58. A class action is superior to all other available methods to adjudicate this litigation. Additionally, common issues predominate over individual issues. The size of the Class renders joinder impracticable. The failure to certify the Class likely will prevent consumers who are driving on dangerous cars from pursuing their claims because of the expense of individual litigation. Individual litigation will be burdensome, time consuming, and repetitive. The class action device is preferable to individual litigation because it provides the benefits of unitary adjudication, economies of scale, and it provides access to the courts for thousands of Ohio residents who are driving dangerous cars. Accordingly, class certification pursuant to Fed. R. Civ. P. 23 (b) (3) is desirable and appropriate.

59. Class certification pursuant to Rule 23(b)(1)is appropriate because the prosecution of separate actions by individual members of the Class would create the risk of inconsistent or varying adjudications with respect to individual members of the Class. Individual litigation could result in some courts requiring the Defendants to immediately replace all cars, stopping lease and car payments, and other courts permitting the Defendants to delay replacements and permit Defendants to continue to collect payments from members of the class. Obviously, the Defendants could not comply with differing sets of inconsistent orders.

60. Class Certification pursuant to Rule 23 (b) (2) is appropriate because the Plaintiffs and all members of the Class seek declaratory and injunctive relief. The Class seeks an Order that declares their right to the immediate replacement of cars and entitlement to stop making payments.

COUNT I

VIOLATION OF RACKETEER INFLUENCED AND CORRUPT ORGANIZATION ACT. 18 U.S.C. SECTION 1962 (C)

61. Plaintiffs incorporate by reference and each and every allegation as if fully rewritten herein.

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