SUMMONS
(CITACION JUDICIAL)

SUM-100

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

ELECTRONICALLY FILED
Superior Court of California,
County of Orange
08/01/2016 at 04:04:23 PM
Clerk of the Superior Court
By Georgina Ramirez,Deputy Clerk

NOTICE TO DEFENDANT: FORD MOTOR COMPANY; and DOES 1 through 20, inclusive,
(AVISO AL DEMANDADO):

YOU ARE BEING SUED BY PLAINTIFF: BRIAN LANG MCDOWELL, individually; JENNIFER MCDOWELL, individually
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (*www.courtinfo.ca.gov/selfhelp*), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (*www.lawhelpcalifornia.org*), the California Courts Online Self-Help Center (*www.courtinfo.ca.gov/selfhelp*), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of $10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. *¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a* continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de $10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):
SUPERIOR COURT OF CALIFORNIA
~~XXXXXXXXXXXXXXXXXXXXXXXXXX~~ 751 W. Santa Ana Blvd
P.O. BOX 22014
SANTA ANA, CA 92702-2014

CASE NUMBER (Número): 30-2016-00866952-CU-PL-CXC
Judge Gail A. Andler

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
BRIAN D. CHASE SBN: 164109 949.752.2777
BISNAR CHASE
1301 DOVE STREET, SUITE 120
NEWPORT BEACH, CA 92660

DATE: 08/01/2016 (Fecha) ALAN CARLSON, Clerk of the Court Clerk, by (Secretario) Georgina Ramirez, Deputy (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons *(form POS-010).)*
(Para prueba de entrega de esta citatión use el formulario Proof of Service of Summons, *(POS-010)).*

[SEAL]

NOTICE TO THE PERSON SERVED: You are served
1. as an individual defendant.
2. as the person sued under the fictitious name of *(specify):*
3. on behalf of *(specify):*
   under: CCP 416.10 (corporation); CCP 416.20 (defunct corporation); CCP 416.40 (association or partnership); other *(specify):*; CCP 416.60 (minor); CCP 416.70 (conservatee); CCP 416.90 (authorized person)
4. by personal delivery on *(date):*

ELECTRONICALLY FILED
Superior Court of California,
County of Orange
08/01/2016 at 04:04:23 PM
Clerk of the Superior Court
By Georgina Ramirez,Deputy Clerk

BISNAR | CHASE
ONE NEWPORT PLACE
1301 Dove Street, Suite 120
Newport Beach, CA 92660
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BRIAN D. CHASE, STATE BAR NO. 164109
SCOTT A. RITSEMA, STATE BAR NO. 138193

Attorneys for Plaintiffs

SUPERIOR COURT OF STATE OF CALIFORNIA

COUNTY OF ORANGE

BRIAN LANG MCDOWELL, individually; JENNIFER MCDOWELL, individually Plaintiffs, vs. FORD MOTOR COMPANY; and DOES 1 through 20, inclusive, Defendants.	Case No.: 30-2016-00866952-CU-PL-CXC Judge Gail A. Andler CX-101 **COMPLAINT FOR PERSONAL INJURIES** **1. Strict Product Liability** **2. Negligent Product Liability** **AND DEMAND FOR JURY TRIAL**

Come now plaintiffs for causes of action against defendants, alleging as follows:

COMMON ALLEGATIONS FOR ALL CAUSES OF ACTION

1. Plaintiff BRIAN LANG MCDOWELL (hereafter "OFFICER MCDOWELL") is, and at all relevant times was, a resident of Oceanside, California.

2. Plaintiff JENNIFER MCDOWELL (hereafter "JENNIFER") is, and at all relevant times was, a resident of Oceanside, California. At all relevant times, JENNIFER was the lawfully wedded wife of OFFICER MCDOWELL.

3. At all relevant times, defendant FORD MOTOR COMPANY ("FORD") was and is a corporation organized and existing under the laws of the State of Delaware, with a principal place of business in Dearborn, Michigan, and was at all relevant times authorized and/or qualified to do business, and was and is doing business, in the State of California.

4. The true names and/or capacities, whether individual, corporate associate, governmental, or otherwise of defendant Does 1 through 20, inclusive and each of them, are unknown to plaintiffs, who therefore sue said defendants by such fictitious names. When the true names and or capacities of said defendants are ascertained, plaintiffs will seek leave of this Court to amend the Complaint accordingly.

5. Plaintiffs are informed and believe, and based thereon allege, that each defendant designated herein as a DOE was responsible, negligently or in some other actionable manner, for the events and happenings herein referred to that proximately caused the damages to plaintiffs as hereinafter alleged, either through said defendant's own negligence or through the conduct of its agents, servants, employees, or representatives in some other manner.

6. Plaintiffs are informed and believe and based thereupon allege that at all times mentioned herein the defendants and each of them were the agents, servants, employees, representatives and/or joint-venturers of their co-defendants and were, as such, acting within the course, scope, and authority of said agency, services, employment, representation and/or joint venture in that each and every defendant, as aforesaid when acting as principal, was negligent in the selection and hiring of each and every other defendant as an agent, servant, employee, representative, and/or joint-venturer.

7. Plaintiffs are informed and believe, and based thereupon allege, that at all times mentioned herein each of the defendants, including Defendant DOES 1 through 20, inclusive, and each of them, were the agents, servants, employees, representatives of each of the remaining defendants and were at all times material hereto acting within the authorized course and scope of said agency, service, employment and/or representation, and/or that all of said acts, conduct and omissions were subsequently ratified by their respective principals and the benefits thereof accepted by such principals.

8. At all relevant times, FORD and DOES 1 through 20, were and are engaged in the business of manufacturing, fabricating, designing, assembling, distributing, selling, inspecting, servicing, repairing, marketing, warranting, modifying, aftermarket equipping and

modifying, leasing, renting, retailing, wholesaling and advertising a certain subject 2014 Ford Police Interceptor Utility Vehicle (as well as and/or aftermarket parts and/or installation guides) California License No. 1439152, VIN number 1FM5K8AR6EGB38499 (hereafter, "SUBJECT VEHICLE") and each and every component part thereof, which defendants knew, or in the exercise of reasonable care should have known, would be used without inspection for defects in its parts, mechanisms or design, for use in the State of California and elsewhere. At the time of the incident which gives rise to this action, the SUBJECT VEHICLE was owned by the City of Newport Beach and was used as a marked police vehicle. The SUBJECT VEHICLE is a 2014 Ford Explorer modified for police use.

9. On or about September 6, 2015, at approximately 2:13 p.m., on southbound Jamboree Rd., 1424 feet north of San Joaquin Rd. in Newport Beach, CA, OFFICER MCDOWELL, while on duty as a Newport Beach Police Officer, was driving the SUBJECT VEHICLE in route to respond to a traffic collision. OFFICER MCDOWELL was southbound in the number 2 lane traveling at approximately 50-55 MPH. On duty Newport Beach Police Officer Dan Mesri was driving a separate police vehicle, and was traveling southbound in the number one lane slightly behind the SUBJECT VEHICLE. On duty Newport Beach Police Officer Nathan Farris was driving a third police vehicle and was southbound in the number one lane slightly ahead of the SUBJECT VEHICLE. Both Officer Mesri and Officer Farris, among others, witnessed the subsequent accident sequence. OFFICER MCDOWELL suddenly and unexpectedly lost consciousness within the SUBJECT VEHICLE. According to witnesses, and as evidenced by the Dash-Cam video in Officer Mesri's police vehicle, the SUBJECT VEHICLE began drifting to the left. It crossed the number one lane and then crossed the center median. The SUBJECT VEHICLE continued drifting left across the northbound lanes of Jamboree Rd., coming within inches of a head-on collision with a northbound vehicle. The SUBJECT VEHICLE crossed all northbound lanes, went over the curb, and struck a tree head-on. According to witnesses, the SUBJECT VEHICLE never slowed down during the accident sequence. This accident sequence is hereafter referred to as the "SUBJECT INCIDENT."

10. OFFICER MCDOWELL was in the course and scope of his employment at the time of the SUBJECT INCIDENT, and has concurrently filed a Worker's Compensation action pursuant to the *California Labor Code*. Upon the filing of this complaint, plaintiffs will be giving notice to OFFICER MCDOWELL's employer and its worker's compensation insurer of this action as required by *Labor Code* §§ 3852 and 3853. It is anticipated that the employer and/or worker's compensation insurer will seek to intervene in this action, and seek to recover the worker's compensation benefits they have paid or will pay to OFFICER MCDOWELL from the defendants in this action pursuant to *Labor Code* § 3852. As stated in *Snelling Employment, LLC v Cousins Packaging, Inc.* (2015 N.D. CA) 2015 WL 328402, the anticipated subrogation action by OFFICER MCDOWELL's employer and/or worker's compensation insurer is "A civil action in [a] State court arising under the worker's compensation laws of [this] State [and] may not be removed to any district court of the United States." See, 28 U.S.C. § 1445(c).

FIRST CAUSE OF ACTION

Strict Product Liability

By All Plaintiffs against all Defendants

11. Plaintiffs re-allege and incorporate by reference each of paragraphs 1 through 10 above, as though fully set forth herein.

12. FORD and DOES 1 through 20, inclusive and each of them, knew that the SUBJECT VEHICLE was to be purchased and used without inspection for defects by the users of that vehicle including but not limited to plaintiff.

13. The SUBJECT VEHICLE and each of its component parts and/or aftermarket parts and/or installation guides mentioned was manufactured, designed, assembled, packaged, tested, fabricated, analyzed, inspected, merchandised, marketed, distributed, labeled, advertised, promoted, sold, supplied, leased, rented, repaired, modified, aftermarket modified, adjusted, selected and used with inherent vices and defects both in design and manufacturing and by failure to warn (hereinafter the "SUBJECT DEFECTS"), which made it dangerous, hazardous and unsafe both for its intended use or for reasonably foreseeable misuses.

14. These SUBJECT DEFECTS included, but were not limited to, the following:

a. Designing, manufacturing and assembling the SUBJECT VEHICLE in such a way that exhaust and other gasses, including poisonous carbon monoxide, is allowed to enter the passenger compartment of the vehicle.

b. Designing, manufacturing and assembling the bumpers and/or tailpipes of the SUBJECT VEHICLE such that exhaust and other gasses, including poisonous carbon monoxide, may accumulate behind the bumper and within the interior and exterior panels, allowing those gasses to permeate the passenger compartment of the vehicle.

c. Designing, manufacturing and assembling the SUBJECT VEHICLE using defective rear air extractors which permit exhaust and other gasses, including poisonous carbon monoxide, to enter the passenger compartment of the vehicle.

d. Designing, manufacturing and assembling the lift-gate in the rear of the SUBJECT VEHICLE using defective drain valves, which permit exhaust and other gasses, including poisonous carbon monoxide, to enter the passenger compartment of the vehicle.

e. Designing, manufacturing and assembling the SUBJECT VEHICLE with sheet metal panels and overlaps which permit exhaust and other gasses, including poisonous carbon monoxide, to enter the passenger compartment of the vehicle.

f. Designing, manufacturing and assembling the SUBJECT VEHICLE with joints and seams which permit exhaust and other gasses, including poisonous carbon monoxide, to enter the passenger compartment of the vehicle.

g. Designing, manufacturing, and assembling the SUBJECT VEHICLE with rear auxiliary air conditioning system parts which are defectively

designed and/or located too close in proximity to the driver side rear air extractor, such that exhaust and other gasses, including poisonous carbon monoxide, may enter the auxiliary air conditioning system and the passenger compartment of the vehicle

h. Failure to warn of the SUBJECT DEFECTS.

15. The SUBJECT VEHICLE and each of its component parts and/or aftermarket parts and/or installation guides was unsafe for its intended use and reasonably foreseeable misuses by reason of the defects in its design and/or manufacturing and/or failure to warn by said defendants, and each of them, in that when the SUBJECT VEHICLE was being properly driven, carbon monoxide came into the occupant space in such quantities so as to render OFFICER MCDOWELL to lose consciousness while driving the vehicle at 50-55 MPH.

16. As a direct and legal result of the conduct of defendants, and each of them, and the defects inherent in the vehicle, OFFICER MCDOWELL suffered severe and permanent injuries, in turn legally resulting in plaintiffs' special and general damages in a sum in excess of the minimum subject matter jurisdiction of this Superior Court according to proof at trial. OFFICER MCDOWELL's damages include past and future medical expenses, past and future lost earnings, and past and future pain, suffering, and emotional distress. JENNIFER's damages are for the loss of consortium caused by the injuries to her husband, OFFICER MCDOWELL.

ALLEGATIONS SUPPORTING EXEMPLARY DAMAGES PRAYER AGAINST FORD ONLY

17. Plaintiffs are further informed and believe and thereon allege that FORD intentionally engaged in conduct which, with respect to the SUBJECT DEFECTS that plaintiffs allege above were a legal cause of their loss, damages, injuries and harm, exposed plaintiffs and other users of the SUBJECT VEHICLE to serious potential danger known to FORD in order to advance FORD's pecuniary interests and thus acted with a conscious disregard for the safety of the plaintiffs and other users of the SUBJECT VEHICLE, warranting an award of exemplary damages against FORD pursuant to *Civil Code* § 3294, and

the rule enunciated in *Ford Motor Co. v. Home Ins. Co.* (1981) 116 Cal.App.3d 374, 381-382 and *PPG Industries, Inc v. Transamerica Ins. Co.* (1996) 49 Cal.App.4th 1120. The facts supporting FORD's intentional conduct which exposed plaintiffs and other users of the SUBJECT VEHICLE to serious potential danger known to the defendants in order to advance the defendants' pecuniary interests, are on information and belief, as follows.

18. The SUBJECT VEHICLE is a modified FORD Explorer, and was introduced with the 2012 model year.

19. The SUBJECT VEHICLE is part of the 5th generation FORD Explorer platform, which ran from the 2011 model year to the 2015 model year. Upon information and belief, FORD sold almost 900,000 FORD Explorers from 2011 through 2015, and over 65,000 Police Interceptor Utility vehicles from 2012 through 2015.

20. After the introduction of the 2011 FORD Explorer, FORD began receiving numerous customer complaints of exhaust odor in the passenger compartments of FORD Explorer vehicles.

21. In or about December, 2012, FORD issued a Technical Service Bulletin (TSB 12-12-4) titled "Explorer Exhaust Odor in Vehicle" which acknowledged that "[s]ome 2011-2013 Explorer vehicles may exhibit an exhaust odor in the vehicle with the auxiliary climate control system on. Customers may indicate the odor smells like sulfur." Subsequent to issuing TSB 12-12-14, FORD issued TSB 14-0130 which again acknowledged an exhaust odor in FORD Explorer vehicles, and added the 2014 and 2015 model year Explorer vehicles to the list of affected vehicles. FORD's TSB 12-12-4 and TSB 14-0130 were issued to authorized FORD dealers only, and did not notify non-FORD automotive facilities or the general public of the exhaust problem, and did not mention the fact that poisonous carbon monoxide gas could enter the passenger compartment and affect the driver.

22. FORD failed to notify the general public of the exhaust and carbon monoxide defect despite FORD's actual knowledge that the defect caused potentially life threatening consequences to occupants of the vehicles. FORD failed to recall FORD Explorer vehicles, including Police Interceptor Utility vehicles to remedy the potential life threatening defect.

23. FORD's TSB 12-12-4 and TSB 14-0130 did not remedy the defect.

24. One of the repairs proscribed by FORD's TSB 12-12-4 was to replace the original equipment driver's side rear air extractor with a dual rate air extractor. Upon information and belief, FORD suggested the replacement of the driver's side rear air extractor, but not the passenger side rear air extractor, because the air intake from the auxiliary air conditioning system is situated dangerously close to the driver's side rear air extractor, and this placement allows exhaust to enter the passenger compartment. The replacement part, i.e. the dual rate air extractor, is formed from polypropylene and over-molded with thermoplastic elastomer, and includes "living hinges" and plastic torsional springs which are meant to function as a one-way pneumatic valve. However, FORD modified the dual rate extractors by adding a silicone-like substance to the upper most of the three "living hinges", a substance which was not, on information and belief, intended to be part of the product by its manufacturer. This silicone-like substance causes the "living hinges" to remain open, and allows exhaust fumes to enter the passenger compartment. Thus, the replacement dual rate auto extractors did not fix the problem, and still allows dangerous and deadly exhaust fumes to enter the passenger compartment.

25. A second repair proscribed by FORD's TSB 12-12-4 was to replace the valve assembly auto drains on the rear lift-gate of the vehicles. The original valve assembly auto drains were defective because they allowed exhaust fumes to enter the passenger compartment. The replacement valve assembly auto drains failed to fix the exhaust problem.

26. FORD failed to properly seal the horizontal sheet metal lap joints on both sides, and failed to properly seal the rear sheet metal overlap flange across the rear of the vehicle and the auxiliary air conditioning lines, on FORD Explorer vehicles. FORD's TSB 12-12-4 suggested spraying "generous amounts" of rubberized undercoating and seam sealer on the foregoing joints, flanges, and lines. However, the suggested repair did not fix the exhaust problem.

27. In sum, FORD knew that its FORD Explorer vehicles and Police Interceptor Utility vehicles, including the SUBJECT VEHICLE, were defective in that the design of those

vehicles allowed deadly exhaust fumes, including poisonous carbon monoxide, to enter the passenger compartment. FORD failed to notify the general public of this defect, and issued a FORD Technical Safety Bulletin to authorized dealers only, and the suggested repairs failed to fix the problem.

28. FORD's design of the 5th generation FORD Explorer platform, specifically related to the defects alleged herein, is the subject of multiple pending class action lawsuits, including but not limited to *Angela Sanchez-Knutson v Ford Motor Company*, case number 0:14-cv-61344-WPD pending in the United States District Court, Southern District of Florida, and *Michael Cunningham, et. al. v Ford Motor Company*, case number 3:15-CV-00124, pending in the United States District Court, Southern District of California. Those actions, which were filed prior to the SUBJECT INCIDENT, allege the same defects as alleged herein. Despite the pendency of those class action lawsuits, FORD still made no efforts to notify the general public of the defects in the FORD Explorer vehicles and Police Interceptor Utility vehicles, including the owner and users of the SUBJECT VEHICLE, despite actual knowledge of the defect and the potentially deadly consequences which arise when the drivers of such vehicles are exposed to poisonous carbon monoxide while driving.

29. On January 2, 2015, months before the SUBJECT INCIDENT, Ford representative Bob Gray testified under penalty of perjury in an arbitration proceeding in Fort Lauderdale, FL entitled *James Cassidy v Ford Motor Company*. That arbitration concerned Mr. Cassidy's claim that his car was leaking exhaust into the passenger compartment. Ford, through Mr. Gray, testified that:

A. "It seems to be happening across the only – across the design line. They can't – so then it really is a design issue, not a problem with this particular vehicle." (Transcript at 50:2-6).

B. "There is another fine line there that, you know, this is happening across the – the Explorers over a number of years. It – it doesn't seem to be a problem with an individual part or an individual vehicle that was misbuilt. It does seem to be a design issue." (Transcript at 83:13-18).

C. "And then, in terms of – of repairs. As I said, we're working on it. I wish I had a better answer for that. I don't, and I can only apologize on behalf of Ford for that, because, you know, it's obviously taking longer than anybody wants, especially our customers who have the vehicle. (Transcript at 51:2-8).

D. "In terms of the request for repairs, as soon as we have a robust fix, something that's going to actually do the job, we would love to get it done. That should be very soon. I know that that's what the customer was told, you know, all those months ago; but we feel that we've taken steps along the way. We have come out with two technical service bulletins trying to address it, and we do want to get it fixed. So we are not saying no to a repair; we are just saying we have to have the fix first." (Transcript at 84:25-85:12).

30. In July, 2016, the National Highway Transportation Safety Administration opened an investigation into the defects alleged herein.

31. FORD's actions and inactions, as described above, were thus undertaken with a willful and conscious disregard for the rights and safety of consumers and users of FORD Explorer vehicles and Police Interceptor Utility vehicles, including the SUBJECT VEHICLE, in order to advance FORD's pecuniary interests, and such conduct was despicable because such aforesaid conduct would and could kill people. FORD failed to warn the public of the potentially deadly nature of the defect, and failed to recall the involved vehicles, including the SUBJECT VEHICLE, thereby callously and needlessly risking public safety to its own pecuniary benefit.

32. Plaintiffs further allege that FORD's conduct was undertaken with the result that the SUBJECT VEHICLE's ultimate defects in its design and production were fully intended by FORD to reside therein such that they were and are the product of entire corporate management and corporate policy of FORD with respect to the conscious willful and disregard of public safety for defendants' pecuniary gain with regard to the design, manufacture, production and marketing of the SUBJECT VEHICLE.

33. As a direct and proximate result of FORD's conduct, an award of exemplary and punitive damages against FORD is proper and appropriate to punish FORD and to deter such conduct in the future.

SECOND CAUSE OF ACTION

Negligence [Product Liability]

By all Plaintiffs against all Defendants

34. Plaintiffs incorporate, repeat and re-allege each and every allegation in paragraphs 1 through 33, above, and incorporate the same by reference as though set forth in detail herein.

35. At all times mentioned, defendants and each of them, had a duty to reasonably and properly manufacture, design, assemble, package, test, fabricate, analyze, inspect, merchandise, market, distribute, label, advertise, promote, sell, supply, lease, rent, warn, select, inspect and repair the SUBJECT VEHICLE and each of its component parts and/or aftermarket parts and/or installation guides.

36. At all times mentioned, defendants knew, or in the exercise of reasonable care should have known that the SUBJECT VEHICLE and each of its components parts and/or aftermarket parts and/or installation guides were not properly manufactured, designed, assembled, packaged, tested, fabricated, analyzed, inspected, merchandised, marketed, distributed, labeled, advertised, promoted, sold, supplied, leased, rented, repaired, selected and provided inadequate warnings for the use and purpose for which it was intended in it was likely to injure the person who used said products, each of theirs component parts and/or aftermarket parts and/or installation guides.

37. Defendants, and each of them, so negligently and carelessly, manufactured, designed, assembled, packaged, tested, fabricated, analyzed, inspected, merchandised, marketed, modified, distributed, labeled, advertised, promoted, sold, supplied, leased, rented, repaired, selected and provided inadequate warnings and provided the SUBJECT VEHICLE and each of its component parts and/or aftermarket parts and/or installation guides so that the SUBJECT VEHICLE was a defective and dangerous product, unsafe for its intended uses and

purposes when used and driven as recommended or for reasonably foreseeable misuse. In particular, the SUBJECT VEHICLE was designed in a manner which allowed poisonous carbon monoxide gas to enter the occupant driving space from the engine, thereby potentially rendering the driver of the vehicle unconscious while driving. FORD knew about this defect well before the date of the SUBJECT INCIDENT, but failed to adequately warn the public, including the owner and users of the SUBJECT VEHICLE, and failed to recall the defective FORD Explorer vehicles and Police Interceptor Utility vehicles to remedy the defect.

38. The negligence, carelessness, and unlawful conduct of the defendants, and each of them, and the defects inherent in the SUBJECT VEHICLE, legally caused the plaintiffs' injuries, legally resulting in plaintiffs' damages as set forth above in paragraph 16 of this complaint.

WHEREFORE, plaintiffs pray for judgment against defendants and each of them, as follows:

1. By OFFICER MCDOWELL, for past and future medical expenses, past and future lost earnings, and past and future non-economic damages for pain, suffering and emotional distress, according to proof;
2. By JENNIFER for past and future non-economic damages for loss of consortium;
3. For interest according to law;
4. For costs of suit incurred herein;
5. For exemplary damages against FORD only;
6. For such other relief as the court deems just and proper.

DATED: July 28, 2016

BISNAR | CHASE

By: _____

BRIAN D. CHASE
SCOTT A. RITSEMA
Attorneys for Plaintiffs

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a trial by jury.

DATED: June 6, 2016

BISNAR | CHASE

By: _____

BRIAN D. CHASE
SCOTT A. RITSEMA
Attorneys for Plaintiffs

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
BRIAN D. CHASE SBN: 164109
SCOTT A. RITSEMA SBN: 138193
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TELEPHONE NO.: 949.752.2999 FAX NO.: 949.752.2777
ATTORNEY FOR (Name): PLAINTIFFS

FOR COURT USE ONLY

ELECTRONICALLY FILED
Superior Court of California,
County of Orange
08/01/2016 at 04:04:23 PM
Clerk of the Superior Court
By Georgina Ramirez,Deputy Clerk

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE
STREET ADDRESS: ~~700 CIVIC CENTER DRIVE WEST~~ 751 W. Santa Ana Blvd
MAILING ADDRESS: P.O. BOX 22014
CITY AND ZIP CODE: SANTA ANA, CA 92702-2014
BRANCH NAME: CENTRAL JUSTICE CENTER

CASE NAME: MCDOWELL v. FORD MOTOR COMPANY et al.

CIVIL CASE COVER SHEET	Complex Case Designation	30-2016-00866952-CU-PL-CXC
[X] Unlimited (Amount demanded exceeds $25,000) [ ] Limited (Amount demanded is $25,000 or less)	[ ] Counter [ ] Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	JUDGE: Judge Gail A. Andler DEPT: ~~CX-101~~

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort
- [ ] Auto (22)
- [ ] Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort
- [ ] Asbestos (04)
- [X] Product liability (24)
- [ ] Medical malpractice (45)
- [ ] Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort
- [ ] Business tort/unfair business practice (07)
- [ ] Civil rights (08)
- [ ] Defamation (13)
- [ ] Fraud (16)
- [ ] Intellectual property (19)
- [ ] Professional negligence (25)
- [ ] Other non-PI/PD/WD tort (35)

Employment
- [ ] Wrongful termination (36)
- [ ] Other employment (15)

Contract
- [ ] Breach of contract/warranty (06)
- [ ] Rule 3.740 collections (09)
- [ ] Other collections (09)
- [ ] Insurance coverage (18)
- [ ] Other contract (37)

Real Property
- [ ] Eminent domain/inverse condemnation (14)
- [ ] Wrongful eviction (33)
- [ ] Other real property (26)

Unlawful Detainer
- [ ] Commercial (31)
- [ ] Residential (32)
- [ ] Drugs (38)

Judicial Review
- [ ] Asset forfeiture (05)
- [ ] Petition re: arbitration award (11)
- [ ] Writ of mandate (02)
- [ ] Other judicial review (39)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)
- [ ] Antitrust/Trade regulation (03)
- [ ] Construction defect (10)
- [ ] Mass tort (40)
- [ ] Securities litigation (28)
- [ ] Environmental/Toxic tort (30)
- [ ] Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment
- [ ] Enforcement of judgment (20)

Miscellaneous Civil Complaint
- [ ] RICO (27)
- [ ] Other complaint *(not specified above)* (42)

Miscellaneous Civil Petition
- [ ] Partnership and corporate governance (21)
- [ ] Other petition *(not specified above)* (43)

2. This case [X] is [ ] is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
   a. [ ] Large number of separately represented parties
   b. [ ] Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
   c. [ ] Substantial amount of documentary evidence
   d. [ ] Large number of witnesses
   e. [ ] Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
   f. [ ] Substantial postjudgment judicial supervision
3. Remedies sought *(check all that apply)*: a. [X] monetary b. [ ] nonmonetary; declaratory or injunctive relief c. [ ] punitive
4. Number of causes of action *(specify)*: 2
5. This case [ ] is [X] is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. *(You may use form CM-015.)*

Date:
SCOTT A. RITSEMA,
(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE
- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Form Adopted for Mandatory Use
Judicial Council of California
CM-010 [Rev. July 1, 2007]

CIVIL CASE COVER SHEET Legal Solutions Plus

Cal. Rules of Court, rules 2.30, 3.220, 3.400-3.403, 3.740;
Cal. Standards of Judicial Administration, std. 3.10

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE STREET ADDRESS: 751 W. Santa Ana Blvd MAILING ADDRESS: P.O. Box 22028 CITY AND ZIP CODE: Santa Ana CA 92702 BRANCH NAME: Civil Complex Center	FOR COURT USE ONLY
SHORT TITLE: McDowell vs. Ford Motor Company	
NOTICE OF CONFIRMATION OF ELECTRONIC FILING	CASE NUMBER: 30-2016-00866952-CU-PL-CXC

The Electronic Filing described by the below summary data was reviewed and accepted by the Superior Court of California, County of Orange Court. In order to process the filing, the fee shown was assessed.

Electronic Filing Summary Data

Electronically Submitted By:	Brian McDowell
On Behalf of:	Jennifer McDowell; CCMS ID: 76063842, Brian McDowell; CCMS ID: 76063841
Transaction Number:	2482312
Court Received Date:	08/01/2016
Court Received Time:	04:04:23 PM
Filed Date:	08/01/2016
Filed Time:	04:04 PM
Fee Amount Assessed:	$1,435.00
Case Number:	30-2016-00866952-CU-PL-CXC
Case Title:	McDowell vs. Ford Motor Company
Location:	Civil Complex Center
Case Type:	Product Liability
Case Category:	Civil - Unlimited
Jurisdictional Amount:	> 25000

Documents Electronically Filed/Received	Status
Complaint	Accepted
Civil Case Cover Sheet	Accepted
Summons Issued and Filed	Accepted

Court Generated Documents
Payment Receipt

Comments
Submitter's Comments:

Clerk's Comments: Complex Civil Cases
ADR Packet - http://www.occourts.org/forms/local/l1200.pdf
Court Schedule -
http://www.occourts.org/directory/civil/complex-civil/calendar-sche

Electronic Filing Service Provider Information

Service Provider	LegalConnect
Email:	support@legalconnect.com
Contact Person:	Todd Vincent
Phone:	8009096859

SUPERIOR COURT OF CALIFORNIA

COUNTY OF ORANGE

Superior Court of California, County of Orange

751 W. Santa Ana Blvd
Santa Ana, CA 92701

E-Filing Transaction #: 2482312

PAYMENT RECEIPT

Receipt #: 11832155

Clerk ID: gramirez **Transaction No:** 12008070 **Transaction Date:** 08/02/2016 **Transaction Time:** 08:17:03 AM

30-2016-00886952-CU-PL-CXC	194 - Complaint or other 1st paper	1	$435.00	$435.00	$435.00		$0.00
30-2018-00886952-CU-PL-CXC	34 - Complex Case Fee - Plaintiff	1	$1,000.00	$1,000.00	$1,000.00		$0.00
				Sales Tax:	$0.00		
				Total:	**$1,435.00**	**Total Rem. Bal:**	**$0.00**
				E-Filing:	$1,435.00		
				Total Amount Tendered:	$1,435.00		
				Change Due:	**$0.00**		
				Balance:	**$0.00**		

$45 will be charged for each returned check. www.occourts.org

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