

Media Release

September 11, 2017

Cleveland, Ohio: The family of Joshua Brown, who was killed in a motor vehicle crash when his Tesla collided with a tractor trailer in Williston, Florida on May 7, 2016, release the following statement in advance of the National Transportation Safety Board hearing scheduled for September 12, 2017, on the probable cause of the fatal May 7, 2016, crash.

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Landskroner Grieco Merriman, LLC. is a Cleveland, Ohio based law firm whose practice areas includes catastrophic personal injury and consumer class action litigation. Jack Landskroner is a board-certified trial advocate by the National Board of Trial Advocacy. Landskroner is also a past President of the Public Justice Foundation; a 3,000-member organization's that undertakes nationwide efforts to secure court access for ordinary people and justice in civil rights and civil liberties, environmental protection and consumers' rights. Paul Grieco is the immediate past president of the Ohio Association for Justice, a statewide organization that preserves constitutional rights and protects access to the civil justice system so that deserving individuals can hold wrongdoers accountable. For more information, visit www.lgmlegal.com.

Statement from the Family of Joshua Brown

On May 7, 2016, Joshua Brown (40) of Canton, Ohio, was killed in a motor vehicle crash in Williston, Florida when his Tesla collided with a semi-tractor trailer that failed to yield when crossing a divided highway.

Josh was a veteran, an exceptional citizen, and a successful entrepreneur. Most importantly, he was a loving son, brother and uncle. Josh served 11 years in the United States Navy. He was a master Explosive Ordnance Disposal (EOD) technician and achieved the rank of Chief Petty Officer. He proudly served as a member of EOD Mobile Unit 3 out of San Diego, CA, and then the Navy's elite Naval Special Warfare Development Group (NSWDG) out of Dam Neck, VA. Josh was deployed to multiple war zones as part of the special operations groups. He also served at the White House and overseas supporting Secret Service operations.

Joshua loved technology and was a successful entrepreneur. He developed several database applications widely used by the Navy. In 2010, he started his own technology company, Nexu Innovations. The company primarily focused on developing and installing WIFI and surveillance systems, but also developed other technology driven applications.

This fatal and tragic collision was the first documented crash involving the use of driver assist autopilot technology. It generated worldwide media attention. Unfortunately, while some of the reporting was accurate, many media outlets published or broadcast speculation about the crash which was later proven to be false. Many of those accusations were damaging to our son's reputation and a twist of the knife in the open wound of our family. Since May 7th, 2016, our family has endured reading, listening, and watching as international attention played out on this tragedy. We have intentionally remained silent because we fully believed it was critical to have all the facts before making any public judgements.

Multiple official investigations, evaluations, and reports are now complete. This includes those conducted by the Florida Highway Patrol, Medical Examiners, Tesla, and the National Highway Transportation Safety Administration ("NHTSA"). The National Transportation Safety Board ("NTSB") has not yet released its final report, but has made all of their investigations and findings public.

We now feel it is time to try to set the record straight based on the facts. We urge all news organizations to give as much coverage to the truth which has now been confirmed through these investigations as they did to the unverified speculation in the early sensationalized reporting. We hope the truth gains as wide an audience as did those false statements.

Some media falsely claimed that Josh was traveling well over 100 mph. Within a few days of the crash, it was verified Josh was on cruise control (Tesla Autopilot). It was set at 74 mph. Although above the speed limit, it is significantly different than the original extreme speeds which were rumored and repeated by some media outlets.

It was "reported" that Josh was watching a Harry Potter movie at the time of the accident. This movie was purported to be playing either on the large screen in the Tesla console or a portable DVD player. Both claims have been proven untrue. There was no Harry Potter video found in the car and no video device in the vehicle that was capable of playing a movie. Moreover, the eye witness accounts taken from those people who were first on the scene after the crash confirmed there was no movie playing.

It was reported after the NTSB findings were released that Joshua was given 7 reminders to put his hands on the steering wheel prior to the accident. The false implication in the news stories was that Josh continued to ignore these repeated reminders (and keep his hands off the wheel) until he finally struck the truck. In reality, Teslas are designed so that every few minutes if the car does not sense hands on the steering wheel, it provides the driver with a visual reminder. If that is ignored, it then gives an audible reminder. If that is ignored, the car will slow down and stop. Understanding how this technology works, we now know Joshua responded by putting his hands on the steering wheel. Aware of both the vehicle's abilities and limitations, Joshua followed the prompts of the Tesla with each series of indications received. Otherwise, the Tesla would have automatically slowed and stopped.

Joshua loved his Tesla Model S. He studied and tested that car as a passion. When attending gatherings at the Tesla store, he would become the primary speaker answering questions about the technology and the car's capabilities/limitations. In the videos Josh posted to YouTube about Tesla, he repeatedly emphasized safety, that the car was NOT autonomous, and that the driver had to pay attention.

We heard numerous times that the car killed our son. That is simply not the case. There was a small window of time when neither Joshua nor the Tesla features noticed the truck making the left-hand turn in front of the car. People die every day in car accidents. Many of those are caused by lack of attention or inability to see the danger. Joshua believed, and our family continues to believe, that the new technology going into cars and the move to autonomous driving has already saved many lives. Change always comes with risks, and zero tolerance for deaths would totally stop innovation and improvements.

Nobody wants tragedy to touch their family, but expecting to identify all limitations of an emerging technology and expecting perfection is not feasible either. When rail systems, metro systems, and personal vehicles (etc.) were constructed, fatalities occurred and we learned from them. Who determines it has been vetted enough? Life is a balancing act. Barring blatant recklessness, finding common ground will always be a debate.

Part of Joshua's legacy is that his accident drove additional improvements making the new technology even safer. Tesla has done extensive research into the accident and how it might have been prevented. They have made significant investments toward improvements and the Version 8 software release included numerous safety improvements that were a direct result of that research. Tesla continues to release additional features based on lessons learned from Josh's accident. Our family takes solace and pride in the fact that our son is making such a positive impact on future highway safety.