

Attachment 1

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GREGORY COFFENG, MARK GLASER
and JORDAN WILSON, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

VOLKSWAGEN GROUP OF AMERICA,
INC.,

Defendant.

Case No. 17-cv-01825-JD

**DECLARATION OF STEPHANIE J.
FIERECK, ESQ., ON
IMPLEMENTATION OF CAFA NOTICE
FOR SECOND AMENDED
SETTLEMENT AGREEMENT**

I, STEPHANIE J. FIERECK, ESQ., hereby declare and state as follows:

1. My name is Stephanie J. Fiereck, Esq. I am over the age of 21 and I have personal knowledge of the matters set forth herein, and I believe them to be true and correct.
2. I am the Legal Notice Manager for Epiq Class Action & Claims Solutions, Inc. (“Epiq”), a firm that specializes in designing, developing, analyzing and implementing large-scale, un-biased, legal notification plans.
3. Epiq is a firm with more than 20 years of experience in claims processing and settlement administration. Epiq’s class action case administration services include coordination of all notice requirements, design of direct-mail notices, establishment of fulfillment services, receipt and processing of opt-outs, coordination with the United States Postal Service, claims database management, claim adjudication, funds management and distribution services.

DECLARATION OF STEPHANIE J. FIERECK, ESQ. ON IMPLEMENTATION OF CAFA
NOTICE FOR SECOND AMENDED SETTLEMENT AGREEMENT

4. The facts in this Declaration are based on what I personally know, as well as information provided to me in the ordinary course of my business by my colleagues at Epiq.

5. I previously executed my *Declaration of Stephanie J. Fiereck, Esq., on Implementation of CAFA Notice* (“CAFA Declaration”), on April 3, 2019. The *CAFA Declaration* detailed the CAFA notice implementation efforts for the original CAFA Notice sent on January 31, 2019, for Defendant Volkswagen Group of America, Inc. for the above-captioned case.

CAFA NOTICE IMPLEMENTATION

6. At the direction of counsel for Defendant Volkswagen Group of America, Inc., 53 officials, which included the Attorney General of the United States and the Attorneys General of each of the 50 states, the District of Columbia and the United States Territory Puerto Rico were identified to receive the CAFA notice.

7. Epiq maintains a list of these state and federal officials with contact information for the purpose of providing CAFA notice. Prior to mailing, the names and addresses selected from Epiq’s list were verified, then run through the Coding Accuracy Support System (“CASS”) maintained by the United States Postal Service (“USPS”).¹

8. On June 14, 2019, Epiq sent 53 CAFA Notice Packages (“Notice”). The Notice was mailed by certified mail to 52 officials, which included the Attorney General of the United States and the Attorneys General of each of the 50 states, the District of Columbia and the United States Territory Puerto Rico. The Notice was also sent by United Parcel Service (“UPS”) to the

¹ CASS improves the accuracy of carrier route, 5-digit ZIP®, ZIP + 4® and delivery point codes that appear on mail pieces. The USPS makes this system available to mailing firms who want to improve the accuracy of postal codes, i.e., 5-digit ZIP®, ZIP + 4®, delivery point (DPCs), and carrier route codes that appear on mail pieces.

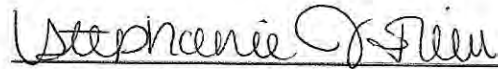
Attorney General of the United States. The CAFA Notice Service List (USPS Certified Mail and UPS) is attached hereto as **Attachment 1**.

9. The materials sent to the Attorneys General included a cover letter which provided notice of the proposed Second Amended Settlement Agreement of the above-captioned case. The cover letter is attached hereto as **Attachment 2**.

10. The cover letter was accompanied by a CD, which included the following:

- a. Class Action Complaint and Amended Class Action Complaint;
- b. ECF Notice for the preliminary approval hearing date;
- c. Second Amended Settlement Agreement (with exhibits), along with ECF Notice for the filing of the Renewed Preliminary Approval Motion.
 - Copies of the proposed Class Notices (Exhibits 1 and 5 to the Second Amended Settlement Agreement); and
 - [Proposed] Order Granting Preliminary Approval of Settlement, Preliminarily Certifying Settlement Class, and Approving Class Notice (Exhibit 3 to the proposed Second Amended Settlement Agreement).

I declare under penalty of perjury that the foregoing is true and correct. Executed on
June 14, 2019.


Stephanie J. Fiereck

DECLARATION OF STEPHANIE J. FIERECK, ESQ. ON IMPLEMENTATION OF CAFA
NOTICE FOR SECOND AMENDED SETTLEMENT AGREEMENT

Attachment 1

CAFA Notice Service List

UPS

Company	FullName	Address1	Address2	City	State	Zip
US Department of Justice	William Barr	950 Pennsylvania Ave NW		Washington	DC	20530

CAFA Notice Service List
USPS Certified Mail

Company	FullName	Address1	Address2	City	State	Zip
Office of the Attorney General	Kevin G Clarkson	PO Box 110300		Juneau	AK	99811
Office of the Attorney General	Steve Marshall	501 Washington Ave		Montgomery	AL	36104
Office of the Attorney General	Leslie Carol Rutledge	323 Center St	Suite 200	Little Rock	AR	72201
Office of the Attorney General	Mark Brnovich	2005 N Central Ave		Phoenix	AZ	85004
Office of the Attorney General	CAFA Coordinator	Consumer Law Section	455 Golden Gate Ave Ste 11000	San Francisco	CA	94102
Office of the Attorney General	Phil Weiser	Ralph L Carr Colorado Judicial Center	1300 Broadway 10th Fl	Denver	CO	80203
Office of the Attorney General	William Tong	55 Elm St		Hartford	CT	06106
Office of the Attorney General	Karl A. Racine	441 4th St NW		Washington	DC	20001
Office of the Attorney General	Kathy Jennings	Carvel State Office Bldg	820 N French St	Wilmington	DE	19801
Office of the Attorney General	Ashley Moody	State of Florida	The Capitol PL-01	Tallahassee	FL	32399
Office of the Attorney General	Chris Carr	40 Capitol Square SW		Atlanta	GA	30334
Department of the Attorney General	Clare E. Connors	425 Queen St		Honolulu	HI	96813
Iowa Attorney General	Thomas J Miller	1305 E Walnut St		Des Moines	IA	50319
Office of the Attorney General	Lawrence G Wasden	700 W Jefferson St Ste 210	PO Box 83720	Boise	ID	83720
Office of the Attorney General	Kwame Raoul	100 W Randolph St		Chicago	IL	60601
Indiana Attorney General's Office	Curtis T Hill Jr	Indiana Government Center South	302 W Washington St 5th Fl	Indianapolis	IN	46204
Office of the Attorney General	Derek Schmidt	120 SW 10th Ave 2nd Fl		Topeka	KS	66612
Office of the Attorney General	Andy Beshear	Capitol Ste 118	700 Capitol Ave	Frankfort	KY	40601
Office of the Attorney General	Jeff Landry	1885 N Third St		Baton Rouge	LA	70802
Office of the Attorney General	Maura Healey	1 Ashburton Pl		Boston	MA	02108
Office of the Attorney General	Brian E. Frosh	200 St Paul Pl		Baltimore	MD	21202
Office of the Attorney General	Aaron Frey	6 State House Sta		Augusta	ME	04333
Department of Attorney General	Dana Nessel	PO Box 30212		Lansing	MI	48909
Office of the Attorney General	Keith Ellison	445 Minnesota St	Suite 1400	St Paul	MN	55101
Missouri Attorney General's Office	Eric Schmitt	PO Box 899		Jefferson City	MO	65102
MS Attorney General's Office	Jim Hood	Walter Sillers Bldg	550 High St Ste 1200	Jackson	MS	39201
Office of the Attorney General	Tim Fox	Department of Justice	PO Box 201401	Helena	MT	59620
Attorney General's Office	Josh Stein	9001 Mail Service Ctr		Raleigh	NC	27699
Office of the Attorney General	Wayne Stenehjem	State Capitol	600 E Boulevard Ave Dept 125	Bismarck	ND	58505
Nebraska Attorney General	Doug Peterson	2115 State Capitol		Lincoln	NE	68509
Office of the Attorney General	Gordon MacDonald	NH Department of Justice	33 Capitol St	Concord	NH	03301
Office of the Attorney General	Gurbir S Grewal	8th Fl West Wing	25 Market St	Trenton	NJ	08625
Office of the Attorney General	Hector Balderas	408 Galisteo St	Villagra Bldg	Santa Fe	NM	87501
Office of the Attorney General	Aaron Ford	100 N Carson St		Carson City	NV	89701
Office of the Attorney General	Letitia James	The Capitol		Albany	NY	12224
Office of the Attorney General	Dave Yost	30 E Broad St 14th Fl		Columbus	OH	43215
Office of the Attorney General	Mike Hunter	313 NE 21st St		Oklahoma City	OK	73105
Office of the Attorney General	Ellen F Rosenblum	Oregon Department of Justice	1162 Court St NE	Salem	OR	97301
Office of the Attorney General	Josh Shapiro	16th Fl Strawberry Square		Harrisburg	PA	17120
Office of the Attorney General	Peter F Neronha	150 S Main St		Providence	RI	02903
Office of the Attorney General	Alan Wilson	Rembert Dennis Office Bldg	1000 Assembly St Rm 519	Columbia	SC	29201
Office of the Attorney General	Jason Ravnsborg	1302 E Hwy 14 Ste 1		Pierre	SD	57501
Office of the Attorney General	Herbert H. Slatery III	PO Box 20207		Nashville	TN	37202
Office of the Attorney General	Ken Paxton	300 W 15th St		Austin	TX	78701
Office of the Attorney General	Sean D. Reyes	Utah State Capitol Complex	350 North State St Ste 230	Salt Lake City	UT	84114
Office of the Attorney General	Mark R. Herring	202 North Ninth Street		Richmond	VA	23219
Office of the Attorney General	TJ Donovan	109 State St		Montpelier	VT	05609
Office of the Attorney General	Bob Ferguson	800 Fifth Avenue	Suite 2000	Seattle	WA	98104
Office of the Attorney General	Josh Kaul	PO Box 7857		Madison	WI	53707
Office of the Attorney General	Patrick Morrissey	State Capitol Complex	Bldg 1 Room E 26	Charleston	WV	25305
Office of the Attorney General	Bridget Hill	2320 Capitol Avenue		Cheyenne	WY	82002
PR Department of Justice	Wanda Vazquez Garced	Apartado 9020192		San Juan	PR	00902

Attachment 2

June 14, 2019

Notice Pursuant to 28 U.S.C. § 1715 of Proposed Class Action Settlement
Coffeng, et al. v. Volkswagen Group of America, Inc.
17-cv-01825-JD
(U.S. District Court for the Northern District of California)

To All Appropriate Federal and State Officials:

You are receiving this Notice because Volkswagen Group of America, Inc., (the “Defendant”), in the above-referenced action, has determined that you may be an “appropriate Federal official” or an “appropriate State official” requiring Notice of this Proposed Class Action Settlement pursuant to 28 U.S.C. § 1715. If you are not the proper authority, please forward this notice as appropriate or immediately notify the undersigned.

On January 31, 2019, Notice of a proposed class action settlement was provided to you as required by the “Class Action Fairness Act,” 28 U.S.C. §1715(b) regarding the proposed class action settlement which resolved a putative class action lawsuit that alleged defects in the primary engine water pump for certain Volkswagen and Audi class vehicles. The Defendant denies any and all wrongdoing or liability in this matter and further denies that any issue in this case is appropriate for class certification under Fed. R. Civ. P. 23. No federal or state officials that received the CAFA Notice interposed any objection to the proposed settlement. The Court directed modifications to certain aspects of the settlement, denied without prejudice the prior Motion and directed that a new Motion for Preliminary approval be filed.

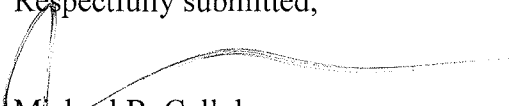
On June 7, 2019, a Renewed Motion for Preliminary Approval and Second Amended Settlement Agreement were filed with the Court. Pursuant to 28 U.S.C. § 1715(b), the Defendant is providing a copy of the Second Amended Settlement Agreement with exhibits thereto on the enclosed CD together with the other information, and where applicable, documents specifically required by subsections (1) through (8) of section 1715(b):

1. **A copy of the complaint in the above-referenced action.** Plaintiffs’ currently effective Amended Complaint, and the prior initial Complaint, are provided on the enclosed CD.
2. **Notice of all currently scheduled hearings.** A preliminary approval hearing is scheduled for August 15, 2019, at 10:00 a.m. before the Hon. James Donato, United States District Court, Northern District of California, 450 Golden Gate Avenue, San Francisco, CA 94102, Courtroom 11, 19th Floor. A copy of the ECF Notice for the preliminary approval hearing date is provided on the enclosed CD.
3. **Proposed class action settlement.** A copy of the proposed Second Amended Settlement Agreement, with the exhibits, is provided on the enclosed CD, along with the ECF Notice for the filing of the Renewed Preliminary Approval Motion.
4. **Proposed notification to settlement class members of: (a) the existence of a proposed settlement of this action; and (b) their right to request exclusion from the class action and proposed settlement.** Copies of the proposed Class Notices are attached as Exhibits 1 and 5 to the Second Amended Settlement Agreement and are provided on the enclosed CD.

Under the proposed Second Amended Settlement Agreement, Class Notice is to be mailed within 100-days of the date on which preliminary approval is granted. Supplemental class notice will also be provided pursuant to the Court's suggestions. The class members will have 60-days from the date of the filing of Class Counsel's Motion for Attorney Fees to object to or opt out of the proposed Settlement. Thereafter, the Court will hold a final approval hearing, which has not yet been scheduled.

5. **Any settlement or other agreement contemporaneously made between class counsel and counsel for the defendant.** Other than the agreements reflected in the proposed Second Amended Settlement Agreement, there are no settlements or other contemporaneous agreements between class counsel and defense counsel.
6. **Any final judgment or notice of dismissal.** There is no final judgment or notice of dismissal at this time. The proposed Settlement has not yet been preliminarily approved by the Court, and Class Notice has not yet been sent to the settlement class. Exhibit 3 to the proposed Second Amended Settlement Agreement is a [Proposed] Order Granting Preliminary Approval of Settlement, Preliminarily Certifying Settlement Class, and Approving Class Notice.
7. **A reasonable estimate of the number of class members residing in each State and the estimated proportionate share of the claims of such members to the entire settlement.** The parties do not presently know the names or current addresses of all of the proposed settlement class members. Because many vehicles are jointly owned and because the parties cannot estimate with confidence the number of prior owners, the parties also do not know the total number of settlement class members at this time. However, the Defendant has retrieved data showing the total number of settlement class vehicles originally sold in each State, and include herewith a breakdown of that data (by number and percentage) in each State. On this basis, the Defendant reasonably estimates that the numbers of settlement class members residing in each State may be from 50-100% larger than the number of vehicles sold in each State, and that the proportionate share of claims of such members to the entire settlement is approximately equivalent to the proportionate share of settlement class vehicles originally sold in each State, as reflected on the enclosed listing.
8. **Any written judicial opinion related to the materials described above.** None to date relating to the Renewed Motion for Preliminary Approval.

Respectfully submitted,


Michael B. Gallub
Herzfeld & Rubin, P.C.
125 Broad Street
New York, N.Y. 10004
Direct: (212) 471-8536

Enclosures

Coffeng, et al. v. Volkswagen Group of America, Inc.

Case No. 17-cv-01825-JD

**Good Faith Estimate of Vehicle Population Distribution
(by original sale/lease State)**

State	Sales	% of Total
AK	742	0.08%
AL	4169	0.48%
AR	2270	0.26%
AZ	15075	1.72%
CA	141460	16.17%
CO	16955	1.94%
CT	24146	2.76%
DC	868	0.10%
DE	1975	0.23%
FL	88589	10.13%
GA	18898	2.16%
HI	2798	0.32%
IA	3185	0.36%
ID	1212	0.14%
IL	64284	7.35%
IN	7289	0.83%
KS	1458	0.17%
KY	3092	0.35%
LA	5098	0.58%
MA	30074	3.44%
MD	17475	2.00%
ME	2138	0.24%
MI	14624	1.67%
MN	11196	1.28%
MO	10010	1.14%
MS	812	0.09%
MT	750	0.09%
NC	16115	1.84%
ND	440	0.05%
NE	2651	0.30%
NH	5673	0.65%
NJ	60019	6.86%
NM	2070	0.24%
NV	8232	0.94%
NY	65954	7.54%
OH	24061	2.75%
OK	10844	1.24%
OR	7091	0.81%
PA	34015	3.89%
PR	2018	0.23%
RI	4021	0.46%
SC	6100	0.70%
SD	1139	0.13%
TN	7064	0.81%
TX	58273	6.66%
UT	6643	0.76%
VA	30011	3.43%
VT	2187	0.25%
WA	18747	2.14%
WI	9293	1.06%
WV	1354	0.15%
WY	124	0.01%
TOTAL	874781	100.00%