MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

This action is one of at least 72 consumer class-actions 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. (*See* Declaration of Lisa Gilford ("Gilford Decl."), ¶ 6.) The case is very recent, only having been filed in Los Angeles County Superior Court on January 8, 2010, and removed to this Court, under federal claim jurisdiction, on February 18, 2010. (*Id.* at ¶¶ 2-3.)

There are several motions for consolidation pending before the Judicial Panel on Multi-District Litigation ("JPML") regarding these cases. Given the pending JPML consolidation motions, on February 21, 2010 Toyota filed an *ex parte* application for an immediate stay of all proceedings in this matter, until the JPML rules on the consolidation motions. (*Id.* at ¶ 8.) Plaintiffs opposed Toyota's stay application, because they intend to file a motion to remand the case to state court. However, in plaintiffs' opposition they confirmed that that they do not oppose a grant of additional time to Toyota to file a response to the First Amended Complaint, because hearing and determining the remand issue first could render any motions to dismiss moot. (*Id.* at ¶ 9, Ex. C.) Notwithstanding this concession, plaintiffs refused to enter into a stipulation granting Toyota additional time to file a responsive pleading, necessitating this *ex parte* application. (*Id.* at ¶ 13.)

Toyota still believes that a stay of all proceedings is appropriate and warranted, given the pending JPML consolidation proceedings. In fact, Judge Matz has entered complete stays in two of these cases, *Aviles v. Toyota Motor Corporation, et al.*, CV10-00706 AHM(FMOx) and *Gazaryan v. Toyota Motor Sales U.S.A., Inc. et al.*, CV10-00849 AHM(FMOx) (*Id.* at ¶ 8, Ex. B.) Because the Court has not yet ruled