

Judge finds 'reasonable evidence' Tesla knew self-driving tech was defective

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A judge has found “reasonable evidence” that Elon Musk and other executives at Tesla knew that the company’s self-driving technology was defective but still allowed the cars to be driven in an unsafe manner anyway, according to a recent ruling issued in Florida. Palm Beach county circuit court judge Reid Scott said he had found evidence that Tesla “engaged in a marketing strategy that painted the products as autonomous” and that Musk’s public statements about the technology “had a significant effect on the belief about the capabilities of the products”. The ruling, reported by Reuters on Wednesday, clears the way for a lawsuit over a fatal crash in 2019 north of Miami involving a Tesla Model 3. The vehicle crashed into an 18-wheeler truck that had turned on to the road into the path of driver Stephen Banner, shearing off the Tesla’s roof and killing Banner. The lawsuit, brought by Banner’s wife, accuses the company of intentional misconduct and gross negligence, which could expose Tesla to punitive damages. The ruling comes after Tesla won two product liability lawsuits in California earlier this year focused on alleged defects in its Autopilot system. Judge Scott also found that the plaintiff, Banner’s wife, should be able to argue to jurors that Tesla’s warnings in its manuals and “clickwrap” were inadequate. He said the accident is “eerily similar” to a 2016 fatal crash involving Joshua Brown in which the Autopilot system failed to detect crossing trucks. “It would be reasonable to conclude that the Defendant Tesla through its CEO and engineers was acutely aware of the problem with the ‘Autopilot’ failing to detect cross traffic,” the judge wrote. Banner’s attorney, Lake “Trey” Lytal III, said they are “extremely proud of this result based in the evidence of punitive conduct”. The judge also cited a 2016 video showing a Tesla vehicle driving without human intervention as a way to market Autopilot. The beginning of the video shows a disclaimer which says the person in the driver’s seat is only there for legal reasons. “The car is driving itself,” it said. Judge Scott said that “absent from this video is any indication that the video is aspirational or that this technology doesn’t currently exist in the market”, he wrote. Bryant Walker Smith, a University of South Carolina law professor, told Reuters that the judge’s summary of the evidence was significant because it suggests “alarming inconsistencies” between what Tesla knew internally, and what it was saying in its marketing. “This opinion opens the door for a public trial in which the judge seems inclined to admit a lot of testimony and other evidence that could be pretty awkward for Tesla and its CEO,” Smith said. “And now the result of that trial could be a verdict with punitive damages.”