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26 UNITED STATES DISTRICT COURT
27 CENTRAL DISTRICT OF CALIFORNIA
28 SOUTHERN DIVISION

29 IN RE: TOYOTA MOTOR CORP.
30 UNINTENDED ACCELERATION
31 MARKETING, SALES PRACTICES,
32 AND PRODUCTS LIABILITY
33 LITIGATION

34 Case No. 8:10ML2151 JVS (FMOx)
35 AMENDED ECONOMIC LOSS
36 MASTER CONSOLIDATED
37 COMPLAINT

38 JURY TRIAL DEMANDED

39 This Document Relates To:

40 ALL ECONOMIC LOSS ACTIONS

1 occurred. Further, the writer believed that the vehicle's electronic throttle caused the
2 event.

3 203. After the cursory evaluation of Mr. Jeffers' claims, NHTSA denied the
4 petition and stated it found no evidence of a defect.

5 204. Toyota never fully disclosed to the regulators the actual numbers of
6 customer reports of unintended acceleration events in the various Toyota models
7 under investigation that the company had received. In fact, Toyota disclosed that it
8 had received only 1,008 such complaints. Three years later, however, Toyota would
9 be required to disclose to Congressional investigators that it had received 37,900
10 complaints potentially relating to sudden acceleration in Defective Vehicles from
11 January 1, 2000, through January 27, 2010.

12 205. One of Toyota's strategies in responding to SUA complaints has been to
13 blame any report of SUA on driver error. Toyota failed to disclose that its own
14 technicians often replicated SUA events without driver error. The following is an
15 example:
16
17

18 **Condition Description**

19 Customer states while at a stop the engine started to rev
20 and tried to take off. Customer turned off vehicle and
21 restarted. Vehicle continue to rev when running. Turning
22 vehicle off 3rd time and restarted vehicle operated
23 normally after third start.

24 **Diagnostic Steps**

- 25
- 26 • Technician who was inspecting the vehicle had
27 driven it approximately 10-12 minutes.
28

- 1 • 7-8 minutes into the drive the technician was sitting
- 2 at a stop light. When the stop light changed the tech
- 3 started to lightly accelerate.
- 4 • After traveling 20-30 feet the vehicle exhibited a
- 5 slight hesitation *then began to accelerate on its own.*
- 6 • Engine speed was estimated to have gone from 1500
- 7 rpm to 5500 rpm at the time of the occurrence.
- 8 • Vehicle traveling 9-10 mph at time of occurrence.
- 9 Approximate maximum speed reached was 20 mph
- 10 prior to accelerator pedal release / brake application.
- 11 • Estimated throttle position at the time of the
- 12 occurrence was 15-20 percent.¹⁷ [Emphasis added.]
- 13
- 14

15 206. Upon the technicians replicating a SUA event, Toyota decided it was in
16 the customer's "interest" for Toyota to buy back the vehicle, meaning in reality that
17 Toyota decided to remove this vehicle from the market since it was experiencing
18 SUA incidents that could not be blamed on the driver. And, to further conceal the
19 defect Toyota required as a condition of the vehicle repurchase that the owner sign a
20 confidentiality agreement and agree not to sue. This confirmation of a clear SUA
21 event not reported to NHTSA and was concealed.

22
23 207. In a Field Technical Report dated April 18, 2006, involving a 2007
24 Camry, a technician confirmed the "Vehicle Lunges forward":

25 Condition Description

26
27
28 ¹⁷ TOY-MDLID00075242.

1 Vehicle lunges forward when coming to a stop

2
3 Diagnostic Steps:

- 4 • Drove vehicle at 55mph, got vehicle to go into 5th
5 gear, when slowing down and coming to stop, right at
6 5 mph the vehicle would lunge forward
7
8 • Drove vehicle in 4th gear, and when coming to a stop,
9 once the vehicle reached 5mph, vehicle would lunge
10 forward
11
12 • Drove vehicle in 3rd gear, and when coming to a stop,
13 when the vehicle reached 5mph, vehicle would lunge
14 forward
15
16 • Each of these test were complete with the A/C on and
17 off, no change

18 Probable Cause

19 Unknown¹⁸

20
21 208. "Lunging" apparently was a problem service managers were aware of:

22 From: Mike Robinson/=Mobile/Toyota.

23 Sent: 5/25/2007 5:15 PM.
24
25
26
27

28 ¹⁸ TOY-MDLID00065813

1 To: Gordon Rush/=Lexus/Toyota@Toyota.
2 Cc: Gary_Heine@Toyota.com.
3 Bcc:
4 Subject: Avalon Drivability Customer Verbatim
5 Information - Updated.
6

7
8 Gordon, can you please review the below comments and let
9 me know if this is the type of information you are looking
10 for? I have added some PQS data verbatims as well, but
11 was unsure if they would be suitable for your purposes.
12

13
14 ***

15
16 “(I) Have recently purchased a 2006 Avalon LTD and have
17 experienced the hesitation problem. The situation is
18 dangerous ... not so much the hesitation as the lunge after
19 the hesitation. Toyota had better get going quick as I
20 predict this will result in numerous accidents and possible
21 deaths. I have talked with my service manager and he said,
22 “they all do it”
23

24 Regards,
25 Mike
26 Mike Robinson
27 Technical Supervisor
28

1 Quality Assurance Powertrain Group
2 Toyota/Lexus Product Quality & Service Support
3 Office: (310) 468-2411
4

5 209. On another occasion in October 2007, a Field Technical Report
6 confirmed a case of SUA in an ES330.¹⁹

7 210. In a Dealership Report in 2005, on a 2005 Sequoia, the dealer verified
8 two separate SUA incidents and identified the probable cause as a “software issue of
9 the engine control unit.”

10 211. In December 2003, in a secret Field Technical Report, a technician
11 verified a surge event during “cold engine operation” even where the scan tool
12 showed no DTC.

13 212. In a series of Field Technical Reports from 2006-2010 involving Toyota
14 Camrys, technicians from Hong Kong confirmed UA events and that these events
15 were not caused by pedal or floor mats. The UA events were duplicated without
16 triggering a DTC. These technicians strongly urged TMS to investigate since the
17 problem was highly dangerous and the incidents were stacking up. In many of these
18 instances, the report noted that “no effective rectification can be done at this
19 moment” and that the exact cause was “unknown.” These reports “strongly request
20 TMS to investigate this case a top priority.”²⁰

21 213. In an Intra-Company Communication, between Toyota Motor North
22 America, Inc. and TMS, the company confirmed a SUA event and that floor mats
23 were not the issue:
24
25
26

27 ¹⁹ TOY-MDLID00075600.

28 ²⁰ TOY-MDL-88641.

1 **Introduction**

2 The purpose of this document is to provide a summary of a
3 Go-and-See related to a customer's claim of Cruise Control
4 Malfunction in a 2009 Tacoma vehicle.

5 **Customer Observed Condition**

6 Customer alleges that he experienced the following:

7 Vehicle: 2009 Tacoma with 2,387 Miles (at time of
8 incident)

- 9
- 10 1. Vehicle was traveling at a steady 60 MPH Speed on the
11 Freeway, with cruise control engaged
- 12
- 13 2. As he reached a slight incline, he started to approach a
14 slower vehicle in the lane in front of him
- 15 3. He applied pressure to the accelerator (25% - 30%
16 throttle angle) and increased speed to 75 MPH to pass
17 the other vehicle
- 18
- 19 4. Once he passed the slower vehicle, he returned to the
20 right hand lane and released the accelerator (expecting
21 the vehicle to return to the previously set speed)
- 22 5. After releasing the accelerator pedal, the vehicle
23 continued to accelerate
- 24
- 25 6. He stepped on the brakes and the vehicle acceleration
26 did not stop
- 27 7. Customer cycled the key to the "OFF" position and
28 slowed to a stop using the brakes

1 8. After sitting for a couple of minutes on the side of the
2 road he restarted the engine and it operated normally
3 and took it to the dealership
4

5 **Dealer Investigation**

6 Upon arrival at the dealership the Following was
7 performed / found:

- 8 1. Inspected Floor Mats and found them properly secured,
9 with no signs of witness marks upon them
10 2. No Present, Pending or History of any DTC's in the
11 ECM (also confirmed at TMS by MILi)
12 3. Engine connections were secure and showed no damage
13 4. The vehicle was driven for 361 miles, at which time an
14 abnormal condition *was duplicated* (an account of this
15 condition can be found on Page 2.)
16

17 **Requests**

- 18 • Vehicle repurchase has been agreed upon, please
19 evaluate vehicle upon receipt
20

21 **Service Manager Observed Condition:**

22 On 7/19/09, one of the dealership's Service Managers
23 drove the vehicle and observed the following:

- 24 1. Vehicle was being driven on the Freeway with the
25 Cruise Control engaged at a 70 MPH Target Speed on
26 Flat Terrain
27
28

