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## Toyota president to testify before Congress

After indicating at first he would not appear, Akio Toyoda gets a personal invitation from the chairman of the House Committee on Oversight and Government Reform and agrees to testify next week.



Toyota President Akio Toyoda said in a statement, "I look forward to speaking directly with Congress and the American people." (Franck Robichon / European Pressphoto Agency / February 17, 2010)

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Toyota gets intense new U.S. scrutiny

By Jerry Hirsch, Ken Bensinger and Ralph Vartabedian  
February 19, 2010

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The head of Toyota Motor Corp. skirted a transpacific row Thursday by agreeing to testify before a congressional committee probing a series of massive recalls by the Japanese automaker.

After first indicating he would not testify -- a move that raised the ire of congressional leaders -- Akio Toyoda, president of the company and grandson of its founder, said he now planned to appear at next week's hearing before the House Committee on Oversight and Government Reform.

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"I look forward to speaking directly with Congress and the American people," Toyoda said in a statement.

His acceptance followed a personal invitation sent by the committee's chairman, Rep. Edolphus Towns (D-N.Y.), earlier in the day. The appeal came after Toyoda said he planned to send Toyota's North American president to the hearing instead.

"We are pleased Mr. Toyoda accepted the invitation to testify before the committee. We believe his testimony will be helpful in understanding the actions Toyota is taking to ensure the safety of American drivers," Towns and Darrell Issa (R-Vista) the top Republican on the panel, said in a statement.

Toyoda's decision could help the company's image, analysts

said.

"This is essential. Even if he wasn't going to testify he needed to make an appearance. Consumers in the United States expect the guy running the company to take responsibility," said Jeremy Anwyl, chief executive of auto industry data compiler Edmunds.com.

Also on Thursday, the National Highway Traffic Safety Administration launched a formal investigation into steering problems with about 500,000 of Toyota's 2009 and 2010 Corolla and Matrix models.

The agency said it had received 168 complaints of "steering wander or drift" in the vehicles. Eight of those incidents resulted in a crash, according to the drivers, and there were 11 injuries attributed to the problem but no deaths. Drivers complained their vehicles were difficult to control and felt as if their cars were being buffeted sideways by strong winds.

Toyota is considering recalling the popular Corolla because of the potential steering problems. Toyota has issued about 10 million recall notices worldwide recently, mostly for floor mats that can entrap the gas pedal and for a gas pedal that can stick. It has blamed both problems for causing unintended acceleration.

Meanwhile, Congress has subpoenaed thousands of internal Toyota documents that a former company lawyer said demonstrate a long-running conspiracy by the carmaker to hide and destroy important safety evidence.

Town's committee on Thursday served Dimitrios Biller, who worked in the automaker's U.S. legal department from 2003 to 2007, with a subpoena requesting roughly 6,000 Toyota documents he currently holds.

Those documents have been the subject of a lengthy and bitter series of courtroom battles between Biller and Toyota. The automaker has so far been successful in keeping the documents sealed on grounds that they are confidential.

But the fact that they may now be examined by Congress as evidence in its hearings raises the possibility that the documents could be made public, potentially adding to the automaker's woes in the wake of recalls and increasing scrutiny from regulators and politicians.

"Toyota takes its legal obligations very seriously and works to uphold the highest professional and ethical standards. We are confident that we have acted appropriately with respect to all product liability litigation," the company said in a statement.

Biller has made "inaccurate and misleading allegations about Toyota's conduct that we strongly dispute and will continue to fight against vigorously," the statement said

The subpoena requests documents held by Biller "relating to vehicle safety and Toyota's handling of

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alleged motor vehicle safety and Toyota's handling of alleged motor vehicle defects and related litigation" by 5 p.m. Washington time Tuesday, two days before the hearing.

"Congress and the American public are entitled to know what Mr. Biller has learned, and what he has endured as a result of his knowledge of Toyota's business practices," said Jeff Allen, a Los Angeles attorney representing Biller in a federal lawsuit he filed against Toyota last year.

In a related matter, Toyota secured a last-minute emergency stay from the Texas Supreme Court blocking further proceedings in a case in which the automaker is accused of contempt of court for its conduct during a 2007 personal injury case that ended in a settlement.

Biller had been scheduled to appear as a witness against Toyota in the contempt of court case Thursday afternoon and was in the Cleburne, Texas, courthouse preparing to take the stand, according to the attorney who brought the case.

"He was here and ready to testify," said Jeff Embry, who represents a woman who was paralyzed when her Toyota Camry rolled over. "Toyota has once again gone to every length possible to prevent that from happening."

Embry said he was not sure whether the congressional subpoena would allow him to use the Biller documents in his case, which alleges that Toyota withheld information in the course of the lawsuit that could have changed the outcome.

The Texas high court, in its stay, said it would make a ruling on Toyota's petition to halt the case -- which could potentially close that case altogether -- by March 5.

"We are pleased that the Texas Supreme Court granted our request for a stay pending its consideration of the jurisdictional issue," Toyota said.

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Times staff writer Tiffany Hsu contributed to this report.

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This will be interesting. I look forward to watching Mr. Toyota speak at the hearing. I can't recall a foreign CEO attending a congressional hearing. Despite all the scandal I still want a Zion.

*digialpha (02/19/2010, 12:54 PM)*

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Should Mr. Biller testify before Congress, it's safe to say this would be the beginning of the end for Toyota Motor Corporation. Toyota's president, Akio Toyoda, would be well advised to provide the House Oversight Committee a full accounting of Toyota's activity regarding the unintended acceleration problem or risk potential prosecution.

If Toyoda-san pleads the Fifth Amendment under any circumstance during questioning, the company will almost certainly implode. My hunch is Toyota is going to work out a deal with the government including a huge fine and other conditions - such as monitoring. It's the only viable option at this point unless Toyota wishes to withdrawal from the U.S. market. The legal game is over for Toyota. Time to man-up.

A settlement would be a win-win situation in my view. Toyota can afford to pay the fine (from profits), the regulators will get specific oversight, Toyota can continue to do business here and most importantly - reform their business, disclosure and corporate ethics. In addition, it would send a strong message to both domestic and foreign automotive manufacturers.

*dutrudp (02/19/2010, 5:02 AM)*

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