

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>Civil Action No. _____</b>
<b>v.</b>	)	
	)	
<b>DIESEL PERFORMANCE PARTS, INC.</b>	)	
	)	
<b>Defendant.</b>	)	
_____	)	

**i**

## TABLE OF ACRONYMS

CAA:	Clean Air Act
CO:	Carbon Monoxide
COC:	Certificate of Conformity
DOC:	Diesel Oxidization Catalyst
DPF:	Diesel Particulate Filter
DTC:	Diagnostic Trouble Code
ECU:	Electronic Control Unit
EGR:	Exhaust Gas Recirculation
EPA:	United States Environmental Protection Agency
MIL:	Malfunction Indicator Light
NAC:	NO <sub>x</sub> Adsorber Catalyst
NMHCs:	Non-Methane Hydrocarbons
NO <sub>x</sub> :	Nitrogen Oxides
OBD:	On-Board Diagnostics
OEM:	Original Equipment Manufacturer
PM:	Particulate Matter
SCR:	Selective Catalytic Reduction

The United States of America (“United States”), by the authority of the Attorney General of the United States and at the request of the Administrator of the United States Environmental Protection Agency (“EPA”), files this Complaint and alleges as follows:

### **I. NATURE OF THE ACTION**

1. This is a civil action brought under Sections 203, 204, and 205 of the Clean Air Act (“CAA” or “the Act”), 42 U.S.C. § 7522–7524, seeking injunctive relief and the assessment of civil penalties against Diesel Performance Parts, Inc. (“DPPI”) (“Defendant”) for violations of the CAA related to Defendant’s sale of, and offer to sell, aftermarket products that bypass, defeat, or render inoperative emissions controls installed on motor vehicles or motor vehicle engines.

### **II. JURISDICTION**

2. This Court has jurisdiction over the subject matter of and the parties to this action pursuant to Sections 204 and 205 of the CAA, 42 U.S.C. §§ 7523 and 7524, and 28 U.S.C. §§ 1331 (Federal Question), 1345 (United States as Plaintiff), and 1355 (Fine, Penalty, or Forfeiture).

3. Venue is proper in the Middle District of Tennessee pursuant to 28 U.S.C. §§ 1391(b)(2), 1391(c)(2), and 1395(a), as well as Sections 204 and 205 of the CAA, 42 U.S.C. §§ 7523 and 7524, because it is the judicial district in which the Defendant is located, doing business, or in which a substantial part of the alleged violations in the Complaint occurred.

### **III. DEFENDANT**

4. DPPI is a closely held Tennessee corporation with its current principal place of business at 411 Allied Drive, Nashville, Tennessee 37211.

5. DPPI sells and offers to sell aftermarket products for motor vehicles equipped with diesel engines.

6. At the relevant times, DPPI marketed its products as products that enhance a motor vehicle's power or performance, modify a vehicle's fuel economy, or reduce the costs associated with maintaining a vehicle's emission control system.

7. DPPI is a "person" within the meaning of Section 302(e) of the CAA, 42 U.S.C. § 7602(e).

#### **IV. BACKGROUND**

8. This action arises under Title II of the CAA, as amended, 42 U.S.C. §§ 7521–7590, and the regulations thereunder relating to the control of emissions of air pollution from motor vehicles and motor vehicle engines.

##### **A. Statutory and Regulatory Objectives**

9. In creating the CAA, Congress found that "the increasing use of motor vehicles . . . has resulted in mounting dangers to the public health and welfare." 42 U.S.C. § 7401(a)(2). Congress' purposes in creating the Act were "to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population," and "to initiate and accelerate a national research and development program to achieve the prevention and control of air pollution." 42 U.S.C. § 7401(b)(1)-(2).

10. "Motor vehicle" is defined as "any self-propelled vehicle designed for transporting persons or property on a street or highway." 42 U.S.C. § 7550(2); 40 C.F.R. § 85.1703.

11. Title II of the CAA and the regulations promulgated thereunder establish stringent standards for the emission of air pollutants from motor vehicles and motor vehicle engines that

“cause, or contribute to, air pollution which may reasonably be anticipated to endanger public health or welfare.” 42 U.S.C. § 7521(a). These pollutants include, but are not limited to, particulate matter (“PM”), nitrogen oxides (“NO<sub>x</sub>”), non-methane hydrocarbons (“NMHCs”), and carbon monoxide (“CO”). 42 U.S.C. § 7521(a)(3)(A).

12. EPA has also established National Ambient Air Quality Standards for certain pollutants, including ozone, NO<sub>x</sub>, PM, and CO. *See* 40 C.F.R. §§ 50.1–50.19.

13. PM is a form of air pollution composed of microscopic solids and liquids suspended in air. PM is emitted directly from motor vehicles and is also formed in the atmosphere from the emission of other pollutants, including from motor vehicles.

14. Ozone is a highly reactive gas that is formed in the atmosphere from emissions of other pollutants, including from motor vehicles.

15. NO<sub>x</sub> and NMHCs are reactive gases that contribute to the formation of PM and ozone.

16. Exposure to PM and ozone is linked to respiratory and cardiovascular health effects as well as premature death. Children, older adults, people who are active outdoors (including outdoor workers), and people with heart or lung disease are particularly at risk for health effects related to PM or ozone exposure.

17. CO is a highly toxic gas that can cause headaches, dizziness, vomiting, nausea, loss of consciousness, and death. CO is harmful to human health because it reduces oxygen delivery to the body’s organs and tissues. Long-term exposure to CO has been associated with an increased risk of heart disease.

**B. Acts Prohibited by the Clean Air Act, 42 U.S.C. § 7522(a)(3)(B)**

18. Section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B), makes it a prohibited act for “any person to manufacture or sell, or offer to sell, or install any part or component intended for use with, or as a part of, any motor vehicle or motor vehicle engine, where a principal effect of the part or component is to bypass, defeat, or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under this subchapter, and where the person knows or should know that such part or component is being offered for sale or installed for such use or put to such use.”

19. Persons violating Section 203(a)(3)(B) of the Act, 42 U.S.C. § 7522(a)(3)(B), are subject to injunctive relief pursuant to Section 204 of the Act, 42 U.S.C. § 7523.

20. Persons violating Section 203(a)(3)(B) of the Act, 42 U.S.C. § 7522(a)(3)(B), are subject to civil penalties of up to \$3,750 for each violation occurring on or after January 13, 2009, through November 2, 2015, and up to \$5,580 for each violation occurring after November 2, 2015, and assessed on or after January 6, 2023, in accordance with Section 205(a) of the CAA, 42 U.S.C. § 7524(a) as modified by 40 C.F.R. § 19.4 (2022); and the Civil Monetary Penalty Inflation Adjustment Rule, 88 Fed. Reg. 986, 989 (Jan. 6, 2023).

21. Pursuant to 42 U.S.C. § 7524(a), each part or component manufactured, sold, offered for sale, or installed in violation of Section 203(a)(3)(B) of the Act, 42 U.S.C. § 7522(a)(3)(B) is a separate violation.

**C. EPA’s Certificate of Conformity Program for New Motor Vehicles and Motor Vehicle Engines**

22. Manufacturers of new motor vehicles or motor vehicle engines must apply for and obtain a certificate of conformity (“COC”) from EPA to sell, offer to sell, or introduce or deliver

for introduction into commerce any new motor vehicle or motor vehicle engine in the United States. 42 U.S.C. § 7522(a)(1).

23. To obtain a COC, the original equipment manufacturer (“OEM”) must demonstrate that the motor vehicle or motor vehicle engine will conform to established emissions standards for PM, NO<sub>x</sub>, NMHC, CO, and other pollutants during a motor vehicle or motor vehicle engine’s useful life. 42 U.S.C. § 7525(a)(2); *see* 40 C.F.R. §§ 86.007-30(a)(1)(i), 86.1848-01(a)(1).

24. The COC application must describe, among other things, the emissions-related elements of design of the motor vehicle or motor vehicle engine. *See* 40 C.F.R. § 86.094-21(b)(1) (“The application . . . shall include the following: . . . a description of [the vehicle’s] . . . emission control system and fuel system components.”); *see also* 40 C.F.R. § 86.1844-01(d)–(e).

25. Once issued by EPA, a COC only covers those new motor vehicles or motor vehicle engines that conform in all material respects to the specifications provided to EPA in the COC application for such vehicles or engines. 40 C.F.R. § 86.1848-01(c)(6).

#### **D. Emissions-related Elements of Design in Motor Vehicles and Motor Vehicle Engines**

26. An “element of design” is “any control system (i.e., computer software, electronic control system, emission control system, computer logic), and/or control system calibrations, and/or the results of systems interactions, and/or hardware items on a motor vehicle or motor vehicle engine.” 40 C.F.R. § 86.1803-01.

27. OEMs install a variety of hardware and software elements of design in motor vehicles and motor vehicle engines that control emissions of pollutants in order to comply with the emissions standards established by regulation under the CAA and obtain certification, hereinafter referred to as “Emissions-related Elements of Design.”

28. Pursuant to 42 U.S.C. § 7521(m), the OEM is required to install an Onboard Diagnostics (“OBD”) System on motor vehicles that must monitor, detect, and report malfunctions of all monitored Emissions-related Elements of Design. 40 C.F.R. §§ 86.007-17, 86.010-18, 86.1806-05.

29. The OBD System monitors and detects malfunctions of Emissions-related Elements of Design through a network of sensors installed throughout the motor vehicle and motor vehicle engine.

30. When the OBD System detects a malfunction of an Emissions-related Element of Design, it must illuminate the vehicle’s Malfunction Indicator Light (“MIL”) on the dashboard and record a Diagnostic Trouble Code (“DTC”). *See* 40 C.F.R. § 86.1806-05(b)–(e).

31. The OBD System is an Emissions-related Element of Design.

32. Exhaust Gas Recirculation (“EGR”) Systems are Emissions-related Elements of Design that reduce NO<sub>x</sub> emissions by recirculating a portion of exhaust gas to the engine combustion chamber, thereby reducing peak engine combustion temperature and reducing the formation of NO<sub>x</sub> emissions.

33. “Aftertreatment” refers collectively to the Emissions-related Elements of Design “mounted downstream of the exhaust valve . . . whose design function is to reduce emissions in the engine exhaust before it is exhausted to the environment.” *See* 40 C.F.R. § 1068.30.

34. Diesel Particulate Filters (“DPFs”), Diesel Oxidation Catalysts (“DOCs”), Selective Catalytic Reduction (“SCR”) Systems, and NO<sub>x</sub> Adsorption Catalysts (“NACs”) are all part of Aftertreatment.

35. Aftertreatment Emissions-related Elements of Design are contained in OEM-installed stock exhaust pipes.



36. DPFs are Emissions-related Elements of Design that reduce the level of PM pollution contained in engine exhaust gas.

37. DOCs are Emissions-related Elements of Design that reduce CO and NMHC emissions by promoting the conversion of those pollutants into less harmful gases.

38. SCR Systems are Emissions-related Elements of Design that reduce NO<sub>x</sub> emissions by chemically converting exhaust gas that contains NO<sub>x</sub> into nitrogen and water through the injection of diesel exhaust fluid.

39. NACs are Emissions-related Elements of Design that reduce NO<sub>x</sub> emissions by chemically adsorbing NO<sub>x</sub> from exhaust gas.

40. OEMs set software parameters, also known as calibrations, that control, among other things, engine combustion and aftertreatment performance (hereinafter referred to as “Certified Stock Calibrations”). 40 C.F.R. §§ 86.1803-01.

41. OEMs disclose Certified Stock Calibrations to EPA on their application for a COC for each vehicle model because they are part of a motor vehicle’s overall emissions control strategy.

42. Certified Stock Calibrations that must be included on the COC application include “fuel pump flow rate, . . . fuel pressure, . . . EGR exhaust gas flow rate, . . . and basic engine timing.” 40 C.F.R. § 86.1844-01(e)(2); *see also* 40 C.F.R. pt. 85 app. VIII (listing vehicle and engine parameters and specifications); 40 C.F.R. pt. 86 app. VI (listing vehicle and engine components).

43. Certified Stock Calibrations are Emissions-related Elements of Design.

44. Motor vehicles are equipped with Electronic Control Units (“ECUs”), which are computers that monitor and control vehicle operations, including the operation of Emissions-related Elements of Design described in Paragraphs 32 through 45.

45. OBD Systems and other Emissions-related Elements of Design operate in conjunction with ECUs.

46. The Emissions-related Elements of Design described in Paragraphs 32 through 45 are installed in motor vehicles or motor vehicle engines in compliance with Title II of the CAA and the regulations thereunder. *See, e.g.*, 42 U.S.C. § 7521 (setting emission and OBD standards and directing EPA to establish standards by regulation); 40 C.F.R. § 86.007-11 (establishing emission standards for 2007 and later diesel heavy-duty engines and vehicles); 40 C.F.R. § 86.1844-01(d)–(e) (listing information requirements for COC applications, including calibration information), 40 C.F.R. § 86.004-25(a)(6) (defining “critical emissions-related components”).

**E. Emissions-related Elements of Design in Motor Vehicles and Motor Vehicle Engines**

47. Retailers, including Defendant, have sold and/or offered to sell products that are designed to alter a vehicle’s power, performance, or fuel economy, or reduce the costs related to maintaining a vehicle’s Emissions-related Elements of Design (hereinafter “Aftermarket Products”).

48. Many Aftermarket Products enhance a vehicle’s power, performance, or fuel economy, or reduce maintenance costs, by altering, replacing, or disabling OEM-installed elements of design, including Emissions-related Elements of Design.

49. In such cases, these products “bypass, defeat, or render inoperative” Emissions-Related Elements of Design within the meaning of Section 203(a)(3)(B) of the CAA, 42 U.S.C.

§ 7522(a)(3)(B). The aftermarket products relevant to this Complaint fall into two categories: Aftertreatment System Delete Hardware Products and Tunes.

**1. *Aftertreatment System Delete Hardware Products***

50. “Aftertreatment Systems” consist of hardware installed in the stock exhaust system, as well as software that runs on one or more ECUs and directs operation of the hardware components. DPFs, DOCs, SCR Systems, and NACs are Aftertreatment Systems that can be used alone, or in combination with each other or with other Emissions-Related Elements of Design, to control the emission of pollutants.

51. Some aftermarket hardware products physically alter some or all components of a motor vehicle’s Aftertreatment System by replacing, modifying, bypassing, rendering inoperative, facilitating deletion or partial deletion of, or interfering with essential physical elements of the DPF, DOC, SCR, or NAC. These products consist of exhaust system replacement pipes that require removal of, and replacement of the Aftertreatment System installed by the OEM.

52. The replacement hardware does not contain the Aftertreatment Systems such as DPF, SCR, DOC, and NAC that the OEM exhaust hardware contained. These pipes are commonly called “race pipes,” CAT or DPF “delete” pipes, and “straight pipes” because they do not have a bulge in the pipe for an Aftertreatment System. These Hardware Products are hereinafter collectively referred to as “Aftertreatment System Delete Hardware Products.”

**2. *Aftermarket Software Products (a/k/a “Tunes”)***

53. Other aftermarket products consist of software that is uploaded into a motor vehicle’s ECUs and alters or overwrites the Certified Stock Calibrations. An individual piece of such software is commonly referred to as a “Tune,” derived from its intended purpose of “tuning” the vehicle’s performance.

54. Some Aftermarket Products are electronic software products that are designed to affect Emissions-related Elements of Design by disabling, defeating, altering and/or overwriting aspects of a motor vehicle's ECU and/or OBD System without storage of the diagnostic trouble code or illumination of a malfunction indicator light (hereinafter, "Tunes").

55. Some Tunes manipulate the ECU and/or OBD System and, in so doing, bypass, defeat, or render inoperative the EGR System, DPFs, DOCs, SCR System, and/or other Aftertreatment System. These Tunes are hereinafter referred to as "Delete Tunes."

56. Some Delete Tunes work in conjunction with Hardware Products by manipulating the monitoring function of the OBD System so that it will not detect those Hardware Products or the removal of a vehicle's Emissions-related Elements of Design.

57. Other Tunes manipulate a vehicle's ECU and/or the monitoring function of the OBD System and, in doing so, bypass, defeat, or render inoperative Certified Stock Calibrations such as fuel pump flow rate, fuel pressure, EGR exhaust gas flow rate, and basic engine timing. These Tunes are hereinafter referred to as "Calibration Tunes."

## **V. GENERAL ALLEGATIONS**

58. Between September 1, 2018, and October 7, 2019, Defendant sold at least 6,526 Aftertreatment System Delete Hardware Products and 332 Aftermarket Software Products.

59. On November 9, 2021, the United States formally notified Defendant that it had committed violations of Section 203(a)(3)(B) of the CAA by selling and offering to sell "software and hardware designed and marketed for the purpose of defeating vehicle emission controls."

60. On December 15, 2021, during a meeting with the United States, Defendant represented to the United States that, as of October 7, 2019, it had suspended sales of all

Aftertreatment System Delete Hardware Products and Aftermarket Software Products identified by EPA as designed to bypass, defeat and/or render inoperative a motor vehicle's emissions controls.

61. At the relevant times herein, Defendant sold and offered for sale Aftertreatment System Delete Hardware Products and Aftermarket Software Products.

**VI. FIRST CLAIM FOR RELIEF**  
***Violations for the Sale and Offer for Sale of Subject***  
***Aftertreatment System Delete Hardware Products.***

62. The United States re-alleges and incorporates Paragraphs 1 through 61 herein by reference.

63. Between September 1, 2018, and October 7, 2019, Defendant sold and offered for sale at least 6,526 products referred to herein as "Aftertreatment System Delete Hardware Products" designed to bypass, defeat and/or render inoperative a motor vehicle's EGR system by allowing for the deletion or partial deletion of a vehicle's DPF, DOC, and/or SCR.

64. Each Aftertreatment System Delete Hardware Product sold by Defendant is primarily comprised of a free-flowing exhaust pipe (also known as "delete pipe" or "straight pipe").

65. Defendant's "Aftertreatment System Delete Hardware Products" are components that are "intended for use with, or as a part of, any motor vehicle or motor vehicle engine." The Aftertreatment System Delete Hardware Products sold by Defendant are specifically for use on General Motor (GM), Dodge, and Ford diesel-powered highway motor vehicles including light-duty vehicles and trucks, and heavy-duty vehicles.

66. In response to the information request issued on October 17, 2019, pursuant to Section 208 of the CAA, Defendant specified that certain Aftertreatment System Delete

Hardware Products sold and/or offered for sale by it affect the motor vehicle's DPF, DOC and SCR system.

67. Defendant's marketing information provided to EPA concerning Aftertreatment System Delete Hardware Products labelled as "Turbo Down Pipe/CAT+DPF-Delete" included diagrams of the downpipe and installation instructions with very clear and concise steps for removing the catalytic converter and DPF.

68. A motor vehicle's Aftertreatment System such as DPF, SCR, NAC, and DOC, is "a device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with [CAA] regulations" within the meaning of Section 203(a)(3)(B) of the CAA, 42U.S.C. § 7522(a)(3)(B).

69. A principal effect of each of Defendant's Aftertreatment System Delete Hardware Products is, and at all relevant times herein was, to bypass, defeat, or render inoperative a motor vehicle's EGR System.

70. Defendant knew or should have known that each of Defendant's Aftermarket System Delete Hardware Products was being offered for sale or installed for such use or put to such use.

71. Each unit of Defendant's Aftertreatment System Delete Hardware Product that Defendant sold, and/or offered to sell, or that Defendant caused to be sold, or offered for sale, is a separate violation of Section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B). *See* 42 U.S.C. § 7524(a).

72. As provided in Section 205 of the CAA, 42 U.S.C. § 7424, and 40 C.F.R. Part 19, the violations set forth above subject Defendant to liability to the United States for injunctive relief and civil penalties of up to \$5,580 for each violation occurring after November 2, 2015,

and assessed on or after January 6, 2023, in accordance with Section 205(a) of the CAA, 42 U.S.C. § 7524(a) as modified by 40 C.F.R. § 19.4 (2023); and the Civil Monetary Penalty Inflation Adjustment Rule, 88 Fed. Reg. 986, 989 (Jan. 6, 2023).

**VII. SECOND CLAIM FOR RELIEF**  
***Violations for the Sale of Subject Aftermarket Software Products***  
***(a/k/a “Tunes” and/or “Tuning Devices”)***

73. The United States re-alleges and incorporates Paragraphs 1 through 61 herein by reference.

74. Between September 1, 2018, and October 7, 2019, Defendant sold at least 332 Aftermarket Software Products.

75. Each of Defendant’s Aftermarket Software Products is, and at all relevant times herein was, intended for use with certified motor vehicles including, but not limited to, GM, Dodge, and Ford diesel vehicles.

76. A principal effect of the Defendant’s Aftermarket Software Products is, and at all relevant times herein was, to bypass, defeat, or render inoperative a motor vehicle’s EGR System.

77. Defendant knew or should have known that each of Defendant’s Aftermarket Software Products was being offered for sale or installed for such use or put to such use.

78. Each unit of Defendant’s Aftermarket Software Products that Defendant sold, and/or offered to sell, or that Defendant caused to be sold, or offered for sale, is a separate violation of Section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B). 42 U.S.C. § 7524(a).

79. As provided in Section 205 of the CAA, 42 U.S.C. § 7424, and 40 C.F.R. Part 19, the violations set forth above subject Defendant to liability to the United States for injunctive

relief and civil penalties of up to \$5,580 for each violation occurring after November 2, 2015, and assessed on or after January 6, 2023, in accordance with Section 205(a) of the CAA, 42 U.S.C. § 7524(a) as modified by 40 C.F.R. § 19.4 (2023); and the Civil Monetary Penalty Inflation Adjustment Rule 88 Fed. Reg. 986, 989 (Jan. 6, 2023).

### **PRAYER FOR RELIEF**

WHEREFORE, the United States respectfully requests that this Court:

- A. Assess civil penalties against Defendant for each violation of Section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B), in the amount of up to \$5,580 for each violation occurring after November 2, 2015, and assessed on or after January 6, 2023.
- B. Permanently enjoin Defendant from selling and/or offering to sell motor vehicle parts or components intended for use with a motor vehicle or motor vehicle engine where a principal effect of such part or component is to bypass, defeat, or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with Title II of the CAA;
- C. Order the Defendant to take other appropriate actions to remedy, mitigate, and offset the harm caused by its alleged CAA violations;
- D. Award the United States its costs in this action; and
- E. Award such other and further relief as the Court deems just and proper.



Respectfully submitted,

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Middle District of Tennessee

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CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

United States of America

**(b)** County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

**(c)** Attorneys (Firm Name, Address, and Telephone Number)

Rachael Kamons, U.S. Department of Justice, P.O. Box 7611, Washington, DC 20044, 202-514-5260

**DEFENDANTS**

Diesel Performance Parts, Inc.

County of Residence of First Listed Defendant Davidson County  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Adam Kushner, Hogan Lovells, LP, 555 13th St. NW, Washington, DC 20005, 202-637-5724

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

☒ 1 U.S. Government Plaintiff

☐ 2 U.S. Government Defendant

☐ 3 Federal Question (U.S. Government Not a Party)

☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability		<b>INTELLECTUAL PROPERTY RIGHTS</b>	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander		<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability		<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine		<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 345 Marine Product Liability		<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<b>LABOR</b>	<input type="checkbox"/> 880 Defend Trade Secrets Act of 2016	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 710 Fair Labor Standards Act	<b>SOCIAL SECURITY</b>	<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 720 Labor/Management Relations	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise		<input type="checkbox"/> 751 Family and Medical Leave Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 850 Securities/Commodities/Exchange
		<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 890 Other Statutory Actions
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights		<b>FEDERAL TAX SUITS</b>	<input checked="" type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<b>IMMIGRATION</b>	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 465 Other Immigration Actions		<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment			<input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other			
	<input type="checkbox"/> 448 Education			
		<b>PRISONER PETITIONS</b>		
		<b>Habeas Corpus:</b>		
		<input type="checkbox"/> 463 Alien Detainee		
		<input type="checkbox"/> 510 Motions to Vacate Sentence		
		<input type="checkbox"/> 530 General		
		<input type="checkbox"/> 535 Death Penalty		
		<b>Other:</b>		
		<input type="checkbox"/> 540 Mandamus & Other		
		<input type="checkbox"/> 550 Civil Rights		
		<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		

**V. ORIGIN** (Place an "X" in One Box Only)

☒ 1 Original Proceeding

☐ 2 Removed from State Court

☐ 3 Remanded from Appellate Court

☐ 4 Reinstated or Reopened

☐ 5 Transferred from Another District (specify)

☐ 6 Multidistrict Litigation - Transfer

☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
Clean Air Act, 42 U.S.C. 7524(a)

Brief description of cause:  
civil action in connection with sale of automobile parts that defeat emissions controls

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:  
JURY DEMAND: ☐ Yes ☒ No

**VIII. RELATED CASE(S) IF ANY** (See instructions):

JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE: Dec 9, 2024

SIGNATURE OF ATTORNEY OF RECORD: /s/ Rachael Kamons

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**

## Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.  
**PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related cases, if any. If there are related cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.