IN THE CIRCUIT COURT
IN AND FOR LAUDERDALE COUNTY, ALABAMA

STEVE SMITH, as Personal Representative of the ESTATE OF AUBREY WALLACE WILLIAMS, DECEASED;	§	
Plaintiff,	§	**CIVIL ACTION NO. CV-2014-_____**
vs.	§	
GENERAL MOTORS, LLC; DELPHI AUTOMOTIVE SYSTEMS, LLC; DELPHI AUTOMOTIVE PLC; DELPHI AUTOMOTIVE LLC; LONG-LEWIS FORD OF THE SHOALS, INC.; CHAMPION CHEVROLET, INC.; "A", that person, corporation or other legal entity who or which designed, manufactured, or supplied the 2006 Chevrolet Cobalt which is the subject matter of this lawsuit; "B", that person, corporation or other legal entity who or which designed, manufactured or supplied the component parts for the manufacturer of the subject 2006 Chevrolet Cobalt; "C", that person, corporation or other legal entity who designed, manufactured and sold the seatbelt or restraint system for the 2006 Chevrolet Cobalt which is the subject matter of this lawsuit; "D", those persons, corporations or other legal entities whose negligence or other wrongful conduct combined and concurred to cause the injuries and damages alleged herein; "E", those persons, corporations or other legal entities who sold, marketed, distributed, or supplied the 2006 Chevrolet Cobalt which is the subject matter of this lawsuit; all of said	§	**PLAINTIFF HEREBY DEMANDS TRIAL BY JURY**

Fictitious Defendants are unknown to Plaintiffs at this time but will be substituted by amendment when ascertained,	**§ § § §**

Defendants.

COMPLAINT

Statement of the Parties

1. Plaintiff, STEVE SMITH (hereinafter "Plaintiff"), is a resident of Lauderdale County, Alabama; is over the age of nineteen (19) years; is the natural father of Aubrey Wallace Williams; and is the duly appointed Personal Representative of the Estate of Aubrey Wallace Williams, Deceased.

2. Defendant, GENERAL MOTORS, LLC (hereinafter "GM"), is believed to be a foreign limited liability company and, at all times material hereto, doing business by agent in Lauderdale County, Alabama. Defendant GM is registered with the Secretary of State of Alabama and authorized to do business in the State of Alabama. Defendant GM may be served with process by serving its Registered Agent: CSC Lawyers Incorporating SVC, Inc., 150 South Perry Street, Montgomery, Alabama 36104.

3. Defendant, Delphi Automotive Systems, LLC (hereinafter "Delphi Automotive Systems"), is a foreign corporation, organized and formed under the laws of the State of Delaware with its principal place of business in Michigan. At all times material, Defendant Delphi Automotive Systems did business in Alabama by designing, manufacturing, testing, marketing, distributing and selling component parts of the vehicle at issue in this case. Defendant Delphi Automotive Systems can be served

through its agent for service of process at The CT Corporation System, 2 North Jackson Street, Suite 605, Montgomery, AL 36104.

4. Defendant, Delphi Automotive PLC, is a foreign corporation based in the United Kingdom. At all times material, Defendant Delphi Automotive PLC did business in Alabama by designing, manufacturing, testing, marketing, distributing and selling component parts of the vehicle at issue in this case. Defendant Delphi Automotive PLC can be served through the Hague Convention at Courteney Road, Hoath Way, Gillingham, Kent ME8 0RU, United Kingdom.

5. Defendant, Delphi Automotive LLP, is a wholly owned subsidiary of Delphi Automotive PLC based in the United Kingdom. At all times material, Defendant Delphi Automotive LLP did business in Alabama by designing, manufacturing, testing, marketing, distributing and selling component parts of the vehicle at issue in this case. Defendant Delphi Automotive LLP can be served through the Hague Convention at Courteney Road, Hoath Way, Gillingham, Kent ME8 0RU, United Kingdom.

6. Defendant, LONG-LEWIS FORD OF THE SHOALS, INC. (hereinafter "LONG-LEWIS"), is a domestic corporation incorporated under the laws of the state of Alabama. It is qualified to do business in the state of Alabama and its registered agent is Pat Hardin, 2800 Woodward Avenue, Muscle Shoals, Alabama 35661. Its principle place of business is 2800 Woodward Avenue, Muscle Shoals, Alabama 35661. Defendant Long-Lewis is engaged in the business of distributing, marketing, and/or selling automobiles in Lauderdale County, Alabama, and sold the subject vehicle and its component parts, including but not limited to the ignition switch.

7. Defendant, CHAMPION CHEVROLET, INC. (hereinafter “CHAMPION”), is a domestic corporation incorporated under the laws of the state of Alabama. It is qualified to do business in the state of Alabama and its registered agent is Norman Lamar Hamm, Jr., Post Office Box 878, Athens, Alabama 35612. Its principle place of business is 921 South Clinton Street, Athens, Alabama 35611.

8. Fictitious Defendant “A” is that person, corporation or other legal entity who or which designed, manufactured, or supplied the 2006 Chevrolet Cobalt which is the subject matter of this lawsuit.

9. Fictitious Defendant “B” is that person, corporation or other legal entity who or which designed, manufactured or supplied the component parts for the manufacturer of the subject 2006 Chevrolet Cobalt.

10. Fictitious Defendant “C” is that person, corporation or other legal entity who designed, manufactured and sold the ignition switch for the 2006 Chevrolet Cobalt which is the subject matter of this lawsuit.

11. Fictitious Defendant “D” are those persons, corporations or other legal entities whose negligence or other wrongful conduct combined and concurred to cause the injuries and damages alleged herein.

12. Fictitious Defendant “E” are those persons, corporations or other legal entities who sold, marketed, distributed, or supplied the 2006 Chevrolet Cobalt which is the subject matter of this lawsuit.

Statement of the Facts

13. On or about December 4, 2013, Aubrey Wallace Williams was driving her 2006 Chevrolet Cobalt, VIN 1G1AK55F567721545, eastbound on Alabama Highway 64 in Lauderdale County, Alabama, in a reasonable and customary manner.

14. As Aubrey was driving her 2006 Chevrolet Cobalt on Alabama Highway 64, the ignition switch failed causing the engine to shut off resulting in a loss of power. After the subject vehicle lost power, the 2006 Chevrolet Cobalt became uncontrollable and crossed into the westbound lane resulting in a collision with a vehicle being driven by Michael Shane Sinyard.

15. As a consequence of the loss of control and subsequent collision, Aubrey Wallace Williams sustained serious personal injuries and died.

COUNT ONE

(Alabama Extended Manufacturer's Liability Doctrine [AEMLD])

16. Plaintiff adopts and incorporates by reference all prior paragraphs of the Complaint as if set out here in full.

17. Defendants GM; Delphi Automotive Systems; Delphi Automotive PLC; Delphi Automotive LLC; Long-Lewis; and Fictitious Defendants "A" through "E" designed, manufactured, sold or otherwise placed into the stream of commerce the 2006 Chevrolet Cobalt and component parts thereof, including but not limited to, equipping it with an ignition switch, which are the subject matter of this lawsuit.

18. At the time the vehicle was placed into the stream of commerce, the vehicle was defective and those defects rendered the vehicle unreasonably dangerous to foreseeable users and consumers.

19. At all times material, the vehicle was being used as expected and intended and in a manner reasonably foreseeable to Defendants.

20. The vehicle was unaltered and in the same design configuration as it was at the time Defendants GM; Delphi Automotive Systems; Delphi Automotive PLC; Delphi Automotive LLC; Long-Lewis; and Fictitious Defendants “A” through “E” placed the vehicle into the stream of commerce.

21. It was foreseeable to Defendants GM; Delphi Automotive Systems; Delphi Automotive PLC; Delphi Automotive LLC; Long-Lewis; and Fictitious Defendants “A” through “E”, that the ignition switch which was manufactured, designed, inspected, tested, assembled, equipped, marketed; distributed, and sold would fail and cause users and consumers like Aubrey Wallace Williams to be unable to control said vehicle and would be involved in a collision.

22. As a proximate consequence of the defective nature of the vehicle and the component parts of the vehicle, including but not limited to the ignition switch, Aubrey Wallace Williams was fatally injured.

WHEREFORE, Plaintiff demands judgment against Defendants GM; Delphi Automotive Systems; Delphi Automotive PLC; Delphi Automotive LLC; Long-Lewis; and Fictitious Defendants “A” through “E” in such amount to which he may be entitled under the laws of the State of Alabama, including punitive damages as well as the cost of this action.

COUNT TWO

(Alabama Extended Manufacturer's Liability Doctrine [AEMLD])

23. Plaintiff adopts and incorporates by reference all prior paragraphs of the Complaint as if set out here in full.

24. Defendants, GM; Long-Lewis; and Fictitious Defendants "A" and "E" designed, manufactured and sold or otherwise placed into the stream of commerce the subject Chevrolet Cobalt and its component parts, including but not limited to the ignition switch.

25. Defendant GM had a legal duty to design, inspect, test, manufacture and assemble the Chevrolet Cobalt so that it would be reasonably crashworthy and provide a reasonable degree of occupant safety in foreseeable collisions occurring in the highway environment of its expected use.

26. Among other things, the Chevrolet Cobalt vehicle was unreasonably dangerous and defective in that it was uncrashworthy, defective, unreasonably dangerous and unsafe for foreseeable users and occupants in each of the following particulars:

(a) having an ignition switch which allows the Chevrolet Cobalt to stall or lose power while driving;

(b) failing to adequately warn Aubrey Wallace Williams, other consumers, or the public in general, about the unsafe and defective condition and design of the vehicle known to GM, so that individuals like Aubrey Williams could make informed and prudent decisions regarding traveling or riding in such vehicles.

27. The vehicle at the time of the accident was in substantially similar design condition as it was originally sold.

28. As a proximate consequence of the defective nature of the subject vehicle, Aubrey Wallace Williams was fatally injured as alleged above, thus rendering Defendant GM strictly liable.

WHEREFORE, Plaintiff demands judgment against Defendants, GM; Long-Lewis; and Fictitious Defendants “A” and “E”, for such amount as a jury may determine plus punitive damages, as well as the cost of this action.

COUNT THREE
(Negligence/Wantonness)

29. Plaintiff adopts and incorporates by reference all prior paragraphs of the Complaint as if set out here in full.

30. Defendants GM; Delphi Automotive Systems; Delphi Automotive PLC; Delphi Automotive LLC; Long-Lewis; and Fictitious Defendants “A” through “E”, were responsible for the design, manufacture and construction of the subject vehicle and component parts therein.

31. Said Defendants negligently and/or wantonly designed, tested, warned against or failed to recall the subject 2006 Chevrolet Cobalt.

32. Said Defendants negligently and/or wantonly failed to properly design and test as required to design a reasonably safe vehicle.

33. As a proximate consequence of the negligence and/or wantonness as alleged herein, Aubrey Wallace Williams was fatally injured as alleged above.

WHEREFORE, Plaintiff demands judgment against Defendants GM; Delphi Automotive Systems; Delphi Automotive PLC; Delphi Automotive LLC; Long-Lewis; and

Fictitious Defendants “A” through “E”, in such amount to which he may be entitled under the laws of the State of Alabama, including punitive damages as well as the cost of this action.

COUNT FOUR
(Negligence -- DELPHI AUTOMOTIVE SYSTEMS; DELPHI AUTOMOTIVE PLC; DELPHI AUTOMOTIVE LLC;)

34. Plaintiff adopts and incorporates by reference all prior paragraphs of the Complaint as if set out here in full.

35. Defendants Delphi Automotive Systems; Delphi Automotive PLC; Delphi Automotive LLC; were negligent in designing, inspecting, testing, manufacturing, assembling, marketing, selling and providing warnings for the subject vehicle’s ignition switch.

36. As a proximate consequence of the negligence as alleged herein, Aubrey Wallace Williams was fatally injured as alleged above.

WHEREFORE, Plaintiff demands judgment against Defendants GM; Delphi Automotive Systems; Delphi Automotive PLC; Delphi Automotive LLC; Long-Lewis; and Fictitious Defendants “A” through “E” in such amount to which he may be entitled under the laws of the State of Alabama, including punitive damages as well as the cost of this action.

COUNT FIVE
(Negligence)

37. Plaintiff adopts and incorporates by reference all prior paragraphs of the Complaint as if set out here in full.

38. Defendant Long-Lewis placed the subject 2006 Chevrolet Cobalt into the stream of commerce and negligently failed to inspect the subject vehicle for safety and negligently failed to prepare the subject vehicle for sale.

39. Defendant Long-Lewis negligently failed to inspect so as to confirm and eliminate the dangerous ignition switch in the subject vehicle and for safety prior to the sale of the 2006 Chevrolet Cobalt.

40. Defendant Long-Lewis had a duty to inspect, prepare, and service the 2006 Chevrolet Cobalt prior to delivery of the subject vehicle.

41. Defendant Long-Lewis was aware of the propensity of this model vehicle's ignition switch to fail and, independently and separately, failed to warn Plaintiff.

42. Defendant Long-Lewis breached their duty to use reasonable care in inspecting, preparing and servicing the subject vehicle.

43. As a result of said breach, Defendant Long-Lewis failed to discover the defective condition of the subject vehicle and its component parts, including but not limited to the ignition switch, at the time of delivery of the subject vehicle. Defendants negligently failed to correct or warn of the defective condition of the subject vehicle and its component parts, including but not limited to the ignition switch, after it became known, or reasonably should have been known, by the Defendant Long-Lewis.

44. As a proximate consequence of the negligence as alleged herein, Aubrey Wallace Williams was fatally injured as alleged above.

WHEREFORE, Plaintiff demands judgment against Defendants GM; Delphi Automotive Systems; Delphi Automotive PLC; Delphi Automotive LLC; Long-Lewis; and Fictitious Defendants "A" through "E", in such amount to which he may be entitled under

the laws of the State of Alabama, including punitive damages as well as the cost of this action.

COUNT SIX
(Negligence/Wantonness -- CHAMPION)

45. Plaintiff adopts and incorporates by reference all prior paragraphs of the Complaint as if set out here in full.

46. In and/or around October 2012, Plaintiff took the subject 2006 Chevrolet Cobalt for service at Champion Chevrolet, and for inspection and to have maintenance performed relative power and steering issues.

47. Despite Defendant Champion's knowledge of problems with the subject vehicle's ignition switch, Defendant Champion did not recommend any corrective action and negligently and wantonly failed to warn of the dangers associated with the subject vehicle's ignition switch

48. Defendant Champion was aware of the propensity of this model vehicle's ignition switch to fail and, independently and separately, failed to warn Plaintiff.

49. Defendant Champion breached their duty to use reasonable care in inspecting, preparing and servicing the subject vehicle.

50. As a result of said breach, Defendant Champion failed to discover the defective condition of the subject vehicle and its component parts, including but not limited to the ignition switch, at the time of delivery of the subject vehicle. Defendants negligently and wantonly failed to correct or warn of the defective condition of the subject vehicle and its component parts, including but not limited to the ignition switch,

after it became known, or reasonably should have been known, by the Defendant Champion.

51. As a proximate consequence of the negligence and wantonness as alleged herein, Aubrey Wallace Williams was fatally injured as alleged above.

WHEREFORE, Plaintiff demands judgment against Defendants GM; Delphi Automotive Systems; Delphi Automotive PLC; Delphi Automotive LLC; Long-Lewis; Champion; and Fictitious Defendants "A" through "E", in such amount to which he may be entitled under the laws of the State of Alabama, including punitive damages as well as the cost of this action.

//s// Jere L. Beasley
JERE L. BEASLEY (BEA020)

//s// J. Cole Portis
J. COLE PORTIS (POR018)

//s// Richard D. Morrison
RICHARD D. MORRISON (MOR073)
ATTORNEYS FOR PLAINTIFF

OF COUNSEL:

BEASLEY, ALLEN, CROW, METHVIN,
PORTIS & MILES, P.C.
218 Commerce Street
Montgomery, Alabama 36104
(334) 269-2343
(334) 954-7555 – Facsimile

Thomas W. McCutcheon, Jr.
McCutcheon & Hamner, P.C.
2210 Helton Drive
Florence, Alabama 35630
(256) 764-0112

JURY DEMAND

PLAINTIFF HEREBY DEMANDS TRIAL BY JURY ON ALL ISSUES OF THIS CAUSE.

//s// Richard D. Morrison
OF COUNSEL

Please serve the Defendants with the Summons and Complaint in this matter, via certified mail, at the addresses listed below:

General Motors, LLC
c/o of its agent for service of process
CSC Lawyers Incorporating SVC, Inc.
150 South Perry Street
Montgomery, Alabama 36104

Delphi Automotive Systems, LLC
c/o of its agent for service of process
The CT Corporation System
2 North Jackson Street, Suite 605
Montgomery, AL 36104

Delphi Automotive PLC
Courteney Road
Hoath Way
Gillingham, Kent ME8 0RU
United Kingdom

Delphi Automotive LLC
Courteney Road
Hoath Way
Gillingham, Kent ME8 0RU
United Kingdom

LONG-LEWIS FORD OF THE SHOALS, INC.
c/o of its agent for service of process
Pat Hardin
2800 Woodward Avenue
Muscle Shoals, Alabama 35661

CHAMPION CHEVROLET, INC.
c/o of its agent for service of process
Norman Lamar Hamm, Jr.
Post Office Box 878
Athens, Alabama 35612