

**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

**RESPONSE OF PLAINTIFF INTERNATIONAL UNION, UNITED AUTOMOBILE,
AEROSPACE AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA IN
RESPONSE TO UNOPPOSED MOTION OF NAVISTAR TO FURTHER MODIFY
CONSENT DECREE**

Plaintiff International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (“UAW”) responds to the January 28, 2022 Motion of Defendants Navistar International Corporation and Navistar, Inc. (“Navistar”) to Further Modify the Consent Decree (the “Motion”) and the accompanying Memorandum in Support (“Memorandum”). Doc. Nos. 604 and 605.

The UAW, in the context of the granted Motion for Preliminary Approval of Class Action Settlement (Doc. Nos. 598 and 602) (the “Settlement”), does not oppose the relief sought in the instant Motion and Memorandum, conditioned on the Court’s final approval of the Settlement. In this regard, the UAW notes the following:

- The Memorandum states that “Navistar has remained—and continues to remain—committed to upholding the material provisions at the heart of the 1993 Consent Decree,” and that the “proposed modifications do not alter the obligations imposed upon Navistar under the Consent Decree[.]”

Memorandum, p. 3.

- The Memorandum further states that it became apparent to Navistar that “there are several provisions in the 1993 Consent Decree that are no longer applicable, have already occurred, or are otherwise moot,” and that these proposed limited modifications “are appropriate to prevent confusion.”

Memorandum, p. 2.

- This narrow focus is consistent with Navistar’s representations in the Motion, Memorandum, and the Letter of Intent (“LOI”) that other than as specifically provided therein and in implementation of the LOI, nothing would affect Navistar’s obligations under the *Shy* Plan.

The UAW, however, reserves its rights as to any potential future motion to further modify the Consent Decree, including the appropriate notice, hearing, and standard to govern any such potential future motion.

CONCLUSION

The UAW does not object to the relief in the Motion.

Dated: January 31, 2022

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CERTIFICATE OF SERVICE

I hereby certify that on January 31, 2022, a copy of the foregoing Response of Plaintiff International Union, United Automobile, Aerospace and Agricultural Implement Workers of America in Response to Unopposed Motion of Navistar to Further Modify Consent Decree was filed electronically with the Clerk of Court using the CM/ECF system, which will provide notice of the filing to all parties of record. Parties may access the filing through the Court's CM/ECF system.

/s/ Kristin Seifert Watson

Kristin Seifert Watson