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## Wider brake fix is urged

Attorney: System should be offered on older models, too

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An attorney representing the estate of a Flint woman killed while driving her 2005 Toyota Camry said the automaker should extend a brake-override system being offered for select 2007-10 models to older models that the company knew were susceptible to unintended acceleration.

"Electromagnetic interference with the electronic throttle-control system explains many of the incidents, and Toyota has known, or should have known, of this problem for a long time," said Edgar Heiskell, a Charleston, W.Va., attorney for the estate of Guadalupe Alberto. Alberto died in April 2008.

"The vehicle accelerated from an intended speed of less than 25 m.p.h. to approximately 80 m.p.h., despite Mrs. Guadalupe's having vigorously and desperately applied her brakes," the estate alleges in the lawsuit filed in Genesee County Circuit Court. "The car traveled at that high speed for approximately 1/4 of a mile, collided with a tree, went airborne and then collided with another tree."

She suffered fatal injuries, despite having her seat belt and shoulder restraint properly fastened.

"Other manufacturers, like BMW and Mercedes-Benz, knew it might happen and built in a fail-safe solution," Heiskell said. "Toyota did not add the fail-safe, so the driver was left exposed."

Toyota spokesman declined to respond to requests for comment on Heiskell's allegations.

As early as 2003, as many as 27 Toyota owners complained to the National Highway Traffic Safety Administration about their cars surging unexpectedly and, in some instances, accelerating even more after they stepped on their brakes.

In a deposition of Christopher Santucci, who worked in Toyota's Washington, D.C., office in March 2004, he testified that NHTSA informed him that it was starting an investigation of unintended acceleration complaints from Toyota owners.

Santucci had worked at NHTSA for several years prior to joining Toyota in October 2003.

After a series of meetings that included Santucci and several of his former NHTSA colleagues, NHTSA decided not to investigate incidents in which the unintended acceleration lasted longer than 1 second, Santucci said in the deposition.

Now Toyota is offering a brake-override system on 2007-10 model-year Camrys, Avalons, Lexus ES350, IS350 and IS250. The automaker also is making that system standard equipment on all new models starting this month.

But Heiskell and other attorneys who have filed lawsuits similar to the Alberto case say they won't be

satisfied.

They argue that Toyota should recall all vehicles with that electronic throttle-control system, which was built into certain Toyota models dating to the 2002 model year.

So far, no vehicle older than the 2004 Prius is included in either of two recalls covering at least 5.4 million vehicles.

"Toyota can't tell you that the '07 Camry they are recalling is any different from the '06 or the '03 that has the same throttle control in it," Heiskell said. "By not recalling the older models, Toyota can avoid the cost of repairing more vehicles."

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