

# Products liability research paper

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Product liability is that law that governs the injuries caused by a product. The law recognizes the manufacture of products such as drugs, machines computer among others. It is clear that when a person is injured as a result or while using a product he or she has a right to sue the manufacturer of the products in order to get money or be compensated for the incurred injury.

This is what is referred to as product liability. As a result, product liability has become a n important area of study especially in the US and a crucial are to understand when it comes to business owners. The main difference that occurs in these laws is based on the injury type's high damage awards as well as the contingency fees. ToyotaCompany that underwent this form of liability lawsuits about sudden acceleration this involved an accident that happened back in 2009.

The accident involved a Lexus, which cost the death of four people in California. The owner of the vehicle took it to Lexus dealers in order to have it serviced where the dealers provided loaners 2009 Lexus. Saylor in this case is the one who got the loaner Lexus had a sudden acceleration beyond her control. The other occupants in the car called the police to report that the cars accellater was stuck. At the same time, the rear end of the Lexus hit another vehicle before embankment and busted into flames near Sandiegos River and killing everyone in the car. After a thorough investigation it was defined that the accident was caused by a ill-fitting floor mat as well as the gas pedal which got entangled in it .

This is what prevented the driver from being able to stop the car. This move prompted a recall of 8. 5 million Toyota vehicles on the mats as well as gas

pedals opening the door for other many lawsuits with Toyota acceleration. After the Saylor's accident, many other reports were filed which reported a number of deaths. About the accident, a lawsuit was filed against Toyota. This also included the parties who issued saylor with the loaner while his car went the servicing process.

It was clear that some days earlier the loaner had been borrowed by another person before the tragic accident accoured. The driver directed to the management that the Lexus had accelerated behold his control when the pedals were stuck in the mat The Toyota Company agreed to settle the sudden acceleration of the lawsuit in the year 2010. In this case the plaintiff confirmed the settlement of the case. It is clear that other than this case there are others that the company has settled paying a total of \$1billion. This s a compensation to economic loses and losses directed to investors (Walkowiak, 2007).

The plaintiff who worked for the product liability based on a contingency fee. The plaintiff who filed a lawsuit against the Toyota Company in case of a loss is not liable to pay any fees. The theories used are based on a number of areas such as jury, in jury the issues of fact, which dominates the lawsuit and are, composed of ordinary citizens. The jury helps to show cases of biasness in the lawsuit. The other important area is on discovery, which is an important litigation part. Although there are some limits that, the plaintiff inclination on the judicial system is for full disclosure of the filled lawsuit.

In most lawsuits the involved parties works out agreements and determines the side with more reasonable needs required in the continuity of the

lawsuit. It is clear that in terms of a product liability burdensome has a likelihood of occurring. The plaintiff has few documents containing the information to disclose. Therefore, the plaintiff can seek massive discoveries without fearing any subsection burden by the defendant in this case the Toyota Company. It is evident that it is a costly task to come up with documents or employees involved in the accident.

Therefore, the first step that the Toyota approached after the sue was of that of preparing to meet the challenge. It is advisable that such preparation be undertaken before the case filing. In the class actions, it is clear that an individual who purports to stand on behalf of others who have been involved in the accident in a similar way can bring a lawsuit on behalf of others. This referred to as a class of action lawsuit. It is clear that before this case of action group proceeds the plaintiff must meet a rather rigorous test. In a single lawsuit there, is a likelihood of them being joined together.

This is a form of consolidation bringing all the claims into a single trial. The problem with such consolidations is that there is a chance of opposition from the defendants due to differences that are fundamental between the claims that were presented by the plaintiff against the company. In addition, consolidation there are procedures contained to both the state and federal courts that gives permission to this coordination claims. Coordination is mainly concerned with aspects that follow a certain procedure such as discovery. Therefore, in case consolidation was used litigation expense would have lowered. This would have favored the plaintiff, as it would have been cheap and more profitable.

Toyota after the occurrence of several accidents there are several safety improvements that it approached. The company's reputation for quality products has been especially on quality has been undermined by massive recalls for spate problems (Hart, 2002). These included bad brakes gas pedals as well as floor mats. In respect to these problems, the customers of these products will have their vehicles repaired free. This is a positive move, as it will increase the loyalty people had on these vehicles. As a way towards improving the brands, the company agreed to pay a lot of money in order to settle the lawsuits.

The management has admitted that it is eager to settle all crises. They have tried to beef up the quality of these products as well as acting first in order to repair the company's image. The company has also drawn a lot of focus on to its priorities. The company has experienced a large economies scale such that the basic approach to listen to the customers in order to make good products. The company has agreed to improve on the quality of products. Their first strategy is that of making sure that they have a super quality products these products are guaranteed by the production system.

They have come up with plans on making sure that vehicles undergone an intense test before they are released to the market. They are also committed to improve on the systems. The other clear area of improvement is on highly committed and the quality assurance from a customer's viewpoint (Litigating the class action lawsuit, 1997). His mobilization is to ensure that these products remain customer reliable during the entire lifetime. The utmost importance is given to the customers; this has been enhanced through the selection of chief quality officers to back up the <https://assignbuster.com/products-liability-research-paper/>

quality assurance satisfaction as well as confidence. All these strategies are to make sure that they receive customer feedback, which enables them to undertake a rapid analysis and correction in case of a raised concern.

It is clear that a lot of focus has been endowed on standardization of components. Toyota is on the front line in the standardization of components using them in more than one car type. This is a risky move because in case of a problem there will be a high recall on it. There is also fear that this strategy might lead into the reduction of the quality. Toyota has tried to improve on this issue of standardization. Complexity in the supply chain is a common practice among the car manufactures.

Toyota in this case has been outsourcing the production of a certain car components from suppliers; this is a good idea as it may improve the quality of a car brand. It is clear that a party, which is specialized in production of a particular component, has an increased ability of doing it better and cheaply. Toyota on the other hand has tried to shorten the chain of these external suppliers in order to be able to remain in control. The practice on slow response to customer complaints in the Toyota Company has been addressed appropriately. This is clear, as Toyota is known for increasing quality on a systematic manner while monitoring the wear out components first. The company has also tried to recall vehicles over the defects involving floor mats pedals as well as accelerator pedals.

Regulatory agencies refer to those organizations that have an obligation of overseeing the procedures and processes that are used in the functionality of an industry. In most cases, it is represented by a department or a

government division entity (Goodden, 2009). In aims on enforcing the standards dictated by the law in respect to trade issues. Therefore, it is important to note that a the regulatory agency has a responsibility of coming up with regulations the are in line with the laws of the land and have specified applicability to a given type of activates. In this case, the Toyota Company is under the National Highway Traffic Agency. This Agency focus is on improving the regulatory defects and oversight the quality assurance department with an aim over doing the challenges that arise from the functionality of and use of automotive electronics.

Through the research conducted, it is clear that Toyota is one of the best performing companies in the automotive industry. It is the expectation of many that such a well-established company provides and presents quality products to the markets. Surprisingly, the company has met its self under a number of filed lawsuits. All these have been linked to accidents caused by defects within the vehicles that results from a certain faults. In order to avoid all this, the company needs to beef up its quality assurance department.

This can be done by ensuring that no any vehicle will leave the industry having not undergone a test drive. They should also put and ensure that they value the customer feedbacks and try to improve on them. This is because are the ones who are in the field test for these products and are able to record any defect in these vehicles. It is clear that many defaults in these vehicles are caused by duty negligence among the company's workers. They fail to do what is expected. These may be caused by lack of skills, experience, and competencies to work in these companies.

In order to cab these defects the management should acquire or recruit only the qualified group o experts to avoid these mistakes. They can introduce use of performance contracts where workers will be required to account for what they have done for the company over a specified period.