



Legal Document

Superior Court of California, County of Orange
Case No. 30-2021-01200915-CU-PA-CJC
Darel Gene Kyle v. Tesla, Inc.

Document 2



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PLD-PI-001

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Shawn L. Mangoli, Esq. (SBN 299859); Mary L. Caruso, Esq. (SBN 282110) BEVERLY HILLS INJURY FIRM 9454 WILSHIRE BLVD., SUITE 600 BEVERLY HILLS, CA 90212-2937 TELEPHONE NO: (310) 777-5287 FAX NO. (Optional): (844) 263-4448 E-MAIL ADDRESS (Optional): Shawn@bhinjuryfirm.com; mcaruso@bhinjuryfirm.com ATTORNEY FOR (Name): PLAINTIFF, DAREL GENE KYLE	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE STREET ADDRESS: 700 CIVIC CENTER DRIVE WEST MAILING ADDRESS: 700 CIVIC CENTER DRIVE WEST CITY AND ZIP CODE: SANTA ANA, CA 92701 BRANCH NAME: CENTRAL JUSTICE CENTER	
PLAINTIFF: DAREL GENE KYLE DEFENDANT: TESLA, INC.; TESLA MOTORS, INC. <input checked="" type="checkbox"/> DOES 1 TO 25	
COMPLAINT—Personal Injury, Property Damage, Wrongful Death <input type="checkbox"/> AMENDED (Number): Type (check all that apply): <input checked="" type="checkbox"/> MOTOR VEHICLE <input checked="" type="checkbox"/> OTHER (specify): PRODUCTS LIABILITY <input checked="" type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death <input checked="" type="checkbox"/> Personal Injury <input type="checkbox"/> Other Damages (specify):	CASE NUMBER:
Jurisdiction (check all that apply): <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000 <input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited	

1. **Plaintiff (name or names):** DAREL GENE KYLE
alleges causes of action against **defendant (name or names):**
TESLA, INC.; TESLA MOTORS, INC. AND DOES 1 THROUGH 25
2. This pleading, including attachments and exhibits, consists of the following number of pages:
3. Each plaintiff named above is a competent adult
 - a. ☐ except plaintiff (name):
 - (1) ☐ a corporation qualified to do business in California
 - (2) ☐ an unincorporated entity (describe):
 - (3) ☐ a public entity (describe):
 - (4) ☐ a minor ☐ an adult
 - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) ☐ other (specify):
 - (5) ☐ other (specify):
 - b. ☐ except plaintiff (name):
 - (1) ☐ a corporation qualified to do business in California
 - (2) ☐ an unincorporated entity (describe):
 - (3) ☐ a public entity (describe):
 - (4) ☐ a minor ☐ an adult
 - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) ☐ other (specify):
 - (5) ☐ other (specify):

☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

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SHORT TITLE:

DAREL GENE KYLE V TESLA, INC. ET AL.

CASE NUMBER:

4. ☐ Plaintiff (name):
is doing business under the fictitious name (specify):

and has complied with the fictitious business name laws.
5. Each defendant named above is a natural person
- a. ☒ except defendant (name): TESLA, INC.
- (1) ☒ a business organization, form unknown
(2) ☐ a corporation
(3) ☐ an unincorporated entity (describe):

(4) ☐ a public entity (describe):

(5) ☐ other (specify):
- c. ☐ except defendant (name):
- (1) ☐ a business organization, form unknown
(2) ☐ a corporation
(3) ☐ an unincorporated entity (describe):

(4) ☐ a public entity (describe):

(5) ☐ other (specify):
- b. ☒ except defendant (name): TESLA MOTORS, INC.
- (1) ☒ a business organization, form unknown
(2) ☐ a corporation
(3) ☐ an unincorporated entity (describe):

(4) ☐ a public entity (describe):

(5) ☐ other (specify):
- d. ☐ except defendant (name):
- (1) ☐ a business organization, form unknown
(2) ☐ a corporation
(3) ☐ an unincorporated entity (describe):

(4) ☐ a public entity (describe):

(5) ☐ other (specify):
- ☐ Information about additional defendants who are not natural persons is contained in Attachment 5.
6. The true names of defendants sued as Does are unknown to plaintiff.
- a. ☒ Doe defendants (specify Doe numbers): 1 THROUGH 25 were the agents or employees of other named defendants and acted within the scope of that agency or employment.
- b. ☒ Doe defendants (specify Doe numbers): 1 THROUGH 25 are persons whose capacities are unknown to plaintiff.
7. ☐ Defendants who are joined under Code of Civil Procedure section 382 are (names):
8. This court is the proper court because
- a. ☐ at least one defendant now resides in its jurisdictional area.
b. ☐ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.
c. ☒ injury to person or damage to personal property occurred in its jurisdictional area.
d. ☐ other (specify):
9. ☐ Plaintiff is required to comply with a claims statute, and
- a. ☐ has complied with applicable claims statutes, or
b. ☐ is excused from complying because (specify):

SHORT TITLE:

DAREL GENE KYLE V TESLA, INC. ET AL.

CASE NUMBER:

10. The following causes of action are attached and the statements above apply to each (*each complaint must have one or more causes of action attached*):

- a. ☒ Motor Vehicle
- b. ☒ General Negligence
- c. ☐ Intentional Tort
- d. ☒ Products Liability
- e. ☐ Premises Liability
- f. ☐ Other (*specify*):

11. Plaintiff has suffered

- a. ☒ wage loss
- b. ☒ loss of use of property
- c. ☒ hospital and medical expenses
- d. ☒ general damage
- e. ☒ property damage
- f. ☒ loss of earning capacity
- g. ☒ other damage (*specify*):
ALL DAMAGES TO WHICH PLAINTIFF IS ENTITLED AS A MATTER OF LAW

12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. ☐ listed in Attachment 12.
- b. ☐ as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. **Plaintiff prays** for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) ☒ compensatory damages
- (2) ☐ punitive damages

The amount of damages is (*in cases for personal injury or wrongful death, you must check (1)*):

- (1) ☒ according to proof
- (2) ☐ in the amount of: \$

15. ☐ The paragraphs of this complaint alleged on information and belief are as follows (*specify paragraph numbers*):

Date: MAY 11, 2021

MARY CARUSO, ESQ.

(TYPE OR PRINT NAME)

► 
(SIGNATURE OF PLAINTIFF OR ATTORNEY)

SHORT TITLE:
DAREL GENE KYLE V TESLA, INC. ET AL.

CASE NUMBER:

FIRST

(number)

CAUSE OF ACTION—Motor Vehicle

ATTACHMENT TO ☒ Complaint ☐ Cross-Complaint

(Use a separate cause of action form for each cause of action.)

Plaintiff (name): DAREL GENE KYLE

MV- 1. Plaintiff alleges the acts of defendants were negligent; the acts were the legal (proximate) cause of injuries and damages to plaintiff; the acts occurred

on (date): MAY 20, 2019

at (place):

Southbound SR-241, 1300' North of Windy Ridge Wildlife U/C in the City of Anaheim, County of Orange, State of California

MV- 2. DEFENDANTS

a. ☐ The defendants who operated a motor vehicle are (names):

☐ Does _____ to _____

b. ☐ The defendants who employed the persons who operated a motor vehicle in the course of their employment are (names):

☐ Does _____ to _____

c. ☐ The defendants who owned the motor vehicle which was operated with their permission are (names):

☐ Does _____ to _____

d. ☐ The defendants who entrusted the motor vehicle are (names):

☐ Does _____ to _____

e. ☒ The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were (names):

UNKNOWN TO PLAINTIFF AT THIS TIME WHO THEREFORE SUES THEM AS DOE DEFENDANTS.

☒ Does 1 _____ to 25 _____

f. ☒ The defendants who are liable to plaintiffs for other reasons and the reasons for the liability are

☐ listed in Attachment MV-2f ☒ as follows:

TESLA, INC. AND TESLA MOTORS, INC. AS WELL AS DOES 1 THROUGH 25, MANUFACTURED, ASSEMBLED, DESIGNED, AND SOLD TO THE PUBLIC THE TESLA AUTOPILOT, WHICH WAS DEFECTIVE.

☒ Does 1 _____ to 25 _____

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SHORT TITLE:
DAREL GENE KYLE V TESLA, INC. ET AL

CASE NUMBER:

SECOND

(number)

CAUSE OF ACTION—General Negligence

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ATTACHMENT TO ☒ Complaint ☐ Cross-Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): DAREL GENE KYLE

alleges that defendant (name): TESLA, INC.; TESLA MOTORS, INC.

☒ Does 1 to 25

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): MAY 20, 2019

at (place): Southbound SR-241, 1300' North of Windy Ridge Wildlife U/C in the City of Anaheim, County of Orange, State of

(description of reasons for liability):

TESLA, INC. AND TESLA MOTORS, INC., AS WELL AS DOES 1 THROUGH 25, NEGLIGENTLY MANUFACTURED, ASSEMBLED, DESIGNED, AND SOLD TO THE PUBLIC THE TESLA AUTOPILOT, WHICH WAS DEFECTIVE.

SHORT TITLE:

DAREL GENE KYLE V TESLA, INC. ET AL.

CASE NUMBER:

THIRD

(number)

CAUSE OF ACTION—Products Liability

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ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint
 (Use a separate cause of action form for each cause of action.)

Plaintiff (name): Darel Gene Kyle

Prod. L-1. On or about (date): May 20, 2019

plaintiff was injured by the following product:

Tesla's Autopilot

Prod. L-2. Each of the defendants knew the product would be purchased and used without inspection for defects.

The product was defective when it left the control of each defendant. The product at the time of injury was being

☐ used in the manner intended by the defendants.☒ used in the manner that was reasonably foreseeable by defendants as involving a substantial danger not readily apparent. Adequate warnings of the danger were not given.

Prod. L-3. Plaintiff was a

☐ purchaser of the product.☐ user of the product.☒ bystander to the use of the product.☒ other (specify):

Injured as a result of the defective product.

PLAINTIFF'S INJURY WAS THE LEGAL (PROXIMATE) RESULT OF THE FOLLOWING:

Prod. L-4. ☒ **Count One—Strict liability** of the following defendants whoa. ☒ manufactured or assembled the product (names):

Tesla Autopilot

☒ Does 1 to 25b. ☒ designed and manufactured component parts supplied to the manufacturer (names):

Tesla, Inc. and Tesla Motors, Inc.

☒ Does 1 to 25c. ☒ sold the product to the public (names):

Defendant, Kevin Grayson Frazier

☒ Does 1 to 25Prod. L-5. ☒ **Count Two—Negligence** of the following defendants who owed a duty to plaintiff (names):

Tesla, Inc. and Tesla Motors, Inc.

☒ Does 1 to 25Prod. L-6. ☒ **Count Three—Breach of warranty** by the following defendants (names):

Tesla, Inc. and Tesla Motors, Inc.

☒ Does 1 to 25a. ☐ who breached an implied warrantyb. ☒ who breached an express warranty which was☐ written ☐ oralProd. L-7. ☒ The defendants who are liable to plaintiffs for other reasons and the reasons for the liability are☐ listed in Attachment-Prod. L-7 ☒ as follows:

Tesla, Inc. and Tesla Motors, Inc.