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1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA

3 DONNA LEACH, individually and on  
4 behalf of the Estate of Clyde Leach,

5 Plaintiff,

6 vs.

7 TESLA, INC. and DOES 1 through 100,  
8 inclusive,

9 Defendants.

Case No. 3:23-cv-03378-SI  
(Removed from Santa Clara County Superior  
Court – Case No. 23CV414572)

District Judge: Susan Illston

**JOINT CASE MANAGEMENT  
STATEMENT**

CMC Date: June 14, 2024

CMC Time: 3:00 p.m.

Action Filed: April 11, 2023

Trial Date: July 21, 2025

10  
11 Plaintiff Donna Leach, individually and on behalf of the Estate of Clyde Leach (“Plaintiff”)  
12 and Defendant Tesla, Inc. (“Defendant” or “Tesla”) (Plaintiff and Defendant are collectively referred  
13 to herein as “the Parties”), hereby submit this Joint Case Management Statement.

14 **1. Jurisdiction & Service**

15 Plaintiff filed this action in Santa Clara County Superior Court on April 11, 2023. Defendant  
16 Tesla was served on June 6, 2023. The case was removed to this Court on July 6, 2023. (*See* Doc. 1.)  
17 This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332.

18 At this time based on information available, Tesla does not dispute jurisdiction. No additional  
19 parties need to be served.

20 **2. Facts**

21 **Plaintiff’s Position:**

22 Plaintiff alleges the following: On April 17, 2021, Clyde Leach was the sole occupant of his  
23 2021 Tesla Model Y (“the Tesla”), which was driving southbound on Allen Road through its  
24 intersection with State Route 435 in Jeffersonville, Ohio. The Tesla was operated in significant part  
25 by its internal computer system. After the Tesla moved slowly through the intersection, it suddenly  
26 accelerated forward without any intentional driver direction or command by Clyde Leach. The  
27 Tesla then failed to negotiate a slight curve in the road, and instead departed the roadway and  
28 accelerated straight toward an adjacent Speedway gas station.

1 The Tesla’s computerized suite of automation and safety features should have detected that  
2 the vehicle was hurtling off the road and toward fixed obstacles, including curbs, signage, support  
3 columns, gas pumps, and parked vehicles. Nevertheless, the vehicle did not engage its automatic  
4 emergency braking, apply braking, reduce acceleration, or otherwise mitigate or prevent a collision  
5 with the fixed obstacles ahead.

6 As a result, the Tesla crashed over a curb, through roadside signage, and ran into a support  
7 column adjacent to gas pumps and a parked vehicle. The Tesla impacted the support column at or  
8 near its front centerline, between the longitudinal crash rails. Although the crash occurred at  
9 moderate speed, and under ordinary and foreseeable conditions, upon impact, the support column  
10 tore through beams and cross members that spanned the area between the Tesla’s crash rails, causing  
11 significant intrusion into the passenger compartment and battery modules. Damage to the battery  
12 modules resulted in a chain reaction known as thermal runaway, causing an uncontrollable fire  
13 which consumed the Tesla’s passenger compartment within seconds of the collision.

14 Clyde Leach, who was properly restrained by a seatbelt in the driver’s seat, suffered multiple  
15 injuries in the collision, including blunt force injuries, fractures, spinal cord injuries, internal  
16 injuries, and burn injuries, resulting in his death. Plaintiff Donna Leach is the wife of Clyde Leach.

17 **Tesla’s Position:**

18 The accident at issue was solely the result of decedent Clyde Leach’s improper and unsafe  
19 operation of the subject 2021 Tesla Model Y. The 2021 Tesla Model Y at issue in this case was state-  
20 of-the-art and was not defective in design or manufacture. No vehicle on the road today (including  
21 the subject vehicle) is fully autonomous, meaning that it relies on (and requires) active involvement  
22 and attention from the driver at all times.

23 Tesla’s instructions and warnings with respect to the 2021 Tesla Model Y were and are robust  
24 and adequate. Among other things, Tesla warns and instructs drivers that driver assistance features are  
25 not designed or able to avoid all collisions, are limited based on various circumstances, and should not  
26 be relied upon by the driver to avoid collision or limit the severity of collision. Tesla also instructs  
27 drivers to drive safely, stay alert, and remain in control of the vehicle at all times. Decedent Clyde  
28 Leach disregarded Tesla’s warnings and instructions and failed to operate the vehicle safely, stay alert,

1 and remain in control of the vehicle.

2 Investigation is on-going, and Tesla expressly reserves the right to supplement and/or amend its  
3 defenses as fact discovery is completed and experts are identified and deposed during the expert  
4 discovery period.

5 **3. Legal Issues**

6 **Plaintiff's Position:**

7 Plaintiff, in her California Superior Court Complaint for Damages and Demand for Jury Trial,  
8 has alleged claims for: 1) Strict Products Liability; 2) Negligence; and 3) Survival Action (and  
9 accompanying wrongful death claimant standing and damages) against Defendant Tesla, Inc.

10 **Tesla's Position:**

11 Tesla denies the subject 2021 Model Y was defective under any theory and denies it was  
12 negligent or that there was an intentional wrongdoing with respect to any aspect of the design or  
13 manufacture of the 2021 Model Y or with respect to its warnings or instructions. The accident at issue  
14 was solely the result of decedent Clyde Leach's improper use of the subject 2021 Model Y and  
15 failure to operate it safely.

16 **4. Motions**

17 There are no motions currently pending before the Court in this case. Tesla filed a motion to  
18 transfer venue which was denied on February 6, 2024. (*See* Doc. 31.) Tesla may file pretrial motions  
19 (including *Daubert* motions) as well as dispositive motions.

20 **5. Amendment of Pleadings**

21 The Parties do not anticipate any amendments to the pleadings at this time.

22 **6. Evidence Preservation**

23 The Parties certify that they have reviewed the Guidelines Relating to the Discovery of  
24 Electronically Stored Information ("ESI Guidelines") and have met and conferred pursuant to Fed.  
25 R. Civ. P. 26(f) regarding reasonable and proportionate steps taken to preserve evidence relevant to the  
26 issues reasonably evident in this action.

27 **7. Disclosures**

28 The parties have exchanged Initial Disclosures pursuant to Federal Rule of Civil Procedure

1 26(a)(1).

2 **8. Discovery**

3 The parties are engaged in written discovery. A joint vehicle inspection is scheduled for June  
4 20, 2024. The Court has entered a protective order submitted by the parties.

5 The Parties anticipate inspecting the subject 2021 Tesla Model Y more than once. The Parties  
6 further expect to serve additional written discovery and to obtain documents from third-party  
7 entities. Tesla also anticipates deposing the Plaintiff as well as any eye-witnesses and first  
8 responders and medical providers, and anyone else Tesla identifies as a relevant witness during  
9 discovery. Plaintiff anticipates deposing Tesla engineers and other witnesses whose identities are  
10 revealed as discovery proceeds. The parties anticipate identifying expert witnesses and deposing  
11 any expert witnesses identified by the parties.

12 **9. Class Actions**

13 The above-captioned case is not a class action.

14 **10. Related Cases**

15 There are no related cases.

16 **11. Relief**

17 Plaintiff is seeking general and special damages in excess of the sum of \$75,000.00 arising and  
18 resulting from the subject incident.

19 Tesla denies that the 2021 Model Y is defective and denies that Plaintiff is entitled to any relief  
20 requested in the Complaint, or to any relief at all. Tesla is not seeking affirmative relief at this time.

21 **12. Settlement and ADR**

22 The Parties have discussed mediation with Brad Safon of Safon Mediation, however no date has  
23 been selected.

24 **13. Other References**

25 This case is not suitable for reference to binding arbitration, a special master, or the Judicial  
26 Panel on Multidistrict Litigation

27 **14. Narrowing of Issues**

28 The Parties are not presently in a position to address whether it is feasible or desirable to: (a)

1 narrow the issues in the case by agreement or motion, (b) bifurcate the issues, claims, or defenses  
2 at trial, or (c) reduce the length of trial by stipulation, use of summaries, or other expedited means  
3 of presenting issues.

4 **15. Scheduling**

5 The Court has entered a Scheduling Order.

6 **16. Trial**

7 The Parties have requested a jury trial and estimate it will take three (3) weeks to complete.

8 **17. Disclosures of Non-Party Interested Entities or Persons**

9 Tesla filed its Certification of Interested Entities or Persons, as required by Local Rule 3-15 on  
10 July 6, 2023. (See Doc. 3.) Tesla has no parent corporation and no public corporation owns 10% or  
11 more of the company's stock.

12 **18. Professional Conduct**

13 The attorneys of record have reviewed the Guidelines for Professional Conduct of the Northern  
14 District of California.

15 **19. Other**

16 There are no other matters at this time.

17 Dated: June 7, 2024

**BAILEY & GLASSER, LLP**

18 BY: /s/ Todd A. Walburg  
19 Todd A. Walburg  
20 Scott B. Baez  
21 Attorneys for Plaintiff  
DONNA LEACH, individually and on behalf  
of the Estate of Clyde Leach

22 Dated: June 7, 2024

**NELSON MULLINS RILEY &  
SCARBOROUGH LLP**

24 BY: /s/ Trevor C. Zeiler  
25 Sandra G. Ezell  
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27 Ian G. Schuler  
Trevor C. Zeiler  
Dennis Hom (Pro Hac Vice)  
Attorneys for Defendant  
28 TESLA, INC.

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**CERTIFICATE OF SERVICE**

I hereby certify that on June 7, 2024, I filed the foregoing document entitled ***JOINT CASE MANAGEMENT STATEMENT*** with the clerk of court using the CM/ECF system, which will send a notice of electronic filing to all counsel of record in this action.

/s/ Trevor C. Zeiler  
Trevor C. Zeiler