I.
INTRODUCTION

Plaintiffs' action is brought as a class action pursuant to Fed. R. Civ. P. 23 against Defendants Toyota Motor Corporation, Toyota Motor Sales, U.S.A., Inc., and Does 1 through 10, claiming damages on behalf of the Plaintiff Class and Subclasses, comprised of purchasers and lessees of vehicles manufactured and warranted by Defendants, as more fully defined in Plaintiffs' Original Class Action Complaint (Doc. 1), as a result of Defendants' breach of express and implied warranties attendant to a common defect in the subject vehicles. More specifically, each Plaintiff purchased or leased a vehicle manufactured and warranted by Defendants that is subject to uncontrolled and/or unintended and/or sudden acceleration because of Defendants' admittedly faulty Electronic Throttle Control System with Intelligence ("ETCS-i") coupled with the lack of Brake Override System technology ("BOS"). As a result of the absence of BOS in Defendants' vehicles, which Defendants failed to disclose to Plaintiffs, the vehicles are dangerously unsafe, inherently defective, and are worth less than the amount of money Plaintiffs who purchased them paid.

II.
ARGUMENTS & AUTHORITIES

In view of Defendants' evidentiary retention obligations, Plaintiffs hereby move the Court for the entry of an order prohibiting the alteration and destruction of evidence during the pendency of this action by Defendants, their employees, agents, contractors and any non-parties who possess materials reasonably anticipated by Defendants to be subject to discovery in this action. An order requiring the preservation of evidence is appropriate and commensurate with the Federal Rules of Civil Procedure governing discovery and applicable federal case law requiring Defendants to take necessary steps to prevent the alteration and destruction of evidence that may be relevant to this action. *See, e.g.*, Fed. R. Civ. P. 26(f) (directing litigants to, as soon

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