

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

LILA WILSON, MATTHEW	:	CASE NO: 17-23033-CV-SCOLA
MARTINO, THOMAS WILSON,	:	
TERESA GARELLA, MARY BLUE,	:	
RYAN BROWN, BRIAN MAYTUM,	:	
LEIGH GLASBAND,	:	
NICK PANOPOULOS, CARISSA	:	
MACCHIONE, SYDNEE JOHNSON,	:	
JORGE CRUZ, DEBBIE GRAY,	:	
LORNE SPELREM, & ISMAEL	:	
ORRANTIA,	:	
on behalf of themselves and all others	:	
similarly situated,	:	
	:	
Plaintiffs,	:	
	:	
VOLKSWAGEN GROUP OF	:	
AMERICA, INC., and Volkswagen AG,	:	
	:	
Defendants.	:	

**THE PARTIES' JOINT MOTION TO MODIFY DEADLINES CONCERNING THE
PROPOSED CLASS ACTION SETTLEMENT**

The Plaintiffs and the Defendants hereby jointly and respectfully seek to modify certain deadlines relating to the proposed class action settlement that the Court preliminarily approved on August 23, 2019 (ECF No. 109), and in support assert as follows:

1. On July 26, 2019, Plaintiffs filed an unopposed motion for preliminary approval of the class action settlement, preliminary certification of the settlement class, and approval of the class notice (ECF. No. 103).

2. On August 23, 2019, following a hearing, the Court granted Plaintiffs' motion, preliminarily approving the settlement. (ECF No. 109.) As requested by the Parties, the Court set the following deadlines and schedule in its Order preliminarily approving the settlement:

Date	Event
November 8, 2019	Deadline to File Plaintiffs' Motion for Final Approval of the Settlement, Class Counsel's Request for Attorneys' Fees, Costs, and Expenses, and Volkswagen's Memorandum in Support of Final Approval of the Settlement
November 27, 2019	Deadline for Class Members to Opt Out of the Settlement or Object to the Settlement
December 5, 2019	Deadline for Plaintiffs, Class Counsel, and Volkswagen to File Responses to Objections, and for Claim Administrator to File a List of Class Members Who Opted Out and the Details of the Notice Program's Implementation
December 9, 2019	Fairness Hearing at 8:30AM

3. As soon as the Court entered its Order preliminarily approving the settlement, Class Counsel and Volkswagen's counsel began working diligently with the Claim Administrator, Epiq Global, to implement the Notice Plan. In order to afford a 30-day period for Class Members to object to or opt out of the settlement, Epiq planned to mail the Class Notice on or before October 28, 2019.

4. Epiq (through its data vendor Polk/IHS Markit), however, encountered an unexpected delay in obtaining certain address information for Class Members necessary to mail the notices to the Class Members. This delay occurred despite the best efforts of the Parties to avoid it and as a result of circumstances beyond the Parties' control. More specifically, the delay occurred because the requisite data for Class Members from certain states could not be released to Epiq until the appropriate agencies within those states authorized it. Despite repeated requests, the agencies of certain states provided the authorizations a substantial amount of time later than is typical and expected in these circumstances. As a result, Epiq was not able to mail

the notices to Class Members by October 28, 2019, as it had planned to do in order to provide Class Members with sufficient time to evaluate the settlement before the opt-out and objection deadlines.

5. Epiq has now received the data necessary to implement the Notice Plan, and it will be ready to mail the notices to Class Members by November 27, 2019.

6. To account for the unexpected delay described above, and to ensure that the settlement evaluation process complies with Rule 23, the Parties jointly propose that the deadlines established in the Court's preliminary approval order be modified as follows:

New Date	Event
December 4, 2019	Deadline to File Plaintiffs' Motion for Final Approval of the Settlement, Class Counsel's Request for Attorneys' Fees, Costs, and Expenses, and Volkswagen's Memorandum in Support of Final Approval of the Settlement
December 30, 2019	Deadline for Class Members to Opt Out of the Settlement or Object to the Settlement
January 13, 2020	Deadline for Plaintiffs, Class Counsel, and Volkswagen to File Responses to Objections, and for Claim Administrator to File a List of Class Members Who Opted Out and the Details of the Notice Program's Implementation
January 23 or 24, 2020, or the week of January 27, 2020	Fairness Hearing

7. Modifying the settlement-related deadlines in this manner will ensure that Class Members have sufficient time to evaluate the settlement before the deadline to opt-out or object expires, that the Parties have sufficient time to evaluate and respond to any objections, and for

the final fairness hearing to occur in a reasonable time thereafter, consistent, of course, with the Court's availability.

8. This request is being made in good faith, and no party will be prejudiced by the relief requested. The parties have attached a proposed order granting the relief sought in this motion.

WHEREFORE, the parties hereby jointly and respectfully move this Court to modify the deadlines related to the proposed class settlement, as specified in this motion and the attached proposed order.

Dated: November 7, 2019

Respectfully submitted,

PODHURST ORSECK, P.A.

/s/ Peter Prieto

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CERTIFICATE OF SERVICE

I hereby certify that on November 7, 2019, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record via transmission of Notices of Electronic Filing generated by CM/ECF.

/s/ Peter Prieto

Peter Prieto

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
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on behalf of themselves and all others	:	
similarly situated,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
VOLKSWAGEN GROUP OF	:	
AMERICA, INC. and Volkswagen AG,	:	
	:	
Defendants.	:	
	:	

**ORDER GRNTING THE PARTIES' JOINT MOTION TO MODIFY DEADLINES
CONCERNING THE PROPOSED CLASS ACTION SETTLEMENT**

THIS MATTER, having come before the Court upon the Parties Joint Motion to Modify Deadlines Concerning the Proposed Class Action Settlement, and the Court having reviewed the Motion and being otherwise advised in the premises, it is hereby:

ORDERED and ADJUDGED that the said Motion is GRANTED. The deadlines established in this Court's Order Preliminarily Approving Class Settlement and Certifying Settlement Class (ECF No. 109) are modified as follows:

- (i) Plaintiffs shall file their Motion for Final Approval of the Settlement and Incorporated Memorandum of Law, and Class Counsel shall file their Fee and Expense Application and request for service awards for

Plaintiffs, no later than **December 4, 2019**;

- (ii) If Defendants choose to file a memorandum of law in support of final approval of the Settlement, they also must do so no later than **December 4, 2019**.
- (iii) Class Members must file any objections to the Settlement, the Motion for Final Approval of the Settlement, Class Counsel's Fee and Expense Application and/or the request for service awards no later than **December 30, 2019**, and such objections must be received by the Court no later than **December 30, 2019** to be considered by the Court;
- (v) Class Members must submit requests for exclusion from the Settlement no later than **December 30, 2019**;
- (vi) The Claim Administrator must file with the Court, no later than **January 13, 2020**, (a) a list of those persons or entities who or which have opted out or excluded themselves from the Settlement; and (b) the details outlining the scope, method and results of the notice program;
- (vii) Plaintiffs and Class Counsel shall file their responses to timely filed objections to the Settlement and Fee and Expense Application no later than **January 13, 2020**;
- (viii) If Defendants choose to file a response to timely filed objections to the Settlement, they shall do so no later than **January 13, 2020**; and

The Fairness Hearing will be held [**January 23, 2020, or January 24, 2020, or during the week of January 27, 2020 at ____ a.m./p.m.**], at the United States Courthouse, Wilkie D. Ferguson, Jr. Building, Courtroom 12-3, 400 North Miami Avenue, Miami, Florida 33128.

DONE AND ORDERED in Chambers at Miami, Florida, this _____ day of _____, 2019.

ROBERT N. SCOLA, JR.
UNITED STATES DISTRICT JUDGE

Copies furnished to: *All Counsel of Record*