

9 JAN 1997

1. TASK NUMBER 960919CCC5628		2. INVESTIGATOR'S ID 8170		EPIDEMIOLOGIC INVESTIGATION REPORT
3. OFFICE CODE 800	4. DATE OF ACCIDENT YR MO DAY 951030	5. DATE INITIATED YR MO DAY 961007		
6. SYNOPSIS OF ACCIDENT OR COMPLAINT UPC NONE A 10 month old male succumbed in the hospital 38 days following a near drowning incident when he was in a baby bathing in an apartment bathtub. The victim toppled over and was submerged under water for about 2 minutes while his mother answered the telephone. The bathing has been discarded.				
7. LOCATION (Home, School, etc.) Apartment (bathroom) 10		8. CITY Garfield		9. STATE NJ
10A. FIRST PRODUCT Baby Bathring 1557		10B. TRADE/BRAND NAME UNKNOWN		10C. MODEL NUMBER UNK
10D. MANUFACTURER NAME AND ADDRESS UNK UNK UNK				
11A. SECOND PRODUCT Bathtub 0611		11B. TRADE/BRAND NAME UNK		11C. MODEL NUMBER UNK
11D. MANUFACTURER NAME AND ADDRESS UNK UNK UNK				
12. AGE OF VICTIM 210		13. SEX 1		14. DISPOSITION Died in hospital 8
15. BODY PART (S) INVOLVED All parts 85		17. RESPONDER Detective 3		18. TYPE OF INVESTIGATION Telephone 2
16. TIME SPENT (OPERATIONAL HOURS) 10		19. TIME SPENT (OPERATIONAL HOURS) 10		20. ATTACHMENT(S) MULTI 9
21. CASE SOURCE MECAP 12		22. SAMPLE COLLECTION NUMBER NONE		
23. PERMISSION TO DISCLOSE NAMES (NON WEISS CASES ONLY) NO				
24. REVIEW DATE 970116		25. REVIEWED BY 8342		26. REGIONAL OFFICE DIRECTOR
27. DISTRIBUTION O:EHDS CC:CECA				

WFR/PRVLR NOTIFIED
 No Comments made
 Comments attached
 Excisions/Revisions
 Firm has not requested
 Other
 2/5/97
 [Signature]

NOTE: The repondent is the police detective who investigated this incident. The NJ Division of Youth and Family Services (DYFS) was contacted but declined to comment on the incident other than to state that their investigation is closed and found the incident to be accidental and that the baby bathring involved had been discarded. The victim's parents were not interviewed. The identity of the involved baby bathring is not known.

PRE-INCIDENT

Per detective this incident occurred in a side two story apartment in a two story stucco over frame single family dwelling that had been converted into a front and a side two story apartment. The dwelling was located in a residential neighborhood and constructed 60-70 years ago per detective.

The rear apartment was occupied by the victim, a male age 10 months, his father, age 31 years, his mother, age 22 years, and his sister, age 2 years. The family is of Korean ancestry per detective. The victim's father is employed at a clothing store in a mall about 10 miles distance and was at work at the time of the incident. The victim's mother is a homemaker. Per detective the victim was reportedly a normal healthy child with no known impairments.

Per detective the victim and his sister would receive daily baths in the upstairs bathroom bathtub. The bathtub is of an older cast iron white enamel style with a slight downward angle to the front drain. A suction bathmat was usually in place on the tub bottom. Per detective, the victim's mother would usually fill the tub with about 10" of warm water and place the victim's sister in the deeper drain end of the tub and place the victim in a baby bathring in the center of the tub. She would then give the two children their baths.

Per detective he does not know when the bathtub bathing began but indicated that it was a routine task performed by the victim's mother and this was not the initial bath. He related that the origin and history of the baby bathring is not known and it may have been used by the victim's older sister.

Per detective at some unknown time the plastic baby bathring lost one of it's four white vinyl suction cup feet and at the time of the incident it had only three suction cup feet. Further per detective the baby bathring was placed on the rough surface of the vinyl bathtub mat and no suction seal was formed making the baby bathring mobile.

This incident occurred on 10/30/95, at approximately 8:30 P.M. as the victim and his older sister were being given a bath by the victim's mother. The victim had been placed in the bathing on the bathmat near the center of the bathtub by his mother and his older sister was sitting in front near the drain. An estimated 10" of water was in the tub in the center per detective.

Shortly after beginning the bath, the telephone rang and the victim's mother went to answer it leaving the victim and his sister in the bathtub. Per detective the victim's mother reports that she was on the phone for about two minutes and then returned to the bathroom. It was then that she discovered the victim had toppled over on his back with his face completely under water.

INCIDENT

A 10 month old male succumbed 38 days following a near drowning incident when he was in a baby bathing in an apartment bathtub. The victim toppled over and was submerged under water for about 2 minutes while his mother answered the telephone.

POST INCIDENT

The victim's mother pulled the victim from the tub and placed him on her bed in the bedroom. Per detective the victim was unresponsive and water emanated from his mouth. He reports that the victim's mother then returned to finish her daughter's bath thinking the victim would quickly revive. She finished giving her daughter a bath and dried her before returning to the bedroom. This took about 7 minutes per detective.

Upon returning to the bedroom the mother observed the victim still nonresponsive and blue in color. She then reportedly ran outside to the front apartment to summon help but no one was home in the front apartment. She then ran across the street where neighbors called 911.

The first respondents were a police officer and an ambulance corps officer who had driven to the scene in his own vehicle. Emergency oxygen was administered but the victim remained unresponsive. Ambulance personnel then arrived and the victim was transported to the hospital where a pulse was regained and the victim was placed on a respirator. After 38 days on the respirator with no signs of brain activity the victim's parents authorized removal of all life supports and the victim expired on 12/7/95.

An autopsy was performed and death was attributed to anoxic encephalopathy following near drowning at home. The manner of death was listed as undetermined. Per detective the police investigation and subsequent investigation by DYFS both found no intentional neglect on part of the victim's mother and the incident was ruled accidental.

PRODUCT IDENTIFICATION

Per detective the origin and history of the baby bathing involved in this incident is unknown. He remarked that the bathing was not new and may have been used by the the victim's older sister. It was taken by the police as evidence and then turned over to DYFS when the police were satisfied death was accidental. DYFS has indicated they discarded the baby bathing when their investigation findings showed no intentional neglect on part of the victim's mother.

Per detective the bathing was of blue plastic construction with an estimated 12"-15" diameter base and a slightly larger diameter raised supporting ring about 10"-12" above the base. The supporting ring had three colored revolving beads in the front. The base had three white vinyl suction cups estimated at 2" in diameter. One of the front two suction cups was missing and per detective it is not known when and how it became lost. He reports that it was missing at the time of the incident.

Per detective he recalls no labeling on the bathing. The photographs of the bathing indicate some illegible printing molded on the top support ring. The bathing at the time was reportedly positioned near the center of the bathtub and resting on a white vinyl bathmat. Per detective the surface of the vinyl bathmat rendered the suction cups unable to form a suction and secure the bathing to the mat making it mobile. The victim was then able to topple over backwards in the bathing submerging his face underwater. Per detective the victim could also have been pushed backwards by his sister in the tub and then struck his head on the back of the tub and then slid under water, although there was no injury to the back of victim's head.

STANDARDS

There is no labeling recalled by the detective which would indicate that the bathing complied with any standard.

EXHIBITS

Exhibits A1/A12: Photographs taken by Garfield Police Dept.
Exhibit B: Police Report
Exhibit C: Autopsy Report

NOTE THAT THESE PHOTOGRAPHS WERE TAKEN BY THE GARFIELD POLICE DEPARTMENT ON THE EVENING OF THE INCIDENT(10/30/95)



①

The incident occurred in this two story stucco over frame single family dwelling that had been converted into two up and down apartments, a front entrance and a side entrance.



②

Side entrance apartment with light over door is where this incident occurred.

2. / 1

③

View of downstairs kitchen area.

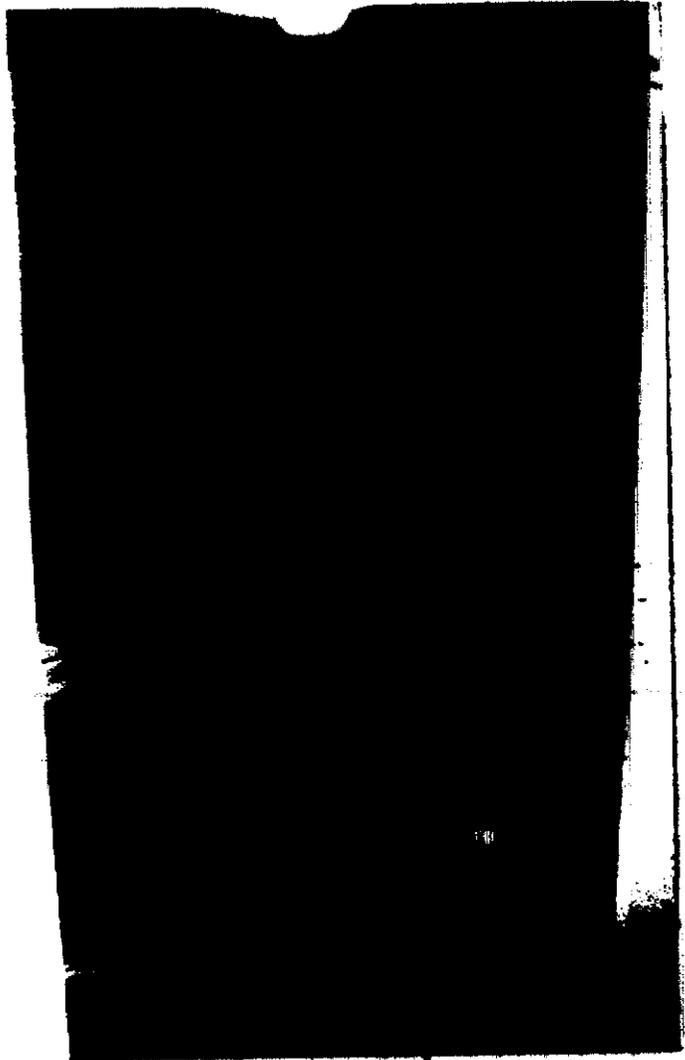


EXHIBIT A3



④

View looking into upstairs bathroom where incident occurred.

ALL



⑤

Green bucket is approximately where victim's sister was located in the bathtub. Yellow dish is approximately where victim was located when taking his bath but centered more on the vinyl bathmat. The bathring used by victim was situated on the vinyl bathmat which did not permit secure suction and the bathring could then move.

FYH/IT A.5

960919CCC5628



View looking into the bathroom. Note that the blue plastic bathing involved in this incident is shown situated on the hamper.

EXHIBIT A1.



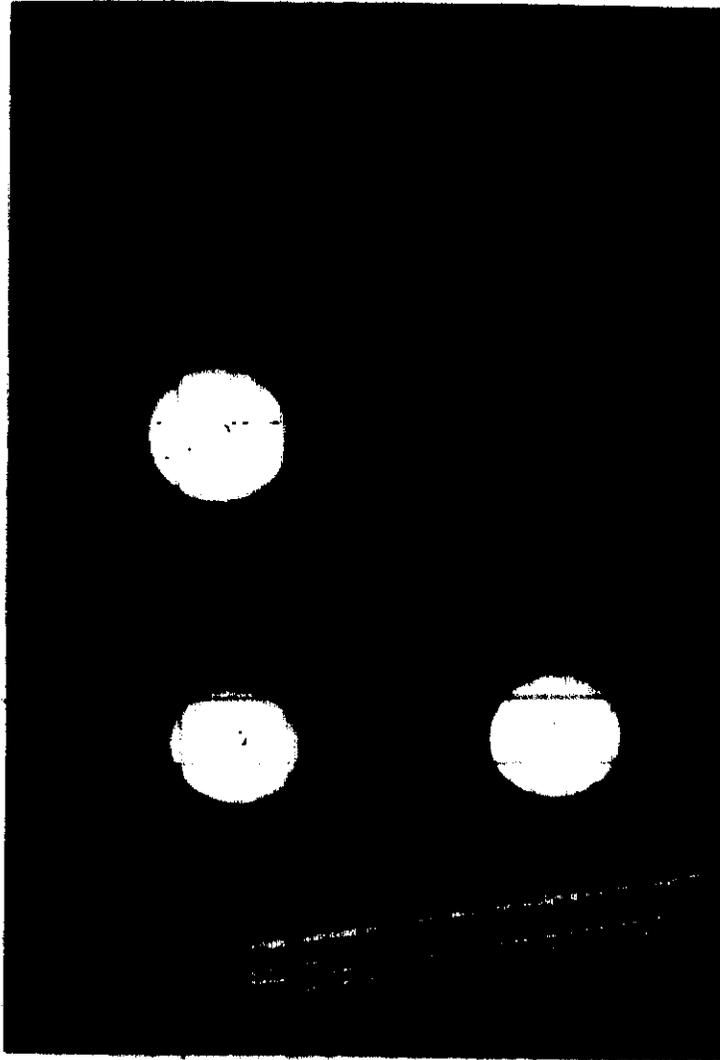
47

Another view looking into the bathroom similiar to previous photo. Note involved bathring.



8

The involved bathring shown here. No labeling was recalled by police detective although there appears to be printing molded into the retaining ring. The bathring was also missing one of the four suction feet.



Base of the involved bathing showing one of the four vinyl suction cup feet missing. Per detective the whereabouts of the missing cup is not known and victim's mother stated that it had been missing for some time. The suction cups could not form a suction on the vinyl bathmat per detective and victim apparently toppled over backwards when his mother went to answer the telephone. When she returned about 2 minutes later victim was lying on his back in the tub with his face submerged under water. Detective stated tub had about 10" on water in it. Detective also theorized that victim's sister in the tub with him may have pushed victim to cause him to topple over and possibly striking his head on the tub although there is no apparent head injury to support this theory. NOTE that police turned over the bathing to the NJDYFS when their investigation found incident was an accident. DYFS later discarded bathing when their investigation found no apparent parental neglect.



Mother removed victim from bathtub and placed him on her bed shown here. Victim was unresponsive and was emitting water from mouth. Per detective the mother then went into the bathroom to finish giving her daughter a bath apparently thinking victim would revive when she returned. When mother returned about 7 minutes later victim had turned blue in color and remained unresponsive.

Victim - 10



12

Photo shows children's bedroom.

EVILRIT A17

GARFIELD POLICE DEPARTMENT
Garfield, New Jersey
DETECTIVE DIVISION
Investigative Report

Case No. 95-319

Date: October 30, 1995

Page: 1. of 4.

Complainant [REDACTED] Street, Garfield, New Jersey

On Monday, October 30, 1995 at approximately 8:41 p.m., the Garfield Police Department received a telephone call from [REDACTED] and also from [REDACTED] [REDACTED] Street, Garfield, New Jersey. Both parties reported a baby having trouble breathing. Immediately, officers were dispatched to the reported location, along with the Garfield Volunteer Ambulance Corp, and the Hackensack University Medical Center, Mobile Intensive Case Unit, (Paramedics).

On arrival, Police Officer Everett Garnto was met by Lt. Gregory Pantis of the Garfield Ambulance Corp as they were directed to the correct address which was 188 Chestnut Street, first floor rear apartment. As they both entered the door way, they observed a young infant lying on the floor. A quick patient assessment revealed that the infant was not breathing and had no pulse. At this time, the ambulance arrived along with P.O. Ronald Polonkay and the undersigned. The infant was carried to the ambulance while Cardiopulmonary Resuscitation was being performed and continued during transport to the Hackensack University Medical Center, located in Hackensack, New Jersey. See initial incident reports for further details.

On arrival at the hospital, Emergency Room personnel immediately began treating the infant. As a result, the infant regained a pulse, but was unable to breath without the use of a respirator. The infant, identified as Joonyoung Park, age 10 months, DOB 1-16-95 was admitted to the Pediatric Intensive Care Unit by Dr. Bruce Friedman, M.D., attending physician and unit director. The infants condition was listed as very critical according to Dr. Friedman.

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EXHIBIT B (1 of 10)

GARFIELD POLICE DEPARTMENT

Garfield, New Jersey

DETECTIVE DIVISION

Investigative Report

Case No. 95-319

Date: October 30, 1995

Page: 2. of 4.

Complainant

Address [REDACTED] St., Garfield, New Jersey

At this time, the undersigned interviewed the mother, on [REDACTED] age 22, DOB 09-03-73, she stated that she was giving a bath to her two (2) children, [REDACTED] age 2, DOB 11-05-93 in the bathroom tub. The infant [REDACTED] was sitting in the rear portion of the tub, inside a blue tub child supporter. At this point, she stated that the telephone rang and she left the bathroom to answer it in the kitchen. She was in the kitchen for about 2 minutes and when she returned, she found that the infant had fallen on his back and under the water. She immediately picked the baby up out of the water, and as she did, the baby began to cough, and water emanated from the nose and mouth. She then held the baby for about two (2) minutes, then placed him on her bed, on his stomach with his face to the side so the water could drain onto a small blanket she placed on the bed. She then went back to the bathroom, finished washing her daughter, dressed her and placed her down in front of the television this took approximately seven (7) minutes according to Mrs. Park. She then went back into her bedroom to check on the baby, and found that the infant was blue in color and not moving. She began to shake the baby but received no response. She immediately ran outside to the front apartment with the baby in her arms and knocked on the door, but no one answered. She then ran across the street to 195 Chestnut Street for help, then back to her apartment, the police then arrived and took the baby.

At approximately 10:40 p.m., the undersigned interviewed the infants father, [REDACTED] age 31, who had just arrived at the hospital from working at a retail clothing store named, Cliques, located in the Hudson Mall, Route 440, Jersey City, New Jersey. He stated that he was at work, but spoke with his wife at about 8:00 p.m., she made no mention of the above incident to him at that time.

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GARFIELD POLICE DEPARTMENT

Garfield, New Jersey

DETECTIVE DIVISION

Investigative Report

Case No. 95-319

Date: October 30, 1995

Page: 3. of 4.

Complainant [REDACTED]

Address [REDACTED] Garfield, New Jersey

At this time, the undersigned requested permission from [REDACTED] to re-enter his apartment for the purpose of investigating the above incident, collection of evidence, if any, and photographing the entire scene. He agreed, a complete Consent To Search form was completed and signed by Mr. Park.

At approximately 11:30 p.m., Detective Lieutenant Glenn Matl and the undersigned responded to 188 Chestnut Street, first floor rear apartment to investigate. As a result, we located all items which matched her account of the above incident. A check of the tub area revealed that a bath mat was located on the bottom of the tub, also the blue tub child supporter was missing one (1) of the four (4) suction cups located on the bottom front of the unit. It was also noted that the suction cups do not stick to the bath mat, therefore the supporter was not secure in place and could have fallen backward as reported. A full set of color photographs were taken of the scene.

On Tuesday, October 31, 1995 the undersigned was contacted by Investigator Raymond Petro of the Bergen County Prosecutor's Office, Sex Crimes and Child Abuse Unit. He reported that his office was notified of the above incident by the New Jersey Division of Youth and Family Services (DYFS) who along with his office was investigating the incident. He requested that I met him at the Hackensack Medical Center, Pediatric Intensive Care Unit to interview the mother, Myung Park and also to brief him on my investigative findings.

Prior to the start of the interview [REDACTED] was read her constitutional rights and also completed and signed a rights form. She was very cooperative and basically reiterated all of the same information originally reported at the hospital the night of the incident.

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GARFIELD POLICE DEPARTMENT
Garfield, New Jersey
DETECTIVE DIVISION
Investigative Report

Case No. 95-319
Date: October 30, 1995
Page: 4 of 4

Complainant [REDACTED] Garfield, New Jersey

On Wednesday, December 6, 1995 the undersigned conducted a review of the above incident and the investigative findings. As a result of the interviews conducted, and scene investigation completed, it appears that the above incident was a " Tragic Accident ", and did basically occur as reported by the mother, Myung Park. As of this date, the infant is still a patient in the Pediatric Intensive Care Unit at the Hackensack University Medical Center, Hackensack, New Jersey. Also as of this date, the Bergen County Prosecutor's Office has not filed and criminal charge [REDACTED]. It was determined that this case will be closed due to the facts stated above.

Investigation Complete
Case Closed


Detective Robert W. Ridarick

CARFIELD POLICE DEPARTMENT
Garfield, New Jersey
DETECTIVE DIVISION
Investigative Report

Case No. 95-319

Date: October 30, 1995

Page: 1. of 1.

Complainant [REDACTED] Address [REDACTED] Garfield, New Jersey

ADDENDUM TO ORIGINAL INVESTIGATIVE REPORT:

On Thursday, December 7, 1995 the undersigned was advised that the Bergen County Medical Examiners Office called and reported that, on this date at approximately 5:55 a.m., [REDACTED] was removed from life support and expired. The decision to remove the life support was made after extensive tests which showed the absents of brain activity. A postmortem will be completed by their office.

Investigation Complete
Case Closed



Detective Robert W. Ridarick

GARFIELD POLICE DEPT.
OFFENSE/INCIDENT REPORT

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UCR 260

REPORT NO. 25	CASE NO. 95-319	DET. ASSIGNED Det. Ridarick
DATE 10/30/95	TIME 21:49	HOW REP. In Person
P. [REDACTED]		ADDRESS [REDACTED] Garfield, N.J.
		PHONE None

LOCATION same	PREMISES same as above	DATE/TIME 10/30/95
		BET. HRS. 2149

PERPETRATOR NO	VICTIM [REDACTED]	D.O.B. Age 10 mos.	SEX M	RACE asian	TRANS. TO Hackensack Hosp.
					TRANS. BY Car 19

WITNESS ADDRESS/PHONE same as above	TOOL/WEAPON n/a	M/O see below
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VEHICLE NO	OWNER/ADDRESS N/A	VEH. DESCRIPTION/REG./VIN. N/A
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QTY	DESCRIPTION	STOLEN	LOST	DAMAGED	FOUND	SERIAL NO.	VALUE

WITNESS	ADDRESS	PHONE	TOTAL VALUE
WITNESS	ADDRESS	PHONE	

SPECIAL (ANY INFO)

OFFICER DETAILS
The undersigned responded to the above address to assist police units and the Garf. Amb. Corps. at the scene of an unresponsive child confirmed working CPR. Upon arrival the child was in the ambulance with sufficient manpower aboard. At this time the undersigned observed an asian female in the yard crying. The female stated that was her baby and that she needed to get to the hospital. The undersigned notified hqters, and transported the woman to Hackensack Med. Center. T.O. T. to Det. Ridarick who was at the hospital.

OFFICER Edward Mucha
REVIEWED BY Sgt. B. David

2

SUPPLEMENTARY OFFENSE/INCIDENT REPORT

D NO. 25	CASE NO. 95-319	DATE 10/30/95
PLAINTANT	ADDRESS	PHONE
	J. 07026	
A Signal 65 a 10 month old child in code		DET. ASSIGNED

ambulance. they then immediately transported the child to Hackensack Medical center. I then parked officers Polonkays police unit into the driveway of 195 Chestnut St. as I then cleared the scene.

Respectfully Submitted

P.O. Everett Garnto Jr. #155
P.O. Everett Garnto Jr. #155

OFFICER P.O. Everett Garnto Jr. #155

REVIEWED BY

Sgt. B. Donald

GARFIELD POLICE DEPT.
OFFENSE/INCIDENT REPORT

PAGE 1 OF 2
UCR _____

RD NO. 25	CASE NO.	DET. ASSIGNED Ridarick
DATE 10/30/95	TIME 2041 hrs.	HOW REP. via Radio O/I Child not breathing
MP. T.O. R. Polonkay	ADDRESS Garfield Police Dept.	PHONE 478-8500
LOCATION N/A	PREMISES [REDACTED]	DATE/TIME 10/30/95 BET. HRS. 2041 hrs.

INJURY IS NO	VICTIM [REDACTED]	D.O.B. 01-16-95	SEX M	RACE W	TRANS. TO H.M.C.
					TRANS. BY G.V.A.C. 323

VICTIMS ADDRESS/PHONE 18 Chestnut St. Garfield, N.J.	TOOL/WEAPON N/A	M/O Child found by mother unconscious and not breathing
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VEHICLE YES NO	OWNER/ADDRESS N/A	VEH. DESCRIPTION/REG./VIN. N/A
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QTY	DESCRIPTION	STOLEN	LOST	DAMAGED	FOUND	SERIAL NO.	VALUE

WITNESS	ADDRESS	PHONE	TOTAL VALUE
WITNESS	ADDRESS	PHONE	

SUSPECT (ANY INFO)

OTHER DETAILS
 Responded to the above location on a report of a child not breathing. Upon arrival P.O. Garnto and 2ndLt. Pantis (GVAC) were already on scene. Pantis then informed me that the child was in full cardiac arrest. At this time we started CPR and began moving the child out of the house and into the Amb. which was arriving on the scene. At this time Det. Ridarick arrived on the scene and we began transport to Hackensack Medical Center performing CPR while enroute. Upon arrival at the

OFFICER T.O.R. Polonkay 0128 REVIEWED BY [Signature]

SUPPLEMENTARY OFFENSE/INCIDENT REPORT

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NO. 25	CASE NO.	DATE 10/30/95
PLAINANT F.O. R. Polonkay	ADDRESS Garfield Police Dept.	PHONE 478-8500
Child not breathing		DET. ASSIGNED Ridarick

Child was turned over to the medical staff for treatment. At this time the child is still unresponsive and in full cardiac arrest.

The mother of the child Myung Park DOB 09/03/73 was transported to HMC by O. Mucha in car #19. Upon her arrival she was interviewed by Det. Ridarick who then continued the investigation.

Upon this officers arrival the child was found lying on the stairway landing and treated by Amb. Corps. member Pantis. The child was found wearing only a diaper and was wrapped in a blanket.

Respectfully submitted,
F.O. R. Polonkay 0128

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OFFICER *F.O.R. Polonkay ass.*

REVIEWED BY *[Signature]*

960919ccc5628



COUNTY OF BERGEN
DEPARTMENT OF PUBLIC SAFETY
MEDICAL EXAMINER

351 Ridgewood Avenue • Paramus, N.J. 07652 • (201) 599-6097

William P. Schuber
County Executive

Ronald E. Cahill, Esq.
Director of Public Safety
Sunandan B. Singh, M.D.
Chief Medical Examiner
Mary Ann B. Clayton, M.D.
Deputy Medical Examiner

02951949 AUT

December 8, 1995

This is to certify that I, Sunandan B. Singh, M.D., Bergen County Medical Examiner, have conducted a postmortem examination and autopsy on the unembalmed and refrigerated body of Joonyoung Park at the Bergen County Medical Examiner's Office on December 8, 1995 between 1105 and 1330 hours with the assistance of Mr. John McVeigh and in the presence of Sr. Inv. Petro, Inv. Baum of the Sex Crimes Unit, Sr. Inv. Gentle of the Bergen County Prosecutor's Office and Inv. Riccio of the Sheriff's Dept.

EXTERNAL EXAMINATION:

CLOTHING/PERSONAL EFFECTS:

The decedent is wearing a hospital gown and diapers.

MARKS OF TREATMENT:

There is a tracheostomy tube in the center of the neck held in place with a cloth tape surrounding the neck. A frothy material is present in the tracheostomy tube. There is no evidence of acute infection of the skin, subcutaneous tissue or trachea surrounding the tracheostomy tube. A gastrostomy is present in the left hypochondriac region secured to the skin with a suture. The gastrostomy contains brownish-tan semi solid material. Healed venipuncture marks are observed in the left subclavian region, the antecubital region and inguinal regions. No infusion lines are observed. There are no recent injection marks on the body. There is a well-healed surgical scar measuring 5 cm. in length, present in the center of the abdomen from the xiphisternum to the umbilicus. There is no evidence of infection in the surgical scar. There is a faint oval scar present in the right anterior axillary line next to the anterior axillary fold. One scar measures 5 mm. x 2 mm. and the other which at right angles to this scar measures

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EXHIBIT C
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4 mm. x 2 mm. Another faint scar measuring 3 mm. x 2 mm. is present in the left pectoral region. There is a 45 mm. x 15 mm. area of reddish skin over the occiput, which appears to have been caused by pressure on the skin during the hospital stay. There is no breakdown of the skin on the scapular region, posterior superior iliac spine, sacral region, back of the heels and back of the elbows.

MARKS OF TRAUMA:

There are no physical marks of trauma on the body.

DESCRIPTION OF BODY:

The body is that of an oriental male child looking large for the stated age of 11 months. The crown to heel length is 31" and crown to rump length 21 1/2". The body weight is 25 lbs. The cranial circumference is 18 1/4". The thoracic circumference is 19 3/4". The circumference of the abdomen is 18". Interpupillary distance is 2". The bridge of the nose measures 1" in width. The hair on the head is medium sparse, dark brown, fine and measures 1/4" in length. The irides are dark brown, corneae are clear. The pupils are equal. Mild edema of the orbital soft tissues is observed. The conjunctivae are pink. Petechiae or confluent hemorrhages of the soft tissues of the orbits are not observed. The nostrils are unulcerated and non-traumatized. They are covered by a thin layer of mucus. The mucous membranes of the lips, cheeks, gums and tongue are non-traumatized and unulcerated. The upper and lower jaws each have four intact incisor teeth. The frenula of the lips and tongue are non-traumatized. There is no undue enlargement of the tongue. The ears are placed slightly higher and are of normal shape and size. Discharges are not observed coming out of the ear canals. The neck is average in length and bilaterally symmetrical. It is gently horizontally wrinkled. There are no fingernail or ligature marks on the neck. Enlargement of the neck organs is not perceived. The chest is bilaterally symmetrical. The rib cage is palpably intact. Prominence of the mammary regions is not seen. The abdomen is soft and pliable. No hernias are observed in the abdominal or inguinal areas. The penis is uncircumcised. The testicles are present within each scrotal sac. The upper and lower extremities reveal no developmental deformities. The configuration of the creases of the palms is normal. The placement and length of the fingers, thumbs and toes is normal. The nails of the fingers are intact. The nail of the right little finger shows chronic fungal infection. The nail beds reveal deep cyanosis. The curvature of the spine is normal. There is no evidence of

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spinabifida. Rigor is fully developed and broken with moderate effort. Livor is fixed, pink in color and confined to the posterior aspects of the body.

INTERNAL EXAMINATION:

The internal examination is conducted through a coronal section over the scalp and a "Y"-shaped incision on the front of the chest and abdomen.

INTEGUMENTARY SYSTEM:

There is superficial erosion of the skin over the occipital scalp and chronic infection of the right little fingernail. The turgor of the skin is good. Pigmentary or papillomatous lesions of the skin are not observed. The dermal collagen is not increased.

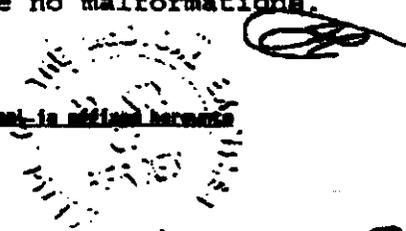
MUSCULOSKELETAL SYSTEM:

The muscles are pale pink and do not reveal atrophy or contractures. The skeleton is normally mineralized. Acute or healing fractures are not visualized.

CENTRAL NERVOUS SYSTEM:

The anterior and posterior fontanella are closed. The anterior fontanel, appears as a depression measuring 1/4" in diameter. The dura mater is intact. The pia and arachnoid are transparent. There are no epidural, subdural or subarachnoid hemorrhages. Most of the blood appears to have gravitated in the occipital region, lying behind the Rolandic fissure. The vascular channels do not reveal malformations. There are no thromboemboli within the vasculature. The brain weighs 830 grams and is bilaterally symmetrical. The development and distribution of sulci and gyri is normal. There is mild deepening of the sulci indicating mild atrophy. The brain matter is fragile and crumbles easily on handling indicating early decompositional change (respirator brain). ~~The gray and white matter are not easily defined due to the blurring of the margin.~~ The internal capsules, basal ganglia, pons, medulla and cerebellum appear normal but the configuration is blurred. No internal hemorrhages or focal necrosis are observed within the internal brain matter. The ventricular system is in a collapsed state, evincing a normal shape and size. The choroid plexuses are deeply congested. There are no malformations.

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CARDIOVASCULAR SYSTEM:

The pericardial sac is intact, containing 10 ml. of clear straw colored fluid. The heart has a globular configuration due to dilatation of all its chambers. The heart weighs 60 grams. The myocardium is soft, non-crumbly and pink in color. It reaches 11 mm. in maximal thickness in the left ventricle and 3 mm. in the right ventricle. Acute hemorrhagic or necrotic lesions of the myocardium are not perceived. The papillary muscles are intact. The chordae tendineae are discrete and are not shortened. The cusps of the valves are smooth, elastic and transparent. They are not fenestrated. There are no vegetations on the surface of the valves. The circumference of the tricuspid is 50, mitral 52, pulmonic 30 and aortic 35 mm. The coronary ostia are normally placed and 100 patent. The circulation is left predominant. The major vascular channels arising from entering the heart have a normal relationship with each other. The aorta and major branches arising from the aorta are intact and non-traumatized. The blood within the vasculature is part liquid and part clotted. The blood is not adherent to the surrounding vasculature.

RESPIRATORY SYSTEM:

There are moderate grade dense adhesions surrounding the tracheostomy tube and adjoining soft tissues of the neck and trachea. There is no acute inflammation or purulent exudate surrounding the tracheostomy. Other strap muscles of the neck are intact and non-traumatized. The mucous membranes of the nasopharynx, pharynx and larynx show mild edema and moderate congestion and are non-traumatized. The lower trachea, main and medium sized bronchi show dull red discoloration. A moderate amount of sticky mucus is present within the bronchi. The dependent parts of the lungs are moderately congested and semi crepitant on palpation. These appear much darker than the rest of the lung tissue which is healthy pink. The breakdown of the pulmonary tissue by way of abscesses or consolidation is not perceived. The right lung weighs 130 grams and the left lung weighs 100 grams. Cut sections through the lungs fail to reveal additional major lesions such as cysts, broncho pneumonia or abscesses. Vascular thromboemboli are not observed.

GASTROINTESTINAL SYSTEM:

The tongue is not ulcerated or traumatized. The esophagus reveals moderate granularity and redness throughout. The stomach is normal in shape and size. There is no damage to the wall of the stomach.

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or the gastric mucosa by the gastrostomy feeding tube. The stomach contains 2 oz. of semi solid yellow curdled material. The gastric mucosa is not ulcerated. The proximal and distal intestine contains semi liquid tan pale yellow material. The colon contains formed fecal matter. There are no ulcerated lesions of the gastrointestinal tract. The hollow intra abdominal viscera are intact and are not traumatized. There is no spontaneous or traumatic perforation of the intestinal tract. The mesentery is intact. The liver is intact. Dense adhesions are observed between the dome of the left hemidiaphragm and the left lobe of the liver which extends beyond the falciform ligament on the right side of the midline. The liver weighs 600 grams. Cut sections through the liver offer a tan uniform parenchyma. There is no evidence of acute necrosis or biliary retention within the liver parenchyma. The gallbladder is empty. The extra hepatic biliary passages are uninflamed and are intact. There are no calculi or strictures. The pancreas weighs 40 grams. The pancreatic lobules are of uniform size and are evenly distributed. The main pancreatic duct is patent.

HEMOLYMPHATIC SYSTEM:

The spleen is intact. The spleen weighs 50 grams. The splenic capsule is thin and transparent. Cut sections through the spleen reveal well-formed lymphoid follicles against a purple parenchyma. The lymph nodes in the neck, mediastinum, hiluses of the lungs and root of the mesentery and porta hepatis range in size from 3 mm. to 15 mm. The color ranges from pink to creamy. The lymph nodes are not matted together. Acute necrosis of lymphoid tissue is not seen. The thymus is involuted weighing 10 grams. There are no hemorrhages or necrosis within the thymic tissue. The bone marrow is bright red in color.

URINARY GENITAL SYSTEM:

The kidneys are normally located. Each kidney possesses a normal shape and size. The capsules are lifted easily from the kidneys. The kidney surfaces are smooth and gently lobulated. The cortices are well-demarcated from the medullary region. The cortices are 3 to 4 mm. in average width. The pelves, ureters and urinary bladder are uninflamed and unobstructed. The urinary bladder is empty. The prostate and testicles are infantile. The right kidney weighs 50 grams and the left kidney weighs 55 grams.

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ENDOCRINES:

The pituitary gland measures 4 x 3 x 3 mm. and is pink in color. The pineal gland measures 4 mm. in diameter and is gray in color. The thyroid gland weighs 2.5 grams and is roughly butterfly-shaped. It offers a pink uniform surface on cut sections. Each adrenal weighs 1.5 grams. The cortical ribbon is pale yellow, measures less than 1 mm. in width and surrounds a tan medulla.

PHOTOGRAPHS:

35 mm. photographs of the external and internal appearance are taken.

HISTOLOGY:

Brain, liver, heart, lungs, thyroid, pancreas, adrenal and esophagus are submitted for histology.

PATHOLOGICAL FINDINGS:

1. Generalized anoxic encephalopathy.
2. Hypostatic congestion of lungs.
3. Chronic bronchitis.
4. Dilated cardiomyopathy.
5. Episode of near drowning at home.
6. Survival in hospital for 38 days.
7. Status post tracheostomy.
9. Status post feeding gastrostomy.

CAUSE OF DEATH:

Anoxic encephalopathy following near drowning at home. Survival in hospital for 38 days.

MANNER OF DEATH:

Undetermined.


Sunandan B. Singh, MD
Medical Examiner

SBS/rp

DATE DICTATED: 12-8-95
DATE TRANSCRIBED: 12-12-95
DATE FINALIZED: 12-13-95

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6 of 6

Bel' Robinson
pl/lu
10/10/11

gm
Cap
Booie
10/27/96

ACCIDENT INVESTIGATION REQUEST FORM

DOCUMENT NUMBER: *9594072190*

DATE OF INCIDENT: *10/30/96* CATID: *SECT RR 1996*

FOLLOW-UP REQUESTED HAZARD ANALYSIS () SECT 15 (X)

TYPE FOLLOW-UP TELEPHONE () ON-SITE (X)

HEADQUARTERS CONTACT: Renae Rauchschalbe 504-0608 x1362
Marc Schoem 504-0608 x1365

ASSIGNMENT MESSAGE: Please complete the investigation using the Investigation Guideline. It is very important to establish the detailed sequence of events in these incidents including the infant's position during the incident and the use of any bath rings, seats, or infant bathtubs. Exact age of infant (DOB and date of incident) needs verification and determine length of time between when child was last observed as fine until he/she was discovered submerged.

For fatal incidents, please interview any parents or caregivers for the detailed sequence of events to the extent possible. If the state does not allow contact with the next-of-kin in a fatal incident, collect all official documentation including coroners or medical examiners reports, paramedics report, police investigation, social worker's report, and any medical treatment records.

Person(s) to Contact: *Officials Only*

~~GUIDELINE #10 Bathtub Incidents Involving Children <18 Months Old~~

Task Number: *260919* Date: *960919*

Assigned to: *NYCO* Requested by: *J. LANSING*

34

REG-18
Aug 88
#432

New Jersey State Department of Health
CERTIFICATE OF DEATH

STATE USE ONLY

0072190

1. NAME OF DECEASED (Print)						STATE USE ONLY	
[REDACTED]						0072190	
2. DATE OF DEATH	3. SEX	4. DATE OF BIRTH	5. UNDER 1 YEAR	6. UNDER 1 DAY			
12/7/95	M	1/16/95	10 Months 21 Days				
7. SOCIAL SEC. NO.	8. PLACE OF DEATH			9. OTHER:			
[REDACTED]	HOSPITAL: <input checked="" type="checkbox"/> INPATIENT <input type="checkbox"/> ER/OUTPATIENT <input type="checkbox"/> DOA			<input type="checkbox"/> NURSING HOME <input type="checkbox"/> RESIDENCE <input type="checkbox"/> OTHER (Specify)			
10. FACILITY NAME (if not institution, give street and no.)			11. CITY/TOWN OR LOCATION		12. COUNTY		
Hackensack Medical Center			Hackensack		Bergen		
13. RESIDENCE - NJ	14. COUNTY	15. CITY OR TOWN	16. STREET AND NUMBER		17. INSIDE CITY/LIMITED	18. ZIP CODE	
NJ	Bergen	Garfield	188 Chestnut St.		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	07026	
19. PLACE (City & State, or Foreign Country)		20. DECEASED EVER IN U.S. ARMED FORCES		21. IF YES, DATE		22. MARITAL STATUS	
West Covina, CA		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO				<input checked="" type="checkbox"/> NEVER MARRIED <input type="checkbox"/> WIDOW <input type="checkbox"/> MARRIED <input type="checkbox"/> DIVORCED	
23. SURVIVING SPOUSE (Print Name)		24. USUAL OCCUPATION (Kind of work done most of life, even if retired)			25. KIND OF BUSINESS OR INDUSTRY		
N/A		N/A			N/A		
26. NAME AND ADDRESS OF LAST EMPLOYER							
N/A							
27. RACE		28. OF HISPANIC ORIGIN		29. MEXICAN		30. PUERTO RICAN	
<input type="checkbox"/> WHITE <input checked="" type="checkbox"/> BLACK		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		<input type="checkbox"/> CUBAN <input checked="" type="checkbox"/> OTHER (Specify)		<input type="checkbox"/> CENT./SO. AMERICA	
31. NAME OF FATHER (Print)		32. USUAL TRADE OF MOTHER (Print)		33. RELATIONSHIP		34. BURIAL	
[REDACTED]		[REDACTED]		Father		<input type="checkbox"/> BURIAL <input checked="" type="checkbox"/> CREMATION <input type="checkbox"/> ENTOMBMENT <input type="checkbox"/> OTHER (Specify)	
35. NAME OF CRYPT OR BURIAL PLACE			36. CITY OR TOWN		37. STATE		
Rosedale Crematory			Orange		NJ		
38. NAME AND ADDRESS OF FUNERAL HOME							
Vander Ploet Memorial Home, 5113 Farview Avenue, Paramus, N.J. 07652							
39. SIGNATURE OF FUNERAL DIRECTOR			40. N.J. LICENSE NO.		41. SIGNATURE OF LOCAL REGISTRAR		42. DATE RECEIVED
William H. Vander Ploet			2137		Catherine P. [Signature]		12-12-95
43. TIME OF DEATH		44. DATE AND HOUR PROMOUNCED DEAD					
5:55 AM		DATE: 12/7/95 HOUR: 5:55 PM					
45. COMPLETE THIS SECTION ONLY WHEN NOTIFYING PHYSICIAN IS NOT AVAILABLE AT TIME OF DEATH TO CERTIFY CAUSE OF DEATH		46. TO THE BEST OF MY KNOWLEDGE, DEATH OCCURRED AT TIME, DATE AND PLACE INDICATED.				47. SIGNATURE OF PROMOUNCER (If different than certifier)	
		[Signature]				12/7/95	
48. STATE		49. IMMEDIATE CAUSE (Final disease or condition resulting in death. Sequence if any, leading to immediate cause. Enter UNDERLYING CAUSE (Disease or injury that initiated events resulting in death) LAST.				50. MEDICAL SUPPORT SET AND BEANS	
NJ		a. ANOXIC ENCEPHALOPATHY FOLLOWING NEAR-DROWNING EPISODE AT HOME - 900919CCC5628					
PART II: Other significant conditions - contributing to death but not related to underlying cause in PART I.							
SURVIVED IN HOSPITAL FOR 38 DAYS.							
51. IF FEMALE, WAS SHE PREGNANT AT DEATH, OR ANY TIME IN PAST 12 MONTHS PRIOR TO DEATH?						52. SIGNATURE OF PROMOUNCER	
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO						[Signature]	
53. DEATH DUE TO:		54. DATE OF INJURY		55. TIME OF INJURY		56. INJURY AT WORK?	
<input type="checkbox"/> NATURAL <input type="checkbox"/> ACCIDENT <input type="checkbox"/> SUICIDE <input type="checkbox"/> HOMICIDE		10/30/95		6:40 M		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
<input type="checkbox"/> PENDING INVESTIGATION <input checked="" type="checkbox"/> COULD NOT BE DETERMINED		57. PLACE		58. HOME <input type="checkbox"/> OFFICE BUILDING <input type="checkbox"/> FARM <input type="checkbox"/> FACTORY		59. DESCRIBE HOW INJURY OCCURRED	
		188 Chestnut Street		Garfield / Bergen		Near-drowned in bathtub.	
60. LOCATION OF INJURY (Number and Street)			61. CITY AND COUNTY			62. STATE	
188 Chestnut Street			Garfield / Bergen			NJ	
63. NAME AND ADDRESS OF CERTIFIER							
SONNADAN B SINGH MD 351 East Ridgewood Ave. Paramus, NJ 07652							
64. SIGNATURE OF CERTIFIER						65. DATE	
[Signature]						12/9/95	

Items 1 and 2 to be typed by Funeral Director
 To be printed by Physician
 NAME OF CERTIFIER AS EMPLOYER AT ALL TIMES: PHYSICIAN
 NAME OF CERTIFIER AS EMPLOYER AT ALL TIMES: PHYSICIAN
 DATE OF DEATH: 12/7/95 5:55 PM
 TIME OF DEATH: 12/7/95 5:55 PM
 #0255194
 646153204
 JOON YOUNG PARK

STATE USE ONLY

967-917

984-

PLACE OF AGE

CROSS CLASS

CERTIFYING PHYSICIAN
MEDICAL EXAMINER
PRONOUNCER AND CERT.

21 23
 NOV 1994

1. CASE NUMBER 940830CBB3723		2. INVESTIGATOR'S ID 8101		EPIDEMIOLOGIC INVESTIGATION REPORT
3. OFFICE CODE 860	4. DATE OF ACCIDENT 94 08 18	5. DATE INITIATED 94 08 31		
6. SYNOPSIS OF ACCIDENT OR COMPLAINT: A ten month old infant drowned while taking a bath. The victim was in an infant seat and left unattended for 5 to 10 minutes.				
7. LOCATION (Home, School, etc.) Apartment 10		8. CITY Bakersfield		9. STATE Cal
10A. FIRST PRODUCT Infant bath seat 1557		10B. TRADE/BRAND NAME Safety 1st.		10C. MODEL NUMBER
10D. MANUFACTURER NAME AND ADDRESS Safety 1st., Inc. Chester Hill, MA				
11A. SECOND PRODUCT		11B. TRADE/BRAND NAME		11C. MODEL NUMBER
11D. MANUFACTURER NAME AND ADDRESS				
MFR/PRVLR NOTIFIED <u>7/31/95</u> <input type="checkbox"/> No Comments made <input type="checkbox"/> Comments attached <input type="checkbox"/> Excisions/Revisions <input checked="" type="checkbox"/> Firm has not requested further notice				
12. AGE OF VICTIM 210	13. SEX Male 1	14. DISPOSITION Fatal 8		15. INJURY DIAGNOSIS Drowning 69
16. BODY PART(S) INVOLVED All 85	17. RESPONDENT Parent 1	18. TYPE OF INVESTIGATION Other 3		19. TIME SPENT (Operational hours) 4.0
20. CATEGORY ID	21. CASE SOURCE X485612AI Mecap 12		22. SAMPLE COLLECTION NUMBER	
23. PERMISSION TO DISCLOSE NAMES (Non Neiss Cases Only) YES: X NO:				
24. REVIEW DATE 94 10 25	25. REVIEW BY 8101		26. REGIONAL OFFICE DIRECTOR	
27. DISTRIBUTION O: EPDS cc: NYRO, CECA, SPRO				

Information for this report was obtained from the following sources: 1) a report prepared by a representative of the California Department of Health Services under contract to CPSC; 2) a report prepared by the Bakersfield Police Department; and 3) a report prepared by the Kern County Coroner. The product involved is an infant bath seat.

PRE-EVENT

The family involved in this incident consists of father, age 23; mother, age 20; daughters, ages 2 and 3; and the male victim, age 10 months. The family was living in an apartment in a city of 100,000 plus residents at the southern terminus of the San Joaquin Valley. The family had been living in the apartment for two months. The mother's sister lived in an adjoining apartment. The victim had no recent medical problems.

Two and one-half years prior to the event (early 1992), a different sister to the mother purchased an infant bath seat at a national chain discount store located in the same city in which the event occurred. This sister stated the infant bath seat had suction cups on its bottom at the time of purchase and during her use of the product. These suction cups were removable to allow cleaning. Approximately one year prior to the event (mid 1993), this sister stated she gave the infant bath seat to the victim's mother. This was corroborated by the victim's mother, although the victim's father told the police his family had received the infant bath seat one month prior to the event. The sister could not recall if the suction cups were attached to the infant bath seat when she gave it to the victim's mother. Both the victim's mother and father stated to the Department of Health Services representative that they could not recall if this infant bath seat had suction cups on its bottom when they received it. The victim's father, however, told the police that the infant bath seat did not have suction cups on it when received by his family. The sister did not retain any of the original packaging or literature that came with the infant bath seat.

EVENT

At approximately 11:00 am on a Thursday, the parents decided to bathe all three children. The daughters took a shower together in the bathtub/shower. After dressing the daughters, the mother rested and dozed on the living room couch while the father played with the daughters. The father then prepared a bath for the victim. The father ran the bath water until the water level reached 2 to 3 inches. The drain in the tub was not working well and would not close completely to prevent drainage. The drain was also clogged with hair, impeding drainage. Thus, the father allowed the water to continue running after placing the victim in

the infant bath seat inside the tub. The father bathed the victim then left him to entertain himself in the bathtub. The father went into the living room leaving the victim unattended for approximately 5 to 10 minutes. The father then realized the victim was not making any noise. The father went into the bathroom and found the victim slumped over, still seated in the infant bath seat. The victim was unresponsive. His face was in the bath water which had risen to the upper chest of the victim and to the height of the overflow plate in the tub.

POST-EVENT

The father removed the victim from the tub and brought the victim to his wife. He ran to the wife's sister's apartment and called emergency assistance. The sister administered cardio-pulmonary resuscitation to the victim. Emergency assistance personnel transported the victim to a local hospital where he was pronounced dead.

Upon arrival at the scene, police noted the bath water was just beginning to flow over the top of the tub onto the floor.

PRODUCT IDENTIFICATION

The product involved in this incident is a plastic infant bath seat. It is blue in color with yellow, red and green rollers in the front of the upper level. Three columns connect the lower solid base with the upper ring. There are four mushroom-shaped holes in the underside of the lower base. No suction cups are present on the infant bath seat.

The following information is embossed on the top of the upper ring along a side where an infant might rest his arm: "Warning/ Prevent Drowning/ Never Leave Child Unattended."

The following information is embossed on the under side of the lower solid base: "Made in the U.S.A./ 1989 Safety 1 ST, Inc./ All Rights Reserved/ Patent Pending." There appears to be some additional information in this location that is no longer legible.

STANDARDS INFORMATION

None.

RETAILER CONTACT

Visit to the retailer was made by the Department of Health Services representative (a CPSC commissioned officer). The store management and other personnel were not aware of any complaints associated with infant bath seats.

940830CBB3723

The infant bath seat currently on sale at this store is the Safety 1 ST, Inc. model 160P, a swivel bath seat. Carton labeling for this product shows the presence of suction cups on the infant bath seat.

ATTACHMENTS

Attached to this report are the following exhibits:

Exhibit 1: Report of the Department of Health Services representative.

Exhibit 2: CPSC Incident report X485612A1.

Exhibit 3: CPSC Authorization for Release of Name.

Exhibit 4: Report of the Bakersfield police department.

Exhibit 5: Report of the Kern County coroner.

CPSC CONTRACT INVESTIGATION

CPSC ASSIGNMENT #94083CBB3723

BY

GLEN C. LAWRENCE

SENIOR FOOD AND DRUG INVESTIGATOR

CALIFORNIA DEPARTMENT OF HEALTH SERVICES

FOOD AND DRUG BRANCH

P.O. BOX 10824

BAKERSFIELD, CA 93389-0824

(805) 588-9325

FDB FRESNO SUPERVISOR REVIEW:



JAMES GIBSON **10/4/96**
DATE

FDB REGIONAL ADMINISTRATOR REVIEW:



JAMES WADDELL **10-6-96**
DATE

SEPTEMBER 29, 1994

PURPOSE: State-CPSC contract accident investigation (ref Exhibit A).

TYPE OF ACCIDENT: Drowning of infant

TYPE OF PRODUCT INVOLVED: Infant bath seat

DATE OF INCIDENT/DEATH: 08/18/94

AGE OF VICTIM: 10 months 17 days

DATE OF BIRTH OF VICTIM: 10/01/93

VICTIM: Vincent Manuel Ortiz, Jr.
710 - 30th Street, Apt. B
Bakersfield, CA 93301

INTERVIEWED

The following individuals were interviewed during the course of this investigation:

Ms. Carmen Payan
710 - 30th Street, Apt. B
Bakersfield, CA 93301
(805) 328-0865 (message number)

RELATIONSHIP TO VICTIM
Mother

MR. Vincent Manuel Ortiz, Sr.
710 - 30th Street, Apt. B
or 415 Dolores Street
Bakersfield, CA 93301
(805) 328-0865 (message number)

RELATIONSHIP TO VICTIM
Father

Ms. Norma Payan
(805) 631-8834

RELATIONSHIP TO VICTIM
Aunt

Mr. Wes Coffee, Store Manager
Wal-Mart Discount Store
2601 Fashion Plaza
Bakersfield, CA 93306
(805) 873-7120

RELATIONSHIP TO VICTIM
None

Mr. John Leon, Ass't Store Manager
Wal-Mart Discount Store
2601 Fashion Plaza
Bakersfield, CA 93306
(805) 873-7120

RELATIONSHIP TO VICTIM
None

Detective Mickey Moyer
Bakersfield Police Department
1601 Truxtun Ave
Bakersfield, CA 93301
(805) 326-3800

RELATIONSHIP TO VICTIM
None

SEPTEMBER 29, 1994

DISCUSSION

Victim was placed in an infant bath seat by victim's father. Victim's father left victim unattended for no longer than ten minutes. When victim's father returned, victim was slumped over in the infant chair with his head in the water; the bath tub had filled to over three-fourths full during the time the victim was left unattended (ref exhibit B and C). The infant bath seat was in the upright position and had not fallen over.

On 09/21/94 I went to the Kern County Coroner's office and obtained the Coroner's Report for the above victim, Case #C-1088-94 (ref exhibit C). I also contacted Detective Moyer, Bakersfield Police Department. He stated that the infant bath seat involved in the case was located in the Bakersfield Police Department property room as evidence. He agreed to allow me to view the product at a later date. He confirmed the events noted in the Bakersfield Police Department report dated 08/22/94, case #94-32850 (ref exhibit B).

On 09/22/94 I interviewed the victim's parents, Ms. Payan and Mr. Ortiz Sr. Both parents signed the CPSC Consent Form (attached). Ms. Payan stated that she had obtained the infant bath seat from her sister, Ms. Norma Payan, about 12 months ago. Neither parent could remember if the infant bath seat had suction cups on its bottom at the time they received it. Mr. Ortiz Sr. stated that the infant seat had some sort of rubber pad on the bottom (he did not believe them to be suction cups) but that they kept coming off.

On 09/26/94 I spoke with Mr. Norma Payan regarding the infant bath seat. She stated that she had purchased the seat at the Wal-Mart Discount Store at the East Hills Mall (see address above) over two and one-half years ago. She stated that the product had suction cups on its bottom at the time of purchase and during the time that she used the product. She stated that the suction cups were removable to allow cleaning. She was not sure if the suction cups were attached to the product when she gave it to her sister. She stated that she did not have any of the original packaging material or literature for this product.

On 09/28/94 I went to the Bakersfield Police Department and examined and photographed the infant bath seat. The product was blue in color and had BPD property tag #94-32850-001 attached to it. There were no suction cups on the bottom of the product (ref exhibit D, photos 4-6). On the top arm rest of the product the following statement was embossed (ref exhibit D, photos 1-3):

WARNING
PREVENT DROWNING
NEVER LEAVE CHILD UNATTENDED

On the bottom of the product the following information was embossed (ref exhibit D, photo 6):

MADE IN THE U.S.A.
1989 SAFETY 1 ST, INC.
ALL RIGHTS RESERVED
PATENT PENDING

SEPTEMBER 29, 1994

On 09/29/94 I visited the point of purchase, Wal-Mart Discount Store, and noted that there was an infant bath seat of the type involved in this investigation on the store shelf. The following information was obtained from the outer packaging of that product:

SWIVEL BATH SEAT

MODEL 160P

FOR CHILDREN 6 MONTHS AND OLDER

WARNING: TO PREVENT DROWNING
NEVER LEAVE CHILD UNATTENDED IN TUB!
NOT FOR USE IN TUBS WITH NON-SKID SURFACE

SAFETY 1st, INC
210 BAYLSTOW ST.
CHESTER HILL, MA 02167

US PATENTS #'s: 5,010,606 AND 5,158,460

The photo of the product on the outer package shows that the product is equipped with suction cups.

I spoke with the store manager, Mr. Coffee, and the assistant store manager, Mr. Leon, regarding complaints about the product. They both indicated that they were not aware of any complaints regarding this product. Mr. Leon checked with the female clerk working the return counter to determine if she was aware of any complaints regarding the product; she was not.

No further action by Food and Drug Branch personnel.

ATTACHMENTS

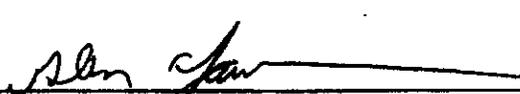
CPSC CONSENT FORM

EXHIBIT A: CPSC assignment information

EXHIBIT B: Bakersfield Police Department report

EXHIBIT C: Kern County Coroner's report

EXHIBIT D: Photos


GLEN C. LAWRENCE
SENIOR FOOD AND DRUG INVESTIGATOR

September 29, 1994



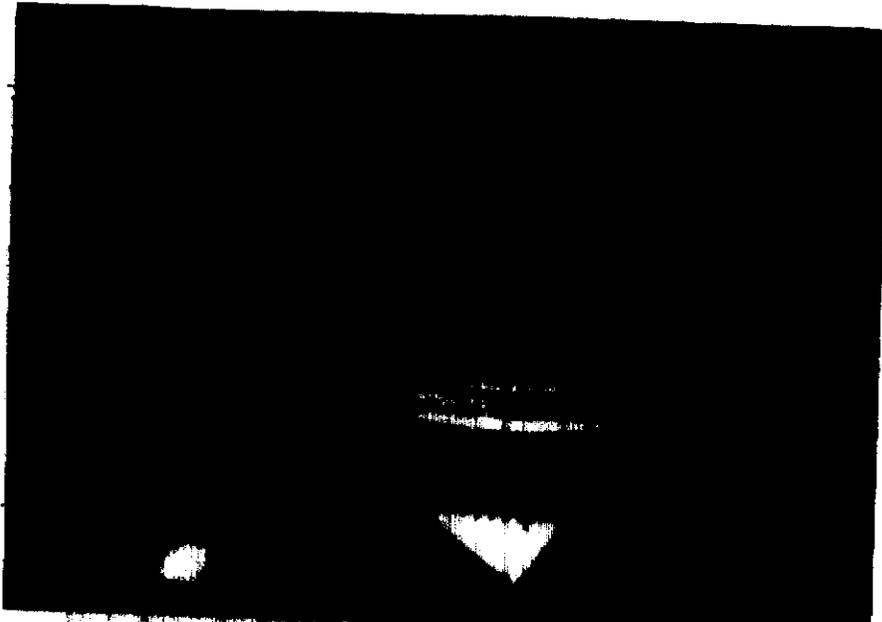
① - Front view of Infant
BATH SEAT
- note embossed warning on
right side by property of

- Right side where embossed
warning is located.

②

③ - Rear view of product

Exhibit <u>P</u>
Page <u>1</u> of <u>2</u> pages
Inv. <u>Lawrence</u> Date <u>9/27/97</u>
1851A 94083702893783



- Bottom view of product
- note holes where suction cups are supposed to be.
- note embossed information on upper

4



- Bottom view of product

5



- Bottom view of product
- note close-up of embossed information.

6

Exhibit <u>D</u>
Page <u>2</u> of <u>2</u> pages
Inv. <u>Lawrence</u> Date <u>9/27/07</u>
101 - 644422/0007

ACCIDENT INVESTIGATION REQUEST FORM

* JPN
cc: file

Document Number see attached X485612A1

Date of Incident 8/18/94 Category I.D. SECT021994

Follow-Up Requested

Hazard Analysis

Section 15

Type Follow-Up Requested

Telephone Call

On-Site

Headquarters Contact Renee Raucherwalke

Assignment Message Obtain patent no. date code, and any other identifying marks on the bath seat. I am trying to verify that this is the original model sold - suction cups are removable. Interview parent(s) to verify (again) that there were no suction cups on product when new. Photograph package if available. Photograph warning on product & package. Determine where purchased and return to retailer to see if they have other complaints of missing suction clips.

Person(s) to Contact Obtain coroner's report.

① Helen Bruce Frankel, coroner

② Officer J. Mullins, et. al.

③ Parents of victim

Guideline

Exhibit A

Page 2 of pages

Inv. LAWM Date 9/29/94

CPCL# 940830CBB3723

Requested By RR

Task Number

940830CBB3723

Assigned to

SFOO

Date

8-30-94

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 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.

Carmen Payan Vincent Ortiz
Carmen Payan Vincent Ortiz

0-22-94

9/22/94

(Signature)

(Date)

TC-32

Source (93)

440830C BDD 120
X485612A1

MEDICAL EXAMINER'S/CORONERS REPORTING FORM

To report a case by telephone, call (toll free) 1-800-8095. Say "THIS IS A MECAP REPORT." You will then be placed in contact with the MECAP Project Manger, who will ask for the information noted below.

Date of incident AUG 18, 1994 Date of Death AUG 18, 1994

Type of consumer product involved PLASTIC BATHTUB SEAT

Manufacturer, Model, Brand name, and Serial No. of product _____
SAFETY 1ST INC. NO BRAND NAME OR SERIAL NUMBER (PICTURE ENCLOSED)

Is product available for examination? XXYes No. If yes, Where? _____
BAKERSFIELD POLICE DEPT PROPERTY ROOM - 1601 TRUXTUN AVENUE, BAKERSFIELD, CA

Cause of Death: ASPHYXIA DUE TO DROWNING

Location of Incident: City: BAKERSFIELD State: CALIFORNIA

Brief description of incident sequence: (Please include, age and sex of the victim (s)) _____

" SEE ATTACHED REPORT "

Contact Information: Please include the name address and telephone number of any state/local personnel who investigated the incident.
BAKERSFIELD POLICE DEPT. 1601 TRUXTUN AVENUE, BAKERSFIELD, CA (805) 328-3815 DECT MICKEY MOYER

Medical Examiner's/Coroner's Case No. C-1088-84 Telephone No. (805) 861-2808

Reporter's Name INVESTIGATOR JOHN P. VAN RENSSLAER

Reporter's Off (include. city, county, & state) KERN COUNTY CORONER'S OFFICE
1832 FLOWER STREET, BAKERSFIELD, CA 93305

Medical Examiner's Coroner's Name HELEN BRUCE FRANKEL / CORONER

For processing at CPSC: Report received by _____

Chief Med. Exam Rpt. () Copy for MECAP News ()

AUG 30 1994

Exhibit <u>A</u>
Page <u>3</u> of <u>3</u> pages
Inv. <u>lawrence</u> Date <u>9/29/94</u>
<u>CPSC # 940830C88377</u>

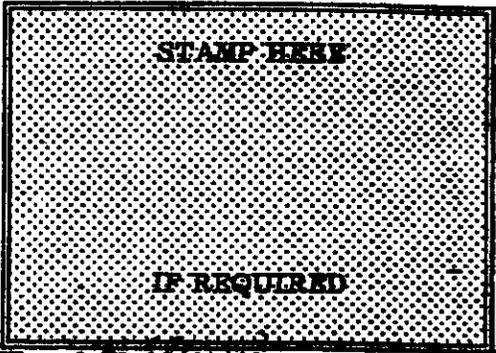
CASE 94-32850

DATE 08/22/94

CRIME OR INCIDENT INFANT DEATH

CRIME OR INCIDENT DATE 08/18/94

LOCATION OF INCIDENT:
710 - 30th Street #B - apartment



VICTIM: VINCENT MANUEL ORTIZ JR. -dob: 10/01/93
pob: Bakersfield, California
710-30th Street #B/no phone
Mother: Carmen Payan
Father: Vincent Ortiz Sr.

SUBJECT #1: VINCENT MANUEL ORTIZ SR. HMA/23 -dob: 08/15/71
415 Dolores
or 710-30th Street #B/no phone
CDL #B3238444

SUBJECT #2: CARMEN PAYAN HFA/20 -dob: 12/31/73
710-30th Street #B/no phone

SUBJECT #3: CASSANDRA ORTIZ HFJ/2 -dob: 04/26/92
pob: Bakersfield, California
710-30th Street #B/no phone
Mother: Carmen Payan
Father; Vincent Ortiz Sr.

SUBJECT #4: CORRINA ORTIZ HFJ/3 -dob: 03/08/91
pob: Bakersfield, California
710-30th Street #B/no phone
Mother: Carmen Payan
Father: Vincent Ortiz Sr.

SUBJECT #5: ALICIA PAYAN HFA
710-30th Street #A/328-0865

SUBJECT #6: JOHN VAN RENSSLAER WMA
Coroner's Investigator
1832 Flower Street/861-2606

Exhibit B
Page 1 of 8 pages
Inv. Lawyer Date 9/28/94
CPS CH 94-0830-CB-323

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

dictated 08/22/94 0700
ddi 08/23/94 1345 FPR
TYPYST/DATE/TIME

BY

310
NUMBER

APPROVED _____
08/22/94 0700 WFS

CASE 94-32850

DATE 08/22/94

CRIME OR INCIDENT INFANT DEATH

CRIME OR INCIDENT DATE 08/18/94

INVESTIGATING OFFICERS: Officers J. Mullins #697; M. Helton #560; Lab Technician Terry Buss #515; Detective E. Holden #479; Detective M. Moyer #319

DETAILS:

At approximately 1245 hours, 08/18/94, I was contacted and advised to respond to 710-30th Street #A in regards to an infant drowning. Detective Holden and I responded to 710-30th Street, Apartment #B and contacted Officer Mullins. Officer Mullins advised that the drowning had occurred in Apartment #B; however, the call to 911 Emergency was accomplished from Apartment #A, because #B had no phone. Officer Mullins advised that Officer Helton was at Memorial Hospital, along with the deceased ten month old infant, identified as Vincent Ortiz Jr.

Officer Mullins advised that when he responded inside 710-30th Street, Apartment #B, the water had just started overflowing over the top of the bathtub and onto the floor. Officer Mullins then turned off the water and stood by.

Detective Holden and I then inspected the bathroom of the apartment at 710-30th Street #B. I observed the bathtub was approximately three-quarters full, and the drain plug mechanism was in the up, or closed, position, and that there was a piece or pieces of soap in the tub drain. The brown rug next to the bathtub was wet; however, was not completely soaked.

I inspected the remainder of the residence and observed it to be unkempt. The television in the living room had a Nintendo game hooked up and a Nintendo game was on the television screen.

Lab Technician Terry Buss responded to our location to process the scene.

Detective Holden and I then responded to Memorial Hospital for follow-up. At Memorial Hospital, I contacted Coroner's Investigator Van Rensselaer, who was conducting the investigation for the Coroner's Office. I then interviewed Ortiz Sr. in the Emergency Room conference room, along with Van Rensselaer and Detective Holden.

Ortiz Sr. stated that he moves around frequently and uses his grandmother's address of 415 Dolores Street for his mailing address. Ortiz Sr. stated that for the last two months, he has been living at 710-30th Street #B, along with his girlfriend, Carmen Payan, and their three children, identified as Vincent Ortiz Jr., Cassandra Ortiz and Corinna Ortiz.

Ortiz Sr. stated that he, Carmen and their three children were at their apartment on 08/18/94, and at approximately 1100 hours, they decided to bathe the children. Ortiz Sr. stated Carmen gave the two girls a shower first. Ortiz Sr. stated that Carmen put the shower water on for the two girls and had both of the girls shower at the same time. He said the girls were in the shower two to three minutes and then Carmen got the girls out, dried them off and dressed them. Ortiz Sr. stated he laid down on the floor in the girls' bedroom and played with the girls

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

dictated 08/22/94 0700
ddj 08/23/94 1345 FPR
TYPYST/DATE/TIME

APPROVED _____

PD643631 Rev. 7/82 HLS

BY _____	2	EXHIBIT NUMBER
		Exhibit <u>B</u>
		Page <u>2</u> of <u>2</u> pages
		Inv. <u>LOWMYE</u> Date <u>9/2/94</u>

CASE 94-32850

DATE 08/22/94

CRIME OR INCIDENT INFANT DEATH

CRIME OR INCIDENT DATE 08/18/94

for several minutes, letting them jump on his back. He stated he then went and turned on the hot water in the bathtub to prepare Ortiz Jr.'s bath. Ortiz Sr. stated he then went and sat down in the living room for a couple of minutes. He stated he then got up and turned on some cold water to make sure the mixture was now just warm. Ortiz Sr. stated he then placed the blue infant seat in the bathtub and allowed the water to run down the open drain. He stated the drain valve is broken and sometimes works if you push it up extremely hard. Ortiz Sr. stated the water was flowing down the open drain and was backing up into the tub, due to hair and other substances clogging the drain, to where it was approximately two to three inches deep. Ortiz Sr. stated his girlfriend Carmen washes her hair in the bathtub, and for that reason there is always hair in the drain.

Ortiz Sr. stated that he then went into the living room and picked up Ortiz Jr. and held him up while Carmen removed his diaper. Ortiz Sr. stated he placed Ortiz Jr. in the infant seat and stayed in the bathroom for a little while, and then went and sat back down in the living room. Ortiz Sr. stated he could hear Ortiz Jr. playing in the tub and allowed him to play as he enjoys playing in the tub. Ortiz Sr. stated when he did not hear Ortiz Jr. making any noises for a couple of minutes, he went into the bathroom and found Ortiz Jr. still sitting in the infant seat, bent over, with his head face down in the water, with the water level now up to approximately upper chest height. Ortiz Sr. stated he immediately picked up Ortiz Jr. and took him into the living room and gave him to Carmen while he went upstairs to use the telephone at his girlfriend's sister's residence, 710-30th Street, Apartment #A.

Ortiz Sr. stated his girlfriend's sister, Alicia Payan, went down to his apartment and started CPR on Ortiz Jr. Ortiz Sr. stated the 911 operator instructed him to respond back to his apartment and bring the infant, Ortiz Jr., to the location with the phone so that they could further instruct him. Ortiz Sr. stated he went back downstairs and Alicia brought Ortiz Jr. back up to her apartment and continued CPR until emergency response personnel arrived. Ortiz Sr. stated Carmen went to the hospital with the ambulance and he walked to the hospital.

I asked Ortiz Sr. how deep the water was when he left Ortiz Jr. in the tub to play. He stated the water was only approximately two to three inches deep. I asked Ortiz Sr. how deep the water was when he went in to check on Ortiz Jr. when he no longer heard him making any noises. He stated that the water was up approximately midway on the round metal overflow plate. I asked Ortiz Sr. how long a time he thought it was that he did not hear any noises coming from the bathroom before he went to check on Ortiz Jr. Ortiz Sr. stated it was approximately two to three minutes. I asked him if it could have been longer than two to three minutes. He stated it could have been longer; however, was no more than five to ten minutes maximum.

I asked Ortiz Sr. if he can recall if there was any soap in the tub area when he placed Ortiz Jr. in the bathtub. Ortiz Sr. stated he could not recall; however, the two girls had just taken a shower prior and there was probably a couple of broken pieces in the soap dish on the tub wall.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

dictated 08/22/94 0700
ddj 08/23/94 1345 FPR
TYPIST/DATE/TIME

APPROVED _____
PD643631 Rev. 7/82 HLS

BY [REDACTED] 3

Exhibit <u>B</u>
Page <u>3</u> of <u>8</u> pages
Inv. <u>Lawrence</u> Date <u>9/23/94</u>

319
NUMBER

CASE 94-32850

DATE 08/22/94

CRIME OR INCIDENT INFANT DEATH

CRIME OR INCIDENT DATE 08/18/94

I asked Ortiz Sr. how long they have had the infant bath seat. Ortiz Sr. stated they have had the seat approximately one month. He stated it is meant to be used on the floor. Ortiz Sr. stated when they give Ortiz Jr. a bath, he loves to play in the water and tries to stand up. He stated they have used the seat approximately two to three times while giving Ortiz Jr. a bath.

I asked Ortiz Sr. if there were any suction cups on the bottom of the infant seat to attach the seat to the bottom of the tub. Ortiz Sr. stated, "No," that there were no suction cups, as they were missing off the seat when they got it.

I asked Ortiz Sr. if he turned the bathtub water off, or removed anything out of the bathroom other than Ortiz Jr. He stated, "No," that he was frightened when he saw Ortiz Jr. and only grabbed him.

I asked Ortiz Sr. if Ortiz Jr. has had any recent medical problems and he stated, "No."

I then was going to interview Carmen Payan; however, did not do so do to her emotional-state.

Detective Holden and I then responded back to 710-30th Street #B and recontacted Officer Mullins. I asked Officer Mullins how hard the water was flowing into the bathtub when he arrived. Officer Mullins advised that the water was flowing out of the shower head and out of the tub filler at approximately one half rate. Officer Mullins further advised that the water had just started overflowing over the tub when he arrived because the rub next to the tub was wet; however, the entire bathroom floor was not soaked.

I then advised Lab Technician Terry Buss of the circumstances of the drowning so he could also perform a Fill Time Test on the bathtub. Refer to Lab Technician's Buss' report for further information.

The autopsy on Ortiz Jr. was scheduled for 1300 hours, 08/19/94. For information on the autopsy, refer to Allied Report by Detective Holden.

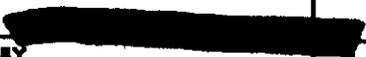
At approximately 1530 hours, 08/19/94, I responded to 710-30th Street #B and contacted Carmen Payan regarding the death of her infant son. I asked Carmen to relate the facts to me just prior to Ortiz Jr. being given a bath. Carmen Payan stated she gave her two daughters a quick shower at approximately 1130 hours, 08/18/94. I asked Carmen how long a "quick shower" was and she stated approximately "ten minutes." Carmen stated she then went and laid down on the living room couch. She stated about twenty minutes later, Ortiz Sr. prepared Ortiz Jr.'s bath.

Carmen Payan stated Ortiz Sr. then brought Ortiz Jr. over to her and held him while she took off his diaper. Carmen stated Ortiz Sr. gave the baby a bath while she rested on the living room couch.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

dictated 08/22/94 0700
ddj 08/23/94 1345 EPR
TYPST/DATE/TIME

APPROVED _____
PD643631 Rev. 7/82 HLS

BY 	Exhibit <u>0</u>	319 NUMBER
	Page <u>4</u> of <u>8</u> pages	
	Inv. <u>LAWNALL</u> Date <u>9/12/94</u>	
	<u>10/11/94</u>	

CASE 94-32850

DATE 08/22/94

CRIME OR INCIDENT INFANT DEATH

CRIME OR INCIDENT DATE 08/18/94

I asked Carmen if she knew how long Ortiz Sr. was in the bathroom with Ortiz Jr. and she stated she did not know, as she was falling in and out of sleep. Carmen stated Ortiz Sr. put Ortiz Jr. in the bathtub and then came back to the living room and was playing "Nintendo" with his two girls while she rested on the couch.

Carmen Payan stated Ortiz Sr. went into the bathroom and brought out Ortiz Jr., who was still in the blue infant seat and Ortiz Jr. was throwing up water. Carmen stated that she took Ortiz Jr. out of the blue infant seat while Ortiz Sr. ran upstairs and used her sister's phone. She stated her sister Alicia came down and started CPR on Ortiz Jr., and then took him back upstairs to her apartment and continued CPR after being instructed to do so by the 911 operator.

Carmen Payan related the fire and ambulance personnel arrived and she rode to Memorial Hospital in the ambulance with her infant son.

I again questioned Carmen as to whether or not she could tell me the length of time that Ortiz Jr. was in the bathtub and she stated she was unable to provide any information as to length of time, because again, she was not asleep; however, she was drifting in and out of sleep. She could provide no further information.

No further information.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

dictated 08/22/94 0700
ddi 08/23/94 1345 FPR
TYPIST/DATE/TIME

APPROVED _____
PD643631 Rev. 7/82 HLS

BY _____ 5	Exhibit <u>B</u>	319 NUMBER
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	Inv. <u>Lawrence</u> Date <u>9/23/94</u>	



Exhibit B
Page 6 of 8 pages
Inv. LAUMY Date 9/29/04
CP3LP 940830 180323



Exhibit B
Page 7 of 8 pages
Inv. Lawmire Date 7/18/97
CPSL# 440830CB2727

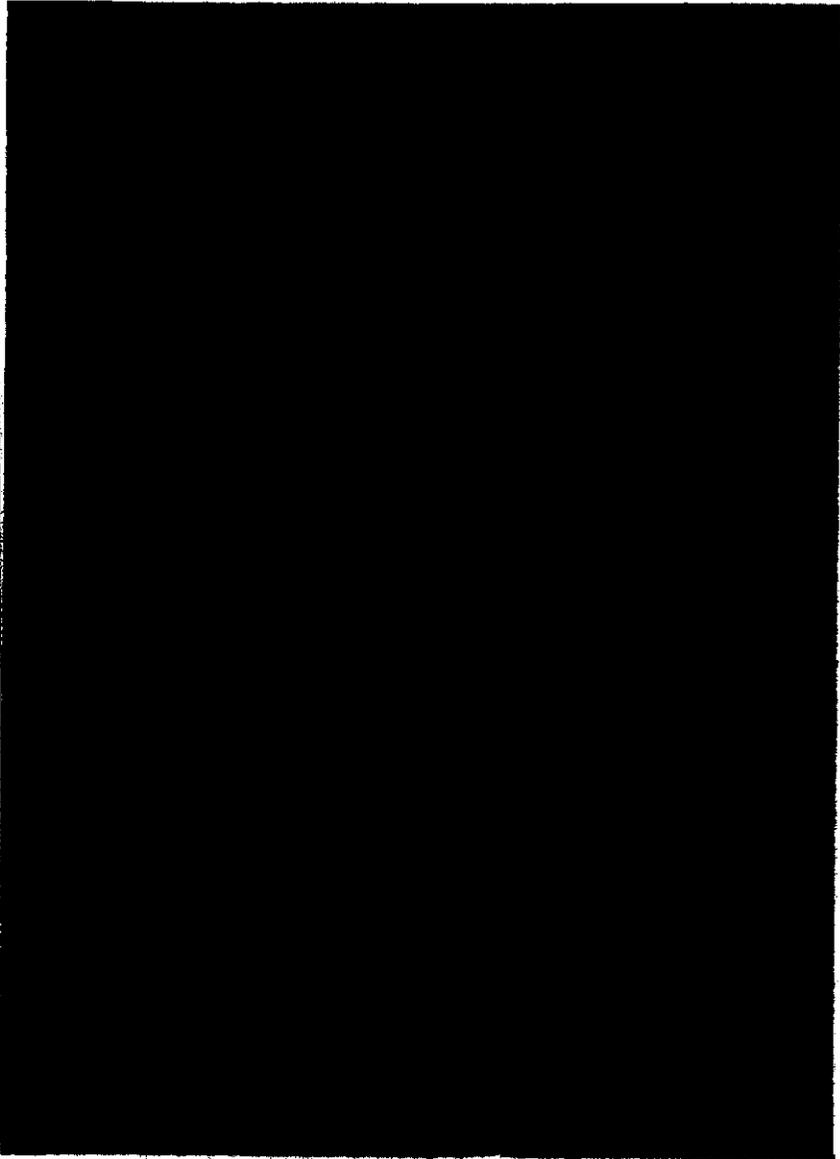


Exhibit B
Page 8 of 8 pages
Inv. Lawrence Date 9/23/94
CPSC # 940830CB8372

Helen Bruce Frankel
Coroner, Public Administrator
Probate Conservator and Public Conservator
Kern County Coroner's Facility
1832 Flower Street
Bakersfield, California 93305

ORIGINAL

Coroner's Report

Case No: C-1088-94

In the Matter of the Death of: VINCENT MANUEL ORTIZ, JR.
Aliases: None

Date of Death: August 18, 1994 Date Reported: August 18, 1994
Time of Death: 1256 hours Time Reported: 1315 hours

DECEDENT IDENTIFYING DATA:

Height:	30 inches	Marital Status:	Never Married
Weight:	25 pounds	Social Security No.	619-68-4392
Hair:	Brown	Residence:	
Eyes:	Brown	Street Address:	710 30th Street #B
Race:	Caucasian	City, State:	Bakersfield, CA
Sex:	Male	County:	Kern
Age:	10 months	Occupation:	Infant
Birthdate:	October 1, 1993	Employer:	None
Birth State:	California		

PLACE OF DEATH:

Reported By: Bakersfield Memorial Hospital - Karen Darter, R.N.
Type of Premises: Hospital
Street Address: 420 - 34th Street
City, State: Bakersfield, CA
In City Limits: Yes

NEXT OF KIN:

Name, Relationship: Carmen Alvarado Payan - Mother
Street Address: 710 30th Street #B
City, State: Bakersfield, CA
Notified: Yes

DISPOSITION OF REMAINS:

Funeral Director: Greenlawn Mortuary
Release Ordered By: Carmen Alvarado Payan - Mother
Disposition: Burial
Location: Greenlawn Memorial Park, Bakersfield, CA

Exhibit	<u>C</u>
Page	<u>1</u> of <u>9</u> pages
Inv. <u>LAWSON</u>	Date <u>9/19/94</u>
CPSC # <u>940830CB87123</u>	

INJURY DATA:

Date: August 18, 1994
Time: 1220 hours
At Work: No
Type of Injury: Drowned in bathtub
Type of Premises: Residence
Place: 710 30th Street #B, Bakersfield, CA

CAUSE OF DEATH:

Primary: ASPHYXIA
Due to: DROWNING
Due to: NONE
Due to: NONE
Other Significant Conditions: NONE
Autopsy/Attendance Certificate: Autopsy
Date Performed/Signed: August 19, 1994
Surgeon/Attending Physician: Armand L. Dollinger, M.D.

OTHER EXAMINATIONS:

Toxicology: Yes Negative
Dental: No
X-Rays: Yes
Fingerprints: Yes

WITNESSES:

Witness Information:
1. None
2. ----
3. ----

Investigating Agency: Bakersfield Police Department
Investigator: Detective Mickey Moyer

PROPERTY:

Items Taken: None
Seized By: ----
Released to: ----
Date Released: ----

Exhibit <u>C</u>
Page <u>2</u> of <u>9</u> pages
Inv. <u>Lawrence</u> Date <u>9/29/94</u>
CPSL # <u>940830 CBB 3723</u>

INVESTIGATION SUMMARY

On August 18, 1994 at 1315, a call was received from Karen Darter, R.N. at Memorial Hospital Emergency Department. Ms. Darter called to report the death of the decedent, the victim of an accidental drowning. The decedent was identified as Vincent Manuel Ortiz Jr., a 10 month old Caucasian male infant. I responded to Memorial Hospital to review medical records and interview family members, arriving at 1335 hours.

Information obtained from medical records indicated that the decedent was found unresponsive in a bathtub at the residence by his father. A call was placed to 9-1-1 and Golden Empire Ambulance was dispatched. Upon their arrival at the residence, the decedent was found in an upstairs apartment with cardiopulmonary resuscitation being administered. The decedent was subsequently intubated and transported to Memorial Hospital, where he arrived in full arrest at 1242 hours. When all advanced lifesaving efforts proved unsuccessful, death was pronounced by Dr. Roger Arnklov at 1256 hours.

Information obtained from the decedent's father, Vincent Ortiz Sr., date of birth 08/15/1971, was that on August 18, 1994 at about 1130 hours, his girlfriend and mother of his minor children, Carmen Payan, date of birth 12/31/1970, entered the bathroom to bathe their two daughters, Casandra age 2 and Corrina age 3. After their bath, Mr. Ortiz was to bathe the decedent. Mr. Ortiz stated that the bathtub is of normal size and has the drain closure in the center of the tub. Mr. Ortiz stated that the drain was broken and therefore would not fill the tub with water. He stated however that the drain drains slowly because of an accumulation of human hair in the pipes. Mr. Ortiz went on to state that he placed a small plastic baby chair in the tub and placed the infant in the chair. He stated that he left the water running so the infant could play and estimated the water's depth at about 2 to 3 inches. Mr. Ortiz then left the bathroom leaving the decedent unattended and went into the family room to visit with other family members. Mr. Ortiz was not sure of the time elapsed, but after approximately ten minutes he no longer heard the decedent talking or playing. Mr. Ortiz entered the bathroom and found the decedent sitting in the chair slumped forward with his face in the water. It was later discovered that two small pieces from a bar of soap had fallen into the water and blocked the drain. The tub at the time the drowning occurred, was estimated to have been approximately three-fourths filled.

After completing an investigation in conjunction with the Bakersfield Police Department, I find the death of Vincent Manuel Ortiz Jr. to be an accident.

TYPE OF DEATH: ACCIDENT / DROWNING

Date: SEPTEMBER 9, 1994
By: [Signature]
JOHN P. VAN RENSSLAER, DEPUTY CORONER

Date: 9-9-94
By: [Signature]
HELEN BRUCE FRANKEL, CORONER

/jvr
09/09/94

Exhibit <u> C </u>
Page <u> 3 </u> of <u> 9 </u> pages
Inv. <u>Lawrence</u> Date <u>9/29/94</u>

ORIGINAL

HELEN BRUCE FRANKEL
Coroner, Public Administrator
Probate Conservator and Public Conservator

KERN COUNTY CORONER'S FACILITY
1832 Flower Street
Bakersfield, California 93305
Telephone: (805) 861-2606

A U T O P S Y P R O T O C O L

NO. C-1088-84

I. A. L. DOLLINGER, M. D.,

performed an autopsy on the body of ORTIZ JR., Vincent Manuel

CAUSE OF DEATH

- (A) ASPHYXIA (MINUTES) DUE TO
- (B) DROWNING (MINUTES).

Exhibit <u> C </u>
Page <u> 4 </u> of <u> 9 </u> pages
Inv. <u>Lawrence</u> Date <u>9/27/92</u>
CPSC # <u>940830CB8723</u>

Name: ORTIZ JR., Vincent Manuel C-1088-94
Age: 10 months
Date of Death: August 18, 1994
Time of Death: Pronounced: 1258 hours
Place of Death: Memorial Hospital Emergency Room
Date of Autopsy: August 19, 1994
Time of Autopsy: 1300 hours
Place of Autopsy: Kern County Coroner's Facility
Witnesses: Andrew Dollinger, Autopsy Assistant, assisting
Stephanie Goodwin, Forensic Trainee, assisting
Eben Holden, Detective, B.P.D.
T. Buss, Lab, B.P.D.
Autopsy Surgeon: A. L. Dollinger, M. D.

EXTERNAL EXAMINATION:

The unembalmed body is that of a well developed, well nourished 30 inch (77 cm) 25 pound (11.35 kg) Caucasoid (Hispanic) male infant appearing somewhat larger than expected for the stated age of 10 months with:

1. Dark brown hair and brown eyes.
2. Two lower incisors but no other erupted teeth.
3. Clothing consisting of a yellow flannel nightgown with open ties, two gray bears with the words "I'm a good patient" and a white hospital blanket.
4. External measurements:
 - a. Crown-heel length 77 cm.
 - b. Crown-rump length 53 cm.
 - c. Head circumference 46 cm.
 - d. Thoracic circumference 49.5 cm.
 - e. Abdominal circumference 48.5 cm.
 - f. Anterior fontanelle 2.5 cm (AP) x 3 cm (lateral).
 - g. Right foot length 11.5 cm.
 - h. Left foot length 11.5 cm.

Exhibit	<u>C</u>
Page	<u>5</u> of <u>9</u> pages
Inv.	<u>LAWMIR</u> Date <u>9/19/94</u>
CP 52 #	<u>9410830688773</u>

ORTIZ JR., Vincent Manuel
C-1088-94

5. Recent medical artifacts:

- a. An endotracheal tube in the mouth secured by tape with the 14 cm mark at the lips.
- b. A bone infusion set in the right proximal tibia with a gauze dressing.
- c. A needle puncture on the anterior surface of the proximal left leg.
- d. Multiple needle punctures on dorsum of the left foot.

6. Injuries and external abnormalities:

- a. Supine cyanotic lividity.
- b. Mottled livor on other portions of the body.
- c. Moderate cyanosis of the right ear.
- d. Moderate cyanosis of the lips.
- e. A pattern of abrasion across the anterior abdominal wall.
- f. Marked cyanosis of the soles of the feet.

7. Identification devices:

- a. A Coroner's identification tag by Investigator Van Rensselaer attached to the left ankle.

INTERNAL EXAMINATION:

The body is opened using the usual Y shaped incision and the head is opened using a transverse coronal incision. The significant internal findings include:

1. Organ weights:

- a. Brain 1050 grams.
- b. Heart 50 grams.
- c. Right lung 110 grams.
- d. Left lung 75 grams.
- e. Liver 475 grams.

Exhibit <u>C</u>
Page <u>6</u> of <u>9</u> pages
Inv. <u>Lawrence</u> Date <u>9/12/94</u>
LPSC # <u>940830C0B3723</u>

ORTIZ JR., Vincent Manuel
C-1088-94

- f. Spleen 70 grams.
- g. Right kidney 35 grams.
- h. Left kidney 30 grams.
- i. Right adrenal 2+ grams
- j. Left adrenal 2+ grams.
- k. Thymus 25 grams.

- 2. Moderate edema of the brain characterized by widening and flattening of gyri and narrowing of sulci.
- 3. The foramen ovale closed.
- 4. The ductus arteriosus closed.
- 5. Cardiac measurements:
 - a. Right ventricular wall thickness 2.5 mm.
 - b. Left ventricular wall thickness 8 mm.

Valve circumferences:

- a. Tricuspid 70 mm.
 - b. Pulmonic 40 mm.
 - c. Mitral 45 mm.
 - d. Aortic 35 mm.
- 6. A proximal aortic circumference of 32 mm in the supra-avalvular portion and proximal arch, a 21 mm circumference at the arch, a 21 mm circumference of the descending aorta with progressing narrowing to 14 mm in the distal portion.
 - 7. Mucus and gastric content in the bronchi extending into the peripheral bronchi on the right side.
 - 8. Moderate petechiae of the visceral pleura.
 - 9. Moderate to marked congestion of the lungs.
 - 10. About 40 ml of curd and partially digested food in the stomach.

OTHER EXAMINATIONS:

Toxicological and tissue samples are retained at the Coroner's Facility for a period of two (2) years from the date of autopsy.

Exhibit	<u>C</u>
Page	<u>7</u> of <u>9</u> pages
Inv.	<u>Lawrence</u> Date <u>9/27/94</u>
CDCI #440870LRR3722	

ORTIZ JR., Vincent Manuel
C-1088-94

HISTOLOGY:

Tissues are retained for microscopic examination if indicated.

TOXICOLOGY:

Toxicology specimens obtained include blood #A7920, urine #A7921, vitreous fluid and two samples of cerebrospinal fluid.

SIGNIFICANT NEGATIVE FINDINGS:

The significant negative findings include:

1. No evident natural disease accounting for or contributing to death.
2. No evident mastoid hemorrhages.

ANATOMIC DIAGNOSES:

1. Peripheral cyanosis.
2. Cerebral edema.
3. Pulmonary congestion and edema.
4. Aspiration of gastric contents.
5. Patchial hemorrhages of serosal surfaces.

CAUSE OF DEATH

- (a) Asphyxia (minutes) due to
- (b) Drowning (minutes).



A. L. DOLLINGER, M. D.
Forensic Pathologist

ALD/anh
September 1, 1994

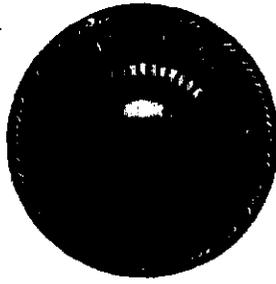
Exhibit <u>C</u>
Page <u>8</u> of <u>9</u> pages
Inv. <u>Lawrence</u> Date <u>9/1/94</u>
(P.S. # 940830CB93703)

Kern County Coroner's Facility
1832 Flower Street
BAKERSFIELD, CALIFORNIA 93306
Telephone (805) 881-2806

HELEN BRUCE FRANKEL
Coroner, Public Administrator,
Probate/Public Conservator

Toxicology Laboratory
Kern County Coroner's Office

REPORT OF FORENSIC TOXICOLOGICAL ANALYSIS



Case Number: C1088-94
Decedent: ORTIZ, VINCENT

BLOOD

Forensic Pathologist Obtaining Sample: [Signature]
Date and Time Specimen Obtained: 08/25/94 1330
Forensic Analyst: [Signature]
Date Specimen Picked Up: 8/25/94
Time Specimen Picked Up: 09:45

Forensic Alcohol Analysis: _____
Forensic Toxicology: _____

A 7920

A. Type of Specimen: Postmortem Blood Urine
Other _____
B. Date Analysis Completed: 9/02/94
Analyst's Initials: [Signature]

BLOOD ANALYSIS

BLOOD ALCOHOL	<u>NEGATIVE</u>	POSITIVE:	gm ETHANOL / dL BLOOD
BLOOD BARBITURATE	<u>NEGATIVE</u>	POSITIVE:	mg/L

① Blood '5ml' TLC BASIC-NEUTRAL DRUG SCREEN: ① NEGATIVE

URINE ANALYSIS

SCREENING: NEGATIVE / POSITIVE

GASTRIC / TISSUE / OTHER ANALYSIS

SCREENING: NEGATIVE / POSITIVE

Exhibit C
Page 9 of 9 pages
Inv. Lawrence Date 9/25/94
CPCL # 940830 CBB3713

17 Oct 1995

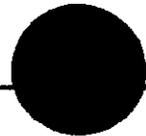
EPDS

1 Case Number 950918CCC2998		2 Investigator ID 8 6 8 9		3 Office Code 8 3 0		EPIDEMIOLOGIC INVESTIGATION REPORT	
4 Accident date 9 4 0 7 1 1		5 IDI initiated 9 5 0 9 2 9					
6 Synopsis of Accident or complaint A 6 month old male drowned in a bathtub of his home. A bath aid was used, but it was still in the upright position and adhering to the bathtub when the victim was found.							
7 Location HOME		8 City DEARBORN		9 State M I			
10a First Product BATH RING		11a Trade/Brand name/Model SAFETY STREET, INC location of firm unknown					
10b Second Product bathtub		11b Trade/Brand name/Model unknown					
12 Age of Victim 2 0 6		13 Sex 1		14 Disposition DOA		15 Injury diagnosis SUBMERSION	
16 Body part ALL		17 Respondents POLICE OFFICIALS		18 Investigation type OTHER		19 Time spent 0 8 . 0 TR= 1 HR	
20 Attachments POLICE REPORT		21 Case Source MECAP		22 Reviewed by/Date 8311 951011			
23 Permission to disclose names (Non-NEISS cases only) <input type="checkbox"/> CPSC may disclose my name <input checked="" type="checkbox"/> CPSC may not disclose my name							
24 Narrative				25 Regional Director review date			
PRE-ACCIDENT							
The victim, 6 year old male, was taking a bath with his 2 year old brother. The mother was giving both children a bath. There was approximately 6-8 inches of water in the tub. When the older child got out of the bath, he went into his bedroom. The victim's mother went into the bedroom to attend to her older child. At the time the bath was occurring, there was a blue plastic "bath ring" with suction cups on the bottom in the bathtub and adhered to the bottom of the bathtub via these suction cups.							

MFR/PRV/...
 Comments attached
 Exclusions/Revisions
 None requested

Q

1557
 0 6 1 1



950918CCC2998

ACCIDENT

When the mother returned to the bathroom, she saw that the victim was slumped over the rails of the bath ring with his head down. The child was left alone for approximately 5 minutes.

POST ACCIDENT

The victim's mother saw that the victim was blue and cold. The mother added more water to warm him up. When she realized that the victim was not breathing, the mother called 911. The child was transported to a local hospital and pronounced DOA. The Medical Examiner's report stated that the cause of death was by drowning in a bathtub.

The police official that I interviewed stated that the "bath ring" was manufactured by Safety Street, Inc with an unknown address. He said that the bath ring was blue and made of plastic. It also had suction cups on the bottom of the "bath ring." He said that he observed that the bath ring was still adhered, via the suction cups, to the bottom of the bathtub. The police official did not have any further information about the description of the bath ring nor did he have any information about the location of the manufacturer of the bath ring.

Attempts to contact the victim's family were unsuccessful. The telephone operator stated that there is no listing for the family. When I tried to call the phone number listed on the police report for the victim, there is a recording that there is a problem with the phone. This same recording has been present for the past four days.

PRODUCT IDENTIFICATION

The product is a blue plastic "bath ring" with suction cups on the bottom. The only information about the identity of the product is "Safety Street, Inc" as the manufacturer.

950918 CCC 2998

EDWARD H. McNAMARA
County Executive



BADER J. CASSIN, M.D.
Chief Medical Examiner

MEDICAL EXAMINER REPORT

On the 12th day of July in the year 1994, in accordance with the provisions of law, there was made an examination of the body and personal inquiry into the cause and manner of death of [REDACTED], a 6 month old white male who was declared dead on the 11th day of July in the year 1994.

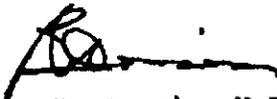
It is my opinion that death was caused by drowning in a bathtub at his home.

No injuries nor any sign of disease contributing to death were present at postmortem examination.

The manner of death is accident.

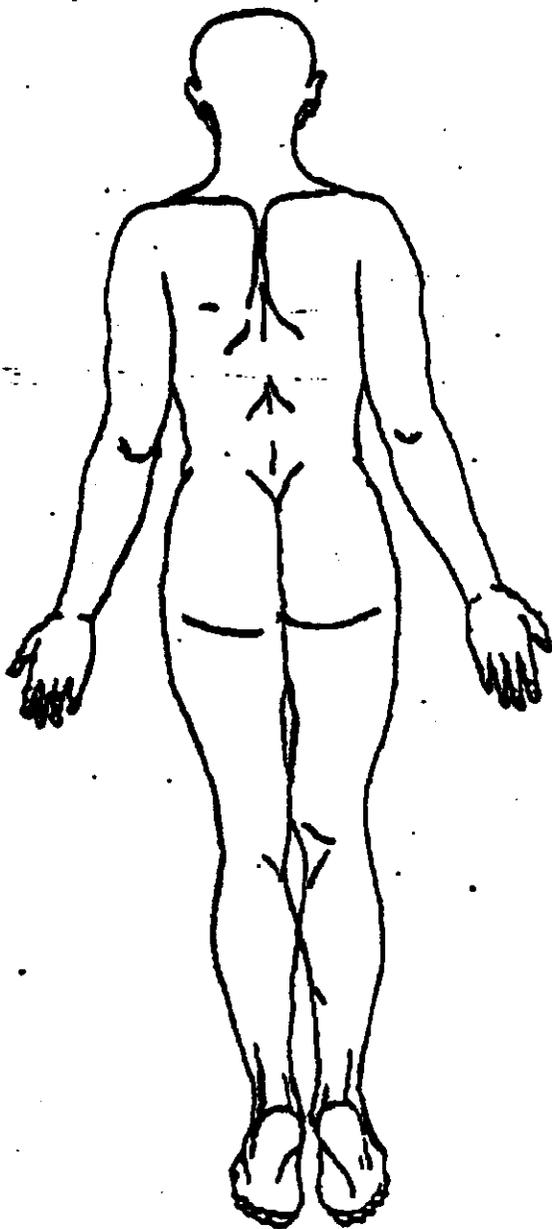
WCME 6295-94

BJC:vz

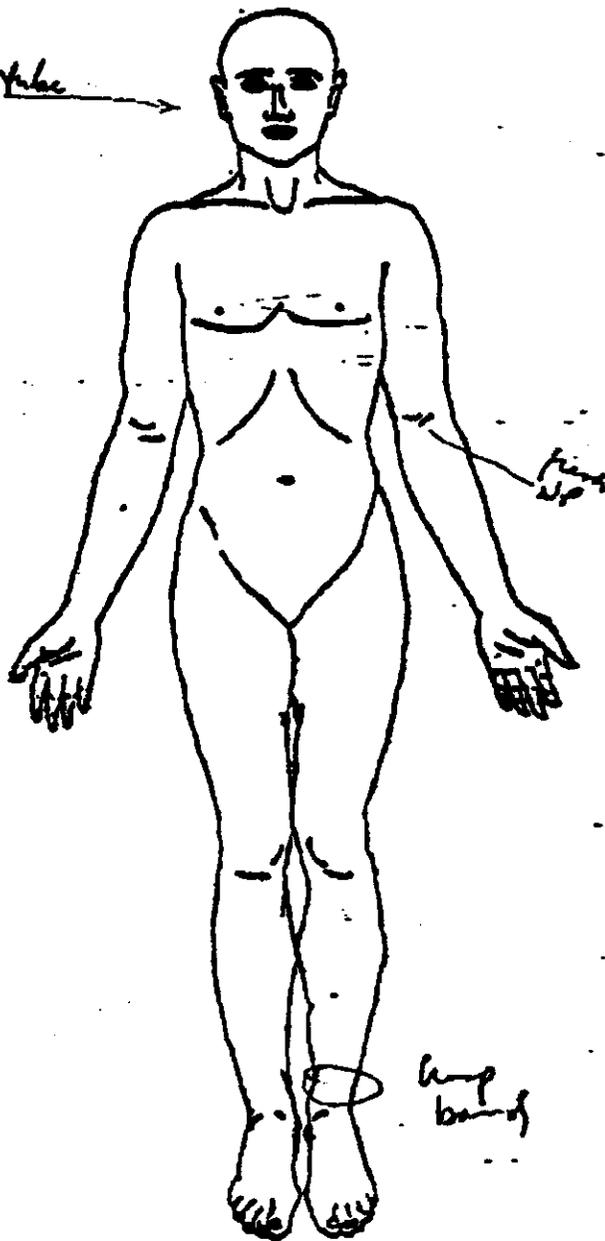

Bader J. Cassin, M.D.
Chief Medical Examiner
July 12, 1994

900918 CCC 2998

CASE NO. 6295-94



tube →



with
blood
bil
kidney
tissue
mass (all)

95 0918 CCC 2998

DEARBORN POLICE DEPARTMENT
CASE REPORT

Date: 10/02/95
Page: 1

Date/Time Reported: 7/11/94 1120 Hrs. Case #....: 94-00031663
Date/Time Occurred: 7/11/94 1120 Hrs. File Class: 98007
Type of Incident...: Gen Asst Venue: 95 Dbn
Location Occurred...: [REDACTED]
Cross Street.....: [REDACTED] Assoc Case:
Assist ORI.....: [REDACTED] Assoc Case:
Dispatch Narrative:
BABY NOT BREATHING R2

Reporting Officer.: 366 [REDACTED]

File Class Desc...: SUSPICIOUS SITUATION (CARS, PERSONS, PACKAGES, ETC)

Caller.....: UNKNOWN

Victim.....: [REDACTED] Phone:
Primary [REDACTED]
DEARBORN Michigan 48126 ..
Race: White
D.O.B.: 1/28/94 Age: Sex: Male
Injury: Fatal VOR : [REDACTED]

Witness.....: [REDACTED] Phone: [REDACTED]
Primary [REDACTED]
DEARBORN Michigan 48126
Race: White
D.O.B.: 12/28/72 Age: 21 Sex : Female

Witness.....: [REDACTED] Phone:
Primary [REDACTED]
DEARBORN Michigan 48126
Race: White
D.O.B.: 11/11/92 Age: 1 Sex : Male

Witness.....: [REDACTED] Phone: [REDACTED]
Primary [REDACTED]
DEARBORN Michigan 48126
Race: White
D.O.B.: 6/28/66 Age: 28 Sex : Male

Bureau.....:
Status.....: Closed

Assigned Officers: 182 RUPRECHT, ALLAN,,

Narrative..: OLD ----- Original Write-Up
TIME/DATE OCCURRED: 120/071194

I responded to the above location regarding baby not breathing.
Upon my arrival car 1 (Myres #276) and car 2 Hochradel #240

950918CCC 2998

DEARBORN POLICE DEPARTMENT
CASE REPORT

Date: 10/02/95
Page: 2

Case #....: 94-00031663

also arrived. We entered the house and I observed [REDACTED] sitting on the couch in the living room cradling a naked infant, [REDACTED] was crying and stated that the baby was not breathing.

Cpl. Hochradel took the baby from the mother and administered several taps to his back in an attempt to dislodge anything stuck in his throat. At this time a small amount of red fluid came out of the baby's mouth. He then laid the baby on his back on the living room floor. The baby was naked and wet. There was no pulse and no breathing and he had a bluish tint to his body. Cpl. Myres and myself began administering CPR, I observed no response from the baby during CPR. Within 2-3 minutes of beginning CPR rescue R-2 from station #4 responded and transported baby to Oakwood Emergency room where baby was pronounced DOA. Medical record #429037, E.R. doctor was Dr. Gary Christopher. M.E. notified by hospital. Lt. Strutz responded to the scene and advised to contact DB. I contacted DB and spoke with Sgt. Cullum.

I stayed with [REDACTED] at the house after rescue left as she had another child at home with her 2 yrs old [REDACTED] stated that she had been giving both [REDACTED] bath in the bathtub together. [REDACTED] been in a plastic infant safety bath seat in the tub. [REDACTED] said that the older child Frederick had gotten out of the tub and into some drawers in her bedroom. [REDACTED] left [REDACTED] alone in the tub for approximately 5 minutes while she tended to Frederick. [REDACTED] indicated that she had filled the tub 6-8 inches. When she returned to the bathroom [REDACTED] was slumped over the rails of the baby tub seat with his head down. [REDACTED] stated that she saw the baby was blue and thought he was cold. She then added more water to warm him up. At this time she realized that he was not breathing and called 911.

Relatives responded to the home and transported [REDACTED] to Oakwood Hospital. I observed the wet bath tub, with blue child seat in the tub. The main bedroom had numerous items on the floor that [REDACTED] indicated Frederick had removed and the front of [REDACTED] blouse was wet, and the older child was also naked.

Hochradel, R 240 Myres, N 276

/816 AS

Narrative...: --- Supplemental ---
OFFICER: O'Day, K. 197 car E-3 1405/071194

Location: 4264 Jonathon 3-32

ACCIDENT INVESTIGATION REQUEST FORM

Document Number ~~1202150~~ 426 009450

Date of Incident 7/11/94 Category I.D. SECT RR 1995

Follow-Up Requested Hazard Analysis Section 15

Type Follow-Up Requested Telephone Call or On-Site

Headquarters Contact R Rouchshuaglee

Assignment Message Use bathtub drowning guideline to obtain as much information as possible about scenario. Was a bath-tub involved? Obtain coroner's report.

Person(s) to Contact ① Survivors of [redacted]
② coroner
③ other officials

Guideline Bath tub drowning guideline

Requested By RR

Task Number 150918 CCL 2998

Assigned to CH10 Date 9/18/95

9104

0046238

LF 784

STATE OF MICHIGAN
DEPARTMENT OF PUBLIC HEALTH
CERTIFICATE OF DEATH

STATE FILE NUMBER
1009450

pl

TYPE PRINT
OR
PERMANENT
BLACK INK

CF _____



NAME OF DECEDENT
NATHAN FRIEZHAN
FOR USE BY PHYSICIAN OR INSTITUTION

1 DECEDENT'S NAME (Print or type name in full)				2 SEX MALE	3 DATE OF DEATH (Month Day Year) JULY 11, 1994
4a AGE - Last Birthday (Years)	4b MONTHS	4c DAYS	4d HOURS	4e MINUTES	5 COUNTY OF DEATH WAYNE
6 DATE OF BIRTH (Month Day Year) January 28, 1994					
7a LOCATION OF DEATH (Enter place officially pronounced dead in 7a, 7b, 7c) OAKWOOD HOSPITAL			7b % of HOSP OR INST. Inpatient Or Enter Room No. (Specify)	7c CITY, VILLAGE, OR TOWNSHIP OF DEATH DEARBORN	
8 SOCIAL SECURITY NUMBER None		9a LEGAL OCCUPATION (Give kind of work done during most of working life. Do not use retired)		9b KIND OF BUSINESS OR INDUSTRY	
9a Never Employed					
10a CURRENT RESIDENCE - STATE Michigan	10b COUNTY Wayne	10c LOCALITY (Enter one box and specify) <input checked="" type="checkbox"/> INSIDE CITY OR VILLAGE OF <input type="checkbox"/> TWP. OF Dearborn		10d STREET AND NUMBER	
10e ZIP CODE 48126	11 BIRTHPLACE (City and State or Foreign Country) Detroit, MI	12 MARITAL STATUS (Married, Never Married, Widowed, Divorced, (Specify)) Never Married	13 SURVIVING SPOUSE (If only one name before first marriage)	14 WAS DECEDENT EVER AN U.S. ARMED FORCES MEMBER, Yes or No NO	
15 ANCESTRY - Mexican, Puerto Rican, Cuban, Central or South American (Specify other Hispanic, Anglo-American and English, French, etc. (Specify)) Mexican / Italian		16 RACE (American Indian, Black, White, etc. (Specify)) White		17 DECEDENT'S EDUCATION (Specify only highest grade completed)	18 GROUP (04 or 5+)
17 0		18 0			
19 FATHER'S NAME (Print Middle Last)			20 MOTHER'S NAME (Print Middle Last)		
21 MANNER OF DEPOSITION - Burial, Cremation, (Specify)			22 PLACE OF DEPOSITION (Name of Cemetery, Crematory or other place)		23 LOCATION - City or Village, State
Burial			Woodmere Cemetery		Detroit, MI
24 SIGNATURE OF PERSON WHO COMPLETED THIS CERTIFICATE <i>Shirley Foss Thompson</i>		25 LICENSE NUMBER (If Licensed)	26 NAME AND ADDRESS OF FACILITY		
		6105	McFarland Foss Funeral Home Inc. 5401 Schaefer Dearborn, MI 48126		
27 PART I - Cause of Death (Print or type cause of death, including all conditions that resulted in death) LAST				28 MINUTES	
DROWNING				MINUTES	
29 PART II - Other significant conditions contributing to death but not resulting in the underlying cause given in Part I				30	
31a ACTUAL PLACE OF DEATH (Name, Address, City, State, ZIP Code)		31b WAS CASE REFERRED TO MEDICAL EXAMINER? (Specify Yes or No)		31c	
HOSPITAL		YES			
32a To the best of my knowledge, death occurred at the time, date and place and due to the cause(s) stated					
32b DATE DECEASED (Mo. Day Yr.)		32c TIME OF DEATH		32d	
33 NAME OF ATTENDING PHYSICIAN OR OTHER THAN CERTIFIED (If not a Physician)				34	
LANING R. DAVIDSON, ASST. MED. EXAM., 400 E. LAFAYETTE DET., MI 48226				031045	
35a ACCIDENT OR NON-NATURAL OR UNUSUAL INVESTIGATION (Specify)		35b DATE OF INJURY (Mo. Day Yr.)		35c TIME OF INJURY	
ACCIDENT		JULY 11, 1994		11:00 A.M.	
36 INJURY AT WORK (Specify Yes or No)		37 PLACE OF INJURY - At home from street, factory, office, building, etc. (Specify)		38 INJUREE NOW INJURED (Specify)	
NO		HOME		FOUND IN BATHTUB	
39 NAME AND ADDRESS OF PERSON WHO COMPLETED CAUSE OF DEATH (ITEM 26) (Type or Print)				40 LICENSE NUMBER	
LANING R. DAVIDSON, ASST. MED. EXAM., 400 E. LAFAYETTE DET., MI 48226				031045	
41a DATE FILED (Month Day Year)				41b TIME OF DEATH	
JULY 14 1994				11:54 A.M.	
42 SIGNATURE OF PHYSICIAN OR OTHER THAN CERTIFIED (If not a Physician)				43	
<i>Laning R. Davidson</i>					

ACCIDENT

CAUSE

DEATH

DEATH

DEATH

DEATH

CERTIFICATE

CERTIFICATE

CERTIFICATE

B-26
Rev. 1/90