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**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION**

**DONNIE R. HEDLIND &
TAMMY A. HEDLIND,**

Plaintiffs,

v.

General Motors, LLC,
a foreign corporation;

Defendant.

Case No:

12-277-TC

**COMPLAINT
Personal Injury Action
28 U.S.C. §1332
DEMAND FOR JURY TRIAL**

STATEMENT OF JURISDICTION

1.

Plaintiffs Donnie Hedlind and Tammy Hedlind are citizens of the State of Oregon.

Defendant General Motors, LLC is a Delaware corporation with its principal place of business in Michigan. The amount in controversy, without interest and costs, exceeds the sum specified by 28 U.S.C. §1332.

CLAIM FOR RELIEF

Plaintiffs Donnie Hedlind and Tammy Hedlind, as husband and wife, allege:

ORX60000 7253

COUNT I
(Strict Product Liability)

2.

Defendant General Motors, LLC is the corporate successor to General Motors Company and has assumed assets and the liabilities of General Motors Company. At all times material herein, Defendant General Motors, LLC and General Motors Company, herein referred to collectively as Defendant GM, were in the business of designing, manufacturing, distributing and selling automobiles, including Chevrolet Silverado pickup trucks.

3.

On or about November 29, 2008, Plaintiff Donnie Hedlind purchased a new Chevrolet Silverado pickup truck, vehicle identification number 26CEK13M581183318, designed, manufactured and sold by GM. The Silverado pickup truck was equipped with electrically heated front seats. The electrically heated driver's seat was capable of reaching dangerously high temperatures sufficient to burn human skin and tissue.

4.

Plaintiff Donnie Hedlind is paraplegic, with loss of function and sensation in his lower back, buttocks and legs. The loss of function and sensation altered his ability to sense and respond to the dangerously high temperatures generated by the Chevrolet Silverado pickup truck's electrically heated driver's seat. On or about November 20, 2010, Donnie Hedlind suffered a severe burn to his right buttock from the electrically heated driver's seat while using the Chevrolet Silverado pickup truck.

5.

The Chevrolet Silverado pickup truck was defective and unreasonably dangerous to those using it, including Plaintiff Donnie Hedlind, in one or more of the following ways:

- (a) The electrically heated driver's seat could generate temperatures sufficient to burn human skin and tissue;
- (b) The electrically heated seat system lacked adequate safeguards to prevent the driver's seat from reaching dangerously high temperatures;
- (c) The Chevrolet Silverado pickup truck lacked adequate warnings and instructions to advise persons with sensory loss in the lower body and limbs of the danger of serious burns from the electrically heated front seats.

6.

The defective and unreasonably dangerous condition of the Chevrolet Silverado pickup truck, in one or more of the foregoing ways, was a substantial factor in causing Plaintiff Donnie Hedlind to suffer a third degree burn to his right buttock. As a result of the burn, Donnie Hedlind has suffered, and will continue to suffer further disability, disfigurement, interference with his usual and regular activities, humiliation and anxiety, all to his non-economic loss in an amount to be determined by the jury at trial in accordance with the law.

7.

Because of the described injuries, Donnie Hedlind has required medical care, including the services of a hospital, clinics, physicians, nurses, therapists, and technicians, medical

supplies and medications; and he will continue to require medical care and services in the future, to his economic damage in an amount to be determined by a jury at trial in accordance with law.

8.

Plaintiff Tammy Hedlind, as a result of this injury to her husband, has suffered loss in his companionship and services, to her damage in an amount to be determined by a jury at trial in accordance with law.

COUNT II
Negligence

9.

Plaintiffs reallege paragraphs 1, 2, 3, 4 & 8.

10.

Defendant GM was negligent in one or more of the following ways:

- (a) In designing, manufacturing and selling the Chevrolet Silverado pickup truck with an electrically heated driver's seat capable of generating dangerously high surface temperatures sufficient to burn human skin and tissue;
- (b) In designing, manufacturing and selling the Chevrolet Silverado pickup truck without an adequate safeguard to prevent the electrically heated driver's seat from reaching dangerously high temperatures;
- (c) In failing to adequately test and inspect the Chevrolet Silverado pickup truck's electrically heated driver's seat; and

- (d) In failing to provide adequate warnings and instructions to advise persons with sensory loss in the lower body and limbs of the danger of serious burns from the electrically heated front seats.

11.

Defendant knew, or in the exercise of reasonable care should have known as a manufacturer and seller of motor vehicles, that any of the foregoing acts or omissions would create a foreseeable and unreasonable risk of harm to users of the Chevrolet Silverado pickup truck with lower body and limb sensory losses, including Plaintiff Donnie Hedlind.

12.

The described negligence of the Defendant in one or more of the foregoing ways was a substantial factor in causing Plaintiff Donnie Hedlind to suffer a third degree burn on his right buttock. As a result of this burn, Donnie Hedlind has suffered, and will continue to suffer further disability, disfigurement, interference with his usual and regular activities, humiliation and anxiety, all to his non-economic loss in an amount to be determined by a jury at trial in accordance with law.

13.

Because of the described injuries, Plaintiff Donnie Hedlind required medical care, including the services of a hospital, clinics, physicians, nurses, therapists and technicians, medical supplies and medications; and he will continue to require medical and services, all to his economic damage in an amount to be determined by a jury at trial in accordance with law.

COUNT III
Punitive Damages

14.

Plaintiffs reallege paragraphs 1 - 13

15.

Prior to the selling the Chevrolet Silverado pickup truck to Donnie Hedlind, Defendant knew that users of GM automobiles and pickup trucks with function and sensory loss in their low back, buttocks and legs had suffered severe burns from high surface temperatures generated by their vehicles' electrically heated seats. Defendant GM has shown a reckless and outrageous indifference to a highly unreasonable risk of harm and has acted with a conscious indifference to the health, safety and welfare of others in one or more of the following ways:

(a) Defendant GM continued to sell vehicles with electrically heated seats capable of inflicting severe skin and tissue burns;

(b) Defendant GM did not recall or take other reasonable and appropriate steps to notify users of GM vehicles with electrically heated seats to have them inspected or tested for dangerously high surface temperatures; and

(c) Defendant GM did not provide adequate warning to users of GM vehicles equipped with electrically heated seats of the risk of serious burn injuries to persons with function and sensory losses in their lower body and limbs.

16.

Punitive damages should be awarded in the amount of \$3,000,000.

WHEREFORE, Plaintiffs Donnie Hedlind and Tammy Hedlind request judgment against Defendant General Motors, LLC for fair and reasonable compensation for their losses, as follows:

- (1) Donnie Hedlind's noneconomic damages in an amount not to exceed \$2,000,000;
- (2) Donnie Hedlind's economic damages in an amount not to exceed \$200,000;
- (3) Tammy Hedlind's damages in an amount not to exceed \$1,000,000;
- (4) Punitive damages in the amount of \$3,000,000; and
- (5) Costs and disbursements incurred.

DATED: February 14, 2012

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