33. The legislative history makes it clear that § 1332(d)(6) is to be interpreted expansively. The Senate Committee states: ". . . if a federal court is uncertain about whether 'all matters in controversy' in a purported class action 'do not in the aggregate exceed the sum or value of $5,000,000, the court should err in favor of exercising jurisdiction over the case. By the same token, the Committee intends that a matter be subject to federal court jurisdiction under this provision if the value of the matter in litigation exceeds $5,000,000 either from the viewpoint of the plaintiff or the viewpoint of the defendant, and regardless of the type of relief sought (e.g., damages, injunctive relief, or declaratory relief)." 109th Congress, 1st Session, Senate Rep. 109-14, at p. 43 (February 28, 2005).

34. Plaintiffs' Amended Complaint contains the following causes of action: (I) Fraudulent Concealment and Fraud by Omission; (II) Fraud; (III) Violation of the Ohio Consumer Sales Practices Act; (IV) Violation of the Ohio Deceptive Trade Practices Act; (V) Breach of Lease/Contract; (VI) Breach of Express Warranties; (VII) Unjust Enrichment; (VIII) Breach of Implied Warranty of Merchantability; (IX) Breach of Implied Warranty of Fitness for a Particular Purpose; (X) Negligence; (XI) Strict Product Liability. Plaintiffs also seek punitive damages, attorneys' fees and injunctive relief. (Amended Complaint, *passim*).

35. Although Plaintiffs' Amended Complaint does not specifically set forth the amount in controversy, Plaintiffs assert that as a result of their reliance on Toyota's alleged fraudulent concealment of defects in the automobiles at issue, Plaintiffs and

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3:10-cv-00061 ("This Court also has jurisdiction pursuant to 28 U.S.C. § 1332(d) which, under the provisions of the Class Action Fairness Act (CFA), explicitly provides for original jurisdiction in the Federal Courts of any class action where the amount in controversy exceeds the sum or value in the aggregate of $5,000,000, exclusive of interest and costs." There are dozens of other similar cases recently filed in federal district courts across the country based on CAFA diversity jurisdiction that are currently pending against Toyota.