

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
FORT LAUDERDALE DIVISION**

Case No.:

ALAN CORDOVER, JACOBO FLORENS,  
GINA FRANCO FLORENS, and ROBERT  
PASTERNAK, individually, and on behalf of  
all others similarly situated,

*Plaintiffs,*

vs.

BMW AG, BMW OF NORTH AMERICA, LLC,  
VOLKSWAGEN AG, VOLKSWAGEN GROUP  
OF AMERICA, INC., AUDI AG, AUDI OF  
AMERICA, INC., AUDI OF AMERICA, LLC,  
DR. ING. H.C. F. PORSCHE AG, PORSCHE  
CARS NORTH AMERICA, INC., BENTLEY  
MOTORS LIMITED, DAIMLER AG,  
MERCEDES-BENZ USA, LLC and  
MERCEDES-BENZ U.S. INTERNATIONAL,

*Defendants.*

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**CLASS ACTION COMPLAINT**

Plaintiffs, Alan Cordover, Jacobo Florens, Gina Franco Florens, And Robert Pasternak (“Plaintiffs”), individually, and on behalf of all others similarly situated (the “Class” or “Class Members”), by and through their undersigned counsel, hereby file this Class Action Complaint against Defendants, Volkswagen AG, Volkswagen Group of America, Inc. (together, “Volkswagen”), Audi AG, Audi of America Inc., Audi of America, LLC (together, “Audi”), Dr. Ing. h.c.F. Porsche AG, Porsche Cars North America, Inc. (together, “Porsche”), Bentley Motors Limited (“Bentley”), Daimler Aktiengesellschaft (“Daimler AG”), Mercedes-Benz U.S.

International, Mercedes-Benz USA, LLC (together, “Mercedes”), BMW AG, and BMW of North America, LLC (together, “BMW”) (collectively, “Defendants”), and allege as follows:

### **NATURE OF THE ACTION**

1. Plaintiffs bring this class action lawsuit against Defendants for perpetrating an antitrust conspiracy for nearly the past 30 years. Defendants, all German automotive manufacturers, have unlawfully, unfairly, and deceptively conspired to increase the prices of their German Luxury Vehicles<sup>1</sup>.

2. Defendants, and other yet to be identified co-conspirators agreed to share commercially-sensitive information and reach unlawful agreements regarding their Luxury Vehicles’ technology, costs, suppliers, market, emissions equipment and other competitive attributes.

3. Although Defendants are supposed to be competing with one another, they engaged in numerous and on-going meetings, communications, and agreements to coordinate the manufacture and sale of their Luxury Vehicles, thereby causing economic injury to Plaintiffs and the Classes.

4. Defendant’s anti-competitive behavior is not in dispute. Volkswagen admitted to authorities that in the last five years alone, Defendants met and conspired through at least 60 working groups, and 1,000 meetings, involving more than 200 employees.

5. In a document dated July 4, 2016, Volkswagen acknowledged to the European Commission (EC) its “participation in suspected cartel infringements.” According to this

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1. *Luxury Vehicle* as used herein refers to German vehicles sold by the Defendants under the following five brands: Mercedes-Benz, Porsche, Audi, BMW, and Bentley. Defendant Daimler owns the Mercedes-Benz brand. Volkswagen owns the Audi, Porsche and Bentley brands

document, Volkswagen stated that Daimler, BMW, Volkswagen, Audi and Porsche have coordinated matters relating to the development of their vehicles, costs, suppliers and markets “for many years -- at least since the 1990s and to this day.” Further, in its July 2016 submission, Volkswagen stated this behavior was likely “in violation of cartel law.” The EC’s investigation of the Defendants concerning potential anticompetitive activities is continuing and on-going.

6. Volkswagen and Daimler have also reportedly admitted to participating in the unlawful cartel and applied for leniency from the EC in exchange for their cooperation in the probe.

7. As a result of Defendants’ conspiracy, Plaintiffs and the members of the Classes paid for Luxury Vehicles at unlawfully inflated prices.

8. Defendants’ conspiratorial conduct substantially affected interstate trade and commerce in the United States and caused antitrust injury to Plaintiffs and members of the Classes in Florida and throughout the United States.

9. Plaintiffs seek to represent all persons and entities who from at least as early as January 1, 1990, through such time as the anticompetitive effects of the Defendants’ conduct ceased (Class Period), purchased or leased Defendants’ Luxury Vehicles in Florida and throughout the United States, which was manufactured or sold by any of the Defendants.

#### **JURISDICTION AND VENUE**

10. Plaintiffs bring this action under Section 16 of the Clayton Act (15 U.S.C. § 26) to secure equitable and injunctive relief against Defendants for violating Section 1 of the Sherman Act (15 U.S.C. § 1). Plaintiffs also assert claims for damages pursuant to state antitrust, unfair competition, consumer protection and unjust enrichment laws, and seek to obtain restitution, recover damages and secure other relief against the Defendants for violations of those state laws. Plaintiffs and the Classes also seek attorneys’ fees, costs, and other expenses under federal and

state law

11. Plaintiffs seek damages in excess of \$5,000,000. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331, 1337, and Sections 4 and 16 of the Clayton Act, 15 U.S.C. §§ 15(a) and 26. Additionally, this Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1332(d) and 1367, in that: (i) this is a class action in which the matter or controversy exceeds the sum of \$5,000,000, exclusive of interest and costs, and in which some members of the proposed Classes are citizens of a state different from some defendants; and (ii) Plaintiffs' state law claims form part of the same case or controversy as their federal claims under Article III of the United States Constitution.

12. Venue is proper in this District pursuant to Section 12 of the Clayton Act (15 U.S.C. § 22), and 28 U.S.C. §§ 1391(b),(c), and (d), because a substantial part of the events giving rise to Plaintiffs' claims occurred in this District, a substantial portion of the affected interstate trade and commerce discussed below has been carried out in this District, and one or more of the Defendants reside, are licensed to do business in, are doing business in, had agents in, or are found or transact business in this District.

13. This Court has personal jurisdiction over the Defendants because each, either directly or through the ownership and/or control of their subsidiaries, inter alia: (a) transacted business in the United States, including in this District; (b) directly or indirectly sold or marketed substantial quantities of Luxury Vehicles in the United States, including in this District; (c) had substantial aggregate contacts with the United States, including in this District; or (d) were engaged in an illegal conspiracy in restraint of trade that was directed at, and had a direct, substantial, reasonably foreseeable and intended effect of causing injury to, the business or property of persons and entities residing in, located in, or doing business throughout the United

States, including in this District. Defendants also conduct business throughout the United States, including in this District, and have purposefully availed themselves of the laws of the United States.

14. Defendants engaged in conduct both inside and outside of the United States that caused reasonably foreseeable and intended anticompetitive effects upon interstate commerce within the United States and in this District.

15. The activities of Defendants and their co-conspirators flowed to, and have a substantial effect on, interstate commerce of the United States. Defendants' products are sold in the stream of interstate commerce.

16. Defendants' Luxury Vehicles sold in the United States are goods brought into the United States for sale, and therefore constitute import commerce. The anticompetitive conduct, and its effect on United States commerce described herein, proximately caused antitrust injury in the United States.

17. Defendants' unlawful activities caused injury to Plaintiffs and members of the Classes. Defendants, directly and through their agents, engaged in anticompetitive activities affecting all states, as they coordinate activities related to vehicle development of Defendants' vehicles, costs, suppliers and markets.

18. Defendants' conspiracy and anticompetitive conduct caused persons in the United States who purchased or leased a new German Luxury Vehicle to pay unlawfully inflated prices.

**PARTIES**

19. Plaintiff Alan Cordover is a resident of Broward County, Florida who purchased or leased one or more German Luxury Vehicles from Defendants at unlawfully inflated prices during the relevant Class Period.

20. Plaintiff Jacobo Florens is a resident of Broward County, Florida who purchased or leased one or more German Luxury Vehicles from Defendants at unlawfully inflated prices during the relevant Class Period

21. Plaintiff Gina Franco Florens is a resident of Broward County, Florida who purchased or leased one or more German Luxury Vehicles from Defendants at unlawfully inflated prices during the relevant Class Period

22. Plaintiff Robert Pasternak is a resident of Palm Beach County, Florida who purchased or leased one or more German Luxury Vehicles from Defendants at unlawfully inflated prices during the relevant Class Period

**The Volkswagen Defendants**

23. Defendant **Volkswagen AG** is a German corporation with its principal place of business in Wolfsburg, Germany. Volkswagen AG is the parent company of Volkswagen Group of America, Inc., Audi AG, Porsche AG, and Bentley. In 2016, Volkswagen AG was the largest auto manufacturer in the world. Volkswagen AG's sales revenue for 2016 was over €217 billion dollars, with sales revenues in North America of approximately €35.5 billion.

24. Defendant **Volkswagen Group of America, Inc.** is incorporated in New Jersey, and does business in all fifty states and the District of Columbia, with its principal place of business in Herndon, Virginia. Volkswagen Group of America, Inc. advertises, markets, and sells

Volkswagen Luxury Vehicles at issue sold through the United States, including in this district during the Class Period.

**The Audi Defendants**

25. Defendant **Audi AG** is a German corporation with its principal place of business in Ingolstadt, Germany. Audi AG is the parent company of Audi of America, Inc. and Audi of America, LLC and also is a wholly owned subsidiary of Volkswagen AG. Audi AG designs, develops, manufactures, and sells the Luxury Vehicles at issue that were purchased throughout the United States, including this district during the Class Period. Audi AG directs the activities of its subsidiaries which act as its agents selling Luxury Vehicles throughout the United States.

26. Defendant **Audi of America, Inc.** is incorporated in New Jersey, and does business in all fifty states and the District of Columbia, with its principal place of business in Herndon, Virginia.

27. Defendant **Audi of America, LLC** is incorporated in Delaware, and does business in all fifty states and the District of Columbia, with its principal place of business in Herndon, Virginia.

**The Porsche Defendants**

28. Defendant **Dr. Ing. h.c. F. Porsche AG** is a German corporation with its principal place of business located in Stuttgart, Germany. Porsche AG is a wholly-owned subsidiary of Volkswagen AG. Porsche AG designs, develops, manufactures, and sells the Luxury Vehicles at issue that were purchased throughout the United States, including this district during the Class Period.

29. Defendant **Porsche Cars North America, Inc.** is incorporated in Delaware with its principal place of business in Georgia. Porsche Cars North America, Inc. is a wholly-owned

U.S. subsidiary of Porsche AG and advertises, markets, and sells German Luxury Vehicles in all fifty states. Porsche Cars North America, Inc. maintains a network of 189 dealers throughout the United States.

**Bentley**

30. Defendant **Bentley Motors Limited Company** is organized under the laws of the United Kingdom. Bentley has been a subsidiary of Volkswagen AG since 1998. In 2012, Bentley moved its U.S. headquarters to the offices of Volkswagen Group of America in Herndon, Virginia. Prior to this change, Bentley was headquartered in Boston, Massachusetts. Bentley designs, develops, manufactures, and sells the Luxury Vehicles at issue that were purchased throughout the United States, including this district during the Class Period

**Daimler AG**

31. Defendant **Daimler Aktiengesellschaft** is a foreign corporation headquartered in Stuttgart, Baden-Württemberg, Germany. Daimler AG designs, engineers, manufactures, tests, markets, supplies, sells and distributes the Luxury Vehicles at issue that were purchased throughout the United States, including this district during the Class Period. Daimler AG is the parent company of Mercedes-Benz USA, LLC and controls this subsidiary which acts as the sole distributor for Mercedes-Benz vehicles in the United States. Daimler AG owns 100% of the capital share in Mercedes-Benz USA, LLC. In 2016, Daimler had global revenues of €153.2 billion, with approximately €89 billion of revenues derived from Mercedes Benz Luxury Vehicles. Daimler's 2016 revenue derived from U.S. sales totaled approximately €39.1 billion.



**The Mercedes Defendants**

32. Defendant **Mercedes-Benz USA, LLC** is a Delaware limited liability corporation with its principal place of business in Atlanta, Georgia. Mercedes-Benz USA LLC operates a regional sales office, a parts distribution center, and a customer service center in New Jersey. Mercedes designs, manufactures, markets, distributes and sells the Luxury Vehicles at issue that were purchased throughout the United States, including this district during the Class Period.

33. Defendant **Mercedes-Benz U.S. International, Inc.** is a corporation organized and existing under the laws of Alabama, with its principal place of business in Vance, Alabama. Mercedes-Benz U.S. International, Inc. is a wholly-owned subsidiary of Daimler AG.

**The BMW Defendants**

34. Defendant **Bayerische Motoren Werke AG** (BMW AG) is a German holding company and vehicle manufacturer. BMW AG is headquartered in Germany. BMW AG, together with its subsidiaries, develops, manufactures, and sells cars and motorcycles worldwide, including the Luxury Vehicles at issue that were purchased throughout the United States, including this district during the Class Period. In 2016, BMW AG had global revenues of approximately €94.1 billion, with €86 billion derived from its sale of automobiles. The United States was responsible for approximately €16 billion of BMW AG's €94.1 billion in revenues in 2016.

35. Defendant **BMW of North America, LLC** is a Delaware limited liability corporation with its principal place of business in Woodcliff Lake, New Jersey. BMW North America is the United States importer of BMW vehicles.

**Unnamed Agents and Co-Conspirators**

36. When Plaintiffs refer to a corporate family or companies by a single name in the Complaint, they are alleging that one or more employees or agents of entities within that corporate family engaged in conspiratorial acts on behalf of every company in that family. The individual participants in the conspiratorial acts did not always know the corporate affiliation of their counterparts, nor did they distinguish between the entities within a corporate family. The individual participants entered into agreements on behalf of their respective corporate families. As a result, those agents represented the entire corporate family with respect to such conduct, and the corporate family was party to the agreements that those agents reached.

37. Each Defendant acted as the principal of or agent for the other Defendant with respect to the acts, violations, and common course of conduct alleged herein.

**FACTUAL ALLEGATIONS**

38. Beginning as early as the 1990s, Defendants have shared commercially-sensitive information and reached unlawful agreements regarding their German Luxury Vehicle technology, including technology and information related to costs, suppliers, market, emissions equipment and other competitive attributes.

39. Defendants' conspiracy has prompted competition authorities from several jurisdictions, including the United States, to open investigations into Defendants' unlawful conduct.

40. For example, in the last five years alone, Defendants shared competitively sensitive information through 60 working groups and over 1,000 meetings. These contacts involved at least 200 employees. The Defendants' employees who participated in these meetings

were assigned to working groups and sub-working groups, classified according to the following development areas: “engine,” “car body,” “chassis,” “electric/electronic” and “total vehicle.” Because five auto brands were involved, the groups were known internally as the “groups of five.” Commentators have noted that, “[s]ometimes the cooperation among Daimler, BMW, Audi, Porsche and Volkswagen worked more effectively than cooperation among various departments within a company.”

41. In Volkswagen’s July 2016 submission to the cartel authorities, there was an “exchange of internal, competitively sensitive technical data” among the Defendants. Further, Volkswagen stated the Defendants had jointly established “technical standards” and had agreed to use “only certain technical solutions” in new vehicles. For example, one area in which the Defendants engaged in extensive cooperation was with respect to their respective convertible models. Representatives from the Defendants who were part of a “working group for mechanical attachments,” engaged in numerous meetings to determine the maximum speed at which a driver could open or close the top.

42. According to written minutes of one of the meetings which took place in Bad Kissingen, Germany, the Defendants agreed that there would be “[n]o arms race when it comes to speeds.” The minutes of the meeting show that arguments against an “arms race,” were “costs, weight, increasing technological risk and crash relevance.” The result of that meeting is that the soft tops on the convertibles sold by Daimler, BMW, Audi, Porsche and Volkswagen can only be opened and closed at speeds of up to 50 kilometers per hour.

43. As part of Defendants’ conspiracy, Defendants coordinated and agreed upon their emissions control technology in their diesel vehicles. For example, AdBlue is an aqueous reductant agent that is used with a Selective Catalytic Reduction (“SCR”) system to clean the

emissions disseminated from diesel vehicles. AdBlue tanks are also called Diesel Exhaust Fluid (“DEF”). Urea is a component of DEF and AdBlue. Specifically, 32.5% of high grade environmental urea and 67.5% deionized water make up what is known as DEF or AdBlue. DEF or AdBlue along with the SCR system enables auto- manufactures to remain compliant with emissions standards.

44. In September 2008, Defendants all agreed to use small eight-liter AdBlue tanks to reduce costs.

45. In 2010, Defendants unlawfully agreed to increase the size of AdBlue tanks in the U.S. to 16-liters. Defendants reached this agreement knowing that a 16-liter AdBlue tank was insufficient to meet rising U.S. emissions standards. Defendant Audi wrote in an email that a “minimum tank volume of 19 liters” was needed based on “average AdBlue consumption” to comply with U.S. requirements. *Der Spiegel* reports that the Defendants’ found it “absolutely necessary to have a ‘coordinated approach’ with respect to tank sizes.”

46. Defendant Volkswagen was insistent that the agreements on AdBlue tank size were necessary to ensure that U.S. emissions regulators did not scrutinize its emissions control systems. Volkswagen feared that different sized AdBlue tanks would cause U.S. emissions regulators to question how some companies were getting away with less AdBlue while others needed substantially more solution to clean their emissions.

47. Volkswagen knew that it could still pass U.S. emissions testing with a 16-liter tank because it had designed a work around that enabled its vehicles to pass emissions testing without adequately sized AdBlue tanks.

48. This scheme is commonly referred to as a “defeat device” and is at the heart of Volkswagen’s 2015 NOx defeat device scandal that is now well-known. Volkswagen and its

subsidiaries installed software in Volkswagen, Audi, and Porsche vehicles that could sense when the car was being tested and make emission control adjustments so that the vehicle dispersed fewer emissions during testing than on the road.

49. Defendants acknowledged internally, these discussions concerning their respective emissions control technology likely were in violation of the antitrust laws. In an email written by a Volkswagen manager, he noted that Daimler “had its legal advisers examine the issue” and “[t]he law firm that was hired expressed considerable concerns that problems could arise if a competitor did in fact file a complaint.” The Defendants’ managers who participated in these meetings repeatedly recognized that their agreements could be illegal. One of the working groups involved in the discussions regarding emissions controls, removed the last two pages of a September 2011 presentation, which related to the development of a special sensor. The page was removed because an email from a Daimler employee stated, “[a] review of the document with the legal department led to serious concerns in terms of cartel law.”

50. The illegality of these discussions was discussed at a meeting of one of the working groups in Bayreuth, Germany. According to a memo summarizing the meeting, the BMW representative asked: “[w]ho would be interested in proving that we are in violation of cartel law?” The Daimler representative responded: “[m]ainly the exchange supervisory authority.” He added that Daimler had also engaged “outside auditors who have access to everything.” Another participant said: “Our agreement that a sensor needs to be developed is not the critical issue, but the joint definition of the supplier is.”

51. Volkswagen pleaded guilty to using this defeat device software to lie and mislead the United States Environmental Protection Agency (“EPA”) and U.S. consumers regarding the environmental friendliness of their “clean” vehicles. Volkswagen paid over \$20

billion in civil and criminal penalties for deploying the “defeat device” to cheat emissions compliance regulations, *In re Volkswagen “Clean Diesel” Marketing, Sales Practices, and Products Liability Litig.*, MDL No. 2672 CRB; *United States v. Volkswagen AG*, No. 16-cr-20394 (E.D. Mich. 2016).

52. Defendants discussions and agreements regarding AdBlue and emissions control technology, were but a small part of the Defendants’ conspiracy. The Defendants reached agreements with respect to virtually every aspect of their respective vehicles, including, but not limited to, brake systems, seating systems, chassis, and suspension systems.

53. On July 22, 2017, the European Commission announced that it was investigating allegations of an antitrust cartel among a group of major German Luxury Vehicle manufacturers including Defendants Volkswagen and its subsidiaries, Audi and Porsche, Daimler, and its subsidiaries Mercedes-Benz and Smart, and BMW. The EC issued a statement stating, “[t]he European Commission and the Bundeskartellamt have received information on this matter, which is currently being assessed by the Commission.”

54. European antitrust officials, the European Commission and its German counterpart, the Bundeskartellamt, have all confirmed that they received information from the Defendants that may relate to the operation of an antitrust cartel dating back as early as the 1990s.

55. As part of its investigation, the European Commission has already confiscated documents from the Defendants and interviewed witnesses in connection with the alleged cartel.

56. According to Volkswagen’s admissions to German antitrust officials, Defendants entered into potentially unlawful agreements regarding “vehicle development, brakes, petrol and diesel engines, clutches and transmissions as well as exhaust treatment systems.”

57. According to reports, Volkswagen and Daimler have both come forward to European regulators admitting participation in an antitrust conspiracy in exchange for leniency. Daimler has reportedly obtained leniency while Volkswagen is purportedly eligible for a reduction in fines in exchange for its cooperation.

58. The United States Department of Justice's Antitrust Division announced on July 25, 2017 that it is also investigating the matter.

59. Defendants Volkswagen and Daimler are recidivist offenders. In 2015, Volkswagen admitted that it cheated diesel emissions tests, and was the target of regulatory investigations in multiple countries, including the United States. In the United States alone, Volkswagen paid more than \$20 billion in criminal penalties and civil restitution.

60. In 2016, European truck makers MAN, Daimler, DAF, Iveco, and Volvo-Renault were revealed to be involved in a truck price-fixing scandal. All except Volkswagen-owned MAN paid record fines, which Volkswagen avoided paying by being the first participant in the illegal cartel to bring the unlawful conduct to regulators' attention. Daimler paid over \$1 billion in fines to the EC for its role in this price-fixing conspiracy.

61. The structure and other characteristics of the German Luxury Vehicle market in the United States are conducive to collusion. Specifically, the German Luxury Vehicle market: (1) has high barriers to entry; (2) has inelasticity of demand; and (3) is highly concentrated.

62. Because there are significant barriers to entry of the German Luxury Vehicle market, new entrants are less likely to enter the market. These substantial barriers preclude, reduce, or make more difficult entry into the German Luxury Vehicle market. A new entrant into the business faces costly and lengthy start-up costs, including multi-million dollar costs associated with manufacturing plants and equipment, energy, transportation, distribution infrastructure,

skilled labor, and long- standing customer relationship. Thus, barriers to entry help to facilitate the formation and maintenance of a collusive conduct.

63. Demand for German Luxury Vehicles is highly inelastic because there are no close substitutes for them. Because the demand is inelastic, an increase in the price results in only a small decline in the quantity sold of that product, if any. Because customers have nowhere to turn for alternative, cheaper products of similar quality, they continue to purchase despite a price increase.

64. A concentrated market is more susceptible to collusion and other anticompetitive practices. Defendants make up 100% of the German Luxury Vehicle market. Requirements and technological changes make the Luxury Vehicle market difficult for new entrants generally. The collusion over Defendants' vehicles, costs, suppliers, and markets increases the barriers to entry for new auto manufactures.

### **TOLLING OF THE STATUTES OF LIMITATIONS**

65. Plaintiffs and the members of the Classes had neither actual nor constructive knowledge of the facts constituting their claims for relief. Plaintiffs and members of the Classes did not discover, and could not have discovered through the exercise of reasonable diligence, the existence of the conspiracy alleged herein until July 21, 2017, when, the German publication *Der Spiegel* reported that Volkswagen disclosed participation in antitrust violations resulting from coordination with Defendants about the development of their vehicles, costs, suppliers and strategies for controlling emissions in diesel engines from at least the 1990s to the present day.

66. Defendants' anticompetitive conspiracy was self-concealing.

67. Plaintiffs reasonably considered it to be a competitive industry. Accordingly, a reasonable person under the circumstances would not have been alerted to begin to investigate the



legitimacy of Defendants' German Premium Vehicle prices before July 21, 2017.

68. Plaintiffs exercised reasonable diligence in bringing their claims. Plaintiffs and the members of the Class could not have discovered the alleged conspiracy before July 21, 2017 by the exercise of reasonable diligence because of the deceptive practices and techniques of secrecy employed by Defendants and all of their co-conspirators to conceal their combination.

69. Moreover, throughout the Class Period, Defendants and their Co-Conspirators effectively, affirmatively, and fraudulently concealed their unlawful combination and conspiracy from Plaintiffs and the Class members.

70. The combination and conspiracy alleged herein was fraudulently concealed by Defendants by various means and methods, including, but not limited to secret meetings, surreptitious communications between Defendants by telephone or in-person meetings at trade association meetings (and elsewhere). Defendants secretly met at least 1,000 times to communicate, and ultimately coordinate, about various facets of the German Luxury Vehicle industry, including technology, costs, supplies, markets, and emissions equipment. The Defendants surreptitious meetings successfully concealed the decade's long conspiracy as reflected by the fact that it did not become public until July 21, 2017.

71. During the relevant period, Defendants affirmatively made numerous misleading public statements falsely portraying the market for German Premium Vehicle as a competitive one. For example, in Volkswagen's 2016 Annual Report, Volkswagen falsely described competition between it and other German Premium Vehicle manufacturers as "fierce."

72. Further, throughout the Class Period, Defendants misleadingly and falsely touted their commitment to compliance with the antitrust laws or competition laws. For example, in Daimler's 2016 Annual Report, Daimler stated:

Our Group-wide antitrust compliance program is oriented to national and international standards. The program establishes a binding, globally valid Daimler standard that defines how matters of competition law are to be assessed. The Daimler standard is based on the strict standards of the European antitrust authorities and courts. Its existence ensures a uniform level of compliance and advice in all countries.

73. As a result of of the fraudulent concealment of their wrongful conduct by Defendants and all of their co-conspirators, the running of any statute of limitations has been tolled and suspended with respect to any claims and rights of action that Plaintiffs and the other Class members have as a result of the unlawful combination and conspiracy alleged in this Complaint.

74. Accordingly, the statute of limitations as to Plaintiffs' and the Classes' claims did not begin to run, and has been tolled with respect to the claims that Plaintiffs and members of the Classes have alleged in this Complaint

#### **CLASS ACTION ALLEGATIONS**

75. Plaintiffs bring this action on behalf of themselves and all others similarly situated as permitted by Rules 23(a), (b)(2), and (b)(3), *Federal Rules of Civil Procedure*. The proposed Nationwide Class consists of ("Nationwide Class"):

All persons and entities who, during the Class Period, purchased or leased a new German Luxury Vehicle in the United States not for resale, which was manufactured or sold by a Defendant, any current or former subsidiary of a Defendant or any co-conspirator of the Defendants.

76. Alternatively, Plaintiffs brings this action on behalf of themselves and all others similarly situated as permitted by Rules 23(a), (b)(2), and (b)(3), *Federal Rules of Civil Procedure*.

The proposed Florida Class consists of ("Florida Class"):

All persons and entities who, during the Class Period, purchased or leased a new German Luxury Vehicle in the State of Florida not for resale, which was manufactured or sold by a Defendant, any current or former subsidiary of a Defendant or any co-conspirator of the Defendants.

77. Plaintiffs respectfully reserve the right to amend the Class definitions if further investigation and discovery indicates that the Class definition should be narrowed, expanded, or otherwise modified, including without limitation, the inclusion of sub-classes.

78. Excluded from the Class are governmental entities, Defendants, any entity in which Defendants have a controlling interest, and Defendants' officers, directors, affiliates, legal representatives, employees, co-conspirators, successors, subsidiaries, and assigns. Also excluded is any judge or judicial staff member to whom this action is assigned, together with any relative of such judge or judicial staff member, and the spouse of any such persons.

79. The Class is so numerous that joinder of such individuals is impracticable. The precise number of Class members will be revealed throughout discovery. However, based upon information and belief, there are at least thousands of Class Members.

80. The common questions of law and fact among all Class Members predominate over any issues affecting any individual Class Members and include the following:

- (a) Whether the Defendants and their co-conspirators engaged in a combination and conspiracy among themselves to artificially inflate the price of German Luxury Vehicles sold in the United States;
- (b) The identity of the participants of the alleged conspiracy;
- (c) The duration of the alleged conspiracy and the acts carried out by Defendants and their co-conspirators in furtherance of the conspiracy;
- (d) Whether the alleged conspiracy violated the Sherman Act;
- (e) Whether the alleged conspiracy violated state antitrust, unfair competition, and/or consumer protection laws;

- (f) Whether the Defendants unjustly enriched themselves to the detriment of the Plaintiffs and the members of the Classes, thereby entitling Plaintiffs and the members of the Classes to disgorgement of all benefits derived by Defendants;
- (g) Whether the conduct of the Defendants and their co-conspirators caused injury to the business or property of Plaintiffs and the members of the Classes;
- (h) The effect of the alleged conspiracy on the prices of German Luxury Vehicles sold in the United States during the Class Period;
- (i) Whether Plaintiffs and the members of the Classes had any reason to know or suspect the conspiracy, or any means to discover the conspiracy;
- (j) Whether the Defendants and their co-conspirators fraudulently concealed the conspiracy's existence from Plaintiffs and the members of the Classes;
- (k) The appropriate injunctive and related equitable relief for the Classes; and
- (l) The appropriate class-wide measure of damages for the Classes.

81. Plaintiffs will fairly and adequately protect the interests of the Class.

82. Plaintiffs' claims are typical of those of other Class Members, as there are no material differences in the facts and law underlying their claims and Plaintiffs' prosecution of their claims will advance the claims of all Class Members.

83. Plaintiffs have retained competent counsel experienced in the prosecution of Class litigation.

84. Class treatment of the claims set forth in this Complaint is superior to other available methods for the fair and efficient adjudication of this controversy. The expense and burden of individual litigation would make it impracticable or impossible for the Class Members to prosecute their claims individually. Absent a class action, a multiplicity of individual lawsuits

would be required to address the claims between the Class Members and Defendants so that inconsistent treatment and adjudication of the claims would likely result.

85. The litigation and trial of Plaintiffs' claims are manageable. Defendants' uniform conduct, the consistent provisions of the relevant laws, and the readily ascertainable identities of many Class Members demonstrates that there would be no significant manageability problems with prosecuting this lawsuit as a class action.

86. Adequate notice can be given to Class Members directly using information maintained in Defendants' and/or its co-conspirators records or through publication.

87. Unless a class-wide injunction is issued, Defendants may continue to act unlawfully as set forth in this Class Action Complaint.

88. Defendants have acted or refused to act on grounds that apply generally to the Class, making final injunctive and declaratory relief appropriate to the Class as a whole.

89. Defendants' acts and omissions are the direct and proximate cause of damage described more fully in the succeeding paragraphs of this Class Action Complaint.

#### **ANTITRUST INJURY**

90. Defendants' anticompetitive conduct had the following effects, among others:

- A. Price competition has been restrained or eliminated with respect to German Luxury Vehicles;
- B. The prices of German Luxury Vehicles have been fixed, raised, stabilized, or maintained at artificially inflated levels;
- C. Indirect purchasers of German Luxury Vehicles have been deprived of free and open competition; and
- D. End-user consumers of German Premium Vehicles who indirectly

purchased German Premium Vehicles for personal use, including Plaintiffs,  
paid artificially inflated prices

**COUNT I**

**Violation of Section 1 of the Sherman  
Act 15 U.S.C. § 1**

**(On Behalf of Nationwide Class for Injunctive and Equitable Relief)**

91. Plaintiffs incorporate and reallege, as though fully set forth herein, each and every allegation set forth in the preceding paragraphs 1 through 90 of this Complaint.

92. During the Class Period, Defendants and their co-conspirators entered into a continuing agreement, understanding, and conspiracy in restraint of trade which had the effect of artificially fixing, raising, and/or stabilizing prices for German Luxury Vehicle in the United States, in violation of Section 1 of the Sherman Act (15 U.S.C. § 1).

93. The anticompetitive acts were intentionally directed at the United States market for German Luxury Vehicles, and had a direct, substantial and foreseeable effect on interstate commerce by artificially raising prices of German Luxury Vehicles throughout the United States.

94. As a result of Defendants' unlawful conduct, Plaintiffs and other similarly situated indirect purchasers in the Nationwide Class who purchased German Luxury Vehicles from the Defendants have been harmed by being forced to pay inflated prices for German Luxury Vehicles.

95. In formulating and carrying out the alleged agreement, understanding, and conspiracy, the Defendants and their co-conspirators did those things that they combined and conspired to do, including but not limited to the acts, practices, and course of conduct set forth above.

96. The combination and conspiracy alleged herein has had the following effects, among others:
- a. Price competition in the sale of German Luxury Vehicles has been restrained, suppressed, and/or eliminated in the United States;
  - b. Prices for German Luxury Vehicles sold by Defendants have been fixed, raised, maintained and stabilized at artificially high, non-competitive levels throughout the United States; and
  - c. Those who purchased German Luxury Vehicles indirectly from Defendants and their coconspirators for their personal use have been deprived of the benefits of free and open competition.

97. Plaintiffs and Class Members have been injured and will continue to be injured in their businesses and property by paying more for German Luxury Vehicles purchased indirectly from the Defendants and their co-conspirators than they would have paid, and will pay, in the absence of the combination and conspiracy.

98. Plaintiffs and Class Members are entitled to an injunction against Defendants, preventing and restraining the violations alleged herein.

**COUNT II**  
**UNJUST ENRICHMENT**

**(On Behalf of Plaintiffs and the Nationwide Class)**

99. Plaintiffs incorporate and re-allege all allegations contained in the preceding paragraphs 1 through 90 as if fully set forth herein.

100. As a result of their unlawful conduct described above, Defendants have and will continue to be unjustly enriched. Defendants have been unjustly enriched by the receipt of, at a minimum, unlawfully inflated prices and unlawful profits on sales of German Luxury Vehicles.

101. Defendants have benefited from their unlawful acts and it would be inequitable for Defendants to be permitted to retain any of the ill-gotten gains resulting from the overpayments made by Plaintiffs and Class Members for German Luxury Vehicles.

102. Plaintiffs and the other Class Members conferred a monetary benefit upon the Defendants in the form of payment for the purchase or lease of the Germany Luxury Vehicles.

103. The Defendants have knowledge of the benefits conferred directly upon it by Plaintiffs and the other Class Members.

104. Plaintiffs and Class Members are entitled to the amount of Defendants' ill-gotten gains resulting from their unlawful, unjust, and inequitable conduct. Plaintiffs and Class Members are entitled to the establishment of a constructive trust consisting of all ill-gotten gains from which Plaintiffs and the members of the Classes may make claims on a pro rata basis.

105. Plaintiffs bring this claim in the alternative to their other potential remedies at law.

**COUNT III**  
**VIOLATIONS OF FLORIDA'S UNFAIR AND DECEPTIVE TRADE PRACTICES ACT**  
**(On Behalf of Plaintiffs and the Florida Class)**

106. Plaintiffs incorporate and re-allege all allegations contained in the preceding paragraphs 1 through 90 of this Complaint as if fully set forth herein. This claim is brought by the Plaintiffs on their own behalf and on behalf of other similarly situated members of the Florida Class.

107. The Florida Deceptive & Unfair Trade Practices Act, Florida Stat. §§ 501.201, *et seq.* ("FDUTPA"), generally prohibits "unfair methods of competition, unconscionable acts or practices, and unfair or deceptive acts or practices in the conduct of any trade or commerce," including practices in restraint of trade. Florida Stat. § 501.204(1).



108. FDUTPA is expressly intended to protect “consumers” like Plaintiffs and Florida Class Members from unfair or deceptive trade practices.

109. Plaintiffs and Florida Class Members have a vested interest in the privacy, security and integrity of their Private Information, therefore, this interest is a “thing of value” as contemplated by FDUTPA.

110. Defendants, collectively and individually, are a “person” within the meaning of the FDUTPA and, at all pertinent times, was subject to the requirements and proscriptions of the FDUTPA with respect to all of their business and trade practices described herein.

111. Plaintiffs and Florida Class Members are “consumers” “likely to be damaged” by Defendants’ ongoing deceptive trade practices.

112. Defendants entered into a contract, combination or conspiracy between two or more persons in restraint of, or to monopolize, trade or commerce in the German Luxury Vehicle market, a substantial part of which occurred within Florida.

113. Defendants established, maintained or used a monopoly, or attempted to establish a monopoly, of trade or commerce in the market for German Luxury Vehicles, for the purpose of excluding competition or controlling, fixing or maintaining prices in Florida at a level higher than the competitive market level, beginning at least as early as 1990 and continuing through the date of this filing.

114. Accordingly, Defendants’ conduct was an unfair method of competition, and an unfair or deceptive act or practice within the conduct of commerce within the State of Florida.

115. Defendants’ unlawful conduct substantially affected Florida’s trade and commerce.

116. As a direct and proximate cause of Defendants' unlawful conduct, Plaintiffs and the Florida Class Members have been injured in their business or property by virtue of overcharges for German Premium Vehicles and are threatened with further injury.

117. By reason of the foregoing, Plaintiff and Florida Class Members entitled to seek all forms of relief, including injunctive relief pursuant to Florida Stat. §501.208 and declaratory judgment, actual damages, reasonable attorneys' fees and costs pursuant to Florida Stat. § 501.211.

**COUNT IV**  
**VIOLATIONS OF FLORIDA'S ANTITRUST ACT OF 1980**  
**(On Behalf of Plaintiffs and the Florida Class)**

118. Plaintiffs incorporate and re-allege all allegations contained in the preceding paragraphs 1 through 90 of this Complaint as if fully set forth herein. This claim is brought by the Plaintiffs on their own behalf and on behalf of other similarly situated members of the Florida Class.

119. During the Class Period, Defendants and their co-conspirators entered into a continuing agreement, understanding, and conspiracy in restraint of trade which had the effect of artificially fixing, raising, and/or stabilizing prices for German Luxury Vehicles in Florida, in violation of Florida's Antitrust Act of 1980, Florida Statute chapter 542.

120. The anticompetitive acts were intentionally directed at the Florida market for German Luxury Vehicles, and had a direct, substantial and foreseeable effect on commerce in Florida by artificially raising prices of German Luxury Vehicles throughout the State of Florida.

121. As a result of Defendants' unlawful conduct, Plaintiffs and other similarly situated indirect purchasers in the Florida Class who purchased German Luxury Vehicles from the Defendants have been harmed by being forced to pay inflated prices for German Luxury

Vehicles.

122. In formulating and carrying out the alleged agreement, understanding, and conspiracy, the Defendants and their co-conspirators did those things that they combined and conspired to do, including but not limited to the acts, practices, and course of conduct set forth above.

123. The combination and conspiracy alleged herein has had the following effects, among others:

- a. Price competition in the sale of German Premium Vehicle has been restrained, suppressed, and/or eliminated in Florida;
- b. Prices for German Luxury Vehicles sold by Defendants have been fixed, raised, maintained and stabilized at artificially high, non-competitive levels throughout Florida; and
- c. Those who purchased German Luxury Vehicles indirectly from Defendants and their coconspirators for their personal use have been deprived of the benefits of free and open competition.

124. Plaintiffs and members of the Florida Class have been injured and will continue to be injured in their businesses and property by paying more for German Luxury Vehicles purchased indirectly from the Defendants and their co-conspirators for their personal use than they would have paid and will pay in the absence of the combination and conspiracy.

125. Defendants conduct, as alleged herein, is an unlawful conspiracy and restraint on trade or commerce, and a conspiratorial attempt to monopolize. *See* F.S. § 542.18-19.

126. Plaintiffs and Florida Class Members are entitled to treble damages, and the cost of suit, including reasonable attorney's fees pursuant to F.S. § 542.22

127. Plaintiffs and Florida Class Members are entitled to an injunction against Defendants, preventing and restraining the violations alleged herein.

**COUNT V**  
**NEGLIGENCE PER SE**  
**(On behalf of Plaintiffs and the National and Florida Class)**

128. Plaintiffs incorporate and re-allege all allegations contained in the preceding paragraphs 1 through 90 of this Complaint as if fully set forth herein. This claim is brought by the Plaintiffs on their own behalf and on behalf of other similarly situated members of the Florida Class.

129. Defendants had a duty to not engage in anti-competitive and conspiratorial conduct in violation of the Sherman Act and Florida's Antitrust Act of 1980, Florida Statute chapter 542.

130. Defendants violated Sherman Act and Florida's Antitrust Act of 1980 and other federal and state law, as set forth herein by entering into a continuing agreement, understanding, and conspiracy in restraint of trade, which had the effect of artificially fixing, raising, and/or stabilizing prices for German Luxury Vehicles.

131. Plaintiffs and the Class have suffered damages as a result of Defendants' negligence per se. As a direct and proximate result of Defendants' conduct, Plaintiffs and the Class have suffered damages in the form artificially high prices for the subject German Luxury Vehicles.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiffs, individually and on behalf of all others similarly situated, seek relief as more fully set forth in this Complaint as follows:

- A. For an order certifying that the action may be maintained as a Class action, under Rule 23, *Federal Rules of Civil Procedure*, and certifying Plaintiffs as Class Representatives, and designating their counsel as Counsel for the Class;

- B. Finding that Defendants conduct be the unlawful conduct, contract, conspiracy, or combination alleged herein as an unreasonable restraint of trade or commerce in violation of Section 1 of the Sherman Act; a *per se* violation of Section 1 of the Sherman Act; an unlawful combination, trust, agreement, understanding and/or concert of action in violation of the state antitrust and unfair competition and consumer protection laws as set forth herein; and acts of unjust enrichment by Defendants as set forth herein.
- C. Awarding damages, to the maximum extent allowed under such laws, and that a joint and several judgment in favor of Plaintiffs and the Class Members be entered against Defendants in an amount to be trebled to the extent such laws permit;
- D. Awarding damages, to the maximum extent allowed by such laws, in the form of restitution and/or disgorgement of profits unlawfully gained from them;
- E. Enjoining Defendants, their affiliates, successors, transferees, assignees and other officers, directors, partners, agents and employees thereof, and all other persons acting or claiming to act on their behalf or in concert with them, from in any manner continuing, maintaining or renewing the conduct, contract, conspiracy, or combination alleged herein, or from entering into any other contract, conspiracy, or combination having a similar purpose or effect, and from adopting or following any practice, plan, program, or device having a similar purpose or effect;
- F. For an award of costs of suit, including attorney's fees and costs;
- G. For an award of damages to be determined at trial;

H. Awarding pre- and post- judgment interest as provided by law, and that such interest be awarded at the highest legal rate from and after the date of service of this Complaint; and

I. For any further legal and equitable relief as this Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiffs, individually and on behalf of all others similarly situated, demand a trial by jury on all issues so triable.

Respectfully submitted,

August 1, 2017

EGGNATZ, LOPATIN & PASCUCCI, LLP

*/s/ Joshua H. Eggnatz*

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CIVIL COVER SHEET

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. 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. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
ALAN CORDOVER, JACOBO FLORENS,
GINA FRANCO FLORENS, and ROBERT
PASTERNAK, individually, and on behalf of
(b) County of Residence of First Listed Plaintiff Broward
(EXCEPT IN U.S. PLAINTIFF CASES)
(c) Attorneys (Firm Name, Address, and Telephone Number)
EGGNATZ, LOPATIN & PASCUCCI, LLP
5400 S. University Drive, Suite 417, Davie, FL 33328
Tel.: (954) 889-3359

DEFENDANTS
BMW AG, BMW OF NORTH AMERICA, LLC, VOLKSWAGEN AG,
VOLKSWAGEN GROUP OF AMERICA, INC., AUDI AG, AUDI OF
AMERICA, INC., AUDI OF AMERICA, LLC, DR. ING. H.C. F. PORSC
County of Residence of First Listed Defendant Germany (Foreign Cntry)
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.
Attorneys (If Known)

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
Citizen of Another State
Citizen or Subject of a Foreign Country
PTF DEF
1 1 Incorporated or Principal Place of Business In This State
2 2 Incorporated and Principal Place of Business In Another State
3 3 Foreign Nation
PTF DEF
4 4
5 5
6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only) Click here for: Nature of Suit Code Descriptions.

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Each column contains a list of legal categories with checkboxes.

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 - Transfer
8 Multidistrict Litigation - Direct File

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. § 1
Brief description of cause:
Violation of the Sherman Act

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ 5,000,000.00
CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE DOCKET NUMBER

DATE 08/01/2017 SIGNATURE OF ATTORNEY OF RECORD /s/ Joshua H. Egnatz

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

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## 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 there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven 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 – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.  
**PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- 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.



# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Major German Car Makers Named in Antitrust Class Action](#)

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