

## MANDATE

26.03.2021

### **GLEISS LUTZ ADVISES SUPERVISORY BOARDS OF VOLKSWAGEN, AUDI AND PORSCHE ON THE COMPREHENSIVE INVESTIGATION OF THE DIESEL ISSUE AS WELL AS THE REVIEW OF BREACHES OF DUTY AND THE ASSERTION OF CLAIMS FOR DAMAGES AGAINST BOARD OF MANAGEMENT MEMBERS**

A team of Gleiss Lutz lawyers has advised the Supervisory Boards of Volkswagen AG, Audi AG and Dr. Ing. h.c. F. Porsche AG on the investigation of the causes of the diesel issue. Gleiss Lutz carried out an extensive review of breaches of duty and claims for damages. The results of the investigation were presented to each of the supervisory boards over the course of multi-day meetings.

At today's meeting, the Supervisory Board of Volkswagen AG decided to assert claims for damages against the former Chairman of the Group Board of Management, Prof. Martin Winterkorn, and the former Group Board of Management member and Chairman of the Board of Management of Audi AG, Rupert Stadler, on account of breaches of the duty of care under stock corporation law.

The Supervisory Boards of Audi AG and Dr. Ing. h.c. F. Porsche AG also examined the results of their companies' investigations at their relevant meetings. The former Chairman of the Board of Management of Audi AG, Rupert Stadler, and the former members of the Board of Management of Audi AG, Prof. Dr. Ulrich Hackenberg and Dr. Stefan Knirsch, as well as the former member of the Board of Management of Porsche, Wolfgang Hatz, are also being accused of breaches of the duty of care under stock corporation law in this regard. These persons will now also have claims for damages asserted against them based on stock corporation law.

The resolutions of the three supervisory boards are based on the expert report drawn up by Gleiss Lutz, which concluded that negligent breaches of duty had occurred.

The investigation and review covered all Board of Management members of the three companies in office during the relevant period. Over 65 petabytes of data were secured and a total of more than 480 million documents transferred to data rooms. Of these, approximately 1.6 million files were identified as relevant, screened and reviewed and over 1,550 interviews and questionings conducted. Prosecutorial investigation files, reports by the US Monitor as well as official and judicial proceedings worldwide were also evaluated and considered. The investigation that has now been completed was by far the most comprehensive and complex investigation carried out at a company in German economic history.

The investigation and review of the diesel issue was led by a core team comprising Gleiss Lutz partners Prof. Michael Arnold (overall responsibility for Volkswagen, Audi, Porsche), Martin Hitzer and Dr. Vera Rothenburg (joint lead for Volkswagen), Steffen Carl (lead for Audi) as well as Dr. Adrian Bingel and Dr. Gabriele Roßkopf (joint lead for Porsche).

The following Gleiss Lutz teams were also involved in the investigation and review for the supervisory boards of Volkswagen AG, Audi AG, and Dr. Ing. h.c. F. Porsche AG:

**Volkswagen:** Dr. Hansjörg Scheel, Dr. Dirk Wasmann, Dr. Burghard Hildebrandt, Prof. Dr. Christian Arnold, Dr. Alexander Werder, Dr. Bernhard Busch, Dr. Christian Hamann (all partners), Dr. Detlef Schmidt (of counsel), Dr.

Thomas Kreuz, Dr. Matthias Gärtner (both counsel), Nils Maiwurm, Katharina Bein, Dr. Simon Frye, Dr. Joscha Meyer, Lukas Neuhaus, Dr. Bettina Sauter, Dr. Michael Traub, Dr. Nikolai Unmuth, Dr. Jan-David Geiger, Daniel Bernhardt, Frank Buchhöcker, Martin Weil, Dr. Ricarda Zeh, Konrad Discher (counsel), Dr. Christian Ditté, Dr. Daniel Görlich, Simon Wegmann, Aylin Hoff, Tatjana Schmidt, Henrike Westphal, Dr. Dominik Monz, Carsten Fitting, Dr. Markus Martin, Moritz Stolz, Dr. Eva Koch (counsel), Dr. Hilmar Hütten, Dr. Lars Kindler, Dr. Ulrike von Paris.

**Audi:** Dr. Patrick Mossler, Dr. Tobias Harzenetter, Dr. Tobias Boecken, Dr. David Quinke (all partners), Dr. Stephan Dangelmayer, Dr. Julius Scheifele, Dr. Tobias Klemm, Dr. Julian Aicher, Melina Grauschopf, Dr. Daniel Widmann, Dr. Nadja Al-Wraikat, Anke Siemer-Arçq, Dr. Julia Egyptien, Laura de Leeuw, Dr. Stephan Kreifels, Simone Lindenmüller, Alexandra-Helene Schwager.

**Porsche:** Marie-Theres Lochner, Dr. Christian Bock, Dr. David Schneider, Dr. Stephanie Lumpp, Dr. Johannes Culmann (both counsel), Richard Notz, , Oliver Wolf, Maximilian Imre, Julia Schumann, Dr. Matthias Schilde and Jan Hinrichs, Matthias Hahn.

## PRESS

**Dr. Andrea Stahl**  
Washingtonpl. 3  
10557 Berlin  
T +49 30 800979-250  
E [andrea.stahl@gleisslutz.com](mailto:andrea.stahl@gleisslutz.com)

## EXPERTISE

**Automotive**  
**Compliance & Investigations**  
**Corporate**

## EXPERTS

**Prof. Dr. Michael Arnold**  
**Martin Hitzer**  
**Dr. Vera Rothenburg**  
**Peter Steffen Carl**  
**Dr. Dipl.-Kfm. Adrian Bingel**  
**Dr. Gabriele Roßkopf**  
**Dr. Hansjörg Scheel**  
**Dr. Dirk Wasmann**  
**Dr. Burghard Hildebrandt**  
**Prof. Dr. Christian Arnold**  
**Dr. Alexander Werder**  
**Dr. Bernhard Busch**  
**Dr. Christian Hamann**  
**Dr. Detlef Schmidt**  
**Dr. Thomas Kreuz**  
**Dr. Matthias Gärtner**  
**Katharina Bein**  
**Dr. Joscha Meyer**  
**Dr. Bettina Sauter**  
**Dr. Nikolai Unmuth**  
**Dr. Jan-David Geiger**  
**Daniel Bernhardt**  
**Dr. Ricarda Zeh**  
**Konrad H.J. Discher**  
**Christian Ditté**  
**Simon Clemens Wegmann**  
**Aylin Hoffs**  
**Henrike Westphal**  
**Dr. Dominik Monz**  
**Dipl.-Kfm. Carsten Fitting**  
**Dr. Markus Martin**  
**Dr. Eva Koch**

Dr. Lars Kindler  
Dr. Ulrike von Paris  
Dr. Patrick Mossler  
Dr. Tobias Harzenetter  
Dr. Tobias Boecken  
Dr. David Quinke  
Dr. Julius Scheifele  
Dr. Julian Aicher  
Melina Grauschopf  
Dr. Nadja Magdalena Al-Wraikat  
Anke Siemer-Arcq  
Dr. Julia Egyptien  
Laura de Leeuw  
Dr. Stephan Kreifels  
Simone Lindenmüller  
Alexandra-Helene Schwager  
Dr. David Schneider  
Dr. Stephanie Lumpp  
Dr. Johannes Culmann  
Richard L. Notz  
Oliver Wolf  
Jan Felix Hinrichs  
Matthias Hahn  
Maximilian B. Imre  
Julia Schumann