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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

JEFFERY L. DENNIS, individually, and  
Renee Canavan as the Personal  
Representative of the Estate of Wendy M.  
Dennis,

Plaintiffs,

v.

TELSA, INC.,

Defendant.

CASE NO:

COMPLAINT FOR DAMAGES AND  
DEMAND FOR JURY TRIAL

**COMPLAINT**

Plaintiffs, Jeffery L. Dennis, individually, and Renee Canavan as representative of the estate of Wendy M. Dennis, complain of and allege the following causes of action against Defendant Tesla, Inc., (hereinafter called “Tesla”), as follows:

**I. OVERVIEW**

1. This case arises from design defects in a Tesla Model 3 that caused a catastrophic crash killing Wendy Dennis and severely injured her husband, Jeff Dennis. Not only did defects in the Tesla vehicle cause the tragic crash, but other defects in the Tesla caused

1 an explosive fire and prevented rescuers from removing Jeff and Wendy in time to  
2 prevent some of their horrendous harm.

3  
4 2. Plaintiffs allege that the Tesla Model 3 had a defect that caused it to suddenly, and  
5 without warning or command from the driver, accelerate out of control. Although the  
6 driver skillfully avoided other vehicles, the Tesla eventually crashed into a utility pole.  
7

8  
9 3. Additionally, Plaintiffs allege that Tesla's decision to prevent its Automatic Emergency  
10 Braking (AEB) system from activating under these circumstances constituted  
11 negligence and gross negligence.

12  
13 4. Plaintiffs further allege that because of defective batteries and battery pack design, the  
14 Tesla exploded into a raging fire upon impact with the pole. The battery chemistry and  
15 design unnecessarily increased the risk of this kind of catastrophic fire.  
16

17  
18 5. Plaintiffs also allege Tesla's unique and defective door handle design, which causes the  
19 door handles to become inoperable after a crash, prevented rescuers from removing Jeff  
20 and Wendy in time to prevent unnecessary further injuries.  
21

22 6. Well before this tragedy, Defendant Tesla had received repeated notice that its vehicles  
23 were prone to Sudden Uncommanded Acceleration [SUA], explosive fires, whether  
24 triggered by a crash or occurring spontaneously, and that such fires were difficult and  
25 time-consuming to extinguish. Tesla also knew that its decision to prevent its AEB  
26 system from activating would allow otherwise preventable collisions to kill and maim  
27 people. Tesla knew that its reliance on electronic door systems created a serious risk of  
28  
29

1 occupant entrapment after crashes. Owners, rescuers, and regulators had documented  
2 prior incidents where Tesla occupants survived crash forces but were unable to escape  
3 when power failed and fire ensued. Despite these warnings, Defendant Tesla continued  
4 to market and sell vehicles—including the subject vehicle—that predictably trapped  
5 survivors in foreseeable emergencies.  
6

7  
8 **II. FACTS**  
9

10 7. On January 7, 2023, Plaintiff Jeffery L. Dennis was driving the 2018 Tesla Model 3,  
11 VIN 5YJ3E1EA9JF023043 (hereinafter “subject vehicle”), owned by Dennis and his  
12 spouse, Wendy M. Dennis, who was riding in the front passenger seat. The Dennis’s  
13 were out for a normal Saturday afternoon of shopping and errands.  
14

15  
16 8. The Dennises were traveling westbound on South 56th Street, toward the intersection  
17 with South Washington Street, in Tacoma, Washington, when their Tesla Model 3  
18 suddenly and rapidly accelerated out of control, continuing to accelerate faster and  
19 faster for at least 5 seconds before crashing into a utility pole on the northwest corner  
20 of South 56th and South Washington streets shortly after 1:00 PM.  
21

22  
23 9. Video footage from a nearby business shows the Dennis’ Model 3 rapidly accelerating  
24 and swerving to avoid hitting other vehicles as it sped out of control. At no time did  
25 the Model 3’s Automatic Emergency Braking (AEB) system engage prior to it  
26 crashing into the utility pole.  
27  
28  
29

1 10. Immediately upon impact the Model 3 burst into flames, in what was only the  
2 beginning of an extremely hot fire that immediately engulfed the Model 3 and would  
3 burn for many hours before responders from the fire department were able to  
4 extinguish it completely.  
5

6  
7 11. Several bystanders ran to the vehicle and attempted to assist Jeff and Wendy Dennis  
8 but the Model 3's door handles would not operate – by design – making it impossible  
9 for anyone to open the doors from the outside of the vehicle. Several good Samaritans  
10 even attempted to use a baseball bat to break the car windows to help the Dennisses  
11 out of the burning vehicle. However, the increasingly intense fire forced them to  
12 distance themselves from the rapidly growing fire. They could only watch helplessly  
13 from a distance as the severely injured Jeff and Wendy burned in the inferno.  
14  
15



27 The Tesla as it struck the utility pole.  
28  
29



Seconds after impact the Tesla exploded into flames.

12. First responders arrived on the scene several minutes later and extricated Jeff and Wendy Dennis from the vehicle, but not before Wendy had died and Jeff had suffered extreme burning of his legs, in addition to numerous other catastrophic injuries.

13. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §1332 because this action is between citizens of different states and the amount in controversy, exclusive of interest, attorneys' fees and costs, exceeds \$75,000.

14. Venue is proper within this district pursuant to 28 U.S.C. §1391(b) as the events giving rise to this litigation took place in Pierce County, Washington.

**IV. PARTIES**

1  
2  
3 15. Plaintiff Jeffery L. Dennis is a citizen of the state of Washington, who at all times  
4 relevant to this action has resided in Tacoma, Pierce County, Washington.  
5

6 16. Plaintiff Renee Canavan as representative of the estate of Wendy Dennis resides in  
7 Missouri.  
8

9 17. Defendant Tesla, Inc. (hereinafter “Tesla”) is a Delaware corporation and is  
10 headquartered in the state of Texas at 1 Tesla Road, Austin, Texas, and doing business  
11 in Washington with numerous Tesla retail locations where Tesla sells its vehicles  
12 directly to customers.  
13  
14

15 **V. PLAINTIFFS’ FIRST CAUSE OF ACTION AGAINST TESLA**

16 **PRODUCT LIABILITY**

17 **(Wash. Rev. Code § 7.72.030)**  
18

19 18. Plaintiffs incorporate by reference each preceding and succeeding paragraphs as  
20 though fully set forth herein.  
21

22 19. Tesla designed, manufactured, researched, tested, assembled, installed, marketed,  
23 advertised, distributed and sold the 2018 Tesla Model 3, with Vehicle Identification  
24 Number 5YJ3E1EA9JF023043 (the “subject vehicle”), and as such, Defendant is both  
25 a “manufacturer” and a “seller” pursuant to Washington Revised Code § 7.72.  
26

27 20. Tesla designed, manufactured, researched, tested, and assembled the subject vehicle in  
28 the state of California while Tesla kept its official headquarters there. (Tesla later  
29

1 moved to Texas but was still based in California when the subject vehicle was  
2 designed and built).

3  
4 21. Like all Tesla vehicles, the Tesla Model 3 is a “computer on wheels,” a highly  
5 advanced automobile fitted with hardware and software designed to effectively  
6 automate as many of the automobile’s features as possible.  
7

8  
9 22. But automated driving systems are only as good as the hardware, engineering, and  
10 programming of the onboard computers used to execute it. Computers and software  
11 frequently come with bugs, glitches, and unanticipated problems that cause their  
12 computers to unexpectedly crash, malfunction, or work differently than intended.  
13 These bugs are serious enough when located in a stationary box on a user’s desk—  
14 they are magnified exponentially when a computer controls a more than two-ton  
15 moving machine capable of accelerating from 0 to 60 miles per hour in under five  
16 seconds. In these circumstances, the consequences of computer “bugs” and “glitches”  
17 can be catastrophic, as in the case of the Dennis family’s Tesla.  
18  
19

20  
21 23. At all times relevant to this action, Tesla knew that the subject vehicle would be  
22 operated and inhabited by consumers like Plaintiffs without inspection for defects.  
23

24 24. At the time of this collision, the subject vehicle was being used by Plaintiffs in a  
25 manner and fashion that was foreseeable by Tesla, and as it was intended to be used.  
26

27 25. The subject vehicle was not reasonably safe as designed and manufactured because, at  
28 the time of its manufacture, the likelihood the product would cause harm to a driver  
29

1 and/or passengers, including the Plaintiffs, and the seriousness of those harms  
2 outweighed the burden on the Tesla to design a vehicle that would have prevented  
3 those harms, and instead Tesla chose to expose Plaintiffs and other users of the subject  
4 vehicle to those harms, including serious and horrific catastrophic injuries and in some  
5 cases, violent and horrible death.  
6

7  
8 26. Plaintiffs' harm was proximately caused by Tesla's negligence in that the subject  
9 vehicle was not reasonably safe as designed and lacked adequate warnings or  
10 instructions.  
11

12  
13 27. The subject vehicle was not reasonably safe as designed because, at the time of  
14 manufacture, the likelihood that the vehicle would cause Plaintiffs' harm or similar  
15 harms, and the seriousness of those harms, outweighed the burden on Tesla to design a  
16 product that would have prevented those harms and the adverse effect that an  
17 alternative design that was practical and feasible would have on the usefulness of the  
18 subject vehicle.  
19

20  
21 28. The subject vehicle was not reasonably safe because Tesla failed to provide adequate  
22 warnings or instructions after the vehicle was manufactured because Tesla learned or  
23 reasonably should have learned about dangers concerning the vehicle after it was  
24 manufactured. Tesla had a duty issue warnings or instructions concerning the dangers  
25 in the manner that a reasonably prudent manufacturer would have under the  
26 circumstances. Tesla failed to exercise reasonable care to inform users of the subject  
27 vehicle of its dangers.  
28  
29

1 29. Tesla is strictly liable for Plaintiffs’ damages because Plaintiffs’ damages were  
2 proximately caused by the fact that the subject vehicle was not reasonably safe in  
3 construction.  
4

5 30. The subject vehicle was unsafe to an extent beyond that which would be contemplated  
6 by the ordinary user.  
7

8 31. The Plaintiffs were not aware of the unsafe conditions of the subject vehicle, and as a  
9 proximate and foreseeable result Plaintiffs sustained the catastrophic injuries and  
10 damages set forth herein, for which Tesla is strictly liable.  
11

12 32. Based on the foregoing, the Plaintiff is entitled to damages in an amount to be proven  
13 at the time of trial.  
14

15 33. These defects concerning the subject vehicle included:  
16

17  
18 **A. Tesla Knows Its Vehicles Experience Sudden Un-Commanded Acceleration**

19 34. As Tesla has moved further toward the goal of computer-guided driving, one of the  
20 problems that continues to manifest in Tesla vehicles is that they accelerate suddenly  
21 and without explanation, absent any driver direction or command. This sudden  
22 uncommanded acceleration (“SUA”), in which a Tesla vehicle accelerates to full  
23 power even though the driver reports that he or she did not command the acceleration  
24 by pressing the accelerator pedal (the “SUA Defect”), has manifested in every Tesla  
25 model line to date at rates that far exceed historical rates for any other vehicles.  
26  
27

28  
29 Unfortunately, the Dennis family’s Model 3 appears to have the same SUA Defect as

1 other Tesla models.

2  
3 **35.** Members of the public report that SUA has been and remains a problem with Tesla  
4 vehicles. The most important source of field data regarding this issue is the National  
5 Highway Traffic Safety Administration’s Consumer Complaint Database. The  
6 National Highway Traffic Safety Administration (NHTSA) maintains the Vehicle  
7 Operator’s Questionnaire (VOQ) database, which tracks consumer complaints.  
8 Anyone can submit a complaint online or by phone. The VOQ has been in operation  
9 for more than 20 years and has been used by NHTSA and others for investigation of  
10 possible car defects.  
11  
12

13  
14 **36.** According to a study by NASA of uncommanded acceleration reports to the National  
15 Highway Traffic Administration from 2000 to 2010, there rate of SUA incidents was 1  
16 per 100,000 vehicles per year.  
17

18 **37.** By comparison, within the first year of Model X vehicles being on the road, and with  
19 only 18,240 Model X vehicles in use (the vast majority of which had been on the road  
20 significantly less than one year), there were thirteen (13) reported incidents of Sudden  
21 Uncommanded Acceleration—a staggeringly high rate of SUA incidents of 71 per  
22 100,000 vehicles per year—**seventy times** the average reported to NHTSA.  
23  
24

25 **38.** From September 2016 through June 2020, 192 consumer complaints were submitted  
26 to NHTSA describing SUA events by Tesla vehicles. According to the auto industry  
27 publication InsideEVs, Tesla sold approximately 543,540 vehicles in the United States  
28  
29

1 from 2013-2019, with over half of those having been sold since 2018. Thus, the  
2 number of Tesla SUA incidents per 100,000/year is many multiples of the historical 1  
3 SUA incident per 100,000 per year that NHTSA has historically reported.  
4

5 39. The 192 complaints are striking in the similarity of the descriptions of the  
6 circumstances under which SUA events occur. They are also alarming in that the  
7 incidents reflected in these complaints indicate that SUA events involving Tesla  
8 vehicles have caused 171 crashes and injured 64 people.  
9

10  
11 40. They are also striking in how they are distributed across all Tesla models and model  
12 years.  
13

14 41. As of April 2021, there were at least 52 SUA complaints to the NHTSA regarding  
15 Model3s and at least 150 SUA complaints regarding other Tesla models. As of April  
16 2021, there were at least 52 SUA complaints to the NHTSA regarding Model3s and at  
17 least 150 SUA complaints regarding other Tesla models. **Tesla vehicles have 6.1**  
18 **times the number of complaints made to NHTSA of SUA compared to the**  
19 **average of all passenger cars and light trucks sold in the United States.**  
20  
21

22 **B. Tesla Designed its Automatic Emergency Braking System to Fail**  
23

24 42. Tesla equips its vehicles with systems that should prevent just this kind of accident.  
25 Tesla included a feature called Automatic Emergency Braking (“AEB”), wherein the  
26 vehicle’s computer system uses its forward-looking camera and the radar sensor to  
27 determine the distance to objects in front of the vehicle. When a frontal collision is  
28  
29

1 considered unavoidable, the AEB system is designed to automatically apply the brakes  
2 to reduce the severity of the impact. This is a major selling point, as Tesla trumpets  
3 this capability as a safety feature, distinguishing Tesla vehicles from other  
4 automobiles.  
5

6  
7 43. Model 3 Owner's Manual:

## 8 Automatic Emergency Braking

9  
10 The forward looking camera(s) and the radar sensor are  
11 designed to determine the distance from a detected  
12 object traveling in front of Model 3. When a frontal  
13 collision is considered unavoidable, Automatic  
14 Emergency Braking is designed to apply the brakes to  
15 reduce the severity of the impact.

16 44. Further, the Owner's Manual states that AEB operates when the vehicle is going  
17 between approximately 7 mph and 90 mph.

18 Automatic Emergency Braking operates only when  
19 driving between approximately 7 mph (10 km/h) and  
20 90 mph (150 km/h).

21 45. However, the AEB system apparently has been designed and programmed to  
22 deactivate when it receives instructions from the accelerator pedal to drive full speed  
23 into a fixed object. The Model 3 vehicle does not automatically apply the brakes, or  
24 will stop applying the brakes, "in situations where you are taking action to avoid a  
25 potential collision." These situations include the driver turning the steering wheel  
26 sharply, pressing the accelerator pedal, or pressing and releasing (or pumping) the  
27 brake pedal.  
28  
29

1 46. What this means is that the Model 3’s computer acts the same way any time the  
2 computer believes—rightly or wrongly—that the driver is commanding full throttle  
3 acceleration directly into fixed objects immediately in front of the vehicle. The upshot  
4 is that Tesla has designed and manufactured a vehicle capable of accelerating from  
5 zero to 60 miles per hour in under 5 seconds—acceleration previously achievable only  
6 in a select number of exotic sports cars—and equipped the vehicle with the ability to  
7 sense objects in its path and brake automatically to prevent or minimize frontal  
8 impacts. But despite all these features, Tesla has programmed these systems to allow  
9 the Model 3 to engage with full throttle acceleration into fixed objects, such as walls,  
10 fences, beams, and poles.  
11  
12  
13

14  
15 47. Tesla’s failure to resolve the SUA problem in the Model 3 and its other vehicle models  
16 —or to at least mitigate the problem by building in a fail-safe braking mechanism to  
17 prevent collisions such as Plaintiffs’—is inexplicable. It is made worse by Tesla’s  
18 apparent response to simply blame the driver—a response consistent with other  
19 automobile manufacturers far less technologically advanced and savvy than Tesla. But  
20 blaming the driver is not an acceptable excuse. The circumstances described above  
21 have now led to the catastrophic injuries and death alleged by the Dennis family. In  
22 fact, had it not been for the skillful efforts of Mr. Dennis to steer the speeding Tesla  
23 away from other vehicles, other innocent bystanders might have been injured or killed.  
24 Tesla must be held responsible for the damage caused and created by its unsafe  
25 vehicle.  
26  
27  
28  
29

1 **C. Tesla’s Battery Design Is Dangerously Defective**

2  
3 48. The Dennis family asserts that defects in the design of the vehicle’s battery  
4 configuration and chemistry caused the Tesla Model 3 to explode upon impact with  
5 the traffic signal pole. These defects include, but are not limited to, the following:  
6

- 7 a. The vehicle’s high voltage battery pack contains thousands of highly  
8 explosive batteries and Tesla’s design unnecessarily exposed a significant  
9 number of the batteries to catastrophic damage in a frontal impact with a  
10 narrow object.  
11  
12 b. Tesla placed portions of the battery pack where they were unnecessarily  
13 vulnerable to frontal impact.  
14  
15 c. Tesla negligently placed lithium-ion batteries in battery packs without  
16 using adequate insulative material to reduce or eliminate the likelihood of  
17 thermal runaway, a known risk, which is what caused the vehicle to  
18 explode into flames upon impact.  
19  
20 d. Tesla used a highly explosive battery chemistry when there were other  
21 available, feasible, and less expensive battery chemistries that would have  
22 greatly reduced the likelihood of an explosive fire such as occurred. Tesla  
23 used a far safer battery chemistry in its Model 3 vehicles manufactured and  
24 sold in China.  
25  
26  
27  
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1 e. Tesla's choice of design, battery insulation, and chemistry caused the  
2 vehicle to explode and resulted in a hard-to-extinguish fire which  
3 unnecessarily prevented the rescue of Mrs. Dennis and delayed the rescue  
4 of Mr. Dennis before the vehicle's fire caused him catastrophic injuries.  
5

6  
7 f. Tesla also negligently failed to adequately test its revolutionarily new  
8 design to determine the safety of the vehicle's fuel system, i.e., the battery  
9 pack.  
10

11 49. These defects created substantial dangers which were unknown to the Dennises and  
12 the public in general, nor would they be recognized by the ordinary user. Tesla failed  
13 to use feasible safer alternative designs and failed to give adequate warnings of the  
14 dangers associated with the inherent risks of its defective designs.  
15

16  
17 50. Tesla has known of this defect since before 2010, when Tesla filed patents on fire  
18 retardant material to try to limit the tendency of lithium-ion batteries to experience  
19 rapid thermal runaway. However, Tesla vehicles continue to explode at a much higher  
20 rate than any other electric vehicle on the market.  
21

22  
23 51. Tesla has known since 2013 that rapid thermal runaway was not just a theoretical  
24 possibility. Real world events began occurring,<sup>1</sup> some of which were deadly.<sup>2</sup>  
25

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26 <sup>1</sup> A driver reported that he hit debris in the road in Kent, Washington, on October 1, 2013, and his Model S  
27 became disabled and then caught on fire. <https://www.seattletimes.com/business/tesla-says-car-fire-began-in-battery-after-crash/>; <https://www.youtube.com/watch?v=q0kjI08n4fg> (Note: some explicit language in video)

28 <sup>2</sup> A driver was killed on March 23, 2018, when his Model X crashed into a concrete highway divider in  
29 Mountain View, California, and caught fire. <https://www.bloomberg.com/news/articles/2018-03-31/tesla-says-driver-s-hands-weren-t-on-wheel-at-time-of-accident>

1 52. Tesla vehicles have seen numerous and frequent complaints of fires related to their  
2 unstable and inadequately protected batteries. This has resulted in fires that have  
3 ignited spontaneously or when impacted, have been difficult to extinguish, and have  
4 frequently reignited after having been extinguished. Tesla has been aware of this  
5 dangerous safety issue and has failed to make safety a priority despite having had  
6 access to safer battery protection innovations for many years, including its own patent  
7 for an intumescent fire retardant.<sup>3</sup>  
8  
9

10  
11 **D. The Tesla Door Handle Design Unnecessarily Prevented Rescue**

12 53. Tesla employs a unique door handle design that provides electronic exterior handles  
13 that lie flush with the vehicle. Inside, they open the doors with a push of a button. All  
14 this only happens IF the batteries are providing electricity. However, the batteries are  
15 designed to shut off in the event of a crash.  
16  
17

18 54. Outer door handles on Tesla's also depend on battery power to operate. When those  
19 fail due to lack of charge or an emergency like a collision, it can have fatal  
20 consequences.  
21

22 55. To open the doors from outside the vehicle when the electricity is off requires the  
23 breaking of a window. When the car's batteries explode, it quickly becomes too hot for  
24 rescuers to react effectively. Potential rescuers expect to be able to open the car's  
25 doors with the handles. Unless they have been specifically trained about Tesla's  
26  
27  
28

29 <sup>3</sup> <http://www.patentsencyclopedia.com/app/20100086844>; <https://patents.google.com/patent/EP2577768A4/un>

1 electric door latch design, they wouldn't know that the only way to get into the car is  
2 to break a window.

3  
4 56. Interiorly, the Tesla doors open by pushing a button. However, again, this only works  
5 IF the batteries are supplying power to the door handle. Otherwise, there is a manual  
6 release that is not associated with the usual release button. If occupants haven't been  
7 informed about where to find and operate the manual release mechanism, they become  
8 trapped in the vehicle.  
9

10  
11 57. By far the most critical danger precipitated by faulty handles leads to entrapment by  
12 occupants, preventing passengers from being able to escape from the interior while at  
13 the same time hampering the efforts of others outside the vehicle to be able to free  
14 them. The foreseeable risk of serious injury or death resulting from this defect was  
15 obvious and should have been readily apparent to any reasonably competent design  
16 engineer. The danger posed by power loss during a crash, followed by fire, is not  
17 speculative—it is a predictable and well-documented hazard. Defendant Tesla failed to  
18 provide adequate instructions or warnings that would have alerted users, including  
19 non-owners unfamiliar with the vehicle's design, to the existence and use of the  
20 hidden manual release.  
21  
22  
23

24  
25 58. Defendant Tesla cannot credibly claim ignorance of the fact that the mechanism is  
26 defective in its design and further defective because of its inadequate instructions or  
27 warnings. After the release of the subject vehicle but before the time of the subject  
28 collision, customers repeatedly raised the defective design and its inadequate  
29

1 instructions or warnings as a safety concern. For nearly a decade before the crash,  
2 Defendant Tesla had repeated and direct notice that its reliance on electronic door  
3 systems created a serious risk of entrapment. Owners, bystanders, and first responders  
4 documented instances where Tesla occupants survived crash forces but could not  
5 escape when electrical power failed and fire ensued.<sup>4</sup> Firefighters and rescuers  
6 reported occasions where they were unable to save occupants because the doors would  
7 not open once power was lost.<sup>5</sup> Consumers lodged dozens of complaints with the  
8 National Highway Traffic Safety Administration (“NHTSA”), repeatedly documenting  
9 their horror upon discovering—often too late—that the doors cannot be opened when  
10 power fails.  
11  
12

13  
14  
15 59. A sample of a multitude of ongoing complaints through various online TESLA forums  
16 show the preponderance of costly defective door handles as well as owners’ concerns  
17 over safety due to these defects.<sup>6</sup>  
18

19 60. The defective and unreasonably dangerous condition of the subject vehicle was a  
20 cause and a substantial factor in the fatal injuries of Wendy Dennis and the injuries to  
21 Jeff Dennis.  
22

23  
24  
25 <sup>4</sup> <https://www.tesla-fire.com/>

26 <sup>5</sup> See, e.g., <https://www.nhtsa.gov/?nhtsaId=11591608>; <https://www.nhtsa.gov/?nhtsaId=11592780>; <https://www.nhtsa.gov/?nhtsaId=11614665>; <https://www.nhtsa.gov/?nhtsaId=11111289>; <https://www.nhtsa.gov/?nhtsaId=11317593>; <https://www.nhtsa.gov/?nhtsaId=11460242>; <https://www.nhtsa.gov/?nhtsaId=11473540>. All the  
27 herein listed NHTSA ID reports are available at [www.nhtsa.gov](http://www.nhtsa.gov) .

28 <sup>6</sup> <https://teslamotorsclub.com/tmc/threads/door-handle-failures.97673/page-3>; <https://forums.tesla.com/forum/forums/door-handle-problems-0>; <https://teslamotorsclub.com/tmc/threads/drivers-door-cant-open-from-outside.62182>  
29

1 61. At the time of the subject incident, the subject vehicle was being used in a manner  
2 reasonably foreseeable to Defendant Tesla.

3  
4 62. As a result of the defective and unreasonably dangerous condition of the subject  
5 vehicle, Jeff and Wendy Dennis sustained enhanced injuries.

6  
7 63. Defendant Tesla's design defects enhanced Jeff and Wendy Dennis' injuries and were a  
8 substantial factor in causing Wendy's death by preventing their rescue.

9  
10 64. Without Defendant Tesla's design defects, Jeff and Wendy Dennis would have  
11 survived and had a chance to escape the subject vehicle after the crash.

12  
13 65. The above-described defects caused or substantially contributed to causing the  
14 Plaintiffs' damages as set out below.

15  
16  
17 **PLAINTIFFS' CLAIM FOR PUNITIVE DAMAGES**

18 **Under California Civil Code of Procedure section 3294(a).**

19 66. Plaintiffs re-allege the foregoing as if fully set forth herein.

20  
21 67. The Subject Vehicle was designed, engineered, tested, and manufactured in California.

22  
23 68. Washington law allows application of another state's punitive damage law if that state  
24 has an interest in regulating a defendant's conduct.

25  
26 69. California has a strong interest in regulating the conduct of manufacturers who put  
27 dangerously defective products on the market.

1 70. California Civil Code of Procedure (CCCP) section 3294(a) provides that a plaintiff  
2 may recover punitive damages where the defendant acted with malice, oppression or  
3 fraud – disjunctive terms, each of which can support an award of punitive damages.  
4

5 71. In this case Tesla acted with malice, oppression or fraud in putting the Subject Vehicle  
6 on the market and concealing defects Tesla knew about and failed to correct prior to  
7 both the manufacture of the Subject Vehicle and the Subject Incident.  
8

9 72. Tesla’s wrongful conduct as described herein was motivated by unreasonable financial  
10 gain, with disregard for the safety and well-being of the motoring public, including  
11 decedent and was done so with malice, oppression and/or fraud.  
12

13 73. The unreasonably dangerous nature of Tesla’s conduct, together with the high  
14 likelihood of injury resulting from the conduct, was known by the managing agent,  
15 director, officer, or other person responsible for making policy decisions on behalf of  
16 Tesla.  
17

18 74. At the time of the Subject Incident, Tesla knew its vehicles were prone to sudden  
19 uncommanded acceleration and failed to either correct this defect or warn of its  
20 existence.  
21

22 75. At the time of the Subject Incident, the Subject Tesla failed to properly detect and/or  
23 effectively respond to the presence of the utility pole into which the Subject Tesla  
24 crashed.  
25  
26  
27  
28  
29

1 76. The Subject Vehicle's AEB systems failed to engage any braking, deceleration, or  
2 steering to prevent this fatal collision.  
3

4 77. Tesla knowingly programmed its AEB system to fail under the circumstances involved  
5 in this case.  
6

7 78. Tesla knew that its vehicles had an extremely high rate of complaints of sudden  
8 uncommanded acceleration yet programmed its AEB system to not activate if any  
9 acceleration was detected by the vehicle's sensors.  
10

11 79. Tesla knew that the Subject Vehicle's defective fuel system, i.e., battery pack, design  
12 and placement drastically increased the likelihood of a catastrophic fire, such as  
13 occurred in this case.  
14

15 80. Tesla knew that the Subject Vehicle's design failed to adequately protect the battery  
16 pack from damage likely to result in a catastrophic fire, such as occurred in this case.  
17

18 81. Tesla failed to perform adequate testing of its radically new and experimental design  
19 to ensure the design effectively protected the vehicle's battery pack from frontal pole  
20 collisions such as the one involved in this case.  
21

22 82. Tesla, through its officers, employees, and agents, knew that the Subject Vehicle had a  
23 collision avoidance system that was not fully tested for safety.  
24  
25  
26  
27  
28  
29

1 83. Tesla further knew that its unique door handle design had been blamed for numerous  
2 instances of people being trapped in their vehicles and instances of rescuers being  
3 unable to open the Tesla vehicle doors because of the door handle's defective design.  
4

5 84. Despite knowing of these deficiencies, Tesla advertised its vehicles in a way that  
6 greatly overestimated their capabilities and hid their deficiencies, including but not  
7 limited to the following:  
8

9  
10 a. Tesla engaged in malicious and/or fraudulent practices within the meaning of  
11 CCCP section 3294(a) by misrepresenting the nature of and safety of its products  
12 including but not limited to Tesla's vehicles, hardware, software, door handles,  
13 battery configurations, and battery technology as set forth in this Complaint,  
14 including but not limited to the following:  
15

16  
17 i. Tesla falsely overstated the safety of its vehicles.

18  
19 ii. Tesla falsely overstated the performance capabilities of its vehicles.

20  
21 iii. Tesla knows that its vehicles are defective and unsafe but represents  
22 that they are safe.

23  
24 iv. Tesla has known throughout the time it has marketed and sold its  
25 vehicles that Tesla's fire safety systems were defective and unsafe but  
26 represented to the public that these systems increase safety.  
27  
28  
29

1 v. Tesla's customers are for the most part untrained in understanding the  
2 inherent dangers involved with the door handle technology.

3  
4 vi. Tesla tells its customers that they are safer when driving a Telsa than  
5 they would be if they were driving another kind of vehicle.

6  
7 vii. Tesla has falsely claimed that it can prove Tesla vehicles are safer than  
8 other vehicles.

9  
10 viii. Tesla knows it cannot prove Tesla vehicles are safer than other  
11 vehicles.

12  
13 ix. The statistics Tesla publishes on its website to support its fire safety  
14 claims are false.

15  
16 x. The statistics Tesla uses to support its fire safety claims are misleading.

17  
18 xi. Tesla knows that the statistics it uses to support its fire safety claims are  
19 false.

20  
21 xii. Tesla knows that the statistics it uses to support its fire safety claims are  
22 misleading.

23  
24 xiii. Tesla has unconscionably left its dangerously defective vehicles on the  
25 market and on public streets and highways knowing it has not  
26 adequately remedied the vehicles' defects.  
27  
28  
29

1 b. Tesla and its Officer(s) have made numerous false and/or misleading statements  
2 overstating the safety of Tesla vehicles, including but not limited to the following:  
3

4 i. “At Tesla, we believe that technology can help improve safety. That’s  
5 why Tesla vehicles are engineered to be the safest cars in the world. We  
6 believe the unique combination of passive safety, active safety, and  
7 automated driver assistance is crucial for keeping not just Tesla drivers  
8 and passengers safe, but all drivers on the road.”  
9

10  
11 ii. “Because of their strength, Tesla’s battery packs rarely incur serious  
12 damage in accidents. And, in the extremely unlikely event that a fire  
13 occurs, the state-of-the-art design of our battery packs ensures that its  
14 safety system works as intended and isolates a fire to select areas  
15 within the battery while simultaneously venting heat away from the  
16 passenger cabin and the vehicle.”  
17

18  
19 iii. “Active safety features come standard on all Tesla vehicles made after  
20 September 2014 for an added layer of safety beyond the physical  
21 structure of each car. Because every Tesla is connected, we’re able to  
22 use the billions of miles of real-world data from our global fleet – of  
23 which more than 9 billion have been driven with Autopilot engaged –  
24 to understand the different ways accidents happen. We then develop  
25 features that can help Tesla drivers mitigate or avoid accidents.”  
26  
27  
28  
29

1           iv.       “Our global data indicates that, between 2012 and 2023, approximately  
2                   one Tesla vehicle fire event occurred for every 135 million vehicle  
3                   miles traveled. By comparison, data from the NFPA and U.S.  
4                   Department of Transportation indicate that one vehicle fire occurs in  
5                   the United States for every 17 million miles traveled. Compared to  
6                   average vehicles on the road, Tesla vehicles are comparatively even  
7                   less likely to be involved in a fire event than these numbers suggest,  
8                   because Tesla's data includes fire events that are caused by structure  
9                   fires, wildfires, arson, and other causes unrelated to the vehicle,  
10                  whereas the NFPA data excludes any fires where a structure is  
11                  involved.” [This claim is baseless.]  
12  
13  
14  
15

16       85. At all times material hereto and prior to the Subject crash, Tesla had specific  
17           knowledge through its officers, directors, managers and/or other employees/agents,  
18           including its CEO Elon Musk, that its product was defective in all the ways described  
19           herein.  
20

21  
22       86. At all times material hereto and prior to the Subject crash, Tesla had specific  
23           knowledge through its officers, directors, managers, or other employees/agents,  
24           including its CEO Elon Musk, that its product was defective based on, among other  
25           things, inadequate design, testing, and manufacture.  
26

27  
28       87. At all times material hereto and prior to the Subject crash, Tesla had specific  
29           knowledge through its officers, directors, managers or other employees/agents,

1 including its CEO Elon Musk, that its product was defective based on numerous prior  
2 similar incidents and collisions in which its systems on Tesla vehicles partially or  
3 completely failed, causing significant property damage, severe injury and catastrophic  
4 death to their occupants and/or the public.  
5

6  
7 88. At all times material hereto and prior to the Subject crash, Tesla failed to correct its  
8 defective product and instead continued to mislead the public as to the purported  
9 capabilities and safety of the product through the public statements of the company  
10 and statements by its CEO Elon Musk, despite having the foregoing knowledge.  
11

12  
13 89. Tesla had knowledge that the defects described herein were inherently dangerous to  
14 persons and property and that the continued use of vehicles such as the Subject  
15 Vehicle was likely to cause injury or death, but Tesla nevertheless continued to market  
16 the product without making feasible modifications to eliminate the dangers or making  
17 adequate disclosure and warning of such dangers.  
18

19  
20 90. The conduct of Tesla was motivated by financial gain and by a desire to gain market  
21 share. Tesla and its CEO, Elon Musk, specifically made the decision to continue to  
22 profit from the sales of their defective vehicles without taking the appropriate steps to  
23 ensure the safety of their occupants and others.  
24

25  
26 91. At all times material hereto, Tesla's conduct was done so with malice, oppression and/  
27 or fraud.  
28  
29

1 92. At all times material hereto, Tesla had actual knowledge of the wrongfulness of its  
2 conduct and the probability that injury or damage to people such as Mr. and Mrs.  
3 Dennis, and, despite that knowledge, acted with malice, oppression and/or fraud,  
4 resulting in the catastrophic injuries to Jeff Dennis, the death of Wendy Dennis, and  
5 Plaintiffs' damages as set forth herein and which will be described fully at trial.  
6

7  
8 93. As a direct and proximate result of the of Tesla's willful and conscious disregard of the  
9 rights or safety of others, including decedent and Plaintiffs and its acting with malice,  
10 oppression and/or fraud, Plaintiffs suffered the damages set out herein and are entitled  
11 to punitive damages according to proof at the time of trial.  
12

13  
14 **PRAYER FOR RELIEF**

15  
16 94. WHEREFORE, Plaintiffs respectfully request that this Court:

17  
18 a. Award damages to Plaintiff Jeff Dennis Individually compensating him for his  
19 injuries and past, present, and future economic and non-economic damages in  
20 amounts to be proven at trial; including but not limited to:

- 21  
22 i. Past and future medical expenses,  
23  
24 ii. Past and future lost wages,  
25  
26 iii. Past and future lost household services,  
27  
28 iv. Past and future attendant care,  
29

1 v. Past and future prosthetics,

2  
3 vi. Past and future pain and suffering, embarrassment, emotional  
4 distress, disfigurement, disability, lost social opportunities, and lost  
5 enjoyment of life.  
6

7 b. Award damages to Plaintiff Jeff Dennis Individually for his damages resulting  
8 from the wrongful death of his spouse, Wendy Dennis, including but not  
9 limited to:  
10

11 i. Past and future loss of Wendy Dennis' income, benefits, and financial  
12 support,  
13

14 ii. Past and future loss of Wendy Dennis' household services,  
15

16 iii. Past and future loss of consortium,  
17

18 iv. Past and future loss of companionship, love, and affection,  
19

20 v. Past and future emotional distress, grief, and sorrow.  
21

22 c. Award damages for the wrongful death of Wendy Dennis to the Estate of  
23 Wendy Dennis for all economic loss, including expenses related to her death,  
24 including but not limited to funeral and burial expenses, past and future lost  
25 income, and other benefits she would have earned in the future.  
26  
27  
28  
29

- 1 d. Award all actual, general, special, incidental, statutory, and consequential  
2 damages and restitution to which Plaintiffs are entitled.  
3  
4 e. Treble damages under RCW 19.86.090 against Defendant Tesla.  
5  
6 f. Award pre-judgment and post judgment interest on such monetary relief.  
7  
8 g. Award reasonable attorneys' fees and costs; and  
9  
10 h. Grant such further relief that the Court deems appropriate.

11 **DEMAND FOR JURY TRIAL**

12 95. Plaintiffs demand trial by jury on all issues so triable.

13 DATED this 21st day of November, 2025,

14  
15 s/Celia M. Rivera  
16 Celia M. Rivera WSBA# 30342  
17 Attorney for Plaintiff  
18 Rivera Law Offices, PLLS  
19 1800 Cooper Point Rd SW #114  
20 Olympia WA 98502  
21 Tel. 360-705-8200  
22 celia@rivalawoffices.com

23 s/Peggy Underbrink  
24 Peggy Underbrink, WSBA #38996  
25 Attorney for Plaintiff  
26 Peggy Underbrink, Attorney at Law  
27 PO Box 2463  
28 Bellingham WA 98227  
29 Tel. 888-811-0391  
peggy@peggyulaw.com

CIVIL COVER SHEET

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

I. (a) PLAINTIFFS

JEFFERY L. DENNIS, individually and Renee Canavan as the Personal Representative of the Estate of Wendy Dennis

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

(c) Attorneys (Firm Name, Address, and Telephone Number) Celia M. Rivera, Rivera Law Offices, PLLS, 1800 Cooper Rd. #114, Olympia WA 98502, 360-705-8200; Peggy Underbrink, Peggy Underbrink Attorney at Law, PO Box 2463, Bellingham WA 98227, 888-811-0391

DEFENDANTS

TESLA, INC.

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

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

Attorneys (If Known)

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

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

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

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship and incorporation status. Includes options for Citizen of This State, Citizen of Another State, and Citizen or Subject of a Foreign Country.

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

Click here for: Nature of Suit Code Descriptions.

Large table with columns: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Contains various legal categories and codes.

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

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District, 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 29 USC 1332. Brief description of cause: PERSONAL INJURY - MOTOR VEHICLE PRODUCT LIABILITY

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ >\$25,000,000. CHECK YES only if demanded in complaint: JURY DEMAND: [X] Yes [ ] No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE: 21 NOVEMBER 2025 SIGNATURE OF ATTORNEY OF RECORD: s/Peggy Underbrink

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

JEFFERY L. DENNIS, individually, and Renee Canavan as the Personal Representative of the Estate of Wendy Dennis,

Plaintiff(s)

v.

TESLA, INC.,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

TESLA, INC.
CT CORPORATION SYSTEM
711 CAPITOL WAY S STE 204
OLYMPIA, WA, 98501-1267

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

CELIA RIVERA
RIVERA LAW OFFICES
1800 COOPER RD #114
OLYMPIA WA 98502

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

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

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

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

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

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

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0 \_\_\_\_\_.

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

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

**Print**

**Save As...**

**Reset**