FILED
10-31-2025
CIRCUIT COURT
DANE COUNTY, WI
2025CV003601
Honorable Jacob Frost
Branch 9

STATE OF WISCONSIN CIRCUIT COURT DANE COUNTY

ALEXANDER BAUER,
2114 Bascom Street,
Madison, WI 53726,

CLAUDIA BAUER,
1827 East Washington St.,
Madison, WI 53704,

SAMANTHA ALSWAGER,
2813 Lordshire Rd.,
Madison, WI 53719,

JOSEPH ALSWAGER,
135 N. Butler Street,
Madison, WI 53703,

LAKE RIDGE BANK, *as Special Administrator of the Estates of Jeffrey Bauer and Michelle Bauer, Deceased*
6430 Bridge Road,
Monona, WI 53713,

Plaintiffs;

-vs-

TESLA, INC.,
1 Tesla Road,
Austin, TX 78725,

WISCONSIN MUTUAL INSURANCE COMPANY,
c/o Its Registered Agent, Kellye Golden
8201 Excelsior Drive
Madison, WI 53717,

THE ESTATE OF BARRY SIEVERS,
c/o Its Personal Representative, Mark A. Sievers
7317 Heather Glen Drive
Madison, WI 53719,

Defendants.

SUMMONS
Case Codes: 30100 – Product Liability
Case No.:

THE STATE OF WISCONSIN:

To each person named above as a defendant:

You are hereby notified that the plaintiffs named above have filed a lawsuit or other legal action against you. The complaint, which is attached, states the nature and basis of the legal action.

Within forty-five (45) days of receiving this summons, you must respond with a written answer, as that term is used in chapter 802 of the Wisconsin Statutes, to the complaint. The court may reject or disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to the court, whose address is 215 S Hamilton Street, Madison, Wisconsin 53703, and to plaintiff's attorney, whose address is N14W23833 Stone Ridge Drive, Suite 310, Waukesha, Wisconsin 53188. You may have an attorney help or represent you.

If you do not provide a proper answer within forty-five (45) days, the court may grant judgment against you for the award of money or other legal action requested in the complaint, and you may lose your right to object to anything that is or may be incorrect in the complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future and may also be enforced by garnishment or seizure of property.

Dated this 31st day of October, 2025.

MURPHY & PRACHTHAUSER, S.C.
Attorneys for Plaintiffs

BY: *Electronically signed by Thadd J. Llaurado*
Thadd J. Llaurado (SBN: 1000773)
Kathryn Llaurado Scheidt (SBN: 1095288)
Keith R. Stachowiak (SBN: 1000050)

P.O. ADDRESS:
N14W23833 Stone Ridge Drive, Suite 310
Waukesha, WI 53188
414-271-1011 / 414-271-9987
tllaurado@murphyprachthauser.com
kllaurado@murphyprachthauser.com
kstachowiak@murphyprachthauser.com

FILED
10-31-2025
CIRCUIT COURT
DANE COUNTY, WI
2025CV003601
Honorable Jacob Frost
Branch 9

STATE OF WISCONSIN CIRCUIT COURT DANE COUNTY

ALEXANDER BAUER,
2114 Bascom Street,
Madison, WI 53726,

CLAUDIA BAUER,
1827 East Washington St.,
Madison, WI 53704,

SAMANTHA ALSWAGER,
2813 Lordshire Rd.,
Madison, WI 53719,

JOSEPH ALSWAGER,
135 N. Butler Street,
Madison, WI 53703,

LAKE RIDGE BANK, *as Special Administrator of the Estates of Jeffrey Bauer and Michelle Bauer, Deceased*
6430 Bridge Road,
Monona, WI 53713,

Plaintiffs;

-vs-

TESLA, INC.,
1 Tesla Road,
Austin, TX 78725,

WISCONSIN MUTUAL INSURANCE COMPANY,
c/o Its Registered Agent, Kellye Golden
8201 Excelsior Drive
Madison, WI 53717,

THE ESTATE OF BARRY SIEVERS,
c/o Its Personal Representative, Mark A. Sievers
7317 Heather Glen Drive
Madison, WI 53719,

Defendants.

COMPLAINT
Case Codes: 30100 – Product Liability
Case No.:

Plaintiffs, complain of the above-named Defendants as follows:

I. OVERVIEW

1. This case arises from catastrophic design defects in the Tesla Model S that turned a survivable crash into a fatal fire. On November 1, 2024, Jeffrey Bauer and Michelle Bauer were passengers in a 2016 Tesla Model S—VIN 5YJSA1E40GF130735 (hereinafter, "subject vehicle") involved in a collision in Verona, Wisconsin.
2. During or immediately after the collision sequence, the subject vehicle caught fire. The high-voltage lithium-ion battery pack of the subject vehicle lacked widely available and effective design features that would have prevented heat transfer in the event of a crash. Specifically, Defendant Tesla failed to isolate cells and modules with nonflammable or intumescent barriers, and to ensure that the battery enclosure could resist heat and flame penetration long enough to allow occupant egress and rescue. This defect directly compromised the vehicle's crashworthiness and caused thermal runaway to occur in the battery pack, resulting in a catastrophic fire and explosion.
3. During or immediately after the collision sequence, the subject vehicle also lost low-voltage electrical power. The rear doors of the subject vehicle could ordinarily be made to open only by pressing low-voltage electronic buttons located inside the cabin. Once power was lost, the buttons for the rear doors became useless. Defendant Tesla included mechanical backups accessible from inside the vehicle, but they were hidden, unlabeled, and impractical in an emergency. Rear passengers were left with only a concealed mechanical release that was obscured, non-intuitive, and highly unlikely to be located or operated in the smoke and chaos of a post-crash fire.
4. Tesla's design choices created a highly foreseeable risk: that occupants who survived a crash would remain trapped inside a burning vehicle. Jeffrey Bauer and Michelle Bauer did not die from the crash; they died because Defendant Tesla's unreasonably dangerous design choices created

the conditions for a fire to ignite and spread rapidly and left them with no practical means of escape.

5. Well before this tragedy, Defendant Tesla had received repeated notice that its vehicles were prone to explosive fires, whether triggered by a crash or occurring spontaneously, and that such fires were difficult and time-consuming to extinguish. Defendant Tesla had also been placed on notice that its reliance on electronic door systems created a serious risk of occupant entrapment after crashes. Owners, rescuers, and regulators had documented prior incidents where Tesla occupants survived crash forces but were unable to escape when power failed and fire ensued. Despite these warnings, Defendant Tesla continued to market and sell vehicles—including the subject vehicle—that predictably trapped survivors in foreseeable emergencies.

II. INTRODUCTION

6. Plaintiff Alexander Bauer is an adult resident of Wisconsin, residing at 2114 Bascom Street, Madison, WI 53726 and is the son of Jeffrey Bauer, deceased. Plaintiff Alexander Bauer brings this claim, in an individual capacity for the loss of society and companionship of his father, Jeffrey Bauer.

7. Plaintiff Claudia Bauer is an adult resident of Wisconsin, residing at 1827 East Washington St., Madison, WI 53704 and is the daughter of Jeffrey Bauer, deceased. Plaintiff Claudia Bauer brings this claim, in an individual capacity for the loss of society and companionship of her father, Jeffrey Bauer.

8. Plaintiff Samantha Alswager is an adult resident of Wisconsin, residing at 2813 Lordshire Rd., Madison, WI 53719 and is the daughter of Michelle Bauer, deceased. Plaintiff Samantha Alswager brings this claim, in an individual capacity for the loss of society and companionship of her mother, Michelle Bauer.

9. Plaintiff Joseph Alswager is an adult resident of Wisconsin, residing at 135 N. Butler Street, Madison, WI 53703 and is the son of Michelle Bauer, deceased. Plaintiff Joseph Alswager brings this claim, in an individual capacity for the loss of society and companionship of his mother, Michelle Bauer.

10. Plaintiff Lake Ridge Bank ("Lake Ridge") is the Special Administrator for the Estate of Michelle Bauer, deceased, and the Estate of Jeffrey Bauer, deceased, and is located at 6430 Bridge Road, Monona, WI 53713.

11. Plaintiff Lake Ridge, who is duly appointed as Special Administrator of the Estates of Michelle and Jeffrey Bauer, brings this action as the Special Administrator of the Estate of Michelle Bauer, deceased, and as the Special Administrator of the Estate of Jeffrey Bauer, deceased, on behalf of the Estates and all statutory beneficiaries thereof.

12. At all times pertinent, Defendant Tesla, Inc. ("Tesla") is a foreign corporation incorporated in Texas that had its principal place of business located at 3500 Deer Creek Road, Palo Alto, California 94304, and was doing business in California as Tesla Motors, Inc. from approximately 2003 until December 1, 2021, at which point it moved its principal place of business to Austin, Texas.

13. Defendant Tesla designs, develops, manufactures, tests, markets, distributes, sells, and leases electric vehicles across the United States, including Wisconsin, under the brand name "Tesla." Tesla was the manufacturer of the subject vehicle.

14. Defendant Wisconsin Mutual Insurance Company ("Wisconsin Mutual") is a Wisconsin insurance company with its principal place of business and Wisconsin registered agent of service located at 8201 Excelsior Drive, Madison WI 53717. At all times pertinent, Defendant Wisconsin Mutual underwrote a liability policy of insurance and excess umbrella policy to Barry Sievers, deceased. Pursuant to Wis. Stat. § 803.04(2), Wisconsin Mutual is a proper party to this action.

15. Barry Sievers is an individual who at all relevant times was a resident of Wisconsin and was the purchaser, owner and driver of the subject vehicle at the time of the subject incident.

16. Barry Sievers also perished in the fire. The personal representative of the Estate of Barry Sievers is Mark A. Sievers who is a resident of Wisconsin, residing at 7317 Heather Glen Drive, Madison, WI 53719.

III. VENUE AND JURISDICTION

17. Venue is proper in Dane County pursuant to Wisconsin law as the subject incident occurred in Dane County.

18. The Court has jurisdiction under Wisconsin Statute section 801.05 because Defendant Wisconsin Mutual is a domestic company, with its principal places of business in the State of Wisconsin, Defendant the Estate of Barry Sievers is a Wisconsin estate, and Defendant Tesla is engaged in substantial and not isolated activities within the State of Wisconsin as outlined below.

19. Defendant Tesla designs, develops, manufactures, tests, markets, distributes, sells and leases electric vehicles and related products throughout the United States, including in the State of Wisconsin.

20. Defendant Tesla has purposefully availed itself of the privilege of conducting business in Wisconsin by:

    a. Operating and maintaining Tesla retail locations and service centers within the state;

    b. Marketing and selling vehicles and products directly to Wisconsin residents;

    c. Delivering vehicles to Wisconsin customers;

    d. Offering warranties and after-sale services to Wisconsin residents;

    e. Maintaining an interactive website through which Wisconsin residents can purchase or schedule services for Tesla vehicles.

21. The claims in this action arise out of Defendant Tesla's contacts with Wisconsin, including its sale and/or distribution of the subject vehicle to a Wisconsin resident and/or its failure to adequately service or warn regarding known defects.

22. As a result of these deliberate and substantial contacts, the exercise of personal jurisdiction over Defendant Tesla in the State of Wisconsin is proper under the Wisconsin long-arm statute, Wis. Stat. § 801.05, and comports with the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

IV. GENERAL ALLEGATIONS

23. Plaintiffs reallege and incorporate by reference all of the allegations set forth in Paragraphs 1-22 above.

24. On November 1, 2024, Jeffrey Bauer and Michelle Bauer were passengers in the subject vehicle that was being operated by Barry Sievers when a crash occurred near 1885 Range Trail, in the Town of Verona, County of Dane.

25. Jeffrey Bauer was a front seat passenger of the subject vehicle.

26. Michelle Bauer was a rear seat passenger of the subject vehicle.

27. After the crash, a nearby homeowner called 911. The caller indicated that she was awoken by sounds of the collision. After providing basic details to the operator, she reported that "the car is on fire now" and that she could hear people screaming from within the vehicle. The caller described seeing "big flames" and hearing numerous "big bangs." Five minutes into the call, she could still hear screaming. An off-duty police officer also phoned 911 to report the crash. She too reported that she could see the vehicle on fire and heard yelling from within the subject vehicle. Ultimately, none of the vehicle's five occupants were able to escape from the Model S before it was consumed by flames.

28. Both Michelle Bauer and Jeffrey Bauer perished in the fire.

29. Plaintiffs Alexander Bauer and Claudia Bauer have suffered the loss of the support, society, and companionship of their father, Jeffrey Bauer, following his death for which they claim damages against the Defendants in an unspecified amount.

30. Plaintiffs Samantha Alswager and Joseph Alswager have suffered the loss of the support, society, and companionship of their mother, Michelle Bauer, following her death for which they claim damages against the Defendants in an unspecified amount.

31. Michelle Bauer suffered and endured pre-death pain and suffering including pre-death fear of entrapment and burning before burning to death in the subject vehicle. Plaintiff Lake Ridge, on behalf of the Estate of Michelle Bauer, claims damages, in an unspecified amount, against all Defendants for pain, suffering and disability including pre-death fear of entrapment and burning, for medical expenses, funeral and burial expenses, and loss of earning capacity.

32. Jeffrey Bauer suffered and endured pre-death pain and suffering including pre-death fear of entrapment and burning before burning to death in the subject vehicle. Plaintiff Lake Ridge, on behalf of the Estate of Jeffrey Bauer, claims damages, in an unspecified amount, against all Defendants for pain, suffering and disability including pre-death fear of entrapment and burning, for medical expenses, funeral and burial expenses, and loss of earning capacity.

V. PLAINTIFFS' STRICT LIABILITY CLAIMS AGAINST DEFENDANT TESLA

33. Plaintiffs reallege and incorporate by reference all of the allegations set forth in Paragraphs 1-32 above.

34. Defendant Tesla is strictly liable under Wis. Stat. § 895.047 and 402A of the Restatement of the Law of Torts (Second), by reason of, but not limited to the following reasons:

    a. Defendant Tesla engaged in the business of designing, manufacturing, assembling, selling, distributing, and/or supplying Tesla Model S vehicles, including the subject vehicle.

b. Defendant Tesla purposefully marketed and distributed the subject vehicle into the stream of commerce, knowing and intending that it would be marketed, sold, and/or used in Wisconsin and that Wisconsin consumers would be among its ultimate users.

c. The subject vehicle was expected to, and did reach users, including Barry Sievers, without substantial change in condition in which it was designed, manufactured, assembled, sold, distributed, warranted, and/or supplied by Defendant Tesla.

d. The subject vehicle was designed, manufactured, assembled, sold, distributed, warranted, and/or supplied by Defendant Tesla in a defective condition for the reasons set forth in the paragraphs below.

35. Motor vehicle manufacturers have long known that crashes can and will occur for many different reasons—including driver error, vehicle malfunction, distraction, impairment, speeding, road hazards, or other conditions. They also know that post-crash fires are a foreseeable risk, especially in vehicles equipped with high-voltage battery systems. Crashworthiness presupposes that even if a collision occurs, the vehicle provides reasonable protection against enhanced injury. Crashworthiness is not limited to protecting occupants during the initial impact; it also encompasses the ability of survivors to escape a burning vehicle, or be rescued, before fire overtakes the passenger compartment. Regardless of the cause of a crash, the manufacturer's obligation includes designing vehicles that permit timely escape and rescue in the event of fire. Fires involving electric vehicles can be particularly hazardous, as they may reach higher temperatures than fires in internal combustion vehicles and release more than one hundred organic compounds, including highly toxic gases such as carbon monoxide, hydrogen fluoride, and hydrogen cyanide.

36. The need for safe occupant egress after a collision has long been recognized. As far back as 1972, the U.S. Department of Commerce published a study titled Escape Worthiness of Vehicles for

Occupants in Crashes, which warned that a lack of standardized and intuitive door mechanisms hampered escape and recommended designing interiors with emergency egress in mind.[1]

37. The National Fire Protection Association's NFPA 556, entitled *Guide on Methods for Evaluating Fire Hazard to Occupants of Passenger Road Vehicles*, further emphasizes that vehicles should be designed to delay fire spread and provide sufficient time for evacuation. NFPA 556 is a consensus document developed by the National Fire Protection Association—an internationally recognized standards-setting body relied upon by engineers, regulators, and fire safety professionals to define best practices in occupant protection. NFPA 556 identifies that the primary fire safety objectives for motor vehicles are to reduce the likelihood of fire occurrence, delay fire growth, and provide sufficient time for safe egress, and that "[d]esign improvements that provide adequate time for passengers to escape or be rescued should be incorporated." NFPA further advises that "[t]he choice of an effective and reliable means to achieve the fire performance objectives should be based on an evaluation that includes all conditions of the hazard and protection as well as the quantification of egress time."

38. In rulemaking related to electric-powered vehicles, the National Highway Traffic Safety Administration has made clear that "[a]fter a real-world crash, passengers within the vehicle need time to safely egress from the vehicle or be rescued by first responders" and that "[d]uring this time, passengers should not be exposed to hazards such as fire or explosion of the [Rechargeable Electrical Energy Storage System], which may hinder their egress or rescue."[2]

39. Defendant Tesla disregarded these principles, instead manufacturing vehicles prone to fires that ignite and spread rapidly upon impact—and from which escape depends on electronic systems

[1] U.S. Dep't of Commerce, *Escape Worthiness of Vehicles for Occupancy Survivals and Crashes* 3-49, 3-82 (1972).
[2] https://www.nhtsa.gov/sites/nhtsa.gov/files/2024-04/FMVSS-305a-NPRM-Web-Version.pdf

that Defendant Tesla knew were liable to fail in precisely the conditions when escape is most critical: collision and fire.

A. PRODUCT DEFECT NO. 1 –TESLA BATTERIES TURN CRASHES FATAL

i. Tesla Disregarded Battery Design Standards

40. UL 2580 is a set of safety standards, first published by Underwriters Laboratories in 2011, that establishes widely accepted industry safety benchmarks for lithium-ion batteries in electric vehicles.[3] Since its inception, UL 2580 has stated that propulsion battery packs should not catch fire, explode, rupture, or leak hazardous electrolytes when subjected to a range of foreseeable mechanical, electrical, and thermal abuses, including (1) crush and impact forces; (2) exposure to external fire; (3) short-circuit and overcharge events; and (4) thermal cycling. In the event of a collision, an EV battery is highly likely, as a matter of course, to be subjected to the first two forms of abuse. Although UL 2580 is a voluntary consensus standard rather than a federal regulation, it is widely recognized as a leading safety benchmark in the EV industry. Manufacturers routinely design and validate their battery systems to meet its requirements, and compliance is commonly expected by suppliers, insurers, and regulators. A manufacturer's failure to design a battery pack that can satisfy UL 2580's no-fire and no-explosion criteria under predictable crash and abuse conditions is therefore powerful evidence that the product falls short of accepted safety practices and was unreasonably dangerous when placed into the stream of commerce.

41. SAE J2929, first issued in 2011 and updated in 2013 by the Society of Automotive Engineers, sets forth a minimum set of safety criteria at the system level for lithium-based propulsion battery systems used in electric and hybrid vehicles, connected to high-voltage power-trains.[4] It mandates

[3] https://batterystandards.info/standard/ul2580
[4] https://batterystandards.info/standard/sae-j2929

that a battery system not present a risk of fire, explosion, or electrical hazard during normal operation or under reasonably foreseeable abuse, and it provides detailed guidance on essential design features such as thermal management, cell isolation, fault detection, emergency disconnect mechanisms, and enclosure integrity. Like UL 2580, SAE J2929 is a voluntary standard, but acts as a useful gauge for determining whether a manufacturer used due care in the design of its EV battery systems. A manufacturer's decision to omit fundamental safety measures necessary to satisfy J2929's criteria—such as effective thermal-propagation barriers, fire-resistant insulation, or adequate fault-management systems—strongly supports a conclusion that the product was defectively designed and unreasonably dangerous under prevailing engineering standards.

42. Defendant Tesla's uniquely configured lithium-ion battery packs produced a defect in both the subject vehicle and subsequent vehicle platforms: explosive fires both with and without the catalyst of a crash and the difficulty and time-consuming nature of extinguishing such fires. The subject vehicle utilized over 6,000 lithium-ion batteries that are type 18650.

43. In the design, development, and manufacture of the 2016 Tesla Model S, Defendant Tesla failed to provide adequate crashworthiness protection against foreseeable post-collision fire hazards originating from the vehicle's high-voltage lithium-ion battery pack. Defendant Tesla's battery architecture system was unacceptably dangerous and fell far short of the baseline safety expectations set by UL 2580. The Model S utilized densely packed cylindrical lithium-ion cells arranged in modules without sufficient physical or thermal barriers to prevent cell-to-cell and module-to-module propagation of thermal runaway. In the event of localized cell failure—whether caused by mechanical deformation during a crash, internal shorting, or post-impact heating—the design allowed heat and combustion gases to rapidly spread unchecked throughout the pack, igniting adjacent cells, triggering full-pack thermal runaway and ultimately resulting in catastrophic fire and explosion. A reasonably safe design, consistent with UL 2580's no-fire/no-

explosion mandate, would have incorporated meaningful propagation barriers, fire-resistant insulation, and cell isolation to contain an initial failure and prevent escalation. By omitting those measures, Defendant Tesla produced a battery pack that predictably caught fire under foreseeable conditions.

44. Defendant Tesla further failed to incorporate adequate intumescent or fire-suppressive materials between individual cells and modules. Intumescent materials expand under heat to form a protective, insulating layer that can delay or prevent thermal propagation. Despite the widespread availability of such materials and their known effectiveness in limiting heat transfer in battery systems, Defendant Tesla omitted or underutilized these safety measures. As a result, the 2016 Model S battery pack lacked meaningful insulation between its thousands of cells, permitting direct conduction and radiation of heat from a failing cell to its neighbors—precisely the condition that accelerates full-pack thermal runaway. This design defect rendered the vehicle unreasonably dangerous in foreseeable crash and post-crash scenarios and violated the fundamental system-level safety principles articulated in the SAE J2929 design standard. SAE J2929 requires manufacturers to ensure that a propulsion battery system does not present a risk of fire or explosion during normal operation or foreseeable abuse and calls for essential safety measures, including effective thermal-propagation control, fire-resistant insulation, fault-detection and disconnect mechanisms, and a robust enclosure capable of resisting flame penetration. The 2016 Model S failed on each of these fronts. The pack lacked adequate cell-to-cell and module-to-module isolation, employed no meaningful intumescent or fire-suppressive materials to slow propagation, and relied on an enclosure that could not resist heat long enough to permit safe occupant egress or emergency response. These departures from SAE J2929's guidance demonstrate a disregard for established engineering practices. The result was a battery pack whose inadequate thermal management and absence of propagation-control features created a

foreseeable and unreasonable risk of post-collision fire. Defendant Tesla's design choices directly compromised the vehicle's crashworthiness, rendered it unreasonably dangerous, and exposed occupants to lethal thermal events that should have been prevented or delayed through accepted design practices known well before the subject vehicle's manufacture.

45. The inadequate thermal management and absence of sufficient propagation control features in the 2016 Model S stand in contrast to fundamental principles of battery safety engineering. By failing to isolate cells and modules with nonflammable or intumescent barriers, and by failing to ensure that the battery enclosure could resist heat and flame penetration long enough to allow occupant egress and rescue, Defendant Tesla created a foreseeable and unreasonable risk of post-collision fire. This defect directly compromised the subject vehicle's crashworthiness, exposing occupants to lethal thermal events that should have been prevented or delayed through accepted design practices that were already standard well before the subject vehicle's manufacture.

ii. Notice to Tesla of the Dangers of its Batteries

46. Reports of fires involving batteries such as those used in the subject vehicle resulting in serious injuries are numerous. A sample of such reports by accounts of owners, lessees, drivers, and witness and news accounts prior to the date of the crash in this matter are as follows:

    a. A Tesla owner was a passenger in her Model X in Guangzhou, China, in February 2017, when her vehicle first hit a concrete side rail and then another vehicle. She and another passenger were able to exit the vehicle just before it became engulfed in flames.[5] A video is included in the report. See another reference to this incident, *infra*.

    b. In early 2017, a Model S caught on fire in Shanghai, China. The vehicle was parked at a charging station but was not charging at the time. A nearby vehicle was also damaged.[6]

[5] https://electrek.co/2017/04/23/tesla-model-x-fire-crash-falcon-wing-doors-stuck
[6] https://electrek.co/2017/03/04/tesla-model-s-fire-shanghai

c. On August 26, 2017, a driver crashed his Model S into a Lake Forest, California, residential garage, igniting a fire which forced the homeowners out of their home for several months.[7] A video is included.

d. A driver crashed her Model S into a motorway barrier in a construction zone in Landeck, Austria, on October 19, 2017; thirty-five firefighters struggled to extinguish the ensuing blaze.[8] Photos and videos of the vehicle are available at the linked website.

e. A driver was killed on March 23, 2018, when his Model X crashed into a concrete highway divider in Mountain View, California, and caught fire.[9] A firefighter explains the difficulty of fighting the fire.[10]

f. Two teens were killed on May 8, 2018, in Fort Lauderdale, Florida, when their Tesla Model S crashed and burst into flames, trapping them inside the burning vehicle. A back-seat passenger was ejected and survived.[11] During removal of the car from the scene, the battery reignited and was quickly extinguished. Upon arrival at the storage yard, the battery reignited again. Video and photos are included in the referenced report. See another reference to this incident, *infra*.

g. On June 15, 2018, on Santa Monica Boulevard in Los Angeles, California, the driver of a Tesla Model S reported that his vehicle seemingly spontaneously caught on fire. Bystanders flagged him down, and he exited the vehicle before it burst into flames.[12] See video reference.[13]

---

[7] https://www.nbclosangeles.com/news/local/Tesla-Lake-Forest-Home-Fire-441816433.html
[8] http://www.dailymail.co.uk/sciencetech/article-4997486/35-firefighters-tackle-enormous-Tesla-Model-S-fire.html
[9] https://www.bloomberg.com/news/articles/2018-03-31/tesla-says-driver-s-hands-weren-t-on-wheel-at-time-of-accident
[10] http://abcnews.go.com/US/ntsb-investigating-crash-involving-tesla-northern-california/story?id=54047835
[11] https://www.local10.com/news/local/fort-lauderdale/teens-killed-in-fort-lauderdale-crash-were-about-to-graduate-from-pine-crest
[12] https://www.washingtonpost.com/news/innovations/wp/2018/06/18/video-shows-tesla-bursting-into-flames-on-la-street-out-of-the-blue/?utm_term=.3ed67e442467
[13] https://twitter.com/twitter/statuses/1007831286176571394

h. On August 22, 2018, on Highway 78 in northern New Jersey, a Model S caught fire on the highway after hitting a component that fell from a truck.[14]

i. On December 18, 2018, a three-month-old Tesla Model S in Los Gatos, California, experienced a flat tire. It was towed to a garage where it burst into flames. Firefighters put out the fire and waited six hours for the battery to cool down before towing it to a new lot, where it caught fire again. The vehicle had 1,200 miles on its odometer.[15] Fire can be observed in a video.[16]

j. On December 26, 2018, in Rindge, New Hampshire, three teenagers crashed into a tree. The Tesla Model X split in two and caught on fire. All passengers were hospitalized with one suffering life-threatening injuries.[17]

k. On February 8, 2018, an owner in Fox Chapel, Pennsylvania, discovered his Tesla had spontaneously caught on fire in his garage. By the time the fire department arrived, both the Tesla and another vehicle had been damaged. Two months later, a Tesla engineer removed the fuse from the battery pack and indicated the vehicle was safe to transport to another location. Upon arrival at that location, the vehicle again spontaneously burst into flames.[18]

l. At 7:10 in the morning on February 18, 2019, in Fremont, California, a Tesla employee slammed his Model X into a tree, and, within moments, the vehicle burst into flames. Firefighters used a truck company to lift the vehicle in order to spray the batteries beneath the Tesla for three hours to cool them enough to safely move the vehicle from the scene.[19]

---

[14] https://electrek.co/2018/08/22/tesla-model-s-caught-fire-driving-highway/
[15] https://abc13.com/4935608/?sf204666302=1
[16] https://sanfrancisco.cbslocal.com/2018/12/18/officials-investigate-mysterious-tesla-fire-los-gatos/
[17] https://www.cbsnews.com/boston/news/rindge-new-hampshire-teslad-model-x-crash/; https://www.businessinsider.com/tesla-model-x-splits-catches-fire-crash-new-hampshire-2018-12
[18] https://www.autoevolution.com/news/tesla-model-x-spontaneously-catches-fire-2-months-after-it-burned-down-133878.html
[19] https://sanfrancisco.cbslocal.com/2019/02/18/tesla-model-x-crashes-burns-fremont/

m. At 4:30 p.m. on Sunday, February 24, 2019, physician and father of five, Omar Awan, lost control of his 2016 Tesla Model S in Davie, Florida, and hit a tree about two miles from his home. The vehicle became engulfed in flames. The driver was killed, and his body was burned beyond recognition. Later, after having been moved to a tow yard, the vehicle reignited several times.[20] Another witness recalled that "the car doors and bags trapped the driver, preventing us from reaching him before the vehicle was engulfed in flames," and, surprised by the fire's extremely rapid growth and spread, remarked that "it was like the fire had an accelerant."[21] See another reference to this incident, *infra*.

n. Around 8:00 p.m. on Sunday, February 24, 2019, a Tesla Model X caught fire on a frozen part of Lake Champlain, near Shelburne Bay, Vermont. According to the police, the owner, who was ice fishing, is said to have hit a rock when the car started making unusual noises and caught on fire.[22]

o. On March 18, 2019, a man was killed in Coquitlam, British Columbia, when his Model X slammed into a power pole and burst into flames. Crews proceeded with caution due to their understanding, as stated in the Tesla user's guide, that "battery fires can take up to 24 hours to extinguish and can possibly reignite."[23]

p. On April 21, 2019, a garage surveillance video of a parked Model S in a Shanghai, China, parking garage captures the vehicle as it first starts to smoke and then bursts into flames, ultimately also destroying three other nearby vehicles.[24] A second article contains the actual video footage as well as aftermath videos of the destroyed vehicles.[25]

---

[20] https://www.sun-sentinel.com/business/fl-bz-are-teslas-safe-20190225-story.html
[21] https://electrek.co/2019/02/25/tesla-crash-burning-car-door-handles/
[22] https://www.popularmechanics.com/cars/hybrid-electric/a26558547/tesla-burnt-vermont-lake/
[23] https://globalnews.ca/news/5067040/coquitlam-rcmp-fatal-crash-lougheed
[24] https://www.reuters.com/article/us-tesla-china/tesla-investigating-video-of-parked-model-s-exploding-in-shanghai-idUSKCN1RY023
[25] https://jalopnik.com/surveillance-video-of-tesla-exploding-in-shanghai-parki-1834211204

q. On May 3, 2019, a Tesla Model S seemed to have spontaneously and randomly combusted during the night while parked in the garage of a home in San Francisco, California. Firefighters were summoned, and the Tesla was moved from the garage after cutting all the main electrical leads, but the cause remains unclear.[26] A television news report as well as real time witness video also recorded the incident.[27]

r. On May 14, 2019, a Tesla Model S became engulfed in flames thirty minutes after having been parked in a Hong Kong parking garage. It took firefighters 45 minutes to extinguish the fire. Three explosions were reportedly seen on CCTV.[28]

s. On December 18, 2019, in Barrington, Illinois, a Tesla Model X collided on a highway with another car and caught fire shortly after impact. Firefighters had to use fire retardant foam to extinguish the blaze.[29]

t. On January 18, 2020, in Pleasanton, California, a driver was killed after losing control of their Tesla Model X at an intersection and crashing into a traffic sign and concrete wall at an apartment complex. Police reported that the vehicle "burst into flames" following the collision.[30]

u. On November 24, 2020, in Frisco, Texas, a 2015 Tesla Model S (85D) erupted "like a flamethrower" moments after the driver heard metallic bangs and pulled over. The case fed an ongoing NHTSA probe into fires in older Model S/X packs and raised egress concerns over Tesla's retractable door handles; Tesla didn't comment. The report also notes claims that Tesla used software to limit charge/range to reduce fire risk in aging batteries.[31]

---

[26] https://www.thedrive.com/news/27823/another-tesla-model-s-randomly-catches-fire-in-san-francisco-garage-report
[27] https://www.kron4.com/news/national/tesla-catches-fire-inside-garage-of-san-francisco-home/1975931200
[28] www.reuters.com/article/us-tesla-china-hongkong/tesla-car-catches-fire-in-hong-kong-parking-lot-media-idUSKCN1SK0G1
[29] https://www.lakemchenryscanner.com/2019/12/19/tesla-suv-catches-on-fire-after-head-on-crash-in-barrington/
[30] https://abc7news.com/post/man-dies-after-tesla-crashes-bursts-into-flames-in-pleasanton/5862228/
[31] https://www.washingtonpost.com/technology/2020/12/28/tesla-battery-fire/

v. On December 30, 2020, in San Ramon, California, a Tesla Model S caught on fire while it was parked and charging inside a residential garage.[32] The fire caused over $1 million of property damage. At least six fire trucks arrived at the scene, and firefighters reported that the blaze was so hot that they could not walk up the driveway of the home.[33]

w. On January 9, 2021, in Riverside, California, a 2018 Tesla Model 3 parked in a residential driveway spontaneously caught fire at approximately 4:00 a.m. Security footage showed the fire originated in the "frunk" (front trunk), leading the owner to suspect a failure of the 12V battery—specifically, that a leak may have caused corrosion and ultimately ignited the blaze. Tesla stated it was unable to determine the cause of the fire.[34]

x. On April 17, 2021, in Spring, Texas, a 2019 Tesla Model S struck trees after leaving the road and caught fire. An NTSB investigation concluded that damaged high-voltage lithium-ion caused the post-crash fire, and that the driver died from thermal injuries with smoke inhalation.[35]

y. On June 29, 2021, in Haverford, Pennsylvania, a driver of a Model S Plaid noticed smoke coming from the vehicle while it was in motion, and after exiting the vehicle it caught fire.[36] Tesla CEO Elon Musk had previously stated that some of the delays in bringing the new Model S to production were linked to making sure the battery pack was "safe." See another reference to this incident, *infra*.[37]

z. In June 2022, in Rancho Cordova, California, a Tesla Model S spontaneously burst into flames at a wrecking yard, where it had been sitting in place for three weeks following a crash.[38] In

[32] https://www.nhtsa.gov/?nhtsaId=11440932
[33] https://www.businessinsider.com/couples-tesla-caught-fire-charging-overnight-caused-a-house-fire-2021-8
[34] https://www.nhtsa.gov/?nhtsaId=11419837
[35] https://www.ntsb.gov/investigations/AccidentReports/Reports/HIR2302.pdf
[36] https://www.cnbc.com/2021/07/01/tesla-model-s-plaid-caught-fire-while-being-driven-fire-chief.html
[37] https://electrek.co/2021/06/30/tesla-model-s-plaid-caught-fire-strange-circumstances/
[38] https://autorecyclingworld.com/tesla-bursts-into-flames-after-sitting-in-us-scrapyard-for-three-weeks/

the caption for an Instagram video of the incident, the fire department recounted the specific measures needed to extinguish the fire, stating that it "took a significant amount of time, water, and thinking outside the box to extinguish."[39] The crew was able to extinguish the blaze only by placing the vehicle inside a pit filled with water and effectively submerging the battery compartment. Even then, 4,500 gallons of water was ultimately needed to extinguish the fire—about the same amount of water used for a building fire.

aa. On August 26, 2022, the owner of a 2021 Model 3 filed a complaint with NHTSA alleging that all Tesla vehicles pose an unacceptable fire risk due to "dangerous battery chemistry" and susceptibility to impact damage that can trigger instantaneous ignition. The complaint cited a European crash test video showing a Tesla igniting almost immediately after a minor underside strike and urged regulators to perform crash tests with fully charged warm batteries to better reflect real-world conditions. The consumer compared the risk to the Ford Pinto, stating that "by comparison with a Tesla, the [Ford] Pinto was just a damp squib."[40]

bb. On September 18, 2022, in Richland County, South Carolina, a Tesla left the road, struck a tree, and caught fire. Both the driver and front seat passenger were pronounced dead at the scene.[41]

cc. In November 2022, in Los Angeles, California, a Tesla Model X suddenly swerved into a barrier on LA's 405 freeway and quickly burst into flames. A witness driving another Model X saw the crashed Tesla emitting smoke and catching "fire like sparklers" within seconds as he called 911.[42]

[39] https://www.instagram.com/reel/CewdngRAWNQ/
[40] https://www.nhtsa.gov/?nhtsaId=11481466
[41] https://archive.ph/eVnc8#selection-10288.0-10292.0
[42] https://www.businessinsider.com/tesla-driver-watched-in-horror-tesla-crashed-burst-into-flames-2022-12

dd. On November 8, 2022, in Newport, Washington, a consumer reported that the 2020 Tesla Model 3 uses a fiberboard front skid plate intended to protect coolant lines serving the high-voltage battery. The complaint alleged that when wet, the fiberboard degrades and exposes the coolant lines to potential damage from road debris, increasing the risk of a battery fire. The consumer provided photos of the damage and urged Tesla to use a sturdier material and replace existing fiberboard skid plates in affected vehicles.[43]

ee. On January 19, 2023, in Wakefield, Massachusetts, a Tesla driver swerved to avoid black ice and impacted a guardrail that caused the major damage. After the driver left the scene and went home, the Tesla burst into flames. The vehicle burned for over two and a half hours, requiring roughly 20,000 gallons of water to extinguish.[44] While no fatalities occurred, the incident highlighted the difficulty of controlling a large-format EV battery fire. The fire chief explained: "If those battery packs go into thermal runaway, which is just a chemical reaction, then they get super-heated and they run away. You can't put them out. They don't go out. They reignite. And they release tremendously toxic gases."

ff. On January 28, 2023, in Rancho Cordova, California, a Tesla Model S battery spontaneously ignited while being driven on the highway. Emergency responders used over 6,000 gallons of water and required hours to suppress the fire.[45]

gg. On April 24, 2023, in Fort Lauderdale, Florida, a Tesla parked for service at a dealership suddenly erupted in flames, sending heavy smoke and flames several feet into the air and damaging a nearby vehicle.[46]

[43] https://www.nhtsa.gov/?nhtsaId=11492751
[44] https://www.cbsnews.com/boston/news/tesla-electric-car-fire-wakefield-challenge-firefighters/
[45] https://www.cbsnews.com/news/tesla-fire-battery-california-rancho-cordova/
[46] https://www.local10.com/news/local/2023/04/24/tesla-catches-fire-at-dealership-in-fort-lauderdale/

hh. On November 7, 2023, in Hollywood, Florida, a Tesla Model X caught fire after having rolled down a boat ramp and becoming fully submerged in water while launching jet skis.[47] The driver was rescued by her husband after being unable to open the doors, and the vehicle continued burning underwater for an extended time. Fire crews left the vehicle submerged to contain the fire.

ii. On May 26, 2024, in Weston, Florida, a Tesla Model 3 vehicle lost control and struck a concrete support under an overpass, and caught on fire following the impact.[48]

jj. On July 2, 2024, in Wheeling, Illinois, a 2023 Tesla Model Y crashed into a tree while traveling approximately 30 mph. Following impact, the battery ignited and exploded, causing the vehicle to catch fire.[49]

kk. On August 25, 2024, in Las Vegas, Nevada, a 2022 Tesla Model 3 that had been parked in a residential garage for two days without charging spontaneously caught fire. The blaze spread to the home, resulting in its destruction and the deaths of six cats. The fire department determined with 99.9% probability that the front battery of the vehicle caused the fire. The owner reported that Tesla was slow to respond and showed "zero remorse or care" following the incident.[50]

47. A sample of reports of fires by accounts from owners, lessees, drivers, and witness and news accounts after the date of the crash in this matter are as follows:

a. On November 15, 2024, in Bedminster Township, Pennsylvania, two people were killed when a Tesla crashed into a parked Tesla, causing both vehicles to collide with an adjacent building where they caught fire.[51]

[47] https://insideevs.com/news/694969/tesla-model-x-fire-boat-ramp-water/
[48] https://www.nbcmiami.com/news/local/driver-found-dead-after-car-crash-fire-in-weston/3320529/
[49] https://www.nhtsa.gov/?nhtsaId=11621575
[50] https://www.nhtsa.gov/?nhtsaId=11638815
[51] https://www.nbcphiladelphia.com/news/local/car-crashes-into-building-catches-fire-in-bedminster-twp-pa/4029820/

b. On December 3, 2024, in Pelham Manor, New York, a Tesla crashed into a wall and burst into flames, killing both occupants before help could arrive. One witness stated that the vehicle combusted at the moment it struck the barrier, "like a match spark." The flames rose to the level of the power lines above, causing some to break apart.[52]

c. On December 23, 2024, in Thomas County, Georgia, a father and son were killed when their Tesla Model 3 left the road, crashed into a pecan tree, and burst into flames.[53]

d. On January 28, 2025, in Beverly Hills, California, a 2025 Tesla Model Y crashed into a traffic light pole while driving on a neighborhood street with Autopilot engaged. The vehicle caught fire following impact, and the driver was unable to exit, dying at the scene. The fire originated in the lithium-ion battery located under the front end of the engine compartment. The blaze was extinguished by firefighters.[54]

e. On January 30, 2025, in Torrance, California, a Tesla Model Y struck a pole and violently caught fire. Police said that "due to the intensity of the flames and heat, they were unable to rescue the occupant."[55]

f. On April 14, 2025, in Charlotte, North Carolina, a 2022 Tesla Model Y caught fire while charging. The fire originated underneath the vehicle near the trunk and spread to the side of the owner's house. The fire department ruled the incident an electrical fire caused by the vehicle's battery.[56]

g. On May 26, 2025, in Frisco, Texas, a 2023 Model Y parked inside a residential garage caught fire after water entered the rear passenger area through an open window during rain. The owner had moved the vehicle into the garage to dry with doors and windows open, but several

[52] https://westchester.news12.com/2-killed-in-fiery-tesla-crash-in-pelham-manor
[53] https://www.walb.com/2024/12/27/father-son-killed-fiery-tesla-crash-thomas-county/
[54] https://www.nhtsa.gov/?nhtsaId=11641739
[55] https://www.latimes.com/california/story/2025-01-30/tesla-battery-fire-fatal-crash-rescue
[56] https://www.nhtsa.gov/?nhtsaId=11659627

hours later, around 4:30 p.m., the car ignited. The fire was extinguished using two fire extinguishers before it could spread to the home. The Frisco Fire Department investigated and concluded the likely cause was an electrical short circuit due to water intrusion or a battery-related issue. One individual was hospitalized with severe smoke inhalation sustained while extinguishing the fire.[57]

h. On June 20, 2025, in Detroit, Michigan, a 2025 Model Y began emitting smoke from the dashboard vents while being driven with the battery at approximately 2% charge. The driver pulled over and exited the vehicle, and within two minutes, flames were visible coming from the center dash area. The fire developed rapidly and was captured on video. The Detroit Fire Department investigated the incident.[58]

i. On September 7, 2025, in Schwerte, Germany, a Tesla Model S crashed into a tree, trapping a 43-year-old man and two nine-year-old children inside as the vehicle burst into flames, killing all three.[59]

j. On October 1, 2025, in Miami Beach, Florida, a Tesla Model 3 crashed into a utility pole after swerving to avoid another vehicle. The sole occupant, a 24-year-old woman, was trapped in the burning vehicle and died at the scene. First responders and police attempted to rescue her by breaking windows and using fire extinguishers, but she died before the fire was extinguished.[60]

iii. Tesla Elected to Forgo Safer Design Alternatives re: Product Defect No. 1

48. It is clear that Tesla Models S and X have seen numerous and frequent complaints of fires related to their unstable and inadequately protected batteries. This has resulted in fires that have ignited

[57] https://www.nhtsa.gov/?nhtsaId=11673191
[58] https://www.nhtsa.gov/?nhtsaId=11669250
[59] https://metro.co.uk/2025/09/19/man-child-9-burnt-alive-inside-tesla-car-crash-left-trapped-24205409/
[60] https://www.carscoops.com/2025/10/tesla-driver-killed-after-being-trapped-in-miami-fire/

spontaneously or when impacted, have been difficult to extinguish, and have frequently reignited after having been extinguished. Defendant Tesla has been aware of this dangerous safety issue and has failed to make safety a priority in its Models S and X despite having had access to safer battery protection innovations for many years, including its own patent for an intumescent fire retardant.

49. In U.S. Patent No. 7,763,381, Tesla engineers detailed the use of intumescent material layers to absorb thermal energy, delay the onset of thermal runaway, and form insulating char barriers between cells. The patent explains that such materials can prevent hot spots from perforating a cell casing, inhibit flame and gas from impinging on adjacent cells, and stop a single-cell failure from cascading into a pack-wide event. The patent application further describes dual-layer configurations tailored to sequentially absorb heat and provide thermal isolation—precisely the type of propagation-control measure absent from the Model S design. By patenting these techniques, Defendant Tesla demonstrated not only that it understood the risk of uncontrolled propagation, but that it had developed and publicized effective means of preventing it.

50. Likewise, U.S. Patent Application No. 2013/0059181 discloses a high-efficiency venting system designed to direct combustion gases safely away from critical components and neighboring cells. The patent acknowledges that uncontrolled venting and sidewall perforation can trigger catastrophic chain reactions and proposes redesigned cap assemblies and ejectment structures to relieve pressure and expel combustion products in a predictable manner. Yet Tesla's production battery packs continued to use conventional designs without these features, leaving them vulnerable to the same uncontrolled venting hazards the company itself had identified. Together, these patents reveal that Defendant Tesla knew how to build safer, more crashworthy battery systems—using intumescent barriers, improved venting, and controlled propagation mechanisms—but made a deliberate choice not to incorporate those solutions into the Model S.

That decision underscores that the danger was not the result of technological impossibility but of a conscious departure from known, feasible safety practices.

51. Conversely, all versions of the newer Tesla Model 3 use the aforementioned intumescent material, and there have been far fewer public reports of fire incidents in the Model 3, despite the fact that the rate of cumulative global sales for the Model 3 has increased much more quickly compared to the rate of Model S production.[61] Moreover, some observers believe that in addition to the use of intumescent material, battery compartment changes were made to both the exterior box structure and the interior battery module to improve the overall safety of the battery compartment on the Model 3.[62] Unfortunately, the earlier Tesla models did not include these features, although the necessary technology has been available well prior to the manufacture of the vehicle at issue.[63]

B. PRODUCT DEFECT NO. 2 - TESLA DOORS ALLOW OCCUPANTS TO BE TRAPPED IN A CRASH

i. How Tesla Doors Work – and Fail

52. Defendant Tesla designed and manufactured the subject vehicle with a fundamentally defective and unreasonably dangerous interior rear door release system. Tesla vehicles rely on two separate battery systems: a high-voltage system that powers the drivetrain and a low-voltage (12-volt) system that controls critical interior functions such as door locks, windows, and the touchscreen. Under normal conditions, the rear doors rely entirely on handle-mounted buttons that draw power from the low-voltage system. When the low-voltage system loses power—as generally occurs after a collision or fire—the electrical release mechanisms cease to function, rendering the rear doors inoperable unless manually released from inside. However, the subject vehicle's manual emergency release for rear-seat passengers was not visible, clearly marked, or reasonably

[61] https://en.wikipedia.org/wiki/Tesla,_Inc.#Production_and_sales
[62] https://insideevs.com/new-tesla-model-3-battery-details-images-released/
[63] *Id.*

accessible. The release mechanism was hidden beneath the rear seats, requiring passengers to lift a section of carpeting to pull a concealed metal tab attached to a cable. There were no labels, markings, or instructional guidance provided inside the vehicle to assist passengers in locating or using this mechanism.

53. This design was both inadequate and inherently dangerous. In foreseeable emergency scenarios involving power loss and fire, rear-seat passengers, including children and non-owner guests, are left to fumble blindly through smoke and flames for an unlabeled and hidden release mechanism they were never informed existed. In contrast to the intuitive design of the front doors, which default to a mechanical release when power is lost if the occupant continues pulling the handle, the rear doors lack any practicable fail-safe. Pulling the rear handles after power loss is entirely futile. Defendant Tesla's decision to make the rear mechanical release deliberately obscure, unmarked, and unreachable amounts to a deceptive illusion of safety. The user manual confirms this design was intentional, not accidental.

54. The foreseeable risk of serious injury or death resulting from this defect was obvious and should have been readily apparent to any reasonably competent design engineer. The danger posed by power loss during a crash, followed by fire, is not speculative—it is a predictable and well-documented hazard. Defendant Tesla failed to provide adequate instructions or warnings that would have alerted users, including non-owners unfamiliar with the vehicle's design, to the existence and use of the hidden manual release. A reasonably safe alternative design would have included features such as an accessible rear emergency egress, clearly visible and labeled manual release mechanisms for each rear door, and tactile levers capable of operation under emergency conditions. Such safety features were both technologically and economically feasible at the time the vehicle was designed, manufactured, assembled, sold, and distributed.

ii. Notice to Tesla of the Dangers of its Door Systems

55. Defendant Tesla cannot credibly claim ignorance of the fact that the mechanism is defective in its design and further defective because of its inadequate instructions or warnings. After the release of the subject vehicle but before the time of the subject collision, customers repeatedly raised the defective design and its inadequate instructions or warnings as a safety concern. For nearly a decade before the crash, Defendant Tesla had repeated and direct notice that its reliance on electronic door systems created a serious risk of entrapment. Owners, bystanders, and first responders documented instances where Tesla occupants survived crash forces but could not escape when electrical power failed and fire ensued.[64] Firefighters and rescuers reported occasions where they were unable to save occupants because the doors would not open once power was lost.[65] Consumers lodged dozens of complaints with the National Highway Traffic Safety Administration ("NHTSA"), repeatedly documenting their horror upon discovering—often too late—that the rear doors cannot be opened when power fails. Many complaints warned that rear-seat passengers—especially children—could be trapped inside during a fire or crash. These reports, including NHTSA IDs 11111289, 11102352, 11317593, 11405049, 11428766, 11436809, 11460242, 11465819, 11473540, 11477726, 11486033, 11491050, 11591608, 11592780, 11614665, and 11628467 (some of which are described in paragraph 60), make plain that Defendant Tesla has been on direct notice of this lethal design defect and either knew or at the very least, reasonably should have known of the danger.

56. Defendant Tesla's leadership was personally aware of the design defect. On a May 2013 earnings call, CEO Elon Musk admitted that Tesla's door handles sometimes malfunctioned, acknowledging that "occasionally the sensor would malfunction… so you'd pull on the door

[64] https://www.tesla-fire.com/

[65] 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 herein listed NHTSA ID reports are available at www.nhtsa.gov .

handle, and it wouldn't open," which he conceded was "quite vexing for a customer." Musk assured investors the problem had been solved, claiming that "the door-handle incidents have gone to virtually zero."[66]

57. By early 2016, Tesla owners themselves were sounding the alarm about the danger of being trapped in the rear of a Model S when the car lost power. In a February 8, 2016 Tesla Motors Club thread titled *"Emergency Opening Rear Doors,"* an owner quoted the Model S manual's instruction: "To open the rear doors, fold back the edge of the carpet below the rear seats to expose the mechanical release cable." Other participants admitted they had never seen or tested the hidden release and were aghast at the rear door operation. One commenter warned: "it seems like a very scary scenario to try to find it when in a true emergency, when in a panic, and figure out what to do. . . . I can imagine my family members freaking out and not being able to comprehend my instructions on how to open the door. And I could well be disabled and not able to instruct them." Another declared: "This implementation should be criminal. The front doors are done right, and there is ZERO excuse for the rear doors to be done in this dangerous fashion. . . Imagine if the fire exits in public buildings were that hard to figure out how open, how long would that be allowed to go on? Why is it ok in a car then? . . . The test for this should always be whether a person completely unfamiliar with the vehicle can exit the vehicle quickly while in a full panic. Tesla rear doors fail."[67]

58. A representative sample of reports of entrapment within a Tesla vehicle or defects which prevented accessibility from outside the vehicle by accounts from owners, lessees, drivers, and witness and news accounts prior to the date of the crash in this matter are as follows:

[66] https://www.bloomberg.com/features/2025-tesla-dangerous-doors/
[67] https://teslamotorsclub.com/tmc/threads/emergency-opening-rear-doors.62275

a. A driver in Maplewood, New Jersey, reported to NHTSA that on January 28, 2015, while walking around her car to get her young children out of her 2014 Model S, the handles retracted, locking her children inside the vehicle.[68]

b. A driver in Rancho Cucamonga, California, reported to NHTSA that on June 29, 2015, he took the keys and walked into a courthouse for an hour, leaving his girlfriend in his 2014 Model S. She discovered she was locked in and could not open the windows or the doors from the inside.[69]

c. An owner in Guangzhou, China, recounted the moments on February 17, 2017, after a crash on an expressway wherein she and another passenger in her Model X were trapped in the rear passenger seats and could not open the doors. They climbed over the seat and were able to exit the vehicle through the front doors only a few seconds before it was engulfed in flames.[70]

d. An owner in Laguna Vista, Texas, reported to NHTSA that a rear door handle on a 2012 Model S became non-functional from the exterior of the vehicle on March 2, 2017. The handle was serviced by the manufacturer, after which the exterior access became functional but left the interior handle unable to open from the inside, rendering the right rear seat passenger unable to exit the vehicle in the event of a crash.[71]

e. A driver in Claremont, California, reported to NHTSA that on April 8, 2017, the electric door handles in a 2013 Model S failed for the second time.[72]

f. A driver in Watsonville, California, reported to NHTSA that as of July 5, 2017, all four door handles on a 2013 Model S were broken or malfunctioning.[73]

[68] https://www.nhtsa.gov/?nhtsaId=10679894
[69] https://www.nhtsa.gov/?nhtsaId=10731118
[70] https://electrek.co/2017/04/23/tesla-model-x-fire-crash-falcon-wing-doors-stuck/
[71] https://www.nhtsa.gov/?nhtsaId=10959509
[72] https://www.nhtsa.gov/?nhtsaId=10979155
[73] https://www.nhtsa.gov/?nhtsaId=11009848

g. A driver in Brooklyn, New York, reported to NHTSA that on October 13, 2017, the door handles failed to slide out in a 2013 Model.[74]

h. A driver tweeted at Elon Musk on December 7, 2017, about his Tesla that he had owned since the end of 2016 regarding his third broken door handle in as many months, this one resulting in him having to enter his vehicle through the passenger side. Tesla responded to that last complaint saying they would fix it when they had the part and the technician. The article about the tweet included a looped video of the failed handle.[75]

i. A driver in Lakewood, Colorado, reported to NHTSA that on December 11, 2017, the door handle on a 2015 Model S60 became inoperable, making it impossible to enter the vehicle through the driver side door.[76]

j. A driver in Pungoteague, Virginia, reported to NHTSA that on December 13, 2017, the door handles failed to slide out in a 2013 Model S, rendering it impossible to open the doors from the outside. This incident occurred after all four handles of the vehicle had already been replaced.[77]

k. A driver in Frisco, Texas, reported to NHTSA that on January 2, 2018, a second door handle became inoperable on a 2015 Model S 60KWH leaving the owner to pay the $700-$1000 replacement cost of the now out-of-warranty second handle.[78]

l. A driver in Ivins, Utah, reported to NHTSA that on January 13, 2018, the door handles in his 2014 Model S would present but not open; two handles had already been replaced.[79]

[74] https://www.nhtsa.gov/?nhtsaId=11033908
[75] https://jalopnik.com/tesla-owner-resorts-to-tweeting-at-elon-when-his-door-h-1821128355
[76] https://www.nhtsa.gov/?nhtsaId=11056980
[77] https://www.nhtsa.gov/?nhtsaId=11055221
[78] https://www.nhtsa.gov/?nhtsaId=11063142
[79] https://www.nhtsa.gov/?nhtsaId=11063966

m. A crash occurred in Ft. Lauderdale, Florida, on May 8, 2018, resulting in an immediate fire wherein the two 18-year-olds who were trying to get out of the vehicle were unable to escape their Model S and perished in the fire.[80]

n. On June 18, 2018, a driver in Valencia, California, a 2018 Tesla Model 3 owner warned NHTSA that "rear passengers and specially [sic] children… can become trapped in the event of a fire or major collision that disables the electrical power to the doors."[81]

o. A driver in Greer, South Carolina, reported to NHTSA that on June 24, 2018, a 2015 Model S 60KWH driver side door handle malfunctioned preventing access to the interior unless the door is opened from the inside.[82]

p. A driver in Bainbridge Island, Washington, reported to NHTSA that on July 14, 2018, while operating a 2018 Tesla Model 3, the passenger doors opened electrically and only the front doors appeared to have a manual backup release.[83]

q. A driver in Rye, New York, reported to NHTSA that on August 3, 2018, the doors of a 2018 Model X 60 could not be opened either manually or with the FOB.[84]

r. A driver in Carlisle, Pennsylvania, reported to NHTSA that on August 22, 2018, two of the four door handles of a 2015 Model S had failed. In both cases the door handles failed to emerge from the door body, and there was no way to open either door from the outside.[85]

s. A driver in Whittier, California, reported to NHTSA on October 22, 2018, that the FOB would not open the door of a 2013 Model S, locking a toddler inside a hot car for twenty minutes.

[80] https://www.cbsnews.com/miami/news/pine-crest-school-students-killed-in-fiery-tesla-crash/
[81] https://www.nhtsa.gov/?nhtsaId=11102352
[82] https://www.nhtsa.gov/?nhtsaId=11104204
[83] https://www.nhtsa.gov/?nhtsaId=11111289
[84] https://www.nhtsa.gov/?nhtsaId=11115665
[85] https://www.nhtsa.gov/?nhtsaId=11124157

After several attempts, the window was broken to rescue the child. Shortly after that, the FOB started working again.[86]

t. A driver in Scottsdale, Arizona, reported to NHTSA that on January 3, 2019, the front passenger door handle of a Model S presented to open but would not open the door when pulled. This is the owner's second door for this malfunction.[87]

u. A driver reported to NHTSA on February 21, 2019, that the door handles on a 2015 Model S would not present, which restricted access to the vehicle.[88]

v. A fatal crash occurred in Davie, Florida, on February 24, 2019, wherein witnesses stated that they could not enter the vehicle because the door handles would not work, and the airbags did not deflate. A police spokeswoman also confirmed that an officer who was nearby attempted to break the car's windows but could not get the driver out.[89]

w. A driver in Dublin, California, reported to NHTSA that on April 30, 2019, while trying to troubleshoot a problem with the falcon wing doors on a 2016 Model X not closing, the doors then all locked, and the vehicle would not open with either the remote or the handles.[90]

x. On March 11, 2020, a driver in an unknown location reported to NHTSA that a 2019 Tesla Model 3 lacked rear mechanical door release levers, leaving the driver concerned about potentially fatal entrapment during power loss.[91]

y. On March 26, 2021, a driver in Sachse, Texas, reported to NHTSA that the exterior door handles on a 2015 Tesla Model S would consistently break, preventing outside entry and posing a safety risk with child locks engaged.[92]

---

[86] https://www.nhtsa.gov/?nhtsaId=11141882
[87] https://www.nhtsa.gov/?nhtsaId=11171057
[88] https://www.nhtsa.gov/?nhtsaId=11181695
[89] https://electrek.co/2019/02/25/tesla-crash-burning-car-door-handles/
[90] https://www.nhtsa.gov/?nhtsaId=11208118
[91] https://www.nhtsa.gov/?nhtsaId=11317593
[92] https://www.nhtsa.gov/?nhtsaId=11405049

z. On June 29, 2021, in Haverford, Pennsylvania, the owner of a 2021 Tesla Model S Plaid noticed smoke coming from the back of the vehicle. He tried to unlock and open the doors but had to "force his way out of the vehicle, as the locks seemed to malfunction." After he escaped the vehicle, it became engulfed in flames.[93]

aa. A driver in Colorado Springs, Colorado, reported to NHTSA that on August 1, 2021, repeated door malfunctions on a Tesla trapped the driver's son inside, requiring multiple lock cycles to exit. Tesla quoted $700 to repair the handles.[94]

bb. A driver in Carlsbad, California, reported to NHTSA that on August 8, 2021, after a 12-volt failure left his Tesla Model 3 unresponsive and its doors inoperable, trapping his wife, he smashed a window to free her. He told Tesla the manual release was "unmarked and inconspicuous" and warned that "Tesla created an unsafe situation where people can be trapped.[95]

cc. A driver in Kansas City, Missouri, reported to NHTSA that on April 9, 2022, after hitting a deer in a 2018 Tesla Model S, the vehicle shut down and no doors could be opened from inside or outside.[96]

dd. On May 20, 2022, in Vancouver, Canada, while stopped at an intersection, a 2021 Tesla Model Y suddenly shut down and began spewing smoke from its vents. The driver tried to open the doors and lower the windows but said "the doors wouldn't open" and "the windows wouldn't go down." He kicked out the driver's window to escape; moments later, the vehicle caught fire. Although the car had manual door releases, he said they were "too difficult to figure out" in the moment.[97]

---

[93] https://www.cnbc.com/2021/07/01/tesla-model-s-plaid-caught-fire-while-being-driven-fire-chief.html
[94] https://www.nhtsa.gov/?nhtsaId=11436809
[95] https://www.nhtsa.gov/?nhtsaId=11428766
[96] https://www.nhtsa.gov/?nhtsaId=11460242
[97] https://www.businessinsider.com/tesla-driver-says-broke-window-escape-electric-car-fire-2022-5

ee. A driver in Irvine, California, reported to NHTSA on May 23, 2022, that the rear doors of a 2022 Tesla Model S required pulling a string on the floor to open during power failure and could not be opened from outside.[98]

ff. On June 3, 2022, in Cupertino, California, a consumer reported that after inspecting a 2020 Tesla Model S (and likely the Model X) following a crash that resulted in total power loss, numerous doors and compartments could not be opened without electrical power. The consumer, who attempted to follow the emergency procedures outlined in the vehicle manual under controlled conditions at a junkyard, identified four serious safety issues: (1) the rear passenger doors cannot be opened without power, and the manual's emergency procedure—requiring the user to lift the carpet and locate a concealed release cable—proved impractical, as the consumer was unable to locate or operate the mechanism even with the manual in hand; (2) the trunk cannot be opened without power, preventing access to emergency equipment; (3) the glove box remains locked without power, potentially blocking access to essential items such as medication, documents, or a firearm; and (4) the front trunk ("frunk") may also be inoperable during power loss. The consumer warned that these design flaws could endanger occupants by impeding egress and preventing access to critical safety equipment in emergency situations.[99]

gg. A driver in Golden, Colorado, reported to NHTSA that on June 29, 2022, a 2019 Tesla Model 3 shut down after swerving, disabling flashers, doors, and windows. The driver and a child were trapped in extreme heat, and roadside assistance refused help.[100]

[98] https://www.nhtsa.gov/?nhtsaId=11465819
[99] https://www.nhtsa.gov/?nhtsaId=11511098
[100] https://www.nhtsa.gov/?nhtsaId=11473540

hh. A driver in Hermosa Beach, California, reported to NHTSA that on July 31, 2022, the rear passenger door of a 2020 Tesla Model Y could not be opened after a door panel wedged against the body seal. A service technician stated that this was a frequent issue.[101]

ii. A driver in Cape Coral, Florida, reported to NHTSA that on September 3, 2022, a 2017 Tesla Model X lunged forward and shut off, disabling doors and hazard lights. Passengers, including a disabled individual, were trapped until rear door panels were removed.[102]

jj. A driver in Honolulu, Hawaii, reported to NHTSA that on October 20, 2022, the 12-volt battery failed on a 2020 Tesla Model 3, rendering the doors of the vehicle inoperable. A Tesla technician was forced to break into the vehicle to access the manual latch.[103]

kk. On December 9, 2023, in Leesburg, Virginia, an off-duty firefighter smashed a Model Y's driver's window during a fire and burned himself reaching for the manual release. He rescued the driver but could not free the passenger before she sustained severe burns and lung damage.[104]

ll. On March 7, 2024, a driver in Wilmette, Illinois, reported to NHTSA that when rear door openers fail, "the backup mechanical system is completely inadequate… the rear doors require a number of steps that are odd and not obvious or intuitive, leading to a very dangerous situation when a very fast exit is needed."[105]

mm. A driver in Tempe, Arizona, reported to NHTSA that on May 24, 2024, a 2021 Tesla Model Y became inoperable when the 12-volt battery died, trapping the driver inside.

[101] https://www.nhtsa.gov/?nhtsaId=11477726
[102] https://www.nhtsa.gov/?nhtsaId=11486033
[103] https://www.nhtsa.gov/?nhtsaId=11491050
[104] https://www.bloomberg.com/features/2025-tesla-dangerous-doors/
[105] https://www.nhtsa.gov/?nhtsaId=11628467

Roadside assistance was delayed, and a Tesla adviser stated that claustrophobic people should not buy Teslas.[106]

nn. A driver in Cincinnati, Ohio, reported to NHTSA that on June 4, 2024, a 2019 Tesla Model S shut off while a child was inside, leaving no way to open the doors from the outside. The interior temperature rose above 110°F before emergency responders broke a window to remove the child. Tesla customer support advised calling 911 and confirmed there was no manual exterior door release.[107]

oo. On September 6, 2024, a driver in Moreno Valley, California, reported to NHTSA that a Tesla Model 3 lacked a readily accessible manual rear door release, creating a risk of entrapment in the event of power loss or fire. The driver also reported two prior battery charging failures that left the vehicle without power, and stated that Tesla service centers had not addressed the rear door issue.[108]

pp. On October 24, 2024, in Toronto, Canada, four people were killed when a Model Y crashed and burst into flames. A rescuer who saved the sole survivor reported that "you couldn't open the doors… she was pretty desperate to get out… I don't know if that was the battery or what, but she couldn't get out.[109]

qq. A sample of a multitude of ongoing complaints through various online TESLA forums demonstrates the preponderance of costly defective door handles as well as owners' concerns over safety due to these defects.[110]

---

[106] https://www.nhtsa.gov/?nhtsaId=11591608
[107] https://www.nhtsa.gov/?nhtsaId=11592780
[108] https://www.nhtsa.gov/?nhtsaId=11614665
[109] https://www.msn.com/en-us/autos/news/four-passengers-die-after-being-trapped-in-burning-tesla-after-electronic-doors-seemingly-wont-open/ar-AA1tYcwj
[110] https://teslamotorsclub.com/tmc/threads/door-handle-failures.97673/page-3; https://teslamotorsclub.com/tmc/threads/drivers-%20door-cant-open-from-outside.62182

59. These incidents and complaints make plain that Defendant Tesla had long been on notice of a lethal design defect. Defendant Tesla knew their vehicles had already claimed lives in post-crash fires, and that customers and rescuers were warning of exactly the hazard that killed decedents: rear passengers unable to escape or be rescued following a collision or low-voltage power failure because doors remained locked. Despite this knowledge, Defendant Tesla did not correct the defect and continued to sell vehicles that predictably trapped their occupants in foreseeable emergencies.

iii. Tesla Elected to Forgo Safer Design Alternatives Regarding Product Defect No. 2

60. Defendant Tesla's history of defective door handles is particularly egregious because they knew from the outset how to design a system that avoided the hazard of power-loss entrapment. The original Model S—the first vehicle fully designed by Defendant Tesla—featured interior front door handles that combined an electronic and mechanical latch. When the car had power, pulling the handle opened the door electronically; when power was lost, pulling the same handle opened the door mechanically.

61. Tesla's own Chief Designer, Franz von Holzhausen, has since acknowledged what is common sense: in emergencies, door releases must be intuitive and rely on the occupant's muscle memory. In a 2025 interview, when asked about the NHTSA's investigation into Tesla door handles, he stated: "The idea of combining the electronic one and the manual one together into one button… makes a lot of sense. It really helps… the muscle memory of reaching for something every day is there, and so you intuitively just grab the same thing and you're free."

62. If anything, Defendant Tesla has escalated the danger by moving even further in the opposite direction of ensuring a safe escape mechanism: the Cybertruck—Tesla's newest model line, introduced in 2023—is the first Tesla vehicle to eliminate door handles entirely. As one engineer

observer stated, "Tesla engineers went wildly in the direction of automation and overlooked what happens to the human body after a crash."[111]

63. Defendant Tesla has further demonstrated its awareness of the dangers posed by unlabeled and unintuitive mechanical releases by manufacturing certain front emergency door latches with a pictogram depicting a car with an open door inside a triangle. The Model Y now includes such an icon to identify the emergency release on the front doors only. The very fact that Defendant Tesla added this icon—albeit without providing an actual written label—constitutes an acknowledgment of the defect.[112]

64. Defendant Tesla by and through its agents, workmen, and/or employees, breached its duties and obligations under Wis. Stat. § 895.047 and 402A of the Restatement of the Law of Torts (Second) by:

a. Designing, assembling, manufacturing, selling, distributing, warranting, and/or supplying, the subject vehicle that was defective and unreasonably dangerous to the end user;

b. Designing, assembling, manufacturing, selling, distributing, warranting, and/or supplying, the subject vehicle that was not safe for foreseeable uses and misuses;

c. Designing, assembling, manufacturing, selling, distributing, warranting, and/or supplying, the subject vehicle that was defective because of the placement and design of its emergency egress switch which delays and prevents safe exits of rear-seat occupants in an emergency;

d. Failing to have proper, adequate, and durable warnings on the subject vehicle concerning foreseeable hazards;

e. Failing to have clear labeling or instructions about the location of the manual release for rear passengers;

f. Designing, assembling, manufacturing, distributing, and selling the subject vehicle without all necessary safety features to protect users of the product;

g. Failing to provide appropriate safety devices with the subject vehicle;

[111] https://www.bloomberg.com/features/2025-tesla-dangerous-doors/
[112] https://www.reddit.com/r/TeslaLounge/comments/1iemdvk/the_new_model_y_now_features_an_icon_on_the/

h. Failing to properly and adequately test the subject vehicle before its design, manufacture, and/or assembly;

i. Failing to investigate, retain and analyze prior accident information and incorporate that into design decisions.

65. The subject vehicle was further defective because it failed to contain adequate warnings and instructions regarding the risk of entrapment, the inability to open doors following a crash, and the risk of post-collision battery fire.

C. CAUSATION AND DAMAGES AS A RESULT OF TESLA'S PRODUCT DEFECTS

66. Defendant Tesla's failure to conform to Wis. Stat. § 895.047 and 402A of the Restatement of the Law of Torts (Second) as set forth above rendered the subject vehicle defective and unreasonably dangerous.

67. The defective and unreasonably dangerous condition of the subject vehicle was a cause and a substantial factor in the fatal injuries of Michelle Bauer and Jeffrey Bauer.

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

69. As a result of the defective and unreasonably dangerous condition of the subject vehicle, Michelle Bauer and Jeffrey Bauer sustained enhanced injuries as that term is used in *Farrell v. John Deer Company*, 151 Wis. 2d 45, 443 N.W.2d 50 (1989).

70. Defendant Tesla's design defects enhanced Michelle Bauer and Jeffrey Bauer's injuries and were a substantial factor in causing their deaths by preventing their escape.

71. Without Defendant Tesla's design defects, Michelle Bauer and Jeffrey Bauer would have survived and had a chance to escape the subject vehicle after the crash.

72. Plaintiffs Alexander Bauer and Claudia Bauer suffered and will continue to suffer loss of support, society, and companionship of their father, Jeffrey Bauer, for which they claim damages against Defendant Tesla in an unspecified amount.

73. Plaintiffs Samantha Alswager and Joseph Alswager suffered and will continue to suffer loss of support, society, and companionship of their mother, Michelle Bauer, for which they claim damages against Defendant Tesla in an unspecified amount.

74. Plaintiff Lake Ridge, on behalf of the Estates of Michelle Bauer and Jeffrey Bauer, claims damages, in an unspecified amount, against Defendant Tesla for pain, suffering and disability including pre-death fear of entrapment and burning before Michelle Bauer and Jeffrey Bauer's death, for medical expenses, funeral and burial expenses, and loss of earning capacity.

VI. PLAINTIFFS' NEGLIGENCE CLAIMS AGAINST DEFENDANT TESLA

75. Plaintiffs reallege and incorporate by reference all of the allegations set forth in Paragraphs 1-72 above.

76. At all times relevant, Defendant Tesla owed a duty to use reasonable care when it designed, manufactured, tested, distributed, sold, assembled, and/or warranted its Tesla Model S vehicle, including the subject vehicle.

77. Defendant Tesla breached this duty when it negligently designed, manufactured, tested, distributed, sold, assembled, and/or warranted the unreasonably unsafe subject vehicle.

78. Defendant Tesla, by and through their agents, servants, workmen, and/or employees acting within the course and scope of their employment, were negligent, among other things, in:

    a. The design, manufacture, testing, sale, distribution, warranty, and assembly of the subject vehicle;

    b. Failing to provide proper and adequate warnings of the unsafe condition of the subject vehicle.

79. Defendant Tesla's negligence was a breach of its duty of reasonable care and is a cause and substantial factor in the injuries and deaths of Jeffrey Bauer and Michelle Bauer and this cause of action.

80. As a result of the negligence of Defendant Tesla, Jeffrey Bauer and Michelle Bauer sustained enhanced injuries as that term is used in *Farrell v. John Deer Company*, 151 Wis. 2d 45, 443 N.W.2d 50 (1989).

81. Defendant Tesla's negligence enhanced Jeffrey Bauer and Michelle Bauer's injuries and were a substantial factor in causing their deaths by preventing their escape from a quickly growing fire.

82. Without Defendant Tesla's negligence in the design of the subject vehicle, Jeffrey Bauer and Michelle Bauer would have survived and had a chance to escape the subject vehicle after the crash.

83. By reason of the negligence of Defendant Tesla, Plaintiffs Alexander Bauer and Claudia Bauer suffered and will continue to suffer loss of support, society, and companionship of their father, Jeffrey Bauer, for which they claim damages against Defendant Tesla in an unspecified amount.

84. By reason of the negligence of Defendant Tesla, Plaintiffs Samantha Alswager and Joseph Alswager suffered and will continue to suffer loss of support, society, and companionship of their mother, Michelle Bauer, for which they claim damages against Defendant Tesla in an unspecified amount.

85. By reason of the negligence of Defendant Tesla, Plaintiff, Lake Ridge, on behalf of the Estates of Jeffrey Bauer and Michelle Bauer, claims damages, in an unspecified amount, against Defendant Tesla for pain, suffering and disability including pre-death fear of entrapment and burning before the deaths of Jeffrey Bauer and Michelle Bauer, for medical expenses, funeral and burial expenses, and loss of earning capacity.

VII. PLAINTIFFS' PUNITIVE DAMAGES CLAIM AGAINST DEFENDANT TESLA

86. Plaintiffs reallege and incorporate by reference all of the allegations set forth in Paragraphs 1-83 above.

87. At all relevant times, Defendant Tesla acted with intentional disregard for the rights and safety of others, including Michelle Bauer and Jeffrey Bauer, in its design, manufacture, marketing, and/or failure to warn of known defects in the subject vehicle.

88. Defendant Tesla knew or should have known of the dangerous and defective condition of the subject vehicle, including the inaccessible and hidden manual emergency release mechanism for rear passengers, which created a substantial risk of harm to users and the public.

89. Despite such knowledge, Defendant Tesla failed to take adequate corrective action, issue appropriate warnings, or disclose the true risks associated with said defect. Defendant Tesla's conduct demonstrated a willful and wanton disregard for public safety.

90. The fact that consumers have been forced to resort to desperate, makeshift measures to protect themselves—measures Defendant Tesla has entirely neglected to provide—is not only evidence of a dangerously defective design, but also of Defendant Tesla's willful and conscious disregard for the safety of its customers. Despite receiving repeated notice through consumer complaints and obvious safety risks, Defendant Tesla has persisted in marketing and selling vehicles with rear doors that predictably trap passengers when power fails. This conduct meets the definitions of malicious action and intentional disregard under Wis. Stat. § 895.043, as it reflects a deliberate choice to place profits and aesthetics over human life and safety. Accordingly, punitive damages are warranted to punish Defendant Tesla's misconduct and to deter similar conscious disregard for consumer safety in the future. The product defect should have been obvious to Defendant Tesla's engineers. Even if they somehow failed to recognize it, customers had already been flagging it as a major safety issue for several years.

91. As a direct and proximate result of Defendant Tesla's actions and omissions, Michelle Bauer and Jeffrey Bauer suffered injuries and death as alleged herein and Plaintiffs Alexander Bauer,

Claudia Bauer, Samantha Alswager, Joseph Alswager and Lake Ridge, on behalf of the Estates of Michelle Bauer and Jeffrey Bauer, suffered injuries and damages as alleged herein.

92. Pursuant to Wis. Stat. § 895.043**,** Plaintiffs Alexander Bauer, Claudia Bauer, Samantha Alswager, Joseph Alswager and Lake Ridge, on behalf of the Estates of Michelle Bauer and Jeffrey Bauer are entitled to an award of punitive damages in an amount sufficient to punish Defendant Tesla for its egregious misconduct and to deter similar conduct in the future.

VIII. PLAINTIFFS' NEGLIGENCE CLAIMS AGAINST WISCONSIN MUTUAL AND ESTATE OF BARRY SIEVERS

93. Plaintiffs reallege and incorporate by reference all of the allegations set forth in Paragraphs 1-90 above.

94. On November 1, 2024, near 1885 Range Trail, in the Town of Verona, County of Dane, a motor vehicle collision occurred involving the subject vehicle driven by Barry Sievers.

95. Barry Sievers was negligent in the operation of the vehicle he was operating at the time of the collision.

96. Barry Sievers had a liability policy and excess umbrella policy for the subject vehicle he was operating at the time of the subject collision that was underwritten by Defendant Wisconsin Mutual.

97. The negligence of Barry Sievers was a substantial factor in causing the collision.

98. As a result of the negligence of Barry Sievers, Plaintiffs Alexander Bauer, Claudia Bauer, Samantha Alswager, and Joseph Alswager claim damages in an unspecified amount to be determined at trial.

99. As a result of the negligence of Barry Sievers, Michelle and Jeffrey Bauer sustained personal injuries for which Plaintiff Lake Ridge, on behalf of their Estates, claims damages in an unspecified amount to be determined at trial.

WHEREFORE, Plaintiffs demand judgment against the Defendants, jointly and severally, as follows:

1. For damages, including but not limited to, medical expenses, funeral and burial expenses, pre-death pain and suffering including fear of impending death, entrapment, and burning, loss of earning capacity, and loss of consortium, in an amount to be determined at trial.

2. Punitive damages against Defendant Tesla.

3. For costs of this action and attorneys' fees as allowed by law.

4. For such other relief as the Court deems just and equitable.

Dated this 31st day of October, 2025.

MURPHY & PRACHTHAUSER, S.C.
Attorneys for Plaintiffs

BY: *Electronically signed by Thadd J. Llaurado*
Thadd J. Llaurado (SBN: 1000773)
Kathryn Llaurado Scheidt (SBN: 1095288)
Keith R. Stachowiak (SBN: 1000050)

P.O. ADDRESS:
N14W23833 Stone Ridge Drive, Suite 310
Waukesha, WI 53188
414-271-1011 / 414-271-9987
tllaurado@murphyprachthauser.com
kllaurado@murphyprachthauser.com
kstachowiak@murphyprachthauser.com