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PRACTICE AREAS

Workers Compensation
Personal Injury
Motor Vehicle Accidents
Wrongful Death

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The Massive Legal Fall Out From the Toyota Recalls

Many plaintiffs lawyers are predicting that the Toyota [products liability](#) recalls will result in complex federal lawsuits rivaling the tobacco litigation, as explained in this [ABA Journal blog post](#).

In Ohio, a class action against Toyota was recently filed alleging fraud and [negligence](#) arising from the recall related to the defective gas pedals. As explained in an AP [article](#), the basis of the fraud claim is that Toyota was aware of the defect and knowingly kept this information from the government and the unsuspecting public.

The fallout from the Toyota recalls is not limited to products liability however, and is far reaching. For example, the recall may result in the reversal of a conviction of a man who sped through an intersection, killing a family that was crossing the intersection in their vehicle. Kung Fao Lee, who was driving a 1996 Toyota Camry at the time of the accident, was convicted of criminal vehicular manslaughter in Minnesota in 2008 and is currently serving an 8 year prison sentence.

As explained in this article, a defective accelerator is now believed to have been the cause of this inexplicable and horrific accident:

[Toyota Motor Corp.](#) is recalling more than 7 million U.S. vehicles due to sudden-acceleration issues, which have been linked to several hundred crashes and at least 18 fatalities.

Lee's 1996 model was not among the recalled Camrys, which include those manufactured from 2007 to 2010.

Nevertheless, Schafer said, the Lee case is worth pursuing.

"You can't just let it go, because we don't know how wide this recall is going to end up being," he said. "This may be able to provide a piece of the puzzle to explain what was previously an inexplicable case."



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Similarly, our office recently received a phone call from a woman whose sister had been killed in a single car accident. She was driving a Toyota at the time, and there was no explanation for why her car sped off the roadway. Her sister had no mental or physical health issues, the weather conditions were normal, and there was no suspicion of the involvement of alcohol or drugs.

Unfortunately, the [statute of limitations](#) for this accident had expired when we received this call, the car was no longer available for inspection or testing and the distraught caller had no standing to bring a lawsuit on her sister's behalf.

This situation is just one distressing, unfortunate example among thousands stemming from this massive recall. If Toyota was aware of this problem and did nothing to fix it, it is responsible for the grief, sorrow and uncertainty of the survivors of loved ones whose lives were lost as a result of unexplained accidents involving potentially defective Toyotas.

If it turns out that Toyota knowingly concealed this defect from trusting consumers the company that billed itself as the most reliable automaker may, in the end, turn out to be the least reliable of all.