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Sony, Best Buy Can't Shake Shoddy Laptop Claims

By **Samuel Howard**

Law360, New York (November 02, 2010) -- A federal judge has mostly rejected Sony Electronics Inc. and Best Buy Co. Inc.'s attempts to toss a nationwide class action alleging they manufactured and sold defective Sony Vaio notebooks, dismissing only negligence claims.

On Thursday, Judge Roger Benitez of the U.S. District Court for the Southern District of California dealt defendants a grim ruling, rejecting Best Buy's contention that the dud notebooks were not covered by its warranty and letting all allegations against Sony stand except for a claim for negligence and strict liability.

While plaintiffs argue that Sony is liable for negligence because it failed to properly design the Vaio notebooks, which are allegedly plagued with dysfunctional trackpads, Judge Benitez struck the claim, saying that the component is integral to the laptop as a whole and cannot be considered an autonomous part that damages the computer.

"Under the economic loss rule, a plaintiff may only recover in tort for a product defect 'when a product defect causes damage to 'other property,' that is property other than the product itself," Judge Benitez said. "Because the plaintiffs' allegations indicate that the notebook, rather than the track pad, is the product at issue, plaintiffs' negligence and strict liability claims cannot survive Sony's motion to dismiss."

Doyle Lowther LLP's John Lowther, counsel for plaintiffs, said that the loss of the negligence claim has little effect on the suit, leaving intact the central allegations that Best Buy and Sony failed to comply with their warranties and foisted lousy laptops on consumers.

"This case underscores the vital importance of the consumer protection statutes. Absent the courts, the plaintiffs have nowhere to turn and would be out many thousands of dollars,"

Lowther said. "Judge Benitez handed down a well-reasoned decision that allows us to get relief for the hardworking citizens who just want the quality computer they believed they were buying."

Lowther said plaintiffs would not be taking the court up on the offer to amend the claim for negligence and strict liability.

The court otherwise denied all of Best Buy and Sony's bids for dismissal, concluding that the defendants' arguments against warranty mischaracterize the allegations or introduce extraneous issues.

"Sony's and Best Buy's remaining arguments require the court to view plaintiffs' complaint in the light most favorable to defendants, rather than plaintiffs, ignore allegations and go beyond the allegations of plaintiffs' complaint," Judge Benitez said.

Specifically, the court rejected defendants' contention that faulty software is to blame, not defective trackpads, and that the notebooks are still viable as long as plaintiffs use an external mouse.

The court also refused to dismiss plaintiffs' claims that Sony concealed the trackpad defect from consumers and violated California, New Jersey and Florida consumer laws, according to the order.

Plaintiffs filed suit in September 2009 alleging Sony and Best Buy made and sold Vaio laptops with defective trackpads that render the computers useless. A consolidated complaint followed in March 2010, with plaintiffs seeking to represent all consumers who purchased the shoddy Vaio notebooks from January 1, 2007, onward.

Plaintiffs alleged that Sony and Best Buy have known about the defect but failed to repair the defect, replace the notebooks or refund the costs.

Representatives for Sony could not be reached for comment Tuesday.

Plaintiffs are represented by Zeldes & Haeggquist LLP's Alreen Haeggquist, Amber Eck and Helen Zeldes as well as Doyle Lowther LLP's William Doyle II and John Lowther.

Sony is represented by Cooley LLP's Leo Norton, Michael Attanasio, Michelle Doolin; Best Buy is represented by Robins Kaplan Miller & Ciresi LLP's Michael Geibelson.

The case is Flynn v. Sony Electronics Inc. et al., case number 3:09-cv-02109, in the U.S. District Court for the Southern District of California.

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