Message

From: Wehrly, Linc [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=64E5F31CCB4841018441B3BF074842D0-WEHRLY, LINC]
Sent: 2/18/2016 6:48:22 PM
To: Grundler, Christopher [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d3be58c2cc8545d88cf74f3896d4460f-Grundler, Christopher]; Valentine, Julia [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0d386c8e6abc4dab9a307a9411e36d47-Valentine,]
CC: Birgfeld, Erin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3383bc15dd5542e5bff5c3de13ba9bf2-EBIRGFEL]; Bunker, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ddf7bcf023d241a9a477a2dc75d5901c-Bunker, Byron]; Cook, Leila [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d4536ad140a1461781d78ca67921b02f-Cook, Leila]; Millett, John [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c067caa6c93544f78c26ab08cc567d27-Millett, John]; Conger, Nick [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1ac5cbf05a98491eb94a7bf185db7df5-Conger, Nic]
Subject: RE: WAIT!!! Re: OTAQ HIGH PRIORITY: Automotive News re: Hagens Berman files class action against Mercedes stating BlueTEC Diesels emit up to 60x NOX under 50 degrees Fahrenheit

Deliberative Process / Ex. 5

Linc Wehrly
Director, Light-Duty Vehicle Center
Compliance Division
Office of Transportation and Air Quality
United States Environmental Protection Agency
(734) 214-4286
wehrly.linc@epa.gov

From: Grundler, Christopher
Sent: Thursday, February 18, 2016 1:46 PM
To: Valentine, Julia <Valentine.Julia@epa.gov>
Cc: Wehrly, Linc <wehrly.linc@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Cook, Leila <cook.leila@epa.gov>; Millett, John <Millett.John@epa.gov>; Conger, Nick <Conger.Nick@epa.gov>
Subject: WAIT!!! Re: OTAQ HIGH PRIORITY: Automotive News re: Hagens Berman files class action against Mercedes stating BlueTEC Diesels emit up to 60x NOX under 50 degrees Fahrenheit

Deliberative Process / Ex. 5

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202.564.1682 (Washington)
734.214.4207 (Ann Arbor)
www.epa.gov/otaq

On Feb 18, 2016, at 1:36 PM, Valentine, Julia <Valentine.Julia@epa.gov> wrote:

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Deliberative Process / Ex. 5

U.S. EPA
202.564.2663 direct
202.740.1336 m/txt

From: Ashley Klann
Date: Thursday, February 18, 2016 at 11:38 AM
To: Ryan Beene
Subject: Hagens Berman Files National Lawsuit Against Mercedes Stating BlueTEC Diesels Pollute at Illegal Levels

Hi Ryan,
Hagens Berman today filed a class-action lawsuit against Mercedes alleging that the automaker knowingly programmed its Clean Diesel BlueTEC vehicles to emit illegal, dangerous levels of emissions at temperatures below 50 degrees Fahrenheit. The firm was also named a leading role in the recent VW litigation and has a history of automotive class-action lawsuits, including the high-profile pending ignition switch case against GM.

Please see the release below for more information, including quotes from Steve Berman.

Infographic: Mercedes' Dirty Diesels
Filed Complaint (PDF)

Thank you,
Ashley Klann | Hagens Berman Sobol Shapiro LLP |
ashleyk@hbsslaw.com

Hagens Berman Files National Lawsuit Against Mercedes Stating BlueTEC Diesels Pollute at Illegal Levels
Class action accuses Mercedes of deceiving consumers about emissions levels

NEWARK– An owner of a Mercedes BlueTEC diesel automobile today filed a class-action lawsuit against Mercedes stating the automaker knowingly programmed its Clean Diesel vehicles to emit illegal, dangerous levels of nitrogen oxide (NOx) at levels 65 times higher than those permitted by the EPA when operating in temperatures below 50 degrees Fahrenheit, according to consumer-rights law firm, Hagens Berman.

The suit filed Feb. 18, 2016 in the U.S. District Court for the Northern District of Illinois accuses Mercedes of deceiving consumers with false representations of its BlueTEC vehicles, which it marketed as "the world's cleanest and most advanced diesel" with "ultra-low emissions, high fuel economy and responsive performance" that emits "up to 30% lower greenhouse-gas emissions than gasoline." According to the complaint, on-road testing confirmed that Mercedes' so-called Clean Diesel cars produced average on-road NOx emissions that are 19 times higher than the U.S. standard, with some instantaneous readings as high as 65 times more than the U.S. limit.

"Mercedes labeled its BlueTEC vehicles as 'earth friendly,' selling consumers the false notion that these diesel cars were less harmful to the environment, but Mercedes never divulged to consumers that BlueTEC diesels pollute at illegal levels when driven at lower temperatures and that its 'champion of the environment' mantra was a

sham," said Steve Berman, managing partner of Hagens Berman. "It appears that Mercedes has been caught in a similar scheme as Volkswagen and programmed these BlueTEC vehicles to pollute, all the while reaping profits from those who have fallen victim to its aggressive and deceptive eco-conscious branding."

Infographic: Mercedes' Dirty Diesels

The suit seeks relief for those who purchased the affected vehicles, including injunctive relief in the form of a recall or free replacement program and restitution including either recovery of the purchase price or overpayment or diminution in value due to Mercedes' misleading statements and omissions regarding the emission levels of its Clean Diesel BlueTEC vehicles.

The lawsuit alleges that the following Mercedes models powered by BlueTEC diesel-fueled engines are affected by the unlawful, unfair, deceptive and otherwise defective emission controls utilized by Mercedes. Contact Hagens Berman to find out your rights, if you purchased or leased one of the following affected BlueTEC vehicles:

? ML 320
? ML 350
? GL 320
? E320
? S350
? R320
? E Class
? GL Class
? ML Class
? R Class
? S Class
? GLK Class
? GLE Class
? Sprinter

The complaint states, "Exposure to these pollutants has been linked with serious health dangers, including asthma attacks and other respiratory illness serious enough to send people to the hospital. Ozone and particulate matter exposure have been associated with premature death due to respiratory-related or cardiovascular-related effects."

"When we filed the first lawsuit against Volkswagen regarding their use of emissions-cheating software, we felt they were not the only culprits duping consumers into paying a high price for deceptive diesels," Berman said. "Mercedes' deception involves a cover-up of even higher levels of pollution, and consumers paid high prices for these luxury vehicles they thought were clean, only to be forced to drive diesel cars dirtier than their gasoline counterparts."

About BlueTEC Dirty Diesels

According to the complaint, diesel engines pose a particularly difficult challenge to the environment because they have trade-off between power, fuel efficiency and emissions: the greater the power and fuel efficiency, the dirtier and more harmful the emissions.

"Car manufacturers have struggled to produce diesel engines that have high power and strong fuel efficiency but also cleaner emissions," reads the complaint. "Mercedes' response to the challenge has been the BlueTEC diesel engine."

Compared to gasoline engines, diesel engines generally produce greater torque, low-end power, better drivability and much higher fuel efficiency. But these benefits come at the cost of much dirtier and more harmful emissions, including NOx, which include a variety of nitrogen and oxygen chemical compounds that only form at high temperatures.

Hagens Berman has brought high-profile cases against General Motors, Toyota and Kia, and was the first firm in the nation to file a lawsuit against Volkswagen and Audi for their use of emissions-cheating software. The firm is now in a leadership position in the VW multi-district litigation.

Find out more about the class-action lawsuit against Mercedes.

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About Hagens Berman

Hagens Berman Sobol Shapiro LLP is a consumer-rights class-action law firm with offices in 10 cities. The firm has been named to the National Law Journal's Plaintiffs' Hot List eight times. More about the law firm and its successes can be found at www.hbsslaw.com. Follow the firm for updates and news at @ClassActionLaw.

Media Contact
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