

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA and)	
PEOPLE OF THE STATE OF)	
CALIFORNIA)	Civil Action No.: 1:20-cv-2564-EGS
)	
Plaintiffs,)	SECOND JOINT STIPULATION
)	MODIFYING CONSENT
v.)	DECREE (ECF NO. 10-1)
)	
DAIMLER AG and)	(NO ACTION REQUIRED
MERCEDES-BENZ USA, LLC,)	BY THE COURT)
)	
Defendants.)	
_____)	

JOINT STIPULATION

The Parties jointly stipulate to modify the Consent Decree (ECF No. 10-1) entered in this action on March 9, 2021, as stated below. These modifications, made pursuant to Paragraphs 102 and 103 of the Consent Decree, are non-material, and no action is required of the Court.

WHEREAS, the United States filed a civil complaint (ECF No. 1) against Daimler AG and Mercedes-Benz USA, LLC (together, “Daimler”) on September 14, 2020, alleging that Daimler violated multiple parts of Section 203(a) of the Clean Air Act (CAA), 42 U.S.C. § 7522(a), when it sold uncertified Mercedes-Benz and Freightliner diesel passenger cars and vans (“Subject Vehicles”) in the United States

that contain undisclosed auxiliary emission control devices (AECDs) and emission control “defeat devices;”

WHEREAS, the People of the State of California, by and through the California Air Resources Board (CARB) and Xavier Becerra, Attorney General of the State of California, represented by the Office of the California Attorney General, filed a civil complaint under civil action number 1:20-cv-2565-EGS against Daimler on September 14, 2020, alleging that Daimler violated multiple parts of Section 203(a) of the CAA, 42 U.S.C. § 7522(a), and several provisions of California law when it sold Subject Vehicles in California that contain undisclosed AECDs and emission control defeat devices, and the Court consolidated California’s action with this action on September 14, 2020;

WHEREAS, the Court signed and entered a Consent Decree among the United States, CARB, and Daimler (ECF No. 10-1) (the “Joint Consent Decree”) on March 9, 2021, resolving the claims alleged in the United States’ and CARB’s complaints, and requiring Daimler to, among other things, implement approved emission modifications (AEM) to update the emission control systems in the Subject Vehicles;

WHEREAS, the Court signed and entered a Consent Decree among CARB, Xavier Becerra, Attorney General of the State of California, and Daimler (ECF No. 10-7) (the “California Partial Consent Decree”) on March 9, 2021, resolving certain

claims alleged in the complaint filed by CARB and Xavier Becerra, Attorney General of the State of California;

WHEREAS, the Joint Consent Decree groups the Subject Vehicles into 12 Emission Modification Categories (EMCs) for the purposes of implementing the AEM;

WHEREAS, Appendix B to the Joint Consent Decree includes the Protocol for Assessment of Daimler's Proposed Emission Modifications for each of the EMCs;

WHEREAS, specifically, Joint Consent Decree, Appendix B, Paragraphs 2.f.i.B, 4.a.i.E, 4.a.ix and 4.a.xii each include a cross-reference to Paragraphs 12 and 13 of the California Partial Consent Decree;

WHEREAS, the Parties agree that a scrivener's error occurred and that all cross-references to Paragraphs 12 and 13 of the California Partial Consent Decree included in Joint Consent Decree, Appendix B, Paragraphs 2.f.i.B, 4.a.i.E, 4.a.ix, and 4.a.xii should be replaced with a cross-reference to Paragraphs 16 and 17 of the California Partial Consent Decree;

WHEREAS, the Parties agree that a scrivener's error occurred and that the term "California First Partial Consent Decree" included in Joint Consent Decree, Appendix B, Paragraph 2.f.i.B should be replaced with the defined term "California Partial Consent Decree;"

WHEREAS, the Parties agree that a scrivener's error occurred and that the term "California Consent Decree" included in Joint Consent Decree, Appendix B, Paragraphs 4.a.i.E, 4.a.ix, and 4.a.xii should be replaced with the defined term "California Partial Consent Decree";

WHEREAS, under Paragraphs 102 and 103 of the Joint Consent Decree, the Parties may make non-material modifications to the Decree through a written agreement signed by all the Parties and filed with the Court;

WHEREAS, under Paragraph 102 of the Joint Consent Decree, non-material modifications do not require action by the Court;

WHEREAS, the Parties recognize and agree that this Joint Stipulation Modifying Consent Decree only corrects scrivener's errors and is thus a non-material modification under Paragraph 103 of the Joint Consent Decree, and is fair, reasonable, and in the public interest:

NOW, THEREFORE, the Parties stipulate as follows:

1. Attachment A to this Joint Stipulation Modifying Consent Decree shall be substituted for Appendix B, Paragraph 2.f.i.B of the Joint Consent Decree.
2. Attachment C to this Joint Stipulation Modifying Consent Decree shall be substituted for Appendix B, Paragraph 4.a.i.E of the Joint Consent Decree.
3. Attachment E to this Joint Stipulation Modifying Consent Decree shall be substituted for Appendix B, Paragraph 4.a.ix of the Joint Consent Decree.

4. Attachment G to this Joint Stipulation Modifying Consent Decree shall be substituted for Appendix B, Paragraph 4.a.xii of the Joint Consent Decree.

5. This Joint Stipulation Modifying Consent Decree shall be effective immediately after the Parties file it with the Court, as recorded on the CM/ECF docket sheet.

6. This Joint Stipulation Modifying Consent Decree may be signed in counterparts, and its validity shall not be challenged on that basis. For purposes of this Joint Stipulation Modifying Consent Decree, a signature page that is transmitted electronically shall have the same effect as an original.

7. Each person signing this Joint Stipulation Modifying Consent Decree certifies that he or she is fully authorized to enter into the terms of this Joint Stipulation and to execute and legally bind the party he or she represents to this document.

8. This Joint Stipulation Modifying Consent Decree includes the following attachments:

Attachment A – Substitution for Appendix B, Paragraph 2.f.i.B of the Joint Consent Decree.

Attachment B – Redline showing modifications made to Appendix B, Paragraph 2.f.i.B of the Joint Consent Decree.

Attachment C – Substitution for Appendix B, Paragraph 4.a.i.E of the Joint Consent Decree.

Attachment D – Redline showing modifications made to Appendix B, Paragraph 4.a.i.E. of the Joint Consent Decree.

Attachment E – Substitution for Appendix B, Paragraph 4.a.ix of the Joint Consent Decree.

Attachment F – Redline showing modifications made to Appendix B, Paragraph 4.a.ix of the Joint Consent Decree.

Attachment G – Substitution for Appendix B, Paragraph 4.a.xii of the Joint Consent Decree.

Attachment H – Redline showing modifications made to Appendix B, Paragraph 4.a.xii of the Joint Consent Decree.

THE UNDERSIGNED PARTIES hereby agree to this Joint Stipulation
Modifying Consent Decree.

For People of the State of California ex rel. the California Air Resources Board:

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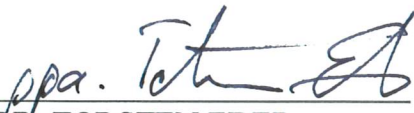


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