

Benavides v. Tesla Inc. Week One Trial Update

In mid-July 2025, a federal jury trial began in Miami for *Benavides v. Tesla Inc.* (Case No. 1:21-cv-21940), a wrongful-death lawsuit arising from an April 2019 crash in Key Largo, Florida. In that incident, a Tesla Model S operating on Autopilot ran a T-intersection at ~60–70 mph and struck a parked Chevrolet Tahoe, killing 22-year-old Naibel Benavides Leon and severely injuring her boyfriend, Dillon Angulo. The driver, George McGee, admitted at the scene that he was “on ‘cruise’” (Autopilot) and had looked down to retrieve a dropped cellphone when he “*ran the stop sign*”. Benavides’s family (and Angulo) sued Tesla, alleging that defects in the Autopilot driver-assistance system — and Tesla’s marketing of it — contributed to the tragedy, even after the driver’s separate liability was addressed in a settled suit. This trial is noteworthy as one of the first federal jury trials scrutinizing Tesla’s Autopilot in a fatal crash, with U.S. District Judge Beth Bloom even allowing the jury to consider punitive damages against Tesla. A verdict against Tesla could have broad implications, as it comes amid ongoing NHTSA safety investigations and a recent recall of over 2 million Teslas related to Autopilot’s limitations. Tesla has typically avoided such courtroom battles by settling similar cases (including at least four other fatal-crash suits) before trial, making this first week’s proceedings a rare public test of the company’s technology and promises.

Opening Statements – Plaintiffs vs. Tesla

Plaintiffs’ Arguments: In opening statements on July 14, the plaintiffs’ attorney, Brett Schreiber, acknowledged that driver George McGee was negligent but argued that Tesla “*set the stage*” for this “*preventable tragedy*” through its design and marketing of Autopilot. He described the case as one of “*shared responsibility*” – while McGee was a “*bad actor*” for driving distracted, “*every actor needs a stage, and the evidence will show Tesla set the stage*” for the crash. Specifically, the lawsuit alleges Autopilot was defectively designed and that Tesla failed to warn consumers about its limitations and dangers. Schreiber highlighted that McGee had paid for Tesla’s “*Enhanced Autopilot*” and, like many Tesla owners, believed the system would serve as a reliable “*co-pilot*” that could brake for hazards. Plaintiffs cited other prior Autopilot-involved crashes where inattentive drivers trusted the system too much, and they noted Tesla ignored federal safety recommendations to restrict Autopilot use and improve driver monitoring. For example, Schreiber questioned why Tesla refused to implement geofencing – limiting Autopilot to the kinds of divided highways it was designed for – even after the NTSB and other automakers embraced such limits. “*Other manufacturers provided responses to the government. Only one manufacturer ignored it... Why did they refuse to respond...? Hubris? Arrogance? Greed? The choice will be yours,*” he argued, criticizing Tesla’s failure to heed U.S. safety board guidance.

Tesla’s Arguments: Tesla’s counsel, led by attorney Joel Smith, countered that the fatal wreck was caused by a “*reckless*” and “*distracted*” human driver – not any defect in Autopilot. In his opening remarks, Smith cautioned jurors that the case would evoke sympathy for the family, but insisted “*as much as Tesla would love to have been able to stop this vehicle in this crash ... the technology just didn’t exist [in 2019]. It was not state-of-the-art at the time.*” Tesla’s core defense is that Autopilot is merely an advanced driver-

assistance feature – *not* a self-driving system – and that McGee knew he was required to stay attentive and in control. The company points to its owner’s manuals and on-screen warnings which explicitly instruct that a “*fully attentive driver... prepared to take over at any moment*” must supervise Autopilot. Tesla argues McGee tragically violated that duty: evidence shows he was pressing the accelerator in the moments before the crash (overriding Autopilot’s cruise control) and blew through multiple traffic signals. “*This crash had nothing to do with Tesla’s Autopilot... [it] was caused by a distracted driver,*” Tesla said in a pre-trial statement, noting that McGee himself admitted responsibility for looking away and speeding. Tesla’s lawyer emphasized that under the vehicle’s terms and conditions, the human driver is ultimately responsible at all times, no matter what driver-assist features are active. The defense urged the jury to require plaintiffs to prove a specific design defect in Autopilot caused the injuries, asserting that no such defect will be found. (Tesla also noted it has prevailed in two prior jury trials involving Autopilot by successfully attributing the accidents to driver error rather than system failure.)

Notable Witness and Expert Testimony (Week One)

The first week featured highly technical and expert testimony from both sides, as well as emotional evidence about the crash:

- **First Responders’ and Investigators’ Evidence:** Jurors were shown police body-camera footage of the aftermath, including officers discovering Ms. Benavides’s body thrown into roadside bushes – imagery so graphic that family members wept and left the courtroom. Florida Highway Patrol Cpl. David Riso, the lead traffic homicide investigator, testified about difficulties obtaining crash data from the Tesla. Riso had physically retrieved the car’s computer hardware after the accident, but “*when trying to retrieve the data, the Tesla technician told [him] the file was corrupted,*” and the sworn report Tesla provided on the data extraction was “*untrue.*” He stated that Tesla never turned over certain vehicle data from the Autopilot system; had he received it, he “*would have... let [his] supervisor know to give the data*” to NHTSA and the U.S. DOT who were investigating the crash. (Plaintiffs accuse Tesla of “*engag[ing] in a scheme to hide*” on-board data; Tesla later said it hadn’t realized some data was missing.)
- **Akshay Phatak (Tesla Autopilot Engineer):** Portions of a videotaped deposition from Phatak, a Tesla software engineer, were played to the jury. Phatak admitted that, prior to March 2018 (three years after Autopilot’s launch), Tesla did not systematically track the crash rates of vehicles using Autopilot versus not using it. When asked if Tesla kept any records before 2018 on “*the number of crashes that occurred per vehicle mile driven with Autopilot engaged,*” Phatak answered simply: “No.” This revelation underpins the plaintiffs’ claim that Tesla’s public assurances about Autopilot’s safety were unfounded, since the company wasn’t even collecting comprehensive data during that period. (Tesla fought to seal parts of this testimony as “trade secrets,” but the judge kept the courtroom “open” to the public.)
- **Dr. Mendel Singer (Statistics Expert):** Dr. Singer, a biostatistics professor from Case Western Reserve, testified as an expert for the plaintiffs to challenge Tesla’s safety statistics. He told jurors that Tesla’s widely touted Vehicle Safety Reports – which claim extremely low crash rates for Autopilot – are not transparent or verifiable due to a lack of independent data. “*I’m not aware of any independent reports where they actually had raw data... to see does it tend to make sense,*”

Singer testified, noting the absence of peer review. He highlighted a major discrepancy: in early 2023 Tesla quietly revised its historical safety data, suddenly raising the reported crash rate for *manual* driving by about 50% while leaving the Autopilot-engaged crash rate unchanged. This retroactive “correction” made Autopilot appear safer by comparison, yet Tesla gave “no explanation... why the data was so wrong for Autopilot off but not for Autopilot on,” which Singer found “puzzling.” He further explained that Tesla’s prior methodology undercounted Autopilot crashes – for example, if an Autopilot-equipped Tesla blew through an intersection and hit a pedestrian without deploying airbags, Tesla might not count it as a “crash” in its stats. Singer flatly stated that if Tesla’s safety report were submitted to a journal he edits, “that would have been a really quick and easy rejection.” (On cross-exam, Tesla’s attorney pressed Singer’s credentials since he isn’t an automotive engineer, but he maintained that his statistical analysis was sound and that Tesla’s data practices “make no sense.”)

- **Dr. Mary “Missy” Cummings (Autopilot Safety Expert):** A star witness for the plaintiffs was Dr. Cummings, a former Navy pilot, engineering professor, and ex-NHTSA safety advisor who has been an outspoken critic of Tesla’s Autopilot. She took the stand on Wednesday (Day 3) to deliver a scathing assessment of Autopilot’s design. “It is my professional opinion that Tesla’s Autopilot is defective,” Cummings testified, “because Tesla knowingly allows the car to be operated in [road] domains for which it is explicitly not designed.” In particular, she faulted Tesla for not *geofencing* Autopilot – i.e. not electronically preventing its use on local roads like the one in Key Largo (with no center divider, stop signs, and cross traffic) where the system cannot safely handle such conditions. Other automakers had already implemented geofencing by 2019 to block misuse of their driver-assist features on inappropriate roads, she noted. When asked why Tesla chose not to impose those safety limits, Cummings responded, “I believe they were using that as a way to sell more cars.” She also testified that Tesla was aware before 2019 of problems with drivers ignoring Autopilot’s alerts – frequent “hands-on-wheel” warnings – yet did not do enough to address it. In fact, in a 2016 letter to regulators Tesla had boasted that Autopilot “has the most robust set of warnings against driver misuse... of any [system] ever deployed,” a claim Cummings told the jury she saw “no evidence” to support. She pointed out that the owner’s manual warnings about Autopilot’s proper use were effectively hidden, requiring drivers to dig through in-car menus – meaning many users never see those warnings. And crucially, Cummings said, after the crash Mr. McGee was “very clear... that he thought this car was his copilot and that it would stop for obstacles in the road.” In her view, this overconfidence exemplified how Tesla’s marketing and design encourage misuse: by overstating the capabilities of Autopilot and not sufficiently enforcing driver attention, Tesla gave drivers a *false sense of security*. (Notably, Elon Musk himself had publicly claimed as early as 2016 that a Tesla could “drive safer than a human,” a statement Cummings testified “wasn’t true then and isn’t true now.”) During cross-examination (which continued into Thursday), Tesla’s lawyers sought to portray Cummings as biased – Musk had previously attacked her as “extremely biased against Tesla” when she joined NHTSA – and questioned her past criticisms of the company. Nonetheless, her first-week testimony reinforced the plaintiffs’ narrative that Tesla knew Autopilot had serious shortcomings and “promote[d] ‘the abuse and misuse’ of the technology” through its messaging.

Other testimony: By week's end, a vehicle accident reconstruction expert also testified that data from the crash Tesla was missing or deleted, underscoring the plaintiffs' spoliation claims. And although the driver George McGee did not take the stand in the first week, jurors heard that he acknowledged in pre-trial depositions his understanding that *he* was responsible for the car's path and not Autopilot. McGee is expected to testify in person during the second week, providing the jury his firsthand perspective on how he used Autopilot and what he believed it would do.

Tesla's Defense Strategy – Autopilot Design vs. Driver Responsibility

Throughout the week, Tesla's legal team maintained a consistent defense theme: Autopilot was functioning as designed, and it was the human who failed. Tesla does not deny that Autopilot was engaged during the crash – rather, it argues the system was *misused* in a manner that no driver-assistance tech (circa 2019) could have overcome. Key pillars of Tesla's strategy include:

- **Emphasizing Warnings and Disclaimers:** Tesla stressed that its vehicles deliver multiple warnings and require user agreement that Autopilot is not autonomous. In court filings and statements, Tesla noted it *“expects that consumers will follow warnings in the vehicle [and] instructions in the owners' manual”* and always comply with traffic laws. Jurors learned that the Model S in question had an Adaptive Cruise Control limit set to 45 mph which the driver manually overrode, accelerating to 60+ mph; Tesla's position is that Autopilot's forward-collision braking *could not* engage because the driver's input (the pressed accelerator) superseded it. Tesla attorneys also highlighted that the car repeatedly tried to get McGee's attention – e.g. visual/audible “hands-on-wheel” alerts – which he allegedly ignored in the lead-up to the crash. This, they argue, shows the system did issue alerts but was let down by the human; indeed, *“Tesla vehicles repeatedly warn drivers about [Autopilot's] limitations,”* and McGee was well aware of those limits, having acknowledged his ultimate responsibility for the car's movements.
- **“State of the Art” Defense:** The company contends that no commercially available technology in 2019 could have prevented this accident once the driver became inattentive. In opening arguments, Tesla's counsel flatly stated that *“no technology... on the market in 2019 would have been able to prevent the crash”* given the scenario. Tesla's Autopilot (and even the more advanced *“Full Self-Driving”* beta) are driver-assist systems that still rely on an attentive driver; Tesla argues it never advertised them as infallible. To reinforce this, the defense pointed out that *even in 2023*, truly self-driving cars without human oversight remain largely unavailable. Thus, blaming Autopilot for not performing like a fully autonomous chauffeur sets an unrealistic standard, in Tesla's view. *“It's not about Musk or his technology,”* attorney Joel Smith told the jury, *“it's about an aggressive... distracted driver.”* Tesla's team reminded jurors that Autopilot was designed for highway use and may not reliably handle a stop-sign-controlled intersection – a known limitation at the time. (Internal Tesla documents showed that in 2019 the Autopilot's Automatic Emergency Braking would *not* trigger for a cross-traffic obstacle at a T-intersection, a constraint Tesla says was openly documented, though plaintiffs dispute that owners were ever clearly informed.)
- **Shifting Blame to Driver Misconduct:** A major element of Tesla's strategy is to isolate proximate cause to McGee's actions. Tesla's lawyers assert that McGee broke the chain of causation by

choosing to divert his eyes and by actively speeding up. According to Tesla, McGee “*was fully at fault because he was pressing the accelerator and overriding the vehicle’s [Autopilot]*” just before flying off the road. They note McGee even pleaded guilty to careless driving in a related proceeding. Tesla introduced evidence that McGee habitually ignored Autopilot’s attention warnings on that trip, implying a pattern of misuse. By painting McGee as a grossly negligent driver who even “knew he was responsible” for safety yet behaved otherwise, Tesla aims to convince jurors that the Autopilot design was safe *if used as directed*, and that no design can save a driver who completely abdicates responsibility. In Tesla’s view, Autopilot did *not* “fail” here – rather, a distracted person tragically misused an assistance tool. This argument dovetails with Tesla’s success in prior lawsuits: the company has twice defeated Autopilot-crash claims in front of juries by convincing them that the technology performed as intended and the human drivers were solely to blame.

- **Challenging Plaintiffs’ Experts:** Tesla’s cross-examinations sought to mitigate the impact of the plaintiffs’ experts. For Dr. Singer, Tesla insinuated that his statistical critique was outside his expertise (since he’s not an automotive engineer) and that Tesla’s safety data, while imperfect, still shows Autopilot’s benefits when interpreted fairly. With Dr. Cummings, Tesla highlighted her history of criticizing Tesla (hinting at bias) and likely emphasized that even she agrees drivers should remain attentive. During her testimony, Tesla’s counsel also got on record that Cummings has served as an expert in other suits against Tesla, suggesting a pattern of anti-Tesla sentiment. While these tactics did not erase the substance of the experts’ warnings, Tesla’s strategy is clearly to raise doubts about whether any alleged shortcomings in Autopilot actually caused this crash, or whether they are merely theoretical issues.

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