

VIRGINIA: IN THE CIRCUIT COURT FOR THE COUNTY OF ALBEMARLE

IN RE: VOLKSWAGEN "CLEAN DIESEL"  
LITIGATION

2016 09917  
Record No.: \_\_\_\_\_

**ORDER TRANSFERRING AND COORDINATING CASES FOR PRETRIAL  
PROCEEDINGS  
PURSUANT TO VIRGINIA CODE ANN. § 8.01-267.4**

ON MAY 26, 2016, THIS MATTER came before a three Judge panel appointed by the Supreme Court of Virginia pursuant to Virginia Code Ann. § 8.01-267.4 on the Motion of Volkswagen Group of America, Inc. ("VWGoA") for order of transfer of related cases to the Circuit Court for Fairfax County for coordinated pretrial proceedings.

In consideration of the pleadings filed herein and the arguments of counsel heard on May 26, 2016, the Panel finds as follows:

1. There are pending in different circuit courts of the Commonwealth civil actions brought by more than six plaintiffs alleging that VWGoA sold or distributed motor vehicles that allegedly contained a "defeat device" that affected the operation of the emissions control system in certain Volkswagen vehicles as set forth in a September 18, 2015 Notice of Violation issued to VWGoA by the United State Environmental Protection Agency ("EPA").

2. These civil actions assert causes of action for fraud, violation of the Virginia Consumer Protection Act, breach of warranty, breach of contract, and other similar claims against VWGoA and/or Volkswagen dealerships based on the allegations contained in the EPA's Notice of Violation.

3. Based on the common factual basis and legal theories presented in each of these civil actions, the Panel concludes that Plaintiffs' claims involve common issues of law and fact and arise out of the same transaction, occurrence, or the same series of transactions or occurrences. The parties will likely undertake similar, if not virtually identical, discovery in each of these matters.

4. The common questions posed by these cases will predominate, and are significant to the actions. Specifically, each Virginia "Clean Diesel" case raises significant common questions regarding the proper scope and extent of discovery on all parties, the legal rules governing the outcome of dispositive and other pretrial motions, pretrial sequencing and timing, expert and evidentiary issues. Coordinating Volkswagen "Clean Diesel" cases before a single Circuit Court will promote the ends of justice and the just and efficient conduct and disposition of the actions.

5. This Order is consistent with each party's right to due process of law, and does not prejudice each individual party's right to a fair and impartial resolution of each action.

6. In consideration of the above and the eight factors set forth in Virginia Code Ann. § 8.01-267.1, the Panel finds that coordination Volkswagen "Clean Diesel" pending in Virginia's Circuit Courts before the Circuit Court for Fairfax County will best serve the interests of the parties and judicial economy.

WHEREFORE, the Panel ORDERS that VWGoA's Motion for Order of Transfer Pursuant to Virginia Code Ann. § 8.01-267.4 is hereby GRANTED, and, to the extent the cases are not already pending in Fairfax County Circuit Court, the following matters are TRANSFERRED to the Fairfax County Circuit Court for coordinated pretrial proceedings:

1. *Campbell v. Volkswagen Group of America, Inc.*, Case No. CL15-13950 (Fairfax County);

2. *Campbell v. Volkswagen Group of America, Inc.*, Case No. CL15-14287 (Fairfax County);
3. *Griffis v. Volkswagen Group of America, Inc.*, Case No. CL15-786 (Albemarle County);
4. *Nunes v. Volkswagen Group of America, Inc.*, Case No. CL15-15612 (Fairfax County);
5. *Van Houten v. Volkswagen Group of America, Inc.*, Case No. CL15-16396 (Fairfax County);
6. *Zelonis v. Volkswagen Group of America, Inc.*, Case No. CL15-13746 (Fairfax County);
7. *Mayer v. Volkswagen Group of America, Inc.*, Case No. CL15-23 (Fairfax County);
8. *Amato v. Volkswagen Group of America, Inc. and Valley Volkswagen, Inc.*, Case No. CL16-568 (Augusta County Circuit Court);
9. *Duggins v. Volkswagen Group of America, Inc.*, CL16-1341 (City of Richmond Circuit Court);
10. *Royals v. Volkswagen Group of America, Inc. and Page II West, Inc. d/b/a West Broad Volkswagen, Inc.*, Case No. CL16-712 (Henrico County Circuit Court);
11. *Sawyer v. Volkswagen Group of America, Inc. and Page II West, Inc., t/a West Broad Volkswagen*, Case No. CL16-1278, (City of Richmond Circuit Court);
12. *Schwalm v. Volkswagen Group of America, Inc. and Valley Volkswagen, Inc.*, Case No. CL16-550 (Augusta County Circuit Court);
13. *Smith v. Volkswagen Group of America, Inc. and Page II West, Inc., t/a West Broad Volkswagen*, Case No. CL16-1279 (City of Richmond Circuit Court);
14. *Wyckoff v. Volkswagen Group of America, Inc.*, Case No. CL16-1340-1 (City of Richmond Circuit Court);

15. *Ronald Fleshman, et al. v. Volkswagen Group of America*, Case No. CL16-794 (Campbell County Circuit Court);
16. *Ronald Fleshman, et al. v. Volkswagen Group of America*, Case No. CL16-795 (Campbell County Circuit Court);
17. *Andrew Grose, et al. v. Volkswagen Group of America, Inc.*, Case No. CL16-339 (City of Lynchburg Circuit Court);
18. *Andrew Grose, et al. v. Volkswagen Group of America, Inc.*, Case No. CL16-340 (City of Lynchburg Circuit Court);
19. *Willard Claytor, et al. v. Volkswagen Group of America, Inc.*, Case No. CL16-775 (Roanoke County Circuit Court);  
and
20. *Willard Claytor, et al. v. Volkswagen Group of America, Inc.*, Case No. CL16-776 (Roanoke County Circuit Court).

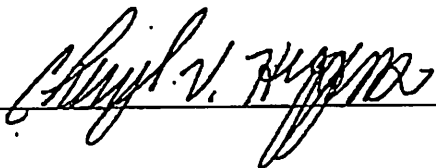
IT IS FURTHER ORDERED that pursuant to Virginia Code Ann. § 8.01-267.4, any subsequent application for further order of transfer shall be made to the Fairfax County Circuit Court.

IT IS FURTHER ORDERED that the transferred cases shall be coordinated under a single case caption titled *In re: Volkswagen Clean Diesel Litigation*, and that any subsequent order entered by the transferee Court under that caption shall have the effect as if entered in each of the transferred cases.

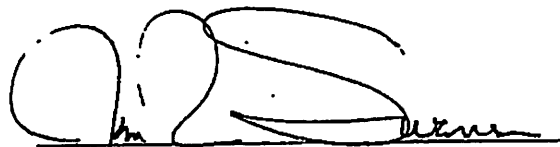
The Clerk is ORDERED to send attested copies of this Order to all counsel of record and to the Clerk of the Circuit Court in which each of the above referenced cases is pending.

IT IS SO ORDERED.

ENTERED this <sup>15</sup>th day of June, 2016.

  
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The Honorable Cheryl V. Higgins  
Judge of the Sixteenth Judicial Circuit



The Honorable James R. Swanson  
Chief Judge of the Twenty-Third Judicial Circuit

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The Honorable Bruce D. White  
Chief Judge of the Nineteenth Judicial Circuit

We ask for this:

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James F. Neale, Esquire  
VSB No. 43060  
Benjamin P. Abel, Esquire  
VSB No. 88961  
MCGUIREWOODS LLP  
Court Square Building  
Post Office Box 1288  
Charlottesville, Virginia 22902-1288  
Telephone: (434) 977-2582  
Facsimile: (434) 980-2263  
jneale@mcguirewoods.com  
babel@mcguirewoods.com

Terrence M. Bagley, Esquire  
VSB No. 22081  
Christopher E. Tribble, Esquire  
VSB No. 48847  
Kenneth W. Abrams, Esquire  
VSB No. 78216  
MCGUIREWOODS LLP  
Gateway Plaza  
800 East Canal Street  
Richmond, Virginia 23219  
Telephone: (804) 775-1000  
Facsimile: (804) 698-2008

tbagley@mcguirewoods.com  
ctrible@mcguirewoods.com  
kabrams@mcguirewoods.com

*Counsel for Volkswagen Group of America,  
Inc.*

Seen and \_\_\_\_\_:

Steven T. Webster, Esquire  
Webster Book LLP  
300 North Washington Street, Suite 404  
Alexandria, Virginia 22314  
swebster@websterbook.com  
Telephone: 888-987-9991  
Facsimile: 888-987-9991

*Counsel for Jeffrey Campbell, Maximillian  
Mayer, Melanie Nunes, Jennifer and Roy  
Van Houten, and Shelby Zelonis*

Seen and \_\_\_\_\_:

James B. Feinman, Esquire  
1003 Church Street, 2nd Floor  
Lynchburg, Virginia 24504  
jb@jfeinman.com  
Telephone: (434) 846-7603  
Facsimile: (434) 846-0158

*Counsel for Willard Claytor,  
Tammy Woods, Lisa Sleeper,  
Joshua Davis, Michael DiCarlo,  
William Albert, Douglas Lindamood,  
Andrew Grose, Heather Childress,  
Lloyd Agnew, Lowell B. Sykes,  
Ronald Fleshman, Robert Graham  
Hobbs, and Lexine Gill*

Seen and \_\_\_\_\_:

John C. Gayle  
John Cole Gayle, Jr., Esquire  
The Consumer Law Group, P.C.  
5905 West Broad Street, Suite 303,  
Richmond, Virginia 23230  
jgayle@consumerlawgroup.com  
Telephone: 804-282-7900  
Facsimile: 804-673-0316

*Counsel for Manfred Duggins,  
Wayne Sawyer, Jr., James Smith,  
and Lorna and Randolph Wyckoff*

Seen and \_\_\_\_\_:

Harris Butler, Esquire  
Butler Royals, PLC  
140 Virginia Street, Suite 302  
Richmond, Virginia 23219  
harris.butler@butlerroyals.com  
Telephone: (804) 648-4848  
Facsimile: (804) 237-0413

*Counsel for Rebecca Royals, Jane  
Schwalm, and Wendy Amato*

Seen and \_\_\_\_\_:

Kirby Griffis, Esq.  
3700 Country Lane  
Charlottesville, Virginia 22903  
Telephone: (202) 898-5828  
kirbygriffis@gmail.com

*Pro se Plaintiff*