



CLASS ACTION LAWSUIT FILED AGAINST TOYOTA TO CORRECT SUDDEN ACCELERATION

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The law firm of McCuneWright, LLP, filed a national class action lawsuit yesterday against Toyota Motor Corporation on behalf of Toyota and Lexus owners who have experienced incidents of sudden unintended acceleration.

Los Angeles County residents Seong Bae Choi, the owner of a 2004 Camry and Chris Chan Park, who owns a 2008 FJ Cruiser, will represent the class. Both have experienced multiple instances of sudden unintended acceleration in their respective vehicles, Choi and Park are also among the thousands of Toyota and Lexus owners who have experienced incidents of sudden unintended acceleration while driving their vehicles, and among the millions who are potentially affected by this dangerous defect.

The crash in Santee that claimed four lives in August raised the profile of the issue with the public, Toyota, and federal regulators. California Highway Patrol Officer Mark Saylor was at the wheel of a Lexus ES 350 sedan on Highway 125, when the vehicle inexplicably accelerated to speeds exceeding 100 mph. According to a 911 call of the incident, Saylor was unable to stop the Lexus before it crashed and burst into flames, killing him, his wife, daughter and brother-in-law.

This, however, is not the only fatal crash resulting from sudden unintended acceleration in Toyota and Lexus models. Sean Kane, president of Safety Research & Strategies, Inc., has reported that in the last decade, at least 16 fatalities and 243 injuries in crashes involving Toyotas have been attributed to sudden unintended acceleration. In total, there have been more than 2,000 complaints of sudden unintended acceleration in these vehicles, culled from litigation and consumer-reported complaints to the automaker and the National Highway Traffic Safety Administration (NHTSA).

Toyota has tried to lay all the blame on floor mats, launching a recall last month affecting approximately four million Toyota and Lexus vehicles. But the evidence suggests that the causes of these uncontrolled acceleration events are likely more complex, involving computer, electronic, and mechanical systems.

“For years, Toyota Motor Corporation has dismissed complaints of sudden acceleration as being the driver’s fault,” said McCuneWright attorney, David Wright. “But neither driver error nor floor mats can explain away many other frightening instances of runaway Toyotas. Until the company acknowledges the real problem and fixes it, we worry that other preventable injuries and deaths will occur.”

Toyota’s first response should be immediate changes to their control systems, so drivers can safely stop a sudden unintended acceleration event, Wright said. Toyota’s current design does not allow drivers to easily put the vehicle in neutral, apply the brakes, or just turn off the ignition. NHTSA recently highlighted this problem in a Vehicle Research & Test Center report. It noted that Toyota and Lexus drivers could be stymied in an emergency situation because:

- the ignition button on vehicles with a keyless ignition system must be depressed continuously for three seconds when the vehicle is moving before it will turn off the engine;
- the neutral gear position is difficult to find because it requires the driver to move the shifter both laterally and vertically; and
- when the throttle is in the open position it requires a brake pedal force of 150 pounds to stop the vehicle, five times more than the 30 pounds required when the vehicle is operating normally.

In addition, Toyota vehicles are not equipped with a brake-to-idle failsafe, which many other manufacturers already incorporate in their designs. This failsafe brings the engine to idle when both the throttle is on the open position at the same time the brake pedal is being depressed.

“We think this lawsuit is necessary to save lives,” Wright said. “Along with other individual lawsuits, the press, consumer groups, and the government, it is our goal to force Toyota to make these changes.”

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