MEMORANDUM IN SUPPORT

INTRODUCTION

Defendants move to stay this case pending a ruling by the Judicial Panel on Multidistrict Litigation ("JPML") concerning the transfer of this action for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. The JPML's ruling will, in all likelihood, result in the transfer of this action to a consolidated Multidistrict Litigation ("MDL") proceeding. This action is one of more than ninety (90) similar actions, the vast majority of which are duplicative and/or overlapping putative class actions pending in various federal courts around the country.[1] The actions, including this case, are premised upon the same basic set of alleged facts and assert similar claims against the defendants. Plaintiffs in these cases claim to be owners or lessees of Toyota automobiles and make claims relating to potential unintended acceleration and the voluntary safety recalls.[2]

To date, at least two motions for coordinated treatment of these cases and numerous responses have been filed with the JPML. *See In re Toyota Motor Corp. Unintended Acceleration Prods. Liab. Litig.*, MDL Docket No. 2151. Toyota filed its

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[1] To date, actions have been filed in federal and state courts in at least the following states: California, Florida, Louisiana, Texas, South Carolina, Kentucky, Colorado, New Jersey, Puerto Rico, Indiana, Missouri, Ohio, Michigan, Kansas, Pennsylvania, New York, Oklahoma, Alabama, Mississippi, Illinois, West Virginia, Arkansas, Massachusetts, Connecticut, Wyoming, Montana, Alaska, Georgia, New Mexico, and Maryland.

[2] Defendants acknowledges that there are some differences in the theories of liability and claims regarding the alleged defect(s) in the various actions. Although the theories of these lawsuits may differ, all relate to the issue of unintended acceleration. Moreover, the transferee court is vested with discretion to consolidate some complaints, but not others, and to permit multiple consolidated complaints for differing types of claims or plaintiffs. Accordingly, the MDL proceeding can accommodate the various complaints and will eliminate duplicative discovery, avoid inconsistent pretrial rulings, and conserve the resources of the parties, their counsel, and the judiciary.