

IN THE CIRCUIT COURT OF THE 15th
JUDICIAL CIRCUIT, IN AND FOR PALM
BEACH COUNTY, FLORIDA

CASE NO.

JOSHUA COLEMAN, individually and as
Personal Representative of the ESTATE OF
ERIN COLEMAN,

Plaintiff,

vs.

FORD MOTOR COMPANY, a Foreign
Corporation, and AL PACKER WEST, INC.,
a Florida Citizen, Resident, and Corporation,

Defendants,

_____ /

COMPLAINT AND DEMAND FOR TRIAL BY JURY

COMES NOW the Plaintiff, JOSHUA COLEMAN, individually and as Personal Representative of the ESTATE OF ERIN COLEMAN, (hereinafter "Plaintiff") pursuant to the Florida Rules of Civil Procedure and hereby sues Defendants FORD MOTOR COMPANY, a Foreign Corporation (hereinafter "FORD") and AL PACKER WEST, INC., a Florida Citizen, Resident and Corporation (hereinafter "AL PACKER") and in support thereof states as follows:

GENERAL ALLEGATIONS

1. This is a wrongful death, product defect, and negligence action for damages which exceed the sum of \$50,000.00 (fifty thousand) dollars, exclusive of interest and costs.
2. Accordingly, the Court has jurisdiction over this matter.
3. At all times material, the Plaintiff, JOSHUA COLEMAN, is and was the surviving

natural husband of the Decedent, ERIN COLEMAN, both of whom are and were residents and citizens of Florida. JOSHUA COLEMAN has been appointed as the Personal Representative of the ESTATE OF ERIN COLEMAN.

4. At all times material, Defendant, FORD was and is a foreign corporation authorized to do business in the State of Florida, and which at all times material, was doing business throughout the State of Florida including Palm Beach County. Jurisdiction is appropriate pursuant to section 48.193, Florida Statutes, *et. seq.* with respect to FORD *inter alia*, the Decedent suffered serious injuries and was killed in the State of Florida, by a vehicle product that was being used in the ordinary course of commerce, trade, or use that was designed, serviced, marketed and/or manufactured by FORD and was marketed, distributed and sold by FORD to be used on public roadways, including those within the State of Florida, including Palm Beach County, Florida.
5. At all times material, the Defendant, AL PACKER, was and is a Florida Corporation, Citizen, and Resident with its principal place of business and office for transaction of customary business in Palm Beach County and authorized to do business in the State of Florida and was doing business throughout the State of Florida including Palm Beach County and was engaged in the chain of distribution, including selling and recommending the subject vehicle, and the service, maintenance, repair, replacement, and recommendation of automobiles and automobile components for use by consumers in the state of Florida.
6. FORD has a national dealership network that includes multiple dealerships in Palm Beach County, Florida. FORD advertises and markets its vehicles in Palm

Beach County, Florida.

7. AL PACKER is a Ford Dealership located in Palm Beach County, Florida.
8. The 2019 FORD F-150 bearing VIN number: 1FTEW1CPXKKF00578 (hereinafter "SUBJECT VEHICLE") which is the subject of this lawsuit was designed, developed, engineered, manufactured, tested, warranted, distributed, marketed, and sold by FORD in Palm Beach County, Florida, specifically through its network dealer AL PACKER in Palm Beach County, Florida.
9. FORD through its agents and assigns, placed the SUBJECT VEHICLE into the stream of commerce in Palm Beach County, Florida.
10. The venue is proper in Palm Beach County, Florida.

FACTUAL ALLEGATIONS

11. At all times material, Defendant, FORD, designed, manufactured, distributed, sold, and placed the 2019 FORD F-150 bearing VIN number: 1FTEW1CPXKKF00578 and its component parts into the stream of commerce, including in the State of Florida.
12. At all times material, Defendant, AL PACKER, designed, manufactured, distributed, sold, and placed the 2019 FORD F-150 bearing VIN number: 1FTEW1CPXKKF00578 and its component parts into the stream of commerce, including in the State of Florida.
13. On or about June 9, 2020, Defendant AL PACKER, sold new, the SUBJECT VEHICLE to Morgan Peyton Schaefer, and placed the SUBJECT VEHICLE onto the public roadways of the State of Florida and into the stream of commerce in Palm Beach County, Florida.

14. On June 11, 2022, the SUBJECT VEHICLE, driven by Morgan Peyton Schaefer was traveling southbound on I-75 when his vehicle departed his lane of travel, impacted multiple metal barricades/bollards, and ultimately crossed into oncoming traffic resulting in a catastrophic and deadly head-on collision with another vehicle.
15. The head-on collision was with a 2012 Honda Civic (“the CIVIC”) being driven by ERIN COLEMAN.
16. As a result of the collision, ERIN COLEMAN was tragically killed, and is survived by her husband, JOSHUA COLEMAN.
17. At the time and place, ERIN COLEMAN was the driver of the CIVIC and operating the CIVIC in a manner that was intended and reasonably foreseeable to Defendant, FORD.
18. At the time of the design, manufacture, and sale, the SUBJECT VEHICLE was equipped with collision avoidance technology, Automatic Emergency Braking (“AEB”). The purpose of AEB, is to detect a collision and apply brakes to mitigate, avoid, and prevent a collision like occurred here.
19. At the time of the design, manufacture, and sale of the SUBJECT VEHICLE, FORD and AL PACKER promoted and touted the AEB as a safety feature to prevent catastrophic collisions.
20. At the aforementioned time and place, the SUBJECT VEHICLE’s collision avoidance technology, AEB, failed to detect, mitigate, slow, and/or avoid the collisions and failed to detect, prevent the collisions with, and stop the vehicle before colliding with the multiple metal barricades before crossing into the

oncoming lane of traffic and also failed to detect, prevent the collision with, and stop the vehicle before crashing into ERIN COLEMAN's vehicle.

21. At the aforementioned time and place, the SUBJECT VEHICLE's AEB did not perform and work as FORD and AL PACKER promoted and touted that it should have.
22. At the time of the design, manufacture, and sale, Defendant, FORD also failed to equip the SUBJECT VEHICLE with the lifesaving safety device of lane keep assist. The technology for lane keep assist is to maintain the path of the vehicle and was technologically available and feasible at the time the vehicle was designed and manufactured. Defendant, FORD further failed to provide an adequate warning regarding the SUBJECT VEHICLE's lack of readily and technologically available lifesaving safety features.
23. At the time of the design, manufacture, and sale, Defendant, AL PACKER failed to equip the SUBJECT VEHICLE with the lifesaving safety device of lane keep assist. The technology for lane keeps assist in maintaining the path of the vehicle and was technologically available and feasible at the time the vehicle was designed and manufactured. Defendant, AL PACKER further failed to provide adequate warning regarding the SUBJECT VEHICLE's lack of readily and technologically available lifesaving safety features.
24. At the time of the design, manufacture, and sale of the SUBJECT VEHICLE, FORD and AL PACKER promoted and touted the lane keep assist as a safety feature to prevent catastrophic collisions.
25. At the aforementioned time and place, the SUBJECT VEHICLE was not equipped

with the readily and commercially available lane keep assist; therefore, the driver of the SUBJECT VEHICLE was not afforded the benefit of the lifesaving safety technology that would have kept the driver in his lane of travel and avoided the subject collision causing the death of ERIN COLEMAN.

26. At all times material hereto, the SUBJECT VEHICLE was being used in its intended and reasonably foreseeable manner.
27. At the time the SUBJECT VEHICLE was sold new, it was defective in its design, manufacture, and warning, and it was unfit, unsafe, and unreasonably dangerous when it left FORD.
28. At the time the SUBJECT VEHICLE was sold new, it was defective in its design, manufacture, and warning, and it was unfit, unsafe, and unreasonably dangerous when it left AL PACKER.
29. The danger posed by the defective and unreasonably dangerous condition of the SUBJECT VEHICLE was known or should have been known by FORD.
30. The danger posed by the defective and unreasonably dangerous condition of the SUBJECT VEHICLE was known or should have been known by AL PACKER.
31. As a result of the aforementioned defects in the SUBJECT VEHICLE, ERIN COLEMAN was killed.
32. At all times material hereto, the design features of the SUBJECT VEHICLE's automatic emergency braking and collision avoidance technology were defective and failed to perform and function as safely as an ordinary consumer would expect when utilizing the SUBJECT VEHICLE in an intended and reasonably foreseeable manner.

33. At all times material hereto, FORD and AL PACKER owed a duty to ERIN COLEMAN to use reasonable care to design, manufacture, and provide adequate warnings and instructions on or with the SUBJECT VEHICLE and to place the SUBJECT VEHICLE into the stream of commerce without defects so that it would perform and function as safely as an ordinary consumer would expect when utilizing the SUBJECT VEHICLE in an intended or reasonably foreseeable manner.
34. At all times material hereto, the SUBJECT VEHICLE was designed in such a defective manner that it failed to perform and function as safely as an ordinary consumer would expect when utilizing the SUBJECT VEHICLE in an intended or reasonably foreseeable manner.
35. At all times material hereto, the SUBJECT VEHICLE was manufactured in such a defective manner in violation of prudent manufacturing practices, specifications, and tolerances that resulted in the SUBJECT VEHICLE failing to perform and function as safely as an ordinary consumer would expect when utilizing the SUBJECT VEHICLE in an intended or reasonably foreseeable manner.
36. At all times material hereto, the SUBJECT VEHICLE was designed and manufactured without adequate warnings and instructions on or with the SUBJECT VEHICLE resulting in the SUBJECT VEHICLE being defective and failing to perform and function as safely as an ordinary consumer would expect when utilizing the SUBJECT VEHICLE in an intended or reasonably foreseeable manner.
37. FORD owed a duty to Decedent, ERIN COLEMAN and other persons similarly

situated, to use reasonable care in designing, manufacturing, warning, instructing, testing, assembling, inspecting, maintaining, repairing, and replacing the SUBJECT VEHICLE, without defects so that the SUBJECT VEHICLE would perform and function as safely as an ordinary consumer would expect when utilizing the SUBJECT VEHICLE in an intended or reasonably foreseeable manner and for a purpose for which it was made.

38. AL PACKER owed a duty to Decedent, ERIN COLEMAN and other persons similarly situated, to use reasonable care in designing, manufacturing, warning, instructing, testing, assembling, inspecting, maintaining, repairing, and replacing the SUBJECT VEHICLE, without defects so that the SUBJECT VEHICLE would perform and function as safely as an ordinary consumer would expect when utilizing the SUBJECT VEHICLE in an intended or reasonably foreseeable manner and for a purpose for which it was made.

39. FORD breached such duties by designing, manufacturing, warning, instructing, testing, assembling, inspecting, maintaining, repairing, and replacing the SUBJECT VEHICLE or failing to do so, in such a negligent manner that the SUBJECT VEHICLE was defective and did not perform and function as safely as an ordinary consumer would expect when utilizing the SUBJECT VEHICLE in an intended or reasonably foreseeable manner and for a purpose which it was made.

40. AL PACKER breached such duties by designing, manufacturing, warning, instructing, testing, assembling, inspecting, maintaining, repairing, and replacing the SUBJECT VEHICLE or failing to do so, in such a negligent manner that the

SUBJECT VEHICLE was defective and did not perform and function as safely as an ordinary consumer would expect when utilizing the SUBJECT VEHICLE in an intended or reasonably foreseeable manner and for a purpose which it was made.

41. At all times material hereto, FORD was engaged in the business of designing, manufacturing, importing, distributing, selling, marketing, recommending, inspecting, and placing the SUBJECT VEHICLE into the stream of commerce within the state of Florida and held themselves out to the public as having particular expertise regarding the SUBJECT VEHICLE.
42. At all times material hereto, AL PACKER was engaged in the business of designing, manufacturing, importing, distributing, selling, marketing, recommending, inspecting, and placing the SUBJECT VEHICLE into the stream of commerce within the state of Florida and held themselves out to the public as having particular expertise regarding the SUBJECT VEHICLE.
43. At all times material hereto, FORD and AL PACKER maintained a dedicated dealer network and sales staff within the state of Florida who represented to the public that they possessed the necessary skill and expertise required to accurately inform prospective purchasers of the proper selection, use, fitment, features, quality, and safety considerations of the SUBJECT VEHICLE.
44. At all times material hereto, AL PACKER maintained a dedicated sales staff within the state of Florida who represented to the public that they possessed the necessary skill and expertise required to accurately inform prospective purchasers of the proper selection, use, fitment, features, quality, and safety considerations

of the SUBJECT VEHICLE.

45. At all times material hereto, FORD through its dedicated dealer network and sales staff, employees, agents, and representatives, selected, recommended, distributed, sold, and delivered the SUBJECT VEHICLE within the state of Florida for the specific use that it was being used to perform when the incident in this case occurred.
46. At all times material hereto, AL PACKER through its dedicated sales staff, employees, agents, and representatives, selected, recommended, distributed, sold, and delivered the SUBJECT VEHICLE within the state of Florida for the specific use that it was being used to perform when the incident in this case occurred.
47. FORD breached such duties by recommending, selling, and authorizing the SUBJECT VEHICLE as an appropriate use for the specific use for which it was sold, in such a negligent manner that the SUBJECT VEHICLE was defective, not an appropriate use, and did not perform and function as safely as an ordinary consumer would expect when utilizing the SUBJECT VEHICLE in an intended or reasonably foreseeable manner and for the purpose for which it was made.
48. AL PACKER breached such duties by recommending, selling, and authorizing the SUBJECT VEHICLE as an appropriate use for the specific use for which it was sold, in such a negligent manner that the SUBJECT VEHICLE was defective, not an appropriate use, and did not perform and function as safely as an ordinary consumer would expect when utilizing the SUBJECT VEHICLE in an intended or reasonably foreseeable manner and for the purpose for which it was made.
49. At all times material hereto, the use of the SUBJECT VEHICLE in a manner that

was intended or reasonably foreseeable by FORD involved substantial dangers that would not be readily recognized by ordinary users of the SUBJECT VEHICLE.

50. At all times material hereto, the use of the SUBJECT VEHICLE in a manner that was intended or reasonably foreseeable by AL PACKER involved substantial dangers that would not be readily recognized by ordinary users of the SUBJECT VEHICLE.
51. At all times material hereto, these dangers were known or knowable by FORD in light of the generally recognized and prevailing best scientific knowledge available at the time of the design, manufacture and distribution of the SUBJECT VEHICLE, and as a result prudent design and manufacturing process and reasonable care required warnings and instructions on or with the SUBJECT VEHICLE.
52. At all times material hereto, these dangers were known or knowable by AL PACKER in light of the generally recognized and prevailing best scientific knowledge available at the time of the design, manufacture and distribution of the SUBJECT VEHICLE, and as a result prudent design and manufacturing process and reasonable care required warnings and instructions on or with the SUBJECT VEHICLE.
53. At all times material hereto, FORD adopted a design process and a manufacturing process for the SUBJECT VEHICLE, which was not common, usual, customary, prudent, reasonable or in accordance with established industry standards relating to the design, manufacture or use of warnings and instructions of similar vehicles

with similar intended or foreseeable functions.

54. At all times material hereto, AL PACKER adopted a design process and a manufacturing process for the SUBJECT VEHICLE, which was not common, usual, customary, prudent, reasonable or in accordance with established industry standards relating to the design, manufacture or use of warnings and instructions of similar vehicles with similar intended or foreseeable functions.
55. At all times material hereto, FORD failed to perform testing adequate to determine the circumstances under which the SUBJECT VEHICLE was likely to cause injury and/or death to occupants while being used under its intended or reasonably foreseeable conditions, or in an intended or reasonably foreseeable manner.
56. At all times material hereto, AL PACKER failed to perform testing adequate to determine the circumstances under which the SUBJECT VEHICLE was likely to cause injury and/or death to occupants while being used under its intended or reasonably foreseeable conditions, or in an intended or reasonably foreseeable manner.
57. At all times material hereto, the SUBJECT VEHICLE was maintained and inspected, and the warnings and instructions read and comprehended as often and as completely as a reasonably prudent person would have done under the same or similar circumstances, and at no time material hereto was the SUBJECT VEHICLE subjected to any unintended or unreasonable conditions.
58. FORD designed, manufactured, and placed the SUBJECT VEHICLE into the stream of commerce for use on public roadways, including roads in the state of Florida, intending that it be used in the manner that it was being used at the time

of the Decedent's injury and death occurred.

59. AL PACKER designed, manufactured, and placed the SUBJECT VEHICLE into the stream of commerce for use on public roadways, including roads in the state of Florida, intending that it be used in the manner that it was being used at the time of the Decedent's injury and death occurred.
60. At all times material hereto, the SUBJECT VEHICLE was maintained and inspected as often as a reasonably prudent person would have done under the same or similar circumstances, and at no time material hereto was the SUBJECT VEHICLE subject to any unintended and/or unforeseeable conditions.
61. The SUBJECT VEHICLE was in substantially the same defective condition at the time of the incident it was when it left FORD's possession or control.
62. The SUBJECT VEHICLE was in substantially the same defective condition at the time of the incident it was when it left AL PACKER's possession or control.
63. The defective and negligent manner in which the SUBJECT VEHICLE was designed and manufactured was the direct and proximate cause of ERIN COLEMAN's death.
64. The defective and negligent manner in which FORD failed to provide adequate warnings and instructions on or with the SUBJECT VEHICLE was the direct and proximate cause of ERIN COLEMAN's death.

COUNT 1
STRICT LIABILITY AGAINST FORD
DESIGN DEFECTS

65. At the time the SUBJECT VEHICLE was designed and manufactured and placed into the stream of commerce by Defendant, FORD, it contained design

defects which rendered the SUBJECT VEHICLE unreasonably dangerous to drivers and the motoring public, such as the ERIN COLEMAN, and other foreseeable persons on the roadways.

66. The design defects include:
- a. Choosing to not include a lifesaving safety system of lane keep assist;
 - b. Choosing to not include appropriate sensing, detection, camera, and radar systems to activate automatic emergency braking to slow speed to mitigate or prevent impact with both fixed metal bollards and vehicles before impact; and
 - c. Choosing to not have an appropriately working and operational automatic emergency braking system.
67. As a result of the design defects, the SUBJECT VEHICLE failed to perform as safely as an ordinary consumer would expect when utilizing the SUBJECT VEHICLE in an intended or reasonably foreseeable manner.
68. The design defects in the SUBJECT VEHICLE were the direct and proximate cause of ERIN COLEMAN's death, and the Plaintiff and survivor have suffered the damages described below.

COUNT 2
STRICT LIABILITY AGAINST FORD
MANUFACTURING DEFECTS

69. At the time the SUBJECT VEHICLE was manufactured and placed into the stream of commerce by Defendant, FORD, it contained manufacturing defects that resulted in the SUBJECT VEHICLE being manufactured in violation of prudent

manufacturing practices, specifications, and tolerances. These defects rendered the SUBJECT VEHICLE unreasonably dangerous to drivers and the motoring public, such as the ERIN COLEMAN, and other foreseeable persons on the roadways.

70. These manufacturing defects include:
- a. Choosing to not properly manufacture appropriate sensing, detection, camera, and radar system to activate automatic emergency braking to slow speed to mitigate or prevent impact with both fixed metal bollards and vehicles before impact; and
 - b. Choosing to not manufacture the SUBJECT VEHICLE with an appropriately working and operational automatic emergency braking system.
71. As a result of the manufacturing defects, the SUBJECT VEHICLE failed to perform as intended and as safely as an ordinary consumer would expect when utilizing the SUBJECT VEHICLE in an intended or reasonably foreseeable manner.
72. The manufacturing defects in the SUBJECT VEHICLE were the direct and proximate cause of ERIN COLEMAN's death, and the Plaintiff and survivor have suffered the damages described below.

COUNT 3
STRICT LIABILITY AGAINST FORD
DEFECTIVE WARNINGS AND INSTRUCTIONS

73. At the time the SUBJECT VEHICLE was designed and manufactured and placed into the stream of commerce by the Defendant, FORD, it lacked and/or contained

defective warnings and instructions which rendered the SUBJECT VEHICLE unreasonably dangerous.

74. These warning defects include:
- a. Choosing not to have warnings of the lack of the life-saving safety system of lane keep assist;
 - b. Choosing not to have warnings that the vehicle had insufficient sensing, detection, camera, and radar system to mitigate or prevent foreseeable impacts; and
 - c. Choosing not to have warnings that the automatic emergency braking system would not appropriately work or operate as it should.
75. The lack of defective warnings and instructions resulted in the SUBJECT VEHICLE failing to perform as intended and as safely as an ordinary consumer would expect when utilizing the SUBJECT VEHICLE in an intended or reasonably foreseeable manner.
76. The lack of and/or defective warnings and instructions on or with the SUBJECT VEHICLE were the direct and proximate cause of [REDACTED] death, and the Plaintiff and survivor have suffered the damages described below.

COUNT 4
NEGLIGENCE AGAINST FORD
DESIGN

77. At all times material hereto, FORD owed a duty to use reasonable care in the design of the SUBJECT VEHICLE.
78. At all times material hereto, FORD failed to use reasonable care in the design of the SUBJECT VEHICLE; thus, breached its duty.

79. FORD's negligence in the design of the SUBJECT VEHICLE includes:
- a. Negligently choosing not to include lifesaving safety system of lane keep assist;
 - b. Negligently choosing to not include an appropriate sensing, detection, camera, and radar system to activate automatic emergency braking to slow speed to mitigate or prevent impact with both fixed metal bollards and vehicles before frontal impact;
 - c. Negligently choosing not to equip and design the SUBJECT VEHICLE with an appropriately working and operational automatic emergency braking system.
80. The negligent design of SUBJECT VEHICLE was the direct and proximate cause of ERIN COLEMAN's death, and the Plaintiff and survivor have suffered the damages described below.

COUNT 5
NEGLIGENCE AGAINST FORD
MANUFACTURE

81. At all times material hereto, FORD owed a duty to use reasonable care in the manufacture of the SUBJECT VEHICLE.
82. At all times material hereto, FORD failed to use reasonable care in the manufacture of the SUBJECT VEHICLE; thus, breached its duty.
83. FORD's negligence in the manufacture of the SUBJECT VEHICLE includes:
- a. Negligently choosing to not properly manufacture an appropriate sensing, detection, camera, and radar system to activate automatic emergency braking to slow speed to mitigate or prevent impact

with both fixed metal bollards and vehicles before frontal impact;
and

- b. Negligently choosing to not equip and manufacture the SUBJECT VEHICLE with an appropriately working and operational automatic emergency braking system.

84. The negligent manufacture of the SUBJECT VEHICLE was the direct and proximate cause of ERIN COLEMAN's death, and the Plaintiff and survivor have suffered the damages described below.

COUNT 6
NEGLIGENCE AGAINST FORD
WARNINGS AND INSTRUCTIONS

85. At all times material hereto, FORD owed a duty to use reasonable care in the warnings related to the SUBJECT VEHICLE.

86. At the time the SUBJECT VEHICLE was designed, manufactured, and placed into the stream of commerce by Defendant, FORD, it lacked and/or contained negligent warnings and instructions which rendered the SUBJECT VEHICLE unsafe to drivers and the motoring public, and thus breached its duty.

87. This negligence includes:

- a. Negligently choosing to not warn of the lack of the lifesaving safety system of lane keep assist; and
- b. Negligently choosing to not warn that the SUBJECT VEHICLE had insufficient sensing, detection, camera, and radar systems to mitigate or prevent foreseeable impacts related to automatic emergency braking.

88. The lack of and/or negligent warnings and instructions on or with the SUBJECT VEHICLE were the direct and proximate cause of [REDACTED] death, and the Plaintiff and survivor have suffered the damages described below.

COUNT 7
STRICT LIABILITY AGAINST AL PACKER
DESIGN DEFECTS

89. At the time the SUBJECT VEHICLE was designed and manufactured and placed into the stream of commerce by the Defendant, AL PACKER, it contained design defects which rendered the SUBJECT VEHICLE unreasonably dangerous to drivers and the motoring public, such as the ERIN COLEMAN, and other foreseeable persons on the roadways.

90. The design defects include:

- a. Choosing to not include a lifesaving safety system of lane keep assist;
- b. Choosing to not include appropriate sensing, detection, camera, and radar systems to activate automatic emergency braking to slow speed to mitigate or prevent impact with both fixed metal bollards and vehicles before impact; and
- c. Choosing to not have an appropriately working and operational automatic emergency braking system.

91. As a result of the design defects, the SUBJECT VEHICLE failed to perform as safely as an ordinary consumer would expect when utilizing the SUBJECT VEHICLE in an intended or reasonably foreseeable manner.

92. The design defects in the SUBJECT VEHICLE were the direct and proximate

cause of ERIN COLEMAN's death, and the Plaintiff and survivor have suffered the damages described below.

COUNT 8
STRICT LIABILITY AGAINST AL PACKER
MANUFACTURING DEFECTS

93. At the time the SUBJECT VEHICLE was manufactured and placed into the stream of commerce by Defendant, AL PACKER, it contained manufacturing defects that resulted in the SUBJECT VEHICLE being manufactured in violation of prudent manufacturing practices, specifications, and tolerances. These defects rendered the SUBJECT VEHICLE unreasonably dangerous to drivers and the motoring public, such as the ERIN COLEMAN, and other foreseeable persons on the roadways.
94. These manufacturing defects include:
- a. Choosing to not properly manufacture appropriate sensing, detection, camera, and radar systems to activate automatic emergency braking to slow speed to mitigate or prevent impact with both fixed metal bollards and vehicles before impact; and
 - b. Choosing to not manufacture the SUBJECT VEHICLE with an appropriately working and operational automatic emergency braking system.
95. As a result of the manufacturing defects, the SUBJECT VEHICLE failed to perform as intended and as safely as an ordinary consumer would expect when utilizing the SUBJECT VEHICLE in an intended or reasonably foreseeable manner.

96. The manufacturing defects in the SUBJECT VEHICLE were the direct and proximate cause of ERIN COLEMAN's death, and the Plaintiff and survivor have suffered the damages described below.

COUNT 9
STRICT LIABILITY AGAINST AL PACKER
DEFECTIVE WARNINGS AND INSTRUCTIONS

97. At the time the SUBJECT VEHICLE was designed and manufactured and placed into the stream of commerce by the Defendant, AL PACKER, it lacked and/or contained defective warnings and instructions which rendered the SUBJECT VEHICLE unreasonably dangerous.

98. These warning defects include:

- a. Choosing not to have warnings of the lack of the life-saving safety system of lane keep assist;
- b. Choosing not to have warnings that the vehicle had insufficient sensing, detection, camera, and radar systems to mitigate or prevent foreseeable impacts; and
- c. Choosing not to have warnings that the automatic emergency braking system would not appropriately work or operate as it should.

99. The lack of defective warnings and instructions resulted in the SUBJECT VEHICLE failing to perform as intended and as safely as an ordinary consumer would expect when utilizing the SUBJECT VEHICLE in an intended or reasonably foreseeable manner.

100. The lack of and/or defective warnings and instructions on or with the SUBJECT VEHICLE were the direct and proximate cause of [REDACTED] death, and

the Plaintiff and survivor have suffered the damages described below.

COUNT 10
NEGLIGENCE AGAINST AL PACKER
DESIGN

101. At all times material hereto, AL PACKER owed a duty to use reasonable care in the design of the SUBJECT VEHICLE.
102. At all times material hereto, AL PACKER failed to use reasonable care in the design of the SUBJECT VEHICLE; thus, breached its duty.
103. AL PACKER's negligence in the design of the SUBJECT VEHICLE includes:
- a. Negligently choosing not to include lifesaving safety system of lane keep assist;
 - b. Negligently choosing to not include appropriate sensing, detection, camera, and radar systems to activate automatic emergency braking to slow speed to mitigate or prevent impact with both fixed metal bollards and vehicles before frontal impact;
 - c. Negligently choosing not to equip and design SUBJECT VEHICLE with an appropriately working and operational automatic emergency braking system.
104. The negligent design of SUBJECT VEHICLE was the direct and proximate cause of ERIN COLEMAN's death, and the Plaintiff and survivor have suffered the damages described below.

COUNT 11
NEGLIGENCE AGAINST AL PACKER
MANUFACTURE

105. At all times material hereto, AL PACKER owed a duty to use reasonable care in

the manufacture of the SUBJECT VEHICLE.

106. At all times material hereto, AL PACKER failed to use reasonable care in the manufacture of the SUBJECT VEHICLE; thus, breached its duty.

107. AL PACKER's negligence in the manufacture of the SUBJECT VEHICLE includes:

- a. Negligently choosing to not properly manufacture appropriate sensing, detection, camera, and radar systems to activate automatic emergency braking to slow speed to mitigate or prevent impact with both fixed metal bollards and vehicles before frontal impact; and
- b. Negligently choosing to not equip and manufacture the SUBJECT VEHICLE with an appropriately working and operational automatic emergency braking system.

108. The negligent manufacture of the SUBJECT VEHICLE was the direct and proximate cause of ERIN COLEMAN's death, and the Plaintiff and survivor have suffered the damages described below.

COUNT 12
NEGLIGENCE AGAINST AL PACKER
WARNINGS AND INSTRUCTIONS

109. At all times material hereto, AL PACKER owed a duty to use reasonable care in the warnings related to the SUBJECT VEHICLE.

110. At the time the SUBJECT VEHICLE was designed, manufactured, and placed into the stream of commerce by Defendant, AL PACKER, it lacked and/or contained negligent warnings and instructions which rendered the SUBJECT

VEHICLE unsafe to drivers and the motoring public and thus breached its duty.

111. This negligence includes:

- a. Negligently choosing to not warn of the lack of the lifesaving safety system of lane keep assist; and
- b. Negligently choosing to not warn that the SUBJECT VEHICLE had insufficient sensing, detection, camera, and radar systems to mitigate or prevent foreseeable impacts related to automatic emergency braking.

112. The lack of and/or negligent warnings and instructions on or with the SUBJECT VEHICLE were the direct and proximate cause of [REDACTED] death, and the Plaintiff and survivor have suffered the damages described below.

DAMAGES

113. Plaintiff has suffered all available damages, including as follows:

- a. On behalf of ERIN COLEMAN's surviving husband, JOSHUA COLEMAN, damages for loss of companionship and protection in the past and in the future; mental pain and suffering in the past and in the future; loss of support and services in the past and in the future, and medical and funeral expenses paid;
- b. On behalf of the Estate of ERIN COLEMAN: damages for lost earnings, loss of net accumulations, medical expenses and funeral expenses which have become a charge against the Estate of Erin Coleman and/or were paid by or on behalf of Erin Coleman by one other than a survivor.

WHEREFORE, the Plaintiff, JOSHUA COLEMAN, as Personal Representative of the ESTATE OF ERIN COLEMAN, demands judgment against Defendants FORD MOTOR COMPANY, a Foreign Corporation, and AL PACKER WEST, INC., a Florida Citizen, Resident, and Corporation for damages in excess of Fifty Thousand Dollars (\$50,000), plus costs, and all other relief deemed just and proper under the circumstances, and demands a trial by jury of all issues triable as a matter of right by a jury.

DATED: March 14, 2024

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