

Individual litigation will be burdensome, time consuming, and repetitive. The class action device is preferable to individual litigation because it provides the benefits of unitary adjudication, economies of scale, and it provides access to the courts for thousands of Ohio residents who are driving dangerous cars. Accordingly, class certification pursuant to Rule 23(b)(3) of the Ohio Rules of Civil Procedure is desirable and appropriate.

30. Class certification pursuant to Rule 23(b)(1)(A) is appropriate because the prosecution of separate actions by individual members of the Class would create the risk of inconsistent or varying adjudications with respect to individual members of the Class. Individual litigation could result in some courts requiring the Defendants to immediately replace all cars, stopping lease and car payments, and preserving documents and other courts permitting the Defendants to delay replacements and permit Defendants to continue to collect payments from members of the class, and allow Defendants to selectively preserve important information. Obviously, the Defendants could not comply with differing sets of inconsistent orders.

31. 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 and Fraud by Omission

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

33. Toyota has known since at least 2002 and possibly as early as 2000, and likely much earlier, that its vehicles are subject to sudden and uncontrollable acceleration that placed occupants