

Michele D. Ross  
Reed Smith LLP  
1301 K Street NW  
Suite 1000 – East Tower  
Washington, D.C. 20005  
Telephone: 202 414-9297  
Fax: 202 414-9299  
Email: mross@reedsmith.com

Attorneys for the Trustee of  
the Volkswagen Diesel Emissions Environmental Mitigation  
Trust for Indian 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: May 17, 2021

Respectfully submitted,

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

**CERTIFICATE OF SERVICE**

I hereby certify that, on May 17, 2021, I caused to be served true copies of the Notice of Beneficiary Designation for the Volkswagen Diesel Emissions Environmental Mitigation Trust for Indian Tribe Beneficiary's 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 Agreement**

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 agreement each of the following Certifying Entities filed its Beneficiary Status Certification Form (Appendix D-3) with the U.S. District Court for the Northern District of California (the “Court”) on, or prior to, March 16, 2021:

**LIST OF DESIGNATED BENEFICIARIES UNDER THE INDIAN TRIBE TRUST**

1. Akiachak Native Community
2. Campo Band of Diegueno Mission Indians of the Campo Indian Reservation, California
3. Fort McDowell Yavapai Nation, Arizona
4. Holy Cross Tribe
5. Hopi Tribe of Arizona
6. Hydaburg Cooperative Association
7. Igiugig Village
8. La Jolla Band of Luiseno Indians, California
9. Minnesota Chippewa Tribe - Mille Lacs Band
10. Native Village of Buckland
11. Native Village of Chitina
12. Native Village of Deering
13. Native Village of Minto
14. Native Village of Napaimute

15. Nulato Village
16. Oneida Indian Nation
17. Organized Village of Kwethluk
18. Pueblo of Laguna, New Mexico
19. Pueblo of Sandia, New Mexico
20. San Pasqual Band of Diegueno Mission Indians of California
21. Shageluk Native Village
22. Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota
23. Saint George Island
24. Saint Paul Island
25. Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California

In accordance with subparagraph 4.0.2.1 of the Indian Tribe Trust agreement, 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 agreement, each such Certifying Entity listed above is now designated a “Beneficiary” under the Indian Tribe Trust. **This Notice of Beneficiary Designation represents the fourth and final list of Indian Tribes that will be designated as Beneficiaries under paragraph 4.0 of the Indian Tribe Trust agreement.**

As provided in subparagraph 4.0.2.4 of the Indian Tribe Trust agreement, once a Certifying Entity has been deemed a Beneficiary, it remains a Beneficiary for all future funding cycles and may apply for Eligible Mitigation Action funding by submitting a Designated Beneficiary’s Participation Notice (Appendix D-6) and an EMA Certification Form (Appendix D-4) by the deadline for each respective funding cycle as set forth in subparagraphs 5.0.5.3.3 and 5.0.5.3.5.

All of the 25 Certifying Entities that are now deemed Beneficiaries of the Indian Tribe Trust, listed in the “List of Designated Beneficiaries” above, are eligible to participate in the Fourth Funding Cycle, along with the 94 other Federally-recognized Indian Tribes that have previously been designated as Beneficiaries of the Indian Tribe Trust. **Designated Beneficiaries should assume that the Fourth Funding Cycle will be the final Funding Cycle under the Indian Tribe Trust.**

Following the Fourth Funding Cycle, the Trustee, in conference with the United States, is required to make a determination in accordance with the terms of subparagraph 5.0.5.3.4 of the Indian Tribe Trust agreement as to whether there are sufficient funds remaining to hold a Fifth Funding Cycle. If there are sufficient funds to hold a Fifth Funding Cycle, then the Trustee will notify all Designated Beneficiaries of the Indian Tribe Trust of the deadlines relating to that funding cycle. If the Trustee determines that there are insufficient funds remaining to hold a Fifth Funding Cycle, then the Trustee will commence the orderly termination of the Indian Tribe Trust in accordance with the terms of the Indian Tribe Trust agreement.

As of the date of this Notice of Beneficiary Designation, no determination has been made as to whether there will be a Fifth Funding Cycle.

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