adequately warn the Plaintiffs and Class Members concerning the methods of disengaging the accelerator pedal manually – by shifting to neutral and/or turning off the vehicle. Defendants also breached their duty to warn the Plaintiffs and Class Members when they failed to recall all similarly designed vehicles following the first reports of unintended acceleration or problems disengaging the throttle.

63. As a direct and proximate result of the Defendants' negligence, the Plaintiffs and Class Members have been harmed and will continue to suffer harm. The Plaintiffs and Class Members have or will suffer the loss of use of their vehicles and other consequential damages.

FOURTH CAUSE OF ACTION

PRODUCTS LIABILITY

64. Plaintiffs on behalf of themselves and the California Class, against all Defendants, repeat each and every allegation contained in the prior paragraphs of this complaint.

65. Defendants are and have been at all times pertinent to this Complaint, engaged in the business of designing, manufacturing, assembling, promoting, advertising, distributing and selling Toyota and Lexus vehicles in the United States including those owned by the Plaintiffs and Members of the Class defined herein. Defendants knew and anticipated that the vehicles owned by the Plaintiffs and Class Members would be sold to and operated by purchasers and/or eventual owners of Defendants' vehicles, including the Plaintiffs and Class Members. Defendants also knew that these vehicles would reach the Plaintiffs and Class Members without substantial change in their condition from the time that the vehicles rolled off the Defendants' assembly lines.

66. The defects in the Defendants' acceleration equipment and ETC could not have been anticipated by a reasonable person, and, therefore presented an unreasonably dangerous situation for expected users such as the Plaintiffs and Class Members, even when used in a reasonable and foreseeable manner.

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