

EXHIBIT 5

**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

**DECLARATION OF RICHARD R. BARRETT IN SUPPORT OF PLAINTIFFS'
MOTION FOR AN AWARD OF ATTORNEYS' FEES AND REIMBURSEMENT OF
EXPENSES FOR BARRETT LAW GROUP, P. A.**

I, Richard R. Barrett, declare as follows:

1. I am an attorney duly licensed to practice before all of the courts of the State of Mississippi, the Southern District of Illinois, and the Tribal Court for the Mississippi Band of Choctaw Indians. I am a founding member of the Barrett Law Group, P.A., Class 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. Attached as Exhibit 1 are biographies of the principal attorneys from my firm who were involved in this action.

3. Barrett Law Group, P.A. has conducted analysis, investigation and drafting in this matter per direction from Lead Counsel, Caddell & Chapman, as detailed in the Declaration of Lead Counsel.

4. For instance, my firm performed extensive work in researching, drafting and filing a Mississippi class action complaint in federal court, as well as a Arkansas state court class complaint, interviewing numerous plaintiffs and compiling questionnaire responses. In particular, my firm spent substantial time and effort on undertaking pre-complaint investigation into the business practices alleged, including speaking to clients and researching and analyzing the various legal and factual issues involved in this Action, including the application of numerous state warranty and consumer protection laws.

After the Court issued an Order appointing me and others to the Plaintiff Steering Committee and Caddell & Chapman as Lead Counsel, my firm assumed an

active role in the discovery and briefing processes per the request and instruction from Lead Counsel which ultimately lead to the settlement of this action, including, extensive document production review, defending class representative depositions and responding to Defendants Motions for Summary Judgments for several of the named plaintiffs.

5. Barrett Law Group, P.A. has assumed a high degree of risk in bringing and litigating this Action. Before committing to the pursuit of this litigation, our firm knew that in order to effectively prosecute this action, the firm would have to commit a significant amount of time, personnel and expenses to this litigation on a contingency basis with absolutely no guarantee of being compensated in the near future or ever. Despite the risks, Barrett Law Group, P.A. contributed substantial amounts of both time and expense toward the successful resolution of the matter.

6. The information regarding Barrett Law Group, P.A.'s time and expenses are taken from time and expense computer program and printouts prepared and maintained by the firm at my direction. I oversaw the day-to-day activities in the litigation and have reviewed these printouts and backup documentation where necessary. The purpose of these reviews was to confirm both the accuracy of the entries on the printouts as well as the necessity for, and reasonableness of, the time and expenses that my firm committed to the litigation. I believe that the time reflected in the firm's lodestar calculation and the expenses for which payment is sought are reasonable in amount and were necessary for the effective and efficient prosecution and resolution of the litigation.

7. Based on this review, the total lodestar for Barrett Law Group, P.A.

is \$143,895.00, a summary of which is set forth in Exhibit 2.

8. The number of hours that Barrett Law Group, P.A. has devoted to pursuing this litigation is appropriate and reasonable, considering, among other factors: (i) the scope and high- stakes nature of this large, nationwide MDL proceeding; (ii) the novelty and complexity of the claims asserted, and (iv) the direction/assignment of tasks to my firm by Lead Counsel.

9. The hourly rates of my firm are appropriate for complex, nationwide litigation. Barrett Law Group, P.A. is a well-respected leader in the fields of consumer, mass torts, and class action litigation throughout the country.

10. Courts around the country have approved Barrett Law Group, P.A.'s rates as reasonable or have approved significant fee awards for the firm based on its customary hourly rates, a sample of recent orders are: *In re Wellbutrin Antitrust Litigation*, 2:08-CV-2431 (E.D. Penn Nov. 7, 2012)(Awarding rates higher than sought in the instant litigation of (Approving \$750 for BLG partners; \$400 for BLG associates; \$150-\$100 for BLG paralegals); *In re: Welding Fume Products Liability Litigation* (trial of bellweather case: *Jowers v. Airgas-Gulfstates, Inc. et al*, 1:08-cv-00036 (N.D. Miss., Apr. 4, 2009)(Approving Richard Barrett at \$350.00 rate); *Healy v. Chesapeake Appalachia, LLC, et al*, 1: 10-cv-00023 (W.D. VA Oct. 04, 2011)(Awarding rates of \$750.00 for partners and \$550.00 for Senior Associates).

11. Barrett Law Firm, P.A. incurred reasonable expenses and costs in pursuit of this litigation which total \$83,109.47. These costs and expenses are being more detailed in a separate filing by Lead Counsel. Independent records for each of these costs and expenses are on file at my firm.

12. My firm's expenses included in the Plaintiffs' fee and expense award request were necessary and reasonable, and they reflect market rates for the expenses incurred.

EXHIBITS

13. Attached hereto are true and correct copies of the following exhibits:

Exhibit 1: Attorney Summaries for John W. (Don) Barrett and Richard R. Barrett

Exhibit 2: Summary of Barrett Law Group, P.A. time invested in this litigation.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on the 5th day of April, 2013, at Oxford, Mississippi.

BY: 
Richard R. Barrett, MS Bar: 99108

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