

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**In re: NAVISTAR DIESEL ENGINE)
PRODUCTS LIABILITY)
LITIGATION)**

**Case No. 11 C 2496
MDL NO. 2223**

**ORDER REGARDING
MANAGEMENT OF TIMEKEEPING, ATTORNEYS' FEES,
AND COSTS REIMBURSEMENT ISSUES**

Plaintiffs' counsel who may seek to recover Court-awarded attorneys' fees or expenses in connection with this litigation shall keep a daily record of their time and expenses incurred, indicating with specificity the hours, location, and particular activity. Such counsel shall, by the 20th day of each month, submit to Lead Counsel a report of their time and expense records for the preceding month in a format to be determined by Lead Counsel, Liaison Counsel, and the Plaintiffs' Steering Committee ("PSC"). The failure to maintain and provide such records on a monthly basis or an insufficient description of the activity will be grounds for denying Court-awarded attorneys' fees or expenses in whole or in part.

Plaintiffs' Lead Counsel, Liaison Counsel, and the PSC shall establish forms and procedures to implement and carry out the time and expense submissions required by the Court and necessary to compile and maintain their records. These forms may be obtained from Plaintiffs' Lead Counsel. The forms shall also be certified by a Partner at each firm attesting to the accuracy and correctness of the submissions. Questions regarding the guidelines or procedures for completion of any time and expense forms should be directed to Cynthia Chapman, Caddell & Chapman on behalf of Plaintiffs' Lead Counsel.

In addition, the Signatories on this Order ("Signatories") acknowledge that the Court retains ultimate authority regarding the award of fees and costs in this matter. The Signatories

have agreed to request that the Court permit them to resolve all issues regarding the allocation of fees and costs among themselves. This Order shall govern the Signatories' disputes regarding fee and cost allocation, and the Signatories have knowingly and expressly disclaimed and waived any right or ability to assert the lack of enforceability of this Order or to challenge its adequacy or enforceability before any Court, arbitrator, or mediator.

After the Court makes the final award for the total amount of attorneys' fees and costs, the Fee Committee shall accept submissions from all attorneys seeking payment of fees and costs for common benefits rendered in the case. The Fee Committee shall thereafter recommend an allocation of common-benefit fees and costs among those attorneys who submitted applications for such fees and costs. Should a Signatory object to the Fee Committee's proposed allocation, the Signatories agree that this objection will be submitted to binding arbitration for resolution.

The Signatories further agree that the above-described disputes shall be submitted to binding arbitration at the Chicago, Illinois office of JAMS, located at:

71 S. Wacker Dr., Suite 3090
Chicago IL 60606

The arbitrator shall be selected by majority vote of the Steering Committee Members, and a random drawing of the name of the arbitrator shall be used in the event of a tie vote among the Steering Committee Members. The arbitration shall be conducted under the JAMS arbitration rules for the Optional Expedited Arbitration Process and, where applicable, the laws of the State of Illinois. The Signatories further agree that this arbitration shall be conducted without depositions, leaving questioning of witnesses for the final arbitration hearing. This arbitration shall be final and binding on all Signatories, and the Signatories hereby waive any right to appeal or otherwise challenge the decision of the JAMS arbitrator.

This Order will only be amended if new signatories are added. Such additional signatures will be filed with the Court.

Dated: May 26, 2011

By: /s/ Michael A. Caddell
Michael A. Caddell
Cynthia B. Chapman
Cory S. Fein
Caddell & Chapman
1331 Lamar, Suite 1070
Houston TX 77010-3027
Telephone: (713) 751-0400
Facsimile: (713) 751-0906
mac@caddellchapman.com
cbc@caddellchapman.com
csf@caddellchapman.com

By: /s/ John R. Climaco
John R. Climaco
John A. Peca
Patrick G. Warner
Climaco Wilcox, Peca, Tarantino
& Garofoli Co.
55 Public Square #1950
Cleveland OH 44113
Telephone: (216) 621-8484
Facsimile: (216) 771-1632
jrclim@climacolaw.com
japeca@climacolaw.com
pgwarn@climacolaw.com

By: /s/ Roy A. Katriel
Roy A. Katriel
The Katriel Law Firm
12707 High Bluff Dr., # 200
San Diego CA 92130
Telephone: (858) 350-4342
Facsimile: (858) 430-3719
rak@katriellaw.com

By: /s/ Joseph J. Rego
Joseph J. Rego
Law Office of Joseph Rego, APC,
Inc.
8765 Aero Dr., Suite 306
San Diego CA 92123
Telephone: (858) 598-6628
Facsimile: (858) 598-6631
joerego@regolaw.com

By: /s/ William E. Hopkins, Jr.
William E. Hopkins, Jr.
Beasley, Allen, Crow, Methvin,
Portis & Miles, P.C.
Post Office Box 4160
Montgomery AL 36103-4160
Toll Free: (800) 898-2034
Telephone: (334) 269-2343
Facsimile: (334) 954-7555
bill.hopkins@beasleyallen.com

By: /s/ Daniel E. Becnel, Jr.
Daniel E. Becnel, Jr.
Law Offices of Daniel E. Becnel, Jr.
P.O. Drawer H
106 W. 7th St.
Reserve LA 70084
Telephone: (985) 536-1186
Facsimile: (985) 536-6445
dbecnel@becnellaw.com

By: /s/ Patrick E. Knie
Patrick E. Knie
Patrick E. Knie, PA
Post Office Box 5159
Spartanburg SC 29304-5159
Telephone: (864)582-5118
Facsimile: (864)585-1615
pknie@knielaw.com

By: /s/ Camilo K. Salas, III
Camilo K. Salas, III
SALAS & Co., L.C.
650 Poydras, Suite 1650
New Orleans LA 70130
Telephone: (504) 799-3080
Direct Line: (504) 799-3081
Facsimile: (504) 799-3085
csalas@salaslaw.com

By: /s/ John F. Nevares
John F. Nevares
John F. Nevares & Assoc., PSC
P.O.Box 13667
San Juan P.R. 00908-3667
Telephone: (787) 722-9333
Facsimile: (787) 721-8820
jfnevar@nevarlaw.com

By: /s/ Eric D. Holland
Eric D. Holland
300 North Tucker Blvd., Suite 801
St. Louis MO 63101
Telephone: (314) 241-8111
Facsimile: (314) 241-5554
eholland@hgsslaw.com

By: /s/ Charles Schaffer
Charles Schaffer
Levin, Fishbein, Sedran & Berman
510 Walnut St., Suite 500
Philadelphia PA 19106-3697
Telephone: (215) 592-1500
Facsimile: (215) 592-4663
alevin@lfsblaw.com
cschaffer@lfsblaw.com

By: /s/ Bruce C. Betzer
Bruce C. Betzer
Law Office of Bruce C. Betzer, LLC
1420 Veterans Blvd.
Metairie LA 70005
Telephone: (504) 264-9523
Toll Free: (866) 603-3792
Facsimile: (504) 304-9964
bruce@brucebetzer.com

By: /s/ Daniel Edelman
James Lattuner
Daniel Edelman
Francis R. Greene
Edelman, Combs, Lattuner
& Goodwin, LLC
120 S. LaSalle St. # 1800
Chicago IL 60603
Telephone: (312) 739-4200
Facsimile: (312) 419-0379
jlattuner@edcombs.com
dedelman@edcombs.com
fgreene@edcombs.com

By: /s/ Rebecca Cameron Bount
Rebecca Cameron Blount
Blount & Blount, P.C.
Post Office Drawer 58
Greenville NC 27835
Toll Free: (800) 851-1818
Facsimile: (252) 752-2174
Rebecca@blountlegal.com

By: /s/ Tim Edwards
Tim Edwards
Edwin E. Wallis, III
Todd B. Murrah
Glassman, Edwards, Wyatt, Tuttle
& Cox, P.C.
26 N. Second St.
Memphis TN 38103
Telephone: (901) 527-4673
Facsimile: (901) 521-0940
tedwards@gewwlaw.com
EWallis@gewwlaw.com
tmurrah@gewwlaw.com

By: /s/ Sach D. Oliver
Sach D. Oliver
Bailey Oliver Law Firm
2000 SE 14th St.
Bentonville AR 72712
Telephone: (479) 273-1445
soliver@baileyoliverlawfirm.com

By: /s/ Erik A. Christiansen
Erik A. Christiansen
Parsons Behle & Latimer
201 S. Main St. # 1800
Salt Lake City UT 84145-0898
Telephone: (801) 532-1234
Facsimile: (801) 536-6111
echristiansen@parsonsbehle.com

By: /s/ Jeffrey A. Long
Jeffrey A. Long
Bray & Long, PLLC
2820 Selwyn Ave. # 400
Charlotte NC 28209
Telephone: (704) 523-7777
Facsimile: (704) 523-7780
jlong@braylong.com

By: /s/ Frank E. Piscitelli, Jr.
Frank E. Piscitelli, Jr.
Piscitelli Law Firm
55 Public Square, #1950
Cleveland OH 44113
Telephone: (216) 931-7000
Facsimile: (216) 931-9925
frank@feplaw.com

By: /s/ D. Scott Kalish
D. Scott Kalish
James L. Deese
Scott Klaish Co., L.L.C.
1468 W. 9th St., # 405
Cleveland OH 44113
Telephone: (216) 502-0570
Facsimile: (216) 502-0569
scottkalishcollc@cs.com

By: /s/ Mitchell A. Toups
Mitchell A. Toups
Weller, Green, Toups
& Terrell, L.L.P.
Post Office Box 350
Beaumont TX 77704-0350
Telephone: (409) 838-0101
Facsimile: (409) 832-8577
matoups@wgttlaw.com

By: /s/ Patrick W. Pendley
Nicholas R. Rockforte
Patrick W. Pendley
Stan Baudin
Christopher L. Coffin
Pendley, Baudin & Coffin, L.L.P.
24110 Eden St.
Post Office Drawer 71
Plaquemine LA 70765
Telephone: (225) 687-6396
Facsimile: (225) 687-6398
nrockforte@pbclawfirm.com
pwpendley@pbclawfirm.com

By: /s/ Charles J. LaDuca
Charles J. LaDuca
Victoria Romanenko
Cuneo Gilbert & Laduca, LLP
507 C St. NE
Washington DC 20002
Telephone: (202) 789-3960
Facsimile (202) 789-1813
charlesl@cuneolaw.com
vicky@cuneolaw.com

By: /s/ J. Barton Goplerud
J. Barton Goplerud
Hudson, Mallaney & Shindler, P.C.
5015 Grand Ridge Dr., Suite 100
West Des Moines IA 50265
Phone: 515-223-4567
Toll Free: (866) 916-9127
Facsimile: (515) 223-8887
jbgoplerud@hudsonlaw.net

By: /s/ Timothy P. Mitchell
Timothy P. Mitchell
Themis Law Group
2000 Marengo St., Suite G
Los Angeles CA 90033
Telephone: (310) 295-4748
Facsimile: (310) 492-5982
timmitchellesq@hotmail.com

By: /s/ Michael R. Imprevento
Michael R. Imprevento
Breit Drescher Imprevento
& Walker, P.C.
1000 Dominion Tower
999 Waterside Dr.
Norfolk VA 23510
Telephone: (757) 670-3884
Facsimile: (757) 299-8035
mimprevento@breitdrescher.com

By: /s/ Dana F. Strout
Dana F. Strout
Rubin & Strout, P.A.
480 West St.
Rockport ME 04856
Telephone: (207) 236-0200
Facsimile: (207) 236-4981
dfspc@free.midcoast.com

By: /s/ Peter J. Cambs, Sr.
Peter J. Cambs, Sr.
Senior Litigation Counsel
Parker Waichman Alonso, LLP
3301 Bonita Beach Rd.
Bonita Springs FL 34134
Telephone: (239) 390-1000
Facsimile (239) 390-0055
pcambs@yourlawyer.com

By: /s/ Richard R. Barrett
Richard R. Barrett
Don Barrett
Barrett Law Group, P.A.
1223 Jackson Ave. East, Suite 203
Oxford MS 38655
Telephone: (601) 259-2117
Facsimile: (662) 834-2628
rrb@rrblawfirm.net
dbarrett@barrettlawgroup.com

By: /s/ Robert K. Shelquist
Robert K. Shelquist
Lockridge Grindal Nauen P.L.L.P.
100 Washington Ave., S., Suite 2200
Minneapolis MN 55401-2179
Telephone: (612) 339-6900
Facsimile: (612) 339-0981
rkshelquist@locklaw.com

By: /s/ Mark P. Chalos
Mark P. Chalos
Lieff Cabraser Heimann
& Bernstein, LLP
150 Fourth Ave. North, Suite 1650
Nashville TN 37219-2417
Telephone: (615) 313-9000
Facsimile: (615) 313-9965
mchalos@lchb.com

By: /s/ Richard J. Arsenault
Richard J. Arsenault
Neblett, Beard & Arsenault
2220 Bonaventure Court
Alexandria LA 71309
Telephone: (800) 256-1050
Facsimile: (318) 561-2591
rarsenault@nbalawfirm.com

By: /s/ Thomas P. Thrash
Thomas P. Thrash
Cydni Thrasher, Legal Assistant
Thrash Law Firm, P.A.
1101 Garland St.
Little Rock AR 72201
Telephone: (501) 374-1058
Facsimile: (501) 374-2222
tomthrash@sbcglobal.net

IT IS SO ORDERED.

Dated: June 2, 2011

s/ Matthew F. Kennelly
MATTHEW F. KENNELLY
United States District Judge