

1 Elizabeth J. Cabraser (State Bar No. 083151)
ecabraser@lchb.com
2 LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
275 Battery Street, 29th Floor
San Francisco, CA 94111-3339
3 Telephone: 415.956.1000
Facsimile: 415.956.1008
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5 *Lead Counsel for Plaintiffs*

6
7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 SAN FRANCISCO DIVISION
10

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

MDL 2672 CRB (JSC)

13 This Document Relates to:
14 Audi CO₂ Cases
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**DECLARATION OF TIFFANY
SHROYER RE: POST-DISTRIBUTION
ACCOUNTING**

I, Tiffany Shroyer, hereby declare and state as follows:

1. My name is Tiffany Shroyer. I have personal knowledge of the matters set forth herein, and I believe them to be true and correct.

2. I am a Project Manager for Epiq Class Action & Claims Solutions, Inc. (“Epiq”), the Court-appointed claims and notice administrator in the above-captioned case. Doc. 7244 at 6. I was primarily responsible for overseeing the day-to-day administration of the settlement claims program in this case.

3. This following is the post-distribution accounting for this matter, as set forth in the District’s Procedural Guidance for Class Action Settlements.

Post-Distribution Accounting		
Distribution Date	April 28, 2020 to September 3, 2021	
Total Settlement Fund (excluding separately paid attorneys’ fees and costs and administrative costs)	\$96,543,645.00	
Total Number of Class Members	168,831	
Number of Delivered Notices	166,115	
Notice Method	Postcard and Email	
Number and Percentage of Claims	#: 34,082	#: 20.187
Number and Percentage of Opt Outs	#: 6	#: 0.003
Number and Percentage of Objections	#: 0	#: 0.0
Payment Method	Check and ACH/Wire	
Average Recovery Per Class Vehicle	\$649.20	
Median Recovery Per Class Vehicle	\$518.40	
Largest Amount Paid for a Class Vehicle	\$2,332.80	
Smallest Amount Paid for a Class Vehicle	\$5.40	
Average Recovery Per Class Member	\$711.28	
Median Recovery Per Class Member	\$597.80	
Largest Amount Paid to Class Member	\$199,669.80 (fleet owner)	
Smallest Amount Paid to Class Member	\$5.40	
Number of Cashed Checks / Issued Wires	28,884	
Value of Cashed Checks / Issued Wires	\$20,584,857.20	
Number of Uncashed Checks	706	
Value of Uncashed Checks	\$433,063.40	
Administrative Costs	\$504,994.00	
Attorneys’ Fees and Costs	\$13,000,000	
Attorneys’ Fees and Costs as Percentage of Settlement Fund	13.46%	

Multiplier (if applicable)	2.06
Amount Distributed to Each Cy Pres Recipient	TBD ¹

4. As reported in the approval briefing, the settlement implicated approximately 100,000 vehicles. Doc. 6993 at 1. Previous declarations explained the ways in which Epiq obtained individual contact information for the owners, former owners, lessees, and former lessees of those vehicles. *See, e.g.*, Docs. 6993-2 at 4-6; 7115-1 at 3. The **total number of class members** reported (168,831) above is based on the de-duplicated mailing information that resulted from that process.

5. The **notice method** refers to the individual notice program deployed through email and postcard notice. Notice was separately delivered through indirect means such as the settlement website.

6. The **settlement compensation** rows report recoveries per class member and per class vehicle. As discussed in the settlement approval briefing and settlement notice documents, the maximum compensation available for a single class vehicle ranged from \$518.40 to \$2,332.80. The largest amount paid to a class member (\$199,669.80) significantly exceeds the top of that range because some class members—in this case, a fleet rental company—owned or leased multiple class vehicles. The smallest amounts paid to a class member and for a class vehicle (\$5.40 for both) are significantly lower because some class members possessed their vehicles for short periods of time and recovered prorated portions of the maximum amount available for their class vehicles.

7. As described above, when the settlement program closed, there were 706 **uncashed checks** worth a total of \$433,063.40 (for an average of \$613.40 per uncashed check). This is a relatively low percentage of uncashed checks and reflects the parties'

¹ I understand that the settlement is non-reversionary and that the unclaimed funds will be directed to “environmental remediation efforts” to be submitted for Court approval at a later date. *See* Settlement Agreement, Doc. 6634-1 § 4.5.

1 significant efforts—including reminder emails, check re-issues, and deadline extensions—to
2 ensure as many class members were paid as possible.

3 8. Defendants paid the **Administrative Costs** as well as the **Attorneys' Fees**
4 **and Costs** separately from the settlement funds available to compensate the class. The
5 calculations relating to the attorneys' fees and costs are drawn from the Motion for Class
6 Settlement and Award of Attorneys' Fees and Costs (Doc. 6993).

7 I declare under penalty of perjury that the foregoing is true and correct. Executed on
8 September 28, 2021.

9 /s/ Tiffany Shroyer
10 Tiffany Shroyer

ATTESTATION

1 Pursuant to Civil L.R. 5-1(i)(3), I hereby attest that concurrence in the filing of this
2 document has been obtained from the above signatory.

3 Dated: September 28, 2021

By: /s/ Elizabeth J. Cabraser

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CERTIFICATE OF SERVICE

1 I hereby certify that, on September 28, 2021, service of this document was
2 accomplished pursuant to the Court's electronic filing procedures by filing this document
3 through the ECF system.

4 /s/ Elizabeth J. Cabraser
5 Elizabeth J. Cabraser
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