

# **EXHIBIT 7**

**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 CHARLES J. LADUCA IN SUPPORT OF PLAINTIFFS' MOTION  
FOR AN AWARD OF ATTORNEYS' FEES AND REIMBURSEMENT OF EXPENSES**

I, Charles J. LaDuca, declare as follows:

1. I am an attorney duly licensed to practice before all of the courts of the District of Columbia and the State of New York. I am a partner in the law firm of Cuneo Gilbert & LaDuca, LLP, 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. My law firm's resume, containing the background and experience of my firm and my law partners, is attached hereto as Exhibit 1.

3. Cuneo Gilbert & LaDuca, LLP has conducted analysis, investigation and drafting in this matter, as detailed in the Declaration of Lead Counsel.

4. For instance, my firm performed extensive work in researching and drafting a federal court complaint, as well as a state court 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.

5. Cuneo Gilbert & LaDuca, LLP has assumed a high degree of risk in bringing and litigating this Action.

6. To effectively prosecute this MDL, my firm had 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 end.

7. The information regarding Cuneo Gilbert & LaDuca's time and expenses are taken from time and expense printouts prepared and maintained by the firm in the ordinary course of business. I oversaw the day-to-day activities in the litigation and 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.

8. Based on this review, the total lodestar for Cuneo Gilbert & LaDuca, LLP is \$86,115.00, a summary of which is set forth in Exhibit 2.

9. The number of hours that Cuneo Gilbert & LaDuca 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; and (ii) the novelty and complexity of the claims asserted.

10. The hourly rates of my firm are appropriate for complex, nationwide litigation. Cuneo Gilbert & LaDuca LLP is a well-respected leader in the fields of consumer and class action litigation.

11. Numerous courts have approved Cuneo Gilbert and LaDuca's rates as reasonable, a sample of which are: *In re Zurn Pex Plumbing Prod. Liab. Litig.*, Civil Action No. 0:08-md-01958-ADM-RLE (D. Minn. February 27, 2013), *motion for certiorari pending on other grounds* (Approving \$600 for Charles J. LaDuca, \$450 for Victoria Romanenko and all 2013 rates for Cuneo Gilbert & LaDuca, LLP partners, associates and paralegals); *Craig v. Rite Aid Corporation et al.*, Civil Action No. 4:08-cv-02317-JEJ (M.D. Pa. January 7, 2013) (Approving rates of \$550 for a partner, \$500 for an associate and \$200 for paralegals); *In Re: Uponor, Inc., F1807 Plumbing Products Liab. Litig.*, Court File No. 11-MDL-2247 (ADM/JJK), (D. Minn. June 29, 2012) (Approving rates of \$800, \$750, \$700, \$650, \$595, \$575 and \$550 per hour for partners; \$500, \$450 and \$375 for associates; \$200 for law clerks and \$150 for paralegals); *Logan et al. v. American*

*Honda Motor Co.*, Case No. 37-2010-00087755-CU-BT-CTL (Cal. Sup. Ct. March 16, 2012) (Approving \$750-\$525 for partners; \$500-\$375 for associates; \$200-\$150 for paralegals); *Jackson v. Cnty of Bexar*, Civil Action No. SA-07-CA-928 (D. NJ. January 12, 2011) (Approving rates of \$650-\$475 for partners; \$400-\$325 for associates; \$200-\$150 for paralegals); *In re CertainTeed Corp. Roofing Shingle Products Liab. Litig.*, Civil Action No. 07-MDL-1817 (E.D. Penn. October 26, 2010) (same).

12. Numerous courts have recently approved significant fee awards for Cuneo Gilbert and LaDuca, LLP, based on its customary hourly rates. Two recent decisions are: *Melillo et al. v. Building Products of Canada Corp.*, Civil Action No. 1:12-cv-00016-jgm (D. Vt. December 19, 2012); *In re Kitec Plumbing Sys. Prods. Liab. Litig.*, MDL No. 09-md-2098 (N.D. Tex. November 19, 2011).

13. Cuneo Gilbert & LaDuca's customary rates are comparable to the prevailing hourly rates for law firms in the District of Columbia, as described in the Declaration of Gary Mason in Support of Plaintiffs' Motion for Award of Attorneys' Fees and Reimbursement for Expenses, attached here as Exhibit 3.

14. Plaintiffs' Counsel incurred a total of \$450.81 in expenses, a summary of which is set forth in Exhibit 2.

15. These expenses consist of fees for Westlaw Research, service costs and filing fees. The Westlaw database was used to obtain access to legal research. The charges for this vendor vary depending upon the types of services requested. The expenses pertaining to this Action are reflected in the books and records of my firm.

16. 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.

