SECOND CAUSE OF ACTION

(Unfair Business Acts and Practices; Business and Professions Code § 17200, *et seq.*)

32. Plaintiffs repeat and reallege all preceding paragraphs as if fully set forth herein.

33. Toyota's acts and practices, as described above, constitute unfair business acts and practices.

34. There is no benefit to consumers or competition by deceptively promoting, advertising, and labeling the Recalled Vehicles. Indeed, the harm to consumers and competition is substantial.

35. The gravity of the consequences of Toyota's conduct as described above outweighs any justification, motive or reason therefore, particularly considering the available legal alternatives that exist in the marketplace, and is immoral, unethical, unscrupulous, offends established public policy or is substantially injurious to Plaintiffs and other members of the Class.

36. Plaintiffs, and other members of the Class who purchased the Recalled Vehicles, suffered a financial loss by virtue of buying Recalled Vehicles that were promoted and advertised as being safe to operate, when in fact, the Recalled Vehicles are not safe as they may contain a defective accelerator pedal mechanism causing sudden acceleration, potentially resulting in death. Plaintiffs and other members of the Class would not have purchased the Recalled Vehicles at the prices they did absent Toyota's unfair promotions, marketing, and advertising, and/or paid an excessive price for the unfairly promoted, marketed, and advertised Recalled Vehicles.

37. As a result of the unfair business acts and practices described above, Plaintiffs and other members of the Class, pursuant to Business and Professions Code §17203, are entitled to an order enjoining such future conduct on the part of Toyota and such other orders and judgments as may be necessary to disgorge