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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE CHRYSLER-DODGE-JEEP
ECODIESEL MARKETING, SALES
PRACTICES, AND PRODUCTS
LIABILITY LITIGATION.

Case No. [17-md-02777-EMC](#)

**PRETRIAL ORDER NO. 5: NOTICE OF
INTENT TO APPOINT KENNETH
FEINBERG AS SETTLEMENT
MASTER**

As the Court has previously indicated, there is a pressing need to determine if all or some of the pending matters can be resolved by the parties sooner rather than later. To that end, the Court invited the parties to suggest persons to be appointed by the Court to facilitate settlement discussions among the parties. *See* Docket No. 6 (Pretrial Order No. 1, ¶ 11). The Court has carefully reviewed the suggestions, and having given the issue considerable thought, gives notice of its intent to appoint Kenneth Feinberg as settlement master.¹

Mr. Feinberg’s biography is attached to this order as Exhibit A. As reflected in the biography, Mr. Feinberg is well known for his experience in mediation and alternative dispute resolution, particularly with respect to complex and/or protracted matters, including matters that involve governmental agencies and regulators in addition to multiple private parties. He was previously appointed Special Master of the September 11th Victim Compensation Fund, TARP Executive Compensation, and the Agent Orange Victim Compensation Program and currently

¹ The Court will not appoint Mr. Feinberg to perform any adjudicatory functions, or to even advise the Court on such matters; accordingly, the Court does not intend to appoint him pursuant to Federal Rule of Civil Procedure 53. Attached to this order as Exhibit B is a letter from Mr. Feinberg agreeing to serve as settlement master and explaining his law firm’s engagements of which the parties should reasonably have notice. The Court does not believe that any of these engagements make Mr. Feinberg’s appointment to facilitate settlement discussions inappropriate.

1 serves as Special Master of the U.S. Victims of State-Sponsored Terrorism Fund (administered by
2 the Department of Justice). In addition, he was previously appointed the administrator of the BP
3 Deepwater Horizon Disaster Victim Compensation Fund and the GM Ignition Compensation
4 Claims Resolution Facility. There are few people with better reputation for integrity, judgment,
5 and experience than Mr. Feinberg.

6 Mr. Feinberg will not adjudicate, or assist the Court with adjudicating, any issues in these
7 consolidated proceedings. Rather, his role will be to use his considerable experience and
8 judgment to facilitate settlement discussions among the various parties in these complex matters.
9 His experience makes him uniquely qualified to work with and earn the trust of the parties,
10 including the consumer and car dealer plaintiffs, the United States government, the defendants,
11 and any interested state governments. In fact, Mr. Feinberg has already been proposed by several
12 parties as a possible Settlement Master. *See, e.g.*, Docket No. 70 (FCA Defendants); Docket No.
13 96 (various individual plaintiffs including Plaintiffs' now Lead Counsel).

14 The Court shall give the parties an opportunity to respond to the Court's suggestion of the
15 appointment of Mr. Feinberg. Any responses shall be filed by July 12, 2017, and shall not exceed
16 three pages.

17
18 **IT IS SO ORDERED.**

19
20 Dated: July 5, 2017

21 
22 _____
23 EDWARD M. CHEN
24 United States District Judge
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EXHIBIT A

KENNETH R. FEINBERG, ESQ.
The Law Offices of Kenneth R. Feinberg, PC

Kenneth R. Feinberg is one of the nation's leading experts in mediation and alternative dispute resolution. He has administered numerous high-profile compensation programs, having served as Special Master of the September 11th Victim Compensation Fund, TARP Executive Compensation, and the Agent Orange Victim Compensation Program.

Mr. Feinberg currently serves as Special Master of the U.S. Victims of State-Sponsored Terrorism Fund being administered by the Department of Justice, as well as Fund Administrator for the New York Archdiocese Independent Reconciliation and Compensation Program and the Fund Administrator for the Brooklyn Diocese Independent Reconciliation and Compensation Program.

In 2015, Mr. Feinberg was appointed as Special Master by the Secretary of the Treasury in order to oversee the Department of Treasury's review of applications proposing to reduce pension benefits in connection with the Kline-Miller Multiemployer Pension Reform Act of 2014. From 2014-2015, he served as the Administrator of the GM Ignition Compensation Claims Resolution Facility.

Mr. Feinberg recently served in a *pro bono* capacity as Administrator for the OneOrlando Fund, designing and implementing a claims program for the distribution of over \$25 million in corporate and private donations to the victims of the Pulse Nightclub shooting in Orlando in June 2016. Mr. Feinberg has also served in a *pro bono* capacity as Fund Administrator for the One Fund Boston Victim Relief Fund, Advisor for the Newtown-Sandy Hook Victim Compensation Fund, Administrator of the Aurora Victim Relief Fund following the Colorado movie theater shooting in 2012, and Administrator of the Hokie Spirit Memorial Fund following the shootings at Virginia Tech University in 2007.

Mr. Feinberg was appointed by the Obama Administration and BP in 2010 to serve as Administrator of the Gulf Coast Claims Facility to compensate victims of the BP Deepwater Horizon oil spill in the Gulf of Mexico.

Secretary of the Treasury Timothy Geithner appointed Mr. Feinberg to serve as Special Master for the Troubled Asset Relief Program ("TARP") Executive Compensation in 2009 in order to make determinations regarding the compensation structures of certain employees of TARP recipients who had received exceptional financial assistance. During this time, Mr. Feinberg also served as Court appointed Fee Examiner of the Lehman Brothers bankruptcy case, examining and instituting caps on fees and expenses charged by professionals retained during the bankruptcy process.

In 2008, Mr. Feinberg designed, implemented and administered Alternative Dispute Resolution Programs for Liberty Mutual Insurance Company and Zurich Insurance Company for resolving insurance claims arising from Hurricanes Katrina, Gustav, Ike and other hurricanes in the Gulf region.

Mr. Feinberg was appointed in June of 2007 as the Distribution Agent *In Re: United States Securities and Exchange Commission v. American International Group, Inc.*, responsible for the design and implementation of a Plan for the distribution of a fund of \$800 million to eligible claimants. He has also served as Fund Administrator in other prominent settlements including: *In Re: United States of America v. Computer Associates International, Inc.* (responsible for the design and implementation of a restitution fund of \$275 million); *In Re: International Air Transportation Surcharge Antitrust Litigation* (responsible for the design and administration of a \$200 million fund in both the United States and England); *In Re: Zyprexa Product Liability Litigation* (a \$700 million settlement fund); *In Re: Latino Officers Association City of New York v The City of New York* (a \$17 million settlement fund).

In November 2001, Attorney General John Ashcroft appointed Mr. Feinberg to serve as Special Master of the September 11th Victim Compensation Fund. In this capacity, Mr. Feinberg developed and

promulgated the Regulations governing the Fund's administration and oversaw the evaluation of applications, determination of appropriate compensation, and dissemination of awards totaling \$7 billion.

Mr. Feinberg received his B.A. *cum laude* from the University of Massachusetts in 1967 and his J.D. from New York University School of Law in 1970, where he was Articles Editor of the *Law Review*. He was a Law Clerk for Chief Judge Stanley H. Fuld, New York State Court of Appeals from 1970 to 1972; Assistant United States Attorney, Southern District of New York from 1972 to 1975; Special Counsel, United States Senate Committee on the Judiciary from 1975 to 1978; Chief of Staff to Senator Edward M. Kennedy from 1978 to 1980; Partner at Kaye, Scholer, Fierman, Hays & Handler from 1980 to 1993; and founded The Feinberg Group, LLP in 1993.

MEDIATION

Special Settlement Master, In re: Andrew Herman. et al. v. Westinghouse Electric Corporation (employment discrimination class action).

Special Settlement Master, In re: "Agent Orange" Product Liability Litigation.

Special Settlement Master, County of Suffolk et al. v. Long Island Lighting Co. et al. (Shoreham Nuclear Facility class action RICO litigation).

Special Settlement Master, In re: Eagle-Picher Industries Inc. (national asbestos personal injury/wrongful death class action).

Special Settlement Master, In re: Joint Eastern and Southern District Asbestos Litigation (federal and state asbestos personal injury/wrongful death litigation arising out of exposures at the Brooklyn Navy Yard).

Special Settlement Master, In re: Asbestos Personal Injury Litigation (asbestos personal injury/wrongful death litigation pending in the Maryland State courts).

Special Settlement Master, In re: Joint Eastern and Southern District Asbestos Litigation (federal asbestos personal injury/wrongful death litigation arising out of exposures at various New York utilities).

Special Settlement Master/Referee, In re: DES Cases (federal and state personal injury/wrongful death DES litigation).

Trustee, In re: A.H. Robins Co. (Dalkon Shield Claimants' Trust).

Mediator, FRT Plywood Mediation (fire retardant plywood litigation involving allegations of defective roofs in approximately 250,000 homes).

Mediator in hundreds of matters involving allegations of antitrust violations, breach of contract, civil RICO violations, civil fraud and product liability; mediator in various commercial and insurance coverage disputes.

Member, National Panel, Center for Public Resources (one of 64 individuals selected nationally by the CPR to mediate and/or engage in other forms of alternative dispute resolution).

Arbitrator, American Arbitration Association.

Arbitrator, Marine Spill Response Corporation.

Former Vice-Chair, Committee on Alternative Dispute Resolution, American Bar Association.

LAW

Founder, The Law Offices of Kenneth R. Feinberg, PC, Washington, D.C. (2016 – present)

Managing Partner, Feinberg Rozen, LLP (2009 – 2016).

Founder, The Feinberg Group, LLP, Washington, D.C. (1993-2009).

Partner, Kaye, Scholer, Fierman, Hays & Handler, Washington, D.C. (1980-1993).

Steven and Maureen Klinsky Lecturer on Law, Harvard University Law School, Cambridge, Mass. (2015-present)

Adjunct Professor of Law, Harvard University Law School, Cambridge, Mass. (2008-2015)

Adjunct Professor of Law, Georgetown University Law Center, Washington, D.C. (1979-Present).

Adjunct Professor of Law, University of Pennsylvania Law School, Philadelphia, PA (1998-2005).

Adjunct Professor of Law, New York University School of Law, New York, NY (2000-Present).

Adjunct Professor of Law, Columbia University Law School (2002-2006).

Adjunct Professor of Law, University of Virginia Law School, Charlottesville, VA (Current Semester 2000).

Adjunct Professor of Law, The Graduate School of Political Management, New York, New York. (1988-1990).

Visiting Lecturer, University of California, Los Angeles, Los Angeles, California (2007).

Visiting Lecturer, Vanderbilt University, Nashville, Tennessee (2008).

Visiting Lecturer, Duke University, Durham, North Carolina (2008).

Visiting Lecturer, New York Law School, New York, New York (2008).

Administrative Assistant, Senator Edward M. Kennedy, Washington, D.C. (1978-1980).

Special Counsel, United States Senate Committee on the Judiciary, Washington, D.C. (1977-1978).

General Counsel, Subcommittee on Administrative Practice and Procedure, United States Senate Committee on the Judiciary, Washington, D.C. (1975-1977).

Assistant United States Attorney, Southern District of New York (1972-1975).

COMMISSIONS

General Counsel, James Madison Memorial Fellowship Foundation. (Public Law No. 99-591 (1986) and, as amended, Public Law No. 101-208 (1989).

Member, Presidential Advisory Committee on Human Radiation Experiments (1994-1998).

Member, Presidential Commission on Catastrophic Nuclear Accidents. (1989-1990).

Member, Carnegie Commission Task Force on Science and Technology in Judicial and Regulatory Decisionmaking. (1989-Present).

Member, American Bar Association Special Committee on Mass Torts. (1988-1989).

Special Consultant, United States Sentencing Commission. (1984-1987); Chairman, New York State Committee on Sentencing Reform. (1985-1987).

EDUCATION

J.D. (Cum Laude), New York University School of Law (1970) (New York University Law Review; Butler Prize for "Unusual distinction in scholarship, character and professional activities;" Newman Prize for Ameritorious achievement in the area of public law.")

B.A. (Cum Laude), University of Massachusetts (1967) (Class commencement address)

Law Clerk, Chief Judge Stanley H. Fuld, New York State Court of Appeals. (1970-1972)

HONORS AND AWARDS

Listed in "The 100 Most Influential Lawyers in America," *The National Law Journal* (March 25, 2013).

Honorary Doctorate, Curry College, Milton, May 2013.

Honorary Doctor of Humane Letters, Salem State University, 2012.

Honorary Doctor of Laws, Saint Francis College, May, 2011.

Honorary Doctor of Laws, Suffolk University, May, 2010.

Designated "Lawyer of the Year" by the *National Law Journal* (December, 2004).

Listed in "Profiles in Power: The 100 Most Influential Lawyers in America" (*National Law Journal*, May 2, 1988; March 25, 1991; April 4, 1994; June 12, 2000; June 19, 2006).

Listed in "The Next Establishment: Twenty-Seven Future Leaders of America's Major Firms" (The American Lawyer, March, 1986).

Listed in "125 Alumni to Watch," University of Massachusetts (October 15, 1988).

Charles A. Fahy Annual Award for Best Adjunct Professor of Law, Georgetown University Law Center (1988-1989).

BAR AND PROFESSIONAL AFFILIATIONS

New York 1971

District of Columbia 1977

Massachusetts 1980

Southern District of New York 1973

Northern District of New York 1991

Federal District Court of the District of Columbia 1981

Federal District Court for the District of Massachusetts 1981

United States Court of Appeals for the Second Circuit 1972

Bar Association of the City of New York 1972

Bar Association of the District of Columbia 1977

Massachusetts Bar Association 1980

American Bar Association Ad Hoc Committee on Tort Law Reform (Chairman, Subcommittee on Statutory Compensation Systems).

Advisory Board, Center for Research in Crime and Justice of the New York University School of Law (1984)

Member of Board of Directors, Lawyers Committee for Human Rights, New York (1990).

Member of Board of Directors, National Organization for Victim Assistance, Washington, D.C. (1991)

Chairman of the Board of the RAND Institute for Civil Justice, Washington, D.C. (2009)

President of the Washington National Opera, Washington, D.C. (2007 – 2011)

Member, Board of Overseers, RAND Institute for Civil Justice, Washington, D.C. (2010- present)

Vice-Chairman of Human Rights First, New York, NY. (2007 - Present)

Member of the Board of Trustees, The Bazelon Center for Mental Health Law, Washington, D.C. (1996 - Present)

Founding Chairman, RAND Center for Catastrophic Risk Management and Compensation (2012 – present)

PUBLICATIONS

1. Books

Who Gets What? Fair Compensation After Tragedy and Financial Upheaval (Public Affairs Press, 2012).

What is Life Worth? The Unprecedented Effort to Compensate the Victims of 9/11 (Public Affairs Press, 2005).

2. Law Review Articles

“Unconventional Responses to Unique Catastrophes: Tailoring the Law to Meet the Challenges,” The Thomas M. Cooley Law School, Law Review, Vol. 30, No. 3 (Hilary Term 2013)

“BP Exploration & Production Inc., et al.” Supreme Court of the United States, On Petition for a Writ of Certiorari to the United States Court of Appeals, for the Fifth Circuit, No. 14-123 (2014)

“Unconventional Responses to Unique Catastrophes: Tailoring the Law to Meet the Challenges,” Chapman Law Review, Chapman Dialogue Series, Vol. 17, No. 2 (Spring 2014)

"Is the Class Half-Empty or Half-Full?," Loyola University Chicago Law Journal, Vol. 44, No. 2 (Winter 2012)

"Democratization of Mass Litigation: Empowering the Beneficiaries," "The Democratization of Mass Litigation?" Columbia Journal of Law and Social Problems, Symposium, Vol. 45, No. 4, 481-498 (Summer 2012)

"Unconventional Responses to Unique Catastrophes," Akron L. Rev. Vol. 45, No. 3, 575-582 (2012)

"The September 11th Victim Compensation Fund of 2001: Policy and Precedent," New York Law School L. Rev. Vol. 56, 1115 (2011/12)

"Symposium on Executive Compensation," Keynote Address, 64, No.2 Vanderbilt L. Rev. 349 (2011)

"Reexamining the Arguments in Owen M. Fiss, Against Settlement," 78 Fordham L. Rev. 3 (2009)

"Keynote Presentation: The Sixth John A. Speziale Alternative Dispute Resolution Symposium," 27 No. 3 Quinnipiac University School of Law L. Rev. 779 (2009)

"Compensating Victims of Disaster: The United States Experience," 79 Papers on Parliament No. 49, Constitutional Politics and Other Lectures in the Senate Occasional Lecture Series (2008)

"Tributes to Justice Stephen G. Breyer," 64 N.Y.U. Annual Survey of American Law 1 (2008).

"How Can ADR Alleviate Long-Standing Social Problems? 34 Fordham Urban L.J., 785 (2007).

"Response to Robert L. Rabin," 106 Columbia L. Rev. 2 (2006).

"A Special Issue Dedicated to Judge Jack B. Weinstein," 97 Columbia L. Rev. 7 (1997).

"Response to Deborah Hensler, A Glass Half Full. A Glass Half Empty: The Use of Alternative Dispute Resolution in Mass Personal Injury Litigation," 73 Tex. L. Rev. 1647 (1995).

"Civil Litigation in the Twenty-First Century: A Panel Discussion," 59 Brooklyn L. Rev. 3 (1994).

"Federal Criminal Sentencing Reform: Congress and the United States Sentencing Commission," 28 Wake Forest L. Rev. 291 (1993).

"Using Mediation to Resolve Construction Disputes," in Cushman, Hedemann and Tucker, Alternative Dispute Resolution in the Construction Industry, ' 7.20 et seq. (John Wiley & Sons 1991).

"The Federal Law of Bribery and Extortion: Expanding Liability," in Obermaier and Morvillo, White Collar Crime: Business and Regulatory Offenses, ' 3.01 et seq. (Law Journal Seminars - Press 1990).

"The Dalkon Shield Claimants Trust," 53 Law and Contemporary Problems 79 (1990).

"The Federal Sentencing Guidelines: A Dialogue," 26 Crim. L. Bull. 5 (1990) (co-authored with Judge Stephen G. Breyer).

"Mediation -- A Preferred Method of Dispute Resolution," 16 Pepperdine L. Rev. 5 (1989).

"The Toxic Tort Litigation Crisis: Conceptual Problems and Proposed Solutions," 24 Houston L. Rev. 155 (1987).

"The Separation of Powers Issue in the Independent Counsel Debate," 25 Amer. Crim. L. Rev. 171 (1987).

"The Role of the Courts in Risk Management," 16 Environmental L. Repr. (1986).

"Attorneys' Fees in the Agent Orange Litigation: Modifying the Lodestar Analysis for Mass Tort Cases," 14 N.Y.U. Rev. of Law & Social Change 613 (1986) (co-authored with John S. Gomperts).

"The Comprehensive Crime Control Act of 1984 -- The Insanity Defense, Commitment Procedures, Victim Assistance, and Witness Protection," 5 Legal Notes & Viewpoints 34 (August, 1985).

"Introduction: Symposium on the Crime Control Act of 1984," 22 Amer. Crim. L. Rev. xi (1985).

"Selective Incapacitation and the Effort to Improve the Fairness of Existing Sentencing Practices," 12 N.Y.U. Rev. of Law & Social Change 53 (1984).

"Legislative Options: Recent Developments in Tort Law Reform," 39 Bus. Lawyer 209, 216 (1983).

"Foreword to the White-Collar Crime Symposium," 21 Amer. Crim. L. Rev. vii (1983).

"Sentencing Reform and the Proposed Federal Criminal Code," 5 Hamline L. Rev. 217 (1982).

"Extraterritorial Jurisdiction and the Proposed Federal Criminal Code," 72 J. of Crim. Law and Criminology 385 (1981).

"Economic Coercion and Economic Sanctions: Extraterritorial Enforcement of the Federal Antitrust Laws," 30 Amer. Univ. L. Rev. 323 (1981).

"Toward a New Approach to Proving Culpability: Mens Rea and the Proposed Federal Criminal Code," 18 Amer. Crim. L. Rev. 123 (Summer 1980).

3. Essays

"The Myth of Moral Justice In-Print Symposium: A Brief Response," 4 Cardozo Public Law, Policy, and Ethics Journal 1 (2006).

"The September 11th Victim Compensation Fund," 32 ABA Litigation 2 (Winter 2006).

"The Federal Guidelines and the Underlying Purposes of Sentencing," Federal Sentencing Reporter at 326-327 (May/June 1991).

"Do Mass Torts Belong in the Courtroom?", 74 Judicature 237 (February, 1991).

"In the Shadow of Fernald: Who Should Pay the Victims?", 8 The Brookings Rev. 41 (1990).

"Settling a Mass Tort with a Claimants Trust," 9 Product Liability Law and Strategy 1 (October, 1990).

"How to Use Bankruptcy to Settle Mass Torts," 9 Product Liability Law and Strategy 8 (November, 1990).

"Drug Enforcement: Criminal Division," in America's Transition Blueprints for the 1990s 440 (M. Green & M. Pinsky, eds.) (1989).

Editor, Violent Crime in America (National Policy Exchange, 1983).

"Why NIJ should be Kept Within the Justice Department," 62 Judicature 306 (1979).

4. Newspaper Articles & Periodicals

"The Power 100: The 100 Most Powerful People in Finance," Worth: The Evolution of Financial Intelligence, p. 76 (Vol. 19, Edition 05; 2010).

"9/11 Fund: Once was Enough," The Washington Post, op-ed, p. A17 (September 11, 2008).

"Radiation and Responsibility," The Washington Post, p. A23 (October 9, 1995).

"Truth and Fairness in Sentencing," N.Y. Times A31 (April 24, 1987).

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"Gramm-Rudman is Not Court Material," N.Y. Times p. A31 (March 11, 1986).

"Comprehensive Crime Control Act of 1984 - New Approaches to Federal Criminal Law," (Part 1) N.Y. Law Journal 1 (1985).

"The New Federal Reforms for Sentencing Criminals," (Part 2) N.Y. Law Journal 1 (1985).

"Crime Control Act of 1984 - Changes in Substantive Law," (Part 3) N.Y. Law Journal 1 (1985).

"Crime Control Act of 1984 - Changes in Criminal Procedure," (Part 4) N.Y. Law Journal 3 (1985).

"Crime Control Act of 1984 - Insanity Defense, Commitment, Aid to Victims, Witness Protection," (Part 5) N.Y. Law Journal 1 (1985).

"Get Tough on Criminals: Forget the Death Penalty," The Washington Post (Outlook) p.1 (May 20, 1984).

"Conrail's Future," N.Y. Times p. 19 (March 2, 1981).

"Biggest Proposed Changes Affect Sentencing and White-Collar Crime," National Law Journal 22 (1980).

“Proposed Code: Order, Consistency Replace Loopholes, Archaic Laws,” National Law Journal 48 (1980).

“The Federal Criminal Code: Reform Effort Long Overdue: Analysis of Pending Legislation in Congress,” (Part 1) N.Y. Law Journal 1 (1980). “The Federal Criminal Code: Culpability and Jurisdiction: Analysis of Pending Legislation in Congress,” (Part 2) N.Y. Law Journal 1 (1980). “The Proposed Federal Criminal Code,” (Part 3) N.Y. Law Journal 3 (1980).

“The Proposed Federal Criminal Code: An Analysis,” N.Y. Law Journal 3 (1980).

5. Official Documents

K. Feinberg, et al., Final Report of The Special Master for the September 11th Victim Compensation Fund of 2001 (Vols. I & II) (www.usdoj.gov/final_report.pdf)

“Criminal Code Reform Act of 1979,” Report of the Committee on the Judiciary United States Senate to Accompany S. 1722, Rpt. No. 96-553, 96th Cong. 2d Sess. (1980) . (A primary author of treatise of some 1500 pages analyzing all current federal criminal laws and proposals for modification and change.)

“Testimony of Kenneth R. Feinberg, Esq., Special Settlement Master in the Agent Orange Product Liability Litigation Before the Senate Subcommittee on Nuclear Regulation Committee on Environment and Public Works United States Senate,” Reauthorization of the Price-Anderson Act, 99th Cong., 1st Sess. at pp. 151 et seq. (1986).

“Testimony of Kenneth R. Feinberg, Former Chairman of the New York State Committee on Sentencing Guidelines before the House Subcommittee on Criminal Justice,” Sentencing Guidelines Hearings Before the Subcommittee on Criminal Justice of the Committee on the Judiciary House of Representatives, 100th Cong. (1987).

“Testimony of Kenneth R. Feinberg, Court-Appointed Special Master, Agent Orange Litigation, before the Senate Veterans Affairs Committee,” Oversight of the Operations of the Bureau of Veterans Affairs, Sen. Hearing 100-996, 100th Cong., 2d Sess. at pp. 33-39; 166-172 (1988).

“Testimony of Kenneth R. Feinberg, Former Special Master of the Federal September 11th Victim Compensation Fund of 2001, before the House Subcommittee on the Constitution, Civil Liberties and the House Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law,” H.R. 847, the “James Zadroga 9/11 Health and Compensation Act of 2009,” U.S. House of Representatives, Committee on the Judiciary, Congressional Hearing, 111th Cong., pp. 1-80, (2009).

“Testimony of Kenneth R. Feinberg, Former Special Master for TARP Executive Compensation,” Congressional Oversight Panel, Congressional Hearing, 111th Cong., (2010).

“Testimony of Kenneth R. Feinberg Administrator, Gulf Coast Claims Facility before the United States Senate Ad Hoc Subcommittee on Disaster Recovery,” Gulf Coast Recovery – An Examination of Claims Administration and Social Services in the Aftermath of the Deepwater Horizon Oil Spill, Sen. Hearing, 112th Cong., (2011).

EXHIBIT B

THE LAW OFFICES OF
KENNETH R. FEINBERG PC

To: The Honorable Edward M. Chen
From: Kenneth R. Feinberg
Date: July 5, 2017
Subject: Interest Disclosure

In the interest of full disclosure, I wish to bring to the attention of the Court and all relevant parties that I have been, and continue to be, a retained paid consultant to Volkswagen (“VW”) in the Volkswagen “Clean Diesel” Marketing, Sales Practices, and Products Liability Litigation, currently pending before Judge Breyer in the Federal Court for the Northern District of California. Beginning in December of 2015, and including up to the present time, I have acted as a paid consultant to the Company advising as to how it might compensate and settle pertinent individual VW diesel automobile claims. I have not been a public negotiator for VW in its class action settlement negotiations with VW and its defense counsel, Robert Giuffra of Sullivan & Cromwell, nor have I appeared as Counsel of Record for VW in any of the litigation. But I have consulted with the Company and Mr. Giuffra in advising them as to how an automobile claims program might be designed and administered. In particular, I consulted with the Company about the possibility of establishing a separate independent claims program that would not be part of a class settlement in federal court. The Company ultimately decided not to create such an independent program but, rather, to settle claims pursuant to Rule 23 and the jurisdiction of Judge Breyer. I continue to advise VW and am paid a monthly retainer for such ongoing consultant services pursuant to a retention contract which expires September 1, 2017.

I have brought this matter to the attention of both Mr. Giuffra, Counsel for Volkswagen, and Ms. Cabraser, Plaintiffs’ Lead Counsel and Chair of the Steering Committee (“PSC”) in the above-captioned matter. They have expressed a willingness to waive any potential conflict arising out of this Volkswagen retention.

I have not been retained by any of the parties in the matter pending before Your Honor.

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE CHRYSLER-DODGE-JEEP
ECODIESEL MARKETING, SALES
PRACTICES, AND PRODUCTS
LIABILITY LITIGATION.

Case No. [17-md-02777-EMC](#)

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 7/5/2017, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Andrew Sciolla
Pogust Braslow & Millrood LLC
161 Washington Street
Suite 1520
Conshohocken, PA 19428

C. Morris Mullin
Waldrep Mullin & Callahan LLC
111 12th Street, Suite 300
P.O. Box 351
Columbus, GA 31902

Harris L. Pogust
Pogust Braslow & Millrood, LLC Eight Tower Bridge, Suite 940
161 Washington Street
Conshohocken, PA 19428

James W. Anderson
Heins Mills & Olson, P.L.C.
310 Clifton Avenue
Minneapolis, MN 55403

United States District Court
Northern District of California

1 K Stephen Jackson
2 Jackson and Tucker, P.C.
3 2229 First Avenue North
4 Birmingham, AL 35203-4203

5 Dated: 7/5/2017

6 Susan Y. Soong
7 Clerk, United States District Court

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9 By: Leni Doyle-Hickman, Deputy Clerk to the
10 Honorable EDWARD M. CHEN

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United States District Court
Northern District of California