

**The Volkswagen Diesel Emissions Environmental Mitigation Trust
for Indian Tribe Beneficiaries**

**Notice and Court Order Pursuant To Subparagraph 5.2.16 and 5.0.5.2.3 of The Indian
Tribe Trust Regarding Approval of Funding Requests and Allocation**

In accordance with the Volkswagen Diesel Emissions Environmental Mitigation Trust for Indian Tribe Beneficiaries (“the Indian Tribe Trust”), the Trustee has received Funding Requests from 27 of the Federally-Recognized Indian Tribes that qualified as Designated Beneficiaries of the Indian Tribe Trust by the deadline for the first funding cycle which was January 2, 2018.

Pursuant to the terms of the Indian Tribe Trust, the Trustee, Wilmington Trust, N.A., is required to post its approval of, request for modification or for more information, or denial of the funding requests for the first funding cycle on the Indian Tribe Trust’s public-facing website on Monday, March 5, 2018 in accordance with subparagraphs 5.2.16 or 5.0.5.2.3 of the Indian Tribe Trust.

In compliance with the attached Order of the Court dated March 2, 2018 (the “Order”) attached hereto, the Trustee will not be publishing any notice, with respect to the above paragraph, at this time on the public-facing website at www.vwenvironmentalmitigationtrust.com.

Instead, the Trustee shall be consulting with the United States, the Parties to the Indian Tribe Trust, the Department of Justice and the Environmental Protection Agency in furtherance of establishing a schedule for the consultation process described in the Order.

The Trustee will share the details of that schedule and process as soon as they are available.

Any questions regarding this Notice and the Order should be jointly addressed in writing to the following:

Volkswagen Diesel Emissions Environmental Mitigation Trust for Indian Tribe
Beneficiaries
c/o Wilmington Trust, N.A. as Trustee
Wilmington Trust, National Association
Rodney Square North
1100 North Market Street
Attn: Capital Markets & Agency Services
Wilmington, DE 19890
Facsimile: 302 636-4145

Director, Air Enforcement Division
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
William J. Clinton South Building
MC 2242A
Washington, DC 20460
E-mail: VW_settlement@epa.gov

U.S. Department of Justice:
Chief, Environmental Enforcement Section
Re: DJ # 90-5-2-1-11386
Environment and Natural Resources Division
U.S. Department of Justice
P.O. Box 7611
Washington, DC 20044-7611
E-mail: eescdcopy.enrd@usdoj.gov
Re: DJ # 90-5-2-1-11386

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

DATE: March 5, 2018

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: VOLKSWAGEN “CLEAN DIESEL”)	MDL No. 2672 CRB (JSC)
MARKETING, SALES PRACTICES, AND)	
PRODUCTS LIABILITY LITIGATION)	ORDER STAYING CERTAIN TRUSTEE
)	OBLIGATIONS UNDER THE
)	ENVIRONMENTAL MITIGATION TRUST
<hr/> This Document Relates to:)	AGREEMENT FOR INDIAN TRIBE
)	BENEFICIARIES
<i>United States v. Volkswagen AG et al.</i> ,)	
Case No. 16-cv-295 (N.D. Cal.))	
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1 Having reviewed and considered information received from the United States and the parties to
2 the Indian Tribe Trust Agreement, the Court hereby:

- 3 1) **ORDERS** the United States and interested Beneficiaries to meet and confer, in consultation
4 with the Trustee, to discuss whether any adjustment to the allocation methodology applicable
5 when approvable funding requests from Beneficiaries exceed available funding is necessary
6 to ensure that the Indian Tribe Trust funds are distributed in a manner that is consistent with
7 the purpose of the Indian Tribe Trust;
- 8 2) **ORDERS** that within 60 days of this Order, the United States shall file a status report to the
9 Court, unless the United States instead files a proposed modification to the Indian Tribe Trust
10 Agreement for the Court's consideration; and
- 11 3) **ORDERS** that the Trustee shall take no further actions related to its obligations under
12 Section V (Distribution of Indian Tribe Mitigation Trust Assets) of the Indian Tribe Trust
13 Agreement, including without limitation, its obligations under subparagraph 5.0.5 (and all the
14 subparagraphs thereof), and Paragraphs 5.1, 5.2 (and all the subparagraphs thereof), 5.3, and
15 5.4, as they relate to the first funding cycle and all future funding cycles under the Indian
16 Tribe Trust, until ordered by the Court to do so.

17 **IT IS SO ORDERED.**

18 Dated: March 2, 2018



19 _____
20 CHARLES R. BREYER
21 United States District Judge