92. Plaintiff Alan Weller, together with his wife, owns a 2010 Pruis. When they have driven their Prius, the Wellers have experienced difficulties braking. Plaintiff Weller contends that his 2010 Toyota vehicle is designed, manufactured and sold using Toyota's Braking System.

93. Plaintiff Briggs' and Plaintiff Weller's Toyota vehicles, upon information and belief, may no longer be safe to operate due to the braking system defect. For example, every second the braking system malfunctions, a vehicle moving at 30 miles per hour will travel an additional 44 feet. This creates a significantly dangerous condition when driving. It is unreasonably dangerous for the Plaintiffs and the proposed class members to be expected to compensate for such unsafe and unreliable systems. Indeed, Plaintiff Briggs already has had an incident of SUA, was unable to rely on his brakes, and crashed into the automobile in front of him. Plaintiffs allege upon information and belief, that the Defendants knew that this system was susceptible to malfunction that could result in unintended braking conditions and serious safety issues. Defendants continued to manufacture the Prius vehicles with this defective system. Plaintiffs contend upon information and belief, that Defendants' actions have diminished the value of Plaintiffs' vehicles resulting in economic loss.

COUNT I

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

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

95. Defendants are and were at all times mentioned herein "persons" as that term is defined in 18 U.S.C. § 1961(3).

96. The North American Toyota Dealers constitute an association-in-fact "enterprise" as that term is defined in 18 U.S.C. § 1961(4), which is engaged in and affects interstate and foreign

TOY-TQ002-06-3D-00005399