my personal knowledge and if called as a witness I could and would testify competently thereto.

2. Attached hereto as Exhibit A is a true and correct copy of correspondence I faxed, mailed, and emailed to Toyota's counsel earlier today outlining our position on this application.

3. This case should not be consolidated with the national sudden acceleration product liability cases. This case is NOT a product liability case. Plaintiff's claims and damages sought on behalf of himself and the proposed California class are inherently different than the product liability cases Toyota seeks to consolidate.

4. Further, this Court may not have jurisdiction at this time to decide any issue in this matter. On February 18, 2010, my law partner Julianna R. Makler prepared and filed a Request for Dismissal of the federal claims alleged in Plaintiff's First Amended Complaint with the Los Angeles County Superior Court via the court's fax filing number. She received confirmation that the documents faxed were successfully sent at 11:30 a.m. Attached hereto as Exhibit B is a true and correct copy of the Request for Dismissal and fax confirmation page.

5. Prior to receipt of a file endorsed copy of the Request for Dismissal dismissing the federal claims, Defendant removed this matter to this Court.

6. Plaintiff contends that any federal claims alleged in his First Amended Complaint were dismissed prior to the removal to this Court. Without the federal claims, there is no federal question jurisdiction as required 28 U.S.C. § 1331. Further, there is no diversity jurisdiction pursuant to 28 U.S.C. § 1332 as both parties are California residents or entities. As such, there does not appear to be federal jurisdiction over this matter and it has been improperly removed.

7. Based upon the above facts and circumstances, Plaintiff intends to seek a remand to state court. A stay on this matter, as Defendant Toyota has requested via its ex parte application, will unduly preclude Plaintiff from seeking