

DELMA JRMAR JEFFERSON

DELMA JRMAR JEFFERSON, IN PRO PER

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SACRAMENTO

DELMA JRMAR JEFFERSON,

vs.

TOYOTA MOTOR CORPORATION,
TOYOTA MOTOR NORTH AMERICA,
INC., TOYOTA MOTOR SALES, U.S.A.,
INC., TOYOTA MOTOR ENGINEERING
& MANUFACTURING NORTH
AMERICA, INC., TOYOTA MOTOR
MANUFACTURING, CALIFORNIA,
INC., SAMUEL GENE DANA, DENISE
T. MC CARNEY & DOES 1-25, inclusive,

Defendants.

LISA GARCIA,

Plaintiff,

vs.

TOYOTA MOTOR CORPORATION,
TOYOTA MOTOR NORTH AMERICA,
INC., TOYOTA MOTOR SALES, U.S.A.,
INC., TOYOTA MOTOR ENGINEERING
& MANUFACTURING NORTH
AMERICA, INC., TOYOTA MOTOR
MANUFACTURING, CALIFORNIA,
INC., and DOES 1 through 100,

Defendants.

No. 34-2021-00311004

No. 34-2022-00325754

Plaintiff's Third Amended Complaint for
Negligence, Strict Liability, Breach of
Warranties, Product Liability, Failure to Warn,
Intentional Infliction of Emotional Distress,
Negligent Infliction of Emotional Distress, and
Punitive Damages

Department: 36

Judge: Hon. Stephen P. Acquisto

Trial date: Vacated

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Plaintiff Delma Jrmr Jefferson ("Plaintiff"), in Propria Persona, alleges as follows:

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- Defendant, **TOYOTA MOTOR MANUFACTURING, CALIFORNIA, INC.**, is a California Corporation with a principal place of business in Plano, Texas.
- **Defendant, SAMUEL GENE DANA:** Defendant **SAMUEL GENE DANA** is a resident of Sacramento County, State of California.
- **Defendant, DENISE T. MCCARNEY:** Defendant **DENISE T. MCCARNEY** is a resident of Sacramento County, State of California.

1. The true names and capacities of Defendants sued herein as DOES 1 through 25, inclusive, are presently unknown to Plaintiff, who therefore sues said Defendants by such fictitious names pursuant to Code of Civil Procedure §474. Plaintiff is informed and believes and thereon alleges that the fictitiously named Defendants, and each of them, are negligently or in some manner legally responsible to Plaintiff for the events and happenings herein referred to and proximately caused damages to Plaintiff as set forth herein. Plaintiff will seek leave of court to amend this Complaint to insert the true names and capacities of said fictitiously named Defendants, and each of them, when the same have been ascertained.
2. Plaintiff is informed and believes and thereon alleges that each of the Defendants was the agent, partner, joint venturer, co-conspirator, lessor, lessee, and/or employee of each of the remaining Defendants, and others named herein

1 as Doe Defendants, and in doing the acts or things alleged herein were acting
2 within the course and scope of said agency, employment and/or other
3 relationship stated herein.
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5 JURISDICTION AND VENUE

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- 7 3. This Court has jurisdiction over this action pursuant to **California Code of Civil**
8 **Procedure § 410.10**, as Defendants have sufficient contacts with the State of
9 California, and the incident that gave rise to this action occurred within
10 California. Jurisdiction is further established as this case involves legal matters
11 arising under California state law, with the controversy exceeding the
12 jurisdictional threshold for monetary damages.
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- 15 4. This exercise of jurisdiction is supported by established precedents affirming the
16 authority of California courts when defendants have substantial connections to
17 the state, thereby ensuring compliance with principles of fair play and
18 substantial justice. Relevant case law includes *Secrest Machine Corp. v.*
19 *Superior Court* (1983) 33 Cal.3d 664, and *Buckeye Boiler Co. v. Superior*
20 *Court* (1969) 71 Cal.2d 893, whose applicability and standing will be verified
21 for currency in this matter.
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- 1 5. Venue is proper in this Court under **California Code of Civil Procedure §**
2 **395(a)**, as the injury to Plaintiff occurred at the intersection of Elkhorn Blvd.
3 and N. Borough Dr. in Sacramento, California, which is within Sacramento
4 County. This location is also where at least one Defendant resides, and some
5 Defendants maintain their principal place of business within this jurisdiction.
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8 6. This specific geographic location is the precise site of the automobile accident
9 that forms the basis of Plaintiff's First Amended Complaint for Negligence,
10 Strict Liability, Breach of Warranties, and Punitive Damages. This specification
11 satisfies statutory mandates for venue selection and aligns with the factual
12 scenario in *Hairu Chen v. L.A. Truck Ctrs., LLC* (2019) 7 Cal.5th 862,
13 underscoring the Court's ability to appropriately address the issues presented in
14 this case.
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18 **LIBERAL CONSTRUCTION OF PLEADINGS**

- 19 7. In accordance with Cal. Code Civ. Proc. § 452, which mandates that pleadings
20 be "liberally construed" in order to achieve "substantial justice between the
21 parties," the plaintiff requests that this Second Amended Petition be interpreted
22 with a view to substantial justice between the parties.
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24 8. The plaintiff relies on established legal principles such as *Nguyen v. Van* (In re
25 Marriage of Nguyen), *I.M. v. C.F.*, *Penan v. Molina*, *Price v. King*, In re
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1 Marriage of Weggeland, Greenberg v.Daunch, and Whitfield v. Moore, which
2 emphasize the importance of "liberally construing "pleadings to ensure a fair hearing for
3 self-represented litigants.
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5 **FACTUAL ALLEGATIONS**

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- 7 1. On September 27, 2020, at approximately 5:25 p.m., Plaintiff **Delma Jrmar**
8 **Jefferson** was a passenger in a 2006 Toyota Highlander (VIN:
9 JTEEP21A860143058) driven by **Lisa Garcia**. They were traveling westbound
10 on Elkhorn Boulevard, east of Northborough Drive in Sacramento, California.
11
12 2. As Plaintiff and Lisa Garcia proceeded safely in the right lane, Plaintiff
13 observed a rapidly approaching vehicle from behind. Plaintiff urged Garcia to
14 accelerate to avoid the approaching car, a 2015 Ford Focus driven by
15 Defendant **Samuel Gene Dana**. Despite Plaintiff's warning, the Toyota
16 Highlander failed to accelerate as expected, appearing to stall or hesitate.
17
18 3. The 2015 Ford Focus, driven by **Dana** and owned by Defendant **Denise T.**
19 **McCarney**, continued speeding towards the Highlander, failing to maintain a
20 safe following distance and approaching at an unsafe speed, in violation of
21 California Vehicle Code § 21703. Plaintiff saw Dana's vehicle getting
22 dangerously close, with no apparent effort from Dana to slow down, reflecting
23 reckless and negligent behavior in the operation of the vehicle.
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- 1 4. Moments before impact, Plaintiff braced himself, looking over to see the
2 oncoming Ford Focus just as he heard an intense, loud boom. Plaintiff saw Lisa
3 Garcia's body being violently thrust backward as a result of the collision, which
4 propelled her from her seat "like lightning." The Ford Focus struck the rear of
5 the Highlander with severe and sudden force, jolting the vehicle forward.
6
7 5. Due to a **defective and inadequately designed seatbelt system** in the Toyota
8 Highlander, Plaintiff was violently thrust forward upon impact. The seatbelt
9 failed to lock or properly restrain Plaintiff, allowing his head to strike the
10 dashboard, which rendered him unconscious. The seatbelt, designed to protect
11 passengers by securely restraining them upon impact, failed in its intended
12 function. This failure of a critical safety feature caused Plaintiff to experience
13 uncontrolled forward movement during the collision, intensifying the force of
14 the impact on his body and resulting in severe injuries.
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16 6. Following the impact, the force of the collision was so intense that the Toyota
17 Highlander was propelled off its original path and came to rest in a different
18 direction than it had been traveling before the collision. This sudden and
19 unexpected change in direction contributed to Plaintiff's disorientation and fear,
20 as the vehicle was now at a precarious angle, making it difficult for Plaintiff to
21 assess his surroundings or anticipate what might happen next.
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1 **7. Specific Failures of the Seatbelt System:**

- 2 • The Toyota Highlander’s seatbelt system was intended to lock upon significant
3 impact to prevent forward movement of passengers, particularly in rear-end
4 collisions. However, the seatbelt in Plaintiff’s seat malfunctioned, failing to lock
5 and leaving Plaintiff vulnerable to being thrown forward with no restraint.
6 Toyota’s failure to ensure the effectiveness of the seatbelt system in the
7 Highlander constitutes a breach of its duty to manufacture safe vehicles.

8 8. Defendant **Samuel Gene Dana** had a legal duty to operate his vehicle safely,
9 including maintaining a safe following distance under California Vehicle Code §
10 21703, to avoid collisions. Dana breached this duty by driving at an unsafe
11 speed, failing to maintain a safe following distance, and ultimately causing a
12 rear-end collision with the Highlander. Under California law, drivers in rear-end
13 collisions are generally presumed at fault, particularly when the following driver
14 fails to maintain a safe distance or stop safely. Cases such as **Beck v.**
15 **Kessler** (1965) 235 Cal.App.2d 331 and **Pittman v. Boiven** (1967) 249
16 Cal.App.2d 207 establish that the following driver’s failure to avoid a collision
17 by maintaining distance is evidence of negligence.

18 9. When Plaintiff regained consciousness, he found himself still inside the moving
19 vehicle, without Lisa Garcia in the driver’s seat. Time seemed to slow down for
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1 Plaintiff as he realized the vehicle was moving uncontrollably, heading towards
2 a nearby traffic light pole. Plaintiff felt an overwhelming sense of fear,
3 convinced he was about to collide with the light stand and suffer further serious
4 injuries or worse Death. I remember saying to myself , “This is it I prayed to
5 Yah the creator to have mercy on me, I tried, foregive me for all my wrongs and
6 have mercy on my son and take care of him.”
7

9 10. As the vehicle continued moving uncontrolled, Plaintiff’s loose seatbelt, which
10 had failed to restrain him properly, allowed him to be tossed around inside the
11 vehicle, striking various parts of the interior. The defective seatbelt, which
12 remained stretched across Plaintiff’s lap instead of securely holding his shoulder
13 and torso, contributed to Plaintiff’s additional trauma, exacerbating his injuries
14 as he was thrown about.
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17 11. **Toyota Motor Corporation, Toyota Motor North America, Inc.,** and related
18 Toyota entities had a duty to design and manufacture vehicles that included fully
19 functional and effective safety systems to protect passengers during foreseeable
20 collisions. Despite this duty, the Toyota Highlander was equipped with a
21 defective seatbelt system that failed to properly restrain Plaintiff, causing and
22 significantly contributing to new and preexisting injuries.
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24 12. **Case Law Support for Product Liability and Crashworthiness:**
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- 1 • **Kim v. Toyota Motor Corp.** (2018) 6 Cal.5th 21, supports product liability
2 claims involving vehicle safety equipment failure, asserting that manufacturers
3 must design vehicles to withstand foreseeable impacts safely.
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- 5 • **Soule v. General Motors Corp.** (1994) 8 Cal.4th 548, establishes that
6 manufacturers are strictly liable for design defects in vehicle safety features that
7 exacerbate injuries in a collision. These cases underscore Toyota's responsibility
8 in ensuring the effectiveness of the Highlander's safety systems.
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10 **13. Plaintiff's Immediate Response and Emergency Assistance:**

- 11 • An African American man open the door and tried to help the Plaintiff out of
12 the vehicle, where then Plaintiff collapsed outside of the vehicle to the
13 ground as Plaintiff could not really feel his legs and the African American
14 man said your bleeding bad and when I felt the blood dripping down my face
15 and onto my clothes. The man helped Plaintiff up, and Plaintiff put his hands
16 on the passenger rear seat door and saw Lisa Garcia's lifeless body on the
17 back seat floor, causing Plaintiff to think she was dead.
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- 19 • I became overwhelmed thinking Lisa was dead, and I could not stop crying
20 as my head was hurting, my back, my leg, my ankle my right hip, my right
21 shoulder, my right eyes, my front and right side upper and lower teeth, my
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1 right jaw and both of my wrist. I recall hearing the Sacramento Fire Fighter
2 say, “Her seat broke” and then Both I remember the witness, “Oh my God, I
3 called the police; help is on the way.”
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- 5 • Emergency services arrived on the scene, and both Lisa Garcia and Plaintiff
6 were transported to the hospital in the same ambulance. Plaintiff suffered severe
7 injuries, including a traumatic brain injury with aggravated symptoms, shoulder
8 injuries, and additional trauma that required extensive medical intervention.
9

10 11 **14. Medical Findings Supporting Plaintiff’s Injuries:**

- 12 • **Dr. Suresh Kumar’s** comprehensive report documents chronic and severe
13 physical and cognitive impairments resulting from the trauma sustained in this
14 accident. Dr. Kumar’s assessment confirms symptoms including:
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 - 17 • **Persistent memory dysfunction**, cognitive difficulties, and post-
18 traumatic headaches.
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 - 20 • **Chronic neck pain and shoulder injuries**, which have limited Plaintiff’s
21 mobility and ability to perform daily activities.
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 - 23 • **Sleep disturbances and psychological stress** that interfere with his
24 cognitive processing and mental well-being.
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- **Prognosis and Future Disability:** Dr. Kumar indicates that Plaintiff's condition is unlikely to improve and that his injuries have led to long-term disabilities affecting his quality of life and future earning capacity.
- Dr. Kumar's report highlights how the trauma from the September 27, 2020, collision severely aggravated Plaintiff's pre-existing TBI symptoms, aligning with the **Eggshell Skull Doctrine**. Under this doctrine, Defendants are fully liable for the exacerbation of Plaintiff's prior injuries due to their negligent actions and defective product.

15. Psychological and Emotional Trauma:

- **Aimee Halloran's neuropsychological evaluation** documents extensive emotional and psychological harm resulting from the collision, including:
 - **Complex PTSD, chronic anxiety, and depression**, which have led to hypervigilance, chronic pain, and substantial interference with Plaintiff's daily activities and mental functioning.
 - **Severe cognitive impairment and emotional distress**, evidenced by impaired processing speed, memory deficits, and obsessive-compulsive symptoms.

- **Chronic Pain Syndrome:** Ms. Halloran's report associates Plaintiff's persistent physical pain with ongoing psychological distress, further diminishing his ability to function in daily life.

- Ms. Halloran's assessment underscores the severity of Plaintiff's PTSD and chronic pain symptoms, both of which are consequences of the trauma from the accident and have further impaired his cognitive and emotional health.

16. Plaintiff sustained numerous serious injuries from the impact, including but not limited to:

- **Traumatic brain injury (TBI)** with increased symptoms of memory loss, cognitive dysfunction, and post-traumatic headaches, as documented by Dr. Kumar.
- **Neck and shoulder injuries** that caused stiffness, pain, and radiating discomfort down his right arm, significantly limiting Plaintiff's range of motion and ability to perform daily activities.
- **Lacerations and contusions**, including a cut to his right eyebrow that required stitches and tenderness in the right temporal scalp area.
- **Vertigo and dizziness** diagnosed as benign paroxysmal positional vertigo (BPPV), which has caused persistent issues with balance, coordination, and frequent disorientation.

- **Worsening of pre-existing conditions**, including aggravation of his previous TBI symptoms, leading to heightened headaches and new symptoms such as light sensitivity, nausea, and sound sensitivity.
- **Pain in his right elbow and worsening carpal tunnel syndrome** in his right wrist, resulting in reduced grip strength and difficulty with routine tasks.

17. Case Law Support for Eggshell Skull Doctrine:

- **Rideau v. Los Angeles Transit Lines (1954) 124 Cal.App.2d 466**: This case established the Eggshell Skull Doctrine in California, holding that defendants are liable for the full extent of a plaintiff's injuries even if the plaintiff was more susceptible due to pre-existing conditions.
- **Nguyen v. Los Angeles County Harbor/UCLA Medical Center (1990) 229 Cal.App.3d 206**: Reinforces the principle that a defendant takes the plaintiff as they find them, fully liable for any aggravation of pre-existing injuries.

18. The injuries Plaintiff sustained have led to chronic pain, cognitive challenges, and severe limitations on his ability to carry out daily functions. Plaintiff's quality of life and future earning potential have been significantly impacted by the enduring effects of these injuries, which require ongoing medical care and limit his capacity to work.

19. Defendant **Denise T. McCarney**, the owner of the Ford Focus, is liable under California Vehicle Code § 17150, which holds a vehicle owner responsible for damages resulting from negligent operation of their vehicle by another driver with the owner's permission. McCarney negligently entrusted her vehicle to Defendant Dana, who she knew or should have known posed a risk due to his reckless behavior.

20. **Case Law Support for Negligent Entrustment:**

- **McKenna v. Beesley** (2021) 67 Cal.App.5th 552: Clarifies that a vehicle owner may be held liable for negligent entrustment if they knew or should have known about the driver's incompetence or recklessness.
- **Syah v. Johnson** (1966) 247 Cal.App.2d 534: Holds that entrusting a vehicle to someone known to be reckless can constitute negligent entrustment, establishing liability for the vehicle owner.
- "As a direct and proximate result of the actions and omissions of Defendants **Toyota Motor Corporation, Toyota Motor North America, Inc., Toyota Motor Sales, U.S.A., Inc., Toyota Motor Engineering & Manufacturing North America, Inc., Toyota Motor Manufacturing, California, Inc., Samuel Gene Dana, and Denise T. McCarney,**

Plaintiff **Delma Jrmar Jefferson** has endured severe physical, emotional, and financial harm. This includes, but is not limited to:

- **Exacerbation of pre-existing traumatic brain injury (TBI)** symptoms, leading to frequent, intense headaches, sensitivity to light and sound, and cognitive impairment.
- **Additional physical injuries**, including shoulder damage, elbow and wrist pain, lacerations, and neck and back injuries.
- **Emotional distress and psychological trauma**, resulting in anxiety, fear, and mental anguish.
- **Financial losses**, encompassing wage loss, hospital and medical expenses, and diminished earning capacity due to the limitations caused by his injuries.

21. Plaintiff **Delma Jrmar Jefferson** reserves the right to amend this complaint should discovery reveal additional responsible parties who contributed to the defective seatbelt system or any other factors that caused or contributed to the injuries sustained in this collision.

DAMAGES

22. Physical Injuries and Pain and Suffering:

- **Traumatic Brain Injury (TBI):** Plaintiff sustained a traumatic brain injury (TBI) that has led to significant and permanent cognitive and physical

1 impairments, including memory loss, confusion, difficulties with concentration
2 and processing speed, and post-traumatic headaches. The injury has also
3 exacerbated pre-existing TBI symptoms from a prior accident, making recovery
4 and daily functioning even more challenging.
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- 6 • **Exacerbation of Pre-Existing TBI Symptoms:** Due to the impact of the
7 collision, Plaintiff's prior TBI symptoms were severely aggravated, leading to:
 - 8 • Increased frequency and intensity of post-traumatic headaches, now
9 accompanied by nausea, light sensitivity, and sound sensitivity.
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 - 11 • Cognitive difficulties including impaired short-term memory, reduced
12 attention span, and challenges with planning and organization, all of which
13 impair Plaintiff's ability to work and perform daily tasks.
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- 15 • **Neck and Shoulder Injuries:** The impact of the collision caused chronic neck
16 and shoulder pain, resulting in stiffness, limited range of motion, and radiating
17 pain to Plaintiff's right arm. These injuries have restricted Plaintiff's ability to
18 carry out routine activities, such as driving, lifting objects, and performing work
19 tasks that require physical movement or sustained attention.
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- 21 • **Lacerations and Contusions:** Plaintiff sustained lacerations, including a cut to
22 his right eyebrow that required stitches, as well as other abrasions and bruising
23 across his body, particularly in the shoulder, neck, and facial areas. The
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1 lacerations were painful, required medical treatment, and caused visible
2 scarring.

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4 • **Vertigo and Dizziness (Benign Paroxysmal Positional Vertigo -**
5 **BPPV):** Plaintiff developed BPPV, causing frequent episodes of dizziness,
6 balance issues, and disorientation. These symptoms have increased the risk of
7 falls and made simple tasks, like moving around the house or walking outside,
8 dangerous and disorienting.
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11 • **Right Elbow Pain and Worsening Carpal Tunnel Syndrome:** Plaintiff's right
12 elbow and wrist were impacted during the collision, resulting in persistent pain
13 and exacerbating a pre-existing carpal tunnel syndrome condition. The
14 symptoms include reduced grip strength, tingling sensations, and difficulty
15 performing fine motor tasks such as typing, holding objects, and performing
16 activities that require hand dexterity.
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19 **23. Emotional and Psychological Trauma:**

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21 • **Complex Post-Traumatic Stress Disorder (PTSD):** The severity of the
22 accident and the ensuing injuries led Plaintiff to develop symptoms consistent
23 with complex PTSD, including:
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- 1 • **Hypervigilance and Anxiety:** Constant feeling of being “on edge,” leading
2 to difficulty relaxing, sleeping, or feeling safe, particularly in vehicles or
3 around loud noises.
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5 • **Depression:** Plaintiff experiences depressive symptoms, including feelings
6 of hopelessness, sadness, and emotional numbness, which impact daily
7 functioning and relationships.
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9 • **Flashbacks and Nightmares:** Reliving the traumatic event through intrusive
10 memories, flashbacks, and nightmares, resulting in sleep disturbances, fear,
11 and a constant state of heightened alertness.
- 12
13 • **Chronic Pain Syndrome:** The persistent physical pain from Plaintiff’s injuries
14 is linked to chronic pain syndrome, which in turn has further impacted his
15 psychological health. This cycle of physical and emotional pain contributes to a
16 diminished quality of life, ongoing suffering, and a reduced ability to engage in
17 activities that previously brought fulfillment and joy.

21 24. **Cognitive Impairments and Functional Limitations:**

- 22 • **Memory Dysfunction:** Plaintiff has suffered from significant memory issues
23 since the accident, including difficulty recalling recent events, names, or tasks.
24 This memory dysfunction affects both short-term and long-term recall, creating
25 a barrier to personal and professional interactions.

- 1 • **Cognitive Difficulties:** The traumatic brain injury has left Plaintiff with
2 substantial cognitive deficits, including:
3
 - 4 • Slower processing speed, making it difficult to keep up with
5 conversations or make quick decisions.
 - 6 • Decreased focus and mental clarity, affecting Plaintiff's ability to work,
7 perform household tasks, or engage in social interactions.
 - 8 • Difficulty with executive functions, such as planning, organizing, and
9 prioritizing tasks, which has limited Plaintiff's independence and
10 reliability.
- 11 • **Diminished Ability to Perform Daily Activities:** The cognitive and physical
12 impairments Plaintiff now endures have severely limited his ability to complete
13 even basic tasks independently. This has placed a burden on Plaintiff's family
14 and friends, who have had to assist him with daily routines.

15 25. **Economic Damages:**

- 16 • **Medical Expenses (Past and Future):**
 - 17 • **Immediate Medical Care and Hospitalization:** Following the collision,
18 Plaintiff required emergency medical attention, hospitalization, and
19 treatment for head trauma, lacerations, and other injuries.

- 1 • **Specialist Consultations and Therapy:** Plaintiff has undergone numerous
2 consultations with neurologists, physical therapists, psychologists, and pain
3 management specialists to address his TBI symptoms, cognitive impairments,
4 physical injuries, and psychological trauma.
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6 • **Rehabilitation and Ongoing Therapy:** Plaintiff has required physical
7 therapy to regain movement in his neck and shoulders, cognitive therapy to
8 address memory and cognitive deficits, and psychological counseling for
9 PTSD and emotional trauma. These treatments will likely be necessary on an
10 ongoing basis.
- 11
12 • **Future Medical Care and Surgeries:** Plaintiff is expected to require
13 continued medical treatment, including potential surgeries for orthopedic
14 injuries, ongoing therapy for PTSD, and medical monitoring for cognitive
15 issues related to the TBI. The projected costs for these future treatments are
16 significant.
- 17
18 • **Loss of Wages and Diminished Earning Capacity:**
 - 19 • **Immediate Wage Loss:** Due to the severity of his injuries, Plaintiff has been
20 unable to work since the accident
 - 21 • **Diminished Earning Capacity:** The permanent physical, cognitive, and
22 psychological injuries Plaintiff sustained have diminished his ability to return
23 to work.
 - 24 • **Diminished Earning Capacity:** The permanent physical, cognitive, and
25 psychological injuries Plaintiff sustained have diminished his ability to return
26 to work.
 - 27 • **Diminished Earning Capacity:** The permanent physical, cognitive, and
28 psychological injuries Plaintiff sustained have diminished his ability to return
29 to work.

1 to his previous employment or pursue alternative work. His earning potential
2 has been severely impacted, as he can no longer fulfill the mental and
3 physical requirements of his past job or any comparable employment.
4

- 5 • **Projected Future Economic Losses:** Based on his previous earnings and
6 expected working years, Plaintiff estimates substantial future economic
7 losses resulting from his reduced earning capacity due to permanent injuries.
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9 **26. Loss of Quality of Life and Enjoyment of Life:**

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11 • **Inability to Participate in Hobbies and Social Activities:** Plaintiff has been
12 unable to participate in activities he previously enjoyed, including socializing
13 with friends, engaging in recreational sports, and other hobbies that require
14 physical exertion, mental clarity, or emotional stability.
15
- 16 • **Loss of Independence:** Due to the physical limitations, cognitive impairments,
17 and emotional trauma resulting from the collision, Plaintiff has lost a
18 considerable degree of independence, relying on family members for daily
19 support and assistance.
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- 21 • **Social Isolation and Strain on Relationships:** The psychological and cognitive
22 impact of Plaintiff's injuries has led to social isolation and strained relationships
23 with friends and family members. Plaintiff's emotional distress and limitations
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1 have made it challenging to maintain social connections, leading to loneliness
2 and diminished mental well-being.

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4 • **Inability to Fulfill Personal Goals and Aspirations:** The injuries Plaintiff
5 sustained have severely disrupted his personal and professional plans,
6 preventing him from achieving life goals, advancing in his career, or pursuing
7 new aspirations.
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10 **27. Permanent Disfigurement and Physical Limitations:**

- 11 • **Scarring and Visible Injuries:** Plaintiff has permanent scarring from the
12 lacerations sustained during the accident, particularly on his face. These injuries
13 serve as a constant reminder of the trauma and impact his self-esteem and
14 confidence.
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- 16 • **Permanent Physical Impairments:** The injuries to Plaintiff's neck, shoulder,
17 and arm have left him with permanent physical limitations, affecting his range
18 of motion, strength, and ability to perform tasks requiring upper body
19 movement. These impairments are expected to worsen over time due to the
20 severity of the injuries and their impact on surrounding muscle and joint
21 structures.
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1 **28. Need for Assistive Devices and Home Modifications:**

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- 3 • **Assistive Devices:** Due to ongoing balance and coordination issues, Plaintiff
- 4 may require assistive devices, such as a cane or walker, to safely move about,
- 5 particularly in unfamiliar environments in the future due to injuries suffered.
- 6
- 7 • **Home Modifications:** Plaintiff's residence may need modifications in the
- 8 future to accommodate his physical limitations, including safety rails, accessible
- 9 seating, and adjustments to the living environment to prevent falls and support
- 10 his daily needs.
- 11

12 **FIRST CAUSE OF ACTION – Motor Vehicle Negligence**

13 *(Against Defendants Samuel Gene Dana and Denise G. McCarney)*

14 29. Plaintiff Delma Jmar Jefferson incorporates by reference each and every

15 allegation contained in preceding paragraphs, as though fully set forth herein.

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17 **1. Occurrence of Incident**

18 Plaintiff alleges that Defendants' negligent actions were the proximate cause of

19 Plaintiff's injuries and damages. The incident occurred on or about September

20 27, 2020, at approximately 5:25 p.m., at the intersection of Elkhorn Blvd. and

21 Northborough Drive in Sacramento, California.

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23 **2. Defendants Involved**

- 24 ○ Operating the Vehicle: Defendant Samuel Gene Dana (and Does 1
- 25 through 25) was operating a 2015 Ford Focus involved in the collision
- 26 with Plaintiff's vehicle.
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- Ownership and Permission: Defendant Denise G. McCarney (and Does 1 through 25) owned the 2015 Ford Focus, which Dana operated with her express permission and consent.
- Negligent Entrustment: Defendant McCarney entrusted her vehicle to Defendant Dana despite knowing or having reason to know that Dana could operate the vehicle recklessly, posing a danger to others.

3. Agency and Employment

Plaintiff alleges that Defendants (including Does 1 through 25) were agents and/or employees of each other and acted within the scope of such agency or employment at all relevant times.

4. Liability of Doe Defendants

The true names and capacities of Defendants sued as Does 1 through 25 are currently unknown to Plaintiff. Plaintiff will amend this complaint to include their names once discovered. Plaintiff believes that these Defendants may be liable for the reasons detailed herein.

5. Negligent Conduct and Legal Violations

- Unsafe Driving: Defendant Dana operated the vehicle at an unsafe speed and failed to maintain a safe following distance, violating California Vehicle Code § 21703 (requiring a safe distance between vehicles) and § 22350 (requiring reasonable speeds given conditions). This conduct directly caused the collision with Plaintiff's vehicle.
- Product Contribution to Incident: Due to a defect in the driver's seat, Dana was ejected into the back seat during the collision, leaving the vehicle driverless and uncontrollable, thus further endangering Plaintiff.

The lack of automatic safety controls, such as emergency braking or automatic steering to stabilize the vehicle in the absence of the driver, compounded the risk.

6. Proximate Cause and Damages

As a direct and proximate result of Defendant Dana's unsafe driving and Defendant McCarney's negligent entrustment, Plaintiff sustained serious injuries and damages, including:

- Traumatic Brain Injury (TBI): Aggravation of Plaintiff's pre-existing TBI symptoms.
- Physical Injuries: Extensive injuries requiring ongoing medical treatment.
- Economic Losses: Including medical expenses, wage loss, and loss of future earning capacity.

7. Case Law Support

- Beck v. Kessler (1965): Establishes rear-driver liability in rear-end collisions due to failure to maintain a safe following distance.
- Pittman v. Boiven (1967): Considers factors such as the following driver's alertness and lead vehicle's sudden stopping in assigning fault in rear-end collisions.

SECOND CAUSE OF ACTION – General Negligence

(Against Defendants Samuel Gene Dana and Denise G. McCarney)

1. Incorporation by Reference

Plaintiff incorporates by reference each and every allegation contained in preceding paragraphs, as though fully set forth herein.

2. Occurrence of Incident and Location

Plaintiff alleges that Defendants' negligence was the proximate cause of

Plaintiff's injuries and damages, which occurred on September 27, 2020, at approximately 5:25 p.m., at the intersection of Elkhorn Blvd. and Northborough Drive in Sacramento, California.

3. Description of Negligent Conduct

- **Dana's Unsafe Operation:** Defendant Dana drove the Ford Focus at an unsafe speed, failed to maintain a safe following distance, and violated his duty to operate the vehicle safely, leading to the collision.
- **McCarney's Negligent Entrustment:** McCarney, as the vehicle's owner, is liable under California Vehicle Code § 17150 for damages caused by a permissive user's negligence. Her entrustment of the vehicle to Dana was negligent, given her awareness of his potential risk as a driver.

4. Legal Violations Supporting Negligence

- **California Vehicle Code § 21703:** Dana failed to maintain a safe following distance, leading directly to the rear-end collision.
- **California Vehicle Code § 22350:** Dana drove at an unsafe speed, further endangering Plaintiff.

5. Proximate Cause and Resulting Damages

As a direct result of Defendants' negligence, Plaintiff sustained:

- **Physical and Psychological Injuries:** Including traumatic brain injury, neck, back, and shoulder trauma, and emotional distress symptoms such as anxiety and PTSD.
- **Economic Damages:** Including medical expenses, wage loss, and diminished earning capacity.

6. Case Law Support for Negligent Entrustment and Rear-Driver Presumption

- **McKenna v. Beesley (2021):** Holds vehicle owners liable for negligent entrustment.

- Syah v. Johnson (1966): Recognizes negligent entrustment where a vehicle owner knowingly entrusts a vehicle to a potentially unsafe driver.

THIRD CAUSE OF ACTION – Breach of Warranties

(Against Toyota Motor Corporation and Related Toyota Defendants)

1. Incorporation of Allegations

Plaintiff incorporates by reference each and every allegation contained in preceding paragraphs, ensuring that all relevant details about Toyota's knowledge of the seatbelt system's defects are fully included in this cause of action.

2. Express and Implied Warranties

- **Toyota's Safety Assurances:** Toyota provided both express and implied warranties to consumers, including the passengers of the consumer the Plaintiff, that the vehicle and its critical safety components, specifically the seatbelt system, were safe and fit for their intended purpose. These warranties, including an implied warranty of merchantability, conveyed to consumers that Toyota's vehicles would provide a reasonable level of protection in an accident for all passengers.
- **Expectations of Functionality and Safety:** Under these warranties, it was a reasonable expectation that essential safety components, like the seatbelt system, would properly function to protect occupants from harm in a collision. Plaintiff relied on Toyota's assurances and had an expectation that the vehicle's seatbelt system would operate safely and effectively.

3. Breach of Warranty through Defective Seatbelt System

- **Failure of Seatbelt System:** During the collision, the vehicle's seatbelt system failed to restrain Plaintiff properly, directly breaching the warranties Toyota provided. This failure was further underscored by the November 2022 Equipment Recall 22TH01, which revealed that Toyota had recognized similar issues with seatbelt systems. This recall

demonstrates that Toyota had knowledge of such defects in its seatbelt systems, but did not take sufficient actions to ensure the safety of all its vehicles, including the model involved in Plaintiff's accident.

- Failure to Meet Safety Expectations: The malfunction of the seatbelt system during the accident directly contradicts Toyota's express and implied warranties, failing to meet the safety assurances provided to Plaintiff and other consumers.

4. Causation and Damages

- Direct Impact on Plaintiff's Injuries: Toyota's breach of these warranties was a direct cause of Plaintiff's injuries. The failure of the seatbelt system to function as warranted exacerbated Plaintiff's physical injuries and emotional trauma. Had the seatbelt system worked as Toyota promised, Plaintiff would likely have avoided or reduced the severity of injuries, including traumatic brain injury, physical injuries, and subsequent economic losses.
- Economic and Non-Economic Damages: As a direct result of the breach, Plaintiff has endured substantial economic damages, including medical expenses and lost wages. Additionally, Plaintiff has suffered non-economic damages, including pain, suffering, and ongoing emotional distress.

5. Case Law Support

- Brand v. Hyundai Motor America (2014): This case reinforces the importance of the implied warranty of merchantability in ensuring vehicle safety. It establishes that vehicles must function safely and as warranted, supporting Plaintiff's claim that Toyota's failure to provide a reliable seatbelt system breached its warranties.
- Merrill v. Navegar, Inc. (2001): This case supports claims that manufacturers are obligated to meet product safety standards and ensure that the products provided to consumers are reliable. Toyota's breach of

1 this obligation provides grounds for Plaintiff's damages and injuries
2 resulting from the defective seatbelt system.

3 **FOURTH CAUSE OF ACTION – Product Liability**

4 (Against Toyota Motor Corporation and Related Toyota Defendants)

5 **1. Incorporation of Allegations**

6 Plaintiff incorporates by reference each and every allegation contained in
7 preceding paragraphs, linking Toyota's broader failure to address safety issues
8 with the specific defective seatbelt system in this case.

9 **2. Strict Liability in Commerce**

- 10 ○ Unsafe Product Release: Toyota's release of a vehicle with a defective
11 seatbelt system into the marketplace supports Plaintiff's claim of strict
12 liability. Toyota's November 2022 Recall 22TH01, issued due to
13 defective seatbelt retractor force limiters, reflects that Toyota was aware
14 of ongoing safety issues with seatbelt mechanisms, demonstrating that
15 Toyota either knew or should have known of the defect.
- 16 ○ Consumer Expectations and Unsafe Design: Under California's strict
17 liability laws, consumers reasonably expect that vehicle safety features,
18 particularly seatbelt systems, will work effectively in collisions. By
19 releasing a vehicle with a defective seatbelt system, Toyota failed to meet
20 this basic expectation of safety.

21 **3. Causation and Harm**

- 22 ○ Direct Cause of Injury: The failure of the seatbelt system to properly
23 restrain Plaintiff during the accident was a substantial factor in causing
24 Plaintiff's injuries. This strict product liability claim does not require
25 proof of Toyota's negligence but merely proof that the defect existed and
26 led to harm. Plaintiff has documented harm through injuries suffered and
27 through Toyota's subsequent recall acknowledging the seatbelt defect.

28 **4. Case Law Support**

- Kim v. Toyota Motor Corp. (2018): This case supports product liability claims related to failures of vehicle safety equipment, establishing that Toyota has a responsibility to ensure its safety features function reliably.
- Soule v. General Motors Corp. (1994): This case upholds strict liability for defective products, emphasizing that manufacturers can be held accountable when a product defect causes injury.

FIFTH CAUSE OF ACTION – Failure to Warn

(Against Toyota Motor Corporation and Related Toyota Defendants)

1. Incorporation of Allegations

Plaintiff incorporates by reference all prior allegations, including Toyota's alleged failure to notify consumers of the risks posed by defective seatbelt systems.

2. Inadequate Warnings and Known Risks

- Toyota's Responsibility to Warn: Toyota had a duty to inform consumers of known risks associated with its seatbelt systems, particularly in light of defects identified in Recall 22TH01. This recall demonstrates Toyota's awareness of a seatbelt defect that could increase injury risk during collisions. Toyota failed to provide necessary warnings to Plaintiff and other consumers regarding this safety risk.
- Impact of Lack of Warning on Consumer Choice: Had Toyota adequately warned consumers of potential seatbelt malfunctions, Plaintiff could have taken additional precautions, sought alternatives, or avoided using the vehicle. Adequate warnings could have prevented or reduced Plaintiff's injuries.

3. Causation and Injury

- Failure to Warn as a Substantial Factor: Toyota's omission to provide safety warnings about the defective seatbelt system was a substantial

factor in causing Plaintiff's injuries, leaving Plaintiff unaware of the vehicle's safety limitations.

4. Case Law Support

- Anderson v. Owens-Corning Fiberglas Corp. (1991): This case underscores the duty of manufacturers to inform consumers of known defects in products, emphasizing Toyota's responsibility to inform Plaintiff of potential dangers.
- Romine v. Johnson Controls, Inc. (2014): This case strengthens Plaintiff's claim by establishing that manufacturers have an obligation to warn consumers of defects in vehicle safety systems.

SIXTH CAUSE OF ACTION – Intentional Infliction of Emotional Distress

(Against Toyota Motor Corporation and Related Toyota Defendants)

1. Incorporation of Allegations

Plaintiff incorporates by reference each and every preceding allegation, adding context to the emotional distress caused by Defendants' alleged disregard for consumer safety.

2. Outrageous Conduct by Defendants

- Toyota's Reckless Disregard for Safety: Toyota's decision to continue selling vehicles with known seatbelt defects, as shown by Recall 22TH01, constitutes outrageous and reckless conduct. By failing to address these issues promptly or inform consumers, Toyota exhibited a blatant disregard for consumer safety and well-being.

3. Resulting Emotional Distress:

Plaintiff suffered traumatic emotional distress during and after the crash. This includes symptoms such as PTSD, anxiety, and depression, all aggravated by Plaintiff's awareness of Toyota's disregard for safety, the terrifying loss of vehicle control, and the negligent actions of Dana and McCarney.

4. Case Law Support

- People v. Wolfe: Supports claims for emotional distress when a defendant's actions reflect malice and awareness of potential harm to human life.
- People v. Velazquez: Defines "implied malice" as knowingly engaging in dangerous acts with conscious disregard for life, supporting Plaintiff's claim of reckless endangerment by Defendants.

SEVENTH CAUSE OF ACTION – Negligent Infliction of Emotional Distress

(Against Toyota Motor Corporation and Related Toyota Defendants)

1. Incorporation of Allegations

Plaintiff incorporates by reference all prior allegations, including Toyota's failures and the psychological and emotional impact of the Defendants' negligence.

2. Negligent Conduct and Emotional Harm

- Toyota's Negligence in Addressing Known Defects: Toyota's failure to address known seatbelt defects, as highlighted in Recall 22TH01, created a foreseeable risk of emotional harm to consumers. By not taking corrective actions or issuing proper warnings, Toyota exposed Plaintiff to a high-risk situation that resulted in significant psychological trauma.

3. Ongoing Distress and Psychological Impact

As a direct result of Defendants' negligent actions, Plaintiff has experienced ongoing emotional distress, including symptoms such as anxiety, fear, and hypervigilance that interfere with daily life and necessitate continued psychological support.

4. Case Law Support

- Soule v. General Motors Corp. (1994): Supports product liability claims that include emotional distress caused by defective safety features, relevant to Toyota's failure to address seatbelt defects.

- 1 ○ Toliver v. General Motors Corp. (1986): Emphasizes that manufacturers
2 are responsible for specific manufacturing or design defects that cause
3 emotional distress, supporting Plaintiff’s claim of negligent infliction of
4 emotional distress.

5
6 **EIGHTH CAUSE OF ACTION – Punitive Damages**

7 (Against Toyota Motor Corporation and Related Toyota Defendants)

8 **Introduction: Toyota’s Corporate-Level Reckless Indifference to Passenger**
9 **Safety**

- 10 1. Plaintiff incorporates by reference all preceding paragraphs as if fully set forth
11 herein.
- 12
- 13 • Toyota Motor Sales, U.S.A., Inc.; Toyota Motor North America, Inc.; and
14 Toyota Motor Engineering & Manufacturing North America, Inc. (collectively,
15 “Toyota”) engaged in fraudulent, reckless, and grossly negligent conduct by
16 failing to recall, warn, or disclose known seatbelt defects in older Toyota
17 models, including the 2006 Toyota Highlander—the vehicle in which Plaintiff
18 was a passenger during a serious crash on September 27, 2020.
- 19
- 20 • Toyota’s failure to recall this vehicle does not absolve its liability, as a
21 manufacturer’s duty to warn extends beyond recalled vehicles when it knows or
22 should know that a product defect exists in other models.
- 23
- 24 • Toyota’s corporate leadership—including its officers, directors, and managing
25 agents—had full knowledge that defective seatbelts in multiple Toyota vehicles
26 were prone to overextension, failure to lock, and increased risk of severe injury
27 in crashes. Despite this, Toyota chose to recall only certain vehicles, leaving

1 older models—and more importantly, their unsuspecting passengers—
2 completely unprotected.

- 3 • This corporate strategy of selective recalls is discriminatory—it prioritizes
4 vehicle owners while completely disregarding the safety of passengers, who
5 have no ability to check for defects or recall eligibility.
- 6
- 7 • Toyota’s corporate leadership deliberately refused to act, demonstrating a
8 reckless disregard for passenger safety that meets the threshold for punitive
9 damages under California Civil Code § 3294.
- 10
- 11 • Toyota’s corporate leadership refusal to extend recall protections to older
12 vehicles represents a calculated strategy designed to limit financial liability at
13 the expense of consumer safety. This approach has endangered millions of
14 passengers who have unknowingly relied on faulty safety systems that fail under
15 real-world conditions. Such deliberate corporate negligence is not only reckless
16 but also constitutes malicious and fraudulent conduct, further justifying punitive
17 damages.

18 2. Toyota’s Corporate-Level Failure to Recall & Warn the Public

- 19 • Toyota’s corporate leadership Knew About the Defect & Deliberately Failed
20 to Act

21
22 The court ruled that the recall does not apply to Plaintiff’s vehicle, but this does
23 not absolve Toyota of liability because:

- 24 • Toyota’s corporate officers and directors were directly involved in recall
25 decisions, and they knew about seatbelt defects across multiple models,
26 including the 2006 Highlander.

- Despite this knowledge, Toyota’s corporate leadership failed to act, ratified the failure to act, and authorized continued sales of known defective vehicles.
- Toyota executives and engineers were well aware of the seatbelt failure mechanisms, as internal defect analysis reports dating back years demonstrated a pattern of seatbelt overextension and failure to lock properly in high-impact collisions. Despite these findings, Toyota chose to withhold recall protections for older models, actively allowing thousands of consumers to unknowingly operate unsafe vehicles.

3. Toyota’s corporate leadership Selective Recalls Show a Corporate Strategy to Conceal Liability

- February 2025 Recall: Toyota recalled 41,000 vehicles for seatbelt failures in 2024-2025 Toyota Camry, Lexus NX, and Lexus RX models.
- November 2022 Recall 22TH01: Toyota admitted to seatbelt retractor force limiter defects, showing Toyota was fully aware of systemic seatbelt failures across multiple models.
- Despite recalling these newer vehicles, Toyota failed to recall the 2006 Highlander, even though it had similar seatbelt components and defects.
- This demonstrates a corporate strategy of limiting liability—Toyota only recalled newer models to reduce financial exposure, leaving older vehicles with the same deadly defect on the road.

4. Toyota’s corporate leadership did not prioritizing public safety, Toyota’s corporate leadership made a conscious decision to suppress defect findings. This

selective recall strategy illustrates corporate deception, gross negligence, and fraudulent concealment, all of which justify punitive damages.

5. Toyota's corporate leadership Failure to Warn Vehicle Owners & Passengers Increased the Risk of Injury

- Toyota's corporate leadership never warned vehicle owners that older model seatbelts could fail in a crash.
- No public safety bulletin or awareness campaign was issued, ensuring that millions of passengers and drivers remained at risk.
- Toyota's corporate leadership recall strategy discriminates against passengers, as recall notices are only sent to registered vehicle owners.
- Passengers never receive recall notices, meaning they are the most vulnerable population, entirely dependent on Toyota's willingness to disclose safety risks.
- By failing to recall older models and failing to warn vehicle owners, Toyota deliberately put passengers—who had no ability to check for recalls or defects—at heightened risk.

6. Toyota's corporate leadership refusal to issue public warnings exacerbates the danger to unsuspecting passengers, who remain unaware that they are in peril every time they enter a Toyota vehicle with defective seatbelts.

7. Toyota's corporate leadership Reckless Indifference Directly Caused Plaintiff's Injuries

- Plaintiff was properly restrained in a 2006 Toyota Highlander when the seatbelt overextended and failed to lock properly.

- Plaintiff heard a “click” sound just before being thrown forward into the dashboard, losing consciousness, and suffering severe injuries.
- Toyota’s corporate leadership knew of seatbelt defects in other and similar models yet refused to recall the 2006 Highlander, directly leading to Plaintiff’s injuries.
- 8. Toyota’s intentional disregard for passenger safety and refusal to recall known defective models directly caused the injuries sustained by Plaintiff, reinforcing the need for punitive damages.

Legal Reinforcements & Case Law Supporting Punitive Damages

- Anderson v. Owens-Corning Fiberglas Corp. (1991) — Manufacturers have a duty to warn consumers about dangers known or knowable at the time of manufacture.
- **Grimshaw v. Ford Motor Co. (1981)** – Supports punitive damages when manufacturers knowingly endanger consumers by neglecting safety
- Carlin v. Superior Court (1996) — Manufacturers are strictly liable for failure to adequately warn of a known risk.
- Grieves v. Superior Court (1984) — Punitive damages are justified when corporate policies demonstrate conscious disregard for safety.
- Gutierrez v. Carmax Auto Superstores California (2018) — Failure to disclose that a part was subject to recall violated consumer laws.

- Jackson v. Rogers & Wells (1989) — Punitive damages can be sought when clear and convincing evidence shows a defendant's conduct was fraudulent, oppressive, or malicious.
- **Equal Protection Violation (California Constitution, Art. I, § 7)** — Toyota's recall strategy denies equal protection of the law to passengers.

Constitutional Violations & Legal Maxims

- Equal Protection Violation (California Constitution, Art. I, § 7) — Toyota's recall strategy denies equal protection of the law to passengers.
- Consumer Protection Violation (California UCL, Bus. & Prof. Code § 17200) — Toyota's fraudulent concealment of a known defect constitutes an unfair business practice.
- Legal Maxim: "Suppressio veri, suggestio falsi" — "Suppression of the truth is equivalent to a falsehood."
- Legal Maxim: "Ubi jus, ibi remedium" — "Where there is a right, there is a remedy."

Fraudulent, Malicious, and Oppressive Conduct

9. Toyota's corporate leadership Disregard for Known Safety Defects:

- Toyota's corporate leadership awareness of seatbelt system defects, revealed in Recall 22TH01 and publicized on November 10, 2022, underscores its failure to implement necessary corrective actions. These defects were widely known within the company yet were ignored, reflecting a pattern of reckless indifference to consumer safety. By prioritizing profits over consumer protection, Toyota engaged in malicious and oppressive conduct. Plaintiff's

September 27, 2020, accident occurred well before Toyota's corrective action, highlighting the company's prolonged inaction despite its awareness of these safety defects.

Pattern of Safety Violations and Delayed Action:

- Toyota's history of delayed recalls, evidenced by multiple cases, highlights a deliberate strategy to postpone necessary corrective measures to minimize financial and reputational harm. Defects identified in Recall 22TH01 were known internally but not addressed until after Plaintiff's injuries, underscoring Toyota's disregard for consumer safety. These delays, which are part of a broader corporate culture of neglect, exacerbated harm suffered by countless victims. Toyota's ongoing failure to act in a timely manner reinforces a systemic failure to prioritize consumer safety.

Leadership Accountability:

- Toyota Motor Corporation, as the parent company based in Japan, exercises control over all manufacturing, safety, and quality assurance processes. Leadership at the highest levels, including senior officers and managing agents, knowingly ignored safety risks to preserve profits. Toyota's leadership acted with willful and conscious disregard for consumer safety by limiting the scope of recalls and delaying critical safety measures. Had Toyota's leadership acted responsibly and proactively, Plaintiff's injuries and similar incidents could have been prevented. This failure reflects a lack of accountability and a deliberate choice to subordinate safety to financial considerations.

Entitlement to Punitive Damages

- Plaintiff is entitled to punitive damages to penalize Toyota and Toyota's corporate leadership for its willful and malicious misconduct. Such damages are necessary to deter similar behavior and hold Toyota accountable for severe injuries and psychological harm caused by its defective products. Toyota's intentional withholding of safety-related information from consumers and regulatory authorities demonstrates a flagrant disregard for human life. By awarding punitive damages, the Court can establish a precedent that corporate negligence and malfeasance will not be tolerated, ensuring consumer safety remains paramount over profit motives.

Supporting Case Law

Grimshaw v. Ford Motor Co. (1981):

- This landmark case supports punitive damages where manufacturers knowingly endanger consumers by neglecting safety defects. It emphasizes the moral and legal duty of corporations to address known dangers, even at financial cost. Toyota's inaction parallels the negligence and disregard highlighted in Grimshaw.

Campbell v. General Motors Corp. (1982):

- This case underscores the role of punitive damages in holding manufacturers accountable for gross indifference to consumer safety. Toyota's delay in addressing widespread seatbelt defects exemplifies the type of negligence that punitive damages aim to deter.

Application of California Civil Code § 3294

10. California Civil Code § 3294 provides for punitive damages when clear and convincing evidence establishes that a defendant acted with malice, oppression, or fraud:

- **Malice:** Defined as intentional harm or despicable conduct executed with willful and conscious disregard for the safety of others. Toyota's refusal to act promptly despite awareness of safety risks exemplifies malice.
- **Oppression:** Conduct that subjects a person to cruel and unjust hardship in conscious disregard of their rights. Toyota's choice to withhold recalls and delay safety measures placed millions of consumers in harm's way, qualifying as oppressive behavior.
- **Fraud:** The intentional concealment of material facts to deceive consumers and regulators. Toyota's failure to disclose known safety risks constitutes fraud and demonstrates a calculated effort to avoid financial liability.

11. Specific Allegations Demonstrating Malice, Oppression, and Fraud

- **Knowledge of Defects:** Toyota knowingly designed and sold vehicles with defective seatbelt systems that posed a catastrophic risk to occupants during collisions. Internal safety tests, consumer complaints, and regulatory data confirm that Toyota was aware of these issues long before addressing them.
- **Concealment of Information:** Toyota and Toyota's corporate leadership deliberately withheld critical safety information from the public, prioritizing financial performance over transparency. This concealment directly endangered consumers, including Plaintiff.

- Profit Over Safety: Toyota and Toyota’s corporate leadership repeatedly prioritized profits over safety, neglecting to issue timely recalls or warnings. This corporate culture of indifference directly contributed to Plaintiff’s injuries and underscores a systemic disregard for consumer welfare.

12. Toyota and Toyota’s corporate leadership Historical Misconduct Substantiates Plaintiff’s Claims

- 2014 DOJ Settlement: Toyota paid \$1.2 billion to resolve criminal charges for concealing unintended acceleration defects. Then-Attorney General Eric Holder criticized Toyota’s prioritization of profits over people, demonstrating a pattern of neglect and indifference.
- 2023 Airbag Settlement: Toyota settled a \$78.5 million class-action lawsuit for defective airbag control units. This case underscores Toyota’s consistent reluctance to address safety issues proactively, even when lives are at stake.
- Recurring Neglect: Toyota’s behavior reveals a systemic pattern of minimizing liability while concealing safety risks, validating Plaintiff’s claims of malice and oppression.

13. These incidents demonstrate Toyota’s long-standing prioritization of profits over safety, reflecting a corporate culture that consistently endangers public welfare.

Toyota’s Conduct Qualifies as Despicable Under California Law

14. California law defines despicable conduct as actions so vile and reprehensible that they provoke outrage among reasonable individuals (*American Airlines, Inc. v. Sheppard, Mullin, Richter & Hampton* (2002) 96 Cal.App.4th 1017, 1051). Toyota’s sale of vehicles with known seatbelt defects—despite clear

evidence of potential harm—meets this threshold, surpassing ordinary negligence and exemplifying despicable behavior.

Toyota Acted With a Conscious Disregard for Consumer Safety

- **Malice:** Toyota’s deliberate delay in issuing recalls or warnings demonstrates a conscious and reckless disregard for consumer safety. These decisions resulted in preventable injuries, including those sustained by Plaintiff.
- **Pattern of Negligence:** Toyota consistently prioritized financial interests over ethical responsibility. Courts have repeatedly upheld punitive damages in similar cases of corporate neglect, such as *Grimshaw v. Ford Motor Co.*(1981) 119 Cal.App.3d 757.

Toyota’s Leadership Is Directly Implicated

15. Under California Civil Code § 3294(b), punitive damages require evidence that corporate officers, directors, or managing agents authorized or ratified wrongful conduct. Plaintiff alleges:

16. Toyota’s leadership was fully aware of defective seatbelt systems and participated in decisions to delay recalls and conceal defects. A review of Toyota’s recall patterns across multiple models demonstrates a strategy of limiting recall scope, delaying action, and failing to warn consumers about widespread defects. The November 10, 2022, recall—issued more than two years after Plaintiff’s September 27, 2020, accident—demonstrates this delay.

17. Toyota engaged in fraudulent, reckless, and grossly negligent conduct by failing to recall, warn, or disclose known seatbelt defects in older Toyota models, including the 2006 Toyota Highlander—the vehicle in which Plaintiff was a

passenger. Despite multiple reports, technical service bulletins, and a pattern of recalls for similar safety defects in later model years, Toyota knowingly placed passengers at risk. These defects included:

- **Seatbelts failing to lock on impact** – Reports indicate that Toyota Highlander seatbelts failed to lock properly during crashes, allowing dangerous forward movement.
- **Overextension issues** – Seatbelts extending beyond their safe limit, failing to restrain passengers adequately.
- **Seatbelt unlatching upon impact** – Complaints detail incidents where seatbelts came undone during crashes, increasing the risk of ejection.
- **Failure to retract or tighten properly** – Seatbelts remaining loose instead of securing occupants, heightening injury risk.
- **Third-row seatbelts not engaging** – Passengers in the rear seating area experienced belt failures that left them unprotected.
- **Faulty seatbelt sensors and warning indicators** – Malfunctioning systems failed to alert passengers of potential seatbelt defects.
- **Multiple consumer complaints and technical service bulletins** – Toyota received numerous reports detailing these safety issues yet refused to act.
- **Pattern of safety recalls across Toyota models** – Toyota issued seatbelt and airbag recalls in newer vehicles but failed to extend similar protections to older models, including the Plaintiff's 2006 Highlander.

1 18. This corporate strategy of selective recalls prioritizes vehicle owners while
2 completely disregarding the safety of passengers, who have no ability to check
3 for defects or recall eligibility. Toyota's refusal to extend recall protections to
4 older vehicles represents a calculated strategy designed to limit financial liability
5 at the expense of consumer safety. Such deliberate corporate negligence
6 constitutes malicious and fraudulent conduct, further justifying punitive
7 damages under California Civil Code § 3294.

8
9 19. Accordingly, Plaintiff asserts that Toyota's deliberate negligence, corporate
10 malfeasance, and fraudulent concealment of known defects justify punitive
11 damages and immediate accountability. Toyota's leadership deliberately refused
12 to act, demonstrating a reckless disregard for passenger safety that meets the
13 threshold for punitive damages under California law and other applicable
14 consumer protection statutes.

15 Supporting Recall Evidence (Recall 22TH01)

- 16
- 17 • Corporate Oversight: Recall 22TH01 evidence managing agents' involvement in
18 identifying and addressing seatbelt defects.
 - 19 • Admission of Defects: The recall acknowledges defective seatbelt components,
20 confirming Toyota's awareness of safety risks.
 - 21 • Negligent Delay: The recall's issuance long after Plaintiff's accident reflects
22 Toyota's systemic failure to act promptly, further endangering consumers.
23

24 Consumer Complaints as Evidence

- 25
- 26 • Seatbelt Failures: Multiple NHTSA complaints document seatbelt malfunctions,
27 including locking failures and fraying, across Toyota Highlander models.

- Systemic Neglect: These complaints reveal recurring safety issues and Toyota's failure to address widespread defects effectively.

Corporate Parent-Subsidiary Liability

Toyota Motor Corporation, as the parent company, is liable for:

- Authorizing or ratifying wrongful conduct.
- Establishing corporate policies prioritizing profits over safety.
- Failing to ensure subsidiaries acted in compliance with safety obligations.

Conclusion

20. Toyota Motor Corporation and all Toyota defendants should be held accountable for:

- Fraudulent concealment of safety defects. Allowing a jury to assess the appropriateness of such damages is essential to uphold our principles as a constitutional republic. As stated in the Preamble to the United States Constitution, 'We the People, in order to form a more perfect Union,' must ensure accountability and justice for corporate misconduct that endangers public welfare.
- Willful and conscious disregard for consumer safety.
- Oppressive corporate practices prioritizing profits over safety.

21. Plaintiff's claim for punitive damages satisfies California law and should proceed to trial to allow the jury to assess the appropriateness of such damages.

Case Law Support

- Grimshaw v. Ford Motor Co. (1981): Supports punitive damages in cases where manufacturers knowingly endanger consumers by neglecting safety defects.
- Campbell v. General Motors Corp. (1982): Highlights the role of punitive damages in holding manufacturers accountable for gross indifference to consumer safety.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Delma Jrmarr Jefferson prays for judgment against all Defendants as follows:

1. General Damages

For general damages in an amount exceeding the minimum jurisdictional requirement of this court, as proven at the time of trial, for the physical injuries, pain, suffering, mental anguish, loss of enjoyment of life, and all non-economic damages resulting from the incident.

2. Special Damages

For special damages, including but not limited to, medical expenses, incidental expenses, and rehabilitation costs, according to proof presented at trial.

3. Medical and Incidental Expenses

For compensation covering all medical, hospital, and incidental expenses incurred to date, and for anticipated future medical expenses, including ongoing treatment, therapy, and any required future medical monitoring for continued evaluation and care of injuries, including traumatic brain injury and psychological trauma, according to proof.

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1 **10.All Costs of Suit**

2 For all reasonable costs of suit, including legal fees and other expenses incurred
3 in bringing this action.

4 **11.Such Other Relief as the Court Deems Just and Proper**

5 For such additional and further relief as the court may deem just, proper, and
6 equitable in the interest of justice.
7

8 **DEMAND FOR JURY TRIAL**

9 Plaintiff Delma Jrmar Jefferson hereby demands a trial by jury on all issues so triable
10

11
12 Dated: February 20, 2025

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15 _____
16 Delma Jrmar Jefferson
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hereby affirm that I am above the age of eighteen years and am not a party to the action in question. On February 20, 2025 I executed service of the following documents:

- associated with the case at hand, upon the interested parties as follows:

WILMA J. GRAY
MCNAMARA, AMBACHER, WHEELER, HIRSIG & GRAY LLP
3480 Buskirk Avenue, Suite 250
Pleasant Hill, CA 94523
Telephone: (925) 939-5330
E-Mail: wilma.gray@mcnamaralaw.com

William C. Callaham, Esq.
Christopher G. Romero, Esq.
Wilcoxon Callaham, LLP
2114 K Street
Sacramento, CA 95816
Phone: 916-442-2777
E-Mail: weallaham@wilcoxonlaw.com
cromero@wilcoxonlaw.com

James W. Halbrooks, Esq.
Samuel J. Galvin, Esq.
Bowman and Brooke LLP
1741 Technology Dr.
San Jose, CA 95110
Phone: 408-279-5393

1 E-Mail: samuel.galvin@bowmanandbrooke.com

2 Service of the above document(s) was effectuated by the following means of service:

3
4 ☒ **BY EMAIL TRANSMISSION** – I sent said document(s) to be delivered
5 electronically to the addressee(s) identified above with an e-mail address
6 pursuant to Cal. Code Civ. Proc. § 1010.6(a)(2)(A)(ii) and Cal. Code Civ. Proc.
7 § 1010.6(a)(6).
8

9 ☐ **BY FIRST CLASS MAIL** – I placed a true copy thereof enclosed in a sealed
10 envelope with postage thereon fully prepaid. I deposited said envelope in the
11 United States mail at
12

13 ☐ **BY PERSONAL SERVICE/HAND DELIVERY** – I placed a true copy
14 thereof enclosed in a sealed envelope. I caused such envelope to be delivered to
15 the office(s) of the addressee(s).

16 ☐ **BY OVERNIGHT MAIL** – I sent a true copy thereof enclosed in a sealed
17 envelope to be delivered for overnight courier service to the office(s) of the
18 addressee(s).
19

20 ☐ **FACSIMILE TRANSMISSION** – I sent a true copy thereof via facsimile
21 transmissions to the following number(s).

22 I declare under penalty of perjury under the laws of the State of California that the
23 foregoing is true and correct. Executed on February 20, 2025 , in Dallas Texas
24

25 

26 LAMAR JEFFERSON
27