



AlaFile E-Notice

57-CV-2010-900201.00

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NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF RUSSELL COUNTY, ALABAMA

HORACE WALTON v. CHRYSLER GROUP, L.L.C. ET AL
57-CV-2010-900201.00

The following complaint was FILED on 10/22/2010 9:55:02 AM

Notice Date: 10/22/2010 9:55:02 AM

KATHY S. COULTER
CIRCUIT COURT CLERK
RUSSELL COUNTY, ALABAMA
RUSSELL COUNTY JUDICIAL CENTER
PHENIX CITY, AL 36867

334-298-0516
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**COVER SHEET
CIRCUIT COURT - CIVIL CASE**
(Not For Domestic Relations Cases)

Case Number:
57-CV-201
Date of Filing:
10/22/2010



ELECTRONICALLY FILED
10/22/2010 9:55 AM
CV-2010-900201.00
CIRCUIT COURT OF
RUSSELL COUNTY, ALABAMA
KATHY S. COULTER, CLERK

GENERAL INFORMATION

IN THE CIRCUIT OF RUSSELL COUNTY, ALABAMA
HORACE WALTON v. CHRYSLER GROUP, L.L.C. ET AL

First Plaintiff: Business Individual Government Other
First Defendant: Business Individual Government Other

NATURE OF SUIT:

TORTS: PERSONAL INJURY

- WDEA - Wrongful Death
- TONG - Negligence: General
- TOMV - Negligence: Motor Vehicle
- TOWA - Wantonnes
- TOPL - Product Liability/AEMLD
- TOMM - Malpractice-Medical
- TOLM - Malpractice-Legal
- TOOM - Malpractice-Other
- TBFM - Fraud/Bad Faith/Misrepresentation
- TOXX - Other: _____

OTHER CIVIL FILINGS (cont'd)

- MSXX - Birth/Death Certificate Modification/Bond Forfeiture Appeal/Enforcement of Agency Subpoena/Petition to Preserve
- CVRT - Civil Rights
- COND - Condemnation/Eminent Domain/Right-of-Way
- CTMP-Contempt of Court
- CONT-Contract/Ejectment/Writ of Seizure
- TOCN - Conversion
- EQND- Equity Non-Damages Actions/Declaratory Judgment/Injunction Election Contest/Quiet Title/Sale For Division

TORTS: PERSONAL INJURY

- TOPE - Personal Property
- TORE - Real Property

- CVUD-Eviction Appeal/Unlawful Detainer
- FORJ-Foreign Judgment
- FORF-Fruits of Crime Forfeiture
- MSHC-Habeas Corpus/Extraordinary Writ/Mandamus/Prohibition
- PFAB-Protection From Abuse
- FELA-Railroad/Seaman (FELA)
- RPRO-Real Property
- WTEG-Will/Trust/Estate/Guardianship/Conservatorship
- COMP-Workers' Compensation
- CVXX-Miscellaneous Circuit Civil Case

OTHER CIVIL FILINGS

- ABAN - Abandoned Automobile
- ACCT - Account & Nonmortgage
- APAA - Administrative Agency Appeal
- ADPA - Administrative Procedure Act
- ANPS - Adults in Need of Protective Services

ORIGIN: F INITIAL FILING A APPEAL FROM DISTRICT COURT O OTHER
R REMANDED T TRANSFERRED FROM OTHER CIRCUIT COURT

HAS JURY TRIAL BEEN DEMANDED? Yes No

RELIEF REQUESTED: MONETARY AWARD REQUESTED NO MONETARY AWARD REQUESTED

ATTORNEY CODE: BEA020 10/22/2010 9:51:47 AM /s JERE LOCKE BEASLEY SR

MEDIATION REQUESTED: Yes No Undecided



**IN THE CIRCUIT COURT FOR
RUSSELL COUNTY, ALABAMA**

**HORACE WALTON, Administrator §
of the Estate of JENNIFER LEANNE §
WALTON, deceased, §**

PLAINTIFF, §

vs. §

CV-_____

**CHRYSLER GROUP, L.L.C., a foreign §
corporation, CHRYSLER GROUP VANS §
L.L.C., R & J TIRE CO. INC., a domestic §
corporation, AND OTHER LEGAL ENTITIES §
DESIGNATED HEREIN AS FICTITIOUS §
PARTIES, §**

No. 1, whether singular or plural, that entity who or which designed the van or tire involved in the occurrence made the basis of Plaintiff's Complaint, any component part thereof, or any attendant equipment used or available for use therewith;

No. 2, whether singular or plural, that entity who or which manufactured or assembled the van or tire involved in the occurrence made the basis of Plaintiff's complaint, any component part thereof, or any attendant equipment used or available for use therewith;

No. 3, whether singular or plural, that entity who or which had any role in the distributive chain regarding the van or tire involved in the occurrence made the basis of Plaintiff's Complaint, any component part thereof, or any attendant equipment used or available for use therewith;

No. 4, whether singular or plural, that entity or those entities who or which, prior to the occurrence made the basis of this lawsuit, altered, maintained or repaired the van or tire involved in said occurrence, any component part thereof, or any attendant equipment used or available for use therewith;

No. 5, whether singular or plural, that entity or those entities, that individual or those individuals, other than those described above whose negligence, intentional conduct, willfulness, wantonness, or other wrongful conduct contributed to cause the occurrence made the basis of Plaintiff's Complaint;

No. 6, whether singular or plural, that entity or those entities, other than those described above, which is the successor-in-interest of any of those entities described above;

No. 7, whether singular or plural, that entity who or which was responsible for the safety engineering of the van or tire made the basis of Plaintiff's Complaint;

No. 8, whether singular or plural, that entity who or which was buyer, seller, or as a buyer's or seller's agent or representative had any role in the distribution of the van or tire involved in the occurrence made the basis of Plaintiff's Complaint;

No. 9, whether singular or plural, that entity who or which issued or failed to issue warning or instructions regarding the use of the van or tire made the basis of the Plaintiff's Complaint;

No. 10, whether singular or plural, that entity who or which manufactured the component part of the van or tire involved in the occurrence made the basis of Plaintiff's Complaint;

No. 11, whether singular or plural, that entity who or which as a buyer, seller, or buyer or seller's agent, had any role in the distribution of any component part of the van made the basis of Plaintiff's Complaint;

No. 12, whether singular or plural, that entity who or which issued warnings or instructions regarding the use of any component part of the van or tire involved in the occurrence made the basis of Plaintiff's Complaint;

No. 13, whether singular or plural, that person, firm, corporation, or entity who or which had conducted safety inspections or analyses with respect to assembling or distributing of the van or tire made the basis of Plaintiff's Complaint; (Plaintiff avers that Defendant herein are otherwise unknown to Plaintiff at this time, or if their names are known to Plaintiff their identities as proper parties Defendant are not known to Plaintiff at this time, and their true names will be substituted by amendment when ascertained),

DEFENDANTS.

COMPLAINT

Parties

1. Plaintiff is over the age of 19 years and is a resident citizen of Columbus, Georgia and the appointed administrator of the estate of Jennifer Leanne Walton.

2. The decedent, **Jennifer Leanne Walton**, was a resident of Columbus, Georgia.

3. Defendant, **Chrysler Group, L.L.C.** ("Chrysler"), is a foreign corporation doing business in the State of Alabama.

4. Defendant, **R & J Tire Company, Inc.**, ("R & J") is an Alabama corporation with its principal place of business in Phenix City, Russell County, Alabama.

5. Venue is proper in this action pursuant to Ala. Code (1975) §6-3-7(a)(2) and Rule 82 of the *Ala. R. Civ. Pro.*

6. Defendant **Chrysler Group Vans, L.L.C.**, ("CGV"), is a foreign corporation doing business in the State of Alabama.

Statement of the Facts

7. On October 3, 2010, Jennifer Leanne Walton was a passenger in a 1987 15-passenger van traveling in Early County, Georgia that overturned after a

rear tire suffered a tread separation. At the time of the wreck, the vehicle and tire were being used as intended.

8. The 1987 Dodge 15-passenger van was designed, engineered, manufactured and marketed by Defendants Chrysler, CGV, and the fictitious party defendants one through 13. The vehicle was in substantially the same condition as it was when sold by Defendants.

9. As a direct and proximate result of the defective condition of the handling characteristics of the van made the basis of this suit, as well as the negligent and wanton conduct of the Defendants, including the fictitious Defendants, Jennifer Leanne Walton suffered injuries that resulted in his death.

10. Defendant R & J negligently inspected and sold the Michelin tire that was placed on the rear of the subject van. As a direct and proximate result of placing the subject tire on the van made the basis of this action, Jennifer Leanne Walton suffered injuries that resulted in her death.

COUNT ONE
(STRICT PRODUCTS LIABILITY/FAILURE TO WARN)

11. Plaintiff re-alleges and incorporates by reference the allegations contained in paragraphs 1 through 10 above as if set out here in full.

12. At the aforesaid time and place, and for sometime prior thereto, Defendants Chrysler, CGV, and the fictitious party defendants one through 13, were engaged in the business of designing, manufacturing, distributing,

marketing and/or selling the van made the basis of this suit throughout the United States, including the State of Alabama, for use by the general public. During that period of time, the Defendants, for valuable consideration, designed, manufactured, distributed, marketed and/or sold the van and its component parts made the basis of this suit which injured the Plaintiff's decedent. At the time Jennifer Leanne Walton was killed, the van made the basis of this suit was being used in a manner that was foreseeable, but it was defective and unreasonably dangerous in its design, manufacture, warnings and/or marketing, in that the van was uncontrollable during a foreseeable tire failure. The Defendants negligently, and/or wantonly designed, manufactured, distributed, marketed, and/or sold the van with this defective condition.

13. The defective condition of the vehicle made the basis of this suit was a proximate cause of Jennifer Leanne Walton's injuries and renders said Defendants liable to Plaintiff pursuant to strict products liability.

14. The van was defective and/or unreasonably dangerous in design, due to a lack of warnings regarding the significant danger associated with the vehicles propensity to rollover during a tire failure event as well as a lack of warnings regarding the defective handling characteristics of the van. The need for additional and adequate warnings has been known by the Defendants for some time. Additionally, Defendants have a continuing duty to warn consumers

of dangers, hazards and defects that become known to Defendants after its products enter the stream of commerce.

15. Defendants, including fictitious party defendants, had a duty to determine if there were potential hazards to consumers that were associated with the foreseeable uses of its products.

16. As a proximate result of the aforesaid wrongful, negligent and/or wanton conduct of each of the Defendants, Chrysler, CGV, including the fictitious party defendants one through 13, Jennifer Leanne Walton suffered injuries that resulted in his death.

WHEREFORE, Plaintiff demands judgment against each of the Defendants, for damages as allowed by law in an amount to be determined by a jury, together with interest from the date of injury, and the costs of this proceeding.

COUNT TWO
(Negligence and Wantonness)

17. Plaintiff re-alleges and incorporates by reference the allegations contained in paragraphs 1 through 16 above as if set out here in full.

18. At the aforesaid time and place, and for some time prior thereto, the Defendants, Chrysler, CGV and R & J, and the fictitious party defendants one through 13, undertook a duty to design, manufacture, market, inspect, distribute, and/or sell the van and/or Michelin tire made the basis of this suit in a reasonably

safe condition for their intended use by the Plaintiff and the general public. The Defendants negligently and/or wantonly designed, manufactured, inspected, and/or sold on the subject van and/or tire. Such conduct caused the van and/or tire to be unsafe when used as intended. Further, such conduct allowed the subject van to be designed, manufactured, and/or marketed without proper or adequate warnings.

19. Defendants, including fictitious party defendants, had a duty to hold paramount the safety, health, and welfare of the public when designing, distributing and/or inspecting the van or tire made the basis of this action.

20. Defendants, including fictitious party defendants, had a duty to determine if there were potential hazards to consumers that were associated with the foreseeable uses of the van and/or tire made the basis of this action.

21. The defective and dangerous condition of the van and/or tire and/or the failure to include appropriate warnings was a proximate cause of the injuries to Plaintiff's decedent and renders said Defendants liable to the Plaintiff.

22. Defendants, including fictitious party defendants, negligently and/or wantonly failed to complete an adequate hazard analysis and risk assessment of the van and/or tire for potential occupant harm in foreseeable uses.

23. As a proximate result, the aforesaid wrongful, negligent and/or wanton conduct of each of the Defendants, Chrysler, CGV, R & J and the

fictitious party defendants one through 13, Jennifer Leanne Walton suffered injuries that resulted in his death.

WHEREFORE, Plaintiff demands judgment against each of the Defendants, for damages as allowed by law in an amount to be determined by a jury, together with interest from the date of injury, and the costs of this proceeding.

PLAINTIFF DEMANDS A TRIAL BY STRUCK JURY

/s/ Jere L. Beasley
JERE L. BEASLEY (BEA020)
Attorney for Plaintiff

/s/ Benjamin E. Baker, Jr.
BENJAMIN E. BAKER, Jr. (BAK025)
Attorney for Plaintiff

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922 Second Avenue
Columbus, GA 31901
(Pro Hac Vice pending)

SERVE DEFENDANTS AS FOLLOWS:

CHRYSLER GROUP, L.L.C.

c/o CT Corporation System
2 North Jackson Street, Ste. 605
Montgomery, AL 36104

CHRYSLER GROUP VANS, L.L.C.

c/o CT Corporation System
2 North Jackson Street, Ste. 605
Montgomery, AL 36104

R & J TIRE COMPANY, INC.

c/o Franklin Ralph
601 14th Street
Phenix City, AL 36867