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## Evidence shows tenacity of plaintiffs' attorney in Toyota case

*Mark P. Robinson Jr., a co-lead counsel in the lawsuits facing the carmaker over alleged sudden unintended acceleration, has a history of doing what it takes to get the proof and win in court.*

June 18, 2010 | By Stuart Pfeifer, Los Angeles Times

In a legal career spanning nearly four decades, attorney Mark P. Robinson Jr. has won multimillion-dollar verdicts against carmakers Ford, General Motors, Nissan and Hyundai.

Now, the Newport Beach lawyer has been tapped to play a big role in the massive legal battle involving Toyota Motor Corp., which faces potentially billions of dollars of liability from lawsuits involving the alleged sudden unintended acceleration of its vehicles.

Robinson, co-lead plaintiffs' attorney in the wrongful death and personal injury cases pending against Toyota in federal court, is known for going to unusual lengths to build evidence that can swing a case.

On the eve of a 1978 trial that focused on vulnerable fuel tanks in Ford Motor Co.'s Pintos, Robinson walked onto a Ford dealership in Orange County and started interviewing mechanics. A few days later, he called one of those mechanics to the witness stand — still wearing his blue dealership uniform. The testimony would be key to a landmark \$128-million verdict, at the time the largest in U.S. history.

He once hired a private investigator to post a flier in the locker room of a General Motors Corp. plant in Michigan, offering a reward to any welders who had worked on the 1978 Oldsmobile Omega. He wanted to know why one particular Omega had fewer welds than others. The car had crumpled during a rear-end collision, gravely injuring a passenger in the back seat.

"Deer-hunting season," came the explanation from a GM welder who responded to the locker-room advertisement. Many employees took the day off when deer season opened each Nov. 15, the day that particular car was built, and quality suffered as a result. Robinson flew the welder to California, where his testimony was key to a \$9.1-million verdict against GM.

"There are some people who rely more on charm and personality. What Mark always brings to the courtroom is preparedness," said Wylie Aitken, a longtime Orange County litigator who is working with Robinson and dozens of other lawyers suing Toyota.

More than 300 lawsuits have been filed in federal and state court since Toyota began recalling millions of cars because of defects that could cause them to accelerate unexpectedly, a problem that has been blamed for more than 100 deaths across the country.

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Some of the lawsuits seek damages for the diminished value of Toyota vehicles and others seek compensation on behalf of drivers who were injured or killed in crashes blamed on sudden acceleration. Toyota has declined to discuss the lawsuits but maintains that recent recalls involving millions of vehicles have addressed all safety problems.

Federal lawsuits from across the United States have been consolidated in a Santa Ana courtroom before U.S. District Judge James V. Selna in an effort to streamline what is expected to be a time-consuming and complex legal battle. Instead of conducting 300 separate hearings on what documents Toyota must share with plaintiffs' attorneys, Selna can now hold one hearing.

The judge recently appointed Robinson and San Francisco lawyer Elizabeth Cabraser as co-lead attorneys to manage dozens of the wrongful death and personal injury lawsuits pending against Toyota. They'll team with lawyers from across the country who have filed the cases, coordinating evidence-gathering, expert witnesses and other trial preparation work. But the lawyers who filed the cases will most likely try them before a jury.

Attorneys who've worked with — and opposite — Robinson said they expect him to attack the Toyota case with his legendary passion as he searches for evidence that Toyota failed to protect its customers from dangerous defects.

Robinson initially worked for the other side, helping defend corporations against lawsuits. He said he didn't like "beating up" plaintiffs who had fewer resources than the large companies he defended.

"Since I went to the plaintiff side, I've never had those feelings," Robinson said. "I must have been born to be a plaintiffs' attorney."

In addition to the Pinto case, Robinson was part of a team of lawyers that in 1999 won a \$4.9-billion verdict against GM in a case that focused on the 1979 Chevrolet Malibu's fuel tank, which had a propensity to catch fire during collisions. He also won a \$51-million verdict in 2006 for a former FBI agent who said Merck & Co.'s pain medicine Vioxx had caused him to have a heart attack.

Robinson, 65, said he believes that large jury awards lead manufacturers to make safer products.

"In a civilized society, if someone hurts you, you can't exact revenge by going back and hurting them, an eye for an eye. You can use the courts and seek compensation," Robinson said. "The message gets back to manufacturers. I've actually seen memos from automakers that say, 'We don't want to be another Pinto.' I feel good that we're promoting safety."

Some critics see mass litigation as a threat to the economy, with the costs of verdicts and legal fees ultimately reflected in sticker prices.

"The bottom line is consumers pay a huge price for litigation. There has to be a better way," said Tom Scott, executive director of California Citizens Against Lawsuit Abuse. "The bigger problem is the governmental agencies need to do a better job of oversight of the industry."

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