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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

ROBERT SAAVEDRA; and ARMANDO
RODRIGUEZ, on behalf of themselves and all
others similarly situated,

Plaintiffs,

vs.

VOLKSWAGEN AKTIENGESELLSCHAFT;
VOLKSWAGEN GROUP OF AMERICA, INC.;
AUDI AKTIENGESELLSCHAFT; DR. ING.
H.C. F. PORSCHE AKTIENGESELLSCHAFT;
MARTIN WINTERKORN; MATTHIAS
MÜLLER; MICHAEL HORN; RUPERT
STADLER; ROBERT BOSCH GMBH;
ROBERT BOSCH LLC; and VOLKMAR
DENNER, and DOES 1-10,

Defendants.

Case No. 3:16-cv-7214

CLASS ACTION COMPLAINT

- 1) Breach of Contract**
- 2) Negligent Interference with Prospective Economic Advantage**
- 3) Violation of 18 U.S.C. § 1962(c)-(d) (“RICO”)**

DEMAND FOR JURY TRIAL

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INTRODUCTION

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2 1. Plaintiffs Robert Saavedra and Armando Rodriguez (“Plaintiffs”) bring this class
3 action on behalf of themselves and all others similarly situated against (1) the Defendants
4 collectively known as “Volkswagen”: Volkswagen Aktiengesellschaft (“VW AG”), Volkswagen
5 Group of America, Inc. (“VW America”) (together, “VW”), Audi Aktiengesellschaft (“Audi AG”),
6 Dr. Ing. h.c. F. Porsche Aktiengesellschaft (“Porsche AG”), Martin Winterkorn (“Winterkorn”),
7 Matthias Müller (“Müller), Michael Horn (“Horn”), and Rupert Stadler (“Stadler”); and (2) the
8 Defendants collectively known as “Bosch”: Robert Bosch GmbH, Robert Bosch LLC, and
9 Volkmar Denner.

10 2. Volkswagen engaged in the fraudulent and deliberate use of a “defeat device,” a
11 secret software algorithm that was designed and installed to cheat emission tests. The defeat device
12 was designed and installed in Volkswagen diesel automobiles to dupe the Environmental Protection
13 Agency (“EPA”), among other regulators, into approving the sale of non-compliant cars
14 (“Defective Vehicles”). To do this, the defeat device detects when diesel engines are being tested
15 in laboratory conditions and triggers functions that sacrifice performance in favor of limited
16 emissions, bringing total emissions in line with regulatory requirements. In normal use, the
17 automobile performs at a higher level and emits pollutants in quantities well in excess of the legal
18 limit. As such, the Defective Vehicles cannot be legally operated in the United States.

19 3. For years, Volkswagen’s use of the defeat device went undetected. Defective
20 Vehicles were sold into the stream of commerce. Indeed, Volkswagen advertised itself as an
21 innovator in “clean” diesel technology.

22 4. As a result of this scheme, consumers across the nation came to associate the
23 Volkswagen brand with the Defective Vehicles and fraudulent conduct, and sales persons (“SPs”)
24 across the nation experienced a sudden drop in customer inquiries, potential sales, and—
25 ultimately—personal income.

26 5. Volkswagen’s defeat device scheme ultimately backfired. In the fall of 2015,
27 following pressure from regulators, Volkswagen admitted to the use and function of defeat devices.
28

1 Volkswagen further admitted that millions of cars worldwide have defeat device software.
2 Volkswagen's defeat device scheme ultimately led to a host of legal actions. For example, several
3 Volkswagen entities entered into, and a Federal Court approved, a class action settlement agreement
4 between, *inter alia*, several Volkswagen entities and a class of consumers. The class action
5 settlement provides consumers with the opportunity to sell back or modify specified Volkswagen
6 automobiles from model years spanning from 2009 to 2015.

7 6. Volkswagen automobiles are sold throughout the United States by SPs, including
8 Plaintiffs. Many of the automobiles sold by Volkswagen in the United States did not use a defeat
9 device. On information and belief, many automobiles sold by Volkswagen in the United States did
10 comply with regulations governing emissions.

11 7. SPs complete an online registration on a website operated by Volkswagen to become
12 certified by Volkswagen. Thereafter, SPs receive incentive compensation for each automobile sale
13 from Volkswagen. SPs had no knowledge of the use of defeat devices to fool regulators. After
14 revelation of the defeat device scheme, Volkswagen automobile sales – including sales of
15 Volkswagen automobile models that were not directly implicated in the scandal – plummeted. As a
16 result, SPs, including Plaintiffs, lost substantial compensation.

17 8. In addition to the compensation received directly from Volkswagen, SPs, including
18 Plaintiffs, received other compensation for selling Volkswagen automobiles. Volkswagen was
19 aware that SPs received other compensation for selling Volkswagen automobiles. After revelation
20 of the defeat device scheme and the resulting drop in sales, SPs, including Plaintiffs, lost substantial
21 compensation from sources other than Volkswagen as well.

22 9. On behalf of themselves and a Class of all SPs in all 50 states and the District of
23 Columbia, Plaintiffs hereby bring this action for violations of the federal Racketeer Influenced and
24 Corrupt Organizations Act (18 U.S.C. §§ 1961 *et seq.* (“RICO”)) and for common law breach of
25 contract, fraud, and negligent interference with prospective economic advantage. Plaintiffs seek to
26 recover monetary damages (including treble damages under RICO) for their lost compensation and
27 business caused by the defeat device fraud.

1 **PARTIES**

2 10. Plaintiff Robert Saavedra is an individual over the age of eighteen, and, at all times
3 mentioned in this Complaint, was a resident of the County of Los Angeles, State of California.
4 Plaintiff Robert Saavedra has worked as a SP at car dealerships selling Volkswagen automobiles
5 since approximately 2010. He has also been certified as a SP throughout that time period. As such,
6 he receives incentive compensation from VW America for each Volkswagen automobile he sells.
7 He also receives compensation from other sources tied to the number of Volkswagen automobiles
8 he sells.

9 11. Plaintiff Armando Rodriguez is an individual over the age of eighteen, and, at all
10 times relevant to this Complaint, was a resident of the County of Los Angeles, State of California.
11 Plaintiff Armando Rodriguez worked at car dealerships selling Volkswagen automobiles between
12 approximately June 2013 and July 2016. Plaintiff Armando Rodriguez obtained his certification as
13 a SP in or around the beginning 2014. As such, he received compensation from VW America for
14 each Volkswagen automobile he sold as a SP. He also received compensation from other sources
15 tied to the number of Volkswagen automobiles he sold.

16 12. Defendant VW AG is a German corporation with its principal place of business in
17 Wolfsburg, Germany. VW AG is in the business of designing, developing, manufacturing, and
18 selling automobiles. On information and belief, VW AG is the parent company of VW America,
19 Audi AG, and Porsche AG. On information and belief, VW AG engineered, designed,
20 manufactured, and installed the defeat device software in Defective Vehicles and exported these
21 vehicles with the knowledge and understanding that they would be sold throughout the United
22 States. On information and belief, VW AG also developed, reviewed, and approved marketing and
23 advertising campaigns designed to sell the Defective Vehicles.

24 13. Defendant VW America is a New Jersey corporation with its principal place of
25 business in Herndon, Virginia. On information and belief, VW America is a wholly-owned
26 subsidiary of VW AG, and it engaged in business, including the advertising, marketing and sale of
27 Volkswagen automobiles, in all 50 states.

1 14. Defendant Audi AG is a German corporation with its principal place of business in
2 Ingolstadt, Germany. On information and belief, Audi AG is the parent of Audi America, and a
3 subsidiary of the Audi Group, which is a wholly-owned subsidiary of VW AG. Audi AG designs,
4 develops, manufactures, and sells luxury automobiles. On information and belief, Audi AG
5 engineered, designed, developed, manufactured, and installed defect device software in Defective
6 Vehicles and exported those vehicles with the knowledge and understanding that they would be
7 sold throughout the United States. On information and belief, Audi AG also developed, reviewed,
8 and approved the marketing and advertising campaigns designed to sell Defective Vehicles.

9 15. Defendant Porsche AG is a German corporation with its principal place of business
10 located in Stuttgart, Germany. Porsche AG designs, develops, manufactures, and sells luxury
11 automobiles. On information and belief, Porsche AG is a wholly-owned subsidiary of VW AG. On
12 information and belief, Porsche AG installed defeat device software on Defective Vehicles,
13 exported those vehicles with the knowledge and understanding that they would be sold throughout
14 the United States. On information and belief, Porsche AG also developed, reviewed, and approved
15 the marketing and advertising campaigns designed to sell Defective Vehicles.

16 16. Defendant Martin Winterkorn is a resident of Germany. Winterkorn was CEO of VW
17 AG until he resigned on September 23, 2015 in the wake of the diesel emissions scandal.
18 Winterkorn profited from the illegal scheme and course of conduct based on the revenues and
19 profits from the Defective Vehicles, and Volkswagen's increased market share. On information and
20 belief, Winterkorn approved, authorized, directed, ratified, and/or participated in the acts
21 complained of herein. Winterkorn is subject to the personal jurisdiction of this Court because he
22 has availed himself of the laws of the United States through his management and control over VW
23 America as well as the manufacture, distribution, testing, and sale of Defective Vehicles imported
24 and sold across the United States.

25 17. Defendant Matthias Müller is a resident of Germany. Müller has held many different
26 positions at Volkswagen. In 2007, Winterkorn appointed Müller as Head of Product Management
27 across all Volkswagen brands. In 2010, Müller was appointed CO of Porsche AG. Müller became
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1 CEO of VW AG following Winterkorn's resignation. Müller profited from the illegal scheme and
2 course of conduct based on the revenues and profits from the Defective Vehicles and Volkswagen's
3 increased market share. On information and belief, Müller approved, authorized, directed, ratified,
4 and/or participated in the acts complained of herein. Müller is subject to the personal jurisdiction of
5 this Court because he has availed himself of the laws of the United States through his management
6 and control of various Volkswagen entities, as well as the design, manufacture, distribution, testing,
7 and/or sale of Defective Vehicles imported and sold across the United States.

8 18. Defendant Michael Horn is a resident of Virginia. Horn served as CEO of VW
9 America prior to his separation in or around March 9, 2016. Horn received compensation from the
10 illegal scheme and course of conduct based on revenues and profits from the Defective Vehicles,
11 and Volkswagen's increased market share. On information and belief, Horn approved, authorized,
12 directed, ratified, and/or participated in the acts complained of herein.

13 19. Defendant Rupert Stadler is a resident of Germany. Stadler became CEO of Audi AG
14 in or around January, 2010. Stadler held numerous other positions within Audi AG. Stadler
15 profited from the illegal scheme and course of conduct based on the revenues and profits from the
16 sale of Defective Vehicles and Volkswagen's increased market share. On information and belief,
17 Stadler approved, authorized, directed, ratified, and/or participated in the acts complained of herein.
18 Stadler is subject to the personal jurisdiction of this Court because he has availed himself of the
19 laws of the United States through his management and control over Audi America as well as the
20 design, manufacture, distribution, testing, and/or sale of Defective Vehicles imported and sold
21 across the United States.

22 20. Defendant Robert Bosch GmbH is a German multinational engineering and
23 electronics company headquartered in Gerlingen, Germany. Robert Bosch GmbH is a parent
24 company of Robert Bosch LLC. On information and belief, Robert Bosch GmbH, directly and/or
25 through its North-American subsidiary Robert Bosch LLC, at all material times, designed,
26 manufactured, and supplied elements of the defeat device to Volkswagen for use in the Defective
27 Vehicles.

1 business, in this District. Moreover, multidistrict litigation involving the similar claims of
2 consumers who purchased Defective Vehicles was venued in this district.

3 **INTRADISTRICT ASSIGNMENT**

4 25. This action is properly assigned to the San Francisco Division of this District
5 pursuant to N.D. Cal. L.R. 3-2 because a substantial part of the events or omissions giving rise to
6 Plaintiffs' claims arose in the counties served by the San Francisco Division. Volkswagen conducts
7 substantial business in the counties served by this Division, has marketed, advertised, sold, and
8 leased automobiles in those counties, and has caused harm to Class members residing in those
9 counties. Moreover, multidistrict litigation involving the similar claims of consumers who
10 purchased Defective Vehicles was assigned to the San Francisco Division of this district.

11 **FACTUAL ALLEGATIONS**

12 26. To sell automobiles in the United States, Volkswagen is required to comply with the
13 emission standards and to obtain an EPA-administered Certificate of Conformity ("COC").
14 Volkswagen sought to compete in the evolving market for environmentally-friendly vehicles
15 through the use of turbocharged direct injection ("TDI") engines, which were purported to provide
16 high performance while limiting harmful emissions. Volkswagen's TDI diesel engines were
17 anticipated to fuel Volkswagen's growth and success in the United States.

18 27. Volkswagen's TDI diesel engines in many of Volkswagen's automobiles did not meet
19 the required emission standards. Rather than meet the standards, Defendants conspired to cheat the
20 system by installing a "defeat device" in their diesel vehicles so that the vehicles could pass
21 mandatory emission testing at lower performance levels while performing at a higher level in
22 normal road use, albeit with unlawful emission levels.

23 28. The engines in Volkswagen's automobiles are integrated with sophisticated computer
24 components to manage the vehicle's operation, such as an electronic diesel control ("EDC")
25 system. Bosch tested, manufactured, and sold the EDC system used by Volkswagen in the
26 Defective Vehicles. Together, Bosch and Volkswagen developed and implemented the EDC
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1 system to automatically and surreptitiously detect emission testing, and then to downgrade the
2 engine's power and performance while upgrading the performance of the emission control system
3 to bring emissions under the legal limit. Under normal conditions, the EDC system allows
4 emissions to exceed the legal limit, enabling increased performance. Bosch was aware that
5 Volkswagen was using its emission control components as a defeat device and worked with
6 Volkswagen to develop the software algorithm specifically tailored for the Defective Vehicles.

7 29. In this manner, Volkswagen fraudulently obtained COCs from the government
8 regulators. The Defective Vehicles were not legal for sale and did not meet mandatory emission
9 standards. In affirmatively concealing this fact, Volkswagen lied to the government, its customers,
10 its SPs, and the public at large.

11 30. While hiding its wrongdoing from regulators, the public, and SPs alike, Volkswagen
12 affirmatively represented in its branding and advertisements that it had developed "Clean Diesel"
13 TDI technology. Volkswagen spent years touting the high performance and low emissions of its
14 "Clean Diesel" vehicles.

15 31. Volkswagen's fraud began in at least 2009, if not sooner, when Defective Vehicles
16 first were released in the United States. SPs, including Plaintiffs, were among the members of the
17 public taken in by Volkswagen's global fraud. SPs obtain certification from Volkswagen to sell
18 Volkswagen automobiles. In exchange, SPs are paid incentive compensation for each Volkswagen
19 automobile they sell. SPs also receive compensation from other sources for selling Volkswagen
20 automobiles, as Volkswagen is aware. Plaintiffs obtained their certification to sell Volkswagen
21 automobiles in or around 2010 and 2014, respectively. Plaintiff Saavedra received incentive
22 compensation from Volkswagen for the sales of Volkswagen automobiles he made throughout the
23 time period from 2010 to the present. Plaintiff Rodriguez received incentive compensation from
24 Volkswagen for the sales of Volkswagen automobiles he made throughout the time period between
25 early 2014 and July 2016. Plaintiffs also received compensation from other sources tied to the
26 number of Volkswagen automobiles they sold during the same, respective, periods.
27

1 during the time period beginning when Defendants' defeat device scheme was
2 revealed and extending through the present, excluding individuals who did not sell
any Volkswagen automobiles for incentive compensation prior to October 1, 2015
(herein referred to as the "Class").

3 36. This action has been brought and may properly be maintained as a class action under
4 FRCP 23 because there is a well-defined community of interest in the litigation and the proposed
5 class is easily ascertainable.

6 a. **Numerosity:** The potential members of the Class as defined are so numerous
7 that joinder of all the members of the Class is impracticable.

8 b. **Commonality:** There are questions of law and fact common to Plaintiffs and
9 the Class that predominate over any questions affecting only individual members of the
10 Class. These common questions of law and fact include, but are not limited to:

11 i. Whether Defendants sold Defective Vehicles in the United States by using
12 defeat devices to fool regulators by misrepresenting the amount of pollutants the
13 Defective Vehicles emitted during normal use;

14 ii. Whether Defendants designed, manufactured, advertised, marketed,
15 distributed, leased, sold, or otherwise placed the Defective Vehicles into the stream of
16 commerce in the United States;

17 iii. Whether Defendants knew or should have known about the defeat
18 device and the emission levels in the Defective Vehicles;

19 iv. Whether Defendants entered into contracts with SPs to pay incentive
20 compensation for the sale of Defendants' automobiles;

21 v. Whether Defendants breached the covenant of good faith and fair
22 dealing implied in their contracts with SPs by providing Defective Vehicles for sale;

23 vi. Whether Defendants made material misrepresentations regarding the
24 nature of the Defective Vehicles to SPs;

25 vii. Whether Defendants omitted, actively concealed, and/or failed to
26 disclose material facts about the Defective Vehicles to SPs;

27 viii. Whether Defendants' concealment of the true nature of the Defective
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1 Vehicles would have induced a reasonable SP to act to their detriment by agreeing to
2 sell Defective Vehicles;

3 ix. Whether Defendants knew or should have known that SPs were in
4 economic relationships with third parties that would have resulted in economic
5 benefits to SPs tied to the sale of Volkswagen automobiles;

6 x. Whether Defendants knew or should have known that the SPs'
7 economic relationships with third parties would be disrupted if Defendants failed to
8 act with reasonable care in complying with emissions regulations and common law
9 and statutory laws protecting consumers;

10 xi. Whether Defendants wrongful conduct was a substantial factor in
11 reduced sales of Volkswagen automobiles;

12 xii. Whether reduced sales of Volkswagen automobiles caused SPs harm
13 in their economic relations with third parties;

14 xiii. Whether Defendants' conduct violated RICO and the other laws
15 alleged herein; and

16 xiv. Whether Plaintiffs and Class members are entitled to damages and
17 other monetary relief and, if so, in what amount.

18 c. **Typicality:** Plaintiffs' claims are typical of the claims of the Class.

19 Defendant's common course of conduct in violation of law as alleged herein has caused
20 Plaintiffs and proposed Class members to sustain the same or similar injuries and damages.
21 Plaintiffs' claims are thereby representative of and co-extensive with the claims of the Class.

22 d. **Adequacy of Representation:** Plaintiffs are members of the Class, do not
23 have any conflicts of interest with other proposed Class members, and will prosecute the case
24 vigorously on behalf of the Class. Counsel representing Plaintiffs is competent and
25 experienced in litigating large employment class actions, including wage and hour class
26 actions. Plaintiffs will fairly and adequately represent and protect the interests of the Class
27 members.

1 e. **Superiority of Class Action:** A class action is superior to other available
2 means for the fair and efficient adjudication of this controversy. Individual joinder of all
3 proposed Class members is not practicable, and questions of law and fact common to the
4 Class predominate over any questions affecting only individual members of the Class. Each
5 proposed Class member has been damaged and is entitled to recovery by reason of
6 Defendants' illegal policies and/or practices. Class action treatment will allow those
7 similarly situated persons to litigate their claims in the manner that is most efficient and
8 economical for the parties and the judicial system. The injury suffered by each Class
9 member, while meaningful on an individual basis, is not of such magnitude as to make the
10 prosecution of individual actions against Defendants economically feasible. Individualized
11 litigation increases the delay and expense to all Parties and the Court. By contrast, class
12 action treatment will allow those similarly situated persons to litigate their claims in the
13 manner that is most efficient and economical for the parties and the judicial system.

14 37. In the alternative, the Class may be certified because the prosecution of separate
15 actions by the individual members of the Class would create a risk of inconsistent or varying
16 adjudication with respect to individual members of the Class, and, in turn, would establish
17 incompatible standards of conduct for Defendants.

18 **CAUSES OF ACTION**

19 **FIRST CAUSE OF ACTION**

20 **Breach of Contract** 21 **(On Behalf of the Class against VW America)**

22 38. Plaintiffs re-allege and incorporate the foregoing paragraphs as though fully set forth
23 herein.

24 39. SPs, including Plaintiffs, entered into contracts with VW America pursuant to which
25 they were to complete various trainings to obtain a certification to sell Volkswagen automobiles.
26 The contract entitled SPs, including Plaintiffs, to receive incentive compensation from VW
27 America for each Volkswagen automobile he sold. Plaintiff Saavedra entered his contract with VW
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1 America in or around 2010. Plaintiff Rodriguez entered his contract with VW America in or
2 around 2010.

3 40. VW America was aware that SPs, including Plaintiffs, received other income for
4 selling Volkswagen automobiles from other sources.

5 41. The covenant of good faith and fair dealing is implied in all contracts. Here, the
6 covenant of good faith and fair dealing precludes VW America from engaging in conduct
7 (particularly, illegal conduct) that interferes with the rights of SPs, including Plaintiffs, to enjoy the
8 fruits of the contract, i.e., the incentive payments they earn for selling Volkswagen automobiles.

9 42. VW America breached its implied promise of good faith and fair dealing by engaging
10 in the conduct alleged herein, all of which unfairly interfered with the rights of SPs, including
11 Plaintiffs, to receive the benefit of their contracts with VW America. VW America marketed and
12 sold, through unwitting SPs, vehicles that did not comply with emission laws and regulations in the
13 United States. VW America then actively concealed its fraud from government regulators,
14 consumers, and SPs alike. In so doing, VW America damaged its brand reputation and destroyed its
15 goodwill among consumers, all of which hindered SPs', including Plaintiffs', ability to sell
16 Volkswagen vehicles and earn the incentive payments promised under the contract.

17 43. As a result of Volkswagen's conduct, SPs were duped into obtaining certification to
18 sell Volkswagen's automobiles and selling cars that could not lawfully be sold or operated in the
19 United States. When it became known that Volkswagen, through its unwitting SPs, had been
20 selling Defective Vehicles, Volkswagen sales plummeted and SPs were left to suffer the
21 consequences.

22 44. VW America was aware that its breach of contract would inhibit SPs, including
23 Plaintiffs, from selling Volkswagen automobiles and receiving the promised incentive payments for
24 those sales. VW America was also aware that SPs, including Plaintiffs, would lose compensation
25 from other sources as a result of the breach.

26 45. Because VW America breached the implied covenant of good faith and fair dealing in
27 its contract to SPs by providing unmarketable vehicles for sale, SPs, including Plaintiffs, suffered
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1 concrete economic losses in the form of lost incentive payments. SPs, including Plaintiffs, are
2 continuing to suffer consequential damages. SPs, including Plaintiffs, have suffered damages in an
3 amount to be proven at the time of trial.

4
5 **SECOND CAUSE OF ACTION**
6 **Negligent Interference with Prospective Economic Advantage**
7 **(On Behalf of the Class Against All Defendants)**

8 46. Plaintiffs re-allege and incorporate the foregoing paragraphs as though fully set forth
9 herein.

10 47. SPs, including Plaintiffs, were in economic relationships with third parties whereby
11 they received compensation for selling Volkswagen automobiles separate and apart from the
12 compensation they received from Defendants.

13 48. Defendants knew, or should have known, of this relationship. Specifically,
14 Defendants knew, or should have known, that the incentive payments from VW America were not
15 the only compensation SPs, including Plaintiffs, received for selling Volkswagen automobiles.

16 49. Defendants engaged in wrongful conduct by perpetrating a fraud against regulators,
17 consumers, SPs, and the public at large by equipping Defective Vehicles with defeat devices
18 intended to falsify emissions tests.

19 50. Through engaging in this conduct, Defendants failed to exercise reasonable care.

20 51. Defendants knew, or should have known, that this failure to exercise reasonable care
21 would cause the sales of Volkswagen automobiles to plummet if, and when, the true facts became
22 public.

23 52. Furthermore, Defendants knew, or should have known, that a substantial decrease in
24 Volkswagen sales would disrupt the economic relationships SPs, including Plaintiffs, have with
25 third parties, causing SPs, including Plaintiffs, to suffer damages.

26 53. Defendants wrongful conduct was a substantial factor in causing damages to SPs,
27 including Plaintiffs, in the form of lost compensation flowing from decreased sales of Volkswagen
28 automobiles. SPs, including Plaintiffs, have suffered a substantial decrease in compensation from

1 third parties since the fraud became public. This loss is continuous and ongoing. SPs, including
2 Plaintiffs, have suffered damages in an amount to be proven at the time of trial.

3
4 **THIRD CAUSE OF ACTION**
5 **Violation of 18 U.S.C. § 1962(c)-(d)**
6 **The Racketeer Influenced and Corrupt Organizations Act (“RICO”)**
7 **(On Behalf of the Class Against VW AG, Audi AG, Porsche AG, Winterkorn, Müller, Horn,**
8 **Stadler, and Bosch)**

9 54. Plaintiffs re-allege and incorporate the foregoing paragraphs as though fully set forth
10 herein.

11 55. Plaintiffs brings this cause of action on behalf of the Class against the following
12 Defendants: VW AG, Audi AG, Porsche AG, Winterkorn, Müller, Horn, Stadler, and Bosch
13 (“RICO Defendants”).

14 56. Volkswagen conducts its business through various affiliates and subsidiaries, each of
15 each is a separate legal entity. Bosch also conducts its business through subsidiaries and affiliates.
16 At all relevant times, the RICO Defendants have been “persons” under 18 U.S.C. § 1961(3) because
17 they are capable of holding, and do hold, “a legal or beneficial interest in property.”

18 57. Section 1962(c) makes it “unlawful for any person employed by or associated with
19 any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to
20 conduct or participate, directly or indirectly, in the conduct of such enterprise’s affairs through a
21 pattern of racketeering activity.” 18 U.S.C. § 1962(c).

22 58. Section 1962(d) makes it unlawful for “any person to conspire to violate” Section
23 1962(c), among other provisions. *See* 18 U.S.C. § 1962(d).

24 59. The RICO Defendants sought to increase their sales of Defective Vehicles in an effort
25 to increase their profits and market share. To do this, the RICO Defendants ultimately relied on an
26 unlawful scheme devised by VW AG, Audi AG, and/or Porsche AG, implemented in the United
27 States by VW America, Audi of America, LLC (“Audi America”), and/or Porsche Cars North
28 America, Inc. (“Porsche America”), and executed with the complicity of Bosch. The RICO
29 Defendants, along with other entities and individuals, were employed by or associated with, and

1 conducted or participated in the affairs of, one or several RICO enterprises whose purpose was to
2 deceive regulators, SPs, and the public into believing the Defective Vehicles were compliant with
3 emission standards, “clean,” and environmentally friendly so as to increase profits from the design,
4 manufacture, distribution, and sale of the Defective Vehicles and the defeat devices installed
5 therein.

6 60. While perpetrating this unlawful scheme, Volkswagen certified SPs to sell
7 Volkswagen automobiles. SPs were not aware of the unlawful scheme undertaken by Volkswagen
8 and the RICO Defendants. Moreover, SPs were compensated for selling Volkswagen automobiles.
9 Because Volkswagen engaged in unlawful practices, and because that scheme came to light, SPs
10 suffered from a severe public backlash. Volkswagen sales plummeted, resulting in a sharp decrease
11 in the compensation SPs received, including in incentive compensation from Volkswagen and
12 compensation from other sources. The financial loss suffered by SPs, and the devaluation of the
13 business of the SPs and their certifications from Volkswagen, as a result of the unlawful enterprise
14 is concrete and measurable because the downturn in sales resulted in a decrease in this
15 compensation.

16 **The RICO Enterprise**

17 61. VW AG controls VW America, a United States subsidiary. VW AG also controls
18 Audi AG and Porsche AG, each of which formed separate United States subsidiaries – Audi
19 America and Porsche America, respectively. At all times, on information and belief, VW AG
20 maintained control over the design, manufacture, and testing of the Defective Vehicles.

21 62. The RICO Defendants, along with other individuals and entities, including unknown
22 third parties involved in the design, manufacture, testing, and sale of the Defective Vehicles,
23 operated an association-in-fact enterprise, which was formed for the purpose of fraudulently
24 obtaining COCs from the EPA to import and sell Defective Vehicles containing defeat devices
25 throughout the United States, and through which they conducted a pattern of racketeering activity
26 under 18 U.S.C. § 1961(4).

27 ///

1 63. In the alternative, each of VW America, Audi America, and Porsche America
2 constitutes a single legal entity “enterprise” within the meaning of 18 U.S.C. § 1961(4), through
3 which the RICO Defendants conducted their pattern of racketeering activity in the United States
4 Specifically, on information and belief, VW America is the entity through which Volkswagen
5 applied for, and obtained, the EPA COCs for the VW- and Audi-branded Defective Vehicles with
6 material misrepresentations and omissions about their specifications in order to introduce them into
7 the United States stream of commerce. Similarly, on information and belief, Porsche America is the
8 entity through which Volkswagen applied for, and obtained, the EPA COCs for the Porsche-
9 branded Defective Vehicles with material misrepresentations and omissions about their
10 specifications in order to introduce them into the United States stream of commerce. And, on
11 information and belief, VW AG, Audi AG, Porsche AG, and Individual Volkswagen Defendants
12 (Winterkorn, Müller, Horn, and Stadler) used each of VW America, Audi America, and Porsche
13 America to distribute and sell the illegal Defective Vehicles throughout the United States. Finally,
14 Bosch participated, either directly or indirectly, in the conduct of the enterprise’s affairs by
15 customizing and supplying components for the defeat devices. The separate legal statuses of VW
16 America, Audi America, and Porsche America facilitated the fraudulent scheme and provided a
17 hoped-for shield from liability for the RICO Defendants and their co-conspirators.

18 64. At all relevant times, the enterprise described above constituted a single “enterprise”
19 or multiple enterprises within the meaning of 18 U.S.C. § 1961(4), as legal entities, as well as
20 individuals and legal entities associated-in-fact for the common purpose of engaging in RICO
21 Defendants’ profit-making scheme.

22 65. On information and belief, the association-in-fact enterprise consisted of: (1) the
23 Volkswagen entity defendants (VW AG, Audi AG, Porsche AG, VW America, Audi America, and
24 Porsche America), each of which is a distinct legal entity but each of which is controlled (directly
25 or indirectly) by VW AG; (2) the directors and officers of the Volkswagen entity defendants
26 (including Defendants Winterkorn, Müller, Horn, and Stadler); and (3) Bosch, which worked with
27 Volkswagen to develop and implement a specific and unique set of software algorithms to
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1 surreptitiously evade emissions regulations and knew or recklessly disregarded that the Defective
2 Vehicles used Bosch's component part as defeat devices to evade federal and state vehicle emission
3 standards.

4 **The Enterprise Sought to Increase RICO Defendants' Profits and Revenues**

5 66. The RICO enterprise began in or before 2009, with Volkswagen's decision to
6 produce illegal Defective Vehicles for sale in the United States. The Defeat Device RICO
7 Enterprise continued without interruption until at least the fall of 2015, when United States
8 regulators finally uncovered the fraudulent scheme.

9 67. At all relevant times, the enterprise: (1) had an existence separate and distinct from
10 each RICO Defendant; (2) was separate and distinct from the pattern of racketeering in which the
11 RICO Defendants engaged; and (3) was an ongoing and continuing organization consisting of legal
12 entities, including the Volkswagen entity defendants, the individual defendants, Bosch, and other
13 entities and individuals associated for the common purpose of designing, manufacturing,
14 distributing, testing, and selling the Defective Vehicles to consumers through fraudulent COCs,
15 false emissions tests, deceptive and misleading sales tactics and materials, and deriving profits and
16 revenues from those activities. Each member of the enterprise shared in profits derived from
17 increased sales revenue generated by the scheme.

18 68. The enterprise functioned by selling Defective Vehicles to the consuming public.
19 Many of the RICO Defendants' products are legitimate, including vehicles that do not contain
20 defeat devices. However, the RICO Defendants and their co-conspirators, through their illegal
21 enterprise, engaged in a pattern of racketeering activity, which involved a fraudulent scheme to
22 increase revenue for the RICO Defendants and the other entities and individuals associated-in-fact
23 with the enterprise's activities through the illegal scheme to sell the Defective Vehicles.

24 69. The enterprise engaged in, and its activities affected interstate and foreign commerce,
25 because it involved commercial activities across state boundaries, such as the marketing, promotion,
26 advertisement and sale or lease of the Defective Vehicles throughout the country, and the receipt of
27 monies from the sale of the same.

1 70. On information and belief, within the enterprise, there was a common communication
2 network by which co-conspirators shared information on a regular basis. On information and belief,
3 the enterprise used this common communication network for the purpose of manufacturing,
4 marketing, testing, and selling the Defective Vehicles to the general public nationwide.

5 71. Each participant in the enterprise had a systematic linkage to each other through
6 corporate ties, contractual relationships, financial ties, and continuing coordination of activities.
7 Through the enterprise, the RICO Defendants functioned as a continuing unit with the purpose of
8 furthering the illegal scheme and their common purposes of increasing their revenues and market
9 share, and minimizing losses.

10 72. The RICO Defendants participated in the operation and management of the enterprise
11 by directing its affairs, as described herein. While the RICO Defendants participated in, and are
12 members of, the enterprise, they have a separate existence from the enterprise, including distinct
13 legal statuses, different offices and roles, bank accounts, officers, directors, employees, individual
14 personhood, reporting requirements, and financial statements.

15 73. Volkswagen exerted substantial control over the enterprise, and participated in the
16 affairs of the enterprise by: (1) designing Defective Vehicles with defeat devices; (2)
17 manufacturing, distributing, and selling Defective Vehicles that emitted pollutants at unlawful
18 levels; (3) introducing Defective Vehicles into the stream of United States commerce without valid
19 EPA COCs; (4) concealing the existence of defeat devices and the unlawfully high emissions from
20 regulators, SPs, and the public; (5) designing and distributing marketing materials that
21 misrepresented and concealed the defects in the Defective Vehicles; and (6) ensuring that other
22 RICO Defendants complied with the fraudulent scheme.

23 74. Bosch participated in, operated, and/or directed the enterprise. Bosch manufactured,
24 installed, tested, modified, and supplied the EDC system to include a “defeat device” in Defective
25 Vehicles. Furthermore, Bosch participated by concealing the truth about the Defective Vehicles
26 and collecting revenues and profits from the same.

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1 81. The RICO Defendants' predicate acts of racketeering (18 U.S.C. §1961(1)) include,
2 but are not limited to wire fraud: The RICO Defendants violated 18 U.S.C. §1343 by transmitting
3 and/or receiving, or by causing to be transmitted and/or received, materials, including
4 advertisements, by wire for the purpose of executing the unlawful scheme to defraud and obtain
5 money on false pretenses, misrepresentations, promises, and omissions.

6 82. On information and belief, the RICO Defendants' use of the wires include, but is not
7 limited to, the transmission of the following by the RICO Defendants or third parties that were
8 foreseeably caused to be sent as a result of RICO Defendants' illegal scheme: (1) fraudulent
9 applications for EPA COCs; (2) fraudulently obtained EPA COCs; (3) sales and marketing
10 materials, including advertising, websites, product packaging, brochures, and labeling, that
11 misrepresented and concealed the true nature of the Defective Vehicles; and (4) other documents
12 and things, including electronic communications.

13 83. The RICO Defendants also used television, the internet, and other electronic facilities
14 to carry out the scheme and conceal the ongoing fraudulent activities. Specifically, Volkswagen
15 made misrepresentations about the Defective Vehicles on their websites, YouTube, and through
16 advertisements made on various platforms, including on the internet and on television, all of which
17 were intended to mislead regulators and the public about the fuel efficiency, emissions standards,
18 and other performance metrics. For example: (1) Volkswagen caused a commercial to be aired
19 during the Super Bowl, and thereafter over the internet, on February 7, 2010 touting the "Audi A3
20 TDI clean diesel" as the "Green Car of the Year;" and (2) Volkswagen caused a commercial to be
21 aired via television and/or the internet in or around early 2015 advertising the Volkswagen Golf
22 TDI clean diesel to disprove the "old wives tale" that "diesel is dirty" by holding a white scarf to
23 the exhaust pipe. On information and belief, Volkswagen made comprehensive further
24 misrepresentations in other wire advertising, including television and internet advertising, and in
25 wire communications, including applications for COCs from regulators.

26 84. The wire transmissions described herein were made in furtherance of the RICO
27 Defendants' scheme and common course of conduct to deceive regulators, SPs, and consumers
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1 alike to further the sales of Defective Vehicles, which the RICO Defendants knew, or recklessly
2 disregarded, were emitting illegal amounts of pollution.

3 85. Many of the precise dates of the fraudulent uses of the interstate wire facilities cannot
4 be alleged without access to the RICO Defendants' books and records. However, Plaintiffs has
5 described the types of, and in some instances, occasions on which the predicate acts of wire fraud
6 occurred. On information and belief, they include thousands of communications to perpetuate and
7 maintain the scheme, including the things and documents described in the preceding paragraphs.

8 86. The RICO Defendants have undertaken the practices described herein as part of a
9 common scheme and conspiracy in violation of 18 U.S.C. § 1962(d). On information and belief,
10 various other persons, firms and corporations, including third-party entities and individuals not
11 named as defendants in this Complaint, have participated as co-conspirators with the RICO
12 Defendants in these offenses and have performed acts in furtherance of the conspiracy to increase or
13 maintain revenues, increase market share, and/or minimize losses for the Defendants and their
14 unnamed co-conspirators throughout the illegal scheme and common course of conduct.

15 87. The RICO Defendants aided and abetted others in the violations of the above laws,
16 thereby rendering them indictable as principals in the 18 U.S.C. § 1343 offenses.

17 88. On information and belief, the RICO Defendants and each member of the conspiracy,
18 with knowledge and intent, have agreed to the overall objectives of the conspiracy and participated
19 in the common course of conduct to commit acts of fraud and indecency in designing,
20 manufacturing, distributing, marketing, testing, and/or selling the Defective Vehicles (and the
21 defeat devices contained therein).

22 89. For the conspiracy to succeed, each of the RICO Defendants and their coconspirators
23 had to agree to implement and use the similar devices and fraudulent tactics against their intended
24 targets.

25 90. The RICO Defendants knew and intended that government regulators, consumers,
26 and Plaintiffs and Class members, would rely on the material misrepresentations and omissions
27 made by them about the Defective Vehicles. As fully alleged herein, Plaintiffs relied upon RICO
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1 Defendants' representations and omissions that were made or caused by them in staking his
2 business and economic well-being to the success of the RICO Defendants. In addition, the EPA and
3 other regulators relied on the misrepresentations and material omissions made or caused to be made
4 by the RICO Defendants; otherwise Volkswagen could not have obtained valid COCs to sell the
5 Defective Vehicles.

6 91. As described herein, the RICO Defendants engaged in a pattern of related and
7 continuous predicate acts for years. The predicate acts also had the same or similar results,
8 participants, victims, and methods of commission. The predicate acts were related and not isolated
9 events.

10 92. The predicate acts all had the purpose of generating significant revenue and profits
11 for the RICO Defendants. On information and belief, the RICO Defendants shared technical,
12 marketing, and financial information that revealed the existence of the defeat devices contained in
13 the Defective Vehicles during the design, manufacture, testing, marketing and sale of the those
14 vehicles. Nevertheless, the RICO Defendants shared and disseminated information that deliberately
15 misrepresented the Defective Vehicles as legal, "clean," environmentally friendly, and fuel
16 efficient.

17 **INJURY**

18 93. By reason of, and as a result of the conduct of the RICO Defendants, and in
19 particular, their pattern of racketeering activity, Plaintiffs and Class members have been injured in
20 their business and/or property in multiple ways. This includes, without limitation, lost
21 compensation (including commissions and guaranteed incentive payments) due to the decreased
22 sales of Volkswagen automobiles since the fall of 2015. The financial loss suffered by SPs as a
23 result of the unlawful enterprise, and the devaluation of the business of the SPs, is concrete and
24 measurable because the downturn in sales resulted in a decrease in incentive payments and other
25 compensation tied to the sale of Volkswagen automobiles.

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PRAYER FOR RELIEF

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WHEREFORE, Plaintiffs prays for relief as follows:

1. Compensatory damages and treble damages under in amounts to be proven at trial;
2. For general and special damages;
3. For all costs of suit;
4. An award of costs and attorneys' fees, as allowed by law;
5. Any and all applicable statutory and civil penalties;
6. For pre- and post-judgment interest, as allowed by law; and
7. For such other and further relief as this Court deems just and proper.

Respectfully submitted,

Date: December 16, 2016

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Attorneys for Plaintiffs and the proposed Class

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DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a jury trial on all claims and issues for which Plaintiffs are entitled to a jury.

Respectfully submitted,

Date: December 16, 2016

/s/ Raymond P. Boucher
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CIVIL COVER SHEET

The JS-CAND 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 in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

ROBERT SAAVEDRA; and ARMANDO RODRIGUEZ, on behalf of themselves and all others similarly situated,

(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) Raymond P. Boucher BOUCHER LLP 21600 Oxnard Street, Suite 600, Woodland Hills, California 91367-4903 Tel: (818) 240-5400

DEFENDANTS

VOLKSWAGEN AKTIENGESELLSCHAFT; VOLKSWAGEN GROUP OF AMERICA, INC.; AUDI AKTIENGESELLSCHAFT; DR. ING. H.C. F. PORSCHE AKTIENGESELLSCHAFT; MARTIN WINTERKORN; MATTHIAS MÜLLER; MICHAEL HORN; RUPERT STADLER; ROBERT BOSCH GMBH; ROBERT BOSCH LLC; and VOLKMAR DENNER, and DOES 1-10

County of Residence of First Listed Defendant (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)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business in This State, Incorporated and Principal Place of Business in Another State, Foreign Nation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Large table with categories: CONTRACT, REAL PROPERTY, PERSONAL INJURY, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER 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-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): 18 U.S.C. 1962

Brief description of cause: RICO, breach of contract, and negligent interference with prospective economic advantage

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: [X] Yes [] No

VIII. RELATED CASE(S), IF ANY (See instructions):

JUDGE Charles R. Breyer DOCKET NUMBER 15-md-2672-CRB (JSC)

IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)

(Place an "X" in One Box Only) [X] SAN FRANCISCO/OAKLAND [] SAN JOSE [] EUREKA-MCKINLEYVILLE

DATE: 12/16/2016

SIGNATURE OF ATTORNEY OF RECORD: /s/ Raymond P. Boucher

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-CAND 44

Authority For Civil Cover Sheet. The JS-CAND 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 in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate 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 Federal Rule of Civil Procedure 8(a), 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.
- (1) United States plaintiff. Jurisdiction based on 28 USC §§ 1345 and 1348. Suits by agencies and officers of the United States are included here.
 - (2) United States defendant. When the plaintiff is suing the United States, its officers or agencies, place an “X” in this box.
 - (3) Federal question. This refers to suits under 28 USC § 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.
 - (4) Diversity of citizenship. This refers to suits under 28 USC § 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-CAND 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.
- (1) Original Proceedings. Cases originating in the United States district courts.
 - (2) Removed from State Court. Proceedings initiated in state courts may be removed to the district courts under Title 28 USC § 1441. When the petition for removal is granted, check this box.
 - (3) Remanded from Appellate Court. Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 - (4) Reinstated or Reopened. Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 - (5) Transferred from Another District. For cases transferred under Title 28 USC § 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 - (6) Multidistrict Litigation Transfer. Check this box when a multidistrict case is transferred into the district under authority of Title 28 USC § 1407. When this box is checked, do not check (5) above.
 - (8) Multidistrict Litigation Direct File. Check this box when a multidistrict litigation case is filed in the same district as the Master MDL docket. Please note that there is no 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 Federal Rule of Civil Procedure 23. 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-CAND 44 is used to identify related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- IX. Divisional Assignment.** If the Nature of Suit is under Property Rights or Prisoner Petitions or the matter is a Securities Class Action, leave this section blank. For all other cases, identify the divisional venue according to Civil Local Rule 3-2: “the county in which a substantial part of the events or omissions which give rise to the claim occurred or in which a substantial part of the property that is the subject of the action is situated.”
- 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: [Volkswagen Sued for Scamming Emissions Tests](#)
