

business located in Brea, California. Defendant American Suzuki's agent for service of process is The Corporation Company, 2000 Interstate Park Drive, Suite 204, Montgomery, Alabama 36109.

4. Defendant General Motors Corporation (hereinafter referred to as "GM") is a domestic corporation with its principal place of business located in Detroit, Michigan. Defendant GM's agent for service of process is The Corporation Company, 2000 Interstate Park Drive, Suite 204, Montgomery, Alabama 36109.

5. Defendant General Motors Corporation of Canada, Ltd. (hereinafter referred to as "GM of Canada") is believed to be a foreign corporation doing business by agent in the State of Alabama.

6. Defendant Cami Automotive, Inc. (hereinafter referred to as "Cami Automotive") is believed to be a foreign corporation doing business by agent in the State of Alabama.

7. Defendant Takata, Inc. (hereinafter referred to as "Takata") is believed to be a foreign corporation doing business by agent in the State of Alabama.

8. Defendant Takata-Fischer Corporation (hereinafter referred to as "Takata-Fischer") is believed to be a foreign corporation doing business by agent in the State of Alabama.

9. Defendant Takata Fabrication Corporation (hereinafter referred to as "Takata Fabrication") is a domestic corporation with its principal place of

business located in Ohio. Defendant Takata Fabrication can be served at CSC Networks/Prentiss Hall, Attention: M. Kruze, 375 Hudson Street, 11th Floor, New York, New York 10014

10. Defendant Key Safety Restraint Systems, Inc. (hereinafter referred to as "Key") is a domestic corporation with its principal place of business located in Montana. Defendant Key's agent for service of process is National Registered Agents, Inc., 150 South Perry Street, Montgomery, Alabama 36104.

Statement of the Facts

11. On April 9, 2008, Charles F. Mims, deceased, was driving a 1993 Geo Tracker, VIN #2CNBJ18U9P6905837, which was designed, engineered, manufactured, marketed and placed into the stream of commerce by Defendants Suzuki Motor Corp., American Suzuki, GM, GM of Canada, Cami Automotive. The restraint system of the vehicle was designed, engineered, manufactured, marketed and placed into the stream of commerce by Defendants Takata, Takata-Fischer, Takata Fabrication and Key.

12. Mr. Mims was driving the subject Geo Tracker southbound on County Road 37 in Chilton County, Alabama when the vehicle became unstable and rolled over. Mr. Mims was ejected from the vehicle.

13. Mr. Mims died as a result of the injuries he sustained.

14. This Court has subject matter jurisdiction of this civil action on the basis that the amount in controversy exceeds \$ 75,000, and is between citizens of different states. 28 U.S.C.S. § 1332.

COUNT I
(Alabama Extended Manufacturer's Liability Doctrine)

15. Plaintiff realleges all prior paragraphs of the complaint as if set out here in full.

16. The Geo Tracker vehicle was designed, manufactured, sold or otherwise placed into the stream of commerce by Defendants Suzuki Motor Corp., American Suzuki, GM, GM of Canada, Cami Automotive, Takata, Takata-Fischer, Takata Fabrication, and Key.

17. At the time of the collision, which is the subject matter of this lawsuit, the Geo Tracker was in substantially the same design condition as it was at the time it was placed into the stream of commerce by these Defendants.

18. At the time of the incident, the 1993 Geo Tracker was being used as intended, and in a manner reasonably foreseeable to Defendants.

19. The Geo Tracker vehicle was defective and/or unreasonably dangerous in design, manufacture, sale or the warnings that accompanied it.

20. The vehicle was defective in that the vehicle was unstable and prone to roll over and the vehicle's restraint system failed to restrain the occupant.

21. The mode of the accident was reasonably foreseeable to the Defendants at the time the vehicle was first placed into the stream of commerce.

22. As a direct and proximate result of the defective conditions as mentioned herein, Charles Mims, suffered injuries and was wrongfully killed.

WHEREFORE, Plaintiffs demand judgment against Defendants Suzuki Motor Corp., American Suzuki, GM, GM of Canada, Cami Automotive, Takata, Takata-Fischer, Takata Fabrication, and Key for such amount of compensatory and punitive damages, as a jury may award, plus the cost of this action.

COUNT II
(Negligence)

23. Plaintiff realleges all prior paragraphs of the complaint as if set out here in full.

24. Defendants Suzuki Motor Corp., American Suzuki, GM, GM of Canada, Cami Automotive, Takata, Takata-Fischer, Takata Fabrication, and Key were negligent in the design, manufacture, testing, warnings, distribution, inspection, preparation for sale, sale and failure to recall of the 1993 Geo Tracker which is the subject matter of this lawsuit.

25. The Geo Tracker was negligently designed in that the vehicle had substantial design or manufacturing defects with the stability of the vehicle and the restraint system which rendered the vehicle unreasonably dangerous to expected users or consumers.

26. As a direct and proximate result of the negligence and defective conditions as mentioned herein, Charles Mims suffered injuries and was wrongfully killed.

WHEREFORE, Plaintiffs demand judgment against Defendants Suzuki Motor Corp., American Suzuki, GM, GM of Canada, Cami Automotive, Takata, Takata-Fischer, Takata Fabrication, and Key for such amount of compensatory damages, as a jury may award, plus the cost of this action.

COUNT III
(Wantonness)

27. Plaintiff realleges all prior paragraphs of the complaint as if set out here in full.

28. Defendants Suzuki Motor Corp., American Suzuki, GM, GM of Canada, Cami Automotive, Takata, Takata-Fischer, Takata Fabrication, and Key were wanton in the design, manufacture, testing, warnings, distribution, inspection, preparation for sale, sale and failure to recall of the 1993 Geo Tracker which is the subject matter of this lawsuit.

29. The Geo Tracker was wantonly designed in that the vehicle had substantial design or manufacturing defects with the stability of the vehicle and the restraint system which rendered the vehicle unreasonably dangerous to expected users or consumers.

30. As a direct and proximate result of the wantonness and defective conditions as mentioned herein, Charles Mims suffered injuries and was wrongfully killed.

WHEREFORE, Plaintiffs demand judgment against Defendants Suzuki Motor Corp., American Suzuki, GM, GM of Canada, Cami Automotive, Takata,

Takata-Fischer, Takata Fabrication, and Key for such amount of compensatory and punitive damages, as a jury may award, plus the cost of this action.

COUNT IV

31. Plaintiff realleges all prior paragraphs of the complaint as if set out here in full.

32. The negligence, wantonness or other wrongful conduct of the Defendants as alleged herein combined and concurred to cause the wrongful death of Charles Mims.

WHEREFORE, Plaintiffs demand judgment against all Defendants in such amount as a jury may award plus the cost of this action.


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JURY DEMAND

PLAINTIFF HEREBY DEMANDS TRIAL BY JURY ON ALL ISSUES OF THIS CAUSE.


OF COUNSEL