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*Attorneys for Lead Plaintiff ASHERS and
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: VOLKSWAGEN “CLEAN DIESEL”
MARKETING, SALES PRACTICES, AND
PRODUCTS LIABILITY LITIGATION

MDL No. 2672 CRB (JSC)

CLASS ACTION

**POST-DISTRIBUTION
ACCOUNTING**

This Document Relates To: Securities Actions
City of St. Clair Shores, 15-1228 (E.D. Va.)
Travalio, 15-7157 (D.N.J.)
George Leon Family Trust, 15-7283 (D.N.J.)
Charter Twp. of Clinton, 15-13999 (E.D. Mich.)
Wolfenbarger, 15-326 (E.D. Tenn.)

1 Lead Plaintiff Arkansas State Highway Employees’ Retirement System (“ASHERS” or
 2 “Lead Plaintiff”) and named plaintiff Miami Police Relief and Pension Fund (“Miami Police,”
 3 and together with ASHERS, “Plaintiffs”) respectfully submit the below Post-Distribution
 4 Accounting in accordance with the Northern District of California’s Procedural Guidance for
 5 Class Action Settlements and the Court’s May 10, 2019 Order (ECF No. 6285).

6 The Post-Distribution Accounting set forth below follows the initial distribution of the
 7 Settlement Fund on July 15, 2020, by the Claims Administrator, as further detailed in the
 8 accompanying Declaration of Alexander Villanova Regarding Distribution of Settlement Fund.

<i>In re Volkswagen “Clean Diesel” Marketing, Sales Practice, and Products Liability Litig., MDL No. 2672 CRB (JSC) (N.D. Cal.) Figures are current as of August 4, 2020.</i>	
	% Total Settlement Fund Value
Settlement Fund Value \$49,119,740¹	100%
Method of Notice: By direct first-class mail based on addresses provided by brokers and nominees and publication in <i>The Wall Street Journal</i> , over the <i>PR Newswire</i> , and on internet sites.	
Notices ² mailed: 217,592	
Notices undeliverable: 2,697 (1.2%)	
Claim Forms received: 70,631 (32% of notices mailed)	
Number of Opt-Outs: 16 (0.007% of notices mailed)	
Number of Objections: 1 (0.0004%)	
Number of Authorized Claimants: 14,707	
Payments to Class Members \$34,056,346³	69.33%
Method of Payment: By check mailed first-class or wire transfer.	
Average payment per Authorized Claimant: \$2,315.65	
Median payment per Authorized Claimant: \$550.91	
Largest payment: \$866,361	
Smallest payment: \$10	
Uncashed checks ⁴ : Number (3,417), Value (\$3,871,585.35)	
Attorneys’ fees awarded \$12,054,596	24.54%
Lodestar Multiplier 1.60	
Attorney Litigation Expenses and Lead Plaintiffs’ PSLRA Awards \$304,207	.62%
Taxes/Financial Administrative Fees and Costs⁵ \$223,822	.46%
Notice and Administrative Fees and Costs \$705,650	1.44%
Reserve Value⁶ \$1,775,119	3.61%
Cy Pres \$0	0%

1 Below are explanatory notes to the Post-Distribution Accounting, as indicated by the
2 superscript numbers in the above chart:

- 3 1. The Volkswagen ADR Settlement Fund has earned \$1,119,740 in interest since its
4 inception, which has increased the value of the Settlement Fund to the Settlement
5 Class Members from the Settlement Amount of \$48,000,000 to \$49,119,740.
- 6 2. In a securities class action such as this one, the “total number of Settlement Class
7 Members” is not precisely known because the securities are widely traded and there is
8 no definitive list of Settlement Class Members available to the parties. Accordingly,
9 notices are mailed to all potential Settlement Class Members who can be identified
10 through reasonable efforts, including through requests to brokers and nominees to
11 identify all potential Settlement Class Members. Because the process for
12 disseminating the notice by mail is designed to reach the maximum number of
13 potential Settlement Class Members, it typically results in the mailing of Notices to a
14 substantial number of persons who are not Settlement Class Members, such as
15 nominees who are not beneficial owners or persons who only held, but did not
16 purchase, the security during the Class Period.
- 17 3. This value is the amount used for the calculation of awards to Authorized Claimants
18 in the Initial Distribution that occurred on July 15, 2020, and excludes the Reserve
19 established pursuant to the Court’s May 11, 2020 Order (ECF No. 7409).
- 20 4. The number and value of uncashed checks are expected to decline. The check-cashing
21 period has only recently begun, and Settlement Class Members have until October 13,
22 2020, to cash received checks. In light of the COVID-19 pandemic, Epiq will honor
23 all requests to reissue checks to Authorized Claimants for as long as feasible in
24 accordance with the Court’s May 11, 2020 Order (ECF No. 7409) prior to the Second
25 Distribution of the Net Settlement Fund currently scheduled for March 2021.
- 26 5. The Initial Distribution of the Net Settlement Fund (i.e., the Settlement Amount plus
27 any and all interest earned thereon (the “Settlement Fund”) less (i) any Taxes; (ii) any
28 Notice and Administration Costs; (iii) any Litigation Expenses awarded by the Court;
(iv) any attorneys’ fees awarded by the Court; and (vi) any other costs or fees
approved by the Court) has been distributed in accordance with the Plan of Allocation
approved by the Court. (*see* Notice ¶2)
6. The current value of the Court-approved Reserve is \$1,775,119.

1 This Post-Distribution Accounting will be posted to the Settlement website,
2 www.volkswagenadrlitigation.com, immediately after its filing with the Court.

3
4 Dated: August 4, 2020

Respectfully Submitted,

5 **BERNSTEIN LITOWITZ BERGER**
6 **& GROSSMANN LLP**

7
8 /s/ James A. Harrod

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16 *Plaintiff Miami Police, and*

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**DECLARATION OF ALEXANDER
VILLANOVA REGARDING
DISTRIBUTION OF SETTLEMENT
FUND**

1 I, ALEXANDER VILLANOVA, hereby declare and state as follows:

2 1. I am a Senior Project Manager for Epiq Class Action & Claims Solutions, Inc.
3 (“Epiq”). I am over 21 years of age and am not a party to this action. Epiq was retained by Lead
4 Counsel to serve as the Claims Administrator in connection with the Settlement of the above-
5 captioned action (the “Action”)¹. The following statements are based on my personal knowledge
6 and information provided by other Epiq employees working under my supervision, and if called
7 on to do so, I could and would testify competently thereto.

8 2. On July 15, 2020, Epiq conducted the Initial Distribution of the Net Settlement
9 Fund in this Action, as approved by the Court’s May 11, 2020 Order Approving Distribution Plan
10 (ECF No. 7409) (the “Distribution Order”). The Initial Distribution was conducted in the manner
11 set forth in the Declaration of Alexander Villanova in Support of Plaintiffs’ Unopposed Motion
12 for Approval of Distribution Plan (the “Villanova Distribution Declaration”).

13 3. In the Initial Distribution, approximately \$34,056,346 was sent on July 15, 2020,
14 by check or wire transfer, to 14,707 Authorized Claimants, whose claims were approved for
15 payment in the Distribution Order. As approved in the Distribution Order and set forth in the
16 Villanova Distribution Declaration, a Reserve of approximately 5% of the Net Settlement Fund
17 was maintained to address any tax liability and claims administration-related contingencies that
18 may arise. Such monies will be available for distribution to Authorized Claimants in subsequent
19 distributions.

20 4. I have reviewed the Post-Distribution Accounting prepared and submitted to the
21 Court by Lead Plaintiffs and can confirm that the information provided therein relating to mailing
22 of notices, processing of claims, the distribution of settlement funds, and notice and administrative
23 costs incurred by Epiq is accurate based on Epiq’s current records.

24
25
26
27 ¹ All terms with initial capitalization not otherwise defined herein shall have the meanings ascribed
28 to them in the Stipulation and Agreement of Settlement dated August 27, 2018 (ECF No. 5267-1)
(the “Stipulation”). The Settlement is contained in the Stipulation.

