

# **EXHIBIT 14**

**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**

**This Document Relates to: All Cases**

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**DECLARATION OF FRANK E. PISCITELLI, JR. IN SUPPORT OF  
PLAINTIFFS' MOTION FOR AN AWARD OF ATTORNEYS' FEES  
AND REIMBURSEMENT EXPENSES**

I, Frank E. Piscitelli, Jr., declare as follows:

1. I am an attorney duly licensed to practice before all of the courts of the State of Ohio. I am the founder and sole owner of the Piscitelli Law Firm and Counsel for Plaintiffs and Class Members in the above-entitled action. I have personal knowledge of the matters stated herein and, if called upon, I could and would competently testify thereto. I submit this declaration in support of Plaintiffs' Motion for an Award of Attorneys' Fees, and Reimbursement of Expenses.

2. My resume containing the background and experience of my firm is attached hereto as Exhibit 1.

3. The Piscitelli Law Firm has conducted analysis, investigation, drafting and extensively participated in discovery in this Action.

4. My firm performed extensive pre-suit investigation, including performing factual and legal research, interviewing plaintiffs and drafting pleadings. In addition, my firm expended a significant amount of time and resources interviewing numerous plaintiffs and compiling responses for more than 70 questionnaires that were submitted to lead counsel for selection of class representatives. My clients comprise 4 of the 15 class representatives. As a member of the law and discovery committees I conducted and participated in legal research assignments, drafting discovery responses, traveling from Ohio to Arizona, Colorado, South Carolina and North Carolina to attend inspections of client vehicles, prepare clients for depositions and defend client depositions and completed other tasks assigned by lead counsel. I attended plaintiff counsel meetings in Chicago and Houston.

5. The Piscitelli Law Firm has assumed a high degree of risk in bringing and litigating this Action.

6. To effectively prosecute this MDL, my firm committed a significant amount of time, personnel and expenses to this litigation on a contingency basis with no guarantee of being compensated or reimbursed in the end.

7. The information regarding the Piscitelli Law Firm's time and expenses are taken from time and expense records prepared and maintained in the ordinary course of business. I oversaw my firm's day-to-day activities in the litigation and reviewed these records. The purpose of these reviews was to confirm both the accuracy of the entries as well as the necessity for, the reasonableness of the time and expenses that my firm committed to this Action. The time reflected in my firm's loadstar calculation and the expenses for which payment is sought is reasonable in amount and was necessary for the effective and efficient prosecution and resolution of the litigation.

8. Based on this review, the total loadstar for the Piscitelli Law Firm is \$ 247,932.00.

9. The number of hours that the Piscitelli Law Firm devoted to pursuing this litigation is appropriate and reasonable, considering, among other factors: (i) the scope and high degree of risk of this large, nationwide MDL proceeding; and (ii) the novelty and complexity of the claims asserted.

10. The hourly rates of my firm are appropriate for complex, nationwide litigation. The Piscitelli Law Firm is experienced in consumer and class action litigation. In addition to serving on the law and discovery committees of this Action, I presently serve as an executive committee member in In Re: Oreck Corporation Halo Vacuum and Air Purifiers Marketing and Sales Practice Litigation, Case No. 2:12-ml-02317 CAS (JEM)[MDL No. 2317], U.S.D.C. Central District of California; and, Interim Co-Lead Class Counsel, IN RE: Horizon Organic Milk Plus DHA Omega-3 Marketing and Sales Practices Litigation, Case No. 1:12-md-02324,

U.S.D.C. Southern District of Florida.

11. Other courts have approved the Piscitelli Law Firm's rates as reasonable, as sample of which is Felicia Powell, et al. v. Highland District Hospital Professional Services Corporation, et al., Case No. 05-CV-365, Highland County Court of Common Pleas, *granting motion for attorney fees* (approving \$500 for Frank E. Piscitelli, Jr.); Gemelas v. The Dannon Company, U.S.D.C. Northern District of Ohio, Eastern Division, Case No. 1:08-cv-00236, *Judgment, Final Order and Decree approving nationwide consumer class settlement* (7/21/2011 Order Granting Plaintiff's Motion for Attorney Fees and Expenses, \$600 for attorney Frank E. Piscitelli, Jr. and \$190 for paralegal Pam Loftus); In Re Reebok Easytone Litigation, U.S.D.C. Massachusetts, Case No. 4:10-cv-11977-FDS(1/19/2012 *Final Judgment*, \$600/hr for attorney Frank E. Piscitelli, Jr., \$500/hr for attorney David Skall and \$190/hr paralegal Pam Loftus).

12. The Piscitelli Law Firm's customary rates are comparable to the prevailing hourly rates for law firm in Cleveland, Ohio, as reflected by the declaration(s) of other Cleveland attorneys involved in this Action.

13. In addition, the Piscitelli Law Firm incurred a total of \$12,862.29 in expenses, which were necessary for the effective and efficient prosecution of this Action. My firm's expenses are primarily related to travel necessary for vehicle inspections and depositions. My firm's expenses included in the Plaintiff's fee and expense application were necessary and reasonable, and they reflect market rates for the expenses incurred.

14. Attached hereto is a true and accurate copy of my Firm Resume.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and accurate. Executed on this 7<sup>th</sup> day of April 2013, at Cleveland, Ohio.

/s/ Frank E. Piscitelli, Jr.  
FRANK E. PISCITELLI, JR.