

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

BEFORE THE HONORABLE CHARLES R. BREYER

IN RE: VOLKSWAGEN "CLEAN DIESEL")
 MARKETING, SALES PRACTICES, AND) No. C 15-MD-2672 CRB
 PRODUCTS LIABILITY LITIGATION)
 _____) San Francisco, California
 Monday.
 December 19, 2016
 8:00 a.m.

TRANSCRIPT OF PROCEEDINGS

APPEARANCES:

For Plaintiffs OFFICE OF THE ATTORNEY GENERAL
State of California: State of California
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 San Francisco, California 94102
BY: NICKLAS A. AKERS, ESQ.

OFFICE OF THE ATTORNEY GENERAL
 State of California
 600 W. Broadway
 Suite 1800
 San Diego, California 92101
BY: JUDITH FIORENTINI, ESQ.
 - appeared telephonically

(Various other parties also present telephonically via CourtConnect and as reflected in the minutes.)

Reported By: Debra L. Pas, CSR 11916, CRR, RMR, RPR
 Official Reporter - US District Court
 Computerized Transcription By Eclipse

1 DECEMBER 19, 2016

8:01 A.M.

2 P R O C E E D I N G S

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4 **THE COURT:** Good morning. I'm calling the Volkswagen
5 case. And you're the sole survivor here, so why don't you
6 identify yourself? Because the State of California is always
7 present even though, of course, they are right across the
8 street; right?

9 **MR. AKERS:** Yes, your Honor.

10 Good morning, your Honor. Nick Akers for the California
11 Air Resources Board and the California Attorney General. I'm
12 joined by my colleague Judith Fiorentini telephonically.

13 **THE COURT:** Great. And I know a number of people are
14 participating by telephone.

15 I was advised, and I have been advised throughout the
16 course of this weekend, that there had been ongoing settlement
17 discussions and the parties have jointly requested a final --
18 I'm using the word "final" -- continuance to tomorrow at 11:00
19 o'clock Pacific coast time.

20 Let me just make a couple of observations because, of
21 course, I have been apprised of developments as they have been
22 ongoing.

23 This is a complicated matter. I believe lead counsel for
24 the plaintiff's Steering Committee said that the devil is in
25 the details, and it is to some extent. There are a lot of

1 details, a lot of moving parts, and there are a lot of parties.
2 We're -- you know, of course, we're talking about the
3 Department of Justice. We're talking about various states,
4 California being the principal one involved. We're talking
5 about the Federal Trade Commission. We're talking about many,
6 many parts.

7 And what the parties are attempting to achieve here is a
8 global resolution; that is, one that will incorporate these
9 various parties in various ways. And in order to do that,
10 because the concerns are individual to the party, there has to
11 be extraordinary coordination among the parties and there has
12 to be resolution of a lot of issues, which look to some of us
13 as just details, but to others the details have real
14 significance.

15 Now, having described the problem, let me just say that I
16 am optimistic that by tomorrow at 11:00 there will be a
17 resolution. They are working very hard. The Special Master
18 has indicated to me that they are meeting in Washington on
19 these issues and that there will be continuing meetings today
20 and, hopefully, by tomorrow we will have made real progress in
21 terms of being able to report to the public as to where we are.

22 Let me just once again say that settlement discussions,
23 negotiations, are by their nature, and ought to be, treated in
24 confidence. That's been the order of the Court and it remains
25 so.

1 It is important to give the parties what I call the
2 breathing space to be able to come up with solutions, and they
3 can only do so if they have some measure of confidentiality in
4 the exchange of views.

5 So I, again, ask that that order be observed. And I will
6 see or hear people tomorrow at 11:00 o'clock and, hopefully,
7 will be able to report a resolution.

8 Thank you very much.

9 (Proceedings adjourned.)

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CERTIFICATE OF OFFICIAL REPORTER

I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

Debra L. Pas

Debra L. Pas, CSR 11916, CRR, RMR, RPR

Monday, December 19, 2016