

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

IN RE: TAKATA AIRBAG PRODUCTS LIABILITY LITIGATION	MDL No. 2599 Master File No. 15-2599-CIV-MORENO
<i>This Document Relates to:</i> Amy C. Patterson, Plaintiff, v. Takata Corporation, TK Holdings Inc., Honda Motor Co., Ltd., Honda R & D Co., Ltd., American Honda Motor Co., Inc., and Honda of America Mfg., Inc., Defendants.	COMPLAINT FOR DAMAGES <u>JURY TRIAL DEMANDED</u>

COMPLAINT FOR DAMAGES

COMES NOW PLAINTIFF, Amy C. Patterson (hereinafter “Plaintiff” or “Ms. Patterson”), by and through the undersigned Counsel of Record and pursuant to the Federal Rules of Civil Procedure, and files this Complaint for Damages against the above named Defendants, or Takata Corporation, TK Holdings Inc., Honda Motor Co., Ltd., Honda R & D Co., Ltd., American Honda Motor Co., Inc., and Honda of America Mfg., Inc., (hereinafter collectively the “Defendants” or the “Defendant Manufacturers”), showing the Court as follows:

NATURE OF THE ACTION

1. This is a civil action arising out of serious, permanent, life scarring and post-crash personal

injuries sustained by Plaintiff Amy C. Patterson in Cherokee County, Georgia on October 9, 2014 following a foreseeable automobile collision that resulted in the unexpected, overly volatile explosion of the driver's side Takata airbag inflator in her 2001 Honda Accord which expelled metal shrapnel which caused severe cuts, lacerations, and abrasions to her body in various locations.

2. The Plaintiff brings this automotive, products liability, and personal injury action for her injuries sustained, including and but not limited to pain, suffering, permanent disfigurement and scarring, loss of enjoyment of life, and for punitive damages as well.

3. This products liability action includes claims for general negligence, gross negligence, reckless conduct and breach of warranty, which arise out of the Defendant Manufacturers' faulty design, selection, inspection, testing, manufacture, assembly, equipping, marketing, distribution, and sale of an uncrashworthy, defective, and unreasonably dangerous automobile and automobile airbag system.

PARTIES

4. At all times relevant herein, Plaintiff Amy C. Patterson is and was a citizen and resident of Cherokee County, State of Georgia and the lawful purchaser and owner of the 2001 Honda Accord, VIN No. 1HGCG16561A051159 (hereinafter the "Vehicle") at issue in this Complaint.

5. At all times relevant herein, Defendant Takata Corporation ("Takata") is and was a foreign for-profit corporation organized and existing under the laws of Japan with its principal place of business at ARK Hills South Tower 4-5 Roppongi 1-Chome, Minato-ku, Tokyo, 106-8488, Japan. Takata is a specialized supplier of automotive safety systems, that designs, manufactures, assembles, tests, markets, distributes, and sells vehicle restraint systems to various Original Equipment Manufacturers ("OEM's"), including Honda, in the

United States and abroad, including specifically the airbag incorporated and used by Honda in its airbag safety system in the subject Vehicle. Takata is a vertically-integrated company and manufactures component parts in its own facilities, and then distributes same.

6. At all times relevant herein, Defendant TK Holdings Inc. (“TK Holdings”) is and was a Delaware corporation and subsidiary and/or operational unit of Takata, headquartered in Auburn Hills, Michigan, with its principal place of business at 2500 Takata Drive, Auburn Hills, Michigan 48326. TK Holdings is in the business of designing, manufacturing, assembling, testing, promoting, advertising, distributing and selling vehicle restraint systems to various OEM’s, including Honda, including the airbag incorporated and used by Honda in its airbag safety system in the subject Vehicle. Additionally, TK Holdings has also been identified in various materials as manufacturing the “inflators” in the frontal airbag systems that are rupturing or exploding with unreasonably dangerous, excessive concussive force and which in many instances have injured vehicle occupants with shrapnel or concussive impacts, as well as the “propellant” or explosive charge used within the inflator itself. TK Holdings also is involved in the distribution of such airbag systems to OEM’s, including Honda. Moreover, to the extent the United States Department of Transportation (“DOT”) by and through the Secretary of Transportation has delegated authority to the Chief Counsel of the National Highway Traffic Safety Administration (hereinafter “NHTSA”) by a “Special Order” dated October 30, 2014, to investigate this safety issue, it is TK Holdings that has been ordered to provide responses to “demands [for] certain information and documents” provided and “signed under oath” no later than “**December 1, 2014,**” as to its newly initiated “PE14-016 Air Bag Inflator Rupture” investigation.¹

¹ See, NHTSA Special Order Directed to TK Holdings Inc., dated October 30, 2014.

7. Defendants Takata and TK Holdings are hereinafter collectively referred to as “Takata” or “Takata Defendants.” Takata is the manufacturer of the airbag in Ms. Patterson’s Vehicle, which was recalled subsequent to the Incident which forms the subject matter of this Complaint.

8. At all times relevant herein, Defendant Honda Motor Co., Ltd. (“Honda Motor”) is and was a foreign for-profit corporation organized and existing under the laws of Japan with its principal place of business at 2-1-1, Minami-Aoyama, Minato-ku, Tokyo 107-8556, Japan. Honda Motor manufactures and sells motorcycles, automobiles, and power products through its related subsidiaries and/or operating units, including but not limited to Honda R & D Co., Ltd., American Honda Motor Co., Inc., and Honda of America, Mfg., Inc., independent retail dealers, outlets, and authorized dealerships primarily in Japan, North America, Europe, and Asia, including the subject Vehicle. Honda Motor has been directly involved in the safety investigation and determinations made as to the motor vehicle safety issues arising from the defective and unreasonably dangerous condition of certain Honda brand vehicles it designs, manufactures and distributes for sale to the consuming public, including the subject Vehicle. Honda Motor has actively been involved in the developing knowledge of this motor vehicle safety issue by Honda entities over the last decade, and the actions and/or inactions of same relating to this public safety hazard.

9. At all times relevant herein, Defendant Honda R & D Co., Ltd. (“Honda R&D”) is and was a foreign for-profit corporation organized and existing under the laws of Japan with its principal place at Wako Research Center, 1-4-1 Chuo, Wako 351-0-113, Japan. Honda R&D is a subsidiary of Honda Motor, works in conjunction with American Honda Motor Co., Inc., and Honda of America, Mfg., Inc., is responsible for the research, design and

development of certain aspects of Honda brand vehicles, including testing and developing safety technologies for same, and was responsible for the design, development, manufacture, assembly, testing, distribution and sale of Honda brand vehicles utilizing Takata airbags primarily in Japan, North America, Europe, and Asia, including the subject Vehicle. Honda R&D has been involved in the safety investigation and determinations made as to the motor vehicle safety issues arising from the defective and unreasonably dangerous condition of certain Honda brand vehicles it designs, manufactures and distributes for sale to the consuming public, including the subject Vehicle. Honda R&D has actively been involved in the developing knowledge of this motor vehicle safety issue by Honda entities over the last decade, and the actions and/or inactions of same relating to this public safety hazard.

10. At all times relevant herein, Defendant American Honda Motor Co., Inc. (“American Honda”) is and was a California corporation and a subsidiary of Honda Motor, headquartered in Torrance, California with its principal place of business at 1919 Torrance Blvd. Torrance, California 90501. American Honda designs, manufactures, assembles, tests, markets, promotes, advertises, distributes and sells Honda Motor and/or Honda brand cars, trucks, and sport utility vehicles in the United States, including the subject Vehicle. American Honda has been identified by HMC as the “Manufacturer’s Agent” in its National Highway Traffic Safety Administration (hereinafter “NHTSA”) communications related to this motor vehicle safety issue involving exploding, unreasonably dangerous Takata airbags in Honda brand vehicles and has been directly involved in the safety investigation and determinations made as to the motor vehicle safety issues arising from the defective and unreasonably dangerous condition of certain Honda brand vehicles it makes, including the subject Vehicle. Additionally, American Honda is responsible for the

distribution of such Honda brand vehicles in the United States, Puerto Rico and the U.S. Virgin Islands. Moreover, American Honda has actively been involved in the developing knowledge of this motor vehicle safety issue by Honda entities over the last decade, and the actions and/or inactions of same relating to this public safety hazard. Finally, to the extent the United States DOT by and through the Secretary of Transportation has delegated authority to the Chief Counsel of NHTSA by a “Special Order” dated November 5, 2014, to investigate this safety issue, it is AHM who has been ordered to provide responses to “demands [for] certain information and documents” provided and “signed under oath” no later than “**December 15, 2014,**” as to its newly initiated “PE14-016 Air Bag Inflator Rupture” investigation.²

11. At all times relevant herein, Defendant Honda of America, Mfg., Inc. (Honda Mfg.) is and was an Ohio corporation and subsidiary of a subsidiary of Honda Motor, headquartered in Marysville, Ohio with its principal place of business at 24000 Honda Pkwy, Marysville, Ohio 43040. Honda Mfg. designs, manufactures, assembles, tests, markets, promotes, advertises, distributes and sells Honda Motor and/or Honda brand cars, trucks, and sport utility vehicles in the United States, including the subject Vehicle. Honda Mfg. has been directly involved in the safety investigation and determinations made as to the motor vehicle safety issues arising from the defective and unreasonably dangerous condition of certain Honda brand vehicles it makes, including the subject Vehicle. Moreover, Honda Mfg. has actively been involved in the developing knowledge of this motor vehicle safety issue by Honda entities over the last decade, and the actions and/or inactions of same relating to this public safety hazard.

² See, NHSTA Special Order Directed to American Honda Motor Co., Inc., dated November 5, 2014.

12. At all times relevant herein, Defendants Honda Motor, Honda R&D, American Honda, and Honda Mfg. are collectively referred to as “Honda” or “Honda Defendants.” Honda vehicles sold in the United States contain airbags manufactured by the Takata Defendants. NHTSA has recalled millions of Honda vehicles for having faulty Takata airbags, including the Vehicle involved in the Incident which forms the subject matter of this Complaint. Upon information and belief, the Honda Defendants are all directly responsible for Ms. Patterson’s injuries and damages, which were caused by the defective inflator incorporated into the airbag safety system in the subject Vehicle that exploded, on October 9, 2014, with inappropriately violent and excessive force, to expel shrapnel and result in the injuries and damages sought herein.

JURISDICTION AND VENUE

13. Jurisdiction is proper in this Court pursuant to the MDL Transfer Order in In Re: Takata Airbag Products Liability Litigation, [15-md-02599, Dkt. No. 305].

14. Accordingly, Plaintiff is filing this action as if it has been filed in the judicial district in which she resides.

15. By filing this Complaint in this District, however, Plaintiff does not waive her right to transfer this case to the District where the cause of action arose or in which she resides at the conclusion of pretrial proceedings.

16. This Honorable Court has diversity jurisdiction over this action under 28 U.S.C. § 1332.

17. This Honorable Court has personal jurisdiction over all Defendants party to this action, pursuant to Florida Statutes § 48.193(1)(a)(1), (2), and (6), because they conduct substantial business in this District, and some of the actions giving rise to this Complaint took place in this District.

18. Venue is proper in this District under 28 U.S.C. § 1391(a) because all of the Defendants, as corporate entities, are deemed to reside in any judicial district in which they are subject to personal jurisdiction. Additionally, all of the Defendants party to this action transact business within this District, and some of the events establishing the claims arose in this District.

THE INCIDENT

19. On October 9, 2014, Amy C. Patterson was properly operating her 2001 Honda Accord within the posted speed limit and traveling northwest on State Route 92 in Cherokee County, Georgia, when she inadvertently pulled in front of another vehicle and became involved in a foreseeable, low speed crash (hereinafter the “Incident” that forms the basis of this Complaint).

20. Upon information and belief, at the time of the Incident, the Vehicle and its component sub-assemblies at issue in this action were in the same essential condition as they were at the time that they left the Defendant Manufacturers’ control.

21. During the Incident, the Vehicle’s frontal driver airbag inflator exploded internally with excessive force which caused the metal inflator canister to rupture resulting in the entire air bag module and inflator to explode violently resulting in flying shrapnel and ineffective airbag deployment causing post-crash enhanced injures. The rupture of the inflator metal canister also caused sharp and hot pieces of metal shrapnel to be expelled onto Ms. Patterson resulting in severe cuts, lacerations, and abrasions to her body in various locations.

22. Ms. Patterson required hospitalization for treatment of her broken clavicle, other cuts and lacerations, as well as medical treatment for removal of metal shrapnel from her legs and lower torso, and continues to undergo follow-up medical care and therapy for her injuries.

23. Prior to the Incident which forms the basis of this Complaint, Ms. Patterson's car had been recalled by Honda as a result of defects in the Vehicle's driver's frontal airbag system, but as of the date of the Incident, on October 9, 2014, the Plaintiff did not have any direct knowledge of that recall or that her Vehicle was among the cars recalled. Six months after the Incident, a letter arrived in the mail at Plaintiff's house from Honda urging her to get her car fixed because of faulty airbags that could explode.

24. Ultimately, the injuries sustained by Ms. Patterson, would not have occurred but for the defects present in the Vehicle and its component parts on October 9, 2014, which prevented a normal, safe and expected airbag deployment in the Vehicle at the time of the collision and instead caused shrapnel to expel from the frontal airbag onto Plaintiff Amy C. Patterson resulting in severe cuts, lacerations, and abrasions to her body in various locations.

25. Accordingly, as a result of the defective and unreasonably dangerous condition of the Vehicle at the time of the Incident, on October 9, 2014, Amy C. Patterson has suffered the severe and permanent injuries, for which she now brings suit.

AGGRAVATING CIRCUMSTANCES

26. Airbags are a critical component in the safety features of virtually every motor vehicle sold in the United States and throughout the world. Currently, over 30,000 people are killed in motor vehicle accidents each year in the United States. Remarkably, that number is nearly half of what it was in 1966, when over 50,000 Americans died in car crashes. The drastic reduction is, in large part, due to tremendous advances in vehicle occupant safety, including the widespread use of seatbelts and airbags.

27. In order to prevent serious injury and death resulting from bodily impact with the hard interior surfaces of automobiles, like windshields, steering columns, dashboards, and

pillars, upon a vehicle experiencing a specified change in velocity in a collision, accelerometers and sensors in the vehicle frame trigger the vehicle airbags to deploy. Because collisions can occur at rates of speed that can cause serious injury, to be effective, airbags must deploy timely and at appropriate velocity to be effective, but not subject the occupant to additional unnecessary harm. To accomplish this, the airbag system is triggered through highly conductive metals, such as gold, and the airbag systems use small explosive charges to immediately inflate the airbags upon being triggered.

28. Defendant Takata is the world's second largest manufacturer of automotive safety devices, including airbags. Takata has supplied airbags to U.S. consumers and to state and local governmental purchasers since at least 1983. Airbags made up 37.3% of Takata's automotive safety products business in 2007. Takata also develops other safety technologies, including cushions and inflators, which are components of Takata-manufactured airbags.

29. This case flows directly from the now admitted fact that Takata's explosive charge components in its airbag systems were defectively manufactured, since as early as 2001, and perhaps earlier, and deliberately and continuously placed into the stream-of-commerce by Takata, despite repeated and known reports of injuries and deaths to the consumer public caused by their products.

30. More specifically, the airbags at issue in this case were developed by Takata in the late 1990s in an effort to make airbags more compact and to reduce the toxic fumes that earlier airbag models emitted when deployed. The redesigned airbags are inflated by means of an explosive based on ammonium nitrate, a common compound used in fertilizer. That explosive is encased in a metal canister.

31. Takata Corporation has, since at least 2007, claimed to prioritize driver safety as

its “dream.”³ Based on that “dream,” they claimed to be “motivated by the preciousness of life” and pledged to both “communicate openly and effectively.”⁴ Takata has failed to live up to that dream, however, by manufacturing, distributing, and selling airbags that can cause serious bodily injury or death since that time.

32. Airbags are meant to inflate timely during an automobile collision but with only such force necessary to cushion the occupant from impact to the vehicle’s interior and not cause additional enhanced injury. When people operate a motor vehicle or ride in one as a passenger, they trust and rely on the manufacturers of those motor vehicles to make those vehicles safe. The Defective Vehicles contain airbags manufactured by Defendant Takata that, instead of protecting vehicle occupants from bodily injury during accidents, violently explode with excessive force, and in many incidents rupture, expelling lethal amounts of metal debris and shrapnel at vehicle occupants.

33. More specifically, rather than deploying the airbags to prevent injuries, the defective Takata airbag inflators quite literally blow up like hand-grenades, sending lethal metal and plastic shrapnel into the vehicle cockpit and into the bodies of the drivers and passengers. In fact, in one otherwise non-catastrophic collision, responding police opened a homicide investigation because it appeared that the deceased driver had been stabbed multiple times in the head and neck immediately before crashing her car. In truth and fact, the defective Takata airbag had exploded and killed the driver by sending metal and plastic fragments into her body.

34. Takata knew of the deadly airbag defect at least 13 years ago, but did nothing to

³ Takata Company Investor’s Meeting Presentation- Investment Highlights, FY2007, at 3.

⁴ *Id.*

prevent ongoing injury and loss of life. Takata's first airbag defect recall stemmed from defective manufacturing in 2000, but was limited (by Takata) to a recall of select Isuzu vehicles. In Alabama, in 2004, a Takata airbag in a Honda Accord exploded, shooting out metal fragments which gravely injured the driver. Honda and Takata unilaterally deemed it "an anomaly" and did not issue a recall, adequately investigate it themselves, or seek the involvement of federal safety regulators. Instead, they brushed it under the rug: Takata kept making defective airbags; and Honda kept putting them in its vehicles while marketing them as highly safe and of high quality.

35. Further, prior to designing, selecting, inspecting, testing, manufacturing, assembling, equipping, marketing, distributing, and/or selling the Vehicle, the Honda Defendant Manufacturers knew that alternative driver's and passenger's frontal airbag system designs existed, that they were safer, more practical and both technologically and economically feasible for inclusion in the Vehicle, and they were aware that those alternative designs would have eliminated the defective and unsafe characteristics of the Vehicle without impairing its usefulness or making it too expensive, yet they failed to make the necessary changes to make their products safe.

36. Also, despite the shocking records of injuries, like this one, and deaths caused by Takata products dating back to at least 2004, both Takata and Honda were slow to report the full extent of the danger to drivers and passengers which existed, and Honda specifically, failed to issue appropriate recalls to keep its car buyers safe.

37. As a result, during the Incident involved and at issue in this Complaint, the Vehicle contained a driver's side airbag manufactured by the Takata Defendants that, instead of protecting vehicle occupants from bodily injury during accidents, violently exploded, with

excessive force, to expel shrapnel into the Vehicle owned by Plaintiff Amy C. Patterson to destroy her property and cause her extensive physical injuries and damages.

38. An automotive component supplier that manufactures and sells airbags in automobiles and vehicle manufacturers must take all necessary steps to ensure that its products—which can literally mean the difference between life and death in an accident—function as designed, specified, promised, and intended. Profits *must* take a back seat to safety for the airbag manufacturer and the automobile manufacturer in making its product sourcing decisions. Yet Takata and Honda BOTH put profits ahead of safety. Takata cut corners to build cheaper airbags, and Honda bought its airbags from Takata to save money. The result is that instead of saving lives, faulty Takata airbags in Honda automobiles are killing and maiming drivers and passengers, like Plaintiff Amy C. Patterson, involved in otherwise minor and survivable accidents.

39. Even more alarming, rather than take the issue head-on and immediately do everything in their power to prevent further injury and loss of life, the Defendant Manufacturers actively conspired and engaged in a pattern of deception and obfuscation, only very recently beginning a partial recall of affected vehicles. Indeed, the danger of exploding airbags and the number of vehicles affected was not disclosed for years after it became apparent there was a potentially lethal problem. Instead, Takata and Honda repeatedly failed to fully investigate the problem and issue proper recalls, allowing the problem to proliferate and cause numerous injuries and deaths over the last 13 years. They, also, have continued provided contradictory and inconsistent explanations to regulators for the defects in Takata's airbags, leading to more confusion and delay.

40. It was not until 2013 that a more detailed recounting of Takata's safety failures

was revealed. In fact, it was not until April of that year that, in a 2013 Report, Takata finally admitted that its affected inflators were installed as original equipment in vehicles manufactured by car manufacturers other than Honda, including Toyota, Nissan, Mazda, and BMW.⁵ Also in that Report, Takata asserted that it did not know how many inflators were installed in vehicles, as it did not have those records.⁶ While it did not have the information to estimate the number of vehicles affected, Takata still insisted that the total number of installed inflators would be extremely low.⁷

41. To date, over 18 million vehicles with Takata's airbags have been recalled worldwide, and there are reports that additional vehicles that have not yet been disclosed by the Defendants could join the list of recalls. The large majority of those recalls have come only within the last year despite the fact that many of the vehicles were manufactured with a potentially defective and dangerous airbag over a decade ago.

42. The full scope of the defects, however, still has yet to be determined. More information about Takata's defective airbags continues to be uncovered today, and upon information and belief, there are thousands of Honda drivers and passengers and vehicle owners and operators that still remain at risk today due to the un-recalled defective vehicles still on the road.

43. U.S. federal prosecutors have taken notice of Takata and Honda's failure to properly report the problem with its airbags and are trying to determine whether Takata and/or Honda deliberately misled U.S. regulators about the number of defective airbags it sold to automakers.

⁵ See Takata's Defect Information Report titled, "Certain Airbag Inflators Used as Original Equipment," dated April 22, 2013, at Page 2-3.

⁶ *Id.*

⁷ *Id.*

44. Takata and Honda knew or should have known that the Takata airbags installed in millions of vehicles, including the subject Vehicle, were defective. And both Takata and Honda, who concealed their knowledge of the nature and extent of the defects from the public, have shown a blatant disregard for public welfare and safety.

CONDITIONS PRECEDENT

45. All conditions precedent to the bringing of this action and Plaintiff's rights to the relief sought herein have occurred, have been performed or have been excused.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

(Negligence, Gross Negligence, Willful and Wanton Conduct:

Design Defect As to All Defendants)

46. Plaintiff adopts and re-alleges each prior paragraph, where relevant, as if set forth fully herein.

47. At all times relevant herein, Defendants Takata, TK Holdings, Honda Motor, Honda R&D, American Honda, and Honda Mfg. designed, selected, inspected, tested, assembled, equipped, marketed, distributed, and sold the Vehicle and its components, including but not limited to, equipping it with its driver's frontal airbag system.

48. At all times relevant herein, Defendants Takata, TK Holdings, Honda Motor, Honda R&D, American Honda, and Honda Mfg. designed the Vehicle and its driver's frontal airbag system and each Defendant owed Plaintiff a duty of reasonable care to design, select, inspect, test, assemble, equip, market, distribute, and sell the Vehicle and its components, including the driver's frontal airbag system, so that it would provide a reasonable degree of occupant protection and safety during foreseeable collisions occurring in the real world highway environment of its expected use.

49. At all times relevant herein, as designed, selected, inspected, tested, assembled, equipped, marketed, distributed, and sold by Defendants Takata, TK Holdings, Honda Motor, Honda R&D, American Honda, and Honda Mfg., the Vehicle is and was uncrashworthy, defective, unreasonably dangerous, and unsafe for foreseeable users and occupants because its driver's frontal airbag system is and was inadequately designed and constructed, and failed to provide the degree of occupant protection, and safety a reasonable consumer would expect in foreseeable accidents occurring in the real world environment of its expected use.

50. At all times relevant herein, Defendants Takata, TK Holdings, Honda Motor, Honda R&D, American Honda, and Honda Mfg. each were collectively and respectively negligent, grossly negligent, willful, wanton, reckless and careless in the design of the subject Vehicle and breached their duties of care owed to Plaintiff by:

- a. failing to adopt and implement adequate safety hierarchy procedures and policies;
- b. failing to design, manufacture, test, assemble and/or install the driver's airbag system so as to prevent it from having excessively energetic propellant, deploying with excessive force, and/or from expelling shrapnel in foreseeable collisions to kill or injure drivers or passengers upon air bag deployment during the same;
- c. failing to design, test, assemble and/or install the driver's airbag system so that it was properly vented and would adequately deflate under foreseeable impacts;
- d. failing to ensure that the subject Vehicle was reasonably crashworthy;
- e. failing to exercise reasonable care in the design of the subject Vehicle and its driver's frontal airbag system;
- f. failing to exercise reasonable care in the testing of the subject Vehicle and its

- driver's frontal airbag system;
- g. failing to exercise reasonable care in the inspection of the subject Vehicle and its driver's frontal airbag system;
- h. failing to adopt and implement adequate warnings regarding subject Vehicle and its driver's frontal airbag system;
- i. failing to incorporate appropriate quality assurance procedures in design of the of the subject Vehicle and its driver's frontal airbag system; and
- j. and on such other and further particulars as the evidence may show.

51. At all times relevant, as a direct and proximate result of Defendants Takata, TK Holdings, Honda Motor, Honda R&D, American Honda, and Honda Mfg.'s negligence and the breaches complained of herein, Plaintiff has suffered serious and permeant injuries including scarring, excruciating pain and suffering, mental anguish, and emotional distress from her accident on October 9, 2014.

52. WHEREFORE, Plaintiff demands judgment against Defendants, Takata, TK Holdings, Honda Motor, Honda R&D, American Honda, and Honda Mfg., jointly and severally, for all actual and compensatory damages she suffered, as well as for punitive damages in an amount sufficient to keep such wrongful conduct from being repeated, together with interest, if applicable, for all costs of this action, and for any other such further relief as this Honorable Court and/or jury may deem just and proper.

SECOND CLAIM FOR RELIEF
(Negligence, Gross Negligence, Willful and Wanton Conduct:
Manufacturing Defect As to All Defendants)

53. Plaintiff adopts and re-alleges each prior paragraph, where relevant, as if set forth

fully herein.

54. At all times relevant herein, all Defendants, Takata, TK Holdings, Honda Motor, Honda R&D, American Honda, and Honda Mfg., took part in and/or were responsible for the manufacture, selection, inspection, testing, design, assemblage, equipment, marketing, distribution, and/or sale of the Vehicle and its component parts, including but not limited to its defective driver's frontal airbag system, to Plaintiff at some point prior to the Incident on October 9, 2014.

55. At all times relevant herein, Defendants Takata, TK Holdings, Honda Motor, Honda R&D, American Honda, and Honda Mfg. manufactured the Vehicle and its driver's frontal airbag system and each Defendant owed Plaintiff a duty of reasonable care to manufacture, select, inspect, test, assemble, equip, market, distribute, and sell the Vehicle and its components, including the driver's frontal airbag system, so that it would provide a reasonable degree of occupant protection and safety during foreseeable collisions occurring in the real world highway environment of its expected use.

56. At all times relevant herein, as manufactured, selected, inspected, tested, assembled, equipped, marketed, distributed, and sold by Defendants, Takata, TK Holdings, Honda Motor, Honda R&D, American Honda, and Honda Mfg., the Vehicle is and was uncrashworthy, defective, unreasonably dangerous, and unsafe for foreseeable users and occupants because its driver's frontal airbag system is inadequately designed and constructed, and failed to provide the degree of occupant protection, and safety a reasonable consumer would expect in foreseeable accidents occurring in the real world environment of its expected use.

57. At all times relevant herein, Defendants Takata, TK Holdings, Honda Motor, Honda R&D, American Honda, and Honda Mfg. each were collectively and respectively negligent,

grossly negligent, willful, wanton, reckless and careless and breached their duties of care owed to Plaintiff by:

- a. failing to adopt and implement adequate safety hierarchy procedures and policies;
- b. failing to manufacture, test, assemble and/or install the driver's airbag system so as to prevent it from having excessively energetic propellant, deploying with excessive force, and/or from expelling shrapnel in foreseeable collisions to kill or injure drivers or passengers upon air bag deployment during the same;
- c. failing to manufacture, test, assemble and/or install the driver's airbag system so that it was properly vented and would adequately deflate under foreseeable impacts;
- d. failing to ensure that the subject Vehicle was reasonably crashworthy;
- e. failing to exercise reasonable care in the manufacture of the subject Vehicle and its driver's frontal airbag system;
- f. failing to exercise reasonable care in the testing of the subject Vehicle and its driver's frontal airbag system;
- g. failing to exercise reasonable care in the inspection of the subject Vehicle and its driver's frontal airbag system;
- h. failing to adopt and implement adequate warnings regarding subject Vehicle and its driver's frontal airbag system;
- i. failing to incorporate appropriate quality assurance procedures in manufacture of the of the subject Vehicle and its driver's frontal airbag system; and
- j. and on such other and further particulars as the evidence may show.

58. As a direct and proximate result of the Defendants Takata, TK Holdings, Honda Motor, Honda R&D, American Honda, and Honda Mfg.'s, negligence and the breaches complained of herein, Plaintiff suffered serious and permeant injuries including scarring, excruciating pain and suffering, mental anguish, and emotional distress, from her accident on October 9, 2014.

59. By reason of the foregoing, Plaintiff is entitled to recover for all general and special damages she sustained as a direct and proximate result of Defendants' negligent and grossly negligent acts or omissions.

60. WHEREFORE, Plaintiff demands judgment against Defendants Takata, TK Holdings, Honda Motor, Honda R&D, American Honda, and Honda Mfg., jointly and severally, for all actual and compensatory damages she suffered, as well as for punitive damages in an amount sufficient to keep such wrongful conduct from being repeated, together with interest, if applicable, for all costs of this action, and for any other such further relief as this Honorable Court and/or jury may deem just and proper.

THIRD CLAIM FOR RELIEF
(Strict Liability in Tort As to All Defendants)

61. Plaintiff adopts and re-alleges each prior paragraph, where relevant, as if set forth fully herein.

62. At all times relevant herein, Defendants Takata, TK Holdings, Honda Motor, Honda R&D, American Honda, and Honda Mfg. are strictly liable for designing, testing, manufacturing, distributing, selling, and/or placing a defective and unreasonably dangerous product into the stream of commerce.

63. At all times relevant herein, the subject Vehicle and its driver's side airbag system were defective and unreasonably dangerous as to its design, manufacture, distribution and

warnings, causing the Vehicle to be in a defective condition that made it unreasonably dangerous for its intended use.

64. At all times relevant herein, all Defendants Takata, TK Holdings, Honda Motor, Honda R&D, American Honda, and Honda Mfg. all took some part in the manufacture and sale of the subject Vehicle and its driver's side airbag system to Plaintiff Amy C. Patterson at some point prior to the Incident on October 9, 2014.

65. At all times relevant, the subject Vehicle was being used in an intended and/or foreseeable manner when the Incident alleged herein occurred. Plaintiff neither misused nor materially altered the subject Vehicle, and upon information and belief, the subject Vehicle was in the same or substantially similar condition that it was in at the time of purchase.

66. At all times relevant herein, the subject Vehicle is and was unreasonably dangerous and defective because it was designed, manufactured and sold with an excessively volatile inflator in the driver's side airbag system which deployed with dangerously excessive explosive force, exploded violently, and expelled sharp shrapnel during air bag deployment in foreseeable collisions, including during the Incident on October 9, 2014.

67. At all times relevant herein, Defendants Takata, TK Holdings, Honda Motor, Honda R&D, American Honda, and Honda Mfg. were aware of feasible alternative designs which would have minimized or eliminated altogether the risk of injury posed by the Vehicle and its driver's -side airbag system.

68. At all times relevant herein, Defendants Takata, TK Holdings, Honda Motor, Honda R&D, American Honda, and Honda Mfg. had a duty to warn users of the dangers associated with by the Vehicle and its driver's side airbag system.

69. At all times relevant herein, Defendants Takata, TK Holdings, Honda Motor, Honda

R&D, American Honda, and Honda Mfg. failed to warn of the inherent and latent defects that made this product dangerous and unsafe for its intended use.

70. At all times relevant herein, Defendants Takata, TK Holdings, Honda Motor, Honda R&D, American Honda, and Honda Mfg. failed to design, test, manufacture, inspect, and/or sell a product that was safe for its intended use.

71. As a direct and proximate result of the Defendants, Takata, TK Holdings, Honda Motor, Honda R&D, American Honda, and Honda Mfg.'s negligence, failures, omissions, and breaches complained of herein, Plaintiff Amy C. Patterson has incurred serious and permeant injuries including scarring, excruciating pain and suffering, mental anguish, and emotional distress from the Incident on October 9, 2014.

72. WHEREFORE, Plaintiff demands judgment against Defendants Takata, TK Holdings, Honda Motor, Honda R&D, American Honda, and Honda Mfg., jointly and severally, for all actual and compensatory damages she suffered, as well as for punitive damages in an amount sufficient to keep such wrongful conduct from being repeated, together with interest, if applicable, for all costs of this action, and for any other such further relief as this Honorable Court and/or jury may deem just and proper.

FOURTH CLAIM FOR RELIEF
Failure to Warn As to All Defendants

73. Plaintiff adopts and re-alleges each prior paragraph, where relevant, as if set forth fully herein.

74. At all times relevant herein, Defendants Takata, TK Holdings, Honda Motor, Honda R&D, American Honda, and Honda Mfg., as manufacturers of subject Vehicle and its driver's frontal airbag system, owed duties to warn of foreseeable dangerous conditions of

the subject Vehicle which would impair its safety.

75. At all times relevant herein, Defendants Takata, TK Holdings, Honda Motor, Honda R&D, American Honda, and Honda Mfg. knew or should have known that the subject Vehicle's driver's frontal airbag system had an excessively energetic inflator and would deploy with excessive explosive force in foreseeable collisions, as well as expel shrapnel that could injure or kill occupants.

76. At all times relevant herein, Defendants Takata, TK Holdings, Honda Motor, Honda R&D, American Honda, and Honda Mfg. would have had and had no reason to believe that users would realize this potential danger.

77. At all times relevant herein, Defendants Takata, TK Holdings, Honda Motor, Honda R&D, American Honda, and Honda Mfg. affirmatively failed to exercise reasonable care to inform users of the Vehicle's dangerous condition created by the excessively energetic inflator in the driver's frontal airbag system or explosive nature of the inflator that could expel shrapnel.

78. As a direct and proximate result of Defendants Takata, TK Holdings, Honda Motor, Honda R&D, American Honda, and Honda Mfg.'s failure to warn of the dangers posed by the shrapnel and excessively energetic inflator in the driver's frontal airbag system in the subject Vehicle and the breaches complained herein, Plaintiff Amy C. Patterson suffered injuries including, but not limited to, excruciating pain and suffering, mental anguish, and emotional distress, from her accident on October 9, 2014.

79. By reason of the foregoing, Plaintiff is entitled to recover for all general and special damages she sustained as a direct and proximate result of Defendants' negligent and grossly negligent acts or omissions.

80. WHEREFORE, Plaintiff demands judgment against Defendants Takata, TK

Holdings, Honda Motor, Honda R&D, American Honda, and Honda Mfg., jointly and severally, for all actual and compensatory damages she suffered, as well as for punitive damages in an amount sufficient to keep such wrongful conduct from being repeated, together with interest, if applicable, for all costs of this action, and for any other such further relief as this Honorable Court and/or jury may deem just and proper.

FIFTH CLAIM FOR RELIEF
(Breach of Implied Warranties As to the Honda Defendants)

81. Plaintiff adopts and re-alleges each prior paragraph, where relevant, as if set forth fully herein.

82. At all times relevant herein, the Honda Defendants are and were “merchants” with respect to the Vehicle at issue in this Complaint.

83. At all times relevant herein, the Honda Defendants manufactured and sold the subject Vehicle as “good” within the meaning of the relevant statutory provisions.

84. Consequently, at the time of its sale to Plaintiff Amy C. Patterson, the Honda Defendants impliedly warranted that the subject Vehicle was merchantable, including that it was fit for its ordinary purposes as safe passenger vehicles that it could pass without objection in the trade, and that it was adequately contained, packaged, and labeled.

85. At all times relevant herein, the Honda Defendants breached the implied warranty of merchantability as it concerns Plaintiff Amy C. Patterson because the subject Vehicle was not fit for the ordinary purposes for which it was anticipated to be used—namely as a safe passenger motor vehicle.

86. Specifically, the subject Vehicle’s driver’s side airbag system was unreasonably dangerous and defective because it was designed, manufactured and sold with a Takata

inflator that had the propensity to explode with overly excessive force and expel sharp metal shrapnel into the passenger compartment during normal airbag deployment in foreseeable collisions and conditions, including during the Incident on October 9, 2014, which made the subject Vehicle unfit for its ordinary purpose of providing safe transportation.

87. At all times relevant herein, the Honda Defendants further breached the implied warranty of merchantability to Plaintiff Amy C. Patterson as the subject Vehicle they designed, manufactured and sold was equipped with a driver's side airbag inflator that had the tendency to deploy with overly excessive force and expel sharp metal shrapnel into the passenger compartment during normal airbag deployment in foreseeable collisions and conditions, including during the Incident on October 9, 2014, and, therefore, it would not pass without objection in the trade.

88. At all times relevant herein, the Honda Defendants further breached the implied warranty of merchantability to Plaintiff Amy C. Patterson because the subject Vehicle was not adequately contained, packaged, and labeled in that the directions and warnings that accompanied the subject Vehicle did not adequately instruct its owner on the proper use of the Vehicle in light of the fact that the driver's side airbag inflator had the propensity to explode with overly excessive force and expel sharp metal shrapnel into the passenger compartment during normal airbag deployment in foreseeable collisions and conditions, including during the Incident on October 9, 2014.

89. As a direct and proximate result of the Honda Defendants' collective and respective breaches of the implied warranty of merchantability, as alleged herein, Plaintiff Amy C. Patterson suffered injuries including, but not limited to, excruciating pain and suffering, mental anguish, and emotional distress, from her accident on October 9, 2014.

90. WHEREFORE, Plaintiff demands judgment against the Honda Defendants, jointly and severally, for all actual and compensatory damages suffered, as well as for punitive damages in an amount sufficient to keep such wrongful conduct from being repeated, together with interest, if applicable, for all costs of this action, and for any other such further relief as this Honorable Court and/or jury may deem just and proper.

SIXTH CLAIM FOR RELIEF
(Damages As to All Defendants)

91. Plaintiff adopts and re-alleges each prior paragraph, where relevant, as if set forth fully herein.

92. Because of Plaintiff Amy Patterson's bodily injuries directly and/or proximately caused by Defendants' conduct, Plaintiff is entitled to reasonable and proper compensation for the following legal damages:

- a. Past and future medical expenses and charges;
- b. Past and future physical pain and mental anguish;
- c. Past and future physical impairment;
- d. Past and future disfigurement; and
- e. Past lost wages and future lost wage-earning capacity.

93. WHEREFORE, Plaintiff seeks actual and punitive damages to be awarded by the jury in an amount in excess of the minimal juridical limits of this Court.

SEVENTH CLAIM FOR RELIEF
(Punitive Damages As to All Defendants)

94. Plaintiff adopts and re-alleges each prior paragraph, where relevant, as if set forth fully herein.

95. In addition to the general and special damages suffered by Plaintiff and proximately caused by the Defendant manufacturers' bad actions and inactions, as it concerns the defective operations and performance of the Vehicle on October 9, 2014, and as previously alleged and set forth in this Complaint, Plaintiff also, as a further result of Defendants' reckless, willful, negligent and grossly negligent conduct, is entitled to recover punitive damages in accordance with the law and evidence in this case in an amount to be determined at trial.

96. More specifically, the actions and inactions of Defendants Takata, TK Holdings, Honda Motor, Honda R&D, American Honda, and Honda Mfg. were of such a character as to constitute a pattern or practice of willful, wanton and reckless misconduct and caused serious and substantial harm to the Plaintiff, resulting in significant and ongoing damages arising from the Incident at issue in this Complaint.

97. Furthermore, Defendants Takata, TK Holdings, Honda Motor, Honda R&D, American Honda, and Honda Mfg. have acted with such a conscious and flagrant disregard for the rights and safety of Plaintiff, and/or have deliberately engaged in willful, wanton and reckless disregard for the life and safety of the Plaintiff so as to entitle her to punitive and exemplary damages in an amount sufficient to keep such wrongful conduct from being repeated.

98. WHEREFORE, Defendants Takata, TK Holdings, Honda Motor, Honda R&D, American Honda, and Honda Mfg. are liable, and Plaintiff demands judgment for punitive and exemplary damages, plus interest, costs and attorneys' fees for having to bring this action, and any such other and further relief as this Honorable Court or jury may deem just and proper in an amount to be determined at trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays as follows:

- a. For a trial by jury and judgment against Defendants Takata, TK Holdings, Honda Motor, Honda R&D, American Honda, and Honda Mfg. for such sums as actual and other compensatory damages, including pain and suffering and permanent impairment, in an amount as a jury may determine and in excess of the minimum jurisdictional limit of this Honorable Court;
- b. For exemplary and punitive damages against Defendants Takata, TK Holdings, Honda Motor, Honda R&D, American Honda, and Honda Mfg. in an amount as a jury may determine to halt such conduct;
- c. For the costs of this suit, including attorney's fees; and
- d. For such other and further relief to which they may be entitled and as this Honorable Court may deem just and proper.

REQUEST FOR TRIAL BY JURY

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff demands a trial by jury as to all issues triable by jury, as enumerated and set forth in more detail in this Complaint.

Dated: April 27, 2015.

Respectfully submitted,

MOTLEY RICE LLC

By: /s/T. David Hoyle
T. David Hoyle (FL Bar # 5066)
Kevin R. Dean, Esq. (Fed I.D. 8046)
Joseph F. Rice, Esq. (Fed I.D. 3445)
Kathryn A. Waites, Esq. (Fed I.D. 11959)
28 Bridgeside Boulevard
Mount Pleasant, South
Carolina 29464
Phone: (843) 216-9000
Fax: (843) 216-9450
dhoyle@motleyrice.com

ATTORNEYS FOR THE PLAINTIFF