Toyota Tries To Throw Out All Acceleration Lawsuits

SANTA ANA, Calif. (AP) — A federal judge in California will consider a motion by Toyota Motor Corp. to dismisslawsuits that claim there are sudden acceleration defects in its cars.

U.S. District Judge James Selna will hear arguments Friday about whether he should throw out some of the hundreds of lawsuits filed since the automaker starting recalling millions of vehicles because of acceleration problems in several models and brake defects with the Prius hybrid.

Toyota argues the plaintiffs have been unable to prove that a design defect, namely its electronic throttle control system, is responsible for vehicles surging unexpectedly.

"Plaintiffs infer negligence and strict liability on the part of Toyota based on unsubstantiated circumstantial information," Vincent Galvin, an attorney for Toyota, said in court documents.

"Unless and until plaintiffs can provide factual allegations of a specific defect in the (electronic throttle control system) that caused the subject vehicle to experience a sudden unintended acceleration event, plaintiffs' product liability and negligence claims should be dismissed," he said.

Plaintiffs' attorneys contend the Japanese company bought back cars from drivers who reported acceleration issues, had them sign confidentiality agreements and some of its own technicians found vehicles speeding up without pressing the gas pedal. Toyota has denied the allegations.

The lawsuits, consolidated and assigned to Selna, seek compensation for injury and death due to sudden acceleration, while others claim economic loss from owners who say the value of their cars and trucks plummeted after the recalls.

Toyota has recalled more than 10 million vehicles worldwide over the last year. The National Highway Traffic Safety Administration said it has received about 3,000 reports of sudden acceleration from Toyota drivers in the past decade, including 93 deaths. The government, however, has confirmed only four deaths from one crash.

Toyota has blamed a variety of factors — driver error, faulty floor mats and sticky accelerator pedals — for the unintended acceleration.

In September, the company paid an undisclosed amount to settle a lawsuit with the relatives of four people killed last year in a high-speed crash near San Diego when a

driver was unable to stop a runaway Lexus. The incident galvanized attention around possible safety flaws in some Toyota models.

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