

Lawsuits Against Toyota Fail to Identify Electronic Defect

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Toyota Submits Reply Brief Supporting Its Motion to Dismiss Consolidated Class Action

SANTA ANA, Calif. (November 1, 2010) – In a Federal Court filing today, Toyota argued that the multidistrict lawsuit against the company should be dismissed because the plaintiffs have never identified any actual defect in Toyota’s Electronic Throttle Control System (ETCS-i) and many of them do not even allege that they have experienced any episode of unintended acceleration.

In its Reply Brief in Support of its Motion to Dismiss the lawsuit, Toyota said the plaintiffs’ legal theory “defies common sense.” According to the filing, plaintiffs would have the Court permit the cases to go forward on behalf of virtually all Toyota owners with ETCS-i, while their own portrayal of unverified data alleges that, at most, only a tiny fraction of the vehicles in question have ever experienced any sign of unintended acceleration.

“Toyota is confident that its cars provide safe, reliable transportation and that the plaintiffs have no credible claims of loss or defect,” said Cari K. Dawson, an attorney for Toyota. “More than a year after filing their first complaint, plaintiffs have not identified a defect and are grasping at straws to make their case. Although the plaintiffs have recently filed a new complaint that attempts to remedy deficiencies in their earlier claims, this new complaint offers no more support for their positions and contains a number of inaccuracies and mischaracterizations.”

The automaker will have another opportunity to present its position in response to the plaintiff’s most recent amended complaint, filed last week. Today’s filing focuses on various legal flaws in the original amended complaint.

For example, rather than base their economic loss claim on Toyota’s Express Warranty located in its Warranty Manual – the place where any reasonable customer would look – plaintiffs have fabricated their own so-called “Express Warranties.” These fabricated warranties consist of random statements cobbled together from a handful of routine advertisements for various vehicle models from the past 15 years. No plaintiff even alleges to have specifically viewed any of these materials.

“Toyota looks forward to the time when plaintiffs will finally be compelled to specify exactly what is defective in Toyota’s Electronic Throttle Control System,” Ms. Dawson said. “That will have to be backed up by scientifically reliable, admissible proof of a defect as opposed to the speculative statements of counsel at the pleadings stage.”

Exhaustive technical investigations by Toyota as well as independent third parties have found no evidence of any defect in Toyota’s Electronic Throttle Control System that could cause unintended acceleration. Toyota is confident that additional independent scientific investigations currently underway will further demonstrate the safety of its vehicles.

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