

**CARELLA, BYRNE, CECCHI, OLSTEIN, BRODY & AGNELLO, P.C.**  
COUNSELLORS AT LAW

CHARLES C. CARELLA  
JAN ALAN BRODY  
JOHN M. AGNELLO  
CHARLES M. CARELLA  
JAMES E. CECCHI

JAMES D. CECCHI (1933-1995)  
JOHN G. GILFILLAN III (1936-2008)  
ELLIOT M. OLSTEIN (1939-2014)  
BRENDAN T. BYRNE (1924-2018)

JAMES T. BYERS  
DONALD F. MICELI  
CARL R. WOODWARD, III  
MELISSA E. FLAX  
DAVID G. GILFILLAN  
G. GLENNON TROUBLEFIELD  
BRIAN H. FENLON  
LINDSEY H. TAYLOR  
CAROLINE F. BARTLETT  
ZACHARY S. BOWER+  
DONALD A. ECKLUND  
CHRISTOPHER H. WESTRICK\*  
MICHAEL CROSS  
STEPHEN R. DANEK  
MICHAEL A. INNES

5 BECKER FARM ROAD  
ROSELAND, N.J. 07068-1739  
PHONE (973) 994-1700  
FAX (973) 994-1744  
www.carellabyrne.com

PETER G. STEWART  
FRANCIS C. HAND  
AVRAM S. EULE  
JAMES A. O'BRIEN III  
JOHN G. ESMERADO  
GREGORY G. MAROTTA  
STEVEN G. TYSON

RAYMOND J. LILLIE  
MEGAN A. NATALE  
CHRISTOPHER J. BUGGY  
JOHN V. KELLY III  
JOHN P. PETROZZINO  
CHIRALI V. PATEL

OF COUNSEL

\*CERTIFIED BY THE SUPREME COURT OF  
NEW JERSEY AS A CIVIL TRIAL ATTORNEY  
+MEMBER FL BAR ONLY

May 4, 2021

**Via ECF and Regular Mail (Address on File)**

Honorable Dennis M. Cavanaugh (Ret.), Special Master

**Re: *In re Mercedes-Benz Emissions Litigation***  
**Civil Action No. 2:16-0881 (KM) (ESK)**

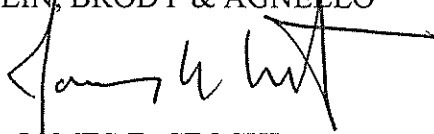
Dear Judge Cavanaugh:

This firm, together with Hagens Berman Sobol Shapiro LLP and Seeger Weiss LLP, is class counsel in the above referenced matter. We write to refine one aspect of Plaintiffs' motion for attorney's fees relating to the Bosch Settlement. ECF 312. The motion suggests that Class Counsel will seek 25% of the entire \$63.3 million fund available through the settlement with the Bosch defendants. We write to make clear that under Section 12 of the Settlement Agreement with the Bosch defendants, Class Counsel will seek 25% of the actual amounts paid to class members by Bosch under the Settlement Agreement on an ongoing basis as payments are made to Class Members. ECF 306-2 at 35-36. As explained in our brief in support of preliminary approval, the total fee sought by Class Counsel will be commensurate with the total payments received by Class members. ECF 306-1 at 15 ("Class Counsel, on behalf of all plaintiffs' counsel, will apply for an award of Attorneys' Fees and Expenses in the Action if 25% of payments made to Class Members for valid claims under the Bosch settlement agreement."). The parties to the Bosch settlement agreement believed it important to remove any unintended confusion.

Thank you for Your Honor's attention to this matter. We look forward to addressing any questions Your Honor may have at the Final Approval hearing.

Respectfully submitted,

CARELLA, BYRNE, CECCHI,  
OLSTEIN, BRODY & AGNELLO



JAMES E. CECCHI