

EXHIBIT 15

**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 ROY A. KATRIEL IN SUPPORT OF MDL PLAINTIFFS’
MOTION FOR ATTORNEYS’ FEES AND COSTS**

I, Roy A. Katriel, declare:

1. My name is Roy A. Katriel. I am an attorney and principal of The Katriel Law Firm, PLLC, a law firm specializing in class action litigation with offices in Washington, DC and San Diego, California. I make this Declaration of my own personal knowledge, and if called upon to do so, could and would testify as set forth herein.

2. By Order of this Court, The Katriel Law Firm is a member of the MDL Plaintiffs’ Executive Committee in the above-entitled action. As summarized below, my firm’s involvement with class action litigation against Ford Motor Co. began as early as August 2010, well before any MDL centralization and coordination order had been entered or even sought by the Judicial Panel on Multidistrict Litigation.

3. In August 2010, I was contacted by an aggrieved owner of a Ford truck equipped with a 6.0 L Diesel PowerStroke engine in the State of Texas, who had experienced significant malfunctions with the engine, had expended thousands of dollars in repeated repairs related to these malfunction, and wanted to pursue legal action against Ford. That initial contact led to my firm’s involvement in this matter.

4. My firm was eventually retained by Ford owners in about a dozen or more states

who experienced similar issues. Based upon extensive legal research performed, The Katriel Law Firm eventually filed class action complaints on behalf of owners of Ford vehicles equipped with the 6.0 L Diesel PowerStroke engine in the States of California, Tennessee, Arkansas, Utah, Mississippi, and North Carolina. The firm also drafted class action complaints for owners of Ford vehicles equipped with the 6.0 L PowerStroke Diesel engine in Florida and Illinois, but filing of these actions was withheld pending the decision of the MDL Panel.

5. Both the work and risk entailed in filing these class actions across the country was significant. Each class action complaint was pled on behalf of a statewide class based on that state's law, and required new legal research and pleading specific to that particular state's requirements and restrictions. This required exacting legal analysis in order to plead the proper causes of action for each state complaint so as to maximize the chances of a successful outcome on class certification and the merits. For example, while most states follow the economic loss doctrine forbidding assertion of a tort-based suit in the absence of personal injury, Arkansas, a state from which consumers retained The Katriel Law Firm, does not follow the economic loss doctrine if certain criteria are met. Similarly, requirements of privity, reliance, and notice, among others, required state-specific legal analysis before being able to plead a class action under that State's law. The Katriel Law Firm undertook that legal research before filing any of the 6 filed class actions in California, Arkansas, Tennessee, Mississippi, Utah, and North Carolina, and before drafting the other class action complaints in Florida and Illinois. This required a significant investment of time and effort.

6. The class action complaints filed by The Katriel Law Firm were also significant in that they were the first such complaints to name Navistar, Inc., the actual manufacturer of the 6.0 L PowerStroke Diesel engine, as a named defendant. Based upon legal and factual research

undertaken by The Katriel Law Firm, it was my belief that naming Navistar, Inc. had potential legal advantages and, indeed, the settlement of these MDL proceedings does not resolve any of Navistar's liability. Before naming Navistar as a defendant in any of the actions, however, my firm undertook extensive factual and legal research as to the nature of Navistar's potential liability, and the type of claims that could be asserted against it under the various states' laws.

7. My firm was the first to file a petition for centralization and coordination before the Judicial Panel of Multidistrict Litigation, whose order eventually centralized all pending and tag-along action before this Court. Following the MDL Panel's Order, the firm of Caddell & Chapman was appointed Lead Counsel and my firm, along with others, was appointed to the MDL Plaintiffs' Executive Committee. Following those appointments, my firm undertook the assignments it was directed to undertake by Lead Counsel.

8. Following centralization and coordination in this Court by the MDL Panel, my firm continued to undertake a significant role in this action at great expense and financial risk. This included forming part of the group that drafted the Master Amended Consolidated Class Action Complaint, as well as briefing various substantive matters pertaining to the MDL action. Among these, were the drafting of the MDL Plaintiffs' Opposition to Ford's Motion to Compel Arbitration of various claims brought by some of the named Plaintiffs in the MDL Class Action Complaint, as well as drafting a Motion to Quash Or Modify the Subpoena and Deposition Notice propounded by Ford to Neal Technologies, Inc., one of the expert consultants previously retained by some of the MDL Plaintiffs' counsel. My firm also was involved in drafting cease-and-desist letters directed to Ford's counsel that sought to prevent Ford from individually seeking releases from potential absent class members in return for repairing their vehicles. In addition, my firm was actively involved in meetings and strategic decisions for moving the

litigation forward, and this involved repeated contact and meetings with Lead Counsel and other members of the MDL Plaintiffs' Executive Committee.

9. As reflected in my firm's contemporaneous billing and time records that were submitted to Lead Counsel and form part of the basis for the Motion for Attorneys' Fees and Costs, for my work, my firm incurred a total of 794.3 attorney hours billable at an hourly rate of \$615.00, in addition to 132 hours of paralegal work billable at an hourly rate of \$125.00. This billing covers the time period from August 2010 when my firm first became involved with litigation against Ford for the 6.0 L PowerStroke Diesel engine until mid-May 2012 when the MDL Plaintiffs received communication from Lead Counsel of the ongoing settlement mediation efforts with Ford, and were advised to stop undertaking any further work on the case unless specifically advised otherwise by Lead Counsel.

10. My firm and I are well experienced in class action litigation. A copy of my firm's resume is attached hereto as Exhibit 1 to this Declaration. The hourly rate charged by my firm is the same rate as would be charged by me for work done on a retainer agreement basis, and is consistent with hourly rates previously approved by courts for such work in the locality where the work was performed. *See, e.g., Vallabhapurapu v. Burger King Corp.*, No. 11-667 WHA (N.D. Cal. 2012 WL 5349389), at *4 (approving hourly rate of \$ 825 for senior partner in class action case and paralegal hourly rates ranging from \$225 to \$275); *Hajro v. United States Citizenship and Immigration Services*, No. 18-1350-PSG, 2012 WL4903475, at *14 (N.D. Cal. Oct. 15, 2012) (hourly rate for lead counsel of \$625 approved as reasonable); *Levi Strauss & Co. v. Papikian Enterprises, Inc.*, No. 10-5051 JSW, 2012 WL 3282617, at *3 (N.D. Cal. Aug. 10, 2012) (approving hourly rates of \$607.50 and \$625 for attorney partners in approving lodestar).

11. In undertaking this litigation, my firm incurred significant risk that its investment

of time, effort, and expense would not be recovered. This is particularly so given that my firm is a solo practice, such that the Ford 6.0 L PowerStroke Diesel engine litigation formed a disproportionately high proportion of the work performed during several months of the ongoing litigation, and required the firm to turn away other litigation matters. Also, given that my firm was only the second firm to file a class action suit against Ford, and did so across the country, this required a significant investment of resources to retain local counsel in these various jurisdictions. As a member of the MDL Executive Committee, my firm also was a major financial contributor to the common litigation fund, which is a particularly significant undertaking for a solo practitioner, and risked not recovering these financial expenses if the litigation were not successfully resolved.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed this 8th day of April 2013.

Roy A. Katriel

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