26. **Commonality**: Common questions of law and fact predominate over any individual questions of separate Class members. The common questions of law and fact include, but are not limited to, the following:

a. Whether Toyota violated Colorado's product liability law;

b. Whether the defects in the vehicles recalled by Toyota render them unfit for their intended use;

c. Whether Toyota breached its implied warranties of merchantability and fitness for a particular purpose;

d. Whether Toyota has violated Colorado's Consumer Protection Act;

e. Whether Toyota's actions have caused damages to Plaintiff and members of the Class; and

f. Whether Toyota should be required to furnish replacement and or rental vehicles to Plaintiff and members of the Class during the period for which they are denied the use of their defective vehicles due to the inherent dangers therein.

27. **Typicality**: Plaintiff's claims are typical of the claims of the Class Members. Plaintiff and all Class Members have been injured by the same defect, that defect being that Plaintiff's and Class Members' vehicles have a heightened risk of suddenly and unexpectedly accelerating, rendering the vehicles too dangerous to drive. Plaintiff's claims arise from the same practices and course of conduct that gives rise to the claims of the Class Members and are based on the same legal theories.

28. **Adequacy**: Plaintiff will fully and adequately assert and protect the interests of the Class. Plaintiff has retained counsel who is experienced in class actions and complex mass

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