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November 2, 2010

Mike Michels
Vice President, Communications
Toyota Motor Sales, USA
19001 South Western Avenue
Torrance, CA 90501

Dear Mr. Michels:

Thank you for your recent letter clarifying the context of an allegation made in the Multi-District Litigation Complaint. We are happy to correct the record and we have published a blog amending previous post.

Further, we are delighted to discover that Toyota shares our dedication to accuracy. We request that Toyota make an immediate correction to inaccurate public statements it has made and we ask that you modify your public communications to reflect the facts.

Toyota has consistently maintained that unintended acceleration cannot occur without driver input and that it has observed no instances of unintended acceleration. In November, Irv Miller, then-Group Vice President of Toyota Motor Sales, U.S.A., Inc. told ABC News, "We can come up with no indication whatsoever that there is a throttle or electronic control system malfunction."¹

More recently, the automaker's chief quality officer for North America affirmed this position to reporters: "Toyota has not found a single case in which electronics would lead to sudden unintended acceleration," said Steve St. Angelo of the company's investigations of 4,200 acceleration-related complaints.²

This pattern of inaccurate statements precedes the more recent publicity related to Toyota's unintended acceleration problem. In your company's 2005 response to Defect Petition 05-002, Toyota told NHTSA: With regard to allegations of unintended

¹ Toyota Recall Fails to Address 'Root Cause' of Many Sudden Acceleration Cases, Safety Expert Says; ABC News; December 7, 2009

² Toyota's Reviews Find No Electronic-Throttle Acceleration Flaw; Alan Ohnsman; Bloomberg/Business Week; October 4, 2010

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acceleration, *“Toyota does not believe that uncontrollable acceleration can occur without the driver applying the accelerator pedal because of the several detection systems described above.”*³

As you know, these statements are simply not true. Outside experts, Toyota technicians and consumers have witnessed SUA without pedal application, floormat interference or driver error.

Another area in need of clarification is your company’s assertions about your vehicles’ fault detection capabilities. Toyota has consistently maintained that its fault detection system can not and does not fail and that the absence of Diagnostic Trouble Codes is evidence that a malfunction did not occur.

In its 2004 response to Preliminary Evaluation 04-021, Toyota said:

“In the event of a multi-point failure (one of the CPUs and any sensor or sensors) the system will go into failsafe mode and illuminate the engine warning lamp because of the built in redundancies in the ETC system.”⁴

“If a single or multi-point failure were to occur, the ECU would signal a DTC and put the system into one of its failsafe modes.”⁵

It is well known among automotive technicians that abnormalities are not always captured and DTCs are not always set. Gaps in Toyota’s fault detection system have been documented in the field and by independent experts – including those hired by Toyota. Furthermore, your company’s August 2010 recall intended to correct stalling in 2005-2008 Corolla and Corolla Matrix vehicles, noted field technical reports on the problem, many of which noted that diagnostic trouble codes were not set, even when the technician could duplicate the problem. This concedes that Toyota’s fault-detection system does not always function properly and does fail to detect abnormalities and set trouble codes.

Toyota should also correct the record regarding its February public opinion poll in which your company and your agents made an inaccurate statement regarding the character of Safety Research & Strategies President Sean Kane and Dr. David Gilbert:

³ DP05002; Toyota Response; Chris Tinto; Toyota Motor Corp.; November 15, 2005

⁴ PE04-021; Toyota Response; Chris Tinto; Toyota Motor Corp.; July 19, 2004

⁵ PE04-021; Toyota Response; Chris Tinto; Toyota Motor Corp.; July 19, 2004

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“Sean Kane, a paid consultant for plaintiffs’ lawyers suing Toyota, and David Gilbert, an academic working for him, deliberately deceived Congress and the American people.”⁶

We at SRS have merely gathered what was available through the public record. We did not and have not intentionally or inadvertently deceived anyone. Further, we’re confident that with access to the entire record, we could find many more examples of Toyota statements in need of correction.

Finally, we do not agree with, and dispute the accuracy of, many of the items you have put into the public record. At a minimum, we ask that you modify the statements noted above to reflect the actual facts. Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Sean E. Kane". The signature is fluid and cursive, with the first name "Sean" being more prominent and the last name "Kane" following in a similar style.

Sean E. Kane

⁶ Kane/Gilbert Message Test; Benenson Strategy Group; 2010