

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA, : INFORMATION  
 :  
 -v.- :  
 : 14 Cr. \_\_\_  
 TOYOTA MOTOR CORPORATION, :  
 :  
 Defendant. :  
 :

- - - - -X

COUNT ONE  
(Wire Fraud)

The United States Attorney charges:

1. TOYOTA MOTOR CORPORATION ("TOYOTA") is an automotive company headquartered in Toyota City, Japan. Assisted by its subsidiaries and affiliates worldwide, TOYOTA designs, manufactures, assembles, and sells Toyota and Lexus brand vehicles. For the fiscal year ending March 31, 2010, TOYOTA's revenues from its automotive business were 17.2 trillion Japanese yen (approximately \$184 billion), and its second largest market, with approximately 29% of its worldwide sales, was North America.

2. TOYOTA is responsible for unlawful activities committed by certain TOYOTA employees that resulted in misrepresentations and the hiding of information from the public. As evidenced in part by internal company documents, individual employees not only made misleading public statements

to TOYOTA's consumers, but also concealed from TOYOTA's regulator one safety-related issue (a problem with accelerators getting stuck at partially depressed levels, referred to as "sticky pedal") and minimized the scope of another (accelerators becoming entrapped at fully or near-fully depressed levels by improperly secured or incompatible floor mats, referred to as "floor mat entrapment").

3. Contrary to public statements that TOYOTA made in late 2009 saying it had "addressed" the "root cause" of unintended acceleration through a limited safety recall addressing floor mat entrapment, TOYOTA had actually conducted internal tests revealing that certain of its unrecalled vehicles bore design features rendering them just as susceptible to floor mat entrapment as some of the recalled vehicles. And only weeks before these statements were made, individuals within TOYOTA had taken steps to hide from its regulator another type of unintended acceleration in its vehicles, separate and apart from floor mat entrapment: the sticky pedal problem.

4. When, in early 2010, TOYOTA finally conducted safety recalls to address the unintended acceleration issues it had concealed, TOYOTA provided to the American public, its U.S. regulator, and the United States Congress an inaccurate timeline of events that made it appear as if TOYOTA had acted to remedy

the sticky pedal problem within approximately 90 days of discovering it.

**Statutory Allegations**

5. From at least in or about the fall of 2009 up to and including at least in or about March 2010, in the Southern District of New York and elsewhere, TOYOTA, the defendant, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, did transmit and cause to be transmitted and aid and abet the transmission, by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, to wit, TOYOTA defrauded U.S. consumers into purchasing its products by concealing information and making misleading statements about unintended acceleration in Toyota and Lexus brand vehicles, as described in paragraphs 2 through 4 above.

(Title 18, United States Code, Sections 1343 and 2.)

**FORFEITURE ALLEGATION**

6. As a result of committing the offense alleged in Count One of this Information, TOYOTA, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States

Code, Section 2461, any property, real or personal, which constitutes or is derived from proceeds traceable to such offense.

Substitute Asset Provision

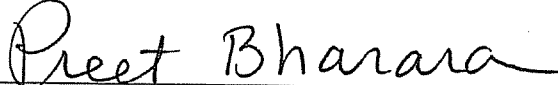
7. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third person;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b) and Title 21, United States Code, Section 853(p), to seek forfeiture of any

other property of said defendant up to the value of the  
above forfeitable property.

(Title 18, United States Code, Sections 981 and 982; Title 21  
United States Code, Section 853; and  
Title 28, United States Code, Section 2461.)

  
Preet Bharara  
PREET BHARARA  
United States Attorney