

08-1314 WILLIAMSON V. MAZDA MOTOR OF AMERICA

DECISION BELOW: 84 Cal. Rptr. 3d 545

LOWER COURT CASE NUMBER: G038845

QUESTION PRESENTED:

1. Where Congress has provided that compliance with a federal motor vehicle safety standard does not exempt a person from liability at common law, 49 U.S.C. § 30103(e), does a federal minimum safety standard allowing vehicle manufacturers to install either lap-only or lap/shoulder seatbelts in certain seating positions impliedly preempt a state common-law claim alleging that the manufacturer should have installed a lap/shoulder belt in one of those seating positions?

2. Under this Court's recent ruling in *Wyeth v. Levine*, __ S. Ct. __, 2009 WL 529172 (2009), does a federal motor vehicle safety standard allowing vehicle manufacturers to install either lap-only or lap/shoulder seatbelts impliedly preempt a state tort suit alleging that the manufacturer should have warned consumers of the known dangers of a lap-only seatbelt installed in one of its vehicles?

LIMITED TO QUESTION 1 PRESENTED BY THE PETITION.
JUSTICE KAGAN TOOK NO PART
CERT. GRANTED 5/24/2010