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11
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION
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16 IN RE: VOLKSWAGEN “CLEAN DIESEL”) MDL No. 2672 CRB (JSC)
17 MARKETING, SALES PRACTICES, AND)
18 PRODUCTS LIABILITY LITIGATION) **UNITED STATES’ NOTICE OF FILING OF**
19) **TRUST AGREEMENTS**
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20 This Document Relates to:
21 *United States v. Volkswagen AG et al.*,
22 Case No. 16-cv-295 (N.D. Cal.)
23)
24)

1 Pursuant to Paragraph 17 of the Partial Consent Decree in *In re: Volkswagen “Clean Diesel”*
2 *Marketing, Sales Practices, And Products Liability Litigation*, MDL No. 2672 CRB (JSC), Dkt. No.
3 2103-1 at 19,¹ and the Court’s Order Approving Trust Agreements and Establishing Trusts in *United*
4 *States v. Volkswagen AG et al.*, Case No. 16-cv-295 (N.D. Cal.), Dkt. No. 49 at 2, the United States
5 hereby files the fully executed Environmental Mitigation Trust Agreement for State Beneficiaries as
6 Attachment A to this Notice and the fully executed Environmental Mitigation Trust Agreement for
7 Indian Tribe Beneficiaries as Attachment B to this Notice (“Trust Agreements”). As the Court ordered,
8 the Trust Effective Date for each Trust Agreement shall be October 2, 2017, the date that the fully
9 executed Trust Agreements have been filed with the Court. Id.

11 In preparation for filing the Certificate of Trust for the two trusts, Wilmington Trust, N.A., the
12 trustee, noted a minor inconsistency between wording in the Trust Agreements and Appendix D-5 to the
13 Trust Agreements. To eliminate this inconsistency, the United States and the trustee agreed in writing to
14 spell out “VW” as “Volkswagen” in Appendix D-5 to each Trust Agreement. This minor modification
15 is reflected in Appendix D-5 to each Trust Agreement attached to this Notice. The United States has
16 informed all parties about this minor modification and no party has objected.

18 In this Notice, the United States is also informing the Court about this modification. Pursuant to
19 Paragraph 6.5 of each Trust Agreement, this type of minor modification may be made upon written
20 agreement of the United States and the trustee, and shall be filed with the Court. See *United States v.*
21 *Volkswagen AG et al.*, Case No. 16-cv-295 (N.D. Cal.), Dkt. No. 48-2 at 35, ¶6.5; Dkt. No. 48-3 at 37,
22 ¶6.5.

27 ¹ In this Notice, all page references to a Court document are to those pages in the header of the
28 Court document (e.g., “Page 19 of 225”).

1 Dated: October 2, 2017

Respectfully submitted,

2 For the United States of America

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