

# Toyota Responds to AP Report on Discovery Practices

April 13, 2010

A report recently published by the Associated Press regarding Toyota's discovery and litigation practices is inaccurate and misleading, including the unfounded allegation that Toyota engages in "questionable, evasive and deceptive legal tactics."

Toyota takes its legal obligations seriously and strives to maintain the highest professional and ethical standards in its legal practices. We are confident that we have acted appropriately with respect to product liability litigation and our discovery practices, including in the cases referenced in the AP article.

Importantly, none of the judges overseeing discovery in the specific cases cited by the AP sanctioned Toyota or otherwise found the company in violation of its discovery obligations.

Furthermore, the AP omits key facts in several of the cases it references. Although we are not addressing every mis-statement or mischaracterization, among the more egregious examples:

\*\*The AP article refers to "a new federal lawsuit" filed by Stuart Ollanik on behalf of Jon Kurylowicz and quotes from that lawsuit. The AP fails to mention, however, that this lawsuit was, in fact, filed last fall and was voluntarily dismissed by Mr. Ollanik on December 18, 2009.

\*\*Likewise, the "similar recent lawsuit" by attorney E. Todd Tracy that the AP quotes from was also filed last fall and was also voluntarily dismissed by Mr. Tracy in December 2009. At that time, Mr. Tracy publicly stated that his review of Toyota's discovery practices failed to reveal any "concealment, destruction, or pattern of discovery abuse" by Toyota. More recently, Mr. Tracy told The National Law Journal that, in many years of litigating against Toyota, he never had any trouble securing discovery material "at all." (3/4/10)

\*\*Additionally, the AP accepts attorney Stephen Van Gassbeck's bald assertion that Toyota was able to record the pre-crash vehicle speed of his client's Camry. Toyota stands by its statement that the 2000 model year Camry had "no component" to record its speed at the time of the crash. Event data recorders (EDRs) were not introduced into the Camry model until mid-2001, and even then could only record post-crash data, not pre-crash vehicle speed.

Challenges to discovery are raised in lawsuits across the country each day. In each case, the courts ultimately evaluate and make decisions based on well-established rules of evidence. These decisions should not be made in the court of public opinion on the basis of incomplete and uninformed reporting that largely relies on the assertions of plaintiff's attorneys involved in litigation against the company.