27. These complaints have resulted in numerous inquiries from the National Highway Traffic Safety Administration.

28. At all times relevant herein, the Toyota Defendants had full knowledge that Toyota and Lexus equipped with ETCS-i and/or ETC were susceptible to incidents of sudden unintended acceleration that posed a significant risk of injury and death to vehicle occupants and other motorists and pedestrians alike.

29. Despite this knowledge, the Toyota Defendants continue to design, manufacture, advertise, and distribute Toyota and Lexus vehicles equipped with ETCS-i and/or ETC that are susceptible to incidents of sudden unintended acceleration and fail to incorporate critical failsafe measures to assist the driver in such an event.

IV.
CLASS ACTION ALLEGATIONS

30. Plaintiffs bring this action on behalf of themselves and all other similarly situated in the State of Texas.

31. Plaintiffs initially define the "Texas Class" as follows:

a. **The Texas Class**: All persons who reside in Texas and presently own Toyota and Lexus vehicles equipped with ETCS-i and/or ETC.

Specifically excluded from this Class are all persons who have suffered, or possess a right of action for, any personal injury or wrongful death as a result of sudden unintended acceleration. Also excluded from this class is any entity in which Defendants have a controlling interest, and officers or directors of Defendants. Plaintiffs, and those persons similarly situated as described in the preceding paragraph, may be collectively referred to herein as the "Texas Class Plaintiffs".

32. This action is brought as a class action and may properly be so maintained pursuant to the provisions of the Federal Rules of Civil Procedure 23(a) and

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