37. At all relevant times, Defendants knew that Toyota-produced vehicles with ETCS were susceptible to dangerous, sudden, and unintended acceleration.

38. Despite this knowledge, Defendants continued to design, manufacture, advertise, and distribute Toyota-produced vehicles employing ETCS technology that are at risk of sudden, unintended acceleration.

39. Despite this knowledge, Defendants continued to design, manufacture, advertise, and distribute Toyota-produced vehicles employing ETCS technology while advertising and marketing them in New York and other states in the United States as safe vehicles.

40. Despite this knowledge, Defendants still choose not to incorporate vital fail-safe measures that would assist drivers faced with sudden unintended acceleration and, in fact, could prevent and/or significantly decrease the frequency of such an occurrence.

CLASS ACTION ALLEGATIONS

41. Pursuant to Fed. R. Civ. P. 23(a), Fed. R. Civ. P. 23(b)(1), Fed. R. Civ. P. 23(b)(2), and Fed. R. Civ. P. 23(b)(3), Plaintiff brings this action on behalf of himself and also on behalf of a New York class (the "New York Class") consisting of all New York State residents who purchased and own Toyota-produced vehicles equipped with ETCS. Plaintiff also brings this action on behalf of himself and all others similarly situated in the United States (the "National Class") consisting of all persons in the United States who own Toyota-produced vehicles equipped with ETCS. Plaintiff reserves the right to modify the New York Class and National Class definitions and their respective class

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