

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION

LINDA MOBLEY, individually, as)	
surviving spouse of ROY EARL MOBLEY)	
and KEVIN MOBLEY, as Administrator of)	CIVIL ACTION
the Estate of ROY EARL MOBLEY)	FILE NO. _____
)	
Plaintiffs,)	
)	
v.)	
)	
STL INTERNATIONAL, INC.)	
)	
Defendant.)	

COMPLAINT

COME NOW Plaintiffs Linda Mobley, individually, and as Surviving Spouse of Roy Earl Mobley and Kevin Mobley, as Administrator of the Estate of Roy Earl Mobley, (hereinafter collectively referred to as "Plaintiffs"), and file this Complaint, showing the Court the following:

PARTIES, JURISDICTION AND VENUE

1.

Plaintiffs are residents of the State of Georgia and the incident which is the subject of this Complaint occurred in Grady County, Georgia, within this division.

2.

Defendant STL International, Inc. (hereinafter referred to as "STL") is a State of Washington corporation. Defendant STL can be served with the Summons and Complaint by service upon its registered agent, Jennifer M. Teeter, at 9902 162nd Street, Ct. E, Puyallup, Washington 98375.

3.

Jurisdiction is proper with this Court pursuant to 28 U.S.C. § 1332, as there is complete

diversity among the Plaintiffs and Defendant, as all Plaintiffs have citizenship in a different state than the Defendant.

4.

The amount in controversy exceeds \$75,000, exclusive of interest and costs.

5.

Venue is proper with this Court pursuant to 28 U.S.C. § 1391(a) and United States District Court, Middle District of Georgia Local Rule 3.4, as a substantial part of the relevant events occurred within this district and division and the claim arises in this district and division.

FACTS

6.

At all applicable times hereto, Defendant STL manufactured and distributed inversion therapy products to the United States and Canada, including products for home use known as “Inversion Tables”.

7.

Included in STL’s product line of “Inversion Tables” is a product referred to as a Teeter Hang Up or Hang Ups which STL promotes, advertises and sells to the consuming public to reduce back pain, improve circulation, increase oxygen flow to the brain, reduce the effect of aging and relieve stress.

8.

At all times pertinent hereto, until his death, Ray Earl Mobley, deceased, and Linda Mobley

(hereinafter "The Mobleys") were husband and wife living in Cairo, Grady County Georgia.

9.

The Mobleys purchased an STL Teeter Hang Ups from the Home Shopping Network for use by them in their home in Grady County, Georgia.

10.

The advertising, promotion, manuals, and other materials provided with the STL product represented that the inversion table The Mobleys purchased was promoted, sold and advertised as being designed to accommodate a person up to six feet six inches tall, up to 300 pounds.

11.

On April 9, 2007, while at his home, Roy Earl Mobley, deceased, who was less than six feet six inches tall and weighed less than 300 pounds, utilized the STL inversion table product for the purpose for which it was intended and in the manner as perceived by STL.

12.

To utilize the STL product, one places their feet in the provided "ankle clamps" and then proceeds to hang upside down or "invert" to some degree in order to experience the promised therapeutic affect on a user's back.

13.

While in the process of properly utilizing the STL product, Roy Earl Mobley, deceased, was unexpectedly and without warning, turned or "flipped" backwards from the inversion table, as he attempted to use the product, causing his neck to strike the floor with such force so as to cause him

injury and quadriplegia.

14.

Linda Mobley, his wife, arrived home to find Roy Earl Mobley, deceased, lying on the floor and unable to move or manipulate his extremities.

15.

Roy Earl Mobley, deceased, was diagnosed as a quadriplegic and received care and treatment for his injuries until his death on June 24, 2007.

16.

Roy Earl Mobley's death on June 24, 2007 was due directly to the injuries suffered from his use of the STL inversion table.

17.

The STL inversion table marketed, promoted, manufactured and sold by STL to Roy Earl Mobley, deceased, was not equipped with a "locking pin" device feature, as similar inversion products are so equipped, which would have prevented Mr. Mobley's injuries and death.

18.

In other words, the inversion table as designed would freely, and without limitation or warning, "invert" and allow for and cause the injury and death as suffered by Roy Earl Mobley, deceased.

COUNT I
STRICT PRODUCT LIABILITY

19.

Plaintiffs incorporate by reference and allegations contained in paragraphs 1 through 18, as is fully set forth herein.

20.

Defendant STL is a manufacturer of the product at issue under applicable Georgia law pursuant to O.C.G.A. § 51-1-11.

21.

The STL Inversion Table Teeter Hang-Ups purchased by the Mobleys and in use at the time of the incident was substantially unchanged from the condition it was in when STL designed, manufactured, marketed and sold it to consumers like the Mobleys.

22.

The STL Inversion Table designed, manufactured, and promoted without a “lockout” or “locking pin” device was defective, an unreasonably dangerous condition, not marketable and not reasonably suited to the use intended when sold by the Defendant manufacturer.

23.

The defective, dangerous and unmarketable conditions of the STL product manufactured by Defendant STL caused injuries to and ultimately the death of Roy Earl Mobley, for which Defendant STL is strictly liable.

COUNT II
NEGLIGENCE

24.

STL was negligent in failing to conceive, design, develop, manufacture, test, distribute, supply, and sell an Inversion Table (“the product”), including all component parts thereof, so as not to cause injury to the user.

25.

Defendant STL knew or should have known of the potential for injury to any user, given the design of the product.

26.

As a result of Defendant STL’s negligence in designing, manufacturing, marketing, and promoting the product, Roy Earl Mobley suffered bodily injury, pain and suffering, incurred medical expenses, and died.

COUNT III
STRICT PRODUCT LIABILITY-FAILURE TO WARN

27.

Plaintiffs incorporate by reference all of the allegations contained in paragraphs 1 through 26, as is fully set forth herein.

28.

STL, as the manufacturer of the Teeter Hang Ups, had a duty to give appropriate warnings of any and all dangerous conditions which were likely to be encountered while using the Teeter Hang

Ups, pursuant to Georgia law.

29.

STL failed to appropriately warn the users, including Roy Early Mobley, deceased, of the dangerous conditions which were likely to be encountered when using the Teeter Hang Ups.

30.

Due to STL's failure to appropriately warn users, Defendant is strictly liable for the injuries and death of Roy Earl Mobley, deceased.

31.

As a result of Defendant's actions, Roy Earl Mobley suffered bodily injury, pain and suffering, incurred medical expenses, and died.

COUNT IV
BREACH OF WARRANTY

32.

Plaintiffs incorporate by reference of allegations contained in paragraphs 1 through 31, as is fully set forth herein.

33.

In connection with the sale of the Teeter Hang Ups, STL made expressed and implied warranties that the Inversion Table was safe for normal use and free of hazardous defects.

34.

Defendant STL further made implied warranties of merchantability and fitness for use with

respect to the Teeter Hang Ups.

35.

STL expressed and implied warranties were breached as a result of the defects in the Teeter Hang Ups that proximately caused the injuries and death of Roy Earl Mobley described herein.

36.

As a result of Defendant's actions, Roy Earl Mobley suffered bodily injury, pain and suffering, incurred medical expenses, and died.

COUNT V
DAMAGES

37.

Pursuant to the cause of action set forth herein, Defendant STL is liable for the wrongful death of Roy Earl Mobley, deceased, for the full value of his life.

38.

Pursuant to the cause of action set forth herein, Defendant STL is liable for all pre-death pain and suffering, medical expenses, and funeral expenses incurred by Roy Earl Mobley prior to his death.

39.

Defendant's actions as outlined herein demonstrate and show willful misconduct and an entire want of care, which raises the presumption of conscious indifference to the consequences and Plaintiffs specifically hereby plead and pray that punitive damages be awarded pursuant to O.C.G.A.

§ 51-12-5.1(e)(1).

WHEREFORE, Plaintiffs pray for the following:

- (a) That they have a trial by jury;
- (b) That judgment be entered in Plaintiffs' favor and against Defendant for compensatory damages, including past and future lost wages, pain and suffering, and medical expenses in amounts sufficient to compensate Plaintiffs;
- (c) That judgment be entered in Plaintiffs' favor and against Defendant for punitive damages in an amount sufficient to punish and deter Defendant; and
- (d) For such other relief as the Court deems just and proper.

This 29th day of February, 2008.

MATTHEWS, STEEL & MOSS, LLP

/s/ John D. Steel

John D. Steel

Georgia Bar No. 677646

3575 Piedmont Road, N.E.
15 Piedmont Center, Suite 1560
Atlanta, Georgia 30305
(404) 264-1292

FONVIELLE LEWIS FOOTE & MESSER

/s/ James E. Messer, Jr.

James E. Messer, Jr.

Georgia Bar No. 502220

3375-A Capital Circle, N.E.
Tallahassee, Florida 32308
(850) 422-7773