

DP14-004

CHRYSLER

9/15/2014

Legals and Cust Complaints

PUBLIC

From: Nealey, Scott P. [mailto:SNEALEY@lchb.com]
Sent: Friday, May 27, 2011 1:39 PM
To: Schirm, Barry R.
Subject: FW:

Barry: Found your new e-mail, and hope that you are enjoying your new firm. Are you still representing Chrysler?

From: Nealey, Scott P.
Sent: Tuesday, May 24, 2011 10:29 AM
To: 'Barry R. Schirm'
Subject:

Barry:

We have been retained in a double fatality Park-to-Reverse case in Riverside County involving a 2008 Grand Caravan. Before we filed, I thought I would reach out and see if Chrysler had an interest in talking. Are you still doing their Southern Cal work?

Let me know.

-Scott

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11
12 UNITED STATES DISTRICT COURT
13 CENTRAL DISTRICT OF CALIFORNIA
14 WESTERN DIVISION
15

16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 Plaintiffs,
20 v.
21 CHRYSLER GROUP LLC, and
22 DOES 1 through 100, inclusive,
23 Defendant.
24
25
26
27
28

Case No. [REDACTED]

FIRST AMENDED COMPLAINT

Strict Products Liability: Design Defect
Strict Products Liability: Failure to Warn
Negligent Design
Negligent Failure to Warn
Negligence
Breach of Implied Warranties –
Merchantability and Fitness For a
Particular Purpose
Wrongful Death

DEMAND FOR JURY

1 Plaintiffs [REDACTED], individually and as wrongful death heir to
2 the Estate of [REDACTED], individually and as
3 wrongful death heir to the Estate of [REDACTED]; [REDACTED],
4 individually and as wrongful death heir to the Estate of [REDACTED]; [REDACTED]
5 [REDACTED], individually and as wrongful death heir to the Estate of [REDACTED]
6 [REDACTED] (collectively "Plaintiffs"), by and through their counsel, allege as follows in
7 this their First Amended Complaint:

8 **I. INTRODUCTION**

9 1. These causes of action arise from a tragic incident occurring on
10 February 27, 2011 that violently claimed the lives of [REDACTED] and [REDACTED]
11 [REDACTED].

12 2. [REDACTED] and [REDACTED] ("Decedents" unless otherwise
13 individually identified) were the owners of one 2008 Dodge Grand Caravan VIN #
14 2D8HN44H48R [REDACTED] ("subject vehicle").

15 3. On information and belief, on the morning of February 27, 2011, [REDACTED]
16 [REDACTED], age 75, entered the subject vehicle to leave to attend a church service,
17 a service she attended regularly. On information and belief, Mrs. [REDACTED] started the
18 engine and placed the subject vehicle in what she reasonably believed was "park,"
19 based on the subject vehicle's cue's and lack of movement when she released her
20 foot of the service brake. On information and belief, upon reasonably believing that
21 the subject vehicle was in "park," Mrs. [REDACTED] exited the subject vehicle. On
22 information and belief, Mr. [REDACTED] was in the garage at the time Mrs. [REDACTED] exited
23 the subject vehicle. On information and belief, Mr. [REDACTED] then walked right next to
24 or in close proximity to Mrs. [REDACTED] upon her exiting the subject vehicle. On
25 information and belief, the subject vehicle idled momentarily and then suddenly,
26 without warning, began moving rearward in reverse.

27 4. On information and belief, Mr. [REDACTED] could not avoid the path of the
28 open driver's side door and was violently struck to the ground. On information and

1 belief, while on the ground, the subject vehicle ran over Mr. [REDACTED], fracturing ribs
2 on both sides of his body and inflicting bruising and damage to his right ankle as
3 well. With no prospect of immediate medical attention, Mr. [REDACTED] died on the floor
4 of his garage.

5 5. On information and belief, the subject vehicle moved towards Mrs.
6 [REDACTED], who could not avoid the path of the open driver's side door. Mrs. [REDACTED] was
7 pinned between the garage door frame and the open driver's side door. The driver's
8 side door was bent backward as a result of the force of the impact. Trapped between
9 the garage door frame and the open driver's side door, Mrs. [REDACTED] suffocated to
10 death, with her husband near her feet.

11 6. Plaintiffs allege the following based upon their own knowledge,
12 publicly available information, and information and belief:

13 **II. JURISDICTION AND VENUE**

14 7. This Court has jurisdiction over the subject matter of this action
15 pursuant to 28 U.S.C. § 1332 because the amount in controversy is greater than
16 \$75,000, exclusive of interest and costs, and because there is complete diversity of
17 citizenship among the parties.

18 8. This Court has personal jurisdiction over the Defendant because a
19 substantial portion of the wrongdoing alleged in this Complaint took place in
20 California, the Defendant is authorized to do business in California, the Defendant
21 has minimum contacts with California, and/or the Defendant otherwise
22 intentionally avails itself of the markets in California through the promotion,
23 marketing and sale of its products in California, each of which are sufficient bases
24 to render the exercise of jurisdiction by this Court permissible under traditional
25 notions of fair play and substantial justice.

26 9. Venue is proper in the Central District of California pursuant to 28
27 U.S.C. § 1391(a) and (b) because a substantial part of the events, acts and
28

1 omissions giving rise to these claims occurred in the Central District of California,
2 where many of the defendants have conducted substantial business.

3 **III. PARTIES**

4 **A. Plaintiffs**

5 10. Plaintiff [REDACTED] is the natural daughter of [REDACTED]
6 [REDACTED], deceased, and is a qualifying wrongful death heir to the Estate of [REDACTED]
7 [REDACTED]. Plaintiff [REDACTED] is, and at all relevant times herein
8 was, a citizen of the State of California. Plaintiff [REDACTED] resides,
9 and at all relevant times herein has resided, in the State of California with the
10 intention to remain therein and is, and at all relevant times herein has been,
11 domiciled in the State of California.

12 11. Plaintiff [REDACTED] is the natural daughter of [REDACTED]
13 [REDACTED], deceased, and is a qualifying wrongful death heir to the Estate of [REDACTED]
14 [REDACTED]. Plaintiff [REDACTED] is, and at all relevant times
15 herein was, a citizen of the State of California. Plaintiff [REDACTED]
16 resides, and at all relevant times herein has resided, in the State of California with
17 the intention to remain therein and is, and at all relevant times herein has been,
18 domiciled in the State of California.

19 12. Plaintiff [REDACTED] is the natural son of [REDACTED]
20 [REDACTED], deceased, and is a qualifying wrongful death heir to the Estate of [REDACTED]
21 [REDACTED]. Plaintiff [REDACTED] is, and at all relevant times herein was,
22 a citizen of the State of California. Plaintiff [REDACTED] resides, and
23 at all relevant times herein has resided, in the State of California with the intention
24 to remain therein and is, and at all relevant times herein has been, domiciled in the
25 State of California.

26 13. Plaintiff [REDACTED] is, and at all relevant times herein
27 was, a citizen of the State of California. Plaintiff [REDACTED] is, and at
28 all relevant times herein was, a citizen of the State of California. Plaintiff [REDACTED]

1 [REDACTED] resides, and at all relevant times herein has resided, in the State of
2 California with the intention to remain therein and is, and at all relevant times
3 herein has been, domiciled in the State of California.

4 14. At all relevant times herein, Decedent [REDACTED] was a citizen
5 of the State of California. At all relevant times herein, Decedent [REDACTED]
6 resided in the State of California with the intention to remain therein and was
7 domiciled in the State of California.

8 15. At all relevant times herein, Decedent [REDACTED] was a citizen of
9 the State of California. At all relevant times herein, Decedent [REDACTED] resided
10 in the State of California with the intention to remain therein and was domiciled in
11 the State of California.

12 16. Prior to her death, [REDACTED] was an active person who was in
13 good health. Mrs. [REDACTED] attended church regularly and enjoyed gardening and
14 crocheting. Mrs. [REDACTED] and Plaintiffs shared an extremely close relationship.

15 17. Prior to his death, [REDACTED] was an active person. A retired
16 contractor, Mr. [REDACTED] was skilled at wood work, often building items for his family
17 members. Mr. [REDACTED] enjoyed camping and hosting family get-togethers.

18 18. Mr. and Mrs. [REDACTED] were married for 6.5 years. Together they enjoyed
19 RV'ing across the country.

20 **B. Defendant**

21 19. Defendant Chrysler Group LLC ("CHRYSLER") is a Delaware
22 limited liability company with its principle place of business in Auburn Hills,
23 Michigan. CHRYSLER is authorized to do business in the State of California.

24 20. CHRYSLER currently has two members, Fiat S.p.A ("Fiat") and the
25 United Auto Workers' Retiree Medical Benefits Trust (the "VEBA Trust"). See
26 Chrysler Group LLC 10-Q Quarterly report at 9 and 45, *available at*
27 <http://services.corporate->
28

1 ir. [REDACTED] (last accessed on
2 February 29, 2012) (filed on 11/14/2011).¹

3 21. For all relevant times herein, Fiat is and was incorporated under the
4 laws of Italy and maintains its principle place of business in Turin, Italy. *See*
5 Chrysler Group LLC 10-Q Quarterly report at 9 and 45, *available at*
6 [http://services.corporate-](http://services.corporate-ir.net/SEC. [REDACTED])
7 [ir.net/SEC. \[REDACTED\]](http://services.corporate-ir.net/SEC. [REDACTED]) (last accessed on
8 February 29, 2012) (filed on 11/14/2011); Fiat's 2010 Annual Report at 328,
9 *available at* [http://www.fiatspa.com/en-](http://www.fiatspa.com/en-US/investor_relations/financial_reports/FiatDocuments/Bilanci/2010/Relazione_Finanziaria_UK.pdf)
10 [US/investor_relations/financial_reports/FiatDocuments/Bilanci/2010/Relazione_Fi](http://www.fiatspa.com/en-US/investor_relations/financial_reports/FiatDocuments/Bilanci/2010/Relazione_Finanziaria_UK.pdf)
11 [nanziaria_UK.pdf](http://www.fiatspa.com/en-US/investor_relations/financial_reports/FiatDocuments/Bilanci/2010/Relazione_Finanziaria_UK.pdf) (last accessed on February 29, 2012).

12 22. For all relevant times herein, the VEBA Trust is and was a tax-exempt
13 trust established between the UAW and Chrysler Group LLC, General Motors
14 Corporation, and Ford Motor Company for the purpose of providing health care
15 benefits to their retirees. *See*
16 [http://www.uawtrust.org/Home/trustresources/resourcesanswers/qanda/qanda/sb.](http://www.uawtrust.org/Home/trustresources/resourcesanswers/qanda/qanda/sb.cn)
17 [cn](http://www.uawtrust.org/Home/trustresources/resourcesanswers/qanda/qanda/sb.cn) (last accessed on February 29, 2012). The trustee of the VEBA Trust is State
18 Street Bank and Trust Company. *See* The VEBA Trust Agreement at 1, *available*
19 *at* <http://www.uawtrust.org/AdminCenter/FileHandler.ashx?ID=521> (last accessed
20 on February 29, 2012). State Street Bank and Trust Company is incorporated under
21 the laws of the State of Massachusetts and maintains its principle place of business
22 in Boston, State of Massachusetts. *See*

23
24
25 ¹Plaintiffs' jurisdictional allegations go beyond those Defendant CHRYSLER itself
26 has pled as a plaintiff in federal court to establish federal subject matter jurisdiction
27 based on diversity of citizenship. *See, e.g.*, Complaint at 1 in *Chrysler Group LLC*
28 *v. [REDACTED]*, Case No. [REDACTED], U.S. District Court of Eastern District of
Pennsylvania ("Chrysler Group LLC is a Delaware limited liability company with
its principle place of business in Auburn Hills, Michigan.").

1 <http://corp.sec.state.ma.us/corp/corptest/CorpSearchSummary.asp?ReadFromDB>
2 =True&UpdateAllowed=&FEIN=000113132 (last accessed on February 29, 2012).

3 23. The VEBA Trust is governed and managed by a committee of eleven
4 (11) individual trustees namely [REDACTED],

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED] On information and belief,
9 Plaintiffs believe and are informed that each of the eleven (11) individual trustees
10 is, and at all relevant times herein was, a citizen of the State of Michigan. On
11 information and belief, Plaintiffs believe and are informed that each of the eleven
12 (11) individual trustees resides, and at all relevant times herein has resided, in the
13 State of Michigan with the intention to remain therein and is, and at all relevant
14 times herein has been, domiciled in the State of Michigan.

15 24. Chrysler LLC, now known as Old Carco LLC, was the manufacturer
16 of the subject vehicle. At all relevant times herein, Chrysler LLC manufactured
17 automobiles, sport utility vehicles, subject vehicles, and vans that are sold
18 throughout the United States and in foreign countries.

19 25. Pursuant to 11 U.S.C. § 363(f), Chrysler LLC or Old Carco LLC sold
20 substantially all of its assets in a bankruptcy proceeding before the U.S. Bankruptcy
21 Court for the Southern District of New York.

22 26. On August 27, 2009, Defendant CHRYSLER agreed to accept product
23 liability claims on vehicles such as the subject vehicle manufactured by Chrysler
24 LLC or Old CarCo LLC "before June 10 that are involved in accidents on or after
25 that date." See August 27, 2009 Letter from John T. Bozzella of Chrysler Group
26 LLP to Honorable Richard Durbin.

1 **IV. FACTUAL ALLEGATIONS REGARDING THE PARK-TO-**
2 **REVERSE DEFECT**

3 27. A “park-to-reverse” defect can exist in a vehicle equipped with an
4 automatic transmission when there is inadequate mechanical force (called
5 “detenting force”) provided by the automatic transmission system to ensure that the
6 vehicle’s transmission always defaults into an intended gear position (such as park
7 or reverse) when an operator does not fully shift into that intended gear position.

8 28. In a vehicle with a park-to-reverse defect an operator of the vehicle in
9 normal use can inadvertently place the shift selector between the intended park and
10 reverse gear positions. The shift selector will remain for a period of time between
11 the intended gear position and from this position the vehicle then may (or may not)
12 have a delayed engagement of powered reverse, or may roll as it would in neutral.

13 29. Because of the possible delay in the engagement of reverse gear when
14 an operator places the vehicle into what, from the vehicle’s “cues,” the operator
15 would reasonably believe to be park, the park-to-reverse defect is unreasonably
16 dangerous because an operator may have exited the vehicle, or be exiting the
17 vehicle, when the vehicle suddenly and unexpectedly moves backwards in powered
18 reverse.

19 30. As a result of injuries and deaths resulting from park-to-reverse
20 accidents (sometimes referred to as “inadvertent rearward movement”) from at least
21 the 1950’s and 1960’s the Automobile Industry has been aware of the defect, and
22 the need to design vehicles so as to prevent the vehicle’s shift selector being placed
23 in a position between the intended gear positions from which the vehicle can then
24 have a delayed engagement of reverse.

25 31. Defendant CHRYSLER in specific was well aware of the need to
26 design its automatic transmission system so that an operator could not leave the
27 vehicle between park and reverse from which there could be a delayed engagement
28

1 of reverse. Notice to Defendant CHRYSLER, well prior to the Plaintiffs' and
2 decedents' injuries, of the need to avoid a park-to-reverse defect included:

3 a. numerous park-to-reverse incidents on various vehicles made by
4 Defendant CHRYSLER in the 1960's, 1970's, and 1980's which CHRYSLER
5 received notice of through customer complaints;

6 b. numerous reports of injuries and deaths and an investigation by
7 the National Highway Traffic Safety Administration ("NHTSA") (EA 91-010) of
8 Defendant CHRYSLER's K car vehicles in 1990-91. By the closing of EA 91-010
9 in 1991, Defendant CHRYSLER had received notice of 318 field reports of the
10 defect and had been sued 23 times while receiving notice of 217 accidents
11 involving property damage, 111 accidents involving injuries, and reports of 7
12 fatalities;

13 c. numerous reports of park-to-reverse accidents and injuries in
14 Dodge Dakota pickups beginning in model year 1987. These reports continued
15 through the opening of an NHTSA investigation of the park-to-reverse problem in
16 the Dakotas (EA 96-06) which was only closed when in 2000 Defendant
17 CHRYSLER executed a voluntary recall of certain Dodge Dakotas in an effort to
18 attempt to prevent further NHTSA action. By the time EA 96-06 was closed in
19 2000, Defendant CHRYSLER had received reports of 152 incidents, 95 crashes, 20
20 injuries, and 5 fatalities in 1991 and 1992 Dodge Dakotas, as well as numerous
21 accidents and injuries in other model year Dodge Dakotas;

22 d. in 2001, NHTSA opened another investigation, this time of the
23 Grand Cherokee for park-to-reverse problems (EA 01-017). By the time that
24 CHRYSLER instituted another voluntary recall in order to prevent further NHTSA
25 action, CHRYSLER had received 1,038 complaints involving 428 crashes, 192
26 injuries, and 4 fatalities on certain model Grand Cherokees. In addition,
27 CHRYSLER received reports of park-to-reverse accidents and injuries in additional
28 model years of the Grand Cherokee before and after this recall;

1 e. in 2004, again prior to Plaintiffs' and Decedents' injuries,
2 NHTSA opened a further investigation of Defendant CHRYSLER's 2003-2005
3 Dodge Ram 2500/3500 pick up trucks (EA 04-025). In October 2005, CHRYSLER
4 reported knowledge of 223 park-to-reverse accidents, which included 21 personal
5 injury claims, 202 crash claims, and 2 fatalities on certain Dodge Ram pick-up
6 trucks. In response to this NHTSA investigation, in March 2006, Defendant
7 CHRYSLER voluntarily recalled the vehicles and installed an "out-of-park alarm"
8 which sounded the vehicle's theft deterrent system (flashing the vehicle's lights and
9 sounding the vehicle's car alarm) if the vehicle operator placed the vehicle into
10 "false park" and then attempted to open the driver's side door with the vehicle
11 running.

12 32. Despite the many thousands of park-to-reverse accidents and injuries,
13 and despite the numerous deaths in park-to-reverse accidents, Defendant
14 CHRYSLER has adopted a consistent policy of refusing to admit the existence of a
15 defect in the vehicle, and instead blaming any resulting accidents, injuries, and
16 deaths on "operator error." CHRYSLER contends that in each of these cases that
17 the vehicles are being mistakenly left in reverse gear by operators.

18 33. The standard of care in the automobile industry is to fully investigate
19 complaints or reports received by an automobile manufacturer which appear to pose
20 a potential or actual safety risk.

21 34. The investigative process by which complaints or incident reports are
22 investigated is a technique called "root cause analysis" in which the vehicle
23 manufacturer's engineering staff or outside consultants will (a) determine if the
24 issue is safety-related; (b) carefully analyze the complaint to fully understand it; (c)
25 attempt to reproduce the complaint on the subject vehicle or an exemplar; (d)
26 determine if the problem is a manifestation of a unique vehicle feature (e.g., a
27 vehicle manufacturing defect); (e) if the problem is not so identified identify the
28 engineering feature of the product which allows for the mechanical system to

1 perform in the manner complained of; and (f) determine if there is an engineering
2 solution through redesigning the product which will prevent it as a mechanical
3 system from manifesting the complaint in the system or if an adequate redress is not
4 feasible, then warn adequately to prevent injury.

5 35. Despite the engineering standard being to conduct all necessary root
6 cause analysis, and the fact that CHRYSLER conducted numerous root cause
7 analyses on other potential and actual defects, CHRYSLER avoided conducting any
8 adequate root cause analysis on the park-to-reverse defects on any of its vehicles so
9 as to avoid identifying a defect which would require Defendant CHRYSLER to
10 undertake expensive measures to fix defective and dangerous vehicles which had
11 been, and were being, sold to its customers and the public such as Decedents.

12 36. Defendant CHRYSLER's refusal over a period of over 20 years to
13 conduct appropriate and necessary "root cause analysis" was done with the
14 understanding that its failure to conduct root cause analysis and identify and fix the
15 park-to-reverse defect on its vehicles would result in injuries and deaths, including
16 the injuries suffered by Plaintiffs and Decedents.

17 37. It is appropriate engineering practice in the automobile industry to
18 conduct a Design Failure Mode and Effects Analysis (DFMEA) any time a
19 manufacturer or a supplier of the product creates a new design, makes a design
20 change to an existing design, or has a different application of an existing
21 component or subsystem.

22 38. In a DFMEA, engineers engage in a process by which they attempt to
23 identify potential issues that may be presented by the design, redesign, or pairing of
24 components. In a DFMEA all prior complaints, campaigns, warranty data or other
25 documentation available on a specific component or system company-wide is
26 reviewed and analyzed to identify potential failure modes of a product, develop a
27 test protocol to test for each of the potential failure modes, and through completing
28

1 such tests to rule out (or identify) the ability of a design, redesign or pairing of
2 components to fail as have earlier designs.

3 39. Had a DFMEA been conducted on the transmission systems on
4 Defendant CHRYSLER's other vehicles, or the subject vehicle, it would have
5 easily identified the park-to-reverse defect in the subject vehicle.

6 40. Yet despite the fact that DFMEA is a standard procedure conducted by
7 Defendant CHRYSLER, CHRYSLER at no time conducted any DFMEA on the
8 transmission system of the subject vehicle, or of other of its vehicles.

9
10 **FIRST CAUSE OF ACTION**
(Strict Products Liability – Design Defect)
(Against CHRYSLER)

11 41. Plaintiffs incorporate by reference all preceding paragraphs and
12 allegations as if fully set forth herein.

13 42. Defendant CHRYSLER designed, engineered, manufactured, tested,
14 assembled, marketed, advertised, sold and/or distributed the subject vehicle.

15 43. Defendants CHRYSLER is strictly liable to Plaintiffs because the
16 subject vehicle was defective and unreasonably dangerous for normal use due to its
17 defective design, production, assembly, marketing, advertising, testing, sale,
18 maintenance and service.

19 44. Defendants CHRYSLER designed, engineered, tested, assembled,
20 marketed, advertised, inspected, maintained, sold, distributed, and placed on the
21 market and in the stream of commerce a defective product, the subject vehicle,
22 unreasonably dangerous to the consumer, knowing that the product would reach
23 and did reach the ultimate consumer without substantial change in the defective
24 condition it was in from the date when it left Defendant's control.

25 45. Defendants CHRYSLER knew or should have known that the ultimate
26 users or consumers of this product would not, and could not, inspect the subject
27 vehicle so as to discover the latent defects described above. The subject vehicle
28 was defective when it left the control of Defendant.

1 46. Defendants CHRYSLER knew or should have known of the
2 substantial dangers involved in the reasonably foreseeable use of the subject
3 vehicle, whose defective design caused it to have an unreasonably dangerous
4 propensity in normal use to have a delayed engagement of a powered reverse, from
5 what a reasonable person reasonably believes, and from what the vehicle's "cues"
6 indicate, is "park," and thus has a high propensity to cause injury and/or death to
7 the driver and others.

8 47. Defendants CHRYSLER knew or should have known of the
9 substantial dangers posed by the subject vehicle.

10 48. The subject vehicle was, at the time of the incident, being used in the
11 manner intended by Defendants CHRYSLER, and in a manner that was reasonably
12 foreseeable by Defendant as involving a substantial danger not readily apparent.

13 49. Decedents were foreseeable users of the subject vehicle.

14 50. Decedents' and Plaintiffs' damages and injuries were the legal and
15 proximate result of defects in the subject vehicle.

16 51. Plaintiffs are, therefore, entitled to damages in an amount to be proven
17 at the time of trial.

18 WHEREFORE, Plaintiffs pray judgment against Defendant, as hereinafter set
19 forth.

20 **SECOND CAUSE OF ACTION**
21 **(Strict Products Liability: Failure to Warn)**
22 **(Against CHRYSLER)**

23 52. Plaintiffs incorporate by reference all preceding paragraphs and
24 allegations as if fully set forth herein.

25 53. Defendant CHRYSLER knew and had reason to know, but failed to
26 warn Decedents and Plaintiffs that the subject vehicle was defective and
27 unreasonably dangerous for normal use due to the hidden park-to-reverse defect
28 because of the hundreds of prior complaints on the subject vehicle and the

1 thousands of complaints on vehicles with identical and/or substantially similar
2 transmissions.

3 54. Defendant CHRYSLER knew and had reason to know, but failed to
4 warn Decedents and Plaintiffs of the substantial dangers involved in the reasonably
5 foreseeable use of the SUBJECT VEHICLE, whose defective design caused it to
6 have an unreasonably dangerous propensity in normal use to have a delayed
7 engagement of a powered reverse, from what a reasonable person reasonably
8 believes, and from what the vehicle's "cues" indicate, is "park", and thus has a high
9 propensity to cause injury and/or death to the driver and others.

10 55. Defendant CHRYSLER designed, engineered, manufactured, tested,
11 assembled, marketed, advertised, inspected, maintained, sold, distributed, and
12 placed on the market and in the stream of commerce a defective product, the subject
13 vehicle, unreasonably dangerous to the consumer, knowing that the product would
14 reach and did reach the ultimate consumer without substantial change in the
15 defective condition it was in from the date when it left Defendant's control.

16 56. Defendant CHRYSLER knew or should have known that the ultimate
17 users or consumers of this product would not, and could not, inspect the subject
18 vehicle so as to discover the latent park-to-reverse defect described above. The
19 subject vehicle was defective when it left the control of Defendant.

20 57. The subject vehicle was, at the time of Plaintiffs' and Decedents'
21 injuries, being used in the manner intended by Defendant CHRYSLER, and in a
22 manner that was reasonably foreseeable by Defendant as involving a substantial
23 danger not readily apparent.

24 58. Decedents were foreseeable users of the subject vehicle.

25 59. Decedents' and Plaintiffs' damages and injuries were the legal and
26 proximate result of Defendants' failure to warn of the defects and dangers inherent
27 in the subject vehicle.
28

1 60. Plaintiffs are, therefore, entitled to damages in an amount to be proven
2 at the time of trial.

3 WHEREFORE, Plaintiffs pray judgment against Defendant, as hereinafter set
4 forth.

5 **THIRD CAUSE OF ACTION**
6 **(Negligent Design)**
7 **(Against CHRYSLER)**

8 61. Plaintiffs incorporate by reference all preceding paragraphs and
9 allegations as if fully set forth herein.

10 62. Defendant CHRYSLER owed a duty to Decedents and Plaintiffs to use
11 reasonable care in the design, engineering, manufacturing, testing, assembly,
12 marketing, advertisement, inspection, maintenance, sale, warning and distribution
13 of the subject vehicle, to be used by the public and ultimate users, like Decedents,
14 for the purpose for which it was intended.

15 63. Defendant CHRYSLER breached said duty and are guilty of one or
16 more of the following negligent acts and/or omissions:

17 a. Failing to use due care in the design, engineering, testing,
18 assembly, marketing, advertising, inspection, maintenance, sale and/or distribution
19 of the and/or to utilize and/or implement reasonably safe designs in the
20 manufacture of the subject vehicle;

21 b. Failing to design, manufacture and incorporate or to retrofit the
22 subject vehicle with reasonable safeguards and protections against park-to-reverse
23 incidents (or the vehicle alternatively being left in reverse and exited) and the
24 consequences thereof when used in the manner for which it was intended;

25 c. Failing to adequately prevent, identify, mitigate, and fix
26 defective designs and hazards associated with park-to-reverse incidents in
27 accordance with good engineering practices;
28

1 d. Failing to make timely and adequate corrections to the
2 manufacture and design of the subject vehicle so as to prevent and/or minimize the
3 problem of park-to-reverse incidents;

4 e. Otherwise being careless and negligent.

5 64. The aforementioned negligent acts and omissions of Defendants were
6 the direct and proximate cause of Plaintiffs' and Decedents' damages.

7 65. Plaintiffs are, therefore, entitled to damages in an amount to be proven
8 at the time of trial.

9 WHEREFORE, Plaintiffs pray judgment against Defendant, as hereinafter set
10 forth.

11 **FOURTH CAUSE OF ACTION**
12 **(Negligent Failure to Warn)**
(Against CHRYSLER)

13 66. Plaintiffs incorporate by reference all preceding paragraphs and
14 allegations as if fully set forth herein.

15 67. Defendant CHRYSLER owed a duty to Decedents and Plaintiffs to use
16 reasonable care in the design, engineering, manufacturing, testing, assembly,
17 marketing, advertisement, inspection, maintenance, sale, warning and distribution
18 of the subject vehicle to be used by the public and ultimate users, like Decedents,
19 for the purpose for which it was intended.

20 68. Defendant CHRYSLER breached said duty and are guilty of one or
21 more of the following negligent acts and/or omissions:

22 a. Failing to provide adequate and proper warnings to the public
23 and to Plaintiffs and Decedents of the propensity of the subject vehicle to be
24 involved in park-to-reverse incidents (or alternatively, the driver to inadvertently
25 exit in reverse) when used in the manner for which it was intended;

26 b. Failing to notify and warn the public including Plaintiffs and
27 Decedents of reported park-to-reverse incidents and thus misrepresenting the safety
28 of the subject vehicle generally;

1 c. Otherwise being careless and negligent.

2 69. The aforementioned negligent acts and omissions of Defendant were
3 the direct and proximate cause of Decedents' and Plaintiffs' damages.

4 70. Plaintiffs are, therefore, entitled to damages in an amount to be proven
5 at the time of trial.

6 WHEREFORE, Plaintiffs pray judgment against Defendant, as hereinafter set
7 forth.

8 **FIFTH CAUSE OF ACTION**
9 **(Negligence)**
10 **(Against CHRYSLER)**

11 71. Plaintiffs incorporate by reference all preceding paragraphs and
12 allegations as if fully set forth herein.

13 72. Defendant owed a duty to Decedents and Plaintiffs to use reasonable
14 care in the design, engineering, testing, assembly, marketing, advertisement,
15 inspection, maintenance, sale, warning and distribution of the subject vehicle, as
16 well as any "fix" for the park-to-reverse defect to be used by the public and ultimate
17 users, like Decedents, for the purpose for which they were intended.

18 73. Defendant breached said duty and is guilty of one or more of the
19 following negligent acts and/or omissions:

20 a. Failing to use due care in the design, engineering, testing,
21 assembly, marketing, advertising, inspection, maintenance, sale and/or distribution
22 of the subject vehicle and/or to utilize and/or implement reasonably safe designs in
23 the manufacture of the subject vehicle;

24 b. Failing to provide adequate and proper warnings to the public
25 and to Decedents and Plaintiffs of the subject vehicle's propensity to be involved in
26 park-to-reverse incidents when used in the manner for which it was intended;

27 c. Failing to design, incorporate, or retrofit the subject vehicle with
28 reasonable safeguards and protections against park-to-reverse incidents and the
consequences thereof when used in the manner for which it was intended;

1 d. Failing to adequately prevent, identify, mitigate, and fix
2 defective designs and hazards associated with park-to-reverse incidents in
3 accordance with good engineering practices;

4 e. Failing to notify and warn the public including Decedents and
5 Plaintiffs of reported park-to-reverse incidents and thus misrepresenting the safety
6 of the subject vehicle and the model subject vehicle generally;

7 f. Failing to make timely and adequate corrections to the
8 manufacture and design of the subject vehicle so as to prevent and/or minimize the
9 problem of park-to-reverse incidents;

10 g. Failing to use due care in the testing, inspection, maintenance
11 and servicing of the subject vehicle at all times prior to the incident; and

12 h. Otherwise being careless and negligent.

13 74. The aforementioned negligent acts and omissions of Defendant were
14 the direct and proximate cause of Decedents' and Plaintiffs' damages.

15 75. Plaintiffs are, therefore, entitled to damages in an amount to be proven
16 at the time of trial.

17 WHEREFORE, Plaintiffs pray judgment against Defendant, as hereinafter set
18 forth.

19 **SIXTH CAUSE OF ACTION**
20 **(Breach Of Implied Warranties – Merchantability And Fitness**
21 **For A Particular Purpose)**
22 **(Against CHRYSLER)**

23 76. Plaintiffs incorporate by reference all preceding paragraphs and
24 allegations as if fully set forth herein.

25 77. Prior to the time that the subject vehicle was being used by Decedents
26 during the incident, the Defendants impliedly warranted to members of the general
27 public, including Decedents that CHRYSLER-manufactured vehicles including the
28 subject vehicle were of merchantable quality and safe for the use for which it was
intended by the Defendant.

1 78. Decedents relied on the skill and judgment of Defendant, in the
2 selection, purchase and use of the subject vehicle.

3 79. The subject vehicle was not safe for its intended use nor was it of
4 merchantable quality as warranted by Defendant, and each of them, in that it was
5 defectively designed, thereby dangerously exposing the user of said CHRYSLER-
6 manufactured vehicles including the subject vehicle to serious injuries.

7 80. As a legal and proximate result of the breach of said implied warranty,
8 Plaintiffs and Decedents sustained the injuries and damages herein set forth.

9 81. Plaintiffs are, therefore, entitled to damages in an amount to be proven
10 at the time of trial, including, but not limited to, the purchase price of the subject
11 vehicle and all interest accrued on the principle balance.

12 **SEVENTH CAUSE OF ACTION**
13 **Wrongful Death**
14 **(Against CHRYSLER)**

15 82. Plaintiffs incorporate by reference all preceding paragraphs and
16 allegations as if fully set forth herein.

17 83. Plaintiff [REDACTED] is the natural daughter of [REDACTED]
18 [REDACTED], deceased, and is a qualifying heir to the Estate of [REDACTED].

19 84. Plaintiff [REDACTED] is the natural daughter of [REDACTED]
20 [REDACTED], deceased, and is a qualifying heir to the Estate of [REDACTED].

21 85. Plaintiff [REDACTED] is the natural son of [REDACTED]
22 [REDACTED], deceased, and is a qualifying heir to the Estate of [REDACTED].

23 86. Plaintiff, [REDACTED], is the natural son of [REDACTED],
24 deceased, and is a qualifying heir to the Estate of [REDACTED].

25 87. As a result of Defendant's actions, inactions, and negligence as alleged
26 herein, [REDACTED] suffered and died from fatal injuries on or about February
27 27, 2011.
28

1 88. The damages claimed for wrongful death and the relationships of
2 Plaintiffs to decedent [REDACTED] are as follows:

3 a. [REDACTED], individually as a qualifying heir and
4 wrongful death claimant, pursuant to law, claims: loss of financial support; loss of
5 services; loss of decedent [REDACTED] love, companionship, comfort, care,
6 assistance, protection, affection, society, and moral support; loss of decedent [REDACTED]
7 [REDACTED]' training and guidance; medical, funeral and burial expenses; and all
8 other damages permitted by law.

9 b. [REDACTED], individually as a qualifying heir
10 and wrongful death claimant, pursuant to law, claims: loss of financial support; loss
11 of services; loss of decedent [REDACTED] love, companionship, comfort,
12 care, assistance, protection, affection, society, and moral support; loss of decedent
13 [REDACTED]' training and guidance; medical, funeral and burial expenses; and
14 all other damages permitted by law.

15 c. [REDACTED], individually as a qualifying heir and
16 wrongful death claimant, pursuant to law, claims: loss of financial support; loss of
17 services; loss of decedent [REDACTED] love, companionship, comfort, care,
18 assistance, protection, affection, society, and moral support; loss of decedent [REDACTED]
19 [REDACTED]' training and guidance; medical, funeral and burial expenses; and all
20 other damages permitted by law.

21 89. As a result of Defendant's actions, inactions, and negligence as alleged
22 herein, [REDACTED] suffered and died from fatal injuries on or about February 27,
23 2011.

24 90. The damages claimed for wrongful death and the relationships of
25 Plaintiffs to decedent [REDACTED] are as follows:

26 a. [REDACTED], individually as a qualifying heir and
27 wrongful death claimant, pursuant to law, claims: loss of financial support; loss of
28 services; loss of decedent [REDACTED] love, companionship, comfort, care,

1 assistance, protection, affection, society, and moral support; loss of decedent [REDACTED]
2 [REDACTED] training and guidance; medical, funeral and burial expenses; and all
3 other damages permitted by law.

4 **RELIEF REQUESTED**

5 WHEREFORE, Plaintiffs pray judgment against Defendant, as hereinafter
6 follows:

7 **On PLAINTIFFS' FIRST CAUSE OF ACTION:**

8 1. For medical and incidental expenses according to proof;
9 2. For other special damages according to proof;
10 3. For general and emotional distress damages;
11 4. For prejudgment interest on the award for damages rendered in favor
12 of Plaintiffs, calculated from the time the cause of action arose, or as provided in
13 the California Civil Code; and

14 **On PLAINTIFFS' SECOND CAUSE OF ACTION:**

15 1. For medical and incidental expenses according to proof;
16 2. For other special damages according to proof;
17 3. For general and emotional distress damages;
18 4. For prejudgment interest on the award for damages rendered in favor
19 of Plaintiff, calculated from the time the cause of action arose, or as provided in the
20 California Civil Code; and

21 **On PLAINTIFFS' THIRD CAUSE OF ACTION:**

22 1. For medical and incidental expenses according to proof;
23 2. For other special damages according to proof;
24 3. For general and emotional distress damages;
25 4. For prejudgment interest on the award for damages rendered in favor
26 of Plaintiff, calculated from the time the cause of action arose, or as provided in the
27 California Civil Code; and

28 **On PLAINTIFFS' FOURTH CAUSE OF ACTION:**

- 1 1. For medical and incidental expenses according to proof;
- 2 2. For other special damages according to proof;
- 3 3. For general and emotional distress damages;
- 4 4. For prejudgment interest on the award for damages rendered in favor
- 5 of Plaintiff, calculated from the time the cause of action arose, or as provided in the
- 6 California Civil Code; and

7 **On PLAINTIFFS' FIFTH CAUSE OF ACTION:**

- 8 1. For medical and incidental expenses according to proof;
- 9 2. For other special damages according to proof;
- 10 3. For general and emotional distress damages;
- 11 4. For prejudgment interest on the award for damages rendered in favor
- 12 of Plaintiff, calculated from the time the cause of action arose, or as provided in the
- 13 California Civil Code; and

14 **On PLAINTIFFS' SIXTH CAUSE OF ACTION:**

- 15 1. For medical and incidental expenses according to proof;
- 16 2. For other special damages according to proof;
- 17 3. For general and emotional distress damages;
- 18 4. For prejudgment interest on the award for damages rendered in favor
- 19 of Plaintiff, calculated from the time the cause of action arose, or as provided in the
- 20 California Civil Code; and
- 21 5. For the purchase price of the SUBJECT VEHICLE including any and
- 22 all interest accrued on principle balance.

23 **On PLAINTIFFS' SEVENTH CAUSE OF ACTION:**

- 24 1. For medical and incidental expenses according to proof;
- 25 2. For other special damages according to proof;
- 26 3. For general and emotional distress damages;
- 27
- 28

4. For prejudgment interest on the award for damages rendered in favor of Plaintiff, calculated from the time the cause of action arose, or as provided in the California Civil Code; and

ON ALL CAUSES OF ACTION:

1. For costs of suit; and
2. For such other and further relief as the court deems proper.

Dated: March 1, 2012

By: /s/ Scott P. Nealey
Scott P. Nealey

Robert J. Nelson (State Bar No. 132797)
Scott P. Nealey (State Bar No. 193062)
Cecilia Han (State Bar No. 235640)
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Facsimile: (415) 956-1008

Attorneys for Plaintiffs

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a jury trial on all causes of action and claims with respect to which he has a right to jury trial.

Dated: March 1, 2012

By: /s/ Scott P. Nealey
Scott P. Nealey

Robert J. Nelson (State Bar No. 132797)
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Attorneys for Plaintiffs

To protect the privacy of individuals, NHTSA does not make medical records available to the public without authorization. For this reason, documents falling into this category have not been included in this complaint record.

INCIDENT REPORT

RIVERSIDE COUNTY SHERIFF CA0330000

DATE PREPARED: [REDACTED]

☒ INITIAL ☐ SUPPLEMENTAL

1. FILE NUMBER [REDACTED]	2. DATE / TIME REPORTED 022711 1113	3. DATE / TIME ASSIGNED 022711 1113	4. DATE / TIME INV. START 022711 1121	5. DATE / TIME INV. TERM 022711 1727	6. Adult ARR 0	7. Juv ARR 0
8. OFFENSES - CODE SECTION 11-44	CRIME Fatal Traffic Collision	COUNTS 01	9. EDP CODE 18K2-N			
10. OFFENSES - CODE SECTION (Add or Change to)	CRIME	COUNTS	11. EDP CODE			
12. OFFENSES - CODE SECTION (Add or Change to)	CRIME	COUNTS	13. EDP CODE			
14. BUSINESS NAME [REDACTED]	15. REP. DIST. [REDACTED]	16. OCCURRED ON: DATE / TIME 022711 1015	17. OR BETWEEN: DATE / TIME 022711 1045	20. CASE STATUS / CLEARANCE EXCEPTIONAL		

VICTIM - REPORTING PARTY - WITNESS - OTHER:

☐ See Additional Persons Report

32. INVL	33. NAME (Last, First, Middle) See CHP 555	34. SEX	35. RACE	36. DOB	37. AGE	38. HT	39. WT	40. HAIR	41. EYES	42. SKIN
32. RESIDENCE ADDRESS		CITY		ZIP CODE		33. RES. PHONE				
34. BUSINESS ADDRESS		CITY		ZIP CODE		35. BUS. PHONE				

36. INVL	37. NAME (Last, First, Middle)	38. SEX	39. RACE	40. DOB	41. AGE	42. HT	43. WT	44. HAIR	45. EYES	46. SKIN
36. RESIDENCE ADDRESS		CITY		ZIP CODE		37. RES. PHONE				
38. BUSINESS ADDRESS		CITY		ZIP CODE		39. BUS. PHONE				

SUSPECT: ☐ Adult ☐ Juvenile ☐ Parole ☐ Probation

☐ See Additional Persons Report

☐ ARRESTED

51. SUS. #	52. NAME (Last, First, Middle)	53. SEX	54. RACE	55. DOB	56. AGE	57. HT	58. WT	59. HAIR	60. EYES	61. SKIN
62. DRIVER'S LICENSE NUMBER / ID NUMBER		63. STATE	64. SOCIAL SECURITY NUMBER		65. MINI NUMBER		66. CI NUMBER			
67. RESIDENCE ADDRESS		CITY		ZIP CODE		68. RES. PHONE				
69. BUSINESS ADDRESS		CITY		ZIP CODE		70. BUS. PHONE				

71. JUVENILE DISPOSITION:	☐ Other Juris.	☐ Juv. Cr. Prob.	☐ Within Dept.	☐ Detained	☐ Not Detained
72. GANG DATA Gang Name(s):			73. TATTOOS / SCARS / MARKS / CLOTHING DESCRIPTION		
☐ Member ☐ Associate ☐ Self Admit ☐ Prior Knowledge					
TATTOOS / SCARS / MARKS					
☐ Face ☐ Neck ☐ R. Arm ☐ L. Arm ☐ Hands ☐ Torso ☐ Back ☐ Legs					

VEHICLE:

☐ REFER TO CHP 180 FORM FOR STOLEN, RECOVERED, TOWED OR IMPOUNDED

74. INVL	75. LICENSE	76. STATE	77. YEAR	78. MAKE	79. MODEL	80. BODY STYLE	81. STN / REC. AUTO VALUE A2: \$
82. COLOR / COLOR		83. VIN. #		84. OTHER IDENTIFIERS		85. DISPOSITION OF VEHICLE	
86. REGISTERED OWNER		87. ADDRESS		CITY	STATE	ZIP CODE	88. PHONE

☐ PROPERTY REPORT ATTACHED FOR STOLEN, RECOVERED, OR DAMAGED

89. DAMAGED PROPERTY VALUE

\$

PROPERTY

REPORTING OFFICER Deputy J. Howe	OFFICER ID 3681	REVIEWED BY / DATE Sgt. L. 100 3/12	ENTERED BY / DATE 4-1-11	ENTERED BY / DATE
COPIES TO SWITRS, City of Meniffee		APR SENT:	APR CANCELED:	DOJ-NCIC ENTERED:
				DOJ-NCIC CANCELED:

TRAFFIC COLLISION REPORT

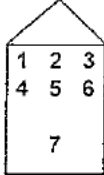
SPECIAL CONDITIONS		JUDICIAL DISTRICT		LOCATION	
FATAL		RIVERSIDE		[REDACTED]	
PRIVATE PROPERTY		COUNTY		TOW AWAY	
NUMBER INJURED		REPORTING DISTRICT		DAY OF WEEK	
0		502B		Sunday	
NUMBER KILLED		BEAT		YES ☐ NO ☒	
1		52		3681	
HIT & RUN FELONY		TIME (2400)		OFFICER I.D.	
☐		2500		3300	
HIT & RUN MISC.		GPS COORDINATES		PHOTOGRAPHS BY:	
☐		LATITUDE		KOPITZKE #N3863	
LONGITUDE		STATE HWY REL.		NONE	
☐		YES ☐ NO ☒			
COLLISION OCCURRED ON		MILEPOST INFORMATION		GPS COORDINATES	
[REDACTED]		FEET OF		LATITUDE	
AT INTERSECTION WITH		LONGITUDE		STATE HWY REL.	
X OR 40		[REDACTED]		YES ☐ NO ☒	
PARTY 1		DRIVER'S LICENSE NUMBER		STATE	
1		[REDACTED]		CA	
DRIVER		CLASS		AIR BAG	
X		C		M	
PEDESTRIAN		SAFETY EQUIP.		VEH. YR.	
☐		F		2008	
PARKED VEHICLE		MAKE / MODEL / COLOR		LICENSE NUMBER	
☐		DODGE GRAND CARAVAN		[REDACTED]	
BICYCLIST		SILVER		STATE	
☐		[REDACTED]		CA	
OTHER		OWNER'S NAME		SAME AS DRIVER	
☐		OWNER'S ADDRESS		SAME AS DRIVER	
CITY / STATE / ZIP		DISPOSITION OF VEHICLE ON ORDERS OF:		OFFICER ☐ DRIVER ☐ OTHER ☒	
MENIFEE CA		PRIOR MECHANICAL DEFECTS:		NONE APPARENT ☒ REFER TO NARRATIVE ☐	
SEX		VEHICLE IDENTIFICATION NUMBER:		2DBNH44H16R669652	
F		VEHICLE TYPE		08	
HAIR		DESCRIBE VEHICLE DAMAGE		UNK ☐ NONE ☐ MINOR ☒	
BLN		MOD ☐ MAJOR ☐ ROLL-OVER ☐		[REDACTED]	
EYES		CA		DOT	
BLU		CAL-T		TOP/PSC	
HEIGHT		MCMX		[REDACTED]	
5'07"		[REDACTED]		[REDACTED]	
WEIGHT		[REDACTED]		[REDACTED]	
160		[REDACTED]		[REDACTED]	
BIRTHDATE		[REDACTED]		[REDACTED]	
[REDACTED]		[REDACTED]		[REDACTED]	
RACE		[REDACTED]		[REDACTED]	
W		[REDACTED]		[REDACTED]	
HOME PHONE		BUSINESS PHONE		[REDACTED]	
[REDACTED]		[REDACTED]		[REDACTED]	
INSURANCE CARRIER		POLICY NUMBER		[REDACTED]	
UNKNOWN		[REDACTED]		[REDACTED]	
DIR. OF TRAVEL		ON STREET OR HIGHWAY		SPEED LIMIT	
E		GARAGE		0	
PARTY 2		DRIVER'S LICENSE NUMBER		STATE	
[REDACTED]		[REDACTED]		[REDACTED]	
DRIVER		CLASS		AIR BAG	
[REDACTED]		[REDACTED]		[REDACTED]	
PEDESTRIAN		SAFETY EQUIP.		VEH. YR.	
☐		[REDACTED]		[REDACTED]	
PARKED VEHICLE		MAKE / MODEL / COLOR		LICENSE NUMBER	
☐		[REDACTED]		[REDACTED]	
BICYCLIST		OWNER'S NAME		SAME AS DRIVER	
☐		OWNER'S ADDRESS		SAME AS DRIVER	
OTHER		DISPOSITION OF VEHICLE ON ORDERS OF:		OFFICER ☐ DRIVER ☐ OTHER ☐	
☐		PRIOR MECHANICAL DEFECTS:		NONE APPARENT ☐ REFER TO NARRATIVE ☐	
HOME PHONE		BUSINESS PHONE		[REDACTED]	
[REDACTED]		[REDACTED]		[REDACTED]	
INSURANCE CARRIER		POLICY NUMBER		[REDACTED]	
[REDACTED]		[REDACTED]		[REDACTED]	
DIR. OF TRAVEL		ON STREET OR HIGHWAY		SPEED LIMIT	
[REDACTED]		[REDACTED]		[REDACTED]	
PARTY 3		DRIVER'S LICENSE NUMBER		STATE	
[REDACTED]		[REDACTED]		[REDACTED]	
DRIVER		CLASS		AIR BAG	
[REDACTED]		[REDACTED]		[REDACTED]	
PEDESTRIAN		SAFETY EQUIP.		VEH. YR.	
☐		[REDACTED]		[REDACTED]	
PARKED VEHICLE		MAKE / MODEL / COLOR		LICENSE NUMBER	
☐		[REDACTED]		[REDACTED]	
BICYCLIST		OWNER'S NAME		SAME AS DRIVER	
☐		OWNER'S ADDRESS		SAME AS DRIVER	
OTHER		DISPOSITION OF VEHICLE ON ORDERS OF:		OFFICER ☐ DRIVER ☐ OTHER ☐	
☐		PRIOR MECHANICAL DEFECTS:		NONE APPARENT ☐ REFER TO NARRATIVE ☐	
HOME PHONE		BUSINESS PHONE		[REDACTED]	
[REDACTED]		[REDACTED]		[REDACTED]	
INSURANCE CARRIER		POLICY NUMBER		[REDACTED]	
[REDACTED]		[REDACTED]		[REDACTED]	
DIR. OF TRAVEL		ON STREET OR HIGHWAY		SPEED LIMIT	
[REDACTED]		[REDACTED]		[REDACTED]	
PARTY 4		DRIVER'S LICENSE NUMBER		STATE	
[REDACTED]		[REDACTED]		[REDACTED]	
DRIVER		CLASS		AIR BAG	
[REDACTED]		[REDACTED]		[REDACTED]	
PEDESTRIAN		SAFETY EQUIP.		VEH. YR.	
☐		[REDACTED]		[REDACTED]	
PARKED VEHICLE		MAKE / MODEL / COLOR		LICENSE NUMBER	
☐		[REDACTED]		[REDACTED]	
BICYCLIST		OWNER'S NAME		SAME AS DRIVER	
☐		OWNER'S ADDRESS		SAME AS DRIVER	
OTHER		DISPOSITION OF VEHICLE ON ORDERS OF:		OFFICER ☐ DRIVER ☐ OTHER ☐	
☐		PRIOR MECHANICAL DEFECTS:		NONE APPARENT ☐ REFER TO NARRATIVE ☐	
HOME PHONE		BUSINESS PHONE		[REDACTED]	
[REDACTED]		[REDACTED]		[REDACTED]	
INSURANCE CARRIER		POLICY NUMBER		[REDACTED]	
[REDACTED]		[REDACTED]		[REDACTED]	
DIR. OF TRAVEL		ON STREET OR HIGHWAY		SPEED LIMIT	
[REDACTED]		[REDACTED]		[REDACTED]	

REPAIRER'S NAME	DISPATCH NOTIFIED	REVIEWER'S NAME	DATE REVIEWED
HOWE, J., 3681	YES ☐ NO ☐ N/A ☒	[REDACTED]	4-1-11

TRAFFIC COLLISION CODING

DATE OF COLLISION (MO DAY YEAR) 2/27/2011		TIME 2500	NCIC # 3300	OFFICER I.D. 3681	NUMBER [REDACTED]
OWNER'S NAME [REDACTED]		OWNER'S ADDRESS [REDACTED]		NOTIFIED ☐ YES ☐ NO	
PROPERTY DAMAGE [REDACTED]	DESCRIPTION OF DAMAGE [REDACTED]				

SEATING POSITION



- 1 - DRIVER
2 TO 6 PASSENGERS
7 - STN. WAGON REAR
8 - RR. OCC. TRK OR VAN
9 - POSITION UNKNOWN
0 - OTHER

OCCUPANTS

- A - NONE IN VEHICLE
B - UNKNOWN
C - LAP BELT USED
D - LAP BELT NOT USED
E - SHOULDER HARNESS USED
F - SHOULDER HARNESS NOT USED
G - LAP / SHOULDER HARNESS USED
H - LAP / SHOULDER HARNESS NOT USED
J - PASSIVE RESTRAINT USED
K - PASSIVE RESTRAINT NOT USED

SAFETY EQUIPMENT

- L - AIR BAG DEPLOYED
M - AIR BAG NOT DEPLOYED
N - OTHER
P - NOT REQUIRED
CHILD RESTRAINT
Q - IN VEHICLE USED
R - IN VEHICLE NOT USED
S - IN VEHICLE USE UNKNOWN
T - IN VEHICLE IMPROPER USE
U - NONE IN VEHICLE

- M/C BICYCLE - HELMET
DRIVER PASSENGER
V - NO X - NO
W - YES Y - YES

- EJECTED FROM VEHICLE
0 - NOT EJECTED
1 - FULLY EJECTED
2 - PARTIALLY EJECTED
3 - UNKNOWN

INATTENTION CODES

- A - CELL PHONE HANDHELD
B - CELL PHONE HANDSFREE
C - ELECTRONIC EQUIPMENT
D - RADIO / CD
E - SMOKING
F - EATING
G - CHILDREN
H - ANIMALS
I - PERSONAL HYGIENE
J - READING
K - OTHER

ITEMS MARKED BELOW WHICH ARE FOLLOWED BY AN ASTERISK (*) SHOULD BE EXPLAINED IN THE NARRATIVE

PRIMARY COLLISION FACTOR LIST NUMBER OF PARTY AT FAULT		TRAFFIC CONTROL DEVICES			SPECIAL INFORMATION			MOVEMENT PRECEDING COLLISION			
			1	2	3				1	2	3
A VC SECTION VIOLATED Cited No		A CONTROLS FUNCTIONING				A HAZARDOUS MATERIAL					A STOPPED
B OTHER IMPROPER DRIVING: unsafe backing		B CONTROLS NOT FUNCTIONING				B CELL PHONE HANDHELD IN USE					B PROCEEDING STRAIGHT
C OTHER THAN DRIVER		C CONTROLS OBSCURED				C CELL PHONE HANDSFREE IN USE					C RAN OFF ROAD
D UNKNOWN		D NO CONTROLS PRESENT/FACTOR				D CELL PHONE NOT IN USE					D MAKING RIGHT TURN
		TYPE OF COLLISION				E SCHOOL BUS RELATED					E MAKING LEFT TURN
		A HEAD-ON				F 75 FT MOTORTRUCK COMBO					F MAKING U TURN
		B SIDESWIPE				G 32 FT TRAILER COMBO					G BACKING
		C REAR END				H					H SLOWING / STOPPING
		D BROADSIDE				I					I PASSING OTHER VEHICLE
WEATHER (MARK 1 TO 2 ITEMS)		E HIT OBJECT				J					J CHANGING LANES
A CLEAR		F OVERTURNED				K					K PARKING MANEUVER
B CLOUDY		G VEHICLE PEDESTRIAN				L					L ENTERING TRAFFIC
C RAINING		H OTHER:				M					M OTHER UNSAFE TURNING
D SNOWING		MOTOR VEHICLE INVOLVED WITH				N					N XING INTO OPPOSING LANE
E FOG / VISIBILITY FT.		A NON-COLLISION				O					O PARKED
F OTHER:		B PEDESTRIAN	1	2	3	OTHER ASSOCIATED FACTOR (MARK 1 TO 2 ITEMS)					P MERGING
G WIND		C OTHER MOTOR VEHICLE				A VC SECTION VIOLATION: Cited					Q TRAVELING WRONG WAY
		D MOTOR VEH ON OTHER ROADWAY				B VC SECTION VIOLATION: Cited					R OTHER:
		E PARKED MOTOR VEHICLE				C VC SECTION VIOLATION: Cited	1	2	3		SOBRIETY - DRUG PHYSICAL (MARK 1 TO 2 ITEMS)
		F TRAIN				D					A HAD NOT BEEN DRINKING
		G BICYCLE				E VISION OBSCUREMENT					B HBD - UNDER INFLUENCE
		H ANIMAL:				F INATTENTION:					C HBD - NOT UNDER INFLU.*
ROADWAY SURFACE		I FIXED OBJECT: House				G STOP & GO TRAFFIC					D HBD - IMPAIRMENT UNK.*
A DRY		J OTHER OBJECT:				H ENTERING / LEAVING RAMP					E UNDER DRUG INFLU.*
B WET						I PREVIOUS COLLISION					F IMPAIRMENT - PHYSICAL*
C SNOWY - ICY						J UNFAMILIAR WITH ROAD					G IMPAIRMENT NOT KNOWN
D SLIPPERY (MUDDY, OILY, ETC.)						K DEFECTIVE VEH. EQUIP.: Cited					H NOT APPLICABLE
		PEDESTRIAN'S ACTION				L UNINVOLVED VEHICLE					I SLEEPY / FATIGUED
ROADWAY CONDITIONS (MARK 1 TO 2 ITEMS)		A NO PEDESTRIAN INVOLVED				M OTHER:					
A HOLES, DEEP RUTS		B CROSSING IN CROSSWALK AT INTERSECTION				N NONE APPARENT					
B LOOSE MATERIAL ON RDWY		C CROSSING IN CROSSWALK NOT AT INTERSECTION				O RUNAWAY VEHICLE					
C OBSTRUCTION ON ROADWAY		D CROSSING - NOT IN CROSSWALK									
D CONSTRUCTION-REPAIR ZONE		E IN ROAD - INCLUDES SHOULDER									
E REDUCED ROADWAY WIDTH		F NOT IN ROAD									
F FLOODED		G APPROACH/LEAVING SCHOOL BUS									
G OTHER:											
H NO UNUSUAL CONDITIONS											



MISCELLANEOUS

INJURED / WITNESSES / PASSENGERS

PAGE 3 OF 3

DATE OF COLLISION 2/27/2011		TIME 2500		NOC NUMBER 3300		OFFICER ID 3681		NUMBER [REDACTED]									
WITNESS ONLY	PASSENGER ONLY	AGE	SEX	EXTENT OF INJURY ("X" ONE)				INJURED WAS ("X" ONE)				PARTY NUMBER	SEAT POS.	AIR BAG	SAFETY EQUIP.	EJECTED	
		75	F	FATAL INJURY	SEVERE INJURY	OTHER VISIBLE INJ.	COMPLAINT OF PAIN	DRIVER	PASS.	PED.	BICYCLIST	OTHER	1	1	M	F	

NAME / D.O.B. / ADDRESS
ROSE MARIE COATS 6/10/1935, 27330 UPPERCREST CT, MENIFEE, CA, 92584

TELEPHONE

INJURED ONLY TRANSPORTED BY:

TAKEN TO:

DESCRIBE INJURIES

MRS. COATS WAS RELEASED TO THE RIVERSIDE COUNTY CORNER'S OFFICE FROM THE SCENE.

☐ VICTIM OF VIOLENT CRIME NOTIFIED

#		83	M											1				
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NAME / D.O.B. / ADDRESS

MENIFEE, CA

TELEPHONE

INJURED ONLY TRANSPORTED BY:

TAKEN TO:

DESCRIBE INJURIES

MR. [REDACTED] WAS DECEASED IN THE GARAGE AT THE TIME OF THE COLLISION. SEE DEPUTY BARRONS SUPPLEMENTAL REPORT AND

☐ VICTIM OF VIOLENT CRIME NOTIFIED

#																		
---	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

NAME / D.O.B. / ADDRESS

TELEPHONE

INJURED ONLY TRANSPORTED BY:

TAKEN TO:

DESCRIBE INJURIES

☐ VICTIM OF VIOLENT CRIME NOTIFIED

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NAME / D.O.B. / ADDRESS

TELEPHONE

INJURED ONLY TRANSPORTED BY:

TAKEN TO:

DESCRIBE INJURIES

☐ VICTIM OF VIOLENT CRIME NOTIFIED

#																		
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NAME / D.O.B. / ADDRESS

TELEPHONE

INJURED ONLY TRANSPORTED BY:

TAKEN TO:

DESCRIBE INJURIES

☐ VICTIM OF VIOLENT CRIME NOTIFIED

#																		
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NAME / D.O.B. / ADDRESS

TELEPHONE

INJURED ONLY TRANSPORTED BY:

TAKEN TO:

DESCRIBE INJURIES

☐ VICTIM OF VIOLENT CRIME NOTIFIED

REPAIRER'S NAME	I.D. NUMBER	MO.	DAY	YEAR	REVIEWER'S NAME	MO.	DAY	YEAR
HOWE, J., 3681	3681		3/29/2011		SEE L-140	4	1	11

STATE OF CALIFORNIA
FACTUAL DIAGRAM

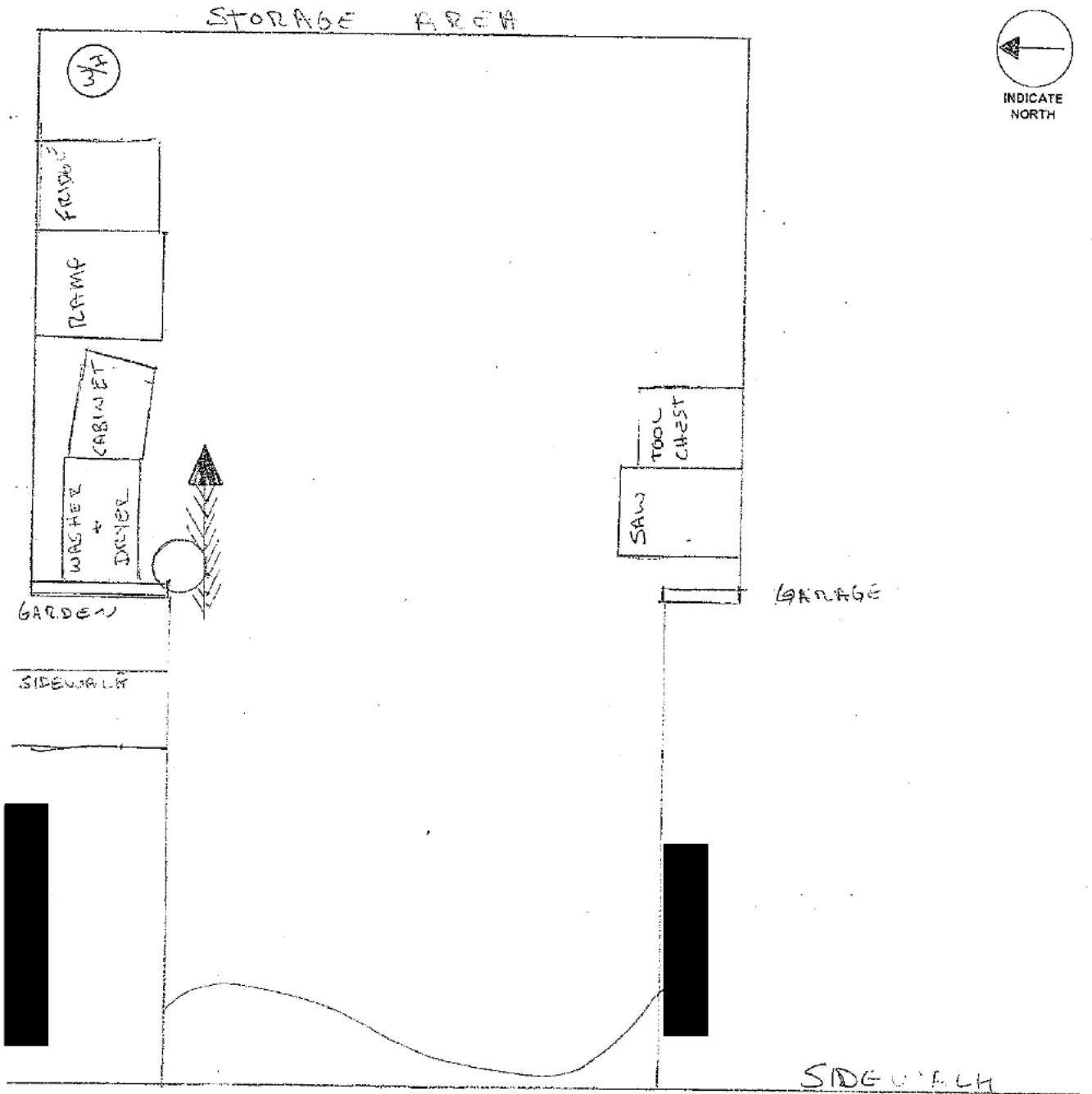
(Rev. 1-03) OPI 061

SKETCH DIAGRAM

Page 4 of 10

DATE OF COLLISION (MO. DAY YEAR)	TIME (2400)	NCIC #	OFFICER I.D.	NUMBER
02-27-2011	2500	3300	3681	[REDACTED]

ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE =

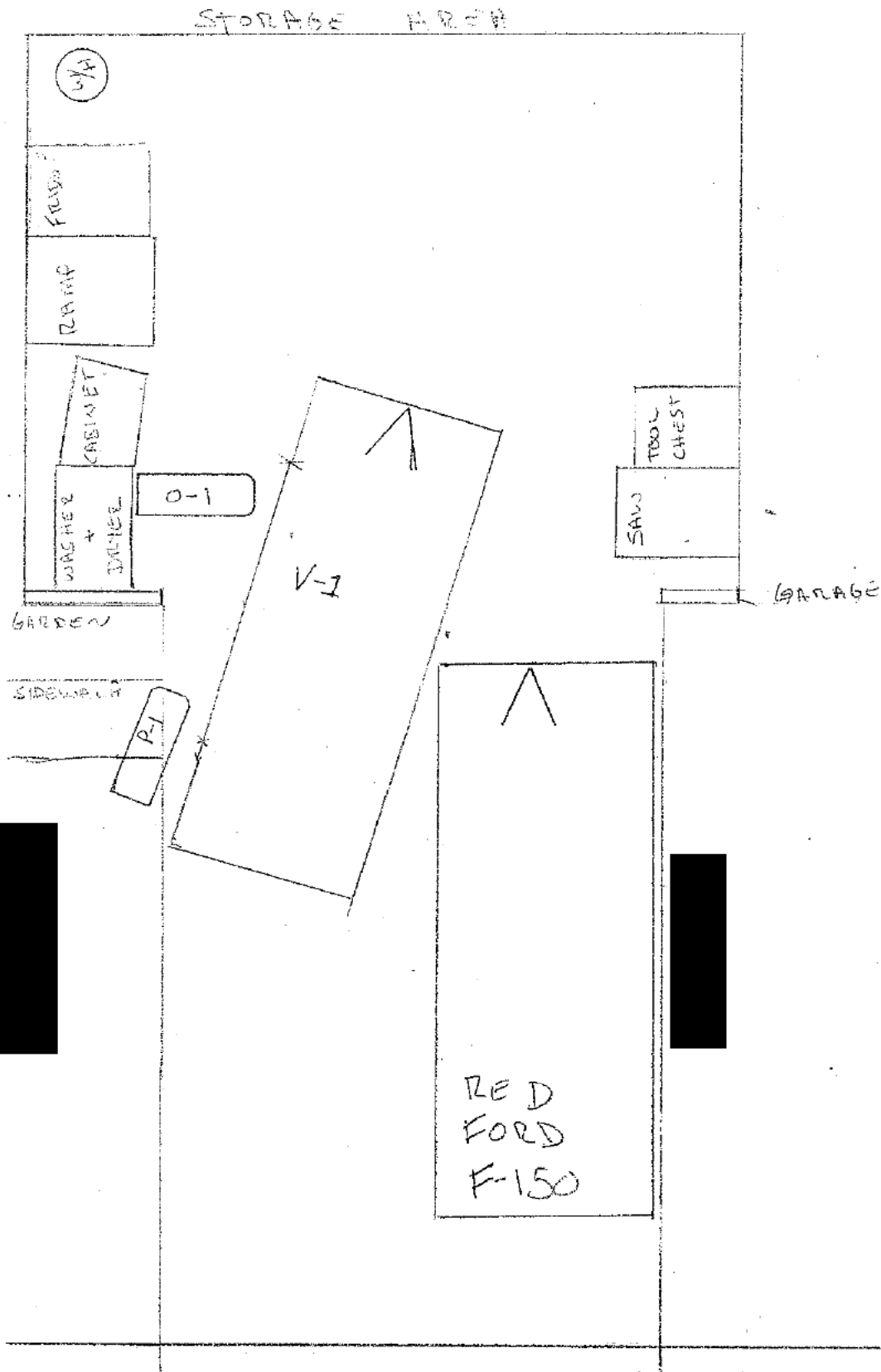


PREPARED BY	I.D. NUMBER	MO. DAY YEAR	REVIEWER'S NAME	MO. DAY YEAR
J. HOWIE	3681	03-29-2011	Sgt. Lingo	4-1-11

OSP 03 75578

DATE OF COLLISION (MO. DAY YEAR)	TIME (2400)	NCIC #	OFFICER I.D.	NUMBER
02-27-2011	2500	3300	3681	

ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE = 1" = 5')



PREPARED BY	I.D. NUMBER	MO. DAY YEAR	REVIEWER'S NAME	MO. DAY YEAR
S. Howe	3681	03-29-11	Sgt Lingo	4-1-11

STATE OF CALIFORNIA
NARRATIVE/SUPPLEMENTAL

Page 6

Date of Incident/Occurrence 2/27/2011	Time(2400) 2500	NCIC NUMBER 3300	OFFICER ID # 3681	NUMBER [REDACTED]
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FACTS:

NOTIFICATION:

Menifee patrol units were dispatched to a call of a major injury collision at 1113 hours. Deputy Barron responded from [REDACTED] and arrived on scene at 1121 hours. All times, speeds and measurements in this investigation are approximate. Measurements were taken by roller tape, except where otherwise indicated. After Deputy Barron determined the collision was a fatality, he contacted Sgt. Kelly, Sgt. Lingo, and me. At the time of Sgt. Lingo and my arrival I assumed the investigation.

SCENE:

At the scene of this collision, [REDACTED] is a northbound/southbound residential roadway consisting of 2 lanes. The roadway is straight and level. The surface is composed primarily of asphalt. [REDACTED] is intersected by [REDACTED] [REDACTED] is an eastbound/westbound residential roadway terminating at the intersection with [REDACTED] consisting of 2 lanes. The roadway is straight and level. The surface is composed primarily of asphalt. The intersection is stop sign controlled. The collision occurred in the driveway located at [REDACTED] The driveway is located to the north-east of the intersection. There is a slight downhill grade to the driveway (downwards slope is westbound). The collision occurred in the threshold of the overhead garage door. The impact was between the driver's door of V-1, and the threshold of the overhead garage door. A second uninvolved vehicle was parked in the driveway (red Ford F-150 [REDACTED]). See photo on Page 7.

PREPARER'S NAME AND I.D. NUMBER HOWE, J. 3681	DATE 3/29/2011	REVIEWER'S NAME Sgt. Lingo	DATE 4-1-11
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STATE OF CALIFORNIA
NARRATIVE/SUPPLEMENTAL

Page 7

Date of Incident/Occurrence 2/27/2011	Time(2400) 2500	NCIC NUMBER 3300	OFFICER ID # 3681	NUMBER [REDACTED]
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Environmental conditions:

The following information was obtained from The Weather Underground. The reported weather conditions are consistent with the observed weather at the time of the investigation.

	Actual	Average	Record
Temperature			
Absol Temperature	40 °F		
Max Temperature	53 °F	62 °F	82 °F (2002)
Min Temperature	27 °F	40 °F	27 °F (2011)
Clearer Days			
Heating Degree Days	25		
Moisture			
Dew Point	30 °F		
Average Humidity	73		
Maximum Humidity	99		
Minimum Humidity	37		
Precipitation			
Precipitation	0.00 in		- 0
Sea Level Pressure			
Sea Level Pressure	30.07 in		
Wind			
Wind Speed	2 mph (SE)		
Max Wind Speed	8 mph		
Max Gust Speed			
Visibility	10 miles		
Events			

Averages and records for this station are not official NWS values.
Click here for data from the nearest station with official NWS data (KRAL)
1 Trace of Precipitation. MM = Missing Value
Seasonal Weather Averages

Source: NWS Daily Summary

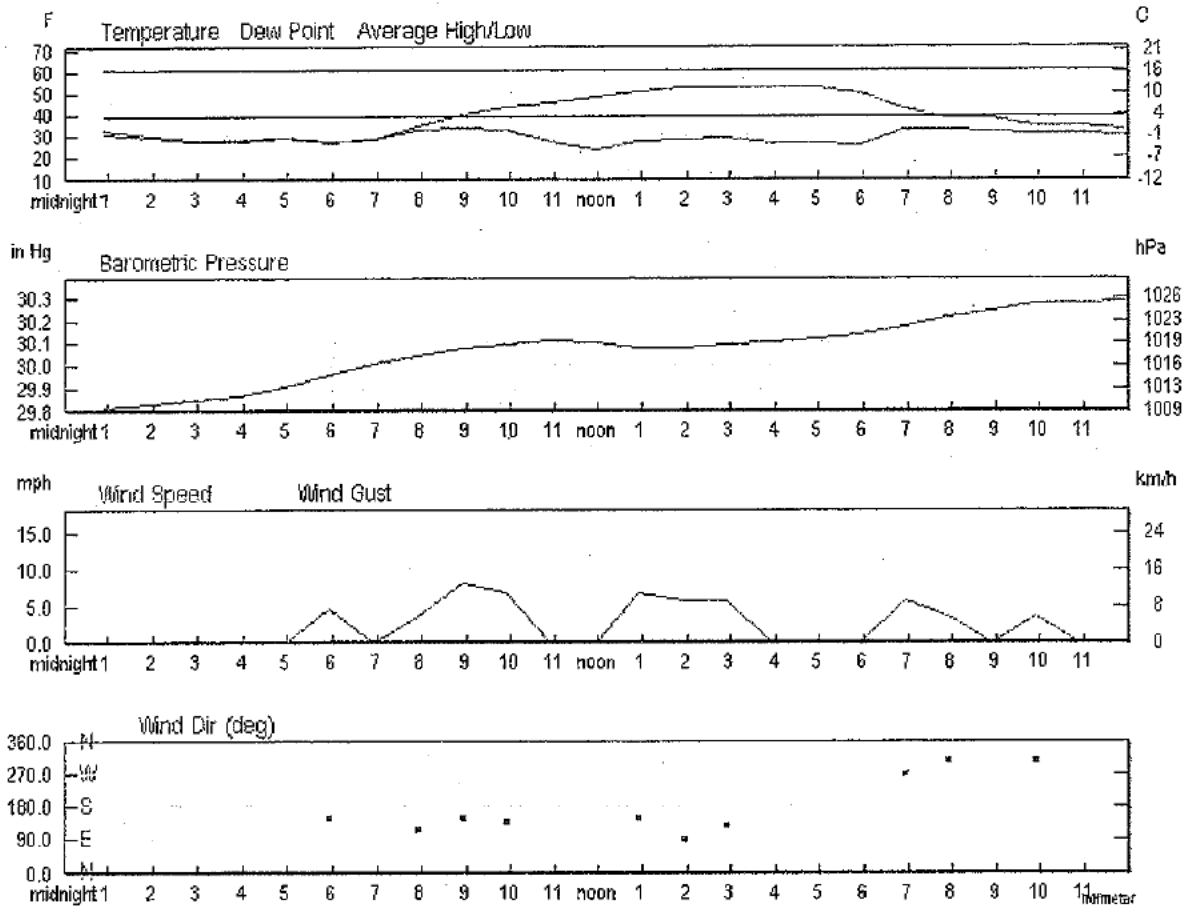
PREPARER'S NAME AND I.D. NUMBER HOWE, J. 3681	DATE 3/29/2011	REVIEWER'S NAME <i>[Signature]</i>	DATE 4-1-11
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STATE OF CALIFORNIA
NARRATIVE/SUPPLEMENTAL

(Rev 7-90) OPI 042

Page 8

Date of Incident/Occurrence 2/27/2011	Time(2400) 2500	NCIC NUMBER 3300	OFFICER ID # 3681	NUMBER [REDACTED]
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Time (PST)	Temp.	Dew Point	Humidity	Sea Level Pressure	Visibility	Wind Dir	Wind Speed	Precip	Conditions
12:55 AM	33.3 °F	32.0 °F	95%	29.81 in	10.0 miles	Calm	Calm	N/A	Clear
1:55 AM	31.3 °F	30.4 °F	96%	29.83 in	10.0 miles	Calm	Calm	N/A	Clear
2:55 AM	28.8 °F	28.4 °F	99%	29.85 in	10.0 miles	Calm	Calm	N/A	Clear
3:55 AM	28.9 °F	28.6 °F	99%	29.86 in	10.0 miles	Calm	Calm	N/A	Clear
4:55 AM	29.8 °F	29.7 °F	99%	29.91 in	10.0 miles	Calm	Calm	N/A	Clear
5:55 AM	27.9 °F	27.7 °F	99%	29.96 in	10.0 miles	SSE	4.6 mph	N/A	Clear
6:55 AM	29.3 °F	29.1 °F	99%	30.01 in	10.0 miles	Calm	Calm	N/A	Clear
7:55 AM	35.4 °F	34.0 °F	94%	30.04 in	10.0 miles	ESE	3.5 mph	N/A	Clear
8:55 AM	40.6 °F	34.9 °F	80%	30.08 in	10.0 miles	SSE	8.1 mph	N/A	Clear
9:55 AM	44.2 °F	33.6 °F	66%	30.09 in	10.0 miles	SE	6.9 mph	N/A	Clear
10:55 AM	46.0 °F	28.4 °F	50%	30.11 in	10.0 miles	Calm	Calm	N/A	Clear
11:55 AM	48.7 °F	24.6 °F	39%	30.10 in	10.0 miles	Calm	Calm	N/A	Clear
12:55 PM	51.6 °F	28.4 °F	41%	30.08 in	10.0 miles	SSE	6.9 mph	N/A	Clear

Almanac Data:

PREPARER'S NAME AND I.D. NUMBER HOWE, J. 3681	DATE 3/29/2011	REVIEWER'S NAME [Signature]	DATE 4-1-11
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STATE OF CALIFORNIA
NARRATIVE/SUPPLEMENTAL

CHP 556 (Rev 7-90) OPI 042

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Date of Incident/Occurrence	Time(2400)	NCIC NUMBER	OFFICER ID #	NUMBER
2/27/2011	2500	3300	3681	

The following data was obtained from the U.S. Naval observatory. At the time of this collision it was daylight and lighting was not a factor in this collision.

Sun and Moon Data for One Day

The following information is provided for Sun City, Riverside County, California (longitude W117.2, latitude N33.7):

Sunday
27 February 2011 Pacific Standard Time

SUN

Begin civil twilight	5:55 a.m.
Sunrise	6:20 a.m.
Sun transit	12:01 p.m.
Sunset	5:44 p.m.
End civil twilight	6:09 p.m.

MOON

Moonset	12:17 p.m. on preceding day
Moonrise	3:01 a.m.
Moon transit	8:07 a.m.
Moonset	1:16 p.m.
Moonrise	3:44 a.m. on following day

Phase of the Moon on 27 February: waning crescent with 22% of the Moon's visible disk illuminated.

Last quarter Moon on 24 February 2011 at 3:27 p.m. Pacific Standard Time.

PARTIES:

Party #1 () was located on scene. Party 1 was identified by a valid CA driver's license. Coats was placed as a party by the following items:

- *Deputy Barron's observation
- *Coats injuries
- *Her proximity to V-1
- *The witness statements provided to Deputy Barron

Dodge Grand Caravan:

Driver #1's vehicle was located on its wheels. V-1 was located partially inside the garage. Upon my arrival, V-1 had been moved by Deputy Barron. V-1 had damage to the driver's door; the door had been opened wider then initially designed. There was damage to door frame at the top and bottom outside corners of the door.

PREPARER'S NAME AND I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
HOWE, J. 3681	3/29/2011	Det Lodge	4-1-11

STATE OF CALIFORNIA
NARRATIVE/SUPPLEMENTAL

CHP 556 (Rev 7-90) OPI 042

Page 10

Date of Incident/Occurrence	Time(2400)	NCIC NUMBER	OFFICER ID #	NUMBER
2/27/2011	2500	3300	3681	

PHYSICAL EVIDENCE:

Several digital photos were taken of the scene, victims, and vehicle.

OTHER FACTUAL INFORMATION:

An autopsy was performed by the Riverside County Coroner's Office. During the autopsy, it was determined that [REDACTED] was deceased prior to the collision that caused [REDACTED] fatal injuries. For information about the autopsy reports for [REDACTED] refer to Officer Smith's supplemental reports.

STATEMENTS:

Party-1 ([REDACTED]) was deceased at the time of the investigation and could not provide a statement.

Other statements were obtained from neighbors by Deputy Barron. For further information about the statements of neighbors refer to Deputy Barron's Report.

OPINIONS AND CONCLUSIONS

SUMMARY: The vehicle in question collided with a fixed object. As a result of the collision, P-1 was pinned between the open driver's door of V-1 and the threshold of the garage door. It appears that P-1 had attempted to park P-2 in the garage after discovering O-1 [REDACTED] down in the garage. For an unknown reason P-1 did not fully put V-1 into park, but instead the vehicle was in reverse. When P-1 got out of V-1, V-1 began backing out of the garage. The open driver's door rubbed against the white storage cabinet, then pinned P-1 between the interior of the driver's door and the threshold of overhead garage door. The primary collision factor was noted as Other Improper Driving.

AREA OF IMPACT: The approximate area of impact was 32' E/ECL of [REDACTED] and 40' N/NCL of [REDACTED]

CAUSE: Based on the evidence observed, it is my opinion that Party-1 caused the collision.

RECOMMENDATIONS

None.

PREPARER'S NAME AND I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
HOWE, J. 3681	3/29/2011	[Signature]	3-1-11

**Service of Process
Transmittal**

12/22/2011

CT Log Number 519691192

TO: Melissa Graylin
Chrysler Group LLC
Office Of General Counsel, 1000 Chrysler Drive
CIMS: 485-13-62
Auburn Hills, MI 48326-2766

RE: Process Served In California

FOR: Chrysler Group LLC (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Karen Ann Pavoni, etc., et al., Pltfs. vs. Chrysler Group LLC, et al., Dfts.

DOCUMENT(S) SERVED: Letter, Notice and Acknowledgement, Summonses, Proof(s) of Service, Attachment(s), Cover Sheet, Complaint, Demand, Notice(s), Certification

COURT/AGENCY: Central District of California - U.S. District Court, CA
Case # [REDACTED]

NATURE OF ACTION: Product Liability Litigation - Breach of Warranty - Manufacturing Defect - 2008 Dodge Grand Caravan, VIN #: 2D8HN44H48R [REDACTED] - Defendant failed to repair defects

ON WHOM PROCESS WAS SERVED: C T Corporation System, Los Angeles, CA

DATE AND HOUR OF SERVICE: By Courier on 12/22/2011

JURISDICTION SERVED : California

APPEARANCE OR ANSWER DUE: Within 21 days after service (not counting the day you received it)

ATTORNEY(S) / SENDER(S): Scott P. Nealey
Lieff, Cabraser, Heimann & Bernstein, LLP
275 Battery Street
29th Floor
San Francisco, CA 94111-3339
415-956-1000

ACTION ITEMS: CT has retained the current log, Retain Date: 12/22/2011, Expected Purge Date: 12/27/2011
Image SOP

SIGNED: C T Corporation System
PER: Nancy Flores
ADDRESS: 818 West Seventh Street
Los Angeles, CA 90017
TELEPHONE: 213-337-4615

December 22, 2011

VIA FEDERAL EXPRESS

CT Corporation System
Registered Agent for Chrysler Group LLC
818 West Seventh Street, 2nd Floor
Los Angeles, CA 90017

RE: [REDACTED] *et al. v. Chrysler Group LLC et al.*
Case No. CV [REDACTED] (SPx)

To Whom It May Concern :

Enclosed please find the following documents:

1. Notice and Acknowledgement of Receipt of Summons and Complaint
2. Summons
3. Civil Case Cover Sheet
4. Complaint
5. Notice to Counsel
6. Notice of Assignment to United State Magistrate Judge for Discovery
7. Notice to Parties of ADR Program
8. Certification and Notice of Interested Parties

Should you have any questions, please do not hesitate to contact me.

Sincerely,



Cecilia Han, Esq.

CH:wp
[REDACTED]

Scott P. Nealey, Esq. (SBN 193062)
Cecilia Han, Esq. (SNB 235640)
LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP
275 Battery Street, 29th Floor
San Francisco, CA 94111-3339
Telephone: (415) 956-1000, Facsimile: (415) 956-1008

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

_____, individually _____,
individually; _____, individually; _____,
_____, individually,
PLAINTIFF(S)

CASE NUMBER

_____ (SPx)

v.
Chrysler Group LLC and DOES 1-10 inclusive,
DEFENDANT(S).

NOTICE AND ACKNOWLEDGMENT OF
RECEIPT OF SUMMONS AND COMPLAINT
(For use with State Service only)

To: CT Corporation System, Registered Agent for Defendant Chrysler Group LLC

The summons and complaint served herewith are being served pursuant to Rule 4(e)(1) of the Federal Rules of Civil Procedure and Section 415.30 of the California Code of Civil Procedure.

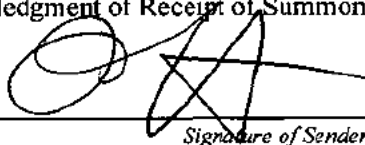
You may complete the acknowledgment part of this form and return the completed form to the sender within twenty (20) days.

If you are served on behalf of a corporation, unincorporated association including a partnership, or other entity, you must indicate under your signature your relationship to that entity and your authorization to receive process for that entity. If you are served on behalf of another person and you are authorized to receive process, you must indicate your authority under your signature.

IF YOU DO NOT complete and return the form to the sender within twenty (20) days, you (or the party on whose behalf you are being served), may be required to pay any expenses incurred in serving a summons and complaint in any other manner permitted by law.

IF YOU DO complete and return this form, you (or the party on whose behalf you are being served), must answer the complaint within the time provided in Rule 12 of the Federal Rules of Civil Procedure or judgment by default may be taken against you for the relief demanded in the complaint.

I declare, under penalty of perjury, that this Notice and Acknowledgment of Receipt of Summons and Complaint was mailed on December 22, 2011.


Signature of Sender

ACKNOWLEDGMENT OF RECEIPT OF SUMMONS AND COMPLAINT

(To be completed by recipient)

I declare under penalty of perjury, that I received a copy of the summons and complaint in the above-captioned matter at

Address

on _____

Date

Signature

Relationship to Entity/Authority to Receive Service of Process

Civil Action No. [REDACTED]

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____

☐ I personally served the summons on the individual at *(place)* _____
on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

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was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Han, Cecilia

From: cacd_ecfmail@cacd.uscourts.gov
Sent: Wednesday, December 21, 2011 11:29 AM
To: ecfnef@cacd.uscourts.gov
Subject: Activity in Case [REDACTED] et al v. Chrysler Group LLC et al
Summons Issued

This is an automatic e-mail message generated by the CM/ECF system. Please **DO NOT RESPOND** to this e-mail because the mail box is unattended.

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

Notice of Electronic Filing

The following transaction was entered on 12/21/2011 at 11:29 AM PST and filed on 12/20/2011

Case Name: [REDACTED] et al v. Chrysler Group LLC et al

Case Number: [REDACTED]

Filer:

Document Number: No document attached

Docket Text:

21 DAY Summons Issued re Complaint - (Discovery) [1] as to Defendant Chrysler Group LLC. (et)

[REDACTED] Notice has been electronically mailed to:

2 [REDACTED] Notice has been delivered by First Class U. S. Mail or by other means to:

Scott P Nealey
Lief Cabraser Heimann & Bernstein LLP
275 Battery Street 29th Floor
San Francisco, CA 94111-3339

12/21/2011

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

I (a) [REDACTED] individually.	DEFENDANTS CHRYSLER GROUP LLC
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Scott P. Nealey, Esq. Lieff, Cabraser, Helmman & Bernstein, LLP 275 Battery Street, 29th Floor San Francisco, CA 94111, (415) 956-1000	Attorneys (If Known) [REDACTED] Los Angeles, CA 90071-3124

II. BASIS OF JURISDICTION (Place an X in one box only.) ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party) ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:33%;">Citizen of This State</td> <td style="width:10%; text-align: center;">PTF DEF</td> <td style="width:33%;">Incorporated or Principal Place of Business in this State</td> <td style="width:10%; text-align: center;">PTF DEF</td> </tr> <tr> <td>☐ 1</td> <td>☐ 1</td> <td>☐ 4</td> <td>☐ 4</td> </tr> <tr> <td>Citizen of Another State</td> <td>☐ 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td>☐ 5</td> </tr> <tr> <td>☐ 2</td> <td>☒ 2</td> <td>☐ 5</td> <td>☒ 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td>☐ 3</td> <td>Foreign Nation</td> <td>☐ 6</td> </tr> <tr> <td>☐ 3</td> <td>☐ 3</td> <td>☐ 6</td> <td>☐ 6</td> </tr> </table>	Citizen of This State	PTF DEF	Incorporated or Principal Place of Business in this State	PTF DEF	☐ 1	☐ 1	☐ 4	☐ 4	Citizen of Another State	☐ 2	Incorporated and Principal Place of Business in Another State	☐ 5	☐ 2	☒ 2	☐ 5	☒ 5	Citizen or Subject of a Foreign Country	☐ 3	Foreign Nation	☐ 6	☐ 3	☐ 3	☐ 6	☐ 6
Citizen of This State	PTF DEF	Incorporated or Principal Place of Business in this State	PTF DEF																						
☐ 1	☐ 1	☐ 4	☐ 4																						
Citizen of Another State	☐ 2	Incorporated and Principal Place of Business in Another State	☐ 5																						
☐ 2	☒ 2	☐ 5	☒ 5																						
Citizen or Subject of a Foreign Country	☐ 3	Foreign Nation	☐ 6																						
☐ 3	☐ 3	☐ 6	☐ 6																						

IV. ORIGIN (Place an X in one box only.)

☒ 1 Original Proceeding
 ☐ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from another district (specify): _____
 ☐ 6 Multi-District Litigation
 ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No **MONEY DEMANDED IN COMPLAINT:** \$ _____

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 Diversity jurisdiction, 28 U.S.C. 1332

VII. NATURE OF SUIT (Place an X in one box only.)

400 State Reapportionment ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce/ICC Rates/etc. ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 810 Selective Service ☐ 850 Securities/Commodities/Exchange ☐ 875 Customer Challenge 12 USC 3410 ☐ 890 Other Statutory Actions ☐ 891 Agricultural Act ☐ 892 Economic Stabilization Act ☐ 893 Environmental Matters ☐ 894 Energy Allocation Act ☐ 895 Freedom of Info. Act ☐ 900 Appeal of Fee Determination Under Equal Access to Justice ☐ 950 Constitutionality of State Statutes	110 Insurance ☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loan (Excl. Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Fed. Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury-Med Malpractice ☐ 365 Personal Injury-Product Liability ☐ 368 Asbestos Personal Injury Product Liability ☐ 462 Naturalization Application ☐ 465 Habeas Corpus-Alien Detainee ☐ 465 Other Immigration Actions	PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability ☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 444 Welfare ☐ 445 American with Disabilities - Employment ☐ 446 American with Disabilities - Other ☐ 440 Other Civil Rights	510 Motions to Vacate Sentence Habeas Corpus ☐ 510 Motions to Vacate Sentence Habeas Corpus ☐ 530 General ☐ 535 Death Penalty ☐ 540 Mandamus/Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 610 Agriculture ☐ 620 Other Food & Drug ☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 630 Liquor Laws ☐ 640 R.E. & Truck ☐ 650 Airline Regs ☐ 660 Occupational Safety/Health ☐ 690 Other	710 Fair Labor Standards Act ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Mgmt. Relations ☐ 730 Labor/Mgmt. Reporting & Disclosure Act ☐ 740 Railway Labor Act ☐ 790 Other Labor Litigation ☐ 791 Empl. Ret. Inc. Security Act ☐ 820 Copyrights ☐ 830 Patent ☐ 840 Trademark ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS-Third Party 26 USC 7609
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FOR OFFICE USE ONLY: Case Number: [REDACTED]

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII(a). **IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes
If yes, list case number(s): _____

VIII(b). **RELATED CASES:** Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes
If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. **VENUE:** (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District*	California County outside of this District; State, if other than California; or Foreign Country
Riverside County	San Diego County

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.
 Note: In land condemnation cases, use the location of the tract of land involved.

County in this District*	California County outside of this District; State, if other than California; or Foreign Country
Riverside County	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties
 Note: In land condemnation cases, use the location of the tract of land involved.

X. **SIGNATURE OF ATTORNEY (OR PRO PER):** _____ Date December 19, 2011

Notice to Counsel/Parties: The CV-71 (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. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

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10 Attorneys for Plaintiffs

11 UNITED STATES DISTRICT COURT
12 CENTRAL DISTRICT OF CALIFORNIA
13 WESTERN DIVISION

14 [REDACTED] individually;
15 [REDACTED] individually;
16 [REDACTED] individually,

17 Plaintiffs,

18 v.

19 CHRYSLER GROUP LLC and
20 DOES 1 through 100, inclusive,

21 Defendants.

22 Case [REDACTED]

23 COMPLAINT

24 Strict Products Liability: Design Defect
25 Strict Products Liability: Failure to Warn
26 Negligent Design
27 Negligent Failure to Warn
28 Negligence
Breach of Implied Warranties -
Merchantability and Fitness For a
Particular Purpose
Wrongful Death

DEMAND FOR JURY

FILED
2016-07-20 PM 3:45
CLERK U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIF.
LOS ANGELES

- RSWC
(SPX)

1 Plaintiffs [REDACTED] individually; [REDACTED]
2 [REDACTED], individually [REDACTED], individually; [REDACTED]
3 [REDACTED], individually (collectively "Plaintiffs" unless otherwise individually
4 identified), by and through their counsel, allege as follows:

5 **I. INTRODUCTION**

6 1. These causes of action arise from a tragic incident occurring on
7 February 27, 2011 that violently claimed the lives of [REDACTED]
8 [REDACTED].

9 2. [REDACTED] ("Decedents" unless otherwise
10 individually identified) were the owners of one 2008 Dodge Grand Caravan VIN #
11 2D8HN44H48R [REDACTED] ("subject vehicle").

12 3. On information and belief, on the morning of February 27, 2011, [REDACTED]
13 [REDACTED], age 75, entered the subject vehicle to leave to attend a church service,
14 a service she attended regularly. On information and belief, Mrs. [REDACTED] started the
15 engine and placed the subject vehicle in what she reasonably believed was "park,"
16 based on the subject vehicle's cue's and lack of movement when she released her
17 foot of the service brake. On information and belief, upon reasonably believing that
18 the subject vehicle was in "park," Mrs. [REDACTED] exited the subject vehicle. On
19 information and belief, Mr. [REDACTED] was in the garage at the time Mrs. [REDACTED] exited
20 the subject vehicle. On information and belief, Mr. [REDACTED] then walked right next to
21 or in close proximity to Mrs. [REDACTED] upon her exiting the subject vehicle. On
22 information and belief, the subject vehicle idled momentarily and then suddenly,
23 without warning, began moving rearward in reverse.

24 4. On information and belief, Mr. [REDACTED] could not avoid the path of the
25 open driver's side door and was violently struck to the ground. On information and
26 belief, while on the ground, the subject vehicle ran over Mr. [REDACTED] fracturing ribs
27 on both sides of his body and inflicting bruising and damage to his right ankle as
28

1 well. With no prospect of immediate medical attention, Mr. [REDACTED] died on the floor
2 of his garage.

3 5. On information and belief, the subject vehicle moved towards Mrs.
4 [REDACTED], who could not avoid the path of the open driver's side door. Mrs. [REDACTED] was
5 pinned between the garage door frame and the open driver's side door. The driver's
6 side door was bent backward as a result of the force of the impact. Trapped between
7 the garage door frame and the open driver's side door, Mrs. [REDACTED] suffocated to
8 death, with her husband near her feet.

9 6. Plaintiffs allege the following based upon their own knowledge,
10 publicly available information, and information and belief:

11 **II. JURISDICTION AND VENUE**

12 7. This Court has jurisdiction over the subject matter of this action
13 pursuant to [REDACTED] because the amount in controversy is greater than
14 \$75,000, exclusive of interest and costs, and because there is complete diversity of
15 citizenship among the parties.

16 8. This Court has personal jurisdiction over the Defendants because a
17 substantial portion of the wrongdoing alleged in this Complaint took place in
18 California, the Defendants are authorized to do business in California, the
19 Defendants have minimum contacts with California, and/or the Defendants
20 otherwise intentionally avail themselves of the markets in California through the
21 promotion, marketing and sale of their products in California, each of which are
22 sufficient bases to render the exercise of jurisdiction by this Court permissible
23 under traditional notions of fair play and substantial justice.

24 9. Venue is proper in the Central District of California pursuant to 28
25 U.S.C. § 1391(a) and (b) because a substantial part of the events, acts and
26 omissions giving rise to these claims occurred in the Central District of California,
27 where many of the defendants have conducted substantial business.

1 **III. PARTIES**

2 **A. Plaintiffs**

3 10. Prior to her death, [REDACTED] was a resident of California.

4 11. Prior to his death, [REDACTED] was a resident of California.

5 12. Prior to her death, [REDACTED] was an active person who was in
6 good health. Mrs. [REDACTED] attended church regularly and enjoyed gardening and
7 crocheting. Mrs. [REDACTED] and Plaintiffs shared an extremely close relationship.

8 13. Prior to his death, [REDACTED] was an active person. A retired
9 contractor, Mr. [REDACTED] was skilled at wood work, often building items for his family
10 members. Mr. [REDACTED] enjoyed camping and hosting family get-togethers.

11 14. Mr. and Mrs. [REDACTED] were married for 6.5 years. Together they enjoyed
12 RV'ing across the country.

13 15. Plaintiff [REDACTED] is the natural daughter of [REDACTED]
14 [REDACTED], deceased, and is an heir to the Estate of [REDACTED].

15 16. Plaintiff [REDACTED] is the natural daughter of [REDACTED]
16 [REDACTED] deceased, and is an heir to the Estate of [REDACTED].

17 17. Plaintiff [REDACTED] is the natural son of [REDACTED]
18 [REDACTED], deceased, and is an heir to the Estate of [REDACTED].

19 18. Plaintiff, [REDACTED] is the natural son of [REDACTED],
20 deceased, and is an heir to the Estate of [REDACTED].

21 **B. Defendants**

22 19. Defendant Chrysler Group LLP ("CHRYSLER") is a Delaware
23 corporation with its principle place of business in Auburn Hills, Michigan, and is
24 authorized to do business in the State of California.

25 20. Chrysler LLC, now known as Old Carco LLC, was the manufacturer
26 of the subject vehicle. At all relevant times herein, Chrysler LLC manufactured
27 automobiles, sport utility vehicles, subject vehicles, and vans that are sold
28 throughout the United States and in foreign countries.

1 21. Pursuant to 11 U.S.C. § 363(f), Chrysler LLC or Old Carco LLC sold
2 substantially all of its assets in a bankruptcy proceeding before the U.S. Bankruptcy
3 Court for the Southern District of New York.

4 22. On August 27, 2009, Defendant CHRYSLER agreed to accept product
5 liability claims on vehicles such as the subject vehicle manufactured by Chrysler
6 LLC or Old CarCo LLC "before June 10 that are involved in accidents on or after
7 that date." See August 27, 2009 Letter from John T. Bozzella of Chrysler Group
8 LLP to Honorable Richard Durbin.

9 23. Plaintiffs are presently unaware of the true names and capacities of
10 Defendants sued herein as DOES 1-100, inclusive, and therefore sue these
11 Defendants by such fictitious names. Plaintiff will amend this complaint to allege
12 their true names and capacities when ascertained. Plaintiffs are informed and
13 believes and thereon allege that each of the fictitiously named Defendants is an
14 agent, employee or affiliate of Defendants and is responsible for the unlawful
15 conduct herein alleged, and that said Defendants proximately caused the harm
16 alleged herein.

17 **IV. FACTUAL ALLEGATIONS REGARDING THE PARK-TO-**
18 **REVERSE DEFECT**

19 24. A "park-to-reverse" defect can exist in a vehicle equipped with an
20 automatic transmission when there is inadequate mechanical force (called
21 "detenting force") provided by the automatic transmission system to ensure that the
22 vehicle's transmission always defaults into an intended gear position (such as park
23 or reverse) when an operator does not fully shift into that intended gear position.

24 25. In a vehicle with a park-to-reverse defect an operator of the vehicle in
25 normal use can inadvertently place the shift selector between the intended park and
26 reverse gear positions. The shift selector will remain for a period of time between
27 the intended gear position and from this position the vehicle then may (or may not)
28 have a delayed engagement of powered reverse, or may roll as it would in neutral.

1 26. Because of the possible delay in the engagement of reverse gear when
2 an operator places the vehicle into what, from the vehicle's "cues," the operator
3 would reasonably believe to be park, the park-to-reverse defect is unreasonably
4 dangerous because an operator may have exited the vehicle, or be exiting the
5 vehicle, when the vehicle suddenly and unexpectedly moves backwards in powered
6 reverse.

7 27. As a result of injuries and deaths resulting from park-to-reverse
8 accidents (sometimes referred to as "inadvertent rearward movement") from at least
9 the 1950's and 1960's the Automobile Industry has been aware of the defect, and
10 the need to design vehicles so as to prevent the vehicle's shift selector being placed
11 in a position between the intended gear positions from which the vehicle can then
12 have a delayed engagement of reverse.

13 28. Defendant CHRYSLER in specific was well aware of the need to
14 design its automatic transmission system so that an operator could not leave the
15 vehicle between park and reverse from which there could be a delayed engagement
16 of reverse. Notice to Defendant CHRYSLER, well prior to the Plaintiffs' and
17 decedents' injuries, of the need to avoid a park-to-reverse defect included:

18 a. numerous park-to-reverse incidents on various vehicles made by
19 Defendant CHRYSLER in the 1960's, 1970's, and 1980's which CHRYSLER
20 received notice of through customer complaints;

21 b. numerous reports of injuries and deaths and an investigation by
22 the National Highway Traffic Safety Administration ("NHTSA") (EA 91-010) of
23 Defendant CHRYSLER's K car vehicles in 1990-91. By the closing of EA 91-010
24 in 1991, Defendant CHRYSLER had received notice of 318 field reports of the
25 defect and had been sued 23 times while receiving notice of 217 accidents
26 involving property damage, 111 accidents involving injuries, and reports of 7
27 fatalities;

28

1 c. numerous reports of park-to-reverse accidents and injuries in
2 Dodge Dakota pickups beginning in model year 1987. These reports continued
3 through the opening of an NHTSA investigation of the park-to-reverse problem in
4 the Dakotas (EA 96-06) which was only closed when in 2000 Defendant
5 CHRYSLER executed a voluntary recall of certain Dodge Dakotas in an effort to
6 attempt to prevent further NHTSA action. By the time EA 96-06 was closed in
7 2000, Defendant CHRYSLER had received reports of 152 incidents, 95 crashes, 20
8 injuries, and 5 fatalities in 1991 and 1992 Dodge Dakotas, as well as numerous
9 accidents and injuries in other model year Dodge Dakotas;

10 d. in 2001, NHTSA opened another investigation, this time of the
11 Grand Cherokee for park-to-reverse problems (EA 01-017). By the time that
12 CHRYSLER instituted another voluntary recall in order to prevent further NHTSA
13 action, CHRYSLER had received 1,038 complaints involving 428 crashes, 192
14 injuries, and 4 fatalities on certain model Grand Cherokees. In addition,
15 CHRYSLER received reports of park-to-reverse accidents and injuries in additional
16 model years of the Grand Cherokee before and after this recall;

17 e. in 2004, again prior to Plaintiffs' and Decedents' injuries,
18 NHTSA opened a further investigation of Defendant CHRYSLER's 2003-2005
19 Dodge Ram 2500/3500 pick up trucks (EA 04-025). In October 2005, CHRYSLER
20 reported knowledge of 223 park-to-reverse accidents, which included 21 personal
21 injury claims, 202 crash claims, and 2 fatalities on certain Dodge Ram pick-up
22 trucks. In response to this NHTSA investigation, in March 2006, Defendant
23 CHRYSLER voluntarily recalled the vehicles and installed an "out-of-park alarm"
24 which sounded the vehicle's theft deterrent system (flashing the vehicle's lights and
25 sounding the vehicle's car alarm) if the vehicle operator placed the vehicle into
26 "false park" and then attempted to open the driver's side door with the vehicle
27 running.

28

1 29. Despite the many thousands of park-to-reverse accidents and injuries,
2 and despite the numerous deaths in park-to-reverse accidents, Defendant
3 CHRYSLER has adopted a consistent policy of refusing to admit the existence of a
4 defect in the vehicle, and instead blaming any resulting accidents, injuries, and
5 deaths on "operator error." CHRYSLER contends that in each of these cases that
6 the vehicles are being mistakenly left in reverse gear by operators.

7 30. The standard of care in the automobile industry is to fully investigate
8 complaints or reports received by an automobile manufacturer which appear to pose
9 a potential or actual safety risk.

10 31. The investigative process by which complaints or incident reports are
11 investigated is a technique called "root cause analysis" in which the vehicle
12 manufacturer's engineering staff or outside consultants will (a) determine if the
13 issue is safety-related; (b) carefully analyze the complaint to fully understand it; (c)
14 attempt to reproduce the complaint on the subject vehicle or an exemplar; (d)
15 determine if the problem is a manifestation of a unique vehicle feature (e.g., a
16 vehicle manufacturing defect); (e) if the problem is not so identified identify the
17 engineering feature of the product which allows for the mechanical system to
18 perform in the manner complained of; and (f) determine if there is an engineering
19 solution through redesigning the product which will prevent it as a mechanical
20 system from manifesting the complaint in the system or if an adequate redress is not
21 feasible, then warn adequately to prevent injury.

22 32. Despite the engineering standard being to conduct all necessary root
23 cause analysis, and the fact that CHRYSLER conducted numerous root cause
24 analyses on other potential and actual defects, CHRYSLER avoided conducting any
25 adequate root cause analysis on the park-to-reverse defects on any of its vehicles so
26 as to avoid identifying a defect which would require Defendant CHRYSLER to
27 undertake expensive measures to fix defective and dangerous vehicles which had
28 been, and were being, sold to its customers and the public such as Decedents.

1 33. Defendant CHRYSLER's refusal over a period of over 20 years to
2 conduct appropriate and necessary "root cause analysis" was done with the
3 understanding that its failure to conduct root cause analysis and identify and fix the
4 park-to-reverse defect on its vehicles would result in injuries and deaths, including
5 the injuries suffered by Plaintiffs and Decedents.

6 34. It is appropriate engineering practice in the automobile industry to
7 conduct a Design Failure Mode and Effects Analysis (DFMEA) any time a
8 manufacturer or a supplier of the product creates a new design, makes a design
9 change to an existing design, or has a different application of an existing
10 component or subsystem.

11 35. In a DFMEA, engineers engage in a process by which they attempt to
12 identify potential issues that may be presented by the design, redesign, or pairing of
13 components. In a DFMEA all prior complaints, campaigns, warranty data or other
14 documentation available on a specific component or system company-wide is
15 reviewed and analyzed to identify potential failure modes of a product, develop a
16 test protocol to test for each of the potential failure modes, and through completing
17 such tests to rule out (or identify) the ability of a design, redesign or pairing of
18 components to fail as have earlier designs.

19 36. Had a DFMEA been conducted on the transmission systems on
20 Defendant CHRYSLER's other vehicles, or the subject vehicle, it would have
21 easily identified the park-to-reverse defect in the subject vehicle.

22 37. Yet despite the fact that DFMEA is a standard procedure conducted by
23 Defendant CHRYSLER, CHRYSLER at no time conducted any DFMEA on the
24 transmission system of the subject vehicle, or of other of its vehicles.

25 **FIRST CAUSE OF ACTION**
26 **(Strict Products Liability – Design Defect)**
 (Against All Defendants)

27 38. Plaintiffs incorporate by reference all preceding paragraphs and
28 allegations as if fully set forth herein.

1 39. Defendant CHRYSLER designed, engineered, manufactured, tested,
2 assembled, marketed, advertised, sold and/or distributed the subject vehicle.

3 40. Defendants CHRYSLER and the Doe Defendants are strictly liable to
4 Plaintiffs because the subject vehicle was defective and unreasonably dangerous for
5 normal use due to its defective design, production, assembly, marketing,
6 advertising, testing, sale, maintenance and service.

7 41. Defendants CHRYSLER and the Doe Defendants designed,
8 engineered, tested, assembled, marketed, advertised, inspected, maintained, sold,
9 distributed, and placed on the market and in the stream of commerce a defective
10 product, the subject vehicle, unreasonably dangerous to the consumer, knowing that
11 the product would reach and did reach the ultimate consumer without substantial
12 change in the defective condition it was in from the date when it left each
13 Defendant's control.

14 42. Defendants CHRYSLER and the Doe Defendants knew or should
15 have known that the ultimate users or consumers of this product would not, and
16 could not, inspect the subject vehicle so as to discover the latent defects described
17 above. The subject vehicle was defective when it left the control of each of these
18 Defendants.

19 43. Defendants CHRYSLER and the Doe Defendants knew or should have
20 known of the substantial dangers involved in the reasonably foreseeable use of the
21 subject vehicle, whose defective design caused it to have an unreasonably
22 dangerous propensity in normal use to have a delayed engagement of a powered
23 reverse, from what a reasonable person reasonably believes, and from what the
24 vehicle's "cues" indicate, is "park," and thus has a high propensity to cause injury
25 and/or death to the driver and others.

26 44. Defendants CHRYSLER and the Doe Defendants knew or should have
27 known of the substantial dangers posed by the subject vehicle.

28

45. The subject vehicle was, at the time of the incident, being used in the manner intended by Defendants CHRYSLER and the Doe Defendants, and in a manner that was reasonably foreseeable by Defendants as involving a substantial danger not readily apparent.

46. Decedents were foreseeable users of the subject vehicle.

47. Decedents' and Plaintiffs' damages and injuries were the legal and proximate result of defects in the subject vehicle.

48. Plaintiffs are, therefore, entitled to damages in an amount to be proven at the time of trial.

WHEREFORE, Plaintiffs pray judgment against Defendants, and each of them, as hereinafter set forth.

SECOND CAUSE OF ACTION
(Strict Products Liability: Failure to Warn)
(Against All Defendants)

49. Plaintiffs incorporate by reference all preceding paragraphs and allegations as if fully set forth herein.

50. Defendant CHRYSLER and the Doe Defendants knew and had reason to know, but failed to warn Decedents and Plaintiffs that the subject vehicle was defective and unreasonably dangerous for normal use due to the hidden park-to-reverse defect because of the hundreds of prior complaints on the subject vehicle and the thousands of complaints on vehicles with identical and/or substantially similar transmissions.

51. Defendant CHRYSLER and the Doe Defendants knew and had reason to know, but failed to warn Decedents and Plaintiffs of the substantial dangers involved in the reasonably foreseeable use of the SUBJECT VEHICLE, whose defective design caused it to have an unreasonably dangerous propensity in normal use to have a delayed engagement of a powered reverse, from what a reasonable person reasonably believes, and from what the vehicle's "cues" indicate, is "park", and thus has a high propensity to cause injury and/or death to the driver and others.

52. Defendant CHRYSLER and the Doe Defendants designed, engineered, manufactured, tested, assembled, marketed, advertised, inspected, maintained, sold, distributed, and placed on the market and in the stream of commerce a defective product, the subject vehicle, unreasonably dangerous to the consumer, knowing that the product would reach and did reach the ultimate consumer without substantial change in the defective condition it was in from the date when it left each Defendant's control.

53. Defendant CHRYSLER and the Doe Defendants knew or should have known that the ultimate users or consumers of this product would not, and could not, inspect the subject vehicle so as to discover the latent park-to-reverse defect described above. The subject vehicle was defective when it left the control of each of these Defendants.

54. The subject vehicle was, at the time of Plaintiffs' and Decedents' injuries, being used in the manner intended by Defendant CHRYSLER and Doe Defendants, and in a manner that was reasonably foreseeable by Defendants as involving a substantial danger not readily apparent.

55. Decedents were foreseeable users of the subject vehicle.

56. Decedents' and Plaintiffs' damages and injuries were the legal and proximate result of Defendants' failure to warn of the defects and dangers inherent in the subject vehicle.

57. Plaintiffs are, therefore, entitled to damages in an amount to be proven at the time of trial.

WHEREFORE, Plaintiffs pray judgment against Defendants, and each of them, as hereinafter set forth.

THIRD CAUSE OF ACTION
(Negligent Design)
(Against CHRYSLER and the Doe Defendants)

58. Plaintiffs incorporate by reference all preceding paragraphs and allegations as if fully set forth herein.

1 59. Defendant CHRYSLER and Doe Defendants and each of them, owed a
2 duty to Decedents and Plaintiffs to use reasonable care in the design, engineering,
3 manufacturing, testing, assembly, marketing, advertisement, inspection,
4 maintenance, sale, warning and distribution of the subject vehicle, to be used by the
5 public and ultimate users, like Decedents, for the purpose for which it was intended.

6 60. Defendant CHRYSLER and Doe Defendants breached said duty and
7 are guilty of one or more of the following negligent acts and/or omissions:

8 a. Failing to use due care in the design, engineering, testing,
9 assembly, marketing, advertising, inspection, maintenance, sale and/or distribution
10 of the and/or to utilize and/or implement reasonably safe designs in the
11 manufacture of the subject vehicle;

12 b. Failing to design, manufacture and incorporate or to retrofit the
13 subject vehicle with reasonable safeguards and protections against park-to-reverse
14 incidents (or the vehicle alternatively being left in reverse and exited) and the
15 consequences thereof when used in the manner for which it was intended;

16 c. Failing to adequately prevent, identify, mitigate, and fix
17 defective designs and hazards associated with park-to-reverse incidents in
18 accordance with good engineering practices;

19 d. Failing to make timely and adequate corrections to the
20 manufacture and design of the subject vehicle so as to prevent and/or minimize the
21 problem of park-to-reverse incidents;

22 e. Otherwise being careless and negligent.

23 61. The aforementioned negligent acts and omissions of Defendants were
24 the direct and proximate cause of Plaintiffs' and Decedents' damages.

25 62. Plaintiffs are, therefore, entitled to damages in an amount to be proven
26 at the time of trial.

27 WHEREFORE, Plaintiffs pray judgment against Defendants, and each of
28 them, as hereinafter set forth.

1 **FOURTH CAUSE OF ACTION**
2 **(Negligent Failure to Warn)**
3 **(Against CHRYSLER and Doe Defendants)**

4 63. Plaintiffs incorporate by reference all preceding paragraphs and
5 allegations as if fully set forth herein.

6 64. Defendant CHRYSLER and Doe Defendants and each of them, owed a
7 duty to Decedents and Plaintiffs to use reasonable care in the design, engineering,
8 manufacturing, testing, assembly, marketing, advertisement, inspection,
9 maintenance, sale, warning and distribution of the subject vehicle to be used by the
10 public and ultimate users, like Decedents, for the purpose for which it was intended.

11 65. Defendant CHRYSLER and Doe Defendants breached said duty and
12 are guilty of one or more of the following negligent acts and/or omissions:

13 a. Failing to provide adequate and proper warnings to the public
14 and to Plaintiffs and Decedents of the propensity of the subject vehicle to be
15 involved in park-to-reverse incidents (or alternatively, the driver to inadvertently
16 exit in reverse) when used in the manner for which it was intended;

17 b. Failing to notify and warn the public including Plaintiffs and
18 Decedents of reported park-to-reverse incidents and thus misrepresenting the safety
19 of the subject vehicle generally;

20 c. Otherwise being careless and negligent.

21 66. The aforementioned negligent acts and omissions of Defendants were
22 the direct and proximate cause of Decedents' and Plaintiffs' damages.

23 67. Plaintiffs are, therefore, entitled to damages in an amount to be proven
24 at the time of trial.

25 WHEREFORE, Plaintiffs pray judgment against Defendants, and each of
26 them, as hereinafter set forth.
27
28

FIFTH CAUSE OF ACTION
(Negligence)
(Against All Defendants)

68. Plaintiffs incorporate by reference all preceding paragraphs and allegations as if fully set forth herein.

69. Defendants, and each of them, owed a duty to Decedents and Plaintiffs to use reasonable care in the design, engineering, testing, assembly, marketing, advertisement, inspection, maintenance, sale, warning and distribution of the subject vehicle, as well as any "fix" for the park-to-reverse defect to be used by the public and ultimate users, like Decedents, for the purpose for which they were intended.

70. Defendants breached said duty and are guilty of one or more of the following negligent acts and/or omissions:

a. Failing to use due care in the design, engineering, testing, assembly, marketing, advertising, inspection, maintenance, sale and/or distribution of the subject vehicle and/or to utilize and/or implement reasonably safe designs in the manufacture of the subject vehicle;

b. Failing to provide adequate and proper warnings to the public and to Decedents and Plaintiffs of the subject vehicle's propensity to be involved in park-to-reverse incidents when used in the manner for which it was intended;

c. Failing to design, incorporate, or retrofit the subject vehicle with reasonable safeguards and protections against park-to-reverse incidents and the consequences thereof when used in the manner for which it was intended;

d. Failing to adequately prevent, identify, mitigate, and fix defective designs and hazards associated with park-to-reverse incidents in accordance with good engineering practices;

e. Failing to notify and warn the public including Decedents and Plaintiffs of reported park-to-reverse incidents and thus misrepresenting the safety of the subject vehicle and the model subject vehicle generally;

1 f. Failing to make timely and adequate corrections to the
2 manufacture and design of the subject vehicle so as to prevent and/or minimize the
3 problem of park-to-reverse incidents;

4 g. Failing to use due care in the testing, inspection, maintenance
5 and servicing of the subject vehicle at all times prior to the incident; and

6 h. Otherwise being careless and negligent.

7 71. The aforementioned negligent acts and omissions of Defendants were
8 the direct and proximate cause of Decedents' and Plaintiffs' damages.

9 72. Plaintiffs are, therefore, entitled to damages in an amount to be proven
10 at the time of trial.

11 WHEREFORE, Plaintiffs pray judgment against Defendants, and each of
12 them, as hereinafter set forth.

13 **SIXTH CAUSE OF ACTION**
14 **(Breach Of Implied Warranties – Merchantability And Fitness**
15 **For A Particular Purpose)**
16 **(Against All Defendants)**

17 73. Plaintiffs incorporate by reference all preceding paragraphs and
18 allegations as if fully set forth herein.

19 74. Prior to the time that the subject vehicle was being used by Decedents
20 during the incident, the Defendants, and each of them, impliedly warranted to
21 members of the general public, including Decedents that CHRYSLER-
22 manufactured vehicles including the subject vehicle were of merchantable quality
23 and safe for the use for which it was intended by the Defendants.

24 75. Decedents relied on the skill and judgment of Defendants, and each of
25 them, in the selection, purchase and use of the subject vehicle.

26 76. The subject vehicle was not safe for its intended use nor was it of
27 merchantable quality as warranted by Defendants, and each of them, in that it was
28 defectively designed, thereby dangerously exposing the user of said CHRYSLER-
manufactured vehicles including the subject vehicle to serious injuries.

1 77. As a legal and proximate result of the breach of said implied warranty,
2 Plaintiffs and Decedents sustained the injuries and damages herein set forth.

3 78. Plaintiffs are, therefore, entitled to damages in an amount to be proven
4 at the time of trial, including, but not limited to, the purchase price of the subject
5 vehicle and all interest accrued on the principle balance.

6 **SEVENTH CAUSE OF ACTION**
7 **WRONGFUL DEATH — ALL DEFENDANTS**

8 79. Plaintiffs incorporate by reference all preceding paragraphs and
9 allegations as if fully set forth herein.

10 80. Plaintiff [REDACTED] is the natural daughter of Rose
11 Marie Coats, deceased, and is a qualifying heir to the Estate of [REDACTED].

12 81. Plaintiff [REDACTED] is the natural daughter of [REDACTED]
13 [REDACTED], deceased, and is an heir to the Estate of [REDACTED].

14 82. Plaintiff [REDACTED] is the natural son of [REDACTED]
15 Coats, deceased, and is an heir to the Estate of [REDACTED].

16 83. Plaintiff, [REDACTED], is the natural son of [REDACTED]
17 deceased, and is an heir to the Estate of [REDACTED].

18 84. As a result of Defendants' actions, inactions, and negligence as alleged
19 herein [REDACTED] and died from fatal injuries on or about February
20 27, 2011.

21 85. The damages claimed for wrongful death and the relationships of
22 Plaintiffs to decedent [REDACTED] are as follows:

23 a. [REDACTED], individually as a qualifying heir and
24 wrongful death claimant, pursuant to law, claims: loss of financial support; loss of
25 services; loss of decedent [REDACTED]'s love, companionship, comfort, care,
26 assistance, protection, affection, society, and moral support; loss of decedent [REDACTED]
27 [REDACTED] and guidance; medical, funeral and burial expenses; and all
28 other damages permitted by law.

2. For other special damages according to proof;
3. For general and emotional distress damages;
4. For prejudgment interest on the award for damages rendered in favor of Plaintiffs, calculated from the time the cause of action arose, or as provided in the California Civil Code; and

On PLAINTIFFS' SECOND CAUSE OF ACTION:

1. For medical and incidental expenses according to proof;
2. For other special damages according to proof;
3. For general and emotional distress damages;
4. For prejudgment interest on the award for damages rendered in favor of Plaintiff, calculated from the time the cause of action arose, or as provided in the California Civil Code; and

On PLAINTIFFS' THIRD CAUSE OF ACTION:

1. For medical and incidental expenses according to proof;
2. For other special damages according to proof;
3. For general and emotional distress damages;
4. For prejudgment interest on the award for damages rendered in favor of Plaintiff, calculated from the time the cause of action arose, or as provided in the California Civil Code; and

On PLAINTIFFS' FOURTH CAUSE OF ACTION:

1. For medical and incidental expenses according to proof;
2. For other special damages according to proof;
3. For general and emotional distress damages;
4. For prejudgment interest on the award for damages rendered in favor of Plaintiff, calculated from the time the cause of action arose, or as provided in the California Civil Code; and

On PLAINTIFFS' FIFTH CAUSE OF ACTION:

1. For medical and incidental expenses according to proof;

2. For other special damages according to proof;
3. For general and emotional distress damages;
4. For prejudgment interest on the award for damages rendered in favor of Plaintiff, calculated from the time the cause of action arose, or as provided in the California Civil Code; and

On PLAINTIFFS' SIXTH CAUSE OF ACTION:

1. For medical and incidental expenses according to proof;
2. For other special damages according to proof;
3. For general and emotional distress damages;
4. For prejudgment interest on the award for damages rendered in favor of Plaintiff, calculated from the time the cause of action arose, or as provided in the California Civil Code; and
5. For the purchase price of the SUBJECT VEHICLE including any and all interest accrued on principle balance.

On PLAINTIFFS' SEVENTH CAUSE OF ACTION:

1. For medical and incidental expenses according to proof;
2. For other special damages according to proof;
3. For general and emotional distress damages;
4. For prejudgment interest on the award for damages rendered in favor of Plaintiff, calculated from the time the cause of action arose, or as provided in the California Civil Code; and

ON ALL CAUSES OF ACTION:

1. For costs of suit; and
2. For such other and further relief as the court deems proper.

Dated: December 19, 2011

By: 

Scott P. Nealey

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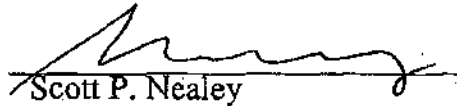
Robert J. Nelson (State Bar No. 132797)
Scott P. Nealey (State Bar No. 193062)
Cecilia Han (State Bar No. 235640)
LIEFF CABRASER HEIMANN &
BERNSTEIN, LLP
Embarcadero Center West
275 Battery Street, 30th Floor
San Francisco, CA 94111-3339
Telephone: (415) 956-1000
Facsimile: (415) 956-1008

Attorneys for Plaintiffs

1
2 **DEMAND FOR JURY TRIAL**

3 Plaintiffs hereby demand a jury trial on all causes of action and claims with
4 respect to which he has a right to jury trial.

5 Dated: December 19, 2011

6
7 By: 
8 Scott P. Nealey

9 Robert J. Nelson (State Bar No. 132797)
10 Scott P. Nealey (State Bar No. 193062)
11 Cecilia Han (State Bar No. 235640)
12 LIEFF CABRASER HEIMANN &
13 BERNSTEIN, LLP
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15 275 Battery Street, 30th Floor
16 San Francisco, CA 94111-3339
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18 Facsimile: (415) 956-1008

19 Attorneys for Plaintiffs
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UNITED STATE DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NOTICE TO COUNSEL

The court has directed that the following rules be specifically called to your attention:

- I. Continuing Obligation to Report Related Cases (Local Rule 83-1.3.3)
- II. Service of Papers and Process (Local Rule 4)

I. CONTINUING OBLIGATION TO REPORT RELATED CASES

Parties are under the continuing obligation to promptly advise the Court whenever one or more civil actions or proceedings previously commenced and one or more currently filed appear to be related.

Local Rule 83-1.3.3 states: "It shall be the continuing duty of the attorney in any case promptly to bring to the attention of the Court, by the filing of a Notice of Related Case(s) pursuant to Local Rule 83-1.3, all facts which in the opinion of the attorney or party appear relevant to a determination whether such action and one or more pending actions should, under the criteria and procedures set forth in Local Rule 83-1.3, be heard by the same judge."

Local Rule 83-1.2.1. states: "It is not permissible to dismiss and thereafter refile an action for the purpose of obtaining a different judge."

Local Rule 83-1.2.2. provides: Whenever an action is dismissed by a party or by the Court before judgment and thereafter the same or essentially the same claims, involving the same or essentially the same parties, are alleged in another action, the later-filed action shall be assigned to the judge to whom the first-filed action was assigned. It shall be the duty of every attorney in any such later-filed action to bring those facts to the attention of the Court in the Civil Cover Sheet and by the filing of a Notice of Related Case(s) pursuant to L.R. 83-1.3.

II. SERVICE OF PAPERS AND PROCESS

Local Rule 4-2 states: "Except as otherwise provided by order of Court, or when required by the treaties or statutes of the United States, process shall not be presented to a United States Marshal for Service." Service of process must be accomplished in accordance with Rule 4 of the Federal Rules of Civil Procedure or in any manner provided by State Law, when applicable. Service upon the United States, an officer or agency thereof, shall be served pursuant to the provisions of FRCP 4 (i). Service should be promptly made; unreasonable delay may result in dismissal of the action under Local Rule 41 and Rule 4(m) of the Federal Rules of Civil Procedure. Proof of service or a waiver of service of summons and complaint must be filed with the court.

This notice shall be given by the Clerk to the plaintiff at the time an action is filed (or to the defendant at the time a notice of removal is filed), and by the plaintiff to other parties as attachments to copies of the complaint and summonses, or by the defendant to other parties as attachments to copies of the notice to plaintiffs of removal to federal court, when served.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Ronald S. W. Lew and the assigned discovery Magistrate Judge is Sheri Pym.

The case number on all documents filed with the Court should read as follows:

[REDACTED]

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

FILED

2011 DEC 20 PM 3:47

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CASE NUMBER

PLAINTIFF(S)

V.

CHRYSLER GROUP LLC, ET AL

DEFENDANT(S).

**NOTICE TO PARTIES OF ADR
PROGRAM**

Dear Counsel,

The district judge to whom the above-referenced case has been assigned is participating in an ADR Program. All counsel of record are directed to jointly complete the attached ADR Program Questionnaire, and plaintiff's counsel (or defendant in a removal case) is directed to concurrently file the Questionnaire with the report required under Federal Rules of Civil Procedure 26(f).

Clerk, U.S. District Court

12/20/11

Date

By: MDAVIS

Deputy Clerk

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

[REDACTED]

PLAINTIFF(S)

V.

CHRYSLER GROUP LLC, ET AL

DEFENDANT(S)

CASE NUMBER

[REDACTED]

ADR PROGRAM QUESTIONNAIRE

(1) What, if any, discovery do the parties believe is essential in order to prepare adequately for a settlement conference or mediation? Please outline with specificity the type(s) of discovery and proposed completion date(s). Please outline any areas of disagreement in this regard. Your designations do not limit the discovery that you will be able to take in the event this case does not settle.

(2) What are the damage amounts being claimed by each plaintiff? Identify the categories of damage claimed [e.g., lost profits, medical expenses (past and future), lost wages (past and future), emotional distress, damage to reputation, etc.] and the portion of the total damages claimed attributed to each category.

(3) Do the parties agree to utilize a private mediator in lieu of the court's ADR Program?

Yes ☐ No ☐

(4) If this case is in category civil rights - employment (442), check all boxes that describe the legal bases of plaintiff claim(s).

☐ Title VII

☐ Age Discrimination

☐ 42 U.S.C. section 1983

☐ California Fair Employment and Housing Act

☐ Americans with Disabilities Act of 1990

☐ Rehabilitation Act

☐ Other _____

I hereby certify that all parties have discussed and agree that the above-mentioned responses are true and correct.

Date

Attorney for Plaintiff (Signature)

Attorney for Plaintiff (Please print full name)

Date

Attorney for Defendant (Signature)

Attorney for Defendant (Please print full name)

NAME, ADDRESS & TELEPHONE NUMBER OF ATTORNEY(S) FOR, OR, PLAINTIFF OR
DEFENDANT IF PLAINTIFF OR DEFENDANT IS PRO PER

Scott P. Nealey, Esq.
Lief, Cabraser, Heimann & Bernstein, LLP
275 Battery Street, 29th Floor San Francisco, CA 94111-3339
Telephone: (415) 956-1000

ATTORNEYS FOR: Plaintiffs

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

[REDACTED]

Plaintiff(s),

CHRYSLER GROUP LLC and DOES 1 through
109, inclusive,

Defendant(s)

CASE NO. [REDACTED]

CERTIFICATION AND NOTICE
OF INTERESTED PARTIES
(Local Rule 7.1-1)

TO: THE COURT AND ALL PARTIES APPEARING OF RECORD:

The undersigned, counsel of record for Plaintiffs
(or party appearing in pro per), certifies that the following listed party (or parties) may have a direct, pecuniary
interest in the outcome of this case. These representations are made to enable the Court to evaluate possible
disqualification or recusal. (Use additional sheet if necessary.)

PARTY

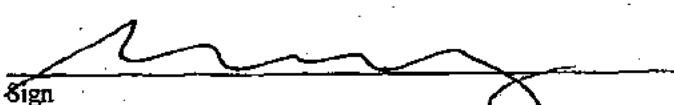
CONNECTION

(List the names of all such parties and identify their connection and interest.)

None

December 19, 2011

Date

Sign 

Scott P. Nealey, Esq.

Attorney of record for or party appearing in pro per

Express

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INCIDENT REPORT

RIVERSIDE COUNTY SHERIFF CA0330000

DATE PREPARED: 022811

☐ INITIAL ☒ SUPPLEMENTAL

1. FILE NUMBER [REDACTED]	2. DATE/TIME REPORTED 022711/1113	3. DATE/TIME ASSIGNED 022711/1113	4. DATE/TIME INV. START 022711/1121	5. DATE/TIME INV. TERM [REDACTED]	6. ADULT ARR 0	7. JUV ARR 0
8. OFFENSES - CODE SECTION 11-44		CRIME Traffic fatality		COUNTS 2	9. EDP CODE 18J2-N	
10. OFFENSES - CODE SECTION (Add or Change to)		CRIME		COUNTS	11. EDP CODE	
12. OFFENSES - CODE SECTION (Add or Change to)		CRIME		COUNTS	13. EDP CODE	
14. LOCATION OF OCCURRENCE [REDACTED]		15. REP. DIST. [REDACTED]	16. OCCURRED ON- DATE/TIME 022711/1015		17. OR BETWEEN DATE/TIME 022711/1045	
18. BUSINESS NAME			19. BUSINESS PHONE		20. CASE STATUS/ CLEARANCE CME-2	

VICTIM - REPORTING PARTY - WITNESS - OTHERS:

☒ SEE ADDITIONAL PERSONS REPORT

21. INVL DBD	22. NAME (Last, First, Middle) [REDACTED]	23. SEX M	24. RACE W	25. DOB [REDACTED]	26. AGE 83	27. HT	28. WT	29. HAIR	30. EYES	31. SKIN
32. RESIDENCE ADDRESS [REDACTED]		CITY		ZIP		33. RES. PHONE				
34. BUSINESS ADDRESS		CITY		ZIP		35. BUS. PHONE				

36. INVL DBD	37. NAME (Last, First, Middle) [REDACTED]	38. SEX F	39. RACE W	40. DOB [REDACTED]	41. AGE	42. HT	43. WT	44. HAIR	45. EYES	46. SKIN
47. RESIDENCE ADDRESS [REDACTED]		CITY		ZIP		48. RES. PHONE				
49. BUSINESS ADDRESS		CITY		ZIP		50. BUS. PHONE				

SUSPECT: ☐ ADULT ☐ JUVENILE

☐ PAROLE ☐ PROBATION

☐ SEE ADDITIONAL PERSONS REPORT ☐ ARRESTED

51. SUS#	52. NAME (Last, First, Middle)	53. SEX	54. RACE	55. DOB	56. AGE	57. HT	58. WT	59. HAIR	60. EYES	61. SKIN
62. DRIVER'S LICENSE NUMBER / ID NUMBER		63. STATE	64. SOCIAL SECURITY NUMBER		65. MNI NUMBER		66. CI NUMBER			
67. RESIDENCE ADDRESS		CITY		ZIP		68. RES. PHONE				
69. BUSINESS ADDRESS		CITY		ZIP		70. BUS. PHONE				

71. JUVENILE DISPOSITION ☐ OTHER JURIS. ☐ JUV. CRT. PROB. ☐ WITHIN DEPT. ☐ DETAINED ☐ NOT DETAINED	72. GANG DATA GANG NAME(S): ☐ Member ☐ Associate ☐ Self Admit. ☐ Prior Knowledge TATTOOS / SCARS / MARKS ☐ Face ☐ Neck ☐ R. Arm ☐ L. Arm ☐ Hands ☐ Torso ☐ Back ☐ Legs	73. TATTOOS / SCARS / MARKS / CLOTHING DESCRIPTION
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VEHICLE:

☐ REFER TO CHP 180 FORM FOR STOLEN, RECOVERED, TOWED OR IMPOUNDED

74. INVL DBD	75. LICENSE [REDACTED]	76. STATE CA	77. YEAR 2008	78. MAKE Dodge	79. MODEL Grand Caravan	80. BODY STYLE Van	81. STM/RCV AUTO VALUE AZ \$
82. COLOR/COLOR Silver	83. VIN # 2D8HN44H48R	84. OTHER IDENTIFIERS		85. DISPOSITION OF VEHICLE Inside garage		86. PHONE	
86. REGISTERED OWNER #22		87. ADDRESS		CITY	STATE	ZIP	89. DAMAGED PROPERTY VALUE \$

☐ PROPERTY REPORT ATTACHED FOR STOLEN, RECOVERED OR DAMAGED PROPERTY

REPORTING OFFICER BARRON	OFF I.D. #3827	REVIEWED BY / DATE [Signature] 4-1-11	ENTERED BY / DATE [Signature] 3312	ENTERED BY / DATE
COPIES TO: Dep. Howe	APR SENT:	APR CANCELLED:	DOJ-NCIC ENTERED:	DOJ-NCIC CANCELED:

ADDITIONAL PERSONS REPORT

RIVERSIDE COUNTY SHERIFF CA0330000

Page 2 of 6

FILE NUMBER:
[REDACTED]

☐ INITIAL ☒ SUPPLEMENTAL

VICTIM - REPORTING PARTY - WITNESS - OTHERS:

☐ SEE ADDITIONAL PERSONS REPORT

1. INVL REP	2. NAME (Last, First, Middle) [REDACTED]	3. SEX M	4. RACE W	5. DOB [REDACTED]	6. AGE [REDACTED]	7. HT [REDACTED]	8. WT [REDACTED]	9. HAIR [REDACTED]	10. EYES [REDACTED]	11. SKIN [REDACTED]
12. RESIDENCE ADDRESS [REDACTED]		CITY Menifee		ZIP [REDACTED]		13. RES. PHONE [REDACTED]				
14. BUSINESS ADDRESS [REDACTED]		CITY [REDACTED]		ZIP [REDACTED]		15. BUS. PHONE [REDACTED]				

16. INVL OTH	17. NAME (Last, First, Middle) [REDACTED]	18. SEX F	19. RACE W	20. DOB [REDACTED]	21. AGE [REDACTED]	22. HT [REDACTED]	23. WT [REDACTED]	24. HAIR [REDACTED]	25. EYES [REDACTED]	26. SKIN [REDACTED]
27. RESIDENCE ADDRESS [REDACTED]		CITY [REDACTED]		ZIP [REDACTED]		28. RES. PHONE #13				
29. BUSINESS ADDRESS [REDACTED]		CITY [REDACTED]		ZIP [REDACTED]		30. BUS. PHONE [REDACTED]				

31. INVL OTH	32. NAME (Last, First, Middle) [REDACTED]	33. SEX F	34. RACE [REDACTED]	35. DOB [REDACTED]	36. AGE [REDACTED]	37. HT [REDACTED]	38. WT [REDACTED]	39. HAIR [REDACTED]	40. EYES [REDACTED]	41. SKIN [REDACTED]
42. RESIDENCE ADDRESS #12		CITY [REDACTED]		ZIP [REDACTED]		43. RES. PHONE [REDACTED]				
44. BUSINESS ADDRESS [REDACTED]		CITY [REDACTED]		ZIP [REDACTED]		45. BUS. PHONE [REDACTED]				

46. INVL OTH	47. NAME (Last, First, Middle) Sieger, Jeff CDF Paramedic	48. SEX M	49. RACE [REDACTED]	50. DOB [REDACTED]	51. AGE [REDACTED]	52. HT [REDACTED]	53. WT [REDACTED]	54. HAIR [REDACTED]	55. EYES [REDACTED]	56. SKIN [REDACTED]
57. RESIDENCE ADDRESS [REDACTED]		CITY Menifee		ZIP [REDACTED]		58. RES. PHONE [REDACTED]				
59. BUSINESS ADDRESS [REDACTED]		CITY [REDACTED]		ZIP [REDACTED]		60. BUS. PHONE [REDACTED]				

61. INVL OTH	62. NAME (Last, First, Middle) [REDACTED]	63. SEX M	64. RACE [REDACTED]	65. DOB [REDACTED]	66. AGE [REDACTED]	67. HT [REDACTED]	68. WT [REDACTED]	69. HAIR [REDACTED]	70. EYES [REDACTED]	71. SKIN [REDACTED]
72. RESIDENCE ADDRESS [REDACTED]		CITY Menifee		ZIP [REDACTED]		73. RES. PHONE [REDACTED]				
74. BUSINESS ADDRESS [REDACTED]		CITY [REDACTED]		ZIP [REDACTED]		75. BUS. PHONE [REDACTED]				

76. INVL OTH	77. NAME (Last, First, Middle) RSO Sgt. Kelly #2045	78. SEX [REDACTED]	79. RACE [REDACTED]	80. DOB [REDACTED]	81. AGE [REDACTED]	82. HT [REDACTED]	83. WT [REDACTED]	84. HAIR [REDACTED]	85. EYES [REDACTED]	86. SKIN [REDACTED]
87. RESIDENCE ADDRESS [REDACTED]		CITY Perris		ZIP 92571		88. RES. PHONE [REDACTED]				
89. BUSINESS ADDRESS 137 N. Perris Blvd		CITY [REDACTED]		ZIP [REDACTED]		90. BUS. PHONE 9512101000				

91. INVL OTH	92. NAME (Last, First, Middle) RSO Cpl. Poirazzo #3299	93. SEX [REDACTED]	94. RACE [REDACTED]	95. DOB [REDACTED]	96. AGE [REDACTED]	97. HT [REDACTED]	98. WT [REDACTED]	99. HAIR [REDACTED]	100. EYES [REDACTED]	101. SKIN [REDACTED]
102. RESIDENCE ADDRESS [REDACTED]		CITY [REDACTED]		ZIP [REDACTED]		103. RES. PHONE [REDACTED]				
104. BUSINESS ADDRESS #89		CITY [REDACTED]		ZIP [REDACTED]		105. BUS. PHONE #90				

106. INVL OTH	107. NAME (Last, First, Middle) RSO Inv. Pelato #2109	108. SEX [REDACTED]	109. RACE [REDACTED]	110. DOB [REDACTED]	111. AGE [REDACTED]	112. HT [REDACTED]	113. WT [REDACTED]	114. HAIR [REDACTED]	115. EYES [REDACTED]	116. SKIN [REDACTED]
117. RESIDENCE ADDRESS [REDACTED]		CITY [REDACTED]		ZIP [REDACTED]		118. RES. PHONE [REDACTED]				
119. BUSINESS ADDRESS #89		CITY [REDACTED]		ZIP [REDACTED]		120. BUS. PHONE #90				

EVIDENCE**ITEM QUANTITY DESCRIPTION**

01	01	North American Arms 5 shot revolver #L053503
02	05	5 rounds of .22lr hollowpoint

All items have been booked into evidence storage at the Perris Station.

ATTACHMENT

1. Critical incident log

DETAILS

On Sunday, February 27, 2011, I was on patrol in a marked Menifee Police unit patrolling the city of Menifee. At 1113 hours, I was assigned to respond to [REDACTED] in Menifee reference an agency assist call to the California Department of Fire. Dispatch advised the reporting party saw his neighbor was trapped between her vehicle and her garage door and she was unresponsive. When I received the call I was in the Target parking lot at [REDACTED] in Menifee. I exited the parking lot to north bound [REDACTED] and turned onto [REDACTED] heading east. At 1116 hours, dispatch contacted me and asked my ETA to the residence due to CDF staging away from the residence.

I advised dispatch of my location and to ask my supervision for permission for code 3 response. Sgt. Kelly approved code 3 response and I engaged my lights and sirens while responding to the location. When I turned right from [REDACTED] onto [REDACTED] I noticed a CDF fire engine parked on [REDACTED] facing west. I then turned left from [REDACTED] onto westbound [REDACTED], right onto [REDACTED] and made another right onto [REDACTED]. As I turned onto [REDACTED] I saw the CDF engine following behind me.

At about 1121 hours, I arrived at [REDACTED] and found the garage door open. A silver Dodge Grand Caravan License# [REDACTED] was parked, facing east, partially inside of the garage with the driver's door open. The van door was bent open substantially beyond what it would normally open. When I approached the van, I noticed there was a female adult, later identified as [REDACTED] pinned between the driver's door of the van and the frame of the garage door. There was what appeared to be a pile of vomit on the ground underneath [REDACTED]. I also noticed there was a male adult, later identified as [REDACTED] lying on the ground underneath [REDACTED]. [REDACTED] head was facing north, away from the van with his legs underneath the van. The van's front driver's side tire was parked on top of [REDACTED] right ankle. Due to the position of the van, [REDACTED] I was unable to determine whether either was breathing or had a pulse.

1 The van was idling and was in the Reverse gear. I entered the van through the
2 driver's door, turned the steering wheel to the right and placed the gear selector into the
3 Drive gear. I drove the van forward about three feet, being cautious not to drive over
4 [REDACTED] feet which were on both sides of the left front tire. When I drove the van to the
5 right, [REDACTED] body became unpinned from the driver's door and dropped on top of [REDACTED]
6 body. I was still unable to get to either body to check for vital signs, so I ran around the
7 rear of the van to go into the garage and gain access. When I was running around the van,
8 I looked around and noticed the CDF engine and its occupants were still parked south of
9 my location about ten residences away. I advised sheriff's dispatch to have CDF come to
10 my location and assist me.

11
12 I checked both [REDACTED] and found that neither was breathing nor had a
13 pulse. At 1123 hours, CDF arrived on scene and rechecked [REDACTED] confirming my
14 findings but stating that both bodies were still warm. CDF moved [REDACTED] body onto a
15 backboard and connected some equipment to both [REDACTED] bodies. CDF Medic
16 Jeff Sieger pronounced both [REDACTED] dead at 1129 hours and CDF placed
17 blankets over both bodies.

18
19 At about 1135 hours, Corporal Porrazzo, Investigator Pelato and Sergeant Kelly
20 arrived on scene. All assisted in clearing the scene of CDF personnel and Cpl. Porrazzo
21 set up the crime scene perimeter. I spoke with the reporting party, [REDACTED] in his
22 driveway at [REDACTED] in Menifee. In summary he stated the following: He
23 last saw [REDACTED] on 022611, at about 1800 hours. On 022711, about 1045
24 hours, his wife [REDACTED] left their residence to go to the store. As she left she noticed
25 the [REDACTED] van parked in the driveway with the door open and something being held
26 between the door and the garage door frame. She believed the [REDACTED] were trying to hold
27 the door open with a teddy bear and did not think the object being pinned was a human
28 body.

29
30 At about 1110 hours, the [REDACTED] granddaughter, [REDACTED] was returning
31 to her grandparent's house at [REDACTED] when she noticed [REDACTED] pinned
32 between the van door and the garage. [REDACTED] ran to her grandparent's house and told
33 [REDACTED] who dialed 911. While speaking with [REDACTED] I also spoke with [REDACTED]
34 [REDACTED] left her grandparents house at 1015 hours and did not see the van in the
35 driveway, but did see the van when she returned at about 1110 hours. They had no further
36 information. I also spoke with neighbor [REDACTED] who resides at [REDACTED]
37 [REDACTED] stated the last time he saw the [REDACTED] before 022711 was on 022611 at 1500
38 hours. [REDACTED] had no further information.

39
40 At about 1200 hours, Sgt. Lingo arrived on scene and stated the traffic team
41 would assume the investigation. At about 1230 hours, Deputy Howe arrived and assumed
42 the investigation. At 1400 hours, Cori Kopitzke from Sheriff's Forensics arrived on
43 scene. At 1430 hours, Aimee Roberts from the Sheriff Coroner's office arrived on scene.

44 While [REDACTED] was clearing property from [REDACTED] body a .22 caliber
45 revolver serial # [REDACTED] was found in his right front pants pocket. At 1536 hours, I took
46 possession of the revolver, returned to the Perris Station and booked the revolver into

1 evidence storage. At 1436 hours, Ron Moore and Quincy Moore from Coroner transport
2 arrived on scene to retrieve both bodies. Coroner's transport cleared the scene with the
3 bodies at 1515 hours.
4

5 **STATUS: CME-2**

INCIDENT REPORT

DATE PREPARED: 022811

RIVERSIDE COUNTY SHERIFF CA0330000

☐ INITIAL ☒ SUPPLEMENTAL

2. DATE / TIME REPORTED		3. DATE / TIME ASSIGNED		4. DATE / TIME INV. START		5. DATE / TIME INV. TERM		6. Adult ARR		7. Juv. ARR	
8. OFFENSES - CODE SECTION		CRIME		COUNTS		9. EDP CODE					
1144 FATAL INJURY TRAFFIC COLLISION				01		1922N					
10. OFFENSES - CODE SECTION (Add or Change to)		CRIME		COUNTS		11. EDP CODE					
12. OFFENSES - CODE SECTION (Add or Change to)		CRIME		COUNTS		13. EDP CODE					
15. REP. DIST.		15. OCCURRED ON - DATE / TIME		17. OR BETWEEN: DATE / TIME							
19. BUSINESS PHONE		23. CASE STATUS / CLEARANCE		EXC							

VICTIM - REPORTING PARTY - WITNESS - OTHER:

☐ See Additional Persons Report

21. INVL	22. NAME (Last, First, Middle)	23. SEX	24. RACE	25. DOB	26. AGE	27. HT	28. WT	29. HAIR	30. EYES	31. SKIN	
	P18										
32. RESIDENCE ADDRESS		CITY		ZIP		33. RES. PHONE					
34. BUSINESS ADDRESS		CITY		ZIP		35. BUS. PHONE					
36. INVL	37. NAME (Last, First, Middle)	38. SEX	39. RACE	40. DOB	41. AGE	42. HT	43. WT	44. HAIR	45. EYES	46. SKIN	
47. RESIDENCE ADDRESS		CITY		ZIP		48. RES. PHONE					
49. BUSINESS ADDRESS		CITY		ZIP		50. BUS. PHONE					

SUSPECT:

☐ Adult ☐ Juvenile

☐ Parole ☐ Probation

☐ See Additional Persons Report

☐ ARRESTED

51. SUS #	52. NAME (Last, First, Middle)	53. SEX	54. RACE	55. DOB	56. AGE	57. HT	58. WT	59. HAIR	60. EYES	61. SKIN	
62. DRIVER'S LICENSE NUMBER / ID NUMBER		63. STATE	64. SOCIAL SECURITY NUMBER		65. MNI NUMBER		66. CI NUMBER				
67. RESIDENCE ADDRESS		CITY		ZIP		68. RES. PHONE					
69. BUSINESS ADDRESS		CITY		ZIP		70. BUS. PHONE					
71. JUVENILE DISPOSITION: ☐ Other Juris. ☐ Juv. Cr. Prob. ☐ Within Dept. ☐ Detained ☐ Not Detained											
72. GANG DATA					73. TATTOOS / SCARS / MARKS / CLOTHING DESCRIPTION						
Gang Name(s):											
☐ Member ☐ Associate ☐ Self Admit ☐ Prior Knowledge											
TATTOOS / SCARS / MARKS											
☐ Face ☐ Neck ☐ R.Arm ☐ L.Arm ☐ Hands ☐ Torso ☐ Back ☐ Legs											

VEHICLE:

☐ REFER TO CHP 180 FORM FOR STOLEN, RECOVERED, TOWED OR IMPOUNDED

74. INVL	75. LICENSE	76. STATE	77. YEAR	78. MAKE	79. MODEL	80. BODY STYLE	81. STN / RCV AUTO VALUE
							A2: \$
82. COLOR/COLOR	83. VIN #	84. OTHER IDENTIFIERS				85. DISPOSITION OF VEHICLE	
86. REGISTERED OWNER		87. ADDRESS		CITY	STATE	ZIP	88. PHONE

☐ PROPERTY REPORT ATTACHED FOR STOLEN, RECOVERED, OR DAMAGED PROPERTY

89. DAMAGED PROPERTY VALUE \$

REPORTING OFFICER	OFF. ID	REVIEWED BY / DATE	ENTERED BY / DATE	ENTERED BY / DATE
C. SMITH	N3130	Sgt Lingo 8-1-11 3312		
COPIES TO:		APR SENT:	APR CANCELED:	DOJ-NCIC ENTERED:
				DOJ-NCIC CANCELED:

Continuation Sheet

Page 1

INJURIES:

Internal Injuries:

1. Broken ribs

External Injuries:

1. 4" cut to lower left leg
2. Small abrasion on the upper left abdomen

CAUSE OF DEATH:

"Positional Asphyxia"

DETAILS:

On Monday, February 28, 2011 at about 0900 hours, I arrived at the Riverside County Coroner's Office to observe the autopsy of [REDACTED] who was found deceased in the garage of her residence on 02/27/11.

The Pathologist conducting the autopsy was Dr. Joanna Young.

The examination began at approximately 0910 hours. [REDACTED] was presented with no clothing or outerwear on him. A toe tag was on the body. The procedure consisted of cleaning of the body, and an external and internal examination.

The autopsy was complete at approximately 1010 hours with the listed cause of death as "Positional Asphyxia." This supplemental report is to be attached to the original report.

INCIDENT REPORT

DATE PREPARED: 022811

RIVERSIDE COUNTY SHERIFF CA0330000

☐ INITIAL ☒ SUPPLEMENTAL

1. FILE NUMBER	2. DATE / TIME REPORTED	3. DATE / TIME ASSIGNED	4. DATE / TIME INV. START	5. DATE / TIME INV. TERM	6. Adult ARR	7. Juv ARR
8. OFFENSES - CODE SECTION		CRIME		COUNTS	9. EDP CODE	
1144 FATAL INJURY TRAFFIC COLLISION				01	18JAN	
10. OFFENSES - CODE SECTION (Add or Change to)		CRIME		COUNTS	11. EDP CODE	
12. OFFENSES - CODE SECTION (Add or Change to)		CRIME		COUNTS	13. EDP CODE	
14. LOCATION OF OCCURRENCE		15. REP. DIST.	16. OCCURRED ON - DATE / TIME		17. OR BETWEEN: DATE / TIME	
18. BUSINESS NAME		19. BUSINESS PHONE			20. CASE STATUS / CLEARANCE	
					EXC	

VICTIM - REPORTING PARTY - WITNESS - OTHER:

☐ See Additional Persons Report

21. INVL	22. NAME (Last, First, Middle)	23. SEX	24. RACE	25. DOB	26. AGE	27. HT	28. WT	29. HAIR	30. EYES	31. SKIN
	P1B									
32. RESIDENCE ADDRESS		CITY		ZIP		33. RES. PHONE				
34. BUSINESS ADDRESS		CITY		ZIP		35. BUS. PHONE				
36. INVL	37. NAME (Last, First, Middle)	38. SEX	39. RACE	40. DOB	41. AGE	42. HT	43. WT	44. HAIR	45. EYES	46. SKIN
47. RESIDENCE ADDRESS		CITY		ZIP		48. RES. PHONE				
49. BUSINESS ADDRESS		CITY		ZIP		50. BUS. PHONE				

SUSPECT:

☐ Adult ☐ Juvenile

☐ Parole ☐ Probation

☐ See Additional Persons Report

☐ ARRESTED

51. SUS #	52. NAME (Last, First, Middle)	53. SEX	54. RACE	55. DOB	56. AGE	57. HT	58. WT	59. HAIR	60. EYES	61. SKIN
62. DRIVER'S LICENSE NUMBER / ID NUMBER		63. STATE	64. SOCIAL SECURITY NUMBER		65. MNT NUMBER		66. CID NUMBER			
67. RESIDENCE ADDRESS		CITY		ZIP		68. RES. PHONE				
69. BUSINESS ADDRESS		CITY		ZIP		70. BUS. PHONE				
71. JUVENILE DISPOSITION: ☐ Other Juris. ☐ Juv. Crim. Prob. ☐ Within Dept. ☐ Detained ☐ Not Detained										
72. GANG DATA					73. TATTOOS / SCARS / MARKS / CLOTHING DESCRIPTION					
Gang Name(s):										
☐ Member ☐ Associate ☐ Self Admit ☐ Prior Knowledge										
TATTOOS / SCARS / MARKS										
☐ Face ☐ Neck ☐ R.Arm ☐ L.Arm ☐ Hands ☐ Torso ☐ Back ☐ Legs										

VEHICLE:

☐ REFER TO CHP 180 FORM FOR STOLEN, RECOVERED, TOWED OR IMPOUNDED

74. INVL	75. LICENSE	76. STATE	77. YEAR	78. MAKE	79. MODEL	80. BODY STYLE	81. STN / RCV AUTO VALUE
							A2: \$
82. COLOR/COLOR	83. VIN #		84. OTHER IDENTIFIERS		85. DISPOSITION OF VEHICLE		
86. REGISTERED OWNER		87. ADDRESS		CITY	STATE	ZIP	88. PHONE

☐ PROPERTY REPORT ATTACHED FOR STOLEN, RECOVERED, OR DAMAGED PROPERTY

89. DAMAGED PROPERTY VALUE \$

REPORTING OFFICER	OFF. ID	REVIEWED BY / DATE	ENTERED BY / DATE	ENTERED BY / DATE
C. SMITH	N3130	545 LING 3312	4-1-11	
COPIES TO:		APR SENT:	APR CANCELED:	DOJ-NCIC ENTERED:
				DOJ-NCIC CANCELED:

INJURIES:

Internal Injuries:

1. Broken ribs

External Injuries:

1. Abrasions to right ankle

CAUSE OF DEATH:

"Hypertensive Cardiovascular Disease"

DETAILS:

On Monday, February 28, 2011 at about 0900 hours, I arrived at the Riverside County Coroner's Office to observe the autopsy of [REDACTED] who was found deceased in the garage of his residence on 02/27/11.

The Pathologist conducting the autopsy was Dr. Joanna Young.

The examination began at approximately 0910 hours. [REDACTED] was presented with no clothing or outerwear on him. A toe tag was on the body. The procedure consisted of cleaning of the body, and an external and internal examination.

The autopsy was complete at approximately 1010 hours with the listed cause of death as "Hypertensive Cardiovascular Disease." This supplemental report is to be attached to the original report.

To protect the privacy of individuals, NHTSA does not make medical records available to the public without authorization. For this reason, documents falling into this category have not been included in this complaint record.

COATS VEHICLE INSPECTION

VIN 8R [REDACTED] 2008 RT

[REDACTED]



CENTURY

• 626 334-1383 •

AZUSA, CA

1045-K KIRK WALL



CA142755

1045 W. KIRK WALL













































CA142755





Jeep
LIBERTY

GRAND CARAVAN

CA142755









MFD BY CHRYSLER LLC

DATE OF MFR: 12-07

GAIR FRONT: 1339 KG 2950 LB

16X6.5

GAIR REAR: 1407 KG 3100 LB

16X6.5

GAIR: 2745 KG 6050 LB

WITH 225/65R16 TIRES

RIMS AT 250 KPA (36 PSI) COLD

WITH 225/65R16 TIRES

RIMS AT 250 KPA (36 PSI) COLD



THIS VEHICLE CONFORMS TO ALL APPLICABLE U.S.A. FEDERAL MOTOR VEHICLE SAFETY STANDARDS IN EFFECT ON THE DATE OF MANUFACTURE SHOWN ABOVE.

VIN: 2D8HN44U48E [REDACTED]

TYPE: MPV

DATE: 12/06/15 09:00

VEHICLE MADE IN CANADA PAINT: PS2

12/11/2015

MPD BY CHRYSLER LLC

DATE OF MFR: 12-07

GVWR FRONT: 1339 KG 2950 LB

16X6.5

GVWR REAR: 1407 KG 3100 LB

16X6.5

GVWR:

2745 KG 6050 LB

WITH

225/65R16

TIRES

RIMS AT

250 KPA (36 PSI) COLD

TIRES

WITH

225/65R16

TIRES

RIMS AT

250 KPA (36 PSI) COLD



THIS VEHICLE CONFORMS TO ALL APPLICABLE U.S.A. FEDERAL MOTOR VEHICLE SAFETY

STANDARDS IN EFFECT ON THE DATE OF MANUFACTURE SHOWN ABOVE.

VIN: 208H44H48R6

TYPE:

MPV

DOB: 12/01/15 020093

VEHICLE MADE IN CANADA

PAINT: PS2

10111795

45111100







©K208HN4418R

OX208HN44H48R [REDACTED] 30



Vehicle View

Roll over an ECU to see full name. Click on an ECU for complete details.

2008 RT 3.3L

VIN: 2D8HN44H48P

Battery: 12.30 volts

Legend

- Active ECU
- Non-responsive ECU
- DTCs Present
- ECU Not Built
- ↻ Scanning ECU
- New Flash Available
- Diag CAN C Bus Line
- CAN C Bus Line
- IHS Bus Line



All DTCs

Diagnostic Procedures

Customer Preferences

Vehicle Preparations

Double-click row selection to view environmental data. click on column heading to sort table.

View Freeze Frame

View Event Data

Clear Stored

All Active Stored Pending

	ECU	Code	Status	Description
	WCM	C0077	active	Low Tire Pressure
	HVAC	B1028	stored	Rear Blower Control Request Input Circuit Low

You have unread knowledge base articles. Click here to open the RSS viewer.

Disconnect

Warnings: 0

(15) new knowledge base articles

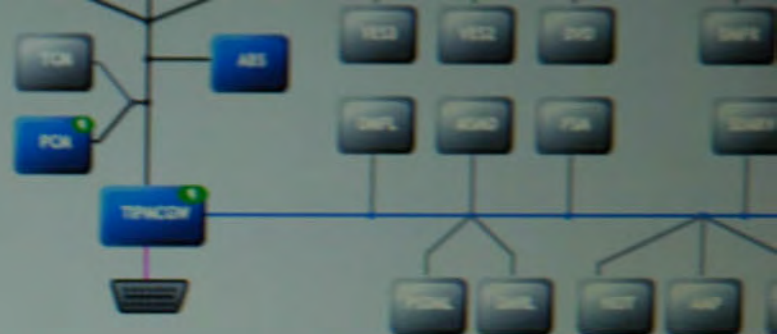
Dealer Code: 44039

10:27

7/13/2

TOSHIBA

- Active ECU
- Non-responsive ECU
- DTCs Present
- ECU Not Built
- Scanning ECU
- New Flash Available
- Diag CAN C Bus Line
- CAN C Bus Line
- BHS Bus Line



All DTCs

Diagnostic Procedures

Customer Preferences

Vehicle Preparations

Double-click row selection to view environmental data. Click on column heading to sort table.

All Active Stored Pending

ECU	Code	Status	Description
WCM	C0077	active	Low Tire Pressure
HVAC	B1028	stored	Rear Blower Control Request Input Circuit Low

You have unread knowledge base articles. Click here to open the RSS viewer.

(15) New knowledge base articles

Dealer Code: 44029

TOSHIBA



VEHICLE EMISSION CONTROL INFORMATION

DaimlerChrysler Corporation

CONFORMS TO REGULATIONS: 2008 MY FFV

U.S. EPA: T2 B5 LDT OBD: CA II FUEL: Gasoline/Ethanol

GROUP: 8CRXT03.3NEP

TWC, HO2S(2), EGR, S

EVAP: 8CRXR0150XHA

No Adjustments Needed

CALIFORNIA: OBD: CA II FUEL: Gasoline/Ethanol
Certified for sale LEV II qualified.



04881008AB

1437621AB



ATTENTION

R-134a A/C REFRIGERANT FACTORY CHARGE:

SINGLE UNIT: 20 oz. (5.67 lb - 0.82 kg)
DUAL UNIT: 40.6 oz. (11.38 lb - 1.16 kg)
(PART NO. 82200101)

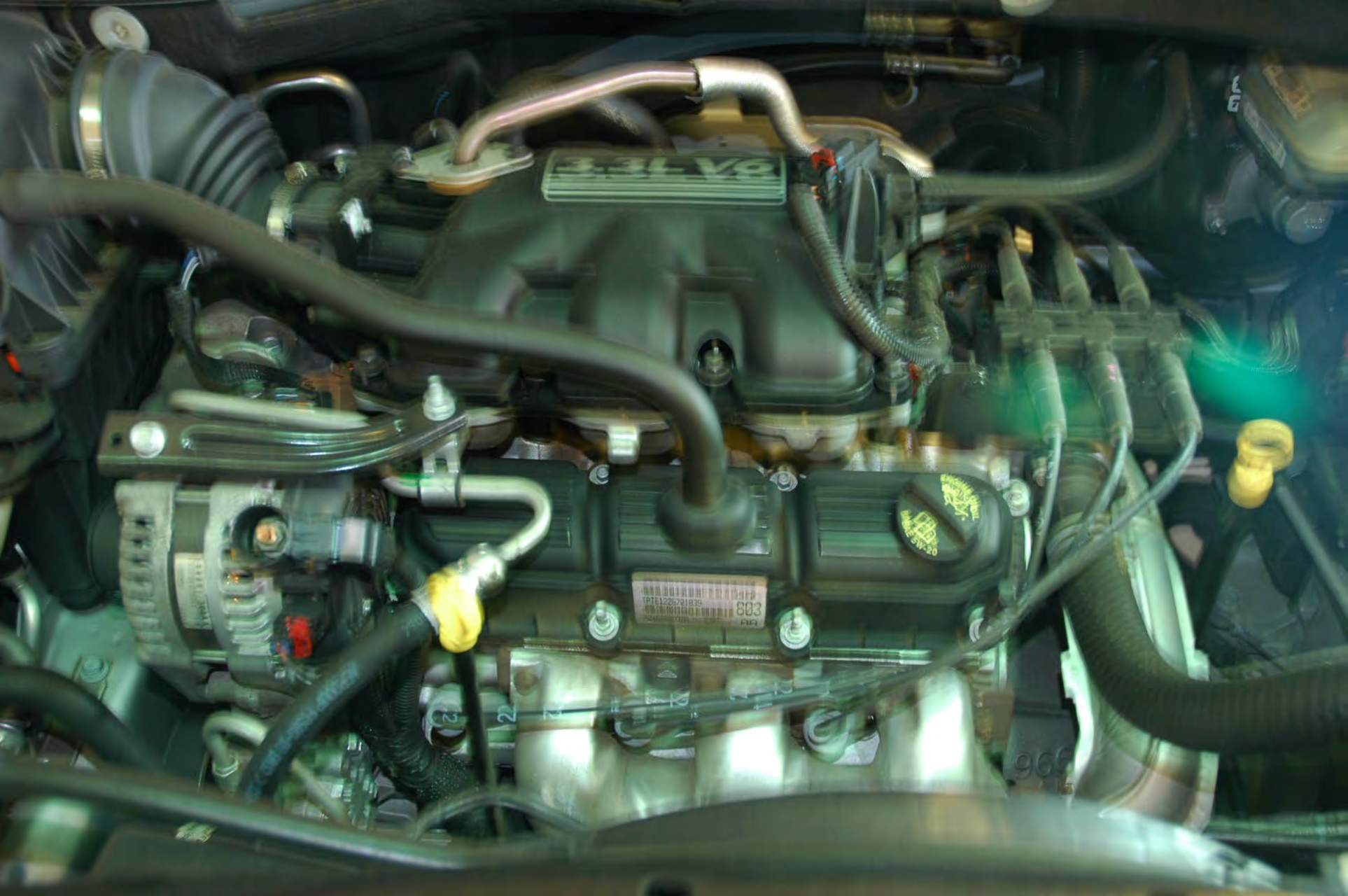
COMPRESSOR OIL:
(FOR PAG PART NO. 82300102)

WARNING ⚠️ MISE EN GARDE ⚠️ ADVERTENCIA

HIGH-PRESSURE REFRIGERANT SYSTEM TO BE SERVICED BY QUALIFIED PERSONNEL ONLY.
CONSULT SERVICE MANUAL. IMPROPER SERVICE METHODS MAY CAUSE PERSONAL INJURY.
SYSTEM MEETS SAFETY REQUIREMENTS OF SAE STANDARD J639.

SYSTÈME DE CLIMATISATION SOUS HAUTE PRESSION DEVANT ÊTRE RÉPARÉ PAR UN TECHNICIEN QUALIFIÉ.
CONSULTEZ LE MANUEL D'ENTRETIEN. DES BLESSURES CORPORELLES SONT POSSIBLES SI NON RÉPARÉ
CORRECTEMENT. SYSTÈME CONFORME AUX CRITÈRES DE SÉCURITÉ DE LA NORME SAE J639.

SISTEMA DE REFRIGERANTE DE ALTA PRESIÓN SÓLO DEBE SER REPARADO POR PERSONAL CALIFICADO.
CONSULTE EL MANUAL DE SERVICIO. MÉTODOS INADECUADOS DE REPARACIÓN PODRÁN CAUSAR LESIONES
PERSONALES. EL SISTEMA CUMPLE LAS NORMAS DE SEGURIDAD ESTÁNDAR SAE J639.



3.3L V6

803

5W-20

2

966

TPKTK20
P048004



78524

41AA

039



















EXTRA

225/65R16

104T

EXTRA



















P225/65R16

88H

M+S

MAXIMUM LOAD 1400 LBS (635 KG) AT 30 PSI (2.1 BAR) COLD INFLATION PRESSURE. SEE OWNER'S MANUAL FOR MORE INFORMATION.



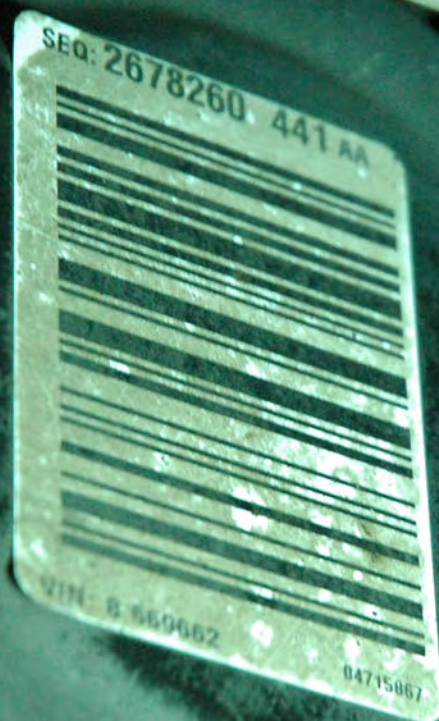
SAFETY INSTRUCTIONS

14000 lbs.
6350 kg.





















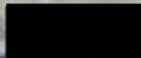




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VIN 8

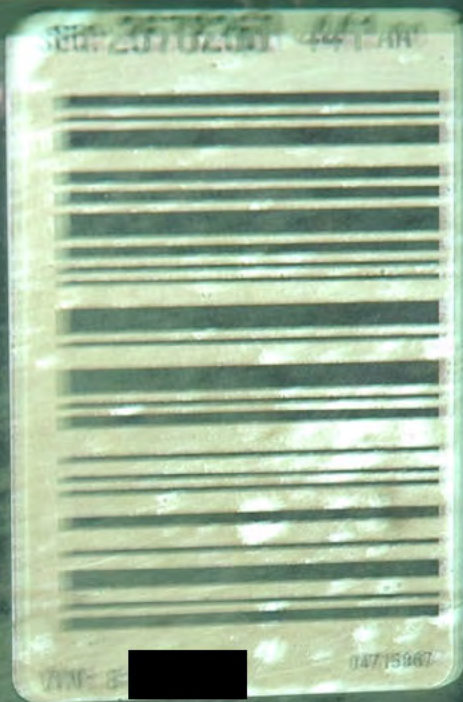


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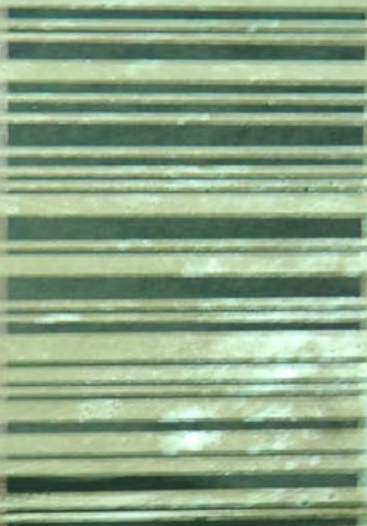


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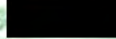
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VIMHC 6



04715867

SEQ: 267826J 441 AA



VIN: 8

04715867













R→P TIC POINT



R→P TIC POINT

▲ RESUME ACCEL
CRUISE ON/OFF ▼
▼ SET DECEL



REPPAWT HOLD

CRUISE
▲ RESUME ACCEL
CRUISE ON/OFF ▲
▼ SET DECEL



PAWL HOLD

PATIENT CARE REPORT
Riverside County Fire Department
 250 W San Jacinto Avenue • Perris, CA 92570

INC #

018979

NAME	DATE	INC LOG
[REDACTED]	2/27/11	911
AGE	SEX	DOB
18	M	1/2
HEIGHT	WEIGHT	TEMP
5'10"	176	97.5
HAIR	EYES	SKIN
BRN	BLU	FAIR
RELIGION	ALLERGIES	DIET
UNK	UNK	UNK
CHIEF COMPLAINT	UNCONSCIOUS / UNRESPONSIVE	
1. MECH. OF INJ.	PAIN SCALE	
1. SCENE: ROAD / SIDEWALK	PAIN SCALE	
2. MECH. OF INJ.	PAIN SCALE	
3. SCENE: ROAD / SIDEWALK	PAIN SCALE	
4. MECH. OF INJ.	PAIN SCALE	
5. SCENE: ROAD / SIDEWALK	PAIN SCALE	
6. MECH. OF INJ.	PAIN SCALE	
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14. MECH. OF INJ.	PAIN SCALE	
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97. SCENE: ROAD / SIDEWALK	PAIN SCALE	
98. MECH. OF INJ.	PAIN SCALE	
99. SCENE: ROAD / SIDEWALK	PAIN SCALE	
100. MECH. OF INJ.	PAIN SCALE	

PRIMARY SURVEY			
P S EYE OPENING	P S VERBAL RESPONSE	P S MOTOR RESPONSE	
1. SPONTANEOUS	1. ORIENTED	1. OBEYS COMMANDS	
2. TO VOICE	2. COMPLAINED	2. LOCALIZES PAIN	
3. TO PAIN	3. APPROPRIATE GROSSES	3. WITHDRAWS (PAIN)	
4. NONE	4. NONE	4. FLEXION (PAIN)	
5. NONE	5. NONE	5. EXTENSION (PAIN)	
6. NONE	6. NONE	6. NONE	
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TIME	RHYTHM	DEFIB/ICV	RHYTHM	AED Y/N	12 LEAD Y/N	
1127	Asystole	N	2 LEADS			
TIME	BLOOD PRESSURE	PULSE	RESP	SpO2	ET CO2	BGL
1128						
TIME	BLOOD PRESSURE	PULSE	RESP	SpO2	ET CO2	BGL
1129						
TIME	BLOOD PRESSURE	PULSE	RESP	SpO2	ET CO2	BGL
1130						
TIME	BLOOD PRESSURE	PULSE	RESP	SpO2	ET CO2	BGL
1131						
TIME	BLOOD PRESSURE	PULSE	RESP	SpO2	ET CO2	BGL
1132						
TIME	BLOOD PRESSURE	PULSE	RESP	SpO2	ET CO2	BGL
1133						
TIME	BLOOD PRESSURE	PULSE	RESP	SpO2	ET CO2	BGL
1134						
TIME	BLOOD PRESSURE	PULSE	RESP	SpO2	ET CO2	BGL
1135						
TIME	BLOOD PRESSURE	PULSE	RESP	SpO2	ET CO2	BGL
1136						
TIME	BLOOD PRESSURE	PULSE	RESP	SpO2	ET CO2	BGL
1137						
TIME	BLOOD PRESSURE	PULSE	RESP	SpO2	ET CO2	BGL
1138						
TIME	BLOOD PRESSURE	PULSE	RESP	SpO2	ET CO2	BGL
1139						
TIME	BLOOD PRESSURE	PULSE	RESP	SpO2	ET CO2	BGL
1140						
TIME	BLOOD PRESSURE	PULSE	RESP	SpO2	ET CO2	BGL
1141						
TIME	BLOOD PRESSURE	PULSE	RESP	SpO2	ET CO2	BGL
1142						
TIME	BLOOD PRESSURE	PULSE	RESP	SpO2	ET CO2	BGL
1143						
TIME	BLOOD PRESSURE	PULSE	RESP	SpO2	ET CO2	BGL
1144						
TIME	BLOOD PRESSURE	PULSE	RESP	SpO2	ET CO2	BGL
1145						
TIME	BLOOD PRESSURE	PULSE	RESP	SpO2	ET CO2	BGL
1146						
TIME	BLOOD PRESSURE	PULSE	RESP	SpO2	ET CO2	BGL
1147						
TIME	BLOOD PRESSURE	PULSE	RESP	SpO2	ET CO2	BGL
1148						
TIME	BLOOD PRESSURE	PULSE	RESP	SpO2	ET CO2	BGL
1149						
TIME	BLOOD PRESSURE	PULSE	RESP	SpO2	ET CO2	BGL
1150						

ALL EVIDENCE & UNCONSCIOUS / UNRESPONSIVE PULSES / APARIL PER RSC
 PT WAS PUNCHED BETWEEN EAR/HAIR UPON HIS ARRIVAL. RSC MOVED VENTIL
 & PT FELL ONTO HUSBAND. PT PRONE ON HUSBAND. CHANGING & MOVING PT
 CHEST UP. PT ROLLED BY 67. CHEST MOVING SPIN. PT PROVIDED FOR BUNT
 TRAUMA E7 ASKED TO LEAVE BY RSC PRIOR TO GATHERING COMPLETE PT INFO.