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The Honorable Thomas S. Zilly

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

BAO XUYEN LE, INDIVIDUALLY, and as the  
Court appointed PERSONAL  
REPRESENTATIVE OF THE ESTATE OF  
TOMMY LE, HOAI "SUNNY" LE, Tommy Le's  
Father, DIEU HO, Tommy Le's Mother, UYEN  
LE and BAO XUYEN LE, Tommy Le's Aunts,  
KIM TUYET LE, Tommy Le's Grandmother, and  
QUOC NGUYEN, TAM NGUYEN, DUNG  
NGUYEN, JULIA NGUYEN AND JEFFERSON  
NGUYEN, Tommy Le's Siblings,

Plaintiffs,

vs.

MARTIN LUTHER KING JR. COUNTY as a sub-  
division of the STATE of WASHINGTON, and  
KING COUNTY DEPUTY SHERIFF CAESAR  
MOLINA,

Defendants.

No. 2:18-CV-00055-TSZ

STIPULATION AND ORDER RE:  
DISCOVERY EXAMINATION AND  
CHAIN OF CUSTODY PROCEDURE

**STIPULATION**

IT IS HEREBY STIPULATED between the plaintiffs and Defendant King County,  
parties to the above-entitled action, by and through their respective attorneys of record that the  
following items of evidence will be made available for release from the custody of the King  
County Sheriff's Office by King County Detective Christopher Johnson to Sierra Lanholm for  
STIPULATION AND ORDER RE: DISCOVERY  
EXAMINATION AND CHAIN OF CUSTODY  
PROCEDURE [2:18-CV-00055-TSZ] - 1

**Daniel T. Satterberg**, Prosecuting Attorney  
CIVIL DIVISION, Litigation Section  
900 King County Administration Building  
500 Fourth Avenue  
Seattle, Washington 98104  
(206) 296-0430 Fax (206) 296-8819

1 transmittal to Wilson C. Hayes, Ph.D. (Dr. Hayes), Hayes & Associates, located at 2390 NW  
2 Kings Boulevard, Corvallis, Oregon 97330, an expert identified by the plaintiffs, for the purpose  
3 of nondestructive testing, examination, and photographing according to the guidelines set forth  
4 by ASTM Designation E 1188-17; ASTM Designation E 860-07(2013) e2; and ASTM  
5 Designation E 1492-17, 2005.

6 The parties stipulate that upon release of the following items of evidence to Sierra  
7 Landholm, the items will be transported by the plaintiffs to Wilson C. Hayes by Fed Ex  
8 overnight shipment with return receipt signature documentation. The parties stipulate that  
9 immediately upon completion of the nondestructive testing, examination, and photographing by  
10 plaintiffs' expert, Wilson C. Hayes will return the following physical items of evidence directly  
11 to Sierra Landholm by Fed Ex overnight shipment with return receipt signature documentation  
12 and Sierra Landholm will return all of the following items of evidence directly to Detective  
13 Christopher Johnson with the King County Sheriff's Office with all return receipt signature  
14 documentation. Sierra Landholm will work directly with Detective Christopher Johnson of the  
15 King County Sheriff's Office to arrange a reasonable time schedule for the release and return of  
16 all of the following items of evidence.

17 The parties agree that the transfer and testing of the following items of evidence from the  
18 King County Sheriff's Office to plaintiff's expert, Wilson C. Hayes, will not interrupt the chain  
19 of custody of these physical objects and will not affect the admissibility of any of the items on  
20 that basis. All parties stipulate that the below listed items are physical objects that were  
21 recovered at the time of the subject incident, were preserved and maintained in an unbroken  
22 chain of custody, and will remain in an unbroken custody despite this transfer and testing and the  
23 items subsequent return to the King County Sheriff's Office. The parties also agree that the

1 transfer and testing of these physical objects must allow the items to remain in substantially the  
2 same condition as when the incident occurred.

3 The evidence listed below and subject to this Stipulation will be handled and inspected  
4 for the following nondestructive testing, examination, and photographing according to the  
5 guidelines set forth by ASTM Designation E 1188-17; ASTM Designation E 860-07(2013) e2;  
6 and ASTM Designation E 1492-17, 2005 as requested by the plaintiffs:

- 7 1. “BLACK INK PEN” which will be subject to fracture analysis to determine how the  
8 “black pen” came to be broken, to be conducted by Wilson C. Hayes, Ph.D..
- 9 2. “METAL WEATHER STRIP FROM DOOR” which will undergo 3D scanning (PICZA  
10 PIX-4, Roland DGA Corp., Irvine, CA 92618) which will determine the shape and size of  
11 the object that caused any damage to the “metal weather strip”, to be performed by  
12 Wilson C. Hayes, Ph.D. High resolution photography, and stereozoom microscopy may  
13 also be employed to analyze the weather strip using the materials and methods described  
14 above.
- 15 3. “CASTS FROM WOOD DOOR FRAME” which will undergo 3D scanning (PICZA  
16 PIX-4, Roland DGA Corp., Irvine, CA 92618) which will determine the shape and size of  
17 the object that caused any damage to the “casts from wood door frame”, to be performed  
18 by Wilson C. Hayes. High resolution photography, and stereozoom microscopy may also  
19 be employed to analyze the casts from the wood door frame using the materials and  
20 methods described above.
- 21 4. “CTJ11, CTJ12, CTJ13, and CTJ14” (the knives taken from the residence of Tommy Le)  
22 which will undergo inspection to determine if they are the shape and size that would  
23 match the results of 3D scanning examination, to be performed by Wilson C. Hayes,

1 Ph.D. High resolution photography, and stereozoom microscopy may also be employed  
2 to analyze the casts from the wood door frame using the materials and methods described  
3 above.

4 Plaintiffs will be responsible for payment for the testing, examination and transport of the  
5 items from the King County Sheriff's Office to their investigator/paralegal and to their expert,  
6 Dr. Hayes, and from Dr. Hayes to their investigator/paralegal and to the King County Sheriff's  
7 Office to return the items. Plaintiffs will provide Dr. Hayes with a copy of this stipulation and  
8 will confirm that Dr. Hayes will abide by the terms of this stipulation prior to the release of the  
9 items. Plaintiffs or Dr. Hayes will provide counsel for King County and Cesar Molina copies of  
10 any final reports generated with any pictures or 3D imaging taken or created by Dr. Hayes in the  
11 course of his examination or testing. The agreement of the parties for the plaintiffs' expert to  
12 perform his own inspections will not affect the admissibility of any prior testing by the  
13 Washington State Crime Lab or King County Sheriff's Office should the items be destroyed, lost  
14 or altered in any way through the examination by Dr. Hayes or the transmittal of the evidence  
15 items. Further, this agreement does not limit the legal recourse of any party should the items of  
16 evidence be destroyed, lost or altered in any way in the testing, examination or transport of them  
17 under this Stipulation.

18 Note: Defendant Cesar Molina is not a party to this stipulation.

19 DANIEL T. SATTERBERG  
20 King County Prosecuting Attorney

21 s/

s/

22 \_\_\_\_\_  
23 JEFFERY CAMPICHE, WSBA #7592  
PHILIP ARNOLD, WSBA #2675  
LINDA TRAN, WSBA #50109  
Attorneys for the Plaintiffs

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SAMANTHA KANNER, WSBA #36943  
KATHY VAN OLST, WSBA #21186  
Attorneys for Defendant King County

STIPULATION AND ORDER RE: DISCOVERY  
EXAMINATION AND CHAIN OF CUSTODY  
PROCEDURE [2:18-CV-00055-TSZ] - 4

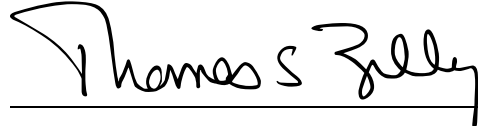
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**ORDER**

Pursuant to the stipulation between plaintiffs and defendant King County, docket no. 39,  
IT IS SO ORDERED.

DATED this 8th day of November, 2018.



Thomas S. Zilly  
United States District Judge

Presented by:

DANIEL T. SATTERBERG  
King County Prosecuting Attorney

s/

s/

\_\_\_\_\_  
JEFFERY CAMPICHE, WSBA #7592  
PHILIP ARNOLD, WSBA #2675  
LINDA TRAN, WSBA #50109  
Attorneys for the Plaintiffs

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