



TIM GRIFFIN

ATTORNEY GENERAL OF ARKANSAS

FOR IMMEDIATE RELEASE

December 23, 2025

CONTACT: Jeff LeMaster

(501) 366-8008

jeff.lemaster@arkansasag.gov

Attorney General Griffin Announces Multistate \$150 Million Settlement with Mercedes-Benz USA, LLC and Mercedes-Benz Group AG over Emissions Fraud

Griffin: 'Mercedes-Benz USA and Mercedes-Benz Group AG falsely marketed their vehicles as environmentally compliant while secretly installing emissions defeat devices'

LITTLE ROCK – Attorney General Tim Griffin issued the following statement after joining a coalition of 50 attorneys general announcing a \$149,673,750 settlement with Mercedes-Benz USA, LLC and Mercedes-Benz Group AG for violating state laws prohibiting unfair or deceptive trade practices by marketing, selling, and leasing vehicles equipped with illegal and undisclosed emissions defeat devices designed to circumvent emissions standards:

“Protecting Arkansas consumers from deceptive trade practices is a top priority for my office. Mercedes-Benz USA, LLC and Mercedes-Benz Group AG falsely marketed their vehicles as environmentally compliant while secretly installing emissions defeat devices. This settlement ensures they take responsibility by compensating consumers and implementing critical reform.”

Beginning in 2008 and continuing to 2016, the states allege Mercedes manufactured, marketed, advertised, and distributed nationwide more than 211,000 diesel passenger cars and vans equipped with software defeat devices that optimized emission controls during emissions tests, while reducing those controls outside of normal operations. The states allege that the defeat devices enabled vehicles to far exceed many legal limits of nitrogen oxide (NOx) emissions, a harmful pollutant that causes respiratory illness and contributes to the formation of smog.

Mercedes allegedly engaged in this conduct to achieve design and performance goals, such as increased fuel efficiency and reduced maintenance, that it was unable to meet while complying with applicable emission standards. Mercedes concealed the existence of these defeat devices from state and federal regulators and the public. At the same time, Mercedes falsely marketed the vehicles to consumers as “environmentally friendly” and in compliance with applicable emissions regulations.

Today’s settlement requires Mercedes-Benz USA, LLC and Mercedes-Benz Group AG to pay \$120 million to the states immediately upon the effective date of the settlement. An additional \$29,673,750 will be suspended and potentially waived pending completion of a comprehensive consumer relief program. Arkansas will receive \$250,000 through today’s settlement. Approximately 704 of the impacted vehicles were sold or registered in Arkansas.

The consumer relief program extends to the estimated 39,565 vehicles, which as of August 1, 2023, had not been repaired or permanently removed from the road in the United States. Mercedes must bear the cost of installing approved emission modification software on each of the affected vehicles. The company must provide consumers with an extended warranty and will pay consumers \$2,000 per subject vehicle.

The company must also comply with reporting requirements and reforms to their practices, including a prohibition on any further engagement in unfair or deceptive marketing or sale of diesel vehicles and misrepresentations regarding emissions and compliance.

Today’s settlement follows similar settlements reached previously between the states and Volkswagen, Fiat Chrysler, and German engineering company Robert Bosch GmbH over its development of the cheat software. Automaker Fiat Chrysler and its subsidiaries paid \$72.5 million to the states in 2019. Bosch paid \$98.7 million in 2019. Volkswagen reached a \$570 million settlement with the states in 2016.

The attorneys general of Alabama, Connecticut, Delaware, Georgia, Maryland, New Jersey, New York, South Carolina, and Texas led today’s settlement, joined by Alaska, Arkansas, Colorado, the District of Columbia, Florida, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and Puerto Rico.

About Attorney General Tim Griffin

Tim Griffin was sworn in as the 57th Attorney General of Arkansas on January 10, 2023, having previously served as the state's 20th Lieutenant Governor from 2015-2023. From 2011-2015, Griffin served as the 24th representative of Arkansas's Second Congressional District, where he served on the House Committee on Ways and Means, House Armed Services Committee, House Committee on Foreign Affairs, House Committee on Ethics and House Committee on the Judiciary while also serving as a Deputy Whip for the Majority.

Griffin is currently an officer in the Arkansas Army National Guard and holds the rank of colonel. Griffin served as an officer in the U.S. Army Reserve Judge Advocate General's (JAG) Corps for more than 28 years. In 2005, Griffin was mobilized to active duty as an Army prosecutor at Fort Campbell, Kentucky, and served with the 101st Airborne Division (Air Assault) in Mosul, Iraq.

His previous assignments include serving as the Commander of the 2d Legal Operations Detachment in New Orleans, Louisiana; the Commander of the 134th Legal Operations Detachment at Fort Bragg, North Carolina; and as a Senior Legislative Advisor to the Under Secretary of Defense for Personnel and Readiness at the Pentagon. Griffin earned a master's degree in strategic studies as a Distinguished Honor Graduate from the U.S. Army War College, Carlisle Barracks, Pennsylvania.

Griffin also served as U.S. Attorney for the Eastern District of Arkansas, and Special Assistant to the President and Deputy Director of Political Affairs for President George W. Bush; Special Assistant to Assistant Attorney General Michael Chertoff, Criminal Division, U.S. Department of Justice; Special Assistant U.S. Attorney, U.S. Attorney's Office, Eastern District of Arkansas; Senior Investigative Counsel, Government Reform and Oversight Committee, U.S. House of Representatives; and Associate Independent Counsel, Office of Independent Counsel David M. Barrett, In re: HUD Secretary Henry Cisneros.

Griffin is a graduate of Magnolia High School, Hendrix College in Conway, and Tulane Law School in New Orleans. He attended graduate school at Oxford University. He is admitted to practice law in Arkansas (active) and Louisiana (inactive). Griffin lives in Little Rock with his wife, Elizabeth, a Camden native, and their three children.

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