

FALL 2018 NEWSLETTER

MOTOR VEHICLE LITIGATION – DISCOVERY

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In Re Toyota Motor Sales, 2018 WL 2979855 (Tex.App.-Dallas, June 14, 2018.)

The Reavises sued defendant Toyota for defectively designing front seats that are susceptible to failure in rear-impact collisions. In their case, the Reavises claim that in a rear-end collision, their children suffered skull fractures and traumatic brain injuries when the front seats collapsed into the back seat and struck their children.

As part of the discovery in the case, the trial court entered a discovery order in November 2017, that defined the scope of discovery to specific Toyota models and years. Later, the Reavises filed a motion to compel claiming Toyota failed to conduct reasonable searched of its electronic information system. The court then entered another order that directed Toyota to:

1. Provide a table of contents in English that is sufficient to identify the folders and sub-folders within specified Toyota data bases, and provide a copy of the index, ledger, bibliography, or other compilation of information from which the papers are maintained in Toyota’s technical library.
2. Identify all engineers who have responsibility for designing and testing vehicles or seats.
3. Conduct additional searches in accordance with a protocol that enables the plaintiffs to participate in crafting search requests in Toyota’s date base.

Toyota argued that to allow the plaintiffs to supply search terms and requires Toyota to turn over search results was the same as allowing the plaintiffs “direct access to Toyota’s electronic systems” which is normally limited to “legitimate interests of the opposing party to avoid overly broad requests, harassment, or disclosures of privileged information in keeping with the understanding that discovery is a means to an end, rather than an end in itself.” Requests must be “reasonably tailored to include only matters relevant to the case and must be limited to the relevant time.” Also, “if the likely benefit of the requested information is negligible, nonexistent, or merely speculative, the expense attending the request is undue and sufficient to deny the requested discovery.”

The court of appeals agreed that the requested discovery was overbroad in its reach, and places a disproportionate burden on Toyota. “As written, the ... order will require Toyota to identify many irrelevant folders, sub-folders and papers, such as folders concerning fuel lnes, engines, facilities, maintenance, and employees. The benefit of producing such information is nonexistent. The expense attending the requirement is undue.” The court of appeals ordered the trial court to vacate the portions of its order that are not limited folders, subfolders and the technical library “that contain documents within the scope of an [earlier] November discovery order.

The court of appeals further agreed the search queries should be limited to the relevant scope of discovery the vehicle class and with time constraints. It should comport with the earlier November order. Additionally, the engineers identified should be limited to those who worked on designing seats for the class of vehicles specified in the earlier November order.