



Plaintiffs Lawyers Jockey for Venue in Massive Toyota Litigation

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There is a good article in today's *National Law Journal* about the positioning going on by plaintiffs lawyers in the mounting litigation arising from the "sudden unintended acceleration" problems in vehicles manufactured by Toyota. For the full article [click here](#). As we have reported, Toyota has since announced a plan to fix the problems. In the meantime, Congress has been holding hearings into whether Toyota knew about the problems earlier and whether the recalls are solving the problem (see our previous post [by clicking here](#)).

Here is a summary of the article which includes some info from our other sources:

1. The U.S. Judicial Panel on Multidistrict Litigation (MDL) has scheduled a hearing in the Toyota litigation on March 25 in San Diego.
2. Some 100+ lawyers are expected to converge for the MDL hearing. The lawyers had until this past Monday (March 8th) to ask the MDL panel for permission to speak during the hearing.
3. The purpose of the MDL hearing is to centralize all the litigation into one district for discovery, motions, depositions and so forth.
4. One of the most popular districts under consideration is the Central District of California in Los Angeles, near the headquarters of Toyota Motor Sales USA Inc. A number of products liability attorneys favor this location as well as Toyota's lawyers, Alston & Bird.
5. Besides its proximity to Toyota headquarters, the reason Toyota's lawyers want all the cases transferred to the Central District of California is because that court is presiding over about a dozen cases against Toyota. And the judge (Howard Matz) has experience handling MDL proceedings.

6. Another group is advocating for Kentucky, where Toyota operates its largest manufacturing plant outside Japan.
7. A third group is pushing for the Eastern District of Louisiana in New Orleans, which recently heard MDL proceedings involving Merck & Co. Inc.'s painkiller drug Vioxx.
8. Last Friday approximately 150 lawyers assembled at the InterContinental Chicago hotel to discuss sharing experts and legal strategies in the Toyota litigation, which now exceeds 80 lawsuits. Many of the lawyers have broken into camps based on which jurisdiction they believe should hear the multidistrict litigation against Toyota — and, perhaps more importantly, which judge should decide the cases.

Other points:

- Most of the suits assert fraud claims against Toyota on behalf of consumers seeking compensation for the loss in value of their vehicles. A smaller number of cases involve physical injury or death, although plaintiffs lawyers said that many more are in the pipeline.
- The panel could decline to consolidate the cases or split the personal injury and wrongful death suits from the economic class actions.

As far as work for e-discovery vendors, staffing agencies and contractor attorneys — the work has begun. There is a small contingent of contract attorneys working on various parts of the case in LA, plus a contingent now in Japan. As we indicated in previous posts, the Toyota litigation will follow the pattern of previous MDL cases that employed legions of contract attorneys on both the plaintiff and defendant sides such as the Bridgestone/Firestone tire case, the Vioxx cases, the asbestos cases, the bankruptcy cases, etc.

The article cited above lists a number of law firms involved. We have been collecting the names of firms and we are also attending the MDL hearing on March 25th. We shall publish a roster of firms involved in the case as soon as possible.

Note: there will be a large demand for Japanese fluent attorneys. Any Toyota litigation project work we hear about will be posted to both the master foreign language list (to subscribe [click here](#)) as well as the Japanese language list (to subscribe [click here](#)).

Gregory P. Bufithis is the founder and chairman of The Posse List and its sister sites The Electronic Discovery Reading Room (<http://www.ediscoveryreadingroom.com>) and The Posse Ranch (www.theposseranch.com). He is also founder and chairman of Project Counsel (www.projectcounsel.com).