

# Toyota Wins Key Unintended Acceleration Case

April 01, 2011

April 1, 2011, Torrance, CA — Toyota has won a much-anticipated case in U.S. District Court in the Eastern District of New York that was seen as an early indicator of the strength of the legal theories behind current unintended acceleration claims against the Company.

After deliberating for approximately 45 minutes, a jury reached a defense verdict in favor of Toyota Motor Sales, U.S.A., Inc. in an alleged unintended acceleration case brought by Dr. Amir Sitafalwalla, who claimed that an unsecured driver's side floor mat was the primary cause of the crash of his Scion vehicle in August 2005. During the course of the week-long trial, Dr. Sitafalwalla's primary expert, Dr. Anthony Storace, withdrew his assertion that the Electronic Throttle Control System in the Scion could also have been a cause of the accident based on his acknowledgment that he had no basis to support that claim.

Toyota released the following statement in response to the favorable verdict:

“Toyota is pleased that the jury found no merit to this unintended acceleration claim, refused to accept testimony about possible pedal entrapment by the Scion's floor mat, and rejected arguments that Toyota was liable for the absence of a brake override system in the vehicle. Importantly, plaintiff's expert could identify no electronic defect in the vehicle's Electronic Throttle Control System (ETCS) and offered no scientific proof of any electrical or mechanical malfunction in the throttle control or braking systems of Dr. Sitafalwalla's vehicle. “Toyota's ETCS has been extensively tested, most recently in an exhaustive 10-month study by NHTSA and NASA, and has multiple fail-safe systems to shut off or reduce engine power in the unlikely event of system failure. We believe that this case sets an important benchmark for unintended acceleration litigation against Toyota across this country, as it clearly demonstrates a plaintiff's inability to identify, let alone prove the existence of, an alleged electronic defect in Toyota vehicles that could cause unintended acceleration.”

Toyota was represented at trial by Brian P. Crosby of Gibson, McAskill and Crosby LLP of Buffalo, New York and J. Randolph Bibb, Jr. of Lewis, King, Krieg & Waldrop, P.C. of Nashville, Tennessee.

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