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SUPREME COURT  
FILED

MAY 21 2018

Jorge Navarrete Clerk

May 21, 2018

Jorge E. Navarrete  
Supreme Court Clerk  
California Supreme Court  
350 McAllister Street  
San Francisco, CA 94102

Re: Case No. S232754 – Kim v. Toyota Motor Corporation

Dear Mr. Navarrete:

Please inform the Court that at the May 29, 2018, oral argument, respondents intend to rely on the following additional authorities:

*People v. Landry* (2016) 2 Cal.5th 52, 80–81 (appellant forfeited claim that prosecuting attorney had, in closing argument, wrongly used evidence admitted on one count to prove a different count; “defendant neither objected to the argument, thus forfeiting any claim of misconduct, nor did he request a limiting instruction.”).

*Holiday Motor Corp. v. Walters* (Va. 2016) 292 Va. 461, 790 S.E.2d 447, 457-58 (reversing plaintiff’s judgment in product-liability case; vehicle manufacturer did not owe duty to design convertible to provide occupant rollover protection when there was no evidence “that any automobile manufacturer designs or markets a soft top convertible to provide occupant rollover protection,” there were “no safety standards in existence, promulgated either by the government or the automotive industry, that require convertible soft tops, including their latching mechanisms, to provide occupant rollover protection,” and evidence did not show “industry standard or custom to design the soft tops or latches to provide occupant rollover protection”).

*Mazda Motor Corp. v. Hurst* (Ala. July 7, 2017) \_\_\_ So.3d \_\_\_, 2017 WL 2888857, \*19, No. 1140545 (illustrating how industry standards can benefit plaintiff, court held that manufacturer’s design violated “industry standards” embodied in competing manufacturer’s documents; this evidence “constitutes substantial evidence of a design defect” but does not establish that manufacturer knew of danger).

*Pacy v. Cowen Holdings, Inc.*, (N.Y. App. 2017) 148 A.D.3d 1747, 50 N.Y.S.3d 745, 746, *leave to appeal denied* (2017) 29 N.Y.3d 918, 86 N.E.3d 561 (affirming summary judgment for defendant manufacturer in product-liability case; manufacturer “submitted proof establishing that the washing machine complied with industrial and safety standards and that it was reviewed and certified by several national safety organizations .... Plaintiff’s expert also failed to identify any regulations or

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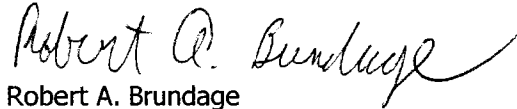
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industry standards requiring such a mechanism in a washing machine ... and he did not indicate whether any other manufacturers were using such modifications in their washing machines during the relevant time period.”).

Please let me know if you have any questions or concerns.

Sincerely,

  
Robert A. Brundage

**CERTIFICATION OF SERVICE**

I, Jennifer Gray, certify and declare as follows:

I am a citizen of the United States and a resident of the State of California. I am over eighteen years of age, not a party to this action, and am employed in San Francisco County, California at One Market Street, Spear Tower, San Francisco, California 94105.

On May 21, 2018, I served a copy of the within document:

**LIST OF ADDITIONAL AUTHORITIES**

by transmitting via electronic mail the document listed above to each of the persons set forth below.

<p>Ian Herzog (SBN 41396) <u>herzog@ix.netcom.com</u> LAW OFFICES OF IAN HERZOG APC 11400 West Olympic Blvd., Suite 1150 Los Angeles, CA 90064 Telephone: +1.310.458.6660 Fax: +1.310.458.9065</p> <p>Law Offices of Ian Herzog 233 Wilshire Boulevard, Suite 550 Santa Monica, CA 90401</p>	<p><i>Attorneys for Appellants:</i></p> <p>William Jae Kim and Hee Joon Kim</p>
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I also deposited with Federal Express, a true and correct copy of the within document to each of the persons set forth below:

<p>Patrick Rogan (SBN 54428)  PATRICK G. ROGAN, P.C.  20406 Seaboard Rd.  Malibu, CA 90265  Telephone: +1.310.795.5214</p>	<p><u>Attorneys for Respondents:</u></p> <p>Toyota Motor Corporation, Toyota Motor Sales, U.S.A., Inc., Toyota Motor North America, Inc., Toyota Motor Engineering &amp; Manufacturing North America, Inc., and Power Toyota Cerritos</p>
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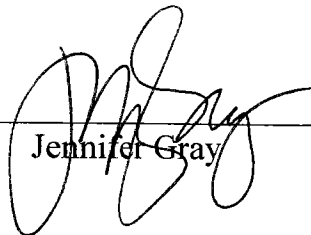
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<p>Brian D. Chase  Bisnar &amp; Chase LLP  1301 Dove Street, Suite 120  Newport Beach, CA 92660  Telephone: +1.949.203.3814</p>	<p><u><i>Attorneys for Pub/Depublication Requester:</i></u></p> <p>Consumer Attorneys of California</p>

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Clerk Los Angeles County Superior Court For Delivery to the Hon. Raul Sahagun Courtroom D, Room 310 12720 Norwalk Blvd. Norwalk, CA 90650	<u>Trial Court</u>

Following ordinary business practices, the envelope was sealed and placed for collection by Federal Express on this date, and would, in the ordinary course of business, be retrieved by Federal Express for overnight delivery on this date.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on May 21, 2018, at San Francisco, California.

  
Jennifer Gray