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Tuesday, November 02, 2010 Last Update: 12:00 PM PT

Toyota 'Smart Key' Blamed for Death

By DAN MCCUE

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BROOKLYN (CN) - Toyota's "Smart Key" technology, which allows cars to be started and run without inserting an ignition key, allowed a woman to die of carbon monoxide poisoning and crippled her roommate with permanent disabling injuries, the injured woman claims in Federal Court.



Mary Rivera claims Toyota's Smart Key allowed her to accidentally leave her Lexus running in the garage underneath her Queens home. Rivera says she "either inadvertently forgot to shut down the engine of the subject vehicle, or pushed the start button in an effort to do so but was unsuccessful."

Rivera adds: "After exiting the vehicle, plaintiff Mary Rivera did not realize that the subject vehicle was running when she entered her home with the Smart key fob. Toyota specifically touts the facts that the subject model vehicle's engine is both quiet and smooth and, as a result, plaintiff Mary Rivera could not hear the idling engine as she exited the vehicle and entered her home with the key fob."

Family and friends missed her and entered her home the next afternoon to find Rivera "with a faint pulse and barely breathing," and her companion, Ernest Codelia Jr., dead. An autopsy found Codelia's blood had "65% carbon monoxide saturation."

Rivera claims: "New technology, such as the 'Smart Key' system, requires a change to fundamental and deeply ingrained consumer habits like turning the key and removing it from the ignition, and can lead to even more frequent, basic and predictable errors."

She adds: "Drivers of 'Smart Key' vehicles have reported to the National Highway Transportation Safety administration that they have exited their cars with the key fob on their person and mistakenly left the vehicle's engine running. Because of this the technology creates certain safety risks that did not exist with conventional key technology."

Toyota's Smart Key technology uses an electronic code embedded in a key fob to unlock the ignition and activate the vehicle's starting mechanism without requiring that a key be inserted into the ignition switch.

A "convenience feature" of Toyota vehicles, the key fob is designed so it can remain in the driver's pocket or purse and still start the vehicle. When the key fob is within range of the vehicle's ignition system, it broadcasts a signal to a key antenna, which reads the signal and compares it with the code embedded in the vehicle.

If the codes match, it sends a signal to a computer called an engine control until that enables the push-button starter to become "hot" or functional. There is no key to insert in an ignition key cylinder, no key to turn, and no key to remove to turn off the engine.

Rivera says she suffered brain injury from carbon monoxide exposure. She is still unable to walk, has limited communication ability, suffers from significant cognitive deficits, pain, disability and depression, and requires 24 hour in-home attendant care.

She seeks compensatory and punitive damages for negligence, violations of Federal motor vehicle safety standards, product liability breach of warranties.

She is represented by Noah Kushlefsky and Michael Kerman with Kreindler & Kreindler. 

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