

IN THE CIRCUIT COURT OF YAZOO COUNTY, MISSISSIPPI

LaTOYA GOINS

PLAINTIFF

v.

CIVIL ACTION NO.

2014-CI40

GENERAL MOTORS, LLC;
THE ESTATE OF JASMAND KEON JOHNSON
and JOHN DOES 1-20

DEFENDANTS

COMPLAINT
(Jury Trial Demanded)

The Plaintiff, LaToya Goins, files her complaint against the Defendants GENERAL MOTORS, LLC, THE ESTATE OF JASMAND KEON JOHNSON and JOHN DOES 1-20, and, in support thereof, states as follows:

PARTIES

1. Plaintiff LATOYA GOINS is an adult resident citizen of the State of Mississippi.
2. Defendant General Motors, LLC (hereinafter "GM") is a Delaware corporation, with its principal place of business located in Detroit, Michigan. GM may be served with process of this Court by serving its registered agent, CSC of Rankin County, Inc., Mirror Lake Plaza, 2829 Lakeland Drive, Suite 1502, Flowood, Mississippi 39232. GM manufactured and distributed the vehicle that is the subject of this lawsuit. GM does business in and can be found in Rankin County, Mississippi.
3. Defendant The Estate of Jasmand Keon Johnson is an entity existing in and within Yazoo County, Mississippi upon the death of Jasmand Keon Johnson or about April 17, 2014 in Yazoo County, Mississippi. The decedent was a citizen of Yazoo County, Mississippi at the time of her death. As such, The Estate of Jasmand Keon Johnson is an entity existing in the State of Mississippi pursuant to Order of the Chancery Court of Yazoo County, Mississippi, Cause No. 14-CV-0126 and

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ROBERT COLEMAN, Circuit Clerk

By Cathy King D.C.

may be served with process of this Court upon its Executor/Administrator, Debra Ann Johnson, at her address of 740 Shady Lane, Apartment 11-H, Yazoo City, Mississippi.

4. Defendants John Does 1-20 are those entities, corporations, partnerships, employees, servants, contractors, and individuals whose names are presently unknown to Plaintiff. Defendants John Does 1-20 also includes those entities, corporations, partnerships, and individuals who have or have had any ownership interest in any of the named Defendants or which played any role in the management of those companies.

JURISDICTION AND VENUE

5. Jurisdiction is proper in the Circuit Court of Yazoo County, Mississippi.

6. Venue is proper in Yazoo County, Mississippi pursuant to *Miss. Code Ann. § 11-11-3*.

FACTS

7. On or about April 17, 2014, Jasmand Keon Johnson was operating a 2006 Saturn Ion (VIN: 1G8AJ55FX6Z206498) on State Highway 49 East, near Carter Hill Road, in Yazoo County, Mississippi (more accurately described as being approximately located at N 32°56.346/W 090°22.005) with Plaintiff LaToya Goins as the front seat passenger. While Jasmand Keon Johnson was operating the subject Ion, the engine suddenly shut off and she lost control of the vehicle causing it to leave the road, crash and catch fire. Jasmand Keon Johnson was killed and Plaintiff was severely injured.

8. GM designed, developed, tested, manufactured, and/or distributed the 2006 Saturn Ion VIN: 1G8AJ55FX6Z206498 (hereinafter the “subject vehicle”).

9. In the fall of 2002, GM personnel made a decision that lead to catastrophic results – a GM engineer chose to use an ignition switch in certain cars that was so far below GM’s own

specifications that it failed to keep the car powered on in foreseeable circumstances that drivers would encounter, resulting in moving stalls on the highway.

10. Problems with the switch's ability to keep the Saturn Ion powered on were known within GM's engineering ranks at the earliest stages of its production.

a. As early as 2001 GM noted problems with the ignition switches during pre-production testing of the Saturn Ion.

b. In 2003-2004 a service technician closed an inquiry into a stalling Saturn Ion linked to the ignition switch after changing the key ring.

c. In 2005 GM was aware that its vehicles were experiencing running stalls due to faulty ignition switches and actually rejected a proposal to address the ignition switch issue because the fix was deemed too costly. A GM engineer advised the company to redesign the key head but the proposal was rejected.

d. In 2005 GM sent dealers a bulletin telling them there were problems with the Ion's ignition switches stating in part, "There is potential for the driver to inadvertently turn off the ignition due to low key ignition cylinder torque/effort."

e. GM knew since 2005 that a problem existed in the ignition switches of Saturn Ions that could cause the inadvertent turning off of the ignition.

f. GM is aware of deaths and injuries associated with ignition switches of Saturn Ions.

11. Since at least 2003, GM has sold millions of vehicles throughout the United States and worldwide that have a safety defect involving the vehicle's ignition switch.

12. All 2006 Saturn Ions had defective ignition switches.

13. The 2006 Saturn Ion vehicle (VIN: 1G8AJ55FX6Z206498) contained a defective ignition switch.
14. The 2006 Saturn Ion vehicle (VIN: 1G8AJ55FX6Z206498) was defective at the time it was manufactured.
15. The ignition switch in the 2006 Saturn Ion (VIN: 1G8AJ55FX6Z206498) can cause a running stall at highway speeds.
 - a. Running stalls are a safety concern.
 - b. Running stalls at highway speeds can cause crashes.
16. The Saturn Ion (VIN: 1G8AJ55FX6Z206498) was dangerous and defective when manufactured.
17. GM CEO Mary Barra has admitted that GM made mistakes relating to the ignition switch issues and these mistakes have caused the deaths and injuries of people.
18. GM knew prior to April 17, 2014 that 2006 Saturn Ions were manufactured with faulty ignition switches.
19. The crash of the subject Ion resulted, in part, from the dangerous and defective design and manufacture of the subject vehicle.
20. 2006 Saturn Ions have safety-related design and or manufacturing defects.
 - a. A low torque defect in the ignition switch allows the key to be inadvertently turned from the “run” to “accessory/off” position.
 - b. Due to the low position of the key lock module on the steering column, a driver can inadvertently bump the key fob or chain which results in the key turning from “run” to the “accessory/off” position.

c. The key sold with the Ion has a slot design which allows the key fob or chain to hang lower on the key and increases the chance of the key inadvertently moving from the “run” to “accessory/off” position during ordinary driving maneuvers.

d. The key ignition system in 2006 Saturn Ions can cause the disablement of the vehicle’s power, including but not limited to disablement of power steering, brakes and airbags.

21. The subject vehicle (2006 Saturn Ion VIN: 1G8AJ55FX6Z206498) is defective pursuant to *Miss. Code Ann. § 11-1-63*.

22. Defendant Jasmand Keon Johnson, being sued through her surviving estate, negligently failed to maintain control of the vehicle and her negligence was a further contributing cause of the subject incident that resulted in the severe injuries and pain and suffering of the Plaintiff.

COUNT I
GM’s Negligence

23. Plaintiff adopts and incorporates by reference herein the allegations contained in the foregoing paragraphs.

24. At all times pertinent hereto, Defendant GM owed a duty to Plaintiff to properly design, test, manufacture, assemble, label, advertise and market/sell the subject vehicle as a reasonably safe design which would not put the vehicle occupants at risk. At all times pertinent hereto, Defendant GM owed a duty to Plaintiff to inform her and others of what they knew about the dangerous condition of the subject vehicle and its ignition system, and all accident, injury and death information concerning the subject vehicle.

25. Defendant GM designed, manufactured, tested, inspected, distributed, and sold the subject vehicle for use by consumers on the roadways of the United States.

26. Defendant GM breached the duty of reasonable care owed to Plaintiff in that Defendant GM negligently designed, constructed, manufactured, tested or inspected the subject vehicle, failed to consider the result of testing, and/or failed to inspect the subject vehicle for defects, and/or failed to heed the results of warranty claims and/or adjustment records.

27. Defendant GM also negligently warned or failed to warn Plaintiff of defects in the subject vehicle and the effect of said defects, which Defendant GM either knew or should have known existed.

28. GM negligently failed to warn that the subject vehicle has a high potential for failures described herein resulting in the vehicle's ignition switch moving from the "run" position to the "accessory" or "off" position, resulting in a loss of power, vehicle speed control, and braking, as well as a failure of the vehicle's airbags to deploy. GM knew of these defects, the failures that resulted from these defects and the effects of such failures.

29. As a direct and proximate result of the defects in the subject vehicle and GM's negligence, Plaintiff was seriously injured.

COUNT II
Strict Liability as to Defendant GM

30. Plaintiff adopts and incorporates by reference herein the allegations contained in the foregoing paragraphs.

31. At all times relevant, GM was engaged in the business of designing, manufacturing, constructing, selling, distributing and monitoring the performance of vehicles, including the vehicle involved in this incident.

32. The subject vehicle, which was manufactured and/or distributed by Defendant GM, was unfit and unsafe for its intended uses and purposes because of design, manufacturing, and inspection defects that caused the vehicle to suddenly fail.

33. The subject vehicle was manufactured by GM without adequate quality control measures and inappropriate manufacturing procedures and processes which GM knew, or in light of reasonably available knowledge or in the exercise of reasonable care should have known, about the Saturn Ion's defective design. At the time Saturn Ion left its control, GM knew that the Saturn Ion would fail to function as the consumer would expect it to function in normal operating conditions, and there existed a feasible design alternative for the Saturn Ion and its vehicle ignition system that would have to a reasonable probability prevented the permanent and irreversible injury to Plaintiff. Such a feasible alternative design would not have impaired the utility, usefulness, practicality, or desirability of the Saturn Ion to users or consumers. Said inappropriate quality control measures and inappropriate manufacturing practices and procedures contribute to in-service failures such as that which occurred in the subject vehicle.

34. GM negligently monitored the performance of or failed to heed the results of monitoring the performance of vehicles that it manufactured, including the subject vehicle.

35. The subject vehicle was defective in manufacture in that the vehicle's ignition switch can unintentionally move from the "run" position to the "accessory" or "off" position, resulting in a loss of power, vehicle speed control, and braking ability.

36. As a direct and proximate result of the defects in the subject vehicle, Plaintiff was seriously injured.

COUNT III
Breach of Warranty as to GM

37. Plaintiff adopts and incorporates by reference herein the allegations contained in the foregoing paragraphs.

38. At all times pertinent hereto, Defendant GM warranted that the subject vehicle was in a defect-free and reasonably safe condition, yet, in fact, it was not. The vehicle's defective and unreasonably dangerous condition was inconsistent with said warranties. Therefore, GM breached said warranties.

39. As a direct and proximate result of GM's breach of warranty, Plaintiff was seriously injured.

COUNT IV
Misrepresentation as to GM

40. Plaintiff adopts and incorporates by reference herein the allegations contained in the foregoing paragraphs.

41. At all times pertinent hereto, GM negligently and/or intentionally represented to the public that the subject vehicle was safe for its intended purposes and it failed to disclose material facts concerning the vehicle's defects and safety. Yet, in fact, the subject vehicle was not safe for its intended purposes.

42. As a direct and proximate result of GM misrepresentations, Plaintiff was seriously injured.

COUNT V
Failure to Warn as to GM

43. Plaintiff adopts and incorporates by reference herein the allegations contained in the foregoing paragraphs.

44. At all times pertinent hereto, Defendant GM owed Plaintiff a duty to warn of potential

dangers in foreseeable use of the subject vehicle.

45. Defendants GM failed to warn Plaintiff of potential dangers that it knew or should have known existed.

46. As a direct and proximate result of GM's failures, Plaintiff was seriously injured.

COUNT VI
Negligence of Jasmand Keon Johnson

47. Plaintiff adopts and incorporates by reference herein the allegations contained in the foregoing paragraphs.

48. Jasmand Keon Johnson, deceased, being sued through her surviving estate, The Estate of Jasmand Keon Johnson, was the driver of the Saturn Ion and she negligently failed to maintain proper control of the vehicle on April 17, 2014 and allowed the Saturn Ion to crash.

49. The negligence of Jasmand Keon Johnson in failing to maintain proper control of the Saturn Ion was a proximate contributing cause of the damages described herein.

COUNT VII
Punitive Damages

50. Plaintiff adopts by reference and incorporates herein the allegations contained in the foregoing paragraphs.

51. Each and every one of the Defendants', both jointly, collectively and severally, omissions, conduct, breaches, failures, and negligence were grossly negligent and/or were in conscious, willful, wanton, and reckless disregard of the safety of consumers and/or passengers, including Plaintiff, therefore justifying an award of punitive damages against the Defendants, jointly, collectively and severally, pursuant to *Miss. Code Ann. § 11-1-65*.


DAMAGES

52. As a direct and proximate result of the Defendants' negligence, breaches, failures to warn, misrepresentations and conduct, Plaintiff was severely injured and suffered physical, mental and emotional pain, and incurred loss of earnings and loss of earnings capacity. Consequently, Plaintiff is entitled to monetary compensation for the foregoing damages and all damages allowed under Mississippi law.

WHEREFORE, PREMISES CONSIDERED, Plaintiff, LaToya Goins, demands a trial by jury and judgment against Defendants General Motors, LLC, The Estate of Jasmand Keon Johnson and John Does 1-20, for compensatory damages in an amount in excess of the jurisdictional limits of this Court and to be determined by the jury, and for all costs and expenses, along with all interest allowed under law, and additionally for punitive damages against the Defendants in an amount to be determined by the jury.

Dated: August 4, 2014.

Respectfully submitted:



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