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JS-6

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

ALEXANDRA OLSON, an individual  
on behalf of herself and all other  
similarly situated,

Plaintiff,

vs.

VOLKSWAGEN OF AMERICA, INC.,  
and DOES 1 through 500, Inclusive,

Defendants.

CASE NO. CV07-05334 R (JTLx)

**CLASS ACTION**

**REVISED [~~PROPOSED~~] ORDER  
AND JUDGMENT APPROVING  
CLASS SETTLEMENT**

Date: December 15, 2008

Time: 10:00 a.m.

Crtrm.: 8

District Judge: Hon. Manuel L. Real

1 The Court, after notice to the Settlement Class, held a hearing on December  
2 15, 2008 for purposes of determining:

3  
4 1. Whether the proposed settlement of the claims asserted by Plaintiff on  
5 behalf of all others similarly situated in the above-captioned lawsuit (the "lawsuit")  
6 on the terms set forth in the Agreement of Settlement dated April 25, 2008 and the  
7 exhibits thereto is fair, adequate and reasonable and should be finally approved by  
8 the Court; and

9  
10 2. Whether, pursuant to the terms of the proposed settlement, a judgment  
11 should be entered dismissing Defendant VOLKSWAGEN GROUP OF AMERICA,  
12 INC. sued under its former name VOLKSWAGEN OF AMERICA, INC.  
13 ("VWGoA") from all released claims;

14  
15 The Court, having heard all persons properly appearing and requesting to be  
16 heard; having considered the papers submitted in support of the proposed settlement  
17 and the oral presentations of counsel; and having considered all applicable law; and  
18 having considered any objections made to the proposed settlement; finds that there  
19 is no just reason for delay of entry of this Final Order and Judgment Approving  
20 Class Settlement. This Final Order and Judgment adopts and incorporates the  
21 Agreement of Settlement, the terms defined herein, and all exhibits thereto.

22  
23 **IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED AS**  
24 **FOLLOWS:**

25  
26 1. The Court finds that it has personal jurisdiction over all members of the  
27 Settlement Class and that it has subject mater jurisdiction to approve the Agreement  
28 of Settlement and all exhibits thereto.

1           2.     The Lawsuit is hereby certified as a Class Action pursuant to Federal  
2 Rule of Civil Procedure 23 for settlement purposes only. The Settlement Class is  
3 defined as:

4  
5           All persons who are now or have been at any time owners  
6 of record or lessees of any model year 2000-2003 Audi A4  
7 and Audi TT vehicles equipped with 1.8 liter turbocharged  
8 engines, and all model year 1999 Volkswagen Passat  
9 vehicles equipped with 1.8 liter turbocharged engines  
10 (“Settlement Class Vehicles”) distributed by defendant  
11 Volkswagen Group of America, Inc., sued herein under its  
12 former name Volkswagen of America, Inc, in its own  
13 name or doing business as Audi of America, Inc., for sale  
14 in the United States. The Settlement Class excludes  
15 persons who validly and timely exclude themselves from  
16 the Settlement Class, and persons who have settled with  
17 and released Defendant from individual claims  
18 substantially similar to those alleged in this matter.  
19

20  
21           3.     The Court gives Final Approval to the settlement as fair, adequate and  
22 reasonable to each of the Parties, consistent and in compliance with all requirements  
23 of federal and California Law, as to, and in the best interest, of each Parties and the  
24 members of the Settlement Class, and directs the Parties and their Counsel to  
25 implement and consummate the Agreement of Settlement in accordance with its  
26 terms and provisions.  
27

28           4.     The Court declares the settlement and Final Order and Judgment to be  
binding on, and have *res judicata* and a preclusive effect in all pending and future  
lawsuits involving the Released Claims as set forth in ¶¶ 1.25 and 1.26 of the  
Agreement of Settlement, maintained by or on behalf of Plaintiff or any other  
members of the Settlement Class, as well as their heirs, executors and  
administrators, successors and assigns.

          5.     The Court finds that the multi-faceted notice program implemented

1 pursuant to the Agreement of Settlement: (i) constitutes the best practicable notice;  
2 (ii) is reasonably calculated, under the circumstances, to apprise members of the  
3 Settlement Class of the pendency of the Lawsuit, their right to object or exclude  
4 themselves from the proposed settlement and to appear at the Final Approval  
5 Hearing, and their right to seek monetary or other relief; (iii) is reasonable and  
6 constitutes due, adequate and sufficient notice to all persons entitled to receive  
7 notice; and (iv) meets all applicable requirements of due process and any other  
8 applicable requirements under federal and California law.

9  
10 6. The Court finds that the Plaintiff and Class Counsel adequately  
11 represented the Settlement Class for the purpose of entering into and implementing  
12 the settlement.

13  
14 7. The Court has considered all objections to this settlement filed as well  
15 as arguments of the objectors at the Final Approval Hearing. With respect thereto,  
16 the Court finds the objections ill-founded and are hereby overruled.

17  
18 8. The action styled *Olson v. Volkswagen of America, Inc.*, Case No.  
19 CV07-05334, including all individual and class claims presented thereby is hereby  
20 DISMISSED on the merits WITH PREJUDICE.

21  
22 9. The Court adjudges that Plaintiff and the Settlement Class have fully,  
23 finally and conclusively compromised, settled, discharged, dismissed and released  
24 any and all Released Claims against VWGoA.

25  
26 10. The Court approves payment by VWGoA of an incentive award to  
27 Plaintiff ALEXANDRA OLSON in the amount of \$5,000.

1           11. Without affecting the finality of the Final Order and Judgment for  
2 purposes of appeal, the Court reserves jurisdiction over VWGoA, the Plaintiff and  
3 the members of the Settlement Class as to all matters relating to the administration,  
4 consummation, enforcement and interpretation of the terms of the Agreement of  
5 Settlement and the Final Order and Judgment, and for any and other necessary  
6 purposes.

7  
8           12. Upon the Effective Date, the Plaintiff and all members of the  
9 Settlement Class who did not timely and properly exclude themselves from the  
10 Settlement Class, whether or not they returned a Claim Form within the time and in  
11 the manner provided for, are permanently barred from asserting any Released  
12 Claims against VWGoA or any of their respective agents, affiliates, assigns and  
13 other designees as set forth in paragraphs 1.25 and 1.26 of the Agreement of  
14 Settlement.

15  
16           13. The Court approves the *final* Opt-Out List attached hereto as Exhibit  
17 "A," and determines that the Opt-Out List is a complete list of all Settlement Class  
18 Members who have timely requested exclusion from the Settlement Class and  
19 accordingly, shall neither share in or be bound by the Final Order and Judgment.

20  
21           14. The Parties are hereby authorized, without further approval from the  
22 Court, to agree to and adopt such amendments, modifications and expansions of the  
23 Settlement Agreement and all exhibits and amendments thereto as: (i) are consistent  
24 in all materials included with this Final Order and Judgment; and (ii) do not limit the  
25 rights of the Settlement Class Members.

26  
27           15. In the event that the settlement does not become effective in accordance  
28 with the terms of the Agreement of Settlement, then the Agreement of Settlement,

1 this Final Order and Judgment and other terms herein including the certification of  
2 the Settlement Class shall be rendered null and void and be vacated.

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**IT IS SO ORDERED.**

DATED: December 16, 2008



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Hon. Manuel L. Real  
United States District Court Judge

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# EXHIBIT A

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