allow Defendants to selectively preserve important information. Obviously, the Defendants could not comply with differing sets of inconsistent orders.

29. Class Certification pursuant to Rule 23(b)(2) of the Ohio Rules of Civil Procedure is appropriate because the Plaintiffs and all members of the Class seek declaratory and injunctive relief. The Class seeks an Order that declares their right to the immediate replacement of cars and entitlement to stop making payments.

COUNT I

Fraudulent Concealment

30. Plaintiffs incorporate by reference and restate each and every allegation above as if fully rewritten herein.

31. Toyota has known since at least 2002 and possibly as early as 2000, and likely much earlier, that its vehicles were subject to sudden and uncontrollable acceleration that placed occupants of its vehicles at great risk of death. Toyota was aware that there were more than 1,000 fatalities in its vehicles because of unintended acceleration from 2002-09. Toyota knew that the risk of losing control of a vehicle in a high speed accident would be very frightening and dangerous to consumers and would cause Toyota's sales to decline. Toyota intentionally concealed the information, or acted with reckless regard for the truth, and denied the consuming public information that is highly relevant to their purchasing decision. Toyota fraudulently concealed the information for years, because it was more important to Toyota to increase sales and become the largest manufacturer in the world. Toyota sacrificed innocent, trusting lives for profit and hubris.

32. Toyota's customers relied on Toyota's reputation coupled with the fact that Toyota did not disclose the acceleration problems, in purchasing or leasing Toyota's vehicles. The facts concealed were material, because if they had been disclosed Class members would not have bought

TOY-TQ002-06-3D-00002220