

City of Portland Risk Management 09/22/2023

RR PLOP 2860 / 2861 ✓

2022-014224-28

THE JOHNSTON LAW FIRM PC

September 22, 2023

Via email to beavertonpolice@beavertonoregon.gov & fax to 503-526-2484

Beaverton Police Department
6125 SW Hall Blvd
Beaverton, OR 97008

Via patti.white@hillsboro-oregon.gov & fax to 503-681-6260

Hillsboro Police Department
250 SE 10th Avenue
Hillsboro, OR 97123

Via email to bkirby@beavertonoregon.gov & fax to 503-350-4033:

Bill Kirby – General Counsel
City of Beaverton
PO Box 4755
Beaverton, OR 97076

Via fax to 503-681-5215 & email to SueLing.Gandee@Hillsboro-Oregon.gov

City of Hillsboro
Risk Management
150 E Main Street
Hillsboro, OR 97123

Via fax to 503-526-2479 & email to bstrohl@beavertonoregon.gov

Risk Manager
City of Beaverton
PO Box 4755
Beaverton, OR 97076

Via email to info@gov-law.com & fax to 503-226-2348

Beery Elsner & Hammond LLP
1804 NE 45th Avenue
Portland, OR 97213

Via email to tom_carr@washingtoncountyor.gov & fax to 503-846-8636

Thomas Carr
Washington County Counsel
Public Services Bldg MS 24
155 N First Ave Ste 340
Hillsboro OR 97124

Via fax to 503-846-2604 & email to wcsocr@washingtoncountyor.gov

Washington County Sheriff
215 SW Adams Avenue
Hillsboro, OR 97123

Via fax to 503-823-0342 & Email to diane.haman@police.portlandoregon.gov

Portland Police Department
1111 SW 2nd Avenue
Portland, OR 97201

Via fax to 503-681-5215 & email to riskmanagement@washingtoncountyor.gov

Washington County Risk Management
155 N. First Avenue, Ste. 270MS 11
Hillsboro, OR 97124

Via fax to 503-823-6120 & Email to patrick.hughes@portlandoregon.gov

City of Portland Risk Management
1120 SW 5th Avenue, RM 1040-Risk
Portland, OR 97204

Via email to cityattorneysoffice@portlandoregon.gov, robert.taylor@portlandoregon.gov, & fax to 503-823-3089:

Office of the City Attorney
City of Portland
1221 SW 4th Avenue, Ste. 430
Portland, OR 97204

NOTICE OF TORT CLAIM AND DEMAND TO PRESERVE EVIDENCE

Tort Claim Notice
September 22, 2023
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To Whom it May Concern:

The Johnston Law firm represents the Estate of Aaliyah Shelton. The Estate of Aaliyah Shelton intends to bring a claim for the wrongful death of Aaliyah Saleema Shelton Shabazz "Aaliyah Shelton". On September 22, 2022, at approximately 7:30 p.m., two juveniles, [REDACTED] were involved in a high-speed pursuit with Portland Police Department, Beaverton Police Department, Hillsboro Police Department, and/or Washington County Sheriff's Office that ended on NW 185th Avenue near NW Walker Road in Washington County, Oregon. The vehicle driven by the juveniles crashed at a high speed into another vehicle resulting in the deaths of Ms. Shelton and another young woman. The acts and omissions of the forementioned agencies were a cause of the death of Ms. Shelton.

Please communicate only with our law offices, and not with the Shelton family directly. Please forward this letter to both your underlying and excess coverage insurance carriers. If you would like us to communicate directly with your legal counsel, please provide us with that name and contact information.

This letter constitutes a formal Tort Claim Notice, pursuant to ORS 30.275, that a claim for damages will be asserted, under any and all theories of liability, against the above-referenced entities and their responsible officers, employees and agents, and any related entities and persons, for their respective roles in this incident.

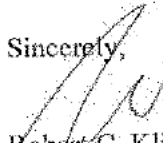
Our investigation is ongoing. We reserve the right to amend this notice or provide additional notice. Please advise immediately if you need any further information to evaluate this claim or assert that you are entitled to any additional form or substance of notice.

Please also review the enclosed Demand to Preserve Evidence. It is crucial that each named entity make every possible effort to preserve all evidence, and prevent destruction of all evidence, which might possibly be related to this incident and the fatalities. Under Oregon law, parties failing to preserve evidence, which becomes lost, goes missing or is destroyed, may suffer severe legal sanctions, including payment of costs and attorneys' fees, a jury instruction presuming that such evidence was harmful and a default judgment on liability.

We are specifically requesting and demanding that each named entity take all steps in its power to preserve the evidence set forth below. **If you have received this letter and are not in a position to preserve, or cause to be preserved, the evidence listed below, please forward this information to the appropriate party, including your insurance company and your legal counsel, to ensure all information is preserved.** Failing to preserve this information may result in legal consequences detrimental to your defense in this case.

Please feel free to contact my office to discuss this matter further. Please include Natasha Voloshina in all correspondence with my office. Ms. Voloshina can be reached at (971) 405-5621 or via email at natasha@johnston-lawfirm.com.

Sincerely,


Robert C. Kline, Jr.

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RCK/nxv

DEMAND TO PRESERVE EVIDENCE

We also hereby demand that Portland Police Department, Beaverton Police Department, Hillsboro Police Department, and Washington County Sheriff's Office take steps to preserve from destruction of evidence all evidence which could be relevant to this claim. This includes but is not limited to the following:

- All information, documents, reports, or data of any kind pertaining to the 911 calls regarding the stolen vehicle, speeding, reckless driving and the crash resulting in the fatalities.
- All information, documents, reports, or data of any kind pertaining to all investigations into the stolen vehicle, high-speed pursuit, motor vehicle crash, and the fatalities.
- All documentation into the investigation of all officers involved in the high-speed pursuit.
- Any information, documents, or data of any kind in any format related to investigations, assessments, or reports involving the juveniles, [REDACTED]
- Entire case files regarding any and all investigations into [REDACTED]
- Any and all phone records, email correspondence, and any proprietary system communications involving [REDACTED] high-speed pursuit, motor vehicle crash, and its aftermath.
- All video, photos, or other media involving [REDACTED], high-speed pursuit, motor vehicle crash, and its aftermath.
- All documents showing all employees, administrative staff, case workers, employed or contracted by any and all named entities that have ever been involved in case management written reports, reviewed files, or directly worked on any part of the investigation into the high-speed pursuit, motor vehicle crash, fatalities, the actions of officers involved in the pursuit, and the sergeants overseeing the developments and making decisions.
- Any and all documents regarding the involved [REDACTED] including but not limited to correspondence, reports, case files, medical records, criminal history, drug testing, previous incidents with law enforcement whether charged or not, previous incidents with DHS/CPS, court documents, probation and parole proceedings, records, files, charging instruments, etc.
- All accident reconstruction documentation, including but not limited to reports, correspondence, notes, and drafts.
- All data used for purposes of accident reconstruction, including but not limited to black box data, measurements, calculations, photos, video, and simulations.
- Any other evidence not specifically requested herein, which could be relevant to this claim, the actions of law enforcement, and the fatality of Aaliyah Shelton.