

get all four wheels back in the lane of travel. During the course of this maneuver, the Yukon began to "fish tail" (or yaw) in an unexpected fashion and then shot quickly back across the lanes of westbound traffic. During the course of this maneuver, the Yukon began to yaw violently, the wheels lifted, and the vehicle began to roll over. The vehicle ultimately landed in a ditch, and as a result of the rollover, each passenger in the Yukon sustained severe personal injuries.

With respect to defendants Takata Corporation, Takata North America, Inc., TK Holdings, Inc., Takata Seat Belts, Inc., Takata Restraint Systems, Inc., and Takata U.S.A. Corporation ("Takata Defendants"), the Third Amended Complaint alleges, among other things, as follows:

12. The safety belts in the Yukon were designed, manufactured, and assembled by the Takata Defendants. GMC provided specifications to the Takata Defendants. [*5] The Takata Defendants designed and manufactured the safety belts and buckles. GMC installed the safety belts and buckles into the Yukon. Both GMC and the Takata Defendants tested the buckles and safety belts components. GMC caused the Yukon to be marketed, advertised, and represented as containing qualities that it did not have.

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18. At all relevant times, the Takata Defendants, acting by and through their employees, agents, and/or vice principals, had a duty to design, manufacture, test, market, and distribute the safety restraint system of the Yukon in such a manner that did not cause the system and the Yukon to be unreasonably dangerous. *The system provided by the Takata Defendants was/is defective because it failed to provide reasonable protection by allowing an unreasonable amount of webbing spool-out during the course of the present rollover, thus resulting in injuries to occupants that would not have otherwise occurred. The spool-out is specifically caused by the design of the retractor system, which was uniquely in the control of the Takata Defendants.* Upon information and belief, the Takata Defendants were well aware of this risk before the vehicle in question was designed [*6] and manufactured.

19. The defects and failures outlined above were a proximate and producing cause of the accident, injuries, and other damages suffered by the Plaintiffs. The Takata Defendants are therefore strictly liable for supplying a defective and unreasonably dangerous product that resulted in severe personal injuries and property damage. A safer alternative design was economically and technologically feasible at the time the safety equipment that was utilized in the Yukon left the control of the Takata Defendants.

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21. At all times relevant to this Petition, the Takata Defendants, acting by and through their employees, agents and/or vice principals, had a duty to act reasonably and prudently in the design, manufacture, marketing, and testing of the seat belts and buckles that were installed in the Yukon. The Takata Defendants violated this duty by negligently supplying a seat belt and buckle system that was not reasonably safe for consumer use as marketed. The negligence of the Takata Defendants includes but is not limited to the following acts or omissions:

- 21.01 Negligent design and manufacture of the safety belt and buckle system;
- 21.02 Negligent failure to disclose known [*7] defects, dangers, and problems associated with the design of the safety belts and buckles;
- 21.03 Negligent failure to address the defects once they became apparent;
- 21.04 Negligent failure to test the belts and buckles in a rollover environment;
- 21.05 Negligent failure to implement and enforce Quality Control Procedures to assure that buckles conform to design specifications;
- 21.06 Negligent failure to comply with FMVSS 209 and ECE regulations relating to buckle design;
- 21.07 Negligent failure to test and timely address problems with restraint performance;
- 21.08 Negligently failing to use and incorporate state of the art technology available in the automotive industry for both stability control and occupant protection in a rollover; and
- 21.09 Negligently failure to notify consumers, as required by law, that defects exist in the Yukon's occupant restraint system that relate to public safety.

(Third Amd. Compl. PP 18, 19, 21.) (emphasis added.)

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