1. State, by model and model year, the number of subject vehicles Toyota has manufactured for sale or lease in the United States. Separately, for each subject vehicle manufactured to date by Toyota, state the following:

   a. Vehicle identification number (VIN);
   b. Whether the vehicle was supplied by Toyota with the subject component (i.e., the vehicle was ordered with Port of Entry installed all-weather mats) ;
   c. Date of manufacture;
   d. Date warranty coverage commenced; and
   e. 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 2000, or a compatible format, entitled "PRODUCTION DATA." See Enclosure 1, Data Collection Disc, for a pre-formatted table which provides further details regarding this submission.

Response 1

The number of MY 2007 Lexus ES350 vehicles Toyota has manufactured for sale or lease in the United States by model year is 98,454 units.

In addition, detailed information for each vehicle is provided electronically on CD-ROM, in Microsoft Access 2000 format entitled "PRODUCTION DATA(PE07-016).mdb" stored in the folder "Attachment-Response 1".

2. 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, the alleged defect in the subject vehicles:

   a. Consumer complaints, including those from fleet operators;
   b. Field reports, including dealer field reports;
   c. Reports involving a crash, 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, property damage claims, consumer complaints, or field reports;
   d. Property damage claims;
   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.

   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 items "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.

Response 2

a. Using the counting methodology described in your question, there are 43 consumer complaint reports that may relate to the alleged defect in the subject vehicles. Since some customers complained more than once about same incident, the total number of unique vehicles in the consumer complaints is 39. This includes 4 vehicles which are duplicated with the NHTSA VOQs attached to the inquiry letter. In addition, for 2 of the 39 reported vehicles, neither of which reported any accident, injury and fatality, there are associated legal related claims.
b. There is no field report that may relate to the alleged defect in the subject vehicles.
c. Toyota has received 8 legal related claims involving a crash, which may relate to the alleged defect in the subject vehicles. 5 of these crash incidents alleged an injury was occurred. In addition, within the consumer complaints, 3 unique incidents have been reported where a crash was alleged to have occurred. Some of those legal related claims and customer complaints are duplicated with each other and the NHTSA VOQs.
   There are no reports alleging that a fatality had occurred.
d. Toyota has received 8 property damage claims that may relate to the alleged defect in the subject vehicles. All of these claims are duplicated with the legal related claims involving a crash.
e. There are no third party arbitration proceedings where Toyota is or was a party to the arbitration.
f. There are no lawsuits that may relate to alleged defect, in which Toyota is or was a defendant or codefendant.

The total count of the unique incidents for each item by model year, which may relate to the alleged defect in the subject vehicles, is provided electronically on CD-ROM in Microsoft Excel 2000 format entitled "Total Number.xls" stored in the folder "Attachment- Response 2".

3. Separately, for each item (complaint, report, claim, notice, or matter) within the scope of your response to Request No. 2, state the following information:

   a. Toyota's file number or other identifier used;
   b. The category of the item, as identified in Request No. 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 VIN;
   e. Vehicle's make, model and model year;
   f. Vehicle's mileage at time of incident;
   g. Incident date;
   h. Report or claim date;

i. Weather the vehicle was inspected by Toyota as a result of the incident;
j. Number of floor mats installed in the driver's footwell;
k. Type(s) of mat(s) installed in the driver's footwell (none, carpet, rubber/all-weather, both carpet and rubber, unknown, etc.);
l. Manufacturer of mat(s) installed in driver's footwell (Toyota, aftermarket, unknown, etc.);
m. Person/entity who installed the driver's side floor mat (dealer, owner, unknown, etc.);
n. Whether the driver's side floor mat is alleged to be the cause of the incident;
o. Whether Toyota has determined the driver's side floor mat was the cause of the incident;
p. Whether a crash is alleged;
q. Whether property damage is alleged;
r. Number of alleged injuries, if any; and
s. Number of alleged fatalities, if any.

Provide this information in Microsoft Access 2000, or a compatible format, entitled "REQUEST NUMBER TWO DATA." See Enclosure 1, Data Collection Disc, for a pre-formatted table which provides further details regarding this submission.

Response 3

The information for each item (complaint, report, claim, notice, or matter) is provided electronically on CD-ROM, in Microsoft Access 2000 format entitled "REQUEST NUMBER TWO DATA(PE07-016).mdb" stored in the folder "Attachment-Response 3".

4. Produce copies of all documents related to each item within the scope of Request No. 2. Organize the documents separately by category (i.e., consumer complaints, field reports, etc.) and describe the method Toyota used for organizing the documents.

Response 4

A list of the consumer complaints and documents related to the legal related claims are all provided electronically on CD-ROM in Microsoft Excel 2000 and PDF format stored in the folder "Attachment-Response 4."
(The list of the consumer complaints is stored in sub-folder "Consumer Complaint." Copies of the documents for the legal related claims are stored in the sub-folder "Legal related claims".)

5. State, by 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, the alleged defect in the subject vehicles: warranty claims; extended warranty claims; claims for good will services that were provided; field, zone, or similar adjustments and reimbursements; and warranty claims or repairs made in accordance with a procedure specified in a technical service bulletin or customer satisfaction campaign.

   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. Repair date;
e. Vehicle mileage at time of repair;
f. Repairing dealer's or facility's name, telephone number, city and state or ZIP code;
g. Labor operation number;
h. Problem code;
i. Replacement part number(s) and description(s);
j. Concern stated by customer; and
k. Comment, if any, by dealer/technician relating to claim and/or repair.

Provide this information in Microsoft Access 2000, or a compatible format, entitled "WARRANTY DATA." See Enclosure 1, Data Collection Disc, for a pre-formatted table which provides further details regarding this submission.

Response 5

Toyota has received a total of 6 warranty claims that may relate to the alleged defect in the subject vehicles. There are no goodwill or extended warranty claims that have been paid by Toyota to date that relate to, or may relate to, the alleged defect in the subject vehicles.

The detailed information for each warranty claim is provided electronically on CD-ROM, in Microsoft Access 2000 format entitled "WARRANTY DATA(PE07-016).mdb" stored in the folder "Attachment-Response 5".

6. Describe in detail the search criteria used by Toyota to identify the claims identified in response to Request No. 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 the alleged defect in the subject vehicles. State, by make and model year, the terms of the new vehicle warranty coverage offered by Toyota on the subject vehicles (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 vehicles and state by option, model, and model year, the number of vehicles that are covered under each such extended warranty.

Response 6

The search criteria used by Toyota to identify the claims is the following:

Toyota searched the warranty database for those claims that replaced any of the parts identified in Microsoft Excel file entitled "Search Criteria, Operation & Problem Codes.xls" stored in the folder "Attachment-Response 6" on CD-ROM. Toyota then reviewed the claim comments to determine if the claims may be related to the alleged defect. In addition, a list of all labor operations, labor

operation descriptions, problem codes and problem code descriptions identified in these warranty claims are also provided in the same Microsoft Excel file described above.

Toyota provides a copy of the "Warranty and Services Guide" booklet, which contains the details of terms that Toyota offers for new vehicle warranty coverage on the subject vehicles, electronically on CD-ROM, in PDF format entitled "2007 Lexus Sedan WSG.pdf" stored in the folder "Attachment-Response 6".

There are some extended warranty coverage options that Toyota offered for purchase with the subject vehicles. Detailed information about these options is also provided in PDF format entitled "Extended Warranty Option.pdf" stored in the folder "Attachment-Response 6".

The number of subject vehicles that are covered under each such extended warranty options, by option, is provided as "Attachment-Response 6-1" in hard copy only. Please note that this "Attachment-Response 6-1" contains trade secret and commercial information, therefore, Toyota believes that this document must be afforded confidential treatment. A request for confidential treatment of this document has been sent to the Office of Chief Counsel. A public version of this document is included with this response.

7. Produce copies of all service, warranty, service parts, and other documents that relate to, or may relate to, the subject component, the retail sale of the subject component, or the alleged defect in the subject vehicles, that Toyota has issued to any dealers, regional or zone offices, field offices, fleet purchasers, or other entities. This includes, but is not limited to, bulletins, advisories, informational documents, training documents, or other documents or communications, with the exception of standard shop manuals. Also include the latest draft copy of any communication that Toyota is planning to issue within the next 120 days.

Response 7

Although Toyota has not identified a defect, based upon NHTSA's concerns, Toyota mailed a communication to 2007 model year ES350 vehicle owners starting on April 24, 2007 (mailing completed on May 11, 2007). The notification provided owners with a reminder to not use more than one floor mat at a time in the driver's seating position, confirm the floor mat is properly placed and does not slip forward to interfere with the movement of the pedals, and assure the floor mats are properly secured utilizing the retaining hooks as indicated in the owner's manual. To stress this for future owners as well, a bright orange caution label was provided with the owner communication requesting owners to install the label on a specified semi-smooth location on the underside of the Lexus ES350 All Weather Floor Mat (AWFM). Owners were also informed that should they require assistance in verifying their floor mat installation condition or applying the caution label, dealership associates would be made available to aid them. Copies of the Lexus Area Office notification and dealership notification, which include dealership reimbursement procedures, which relates to the owner communication are provided electronically on CD-ROM in PDF format stored in the subfolder

"AWFM Communication" in the folder "Attachment-Response 7".

In addition to the owner, Area Office and dealership notification, copies of all relevant Marketing Material concerning the Lexus ES350 AWFM are also provided in the subfolder "Marketing Material" in the folder "Attachment-Response 7".

8. Produce copies of any consumer letters or other documents that relate to, or may relate to the subject component or the alleged defect in the subject vehicles, that Toyota has issued to any operators, owners or lessees of the subject vehicles. This includes, but is not limited to, bulletins, advisories, informational documents, training documents, or other documents or communications. Also include the latest draft copy of any communication that Toyota is planning to issue within the next 120 days.

Response 8

As we stated in the Response 7, Toyota mailed an owner communication with the caution label to 2007 model year ES350 vehicle owners starting on April 24, 2007. Copies of the owner letter and caution label are provided electronically on CD-ROM in PDF format stored in the folder "Attachment-Response 8".

There is no other consumer letter or document that may relate to the subject component or the alleged defect in the subject vehicles.

9. Describe all assessments, analyses, tests, test results, studies, surveys, simulations, investigations, inquiries and/or evaluations (collectively, "actions") that relate to, or may relate to, the alleged defect in the subject vehicles that have been conducted, are being conducted, are planned, or are being planned by, or for, Toyota. 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. 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
   f. A brief summary of the findings and/or conclusions resulting from the action.

   For each action identified, provide 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.

Response 9

The 2007 model year ES350 was a new model launched in April, 2006. In order to meet the launch target of the new ES350, development of the Lexus ES350 AWFM began in April, 2005. The

development process of the Lexus ES350 AWFM involves analyses and tests related to material confirmation, dimensional verification, color, temperature distortion, elongation of the floor mat, etc.

December, 2005 - Initial Fit Up
On December 1, 2005, an initial fit up with a prototype Lexus ES350 AWFM was conducted. Changes to the pattern and the grommet (Retention Hooks/Clips) holes were noted to the supplier.

February, 2006 - Fit Up Issue/Results
On February 28, 2006, an activity to verify the overall fit and function of the Lexus ES350 AWFM was conducted. The objective was to measure overall fit and function in all seating positions as well as check the accelerator pedal clearance in the driver's seating position. The "Fit up" concluded on February 28, 2006, with no issues found.

Copies of those Fit Up activity are provided electronically on CD-ROM in PDF format stored in the folder "Attachment-Response 9".

May, 2007 - Inspection
PENDING……..

10. Describe all modifications or changes made by, or on behalf of, Toyota in the design, material composition, manufacture, quality control, supply, or installation of the subject components, from the start of production to date, which relate to, or may relate to, the alleged defect in the subject vehicles. For each such modification or change, provide the following information:

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

    Also, provide the above information for any modification or change that Toyota is aware of which may be incorporated into vehicle production within the next 120 days.

<u>Response 10</u>

There are no changes made to the design, material composition, manufacture, quality control, supply or installation of the Lexus ES350 AWFM from the start of the production. Although Toyota believes the Lexus ES350 AWFM does not contain a defect, to address the NHTSA's potential concerns, the

following enhancements are being planned to further highlight the use of the Lexus ES350 AWFM. Implementation of these enhancements is planned for late May, 2007.

- A tag describing product usage is being attached to the Lexus ES350 AWFM retention hook/clip hole. The tag is designed to be removed by the customer only.
- The tooling used to manufacture the Lexus ES350 AWFM will also be reworked to enlarge the existing caution statement which currently reads:

  "DO NOT PLACE ON TOP OF EXISTING FLOOR MATS".

  The lettering will be enlarged from the current 5 mm height to 10 mm to enhance the legibility of the caution.
- A product usage label will also be applied to the header (packaging) board. The usage will read:

  "Caution

  To avoid interference with pedal operation:

  - Do not install all weather mats on top of existing mats
  - Make sure all weather mats are secured with retention hooks (clips)".

We are providing photos that show the above enhancements electronically on CD-ROM in JPEG format stored in the folder "Attachment-Response 10".

11. State the number of subject components that Toyota has sold, either through service parts sales or through Port of Entry vehicle processing, that may be used in the subject vehicles by component name, part number (both service and engineering/production), model and model year of the vehicle in which it is used and month/year of sale. State whether Toyota has prohibited wholesale or retail sale of any subject component part number and, if so, state the date of sales prohibition, and the reason the prohibition was implemented. For each component part number, provide the supplier's name, address, and appropriate point of contact (name, title, and telephone number). Also identify by make, model and model year, any other vehicles of which Toyota is aware that contain the identical component, whether installed in production or in service, and state the applicable dates of production or service usage.

Response 11

Toyota has sold 23,768 Lexus ES350 AWFM through either service parts sales or through Port of Entry vehicle processing. The number of subject components that Toyota has sold by month/year of sale is provided electronically on CD-ROM, in Microsoft Excel 2000 format entitled "Parts Sales.xls", stored in the folder "Attachment- Response 11"

In response to NHTSA's concerns, Toyota decided to proactively install the "tag" (see response 10) to be removed by the customer only, on all Lexus ES350 AWFM. Therefore the mats were placed on stop sale on March 23, 2007.

The supplier information for the Lexus ES 350 AWFM is provided electronically in Microsoft Excel 2000 format entitled "Supplier Information.xls", stored in the folder "Attachment-Response 11".

The Lexus ES350 All Weather Floor Mats (part number: PT908-33070) is specific to 2007 model year Lexus ES350 vehicles at this time.

12. Describe Toyota's vehicle ordering process that results in the subject vehicle having the subject component included with the vehicle during Port of Entry (POE) operations. Describe all POE processes that involve floor mats (including carpet or non-subject floor mats) and whether or not any process involves placing floor mats in the driver's footwell of the vehicle. State the location of each POE where subject vehicles are processed and for each provide contact details (name, title, company affiliation, and phone number) for an individual knowledgeable of subject vehicle POE operations.

Response 12

Lexus vehicle delivery is based upon an allocation system. The Lexus ES350 AWFM may be placed in the 2007 model year ES350 in the following methods:

1. Dealerships may enter their vehicle preferences including POE accessories into the Preference System. The same system may be utilized to remove the POE accessory prior to vehicle processing at the POE.
2. The Lexus District Sales Manager (DSM) may order the accessory on behalf of the dealership and enter the order into the Automated Post Production Option (PPO) System.
3. Customers may Special Order a vehicle with Lexus and choose to add this accessory to their order.

In the above cases, the dealership or DSM adds a two digit alpha character (WF for AWFM) which correlates to the accessory code and assigns it to a vehicle. When the vehicle is ready to be processed at the POE, a production tag ("traveler") which includes all port accessory codes assigned to the vehicle are printed. The POE confirms the traveler and in case of the Lexus ES350 AWFM or any other Lexus AWFM, places the AWFM in the trunk of the vehicle. The carpeted floor mats are also placed in the trunk at the POE. The dealership typically installs the carpeted floor mat and retaining hooks/clips during the Pre-Delivery Service process.

The information of locations of POE operations where Lexus vehicles are processed and contact details for all questions for port accessory installations are provided in electronically on CD-ROM in Microsoft Word format entitled "POE Locations and Contact.doc" stored in the folder "Attachment-Response 12"

13. Provide a copy of the installation instruction and any other documentation (including packing materials if pertinent) provided when the subject component is purchased as a service part. Also

produce copies of any documents discussing the proper installation of floor mats in general (of any type, for subject and non-subject vehicles) especially any which include precautions or warnings regarding improper installation, and or any hazards or detrimental results that may occur if improper installation is performed. State the intended recipient of each document and how it is made available.

Response 13

Toyota has provided customers with the installation instruction with the retaining clips included in the package of the carpeted floor mats for all Toyota and Lexus models. Since the carpeted floor mats are the standard equipments on the Lexus models, all Lexus vehicles have retaining clips when the vehicles are delivered to the customers. Therefore, the package of the AWFM for the Lexus models does not include the retaining clips with the installation instruction when the AWFM is purchased as a service part. However, since the carpeted floor mats are optional equipment on the Toyota models, all AWFM for the Toyota models come with the retaining clips with the installation instruction. Copies of the installation instructions provided for the customer along with the retaining clips are provided electronically on CD-ROM in PDF format stored in the folder "Attachment-Response 13". In addition, the owner's manual for all Toyota and Lexus vehicles includes the installation instruction for the floor mat. A copy of the appropriate page of the owner's manual for the subject vehicles is also provided in PDF format in the folder "Attachment-Response 13".

14. Describe in detail the operation of the engine control push-button (labeled "Engine Start Stop" and located on the driver's side of the instrument panel) when the vehicle is at rest (stopped) including how its functionality is effected by brake pedal application and gear shift position. Describe in detail any changes in the button's functionality that occurs when the vehicle is in motion (as opposed to at rest).

Response 14

Toyota provides the appropriate pages of the New Car Features for descriptions of operation of the engine control push-button in the subject vehicles, electronically on CD-ROM, in PDF format, stored in the folder "Attachment-Response 14". This includes the how the functionality is effected by brake pedal application and gear shift position when the vehicle is at rest.

Normally, the operation of the engine control push-button is disabled while the vehicle is being driven, however, if engine must be stopped in an emergency while the vehicle is in motion, the driver can press the engine control push-button for approximately 3 seconds or more to stop the engine.

15. State whether there are any normal operating conditions (such as certain throttle positions and or engine/vehicle speeds, and excluding a failure of the shift control system and or an internal transmission component) that can prevent the transmission from disengaging a forward drive gear when the shift lever is moved from the Drive to Neutral position. If so, state the conditions under

which this could occur.

Response 15

There is no operating condition, such as throttle positions or engine/vehicle speeds, that can prevent the transmission from disengaging a forward drive gear when the shift lever is moved from the Drive position to Neutral position. As mentioned in the New Car Features stored in the folder "Attachment-Response 15" on CD-ROM, a gate type shift lever is used for the subject vehicles in conjunction with the 6-speed automatic transmission by the shift control cable. The shift lever can be moved from Drive to Neutral position at anytime and once the shift lever is moved from Drive to Neutral position, the drive gear is disengaged.

16. Furnish Toyota's assessment of the alleged defect in the subject vehicles, including:

a. The causal or contributory factor(s);
b. The risk to motor vehicle safety that it poses;
c. The adequacy of the warnings provided to the subject component installer regarding the installation of the subject component and the potential hazards that could result; and
d. The reports included with this inquiry, including for each whether Toyota has determined if the vehicle had improperly installed all-weather mats, and if so whether Toyota has determined who installed the mats incorrectly.

Response 16

* * *

Regarding privileged documents that may be responsive to this information request, Toyota understands that it is acceptable to the Agency at this stage for Toyota to identify categories of privileged documents rather than any specific document within those categories. These categories 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 done for or at the request of outside counsel or Toyota's Law Department. For any privileged documents that are not covered by these categories, if any, Toyota will provide a privilege log identifying any such documents under separate cover. 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.

Toyota understands that NHTSA will protect any private information about persons that is contained in the Attachments to this response, based on privacy policy considerations. Such private information includes data such as names, addresses, phone or fax numbers, email addresses, license plate numbers, driver's license numbers and last 4 digits of the vehicle's VIN.

Data provided in this document is current as of the following dates:

Response 1	: Production Data - May *, 2007
Response 2 - 4	: Consumer Complaint - May *, 2007
	Field Report - May *, 2007
	Lawsuit - May *, 2007
Response 5	: Warranty Claims - May *, 2007
	Goodwill - May *, 2007
	Extended warranty claims - May *, 2007
Response 7	: Dealer communications - May *, 2007
Response 8	: Owner communications - May *, 2007
Response 9	: Actions - May *, 2007
Response 10	: Modifications/changes – May *, 2007
Response 11	: Parts sales - May 23, 2007
Others	: End of May, 2007