class action seeking injunctive relief and damages on behalf of a California-wide and a nation-wide class of Toyota owners; it was the first of the class actions to be filed. Petitioners have filed a motion for a preliminary injunction in the *Choi* action. The other cases are believed to be in preliminary stages of litigation. Petitioners now seek to consolidate all of these cases for the remainder of pretrial proceedings, in the interest of justice, economy, and efficiency.

ARGUMENT

I. THESE ACTIONS WARRANT TRANSFER AND CONSOLIDATION PURSUANT TO 28 U.S.C. § 1407

Consolidation of the Toyota cases under §1407 is proper because these cases involve common questions of fact and consolidation will promote the convenience of witnesses and parties and the just and efficient conduct of these actions.

First, it is clear that there are common questions of fact. All of the plaintiffs were owners of the subject vehicles that are subject to unintended acceleration. The factual bases for the various claims – including defendants' full awareness of the recurring problem of sudden unintended acceleration in plaintiffs' Toyota and Lexus vehicles equipped with ETCS-i and failure to incorporate important failsafe measures critical to assisting a driver in maintaining control of the vehicle during a sudden unintended acceleration event – are common to all the cases. These common issues satisfy the "common questions of fact" requirement of § 1407. *See Daffin v. Ford Motor Co.*, 458 F.3d 549 (J.P.M.L. 2006) (finding whether the question of whether the throttle body was defective was common to all van owners because they all had the same throttle body and warranty, and the legal question of whether the warranty contract was properly read to contain a promise to repair the type of common "defect" in all throttle body assemblies, regardless of whether or not manifested during the warranty period, was also common to the class); *see also In re Zyprexa Products Liability Litigation*, (J.P.M.L. Apr. 14,