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## **Bryan on 50 Honda Cars and \$1 Million: Settlement Will Benefit People of the Virgin Islands; \$1 Million to 'Most Likely' be Used for Highway Safety**

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**Governor Albert Bryan during his inauguration in January 2019 in the territory's Capital, Charlotte Amalie. By. KAREEM ALEXANDER FOR VI CONSORTIUM**

Governor Albert Bryan said this week that Virgin Islanders who were affected by the 2016 recall of defective Takata airbags and want compensation could file suit against the offending companies themselves. The governor, speaking during the administration's weekly Covid-19 press briefing Monday, was responding to a Consortium query that sought to understand why the administration had settled with Honda for 50 vehicles, including luxurious Acuras, instead of cash, and why the \$1 million in cash the government received from Honda as part of the settlement had not been distributed to Virgin Islanders whose vehicles the defective airbags were installed on.

In May 2016, then-V.I. Attorney General Claude Walker [announced](#) that the widespread Takata airbag recall in the U.S., Japan and other countries, had also hit the USVI, with over 7,000 vehicles affected. Mr. Walker requested that the Superior Court of the Virgin Islands issue a preliminary injunction against Honda and TK Holdings, the parent company of Takata, alleging that defendants Takata and Honda “made, marketed, and used airbags that they knew were prone to rupture explosively and posed a grave risk to the automobile’s occupants and, further, they misled consumers about the nature and scope of the problem.” The class-action lawsuit was filed by the government on behalf of residents affected by the defective airbags.

In 2018, [the territory received \\$1.5 million](#) from a \$7 million Takata settlement with the U.S. Virgin Islands, New Mexico and Hawaii. Under Mr. Walker, the V.I. government provided \$200 checks to roughly 2,500 Virgin Islanders who were affected, accounting for \$500,000 of the \$1.5 million. At the time, Mr. Walker said the remaining funds would be placed in the USVI Treasury for the government to use as it saw fit.

Importantly, however, Mr. Walker also said the GVI would pursue individual lawsuits against all the companies involved. “We will continue to pursue the car manufacturers – Honda, Ford, Nissan and Toyota – which we allege also played a major role in deceiving Virgin Islands drivers and their families about the safety risks posed by the airbags in the cars they sold,” Mr. Walker [said at the time](#). “I cannot emphasize enough that the longer that some of these vehicles stay on the road, the more dangerous they become.”

Fast forward to 2021, and Virgin Islanders in early February [began spotting](#) Honda-made vehicles, including the luxurious Honda MDX, in government parking lots and with government license plates on the road. U.S. state and territorial governments have traditionally bought Ford and Chevrolet-made vehicles, sometimes at large discounts because of bulk purchases.

The Consortium initially asked Property and Procurement Commissioner Anthony Thomas about the vehicles, and he said they were part of a settlement with Takata. But in a release issued following our published story, V.I. Attorney General Denise George revealed that the vehicles were part of a separate settlement with Honda, whose vehicles represented the majority of those affected with the defective Takata airbags. According to former A.G. Walker, speaking in 2018, the vehicles affected included 2001-2002 Honda Civic, 2001-2002 Honda Accord, 2002-2003 Acura TL, 2002 Honda CR-V, 2002 Honda Odyssey, 2003 Acura CL and 2003 Honda Pilot.

As part of the most recent deal established between the GVI and Honda, the government accepted 50 Honda vehicles worth \$2.1 million, and more than \$1 million in cash. The settlement reached between the GVI and Honda was not announced by the government until the Consortium ran a story on the sightings of the new automobiles.

Mr. Bryan, responding to a Consortium query seeking to understand why Virgin Islanders were not made aware of the settlement, and why no compensation was announced for those individuals affected, pointed to past settlements where Virgin Islanders did not receive compensation.

"It seems like you feel like the attorney general is taking this for her personal car," Mr. Bryan said. "When you say that the residents are not getting anything, all of this property belongs to the government of the Virgin Islands. Rather than a few people getting the benefits of this outcome, a lot of people are going to get the benefit of it by people being able to move from place to place."

He said the suit against Honda "was a case that the A.G. from the prior administration had pursued and most of this was done prior to us coming into office." Ms. George, however, said in her release, "Although the terms of the settlement were substantially negotiated before I came on

board as Attorney General, I am pleased to have finalized what I deem to be a great settlement for the GVI in this government enforcement lawsuit."

The governor then pointed to a Tobacco lawsuit and another that involved a [Red Mud suit settlement](#). "I'd like to call to your attention the Tobacco case that was settled years ago that we're still funding stuff through now. We didn't give that money to the people who smoked cigarettes; we gave it to all the people in terms of being able to promote safety, being able to contribute service to the people of the Virgin Islands."

He added, "The Red Mud case [former Governor Kenneth Mapp] settled where he got over \$30 million from Martin Marietta and [Alcoa World Alumina LLC], they didn't distribute that money to the people that were affected by that case. They took the money and [used] it towards the general good of the community. So I really don't understand the different scenario and the story in this case."

The Red Mud suit [was settled in 2012](#) under former Governor John de Jongh — before Mr. Mapp's tenure. The settlement saw Alcoa or its subsidiary, St. Croix Alumina, agreeing to pay \$3 million in costs and legal fees to the U.S. Virgin Islands government, while St. Croix Alumina agreed to fund work to remediate damage from the highly alkaline refinery byproduct called red mud, which was estimated to cost between \$26.5 million and \$29.5 million. The government did not receive \$30 million in its coffers. At the time, the GVI alleged that the red mud polluted groundwater, damaged nearby marine life and formed dust that contaminated rainwater cisterns on nearby properties.

Mr. Bryan further stated that residents affected by the recall who seek additional compensation could file their own lawsuits. "You have to remember all those people have the ability to sue Honda personally. So whatever they do on their personal behalf, we're not aware of."

Relative to how the government would spend the funds, Mr. Bryan said, "More than likely we'll probably use [the funds] towards Highway Safety."