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THE STATE OF SOUTH CAROLINA  
In The Supreme Court

S.C. SUPREME COURT

CERTIFIED QUESTIONS FROM  
THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF  
SOUTH CAROLINA

Timothy M. Cain, United States District Judge

Appellate Case No. 2016-001437

Reid Harold Donze ..... Plaintiff  
v.  
General Motors, LLC ..... Defendant

**MOTION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF  
OF ALLIANCE OF AUTOMOBILE MANUFACTURERS, INC.  
IN SUPPORT OF DEFENDANT**

Alliance of Automobile Manufacturers, Inc. (“the Alliance”) respectfully seeks leave of the Court to appear as *amicus curiae* pursuant to Rule 213, SCACR. This application is accompanied by the Alliance’s Brief of *Amicus Curiae*, as EXHIBIT A attached hereto. In support of this motion, *amicus* respectfully shows the court as follows:

**INTEREST OF *AMICUS CURIAE***

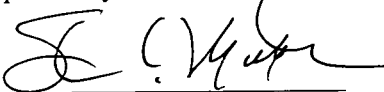
Alliance of Automobile Manufacturers, Inc. is an association of twelve vehicle manufacturers including the BMW Group, Fiat Chrysler, Ford Motor Company, General Motors Company, Jaguar Land Rover, Mazda, Mercedes-Benz USA, Mitsubishi Motors, Porsche, Toyota, Volkswagen Group of America, and Volvo Car USA. Together, the members of the Alliance manufacture 77% of all new cars and light trucks sold in the United States. The Alliance is committed to developing and implementing constructive

solutions to public policy challenges that promote sustainable mobility and benefit society in the areas of environment, energy and motor vehicle safety.

The Alliance has a particular interest in this case because Plaintiff seeks to exclude product liability claims from this state's comparative negligence fault regime. If product liability claims were excluded from the state's comparative fault regime manufacturers would be subjected to liability far above their fair share of responsibility, even when a plaintiff engages in criminal misconduct in causing his or her own injuries. This position would push South Carolina far outside the mainstream of American jurisprudence as the overwhelming majority of courts around the country apply their comparative fault regimes to product liability cases. Courts should consider all of the factual and legal causes of a plaintiff's injuries. Failure to do so will create a particularly high risk of unwarranted liability exposure in cases assessing the crashworthiness of automobiles. In many situations, a plaintiff's own negligence in causing the collision may be a significant contributor of his or her injuries.

For the foregoing reasons, the Alliance respectfully requests that this Honorable Court grant leave to present an *amicus curiae* brief. A copy of the Alliance's proposed brief is attached hereto, and is being conditionally filed with this motion in accordance with Rule 213, SCACR.

Respectfully Submitted,

By: 

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November 15, 2016

**EXHIBIT A**