

IN THE CIRCUIT COURT
FOR MOBILE COUNTY, ALABAMA

MISSY STROTHER and JOEY)
STROTHER, as the Administrators of)
the Estate of Michele Strother,)
deceased,)

Plaintiffs,)

vs.)

CIVIL ACTION NO. CV-

BRIDGESTONE/FIRESTONE NORTH)
AMERICA TIRE, LLC.; FORD MOTOR)
COMPANY; KRISTIE DRINKARD; "A",)
that person, corporation or other legal)
entity who designed, manufactured,)
sold or placed into the stream of)
commerce or failed to adequately recall)
the tire which is the subject matter of)
this lawsuit; "B", that person,)
corporation or other legal entity who)
designed, manufactured, sold or)
otherwise placed into the stream of)
commerce the Mercury Mountaineer)
(sister vehicle to Ford Explorer), which)
is the subject matter of this lawsuit;)
"C", that person, corporation or other)
legal entity who repaired or serviced)
the subject vehicle or tires on the)
subject vehicle; "D", that person,)
corporation or other legal entity who)
failed to properly recall the tire which)
is the subject matter of this lawsuit;)
"E", that person, corporation or other)
legal entity who designed,)
manufactured, sold or otherwise)
placed into the stream of commerce)
the suspension components for the)
subject Mercury Mountaineer; "F",)
that person, corporation or other legal)
entity who was responsible for)
providing instructions for use issuing)

adequate warnings to persons of the)
danger associated with the subject tire)
or vehicle; "G", that person,)
corporation or other legal entity who's)
negligence, wantonness or other)
wrongful conduct combined and)
concurred with the wrongful conduct)
of other Defendants to cause the)
damages alleged herein; all of said)
fictitious parties are unknown to)
Plaintiffs at this time but will)
substituted by amendment when)
ascertained,)
))
Defendants.)

COMPLAINT
Statement of the Parties

1. Plaintiffs, Missy and Joey Strother are over the age of nineteen years, are husband and wife, are the parents of Michele Strother, deceased, and are resident citizens of Pike County, Alabama.

2. Defendant Bridgestone/Firestone North America Tire, LLC ("Firestone") is a Delaware for profit corporation that is and was qualified and doing business in the State of Alabama at all times relevant to this Complaint.

3. Defendant Ford Motor Company ("Ford") is a Delaware for profit corporation that is and was qualified and doing business in the State of Alabama at all times relevant to this Complaint.

4. Defendant Kristie Drinkard ("Drinkard") is over the age of nineteen years and is a resident citizen of Mobile County, Alabama.

5. Fictitious Defendant "A" is that person, corporation or other legal entity who designed, manufactured, sold or placed into the stream of

commerce or failed to adequately recall the tire which is the subject matter of this lawsuit.

6. Fictitious Defendant "B" is that person, corporation or other legal entity who designed, manufactured, sold or otherwise placed into the stream of commerce the Mercury Mountaineer (sister vehicle to Ford Explorer), which is the subject matter of this lawsuit.

7. Fictitious Defendant "C" is that person, corporation or other legal entity who repaired or serviced the subject vehicle or tires on the subject vehicle.

8. Fictitious Defendant "D" is that person, corporation or other legal entity who failed to properly recall the tire which is the subject matter of this lawsuit.

9. Fictitious Defendant "E" is that person, corporation or other legal entity who designed, manufactured, sold or otherwise placed into the stream of commerce the suspension components for the subject Mercury Mountaineer.

10. Fictitious Defendant "F" is that person, corporation or other legal entity who was responsible for providing instructions for use issuing adequate warnings to persons of the danger associated with the subject tire or vehicle.

11. Fictitious Defendant "G" is that person, corporation or other legal entity who's negligence, wantonness or other wrongful conduct

combined and concurred with the wrongful conduct of other Defendants to cause the damages alleged herein.

Statement of the Facts

12. On August 6, 2008, Michele Strother was a passenger in a 1997 Mercury Mountaineer which was being operated on Interstate 65 in the State of Alabama. The vehicle was being driven in a southerly direction by Kristie Drinkard.

13. As the vehicle was moving, the right rear tire, manufactured by Firestone detreaded and the vehicle went out of control and rolled over.

14. As a result of the rollover, Michele Strother died.

15. At the time of the incident, the subject vehicle and tire were being used as intended and in a manner reasonably foreseeable to the manufacturers of their respective products.

COUNT ONE

**(Claims Under Alabama Extended Manufacturer's
Liability Doctrine Against Defendant Firestone)**

16. Plaintiffs reallege all allegations contained in paragraphs 1 through 15 of the complaint as if set out here in full.

17. Defendant Firestone and Fictitious Defendants "A", "D", "F", and "G" designed, manufactured, sold and failed to recall the Firestone ATX DOT VDHLPM276 tire which is the subject matter of this lawsuit.

18. The tire, as designed and manufactured was defective and unreasonably dangerous in that the tire had a propensity to detread without warning.

19. The subject tire was sold by Defendant Firestone and Fictitious Defendants "A", "D", "F", and "G" while such Defendants were engaged in the business of designing, engineering, manufacturing, marketing, selling or distributing such tires.

20. At the time of the incident in question, the subject tire was in substantially the same condition as when it was designed, manufactured and sold or distributed. The tire was being used in a manner reasonably foreseeable to Defendant Firestone. The tire was not reasonably safe when being used in a foreseeable manner but to the contrary was defective and unreasonably dangerous. The subject tire was susceptible to suffer a tread separation under normal and foreseeable driving conditions and lacked proper warnings regarding the danger.

21. The tire was defective by design, manufacture and lack of warnings.

22. As a proximate consequence of the defective nature of the tire, it detreaded under normal use causing the vehicle to go out of control and roll over.

23. As a proximate consequence of the defects alleged herein, Michele Strother was wrongfully killed.

WHEREFORE, Plaintiffs demand judgment against Defendant Bridgestone/Firestone North America Tire, LLC and Fictitious Defendants "A",

"D", "F", and "G" for such an amount as a jury may award plus the cost of this action.

COUNT TWO
(Negligence or Wantonness Against Defendant Firestone)

24. Plaintiffs reallege all allegations contained in paragraphs 1 through 23 of the Complaint as if set out here in full.

25. Defendant Firestone and Fictitious Defendants "A", "D", "F", and "G" were negligent or wanton in the design, manufacture, testing, sale, promotion, marketing, distribution and recall of the subject tire.

26. Defendant Firestone and Fictitious Defendants "A", "D", "F", and "G" were negligent or wanton in the failure to warn of the defects of the subject tire to the general public and in particular Michele Strother and her family.

27. As a proximate consequence of the negligence or wantonness of Defendants Firestone and Fictitious Defendants "A", "D", "F", and "G" as alleged herein, Michele Strother was wrongfully killed.

WHEREFORE, Plaintiffs demand judgment against Defendant Bridgestone/Firestone North America Tire, LLC and Fictitious Defendants "A", "D", "F", and "G" for such an amount as a jury may award plus the cost of this action.

COUNT THREE
**(Claims Under Alabama Extended Manufacturer's
Liability Doctrine Against Defendant Ford)**

28. Plaintiffs reallege all allegations contained in paragraphs 1 through 27 of the Complaint as if set out here in full.

29. The Mercury Mountaineer was defective and unreasonably dangerous in that it was sold with a defective tire; it was unreasonably dangerous in that the vehicle was uncontrollable under certain driving conditions and in particular where a rear tire detreads; the vehicle was unstable from a directional stability standpoint as well as having an unusually high propensity to roll over when there is a loss of directional control.

30. The subject vehicle was defective and unreasonably dangerous in its design, manufacture and the component parts including the subject tire.

31. The subject vehicle was unreasonably dangerous and defective in that it was not crashworthy.

32. There were safer reasonable alternative designs available that would have minimized the hazard.

33. As a proximate consequence of the defects alleged herein, Michele Strother was wrongfully killed.

WHEREFORE, Plaintiffs demand judgment against Defendant Ford Motor Company and Fictitious Defendants "B", "E", "F", and "G" for such an amount as a jury may award plus the cost of this action.

COUNT FOUR
(Negligence or Wantonness Against Defendant Ford)

34. Plaintiffs reallege all allegations contained in paragraphs 1 through 33 of the Complaint as if set out here in full.

35. Defendant Ford and Fictitious Defendants "B", "E", "F", and "G" were negligent or wanton in the design, manufacture, testing, sale, distribution, warnings and failure to recall the subject vehicle.

36. Defendant Ford and Fictitious Defendants "B", "E", "F", and "G" undertook the duty to recall the subject vehicle as a result of defects within the Firestone tires.

37. The recall was carried out in a negligent or wanton manner.

38. As a proximate consequence of the negligence or wantonness of Defendants Ford and Fictitious Defendants "B", "E", "F", and "G" as alleged herein, Michele Strother was wrongfully killed.

WHEREFORE, Plaintiffs demand judgment against Defendant Ford Motor Company and Fictitious Defendants "B", "E", "F", and "G" for such an amount as a jury may award plus the cost of this action.

COUNT FIVE
(Negligence or Wantonness)

39. Plaintiffs reallege all allegations contained in paragraphs 1 through 38 of the Complaint as if set out here in full.

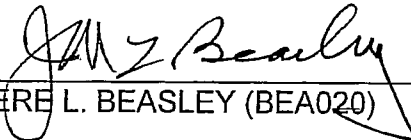
40. Defendant Kristie Drinkard was the driver of the vehicle at the time of the subject rollover.

41. Defendant Drinkard negligently or wantonly failed to maintain control of the Mercury Mountaineer when the right rear tire detreaded.


42. As a proximate consequence of the negligence or wantonness of Defendant Drinkard, the vehicle went out of control and rolled over.

43. As a result of loss of control and the rollover of the vehicle, Michele Strother died.

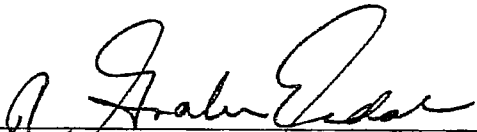
WHEREFORE, Plaintiffs demand judgment against Defendant Kristie Drinkard for such an amount as a jury may award plus the cost of this action.



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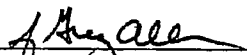


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JURY DEMAND

PLAINTIFFS HEREBY DEMAND TRIAL BY JURY ON ALL ISSUES OF
THIS CAUSE.



OF COUNSEL