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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA—WESTERN DIVISION

ALI ASGHARI, DANIEL TRAN,
YUNG KIM, ARA
DERSARKISSIAN, and KATRINA
NOBLE individually, and on behalf
of a class of similarly situated
individuals,

Plaintiffs,

vs.

VOLKSWAGEN GROUP OF
AMERICA, INC., VOLKSWAGEN
AG, AND AUDI AG,

Defendants.

Case No.:CV13-02529-MMM (VBKx)

CLASS ACTION

Hon. Margaret M. Morrow

**[PROPOSED] ORDER GRANTING
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT,
PRELIMINARILY CERTIFYING
SETTLEMENT CLASS,
APPOINTING CLASS COUNSEL,
SETTING A SETTLEMENT
FAIRNESS HEARING, SETTING
HEARING FOR FINAL APPROVAL
OF SETTLEMENT, AND
DIRECTING NOTICE TO THE
CLASS**

1 Having considered Plaintiffs Ali Asghari, Daniel Tran, Yung Kim, Ara
2 Dersarkissian, and Katrina Noble’s Motion for Preliminary Approval of Class
3 Action Settlement (“Motion”), the Settlement Agreement (“Settlement” or
4 “Settlement Agreement”), all accompanying declarations and exhibits to the
5 Motion, thereto, and all of the legal authorities and documents submitted in
6 support of the Motion, and GOOD CAUSE appearing, IT IS HEREBY
7 ORDERED that the Motion for Preliminary Approval of Class Action Settlement
8 is GRANTED, subject to the following findings and orders:

9 1. The Order incorporates by reference the definitions of the Settlement
10 Agreement, and all terms defined therein shall have the same meaning as set forth
11 in the Settlement Agreement.

12 2. This Court has both subject matter jurisdiction and personal
13 jurisdiction over this Action and all Parties before it pursuant to 28 U.S.C.
14 §1332(d)(2)(A).

15 3. The terms of the Settlement Agreement are sufficiently fair,
16 reasonable and adequate to allow dissemination of the Class Notice. Thus,
17 pending the Final Approval Hearing, the Court preliminarily approves the
18 proposed Settlement.

19 4. Plaintiffs have made a sufficient showing that a Settlement Class, as
20 defined herein, should be certified for settlement purposes only, subject to the
21 Final Approval Hearing. The Court finds that the requirements of Rule 23 of the
22 Federal Rules of Civil Procedure for the preliminary approval of the Settlement
23 and conditional certification of the proposed Settlement Class are met.

24 5. The following Settlement Class is hereby conditionally certified for
25 purposes of settlement only: “All United States purchasers and/or lessees of any
26 2009 model year Audi A4 vehicle, 2010 model year Audi A4 and Audi A5
27 vehicle, and 2011 model year Audi A4, Audi A5 and Audi Q5 vehicle, originally
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1 equipped with a factory-installed 2.0 liter TFSI longitudinal engine bearing Audi
2 internal engine code CAEB (“CAEB Engine”), imported and distributed by
3 Defendant Volkswagen Group of America, Inc. for sale or lease in the United
4 States of America or Puerto Rico. Specifically excluded from the Settlement
5 Class are (a) anyone claiming personal injury, property damage and/or
6 subrogation; (b) all Judges who have presided over the Actions and their
7 spouses; (c) all current employees, officers, directors, agents and representatives
8 of Defendants, and their family members; (d) any affiliate, parent or subsidiary
9 of Defendants and any entity in which Defendants have a controlling interest; (e)
10 anyone acting as a used car dealer; (f) anyone who purchased a Settlement Class
11 Vehicle for the purpose of resale; (g) anyone who purchased a Settlement Class
12 Vehicle with salvaged title and/or any insurance company who acquired a
13 Settlement Class Vehicle as a result of a total loss; (h) any insurer of a
14 Settlement Class Vehicle; (i) issuers of extended vehicle warranties and service
15 contracts; (j) any Settlement Class Member who, prior to the date of this
16 Agreement, settled with and released Defendants or any Released Parties from
17 any Released Claims, and (k) any Settlement Class Member who files a timely
18 and proper Request for Exclusion from the Settlement Class.

19 6. With respect to the Settlement Class, this Court preliminarily finds
20 that: (a) the members of the Settlement Class are so numerous that joinder of all
21 Settlement
22 Class Members is impracticable; (b) there are questions of law and fact common
23 to the Settlement Class which predominate over any individual question; (c) the
24 claims of the Plaintiffs are typical of the claims of the Settlement Class; (d)
25 Plaintiffs and Class Counsel have fairly and adequately represented and protected
26 the interests of the Settlement Class; and (e) a class action is superior to other
27 available methods for the fair and efficient adjudication of the controversy.
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1 7. The Court conditionally appoints Plaintiffs Ali Asghari, Daniel Tran,
2 Yung Kim, Ara Dersarkissian, and Katrina Noble as representatives of the above-
3 described Settlement Class.

4 8. The Court appoints Strategic Legal Practices APC and Capstone
5 Law APC as Lead Class Counsel, and Diversity Law Group, P.C., Law Office of
6 Choi & Associates, EcoTech Law Group P.C., and the Law Office of Hovanes
7 Margarian as Class Counsel. The Court finds preliminarily that Class Counsel
8 have demonstrable experience litigating, certifying, and settling class actions,
9 and will serve as adequate counsel for the Class conditionally certified by this
10 Order.

11 9. The Court hereby approves and appoints Rust Consulting, Inc. as
12 Claim Administrator.

13 10. The Class Notice and publication of the summary notice, and
14 provisions for disseminating those materials and information, described in and
15 attached to the Settlement Agreement are consistent with Federal Rule of Civil
16 Procedure Rule 23 and are approved. These materials (a) provide the best notice
17 practicable under the circumstances; (b) are reasonably calculated, under the
18 circumstances, to apprise the Settlement Class of the pendency of the action, the
19 terms of the proposed Settlement, and of their right to exclude themselves from, or
20 object to, the proposed settlement; (c) are reasonable and constitute due, adequate,
21 and sufficient notice to all persons entitled to receive notice; and (d) fully comply
22 with United States law. Defendants shall be responsible for providing notice of the
23 proposed Settlement to the Settlement Class in accordance with the provisions of
24 the Settlement Agreement. The Parties may, by agreement, change the notices to
25 reflect operative hearing and opt-out dates or other presently unknown data
26 without further approval from the Court.

27 11. The Court orders that, on or before January 28, 2015, the Claim
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1 Administrator shall cause individual notice (“Class Notice”), in the form attached
2 to the Settlement Agreement, to be mailed, by first class mail, to the current or last
3 known addresses of all reasonably identifiable Settlement Class Members as set
4 forth in the Settlement Agreement. Defendants may format the Class Notice in
5 such a way as to minimize the cost of the mailing, so long as Settlement Class
6 Members can reasonably read it and Class Counsel approves all changes and
7 formatting. The Claim Administrator shall be responsible for dissemination of the
8 Class Notice in the manner stated above, and pursuant to the terms of the
9 Settlement Agreement. The Class Notice shall be accompanied by a claim form
10 and request for exclusion in the forms attached to the Settlement Agreement. As
11 set forth in the Settlement Agreement, Defendants shall bear all costs associated
12 with providing class notice.

13 12. The Court orders that, on or before January 28, 2015, the Claim
14 Administrator shall cause a one-time publication of summary notice, substantially
15 in the form attached to the Settlement Agreement, to appear in the first section of
16 the National Edition of USA Today. Defendants shall bear the cost of the
17 publication of summary notice.

18 13. The Court has preliminarily reviewed the Parties’ proposed
19 Settlement and finds that its terms appear sufficiently fair, reasonable, and
20 adequate to warrant dissemination of notice of the proposed Settlement to the
21 Settlement Class and the scheduling of a formal fairness hearing. The Court finds
22 that the Parties entered into the Settlement in good faith, following arm’s length
23 negotiations between their respective counsel.

24 14. Lead Class Counsel’s Motion, on behalf of all Plaintiffs’ Counsel
25 for attorneys’ fees, costs and expenses, and on behalf of the Settlement Class
26 representatives for service awards, as set forth in the Settlement Agreement, shall
27 be filed by February 27, 2015.

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1 15. Plaintiffs' Motion for Final Approval of Class Action Settlement
2 shall be filed by February 27, 2015.

3 16. The Settlement Class Members shall have until March 23, 2015 to
4 (a) submit their comments or objections to the settlement and/or to the Plaintiffs'
5 Motion for Attorneys' Fees, Costs and Expenses and/or Service Awards; or (b) opt
6 out of the settlement class. The procedures and requirements for commenting on
7 and objecting to the settlement as well as for opting out of the settlement class
8 shall be those listed in the Class Notice.

9 17. Plaintiffs' and/or Defendants' respective Replies, if any, to any
10 Settlement Class Member's comments or objections shall be filed by April 13,
11 2015.

12 18. The hearing on Plaintiffs' Motion for Final Approval of Class Action
13 Settlement and Motion for Class Counsel Fees, Costs and Expenses and
14 Settlement Class representative service awards, shall be heard on May 4, 2015 at
15 10:00 a.m.

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IT IS SO ORDERED

Dated: October 16, 2014

Hon. Margaret M. Morrow
United States District Judge