

# **EXHIBIT**

# **8**

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION (DAYTON)**

ART SHY, et al.

Plaintiffs,

vs.

NAVISTAR INTERNATIONAL  
CORPORATION, et al.

Defendants.

Case No. 3:92-CV-00333

District Judge Walter H. Rice

**Declaration of Wayne Krzysiak**

I, Wayne Krzysiak, upon penalty of perjury, declare as follows:

1. The statements in this declaration are based on my personal knowledge and experience.
2. I am a CPA and an MBA.
3. I joined Navistar in 1976 and retired in 2004. I was a vice-president in several different subsidiaries of Navistar during my career.
4. I became a member of the SBC in 2011.
5. In 2016, the SBC agreed to finance the *Krzysiak* lawsuit that Mike LaCour and I filed challenging Navistar's failure to properly account for Medicare Part D subsidies when it calculated the participants' monthly contribution rate.
6. I have been heavily involved in the prosecution of the *Krzysiak* case. I have discussed the issues with counsel on many occasions. I testified at two trials in the case. I am very familiar with the issues in *Krzysiak*.
7. I am also very familiar with the issues involved in the profit-sharing arbitration.
8. I became aware of a possible opportunity to settle the disputes with Navistar in January 2021. I participated as a member of the SBC in at least ten SBC meetings concerning the settlement

negotiations with Navistar, and the SBC deputized Donn Viola and me to meet more often with the SBC's advisors.

9. As a plaintiff in the *Krzysiak* case, I participated in numerous meetings with my lawyers and relied on analysis from Segal Co. to evaluate the proposals for settling that case.
10. I believe that the settlement of the *Krzysiak* litigation is reasonable based on the risk that the case could be dismissed, the value of the future relief achieved in the settlement of the case, and the total value of the profit-sharing and *Krzysiak* settlements.

Executed this 22nd day of December, 2021 in Batavia, Illinois.

/s/Wayne Krzysiak  
Wayne Krzysiak