



Judge to choose lead lawyers vs. Toyota by Monday

By GREG RISLING, Associated Press Writer

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Plaintiff's attorneys Lewis Eidson, second from left, and Curtis Miner, far right, with the Law Firm of Colson Hicks Eidson, stand in line before a security check to attend a hearing on the Toyota Motor Corp. litigation case held at the Ronald Reagan Federal Building and United States Courthouse on Thursday, May 13, 2010, in Santa Ana, Calif. A federal judge in Orange County could set the framework for the lawsuits facing Toyota Motor Corp. related to its sudden acceleration problems.(AP Photo/Damian Dovarganes)



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The Ronald Reagan Federal Building and United States Courthouse is seen on Thursday, May 13, 2010, in Santa Ana, Calif. A federal judge in Orange County could set the framework for the lawsuits facing Toyota Motor Corp. related to its sudden acceleration problems. A hearing is held where U.S. District Judge James Selna may decide who the lead plaintiffs' attorneys will be as well as what information must be turned over by Toyota. (AP Photo/Damian Dovarganes)



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Attorney William Cohan, representing international plaintiffs' lawsuits against Toyota Motor Corp., is interviewed by Japanese media outside the Ronald Reagan Federal Building and United States Courthouse on Thursday, May 13, 2010, in Santa Ana, Calif. A federal judge in Orange County could set the framework for the lawsuits facing Toyota Motor Corp. related to its sudden acceleration problems. (AP Photo/Damian Dovarganes)

SANTA ANA, Calif. — Dozen of lawyers spoke glowingly about their courtroom credentials Thursday as they tried to persuade a federal judge to give them a lead position battling Toyota Motor Corp. in the hundreds of lawsuits surrounding its vehicles' sudden acceleration problems.

About 60 lawyers pinned their hopes with U.S. District Judge James Selna, who said he would make his decision by Monday. At stake is potentially millions of dollars that a judge can appropriate for attorneys if a settlement or award is reached.

More than 320 lawsuits have been filed in federal and state court against the Japanese automaker after it began recalling about 8 million vehicles because of acceleration problems in several models and brake glitches with the Prius hybrid.

A judicial panel last month consolidated the federal cases in Orange County, Calif., and chose Selna to preside over them.

While most of the plaintiffs' attorneys boasted of their experience handling major product liability cases, some shared with Selna their ability to speak fluent Japanese, and one attorney said he was a licensed engineer, which seemed to meet some of the judge's criteria.

"Technical savvy is a measure of qualification for the leadership roles," said Selna, who added that preparing for trial was a "daunting" yet "doable task."

Outside of court, several attorneys who were recommended by a three-member panel of plaintiffs' lawyers declined comment about their prospects of being chosen as lead counsel, but some attorneys during the hearing highlighted how important Selna's selections will be for the case.

"The leadership you appoint here is going to dominate the case," said one lawyer, Daniel Becnel of Louisiana.

Some of the hundreds of lawsuits in Selna's hands seek compensation for injury and death due to sudden acceleration, while others claim economic loss from owners who say the value of their Toyota vehicles plummeted after the recalls.

Toyota blamed faulty floor mats and sticky accelerator pedals for the unintended acceleration. Some plaintiffs also claim that there is a defect with Toyota's electronic throttle control system, but Toyota denies that.

Toyota's lead lawyer, Cari Dawson of Atlanta, suggested that some cases may be more quickly resolved if they are grouped by those involving vehicles that have been subjected to recall and those that have not.

"It's a win-win not only for the court but for the parties," Dawson said. "If this is all grouped in, there will be some delay to have them lock-stepped together."

Toyota has paid a record \$16.4 million fine to the National Highway Traffic Safety Administration for failing to report its safety problems to the government in a timely manner. The agency has linked 52 deaths to Toyota acceleration problems.

Toyota said in a statement that it's confident the case will be conducted "with integrity and fairness."

In a tentative ruling late Wednesday, Selna set a framework for the plaintiffs' attorneys in which one panel would have five lawyers overseeing the wrongful death cases. Seven other would handle the economic loss lawsuits, and one would deal with discovery.

However, some lawyers believed the economic loss and wrongful death committees should have nine attorneys apiece, given the experience they bring to handle the complexity of the issues in the case.

Selna said he would reconsider the number of attorneys on the committees.

Some attorneys anticipate at least a \$3 billion payout if Toyota decides to settle the cases. In comparison, drugmaker Merck & Co. has paid more than \$4.8 billion into a settlement fund for tens of thousands of claims from people who used its withdrawn painkiller Vioxx.

Selna still must decide whether the lawsuits should be certified as a single class. Toyota has sought to dismiss that motion, saying drivers who haven't had any problems with their vehicles shouldn't be included in the case.

Additional hearings are scheduled for May 28 and June 25.

The Associated Press

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