

In re Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation

Consumer, Privacy & Antitrust

Role	The Court appointed BFA partner Lesley Weaver to the Plaintiffs' Steering Committee.
Background	This landmark case resolved claims against Volkswagen, Audi and Porsche in connection with the widely-reported news that the companies had installed emission systems created to avoid regulator detection and defraud customers who believed they were buying Volkswagen and Audi vehicles with "clean diesel" engines.
Court	U.S. District Court for the Northern District of California
Case Number	15-MD-02672
Status	Settled

This landmark case resolved claims against Volkswagen, Audi and Porsche in connection with the widely-reported news that the companies had installed emission systems created to avoid regulator detection and defraud customers who believed they were buying Volkswagen and Audi vehicles with "clean diesel" engines. VW admitted that it installed these "defeat devices," which eliminated the emissions reduction during normal driving, and only allowed for reduced fuel emissions when the automobiles were being tested. More than 500 federal lawsuits have been filed and consolidated into one complaint against the automaker for its "dirty diesel" vehicles.

Judge Charles R. Breyer appointed BFA partner Lesley Weaver to the Plaintiffs' Steering Committee, selecting her from a field of 150 of the nation's finest attorneys. The Committee, along with lead counsel, has been described as the "dream team" prosecuting this high-profile emissions scandal. Ms. Weaver's leadership position in the case included spearheading the investigation that ultimately uncovered German auto supplier Robert Bosch GmbH's significant role in multiple schemes to place software in vehicles purposefully designed to evade

emissions laws. She also led the investigation into additional claims relating to defeat devices in certain gas vehicles, resulting in an additional \$96.5 million settlement for the Class.

Lead Counsel and the Plaintiffs' Steering Committee have achieved settlements for Plaintiffs worth approximately \$15 billion, the largest automotive class action recovery in history. This includes a \$14.7 billion dollar settlement on behalf of eligible owners of Volkswagen and Audi 2.0-liter TDI cars, who were offered a buyback of their cars. In accordance with the consent decree, \$2.7 billion of the settlement will be allocated to projects to reduce nitrogen oxides emissions, with a focus on improving air quality in areas that "bear a disproportionate share of the air pollution burden within their jurisdiction." As the Justice Department's top environmental attorney John Cruden has highlighted, this focus on remediation in low income and minority communities is "unique," and a significant response to the disproportionate pollution burden felt by these communities.

On March 2, 2020, Judge Breyer granted final approval of a \$96.5 million settlement for more than 100,000 consumers who purchased or leased certain gasoline-powered Audi, Volkswagen, Porsche, and Bentley vehicles that were initially labeled and marketed with overstated fuel economy and understated carbon dioxide emissions.

Lead Counsel and the Plaintiffs' Steering Committee continue to pursue claims against Defendants related to Porsche-branded gasoline vehicles.