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10 *Attorneys for Plaintiff Federal Trade Commission*

11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**

13 IN RE: VOLKSWAGEN "CLEAN DIESEL"
14 MARKETING, SALES PRACTICES AND
15 PRODUCT LIABILITY LITIGATION

16 MDL DOCKET NO. 2672 CRB (JSC)

17 **FEDERAL TRADE COMMISSION'S**
18 **NOTICE OF MOTION AND**
19 **MOTION TO ENTER ITS**
20 **PROPOSED PARTIAL**
21 **STIPULATED ORDER FOR**
22 **PERMANENT INJUNCTION AND**
23 **MONETARY RELIEF**

24 This document relates to:

25 ALL ACTIONS (except securities actions)

26 Hearing: October 18, 2016
27 Time: 8:00 a.m.
28 Courtroom: 6 - 17th Floor

1 The Federal Trade Commission ("FTC") respectfully requests that the Court enter the
2 Proposed Partial Stipulated Order for Permanent Injunction and Monetary Relief (DE 1607)
3 ("the FTC Order") along with the other components of the global 2.0L "Clean Diesel"
4 settlement, including the proposed DOJ Consent Decree and the Class Action Settlement.¹

5 As the FTC previously explained, the robust consumer relief in the FTC Order fully
6 compensates consumers because it provides the retail value of their vehicle before Volkswagen's
7 deception became public, in addition to compensation for other losses. *See* DE1781, FTC

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¹ Volkswagen Group of America, Inc. has agreed to the proposed FTC Order as well as
the proposed DOJ Consent Decree and the proposed Class Action Settlement.

1 Statement Supporting the Settlement (Aug. 26, 2016).² Given the settlement's importance, the
2 FTC respectfully requests that the Court enter the proposed FTC Order along with the related
3 agreements so that complete relief for consumers can begin.

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5 Dated: September 30, 2016

Respectfully Submitted,

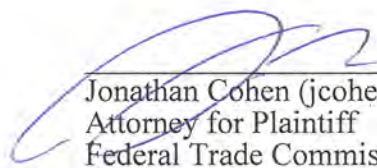
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22 ² Although the FTC supports the private Class Action Settlement, the legal rationale that
23 the Plaintiffs' Steering Committee ("PSC") uses does not necessarily reflect FTC law. *See*
24 DE1784, Pl.'s Mem. in Support (Aug. 26, 2016). Specifically, the PSC argues that, under
25 private consumer protection law, a "refund remedy" requires that "a plaintiff return the product
26 in comparable condition to what the plaintiff received" and that recoveries be reduced based on
27 "value provided to the Plaintiff." *Id.* at 21 (citations omitted). Neither proposition applies
28 universally under the FTC Act. Rather, the equitable relief available to the FTC under the FTC
Act can vary depending on the circumstances. The differences between the FTC Act and private
law can be critical to the Commission's ability to compensate consumers fairly when it seeks
relief.

CERTIFICATE OF SERVICE

I, Jonathan Cohen, hereby certify that on September 30, 2016, I caused to be served true copies of the foregoing by electronic means, by filing such documents through the Court's Electronic Case Filing System.



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Federal Trade Commission

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