

# **EXHIBIT 12**

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

In re: NAVISTAR DIESEL ENGINE ) Case No. 11 C 2496  
PRODUCTS LIABILITY ) MDL NO. 2223  
LITIGATION )

**This Document Relates to: All Cases**

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**DECLARATION OF CECIL FULTON  
IN SUPPORT OF PRELIMINARY APPROVAL OF CLASS SETTLEMENT**

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I, Cecil Fulton, declare as follows:

1. I am a competent adult, over the age of eighteen, and one of the Class Representative Plaintiffs in *In re: Navistar Diesel Engine Products Liability Litigation*.
2. This declaration is based upon my personal knowledge and, if called as a witness, I could and would testify competently thereto.
3. My wife and I are named as class representatives in this case, and I am generally familiar with the work involved in prosecuting the class actions against Ford relating to the defects in Ford's 6.0-liter diesel engine and Ford's failure to properly repair the engine.
4. I am a class member because I purchased a Ford vehicle with a 6.0-liter diesel engine, and had warranty repairs by a Ford dealership to an injector, BGR valve, BGR cooler, turbo charger, and/or oil cooler.
5. I provided my attorneys with relevant and helpful information for this lawsuit regarding my experience with my vehicle, including my purchase of the vehicle; the malfunctions I experienced with the vehicle; my attempts to have the vehicle repaired at Ford dealerships; my discussions with Ford mechanics regarding my vehicle's malfunctions, defects and attempted repairs; and my damages resulting from same.

6. I have been in regular email and phone contact with my attorneys and their staff throughout the prosecution of this case and have been kept apprised of key developments in the litigation. I am generally familiar with the factual and legal issues in this case through my correspondence and communications with my attorneys and their staff. I have also been informed about the terms of the proposed settlement which is before the Court.

7. After reviewing and discussing the terms of the proposed settlement with my attorney and considering the issues in the case, I have concluded that the proposed settlement obtained on behalf of the Class is fair and reasonable to the Class members in light of the circumstances. I also believe that the attorneys' request for fees is reasonable and appropriate.

8. I believe that I have fairly represented the absent Class members and herein request that the Court finally approve this settlement, confirm me as a Class Representative, and grant the request for attorneys' fees and costs in this case.

9. I am not aware of any conflicts of interest that prevent me from being confirmed as Class Representative in this lawsuit. I am not related in any way to my attorneys or to any other member of the firm that is representing me. I have no business dealings or other involvement beyond this lawsuit and this representation. I have not been promised any money or inducement to serve as Class Representative in this action.

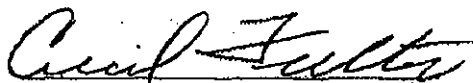
10. I request that the Court should award me a fair and reasonable service award to compensate me for the work that I have performed in my role as Class Representative, as well as the disruption to my personal life that has resulted from my service as a Class Representative.

11. In addition to the work described above, I have made my vehicle available for inspection on multiple occasions by counsel and/or experts retained by Plaintiffs and/or Defendants at significant inconvenience to me. I have also assembled voluminous records evidencing the purchase, repairs, attempted repairs, malfunctions, and use of my vehicle, and have spent significant time being deposed by Ford and working with my attorneys to prepare for my deposition.

12. As Class Representative, I actively participated in the litigation and have always maintained the best interests of the Class while performing my Class Representative duties.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this \_\_\_\_ day of October, 2012 at Manteca, California.

  
Cecil Fulton