MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

This action is one of at least 67 pending in United Sates District Courts around the country, all brought by alleged owners or lessees of Toyota and Lexus vehicles. Each of these actions asserts class-wide claims, against various Toyota entities, purporting to arise out of alleged unintended acceleration and voluntary safety recalls of Toyota and Lexus vehicles.[1] *See* Declaration of Lisa Gilford ("Gilford Decl."), ¶ 4, Ex. B. To date, at least four motions for coordinated treatment of these cases have been filed with the Judicial Panel on Multidistrict Litigation ("JPML") concerning the transfer of these actions, for coordinated or consolidated pretrial proceedings, pursuant to 28 U.S.C. § 1407. (*Id.* at ¶ 5.)

Toyota will be joining in the requests for consolidated treatment and filing its response with the JPML on February 26, 2010. Toyota's U.S. headquarters are in the Central District, and the vast majority of the cases, including the first-filed class action, have been filed here. Many of the Central District actions are already pending before the Honorable A. Howard Matz. Toyota therefore anticipates requesting consolidated treatment here in the Central District, with Judge Matz presiding over the consolidated cases. (*Id.* at ¶ 6.)

The JPML's next hearing is on March 25, 2010. The schedule for the March 25, 2010 hearing has not yet been released. However, given the number of consolidation requests, Toyota anticipates that the panel will consider consolidation at that hearing. (*Id.* at ¶ 7.) Toyota therefore moves the Court for an Order staying all proceedings in this case pending a ruling by the JPML. The JPML's ruling will, in all

[1] Toyota acknowledges that there are some differences in the theories of liability and claims regarding the alleged defect(s) in the various actions. Although the theories of these lawsuits may differ, all relate to the issue of unintended acceleration. Moreover, the MDL proceeding can accommodate the various complaints and will eliminate duplicative discovery, avoid inconsistent pretrial rulings, and conserve the resources of the parties, their counsel, and the judiciary.