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the Volkswagen Diesel Emissions Environmental Mitigation
Trust for Indian Tribe Beneficiaries

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

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

Relates to:

*[United States v. Volkswagen AG, et al., No.
16-cv-295 (N.D. Cal.)]*

Case No. MDL 2672 CRB (JSC)

**NOTICE OF BENEFICIARY
DESIGNATION UNDER THE
VOLKSWAGEN DIESEL EMISSIONS
ENVIRONMENTAL MITIGATION
TRUST FOR INDIAN TRIBE
BENEFICIARIES**

Judge: Hon. Charles R. Breyer

PLEASE TAKE NOTICE THAT Wilmington Trust, N.A. as Trustee (the “Trustee”) of the Volkswagen Diesel Emissions Environmental Mitigation Trust for Indian Tribe Beneficiaries (the “Indian Tribe Trust”), by and through its counsel Reed Smith, respectfully files the attached Notice of Beneficiary Designation under the Volkswagen Diesel Emissions Environmental Mitigation Trust for Indian Tribe Beneficiaries in accordance with subparagraph 4.0.2 thereof.

Dated: January 29, 2018

Respectfully submitted,

/s/Michele D. Ross
Michele D. Ross, partner
Reed Smith LLP

CERTIFICATE OF SERVICE

I hereby certify that, on January 29, 2018, I caused to be served true copies of the Notice of Beneficiary Designation under the Volkswagen Diesel Emissions Environmental Mitigation Trust for Indian Tribe Beneficiaries in accordance with subparagraph 4.0.2 thereof by electronic means by filing such documents through the Court's Electronic Case Filing System.

/s/ Michele D. Ross

Michele D. Ross

Attorney for the Trustee of the Volkswagen
Diesel Emissions Environmental Mitigation
Trust for Indian Tribe Beneficiaries

Notice of Beneficiary Designation for the Volkswagen Diesel Emissions Environmental Mitigation Trust for Indian Tribe Beneficiaries in accordance with subparagraph 4.0.2 of the Indian Tribe Trust

In accordance with subparagraph 4.0.2 of the Volkswagen Diesel Emissions Environmental Mitigation Trust for Indian Tribe Beneficiaries (the “Indian Tribe Trust”), Wilmington Trust, N.A. as Trustee of the Indian Tribe Trust hereby certifies as follows:

In accordance with Paragraph 4.0 of the Indian Tribe Trust, each of the following Certifying Entities filed its Appendix D-3 with the U.S. District Court for the Northern District of California (the “Court”) on or prior to 90 days after the Trust Effective Date:

LIST OF DESIGNATED BENEFICIARIES UNDER THE INDIAN TRIBE TRUST

1. Beaver Village
2. Bishop Paiute Tribe
3. Blue Lake Rancheria, California
4. Cherokee Nation
5. Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota
6. The Chickasaw Nation
7. Confederated Tribes and Bands of the Yakama Nation
8. Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians
9. Coquille Indian Tribe
10. Minnesota Chippewa Tribe - Fond du Lac Band
11. Fort Independence Indian Community of Paiute Indians of the Fort Independence Reservation, California
12. Gila River Indian Community of the Gila River Indian Reservation, Arizona
13. Hoopa Valley Tribe, California
14. Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota
15. Mashantucket Pequot Indian Tribe

16. Mohegan Tribe of Indians of Connecticut
17. The Muscogee (Creek) Nation
18. Native Village of Stevens
19. Oglala Sioux Tribe
20. Pala Band of Mission Indians
21. Pueblo of Isleta
22. The Quapaw Tribe of Indians
23. Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona
24. San Manuel Band of Mission Indians, California
25. Shoshone- Bannock Tribes of the Fort Hall Reservation
26. Southern Ute Indian Tribe
27. Swinomish Indian Tribal Community
28. Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota
29. White Mountain Apache Tribe of the Fort Apache Reservation, Arizona

In accordance with subparagraph 4.0.2.1 of the Indian Tribe Trust, no notices of objection were filed to the Appendix D-3 filings with the Court by any of the Certifying Entities listed above. Therefore, in accordance with the terms of the Indian Tribe Trust, each such Certifying Entity listed above is now designated a “Beneficiary” under the Indian Tribe Trust.

Any Certifying Entity that filed its Appendix D-3 with the Court after January 2, 2018 will be considered for the next funding cycle.

Each of the Certifying Entities listed above in the “List of Designated Beneficiaries” met the deadline of January 2, 2018, relating to filing its Appendix D-3 with the Court. However, in order to participate in the first funding cycle under the Indian Tribe Trust, these potential Beneficiaries were also required to file their Appendix D-3 and Appendix D-4 certifications with the Trustee in accordance with Paragraph 4.0 and subparagraph 5.0.5.2 of the Indian Tribe Trust by the January 2, 2018 deadline.

If a potential Beneficiary met both of these deadlines and its Appendix D-3 and Appendix D-4 certifications were properly completed and filed with the Trustee by the January 2, 2018 deadline, it will be considered for participation in the first funding cycle.

Potential Beneficiaries that submitted a DERA Notice of Intent must meet both the filing deadline with the Court and the filing deadline with the Trustee, and must also receive a DERA Award from the U.S. Environmental Protection Agency to be eligible to participate in the first funding cycle.

The following two Certifying Entities listed below did not file their Appendix D-3 and Appendix D-4 certifications with the Trustee in accordance with Paragraph 4.0 and subparagraph 5.0.5.2 of the Indian Tribe Trust by the January 2, 2018 deadline and are not eligible to participate in the first funding cycle:

- Southern Ute Indian Tribe
- Swinomish Indian Tribal Community

If a Certifying Entity was deemed a Beneficiary under the Indian Tribe Trust because it filed its Appendix D-3 with the Court by the January 2, 2018 deadline, but failed to meet the January 2, 2018 deadline for filing its Appendix D-3 and Appendix D-4 with the Trustee, that Beneficiary will be eligible to participate in a subsequent funding cycle provided that it files its Appendix D-3 and Appendix D-4 with the Trustee by the deadline for that subsequent funding cycle.

The deadline for the next funding cycle is September 1, 2018. All of the Certifying Entities that are now designated Beneficiaries of the Indian Tribe Trust listed in the “List of Designated Beneficiaries” above are eligible to participate in any one of the subsequent funding cycles.

Wilmington Trust, N.A. as Trustee of the Volkswagen Diesel Emissions Environmental Mitigation Trust for Indian Tribe Beneficiaries

By: /s/David A. Vanaskey Jr.
Name: David A. Vanaskey Jr.
Title: Administrative Vice President