

EXHIBIT 5

**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

**DECLARATION OF SUSAN DEWAR
IN SUPPORT OF PRELIMINARY APPROVAL OF CLASS SETTLEMENT**

I, Susan Dewar, declare as follows:

1. I am a competent adult, over the age of eighteen, and an employee of CUI, one of the Class Representative Plaintiffs in *In re: Navistar Diesel Engine Products Liability Litigation*, and am making this declaration on behalf of CUI

2. This declaration is based upon my personal knowledge and, if called as a witness, I could and would testify competently thereto.

3. Custom Underground, Inc. ("CUI") is named as a class representative in this case. I am the Chief Financial Officer of CUI and was the representative of CUI primarily responsible for working with Plaintiffs' counsel on this litigation. Accordingly, 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. CUI is a class member because it purchased several Ford vehicles with the 6.0-liter diesel engine in Illinois, and because it had numerous warranty repairs by Ford dealership to components including injectors, EGR valves, EGR coolers, turbo chargers, and oil coolers to many of CUI's Ford vehicles. Eighteen of CUI's Ford vehicles were involved in this litigation.

5. I and other CUI employees provided Plaintiffs' counsel with relevant and helpful information for this lawsuit regarding CUI's experience with its vehicles, including its purchases of the vehicles; the malfunctions experienced with the vehicles; my attempts to have the vehicles repaired at Ford dealerships; my discussions with Ford mechanics regarding the vehicles' malfunctions, defects and attempted repairs; and CUI's damages resulting from same.

6. I have been in regular email and phone contact with Plaintiffs' 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 Plaintiffs' 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 Plaintiffs' attorney and considering the issues in the case, CUI has concluded that the proposed settlement obtained on behalf of the Class is fair and reasonable to the Class members in light of the circumstances. CUI also believes that the attorneys' request for fees is reasonable and appropriate.

8. I believe that CUI has fairly represented the absent Class members and herein request that the Court finally approve this settlement, confirm CUI 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 CUI from being confirmed as Class Representative in this lawsuit. CUI's employees and owners are not related in any way to Plaintiffs' attorneys or to any other member of the firms that are representing CUI. CUI has no business dealings or other involvement with Plaintiffs' counsel beyond this lawsuit and this representation. Neither I nor CUI, have been promised any money or inducement to serve as Class Representative in this action.

10. I request that the Court award CUI a fair and reasonable service award to compensate CUI for the work that I and other CUI employees have performed on behalf of the class as part of CUI's role as Class Representative, as well as the disruption to CUI's business that has resulted from CUI's service as Class Representative. The burden to CUI has been

particularly extensive because of the large number of CUI's vehicles that were involved in this case.

11. Additionally, CUI was the primary Plaintiff in the case first filed in this Court, which case was actively litigated for several months before similar cases were filed and transferred to this Court as part of the MDL proceeding.

12. In addition to the work described above, CUI has made more than a dozen of its vehicles available for inspection on multiple occasions and at multiple sites by counsel and/or experts retained by Plaintiffs and/or Defendants, causing significant disruption to CUI's business. CUI, via efforts by myself and other employees, has also assembled voluminous records evidencing the purchase, repairs, attempted repairs, malfunctions, and use of CUI's numerous Ford 6.0L vehicles. Ford deposed both CUI's construction supervisor and me, and we both spent significant time being deposed by Ford and working with CUI's attorneys to prepare for our depositions.

13. As Class Representative, CUI (through the efforts of CUI's construction supervisor, myself, and other CUI employees) actively participated in the litigation and has always maintained the best interests of the Class while performing its Class Representative duties.

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

Executed this 27th day of October, 2012 at Edward's Illinois.



Susan Dewar,
CFO, Custom Underground, Inc.