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**FILED DISTRICT COURT**  
Third Judicial District

**DEC 18 2007**

SALT LAKE COUNTY

Deputy Clerk

IN THE THIRD JUDICIAL DISTRICT COURT IN AND FOR  
SALT LAKE COUNTY, STATE OF UTAH

CHRISTINA LOMAX, a minor, by and  
through her mother and guardian, TAMMY  
RUTTENBUR; TAMMEY RUTTENBUR,  
individually; and MICHAEL RUTTENBER,  
individually,

Plaintiffs,

vs.

FORD MOTOR COMPANY, a Corporation;  
CORY GRIFFITHS, an individual; and DOES  
1 through 100, inclusive,

Defendants.

**COMPLAINT & JURY DEMAND**

Case No: 070917649

Judge:

*A. Heston*

COMES NOW Plaintiffs, Christina Lomax, a minor, by and through her mother and guardian, Tammy Rutenbur; Tammy Rutenbur, individually; and Michael Rutenbur, individually, and for causes of action against Defendants Ford Motor Company, Cory Griffiths, and Does 1-100, and each of them, complain and allege as follows:

**PARTIES**

1. Plaintiff Christina Lomax is a minor, who resides in Salt Lake County, State of Utah and is represented by her natural mother and guardian, Tammy Rutenbur.
2. Plaintiff Tammy Rutenbur is an individual who resides in Salt Lake County, State of Utah.
3. Plaintiff Michael Rutenbur is an individual who resides in Salt Lake County, State of Utah.
4. Defendant Ford Motor Company ("Defendant Ford") is, and at all times herein relevant was, a Delaware Corporation, with a principal place of business in Dearborn, Michigan. Defendant Ford is authorized to do, and has regularly done, and is doing, business in the State of Utah, and has systematically conducted business on a regular basis in the State of Utah, under and by virtue of the laws of the State of Utah.
5. Plaintiffs are informed and believe Defendant Cory Griffiths ("Defendant Griffiths") is and at all relevant times mentioned herein, was, a resident of Davis County, State of Utah.
6. The true names and/or capacities, whether individual, corporate, associate or otherwise of defendants Does 1 through 100, inclusive, and each of them, are unknown to plaintiffs, who therefore sue said defendants by such fictitious names. Plaintiffs are informed and believe, and upon such information and belief allege,

that each of the Defendants fictitiously named herein as a Doe is legally responsible, negligently or in some other actionable manner, for the events and happenings hereinafter referred to and proximately caused the injuries and damages to plaintiffs as hereinafter alleged. The Plaintiffs will seek leave of Court to amend this Complaint to insert the true names and/or capacities of such fictitiously named Defendants when the same have been ascertained.

### **JURISDICTION AND VENUE**

7. This Court has jurisdiction over this matter pursuant to Utah Code Ann. § 78-3-4(1) and 78-11-6.
8. Venue is proper in Salt Lake County pursuant to Utah Code Ann. § 78-13-7, as the motor vehicle collision occurred in Salt Lake County, State of Utah.
9. Defendant Ford is subject to jurisdiction under the Utah Long-Arm statute, Utah Code Ann. § 78-27-22 and the provisions of § 78-27-24.

### **GENERAL FACTUAL ALLEGATIONS**

10. Plaintiffs are informed and believe, and thereupon allege, that at all times mentioned herein, Defendants, and each of them, including Does 1 through 100, inclusive, and each of them, were the agents, servants, employees and/or joint venturers of their codefendants, and were, as such, acting within the course, scope and authority of said agency, employment and/or venture, and that each and every Defendant, as aforesaid, when acting as a principal, was negligent in the selection and hiring of each and every other Defendant as an agent, employee and/or joint venturer.
11. Upon information and belief, Defendant Ford and Does 1-100, inclusive and each of them, designed, manufactured, tested, assembled, sold and placed into the

stream of commerce a 2000 Ford Taurus, bearing vehicle identification number 1FAFP55U3YA238578 ("Subject Ford Taurus").

12. That at all times mentioned herein, Defendant Griffiths was the owners of or had an ownership interest in a certain 1988 Toyota Corolla bearing vehicle identification number JT2AE92E0J0083426 ("Defendant's Vehicle").
13. That at all times mentioned herein, Interstate Highway 215, .10 miles north of Mile Post 20, is a public highway located in the County of Salt Lake, State of Utah.
14. Plaintiffs are informed and believe, and thereupon allege, that on July 7, 2007, Plaintiff Christina Lomax was a passenger in the center rear position of the Subject Ford Taurus, and Plaintiff Michael Ruttenbur was a passenger in the front seat of the Subject Ford Taurus, which was being operated in a reasonably foreseeable and expected manner by her mother, Plaintiff Tammy Ruttenbur.
15. Plaintiffs are further informed and believe that on July 7, 2007, at approximately 6:51 p.m., as Tammy Ruttenbur was driving northbound in the Subject Ford Taurus, when the Subject Ford Taurus began to slow down.
16. Plaintiffs are informed and believe, and thereupon allege, that at said date and time, Defendant Griffiths was operating the Defendant's Vehicle northbound on Interstate 215 Freeway, and struck the rear end of the Subject Ford Taurus as it slowed at approximately .10 miles north of mile post 20. Thereupon, the rear of the Subject Ford Taurus burst into flames and engulfed the rear passenger compartment of the Subject Ford Taurus, causing Plaintiff Christina Lomax, Plaintiff Tammy Ruttenbur, and Plaintiff Michael Ruttenbur to suffer serious physical and emotional injuries.

**FIRST CAUSE OF ACTION**  
**(Strict Products Liability)**

17. Plaintiffs reallege and incorporate herein by reference each and every allegation and statement contained in paragraphs 1 through 16, above.
18. That Defendants, Ford Motor Company and Does 1 through 100, inclusive, designed, manufactured, sold, distributed, installed, fabricated, assembled, bought, inspected, tested, serviced, repaired, altered, maintained, marketed, warranted, leased, modified and/or advertised the Subject Ford Taurus and related component parts which equipment and component parts contained design and/or manufacturing defects, which were capable of causing, and in fact did cause, personal injuries to the user and consumer thereof while being used in a manner reasonably foreseeable, thereby rendering same unsafe and dangerous for use by the consumer, user or bystander.
19. As a direct and proximate result of the above-described defects in the Subject Ford Taurus and its component parts, as aforementioned, and the conduct of the Defendants, Ford Motor Company and Does 1 through 100, inclusive, as alleged, the vehicle and passenger compartment were engulfed in fire after a rear-end impact by the Defendant's Vehicle while the Subject Ford Taurus was being used in a reasonably foreseeable, and/or expected or intended manner, proximately causing the severe and permanent injuries and substantial damages to each of the Plaintiffs.
20. The Subject Ford Taurus was unsafe for its intended use by reason of a defect in its design, manufacture, and/or assembly, which allowed a fire to occur upon impact, causing the vehicle and passenger compartment to become engulfed in

flames. As a proximate result of the defects and accident as herein alleged, the Plaintiffs, each of them, suffered serious physical and emotional injuries.

21. That at all times mentioned herein and with respect to the Subject Ford Taurus and its component parts which caused injury to plaintiffs as herein alleged, Defendants, Ford Motor Company and Does 1 through 100, inclusive, were the designers, assemblers, manufacturers, sellers, distributors, installers, fabricators, buyers, inspectors, testers, services, repairers, marketers, maintainers, alterers, warrantors, lessors, modifiers and/or advertisers thereof, or were otherwise involved in the stream of commerce to the extent that the laws of the State of Utah imposes strict liability in tort for injuries caused by defects therein.
22. Plaintiffs are informed and believe and thereon allege that Defendants, Ford Motor Company and Does 1 through 100, and each of them that the design, manufacture and assembly by them of the Subject Ford Taurus was defective and dangerous in the event of an accident; that each of the Defendants knew that because of the defects, the Subject Ford Taurus could not be used safely for the purpose for which it was intended; that Defendants, and each of them, knowing of the defect, that said type of vehicle could not safely be used for the purpose for which it was intended; that Defendants, and each of them, knowing that 2000 Ford Taurus vehicle models were defective and dangerous, in conscious disregard of the safety of the public placed them on the market without warning customers or the unknowing public of the defect and knew when it did so that said vehicles would be sold and used by the general public without inspection for defects; that Defendants and each of them, by placing the defective vehicles on the market, impliedly represented that they were safe for the purpose for which they were

intended. The Plaintiffs in purchasing and using the defective vehicle, as herein alleged, did rely on each of the Defendants' representations.

23. As a direct and proximate result of the aforementioned conduct of Defendants, Ford Motor Company and Does 1 through 100, inclusive, and each of them, Plaintiffs Christina Lomax, Tammy Ruttenbur, and Michael Ruttenbur, suffered serious physical and emotional injuries.

**SECOND CAUSE OF ACTION**  
**(Negligence)**

24. Plaintiffs reallege and incorporate herein by reference each and every allegation and statement contained in paragraphs 1 through 23, above.
25. At all times herein mentioned, Defendants, Ford Motor Company and Does 1 through 100, inclusive, were engaged in the business and profession of designing, manufacturing, selling, distributing, installing, fabricating, assembling, buying, inspecting, testing, servicing, repairing, marketing, warranting, altering, maintaining, leasing, modifying and/or advertising the Subject Ford Taurus and its related component parts, which said Defendants knew or, in the exercise of reasonable care should have known, would be used without inspection for defects in their parts, mechanisms or design.
26. At all times herein mentioned, Defendants, Ford Motor Company and Does 1 through 100, inclusive, negligently and carelessly designed, manufactured, sold, distributed, installed, fabricated, assembled, bought, inspected, altered, maintained, serviced, tested, repaired, marketed, warranted, leased, modified and/or advertised that certain Subject Ford Taurus and its related component parts, which vehicle contained design and manufacturing defects, in that same were capable of causing, and in fact did cause, personal injuries to the user and

- consumer thereof, while being used in a manner reasonably foreseeable, thereby rendering same unsafe and dangerous for use by the consumer, user or bystander.
27. On or about July 7, 2007 Plaintiff Tammy Ruttenbur was operating the Subject Ford Taurus northbound on Interstate 215 Freeway, .10 miles north of mile post 20, in a reasonably foreseeable manner.
28. On said date, at approximately 6:51 p.m., while Plaintiff Tammy Ruttenbur, driver, Plaintiff Christina Lomax, passenger, and Plaintiff Michael Ruttenbur, passenger, were using the Subject Ford Taurus in a reasonably foreseeable and/or expected manner, the Subject Ford Taurus was struck from behind by Defendant's Vehicle.
29. As a direct and proximate result of the defective condition of the vehicle and its component parts, said equipment and/or its component parts malfunctioned, including, but not limited to, the fuel system, thereby causing a fire to engulf the passenger compartment, causing serious physical and emotional injuries to Plaintiffs Christina Lomax, Tammy Ruttenbur, and Michael Ruttenbur.

**THIRD CAUSE OF ACTION**  
**(Breach of Warranties)**

30. Plaintiffs reallege and incorporate herein by reference each and every allegation and statement contained in paragraphs 1 through 29, above.
31. Defendants, Ford Motor Company and Does 1 through 100, inclusive, and each of them, expressly and/or impliedly warranted to the Plaintiffs and to that class of people who would normally be expected to use and/or operate the Subject Ford Taurus and related component parts, that the Subject Ford Taurus was merchantable, free from defects and/or fit for the purpose for which it was intended to be used



32. That the Subject Ford Taurus and each and every component part thereof, was not free from such defects nor fit for the purpose for which it was to be used, and was, in fact, defectively manufactured and designed and imminently dangerous to consumers, users and bystanders, in that same was capable of causing, and in fact did cause, personal injury to the user and consumer thereof, while being used in a manner reasonably foreseeable, thereby rendering same unsafe and dangerous for use by the consumer, user or bystander.
33. That Defendants, Ford Motor Company and Does 1 through 100, inclusive, and each of them, breached the above-described express and implied warranties, in that the Subject Ford Taurus and its related component parts were defective, which defects permitted and/or caused the Subject Ford Taurus and its component parts to malfunction and to cause injury to Plaintiffs when said equipment and parts were being used in a reasonably foreseeable, and/or intended or expected.
34. As a result of the breaches by Defendants Ford Motor Company and Does 1-100, inclusive, and each of them, of the above-described express and/or implied warranties, and each of them, and defective condition of the Subject Ford Taurus, Plaintiffs Christina Lomax, Tammy Ruttenbur, and Michael Ruttenbur suffered serious physical and emotional injuries.

**FOURTH CAUSE OF ACTION**  
**(Negligence of Defendant Griffiths)**

35. Plaintiffs reallege and incorporate herein by reference each and every allegation and statement contained in paragraphs 1 through 34, above.
36. Defendant Griffiths had a duty to exercise reasonable care in the operation of his vehicle.

37. Defendant Griffiths breached his duty and failed to exercise reasonable care and operated his vehicle in a negligent and reckless manner without regard for the safety of Plaintiffs in that:
- a. he failed to take proper precautions under the conditions;
  - b. he failed to properly control his vehicle;
  - c. he failed to keep a proper look-out;
  - d. he failed to maintain a safe distance between Defendant's Vehicle and the Subject Ford Taurus; and
  - e. other such acts of negligence which may be proved at the trial of this matter.
38. As a direct and proximate cause of Defendant Griffith's negligence, Plaintiffs Christina Lomax, Tammy Ruttenbur, and Michael Ruttenbur were injured both physically and emotionally in an amount to be proven at trial.

**FIFTH CAUSE OF ACTION**  
**(Negligent Infliction of Emotional Distress)**

39. Plaintiffs reallege and incorporate herein by reference each and every allegation and statement contained in paragraphs 1 through 38, above.
40. At all times mentioned herein, Plaintiff Tammy Ruttenbur was and is the mother of Christina Lomax and was in close proximity to Christina Lomax and within the zone of danger during the above-described accident, and personally witnessed her daughter's severe injuries at the scene of the accident, and was aware that her daughter had been severely injured and was burning in front of her. Plaintiff Tammy Ruttenbur had a sensory and contemporaneous observance of the subject incident which resulted in the injuries to Christina Lomax.
41. As a direct and proximate result of the above-described conduct of said Defendants, Plaintiff Tammy Ruttenbur suffered great emotional disturbance and

shock and injury to her nervous systems, all of which has caused, and continues to cause, great physical and mental pain and suffering.

### DAMAGES

42. Plaintiffs reallege and incorporate herein by reference each and every allegation and statement contained in paragraphs 1 through 41, above.
43. As a direct and proximate result of the aforementioned conduct of Defendants, Ford Motor Company, Cory Griffiths, and Does 1 through 100, inclusive, and each of them, Plaintiff Christina Lomax was injured and hurt in her health, strength, and activity, sustaining injuries and severe burns to her body, and shock and injury to her nervous system and person, all of which said injuries have caused, and continue to cause her great physical, mental, and nervous pain and suffering, increased risk of future injury and health deterioration, and reduction of the quality of life, and other general damages in an amount to be proved at the trial of this matter. Plaintiffs are informed and believe, and thereupon allege, that said injuries will result in permanent disability.
44. As a direct and proximate result of the aforementioned conduct of Defendants, Ford Motor Company, Cory Griffiths, and Does 1 through 100, inclusive, and each of them, Plaintiff Christina Lomax was compelled to and did employ the services of hospitals, physicians, surgeons, nurses and the like, to care for and treat her, and did incur hospital, medical, professional and incidental expenses, and Plaintiffs are informed and believe, and thereupon allege that by reason of her injuries and severe and disfiguring burns, she will necessarily incur additional like expenses for an indefinite period of time in the future.

45. As a direct and proximate result of the aforementioned conduct of Defendants, Ford Motor Company, Cory Griffiths, and Does 1 through 100, inclusive, and each of them, Plaintiff Christina Lomax has sustained a future loss of earnings and a loss of earning capacity.
46. As a direct and proximate result of the aforementioned conduct of Defendants, Ford Motor Company, Cory Griffiths, and Does 1 through 100, inclusive, and each of them, Plaintiff Tammy Rutenbur was injured and hurt in her health, strength, and activity, sustaining injuries and severe burns to her body, and shock and injury to her nervous system and person, all of which said injuries have caused, and continue to cause her great physical, mental, and nervous pain and suffering, increased risk of future injury and health deterioration, and reduction of the quality of life, and other general damages in an amount to be proved at the trial of this matter. Plaintiffs are informed and believe, and thereupon allege, that said injuries will result in permanent disability.
47. As a direct and proximate result of the aforementioned conduct of Defendants, Ford Motor Company, Cory Griffiths, and Does 1 through 100, inclusive, and each of them, Plaintiff Tammy Rutenbur was compelled to and did employ the services of hospitals, physicians, surgeons, nurses and the like, to care for and treat her, and did incur hospital, medical, professional and incidental expenses, and Plaintiffs are informed and believe, and thereupon allege that by reason of her injuries and severe and disfiguring burns, she will necessarily incur additional like expenses for an indefinite period of time in the future.
48. As a direct and proximate result of the aforementioned conduct of Defendants, Ford Motor Company, Cory Griffiths, and Does 1 through 100, inclusive, and

each of them, Plaintiff Tammy Ruttenbur has sustained a loss of earnings and a loss of earning capacity.

49. As a direct and proximate result of the aforementioned conduct of Defendants, Ford Motor Company, Cory Griffiths, and Does 1 through 100, inclusive, and each of them, Plaintiff Michael Ruttenbur was injured and hurt in his health, strength, and activity, sustaining injuries and severe burns to his body, and shock and injury to his nervous system and person, all of which said injuries have caused, and continue to cause him great physical, mental, and nervous pain and suffering, increased risk of future injury and health deterioration, and reduction of the quality of life, and other general damages in an amount to be proved at the trial of this matter. Plaintiffs are informed and believe, and thereupon allege, that said injuries will result in permanent disability.

50. As a direct and proximate result of the aforementioned conduct of Defendants, Ford Motor Company, Cory Griffiths, and Does 1 through 100, inclusive, and each of them, Plaintiff Michael Ruttenbur was compelled to and did employ the services of hospitals, physicians, surgeons, nurses and the like, to care for and treat him, and did incur hospital, medical, professional and incidental expenses, and Plaintiffs are informed and believe, and thereupon allege that by reason of his injuries and severe and disfiguring burns, he will necessarily incur additional like expenses for an indefinite period of time in the future.

#### **JURY DEMAND**

Plaintiffs hereby demand a trial by jury on all issues presented herein.

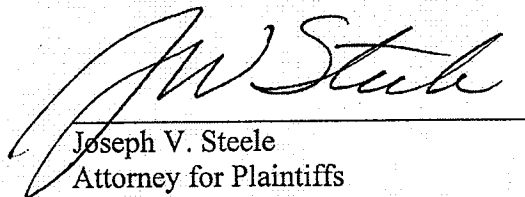
**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs, Christina Lomax, a minor, by and through her mother and guardian, Tammy Rutenbur; Tammy Rutenbur, individually; and Michael Rutenbur, individually, demand judgment against Defendants Ford Motor Company, Cory Griffiths, and Does 1-100, and each of them, as follows:

- A. For general damages for pain and suffering in an amount to be proven at trial;
- B. For economic damages, including but not limited to past and future medical expenses in an amount to be proven at trial;
- C. For economic damages for past and future loss of earnings, and loss of earning capacity in an amount to be proven at trial;
- D. For costs of suit herein; and
- E. For such further relief as the Court deems just and proper.

DATED this 17 day of December, 2007.

STEELE & BIGGS

  
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Joseph V. Steele  
Attorney for Plaintiffs