

- c.) VW's knowledge of the ability of its onboard software to detect or react to emissions test conditions;
- d.) The design and function of the alleged defeat device (software to detect and react to emissions test conditions);
- e.) The identity of witnesses, whether employed by VW or not, involved in the design or testing of VW's onboard computer software;
- f.) Any emissions testing for any diesel-powered VW and Audi vehicle for model years 2009-2015.
- g.) The reason for disabling or reducing VW's emissions controls on any diesel vehicles;
- h.) The monetary cost or loss of sales associated with the marketing of the subject vehicles without a defeat device;
- i.) The issues or problems with the use, or use at emissions test levels, of VW's emissions controls/NOx capture/catalytic reduction technologies;
- j.) The effect of VW's emissions controls/NOx capture/catalytic reduction technologies on vehicle performance, acceleration, customer satisfaction, sales, or increased maintenance;
- k.) Communications in whatever form with any person or entity involved in the design of the subject onboard computer software or its defeat device;
- l.) Communications in whatever form with any person, entity, agency, or institution attempting to test or verify the performance of VW's emissions control/NOx capture/ catalytic reduction technologies;
- m.) Communications in whatever form with the federal or any state government, person, entity, or institution investigating the possible or alleged use of a defeat device by VW on diesel powered vehicles;

- n.) Evidence pertaining to the decision to recall or halt sales of any diesel-powered VW vehicles that have been alleged to contain a defeat device;
- o.) Evidence of the financial cost to consumers or purchasers of the affected vehicles;
- p.) Evidence of the additional pollution caused by the affected vehicles or alleged defeat device(s);
- q.) Evidence of the health costs or any premature deaths in connection with the affected vehicles or alleged defeat device(s); and
- r.) Any and all electronically-stored information, data, or tangible things, in their native format, including but not limited, to those items mentioned in the preceding list.

4. Because much of the evidence in this case is electronically-stored communications and data, special steps will have to be taken to preserve the evidence. Electronic documents and the storage media on which they reside may contain additional, relevant and discoverable information, beyond a printed copy.

5. Therefore, this Court ORDERS Defendant Volkswagen Group of America, Inc., to take such additional steps as are necessary to preserve the meta-data, drafts, change histories, file fragments, attachments, and other potentially relevant information or data, in its native format, for the above described categories of documents which exist in electronic form.

6. This Court further ORDERS Defendant Volkswagen Group of America, Inc., to continue its voluntary suspension of the sales of the following 2015 and 2016 models of the affected vehicles, within the State of Texas, until further notice. This Order applies to the 2015 and 2016 diesel powered models of Volkswagen's Beetle, Beetle Convertible, Golf, Golf Sportswagen, Jetta, Passat, and Audi A3. If Defendant Volkswagen Group of America, Inc., wishes to resume sales to continue its voluntary suspension of the sales of the 2015 and 2016 models of the

affected vehicles, it must provide prompt notice to the Court, so that a hearing may be had prior to resuming sales of these affected models.

7. The Court further ORDERS the Clerk of the Court to issue a Writ of Injunction pending final hearing and determination of this case, enjoining and restraining Defendant Volkswagen Group of America, Inc. or any of its officers, agents, servants, employees, attorneys, representatives, or any person in active concert or participation with it who receives actual notice of this Order by personal service or otherwise from failing to take such additional steps as are necessary to preserve the meta-data, drafts, change histories, file fragments, attachments, and other potentially relevant information or data, in its native format, for the above described categories of documents which exist in electronic form, and from failing to continue its voluntary suspension of the sales of the following 2015 and 2016 models of the affected vehicles, within the State of Texas, until further notice. This Order applies to the 2015 and 2016 diesel powered models of Volkswagen's Beetle, Beetle Convertible, Golf, Golf Sportswagen, Jetta, Passat, and Audi A3.

8. The Court further ORDERS the Clerk of the Court to issue notice to Defendant Volkswagen Group of America, Inc., that the hearing on Plaintiff's Application for Temporary Injunction is set for October 12, 2015, at 9 : 00 a.m. The purpose of the hearing shall be to determine whether this temporary restraining order should be made a temporary injunction pending a full trial on the merits.

9. Bond is hereby set at \$ 1500

This Order expires on October 12, 2015, at 10 : 00 a.m.

SIGNED on September 25, 2015, at 2 : 32 p.m.


PRESIDING JUDGE