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October 23, 2015

**Via ECF**

Honorable Marilyn D. Go, U.S.M.J.  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East, Room 1214-S  
Brooklyn, New York 11201

Re: *Benjamin Clinton, et al. v. Volkswagen Group of America, Inc.*  
15-CV-05497 (DLI)(MDG)

Dear Judge Go,

This firm represents Defendant Volkswagen Group of America, Inc. in the above-referenced matter. In accordance with the Individual Motion Practice and Rules of Judge Dora L. Irizarry and the Individual Practices of Your Honor, we write to request an extension of time to respond to the Class Action Complaint. Counsel for the Plaintiffs consents to this application.

This action is one of over three hundred and fifty putative class actions presently pending in over forty federal districts throughout the country based on allegations concerning the widely publicized Environmental Protection Agency Notice of Violation dated September 18, 2015 concerning the alleged installation of emissions testing “defeat devices” in certain Volkswagen and Audi 2.0 liter diesel vehicles. The putative class actions assert similar allegations and claims against Volkswagen and Audi defendants involving the same putative class vehicles.

On September 22, 2015, a motion was filed in the Judicial Panel for Multidistrict Litigation (“JPML”) for Transfer and Centralization of all Related Cases to a single court for coordinated or consolidated pretrial proceedings. Multiple transfer motions to the JPML subsequently followed. A hearing is scheduled before the JPML on December 3, 2015 for consideration of these motions. Given the extraordinary number of similar putative class actions filed, which number is increasing on a daily basis, it is anticipated that the MDL motions will be granted to the extent that these cases will

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all be centralized and transferred to one district court. The instant action is among the Related Cases being considered for transfer.

In the instant case, the Complaint was filed on September 22, 2015 and served on Defendant Volkswagen Group of America, Inc. on October 13, 2015. Pursuant to F.R.C.P. Rule 12(a), the Defendant's response is due on November 3, 2015. Defendant requests an extension to December 14, 2015 so that the JPML motions can be considered and decided first. This is the Defendant's first request for an extension. Today I spoke with William Walsh, Esq., counsel for the named Plaintiffs. He consents to this application.

We thank Your Honor for your consideration in this matter.

Respectfully submitted,

HERZFELD & RUBIN, P.C.

s/ Natalie M. Lefkowitz

Natalie M. Lefkowitz (NML5733)

cc: Via ECF  
William A. Walsh, Esq.