

EXHIBIT I



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February 9, 2023

VIA Certified Mail

Commercial Litigation Field Support Center
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Joint Base Andrews, MD 20762

Air Force General Litigation Division
AFLOA/JACL
1500 W. Perimeter Road
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Joint Base Andrews, MD 20762

**Re: JOINT REQUEST FOR TANGIBLE AND DOCUMENTARY EVIDENCE
Valerie C. Schmitz, et al v. Lockheed Martin Corporation, et al.
United States District Court for the District of South Carolina, Columbia Division
(Case No.: 3:22-cv-02419-MGL)**

To Whom It May Concern:

In accordance with 32 C.F.R. §§ 97 and 516, the parties in the above-captioned matter respectfully submit this joint written request for documentary and tangible evidence, and Department of the Air Force (“DAF”) and Department of Defense (“DoD”) personnel factual witness testimony, relating to the accident involving an F-16 “Fighting Falcon” fighter jet, tail number 94-0043 (“Subject Plane”), on June 30, 2020, in the air over Shaw Air Force Base near Sumter, South Carolina (“Accident”). *See United States ex rel. Touhy v. Ragan*, 340 U.S. 462 (1951).

I. Definitions:

Mishap Aircraft: F-16CM, T/N 94-0043
Mishap Pilot: 1st Lt David J. Schmitz, 77th Fighter Squadron, 20th Fighter Wing, at Shaw Air Force Base, South Carolina
Incident: June 30, 2020, Crash of F-16CM, T/N 94-0043, Piloted by 1st Lt David J. Schmitz, from Shaw Air Force Base, South Carolina
Defendant Parties: Lockheed Martin Corporation, Rockwell Collins, Inc., Teledyne RISI, Inc., d/b/a Teledyne Electronic Safety Products, Teledyne RISI, Inc., d/b/a Teledyne Energetics



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II. Accident Synopsis

On June 30, 2020, the Subject Plane owned by the United States Air Force and operated by its 77th Fighter Squadron, 20th Fighter Wing at Shaw AFB in South Carolina, was piloted by 1st Lt David Schmitz while conducting a night air-to-air refueling flight and a night suppression of enemy air defense exercise. While attempting to land the plane, 1st Lt Schmitz initiated ejection and was fatally injured in the ejection sequence.

The exact cause of the crash, and responsibility for it, are at issue in this lawsuit. The United States Government, DoD and DA are *not* named parties in this action.

III. Identification of Parties and Counsel

In June 2022, a lawsuit was filed in Sumter County, South Carolina, by Valerie C. Schmitz, individually and as the Personal Representative of the Estate of David J. Schmitz, deceased (“Plaintiff”). That lawsuit was removed to the United States District Court for the District of South Carolina, Columbia Division, and was subsequently amended to properly name the defendants as Lockheed Martin Corporation, Rockwell Collins, Inc., Teledyne Risi, Inc., d/b/a Teledyne Electronic Safety Products, and Teledyne Risi, Inc., d/b/a Teledyne Energetics (“Defendants”).

The parties are represented by the following attorneys:

ATTORNEYS	PARTIES REPRESENTED
James R. Brauchle Mary Schiavo Motley Rice LLC 28 Bridgeside Blvd Mount Pleasant, SC 29464 Tel: (843)216-9243 Fax: (843)216-9450 Email: jbrauchle@motleyrice.com Email: mschiavo@motleyrice.com	Attorneys for Plaintiffs



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<p>J. Bennett Crites, III Nicholas Clarence Chapman Stewart Shumaker Loop & Kendrick LLP 176 Croghan Spur Road Suite 400 Charleston, SC 29407</p>	<p>Attorneys for Defendant, Teledyne Risi, Inc. d/b/a Teledyne Electronic Safety Products and Teledyne Risi, Inc. d/b/a Teledyne Energetics</p>



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ATTORNEYS	PARTIES REPRESENTED
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IV. Case Status

The Honorable Mary Geiger Lewis, United States District Judge for the District of South Carolina, is presiding judge in this matter. Judge Lewis desires to set discovery deadlines. We request that you advise us at your earliest convenience when you anticipate being able to provide us with the information requested below.

V. Identification of Requested Access to Evidence

A. Request for Tangible Evidence

Contract Documents:

- The contracts between the U.S. Government and Lockheed Martin Corporation or Rockwell Collins, Inc., for the provision of the Mishap Aircraft, F-16 aircraft, ACES II ejection seat, or any part or component thereof, which contracts were in effect at the time of the Incident.
- The subcontracts between the Defendant Parties.
- Specifications pertaining to the contracts or subcontracts requested above, and any requested changes or deviations whether agreed or denied.
- Modifications or modifying documents pertaining the contracts, subcontracts, or specifications requested above.



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Investigation of the Incident:

- The Accident Investigation Board report on the Incident and all releasable information that is related, including without limitation the names and last known addresses of all Mishap Aircraft maintenance crewmembers, all Pilots involved in the mission, and all other Witnesses giving statements or possibly having knowledge about the events leading up to and including the Incident; also the names and last known addresses of all witnesses as to the condition of the wreckage, and the location of records, logs and documents related to the Mishap Aircraft, its maintenance and operations.
- All releasable documents related to the Incident and put out by the Air Combat Command.
- The Military Safety Mishap Board report on the Incident and all releasable information that is related including without limitation “safety of flight” documents.
- The Collateral Board Report or Manual of the JAG Report and all releasable information that is related.
- The Quick Reaction Checklist initiated by the Supervisor of Flying.
- All photographs including without limitation any photographs that may have been taken by the Unit Safety Officer responsible for oversight of the Mishap Aircraft that may not have made it into the investigation report or file.
- All releasable documents and records related to USAF delays or extensions for servicing DRS units.
- All other releasable documents and records that are related to any investigation of the Incident.
- The parties respectfully request full unredacted copies of all United States Air Force Safety Investigation Board (SIB) results regarding the June 30, 2020, plane crash at Shaw AFB, South Carolina, wherein 1st Lt David Schmitz was killed while piloting F-16CM, T/N 94-00043. Please include all documentation and portions of the SIB, including but not limited to: maintenance and operation records, factual data collected, witness testimony taken, and any conclusions reached by the SIB. Further, please include any part of the SIB material and/or conclusions provided to the Accident Investigation Board for use in preparing their report, including but not limited to the Accident Investigation



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Board for their use in preparing their report, including but not limited to those items listed in the "Index of Tabs" made part of the AIB report.

- All documents related to the Air Force Research Laboratory (AFRL)'s analysis to determine whether the six (6) power metal-oxide-semiconductor field-effect transistors (MOSFET) in the incident DRS were counterfeit.
- All documents related to the AFRL's analysis to determine why SMD capacitor C262 was partially dislodged from its solder pads, and whether it was damaged during the installation or removal of the Printed Wire Board (PWB). If this analysis did not occur, please state as such.
- All documents related to the AFRL's analysis to determine why the power MOSFETs contained "arcing scratch marks", and why they were "heavily gouged", and why the leads had "deep horizontal grooves".
- All documents related to why Teledyne replaced the ADXL250AQC (U41) chip mounted on the PWB of the Dual Axis Accelerometer after the accident.
- All documents related to Teledyne's authorization to replace the ADXL250AQC (U41) chip mounted on the PWB of the Dual Axis Accelerometer after the accident.
- All documents related to the AFRL's analysis to determine whether the incident ADXL250AQC (U41) chip mounted on the PWB of the Dual Axis Accelerometer and the replacement (U41) chip were counterfeit.
- All documents related to the AFRL's analysis to determine whether Parallel Flash Memory chip U73 was counterfeit.
- All documents related to the AFRL's analysis to determine whether the three (3) Serial Flash Memory chips, U58, U76, and U94 were counterfeit, and why they contained "blacktopping", "ghost markings" and lacked conformal coating.
- All documents related to the AFRL's analysis of any other components of the incident DRS not identified in the PowerPoint titled "Digital Recovery Sequencer", dated 3 Aug 2020, Tab EE of the AAIB Report.
- All documents related to the AFRL's destructive analysis of components within the incident DRS unit.



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- All documents related to the AFRL's destructive analysis of components within other exemplar DRS units.
- All documents related to the AFRL's analysis as to whether the presence of the counterfeit parts in the DRS (as alleged in the PowerPoint titled "Digital Recovery Sequencer", dated 3 Aug 2020) would result in operational failure of the ACES-II ejection seat.
- All documents related to the USAF's knowledge that "counterfeit components in the Department of Defense (DoD) inventory have been an ongoing problem over the past few decades".
- All documents related to the quality assurance processes that were used by the USAF to ensure that Teledyne did not utilize counterfeit components in F-16 ejection seat DRS units.
- All documents related to the Air Force Lifecycle Management Center awareness that DRS units contained counterfeit components.
- A copy of the USAF/government contract that obligated Teledyne to supply DRS units.
- All documents related to the analysis as to whether other exemplar DRS units contained counterfeit parts.
- All documents in possession of the USAF related to the analysis or testing of the incident DRS, or exemplar DRS units, by Teledyne or any other third party.
- All documents related to the AFRL's simulated ejection, loading of an exemplar DRS unit's serial flash with data, de-soldering the serial and parallel flash to recover simulated ejection data, downloading of the incident DRS channel 2 parallel flash memory contents (U73), attempt to recover parallel flash data using reader tool, and the comparison of the incident data to the exemplar data.
- Identify the current location and material condition of the incident DRS.
- For the period of the last ten years, we request the average time required for the USAF to complete an AAIB Report involving a fatality.
- For the period of the last ten years, we request the average time required for the USAF to complete a Safety Investigation Board (SIB) Report involving a fatality.



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- All documents related to any additional or ongoing investigations into DRS failures after the AAIB Report and SIB Report concerning the 30 June 2020 F-16CM crash were completed.
- All documents related to the "quality evaluation (QE) testing" of the ACES II Digital Recovery Sequencer (DRS) by "Hill AFB CAD/PAD" in December 2017 and August 2018, and documents pertaining to any testing that was completed during any other dates.
- All correspondence between the Air Force Life Cycle Management Center and Teledyne regarding testing.
- Confirm that the organization that granted the incident DRS's three service life extensions was the same organization that drafted the report titled, "Analysis of Escape System" in Tab J of the AAIB.
- All documents that directed AFRL's involvement in the analysis of the incident DRS.
- All documents that AFRL relied upon to support the assertion that the presence of counterfeit parts in the incident DRS would not necessarily result in operational failure of incident ACES-II ejection seat system.
- All documents that AFRL relied upon to support the assertion that there is no evidence that any of the suspect counterfeit components in the incident DRS were causal in the failure of the incident ACES-II ejection seat system;
- The report and supporting documents concerning the Exercise of Waiver Authority with respect to certain aircraft ejector seats as required to be provided to congressional defense committees no later than February 1, 2022, and on a semi-annual basis, as set forth in HR 4350-FY22 National Defense Authorization Bill, page 11, as follows:

SEC. 1 _ [Log 73481]. REPORTS ON EXERCISE OF WAIVER AUTHORITY WITH RESPECT TO CERTAIN AIRCRAFT EJECTION SEATS.

Not later than February 1, 2022, and on a semi-annual basis thereafter through February 1, 2024, the Secretary of the Air Force and the Secretary of the Navy shall each submit to the congressional defense committees a report that includes, with



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respect to each location at which active flying operations are conducted or planned as of the date report –

1. The number of aircrew ejection seats installed in the aircraft used, or expected to be used, at such location;
2. Of the ejection seats identified under paragraph (1), the number that have been, or are expected to be, placed in service subject to a waiver due to –
 - a. Deferred maintenance; or
 - b. The inability to obtain parts to make repairs or to fulfill time-compliance technical orders; and
3. For each ejection seat subject to a waiver as described in paragraph (2) –
 - a. The date on which the waiver was issued; and
 - b. The name and title of the official who authorized the waiver.

Pre-flight Records

- All releasable records regarding any pre-flight checks related to the Mishap Aircraft on the date of the Incident and the day prior.
- All releasable records or forms related to pre-flight briefings of any kind on the date of the Incident, including without limitation the condition of the Mishap Aircraft, Mishap Pilot, or weather at the time.

Mishap Aircraft Records

- Any type of aircraft systems record on the date of the Incident and related to the Mishap Aircraft, including without limitation the cockpit voice recorders for the Mishap Pilot, mission flight lead, and any other pilot or person involved on that date, black boxes, tower or ground control tapes, the raw data and information from the Crash Survivable Memory Unit from the Mishap Aircraft, and any other devices which recorded audio or control inputs related to the Mishap Pilot, Mishap Aircraft, or Incident.
- The information from flight data recorders on the date of the Incident.
- All releasable records related to the mission when the Incident occurred.



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- Operations and maintenance manuals for the F-16CM which were in effect on the date of the Incident.
- All maintenance records for the Mishap Aircraft, its ejection seat, and all seat components including without limitation the DRS and batteries, and any other seat components at issue, including without limitation all Time Compliance Technical Orders, checklists, upgrades, repairs, maintenance, test results, and all other maintenance records related to the Mishap Aircraft or ejection seat, whether in paper or electronic form, from January 1, 2017, through the date of the Incident.
- The airplane “jacket” or “red jacket” including copies of all paper records and electronic records.
- All releasable records related to protocols for maintaining the ejection seat in the Mishap Aircraft including without limitation all rules, regulations, directives, instructions, specifications and requirements.

Training Records

- All releasable records related to policies, procedures, and guidelines concerning the ACES II ejection seat.
- All releasable records related to protocol pilots should follow to employ the ejection seat in the event of a malfunctioning aircraft, or in the event of ejection seat failures, or landing gear failures.
- All releasable records related to the training and experience required for pilots to fly a mission of the type flown at the time of the Incident.
- All releasable records related to the protocol pilots should follow while on a training mission of the type flown at the time of the Incident.
- All releasable records related to policies, procedures, and guidelines concerning protocol the supervisor of flying should follow in the event of landing gear failures.
- All releasable records related to USAF policies and guidelines for determining whether a pilot should eject in a controlled environment versus attempting to land a crippled aircraft.



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Equipment Manuals and Testing Documents

- All Lockheed Martin Corporation manuals concerning the ACES II ejection seat.
- All Rockwell Collins, Inc., manuals concerning the ACES II ejection seat.
- U.S. Air Force manuals regarding the ACES II ejection seat.
- All releasable records, reports, or findings related to U.S. Air Force sled testing of the ACES II ejection seat.
- All releasable records, reports, or findings, final or otherwise, from any non USAF entity, including without limitation the Defendant Parties, US Navy, or any other military service whether US or foreign, concerning any failures of ACES II seats or any component thereof.
- All releasable records, reports, or findings related to maintenance testing at any time on the ACES II seat, components (including the DRS unit), and power modules.
- All releasable records, reports, or findings related to U.S. Air Force extension of life testing regarding the ACES II ejection seat.

Mishap Pilot Records

- The official military personnel file (OMPF) including all administrative, health and medical records for Mishap Pilot.
- All releasable records related to the Mishap Pilot's training, education, and qualifications.
- All releasable records related to the Mishap Pilot's medical condition.
- All releasable records related to any waivers for the Mishap Pilot.

Records of Similar Mishaps

- All releasable records or reports related to similar mishaps involving failed ACES II ejection seats, whether in an actual ejection or in test scenarios.
- All releasable records or reports related to successful ejections of ACES II ejection seats.



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We look forward to your prompt response to this request.

Sincerely,

A handwritten signature in black ink, appearing to read "James Brauchle", with a long horizontal flourish extending to the right.

James Brauchle

JB/dlm

cc: All Plaintiffs' Counsel of Record
All Defendants' Counsel of Record