

Cincinnati Couple Sue Toyota Over Fraud, Negligence

Lisa Cornwell, Associated Press Writer

CINCINNATI (AP) — A Cincinnati couple represented by a veteran civil action attorney has filed a lawsuit against Toyota charging fraud and negligence over a safety issue involving gas pedals that has caused a massive auto recall.

The lawsuit, filed Tuesday in Hamilton County Common Pleas Court, seeks class-action status on behalf of all Ohio residents who have bought or leased vehicles Toyota-manufactured vehicles subject to the recall. Attorney Stan Chesley, who filed the lawsuit on behalf of Hugh and Pamela Cox, said Wednesday that the class could involve thousands of Ohio residents.

Toyota recalled more than 4 million vehicles in October over problems with pedals catching on floor mats. Last month, it recalled 2.3 million vehicles due to concerns over gas pedals that can stick when drivers step on the gas.

"This is more than just negligence," Chesley said Wednesday. "This is something that Toyota has known and kept hidden from the government and the public."

The Coxes have not had any injuries due to the pedal problem, but the lawsuit says they are unable to drive their car "due to the danger of serious injury and death that can result from sudden acceleration from unknown causes."

Besides unspecified punitive damages, the lawsuit against Toyota Motor Sales USA and other affiliates of the automaker also wants Toyota to pay lease and loan payments on those vehicles until the problem is fixed and provide or reimburse owners for the cost of replacements until their vehicles are repaired.

Toyota said Monday that it is sending parts to dealers this week to fix the gas pedals. Transportation Secretary Ray LaHood is urging owners of the recalled Toyotas to get them repaired.

Chesley said there is no proof that Toyota's latest solution will solve the problem.

"Until the cars are determined to be fit for service by U.S. transportation and safety officials, Toyota should make the loan and lease payments," Chesley said. "They claim they are a big company and they promote safety. Let them put their money where their mouth is."

A spokesman for Toyota Motor Sales said Wednesday that the company does not comment on pending litigation.

The lawsuit alleges that Toyota intentionally made false statements in order to sell

Cincinnati Couple Sue Toyota Over Fraud, Negligence

Published on Industrial Maintenance & Plant Operation (<http://www.impomag.com>)

vehicles and that the Coxes and other members of the proposed class were "defrauded into leasing or purchasing vehicles that had undisclosed defects."

The lawsuit also accuses Toyota of committing fraudulent concealment, unfair or deceptive consumer sales and trade practices and breaching warranties, leases and contracts.

It alleges that Toyota "sacrificed innocent, trusting lives for profit and hubris" and that the company intentionally concealed information for years "because it was more important to Toyota to increase sales and become the largest manufacturer in the world."

Chesley also filed a temporary restraining order Wednesday asking that Toyota be forced to preserve any documents related to allegations in the case.

Chesley has represented plaintiffs in numerous high-profile class-action lawsuits dating to the 1977 Beverly Hills Supper Club fire that killed 165 people in Southgate, Ky.

Source URL (retrieved on 10/22/2014 - 5:07am):

<http://www.impomag.com/news/2010/02/cincinnati-couple-sue-toyota-over-fraud-negligence>