

IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

STATE OF OHIO, ex rel.)
ATTORNEY GENERAL)
MICHAEL DEWINE)
30 East Broad Street, 14TH Floor)
Columbus, Ohio 43215)

PLAINTIFF,)

V.)

TOYOTA MOTOR CORPORATION)
1 Toyota-cho)
Toyota City)
Aichi Prefecture 471-8571, Japan)

And)

TOYOTA MOTOR SALES, USA, INC.)
19001 S. Western Avenue)
Torrence, California 90501)

And)

TOYOTA MOTOR ENGINEERING &)
MANUFACTURING NORTH)
AMERICA, INC.)
25 Atlantic Avenue)
Erlanger, Kentucky 41018)

And)

TOYOTA MOTORS NORTH AMERICA)
601 Lexington Avenue, 49th Floor)
New York, New York 10022)

DEFENDANTS.)

CASE NO.

JUDGE

COMPLAINT FOR
DECLARATORY JUDGMENT,
INJUNCTIVE RELIEF,
RESTITUTION, AND CIVIL
PENALTIES

JURISDICTION

1. Plaintiff, State of Ohio, by and through Counsel, the Attorney General of Ohio, Michael DeWine, having reasonable cause to believe that violations of Ohio's consumer protection laws have occurred, brings this action in the public interest and on behalf of the State of Ohio under the authority vested in him by the Consumer Sales Practices Act, ("CSPA"), R.C. 1345.01 et seq.
2. The actions of Defendants, hereinafter described, have occurred in the State of Ohio and Franklin County, and, as set forth below, are in violation of the CSPA, R.C. 1345.01 et seq. and its Substantive Rules, Ohio Administrative Code 109:4-3-01 et seq.
3. Jurisdiction over the subject matter of this action lies with this Court pursuant to R.C. 1345.04 of the CSPA.
4. This Court has venue to hear this case pursuant to Ohio Civ. R. 3(B)(3), in that the Defendant conducted some of the transactions complained of herein, out of which this action arose, in Franklin County, Ohio.

DEFENDANTS

5. Defendants are Toyota Motor Corporation (hereinafter "TMC"), Toyota Motor North America, Inc. (hereinafter "TMA"), Toyota Motor Sales, USA, Inc. (hereinafter "TMS"), and Toyota Motor Engineering & Manufacturing North America, Inc. (hereinafter "TEMA").
6. Defendants are composed of numerous subsidiaries, some of which are based in the United States. However, Defendants' principal corporate offices are located at 1 Toyota-cho, Toyota City, Aichi Prefecture 471-8571, Japan. Toyota transacts business in Ohio

and nationwide by manufacturing, assembling, advertising, marketing, promoting, selling, and distributing motor vehicles.

7. Defendants, as described below, are “suppliers”, as that term is defined in R.C. 1345.01(C) as Defendants were, at all times relevant herein, engaged in the business of manufacturing, assembling, advertising, marketing, promoting, selling, and distributing motor vehicles to individuals in Franklin County and elsewhere in the State of Ohio for purposes that were primarily personal, family, or household within the meaning of R.C. 1345.01(A) and (D).

STATEMENT OF FACTS

8. Defendants at all times relevant to this action were engaged in the business manufacturing, assembling, advertising, marketing, promoting, selling, and distributing motor vehicles in the State of Ohio, including in Franklin County.
9. Since the formation of TMS on October 31, 1957, Toyota has manufactured, assembled, advertised, marketed, promoted, sold, and distributed millions of vehicles in the United States. Defendants, from January 1, 2003 through January 30, 2010, consistently represented in advertising and public statements that Toyota vehicles were safe and reliable transportation.
10. Upon information and belief, the Defendants failed to share critical safety related information and decision making between Japan and North American Toyota officials. More specifically, Defendant TMC withheld safety related decision making authority and critical safety data, information, engineering/design changes and safety repairs from Defendant TMA.

11. Upon information and belief, Toyota sold vehicles to Ohio consumers during the time period described in Paragraph 9 that were susceptible to acceleration unintended by the vehicle drivers (hereinafter, “unintended acceleration”).
12. Upon information and belief, mechanical issues, such as “sticky” accelerator pedals and entrapment of accelerator pedals by vehicle floor mats, caused unintended acceleration in Toyota vehicles.
13. Upon information and belief, nearly 6 million Toyota vehicles sold in the United States in 2009 through 2010 were susceptible to accelerator pedal entrapment and “sticky” accelerator pedals.
14. Although federal law requires automakers, including Toyota, to notify the National Highway Traffic Safety Administration (hereinafter referred to as “NHTSA”) within five days of learning of a potential safety defect, upon information and belief, Toyota knew of the “sticky” accelerator pedal safety defect on or before September 29, 2009, yet waited for nearly four months, until January, 2010, before finally notifying the NHTSA of the defect.

PLAINTIFF’S CAUSE OF ACTION
VIOLATIONS OF THE CONSUMER SALES PRACTICES ACT
COUNT I
FAILURE TO DISCLOSE

15. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in Paragraphs One through Fourteen (1-14) of this Complaint.
16. Defendants have committed unfair or deceptive acts or practices in violation of the CSPA, R.C. 1345.02(A), by failing to disclose to consumers and regulators known safety risks associated with the operation of Toyota vehicles.

COUNT TWO
MISREPRESENTATION

17. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in Paragraphs One through Sixteen (1-16) of this Complaint.
18. Defendants have committed unfair or deceptive acts or practices in violation of the CSPA, R.C. 1345.02(A) and 1345.02(B)(1), by representing the subject of a consumer transaction has sponsorship, approval, performance characteristics, accessories, uses, or benefits that it does not have and by specifically misrepresenting the safety of Toyota vehicles.
19. Defendants have committed unfair or deceptive acts or practices in violation of the CSPA, R.C. 1345.02(A) and 1345.02(B)(2), by representing that the subject of a consumer transaction is of a particular standard, quality, grade, style, prescription, or model, if it is not and by specifically misrepresenting, directly or by implication, the safety of Toyota vehicles.
20. Such acts or practices have been previously determined by Ohio courts to violate the CSPA, R.C. 1345.01 et seq. Defendants committed said violations after such decisions were available for public inspection pursuant to R.C. 1345.05(A)(3).

COUNT THREE
UNFAIR, DECEPTIVE, AND UNCONSCIONABLE SALES PRACTICES

21. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in Paragraphs One through Twenty (1-20) of this Complaint.
22. Defendants have committed unfair, deceptive, and unconscionable acts or practices in violation of the CSPA, R.C. 1345.02 and R.C. 1345.03, by failing to timely diagnose and

repair Toyota motor vehicles and motor vehicle equipment subject to sudden unintended acceleration.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that this Court:

1. ISSUE PERMANENT INJUNCTIVE RELIEF enjoining Defendants from engaging in the acts or practices of which Plaintiff complains and from further violating the CSPA, R.C. 1345.01 et seq., and its Substantive Rules.
2. ISSUE A DECLARATORY JUDGMENT declaring that each act or practice described in Plaintiff's Complaint violates the CSPA in the manner set forth in this Complaint.
3. ORDER Defendants jointly and severally liable for reimbursement to all consumers found to have been damaged by the Defendants' unfair, deceptive, and unconscionable acts and practices for the full amount of any damages pursuant to R.C. 1345.07(B).
4. ASSESS, FINE AND IMPOSE upon Defendants, jointly and severally, a civil penalty of Twenty Five Thousand Dollars (\$25,000.00) for each separate and appropriate violation described herein, pursuant to R.C. 1345.07(D).
5. ORDER Defendants, jointly and severally, to reimburse the Ohio Attorney General for his costs in bringing this action.
6. ORDER Defendants, jointly and severally, to pay all court costs
7. GRANT such other relief as the Court deems to be just, equitable and appropriate.

Respectfully submitted,

Michael DeWine
Attorney General

/s/ Melissa G. Wright

Melissa G. Wright (0077843)
Senior Assistant Attorney General
Office of the Ohio Attorney General
30 E. Broad Street, 14th Floor
Columbus, Ohio 43215
Phone: (614) 466-8169
Fax: (866) 528-7423
Melissa.wright@ohioattorneygeneral.gov

Counsel for Plaintiff, State of Ohio

/s/ Teresa A. Heffernan

Teresa Heffernan (0080732)
Associate Assistant Attorney General
Office of the Ohio Attorney General
30 E. Broad Street, 14th Floor
Columbus, Ohio 43215
Phone: (614) 644-9636
Fax: (866) 521-9921
teresa.heffernan@ohioattorneygeneral.gov

Counsel for Plaintiff, State of Ohio