

D-1-GN-25-004287

CAUSE NO. _____

SUSMITA MADDI,

Plaintiff,

v.

TESLA, INC.,

Defendant.

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IN THE DISTRICT COURT

53RD, DISTRICT COURT

____ JUDICIAL DISTRICT

TRAVIS COUNTY, TEXAS

PLAINTIFF’S ORIGINAL PETITION AND JURY DEMAND

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Plaintiff Susmita Maddi (“Plaintiff”), and files this Original Petition and against Defendant Tesla, Inc., (“Tesla” or “Defendant”) and in support, respectfully shows the Court the following:

I.

DISCOVERY CONTROL PLAN

1.01 Pursuant to Rule 190.1 of the Texas Rules of Civil Procedure, Plaintiff intends to proceed with discovery under Level 3 as set forth in Rule 190.3.

II.

PARTIES

2.01 Plaintiff Susmita Maddi is an individual citizen and resident of Ashburn, Loudoun County, Virginia.

2.03 Defendant Tesla, Inc., is a Texas corporation doing business in Texas with its headquarters and principal place of business located at 1 Tesla Road, Austin, Texas 78725. It may be served with process through its registered agent, CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas, 75201-3140.

III.
VENUE AND JURISDICTION

3.01 This Court has jurisdiction and venue over the parties to this action since the matter in controversy exceeds the sum or value of the minimum jurisdictional limits of the Court, exclusive of costs and interest, and since complete diversity between the parties is lacking. Venue is proper in Travis County, Texas since Defendant Tesla's principal place of business is in Austin, Travis County, Texas.

IV.
FACTUAL BACKGROUND

4.01 On or about December 9, 2023, Plaintiff Susmita Maddi was riding in the front passenger seat in a 2023 Tesla Model Y automobile, VIN: 7SAYGDEE8PA102359 ("the Vehicle"), which was owned and operated by her husband, Venkateswara Pasumarti. They were traveling in Leesburg, Virginia in the southbound lane of Battlefield Parkway NE approaching the intersection of Market Place at Potomac Station. Without warning, Mr. Pasumarti suffered a medical emergency and lost control of the vehicle which struck a utility pole on the west side of the roadway. After impact, a fire began in the front of the Vehicle. Bystanders and witnesses to the accident were unable to open the passenger door due to the locking mechanism which prevented it from being opened from the outside. The fire eventually entered the occupant compartment causing severe burns and respiratory injuries to Plaintiff.

V.
STRICT LIABILITY AND NEGLIGENCE CLAIMS AGAINST TESLA

5.01 The Vehicle at issue in this suit was designed, tested, manufactured, constructed, marketed, distributed, sold and/or placed into the stream of commerce by and through the agents and/or representatives of Defendant Tesla.

5.02 Defendant Tesla was regularly engaged in the business of supplying or placing products, like the Vehicle in question, in the stream of commerce for use by the consuming public, including Plaintiff. Further, such conduct was solely for commercial purposes.

5.03 The Vehicle in question remained unchanged from the time it was originally manufactured, distributed and sold by Defendant Tesla until it reached Plaintiff and ultimately led to their injuries. Stated another way, the Vehicle in question was defective and unreasonably dangerous at all times until it ultimately caused the injuries and damages asserted herein.

5.04 At the time the Vehicle was placed into the stream of commerce, it was, or should have been, reasonably expected and foreseeable that the Vehicle would be used by persons such as Plaintiff in the manner and application in which it was being used at the time Plaintiff suffered her injuries.

5.05 There were no mandatory safety standards or regulations adopted and promulgated by the federal government or an agency of the federal government that were applicable to the Vehicle at the time of manufacture and that governed the product risk that allegedly caused harm. Alternatively, the design of the Vehicle did not comply with mandatory safety standards or regulations adopted by the federal government that were applicable to the vehicle model at the time of the manufacture and governed the risks that caused Plaintiff's injuries. Again, in the alternative, in the event that such standards were in effect, and they were complied with, they were nonetheless inadequate to protect the public from unreasonable risks of injury or danger, or the manufacturer, before or after marketing the Vehicle, withheld or misrepresented the information or material irrelevant to the federal governments or agencies determination of adequacy of the safety standards or regulations at issue in the action.

5.06 With respect to the design of the Vehicle, at the time it left the control of Defendant Tesla, there were safer alternative designs. Specifically, there were alternative designs that, in reasonably probability, would have prevented or significantly reduced the risk of injury to Plaintiff.

Furthermore, such safer alternative designs were economically and technologically feasible at the time the product left the control of Defendant Tesla by the application of existing or reasonably achievable scientific knowledge.

5.07 At the time the Vehicle left the control of Defendant Tesla, it was defective and unreasonably dangerous in that it was not adequately designed, manufactured or marketed to minimize the risk of injury. By way of example and without limitation, the product in question was unreasonably and dangerously defective in the following ways:

- a. The Vehicle was not crashworthy;
- b. The Vehicle's occupant compartment was not reasonably escapable or accessible in the event of a foreseeable accident resulting in fire and loss of power;
- c. The Vehicle's door handles and locking system were defectively designed which prevented rescuers from extracting the occupants after an accident; and
- d. The warnings and instructions for the Vehicle were inadequate.

5.08 The above unreasonably dangerous defects in the Vehicle in question were the proximate and producing cause of Plaintiff's injuries and damages.

5.09 Defendant Tesla breached its duty of care and was thus negligent by:

- a. Designing and distributing the 2023 Model Y with a design standard that was intended to meet the minimum government regulations, instead of safely designing the vehicle to reasonably minimize injuries in foreseeable accidents;
- b. Failing to adequately monitor the performance of Defendant's vehicles in the field to ensure that they were reasonably minimizing injuries in foreseeable accidents;
- c. Failing to adequately test the 2023 Model Y to ensure that it would be reasonably safe in foreseeable accidents;

- d. Failing to design the 2023 Model Y's door handles and locking system to allow reasonable access to or escape from the occupant compartment in the event of a foreseeable accident resulting in fire and loss of power;
- e. Designing the 2023 Model Y's door handles and locking system in a way that prevented rescuers from opening the doors following a foreseeable accident;
- f. Failing to recall, retrofit, or issue post-sale warnings after Defendant knew or should have known that the Model Y was defective and unreasonably dangerous.

5.10 Plaintiff further contends that Defendant is not entitled to a rebuttable presumption that it is not liable for any injuries to Plaintiff caused by the formulation, labeling or design of the products in question because they have not established that the product's formulation, labeling and design complied with a mandatory federal standard or regulation. Plaintiff contends that there is no FMVSS regulation that governs the product risk involved. In the event that Defendant does establish compliance with such a regulation or standard, Plaintiff will present evidence that the regulation or standard is inadequate to protect the public from unreasonable risks of injury or damage.

5.11 The above negligent acts and/or omissions were a proximate and producing cause of the injuries and damages alleged by Plaintiff, herein.

VI. **DAMAGES**

6.01 As a proximate result of the negligence of Defendant described above, Plaintiff is entitled to bring this cause of action for all damages suffered as a result of the injuries sustained in the incident made basis of this suit, including but not limited to:

- a. Past and future medical expenses;
- b. Past and future lost wages;
- c. Past and future pain and suffering;

- d. Past and future mental anguish;
- e. Past and future disfigurement; and
- f. Past and future impairment.

VII.
EXEMPLARY DAMAGES

7.01 Plaintiff alleges that each and every negligent act or omission of Defendant and its agents, as set forth above, when viewed objectively from the standpoint of policymakers, involved an extreme degree of risk, considering the probability and magnitude of the physical harm to others and that Defendant had actual subjective awareness of the risks involved, but nevertheless proceeded with conscious indifference to the rights, safety or welfare of Plaintiff and others like her and, therefore, such conduct amounts to gross negligence or malice, as those terms are defined by law, so as to give rise to an award of exemplary or punitive damages, for which Plaintiff now pleads against Defendant. Additionally, by reason of such conduct, Plaintiff is entitled to, and therefore asserts, claims for punitive and exemplary damages in an amount sufficient to punish and deter Defendant, and others like it, from such conduct in the future.

VIII.
PRE-JUDGMENT AND POST-JUDGMENT INTEREST

8.01 Plaintiff claims prejudgment and post-judgment interest at the maximum rate allowed by law.

IX.
JURY DEMAND

9.01 Plaintiff respectfully requests the Court impanel a jury to decide all fact issues in this case.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendant be cited to appear and answer this Petition and that upon final hearing, Plaintiff recover judgment against

Defendant for their damages as they appear at trial hereof together with costs of court, prejudgment and post-judgment interest, and for such general and equitable relief as Plaintiff may be entitled.

Respectfully Submitted,

/s/ James L. Mitchell

JAMES L. MITCHELL

State Bar No. 14214300

Jim@PayneMitchell.com

ANDREW S. BULLARD

State Bar No. 24104622

abullard@paynemitchell.com

PAYNE MITCHELL RAMSEY LAW GROUP

3500 Maple Avenue, Suite 1250

Dallas, Texas 75219

214/252-1888 Telephone

214/252-1889 Facsimile

ATTORNEYS FOR PLAINTIFF