

**IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF RHODE ISLAND**

)	Case No: 1:21-cv-0625
)	
TONYA WILLIAMS , as Executrix of the)	
Estate of David Williams,)	
)	
<i>Plaintiff,</i>)	
)	JURY TRIAL DEMANDED
v.)	
)	
GOODWHEEL TIRE COMPANY, INC.,)	
)	
)	
<i>Defendant,</i>)	
)	
)	

COMPLAINT

Plaintiff Tonya Williams brings this action as Executrix on behalf of the Estate of David Williams against Defendant Goodwheel Tire Company, Inc., asserting products liability claims for the wrongful death of David Williams in a fatal accident caused when the tread on the Goodwheel model MV225 tire installed on his truck failed and separated, causing the accident and ensuing fire that led to Mr. William’s death. Grounds for the complaint are as follows:

Parties

1. Tonya Williams is a citizen of Rhode Island domiciled in Pawtucket, Rhode Island. She is the sister of David Williams, who died on September 3, 2021. Ms. Williams brings this action in her capacity as Executrix of the Estate of David Williams, a role to which she was duly appointed by the Rhode Island Probate Court. At the time of his death at the Rhode Island Hospital, David Williams was a citizen of Rhode Island domiciled in Pawtucket, Rhode Island, where he also conducted his business.

2. Goodwheel Tire Company, Inc. (hereinafter “Goodwheel”), is a United States corporation incorporated in Delaware with its principal place of business in North Carolina. Goodwheel is in the business of designing, manufacturing, distributing and selling automobile

and truck tires designed for use in the United States automobile and truck markets, including the MV225 tire at issue here. According to its corporate reports, Goodwheel sells over 10 million car and truck tires each year across the United States and has generated annual revenues from those sales of over \$200 million a year for the last three years.

Jurisdictional Basis

3. This court has subject matter jurisdiction to hear this case pursuant to 28 U.S.C. § 1332(a)(1) because it is a civil action between a citizen of Rhode Island and a corporation that is a dual citizen of Delaware and North Carolina, and the amount in controversy arising from the wrongful death of David Williams here exceeds \$75,000.

4. At all times relevant to this case, Defendant Goodwheel was qualified to do business in Rhode Island, was in fact doing business in Rhode Island, and has sufficient contacts with the State of Rhode Island to subject it to this Court's personal jurisdiction for this case under Federal Rule of Civil Procedure 4(k)(1)(A), Rhode Island law, and the United States Constitution.

5. Venue is proper in this district in that a substantial part of the events giving rise to the claim occurred here, pursuant to 28 U.S.C. § 1391(b)(1). In the alternative, venue is proper because Defendant Goodwheel is subject to the court's personal jurisdiction here, pursuant to 28 U.S.C. § 1391(b)(2).

Statement of Facts

6. From 1995 until his death on September 3, 2021, David Williams owned and operated Williams Trucking Services Company, a Rhode Island corporation with its only business operations in Pawtucket, Rhode Island. Williams Trucking is a small company that provides local trucking services in the Rhode Island, Massachusetts and Connecticut markets.

7. In 2021, Williams Trucking placed an order to purchase a new dump truck from Kenbuilt Trucks (hereinafter "Kenbuilt"), a North Carolina corporation that assembles and sells small industrial trucks to customers across the United States. Kenbuilt does not manufacture any truck bodies, engines, or components, but instead purchases all of the truck components and parts from their original manufacturers and assembles the truck as ordered to the customer's specifications. Kenbuilt had previously sold Williams Trucking all four trucks in its fleet.

8. Among other specifications for its new dump truck, Williams Trucking expressly requested that Kenbuilt purchase and install Goodwheel tires in the dump truck ordered. Specifically, in a purchase order sent to Kenbuilt dated January 3, 2021, bearing the address of Williams Trucking in Pawtucket, Rhode Island, the trucking company requested that Kenbuilt install “Goodwheel MV225 tires” on the truck it ordered. The Goodwheel model MV225 tires are designed and sold by Goodwheel for use on small industrial trucks, including the model and weight of the dump truck purchased by Williams Trucking.

9. Williams Trucking requested the installation of Goodwheel MV225 tires on its new dump truck based in significant part on David Williams’ knowledge of the Goodwheel company’s reputation in the tire market. This reputation was reinforced by Goodwheel through its repeated advertising and marketing campaigns promoting its tires, including promotions directed to consumers in the State of Rhode Island and nationally.

10. It was also relevant to David Williams’ decision to request Goodwheel’s MV225 tires for installation on his company’s new truck that replacement tires could readily be purchased locally in Rhode Island if needed in future years.

11. While Goodwheel has no company-owned direct sales or other corporate operations in Rhode Island, at least fifteen independent tire sales outlets in Rhode Island sell Goodwheel tires, including the model MV225 tires, and are authorized by Goodwheel to advertise themselves as “Goodwheel-approved tire sellers.” Goodwheel’s corporate reports show substantial sales of its tires in the State of Rhode Island each year, including at least 75,000 tires manufactured by Goodwheel that were sold in Rhode Island in 2020, according to company reports. The same reports show that Goodyear generated more than \$20 million in revenue from sales of its products in Rhode Island that year.

12. As part of its national marketing strategy, Goodwheel regularly publishes advertising promoting its tires, including the MV225 tires, in television, magazine, and online advertising intended to reach the Rhode Island market. Prior to ordering the tires, David Williams had seen advertisements for the Goodwheel MV225 tires in industry and trade magazines that are circulated in Rhode Island and nationally, including *Road King* and *American Trucker*, among other venues. These advertisements influenced Mr. Williams’s decision to request Goodwheel tires for his company’s new dump truck.

13. As requested by Williams Trucking, Kenbuilt purchased new a full set of Goodwheel MV225 tires, obtaining them directly from a Goodwheel corporate sales representative in North Carolina. Upon information and belief, through the discussions between Kenbuilt employees and the Goodwheel sales representative who sold the tires to Kenbuilt in North Carolina, Goodwheel was aware that the MV225 tires purchased were to be installed on a new truck destined for a Rhode Island customer and intended for use in the State of Rhode Island and nearby areas.

14. After Kenbuilt purchased the tires, it installed the Goodwheel MV225 tires on the dump truck at its assembly plant in North Carolina as part of the truck's original equipment. Thereafter, Williams Trucking paid for the truck and Kenbuilt delivered the new dump truck to Williams Trucking in Pawtucket, Rhode Island.

15. The Goodwheel MV225 tires as installed remained on the dump truck as part of the vehicle's original equipment through and until September 3, 2021, when the left rear tire failed prematurely after only 9,000 miles of use, causing the accident at issue in this case.

16. On September 3, 2021, David Williams was driving the dump truck back to Rhode Island following a trucking job in Western Massachusetts. As he was driving at or below the posted speed limit on Interstate Route 95 in Massachusetts, when the vehicle was approximately 2 miles north of the Rhode Island border, the tread on the left rear tire of the truck suddenly shredded and separated, causing Mr. Williams to lose control of the vehicle. The truck left the highway and crashed into a tree near the outskirts of the town of North Attleboro, Massachusetts. In the collision, the truck's diesel fuel tank exploded and caught fire, causing Mr. Williams to suffer first degree burns over much of his body.

17. Mr. Williams was immediately airlifted by helicopter from the scene of the accident and taken to Rhode Island Hospital for medical treatment. Immediately after the accident, he was still conscious and lucid and described fully to the police how the accident had occurred. He was treated in the hospital in Rhode Island for close to three weeks before succumbing to the severe burn injuries he sustained in the crash. Mr. Williams died in the Rhode Island Hospital burn unit on September 23, 2021, at the age of 56.

18. The accident in which Mr. Williams died was caused by the tread separation of the Goodwheel MV225 tire, which Goodwheel defectively designed and/or negligently

manufactured and/or failed to include a warning of the risks of use. A new tire that is reasonably safe for the intended purpose of installation on a dump truck would not have failed under routine operation, as the Goodwheel MV225 tire did here.

19. As a direct and proximate result of the failure of Goodwheel's defective product, resulting in injuries to and death of David Williams as alleged above, the Estate of David Williams suffered pecuniary and claim damages for which the Estate is entitled to compensated pursuant to Rhode Island General Laws § 10-7-1.1 and § 10-7-1.2.

20. As a direct and proximate result of the failure of Goodwheel's defective product, resulting in injuries to and death of David Williams as alleged above, the decedent suffered pre-death pain and suffering and emotional distress and incurred health care and other expenses for which the Estate is entitled to be compensated pursuant to Rhode Island General Laws §§ 10-7-5 through 10-7-7.

Count I (Products Liability)

21. Paragraphs 1 to 20 are incorporated fully herein.

22. Defendant Goodwheel manufactured, distributed, and sold a defective product, specifically the MV225 tire, that was not reasonably safe for consumers when used as intended. This product was defective and unreasonably dangerous because of Defendant Goodwheel's defective design, negligent manufacture, and/or failure to warn of the risks of using its product, specifically the MV225 tire, including the tread separation hazard that caused the accident in this case.

23. David Williams was gravely injured and died as a direct and proximate result of ordering, purchasing and using Goodwheel's defective product, specifically the MV 225 tire, and his Estate is entitled to full compensation both for his wrongful death and his pain, suffering, and expenses during the period that Mr. Williams lived following the accident.

Demand for Relief

As relief, the Estate of David Williams, by and through its Executrix, Tonya Williams, hereby demands:

- (a) Compensatory damages to fully compensate for the losses incurred;
- (b) All sums authorized by Rhode Island law as damages or otherwise;
- (c) Any other remedies to which the Estate may be entitled.

Respectfully submitted,

/s/
Plaintiff's Counsel
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*Counsel for Plaintiff Tonya Williams, as Executrix
for Estate of David Williams*

Filed: December 30, 2021