C. AMOUNT IN CONTROVERSY UNDER CAFA [1]

27. CAFA provides that a federal district court shall have original jurisdiction over a putative class action where the claims of the individual class members, when aggregated, exceed the sum of $5,000,000, exclusive of interest and costs. 28 U.S.C. § 1332(d)(6).

28. Other litigants recently have sued one of some of these Defendant asserting that their putative class action claims exceed the sum of $5,000,000 under CAFA.[2]

29. 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

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[1] Though the Toyota Defendants dispute that Plaintiffs are entitled to bring this action, vehemently deny liability, and contend that Plaintiffs can recover nothing under the claims in the Complaint and the Amended Complaint, for purposes of removal only, Plaintiffs' allegations and the relief sought by Plaintiffs are to be considered in determining the value of the claims as pled and the amount in controversy.

[2] *See, e.g.*, Complaint (¶ 6) in *Troy Menssen v. Toyota Motor Sales, U.S.A., Inc., et al.*, N.D. Ohio, Case No. 1:10-cv-00260 ("This Court also has jurisdiction pursuant to 28 U.S.C. 1332 in that the amount in controversy exceeds the sum or value of $5 million exclusive of interest and costs, and members of the putative Class of Plaintiffs defined herein are citizens of different states than one or more of the Defendants." *see also* Complaint (¶ 2) *Daniel Lee v. Toyota Motor North America, Inc., et al.*, N.D. Ohio, Case No. 3:10-cv-00280, ("The court has jurisdiction pursuant to 28 U.S.C. 1332(d) because the matter in controversy exceeds the sum or value of $5,000,000 exclusive of interests and costs and is a class action in which the members of the class are citizens of a different state than the defendants."); *see also* Complaint (¶ 4) in *Rebecca S. Shumaker v. Toyota Motor Sales, U.S.A., Inc., et al.*, S.D. Ohio, Case No. 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.

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