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7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

8 **COUNTY OF LOS ANGELES**

9
10 JONATHAN STEINSAPIR and KAYE
STEINSAPIR, as Individuals and Successors-in-
11 Interest to Decedent Molly Steinsapir;

12 Plaintiffs,

13 vs.

14 RAD POWER BIKES, INC., a Delaware
corporation; RAD POWER BIKES, LLC, a
15 Washington limited liability company; BELL
SPORTS, INC., a California corporation; GIRO
16 SPORT DESIGN, INC., a California corporation;
17 VISTA OUTDOOR, INC., a Delaware
Corporation; and DOES 1 to 100, inclusive.

18
19 Defendants.

CASE NO.: **22ST CV 24714**

COMPLAINT FOR DAMAGES

- (1) Survival Action for Product Liability: Product Negligence;
- (2) Wrongful Death (Negligence);
- (3) Strict Product Liability;
- (4) Breach of Express Warranty;
- (5) Breach of Implied Warranty;

DEMAND FOR JURY TRIAL

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1 Plaintiffs Jonathan Steinsapir and Kaye Steinsapir (collectively, “Plaintiffs”), individually
2 and as heirs and successors-in-interest to Decedent Molly Steinsapir, allege as follows:

3 INTRODUCTION

4 1. For the last several years, the supposed benefits of the “electric bicycle”—or “e-
5 bike” for short—have received no shortage of praise. We are told that, if widely adopted, e-bikes
6 can revolutionize transportation by, among other things, making the country more energy-
7 efficient, dramatically reducing individuals’ carbon footprints, reducing the country’s reliance on
8 foreign oil, and improving traffic and road safety. Manufacturers of e-bikes have jumped on this
9 narrative, loudly touting the benefits of e-bikes and lobbying all levels of government to subsidize
10 their industry in numerous different ways.

11 2. At the forefront of the industry is Rad Power Bikes based in Seattle, Washington.
12 Rad has not missed an opportunity to contribute to the narrative that the company and industry are
13 supposedly saving the world. The company’s founder has boasted that e-bikes are “*the solution* to
14 a lot of our toughest challenges for the environment.” Private capital has bought in, with Rad
15 raising a reported \$300 million in just 2021. Its latest round, in Fall 2021, raised a reported \$154
16 million from institutional investors led by Fidelity Management & Research Company, along with
17 investments from funds and accounts advised by T. Rowe Price Associates, Inc., Counterpoint
18 Global (Morgan Stanley), Vulcan Capital, Durable Capital Partners LP and The Rise Fund, TPG’s
19 multisector global impact investing strategy.

20 3. Whatever the actual benefits of e-bikes—real, imagined, just good marketing
21 hyperbole, or some combination of all—this case is not about the supposed benefits of e-bikes.
22 This case is about the costs of e-bikes. Costs measured by serious injury and death. Costs that have
23 been ignored by the industry and by others who are so quick to laud e-bikes as the next answer to
24 the world’s problems. Costs that Rad Power Bikes, and its executive team, have not just ignored,
25 but turned a willfully blind eye to, as explained below.

26 4. The cost here was the death of a twelve-year-old girl, Molly Steinsapir. In the late
27 morning of January 31, 2021, Molly was riding as a passenger (wearing a Giro bike helmet) as her
28 eleven-year-old best friend operated a new Rad Power Bikes RadRunner e-bike, a gift the friend’s

1 older sister received just a month earlier. Molly sat behind her friend in the bike; the bike's design
2 invites a passenger to sit in tandem, with passenger immediately behind the driver.

3 5. While coming down a steep hill—a hill that the two young girls would have never
4 climbed with regular bicycles—the RadRunner began to shake and wobble, causing the bike to
5 crash. The two girls were thrown from the vehicle to the hard concrete road. In the aftermath,
6 Molly's friend was rattled, in shock, and had numerous cuts and abrasions on her body. But she
7 got up with only superficial physical injuries. Molly was not so lucky. She was unconscious, not
8 moving, and not responding. Heroically, Molly's shocked friend flagged down a car to watch
9 Molly as she rushed home to get her parents for help. When Molly's parents arrived at the scene,
10 at the same time as an ambulance, they saw their daughter with her head on the ground, helmet
11 still on, unconscious, and unresponsive. It is a scene that is seared into their memories. It was the
12 last time they would see their daughter with her long dark blonde hair on her head. It was the last
13 time they would see their daughter alive outside of a hospital.

14 6. Molly was rushed to Ronald Reagan UCLA Medical Center, arriving about an hour
15 after the crash. For the next fifteen days, Molly's parents took turns by their daughter's side at the
16 hospital (no more than one parent-at-a-time was allowed there due to COVID protocols). Despite
17 several brain surgeries and other treatment and care from some of the finest doctors and nurses in
18 the country, Molly never regained consciousness. She passed away on February 15, 2021, about
19 two weeks after her ride on the RadRunner.

20 7. Molly's death was, of course, devastating to her family and friends. Molly was a
21 sixth grader attending her first year of middle school (virtually) at the Geffen Academy at UCLA.
22 She was a kind, loving, joyful, wise, and thoughtful girl beyond her 12 years. She had a passion
23 for the environment and animals, becoming a committed vegetarian in preschool, even though no
24 one in her immediate family was (or is) a vegetarian. She loved playing in the ocean, studying
25 history, and performing in musical theater. She taught her parents, her teachers and her friends
26 about persons and things that they had never heard of before.

27 8. Most importantly, Molly was a beloved daughter to two adoring parents; a big
28 sister to two younger brothers, ages 12 and 6; a first cousin to fifteen others, from ages 2 to 31;

1 and a friend to so many of all ages. To paraphrase an ancient source, the death of one child results
2 in the death of an entire universe. That rings so true in Molly’s case.

3 9. After the shock and fog of grief abated slightly many months after her death,
4 Molly’s parents began trying to understand what happened and why.

5 10. The RadRunner e-bike here, as do so many others, looks essentially like just
6 another bicycle. It is not just another bicycle, however. E-bikes are powerful, motorized vehicles
7 capable of accelerating substantially quicker and faster than bicycles and reaching places that a
8 regular bicycle cannot. Yet the very name the industry has coalesced around—“electric bicycle”—
9 invites people to categorize these vehicles with traditional bicycles and not with motorized
10 vehicles like mopeds or other motorbikes (to which e-bikes bear much similarity). It is therefore
11 easy to see why so many treat them like bicycles appropriate for children to operate. Indeed, the
12 RadRunner bike involved in this accident was designed to be small enough for an 11 year old to
13 easily sit on and ride. One need only spend a few hours in a neighborhood with an abundance of
14 children to see that the general public is under the misimpression that these types of powerful
15 motor vehicles are appropriate for children to operate.

16 11. But e-bikes are not appropriate for children to operate. Rad Power Bikes
17 acknowledges this. Its manual for the RadRunner states that the “RadRunner is designed for use
18 by persons 18 years old and older” (but this caution occurs in small print on page 49 of a 57-page
19 manual). Other than that meek “warning” in a manual that few likely read, and some may not
20 receive, Rad apparently does nothing to educate its customers and the public about the risks of
21 children using its products. Nothing at the point-of-sale—generally Rad’s website—cautions
22 against children operating e-bikes. There are no warnings on the product itself regarding this issue
23 (as there are on ATVs, for example). We have found no safety videos or marketing materials that
24 mention the issue, much less make a genuine effort to educate users about it.

25 12. It is clear that Rad seems happy to blindly ignore design defects and the dangers
26 associated with children riding their e-bikes, as riders and rear seat passengers, as they reap tens-
27 of-millions of dollars in sales of products that it *knows* children will operate. Rad’s own website is
28 filled with glowing reviews from adults who have written about buying Rad e-Bikes for their

1 children. One review for the RadRunner on Rad’s website reads, “We bought this bike for our two
2 youngest kids. Our 11 year old drives and our 7 year old rides on the back.” Another review
3 explains, “My wife and I bought this for our fourteen and twelve year old girls. It has given them
4 the freedom, the independence to get to school, get together with friends and town, that used to
5 require us parents to use fossil fuels.” Yet another review on Rad’s website praises the “super
6 versatile” RadRunner, because it “can accommodate my 10 and 12 year old daughters as they ride
7 up the very steep dirt road to my home.” And another review boasts that the buyer’s “twin boys
8 (14) are loving the bikes and the freedom.” There are many, many more reviews like this on Rad’s
9 website. The above reviews mentioning children were posted not only after the incident involving
10 Molly but, with one exception, even *after* Rad’s CEO and executive team were contacted directly
11 by Molly’s parents to discuss the issue. Molly’s parents specifically pointed out that reviews on
12 Rad’s website mentioned buying the bikes for children. Yet new reviews like these continue to
13 appear on the website even after being alerted to the issue.

14 13. In short, if Rad truly believed that those 18 and under should not be operating its
15 products, as its manual says, it would not bury a warning near the end of a 57-page manual, while
16 simultaneously featuring children riders and passengers all over its website.

17 14. Moreover, the RadRunner e-bike has multiple design defects, which were
18 intentional choices Rad made in designing and manufacturing the RadRunner. These design
19 defects were a substantial factor in causing the crash in this case.

20 15. First, Rad chose to use disc brakes in conjunction with a quick-release mechanism
21 for detaching the front wheel. This configuration has been a known safety hazard in the industry
22 for at least a decade, even when used with conventional, non-electric bicycles. Use of front disc
23 brakes with a quick-release wheel is highly dangerous because the two mechanisms rub against
24 each other during hard braking – including the kind of hard braking that happens when a rider
25 descends a steep slope – in a way that can loosen the wheel during the descent, cause it to wobble
26 and shake, and even in some cases, can cause the wheel to come all the way off. Even a single
27 hard brake can cause this to happen, and it did happen here. Molly’s friend was likely unable to
28 stop the bike, and lost control of the bike, because her hard pull on the front brake caused the

1 wheel's quick release mechanism to unthread, loosening the wheel. The dangers of this
2 configuration have been well-documented in literature and in lawsuits, but Rad chose to use the
3 quick-release mechanism with front disc brakes, because the alternative, safer "through-axle"
4 wheel release is more expensive. Therefore, Rad knew or should have known that this was an
5 unsafe and defective design, but chose to implement it anyway to decrease costs and thus increase
6 its profits.

7 16. A second design defect in the original RadRunner, which was another deliberate
8 design choice by Rad, was the "trail" of the bike's design. A bike's trail is the horizontal distance
9 from where the front wheel touches the ground to where the steering axis intersects the ground.
10 The number that results from these geometric calculations, the trail number, affects the bike's
11 handling. The RadRunner had a trail that was unusually low for its expected on-road use. This low
12 trail made it unstable at high speeds – such as the high speeds a rider would reach descending a
13 steep hill. Perhaps recognizing this, Rad's RadRunner 2 model corrected this defect, increasing
14 the trail number to place it in a more normal range.

15 17. In a perhaps naïve, but very genuine, attempt to address their concerns in a
16 constructive way, Molly's parents reached out to Rad's CEO, copying members of his executive
17 team, about their concerns. A copy of that letter is attached as Exhibit A hereto. Rad's response
18 was not productive.

19 18. As further alleged below, Rad Power Bikes bears responsibility for the death of
20 Molly Steinsapir due to their intentional and knowingly inappropriate marketing of e-bikes to
21 children, failing to adequately warn about the dangers of children operating e-bikes, and due to the
22 design defects in the RadRunner power bike, each of which was a substantial factor in causing the
23 accident and Molly Steinsapir's death. Further, Rad Bikes' conduct was malicious, fraudulent,
24 and oppressive, warranting punitive damages.

25 19. The other Defendants in this case, Giro Sport Design, Inc., Bell Sports, Inc., and
26 Vista Outdoor, Inc., manufactured, marketed and sold a bicycle helmet that was also defective.
27 The purpose of a bicycle helmet is to absorb the impact of a crash, and the Giro brand helmet
28

1 Molly was wearing cracked, but did not protect her from the brain injury that ultimately killed her.
2 These Defendants' actions were also a substantial factor in causing Molly Steinsapir's death.

3 **JURISDICTION AND VENUE**

4 20. This is an unlimited case, over which this Court has jurisdiction. The total amount
5 of damages sought by Plaintiffs exceeds \$25,000.

6 21. This Court has personal jurisdiction over Defendants because at all times mentioned
7 herein, Defendants resided, were organized, existed in, or conducted business in the State of
8 California.

9 22. In addition, venue is proper in the County of Los Angeles pursuant to California
10 Code of Civil Procedure Section 395(a) because the injury giving rise to the present action took
11 place in the County of Los Angeles.

12 **GENERAL ALLEGATIONS**

13 **PARTIES**

14 23. This case arises from the death of Molly Steinsapir (also referred to herein at times
15 as "Decedent" or "Molly"), who, at all times relevant to this action, was a resident of Los Angeles,
16 in Los Angeles County, State of California.

17 24. Plaintiffs Jonathan and Kaye Steinsapir are the surviving father and mother,
18 respectively, and successors-in-interest of Decedent Molly Steinsapir, and at all times relevant to
19 this action, were and are residents of Los Angeles, California. Plaintiffs are the sole heirs of
20 Decedent.

21 25. At all relevant times, Defendant Rad Power Bikes, Inc. was a Delaware corporation
22 with headquarters in the state of Washington, and which, at all relevant times herein, was doing
23 business in the state of California. At all times mentioned in this Complaint, Rad Power Bikes, Inc.
24 was engaged in the business of designing, manufacturing, selling, developing, testing, inspecting,
25 packaging, labeling, advertising, merchandising, and distributing RadRunner electric-motorized
26 bikes.

27 26. At all relevant times, Defendant Rad Power Bikes, LLC (collectively with Defendant
28 Rad Power Bikes, Inc. will be referred to herein as "Rad Power Bikes" or sometimes "Rad"), was a

1 Washington a limited liability company, that at all relevant times herein, was doing business in the
2 state of California. The citizenship of Rad Power Bikes LLC, via its members, is not currently
3 known. At all times mentioned in this Complaint, Rad Power Bikes, LLC was engaged in the
4 business of designing, manufacturing, selling, developing, testing, inspecting, packaging, labeling,
5 advertising, merchandising, and distributing RadRunner electric-motorized bikes.

6 27. At all relevant times, Defendant Giro Sport Design, Inc. (“Giro”) was and is a
7 California corporation, that at all relevant times herein, was duly licensed to do business in
8 California, and was doing business in the state of California. At all times mentioned in this
9 Complaint, Giro was engaged in the business of designing, manufacturing, selling, developing,
10 testing, inspecting, packaging, labeling, advertising, merchandising, and distributing bicycle
11 helmets, including the Giro Vasona bicycle helmet.

12 28. At all relevant times, Defendant Bell Sports, Inc. (“Bell”) was and is a California
13 corporation, that at all relevant times herein, was duly licensed to do business in California, and was
14 doing business in the state of California. At all times mentioned in this Complaint, Bell was
15 engaged in the business of designing, manufacturing, selling, developing, testing, inspecting,
16 packaging, labeling, advertising, merchandising, and distributing bicycle helmets, including the
17 Giro Vasona bicycle helmet.

18 29. At all relevant times, Defendant Vista Outdoor, Inc. (“Vista”) was and is a Delaware
19 corporation, that at all relevant times herein, was doing business in the state of California. At all
20 times mentioned in this Complaint, Vista was engaged in the business of designing, manufacturing,
21 selling, developing, testing, inspecting, packaging, labeling, advertising, merchandising, and
22 distributing bicycle helmets, including the Giro Vasona bicycle helmet.

23 30. The true names and capacities, whether individual, corporate, associate or otherwise,
24 of Defendants DOES 1 through 100, inclusive, are unknown to Plaintiffs at this time, who therefore
25 sue these defendants by such fictitious names. When the true names and capacities of said
26 Defendants are ascertained, they will be inserted into the complaint by way of amendment.

27 31. Plaintiffs are informed and believe, and based thereon allege, that each Defendant
28 designated herein as a “Doe” is responsible in some manner for each other Defendant’s acts and

1 omissions and for the resulting injuries and damages to Plaintiffs, as alleged herein.

2 32. Plaintiffs are informed and believe, and based thereon allege, that Defendants, each
3 and all of them, agreed with one another, and gave each other substantial assistance and
4 encouragement to commit the acts and omissions described herein, which resulted in harm and
5 damage to Plaintiffs.

6 33. All references in this complaint to “Defendants” shall, unless stated otherwise, be
7 deemed to include all “Doe” defendants as well as Defendants Rad Bikes, Giro, Bell, and Vista
8 named above.

9 **FACTUAL ALLEGATIONS**

10 **THE INCIDENT**

11 34. On Sunday, January 31, 2021, twelve-year-old Molly Steinsapir went for a ride on a
12 Rad Powerbike with her friend and neighbor, eleven-year-old Emerson (“Eme”) Green. The Rad
13 Powerbike was a RadRunner with serial number VR1H20V2870 (“Subject Powerbike”). The
14 Subject Powerbike had recently been gifted to Emerson’s thirteen-year-old sister. On that sunny
15 morning, Emerson drove the bike and Molly rode behind her. Both girls wore helmets. Molly’s
16 helmet was a GIRO Vasona Bike Helmet model GH 158, with serial number Y3808482 (“Subject
17 Helmet”).

18 35. Emerson and Molly began their ride at Emerson’s house in Pacific Palisades,
19 California, which is up the street from the Steinsapir residence. They rode the Subject Powerbike to
20 the end of Enchanted Way, a nearby street that slopes upward and ends in a cul-de-sac at the top of
21 the hill. Once they reached the top and the end of Enchanted Way, Emerson turned the Subject
22 Powerbike around to ride it back down the hill.

23 36. At all times mentioned herein, Emerson and Molly were operating the Subject
24 Powerbike as intended and as advertised by Rad Power Bikes. As the two girls rode the Subject
25 Powerbike downhill on Enchanted Way, Emerson noticed that the Subject Powerbike began to
26 rapidly pick up speed, and it began shaking. She applied the rear brake, but the bicycle did not slow.
27 She then pulled the front brake, but the bike did not stop, and the front wheel began to wobble and
28 shaking, causing to lose control of the Subject Powerbike. The bike crashed at approximately 955

1 Enchanted Way, Pacific Palisades, CA 90272, where the hill began to bottom out.

2 37. Emerson and Molly were thrown from the bike onto the ground. In shock and
3 bleeding from multiple contusions, Emerson tried unsuccessfully to wake up her best friend. She
4 ran to several homes on Enchanted Way and rang doorbells, desperately trying to find help. No one
5 was at home. Emerson managed to flag down a woman who was driving on Enchanted Way, and
6 who dialed 911 and waited at the scene while Emerson went home to get her parents. Emerson's
7 parents made it to the scene of the accident first. When Molly's frantic parents, Plaintiffs, arrived a
8 few minutes later, Molly was wearing her helmet, face-down on the black pavement, unconscious
9 and not moving. The paramedics rushed Molly to Ronald Reagan Medical Center in Westwood,
10 California, where the doctors performed major brain surgery that afternoon and evening.

11 38. Molly had several more brain surgeries over the course of the next week. However,
12 she never regained consciousness. On February 15, 2021, Molly was declared dead by the UCLA
13 doctors.

14 **THE SUBJECT POWERBIKE**

15 39. Based upon information and belief and upon that basis, Plaintiffs allege that at all
16 times relevant, Defendant Rad Power Bikes and DOES 1 to 50, inclusive, and each of them, were,
17 and are, engaged in the business of selling, designing, manufacturing, fabricating, distributing,
18 retailing, wholesaling, recommending, testing, modifying, controlling, advertising, creating,
19 processing, preparing, constructing, packaging, utilizing, providing, warranting, repairing,
20 maintaining, marketing, leasing, renting, vending, installing, handling, labeling, promoting,
21 advertising, furnishing, retailing, analyzing, inspecting, supplying, and/or placing into the stream of
22 commerce, power bikes under the brand name "RadRunner," including the Subject Powerbike, to
23 the general public for purchase.

24 40. The Subject Powerbike was purchased by a family friend of Lyle and Melanie
25 Green, the parents of Emerson Green (Lyle, Melanie, and Emerson Green are collectively referred
26 to herein as "the Greens"), on information and belief from Rad's website, as a gift for their other
27 daughter, who was 13 years old at the time of the accident discussed herein.

28 41. Plaintiffs are informed and believe and thereupon allege, that at all times relevant

1 herein, the Subject Powerbike was defective and improperly designed and/or maintained for use on
2 the roads upon which its retail purchasers and end users, such as the Greens or Molly Steinsapir,
3 could ordinarily be expected to ride the Subject Powerbike upon.

4 42. Plaintiffs are informed and believe and thereupon allege, that at all times relevant
5 herein, Defendants Rad Power Bikes and DOES 1 to 50, inclusive, had actual and constructive
6 knowledge that children as young as 10 were operating the RadRunner electric-motorized bikes.
7 Defendants Rad Power Bikes and DOES 1 to 50, inclusive, promote, advertise, and recommend
8 RadRunner electric-motorized bikes to families, including children at least as young as 10, and
9 provided no safety warnings to retail purchasers such as the Greens regarding use of the Subject
10 Powerbike by children.

11 43. Defendants Rad Power Bikes and DOES 1 to 50, inclusive, failed to provide any
12 meaningful safety warnings to the Greens regarding use of the Subject Powerbike by children,
13 failed to provide any safety warnings to the Greens regarding the use of the Subject Powerbike by
14 two riders, and failed to provide safety instructions or warnings needed for safe operation of the
15 Subject Powerbike.

16 44. Plaintiffs are informed and believe and thereupon allege, that at all times relevant
17 herein, Defendants Rad Power Bikes and DOES 1 to 50, inclusive, had actual and constructive
18 knowledge that users were not operating the RadRunner power bikes with proper training or safety
19 warnings. Rad Power Bikes promotes, advertises, recommends RadRunner electric-motorized bikes
20 as gifts to be purchased for friends and family members, including children at least as young as 10;
21 expressly and clearly warning users of an age limit and/or a training requirement would reduce
22 profits and inhibit purchasing.

23 45. Plaintiffs are informed and believe and thereupon allege, that at all times relevant
24 herein, the RadRunner electric-motorized bikes, including the Subject Powerbike, have defectively
25 designed on/off switches and throttle components that lack adequate safety features, whereby the
26 electric motor fails to shut down as intended when the on/off button is pushed. These problems are
27 compounded by the fact that Defendants Rad Power Bikes and DOES 1 to 50, inclusive, do not
28 adequately inspect, warn of, and/or repair these issues.

1 46. Defendants Rad Power Bikes and DOES 1 to 50, inclusive, owed a duty of care to
2 their retail purchasers and end users, including Decedent and members of the general public.

3 47. Defendants Rad Power Bikes and DOES 1 to 50, inclusive, by and through their
4 employees and agents, negligently and recklessly breached their duty of care to Decedent by
5 improperly designing, maintaining, manufacturing, purchasing, installing, maintaining, and/or
6 servicing the defective and dangerous RadRunner electric-motorized bikes, including the Subject
7 Powerbike.

8 48. Specifically, Rad designed and manufactured the RadRunner electric-motorized
9 bikes, including the Subject Powerbike, with at least two design defects. First, Rad chose to use
10 disc brakes in conjunction with a quick-release mechanism for detaching the front wheel. This
11 configuration has been a known safety hazard in the industry for at least a decade, even when used
12 with non-electronic bikes. This is because the front disc brakes have calipers behind the fork
13 blade, and when the rider pulls hard at the front brakes, it generates a powerful force and friction
14 that causes the quick-release mechanism to unthread, loosening the wheel and causing it to wobble
15 and shake, and in some cases, causing the wheel to come off entirely mid-ride. Even one hard pull
16 at the brake, especially during a steep downhill ride such as here, is enough to cause these two
17 components to interact with each other in an unsafe way, causing a loss of control, which of
18 course causes injuries and deaths. This is a known safety hazard in the industry, and Rad chose
19 not to use the safer alternative mechanism for releasing the wheel, called a “through axle”
20 mechanism. Through axles are universally used in connection with disc brakes in motorcycles for
21 this reason. However, bicycle manufacturers continue to use these unsafe quick-release
22 mechanisms with front disc brakes in lower-end bicycles, because the quick-release mechanism is
23 cheaper to manufacture than the through-axle mechanism. Rad knew or should have known that
24 this was an unsafe and defective design, but Rad chose to implement it anyway to increase its
25 profits.

26 49. This design defect - the combination of the quick-release mechanism and the front
27 disc brakes - was a substantial factor in causing this accident and Molly Steinsapir’s death. After
28 the accident, the rear brakes of the Subject Powerbike were worn thin and the front wheel was

1 loose and wobbly. The Subject Powerbike was purchased new approximately a month before the
2 accident. It was assembled by Velofix on January 7, 2021, and therefore had been in the Greens’
3 possession for just over three weeks on the date of the accident. The brakes were intact, and the
4 wheel was not loose when Emerson and Molly began their ride on January 31, 2021. They rode to
5 the top of the hill on Enchanted Way, riding up a steep incline they only achieved in the first place
6 due to the Subject Powerbike’s powerful motor. On the way down, Emerson tried to control their
7 descent by using the rear brakes, but that only succeeded in wearing the brakes out. As the Subject
8 Powerbike continued to pick up speed, Emerson pulled hard on the front brake, but because of the
9 design defect of the quick-release mechanism used in connection with the front disc brakes, her
10 hard braking caused the quick release mechanism to unthread. The front wheel loosened and
11 became wobbly, the bike began to shake, and Emerson lost control of its steering.

12 50. A second design defect in the original RadRunner, which was another deliberate
13 design choice by Rad, was the “trail” of the bike’s design. A bike’s trail is the horizontal distance
14 from where the front wheel touches the ground to where the steering axis intersects the ground.
15 The number that results from these geometric calculations, the trail number, affects the bike’s
16 handling. The RadRunner had a trail of 53, which was unusually low for its expected use. This
17 low trail made it unstable at high speeds – such as the high speeds a rider would reach descending
18 a steep hill. Perhaps recognizing this, Rad’s later RadRunner 2 model corrected this defect,
19 increasing the trail number to place it in a more normal range. This design defect was also a
20 substantial factor in causing the accident and Molly’s death because it added to the instability of
21 the bike and the difficulty Emerson had controlling it on the steep, fast descent.

22 51. Additionally, Rad Power Bikes failed to provide reasonable instructions or
23 warnings of the dangers and safety hazards associated with foreseeable use of the RadRunner,
24 including the Subject Powerbike, by children under 18, and of the dangers and safety hazards
25 associated with foreseeable use of the rear seat. Although Rad may claim, based on the small-
26 print “warning” on page 49 of 57 of the manual, that the RadRunner is intended to be ridden by
27 people over 18, that warning is entirely inadequate. First, not all buyers actually receive the
28 manual. Second, riders are not limited to buyers and will foreseeably include friends and family.

1 Third, it appears to be intentionally buried toward the end of a lengthy manual, and written in
2 small print, so that buyers and riders alike are unlikely ever to see it. Notably, there are no
3 warnings on the RadRunner itself, nor on the Subject Powerbike, that it is to be ridden only by
4 persons 18 or older. There were no such warnings on the website. In fact, the website's images
5 and reviews section *actively market* the RadRunner to child riders. Therefore, use of the
6 RadRunner, including the Subject Powerbike, by children, was entirely foreseeable – and planned
7 for – by Rad Power Bikes, and they profited and continue to profit by their intentional marketing
8 of their bikes to children. Yet the RadRunner, including the Subject Powerbike, are *not* safe for
9 children to ride, as Rad's own manual admits. E-bikes, particularly the RadRunner, have a
10 powerful motor that allow it to ascend – and therefore, descend from - heights that a child could
11 not reach on a standard bike. Indeed, that is one of the main marketing pitches for Rad Power
12 Bikes: that it allows people to reach places they otherwise could not. Yet the motor on the
13 RadRunner, including the Subject Powerbike, is extremely powerful and is more akin to a scooter,
14 ATV, or even a motorcycle, all of which are only safe for use by adults with fully developed
15 bodies and reflexes. Another entirely foreseeable use of the RadRunner, including the Subject
16 Powerbike, is the use of the rear space behind the rider as a seat for a passenger riding in tandem.
17 The metal platform looks like a seat, and pictures of Rad's website show passengers – often
18 children - riding in that position. Rad does sell a special “kit” that adds additional seating parts to
19 the frame of the rear seat; however, nowhere does Rad warn that the rear seat should only be used
20 as a seat if the kit is installed. There are no warnings on the RadRunner and were no warnings on
21 the Subject Powerbike itself, e.g., that that space should not be used as a seat or should only be
22 used as a seat if the seat kit is installed. Yet, as this accident demonstrated, the rear seat is not safe
23 because in the event of a crash, the rear tandem passenger has no opportunity to brace or hold on
24 to the bike and is much more likely to be forcibly ejected and injured in the event of a crash.

25 52. Defendants Rad Power Bikes and DOES 1 to 50, inclusive, by and through their
26 employees and agents, negligently and recklessly breached their duty of care to Decedent by failing
27 to warn the Greens and Decedent Molly Steinsapir of the defective and/or dangerous conditions
28 inherent in the RadRunner electric-motorized bikes, including the Subject Powerbike, and of the fact

1 that the Subject Powerbike was not safe for children to drive or ride and that the rear seat was not
2 safe to use as a seat.

3 53. Defendants Rad Power Bikes and DOES 1 to 50, inclusive, by and through their
4 employees and agents, negligently and recklessly breached their duty of care to Decedent by failing
5 to provide safety warnings and/or to make available safety training for safe operation of the Subject
6 Powerbike to the Greens and Decedent Molly Steinsapir.

7 54. As a direct and proximate result of Rad Power Bikes' and DOES 1 to 50, inclusive,
8 breaches of their duty of care to the Greens and Decedent described herein, the Subject Powerbike
9 accelerated to an unsafe speed, began shaking, and failed to stop when its operator attempted to stop
10 it. As a further direct and proximate result of Rad Power Bikes' and DOES 1 to 50, inclusive,
11 breaches of their duty of care to the Greens and Decedent described herein, the Subject Powerbike
12 crashed, causing severe brain injuries to Decedent, from which she died approximately two weeks
13 later.

14 **THE SUBJECT HELMET**

15 55. On information and belief, Plaintiffs allege that at all times relevant, Defendants
16 Giro, Bell, Vista and DOES 51-100, inclusive, and each of them, were, and are, engaged in the
17 business of selling, designing, manufacturing, fabricating, distributing, retailing, wholesaling,
18 recommending, testing, modifying, controlling, advertising, creating, processing, preparing,
19 constructing, packaging, utilizing, providing, warranting, repairing, maintaining, marketing,
20 leasing, renting, vending, installing, handling, labeling, promoting, advertising, furnishing,
21 retailing, analyzing, inspecting, supplying, and/or placing into the stream of commerce, Giro brand
22 bicycle helmets, "Vasona" model, including the Subject Helmet, to the general public for purchase.

23 56. The Subject Helmet was purchased by Plaintiffs from Amazon.com for Molly
24 Steinsapir. At all relevant times Molly Steinsapir used the Subject Helmet properly and as intended.

25 57. The Subject Helmet sustained damage in the January 31, 2021 accident described
26 herein. The Subject Helmet impacted the ground and cracked when Molly Steinsapir hit the ground
27 after being thrown from the Subject Powerbike. Yet it failed to cushion the blow for Molly or
28 protect her brain from severe injury.

1 58. Plaintiffs are informed and believe and thereupon allege, that at all times relevant
2 herein, the Subject Helmet was defective and improperly designed to protect purchasers and end
3 users, such as Molly Steinsapir, from brain injuries in the event of a bicycle crash. Specifically, the
4 design and manufacture of the Subject Helmet was defective in that it failed to transfer the impact of
5 the crash away from Molly Steinsapir's brain and into the material of the helmet.

6 59. Plaintiffs are informed and believe and thereupon allege, that at all times relevant
7 herein, Defendants Giro, Bell, Vista and DOES 51-100, inclusive, failed to provide any safety
8 warnings to purchasers such as the Plaintiffs or to end users and members of the general public like
9 Molly Steinsapir regarding use of the Subject Helmet, or information for its safe operation and use.

10 60. Plaintiffs are informed and believe and thereupon allege, that at all times relevant
11 herein, the Giro Vasona bicycle helmets, including the Subject Helmet, have defectively designed
12 components, whereby the outer and inner shell of the Subject Helmet fail to protect the wearer from
13 brain injury in the event of a bicycle crash, which is the ordinary purpose bicycle helmets must serve.
14 Plaintiffs are informed and believe and thereupon allege, that at all times relevant herein, the Giro
15 Vasona bicycle helmets, including the Subject Helmet, failed to comply with federal, state, and local
16 government regulations by the United States Consumer Product Safety Commission, at 16 C.F.R. §
17 1203, *et seq.*, for the safety of bicycle helmets.

18 61. Defendants Giro, Bell, Vista and DOES 51-100, inclusive, owed a duty of care to their
19 retail purchasers and end users, including Plaintiffs and Decedent.

20 62. Defendants Giro, Bell, Vista and DOES 51-100, inclusive, by and through their
21 employees and agents, negligently and recklessly breached their duty of care to Plaintiffs and Decedent
22 by improperly designing, maintaining, manufacturing, purchasing, installing, maintaining, and/or
23 servicing the defective and dangerous Giro Vasona bicycle helmets, including the Subject Helmet.
24 Defendants GIRO, BELL, VISTA and DOES 51-100, inclusive, breach of their duty of care to
25 Decedent included their failure to design, maintain, manufacture, purchase, install, maintaining, and/or
26 service the Giro Vasona bicycle helmets, including the Subject Helmet, in compliance with federal,
27 state, and local government regulations by the United States Consumer Product Safety Commission,
28 at 16 C.F.R. § 1203, *et seq.*, for the safety of bicycle helmets.

1 63. Defendants Giro, Bell, Vista and DOES 51-100, inclusive, by and through their
2 employees and agents, negligently and recklessly breached their duty of care to Decedent by failing to
3 warn Plaintiffs and Decedent Molly Steinsapir of the defective and/or dangerous conditions inherent
4 with the Giro Vasona helmets, including the Subject Helmet.

5 64. Defendants Giro, Bell, Vista and DOES 51-100, inclusive, by and through their
6 employees and agents, negligently and recklessly breached their duty of care to Decedent by failing to
7 provide safety warnings and/or to make available safety training for safe operation of the Subject
8 Helmet to the Plaintiffs and Decedent Molly Steinsapir.

9 65. As a direct and proximate result of Giro, Bell, Vista and DOES 51-100, inclusive,
10 breaches of their duty of care to the Plaintiffs and Decedent described herein, the Subject Helmet failed
11 to cushion the impact of the bicycle crash on Decedent, cracked on impact with the ground, and failed
12 to protect Decedent's brain from injury. As a further direct and proximate result of GIRO, BELL,
13 VISTA and DOES 51-100, inclusive, breaches of their duty of care to the Plaintiffs and Decedent
14 described herein, Decedent sustained severe brain injuries, from which she died approximately two
15 weeks later.

16 **ALLEGATIONS THAT DEFENDANT RAD POWER BIKES AND DOES 1-50**
17 **COMMITTED ACTS CONSTITUTING MALICE AND OPPRESSION (CAL. CIV. CODE §**
18 **3294, ET SEQ.) ENTITLING PLAINTIFFS TO PUNITIVE DAMAGES**

19 66. Plaintiffs re-allege and incorporate by reference all prior and subsequent paragraphs
20 as though fully set forth herein.

21 67. In addition to their prayer for special and general damages, and for the reasons pled
22 above and herein, Plaintiffs seek and award of punitive damages against Defendant Rad Power
23 Bikes.

24 68. Under California Civil Code section 3294(a), punitive damages are available when a
25 tortfeasor is guilty of "oppression, fraud, or malice" toward the plaintiffs. Section 3294(c) defines
26 "malice" as "conduct which is intended by the defendant to cause injury to the plaintiff or despicable
27 conduct which is carried on by the defendant with a willful and conscious disregard of the rights or
28 safety of others." Also, "oppression" means "despicable conduct that subjects a person to cruel and

1 unjust hardship in conscious disregard of that person’s rights.” Punitive damages are proper when
2 tortious conduct rises to the level of willful and malicious conduct, a level which decent citizens
3 should not have to tolerate. (*See, e.g., Tomaselli v. Transamerica Ins. Co.* (1994) 25 Cal. App. 4th
4 1269, 1287.)

5 69. Rad Power Bikes, and DOES 1-50, committed oppression, fraud, and malice, within
6 the meaning of Section 3294(a) as follows:

- 7 (a) Rad Power Bikes knowingly and intentionally marketed and promoted (and continues to
8 market and promote) the RadRunner bike, including the Subject Powerbike, for use by
9 children as young as 11 or younger, while knowing it was not suitable for children under
10 18 to ride, as evidenced by the small-print “disclosure” buried on page 49 of a 57-page
11 owner’s manual that not every owner even received and non-owner riders would not
12 receive, stating that “RadRunner is designed for use by persons 18 years old.”
- 13 (b) Rad Power Bikes knowingly and intentionally designed the RadRunner bike, including
14 the Subject Powerbike, with a rear passenger seat. Rad Power Bikes actively marketed
15 and promoted (and still markets and promotes) the RadRunner bike as a two-seater bike,
16 with room for a person to sit and ride behind the rider, with that second person often
17 depicted in advertising materials as a child. Although Rad Power Bikes sells a seat “kit”
18 for its RadRunner bikes, Rad Power Bikes provides no warnings either on the bike or
19 anywhere else that the rear seat is unsafe to use either with or without the separate kit.
- 20 (c) Rad Power Bikes knowingly and intentionally designed the RadRunner bike, including
21 the Subject Powerbike, with a known design defect, namely, the combination of front
22 disc brakes with a quick-release wheel mechanism. As described herein, this is a known
23 unsafe configuration within the industry because hard braking on the front can cause the
24 quick-release mechanism to unthread and the wheel to become loose or even to come off
25 completely. The dangers of this design defect are even more pronounced on an e-bike,
26 because e-bikes have a motor and are advertised to allow riders to reach heights they
27 could not reach by pedaling alone. Accordingly, e-bike riders will ascend steeper
28 inclines, followed by steeper descents, than they would make in a standard bicycle,

1 making the design defect even more risky to riders. Although the dangers of quick-
2 release mechanisms combined with front disc brakes are well-documented, quick-release
3 mechanisms are considerably cheaper to use than the far safer through-axle wheel release
4 mechanisms. By including this known unsafe design in its RadRunner, including the
5 Subject Powerbike, Rad Power Bikes was intentionally choosing its profits over safety.

6 (d) Rad Power Bikes knowingly and intentionally designed the RadRunner bike, including
7 the Subject Powerbike, with an additional design defect in the form of an unusual and
8 non-standard trail. As described herein, this trail, which was lower than it should have
9 been for a bike of its intended purpose, had the effect of making the RadRunner bike,
10 including the Subject Powerbike, unstable at high speeds, including the high speeds riders
11 can achieve when descending steep hills. Rad Power Bikes had actual or constructive
12 knowledge of this defect because a bike's trail is a key component of its design, and the
13 fact that such a non-standard trail number was a part of the design was inherently
14 intentional.

15 70. Each of these acts, separately and together, constituted malice, oppression, and fraud
16 by Rad Power Bikes in the design and marketing of its RadRunner bikes, including the Subject
17 Powerbike, with the goal of maximizing profits at the expense of rider safety.

18 **FIRST CAUSE OF ACTION**

19 **SURVIVAL ACTION FOR PRODUCT LIABILITY – PRODUCT NEGLIGENCE**

20 **(By Plaintiffs as Successors-in-Interest of Decedent Molly Steinsapir, Against All**
21 **Defendants)**

22 71. Plaintiffs incorporate by reference the preceding paragraphs of the Complaint as
23 though such allegations were set forth in full and re-pled herein.

24 72. On January 31, 2021, twelve-year-old Molly Steinsapir and eleven-year-old
25 Emerson Green rode the Subject Powerbike downhill on Enchanted Way in Los Angeles,
26 California, with Molly Steinsapir properly and correctly wearing the Subject Helmet. As the two
27 girls rode the Subject Powerbike down the steep hill on Enchanted Way, Emerson Green noticed
28 that the Subject Powerbike began to rapidly pick up speed, and it began shaking. Emerson Green

1 attempted to slow down the Subject Powerbike by pushing the black electric power button off;
2 however, the Subject Powerbike's electrical power failed to shut down, and the Subject Powerbike
3 continued to pick up speed. The bike crashed and Emerson Green and Molly Steinsapir were
4 thrown from the bike onto the ground. Molly Steinsapir's Subject Helmet failed to protect her and
5 she sustained severe brain injuries upon impact, lost consciousness, and never regained
6 consciousness. Despite multiple brain surgeries performed by doctors at UCLA Ronald Reagan
7 Hospital, on February 15, 2021, Molly was declared dead.

8 **1. THE SUBJECT POWERBIKE**

9 73. At all times herein relevant, Defendants Rad Power Bikes and Does 1-50, inclusive,
10 were and are engaged in the business of including, but not limited to selling, designing,
11 manufacturing, fabricating, distributing, retailing, wholesaling, recommending, testing, modifying,
12 controlling, advertising, creating, processing, preparing, constructing, packaging, utilizing,
13 providing, warranting, repairing, maintaining, marketing, leasing, renting, vending, installing,
14 handling, labeling, promoting, advertising, furnishing, retailing, analyzing, inspecting, supplying,
15 and/or placing into the stream of commerce, certain products and their component parts,
16 ingredients, packaging, attachments, associated warnings and constituents thereof, or lack of same,
17 known as the Subject Powerbike.

18 74. At all times mentioned in this complaint, Defendants Rad Power Bikes and Does 1-
19 50, inclusive, and each of them, knew, or in the exercise of reasonable care should have known, the
20 subject RadRunner electric-motorized bikes, including the Subject Powerbike, were products of
21 such a nature that if they were not properly manufactured, designed, assembled, compounded,
22 tested, inspected, packaged, labeled, fabricated, constructed, analyzed, instructed, warned,
23 distributed, supplied, maintained, repaired, serviced, merchandised recommended, advertised,
24 promoted, marketed, sold, or leased for the use and purpose for which they were intended, it was
25 likely to injure the person or persons by whom they were used and expose such users and the
26 general public to a foreseeable risk of harm.

27 75. At all times mentioned in this complaint, Defendants Rad Power Bikes and Does 1-
28 50, inclusive, and each of them, negligently and carelessly manufactured, designed, assembled,

1 compounded, tested or failed to test, inspected or failed to inspect, packaged, labeled, fabricated,
2 constructed, analyzed, instructed, warned or failed to warn, distributed, supplied, serviced,
3 maintained, repaired, merchandised, recommended, advertised, promoted, marketed, sold, installed,
4 leased, and rented the Subject Powerbike.

5 76. As a direct and proximate result of the negligence and carelessness of Defendants
6 Rad Power Bikes and Does 1-50, inclusive, and each of them, the above-described MODEL electric-
7 motorized bikes, including the Subject Powerbike, were in a dangerous condition, and unsafe for the
8 use and purpose for which they were intended when used as recommended or instructed by
9 Defendants Rad Power Bikes and Does 1-50, inclusive, and each of them.

10 77. At all times mentioned in this complaint, the dangerous character and condition of
11 the RadRunner electric-motorized bikes, including the Subject Powerbike, was known to
12 Defendants Rad Power Bikes and Does 1-50, inclusive, and each of them, or in the exercise of
13 ordinary care should have been known and discovered by Defendants Rad Power Bikes and Does 1-
14 50, inclusive, and each of them.

15 78. At all times mentioned in this complaint, the dangerous character and condition of
16 the subject Giro Vasona bicycle helmets, including the Subject Helmet, was known to Defendants
17 Giro, Bell, Vista, and Doe 51-100, inclusive, and each of them, or in the exercise of ordinary care
18 should have been known and discovered by DEFENDANTS GIRO, BELL, VISTA, and Doe 51-
19 100, inclusive, and each of them.

20 79. Decedent, Molly Steinsapir, was not aware that the above-described RadRunner
21 electric-motorized bikes, including the Subject Powerbike, were dangerous or likely to cause injury
22 when used in a foreseeable manner, at any time before the event which injured her.

23 80. On or about January 31, 2021, the Subject Powerbike was being used by Decedent,
24 Molly Steinsapir, for the purposes for which they were intended, and in a manner that was
25 foreseeable by Defendants, and each of them.

26 81. On or about January 31, 2021, and as a legal result of the negligent conduct by
27 Defendants Rad Power Bikes and Does 1-50, inclusive, and each of them, the Subject Powerbike
28 operated in a dangerous manner, which was a substantial factor in causing severe brain injuries to

1 Decedent upon impact, and ultimately was a substantial factor in causing her death.

2 **2. THE SUBJECT HELMET**

3 82. At all times herein relevant, Defendants Giro, Bell, Vista, and Doe 51-100, inclusive,
4 were and are engaged in the business of including, but not limited to selling, designing,
5 manufacturing, fabricating, distributing, retailing, wholesaling, recommending, testing, modifying,
6 controlling, advertising, creating, processing, preparing, constructing, packaging, utilizing,
7 providing, warranting, repairing, maintaining, marketing, leasing, renting, vending, installing,
8 handling, labeling, promoting, advertising, furnishing, retailing, analyzing, inspecting, supplying,
9 and/or placing into the stream of commerce, certain products and their component parts,
10 ingredients, packaging, attachments, associated warnings and constituents thereof, or lack of same,
11 known as the Subject Helmet.

12 83. At all times mentioned in this complaint, Defendants Giro, Bell, Vista, and Doe 51-
13 100, inclusive, and each of them, knew, or in the exercise of reasonable care should have known,
14 the Giro Vasona bicycle helmet, including the Subject Helmet, were products of such a nature that
15 if they were not properly manufactured, designed, assembled, compounded, tested, inspected,
16 packaged, labeled, fabricated, constructed, analyzed, instructed, warned, distributed, supplied,
17 maintained, repaired, serviced, merchandised recommended, advertised, promoted, marketed, sold,
18 or leased for the use and purpose for which they were intended, it was likely to injure the person or
19 persons by whom they were used and expose such users and the general public to a foreseeable risk
20 of harm.

21 84. At all times mentioned in this complaint, Defendants Giro, Bell, Vista, and Doe 51-
22 100, inclusive, and each of them, negligently and carelessly manufactured, designed, assembled,
23 compounded, tested or failed to test, inspected or failed to inspect, packaged, labeled, fabricated,
24 constructed, analyzed, instructed, warned or failed to warn, distributed, supplied, serviced,
25 maintained, repaired, merchandised, recommended, advertised, promoted, marketed, sold, installed,
26 leased, and rented the Subject Helmet.

27 85. As a direct and proximate result of the negligence and carelessness of Defendants
28 Giro, Bell, Vista, and Doe 51-100, inclusive, and each of them, the above-described Giro Vasona

1 bicycle helmet, including the Subject Helmet, were in a dangerous condition, and unsafe for the use
2 and purpose for which they were intended when used as recommended or instructed by Defendants
3 Giro, Bell, Vista, and Doe 51-100, inclusive, and each of them.

4 86. Neither Plaintiffs nor Decedent, Molly Steinsapir, was not aware that the above-
5 described Giro Vasona bicycle helmet, including the Subject Helmet, were dangerous or likely to
6 cause injury when used in a foreseeable manner, at any time before the event which injured her.

7 87. On or about January 31, 2021, the Subject Helmet was being used by Decedent,
8 Molly Steinsapir, for the purposes for which they were intended, and in a manner that was
9 foreseeable by Defendants Giro, Bell, Vista, and Doe 51-100, and each of them.

10 88. On or about January 31, 2021, and as a legal result of the negligent conduct
11 Defendants Giro, Bell, Vista, and Doe 51-100, inclusive, and each of them, the Subject Helmet
12 operated in a dangerous manner, which was a substantial factor in causing severe brain injuries to
13 Decedent upon impact, and ultimately was a substantial factor in causing her death.

14 3. CAUSATION AND DAMAGES

15 89. As a direct and proximate result of the negligent, careless, reckless, and unlawful acts
16 or omissions of each of the aforementioned Defendants, as described herein, Decedent suffered severe
17 brain injuries, requiring hospitalization and multiple brain surgeries, and eventually died from these
18 injuries. Decedent, and Plaintiffs incurred economic damages, including medical expenses as a
19 result, in a sum according to proof at trial.

20 90. As a further direct and proximate result of the negligent, careless, reckless, and
21 unlawful acts or omissions of Defendants, and each of them, as described herein, Decedent incurred
22 non-economic damages pursuant to California Code of Civil Procedure § 377.34, as amended,
23 including damages for pain, suffering, disfigurement, emotional distress, and other general damages.
24 As discussed herein, Plaintiffs are also entitled to punitive damages from Rad Power Bikes and Does
25 1-50.

26 91. Plaintiffs are the Decedent's successors in interest (as defined in Section 377.11 of
27 the California Code of Civil Procedure) and succeed to the Decedent's interest in the action or
28 proceeding. No proceeding is now pending in California for administration of the Decedent's estate.

1 No other person has a superior right to commence the action or proceeding or to be substituted for
2 the Decedent in the pending action or proceeding.

3 92. Plaintiffs are informed and believe at said time and place each of the aforementioned
4 Defendants and their agents/employees were guilty of negligent, reckless, tortious and unlawful acts
5 and omissions that were a substantial factor in causing the injuries and damages herein alleged.

6 **SECOND CAUSE OF ACTION**

7 **Wrongful Death (Negligence)**

8 **(By Plaintiffs Against All Defendants)**

9 93. Plaintiffs incorporate by reference the preceding paragraphs of the Complaint as
10 though such allegations were set forth in full and re-pled herein.

11 94. At all times relevant to this action, before and including the date of the accident,
12 January 31, 2021, Defendants, and each of them, owed a duty of care to retail purchasers of their
13 products, foreseeable end users, and members of the general public, including Molly Steinsapir, to
14 safely and properly manufacture, design, assemble, compound, test, inspect, package, label,
15 fabricate, construct, analyze, instruct, warn, distribute, supply, maintain, repair, service,
16 merchandise, recommend, advertise, promote, market, sell, or lease for the use and purpose for
17 which they were intended, the products including the RadRunner electric-motorized bikes,
18 including the Subject Powerbike (for Defendants Rad Power Bikes and Does 1-50, inclusive), and
19 the Giro Vasona bicycle helmet, including the Subject Helmet (for Defendants Giro, Bell, Vista,
20 and Doe 51-100, inclusive).

21 95. On January 31, 2021, Emerson Green and Molly Steinsapir were operating the
22 Subject Powerbike for its intended purpose and in a manner foreseeable to Defendants Rad Power
23 Bikes and Does 1-50, inclusive. On the same date, Molly Steinsapir was wearing the Subject
24 Helmet for its intended purpose and in a manner foreseeable to Defendants Giro, Bell, Vista, and
25 Doe 51-100, inclusive.)

26 96. As a direct and proximate result of the defects and dangerous conditions of the
27 Subject Powerbike and Subject Helmet described herein, and the Defendants' failure to warn of
28 those conditions, Molly Steinsapir suffered severe brain injury and death when the Subject

1 Powerbike crashed and threw her to the ground.

2 97. As a direct and proximate result of the acts and omissions of Defendants, and all of
3 them, Decedent died on February 15, 2021.

4 98. As a further direct and proximate result of the acts and omissions of the Defendants,
5 and each of them as alleged herein, which caused the death of Decedent, Plaintiffs, who are
6 Decedent's surviving parents and sole heirs, have sustained economic damages in the form of
7 funeral and burial expenses for Decedent.

8 99. As a further direct and proximate result of the acts and omissions of the Defendants,
9 and each of them as alleged herein, which caused the death of Decedent, Plaintiffs, who are
10 Decedent's surviving parents and sole heirs, have sustained pecuniary loss of society, comfort,
11 attention and love of Decedent in a sum according to proof at trial.

12 100. As a further direct and proximate result of said injuries, Plaintiffs will incur a loss of
13 future income and support as a result of the lost earning capacity of Decedent, and other special and
14 general damages according to proof at trial.

15 101. As discussed herein, Plaintiffs are also entitled to punitive damages from Rad Power
16 Bikes and Does 1-50.

17 102. Plaintiffs are informed and believe at said time and place each of the aforementioned
18 Defendants were guilty of negligent, tortious and unlawful acts and omissions that were a
19 substantial factor in causing the injuries and damages herein alleged.

20 **THIRD CAUSE OF ACTION**

21 **Strict Product Liability**

22 **(By Plaintiffs Against All Defendants)**

23 **1. THE SUBJECT POWERBIKE**

24 103. Plaintiffs incorporate by reference the preceding paragraphs of the Complaint as
25 though such allegations were set forth in full and re-pled herein.

26 104. At all times relevant to this action, Defendants Rad Power Bikes and Does 1-50,
27 inclusive, and each of them, manufactured, designed, assembled, compounded, tested or failed to
28 test, inspected or failed to inspect, packaged, labeled, fabricated, constructed, analyzed, distributed,

1 supplied, serviced, merchandised, recommended, advertised, promoted, marketed, sold, leased,
2 rented the RadRunner electric-motorized bikes, including the Subject Powerbike.

3 105. At all times herein mentioned and at the time the Subject Powerbike was placed into
4 the stream of commerce, Defendants Rad Power Bikes and Does 1-50, inclusive, and each of them,
5 knew, or should have known, that the Subject Powerbike was to be purchased and/or rented and used
6 without inspection for defects by members of the general public,

7 106. At all times herein mentioned and/or at the time the RadRunner electric-motorized
8 bikes and the Subject Powerbike left the possession of Defendants Rad Power Bikes and Does 1-50,
9 inclusive, they were unsafe for their intended and foreseeable use because of defects in its
10 manufacture, design, assembly, testing, inspection, packaging, labeling, fabrication, construction,
11 analysis, instruction, distribution, supply, servicing, merchandising, recommendation, advertising,
12 promotion, marketing, sale, lease and rent so that it could not safely serve its intended or expected
13 purpose, but would instead expose the user to serious injury. Such defects and hazards of the
14 RadRunner electric-motorized bikes, including the Subject Powerbike, include, but are not limited to
15 the following:

- 16 a. Each was advertised, promoted, and/or marketed toward children as young as age 11
17 or younger, while each was unsafe for riders under 18;
- 18 b. Each was advertised, promoted, and/or marketed for use by a rider and a passenger
19 on the rear seat, including for children as rear seat passengers, while the rear seat
20 was unsafe for use by passengers including children;
- 21 c. Each had a defect in its design and manufacturing, consisting of the combination of
22 front disc brakes and a quick-release mechanism for the front wheel; and
- 23 d. Each had a defect in its design and manufacturing in the form of an unusually low
24 trail, which made it unstable at high speeds.

25 107. At all times herein mentioned and/or at the time the Subject Powerbike left the
26 possession of Defendants, the Subject Powerbike did not perform as safely as an ordinary consumer
27 would have expected it to perform when used or misused in an intended or reasonably foreseeable
28 way and/or any benefits of the RadRunner electric-motorized bikes' design do not outweigh the risk

1 of danger inherent in the design of the RadRunner electric-motorized bikes.

2 108. Before the injury to Decedent, she was not aware of the defects of the RadRunner
3 electric-motorized bikes, including the Subject Powerbike.

4 109. On or about January 31, 2021, the Subject Powerbike was being used by Decedent
5 for the purpose for which it was intended, and in a manner that was foreseeable by Defendants.

6 110. At the time of the incident on or about January 31, 2021, the Subject Powerbike was
7 substantially the same as when the RadRunner was purchased.

8 111. On or about January 31, 2021, and as a legal result of the defective condition of the
9 Subject Powerbike, the Subject Powerbike operated in a dangerous manner, causing Decedent's
10 severe injuries and death.

11 2. THE SUBJECT HELMET

12 112. Plaintiffs incorporate by reference the preceding paragraphs of the Complaint as
13 though such allegations were set forth in full and re-pled herein.

14 113. At all times relevant to this action, Defendants Giro, Bell, Vista, and Doe 51-100,
15 inclusive, and each of them, manufactured, designed, assembled, compounded, tested or failed to
16 test, inspected or failed to inspect, packaged, labeled, fabricated, constructed, analyzed, distributed,
17 supplied, serviced, merchandised, recommended, advertised, promoted, marketed, sold, leased,
18 rented the Giro Vasona bicycle helmet, including the Subject Helmet.

19 114. At all times herein mentioned and at the time the Subject Helmet was placed into the
20 stream of commerce, Defendants Giro, Bell, Vista, and Doe 51-100, inclusive, and each of them,
21 knew, or should have known, that the Subject Helmet was to be purchased and/or rented and used
22 without inspection for defects by members of the general public,

23 115. At all times herein mentioned and/or at the time the Giro Vasona bicycle helmet and
24 the Subject Helmet left the possession of Defendants GIRO, BELL, VISTA, and Doe 51-100,
25 inclusive, they were unsafe for their intended and foreseeable use because of defects in its
26 manufacture, design, assembly, testing, inspection, packaging, labeling, fabrication, construction,
27 analysis, instruction, distribution, supply, servicing, merchandising, recommendation, advertising,
28 promotion, marketing, sale, lease and rent so that it could not safely serve its intended or expected

1 purpose, but would instead expose the user to serious injury. Such defects and hazards of the Giro
2 Vasona bicycle helmet, including the Subject Helmet, include, but are not limited to the following:

- 3 a. Each lacked adequate protection to transfer the force an impact of a collision from the
4 wearer's brain to the helmet;
- 5 b. Each lacked adequate cushioning to protect the wearer;
- 6 c. Each failed to comply with the requirements of federal, state, and local regulations,
7 including regulations of the United States Consumer Product Safety Commission, at
8 16 C.F.R. § 1203, *et seq.*, for the safety of bicycle helmets;
- 9 d. Each had manufacturing defects.

10 116. At all times herein mentioned and/or at the time the Subject Helmet left the
11 possession of Defendants Giro, Bell, Vista, and Doe 51-100, inclusive, the SUBJECT helmet did
12 not perform as safely as an ordinary consumer would have expected it to perform when used or
13 misused in an intended or reasonably foreseeable way and/or any benefits of the Giro Vasona bicycle
14 helmet design do not outweigh the risk of danger inherent in the design of the Giro Vasona bicycle
15 helmet design.

16 117. Before the injury to Decedent, she was not aware of the defects of the Giro Vasona
17 bicycle helmet, including the Subject Helmet.

18 118. On or about January 31, 2021, the Subject Helmet was being used by Decedent for
19 the purpose for which it was intended, and in a manner that was foreseeable by Defendants GIRO,
20 BELL, VISTA, and Doe 51-100, inclusive.

21 119. At the time of the incident on or about January 31, 2021, the Subject Helmet was
22 substantially the same as when the Plaintiffs purchased it took possession from Defendants Giro,
23 Bell, Vista, and Doe 51-100, inclusive.

24 120. On or about January 31, 2021, and as a legal result of the defective condition of the
25 Subject Helmet, the Subject Helmet failed to protect Decedent's head and brain in the bicycle crash
26 described herein, causing Decedent's severe injuries and death.

27 //

28

1 **3. CAUSATION AND DAMAGES**

2 121. As a legal result of the failure of the aforementioned Defendants, and each of them,
3 Plaintiffs have suffered and continue to suffer the injuries and damages set forth above.

4 **FOURTH CAUSE OF ACTION**

5 **Breach of Express Warranty**

6 **(By Plaintiffs Against All Defendants)**

7 122. Plaintiffs incorporate by reference the preceding paragraphs of the Complaint as
8 though such allegations were set forth in full and re-pled herein.

9 **1. THE SUBJECT POWERBIKE**

10 123. At all times herein mentioned, Defendants Rad Power Bikes and Does 1-50,
11 inclusive, and each of them, expressly warranted to the Decedent Molly Steinsapir, and the general
12 consuming public, through print, media and television advertising and other express means, that the
13 Subject Powerbike was of merchantable quality and was safe for its ordinary, intended, foreseeable
14 and expected use, and that such use would not cause injuries of the nature of the herein-described
15 severe, permanent and life-threatening physical, mental, emotional injuries and other harm to
16 Decedent. In addition, said Defendants Rad Power Bikes and Does 1-50, inclusive, and each of
17 them, expressly warranted that there was no substantial risk of injuries in a foreseeable accident
18 and/or inherent failures or defects in said Subject Powerbike.

19 124. Said Subject Powerbike was not of merchantable quality and was not as warranted
20 by said Defendants Rad Power Bikes and Does 1-50, inclusive, thus constituting a breach of said
21 warranty; and as a direct, legal and proximate result of Decedent’s reliance on said warranties and
22 the breach of said warranties, Decedent sustained the herein-described severe brain injury and
23 death.

24 125. Plaintiffs are informed and believe and thereon assert that said Defendants Rad
25 Power Bikes and Does 1-50, inclusive,, and each of them, received timely notice of said breach of
26 warranties.

27 126. Plaintiffs are informed and believes and thereon assert that said Defendants Rad
28 Power Bikes and Does 1-50, inclusive, and each of them, knew or, in the exercise of reasonable

1 care, should have known of the dangerous, defective, unfit and unsafe condition of the
2 aforementioned Subject Powerbike and the fact that it was not safe or suitable for its intended use,
3 nor of merchantable, safe or operational quality.

4 **2. THE SUBJECT HELMET**

5 127. At all times herein mentioned, Defendants Giro, Bell, Vista, and Doe 51-100,
6 inclusive, and each of them, expressly warranted to the Decedent Molly Steinsapir, and the general
7 consuming public, through print, media and television advertising and other express means, that the
8 Subject Helmet was of merchantable quality and was safe for its ordinary, intended, foreseeable and
9 expected use, and that such use would not cause injuries of the nature of the herein-described
10 severe, permanent and life-threatening physical, mental, emotional injuries and other harm to
11 Decedent. In addition, said Defendants Giro, Bell, Vista, and Doe 51-100, inclusive, and each of
12 them, expressly warranted that there was no substantial risk of injuries in a foreseeable accident
13 and/or inherent failures or defects in said Subject Helmet.

14 128. Said Subject Helmet was not of merchantable quality and was not as warranted by
15 said Defendants Giro, Bell, Vista, and Doe 51-100, inclusive, thus constituting a breach of said
16 warranty; and as a direct, legal and proximate result of Decedent's reliance on said warranties and
17 the breach of said warranties, Decedent sustained the herein-described severe brain injury and
18 death.

19 129. Plaintiffs are informed and believe and thereon assert that said Defendants Giro,
20 Bell, Vista, and Doe 51-100, inclusive, and each of them, received timely notice of said breach of
21 warranties.

22 130. Plaintiffs are informed and believes and thereon assert that said Defendants Giro,
23 Bell, Vista, and Doe 51-100, inclusive, and each of them, knew or, in the exercise of reasonable
24 care, should have known of the dangerous, defective, unfit and unsafe condition of the
25 aforementioned Subject Helmet and the fact that it was not safe or suitable for its intended use, nor
26 of merchantable, safe or operational quality.

27 **3. CAUSATION AND DAMAGES**

28 131. As a legal result of the failure of the aforementioned Defendants, and each of them,

1 Plaintiffs have suffered and continue to suffer the injuries and damages set forth above.

2 **FIFTH CAUSE OF ACTION**

3 **Breach of Implied Warranty**

4 **(By Plaintiffs Against All Defendants)**

5 132. Plaintiffs incorporate by reference the preceding paragraphs of the Complaint as
6 though such allegations were set forth in full and re-pled herein.

7 **1. THE SUBJECT POWERBIKE**

8 133. Plaintiffs are informed and believes and thereon asserts that Defendants Rad Power
9 Bikes and Does 1-50, inclusive, and each of them, impliedly warranted to the purchasers and users
10 of the Subject Powerbike and the general public, including Decedent, that it was suitable for its
11 intended use, was of merchantable quality, and that there was no substantial risk of sudden failure.

12 134. Said Subject Powerbike was not of merchantable quality and was not as warranted
13 by said Defendants Rad Power Bikes and Does 1-50, inclusive, thus constituting a breach of said
14 warranties; and, as a direct, legal and proximate result of the reliance of said warranties by
15 Decedent suffered the herein-described severe brain injuries and ultimate death.

16 135. Plaintiffs are informed and believe and thereon assert that said Defendants Rad
17 Power Bikes and Does 1-50, inclusive, and each of them, received timely notice of said breach of
18 warranties.

19 136. Plaintiffs are informed and believe and thereon assert that Defendants Rad Power
20 Bikes and Does 1-50, inclusive, and each of them, knew or, in the exercise of reasonable care,
21 should have known of the dangers, defective nature, and unfit and unsafe condition of the
22 aforementioned Subject Powerbike and the fact that it was not safe, fit or suitable for its intended
23 use, nor of merchantable, safe or operational quality.

24 **2. THE SUBJECT HELMET**

25 137. Plaintiffs are informed and believes and thereon asserts that Defendants GIRO,
26 BELL, VISTA, and Doe 51-100, inclusive, and each of them, impliedly warranted to the purchasers
27 and users of the Subject Helmet and the general public, including Decedent, that it was suitable for
28 its intended use, was of merchantable quality, and that there was no substantial risk of failure.

1 138. Said Subject Helmet was not of merchantable quality and was not as warranted by
2 said Defendants Giro, Bell, Vista, and Doe 51-100, inclusive, thus constituting a breach of said
3 warranties; and, as a direct, legal and proximate result of the reliance of said warranties by
4 Decedent suffered the herein-described severe brain injuries and ultimate death.

5 139. Plaintiffs are informed and believe and thereon assert that said Defendants Giro,
6 Bell, Vista, and Doe 51-100, inclusive, and each of them, received timely notice of said breach of
7 warranties.

8 140. Plaintiffs are informed and believe and thereon assert that Defendants Giro, Bell,
9 Vista, and Doe 51-100, inclusive, and each of them, knew or, in the exercise of reasonable care,
10 should have known of the dangers, defective nature, and unfit and unsafe condition of the
11 aforementioned Subject Helmet and the fact that it was not safe, fit or suitable for its intended use,
12 nor of merchantable, safe or operational quality.

13 **3. CAUSATION AND DAMAGES**

14 141. As a legal result of the failure of the aforementioned Defendants, and each of them,
15 Plaintiffs have suffered and continue to suffer the injuries and damages set forth above.

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PRAYER FOR RELIEF

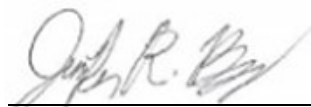
WHEREFORE, Plaintiff prays for judgment against Defendants Rad Power Bikes, Giro, Bell, Vista, and Does 1 through 100 inclusive, as follows:

1. For general and special damages according to proof;
2. For punitive damages as to Defendant Rad Power Bikes;
3. For an award of the costs incurred by Plaintiffs in bringing this action; as well as
4. For such other and further relief as the Court deems proper;
5. For pre-judgment and post-judgment interest at the maximum amount permissible by law; and
6. For such other and further relief as the court may deem proper.

Dated: August 1, 2022

BD&J, PC
OLIVIER A. TAILLIEU
JENNIFER R. BAGOSY

By:



Attorneys for Plaintiffs Jonathan Steinsapir and
Kaye Steinsapir

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DEMAND FOR JURY TRIAL

Attorneys for Plaintiffs hereby demand a trial of all causes by jury.

Dated: August 1, 2022

BD&J, PC
OLIVIER A. TAILLIEU
JENNIFER R. BAGOSY



By: _____

Attorneys for Plaintiffs Attorneys for Plaintiffs
Jonathan Steinsapir and Kaye Steinsapir

EXHIBIT A

Jonathan P. Steinsapir
663 Jacon Way
Pacific Palisades CA 90272
(310) 428-8412
jsteinsapir@gmail.com

VIA EMAIL AND FEDERAL EXPRESS

November 17, 2021

Mike Radenbaugh
Founder & Chief Executive Officer
Rad Power Bikes
1128 NW 52nd St. Suite 101
Seattle, WA 98107-5129
Email: mike@radpowerbikes.com
mikebikerad@gmail.com

Re: Molly Olivia Steinsapir and Rad Power Bikes

Dear Mr. Radenbaugh:

I write about my daughter, Molly Olivia Steinsapir (of blessed memory). Molly died at twelve years old on February 15, 2021, after suffering traumatic brain injuries on January 31, 2021, in an accident on a Rad Power Bike. While wearing a well-fitting helmet, Molly was riding on the back seat of a Rad ebike as her best friend and neighbor, Eme (pronounced, "Emmie"), then eleven years old, operated the bike from the front seat. As the bike came down a steep hill in our neighborhood in the Pacific Palisades, Eme lost control of the bike and both girls were thrown from it. Fortunately, Eme suffered superficial physical injuries. Molly was not as fortunate. The bike had apparently been a gift to Eme's thirteen-year-old sister, Mechal, for her Bat Mitzvah about a month earlier in December 2020, from a family friend.

When my wife Kaye (Molly's mother) and I arrived on the scene of the accident a few blocks from our house, we saw our daughter still wearing her helmet, face-down on the black pavement, unconscious and not moving. Paramedics arrived just before we did. After the paramedics carefully removed her from the pavement, Molly was rushed to the hospital (UCLA in Westwood) and had major brain surgery that afternoon and evening. She then had two more brain surgeries over the course of the next week. (Notably, however, other than abrasions and minor bruises here-and-there, she had no injuries to any part of her body other than her head.) Molly never regained consciousness. Our daughter was declared

November 17, 2021

Page 2

dead by the doctors at UCLA on the morning of February 15, 2021. Molly would have been thirteen last month, on October 21. Eme, turned twelve in April 2021, two months after Molly's passing.

For various reasons, Molly's passing received quite a bit of press attention both in our local community and nationally. Enclosed is a story in *The New York Times* about her death and the social media community built first around her accident and prayers for healing, and then around her passing and honoring her short life. I encourage you to visit mollysteinsapir.com, the website of The Molly Steinsapir Foundation a charitable foundation my wife founded in an attempt to find meaning in this tragedy. On that site, you can read more about Molly and her short life. You may also want to peruse my wife's Twitter feed, @kayesteinsapir, and read about the #teammolly community that arose in the wake of Molly's hospitalization and death.

Molly was an extraordinary person. She was wise and thoughtful beyond her years, sharing a passion for the environment and animals; she became a committed and uncompromising vegetarian at just four years old (no one else in her immediate family, including my wife and I, were or are vegetarians). Molly was a lover of history and theater, teaching both her parents and her teachers about persons and things that we had never heard of before. She asked tough and provocative questions of her teachers, rabbis, and others in authority, always questioning things that did not seem fair to her. The clergy at our synagogue, Kehillat Israel in the Pacific Palisades (a large congregation of over one-thousand families), was so touched by Molly's short life, and their short time with her, that they decided—on their own and without any request—to permanently name the synagogue preschool after her. In exchange for that immense honor, they asked nothing from us.¹ Molly was a loving big sister to two younger brothers, Nathaniel (aged ten at his big sister's passing) and Eli (aged four at his big sister's passing). She was also a promising young sixth grader, attending her first year of middle school at the Geffen Academy at UCLA (but unfortunately, due to COVID, she never got to physically attend middle school at all; the school only physically opened a few weeks after her death).

Although we have publicly shared the story of Molly's life enthusiastically, we have never gone into much detail publicly about the circumstances of Molly's accident and death, generally referring to it as a bike accident. We have never mentioned your company. I may be mistaken but I do not even believe we have ever publicly mentioned that the accident involved an electric bike. I do not know

¹ <https://www.ourki.org/steinsapirecc>

exactly why that is; I think both my wife and I wanted to concentrate on the positives about Molly in the months following her death rather than focus on the negatives of her accident and who, if anyone, may bear some responsibility for her death.

At this point, I should mention that I am a lawyer, and a litigator to boot. At the same time, however, I am *not* writing to you in the capacity of lawyer—as they say, a lawyer who represents himself has a fool for a client. I am writing as a father and as a human being. If my wife and I ever felt we needed to pursue litigation, we would retain counsel. That is something we have not done to date, however, and it something we hope not to have to do. We both have extensive litigation experience; we know how costly (monetarily but much more so from an emotional perspective) and wasteful the modern civil litigation machine can be. At this particular time, we want to better understand what happened, why, and how future tragedies like this can be avoided. We have read profiles about you personally and your company generally. It seems that you are genuinely trying to make the world a better place by reducing carbon emissions and making transportation more affordable for people. Based on what we have read about you, we believe (or hope) that you would want to make sure that the products you are creating are also used safely such that deadly accidents, of the type that befell our daughter, do not happen to other families.

With all of the above in mind, we have the following thoughts and concerns among others:

First, is it appropriate for children of Molly's and Eme's age (twelve and eleven, respectively) to operate ebikes? It does not seem like you have a clear position on this obviously fundamental point. Your website implies in places that only sixteen-year-olds should operate ebikes, but elsewhere it highlights glowing reviews from parents who bought ebikes for younger children (including twelve-year-olds).

Second, even if there are some circumstances where it is appropriate for children of Molly's and Eme's age to operate ebikes, is it appropriate for such children to ride together on one bike, where two children sit in tandem with child-passenger sitting immediately behind child-operator? As we are sure you know, the center of gravity can shift easily when persons are riding that way, causing balance issues and loss of control of the bike. It seems like this may have happened to Eme and Molly right before their accident.

Third, even if there are circumstances where the above scenarios are appropriate, what measures does your company take to make sure that parents

and children are appropriately educated on the safety issues particular to ebike riding by children, *both* when a child operates the ebike alone *and* when a child operates with a second child passenger on the same bike in tandem?

Fourth, and more specific to the precise circumstances of the accident here, Eme and Molly had ridden the Rad Power Bike up a very steep hill (with an average slope of about 14 percent and with slopes reaching 25 percent and more at various points).² There is no question in my mind that Molly would have never been able to ride a regular bike up that hill. She would have never tried (and would certainly never try to ride a regular bike *down* the hill). However, an ebike, by its very purpose and design, makes riding to the top of a hill easy. The accident that happened could have never occurred on a regular bike because the girls would have never went up that steep hill on a regular bike, and thus would not have gone down that steep hill and been thrown from the bike at a high speed. Likewise, the girls would not have been able to ride a regular bike in that tandem style with only one operator, as we are not aware of regular bikes providing for that type of seating (indeed, given that this type of seating more than doubled the weight of the bike's load, we doubt Eme could have peddled very far without electric power). We have serious concerns that parents and children are not advised of any of these types of risks with ebikes.

We want to work with you to make sure that parents are reasonably informed of all of these issues so that future accidents of this type do not happen, and parents and children will not have to suffer as we and Molly's brothers have.

Fifth, and finally, based on comments from Eme, we also have reason to believe that the particular ebike here malfunctioned when she was operating it. Specifically, Eme said that when the ebike started to accelerate quickly as they were coming down the steep hill on Enchanted Way, the bike would not slow down despite her efforts, and in fact speeded up more. We would like you to work with us to have the ebike examined by a disinterested professional to see if we can tell if it did, indeed, malfunction. We recognize that it may not be possible to reach any

² Specifically, they rode less than a mile, from Eme's house on the 700 block of Jacon Way to the cul-de-sac at the top of the hill on the northern end of Enchanted Way in the Pacific Palisades in front of 1054 Enchanted Way. I measured the slope in Google Earth Pro, from the top of the cul-de-sac to where the hill starts to flatten at around 955 Enchanted Way (and around where I remember Molly was when I saw her unconscious on the pavement).

November 17, 2021

Page 5

definitive conclusions on this point but we still think some examination of the actual bike should be done.

We send this letter sincerely. As noted, Kaye and I are both lawyers and we understand how wasteful litigation can be. As lawyers, we also understand that your own lawyers may have concerns about you and others at Rad talking to us. I would be happy to speak with your lawyers, very preliminarily, about a discussion and the parameters of it. The above said, however, we want to talk primarily to you and others involved in the actual creation, sales, and marketing of these products, and not primarily with lawyers who are focused solely on minimizing legal exposure and litigation risk. We urge you to reach out to us and seek to have a *human* conversation and not a lawyerly one. That said, and somewhat ironically given the previous points, must stress that our investigation into the facts and circumstances of Molly's accident is far from complete, and nothing in this letter is intended to waive any of our potential rights or remedies, all of which are reserved. Indeed, the concerns we note above are simply the concerns that occur to us as laypersons who have not consulted a single expert in this field.

Thank you for reading. We hope to hear from you soon.

Very Truly Yours,



Jonathan P. Steinsapir

cc: Mark Klebanoff, Chief Financial Officer, Rad Power Bikes,
mark.klebanoff@radpowerbikes.com
Redwood Stephens, Chief Product Officer, Rad Power Bikes,
redwood@radpowerbikes.com
Mike McBreen, Chief Operating Officer, Rad Power Bikes,
mike.mcbreen@radpowerbikes.com

All Copies By Email Only

Enclosure [K. Rosman, *The Story of 'Team Molly'*, NEW YORK TIMES (Feb. 21, 2021)]