

Diesel Emissions Justice Foundation summons Mercedes (Daimler AG et al.) to appear in Amsterdam District Court

- Collective action filed under Dutch WAMCA law for damages resulting from “Dieselgate”
- DEJF requests to be appointed as Lead Plaintiff by the Amsterdam Court
- Cutting edge investigation by DEJF reveals sophisticated emissions fraud

Amsterdam, 23 June 2020. – Today, Diesel Emissions Justice Foundation (DEJF) issued a writ of summons against Daimler AG, producer of Mercedes-Benz vehicles, its Dutch importers and individual dealers for damages resulting from the use of manipulation software to falsify emissions testing, for their role in what is commonly referred to as Dieselgate. The action is filed under the Dutch Act on Collective Damages Claims (*Wet Collectieve Afwikkeling Massaschade*), known as WAMCA.

The DEJF has requested the Amsterdam district court to be appointed as the Lead Plaintiff in order to lead the proceedings against Daimler AG et al. on behalf of all affected Dutch and European car owners, as described in the writ of summons. This writ (in Dutch) can be accessed on the Foundation’s website: [Stichting Diesel Emissions Justice Daimler AG Writ \(https://www.emissionsjustice.com/wp-content/uploads/2020/06/Stichting-Diesel-Emissions-Justice-Daimler-AG-2020062388.pdf\)](https://www.emissionsjustice.com/wp-content/uploads/2020/06/Stichting-Diesel-Emissions-Justice-Daimler-AG-2020062388.pdf)

The Diesel Emissions Justice Foundation is a Dutch non-profit organization. Its mission is to protect the interests of drivers impacted by the Dieselgate scandal and, by doing so, to facilitate access to justice for affected car owners. This new litigation is the second collective initiative by the DEJF to seek compensation for aggrieved consumers, following the Volkswagen litigation that the Foundation initiated in March 2020.

Dieselgate is an umbrella term for the systemic fraud committed by a number of car manufacturers whose conduct has been heavily scrutinized by public authorities and the media. Between 2009 and the end of 2019, Daimler installed “defeat device software” in millions of diesel vehicles that are either Euro5 or Euro6 approved. As a result, vehicles that appeared to comply with the NOx emission limits in fact grossly exceeded them during real-world driving conditions.

The German authorities (KBA) have established defeat devices in a range of Mercedes models and ordered a series of recalls. An additional investigation by the DEJF reveals the mechanics behind these defeat devices. “Our investigation uncovers an astonishing number of -at least- eight illegal defeat devices that limit the operation of the vehicle’s emission control system” said Femke Hendriks, DEJF’s Managing Director. These defeat devices activate only outside the type approval testing environment. By doing so, “Daimler circumvented the ever more stringent Euro 5 and 6 standards at the expense of their customers, public health and the environment” according to Hendriks.

Damages and disruption incurred by customers are severe and include the risk that type approval will be withdrawn, that the vehicles will be taken off the road, use restrictions, decreased resale values, increased maintenance costs, and the frustration and expense of



having to refill AdBlue every 13,000-14,000km as opposed to 30,000km service intervals as originally advertised.

The impacted vehicles include inter alia the following models: the Mercedes-Benz A Class, B Class, C Class, CITAN, CLS Class, E Class, G Class, GLC, GLE, GLK, M Class, S Class, SLK, SPRINTER, V Class and VITO. Daimler announced in its annual report over 2019 that even more recalls are likely to be ordered.

Hendriks noted, “Through their diesel fraud, Daimler inflicted huge damage on consumers, the environment and the public health. We believe affected car owners are entitled to receive a fair compensation for the damage that was done to them. The German courts have already granted significant compensation considering this deliberate immoral behaviour of car manufacturers. We will hold Volkswagen, Daimler and other car manufacturers accountable for their actions”.

About the Diesel Emissions Justice Foundation

The Diesel Emissions Justice Foundation is an independent non-profit organisation based in the Netherlands, representing the interests of current and former owners of European vehicles affected by Dieselgate.

For more information about the foundation, visit: <https://www.emissionsjustice.com>. This website contains information about, amongst other things, the governance structure, participant conditions and the fee that our financiers will charge in case of success.

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