

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

Ralandria Brown,

§

Plaintiff,

§

§

vs.

§

Civil Action No. _____

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Dorel Juvenile Group, Inc.,

§

§

Defendant.

§

PLAINTIFF’S ORIGINAL COMPLAINT

To the Honorable United States Judge of Said Court:

COMES NOW, Ralandria Brown (hereinafter referred to as “Plaintiff”), by and through undersigned counsel, and respectfully files this Original Complaint against Dorel Juvenile Group, Inc. (hereinafter referred to as “Defendant”), and in support hereof would state and show unto this Honorable Court the following:

I. Parties

1. Plaintiff Ralandria Brown is the biological mother of J.B, a deceased minor child. Plaintiff is an individual and resides in Summit, Mississippi.

2. Defendant Dorel Juvenile Group, Inc., is a Massachusetts corporation with its principal place of business at 2525 State Street, Columbus, Indiana. Service of process upon Defendant can be had by serving its registered agent for service, David Taylor, 2525 State Street, Columbus, Indiana 47201.

II. Jurisdiction

3. This Court has jurisdiction over the lawsuit under the provisions of 28 U.S.C. Section 1332.

4. The parties to this lawsuit are citizens of different states, and the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.

III. Facts

5. On or about the June 2, 2012, J.B., a minor child, was in Houston, Texas, and he was sitting in his Safety 1st car seat, model number WCB699357, manufactured October 17, 2011.

6. Because of defects with the car seat, J.B., a minor child, sustained fatal injuries.

IV. Cause(s) of Action as to Defendant

7. It was entirely foreseeable to and well-known by the Defendant that accidents and incidents involving its child seats, such as occurred herein, would on occasion take place during the normal and ordinary use of said child seats.

8. The injuries and damages complained of herein occurred because the child seat in question was not reasonably fit for unintended, but clearly foreseeable, accidents and incidents. The child seat in question was unreasonably dangerous in the event it should be involved in an incident such as occurred herein.

9. Defendant designed, manufactured, marketed, assembled, and/or tested said child seat in question.

10. Defendant knew or should have known of safer alternative designs which would have prevented the death of J.B., a minor child.

11. Defendant, either alone or in conjunction with some other individual(s) and/or

entity(ies), designed, manufactured, marketed, assembled, and/or tested said child seat in question to be unreasonably dangerous and defective within the meaning of Section 402(A) Restatement (Second) Torts, in that the child seat was unreasonably dangerous as designed, manufactured, assembled, marketed, and/or tested because Defendant knew and/or should have known of the following, non-exhaustive list of defects:

- a. the shoulder strap adjuster fails to contain a safety lock to prevent the child from pulling up on the shoulder strap while sitting in the seat such that the child asphyxiates due to a mechanical defect;
- b. the shoulder strap adjustment creates a chest vise that prevents the child from breathing;
- c. the child seat failed to provide adequate safety;
- d. the child seat failed to prevent foreseeable chest compression injuries;
- e. the child seat failed to provide proper restraint;
- f. Defendant previously used a safer alternative design on its identical child seat manufactured in march 2007;
- g. Defendant failed to conduct adequate testing; and/or
- h. Defendant failed to conduct thorough engineering analysis.

12. Defendant was negligent in the design, manufacture, assembly, marketing, and/or testing of the child seat in quesetion in question.

13. The foregoing acts and/or omissions of Defendant were a producing and/or proximate cause of the minor child's fatal injuries, and Plaintiff's damages.

V. Damages to Plaintiff

14. As a result of the acts and/or omissions of Defendant, Plaintiff has become obligated to pay reasonable and necessary funeral and burial expenses as a result of the fatal injuries to J.B., a deceased minor.

15. As a result of the acts and/or omissions of Defendant, Plaintiff has experienced pain and suffering, extreme emotional distress, mental anguish and loss of consortium as a result of

the fatal injuries to J.B., a deceased minor.

16. The above and foregoing acts and/or omissions of Defendant, resulting in the fatal injuries J.B., have caused actual damages to Plaintiff in an amount within the minimum jurisdictional limits of this Court.

VI. Conclusion and Prayer

17. For the reasons presented herein, Plaintiff prays that the Defendant be cited to appear and answer, and that upon a final trial of this cause, Plaintiff recovers judgment against Defendant for:

- a. economic and non-economic damages;
- b. prejudgment and post-judgment interest beginning June 2, 2012;
- c. costs of suit; and
- d. all other relief, general and special, to which Plaintiff is entitled to at law and/or in equity, and or which the Court deems proper.

Respectfully submitted,

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