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11 SUPERIOR COURT OF CALIFORNIA
12 COUNTY OF ALAMEDA

13 CARL TSUKAHARA, individually and as the
14 Successor in Interest of Decedent, Krysta
15 Michelle Tsukahara, and NOELLE
16 TSUKAHARA,

17 Plaintiffs,

18 v.

19 ESTATE OF SOREN MANGSETH DIXON,
20 DECEASED, ESTATE OF CHARLES
21 PATTERSON, DECEASED, TESLA, INC. and
22 DOES 1 through 40, inclusive,

23 Defendants.

Case No.: 25CV120058

**SECOND AMENDED COMPLAINT FOR
WRONGFUL DEATH; SURVIVOR'S
ACTION; NEGLIGENCE DESIGN AND
MANUFACTURE; STRICT PRODUCTS
LIABILITY; NEGLIGENCE FAILURE TO
RECALL OR RETROFIT; AND
NEGLIGENCE**

Complaint Filed: April 23, 2025
First Amended Complaint Filed: July 7, 2025

24 Plaintiffs CARL TSUKAHARA, individually and as the Successor in Interest of Decedent,
25 Krysta Michelle Tsukahara, and NOELLE TSUKAHARA, complain against Defendants ESTATE OF
26 SOREN MANGSETH DIXON, DECEASED, ESTATE OF CHARLES PATTERSON, DECEASED, TESLA,
27 INC., and DOES 1 through 40, and each of them, and allege as follows:

PRELIMINARY ALLEGATIONS

28 1. The true names and capacities -- whether individual, corporate, associate or
otherwise -- of Defendants DOES 1 through 40, are unknown to Plaintiffs, who therefore sue such
Defendants by such fictitious names. Plaintiffs will amend this Complaint to show their true names

1 and capacities when the same have been ascertained. Plaintiffs are informed and believe and
2 thereon allege that each DOE Defendant is legally responsible in some manner, whether in
3 negligence, contract, warranty, strict liability, or otherwise, for the events and occurrences
4 described herein, and thereby proximately caused injuries and damages to Plaintiffs as herein
5 alleged.

6 2. Plaintiffs are informed and believe and thereon allege that at all relevant times,
7 Defendants DOES 1 through 40, and each of them, were agents, employees, contractors, or
8 otherwise acting on behalf of the named Defendants and/or other DOE Defendants, and each of
9 them, and that at all relevant times, DOES 1 through 40, and each of them, were acting within the
10 course and scope of their agency, employment or contractual relationship with the named
11 Defendants or DOES.

12 **PARTIES, JURISDICTION, AND VENUE**

13 3. Plaintiffs are now, and at all times herein mentioned were, citizens of and residents
14 within the County of Alameda, State of California.

15 4. Plaintiff CARL TSUKAHARA is the surviving father and heir of Krysta Michelle
16 Tsukahara, deceased, and is a proper Plaintiff pursuant to Code of Civil Procedure section 377.30.
17 Plaintiff CARL TSUKAHARA is also the Successor in Interest of Decedent, Krysta Michelle
18 Tsukahara.

19 5. Plaintiff NOELLE TSUKAHARA is the surviving mother and heir of Krysta Michelle
20 Tsukahara, deceased, and is a proper Plaintiff pursuant to Code of Civil Procedure section 377.30.

21 6. At the time of the subject incident, Plaintiffs further allege that Defendant ESTATE
22 OF SOREN MANGSETH DIXON, DECEASED, was a citizen and resident of, or doing business within,
23 the County of Alameda, State of California, and that his estate (ESTATE OF SOREN MANGSETH
24 DIXON) is also a citizen of the County of Alameda. Following the collision, which is the subject of
25 this action, Soren Mangseth Dixon passed away and is now deceased.

26 7. Plaintiffs further allege that Defendant ESTATE OF CHARLES PATTERSON,
27 DECEASED, was a citizen and resident of, or doing business within, the County of Contra Costa,

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1 State of California, and that his estate (ESTATE OF CHARLES PATTERSON) is also a citizen of the
2 County of Contra Costa.

3 8. Plaintiffs further allege that Defendant TESLA, INC., is a Texas Corporation doing
4 business within the State of California. Defendant TESLA, INC. maintains a large network of
5 authorized distributors, sales and service centers throughout California. Defendant TESLA, INC.
6 markets the sale of its electric vehicles and products in California, including the Cybertruck model
7 vehicle. Defendant TESLA, INC. is licensed to do business as a corporation in California under
8 California Corporate Entity Number 6303077. The designated agent for service of process for
9 Defendant TESLA, INC. is C T Corporation System located at 330 N Brand Boulevard in Glendale,
10 California 91203. At all relevant times Defendant TESLA, INC. and DOES 21 through 40 were in
11 the business of designing, manufacturing, fabricating, assembling, marketing, distributing, selling
12 and otherwise placing into the stream of commerce electric vehicles, including the subject vehicle
13 at issue herein.

14 9. The incident which is the subject of this action occurred in the County of Alameda,
15 State of California.

16 10. The amount in controversy is in excess of the minimal jurisdictional limits of this
17 Court.

18 **FIRST CAUSE OF ACTION**

19 **(Wrongful Death of Krysta Michelle Tsukahara – Against Defendants**

20 **ESTATE OF SOREN MANGSETH DIXON, DECEASED, ESTATE OF CHARLES PATTERSON,**

21 **DECEASED, and DOES 1 through 20)**

22 As a first cause of action, Plaintiffs CARL TSUKAHARA and NOELLE TSUKAHARA complain
23 against Defendants ESTATE OF SOREN MANGSETH DIXON, DECEASED, ESTATE OF CHARLES
24 PATTERSON, DECEASED, and DOES 1 through 20, and each of them, and allege as follows:

25 11. Plaintiffs allege and incorporate herein by reference, as though fully set forth herein,
26 each and every allegation set forth in paragraphs 1 through 10 of this Complaint.

27 12. On or about November 27, 2024, Decedent, Krysta Michelle Tsukahara, was a
28 passenger in Defendant ESTATE OF CHARLES PATTERSON's, DECEASED, 2024 TESLA Cybertruck,

1 which was being driven by Decedent Soren Mangseth Dixon. Decedent Dixon was traveling
2 westbound on Hampton Road near the intersection with King Avenue in the County of Alameda,
3 State of California.

4 13. That at the time and place as described above, Decedent Soren Mangseth Dixon,
5 Defendant ESTATE OF CHARLES PATTERSON, DECEASED, and DOES 1 through 20, negligently
6 and carelessly drove, entrusted, managed, maintained, operated, repaired, manufactured and/or
7 designed their motor vehicle so as to cause said motor vehicle to be driven in a negligent manner
8 causing Decedent Dixon, to lose control, strike a fixed object adjacent to the edge of Hampton
9 Road and a tree, with the vehicle subsequently catching on fire for an unknown reason at the time
10 of the filing of this complaint. This fire that started after the collision resulted in the death of
11 Decedent Krysta Michelle Tsukahara, who was trapped in the subject vehicle, thereby proximately
12 causing the damages described herein to Plaintiffs CARL TSUKAHARA and NOELLE TSUKAHARA
13 and to the decedent, Krysta Michelle Tsukahara.

14 14. Defendants ESTATE OF SOREN MANGSETH DIXON, DECEASED, and
15 ESTATE OF CHARLES PATTERSON, DECEASED, and DOES 1 through 20 were the owners and/or
16 operators of the subject vehicle. All Defendants operated the vehicle with the knowledge and
17 consent of all other Defendants.

18 15. Defendants ESTATE OF SOREN MANGSETH DIXON, DECEASED, and DOES 11
19 through 20 were the agents, employees or contractors of Defendants ESTATE OF CHARLES
20 PATTERSON, DECEASED, and DOES 1 through 10, and were at all times acting within the course
21 and scope of said agency, employment or contract, and with the permission, knowledge and
22 consent of each remaining Defendants.

23 16. Defendants ESTATE OF CHARLES PATTERSON, DECEASED, and DOES 1 through 10
24 also negligently hired, trained, entrusted, and/or supervised Defendant ESTATE OF SOREN
25 MANGSETH DIXON, DECEASED, and DOES 11 through 20 with the subject Cybertruck and in such
26 a fashion as to cause and/or contribute to the occurrence of the incident described herein.

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1 17. Defendants negligently entrusted, managed, maintained, drove, operated, repaired,
2 manufactured and designed the subject vehicle so as to cause the collision and the resulting
3 injuries and damages to Plaintiffs.

4 18. As a direct result of Defendants' negligence and the death of Decedent
5 Krysta Michelle Tsukahara, Plaintiffs CARL TSUKAHARA and NOELLE TSUKAHARA sustained
6 economic damages consisting of (1) the value of lost financial and other support from the
7 Decedent, (2) the value of gifts or benefits that the Decedent would have provided, (3) the value
8 of funeral and burial expenses, and (4) the reasonable value of household services that the
9 Decedent would have provided.

10 19. As a direct result of Defendants' negligence, and the death of Decedent
11 Krysta Michelle Tsukahara, Plaintiffs CARL TSUKAHARA and NOELLE TSUKAHARA have sustained
12 noneconomic damages consisting of loss of the Decedent's love, companionship, comfort, care,
13 assistance, protection, affection, society, and moral support.

14 Plaintiffs CARL TSUKAHARA and NOELLE TSUKAHARA pray for judgment against
15 Defendants ESTATE OF SOREN MANGSETH DIXON, DECEASED, ESTATE OF CHARLES PATTERSON,
16 DECEASED, and DOES 1 through 20, and each of them, for:

- 17 a. Noneconomic damages in excess of the minimum jurisdictional requirements of this
18 Court;
19 b. All funeral, burial and other expenses according to proof;
20 c. Interest to the extent allowed by law;
21 d. All loss of the Decedent's care and support, according to proof;
22 e. All costs of suit; and,
23 f. Such other and further relief as this Court may deem just and proper.

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1 **SECOND CAUSE OF ACTION**

2 **(Survivor’s Action: CARL TSUKAHARA, as Successor in Interest of Decedent, Krysta**
3 **Michelle Tsukahara – Against Defendants ESTATE OF SOREN MANGSETH DIXON,**
4 **DECEASED, ESTATE OF CHARLES PATTERSON, DECEASED, and DOES 1 through 20)**

5 As a separate second cause of action, Plaintiff CARL TSUKAHARA, as the Successor in
6 Interest of Decedent, Krysta Michelle Tsukahara, complains against Defendants ESTATE OF SOREN
7 MANGSETH DIXON, DECEASED, ESTATE OF CHARLES PATTERSON, DECEASED, and DOES 1
8 through 20, and each of them, and alleges:

9 20. Plaintiff incorporates herein by reference each and every allegation contained in
10 paragraphs 1 to 19 as though fully set forth.

11 21. Plaintiff CARL TSUKAHARA, as the father of Decedent, Krysta Michelle Tsukahara, is
12 the Successor in Interest to the Decedent Krysta Michelle Tsukahara for purposes of bringing an
13 action under Code of Civil Procedure section 377.30, *et. seq.*, and has complied with Code of Civil
14 Procedure section 377.32.

15 22. Decedent Krysta Michelle Tsukahara survived the subject crash and was fully
16 conscious and aware of her emergency and life-threatening situation. She attempted to get out of
17 the subject vehicle through efforts of a person who was attempting to extract her through the
18 front passenger window due to the failure of the electrical system of the TESLA Cybertruck. She
19 was unable to open her door due to this electrical failure, as was the Good Samaritan who was
20 attempting to rescue her. Krysta Michelle Tsukahara was then pushed back by fire and heat and
21 unable to be extracted from the TESLA Cybertruck

22 23. Prior to her death, Decedent Krysta Michelle Tsukahara sustained damage to her
23 personal property. The exact amount of such damage is unknown to Plaintiff at this time.

24 24. During and after the collision but before her death, Decedent Krysta Michelle
25 Tsukahara suffered severe emotional harm and fright as well as significant and painful bodily
26 injuries from being trapped in the Tesla Cybertruck and suffered unimaginable pain and emotional
27 distress as she suffered from flames which consumed her and led to her death.

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1 Plaintiff CARL TSUKAHARA, as Successor in Interest of Decedent, Krysta Michelle
2 Tsukahara, prays for judgment against Defendants ESTATE OF SOREN MANGSETH DIXON,
3 DECEASED, ESTATE OF CHARLES PATTERSON, DECEASED, and DOES 1 through 20, and each of
4 them, for:

- 5 a. Pursuant to California Code of Civil Procedure Section 377.34, non-economic
6 damages for her emotional fear, worry and fright as well as for pain, suffering, and
7 harm from disfigurement as suffered by Decedent Krysta Michelle Tsukahara prior to
8 her death, in excess of the minimum jurisdictional requirements of this Court;
9 b. All past medical expenses incurred by the Decedent, according to proof;
10 c. All past personal property damage incurred by the Decedent, according to proof;
11 d. All prejudgment interest;
12 e. Costs of suit incurred herein; and,
13 f. Such other and further relief as the Court may deem just and proper.

14 **ALLEGATIONS AS TO TESLA, INC. AND DOES 21 THROUGH 40, ONLY**

15 25. Motor vehicle manufacturers have long known that crashes can and will occur for
16 many different reasons — including driver error, vehicle malfunction, distraction, impairment,
17 speeding, road hazards, or other conditions. They also know that post-crash fires are a
18 foreseeable risk, especially in vehicles equipped with high-voltage battery systems.

19 26. Crashworthiness means that even if a collision occurs, the vehicle provides
20 reasonable protection against enhanced injury. Crashworthiness is not limited to protecting
21 occupants during the initial impact; it also encompasses the ability of survivors to escape a
22 burning vehicle, or be rescued, before fire overtakes the passenger compartment. Regardless of
23 the cause of a crash, the manufacturer's obligation includes designing vehicles that permit timely
24 escape and rescue in the event of fire.

25 27. The need for safe occupant egress after a collision has long been recognized. As far
26 back as 1972, the U.S. Department of Commerce published a study titled *Escape Worthiness of*
27 *Vehicles for Occupants in Crashes*, which warned that a lack of standardized and intuitive door
28 mechanisms hampered escape and recommended designing interiors with emergency egress in

1 mind.¹ This principle is, in part, codified in Federal Motor Vehicle Safety Standard (FMVSS) No.
2 206, which requires that each rear side door have an interior release accessible to occupants.²

3 28. The National Fire Protection Association’s NFPA 556, entitled *Guide on Methods for*
4 *Evaluating Fire Hazard to Occupants of Passenger Road Vehicles*, further emphasizes that vehicles
5 should be designed to delay fire spread and provide sufficient time for evacuation. NFPA 556 is a
6 consensus document developed by the National Fire Protection Association—an internationally
7 recognized standards-setting body relied upon by engineers, regulators, and fire safety
8 professionals to define best practices in occupant protection. NFPA 556 identifies that the primary
9 fire safety objectives for motor vehicles are to reduce the likelihood of fire occurrence, delay fire
10 growth, and provide sufficient time for safe egress, and that “[d]esign improvements that provide
11 adequate time for passengers to escape or be rescued should be incorporated.” NFPA further
12 advises that “[t]he choice of an effective and reliable means to achieve the fire performance
13 objectives should be based on an evaluation that includes all conditions of the hazard and
14 protection as well as the quantification of egress time.”

15 29. Tesla ignored these principles, instead creating a vehicle, the Cybertruck, in which
16 escape depends on electronic systems which TESLA knew sometimes fail in the very circumstances
17 — collision and fire — when escape is most urgent.

18 **How Cybertruck Doors Work — and Fail**

19 30. The Cybertruck has no exterior door handles. The only way to open its doors from
20 outside the vehicle is to press an electronic button on the pillar beside the door, a system that
21 relies entirely on low-voltage power. When that power is lost in a crash or fire, those exterior
22 buttons become useless. Rescuers then have no way to open the doors from outside, and TESLA’s
23 “armor glass” windows and stainless-steel doors, marketed as nearly impenetrable, make forcing
24 entry extraordinarily difficult.³

25 ¹ U.S. Dep’t of Commerce, *Escape Worthiness of Vehicles for Occupancy Survivals and Crashes* 3-49, 3-82
26 (1972).

27 ² 49 C.F.R 571.206, S4.3.1.

28 ³ See, e.g., *Superior Durability of Cybertruck HFS (Hard Freaking Stainless)* (June 20, 2025), Tesla,
<<https://www.tesla.com/learn/superior-durability-cybertruck-hfs-hard-freaking-stainless>>; *Cybertruck*,
(accessed on September 30, 2025), Tesla, <<https://www.tesla.com/cybertruck>>; *Cybertruck Bullet Test*
(December 1, 2023), <<https://www.youtube.com/watch?v=teRRk-0KHus>>; Mark Sweney, *Cybertruck: Tesla*
unveils new pickup truck but windows break during demo (November 22, 2019), *The Guardian*,

1 31. Inside the Cybertruck, normal door operation also depends on low-voltage electronic
2 buttons mounted on the door handles. Once a crash or fire occurs, the buttons became useless
3 due to power loss or other crash damage. For the right rear passenger door, the only remaining
4 option was a concealed wire loop hidden beneath the lining of the map pocket at the bottom of the
5 door. A passenger would have to remove the liner, locate the loop, and pull it forward — an
6 obscure and impractical maneuver in an emergency. These design choices created a highly
7 foreseeable risk that rear-seat occupants who survived a crash would nevertheless remain trapped
8 when the vehicle caught fire.

9 **Notice to TESLA of the Dangers of Its Door Systems**

10 32. For more than a decade before the crash, TESLA had repeated and direct notice that
11 its reliance on electronic door systems created a serious risk of entrapment. Owners, bystanders,
12 and first responders documented instances where Tesla occupants survived crash forces but could
13 not escape when electrical power failed and fire ensued.⁴ Consumers lodged dozens of complaints
14 with the National Highway Traffic Safety Administration (“NHTSA”), many warning that rear-seat
15 passengers — especially children — could be trapped inside during a fire or crash. Firefighters and
16 rescuers likewise reported occasions where they were unable to save occupants because the doors
17 would not open once power was lost.⁵ TESLA also knew of these hazards from its own engineering
18 data and investigations, which confirmed that occupants were at risk of entrapment in post-crash
19 fires. Despite this notice, TESLA continued to design, market, and sell vehicles, including the
20 Cybertruck, that predictably left crash survivors trapped in foreseeable emergencies.

21
22 <<https://www.theguardian.com/technology/2019/nov/22/cybertruck-tesla-unveils-the-pickup-truck-we-have-to-have>>.

23 ⁴ *Tesla Fire – Tesla Fire Records Information About Tesla Car Fires and Other Tesla Fire Incidents that Receive News Coverage*, <<https://www.tesla-fire.com/>>.

24 ⁵ See, e.g., NHTSA Campaign Number: 11591608 (May 24, 2024), National Highway Traffic Safety
25 Administration (NHTSA), <<https://www.nhtsa.gov/?nhtsaId=11591608>>; NHTSA Campaign Number:
26 11592780 (June 4, 2024), National Highway Traffic Safety Administration (NHTSA),
27 <<https://www.nhtsa.gov/?nhtsaId=11592780>>; NHTSA Campaign Number: 11614665 (September 15,
28 2024), National Highway Traffic Safety Administration (NHTSA),
<<https://www.nhtsa.gov/?nhtsaId=11614665>>; NHTSA Campaign Number: 11111289 (July 14, 2018),
National Highway Traffic Safety Administration (NHTSA), <<https://www.nhtsa.gov/?nhtsaId=11111289>>;
NHTSA Campaign Number: 11317593 (March 11, 2020), National Highway Traffic Safety Administration
(NHTSA), <<https://www.nhtsa.gov/?nhtsaId=11317593>>; NHTSA Campaign Number: 11460242 (April 9,
2022), National Highway Traffic Safety Administration (NHTSA),
<<https://www.nhtsa.gov/?nhtsaId=11460242>>; NHTSA Campaign Number: 11473540 (July 12, 2022),
National Highway Traffic Safety Administration (NHTSA), <<https://www.nhtsa.gov/?nhtsaId=11473540>>.

1 33. TESLA's leadership was personally aware of these problems. On a May 2013
2 earnings call, CEO Elon Musk admitted that Tesla's door handles sometimes malfunctioned,
3 acknowledging that "occasionally the sensor would malfunction. . . so you'd pull on the door
4 handle, and it wouldn't open," which he conceded was "quite vexing for a customer." Musk
5 assured investors the problem had been solved, claiming that "the door-handle incidents have
6 gone to virtually zero."⁶ In reality, failures continued for years, leading to multiple fatalities and
7 repeated warnings from TESLA's own customers.

8 34. Representative examples of door issues that came to TESLA's attention prior to the
9 date of the collision in this matter, including:

- 10 a. A driver in Maplewood, New Jersey, reported to NHTSA that on January 28, 2015,
11 the handles of her 2014 Model S retracted after she left her keys in her car and
12 after she had walked around the car to get her young children out of the vehicle.
13 She was only able to unlock her vehicle with the TESLA application on her phone.
14 She stated, "It terrifies me to think what would have happened if this occurred in a
15 remote location or somewhere where I would be forced to leave my daughters in
16 the car in order to get help."⁷
- 17 b. A driver in Rancho Cucamonga, California, reported to NHTSA that on June 29,
18 2015, stating that he left his girlfriend in his vehicle and exited the vehicle for about
19 an hour with his keys. His girlfriend discovered that the doors were locked and the
20 windows would not open in the 2014 Model S. In his notice to the NHTSA, he stated,
21 "[T]his situation is a death trap."⁸
- 22 c. An owner in Laguna Vista, Texas, reported to the NHTSA on March 2, 2017 that a
23 rear door handle on a 2012 Model S had been non-functional from the exterior of
24 the vehicle. Following service by TESLA, the exterior access was functional, but the
25 interior handle no longer functioned. The owner stated, "In the event of a crash

26 ⁶ Dana Hull, Emily Chang and Kara Carlson, *Tesla's Dangerous Doors: When Teslas Lose Power, Crashes Can*
27 *Turn into Deadly Races Against Time* (September 10, 2015), Bloomberg,
<<https://www.bloomberg.com/features/2015-tesla-dangerous-doors/>>.

28 ⁷ NHTSA Campaign Number: 10679894 (January 30, 2015), National Highway Traffic Safety Administration
(NHTSA), <<https://www.nhtsa.gov/?nhtsaId=10679894>>.

⁸ NHTSA Campaign Number: 10731118 (June 29, 2015), National Highway Traffic Safety Administration
(NHTSA), <<https://www.nhtsa.gov/?nhtsaId=10731118>>.

1 from the left side, the passenger in the right rear seat would be trapped without
2 recourse.”⁹

3 d. A driver in Claremont, California, reported to NHTSA that on April 8, 2017 that the
4 electric door handles in a 2013 Model S failed for the second time.¹⁰

5 e. A driver in Watsonville, California, reported to NHTSA that as of July 5, 2017 that all
6 four door handles on a 2013 Model S were broken or malfunctioning. He explained
7 that he tried to take the vehicle into Tesla after the first one went out and was
8 quoted \$1,200 for a replacement. He complained, “It seems clear to me that the
9 product is defective.”¹¹

10 f. A driver in Pungoteague, Virginia, reported to NHTSA that on December 13, 2017
11 that he had suffered from multiple door handle defects with his 2013 Model S,
12 including the handle not extending to open the door. He had all four handles
13 replaced when the car was new and then again at 62,000 miles. He stated, “This is
14 a significant safety issue, as it is impossible to open the door to render assistance if
15 the driver were trapped or incapacitated.”¹²

16 g. A driver in Lakewood, Colorado, reported to NHTSA that on December 11, 2017 that
17 the door handle on a 2015 Model S60 became inoperable, making it impossible to
18 enter the vehicle through the driver side door. He stated in his notice to the NHTSA
19 that, “This malfunction is very common in the Model S. The handle mechanism
20 should be redesigned and replaced via recall.”¹³

21 h. A driver in Frisco, Texas, reported to NHTSA that on January 2, 2018 that, after a
22 first handle stopped working and was repaired under warranty, a second door

23
24 ⁹ NHTSA Campaign Number: 10959509 (March 8, 2017), National Highway Traffic Safety Administration
(NHTSA), <<https://www.nhtsa.gov/?nhtsaId=10959509>>.

25 ¹⁰ NHTSA Campaign Number: 10979155 (April 18, 2017), National Highway Traffic Safety Administration
(NHTSA), <<https://www.nhtsa.gov/?nhtsaId=10979155>>.

26 ¹¹ NHTSA Campaign Number: 11009848 (July 18, 2017), National Highway Traffic Safety Administration
(NHTSA), <<https://www.nhtsa.gov/?nhtsaId=11009848>>.

27 ¹² NHTSA Campaign Number: 11055221 (December 18, 2017), National Highway Traffic Safety
Administration (NHTSA), <<https://www.nhtsa.gov/?nhtsaId=11055221>>.

28 ¹³ NHTSA Campaign Number: 11056980 (December 27, 2017), National Highway Traffic Safety
Administration (NHTSA), <<https://www.nhtsa.gov/?nhtsaId=11056980>>.

1 handle became inoperable on a 2015 Model S 60KWH leaving the owner to pay the
2 \$700 to \$1000 replacement cost of the now out-of-warranty second handle.¹⁴

3 i. A owner in Ivins, Utah, reported to NHTSA that on January 13, 2018, the door
4 handles in his 2014 Model S would present but not open. The owner had to replace
5 two handles.¹⁵

6 j. A crash occurred in Ft. Lauderdale, Florida, on May 8, 2018, resulting in an
7 immediate fire wherein two 18-year-olds who were trying to get out of the vehicle
8 were unable to escape their Model S and perished in the fire.¹⁶

9 k. A driver in Valencia, California, reported to NHTSA on June 18, 2018, that they were
10 concerned that rear passengers in their 2018 Model 3 could become trapped in case
11 of an electrical malfunction. "Safety issue with rear doors. Rear passengers and
12 specially (sic) children who are unable to exit through the front of the vehicle can
13 become trapped in the event of a fire or major collision that disables the electrical
14 power to the doors. Front doors are equipped with emergency release latch
15 however, rear doors have no such safety backup in a life and death situation."¹⁷

16 l. A driver in Greer, South Carolina, reported to NHTSA on June 24, 2018, that a 2015
17 Model S 60KWH driver side door handle malfunctioned, preventing access to the
18 interior unless the door is opened from the inside.¹⁸

19 m. A driver in Bainbridge Island, Washington, reported their concern to NHTSA on July
20 14, 2018 that "passenger doors opened electrically. I believe manual backup
21 opening exists only with front door. Will rear seat passengers be able to evacuate
22

23 ¹⁴ NHTSA Campaign Number: 11063142 (January 16, 2018), National Highway Traffic Safety Administration
(NHTSA), <<https://www.nhtsa.gov/?nhtsaId=11063142>>.

24 ¹⁵ NHTSA Campaign Number: 11063966 (January 21, 2018), National Highway Traffic Safety Administration
(NHTSA), <<https://www.nhtsa.gov/?nhtsaId=11063966>>.

25 ¹⁶ Brandon Beyer, Nicole Linsalata, *Teens Killed in Crash Were Just Days Away from Graduating From Pine
Crest* (May 8, 2018), WSVN-TV, <[https://wsvn.com/news/local/teens-killed-in-crash-were-just-days-away-
from-graduating-from-pine-crest/](https://wsvn.com/news/local/teens-killed-in-crash-were-just-days-away-from-graduating-from-pine-crest/)>.

26 ¹⁷ NHTSA Campaign Number: 11102352 (June 18, 2018), National Highway Traffic Safety Administration
(NHTSA), <<https://www.nhtsa.gov/?nhtsaId=11102352>>.

27 ¹⁸ NHTSA Campaign Number: 11104204 (June 27, 2018), National Highway Traffic Safety Administration
(NHTSA), <<https://www.nhtsa.gov/?nhtsaId=11104204>>.

1 arithmetic (sic) fire, or in water, or will they be trapped? Has not happened, but
2 might it happen?"¹⁹

3 n. A driver in Rye, New York, reported to NHTSA on August 3, 2018, that the doors of
4 their 2018 Model X 60 could not be opened either manually or with the FOB.²⁰

5 o. A driver in Carlisle, Pennsylvania, reported to NHTSA on August 22, 2018, that two
6 of the four door handles of a 2015 Model S had failed. The door handles failed to
7 emerge from the door body and there was no way to open either door from the
8 outside. "One was the driver's door [handle], which could pose a safety concern."²¹

9 p. A driver in Whittier, California, reported to NHTSA on October 22, 2018, that the
10 FOB would not open the door of a 2013 Model S, locking a toddler inside a hot car
11 for twenty minutes. After several attempts, the window was broken to rescue the
12 child. Shortly after that, the FOB started working again.²²

13 q. A driver in Scottsdale, Arizona, reported to NHTSA on January 3, 2019, that the
14 front passenger door handle of a Model S presented to open but would not open the
15 door when pulled. This is the owner's second door for this malfunction.²³

16 r. A fatal crash occurred in Davie, Florida, on February 24, 2019 after the Model S
17 caught on fire and the door handles ceased functioning. One witness said, "We had
18 only a couple of minutes. Several people were trying to find ways to get to the
19 driver but the car doors and bags trapped the driver and kept us from getting to
20 him before the car was taken over by fire." A police spokeswoman stated that a
21 nearby officer attempted to break the car's windows but could not get the driver
22 out.²⁴

23
24 ¹⁹ NHTSA Campaign Number: 11111289 (July 14, 2018), National Highway Traffic Safety Administration
(NHTSA), <<https://www.nhtsa.gov/?nhtsaId=11111289>>.

25 ²⁰ NHTSA Campaign Number: 11115665 (August 3, 2018), National Highway Traffic Safety Administration
(NHTSA), <<https://www.nhtsa.gov/?nhtsaId=11115665>>.

26 ²¹ NHTSA Campaign Number: 11124157 (September 3, 2018), National Highway Traffic Safety
Administration (NHTSA), <<https://www.nhtsa.gov/?nhtsaId=11124157>>.

27 ²² NHTSA Campaign Number: 11141882 (October 22, 2018), National Highway Traffic Safety Administration
(NHTSA), <<https://www.nhtsa.gov/?nhtsaId=11141882>>.

28 ²³ NHTSA Campaign Number: 11171057 (January 20, 2019), National Highway Traffic Safety Administration
(NHTSA), <<https://www.nhtsa.gov/?nhtsaId=11171057>>.

²⁴ Fred Labert, *Tesla Driver Dies in Burning Car After Crash, Witness Says Door Handles Wouldn't Work*
(February 25, 2019), Electrek, <<https://electrek.co/2019/02/25/tesla-crash-burning-car-door-handles/>>.

- 1 s. A driver reported to NHTSA on March 11, 2020, that they were worried about back
2 seat entrapment. "This was not an event, but a feature that could result in injury or
3 death. I am very concerned that the passenger doors do not have mechanical
4 release levers should the car loose (sic) power. That means I could be trapped in
5 the car if I am in the backseat... I have discussed this with a TESLA representative...
6 I asked to have the door handles replaced with door handles equipped with
7 emergency release levers, but I am told that this is not an option at this time." The
8 driver noted that they often had back seat passengers in their 80s, who would
9 struggle climbing into the front seat or into the trunk where the manual release
10 levers were located. They practiced exiting via the trunk while empty, and found it
11 difficult.²⁵
- 12 t. A driver in Sachse, Texas, reported to NHTSA on March 26, 2021, that the door
13 handles on their 2015 Model S broke around 30k miles, then again around 50k
14 miles, both times making it so that the vehicle could not be opened from the
15 outside. "It's a real safety issue for when you have kids strapped to car seats in the
16 even (sic) of an emergency... functioning outdoor and indoor handles are really
17 important in the event of an emergency such as fire after and (sic) accident."²⁶
- 18 u. An owner in Carlsbad, California, reported to NHTSA on August 8, 2021, that the 12
19 volt battery of their 2018 Model 3 failed without any prior warning, trapping his
20 wife. She panicked, crying and kicking at the window, which the owner broke to get
21 her out. TESLA told them that they should have known about the manual door
22 release to avoid breaking the window, but the owner noted that "this manual door
23 release is unmarked and inconspicuous," and that the display screen where the car's
24 user manual could be accessed was unresponsive due to the battery failure. The
25 owner remarked, "the unmarked door release is an insufficient safety feature.
26

27 ²⁵ NHTSA Campaign Number: 11317593 (March 11, 2020), National Highway Traffic Safety Administration
(NHTSA), <<https://www.nhtsa.gov/?nhtsaId=11317593>>.

28 ²⁶ NHTSA Campaign Number: 11405049 (March 26, 2021), National Highway Traffic Safety Administration
(NHTSA), <<https://www.nhtsa.gov/?nhtsaId=11405049>>.

1 Airplanes, buses, trains all have emergency exits marked. Apparently TESLA chose
2 not to do this. TESLA created an unsafe situation where people can be trapped."²⁷

3 v. An owner in Colorado Springs, Colorado, reported to NHTSA on October 14, 2021,
4 that sometimes their 2016 Model S would not let them out or in, especially in the
5 rear driver's side door, which "presents a huge safety issue." Their son was
6 previously trapped by the faulty door, and it took about five cycles of locking and
7 unlocking the electronic door handle before the door finally could be opened. TESLA
8 quoted the owner \$700 to repair the door handles that "are locking me and the kids
9 inside the car," but the owner did not have the money to do the repair
10 immediately.²⁸

11 w. A driver in Kansas City, Missouri, reported to NHTSA on April 9, 2022, that their
12 2018 Model S shut down and doors became inoperable after hitting a deer on the
13 interstate. "No injuries but could have been a disaster if someone was trapped
14 inside."²⁹

15 x. A driver in Irvine, California, reported to NHTSA on May 23, 2022, that they were
16 worried that the rear door handles of their 2022 Model S could not be opened from
17 the outside in the event of a power failure. "My concern is when a child is strapped
18 in car seat in the back and power is out due to electric problem and the car is on
19 fire, there is no quick way to get to the child. . . this is a safety hazard that needs to
20 be addressed right away. I emphasis (sic) this has not happened... but is a potential
21 of a disaster."³⁰

22 y. A driver in Golden, Colorado, reported to NHTSA on June 29, 2022, that after
23 swerving to avoid a truck, their 2019 Model 3 shut down. They were stuck in the
24 middle of the road, hazard lights did not work, and the air conditioning stopped. The

25
26 ²⁷ NHTSA Campaign Number: 11428766 (August 11, 2021), National Highway Traffic Safety Administration
(NHTSA), <<https://www.nhtsa.gov/?nhtsaId=11428766>>.

27 ²⁸ NHTSA Campaign Number: 11436809 (October 14, 2021), National Highway Traffic Safety Administration
(NHTSA), <<https://www.nhtsa.gov/?nhtsaId=11436809>>.

28 ²⁹ NHTSA Campaign Number: 11460242 (April 9, 2022), National Highway Traffic Safety Administration
(NHTSA), <<https://www.nhtsa.gov/?nhtsaId=11460242>>.

³⁰ NHTSA Campaign Number: 11465819 (May 23, 2022), National Highway Traffic Safety Administration
(NHTSA), <<https://www.nhtsa.gov/?nhtsaId=11465819>>.

1 doors and windows also stopped working, leaving the driver and their five-year-old
2 trapped, with outside temperatures around 100 degrees Fahrenheit. TESLA
3 Roadside refused to assist, as the car was not in the driver's name. "My 5yo
4 daughter and I could have died either of suffocation or by collision."³¹

5 z. A driver in Hermosa Beach, California, reported to NHTSA on July 31, 2022, that the
6 rear passenger side door of their 2020 Model Y could not be opened. "It is a safety
7 issue as if there was an accident (or other reason) someone needed to quickly get
8 out of the car and that was the exit door, they would be trapped." The driver noted
9 that it is possible, but difficult, to kick the door open. "It would be very hard for a
10 young or old person to press that button and kick at door, making it impossible for
11 them to escape."³²

12 aa. A driver in Cape Coral, Florida, reported to NHTSA on September 3, 2022, that her
13 2017 Model X shut off inadvertently, and she was unable to restart it. She was
14 unable to open the doors, and the vehicle became increasingly hot. The driver
15 crawled to the rear seats and removed both the rear driver's side and the
16 passenger's side door panels in order to access the emergency releases. One person
17 pushed the rear door from the inside, while another person pulled the rear door
18 from the outside and the door opened, allowing passengers to exit the vehicle.³³

19 bb. A driver in Honolulu, Hawaii, reported to NHTSA on October 20, 2022, that the 12
20 volt battery on their 2020 Model 3 failed after a brief warning on the control screen
21 stated that the battery should be replaced soon. The driver could not open the door,
22 and had to use their mobile phone to access the car user manual through the TESLA
23 website to remember how to use the mechanical latch. Once the driver exited the
24 car, they could not re-enter. "My biggest concern is that if a child or an animal were
25 in the back seat there would be NO WAY to get them out without breaking a
26

27 ³¹ NHTSA Campaign Number: 11473540 (July 12, 2022), National Highway Traffic Safety Administration
(NHTSA), <<https://www.nhtsa.gov/?nhtsaId=11473540>>.

28 ³² NHTSA Campaign Number: 11477726 (August 5, 2022), National Highway Traffic Safety Administration
(NHTSA), <<https://www.nhtsa.gov/?nhtsaId=11477726>>.

³³ NHTSA Campaign Number: 11486033 (September 23, 2022), National Highway Traffic Safety
Administration (NHTSA), <<https://www.nhtsa.gov/?nhtsaId=11486033>>.

1 window." The driver also stated that the TESLA technician who serviced the car said
2 he had seen a lot of 12 volt battery failures, and had four more to address that
3 day.³⁴

4 cc. Injuries from a crash in Leesburg, Virginia on December 9, 2023, were exacerbated
5 when the off-duty firefighter who responded could not open the Model Y's doors. He
6 smashed the driver's window and reached inside for the manual release, burning
7 himself. "I'm trying to open the door and it's like, "what the hell, where is the
8 backup thing?" While he was able to pull the driver out through the window, he
9 could not get the passenger out, and by the time hydraulic cutters arrived, the
10 passenger had lasting damage to her lungs and third-degree burns on her face. The
11 rescuer reflected, "it's the most horrible thing, to see a human burning. . . If I was
12 able to open the doors, I could have gotten them both out before the fire
13 department even got there."³⁵

14 dd. A driver in Tempe, Arizona, reported to NHTSA on May 24, 2024, that they were
15 trapped in their 2021 Model Y when the 12 volt battery died without warning. They
16 called a friend, who attempted and failed to open the car from the outside. The
17 driver made an emergency request for roadside assistance through the TESLA app,
18 and after several minutes, received a text that their request was being reviewed.
19 The driver responded to that text saying they were trapped, and received a
20 response text explaining where the emergency release was. The driver feared future
21 incidents, stating "what if I had put my 3 year old grandchild in her car seat and
22 shut the door to get in the driver side? She would not be able to pull an emergency
23 lever!"³⁶

24 ee. A driver in Cincinnati, Ohio, reported to NHTSA on June 4, 2024, that their 2019
25 Model S shut off immediately after loading their child into the car, trapping the child

26 ³⁴ NHTSA Campaign Number: 11491050 (October 26, 2022), National Highway Traffic Safety Administration
(NHTSA), <<https://www.nhtsa.gov/?nhtsaId=11491050>>.

27 ³⁵ Dana Hull, Emily Chang and Kara Carlson, *Tesla's Dangerous Doors: When Teslas Lose Power, Crashes Can*
28 *Turn into Deadly Races Against Time* (September 10, 2025), Bloomberg,
<<https://www.bloomberg.com/features/2025-tesla-dangerous-doors/>>.

³⁶ NHTSA Campaign Number: 11591608 (May 30, 2024), National Highway Traffic Safety Administration
(NHTSA), <<https://www.nhtsa.gov/?nhtsaId=11591608>>.

1 inside, where the temperature was 93 degrees Fahrenheit. They contacted TESLA
2 customer support multiple times, who told them to call 911. Emergency services
3 broke the window, freeing the child, about one hour after the entrapment began. At
4 the time of release, the internal temperature of the car was approximately 110
5 degrees Fahrenheit. "We were told multiple times there is absolutely no way to open
6 an (sic) Model S door manually from the outside. And given no options. We
7 informed them we were at our house and had multiple tools. However we were
8 unable to break the window on our own and had to call 911."³⁷

9 ff. A driver in Moreno Valley, California, reported to NHTSA on September 6, 2024, that
10 their 2023 Model 3 had failed to charge even while plugged in on at least two
11 occasions. "The critical safety issue involves TESLA's door locking system,
12 specifically the lack of a readily accessible and obvious manual door release in the
13 rear seat. . . the absence of a clearly identifiable manual release mechanism for the
14 rear doors creates a severe safety risk. In an emergency, such as a power failure or
15 accident, a child or any rear-seat passenger may be trapped without an obvious way
16 to exit, increasing the potential for injury or death... this is a critical fire hazard."³⁸

17 gg. A driver in Wilmette, Illinois, reported to NHTSA on March 7, 2024, that they were
18 concerned about entrapment in their 2018 Model 3. "In several accidents and fires
19 in Model 3s it became apparent that when the electric door openers on the rear door
20 fail, the backup mechanical system is completely inadequate particularly for
21 incidental passengers. . . the rear doors require a number of steps that are odd and
22 certainly not obvious or intuitive, leading to a very dangerous situation when a very
23 fast exit is needed."³⁹

24 hh. On October 24, 2024, four people were killed in Toronto, Canada, after the Model Y
25 they were riding in crashed and burst into flames. A rescuer who had smashed a

26 ³⁷ NHTSA Campaign Number: 11529780 (June 6, 2024), National Highway Traffic Safety Administration
27 (NHTSA), <<https://www.nhtsa.gov/?nhtsaId=11592780>>.

28 ³⁸ NHTSA Campaign Number: 11614665 (September 15, 2024), National Highway Traffic Safety
Administration (NHTSA), <<https://www.nhtsa.gov/?nhtsaId=11614665>>.

³⁹ NHTSA Campaign Number: 11628467 (December 3, 2024), National Highway Traffic Safety Administration
(NHTSA), <<https://www.nhtsa.gov/?nhtsaId=11628467>>

1 window to extricate the sole survivor, said, “you couldn’t open the doors... I would
2 assume the young lady would have tried to open the door from the inside, because
3 she was pretty desperate to get out... I don’t know if that was the battery or what,
4 but she couldn't get out.”⁴⁰

5 **TESLA Knew Safe Alternatives and Chose Not to Use Them**

6 35. The severity of the hazard is underscored by the fact that Tesla customers resorted
7 to makeshift solutions — attaching lanyards, key rings, or labels to the hidden releases, and even
8 purchasing aftermarket kits — simply to give their families a chance to escape in an emergency.⁴¹
9 That consumers have resorted to such measures is evidence not only of a dangerously defective
10 design, but also of TESLA’s willful disregard for safety.

11 36. TESLA’s history of defective door handles is particularly egregious because they
12 knew from the outset how to design a system that avoided the hazard of power-loss entrapment.
13 The original Model S, the first vehicle fully designed by TESLA, featured interior front door handles
14 that combined an electronic and mechanical latch. When the car had power, pulling the handle
15 opened the door electronically; when power was lost, pulling the same handle opened the door
16 mechanically.

17 37. TESLA’s own Chief Designer, Franz von Holzhausen, has since acknowledged what is
18 common sense: in emergencies, door releases must be intuitive and rely on the occupant’s muscle
19 memory. In a 2025 interview, when asked about the NHTSA’s investigation into Tesla door
20 handles, he stated: “[T]he idea of combining the electronic one and the manual one together into
21 one button. . . makes a lot of sense. It really helps. . . the muscle memory of reaching for
22 something every day is there, and so you intuitively just grab the same thing and you’re free.”⁴²

23 38. TESLA has further demonstrated its awareness of the dangers of unlabeled,
24 unintuitive mechanical releases by manufacturing certain front emergency door latches to include

25 ⁴⁰ Frank Landymore, *Four Passengers Die After Being Trapped in Burning Tesla After Electronic Doors*
26 *Seemingly Won't Open* (November 12, 2024), MSN, <<https://www.msn.com/en-us/autos/news/four-passengers-die-after-being-trapped-in-burning-tesla-after-electronic-doors-seemingly-wont-open/ar-AA1tYcwj>>.

27 ⁴¹ Justin Banner, *Tesla Owners are Making Their Own Emergency Door Releases* (May 23, 2025), Motortrend,
28 <<https://www.motortrend.com/news/owners-tesla-diy-emergency-backup-door-releases>>.

⁴² *Tesla Chief Designer Franz Von Holzhausen; A \$30,000 Ducati X Diavel S | Bloomberg Hot Pursuit!*
(September 19, 2025), Bloomberg Podcasts,
<<https://www.youtube.com/watch?v=34OKUmJsmUs&t=2299s>>, at 39:59-40:24.

1 a pictogram showing a car with an open door inside a triangle.⁴³ Yet TESLA continues to market
2 and sell vehicles, including the Cybertruck, without such markings.

3 39. It is therefore clear that safer, feasible designs have long been available to TESLA,
4 and that their own engineers understand the dangers created by failing to combine electronic and
5 mechanical functions in a single, intuitive release. Despite this knowledge, TESLA consciously
6 chose not to adopt these safer alternatives.

7 40. Plaintiffs allege that TESLA had long been on notice of a design defect and knew
8 vehicles had already claimed lives in post-crash fires, and that customers and rescuers were
9 warning of exactly the hazard that killed Krysta Michelle Tsukahara: rear passengers unable to
10 escape or be rescued following a collision, when electronic door systems failed due to power loss
11 or other crash damage. Despite this knowledge, TESLA did not correct the defect and continued to
12 sell vehicles, including the subject Cybertruck involved in this collision, that trapped their
13 occupants inside the vehicle during emergency situations.

14 **THIRD CAUSE OF ACTION**

15 **(Strict Products Liability – Design Defect: Crashworthiness – Against Defendants**

16 **TESLA, INC. and DOES 21 through 40)**

17 As a separate third cause of action, Plaintiffs CARL TSUKAHARA, individually and as the
18 Successor in Interest of Decedent, Krysta Michelle Tsukahara, and NOELLE TSUKAHARA complain
19 against Defendants TESLA, Inc. and DOES 21 through 40, and each of them, and alleges:

20 41. Plaintiffs reallege and incorporate herein by reference each and every allegation
21 contained in paragraphs 1 through 40 above as though fully set forth herein.

22 42. At all relevant times, Defendant TESLA, INC. (“TESLA”), and DOES 21 through 40,
23 were engaged in the business of designing, manufacturing, assembling, testing, marketing,
24 distributing, and selling in the stream of commerce to California residents, Tesla vehicles including
25 but not limited to the subject 2024 TESLA Cybertruck (the “subject vehicle”) with California license
26 plate 69766Y3. At all relevant times the TESLA Defendants knew and intended that the subject
27

28 ⁴³ Model Y Owner’s Manual, Opening Doors with No Power (2025), Tesla,
<https://www.tesla.com/ownersmanual/modely/en_us/GUID-A7A60DC7-E476-4A86-9C9C-10F4A276AB8B.html>.

1 vehicle would be used by members of the general public without inspection for defects. At all
2 relevant times, the subject vehicle was being used in way that was reasonably foreseeable to the
3 TESLA Defendants.

4 43. The subject vehicle was expected to, and did, reach Decedent Krysta Michelle
5 Tsukahara without substantial change in its condition from the time it was manufactured and
6 placed into the stream of commerce by the TESLA Defendants.

7 44. The subject vehicle was defectively designed and unreasonably dangerous under the
8 consumer expectation test and/or the risk-benefit test in that it failed to provide adequate
9 crashworthiness and occupant protection in a foreseeable collision. Specifically, the subject
10 Cybertruck was designed and manufactured in a condition that:

- 11 a. Allowed the vehicle to ignite and sustain an uncontrolled post-collision fire;
- 12 b. Failed to incorporate reasonable and feasible design safeguards to prevent or
13 mitigate occupant entrapment following a collision;
- 14 c. Utilized electronic door release mechanisms and structural designs that
15 prevented timely escape or rescue of occupants once the vehicle was
16 disabled and engulfed in fire;
- 17 d. Lacked adequate redundancy, fail-safes, or accessible and intuitive manual
18 overrides for emergency egress in foreseeable collision scenarios;
- 19 e. Failed to design a default system which would cause the doors to
20 automatically open upon impact and loss of electrical power in the subject
21 vehicle; and,
- 22 f. Did not perform in a reasonably safe manner in a foreseeable frontal impact,
23 as evidenced by the inability of occupants to exit or be rescued despite being
24 conscious immediately following the crash.

25 45. On November 27, 2024, Decedent Krysta Michelle Tsukahara was involved in a
26 collision while riding as a passenger in the subject vehicle as it was being operated by
27 Decedent Soren Mangseth Dixon in a reasonably foreseeable manner.

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1 46. Following the subject collision, the subject vehicle ignited and became engulfed in
2 an uncontrolled post-collision fire. Decedent Krysta Michelle Tsukahara survived the initial collision
3 and was fully conscious and aware of her perilous and life-threatening situation inside the burning
4 vehicle.

5 47. Due to the defective design of the subject vehicle, the collision and subsequent loss
6 of electrical power caused the electronic door release system to fail. As a direct result,
7 Decedent Krysta Michelle Tsukahara and the other occupants were unable to open the doors and
8 were trapped inside the vehicle.

9 48. The vehicle's design made it susceptible to catch fire upon impact and the door
10 system's vulnerability made it susceptible to an electrical failure during the collision. There was
11 no default system that had the doors open upon deployment of the airbags and loss of electrical
12 power. The vehicle also lacked a functional, accessible, and conspicuous manual door release
13 mechanism, fail-safe, or other redundant system for emergency egress. All of which were defects
14 in the design and manufacture of the subject vehicle. These defects created a foreseeable and
15 unreasonable risk of occupant entrapment and death in the event of a collision resulting in power
16 loss, rendering the vehicle a death trap.

17 49. As a direct and proximate result of the aforementioned defects, Decedent Krysta
18 Michelle Tsukahara and other occupants were trapped inside the subject vehicle after the impact.
19 Witnesses attempted but were unable to open the doors through ordinary means, requiring
20 repeated force to break windows. By the time partial extrication was achieved, the post-crash fire
21 had spread, preventing further rescue and trapping Decedent Krysta Michelle Tsukahara inside the
22 TESLA Cybertruck and being burned to death.

23 50. The TESLA Defendants knew or should have known about these defects but failed to
24 correct them or adequately warn consumers about them. The TESLA Defendants' conduct in
25 ignoring known safety risks demonstrates a conscious disregard for the safety of consumers,
26 including Decedent Krysta Michelle Tsukahara.

27 51. Prior to the incident involving Decedent Krysta Michelle Tsukahara, the TESLA
28 Defendants had received reports of similar incidents involving the same model vehicle catching fire

1 upon impact and experiencing system failures which resulted in the doors not being able to be
2 opened trapping the occupants and causing death by exposure to fire. Despite this knowledge, the
3 TESLA Defendants continued to sell the vehicle without addressing these serious safety defects or
4 warning customers about the risks.

5 51. The subject vehicle was defectively designed, manufactured, fabricated, assembled,
6 sold, serviced, maintained, distributed, and/or retailed by the TESLA Defendants and DOES 21
7 through 40. These defects caused the wrongful death of Decedent Krysta Michelle Tsukahara.

8 52. At the time of the subject incident, the subject vehicle was substantially the same
9 as when it left the possession of the TESLA Defendants. Alternatively, any changes made to the
10 subject vehicle after it left the possession of the TESLA Defendants were reasonably foreseeable to
11 those Defendants.

12 53. The TESLA Defendants had specific knowledge of the risk, and/or should have
13 known of the risk by the application of scientific knowledge available at the time of manufacture of
14 the subject vehicle.

15 54. These foreseeable and preventable defects were a substantial factor in causing the
16 injuries and death of Decedent Krysta Michelle Tsukahara and the resulting damages to Plaintiffs.

17 55. As a direct and proximate result of the defective nature of the subject vehicle, after
18 the collision, but before her death, Decedent Krysta Michelle Tsukahara experienced severe
19 emotional distress, fright, and conscious pain and suffering, all directly caused by TESLA's
20 negligent design and failure to provide a safe means of escape.

21 56. As a direct and proximate result of the defective nature of the subject vehicle,
22 Plaintiffs are entitled to general and special damages, including wrongful death damages, survival
23 damages, funeral and burial expenses, prejudgment interest, costs of suit, and such other and
24 further relief as this Court may deem just and proper.

25 57. The conduct of Defendant TESLA, INC. ("TESLA") and DOES 21 through 40, as
26 described herein, was despicable and carried on with a willful and conscious disregard for the
27 rights and safety of others, including Decedent Krysta Michelle Tsukahara, constituting malice,

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1 oppression, or fraud, and thereby warranting the imposition of punitive damages pursuant to
2 California Civil Code § 3294.

3 Plaintiffs CARL TSUKAHARA, individually and as the Successor in Interest of Decedent,
4 Krysta Michelle Tsukahara, and NOELLE TSUKAHARA pray for judgment against Defendants
5 TESLA, INC. and DOES 21 through 40, and each of them, for:

- 6 a. Noneconomic damages in excess of the minimum jurisdictional requirements
7 of this Court;
- 8 b. All funeral, burial, medical and other expenses according to proof;
- 9 c. Interest to the extent allowed by law;
- 10 d. All loss of the Decedent's care and economic and non-economic support,
11 according to proof;
- 12 e. Pursuant to California Code of Civil Procedure Section 377.34, non-economic
13 damages for Decedent Krysta Michelle Tsukahara's emotional fear, worry and
14 fright as well as for pain, suffering, and harm from disfigurement as suffered
15 by Decedent Krysta Michelle Tsukahara prior to her death, in excess of the
16 minimum jurisdictional requirements of this Court;
- 17 f. All past personal property damage incurred by the Decedent, according to
18 proof;
- 19 g. Punitive and/or exemplary damages according to proof and sufficient to
20 punish the TESLA Defendants and deter similar conduct in the future
21 pursuant to California Civil Code Section 3294;
- 22 h. All costs of suit; and,
- 23 i. Such other and further relief as this Court may deem just and proper.

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1 **FOURTH CAUSE OF ACTION**

2 **(Negligence – Design, Manufacture, and Testing: Crashworthiness – Against Defendants**

3 **TESLA, INC. and DOES 21 through 40)**

4 As a separate fourth cause of action, Plaintiffs CARL TSUKAHARA, individually and as the
5 Successor in Interest of Decedent, Krysta Michelle Tsukahara, and NOELLE TSUKAHARA complain
6 against Defendants TESLA, Inc. and DOES 21 through 40, and each of them, and alleges:

7 58. Plaintiffs reallege and incorporate herein by reference each and every allegation
8 contained in paragraphs 1 through 57 above as though fully set forth herein.

9 59. At all relevant times, Defendant TESLA, INC. (“TESLA”), and DOES 21 through 40,
10 owed a duty to Plaintiffs, Decedent Krysta Michelle Tsukahara, and the public at large to exercise
11 reasonable care in the design, manufacture, testing, inspection, distribution, and sale of the
12 subject 2024 Tesla Cybertruck, including a duty to ensure that the vehicle was reasonably safe
13 and crashworthy in foreseeable collision scenarios and to provide adequate warnings and
14 instructions regarding known and reasonably foreseeable dangers.

15 60. The TESLA Defendants breached their duty of care in one or more of the following
16 respects:

- 17 a. Designing, manufacturing, and placing into the stream of commerce a
18 vehicle that was unreasonably prone to catastrophic post-collision fire;
- 19 b. Failing to design or incorporate reasonable and feasible safeguards to allow
20 safe and timely occupant egress following a foreseeable collision;
- 21 c. Utilizing electronic and power-dependent door release mechanisms without
22 adequate mechanical redundancies or overrides, thereby preventing rescue
23 and escape when the vehicle’s power system failed or was compromised;
- 24 d. Failing to reasonably test or validate the crashworthiness and fire
25 survivability of the subject vehicle prior to release;
- 26 e. Failing to design a default system which would cause the doors to
27 automatically open upon impact and loss of electrical power in the subject
28 vehicle;

- 1 f. Failing to warn purchasers and users of the unreasonable risk of occupant
- 2 entrapment and post-collision fire presented by the vehicle's design;
- 3 g. Failing to design an intuitive, marked, or accessible manual release
- 4 mechanism for the doors, which would allow escape in an emergency;
- 5 h. Ignoring known hazards associated with high-voltage lithium-ion battery
- 6 systems and inadequate emergency egress features; and,
- 7 i. That these hazards could lead to preventable deaths and injuries.

8 61. The TESLA Defendants failed to conduct adequate testing to identify these safety
9 risks and provide reasonable crashworthiness protection.

10 62. The TESLA Defendants knew, or in the exercise of reasonable care should have
11 known, that the subject vehicle's design posed an unreasonable risk of severe injury or death in
12 the event of a foreseeable collision followed by post-crash fire and an electrical failure rendering
13 the vehicle's door system inoperable.

14 63. The TESLA Defendants failed to implement reasonable alternative designs that
15 would have prevented or reduced the risk of a post-collision fire and/or an electrical door failure,
16 which would result in individuals being trapped and burned to death.

17 64. As a direct and proximate result of the TESLA Defendants' negligence, the subject
18 vehicle failed to provide reasonable crashworthiness protection. Occupants, including Decedent
19 Krysta Michelle Tsukahara, were trapped inside the vehicle following impact and unable to escape
20 before it became engulfed in fire. Witnesses attempted but were unable to access the doors or
21 remove all passengers due to the vehicle's design and fire progression.

22 65. As a further direct and proximate result of TESLA's negligence, after the collision,
23 but before her death, Decedent Krysta Michelle Tsukahara experienced severe emotional distress,
24 fright, and conscious pain and suffering, all directly caused by TESLA's negligent design and failure
25 to provide a safe means of escape.

26 66. The defects and negligent acts and omissions of the TESLA Defendants were a
27 substantial factor in causing the injuries and death of Decedent Krysta Michelle Tsukahara and the
28 damages suffered by Plaintiffs.

1 67. As a direct and proximate result of the negligence of the TESLA Defendants,
2 Plaintiffs are entitled to general and special damages, including wrongful death damages, survival
3 damages, funeral and burial expenses, prejudgment interest, costs of suit, and such other and
4 further relief as the Court may deem just and proper.

5 68. The conduct of Defendant TESLA, INC. ("TESLA") and DOES 21 through 40, as
6 described herein, was despicable and carried on with a willful and conscious disregard for the
7 rights and safety of others, including Decedent Krysta Michelle Tsukahara, constituting malice,
8 oppression, or fraud, and thereby warranting the imposition of punitive damages pursuant to
9 California Civil Code § 3294.

10 Plaintiffs CARL TSUKAHARA, individually and as the Successor in Interest of Decedent,
11 Krysta Michelle Tsukahara, and NOELLE TSUKAHARA pray for judgment against Defendants
12 TESLA, INC. and DOES 21 through 40, and each of them, for:

- 13 a. Noneconomic damages in excess of the minimum jurisdictional requirements
14 of this Court;
- 15 b. All funeral, burial, medical and other expenses according to proof;
- 16 c. Interest to the extent allowed by law;
- 17 d. All loss of the Decedent's care and economic and non-economic support,
18 according to proof;
- 19 e. Pursuant to California Code of Civil Procedure Section 377.34, non-economic
20 damages for her emotional fear, worry and fright as well as for pain,
21 suffering, and harm from disfigurement as suffered by Decedent Krysta
22 Michelle Tsukahara prior to her death, in excess of the minimum
23 jurisdictional requirements of this Court;
- 24 f. All past personal property damage incurred by the Decedent, according to
25 proof;
- 26 g. Punitive and/or exemplary damages according to proof and sufficient to
27 punish the TESLA Defendants and deter similar conduct in the future
28 pursuant to California Civil Code Section 3294;

- 1 h. All costs of suit; and,
2 i. Such other and further relief as this Court may deem just and proper.

3 **FIFTH CAUSE OF ACTION**

4 **(Strict Products Liability – Failure to Warn – Against Defendants**

5 **TESLA, INC. and DOES 21 through 40)**

6 As a separate fifth cause of action, Plaintiffs CARL TSUKAHARA, individually and as the
7 Successor in Interest of Decedent, Krysta Michelle Tsukahara, and NOELLE TSUKAHARA complain
8 against Defendants TESLA, Inc. and DOES 21 through 40, and each of them, and alleges:

9 69. Plaintiffs reallege and incorporate herein by reference each and every allegation
10 contained in paragraphs 1 through 68 above as though fully set forth herein.

11 70. At all relevant times, Defendant TESLA, INC. (“TESLA”), and DOES 21 through 40,
12 were engaged in the business of designing, manufacturing, distributing, and selling the subject
13 2024 TESLA Cybertruck.

14 71. The subject vehicle was expected to, and did, reach Decedent Krysta Michelle
15 Tsukahara without substantial change in its condition from the time it was manufactured and
16 placed into the stream of commerce by the TESLA Defendants.

17 72. The subject vehicle was defective because it failed to contain adequate warnings
18 and instructions regarding the risk of entrapment, inability to open doors following a crash, and
19 the risk of post-collision battery fire. These potential risks that were known or knowable to the
20 TESLA Defendants in light of scientific knowledge that was generally accepted at the time of
21 manufacture, distribution, and sale.

22 73. The TESLA Defendants knew, or reasonably should have known, that the subject
23 vehicle created foreseeable hazards, including:

- 24 a. That its electronic door release system could fail after a collision or loss of
25 electrical power;
26 b. That occupants and rescuers could be unable to open the doors or windows
27 in an emergency;

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- 1 c. That high-voltage battery systems posed a risk of rapid thermal runaway and
2 fire;
- 3 d. That there was no default system which would cause the doors to
4 automatically open upon impact and loss of electrical power in the subject
5 vehicle;
- 6 e. That there was a lack of an intuitive, marked, or accessible manual release
7 mechanism for the doors, which would allow escape in an emergency; and,
- 8 f. That these hazards could lead to preventable deaths and injuries.

9 74. The TESLA Defendants failed to provide adequate warnings or instructions to users,
10 consumers, or rescuers regarding these dangers, including reasonable emergency procedures for
11 escape.

12 75. The absence of adequate warnings rendered the subject vehicle unreasonably
13 dangerous.

14 76. The lack of sufficient warnings was a substantial factor in causing Decedent Krysta
15 Michelle Tsukahara's injuries and death.

16 77. As a direct and proximate result, Decedent Krysta Michelle Tsukahara and others
17 were unable to exit or be rescued from the vehicle in a foreseeable collision event, causing
18 Decedent Krysta Michelle Tsukahara's death and Plaintiffs' damages.

19 78. As a further direct and proximate result of TESLA's failure to warn, after the
20 collision, but before her death, Decedent Krysta Michelle Tsukahara experienced severe emotional
21 distress, fright, and conscious pain and suffering, all directly caused by TESLA's negligent design
22 and failure to provide a safe means of escape.

23 79. Plaintiffs are entitled to general and special damages, including wrongful death
24 damages, survival damages, funeral and burial expenses, prejudgment interest, costs of suit, and
25 such other and further relief as the Court may deem just and proper.

26 80. The conduct of Defendant TESLA, INC. ("TESLA") and DOES 21 through 40, as
27 described herein, was despicable and carried on with a willful and conscious disregard for the
28 rights and safety of others, including Decedent Krysta Michelle Tsukahara, constituting malice,

1 oppression, or fraud, and thereby warranting the imposition of punitive damages pursuant to
2 California Civil Code § 3294.

3 Plaintiffs CARL TSUKAHARA, individually and as the Successor in Interest of Decedent,
4 Krysta Michelle Tsukahara, and NOELLE TSUKAHARA pray for judgment against Defendants
5 TESLA, INC. and DOES 21 through 40, and each of them, for:

- 6 a. Noneconomic damages in excess of the minimum jurisdictional requirements
7 of this Court;
- 8 b. All funeral, burial, medical and other expenses according to proof;
- 9 c. Interest to the extent allowed by law;
- 10 d. All loss of the Decedent's care and economic and non-economic support,
11 according to proof;
- 12 e. Pursuant to California Code of Civil Procedure Section 377.34, non-economic
13 damages for her emotional fear, worry and fright as well as for pain,
14 suffering, and harm from disfigurement as suffered by Decedent Krysta
15 Michelle Tsukahara prior to her death, in excess of the minimum
16 jurisdictional requirements of this Court;
- 17 f. All past personal property damage incurred by the Decedent, according to
18 proof;
- 19 g. Punitive and/or exemplary damages according to proof and sufficient to
20 punish the TESLA Defendants and deter similar conduct in the future
21 pursuant to California Civil Code Section 3294;
- 22 h. All costs of suit; and,
- 23 i. Such other and further relief as this Court may deem just and proper.

24 **SIXTH CAUSE OF ACTION**

25 **(Negligent Failure to Warn – Against Defendants TESLA, INC. and DOES 21 through 40)**

26 As a separate sixth cause of action, Plaintiffs CARL TSUKAHARA, individually and as the
27 Successor in Interest of Decedent, Krysta Michelle Tsukahara, and NOELLE TSUKAHARA complain
28 against Defendants TESLA, Inc. and DOES 21 through 40, and each of them, and alleges:

1 81. Plaintiffs reallege and incorporate herein by reference each and every allegation
2 contained in paragraphs 1 through 80 above as though fully set forth herein.

3 82. At all relevant times, Defendant TESLA, INC. ("TESLA"), and DOES 21 through 40,
4 owed a duty to exercise reasonable care in the design, manufacture, distribution, and sale of the
5 subject 2024 TESLA Cybertruck, including a duty to provide adequate warnings and instructions
6 regarding known and reasonably foreseeable dangers.

7 83. The subject vehicle had potential risks that were known or knowable to the TESLA
8 Defendants in light of scientific knowledge that was generally accepted at the time of
9 manufacture, distribution, and sale.

10 84. The TESLA Defendants knew or in the exercise of reasonable care should have
11 known that the subject vehicle created unreasonable risks of harm that required specific warnings,
12 including:

- 13 a. That its electronic and power-dependent door release system could fail after
14 a collision or loss of electrical power, trapping occupants inside the vehicle;
- 15 b. That occupants and rescuers would be unable to timely open the doors or
16 exit the vehicle in the event of a collision or fire;
- 17 c. That the vehicle's high-voltage lithium-ion battery system posed a
18 foreseeable risk of post-collision thermal runaway and fire;
- 19 d. That there was no default system which would cause the doors to
20 automatically open upon impact and loss of electrical power in the subject
21 vehicle;
- 22 e. That there was a lack of an intuitive, marked, or accessible manual release
23 mechanism for the doors, which would allow escape in an emergency; and,
- 24 f. That these hazards were not apparent to ordinary consumers.

25 85. Despite this knowledge, the TESLA Defendants negligently failed to provide
26 adequate and effective warnings or instructions to purchasers, users, occupants, rescuers, and
27 first responders regarding these hazards.

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1 86. The TESLA Defendants further failed to provide instructions on feasible emergency
2 procedures or manual overrides for door and window egress in foreseeable crash scenarios.

3 87. A reasonably prudent manufacturer under the same or similar circumstances would
4 have issued clear, adequate, and prominent warnings and instructions to alert users and rescuers
5 to the risks of entrapment and inability for extraction from post-collision fire and subsequent
6 electrical failure impacting the vehicle's door system.

7 88. The TESLA Defendants' negligent failure to warn and instruct was a substantial
8 factor in causing Decedent Krysta Michelle Tsukahara's entrapment, injuries, and death, and the
9 resulting damages to Plaintiffs.

10 89. As a further direct and proximate result of TESLA's failure to warn, after the
11 collision, but before her death, Decedent Krysta Michelle Tsukahara experienced severe emotional
12 distress, fright, and conscious pain and suffering, all directly caused by TESLA's negligent design
13 and failure to provide a safe means of escape.

14 90. As a direct and proximate result of the TESLA Defendants' negligence, Plaintiffs are
15 entitled to compensatory damages according to proof, together with costs of suit, prejudgment
16 interest, and such other relief as the Court may deem just and proper

17 91. The conduct of Defendant TESLA, INC. ("TESLA") and DOES 21 through 40, as
18 described herein, was despicable and carried on with a willful and conscious disregard for the
19 rights and safety of others, including Decedent Krysta Michelle Tsukahara, constituting malice,
20 oppression, or fraud, and thereby warranting the imposition of punitive damages pursuant to
21 California Civil Code § 3294.

22 Plaintiffs CARL TSUKAHARA, individually and as the Successor in Interest of Decedent,
23 Krysta Michelle Tsukahara, and NOELLE TSUKAHARA pray for judgment against Defendants
24 TESLA, INC. and DOES 21 through 40, and each of them, for:

- 25 a. Noneconomic damages in excess of the minimum jurisdictional requirements
26 of this Court;
- 27 b. All funeral, burial, medical and other expenses according to proof;
- 28 c. Interest to the extent allowed by law;

- 1 d. All loss of the Decedent's care and economic and non-economic support,
2 according to proof;
- 3 e. Pursuant to California Code of Civil Procedure Section 377.34, non-economic
4 damages for her emotional fear, worry and fright as well as for pain,
5 suffering, and harm from disfigurement as suffered by Decedent Krysta
6 Michelle Tsukahara prior to her death, in excess of the minimum
7 jurisdictional requirements of this Court;
- 8 f. All past personal property damage incurred by the Decedent, according to
9 proof;
- 10 g. Punitive and/or exemplary damages according to proof and sufficient to
11 punish the TESLA Defendants and deter similar conduct in the future
12 pursuant to California Civil Code Section 3294;
- 13 h. All costs of suit; and,
- 14 i. Such other and further relief as this Court may deem just and proper.

15 **SEVENTH CAUSE OF ACTION**

16 **(Negligent Failure to Recall or Retrofit – Against TESLA, Inc. and DOES 21 through 40)**

17 As a separate seventh cause of action, Plaintiffs CARL TSUKAHARA, individually and as the
18 Successor in Interest of Decedent, Krysta Michelle Tsukahara, and NOELLE TSUKAHARA complain
19 against Defendants TESLA, Inc. and DOES 21 through 40, and each of them, and alleges:

20 92. Plaintiffs reallege and incorporate herein by reference each and every allegation
21 contained in paragraphs 1 through 91 above as though fully set forth herein.

22 93. At all relevant times, Defendant TESLA, INC. ("TESLA"), and DOES 21 through 40,
23 designed, manufactured, assembled, tested, marketed, distributed, and sold the subject 2024
24 TESLA Cybertruck.

25 94. After placing the subject vehicle into the stream of commerce, The TESLA
26 Defendants had a continuing post-sale duty to exercise reasonable care to monitor the safety of
27 its vehicles, identify defects creating unreasonable risks of harm, and take corrective action
28 including issuing recalls, service campaigns, retrofits, or other remedies to protect consumers.

1 95. The TESLA Defendants knew or reasonably should have known from information
2 acquired after the subject vehicle was sold that the subject vehicle contained serious safety-
3 related defects creating an unreasonable risk of injury and death, including but not limited to:

- 4 a. A propensity for catastrophic post-collision fires due to the high-voltage
5 lithium-ion battery system;
- 6 b. Entrapment hazards caused by reliance on electronic and power-dependent
7 door release systems without adequate, accessible, and intuitive mechanical
8 redundancies;
- 9 c. A failure of the vehicle's design to provide feasible emergency egress in the
10 event of crash, power loss, and subsequent fire;
- 11 d. A failure to design a default system which would cause the doors to
12 automatically open upon impact and loss of electrical power in the subject
13 vehicle; and,
- 14 e. Other defects that prevented occupants from escaping and rescuers from
15 accessing the vehicle following foreseeable crash events.

16 96. The TESLA Defendants knew of these hazards through their own engineering data,
17 crash testing, consumer complaints, government investigations, existing recalls, and a history of
18 similar incidents involving fatal and non-fatal entrapment in its other and same vehicle models.
19 Indeed, the subject vehicle was subject to open recalls for safety-related defects at the time of the
20 collision.

21 97. Despite this knowledge, the TESLA Defendants negligently failed to take reasonable
22 steps to recall, retrofit, or otherwise correct the defective vehicles already sold and in use, and
23 instead continued to allow them to remain on the roadway without correction.

24 98. A reasonably prudent manufacturer under the same or similar circumstances would
25 have instituted an effective recall, retrofit, or corrective action program to address the known
26 hazards and prevent catastrophic injury or death.

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1 99. The TESLA Defendants' negligent failure to recall, retrofit, or correct the subject
2 vehicle was a substantial factor in causing the injuries and death of Decedent Krysta Michelle
3 Tsukahara and the resulting damages to Plaintiffs.

4 100. As a direct and proximate result of TESLA's negligent failure to recall or retrofit, the
5 subject Cybertruck failed to provide reasonable crashworthiness protection. Decedent Krysta
6 Michelle Tsukahara survived the collision with relatively minor injuries, but she was unable to
7 escape when the vehicle caught fire. She experienced severe emotional distress, fright, and
8 conscious pain and suffering, all directly caused by the defective and unrecalled condition of the
9 Cybertruck, before ultimately dying from smoke inhalation and thermal injuries.

10 101. As a direct and proximate result of the TESLA Defendants' negligent failure to recall
11 or retrofit, Plaintiffs are entitled to general and special damages, including wrongful death
12 damages, survival damages, funeral and burial expenses, prejudgment interest, costs of suit, and
13 such other relief as the Court may deem just and proper.

14 102. The conduct of Defendant TESLA, INC. ("TESLA") and DOES 21 through 40, as
15 described herein, was despicable and carried on with a willful and conscious disregard for the
16 rights and safety of others, including Decedent Krysta Michelle Tsukahara, constituting malice,
17 oppression, or fraud, and thereby warranting the imposition of punitive damages pursuant to
18 California Civil Code § 3294.

19 Plaintiffs CARL TSUKAHARA, individually and as the Successor in Interest of Decedent,
20 Krysta Michelle Tsukahara, and NOELLE TSUKAHARA pray for judgment against Defendants
21 TESLA, INC. and DOES 21 through 40, and each of them, for:

- 22 a. Noneconomic damages in excess of the minimum jurisdictional requirements
23 of this Court;
- 24 b. All funeral, burial, medical and other expenses according to proof;
- 25 c. Interest to the extent allowed by law;
- 26 d. All loss of the Decedent's care and economic and non-economic support,
27 according to proof;
- 28 e. Pursuant to California Code of Civil Procedure Section 377.34, non-economic

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damages for her emotional fear, worry and fright as well as for pain, suffering, and harm from disfigurement as suffered by Decedent Krysta Michelle Tsukahara prior to her death, in excess of the minimum jurisdictional requirements of this Court;

- f. All past personal property damage incurred by the Decedent, according to proof;
- g. Punitive and/or exemplary damages according to proof and sufficient to punish the TESLA Defendants and deter similar conduct in the future pursuant to California Civil Code Section 3294;
- h. All costs of suit; and,
- i. Such other and further relief as this Court may deem just and proper.

DATED: October 1, 2025

DREYER BABICH BUCCOLA WOOD CAMPORA, LLP

By: _____
 ROGER A. DREYER