

UPDATE ON THE MERCEDES EMISSIONS CLAIM

A. General Claim Update

Letter Before Action

1. We are pleased to report that we have now sent a formal “Letter Before Action” to Herbert Smith Freehills (HSF), the lawyers acting for key Daimler group defendants including the vehicle manufacturers. The letter was sent on behalf of the proposed steering committee of firms running the claims (of which we are joint lead solicitors) and the majority of other firms who have clients wishing to bring Mercedes emissions. The intention is that this will present a united front to HSF’s clients, and ensure efficient management of the general claim as it progresses.
2. The letter sets out detailed and comprehensive allegations against Mercedes and was prepared by our highly experienced barrister team, including Tom de la Mare QC, who is one of the leading counsel acting for the claimants on the Volkswagen emissions litigation. These allegations form the “general” part of the group action: the overarching factual and legal points as to how we say the Daimler group companies cheated the emissions regulations and misled their customers, which sits as an umbrella over the individual client claims.
3. This letter marks the start of a phase of “pre-action” correspondence between the parties, which is an important stage in any dispute. It provides an opportunity for the parties to set out their case to each other, before engaging the Court, with the aim of clarifying and narrowing the key issues in dispute between them. Under the pre-action rules, HSF are obliged to provide a full reply to the points we have made. That reply will give us the first indication of how Mercedes intend to argue their case.

B. Client Update

Issuing proceedings

4. In the meantime, we have continued to issue proceedings on behalf of clients where we have identified they are at risk of their claims otherwise expiring. So far, these claims have all been issued on the same Claim Form.
5. HSF have agreed to extend the deadline for service of that Claim Form on their clients from 19 February to 19 July 2021. That will enable us to put a pause on the Court timetable which would otherwise kick into action from the date of service, allowing time for the pre-action correspondence phase to take place. We are also seeking the same extension from the other dealership defendants named on the Claim Form.

Questionnaire

6. We have now begun to send out our client questionnaire. Thank you to those clients who have completed it so far. As noted in previous updates, we will be sending the questionnaire out in tranches over the next few months so each client will receive this at the appropriate stage. Please do not worry if you have not received yours yet.
7. We have received reports from a number of our clients that they have received emails from other firms who believe they are acting on their behalf and inviting them to complete their questionnaire. Many people do not realise that they have signed retainers with more than one firm. If you have been contacted by another firm, please do not ignore it. As a reminder, you are only able to instruct one law firm to act for you in this case. If you have at some point registered your claim with another firm, but still wish to instruct Leigh Day, you will need to cancel your retainer with that other firm and then confirm this has been done by emailing us at [**emissions@leighday.co.uk**](mailto:emissions@leighday.co.uk).

Client Hub

8. We have created a website from which our clients can access the key documents in the claim as well as our previous updates. You can access this web page by [**clicking here**](#). Please note that this website is for clients of Leigh Day only, and the information contained on the website is privileged and confidential. Please do not circulate this link.

C. Next Steps

9. Whilst we wait for HSF's reply to our Letter Before Action, we continue to progress our investigations in support of the general case and will be constantly refining our case strategy in collaboration with the other firms. We look forward to providing you with a further update in due course. Please be assured that we will contact you if we need any further information, or if you need to take any further steps at this stage.

Best wishes,

Leigh Day

