

CIVIL COVER SHEET

JS 44 (Rev. 12/12)
Cand rev (1/15/13)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court.

I. (a) PLAINTIFFS: MATTHEW W. SMITH and BERNADETTE MEYLER, individually, and on behalf of all others similarly situated. (b) County of Residence of First Listed Plaintiff: Santa Clara County, California. (c) Attorneys: JOSEPH W. COTCHETT; FRANK M. PITRE; NANCY L. FINEMAN; ALISON E. CORDOVA; COTCHETT, PITRE & McCARTHY, LLP.

DEFENDANTS: VOLKSWAGEN GROUP OF AMERICA, INC., VOLKSWAGEN AKTIENGESELLSCHAFT, and AUDI AG. County of Residence of First Listed Defendant: Fairfax County, Virginia. NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
Citizen of This State: PTF 1, DEF 1
Citizen of Another State: PTF 2, DEF 2
Citizen or Subject of a Foreign Country: PTF 3, DEF 3
Incorporated or Principal Place of Business In This State: PTF 4, DEF 4
Incorporated and Principal Place of Business In Another State: PTF 5, DEF 5
Foreign Nation: PTF 6, DEF 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)
CONTRACT: 110 Insurance, 120 Marine, 130 Miller Act, 140 Negotiable Instrument, 150 Recovery of Overpayment & Enforcement of Judgment, 151 Medicare Act, 152 Recovery of Defaulted Student Loans, 153 Recovery of Overpayment of Veteran's Benefits, 160 Stockholders' Suits, 190 Other Contract, 195 Contract Product Liability, 196 Franchise.
REAL PROPERTY: 210 Land Condemnation, 220 Foreclosure, 230 Rent Lease & Ejectment, 240 Torts to Land, 245 Tort Product Liability, 290 All Other Real Property.
TORTS: PERSONAL INJURY (310 Airplane, 315 Airplane Product Liability, 320 Assault, Libel & Slander, 330 Federal Employers' Liability, 340 Marine, 345 Marine Product Liability, 350 Motor Vehicle, 355 Motor Vehicle Product Liability, 360 Other Personal Injury, 362 Personal Injury - Medical Malpractice), PERSONAL INJURY (365 Personal Injury - Product Liability, 367 Health Care/Pharmaceutical Personal Injury Product Liability, 368 Asbestos Personal Injury Product Liability), PERSONAL PROPERTY (370 Other Fraud, 371 Truth in Lending, 380 Other Personal Property Damage, 385 Property Damage Product Liability).
FORFEITURE/PENALTY: 625 Drug Related Seizure of Property 21 USC 881, 690 Other.
LABOR: 710 Fair Labor Standards Act, 720 Labor/Management Relations, 740 Railway Labor Act, 751 Family and Medical Leave Act, 790 Other Labor Litigation, 791 Employee Retirement Income Security Act.
IMMIGRATION: 462 Naturalization Application, 465 Other Immigration Actions.
BANKRUPTCY: 422 Appeal 28 USC 158, 423 Withdrawal 28 USC 157.
PROPERTY RIGHTS: 820 Copyrights, 830 Patent, 840 Trademark.
SOCIAL SECURITY: 861 HIA (1395ff), 862 Black Lung (923), 863 DIWC/DIWW (405(g)), 864 SSID Title XVI, 865 RSI (405(g)).
FEDERAL TAX SUITS: 870 Taxes (U.S. Plaintiff or Defendant), 871 IRS—Third Party 26 USC 7609.
OTHER STATUTES: 375 False Claims Act, 400 State Reapportionment, 410 Antitrust, 430 Banks and Banking, 450 Commerce, 460 Deportation, 470 Racketeer Influenced and Corrupt Organizations, 480 Consumer Credit, 490 Cable/Sat TV, 850 Securities/Commodities/Exchange, 890 Other Statutory Actions, 891 Agricultural Acts, 893 Environmental Matters, 895 Freedom of Information Act, 896 Arbitration, 899 Administrative Procedure Act/Review or Appeal of Agency Decision, 950 Constitutionality of State Statutes.

V. ORIGIN (Place an "X" in One Box Only)
1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (specify)
6 Multidistrict Litigation

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 15 U.S.C. § 2301 et seq.
Brief description of cause: Fraud, concealment and intentional deception on class regarding fuel economy of VW and Audi diesel vehicles.

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE Hon. Beth Labson Freeman DOCKET NUMBER 5:15-cv-04302-BLF

IX. DIVISIONAL ASSIGNMENT (Civil L.R. 3-2) (Place an "X" in One Box Only) ( ) SAN FRANCISCO/OAKLAND (X) SAN JOSE ( ) EUREKA

DATE: September 25, 2015 SIGNATURE OF ATTORNEY OF RECORD: /S/ NANCY L. FINEMAN

### **VIII. RELATED CASES**

<b>#</b>	<b>Date Filed</b>	<b>Caption</b>	<b>Case No.</b>	<b>Court (Judge)</b>	<b>Law Firm</b>
1.	9/18/15	<i>Fiol v. Volkswagen Group of America, Inc.</i>	4:15-cv-04278	NDCA (PJH)	Hagens Berman
2.	9/20/15	<i>McCabe et al v. Volkswagen Group of America, Inc.</i>	5:15-cv-01930	CDCA (MMM)	Keller Rohrback
3.	9/21/15	<i>Benipayo et al v. Volkswagen Group of America, Inc.</i>	4:15-cv-04314	NDCA (DMR)	Hagens Berman
4.	9/21/15	<i>Lau et al v. Volkswagen Group of America, Inc.</i>	5:15-cv-04302	NDCA (BLF)	Girard Gibbs; Pritzker Levine
5.	9/21/15	<i>Bricker v. Volkswagen Group of America, Inc.</i>	3:15-cv-01785	D. OR (PK)	David F. Sugarman
6.	9/21/15	<i>Levin v. Volkswagen Group of America, Inc.</i>	2:15-cv-06985	D. NJ (JLL)	Nagel Rice, LLP
7.	9/21/15	<i>Dorn and Haralovich v. Volkswagen Group of America, Inc.</i>	1:15-cv-08286	NDIL (HDL)	Clifford Law Offices
8.	9/21/15	<i>Lowrance v. Volkswagen Group of America, Inc. et al</i>	0:15-cv-61993	SDFL (UU)	Schlesinger Law Offices
9.	9/21/15	<i>Karcsay v. Volkswagen Group of America, Inc.</i>	3:15-cv-02110	SDCA (BAS)	Capstone Law APC
10.	9/21/15	<i>Bennett v. Volkswagen Group of America, Inc.</i>	3:15-cv-02106	SDCA (LAB)	Law Offices of Alexander M. Schack
11.	9/21/15	<i>Dell'Aquila and Ullmer v. Volkswagen Group of America, Inc.</i>	8:15-cv-01525	CDCA (DOC)	Donahoo & Associates
12.	9/21/15	<i>Johnson Sr. and Johnson Jr. v. Volkswagen Group of America, Inc.</i>	2:15-cv-07394	CDCA (MMM)	Kessler Topaz
13.	9/21/15	<i>Steele v. Volkswagen Group of America, Inc.</i>	2:15-cv-07391	CDCA (BRO)	Girardi Keese
14.	9/21/15	<i>D'Angelo v. Volkswagen Group of America, Inc.</i>	2:15-cv-07390	CDCA (FMO)	Morris Polich & Purdy
15.	9/21/15	<i>Mitsuda v. Volkswagen Group of America, Inc. et al.</i>	2: 15-cv-07375	CDCA (GW)	McCune Wright
16.	9/21/15	<i>Warren Manufacturing Incorporated et al v. Volkswagen Group of America, Inc.</i>	2: 15-cv-01655	NDAL (JHE)	Heninger Garrison Davis
17.	9/21/15	<i>Redmond v. Volkswagen Group of America, Inc.</i>	5: 15-cv-01648	NDAL (MHH)	Mastado & Artrip

#	Date Filed	Caption	Case No.	Court (Judge)	Law Firm
18.	9/22/15	<i>Hall v. Volkswagen Group of America, Inc.</i>	4:15-cv-04340	NDCA (KAW)	Audet & Partners
19.	9/22/15	<i>Catlett v. Volkswagen Group of America, Inc.</i>	2:15-cv-00681	D. UT (DB)	Deiss Law
20.	9/22/15	<i>Harris v. Volkswagen Group of America, Inc.</i>	2:15-cv-00405	SDTX (NGR)	Hillard Munoz & Gonzales
21.	9/22/15	<i>Kindsvatter and Hughes v. Volkswagen Group of America, Inc. et al</i>	5:15-cv-01958	NDOH (JRA)	Spangenberg Shibley & Liber
22.	9/22/15	<i>Clinton and Schonwald v. Volkswagen Group of America, Inc.</i>	1:15-cv-05497	EDNY (DLI)	Weitz & Luxenberg
23.	9/22/15	<i>DeFiesta et al v. Volkswagen Group of America, Inc.</i>	2:15-cv-07012	D. NJ (JLL)	Lieff Cabraser; Grant & Eisenhofer; Seeger Weiss; Carella Byrne
24.	9/22/15	<i>Criston v. Volkswagen Group of America, Inc.</i>	2:15-cv-06988	D. NJ (JLL)	Golomb & Honik
25.	9/22/15	<i>Bonda v. Volkswagen Group of America, Inc.</i>	1:15-cv-13419	D. MA (PBS)	Shapiro Haber & Urmey
26.	9/22/15	<i>Naparstek v. Volkswagen Group of America, Inc.</i>	1:15-cv-13418	D. MA (FDS)	Gutride Safier
27.	9/22/15	<i>Wagner v. Volkswagen Group of America, Inc.</i>	3:15-cv-00748	WDKY (DJH)	Jones Ward
28.	9/22/15	<i>Silverman v. Volkswagen AG et al</i>	1:15-cv-03332	NDGA (TCB)	Robbins Ross Alloy
29.	9/22/15	<i>Weiland v. Volkswagen Group of America, Inc. et al</i>	9:15-cv-81316	SDFL (DMM)	Spangenberg Shibley & Liber
30.	9/22/15	<i>Temkin et al v. Volkswagen Group of America, Inc.</i>	2:15-cv-07432	CDCA (JFW)	Keller Rohrback
31.	9/22/15	<i>Stricklin et al v. Volkswagen Group of America, Inc. et al</i>	2:15-cv-07431	CDCA (DSF)	Bernstein Litowitz
32.	9/22/15	<i>Macauley v. Volkswagen Group of America, Inc. et al</i>	2:15-cv-07430	CDCA (DMG)	Kristensen Weisberg
33.	9/22/15	<i>Yell v. Volkswagen Group of America, Inc.</i>	2:15-cv-07429	CDCA (AB)	Kasdan Lippsmith
34.	9/22/15	<i>Hendricks v. Volkswagen Group of America, Inc.</i>	5:15-cv-01948	CDCA (SVW)	Levin Fishbein
35.	9/23/15	<i>Shalit et al v. Volkswagen Group of America, Inc.</i>	3:15-cv-04354	NDCA (LB)	Lieff Cabraser
36.	9/23/15	<i>Bullard v. Volkswagen Group of America, Inc.</i>	1:15-cv-00251	EDTN (HSM)	Barrack Rodos & Bacine

#	Date Filed	Caption	Case No.	Court (Judge)	Law Firm
37.	9/23/15	<i>Sonnenburg et al v. Volkswagen Group of America, Inc. et al</i>	1:15-cv-00250	EDTN (HSM)	Patrick, Beard, Schulman
38.	9/23/15	<i>Henderson v. Volkswagen Group of America, Inc.</i>	1:15-cv-00248	EDTN (CLC)	Siniard Timberlake & League
39.	9/23/15	<i>Farmer v. Volkswagen Group of America, Inc.</i>	1:15-cv-00615	SDOH (TSB)	Goldenberg Schneider
40.	9/23/15	<i>Endy and Sonnabend v. Volkswagen Group of America, Inc. et al</i>	1:15-cv-05516	EDNY (RJD)	Sonnabend Law
41.	9/23/15	<i>Vinson v. Volkswagen Group of America, Inc.</i>	1:15-cv-00213	WDNC (MR)	Edwards Kirby
42.	9/23/15	<i>Henley, Jr. v. Volkswagen Group of America, Inc.</i>	4:15-cv-00734	WDMI (ODS)	Kapke & Willerth
43.	9/23/15	<i>Carroll v. Volkswagen Group of America, Inc.</i>	2:15-cv-13360	EDMI (GER)	Zimmerman Reed
44.	9/23/15	<i>Bustamante et al v. Volkswagen Group of America, Inc.</i>	2:15-cv-09278	D. KS (CM)	Kapke Willerth
45.	9/23/15	<i>Lance et al v. Volkswagen Group of America, Inc.</i>	3:15-cv-01058	SDIL (NJR)	Wexler Wallace
46.	9/23/15	<i>Smith v. Volkswagen Group of America, Inc.</i>	3:15-cv-01053	SDIL (NJR)	Simmons Hanly Conroy
47.	9/23/15	<i>Gall v. Volkswagen Group of America, Inc. et al</i>	3:15-cv-00106	SDIA (SMR)	Smith & McElwain
48.	9/23/15	<i>West v. Volkswagen Group of America, Inc.</i>	3:15-cv-00093	MDGA (CDL)	Blasingame Burch
49.	9/23/15	<i>Smith v. Volkswagen Group of America, Inc.</i>	2:15-cv-00570	MDFL (JES)	Viles & Beckman
50.	9/23/15	<i>Handal v. Volkswagen Group of America, Inc.</i>	3:15-cv-02127	SDCA (CAB)	Finkelstein & Krinsk
51.	9/23/15	<i>Crosson et al v. Volkswagen Group of America, Inc. et al</i>	2:15-cv-07475	CDCA (GW)	Keller Rohrbeck
52.	9/23/14	<i>Weiss et al v. Volkswagen Group of America, Inc.</i>	2:15-cv-07474	CDCA	Arias Sanguinetti
53.	9/23/14	<i>Giauque et al v. Volkswagen Group of America, Inc.</i>	2:15-cv-07473	CDCA	Robinson Calcagnie
54.	9/23/15	<i>Lucas et al v. Volkswagen Group of America, Inc.</i>	5:15-cv-01672	NDAL (AKK)	Davis & Norris
55.	9/24/15	<i>Koudsi Inc. v. Volkswagen Group of America, Inc.</i>	2:15-cv-07477	CDCA	Law Office of Robert Starr

# INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

## Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. (a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.