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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION
11

12 IN RE: VOLKSWAGEN “CLEAN DIESEL”
13 MARKETING, SALES PRACTICES AND
PRODUCTS LIABILITY LITIGATION

MDL No. 2672 CRB (JSC)

14 This Documents Relates to:
15 ALL CONSUMER AND RESELLER
16 ACTIONS

**SUPPLEMENTAL DECLARATION OF
SHANNON R. WHEATMAN, PH.D. ON
AMENDED NOTICES AND CLASS
NOTICE PROGRAM**

17
18 I, Shannon R. Wheatman, being duly sworn, hereby declare as follows:

19 1. I am president of Kinsella Media, LLC (“KM”), an advertising and legal
20 notification firm in Washington, D.C. specializing in the design and implementation of
21 notification programs to reach unidentified putative class members, primarily in consumer and
22 antitrust class actions, and claimants in bankruptcy and mass tort litigation. My business address
23 is 2001 Pennsylvania Avenue NW, Suite 300, Washington, D.C. 20006. My telephone number is
24 (202) 686-4111.

25 2. KM was retained to design and implement the Notice Program in this litigation.

26 3. My credentials were previously submitted to the court in the *Declaration of*
27 *Shannon R. Wheatman, Ph.D. on Adequacy of the Class Notice Program* (“Notice
28 Program Declaration”), filed on June 28, 2016 (Dkt. No. 1609).

1 and Datalogix DLX Auto) in addition to IHS Automotive (Polk)¹ data to reach Eligible Owners
2 and Eligible Lessees.

3
4 **Other Components**

5 10. In addition to the earned media program previously described in my Notice
6 Program Declaration, KM will email the press release and the Long Form Notice to 74 Non-
7 Volkswagen Dealer and fleet associations and ask them to share the information with their
8 members.

9 **REVISED NOTICE CONTENT**

10 11. The revised Long Form and Short Form Notices are attached as **Attachments 2**
11 **and 3**, respectively.

12 12. The Long Form Notice will be translated into Spanish and available at the
13 Settlement website.

14 **CONCLUSION**

15 13. It is my opinion that these revisions will enhance or have no impact upon the
16 efficacy of the Notice Plan, and the revised Notice Plan continues to provide the best notice
17 practicable. The Class Notice Program is consistent with the standards employed by KM in
18 notification programs designed to reach class members. The Notice Program, as designed, is fully
19 compliant with Rule 23 of the Federal Rules of Civil Procedure.

20 I declare under penalty of perjury that the foregoing is true and correct. Executed in
21 Washington, D.C. this 22nd day of July 2016.

22
23 

24
25 Shannon R. Wheatman, Ph.D.

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28 ¹ IHS Automotive (Polk) collects and analyzes data related to vehicle registration and title
information, new vehicle transactions from major auto manufacturers, and vehicle financing data.

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CERTIFICATE OF SERVICE

I hereby certify that, on July 25, 2016, service of this document was accomplished pursuant to the Court’s electronic filing procedures by filing this document through the ECF system.

/s/ Elizabeth J. Cabraser
Elizabeth J. Cabraser

Attachment 1

List of Newspapers and Circulation
for Short Form Notice

Hispanic Newspapers

	Circulation	Published	Unit Type/Size	Insertions
<u>Weekly</u>				
<i>Reporte Hispano</i>	92,750	Weekly	Full Page	1
<i>El Clasificado</i>	510,000	Weekly	Full Page	1
<i>Fin De Semana</i> (Hoy Chicago)	364,000	Weekly	Full Page	1
<i>El Tiempo Latino</i>	49,204	Weekly	Full Page	1
<i>El Planeta</i>	35,000	Weekly	Full Page	1
<i>El Sol Latino</i> (Philadelphia)	60,000	Weekly	Full Page	1
<i>Al Dia</i> (Dallas)	250,000	Weekly	Full Page	1
<i>Hoy San Diego</i>	176,496	Weekly	Full Page	1
<i>La Voz De Houston</i>	240,000	Weekly	Full Page	1
<i>Mundo Hispanico</i>	71,000	Weekly	Full Page	1
<i>El Comercio</i>	55,000	Weekly	Full Page	1
<i>La Voz de Arizona</i>	74,369	Weekly	Full Page	1
<i>Hoy Fin de Semana</i>	813,468	Weekly	Full Page	1
<i>El Sentinel</i> (Ft. Lauderdale)	150,500	Weekly	Full Page	1
<i>La Voz Bilingue</i>	31,550	Weekly	Full Page	1
<i>El Mundo</i> (Austin)	41,000	Weekly	Full Page	1
<i>La Prensa - Su Edition</i>	60,581	Weekly	Full Page	1
<i>La Opinion De La Bahia</i>	104,000	Weekly	Full Page	1
<i>El Mundo</i> (Boston)	30,000	Weekly	Full Page	1
<i>Al Dia</i> (Philadelphia)	40,000	Weekly	Full Page	1
<i>La Noticia</i>	26,000	Weekly	Full Page	1
<i>El Sentinel</i> (Orlando)	130,000	Weekly	Full Page	1
<i>La Voz Hispana</i> (Columbus)	20,000	Weekly	Full Page	1
<i>Washington Hispanic</i>	45,000	Weekly	Full Page	1
<i>El Tiempo</i>	59,759	Weekly	Full Page	1
<i>Hola Noticias</i> (Charlotte)	20,000	Weekly	Full Page	1
<i>El Aviso</i>	316,897	Weekly	Full Page	1
<i>El Especialito</i>	175,000	Weekly	Full Page	1
<i>Dos Mundos</i> (Kansas City)	20,000	Weekly	Full Page	1
<i>La Voz Hispana</i> (Hartford)	40,000	Weekly	Full Page	1
<i>La Raza</i>	153,640	Weekly	Full Page	1

African American Newspapers

Weekly	Circulation	Published	Unit Type/Size	Insertions
<i>Daily Challenge</i>	81,594	Weekly	Full Page	1
<i>Bakersfield News Observer</i>	102,892	Weekly	Full Page	1
<i>Crusader Group</i>	148,605	Weekly	Full Page	1
<i>California Voice</i>	38,613	Weekly	Full Page	1
<i>Boston Banner</i>	32,351	Weekly	Full Page	1
<i>Rolling Out Philadelphia</i>	49,970	Weekly	Full Page	1
<i>Rolling Out Dallas</i>	49,195	Weekly	Full Page	1
<i>African-American News & Issues (Houston)</i>	150,000	Weekly	Full Page	1
<i>Portland Skanner</i>	45,000	Weekly	Full Page	1
<i>Atlanta Inquirer</i>	40,000	Weekly	Full Page	1
<i>Wave Community Newspapers</i>	100,000	Weekly	Full Page	1
<i>Insight News Group</i>	35,000	Weekly	Full Page	1
<i>Florida Courier (Miami)</i>	53,000	Weekly	Full Page	1
<i>St. Louis American</i>	70,200	Weekly	Full Page	1
<i>Sacramento Observer</i>	41,422	Weekly	Full Page	1
<i>Reporter Publication</i>	120,900	Weekly	Full Page	1
<i>Inquiring News</i>	55,000	Weekly	Full Page	1
<i>Minority Communicator (Cincinnati Edition)</i>	31,000	Weekly	Full Page	1
<i>Richmond Free Press</i>	33,378	Weekly	Full Page	1
<i>Rolling Out Los Angeles</i>	66,100	Weekly	Full Page	1
<i>Milwaukee Community Journal</i>	61,350	Weekly	Full Page	1
<i>Jacksonville Free Press</i>	40,969	Weekly	Full Page	1
<i>Our Weekly (Los Angeles)</i>	59,782	Weekly	Full Page	1
<i>Rolling Out Detroit</i>	61,025	Weekly	Full Page	1
<i>Akron Reporter</i>	35,000	Weekly	Full Page	1
<i>Nashville Pride</i>	56,925	Weekly	Full Page	1
<i>Rolling Out New York</i>	78,915	Weekly	Full Page	1

Attachment 2

Short Form Notice

Multi-Billion-Dollar Volkswagen/Audi Diesel Emissions Settlements

Settlements with 2.0-Liter VW/Audi TDI Car Owners/Lesseees, the Environmental Protection Agency, the California Air Resources Board, California Attorney General, and Federal Trade Commission

Cash Payments, Vehicle Buyback, Early Lease Terminations, Potential Emissions Modifications, Environmental Remediation, and Promotion of Zero Emissions Vehicle Technology

Includes these 2.0-Liter diesel cars:

VW Beetle
2013-2015

VW Golf
2010-2015

VW Jetta
2009-2015

VW Passat
2012-2015

Audi A3
2010-2013; 2015

Owners/Lesseees can choose:

Buyback of your car
or early lease termination
+ cash

OR

(if approved by EPA and CARB)
Modification to your car
to reduce emissions
+ cash

Former Owners/Lesseees may be eligible for cash

How it Works:

VWCourtSettlement.com



Visit website
Enter your VIN to see if
your car qualifies.

You'll get information
about each option,
including the timing.

You don't have to make a
decision now. You can wait until
you receive more information
about whether there will be an
available modification to reduce
emissions from your car.

Attachment 3

Long Form Notice

Volkswagen and Audi 2.0-liter TDI Diesel Emissions Settlements

A federal court authorized this Notice. This is not a solicitation from a lawyer.

Volkswagen has reached three Settlements (collectively, “Settlements”) related to allegations that it installed defeat device software to bypass emissions standards in the 2.0-liter TDI diesel vehicles listed below. Volkswagen’s Settlements are with the following individuals and entities:

- Vehicle owners/lessees, including certain former owners/lessees and non-Volkswagen/Audi dealers (“Class Action Settlement”);
- The United States Department of Justice (“DOJ”) on behalf of the Environmental Protection Agency (“EPA”) and the State of California by and through the California Air Resources Board (“CARB”) and the California Attorney General (“CA AG”) (“US/CA Settlement”); and
- The Federal Trade Commission (“FTC”) (“FTC Settlement”).

The Settlements provide substantial compensation to vehicle owners and lessees. The terms of the Settlements are described below.

The following 2.0-liter TDI diesel engine vehicles (“Eligible Vehicles”) are included in the Settlements:

VOLKSWAGEN	
MODEL	MODEL YEARS
Beetle, Beetle Convertible	2013-2015
Golf 2-Door	2010-2013
Golf 4-Door	2010-2015
Golf SportWagen	2015
Jetta	2009-2015
Jetta SportWagen	2009-2014
Passat	2012-2015
AUDI	
A3	2010-2013, 2015

In addition, Volkswagen has reached settlements with certain states and other U.S. jurisdictions.

Summary of the Volkswagen “Clean Diesel” Class Action Settlement

Volkswagen has agreed to create one funding pool of a maximum of \$10,033,000,000 from which class members will be compensated under the Settlements. The Funding Pool is based on an assumed 100% Buyback of all purchased Eligible Vehicles and 100% Lease Termination of all leased Eligible Vehicles. The goal of the Class Action Settlement is to compensate everyone who owned or leased an Eligible Vehicle as of September 18, 2015 (the date the emissions allegations became public), or who now owns an Eligible Vehicle. Cars sometimes change hands, so the class members are broken into three different groups: “Eligible Owners,” “Eligible Sellers,” and “Eligible Lessees.”

YOUR LEGAL RIGHTS UNDER THE CLASS ACTION SETTLEMENT ARE AFFECTED EVEN IF YOU DO NOTHING. PLEASE READ THIS NOTICE CAREFULLY. QUESTIONS? Go to www.VWCourtSettlement.com or call 1-844-98-CLAIM.

Most class members owned an Eligible Vehicle on September 18, 2015, and still have possession of that car. These class members have two options: (1) have Volkswagen buy back their car (“Buyback”), or (2) wait to see whether the EPA and CARB approve a modification (“Approved Emissions Modification”) for the car’s engine type, and then decide whether to accept the modification. Class members can elect a Buyback immediately upon settlement approval, or can wait to decide between Buyback and Approved Emissions Modification options until it is determined whether a modification for their specific vehicle is approved and available. Class members who do not exclude themselves from the Class Action Settlement will receive a cash payment in addition to either the Buyback or the Approved Emissions Modification, as described in this Notice.

Benefits to Owners

If a class member who owns a car chooses a Buyback, the price Volkswagen will pay for that car is the September 2015 National Automobile Dealers Association (“NADA”) Clean Trade-In value of the car, adjusted for options and mileage. This figure is the value of the car in September 2015, before the emissions accusations became public (“Vehicle Value”). Owners receive their Vehicle Value, **plus** an additional cash payment (“Owner Restitution” or “Owner Restitution Payment”). The minimum Owner Restitution Payment for any class member—to be paid on top of the Vehicle Value—will be \$5,100. Some class members may receive as much as \$10,000 in Owner Restitution.

The Owner Restitution Payment is calculated at 20% of the Vehicle Value plus \$2,986.73. The Vehicle Value is frozen as of September 2015, which means the car’s value will not decrease/depreciate if the class member waits before choosing a Buyback, except for an adjustment that might apply if the class member drives the car more than a standard number of miles per year. Certain owners also will be eligible for forgiveness of their car loan obligations.

Because a car may have more than one owner during the relevant period, for those cars that changed hands between September 18, 2015 and June 28, 2016, the settlement equitably divides the Owner Restitution Payment approximately 50/50 between the owner as of September 18, 2015, who later sold the car (“Eligible Seller”), and the current owner (“Eligible Owner”). Note that if you sell your car after June 28, 2016, you will not be an Eligible Seller.

EPA/CARB and Volkswagen have negotiated a timeline that allows Volkswagen to submit (according to engine type) proposed emissions modifications to EPA/CARB for approval. The submission, testing, and approval process take time, so class members may not know whether or not their cars have an Approved Emissions Modification for at least six months after final approval of the settlement, and possibly not until May 2018.

If a modification for a particular engine type ultimately is approved, class members who own those cars will be notified when the modification is ready, and will be able to bring their cars into a local dealership to have the modification performed free of charge. They will also receive the same Owner Restitution Payment as owners who choose a Buyback.

Class members who choose an Approved Emissions Modification will receive disclosures about the effects of the modification on performance and durability, an extended emissions warranty, and a Lemon Law-type remedy to protect against the possibility of the modification causing subsequent problems.

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If a modification for a particular engine type ultimately is not approved, class members who own or lease those cars and have waited for a potential modification will be eligible to get a Buyback or Lease Termination on the same terms as described above. Those people also will be given an opportunity to withdraw from the settlement. Class members who wish to withdraw will have from May 1, 2018 through June 1, 2018 to do so.

Note that a free Approved Emissions Modification will be made available to all owners of Eligible Vehicles, but restitution will be paid only to class members. Owners and lessees who have opted out of the class or have not submitted a claim will not receive any Restitution Payment.

Benefits to Lessees

Eligible Lessees may have their leases terminated (in a “Lease Termination”) with no termination fee, plus receive a Lessee Restitution Payment of approximately half of what a class member who owns an identical car would receive as Owner Restitution (“Lessee Restitution” or “Lessee Restitution Payment”). Alternatively, Eligible Lessees may choose to wait to see whether there will be an Approved Emissions Modification for their car and receive the modification plus the Lessee Restitution Payment.

How to Obtain Settlement Benefits

On July 26, 2016 (the date of the preliminary approval hearing), the settlement website will allow class members to enter their Vehicle Identification Number (“VIN”) and mileage to see the expected Vehicle Value and Owner (or Lessee) Restitution Payment for their vehicle, based on its model year, trim line, actual equipment, and options. To see an estimate of the range of compensation you might receive through the Class Action Settlement, you can review the attached tables.

Volkswagen has agreed to begin the Buyback program immediately after the Court grants final approval and enters the DOJ Consent Decree; the program will not have to wait until any appeals have been resolved. Volkswagen also has agreed to complete a Buyback of an Eligible Vehicle within 90 days of an Eligible Owner’s acceptance of Volkswagen’s Buyback offer. It is anticipated that class members will be allowed to drive their cars legally, while they await their Buyback or Approved Emissions Modification.

Under the US/CA Settlement, owners and lessees who choose to exclude themselves (“opt out”) from the Class Action Settlement can still obtain an Approved Emissions Modification at no cost if one becomes available, but they will not be eligible for the Restitution Payments or Buyback provided for by the Class Action Settlement.

Environmental Relief

On top of the compensation described above, under settlements with the EPA and CARB, Volkswagen will pay \$2.7 billion into a Trust. The purpose of the Trust is to support environmental programs throughout the country that will reduce NO_x in the atmosphere by an amount intended to fully mitigate the past and future excess emissions from the 2.0-liter vehicles. In addition, Volkswagen must spend \$2 billion to promote non-polluting cars (“Zero Emission Vehicle” or “ZEV”), over and above any amount Volkswagen previously planned to spend on such technology. EPA and CARB will oversee and monitor, and the Court will enforce, Volkswagen’s compliance with the Trust payment and the ZEV investment.

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Attorneys' Fees

In class actions, the court must approve all plaintiffs' attorneys' fees and costs. Volkswagen has agreed to pay the attorneys' fees and costs that the court approves in addition to the settlement benefits described above. This means that class members will receive 100% of the compensation described in this Notice, and that their compensation will not be reduced by attorneys' fees or costs.

Summary

This Class Action Settlement gives car owners a choice between a Buyback (based on pre-September 18, 2015 market value) and an Approved Emissions Modification to reduce emissions, if approved by EPA/CARB, plus a cash payment ranging, for most owners, from \$5,100 to approximately \$10,000 per vehicle.

Please note that this is only a summary of the settlement benefits. The Class Action Settlement and the related DOJ Consent Decree and FTC Order are comprehensive agreements that address the concerns of hundreds of thousands of owners/lessees and several governmental entities, so there are many points that are not included in this summary. The full details of the Class Action Settlement and the texts of the DOJ Consent Decree and FTC Order will be available online at www.VWCourtSettlement.com.

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1. What options do I have?

Category	Definition	Benefit Options	Restitution Payment
Eligible Owner (bought car on or before September 18, 2015)	Owner ¹ of an Eligible Vehicle at the time of Buyback or Approved Emissions Modification.	(1) <u>Buyback</u> Vehicle Value ² + Restitution Payment ³ + Loan Forgiveness if applicable ⁴ OR (if approved) (2) <u>Emissions Modification</u> Modification to your car to reduce emissions + Restitution Payment ³ <i>See Questions 18 – 26, 32 - 41 for more information.</i>	20% of the Vehicle Value ² + \$2,986.73 \$5,100 minimum
Eligible Owner (bought car after September 18, 2015)	Owner ¹ of an Eligible Vehicle at the time of Buyback or Approved Emissions Modification.	(1) <u>Buyback</u> Vehicle Value ² + Restitution Payment ³ OR (if approved) (2) <u>Emissions Modification</u> Modification to your car to reduce emissions + Restitution Payment ³	10% of the Vehicle Value ² + \$1,493.365 + a proportional share of any restitution not claimed by Eligible Sellers \$2,550 minimum
Eligible Seller	Owner ¹ of an Eligible Vehicle on September 18, 2015, who transferred vehicle title after September 18, 2015, but before June 28, 2016.	Restitution Payment	10% of the Vehicle Value ² + \$1,493.365 \$2,550 minimum
Eligible Lessee (currently leases car)	Lessee ¹ of an Eligible Vehicle, with a lease issued by VW Credit, Inc., at the time of early Lease Termination or Approved Emissions Modification.	(1) <u>Lease Termination</u> Early termination of the lease without penalty + Restitution Payment ⁵ OR (if approved) (2) <u>Emissions Modification</u> Modification to your car to reduce emissions + Restitution Payment ⁵	10% of the Vehicle Value ² + \$1,529.005
Eligible Lessee (formerly leased car)	Lessee ¹ of an Eligible Vehicle, with a lease issued by VW Credit, Inc., who returned the Eligible Vehicle at the end of the lease on or after September 18, 2015.	Restitution Payment ⁵	10% of the Vehicle Value ² + \$1,529.005

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Eligible Lessee (now owns car)	Lessee ¹ of an Eligible Vehicle, with a lease issued by VW Credit, Inc., who purchased the Eligible Vehicle after June 28, 2016.	<u>Emissions Modification</u> Modification to your car to reduce emissions + Restitution Payment ⁵	10% of the Vehicle Value ² + \$1,529.005
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- ^{1.} Vehicle registrations for owners/lessees (non-Volkswagen/Audi dealers) will be verified by records of a state Department of Motor Vehicles or an equivalent agency. For non-Volkswagen/Audi dealers, ownership will be determined by title or bill of sale.
- ^{2.} For Eligible Owners, Vehicle Value is based on pre-September 18, 2015 market value adjusted for options and mileage. For Eligible Lessees, Vehicle Value is based on pre-September 18, 2015 market value adjusted for options but not mileage.
- ^{3.} The Owner Restitution Payment is the same whether you choose a Buyback or an Approved Emissions Modification. An Eligible Owner whose Eligible Vehicle is totaled after the opt-out deadline will receive the Owner Restitution Payment, but no Vehicle Value.
- ^{4.} Loan Forgiveness might be available for Eligible Owners who choose a Buyback and who owe more on their vehicle than they will receive as Vehicle Value plus Owner Restitution.
- ^{5.} The Lessee Restitution Payment is the same whether you choose a Lease Termination or an Approved Emissions Modification.

HOW TO GET BENEFITS – FILING A CLAIM

2. How do I claim Class Action Settlement benefits?

To claim Class Action Settlement benefits, you will need to make a claim online at www.VWCourtSettlement.com, or by mail or fax, as the Claims Supervisor provides.

3. What is the deadline to make a claim?

The Class Action Settlement claim program closes on **December 30, 2018**. You must have submitted a complete and valid claim by **September 1, 2018** to get a Buyback or an Approved Emissions Modification plus Restitution Payment by the time the Class Action Settlement claim program ends. To ensure that you have adequate time to schedule your Buyback or Approved Emissions Modification, do not wait until the deadlines are fast approaching. If you know already that you want a Buyback, it makes sense to start the process as early as possible. You may begin submitting information to Volkswagen on July 26, 2016, although no formal claim can be submitted until the Court grants final approval to the Class Action Settlement.

Eligible Sellers must identify themselves during the Eligible Seller identification period, which will last at least 45 days from entry of the preliminary approval order. If the Court enters the preliminary approval order on July 26, 2016 (the date of the preliminary approval hearing), the Eligible Seller Identification Period will run until September 16, 2016. (See Question 17 for more detail.)

4. What supporting documents are needed to make a claim?

To start your claim, go to www.VWCourtSettlement.com after July 26, 2016, and submit your VIN (Vehicle Identification Number). As early as mid-August 2016, you will be able to submit supporting documentation including (depending on your particular circumstances):

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- Vehicle registration,
- Vehicle title (owners with no lien),
- Lease contract (Lessees),
- Lender information and financial consent form (for loans and leases),
- Driver’s license (or other government-issued photo identification), and
- Name of your preferred dealership.

5. Why is the Owner Restitution Payment the same whether I select a Buyback or an Approved Emissions Modification for my car?

Many considerations went into the Owner Restitution Payment. The conduct alleged against Volkswagen is the same for all class members, though vehicles have different values. The Owner Restitution Payment is designed to compensate class members fully, including for the alleged conduct and for the time and inconvenience involved in choosing and obtaining either the Buyback or the Approved Emissions Modification. It does not favor one choice over the other so that you can pick what is best for you.

6. When will I receive my payment?

The earliest possible time for payments to begin is October 2016. If the Court grants final approval of the Class Action Settlement and approves the US/CA Settlement and the FTC Settlement, Volkswagen will pay eligible claims on a rolling basis as they are received and approved and offers are accepted by class members. Volkswagen will begin the program immediately and will not wait until appeals, if any, are resolved before providing benefits. Claims under the Approved Emission Modification program will be scheduled and paid as described in Questions 32-41 below.

Following is the time table for the claims process and Volkswagen’s payment obligations.

Within 10 business days of your submission of a Claim, Volkswagen will notify you whether your Claim is complete. If it is deficient in any way, Volkswagen will describe the deficiency and provide instructions on how to cure it.

Within 10 business days of notification that an application is complete, Volkswagen will notify you whether you are eligible for the elected remedy and send you an offer.

Upon accepting an offer, you can schedule a Buyback, Lease Termination, or Approved Emissions Modification. Appointments for Buybacks and Approved Emissions Modifications will be available within 90 days of your acceptance of an offer and scheduling of an appointment. Appointments for Lease Terminations will be available within 45 days of the offer acceptance and scheduling of an appointment.

You may elect to receive payment by check or by electronic funds transfer (“EFT”). The timelines for each payment method and remedy are outlined in the chart below:

	Check Option	Electronic Funds Transfer Option
Buyback	Check given at time of Buyback: - Unless a negative mileage adjustment is required (if you went over the estimated mileage resulting	EFT will be submitted within three (3) banking days of Buyback.

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	in a reduced payment). In this case, a check will be mailed within three (3) banking days of the Buyback. - If a positive mileage adjustment is required (if you are well under the estimated mileage resulting in a higher payment), then a second check for the additional amount will be mailed within three (3) banking days.	
Lease Termination	Check given at time of vehicle surrender.	EFT will be submitted within three (3) banking days of vehicle surrender.
Approved Emissions Modification*	Check mailed within three (3) banking days of completion of an Approved Emissions Modification.	EFT will be submitted within three (3) banking days of completion of an Approved Emissions Modification.

*For Gen. 3 vehicles, payments will be sent in two parts: 2/3 of the payment after the first modification is complete and the remaining 1/3 of the payment after the second modification is complete.

7. What are the tax implications of receiving a settlement payment?

While it is the intention of the parties that any payments made as a result of the Class Action Settlement not be subject to taxation, you should consult a tax professional to assess the specific tax implications of any payment you may receive. For example, if you have used your vehicle for business purposes, previously claimed a depreciation deduction on your vehicle, or receive an amount that exceeds the cost of your vehicle, some or all of your payment may be subject to taxation.

CLASS MEMBERSHIP QUESTIONS

8. When do I need to decide between a Buyback or an Approved Emissions Modification?

You do not need to decide between a Buyback or an Approved Emissions Modification until you are notified whether an Approved Emissions Modification is available for your car. Until then, you can drive your car. If you do not want to wait until an Approved Emissions Modification becomes available, you can choose the Buyback any time after the Court approves the Class Action Settlement, provided that you submit a complete and valid claim by no later than September 1, 2018.

9. Am I included in the Class Action Settlement?

You are included in the Class Action Settlement if you are in the class, which is defined as:

All persons (including individuals and entities) who, on September 18, 2015, were registered owners or lessees of, or, in the case of non-Volkswagen Dealers, held title to or held by bill of sale dated on or before September 18, 2015, an Eligible Vehicle in the United States or its territories, or who, between September 18, 2015, and the end of the claim period, become a registered owner of, or, in the case of non-

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Volkswagen Dealers, hold title to or hold by bill of sale dated after September 18, 2015, but before the end of the Claims Period, an Eligible Vehicle in the United States or its territories.

The following entities and individuals are **excluded** from the class:

- Owners who acquired ownership of their Volkswagen or Audi 2.0-liter TDI vehicles after September 18, 2015, and transfer title before participating in the Class Action Settlement Program through a Buyback or an Approved Emissions Modification;
- Lessees of a Volkswagen or Audi 2.0-liter TDI vehicle that is leased from a leasing company other than VW Credit, Inc.;
- Owners whose Volkswagen or Audi 2.0-liter TDI vehicle (i) could not be driven under the power of its own 2.0-liter TDI engine on June 28, 2016, or (ii) had a branded title of assembled, dismantled, flood, junk, rebuilt, reconstructed, or salvage on September 18, 2015, and was acquired from a junkyard or salvage yard after September 18, 2015;
- Owners who sell or otherwise transfer ownership of their Volkswagen or Audi 2.0-liter TDI vehicle between June 28, 2016, and September 16, 2016, inclusive of those dates;
- Volkswagen's officers, directors and employees and participants in Volkswagen's internal lease program; Volkswagen's affiliates and affiliates' officers, directors and employees; their distributors and distributors' officers, directors and employees; and Volkswagen dealers and Volkswagen dealers' officers and directors;
- Judicial officers and their immediate family members and associated court staff assigned to this case; and
- All those otherwise in the class who or which timely and properly exclude themselves from the class as provided in the Class Action Settlement.

10. What are the "Clean Diesel" cases about?

On September 18, 2015, the EPA issued a notice of violation to Volkswagen relating to diesel-powered cars in the United States sold under the Volkswagen and Audi brands (Volkswagen owns Audi) since 2008.

The class action alleges that Volkswagen programmed the computers in these cars to detect when the cars were undergoing official emissions testing. The class action alleges the cars turned on their full emissions control systems only during testing, but that they were not turned on during normal road use, which caused the cars to emit significantly more pollutants than permitted, in violation of US clean air laws.

The United States on behalf of the EPA, the State of California by CARB and the Attorney General of California, the FTC, and Plaintiffs' attorneys who represent Volkswagen and Audi car owners and lessees, filed lawsuits against various Volkswagen entities. The lawsuits filed by DOJ/EPA and CARB assert that Volkswagen and others violated the Clean Air Act and the California Health and Safety Code, and the lawsuits filed by Plaintiffs and the FTC assert that Volkswagen and others intentionally misled consumers about the qualities and characteristics of the diesel engine vehicles sold under the Volkswagen and Audi brands.

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11. Can I receive benefits if my car was totaled after September 18, 2015?

If you owned an Eligible Vehicle that was functioning and operable as of September 18, 2015, but was subsequently totaled (and the title was transferred to an insurance company), you will be eligible for benefits under the Class Action Settlement as described in this notice at Question 19. There is one exception: if your car is totaled after June 28, 2016, but before the opt-out date (September 16, 2016), you are excluded from the settlement class and reserve your rights and claims against the Volkswagen entities.

12. I sold my car after September 18, 2015. Am I a class member? What are my benefits?

If you owned an Eligible Vehicle on September 18, 2015, and sold it before June 28, 2016, you are an Eligible Seller. Class members who wish to claim benefits under this settlement, and have not already sold their vehicles, should retain them. If you sold your vehicle:

- Before June 28, 2016, you are a class member, and will receive Seller Restitution (*see* Question 19).
- Between June 28, 2016 and September 16, 2016, you are not a class member, you are not eligible for settlement benefits, you are not bound by the Class Action Settlement, and you retain your own claims against Volkswagen.
- After the September 16, 2016 opt-out deadline, you are bound by the Class Action Settlement but are not eligible for settlement benefits.

13. I bought my car after September 18, 2015. Am I a class member? What are my benefits?

If you bought your vehicle after September 18, 2015 and still own it, you are a class member, and you are entitled to make a claim for a Buyback or an Approved Emissions Modification, and to receive Owner Restitution as described in Question 19. If you sell your vehicle before Volkswagen buys it back or modifies its emissions system, however, you will not receive any benefits under the Class Action Settlement. If you buy a 2.0-liter TDI vehicle after the opt-out deadline, you have the right to exclude yourself from (opt out of) the settlement class within 30 days of the vehicle purchase date.

14. How am I included in the Class Action Settlement if I leased and then purchased my car?

If you had an active lease on September 18, 2015, and purchased the Eligible Vehicle on or after June 28, 2016, you are considered an “Eligible Lessee.” If you had an active lease on September 18, 2015, and purchased the Eligible Vehicle before June 28, 2016, you are an Eligible Owner. If you had an active lease on September 18, 2015, and purchased the car thereafter, but have since sold it, you may qualify as an Eligible Seller (*see* Question 1).

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15. Can I still participate in the Class Action Settlement if I took part in the Volkswagen or Audi Goodwill Program?

Yes, participation in Volkswagen's or Audi's Goodwill Programs does not affect whether you are included in the Class Action Settlement. Any Goodwill Program Payment you received will not affect the amount you are entitled to receive under the Class Action Settlement.

16. What if I am not sure whether I am included in the Settlements?

If you are not sure whether you are included in one of the Settlements, you may visit www.VWCourtSettlement.com (or call 1-844-98-CLAIM). You may also write with questions to VW Court Settlement, P.O. Box 214500, Auburn Hills, MI 48326.

17. How do I identify myself as an Eligible Seller? And when must I do so?

You can identify yourself as an Eligible Seller by registering through the Online Claims Portal at www.VWCourtSettlement.com (preferred) or by filling out and returning a paper Eligible Seller Identification Form, which can be downloaded from the settlement website or requested over the phone (1-844-98-CLAIM). A copy of the Eligible Seller Identification Form will be included with this notice if it appears, based on available records, that you owned an Eligible Vehicle on September 18, 2015, but sold or transferred it prior to June 28, 2016. **To qualify for an Eligible Seller Restitution Payment, you must identify yourself (and Volkswagen must receive any mailed Eligible Seller identification form) during the Eligible Seller identification period. This period will last at least 45 days from entry of the preliminary approval order. If the Court enters the preliminary approval order on July 26, 2016 (the date of the preliminary approval hearing), the Eligible Seller Identification Period will run until September 16, 2016.**

MONETARY BENEFITS UNDER THE CLASS ACTION SETTLEMENT

18. Who qualifies for cash payments under the Class Action Settlement?

All people described in the answers to Questions 1 and 11 - 15 qualify for cash payments.

19. What cash payment will I receive if I participate in the Settlement?

If you choose the Buyback, you will receive the Vehicle Value, plus an additional cash payment called Owner Restitution, as described below. If you choose an Approved Emissions Modification, you will receive the modification, plus Owner Restitution. As explained below, the amount of the payment the owner will receive depends on whether the owner owned the car on September 18, 2015. The cash Restitution Payment part of your benefit is the same whether you choose a Buyback or Approved Emissions Modification.

Owner Restitution If You Acquired Your Vehicle On or Before September 18, 2015:

An Eligible Owner who owned the vehicle on September 18, 2015, will be offered a cash payment of 20% of the Vehicle Value plus \$2,986.73, but no less than \$5,100.

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- Example 1: An owner with a Vehicle Value of \$20,000 will receive \$6,986.73 as Owner Restitution. This amount is calculated by multiplying \$20,000 by 20%, and adding \$2,986.73.
- Example 2: An owner with a Vehicle Value of \$9,000 will receive \$5,100 as Owner Restitution. This amount was calculated by multiplying \$9,000 by 20%, and adding \$2,986.73. Because the result of this calculation is less than \$5,100, the owner will receive the \$5,100 minimum Owner Restitution.

Owner Restitution If You Acquired Your Vehicle After September 18, 2015:

An Eligible Owner who did not own or lease the vehicle on September 18, 2015, but acquired it sometime later, will be offered a cash payment of 10% of the Vehicle Value plus \$1,493.365, but no less than \$2,550. This owner will also receive a proportional share of the funds not claimed by Eligible Sellers in an amount to be determined based on available funds.

- Example 1: An Eligible Owner with a Vehicle Value of \$20,000 will receive \$3,493.365 as Owner Restitution. This amount was calculated by multiplying \$20,000 by 10%, and adding \$1,493.365. The owner will also receive an additional amount to be determined based on available funds.
- Example 2: An owner with a Vehicle Value of \$9,000 will receive \$2,550 as Owner Restitution. This amount was calculated by multiplying \$9,000 by 10%, and adding \$1,493.365. Because the result of this calculation is less than the \$2,550 minimum, this owner will receive the minimum amount. The owner will also receive an additional amount to be determined based on available funds.

Seller Restitution:

An Eligible Seller, who was an owner of an Eligible Vehicle on September 18, 2015, and sold the vehicle after September 18, 2015, but before June 28, 2016, will be offered a cash payment of 10% of the Vehicle Value plus \$1,493.365, but no less than \$2,550.

- Example 1: An Eligible Seller with a Vehicle Value of \$20,000 will receive \$3,493.365 as Seller Restitution. This amount was calculated by multiplying \$20,000 by 10%, and adding \$1,493.365.
- Example 2: An Eligible Seller with a Vehicle Value of \$9,000 will receive \$2,550 as Seller Restitution. This amount was calculated by multiplying \$9,000 by 10%, and adding \$1,493.365. Because the result of this calculation is less than the \$2,550 minimum, this seller will receive the \$2,550 minimum.

Lessee Restitution:

All Eligible Lessees will be offered a cash payment of 10% of the vehicle's base value (adjusted for options but not mileage) plus \$1,529.005.

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- Example: An Eligible Lessee with an Eligible Vehicle that has a base value adjusted for factory options of \$20,000 will receive \$3,529.005 as Lessee Restitution. This amount was calculated by multiplying \$20,000 by 10%, and adding \$1,529.005.

The amount of Lessee Restitution is the same whether or not the lessee has an active lease and whether the lessee chooses a Buyback or an Approved Emissions Modification.

BUYBACK OPTION

20. How does the Buyback work?

Class members have the option to have Volkswagen buy back their Eligible Vehicles (in exchange for all title, interest and possession). You will need to make a claim for the Buyback at www.VWCourtSettlement.com or by mail by **September 1, 2018**.

21. How much money will I receive for my Eligible Vehicle?

If you choose a Buyback for your Eligible Vehicle, and do not have an outstanding loan, you will receive a payment from Volkswagen for the value of your vehicle (“Vehicle Value”), plus an Owner Restitution Payment (*see* Question 19).

Your Vehicle Value will be determined based on the “clean trade in” value for that vehicle including certain options as published in the September 2015 edition of the National Automotive Dealers Association (NADA) Used Car Guide (collecting value data and published before the emissions issues became known to the public). NADA is an organization, founded in 1917, that collects data from millions of cars annually, uses those data to appraise the value of used cars, and publishes its appraisals by make, model, model year, and other criteria in quarterly Used Car Guides. Your Vehicle Value will include any mileage adjustment, according to the NADA September 2015 Guidebook with an annual mileage allowance of 12,500, for your car’s mileage on the date it is brought into a dealership for a Buyback / Lease Termination or an Approved Emissions Modification. The September 2015 edition of the NADA Used Car Guide does not include values for some model year 2015 vehicles, so values for those cars are derived by multiplying the MSRP for each individual vehicle by 0.717, dropping any fractional amount, and then adjusting the amount for options.

After July 26, 2016, you can get an estimate of the Vehicle Value for your vehicle by going to www.VWCourtSettlement.com.

22. How does continuing to drive my car affect my compensation?

Continuing to drive your car an average of 12,500 miles per year (around 1,000 miles per month) or fewer will not reduce your compensation under the Class Action Settlement. In fact, if you drive few enough miles per month, your payment might increase. Adjustments for driving more or fewer than 1,000 miles per month going forward will be based on NADA mileage tables.

23. Can I participate in the Buyback option if I have an outstanding loan on my vehicle?

Yes. Your payment will be based on the amount of your outstanding loan as follows:

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- If your outstanding loan balance is less than the Vehicle Value plus Owner Restitution, Volkswagen will pay off your loan and pay you the difference.
- If your outstanding loan balance is between 100% and 130% of the Vehicle Value plus Owner Restitution, Volkswagen will pay off your loan in full.
- If your outstanding loan is more than 130% of the Vehicle Value plus Owner Restitution, your loan will be paid off up to 130% of the Vehicle Value plus Owner Restitution (*see* Question 19). You must pay any remaining loan balance necessary to transfer ownership of the vehicle to Volkswagen to complete the Buyback transaction.

24. When will Volkswagen begin to buy back Eligible Vehicles? How long will it take?

Volkswagen will begin accepting complete and valid claims, and then will make offers to buy back Eligible Vehicles if and when the Court approves these Settlements. At the earliest, that will occur in October 2016. The Class Action Settlement Program will accept claims until September 1, 2018. Buybacks will be scheduled in the order they are reviewed and approved, taking into account logistical constraints and dealer and class member availability. Volkswagen will complete a Buyback of an Eligible Vehicle within 90 days of an Eligible Owner's acceptance of Volkswagen's Buyback offer.

25. How do I schedule my Eligible Vehicle for Buyback? Where will I get it done?

You will schedule an appointment for your Buyback through www.VWCourtSettlement.com or by phone at (1-844-98-CLAIM). You will bring your Eligible Vehicle to your preferred Volkswagen or Audi dealership, where the closing process will be handled by a designated settlement specialist. For more details, visit www.VWCourtSettlement.com.

26. What can Volkswagen do with the vehicles it buys back?

Volkswagen cannot export or sell the vehicles it buys back unless it modifies them with Approved Emissions Modifications. If EPA/CARB do not approve an emissions modification for certain types of cars, Volkswagen is prohibited from re-selling those cars in the U.S. or abroad. Eligible Vehicles returned to Volkswagen that are not modified must be responsibly recycled, such as salvaged for parts.

LEASE TERMINATION OPTION

27. How do I terminate my lease?

If you have an active lease through VW Credit, Inc. and choose to participate in the Lease Termination option, you will need to register at www.VWCourtSettlement.com or by mail or fax.

28. Will I have to pay an early termination penalty if I choose the Lease Termination option?

No. Volkswagen will provide full cancellation of the remaining terms of your lease with no financial penalty upon return of the Eligible Vehicle lease issued by VW Credit, Inc. Volkswagen will pay for any early termination penalty, but Volkswagen will not be responsible for fees for excess wear, use, and/or excess mileage at the point of vehicle surrender, or other amounts due under your lease agreement such as

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delinquent lease payments and related late payment fees, or costs associated with tickets, tolls, etc. The return of the vehicle will be scheduled as described in Question 31. In addition, Volkswagen will give you a Lessee Restitution Payment (*see* Question 19).

29. When can I terminate my lease?

Volkswagen will begin terminating leases issued by VW Credit, Inc. for Eligible Vehicles as soon as the Court approves these Settlements. At the earliest, that will occur in October 2016.

30. Do I have to check with my lessor, VW Credit, Inc., before terminating my lease?

No. You only need to register to terminate your lease at www.VWCourtSettlement.com or by mailing the Lease Termination claim form. If your lessor is not VW Credit, Inc., you are not eligible to participate in the Class Action Settlement.

31. How do I arrange a Lease Termination for my Eligible Vehicle? Where will I get it done?

You can arrange for your Lease Termination at www.VWCourtSettlement.com or by phone (1-844-98-CLAIM). At the appointed time, you will return your Eligible Vehicle to the Volkswagen or Audi dealership. For more details, visit www.VWCourtSettlement.com.

APPROVED EMISSIONS MODIFICATION OPTION

32. What is the Approved Emissions Modification option?

Under an agreement between Volkswagen, EPA, and CARB, Volkswagen may submit to EPA and CARB proposed emissions modifications for each type of affected 2.0-liter engine. The submission, testing, and approval processes take time, so class members may not know whether their cars have an Approved Emissions Modification immediately upon final approval of the settlement, and possibly not until May 1, 2018.

If the EPA and CARB approve them, the Emissions Modifications will be available to all Eligible Vehicle Owners and Lessees free of charge. The Approved Emissions Modification option allows owners and lessees to keep their vehicles and to have their emissions systems modified at Volkswagen's expense so that they emit less NOx. Vehicle owners and lessees who participate in the Class Action Settlement and choose the Approved Emissions Modification option also will receive Owner Restitution or Lessee Restitution (*see* Question 19 above). While the Approved Emissions Modification will also be available to owners and lessees who opt out of the Class Action Settlement, owners and lessees who opt out will not be eligible to receive the cash payments provided by the Class Action Settlement or to participate in the Buyback program. Any Approved Emissions Modification will remain available free of charge even after the Class Action Settlement Program closes, but there will be no cash payment.

Volkswagen will send a notice (the "VW Class Update") to vehicle owners and lessees when an emissions modification for their vehicle type is approved or disapproved or if no modification is approved by May 1, 2018.

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If no emissions modification is approved for your Eligible Vehicle by May 1, 2018, then you will have an opportunity to choose a Buyback or you may withdraw from the Class Action Settlement. If an Approved Emissions Modification becomes available after May 1, 2018, owners may still choose to receive the modification, however there will not be any Restitution Payment associated with the modification.

33. When will the proposed emissions modifications be approved?

The expected and final dates for Volkswagen to submit proposed emissions modifications to the EPA and CARB are listed in the chart below. The EPA and CARB will use their best efforts to approve or disapprove any proposal within 45 days of submission of the proposal. If the agencies initially disapprove Volkswagen's proposed emissions modification, Volkswagen may challenge the decision through a dispute resolution procedure.

Because of the necessary regulatory review process and the possibility of a subsequent dispute resolution procedure, it is difficult to predict when you will know whether your car will receive an Approved Emissions Modification. You will be notified by mail, email if available, and notification on www.VWCourtSettlement.com as soon as there is an Approved Emissions Modification for your car. The notification will include a clear and accurate disclosure regarding all effects of the Approved Emissions Modification that may be reasonably important to owners, including impacts on the durability, reliability, fuel economy, noise vibration and harshness, drivability, and performance of your car.

Model	Model Years	Generation	Volkswagen's Expected Submittal Date	Volkswagen's Final Submittal Deadline
Audi A3	2010-2013	1	November 11, 2016	January 27, 2017
Beetle, Beetle Convertible	2013-2014			
Golf 2-Door	2010-2013			
Golf 4-Door	2010-2014			
Jetta, Jetta SportWagen	2009-2014			
Passat	2012-2014	2	December 16, 2016	March 3, 2017
Audi A3	2015	3* (initial modification)	July 29, 2016	October 14, 2016
Beetle, Beetle Convertible				
Golf 4-Door, Golf SportWagen				
Jetta				
Passat				
Audi A3		3* (subsequent)	August 15, 2017	October 30, 2017

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Model	Model Years	Generation	Volkswagen's Expected Submittal Date	Volkswagen's Final Submittal Deadline
Beetle, Beetle Convertible	2015	modification)		
Golf 4-Door, Golf SportWagen				
Jetta				
Passat				

*Note: The parties anticipate that the generation 3 vehicles will require a two-dealer-visit modification process. Two-thirds (2/3) of the cash payment will be paid upon the first visit to the dealer, and one-third (1/3) of the cash payment will be paid upon the second visit to the dealer. A free oil change with respective engine oil filter will also be provided on the second visit to the dealer.

34. What is included in the Approved Emissions Modification Extended Warranty?

The "Approved Emissions Modification Extended Warranty" is a warranty that will apply to all vehicles that receive an Approved Emissions Modification, and will cover all replaced components that are part of the Approved Emissions Modification, any component that reasonably could be impacted by effects of the Approved Emissions Modification, as determined by the EPA and CARB, and the engine sub-assembly (which consists of the assembled block, crankshaft, cylinder head, camshaft, and valve train).

The Approved Emissions Modification Extended Warranty will extend to all parts and labor related to the covered components, and it also will cover the cost or provision of a loaner vehicle for warranty service lasting longer than three (3) hours. Volkswagen must pay any fees or charges imposed by its dealers related to the warranty service. The Approved Emissions Modification Extended Warranty period will be the greater of (*see* Question 33 above for a list of generations by make/model):

- For Eligible Vehicle generations 1 and 2, 10 years or 120,000 actual miles, whichever comes first, and 4 years or 48,000 miles from date and mileage of Approved Emissions Modification, whichever comes first.
- For Eligible Vehicle generation 3, 10 years or 150,000 actual miles, whichever comes first, and 4 years or 48,000 miles from date and mileage of Approved Emissions Modification, whichever comes first.

The Approved Emissions Modification Extended Warranty will not void any outstanding warranty. If there is a conflict between the Approved Emissions Modification Extended Warranty and any outstanding warranty, that conflict will be resolved to your benefit.

35. How will the Approved Emissions Modification affect my vehicle?

The impact on your vehicle is not known at this time, but it will be disclosed to you if the EPA and CARB approve an emissions modification for your car. These disclosures will include, among other things, information on the Approved Emissions Modification's effect on your vehicle's emissions levels, reliability, durability, fuel economy, noise vibration and harshness, vehicle performance, drivability, and

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any other vehicle attributes that may reasonably be important to vehicle owners. You will not have to choose between a Buyback or a modification until you have seen these disclosures and can make your own choice.

36. How do I get an Approved Emissions Modification for my car?

You will schedule your Approved Emissions Modification at your preferred Volkswagen or Audi dealership through an online dealer scheduling tool or by calling your preferred dealer.

37. What happens if I have problems with my car related to the Approved Emissions Modification that my car received?

If you have problems with your car related to your Approved Emissions Modification, you will be given another chance to choose a Buyback or Lease Termination (the “Reoffer”). You will qualify for the Reoffer if your car has a confirmed mechanical failure or malfunction covered by the Approved Emissions Modification Extended Warranty and associated with the Approved Emissions Modification (a “Warrantable Failure”) within 18 months or 18,000 miles of receiving the Approved Emissions Modification (the “Reoffer Period”) and

- The Warrantable Failure is not remedied after four separate service visits for the same Warrantable Failure during the Reoffer Period; or
- The car is out of service as a result of the Warrantable Failure for at least 30 days during the Reoffer Period.

An owner who chooses a Buyback through the Reoffer will receive the same amount that the class member would have received if he initially had chosen the Buyback, less any amount already received. A lessee who chooses a Lease Termination through the Reoffer will be able to terminate his lease without paying any early termination fee.

38. Will disclosures about the Approved Emissions Modification be made to subsequent purchasers?

Yes. Volkswagen will label any vehicle that has received an Approved Emissions Modification. Potential purchasers can also find out if a car has received an Approved Emissions Modification by entering the VIN at www.VWCourtSettlement.com.

39. What happens if it turns out that the EPA does not approve a modification for my car? What are my options?

If no emissions modification is approved for your Eligible Vehicle by May 1, 2018, you will be notified. You may then choose a Buyback, but must submit a complete and valid claim by no later than September 1, 2018 and obtain your remedy by no later than December 30, 2018. Alternatively, you may choose to withdraw from the Class Action Settlement altogether, by June 1, 2018.

If an emissions modification is approved for your vehicle after May 1, 2018, you may still choose to have your vehicle modified, however there will not be any Restitution Payment associated with any emissions modification that is approved after May 1, 2018.

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40. Can Volkswagen offer me any other incentives or trade-in options?

Yes. Volkswagen through its authorized dealers may offer you incentives and trade-in options in addition to the benefits provided by this Class Action Settlement. However, Volkswagen is not permitted to offer incentives or trade-in options that conflict with any options offered by this Class Action Settlement.

41. May I still drive my car if I do not have the emissions system modified? Will my car pass my state's emissions testing?

Yes. For now, you may continue to drive your vehicle without modifying the emissions, regardless of whether it would fail a state inspection. However, individual states might require Approved Emissions Modifications on Eligible Vehicles at some point in the future.

ENVIRONMENTAL REMEDIATION

42. What type of environmental remediation is required by the Settlements?

In addition to the money to be paid to class members, under settlements with the EPA and CARB, Volkswagen will pay \$2.7 billion over the next three years for environmental remediation (\$900 million annually). These payments have been negotiated and designed to remediate any environmental effects of the excess NOx emissions attributable to the Eligible Vehicles.

43. How will the Settlements promote Zero Emission Vehicle technology?

In addition to the money to be paid to class members, and under settlements with the EPA and CARB, Volkswagen will invest an additional \$2 billion over the next 10 years in Zero Emission Vehicle technology, including electric vehicle charging infrastructure, access, and education (\$200 million annually). ZEVs include battery-electric vehicles, fuel-cell vehicles, and light and heavy duty plug-in hybrid vehicles. These investments are intended to increase the use of ZEVs in California and the U.S.

UNDERSTANDING THE CLASS ACTION PROCESS

44. Why am I getting this Notice?

You are receiving this Notice because you may be a member of the settlement class. The Court in charge of this case authorized this Notice because class members have a right to know about the proposed Class Action Settlement of this lawsuit, and to understand all of their options before the Court decides whether or not to approve the Class Action Settlement. This Notice summarizes the Class Action Settlement and explains class members' legal rights and options under the Class Action Settlement, as well as relief achieved under the US/CA Settlement.

Judge Charles R. Breyer of the United States District Court for the Northern District of California is in charge of this case. The case is known as *In re Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation*, No. 3:15-md-2672. The people who sued are called the "Plaintiffs." Volkswagen AG, Audi AG, and Volkswagen Group of America, Inc., together, are called "Volkswagen" or the "Defendant."

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45. What is a class action?

A class action is a representative lawsuit. One or more plaintiffs (who are also called “class representatives”) sue on behalf of themselves and all other people with similar claims, who are not named, but are described in the class definition and are called “class members.” When a class action is settled, the Court resolves the issues in the lawsuit for all class members, except for those who leave (opt out of) the class. Opting out means that you will not receive benefits under the Class Action Settlement. The opt-out process is described in Question 50 of this Notice.

46. How were these Settlements reached?

After extensive Court-ordered negotiations, supervised by former FBI Director Robert Mueller (the Court-appointed Settlement Master), Volkswagen agreed to separate but related Settlements with (1) the proposed class of vehicle owners/lessees, (2) the EPA and CARB, and (3) the FTC. There are multiple settlements in this case, including settlements with certain states and other U.S. jurisdictions, because there are multiple lawsuits brought or contemplated by different government entities, and by the vehicle owners themselves. The Class Action Settlement, if approved, will resolve the lawsuits brought by owners or lessees of affected 2.0-liter TDI diesel engine vehicles.

A settlement is an agreement between a plaintiff (or multiple plaintiffs) and a defendant (or multiple defendants) to resolve a lawsuit. Settlements end all or part of a lawsuit without a trial, and without the court or a jury ruling in favor of the plaintiff(s) or the defendant(s). A settlement allows the parties to avoid the costs and risks of a trial, and the very significant time delays of litigation. Class Counsel believe that the proposed Class Action Settlement is fair and reasonable for the class, and that it is in the public and environmental interest.

47. What am I giving up in exchange for receiving the Class Action Settlement benefits?

If the Class Action Settlement becomes final and you do not opt out, you will be eligible for the Class Action Settlement benefits described above. In exchange, you will give up your right to sue Volkswagen and related parties for the claims being resolved by this Class Action Settlement (*see* Questions 48-52 below).

The Class Action Settlement **does not** resolve legal claims related to: (1) 3.0-liter TDI vehicles, (2) former owners who sold their vehicles prior to September 18, 2015, (3) owners and lessees with inoperable vehicles, except for owners whose vehicles became inoperable after June 28, 2016, (4) claims against Bosch, and (5) lessees with leases from entities other than VW Credit, Inc.

Section 9 of the Class Action Settlement contains the complete text and details of what class members give up unless they exclude themselves from the Class Action Settlement, so please read it carefully. The Class Action Settlement, DOJ Consent Decree, and FTC Consent Order are available at www.VWCourtSettlement.com. If you have any questions, you may talk to the law firms listed in Question 54 for free, or you may talk to your own lawyer.

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48. Am I releasing any personal injury or wrongful death claims if I participate in the Class Action Settlement?

No. The Class Action Settlement does not affect or release any personal injury or wrongful death claims you may have, now or in the future.

49. What are my potential legal claims and remedies in this class action?

There are over 170 claims for relief in this nationwide class action, including some claims that seek treble or punitive damages. The listing of claims starts on page 208 of the Consolidated Consumer Class Action Complaint, filed on February 22, 2016 in the Northern District of California. The Consolidated Consumer Class Action Complaint can be found at this link <http://www.cand.uscourts.gov/crb/vwmdl> or by visiting the settlement website at <https://www.VWCourtSettlement.com/> and reviewing the “Court Documents” section. If you have any questions about the claims and remedies in the class action, you may talk to the law firms listed in Question 54 for free, or you may talk to your own lawyer.

50. How do I get out of the Class Action Settlement?

If you do not want to receive benefits from the Class Action Settlement, and you want to retain the right to sue Volkswagen about the legal issues in this case, then you must take steps to remove yourself from the Class Action Settlement. You may do this by asking to be excluded—sometimes referred to as “opting out” of—the Class Action Settlement. To do so, you must mail a letter or other written document to the Court-Appointed claims supervisor. Your request must include:

- Your name, address, and telephone number;
- Make, model, model year and VIN for your vehicle;
- A statement that “I wish to exclude myself from the Class Action Settlement in *In re: Volkswagen “Clean Diesel” Marketing, Sales Practices, and Products Liability Litigation*, No. 3:15-md-2672 (N.D. Cal.);
- A statement as to whether you are an owner, lessee, or seller of an Eligible Vehicle and the dates of ownership or lease; and
- Your personal signature and date.

You must mail your exclusion request, postmarked no later than September 16, 2016, to Opt Out VW Settlement, P.O. Box 57424, Washington, DC 20037. If no Approved Emissions Modification becomes available for your variety of vehicle by May 1, 2018, you may withdraw from the Class Action Settlement from May 1, 2018 to June 1, 2018. If you bought your car after September 16, 2016, your exclusion request deadline is 30 days from the date of your purchase.

51. If I do not exclude myself, can I sue Volkswagen for the same thing later?

No. Unless you exclude yourself, you give up the right to sue Volkswagen for all of the claims that this Class Action Settlement resolves.

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52. If I exclude myself, can I still get full benefits from the Class Action Settlement?

No. If you exclude yourself, you will not get any benefits from the Class Action Settlement. Under the US/CA Settlement, you would still be able to obtain an Approved Emissions Modification if one becomes available for your vehicle, but none of the monetary compensation provided for by the Class Action Settlement.

53. If I opt out and pursue my case, could I get a larger recovery?

The law of most states provides for various remedies, including actual damages, punitive or multiple damages, and rescission, if a claim is proved at trial and upheld on appeal. None of these can be predicted with certainty, and all take additional time and may be subject to offsets or deductions for attorneys’ fees and costs. Under Lemon Law-type remedies and rescissions, offsets for mileage and use are generally deducted. The Class Action Settlement is designed to provide benefits that are certain, not subject to the delay and risk of trial and appeal, and not reduced by fees or costs.

54. Do I have a lawyer in the case?

Yes. The Court has appointed a number of lawyers to represent all class members as “Class Counsel,” without charge to you. They are:

<p>Elizabeth Cabraser, Lead Counsel Lieff Cabraser Heimann & Bernstein, LLP 275 Battery Street, 29th Floor San Francisco, CA 94111</p>	<p>Joseph F. Rice Motley Rice LLC 28 Bridgeside Boulevard Mt. Pleasant, SC 29464</p>
<p>Lynn Lincoln Sarko Keller Rohrback L.L.P. 1201 Third Avenue, Suite 3200 Seattle, WA 98101</p>	<p>Christopher A. Seeger Seeger Weiss LLP 77 Water Street New York, NY 10005</p>
<p>Steve W. Berman Hagens Berman Sobol Shapiro LLP 1918 Eighth Avenue, Suite 3300 Seattle, WA 98101</p>	<p>Jayne Conroy Simmons Hanly Conroy, LLC 112 Madison Avenue New York, NY 10016</p>
<p>Benjamin L. Bailey Bailey and Glasser LLP 209 Capital Street Charleston, WV 25301</p>	<p>Paul J. Geller Robbins Geller Rudman and Dowd LLP 120 East Palmetto Park Road, Suite 500 Boca Raton, FL 33432</p>
<p>David Boies Boies Schiller and Flexner 333 Main Street Armonk, NY 10504</p>	<p>Robin L. Greenwald Weitz & Luxenberg, P.C. 700 Broadway New York, NY 10003</p>

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<p>David Seabold Casey, Jr. Casey Gerry Schenk Francavilla Blatt & Penfield LLP 110 Laurel St San Diego, CA 92101</p> <p>James E. Cecchi Carella Byrne Cecchi Olstein Brody & Agnello, P.C. 5 Becker Farm Road Roseland, NJ 07068</p> <p>Roxanne Barton Conlin Roxanne Conlin and Associates 319 7th Street, Suite 600 Des Moines, IA 50309</p> <p>W. Daniel “Dee” Miles III Beasley Allen Crow Methvin Portis & Miles 218 Commerce Street P.O. Box 4160 Montgomery, AL 36103</p> <p>Frank Mario Pitre Cotchett Pitre & McCarthy LLP San Francisco Airport Office Center 840 Malcolm Road, Suite 200 Burlingame, CA 94010</p> <p>Rosemary M. Rivas Finkelstein Thompson LLP 1 California Street, Suite 900 San Francisco, CA 94111</p>	<p>Michael D. Hausfeld Hausfeld LLP 1700 K Street NW, Suite 650 Washington, DC 20006</p> <p>Michael Everett Heygood Heygood, Orr, Pearson 6363 North State Highway 161, Suite 450 Irving, TX 75038</p> <p>Adam J. Levitt Grant & Eisenhofer P.A. 30 North LaSalle Street, Suite 1200 Chicago, IL 60602</p> <p>J. Gerard Stranch IV Branstetter, Stranch & Jennings, PLLC 227 Second Avenue N, 4th Floor Nashville, TN 37201</p> <p>Roland K. Tellis Baron Budd, P.C. 15910 Ventura Boulevard Encino Plaza, Suite 1600 Encino, CA 91436</p> <p>Lesley Elizabeth Weaver Block & Leviton LLP 520 Third Street, Suite 108 Oakland, CA 94607</p>
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You will not be charged for contacting these lawyers.

55. I’ve received solicitation letters from attorneys. Do I need to hire my own attorney to get money from the Class Action Settlement?

No. Class Counsel will represent you at no charge to you, and any fees Class Counsel are paid will not affect your compensation under this Class Action Settlement. If you want to be represented by your own lawyer, you may hire one at your own expense. It is possible that you will receive less money overall if you choose to hire your own lawyer to litigate against Volkswagen rather than receive compensation from this Class Action Settlement.

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56. How will the lawyers be paid?

Volkswagen will pay attorneys' fees and costs in addition to the benefits it is providing to the class members in this Settlement. At a later date to be determined by the Court, Class Counsel will ask the Court for an award of attorneys' fees and reasonable costs. Class members will have an opportunity to comment on and/or object to this request at an appropriate time. The Court must approve the award of attorneys' fees and costs to be paid by Volkswagen.

Any attorneys' fees and costs awarded by the Court will be paid separately by Volkswagen and will not reduce benefits to class members.

57. How do I tell the Court if I do not like the Class Action Settlement?

If you do not exclude yourself from the Class Action Settlement, you may object to it. The Court will consider your views. To comment on or to object to the Class Action Settlement, you or your attorney must submit your written objection to the Court, including the following:

- Your name, address, and telephone number;
- A statement saying that you object to the Class Action Settlement in *In re: Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation*, No. 3:15-md-2672 (N.D. Cal.);
- The reasons you object to the Class Action Settlement, along with any supporting materials;
- The VIN of your Eligible Vehicle and the dates you owned or leased the Eligible Vehicle; and
- Your signature and date.

In addition, if you intend to appear at the final approval hearing (the "Fairness Hearing"), you must submit a written notice of your intent (*see* Question 61 below).

You must mail your objection to the three addresses below postmarked no later than **Month 00, 2016**:

COURT	CLASS COUNSEL	DEFENSE COUNSEL
Clerk of the Court/Judge Charles R. Breyer Phillip Burton Federal Building & United States Courthouse 450 Golden Gate Avenue San Francisco, CA 94102	Elizabeth Cabraser Lieff Cabraser Heimann & Bernstein, LLP 275 Battery Street, 29th Floor San Francisco, CA 94111	Sharon L. Nelles Sullivan & Cromwell LLP 125 Broad Street New York, NY 10004

58. What is the difference between objecting to the Class Action Settlement and opting out?

You can object only if you do not opt out of the class. Opting out is telling the Court that you do not want to be part of the Class Action Settlement, and you do not want to receive any Class Action Settlement

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benefits. If you opt out, you have no basis to object to the Class Action Settlement by telling the Court you do not like something about it, because the case no longer affects you.

59. When and where will the Court decide whether to approve the Class Action Settlement?

The Court will hold the Fairness Hearing at **XX:00 x.m. on Month 00, 0000**, at the United States District Court for the Northern District of California, located at the United States Courthouse, 450 Golden Gate Avenue, San Francisco, CA 94102, before determining whether to approve the Class Action Settlement. The hearing may be moved to a different date or time without additional notice, so it is a good idea to check www.VWCourtSettlement.com or call 1-844-98-CLAIM. At this hearing, the Court will hear evidence about whether the Class Action Settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them and may listen to people who have asked to speak at the hearing. After the hearing, the Court will decide whether to approve the Class Action Settlement. We do not know how long these decisions will take.

The Court will consider the request for attorneys' fees and reasonable costs by Class Counsel (*see* Question 56) after the Fairness Hearing, at a time that will be set at a later date by the Court.

60. Do I have to attend the hearing?

No. Class Counsel will answer questions the Court may have. You are welcome to attend at your own expense. If you timely file an objection, you do not have to come to Court to talk about it. As long as you mailed your written objection on time, the Court will consider it. You also may have your own lawyer attend at your expense, but it is not necessary.

61. May I speak at the hearing?

You may ask the Court for permission to speak at the Fairness Hearing. The Court will determine whether to grant you permission to speak. To do so, you must send a letter stating that it is your "Notice of Intention to Appear in *In re: Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation*, No. 3:15-md-2672 (N.D. Cal.)." Be sure to include your name, address, telephone number, and your signature. Your notice of intention to appear must be postmarked no later than **Month 00, 0000**, and sent to the addresses listed in Question 57.

GETTING MORE INFORMATION

62. How do I get more information?

This Notice summarizes the proposed Class Action Settlement. More details are in the Class Action Settlement, the proposed DOJ Consent Decree and the proposed FTC Consent Order. You can get a copy of all of these documents at www.VWCourtSettlement.com. You also may write with questions to VW Court Settlement, P.O. Box 214500, Auburn Hills, MI 48326 or call 1-844-98-CLAIM.

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