



## AlaFile E-Notice

01-CV-2011-900074.00

To: RICHARD D MORRISON  
rick.morrison@beasleyallen.com

---

# NOTICE OF ELECTRONIC FILING

---

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

KEVIN DEANDREAS BOYKINS v. FORD MOTOR COMPANY ET AL  
01-CV-2011-900074.00

The following complaint was FILED on 1/11/2011 4:29:01 PM

Notice Date: 1/11/2011 4:29:01 PM

ANNE-MARIE ADAMS  
CIRCUIT COURT CLERK  
JEFFERSON COUNTY, ALABAMA  
JEFFERSON COUNTY, ALABAMA  
BIRMINGHAM, AL 35203

205-325-5355  
anne-marie.adams@alacourt.gov

**COVER SHEET  
CIRCUIT COURT - CIVIL CASE**

(Not For Domestic Relations Cases)

Case Number:

**01-CV-201**

Date of Filing:

01/11/2011



ELECTRONICALLY FILED  
1/11/2011 4:29 PM  
CV-2011-900074.00  
CIRCUIT COURT OF  
JEFFERSON COUNTY, ALABAMA  
ANNE-MARIE ADAMS, CLERK

**GENERAL INFORMATION**

**IN THE CIRCUIT OF JEFFERSON COUNTY, ALABAMA  
KEVIN DEANDREAS BOYKINS v. FORD MOTOR COMPANY 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
- 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

**TORTS: PERSONAL INJURY**

- TOPE - Personal Property
- TORE - Real Property

**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:** MOR073

1/11/2011 4:27:02 PM

/s RICHARD D MORRISON

**MEDIATION REQUESTED:**  Yes  No  **Undecided**



IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

**KEVIN DEANDREAS BOYKINS,**  
**Individual**

**PLAINTIFF,**

**vs.**

**FORD MOTOR COMPANY; ZENARDO MARSHALL; Fictitious Defendant "A," that person, corporation or other legal entity who or which designed, manufactured, advertised, marketed, sold or otherwise placed into the stream of commerce the 1993 Ford Crown Victoria which is the subject matter of this lawsuit; Fictitious Defendant "B," that person, corporation or other legal entity who or which designed, manufactured, engineered, marketed, sold or otherwise placed into the stream of commerce the component parts of the 1993 Ford Crown Victoria which is the subject matter of this lawsuit; Fictitious Defendant "C," that person, corporation or other legal entity who or which designed, manufactured, marketed, sold or distributed the fuel system and its component parts of the 1993 Ford Crown Victoria which is the subject matter of this lawsuit; Fictitious Defendant "D," that person, corporation or other legal entity whose negligence, wantonness or other wrongful conduct combined and concurred with the conduct of defendants herein to cause injuries to the Plaintiff; Fictitious Defendant "E," that person, corporation, or other legal entity who or which failed to notify Plaintiff of the hazards associated with the operation of the 1993 Ford Crown Victoria, all of said fictitious parties are**

**CIVIL ACTION NO.**  
**CV-\_\_\_\_\_**

**JURY TRIAL REQUESTED**

**unknown to Plaintiff at this time but  
will be substituted by amendment  
when ascertained,**

**DEFENDANTS.**

\*  
\*  
\*  
\*  
\*  
\*  
\*

**COMPLAINT**

**STATEMENT OF THE PARTIES**

1. Plaintiff, Kevin Deandreas Boykins, is over the age of nineteen (19) years and is a resident of Jefferson County, Alabama.

2. Defendant, FORD MOTOR COMPANY (hereinafter "FORD"), is a foreign corporation and at all times material hereto was doing business by agent in Jefferson County, Alabama.

3. Defendant, Zenardo Marshall, is over the age of nineteen (19) years and is a resident of Jefferson County, Alabama.

4. Fictitious Defendant "A," that person, corporation or other legal entity who or which designed, manufactured, advertised, marketed, sold or otherwise placed into the stream of commerce the 1993 Ford Crown Victoria which is the subject matter of this lawsuit.

5. Fictitious Defendant "B," that person, corporation or other legal entity who or which designed, manufactured, engineered, marketed, sold or otherwise placed into the stream of commerce the component parts of the 1993 Ford Crown Victoria which is the subject matter of this lawsuit.

6. Fictitious Defendant "C," that person, corporation or other legal entity who or which designed, manufactured, marketed, sold or distributed the fuel system and its

component parts of the 1993 Ford Crown Victoria which is the subject matter of this lawsuit.

7. Fictitious Defendant "D," that person, corporation or other legal entity whose negligence, wantonness or other wrongful conduct combined and concurred with the conduct of defendants herein to cause injuries to the Plaintiff.

8. Fictitious Defendant "E," that person, corporation, or other legal entity who or which failed to notify Plaintiff of the hazards associated with the operation of the 1993 Ford Crown Victoria, all of said fictitious parties are unknown to Plaintiff at this time but will be substituted by amendment when ascertained.

### **STATEMENT OF FACTS**

9. On or about December 19, 2010, Kevin Deandreas Boykins was operating the subject vehicle, a 1993 Ford Crown Victoria, VIN # 2FACP71W4PX120583, while traveling on I-65 in Jefferson County, Alabama.

10. At said time and place, Kevin Deandreas Boykins' vehicle was struck from the rear by a 2009 Nissan Quest being driven by Zenardo Marshall. Zenardo Marshall negligently and wantonly operated his vehicle at said time and place causing the wreck between the vehicle he was operating and the 1993 Ford Crown Victoria operated by Kevin Deandreas Boykins.

11. Upon impact, the fuel system and gas tank of the 1993 Ford Crown Victoria failed, resulting in spillage of large amounts of gasoline which immediately ignited and engulfed the passenger compartment of the 1993 Ford Crown Victoria in a matter of seconds.

12. Upon impact, as a result of the failure of the subject vehicle's fuel system and gas tank, an explosive fire quickly engulfed the vehicle and Kevin Deandreas Boykins.

13. As a direct and proximate consequence of Zenardo Marshall's impact with the rear of Plaintiff's vehicle and of the subject vehicle's failure in design, manufacturer, warnings and performance of the fuel system and gas tank, Kevin Deandreas Boykins was severely burned, injured and left permanently disabled

14. The 1993 Ford Crown Victoria was in substantially the same condition at the time of the incident in terms of design, manufacture, warnings, and mechanical condition, as it was at the time the Defendant placed the vehicle into the stream of commerce.

15. At the time of the incident, the 1993 Ford Crown Victoria was being used in a manner which was reasonably foreseeable to the Defendants.

16. The event of this accident, the failure mode(s) and the events taking place during the accident were foreseeable to the Defendant, Ford Motor Company.

**COUNT ONE**  
**(Alabama Extended Manufacturer's Liability Doctrine)**  
**(Crashworthiness)**

17. Plaintiff realleges paragraphs 1–16 of the Complaint as if set out here in full.

18. This Count is based upon the Alabama Extended Manufacturer's Liability Doctrine.

19. Defendant Ford and Fictitious Defendants "A" through "E" designed,

engineered, tested, manufactured, inspected, distributed, marketed and sold the 1993 Ford Crown Victoria, which was the subject matter of this lawsuit.

20. Said Defendants reasonably expected that the 1993 Ford Crown Victoria would reach the ultimate user or consumer in the condition that it was in at the time of the incident.

21. The failure mode of this vehicle was reasonably foreseeable to Defendant Ford and Fictitious Defendants "A" through "E."

22. At the time of the injuries to the Plaintiff, the 1993 Ford Crown Victoria was unreasonably dangerous and defective and the defect(s) existing therein subjected the Plaintiff to an unreasonable risk of harm in that the vehicle's fuel system was so dangerously and defectively designed as to cause the system to leak fuel into the occupant compartment in the event of a foreseeable collision which ultimately resulted in a fire that severely injured and permanently disabled Kevin Deandreas Boykins.

23. The subject vehicle was defective in its design, manufacture, and/or warnings that accompany it in that the vehicle's fuel system was designed so as to allow fuel leakage into the occupant compartment in the event of a foreseeable collision causing excessive and enhanced occupant injuries.

24. As a direct and proximate result of the defective condition(s) of the subject vehicle, the Plaintiff suffered severe burns all over his body.

WHEREFORE, Plaintiff demands judgment against Defendant Ford and Fictitious Defendants "A" through "E," for such damages as a jury may determine to be appropriate and for the cost of this action.

**COUNT TWO**  
**(Negligence)**

25. Plaintiff realleges paragraphs 1 through 24 of the Complaint as if set out here in full.

26. Defendant Ford and Fictitious Defendants "A" through "E," were negligent in the design, manufacture, testing, warnings, distribution, inspection, marketing, sale and/or failure to recall the 1993 Ford Crown Victoria, which is the subject matter of this lawsuit.

27. As a proximate result of the negligence of Defendant Ford and Fictitious Defendants "A" through "E," Kevin Deandreas Boykins was severely burned and permanently disabled as a result of the fire.

WHEREFORE, Plaintiff demands judgment against Defendant Ford and Fictitious Defendants "A" through "E," for such damages as a jury may determine to be appropriate, and for the costs of this action.

**COUNT THREE**  
**(Wantonness)**

28. Plaintiff realleges paragraphs 1 through 27 of the Complaint as if set out here in full.

29. Defendant Ford and Fictitious Defendants "A" through "E," were wanton in the design, manufacture, testing, warnings, distribution, inspection, marketing, sale and/or failure to recall the 1993 Ford Crown Victoria, which is the subject matter of this lawsuit.

30. As a proximate result of the wantonness of Defendant Ford and Fictitious



Defendants "A" through "E," Plaintiff was severely burned and permanently disabled as a result of the fire.

WHEREFORE, Plaintiff demands judgment against Defendant Ford and Fictitious Defendants "A" through "E," for such damages as a jury may determine to be appropriate, and for the costs of this action.

**COUNT FOUR**  
**(NEGLIGENCE AND WANTONNESS)**

31. Plaintiff realleges and incorporates by reference all allegations contained in this Complaint as if fully set out herein.

32. On the date and time as set forth above, Defendant, Zenardo Marshall, negligently and wantonly operated his motor vehicle causing it to strike the vehicle occupied by Plaintiff.

33. As a proximate consequence of Defendant Marshall's negligence and wantonness, Plaintiff Boykins was seriously injured and permanently disabled.

WHEREFORE, Plaintiff demands judgment against Defendant, Zenardo Marshall, and for such damages as a jury may determine to be appropriate and for the cost of this matter.

**/s/Jere L. Beasley**  
**JERE L. BEASLEY (BEA020)**

**/s/J. Cole Portis**  
**J. COLE PORTIS (POR018)**

**/s/Richard D. Morrison**  
**RICHARD D. MORRISON (MOR073)**

OF COUNSEL:

BEASLEY, ALLEN, CROW, METHVIN,  
PORTIS & MILES, P. C.  
Post Office Box 4160  
Montgomery, Alabama 36103-4160  
(334) 269-2343  
(334)954-7555 (Facsimile)

**JURY DEMAND**

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

**/s/Richard D. Morrison**  
**OF COUNSEL**