

1 XAVIER BECERRA
 Attorney General of California
 2 NICKLAS A. AKERS
 Senior Assistant Attorney General
 3 JUDITH A. FIORENTINI (CA Bar No. 201747)
 Supervising Deputy Attorney General
 4 JON F. WORM (CA Bar No. 248260)
 LAUREL M. CARNES (CA Bar No. 285690)
 5 Deputy Attorneys General
 600 West Broadway, Suite 1800
 6 San Diego, CA 92101
 Telephone: (619) 738-9325
 7 Email: judith.fiorentini@doj.ca.gov
 Email: jon.worm@doj.ca.gov
 8 Email: laurel.carnes@doj.ca.gov

9 *Attorneys for Plaintiff the People of the State of California*

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

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

This matter relates to:
*People of the State of California v. Fiat
 Chrysler Automobiles N.V., et al.*
 3:19-cv-00151

No. 3:17-md-02777-EMC

**CALIFORNIA’S NOTICE OF JOINDER IN
 THE UNITED STATES’ MOTION FOR
 ENTRY OF CONSENT DECREE**

Hearing: May 3, 2019
 Time: 10:00 a.m.
 Ct. Rm.: 5, 17th Floor

The Honorable Edward M. Chen

1 PLEASE TAKE NOTICE THAT the People of the State of California, both by and
 2 through Xavier Becerra, Attorney General of the State of California, and by and through the
 3 California Air Resources Board (“CARB”), represented by the Office of the California Attorney
 4 General (together, “California”), respectfully join in the United States’ Motion for Entry of
 5 Consent Decree. Dkt. No. 542 in Case No. 17-md-2777. The proposed Consent Decree
 6 (“FCA/US/CA Consent Decree”) was lodged with the Court on January 10, 2019, Dkt. No. 484-1,
 7 and is attached to the United States’ motion as an exhibit.¹

8 As stated in the United States’ motion papers, in addition to resolving the United States’
 9 claims under the Clean Air Act, the FCA/US/CA Consent Decree also partially resolves
 10 California’s claims against Defendants FCA US LLC, Fiat Chrysler Automobiles N.V., V.M.
 11 Motori S.P.A., and V.M. North America, Inc.² The California Attorney General and CARB are
 12 signatories to the FCA/US/CA Consent Decree on behalf of California.

13 California filed its complaint on January 9, 2019, alleging that, in connection with the
 14 certification, marketing, distribution, and sale of approximately 14,000 3.0 liter diesel Jeep Grand
 15 Cherokees and Ram 1500s (“Subject Vehicles”) in California, Defendants violated environmental
 16 and consumer protection laws by, among other things, incorporating undisclosed auxiliary
 17 emission control devices and defeat devices into the Subject Vehicles.³ California’s complaint
 18 seeks injunctive relief, mitigation, civil penalties, costs, and other relief.

19 As set forth in the United States’ motion, the FCA/US/CA Consent Decree is the product
 20 of lengthy, arms-length negotiations involving attorneys and technical experts from the United

21 _____
 22 ¹ The parties have identified and corrected a typographical error in the proposed Consent
 23 Decree lodged with the Court. Specifically, on page 36 of the proposed Consent Decree attached
 24 as Exhibit 1 to the United States’ Motion for Entry of Consent Decree, line 3 has been changed so
 25 that it now cites “Paragraph 29.b” in lieu of “Paragraph 29.c.” The parties have authorized this
 26 correction.

27 ² California’s remaining environmental and consumer protection claims would be resolved
 28 through entry of the First and Second California Partial Consent Decrees. Dkt. Nos. 485-1 and
 486-1, respectively. Contemporaneous with filing this notice of joinder, California has filed an
 unopposed motion seeking entry of the First and Second California Partial Consent Decrees.

³ Specifically, California’s complaint alleges that Defendants violated 42 U.S.C.
 § 7604(a)(1); California Health and Safety Code §§ 43016, 43017, 43151, 43152, 43153, 43154,
 43205, 43211, and 43212; 13 C.C.R. §§ 1961, 1961.2, 1965, 1968.2, and 2037, and the 40 C.F.R.
 sections incorporated therein by reference; and California Business and Professions Code §§
 17200 et seq., 17500 et seq., and 17580.5. *See* Dkt. No. 1 in Case No. 19-cv-0151.

1 States and California. The FCA/US/CA Consent Decree recognizes the unique status of CARB
2 under the Clean Air Act as a co-regulator of vehicle certification and emissions along with the
3 United States Environmental Protection Agency, and it directly addresses the legal violations and
4 harm alleged by California. Specifically, to address the non-compliant Subject Vehicles, the
5 FCA/US/CA Consent Decree requires Defendants to: (1) offer an approved emissions
6 modification (“AEM”) to consumers (along with an extended warranty); (2) install the AEM in at
7 least 85% of the Subject Vehicles within two years (both within California and nationwide), or
8 pay significant stipulated penalties; and (3) conduct post-entry testing to ensure that the Subject
9 Vehicles remain compliant with California and federal emission standards through their full
10 useful life of 120,000 miles. The FCA/US/CA Consent Decree also requires Defendants to
11 implement corporate compliance reforms designed to prevent and detect any similar violations in
12 the future. Finally, the FCA/US/CA Consent Decree requires Defendants to pay a civil penalty of
13 \$305 million, with \$42.7 million going to CARB, along with a separate penalty payment of
14 \$3,175,200 to CARB for certain additional on-board diagnostic non-compliances.

15 California agrees with the United States that the FCA/US/CA Consent Decree is
16 fundamentally fair, adequate, and reasonable and should be entered by the Court. California joins
17 in the United States’ motion and respectfully requests that the Court enter the FCA/US/CA
18 Consent Decree.

19
20 Dated: March 29, 2019

Respectfully submitted,

21 XAVIER BECERRA
22 Attorney General of California
23 NICKLAS A. AKERS
24 Senior Assistant Attorneys General
25 JUDITH A. FIORENTINI
26 Supervising Deputy Attorney General

27 */s/ Jon F. Worm*
28 JON F. WORM
LAUREL M. CARNES
Deputy Attorneys General
*Attorneys for the People of the State of
California*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that, on March 29, 2019, I electronically filed the foregoing California's Notice of Joinder in the United States' Motion for Entry of Consent Decree with the Clerk of the Court and all parties of record using the ECF system.

/s/ Jon F. Worm
JON F. WORM