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Principal Will Neddersen
11911 Red Hill Avenue
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Superintendent Dr. Gregory A. Franklin
Tustin Unified School District
300 South C Street
Tustin, CA 92780
714-730-7301

Re: Red Hill Elementary Playground
Re: Safety Violations
Re: Negligent Maintenance of Playground

NEGLIGENT MAINTENANCE & SAFETY VIOLATIONS OF RED HILL ELEMENTARY PLAYGROUND INDEX THIS LETTER AS A PUBLIC RECORD

Dear Principal Neddersen and Superintendent Dr. Franklin,

I am a personal injury attorney practicing in Seattle Washington; I'm also a member of the Washington Association of Justice (Wash. Trial Lawyers Association). Recently my family visited friends in Tustin California on vacation. While attending a friend's soccer practice at Red Hill Elementary, my son played in the playground, and I noticed several serious safety issues with the playground.

Most notably, the playground does not have the appropriate amount of cushioning material under the playground equipment. Current standards for the equipment at Red Hill calls for 9" of the wood chip cushioning material, with 12" recommended to address settling issues.

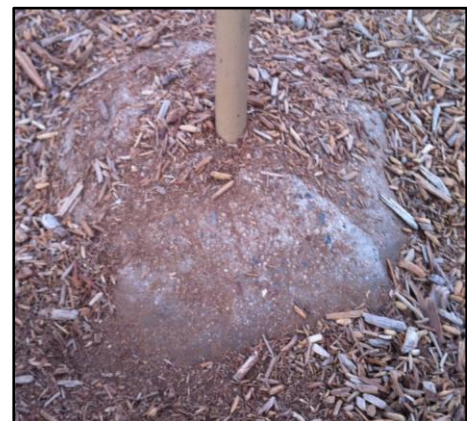
Red Hill currently has approximately 3", and appears to be missing about 5"-6" minimum.

The area under the swing sets is particularly dangerous. There, the children have 'scooped out' the cushioning material and broken through the layer of landscape fabric used over the layer of crushed drainage rock. Crushed rock is intermixed with the wood chips and spread all over the area; children are effectively swinging over a layer of crushed rock. In addition, the choice of crushed landscape rock for drainage was a poor choice, especially given the negligent maintenance, a more appropriate material would have been pea gravel, as it is an approved cushioning material in itself. You should refer to the playground design standards §2.4.2.3 Installing loose-fill over hard surface on page 10, and Table 2. Minimum compressed loose-fill surfacing depths on page 11, of the Consumer Product Safety Commission playground handbook regarding this issue.

Red Hill also has at least one exposed concrete footing. This is a particularly dangerous violation, as a fall and head strike against the exposed footing could be a fatal injury.

You can find a current copy of the playground safety standards published by the Consumer Product Safety Commission at the following website: (<http://www.cpsc.gov/CPSCPUB/PUBS/325.pdf>).

You may also visit my blog at seantheattorney.com for links to the CPSC safety standards, the nonprofit National Program for Playground



Safety, as well as more in depth information regarding the specific safety violations, and negligent maintenance issues, at Red Hill Elementary.

By receipt of this letter, as well as notification about the safety standards, and Red Hill's specific violations of those standards, both Red Hill Elementary, as well as the Tustin Unified School District, now have ACTUAL NOTICE that the playground at Red Hill Elementary is unsafe, violates the standards, and needs to be immediately repaired and maintained to the existing standards. You also have further ACTUAL NOTICE that all the playgrounds in your jurisdiction need to be immediately inspected and maintained to the appropriate safety standards. If an injury results from your failure to maintain the playgrounds under your jurisdiction, this letter is proof of your actual notice of your duty to maintain these playgrounds and your breach of that duty. I demand that you index this letter as a public record. I will be sending a copy of this letter to the Consumer Attorneys of California (the California Trial Lawyers Association), as well as the Orange County Trial Lawyers Association and requesting that they index this letter in their archives.

Please provide written acknowledgment of my letter.

If you have any questions, please contact my office. Thank You.

Sincerely,
s/ Sean Kuhlmeier

CC:
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