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Attorneys for:
Plaintiff Lindsay Molander;
Plaintiff Parker Austin, by and through GAL Lauren Bryan;
Cross-Complainant Estate of Micah Lee

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF RIVERSIDE**

LINDSAY MOLANDER, an individual; and
PARKER AUSTIN, a minor, by and through his
GUARDIAN AD LITEM, LAUREN BRYAN,

Plaintiffs,

vs.

TESLA, INC., dba TESLA MOTORS, INC.;
ESTATE OF MICAH LEE; and DOES 1 to 50,
inclusive,

Defendants.

AND ALL RELATED CROSS ACTIONS.

Case No. RIC2002469

Assigned For All Purposes To:
Hon. Judge Harold W. Hopp
Dept. 10

**THIRD AMENDED COMPLAINT FOR
DAMAGES FOR WRONGFUL DEATH:**

- 1. STRICT LIABILITY –
MANUFACTURING DEFECT;**
- 2. STRICT LIABILITY – DESIGN
DEFECT;**
- 3. NEGLIGENCE;**
- 4. NEGLIGENCE – FAILURE TO
RECALL.**

UNLIMITED CIVIL ACTION

Complaint filed: June 26, 2020
Trial Setting Conf.: October 17, 2022
Trial Date: None Set

– JURY TRIAL DEMANDED –

1 COMES NOW Plaintiff Lindsay Molander, individually; Plaintiff Parker Austin, by and
2 through his Guardian Ad Litem, Lauren Bryan; and Cross-Complainant Estate of Micah Lee
3 (collectively and hereinafter “Plaintiffs/Cross-Complainant”), for the Plaintiffs/Cross-Complainant’
4 Third Amended Complaint against Defendants Tesla, Inc., dba Tesla Motors, Inc.; Does 1 to 50,
5 inclusive, and Roes 1 to 10, inclusive (collectively and hereinafter “Defendants”), allege as follows:
6

7 **THE PARTIES**
8

9 1. At all times mentioned in this Complaint, Plaintiff Lindsay Molander is, and at all
10 relevant times was, an individual residing in Riverside County in the State of California.
11

12 2. Plaintiff Parker Austin is a minor represented by and through Guardian ad Litem Lauren
13 Bryan. At all times mentioned in this Complaint, Plaintiff Parker Austin is, and at all relevant times
14 was, an individual residing in Riverside County in the State of California.
15

16 3. Micah Lee was the driver in a vehicle involved in a single vehicle collision in Interstate
17 215 near McCall Boulevard in Menifee, CA. Mr. Lee suffered fatal injuries as a result of the collision.
18 His Estate brings this lawsuit against the manufacturer, distributor, and seller of the vehicle he was in
19 for Strict Product Liability and Negligence.
20

21 4. At all times mentioned in this Complaint, Cross-Complainant Estate of Micah Lee is,
22 and at all relevant times was, an individual residing in Riverside County in the State of California.
23

24 5. Plaintiffs/Cross-Complainant are informed and understand that Defendant Tesla, Inc.,
25 dba Tesla Motors, Inc., was and is a Delaware corporation with its principal place of business in Palo
26 Alto, CA. At the time this lawsuit and its Amended Complaints and Cross-Complaints were filed, these
27 Tesla entities were citizens of California (herein all Tesla entities are referred to as “Tesla”). Tesla has
28 filed an answer to Plaintiffs’ previous Second Amended Complaint on April 6, 2021, and to Cross-

1 Complainant's previous Cross-Complaint on December 15, 2021. At all times mentioned herein, Tesla
2 was engaged in the business of manufacturing, fabricating, designing, assembling, distributing, selling,
3 inspecting, servicing, repairing, marketing, warranting, leasing, renting, retailing, wholesaling, and
4 advertising consumer automobiles. Its products include the Roadster, the Model S sedan, the Model 3
5 sedan, the Model Y crossover SUV, and the Model X crossover SUV.

6
7 6. Plaintiffs/Cross-Complainant are unaware of the true names of Does 1 through 50 and
8 therefore sues them by such fictitious names and will ask for leave of Court to insert their true names
9 when such have been ascertained.

10
11 7. Plaintiffs/Cross-Complainant are unaware of the true names of Roes 1 through 10 and
12 therefore sues them by such fictitious names and will ask for leave of Court to insert their true names
13 when such have been ascertained.

14
15 **JURISDICTION**

16
17 8. This Court has personal jurisdiction over Plaintiff Lindsay Molander as Ms. Molander
18 consents to such jurisdiction.

19
20 9. This Court has personal jurisdiction over Plaintiff Parker Austin as Mr. Austin consents
21 to such jurisdiction.

22
23 10. This Court has personal jurisdiction over Cross-Complainant Estate of Micah Lee as the
24 Estate of Micah Lee consents to such jurisdiction.

25
26 11. This Court has personal jurisdiction over Defendant Tesla because it is engaged in the
27 sale of consumer vehicles throughout the state of California, thus providing the Court with general
28 jurisdiction.

1 safely designed and manufactured vehicle. At the time of distributing the vehicle, Tesla repeatedly
2 published advertisements to consumers that the 2019 Tesla Model 3 was properly designed and
3 skillfully crafted.

4
5 18. On June 29, 2019, shortly after 10:00 p.m., Decedent Micah Lee was the driver of the
6 subject 2019 Tesla Model 3 and was traveling approximately 65 miles per hour southbound along
7 Interstate 215 with Lindsay Molander in the front passenger seat and Parker Austin in the rear driver's
8 side seat.

9
10 19. Decedent Micah Lee was utilizing the Tesla Model 3's Autopilot and/or Active Safety
11 features at the time. There were no obstructions in the road. However, shortly after passing the McCall
12 Boulevard overpass, suddenly, and without warning, the Tesla Model 3's Autopilot and/or Active
13 Safety features caused the subject vehicle to veer sharply to the right, where it left the pavement, and
14 impacted a palm tree at a high rate of speed. The subject vehicle burst into flames. Micah Lee was
15 killed in the collision. Lindsay Molander and Parker Austin were seriously injured in the collision.

16
17 20. Prior to impacting the palm tree, Decedent Micah Lee attempted to, but could not, regain
18 control of the Tesla Model 3 because the Autopilot and/or Active Safety features would not allow
19 Decedent Lee to regain control of the Tesla Model 3.

20
21 21. To the surprise and horror of Decedent Micah Lee, the Tesla Model 3's Autopilot and/or
22 Active Safety features failed while he was driving on the freeway, resulting in the impact event
23 whereby Decedent Micah Lee suffered gruesome and ultimately fatal injuries. Had the vehicle's
24 Autopilot and/or Active Safety features operated properly, Decedent Micah Lee's death would have
25 been avoided.

26
27 22. Additionally, to the surprise and horror of Lindsay Molander, the Tesla Model 3's
28 Autopilot and/or Active Safety features failed while she was a passenger on the freeway, resulting in

1 the impact event whereby Lindsay Molander suffered severe injuries. Had the vehicle's Autopilot
2 and/or Active Safety features operated properly, Lindsay Molander's injuries would have been
3 significantly less severe.

4
5 23. Additionally, to the surprise and horror of Parker Austin, the Tesla Model 3's Autopilot
6 and/or Active Safety features failed while he was a passenger on the freeway, resulting in the impact
7 event whereby Parker Austin suffered severe injuries. Had the vehicle's Autopilot and/or Active Safety
8 features operated properly, Parker Austin's injuries would have been significantly less severe.

9
10 24. The accident sequence as described above is hereafter referred to as the "subject
11 accident."

12
13 25. Plaintiffs/Cross-Complainant are informed and believe and thereon allege that at no time
14 after the purchase of the Tesla Model 3 did any person alter, modify, or change any aspect or
15 component of the vehicle's design or manufacture.

16
17 26. Plaintiffs/Cross-Complainant are informed and believe and thereon allege that
18 immediately before the fatal impact, the Tesla Model 3 was being operated using one or more of the
19 vehicle's Autopilot and/or Active Safety features as defined on Tesla's website on May 31, 2019, at the
20 following link: <https://web.archive.org/web/20190531002918/https://www.tesla.com/support/autopilot>.

21
22 27. Plaintiffs/Cross-Complainant are informed, believe, and thereon allege that defects in
23 the Tesla Model 3 as set forth herein caused and/or contributed to causing the subject incident
24 referenced above.

25
26 28. Defendant Tesla's Model 3's Autopilot and/or Active Safety features were defective and
27 not ready for market, yet Tesla and its CEO Elon Musk advertised, presented, and maintained it as if it
28 was.

1 29. Defendant Tesla knew, or should have known, that the 2019 Tesla Model 3 was
2 defective and dangerous.

3
4 30. Defendant Tesla knew, or should have known, that numerous people had been injured or
5 killed by Tesla vehicles.

6
7 31. Defendant Tesla knew, or should have known, that there were safety issues with the
8 Autopilot and/or Active Safety features in the Tesla Model 3 that could cause it to fail and cause the
9 vehicle to lose control.

10
11 32. Despite knowing the dangerous propensities of the Tesla Model 3's Autopilot and/or
12 Active Safety features, Defendant Tesla nevertheless authorized and ratified the sale of the Tesla Model
13 3s to the public without sufficient warning of the Autopilot and/or Active Safety features' propensity to
14 fail.

15
16 33. Defendant Tesla designed, engineered, developed, manufactured, fabricated, assembled,
17 equipped, tested or failed to test, inspected or failed to inspect, repaired, retrofit or failed to retrofit,
18 failed to recall, labeled, advertised, promoted, marketed, supplied, distributed, wholesaled, and sold the
19 2019 Tesla Model 3, a product which Defendant Tesla knew, or should have known, to be dangerous
20 and unsafe for the purpose for which Tesla intended it to be used, namely, as a passenger vehicle.

21
22 34. Prior to and at the time that Defendant Tesla sold the 2019 Tesla Model 3 to Decedent
23 Micah Lee, and prior to the time that said product was used, Defendant Tesla knew, or should have
24 known, that the Tesla Model 3, and its component parts, was defectively designed and manufactured,
25 that it had extremely dangerous properties and defects, and that it had defects which would cause
26 serious injuries and damage to users of said product, thereby threatening the life and health of the users.

1 leased, rented, repaired, and adjusted the 2019 Tesla Model 3 purchased and operated by Decedent
2 Micah Lee.

3
4 40. The 2019 Tesla Model 3 being operated by Decedent Micah Lee contained a
5 manufacturing defect when it left Tesla's possession, including, not limited to, the following:

- 6
7 a. Defective Autopilot and/or Active Safety features which failed due to negligent design,
8 manufacture, assembly, testing, and marketing. In addition, the Autopilot and/or Active
9 Safety features lacked proper sensor design, lacked a properly designed central
10 processing unit, algorithms, among other negligence in the design, manufacturing,
11 assembly, testing, and marketing that prevented the Autopilot and/or Active Safety
12 features from operating properly in the subject accident.
- 13
14 b. A defective and unsafe driver seat and seat back, which failed to perform safely during
15 the described accident sequence, causing Decedent Micah Lee to suffer fatal injuries. At
16 all times prior to their design, manufacture, and sale of the 2019 Tesla Model 3,
17 Defendant Tesla knew and were well aware, from prior accidents, lawsuits, and warranty
18 claims, and from mandatory pre-production fuel system integrity tests required by law to
19 be conducted under Federal Motor Vehicle Safety Standard ("FMVSS"), as well as a
20 multitude of published research from many decades prior to the design and manufacturer
21 of the subject vehicle, that the 2019 Tesla Model 3's design was too weak and was
22 incapable of withstanding foreseeable, impacts at speeds of 60-70 miles per hour, without
23 causing fatal injuries to properly-restrained occupants. Despite the availability of simple
24 methods to correct the defects, as recommended on information and belief by Defendant
25 Tesla's automotive engineers including, but not limited to, strengthened seat back frames,
26 stronger recliners, dual recliners, and belt-integrated seats, fire protection remediation
27 and in spite of the known risk of serious and fatal head and spinal injuries and occupant
28 ejection, Defendant Tesla chose to ignore the inherent safety problem, and took no action

1 to prevent such debilitating injuries and deaths, because of concern solely over cost
2 penalties, including increased production costs and reduced profits.

3
4 c. A defective and unsafe restraint system, which Defendant Tesla knew from prior
5 accidents, incidents, claims, lawsuits, warranty claims, other media publications, from
6 their own FMVSS tests, and from a multitude of published research over many decades
7 would predictably fail to restrain an occupant in the subject vehicle in the event of a
8 moderate front impact event, following the known and foreseeable failure of the vehicle's
9 safety systems which, in this case, failed to restrain Decedent Micah Lee and further
10 failed to prevent an uncontrolled fire.

11
12 d. Inadequate vehicle structures with inadequate crash worthiness which Defendant Tesla
13 knew from prior accidents, incidents, claims, lawsuits, warranty claims, other media
14 publications, from their own FMVSS tests, and from a multitude of public research over
15 decades would fail and intrude into the passenger compartment or occupant "zone of
16 safety" causing injury in the event of even a modest impact. The structure of the vehicle
17 is meant to act as an energy absorption zone and should be designed to crush and absorb
18 as much energy as possible while maintaining the integrity of the occupant compartment.
19 In this case, the vehicle structures, including the battery, hood, radiator, and engine, were
20 pushed rearward contributing to Decedent Micah Lee's fatal injuries.

21
22 e. Inadequate and/or lack of any warnings regarding the above defects.

23
24 41. Decedent Micah Lee was killed by the 2019 Tesla Model 3. Plaintiffs Lindsay Molander
25 and Parker Austin were harmed by the 2019 Tesla Model 3.

26
27 42. The 2019 Tesla Model 3's defect was a substantial factor in causing Lindsay Molander,
28 Parker Austin, and Micah Lee's harm.

1 53. Defendant Tesla designed, manufactured, distributed, assembled, packaged, tested,
2 fabricated, analyzed, inspected, merchandised, marketed, labeled, advertised, promoted, sold, supplied,
3 leased, rented, repaired, and adjusted the 2019 Tesla Model 3 purchased and operated by Decedent
4 Micah Lee.

5
6 54. Defendant Tesla had a duty to use reasonable due care in the design, manufacture,
7 assembly, packaging, testing, fabricating, analysis, inspection, merchandising, marketing, distributing,
8 labeling, advertising, promotion, sale, supply, lease, rental, warning, selection, inspection, and repair of
9 the 2019 Tesla Model 3 purchased and operated by Decedent Micah Lee.

10
11 55. Defendant Tesla knew and/or, in the exercise of reasonable care, should have known that
12 the 2019 Tesla Model 3, and each of its component parts, were not properly designed, manufactured,
13 assembled, packaged, tested, fabricated, analyzed, inspected, merchandised, marketed, distributed
14 labeled, advertised, promoted, sold, supplied, leased, rented, repaired, and selected, and Defendant
15 Tesla provided inadequate warnings for the use and purpose of which it intended in that it was likely to
16 injure the person who used said product.

17
18 56. Defendant Tesla was negligent in designing, manufacturing, assembling, packaging,
19 testing, fabricating, analyzing, inspecting, merchandising, marketing, distributing, labeling, advertising,
20 promoting, selling, supplying, leasing, renting, repairing, selecting, and providing inadequate warnings
21 in relation to the 2019 Tesla Model 3, so that the vehicle was a defective and dangerous product, unsafe
22 and not crashworthy for the respective use and purpose for which it was intended when used and driven
23 as recommended or for reasonably foreseeable misuse by members of the public.

24
25 57. Decedent Micah Lee was killed by the 2019 Tesla Model 3. Plaintiffs Lindsay
26 Molander and Parker Austin were harmed by the 2019 Tesla Model 3.

1 65. Defendant Tesla failed to recall the 2019 Tesla Model 3.

2
3 66. A reasonable manufacturer and distributor under the same or similar circumstances
4 would have recalled the 2019 Tesla Model 3.

5
6 67. Decedent Micah Lee was killed by the 2019 Tesla Model 3. Plaintiffs Lindsay
7 Molander and Parker Austin were harmed by the 2019 Tesla Model 3.

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9 68. Defendant Tesla's failure to recall the 2019 Tesla Model 3 was a substantial factor in
10 causing Lindsay Molander, Parker Austin, and Micah Lee's harm.

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12 69. As a direct and proximate cause of Defendant Tesla's conduct, Lindsay Molander,
13 Parker Austin, and Decedent Micah Lee have sustained damages as reflected in the Statement of
14 Damages served herewith, and in an amount to be proven at trial, but which is in excess of the
15 minimum jurisdictional limit of this Court.

16
17 70. Defendant Tesla's conduct was fraudulent, malicious and oppressive, justifying an
18 award of punitive damages pursuant to Cal. Civ. Code § 3294.

19
20 **WHEREFORE**, Plaintiff Lindsay Molander, Plaintiff Parker Austin, and Cross-Complainant
21 Estate of Micah Lee pray that the Court award the following:

22 First Cause of Action

- 23 1. Compensatory damages.
24 2. Punitive damages against Tesla pursuant to Cal. Civ. Code § 3294.

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26 Second Cause of Action

- 27 1. Compensatory damages.
28 2. Punitive damages against Tesla pursuant to Cal. Civ. Code § 3294.

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Third Cause of Action

1. Compensatory damages.

Fourth Cause of Action

1. Compensatory damages.

All Causes of Action

1. Costs of suit herein incurred.
2. Interest as provided by law.
3. For such other and further relief as the Court may deem just and proper.

Dated: October 17, 2022

MLG, APLC



By:

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Plaintiff Lindsay Molander,
Plaintiff Parker Austin,
Cross-Complainant Estate of Micah Lee

