

Hausfeld Asks Volkswagen to Explain its Mistreatment of the European Judicial Process

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Related Practice Areas: **Consumer Claims**

16 September 2016 (Berlin, Germany) – In the wake of a \$15 Billion U.S. settlement, consumers across Europe have been trying to hold Volkswagen (“VW”) accountable for the Dieselgate scandal in European courts with varying degrees of success.

On 7 September 2016, VW walked out of an Irish courtroom when diesel owner Eithne Higgins sought compensation for her dirty-diesel-emitting vehicle. Hausfeld – a global law firm with offices in the United States and Europe – has been assisting Ms. Higgins’ Solicitor, Evan O’Dwyer, in pursuing her claims against VW. In a newly released letter, Hausfeld has charged that VW’s actions demonstrate extreme disdain for virtually everything European, from consumers to legislation, to regulators and judges.

On 6 June 2016, Judge Mary Devins of the Castlebar District Court in Ireland ordered Volkswagen to produce “documentary, technical, expert, original evidence” to Ms. Higgins related to emissions issues affecting Ms. Higgins’ SEAT Leon – a VW-brand car. VW’s Irish engineer, Mr. Stephen McDonnell, was initially unable to provide the ordered materials because he was vacationing in Ibiza. Six weeks later, VW produced a limited series of letters and press releases that failed to properly respond to the court’s order.

Hausfeld assisted Mr. O’Dwyer in obtaining evidence on the insufficiency of VW’s response. Hausfeld Partner Michael Lehmann filed a fifty-page affidavit outlining the extent of the documentation VW had produced in the U.S. litigation, in contrast to the inadequate materials VW presented in Ireland. Mr. O’Dwyer also filed reports by experts in economics and engineering, including a report by Nobel Prize winning economist Joseph Stiglitz. Another noted economist, Robin Noble, concluded that Ms. Higgins likely suffered economic harm through the reduced value of her vehicle, its higher operating costs, and possible reduction in performance. Mr. O’Dwyer also submitted a report of an emissions engineer, which noted that VW did not produce the results of internal tests to demonstrate if the purported “fix” to VW’s vehicles will have an adverse effect.

Judge Devins ordered VW’s engineer to report to court for cross-examination. Despite this order, VW failed to present Mr. McDonnell for testimony. In what Judge Devins called “bizarrely stunt-like behaviour,” VW’s lawyers instead chose to walk out of the courtroom leading to Ms. Higgins’ witnesses then testifying – unopposed.

In his testimony in support of Ms. Higgins, Mr. Lehmann noted: “From the documentation, vitally missing from Mr. McDonnell’s declaration is the actual data, the testing results, the forensic information provided to U.S. and non-U.S. investigators.” After the hearing, Judge Devins indicated that she would order VW to produce a more thorough response to her initial discovery order.

Hausfeld is pursuing answers for Ms. Higgins and on behalf of the owners of 8.5 million VW-brand vehicles across Europe. VW has stated it will look after “every single customer” but has, in contrast, threatened Ms. Higgins with adverse costs if she continues to pursue her claims. Meanwhile, European Union Commissioner for Justice and Consumers Vera Jourova has asserted that VW has broken the Consumer Sales and Guarantee Directive and the Unfair Commercial Practices Directive, both of which apply across European Union. Hausfeld has again written to VW, urging them to respect European courts and provide compensation to European consumers.

Hausfeld has been actively pursuing VW on both sides of the Atlantic since the U.S. Environmental Protection Agency (“EPA”) first published its notice of violation against VW nearly one year ago. As a member of the Plaintiffs’ Steering Committee in the U.S. class action, Hausfeld has achieved considerable success on behalf of VW owners by helping to secure \$15 billion in settlements. In Europe, VW has denied liability and refused to even meet with lawyers representing consumers, claiming there is no basis to compensate European car owners, while also European Parliamentarians and Commissioners have called for VW to redress consumer harm. Hausfeld is working together with lawyers, consumer groups, environmental groups, and politicians throughout Europe to remedy this historic fraud.

Owners of affected VW vehicles in Europe can register their claims at www.myright.com or contact Hausfeld for more information.

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About Hausfeld

Hausfeld is a leading global law firm with offices in Berlin, Boston, Brussels, London, New York, Philadelphia, San Francisco, and Washington, DC. The firm has a broad range of complex litigation expertise, particularly in antitrust/competition, financial services, sports and entertainment, environmental, mass torts, consumer protection, and human rights matters, often with an international dimension. Hausfeld aims to achieve the best possible results for clients through its practical and commercial approach, avoiding litigation where feasible, yet litigating robustly when necessary. Hausfeld's extensive experience with alternative and innovative fee models offers clients a diverse menu of engagement options and maximum flexibility in terms of managing their cost exposure. Hausfeld is the only claimant firm to be ranked by the Legal 500 and Chambers & Partners as a top tier firm in private enforcement of antitrust/competition law in both the United States and the United Kingdom.

For more information about the firm, including recent trial victories and landmark settlements, please visit: www.hausfeld.com.