

**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
SUPPORT OF UNOPPOSED MOTION OF CLASS REPRESENTATIVES FOR
PRELIMINARY APPROVAL OF CLASS ACTION
MODIFICATION AND SETTLEMENT**

Plaintiff International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (“UAW”) responds in support of the December 22, 2021 Motion of Plaintiffs and Class Representatives Richard Zounes, Carl Potts and Miller Rodgers (“Class Representatives”), on behalf of themselves and the Settlement Class (the “Motion”), for this Court to enter the proposed Order Granting Preliminary Approval of Class Action Modification and Settlement, including: (1) preliminarily approving a Class Action Settlement Agreement as fair, adequate and reasonable to the settlement class; (2) modifying the class definition and conditionally certifying a proposed Settlement Class pursuant to Fed. R. Civ. P. 23(b)(1), (2) and (3); (3) adding Robert Bergmann (Ret. USW) and Fred Cortright (Ret. UAW) as additional Class Representatives; (4) approving the form, content and method of Class Notice; (5) establishing procedures and scheduling deadlines for notice to the Class Members, and for Class Members to object to the Settlement; (6) scheduling deadlines for the filing of papers in support of final approval and in support of attorneys’ fees and expenses; (7) setting a

time and date for a hearing (the “Fairness Hearing”) for consideration of final approval of the Class Settlement as well as Class Counsel’s fees and expenses; and (8) establishing other requirements and procedures necessary to effectuate the Settlement, as well as approving modifications of the prior consent judgment entered in this matter pursuant to Fed. R. Civ. P. 60. Doc. No. 598.

As noted in the Memorandum in Support of the Motion, Doc. No. 598-1 at 10, following review of the proposed settlement terms, on October 22, 2021 the UAW entered into a Letter of Agreement (“LOI”) with Navistar, the Supplemental Benefit Committee (“SBC”), and the *Krzysiak* Plaintiffs. The UAW agreed in the LOI to support approval of a class action settlement that incorporated the proposed Profit-Sharing and *Krzysiak* Settlements as defined in the Motion. The UAW has reviewed and analyzed the Settlement and the documentation upon which approval is sought in the Motion. The UAW supports the Motion, including ultimate approval of the Settlement at the Fairness Hearing.

CONCLUSION

The UAW respectfully requests that the Court grant the relief sought in the Motion.

Dated: January 5, 2022

/s/ Kristin Seifert Watson
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CERTIFICATE OF SERVICE

I hereby certify that on January 5, 2022, a copy of the foregoing Response of Plaintiff International Union, United Automobile, Aerospace and Agricultural Implement Workers of America in Support of Unopposed Motion of Class Representatives for Preliminary Approval of Class Action Modification and Settlement 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