

EXHIBIT

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**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 Michael LaCour

I, Michael LaCour, upon penalty of perjury, declare as follows:

1. The statements in this declaration are based on my personal knowledge and experience.
2. I started work at Navistar as a machine operator and assembler. A few years later I was elected as a UAW union steward and later as the plant-wide UAW benefits representative. In the early 2000s, I was appointed as a UAW area benefit representative. In 1989, I began work at Solidarity House and I worked there until my retirement in January 2003.
3. In 2016, the SBC agreed to finance the *Krzysiak* lawsuit that Wayne Krzysiak and I filed challenging Navistar's failure to properly account for Medicare Part D subsidies when it calculated the participants' monthly contribution rate.
4. 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*.
5. I am also very familiar with the issues involved in the profit-sharing arbitration from my prior service as a member of the SBC.
6. I became aware of a possible opportunity to settle the disputes with Navistar in early 2021.

7. 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. Counsel also kept me apprised of the negotiation and settlement of the profit-sharing disputes and the relationship of that settlement to the *Krzysiak* case.
8. 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 Howell, Michigan.

/s/Michael LaCour
Michael LaCour