number of affected consumers would at least be in the many hundreds, if not in excess of one thousand, thereby making joinder unfeasible.

25. Questions of law and fact common to the Class exist and predominate over questions affecting only individual members, including, *inter alia*:

(a) Whether Toyota was unfair or deceptive in its design, testing, manufacture, assembly, development and sale of the Recalled Vehicles, thus fraudulently inducing the Class members to purchase the vehicles.

(b) Whether Toyota breached express warranties in its sale of the Recalled Vehicles, thereby causing harm to plaintiff and other Class members;

(c) Whether Toyota breached implied warranties in its sale of the Recalled Vehicles, thereby causing harm to plaintiff and other Class members;

(d) Whether Toyota fraudulently concealed the risks associated with its design, testing, manufacture, assembly, development and sale of the Recalled Vehicles; and

(e) Whether Toyota's practices in connection with the promotion, marketing, advertising, packaging, labeling and sale of the Recalled Vehicles unjustly enriched Toyota at the expense of, and to the detriment of, plaintiff and other Class members.

26. Plaintiff's claims in this action are typical of the claims that would be sought by other Class members and arise from the same course of conduct by Toyota. The relief sought by these plaintiffs is common.

27. The interests of the Class members will be fairly represented by the plaintiff. Counsel in this matter is competent and experienced in both consumer protection and class action litigation.

28 Certification of this class action is appropriate under F.R.C.P. 23(b). Questions of law or fact common to the respective Class members predominate over questions of law or fact affecting

TOY-TQ002-06-3D-00005934