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IN THE DISTRICT COURT OF WASHINGTON FOR KING COUNTY

In re INQUEST INTO THE DEATH OF
CHARLEENA LYLES,

NO. 517IQ9301

FAMILY’S REPLY REGARDING
ADMISSIBLE INQUEST EVIDENCE

I. REPLY

The City and the Officers’ opposition to the Paternal Family’s motion boils down to two claims: first, that the Family is attempting to “conflate” or “merge” this inquest with the so-called “much broader” civil litigation; and second, that the Family’s request is “premature.” Both claims misapprehend what the Family is seeking, the purpose and scope of this inquest, and the authority of this Administrator.

As the City and the Officers fully acknowledge, the Administrator has made no ruling yet on the scope of discovery. In fact, the Executive’s Order provides that the administrator shall determine the inquest scope *after* consultation with the participating parties. PHL-7-1-2-EO Appendix 1:3.2. The purpose of the Family’s motion is to present, as part of that consultation process, those materials in their possession that are in line with the inquest’s purpose of ensuring “full, fair, and transparent review of [Charleena’s] death, and to issue findings of fact regarding

1 the facts and circumstances surrounding the death.” PHL-7-1-2-EO Appendix 1:2.0. All evidence
2 the Family has requested be admitted is relevant and necessary to ensuring *full, fair* and
3 *transparent* review of Charleena’s death.

4 The Family is not seeking “blurred lines” between the inquest and the civil litigation. We
5 only request the admission of relevant discovery that has already been collected in the civil
6 proceeding, some of which may be difficult or impossible to obtain through any other means.
7 This would serve the dual purposes of saving the Administrator and the parties of this inquest the
8 time and resources needed to collect this discovery anew, and ensuring that the inquest review
9 and consider all information and materials relevant to the purpose of the inquest – finding the
10 truth behind the facts and circumstances of Charleena’s death.

11 For example, PHL-7-1-2-EO Appendix 1:4.2 provides that copies of statements of any
12 witnesses obtained by any party is discovery material:

13 Discovery materials are to be used by the attorneys solely for the inquest
14 proceeding. Such materials include the police and/or agency investigative
15 file of the incident that resulted in the death. They also include the report
16 of the medical examiner, crime laboratory reports, and the names,
17 addresses, and summaries and/or copies of statements of any witnesses
18 obtained by any party.

19 In the civil litigation, the Family obtained statements and/or deposition testimony from
20 Officers Anderson and McNew, multiple City of Seattle 30(b)(6) designees, Officer Kerry
21 Ziegler, multiple SPD officers who responded to prior interactions with Ms. Lyles, and Solid
22 Ground employees. All of these statements are relevant to the purpose of the Inquest and
23 admissible pursuant to the Executive’s Order.

24 Not surprisingly, the City and the Officers claim the Family’s request is “overbroad” by
focusing their attention on “*the death.*” This narrow viewpoint is not shared or supported by the
Executive’s Order, which authorizes inquiry into all the facts and circumstances surrounding a

1 death involving law enforcement, including “any other factor that touches on the connection
2 between the manner of death and the actions of law enforcement.” PHL-7-1-2-EO Appendix
3 1:6.2. As noted by the Executive, “the term ‘involving’ is to be construed broadly.” *Id.*

4 The Family acknowledges that the purposes behind the inquest and the civil litigation are
5 not identical. However, as recognized by the Executive’s Order, although the purpose of the
6 inquest is not to determine if officers should be disciplined, if the use of force was justified, or
7 whether civil or criminal liability exists, “the facts determined in the course of the inquest may
8 sometimes have an indirect bearing on such determinations.” PHL-7-1-2-EO Appendix 1:2.3.
9 The discovery offered by the Family speaks to those facts and is just as relevant to the inquest’s
10 purpose as it is to the civil proceeding.

11 For instance, the Officers argue that training and historical records are irrelevant to the
12 inquest and overbroad.¹ Yet a purpose of the inquest is to determine whether the officers acted
13 pursuant to policy and training. PHL-7-1-2-EO Appendix 1:2.0. Relevant to that analysis is
14 whether the officers were properly trained to respond to a call with notice of a mental health
15 caution.² Also relevant to that analysis is whether Charleena’s death could have been prevented
16 had the officers followed their policies on less lethal use of force options. Determining whether
17 the officer’s acted pursuant to policy and training would be impossible without the City’s
18 training policies and records. Again, under the Rules of evidence, all relevant evidence is
19 admissible, except as limited by Constitutional requirements or as otherwise provided by statute,
20 by these rules or by other rules or regulations applicable in the courts of this state. ER 402. ER
21 401 defines “relevant evidence” as:

22 ¹ It is unclear whether “Seattle Police Officers’ Response to the Family’s Discovery Request” was intended to
23 respond in any way to the Paternal Family’s Motion re Admissible Inquest Evidence, so we address their arguments
24 briefly here.

² The officers admit that they responded “with knowledge that [Charleena] had previously threatened officers, likely
in a mental health crisis.

1 ... evidence having a tendency to make the existence of any fact that is of
2 consequence to the determination of the action more probable or less
probable than it would be without the evidence.

3 Finally, the family is not requesting that the Administrator “all but vacate” the protective
4 order in the civil case. The order also protected (and still would protect) information about
5 Charleena’s four minor children, Charleena’s medical records, unsustained City internal
6 documents, unsustained police internal investigations, and HIPAA protected information from
7 Solid Ground. To the extent the protective order does apply to the discovery materials previously
8 discussed (statements, police documents, etc), both the protective order and the Executive’s
9 Order regarding inquests permit the use of relevant confidential materials with Court’s (or in this
10 case the Administrator’s) approval. The Executive’s Order further provides that discovery
11 materials are not to be used for any purpose, but rather “solely for the inquest proceeding.” PHL-
12 7-1-2-EO Appendix 1:4.2. That is all the Family is seeking here.

13 II. CONCLUSION

14 For these reasons, the Paternal Family of Charleena Lyles requests admission of relevant
15 evidence previously discovered in *Lyles v. City of Seattle*, 17-2-23731-1 SEA.

16 Dated this 9th day of September, 2019.

17 

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19 _____
20 Karen K. Koehler, WSBA #15325
21 Melanie Nguyen, WSBA #51724
22 Lisa Benedetti, WSBA #43194
23 STRITMATTER KESSLER KOEHLER MOORE

24 and

Edward H. Moore, WSBA #41584
LAW OFFICES OF EDWARD H. MOORE, PC

CERTIFICATION

I hereby certify that on September 9, 2019, I delivered a copy of the document to which this certification is attached for delivery to all parties of record as follows:

<p>Inquest Program Personnel Hon. Michael Spearman Dee Sylve Matt Anderson DES-Dept. of Executive Services 401 5th Ave., suite 131 Seattle, WA 98104 Mailstop: CNK-DES-135 Email: Dee.Sylve@kingcounty.gov Phone (Ms. Sylve): 206.477.6191 Email: Matt.Anderson@kingcounty.gov Phone (Mr. Anderson): 206.263.7568</p>	<p><input type="checkbox"/> U.S. Mail (First Class and Certified) <input type="checkbox"/> Fax <input type="checkbox"/> Process Server <input checked="" type="checkbox"/> Electronic Delivery</p>
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<p>16 Commissioner Eric Watness 17 Ericwatness1@gmail.com</p> <p>Personal Representative of the Estate of 18 Charleena Lyles</p>	<p><input type="checkbox"/> U.S. Mail (First Class and Certified) <input type="checkbox"/> Fax <input type="checkbox"/> Process Server <input checked="" type="checkbox"/> Electronic Delivery</p>

15 /s/ Elodie Daquila
16 Elodie Daquila, Paralegal
17 STRITMATTER KESSLER
18 KOEHLER MOORE