

Toyota Prevails Over Car Crash Liability Claims

By **Greg Ryan**

Law360, New York (April 09, 2013, 6:14 PM ET) -- Toyota Motor Corp. escaped liability on Friday for a car crash that left a woman with severe leg fractures and other injuries, with a Washington state jury finding that the front of the woman's 2004 Lexus was not defective.

Plaintiff Allyn Lindemann failed to show that her Lexus ES 330 was not reasonably safe, the jury found. Lindemann had asked for approximately \$30 million for the injuries she suffered in the accident, which allegedly included two broken femurs, a broken tibia, substantial blood loss and a series of small strokes, according to Bowman and Brooke LLP partner James Halbrooks, an attorney for Toyota.

The suit centered on a 2009 accident outside of Seattle. A Jeep Liberty driven by a woman named Jocelyne Wheeler crossed a road's centerline and struck the Lexus driven by Lindemann. The front section of the Lexus collapsed during the crash, according to Lindemann's original complaint. She claimed the sedan was not designed for the frontal offset collision and that Toyota failed to include the proper bumper beam in the car.

According to Halbrooks, one of the key issues in the three-week trial was a consumer metric test that allegedly showed the front side of a newer Lexus ES model was subpar. Lindemann argued that the test, which was designed by the Insurance Institute for Highway Safety, revealed the same issue that led to her injuries.

Toyota argued in response that Lindemann's accident had a lateral component that the test lacked, and that the test did not exist at the time her vehicle was designed and manufactured.

"This accident was not a fair representation of this test," Halbrooks said.

Toyota also told the jury that Wheeler, who was also named as a defendant in the complaint, was at fault for the accident, according to Halbrooks.

An attorney for Lindemann, James Rogers of the Law Offices of James S. Rogers, declined to comment on the amount he sought in damages or the nature of his client's injuries.

Lindemann is represented by James Rogers and Dana Henderson of the Law Offices of James S. Rogers and by Felix Luna of Peterson Wampold Rosato Luna Knopp.

Toyota is represented by James Halbrooks of Bowman and Brooke LLP and by David Russell of Keller Rohrback LLP.

The case is Lindemann et al. v. Toyota Motor Corp. et al., case number 10-2-36784-5, in the Superior Court of Washington, King County.

--Editing by Eydie Cubarrubia.

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