

VW 3.0-Liter Class Settlement

Preliminary Approval Hearing
Submission by PSC
February 14th 2017

Class Member

Anyone at anytime between **September 18, 2015** and **November 2, 2015** (inclusive) who owned or leased a VW, Audi, or Porsche 3.0-liter vehicle in the United States or its territories.

-or -

Who between **November 3, 2015** and the Claim Submission Deadline for Eligible Owner or Lessee (Generation One is **June 1, 2017**; Generation Two is **December 31, 2019**) becomes the owner of an Eligible Vehicle in the United States or its territories.

- or -

Who owns an Eligible Vehicle in the U.S. or its territories at the time of participation in the 3.0-liter Class Action Settlement Program

*An individual that acquires an Eligible Vehicle vests in the Class rights that fit their facts unless they opt out within 30 days of purchase. 2

Excluded from CLASS or BENEFITS

- ▶ Owners who acquired **AFTER** September 18, 2015 and sold the vehicle before November 2, 2015.
- ▶ Owners who acquired an Eligible Vehicle after November 2, 2015 and transferred title on or before January 31, 2017.
- ▶ Owners who sell Eligible Vehicle after January 31, 2017 but on or before the Opt-Out Deadline of April 14, 2017
- ▶ Owners who sell or otherwise transfer ownership of their Eligible Vehicle after January 31, 2017 but on or before the Opt-Out Deadline unless the vehicle is unintentionally damaged after January 31, 2017 (Totaled) and transferred to an insurance company or otherwise permanently removed from commerce.
- ▶ Owners of a Eligible Vehicle that had a branded title on September 18, 2015 and was acquired from a junkyard, salvage yard or salvage dealer after September 18, 2015.
- ▶ Lessee of Eligible Vehicle from Lessor other than Volkswagen Credit, Inc. or Porsche Financial Services Inc.

Approved Emissions Modification

Emissions Compliant Repair

- ▶ Generation Two only
- ▶ By Sub-Generation
- ▶ Tier 2 Bin 5

Reduced Emissions Modification

- ▶ Generation One
- ▶ Generation Two
- ▶ By Sub-Generation

3.0 L Generation One Vehicles

TDI

19,000 Vehicles

2009-2012 - VW Touareg TDI

2009-2012 - Audi Q7 TDI



3.0 L Generation Two Vehicles

TDI

58,000 Vehicles

2014-2016 - Audi A6 Quattro TDI



2014-2016 - Audi A7 Quattro TDI

2014-2016 - Audi A8 L TDI



2014-2016 - Audi Q5 TDI

2013-2015 - Audi Q7 TDI

2013-2016 - VW Touareg TDI

2013-2016 - Porsche Cayenne Diesel



Generation Two

- ▶ Larger cars - more room
- ▶ Late year models
- ▶ Different engines and systems



3.0 L Generation Two Vehicles by Sub-Generation

Model Years	2 PC	2.1 SUV	2.2 SUV
2013		VW Touareg, Audi Q7, Porsche Cayenne Diesel	
2014	Audi: A6 Quattro, A7 Quattro, A8, A8 L, Q5	VW Touareg, Audi Q7, Porsche Cayenne Diesel	
2015	Audi A6 Quattro, A7 Quattro, A8, A8 L, Q5	Audi Q7	VW Touareg, Porsche Cayenne Diesel
2016	Audi A6 Quattro, A7 Quattro, A8, A8 L, Q5		VW Touareg, Porsche Cayenne Diesel

Generation Two

- ▶ The Regulatory Agreement
- ▶ Exclusive Jurisdiction
- ▶ EPA-CARB environmental settlement
- ▶ Created recall process
- ▶ Tier 2 Bin 5



Generation Two - Emissions Compliant Repair “Decision Dates” for each Sub-Generation

Sub-Generation	Expected Submittal Date	Final Submittal Date	Decision Date for the Emissions Compliant Repair
2.1 SUV	February 24, 2017	May 12, 2017	November 8, 2017
2.2 SUV	February 11, 2017	April 25, 2017	October 23, 2017
2 PC	April 7, 2017	June 23, 2017	December 20, 2017

- ▶ Volkswagen may extend the Decision Date for that Sub-Generation up to a maximum of 90 days from the date the Court issues its ruling.
- ▶ For each 30-day extension period, Volkswagen must pay an “Extension Payment” of \$500 for each Eligible Vehicle.

Generation Two - Repair Payment

Owner

- ▶ Average: \$8,592 Range: \$7,039 - \$16,114
- ▶ 50% paid early in process (Repair Participation Payment)
- ▶ Remainder paid to owner when vehicle is repaired

Lessee

- ▶ \$2,000 payment
- ▶ 100% paid to Former Lessee early in process
- ▶ 50% paid to Current Lessee early in process (Repair Participation Payment)
- ▶ Remainder paid to Lessee when vehicle is repaired or surrendered



Reduced Performance

- ▶ Representation is made by VW that the Emissions Compliant Repair will not result in Reduced Performance
 - ▶ A change in calculated fuel economy using EPA formula of more than 3 MPG, or
 - ▶ A decrease of greater than 5% in peak horse power, or in peak torque
- ▶ If any greater degradation, at minimum \$500 per vehicle payment
- ▶ If substantial material adverse degradation, above and beyond the specified Reduced Performance levels, Class may seek additional remedies which VW may oppose

Class Bridge Warranty

Eligible Owners and Lessees of Generation Two

- ▶ The original warranty expired/expires prior to timely availability of Emissions Compliant Repair without other coverage
- ▶ Get extension of original warranty for covered repairs accruing after **January 31, 2017** or after original warranty expiration date and date Emissions Compliant Repair is approved or disapproved (whichever is later)

Generation Two Decision

IF TIMELY EMISSIONS COMPLIANT
REPAIR NOT APPROVED

IF TIMELY EMISSIONS
COMPLIANT REPAIR
APPROVED

MOTION BY CLASS TO INITIATE BUYBACK

COURT FINDS GOOD CAUSE MAY
EXTEND PROCESS

RECEIVE
REPAIR
AND
REPAIR PAYMENT

Decision Time



Extension Time



IF THE COURT DOES NOT FIND
GOOD CAUSE



VW CAN CHOOSE TO PAY FOR UP TO 90 DAYS
\$500 PER 30-DAY EXTENSION

Generation Two

If fail to get timely Emissions Compliant Repair approval:

1. Buyback
2. Trade-In
3. If approved, Reduced Emissions Modification or late Emissions Compliant Repair

If no Approved Emissions Modification by August 1, 2018:

- ▶ Right to withdraw from the Class (late Opt-Out)

Buyback Amount for Generation One Owners

Vehicle Value + Restitution + Loan Forgiveness (if applicable)

Vehicle Value:

- ▶ Sept. 2015 NADA Clean Trade value of the vehicle

Restitution (\$6,000 minimum):*

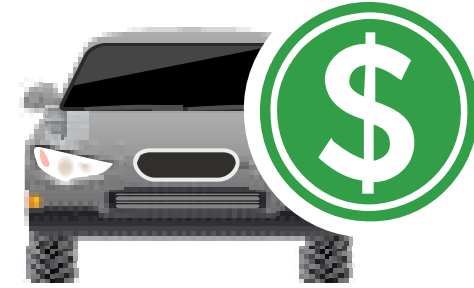
- ▶ Amount by which Sept. 2015 NADA Clean Retail value exceeds “Vehicle Value” (i.e., raises Buyback amount to Clean Retail)
- ▶ + State and local taxes on the Sept. 2015 NADA Clean Retail value
- ▶ + Fixed amount: \$5,155

Loan Forgiveness (if applicable):

- ▶ Up to 30% of the Buyback Amount before Loan Forgiveness

* Assumes the participating owner owned the vehicle on September 18, 2015.

Summary of Benefits - Generation One



Buyback Option

- ▶ Vehicle Clean Trade Value as of **September 18, 2015**
 - ▶ Includes value of options and mileage adjustment if applicable
- ▶ Restitution
 - ▶ Additional amount to raise compensation to Clean Retail Value, including state and local taxes on the Clean Retail Value
 - ▶ Plus \$5,155 (for Generation One vehicles) or at least \$8,728 (for Generation Two vehicles)

Summary of Benefits - Generation One

Restitution for Consumers

Owner: Average Payment of \$29,391 (Vehicle Value) + \$10,391 (Owner Restitution) or 50% of Owner Restitution if purchased used after **September 18, 2015**

Former Owner: (sold between **September 18, 2015** and **January 31, 2017**): ~50% of Owner Restitution

Lessee: Average Payment of \$5,710

- ▶ Release of Lease Contract, subject to overmileage fees if applicable

Example Buyback Amount for Generation One Owner

Vehicle Value + Restitution + Loan Forgiveness (if applicable)



2011 Audi Q7 Premium Plus		
Vehicle Value	\$30,000	
Vehicle Clean Retail Value	\$32,825	
State & local tax rate <small>(state of registration)</small>	6.35% (Connecticut)	
Owner Restitution	Amount by which Vehicle Clean Retail Value exceeds Vehicle Value	\$2,825.00
	Tax (6.35% of \$32,825)	+ \$2,084.39
	Fixed amount	+ \$5,155.00
	Owner Restitution	\$10,064.39
Buyback Amount	Owner Restitution	\$10,064.39
	Vehicle Value	+ \$30,000.00
	Buyback Amount	\$40,064.39

Restitution for Generation One Owners who Purchased after Disclosure (Sept. 18, 2015)

- ▶ 50% of Owner Restitution they would receive if they had purchased the vehicle new or by **September 18, 2015**
- ▶ **\$3,000 Minimum**
- ▶ Remaining 50% will be paid to the Former Owner(s) or Lessee who owned or leased the vehicle on **September 18, 2015** and/or **November 2, 2015**
- ▶ If there are two Former Owners, they will each receive 25%


Example Compensation for Generation One Vehicle Sold Used After September 18, 2015



		2011 Audi Q7 Premium Plus	
Vehicle Value		\$30,000	
Vehicle Clean Retail Value		\$32,825	
State & local tax rate <small>(state of registration)</small>		6.35% (Connecticut)	
Full Restitution	Amount by which Vehicle Clean Retail Value exceeds Vehicle Value	\$2,825.00	
	Tax (6.35% of \$32,825)		+ \$2,084.39
	Fixed amount		+ \$5,155.00
	Full Restitution		\$10,064.39
Buyback Amount	50% Full Restitution	\$5,032.20	
	Vehicle Value		+ \$30,000.00
	Buyback Amount		\$35,032.20
Former Owner Restitution	50% Full Restitution		\$5,032.20

Eligible Former Lessee

Leases from VW or Audi or Porsche as of either **September 18, 2015** and/or **November 2, 2015** who surrendered vehicle on or before **January 31, 2107**




Claim Submission Deadline
60 days from Final Approval

Eligible Former Owner

Acquired vehicle on/or before **September 18, 2015** transferred ownership after **September 18, 2015** but on/or before **January 31, 2017**

- or -

Acquired vehicle on/or before **November 2, 2015** transferred ownership after **November 2, 2015** but on/or before **January 31, 2017**



Identification deadline of
May 1, 2017

- Electronic registration, mail or fax
- Start on preliminary approval plus one day

Claim Submission Deadline
60 days from Final Approval

Generation One “Totaled” Vehicle

- ▶ Accident **BETWEEN** September 18, 2015 and January 31, 2017 that results in the vehicle being transferred to an insurance company, sold or otherwise permanently removed from commerce:
 - ▶ Considered an “Eligible Former Owner” and will receive Former Owner Restitution (approximately 50% of Owner Restitution)
- ▶ Accident **AFTER** January 31, 2017 that results in the vehicle being transferred to an insurance company or otherwise permanently removed from commerce:
 - ▶ Considered an “Eligible Owner” and will receive full amount of Owner Restitution, but not Vehicle Value

Generation One Lessee Compensation

Compensation is the same whether Lessee chooses a Lease Termination or an Approved Emissions Modification, or no longer has an active lease:

- ▶ 50% of the amount by which Sept. 2015 NADA Clean Retail value exceeds "Vehicle Value"
- ▶ + 50% of state and local taxes on the Sept. 2015 NADA Clean Retail value
- ▶ + Fixed amount: \$2,577.50

Example Lessee Restitution for Generation One



Vehicle Value
 Vehicle Clean Retail Value
 State & local tax rate (state of registration)

2011 Audi Q7 Premium Plus		
Vehicle Value	\$30,000	
Vehicle Clean Retail Value	\$32,825	
State & local tax rate <small>(state of registration)</small>	6.35% (Connecticut)	
Lessee Restitution	½ amount by which Vehicle Clean Retail Value exceeds Vehicle Value	\$1,412.50
	½ tax (6.35% of \$32,825)	+ \$1,042.20
	Fixed amount	+ \$2,577.50
	Lessee Restitution	\$5,032.20

Projected Generation One Value

- ▶ Assume 100% Buyback = \$779,563,305 in Vehicle Value
- ▶ Extended Vehicle Warranties and Service Contracts Refunds = \$6,000,000*
- ▶ AdBlue and Oil Changes = \$4,000,000

*Claims Made Process

Buyback Amount for Generation Two Owners

Vehicle Value + Restitution + Loan Forgiveness (if applicable)

Vehicle Value:

- ▶ Sept. 2015 NADA Clean Trade value of the vehicle

Restitution:*

- ▶ Amount by which Sept. 2015 NADA Clean Retail value exceeds “Vehicle Value” (i.e., raises Buyback amount to Clean Retail)
- ▶ + State and local taxes on the Sept. 2015 NADA Clean Retail value
- ▶ + Fixed amount: \$8,728 VW, \$9,728 Audi, or \$11,228 Porsche
- ▶ + Additional amount for factory options with MSRP of \$1,000+ not valued by NADA

Loan Forgiveness (if applicable):

- ▶ Up to 30% of the Buyback Amount before Loan Forgiveness

Example Buyback Amount for Generation Two Owner



2015 Audi A6 Premium Plus	
Vehicle Value	\$46,000
Vehicle Clean Retail Value	\$50,925
State & local tax rate <small>(state of registration)</small>	6.69% (Utah)
	Amount by which Vehicle Clean Retail Value exceeds Vehicle Value \$4,925.00
Owner Restitution	Tax (6.69% of \$50,925) + \$3,406.88
	Fixed Component + \$9,728.00
	Non-NADA factory options + \$807.42
	Owner Restitution \$18,867.30
Buyback Amount	Owner Restitution \$18,867.30
	Vehicle Value + \$46,000.00
	Buyback Amount \$64,867.30

Restitution for Generation Two Owners who Purchased after Disclosure (Sept. 18, 2015)

- ▶ 50% of Owner Restitution they would receive if they had purchased the vehicle new or by **September 18, 2015**
- ▶ Remaining 50% will be paid to the Former Owner(s) or Lessee who owned or leased the vehicle on **September 18, 2015 and/or November 2, 2015**
- ▶ If there are two Former Owners, they will each receive 25%

Example Compensation for Generation Two Vehicle Sold Used After September 18, 2015



2015 Audi A6 Premium Plus		
Vehicle Value	\$46,000	
Vehicle Clean Retail Value	\$50,925	
State & local tax rate <small>(state of registration)</small>	6.69% (Utah)	
Total Restitution	Amount by which Vehicle Clean Retail Value exceeds Vehicle Value	\$4,925.00
	Tax (6.69% of \$50,925)	+ \$3,406.88
	Fixed Component	+ \$9,728.00
	Non-NADA factory options	+ \$807.42
	Total Restitution	\$18,867.30
Buyback Amount	50% Total Restitution	\$9,433.65
	Vehicle Value	+ \$46,000.00
	Buyback Amount	\$55,433.65
Former Owner Restitution	50% Total Restitution	\$9,433.65

Generation Two “Totaled” Vehicle

- ▶ Accident **BETWEEN** September 18, 2015 and January 31, 2017 that results in the vehicle being transferred to an insurance company or otherwise permanently removed from commerce:
 - ▶ Considered an “Eligible Former Owner” and will receive Former Owner Restitution (approximately 50% of Owner Restitution)
- ▶ Accident **AFTER** January 31, 2017 that results in the vehicle being transferred to an insurance company or otherwise permanently removed from commerce:
 - ▶ Considered an “Eligible Owner” and will receive full amount of Owner Restitution, but not Vehicle Value

Generation Two Lessee Compensation

Compensation is the same whether Lessee chooses a Lease Termination or an Approved Emissions Modification, or no longer has an active lease:

- ▶ 50% of the amount by which Sept. 2015 NADA Clean Retail value exceeds "Vehicle Value"
- ▶ +50% of state and local taxes on the Sept. 2015 NADA Clean Retail value
- ▶ + Fixed amount: \$4,364

Example Lessee Restitution for Generation Two



Vehicle Value
 Vehicle Clean Retail Value
 State & local tax rate (state of registration)

2015 Audi A6 Premium Plus		
Vehicle Value	\$46,000	
Vehicle Clean Retail Value	\$50,925	
State & local tax rate <small>(state of registration)</small>	6.69% (Utah)	
Lessee Restitution	½ amount by which Vehicle Clean Retail Value exceeds Vehicle Value	\$2,462.50
	½ tax (6.69% of \$50,925)	+ \$1,703.44
	Fixed Component	+ \$4,364.00
	Lessee Restitution	\$8,529.94

Summary of Benefits

- ▶ No car can be resold in US or removed from US unless and until Approved Emissions Modification applied. (Rendered inoperable) or (Branded Title)
- ▶ Program starts 15 business days after District Court Final Approval
- ▶ VW Responsible for all Court-approved fees and costs

Summary of Benefits

- ▶ Class Counsel will request a provision in the Final Approval Order tolling the Statutes of Limitations during membership in the Class
- ▶ Simple Claims Process with independent oversight and Court's Jurisdiction
- ▶ Additional \$225 million invested in projects in every state to address pollution: EPA-CARB environmental settlement

Summary of Benefits

- ▶ Loan Forgiveness up to 30% of Vehicle Value + Restitution if secured debt on **June 28, 2016** was greater than Vehicle Value + Restitution
- ▶ Bridge Warranty
- ▶ Reduced Performance Protection
- ▶ Approved Emissions Modification
 - Performance Disclosures
 - Extended Warranty for Emissions Modification work
 - Lemon Law Type Protection

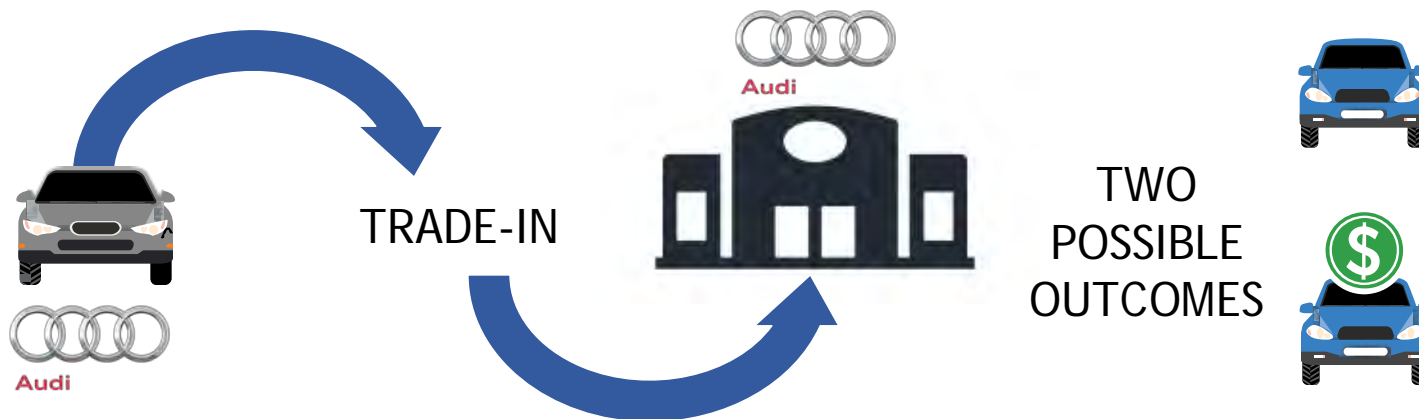
Summary of Benefits

- ▶ The September 2015 Pre-Disclosure Value of car is frozen
- ▶ Condition of car is overlooked for normal wear and tear but not for intentional damage or vandalism
 - ▶ Driven lawfully and safely
- ▶ May continue to drive the vehicle with no reduction in value up to 15,000 miles per year or 1,250 miles per month.
 - ▶ + or - mileage adjustment applies
- ▶ Refund of unused portion of service or maintenance contract -
Claims Made Process
- ▶ One AdBlue Refill and Oil Change

Summary of Benefits

Trade-In Option

- ▶ Includes full credit equal to Buyback Amount
- ▶ Must trade-in at same brand participating authorized dealer
- ▶ Potential cash back at time of trade-in



Claims Program



COURT APPOINTED
NEUTRAL

CLAIMS REVIEW COMMITTEE (CRC)

- VW Representative
- Class Counsel Representative
- Court Appointed Neutral

Dispute Resolution with Finality

CLAIM SUPERVISOR
ANKURA CONSULTING GROUP

- Monitor implementation and compliance
- Report to Court
- Respond to all parties



VW
CLAIMS
CENTER

www.VWCourtSettlement.com

Generation One Claims Process



Generation Two Claims Process

01

NOTICE

Class Member obtains information on settlement and options

CLASS NOTICE

02

SUBMIT CLAIM

Eligible Former Owner or Eligible Former Lessee must **identify themselves by May 1, 2017** and file claim within 60 days of Final Approval by District Court.

All others may enter required information and get estimate of values.

Submission of claim forms begin 15 business days after Final Approval by District Court.

03

REVIEW

VW reviews for completeness within 10 business days

04

SUPERVISOR

Claims Supervisor verifies documents, eligibility status

Class Counsel Projects this will take 5-10 business days.

05

OFFER

Former Eligible Owner and Lessee

VW will offer Eligible Former Owner, Eligible Former Lessee and Eligible Lessees the Repair Participation Payment of 50% of amount to be provided if Emissions Compliant Repair becomes available.

May wait for full payment.

06

INFORM

VW informs Class Member of Approved or Disapproved Emissions Compliant Repair

Generation Two Claims Process

7A

Approved Emissions Compliant Repair

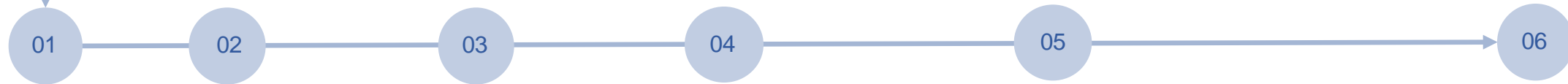
1. Schedule Repair

7B

No timely Emissions Compliant Repair approval:

Class Member will submit Modified Claim Form and documents required for choice

1. Buyback
2. Trade-In
3. Reduced Emissions Modification



REVIEW

VW reviews for completeness within 10 business days

VERIFICATION

If Buyback or Trade-In chosen VW diligently seeks verification of loan payoff

SUPERVISOR

Class Counsel Projects this will take 5-10 business days.

OFFER

VW makes offer within 15 business days after Supervisor Verification Process begins.

If Owner or Current Lessee, a voucher for AdBlue and oil change will be included with the offer.

ACCEPT

Claimant confirms acceptance at will and returns release

If necessary, Claimant schedules and completes appointment for Buyback, Lease Termination, Trade-In or Modification.

Will receive schedule of available appointments for Buybacks or Trade-In

COLLECT

If Buyback, Class Member may make claim for warranty/service plan refund.

This presentation by PSC/Settlement Counsel provides a summary only. For complete information, refer to the Class Action Notice that will be posted on the Court's website. www.cand.uscourts.gov/crb/vwmdl

**What People Are Saying:
Volkswagen Emissions 3.0 Liter
Settlement**

Environmental Advocates



Andrew Linhardt, Associate Director for Federal Advocacy,
SIERRA CLUB, [Official Statement](#), February 1, 2017

“Volkswagen’s actions were as dangerous as the sickening smog their vehicles left behind, but **THIS SETTLEMENT**, by removing or fixing many of the vehicles on the road and compensating affected consumers, **IS A STRONG STEP TOWARD CLEANING UP VOLKSWAGEN’S DIRTY DECEIT**. Volkswagen purposefully manufactured cars around the world that spewed illegal amounts of dangerous pollution, fueling sickening smog and threatening the health of millions of people. The automaker not only put profits before the health of our families and our planet, it ripped off mindful consumers who thought they were purchasing cleaner vehicles.”

Consumer Advocates

Jack Gillis, spokesman, Consumer Federation of America, [Consumer Reports](#), February 1, 2017

“**[Payments represent] a FAIR settlement** for owners who trusted VW’s fuel economy claims and a strong disincentive for other companies who have, or are considering such deception.”

Media

Wesley Wren, Associate Editor, [Autoweek](#), February 2, 2017

“THE CASH AND INCENTIVES FROM VW COULD HELP PUSH THE VAST MAJORITY OF TDI OWNERS INTO THE DRIVER’S SEAT OF A NEW CAR, VW or otherwise, spelling good things for dealers and automakers struggling to move as many units as last year.”

Media

David Tracy, writer, [Jalopnik](#), February 6, 2017

“This whole buyback process begins after the final approval hearing, which the court says will likely happen between May 1 and May 5, 2017. After that, if you own a 2009 to 2012 Touareg or Q7, you can sell your car back for big money, and then receive a hefty cash restitution payment. And if you’re a generation two 3.0-liter diesel owner, you may be able to get your car fixed entirely, but still get some cash.”

VW 3.0 Liter Class Members Commentary

From Commenter “Rocket” in [Left Lanes News](#), February 2, 2017

The logo for Left Lane News, featuring the words "LEFT LANE" in a stylized, yellow, italicized font on a black rectangular background.

“As more information comes out about the settlement, we're learning the buyback terms are extremely generous. **THERE ARE A LOT OF HAPPY TOUAREG OWNERS OUT THERE...**I think anybody opting out of the settlement to join a class action could seriously regret the decision.”

From Commenter “TDI Rex” on [Car and Driver](#), February 10, 2017:

The logo for Car and Driver, featuring the words "CAR AND DRIVER" in a bold, white, sans-serif font on a black rectangular background.

“I own a Gen 1 3.0L TDI Touareg...I always planned to drive the wheels off it, and it's been rock-solid reliable in a hair under 100,000 miles...But, **I'LL SELL MINE BACK PROBABLY THIS FALL, BECAUSE I'LL GET 60%+ ITS ORIGINAL VALUE.** There isn't a vehicle today that can be used as a daily drive [that has] depreciation that low after 100,000 miles. **IT JUST DOESN'T MAKE ECONOMIC SENSE TO KEEP IT!**”

VW 3.0 Liter Class Members Commentary

“I have a 2015 Q5 Premium Plus TDI . . . I'm **LOOKING FORWARD** to the compensation offer so I can trade this in . . . Currently looking at a 2017 Jetta GLI.”