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## **Mercedes' recent and further recall of diesel vehicles in the UK adds fuel to claims of emissions fraud lawyers say**

***Vehicle owners should still join consumer group action even if vehicle is 'fixed'***

**London.....**Mercedes-Benz's latest recall of additional diesel vehicles in the UK for an emissions related software update is a strong indication the manufacturer knows it has a larger dirty diesel problem here, according to lawyers working on a potential group action litigation on behalf of UK Mercedes owners.

London law firm Fox Williams LLP, in collaboration with US class-action law firm Hagens Berman, is building a group claim in England and Wales that will allege Mercedes deliberately engaged in emissions fraud in the sale of its diesel and BlueTec vehicles by programming an emission defeat device during test conditions which limited illegally high, dangerous levels of Nitrogen Oxide (NOx) emissions normally evident in real-world driving conditions.

This follows Hagens Berman's multi-year investigations of a similar fraud in the US and its successful role in leading a class action lawsuit there which has paid out more than US\$700m to US Mercedes owners. Hagens Berman has also been involved in litigation against Volkswagen in the US where it was found that a comparable defeat device was used and again, the firm also secured substantial compensation for US vehicle owners.

As far back as 2018, and on several occasions since then, the German Federal Motor Transport Authority (KBA) has required Daimler to conduct mandatory recalls of Mercedes-Benz vehicles with diesel engines in Europe in order to implement an emissions related software update. Fox Williams' and Hagens Berman's legal teams have learned that pursuant to a further KBA order in August 2020, Daimler has now added additional models to the recall exercise (see [link](#) and [list here](#)). Since as recently as 4 September 2020, Mercedes-Benz has been sending out recall notices to UK Mercedes diesel vehicle owners which prescribes an update to engine control unit software in order to help to "further reduce the average nitrogen oxide emissions while driving on the road". The UK recall process is being overseen by the UK DVLA in compliance with the Code of Practice on Defects in the UK.

**Andrew Hill**, the Fox Williams partner who is leading the UK based action, comments: "This latest recall exercise is yet further compelling evidence Mercedes diesel and BlueTec vehicles have a nitrogen oxide problem that needs fixing. Any UK vehicle owners that have the software repair are still eligible to join our claimant group given the alleged deception and fraudulent representation occurred at the original point of sale or subsequent purchase."

**Michael Gallagher**, Co-Managing Director of Hagens Berman UK, comments: “The fact Mercedes is doing this at the instruction of the German Transport Authority is telling. Of further note is the scope of the recall. We believe Mercedes is developing software updates for almost the entire Euro 6b and Euro 5 diesel fleet in Europe and that the cheating impacts more vehicles than we originally thought. We absolutely don’t accept Mercedes’ argument that the emissions control system of US vehicles is materially different to European models. “

Fox Williams and Hagens Berman UK had previously appealed to owners of the following Mercedes models powered by BlueTec diesel-fuelled engines and sold from 2008 up to 2018 to register with a view to joining their group action litigation: A-Class, B-Class, C-Class, Citan, CLA, CLS, E-Class, GL-Class, GLA-Class, GLC-Class, GLE-Class, GLS, M-Class, S-Class, SLK, Sprinter, V-Class, and Vito. These models include passenger and commercial vehicles and vans, such as people movers, shuttles and taxis.

Earlier estimates suggested that approx 1.2 million potential claimants owning (or having owned) impacted vehicles purchased in England and Wales have been affected by the Dieselgate scandal, based on Mercedes selling more than 600,000 impacted vehicles here between 2008 and 2018. However, Fox Williams and Hagens Berman now believe this number could be higher if additional models are also likely emitting dirty diesel emissions.

Not only private owners and businesses, such as fleet operators and hire car companies, but also lessees of vehicles affected may be eligible for damages.

**Steve Berman, Managing Partner, Hagens Berman and Co-Managing Director Hagens Berman UK** comments: “We have already seen Daimler settle with the US authorities and US vehicle owners over its Dieselgate problem. The evidence strongly suggests that Daimler and Mercedes have been involved in similar practices in England and Wales and that British consumers also have a right to compensation for unlawful, deceptive and otherwise defective emission controls implemented by Mercedes.”

**Andrew Hill** adds: “We believe Mercedes vehicle owners and lessees in England and Wales will likely have good claims for losses caused to them from unwittingly owning or leasing dirty diesels. Compensation could be in the range of £5,000 to £10,000 per vehicle.”

Those unsure if their Mercedes vehicle is affected by the dirty diesel technology, can contact Fox Williams at [www.mercedes-dieselclaims.co.uk](http://www.mercedes-dieselclaims.co.uk).

It is intended the Fox Williams-led group action claim will be conducted on a no-win, no-fee basis, meaning that there will be no out-of-pocket cost to sign up to or participate.

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## NOTES TO EDITORS

### About Fox Williams

Fox Williams is a leading London City law firm known for its ambition, great culture and good sense. The litigation team is recognised for its independent market position as well as for the quality of its work. The firm's litigation lawyers advise on a wide range of disputes, employing legal strategies that minimise the risks and realistically assess the potential rewards for clients. Fox Williams has considerable experience in bringing civil fraud claims, and of cutting-edge, high-value group action litigation for institutional investors and shareholders of wrong-doing public companies. For more information, see [www.foxwilliams.com](http://www.foxwilliams.com)

### **[About Hagens Berman](#)**

Hagens Berman Sobol Shapiro LLP is one of the largest and most renowned plaintiff-side group action law firms in the United States. The firm's tenacious advocacy for plaintiffs has earned it numerous national accolades, including "Most Feared Plaintiff's Firm," and consistent rankings among a handful of elite plaintiffs' law firms. More can be found at [www.hbsslaw.com](http://www.hbsslaw.com).

Hagens Berman originally filed its dirty diesel emissions-cheating litigation against Mercedes in the US on 25 February 2016 and secured a US\$ 700m payout on behalf of owners and lessees of affected diesel Mercedes vehicles in August 2020. This settlement is in addition to the further US\$1.5 billion settlement and penalty Mercedes must pay the US Department of Justice and Environmental Protection Agency.

Hagens Berman was also one of the lead firms that worked to achieve the US\$14.7 billion Volkswagen Dieselgate settlement in the US in 2016 (having been the first firm to file suit against Volkswagen in that matter). The firm has also pioneered emissions-cheating litigation against Audi, BMW, Fiat Chrysler, Ford and General Motors for affected US consumers, and conducted extensive independent research and testing in each case.

Hagens Berman is currently eyeing the potential for bringing further emissions related fraud actions in the European market.

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