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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

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

MDL 2672 CRB (JSC)

**JOINT PROPOSED AGENDA FOR
MARCH 24, 2016 STATUS CONFERENCE**

This Document Relates to:

ALL ACTIONS (except securities
actions)

Pursuant to Pretrial Order No. 8, Plaintiffs’ Lead Counsel, Defendants’ Liaison Counsel,
and Government Coordinating Counsel submit this Joint Proposed Agenda for the March 24,
2016 Status Conference.

1. **Report on Status of Vehicle Remediation, as Requested by the Court**
2. **Status and Scope of Document and ESI Production**
3. **PSC’s Request for Documents Provided to Jones Day**
4. **PSC’s Request for Rule 23(d) Letter to Putative Class Members**
5. **Status of State/Federal Coordination and Remands**
6. **Status of Deposition Protocol Discussions**
7. **PSC’s Proposed Trial Structure and Schedule**

A. PSC: Dependent upon the status and progress of Item 1 above, Plaintiffs
propose an expedited hearing or bench trial seeking declaratory, injunctive and equitable relief to

1 commence in July 2016; or an expedited “all issues” trial (including punitive damages) of the
2 claims of a subset of owners, to commence on the same date.

3 B. Defendants: The private plaintiffs’ deadline to amend their complaints is
4 May 20, 2016. Following receipt of any amended complaints, Defendants anticipate moving to
5 dismiss claims now being pursued by the private plaintiffs. Further, although the private
6 plaintiffs have brought their claims on behalf of putative classes, no class has yet to be certified
7 by this Court, and no schedule for the private plaintiffs’ motion for class certification has been
8 set. As such, the private plaintiffs’ proposal for an expedited trial is premature, is inconsistent
9 with the schedule negotiated among the parties and ordered by the Court in Pretrial Order No. 9
10 (including the substantial completion of document discovery on December 2, 2016), would deny
11 Defendants a fair opportunity to take discovery and develop their defenses, including through
12 depositions and expert discovery regarding class certification issues, and would result in
13 substantial prejudice to Defendants.

14 C. United States: The United States reserves the right to comment on the
15 timing of any expedited hearing or bench trial requested by the PSC pursuant to Paragraph 7(A)
16 above, pending receipt by the United States of additional information from the PSC about the
17 claims and issues to be tried, and the associated relief to be sought.

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Dated: March 21, 2016

Respectfully submitted,

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Dated: March 21, 2016

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Dated: March 21, 2016

UNITED STATES DEPARTMENT OF
JUSTICE

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