

Jury Finds Toyota Not Liable In Bellwether Crash Case

By **Jeff Sistrunk**

Law360, Los Angeles (October 10, 2013, 10:08 PM ET) -- A California state jury Thursday found in favor of Toyota Motor Corp. in the first bellwether trial in unintended acceleration litigation against the company, rejecting claims that a 2006 Camry involved in a fatal crash was defective because it lacked a brake override system, the company said.

After deliberating for about 4 1/2 days, the jury returned a verdict in favor of Toyota, concluding that the Camry's design did not contribute to 66-year-old Noriko Uno's death in a 2009 car accident, according to the company.

In a statement, Toyota extended sympathies to the crash victims and Uno's family and friends but praised the jury's decision.

"Regarding the verdict, we are gratified that the jury concluded the design of the 2006 Camry did not contribute to this unfortunate accident, affirming the same conclusion we reached after more than three years of careful investigation — that there was nothing wrong with the vehicle at issue in this case," the company said. "As an important bellwether in these consolidated state proceedings, we believe this verdict sets a significant benchmark by helping further confirm that Toyota vehicles are safe with or without brake override."

Specific details on the jury's verdict were not immediately available, and a Toyota spokeswoman declined further comment. An attorney for the plaintiffs did not immediately respond to a request for comment late Thursday.

Thursday's verdict could have an impact on the outcomes of dozens of similar lawsuits filed against the Japanese automaker.

The Uno lawsuit against Toyota, lodged in February 2010, is the first of approximately 85 coordinated California personal injury cases pending against the company related to allegations that its cars and trucks experienced sudden unintended acceleration. A federal multidistrict litigation is pending in Santa Ana, Calif., with a bellwether trial scheduled for November.

Uno's family sought \$20 million from Toyota, claiming a brake override safety system would have prevented her Camry from accelerating out of control after she was initially hit by another car on Aug. 28, 2009, and then spun off the curb. The trial began in early August, and the jury took up the case Oct. 2.

Uno was killed when her car hit a pepper tree located a half-mile from where her car was broadsided by another motorist. Plaintiffs' lawyers argued that Uno's Camry suddenly accelerated to speeds of over 80 mph and wouldn't stop despite her repeated attempts to slow down.

Toyota contended Uno's death was a case of pedal misapplication caused by "simple driver's error" and aggravated by her health conditions, which included diabetes. The physical evidence at the accident scene showed Uno did not accelerate after hitting the curb and did not use her brakes, the company argued.

The plaintiffs are represented by Garo Mardirossian and Armen K. Akaragian of Mardirossian & Associates Inc.

Toyota is represented by Vincent Galvin Jr., Mark V. Berry, Curtis E. Jimerson and Anne O. Hanna of Bowman & Brooke LLP.

The case is Yasuharu (Peter) Uno et al. v. Toyota Motor Sales USA Inc. et al., case number KC057888, as part of the consolidated case, In re: Toyota Motor Cases, case number JCCP4621, both in the Superior Court of the State of California, County of Los Angeles.

--Additional reporting by Matthew Heller and Ciaran McEvoy. Editing by Melissa Tinklepaugh.

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