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ATTORNEYS FOR PLAINTIFFS

TODD NELSON, INDIVIDUALLY AND AS
SUCCESSOR-IN-INTEREST OF DECEDENT,
JACK NELSON, AND STANNYE NELSON

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ALAMEDA

TODD NELSON, individually and as
Successor-in-Interest of Decedent, Jack
Nelson, and STANNYE NELSON,

Plaintiffs,

v.

TESLA, INC., THE ESTATE OF
SOREN MANGSETH DIXON, THE
ESTATE OF CHARLES PATTERSON,
and DOES ONE through FORTY,
inclusive,

Defendants.

Case No.

COMPLAINT FOR DAMAGES

**(1) Negligent Design/Manufacture;
(2) Strict Products Liability;
(3) Negligent Failure to Recall or
Retrofit; and
(4) Negligence**

Punitive Damages Alleged

Jury Trial Demanded

1 Plaintiffs TODD NELSON, individually and as Successor-in-Interest of
2 Decedent, Jack Nelson, and STANNYE NELSON, complain against Defendants
3 TESLA, INC., THE ESTATE OF SOREN MANGSETH DIXON, THE ESTATE OF
4 CHARLES PATTERSON, and DOES ONE through FORTY, and each of them, and
5 allege as follows:

6 **OVERVIEW**

7 1. This case arises from catastrophic design defects in the Tesla
8 Cybertruck that turned a survivable crash into a fatal fire. On November 27, 2024,
9 20-year-old Jack Nelson sat in the left (driver-side) rear-seat of a 2024 Tesla
10 Cybertruck that was involved in a solo-vehicle collision in Piedmont, California. Jack
11 survived the crash forces, and his impact injuries were minor.

12 2. During or immediately after the collision, the Cybertruck caught fire.
13 The right (passenger-side) rear door remained mechanically openable, but its
14 ordinary operation depended on low-voltage electronic buttons located inside the
15 cabin and on the exterior pillar. Those buttons failed after the crash, whether due to
16 loss of power or other damage. Because the Cybertruck lacked exterior mechanical
17 handles, no rescuer could open the right rear door from the outside. Inside, Tesla
18 provided a mechanical backup release, but it was concealed beneath the map pocket
19 liner at the bottom of the door — not feasible to find or use in the smoke, heat and
20 chaos of a post-crash fire. For Jack, seated in the rear, this obscure release was his
21 only theoretical escape route — leaving him in practice with no means of egress.

22 3. Tesla compounded this danger by designing the Cybertruck’s stainless
23 steel “exoskeleton” and “armor glass” to be extraordinarily resistant to intrusion.
24 Those same features that repel bullets and blunt force also made it nearly impossible
25 for occupants to break a window to escape, or for rescuers to force entry.

26 4. The combination of these design choices created a highly foreseeable
27 risk: that occupants who survived a crash would remain trapped inside a burning
28 vehicle. Jack Nelson did not die from the crash; he died because Tesla’s design left

1 him with no practical means of escape.

2 5. Well before this tragedy, Tesla had been repeatedly placed on notice
3 that its reliance on electronic door systems created a serious risk of occupant
4 entrapment after crashes. Owners, rescuers, and regulators had documented prior
5 incidents where Tesla occupants survived the crash forces but were unable to escape
6 when power failed and fire ensued. Despite these warnings, Tesla continued to
7 market and sell vehicles — including the Cybertruck — that predictably trapped
8 survivors in foreseeable emergencies.

9 **PRELIMINARY ALLEGATIONS**

10 6. The true names and capacities, whether individual, corporate, associate
11 or otherwise, of Defendants DOES, are unknown to Plaintiffs, who therefore sue such
12 Defendants by such fictitious names. Plaintiffs will amend this Complaint to show
13 their true names and capacities when the same have been ascertained. Plaintiffs are
14 informed and believe and thereon allege that each DOE Defendant is legally
15 responsible in some manner, whether in negligence, contract, warranty, strict
16 liability, or otherwise, for the events and occurrences described herein, and thereby
17 proximately caused injuries and damages to Plaintiffs as herein alleged.

18 7. Plaintiffs are informed and believe and thereon allege that at all
19 relevant times, Defendants DOES ONE through FORTY, and each of them, were
20 agents, employees, contractors, co-conspirators, or otherwise acting on behalf of the
21 named Defendants and/or other DOE Defendants, and each of them, and that at all
22 relevant times, DOES ONE through FORTY, and each of them, were acting within
23 the course and scope of their agency, conspiracy, employment or contractual
24 relationship with the named Defendants or DOES.

25 **PARTIES, JURISDICTION, AND VENUE**

26 8. Plaintiffs TODD NELSON and STANNYE NELSON are now, and at all
27 times herein mentioned were, citizens of and residents within the County of
28 Alameda, State of California.

1 9. Plaintiffs TODD NELSON and STANNYE NELSON are the surviving
2 parents of Jack Nelson, now deceased. Plaintiffs TODD NELSON and STANNYE
3 NELSON bring this wrongful death action for his death. Plaintiff TODD NELSON is
4 authorized to bring this survival action pursuant to Code of Civil Procedure §§ 377.20
5 and 377.30. Plaintiff TODD NELSON has executed and filed the affidavit mandated
6 by Code of Civil Procedure § 377.32 concurrent with the filing of this complaint.

7 10. Plaintiffs are informed and believe, and thereon allege, that Defendant
8 TESLA, INC. is a Texas corporation with its engineering headquarters in Palo Alto,
9 California, in the County of Santa Clara.

10 11. At all relevant times, Defendant TESLA, INC. and DOES ONE through
11 TWENTY, (hereinafter collectively referred to as “TESLA”) were engaged in the
12 business of designing, manufacturing, assembling, testing, marketing, distributing,
13 and selling in the stream of commerce to California residents, Tesla vehicles
14 including but not limited to the Cybertruck.

15 12. Prior to November 27, 2024, TESLA designed, marketed, manufactured,
16 distributed, sold, and/or placed into the stream of commerce for ultimate use by the
17 general public a certain 2024 model year Tesla Cybertruck bearing California license
18 plate 69766Y3.

19 13. Defendant ESTATE OF SOREN MANGSETH DIXON is named herein
20 as the successor-in-interest to the rights and liabilities of decedent Soren Mangseth
21 Dixon, who at all times relevant was a citizen and resident of the State of California.

22 14. Defendant ESTATE OF CHARLES PATTERSON is named herein as
23 the successor-in-interest to the rights and liabilities of decedent Charles Patterson,
24 who at all times relevant was a citizen and resident of the State of California.

25 15. The incident that is the subject of this action occurred in the County of
26 Alameda, State of California.

27 16. The amount in controversy is in excess of the minimal jurisdictional
28 limits of this Court.

1 **SAFETY STANDARDS FOR OCCUPANT ESCAPE AFTER A CRASH**

2 17. Motor vehicle manufacturers have long known that crashes can and will
3 occur for different reasons — including driver error, vehicle malfunction, distraction,
4 impairment, speeding, road hazards, or other conditions. They also know that post-
5 crash fires are a foreseeable risk, especially in vehicles equipped with high-voltage
6 battery systems. Crashworthiness means that when a collision occurs the vehicle
7 provides reasonable protection against enhanced injury. Crashworthiness is not
8 limited to protecting occupants during the initial impact; it also encompasses the
9 ability of survivors to escape a burning vehicle, or be rescued, before fire overtakes
10 the passenger compartment. Regardless of the cause of a crash, the manufacturer's
11 obligation includes designing vehicles that permit timely escape and rescue in the
12 event of post-crash fire.

13 18. The need for safe occupant egress after a collision has long been
14 recognized. As far back as 1972, the U.S. Department of Commerce published a study
15 titled *Escape Worthiness of Vehicles for Occupants in Crashes*, which warned that a
16 lack of standardized and intuitive door mechanisms hampered escape and
17 recommended designing interiors with emergency egress in mind.¹ This principle is,
18 in part, codified in Federal Motor Vehicle Safety Standard (FMVSS) No. 206, which
19 requires that each rear side door have an interior release accessible to occupants.²

20 19. The National Fire Protection Association's NFPA 556, entitled *Guide on*
21 *Methods for Evaluating Fire Hazard to Occupants of Passenger Road Vehicles*,
22 further emphasizes that vehicles should be designed to delay fire spread and provide
23 sufficient time for evacuation. NFPA 556 is a consensus document developed by an
24 internationally recognized standards-setting body and it is relied upon by engineers,
25 regulators, and fire safety professionals to define best practices in occupant
26 protection. NFPA 556 identifies that the primary fire safety objectives for motor
27

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

² 49 C.F.R 571.206 S4.3.1 (emphasis added).

1 vehicles are to reduce the likelihood of fire occurrence, delay fire growth, and provide
2 sufficient time for safe egress. The standard states “[d]esign improvements that
3 provide adequate time for passengers to escape or be rescued should be
4 incorporated.” NFPA further advises that “[t]he choice of an effective and reliable
5 means to achieve the fire performance objectives should be based on an evaluation
6 that includes all conditions of the hazard and protection as well as the quantification
7 of egress time.”

8 20. TESLA ignored these principles, instead creating a vehicle, the
9 Cybertruck, in which escape depends on electronic door buttons which TESLA knew
10 sometimes fail in the very circumstances — collision and fire — when escape is most
11 urgent.

12 **HOW CYBERTRUCK DOORS WORK — AND FAIL**

13 **Exterior Entrapment**

14 21. The Cybertruck has no exterior door handles; the only way to open its
15 doors from outside is through an electronic button on the pillar beside the door, a
16 system that depends entirely on low-voltage power. If that button system fails in a
17 crash or fire, rescuers are left without a way to open the doors from outside. Tesla’s
18 “armor glass” windows and stainless-steel doors — marketed as nearly impenetrable
19 — make forced entry extraordinarily difficult, requiring extreme force to break a
20 window.³

21 **Interior Entrapment**

22 22. Inside the Cybertruck, normal door operation also relies on a low-
23 voltage electronic button mounted on the door handle, which may fail in a crash due
24 to power loss or crash damage. For the right rear passenger door, the only remaining
25 option is a non-intuitive mechanical release: a concealed wire loop tucked beneath
26

27 ³ See, e.g., <https://www.tesla.com/learn/superior-durability-cybertruck-hfs-hard-freaking-stainless>;
28 <https://www.tesla.com/cybertruck>; <https://www.youtube.com/watch?v=teRRk-0KHus>;
 <https://www.youtube.com/watch?v=teRRk-0KHus>;
 <https://www.theguardian.com/technology/2019/nov/22/cybertruck-tesla-unveils-the-pickup-truck-we-have-to-have>

1 the lining of the map pocket at the bottom of the door. To use it, a trapped passenger
2 would have to peel back the liner, locate the loop, and pull it forward — an obscure
3 and impractical maneuver in an emergency. These design choices created a highly
4 foreseeable risk that rear-seat occupants who survived the crash could remain
5 trapped when the vehicle caught fire and the door buttons stop functioning.

6 **NOTICE TO TESLA OF THE DANGERS OF ITS DOOR SYSTEMS**

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

20 24. TESLA’s leadership was personally aware of these problems. During a
21 May 2013 earnings call, CEO Elon Musk admitted that Tesla’s door handles
22 sometimes malfunctioned, acknowledging that “occasionally the sensor would
23 malfunction... so you’d pull on the door handle, and it wouldn’t open,” which he
24

25 _____
26 ⁴ <https://www.tesla-fire.com/>

27 ⁵ See, e.g., <https://www.nhtsa.gov/?nhtsaId=11591608>; <https://www.nhtsa.gov/?nhtsaId=11592780>;
28 <https://www.nhtsa.gov/?nhtsaId=11614665>; <https://www.nhtsa.gov/?nhtsaId=11111289>;
<https://www.nhtsa.gov/?nhtsaId=11111289>; <https://www.nhtsa.gov/?nhtsaId=11317593>;
<https://www.nhtsa.gov/?nhtsaId=11460242>; <https://www.nhtsa.gov/?nhtsaId=11473540>.

1 conceded was “quite vexing for a customer.” Musk assured investors the problem had
2 been solved, claiming that “the door-handle incidents have gone to virtually zero.”⁶ In
3 reality, failures continued for years, leading to fatalities and repeated warnings from
4 TESLA’s own customers.

5 25. Examples of door issues that came to TESLA’s attention before Jack
6 Nelson’s death include:

- 7 a. **Davie, Florida (Feb. 24, 2019):** A Model S caught fire after a
8 crash; a witness reported “several people were trying to find ways
9 to get to the driver but the car doors and bags trapped the driver
10 and kept us from getting to him before the car was taken over by
11 fire.”⁷
- 12 b. **Leesburg, Virginia (Dec. 9, 2023):** An off-duty firefighter
13 smashed a Model Y’s driver’s window during a fire and burned
14 himself reaching for the manual release. He rescued the driver
15 but could not free the passenger before she sustained severe
16 burns and lung damage.⁸
- 17 c. **Toronto, Canada (Oct. 24, 2024):** Four people were killed when
18 a Model Y crashed and burst into flames. A rescuer who saved the
19 sole survivor reported that “you couldn’t open the doors... she was
20 pretty desperate to get out... I don’t know if that was the battery
21 or what, but she couldn’t get out.”⁹
- 22 d. **Valencia, California (June 18, 2018, NHTSA complaint):** An
23 owner warned that “rear passengers and specially [sic] children...
24 can become trapped in the event of a fire or major collision that

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26 ⁶ <https://www.bloomberg.com/features/2025-tesla-dangerous-doors/>

27 ⁷ <https://electrek.co/2019/02/25/tesla-crash-burning-car-door-handles/>

28 ⁸ <https://www.bloomberg.com/features/2025-tesla-dangerous-doors/>

⁹ <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>

disables the electrical power to the doors.”¹⁰

- e. **Carlsbad, California (Aug. 8, 2021, NHTSA complaint):** After a 12-volt failure trapped his wife, an owner smashed a window to free her. He told TESLA the manual release was “unmarked and inconspicuous” and warned that “Tesla created an unsafe situation where people can be trapped.”¹¹
- f. **Wilmette, Illinois (Mar. 7, 2024, NHTSA complaint):** An owner reported that when rear door openers fail, “the backup mechanical system is completely inadequate... the rear doors require a number of steps that are odd and not obvious or intuitive, leading to a very dangerous situation when a very fast exit is needed.”¹²

26. These incidents and complaints made plain that TESLA had long been on notice of a potentially lethal design defect. TESLA knew that occupants of its vehicles had become trapped and died in post-crash fires, and that customers and rescuers were warning of the hazard that killed Jack Nelson: rear passengers unable to escape or be rescued following a collision, when electronic door systems failed. Despite this knowledge, TESLA did not correct the defect and continued to sell vehicles — including the Cybertruck — that predictably trapped their occupants in foreseeable emergencies.

TESLA KNEW SAFE ALTERNATIVES AND CHOSE NOT TO USE THEM

27. The severity of the hazard is underscored by the fact that TESLA customers resorted to makeshift solutions — attaching lanyards, key rings, or labels to the hidden releases, and even purchasing aftermarket kits — simply to give themselves and their passengers a chance to escape in an emergency.¹³ That

¹⁰ <https://www.nhtsa.gov/?nhtsaId=11102352>

¹¹ <https://www.nhtsa.gov/?nhtsaId=11428766>

¹² <https://www.nhtsa.gov/?nhtsaId=11628467>

¹³ <https://www.motortrend.com/news/owners-tesla-diy-emergency-backup-door-releases>

1 consumers have resorted to such measures is evidence not only of a dangerously
2 defective design, but also of TESLA's willful disregard for safety.

3 28. TESLA's history of defective door handles is particularly egregious
4 because they knew from the outset how to design a system that avoided the hazard of
5 power-loss entrapment. The original Model S — the first vehicle fully designed by
6 TESLA — featured interior front door handles that combined an electronic and
7 mechanical latch. When the car had power, pulling the handle opened the door
8 electronically; when power was lost, pulling the same handle opened the door
9 mechanically.

10 29. TESLA's own Chief Designer, Franz von Holzhausen, has since
11 acknowledged what is common sense: in emergencies, door releases must be intuitive
12 and rely on the occupant's muscle memory. In a 2025 interview, when asked about
13 the NHTSA's investigation into Tesla door handles, he stated: "the idea of combining
14 the electronic one and the manual one together into one button... makes a lot of
15 sense. It really helps... the muscle memory of reaching for something every day is
16 there, and so you intuitively just grab the same thing and you're free."¹⁴

17 30. TESLA has further demonstrated its awareness of the dangers of
18 unlabeled, unintuitive mechanical releases by manufacturing certain front
19 emergency door latches to include a pictogram showing a car with an open door
20 inside a triangle.¹⁵ Yet TESLA continues to market and sell vehicles, including the
21 Cybertruck, without such markings.

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

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27
28 ¹⁴ <https://www.youtube.com/watch?v=34OKUmJsmUs&t=2299s> (at 39:59-40:24)

¹⁵ https://www.reddit.com/r/TeslaLounge/comments/1iemdvk/the_new_model_y_now_features_an_icon_on_the/

1 **THE CRASH AND JACK NELSON’S PREVENTABLE DEATH**

2 32. In the early morning hours of November 27, 2024, Jack Nelson was a
3 rear-seat passenger in a 2024 Tesla Cybertruck driven by Soren Mangseth Dixon.
4 Dixon was traveling westbound on Hampton Road near the intersection with King
5 Avenue at a high rate of speed when he lost control of the vehicle. The Cybertruck
6 struck a tree, collided with a retaining wall, and came to rest. The crash was
7 significant, but Jack survived the impact with only minor injuries.¹⁶

8 33. Within moments, the Cybertruck caught fire. The retaining wall blocked
9 the vehicle’s left (driver-side) doors. On the right (passenger) side, the rear door was
10 unobstructed and technically remained mechanically openable. But the electronic
11 buttons that normally controlled the door ceased functioning. Because there was no
12 exterior mechanical handle, a rescuer could not open that door from outside. The
13 door’s interior mechanical release was obscure, unlabeled, and not realistically
14 feasible to locate or operate in the smoke and chaos of a fire. As a result, Jack
15 remained trapped and unable to escape.

16 34. Jack ultimately died from smoke inhalation and thermal injuries, not
17 from blunt force trauma. The Alameda County Coroner’s Bureau determined his
18 cause of death to be asphyxia due to inhalation of combustion products, with
19 contribution from burns. Postmortem toxicology showed a carboxyhemoglobin level of
20 49 percent, meaning nearly half of his blood’s oxygen-carrying capacity was displaced
21 by carbon monoxide. In short, Jack Nelson survived the crash; he died because
22 Tesla’s design of the Cybertruck left him unable to escape.

23
24
25
26
27 ¹⁶ Autopsy examination documented no skull, rib, clavicle, sternum, vertebral, or pelvic fractures; no intracranial
28 hemorrhage; and no major internal organ injuries. Aside from two small chin lacerations and a possible oral
mucosal injury, the body showed no significant blunt trauma. Cause of death was asphyxia due to inhalation of
combustion products, with thermal injuries contributing.

1 **FIRST CAUSE OF ACTION**

2 **(Negligent Design/Manufacture – Against TESLA)**

3 As a first cause of action, Plaintiffs TODD NELSON, individually and as the
4 Successor-in-Interest of the Decedent, Jack Nelson, and STANNYE NELSON
5 complain against Defendants TESLA, INC. and DOES ONE through TWENTY
6 (collectively, “TESLA”), and each of them, and allege as follows:

7 35. Plaintiffs allege and incorporate herein by reference, as though fully set
8 forth herein, each and every allegation set forth above.

9 36. At all relevant times, TESLA owed a duty to Plaintiffs, to Decedent Jack
10 Nelson, and to the public at large to exercise reasonable care in the design,
11 manufacture, testing, inspection, distribution, and sale of the 2024 Tesla Cybertruck,
12 including a duty to ensure that the vehicle was reasonably safe and crashworthy in
13 foreseeable collisions, and to provide adequate warnings and instructions regarding
14 known and reasonably foreseeable dangers.

15 37. TESLA breached that duty by, among other things:

- 16 a. Designing, manufacturing, and placing into the stream of
17 commerce a vehicle that was unreasonably prone to catastrophic
18 post-collision fire;
- 19 b. Failing to incorporate reasonable and feasible safeguards to allow
20 safe and timely occupant egress following a foreseeable crash;
- 21 c. Relying on electronic and power-dependent door release
22 mechanisms without adequate mechanical redundancies,
23 including designing the right rear door so that when the
24 electronic button stopped functioning — whether due to loss of
25 power or other crash damage — escape depended on a concealed
26 release hidden beneath the map pocket liner, an obscure and
27 impractical mechanism in an emergency, thereby preventing
28 escape or rescue;

- 1 d. Failing to reasonably test or validate the crashworthiness and fire
2 survivability of the vehicle prior to release;
- 3 e. Incorporated “armor glass” and reinforced body panels that, while
4 marketed as protective, made it extraordinarily difficult or
5 impossible for occupants to break a window from inside or for
6 rescuers to execute forced entry from outside in an emergency;
7 and
- 8 f. Failing to warn purchasers, users, and rescuers of the
9 unreasonable risk of entrapment and post-collision fire created by
10 the vehicle’s design.

11 38. As a direct and proximate result of TESLA’s negligence, the Cybertruck
12 failed to provide reasonable crashworthiness protection.

13 39. As a further direct and proximate result of TESLA’s negligence, after
14 the collision, but before his death, Jack Nelson experienced severe emotional distress,
15 fright, and conscious pain and suffering, all directly caused by TESLA’s negligent
16 design and failure to provide a practical and safe means of escape.

17 40. As a further direct and proximate result of TESLA’s negligence,
18 Plaintiffs TODD NELSON and STANNYE NELSON, Jack’s surviving parents, have
19 sustained and will continue to sustain profound noneconomic damages, including the
20 loss of their son’s love, comfort, companionship, care, assistance, protection, affection,
21 society, and moral support. Plaintiffs have also incurred economic damages,
22 including funeral and burial expenses, in an amount to be proven at trial.

23 41. The negligent acts and omissions of TESLA were a substantial factor in
24 causing the injuries, suffering, and death of Jack Nelson and the resulting damages
25 to Plaintiffs.

26 42. TESLA’s conduct also meets the definition of “malice” under California
27 Civil Code § 3294. TESLA acted with conscious disregard for the safety of its
28 customers by deliberately refusing to implement safer alternative designs —

1 including intuitive combined electronic/mechanical releases and labeled emergency
2 latches — that it had already developed and deployed in other Tesla vehicles,
3 choosing instead to market and sell the Cybertruck with known entrapment hazards.
4 Accordingly, punitive damages are warranted to punish TESLA and deter similar
5 conscious disregard for consumer safety in the future.

6 WHEREFORE, Plaintiffs pray judgment against the TESLA Defendants, and
7 each of them, as hereinafter set forth.

8 **SECOND CAUSE OF ACTION**

9 **(Strict Products Liability – Against TESLA)**

10 As a second cause of action, Plaintiffs TODD NELSON, individually and as the
11 Successor-in-Interest of the Decedent, Jack Nelson, and STANNYE NELSON
12 complain against Defendants TESLA, INC. and DOES ONE through TWENTY, and
13 each of them, and allege as follows:

14 43. Plaintiffs reallege and incorporate herein by reference each and every
15 allegation above as though fully set forth herein.

16 44. At the time the subject 2024 Cybertruck left the possession of TESLA, it
17 was in a defective condition and unreasonably dangerous when used in a reasonably
18 foreseeable manner. The subject 2024 Cybertruck constituted a defective product as
19 that term is used in California law, rendering TESLA strictly liable in tort.

20 45. The subject vehicle was expected to, and did, reach Plaintiffs and
21 Decedent Jack Nelson without substantial change from when it left TESLA's control.

22 46. The subject vehicle was defectively designed and unreasonably
23 dangerous under the consumer expectation test and/or the risk-benefit test in that it
24 failed to provide adequate crashworthiness and occupant protection in a foreseeable
25 collision. Specifically, the Cybertruck was designed and manufactured in a condition
26 that:

- 27 a. Allowed the vehicle to ignite and sustain an uncontrolled
28 post-collision fire;

- b. Failed to incorporate reasonable and feasible safeguards to prevent or mitigate occupant entrapment following a crash;
- c. Relied on electronic door release mechanisms and structural designs that prevented timely escape or rescue of occupants once the vehicle was disabled and engulfed in fire, including the right rear door, which in practice could not be opened because its only backup release was concealed, unlabeled, and impractical to use in the smoke, heat, and chaos of a fire;
- d. Lacked adequate redundancy, fail-safes, or manual overrides for emergency egress in foreseeable crash scenarios; and
- e. Did not perform in a reasonably safe manner in a foreseeable frontal impact, as evidenced by the inability of occupants to exit or be rescued despite being conscious immediately following the crash.

47. The subject Cybertruck was further defective because it failed to contain adequate warnings and instructions regarding the risk of entrapment, the inability to open doors following a crash, and the risk of post-collision battery fire.

48. As a direct and proximate result of these defects, Jack Nelson survived the crash forces with relatively minor injuries but was unable to escape when the vehicle caught fire. He experienced severe emotional distress, fright, and conscious pain and suffering before ultimately dying from smoke inhalation and thermal injuries. The Alameda County Coroner's Bureau determined his cause of death to be asphyxia due to inhalation of products of combustion with contribution from burns, and postmortem testing showed a carboxyhemoglobin level of 49 percent.

49. As a further direct and proximate result of these defects, Plaintiffs TODD NELSON and STANNYE NELSON, Jack's surviving parents, have sustained and will continue to sustain profound noneconomic damages, including the loss of their son's love, comfort, companionship, care, assistance, protection, affection,

1 society, and moral support. Plaintiffs have also incurred economic damages,
2 including funeral and burial expenses, in an amount to be proven at trial.

3 50. The defective and unreasonably dangerous condition of the subject
4 Cybertruck was a substantial factor in causing the injuries, suffering, and death of
5 Jack Nelson and the resulting damages to Plaintiffs.

6 WHEREFORE, Plaintiffs pray judgment against the TESLA Defendants, and
7 each of them, as hereinafter set forth.

8 **THIRD CAUSE OF ACTION**

9 **(Negligent Failure to Recall or Retrofit – Against TESLA)**

10 As a third cause of action, Plaintiffs TODD NELSON, individually and as the
11 Successor-in-Interest of the Decedent, Jack Nelson, and STANNYE NELSON
12 complain against Defendants TESLA, INC. and DOES ONE through TWENTY, and
13 each of them, and allege as follows:

14 51. Plaintiffs reallege and incorporate herein by reference each and every
15 allegation above as though fully set forth herein.

16 52. After placing the subject Cybertruck into the stream of commerce,
17 TESLA had a continuing post-sale duty to exercise reasonable care to monitor the
18 safety of their vehicles, identify defects creating unreasonable risks of harm, and
19 take corrective action including issuing recalls, service campaigns, retrofits, or other
20 remedies to protect consumers.

21 53. TESLA knew or reasonably should have known that the subject vehicle
22 contained serious safety-related defects, including but not limited to:

- 23 a. A propensity for catastrophic post-collision fires due to the high-
24 voltage lithium-ion battery system;
- 25 b. Entrapment hazards caused by reliance on electronic and power-
26 dependent door release systems without adequate mechanical
27 redundancies, which could fail in a crash due to power loss or
28 other damage, exemplified by the right rear door, which

1 technically remained mechanically openable but depended on a
2 hidden, unlabeled release that was not feasible to locate or
3 operate in the smoke, heat, and chaos of a fire;

- 4 c. Use of “armor glass” windows and reinforced exoskeleton
5 bodywork that prevented or severely hindered emergency forced
6 entry or exit during foreseeable crash and fire events;
- 7 d. Failure of the vehicle’s design to provide feasible emergency
8 egress in the event of crash and fire; and
- 9 e. Other defects that prevented occupants from escaping and
10 rescuers from accessing the vehicle following foreseeable crash
11 events.

12 54. TESLA further knew of these hazards through their own engineering
13 data, crash testing, consumer complaints, government investigations, and prior fatal
14 crashes. Indeed, the subject Cybertruck was subject to open recalls at the time of the
15 incident.

16 55. Despite this knowledge, TESLA negligently failed to take reasonable
17 steps to recall, retrofit, or otherwise correct the defective vehicles already sold and in
18 use, and instead continued to allow them to remain on the roadway without
19 correction.

20 56. As a direct and proximate result of TESLA’s negligent failure to recall
21 or retrofit, the subject Cybertruck failed to provide reasonable crashworthiness
22 protection. Jack Nelson survived the crash forces with relatively minor injuries, but
23 he was unable to escape when the vehicle caught fire. He experienced severe
24 emotional distress, fright, and conscious pain and suffering, all directly caused by the
25 defective and unrecalled condition of the Cybertruck, before ultimately dying from
26 smoke inhalation and thermal injuries.

27 57. As a further direct and proximate result of TESLA’s negligence,
28 Plaintiffs TODD NELSON and STANNYE NELSON, Jack’s surviving parents, have

1 sustained and will continue to sustain profound noneconomic damages, including the
2 loss of their son's love, comfort, companionship, care, assistance, protection, affection,
3 society, and moral support. Plaintiffs have also incurred economic damages,
4 including funeral and burial expenses, in an amount to be proven at trial.

5 58. The negligent failure of TESLA to recall or retrofit the subject
6 Cybertruck was a substantial factor in causing the injuries, suffering, and death of
7 Jack Nelson and the resulting damages to Plaintiffs.

8 WHEREFORE, Plaintiffs pray judgment against the Defendants, and each of
9 them, as hereinafter set forth.

10 **FOURTH CAUSE OF ACTION**

11 **(Negligence – Against ESTATE OF SOREN MANGSETH DIXON, ESTATE OF**
12 **CHARLES PATTERSON, and DOES TWENTY-ONE through FORTY)**

13 As a fourth cause of action, Plaintiffs TODD NELSON, individually and as the
14 Successor-in-Interest of the Decedent, Jack Nelson, and STANNYE NELSON
15 complain against ESTATE OF SOREN MANGSETH DIXON, ESTATE OF
16 CHARLES PATTERSON, and DOES TWENTY-ONE through FORTY, and each of
17 them, and allege as follows:

18 59. Plaintiffs reallege and incorporate herein by reference each and every
19 allegation contained above as though fully set forth herein.

20 60. On or about November 27, 2024, Soren Mangseth Dixon operated the
21 subject 2024 Tesla Cybertruck negligently and carelessly while traveling westbound
22 on Hampton Road near King Avenue in Alameda County. Dixon drove at an unsafe
23 speed, lost control of the vehicle, and struck a tree and a retaining wall. The
24 Cybertruck came to rest and quickly caught fire.

25 61. As a direct and proximate result of Dixon's negligent driving, the
26 Cybertruck crashed. Jack Nelson, a rear-seat passenger, survived the crash forces
27 with relatively minor injuries but was unable to escape when the vehicle caught fire.
28 He experienced severe emotional distress, fright, and conscious pain and suffering

1 before ultimately dying from smoke inhalation and thermal injuries.

2 62. Defendants ESTATE OF SOREN MANGSETH DIXON, ESTATE OF
3 CHARLES PATTERSON, and DOES TWENTY-ONE through FORTY were the
4 owners and/or operators of the subject vehicle. All Defendants operated or permitted
5 operation of the vehicle with the knowledge and consent of all other Defendants.

6 63. Defendants ESTATE OF SOREN MANGSETH DIXON, and DOES
7 THIRTY-ONE through FORTY were the agents, employees, or contractors of
8 Defendants ESTATE OF CHARLES PATTERSON, and DOES TWENTY-ONE
9 through THIRTY, and were at all times acting within the course and scope of said
10 agency, employment, or contract, and with the permission, knowledge, and consent of
11 each remaining Defendant.

12 64. Defendants ESTATE OF CHARLES PATTERSON, and DOES
13 TWENTY-ONE through THIRTY also negligently entrusted, hired, trained, or
14 supervised Defendant ESTATE OF SOREN MANGSETH DIXON, and DOES
15 THIRTY-ONE through FORTY with respect to the subject Cybertruck, in such a
16 fashion as to cause and/or contribute to the occurrence of the incident described
17 herein.

18 65. As a further direct and proximate result of the negligence of these
19 Defendants, Plaintiffs TODD NELSON and STANNYE NELSON, Jack's surviving
20 parents, have sustained and will continue to sustain profound noneconomic damages,
21 including the loss of their son's love, comfort, companionship, care, assistance,
22 protection, affection, society, and moral support. Plaintiffs have also incurred
23 economic damages, including funeral and burial expenses, in an amount to be proven
24 at trial.

25 66. The negligent acts and omissions of Defendants ESTATE OF SOREN
26 MANGSETH DIXON, ESTATE OF CHARLES PATTERSON, and DOES TWENTY-
27 ONE through FORTY were a substantial factor in causing the crash, and in causing
28 the injuries, suffering, and death of Jack Nelson and the resulting damages to

1 Plaintiffs.

2 WHEREFORE, Plaintiffs pray judgment against these Defendants, and each
3 of them, as hereinafter set forth.

4 **PRAYER FOR RELIEF**

5 WHEREFORE, Plaintiffs TODD NELSON, individually and as Successor-in-
6 Interest of Decedent Jack Nelson, and STANNYE NELSON, pray for judgment
7 against Defendants TESLA, INC., THE ESTATE OF SOREN MANGSETH DIXON,
8 THE ESTATE OF CHARLES PATTERSON, and DOES ONE through FORTY, and
9 each of them, as follows:

10 1. For survival damages recoverable under California Code of Civil
11 Procedure §§ 377.20–377.34, including but not limited to:

- 12 a. Decedent Jack Nelson’s conscious pain, suffering, fright, and
13 emotional distress experienced after the crash and before his
14 death, caused by his inability to escape the right rear seat due to
15 the Cybertruck’s defective door design;
16 b. Decedent’s funeral and burial expenses; and
17 c. Other damages permitted by law.

18 2. For wrongful death damages recoverable under California Code of Civil
19 Procedure § 377.60, including but not limited to:

- 20 a. The loss of Jack Nelson’s love, comfort, companionship, care,
21 assistance, protection, affection, society, and moral support; and
22 b. All other pecuniary and nonpecuniary damages permitted by law.

23 3. For punitive and exemplary damages against TESLA only, in an
24 amount sufficient to punish and deter.

25 4. For prejudgment interest to the extent allowed by law.

26 5. For costs of suit incurred herein.

27 6. For such other and further relief as the Court may deem just and
28 proper.

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Dated: October 2, 2025

WALKUP, MELODIA, KELLY & SCHOENBERGER

By: _____
RICHARD H. SCHOENBERGER
MATTHEW D. DAVIS
KHALDOUN A. BAGHDADI
ANDREW P. McDEVITT
Attorneys for PLAINTIFFS

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DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a jury trial.

Dated: October 2, 2025

WALKUP, MELODIA, KELLY & SCHOENBERGER

By: _____

RICHARD H. SCHOENBERGER
MATTHEW D. DAVIS
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