

25. The manufacturing defect(s) described above were a producing cause of the damages alleged herein.

CAUSE OF ACTION - NEGLIGENCE

26. Plaintiffs adopt each paragraph set forth above as if fully set forth herein.

27. Defendants were negligent and failed to act as a reasonable, prudent manufacturers when they committed the following acts and/or omissions:

- (a) manufactured the subject switch, switch springs, clutch safety interlock assembly, and vehicle without adequate design guidelines, manufacturing requirements, component part specifications, or quality control procedures related to the function of the clutch safety interlock;
- (b) failed to adequately monitor manufacturing processes;
- (c) failed to conduct adequate quality control verification in the United States and abroad;
- (d) failed to implement safer alternative designs which would have prevented the subject hazard and failed to warn of the risks created by a failed switch;
- (e) failed to adequately investigate other reported claims or incidents involving clutch safety interlock failures;
- (f) failed to adequately notify the public concerning the existence of a defect in the subject clutch safety interlock;
- (g) negligently failed to perform adequate failure mode and effects analysis and similar engineering activities to prevent such failures; and,
- (h) negligently designed the components.

28. Defendants' negligent acts and/or omissions were a proximate cause of the damages alleged herein.

CAUSE OF ACTION - GROSS NEGLIGENCE AND EXEMPLARY DAMAGES

29. Plaintiffs adopt each paragraph set forth above as if fully set forth herein.

30. Defendants' conduct complained of above was grossly negligent. Defendants' conduct, when viewed objectively, from the standpoint of the actor at the time of its occurrence involved an extreme degree of risk, considering the probability and magnitude of the potential harm to others; and Defendants both directly and by and through their employees and Vice-Principals, had actual, subjective awareness of the risk involved, but nevertheless proceeded to engage in the complained of conduct with conscious indifference to the rights, safety, and welfare of others.

31. As a result of Defendants' conduct, Plaintiffs seek the maximum exemplary damages permitted by law as to each Defendant.

SURVIVAL CLAIM - ESTATE OF [REDACTED]

32. Plaintiffs adopt each paragraph above as if fully set forth herein.

33. Plaintiffs [REDACTED] are heirs of the Estate of [REDACTED] and no administration of the Estate has taken place and none is necessary. As such, [REDACTED] is the legal representative of the Estate of [REDACTED].

34. [REDACTED], deceased, had a legal cause of action for personal injury before she died.

35. [REDACTED], deceased, would have been entitled to bring an action for injury if she had lived.

36. Defendants' wrongful conduct and defectively designed and manufactured product(s) alleged herein caused [REDACTED] injuries.

37. Prior to her death, [REDACTED] suffered conscious pain, suffering, and mental anguish.

38. [REDACTED] incurred medical expenses associated with her injury and funeral and burial expenses associated with her death.

39. [REDACTED] Estate adopts and claims entitlement to exemplary damages as set forth previously herein.

40. Defendant's wrongful acts and/or omissions, including the defectively designed and manufactured product(s), complained of herein were a proximate and/or producing cause of [REDACTED] injuries.

WRONGFUL DEATH CLAIMS

41. Plaintiffs adopt each paragraph set forth above as if fully set forth herein.

42. Plaintiffs, [REDACTED] are Texas statutory wrongful death beneficiaries of [REDACTED], deceased.

43. Defendants are corporations or limited liability companies.

44. Defendants' wrongful acts and/or omissions, including the defectively designed and manufactured product, caused the death of [REDACTED].

45. [REDACTED], deceased, would have been entitled to bring an action for injury had she lived.

46. Plaintiffs have each suffered an actual injury.

47. Plaintiffs have suffered pecuniary loss in the past and will suffer pecuniary loss in the future. Plaintiffs have suffered loss of love, companionship, society, and affection in the past and will suffer this loss in the future.

48. Plaintiffs have suffered mental anguish and loss of companionship and society in the past and will suffer such damages in the future.

49. Plaintiffs adopt and claim entitlement to exemplary damages as set forth previously herein.

50. Defendant's wrongful conduct complained of herein was a proximate and/or producing cause of Plaintiffs' damages.

PLAINTIFFS' BYSTANDER CLAIMS

51. Plaintiffs adopt each paragraph above as if fully set forth herein.

52. Plaintiffs were all at the scene of the subject incident. Plaintiffs are each closely related to [REDACTED]. Plaintiffs suffered contemporaneous shock associated with witnessing [REDACTED]'s injuries and subsequent death. Plaintiffs suffered mental anguish in the past and will suffer mental anguish in the future associated with the subject incident.

53. Plaintiffs adopt and claims entitlement to exemplary damages associated with their bystander claims.

54. Defendant's wrongful conduct complained of herein was a proximate and/or producing cause of Plaintiffs' direct bystander damages and exemplary damages.

INTEREST AND COURT COSTS

55. Plaintiffs pray for the maximum allowable pre-judgment and post-judgment interest on any damages they may be awarded and pray to recover all court costs associated with this action.

PRAYER

56. Plaintiffs pray that a jury be empaneled to decide the fact issues presented by their claims and that they receive a final judgment for all the the damages alleged herein.

Respectfully submitted,

/s/ Jeffrey T. Embry

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ATTORNEYS FOR PLAINTIFFS

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

[REDACTED]

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Jeffrey T. Embry; Hossley Embry, LLP; 320 S. Broadway Ave, Ste. 100
Tyler, TX 75702; 903-526-1772

DEFENDANTS

Stoneridge, Inc., FTE Automotive USA, Inc., FTE Automotive GmbH, Chrysler Group, LLC

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- | | |
|--|---|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III) |

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input checked="" type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPER RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN (Place an "X" in One Box Only)

- | | | | | | |
|---|---|--|---|--|---|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from Another District (specify) | <input type="checkbox"/> 6 Multidistrict Litigation |
|---|---|--|---|--|---|

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
 Brief description of cause:
 Automotive product liability wrongful death case

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ _____
 CHECK YES only if demanded in complaint:
 JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER _____

DATE: 03/06/2014 SIGNATURE OF ATTORNEY OF RECORD: /s/Jeffrey T. Embry

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

4. Plaintiff [REDACTED] is a resident of Mexico. Ms. [REDACTED] is [REDACTED] [REDACTED] aunt.

5. Plaintiff, [REDACTED], is the heir-at-law to [REDACTED] (deceased) and there has not been an administration of her estate and none is necessary. [REDACTED] is the proper representative of the Estate of [REDACTED]

6. Stoneridge, Inc. is an Ohio corporation. This Defendant has appeared and can be served through its counsel of record.

7. FTE Automotive USA, Inc. is a Michigan corporation. This Defendant has appeared and can be served through its counsel of record.

8. FTE Automotive GmbH, is a German Corporation. This Defendant has appeared and can be served through its counsel of record.

9. Chrysler Group, LLC is a Delaware corporation. This Defendant has appeared and can be served through its counsel of record.

10. Arrow Manufacturing Co., is a Connecticut company and can be served via an Officer or Director at its home office located at 16 Jeanette St., Bristol, CT 06010.

JURISDICTION AND VENUE

11. This Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332(a) because the controversy is between citizens of different states and the amount in controversy is greater than the minimum jurisdictional limits of this Court.

12. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(a)(1) & (2) because all Defendants are subject to personal jurisdiction in this district and are therefore “residents” of this district. All Defendants manufacture or market goods that are targeted for sale

and distribution within the State of Texas and maintain minimum contacts with Texas by purposefully availing themselves of the benefit of doing business in the State of Texas. Moreover, the majority of Plaintiffs reside within this District. Finally, the subject accident occurred within this district.

FACTUAL BACKGROUND

13. In 2006, Plaintiff [REDACTED] purchased a 2006 Dodge Ram 3500 Quad ST/SLT pick up truck, VIN 3D7ML48CX6G [REDACTED] (subject vehicle).

14. The subject vehicle was equipped with a clutch safety interlock device. The clutch safety interlock device included two springs. The entire clutch safety interlock device was designed to prevent ignition and engine start up unless the clutch pedal was depressed. This safety device, if functioning properly, would prevent a child or other untended user from starting the vehicle without simultaneously depressing the clutch—an act requiring the strength, knowledge, and dexterity of an adult.

15. Chrysler Group, LLC and its predecessors-in-interest manufactured and sold the subject vehicle. The vehicle was originally purchased within the Eastern District of Texas. The vehicle design activities, including the decision to incorporate a clutch safety interlock device and decisions concerning any related design performance criteria took place in Auburn Hills, Michigan. In addition, the decision to establish material specification, supplier quality control criteria, and which suppliers to utilize were made in Auburn Hills, Michigan.

16. Chrysler Group, LLC and its predecessors-in-interest decided to purchase the clutch safety interlock device from FTE Automotive GmbH. FTE Automotive GmbH's design activities for the subject device, including the establishment of design performance criteria and materials

specifications, took place in Germany. The device was marketed to Chrysler and warranted for sale by FTA Automotive USA, Inc. The clutch safety interlock device was manufactured in Mexico.

17. The clutch safety interlock device incorporates a mechanical, spring loaded switch which uses springs manufactured by Arrow Manufacturing Co. The switch, along with the entire clutch safety interlock device, is a maintenance free and sealed device that is designed to operate properly for the lifetime of the vehicle without any scheduled maintenance and in all foreseeable environments of use. The device was supplied to the FTE Automotive parties by Stoneridge, Inc. and its incorporated springs were manufactured by Arrow Manufacturing Co..

18. Stoneridge, Inc. selected the springs for us in the subject device and was responsible for insuring the material quality of the springs and there ability to meet the design needs of the subject clutch safety interlock device. Stoneridge, Inc. made all the decisions concerning the design and manufacture of the subject device at its facility in Ohio.

19. On August 25, 2013 [REDACTED] young son, [REDACTED], age 4, and daughter, [REDACTED], age 16 mos., were in the vicinity of the subject vehicle as the family prepared to leave the house. Moments before the family loaded into the vehicle, [REDACTED] entered the vehicle, inserted and turned the ignition key. The engine started even though the clutch was not depressed. Unknown to Plaintiffs, the clutch interlock safety device had failed sometime prior to August 25, 2013 and the springs which would act to open the circuit and prevent ignition without the clutch depressed were broken. As a result, the clutch safety interlock device malfunctioned enabling ignition without the clutch depressed. When young [REDACTED] playfully turned the key in the vehicle the pickup started and moved forward. [REDACTED] was struck by the moving vehicle and was killed.

CAUSE OF ACTION - DESIGN DEFECT AGAINST ALL DEFENDANTS

20. Plaintiffs adopt each paragraph set forth above as if fully set forth herein.

21. The subject clutch safety interlock device, its springs, and the vehicle itself were unreasonably dangerous and defectively designed because the clutch safety interlock device was prone to fail during ordinary and foreseeable use. The springs inside the device were defectively designed because they were incapable of withstanding the forces involved in ordinary use without breaking. The subject vehicle was also defectively designed because it was not equipped with any method to alert and warn a user that the clutch safety interlock assembly was not functioning.

22. The utility associated with the clutch safety interlock device and its incorporated springs, as installed in the subject vehicle, was entirely defeated in light of the clutch safety interlock device's failure and broken springs. The utility was outweighed by the risks of unintended vehicle start-up and movement resulting personal injury or death resulting from the product(s) failure. There were economically and technologically feasible safer alternative designs at the time the subject clutch safety interlock device, its incorporated switch, spring, and the vehicle itself left Defendants' control which were available by application of existing or reasonably achievable scientific knowledge. These alternative designs would have prevented or significantly reduced the risk of the Plaintiffs' personal injuries and Leihlany Verde's death without substantially impairing these products' utility.

23. The design defect(s) in the subject clutch safety interlock device, its incorporated switch, springs, and the vehicle itself were a producing cause of the damages alleged herein.

CAUSE OF ACTION - MANUFACTURING DEFECT AGAINST ALL DEFENDANTS

24. Plaintiffs adopt each paragraph set forth above as if fully set forth herein.

25. The intended design of the subject clutch safety interlock assembly, switch, springs, and vehicle called for an intact and functioning clutch safety interlock device. The subject clutch safety interlock device, its switch, incorporated springs, and the vehicle itself were defectively manufactured because they deviated from the intended design and performance specifications in a manner that rendered the product(s) unreasonably dangerous. These manufacturing defects existed at the time these products left their respective manufacturers and in the final assembled vehicle at the time it was sold.

26. The manufacturing defect(s) described above were a producing cause of the damages alleged herein.

CAUSE OF ACTION - NEGLIGENCE AGAINST ALL DEFENDANTS

27. Plaintiffs adopt each paragraph set forth above as if fully set forth herein.

28. Defendants were negligent and failed to act as a reasonable, prudent manufacturers when they committed the following acts and/or omissions:

- (a) manufactured the subject switch, switch springs, clutch safety interlock assembly, and vehicle without adequate design guidelines, manufacturing requirements, component part specifications, or quality control procedures related to the function of the clutch safety interlock;
- (b) failed to adequately monitor manufacturing processes;
- (c) failed to conduct adequate quality control verification in the United States and abroad;
- (d) failed to implement safer alternative designs which would have prevented the subject hazard and failed to warn of the risks created by a failed switch;

- (e) failed to adequately investigate other reported claims or incidents involving clutch safety interlock failures;
- (f) failed to adequately notify the public concerning the existence of a defect in the subject clutch safety interlock;
- (g) negligently failed to perform adequate failure mode and effects analysis and similar engineering activities to prevent such failures; and,
- (h) negligently designed the components.

29. Defendants' negligent acts and/or omissions were a proximate cause of the damages alleged herein.

CAUSE OF ACTION - GROSS NEGLIGENCE AND EXEMPLARY DAMAGES

30. Plaintiffs adopt each paragraph set forth above as if fully set forth herein.

31. Defendants' conduct complained of above was grossly negligent. Defendants' conduct, when viewed objectively, from the standpoint of the actor at the time of its occurrence involved an extreme degree of risk, considering the probability and magnitude of the potential harm to others; and Defendants both directly and by and through their employees and Vice-Principals, had actual, subjective awareness of the risk involved, but nevertheless proceeded to engage in the complained of conduct with conscious indifference to the rights, safety, and welfare of others.

32. As a result of the above-referenced conduct, Plaintiffs seek the maximum exemplary damages permitted by law as to each of the following Defendants: Stoneridge, Inc, FTE Automotive USA, Inc., FTE Automotive GmbH, and Arrow Manufacturing Co. Plaintiffs are not seeking exemplary damages from Chrysler Group, LLC.

SURVIVAL DAMAGE CLAIM - ESTATE OF LEIHLANY VERDE

33. Plaintiffs adopt each paragraph above as if fully set forth herein.

34. Plaintiffs [REDACTED] and [REDACTED] are heirs of the Estate of [REDACTED] and no administration of the Estate has taken place and none is necessary. As such, [REDACTED] is the legal representative of the Estate of [REDACTED].

35. [REDACTED], deceased, had a legal cause of action for personal injury before she died.

36. [REDACTED], deceased, would have been entitled to bring an action for injury if she had lived.

37. Defendants' wrongful conduct and defectively designed and manufactured product(s) alleged herein caused [REDACTED] injuries.

38. Prior to her death, [REDACTED] suffered conscious pain, suffering, and mental anguish.

39. [REDACTED] incurred medical expenses associated with her injury and funeral and burial expenses associated with her death.

40. [REDACTED] Estate adopts and claims entitlement to exemplary damages as set forth previously herein.

41. Defendant's wrongful acts and/or omissions, including the defectively designed and manufactured product(s), complained of herein were a proximate and/or producing cause of [REDACTED] injuries.

WRONGFUL DEATH DAMAGE CLAIMS

42. Plaintiffs adopt each paragraph set forth above as if fully set forth herein.
43. Plaintiffs, [REDACTED] are Texas statutory wrongful death beneficiaries of [REDACTED], deceased.
44. Defendants are corporations or limited liability companies.
45. Defendants' wrongful acts and/or omissions, including the defectively designed and manufactured product, caused the death of [REDACTED].
46. [REDACTED], deceased, would have been entitled to bring an action for injury had she lived.
47. Plaintiffs have each suffered an actual injury.
48. Plaintiffs have suffered pecuniary loss in the past and will suffer pecuniary loss in the future. Plaintiffs have suffered loss of love, companionship, society, and affection in the past and will suffer this loss in the future.
49. Plaintiffs have suffered mental anguish and loss of companionship and society in the past and will suffer such damages in the future.
50. Plaintiffs adopt and claim entitlement to exemplary damages as set forth previously herein.
51. Defendant's wrongful conduct complained of herein was a proximate and/or producing cause of Plaintiffs' damages.

PLAINTIFFS' BYSTANDER DAMAGE CLAIMS

52. Plaintiffs adopt each paragraph above as if fully set forth herein.

53. Plaintiffs were all at the scene of the subject incident. Plaintiffs are each closely related to [REDACTED]. Plaintiffs suffered contemporaneous shock associated with witnessing [REDACTED] injuries and subsequent death. Plaintiffs suffered mental anguish in the past and will suffer mental anguish in the future associated with the subject incident.

54. Plaintiffs adopt and claims entitlement to exemplary damages associated with their bystander claims.

55. Defendant's wrongful conduct complained of herein was a proximate and/or producing cause of Plaintiffs' direct bystander damages and exemplary damages.

INTEREST AND COURT COSTS

56. Plaintiffs pray for the maximum allowable pre-judgment and post-judgment interest on any damages they may be awarded and pray to recover all court costs associated with this action.

PRAYER

57. Plaintiffs pray that a jury be empaneled to decide the fact issues presented by their claims and that they receive a final judgment for all the the damages alleged herein.

Respectfully submitted,

/s/ Jeffrey T. Embry
Jeffrey T. Embry
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Attorney-in-Charge
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Bar Number 24071492
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Dallas, Texas 75206
Telephone No. 214-651-4288
ward@texcrime.com

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this pleading was served on all counsel of record on this 27th day of June 2014 via the Court's Electronic Filing System.

/s/ Jeffrey T. Embry

PE14-013

CHRYSLER

8-11-2014

ENCLOSURE 6

Field Reports PUBLIC

LEGALS

SUBJECT VEHICLES

PAR



Incident Report

COLLIN COUNTY SHERIFF'S OFFICE

Sheriff Terry G. Box
4300 COMMUNITY AVE
MCKINNEY TX 0
(972) 547-5100

13077248

Page 1 of 5

Incident Number: 13077248 Agency ID: CCSO Date Time Reported: 08/25/2013 13:06
Date Time Occurred: 08/25/2013 13:05 - 08/25/2013 13:05
Location of Offense: 307 WESTMORELAND CIR WESTMINSTER, TX 0

Offense:

Offense Code: (INF) INFORMATION REPORT

Statute: INF INFORMATION REPORT
IBR Offense Code: (INF) INFORMATION
UCR Offense Code: (INF) INFORMATION ONLY
NCIC Offense Code: (INF) INFORMATION REPORT
State Offense Code: (INF) INFORMATION REPORT
Case Officer: MEEHAN, CHRISTOPHER MICHAEL Status: (JX) Juvenile eXception
Status Date Time: 10/31/2013 13:25 Loc Type: (20) Residence/Home
Alcohol Involved: No Drug Involved: No

Parties:

How Involved: (V) Victim

Victim Type: (I) INDIVIDUAL

Name: [REDACTED], WESTMINSTER, TX [REDACTED]
DOB: [REDACTED] Race: W Ethnic: H Sex: F Height: [REDACTED] Weight: [REDACTED] Hair: [REDACTED] Eyes: [REDACTED]
Phone: [REDACTED]

How Involved: (Z) Other

Name: [REDACTED], WESTMINSTER, TX [REDACTED]
DOB: [REDACTED] Race: W Ethnic: H Sex: M Height: [REDACTED] Weight: [REDACTED] Hair: [REDACTED] Eyes: [REDACTED]
Phone: [REDACTED]

How Involved: (W) Witness

Name: [REDACTED], WESTMINSTER, TX
DOB: [REDACTED] Race: W Ethnic: H Sex: M Height: 506 Weight: 175 Hair: BLK Eyes: BRC
Phone: CELL [REDACTED]

How Involved: (W) Witness

Name: [REDACTED], WESTMINSTER, TX 0
DOB: [REDACTED] Race: W Ethnic: H Sex: F Height: [REDACTED] Weight: [REDACTED] Hair: [REDACTED] Eyes: [REDACTED]
Phone: CELL [REDACTED]

How Involved: (W) Witness

Name: [REDACTED], ANNA, TX [REDACTED]
DOB: [REDACTED] Race: W Ethnic: N Sex: M Height: [REDACTED] Weight: [REDACTED] Hair: [REDACTED] Eyes: [REDACTED]
Phone: CELL [REDACTED]

Property:

Loss Type (E) EVIDENCE

Property Type: PHOTO
Brand: DIGITAL
Serial NO / OAN: /
Color:

Date Time Reported: 08/25/2013 14:32
Model:
Value: \$0.00
Quantity: 11
NIC#:

Remarks: photos taken at the scene

Vehicles :

Loss Type: (N) None

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Date Time Reported: 08/25/2013 13:06**Vehicle Value:** \$0.00**Color:** WHT/**Year:****Make:****Model:****LIS:** TX LIC: [REDACTED]**LIT:****LIY:** 2013**VIN:****Style:****NIC#:****Remarks:****Drugs:** No Drugs Items Entered For Incident**Narratives:****REMARKS***Date:* 08/25/2013 14:39*Officer:* OWEN, COBY

Small child injured at the location.

INITIAL NARRATIVE*Date:* 08/25/2013 16:14*Officer:* OWEN, COBY

Accidental Death [REDACTED].

On Sunday 08-25-2013 I Deputy C. Owen was dispatched to a Fatality at [REDACTED] in Westminster. Reading the call remarks in the call it stated that a small child had been ran over by a vehicle at the location. Westminster Fire Department arrived at the location before I arrived. Lieutenant Darren Driskell with Westminster Fire Department arrived on scene first. Driskell stated that the victims father [REDACTED] was still on the phone with 911 walking around the concrete slab folding the victim in his arms. Driskell stated that he took the victim from the father to check for any signs of life. Driskell stated that the victim had passed away. I arrived on scene and observed the white dodge truck that ran over the victim parked not running facing north against the neighbors fence. The victim was laying in the driveway between the truck and the house covered in a blanket, and the victims parents were standing near the drive way close to the victims holding each other. Deputy Fontana arrived to help with the scene. I had Driskell and another fireman assist in marking off the scene. On call CID (Kennedy) was notified and came to the location, along with Stubbs from crime scene, and Meehan from the CAC. I called CPS and spoke to Karah ID# 1390 and she generated a call for the incident and gave me referral number 63923128. Chris Noll from the ME office responded to the location and took possession of the body, transporting the victim back to his office. Photos were taken and downloaded to CCSO digital.

There were not any signs of foul play at this time. It appears that the family was walking in and out of the house using the north door where the Dodge truck was

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backed up on the concrete loading items to take to another location. While the mother and father were in the house, the victim wandered out side near the truck. The brother [REDACTED] got in the truck which is a standard shift diesel and turned the key starting the truck causing it to drive forward running over the victim's upper body, and came to rest against the neighbors fence..

SUPPLEMENTAL

Date: 08/26/2013 15:41

Officer: KENNEDY, KANE

On 08/25/2013 I was on duty working Lake Patrol. At approximately 1307 hours I heard Deputy Owen dispatched to a call in reference to a 16 month old child being run over. Dispatch advised that the child's head had been run over and it was believed the child was deceased. I started toward the location from Wylie and was called by Deputy Owen while he was enroute to the scene. I advised Deputy Owen to get to the scene, confirm the child deceased, confirm it did not happen on a roadway, and to contact the on call CAC investigator. While I was enroute Sgt. Meehan contacted me and advised he was the on call CAC investigator. I advised him that I was responding to the scene and would secure it till his arrival.

I arrived on scene at approximately 1405 hours and made contact with Deputy Owens, Deputy Fontana, and Sgt. Roman. The scene was secured by crime scene tape and I was advised that the family members of the victim were all inside the residence. Westmoreland Circle runs north south and the residence was located on the west side of the roadway. The driveway to the residence was on the north side of the residence. I observed a white dually truck facing north that appeared to have struck and stopped on the neighbors fence to the north of the incident location. A short distance south of the back of the truck was a gray blanket that I was advised contained the deceased child. I was advised that when the Fire Department arrived the father of the deceased child was walking around with the child's body and Fire Department had him put the child down and then the body was covered. Next to the covered body appeared to be brain matter. There were numerous trails of drops of blood on the concrete driveway and walkway where it appeared the father was carrying the child around after the incident.

Sgt. Meehan arrived and went into the residence to talk to the family and I stayed outside with the scene. Chris Noll with the Collin County Medical Examiners Office arrived and was briefed on the information I was aware of. He started taking photographs of the scene and a few photographs of the child's body lifting up the blanket. The child appeared to have massive head trauma. The body was recovered and he advised that he was going to wait for Sgt. Stubbs to arrive and take the rest of the photographs and measurements. Sgt. Meehan finished with his initial interview inside and advised he had the scene. I then returned to Lake Patrol. Nothing further at this time.

INVESTIGATIVE FOLLOWUP

Date: 08/26/2013 10:14

Officer: MEEHAN, CHRISTOPHER

On 08-25-13 at approximately 1:19 pm, Sgt. Meehan was notified of a deceased child at [REDACTED] in Westminster. Sgt. Meehan was the on call child abuse investigator.

Sgt. Meehan made contact with Deputy Fontana, who advised units were on the scene and that he was en route. He stated it appeared that a 4 year old child had got behind the wheel of a vehicle and started it, and it ran over his 16 month old sister killing her.

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Sgt. Meehan arrived at the scene and observed a white 2006 Dodge truck Texas LP/BPW-6832 in the driveway that appeared to have ran into a fence on the north side of the driveway. In the driveway behind the truck was a blanket with the victim under it. The scene was roped off with crime scene tape.

Sgt. Meehan spoke to Sgt. Roman, Deputy Fontana and Deputy Owen at the scene. Sgt. Meehan was advised that the identified parties are as follows:

- ██████████ W/M ██████████ (Father)
- ██████████ F ██████████ (Mother)
- ██████████ W/F ██████████ (Victim)
- ██████████ W/M ██████████ (Brother)

Preliminary investigation revealed that Mr. ██████████ had backed his listed truck up in the driveway to load it with items to take to his in-laws. The family was loaded items into the truck, and the kids were going in and out of the house helping. Mr. ██████████ stated that they normally hang their keys up on hooks on the wall just inside the door be the driveway. Evidently, he had placed his keys on the counter after backing the truck up.

Mr. ██████████ went back inside to get his wallet, and his wife was in the kitchen packing a diaper bag. Mr. ██████████ stated he walked inside and heard the truck start. He immediately turned and walked back toward the door and saw the truck moving through the window. He stated he ran towards the truck and was going to try and get in and stop it before it hit the neighbors fence. He stated as he was running towards it, he noticed his daughter lying on the driveway. He then immediately stopped to help her, and picked her up. He stated he saw the massive injury to her head and knew she was dead. They called 9-1-1 and he walked around the driveway in circles holding her.

It appeared that ██████████ had picked up the keys and knowing they were about to leave, went and got in the truck. The truck is a standard shift diesel, and Mr. ██████████ advised that if the truck is in gear when it is started, it will accelerate forward. ██████████ put the keys in and started it, and the truck began moving forward and ran over the victim's head.

The version of Mr. ██████████ account seemed to match the scene as well as the information relayed by the Fire Dept. who arrived on the scene first. Another relative also ran outside with Mr. ██████████ and she went to the truck and turned it off and got ██████████ out and took him inside.

Sgt. Meehan notified Child Protective Services and CPS Case Worker Amanda Parker and Special Investigator Brett Martin arrived at the scene, as well as Collin County Sheriff's Office Crime Scene Sgt. Stubbs.

Sgt. Meehan met with Mr. ██████████ and his brother, ██████████ along with their pastor who was on the scene. There was a large number of family members who had arrived and were also in the house. Mr. ██████████ stated that he has a large family in the area, and many came when they found out.

Chris Knoll, field examiner with the Collin County Medical Examiners Office arrived at the scene. He and Sgt. Stubbs processed the scene and he took possession of the victim. Sgt. Meehan notified Lt. Bradley with the details as the media was on scene, and a press release was provided by Lt. Norton.

Sgt. Meehan obtained a written statement from Mr. ██████████ and cleared the scene.

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Case Assignments: Not Available
Case Events: Not Available
Case Narratives: Not Available

Reporting Officers: ROMAN, AL / OWEN, COBY

Remarks:

Post-Run/Call Report

Date/Time Recvd 08/25/2013 13:06:24 **CFS Number** 13077248 **Call Type** FATAL: FATALITY **Location** [REDACTED] **Premise**

Call Taker: [REDACTED] **Call Source:** P: PHONE
Reporting Party: [REDACTED]
[REDACTED]
WESTMINSTER, TX 0

RP Home Phone: [REDACTED]

Remark Date/Time **User**

08/25/2013 13:06:52 by [REDACTED]
Remark: 16 MONTH OLD BABY RAN OVER...

08/25/2013 13:07:38 by [REDACTED]
Remark: Location changed to [REDACTED] IN WESTMINSTER for all unit(s) on this call (120A M193 WMF1)

08/25/2013 13:08:43 by [REDACTED]
Remark: 4 YRO GOT IN THE TRUCK AND IT ROLLED FORWARD OVER THE BABY...IT RAN OVER THE BABY'S HEAD

08/25/2013 13:09:34 by [REDACTED]
Remark: BABY IS DEAD...RP SAID THAT BRAINS ARE OUT OF HER HEAD...RP IS HOLDING HER

08/25/2013 13:10:21 by [REDACTED]
Remark: SIG 27 CONFIRMED PER WMF1

08/25/2013 13:10:44 by [REDACTED]
Remark: RP'S WIFE AND 4 YRO ARE THERE AND THEY ARE ALL STAYING THERE...THEY WERE GETTING READY TO LEAVE

08/25/2013 13:22:51 by [REDACTED]
Remark: MEEHAN NOTIFIED AND ENROUTE SHORTLY

08/25/2013 13:33:38 by [REDACTED]
Remark: NO SPANISH SPEAKING CHAPLAIN IN COLLIN COUNTY

08/25/2013 13:34:58 by [REDACTED]
LIC: [REDACTED] **LIS:** TX **LIY:** 2013 **LIT:**
CLR: WHT **VYR::** **VMK:** **VMO:** **VST:**
VIN:

08/25/2013 13:42:19 by [REDACTED]
Remark: ME, CHRIS NOLL NOTIFIED VIA ON CALL CELL PHONE

08/25/2013 14:09:18 by [REDACTED]
Remark: MEDICAL EXAMINER ENROUTE ETA 20 MIN

08/25/2013 14:09:36 by [REDACTED]
Remark: REQ CRIME SCENE-- CONTACTING 250 -- VM LEFT -- 250 CALLED BACK AND STATED SHE WOULD CALL 231 FOR MORE INFO

08/25/2013 14:23:39 by [REDACTED]
Remark: FAMILYS PASTOR IS ON SCENE

08/25/2013 15:53:13 by [REDACTED]
Remark: Unit 250 @ CCSO

Units

<u>Unit ID</u>	<u>OfficerName</u>	<u>Dispatch</u>	<u>Enroute</u>	<u>Arrive</u>	<u>Clear</u>	<u>Quarters</u>	<u>Resp. Time</u>	<u>TimeSpent</u>
120A	C. OWEN	13:07:09	13:07:53	13:28:39	15:48:57		00:21	02:20
M193	.	13:07:09			13:12:53			
WMF1	.	13:07:09	13:09:32	13:09:38	15:31:47		00:02	02:22
M191	.	13:12:53	13:12:59	13:21:37	13:52:10		00:08	00:30
140A	C. FONTANA	13:12:57	13:14:04	13:28:35	15:28:44		00:15	02:00
8203	T. FOSTER	13:15:50	13:18:21	13:21:34	13:34:24		00:05	00:12
109A	A. ROMAN	13:21:11	13:21:11	13:56:36	15:31:25		00:35	01:34
231	C. MEEHAN	13:26:39	13:41:29	14:21:19	16:12:42		00:54	01:51
150	K. KENNEDY	13:43:16	13:43:16	14:05:52	15:00:20		00:22	00:54
8203	T. FOSTER	13:53:17	13:53:17	13:53:18	14:09:06		00:00	00:15
250	D. STUBBS	14:15:35	14:34:12	14:56:24	16:26:24		00:40	01:30
120B	J. PEEBLES	14:49:26	14:49:26	15:19:40	15:27:58		00:30	00:08
	J. PEEBLES						00:00	00:09

Agency Information

<u>Agency ID</u>	<u>Agcy CFS No</u>	<u>Dispo</u>	<u>Report Rqd</u>	<u>Queue Date/Time</u>	<u>Call Type</u>	<u>Grid</u>	<u>District</u>	<u>Priority</u>
AMR	13077248	M1	No	08/25/2013 13:06:52	FATAL	1101	120	1
ANPD	13077248	12	No	08/25/2013 13:15:50	FATAL	1101	120	1
CCSO	13077248	R1	Yes	08/25/2013 13:06:51	FATAL	1101	120	1
WMFD	13077248	F1	No	08/25/2013 13:06:52	FATAL	1101	WMF1	1

Parameters used:
CFSNo: 13077248

PE14-013

CHRYSLER

8-11-2014

ENCLOSURE 6

Field Reports PUBLIC

LEGALS

SUBJECT VEHICLES

POLICE PHOTOS























FLORIDA
2005-2007
SQUAD 4218

RAM 2500
REGULAR CAB







RAM 3500
LONE STAR

TURBO DIESEL





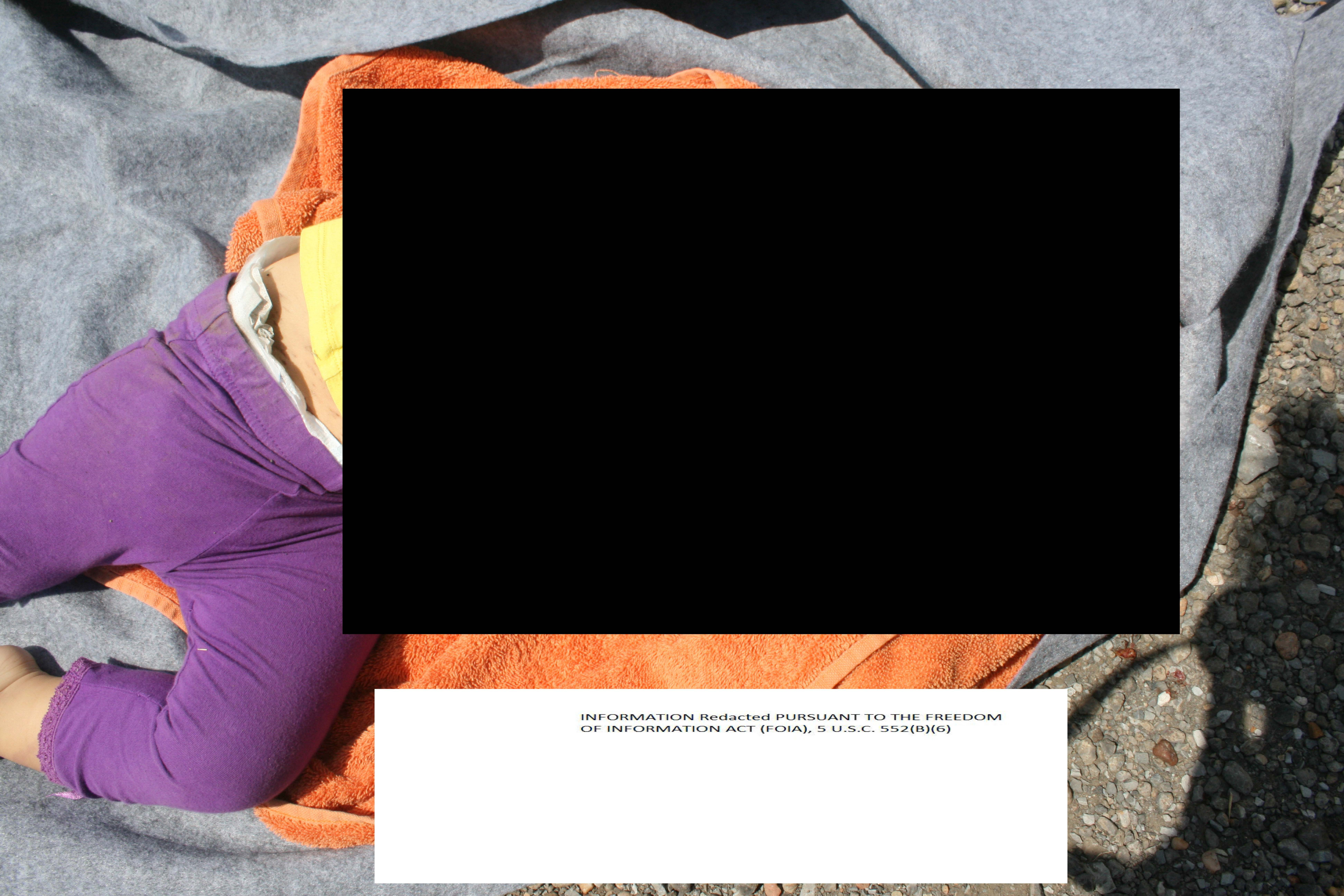












INFORMATION Redacted PURSUANT TO THE FREEDOM
OF INFORMATION ACT (FOIA), 5 U.S.C. 552(B)(6)