2. 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.

3. The Plaintiff ELAINE BYRNES is a citizen of California. Defendant TOYOTA MOTOR CORPORATION is a Japanese corporation. Defendant TOYOTA MOTOR ENGINEERING AND MANUFACTURING NORTH AMERICA, INC., is a Kentucky corporation. Defendant TOYOTA MOTOR NORTH AMERICA, INC., is a California corporation. Defendant TOYOTA MOTOR SALES U.S.A., INC., is a California corporation.

4. The Toyota Defendants combine money, skills, property and effects jointly for a common economic purpose. The Toyota Defendants operate as a joint enterprise or joint venture in regard to the design, manufacture, and marketing of motor vehicles located within this jurisdiction.

5. The Court has personal jurisdiction over the Toyota Defendants because they conduct substantial business in the State of California, have sufficient minimum contacts with the State, and otherwise avail themselves of the markets in this State, through promotion, sale, marketing, and distribution of their products and services in this State, so as to render the exercise of jurisdiction by this Court permissible under traditional notions of fair play and substantial justice. The State of California has a substantial and paramount interest in preventing the practices alleged herein from occurring in California.

6. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 because, among other thing, a substantial portion of the acts and omissions complained of occurred in this judicial district.

PRELIMINARY STATEMENT

TOY-TQ002-06-3D-00004727