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Toyota Motor Credit Corporation d/b/a Toyota
Financial Services*

**UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF ARIZONA**

CHARLES H. CARREON,

Plaintiff/Counter-defendant,

v.

TOYOTA MOTOR CREDIT
CORPORATION d/b/a TOYOTA
FINANCIAL SERVICES, et al.,

Defendants/Counter-plaintiffs.

CASE NO. 4:11-cv-00039-TUC-FRZ

**TOYOTA MOTOR CREDIT
CORPORATION d/b/a/ TOYOTA
FINANCIAL SERVICES'S MOTION TO
DISMISS COUNTS I, III, IV AND V OF
PLAINTIFF'S FIRST AMENDED
COMPLAINT, WITH PREJUDICE**

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure and 16 A.R.S. 12(b), now comes Toyota Motor Credit Corporation d/b/a Toyota Financial Services ("TMCC"), improperly named in this action as separate Defendants Toyota Financial Services CDE Corporation and Toyota Motor Credit Corporation, by and through its undersigned counsel, and respectfully moves the Court for an Order dismissing with prejudice Counts I, III, IV and V of Plaintiff's First Amended Complaint for failure to state a claim upon which relief may be granted. In support of this Motion, TMCC relies upon the Amended Complaint and TMCC's Memorandum of Law in Support of Motion to Dismiss With Prejudice contemporaneously filed herewith.

1 WHEREFORE, TMCC respectfully prays the Court dismiss Counts I, III, IV and V of
2 Plaintiff's First Amended Complaint with prejudice and without leave to amend, and grant
3 all other relief the Court deems just and appropriate.

4 Dated this 8th day of April, 2011.

5 KUTAK ROCK LLP

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7 By s/ Philip A. Overcash

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14 **CERTIFICATE OF SERVICE**

15 I hereby certify that on April 8, 2011, I electronically transmitted the attached
16 document to the Clerk's Office using the CM/ECF System for filing and transmittal of a
17 Notice of Electronic Filing to the following CM/ECF registrants. I further certify that I
18 served the attached document by U.S. First-Class Mail to the following who is not a
19 registered participant of the CM/ECF System:

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23 s/ Kathryn Ann Fitchett
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