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Marilyn Burgess - District Clerk Harris County
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By: Christopher Matthews
Filed: 6/23/2026 5:43 PM

CAUSE NO. _____

JUSTIN BARBOUR and JENNIFER BARBOUR, Individually and on behalf Of THE ESTATE OF MARTHA AVILA	§	IN THE DISTRICT COURT OF
*Plaintiff*s,	§	HARRIS COUNTY, TEXAS
TESLA, INC. and MICHAEL BUTLER	§	
Defendants.	§	_____ JUDICIAL DISTRICT

PLAINTIFFS' ORIGINAL PETITION

Plaintiffs Justin Barbour and Jennifer Barbour, Individually and as Representative of the Estate of Martha Avila, deceased (collectively, "Plaintiffs"), file this Original Petition complaining of Defendants Tesla, Inc. ("Tesla") and Michael Butler ("Defendant Butler") (collectively, "Defendants"), and would respectfully show unto the Court the following:

I.
DISCOVERY CONTROL PLAN LEVEL

1. Plaintiffs intend that discovery be conducted under Discovery Level 3 pursuant to Texas Rule of Civil Procedure 190.4.

II.
PARTIES & SERVICE

2. Plaintiff Justin Barbour is an individual and resident of Texas. He may be reached through his counsel at Zehl & Associates, P.C.

3. Plaintiff Jennifer Barbour is an individual and resident of Texas. She may be reached through her counsel at Zehl & Associates, P.C. Jennifer Barbour is the natural daughter of Decedent Martha Avila and sues in her individual capacity and as Representative of the Estate of Martha Avila, deceased.

4. Decedent Martha Avila was, at the time of her death, an individual and resident of Texas.

5. Defendant Tesla, Inc. is a corporation doing business in the State of Texas. Tesla may be served with process through its registered agent, CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201. ***Plaintiffs request a citation***.

6. Defendant Michael Butler is an individual who resides at 7323 Sonora Star Lane Richmond, Texas 77407. He may be served with process at 7323 Snora Star Lane, Richmond, Texas 77407, or wherever he may be found. ***Plaintiffs request a citation***.

III.
MISNOMER / ALTER EGO

7. If any parties are misnamed or not included herein, Plaintiffs contend that such omission is a "misidentification," "misnomer," or an "alter ego" of the parties named herein. Alternatively, Plaintiffs contend that any "corporate veils" should be pierced to properly include, in the interest of equity and justice, those who injured Plaintiffs.

IV.
JURISDICTION & VENUE

8. The subject matter in controversy is within the jurisdictional limits of this Court.

9. This Court has personal jurisdiction over Defendants because all or a substantial part of the events giving rise to this dispute occurred within the State of Texas, and Defendants reside in and/or conduct substantial business within the State of Texas.

10. Venue is proper in Harris County, Texas under § 15.002 of the Texas Civil Practice and Remedies Code because all or a substantial part of the events or omissions giving rise to Plaintiffs' causes of action occurred in Harris County, Texas.

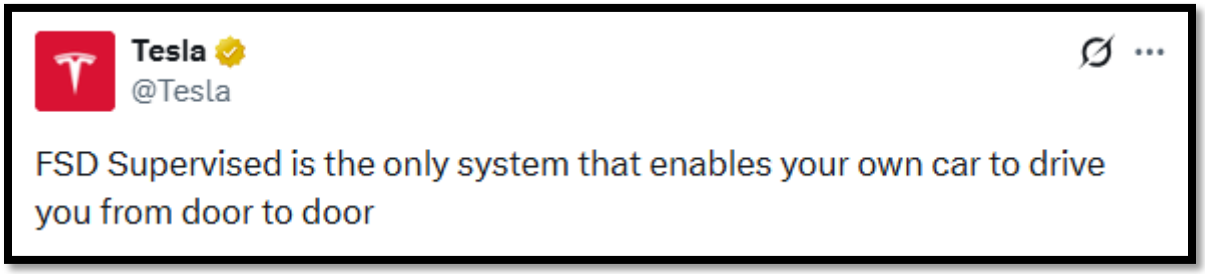
11. At all times relevant to this lawsuit, there has not been complete diversity among the parties. Plaintiffs have not pleaded any cause of action that raises a federal question. Removal is not proper in this case.

V.
FACTS

A. Tesla's Autopilot and Full Self-Driving Systems: A History of Known Danger

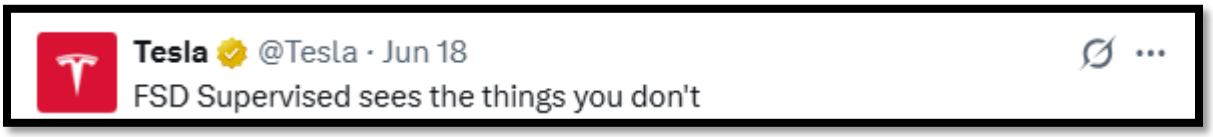
12. Since at least 2014, Tesla has designed, manufactured, marketed, and sold a suite of driver-assistance features branded "Autopilot" and, later, "Full Self-Driving" ("FSD"). Tesla installed these systems as standard or purchasable features across its vehicle fleet and, for years, marketed them to the public in terms that regulators, courts, and safety experts have found to be actively misleading about the systems' true capabilities and limitations.

13. Tesla's Autopilot is a suite of features that enables the vehicle to maneuver itself from highway on-ramp to off-ramp, maintain speed and distance from other vehicles, and follow lane lines. Tesla's FSD system goes further, purporting to allow a Tesla to navigate from point A to point B by following turn-by-turn directions, halting for stop signs and traffic lights, making turns and lane changes, and responding to hazards along the way.



14. With either system, drivers must monitor the road and assuming it's not too late, intervene when necessary—a critical caveat that Tesla's own marketing, branding, and CEO statements have routinely obscured.

15. Tesla CEO Elon Musk has repeatedly and publicly proclaimed that vehicles equipped with Tesla's Autopilot and FSD systems are safer than those operated by human drivers alone, calling Autopilot "unequivocally safer."



16. In 2022, Musk stated: "At the point of which you believe that adding autonomy reduces injury and death, I think you have a moral obligation to deploy it even though you're going to get sued and blamed by a lot of people." These statements were made publicly and are part of Tesla's deliberate strategy to normalize widespread deployment of automation technology that, in reality, poses documented and unreasonable risks to the public.

17. The data tells a starkly different story. A Washington Post analysis of National Highway Traffic Safety Administration ("NHTSA") data found that by mid-2023, Tesla's Autopilot had been involved in at least 736 crashes since 2019—far more than any other automaker's driver-assistance systems, and far more than previously disclosed. The same analysis identified at least 17 fatal incidents linked to Tesla's Autopilot. Of all 807 automation-related crashes reported to NHTSA following the agency's 2021 mandatory reporting order, the vast majority involved Tesla.

18. The surge in reported crashes coincided with Tesla's aggressive rollout of FSD, which Tesla expanded from approximately 12,000 users to nearly 400,000 in little more than a year—a rollout executed while the system remained, by Tesla's own admission, in a "supervised" beta phase. Nearly two-thirds of all Tesla crashes reported to NHTSA occurred during that same period. Tesla compounded the danger by making the unprecedented decision to eliminate radar

sensors from new cars and to remotely disable them in vehicles already on the road, stripping vehicles of critical obstacle-detection hardware in the midst of a global chip shortage.



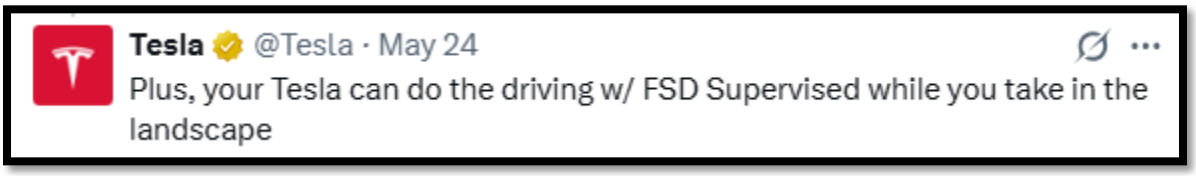
19. NHTSA has opened more than three dozen Tesla special crash investigations involving Tesla's advanced driver-assistance systems since 2016. In February 2023, Tesla issued a recall of more than 360,000 vehicles equipped with FSD after the software was found to prompt vehicles to disobey traffic lights, stop signs, and speed limits, conduct that NHTSA determined "could increase the risk of a collision if the driver does not intervene." That same year, a California court and the California Department of Motor Vehicles found that Tesla had engaged in false advertising regarding its Autopilot systems in a manner that was likely to confuse consumers about the systems' true limitations.

20. Under legal pressure from the California DMV, Tesla ultimately changed the "Autopilot" name in its marketing—a tacit acknowledgment that the label was misleading. United States Transportation Secretary Pete Buttigieg stated publicly that "Autopilot" is not an appropriate name for Tesla's system "when the fine print says you need to have your hands on the wheel and eyes on the road at all times."

21. Among the documented failure patterns in Tesla's Autopilot and FSD systems is a well-established inability to properly detect stationary objects, residential street terminations, and objects in the vehicle's direct path. NHTSA has received more than a dozen reports of Teslas slamming into parked emergency vehicles while Autopilot was active—incidents significant enough that the agency upgraded its investigation to an "engineering analysis."

22. Furthermore, Tesla is aware that under certain circumstances, when components of the vehicle require additional power, the draw on the batter can cause significant spikes in the system. A condition that can lead to voltage surges from the battery. Those voltage surges can potentially lead to the inverter incorrectly interpret that the accelerator pedal has been pressed resulting in Sudden Unintended Acceleration ("SUA") to extremely dangerous speeds.

23. Safety researchers have also identified a phenomenon known as "automation complacency," in which drivers of Tesla vehicles over-trust the automated system and fail to intervene when necessary—a foreseeable and documented consequence of Tesla's misleading marketing and product design.



24. TeslaDeaths.com, an independent site tracking Tesla-involved collisions using news reports, police records, and federal data, had identified at least 65 fatalities resulting from crashes where Tesla Autopilot or FSD-branded systems had been mentioned as a factor from 2013 through 2025—before the crash that killed Martha Avila. Numerous fatalities and injuries have also resulted from Sudden Unintended Acceleration, which Tesla is also aware of.



25. The Washington Post has further reported that Tesla has a documented history of losing, withholding, or making it difficult for attorneys and other interested parties to obtain the comprehensive electronic data generated and stored in its vehicles when they are involved in severe

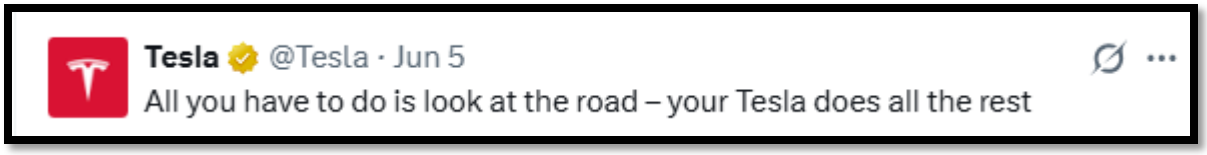
collisions—a practice that compounds the danger Tesla's defective systems create by obstructing accountability after crashes occur.

B. The Crash That Killed Martha Avila

26. Martha Avila was 76 years old. She was a grandmother. On the evening of June 19, 2026, she was inside her family's home in the Katy area of Harris County, Texas, together with Plaintiffs Justin and Jennifer Barbour and their young children. The day was filled with laughter and good company—until a two-ton Tesla came barreling through the front wall of the home.



27. At approximately 8:03 p.m. that evening, Defendant Michael Butler was operating his Tesla Model 3 (VIN: 5YJ3E1EA1SF987427) (the "Vehicle") eastbound on Rose Hollow Lane in Harris County, Texas. According to authorities and Butler's own statements to the Harris County Sheriff's Office, Butler was operating the Vehicle with an automated driving-assistance system engaged at the time of the crash, and that he had his Tesla Model 3 on Autopilot.



28. Martha Avila was standing inside the front room when the Vehicle crashed through the wall causing her to be pinned in the wreckage. She was extracted and transported by Life Flight to a nearby hospital, where she later succumbed to her injuries. Plaintiff Justin Barbour, who was also inside the home at the time of impact, sustained severe and grievous bodily injuries, including injuries to his neck, back, and shoulders.

29. Plaintiffs assert that Decedent's death and Jennifer and Justin's Barbour's injuries were proximately caused by the concurrent negligence of Defendant Butler and the defective condition of the Vehicle and its Autopilot and Full Self-Driving systems as designed, manufactured, and marketed by Defendant Tesla.

VI.
STRICT LIABILITY—DESIGN DEFECT AGAINST TESLA, INC.

30. Plaintiffs incorporate all the above paragraphs by reference here fully.

31. At all times relevant herein, Tesla was engaged in the business of designing, manufacturing, assembling, testing, marketing, distributing, and selling motor vehicles, including the Vehicle operated by Defendant Butler, together with Tesla's Autopilot and Full Self-Driving systems and suite of driver-assistance features.

32. The Vehicle, including its Autopilot and Full Self-Driving systems, was defective in design and unreasonably dangerous for its intended and reasonably foreseeable use at the time it was placed into the stream of commerce by Tesla.

33. Because of these design defects, the Vehicle failed to perform as safely as an ordinary consumer would expect when used in an intended or reasonably foreseeable manner.

34. On June 19, 2026, Defendant Butler was operating the Vehicle in a reasonably foreseeable manner, with Tesla's Autopilot and/or Full Self-Driving system engaged, when the Vehicle failed to detect the end of the street and crashed directly into Plaintiffs' home and/or experienced Sudden Unintended Acceleration causing it to launch into Plaintiffs' home.

35. The design defects in the Vehicle and in Tesla's Autopilot and Full Self-Driving systems included, among other defective and unsafe characteristics, the failure to adequately monitor and determine driver engagement, the failure to adequately detect stationary objects and roadway terminations in the Vehicle's path, and Sudden Unintended Acceleration.

36. The risk of danger in the design of the Vehicle outweighed any utility of the design, and safer alternative designs were available at the time the Vehicle left Tesla's control that would have prevented or significantly reduced the risk of serious injury and death without substantially impairing the Vehicle's utility and that were economically and technologically feasible.

37. In the alternative, Plaintiffs assert that a manufacturing defect in the Vehicle was a producing cause of Decedent's death and Plaintiffs' damages, and Plaintiffs give notice of their intent to rely on the Malfunction Doctrine as set forth in Restatement (Third) of Torts: Products Liability § 3 (1998).

38. The defective condition of the Vehicle was a producing and proximate cause of Decedent's death and the damages suffered by Plaintiffs. Tesla is therefore strictly liable under Sections 402A and 402B of the Restatement (Second) of Torts and applicable Texas law.

39. Additionally, Tesla's conduct in designing and placing the defective Vehicle into the stream of commerce was done with reckless disregard for a substantial risk of severe bodily injury. As such, Plaintiffs are entitled to exemplary damages.

VII.
STRICT LIABILITY—MARKETING DEFECT / FAILURE TO WARN AGAINST TESLA, INC.

40. Plaintiffs incorporate all the above paragraphs by reference here fully.

41. At all times relevant herein, Tesla marketed, advertised, distributed, and sold the Vehicle, including its Autopilot, Full Self-Driving systems, and SUA, to consumers such as Defendant Butler.

42. An ordinary consumer would not have recognized the potential risks and dangers inherent in the operation of the Vehicle with Autopilot and/or Full Self-Driving engaged, including that the Vehicle could fail to recognize the end of a street and a home directly in its path.

43. Tesla knew, or in the exercise of reasonable care should have known, that consumers would operate the Vehicle as Defendant Butler did, and that the Vehicle's Autopilot and Full Self-Driving systems posed a risk of serious injury and death.

44. Tesla failed to provide adequate warnings or instructions regarding the dangers attendant to the reasonably foreseeable use of the Vehicle and its Autopilot and Full Self-Driving systems.

45. Tesla's failure to warn rendered the Vehicle defective and unreasonably dangerous and was a producing and proximate cause of Decedent's death and Plaintiffs' damages.

VIII.
NEGLIGENCE AGAINST TESLA, INC.

46. Plaintiffs incorporate all the above paragraphs by reference here fully.

47. Tesla owed a duty to consumers, including Decedent and Plaintiffs, to exercise reasonable care in the design, manufacture, testing, marketing, and sale of the Vehicle and its Autopilot and Full Self-Driving systems. Tesla also owed a duty to eliminate SUA and prevent loss of control of acceleration by users.

48. The negligence of Tesla, including the negligence of its employees, managers, officers, and executives acting within the course and scope of their employment, includes, but is not limited to, the following acts and omissions:

a. Failing to properly design the Vehicle's Autopilot and Full Self-Driving systems;
b. Failing to properly test the Vehicle and its Autopilot and Full Self-Driving systems for occupant and public safety and for obstacle detection;
c. Failing to eliminate SUA, of which, Tesla had direct knowledge;
d. Failing to design and implement adequate driver-engagement monitoring and forward-obstacle detection systems;
e. Failing to implement safe collision avoidance and/or detection systems;
f. Failing to adequately warn and instruct consumers regarding the dangers of the Autopilot and Full Self-Driving systems;
g. Failing to conform the Vehicle to applicable specifications, standards, and regulations; and
h. Disregarding generally accepted principles of hazard control ("design, guard, and warn") and its obligation to hold the safety of the public paramount.

49. Each of the foregoing acts and omissions, whether taken singularly or in combination, proximately caused Decedent's death and Plaintiffs' injuries and damages.

50. Additionally, Tesla's conduct was done with reckless disregard for a substantial risk of severe bodily injury. As such, Plaintiffs are entitled to exemplary damages.

IX.
NEGLIGENCE & NEGLIGENCE PER SE AGAINST DEFENDANT MICHAEL BUTLER

51. Plaintiffs incorporate all the above paragraphs by reference here fully.

52. Defendant Butler was the operator of the Vehicle and had a duty to exercise the degree of care that a reasonably careful person would use to avoid harm to others under circumstances similar to those described herein.

53. Decedent's death and Plaintiffs' damages were proximately caused by Defendant Butler's negligent, careless, and reckless disregard of this duty.

54. Each of the foregoing acts and omissions, whether taken singularly or in combination, constituted negligence and negligence per se that proximately caused Decedent's death and Plaintiffs' injuries and damages.

55. Additionally, the actions and inactions of Defendant Butler were done with reckless disregard for a substantial risk of severe bodily injury. As such, Plaintiffs are entitled to exemplary damages.

X.
GROSS NEGLIGENCE AGAINST DEFENDANTS

56. Plaintiffs incorporate all the above paragraphs by reference here fully.

57. Plaintiffs allege that the acts and omissions of Defendants, when viewed objectively from their standpoint at the time of their occurrence, involved an extreme degree of risk, considering the probability and magnitude of the potential harm to Decedent, Plaintiffs, and others.

58. Defendants had actual, subjective awareness of the risks involved, but nevertheless proceeded with conscious indifference to the rights, safety, or welfare of Decedent, Plaintiffs, and others.

59. The gross negligence of Defendants was a proximate cause of Decedent's death and Plaintiffs' injuries and damages. As such, Defendants are grossly negligent and should be subjected to exemplary damages under § 41.003 of the Texas Civil Practice and Remedies Code.

XI.
WRONGFUL DEATH

60. Plaintiffs incorporate all the above paragraphs by reference here fully.

61. Jennifer Barbour is the natural daughter of Decedent Martha Avila. Jennifer Barbour, together with any other statutory wrongful-death beneficiaries of Martha Avila, qualifies

to bring a wrongful death action under § 71.004 of the Texas Civil Practice and Remedies Code (the "Wrongful Death Act").

62. The negligence, gross negligence, and defective products of Defendants, as more fully described elsewhere herein, caused the death of Martha Avila.

63. As a result of the wrongful death of Martha Avila, the statutory wrongful-death beneficiaries have sustained actual damages, as further described herein.

XII.
SURVIVAL

64. Plaintiffs incorporate all the above paragraphs by reference here fully.

65. The Estate of Martha Avila brings this survival action under § 71.021 of the Texas Civil Practice and Remedies Code.

66. Prior to her death, Decedent Martha Avila sustained personal injuries and damages, including conscious physical pain and suffering and mental anguish, together with reasonable medical and funeral expenses, for which the Estate of Martha Avila is entitled to recover.

XIII.
DAMAGES

67. Plaintiffs incorporate all the above paragraphs by reference here fully.

68. **Personal Injury Damages.** As a direct and proximate result of Defendants' conduct and the defective condition of the Vehicle, Plaintiffs sustained severe and permanent bodily injuries and seek recovery of the following damages:

a. Physical pain and suffering, in the past and future;
b. Mental anguish, in the past and future;
c. Physical impairment, in the past and future;
d. Disfigurement, in the past and future;
e. Reasonable and necessary medical expenses, in the past and future;
f. Loss of earnings and loss of earning capacity, in the past and future; and
g. All other damages to which Plaintiff Justin Barbour is justly entitled.

69. **Survival Damages.** The Estate of Martha Avila seeks to recover the following damages:

a. Conscious physical pain and suffering experienced by Martha Avila prior to her death;
b. Mental anguish experienced by Martha Avila prior to her death;
c. Reasonable medical expenses incurred prior to her death;
d. Funeral and burial expenses; and
e. All other damages to which the Estate of Martha Avila is justly entitled.

70. **Wrongful Death Damages.** The statutory wrongful-death beneficiaries of Martha Avila seek to recover the following damages, considered separately and individually for each beneficiary:

a. Mental anguish, in the past and future, including emotional pain, torment, and suffering;
b. Loss of companionship and society, in the past and future;
c. Pecuniary loss, in the past and future, including loss of care, maintenance, support, services, advice, and counsel;
d. Loss of inheritance; and
e. All other damages to which the wrongful-death beneficiaries are justly entitled.

71. **Exemplary Damages.** Plaintiffs further seek exemplary damages because the acts and omissions of Defendants were grossly negligent and were done with flagrant and conscious disregard for the rights, safety, and welfare of Decedent, Plaintiffs, and others, as permitted by § 41.008 of the Texas Civil Practice and Remedies Code.

XIV.
RULE 47 STATEMENT OF MONETARY RELIEF SOUGHT

72. Plaintiffs prefer to have the jury determine the fair amount of compensation for Plaintiffs' damages. Because, however, Texas Rule of Civil Procedure 47 requires Plaintiffs to identify the amount of monetary relief sought, Plaintiffs seek monetary relief over $1,000,000.

XV.
NOTICE OF INTENT TO USE DISCOVERY AT TRIAL

73. Under Texas Rule of Civil Procedure 193.7, Plaintiffs give notice that they intend to use all discovery instruments produced in discovery at trial, including without limitation all documents Defendants produce in response to written discovery requests.

XVI.
JURY TRIAL

74. Plaintiffs request a trial by jury on all claims and have paid or will pay the jury fee.

XVII.
DEMAND TO PRESERVE EVIDENCE

75. Plaintiffs demand that Defendants preserve all evidence relating to the collision made the basis of this suit, including but not limited to the Vehicle (Tesla Model 3, VIN: [VIN]) and all of its component parts; event data recorder ("black box") data; Autopilot and Full Self-Driving system data, logs, and telemetry; software and firmware versions; sensor and camera data; and all related electronically stored information.

76. Plaintiffs further demand that the Vehicle, as critical evidence, be securely maintained and preserved in its post-collision condition for inspection and use in this litigation.

XVIII.
CONCLUSION & PRAYER

For these reasons, Plaintiffs request that Defendants be cited to appear and answer, and that upon final hearing of this cause, the Court enter judgment for Plaintiffs against Defendants for damages within the jurisdictional limits of this Court; exemplary damages, excluding interest, as allowed by § 41.008 of the Texas Civil Practice and Remedies Code; prejudgment interest at the maximum rate allowed by law; post-judgment interest at the legal rate; costs of court; and such other and further relief, at law or in equity, to which Plaintiffs may be justly entitled.

Respectfully submitted,

ZEHL & ASSOCIATES, PC

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