Brief in Support, a stay will promote the efficient resolution of this litigation, preserve judicial resources and limit the potential for inconsistent decisions.

In the alternative, Toyota respectfully moves this Court to extend its time to respond to Plaintiffs' Complaint. Plaintiffs expressly state in their Complaint that they intend to file an amended Complaint that will supersede their original Complaint. Yet, without any legitimate justification, Plaintiffs have refused to consent to any extension of time for Toyota to file its response to Plaintiffs' Complaint. If this case is still pending in this Court by the time Plaintiffs amend and Toyota's response to the amended complaint is due, Toyota will have to file a response to Plaintiffs' amended complaint, making its original response a nullity and entire waste of time and resources.[2] Given Plaintiffs' expressed intent to amend and inability to do so prior to March 31, 2010,[3] Toyota's requested extension of time will not delay this case one day. The refusal to grant the extension will force Toyota to file multiple responses to Plaintiffs' claims. The unreasonable nature of Plaintiffs' refusal is further compounded by the great likelihood that this case will soon become part of a consolidated MDL proceeding.

Pursuant to Local Rule 7.8, Toyota asks the Court for an expedited ruling on its Motion for extension of time. Defendant's answer is due on Monday March 1, 2010 and if the Court does not grant an extension before that date the opportunity for the Motion to be decided on its merits will be lost.

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[2] And, as explained above, Toyota is currently defending more than seventy (70) such class actions in federal courts across the country based on the same allegations concerning the same subject matter. Refusal by counsel to consent to an imminently reasonable accommodation such as this extension of time, and instead, forcing Toyota to prepare a response that by Plaintiffs' own Complaint will be superseded and become a nullity is particularly impactful in light of the fact that Toyota is already having to address the same allegations in numerous overlapping and/or duplicative cases.

[3] *See* Pl. Compl., Doc. No. 1, ¶ 50 (providing a "Proposed Cause of Action" under the Texas Deceptive Trade Practices Act and explaining that "[c]ommensurate with the filing of this Complaint, Plaintiffs will be sending Defendants a 60 day notice letter as required under the act and will request leave to add their cause of action for Plaintiffs, individually and as representatives of the Texas Class.").