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Toyota recall fuels Kansas City-area lawyers

Gas pedal will stick on filing of lawsuits

BY STEVE VOCKRODT | STAFF WRITER

DAVE KAUP | KCBJ

Neil Sader will be part of a national consortium of lawyers for plaintiffs in recall-related issues.

The massive Toyota vehicle recall has given several Kansas City lawyers plenty of work to do.

Neil Sader, a lawyer with The Sader Law Firm and a former Overland Park councilman, has been tapped by a large consortium of plaintiff's lawyers to represent clients in Kansas and Missouri who are suing Toyota for problems that caused a recall of 8 million vehicles.

"We're beginning the process of trying to collect as many different plaintiffs as we can, given the varying degrees of circumstances involved," Sader said.

This month, Toyota recalled several models after loose floor mats were found to be catching accelerator pedals and causing cars to unexpectedly speed off. The accelerator on other cars would get stuck after being pushed down. The Detroit News has reported that 34 deaths are allegedly related to the problem.

Toyota's popular Prius model also has been recalled for problems with its anti-lock brake system.

Sader is the local attorney in the Toyota Action Consortium, which includes 22 law firms in 16 states. It is being led by Tim Howard, a law professor at Northeastern University. He coordinated litigation against Big Tobacco in the 1990s that led to the $250 billion Master Settlement Agreement with 46 states.

Sader, whose firm also handles bankruptcies, has taken on consumer protection cases in the past. Among those were suits against large soft drink-makers for the presence of benzene, a known carcinogen, in popular drinks. The case ended in confidential settlements, but companies like The Coca-Cola Co. reformulated beverages to remove benzene.

Sader said the Toyota case will have a long fuse on it.

"With all the revelations that continue to come out, it's a moving target at this point," he said. "Experts are being retained; engineering studies are being reviewed and pored over."

Also taking up consumer lawsuits against Toyota is The Kuhlman Law Firm LLC. The Kansas City-based plaintiff's firm specializes in automobile defect cases and is operating independently of the consortium.

The firm has filed federal class-action cases in Missouri, Kansas and Illinois, generally alleging that Toyota knew about potential problems with its cars and did not disclose them.

"It's the biggest one out there," partner Brad Kuhlman said of the recall. "It's the largest swath of vehicles."

Kuhlman said a former firm partner tried a similar case against General Motors in 2002 in Jackson County Circuit Court, drawing an $80 million verdict.

A hearing is set for March 25 in San Diego to determine whether the various federal cases will be consolidated in one court, which is almost a certainty at this point. Once a multidistrict litigation docket is formed, pretrial procedures and evidence for all the consolidated cases are produced in one courtroom. Personal-injury cases will be spun back to their original jurisdictions for trial.

Another Kansas City law firm is taking up a class-action case on behalf of car dealerships affected by the Toyota recall.

Shawn Foster, a lawyer with Davis Bethune & Jones LLC, filed a class action in U.S. District Court in Jefferson City on behalf of Jerry Baker Auto Sales LLC on Feb. 12, saying that Toyota knew of the defects for a year before ordering dealerships to stop selling the cars.

That has left cars stuck in the dealerships' inventory and dropping an estimated 20 percent to 25 percent in value.

"Most used-car dealerships are small businesses that really cannot afford to hold excess inventory, particularly in these tough economic times," Foster said. "This lawsuit seeks some reimbursement for the costs these dealers are incurring because of Toyota's actions."

RECALLED TOYOTA MODELS

2005-10 Avalon	2009-10 RAV4
2007-10 Camry	2008-10 Sequoia
2009-10 Corolla	2005-10 Tacoma
2008-10 Highlander	2007-10 Tundra
2009-10 Matrix	2009-10 Venza
2004-09 Prius	

Source: Toyota, National Highway Traffic Safety Administration

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