COUNT V
NEGLIGENCE

55. Plaintiff incorporates each of the preceding paragraphs as if fully set forth herein at length.

56. Toyota had a duty to Plaintiff to provide a safe product in design and manufacture, to notify the NHTSA, and to warn the NHTSA of the defective nature of the accelerator systems in the Subject Vehicles.

57. Toyota breached its duty of reasonable care to Plaintiff by designing the accelerator systems of the Subject Vehicles in such a manner that they were prone to malfunctioning and causing the Subject Vehicles to unexpectedly and uncontrollably accelerate.

58. Toyota breached its duty of reasonable care to Plaintiff by manufacturing and/or assembling the accelerator systems of the Subject Vehicles in such a manner that they were prone to malfunctioning and causing the Subject Vehicles to unexpectedly and uncontrollably accelerate.

59. Toyota breached its duty of reasonable care to Plaintiff by failing to recall the Subject Vehicles at the earliest possible date, and in eventually blaming the defect on a much less dangerous supposed "floor mat" defect. In fact, Toyota only initiated a recall after pressured to do so by the United State government.

60. Toyota breached its duty of reasonable care to Plaintiff by failing to exercise due care under the circumstances.

61. As a direct and proximate result of Toyota's negligence as set forth in the preceding paragraphs, Plaintiff and the Class have sustained and will continue to sustain the loss of use of their vehicles, emotional distress, economic losses, consequential damages and other