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FOR IMMEDIATE RELEASE

MICHAELS LAW GROUP QUESTIONS THE APPROPRIATENESS OF TOYOTA'S GAS PEDAL RECALL

Newport Beach, California (February 3, 2010) – Is Toyota's widely-publicized gas pedal recall the appropriate remedy that everyone has been waiting for, or is this merely a quick-fix approach to cover up a deeper rooted problem with its runaway cars? One thing is sure: With sales of eight models halted, and its pristine image for quality heavily dented, the manufacturer is desperate to get out of the death spiral that could shake its very core.

Good cause exists to question the manufacturer's actions. Reports indicate that since 1999, Toyota and Lexus vehicles have been involved in 815 accidents related to sudden acceleration, resulting in 19 deaths – more than all other vehicle manufacturers *combined*. As the problem mounted, Toyota initially blamed the problem on poorly-designed floor mats, resulting in a recall of 5.5 million vehicles. Then, as the problem seemed to continue, Toyota changed its position and blamed a faulty gas pedal design for the problem, resulting in a recall of another 2.3 million vehicles and the suspension of sales for eight of its vehicles altogether.

But, CTS Corp., the supplier who has manufactured the gas pedals since 2005 and who is the primary recipient of Toyota's blame, casts serious doubt on whether its products are to blame. As CTS points out, the sudden-acceleration problem dates back to 1999, years before CTS began supplying the gas pedal. It is also of note that CTS has been honored three times by Toyota since 2005 for exceeding quality expectations.

More doubt is cast on Toyota's gas pedal fix by reviewing the U.S. vehicle safety records of the runaway vehicles. As reported by the *Los Angeles Times*, of the 2,000-plus complaints of sudden acceleration in Toyota and Lexus vehicles from motorists, only 5% cited a sticking gas pedal as the source of the problem. The *Los Angeles Times* further reports that the National Highway Traffic Safety Administration (NHTSA), the U.S. agency that governs federal vehicle safety, has conducted eight investigations into sudden-acceleration problems with Toyota vehicles over the past seven years, and found that none of the incidents were caused by a sticking gas pedal.

So, what is the problem? Some automotive safety experts fear that it is a latent defect in the vehicles' electronic throttle system. And, this would explain why the problem is identified by vehicle owners as sudden *acceleration*, as opposed to the vehicle remaining at a constant speed

when the gas pedal is no longer depressed. If a vehicle was traveling 65 miles per hour and the gas pedal stuck at that position, the car would continue traveling at that same rate of speed after the driver's foot was removed from the gas pedal. A problem to be sure, but not the main issue complained of by motorists. Case in point is the August 2009 incident where off-duty California Highway Patrol officer, Mark Saylor's, 2009 Lexus ES 300 *accelerated* to 120 miles per hour before smashing into the back of a SUV and bursting into flames, killing four occupants of the vehicle. One more important fact: The Lexus ES 300 is not one of the vehicles that are subject to the Toyota stop-sale.

If the actual problem is, in fact, a latent defect in the electronic throttle system, this could prove to be a much more costly and lengthy fix than simply adding a metal shim to the back of a gas pedal. Could Toyota be taking a course of action that puts economics ahead of human life? It would not be the first time a manufacturer has taken such a tact.

In the early 1970's, Ford Motor Company was accused of knowingly allowing a dangerous gas tank design to be released on its popular Ford Pinto. After several Pintos exploded when struck from behind, resulting in numerous fatalities, Ford came under attack for not issuing a recall. However, concern turned to anger when it was alleged that Ford was said to have conducted a cost-benefit analysis, weighing the cost to repair the known faulty vehicles versus the cost of paying out the damage claims that were expected to arise. Nearly forty years later, the incident is still often referred to as an "episode of great corporate malfeasance."

So what of Toyota's decision to lay blame at the doorstep of the floor mat and gas pedal? "Highly questionable," says Jonathan Michaels, founder of Michaels Law Group. "It could be that this properly addresses the situation. But with so much evidence pointing to a contrary – and potentially much more costly – problem, I question whether this is really a genuine effort to correct the problem, or whether it is an effort to show some kind of wide-scale solution that will enable the company to start selling cars again."

"It would certainly not be the first time Toyota has distorted the facts in favor of economic gain," explains Michaels. And perhaps he would know best. In June 2009 his client, specialty vehicle manufacturer SVP International, sued Toyota in Orange County Superior Court for refusing to honor its commitment to fulfill a multi-million contract. "Toyota was willing to do and say just about anything to not be held responsible for its conduct," says Michaels. But, the jury did not buy it, returning a unanimous verdict in favour of Michaels' client following a four-week trial.

Whatever the case with the gas pedal fix, one thing is certain: If Toyota gets it wrong, it could very well turn a significant problem into a catastrophic one. One can only hope that all of the evidence pointing to this being an inappropriate wrong fix is wrong, and that this dark episode in consumer safety will be closed forever.

If you would like to schedule an interview with Jonathan Michaels, please contact Kelly Pion at 949.581.6900 or email Kelly at kpion@michaelslawgroup.com.