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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**

11 IN RE: VOLKSWAGEN "CLEAN DIESEL"
12 MARKETING, SALES PRACTICES, AND
PRODUCTS LIABILITY LITIGATION

MDL NO. 2672 CRB (JSC)

The Honorable Charles R. Breyer

13 This Document Relates to:
14 Audi CO₂ Cases

15 **NOTICE OF MOTION AND CLASS**
16 **PLAINTIFFS' UNOPPOSED**
17 **PROPOSAL TO DISTRIBUTE**
18 **REMAINING SETTLEMENT FUNDS**
19 **FOR ENVIRONMENTAL**
20 **REMEDATION**

Hearing Date: June 3, 2022
Hearing Time: 9:00 am.

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NOTICE OF MOTION

TO ALL PARTIES AND COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on June 3, 2022, at 9:00 a.m., or at such other date and time as the Court may set, in Courtroom 6 of the United States District Court for the Northern District of California, located at 450 Golden Gate Avenue, San Francisco, CA 94102-3489, Settlement Class Counsel will present their Unopposed Proposal To Distribute Remaining Settlement Funds for Environmental Remediation. This Motion is based on this Notice of Motion, and the accompanying Class Plaintiffs' Unopposed Proposal To Distribute Remaining Settlement Funds For Environmental Remediation and the Exhibits thereto.

**CLASS PLAINTIFFS' UNOPPOSED PROPOSAL TO DISTRIBUTE
REMAINING SETTLEMENT FUNDS FOR ENVIRONMENTAL REMEDIATION**

The Court-approved settlement in this case provided all members of the Settlement Class who filed timely and valid claims with *full* compensation for their damages. *See* Declaration of Edward Stockton, ECF 6634-3 ¶ 23(f). Through a straightforward claims submission program, at least 34,082 Settlement Class Members—more than 20% of the Class—submitted claims for individual compensation. *See* Declaration of Tiffany Shroyer, ECF 7892 at 2. These claims followed a comprehensive notice plan in which “virtually all” (98% or greater) Class members received direct, individual notice. *See* Declaration of Cameron Azari, ECF 7115-1 at ¶ 16.

After payment of all valid individual claims, approximately \$76,098,853 remains in the settlement fund. *Id.*¹ Importantly, under the settlement terms negotiated by Lead Counsel and Defendants, none of this remaining settlement balance will revert to the Defendants. Instead—and given that all Class Members who filed valid and complete claims already received 100% of their damages—Class Plaintiffs submit that it is reasonable and appropriate to use the remaining money to support the underlying purpose of the lawsuit through the *cy pres* projects proposed herein. Specifically, pursuant to the terms of the Settlement Agreement, the remaining settlement funds are to be distributed *cy pres* through funding “environmental projects in consultation with relevant regulators” and “environmental remediation efforts,” subject to the Court’s approval. *See* Settlement Agreement, ECF 6634-1 § 4.5.

To that end, Class Plaintiffs are pleased to present to the Court a slate of environmentally-focused proposals for disposition of the remaining settlement funds. Funding these proposals will result in a comprehensive *cy pres* program focused on environmental remediation and emissions-reductions programs throughout the United States. *Cy pres* programs have often been characterized as the “next best” beneficiaries.² But here, Class Plaintiffs submit that environmental concerns have been at the heart of this litigation since its inception, and as such,

¹ This amount is comprised of principal and interest, and is “approximate” due to minor, ongoing adjustments such as accrual of interest.

² *See, e.g., Nachshin v. AOL, LLC*, 663 F.3d 1034, 1036 (9th Cir. 2011).

1 the issues that these programs will address and remediate go to the very core of this case.
2 Together, the proposed projects address environmental issues from multiple angles with both
3 near- and long-term benefits—ranging from the development of innovative technologies for clean
4 and efficient energy, to the study and exploration of new opportunities for greenhouse gas
5 reduction, to educating and empowering the next generation of environmental leaders. Class
6 Counsel (with the support of Defendants) enthusiastically recommend that the Court approve the
7 distribution plan to the programs herein.

8 **I. The Court has broad discretion to approve a *cy pres* distribution of the remaining**
9 **settlement funds**

10 The *cy pres* doctrine is a widely-recognized tool to distribute unclaimed funds that remain
11 after a class action settlement claims period has concluded. *See, e.g., In re Easysaver Rewards*
12 *Litig.*, 906 F.3d 747, 761 (9th Cir. 2018) (“The availability of *cy pres* as a mechanism to
13 distribute unclaimed funds rests on the premise that class action settlements will sometimes have
14 just that—unclaimed funds.”); *see also Nachshin*, 663 F.3d at 1036 (“The *cy pres* doctrine allows
15 a court to distribute unclaimed or non-distributable portions of a class action settlement fund.”).
16 Appropriate recipients of *cy pres* funds should reflect the nature of the lawsuit, the objectives of
17 the underlying statutes, or the interests of silent class members. *See In re Easysaver*, 906 F.3d at
18 761; *see also Nachshin*, 663 F.3d at 1039 (citing *Six (6) Mexican Workers v. Arizona Citrus*
19 *Growers*, 904 F.2d 1301, 1307 (9th Cir. 1990)); American Law Institute - Principles of the Law of
20 Aggregate Litigation § 3.07(c) (2010) (“The court, when feasible, should require the parties to
21 identify a recipient whose interests reasonably approximate those being pursued by the class.”).
22 “The court has broad discretionary powers in shaping a *cy pres* award.” *In re Easysaver*, 906 F.3d
23 at 761 (citation omitted).

24 This Court has broad discretion to determine how to distribute the funds remaining in the
25 Audi CO₂ consumer settlement, both pursuant to the precedent above and the terms of the
26 Settlement Agreement itself. *See* Settlement Agreement, ECF 6634-1 § 4.5 (“If there are any
27 funds remaining in the Settlement Value after all valid, complete, and timely Claims are paid,
28 subject to Court approval, the balance will be directed to environmental remediation efforts. This

1 *cy pres* distribution may include . . . environmental projects in consultation with relevant
2 regulators, and/or other, environmentally-focused recipients, as agreed by the Parties.”).

3 **II. Overview of the proposed *cy pres* distribution plan to environmentally-focused**
4 **recipients and projects**

5 Given the claims and issues in this case, and pursuant to the terms of the Settlement
6 Agreement, Class Counsel engaged in an extensive search for more than a year for potential
7 recipients of the residual settlement funds to focus on environmental projects and remediation
8 efforts. Ultimately, after a detailed evaluation process and coordinating with Defendants,
9 Plaintiffs developed the following distribution proposal for the Court’s consideration. This
10 proposed *cy pres* plan provides for distribution of funds to multiple universities and organizations
11 that will focus on cutting-edge environmental causes and remediation efforts. The work of these
12 groups will complement each other and serve to create a broad-based and valuable program to
13 advance the environmental issues and concerns Plaintiffs raised in this litigation.

14 **A. Background on the recipient selection process**

15 Class Counsel spent significant time and effort to develop the package of proposed *cy pres*
16 distributions presented to the Court herein. This included many lengthy and detailed
17 conversations with the proposed recipients about the relevant merits of the various projects
18 included (and many others that were not), and the goals, guidelines and scope of any *cy pres*
19 distribution. The process included discussions with a range of organizations and universities,
20 many requests for submission of proposals, and thorough review and analysis of the proposals
21 submitted. Many organizations were asked for more detailed information, or to revise their
22 original proposals to focus on measurable, deliverable results tethered to the subject matter of this
23 case.

24 Throughout the process, Class Counsel worked to ensure that all proposals: (1) covered a
25 range of relevant subject matters and approaches to tackle the complex challenge of
26 environmental protection and remediation efforts; (2) provided a verifiable, efficient, and timely
27 process for spending any funds each organization received; and (3) limited overhead and
28 administrative costs to ensure maximum efficiency in the use of funds. Class Counsel also

1 consulted with counsel for the Defendants, and Defendants similarly support funding the
 2 proposals herein. The net result of this months-long process is a set of proposals, detailed below,
 3 that will benefit the goals of the Class in this case—and indeed, the interests of all those that
 4 inhabit our planet—to protect the environment from pollution in varied and complementary ways.

5 **B. Summary of the proposed *cy pres* grantees and funding amounts**

6 Class Plaintiffs propose to distribute the remaining funds in the following amounts to the
 7 following recipients.

- 8 • **Carnegie Mellon - Scott Institute for Energy Innovation - \$1,000,000**
- 9 • **Central California Asthma Collaborative - \$654,727.79**
- 10 • **Central Valley Air Quality Coalition - \$124,818.00**
- 11 • **Cornell University - \$8,300,000**
- 12 • **Del Amo Action Committee - \$60,000**
- 13 • **El Sol Neighborhood Educational Center - \$1,283,567**
- 14 • **Georgia Institute of Technology - Net Zero Freight Systems Program -**
 15 **\$2,900,000**
- 16 • **Groundwork USA - \$7,000,000**
- 17 • **La Jolla Band of Luiseno Indians - \$41,000**
- 18 • **Manylabs, Inc. - \$198,242.00**
- 19 • **Massachusetts Institute of Technology - \$3,800,000**
- 20 • **New York University School of Law - Institute for Policy Integrity - \$5,000,000**
- 21 • **Public Education Foundation - \$5,321,000**
- 22 • **Strategic Energy Innovations - \$211,152.00**
- 23 • **Texas A&M – Texas A&M Energy Institute - \$1,750,000**
- 24 • **The EV Charging Expansion Project Environmental Remediation Trust -**
 25 **\$7,500,000**
- 26 • **University of California Berkeley - Center for Law, Energy & the Environment**
 27 **and the Environmental Law Clinic - \$5,000,000**
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- **University of California Los Angeles** - Center for Clean Air - \$5,500,000
- **University of Illinois Urbana** - Institute for Sustainability, Energy, and Environment (iSEE) - \$1,000,000
- **University of Miami School of Law** - Environmental Law Program and Environmental Justice Clinic - \$1,000,000
- **University of Southern California** - \$8,813,000
- **University of Virginia** - \$1,550,000
- **University of Wisconsin - Madison** - Nelson Institute for Environmental Studies - \$700,000
- **Vanderbilt University** - \$1,000,000
- **Washington Unified School District** - \$728,460.00
- **West Oakland Environmental Indicators Project** - \$650,000.00
- **Yale University** - Natural Carbon Solutions Fund - \$5,000,000

C. Brief explanation of the proposals and their nexus to this case

The attached proposal materials include specific detail on background, budget, timing, and deliverables from each of the proposed grantees to ensure the efficient and effective use of the remaining settlement compensation. *See* Exhibit A (summary chart of all proposals); and Exhibits B-CC (individual proposal documentation). In addition, an introductory explanation of each project follows in the paragraphs below. Should the Court have questions about the proposed recipients or projects, Plaintiffs will provide any further detail or information that may be helpful to consider these proposals.

Carnegie Mellon. Funding to Carnegie Mellon (\$1,000,000) would be directed to its Scott Institute for Energy Innovation for a research and policy project focused on mass adoption of electric and fuel cell vehicles. Through this project, at least one full time graduate student, several principle investigators, and a postdoctoral scholar will conduct research to build a model showing the relationships between consumer choice, electric vehicle use, and overall environmental impact, and to issue specific policy and technology recommendations that result. *See* Exhibit B.

1 Central California Asthma Collaborative. CCAC, a 501(c)3 non-profit organization, was
2 established in 2009 by a group of healthcare professionals to provide education and direct
3 services, build regional capacity, and advocate for sensible policies to improve health through the
4 prevention and management of chronic disease. Funding to CCAC (\$654,727.79) will enable
5 multiple projects studying air quality and health effects in California low-income communities
6 and schools. *See* Exhibit C.

7 The CCAC projects are Supplemental Environmental Projects (“SEPs”) identified by the
8 California Air Resources Board. CARB receives and vets proposals for SEPs from third party
9 organizations. In general, these SEPs benefit air quality by reducing emissions, reducing exposure
10 to air pollution, or preventing future air quality violations, and directly benefit communities that
11 are most disproportionately impacted by air pollution. Several SEPs vetted by CARB are included
12 as proposed recipients of the *cy pres* funds. *See* Exhibit CC. These proposals are detailed
13 individually herein.

14 Central Valley Air Quality Coalition. The Central Valley Air Quality Coalition’s (CVAQ)
15 mission is to raise awareness, act as a watchdog, advocate for policy, and mobilize communities
16 to restore clean air to the San Joaquin Valley. This project (\$124,818) builds capacity and
17 engages the public in decision making processes to correct systemic problems with the San
18 Joaquin Valley Air District’s pollution credit banking system, in response to concerns raised by
19 advocates about the air pollution banking system managed by the Valley Air District that allows
20 polluters to buy, sell, and “cash in” credits for reductions. *See* Exhibits D.

21 Cornell University. Through two separate projects led by the Professor Hector Abruña in
22 Cornell’s Department of Chemistry and Chemical Biology, funding to Cornell University would
23 focus on the dual problems of clean energy generation and storage through technology
24 development for fuel cells (\$5,300,000) and batteries (\$3,000,000). Fuel cells have the potential
25 to dramatically alter the energy landscape, which could lower and eventually eliminate the use of
26 fossil fuels and thus mitigate the environmental and climatic effects of their continued use. Thus,
27 the fuel cell project would expand Cornell’s experimental facilities where the synthesis of fuel
28 cell materials could be scaled up and tested in devices that would be commercially relevant. The

1 battery program looks to rechargeable batteries as one of the most promising energy storage
2 technologies, including through support of experimental facilities where the synthesis of materials
3 for batteries could be expanded and tested. *See* Exhibit E.

4 Del Amo Action Committee. Del Amo Action Committee proposes a project (\$60,000) to
5 address problems reported by residents in Del Amo Superfund site in Los Angeles. The project is
6 organized in two modules: Module 1, Community Health Fair held in the community where the
7 superfund site is located. Module 2, Environmental and Community Specific Plan Stakeholder
8 Group consist on implementation of the plan and is expected to aid in reducing future emissions
9 and provide training and air pollution awareness to community members. *See* Exhibit F.

10 El Sol Neighborhood Educational Center. This proposal includes two projects
11 (\$1,283,567) focused on community-based and community-driven outreach and education on
12 respiratory health. This includes education on acute respiratory infections through the use of
13 Community Health Workers. El Sol will educate community residents about preventative habits
14 and inform them about environmental diseases. *See* Exhibit G.

15 Georgia Institute of Technology. Freight systems are one of the most challenging systems
16 to decarbonize. The proposal from the Georgia Institute of Technology aims to synergize and
17 grow the university's programs in greenhouse gas emissions reduction and remediation through
18 its "Net Zero Freight Systems Program." The proposal (\$2,900,000) covers research by faculty
19 and graduate student teams, with the overarching goal to support the U.S. southeast, and the
20 nation, in reaching net zero emissions from freight transportation and logistics by the year 2050.
21 *See* Exhibit H.

22 Groundwork USA. Groundwork USA is a network of local organizations devoted to
23 transforming the natural and built environment of low-resource communities—a national
24 enterprise with local roots, working at the intersection of the environment, equity, and civic
25 engagement. Three proposed projects from Groundwork USA would focus on the organization's
26 Climate Safe Neighborhoods and Emergent Environmental Action Fund initiatives. The Climate
27 Safe Neighborhoods projects to Strengthen (\$4,000,000) and Expand (\$1,250,000) these
28 initiatives would bolster Groundwork's efforts to organize, mobilize, and effect systems to

1 address inequities in vulnerability to the climate crisis. Further, funding for the Environmental
2 Action Fund (\$1,750,000) will enable funding of greenspace resilience projects and other
3 environmental programming. *See* Exhibit I.

4 La Jolla Band of Luiseno Indians. This project would provide funding (\$41,000) to the La
5 Jolla Band of Luiseno Indians for necessary equipment for reporting the ozone and PM2.5 Air
6 Quality Index (AQI) value to the tribal community in real-time. The current ozone monitoring
7 network in the county does not represent ozone measured on the Reservation. *See* Exhibit J.

8 Manylabs, Inc. This proposal would build on existing operation particulate matter
9 monitoring network for San Francisco's eastern neighborhoods (\$198,242). The SEP proposal
10 encompasses technical initiatives, ongoing community and professional activities, and the
11 presentation of sensor data. *See* Exhibit K.

12 Massachusetts Institute of Technology. Funding to MIT would support four different
13 projects at the forefront of research on carbon issues and climate action through the Departments
14 of Earth, Atmospheric & Planetary Science and Mechanical Engineering. These projects focus on
15 a range of complementary issues such as carbon sequestration (\$900,000); shortfalls in today's
16 CO₂ capture and conversion processes (\$900,000); the production and utilization of green
17 alternative fuels as a means to decarbonizing difficult-to-decarbonize sectors (\$1,000,000); and
18 development of carbon-neutral fuels (\$1,000,000). *See* Exhibit L.

19 New York University School of Law. The Institute for Policy Integrity at NYU is a non-
20 partisan think tank dedicated to improving the quality of governmental decision-making. Their
21 proposal seeks to support strong environmental safeguards through the work of dedicated faculty,
22 staff, and research fellows with funding (\$5,000,000) to expand their work in: economic analysis
23 of the transportation and energy sectors; energy market modeling; analysis of distributional
24 effects and environmental justice; and monetizing new categories of regulatory benefits. *See*
25 Exhibit M.

26 Public Education Foundation. The Public Education Foundation partners with the
27 community to meet immediate, critical education needs that will strengthen our public schools.
28 Here, PEF proposes to expand its eLab initiatives to broaden hands-on environmental education

1 to help educate and train future generations of environmental leaders. PEF's eLabs are integrated
2 into K-12 schools where specially trained teachers emphasize environmental education concepts
3 (like sustainability and waste reduction) to empower students to solve complex problems. The
4 requested funding (\$5,321,000) would embed eLabs in 34 schools, providing approximately
5 25,000 more students access to innovative, environmental learning. *See* Exhibit N.

6 Strategic Energy Innovations. This air quality youth education program aims to support
7 teacher training, instruction, and supply air quality education kits for middle school and high
8 school students to measure local air pollution levels, learn about the impact of air pollution on
9 human health and the environment, and understand how to create solutions to reduce air pollution
10 sources (\$211,152). *See* Exhibit O.

11 Texas A&M. This proposal focuses on three opportunities for further study and innovation
12 in environmental remediation efforts. This includes a Carbon Capture, Utilization and Storage
13 Research Fund at the Energy Institute (\$1,000,000) that will target research into new technologies
14 and policies related to fossil-based and non-fossil based sources of energy, and further funding to
15 provide opportunities for strategic initiatives on environmental sustainability in the engineering
16 department (\$500,000). Finally, a complementary research scholars program for undergraduates
17 would enable undergraduates to work with faculty to research sustainability and carbon capture
18 (\$250,000). *See* Exhibit P.

19 The EV Charging Expansion Project. Funding for the Electric Vehicle Charging
20 Expansion Project (\$7,500,000) would improve the electric vehicle public charging infrastructure
21 by installing electric vehicle chargers at a variety of highly visible locations across the country.
22 The EV Charging Expansion Project will enable electric vehicle owners the ability to charge their
23 vehicles while going about the business of their day to day lives, while increasing the awareness
24 of both the convenience and everyday drivability of all battery electric vehicles. There is no fee
25 for charging and the AC electric vehicle chargers, which will be Porsche-branded, can be used
26 with any electric vehicle that accepts a standard J1772 plug, so both settlement class members
27 and members of the public at large who drive electric vehicles directly benefit. Approximately
28 600 pre-existing locations have already been identified as primary targets for the Project, and

1 these locations are all ready, willing, and able to install the free chargers. As far as geographic
2 prioritization of charger installation, this Project will focus on the Northeast and Southeast first
3 and then work westward. This is because the Northeast is burdened with a lack of stations and has
4 a higher number of multi-family dwellings where home charging is often not feasible. While
5 there are fewer electric vehicles currently in use in the South, this Project can also help to develop
6 and support the market for electric vehicles in that region through ease of access to charging
7 stations. The EV Charging Expansion Project will have a dedicated Project Management Team
8 responsible for managing, overseeing, and supporting all aspects of the Project. No *cy pres* funds
9 allocated to the Project will revert back to Porsche. *See* Exhibit Q.

10 University of California Berkeley. This proposal presents a joint initiative of Berkeley's
11 Center for Law, Energy & the Environment (CLEE) and the Environmental Law Clinic. Through
12 these projects, the Center and Clinic propose to accelerate publicly-accessible electric vehicle
13 charging infrastructure in underserved communities in California cities (\$1,000,000); expand the
14 Environmental Law Clinic's resources and efforts to eliminate diesel emissions, green
15 California's electric grid, and protect consumers in the transition to green energy (\$2,000,000);
16 and empower the next generation of advocates through training environmental law students along
17 with research and teaching opportunities in the Clinic (\$2,000,000). *See* Exhibit R.

18 University of California Los Angeles. UCLA's proposal presents four unique paths to
19 target excessive emissions and remediate greenhouse gases. The Institute for Carbon
20 Management would focus on emerging technology to utilize seawater to reduce accumulation of
21 atmospheric CO₂ (\$1,500,000). Another pilot project will attempt to demonstrate the utility of
22 electric fuel for heavy-duty trucks to meet their delivery needs (\$2,000,000). A third program
23 would work toward zero emissions community zones for Southern California's most vulnerable
24 communities (\$1,000,000). Finally, a fourth proposal would address issues surrounding storage
25 and later use of clean and efficient energy from solar and wind electricity (\$1,000,000). *See*
26 Exhibit S.

27 University of Illinois Urbana. This proposal focuses on opportunities in agriculture to
28 sequester carbon in soil, and to provide low carbon biofuels that can displace oil for

1 transportation. The requested funds (\$1,000,000) would establish an Initiative to develop the
2 analytics, technologies and carbon pricing models needed to implement Low Carbon Fuel
3 Markets, including to support up to five faculty and research scientists from across the University
4 to conduct research on the carbon mitigation benefits of low carbon fuels and effectively translate
5 the science into practice and policy. *See* Exhibit T.

6 University of Miami School of Law. A grant (\$1,000,000) would be used to sustain and
7 expand Miami Law’s Environmental Justice Clinic and Environmental Law Program. This
8 support will enhance efforts to create systemic change, engage in innovative interdisciplinary
9 research, and advocate for environmental impacts on a local and global scale. For the Clinic, this
10 would mean increased staff and financial and operational resources, and for the Law Program, the
11 grant would fund new interdisciplinary environmental research by students, post-docs, and
12 faculty; a new public, globally-broadcast lecture and guest-speaker series; and expanded
13 environmentally focused course offerings available to students. *See* Exhibit U.

14 University of Southern California. USC proposes three creative projects in the
15 environmental remediation and mitigation space. An Energy Institute project would recondition
16 some of the more than 5,000 idle and abandoned oil and gas wells to create subsurface energy
17 storage systems for renewable power sources (\$3,113,000). A second project would establish a
18 center—the Microbial Greenhouse Gas Consumption Research Center—with the goal of
19 identifying, growing, and optimizing new microbes capable of efficient conversion of greenhouse
20 gases to innocuous waste products (\$3,000,000). Third, because urban trees can help to mitigate
21 air pollution and urban CO₂ emissions and provide cooling to largely underserved communities,
22 funding (\$2,700,000) would study the need for, plant, and maintain 700 new trees in underserved
23 California communities as a way to mitigate the impacts of climate change and the heat island
24 effect therein. *See* Exhibit V.

25 University of Virginia. This proposal would convene interdisciplinary expert teams in
26 engineering, environmental science, data science, land-use/urban planning, law, public policy,
27 economics, and environmental justice to focus on specific aspects of carbon reduction in Virginia.
28 This multi-pronged project (\$1,550,000) aims to provide data on the potential for carbon removal

1 that will match the needs of leaders and policy-makers at the state and local level in Virginia. The
2 resulting project would be the first state-level tool to combine the scientific, economic, and policy
3 perspectives needed to understand the feasibility and scale of carbon-removal strategies to inform
4 policy and land-use decisions. *See Exhibit W.*

5 University of Wisconsin - Madison. UW Madison proposes dual projects to target two
6 areas in decarbonization: the conservation of standing carbon stocks and heightened attention to
7 emissions and air quality. The first project would look to monitor and manage forest carbon
8 stocks, as well as those related to land uses in the United States where real progress must be made
9 in the next twenty years, such as in carbon sequestration in agricultural soils (\$350,000). A
10 second project would target the link between climate solutions and local, immediate public health
11 concerns, emphasize the local benefits of clean energy in reducing asthma, for example, through
12 the use of renewable and sustainable energy sources and reducing emission according (\$350,000).
13 *See Exhibit X.*

14 Vanderbilt University. This proposal includes two projects to conduct research regarding
15 barriers to wider electric vehicle adoption in Nashville and the Southeast. In the first project,
16 research would identify the specific types of human health risks that can be avoided by replacing
17 fossil fuel vehicles with electric vehicles in Nashville, Tennessee (\$750,000). A second,
18 complementary research focus would target the factors that drive the uptake and use of electric
19 vehicles among various populations in the Southeast, with an eye to understanding those factors
20 and how they may serve as barriers to electric transportation (\$250,000). *See Exhibit Y.*

21 Washington Unified School District. The Washington Unified School District proposes to
22 install 35 new HVAC units at West Fresno Middle School (\$728,460). Current HVAC units are
23 old, inefficient and potentially incompatible with air filtration systems. New units will be able to
24 increase recirculation in classroom air. *See Exhibit Z.*

25 West Oakland Environmental Indicators Project. This proposal aims to pilot a vegetated
26 buffer along the residential-freeway interface of the Prescott neighborhood in West Oakland
27 (\$650,000). This proposal builds off of a planning phase completed in 2019-2020, and will further
28 develop site specific freeway vegetated strategies and designs. *See Exhibit AA.*

1 Consistent with earlier detailed notices provided to the Settlement Class, Class Counsel
2 will post the *cy pres* proposals to the Settlement Website contemporaneously with this filing.
3 Thus, Class Members will have timely and appropriate access to information on the proposals.
4 Relatedly, while the Court has broad discretion to approve the *cy pres* distribution outright,
5 Plaintiffs respectfully suggest a period of 30 days for any interested Class Members to comment
6 on the proposals—either through contacting Class Counsel directly, or filing their response with
7 the Court—should they be inclined to do so.

8 **III. Conclusion**

9 Class Counsel recommend that the Court approve the *cy pres* grantee organizations and
10 the innovative and exciting projects they have developed and proposed, each of which represent a
11 significant and positive benefit to the environmental concerns at the core of this case.

12 Dated: April 27, 2022

Respectfully submitted,

13 /s/ Elizabeth J. Cabraser

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CERTIFICATE OF SERVICE

I hereby certify that, on April 27, 2022, service of this document was accomplished pursuant to the Court’s electronic filing procedures by filing this document through the ECF system.

/s/ David S. Stellings
David S. Stellings