

TO BE  
FORMED

May 2 2  
The Honorable Michael J. Fox  
Date: February 20, 2001

I hereby certify that on 4-11-01, I deposited in the mails of the United States of America and/or placed with Legal Messenger and/or faxed a copy of the document to which this certificate is attached for delivery to all counsel of record.  
JENNIFER McALLISTER, Legal Assistant  
BUCKLEY & ASSOCIATES

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THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

RECEIVED  
MAY 03 2001  
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INDRASANTI SANTOSA, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 THE DAIMLERCHRYSLER )  
 CORPORATION and IDA GERSTEL and )  
 UNKNOWN JOHN AND JANE DOES, )  
 )  
 Defendants. )

NO. 97-2-25547-3SEA  
Proposed

JUDGMENT ON  
JURY VERDICT

THIS MATTER having been tried to a Jury from February 20, 2001 to April 12, 2001, the Court finds the following: a Civil Trial before Judge Michael J. Fox was conducted with plaintiff present and represented by her attorneys of record Buckley & Associates; and that the defendant DaimlerChrysler Corporation appearing and being represented by their attorneys of record, Robert Hanlon and Thomas Collins and defendant Ida Gerstel appearing and being represented by her attorney of record, Jack Rankin and Gail Stargardter. The jury having rendered their verdict, attached herein, on April 12, 2001, finding the defendant DaimlerChrysler Corporation, 100% liable for the plaintiff's damages, and zero (0) liability against defendant Ida Gerstel, and the Court finding that the parties having previously stipulated to damages in the amount of Five Million, One-hundred Thousand dollars (\$5.1 million), and the court being fully advised

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ORIGINAL

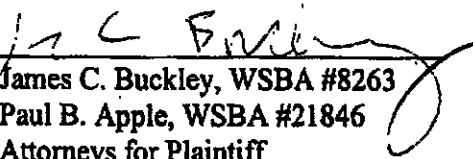
1 in the premises, and having reviewed plaintiff's Motion for Entry of Judgment on Jury  
2 *there being no objections filed:*  
3 Verdict and defendant's response thereto, if any, : NOW, THEREFORE, it is hereby

4 **ORDERED** that judgment be entered against the defendant DaimlerChrysler  
5 Corporation, in the sum of Five Million, One-hundred Thousand dollars (\$5.1 million) in  
6 favor of Indrasanti Santosa, together with statutory fees and costs in the amount of  
7 \$ 1,829,80, for a total judgment of \$ 5,101,829.80.

8 DATED this 30 day of April, 2001.

9  
10   
11 Judge Michael J. Fox

12 Presented By:  
13 **BUCKLEY & ASSOCIATES**

14   
15 James C. Buckley, WSBA #8263  
16 Paul B. Apple, WSBA #21846  
17 Attorneys for Plaintiff

18 Further ordered, that Mr.  
19 Buckley shall mail copies of  
20 this judgment to all other  
21 counsel.

22 **Copy Received; Notice of  
23 Presentation Waived:**

24 **REED McCLURE**

25 John W. Rankin, Jr., WSBA #6357  
26 Gail Stargardt, WSBA #18179  
Attorneys for Defendant Gerstel

**HANLON, LAVIGNE & TOPCHIK and  
MERRICK HOFSTEDT & LINDSEY**

Robert Hanlon,  
Thomas J. Collins, WSBA#2157  
Attorneys for Defendant DaimlerChrysler

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In King County Superior Court Clerk's Office  
OCT 10 1997

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

INDRASANTI SANTOSA,

Plaintiff,

**97-2-25547-398A**

NO:

SUMMONS

-vs-

THE CHRYSLER CORPORATION AND  
IDA GERSTEL AND UNKNOWN JOHN AND  
JANE DOES, Defendants.

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In King County Superior Court Clerk's Office  
OCT 10 1997  
Clerk's Section  
Superior Court Clerk

TO THE DEFENDANT: IDA GERSTEL

A lawsuit has been started against you in the above entitled court by the plaintiff. Plaintiff's claim is stated in the written complaint, a copy of which is served upon you with this summons.

In order to defend against this lawsuit, you must respond to the complaint by stating your defense in writing, and serve a copy upon the undersigned attorney for the plaintiff within twenty (20) days after service of this summons or within sixty (60) days if this summons was served outside the State of Washington, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where the plaintiff is entitled to what he asks for because you have not responded. If you serve a notice of appearance on the undersigned attorney, you are entitled to notice before a

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default judgment may be entered.

You may demand that the plaintiff file this lawsuit with the court. If you do so, the demand must be in writing and must be served upon the plaintiff. Within 14 days after you serve the demand, the plaintiff must file this lawsuit with the court, or the service on you of this summons and complaint will be void.

If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your written response, if any, may be served on time.

This summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of the State of Washington.

DATED this 3rd day of September, 1997

BUCKLEY & ASSOCIATES  
Attorneys for Plaintiff

By:

  
James C. Buckley  
WSBA# 8263

BUCKLEY & ASSOCIATES  
ATTORNEYS AT LAW

**RECEIVED**  
In King County Superior Court Clerk's Office  
**OCT 10 1997**  
Clerical Section  
Superior Court Clerk

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

**97 - 2 - 25547 - 3SEA**

INDRASANTI SANTOSA,  
Plaintiff,

NO:  
**COMPLAINT FOR DAMAGES**

-vs-

THE CHRYSLER CORPORATION AND  
IDA GERSTEL AND UNKNOWN JOHN AND  
JANE DOES, Defendants.

COMES NOW the plaintiff, by and through her attorneys,  
Buckley & Associates, and for claims against the defendants,  
alleges as follows:

**I. PARTIES AND JURISDICTION**

1.1 The incident complained of herein occurred in King  
County, Washington.

1.2 Defendant Chrysler Corporation is a Delaware  
corporation authorized to do business in the State of Washington.

1.3 Defendant Ida Gerstel is a resident of Mercer Island,  
King County, in the State of Washington.

1.4 This court has jurisdiction and venue over the parties  
and the subject matter of this action.

**COMPLAINT FOR DAMAGES - 1**

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## II. INCIDENT

2.1 On or about June 4, 1996, at approximately 11:00 a.m., plaintiff was standing in front of the Mercer Island BP Gas Station at 7833 SE 28th Street (hereafter BP Gas Station).

2.2 On said date and time Defendant Ida Gerstel was the owner of a 1993 Jeep Grand Cherokee, vehicle identification number 1J4GZ78Y1PC661191 (hereafter the Grand Cherokee), that was designed and manufactured by defendant Chrysler Corporation.

2.3 Defendant Gerstel drove her Grand Cherokee to the drive-through teller window at Washington Mutual Bank, located on Mercer Island at 7900 SE 28th Street, across the street from the aforementioned BP Gas Station.

2.4 Defendant Gerstel exited the drive-through teller window, traveling south across SE 28th Street, crossing first the westbound, then eastbound, lanes of SE 28th Street, and then into the BP Gas Station.

2.5 Defendant Gerstel's vehicle was traveling at an excessively high rate of speed.

2.6 Ms. Santosa was exiting the the BP Gas Station through the front door as Defendant Gerstel drove her Grand Cherokee into the BP Gas Station, colliding with Ms. Santosa.

2.7 The defendant's Grand Cherokee scooped up Ms. Santosa, drove her through the BP Gas Station's front plate glass window and crushed her against the back brick wall of the BP Gas Station.

2.8 As a result of said action Ms Santosa was seriously

injured.

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### III. INJURY & DAMAGES

3.1 Immediately following the accident, Ms. Santosa was transported to Harborview Medical Center in Seattle where her left leg was amputated. Ms. Santosa was unconscious upon arrival at Harborview Medical Center and for several days thereafter. The same day, Ms. Santosa had surgery for a closure of scalp laceration, right wrist and arm laceration.

3.2 At Harborview Medical Center, the diagnosis below was made of Ms. Santosa following the accident:

- A. Type III-C, left foot injury with open fractures involving the calcaneus, metatarsals as well as tarsals, with gross debris and slipper-type degloving injury of the left foot.
- B. Right median nerve transection, 100%.
- C. Traumatic right carpal tunnel release.
- D. Right ulnar nerve transection at trifurcation with deep brance intact.
- E. Right flexor digitorum superficialis 75% laceration to small and ring fingers, zone 4.
- F. Flexor digitorum profundus 60% laceration to right small finger, zone 4.
- G. Right ulnar artery laceration, complete, at wrist.
- H. Right, small finger, distal interphalangeal joint traumatic arthrotomy.
- I. Avulsion of the flexor digitorum profundus to the right small finger, zone 1.

COMPLAINT FOR DAMAGES - 3

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- J. Right small finger extensor digitorum communis laceration, zone 2.
  - K. Left knee ligamentous instability with ACL, PCL, LCL, and MCL instability noted on exam under anesthesia.
  - L. Right distal third closed femoral shaft fracture.
  - M. Laceration to right posterior distal thigh and calf.
  - N. Complex scalp laceration.
  - O. Closed head injury.
  - P. Left lower extremity deep venous thrombosis.
  - Q. Left pulmonary effusion.

3.3 Ms. Santosa later underwent a second amputation to sever the leg above the knee resulting from complications following the accident. She also underwent reconstructive surgery to her right arm and hand, and was unconscious for several days. She also suffered other serious injuries, including a fractured arm, leg, and head injury.

3.4 On June 10, 1996, Ms. Santosa had reconstructive surgery to her right arm, and fingers.

3.5 From June 4, 1996, to June 9, 1996, Ms. Santosa was kept at the Intensive Care Unit. She did require chest tube placement for increasing pressure resistance on the ventilator. On June 9, 1996, Ms. Santosa was transferred to the intermediate care ward. She returned to the operating room on June 9, and June 10, for further surgery.

3.6 On June 16, 1996, Ms. Santosa was noted to have spike

2 fevers with persistent temperature evaluations. She was noted to  
3 have cultures that grew out enterococcus, and coagulase-positive  
4 staphylococcus.

5 3.7 On June 21, 1996, Ms. Santosa was discharged from  
6 Harborview Medical Center to a nursing facility. She was  
7 prescribed several pain medication and vitamins.

8 3.8 From June 21, 1996, to July 11, 1996, Ms. Santosa was  
9 an in-patient at Richmond Beach Medical and Rehab Center. Her  
10 treatment consisted of, among others, physical and occupational  
11 therapy.

12 3.9 On June 22, 1996 Ms. Santosa began treatment at  
13 Healthsouth Rehab and is still treating with said facility.

14 3.10 Ms. Santosa has been advised that she probably will  
15 need another knee amputation above the knee in the near future.  
16 She has no feeling in her right fingers and hand.

#### 17 IV. NEGLIGENCE - DEFENDANT GERSTEL

18 4.1 Plaintiff, in her claim against Defendant Gerstel,  
19 realleges and incorporates sections 1.1 through 3.10 of this  
20 complaint.

21 4.2 The collision was proximately caused by the negligence  
22 of Defendant Gerstel:

- 23 A. In failing to exercise reasonable and ordinary care to  
24 avoid placing Ms. Santosa in danger;  
25 B. In failing to have the Grand Cherokee under proper  
control;

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- C. In proceeding at an excessive rate of speed for the conditions;
  - D. In failing to yield the right of way to a pedestrian;
  - E. In failing to take corrective measures to prevent her Grand Cherokee from striking Ms. Santosa;
  - F. In failing to maintain a proper lookout;
  - G. In failing to operate the Grand Cherokee in a careful and prudent manner;
  - H. In failing to stop within an assured safe distance;
  - I. In driving the Grand Cherokee across both lanes of traffic of SE 28th Street and into the BP Gas Station.

10 4.3 The negligence of Defendant Gerstel was a proximate  
11 cause of the collision and of the damages and severe injuries  
12 suffered by Ms. Santosa.

13 WHEREFORE, Plaintiff prays for judgment against Defendant  
14 Ida Gerstel in an amount that will fully and completely  
15 compensate plaintiff for the damages she sustained, together with  
16 interest thereon as provided by law, and for the costs of this  
17 action.

18 **V. STRICT LIABILITY - DEFENDANT CHRYSLER**

19  
20 5.1 Plaintiff, in her claim against Defendant Chrysler  
21 Corporation, realleges and incorporates sections 1.1 through 3.10  
22 of this complaint.

23 5.2 Defendant Chrysler Corporation was at all times  
24 material hereto engaged in the business of designing,  
25 manufacturing, assembling, and marketing of motor vehicles,

26 **COMPLAINT FOR DAMAGES - 6**

**BUCKLEY & ASSOCIATES**  
ATTORNEYS AT LAW  
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09104

including the Grand Cherokee.

2 5.3. Defendant Chrysler Corporation was at all times  
3 material hereto engaged in the business of placing motor  
4 vehicles, including the Grand Cherokee, into the stream of  
5 commerce.

6 5.4 Defendant Chrysler Corporation designed, manufactured,  
7 assembled, marketed and placed into the stream of commerce the  
8 Grand Cherokee.

9 5.5 Plaintiff is informed, and believes, that Defendant  
10 Gerstel has contended and reported that when Defendant Gerstel  
11 started to operate the Grand Cherokee out of the drive-through  
12 teller window of Washington Mutual Bank, it suddenly and  
13 unintentionally accelerated forward at a rapid speed, and that  
14 said sudden and unintended acceleration caused the Grand Cherokee  
15 to enter, and cross, SE 28th Street, and collide with Ms.  
16 Santosa.

17 5.6 Defendant Chrysler has been aware of the sudden and  
18 unintentional acceleration problems with its vehicles for more  
19 than ten years.

20 5.7 Over 500 injuries and numerous deaths have been  
21 attributed to the sudden and unintentional acceleration problem  
22 with Chrysler's Jeep Grand Cherokee.

23 5.8 There have been numerous reported injuries and deaths  
24 attributed to the sudden and unintentional acceleration problem  
25 with Chrysler Jeep Grand Cherokees even after Ms. Santosa's  
26 serious injury.

COMPLAINT FOR DAMAGES - 7

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- H. In failing to exercise reasonable care, and
  - I. In failing to specifically identify the hazards associated with unintended acceleration in accordance with good engineering practices.

6.3 The injuries sustained by the Plaintiff herein were proximately caused by the aforementioned negligent acts and omissions of Defendant Chrysler Corporation.

#### VII. IMPLIED WARRANTY

7.1 Plaintiff, as an additional claim against Defendant Chrysler Corporation, realleges and incorporates sections 1.1 through 3.11 and 5.1 through 6.3 of this complaint.

7.2 Defendant Chrysler Corporation warranted impliedly that the Grand Cherokee was fit for the purpose for which it was designed; that it was safe and suitable for use as a passenger-carrying motor vehicle.

7.3 The Grand Cherokee was purchased and used in reliance upon the aforementioned implied warranties.

7.4 The condition of the Grand Cherokee, as alleged in this Complaint, which allowed sudden and unintended acceleration, and which lacked a shift-lock, constituted a breach of Chrysler's implied warranties of fitness, safety and suitability, which breach was a proximate cause of the injuries and damages sustained by the Plaintiff.

VIII. CONSUMER PROTECTION VIOLATION & PUNITIVE DAMAGES

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8.1 Plaintiff herein reincorporates by reference sections 1.11 through 3.11 and 5.1 through 7.4 of this complaint.

8.2 This action is brought for damages due to a violation of the Unfair Business Practices - Consumer Protection Act, RCW 19.86.020.

8.3 Defendant Chrysler, in failing to provide warning to the public of the Jeep Grand Cherokee's likelihood to accelerate unintentionally deceived the public as to the unreasonably dangerous condition created by the Grand Cherokee for which Defendant Chrysler had knowledge for more than ten years.

8.4 Defendant Chrysler continued to promote the distribution and sale of its Grand Cherokee in light of hundreds of injuries and deaths resulting from their vehicles unintentionally accelerating.

8.5 Defendant Chrysler continued to manufacture the Grand Cherokee without the shift-lock, in light of the hundreds of accidents and numerous deaths, where incorporating the shift-lock into the design of the Jeep Cherokee would cost only \$100.

8.6 Defendant Chrysler, in the continued promotion of the distribution and sale of its Grand Cherokee, realized more than a \$100,000,000 profit by not installing the shift-lock on its vehicles.

8.7 The existence of the Grand Cherokee in the automobile marketplace puts literally millions of people in mortal danger

yearly and it is not in the public interest to have such vehicles on the roadways.

8.8 Had Chrysler adhered to its duty to warn the public of the dangerous condition created by the Grand Cherokee and had Chrysler acted reasonably and responsibly in light of the hundreds of injuries and numerous deaths arising out of its vehicles unreasonably dangerous condition, Ms. Santosa would not have suffered her injuries.

#### IX.

9.1 Plaintiff hereby waives the physician-patient privilege to the extent required by RCW 5.60.060, as limited by the plaintiff's constitutional rights of privacy, contractual rights of privacy, and the ethical obligations of physicians and attorneys not to engage in ex parte contact between a treating physician and the patient's legal adversaries.

WHEREFORE, plaintiff prays for the following relief:

1. For judgment against the defendants for general and special damages in an amount to be proven at the time of trial but not less than 10 million dollars;
2. For actual attorneys fees and statutory punitive damages arising out of the violations of the Consumer Protection Act;
3. For all costs and expenses incurred herein; and

COMPLAINT FOR DAMAGES - 12


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4. For such other and further relief as the Court may deem just and equitable in the premises.

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BUCKLEY & ASSOCIATES  
Attorney for Plaintiff

Dated: September 3, 1997 Signed:

  
James C. Buckley, WSPA #8263  
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