

TOYOTA

TOYOTA MOTOR NORTH AMERICA, INC.

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March 18, 2010

Ms. Kathleen C. DeMeter
Director, Office of Defects Investigation
Enforcement
National Highway Traffic Safety Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: Safety Recalls 07E-082, 09V-388 and 10V-023/TQ10-001

Dear Ms. DeMeter:

On behalf of Toyota Motor Corporation (TMC) and its subsidiaries and affiliates (collectively referred to as Toyota), Toyota Motor North America, Inc. (TMA), is transmitting the enclosed response to the Information Request (IR) issued by the Office of Defects Investigation (ODI) on February 16, 2010 in timeliness query TQ10-001.

If you have any questions with respect to any portion of this response, please do not hesitate to contact me, and I will direct your inquiry to the appropriate Toyota entity.

Sincerely,



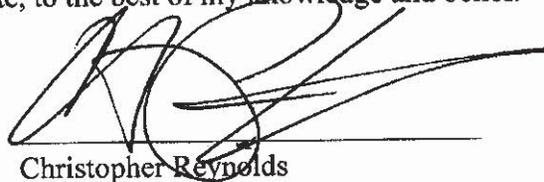
Christopher Tinto
Group Vice President
Technical and Regulatory Affairs

cc: O. Kevin Vincent, Esq., Chief Counsel
Jennifer Timian, Recall Management Division, ODI

Enclosures

VERIFICATION

I am Christopher Reynolds, General Counsel of Toyota Motor Sales, Inc. (TMS). In connection with the Information Request sent by the National Highway Traffic Safety Administration to Toyota Motor North America, Inc., on February 16, 2010 in TQ10-001, I have caused a search to be made of the records of TMS that are most likely to have responsive documents and other materials. I hereby verify that I have provided all responsive materials in the custody of TMS that have been identified to date, to the best of my knowledge and belief.

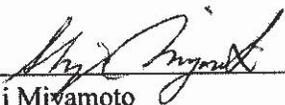


Christopher Reynolds

March 18, 2010

VERIFICATION

I am Shinji Miyamoto, General Manager of the Customer Quality Engineering Division of Toyota Motor Corporation (TMC). In connection with the Information Request sent by the National Highway Traffic Safety Administration to Toyota Motor North America, Inc., on February 16, 2010 in TQ10-001, I have caused a search to be made of the records of TMC that are most likely to have responsive documents and other materials. I hereby verify that I have provided all responsive materials in the custody of TMC that have been identified to date, to the best of my knowledge and belief.



Shinji Miyamoto

March 18, 2010

TOYOTA'S RESPONSE TO ODI'S INFORMATION REQUEST IN TQ10-001

INTRODUCTION

In the short period of time provided to respond to this IR, as well as to respond to a separate, extensive IR in TQ10-002, Toyota has reviewed a substantial number of files, and it is producing today numerous files and thousands of individual documents. A large number of Toyota employees and contractors, both in the United States and Japan, have devoted substantial hours to search the company's records that are most likely to have responsive materials, to review those materials, and to produce copies. Given the time constraints, Toyota is still in the process of reviewing files in an effort to identify responsive materials. Toyota will supplement this response as additional responsive materials are identified.

In addition, Toyota has identified several Excel documents that appear to include some responsive information, but which are otherwise extremely long and voluminous and contain some unresponsive information. When printed in their entirety, some of these documents would be thousands of pages. Under the circumstances, and given the time constraints, Toyota is producing today images of those Excel files that are less than 250 pages. It will produce the larger files in a supplement to this response as soon as practicable.

Toyota has marked each document produced today – other than those produced in response to Requests 1-6 – “confidential,” in order to preserve the confidentiality of proprietary documents pending the completion of its review to identify which documents are entitled to confidential protection under 49 CFR Part 512. Toyota will submit the required Part 512 justification and certificate, along with appropriately redacted public versions of the documents, within the next seven days.

To the extent reasonably practical under the circumstances, information and documents provided in this response are current as of the date of the IR (February 16, 2010).

The responses do not yet include data or information with respect to the Pontiac Vibe vehicles manufactured by NUMMI that are included within the definition of “Subject Vehicles.” That information is in the possession of General Motors (GM). Toyota has requested GM to provide all information regarding the Vibe that is responsive to any of the Requests in this IR,

and it expects to receive that information in the near future. As soon as Toyota receives such information from GM, it will provide it to ODI.

REQUEST

1. State, by make, model and model year, the number of Subject Vehicles Toyota has manufactured for sale or lease in the United States. Also, separately, for each Subject Vehicle manufactured to date by Toyota, state the following:
 - a. Vehicle identification number (VIN);
 - b. The manufacturer and part number of the accelerator pedal assembly installed on the vehicle;
 - c. The part number of the floor mat on the vehicle as delivered by Toyota to a distributor or dealer, or that was standard equipment for the vehicle as to be delivered to a purchaser and to be provided by the dealer;
 - d. Whether the vehicle was equipped with smart pedal or similar system;
 - e. Date of manufacture (in "dd/mm/yyyy" date format);
 - f. Date warranty coverage commenced; and
 - g. The State in the United States where the vehicle was originally sold or leased (or delivered for sale or lease).

Provide the table in Microsoft Access 2003, or a compatible format, entitled "U.S. PRODUCTION DATA." Provide a separate table for each Model Year.

ANSWER

1. The number of Subject Vehicles manufactured for sale or lease in the United States by make, model, and model year is included in the information provided as "Attachment-Response 1."

The detailed information responsive to subrequests "a" through "g" is provided electronically in the folder "Attachment-Response 1."

QUESTION

2. Separately, by make, model and model year of Subject Vehicle, state the number of each of the following received by Toyota, or of which Toyota is otherwise aware, which relate to or may relate to interference between the accelerator pedal and driver's side floor mat in the Subject Vehicle(s):
- a. Consumer complaints, including those from fleet operators;
 - b. Field reports, including dealer field reports;
 - c. Reports involving a crash/fire, injury, or fatality based on claims against the manufacturer involving a death or injury; notices received by the manufacturer alleging or proving that a death or injury was caused by a possible defect in a Subject Vehicle;
 - d. Property damage claims (including to own vehicle);
 - e. Third-party arbitration proceedings where Toyota is or was a party to the arbitration; and
 - f. Lawsuits, both pending and closed, in which Toyota is or was a defendant or codefendant.

The scope of this information request includes allegations of interference between the accelerator pedal and driver's side floor mat in a Subject Vehicle by the owner of the vehicle, driver or passenger of the vehicle, person in a vehicle that was in a crash with a Subject Vehicle, or other person who was hit by a Subject Vehicle (e.g., a pedestrian) including the attorney or representative of such person.

For subparts "a" through "d," state the total number of each item (e.g., consumer complaints, field reports, etc.) separately. Multiple incidents involving the same vehicle are to be counted separately. Multiple reports of the same incident are also to be counted separately (i.e., a consumer complaint and a field report involving the same incident in which a crash occurred are to be counted as a crash report, a field report, and a consumer complaint).

In addition, for subparts "c" through "f," provide a summary description of the alleged problem and causal and contributing factors and Toyota's assessment of the problem, with a summary of the significant underlying facts and evidence. For items "e" and "f," identify the parties to the action as well as the caption, court, docket number, and date on which the complaint or other document initiating the action was filed.

Provide the table in a Microsoft Excel 2003 (or a compatible format) file titled "MANUFACTURER REPORT COUNT."

ANSWER

2. Using the methodology described in Request 2, the number of reports that relate to, or may relate to, interference between the accelerator pedal and driver's side floor mat in the Subject Vehicles that have been located to date are provided electronically in the folder "Attachment-Response 2."

REQUEST

3. Separately, for each item (complaint, report, claim, notice, proceeding or lawsuit) within the scope of your response to Information Request 2 state the following information:
- a. Toyota's file number or other identifier used;
 - b. The category of the item, as identified in Information Request 2 (i.e., consumer complaint, field report, etc.);
 - c. Vehicle owner or fleet name (and fleet contact person), address, and telephone number;
 - d. Vehicle's make, model and model year
 - e. Vehicle's VIN;
 - f. The name of the manufacturer, the Toyota part number, supplier, and supplier's part number, of the accelerator pedal installed on the vehicle;
 - g. A description of the floor mat in the driver's side of the vehicle, including whether it was a Toyota (including Lexus and other vehicles made by Toyota) original equipment or aftermarket mat, a non-Toyota aftermarket floor mat (include name of manufacturer if not Toyota), a description of the mat itself (e.g., all-weather, rug, cloth, rubber), and the part number if it was a Toyota mat;
 - h. Whether the vehicle was equipped with smart pedal or similar system;
 - i. Vehicle's mileage at time of incident;
 - j. Incident date (in "dd/mm/yyyy" date format);
 - k. Report or claim date (in "dd/mm/yyyy" date format);
 - l. Whether a crash is alleged;

- m. Whether property damage is alleged;
- n. Number of alleged injuries, if any; and
- o. Number of alleged fatalities, if any.

Provide this information in a Microsoft Access 2003 (or a compatible format) file titled "REQUEST NUMBER TWO DATA."

ANSWER

3. The information "a" through "o" for each item (complaint, report, claim, notice, or matter) is provided electronically in the folder "Attachment-Response 3."

REQUEST

- 4. Produce copies of all documents related to each item within the scope of Request 2. Organize the documents separately by category (i.e., consumer complaints, field reports, etc.) and in chronological order.

ANSWER

4. Copies of responsive documents that have been located to date are provided electronically in the folder "Attachment-Response 4."¹ Other documents responsive to this request may be contained in documents obtained from the ongoing review of Toyota's files and records, and, if so, they would be included in the response to Request 35. If Toyota identifies additional relevant documents, it will supplement this response. In the category of lawsuits, documents from the lawsuit files have been produced, including an index to all documents produced in response to discovery requests.

REQUEST

- 5. State by make, model and model year, a total count for all of the following categories of claims, collectively, that have been paid by Toyota to date that relate to or may relate to interference between the accelerator pedal and driver's side floor mat in Subject Vehicle(s): warranty claims; extended warranty claims; claims for good will services that were provided; field, zone, or similar adjustments and reimbursements; and warranty

¹ Toyota has not yet identified or provided attachments (if any) that may have been submitted by consumers who complained to Toyota about the alleged defect via e-mail or letter. The company will provide a complete set of such attachments – referenced to the particular complaint at issue – as soon as they are compiled.

claims or repairs made in accordance with a procedure specified in a technical service bulletin or customer satisfaction campaign. (This does not include claims for implementation of recall(s) related to the accelerator pedal that followed Toyota's filing of a 49 CFR 573.6 report with NHTSA for a Subject Vehicle.)

Separately, for each such claim, state the following information:

- a. Toyota's claim number;
- b. Vehicle owner or fleet name (and fleet contact person) and telephone number;
- c. VIN;
- d. A description of any part (including a floor mat) removed, including the Toyota part number if available;
- e. A description of any part (including a floor mat) installed, including the Toyota part number if available;
- f. The manufacturer and Toyota part number and supplier of the accelerator pedal installed on the vehicle;
- g. Whether the vehicle was equipped with smart pedal or similar system;
- h. Repair/service date (in "dd/mm/yyyy" date format);
- i. Vehicle mileage at time of repair;
- j. Repairing/servicing dealer's or facility's name, telephone number, city and state or ZIP code;
- k. Labor operation number;
- l. Problem code;
- m. Concern stated by customer; and
- n. Comment, if any, by dealer/technician relating to claim, repair and/or service.

Provide the summary warranty data table electronically in a Microsoft Excel 2003 (or a compatible format) file titled "WARRANTY DATA SUMMARY." Provide the warranty data in a Microsoft Access 2003 (or a compatible format) file titled "WARRANTY DATA."

ANSWER

5. The count of warranty claims, including claims for good will and other similar adjustments and reimbursements, paid by Toyota for the Subject Vehicles that relate to or may relate to interference between the accelerator pedal and driver's side floor mat is provided electronically in the folder "Attachment-Response 5." The detailed information requested for each warranty claim is also provided electronically in the folder "Attachment- Response 5."

Toyota is still in the process of identifying responsive information with respect to claims paid under extended warranty programs. As Toyota identifies additional relevant information, it will supplement this response.

REQUEST

6. Describe in detail the search criteria used by Toyota to identify the claims identified in response to Information Request 5 including the labor operations, problem codes, part numbers, and any other pertinent parameters used. Provide a list of all labor operations, labor operation descriptions, problem codes, and problem code descriptions applicable to any aspect of interference between the accelerator pedal and the driver's side floor mat in the Subject Vehicle(s). State, by make and model year, the terms of the new vehicle warranty coverage (including the subject component) offered by Toyota on the Subject Vehicle(s) (i.e., the number of months and mileage for which coverage is provided and the vehicle systems that are covered). Describe any extended warranty coverage option(s) that Toyota offered for the Subject Vehicle(s) and state by option, model, and model year, the number of vehicles that are covered under each such extended warranty.

ANSWER

6. For its response to Request 5, Toyota reviewed warranty claim records to determine if a labor code or parts-based approach to identifying relevant claims would work. Toyota determined such an approach would not be sufficiently broad. Accordingly, Toyota then reviewed several hundreds of records methodically, including the text fields of NHTSA VOQs, and developed a search term list that cast a wide net to capture potentially relevant records. These search terms were converted to a database search script that was run against the free-text fields of the warranty claims processing system. The database records containing the search terms were then manually reviewed for potential responsiveness to Request 5. Toyota included as responsive not only records clearly related to floor mat entrapment, but also those records in which floor mat entrapment could not be ruled out. Those records deemed responsive were produced. Some

records relating to the implementation of the recall may have been included. Toyota is reviewing the data and if so, those records will be identified as soon as possible.

Although Toyota did not use labor operations codes or problem codes for this search, Toyota is in the process of preparing a list of labor operation codes and problem codes that are typically associated with unwanted acceleration-related warranty claims, and will supplement this response with that list.

The terms that Toyota offers for new vehicle warranty coverage on the Subject Vehicles are as follows:

For Toyota models: 36 months or 36,000 miles from the vehicle's date-of-first-use, whichever occurs first.

For Lexus models: 48 months or 50,000 miles from the vehicle's date-of-first-use, whichever occurs first.

There are some extended warranty coverage options that Toyota offered for purchase with the Subject Vehicles. However, as noted in the response to Request 5, Toyota is still in the process of identifying responsive information with respect to extended warranty option coverage. As Toyota identifies additional relevant information, it will supplement this response.

REQUEST

7. State when Toyota first became aware of interference or allegations of interference of the driver's side floor mat with the movement of the accelerator pedal for each make, model and model year Subject Vehicle included in Recall 07E-082. Explain in detail how Toyota became aware of the issue, e.g., whether the issue was discovered during the design or production phase of a vehicle, whether Toyota was first informed by a customer complaint, etc.

ANSWER

7. Toyota is still in the process of reviewing its files for information responsive to this Request, and the response is based on the materials reviewed to date. Information regarding when Toyota first became aware of interference or allegations of interference of the driver's side floor mat with the movement of the accelerator pedal for each make, model, and model year Subject Vehicle included in various recalls, and the manner in which the company became aware of the issue or allegation, is provided electronically in the folder "Attachment-Response 7." Other information responsive to this request may be contained in documents obtained from the ongoing

review of Toyota's files and records, and, if so, it would be included in the response to Request 35. If Toyota identifies additional relevant information, it will supplement this response. We note that the receipt of the first customer complaint on an issue does not ordinarily provide the company with sufficient information on which to take action; ordinarily, one or more field technical report(s) are required before an internal analysis or investigation begins.

REQUEST

8. State when Toyota first became aware of interference or allegations of interference of the driver's side floor mat with the movement of the accelerator pedal for each make, model and model year Subject Vehicle, included in Recall 09V-388. Explain in detail how Toyota became aware of the issue, e.g., whether the issue was discovered during the design or production phase of a vehicle, whether Toyota was first informed by a customer complaint, etc.

ANSWER

8. Toyota is still in the process of reviewing its files for information responsive to this Request, and the response is based on the materials reviewed to date. Information regarding when Toyota first became aware of interference or allegations of interference of the driver's side floor mat with the movement of the accelerator pedal for each make, model, and model year Subject Vehicle included in various recalls, and the manner in which the company became aware of the issue or allegation, is provided electronically in the folder "Attachment-Response 8." Other information responsive to this request may be contained in documents obtained from the ongoing review of Toyota's files and records, and, if so, it would be included in the response to Request 35. If Toyota identifies additional relevant information, it will supplement this response. We note that the receipt of the first customer complaint on an issue does not ordinarily provide the company with sufficient information on which to take action; ordinarily, one or more field technical report(s) are required before an internal analysis or investigation begins.

REQUEST

9. State when Toyota first became aware of interference or allegations of interference of the driver's side floor mat with the movement of the accelerator pedal for each make, model and model year Subject Vehicle, included in Recall 10V-023. Explain in detail how Toyota became aware of the issue, e.g., whether the issue was discovered during the design or production phase of a vehicle, whether Toyota was first informed by a customer complaint, etc.

ANSWER

9. Toyota is still in the process of reviewing its files for information responsive to this Request, and the response is based on the materials reviewed to date. Information regarding when Toyota first became aware of interference or allegations of interference of the driver's side floor mat with the movement of the accelerator pedal for each make, model, and model year Subject Vehicle included in various recalls, and the manner in which the company became aware of the issue or allegation, is provided electronically in the folder "Attachment-Response 9." Other information responsive to this request may be contained in documents obtained from the ongoing review of Toyota's files and records, and, if so, it would be included in the response to Request 35. If Toyota identifies additional relevant information, it will supplement this response. We note that the receipt of the first customer complaint on an issue does not ordinarily provide the company with sufficient information on which to take action; ordinarily, one or more field technical report(s) are required before an internal analysis or investigation begins.

REQUEST

10. State in detail, in chronological order, all information and/or allegations related to the issue(s) of interference between the accelerator pedal and driver's side floor mat in Subject Vehicle(s) from the time Toyota first became aware of the issue to the present. This detailed chronology shall include the date of the incident, the date(s) Toyota received information and/or allegations regarding interference between the accelerator pedal and driver's side floor mat, an identification of the vehicle (Make, model, model year and VIN if available and owner's name), and a summary of the information and allegations.

ANSWER

10. Toyota is still in the process of reviewing its files for information responsive to this Request. Based upon the materials identified by Toyota as of this time, information and/or allegations related to the issue of interference between the accelerator pedal and driver's side floor mat in the Subject Vehicles, as well as the specific information about the incidents in question and the summaries requested in this Request are provided in the responses to Requests 2 and 3, referred to above. Other information responsive to this request may be contained in documents obtained from the ongoing review of Toyota's files and records, and, if so, it would be included in the response to Request 35. If Toyota identifies additional relevant information, it will supplement this response.

REQUEST

11. Produce, in chronological order, all documents related to the chronology provided in your response to the immediately above information request.

ANSWER

11. Toyota is still in the process of reviewing its files for information responsive to this Request. Based upon the materials identified by Toyota as of this time, responsive documents are provided in the response to Request 4. Other documents responsive to this request may be contained in documents obtained from the ongoing review of Toyota's files and records, and, if so, they would be included in the response to Request 35. If Toyota identifies additional relevant documents, it will supplement this response.

REQUEST

12. Describe in detail, in chronological order, each and every effort by Toyota to inquire into, understand, investigate, assess, analyze, test, study, survey, simulate, evaluate, and /or determine contributing factors to and causes of (collectively, "actions") actual or alleged interference between the accelerator pedal and a floor mat (hereinafter sometimes referred to as "accelerator pedal interference") in Subject Vehicle(s) or a subset of them. For each such action, provide the following information:
 - a. Action title or identifier;
 - b. The actual or planned start date;
 - c. The actual or expected end date;
 - d. A brief summary of the subject and objective of the action;
 - e. Engineering group(s)/supplier(s) responsible for designing and for conducting the action; and A summary of the findings and/or conclusions resulting from the action.

ANSWER

12. Toyota is still in the process of reviewing its files for information responsive to this Request. Based upon the materials identified as of this time, Toyota has summarized in a table "actions" (as defined in this Request) performed with respect to actual or alleged interference between the accelerator pedal and a floor mat in the Subject Vehicles. We are providing the requested information as "Attachment-Response 12" stored in the folder "Attachment-Response 12."

Please note that the information on this table is confidential, and a request for confidential treatment will be submitted to the Office of Chief Counsel. Other information responsive to this request may be contained in documents obtained from the ongoing review of Toyota's files and records, and, if so, it would be included in the response to Request 35. If Toyota identifies additional relevant information, it will supplement this response.

REQUEST

13. For each action identified in your answer to number 12, produce copies of all documents related to the action regardless of whether the documents are in interim, draft, or final form. Organize the documents chronologically by action.

ANSWER

13. Documents related to the "actions" identified in the response to Request 12 are provided as "Attachment-Response 13" stored in the folder "Attachment-Response 13." Please note that the documents provided in this response are confidential, and a request for confidential treatment will be submitted to the Office of Chief Counsel. Other documents responsive to this request may be contained in documents obtained from the ongoing review of Toyota's files and records, and, if so, they would be included in the response to Request 35. If Toyota identifies additional relevant documents, it will supplement this response.

REQUEST

14. As of July 1, 2007, was Toyota considering and/or assessing alleged or actual interference between the accelerator pedal and driver's side floor mat in one or more Subject Vehicles? If your answer is in the affirmative, identify the Subject Vehicles involved, describe in detail all matters considered and assessed and any tentative or actual conclusions that Toyota had reached as of that time. Identify the persons involved in the consideration or assessment.

ANSWER

14. Toyota initially began to "consider[] and/or assess[] alleged or actual interference between the accelerator pedal and driver's side floor mat in one or more Subject Vehicles" prior to July 1, 2007. ODI opened a Preliminary Evaluation into this issue in certain Lexus ES350 vehicles in March 2007 (PE07-016), and Toyota responded to an information request issued in that investigation in June 2007. Indeed, the possibility that an accelerator pedal can be trapped by foreign objects is documented industry-wide.

Toyota's consideration and assessment of the issue continued throughout the period specified in Requests 14 through 24 of this IR, and it continues through the present time. Information with respect to the specific vehicles involved, the matters considered and assessed, and tentative or actual conclusions reached by Toyota during this period is set out in the responses to Requests 3, 4, 12, 13, and 25-33. With respect to the request to identify individuals involved in the assessments, please see the response to Request 25.

REQUEST

15. As of October 1, 2007, was Toyota considering and/or assessing alleged or actual interference between the accelerator pedal and driver's side floor mat in one or more Subject Vehicles? If your answer is in the affirmative, identify the Subject Vehicles involved, describe in detail all matters considered and assessed and any tentative or actual conclusions that Toyota had reached as of that time. Identify the persons involved in the consideration or assessment.

ANSWER

15. Please see the response to Request 14.

REQUEST

16. As of January 1, 2008, was Toyota considering and/or assessing alleged or actual interference between the accelerator pedal and driver's side floor mat in one or more Subject Vehicles? If your answer is in the affirmative, identify the Subject Vehicles involved, describe in detail all matters considered and assessed and any tentative or actual conclusions that Toyota had reached as of that time. Identify the persons involved in the consideration or assessment.

ANSWER

16. Please see the response to Request 14.

REQUEST

17. As of April 1, 2008, was Toyota considering and/or assessing alleged or actual interference between the accelerator pedal and driver's side floor mat in one or more Subject Vehicles? If your answer is in the affirmative, identify the Subject Vehicles involved, describe in detail all matters considered and assessed and any tentative or actual

conclusions that Toyota had reached as of that time. Identify the persons involved in the consideration or assessment.

ANSWER

17. Please see the response to Request 14.

REQUEST

18. As of July 1, 2008, was Toyota considering and/or assessing alleged or actual interference between the accelerator pedal and driver's side floor mat in one or more Subject Vehicles? If your answer is in the affirmative, identify the Subject Vehicles involved, describe in detail all matters considered and assessed and any tentative or actual conclusions that Toyota had reached as of that time. Identify the persons involved in the consideration or assessment.

ANSWER

18. Please see the response to Request 14.

REQUEST

19. As of October 1, 2008, was Toyota considering and/or assessing alleged or actual interference between the accelerator pedal and driver's side floor mat in one or more Subject Vehicles? If your answer is in the affirmative, identify the Subject Vehicles involved, describe in detail all matters considered and assessed and any tentative or actual conclusions that Toyota had reached as of that time. Identify the persons involved in the consideration or assessment.

ANSWER

19. Please see the response to Request 14.

REQUEST

20. As of January 1, 2009, was Toyota considering and/or assessing alleged or actual interference between the accelerator pedal and driver's side floor mat in one or more Subject Vehicles? If your answer is in the affirmative, identify the Subject Vehicles involved, describe in detail all matters considered and assessed and any tentative or actual conclusions that Toyota had reached as of that time. Identify the persons involved in the consideration or assessment.

ANSWER

20. Please see the response to Request 14.

REQUEST

21. As of April 1, 2009, was Toyota considering and/or assessing alleged or actual interference between the accelerator pedal and driver's side floor mat in one or more Subject Vehicles? If your answer is in the affirmative, describe in detail all matters considered and assessed and any tentative or actual conclusions that Toyota had reached as of that time. Identify the persons involved in the consideration or assessment.

ANSWER

21. See the response to Request 14.

REQUEST

22. As of July 1, 2009, was Toyota considering and/or assessing alleged or actual interference between the accelerator pedal and driver's side floor mat in one or more Subject Vehicles? If your answer is in the affirmative, identify the Subject Vehicles involved, describe in detail all matters considered and assessed and any tentative or actual conclusions that Toyota had reached as of that time. Identify the persons involved in the consideration or assessment.

ANSWER

22. Please see the response to Request 14.

REQUEST

23. As of October 1, 2009, was Toyota considering and/or assessing alleged or actual interference between the accelerator pedal and driver's side floor mat in one or more Subject Vehicles? If your answer is in the affirmative, identify the Subject Vehicles involved, describe in detail all matters considered and assessed and any tentative or actual conclusions that Toyota had reached as of that time. Identify the persons involved in the consideration or assessment.

ANSWER

23. Please see the response to Request 14.

REQUEST

24. As of January 1, 2010, was Toyota considering and/or assessing alleged or actual interference between the accelerator pedal and driver's side floor mat in one or more Subject Vehicles? If your answer is in the affirmative, identify the Subject Vehicles involved, describe in detail all matters considered and assessed and any tentative or actual conclusions that Toyota had reached as of that time. Identify the persons involved in the consideration or assessment.

ANSWER

24. Please see the response to Request 14.

REQUEST

25. Identify each and every individual (including individuals working for or on behalf of Toyota as well as individuals working for or on behalf of a Toyota supplier) who, after Toyota first became aware of the possibility of interference between the accelerator pedal and driver's side floor mat issue in the Subject Vehicle(s), was informed of the issue, discussed the issue, or was involved with any aspect of the issue. For each, separately state when he/she was informed thereof and his/her best recollection of what he/she was informed in relation to the issue or any aspect(s) of the issue. Also, describe what each person's responsibility, role, or other involvement is or was in relation to the issue.

ANSWER

25. It is not reasonable or practicable to reconstruct all of the information necessary to respond to this Request, particularly in the time permitted for response. Without waiving this objection, and with the understanding that Toyota's review of potentially responsive information is continuing, Toyota will prepare a preliminary list of the Toyota offices primarily responsible for working on the analysis of, and the response to, the issue of possible interference between the accelerator pedal and the driver's side floor mat, and will provide that list in a supplemental response.

REQUEST

26. Describe all modifications or changes considered and/or made by or on behalf of Toyota, including the supplier(s) of accelerator pedals for Subject Vehicle(s) or for a future model of a subject vehicle, in the design, material composition, manufacturing, quality control,

or installation of the accelerator pedals, from the start of production of Subject Vehicle(s) to the present, which relate to or may relate to actual or potential interference between the accelerator pedal and a floor mat in Subject Vehicle(s). For each such modification or change, provide the following information:

- a. A detailed description of the modification or change;
- b. The reason(s) for the modification or change;
- e. Whether the modification or change was implemented and if so when;
- d. The part numbers (service and engineering) of the original accelerator pedal;
- e. The part number (service and engineering) of the modified accelerator pedal;
- f. Whether the original unmodified accelerator pedal was withdrawn from production and/or sale and if so, when;
- g. When the modified accelerator pedal was made available as a service accelerator pedal;
- h. Whether the modified accelerator pedal can be interchanged with earlier production accelerator pedals; and
- i. The date or approximate date on which the modification or change was incorporated into vehicle production

Also, provide the above information for any modification or change that Toyota is aware of which is tentatively or actually planned to be incorporated into vehicle production within the next year.

ANSWER

26. Toyota's review of potentially responsive materials is continuing. Toyota has summarized in a table modifications or changes identified to date that relate to actual or potential interference between the accelerator pedal and a floor mat in one or more of the Subject Vehicles. We are providing this information electronically as "Attachment-Response 26." Please note that some of the information included in "Attachment-Response 26" is confidential, and a request for confidential treatment will be submitted to the Office of Chief Counsel. Other information responsive to this request may be contained in documents obtained from the ongoing review of Toyota's files and records, and, if so, it would be included in the response to Request 35. If Toyota identifies additional relevant information, it will supplement this response.

REQUEST

27. Describe all modifications or changes considered and/or made by or on behalf of Toyota in the design, software, logic, quality control, or installation of the electronic throttle control system in the Subject Vehicle(s), from the start of production of Subject Vehicle(s) to date which relate to or may relate to interference between the accelerator pedal and driver's side floor mat and/or accelerator pedal interference in Subject Vehicle(s). For each such modification or change, provide the following information:
- a. A detailed description of the modification or change;
 - b. The reason(s) for the modification or change;
 - c. Whether the modification or change was implemented and if so when; and
 - d. The date or approximate date on which the modification or change was incorporated into vehicle production.

Also, provide the above information for any modification or change that Toyota is aware of which is tentatively or actually planned to be incorporated into vehicle production, including smart pedal technology, within the next year.

ANSWER

27. Toyota's review of potentially responsive materials is continuing. Toyota has summarized in a table modifications or changes identified to date to the electronic throttle control systems in the Subject Vehicles that relate to or may relate to interference between the accelerator pedal and driver's side floor mat. We are providing this information in electronic form as "Attachment-Response 27." Please note that some of the information included in "Attachment-Response 27" is confidential, and a request for confidential treatment will be submitted to the Office of Chief Counsel. Other information responsive to this request may be contained in documents obtained from the ongoing review of Toyota's files and records, and, if so, it would be included in the response to Request 35. If Toyota identifies additional relevant information, it will supplement this response.

REQUEST

28. With regard to the remedy in Recall 07E-082, state:
- a. What organization within Toyota had been assigned responsibility to develop what ultimately became that remedy;

- b. When that organization was assigned responsibility to develop what ultimately became that remedy;
- c. When the conceptual remedy of what ultimately was identified as the remedy was identified;
- d. The identities of all persons involved in developing the conceptual remedy for what ultimately became that remedy and what each did;
- e. When the remedy was finalized for testing purposes;
- f. When the remedy was tested;
- g. When the formulation of the remedy was completed;
- h. When supplier(s) were informed, tentatively, of likely needed parts for the remedy, when parts were priced, and when parts were actually ordered for the remedy; and
- i. The names of the suppliers for the remedy and what each supplier provided

ANSWER

28. The information sought in this request is provided as a table in electronic form as "Attachment-Response 28." With respect to Request 28.d, it is not reasonable or practicable to identify all persons involved in developing the remedy and what each did. Without waiving this objection, Toyota has preliminarily identified the individuals primarily responsible for the development of the remedy. Please note that some of the information included in "Attachment-Response 28" is confidential, and a request for confidential treatment will be submitted to the Office of Chief Counsel. Other information responsive to this request may be contained in documents obtained from the ongoing review of Toyota's files and records, and, if so, it would be included in the response to Request 35. If Toyota identifies additional relevant information, it will supplement this response.

REQUEST

29. With regard to the remedies for and related to the accelerator pedals in Recalls 09V-388 and 10V-023, as amended and supplemented, state:
- a. What organization within Toyota had been assigned responsibility to develop what ultimately became that remedy;

- b. When that organization was assigned responsibility to develop what ultimately became that remedy;
- c. When the conceptual remedy of what ultimately was identified as the remedy was identified;
- d. The identities of all persons involved in developing the conceptual remedy for what ultimately became that remedy and what each did;
- e. When the remedy was finalized for testing purposes;
- f. When the remedy was tested;
- g. When the formulation of the remedy was completed; and
- h. When supplier(s) were informed, tentatively, of likely needed parts for the remedy, when parts were priced, and when parts were actually ordered for the remedy; and
- i. The names of the suppliers for the remedy and what each supplier provided.

ANSWER

29. The information sought in this request is provided as a table in electronic form as "Attachment-Response 29." With respect to Request 29.d, it is not reasonable or practicable to identify all persons involved in developing the remedy and what each did. Without waiving this objection, Toyota has preliminarily identified the individuals primarily responsible for the development of the remedy, but it expects to supplement this response. Please note that some of the information included in "Attachment-Response 29" is confidential, and a request for confidential treatment will be submitted to the Office of Chief Counsel. Other information responsive to this request may be contained in documents obtained from the ongoing review of Toyota's files and records, and, if so, it would be included in the response to Request 35. If Toyota identifies additional relevant information, it will supplement this response.

REQUEST

30. With regard to each and every communication or meeting (in person, by telephone or by other electronic means) between and/or among Toyota employees in which the possibility of the existence of a problem or defect related to interference between the accelerator pedal and driver's side floor mat of the Subject Vehicle(s) was discussed, state the approximate date on which such communication or meeting was held, the name, job title, office, telephone number and employer of each participant, and provide a detailed

summary of each communication or meeting. Identify and produce copies of any documents considered, reviewed, consulted, produced as a result, or otherwise used during each communication or meeting.

ANSWER

30. It is not reasonable or practicable to reconstruct all of the information necessary to respond to this Request, particularly in the time permitted for response and in light of the very large number of "communications and meetings" among Toyota employees on this issue. Without waiving this objection, and with the understanding that Toyota's review of potentially responsive materials is continuing, Toyota has identified numerous documents that relate to communications and meetings referred to in this Request. Copies of those documents are included in the response to Request 35. Many of these documents are confidential, and a request for confidential treatment will be submitted to the Office of Chief Counsel. As Toyota identifies additional relevant information, it will supplement this response.

REQUEST

31. With regard to each and every communication, correspondence or notification between Toyota and any other person or entity not identified in your responses to the immediately above information request concerning the existence of a problem or defect with the Subject Vehicle(s) related to interference between the accelerator pedal and driver's side floor mat, state the approximate date on which each such communication, correspondence or notification was sent, identify the author and recipient, and provide a detailed summary of each. To the extent not included in your answer to the immediately above information request, this includes all communication, correspondence and notifications between Toyota and CTS Corporation and/or DENSO Corporation related to interference between the accelerator pedal and the driver's side floor mat in Subject Vehicles or vehicles that are identical or substantially similar to Subject Vehicles. Identify and produce copies of any documents considered, reviewed, consulted, produced as a result, or otherwise used, during each communication, correspondence, or notification.

ANSWER

31. It is not reasonable or practicable to reconstruct all of the information necessary to respond to this Request, particularly in the time permitted for response and in light of the very large number of "communications, correspondence, or notification" between Toyota and other persons

or entities on this issue. Without waiving this objection, and with the understanding that Toyota's review of potentially responsive materials is continuing, Toyota has identified numerous documents that relate to "communications, correspondence, or notification" referred to in this Request. Copies of those documents are included in the response to Request 35. Many of these documents are confidential, and a request for confidential treatment will be submitted to the Office of Chief Counsel. As Toyota identifies additional relevant information, it will supplement this response.

REQUEST

32. Provide a chronology of all events that occurred in foreign countries with regard to interference between the accelerator pedal and the driver's side floor mat in vehicles that are identical or substantially similar to any of the Subject Vehicles. The chronology shall include, but not be limited to, all complaints and field reports of incidents. For each report include country of incident, make, model and year of vehicle, and date of incident. The chronology shall also include all changes in production intended to address the entrapment of accelerator pedals by a floor mat and all field campaigns, recalls and technical service bulletins intended to address the entrapment of accelerator pedals by a floor mat.

ANSWER

32. Toyota's review of potentially responsive materials is continuing, and Toyota intends to provide a supplemental response with this information in the near future.

REQUEST

33. Produce, in chronological order, all documents related to the chronology provided in your response to the immediately above information request.

ANSWER

33. Toyota's review of potentially responsive materials is continuing, and Toyota intends to supplement this request in the near future with copies of all documents identified in response to Request 32 when that answer is supplemented.

Please note that Toyota is generally not including personal identifying information for individuals who are located outside North America, pending review of foreign privacy protection laws in the relevant foreign countries.

REQUEST

34. Separately, with regard to Toyota's response to each information request above, identify each person who provided information regarding the response.

ANSWER

34. Toyota will provide information in response to this request in a supplemental response.

REQUEST

35. Separately, with regard to Toyota's response to each information request above, identify each document considered or relied upon by Toyota in formulating its response, or otherwise identified in the response, and produce a copy of it.

ANSWER

35. It is not reasonable or practicable to organize all of the responsive documents separately by Request (except to the extent that Toyota has already done so in its responses to those Requests), in part because many of those documents are responsive to more than one request, and it would be unreasonably burdensome and redundant to organize the documents in this fashion. Without waiving this objection, and with the understanding that Toyota's review of potentially responsive documents is continuing, Toyota has identified a substantial number of potentially responsive documents that may not have been produced elsewhere in this response. These documents have been placed in the folder "TQ10-001-01." Many of these documents are confidential, and a request for confidential treatment will be submitted to the Office of Chief Counsel. As Toyota identifies additional relevant information or documents, it will supplement this response.

ADDITIONAL STATEMENTS

Toyota is not providing privileged documents that may be responsive to this information request. These include (a) communications between outside counsel and employees of Toyota's Law Department, other Toyota employees, or employees of parties represented by Toyota in litigation or claims; (b) communications between employees of Toyota's Law Department and other Toyota employees or employees of parties represented by Toyota in litigation or claims; (c) notes and other work product of outside counsel or employees of Toyota's Law Department, including work product of employees or consultants performed for or at the request of outside counsel or Toyota's Law Department. Toyota is not claiming a legal privilege for any documents

provided with this response; however, Toyota does not waive the legal privilege or work product protection with respect to other documents that may have been prepared in connection with a specific litigation or claim. In addition, Toyota may assert the attorney client privilege or claim protection under the work-product doctrine for analyses or other documents that may be prepared in connection with litigation or claims in the future.

In its search for responsive materials, Toyota has identified numerous documents in the Japanese language. Consistent with the instructions in the IR, Toyota is arranging for translations of each such document into English. For those documents that have not yet been translated, the production set will identify the document as "translation pending." Toyota will supplement this response with the Japanese documents and the English translations when the translations have been completed.

Although Toyota is responding to all of the questions posed by the agency and has endeavored to identify and provide all responsive documents, Toyota is objecting to certain of the definitions, instructions and requests contained in the IR:

Toyota objects to the definition of "documents" in the IR because it exceeds a reasonable understanding of the term "documents."

Toyota objects to the definition of "Toyota" to the extent it purports to include outside counsel. It would be unduly burdensome to require Toyota to request that outside counsel search files for responsive documents. Moreover, it is highly unlikely that outside counsel would possess any non-privileged documents responsive to this IR that are not already being produced by Toyota. In light of the significant burden and cost associated with canvassing outside counsel for potentially responsive documents and the very low probability of identifying any non-privileged document not already being produced, Toyota has not asked its outside counsel to search for responsive documents.

Toyota understands that NHTSA will protect any private information about persons that is contained in this response, based on privacy considerations. Such private information includes data such as names, addresses, phone or fax numbers, email addresses, license plate numbers, driver's license numbers, and the last 6 digits of the vehicle's VIN.