9. The need here is particularly compelling because, absent a stay, Toyota's motion to dismiss is currently due on March 1, 2010 (although a stipulation and proposed order extending the deadline may be filed concurrently herewith or in the near future). As a result, Toyota respectfully requests that the Court rule on the instant ex parte application at its first opportunity.

10. On February 18-19 and 22, 2010, my office engaged in telephonic meet and confer efforts with plaintiff's counsel, Jon Lambiras, Berger & Montague, P.C. 1622 Locust Street, Philadelphia, PA 19103; telephone: (215) 875-3000, regarding Toyota's intent to move for an immediate stay of these proceedings pending a JPML hearing. We were not able to secure a stipulation from Mr. Lambiras agreeing to a stay of these proceedings, so we advised him by telephone and email on Monday, February 22, 2010, that we would be bringing the instant ex parte Application on Tuesday, February 23, 2010. Mr. Lambiras did not indicate whether Plaintiffs will oppose Toyota's ex parte Application, but he did, as stated, inform my office that he could not agree to a stay on behalf of his client. He did, however, indicate his client would be amenable to extending the deadline for Toyota to respond to the Complaint.

11. Attached as Exhibit C is a true and correct copy of an email we sent to Plaintiff's counsel informing him that any opposition to this *ex parte* had to be filed no later than 24 hours after service, which is going to be made via email.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.

Executed this 23rd day of February 2010, at Los Angeles, California.

/s/

Lisa Gilford