

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re Navistar MaxxForce Engines)	Case No. 1:14-cv-10318
Marketing, Sales Practices and Products)	
Liability Litigation)	This filing applies to:
)	All Class Cases
)	
)	Judge Joan B. Gottschall
)	

DECLARATION OF ADAM J. LEVITT REGARDING THE LITIGATION FUND

I, Adam J. Levitt, declare as follows:

1. I am a partner of the law firm DiCello Levitt Gutzler LLC.¹ While a partner at Grant & Eisenhofer P.A. (“G&E”), I was appointed as one of Plaintiffs’ Interim Co-Lead Counsel in this litigation, pursuant to this Court’s March 5, 2015 appointment order. (ECF No. 27.) I was later appointed as Co-Lead Class Counsel. (ECF No. 648.) In late March 2017, I resigned from G&E and launched the firm that is now known as DiCello Levitt Gutzler LLC (“DLG”), as a founding partner, where I head the firm’s class action and commercial litigation practice groups. I continued to serve as Interim Co-Lead Class Counsel (and now Co-Lead Class Counsel) at DLG following this change.

2. I am admitted to practice in the States of Illinois and New York. I have also been admitted to federal courts in the States of California, Colorado, Illinois, Indiana, Michigan, Minnesota, New York, Texas, and Wisconsin, as well as the United States Courts of Appeals for the First, Second, Third, Fourth, Seventh, Eighth, Ninth, and Eleventh Circuits, and the United States Supreme Court.

¹ Formerly known as DiCello Levitt & Casey LLC.

3. I respectfully submit this declaration in support of Plaintiffs' Motion for Attorneys' Fees, Costs, and Service Awards. I have personal knowledge of the matters set forth herein based upon my active participation in all material aspects of the Action and am competent to testify with respect thereto.

4. During the course of this litigation, first G&E and then DLG managed a litigation fund that contained money contributed by the co-lead firms and several other law firms that performed work on this litigation.

5. The litigation fund has, at all times, been held by G&E and DLG in a checking account separate from other money held by the firms.

6. All of the money was contributed to the litigation fund for purposes of common benefit expenses that the co-lead firms incurred during the course of the litigation.

7. From the outset of this litigation to the date of this filing, a total of \$2,630,000.00 has been contributed to the litigation fund as follows:

FIRM	CONTRIBUTIONS
AUDET & PARTNERS LLP	\$710,000.00
BARRACK, RODOS & BACINE	\$42,500.00
BASDEN & IVIE	\$2,500.00
BELLOWS & BELLOWS P.C. / THE BELLOWS LAW GROUP P.C.	\$130,000.00
BIRKA-WHITE LAW OFFICES	\$2,500.00
COFFMAN LAW FIRM	\$2,500.00
DICELLO LEVITT GUTZLER LLC and GRANT & EISENHOFER P.A. ²	\$715,000.00
FARELLA BRAUN + MARTEL LLP	\$17,500.00
FINE KAPLAN AND BLACK, R.P.C.	\$102,500.00
KOHN SWIFT & GRAF, P.C.	\$42,500.00
LIEFF CABRASER HEIMANN & BERNSTEIN, LLP	\$715,000.00

² For purposes of clarity, \$715,000 represents the aggregate common expenses paid by DiCello Levitt Gutzler LLC and Grant & Eisenhofer—the two firms at which I was a partner while serving as Co-Lead Counsel in this litigation (\$565,000 + \$150,000).

LITE DEPALMA GREENBERG, LLC	\$40,000.00
LOCKRIDGE GRINDAL NAUEN PLLP	\$2,500.00
MILLER WEISBROD, LLP	\$2,500.00
TOUSLEY BRAIN STEPHENS PLLC	\$102,500.00
TOTAL	\$2,630,000.00

8. Co-Lead Counsel has spent the litigation fund monies on common benefit expenses, including in the following general categories and amounts:

EXPENSE CATEGORY	AMOUNT
Experts	\$1,743,211.72
eDiscovery	\$557,727.80
Court Reporting / Deposition Services	\$176,136.81
Mediation Services	\$74,787.48
Process Server	\$1,185.00
Miscellaneous	\$30,109.84
TOTAL	\$2,583,158.65

9. The expert expenses were significant, due, in large part, to Plaintiffs' need for substantial consulting and testifying expert witness work throughout this highly technical litigation, including the completion of several expert reports prepared in anticipation of moving for class certification. Based on my experience and judgment, it is my opinion that all of these expenses were necessary and reasonable, particularly in light of the settlement of this case on the eve of the filing of Plaintiffs' class certification motion.

10. As of the date of this filing, \$46,460.21 remains in the litigation fund. That amount will be used to cover the additional costs that Co-Lead Counsel will continue to incur while administering the settlement.

11. This submission was derived from records compiled on this matter, which are recorded in DLG's and G&E's computerized databases. Both firms require regular recording of such records, which occurred in this case. These records will be made available, should the Court wish to review them *in camera*.

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

Executed this 10th day of September 2019, at Chicago, Illinois.

/s/ Adam J. Levitt
Adam J. Levitt