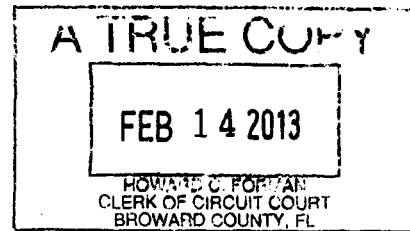


IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL
CIRCUIT, IN AND FOR BROWARD COUNTY, FLORIDA

18

THE STATE OF FLORIDA)
By PAMELA JO BONDI)
ATTORNEY GENERAL)
)
)
Plaintiff)
)
v.)
)
Toyota Motor Corporation;)
Toyota Motor North America, Inc.;)
Toyota Motor Sales U.S.A., Inc.;)
Toyota Motor Engineering)
& Manufacturing,)
North America, Inc)
Defendants)
/

Case No. 13004130



DETERMINATION OF PUBLIC INTEREST

COMES NOW, PAMELA JO BONDI, ATTORNEY GENERAL, STATE OF FLORIDA, and states:

1. Pursuant to Section 20.11, Florida Statutes (1993), I am the Head of the Department of Legal Affairs, State of Florida (hereinafter referred to as the Department). In this matter, the Department seeks actual damages on behalf of one or more consumers caused by an act or practice performed in violation of Chapter 501, Part II, Florida Statutes.
2. I have reviewed this matter and I have determined that an enforcement action serves the public interest.

PAMELA JO BONDI
ATTORNEY GENERAL
STATE OF FLORIDA

Dated: _____

FORM 1.997. CIVIL COVER SHEET

18

The civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form shall be filed by the plaintiff or petitioner for the use of the Clerk of the Court for the purpose of reporting judicial workload data pursuant to Florida Statutes section 25.075.

I. CASE STYLE

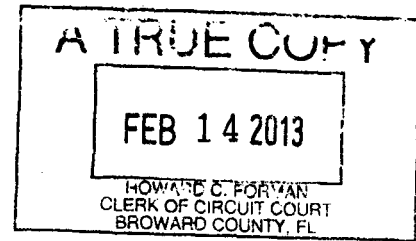
OFFICE OF ATTORNEY GENERAL
DEPARTMENT OF LEGAL AFFAIRS
STATE OF FLORIDA

13004130

Case No.:
Judge:

Vs.

TOYOTA MOTOR CORPORATION;
TOYOTA MOTOR NORTH AMERICA, INC.;
TOYOTA MOTOR SALES USA, INC.;
TOYOTA MOTOR ENGINEERING &
MANUFACTURING, NORTH AMERICA, INC.



II. TYPE OF CASE

(If the case fits more than one type of case, select the most definitive category.) If the most descriptive label is a subcategory (is indented under a broader category), place an "x" in both the main category and subcategory boxes.

- Condominium
- Contracts and indebtedness
- Eminent domain
- Auto negligence
- Negligence – other
 - Business governance
 - Business torts
 - Environmental/Toxic tort
 - Third party indemnification
 - Construction defect
 - Mass tort
 - Negligent security
 - Nursing home negligence
 - Premises liability – commercial
 - Premises liability – residential
- Products liability
- Real Property/Mortgage foreclosure
 - Commercial foreclosure \$0 - \$50,000

- Commercial foreclosure \$50,001 - \$249,999
- Commercial foreclosure \$250,000 or more
- Homestead residential foreclosure \$0 - \$50,000
- Homestead residential foreclosure \$50,001 - \$249,999
- Homestead residential foreclosure \$250,000 or more
- Non-homestead residential foreclosure \$0 - \$50,000
- Non-homestead residential foreclosure \$50,001 - \$249,999
- Non-homestead residential foreclosure \$250,000 or more
- Other real property actions \$0 - \$50,000
- Other real property actions \$50,001 - \$249,999
- Other real property actions \$250,000 or more

- Professional malpractice
 - Malpractice - business
 - Malpractice - medical
 - Malpractice - other professional
- Other
 - Antitrust/Trade Regulation
 - Business Transaction
 - Constitutional challenge-statute or ordinance
 - Constitutional challenge-proposed amendment
 - Corporate Trusts
 - Discrimination-employment or other
 - Insurance claims
 - Intellectual property
 - Libel/Slander
 - Shareholder derivative action
 - Securities litigation
 - Trade secrets
 - Trust litigation

III. REMEDIES SOUGHT (check all that apply):

- Monetary;
- Non-monetary declaratory or injunctive relief;
- Punitive

IV. NUMBER OF CAUSES OF ACTION: ()

(Specify) _____

V. IS THIS CASE A CLASS ACTION LAWSUIT?

- Yes
- No

VI. HAS NOTICE OF ANY KNOWN RELATED CASE BEEN FILED?

- No
- Yes - If "yes" list all related cases by name, case number and court:

VII. IS JURY TRIAL DEMANDED IN COMPLAINT?

- Yes
 No
-

I CERTIFY that the information I have provided in this cover sheet is accurate to the best of my knowledge and belief.

Signature: _____

Patrice Malloy

Patrice Malloy
Sr. Assistant Attorney General
Bar No. 0137911

Date: _____

2/5/2013

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL
CIRCUIT, IN AND FOR BROWARD COUNTY, FLORIDA

OFFICE OF ATTORNEY GENERAL,)
STATE OF FLORIDA, DEPARTMENT)
OF LEGAL AFFAIRS,)

Plaintiff,)

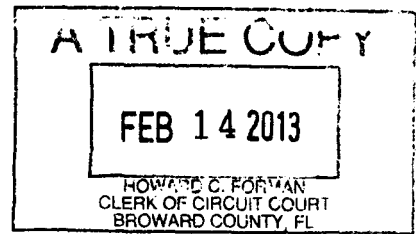
vs.)

TOYOTA MOTOR CORPORATION;)
TOYOTA MOTOR NORTH AMERICA, INC.;)
TOYOTA MOTOR SALES USA, INC.;)
TOYOTA MOTOR ENGINEERING &)
MANUFACTURING, NORTH AMERICA, INC,)

Defendants.)

13004130

No.



COMPLAINT FOR INJUNCTIVE AND OTHER RELIEF

1. Plaintiff, OFFICE OF THE ATTORNEY GENERAL, STATE OF FLORIDA, DEPARTMENT OF LEGAL AFFAIRS (hereinafter referred to as ATTORNEY GENERAL), brings this action against Defendants TOYOTA MOTOR CORPORATION, TOYOTA MOTOR NORTH AMERICA, INC., TOYOTA MOTOR SALES USA, INC., TOYOTA MOTOR ENGINEERING & MANUFACTURING, NORTH AMERICA INC. (hereinafter collectively referred to as "Defendants" or "TOYOTA") for violating the Florida Deceptive and Unfair Trade Practices Act, Chapter 501, Part II, Fla. Stat., as follows:

JURISDICTION AND VENUE

2. ATTORNEY GENERAL brings this action pursuant to the Florida Deceptive and Unfair Trade Practices Act, Chapter 501, Part II, Florida Statutes.

3. This Court has jurisdiction over the Defendants pursuant to Sections 26.012 Fla. Stat. and Chapter 501.207 et seq, Fla. Stat. because Defendants have transacted business within the State of Florida.

4. Venue for this action properly lies in Section 47.051, Fla. Stat. and Chapter 501.207 et seq Fla. Stat. because Defendants transact business in Broward County, Florida, the transactions out of which this action arose occurred in Broward County, Florida, and this action is brought by the ATTORNEY GENERAL, on behalf of the People of THE STATE OF FLORIDA, for the benefit thereof.

PARTIES

5. Plaintiff, ATTORNEY GENERAL, is charged, *inter alia*, with the enforcement of the Florida Deceptive and Unfair Trade Practices Act, Chapter 501, Part II, Fla. Stat.

6. 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").

7. 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 the State of Florida and nationwide by advertising, marketing, promoting, selling, and distributing motor vehicles.

BACKGROUND

8. Defendants were at all times relative hereto, engaged in trade or commerce in the State of Florida. TOYOTA advertises, markets, promotes, sells, and distributes motor vehicles nationally and in the State of Florida.

9. Since the formation of Toyota Motor Sales, USA, Inc., 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 Toyota Motor Corporation withheld safety related decision making authority and critical safety data, information, engineering/design changes and safety repairs from Defendant Toyota Motor North America, Inc.

11. Upon information and belief, however, TOYOTA vehicles sold to Florida consumers during that time 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 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.

Violation of Florida’s Deceptive and Unfair Trade Practices Act

15. By engaging in the acts and practices described above, the Defendants violated Florida Deceptive and Unfair Trade Practices Act, Chapter 501, Part II, Fla. Stat. by failing to disclose to consumers and regulators known safety risks associated with operation of TOYOTA vehicles, and by misrepresenting, directly or by implication, TOYOTA vehicles as safe.

16. The material misrepresentations set forth in Paragraph 15, above, were reasonably interpreted by the consumers who purchased TOYOTA vehicles.

17. By engaging in the aforementioned acts or practices, the Defendants also violated the Florida Deceptive and Unfair Trade Practices Act, Chapter 501, Part II, Fla. Stat. by failing to timely diagnose and repair TOYOTA motor vehicles and motor vehicle equipment subject to sudden unintended acceleration.

18. Pursuant to the Florida Deceptive and Unfair Trade Practices Act, Chapter 501, Part II, Fla. Stat, the Defendants’ violations of the Florida Deceptive and Unfair Trade Practices Act, Chapter 501, Part II, Fla. Stat. are deemed unfair or deceptive trade practices, thereby violating the Florida Deceptive and Unfair Trade Practices Act, Chapter 501, Part II, Fla. Stat.

19. The Defendants have therefore engaged in unfair and deceptive acts or practices in

violation of the Florida Deceptive and Unfair Trade Practices Act, Chapter 501, Part II, Fla. Stat.

PRAYER FOR RELIEF

WHEREFORE, the State of Florida respectfully requests that this honorable Court enter an order:

A. Issuing a permanent injunction prohibiting Defendants, their agents, employees, and all other persons and entities, corporate or otherwise, in active concert or participation with any of them, from engaging in unfair, unconscionable, deceptive, or misleading conduct;

B. Requiring the Defendants to:

- a. Appoint one North American chief executive to oversee all North American operations;
- a. Include North American executives in decisions regarding product recalls;
- b. Strengthen communications and decision-making between regions;
- c. Seek out external feedback, including the creation of a “Consumer Representative Team” and integrate it into the decision-making processes;
- d. Work cooperatively with NHTSA and other regulators;
- e. Appoint a new “Chief Safety Technology Officer;” and
- f. Simplify the downloading and decoding of Electronic Data Recorder data.


C. Ordering Defendants to pay civil penalties of not more than Ten thousand dollars (\$10,000.00) for each such violation of Florida Deceptive and Unfair Trade Practices Act pursuant to Section 501.2075, Fla. Stat., 501.2075 and civil penalties in the amount of not more than Fifteen thousand dollars (\$15,000.00) for each such willful violation which victimized, or attempted to victimize a person who is 60 years of age or older or handicapped persons, pursuant to Section 501.2077 Fla. Stat.

D. Ordering Defendants to pay all costs for the prosecution and investigation of this action, as provided by Florida Deceptive and Unfair Trade Practices Act, Chapter 501, Part II, Fla. Stat.;

The Plaintiff hereby states that the amount in controversy is more than Fifteen Thousand Dollars (\$15,000.00), exclusive of interest and costs.

Respectfully submitted,

PAMELA JO BONDI,
Florida Attorney General

By: _____

Patrice Malloy
Sr. Assistant Attorney General
110 S.E. 6th Street
Fort Lauderdale, FL 33301
Bar No: 0137911
Tel.: (954) 712-4669
Patrice.malloy@myfloridalegal.com

Date: 2/13/13