

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS

----- X Index No:

AKM SHAMSUZZAMAN

Date Purchased:

Plaintiff,

**SUMMONS**

-against-

TESLA, INC

Basis for Designated Venue:

Defendant.

Plaintiff's Address:

4-21 27<sup>th</sup> Ave

----- X Astoria, NY

TO THE ABOVE NAMED DEFENDANT:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, on the Plaintiff's Attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after service is complete if this summons is not personally delivered to you within the State of New York) and to file a copy of your answer with the Clerk of the above-named Court; and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: Brooklyn, New York  
March 23, 2023

  
\_\_\_\_\_  
Daniel Shimko, Esq.  
SHIMKO LAW PC  
300 Cadman Plaza West 12<sup>th</sup> Floor  
Brooklyn, NY 11201  
(718) 504-5533  
dshimko@shimkolaw.com

Defendant's Addresses:

See Addendum

**ADDENDUM**

TESLA, INC.  
13101 Tesla Road  
Austin, Texas, U.S.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS

----- X Index No:

AKM SHAMSUZZAMAN,

**COMPLAINT**

Plaintiff,

-against-

TESLA, INC.,

JURY DEMANDED

Defendant..

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The Plaintiff, AKM SHAMSUZZAMAN, by his attorneys, Shimko Law, P.C., alleges and complains as follows:

**PARTIES**

- 1. The Plaintiff, is a natural person residing in the State of New York, County of Queens.
- 2. Upon information and belief, Defendant TESLA INC. is a foreign corporation doing business in New York

**STATEMENT OF FACTS COMMON TO ALL CAUSES OF ACTION**

- 3. On January 29, 2023 (“date of accident”), Plaintiff was employed by Revel Transit Inc. (“Revel”) as a livery driver.
- 4. On the date of accident, the Plaintiff reported to Revel’s dispatch garage and was assigned a Tesla motor vehicle (subject vehicle) to drive that day.
- 5. The Plaintiff, seated in the driver’s seat, attempted to start the subject vehicle with a key card.
- 6. The subject vehicle did not start the first time the Plaintiff used the key card.

7. The second time the Plaintiff used the key card, the subject vehicle started and suddenly and automatically accelerated forward.

8. Plaintiff pressed the brake pedal, but the motor vehicle would not stop.

9. With no other way to stop, Plaintiff steered the motor vehicle into an empty parking space and crashed in an empty parking space.

10. As a result of the attack, the Plaintiff suffered serious and permanent injuries.

11. Upon information and belief, Tesla Inc. designed the subject vehicle

12. Upon information and belief, Tesla Inc. manufactured of the subject vehicle.

13. Upon information and belief, Tesla Inc. distributed and sold of the subject vehicle.

**AS AND FOR A FIRST CAUSE OF ACTION**  
**PRODUCT LIABILITY**

14. The Plaintiff hereby incorporates by reference each and every statement made in this Complaint, whether above or below, as if each statement is fully rewritten herein.

15. At all relevant times the subject vehicle failed to function as intended.

16. At all relevant times, the subject vehicle functioned in a dangerous manner.

17. At all relevant times, the subject vehicle functioned in a defective manner.

18. At all times relevant to this complaint, the Defendant owed the Plaintiff a duty to use reasonable care in design of the subject vehicle.

19. At all relevant times, the Defendant failed to use reasonable care in the design of the subject vehicle.

20. At all relevant times, the subject vehicle was negligently and dangerously designed.

21. At all relevant times, the dangerous and negligent design caused the Plaintiff serious personal injuries.

22. At all times relevant to this complaint, the Defendant owed the Plaintiff a duty to use reasonable care in manufacturing of the subject vehicle.

23. At all relevant times, the Defendant failed to use reasonable care in the manufacturing of the subject vehicle.

24. At all relevant times, the subject vehicle was negligently and dangerously manufactured.

25. At all relevant times, the dangerous and negligent manufacturing of the subject vehicle caused the Plaintiff serious personal injuries.

26. Upon information and belief, the Defendant knew of the subject vehicle's defects at the time of manufacture.

27. Upon information and belief, the subject vehicle was not built to specifications.

28. Upon information and belief, the subject vehicle as constructed, deviated from specifications or design

29. At all relevant times, a reasonable person would conclude that the utility of the product did not outweigh the risk inherent in marketing a product designed in that manner.

30. At all relevant times, the Defendant owed the Plaintiff a duty to supply sufficient warning on the dangers and risks associate with the subject vehicle.

31. At all relevant times, the Defendant failed to provide Plaintiff sufficient warning on the dangers and risks associate with the subject vehicle so as to prevent the subject vehicle.

32. At all times relevant to the complaint, the type of accident the Plaintiff suffered through was foreseeable and preventable by the Defendant.

33. Defendant is strictly liable for the injuries resulting from the subject accident.

WHEREFORE, the Plaintiff demands a trial by jury and a judgment against the Defendant in an amount exceeding the minimum jurisdictional limit, plus costs and fees to the extent permitted under the law.

Dated: May 16, 2023  
Brooklyn, New York



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Daniel Shimko, Esq.  
SHIMKO LAW PC  
*Attorney for Plaintiff*  
300 Cadman Plaza W.  
One Pierrepont Plaza, 12<sup>th</sup> Floor  
Brooklyn NY 11201  
718-504-5533

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS

----- X

AKM SHAMSUZZAMAN

Plaintiff,

-against-

TESLA, INC

Defendant.

----- X

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SUMMONS AND COMPLAINT

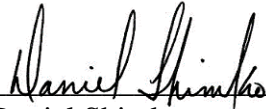
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(718) 504-5533

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Pursuant to 22 N.Y.C.R.R. § 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that upon information and belief and reasonable inquiry, the contentions contained in the annexed documents are not frivolous.

Dated: Brooklyn, New York  
May 16, 2023

Signature:  \_\_\_\_\_  
Daniel Shimko