

Dana M. Muir  
Sean Burns

**case 6-824-314**  
**April 3, 2020**

## **Products Liability: The Innovation Responsible for the Rise and Fall of Takata**

Sean Burns, a 23-year veteran of Takata Corp., felt a sense of relief as his deposition ended after 15 hours of questioning over two days. The large room in the Washington, D.C., offices of the law firm Covington & Burling contained about 20 people who had been focused on every word he had to say about the development, validation, and production of the Takata airbag inflators responsible for the largest recall in automotive history. Burns wondered about the cumulative hourly rate for all the high-powered attorneys. There were three lawyers representing the plaintiffs, who alleged that airbags produced by Takata caused them economic damages and personal injuries. Their class action alleged, among other things, that several original equipment manufacturers (OEMs) had known about problems with Takata inflators years earlier and had not taken sufficient action to protect vehicle owners. There were lawyers from each of the defendant companies: Toyota, BMW, Subaru, Mazda, Ford, Honda, and Nissan. They shuffled seats to take turns questioning Burns about his role, knowledge, and communications with the defendant OEMs. Burns and Takata were represented by several other attorneys. There was also a videographer focused on him and a stenographer recording every word that was spoken in the room.

It was 2017 and this was Burns' third deposition in the last two years. He had worked for Takata since 1994 in engineering and manufacturing and had been involved in the development and production of almost every propellant and inflator Takata had developed. He was a key witness for two reasons. First, in the late 1990s he was one of the inventors of the propellant technology that was now being recalled and knew every detail about its design and manufacturing process. Second, in the late 2000s he was one of the first to push Takata to phase out that technology, after more robust alternatives were developed and launched.

Since every deposition involved at least a week of preparation and Burns had interacted with dozens of attorneys over the last few years, some of the legal terms had become very familiar to him—terms such as “negligence” and “strict liability” and which companies would bear any potential liability. He thought back to the first two depositions. The first involved a case brought by Patricia Mincey, a 75-year-old Floridian,

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*Published by WDI Publishing, a division of the William Davidson Institute (WDI) at the University of Michigan.*

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