30. On or about February 27, 2009 Plaintiffs purchased a 2009 Toyota Rav4, VIN JTMZF33V69D005708, ("the subject vehicle") which was made in Japan by the Defendants.

31. The Defendants designed, manufactured, distributed, promoted and placed the subject vehicle into the stream of commerce.

32. While publicly blaming floor mats for their SUA problem, tellingly, Defendants have recently indicated that they are considering software changes to the on-board computer systems as a solution to the sudden and unintended acceleration problems with their vehicles. The considered software change would cause the accelerator to disengage whenever the brakes are engaged - a simple design concept that other car manufacturers have used for years.

CLASS ACTION ALLEGATIONS

33. Plaintiffs bring this case on behalf of themselves and a class defined as follows:

> **All persons who own a Toyota or Lexus vehicle with Electronic Throttle Control System with Intelligence ("ETCS-i") or Electronic Throttle Control System ("ETCS"), excluding Defendants, Defendants' officers, Defendants' directors, Defendants' employees and the Judge to which this case is assigned.**

34. The Class as defined above is easily identifiable. Class Members can be easily identified using records maintained by the Defendants and Class Members' own vehicles.

35. The Class definition includes a well-defined time period. The Class period is limited by the time period during which the Defendants manufactured vehicles with the ETC (Class Period). The applicable limitations periods are either longer than the practice has been in existence and/or tolled due to the Defendants' fraudulent concealment of the misconduct complained of herein.

36. The Class defined above is too numerous to make joinder practicable.

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