

Class Action Lawsuit Filed Against Toyota Over Alleged Throttle Control Defect

02/05/10 – Richard J. Arsenault of Neblett, Beard & Arsenault, along with co-counsel have filed a class action lawsuit against Toyota Motor Sales and Toyota Motor Corporation in the United States District Court Southern District of New York (10 CIV 0900).

In the lawsuit, vehicle owners allege that Toyota concealed the true nature of the defect in their electronic throttle controls by initially claiming that their vehicles' sudden acceleration problems were caused by floor mats. In doing so, the suit alleges that Toyota engaged in deceptive conduct and breached expressed warranties.

The full text of the lawsuit can be viewed as a PDF on the [Web site of Neblett, Beard & Arsenault](#).

“Uncontrollable vehicle acceleration is obviously a very serious and potentially life threatening problem. The questions include what did Toyota know, when and why did this happen in the first place. This lawsuit seeks to compensate the many victims of both economic and physical harm,” said Arsenault, a veteran of class action and consumer protection litigation.

Arsenault claims Toyota's misconduct has had a serious financial impact on its customers, who have seen their car values drop radically after the recalls were announced.

“Toyota has a responsibility to their customers and the motoring public to create safe, properly functioning vehicles,” said Arsenault.

The lawsuit seeks compensatory and punitive damages against Toyota. It alleges that Toyota breached implied warranties of merchantability by designing, manufacturing, distributing and selling vehicles after it became apparent they were defective.

“Understandably, Toyota owners believed that their vehicles were safe. Had they known about these problems, do you think they would have bought these cars? And now, they have to deal with confusion about whether they should even be driving these vehicles and what to do with them,” added Arsenault. “These customers should not have to bear this financial burden, especially since many are already suffering from the impacts of the current recession. Toyota needs to step up to the plate and make this right.”

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