23(b). Plaintiffs reserve the right to modify the "Texas Class" definitions and the class period based on the results of discovery.

33. **Numerosity of the "Texas Class"** - The members of the "Texas Class" are so numerous that their individual joinder is impracticable. Plaintiffs are informed and believe that there are at least hundreds of thousands of members in the class. Because the class members may be identified through business records regularly maintained by the Toyota Defendants and its employees and agents, and through the records of public agencies, the number and identities of class members can be ascertained. Members of the Classes can be notified of the pending action by e-mail, mail and supplemented by published notice, if necessary.

34. **Existence and Predominance of Common Questions of Fact and Law**

There are questions of law and fact common to both Classes. These questions predominate over any questions affecting only individual class members. These common legal and factual issues include, but are not limited to:

a. Whether Toyota and Lexus vehicles equipped with ETCS-i and/or ETC are dangerous when used as designed because the ETCS-i and/or ETC may cause sudden unintended acceleration;

b. Whether Toyota and Lexus vehicles equipped with ETCS-i and/or ETC are dangerous when used as designed because the ETCS-i and/or ETC fails to incorporate critical failsafe measures designed to assist the driver in maintaining control of the vehicle in the event of a sudden unintended acceleration;

c. Whether the Toyota Defendants knew during the time that it sold Toyota and Lexus vehicles equipped with ETCS-i and/or ETC that such vehicles were susceptible to sudden unintended acceleration when used as designed;

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