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Mithoff Tapped to Lead Steering Committee in Volkswagen Emissions Litigation

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The Austin judge overseeing pretrial matters in Texas's multidistrict air pollution litigation against Volkswagen has appointed Houston plaintiffs lawyer Richard Mithoff as lead counsel for the Texas Clean Air Act county plaintiff's steering committee.

In an order May 20, 353rd District Judge Tim Sulak in Travis County also appointed the following lawyers to the steering committee: Earnest Wotring, a partner in Baker Wotring of Houston; Benny Agosto, a partner in Abraham, Watkins, Nichols, Sorrels, Agosto & Friend in Houston; Michael Stafford, a partner in Gardere Wynne Sewell in Houston; Anthony Constant of Constant Law Firm in Corpus Christi; Gregory Cox, an attorney at Mostyn Law in Houston; Robert Hilliard, a partner in Hilliard Munoz Gonzales in Corpus Christi; Tim Maloney, a partner in Maloney & Campolo in San Antonio; and Ryan Fite, who works for the Travis County Attorney's Office.

Mithoff said the steering committee is for suits filed by Texas counties that seek civil penalties from Volkswagen under the TCAA. He said there is a separate group of suits filed by individuals with consumer claims, and the state of Texas has "a foot in both camps" and has filed for consumer relief as well as enforcement relief.

In September 2015, the Harris County Commissioners Court hired Mithoff and his firm, Mithoff Law, and lawyers from Baker Wotring and Abraham Watkins to represent the county in a \$100 million vehicle emissions lawsuit it filed against Volkswagen Group of America and Audi of America. That suit, and others filed by other Texas counties, have been transferred to a Texas multi-



Richard Warren Mithoff, founder, Mithoff Law, Houston

district litigation, In Re: Volkswagen Clean Diesel Litigation, which Sulak is overseeing for pretrial purposes.

Harris County sued after the U.S. Environmental Protection Agency on Sept. 18, 2015, issued a notice of violation against Volkswagen. The EPA alleges that "defeat devices" in Volkswagen diesel vehicles would bypass parts of the emission control systems intended to comply with emission standards.

Harris County Attorney Vince Ryan said in a press release May 25 that he is pleased Sulak appointed lawyers representing Harris County to the steering committee because it puts Harris County "in the driver's seat" for the litigation.

In 1998, Mithoff secured a \$2.2 billion settlement for Texas counties against tobacco companies.