61. Plaintiff will fairly and adequately represent and protect the interests of the Class. Plaintiff has no interests that are antagonistic to or that irreconcilably conflict with those of other Class members. In addition, Plaintiff has retained counsel competent and experienced in the prosecution of class action litigation.

62. Questions of law or fact common to Class predominate over any questions effecting only individual Class members.

63. A class action is superior to all other available methods for the fair and efficient adjudication of Plaintiff's and Class members' claims.

64. Plaintiff and Class members have suffered similar harm as a result of Defendants' conduct. Certification of a class action to resolve these disputes will reduce the possibility of repetitious litigation involving millions of Class members.

65. Class certification is appropriate under Fed. R. Civ. P. 23, as the Class satisfies the requirements of Fed. R. Civ. P. 23(a) and 23(b)(3). Class certification is also appropriate under Fed. R. Civ. P. 23(b)(2) with respect to injunctive relief.

FIRST CLAIM FOR RELIEF
NEGLIGENCE

66. Plaintiff re-alleges all preceding allegations as if fully set forth herein.

67. Defendants assumed a duty to exercise reasonable care in, among other things, manufacturing and selling automobiles that did not contain a dangerous condition. Defendants' duties arose from, among other things, the relationship between the parties as buyers and sellers.

68. Defendants also assumed a duty to adequately investigate claims of unintended acceleration and to timely notify Class members of known dangerous conditions.

69. Defendants breached their duties by manufacturing and selling automobiles with dangerous accelerator systems. They also breached their duties

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