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FILED
Superior Court Of California
County Of Los Angeles

SEP 25 2013

Sherri R. Carter Executive Officer/Clerk
By Anabella Figueroa Deputy

5 Attorneys for Defendants
6 MAIN STREET MANAGEMENT LLC and
CECIL MAIN STREET LLC, erroneously
7 sued as CECIL HOTEL MANAGEMENT

8
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF LOS ANGELES
11

12 DAVID LAM, an individual; YINNA LAM, an
individual,

13 Plaintiffs,

14 v.

15 CECIL HOTEL MANAGEMENT, INC. a
16 California Corporation; DOES 1 through 25,
inclusive,

17 Defendants.
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Case No.: BC521927

**APPENDIX OF EXHIBITS IN SUPPORT
OF DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT, OR IN THE
ALTERNATIVE, SUMMARY
ADJUDICATION OF ISSUES**

[Filed & Served Concurrently with: Separate
Statement of Undisputed Material Facts;
Memorandum of Points and Authorities;
Declarations of Jeff C. Hsu; Appendix of
Exhibits]

Reservation No: 140902025798

Date: December 14, 2015

Time: 1:30 p.m.

Dept.: 93

Trial Date: February 11, 2016

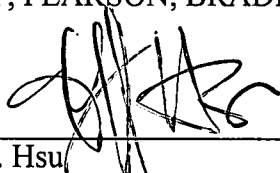
TABLE OF CONTENTS

Exhibit No.	Description
A.	Plaintiff's Complaint for Damages.
B	Plaintiff Yinna Lam's Verified Responses to Special Interrogatories, dated November 7, 2014
C	Plaintiff David Lam's Verified Responses to Special Interrogatories, dated November 7, 2014
D	Deposition transcript of Detective Wallace Tennelle, taken on July 22, 2015
E	Deposition transcript of Kelly Yagerlener, taken on August 4, 2015
F	County of Los Angeles, Department of Coroner Autopsy Report, Case No. 2013-01364

DATED: September 25, 2015

MURPHY, PEARSON, BRADLEY & FEENEY

By



Jeff C. Hsu
Attorneys for Defendants
MAIN STREET MANAGEMENT LLC and CECIL
MAIN STREET LLC, erroneously sued as CECIL
HOTEL MANAGEMENT

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ORIGINAL

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Samantha
Jessner

1 JOHNSTON & HUTCHINSON LLP
2 601 W. Fifth Street, Suite 210
3 Los Angeles, CA 90071
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7 *tjj@johnstonhutchinson.com*
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9 *bfn@johnstonhutchinson.com*

7 LAW OFFICES OF SCOTT WARMUTH APC
8 801 E. Valley Boulevard, Suite 206
9 San Gabriel, CA 91776
10 Telephone: (626) 282-6868
11 D. Scott Warmuth - SBN 110128

12 Attorneys for Plaintiffs David Lam and Yinna Lam

13 **REG: 03/05/2015 TRIAL: 03/19/2015 OSC: 09/19/2018**

14 SUPERIOR COURT OF THE STATE OF CALIFORNIA

15 COUNTY OF LOS ANGELES

BC521927

16 DAVID LAM, an individual; YINNA LAM, an)
17 individual;)
18 Plaintiffs,)
19 vs.)
20 CECIL HOTEL MANAGEMENT, INC., a)
21 California Corporation; DOES 1 through 25,)
22 inclusive,)
23 Defendants.)

CASE NO.

COMPLAINT FOR DAMAGES

NEGLIGENCE CAUSING WRONGFUL DEATH

DEMAND FOR JURY TRIAL

24
25 COME NOW PLAINTIFFS for a single cause of action against DEFENDANTS
26 MANAGEMENT, INC. and DOES 1 through 25, and who allege as follows:

CIT/CASE: BC521927
LEA/DEF#:
RECEIPT #: CCH195707071
DATE PAID: 09/19/13 03:21 PM
PAYMENT: \$435.00
RECEIVED: 310
CHECK: \$435.00
CASH: \$0.00
CHANGE: \$0.00
FRO: \$0.00

COMPLAINT FOR DAMAGES

EX.A

09/23/2015

09/19/2013

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GENERAL ALLEGATIONS

1. At all relevant times mentioned herein, Defendant Cecil Hotel Management, Inc. ("Defendant Cecil Hotel") owned and controlled the 600 room hotel located at 640 S. Main St., Los Angeles, California, 90014 ("the Hotel").

2. The true names and capacities, whether individual, corporate, associate or otherwise of defendants DOES 1-25, inclusive, and each of them, are unknown to Plaintiffs, who therefore sue these defendants by such fictitious names, and will ask leave of court to amend this complaint when the same shall have been ascertained. Plaintiffs are informed and believe, and upon such information and belief, allege that each defendant designated herein as a "DOE" is responsible, negligently and recklessly or in some other actionable manner, for the events and happenings referred to herein which proximately caused injury to Plaintiffs as hereinafter alleged.

3. Plaintiffs are the loving parents of Elisa Lam ("Decedent"), a Cecil Hotel guest who died in early February 2013.

4. At all relevant times mentioned herein the Hotel had the duty to provide Decedent with a safe premises and to take reasonable care for her safety during her stay. The Hotel had an affirmative duty to, among other things, inspect and seek out hazards in the Hotel that presented an unreasonable risk of danger to Decedent and other hotel guests.

FIRST CAUSE OF ACTION

NEGLIGENCE CAUSING WRONGFUL DEATH

(AGAINST ALL DEFENDANTS AND DOES 1-25)

5. Plaintiffs incorporate paragraphs 1 through 4 as though full set forth herein.
6. Decedent was a guest at the Hotel beginning on or about January 26, 2013.
7. Decedent's body was discovered in a rooftop gravity tank/cistern on February 19, 2013.
8. The Defendants, and each of them, breached the standard of care set forth pursuant to Civil Code §1714 and the standards set in this community by the following acts and omissions, inter alia:
- a. Not properly monitoring guest access to the roof contrary to safe property management practices applicable to Los Angeles City and Los Angeles County.

0012812018

1 b. Allowing guest access to a gravity tank/cistern contrary to safe property management
2 practices applicable to Los Angeles City and Los Angeles County.

3 c. Failing to maintain adequate controls to the hotel roof.

4 d. Failing to maintain adequate notification of breaches of the hotel roof.

5 e. All other breaches of the standard of care not now known.

6 9. Defendants' acts and omissions were a substantial factor in causing Decedent's
7 death.

8 10. As result of Defendants' negligence, and each of them, Plaintiffs have suffered the loss of their
9 daughter's love, companionship, comfort, care, and affection.

10 11. As a result of Defendants' negligence, and each of them, Plaintiffs have incurred economic
11 loss, including funeral and burial expenses, and non-economic loss in an amount according to proof at the time
12 of trial.


13
14 **PRAYER FOR RELIEF**

15 WHEREFORE, Plaintiff prays for judgment for damages against the defendants, and each of them, as follows:

- 16 1. For funeral and burial expenses according to proof;
17 2. For economic and noneconomic damages in an amount according to proof;
18 3. For costs of suit incurred herein; and
19 4. For such other and further relief as the court may deem just and proper.

20
21
22 DATED: September 5, 2013

JOHNSTON & HUTCHINSON LLP

23
24
25 By: 
26 THOMAS J. JOHNSTON
27 Attorneys for Plaintiffs
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DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a trial by jury on all issues so triable.

DATED: September 5, 2013

JOHNSTON & HUTCHINSON LLP

By: 

THOMAS J. JOHNSTON
Attorneys for Plaintiffs

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09/28/2013

ORIGINAL

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, Street number, and address):

Thomas J. Johnston, SBN-210506
Johnston & Hutchinson LLP
601 W. 5th Street, Suite 210, Los Angeles, CA 90071
TELEPHONE NO.: (213)542-1978 FAX NO.: (213) 542 -1977

ATTORNEY FOR (Name): Elisa Lam

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles

STREET ADDRESS: 111 North Hill Street

MAILING ADDRESS: 111 North Hill Street

CITY AND ZIP CODE: Los Angeles, 90012

BRANCH NAME: Stanley Mosk Courthouse

CASE NAME:

Lam et al v. Cecil Hotel Management, Inc.

FOR COURT USE ONLY

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

SEP 19 2013

John A. Clarke, Executive Officer/Clerk
BY: *(Signature)* Deputy
Clerk of Court

CIVIL CASE COVER SHEET

Unlimited (Amount demanded exceeds \$25,000) Limited (Amount demanded is \$25,000 or less)

Complex Case Designation

Counter Joinder
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER:

BC521927

JUDGE:

DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort

Auto (22)
 Uninsured motorist (46)

Other PI/DP/DW (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
 Product liability (24)
 Medical malpractice (45)

Other PI/DP/DW (23)

Non-PI/DP/DW (Other) Tort

Business tort/unfair business practice (07)
 Civil rights (08)
 Defamation (13)
 Fraud (16)
 Intellectual property (19)
 Professional negligence (25)
 Other non-PI/DP/DW tort (35)

Employment

Wrongful termination (36)
 Other employment (15)

Contract

Breach of contract/warranty (06)
 Rule 3.740 collections (09)
 Other collections (09)
 Insurance coverage (18)
 Other contract (37)

Real Property

Eminent domain/inverse condemnation (14)
 Wrongful eviction (33)
 Other real property (26)

Unlawful Detainer

Commercial (31)
 Residential (32)
 Drugs (38)

Judicial Review

Asset forfeiture (05)
 Petition re: arbitration award (11)
 Writ of mandate (02)
 Other judicial review (39)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)

Antitrust/Trade regulation (03)
 Construction defect (10)
 Mass tort (40)
 Securities litigation (28)
 Environmental/Toxic tort (30)
 Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment

Enforcement of judgment (20)

Miscellaneous Civil Complaint

RICO (27)
 Other complaint (not specified above) (42)

Miscellaneous Civil Petition

Partnership and corporate governance (21)
 Other petition (not specified above) (43)

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a. Large number of separately represented parties
- b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
- c. Substantial amount of documentary evidence
- d. Large number of witnesses
- e. Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
- f. Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive

4. Number of causes of action (specify): One- Negligence causing wrongful death

5. This case is is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 9/18/13

Thomas J. Johnston

(D) (TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

- Auto (22)—Personal Injury/Property Damage/Wrongful Death
- Uninsured Motorist (46) (if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

- Asbestos (04)
 - Asbestos Property Damage
 - Asbestos Personal Injury/Wrongful Death
- Product Liability (not asbestos or toxic/environmental) (24)
- Medical Malpractice (45)
 - Medical Malpractice—Physicians & Surgeons
 - Other Professional Health Care Malpractice
- Other PI/PD/WD (23)
 - Premises Liability (e.g., slip and fall)
 - Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
 - Intentional Infliction of Emotional Distress
 - Negligent Infliction of Emotional Distress
 - Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

- Business Tort/Unfair Business Practice (07)
- Civil Rights (e.g., discrimination, false arrest) (not civil harassment) (08)
- Defamation (e.g., slander, libel) (13)
- Fraud (16)
- Intellectual Property (19)
- Professional Negligence (25)
 - Legal Malpractice
 - Other Professional Malpractice (not medical or legal)
- Other Non-PI/PD/WD Tort (35)

Employment

- Wrongful Termination (36)
- Other Employment (15)

Contract

- Breach of Contract/Warranty (06)
- Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)
- Contract/Warranty Breach—Seller Plaintiff (not fraud or negligence)
- Negligent Breach of Contract/Warranty
- Other Breach of Contract/Warranty
- Collections (e.g., money owed, open book accounts) (09)
- Collection Case—Seller Plaintiff
- Other Promissory Note/Collections Case
- Insurance Coverage (not provisionally complex) (18)
 - Auto Subrogation
 - Other Coverage
- Other Contract (37)
 - Contractual Fraud
 - Other Contract Dispute

Real Property

- Eminent Domain/Inverse Condemnation (14)
- Wrongful Eviction (33)
- Other Real Property (e.g., quiet title) (26)
 - Writ of Possession of Real Property
 - Mortgage Foreclosure
 - Quiet Title
 - Other Real Property (not eminent domain, landlord/tenant, or foreclosure)

Unlawful Detainer

- Commercial (31)
- Residential (32)
- Drugs (38) (if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)

Judicial Review

- Asset Forfeiture (05)
- Petition Re: Arbitration Award (11)
- Writ of Mandate (02)
 - Writ—Administrative Mandamus
 - Writ—Mandamus on Limited Court Case Matter
 - Writ—Other Limited Court Case Review
- Other Judicial Review (39)
 - Review of Health Officer Order
 - Notice of Appeal—Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

- Antitrust/Trade Regulation (03)
- Construction Defect (10)
- Claims Involving Mass Tort (40)
- Securities Litigation (28)
- Environmental/Toxic Tort (30)
- Insurance Coverage Claims (arising from provisionally complex case type listed above) (41)
- Enforcement of Judgment
 - Enforcement of Judgment (20)
 - Abstract of Judgment (Out of County)
 - Confession of Judgment (non-domestic relations)
 - Sister State Judgment
 - Administrative Agency Award (not unpaid taxes)
 - Petition/Certification of Entry of Judgment on Unpaid Taxes
 - Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

- RICO (27)
- Other Complaint (not specified above) (42)
 - Declaratory Relief Only
 - Injunctive Relief Only (non-harassment)
 - Mechanics Lien
 - Other Commercial Complaint Case (non-tort/non-complex)
 - Other Civil Complaint (non-tort/non-complex)

Miscellaneous Civil Petition

- Partnership and Corporate Governance (21)
- Other Petition (not specified above) (43)
 - Civil Harassment
 - Workplace Violence
 - Elder/Dependent Adult Abuse
 - Election Contest
 - Petition for Name Change
 - Petition for Relief From Late Claim
- Other Civil Petition

ORIGINAL

SHORT TITLE:

Lam et. al v. Cecil Hotel Management, Inc.

CASE NUMBER

BC521927

CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION (CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)

This form is required pursuant to Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? [X] YES CLASS ACTION? [] YES LIMITED CASE? [] YES TIME ESTIMATED FOR TRIAL 3.5 [] HOURS/ [X] DAYS

Item II. Indicate the correct district and courthouse location (4 steps - If you checked "Limited Case", skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet form, find the main Civil Case Cover Sheet heading for your case in the left margin below, and, to the right in Column A, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column B below which best describes the nature of this case.

Step 3: In Column C, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

- 1. Class actions must be filed in the Stanley Mosk Courthouse, central district.
2. May be filed in central (other county, or no bodily injury/property damage).
3. Location where cause of action arose.
4. Location where bodily injury, death or damage occurred.
5. Location where performance required or defendant resides.
6. Location of property or permanently garaged vehicle.
7. Location where petitioner resides.
8. Location wherein defendant/respondent functions wholly.
9. Location where one or more of the parties reside.
10. Location of Labor Commissioner Office

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

Auto Tort
Other Personal Injury/Property Damage/Wrongful Death Tort

Table with 3 columns: A (Civil Case Cover Sheet Category No.), B (Type of Action), and C (Applicable Reasons). Rows include Auto (22), Uninsured Motorist (46), Asbestos (04), Product Liability (24), Medical Malpractice (45), and Other Personal Injury/Property Damage/Wrongful Death (23).

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SHORT TITLE: Lam et. al v. Cecil Hotel Management, Inc	CASE NUMBER
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**Non-Personal Injury/ Property
Damage/ Wrongful Death Tort**

Employment

Contract

Real Property

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 3.
Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice	1., 2., 3.
	<input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3.
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case	1., 2., 3.
	<input type="checkbox"/> A6109 Labor Commissioner Appeals	10.
Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)	2., 5.
	<input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence)	2., 5.
	<input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud)	1., 2., 5.
	<input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	1., 2., 5.
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff	2., 5., 6.
	<input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5.
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud	1., 2., 3., 5.
	<input type="checkbox"/> A6031 Tortious Interference	1., 2., 3., 5.
	<input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 8.
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure	2., 6.
	<input type="checkbox"/> A6032 Quiet Title	2., 6.
	<input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6.
Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 8.
Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2., 6.
Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.

11/18/2011 10:00 AM

SHORT TITLE: Lam et. al v. Cecil Hotel Management, Inc.	CASE NUMBER
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	A Civil Case Cover Sheet Category No.:	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
	Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1., 2., 3.
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.
	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
	Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.

00123456789

Miscellaneous Civil Petitions

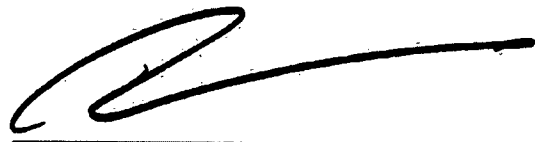
SHORT TITLE: <u>Lam et al v Cecil Hotel Management, Inc.</u>	CASE NUMBER
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., **Step 3** on Page 1, as the proper reason for filing in the court location you selected.

REASON: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case. <input checked="" type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.		ADDRESS: <u>640 S. Main Street</u>
CITY: <u>Los Angeles</u>	STATE: <u>CA.</u>	ZIP CODE: <u>90014</u>

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.0, subs. (b), (c) and (d)].

Dated: 9/18/13


 (SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/11).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

09/19/2013 09:28:20 AM

09/28/2015

EXHIBIT B

1 JOHNSTON & HUTCHINSON LLP
2 601 West Fifth Street, Suite 210
3 Los Angeles, CA 90071
4 Telephone: (213) 542-1978
5 Facsimile: (213) 542-1977
6 Thomas J. Johnston, SBN 210506
7 *tjj@johnstonhutchinson.com*

8 Attorneys for Plaintiffs DAVID LAM and YINNA LAM

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF LOS ANGELES

11 DAVID LAM, an individual; YINNA LAM, an)
12 individual;)
13 Plaintiffs,)
14 vs.)
15 CECIL HOTEL MANAGEMENT, INC., a)
16 California Corporation; DOES 1 through 25,)
17 inclusive,)
18 Defendants.)

CASE NO. BC515523

[Assigned to the Hon. Teresa Beaudet in
Dept. 97]

**PLAINTIFF YINNA LAM'S
RESPONSES TO SPECIAL
INTERROGATORIES PROPOUNDED
BY DEFENDANT CECIL HOTEL
MANAGEMENT, INC. (SET ONE)**

19 PROPOUNDING PARTY: DEFENDANT, CECIL HOTEL MANAGEMENT, INC.
20 RESPONDING PARTY: PLAINTIFF YINNA LAM
21 SET NO.: ONE
22
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28

PLAINTIFF YINNA LAM'S RESPONSES TO SPECIAL INTERROGATORIES PROPOUNDED BY
DEFENDANT CECIL HOTEL MANAGEMENT, INC. (SET ONE)

Ex B

09/23/2015

1 SPECIAL INTERROGATORY NO. 2:

2 Please identify all persons with knowledge of any facts that support your contention that Defendants
3 did not properly monitor guess access to the roof contrary to safe property management practices applicable to
4 Los Angeles City and Los Angeles County as stated in your complaint in Paragraph 8(a).

5 RESPONSE TO SPECIAL INTERROGATORY NO. 2:

6 Objection: calls for information protected by the attorney work product doctrine to the extent it
7 requests information from an expert witness not yet designated or by a consultant. Without waiving this
8 objection, Plaintiffs respond that the following employees of Defendant likely have knowledge of facts that
9 support Plaintiffs' contentions:

- 10 • Pedro Tovar
- 11 • Amy Price
- 12 • Herb Chase
- 13 • Santiago Lopez

14 These witnesses have not been deposed and Plaintiffs reserve the right to amend this response as additional
15 information becomes available.

16
17 SPECIAL INTERROGATORY NO. 3:

18 Please identify all documents that support your contention that Defendants did not properly monitor
19 guess access to the roof contrary to safe property management practices applicable to Los Angeles City and
20 Los Angeles County as stated in your complaint in Paragraph 8(a).

21 RESPONSE TO SPECIAL INTERROGATORY NO. 3:

22 Photographs of the roof top support Plaintiffs' contentions.

23
24 SPECIAL INTERROGATORY NO. 4:

25 Please state all facts which support your contention that Defendants allowed guest access to a
26 gravity tank/cistern contrary to safe property management practices applicable to Los Angeles City and Los
27 Angeles County as stated in your complaint in Paragraph 8(b).

09/28/2015

1 RESPONSE TO SPECIAL INTERROGATORY NO. 4:

2 Elisa Lam died because of access to what safety engineering experts call a “confined space.”

3 The National Institute for Occupational Safety and Health (NIOSH), OSHA, the American National
4 Standards Institute (ANSI), and the American Society of Safety Engineers (ASSE) have been concerned
5 with the dangers of confined spaces for decades because of the high number of farm and industrial workers
6 who fell into water tanks, acid tanks, and grain silos and died. In 1979, NIOSH defined confined spaces to
7 mean, “a space which by design has limited openings for entry and exit, unfavorable natural
8 ventilation...which is not intended for continuous employee occupancy.” In 1989, OSHA determined that
9 based on its review of accident data, that asphyxiation is the leading cause of death in confined spaces.

10 In August of 2009, ANSI (through ASSE) passed ANSI/ASSE Z117.1 that standardized the
11 common sense thinking of OSHA, NIOSH, and ASSE on confined spaces. ANSI Z117.1 has two basic
12 common sense ideas:

- 13 • Confined spaces are always to be considered hazardous until determined to be otherwise.
- 14 • In confined spaces which present a hazard to occupants, entry must be controlled.

15 The evidence here will show that Defendants did nothing to control the entry to the confined space,
16 i.e. the water tank, which was unsecured and available to anyone who wanted to gain entry for whatever
17 reason.

18 Defendants could have easily controlled entry to the water tank. For example, it could have
19 removed and stored the four rung wooden ladder leading to the top of the water tank and it should have
20 used a pad lock to secure the hatch on the water tank. These two actions would have cost less than 10
21 dollars and would have been 100% effective in preventing this event from occurring.

22
23 SPECIAL INTERROGATORY NO. 5:

24 Please identify all persons with knowledge of any facts that support your contention that Defendants
25 allowed guest access to a gravity tank/cistern contrary to safe property management practices applicable to
26 Los Angeles City and Los Angeles County as stated in your complaint in Paragraph 8(b).

1 RESPONSE TO SPECIAL INTERROGATORY NO. 5:

2 Objection: calls for information protected by the attorney work product doctrine to the extent it
3 requests information from an expert witness not yet designated or by a consultant. Without waiving this
4 objection, Plaintiffs respond that the following employees of Defendant likely have knowledge of facts that
5 support Plaintiffs' contentions:

- 6 • Pedro Tovar
- 7 • Amy Price
- 8 • Herb Chase
- 9 • Santiago Lopez

10 These witnesses have not been deposed and Plaintiffs reserve the right to amend this response as additional
11 information becomes available.

12
13 SPECIAL INTERROGATORY NO. 6:

14 Please identify all documents that support your contention that Defendants allowed guest access to a
15 gravity tank/cistern contrary to safe property management practices applicable to Los Angeles City and Los
16 Angeles County as stated in your complaint in Paragraph 8(b).

17 RESPONSE TO SPECIAL INTERROGATORY NO. 6:

18 Photographs of the roof top, tank hatch, and ladder controlling access to the rooftop tank hatch
19 support Plaintiffs' contentions.

20
21 SPECIAL INTERROGATORY NO. 7:

22 Please state all facts which support your contention that Defendants failed to maintain adequate
23 controls to the hotel roof as stated in your complaint in Paragraph 8(c).

24 RESPONSE TO SPECIAL INTERROGATORY NO. 7:

25 Defendants had a duty pursuant to Civil Code Section 1714 and the standard of care in the hotel
26 industry to maintain its premises in a safe condition. Defendants needed to exercise adequate rooftop
27 access management by implementing policies, procedures, and physical components controlling access in
28 and out of the rooftop, determining who belongs and who does not, and tracking movement in and out of

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1 the rooftop. Defendants should have limited the number of access points to the roof. Defendants should
2 have implemented additional access management tools such as intrusion detection and surveillance devices,
3 such as cameras and close circuit televisions. Further, Defendants should have installed a rooftop access
4 detection system that notified security of access attempts. These sensor alarms trigger CCTV and notify
5 security guards when someone accesses the rooftop.

6 Elisa Lam died because of access to what safety engineering experts call a "confined space."

7 The National Institute for Occupational Safety and Health (NIOSH), OSHA, the American National
8 Standards Institute (ANSI), and the American Society of Safety Engineers (ASSE) have been concerned
9 with the dangers of confined spaces for decades because of the high number of farm and industrial workers
10 who fell into water tanks, acid tanks, and grain silos and died. In 1979, NIOSH defined confined spaces to
11 mean, "a space which by design has limited openings for entry and exit, unfavorable natural
12 ventilation...which is not intended for continuous employee occupancy." In 1989, OSHA determined that
13 based on its review of accident data, that asphyxiation is the leading cause of death in confined spaces.

14 In August of 2009, ANSI (through ASSE) passed ANSI/ASSE Z117.1 that standardized the
15 common sense thinking of OSHA, NIOSH, and ASSE on confined spaces. ANSI Z117.1 has two basic
16 common sense ideas:

- 17 • Confined spaces are always to be considered hazardous until determined to be otherwise.
- 18 • In confined spaces which present a hazard to occupants, entry must be controlled.

19 The evidence here will show that Defendants did nothing to control the entry to the confined space,
20 i.e. the water tank, which was unsecured and available to anyone who wanted to gain entry for whatever
21 reason.

22 Defendants could have easily controlled entry to the water tank. For example, it could have
23 removed and stored the four rung wooden ladder leading to the top of the water tank and it should have
24 used a pad lock to secure the hatch on the water tank. These two actions would have cost less than 10
25 dollars and would have been 100% effective in preventing this event from occurring.

26 //

27 //

28 //

1 SPECIAL INTERROGATORY NO. 8:

2 Please identify all persons with knowledge of any facts that support your contention that Defendants
3 failed to maintain adequate controls to the hotel roof as stated in your complaint in Paragraph 8(c).

4 RESPONSE TO SPECIAL INTERROGATORY NO. 8:

5 Objection: calls for information protected by the attorney work product doctrine to the extent it
6 requests information from an expert witness not yet designated or by a consultant. Without waiving this
7 objection, Plaintiffs respond that the following employees of Defendant likely have knowledge of facts that
8 support Plaintiffs' contentions:

- 9 • Pedro Tovar
- 10 • Amy Price
- 11 • Herb Chase
- 12 • Santiago Lopez

13 These witnesses have not been deposed and Plaintiffs reserve the right to amend this response as additional
14 information becomes available.

15
16 SPECIAL INTERROGATORY NO. 9:

17 Please identify all documents that support your contention that Defendants failed to maintain
18 adequate controls to the hotel roof as stated in your complaint in Paragraph 8(c).

19 RESPONSE TO SPECIAL INTERROGATORY NO. 9:

20 Photographs of the roof top, tank hatch, and ladder controlling access to the rooftop tank hatch
21 support Plaintiffs' contentions.

22
23 SPECIAL INTERROGATORY NO. 10:

24 Please state all facts which support your contention that Defendants failed to maintain adequate
25 notification of breaches of the hotel roof as stated in your complaint in Paragraph 8(d).

26 RESPONSE TO SPECIAL INTERROGATORY NO. 10:

27 Defendants had a duty pursuant to Civil Code Section 1714 and the standard of care in the hotel
28 industry to maintain its premises in a safe condition. Defendants needed to exercise adequate rooftop

1 access management by implementing policies, procedures, and physical components controlling access in
2 and out of the rooftop, determining who belongs and who does not, and tracking movement in and out of
3 the rooftop. Defendants should have limited the number of access points to the roof. Defendants should
4 have implemented additional access management tools such as intrusion detection and surveillance devices,
5 such as cameras and close circuit televisions. Further, Defendants should have installed a rooftop access
6 detection system that notified security of access attempts. These sensor alarms trigger CCTV and notify
7 security guards when someone accesses the rooftop.

8
9 SPECIAL INTERROGATORY NO. 11:

10 Please identify all persons with knowledge of any facts that support your contention that Defendants
11 failed to maintain adequate notification of breaches of the hotel roof as stated in your complaint in
12 Paragraph 8(d).

13 RESPONSE TO SPECIAL INTERROGATORY NO. 11:

14 Objection: calls for information protected by the attorney work product doctrine to the extent it
15 requests information from an expert witness not yet designated or by a consultant. Without waiving this
16 objection, Plaintiffs respond that the following employees of Defendant likely have knowledge of facts that
17 support Plaintiffs' contentions:

- 18 • Pedro Tovar
- 19 • Amy Price
- 20 • Herb Chase
- 21 • Santiago Lopez

22 These witnesses have not been deposed and Plaintiffs reserve the right to amend this response as additional
23 information becomes available.

24
25 SPECIAL INTERROGATORY NO. 12:

26 Please identify all documents that support your contention that Defendants failed to maintain
27 adequate notification of breaches of the hotel roof as stated in your complaint in Paragraph 8(d).

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1 RESPONSE TO SPECIAL INTERROGATORY NO. 12:

2 Photographs of the roof top, tank hatch, and ladder controlling access to the rooftop tank hatch
3 support Plaintiffs' contentions.
4

5 SPECIAL INTERROGATORY NO. 13:

6 Please state all facts which support your contention that Defendants breached any standard of care as
7 stated in your complaint in Paragraph 8(e).

8 RESPONSE TO SPECIAL INTERROGATORY NO. 13:

9 Defendants had a duty pursuant to Civil Code Section 1714 and the standard of care in the hotel
10 industry to maintain its premises in a safe condition. Defendants needed to exercise adequate rooftop
11 access management by implementing policies, procedures, and physical components controlling access in
12 and out of the rooftop, determining who belongs and who does not, and tracking movement in and out of
13 the rooftop. Defendants should have limited the number of access points to the roof. Defendants should
14 have implemented additional access management tools such as intrusion detection and surveillance devices,
15 such as cameras and close circuit televisions. Further, Defendants should have installed a rooftop access
16 detection system that notified security of access attempts. These sensor alarms trigger CCTV and notify
17 security guards when someone accesses the rooftop.
18

19 SPECIAL INTERROGATORY NO. 14:

20 Please identify all persons with knowledge of any facts that support your contention that Defendants
21 breached any standard of care as stated in your complaint in Paragraph 8(e).

22 RESPONSE TO SPECIAL INTERROGATORY NO. 14

23 Objection: calls for information protected by the attorney work product doctrine to the extent it
24 requests information from an expert witness not yet designated or by a consultant. Without waiving this
25 objection, Plaintiffs respond that the following employees of Defendant likely have knowledge of facts that
26 support Plaintiffs' contentions:

- 27 • Pedro Tovar
28 • Amy Price

- Herb Chase
- Santiago Lopez

These witnesses have not been deposed and Plaintiffs reserve the right to amend this response as additional information becomes available.

SPECIAL INTERROGATORY NO. 15:

Please identify all documents that support your contention that Defendants breached any standard of care as stated in your complaint in Paragraph 8(e).

RESPONSE TO SPECIAL INTERROGATORY NO. 15:

Photographs of the roof top, tank hatch, and ladder controlling access to the rooftop tank hatch support Plaintiffs' contentions.

SPECIAL INTERROGATORY NO. 16:

Please state all facts regarding how the decedent accessed the roof of the subject property.

RESPONSE TO SPECIAL INTERROGATORY NO. 16:

Plaintiffs contend Elisa Lam entered the roof through the door from the staircase to the roof.

SPECIAL INTERROGATORY NO. 17:

Please identify all persons with knowledge of any facts regarding how the decedent accessed the roof of the subject property.

RESPONSE TO SPECIAL INTERROGATORY NO. 17:

Plaintiffs do not know of any person with knowledge of this fact.

SPECIAL INTERROGATORY NO. 18:

Please identify all documents that evidence or reflect how the decedent accessed the roof of the subject property.

RESPONSE TO SPECIAL INTERROGATORY NO. 18:

Plaintiffs do not know of any documents that evidence this fact.

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2 SPECIAL INTERROGATORY NO.19:

3 Please state all facts regarding the date and time the decedent accessed the roof of the subject property.

4 RESPONSE TO SPECIAL INTERROGATORY NO. 19:

5 Elisa Lam accessed the roof of the subject roof on or about February 1, 2013. Ms. Lam was last
6 known alive on February 1, 2013. On February 19, 2013 at 10:00 a.m., Defendants' employee found Ms. Lam
7 in the rooftop water tank. Ms. Lam is seen in hotel surveillance video from February 1, 2013 wearing the
8 same clothing she was wearing when found in the rooftop water tank.
9

10 SPECIAL INTERROGATORY NO. 20:

11 Please identify all persons with knowledge of any facts regarding the date and time the decedent
12 accessed the roof of the subject property.

13 RESPONSE TO SPECIAL INTERROGATORY NO. 20:

14 Kelly Yagerlener, Investigator. County of Los Angeles, Department of Coroner.
15 Detective Tennelle, Los Angeles Police Department Robbery Homicide division.
16

17 SPECIAL INTERROGATORY NO. 21:

18 Please identify all documents that evidence or reflect the date and time the decedent accessed the roof
19 of the subject property.

20 RESPONSE TO SPECIAL INTERROGATORY NO. 21:

21 County of Los Angeles, Department of Coroner Investigator's Narrative for Case No. 2013-01364
22

23 SPECIAL INTERROGATORY NO. 22:

24 Please state all facts regarding why the decedent accessed the roof of the subject property.

25 RESPONSE TO SPECIAL INTERROGATORY NO. 22:

26 Ms. Lam was experiencing an episode of intense fear and agitation when last known alive on
27 February 1, 2013. This episode led to Ms. Lam accessing the roof and the gravity tank/cistern.
28

1 SPECIAL INTERROGATORY NO. 23:

2 Please identify all persons with knowledge of any facts regarding why the decedent accessed the
3 roof of the subject property

4 RESPONSE TO SPECIAL INTERROGATORY NO. 23:

5 Kelly Yagerlener, Investigator. County of Los Angeles, Department of Coroner.
6 Detective Tennelle, Los Angeles Police Department Robbery Homicide division.
7

8 SPECIAL INTERROGATORY NO. 24:

9 Please identify all documents that evidence or reflect why the decedent accessed the roof of the
10 subject property.

11 RESPONSE TO SPECIAL INTERROGATORY NO. 24:

12 County of Los Angeles, Department of Coroner Investigator's Narrative for Case No. 2013-01364.
13 Documents part of the investigation file of the Los Angeles Police Department.
14

15 SPECIAL INTERROGATORY NO. 25:

16 Please state all facts regarding how the decedent accessed the gravity tank/cistern located on the
17 roof of the subject property.

18 RESPONSE TO SPECIAL INTERROGATORY NO. 25:

19 Ms. Lam accessed the gravity tank/cistern by way of a ladder leading to the tank and an unlocked
20 hatch at the top of the tank.
21

22 SPECIAL INTERROGATORY NO. 26:

23 Please identify all persons with knowledge of any facts regarding how the decedent accessed the
24 gravity tank/cistern located on the roof of the subject property.

25 RESPONSE TO SPECIAL INTERROGATORY NO. 26:

26 Kelly Yagerlener, Investigator. County of Los Angeles, Department of Coroner.
27 Detective Tennelle, Los Angeles Police Department Robbery Homicide division.
28

1
2 SPECIAL INTERROGATORY NO. 27:

3 Please identify all documents that evidence or reflect how the decedent accessed the gravity
4 tank/cistern located on the roof of the subject property.

5 RESPONSE TO SPECIAL INTERROGATORY NO. 27:

6 SPECIAL INTERROGATORY NO. 28:

7 Please state all facts regarding the date and time the decedent accessed the gravity tank/cistern
8 located on the roof of the subject property.

9 RESPONSE TO SPECIAL INTERROGATORY NO. 28:

10 County of Los Angeles, Department of Coroner Investigator's Narrative for Case No. 2013-01364.
11 Documents part of the investigation file of the Los Angeles Police Department.

12
13 SPECIAL INTERROGATORY NO. 29:

14 Please identify all persons with knowledge of any facts regarding the date and time the decedent
15 accessed the gravity tank/cistern located on the roof of the subject property.

16 RESPONSE TO SPECIAL INTERROGATORY NO. 29:

17 Kelly Yagerlener, Investigator. County of Los Angeles, Department of Coroner.
18 Detective Tennelle, Los Angeles Police Department Robbery Homicide division.

19
20 SPECIAL INTERROGATORY NO. 30:

21 Please identify all documents that evidence or reflect date/or time the decedent accessed the gravity
22 tank/cistern located on the roof of the subject property.

23 RESPONSE TO SPECIAL INTERROGATORY NO. 30:

24 County of Los Angeles, Department of Coroner Investigator's Narrative for Case No. 2013-01364.
25 Documents part of the investigation file of the Los Angeles Police Department.

09/28/2015

1 SPECIAL INTERROGATORY NO. 31:

2 Please state all facts regarding why the decedent accessed the gravity tank/cistern located on the
3 roof of the subject property.

4 RESPONSE TO SPECIAL INTERROGATORY NO. 31:

5 Ms. Lam was experiencing an episode of intense fear and agitation when last known alive on
6 February 1, 2013. This episode led to Ms. Lam accessing the roof and the gravity tank/cistern.

7
8 SPECIAL INTERROGATORY NO. 32:

9 Please identify all persons with knowledge of any facts regarding why the decedent accessed the
10 gravity tank/cistern located on the roof of the subject property.

11 RESPONSE TO SPECIAL INTERROGATORY NO. 32:

12 Kelly Yagerlener, Investigator. County of Los Angeles, Department of Coroner.
13 Detective Tennelle, Los Angeles Police Department Robbery Homicide division.

14
15 SPECIAL INTERROGATORY NO. 33:

16 Please identify all documents that evidence or reflect why the decedent accessed the gravity
17 tank/cistern located on the roof of the subject property.

18 RESPONSE TO SPECIAL INTERROGATORY NO. 33:

19 County of Los Angeles, Department of Coroner Investigator's Narrative for Case No. 2013-01364.
20 Documents part of the investigation file of the Los Angeles Police Department.

21
22
23 DATED: November 7, 2014

JOHNSTON & HUTCHINSON LLP

24
25
26 By: 

27 THOMAS J. JOHNSTON
28 Attorneys for Plaintiffs

09/23/2014

09/28/2015

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JOHNSTON & HUTCHINSON LLP

VERIFICATION

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES


I have read the foregoing PLAINTIFF YINNA LAM'S RESPONSE TO SPECIAL INTERROGATORIES PROPOUNDED BY DEFENDANT CECIL HOTEL MANAGEMENT (SET ONE) and know its contents.

I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

Executed on November 7, 2014 at Burnaby B.C., Canada.

I declare under penalty of perjury that the foregoing is true and correct.

YINNA LAM
Print Name


Signature

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 601 W. 5th Street, Suite 210, Los Angeles, CA 90071.

On November 7, 2014, I served the foregoing documents described as **PLAINTIFF YINNA LAM'S RESPONSES TO SPECIAL INTERROGATORIES PROPOUNDED BY DEFENDANT CECIL HOTEL MANAGEMENT, INC. (SET ONE)** on all interested parties in this action in the following manner:

- BY U.S. MAIL:** I am familiar with this firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.
- BY FACSIMILE:** In addition to service by mail as set forth above, a copy of said document(s) was also delivered by facsimile transmission to the addressee(s) pursuant to Code of Civil Procedure §1013(e).
- BY OVERNIGHT MAIL:** I caused said document(s) to be picked up by an overnight delivery service company for delivery to the addressee(s) on the next business day.
- BY PERSONAL SERVICE:** By causing personal delivery by _____ of the document(s) listed above to the person(s) at the address(es) set forth on the attached service list.
- BY ELECTRONIC SERVICE:** Pursuant to Court Order, I caused the above document to be sent to the listed addressee(s) in the attached service list via LexisNexis File & Serve.
- (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on November 7, 2014 at Los Angeles, California.

Christine Chica
CHRISTINE CHICA

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SERVICE LIST

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James A. Murphy, Esq.
Jeff C. Hsu, Esq.
MURPHY, PEARSON, BRADLEY & FEENEY
725 South Figueroa Street, Suite 2150
Los Angeles, CA 90017

T: (213) 327-3500
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Attorneys for Defendant MAIN STREET MANAGEMENT LLC and CECIL MAIN STREET LLC

09/28/2015

8012812815

1 JOHNSTON & HUTCHINSON LLP
601 West Fifth Street, Suite 210
2 Los Angeles, CA 90071
3 Telephone: (213) 542-1978
Facsimile: (213) 542-1977
4 Thomas J. Johnston, SBN 210506
tjj@johnstonhutchinson.com
5

6 Attorneys for Plaintiffs DAVID LAM and DAVID LAM
7

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF LOS ANGELES

10 DAVID LAM, an individual; DAVID LAM, an)
11 individual;)
12 Plaintiffs,)
13 vs.)
14 CECIL HOTEL MANAGEMENT, INC., a)
15 California Corporation; DOES 1 through 25,)
16 inclusive,)
17 Defendants.)

CASE NO. BC515523

[Assigned to the Hon. Teresa Beaudet in
Dept. 97]

**PLAINTIFF DAVID LAM'S
RESPONSES TO SPECIAL
INTERROGATORIES PROPOUNDED
BY DEFENDANT CECIL HOTEL
MANAGEMENT, INC. (SET ONE)**

18
19 PROPOUNDING PARTY: DEFENDANT, CECIL HOTEL MANAGEMENT, INC.
20 RESPONDING PARTY: PLAINTIFF DAVID LAM
21 SET NO.: ONE
22
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PLAINTIFF DAVID LAM'S RESPONSES TO SPECIAL INTERROGATORIES PROPOUNDED BY
DEFENDANT CECIL HOTEL MANAGEMENT, INC. (SET ONE)

EX.C

09 / 28 / 2015

1 **PRELIMINARY STATEMENT**

2 These responses are made solely for the purpose of, and in relation to, this action. Each answer is
3 given subject to all appropriate objections (including, but not limited to, objections concerning competency,
4 relevance, materiality, propriety and admissibility) which would require the exclusion of any statement
5 contained herein if the request were asked of or any statement contained herein were made by a witness
6 present and testifying in court. All such objections and grounds therefore are reserved and may be
7 interposed at the time of trial.

8 The party on whose behalf these responses are given has not yet completed her investigation of the
9 facts relating to this action, has not yet completed her discovery in this action, and has not yet completed
10 her preparation for trial. Consequently, the following responses are given without prejudice to the
11 responding party's right to produce, at the time of trial, subsequently discovered evidence, relative to the
12 proof of facts subsequently discovered to be material.

13
14 **RESPONSES TO SPECIAL INTERROGATORIES:**

15 **SPECIAL INTERROGATORY NO.1:**

16 Please state all facts which support your contention that Defendants did not properly monitor guest
17 access to the roof contrary to safe property management practices applicable to Los Angeles City and Los
18 Angeles County as stated in your complaint in Paragraph 8(a).

19 **RESPONSE TO SPECIAL INTERROGATORY NO. 1:**

20 Defendants had a duty pursuant to Civil Code Section 1714 and the standard of care in the hotel
21 industry to maintain its premises in a safe condition. Defendants needed to exercise adequate rooftop
22 access management by implementing policies, procedures, and physical components controlling access in
23 and out of the rooftop, determining who belongs and who does not, and tracking movement in and out of
24 the rooftop. Defendants should have limited the number of access points to the roof. Defendants should
25 have implemented additional access management tools such as intrusion detection and surveillance devices,
26 such as cameras and close circuit televisions. Further, Defendants should have installed a rooftop access
27 detection system that notified security of access attempts. These sensor alarms trigger CCTV and notify
28 security guards when someone accesses the rooftop.

09/25/2015

1 SPECIAL INTERROGATORY NO. 2:

2 Please identify all persons with knowledge of any facts that support your contention that Defendants
3 did not properly monitor guest access to the roof contrary to safe property management practices applicable to
4 Los Angeles City and Los Angeles County as stated in your complaint in Paragraph 8(a).

5 RESPONSE TO SPECIAL INTERROGATORY NO. 2:

6 Objection: calls for information protected by the attorney work product doctrine to the extent it
7 requests information from an expert witness not yet designated or by a consultant. Without waiving this
8 objection, Plaintiffs respond that the following employees of Defendant likely have knowledge of facts that
9 support Plaintiffs' contentions:

- 10 • Pedro Tovar
- 11 • Amy Price
- 12 • Herb Chase
- 13 • Santiago Lopez

14 These witnesses have not been deposed and Plaintiffs reserve the right to amend this response as additional
15 information becomes available.

16
17 SPECIAL INTERROGATORY NO. 3:

18 Please identify all documents that support your contention that Defendants did not properly monitor
19 guest access to the roof contrary to safe property management practices applicable to Los Angeles City and
20 Los Angeles County as stated in your complaint in Paragraph 8(a).

21 RESPONSE TO SPECIAL INTERROGATORY NO. 3:

22 Photographs of the roof top support Plaintiffs' contentions.

23
24 SPECIAL INTERROGATORY NO. 4:

25 Please state all facts which support your contention that Defendants allowed guest access to a
26 gravity tank/cistern contrary to safe property management practices applicable to Los Angeles City and Los
27 Angeles County as stated in your complaint in Paragraph 8(b).

1 RESPONSE TO SPECIAL INTERROGATORY NO. 4:

2 Elisa Lam died because of access to what safety engineering experts call a “confined space.”

3 The National Institute for Occupational Safety and Health (NIOSH), OSHA, the American National
4 Standards Institute (ANSI), and the American Society of Safety Engineers (ASSE) have been concerned
5 with the dangers of confined spaces for decades because of the high number of farm and industrial workers
6 who fell into water tanks, acid tanks, and grain silos and died. In 1979, NIOSH defined confined spaces to
7 mean, “a space which by design has limited openings for entry and exit, unfavorable natural
8 ventilation...which is not intended for continuous employee occupancy.” In 1989, OSHA determined that
9 based on its review of accident data, that asphyxiation is the leading cause of death in confined spaces.

10 In August of 2009, ANSI (through ASSE) passed ANSI/ASSE Z117.1 that standardized the
11 common sense thinking of OSHA, NIOSH, and ASSE on confined spaces. ANSI Z117.1 has two basic
12 common sense ideas:

- 13 • Confined spaces are always to be considered hazardous until determined to be otherwise.
- 14 • In confined spaces which present a hazard to occupants, entry must be controlled.

15 The evidence here will show that Defendants did nothing to control the entry to the confined space,
16 i.e. the water tank, which was unsecured and available to anyone who wanted to gain entry for whatever
17 reason.

18 Defendants could have easily controlled entry to the water tank. For example, it could have
19 removed and stored the four rung wooden ladder leading to the top of the water tank and it should have
20 used a pad lock to secure the hatch on the water tank. These two actions would have cost less than 10
21 dollars and would have been 100% effective in preventing this event from occurring.

22
23 SPECIAL INTERROGATORY NO. 5:

24 Please identify all persons with knowledge of any facts that support your contention that Defendants
25 allowed guest access to a gravity tank/cistern contrary to safe property management practices applicable to
26 Los Angeles City and Los Angeles County as stated in your complaint in Paragraph 8(b).

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1 RESPONSE TO SPECIAL INTERROGATORY NO. 5:

2 Objection: calls for information protected by the attorney work product doctrine to the extent it
3 requests information from an expert witness not yet designated or by a consultant. Without waiving this
4 objection, Plaintiffs respond that the following employees of Defendant likely have knowledge of facts that
5 support Plaintiffs' contentions:

- 6 • Pedro Tovar
7 • Amy Price
8 • Herb Chase
9 • Santiago Lopez

10 These witnesses have not been deposed and Plaintiffs reserve the right to amend this response as additional
11 information becomes available.

12
13 SPECIAL INTERROGATORY NO. 6:

14 Please identify all documents that support your contention that Defendants allowed guest access to a
15 gravity tank/cistern contrary to safe property management practices applicable to Los Angeles City and Los
16 Angeles County as stated in your complaint in Paragraph 8(b).

17 RESPONSE TO SPECIAL INTERROGATORY NO. 6:

18 Photographs of the roof top, tank hatch, and ladder controlling access to the rooftop tank hatch
19 support Plaintiffs' contentions.

20
21 SPECIAL INTERROGATORY NO. 7:

22 Please state all facts which support your contention that Defendants failed to maintain adequate
23 controls to the hotel roof as stated in your complaint in Paragraph 8(c).

24 RESPONSE TO SPECIAL INTERROGATORY NO. 7:

25 Defendants had a duty pursuant to Civil Code Section 1714 and the standard of care in the hotel
26 industry to maintain its premises in a safe condition. Defendants needed to exercise adequate rooftop
27 access management by implementing policies, procedures, and physical components controlling access in
28 and out of the rooftop, determining who belongs and who does not, and tracking movement in and out of

1 the rooftop. Defendants should have limited the number of access points to the roof. Defendants should
2 have implemented additional access management tools such as intrusion detection and surveillance devices,
3 such as cameras and close circuit televisions. Further, Defendants should have installed a rooftop access
4 detection system that notified security of access attempts. These sensor alarms trigger CCTV and notify
5 security guards when someone accesses the rooftop.

6 Elisa Lam died because of access to what safety engineering experts call a “confined space.”

7 The National Institute for Occupational Safety and Health (NIOSH), OSHA, the American National
8 Standards Institute (ANSI), and the American Society of Safety Engineers (ASSE) have been concerned
9 with the dangers of confined spaces for decades because of the high number of farm and industrial workers
10 who fell into water tanks, acid tanks, and grain silos and died. In 1979, NIOSH defined confined spaces to
11 mean, “a space which by design has limited openings for entry and exit, unfavorable natural
12 ventilation...which is not intended for continuous employee occupancy.” In 1989, OSHA determined that
13 based on its review of accident data, that asphyxiation is the leading cause of death in confined spaces.

14 In August of 2009, ANSI (through ASSE) passed ANSI/ASSE Z117.1 that standardized the
15 common sense thinking of OSHA, NIOSH, and ASSE on confined spaces. ANSI Z117.1 has two basic
16 common sense ideas:

- 17 • Confined spaces are always to be considered hazardous until determined to be otherwise.
- 18 • In confined spaces which present a hazard to occupants, entry must be controlled.

19 The evidence here will show that Defendants did nothing to control the entry to the confined space,
20 i.e. the water tank, which was unsecured and available to anyone who wanted to gain entry for whatever
21 reason.

22 Defendants could have easily controlled entry to the water tank. For example, it could have
23 removed and stored the four rung wooden ladder leading to the top of the water tank and it should have
24 used a pad lock to secure the hatch on the water tank. These two actions would have cost less than 10
25 dollars and would have been 100% effective in preventing this event from occurring.

26 //

27 //

28 //

1 SPECIAL INTERROGATORY NO. 8:

2 Please identify all persons with knowledge of any facts that support your contention that Defendants
3 failed to maintain adequate controls to the hotel roof as stated in your complaint in Paragraph 8(c).

4 RESPONSE TO SPECIAL INTERROGATORY NO. 8:

5 Objection: calls for information protected by the attorney work product doctrine to the extent it
6 requests information from an expert witness not yet designated or by a consultant. Without waiving this
7 objection, Plaintiffs respond that the following employees of Defendant likely have knowledge of facts that
8 support Plaintiffs' contentions:

- 9 • Pedro Tovar
- 10 • Amy Price
- 11 • Herb Chase
- 12 • Santiago Lopez

13 These witnesses have not been deposed and Plaintiffs reserve the right to amend this response as additional
14 information becomes available.

15
16 SPECIAL INTERROGATORY NO. 9:

17 Please identify all documents that support your contention that Defendants failed to maintain
18 adequate controls to the hotel roof as stated in your complaint in Paragraph 8(c).

19 RESPONSE TO SPECIAL INTERROGATORY NO. 9:

20 Photographs of the roof top, tank hatch, and ladder controlling access to the rooftop tank hatch
21 support Plaintiffs' contentions.

22
23 SPECIAL INTERROGATORY NO. 10:

24 Please state all facts which support your contention that Defendants failed to maintain adequate
25 notification of breaches of the hotel roof as stated in your complaint in Paragraph 8(d).

26 RESPONSE TO SPECIAL INTERROGATORY NO. 10:

27 Defendants had a duty pursuant to Civil Code Section 1714 and the standard of care in the hotel
28 industry to maintain its premises in a safe condition. Defendants needed to exercise adequate rooftop

1 access management by implementing policies, procedures, and physical components controlling access in
2 and out of the rooftop, determining who belongs and who does not, and tracking movement in and out of
3 the rooftop. Defendants should have limited the number of access points to the roof. Defendants should
4 have implemented additional access management tools such as intrusion detection and surveillance devices,
5 such as cameras and close circuit televisions. Further, Defendants should have installed a rooftop access
6 detection system that notified security of access attempts. These sensor alarms trigger CCTV and notify
7 security guards when someone accesses the rooftop.

8
9 SPECIAL INTERROGATORY NO. 11:

10 Please identify all persons with knowledge of any facts that support your contention that Defendants
11 failed to maintain adequate notification of breaches of the hotel roof as stated in your complaint in
12 Paragraph 8(d).

13 RESPONSE TO SPECIAL INTERROGATORY NO. 11:

14 Objection: calls for information protected by the attorney work product doctrine to the extent it
15 requests information from an expert witness not yet designated or by a consultant. Without waiving this
16 objection, Plaintiffs respond that the following employees of Defendant likely have knowledge of facts that
17 support Plaintiffs' contentions:

- 18 • Pedro Tovar
- 19 • Amy Price
- 20 • Herb Chase
- 21 • Santiago Lopez

22 These witnesses have not been deposed and Plaintiffs reserve the right to amend this response as additional
23 information becomes available.

24
25 SPECIAL INTERROGATORY NO. 12:

26 Please identify all documents that support your contention that Defendants failed to maintain
27 adequate notification of breaches of the hotel roof as stated in your complaint in Paragraph 8(d).

- Herb Chase
- Santiago Lopez

These witnesses have not been deposed and Plaintiffs reserve the right to amend this response as additional information becomes available.

SPECIAL INTERROGATORY NO. 15:

Please identify all documents that support your contention that Defendants breached any standard of care as stated in your complaint in Paragraph 8(e).

RESPONSE TO SPECIAL INTERROGATORY NO. 15:

Photographs of the roof top, tank hatch, and ladder controlling access to the rooftop tank hatch support Plaintiffs' contentions.

SPECIAL INTERROGATORY NO. 16:

Please state all facts regarding how the decedent accessed the roof of the subject property.

RESPONSE TO SPECIAL INTERROGATORY NO. 16:

Plaintiffs contend Elisa Lam entered the roof through the door from the staircase to the roof.

SPECIAL INTERROGATORY NO. 17:

Please identify all persons with knowledge of any facts regarding how the decedent accessed the roof of the subject property.

RESPONSE TO SPECIAL INTERROGATORY NO. 17:

Plaintiffs do not know of any person with knowledge of this fact.

SPECIAL INTERROGATORY NO. 18:

Please identify all documents that evidence or reflect how the decedent accessed the roof of the subject property.

RESPONSE TO SPECIAL INTERROGATORY NO. 18:

Plaintiffs do not know of any documents that evidence this fact.

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2 SPECIAL INTERROGATORY NO.19:

3 Please state all facts regarding the date and time the decedent accessed the roof of the subject property.

4 RESPONSE TO SPECIAL INTERROGATORY NO. 19:

5 Elisa Lam accessed the roof of the subject roof on or about February 1, 2013. Ms. Lam was last
6 known alive on February 1, 2013. On February 19, 2013 at 10:00 a.m., Defendants' employee found Ms. Lam
7 in the rooftop water tank. Ms. Lam is seen in hotel surveillance video from February 1, 2013 wearing the
8 same clothing she was wearing when found in the rooftop water tank.
9

10 SPECIAL INTERROGATORY NO. 20:

11 Please identify all persons with knowledge of any facts regarding the date and time the decedent
12 accessed the roof of the subject property.

13 RESPONSE TO SPECIAL INTERROGATORY NO. 20:

14 Kelly Yagerlener, Investigator. County of Los Angeles, Department of Coroner.
15 Detective Tennelle, Los Angeles Police Department Robbery Homicide division.
16

17 SPECIAL INTERROGATORY NO. 21:

18 Please identify all documents that evidence or reflect the date and time the decedent accessed the roof
19 of the subject property.

20 RESPONSE TO SPECIAL INTERROGATORY NO. 21:

21 County of Los Angeles, Department of Coroner Investigator's Narrative for Case No. 2013-01364
22

23 SPECIAL INTERROGATORY NO. 22:

24 Please state all facts regarding why the decedent accessed the roof of the subject property.

25 RESPONSE TO SPECIAL INTERROGATORY NO. 22:

26 Ms. Lam was experiencing an episode of intense fear and agitation when last known alive on
27 February 1, 2013. This episode led to Ms. Lam accessing the roof and the gravity tank/cistern.
28

1 SPECIAL INTERROGATORY NO. 23:

2 Please identify all persons with knowledge of any facts regarding why the decedent accessed the
3 roof of the subject property

4 RESPONSE TO SPECIAL INTERROGATORY NO. 23:

5 Kelly Yagerlener, Investigator. County of Los Angeles, Department of Coroner.
6 Detective Tennelle, Los Angeles Police Department Robbery Homicide division.
7

8 SPECIAL INTERROGATORY NO. 24:

9 Please identify all documents that evidence or reflect why the decedent accessed the roof of the
10 subject property.

11 RESPONSE TO SPECIAL INTERROGATORY NO. 24:

12 County of Los Angeles, Department of Coroner Investigator's Narrative for Case No. 2013-01364.
13 Documents part of the investigation file of the Los Angeles Police Department.
14

15 SPECIAL INTERROGATORY NO. 25:

16 Please state all facts regarding how the decedent accessed the gravity tank/cistern located on the
17 roof of the subject property.

18 RESPONSE TO SPECIAL INTERROGATORY NO. 25:

19 Ms. Lam accessed the gravity tank/cistern by way of a ladder leading to the tank and an unlocked
20 hatch at the top of the tank.
21

22 SPECIAL INTERROGATORY NO. 26:

23 Please identify all persons with knowledge of any facts regarding how the decedent accessed the
24 gravity tank/cistern located on the roof of the subject property.

25 RESPONSE TO SPECIAL INTERROGATORY NO. 26:

26 Kelly Yagerlener, Investigator. County of Los Angeles, Department of Coroner.
27 Detective Tennelle, Los Angeles Police Department Robbery Homicide division.
28

1
2 SPECIAL INTERROGATORY NO. 27:

3 Please identify all documents that evidence or reflect how the decedent accessed the gravity
4 tank/cistern located on the roof of the subject property.

5 RESPONSE TO SPECIAL INTERROGATORY NO. 27:

6 SPECIAL INTERROGATORY NO. 28:

7 Please state all facts regarding the date and time the decedent accessed the gravity tank/cistern
8 located on the roof of the subject property.

9 RESPONSE TO SPECIAL INTERROGATORY NO. 28:

10 County of Los Angeles, Department of Coroner Investigator's Narrative for Case No. 2013-01364.
11 Documents part of the investigation file of the Los Angeles Police Department.

12
13 SPECIAL INTERROGATORY NO. 29:

14 Please identify all persons with knowledge of any facts regarding the date and time the decedent
15 accessed the gravity tank/cistern located on the roof of the subject property.

16 RESPONSE TO SPECIAL INTERROGATORY NO. 29:

17 Kelly Yagerlener, Investigator. County of Los Angeles, Department of Coroner.
18 Detective Tennelle, Los Angeles Police Department Robbery Homicide division.

19
20 SPECIAL INTERROGATORY NO. 30:

21 Please identify all documents that evidence or reflect date/or time the decedent accessed the gravity
22 tank/cistern located on the roof of the subject property.

23 RESPONSE TO SPECIAL INTERROGATORY NO. 30:

24 County of Los Angeles, Department of Coroner Investigator's Narrative for Case No. 2013-01364.
25 Documents part of the investigation file of the Los Angeles Police Department.

1 SPECIAL INTERROGATORY NO. 31:

2 Please state all facts regarding why the decedent accessed the gravity tank/cistern located on the
3 roof of the subject property.

4 RESPONSE TO SPECIAL INTERROGATORY NO. 31:

5 Ms. Lam was experiencing an episode of intense fear and agitation when last known alive on
6 February 1, 2013. This episode led to Ms. Lam accessing the roof and the gravity tank/cistern.

7
8 SPECIAL INTERROGATORY NO. 32:

9 Please identify all persons with knowledge of any facts regarding why the decedent accessed the
10 gravity tank/cistern located on the roof of the subject property.

11 RESPONSE TO SPECIAL INTERROGATORY NO. 32:

12 Kelly Yagerlener, Investigator. County of Los Angeles, Department of Coroner.
13 Detective Tennelle, Los Angeles Police Department Robbery Homicide division.

14
15 SPECIAL INTERROGATORY NO. 33:

16 Please identify all documents that evidence or reflect why the decedent accessed the gravity
17 tank/cistern located on the roof of the subject property.

18 RESPONSE TO SPECIAL INTERROGATORY NO. 33:

19 County of Los Angeles, Department of Coroner Investigator's Narrative for Case No. 2013-01364.
20 Documents part of the investigation file of the Los Angeles Police Department.

21
22
23 DATED: November 7, 2014

JOHNSTON & HUTCHINSON LLP

24
25
26 By: 

THOMAS J. JOHNSTON
Attorneys for Plaintiffs

09 / 28 / 2015

JOHNSTON & HUTCHINSON LLP

VERIFICATION

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I have read the foregoing PLAINTIFF DAVID LAM'S RESPONSE TO SPECIAL INTERROGATORIES PROPOUNDED BY DEFENDANT CECIL HOTEL MANAGEMENT (SET ONE) and know its contents.

I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

Executed on November 7, 2014 at Burnaby B.C., Canada.

I declare under penalty of perjury that the foregoing is true and correct.

DAVID LAM
Print Name


Signature

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 601 W. 5th Street, Suite 210, Los Angeles, CA 90071.

On November 7, 2014, I served the foregoing documents described as **PLAINTIFF DAVID LAM'S RESPONSES TO SPECIAL INTERROGATORIES PROPOUNDED BY DEFENDANT CECIL HOTEL MANAGEMENT, INC. (SET ONE)** on all interested parties in this action in the following manner:

- BY U.S. MAIL:** I am familiar with this firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.
- BY FACSIMILE:** In addition to service by mail as set forth above, a copy of said document(s) was also delivered by facsimile transmission to the addressee(s) pursuant to Code of Civil Procedure §1013(e).
- BY OVERNIGHT MAIL:** I caused said document(s) to be picked up by an overnight delivery service company for delivery to the addressee(s) on the next business day.
- BY PERSONAL SERVICE:** By causing personal delivery by _____ of the document(s) listed above to the person(s) at the address(es) set forth on the attached service list.
- BY ELECTRONIC SERVICE:** Pursuant to Court Order, I caused the above document to be sent to the listed addressee(s) in the attached service list via LexisNexis File & Serve.
- (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on November 7, 2014 at Los Angeles, California.


CHRISTINE CHICA

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James A. Murphy, Esq.
Jeff C. Hsu, Esq.
MURPHY, PEARSON, BRADLEY & FEENEY
725 South Figueroa Street, Suite 2150
Los Angeles, CA 90017

T: (213) 327-3500
F: (213) 627-2445

Attorneys for Defendant MAIN STREET MANAGEMENT LLC and CECIL MAIN STREET LLC

09/28/2015

09/28/2015

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

DAVID LAM, an individual;)
YINNA LAM, an individual,)
)
Plaintiffs,)
) No. BC515523
vs.)
)
CECIL HOTEL MANAGEMENT,)
INC., a California)
Corporation; DOES 1 through)
25, inclusive,)
)
Defendants.)
_____)

DEPOSITION OF DETECTIVE WALLACE TENNELLE, a witness
herein, noticed by JOHNSTON & HUTCHINSON, LLP, at
601 West Fifth Street, Suite 210, Los Angeles,
California, at 1:39 p.m., on Wednesday,
July 22, 2015, before Kristine M. Hicks, CSR 13634.

Hutchings Number 580786

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EXD

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APPEARANCES OF COUNSEL:

For Defendant, MAIN STREET MANAGEMENT, LLC, and CECIL
MAIN STREET, LLC:

MURPHY, PEARSON, BRADLEY & FEENEY

BY JEFF C. HSU

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For Plaintiff:

JOHNSTON & HUTCHINSON, LLP

BY PATRICK L. JOHNSTON

601 West Fifth Street, Suite 210

Los Angeles, California 90071

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I N D E X

WITNESS: Detective Wallace Tennelle

EXAMINATION BY: PAGE

Mr. Johnston 4

Mr. Hsu 41

E X H I B I T S

EXHIBIT DESCRIPTION MARKED

EXHIBIT 1 Notice of deposition 22

EXHIBIT 2 Photograph of Cecil Hotel 22

EXHIBIT 3 Photograph of Cecil Hotel 22

EXHIBIT 4 Photograph of Cecil Hotel 33

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1 DETECTIVE WALLACE TENNELLE,
2 a witness herein, having been sworn, testified as
3 follows:
4

5 -EXAMINATION-
6

7 BY MR. JOHNSTON:

8 Q. Would you please state and spell your full name
9 for the record, sir.

10 13:39 A. Wallace Tennelle, W-a-l-l-a-c-e T-e-n-n-e-l-l-e.

11 Q. Detective Tennelle? Is that it?

12 A. Yes, sir.

13 Q. My name is Pat Johnston. I represent the
14 plaintiffs in this litigation.

15 13:40 You've had your deposition taken before?

16 A. On this case or any other time?

17 Q. You know what the drill is without --

18 A. Yes, I do.

19 Q. Can we dispense with that, or do you want me to
20 13:40 go over what your obligations and my obligations are?

21 A. No. Tell the truth. I have no issues, no.

22 Q. Okay. If you have any questions about my
23 question to you, don't hesitate to tell me you can't
24 understand it --

25 13:40 A. Right.

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1 Q. -- if it doesn't make sense to you or whatever
2 it is --

3 A. Correct.

4 Q. -- and I'll rephrase it. That's my obligation
5 13:40 to you, is to make sure you understand the questions I
6 ask, and, obviously, you have to tell the truth. That's
7 about it.

8 A. Yes, sir.

9 Q. If you want to take a break for any reason, just
10 13:40 say as much. We're here, to a large extent, at your
11 convenience. So if you want to hit the restroom or
12 whatever, go have a smoke -- I don't know if you smoke or
13 not -- but anything that's reasonable, we'll call it up
14 for 10, 15 minutes, but we shouldn't be here too, too
15 13:41 long.

16 A. Okay.

17 Q. Can you give me your educational background
18 since high school.

19 A. Well, I just have a few credits of college,
20 13:41 El Camino College. That's it. I don't have a degree or
21 anything like that.

22 Q. You are presently employed by the LAPD?

23 A. Yes, sir.

24 Q. Can you give me a quick rundown on what your
25 13:41 history with LAPD is, what jobs you've had?

1 A. Well, I started off once I graduated from the
2 academy. I --

3 **Q. What year was that, sir?**

4 A. That was in August of 1980.

5 13:41 **Q. Okay.**

6 A. I went to southeast division. Did my probation
7 there. From there, I went to jail division.

8 **Q. Jail?**

9 A. Jail division, where I worked jail for almost a
10 13:41 year.

11 From there, I went to Hollenbeck patrol. After
12 Hollenbeck patrol, for maybe a year or two, I went to
13 narcotics where I worked undercover as a -- buying
14 narcotics undercover.

15 13:42 **Q. What year was that, approximately?**

16 A. That was maybe in '83, '84.

17 '84, I went to OCB CRASH. Then it was called
18 Operation Central Bureau CRASH, which is Community
19 Resources Against Street Hoodlums. That was the acronym
20 13:42 that they had. Basically, it was gang detail.

21 **Q. And where were you located for that?**

22 A. That was out of central division, but it
23 worked -- but it was central bureau. So it incorporated
24 other divisions: Rampart, central, northeast,
25 13:42 Hollenbeck, Newton.

1 Q. Okay.

2 A. I worked that for maybe -- well, actually, I
3 stayed in that unit until it was disbanded, and I went to
4 Newton -- take that back. I went to detectives and
5 13:43 worked detectives at OCB CRASH investigating homicides,
6 rapes, robberies. Any crime that had been committed by a
7 gang member and the divisions felt it was a gang crime
8 and that OCB CRASH would handle, we handled that.

9 Like I said, I worked murders. So I started working
10 13:43 murders in maybe '87, 1987. After the unit was
11 disbanded, I worked Newton homicide until 1999. From
12 1999, I came to robbery/homicide, and that's where I've
13 been ever since.

14 Q. Since 1999, you've been robbery --

15 13:44 A. Robbery/homicide.

16 Q. You say robberies and homicide?

17 A. Robbery/homicide.

18 Q. Okay. Before -- you say you did murders.

19 that's -- homicide and murders are the same?

20 13:44 A. Yeah. I didn't commit them, but...

21 Q. Yeah, I know.

22 A. I didn't mean for it to sound that way but,
23 yeah, investigative murders.

24 Q. I was going to say, they don't make a
25 13:44 distinction early on that "This is a murder. This is a

1 homicide"? You take the homicide --

2 A. Yeah, exactly.

3 Q. So since '89, you've been in robbery/homicide
4 always in the same division?

5 13:44 A. Yes, sir.

6 Q. And which division is that?

7 A. Well, robbery/homicide is a division that
8 handles the entire city. We respond to --

9 Q. Okay. How many detectives would be in
10 13:44 robbery/homicide?

11 A. If -- well, if you count -- robbery/homicide
12 includes a robbery section, sexual assault section, and
13 the unsolved homicide section. Maybe 100.

14 Q. Is there any ranking within detective?
15 13:45 Detective 1, 2, 3, 4 or anything like that?

16 A. Yes, sir. There is a D-1, Detective 1,
17 Detective 2, Detective 3. Detective 3 is the highest
18 grade you can achieve as a detective, and I'm a Detective
19 3. Robbery/homicide is usually comprised of either
20 13:45 Detective 2s or Detective 3s.

21 Q. To take a D-1, D-2, or D-3, is there an
22 examination for that?

23 A. No, not really. Somebody might have an
24 expertise, let's say, either in language or whatever,
25 13:45 that, if it's needed, then they might be brought to the

1 unit as a D-1. We do have D-1s in the unit, but it's
2 kind of rare.

3 Q. Okay. And then how do you progress from a D-1
4 to a D-2 or a D-2 to a D-3? Is it years --

5 13:45 A. No. Once you take the detective test, you pass
6 it, and you become a detective, you'll be assigned a
7 division. And thereafter, it's all done through oral
8 interviews.

9 Q. Okay. Do they have -- "they," being LAPD. Do
10 13:46 they have on-the-job training for detectives and things?

11 A. Basically, that's about how it is. You know,
12 you come on. You may want -- if you're interested in
13 working murders, they will bring you on and you learn
14 with an experienced investigator how crime scenes are
15 13:46 processed.

16 But there are schools. We have a homicide school
17 that you'll attend, and there is other schools and
18 seminars you might be -- you might go to where you will
19 get homicide training.

20 13:46 Q. Have you taken -- you've taken the classes
21 offered by LAPD?

22 A. Yes, sir. I've gone through detective school
23 and homicide school.

24 Q. Are there any schools that they offer for your
25 13:47 job that you haven't taken?

1 Q. Who was that?

2 A. Detective Stearns. That's S-t-e-a-r-n-s. First
3 name is Gregory.

4 Q. Is he still with LAPD?

5 13:48 A. Yes, sir, he is.

6 Q. Do you know where he is presently?

7 A. He still is assigned to robbery/homicide
8 division.

9 Q. Now, when you worked -- do you work with that
10 13:48 partner -- you're assigned initially -- let me back up.

11 Was he your constant partner, or you are partners
12 for a particular -- do you have partners for particular
13 crimes or investigations?

14 A. At that time, he was my assigned partner.

15 13:48 Q. Okay. So if you -- you worked the same cases
16 together?

17 A. Yes, sir. We responded to all the call-outs
18 together.

19 Q. I take it from your answer, he's not your
20 13:49 assigned partner presently?

21 A. No, sir. I have a different partner.

22 Q. Is that routine that they change?

23 A. Sometimes they do, yes, sir.

24 Q. Is that at the behest of the department, or can
25 13:49 you ask to have a change of partners or both?

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1 A. You can ask, but sometimes they just feel they
2 want to have people work with other people just to...

3 **Q. Is that what happened with yourself and**
4 **Mr. Stearns?**

5 13:49 A. I don't recall. I think they just -- it was
6 just one of those things where they just moved people
7 around.

8 **Q. Okay. Do they try and team an experienced**
9 **detective with a less experienced, or is it not taken**
10 **into account, or how?**

11 A. No, it's not, because generally everybody that
12 comes to robbery/homicide has several years of homicide
13 investigation under their belt. So the only thing they
14 might try and do is, if you have a person that speaks a
15 13:50 foreign language, they'll try and match people so that
16 each team will have at least a Spanish speaker or
17 whatever speaker, Armenian or whatever.

18 **Q. As between the two team members, is there one**
19 **person who calls the shots, or is it just worked out**
20 **between however the two partners seem to get along?**

21 A. Well, I can't speak for others, but I have
22 always shared the decision making with my partner. The
23 only thing I can see is if things really went south, the
24 higher-ups are going to say, "Well you're the D-3.
25 13:51 You're the one who's responsible." So you might take the

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1 hit for the fault or anything.

2 But, generally, it's just something you work out
3 with each other. If he has an idea and he's adamant and
4 he wants to go with his idea first, I have no issue with
5 13:51 it.

6 Q. Everybody brings different strengths to the --

7 A. Correct.

8 Q. -- and you just hope to work to those strengths?

9 A. Exactly.

10 13:51 Q. Okay. What did you first hear about Ms. Lam
11 that brought you -- what did you hear happened?

12 A. I didn't hear -- the only thing I recall is I
13 remember there was something going on that day in the
14 city, and I don't recall if it was a protest or what, but
15 13:51 we were told that a body had been found at the
16 Cecil Hotel -- or not a body, but a missing person at the
17 Cecil Hotel. "Need you guys to go in and look into it."
18 And the reason was is that she was a Canadian national
19 visiting, and because of the fact that she was a --

20 13:52 Q. Foreign national?

21 A. -- foreign national, they asked that we go down
22 and check it out, and that's why we went.

23 Q. So you got involved in this prior to the
24 discovery of her body?

25 13:52 A. Correct.

1 Q. Do you recall who it was who got in touch with
2 the LAPD about looking for their daughter?

3 A. No, I don't.

4 Q. How long on that aspect -- how much time did you
5 13:52 guys spend trying to figure that one out?

6 A. Figure what out?

7 Q. Where she was or what -- I mean, do you recall
8 what you did when you went down to Cecil Hotel or -- or
9 what did you do after you heard you've got a missing
10 13:52 person?

11 A. Well, I recall going to the Cecil Hotel that
12 day. We set up a command post in the lobby. As teams
13 responded, the decision was to -- we'll start off by
14 searching the entire hotel. We needed more bodies,
15 13:53 personnel, to respond to assist us. Once we got enough
16 personnel, we assigned a team, and we had a hotel
17 employee who had a master key that could access the
18 rooms, and the -- what everyone was told to do is they
19 were assigned floors, and they were to go room to room,
20 13:53 door knock. If there was somebody there, open it and ask
21 permission to go in and search.

22 By searching, I don't mean they were going in and
23 looking in trash cans, pulling out drawers. It was to
24 look in and see wherever a human being could possibly
25 13:54 hide or be, to check that area. No luggage was opened or

1 anything like that. All closets. Every nook and cranny
2 of that building where we thought was a room, locked or
3 unlocked, it was to be opened. It was to be searched.

4 Q. For a person?

5 13:54 A. For a person. And that was it.

6 Q. Okay. How many people did LAPD have involved in
7 this?

8 A. I don't recall offhand. We had quite a few
9 teams.

10 13:54 Q. Do you know how long that search took?

11 A. It took quite a while, at least a day, and we
12 also brought in K9 units. There might have been at
13 least -- going off memory -- six or seven teams from the
14 California emergency -- I forget what it is. They have
15 13:55 scent dogs, and they were tasked with using the dogs.

16 After the search had been done, the dogs went through
17 from top to bottom.]

18 Q. Did you -- you ever heard of the term "cadaver
19 dogs"?

20 13:55 A. Yeah, I've heard of cadaver dogs.

21 Q. Any of those dogs used, to your knowledge?

22 A. I don't know if any of those dogs were cadaver
23 dogs because -- they may have been multi-purpose dogs.
24 So I really couldn't say.

25 13:55 I remember we told them that we were looking for a

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1 missing.

2 Q. Now, you've heard that they had a video of her?

3 You've seen that video?

4 A. Yes, sir, I have.

5 13:57 Q. When were you told that they had a video of her?

6 A. Well, they didn't --

7 Q. A videotape exists --

8 A. They did not tell us that a video existed. What

9 happened is we knew that the hotel had video. So there

10 13:58 was a team, two guys, and their duty was simply to look

11 at all the video from a certain period when she checked

12 in, I believe.

13 Q. When you say "they," you mean LAPD personnel?

14 A. Yeah. Detectives, Tim Marcia and Detective --

15 13:58 Q. Can you spell that?

16 A. M-a-r-c-i-a. First name is Tim.

17 Q. Is he still with LAPD?

18 A. Yes, sir, he is. They both are.

19 The other detective, I just drew a blank on his

20 13:58 name. Anyway, they were -- if I come up with it, I'll

21 interject. They were detailed specifically to just look

22 at the video, and they looked at the video, and

23 eventually she was seen inside the location.

24 Q. Is it your thought that the video -- that

25 13:59 they -- when they looked at the video, Mr. Marcia and his

1 partner, that they were the first persons reviewing the
2 video? Do you have any knowledge of that?

3 A. My only knowledge is they were the first people
4 from LAPD to view the video.

5 13:59 Q. Has it ever been a thought that the video had
6 been tampered with in any way, shape or form?

7 A. No.

8 Q. Has anyone brought that up to you before?

9 A. That it was tampered with?

10 13:59 Q. Yeah.

11 A. No.

12 Q. Okay. Is the video -- as I understand it, LAPD
13 has a copy of the video?

14 A. Yes.

15 14:00 Q. Is that the video, or is it a copy of the video
16 that they --

17 A. It is the download from their system. It's the
18 original download from their system.

19 Q. And who did the downloading, if you know?

20 14:00 A. I don't recall. I think it might have been -- I
21 think it was Detective Marcia and his partner that
22 downloaded it.

23 Q. Did --

24 A. I don't recall if SID came out and did a
25 14:00 download or not. They may have. I don't know. I would

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1 have to look at the books to...

2 Q. Have you ever heard of any thought that -- of
3 anybody saying that they thought that the video had been
4 tampered with prior to -- the reason I'm bringing that
5 14:00 up, as you know, this has been involved in the Internet,
6 and supposedly the Internet -- the supposed experts are
7 saying that the video has been tampered with.

8 Do you have any knowledge of that, or was it ever
9 suspected by LAPD that it had been?

10 14:01 A. Not tampering, no, because when Detective Marcia
11 and his partner were reviewing the video footage, that
12 was done at the hotel on the system itself. It wasn't a
13 copy that was downloaded and then reviewed. We were
14 looking at it right then and there in real time.

15 14:01 Q. And do you know if anybody asked the people at
16 the hotel if they had previously reviewed any of that
17 material to see if Ms. Lam had been seen since she was
18 last thought to have been seen?

19 A. I don't recall.

20 14:02 Q. Okay. My thought is that the hotel would not
21 ordinarily -- would not just review the video just to
22 review video to see who was there or not. They -- it's
23 somehow warehoused in case they need it. A question
24 comes up, then they go review it.

25 14:02 Is that your thought as to what had happened when

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1 Mr. Marcia had to review the video? "Okay. We got it
2 right here. Here it is. Look at it"?

3 MR. HSU: Objection. Calls for speculation.

4 THE WITNESS: Could you repeat that question?

5 14:02 BY MR. JOHNSTON:

6 Q. Sure.

7 Do you know if anybody had asked -- maybe I asked
8 you this. If I did, I apologize -- if anybody at the
9 hotel had reviewed the video prior to LAPD reviewing the
10 14:02 video?

11 A. I don't know.

12 Q. Okay. You may not know it, but has that been an
13 issue raised before? "We should find out whether or not
14 they reviewed this before we did"?

15 14:03 A. I don't know if when -- I don't know if when
16 Detective Marcia and his partner were being shown the
17 video room where their equipment was, if they may have
18 asked, "Has anybody viewed the video?"

19 I wouldn't have been there. I was still dealing
20 14:03 with the search. So they may have asked, but I can't
21 tell you. I don't know if they did or not.

22 Q. Do you know which room she was assigned or she
23 rented?

24 A. I don't recall off hand which one she rented,
25 14:04 but I know that she was in one, and then she was given

1 another room. 7

2 Q. Okay. I take it you guys, LAPD, searched both
3 of those rooms?

4 A. Yes.

5 14:04 Q. At the time that you were searching those rooms,
6 had they been re-rented to other people?

7 A. If I recall, no. The first room, if I recall,
8 was almost a -- it had multiple beds. It was a
9 hostel-like situation where you had multiple people
10 14:04 sleeping in one room. And then my understanding was that
11 she was then given a room by herself.

12 Q. And the room by herself, had they re-rented that
13 room?

14 A. I don't know.

15 14:04 Q. Do you know -- did you go into that room
16 yourself? Do you recall?

17 A. I did go and look at it, but I don't recall if
18 there was property in there or if it had been rented.

19 If I recall correctly, the first room she was in
20 14:05 that had multiple beds -- I think bunk beds -- that one
21 hadn't been rented. But the other room, I don't recall.

22 Q. Okay.

23 MR. JOHNSTON: I'll mark as Exhibit 1 a notice of
24 taking deposition.

25 14:05 (Continued on following page.)

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1 (Whereupon the document referred to is marked by the
2 reporter as EXHIBIT 1 for identification.)

3 MR. JOHNSTON: And then I got a couple of
4 photographs here off of --

5 14:05 THE WITNESS: Gable -- Chris Gable was Detective
6 Marcia's partner.

7 MR. JOHNSTON: We'll mark as Exhibit 2 a photograph
8 of -- that I've taken off of the Internet here of the
9 building. Exhibit 2 is a photocopy of what I believe to
10 14:06 be the Cecil Hotel.

11 (Whereupon the document referred to is marked by the
12 reporter as EXHIBIT 2 for identification.)

13 MR. JOHNSTON: And Exhibit 3 is a photocopy of the
14 same hotel but different aspect.

15 14:06 (Whereupon the document referred to is marked by the
16 reporter as EXHIBIT 3 for identification.)

17 BY MR. JOHNSTON:

18 Q. You see those, sir? Do you recognize that as
19 the Cecil Hotel?

20 14:06 A. Yes, I do.

21 Q. Okay. On one of them I have marked as
22 Exhibit 2, you can see that -- is that the front of the
23 Cecil? It faces on Main Street?

24 A. Yes, it is.

25 14:06 Q. You see on the right-hand side the fire escape?

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1 A. Yes, sir.

2 Q. And then on Exhibit 3, I believe you can see
3 it's a side of the Cecil Hotel taken from 7th Street?

4 A. Correct.

5 14:06 Q. And you can see a stairwell?

6 MR. HSU: Do you have an extra copy of 3?

7 MR. JOHNSTON: Oh, I'm sorry.

8 MR. HSU: Thank you.

9 BY MR. JOHNSTON:

10 [14:07 Q. I'm going to -- you can see the building is
11 divided into three -- I don't know what you call those.

12 A. Three wings.

13 Q. Three wings. Okay.

14 And I'll mark on here, starting from left to right,

15 14:07 A, B and C. Wings B and C also have stairwells or --

16 A. Fire escapes.]

17 Q. -- fire escapes; correct?

18 A. Yes, sir.

19 Q. Do you know if the room that she had after she

20 14:07 left the multi-tenant room -- I'll refer to it as

21 that -- where she went by herself, did she have access

22 from her apartment onto the fire escape in that room?

23 A. Inside the room itself?

24 Q. Yes.

25 14:07 A. No. If I recall, the fire escape is accessible

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1 A. Correct.

2 Q. Okay. Do you recall if by the time you got
3 there -- and I'm speaking into the room that she was
4 last -- had last rented or the last occupied, according
5 14:10 to Cecil Hotel people, did she have any belongings in
6 there still? Do you know?

7 A. When I saw it, no. All her belongings had been
8 taken out and locked in a basement storage room.

9 Q. Okay. Do you know when they did that?

10 14:10 A. It is noted in the book, the case book, but I
11 don't remember the exact date. I think it might have
12 been on the 1st, but I'm not sure. I would have to look
13 at my book to know for sure.

14 Q. By the way, when you were doing this
15 14:11 investigation at the Cecil Hotel the first day -- first
16 or second day -- was there any member of Ms. Lam's family
17 there with you?

18 A. No.

19 Q. When you were shown what they told you is what
20 14:11 they retrieved from her last room -- when I use the word
21 "they," I mean somebody from Cecil Hotel.

22 A. Yes.

23 Q. Did you ever talk to the person, actually, who
24 said, "I took this from this room and took it into
25 14:11 storage"?

1 A. Yes, I did.

2 Q. I suspect that person had made that same trip
3 for other people many times. She knew what she was
4 doing. She was cleaning one person's stuff out and
5 14:11 storing it.

6 A. I'm sorry?

7 Q. I'll withdraw the question.

8 From your view of what you saw of Ms. Lam's in the
9 storage room, did you have any idea that she left and she
10 14:12 must have taken some stuff because she doesn't have
11 enough -- there's not enough here. She would have come
12 with more. You know what I'm saying?

13 MR. HSU: Objection. Vague and ambiguous.

14 MR. JOHNSTON: It is vague, but I'm --

15 14:12 BY MR. JOHNSTON:

16 Q. Did you think that you had all of Ms. Lam's
17 belongings?

18 MR. HSU: Objection. Calls for speculation.

19 THE WITNESS: Well, I would have no way of knowing
20 14:12 whether I had everything.

21 BY MR. JOHNSTON:

22 Q. Well, what I'm trying to -- I'm thinking
23 that -- I'm trying to think like a detective. You come
24 in; you see rooms -- well, I'll withdraw and get a little
25 14:12 bit of background first.

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1 You knew -- what did you know about Ms. Lam when you
2 got this case, if anything?

3 [A. When we first got the case, all we knew is we
4 had a missing foreign national. As it developed, we
5 14:13 learned within a day or two that she was traveling almost
6 backpack style from Canada to wherever her last
7 destination was going to be in Santa Cruz. So because
8 she's -- we knew she was staying at different hostels.
9 She had different reservations. I'm thinking that she
10 14:13 traveled light, backpack style; so...]

11 Q. From looking at the goods that she had, I'm
12 wondering if you could make -- you would think, "She's
13 still in the area because she still has what I thought
14 she would have" or "there should be more. I would have
15 14:14 expected more. Maybe she left"?

16 A. From what I saw, I thought that we -- a bulk of
17 her stuff was still there. Most of it was still there.

18 Q. So at that point in time, you thought, "Okay.
19 She's missing, but she's close by"? I mean, that was
20 14:14 your first thought. Whatever happened to her, still in
21 the vicinity?

22 A. Well, that she hadn't left for good. There was
23 an intention of coming back, because, if I recall, the
24 laptop, things of value were there. So I would assume
25 14:14 she would be coming back.

1 Q. And that search took a day, you say, or a couple
2 days?

3 A. We were there for -- I think the search took
4 maybe a day or two, but the detective -- Marcia and
5 14:14 Gable -- who were looking at the video were there for a
6 long time. I would say four or five days because they
7 were reviewing the tapes in real time, no fast
8 forwarding. So it took longer.

9 Q. I imagine they were looking to see, "Okay. A
10 14:15 missing girl. This is a rough part of town. Do we
11 recognize anybody else who comes into those tapes?"

12 A. You're asking me if --

13 Q. That's what they would be looking for too.
14 "Well, we know who that guy is, and we know who that guys
15 14:15 is" or --

16 A. Well, the focus at the time was to try and lock
17 down the time where she was last seen on the video and
18 was she leaving? Was she leaving with someone? That's
19 what we were looking for.

20 14:15 We did see her enter, eventually. We did see her
21 come in with two gentlemen. She had -- they had a box,
22 gave it to her. She went up into her -- to the elevator.
23 They left. We never saw them again on video.

24 Q. You have the date of that time?

25 14:16 A. It would be noted in the case book; but I don't

1 have it with me.

2 Q. Do you know, was it from -- that before or after
3 she moved out of the room, which you described as a
4 hostel --

5 14:16 A. I don't know.

6 Q. So you don't know if that happened while she was
7 living by -- while she was staying by herself in the one
8 room?

9 A. Correct, I don't know.

10 14:16 Q. Yeah. Now, other than Gable and -- "Gable" or
11 "Cable"?

12 A. Gable, like Clark Gable.

13 Q. -- Gable and his partner, everyone else left
14 after about a day, everyone from LAPD?

15 14:17 A. Yes. After the K9 search was done and we were
16 sure we had searched the entire place and she was not to
17 be found, other units were let go, and Detectives Gable
18 and Marcia remained doing video.

19 Q. While you were -- did that search include the
20 14:17 rooftop?

21 A. Yes, sir.

22 Q. Now, as I understand it, there is access to the
23 roof, I guess, from the top floor somehow?

24 A. Correct.

25 14:17 Q. And then there's an alarm on that door?

50 23 43 45

1 A. Yes.

2 Q. Did you check to see if the alarm worked?

3 A. I believe we did, but I can't recall, but I
4 think we did check it just to see if it was functioning.]

5 14:18 Q. Do you know, did Cecil Hotel keep a log of false
6 alarms, for instance? I would imagine that if somebody
7 who was working at the hotel had to get up there, they
8 would tell people, "I'm going to the roof. So if the
9 alarm goes off, don't be alarmed."

10 14:18 A. I don't know if they kept a log or not.

11 Q. Do you have a recollection of being on top of
12 the roof prior to your finding or learning of the
13 whereabouts of someone being in the water tank?

14 A. I myself did not go on to -- up to the roof
15 14:19 until the body was found. But other detectives and the
16 K9 units, as they were coming back and reporting on what
17 they found on each floor, they were detectives who said,
18 "Yeah, we went on the roof. We checked the roof.
19 There's nothing there." The K9 unit went on the roof and
20 14:19 checked it. So people did go on the roof. I didn't go
21 on the roof until the body was found.]

22 Q. Did anybody from LAPD take any photographs of
23 anything during the first investigation when it was just
24 a missing person?

25 14:19 A. No.

1 Q. Okay. And since you didn't go up on the roof,
2 you don't know if the ladder was stationed up against one
3 of the tanks or anything like that?

4 A. When I went up on the roof, it was stationed
5 14:20 there.

6 Q. This was after the body was found?

7 A. Yes. When I was told that a body had been found
8 in the water tank, I went up there, and the ladder was
9 there.

10 14:20 Q. Did you ever try and find out -- withdraw that.
11 After her body was found, did you try and
12 reconstruct from amongst the LAPD who responded initially
13 on the missing person thing, as to which individual
14 specifically went up to the roof?

15 14:20 A. How do you mean?

16 Q. Well, did you go and say, "Which one of you guys
17 came up here because I went to bring you back up and see
18 if you can tell me what it looked like when you were up
19 here on the 1st" or whenever it was that you were
20 14:21 searching for her?

21 A. No, I didn't.

22 Q. Okay. In any event, you've get a phone call
23 saying a body is found?

24 A. Correct.

25 14:21 Q. When you got there, I take it you and your

1 partner -- I've forgotten his name already.

2 A. Detective Stearns.

3 Q. Stearns, yeah.

4 -- you guys went over to the Cecil Hotel?

5 14:21 A. Yes.

6 Q. Was -- had the body been removed from the tank
7 when you had gotten there?

8 A. No.

9 Q. Was -- that's where Mr. Tovar or something is
10 14:21 the one who found the body?

11 A. It was one of the maintenance workers, yes. I
12 don't recall what his name was, but, yes, he found the
13 body.

14 Q. Do you know, does the Cecil Hotel have a log of
15 14:22 when anything is done or the water tanks are open for any
16 reason? Do they keep a log of that?

17 A. I don't know.

18 Q. Do you recall -- when you got there, you said
19 there was a ladder up against one of the tanks?

20 14:22 A. Yes.

21 MR. JOHNSTON: Off the record.

22 (Discussion held off the record.)

23 MR. JOHNSTON: Exhibit 4 is a copy of the -- do you
24 recognize that as the top of the Cecil Hotel?

25 14:23 THE WITNESS: Yes, sir.

1 (Whereupon the document referred to is marked by the
2 reporter as Exhibit 4 for identification.)

3 BY MR. JOHNSTON:

4 Q. Can you use this pen, and do you see the water
5 14:23 tanks we're talking about?

6 A. Yes, sir. Right here.

7 Q. Which tank was it that Ms. Lam's body was found
8 in?

9 A. Okay. I'm going to use the pen. I'm going to
10 14:23 draw an arrow to the tank and write down here "water
11 tank/body found."

12 Q. Perfect. Thank you very much.

13 So it's the one closest to the edge, to the front?

14 A. Yes. And it sits next to an elevator shaft.

15 14:24 Q. When you got up there, you earlier said that you
16 saw that there was a ladder --

17 A. Correct.

18 Q. -- resting against one of the water tanks.

19 A. Yes.

20 14:24 Q. Can you put on there which tank had the ladder
21 resting against it. Was it the same tank?

22 A. Same tank.

23 Q. Oh, if it's the same tank, then that's easy
24 enough.

25 14:24 A. Okay. Can I just write here "same tank/ladder."

09:28:2815

1 Q. Was the ladder -- where was it placed against
2 that tank? Was it between?

3 A. Okay. The tanks -- there's four tanks in the
4 picture, and the tank in question is on the northeast
5 14:25 corner. And you have another tank in front of it that is
6 south of it, and it was between the southeast tank and
7 the northeast tank.

8 Q. How much space would you estimate there is
9 between the tanks? What's the distance between the
10 14:25 tanks?

11 A. We did measure it. I don't have that
12 measurement. I think it was maybe 3 feet or something.
13 It wasn't very much.

14 Q. And the top of the tank, I take it there's an
15 14:25 access into the tank from the top.

16 A. Yes, sir.

17 Q. When you got -- did you go up to look at it?

18 A. Yes, sir, I did.

19 Q. When you got up there, was the top of the tank
20 14:26 ajar? Was it off from where it was supposed to be?

21 A. Yes, sir.

22 Q. How would you describe that tank top?

23 A. The hatch itself is about 18 by 18, and it had a
24 lid that -- it wasn't on hinges. You could just take it
25 14:26 off and move it to the side, and it weighed about maybe

1 20 pounds, pretty heavy.

2 Q. Was there a lip that it fit over, or did it fit
3 flush to the top?

4 A. I don't recall.]

5 14:26 Q. Now, when you looked in there, do you have a
6 recollection as to how far from the top the water level
7 in that tank was?

8 A. It was low. It was maybe 5 or 6 feet below the
9 top.

10 14:27 Q. Okay. And I saw a number -- I don't know if it
11 was a measurement or whatever -- that the tanks are 8
12 feet high. Do you have a recollection as to how high
13 they were?

14 A. We measured them. I don't recall the
15 14:27 measurements offhand, no.

16 Q. I'm not going to represent to you -- we got your
17 answer.

18 Did you ever make a determination as to how those
19 tanks were plumbed for draining into -- withdraw that.

20 14:27 Those tanks provided water to the building; correct?
21 I mean, drinking water and bath water or whatever.
22 Whatever water was needed, those tanks provided it?

23 A. That's what I was told, yes.

24 Q. Were two of them heaters -- you know, provide
25 14:28 hot water and two provided cold water? Do you know?

1 A. I don't know.

2 Q. As I understand it, from looking at this, the
3 first thought or the reason why someone went in and
4 looked in the tank was because people were saying that
5 14:28 they were have having a hard time getting water. The
6 water was not coming out in their sinks as they should.

7 Is that your recollection?

8 A. Yes, sir. They were complaining about the water
9 pressure.

10 14:28 Q. Do you know -- withdraw that.
11 Did you check the water levels in the other tanks?

12 A. No, sir.

13 Q. Did anyone open the other tanks, to your
14 knowledge?

15 14:28 A. Not that I recall.

16 Q. Do you know how -- do you know if the building
17 is plumbed such that the tank -- one tank is used at a
18 time -- do you understand what I'm trying to say -- or
19 whether it all comes in, and they all drain at the -- you

20 14:29 know, they all feed the same --

21 A. No, I don't.

22 MR. HSU: Lacks foundation. Calls for speculation.

23 BY MR. JOHNSTON:

24 Q. So you don't know how it's plumbed?

25 14:29 A. No, sir, I don't.

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1 [Q. Do you have any idea as to how much water --
2 somebody went in and got Ms. Lam out, the body out;
3 correct?

4 A. Yes, sir.

5 14:30 Q. Did they just -- no one cut a hole in the top?
6 They just went through the hatch that she -- at the top;
7 correct?

8 A. No, sir.

9 Q. How did she get pulled out?

10 14:30 A. The fire department rescue team actually cut a
11 hatch at the bottom.]

12 Q. Oh, they did?

13 A. Yeah. They had to, because now she was
14 basically almost resting on the floor. All the water had
15 14:30 been drained out. So they cut a hatch at the bottom of
16 the tank and pulled her out that way.

17 Q. Oh, were any -- as I understand it, she was
18 naked.

19 A. Yes, sir.

20 14:31 Q. The body was naked?

21 A. Yes, sir, she was.

22 Q. But her clothes were in there?

23 A. Yes.

24 Q. Was anything caught inside the bottom drain,
25 14:31 making it difficult for water to come out or stopping it

1 from having water come out, that you recall?

2 A. No, sir. I don't know.

3 Q. You don't know?

4 A. I don't know.

5 14:31 Q. Okay. Was her body -- was she in good enough
6 condition -- withdraw that.

7 You had seen a picture of Ms. Lam before this,
8 photograph of her?

9 A. When she was alive?

10 14:31 Q. Yes.

11 A. The family did send us photographs of her, yes.

12 Q. Was the body still in good enough condition that
13 you could look at it and say, "This is who it is"?

14 A. Yes, sir.

15 14:31 Q. Okay. You could look at a photograph and say
16 it's one and the same?

17 A. Yes.

18 Q. Do you know if the Cecil Hotel -- if someone
19 opens their window onto one of the fire escapes, an alarm
20 14:32 goes off?

21 A. I don't know that.

22 Q. Do you know -- did you ever come to a conclusion
23 in your own mind as to how she might have gotten up to
24 the top of the building, what specific window or what
25 14:32 door she opened or anything like that?

1 A. I have my own opinion, but it's not...

2 Q. Let me get back --

3 [A. It's not for certain, but there was only two
4 ways to get up there, and it's either through the door
5 that has roof access or the fire escape.]

6 Q. Did you ever conclude, "Okay. She came through
7 this fire escape?" "This window"? A specific window or
8 off a specific floor or something like that?

9 A. We were never able to make that determination.]

10 14:33 Q. Okay. Looking again at what we've marked as
11 Exhibit 3, on the wing, A, B, C, do you have a
12 recollection as to which wing Ms. Lam's room was that she
13 occupied by herself?

14 A. No, I don't recall offhand.

15 14:34 Q. Do you have a recollection as to the floor?

16 A. No. Not offhand, no. I'd have to look at my
17 books for sure.

18 Q. Does each wing have its own elevator, or is it
19 just the one elevator at the front of the building?

20 14:34 A. That I recall, there was only one set of
21 elevators, and you could go either way to get to each
22 wing. So once you got off the elevator, you could turn
23 right and go to wing C on Exhibit 3, or you could turn
24 left -- no -- right and go to A or left and go to C.

25 14:35 Q. So if you look on Exhibit 2, the front, those

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1 windows that are on the front of there are actually
2 windows to a hallway?

3 A. If I recall, those are all rooms.

4 Q. Okay. So then you go to the room, and then
5 14:35 there's a hallway that runs the width of the building on
6 the front?

7 A. Yes.

8 Q. Do you have a recollection, sir, of
9 seeing -- when you saw the ladder up against the tank,
10 14:36 did the ladder reach all the way to the top of the tank
11 or was it short or was it above it or --

12 A. It didn't go past the top edge of the tank. I
13 would say within a few inches of the tank, but it
14 was -- it extended -- actually, it had to sit on some
15 14:36 pipes, I believe, which gave it additional latitude,
16 maybe a short ladder. And then it would come within
17 maybe a few inches of the top.

18 Q. You reviewed the autopsy report?

19 A. Yes, sir, I did.

20 14:37 Q. Did it comport with your thoughts as to what
21 happened?

22 A. Yes, it did.

23 Q. That report came up as this was an accidental
24 death?

25 14:37 A. Yes.

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1 would call up for somebody to maybe open a door again or
2 whatever.

3 [Q. Do you know how many teams searched the roof?

4 A. There was a team that was assigned to search the
5 14:40 roof, and then the K9 went up and searched the roof. So
6 that's twice the roof was looked at. So at least twice
7 the roof was checked.]

8 Q. Okay. And do you know -- as part of the search
9 of the roof, do you know if the water tanks, in
10 14:41 particular, in that area were inspected or searched?

11 A. I don't think the water tanks were searched.

12 MR. JOHNSTON: Just -- when you say "water tanks,"
13 no one looked into them, but people looked around them?

14 THE WITNESS: Correct.]

15 14:41 MR. JOHNSTON: Yeah.

16 BY MR. HSU:

17 [Q. Has the LAPD investigation into Lam's death
18 concluded?

19 A. Yes.

20 14:42 Q. Earlier you testified that you had formed your
21 own opinion as to what you think may have occurred with
22 Ms. Lam.

23 Do you recall that?

24 A. Yes. It's just my opinion, yes.

25 14:42 Q. What is your opinion of what happened with

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1 A. I say she climbed into it.

2 Q. But as far as the investigation -- is that your
3 opinion, or is that the conclusion of the LAPD
4 investigation?

5 14:44 MR. JOHNSTON: Well, I think I'm going to object.
6 Vague and ambiguous and unintelligible in content.

7 THE WITNESS: If you're talking about LAPD as in the
8 chief sanctioning -- saying, "Okay. This is how she
9 died," I think it would go along with my opinion, and
10 14:45 that is -- since I'm the lead investigator, it was my
11 opinion that she climbed in on her own and got into the
12 water tank, and that's how she died, that's how she got
13 there.

14 BY MR. HSU:

15 14:45 Q. Okay.

16 A. Oh, I should say we -- my partner and I tried to
17 figure out how somebody could have put her in there, and
18 it's difficult for someone to have been able to do that
19 and not leave prints, not leave DNA or anything like
20 14:45 that. So she climbed in on her own.

21 Q. I'm reviewing my notes, making sure there's
22 nothing I have left.

23 MR. HSU: I don't have any further question.

24 MR. JOHNSTON: I have no questions.

25 14:46 So we get a stipulation that the original be sent --

09:28:2015

1 do you want it sent to your home?

2 THE WITNESS: The department will be fine. They'll
3 get it to me.

4 MR. JOHNSTON: What address is that?

5 14:46 THE WITNESS: 100 West First Street, Los Angeles,
6 California 90012, Los Angeles Police Department, Fifth
7 Floor.

8 MR. JOHNSTON: How much time do you need?

9 THE WITNESS: For what?

10 14:46 MR. JOHNSTON: You have to read it and sign it, and
11 she'll provide an envelope to mail it back to us.

12 THE WITNESS: I don't need that much time.

13 MR. JOHNSTON: We'll give you 30 days after you
14 get -- just do it when you get it or --

15 14:47 THE WITNESS: I'll do it when I get it.

16 MR. JOHNSTON: Okay. And you can make any
17 corrections you wish to your testimony. Just line it out
18 and hope it's not too many corrections, because we rely
19 upon your answers to formulate new questions, and if you
20 14:47 come up with a real curve ball, now we really can't
21 answer it. If you could do that and get it back to us.

22 And if the original is -- for whatever reason, is
23 not available, a true and correct copy can be used for
24 all purposes.

25 14:47 You can sign it under penalty of perjury.

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THE WITNESS: Okay.

MR. HSU: Just to be clear, he'll sign the transcript and then mail the original back to your office for --

14:47 MR. JOHNSTON: Yeah. And we'll let you know of any changes and corrections and of the fact that he signed it.

MR. HSU: So stipulated.

(The proceedings concluded at 2:47 p.m.)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at _____, California,
on _____.

DETECTIVE WALLACE TENNELLE

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

DAVID LAM, an individual; YINNA LAM,)
an individual;)
Plaintiffs,)
vs.) No. BC521927
CECIL HOTEL MANAGEMENT, INC., a)
California Corporation; DOES 1 through)
25, inclusive,)
Defendants.)

DEPOSITION OF KELLY YAGERLENER, a witness herein,
noticed by JOHNSTON & HUTCHINSON LLP, taken at
601 West Fifth Street, Suite 210, Los Angeles,
California, at 9:57 a.m., on Tuesday, August 4,
2015, before Juliana Amaya, CSR 13099.

Hutchings Number 582822

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09 / 28 / 2015

I N D E X

WITNESS: KELLY YAGERLENER

EXAMINATION BY:

PAGE

Mr. Johnston

4, 30

Mr. Adams

28

E X H I B I T S

EXHIBIT	DESCRIPTION	MARKED
EXHIBIT 1	Autopsy Report	7
EXHIBIT 2	Photographs	13
EXHIBIT 3	Photographs	14

89 / 23 / 2015

KELLY YAGERLENER,

a witness herein, having been sworn, testifies as follows:

-EXAMINATION-

BY MR. JOHNSTON:

Q. Thank you. Ms. Yagerlener, my name is Pat Johnston. I represent the plaintiffs in this litigation.

Have you had your deposition taken before?

A. Yes.

Q. Many times? Well, I don't know "many," but more than once?

A. Your definition might be different than mine.

Q. Yeah. Are you familiar with the drill?

A. Yes.

Q. Okay. Can we dispense with the lengthy admonitions and what your responsibilities are and what mine are?

A. Sure.

Q. Okay. If you have any questions whatsoever, particularly if you didn't hear a question, didn't understand it, please let me know because we depend upon your answers. And if you misunderstood what I was

1 saying, we're going to get it funny or a maybe incorrect
2 idea of what occurred.

3 So don't answer any question you didn't hear or
4 understand. Just tell me, "I didn't hear it and
5 understand it," and I'll rephrase it.

6 A. Okay.

7 Q. Obviously, you know you're here to tell the
8 truth. Just let me -- and at the end of it, it will be
9 sent to you or sent to your office. You can sign it
10 under penalty of perjury. And at that time, you can
11 make any changes you wish to your testimony.

12 However, because we rely upon your testimony today,
13 we won't have a chance to ask you questions about any
14 changes you make, if you could give us your best answer
15 today, we would appreciate it.

16 Okay?

17 A. Okay.

18 Q. If you don't know something, just say, "I don't
19 know." And if you don't remember, you don't remember.
20 That's fine.

21 We're entitled to an estimate if you have one.
22 When something becomes from an estimate to a guess,
23 that's a different -- that's up to you entirely. We
24 don't want any guess, speculation, or surmise. But if
25 you have a recollection or if you can make an estimate

1 as to something, couch your answer in those terms so we
2 know it's an estimate or say recollection so we can get
3 it in the proper context.

4 Okay?

5 A. Okay.

6 Q. Okay. Thank you.

7 Where are you currently employed?

8 A. The Los Angeles County Department of Medical
9 Examiner Coroner.

10 Q. Okay. And what is your title?

11 A. Now I'm a supervising investigator.

12 Q. When you -- do you recall the incident that
13 brings us here today?

14 A. Yes.

15 Q. What was your title at that time?

16 A. Coroner investigator.

17 Q. Okay. You're familiar with the records that
18 the coroner keeps on a case similar to this?

19 A. Yes.

20 Q. I'm going to -- I'll mark as exhibit -- let me
21 back up again.

22 You were subpoenaed to come here; correct?

23 A. Yes.

24 Q. I don't have a copy of the subpoena with me,
25 but you were subpoenaed; right?

1 A. Yes.

2 Q. Okay. That's fine.

3 Other than the subpoena, did you bring any other
4 documents with you?

5 A. I just printed out my Form 1 and Narrative,
6 which are the reports I generated.

7 Q. Okay.

8 A. But they're not official copies.

9 Q. The -- let me mark as Exhibit 1 to this
10 deposition, it's a copy of what we received from our
11 subpoena to the -- I'll mark it right here.

12 (Whereupon EXHIBIT 1 is marked for identification.)

13 MR. JOHNSTON:

14 [Q. And just ask you to go through it thoroughly or
15 as quickly as you wish because I'm going to ask you if
16 you think that's the full report.

17 A. It appears to be. I'm not the one who puts --

18 Q. Yeah.

19 A. -- the file together during a subpoena, so...

20 Q. Well, are -- from your experience working with
21 the coroner's office, are there any forms -- is there
22 anything missing from this, say, a form that you would
23 ordinarily see in a -- or customarily see in a autopsy
24 report that you can see -- look at and say, Well,
25 there's not this form, there's not this form, and

1 generally they're in such a report?

2 A. Not off the top of my head.

3 Q. Okay.

4 A. It doesn't appear anything's missing.]

5 Q. Do you know, did the coroner's office take any
6 photographs at or about the scene?

7 A. Yes.

8 Q. Those are not kept as part of the report?

9 A. Not that I'm aware of. I know they've been in
10 court proceedings, but I think it has to be court
11 ordered to get the pictures.

12 Q. Okay.

13 A. So I don't know if a subpoena will do for
14 those.

15 Q. Yeah. So your thinking -- your thought is if I
16 wanted to get those pictures, I'd have to go to court to
17 get a court order to get them?

18 A. From what I understand.

19 Q. Okay. And what's the basis of your
20 understanding on that?

21 A. Just from past history of --

22 Q. Okay. That's what you've been told within --

23 A. Yes.

24 Q. -- the office?

25 A. Right.

1 Q. I was wondering, off the top of my head, I
2 would have thought there would be photographs as part of
3 the report, but there weren't any. They didn't produce
4 any. There may be photographs, but they didn't produce
5 any as part of the report.

6 A. Yeah. There are definitely photographs, but
7 from what I'm to understand, a court order is needed.

8 Q. Did you take any photographs yourself?

9 A. Yes.

10 Q. Okay. Did you notice if Detective Tennelle --
11 I forgot -- that's his name, but I don't know -- I've
12 forgotten how you -- how it's spelled.

13 "T-E-N-N-E-A-L-E," I think it's something like that.

14 A. Yeah. I'm not positive on how he spells it
15 either, but I don't remember if he took any pictures or
16 not.

17 Q. Do you recall if he was by himself or whether
18 he was working with a partner or some other assistant or
19 something like that at the time?

20 A. There were other LAPD staff there, but I think
21 he did have a partner --

22 Q. Okay.

23 A. -- with him.

24 Q. That's fine.

25 When -- how did you hear about this incident?

1 A. It was reported to our office and later
2 assigned to me by my supervisor.

3 Q. It was reported to you on the day that they
4 found the body?

5 A. Yes.

6 Q. Do you know what day of the week that was?

7 A. I don't recall.

8 Q. Okay. Were you at work, or did you have to be
9 called from home or maybe...

10 A. I was at work, so it would have been sometime
11 between Sunday through Wednesday.

12 Q. When you went to the site, did you -- was
13 anybody with you from the coroner's office?

14 A. My captain, John Kades, was there with me.

15 Q. Can you spell that last name?

16 A. K-A-D-E-S.

17 Q. Okay. You say your captain. Is he your
18 immediate superior?

19 A. He is one of them; not my immediate.

20 Q. Okay. Is that usual that he would go out with
21 you or somebody of his stature or his position would go
22 out with you to site of a body or whatever, however you
23 want to call it?

24 A. Usually they don't go with us, but when cases
25 tend to be of a high-profile nature, there's media,

1 they'll go out to help logistics and things like that.

2 Q. Captain Tennelle said that due to the fact that
3 this was a foreign national, that LAPD pulled out all
4 the stops on the day they heard that she was missing;
5 that they had 40 to 80 officers on -- going through the
6 building.

7 Did that same -- did you have that same thought
8 with respect to the coroner?

9 A. No. I mean, I don't know about pulling out all
10 the stops, but we send who we need to send.

11 Q. Okay. But there wasn't an overload of people
12 because of the circumstances that this was a foreign
13 national and we got to put our -- we got to make sure we
14 get it done right? Anything like that?

15 A. No.

16 Q. Okay. Because he was saying that that was an
17 issue with the LAPD, that they did have, I think he
18 said, 80 police officers going through that building
19 along with assorted other people because -- simply
20 because she came -- she was a foreign national. I don't
21 know if her parents are notable over in China or not. I
22 don't know that.

23 A. Yeah. I don't know either. I don't know
24 anything about them.

25 Q. So for you, it was a rather routine case, as

1 routine as these get?

2 A. Right. Aside from the circumstances.

3 Q. Was Detective Tennelle there when you got on
4 the site?

5 A. Yes.

6 Q. Do you recall who, when you first got on the
7 site, you spoke to first?

8 A. I believe it was Tennelle.

9 Q. Okay. And he apprised you of what he knew, I
10 take it?

11 A. Right.

12 Q. By that time, had he seen -- to your knowledge,
13 had he climbed up to the top of the water tower and
14 looked inside to see what he could see?

15 A. I don't know.

16 Q. Okay. He didn't say that, I've been up there
17 and this is what it is or this is what I saw?

18 A. I don't recall if he --

19 Q. Okay.

20 A. -- said that or not.

21 Q. In any event, you did; correct?

22 A. Yes.

23 Q. Did the person who came with you, did that
24 person...

25 A. I don't recall if he climbed up there or not.

19
20
21 He may have, but I don't know for sure.

22 Q. Can you describe the situation physically, what
23 existed at the roof there?

24 A. There were four tanks, fairly large water tanks
25 that were up on a platform that you could access via a
26 set of stairs, and then you get to the top of the water
27 tank by a ladder.

28 Q. Approximately how high were the water tanks,
29 would you estimate?

30 A. I would guess they were probably 10 to 12 feet
31 high.

32 Q. Did you --

33 A. I don't know.

34 Q. Do you know if anyone made any measurements as
35 to what the -- from the roof to the top of the water
36 tower is?

37 A. I don't know.

38 Q. Okay. I'll mark as Exhibit 2, these are the
39 same photographs that I used or that were used in
40 Captain Tennelle's.

41 (Whereupon EXHIBIT 2 is marked for identification.)

42 MR. JOHNSTON:

43 Q. Do you recognize that as the roof of the Cecil
44 Hotel -- Hotel Cecil?

45 A. Yes, it looks like it.

1 Q. That's where this occurred -- correct? -- your
2 investigation?

3 A. Correct.

4 Q. And Captain Tennelle -- or Detective
5 Tennelle -- get him mixed up with the singing group.

6 Here's another photograph. I think we may only
7 have one copy of it, though. I guess I do have more.
8 Exhibit 3, are these the -- look like the water tanks at
9 issue?

10 A. Yes.

11 (Whereupon EXHIBIT 3 is marked for identification.)

12 MR. JOHNSTON:

13 Q. Okay. And you said that there was a ladder,
14 that by which you access the top?

15 A. The top of the water tank.

16 Q. Okay.

17 A. Yes.

18 Q. If I could see Exhibit 2 --

19 A. Sure.

20 Q. -- again? Oh, yeah. This will do, yeah. Same
21 picture. Either one of them. Or no, it's just going to
22 have to be this one.

23 A. Okay.

24 Q. Let me see. Oh, Captain Tennelle said, if you
25 look at Exhibit 2, that she was found in the water tank

18
11 that would be closest to the north side of the Cecil
22 Hotel on -- be the northeasterly tank.

23 A. Right.

24 Q. Okay. Now, when you got there, where was the
25 ladder that you saw?

26 A. It was up against a water tank.

27 Q. The water --

28 A. The water tank.

29 Q. The water tank where she was found?

10 A. Right.

11 Q. In speaking with Detective Tennelle, do you
12 know if that ladder was in place when he got there where
13 you saw it up against that water tank into which Ms. Lam
14 was found?

15 A. I don't know where it was when he got to the
16 scene.

17 Q. Okay.

18 A. I don't know what he saw.

19 Q. Did you have a chance to speak with any of the
20 employees or the employee from the Cecil Hotel who
21 discovered where -- who discovered Ms. Lam's body in the
22 water tank?

23 A. No.

24 Q. Was he pointed out to you?

25 A. I don't recall if he was on the roof or if he
26

1 was already gone.

2 Q. Yeah. In any event, you've never seen him or
3 talked to him?

4 A. Right.

5 Q. Okay. It was relayed to you that an employee
6 from the -- or someone from the -- with the Hotel Cecil
7 found the body up there?

8 A. Right.

9 Q. Were you told anything about the circumstances
10 of him finding the body?

11 A. I was told it was due to complaints of water
12 pressure, so they sent him up there to take a look at
13 the tanks.

14 Q. And as we discussed before the deposition
15 started, you don't have any idea how the water tanks are
16 plumbed for distribution of water inside the Hotel
17 Cecil?

18 A. I don't.

19 Q. Okay. Now, getting to your report that you
20 drafted as a result of your -- as part of your job. If
21 you look at what we have marked as Exhibit 1 -- it's
22 probably easier to say how far it is from the back. The
23 fourth one from the back, starts on the fourth page from
24 the back.

25 A. Uh-huh.

1 Q. As part of Exhibit 1, there's a document that's
2 entitled County of Los Angeles Department of Coroner
3 Investigator's Narrative. Is that the report you --
4 now, it's a two-page report with your signature on the
5 second page.

6 Is this the report you drafted as a result of your
7 investigation into Elisa, E-L-I-S-A, Lam's death?

8 A. Yes.

9 Q. Have you drafted -- did you have any other --
10 any input other than this report into the autopsy report
11 or any other records with respect to the coroner's
12 office?

13 A. No.

14 Q. Okay. When you made this report, did you have
15 a form you filled out?

16 A. No.

17 Q. Okay. So they don't have a form for you to say
18 just a -- where you check off things or you might add or
19 your might put in distances or whatever information you
20 want to put on it from which you drafted the
21 Investigator's Narrative?

22 A. No.

23 Q. So what you have is a blank page, something for
24 notes?

25 A. Right, yeah. We would just -- yeah, I take

1 notes and...

2 Q. And what happened to those notes at the
3 conclusion of your written -- or your formal report?

4 A. They get shredded.

5 Q. Okay. And this report is taken from your at
6 one time written notes? So that at the time you heard
7 of it, for instance, you noted the time at 12:49 a.m. --
8 or no, 1249 hours is when the coroners learned of the
9 new case?

10 A. Right. At 1249, they reported it to our
11 reporting desk staff.

12 Q. And you first got it at 1:10; correct? 1:10 in
13 the afternoon?

14 A. Correct.

15 Q. At the paragraph where it says, "I arrived at
16 the scene at 1348 hours and cleared from the call at
17 1700 hours," what does that mean, "cleared from the
18 call"?

19 A. It means I was able to go on another call by
20 that point.

21 Q. Okay. So as of 5:00 in the afternoon, you
22 were -- you were finished with whatever you were doing,
23 at least the on-site investigation part of your duties?

24 A. Right. I recall going back to our office to do
25 the body exam. Because we were on the rooftop, it

1 wasn't possible to do it out in the open up there.

2 Q. To do a what? A body "scam"?

3 A. A body exam.

4 Q. Oh, "exam." Okay.

5 At that point in time, the person who did the
6 actual autopsy, he didn't start doing the autopsy
7 immediately?

8 A. No.

9 Q. So basically, you prepare the body for him? I
10 mean, the body comes in, you make sure it's put in the
11 right spot and somehow preserved as best it can be for
12 the person doing the autopsy?

13 A. No. I only do an external body exam, and one
14 of our forensic attendants will process the body through
15 into our office and put them in.

16 Q. If you noted something on a body that you
17 thought was somewhat untoward, it shouldn't be there,
18 you'd note that?

19 A. Yes.

20 Q. And that's the purpose of your body exam?

21 A. Correct.

22 Q. I haven't read your entire report here.

23 Is there -- do you -- is there a entry into your --
24 in your report saying that the body exam provided little
25 or no information?

1 A. There's a section on the second page of --

2 Q. Oh, body exam.

3 A. -- called "Body Examination."

4 Q. Would it be accurate to say that under the
5 circumstances of her death and the some length of time
6 since her death, the body was basically unremarkable,
7 what you saw in your body scan -- exam? Excuse me.

8 A. Ask me that again.

9 Q. Sure. Would it be as -- the body was as you
10 expected it in the sense you didn't find any marks or
11 trauma or something that would indicate something as to
12 the cause of her death?

13 A. Right. I didn't notice any obvious evidence of
14 trauma. I wouldn't say it's what I expected or didn't
15 expect. It's just what I see.

16 Q. Yeah. But having been, essentially, in water
17 for some period of time, you would have expected the
18 marbling, green discoloration, bloating, foul smell, and
19 skin separation?

20 A. A lot of that happened after she got out of the
21 water too. She was somewhat preserved being in the cold
22 water.

23 Q. Okay. So you mean from the time she was taken
24 out of the tank until she got to where you did the body
25 exam, some of this had occurred?

1 A. Right.

2 Q. During that -- what is -- how long would that
3 take?

4 A. The drive time?

5 Q. Well, they recover the body. I suppose for ten
6 or 20 minutes, it may be sitting -- laying on the roof
7 somehow or on a gurney or something.

8 A. It was probably about an hour by the time we
9 got her out of the tank and back to our office.

10 Q. And then you would have started the body exam
11 within how long after you got it back to the office?

12 A. Within minutes.

13 Q. Okay. Now, you had -- do you know where the
14 Canadian passport was found?

15 A. I don't.

16 Q. Do you know, was that given to you by Detective
17 Tennelle?

18 A. It may have been, but I don't recall.

19 Q. On the first page of your report under
20 "Information/Witness Statements," that's the information
21 given to you by Dr. [sic] Tennelle?

22 A. Detective Tennelle, the first --

23 Q. Detective Tennelle, yeah.

24 A. The first paragraph is information that was
25 given to me by Detective Tennelle.

1 Q. On the second paragraph, it says, "Sara Lam,
2 sister" -- that's L-A-M. "Sara Lam, sister, gave me the
3 following information."

4 Was she present, or was that by the phone?

5 A. That was by telephone.

6 Q. And the "Scene Description" is taken from your
7 observations on the top of the roof?

8 A. Correct.

9 Q. Now, where it says, "Evidence," it says, "See
10 evidence log"?

11 A. Uh-huh.

12 Q. Do you know where that is as part of the...

13 A. As part of the report?

14 Q. Yeah. Or if it's here even in the report?

15 A. I don't know. Let's see. That was something
16 completed by our criminalist. Yeah, I don't see it.

17 Q. Okay. So is that generally kept with the
18 coroner's report?

19 A. I honestly have no idea.

20 Q. Okay. But in any event, at one point in time,
21 there was found or there was -- you made out an evidence
22 list? Was that you did it, or did you add onto one that
23 was already in existence?

24 A. Yeah. Our criminalist started it. If I add
25 anything to it, it would be --

1 Q. Okay.

2 A. -- the same evidence log.

3 Q. Do you have the name of the criminalist you're
4 speaking of?

5 A. I believe it was Mark Schuchardt.

6 Q. Do you have a -- can you spell his last name?

7 A. Yeah. S-C-H-U-C-H-A-R-D-T.

8 Q. Is he still employed with the -- by the
9 coroner's office, to your knowledge?

10 A. Yes.

11 Q. Do you know who Investigator D. Bertone,
12 B-E-R-T-O-N-E, is?

13 A. Bertone, yes.

14 Q. Is he still with the coroner's office?

15 A. She is.

16 Q. Oh, she is. What's her title? Do you know?

17 A. She's a coroner investigator.

18 Q. Like yourself?

19 A. Right.

20 Q. Do you know what she had to do with this case?

21 A. Yeah. I think the only thing she had to do
22 with it was some medications were dropped off or picked
23 up at some point while I was off duty, and she --

24 Q. Logged them in?

25 A. -- logged them in.

1 Q. Okay. Now, as part of your duties as the
2 investigator, are you -- do you routinely come up with
3 some opinions as to any of the facts from deductions as
4 opposed to from your observations?

5 A. We can. Although with this case, I didn't
6 necessarily know what happened because there wasn't a
7 lot of information that we got right away.

8 Q. For instance, if you were to see a body with a
9 lot of trauma at or about the head or something like
10 that, you could write in your report that, Evidence of a
11 fall or evidence of someone beating somebody or
12 something like that?

13 A. No, I don't do that..

14 Q. Okay. How would you --

15 A. I note that there's trauma.

16 Q. Where you -- oh, you just note that there was
17 trauma?

18 A. Correct.

19 Q. You make the -- your opinion is related to the
20 fact of what it is, trauma?

21 A. Right.

22 Q. As opposed to any cause or anything like that?

23 A. Right.

24 Q. And your job does not neither require -- it's
25 neither required or wanted what you think occurred;

1 correct?

2 A. Well, we're supposed to gather information
3 to --

4 Q. Yeah.

5 A. -- try and figure out and help our doctor
6 determine what the cause of death is, but...

7 Q. That would be for the coroner himself to come
8 up with his opinion?

9 A. The cause of death, yes.

10 Q. You don't come up with -- in these reports or
11 in your job, you don't come up with, I disagree with him
12 on that?

13 A. Right.

14 Q. Did you read the autopsy report at any time?

15 A. No.

16 Q. Do you recall if -- if there is a -- withdraw
17 that for a second.

18 Within the coroner's office, how many people work
19 there?

20 A. There's about 220 of us altogether.

21 Q. I'm talking about people who do invest- --
22 investigators and coroners or assistants in that,
23 approximately how many people are there?

24 A. Right now we have 36 investigators; medical
25 examiners, I think there's about 15 to 20.

11 Q. Does it come to pass from time to time that
12 there's a heated debate as to what some -- or any kind
13 of a debate as to what the likely cause of death is or
14 has been in a case?

15 A. I'm sure there has been.

16 Q. In those instances, do people write dissenting
17 opinions or alternative opinions to put into the autopsy
18 report?

19 A. I -- I don't recall ever doing that. I can't
20 really speak for the other investigators. I don't know
21 what they've done in the past.

22 Q. And scuttlebutt around the office isn't --
23 hasn't happened that Dr. Such-and-such doesn't agree
24 with Dr. X and so he wrote his own opinion? Anything
25 like that?

26 A. Not that I'm aware of.

27 Q. Okay. You found no evidence of trauma or
28 any -- and you didn't come with -- you didn't -- you
29 found no evidence of trauma; correct?

30 A. Correct.

31 Q. And you didn't come up with a cause of death,
32 did you?

33 A. No.

34 Q. Did you know that drowning was the cause of
35 death? Did you ever find that out?
36

1 A. I found out later.

2 Q. Did you -- did you have any disagreement with
3 that?

4 A. No.

5 Q. Do you have any knowledge or did you come up to
6 an opinion that it was an accidental death?

7 A. Once all of the information was gathered from
8 LAPD and our office and confirmed no trauma, yeah, it
9 appeared to be an accident.

10 Q. You heard that the coroner came up with that?
11 That was his final conclusion?

12 A. Right. He's the one that would determine that.

13 Q. From your experience and on the job -- for 13
14 years you've been there?

15 A. Correct.

16 Q. And from your observations, your own
17 observations, would you agree with that?

18 A. Yes.

19 MR. JOHNSTON: Okay. I have no further questions.
20 Thank you very much.

21 THE WITNESS: You're welcome.

22 MR. ADAMS: Okay.

23 ///

24 ///

25 ///

-EXAMINATION-

1
2
3 BY MR. ADAMS:

4 Q. Hi. My name is Keith Adams. I'm here
5 representing Cecil Hotel and, let's see, Main Street
6 Management and Cecil Main Street. I just have a few
7 questions.

8 If you could turn to Exhibit 1 on the second page
9 of the Investigator's Narrative under the heading "Body
10 Examination," the last sentence of the paragraph is,
11 "Ambient, algor and water temperatures were not taken."

12 What does that refer to?

13 A. The ambient temperature is the temperature in
14 the air. The algor temperature is the temperature of
15 the body. And the water temperature, temperature of the
16 water.

17 Q. And do you know why those weren't taken?

18 A. The ambient temperature, we're out in the air
19 outside. The algor was not taken because she was
20 decomposing, and we don't generally do that on a
21 decomposing body. And the water temperature, the water
22 was drained before we could get a temperature.

23 Q. And do you know who drained the water?

24 A. Fire department.

25 Q. Okay. And there's a reference to you working

1 at the coroner's office for 13 years. What was -- have
2 you been a coroner investigator or supervising
3 investigator at that office for that entire 13 years?

4 A. Yes.

5 Q. And what was your job prior to that?

6 A. I worked at a hospital doing decedent affairs
7 and working with families when a death occurred at the
8 hospital.

9 Q. And what hospital was that, if you recall?

10 A. Long Beach Memorial Medical Center.

11 Q. Okay. Prior to your current job with the
12 coroner's office, did you have any personal experience
13 doing this sort of investigation of death that you
14 currently do with the coroner's office?

15 A. No.

16 Q. No. Did you go to college?

17 A. I did.

18 Q. Where?

19 A. Long Beach State University.

20 Q. And what did you study at Long Beach State?

21 A. Criminal justice.

22 Q. And what year did you graduate?

23 A. 1994.

24 Q. And did you do any graduate work?

25 A. No.

1 MR. ADAMS: Okay. Thank you. I have no further
2 questions.

3 MR. JOHNSTON: One real quick one here. I should
4 have gotten to it the first time.

5
6 -EXAMINATION-
7

8 BY MR. JOHNSTON:

9 Q. Under "Scene Description" on the first page, it
10 says, the third line down, "It appeared to be
11 approximately one half to three quarter full when I
12 looked into the tank."

13 Do you see that?

14 A. I do see that.

15 Q. You mean -- when you say "full," you mean full
16 of water?

17 A. Right.

18 Q. You climbed to the top of the ladder and you
19 looked into the -- through the hatch from which -- on
20 the very top?

21 A. Yes.

22 Q. Do you know if anybody measured the depth of
23 that water, any of the investigators?

24 A. I don't know.

25 Q. Was her body floating, or was it at the bottom

1 of the tank? Do you recall?

2 A. When I saw her, she was floating.

3 Q. Do you think if you had reached into the tank,
4 you could have touched the body with your hand?

5 A. No.

6 Q. Do you have an estimate from the top
7 approximately how far -- from where your face was her
8 body was?

9 A. I don't.

10 MR. JOHNSTON: No further questions. Thank you
11 very much.

12 We'll have it sent -- the transcript sent directly
13 to your office. Can you give the court reporter an
14 address?

15 THE WITNESS: Sure. 1104 North Mission Road, Los
16 Angeles, 90033.

17 MR. JOHNSTON: And if the court reporter can put a
18 stamped addressed envelope with that.

19 And then if you can review it, make any changes you
20 want. It's easy if you do it right on the page or on
21 the line that you want to change. If it's an extensive
22 change, you think, and you have to add a piece of paper,
23 that's fine. You can do it. But it's another thing
24 that can get lost or whatever. So if you could do it
25 right on the page itself just in handwriting, that's

1 fine.

2 Upon receipt of the deposition from the witness,
3 this office will take custody of the deposition and
4 produce it at any hearings, trials, or whatever.

5 But upon receipt of the executed deposition, we'll
6 inform opposing counsel of two things: One, it has been
7 signed, and two, of any changes.

8 How much time do you think you need? There is no
9 rush. So take what you need. 30 days?

10 THE WITNESS: Probably not that long.

11 MR. JOHNSTON: Okay.

12 THE WITNESS: But if that's standard.

13 MR. JOHNSTON: We'll say 30 days if you can get it
14 back to me.

15 And if the original is lost or for any reason
16 unavailable at the time of trial, a true and correct
17 copy can be used for all purposes.

18 Fine with that?

19 MR. ADAMS: Yeah. I'm not sure if you mentioned
20 it, but if you do make any changes or corrections, we
21 reserve the right to comment on that at trial.

22 MR. JOHNSTON: Oh, yeah. That's really more for
23 parties because they have an interest. It goes to
24 credibility. But yeah, that's fine.

25 Thank you very much.

1 THE WITNESS: Thank you.

2 MR. ADAMS: Thank you.

3 (The proceedings concluded at 10:34 a.m.)

4 ***

5

6 I declare under penalty of perjury under the laws
7 of the State of California that the foregoing is true
8 and correct.

9

10 Executed at _____, California,

11 on _____.

12

13

14

KELLY YAGERLENER

15

16

17

18

19

20

21

22

23

24

25

1 STATE OF CALIFORNIA) ss

2

3 I, Juliana Amaya, CSR 13099, do hereby declare:

4

5 That, prior to being examined, the witness named in
6 the foregoing deposition was by me duly sworn pursuant
7 to Section 2093(b) and 2094 of the Code of Civil
8 Procedure;

9

10 That said deposition was taken down by me in
11 shorthand at the time and place therein named and
12 thereafter reduced to text under my direction.

13

14 I further declare that I have no interest in the
15 event of the action.

16

17 I declare under penalty of perjury under the laws
18 of the State of California that the foregoing is true
19 and correct.

20

21 WITNESS my hand this _____ day of

22 _____,

23

24 _____

25 Juliana Amaya, CSR 13099

0012812015

12

AUTOPSY REPORT
ADULT FORM PROTOCOL

No.
2013-01364
LAM, ELISA

I performed an autopsy on the body of



at the DEPARTMENT OF CORONER

Los Angeles, California on 2/21/2013 0935
(Date) (Time)

From the anatomic findings and pertinent history I ascribe the death to:

(A) **DROWNING**
DUE TO OR AS A CONSEQUENCE OF

(B)
DUE TO OR AS A CONSEQUENCE OF

(C)
DUE TO OR AS A CONSEQUENCE OF

(D)
OTHER CONDITIONS CONTRIBUTING BUT NOT RELATED TO THE IMMEDIATE CAUSE OF DEATH

CO: BIPOLAR DISORDER

Anatomic Summary: As listed below

21 year old Asian woman found in a water storage tank on the roof of her hotel

- I. Moderate decomposition
- II. No trauma
- III. History of bipolar disorder
- IV. See separate toxicology report
- V. See separate microscopic report

EXHIBIT 1
REPORTER J. Amaya
DEPONENT K. Yagerlener
DATE 8-4-15

EX-1

EXF

AUTOPSY REPORT

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CIRCUMSTANCES:

See Investigator Report form #3

EXTERNAL EXAMINATION:

The body is identified by toe tags and is that of an unembalmed refrigerated, adult female Asian who is in moderate decomposition. She appears the given age of 21 years. The body weighs 121 pounds, measures 66 inches, and is thin. The skin shows a 1 inch scar on the right knee and a 1/4 round abrasion on the left knee. Wrist scars are absent. Tattoos are not present. Rigor has been abolished. Livor mortis is not appreciated.

The head is normocephalic and covered by brown hair. There is no balding and the hair can be described as straight. Examination of the eyes reveals irides that appear to be brown in color and sclerae that are white. There are no petechial hemorrhages of the conjunctivae of the lids and/or sclera. The oronasal passages are unobstructed. Upper and lower teeth are present. Dentures are absent. The neck is unremarkable. There is no chest deformity. There is no increased anterior-posterior diameter. The abdomen is flat. The genitalia are those of an adult female. The anus is edematous and shows pooling of blood in the subcutaneous tissues surrounding the orifice. The extremities show no edema, joint deformity, abnormal mobility, non-therapeutic punctures or needle tracks.

The body is in a state of moderate decomposition with greening of the body sparing the lower legs and feet. There is marbling seen on the upper thighs. The scalp skin and hair easily sloughs with slight pulling. The head and face is bloated with bulging eyes. The face shows skin slippage on the forehead and right cheek that is dry and brown in color. Skin slippage is present on the chest, back, arms and left lower leg. The skin shows marked wrinkling of the palms, fingers, soles of feet and toes. The internal soft tissues and organs show emphysematous change and autolysis.

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EVIDENCE OF THERAPEUTIC INTERVENTION:

There is no evidence of any previous recent hospitalization. There has not been postmortem intervention for organ procurement.

EVIDENCE OF EXTERNAL TRAUMATIC INJURY:

None.

CLOTHING:

The body was not clothed and I inspected the clothing. The clothing consisted of: 1 pair of black shorts size men's medium with a logo on the left front leg; 1 green shirt labeled JJM size large with a logo on the back neck labeled Alexander Keiths India Pale Ale and a logo on the left front chest of a deer with antlers and the words turn over the tartan; 1 pair of black underwear with lace trim labeled Calvin Klein size S/P; 1 pair of black polka dot sandals labeled Birkis with following numbers and letters written on the heels 39 55 250 L8M6; 1 red sweat shirt zipper front with hood labeled American Apparel size XS that is wet.

All of the items had sand like particulate attached to the fabric and loosely present in the fold of the clothes and on the drying mats.

INITIAL INCISION:

The body cavities are entered through the standard coronal incision and the standard Y-shaped incision. No foreign material is present in the mouth, upper airway and trachea.

EVIDENCE OF INTERNAL INJURIES:

None.

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NECK:

The neck organs are layer wise dissected and removed en bloc with the tongue. There is a focus of erythema in posterior left tongue deep in the tissue. There is no trauma seen. No lesions are present nor is trauma of the gingiva, lips or oral mucosa demonstrated. There is no edema of the larynx. Both hyoid bone and larynx are intact. There is no evidence of gross hemorrhage in the areas. The tissue is further fixed for dissection. The soft tissues are removed from the larynx and show no areas of hemorrhage. The thyroid cartilage is removed from the larynx and shows no evidence of trauma or fractures. The larynx and proximal trachea are cut transversely along its length and does not show any trauma of the mucosa, submucosal or cartilage. The hyoid bone does not show trauma. No hemorrhage is present in the adjacent throat organs, investing fascia, strap muscles, visceral fascia. Both lobes of the thyroid show focal erythema on the anterior surface. There are no prevertebral fascial hemorrhages. The tongue when sectioned shows no trauma.

CHEST/ABDOMINAL CAVITY:

Both pleural cavities contain dark brown fluid; 300 cc on the right and 200 cc on the left. The lungs are voluminous. Soft tissues of the thoracic and abdominal walls have late postmortem softening, discoloration and crepitation. The subcutaneous fat of the abdominal wall measures 1/2 inch. Breasts are examined and sectioned in usual manner and show no abnormalities. The organs of the abdominal cavity have a normal arrangement and none are absent. There is no fluid collection. The peritoneal cavity is without evidence of peritonitis. There are no adhesions.

SYSTEMIC AND ORGAN REVIEW

The following observations are limited to findings other than injuries, if described above.

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MUSCULOSKELETAL SYSTEM:

No abnormalities of the bony framework or muscles are present.

CARDIOVASCULAR SYSTEM:

The aorta is elastic and of even caliber throughout with vessels distributed normally from it. There is no tortuosity or widening of the thoracic segment. The abdominal aorta has no atherosclerosis. There is no dilation of the lower abdominal segment. No aneurysm is present. The major branches of the aorta show no abnormality.

Within the pericardial sac, there is a minimal amount of serous fluid. The heart weighs 175 grams. It has a normal configuration. The right ventricle is 0.3 cm thick, the left ventricle is 1.0 cm thick, and the septum is 1.3 cm thick. The chambers are normally developed and are without mural thrombosis. The valves are thin, leafy and competent. The circumference of the valve rings are: Tricuspid valve 11.0 cm, pulmonic valve 6.0 cm, aortic valve 5.0 cm, and mitral valve 10.0 cm. There is marked postmortem softening of the myocardium. There are no defects of the septum. The great vessels enter and leave in a normal fashion. The ductus arteriosus is obliterated. The coronary ostia are widely patent. The right coronary artery is the dominant vessel. There is no coronary atherosclerosis of the major coronary arteries. The blood within the heart and large blood vessels is liquid but only a scant amount is present.

RESPIRATORY SYSTEM:

Scant secretions are found in the upper respiratory passages. The mucosa has brown postmortem discoloration. The lungs are crepitant and there is postmortem softening. The left lung weighs 250 grams. The right lung weighs 350 grams. The visceral pleura are smooth and intact. The parenchyma has postmortem gaseous distention and edema. The pulmonary vasculature is without thromboembolism.

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GASTROINTESTINAL SYSTEM:

The esophagus is intact throughout. The stomach is not distended. It contains scant red fluid. The mucosa shows postmortem change. Portions of tablets and capsules cannot be discerned in the stomach. The external and in-situ appearance of the small intestine and colon are unremarkable. The small intestine and colon are opened along the anti-mesenteric border and show postmortem discoloration. The appendix is present. The pancreas occupies a normal position. There is early autolysis. The parenchyma is lobular and firm. The pancreatic ducts are not ectatic and there is no parenchymal calcification.

HEPATOBIILIARY SYSTEM:

The liver weighs 1025 grams, is of average size and is red-brown. The capsule is intact and the consistency of the parenchyma is soft. The cut surface is smooth. There is postmortem discoloration. The gallbladder is present. The wall is thin and pliable. It contains 10 cc of bile and no calculi. There is no obstruction or dilation of the extrahepatic ducts. The periportal lymph nodes are not enlarged.

URINARY SYSTEM:

The left kidney weighs 125 grams. The right kidney weighs 125 grams. The kidneys are normally situated and the capsules strip easily revealing a surface that is smooth. The corticomedullary demarcation is obscured by congestion. The pyramids are not remarkable. The peri-pelvic fat is not increased. The ureters are without dilation or obstruction and pursue their normal course. The urinary bladder is unremarkable. It contains no urine.

GENITAL SYSTEM:

The uterus is symmetrical and the uterine cavity is not enlarged. The fallopian tubes are unremarkable. The endometrium shows postmortem discoloration.

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The cervix and vagina have a normal appearance for the age and show marked postmortem discoloration. The cervix and superior vaginal walls are saved for further dissection. Subsequent dissection of the superior vaginal wall does not show evidence of trauma. The ectocervix and endocervical canal are unremarkable. Vertical cuts are made circumferentially around the cervix and show no trauma to the underlying tissues. The ovaries are normal for the age.

HEMOLYMPHATIC SYSTEM:

The spleen weighs 75 grams and is of average size. The capsule is intact. The parenchyma is mushy. There is no increased follicular pattern. Lymph nodes throughout the body are small and inconspicuous. The bone is unremarkable. The bone marrow of the rib is unremarkable.

ENDOCRINE SYSTEM:

The thyroid is unremarkable. The parathyroid glands are not identified. The adrenals are unremarkable. The thymus is not identified. The pituitary gland is not identified due cerebral necrosis.

SPECIAL SENSES:

The eyes are not dissected. The middle and inner ear are not dissected.

HEAD AND CENTRAL NERVOUS SYSTEM:

There is no subcutaneous or subgaleal hemorrhage of the scalp. The external periosteum and dura mater are stripped showing no fracture of the calvarium or base of the skull. There are no tears of the dura mater. There is no epidural, subdural or subarachnoid hemorrhage.

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The brain weighs 1100 grams. The brain is dusky gray in color and soft. The leptomeninges are thin and transparent. A normal convolutionary pattern is observed. Coronal sectioning is limited due to the softness of the parenchyma but demonstrates a uniformity of cortical gray thickness areas observable. The cerebral hemispheres are symmetrical. There is no hemorrhage of the white matter on observable areas. The basal ganglia are not identifiable. Cerebral contusions are not present. The ventricular system is not identifiable. The pons, medulla and cerebellum are unremarkable and uninterpretable after removal of the brain due to maceration. The cranial nerves and vasculature are not recognizable.

SPINAL CORD:

The entire cord is not dissected.

HISTOLOGIC SECTIONS:

Representative sections from various organs are preserved in two storage jars in 10% formalin. Sections of vital organs are submitted for slides. The slide key is described on the microscopic report.

TOXICOLOGY:

Bile, heart blood, liver tissue, stomach contents, spleen, and brain have been submitted to the lab. A comprehensive screen was requested.

PHOTOGRAPHY:

At scene photos are available. Photographs have been taken prior to and during the course of the autopsy.

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RADIOLOGY:

The body is fluoroscoped and x-rays are taken of the head, chest, abdomen, pelvis and shoulders (7).

WITNESSES:

Detectives Wallace Tennelle (#22628) and Stearns (#31611), of LAPD witnessed the autopsy.

DIAGRAMS USED:

Diagram Forms #16, 20, 20G, 38 and 43 were used during the performance of the autopsy. The diagrams are not intended to be facsimiles.

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OPINION:

The decedent died as a result of drowning. A complete autopsy examination showed no evidence of trauma and toxicology studies did not show acute drug or alcohol intoxication. Decedent had a history of bipolar disorder for which she was prescribed medication. Toxicology studies were performed for the presence of these drugs. However, quantitation in the blood was not performed due to limited sample availability. Therefore, interpretation is limited. Police investigation did not show evidence of foul play. A full review of the circumstances of the case and appropriate consultation do not support intent to harm oneself. The manner of death is classified as accident.

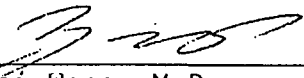
The case was discussed with the Chief Coroner/Medical Examiner/Interim Director, who concurred with this opinion and death certification.



Jason P. Tovar, M.D.
ASSOCIATE DEPUTY MEDICAL EXAMINER

6/19/13

DATE



Yuhai Wang, M.D.
SENIOR DEPUTY MEDICAL EXAMINER

6/19/13

DATE

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6

WAS ORIGINAL SCENE DISTURBED BY OTHERS? YES NO NM
IF YES, NOTE CHANGES IN NARRATIVE FORM #3.

DATE 2/19/13
AMBIENT #1 NT °F TIME _____
AMBIENT #2 _____ °F TIME _____
WATER _____ °F TIME _____

2013-01364
Lam, Elisa
Und.

THERMOMETER # _____

LIVER TEMPERATURE #1 NT °F TIME _____

LIVER TEMPERATURE #2 _____ °F TIME _____

DATE & TIME FOUND 2/19/13 LAST KNOWN ALIVE 2/1/13

APPROX. AGE 21 SEX F EST. HEIGHT 66 EST. WEIGHT 124 CLOTHED? YES NO IF YES, DESCRIBE:

DESCRIPTION AS TO WHERE REMAINS FOUND AND CONTACT MATERIAL TO BODY:

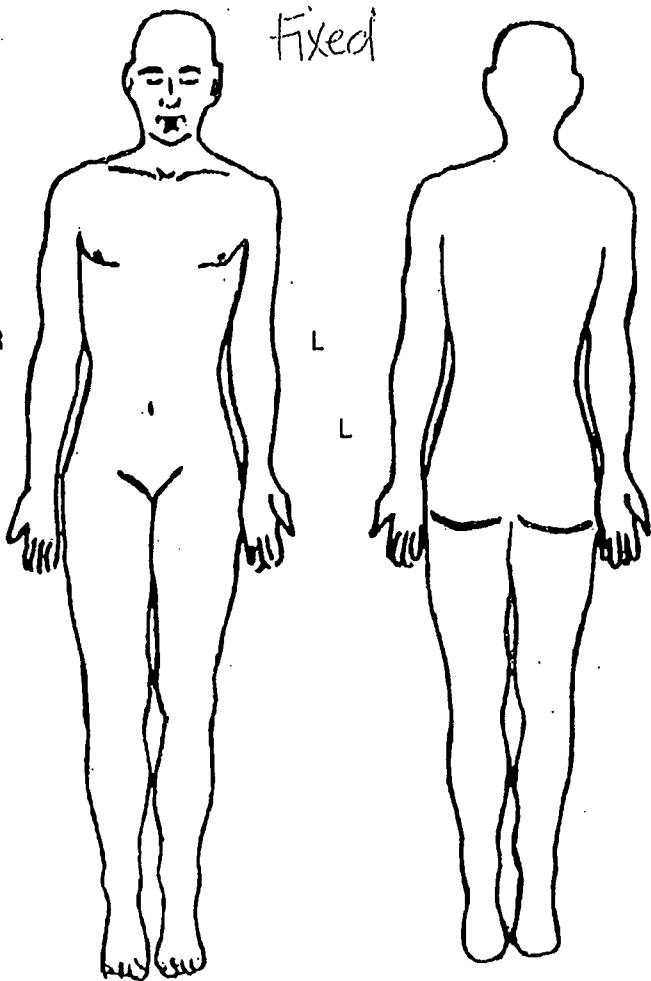
see narrative - water tank on rooftop

SCENE TEMPERATURE REGULATED? YES NO IF YES, THERMOSTAT SET AT _____ DEGREES F.

LIVOR MORTIS: TIME OBSERVED 1730

RIGOR MORTIS: TIME OBSERVED 1730

NECK FLEXION: Resolved



ANTERIOR _____
POSTERIOR _____
RT. LATERAL _____
LT. LATERAL _____

JAW _____ HIP _____
SHOULDER _____ KNEE _____
ELBOW _____ ANKLE _____
WRIST _____

SCALE
0 = ABSENT/NEGATIVE
1 +
2 +
3 +
4 = EXTREME DEGREE

USE SCALE TO DESCRIBE INTENSITY OF RIGOR MORTIS.

SHADE DIAGRAMS TO ILLUSTRATE THE LOCATION OF LIVOR MORTIS.

DESCRIBE INTENSITY OF COLORATION AND WHETHER LIVOR MORTIS IS PERMANENT OR BLANCHES UNDER PRESSURE.

Yagelin
CORONER'S INVESTIGATOR

REVIEWED BY [Signature]

132013-01364
Lam, Elisa
(Decedent)**Los Angeles County Department of Coroner
Criminalist Report****Investigating Agency: Los Angeles Police Department
Robbery-Homicide Division****Agency Investigator: Stearns; Tennelle
Agency File No.: 130106275**

Page 1 of 2

Also see Coroner Investigator Report for additional information, including scene description, case circumstances, condition of body, possible additional evidence.

On 19 February 2013 at 1636 hours I was notified by Coroner Supervising Investigator F. Corral that a criminalist was needed for evidence collection once the case arrived at the Forensic Science Center.

At 1721 hours, I observed the decedent, an adult female, lying supine on a service table. She was nude, had dark or black, wavy head hair; clothing items accompanied her on the table. The decedent was in an advanced state of decomposition, having bloating to the face and abdomen, marbling at the abdomen, and pronounced green discoloration of the abdomen and upper legs; the rectal tissue was prolapsed. The hands and feet were waterlogged and all of the clothing was sopping wet. The body had reportedly been recovered along with the clothing and a wrist watch after being submerged in a hotel water supply tank for many days. Sand and small, flat, whitish, and fragile flecks of unknown material were on or throughout all the clothing, and several dark hairs or fibers at least several inches in length were noted on a couple of the garments. The fibers and debris were left in place with the clothing items.

I collected Hair, Fingernail, Pubic Hair, and Sexual Assault Evidence Kits. Coroner Investigator K. Yagerlener released the watch and a hotel card key to Los Angeles Police Department detectives.

Evidence collection was completed at 1850 hours.

EVIDENCE – see following page

13

Page 2 of 2

2013-01364

EVIDENCE

The following items were collected by me and placed into evidence.

EVIDENCE COLLECTED AT FORENSIC SCIENCE CENTER**Physical Evidence**

1. Sexual Assault Evidence Kit
 - A) Oral Swab set and slide set.
 - B) External Swab set and slide set.
 - C) Vaginal Swab set and slide set.
 - D) Cervical Swab set and slide set.
 - E) Rectal Swab set and slide set.
2. Fingernail Kit.

Clothing (each item individually packaged in its own brown paper bag)

3. Red hooded sweatshirt; front zipping; 'American Apparel' brand; size Sx.
4. Green shirt; a T-shirt, light green, short-sleeved, with crew neck; 'jnm' brand, size L/G.
5. Black shorts; 'Saxon' brand 'authentic gamewear, Men's,' size M/M.
6. Black panties; black lace trim; 'Calvin Klein' brand, size s/p.
7. Pair sandals; Birkenstocks or 'Birki's' brand, with three black fabric straps having small white dot pattern overall and two buckles; labeled with numerals that may indicate code for European sizing: 39 55
250
L8 M6

Reference Specimens

8. Hair Kit.
9. Pubic Hair Kit.

02-27-13
Date report written


3-22-13
Date report signed

M. S. Schuchardt
Mark S. Schuchardt
Senior Criminalist

cb: Medical File
Laboratory Case File

MMS.
Reviewed
3-22-13
ms

14

I performed a microscopic examination on 

2013-01364
LAM, ELISA

at THE DEPARTMENT OF CORONER

Los Angeles, California

Microscopic description

Lung, kidney, liver, heart, thyroid are autolyzed.

Slide Key:

- 1. Lung
- 2. Liver, Kidney
- 3. Heart, Thyroid

Diagnosis:

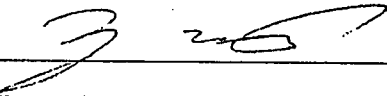
I. All tissue sections are autolyzed.



Jason P. Tovar, M.D.
Associate Deputy Medical Examiner

3/12/13

Date



Yulai Wang, M.D.
Senior Deputy Medical Examiner

6/19/13

Date

15

AUTOPSY CLASS: A B C Examination Only D

FAMILY OBJECTION TO AUTOPSY

Date: 2/21/13 Time: 0935 Dr. Toker/Wang
(Print)

FINAL ON: 6/18/13 By: Toker/Wang
(Print)

APPROXIMATE INTERVAL BETWEEN ONSET AND DEATH

DEATH WAS CAUSED BY: (Enter only one cause per line for A, B, C, and D)

IMMEDIATE CAUSE:

A) Drowning

Rapid

DUE TO, OR AS A CONSEQUENCE OF:

B)

DUE TO, OR AS A CONSEQUENCE OF:

C)

DUE TO, OR AS A CONSEQUENCE OF:

D)

OTHER CONDITIONS CONTRIBUTING BUT NOT RELATED TO THE IMMEDIATE CAUSE OF DEATH:

Bipolar Disorder

NATURAL SUICIDE HOMICIDE

ACCIDENT COULD NOT BE DETERMINED

HOW DID INJURY OCCUR? In water tank

WAS OPERATION PERFORMED FOR ANY CONDITION STATED ABOVE: YES NO

TYPE OF SURGERY: _____ DATE: _____

ORGAN PROCUREMENT TECHNICIAN: L. Bivens

PREGNANCY IN LAST YEAR YES NO UNK NOT APPLICABLE

WITNESS TO AUTOPSY EVIDENCE RECOVERED AT AUTOPSY
Item Description: _____

Age: 21 Gender: Male / Female

PRIOR EXAMINATION REVIEW BY DME

BODY TAG CLOTHING
 X-RAY (No. 2) FLUORO
 SPECIAL PROCESSING TAG MED. RECORDS
 AT SCENE PHOTOS (No. 23)

CASE CIRCUMSTANCES

EMBALMED
 DECOMPOSED
 >24 HRS IN HOSPITAL
 OTHER: _____ (reason)

TYPING SPECIMEN

TYPING SPECIMEN TAKEN BY: _____
SOURCE: _____

TOXICOLOGY SPECIMEN

COLLECTED BY: Toker
 HEART BLOOD STOMACH CONTENTS
 FEMORAL BLOOD VITREOUS
TECHNIQUE: _____
 BLOOD SPLEEN
 BLOOD KIDNEY
 BILE Brain
 LIVER _____
 URINE _____

URINE GLUCOSE DIPSTICK RESULT: 4+ 3+ 2+ 1+ 0

TOX SPECIMEN RECONCILIATION BY: A.S.

HISTOLOGY

Regular (No. 2) Oversize (No. _____)
Histopath Cut: Autopsy Lab

TOXICOLOGY REQUESTS

FORM 3A: YES NO
 NO TOXICOLOGY REQUESTED
SCREEN C H T S D
 ALCOHOL ONLY
 CARBON MONOXIDE
 OTHER (Specify drug and tissue)
Limited Blood

REQUESTED MATERIAL ON PENDING CASES

POLICE REPORT MED HISTORY
 TOX FOR COD HISTOLOGY
 TOX FOR R/O INVESTIGATIONS
 MICROBIOLOGY EYE PATH. CONS.
 RADIOLOGY CONS.
 CONSULT ON: _____
 BRAIN SUBMITTED
 NEURO CONSULT DME TO CUT
 CRIMINALISTICS
 GSR SEXUAL ASSAULT OTHER

RESIDENT [Signature]

DME [Signature]

16

Decomposed

2013-01364

33

EXTERNAL EXAM

Sex Female
Race Mex
Age 21
Height 66 inch
Weight 121 lbs
Hair
Eyes
Sclera
Teeth
Mouth
Tongue
Nose
Chest
Breasts
Abdomen
Scar
Genital
Edema
Skin
Decub

lactation

T 11 86
M 10 25

HEART Wt 125

Pericard
Hypert
Dilat
Muscle
Valves
Coronar

RV 0.3
LV 1.0
Septum 1.3

AORTA

VESSELS

LUNGS Wt

R 350

L 250

Adhes

Fluid - 200 left 300 R 5/1

Atelectasis

Oedema

Congest

Consol

Bronchi

Nodes

PHARYNX

TRACHEA

THYROID

THYMUS

LARYNX

HYOID

ABDOMINAL WALL FAT 1/2 inch

PERITONEUM

Fluid 2
Adhes 2

LIVER Wt 1025

Caps
Lobul
Fibros
G B
Calc
Bile ducts

SPLEEN Wt 75

Color
Consist
Caps
Malp

PANCREAS

ADRENALS

KIDNEYS Wt

R 125

L 125

Caps

Cortex

Vessels

Pelvis

Ureter

BLADDER

GENITALIA

Prost

Testes

Uterus

Tubes

Ovar

OESOPHAGUS

STOMACH

Contents

DUOD & SM INT

APPENDIX

LARGE INT

ABDOM NODES

SKELETON

Spine

Marrow

Rib Cage

Long bones

Pelvis

SCALP

CALVARIUM

BRAIN Wt 1100

Dura

Fluid

Ventric

Vessels

Middle ears

Other

PITUITARY

not ID

SPINAL CORD

not examined

TOXICOLOGY SPECIMENS

Heart blood, Bile, Liver, stomach contents, spleen, brain

SECTIONS FOR HISTOPATHOLOGY

Lung

MICROBIOLOGY

none

DIAGRAMS

16, 20, 20G, 27, 28

X-RAYS

(7)

OTHER PROCEDURES

neck dissection & thyroid & larynx for criminalist

GROSS IMPRESSIONS

see p 11-12-13-14

Date 2/21/13

Time 1:40

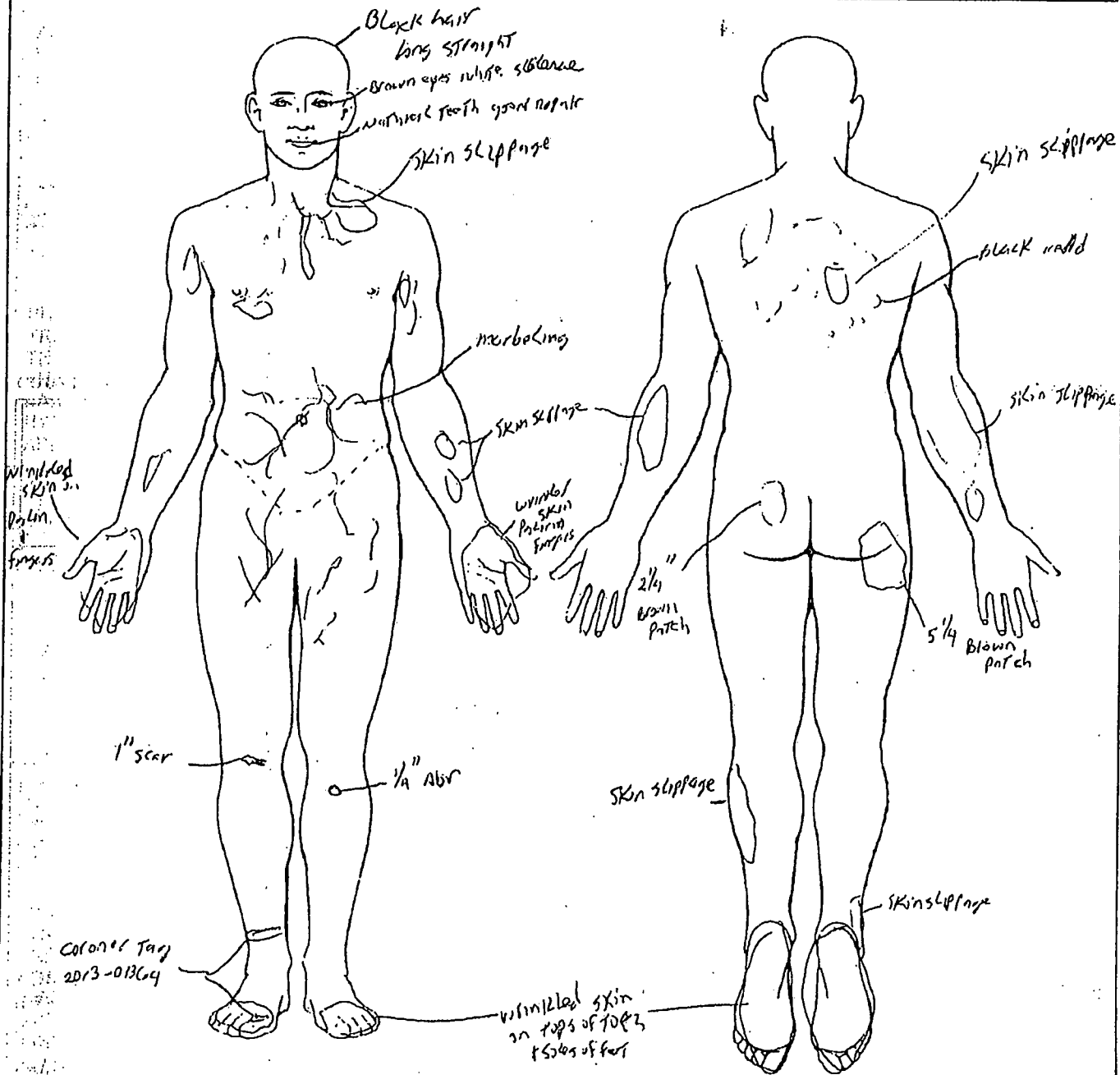
Deputy Medical Examiner [Signature]

20

Early decomposition
post mortem staining loss the lower legs

2013-01364
LAW, ELISA

38



Date 2/2/13

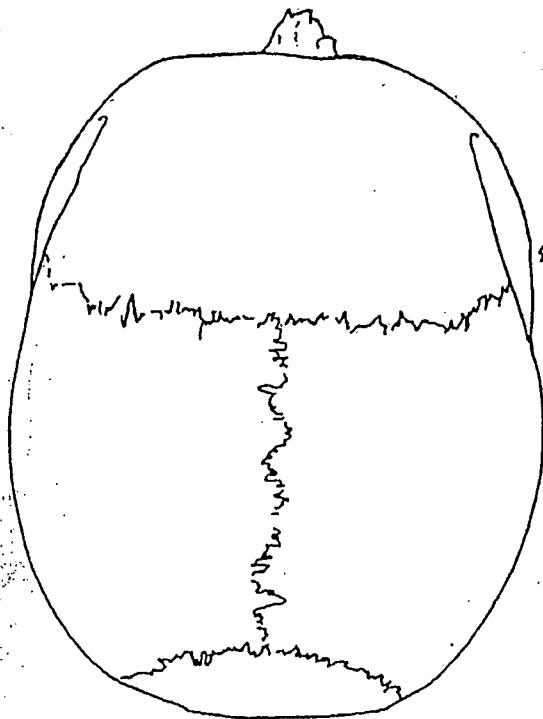
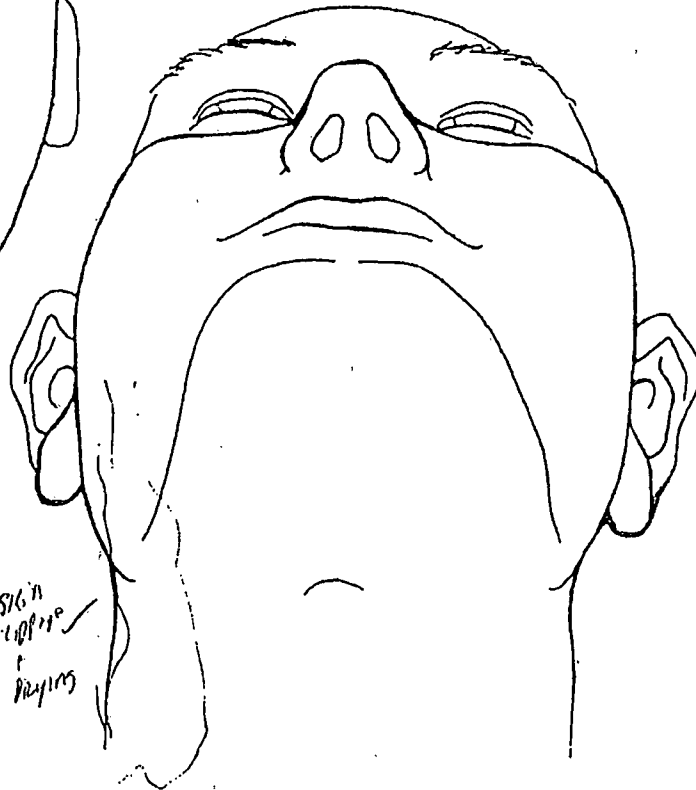
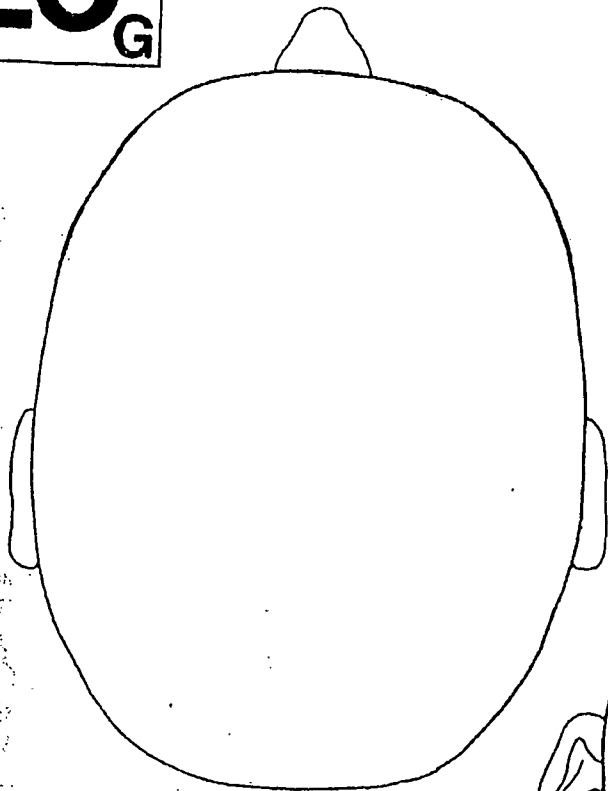
[Signature] M.D.
Deputy Medical Examiner

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2013-01364
LAN, ELISA

38



sign
suture
&
drain

Date 2/21/13

Deputy Medical Examiner.

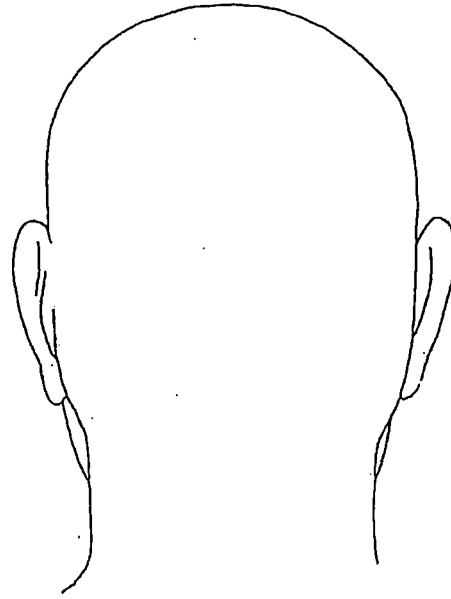
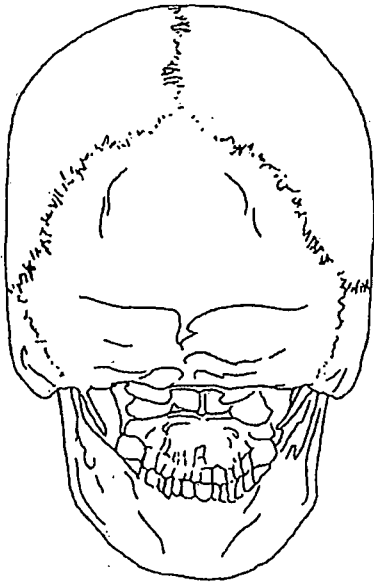
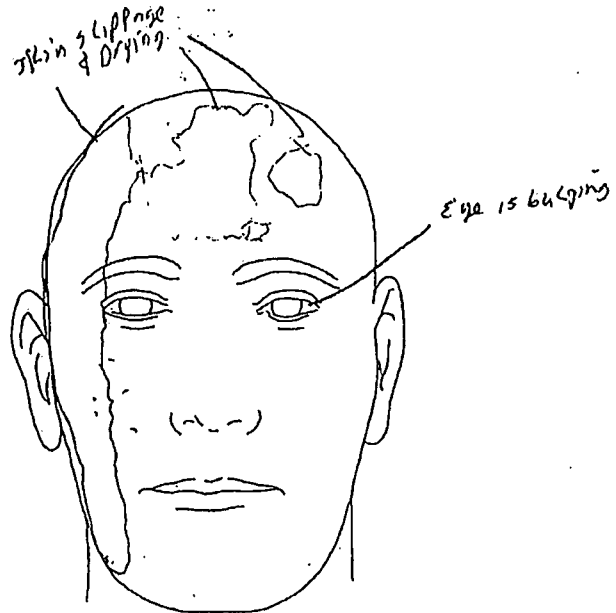
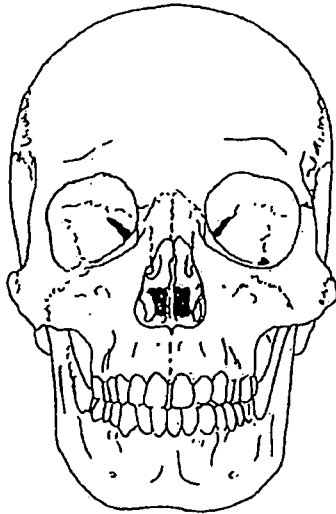
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2013-01364
LAN, ELISA

38



Date 2/21/13


Deputy Medical Examiner M.D.

COUNTY OF LOS ANGELES

MEDICAL EVIDENCE

DEPARTMENT OF CORONER

3A

CASE # 2013-01364
 DECEDENT'S NAME:
 LAM, ELISA
 DOD: 2/19/2013
 INCOMING MODE:

Page 1 of 2

Drug Name	Rx Number	Date of Issue	Number Issued	Number Remaining	Form	Dosage	Rx Directions	Physician	Pharmacy Phone/ Comments
ADVIL	LOOSE			11	CAPSULE	200 MG			LOOSE PILLS- LIQUITABS
DEXEDRINE SPANSULE	LOOSE			2	CAPSULE	10 MG			LOOSE PILLS
LAMOTRIGINE	7153988	1/11/2013	60	70	TABLET	100 MG	1 TAB QD	DR. SARAH E. SCARFE	LONDON DRUGS #56 604-570-0252 PRESCRIBED TO DECEDENT, CANADIAN PHARMACY
QUETIAPINE	7153992	1/11/2013	30	20	TABLET	25 MG	2 TABS QHS PRN	DR. SARAH E. SCARFE	LONDON DRUGS #56 604-570-0252 PRESCRIBED TO DECEDENT, CANADIAN PHARMACY
SINUTAB	LOOSE			2	TABLET				LOOSE PILLS- BLISTER PACK LOT 16112
VENLAFAXINE XR	7153990	1/11/2013	60	64	CAPSULE	150 MG	1 CAP QD (+ 75 MG)	DR. SARAH E. SCARFE	LONDON DRUGS #56 604-570-0252 PRESCRIBED TO DECEDENT, CANADIAN PHARMACY

Paraphernalia Description

1- PILL CUTTER, TWO PILL CASES, ONE DIVIDED PILL CASE. 5 PRESCRIPTION RECEIPTS AND PERSONAL MEDICATION HISTORY WERE PLACED IN CASE FILE.

Investigator: *DBertone*
 KELLY YAGERLENER (489129)

Date:
 2/22/2013

COUNTY OF LOS ANGELES

MEDICAL EVIDENCE

DEPARTMENT OF CORONER

3A

CASE # 2013-01364
 DECEDENT'S NAME:
 LAM, ELISA
 DOD: 2/19/2013
 INCOMING MODE:

Page 2 of 2

Drug Name	Rx Number	Date of Issue	Number Issued	Number Remaining	Form	Dosage	Rx Directions	Physician	Pharmacy Phone/ Comments
VENLAFAXINE XR 75 MG	7153989	1/11/2013	60	60	CAPSULE	75 MG	1 CAP QD (+ 150 MG)	DR. SARAH E. SCARFE	LONDON DRUGS #56 604-570-0252 PRESCRIBED TO DECEDENT, CANADIAN PHARMACY
WELLBUTRIN XL	7153987	1/11/2013	60	57	TABLET	300 MG	1 TAB Q AM	DR. SARAH E. SCARFE	LONDON DRUGS #56 604-570-0252 PRESCRIBED TO DECEDENT, CANADIAN PHARMACY

Paraphernalia Description
 1- PILL CUTTER, TWO PILL CASES, ONE DIVIDED PILL CASE. 5 PRESCRIPTION RECEIPTS AND PERSONAL MEDICATION HISTORY WERE PLACED IN CASE FILE.

Investigator: D Bertase
KELLY YAGERLENER (489129)
 Date:
 2/22/2013



County of Los Angeles, Department of Coroner
Investigator's Narrative



Case Number: 2013-01364

Decedent: LAM, ELISA

Information Sources:

Detective Tennelle, Los Angeles Police Department Robbery Homicide division, 213-486-6850

On scene investigation

Investigation:

On 02/19/2013 at 1249 hours, Officer Sanchez reported this death to our office.

Lt. Cheryl MacWillie assigned the call to me at 1310 hours.

I arrived to the scene at 1348 hours and cleared from the call at 1700 hours.

According to a missing person report filed on 02/04/2013, the decedent was last seen on 01/31/2013 at the Cecil Hotel in downtown Los Angeles. She was traveling alone from Vancouver, Canada and arrived in Los Angeles on 01/26/2013. Her final destination was Santa Cruz, CA. She used public transportation including Amtrak and buses.

Video of a surveillance camera in the hotel showed the decedent in an elevator at the Cecil Hotel exhibiting strange behavior. There are no other people seen in the video and it does not appear that she is being chased or in distress. She is wearing the same clothing found in the water tank with the decedent. The video is reported to be from 02/01/2013.

The decedent was transported from the scene to the Forensic Science Center by Forensic Attendant M. Aparicio.

Criminalist Mark Schuchardt notified and present at the Forensic Science Center for evidence collection.

Location:

Place of Possible Injury: Cecil Hotel, 640 S. Main Street, Los Angeles, CA 90014

Place Found: water tank on rooftop of Cecil Hotel, 640 S. Main Street, Los Angeles, CA 90014

Informant/Witness Statements:

Detective Tennelle gave me the following limited information. On 02/19/2013 at 1000 hours, the decedent was found in a rooftop water tank by a maintenance worker for the hotel. The maintenance worker was sent to check on the water tanks after complaints of poor water pressure. 911 was called and Los Angeles Fire Department #9 responded to determine death at 1022 hours. She was last known alive on 02/01/2013.

Sara Lam, sister, gave me the following information. She said her sister had a history of depression and bipolar disorder. She was taking 4 medications, Wellbutrin, Lamotrigine, Quetiapine and another that she could not recall. She had no suicidal ideations or known prior attempts.

Scene Description:

It was the rooftop of the Cecil Hotel, a 15 story hotel built in the 1920's. The rooftop has four 1000 gallon water tanks reportedly used to supply the hotel with water. The decedent was found floating face up in the tank to the northeast. It appeared to be approximately 1/2 - 3/4 full when I looked into the tank. There was an unsecured metal removable hatch on the top of the tank. Clothing and shoes were also found in the tank.

A hotel key card and watch were found amongst the clothing and released to Detective Stearns as evidence.

Kms

0912312015



County of Los Angeles, Department of Coroner
Investigator's Narrative



Case Number: 2013-01364

Decedent: LAM, ELISA

Evidence:

See evidence log.

Body Examination:

The decedent was a female Asian adult. She was nude. She was in a state of decomposition noted with marbling, green discoloration, bloating, foul smell and skin separation. The decedent appeared to have mold spots on her legs and buttocks. A possible scar was noted to her right knee. A mole was seen on her right chest. There was no obvious evidence of trauma seen. Rigor mortis was resolved. Livor mortis was fixed. The ambient, algor and water temperatures were not taken.

Identification:

The decedent was identified by her Canadian passport as Elisa Lam, DOB 04/30/1991.

Next of Kin Notification:

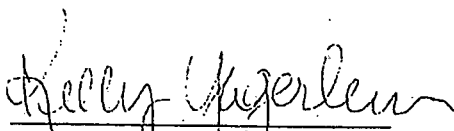
The decedent's parents, were notified of the death by detectives on 02/19/2013. I verified notification with and she told me her sister was not married and had no children.


Tissue Donation:

Not addressed due to time lapse since death.

Autopsy Notification:

See case notes.


KELLY YAGERLENER


SUPERVISOR

02/20/2013

Date of Report

02/20/2013



Department of Coroner, County of Los Angeles
FORENSIC SCIENCE LABORATORIES

1104 North Mission Road Los Angeles, CA 90033



Laboratory Analysis Summary Report

Wang, Yulai M.D.

Deputy Medical Examiner
 1104 North Mission Road
 Los Angeles, CA 90033

PendingTox

The following results have been technically and administratively reviewed and are the opinions and conclusions of the Analyst:

Coroner Case Number: 2013-01364 Decedent: LAM, ELISA

<u>SPECIMEN</u>	<u>SERVICE</u>	<u>DRUG</u>	<u>RESULT</u>	<u>ANALYST</u>
Bile	Alcohol-GC/FID-HS	Ethanol	0.02 g%	M. Schuchardt
Blood, Heart	Alcohol-GC/FID-HS	Ethanol	Negative	M. Schuchardt
	Bases-GC/NPD &/or MS	Bupropion	ND	E. Fu
	Bases-GC/NPD &/or MS	Bupropion Metabolites	* Present	E. Fu
	Bases-GC/NPD &/or MS	Quetiapine	ND	E. Fu
	Bases-GC/NPD &/or MS	Quetiapine Metabolite	ND	E. Fu
	Bases-GC/NPD &/or MS	Venlafaxine	* Present	E. Fu
	ELISA-Immunoassay	Barbiturates	ND	B. Ciullo
	ELISA-Immunoassay	Cocaine and Metabolites	ND	B. Ciullo
	ELISA-Immunoassay	Fentanyl	ND	B. Ciullo
	ELISA-Immunoassay	Marijuana: Carboxy-THC	ND	B. Ciullo
	ELISA-Immunoassay	Methamphetamine & MDMA	ND	B. Ciullo
	ELISA-Immunoassay	Opiates: Codeine & Morphine	ND	B. Ciullo
	ELISA-Immunoassay	Opiates: Hydrocodone & Hydromorphone	ND	B. Ciullo
	ELISA-Immunoassay	Phencyclidine	ND	B. Ciullo
	GC/MS	Amphetamine	ND	C. DalChelo
	GC/MS	Methylenedioxyamphetamine	ND	C. DalChelo
	Neutrals-GC/MS	Ibuprofen	QNS	S. Pearring
	Neutrals-GC/MS	Lamotrigine	QNS	S. Pearring
Liver	Bases-GC/NPD &/or MS	Bupropion Metabolites	Present	E. Fu
	Bases-GC/NPD &/or MS	Venlafaxine	5.2 ug/g	E. Fu
	Neutrals-GC/MS	Ibuprofen	ND	S. Pearring
	Neutrals-GC/MS	Lamotrigine	14 ug/g	S. Pearring

20130329 09:23:54

Coroner Case Number: 2013-01364 Decedent: LAM, ELISA

SPECIMEN SERVICE DRUG RESULT ANALYST

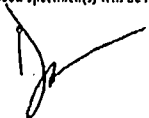
NOTE: *Volume not sufficient for quantitation.

Legend:

g	Grams	mg/dL	Milligram per Deciliter	QNS	Quantity Not Sufficient
g%	Gram Percent	mg/L	Milligram per Liter	TNP	Test Not Performed
inc.	Inconclusive	ND	Not Detected	ug	Micrograms
mg	Milligrams	ug/g	Nanograms per Gram	ug/g	Micrograms per Gram
		ng/mL	Nanograms per Milliliter	ug/mL	Microgram per Milliliter

In accordance with the Department's Evidence Retention Policy, the blood specimen(s) will be retained for one-year and all other specimens for six-months from Autopsy.

Administratively reviewed by:



Daniel T. Anderson, M.S., FTS-AUPT, D-ABC
Supervising Criminalist II
TOXICOLOGY

(323) 313-0640 DAnderson@coroner.hawaii.gov

Handwritten initials and signature

20130329

CERTIFICATE OF SERVICE

I, Teresa Harris, declare:

I am a citizen of the United States, am over the age of eighteen years, and am not a party to or interested in the within entitled cause. My business address is 550 South Hope Street, Suite 650, CA 90071.

On September 25, 2015, I served the following document(s) on the parties in the within action:

APPENDIX OF EXHIBITS IN SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

X	BY MAIL: I am familiar with the business practice for collection and processing of mail. The above-described document(s) will be enclosed in a sealed envelope, with first class postage thereon fully prepaid, and deposited with the United States Postal Service at Los Angeles, California on this date, addressed as follows:
	BY HAND: The above-described document(s) will be placed in a sealed envelope which will be hand-delivered on this same date by _____, addressed as follows:

Thomas S. Johnston
Johnston & Hutchinson LLP
601 W. Fifth Street, Suite 210
Los Angeles, CA 90071

Attorney For Plaintiffs
DAVID LAM AND YINNA LAM

D. Scott Warmuth
Law Offices of Scott Warmuth APC
17700 Castleton Street
Suite 168
City of Industry, Ca. 91748

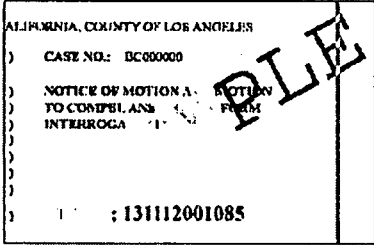
Attorney For Plaintiffs
DAVID LAM AND YINNA LAM

I declare under penalty of perjury under the laws of the State of California that the foregoing is a true and correct statement and that this Certificate was executed on September 25, 2015.

By 
Teresa Harris

09/28/2015

CRS RECEIPT

INSTRUCTIONS	
Please print this receipt and attach it to the corresponding motion/document as the last page. Indicate the Reservation ID on the motion/document face page (see example). The document will not be accepted without this receipt page and the Reservation ID.	
 <p>ALIFORNIA, COUNTY OF LOS ANGELES CASE NO.: BC00000 NOTICE OF MOTION A MOTION TO COMPEL AND FROM INTERROGA : 131112001085</p>	

RESERVATION INFORMATION

Reservation ID: 140902025798
Transaction Date: March 5, 2015
Case Number: BC521927
Case Title: DAVID LAM ET AL VS CECIL HOTEL MANAGEMENT INC
Party: CECIL HOTEL MANAGEMENT INC (Defendant/Respondent)
Courthouse: Stanley Mosk Courthouse
Department: 093
Reservation Type: Motion for Summary Judgment
Date: 12/14/2015
Time: 01:30 pm

FEE INFORMATION (Fees are non-refundable)

Reschedule Fee - Motion for Summary Judgment	\$20.00
Total Fees:	Receipt Number: 1150305K5367 \$20.00

PAYMENT INFORMATION

Name on Credit Card: Nancy Duliere
Credit Card Number: XXXX-XXXX-XXXX-1414

**A COPY OF THIS RECEIPT MUST BE ATTACHED TO THE CORRESPONDING
MOTION/DOCUMENT AS THE LAST PAGE AND THE RESERVATION ID INDICATED ON THE
MOTION/DOCUMENT FACE PAGE.**

03/05/2015 10:15