

Federal Judge: Yes, Toyota Lawsuits Can Move Forward

Greg Risling, Associated Press

SANTA ANA, California (AP) — A federal judge in California said Friday that he will deny another request from Toyota Motor Corp. to dismiss lawsuits filed by car owners who claim sudden-acceleration defects were responsible for the value of their vehicles to drop.

U.S. District Judge James Selna said in a 30-page ruling that the lawsuits have enough merit to move forward.

"Taking these allegations as true, as the court must at the pleading stage, they establish an economic loss," Selna wrote. "Plaintiffs bargained for safe, defect-free vehicles, but instead received unsafe, defective vehicles. A vehicle with a defect is worth less than one without a defect."

An e-mail left for a Toyota spokesman was not immediately returned.

Selna rejected a similar dismissal motion in November made by the Japanese automaker. His most recent ruling, which likely will be finalized within 10 days, was in response to an amended complaint by the plaintiffs regarding economic loss.

Other lawsuits have been filed that seek compensation for injury and death due to sudden acceleration.

Hundreds of lawsuits have been filed since Toyota began recalling millions of vehicles due to acceleration problems in several models and brake defects with the Prius hybrid. To date, more than 14 million Toyota vehicles have been recalled worldwide, and the company has paid the U.S. government a record \$48.8 million in fines for its handling of three recalls.

"We believe that Toyota failed consumers through a litany of failures and missteps, including choosing not to warn the National Highway Traffic Safety Administration of sudden acceleration issues they knew existed," said plaintiffs' attorney Steve Berman. "We believe this specific failure was a violation of consumer protection laws and are pleased that Judge Selna's preliminary ruling will allow us to address that in our case."

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. It has blamed driver error, faulty floor mats and sticky accelerator pedals for the unintended acceleration.

The automaker's defense was buoyed earlier this year when U.S. regulators said

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electronic flaws weren't to blame for unintended acceleration. Plaintiffs' attorneys, however, want to look at Toyota's secretive source code that may provide more information about the electronic throttle control system.

The first trials on the acceleration issue are expected to begin in 2013.

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