the tongue is clenched between the teeth. There is some fresh blood exuding from the nostrils.

The body is unembalmed and otherwise normal.

PRIMARY INCISION: The usual Y-shaped incision is made. Underlying the previously noted thoracic incision, there is mechanical separation of the seventh and eighth ribs. Underlying this area is noted a 6 cm linear defect in the anterior portion of the left leaf of the diaphragm with exposure of the stomach. The abdominal cavity, pericardial cavity and the pleural spaces are otherwise normal.

CARDIOVASCULAR SYSTEM: The heart weighs ~270 grams. There are petechial hemorrhages on the surface of the posterolateral portion of the left ventricle. The heart is otherwise normal as are the aorta, great veins and the pulmonary arteries.

RESPIRATORY SYSTEM: The tip of the nasal tube lies in the upper portion of the mainstem bronchus. The arytenoid soft tissue is somewhat edematous and the surrounding mucosa is somewhat hemorrhagic. The mainstem bronchi and its branches are normal. The lungs are fully expanded. There are petechial hemorrhages on the pleural surfaces. On cut section, there is marked acute congestion but the lungs are otherwise normal.

GASTROINTESINAL TRACT: The bulb of the gastrointestinal tube is distended and lies in the mid-esophagus. The surrounding mucosa is somewhat hemorrhagic. The stomach, small and large bowel as well as the appendix are normal.

LIVER, BILIARY SYSTEM AND PANCREAS: The liver externally and on cut section is normal. The gallblader and extrahepatic biliary system are normal. The pancreas is normal.

[redacted]

960821CAA5543

HEMATOPOIETIC SYSTEM: The spleen externally and on cut section is normal. The lymph nodes of the mediastinum and mesentery appear normal.

ENDOCRINE SYSTEM: The thymus weighs 76 grams. This shows numerous petechial hemorrhages and there are focal areas of interstitial hemorrhage. The thyroid externally and on cut section is normal. The adrenals are present bilaterally. Externally and on cut section, these are normal. The pituitary is grossly normal.

GENITOURINARY SYSTEM: The kidneys are present bilaterally. Externally and on cut section, these are normal. The ureters are normal. The bladder contains the tip of the catheter and is otherwise normal. The internal female organs are normal for an individual of this age.

HEAD: The scalp is of normal thickness and strips from the calvarium with ease. There is noted subgalial hemorrhage of recent origin, most marked at the vertex. The calvarium is otherwise normal, without evidence of fractures. Upon removal of the calvarium, the underlying meninges appear normal.

CENTRAL NERVOUS SYTEM: The brain externally and on cut section appears normal.

MICROSCOPIC:

Sections of lung show acute congestion, edema and foreign material in the alveoli. Vegetable fibers are noted.

Some sections (e.g. heart and thymus) show interstitial hemorrhage of recent origin without a cellular reaction or degeneration of the red blood cells.

All other sections are normal without evidence of pre-existing organic disease. These include trachea, heart, esophagus, pyloris, appendix, liver, pancreas, spleen, thymus, thyroid, adrenal, pituitary, skeletal muscle, kidney, ovary, uterus, cerebrum, basal ganglion, hippocampus, cerebellum, medula, spinal cord and pineal.

SUMMARY: This case appears to be one of accidental drowning. No pre-existing disease is found.

A-95-22 [redacted]

MT. JPD 8/20/96

CAA X

ACCIDENT INVESTIGATION REQUEST FORM

Document Number 95 30 004 555

Date of Incident 8/18/95 Category I.D. SECTJH

Follow-Up Requested Hazard Analysis Section 15

Type Follow-Up Requested ~~IDI~~ Telephone Call On-Site

Headquarters Contact Judith Hayes

Assignment Message Perform IDI of incident involving hair entrapment. Obtain any official medical and/or police reports. Obtain photos of drain cover in incident. Obtain photos of cover if replacement was made of original cover. Obtain size of spa pump, suction length of hair ~~of~~ of suction at time of incident.

Person(s) to Contact Death cert. Official

Guideline

Requested By

Task Number 960821CAA5543

Assigned to SFOO Date 8/21/96

CPSC Form 324 (2/90)

FORM V.S. 3 (1986 Revision)

MONTANA CERTIFICATE OF DEATH

95 004555

Local File Number

State File Number

960821CAA55

DECEDENT

1. DECEDENT'S NAME (First) [redacted] (Middle) [redacted] (Last) [redacted]
2. SEX: FEMALE
3. DATE OF DEATH (Month, Day, Year): AUGUST 18, 1995
4. RACE—American Indian, Black, White, etc. (Specify): White
5a. AGE—Last Birthday (Years): 10
5b. UNDER 1 YEAR: Months
5c. UNDER 1 DAY: Days, Hours, Minutes
6. DATE OF BIRTH (Month, Day, Year): December 5, 1984
7a. COUNTY OF DEATH: Flathead
7b. PLACE OF DEATH (Check only one): HOSPITAL: ☐ Inpatient ☒ ER/Outpatient ☐ DOA; OTHER: ☐ Nursing Home ☐ Residence ☐ Other (Specify)
7c. FACILITY NAME (If not institution, give street and number): North valley Hospital
7d. CITY, TOWN, OR LOCATION OF DEATH: Whitefish, MT
8. BIRTHPLACE (City and State or Foreign Country): Torrance, California
9. MARITAL STATUS: ☐ Never Married ☐ Widowed ☐ Married ☐ Divorced
10. SURVIVING SPOUSE (If wife, give maiden surname): N/A
11. SOCIAL SECURITY NUMBER: [redacted]
12a. DECEDENT'S USUAL OCCUPATION (Give kind of work done during most of working life. Do not use retired.): Student
12b. KIND OF BUSINESS/INDUSTRY: Student
13. WAS DECEDENT EVER IN U.S. ARMED FORCES? (Yes or no): No
14a. RESIDENCE—STATE: Montana
14b. COUNTY: Flathead
14c. CITY, TOWN, OR LOCATION: Columbia Falls
14d. STREET NUMBER: [redacted]
14e. INSIDE CITY LIMITS? (Yes or no): No
14f. ZIP CODE: 59912
15. ANCESTRY—Mexican, Puerta Rican, Cuban, African, English, Irish-German, Hmong, etc. (Specify): English/German
16. DECEDENT'S EDUCATION (Specify only highest grade completed): Elementary/Secondary (0-12): 4; College (1-4 or 5+):

PARENTS

17. FATHER'S NAME (First, Middle, Last): [redacted]
18. MOTHER'S NAME (First, Middle, Maiden Surname): Joani Jennings

INFORMANT

19a. INFORMANT'S NAME (Type/Print): [redacted]
19b. MAILING ADDRESS (Street and Number or Rural Route Number, City or Town, State, Zip Code): [redacted] Columbia Falls, MT 599

DISPOSITION

20a. METHOD OF DISPOSITION: ☒ Burial ☐ Cremation ☐ Removal from State ☐ Other (Specify)
20b. PLACE OF DISPOSITION (Name of cemetery, crematory, or other place): Fairview Cemetery
20c. LOCATION—City or Town, State: Kalispell, Montana
21a. SIGNATURE OF FUNERAL SERVICE LICENSEE OR OTHER PERSON IN CHARGE OF DISPOSITION: Paul M. Johnson — Paul M. Johnson
21b. MONTANA LICENSE NUMBER (of Licensee): 444
22. NAME AND ADDRESS OF FACILITY: Johnson Mortuary, POBox 966 Kalispell, Montana 59903

CAUSE OF DEATH

23. PART I. Enter the diseases, injuries, or complications that caused the death. Do not enter the mode of dying, such as cardiac or respiratory arrest, shock, or heart failure. List only one cause on each line. (See Instructions on other side)

		Approximate Interval Between Onset and Death
IMMEDIATE CAUSE (Final disease or condition resulting in death)	a. Drowned	
	DUE TO (OR AS A CONSEQUENCE OF):	
Sequentially list conditions if any, leading to immediate cause. Enter Underlying Cause (Disease or injury that initiated events resulting in death) Last.	b.	
	DUE TO (OR AS A CONSEQUENCE OF):	
	c.	
	DUE TO (OR AS A CONSEQUENCE OF):	
	d.	

PART II. Other significant conditions contributing to death but not resulting in the underlying cause given in Part I.

24a. WAS AN AUTOPSY PERFORMED? (Yes or no): Yes
24b. WERE AUTOPSY FINDINGS AVAILABLE PRIOR TO COMPLETION OF CAUSE OF DEATH? (Yes or no): yes
25. WAS CASE REFERRED TO CORONER? (Yes or no): Yes
26. MANNER OF DEATH: ☐ Natural ☐ Pending Investigation ☒ Accident ☐ Could not be Determined ☐ Suicide ☐ Homicide
27a. DATE OF INJURY (Month, Day, Year): 8-18-95
27b. TIME OF INJURY: 1156. M
27c. INJURY AT WORK? (Yes or no): no
27d. DESCRIBE HOW INJURY OCCURRED: hair caught in hot tub suction drain vent
27e. PLACE OF INJURY—At home, farm, street, factory, office building, etc. (Specify): Anapurna Properties
27f. LOCATION (Street and Number or Rural Route Number, City or Town, State): Big Mountain, Whitefish, MT

CERTIFIER

28a. TO BE COMPLETED BY CERTIFYING PHYSICIAN ONLY. To the best of my knowledge, death occurred at the time, date and place and due to the cause(s) stated.

(Signature and Title)

29a. TO BE COMPLETED BY CORONER ONLY. On the basis of examination and/or investigation in my opinion death occurred at the time, date and place and due to the cause(s) and manner as stated.

(Signature and Title) Brock Wilson

28b. DATE SIGNED (Month, Day, Year):
28c. HOUR OF DEATH: M
29b. DATE SIGNED (Month, Day, Year): 8-21-95
29c. HOUR OF DEATH: 1156
28d. NAME OF ATTENDING PHYSICIAN IF OTHER THAN CERTIFIER (Type or Print): [redacted]
29d. DATE PRONOUNCED DEAD (Month, Day, Year): 8-18-95
29e. PRONOUNCED DEAD (Hour): 1327
30. NAME AND ADDRESS OF CERTIFIER (PHYSICIAN OR CORONER) (Type or Print): Brock Wilson, Deputy Coroner, 800 South Main, Kalispell, Montana 59901

REGISTRAR

31a. LOCAL REGISTRAR'S SIGNATURE: Alice Dace Official only
31b. DATE FILED (Month, Day, Year): August 21, 1995

[redacted] 960821CAA5543

James R. Dupont
Sheriff-Coroner
Flathead County
406-758-5585
FAX 406-758-5862

September 17, 1996

U.S. Consumer Product Safety Commission
Western Regional Office
600 Harrison St., Room 245
San Francisco, CA 94107-1370

RE[redacted]oroner Report - 95-9764

Enclosed is the coroner and autospy report of the above subject per your request of September 3, 1996. Included in the report are photographs of the hot tub and the drain. Please advise our Office if you wish copies of these photographs for your records.

There is a $20 fee for the coroner report copy and an additional fee to have the photographs processed for copies.

Sincerely,

James R. Dupont
Sheriff

[redacted] 960821CAA5543

James R. Dupont
Sheriff-Coroner
Flathead County
406-758-5585
FAX 406-758-5862

September 30, 1996

U. S. Consumer Product Safety Commission
Western Regional Office
600 Harrison St., Room 245
San Francisco, CA 94107-1370

R[redacted]oroner Report - 95-9764

Enclosed please find the requested photographs regarding the coroner report of the above subject. We are in receipt of your Check #2990 for $30. Thank you.

The victim's hair was two feet to two and one half feet in length from the crown. The weight of the hair is unknown. There were no markings on the drain as the photographs will show.

Do not hesitate to contact our Office if you have further questions.

Sincerely,

S/Ker

James R. Dupont
Sheriff
Enc.

Exh #3

960821CAA5543

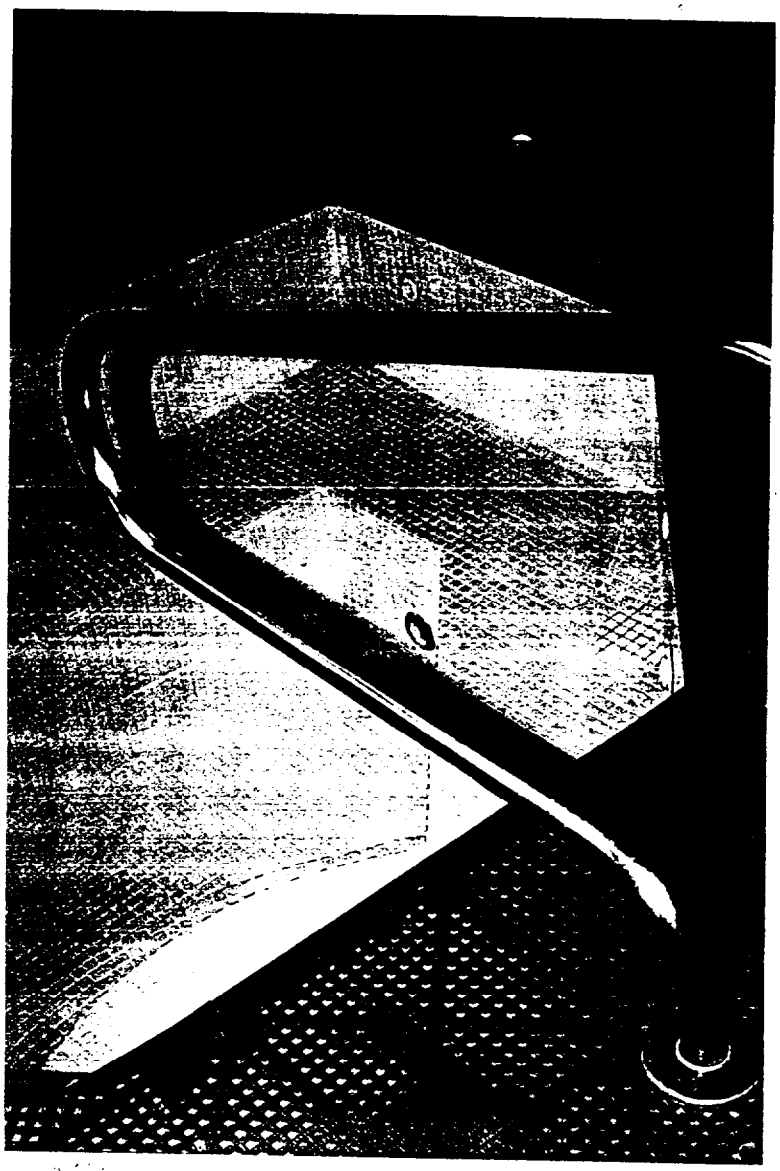


Photo #1: View of hot tub from ground level showing configuaration, depth, ledge, drain and hand rail.

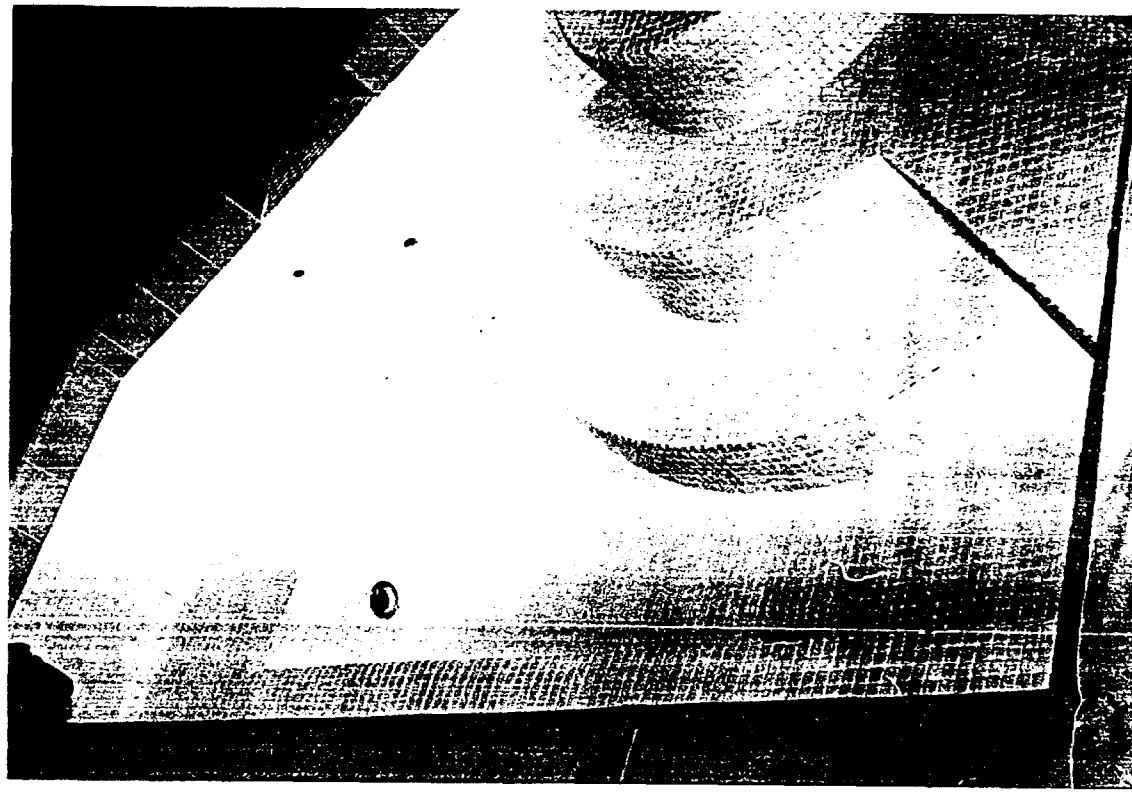


Photo #2: View of hot tub from ground level showing steps and inlets.

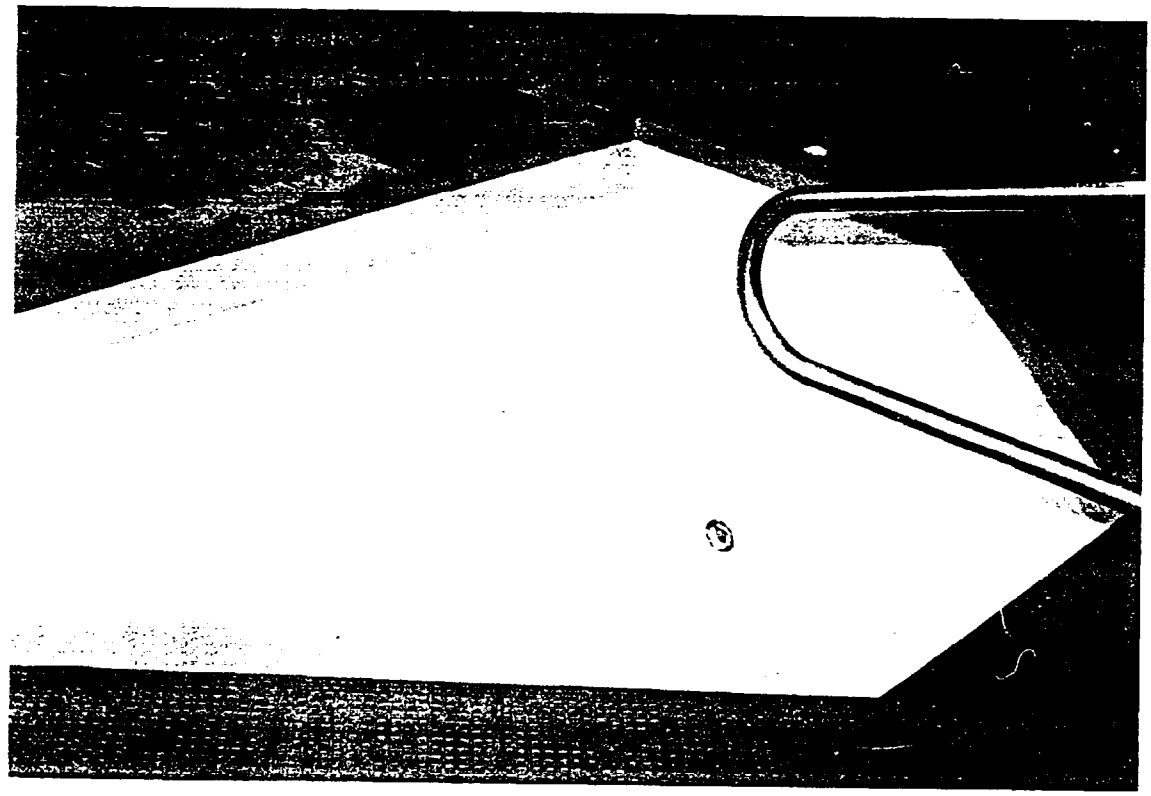


Photo #3: Another view of hot tub.

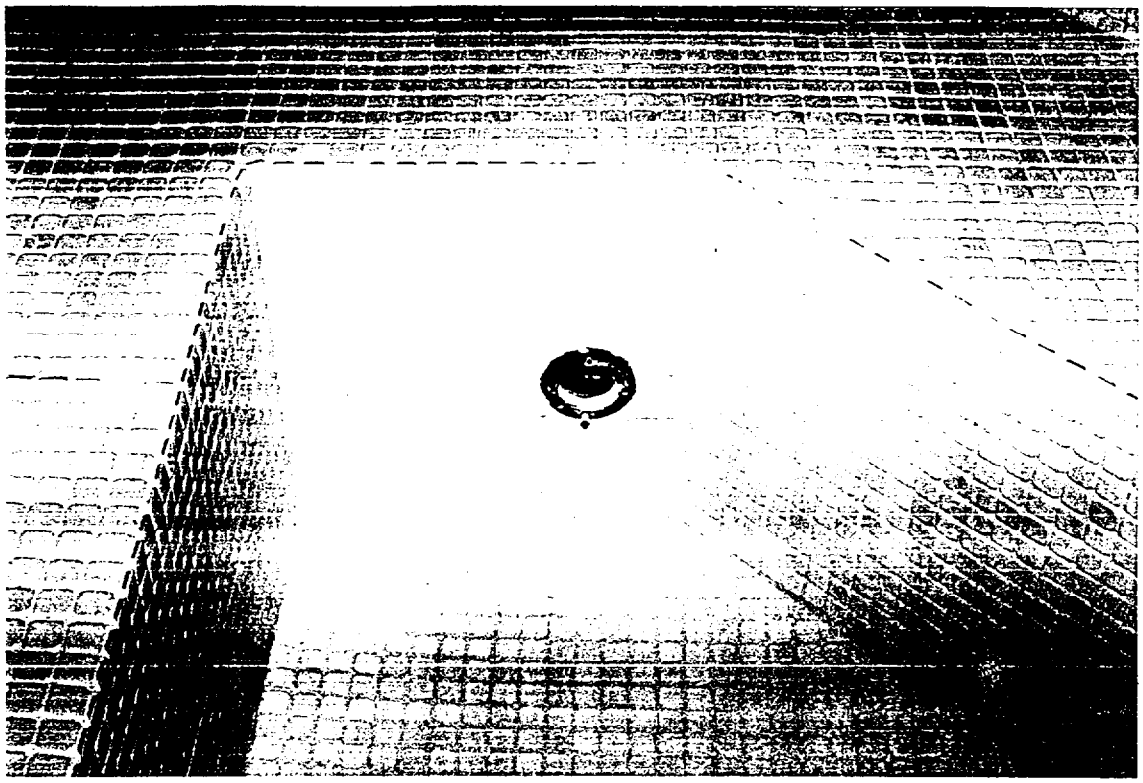


Photo #4: Closer view of floor area, seating ledge and drain.

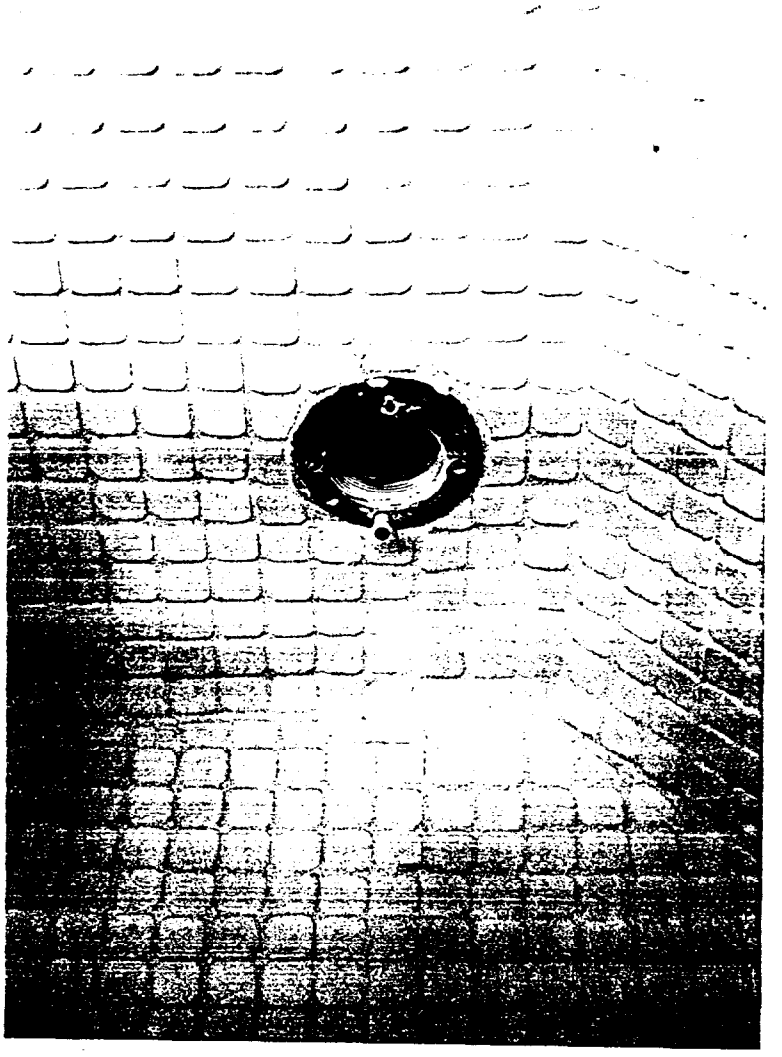


Photo #5: Close up of drain showing remains of suction cover.

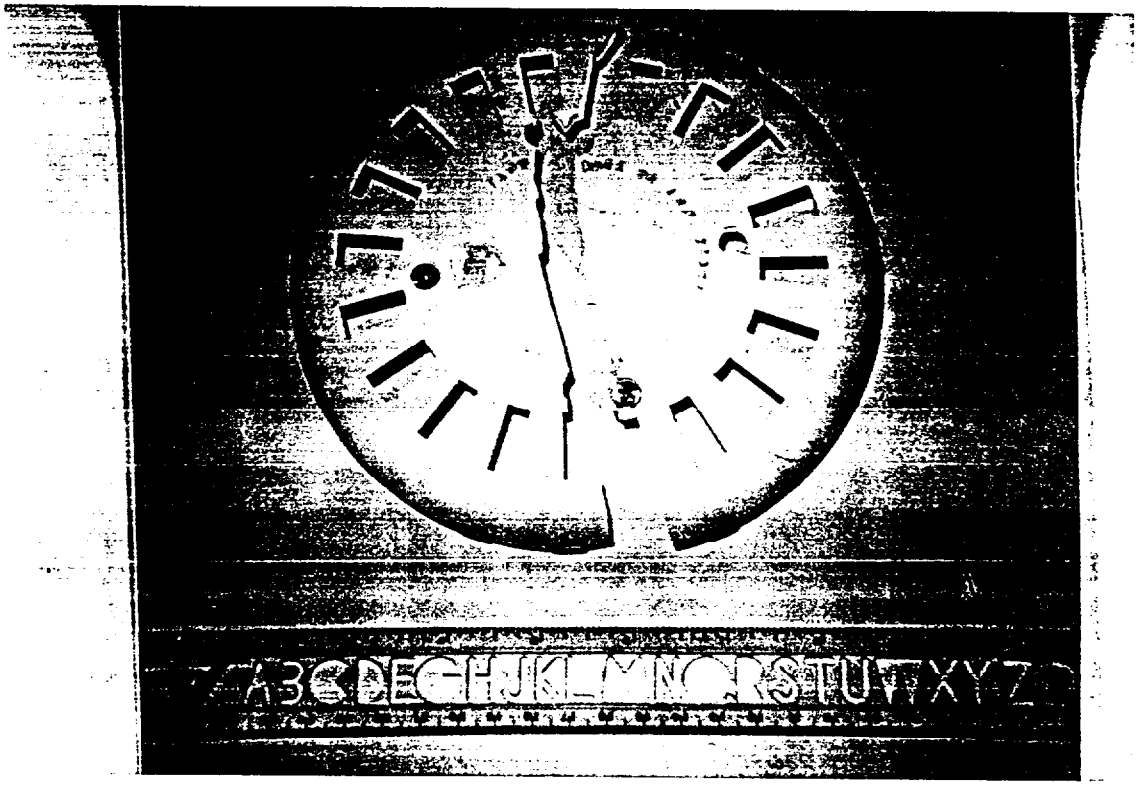


Photo #6: Close up of suction cover.

Photo #7: Victim's hair entangled in suction cover.

Photo #8: Victim's hair entangled in suction cover.

Photo #9: Same as above.

JUL 26 1994

32

1. CASE NUMBER	2. INVESTIGATOR'S ID	3. OFFICE CODE	EPIDEMIOLOGIC INVESTIGATION REPORT
940627CAA1585	8 0 5 7	8 0 0	
4. INCIDENT DATE YR MO DAY: 9 4 0 4 0 8	5. DATE IDI INITIATED YR MO DAY: 9 4 0 6 2 7		

6. SYNOPSIS OF INCIDENT OR COMPLAINT

The waist length hair of a 10 year old female became entangled in the bottom drain of a backyard pool/spa as she performed a head stand within the spa. The entrapped victim's hair was cut away using scissors, the victim received mouth to mouth resuscitation and was revived. It appears the victim has fully recovered without injury.

7. LOCATION	8. CITY	9. STATE
Swimming Pool (Spa) 5 6	Lecanto	F L

10A. FIRST PRODUCT	11A. TRADE/BRAND NAME, MODEL NUMBER, MANUFACTURER & ADDRESS
Spa, Home 0698 ~~3 2 6 2~~	Spillway-Granville SW-302R Baker Manufacturing Corp. 4300 L. B. McLeod Rd. Orlando FL. 32811
10B. SECOND PRODUCT	11B. TRADE/BRAND NAME, MODEL NUMBER, MANUFACTURER & ADDRESS
Spa Drain 3262	Hydro Air Orange, CA.

12. AGE OF VICTIM	13. SEX	14. DISPOSITION	15. INJURY DIAGNOSIS
0 1 0	2	Hospitalized Overnight 0 4	Submersion (Near Drowning) 6 9

16. BODY PART	17. RESPONDENT(S)	18. INVESTIGATION TYPE	19. TIME SPENT
All 8 5	Playmate Mom & Dad of Playmate 2 2	1	5 0. 0

20. ATTACHMENTS	21. CASE SOURCE	22. REVIEWED BY	YR MO DAY
Multiple 9	News Clip 0 5	8969	94 07 19

23. PERMISSION TO DISCLOSE NAMES (NON-NEISS CASES ONLY)

CPSC MAY DISCLOSE MY NAME ___ CPSC MAY NOT DISCLOSE MY NAME X

24. NARRATIVE (See Instructions on Page 2)

25. REGIONAL DIRECTOR REVIEW DATE

[signature] 7/20/94

MFR/PRVLBR NOTIFIED 3/17/97

X No Comments made

Square D Comments attached

25(c) Excisions/Revisions

X Firm has not requested further notice

(USE ADDITIONAL SHEETS IF NECESSARY)

CPSC FOR NO. 182 (Revised 10/93)(Adapted for WP for Windows & HP Laserjet III Printer 10/93)

PRE-ACCIDENT:

Two ten year old girls were playing in the main pool when they decided to exit the pool and use the spa. In preparation for using the spa, they turned the heater on to the maximum reading. The mother of the girl, who was the homeowner, had previously observed that the water level in the spa was down several inches and consequently she went to the telephone to call her husband in order to determine how to raise the water level in the spa. Meanwhile, the homeowner's daughter, challenged the 10 year old female visitor to a game, "Dare". The challenge was to do a hand stand within the spa.

While the mother was on the phone, her daughter came in to tell her that her friend's hair was tangled up within the main drain of the spa. At that point the rescue effort began.

Conversation with the homeowner and her daughter indicated that both females were healthy, normal, active without any acute illnesses, chronic illnesses, handicaps or disabilities. Neither of the females had attempted this activity within the spa before this incident period.

The house and swimming pool/spa are both approximately one year old and the homeowner said she didn't experience any problems prior to this incident.

INCIDENT:

The victim, challenged to do a hand stand within the spa, attempted to do so whereupon her waist length hair became entangled within the bottom drain of the spa. The heater had been turned only for a few minutes, immediately prior to the two females entering the spa.

POST INCIDENT:

When the homeowner's daughter realized her friend's hair was entangled in the bottom drain of the spa, she ran to her mother, who was on the telephone, to advise her that her friend was trapped underwater within the spa. The homeowner went from the phone directly to the circuit breaker and tripped the circuit to the spa. However, her daughter and her eight year old brother were unsuccessful in attempting to free the victim whose hair was caught in the bottom drain.

At that time, a service man, who was returning a car to the homeowner arrived on the scene. The homeowner instructed him to assist in the rescue operation while she ran into the house, obtained a pair of scissors, and called 911. Returning to the pool with the scissors, the service agent cut off the victim's hair where it had been entrapped within the drain.

The victim was unconscious at this point, the service man provided mouth to mouth resuscitation and the victim was revived. Meanwhile the EMT Team arrived treated the victim, and transported the victim to a local hospital where she was kept overnight for observation. It appears the victim has fully recovered and will have no lasting injuries from this incident.

As a precaution, and an attempt to prevent this type of accident in the future, the homeowner's husband has installed ordinary outdoor fiberglass screening between the bottom of the pool, and the pool drain cover. This retrofit was accomplished by removing the four screws in the drain, raising the cover, placing the screening over the open drain, and re-inserting the four screws back into their original position. Photographs of the spa, the pool, and the retrofitted drain are attached to this report as exhibit #1.

Specifications for the drains, and the spa, were obtained during a follow-up inspection of both the installer and the manufacturer. These inspections are under separate cover.

PRODUCT IDENTIFICATION:

The backyard installation was performed by Apollo Pools & Spa Inc., 609 East Gulf to Lake Highway (Rt 44), Lecanto, FL. 34461 (904) 726-3224. The pool itself is of gunite construction, the associated spa is an acrylic spa known as the Granville Sw-302 R. This acrylic pool is manufactured by Baker Manufacturing Co., 4300-D L. B. McLeod Rd., Orlando Fl. 32811 (407) 649-3371.

There are controls on the spa itself, and in a separate location, outside of the screened in pool/spa area. The electrical and water controls is depicted in photograph #5 of the attached exhibit. This is the area where the homeowner disconnected the circuit breaker.

As can be seen in the photograph 5 the system has two separate pumps and filtration systems, with a system to the left side of the heater containing the 1 1/2 horsepower pump used in the spa, while the equipment on the right side of the photograph is a 1 horsepower pump used in the main pool. I did not see any indications that the branch circuit had ground fault interrupter circuit breakers.

The main drain in the spa is identified as "10-6200 main Drain Assembly" manufactured by Hydro Air Industries Inc., Orange California. A spec sheet for this assembly as well as the # 10-6900 Slim Line Suction Fitting Assembly are depicted in the information supplied by Baker Manufacturing Corp. under separate cover.

The plastic domed cover for the main drain is approximately 6 inches in diameter and approximately 1 1/8 inches from the bottom of the drain, to the top of the dome. The cover has embossed, "FLOW RATE 60 G.P.M. HYDRO AIR P/N 10-6200" and has a shield with, "USPC" on it. This cover is designed to fit a model 10-6002, domed thru-floor fitting as depicted in the product information sheet provided by Baker Manufacturing Corp.

The dome cover itself has 18 openings in the domed surface. Each opening is approximately 3/8 inches by 1/4 inch by 3/4 inches long. The dome cover has 18 corresponding pillars that elevate the cover from the cool bottom by 5/16ths of an inch. The spaces between the pillars create a water access of the aforemention 5/16ths inches by 1/2 inch. For further clarification please refer to the photographs attached to this report as figure #1 and the instructional information provided by Baker Manufacturing Inc. This main drain is designed "T" fashion terminating in one opening which approximately 2 3/4 inches outside diameter, with the other opening approximately 2 1/4 inches outside diameter. The design is such that this drain may be used with it's own separate pump, or incorporated to be used with a single pump that operates both the spa and the main pool area. Each side of the T is designed so that maybe closed off, depending on the intended use of the pumps supplying either of the spa or the main pool. For further information refer to the product information supplied by both the Apollo Pool Co. and the Baker Manufacturing Co., both inspections are under separate cover.

INVESTIGATIONAL GUIDELINES:

The following responses are designed to follow chronologically, Appendix 40.

A. Product Class Description - This acrylic spa is physically attached to the main swimming pool and is designed to have a spillover (Waterfall Effect). The spa has a hydrojet circulation system is designed to have hot water and air injection bubbles. The water depth, measured at the time of the inspection was approximately 29 inches to the bottom of the spa. Reportedly the spa was down, "several inches" at the time of the incident. The inside diameter of the pool was approximately 71 inches, and is equipped with approximately 2 ft. seat rail all around.

1. Specific items of interest:

    1. Hair entanglement was involved in this incident
    2. The users of the spa have not experienced any near misses in the past.
    3. At present at the time of the accident were the two females, both 10 years and the homeowner's eight year old son.

2. The homeowner's daughter and son were familiar with this pool and have used this pool and spa combination, without any prior incident in the last year. What was different in during this incident was that the 10 year old female visitor was challenged to do a hand stand in the spa, that resulted in her hair entrapment. This activity had not previously been performed

3. Immediately preceding the accident all three children were playing in the main pool, when they decided to activate the spa and use the spa in continuation of their "Dare" game.

4. At the time of the incident, the following people were present, the 38 year old female homeowner, her 10 year old daughter, 8 year old son, and the 10 year old female visitor.

B. Pretext Summary - Information for this report was supplied by the homeowner, and his 10 year old daughter who was with the victim at the time of the incident.

1. Description of Victim - The victim was not available at the time of the interview, however the homeowner and his daughter stated that the victim was approximately the same age height and weight as the homeowner's daughter. Her height was 50 inches, her weight 60 pounds, and her age 10 years.

2. The victim was not using alcohol, or taking any medication at the time of the incident.

3. The victim was in the spa for only a few minutes, having previously exited the swimming pool, and activating the spa and the spa heating system. The victim, a visitor, had not frequently used the spa in the past.

The victim was in the spa alone, however the 10 year old homeowner's daughter and the 8 year old homeowner's son were in the immediate proximity of the spa at the time of the accident.

Specific medical diagnosis was not available, the victim was hospitalized overnight, and now appears to have fully recovered from the incident.

The victim's hair was described as being waist length. The victim was entrapped when her hair was entangled in the bottom pool drain cover.

The victim was attempting to do a hand stand in the spa at the time of the incident.

C. Description of Product - The main pool was build and installed by Apollo Pool & Spa Inc. Lecanto, FL. as a custom installation. The spa is designed to be an intricate part and attached to the pool, having a spill over "Waterfall" effect. The spa itself is a Spillway Spa, Granville Model SW-302R Acrylic Model. Literature, instructions and sales brochure are attached to this IDI. The inspection of Apollo Pools and the inspection of Baker Manufacturing, all under separate cover.

The spa itself was of acrylic construction and was located outside in a screened backyard location. Please see photographs attached as exhibit #1.

The temperature of the water, according to the homeowner, has a maximum reading of 104 degrees fahrenheit. However, at the time of the incident, the heater had been turned immediately prior to the incident, therefore the temperature of the water would not have reached it's maximum 104 degrees fahrenheit.

The thermostat of the heating device, as can be seen in the attached photograph, is kept at the, "MAX" reading.

The heater involved is a propane powered Teledyne Lab Series 1 as could be seen in photograph 6. A specification sheet for the Series 1 was not available, however a specification sheet for the Series 2 Model was obtained during the inspection of the Apollo Spa and Pool Co. and is attached to that inspection.

The spa's capacity is 280 gallons when filled to capacity, however as previously mentioned, the water was down, "several" inches at the time of the incident.

The spa water level was 29 inches to the bottom of the spa at the time of the investigation, however as above, the spa was down, "several inches" at the time of the incident.

The homeowner stated that there is only one, main drain, the installer stated that in addition to the bottom drain, the side drain was also being used as a suction drain, the manufacturer stated the spa is designed to be used with only the main drain in the bottom, the side drain was designed to be a water inlet to the spa. The spa manufacturer stated it would be possible to convert the side input to a suction drain, however that would be contrary to the manufacturer's instructions. The installer stated he will inspect the spa and determine if the side assembly is an input or output and will so advise me. This information will be supplemented to this report upon receipt.

The spa was an intricate part of the main pool and consequently was wired directly to the control section as noted in photograph 5.

Wire size and wire material was not determined during the investigation. The installer stated an outside contractor provides a service stating that all voltages are usually 220 volts.

The overcurrent protection are shown in the attached photographs 5, 9, 10 and 11. The system consists of 5, 20 amp circuit breakers.

At the time of the incident, the circuit breakers did not self trip, however they were tripped by the homeowner to turn off the current to the spa at the time of the incident. I did not observe any GFCI at the electrical control panel.

The spa system (and the main pool system) employ Jacuzzi filters, the homeowner stated that the model being used is a CFR-100 Model with recommended flow rates commercially of 37.50 gallons per minute and residentially at 100 gallons per minute. A spec sheet for the Jacuzzi Filter is attached as an exhibit. The filter for the spa is assembled to the 1 1/2 horsepower motor.

The spa has a cover, however it was not in use at the time of the incident. The cover was included as standard equipment.

STANDARDS:

Currently CPSC has no mandatory standards for spas. Both of the installer and the manufacturer are members of the National Spa and Pool Institute and feel that this spa will comply with the recommendations of NSPI.

SAMPLES COLLECTED:

None.

EXHIBITS:

The following exhibits are attached:

1. Photographs of the pool, spa and operating equipment. Please note detailed photographs of the bottom drain, as provided by Baker Manufacturing Co. are attached to that inspection report.
2. Photocopies of the Jacuzzi Owner's Manual
3. Photocopies of the Jacuzzi High Head Magnum Pump Manual
4. Copies of the Jacuzzi Ring Lok Cartridge Filter by Jacuzzi Information Sheet
5. Information sheet relating to the Granville SW-302R Spa
6. Copy of the Sheriff's Run Report (No other Sheriff's Report completed)
7. Copy of the assignment, including a copy of the newsclipping describing the event.

NOTE: For additional information refer to the inspection of Apollo Spa & Pool, Lacanto, Fl. and Baker Manufacturing Co., Orlando Fl.

JUN 27 '94 14:11 301-504-0038 940627CAA1585 P.2/3

6/II

F. Morganto
06/27/94

High Priority
6/27/94

ACCIDENT INVESTIGATION REQUEST FORM

Document Number ~~unassigned~~ X464631A1

Date of Incident 4/8/94 Category I.D.

Follow-Up Requested Hazard Analysis Section 15

Type Follow-Up Requested IDI Telephone Call On-Site

Headquarters Contact Judith Hayes

Assignment Message Perform IDI of incident involving near drowning in hot tub. Obtain photos, details of incident. Contact installer regarding knowledge of any other incidents or complaints.

Person(s) to Contact [redacted] (victim)
location of SPA
ST. Petersburg's Tunnel
Installer of SPA

Guideline

Requested By

Task Number 940627CAA1585

Assigned to NYCO Date 6-27-94

CPSC Form 324 (2/90)

St. Petersburg's Time X4 64631

Girl's life saved, but not her hair

By TIM GRANT
[illegible]

LECANTO — [illegible] always been proud of her hair, which had been cut only once in her 9 years.

But when her waist-length blood locks got trapped in the drain of a friend's hot tub April 8, a quick haircut was the only thing that saved her life.

For about seven minutes, the elementary school pupil was trapped beneath the warm, bubbling spa waters.

"I was trying to get out. I thought I was going to [illegible] said. "I remember someone pulling my legs and I couldn't hold my breath anymore so I just went to sleep."

The terrifying ordeal began innocently enough.

[illegible] of Ozello in Citrus County was [illegible] the night with her best friend, [illegible]0, in Timberlane Estates.

[illegible]th said her two children and [illegible]d been playing in the swimming pool that morning, then decided to join her in the hot tub. The water level was low, so Mrs. [illegible]38, left to call her husband at work for directions on how to raise the level.

The girls decided to go in the hot tub, and while playing a game called "truth or dare," Aisling tried to do a headstand. The tub's strong water pump sucked in her long hair, tangling it around the drain's plastic cover.

Tiffany ran into the house, saying that [illegible] was trapped [illegible] she dropped the phone and turned off the hot tub's circuit breaker. But the children still were not able to free [illegible]

Just then [illegible] a 43-year-old mechanic with Consumer Car Care in Beverly Hills, arrived at the house to deliver a repaired [illegible]uted for him to go to the spa and help the children while she ran upstairs, found a pair of scissors and dialed 911.

Schaefer jumped into the water and after being handed the scissors, extricated Aisling with a few quick snips. "Believe me, I was not trying to be a beautician."

"When they pulled her out of the water she wasn't breathing [illegible] said. "The repairman gave her mouth to mouth and when she came back, she was disoriented. She thought she was still underwater and she was fighting and struggling, trying to get out.

"She was screaming, 'Cut my hair. Cut my hair. Please cut my hair.' And I tried to calm her by telling her it's already been done and she was not in danger."

[illegible], was called while paramedics treated the girl. She followed her daughter to Seven Rivers Community Hospital, where [illegible] was kept overnight for observation.

"It's a very scary feeling to have someone tell you something like that has happened to your child," she said. "But the first thing [illegible] me when she called was that [illegible] okay."

Although the incident seems bizarre, records show it is not that uncommon.

A November 1981 study by the American Academy of Family Physicians found 151 cases of people dying in hot tubs. The deaths were reported by medical examiners, coroners and the U.S. Consumer Product Safety Commission.

Forty percent of the spa-related deaths involved children younger than 12. The children often fell into uncovered spas or became trapped by the pump's suction, the study found.

[illegible] was installed by Apollo Pools and Spas. The company's co-owner, Chris Brantley, said that the equipment has passed stringent testing and that spas are intended as relaxation spots, not as play areas for children.

"You sit in a spa. You don't play in it. You don't dive in it," he said. "A spa is not a place for small children. A swimming pool would be best for them.

[illegible] she did not want Aisling to fear going back to Tiffany's house, nor did she want her daughter to fear going back in the water, so both parents encouraged the children to go swimming at Tiffany's house the same day Aisling was released from the hospital.

The children enjoyed going swimming [illegible] of them wanted to go near the [illegible] when posing for a Times photographer [illegible] fused to dip her toe into the whirlpool that almost took her life.

"I never want to go into another spa," she said.

Times photo — STEVE HAAS

[illegible] nearly drowned April 8 when her long hair became tangled in a hot-tub drain at a friend's house. Now the youngster says she doesn't want to go near a spa.

JUN 27 1994

6/II

F. Morgan
06/27/94

High Priority
6/27/94

ACCIDENT INVESTIGATION REPORT FORM

Document Number Unassigned X46463A1

Date of Incident 4/8/94 Category I.D.

Follow-Up Requested Hazard Analysis Section 15

Type Follow-Up Requested I DI Telephone Call On-Site

Headquarters Contact Judith Hayes

Assignment Message Perform DI of incident involving near drowning in hot tub. Obtain photos, details of incident. Conduct interview regarding knowledge of any other incidents or complaints.

21

6/28/94

Person(s) to Contact [redacted] (victim)
location of [redacted]
St. Petersburg's Tuna [redacted]
Installer of SPA

Guidelines

Requested By

Number 940627CA1585

Assigned to NY CO Date 6-27-94

CPSC Form 324 (2/90)

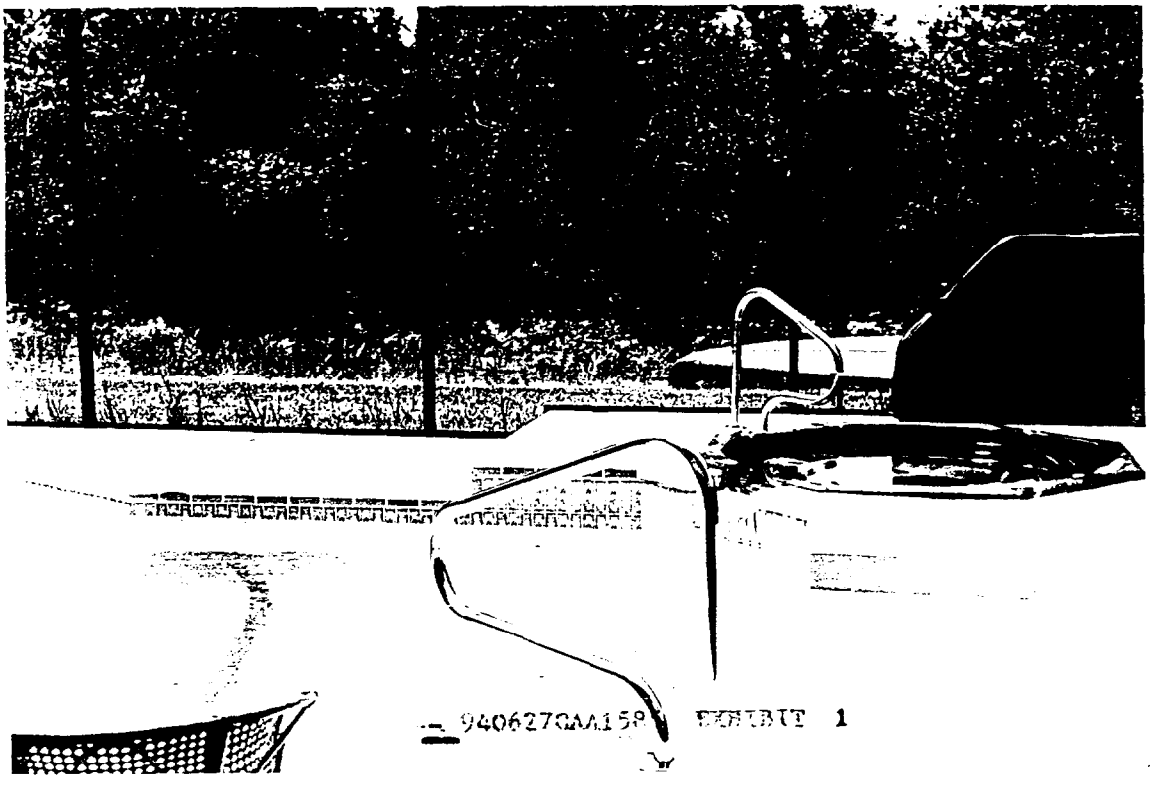
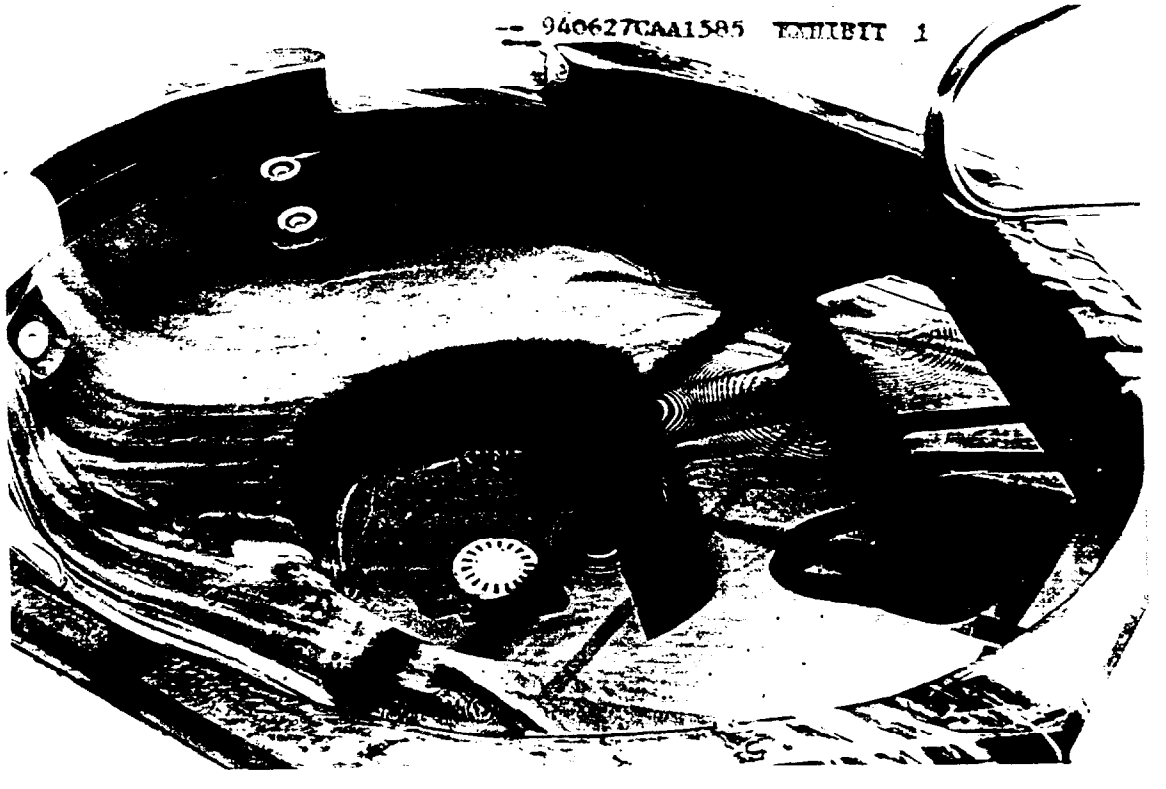
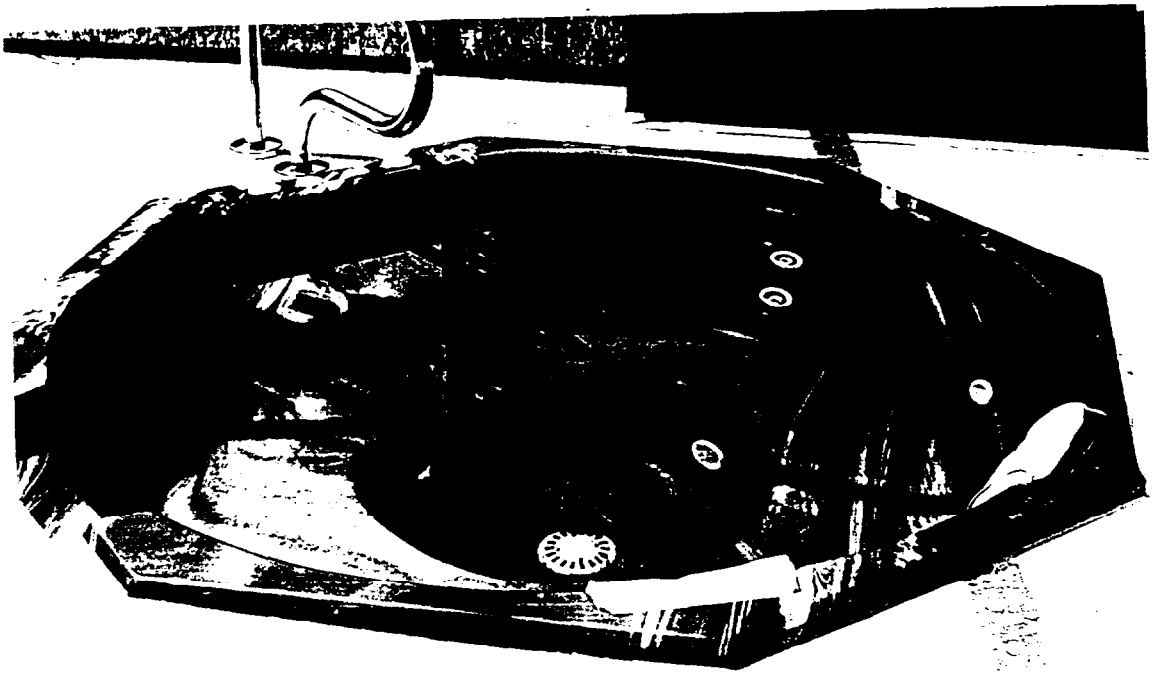


PHOTO 1 OVERVIEW OF THE SPA AND ITS ASSOCIATION WITH THE MAIN POOL. THE DESIGN IS SUCH THAT THE SPA SPILLS OVER INTO THE MAIN POOL, WATERFALL STYLE.

PHOTO 2 AS ABOVE WITH THE SPILLWAY SHOWN AT THETOP LEFT CENTER, THE CONTROLS ARE AT THE RIGHT SIDE, UNDER THE ASSIST HANDLE. THE BOTTOM DRAIN HAS BEEN MODIFIED, BY THE CONSUMER, BY SEPARATING THE DOMED DRAIN, BY UNSCREWING THE TOP DRAIN COVER AND INSERTING A PIECE OF FIBERGLASS SCREENING UNDER THE DRAIN AND REATTACHING THE COVER IN ITS ORIGINAL POSITION. IT WAS THIS DRAIN THAT ENTRAPPED THE VICTIM'S HAIR.

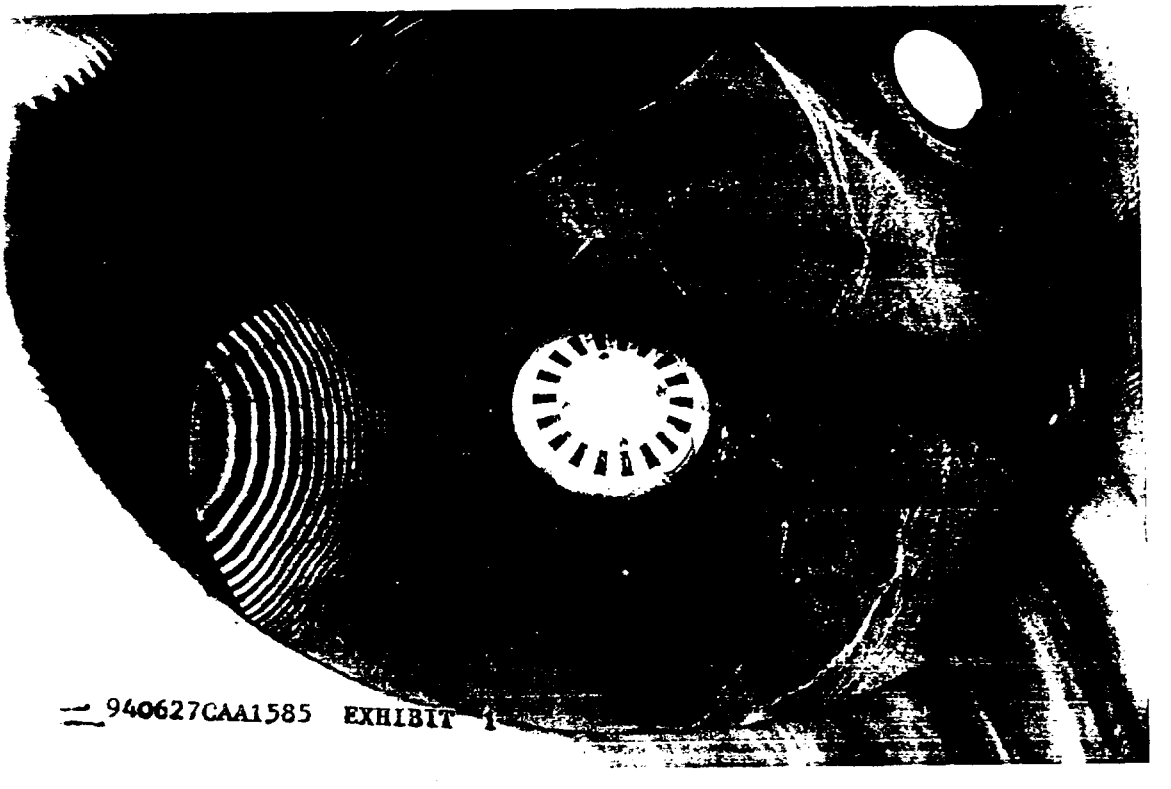




940627CAA1585 EXHIBIT 1

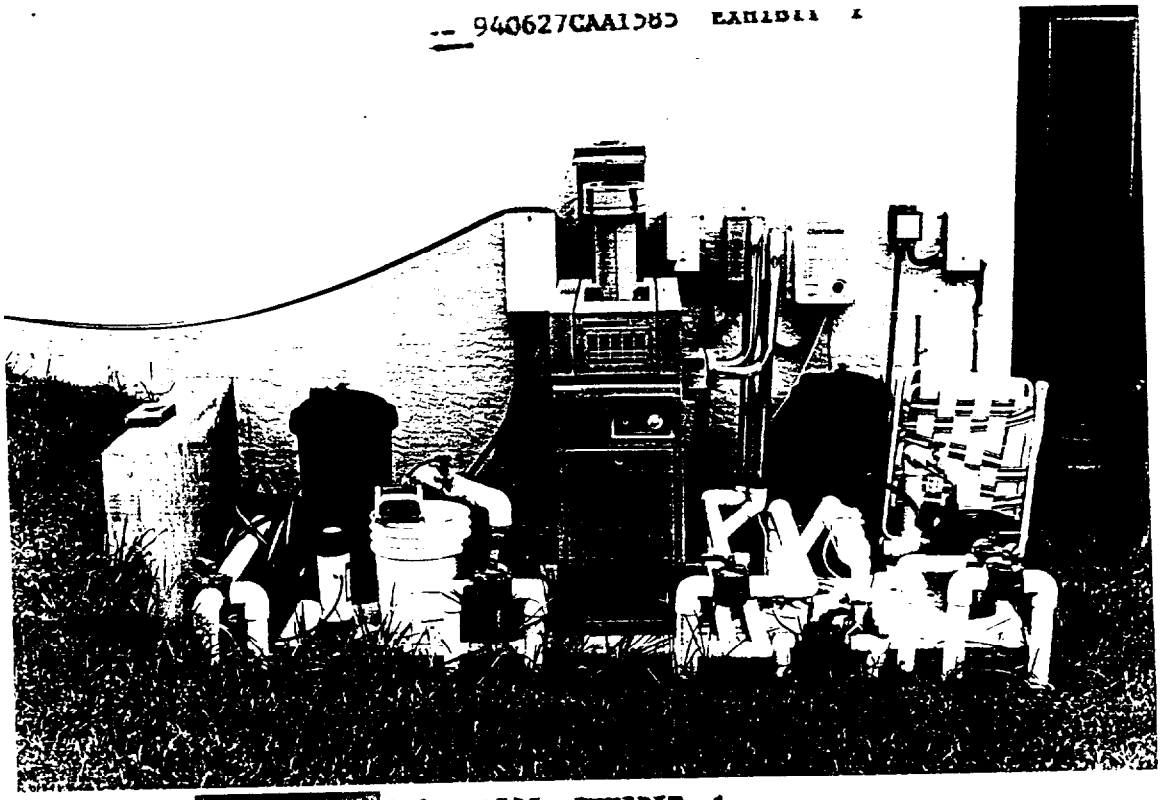
PHOTO 3 OVERVIEW OF THE SPA

PHOTO 4 CLOSE-UP OF THE BOTTOM DRAIN WITH THE MODIFIED FIBERGLASS SCREENING INSERTED UNDER THE COVER.



940627CAA1585 EXHIBIT 1

940627CAA1585 EXHIBIT 1



940627CAA1585 EXHIBIT 1

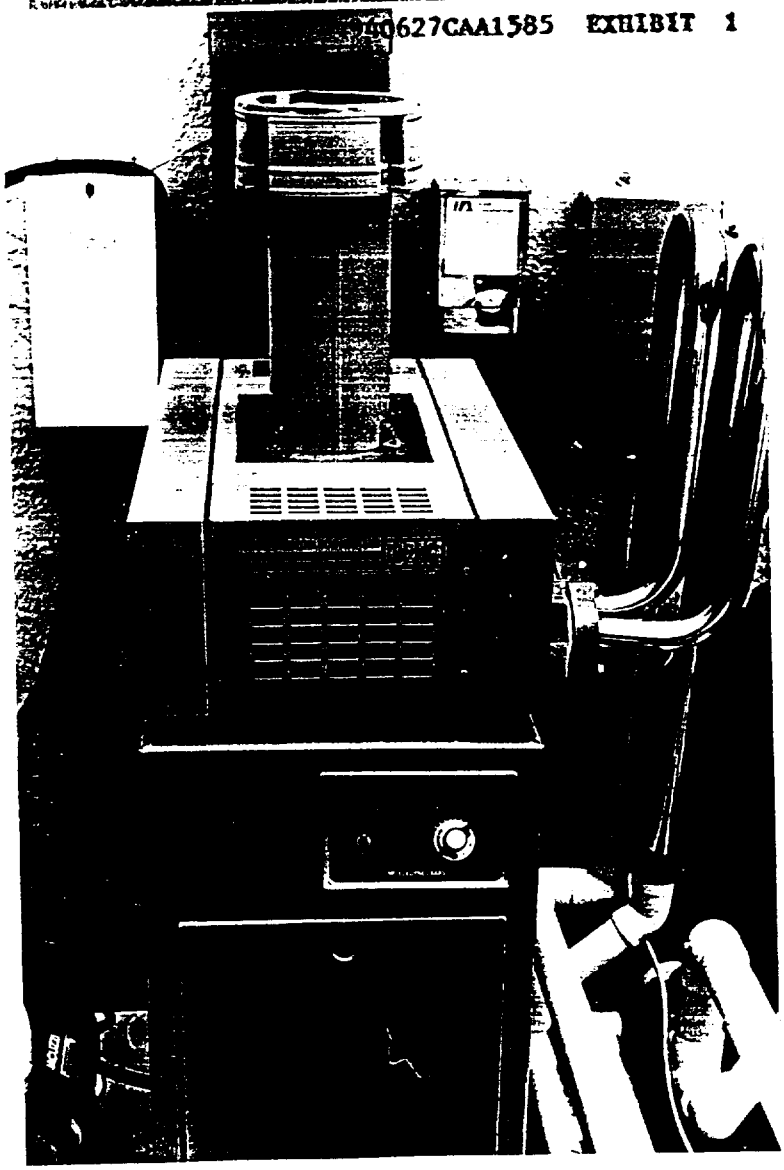


PHOTO 5 (above) CONTROLS FOR THE SPA AND POOL, SHOWN HERE WITH THE HEATER IN THE CENTER THIS IS A TWO PUMP SYSTEM, WITH THE 1½ HP PUMP BEING USED FOR THE SPA AND THE 1 HP PUMP BEING USED FOR THE MAIN POOL. THE EQUIPMENT ON THE LEFT SIDE IS USED FOR THE SPA, THE EQUIPMENT ON THE RIGHT SIDE IS FOR THE MAIN POOL.

PHOTO 6 HEATER

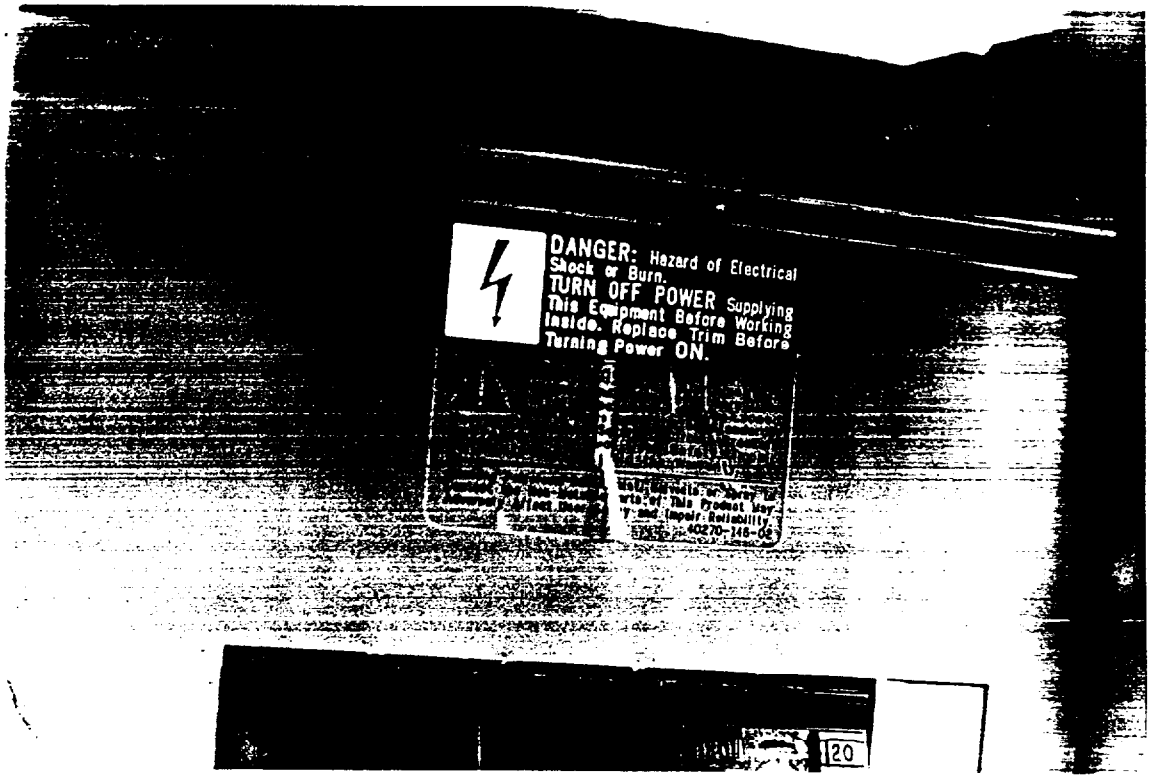


PHOTO 9 ELECTRICAL LOAD CENTER AS DEPICTED IN PHOTO 5

PHOTO 10 AS ABOVE WITH 20 AMP BREAKERS

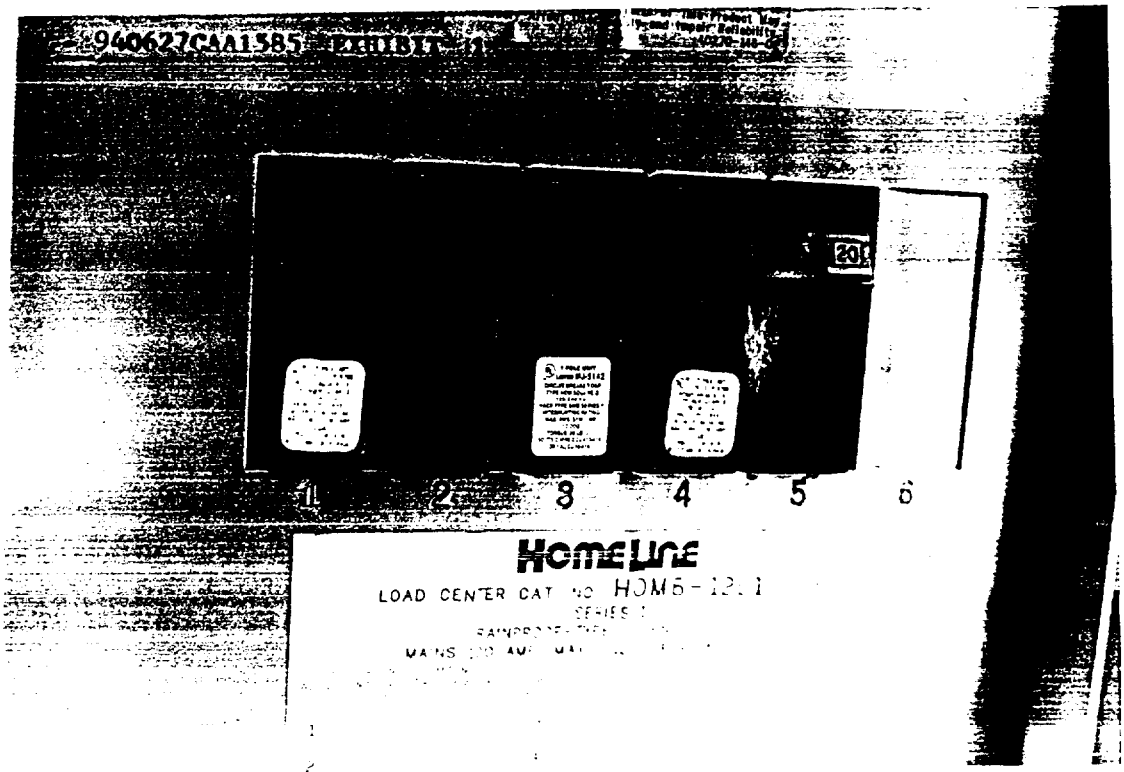


PHOTO 7 HEATER CONTROL

PHOTO 8 1 HP MOTOR FOR MAIN POOL. DUE TO PLACEMENT OF THE SPA MOTOR(1½ HP), IT WAS NOT PRACTICAL TO ATTEMPT TO PHOTOGRAPH THIS MOTOR.

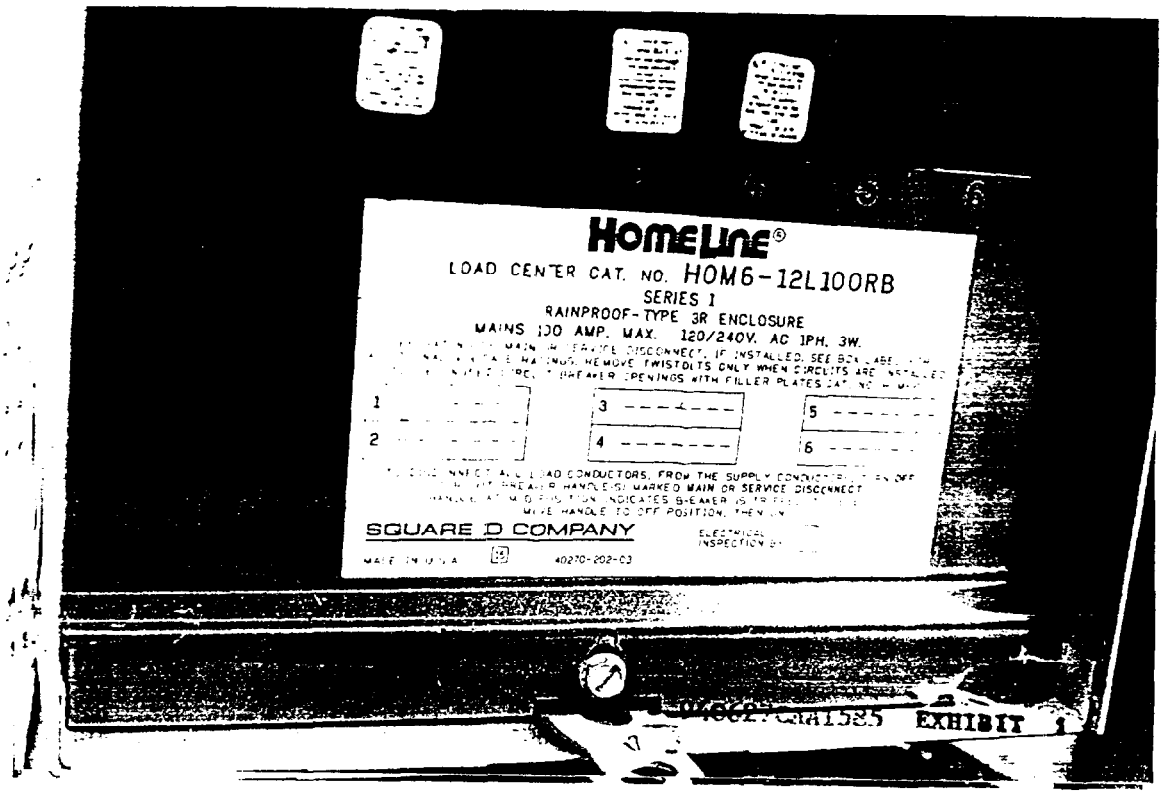
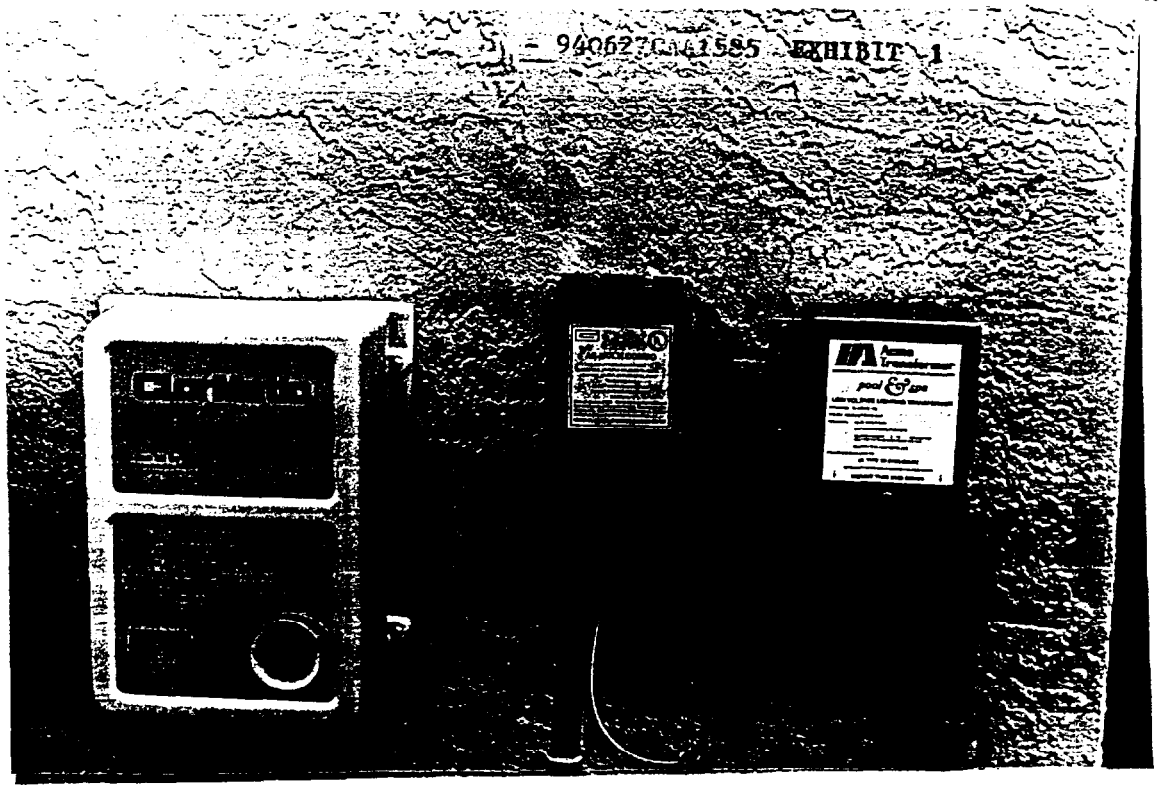


PHOTO 11 ELECTRICAL BREAKER BOX AS IN PRIOR PHOTOS

PHOTO 12 CONTROLS AS NOTED IN PHOTO 5



JACUZZI.

Magnum Series Pumps Owner's Manual

940627CAA1585 EXHIBIT E-1400

Before Installation be sure to read all instructions and warnings carefully.
Refer to product dataplate(s) for additional operating instruction and specifications.

INSPECTION

Examine the equipment when received. Notify your dealer or carrier of any damage or missing parts. Verify that equipment is of size and model specified.

IMPORTANT SAFETY INSTRUCTIONS

When installing and using this electrical equipment, basic safety precautions should always be followed, including the following:

1. READ AND FOLLOW ALL INSTRUCTIONS.
2. WARNING—To reduce risk of injury, do not permit children to use this product unless they are closely supervised at all times.
3. WARNING—(For cord & plug connected units) Risk of Electric Shock. Connect only to a grounding type receptacle protected by a ground-fault circuit-interrupter (GFCI). Contact a qualified electrician if you cannot verify that the receptical is protected by a GFCI.
4. WARNING—(For cord & plug connected units) Do not bury cord. Locate cord to minimize abuse from lawn mowers, hedge trimmers and other equipment.
5. WARNING—(For cord & plug connected units) To reduce the risk of electric shock, replace damaged cord immediately.
6. WARNING—(For cord & plug connected units) To reduce the risk of electric shock, do not use an extension cord to connect unit to electric supply; provide a properly located outlet.
7. CAUTION—(For pumps with a 25ft. (7.62m) cord) This pump is for use with storable pools only. Do not use with permanently installed pools. A storable pool is constructed so that it may be readily disassembled for storage and reassembled to its original integrity. A permanently installed pool is constructed in or on the ground or in a building such that it cannot be readily disassembled for storage.
8. CAUTION—(For pumps with/without 3ft. (.91m) cord) This pump is for use with permanently installed pools and may also be used with hot tubs and spas if so marked. Do not use with storable pools. A permanently installed pool is constructed in or on the ground or in a building such that it cannot be readily disassembled for storage. A storable pool is constructed so that it may be readily disassembled for storage and reassembled to its original integrity.
9. WARNING—(for hot tub and spa pumps) Do not install within an outer enclosure or beneath the skirt of the hot tub or spa, unless so marked.
10. SAVE THESE INSTRUCTIONS

INSTALLATION LOCATION

Locate pump as close to pool/spa as possible, preferably in a dry, well ventilated area away from direct sunlight. It should be on a hard, level surface. Give consideration to:

1. Drainage — away from pump
2. Ventilation of pump motor
3. Access for future servicing and winterizing
4. Protection from the elements

Pumps without strainer bodies are designed for flooded suction (all suction fittings and suction piping below water level) and will not self-prime. Consequently, the pump must be installed at an elevation that is below water level when pool or spa is filled; however, if suction line valves are installed, the pump may be located above the water level since the valve can be closed for priming. Keep vertical distance to a minimum if you choose to mount pump above water level.

Pumps with strainer bodies are self-priming but should be mounted as close to the water level as possible or below for ease in priming.

GENERAL PLUMBING

FOR SOLVENT WELD CONNECTIONS

Rigid or flexible PVC pipe can be used. Pipe ends should be clean and free of any flash caused by the cutting operation. Be sure that the proper adhesive is used on the type of pipe specified.

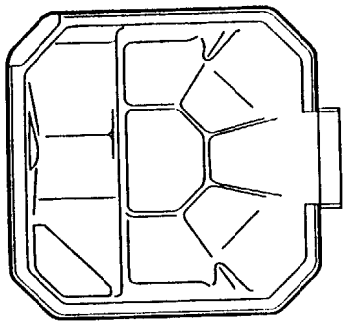
Recommended Adhesives — These are examples only and are not intended to restrict brands.

PVC-PVC Joint	PVC-ABS Joint
Uni-Weld Pool-Tite 2000	Uni-Weld Pool-Tite 2000
Suregard Flex 20	Suregard Weld-All No. 5
IPS Weld-On 705	IPS Weld-On 794

Note: A primer will assure that adhesive joints are superior. Suregard P-3000 has a purple tracer to qualify in areas where codes specify a primer must be used.

Caution: We recommend that you consider climatic conditions when applying adhesives. Certain atmospheric situations, such as high moisture content, make the adhesive action of certain glues less effective. Check the manufacturer's instructions.

Chelsea SW-301
78″ x 78″ x 32″



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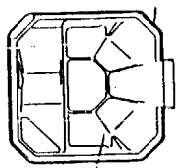

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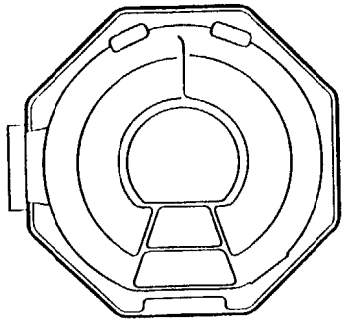
Granville SW-302 L
78″ x 78″ x 33″



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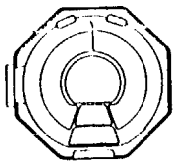

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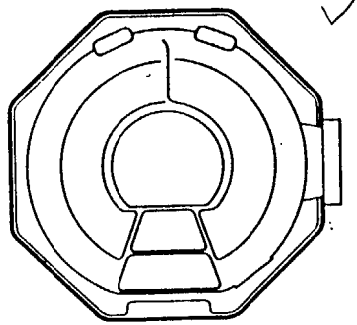
Granville SW-302 R
78″ x 78″ x 33″



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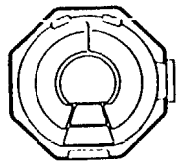
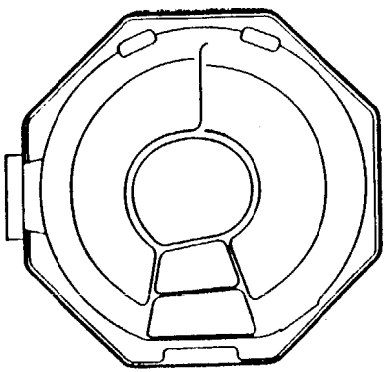


SCALE: 1/8″ = 1′

SPILLWAY SPAS™

We Made It Comfortable...
You Make It Exciting.

Delemere SW-304 L
90″ x 90″ x 34″



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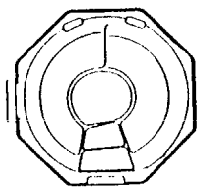

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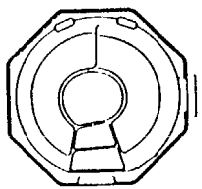

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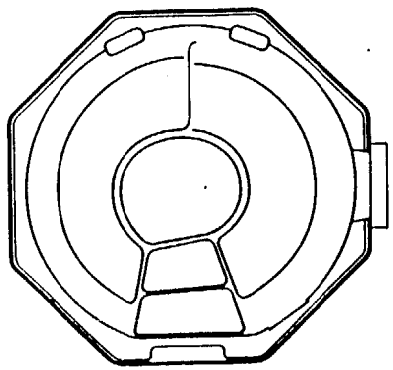
Delemere SW-304 R
90″ x 90″ x 34″



SCALE: 1/4″ = 1′

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Manufacturers of: Natural Whirlpool Baths • Spillway Spas • Natural Spas • Tel. (407) 649-3371 Fax (407) 246-0471

CALLS FOR SERVICE CREATED BY: 1869 DATE: 04/08/94
INCIDENT NO: 9417326 04/08/94 UPDATED BY: 1869 DATE: 04/08/94
CASE NO'S: / / /
DISPOSITION: C1-ASSISTANCE RENDERED ROLL: BATCH/FRAME:

CALL TYPE CODE: 26 26-DROWNING CALL DATE: 04/08/94
PRIORITY: 2 COMPLAINT SOURCE: E-911

REPORTEE NAME:
ADDRESS:
CITY/ST/ZIP: HOME PHONE:
SEX: JUVENILE (Y/N): BUS. PHONE:

DISPATCHER: 0735 ZAY, CINDA, COMMUNICATION
DISPATCHED PLACE:
ADDRESS:
CITY/ST/ZIP: PERMIT NO:
INTERSECTING STREET:
DISTRICT: BEAT: 9ZC SRA: JURISDICTION: CCSOCITRUS COUNTY S

UNITS ASSIGNED: 0165 / 0315 / 0153 / 0115 DISPOSITION: C1 REPORT (Y/N): N
TIME RECEIVED: 1328 DISPATCHED: 1330 ARRIVED: 1336 CLEARED: 1350

10 YEAR OLD FEM TRAPPED UNDERWATER IN SPA MOTOR IS NOW OUT AND
BREATHING BUT PARTIALLY
CONCIOUS GRID 34 R 12

PRINTED FOR: 8938 BOUTIETTE , NANCY M. RECORDS CLERK

AA1585

940627CAA1585 EXHIBIT

SQUARE D COMPANY
GROUPE SCHNEIDER

EXECUTIVE OFFICES
1415 SOUTH ROSELLE ROAD, PALATINE, IL 60067-7399 847-397-2600 FAX 847-925-7419

STEPHEN A. LITCHFIELD
ASSISTANT GENERAL COUNSEL

March 12, 1997

Mr. Todd A. Stevenson
Deputy Secretary and
Freedom of Information Office
Office of the Secretary
CONSUMER PRODUCT SAFETY COMMISSION
4330 East West Hightay
Suite 502
Bethesda, MD 20814-4408

Re: **FOIA Request S702035: Incidents Involving Spa Drain Covers**
Report 940627CAA1585

Dear Mr. Stevenson:

This is in response to your communication to us of February 20, 1997. In that communication, you report an incident involving a spa drain cover and injuries to a young girl whose hair became tangled in the drain cover.

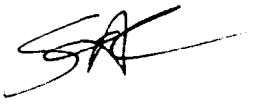
You have also enclosed photographs of the electrical equipment to the spa. Based on the facts reported in your letter and the materials supplied with it, it appears that the Homeline brand electrical equipment shown in the photographs played no part in this incident. The fact that the girl's hair was caught in the drain cover would not have caused an increase in the amount of current drawn by the pump causing it to approach the tripping range of the circuit breaker. The breaker would not have tripped thermally under the described conditions. Further, there is no indication that a short circuit condition was evident, therefore the circuit breaker would not have tripped magnetically under the described conditions.

In short, it appears that our products were not involved in or contributed to this occurrence. Therefore, we request that the CPSC not provide the photographs showing the Square D Homeline equipment. The disclosure of the Homeline electrical equipment made by Square D Company serves no purpose in evaluating the potential for injury involving the drain cover and the circumstances under which a person's hair may become entangled in the drain.

Release with report 940627CAA1585 3/13/97

Please feel free to contact me if you would like to discuss this matter further.

Very truly yours,



Stephen A. Litchfield
Assistant General Counsel

SAL/kk

VIA FACSIMILE - 301-504-0127
AND AIRBORNE EXPRESS