

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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In re: VOLKSWAGEN  
“CLEAN DIESEL CASES”

Case No. 2:15-cv-13360-GER-APP  
Honorable Gerald E. Rosen  
Mag. Judge Anthony P. Patti

This document applies to all matters.

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**STIPULATION AND ORDER**

This matter having been presented to the Court by Plaintiffs’ Interim Counsel and counsel for Defendant Volkswagen Group of America, Inc. (“VWGoA” or “Defendant”) with regard to VWGoA’s recently announced “Volkswagen of America 2.0L TDI Customer Goodwill Package” (“Goodwill Package”), and the matter having been conferenced before Chief Judge Gerald E. Rosen, VWGoA and Plaintiffs’ Interim Counsel hereby Stipulate as follows:

1. Defendant, and its corporate affiliates, do not now and will not in the future contend, in these or any other consumer 2.0L TDI civil lawsuits against them, that any right, claim or interest of any Plaintiff or putative class member is waived, released, or impaired by participation in, or use of, any feature of the Goodwill Package, nor will participation in the Goodwill Package be used in any manner in opposition to class certification; and

2. The Prepaid Visa Loyalty Card Cardholder Agreement and the Volkswagen Dealership Card Cardholder Agreement are solely between the customer and MetaBank® (and its successors, affiliates or assignees). Affected customers eligible for the Goodwill Package are not required to waive their rights or release their claims against VWGoA in order to receive the Package. No terms of the Cardholders Agreements will waive any eligible customer's rights against VWGoA with respect to their 2.0L TDI vehicles.

3. Defendant, and its corporate affiliates, will not seek to enforce any arbitration clause or class action waiver or jury trial waiver provision contained in the Prepaid Visa Loyalty Card Cardholder Agreement and/or Volkswagen Dealership Card Cardholder Agreement made available to Plaintiffs or putative class members with the Goodwill Package, even if the Plaintiff or putative class member signs, executes or is otherwise deemed to have assented to any other part of the agreement, document or communication.

4. Nothing in this Stipulation shall waive, release or impair any affirmative defenses otherwise available to Defendant.

Dated: November 12, 2015

**IT IS SO ORDERED.**

Dated: November 13, 2015

s/Gerald E. Rosen  
Chief Judge, United States District Court

Stipulated and agreed:

KELLER ROHRBACK L.L.P.

By: /s/ Lynn Lincoln Sarko

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DATED: November 12, 2015

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DATED: November 12, 2015  
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