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SANTA FE – New Mexico Attorney General Hector Balderas announced Jan. 20 that he filed suit on behalf of the State of New Mexico against Volkswagen, Porsche, Audi, and their U.S. subsidiaries for state air quality control act and deceptive trade practice act violations.

The Office of the Attorney General's Fraud Recovery Strike Force filed the suit in state District Court yesterday afternoon. The Attorney General's suit stems from Volkswagen, Audi, and Porsche's admitted use of emissions-cheating software in diesel-powered vehicles delivered and sold throughout New Mexico, as well as from those companies' false advertisement portraying those diesel vehicles as being clean-running and eco-friendly.

"It's not lawful to profiteer and breach the trust of New Mexico consumers, and Volkswagen, Audi and Porsche will be held accountable for their deceptions," said Attorney General Hector Balderas. "Our Fraud Recovery Strike Force will work to ensure maximum financial return for New Mexico taxpayers and consumers for the unacceptable behavior by one of the world's largest automakers. Volkswagen preyed upon hard working New Mexicans who want to protect the environment or save money with fuel efficiency."

The lawsuit seeks a jury trial as well as damages to be determined by the court. Named plaintiffs are the State of New Mexico by Attorney General Hector Balderas; defendants are the American and German owners of the Audi, Porsche, and Volkswagen businesses. Specific claims include violations of New Mexico's Air Quality Control Act, Unfair Practices Act, and public nuisance going back to at least 2008, when the diesels were first introduced in New Mexico.

The New Mexico complaint cites the carmakers' "willful and deliberate violations of New Mexico

environmental and consumer protection statutes" during an approximately seven-year charade in which Volkswagen-made vehicles were touted as being "clean diesels" and as ecofriendly tools in the fight against pollution from motor vehicle emissions.

In fact, the diesel versions of 16 different Volkswagen, Audi, and Porsche models marketed and sold in New Mexico were equipped with sophisticated software designed to reduce harmful emissions only when the vehicle was hooked up to testing apparatus. The rest of the time, the Volkswagen-made diesel cars and SUVs emitted illegal amounts of dangerous nitrogen oxides (NOx), which are known contributors to smog and global warming and which are particularly hazardous to children, the elderly, and people with respiratory illnesses.

According to the complaint, Volkswagen was equally shameless in its marketing of these cars for setting new standards in environmental conservation.

One of the cheating vehicles, the Volkswagen Jetta, was named 2009 "Green Car of the Year" by Green Car Journal, an honor later withdrawn after revelation of the scandal. As the complaint describes, Volkswagen began marketing it as the "Official Pace Car of the Environment" – all the while knowing that its sterling low-emissions performance was based on lies and that the Jetta was in fact a noxious, regulation-defying imposter on U.S. roads.

According to the complaint, Volkswagen branded itself "the first automaker to make clean diesel cars certified in all 50 states."

In New Mexico and across the country Volkswagen spent tens of millions of dollars promoting its rigged diesel cars as green and environmentally responsible, deceiving and misleading car buyers who believed they were making environmentally conscious driving purchase decisions.

Tellingly, the carmaker maintained the defeat-device software in vehicles made for the U.S. market even though technology had always been available to reduce NOx emissions by honest means.

The case caption for the action is: State of New Mexico, ex rel. Hector Balderas, Attorney

General v. Volkswagen Group of America, Inc.

It was filed Jan. 19 in the First Judicial District Court, County of Santa Fe, NM. The Office of the New Mexico Attorney General has retained leading consumer advocacy firm Grant & Eisenhofer to assist in the litigation at no cost to the taxpayers