unintended acceleration. Excluded from the Class is Toyota, any entity in which Toyota has a controlling interest, and any of its subsidiaries, affiliates, and officers, directors of Toyota, or employees, and any legal representative, heir, successor, or assignee of Toyota.

50. This action has been brought and may properly be maintained as a class action pursuant to Federal Rule of Civil procedure 23(a) and (b)(3).

51. The members of the Class are so numerous that joinder of all members is impracticable. While the exact number of Class members is unknown to Plaintiffs at this time and can only be ascertained through appropriate discovery, Plaintiffs are informed and believe, and on that basis allege, that millions of persons are members of the Class. The precise number of Class members and their addresses are unknown to Plaintiffs. Class members may be notified of the pendency of this action by published and/or mailed notice.

52. There is a well-defined community of interest in the questions of law and fact affecting the parties represented in this action.

53. Common questions of law and fact exist as to all members of the Class. These common questions predominate over the questions affecting only individual Class members.

54. The questions common to members of the Class are, *inter alia*:

a. whether Toyota's conduct constituted actionable negligence;

b. whether, by the misconduct set forth in this Complaint, Toyota has violated California Business & Professions Code §17200 *et seq.*;

c. whether Toyota's conduct constituted a breach of the implied warranty of merchantability;

d. whether Toyota's conduct constituted a breach of the implied warranty of fitness for a particular purpose; and

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