

**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

**UNOPPOSED MOTION TO FURTHER MODIFY CONSENT DECREE**

Now comes Defendants Navistar International Corporation and Navistar, Inc. (collectively, “Navistar”). By this unopposed motion, Navistar moves under Rule 60 of the Federal Rules of Civil Procedure to make certain modifications of the consent judgment entered in this matter in 1993 (the “1993 Consent Decree”) in addition to and in conjunction with those changes sought in the Class Representatives’ filed Unopposed Motion for Preliminary Approval of Class Action Settlement and Approval of Amendments to the Supplemental Benefit Program (“Settlement Approval Motion,” ECF No. 598). Per Local Rule 7.3, Navistar consulted with the appropriate parties before filing this Motion and determined that this Motion is unopposed. In support of this Motion, Navistar incorporates the attached memorandum in support (“Memorandum”).

For the reasons stated in the Memorandum, Navistar requests that, conditioned upon the final approval of the Class Action Settlement Agreement, the Court enter the proposed order attached to the Memorandum as Exhibit B approving the additional requested modifications to the 1993 Consent Decree.

January 28, 2022

Respectfully submitted,

/s/ David P. Pierce

David P. Pierce (0061972)  
COOLIDGE WALL CO., L.P.A.  
33 W. First Street, Suite 600  
Dayton, OH 45402  
Phone: 937-223-8177  
Fax: 937-223-6705  
E-mail: pierce@coollaw.com

*TRIAL ATTORNEY FOR DEFENDANTS  
NAVISTAR INTERNATIONAL  
CORPORATION, et al.*

OF COUNSEL:

John C. Goodchild, III, Esq.  
MORGAN, LEWIS & BOCKIUS LLP  
1701 Market St.  
Philadelphia, PA 19103  
Phone: (215) 963-5000  
Fax: (215) 963-5001

*Admitted Pro Hac Vice*

**CERTIFICATE OF SERVICE**

I hereby certify that on January 28, 2022, a copy of the foregoing Unopposed Motion to Further Modify Consent Decree and accompanying Memorandum in Support thereof 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/ David P. Pierce