

**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
<p><i>This Document Relates to:</i></p> <p>Law Ngee Chiong, as the Personal Representative for the Estate of Law Suk Leh and the Estate of Elsa Mia Law Caido, a deceased minor child,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>Takata Corporation, TK Holdings Inc., Inflation Systems Inc., Honda Motor Co., Ltd., Honda R & D Co., Ltd., American Honda Motor Co., Inc., and Honda of America Mfg., Inc.,</p> <p style="text-align: center;">Defendants.</p>	<p style="text-align: center;">WRONGFUL DEATH/ SURVIVAL PRODUCTS LIABILITY ACTION</p> <p style="text-align: center;"><u>JURY TRIAL DEMANDED</u></p>

COMPLAINT FOR DAMAGES

COMES NOW PLAINTIFF, Law Ngee Chiong (hereinafter the “Plaintiff”), as the Personal Representative for the Estate of Law Suk Leh (hereinafter “Ms. Leh,” and/or the “Plaintiff’s Decedent”) and the Estate of Law Suk Leh’s Deceased Child, Elsa Mia Law Caido, (hereinafter the “Deceased” and/or “Decedent Child”), by and through the undersigned Counsel of Record and pursuant to the Federal Rules of Civil Procedure, to file this Complaint for damages against the above named Defendants, or Takata Corporation, TK Holdings Inc., Inflation Systems 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 from the death of Plaintiff’s Decedent, Law Suk Leh, age 42, on July 27, 2014, and the subsequent post-accident delivery and death of her full-term otherwise healthy child, Elsa Mia Law Caido, on July 30, 2014, following an automobile accident which occurred in Sibul, a town in the Malaysian-ruled northwest of Borneo, when a defective metal airbag inflator, manufactured by Takata in the LaGrange, Georgia and subsequently installed by Honda in the United States, internally ruptured, exploded with overly excessive force, and expelled sharp metal shrapnel into the passenger compartment of a 2003 Honda City Car (hereinafter the “Vehicle” at issue in this Complaint).

2. The Plaintiff, Law Ngee Chiong, brings this action in his representative capacity for the damages sustained by Ms. Leh and her Decedent Child, Elsa Mia Law Caido, prior to their deaths, including but not limited to pain, suffering, mental anguish, and anticipation of death, and also for the wrongful death damages, 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.

THE INCIDENT

4. On Sunday, July 27, 2014, then 42-year-old, Law Suk Leh, who was carrying a full-term baby at the time, was driving her 11-year-old Honda City Car, Vin No. MRHGD86903P020495,

on Borneo Island in Malaysia and making a lawful turn at an intersection on the outskirts of Sibü, when she collided with another vehicle and became involved in a foreseeable, low speed crash (hereinafter the “Incident” that forms the basis of this Complaint).

5. At the time the Incident, Law Suk Leh was unimpaired, she was properly wearing her seatbelt, and she was driving the Vehicle at a speed of approximately 20mph or less.

6. As a result of the Incident, the Vehicle’s frontal driver airbag inflator exploded internally with excessive force, which caused the metal inflator canister to rupture and expel sharp metal and plastic shrapnel towards Law Suk Leh.

7. Ms. Leh was struck in the neck by a single fragment of metal, nearly 2.5 centimeters (1 inch) in diameter, and although the authorities responded to the scene immediately, she was pronounced dead, about an hour and a half later, while the ambulance was transporting her to the hospital and in route.

8. Also, although once they reached the hospital, the paramedics were able to deliver her baby daughter alive, the Decedent Child died three days later from injuries incurred as a result of the crash.

9. At the time of the Incident, the 2003 Honda City Car she was driving was equipped with a United States designed, tested and manufactured Takata airbag inflator bearing the serial number JAFN059438A.

10. The Incident was a foreseeable collision event arising out of ordinary use of the Vehicle, and upon information and belief, at the time of the Incident, the Vehicle and the component sub-assemblies were in the same essential condition as they were at the time they left the Defendant Manufacturers’ control.

11. According to a Takata document labeled “Barcode Identification System for Lot

Traceability Specification,” also accompanying the Vehicle at the time of its purchase and sale, the first four (4) characters of the Takata manufactured airbag inflator’s serial number identify the manufacturer, the inflator type, the line code and the year that the inflator was manufactured in the United States.

12. Accordingly, the first character of the serial number of the subject Vehicle inflator, or the “J,” denotes that the inflator was manufactured by Takata for the Honda Defendants; the second character of the subject Vehicle inflator’s serial number, or the “A,” denotes the type of inflator and represents a “SDI 180 kPa-Honda” inflator with “SDI” being an acronym for “Smokeless Driver’s Inflator”; the third character of the subject Vehicle inflator’s serial number, or the “F,” denotes that the inflator was manufactured by Inflation Systems Inc., a subsidiary of Takata corporation, which incorporated in 1991 and was located in LaGrange, Georgia at the time; and finally, the fourth character of the subject Vehicle inflator’s serial number, or the “N,” identifies that the year the inflator was manufactured was in 2002.

13. Also, subsequently, since the time of the Incident, the subject Vehicle has been recalled as a result of defects in the Vehicle’s driver’s frontal airbag system, which existed at the time of the Incident and about which the Defendants did have prior knowledge before July 27, 2014, or the date on which the Incident occurred.

14. More specifically, in conjunction with that Recall Notice issued, Takata Corporation issued a letter received by the family of Ms. Leh, which stated/states as follows:

Honda Motor Co., Ltd. today filed a recall notification in several countries, including Japan. This recall is due to a problem with driver seat airbags that were manufactured by our U.S. subsidiary, TK HOLDINGS INC. (Michigan, USA). This recall is being conducted because an investigation into an accident that occurred in Malaysia in July 2014 found that the moisture absorption control of the gas generating agent in some driver seat airbags had not been correctly implemented at the time of manufacture, as a result of which an inflator canister may rupture when the airbag deploys.

We offer our deepest condolences for the victim who lost her life in the accident, and our sincere apologies for causing significant concerns and troubles to the users of our products, automobile manufacturer customers, shareholders, and any other stakeholders. Takata will fully cooperate in carrying out this recall, and will devote all of our efforts to reinforcing the quality control system for our products and to preventing the recurrence of the problem. Also, we will fully cooperate with the relevant authorities in responding to any inquiries or requests they might have.

We deeply regret that the problems in our airbags have caused troubles. We will continue to dedicate every possible effort to delivering the safest products and to renewing trust in us. We appreciate your understanding and cooperation.¹

15. Ultimately, as this letter makes clear, and as the Defendant Manufacturers have acknowledged, the injuries sustained by Law Suk Leh, which caused her post-crash enhanced injuries and death and led to the emergency delivery and later death of her full-term child, would not have occurred but for the defects present in the Vehicle and its component parts on July 27, 2014, which prevented a normal, safe and expected deployment of the airbag in the Vehicle at the time of the collision and instead caused shrapnel to expel from the frontal airbag directly into Law Suk Leh's exposed neck.

16. Accordingly, as a result of the defective and unreasonably dangerous condition of the Vehicle at the time of the Incident, on July 27, 2014, Ms. Leh and her Decedent Child suffered the severe and permanent injuries for which Plaintiff now brings suit.

THE PARTIES

17. At all times relevant herein, Plaintiff Law Ngee Chiong is and was a citizen and resident of Malaysia, living at No. 10-B Jalan Bunga Raya, 96000 Sibul, Sarawak, and the father of Law Suk Leh.

18. At all times relevant herein, Plaintiff's Decedents were citizens and residents of the Nation

¹ See "Recall related to Takata's Airbags" [English Translation] Letter from Shigehisa Takata Chairman, Chief Executive Office of Takata Corporation, issued to general public, dated November 13, 2014.

of Brunei, or a sovereign state located on the north coast of the island of Borneo in Southeast Asia.

19. At all times relevant herein, Plaintiff's Decedent Law Suk Leh is and was the lawful purchaser of the Vehicle at issue in this Complaint, Vin No. MRHGD86903P020495, Plate No. KH2028.

20. At all times relevant, Plaintiff's Decedent, Law Suk Leh, died intestate in the ambulance on the way to Hospital Sibul, Sarawak on the 27th day of July 2014, and pursuant to Malaysian law, Plaintiff Law Ngee Chiong has been appointed as her rightful Personal Representative and Heir.

21. At all times relevant, Plaintiff's Decedent's Decedent Child, Elsa Mia Law Caido, also died intestate, at Hospital Sibul, Sarawak on the 30th day of July 2014, and pursuant to Malaysian law, Plaintiff Law Ngee Chiong has also been appointed the rightful Personal Representative and Heir for her Estate.

22. Accordingly, at all times relevant, Plaintiff Law Ngee Chiong is bringing this action as the duly appointed Personal Representative for the Estate of Law Suk Leh and for the Estate of Law Suk Leh's Deceased Child.

23. 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.

24. 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.²

25. At all times relevant herein, Defendant Inflation Systems Inc. (“Inflator Systems”) is and was a Delaware corporation and subsidiary and/or operational unit of Takata, headquartered in LaGrange, Georgia, with its principal place of business at 200 Piedmont Circle, LaGrange, Georgia

² See, NHSTA Special Order Directed to TK Holdings Inc., dated October 30, 2014.

30240-5822. Inflation Systems was originally formed as a joint venture between Takata Corporation of Japan and Bayern-Chemie of Germany in November of 1988. The original charter of Inflation Systems was to manufacture sodium azide driver's side airbag inflators for North America for the joint venture partners, including Takata Corp. and TK Holdings. In March of 1996, Takata Corp. purchased all shares of the joint venture, and Inflation Systems, since that time, has been solely and exclusively owned by Takata Corp. and continued to act as a subsidiary and division of that company in conjunction with TK Holdings as a Takata airbag inflator manufacturer in the United States. As a result, Inflation Systems is now an important component of the Takata Corp. airbag module business and global strategy. At all times relevant herein, Inflation Systems is and was in the business of manufacturing, assembling, testing, distributing and selling the "inflators" in the frontal airbag systems, which are rupturing or exploding with unreasonably dangerous, excessive concussive force and that, in many instances, including but not limited to during the Incident that forms the basis of this Complaint, have injured vehicle occupants with shrapnel or concussive impacts, as well as the "propellant" or explosive charge used within the inflator itself, for and to the Takata entities for later distribution and sale to various OEM's in the United States, including Honda, and including the airbag incorporated and used by Honda in its airbag safety system in the subject Vehicle at issue in this Complaint.

26. Defendants Takata, TK Holdings, and Inflation Systems are hereinafter collectively referred to as "Takata" or "Takata Defendants." Takata is the manufacturer of the airbag in Ms. Leh's Vehicle, which was recalled subsequent to the Incident which forms the subject matter of this Complaint.

27. 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.

28. 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.

29. 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.³

30. 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.

31. 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. Leh and the Decedent Child’s injuries and deaths, which were caused by the defective inflator incorporated into the airbag safety system in the subject Vehicle that exploded, on July 27, 2014, with inappropriately

³ See, NHSTA Special Order Directed to American Honda Motor Co., Inc., dated November 5, 2014.

violent and excessive force, to expel shrapnel and result in the injuries and damages sought herein.

JURISDICTION AND VENUE

32. 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].

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

34. 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.

35. 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.

AGGRAVATING CIRCUMSTANCES

36. 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.

37. 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.

38. 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.

39. 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.

40. 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.

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

“dream.”⁴ Based on that “dream,” they claimed to be “motivated by the preciousness of life” and pledged to both “communicate openly and effectively.”⁵ 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.

42. 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.

43. 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.

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

⁴ Takata Company Investor’s Meeting Presentation- Investment Highlights, FY2007, at 3.

⁵ *Id.*

45. 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.

46. 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.

47. 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.

48. 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 Ms. Leh to effectively kill her and her then unborn child in an otherwise non-catastrophic crash.

49. 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 Ms. Leh, involved in otherwise minor and survivable accidents.

50. 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.

51. 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.⁶ 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.⁷ 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.⁸

52. 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.

53. 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.

54. 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.

55. 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

⁶ See Takata's Defect Information Report titled, "Certain Airbag Inflators Used as Original Equipment," dated April 22, 2013, at Page 2-3.

⁷ *Id.*

⁸ *Id.*

shown a blatant disregard for public welfare and safety.

CONDITIONS PRECEDENT

56. 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)**

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

58. At all times relevant herein, Defendants Takata, TK Holdings, Inflator Systems, 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.

59. At all times relevant herein, Defendants Takata, TK Holdings, Inflator Systems, 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's Decedent and her Decedent Child 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.

60. At all times relevant herein, as designed, selected, inspected, tested, assembled, equipped, marketed, distributed, and sold by Defendants Takata, TK Holdings, Inflator Systems, 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.

61. At all times relevant herein, Defendants Takata, TK Holdings, Inflator Systems, 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's Decedent and her Decedent Child 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 subject Vehicle and its driver's frontal airbag system; and
- j. and on such other and further particulars as the evidence may show.

62. At all times relevant, as a direct and proximate result of Defendants Takata, TK Holdings, Inflator Systems, Honda Motor, Honda R&D, American Honda, and Honda Mfg.'s negligence and the breaches complained of herein, Plaintiff's Decedent and her Decedent Child suffered serious and permanent injuries including scarring, excruciating pain and suffering, mental anguish, emotional distress, and other injuries, as a result of the Incident on July 27, 2014, which ultimately led to their respective, untimely and wrongful deaths.

63. By reason of the foregoing, Plaintiff is entitled to recover damages for all of the pre-death general and special damages suffered by Ms. Leh and her Decedent Child as a result of the Incident on July 27, 2014, proximately caused by Defendants Takata, TK Holdings, Inflator Systems, Honda Motor, Honda R&D, American Honda, and Honda Mfg.'s negligent and grossly negligent acts and/or omissions.

64. WHEREFORE, Plaintiff demands judgment against Defendants, Takata, TK Holdings, Inflator Systems, Honda Motor, Honda R&D, American Honda, and Honda Mfg., 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.

SECOND CLAIM FOR RELIEF

**(Negligence, Gross Negligence, Willful and Wanton Conduct:
Manufacturing Defect As to All Defendants)**

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

66. At all times relevant herein, all Defendants, Takata, TK Holdings, Inflator Systems, 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's Decedent at some point prior to the Incident on July 27, 2014.

67. At all times relevant herein, Defendants Takata, TK Holdings, Inflator Systems, 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's Decedent and the Decedent Child 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.

68. At all times relevant herein, as manufactured, selected, inspected, tested, assembled, equipped, marketed, distributed, and sold by Defendants, Takata, TK Holdings, Inflator Systems, 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.

69. At all times relevant herein, Defendants Takata, TK Holdings, Inflator Systems 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's Decedent and her Decedent Child 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 subject Vehicle and its driver's frontal airbag system; and
- j. and on such other and further particulars as the evidence may show.

70. At all times relevant, as a direct and proximate result of Defendants Takata, TK Holdings, Inflator Systems, Honda Motor, Honda R&D, American Honda, and Honda Mfg.'s negligence and the breaches complained of herein, Plaintiff's Decedent and her Decedent Child suffered serious and permanent injuries including scarring, excruciating pain and suffering, mental anguish, emotional distress, and other injuries, as a result of the Incident on July 27, 2014, which ultimately led to their respective, untimely and wrongful deaths.

71. By reason of the foregoing, Plaintiff is entitled to recover damages for all of the pre-death general and special damages suffered by Ms. Leh and her Decedent Child as a result of the Incident on July 27, 2014, proximately caused by Defendants Takata, TK Holdings, Inflator Systems, Honda Motor, Honda R&D, American Honda, and Honda Mfg.'s negligent and grossly negligent acts and/or omissions.

72. WHEREFORE, Plaintiff demands judgment against Defendants, Takata, TK Holdings, Inflator Systems, Honda Motor, Honda R&D, American Honda, and Honda Mfg., 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.

THIRD CLAIM FOR RELIEF
(Strict Liability in Tort 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, Inflator Systems, 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.

75. 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.

76. At all times relevant herein, all Defendants Takata, TK Holdings, Inflator Systems, 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's Decedent at some point prior to the Incident on July 27, 2014.

77. At all times relevant, the subject Vehicle was being used in an intended and/or foreseeable manner when the Incident alleged herein occurred. Plaintiff's Decedent 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.

78. 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 July 27, 2014.

79. At all times relevant herein, Defendants Takata, TK Holdings, Inflator Systems, 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.

80. At all times relevant herein, Defendants Takata, TK Holdings, Inflator Systems, 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.

81. At all times relevant herein, Defendants Takata, TK Holdings, Inflator Systems, 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.

82. At all times relevant herein, Defendants Takata, TK Holdings, Inflator Systems, 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.

83. As a direct and proximate result of the Defendants Takata, TK Holdings, Inflator Systems, Honda Motor, Honda R&D, American Honda, and Honda Mfg.'s negligence and the breaches complained of herein, Plaintiff's Decedent and her Decedent Child suffered serious and permanent injuries including scarring, excruciating pain and suffering, mental anguish, emotional distress, and other injuries, as a result of the Incident on July 27, 2014, which ultimately led to their respective, untimely and wrongful deaths.

84. By reason of the foregoing, Plaintiff is entitled to recover damages for all of the pre-death general and special damages suffered by Ms. Leh and her Decedent Child as a result of the Incident on July 27, 2014, proximately caused by Defendants Takata, TK Holdings, Inflator Systems, Honda Motor, Honda R&D, American Honda, and Honda Mfg.'s negligent and grossly negligent acts and/or omissions.

85. WHEREFORE, Plaintiff demands judgment against Defendants, Takata, TK Holdings, Inflator Systems, Honda Motor, Honda R&D, American Honda, and Honda Mfg., 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.

FOURTH CLAIM FOR RELIEF
Failure to Warn As to All Defendants

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

87. At all times relevant herein, Defendants Takata, TK Holdings, Inflator Systems, 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.

88. At all times relevant herein, Defendants Takata, TK Holdings, Inflator Systems, 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.

89. At all times relevant herein, Defendants Takata, TK Holdings, Inflator Systems, 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.

90. At all times relevant herein, Defendants Takata, TK Holdings, Inflator Systems, 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.

91. As a direct and proximate result of the Defendants Takata, TK Holdings, Inflator Systems, Honda Motor, Honda R&D, American Honda, and Honda Mfg.'s negligence and the breaches complained of herein, Plaintiff's Decedent and her Decedent Child suffered serious and permanent injuries including scarring, excruciating pain and suffering, mental anguish, emotional distress, and other injuries, as a result of the Incident on July 27, 2014, which ultimately led to their respective, untimely and wrongful deaths.

92. By reason of the foregoing, Plaintiff is entitled to recover damages for all of the pre-death general and special damages suffered by Ms. Leh and her Decedent Child as a result of the Incident on July 27, 2014, proximately caused by Defendants Takata, TK Holdings, Inflator Systems, Honda Motor, Honda R&D, American Honda, and Honda Mfg.'s negligent and grossly negligent acts and/or omissions.

93. WHEREFORE, Plaintiff demands judgment against Defendants, Takata, TK Holdings, Inflator Systems, Honda Motor, Honda R&D, American Honda, and Honda Mfg., 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.

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

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

herein.

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

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

97. Consequently, at the time of its sale to Plaintiff’s Decedent, 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.

98. At all times relevant herein, the Honda Defendants breached the implied warranty of merchantability as it concerns Plaintiff’s Decedent 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.

99. 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 July 27, 2014, which made the subject Vehicle unfit for its ordinary purpose of providing safe transportation.

100. At all times relevant herein, the Honda Defendants further breached the implied warranty of merchantability to Plaintiff’s Decedent 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 July 27, 2014, and therefore, it would not pass without objection in the trade.

101. At all times relevant herein, the Honda Defendants further breached the implied warranty of merchantability to Plaintiff's Decedent 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 July 27, 2014.

102. As a direct and proximate result of the Defendants Takata, TK Holdings, Inflator Systems, Honda Motor, Honda R&D, American Honda, and Honda Mfg.'s negligence and the breaches complained of herein, Plaintiff's Decedent and her Decedent Child suffered serious and permanent injuries including scarring, excruciating pain and suffering, mental anguish, emotional distress, and other injuries, as a result of the Incident on July 27, 2014, which ultimately led to their respective, untimely and wrongful deaths.

103. By reason of the foregoing, Plaintiff is entitled to recover damages for all of the pre-death general and special damages suffered by Ms. Leh and her Decedent Child as a result of the Incident on July 27, 2014, proximately caused by Defendants Takata, TK Holdings, Inflator Systems, Honda Motor, Honda R&D, American Honda, and Honda Mfg.'s negligent and grossly negligent acts and/or omissions.

104. WHEREFORE, Plaintiff demands judgment against Defendants, Takata, TK Holdings, Inflator Systems, Honda Motor, Honda R&D, American Honda, and Honda Mfg., 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
(Wrongful Death of Law Suk Leh As to All Defendants)

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

106. At all times relevant herein, Plaintiff's Decedent Law Suk Leh is and was the lawful purchaser of the Vehicle at issue in this Complaint, Vin No. MRHGD86903P020495, Plate No. KH2028.

107. At all times relevant herein, Plaintiff's Decedent, Law Suk Leh, died intestate in the ambulance on the way to Hospital Sibul, Sarawak on the 27th day of July 2014, and pursuant to Malaysian law, Plaintiff Law Ngee Chiong has been appointed as her rightful Personal Representative and Heir.

108. Accordingly, at all times relevant herein, in his capacity as an Authorized Representative of the Estate, Plaintiff Law Ngee Chiong brings this action for the benefit of the statutory beneficiaries of Ms. Leh and her Decedent Child, naming himself as the appropriate party and personal representative of the Estate to recover for damages, injuries, and losses sustained by Law Suk Leh on July 27, 2014.

109. At all times relevant herein, the aforementioned actions of the Defendants, as alleged previously herein, caused the earlier demise and death of Plaintiff's Decedent, Law Suk Leh, on July 27, 2014. The death of Plaintiff's Decedent was caused and occasioned by the negligent and grossly negligent acts on behalf of the Defendants as set forth above.

110. At all times relevant herein, Plaintiff's Decedent's statutory beneficiaries have been

deprived of all benefits of her society and companionship and have been caused great mental shock and suffering by reason of her untimely death. They have been and will forever be caused grief and sorrow by the loss of their child and/or mother's love, society and companionship. They have been deprived of her future experience and judgment. They have incurred expenses for her funeral and final expenses and, as a result of the foregoing, they have sustained personal injuries including, but not limited to:

- a. pecuniary loss, loss of economic support for family;
- b. mental shock and suffering;
- c. wounded feelings;
- d. grief and sorrow;
- e. loss of companionship;
- f. deprivation of the use and comfort of the intestate's society;
- g. loss of her experience, knowledge and judgment;
- h. loss of income of the Decedent;
- i. funeral expenses; and
- j. and on such other and further particulars as the evidence may show.

111. Plaintiff, accordingly, as the duly acting, appointed and qualified personal representative of the estate of Plaintiff's Decedent, Law Suk Leh, is entitled to recover compensatory damages in an amount to be proven at trial.

112. Plaintiff also, as a further result of Defendants' reckless, willful, negligent and grossly negligent conduct, is entitled to recover punitive damages in an amount to be determined by the jury in accordance with the law and evidence in this case.

113. WHEREFORE, Plaintiff prays judgment against the Defendants for actual, consequential,

and punitive damages, together with costs of this action, and for such other and further relief as this Court may deem fit, just, and proper.

SEVENTH CLAIM FOR RELIEF
(Wrongful Death of Elsa Mia Law Caido As to All Defendants)

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

115. At all times relevant herein, Plaintiff's Decedent's Decedent Child, Elsa Mia Law Caido, died intestate at Hospital Sibul, Sarawak on the 30th day of July 2014, and pursuant to Malaysian law, Plaintiff Law Ngee Chiong has been appointed the rightful Personal Representative and Heir of her Estate.

116. Accordingly, at all times relevant herein, in his capacity as an Authorized Representative of the Estate, Plaintiff Law Ngee Chiong brings this action for the benefit of the statutory beneficiaries of Ms. Leh and her Decedent Child, naming himself as the appropriate party and personal representative of the Estate to recover for damages, injuries, and losses sustained by Plaintiff's Decedent's Decedent Child, Elsa Mia Law Caido, on July 27, 2014 that ultimately led to her death.

117. At all times relevant herein, the aforementioned actions of the Defendants as alleged previously herein caused the earlier demise and death of Plaintiff's Decedent's Decedent Child, Elsa Mia Law Caido, on July 30, 2014. The death of Plaintiff's Decedent's Decedent Child, Elsa Mia Law Caido, was caused and occasioned by the negligent and grossly negligent acts on behalf of the Defendants as set forth above.

118. At all times relevant herein, Plaintiff's Decedent's Decedent Child's statutory beneficiaries have been deprived of all benefits of her society and companionship and have been caused great mental shock and suffering by reason of her untimely death.

119. They have been and will forever be caused grief and sorrow by the loss of their grandchild and/or loved one's love, society and companionship. They have been deprived of her future experience and judgment. They have incurred expenses for her funeral and final expenses and, as a result of the foregoing, they have sustained personal injuries including, but not limited to:

- a. pecuniary loss, loss of economic support for family;
- b. mental shock and suffering;
- c. wounded feelings;
- d. grief and sorrow;
- e. loss of companionship;
- f. deprivation of the use and comfort of the intestate's society;
- g. loss of her experience, knowledge and judgment;
- h. loss of income of the Decedent;
- i. funeral expenses; and
- j. and on such other and further particulars as the evidence may show.

120. Plaintiff, accordingly, as the duly acting, appointed and qualified personal representative of the estate of Plaintiff's Decedent's Decedent Child, Elsa Mia Law Caido, is entitled to recover compensatory damages in an amount to be proven at trial.

121. Plaintiff also, as a further result of Defendants' reckless, willful, negligent and grossly negligent conduct, is entitled to recover punitive damages in an amount to be determined by the jury in accordance with the law and evidence in this case.

122. WHEREFORE, Plaintiff prays judgment against the Defendants for actual, consequential, and punitive damages, together with costs of this action, and for such other and further relief as this Court may deem fit, just, and proper.

EIGHTH CLAIM FOR RELIEF
(Survivorship of Law Suk Leh As to All Defendants)

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

124. At all times relevant herein, Plaintiff's Decedent, Law Suk Leh, died intestate in the ambulance on the way to Hospital Sibul, Sarawak on the 27th day of July 2014, and pursuant to Malaysian law, Plaintiff Law Ngee Chiong has been appointed as her rightful Personal Representative and Heir.

125. Accordingly, at all times relevant herein, in his capacity as an Authorized Representative of the Estate, Plaintiff Law Ngee Chiong brings this action also to recover for the compensatory damages sustained by Law Suk Leh from the time of her injuries up until the time of her death on July 27, 2014, including but not limited to pain, suffering, mental anguish, and anticipation of death.

126. As a direct and proximate result of the defective and unreasonably dangerous condition of the Vehicle, the breach of implied warranties, and the fraudulent, negligent, grossly negligent, and willful and wanton conduct of the Defendants on and/or leading up to the date of the Incident on July 27, 2014, Law Suk Leh was severely and painfully injured, suffered contusions and lacerations, was treated in an ambulance while being transported to the hospital, incurred medical expenses, and suffered extreme mental anguish, substantial bodily injury and conscious and continuous, severe physical and mental pain from the time of her injury on July 27, 2014 up until and prior to her death later that day.

127. Plaintiff, as the duly acting, appointed and qualified Administrator of the Estate of Law Suk Leh, accordingly is entitled to recover compensatory damages for the survival claim of Law

Suk Leh in an amount to be proven at trial.

128. Plaintiff also, as a further result of Defendants' reckless, willful, negligent and grossly negligent conduct, is entitled to recover punitive damages in an amount to be determined by the jury in accordance with the law and evidence in this case.

129. WHEREFORE, Plaintiff prays judgment against the Defendants for actual, consequential, and punitive damages, together with costs of this action, and for such other and further relief as this Court may deem fit, just, and proper.

NINTH CLAIM FOR RELIEF
(Survivorship of Elsa Mia Law Caido As to All Defendants)

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

131. At all times relevant herein, Plaintiff's Decedent's Decedent Child, Elsa Mia Law Caido, died intestate at Hospital Sibul, Sarawak on the 30th day of July 2014, and pursuant to Malaysian law, Plaintiff Law Ngee Chiong has been appointed the rightful Personal Representative and Heir of her Estate.

132. Accordingly, at all times relevant herein, in his capacity as an Authorized Representative of the Estate, Plaintiff Law Ngee Chiong brings this action also to recover for the compensatory damages sustained by Plaintiff's Decedent's Decedent Child, Elsa Mia Law Caido, from the time of her injuries on July 27, 2014 prior to her death on July 30, 2014, including but not limited to pain, suffering, mental anguish, and anticipation of death.

133. As a direct and proximate result of the defective and unreasonably dangerous condition of the Vehicle, the breach of implied warranties, and the fraudulent, negligent, grossly negligent, and willful and wanton conduct of the Defendants on and/or leading up to the date of the Incident on

July 27, 2014, Elsa Mia Law Caido was severely and painfully injured, was delivered early, was hospitalized, incurred medical expenses, and suffered extreme mental anguish, substantial bodily injury and conscious and continuous, severe physical and mental pain from the time of her injury on July 27, 2014 up until and prior to her death on July 30, 2014.

134. Plaintiff, as the duly acting, appointed and qualified Administrator of the Estate of Elsa Mia Law Caido, accordingly is entitled to recover compensatory damages for the survival claim of Elsa Mia Law Caido in an amount to be proven at trial.

135. Plaintiff also, as a further result of Defendants' reckless, willful, negligent and grossly negligent conduct, is entitled to recover punitive damages in an amount to be determined by the jury in accordance with the law and evidence in this case.

136. WHEREFORE, Plaintiff prays judgment against the Defendants for actual, consequential, and punitive damages, together with costs of this action, and for such other and further relief as this Court may deem fit, just, and proper.

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

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

138. In addition to the general and special damages suffered by Plaintiff's Decedent and her Decedent Child and proximately caused by the Defendant manufacturers' bad actions and inactions, as it concerns the defective operations and performance of the Vehicle on July 27, 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.

139. More specifically, the actions and inactions of Defendants Takata, TK Holdings, Inflator Systems, 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, Plaintiff's Decedent, and Plaintiff's Decedent's Decedent Child so as to result in significant and ongoing damages arising from the Incident at issue in this Complaint.

140. Furthermore, Defendants Takata, TK Holdings, Inflator Systems, 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, Plaintiff's Decedent, and Plaintiff's Decedent's Child, and/or have deliberately engaged in willful, wanton and reckless disregard for the life and safety of the Plaintiff's Decedent and Plaintiff's Decedent's Child so as to entitle Plaintiff to punitive and exemplary damages in an amount sufficient to keep such wrongful conduct from being repeated.

141. WHEREFORE, Defendants Takata, TK Holdings, Inflator Systems, 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, Inflator Systems, 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, Inflator Systems, 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 30, 2015.

Respectfully submitted,

MOTLEY RICE LLC

By: /s/T. David Hoyle
T. David Hoyle, Esq. (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

Wilbur D. Owens, III, Esq.
OWENS & MULHERIN

800 Commercial Court (31406)
PO Box 13368
Savannah, GA 31416-3368
Phone: (912) 691-4686
Fax: (912) 691-4724
owens@lomlaw.com

ATTORNEYS FOR THE PLAINTIFF