

1. Task Number 100802HNE0563		2. Investigator's ID 9099		<b>EPIDEMIOLOGIC INVESTIGATION REPORT</b>
3. Office Code 810	4. Date of Accident YR MO DAY 2010 07 09	5. Date Initiated YR MO DAY 2010 08 02		
6. Synopsis of Accident or Complaint UPC A 4-month-old female infant was placed to sleep in a harnessed infant seat which was placed in a crib with bumper pads. When the victim's father checked the video monitor he did not see the victim in the infant seat. He went into the bedroom and found the victim not breathing, still harnessed in the infant seat with her head hanging off and tilted back with the neck hyper-extended and her face in the bumper pad of the crib. The victim was transported to the hospital where she was pronounced dead. The cause of death was position/compression asphyxia.				
MFR/PRVLR NOTIFIED COMMENTS: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO OVERRULED: <input type="checkbox"/> ATTACHED <input checked="" type="checkbox"/> EXCERPTS/FOIA EXB. 3, 25C, 5, 6 DO NOT RE-NOTIFY <input checked="" type="checkbox"/> RE-NOTIFY <input type="checkbox"/> JB 5/10/2011				
7. Location (Home, School, etc) 1 - HOME		8. City ROYAL OAK		9. State MI
10A. First Product 1537 - Bassinets Or Cradles		10B. Trade/Brand Name [REDACTED]		10C. Model Number [REDACTED]
10D. Manufacturer Name and Address [REDACTED]				
11A. Second Product 1543 - Cribs		11B. Trade/Brand Name [REDACTED]		11C. Model Number [REDACTED]
11D. Manufacturer Name and Address [REDACTED]				
12. Age of Victim 204	13. Sex 2 - Female	14. Disposition 8 - Death	15. Injury Diagnosis 65 - Anoxia	
16. Body Part(s) Involved 85 - ALL OF BODY	17. Respondent 2 - Eyewitness	18. Type of Investigation 1 - On-Site	19. Time Spent (Operational / Travel) 26 / 3	
20. Attachment(s) 9 - Multiple Attachments		21. Case Source 12 - MECAP		22. Sample Collection Number
23. Permission to Disclose Name (Non NEISS Cases Only) <input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Verbal <input type="radio"/> Yes for Manuf. Only				
24. Review Date 10/04/2010	25. Reviewed By 8930		26. Regional Office Director Dennis R. Blasius	
27. Distribution Edwards, Patricia; Nelson, Theresa; Thron, Jonathan; Rauchschalbe, Renae			28. Source Document Number N1080026A	

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<u>MEF/PV/LBB NOTIFIED</u> COMMENTS: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> OVERRULED: <input type="checkbox"/> ATTACHED <input checked="" type="checkbox"/> EXCISE/FOIA EXB. 3, 25c, 6, 5 <input checked="" type="checkbox"/> DO NOT RE-NOTIFY <input type="checkbox"/> RE-NOTIFY JB 4/11/2011				
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**PRE-INCIDENT:**

The victim was born full-term via emergency C-section on March 1, 2010 weighing 7 pounds, 11 ounces. She spent five days in the hospital after her birth because there was fear that some of the amniotic fluid was infected. There were no known additional health problems. The victim was the only child in the home. Approximately three weeks after the victim was born, on March [REDACTED] the victim's mother purchased an infant seat constructed of foam covered with a zippered cover, from a mass baby retailer located in Utica, MI for approximately \$129. The victim's mother explained that the infant seat was not recommended by a pediatrician or medical personnel; however she had seen it advertised in Parent Magazine with good reviews and endorsements by pediatricians. The victim's mother/consumer explained that her daughter had not suffered from acid reflux but had vomited in a projectile manner a few times and the consumer was concerned about the victim vomiting while lying down. She explained that the victim would vomit one to two times a day, even after she would burp.

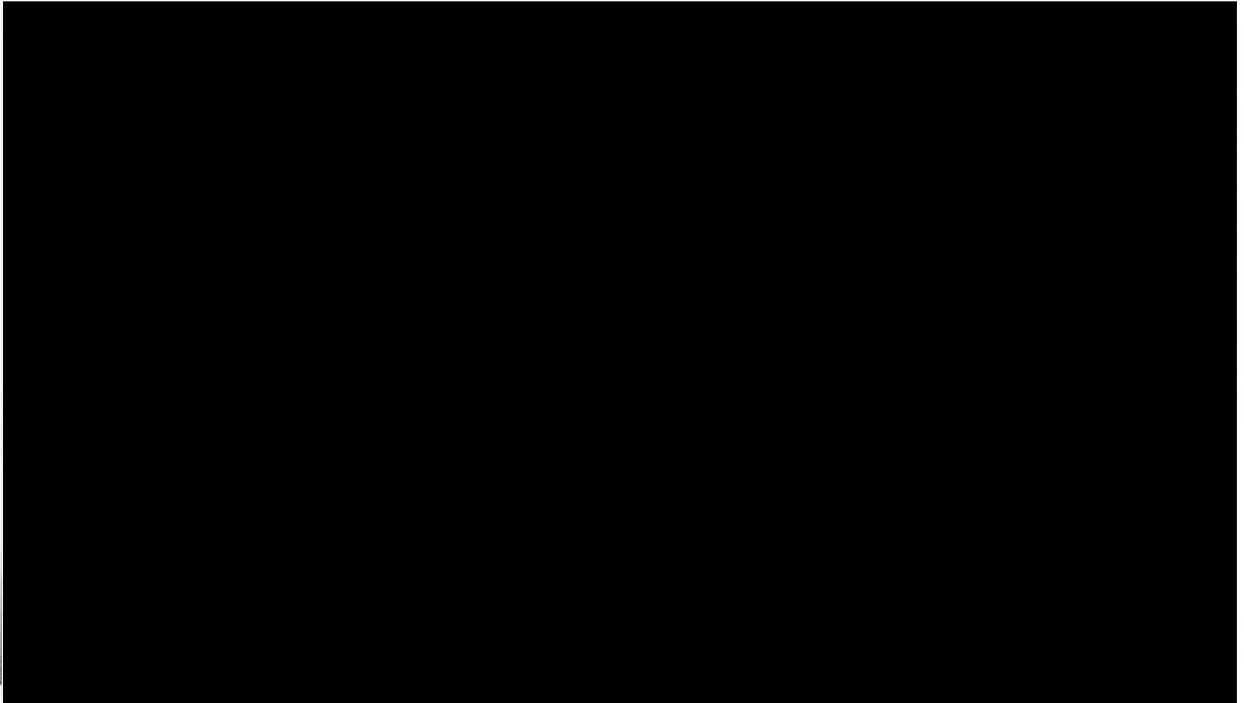
Before initially using the product, the consumer washed the zip cover fabric. After washing the cover, the consumer attached the Velcro through the d-rings on the inside of the zip cover before replacing the zip cover. The consumer did not begin placing her daughter in the infant seat until May 11, 2010 and when the victim was over the 8 pounds. The victim was approximately 12 weeks old at the time.

On one other occasion after using the infant seat the victim had vomited while in the seat so the victim's mother removed the fabric zip cover and washed it. She attached the d-rings through the Velcro straps before replacing the fabric zip cover. After replacing the fabric and leading up to the incident the d-rings and Velcro straps were not checked to see if they could have detached or loosened.

On 7/7/10 the victim was taken to her 4-month well-baby visit at her pediatrician's office at which time she received three vaccinations. At that time the victim measured in the 95 percentile. Later that evening at approximately 7:00 p.m. she felt warm so her mother took her temperature, which read 100.5 degrees. The victim was given the recommended dose of a generic brand of Acetaminophen. Additionally, the victim seemed to be lethargic and only ate 1 oz. of her normal 4 oz. feeding.

On the morning of 7/8/10 the victim's grandmother tended to the victim and noticed that the victim had been lethargic with a decreased appetite. At one point the victim's temperature was 101.5 degrees so her father took her out of the blanket she was wrapped because he thought that her being wrapped in the blanket may have caused her temperature to spike. He took her temperature a couple more times and the readings averaged 100.5 degrees. The victim's parents called the pediatrician that evening to report the victim's condition and were informed to expect that behavior after vaccinations. The victim was given one dose of Acetaminophen at

approximately 6:30 p.m. At around 7:30-8:00 p.m. the victim's temperature was taken with a reading of 98.5 degrees. At approximately 9:00 p.m. the victim's mother laid down with the victim in bed. She stated that she did not feel warm at that point and was resting. She had changed her into her pajamas and fed her a bottle at which time she drank approximately 2 ounces. Shortly after, the victim was placed in the infant seat asleep in the crib for the night. Also in the crib with the seat were three decorative pillows measuring 8" x 8". The victim's mother explained that the pillows were always kept in the crib just in case the victim started to kick against the footboard and was able to push the seat back towards the headboard.



At 4-months of age the victim weighed 15 pounds 9 ounces and measured approximately 26 inches in height. She was not rolling over yet. When she was placed in the infant seat she was described as kicking a bit but never being really “squirmy”. The victim’s parents were not certain if she could have kicked enough to loosen the d-ring from the Velcro strap. Furthermore, they did not check the d-rings in between each usage but did occasionally tighten the Velcro straps due to them loosening up; however this was not done on a daily basis. They had found her feet hanging over one of the sides of the seat on occasion and described that sometimes her head would lean up over one of the sides but never hang over the side. The victim was not pushing up on her own but did have “tummy time” during the day while under adult supervision.

The victim’s parents explained that there were times when the victim would be put in the seat after she had fallen asleep and times when they would place her in there awake and she would eventually fall asleep on her own.

**INCIDENT:**

The victim’s mother went to bed at approximately 10:30 p.m. because she needed to be awake at approximately 4:00 a.m. the next morning to travel to Elkhart, IN for work. The victim’s mother went to sleep in the guest bedroom because she was having trouble sleeping in the master bedroom due to her husband’s snoring. She moved the baby monitor over to his side of the bed before leaving the room. At approximately 1:00 a.m. she heard the victim crying, woke her husband up to ask him if he could hear the victim crying, went into the bedroom to check on her and fed her a bottle. Afterwards, she used the bathroom and went back to bed. The victim’s mother woke up again at approximately 1:50 a.m. but fell back asleep. Just before 2:55 a.m. the victim’s father went to the bathroom. When he returned to the bedroom he did not hear sound coming from the baby monitor. He looked at the video monitor and could not see the victim’s head. The camera was mounted on the crib in the victim’s bedroom. He ran into the victim’s bedroom and found her halfway out of the infant seat with her head hanging off and tilted back with her neck hyper-extended and her face in the bumper pad of the crib. The victim was still loosely strapped into the infant seat. The victim was not breathing but when her father picked her up he heard a gasp and thought she was breathing again, but she was not. The victim’s mother was woken up when she heard her husband yell out. She immediately got up and found her husband holding the victim. She took the victim and laid her down on the bed to attempt CPR, but was not certain how to do it. Her husband called 911 while the victim’s mother took the victim and ran down to the fire station which was located four houses down from their residence. The victim was handed over to a firefighter who began CPR before placing her in the ambulance to be transported to the hospital. Please refer to Exhibit J for the EMS Run Sheet.

The victim was pronounced dead at the hospital at 3:37 a.m.

**POST-INCIDENT:**

Officials returned to the victim's home after leaving the hospital and noted that an inspection of the crib revealed a cupping in the area where the victim's head was facing. The waist harness remained buckled. Photographs were taken and the infant seat, fitted sheet, bumper pad and other items were taken as evidence. Photographs of the infant seat can be viewed under Exhibit E, however this investigator has not received the scene photographs as of this date. A status of missing document form for the scene photographs is attached under Exhibit M. The police report is attached under Exhibit E.

On 7/9/10 at 9:00 a.m., an autopsy was completed. The cause of death was determined to be position/compression asphyxia as a result of the victim being entrapped between the infant seat and bumper pad of the crib. The autopsy report can be viewed under Exhibit C.

The victim's parents did not contact the manufacturer. However, she did visit the retailer and noted that the infant seats were still being sold, which concerned her even though they were second generation infant seats.

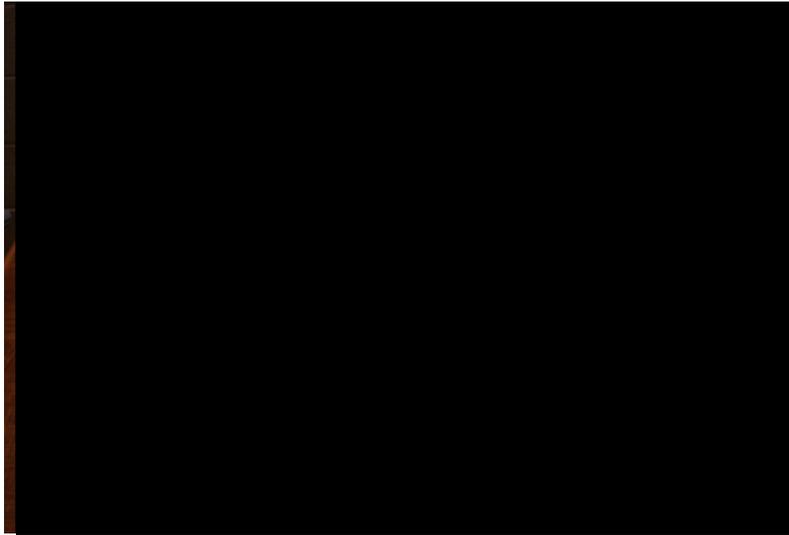
The consumer signed an Authorization for Release of Name, attached as Exhibit B, indicating that she does not want her name released to the public or manufacturer.

The consumer expressed concern because she purchased the same infant seat for her sister's baby which was born on June 4, 2010 and noticed after the incident occurred that the d-ring was not attached through the Velcro strap. She further added that this was how her sister had received the infant seat from the manufacturer because she had never taken the fabric zip cover off to wash it or for any other reason.

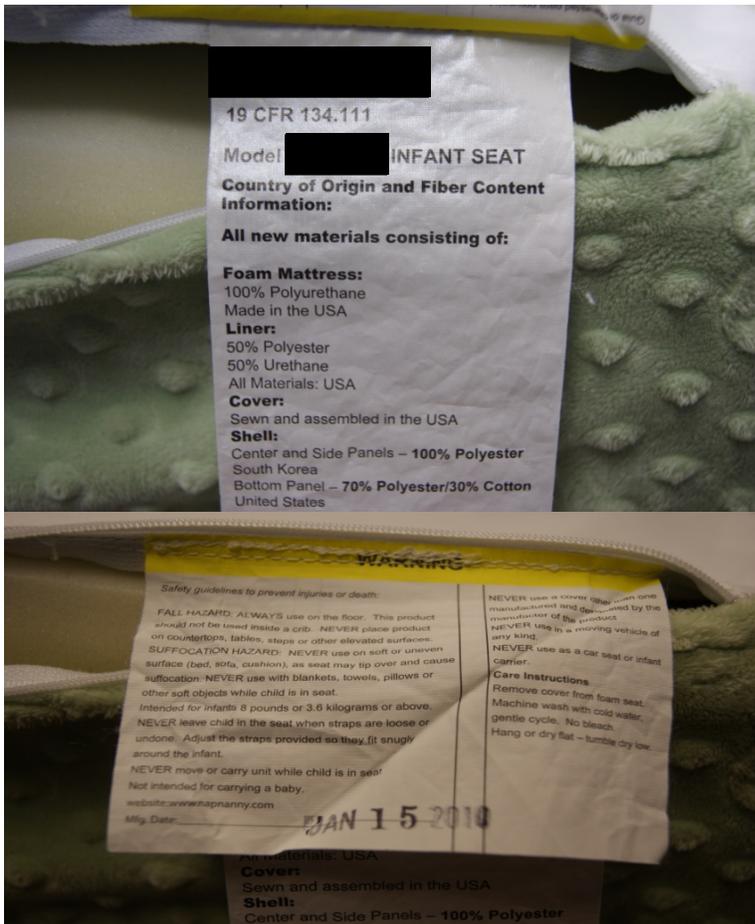
**PRODUCT:** [REDACTED]

The product involved in this incident is a [REDACTED] infant seat, model number [REDACTED] with a manufactured date of January 15, 2010. The instructions that were provided with the incident infant seat can be viewed under Exhibit F and additional product information can be viewed under Exhibit I which was printed from the manufacturer's website, [REDACTED]

On July 26, 2010, release number 10-309 was issued recalling the first generatio [REDACTED] without "D" rings and advising consumers with second generation [REDACTED] to stop using the product until they obtain new instructions and warnings. Please refer to Exhibit "N" for the recall notice. Note that the victim's unit was a second generation, not the first generation recalled unit.



The incident [REDACTED] was sage green in color with the following information sewn into the cover:



**Second Product: Crib**

The second product involved in this incident is a crib in which the infant seat was placed in. The crib is a [REDACTED] by [REDACTED]. It was purchased from a mass baby retailer in September or October of 2009, however it was delivered to the home until January of 2010. The crib measures 62”W x 33.25”D x 50.5H. There is a stationary side with no moving parts. Please refer to Exhibit G for product deification obtained from [REDACTED]

**Manufacturer**

[REDACTED]

**Dealer:**

[REDACTED]

**Third Product: Bumper Pad**

The third product involved in this incident is a bumper pad which is part of the [REDACTED]. [REDACTED] The bumper pad was included in a set with a crib skirt, bumper pad, and fitted sheet, however, the consumer explained that she did not use the crib skirt that was included with the set because she had found a different one that she preferred. The set was purchased in December 2009 or January 2010. The bumper pad measures 10 x 160”. Product identification can be viewed under Exhibit H.

**Dealer**

[REDACTED]

**Fourth Product: Baby Monitor**

The fourth product involved in this incident is a [REDACTED] Baby Monitor, model number [REDACTED] serial number [REDACTED]. The consumer explained that the monitor can be used with either a rechargeable battery or electric; however, they had always used it in the electric mode.

**RETAIL VISIT:**

On 9/29/10 this investigator conducted a retail visit. The firm has carried the product since March 4, 2010. Prior to that, the product was sold exclusively on-line by the manufacturer. The

firm purchases the product directly from the manufacturer located in Devon, PA. Since the firm has carried the product a total of 89 units have been, sold in four various colors. They currently have 78 units in their inventory. The firm never carried the first generation seat but when the recall was issued on 7/26/10 they pulled all of the second generation seats until they received the green safety stickers that needed to be added to the package. Once the safety stickers were placed on all the units in the inventory, they put them back on the shelves for sale.

Immediately following the recall, the firm received approximately 10-12 returns that were not first generation models but the firm still honored the refund. Since the recall, there have been approximately 20 returns in total. The firm has not received any complaints as to the quality or use of the product, but has had customers express concern as to why the firm is still selling the product after the recall. The manager explained to customers that they do not carry any of the affected first generation models and have complied with the recall instructions.

Please see Exhibits K and L for the Notice of Inspection and Affidavit.

**ATTACHMENTS:**

Exhibit "A" – Contact List

Exhibit "B" – Authorization for Release of Name

Exhibit "C" – Autopsy report obtained from the Oakland County Medical Examiner's Office

Exhibit "D" - Incident report obtained from the Royal Oak Police Department

Exhibit "E" – Photograph obtained from the Royal Oak Police Department (31)

Exhibit "F" – Instruction manual provided with the incident product

Exhibit "G" – Product identification for the crib obtained from [REDACTED]

Exhibit "H" – Product identification for bedding and crib bumper obtained from [REDACTED]

Exhibit "I" – Product identification obtained from [REDACTED]

Exhibit "J" – EMS Run Report obtained from the Royal Oak Fire Department

Exhibit "K" – Notice of Inspection

Exhibit "L" - Affidavit

Exhibit "M" – Status of Missing Document Form

Exhibit "N" - Release No. [REDACTED]

**100802HNE0563**

**-8-**

Please note that the police report and the CD with all of the [REDACTED] photographs totally approximately 90 photographs in all taken by the police department were mailed to [REDACTED] CRC.

**100802HNE0563**

**Exhibit “A” – Contact List**

This IDI was assigned and initiated on 8/2/10 after the case was discussed at a Child Death Review Board Meeting at Oakland County Medical Examiner’s Office that this investigator attended. The information contained in this report was obtained from reports and interviews from the following sources:

Oakland County Medical Examiner’s Office

1200 North Telegraph Road

Pontiac, MI 48341

Royal Oak Police Department

Detective Spencer

[REDACTED]

[REDACTED]

[REDACTED]

Royal Oak Fire Department

Attn [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Victim’s Parents

[REDACTED]

Retail Visit: Buy Buy Baby

13361 Hall Road

Utica, MI 48315

Telephone number



100802HNE0563  
Exhibit B

# U.S. Consumer Product Safety Commission

## AUTHORIZATION FOR RELEASE OF NAME

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 concerns.

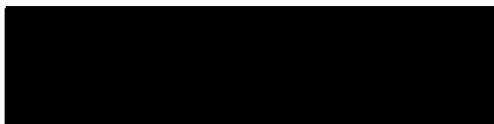
We routinely forward this information to manufacturers and private labelers to inform them of the involvement of their product in an accident situation. We also give the information to others requesting information about specific products. Manufacturers need the individual's name so that they can obtain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

I request that you do not release my name. My identity is to remain confidential.

You may release my name to the manufacturer but I request that you do not release it to the general public.

You may release my name to the manufacturer and to the public.



(Signature)

9/8/2010

(Date)



1100802 HNE 0563  
Exhibit C

L. BROOKS PATTERSON, OAKLAND COUNTY EXECUTIVE

C O U N T Y M I C H I G A N

**OFFICE OF THE MEDICAL EXAMINER**

L. J. Dragovic, M.D., Chief Medical Examiner  
K. Virani, M.D., Deputy Chief Medical Examiner  
B. Pacris, M.D., Deputy Medical Examiner  
R. Ortiz-Reyes, M.D., Deputy Medical Examiner  
P. Cho, M.D., Deputy Medical Examiner

PUBLIC SERVICES  
G. Kunsman, Ph.D., Chief Forensic Toxicologist  
R. Gerds, Administrator

**AUTOPSY PROTOCOL**

**NAME OF DECEASED:** [REDACTED]

**CASE NUMBER:** [REDACTED]

**GENDER:** Female

**AGE:** 4M/8D

**RACE:** White

**DATE OF DEATH:** July 9, 2010

**TIME:** Unknown A.M.

**PLACE OF DEATH:** Hospital

**DATE PRONOUNCED:** July 9, 2010

**TIME:** 3:37 A.M.

**PLACE PRONOUNCED:** William Beaumont Hospital, Royal Oak

**DATE OF AUTOPSY:** July 9, 2010

**TIME:** 9:00 A.M.

**CAUSE OF DEATH:** POSITION/COMPRESSION ASPHYXIA

**MANNER OF DEATH:** ACCIDENT

Page 1 of 8

### EXTERNAL EXAMINATION

The body is that of a well developed, well nourished female infant of stated age of 4 months-8 days old, weighing 7,133 grams (which is at the 95<sup>th</sup> percentile for age), has a crown-rump length of 42 cm, crown-heel length of 66 cm (at the 95<sup>th</sup> percentile), a head circumference of 43.5 cm (at the 95<sup>th</sup> percentile), a chest circumference of 41 cm and abdominal circumference of 41 cm.

The body is cold. Rigor is present in the upper extremities (+1) and in the lower extremities (+3). Lividity is present and unfixated on the posterior surface of the body, except in areas exposed to pressure.

The head is normally formed. The scalp hair is strawberry blonde, straight and is approximately 1/2" in length. The anterior fontanelle is open and is soft, without depression or bulging. The posterior fontanel is closed. The eyes are normally formed. The irides are blue. The corneae are clear. The conjunctivae are unremarkable. The sclerae are anicteric. The ears are normally formed and normally placed with the appropriate amount of cartilage. The nose and lips are unremarkable. The palate is intact and is neither high nor arched. The mouth is edentulous in keeping with the age of the child. The neck is symmetrical, without injury or abnormality. The chest is symmetrical. Breast buds are palpable. The abdomen is not protuberant. The extremities are symmetrical and normally formed with all digits present and normally formed. Palmar creases are unremarkable. External genitalia are those of a normal infant female. The back and anus are unremarkable.



**IDENTIFYING MARKS AND SCARS:** None.

**EVIDENCE OF THERAPY:** There is an endotracheal tube in the oral cavity. There is a needle puncture mark on the left thigh. There are intraosseous needles in front of the legs.

**EVIDENCE OF INJURY:** None.

### **INTERNAL EXAMINATION**

**BODY CAVITIES:** No adhesions or abnormal collections of fluid are present in any of the body cavities. All body organs are present in normal anatomical position.

**HEAD (CENTRAL NERVOUS SYSTEM):** The brain weighs 830 grams. The scalp shows no evidence of trauma. The dura mater and falx cerebri are intact. There is no epidural or subdural hemorrhage present. The leptomeninges are thin and delicate. The external surface and configuration of the brain are not unusual; the cortex is of the usual soft consistency in keeping with the age of the infant. The structures at the base of the brain, including cranial nerves and blood vessels, are intact. Coronal sections through the cerebral hemispheres reveal no lesions. Transverse sections through the brain stem and cerebellum are unremarkable. The upper spinal cord exhibits no injuries or abnormalities.

**NECK:** Examination of the soft tissues of the neck, including strap muscles, thyroid gland and large vessels reveal no abnormalities. The hyoid bone and larynx are intact.



**CARDIOVASCULAR SYSTEM:** The heart weighs 31 grams. The pericardial surfaces are smooth, glistening, and unremarkable; the pericardial sac is free of significant fluid or adhesions. The coronary arteries arise normally, follow the usual distribution and are unremarkable. The chambers and valves exhibit the usual size-position relationship and are unremarkable. The myocardium is dark red-brown, firm and unremarkable; the atrial and ventricular septa are intact. The foramen ovale is appropriately membrane protected. The aorta and its major branches arise normally, follow the usual course and are widely patent; the ductus arteriosus is anatomically and functionally closed. The vena cava and its major tributaries return to the heart in the usual distribution and are free of thrombi.

**RESPIRATORY SYSTEM:** The right lung weighs 50 grams and the left lung weighs 43 grams. The upper airways are clear of debris and foreign material; the mucosal surfaces are smooth, yellow-tan, and unremarkable. The pleural surfaces are smooth, glistening, and unremarkable bilaterally, except as otherwise noted. The pulmonary parenchyma is red-purple and congested. The pulmonary arteries are normally developed and are free of embolus.

**DIGESTIVE SYSTEM:** The tongue is without evident recent injury. The esophagus is lined by gray-white, smooth mucosa. The gastric mucosa is arranged in the usual rugal folds, and the lumen is empty of food. The small and large bowels are unremarkable. The pancreas has a normal pink-tan lobulated appearance and the ducts are clear. The appendix is present.



**LIVER AND BILIARY SYSTEM:** The liver weighs 320 grams. The external surface of the liver is smooth, glistening and intact, covering a red-brown, moderately congested parenchyma with no focal lesions noted. The gallbladder contains less than 1 ml of yellow-green-brown, slightly mucoid bile; the mucosa is velvety and unremarkable. The extrahepatic biliary tree is patent, without evidence of calculi.

**SPLEEN:** The spleen weighs 29 grams. The spleen has a smooth, intact capsule covering a red-purple, moderately firm parenchyma.

**GENITOURINARY SYSTEM:** The right kidney weighs 27 grams and the left kidney weighs 27 grams. The renal capsules are smooth and thin, semi-transparent and strip with ease from the underlying smooth, red-brown cortical surface. The cortex is slightly congested and sharply delineated from the medullary pyramids, which are red-purple to tan and unremarkable. The usual complement of calyces is present without abnormality. The pelves and ureters are unremarkable. The urinary bladder is empty of urine; the mucosa is gray-tan and smooth. The uterus, fallopian tubes ovaries and vagina are infantile and unremarkable.

**ENDOCRINE SYSTEM:** The pituitary, thyroid, and adrenal glands are unremarkable. The thymus gland is unremarkable and weighs 29 grams.

**LYMPH NODES:** The regional lymph nodes are unremarkable. The mesenteric lymph nodes are prominent, but not unusual for age.



**MUSCULOSKELETAL SYSTEM:** Muscle development is normal. No bone or joint abnormalities are noted.

**MICROSCOPIC EXAMINATION:**

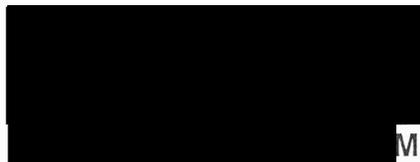
TRACHEA and EPIGLOTTIS – There are no edema and inflammation.

LUNGS, HEART, ESOPHAGUS, STOMACH, SMALL and LARGE BOWELS, ADRENAL, KIDNEY, THYMUS, BLADDER, THYROID, LIVER, SPLEEN and BRAIN (Central Nervous System) – There are no significant histopathologic abnormalities.

**PATHOLOGICAL DIAGNOSIS:**

- I. Position/Compression Asphyxia

**OPINION:** This 4-month-8-day old white female infant,  died of position/compression asphyxia sustained when she was entrapped between a nap nanny and bumper pads in a crib. No natural diseases were contributory. Based on the circumstances surrounding this death, the postmortem examination and the toxicological analysis, the manner of death is accident.



M.D.  
DEPUTY MEDICAL EXAMINER

8/4/10

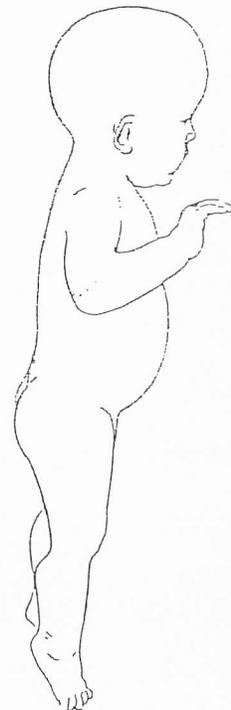
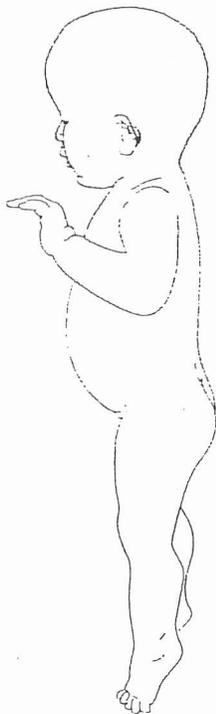
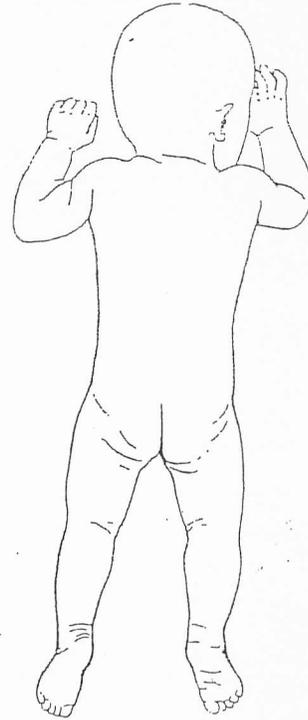
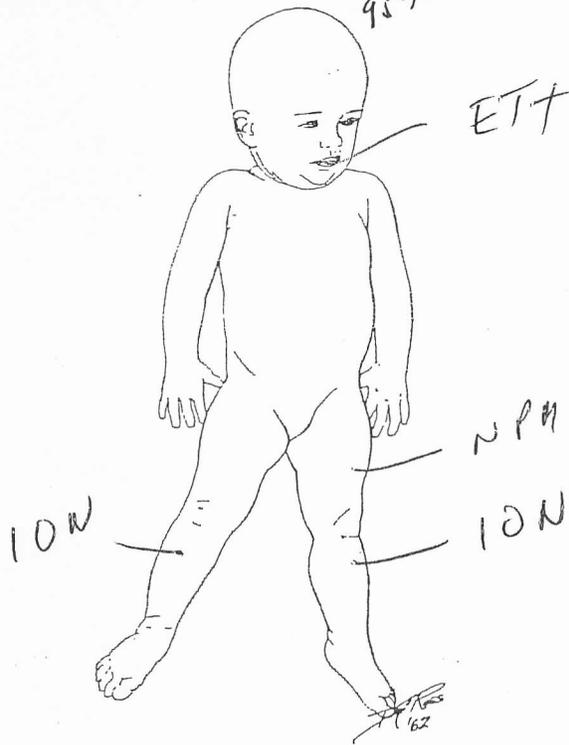
OFFICE OF THE MEDICAL EXAMINER  
OAKLAND COUNTY

1008024NE0563  
Exhibit C

NAME [REDACTED] CASE # [REDACTED]

LENGTH: Crown-Heel 66<sup>95th</sup> cm; Crown-rump 42 cm

CIRCUMFERENCE: Head 33.5<sup>95th</sup> cm; Chest 41 cm; Abdomen 41 cm





1008024NE0563  
Exhibit C

L. BROOKS PATTERSON, OAKLAND COUNTY EXECUTIVE

C O U N T Y M I C H I G A N

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B. Pacris, M.D., Deputy Medical Examiner  
R. Ortiz-Reyes, M.D., Deputy Medical Examiner  
P. Cho, M.D., Deputy Medical Examiner

PUBLIC SERVICES  
G. Kunsman, Ph.D., Chief Forensic Toxicologist  
R. Gerds, Administrator

TOXICOLOGY REPORT

NAME: [REDACTED]  
CASE # [REDACTED]

VOLATILE SCREEN

INCLUDES: ACETALDEHYDE, ACETONE, ETHYL ALCOHOL, ISOPROPYL ALCOHOL, METHYL ALCOHOL

REPORT: HEART BLOOD – None detected

HEART BLOOD DRUG SCREEN

INCLUDES: AMPHETAMINES/METHAMPHETAMINES, ANTIDEPRESSANTS, BARBITURATES, BENZODIAZEPINES, CANNABINOIDS, CARISOPRODOL, COCAINE/COCAINE METABOLITES, CYCLOBENZAPRINE, FENTANYL, METHADONE, METHYLPHENIDATE, OPIATES, PHENCYCLIDINE, PROPOXYPHENE

REPORT: None detected

SERUM DRUG SCREEN

INCLUDES: ACETAMINOPHEN, ANTICONVULSANTS, SALICYLATES, TRICYCLIC ANTIDEPRESSANTS

REPORT: None detected

DATE: 07/16/2010

[REDACTED SIGNATURE] 18/1/2010  
Ph.D., DABFT  
CHIEF FORENSIC TOXICOLOGIST  
[Handwritten initials] 7/21/10

cr

# Royal Oak PD Crime Report

Royal Oak PD  
221 E Third St  
Royal Oak, MI 48067  
248 246-3500

Case No. [REDACTED]  
Report No. [REDACTED]  
Report Date: 7/9/2010

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Subject: C3208 - Death Investigation - Cause Unknown

Case Report Status	I - In Process	Entered On	7/9/2010 6:58:41 AM	Reporting Officer	[REDACTED]
Agency County	63 - Oakland	Entered By	00169 - Spencer, Kenneth	Assisted By	[REDACTED]
Agency City/Township	90 - Royal Oak	Verified On		Agency Assisted	
Occurred On	7/9/2010 2:55:00 AM	Verified By		Call for Service #	[REDACTED]
Or Between		Approved On	7/9/2010 8:43:53 AM		
Business Name		Approved By	00202 - Sawyer, William		
Location	[REDACTED]	Related Cases			
CSZ	[REDACTED]	Disposition	Active		
Census/Geo Code	[REDACTED]	Excp. Clear Reason			
Jurisdiction		Excp. Clear Date			
Grid		Reporting Agency	Royal Oak PD		
Sector		Report Type	Crime Report		
Map	0 - N/A	Division	Patrol		
Call Source	911	Notified			
Vehicle Activity		Related Cases			
Dir. Veh. Traveling					
Cross Street					
Means					
Motive					

Report Narrative Ofc. [REDACTED] Narrative:

Writer and Ofc. [REDACTED] were dispatched to [REDACTED] on a Medical Emergency where a baby was discovered not breathing and had possibly passed. Ofc. [REDACTED] arrived in front of the address and observed [REDACTED] on the sidewalk. [REDACTED] was hysterical and stated that "she took the baby to the Fire Station." Ofc. [REDACTED] relayed this information via radio. Writer then pulled up to Fire Station #1 and observed [REDACTED] wife, near the front door holding [REDACTED] wrapped in a light colored blanket. [REDACTED], wearing pajamas, was frantic, crying, and screaming, "she's not breathing, she feels limp." She also asked writer "She's dead isn't she? She's blue." Writer and [REDACTED] assisted [REDACTED] inside of the Fire Station as she turned over the baby to an awaiting firefighter. [REDACTED] wearing underwear and a t-shirt, arrived in front of Fire Station #1, still frantic and screaming "what the fuck is going on?" Writer then went back to patrol vehicle #815 in order to escort the ambulance to WBH-RO. Ofc. [REDACTED] went back to [REDACTED] in order to secure the residence. Sgt. Sawyer arrived at the scene in order to transport [REDACTED] and [REDACTED] to WBH-RO.

At WBH-RO, writer spoke with [REDACTED] and [REDACTED] as the emergency staff treated [REDACTED]. [REDACTED] stated that they put [REDACTED] into her crib with the [REDACTED] at about 2100 hours on 07-08-2010. [REDACTED] went to bed around 2230 hours and needed to be awake around 0400 hours the next morning in order to travel to Elkhart, IN for her job as an [REDACTED]. It was unclear if [REDACTED] began the night sleeping in the spare room or went into the spare room later in the night. [REDACTED] slept in the spare room on this night in order to get some sleep for work. At around 0100 hours, [REDACTED] heard [REDACTED] crying and asked [REDACTED] if he could also hear her crying. [REDACTED] was settled down and given a bottle and [REDACTED] went into the spare room to sleep. Just before 0255 hours on 07-09-2010, [REDACTED] got out of bed to use the restroom. When he returned to the master bedroom he did not hear sound coming from the baby monitor. He then looked at the video camera monitor and could not see [REDACTED] head (there was a camera mounted on the crib). [REDACTED] then ran into [REDACTED] bedroom and observed [REDACTED] halfway out of the [REDACTED] her face extended upward and against the bumper pad. [REDACTED] was still loosely strapped into the [REDACTED]. [REDACTED] was not breathing at this time. [REDACTED] then moved [REDACTED], heard a gasp, and thought she was breathing again. Unfortunately, she was not breathing. [REDACTED] was then removed from the

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pillows, a [REDACTED] and a bumper pad surrounding the inside of the crib.

Inspection of the crib revealed cupping in the area of where [REDACTED] head was facing as later described by [REDACTED]. This area was marked and photographed. The [REDACTED] contained an attached waist "harness" which was still buckled. The [REDACTED] fitted sheet, and bumper cushion were retrieved as evidence. Also taken were the bottles found on the night stand. I located and took a plastic bin from the bathroom of the Master Suite which contained several infant items such as a thermometer, OTC medications, etc. Located next to that plastic was a basket which contained a baby bottle with water and a container of [REDACTED] formula.

Upon completion of processing the home I made contact with [REDACTED] who were now located at [REDACTED] father's home in West Bloomfield. I went that home to speak with [REDACTED] regarding this incident. I spoke with [REDACTED] separately and in a different room of the home as provided by [REDACTED] father.

I spoke with [REDACTED] alone at first. [REDACTED] father later joined her, due to [REDACTED] emotional state. [REDACTED] stated she and [REDACTED] have been married since 2008. [REDACTED] stated [REDACTED] was born via Emergency C-Section and was 1 day early. [REDACTED] spent 5 days in the hospital after her birth because there was a fear some of her amniotic fluid was infected.

On Wednesday, July 7th, 2010, [REDACTED] had her 4 month Well-Baby visits at her normal Pediatrician's Office, [REDACTED] located on 14 mile in Birmingham. At that time [REDACTED] received 3 vaccines, 2 via injection and 1 oral. [REDACTED] felt warm to her around 7pm that night and took her temperature, which read 100.5 degrees. [REDACTED] said she contacted [REDACTED] to pick up some [REDACTED] from the store on the way home from work. [REDACTED] also noted that [REDACTED] only ate 1 oz. of her normal 4 oz feeding and also seemed "lethargic." Other than those symptoms, nothing unusual occurred Wednesday night and their schedule was normal.

[REDACTED] said on Thursday morning, her mother came to the house and watched [REDACTED] for a few hours during the day while [REDACTED] did some running around. [REDACTED] said [REDACTED] continued being lethargic with a decreased appetite throughout the remainder of the day. [REDACTED] said they called [REDACTED] Pediatrician that evening asking about [REDACTED] conditions. [REDACTED] said she was informed to expect that behavior after the vaccinations. [REDACTED] said her husband gave [REDACTED] one dose of [REDACTED] after taking her temperature, which seemed high, around 100.5. [REDACTED] said she went to bed around 9pm that night because she had to get up early Friday morning to travel to Indiana. [REDACTED] said she laid down with [REDACTED] in her bed. [REDACTED] said [REDACTED] didn't feel warm and was resting. After some time, [REDACTED] was placed in her crib by [REDACTED] and they went to sleep.

[REDACTED] said she was having trouble sleeping and [REDACTED] snoring was keeping her up, so she moved the baby monitor over to his side of the bed and went to sleep in the guest bedroom. [REDACTED] said around 1am she heard [REDACTED] crying and went in the bedroom and woke [REDACTED] up, asking him if he could hear [REDACTED] crying.

[REDACTED] said she used the bathroom and went back to bed. [REDACTED] said she woke up again around 1:50 am but fell back to sleep. Sometime later, she heard [REDACTED] yell out, she immediately got up, and [REDACTED] was holding [REDACTED]. [REDACTED] said she grabbed [REDACTED] from [REDACTED] and brought her to their bed to lay her down on it. [REDACTED] said it didn't look like [REDACTED] was breathing so she began to try to give her CPR, but she didn't know how. While [REDACTED] was on the phone with 911, [REDACTED] said she knew the fireman down the street knew CPR and ran [REDACTED] to the fire station and handed [REDACTED] over to a fireman.

[REDACTED] said the only medication [REDACTED] was on was [REDACTED] for gas, but she hadn't given it to [REDACTED] since before July 3rd, and then only occasionally before.

[REDACTED] was still very visibly distraught and crying during my interview.

Case No. [REDACTED]  
 Report No. [REDACTED]  
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Resident Status **R - Resident of the community, city, or town where the offense occurred**

Phone/Email Type Description

Supplemental IDs ID Type	ID Number	ID Issuer	Testify	Name
Law Enforcement Officer Killed or Assaulted Information	Type Assignment Activity Other ORI	Justifiable Homicide Circumstances		

Victim Offender Relationships  
 Offender Relationship

Victim Notes 4 month old

Other Entity: O1 -- [REDACTED]

Entity No. O1  
 Entity Type PV - Parent of Victim

Name [REDACTED]	DOB [REDACTED]	Place of Birth
AKA [REDACTED]	Age 33	SSN
Alert(s)	Sex M - Male	DLN
Address [REDACTED]	Race W - White	DLN State
CSZ [REDACTED]	Ethnicity U - Unknown	DLN Country
Complexion	Ht.	Occupation/Grade
Attire	Wt.	Employer/School
	Eye Color	Employer Address
	Hair Color	Employer CSZ
	Facial Hair	Res. County
		Res. Country
		Resident Status

Phone/Email Type Description  
 CE - Cell Phone #1 [REDACTED]

Supplemental IDs ID Type	ID Number	ID Issuer	Name

Entity Notes Baby's father. Discovered baby not breathing, called 911.

Other Entity: O2 -- [REDACTED]

Entity No. O2  
 Entity Type PV - Parent of Victim

Name [REDACTED]	DOB [REDACTED]	Place of Birth
AKA [REDACTED]	Age 31	SSN
Alert(s)	Sex F - Female	DLN
Address [REDACTED]	Race W - White	DLN State
	Ethnicity U - Unknown	DLN Country

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I later spoke with [REDACTED] regarding the original packaging the [REDACTED] came in. They stated they still had the original packaging and allowed me to photograph it for this report.

I recieved the autopsy report which indicated the cause of death as: Positional/Compression Asphyxia, with the manner of death: Accident.

After a review of this indicident, this case will not be presented to the Oakland County Prosecutor's Office. Evidence in this case is consistant with the Medical Examiners findings of an accidental death.

## Offense Detail: C3208 - Death Investigation - Cause Unknown

Offense Description	<b>C3208 - Death Investigation - Cause Unknown</b>	Location Type	<b>20 - Residence/Home</b>	No. Prem. Entered	
IBR Code		Offense Completed?	<b>Yes</b>	Entry Method	
IBR Group		Hate/Bias	<b>00 - None (No Bias)</b>	Type Security	
Crime Against		Domestic Violence	<b>No</b>	Tools Used	
Offense File Class	-				
PACC					
Local Code					
Using					
Criminal Activity					
Force Level					
Weapons					

## Other Entity: O10 -- Spencer, Det. KD

Entity No.	<b>O10</b>	DOB		Place of Birth	
Entity Type	<b>L - Police Officer</b>	Age		SSN	
Name	<b>Spencer, Det. KD</b>	Sex		DLN	
AKA		Race		DLN State	
Alert(s)		Ethnicity		DLN Country	
Address		Ht.		Occupation/Grade	
CSZ		Wt.		Employer/School	
Complexion		Eye Color		Employer Address	
Attire		Hair Color		Employer CSZ	
		Facial Hair		Res. County	
				Res. Country	
				Resident Status	

Phone/Email Type  
**BU - Business Phone #1**

Description  
[REDACTED]

Supplemental IDs ID Type	ID Number	ID Issuer	Name
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Entity Notes **OIC**

## Other Entity: O11 -- Swiatkowski, Det.

Entity No. **O11**  
Entity Type **L - Police Officer**

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Phone/Email Type Description

Supplemental IDs ID Type ID Number ID Issuer Name

Entity Notes Medical Examiner's Office/investigator

**Other Entity: O5 -- Steffani, Karen**

Entity No. **O5**  
Entity Type **MP - Medical Personnel**

Name	[REDACTED]	DOB		Place of Birth
AKA		Age		SSN
Alert(s)		Sex	<b>F - Female</b>	DLN
		Race	<b>W - White</b>	DLN State
Address	[REDACTED]	Ethnicity	<b>U - Unknown</b>	DLN Country
CSZ	[REDACTED]	Ht.		Occupation/Grade
		Wt.		Employer/School
Complexion		Eye Color		Employer Address
Attire		Hair Color		Employer CSZ
		Facial Hair		Res. County
				Res. Country
				Resident Status

Phone/Email Type Description

Supplemental IDs ID Type ID Number ID Issuer Name

Entity Notes RN/Bereavement nurse. Liaison with family, notified ME in Ofc. [REDACTED] presence.

**Other Entity: O6 -- [REDACTED]**

Entity No. **O6**  
Entity Type **L - Police Officer**

Name	[REDACTED]	DOB		Place of Birth
AKA		Age		SSN
Alert(s)		Sex		DLN
		Race		DLN State
Address	[REDACTED]	Ethnicity		DLN Country
CSZ	[REDACTED]	Ht.		Occupation/Grade
		Wt.		Employer/School
Complexion		Eye Color		Employer Address
Attire		Hair Color		Employer CSZ
		Facial Hair		Res. County
				Res. Country
				Resident Status

Phone/Email Type Description

Supplemental IDs ID Type ID Number ID Issuer Name

Entity Notes Responded to ROFD #1. Assisted with baby until Fire took over. Escorted Ambulance to Beaumont Hospital. Stayed with family while baby was treated. Interviewed parents. Coordinated with Det. Spencer and ER staff.

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Item No. 1  
Property Category 1303 - Photograph 5427  
Property Class 27  
IBR Type 27 - Recordings-Audio/Visual  
UCR Type F - TV's, Radios, Stereos, Etc...  
Status E - Evidence (Including Other Seized Property And Tools)

Count 2  
Value  
Manufacturer  
Model  
Serial No.  
License No.  
Color  
Description  
Vehicle Year  
Body Style  
State  
License Year

Photograph CD and Hi8 Video Cassette

Recovered Date/Time  
Owner  
Disposition  
Evidence Tag T-023815  
Alert(s)  
Evidence Recovered By  
Evidence Recovered From  
Evidence Location  
Drug Type  
Drug Quantity  
Drug Measure

Property Notes Scene photographs and video

Property Description Item 2: 2498 - Other Household Goods [REDACTED] - Green [REDACTED]

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Alert(s)	Sex	DLN
	Race	DLN State
Address	Ethnicity	DLN Country
CSZ	Ht.	Occupation/Grade
	Wt.	Employer/School
Complexion	Eye Color	Employer Address
Attire	Hair Color	Employer CSZ
	Facial Hair	Res. County
		Res. Country
		Resident Status

Phone/Email  
Type

Description

Supplemental IDs  
ID Type

ID Number

ID Issuer

Name

Entity Notes

Supervisor/Sgt. transported [REDACTED] to hospital.

# Royal Oak PD Follow-Up Report

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Item No. **3**  
Property Category **2498 - Other Household Goods 5416**  
Property Class **16**  
IBR Type **16 - House Goods**  
UCR Type **H - Household Goods**  
Status **E - Evidence (Including Other Seized Property And Tools)**

Count **2**  
Value  
Manufacturer  
Model  
Serial No.  
License No.  
Color  
Description  
Vehicle Year  
Body Style  
State  
License Year

**White Crib Bumper and Fitted sheet**

Recovered Date/Time  
Owner  
Disposition  
Evidence Tag **T-023817**  
Alert(s)  
Evidence Recovered By  
Evidence Recovered From  
Evidence Location  
Drug Type  
Drug Quantity  
Drug Measure

Property Notes **Recovered from Child's Crib**

**Property Description Item 4: 2498 - Other Household Goods 5416 - 2 Glass Baby Bottles**

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Item No. **4**  
Property Category **2498 - Other Household Goods 5416**  
Property Class **16**  
IBR Type **16 - House Goods**  
UCR Type **H - Household Goods**  
Status **E - Evidence (Including Other Seized Property And Tools)**

Count **1**  
Value  
Manufacturer  
Model  
Serial No.  
License No.  
Color  
Description **2 Glass Baby Bottles**  
Vehicle Year  
Body Style  
State  
License Year

Recovered Date/Time  
Owner  
Disposition  
Evidence Tag **T-023818**  
Alert(s)  
Evidence Recovered By  
Evidence Recovered From  
Evidence Location  
  
Drug Type  
Drug Quantity  
Drug Measure

Property Notes 2 used glass baby bottles. Recovered from Child's room. (One bottle damaged upon retrieval from evidence drier)

Property Description Item 5: 2498 - Other Household Goods 5416 - Container of Children's Medicines and Utencils

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Item No. **5**  
Property Category **2498 - Other Household Goods 5416**  
Property Class **16**  
IBR Type **16 - House Goods**  
UCR Type **H - Household Goods**  
Status **E - Evidence (Including Other Seized Property And Tools)**  
  
Count **3**  
Value  
Manufacturer  
Model  
Serial No.  
License No.  
Color  
Description **Container of Children's Medicines and Utencils**  
Vehicle Year  
Body Style  
State  
License Year  
  
Recovered Date/Time  
Owner  
Disposition  
Evidence Tag **T-023819**  
Alert(s)  
Evidence Recovered By  
Evidence Recovered From  
Evidence Location  
  
Drug Type  
Drug Quantity  
Drug Measure

Property Notes Recovered from bathroom counter parents bathroom. Plastic container with Infant's thermometer. [REDACTED] Baby formula, 1 glass bottle.

**Property Description Item 6: 1499 - Other Clothing 5406 - Sleeper**

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*1008024NE0563. Exhibit D*

Item No. **6**  
Property Category **1499 - Other Clothing 5406**  
Property Class **06**  
IBR Type **06 - Clothes/Furs**  
UCR Type **C - Clothing & Furs**  
Status **E - Evidence (Including Other Seized Property And Tools)**

Count **1**  
Value  
Manufacturer  
Model  
Serial No.  
License No.  
Color  
Description **Sleeper**  
Vehicle Year  
Body Style  
State  
License Year

Recovered Date/Time  
Owner  
Disposition  
Evidence Tag **T-023820**  
Alert(s)  
Evidence Recovered By  
Evidence Recovered From  
Evidence Location  
  
Drug Type  
Drug Quantity  
Drug Measure

Property Notes Recovered from Child at the hospital.

Property Description Item 7: 1303 - Photograph 5427 - CD of Detailed photographs of [REDACTED]

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Item No. **7**  
Property Category **1303 - Photograph 5427**  
Property Class **27**  
IBR Type **27 - Recordings-Audio/Visual**  
UCR Type **F - TV's, Radios, Stereos, Etc...**  
Status **E - Evidence (Including Other Seized Property And Tools)**

Count **1**  
Value  
Manufacturer  
Model  
Serial No.  
License No.  
Color  
Description  
Vehicle Year  
Body Style  
State  
License Year

**CD of Detailed photographs of [REDACTED]**

Recovered Date/Time  
Owner  
Disposition  
Evidence Tag [REDACTED]  
Alert(s)  
Evidence Recovered By  
Evidence Recovered From  
Evidence Location  
Drug Type  
Drug Quantity  
Drug Measure

Property Notes Detailed photographs showing the [REDACTED] the attached cover, how it is attached, and components.  
Property Description Item 8 [REDACTED] - Photograph [REDACTED] CD of Photographs of [REDACTED] packaging

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Item No. **8**  
Property Category **1303 - Photograph 5427**  
Property Class **27**  
IBR Type **27 - Recordings-Audio/Visual**  
UCR Type **F - TV's, Radios, Stereos, Etc...**  
Status **E - Evidence (Including Other Seized Property And Tools)**

Count **1**  
Value

Manufacturer  
Model  
Serial No.  
License No.  
Color

Description **CD of Photographs of [REDACTED] packaging**

Vehicle Year  
Body Style  
State  
License Year

Recovered Date/Time  
Owner

Disposition  
Evidence Tag [REDACTED]  
Alert(s)

Evidence Recovered By  
Evidence Recovered From  
Evidence Location

Drug Type  
Drug Quantity  
Drug Measure

Property Notes [REDACTED] packaging provided by Parents

## Property Description Item 9: 1499 - Other Clothing 5406 - Diaper

Item No. **9**  
Property Category **1499 - Other Clothing 5406**  
Property Class **06**  
IBR Type **06 - Clothes/Furs**  
UCR Type **C - Clothing & Furs**  
Status **I - Information Only**

Count **1**  
Value

Manufacturer  
Model  
Serial No.  
License No.  
Color

Description **Diaper**

Vehicle Year  
Body Style

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State

License Year

Recovered Date/Time

Owner

Disposition

Evidence Tag

Alert(s)

Evidence Recovered By

Evidence Recovered From

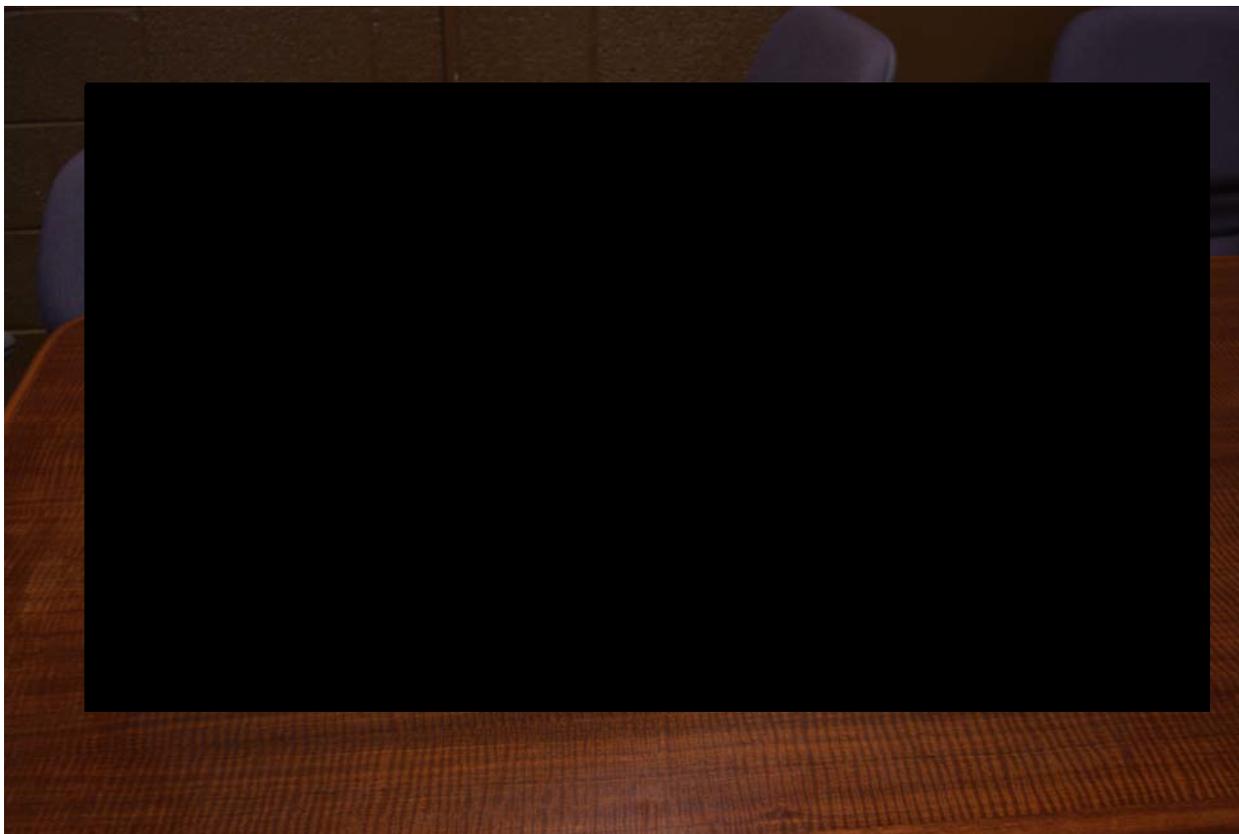
Evidence Location

Drug Type

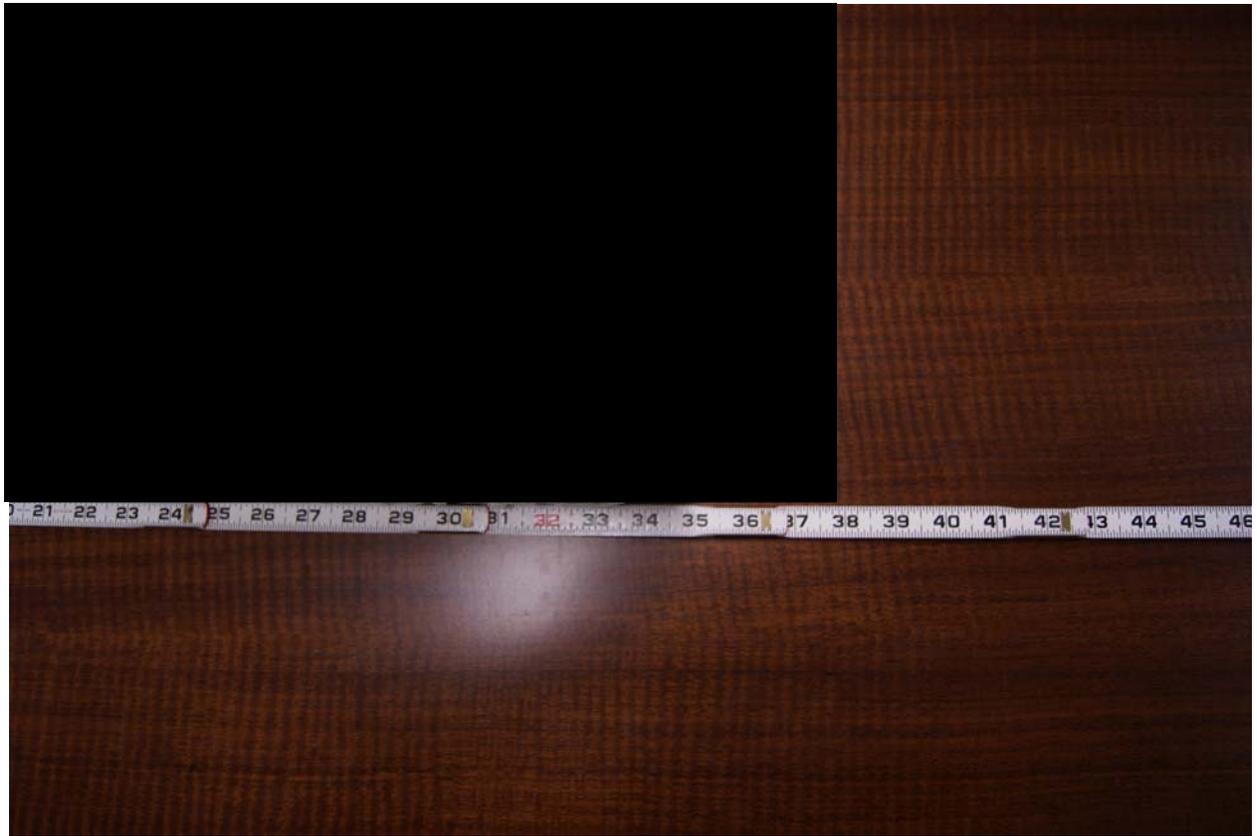
Drug Quantity

Drug Measure

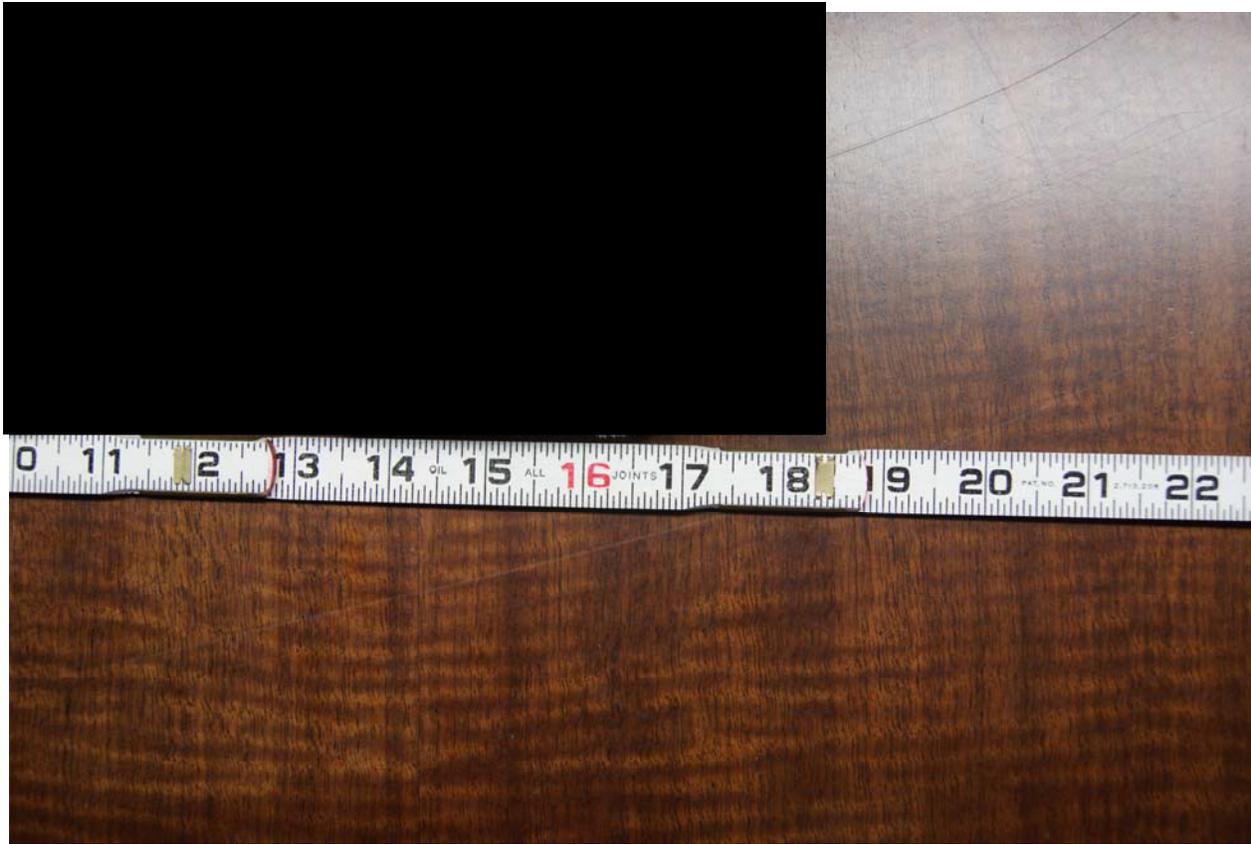
Property Notes Diaper recovered from [REDACTED] by WBH Staff. Discarded after discovering it was soiled (feces/urine).



100802HNE0563. Exhibit E. Photograph 1. The incident [REDACTED] collected as evidence by the Royal Oak Police Department.



100802HNE0563. Exhibit E. Photograph 2. The length measurement of the [REDACTED]

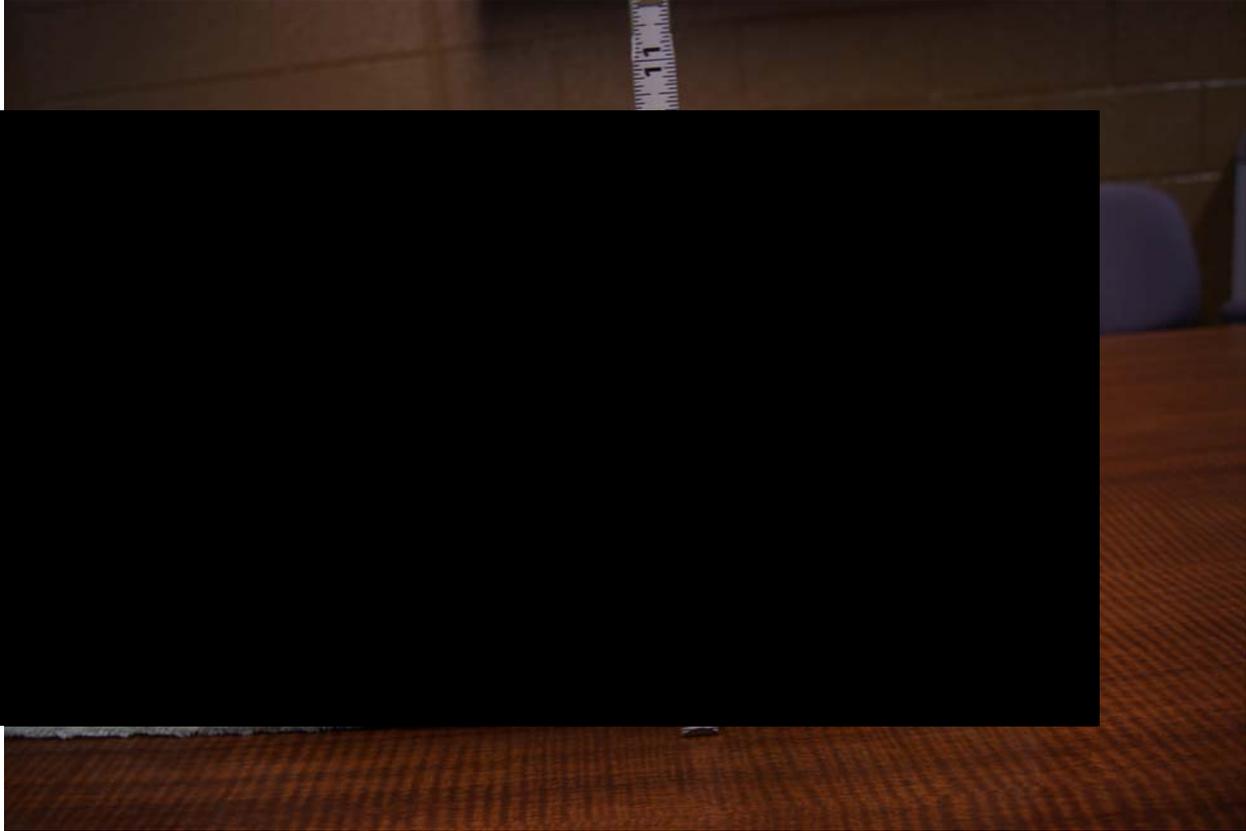


100802HNE0563. Exhibit E. Photograph 3. The width measurement of the

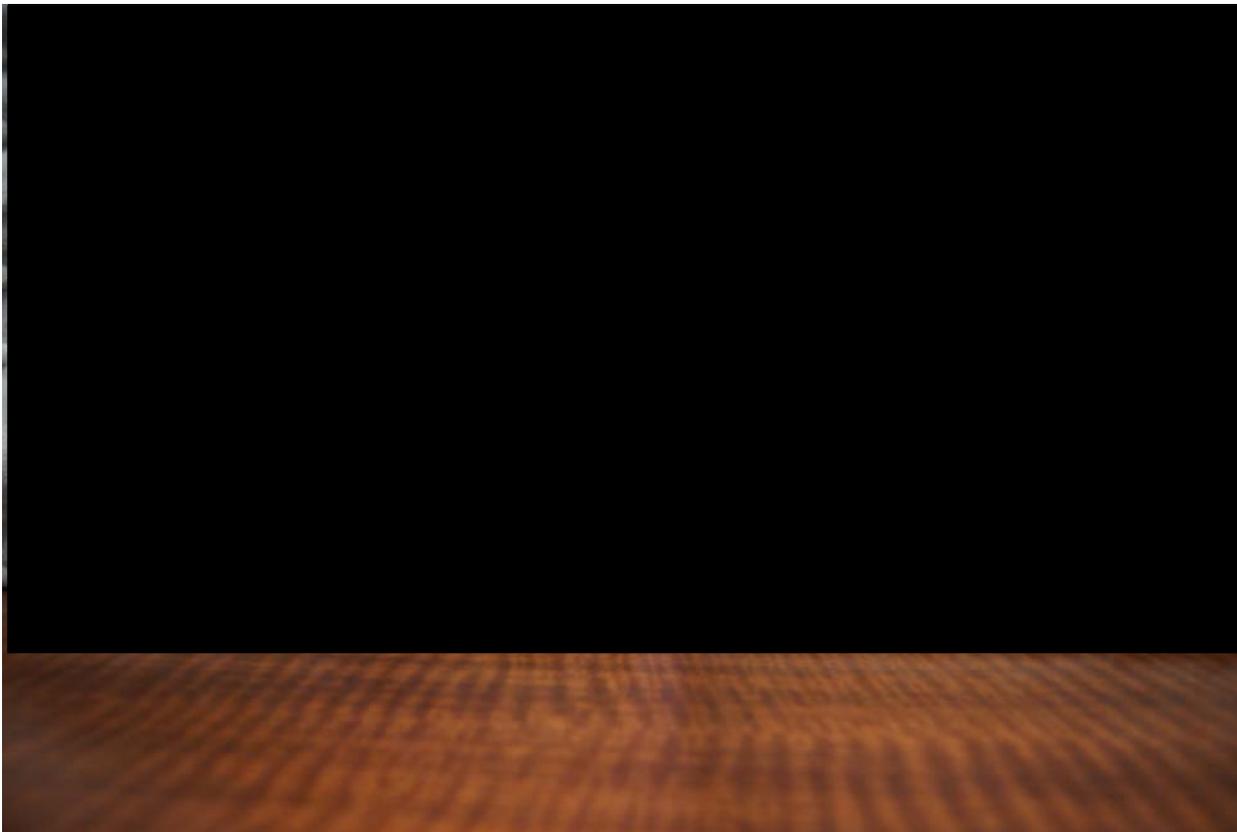


100802HNE0563. Exhibit E. Photograph 4. The height measurement on the head portion of the





100802HNE0563. Exhibit E. Photograph 5. The height of the foot portion of the [redacted]



100802HNE0563. Exhibit E. Photograph 6. The height measurement of the middle of th

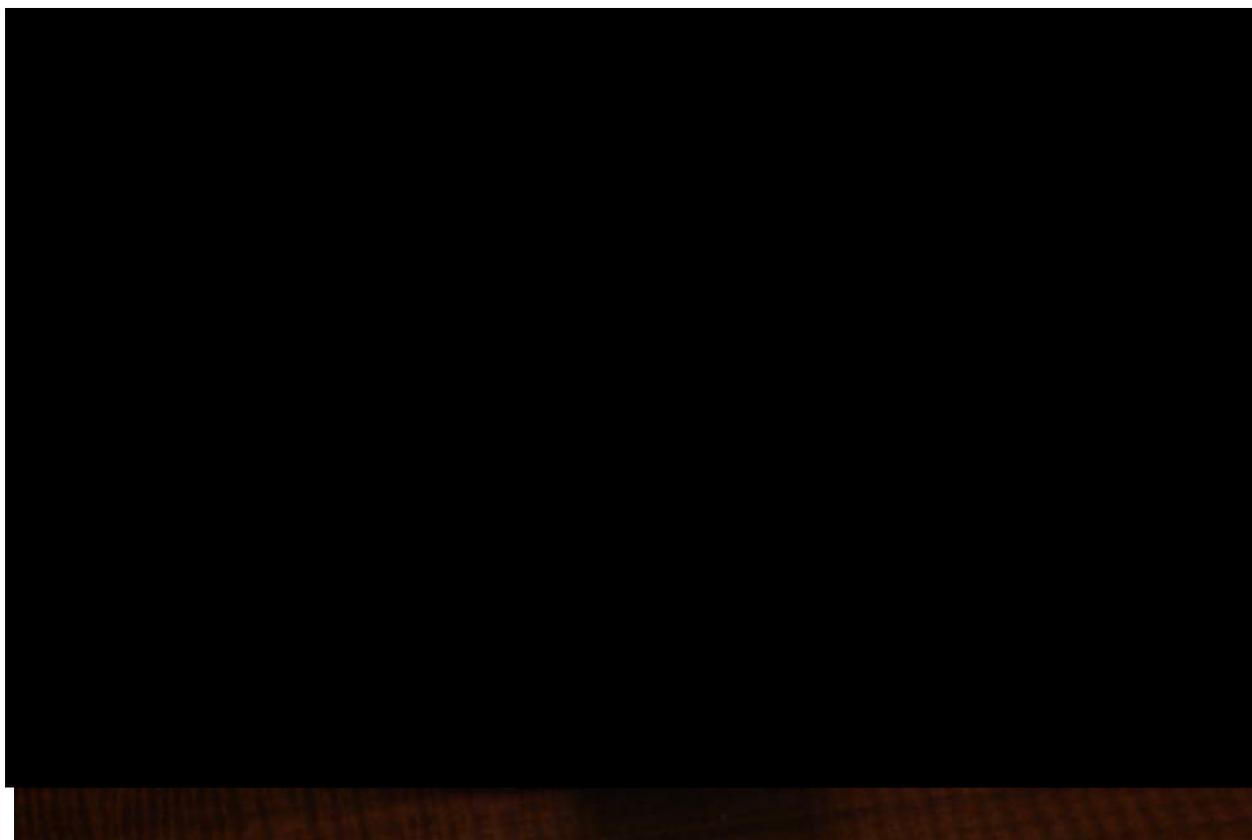




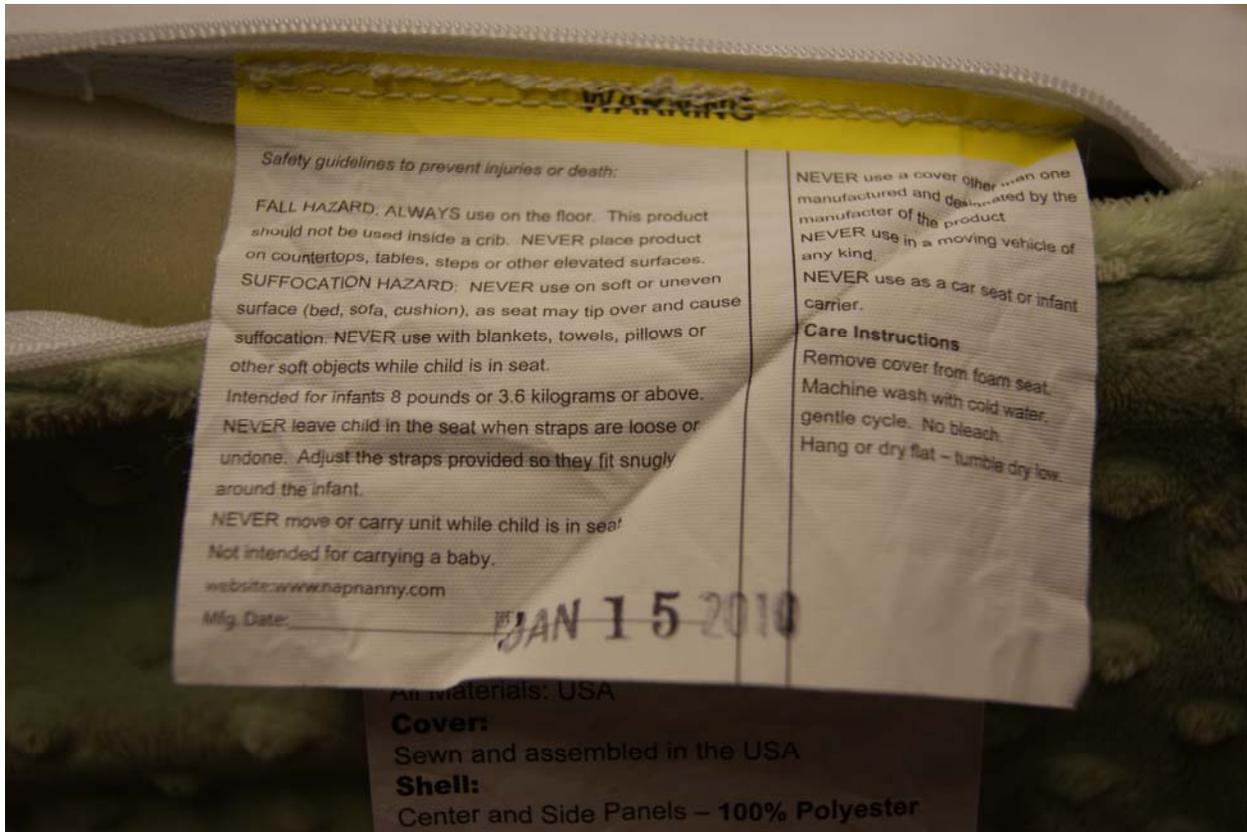
100802HNE0563. Exhibit E. Photograph 7. The measurement of the harness.



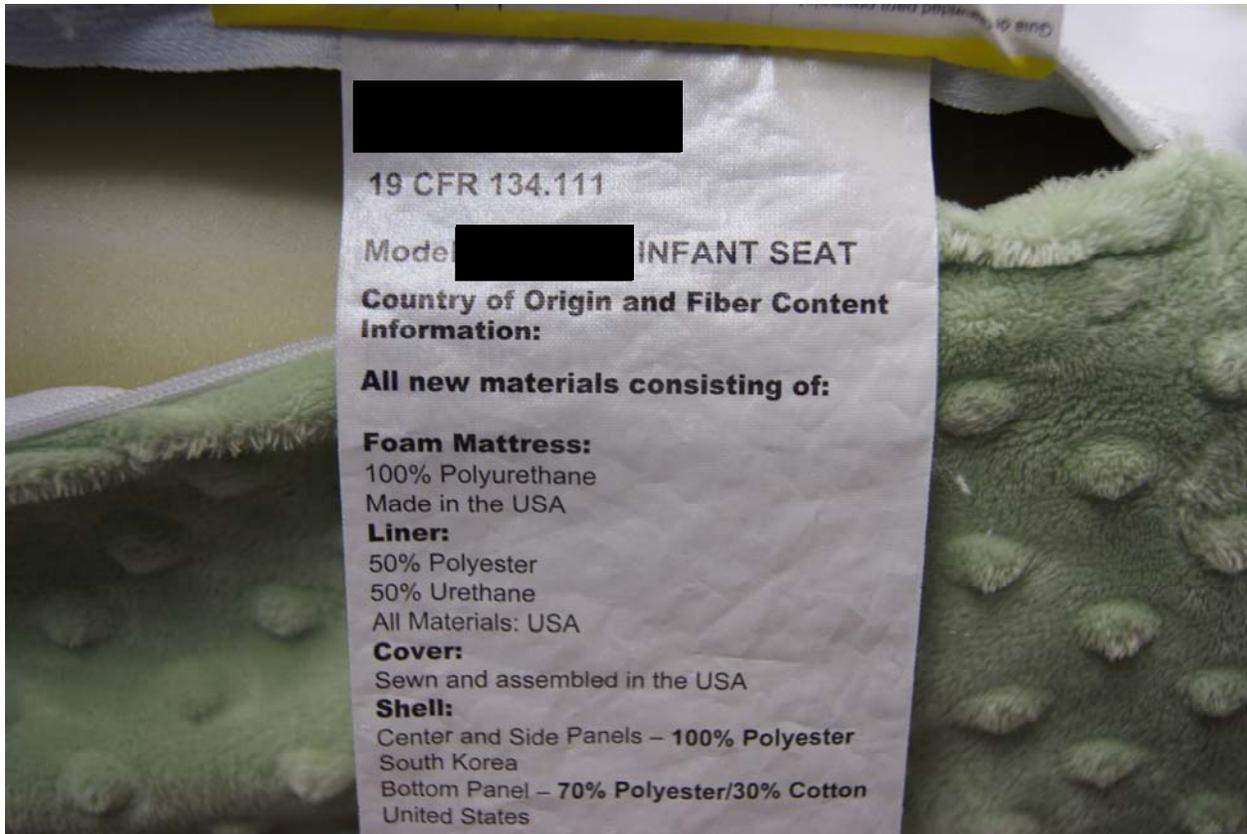
100802HNE0563, Exhibit E. Photograph 8. The underside of the [redacted] with the zip cover zipped on.



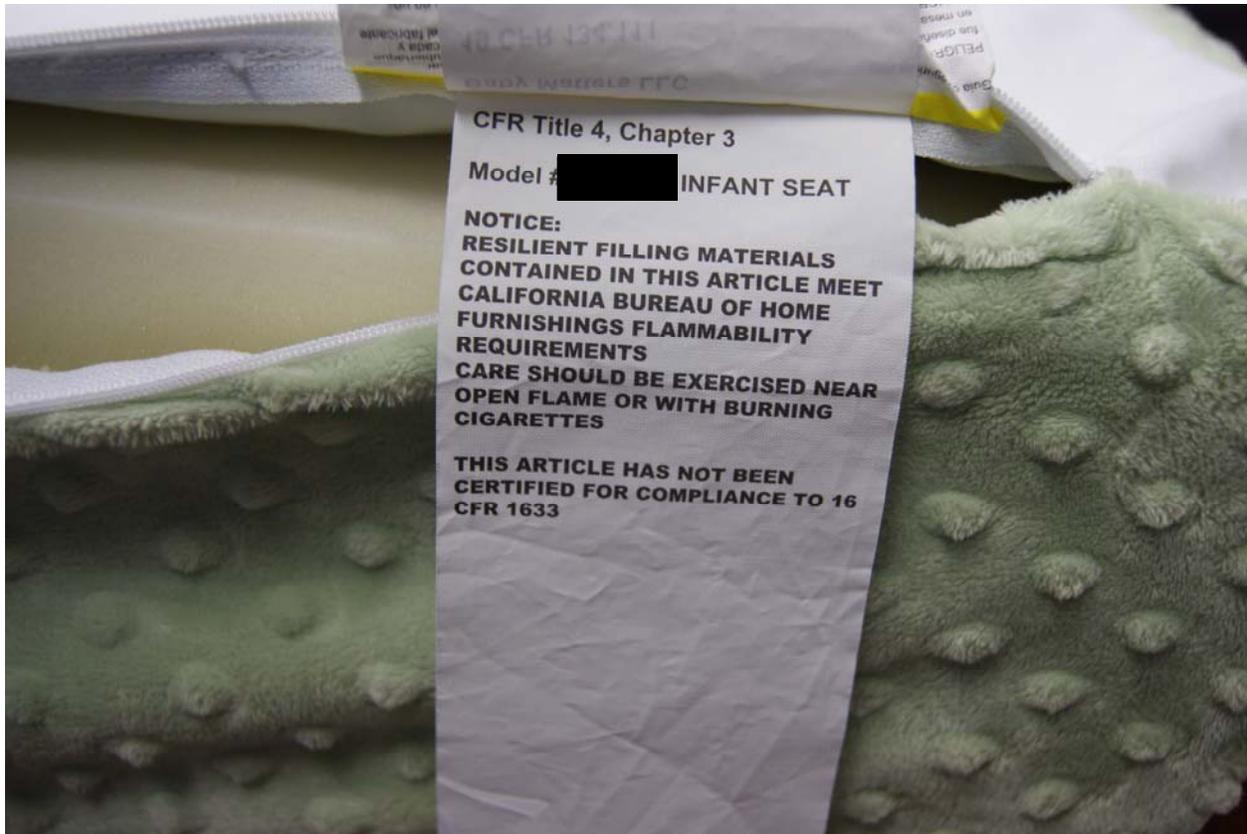
100802HNE0563. Exhibit E. Photograph 9. The labels with the product identification and warnings located on the inside of the zip cover.



100802HNE0563. Exhibit E. Photograph 10. The warning label located inside the zip cover with the manufactured date of January 15, 2010.



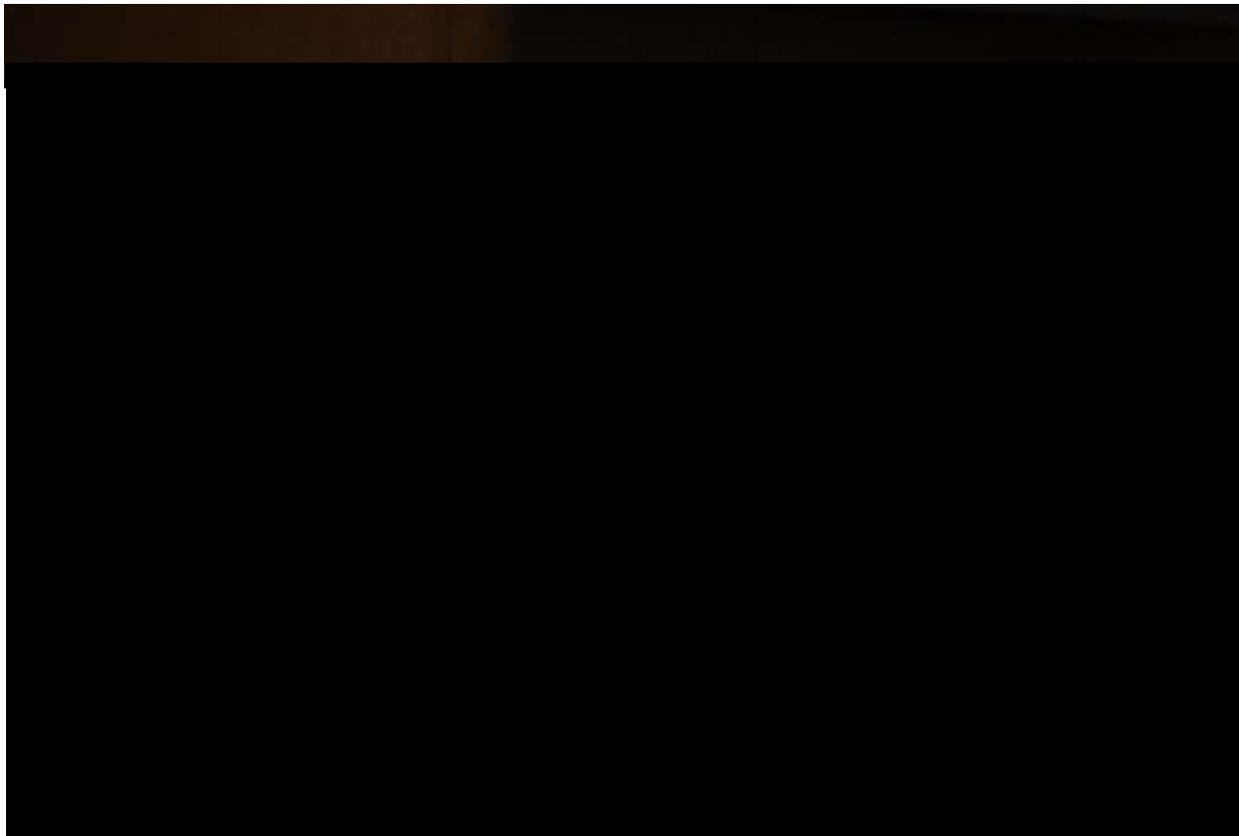
100802HNE0563. Exhibit E. Photograph 11. The label inside the zip cover with the model number and material content.



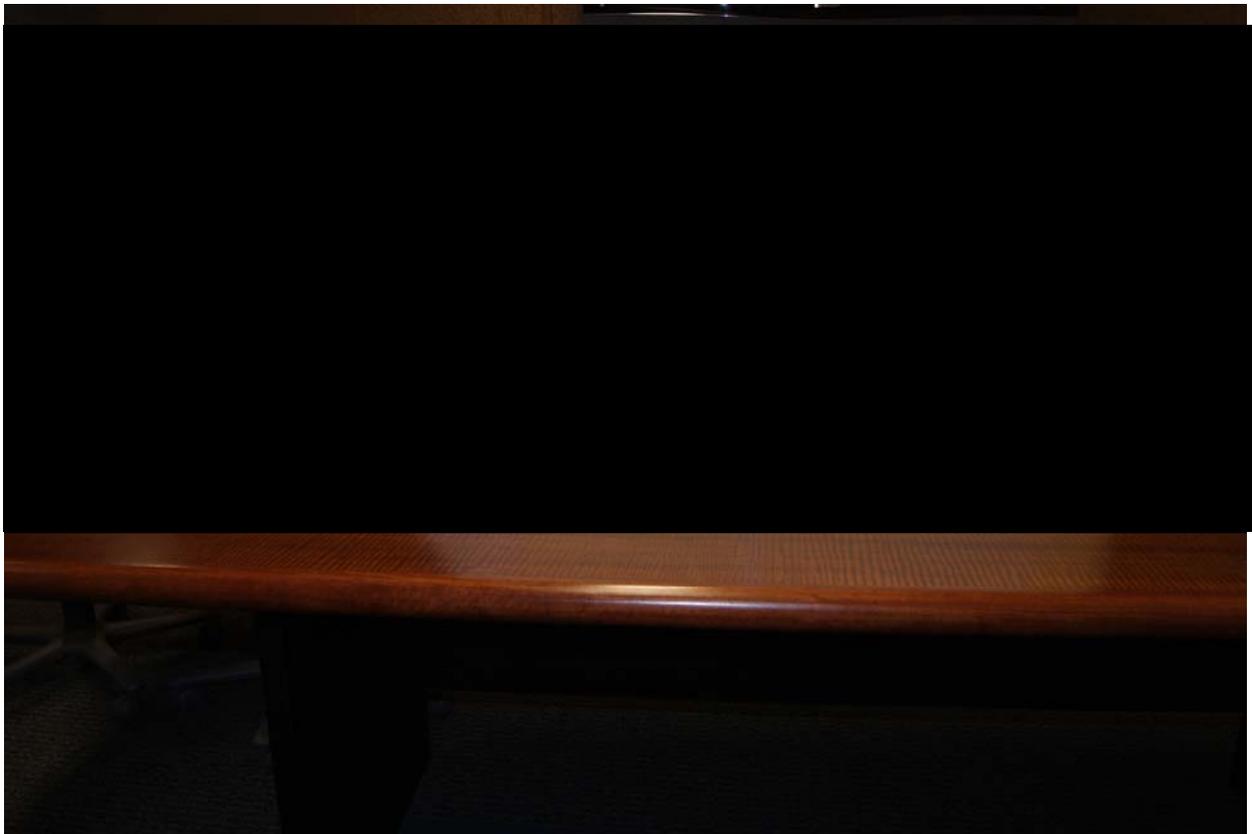
100802HNE0563. Exhibit E. Photograph 12. A label located under the zip cover.



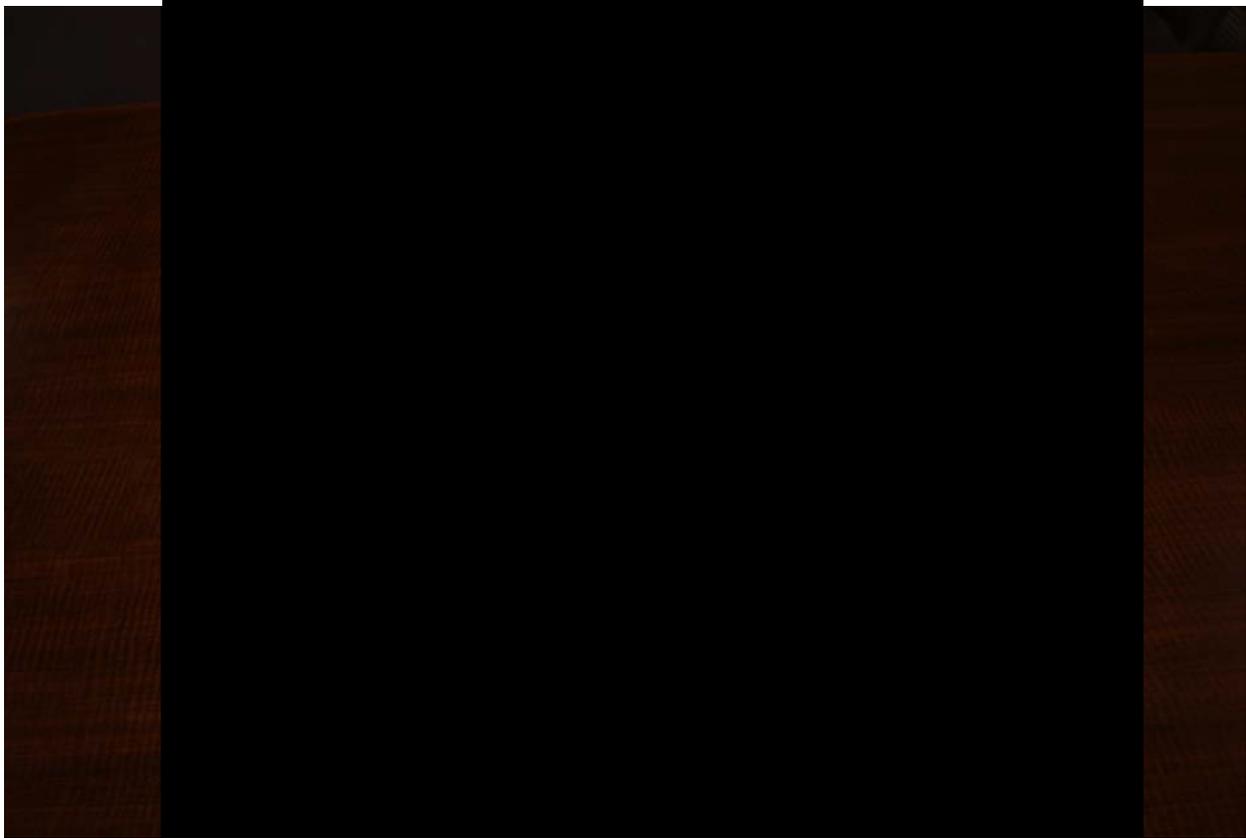
100802HNE0563. Exhibit E. Photograph 13. One of the d-rings with the velco strap fastened through it.



100802HNE0563. Exhibit E. Photograph 14. The strap on the underside of the [redacted]



100802HNE0563. Exhibit E. Photograph 15. The full view of the strap on the underside/bottom of the [REDACTED]



100802HNE0563. Exhibit E. Photograph 16. The [REDACTED] with the zip cover unzipped and the Velcro straps engaged through the d-rings on both sides.



100802HNE0563. Exhibit E. Photograph 17. The d-ring engaged through the Velcro strap on the other side.



100802HNE0563. Exhibit E. Photograph 18. A close-up view of the d-ring engaged through the Velcro strap on the opposite side.



100802HNE0563. Exhibit E. Photograph 19. The d-ring attached through the Velcro strap on one side.



100802HNE0563. Exhibit E. Photograph 20. The d-ring attached through the Velcro strap on the other side.



100802HNE0563. Exhibit E. Photograph 21. The zip cover and the Velcro strap detached from the d-rings by the police detective for photograph purposes.



100802HNE0563. Exhibit E. Photograph 22. A tear in the foam near one of the d-rings. **\*\*Please note that it is unknown how or when this tear occurred, i.e. if it occurred when the police was removing the zip cover or whether it occurred to use of the product. This investigator asked the victim's mother about the tear and she was unaware of but could not say for certain whether or not it would have occurred during normal usage. She stated that she did not check the d-rings in between each usage because the instructions did not recommend that.**



100802HNE0563. Exhibit E. Photograph 23. A small piece of foam that had “broken” off from the main body of the foam, according to officials. However it is unknown how this part of the foam was damaged, whether it was by removal of the cover by officials or the victim’s mother. Officials could not rule out their removal as a cause and based on an interview with the victim’s mother she could not rule out that it may have been during their use, however, she does not recall ever seeing a piece of foam fall or break off.

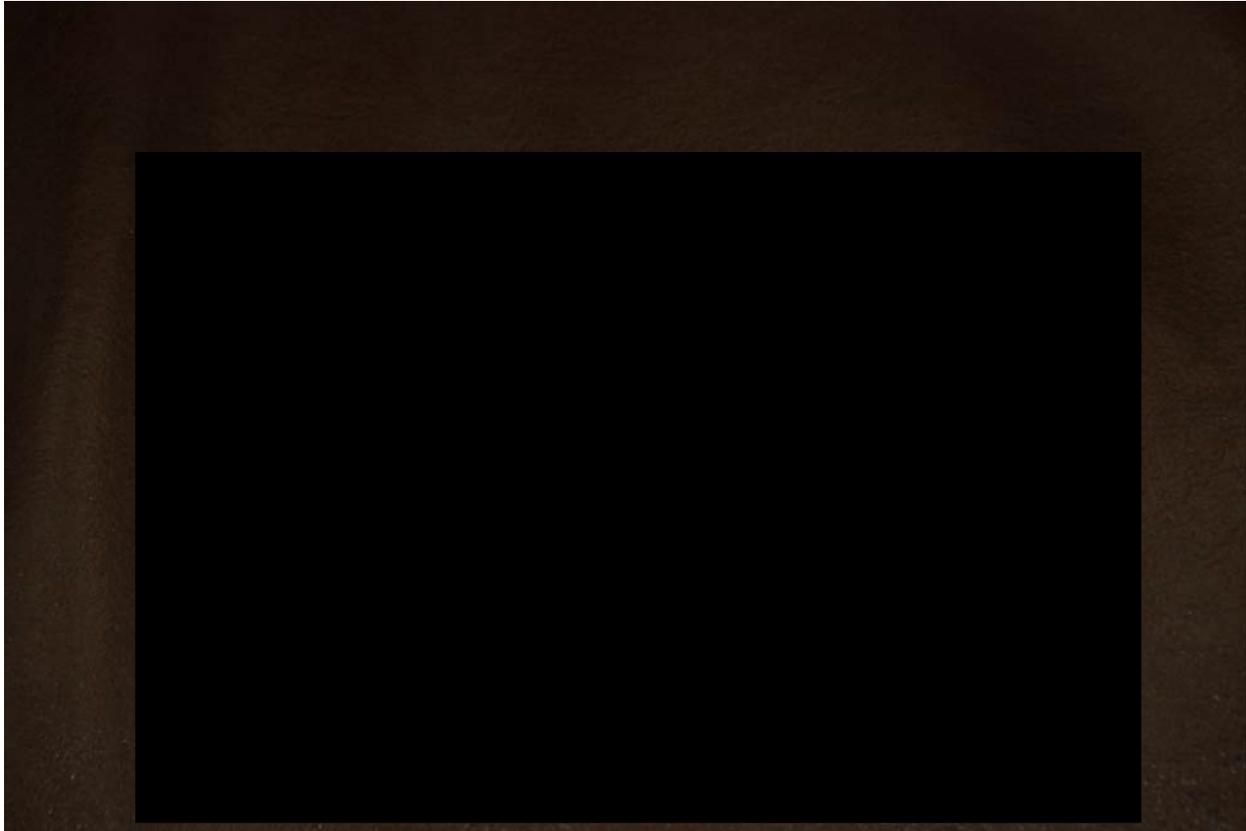


100802HNE0563. Exhibit E. Photograph 24. The size of the foam that broke off the main body of the foam.

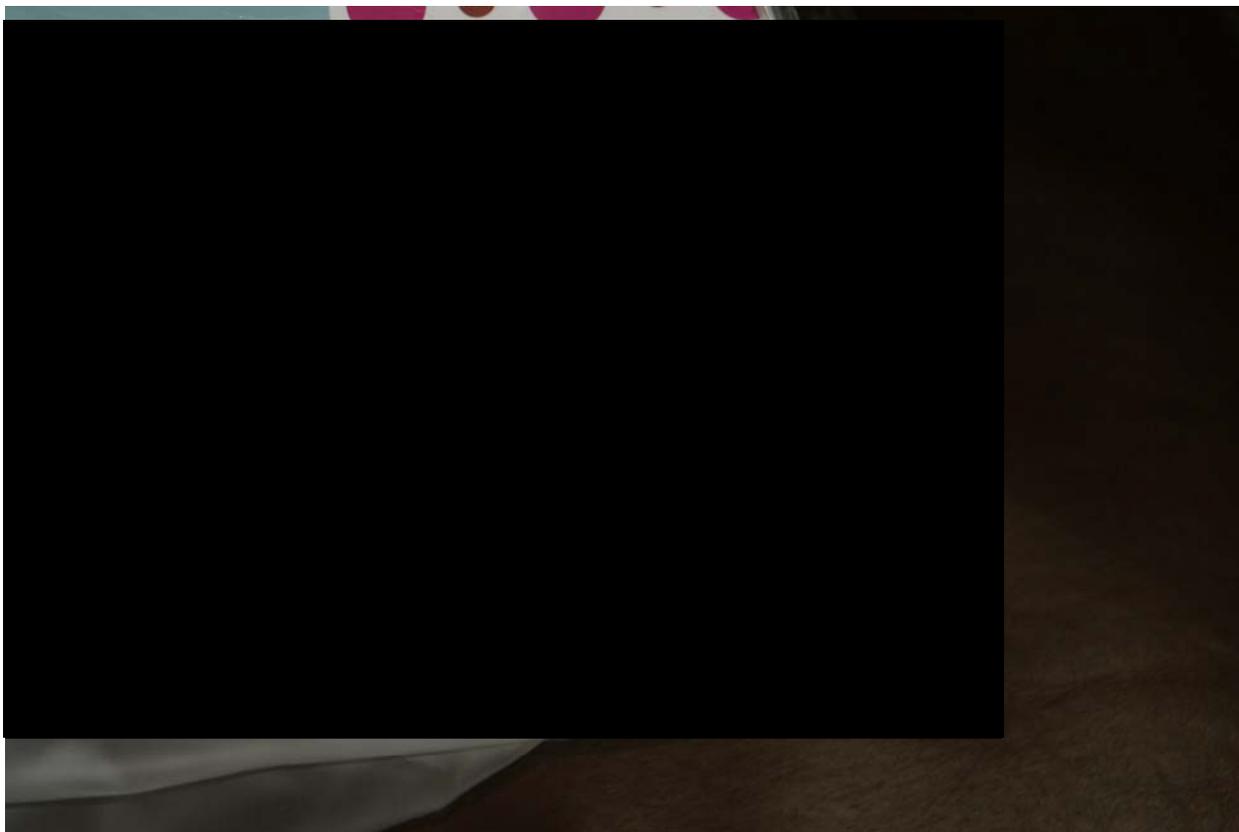


100802HNE0563. Exhibit E. Photograph 25. The instructions provided with the incident

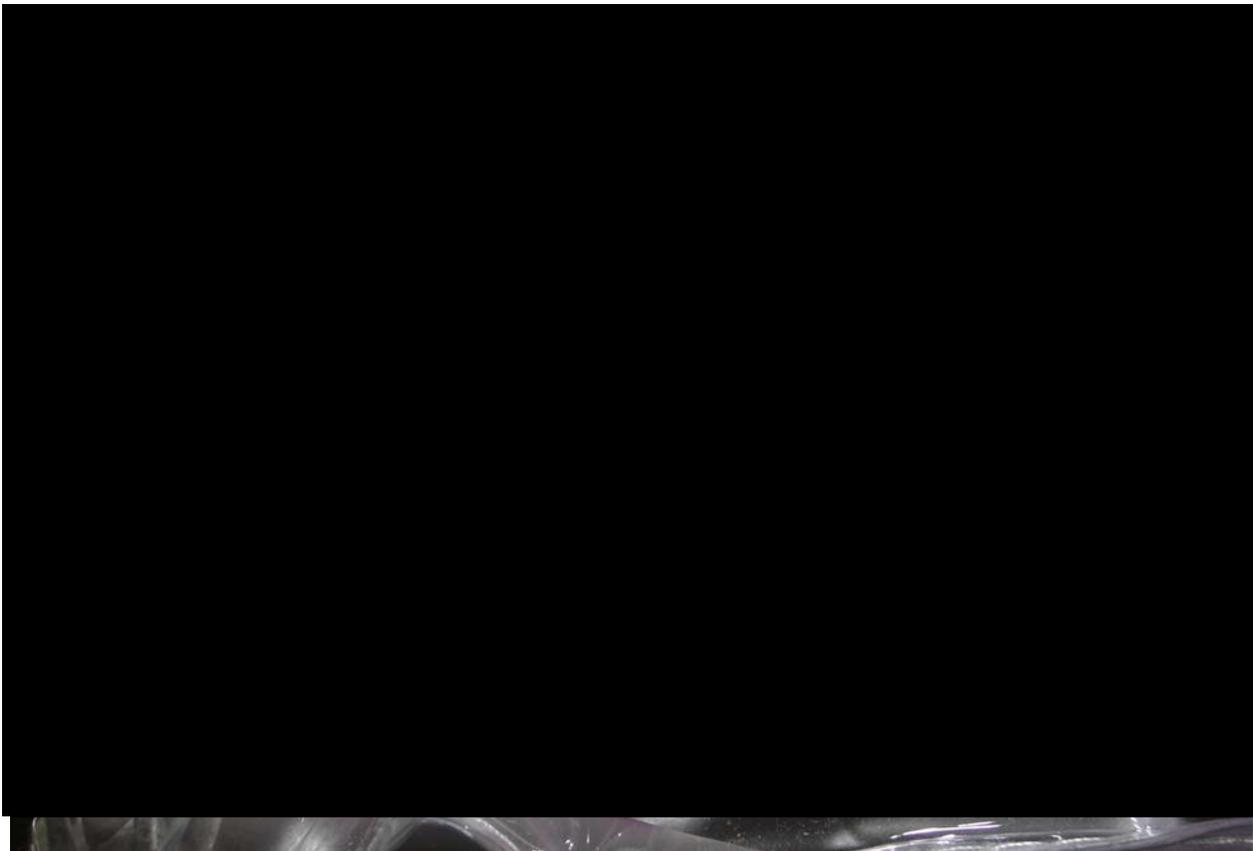




100802HNE0563. Exhibit E. Photograph 26. The product registration card that was included with the incident [REDACTED] but not filled out and returned. It remained in the package.



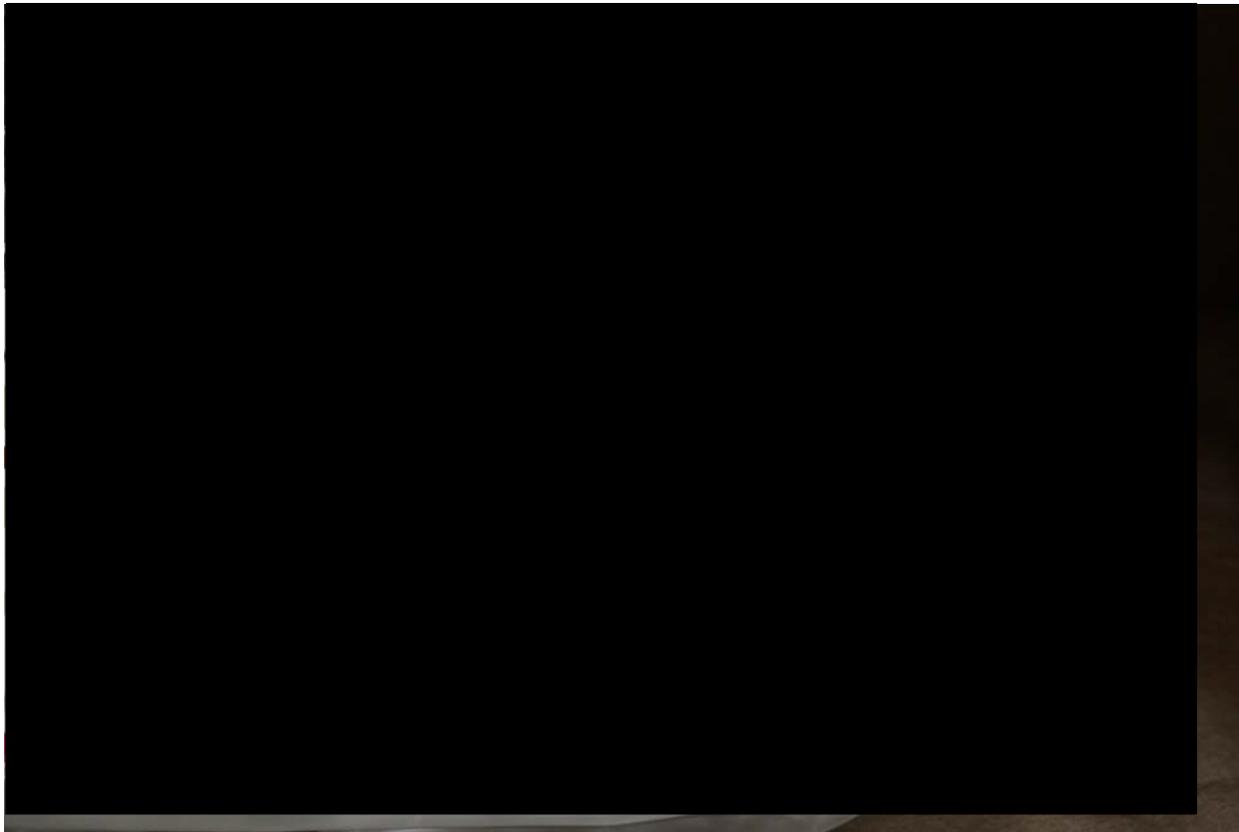
100802HNE0563. Exhibit E. Photograph 27. The manufactured date listed as Feb. 18, 2010 on the outside of the package that differs from the manufactured date of Jan. 15, 2010 listed is stamped on the label that is sewn into the inside of the zip cover.



100802HNE0563. Exhibit E. Photograph 28. The UPC code, color and model number listed on the outer package. \*\*Please note that the model number listed on the outer package is [REDACTED] however the label sewn into the zip fabric reads, [REDACTED]



100802HNE0563. Exhibit E. Photograph 29. The package in which the incident [REDACTED] was purchased in.



100802HNE0563. Exhibit E. Photograph 30. The outside of the package which lists the recommendations by doctors for ailments such as reflux, colic, colds & stuffiness, gas, and ear infections and other intended uses.



100802HNE0563. Exhibit E. Photograph 31. The outside package of the incident 

ICE OF PRIVACY PRACTICES  
With Patient: Y N

OAKLAND COUNTY EMS RUN FORM

Date: 7/9/2010  
 Responding Unit #: 63-191  
 Patient Name: [Redacted]  
 Pt. Address: [Redacted] Apt #: [Redacted]  
 City: [Redacted] Zip: [Redacted]  
 Phone #: ( ) - - DOB: 5/1/2011 Age: 2 mos  
 Guardian Name: [Redacted]  
 Pt. Physician: [Redacted]  
 Patient Destination: [Redacted]

**Prior Aid (Select All That Apply)**

AED - ERU	Airway:	Performed By:	Outcome/Condition:
AED - First Responder	<input type="checkbox"/> BVM	<input type="checkbox"/> EMS Provider	<input type="checkbox"/> Improved
AED - Public Access	<input type="checkbox"/> Combitube	<input type="checkbox"/> Law Enforcement	<input type="checkbox"/> Worse
CPR	<input type="checkbox"/> Nebulizer Treatment	<input type="checkbox"/> Lay Person	<input type="checkbox"/> Unchanged
Extrication	<input type="checkbox"/> Oxygen	<input type="checkbox"/> Other Health-care Provider	
Spinal Immobilization	<input type="checkbox"/> Suction	<input type="checkbox"/> Patient	

Response Times PGAP Call Unit Dispatched: <u>256</u> Enroute Arrive Scene: <u>256</u> Arrive Patient: <u>256</u> Transfer of Care: <u>258</u> Leave Scene: <u>258</u> Arrive Dest.: <u>304</u> In Service Unit Cancelled In Quarters	Patient Destination: [Redacted] 1st Response Agency: <u>AOFD</u> Agency Crew: <u>Tufis</u> <u>Wizard</u> <u>Smith</u> <u>Pollock</u>	Injury Description: 1. 2. Cause of Injury: Location Type: <u>Street</u> Provider Impression: <u>P. Cardiac Arrest</u> S: Hospital Contacted:	Lights & Sirens: <u>To/From</u> <b>Safety Equipment</b> <input type="checkbox"/> Airbag Deployed Front <input type="checkbox"/> Airbag Deployed Side <input type="checkbox"/> Airbag Deployed Other <input type="checkbox"/> Airbag Not Deployed <input type="checkbox"/> Airbag Not Present <input type="checkbox"/> Child Restraint <input type="checkbox"/> Eye Protection <input type="checkbox"/> Helmet Worn <input type="checkbox"/> Lap Belt <input type="checkbox"/> None <input type="checkbox"/> Personal Floatation Device <input type="checkbox"/> Protective Clothing Gear <input type="checkbox"/> Protective Non-Clothing Gear <input type="checkbox"/> Shoulder Belt
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Primary Complaint: Baby not breathing

Incident Date/Time: 7/9/2010 08:00  
Parents standing outside station & baby in arms. Baby absent of  
all V.S. CPR began & pt. placed in ambulance. Rapid transport to  
SBH. CO. CPR continued enroute. Pre to WARR. NOT EC STAFF

Level of Responsiveness	Level of Consciousness	Respiratory	Cardiovascular	Neurological	Other	Current Medications:
1-5	1-5	1-5	1-5	1-5	1-5	
Respiration Rate	Respiration Rate	Respiration Rate	Respiration Rate	Respiration Rate	Respiration Rate	
1-20	1-20	1-20	1-20	1-20	1-20	
Spinal Sounds	Spinal Sounds	Spinal Sounds	Spinal Sounds	Spinal Sounds	Spinal Sounds	
1-4	1-4	1-4	1-4	1-4	1-4	
Temp	Temp	Temp	Temp	Temp	Temp	
96-102	96-102	96-102	96-102	96-102	96-102	
ECG	ECG	ECG	ECG	ECG	ECG	
1-4	1-4	1-4	1-4	1-4	1-4	

PAST MEDICAL HISTORY: None  
 TIME: 08:00 ECG INTERPRETATION: Asystole MEDICATIONS/DEFIB: O2 & BVM & CPA ROUTE: None AIRWAY/OTHER TREATMENT: None MEDIC: None

MEDICAL CONTROL AUTHORITY

<b>Procedures / Treatment:</b> <input checked="" type="checkbox"/> Assisted Ventilation <input type="checkbox"/> Backboard <input type="checkbox"/> Bleeding Control <input type="checkbox"/> Bum Care <input type="checkbox"/> Capnography <input type="checkbox"/> Cervical Immo. <input checked="" type="checkbox"/> CPAP <input checked="" type="checkbox"/> CPB <input type="checkbox"/> Defib <input type="checkbox"/> ECG-12 Lead <input type="checkbox"/> Glucometer <input checked="" type="checkbox"/> ICS <input type="checkbox"/> Obstetrical Care <input type="checkbox"/> Oro/Naso Airway	<b>C-Spine Immobilization:</b> Indicator: Yes No Altered Mental Status Cervical Pain Cervical Tenderness Ext. Fracture Neuro Deficit Possible ETOH Thoracic/Lumbar Pain Thoracic/Lumbar Tend. <b>IMMOBILIZED</b>	<b>Tx/Remarks:</b> Destination Determination: <input checked="" type="checkbox"/> Closest Facility <input type="checkbox"/> Protocol Guideline <input type="checkbox"/> Patient/Family Choice <input type="checkbox"/> Patient's Physician Choice <input type="checkbox"/> Specialty Resource Ctr. <input type="checkbox"/> Law Enforcement Choice <input type="checkbox"/> Diversion <input type="checkbox"/> On-Line Medical Director Witness Signature:	<b>Stroke Scale</b> Assessed Positive <input type="checkbox"/> Facial Droop <input type="checkbox"/> Arm Drift <input type="checkbox"/> Speech Transporting Unit #: <u>191</u>
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1008024NEOS63 Exhibit K.

U.S. CONSUMER PRODUCT SAFETY COMMISSION

NOTICE OF INSPECTION

1. DATE 9-29-10		3. FROM (Area Office and Address): [Redacted]	
2. TIME 10:40 A.M. _____ P.M.		[Redacted]	
4. TO	A. NAME AND TITLE OF INDIVIDUAL [Redacted] Department Manager		
	B. FIRM NAME Buy Buy Baby		
	C. NUMBER AND STREET ADDRESS 13361 Hall Road		
	C. CITY, STATE, AND ZIP CODE Utica, MI 48315		
Notice of Inspection is hereby given pursuant to:			
<ul style="list-style-type: none"><li>• Section 5(a) of the Flammable Fabrics Act (15 U.S.C. § 1194(a));</li><li>• Sections 6(a), 9, and 10 of the Federal Trade Commission Act (15 U.S.C. §§ 46(a), 49, and 50);</li><li>• Sections 16, 19, and 27 of the Consumer Product Safety Act (15 U.S.C. §§ 2065, 2068, and 2076)</li><li>• Sections 301(e) and (f) and Section 704(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. §§ 331(e) and (f) and 374(a)) [Authority for inspections in connection with the Poison Prevention Packaging Act of 1970 (15 U.S.C. § 1471 <i>et seq.</i>); and/or</li><li>• Sections 4(e), 11(b), and 12 of the Federal Hazardous Substances Act as Amended (15 U.S.C. §§ 1263(e), 1270(b), and 1271).</li></ul>			
Refer to the back of this form for pertinent statutory language.			
5. PURPOSES OF INSPECTION AND NATURE OF INFORMATION TO BE OBTAINED AND/OR COPIED			
The purpose of this inspection is to obtain information; to review and obtain copies of items including, but not limited to, records (including electronic records), reports, books, documents, and labeling; and to obtain samples, in order to enforce or determine compliance with the Acts administered by the Consumer Product Safety Commission.			
6. FREEDOM OF INFORMATION REQUIREMENTS			
Those from whom information is requested should state whether any of the information submitted is believed to contain or relate to a trade secret or other matter which should be considered by the Commission to be confidential and whether any of the information is believed to be entitled to exemption from disclosure by the Commission under the provisions of the Freedom of Information Act (5 U.S.C. § 552). Any statement asserting this claim of confidentiality must be in writing, and any request for exemption of the information from disclosure must be made in accordance with the Commission's Freedom of Information Act regulations, 16 CFR Part 1015.			
7. SIGNATURE (Authorized CPS [Redacted])			

<b>AFFIDAVIT</b>	SAMPLE NO. N/A
STATE OF Michigan	COUNTY OF Macomb
<p>Before me, <u>Helen Gergle</u>, a duly authorized employee of the Consumer Product Safety Commission, appropriately designated by the Chairman of said Commission pursuant to provisions of the Consumer Product Safety Act (sec. 27 (b) (2), 86 Stat. 1228; 15 U.S.C. 2076 (b) (2)), to administer or take oaths, affirmations, and affidavits, personally appeared [redacted] in the county and State aforesaid, who, being first duly sworn, deposes and says:</p>	
<p>On 9/29/10 CPSC Investigator Helen Gergle entered our firm presented credentials and issued a Notice of Inspection. I, [redacted] am Department Manager and have been employed at Buy Buy Baby located at 13361 Hill Road, Utica, MI 48315 since the store opened two years and as such was able to provide Investigator Gergle with the requested information.</p>	
<p>Buy Buy Baby has carried the second generation of the [redacted] since March 4, 2010. Prior to that the [redacted] was exclusively offered online. Our firm purchases the [redacted] directly from [redacted] located [redacted]. Our location has sold a total of 159 units, sold in four various colors. We currently have 78 in our inventory. We have never carried the first generation, however, we pulled all of the second generation [redacted] following the recall on July 26, 2010 until we received the safety stickers that needed to be added to the [redacted]. Once the safety stickers were placed on the inventory, we continued selling the [redacted]. Immediately after the recall we received approximately 10-12 returns of the second generation.</p> <p style="text-align: right;">Continued on Page 2</p>	
AFFIAN x [redacted]	Dept Mgr
<p>FIRM (Name and address, include ZIP Code) Buy Buy Baby 13361 Hill Road Utica, MI 48315</p>	
<p>Subscribed and sworn before me at <u>Utica, MI</u> this <u>29th</u> day of <u>September</u>, 2010. (City and State)</p>	
<p>(Employee's Signature) <u>Helen Gergle</u> EMPLOYEE OF THE CONSUMER PRODUCT SAFETY COMMISSION ACTING IN ACCORDANCE WITH AUTHORITY GRANTED IN THE ABOVE STATED DECLARATION.</p>	

**AFFIDAVIT**

SAMPLE NO.

N/A

STATE OF

Michigan

COUNTY OF

Macomb

Before me, Helen Bergle, a duly authorized employee of the Consumer Product Safety Commission, appropriately designated by the Chairman of said Commission pursuant to provisions of the Consumer Product Safety Act (sec. 27 (b) (2), 86 Stat. 1228; 15 U.S.C. 2076 [redacted] or take oaths, affirmations, and affidavits, personally appear [redacted] in the county and State aforesaid, who, [redacted] sworn, deposes and says:

Since then we have received approximately 20 [redacted] returns in total. We have not received any complaints as to the use of the [redacted] but have had customers express concern as to why our firm still carries the product. At that time, it is explained to the customers that our firm has complied with the recall instructions and our firm does not have any of the recalled first generation model.

[Large handwritten signature area]

AFFIANT'S SIGNATURE

x

[redacted]

Dept Mgr

FIRM (Name and address, include ZIP Code)

Buy Buy Baby  
13361 Hall Road  
Utica, MI 48315

Subscribed and sworn before me at Utica, MI

this 29<sup>th</sup> day of September, 2010. (City and State)

(Employee's Signature)

Helen Bergle

EMPLOYEE OF THE CONSUMER PRODUCT SAFETY COMMISSION ACTING IN ACCORDANCE WITH AUTHORITY GRANTED IN THE ABOVE STATED DECLARATION.

Task No: 100802HNE0563  
Date: 9/29/10

**STATUS OF MISSING DOCUMENT(S)**

The official records below were requested for this investigation report, but could not be obtained.

1. Scene photographs from the Royal Oak Police Department \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

Date: <u>6/9/09</u>	Investigator No: <u>9099</u>
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Regional Office: CFIE Supervisor No: 9071

# News from CPSC

U.S. Consumer Product Safety Commission

Office of Information and Public Affairs

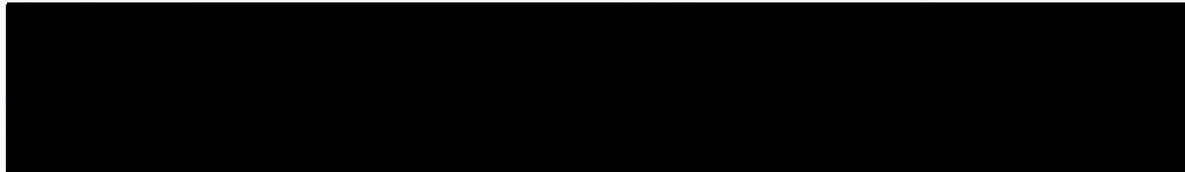
Washington, D.C. 20207

**For Immediate Release**

Release [REDACTED]

[REDACTED]  
CPSC Recall Hotline: (800) 638-2772

CPSC Media Contact: (301) 504-7908



WASHINGTON, D.C. – The U.S. Consumer Product Safety Commission (CPSC), in cooperation with [REDACTED] of [REDACTED], is announcing the voluntary recall of 30,000 [REDACTED]® portable baby recliners. CPSC is investigating a report of a 4-month-old girl from Royal Oak, Mich. who died in a [REDACTED] that was being used in a crib. According to preliminary reports, the infant was in her harness and found hanging over the side of the product, caught between the [REDACTED]® and the crib bumper.

CPSC and [REDACTED] are aware of one other incident in which an infant became entrapped when the [REDACTED] was used in a crib, contrary to the product instructions. In that incident, the infant fell over the side of the [REDACTED], despite being harnessed in, and was caught between the baby recliner and the side of the crib. The infant sustained a cut to the forehead.

CPSC and the firm have received 22 reports of infants, primarily younger than 5-months-old, hanging or falling out over the side of the [REDACTED] despite most of the infants being placed in the harness. One infant received a bruise as a result of hanging over the side of the product.

Infants can partially fall or hang over the side of the [REDACTED] even while the harness is in use. This situation can be worse if the Velcro™ straps, located inside the [REDACTED] cover are not properly attached to the “D”-rings located on the foam, or if consumers are using the first generation model [REDACTED]® that was sold without “D”-rings.

In addition, if the [REDACTED] is placed inside a crib, play yard or other confined area, which is not a recommended use, the infant can fall or hang over of the side of the [REDACTED] and become entrapped between the crib side and the [REDACTED] and suffocate.

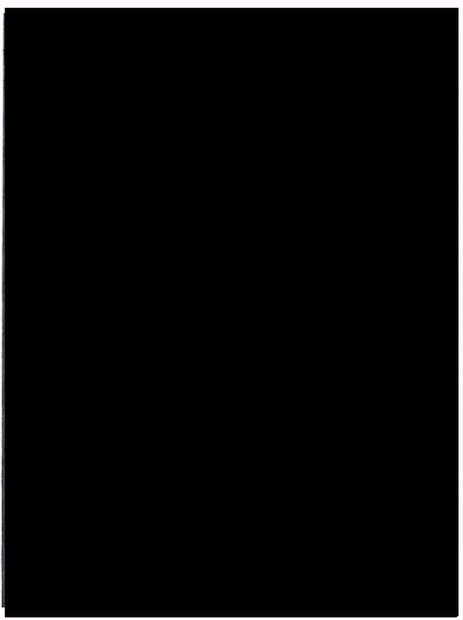
Likewise, if the [redacted] is placed on a table, countertop, or other elevated surface and a child falls over the side, it poses a risk of serious head injury. **Consumers should always use the [redacted] on the floor away from any other products.**

The [redacted] is a portable recliner designed for sleeping, resting and playing. The recliner includes a foam base with an inclined indentation for the infant to sit in and a fitted fabric cover and a three point harness. The first generation model of the [redacted] can be identified by the absence of D-rings in the foam base. In second generation models, the harness system has D-rings in the foam base and Velcro™ straps inside the fitted fabric cover.

The recalled [redacted] were sold at toy and children's retail stores nationwide and online, including at [redacted] from January 2009 through July 2010 for about \$130.

The recalled product was manufactured in the United States and China.

Consumers with a first generation [redacted]® models, without "D" rings, should stop using the recalled baby recliners immediately and contact the firm to receive an \$80 coupon towards the purchase of a new [redacted] with free shipping. Consumers with a second generation [redacted] model, with "D" rings, should immediately stop using the product until they are able to visit the firm's website to obtain new product instructions and warnings. Consumers will also view an important instructional video to help consumers ensure the harness is properly fastened. Consumers who are unable to view the video or new instructions online, should contact the firm to receive free copies by mail. For more information, contact [redacted] [redacted] between 9 a.m. and 5 p.m. ET Monday through Friday or visit the firm's website at [www.\[redacted\]](http://www.[redacted])



CPSC is still interested in receiving incident or injury reports that are either directly related to this product recall or involve a different hazard with the same product. Please tell us about it by visiting <https://www.cpsc.gov/cgibin/incident.aspx>

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The U.S. Consumer Product Safety Commission is charged with protecting the public from unreasonable risks of injury or death from over 15,000 types of consumer products under the agency's jurisdiction. Deaths, injuries and property damage from consumer product incidents cost the nation more than \$800 billion annually. The CPSC is committed to protecting consumers and families from products that pose a fire, electrical, chemical, or mechanical hazard. CPSC's work to ensure the safety of consumer products - such as toys, cribs, power tools, cigarette lighters, and household chemicals – contributed significantly to the 30 percent decline in the rate of deaths and injuries associated with consumer products over the past 30 years.

Under federal law, it is illegal to attempt to sell or re-sell this or any other recalled product.

To report a dangerous product or a product-related injury, call CPSC's Hotline at (800) 638-2772, teletypewriter at (800) 638-8270, or visit [www.cpsc.gov/talk.html](http://www.cpsc.gov/talk.html). Consumers can obtain this press release and recall information at [www.cpsc.gov](http://www.cpsc.gov). To join a free e-mail subscription list, please go to [www.cpsc.gov/cpsclist.aspx](http://www.cpsc.gov/cpsclist.aspx).