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AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
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Hon J Kelley Arnold

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

KEN L JARAMILLO, individually and as  
Personal Representative of the Estates of  
ANGELA L JARAMILLO and MCKENNA  
LEE JARAMILLO, GERALD R TARUTIS  
as guardian ad litem for RILEY R  
JARAMILLO, a minor, and BRADFORD J  
FULTON as guardian ad litem for SAWYER  
D JARAMILLO, a minor,

Plaintiffs,

v

FORD MOTOR COMPANY, a Delaware  
corporation, and DOREL INDUSTRIES, INC ,  
d/b/a-a/k/a COSCO HOME AND OFFICE  
PRODUCTS, INC , a foreign corporation,

Defendants

NO C01-5311JKA

**AMENDED COMPLAINT FOR  
WRONGFUL DEATH AND  
PERSONAL INJURY –  
CRASHWORTHINESS – PRODUCT  
LIABILITY**

**JURY TRIAL DEMANDED**

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CV 01-05311 #00000012

**AMENDED COMPLAINT FOR PERSONAL INJURY –  
CRASHWORTHINESS –  
PRODUCT LIABILITY - 1**

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**I. PARTIES**

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1 1 Plaintiff Ken L. Jaramillo was the spouse of Angela L. Jaramillo and the father of McKenna Lee Jaramillo and was named personal representative of the Estates of Angela L. Jaramillo and McKenna Lee Jaramillo by Letters of Administration from the Superior Court of Mason County dated October 17, 2000. At all times pertinent hereto, he has been a resident of Grapeview, Mason County, Washington

1 2 Gerald R. Tarutis was appointed guardian ad litem for Riley R. Jaramillo, a minor child of Ken and Angela Jaramillo, by order of the Superior Court of Washington for Pierce County dated November 15, 2000. Riley R. Jaramillo is and was at all times material to this suit a resident of Grapeview, Washington

1 3 Bradford J. Fulton was appointed guardian ad litem for Sawyer D. Jaramillo, a minor child of Ken and Angela Jaramillo, by order of the Superior Court of Washington for Pierce County dated November 15, 2000. Sawyer D. Jaramillo is and was at all times material to this suit a resident of Grapeview, Washington

1 4 Defendant Ford Motor Company is a Delaware corporation with its principal place of business in Michigan and doing business in the state of Washington. Defendant Ford Motor Co. is generally in the business of designing, testing, manufacturing, and distributing vehicles, including the subject vehicle, and is a product manufacturer as defined in RCW 7 72 010(2)

1 5 Defendant Dorel Industries, Inc. d/b/a-a/k/a Cosco Home and Office Products, Inc., is the manufacturer of the Cosco Grand Explorer child car seat with its principal place of business in Columbia, Indiana, doing business in the state of Washington. Dorel Industries, Inc.,

1 d/b/a-a/k/a Cosco Home and Office Products, Inc , is in the business of designing, testing,  
2 manufacturing, and distributing child seats for use in passenger vehicles

3 **II. JURISDICTION**

4 2 1 Plaintiffs bring this action pursuant to 28 U S C § 1332(a) on the basis of  
5 diversity of citizenship and on the basis that the amount in controversy exceeds the jurisdictional  
6 amount of \$75,000 as therein provided.

7 **III. FACTS**

8 3 1 On August 5, 2000, Plaintiffs Ken L Jaramillo, Riley R Jaramillo and Sawyer D  
9 Jaramillo were passengers in a 1998 Ford Explorer car driven by Angela L Jaramillo on  
10 Highway 20, near Hill City, Idaho McKenna Lee Jaramillo, 4 years old, was also a passenger in  
11 the car, seated in the middle rear position McKenna was seated in a car seat manufactured by  
12 Dorel Industries, Inc , d/b/a-a/k/a Cosco Home and Office Products, Inc , known as a Cosco  
13 Grand Explorer. Each of the Jaramillos was seat belted Near milepost 134, Angela L Jaramillo  
14 steered to avoid some deer that had entered the roadway The right tires of the Ford Explorer  
15 edged off the road for a brief period, then re-entered the road Once back on the highway, the  
16 Ford Explorer tipped to its right and rolled several times

17 3 2 The subject vehicle was a 1998 Ford Explorer, VIN 1FMZU34X5WZB24804

18 3 3 Defendant Ford Motor Company was aware from testing and field accident  
19 experience that the Ford Explorer had stability problems and a tendency to tip and roll Ford  
20 Motor Company chose to market the vehicle despite this defect with the result that hundreds or  
21 thousands of vehicles have rolled, and hundreds of Ford customers have been killed or injured  
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**IV. LIABILITY**

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7 72 030

4 1 Defendant Ford Motor Company is liable because the subject vehicle was defective in the design of its roof, restraint systems, and overall stability, and because adequate warnings were not provided with the product or after manufacture, and as such was unsafe to an extent beyond that contemplated by an ordinary user and consumer as set forth in RCW

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4 2 Defendant Dorel Industries, Inc , d/b/a-a/k/a Cosco Home and Office Products, Inc , (“Cosco, Inc ”) is liable because the subject car seat was defective in design and was unsafe to an extent beyond that contemplated by an ordinary user and consumer as set forth in RCW 7 72 030 Said defendant also failed to appropriately instruct and warn as to use of the subject product and as to other damages associated with the product

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4.3 Dorel Industries, Inc. d/b/a-a/k/a Cosco Home and Office Products, Inc , are brought into this case because of its identification as a non-party at fault by defendant Ford Motor Company Hence, in accordance with Washington law, Ford bears the burden of proof as to the liability/causation in accordance with RCW 4 22 070

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**V. CAUSATION AND DAMAGES**

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5 1 As a proximate result of the tortious acts and omissions of the defendants, the estate of Angela L Jaramillo and her beneficiaries have suffered losses as follows

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A As a consequence of the death of Angela L Jaramillo, Ken L Jaramillo as her surviving spouse has been deprived of love, affection, support, services, society and spousal consortium, including all of the decedent’s contributions to the marital relationship and their quality of life, all to his damage in an amount that will be established with particularity at the time of trial,

**AMENDED COMPLAINT FOR PERSONAL INJURY –  
CRASHWORTHINESS –  
PRODUCT LIABILITY - 4**

1           B       The tortious conduct of defendants was a proximate cause of the death of  
2 Angela L. Jaramillo, and the resulting loss of the capacity to enjoy life, and the Estate of Angela  
3 L. Jaramillo makes a claim for loss of enjoyment of life and shortened life expectancy of Angela  
4 L. Jaramillo as well as a loss of income for the premature death of Angela L. Jaramillo

5           C       Angela L. Jaramillo suffered grievous bodily and mental pain and  
6 suffering, anxiety and emotional distress before her death,

7           D       The two surviving children of Angela L. Jaramillo, Riley R. Jaramillo and  
8 Sawyer D. Jaramillo, suffered substantial damages, as a result of the death of their mother  
9 including loss of support, services, emotional support, love, care, guidance, training,  
10 companionship, instruction and protection of their mother,  
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12           E       The estate of the deceased, Angela L. Jaramillo, incurred medical, funeral  
13 and related expenses,

14           F       Any and all pecuniary losses sustained by surviving beneficiaries, in an  
15 amount to be proven at the time of trial  
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17           5.2      As a proximate result of the tortious acts and omissions of the defendants, the  
18 estate of McKenna Lee Jaramillo and her beneficiaries have suffered losses as follows

19           A       Ken L. Jaramillo, the father of McKenna Lee Jaramillo, has suffered the  
20 loss of love and companionship of his daughter and suffered the loss and destruction of the  
21 parent-child relationship with his daughter,  
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23           B       The tortious conduct of defendants was a proximate cause of the death of  
24 McKenna Lee Jaramillo, and the resulting loss of the capacity to enjoy life, and the Estate of  
25 McKenna Lee Jaramillo makes a claim for loss of enjoyment of life and shortened life  
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1       expectancy of McKenna Lee Jaramillo as well as a loss of income for the premature death of  
2       McKenna Lee Jaramillo,

3               C       McKenna Lee Jaramillo suffered grievous bodily and mental pain and  
4       suffering, anxiety and emotional distress before her death,

5               D       The two surviving brothers of McKenna Lee Jaramillo, Riley R Jaramillo  
6       and Sawyer D Jaramillo have suffered substantial damages including loss of emotional support,  
7       love, care, guidance, training, companionship, instruction and protection of their older sister,  
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9               E       The estate of the deceased McKenna Lee Jaramillo incurred medical,  
10       funeral and related expenses,

11              F       Any and all pecuniary losses sustained by surviving beneficiaries, in an  
12       amount to be proven at the time of trial

13              5 3     As a proximate result of the tortious acts and omissions of the defendants, the  
14       plaintiff Ken L Jaramillo suffered personal injuries and damages including, but not limited to, a  
15       closed head injury, facial ecchymosis, cervical sprain, chest contusion, acromioclavicular  
16       separation and a right subconjunctival hematoma. He has incurred medical expenses and with  
17       reasonable probability is expected to incur further medical expenses in the future, he has suffered  
18       a loss of income and with reasonable probability is expected to suffer further loss of income  
19       and/or earning capacity in the future, he has undergone pain and suffering, disability,  
20       disfigurement and loss of enjoyment of life, all in an amount to be proven at the time of trial  
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22              5 4     As a proximate result of the tortious acts and omissions of the defendants, the  
23       plaintiff Riley R Jaramillo suffered personal injuries and damages including, but not limited to,  
24       a blunt trauma, a closed head injury, an asphyxiation syndrome, a right distal radius fracture, and  
25       multiple contusions and abrasions. He has incurred medical expenses and with reasonable  
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**AMENDED COMPLAINT FOR PERSONAL INJURY –  
CRASHWORTHINESS –  
PRODUCT LIABILITY - 6**

1 probability is expected to incur further medical expenses in the future, he has undergone pain  
2 and suffering, disability, disfigurement and the loss of enjoyment of life, all in an amount to be  
3 proven at the time of trial.

4 5 5 As a proximate result of the tortious acts and omissions of the defendants, the  
5 plaintiff Sawyer D Jaramillo suffered personal injuries and damages including, but not limited  
6 to, multiple trauma, lacerations to the head and right arm, and multiple contusions and abrasions  
7 He has incurred medical expenses and with reasonable probability is expected to incur further  
8 medical expenses in the future, he has undergone pain and suffering, disability, disfigurement  
9 and the loss of enjoyment of life, all in an amount to be proven at the time of trial  
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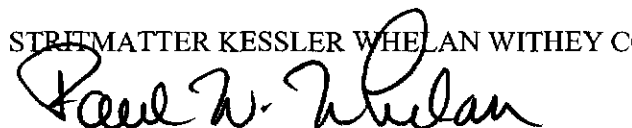
11 **PRAYER FOR RELIEF**

12 WHEREFORE, Plaintiffs pray for judgment of liability in favor of the plaintiffs and  
13 against the defendants herein as follows

- 14 A. For special damages in an amount to be proven at trial,
- 15 B. For general damages in an amount to be proven at trial,
- 16 C. For prejudgment interest on all special damages herein,
- 17 D. For taxable costs and disbursements, and
- 18 E. For such other and further relief as this court deems just and equitable

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20 DATED this 10 day of JAN, 2002

21 STRITMATTER KESSLER WHELAN WITHEY COLUCCIO



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23 PAUL L. STRITMATTER, WSBA #4532  
24 PAUL W. WHELAN, WSBA #2308  
25 PETER O'NEIL, WSBA #28198

26 Counsel for Plaintiffs