

Exclusive

## Toyota sued in carbon monoxide tragedy that killed 79-year-old lawyer



Ernest Codelia Jr. pictured with his companion Mary Rivera.

BY [John Marzulli](#)  
DAILY NEWS STAFF WRITER

Originally Published: Sunday, November 7th 2010, 4:00 AM  
Updated: Sunday, November 7th 2010, 8:36 AM

The keyless feature on a [Lexus](#) sedan may be a nifty selling point, but a new lawsuit claims it's also a killer.

The ignition system is being blamed for a Queens carbon monoxide poisoning case that left a 79-year-old lawyer dead and his female companion brain-damaged.

The night of Feb. 27, 2009, [Mary Rivera](#) parked the luxury car in a ground-floor garage attached to the couple's home in [Whitestone](#) and accidentally left the engine running.

The next day concerned family members went to the home and found Rivera unconscious on the bedroom floor.

Her longtime companion [Ernest Codelia Jr.](#) was dead in bed. An autopsy showed his blood was full of deadly carbon monoxide.

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Rivera, a former school superintendent and adjunct professor at [Fordham University](#), survived but cannot walk, and speaks with difficulty.

Lawyer Noah Kushlefsky has filed a wrongful death suit in [Brooklyn Federal Court](#) accusing Lexus maker [Toyota](#) of failing to install a "shutdown" switch on the cars - which can be turned on or off at the touch of a button.

The switch would turn off the ignition when the car is unoccupied or untouched for a period of time.

"This is a cool little bell-and-whistle to sell cars, but they have to address problems that have sprouted up," Kushlefsky told the Daily News.

In [Palm Beach County](#), detectives are investigating whether the carbon-monoxide death of a 29-year-old woman in August was caused by the keyless Lexus in her garage.

Kushlefsky said he has met with officials from the [National Highway Traffic Safety Administration](#) about the issue.

The suit contends a keyless ignition violates federal safety standards because the engine can continue to run indefinitely even after a driver walks away with the key fob that communicates with the car's computer.

"It creates certain safety risks that did not exist with conventional key technology," the suit states.

Codelia and Rivera had the Lexus a short time and may have been unfamiliar with the new technology.

Because the engine runs so quietly, Rivera may not have realized it was still running. She has no recollection of the incident.

Before his death, Codelia was still practicing law in

the [Bronx](#) and the couple had purchased a winter vacation home.

"Ernest was very vibrant and vital and she's left with a feeling that somehow she's responsible for the accident," Kushlefsky said.

Lexus did not respond to requests for comment.

NHTSA spokesman [Eric Bolton](#) said the agency is assessing keyless ignition systems and is aware of "some potential safety issues" like the one that may have led to Codelia's death.

[jmarzulli@nydailynews.com](mailto:jmarzulli@nydailynews.com)

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