

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

IN RE NAVISTAR MAXXFORCE ENGINES
MARKETING, SALES PRACTICES AND
PRODUCTS LIABILITY LITIGATION

Case No: 14-CV-10318

MDL No. 2590

**This filing applies to:
All Class Cases**

Judge Joan B. Gottschall

DECLARATION OF JAMES BULTHUIS

I, James Bulthuis, declare as follows:

I am a member of Tousley Brain Stephens PLLC, one of the attorneys for the plaintiffs, am competent to testify and make this declaration based upon my personal knowledge.

1. From late 2016 through 2018 I was involved in coordinating with defense counsel on their requests to inspect several Plaintiffs' Trucks with Class Engines ("Class Trucks"), and in some cases the Plaintiffs' "facilities." These inspections were conducted in accordance with an Inspection Protocol that Plaintiffs' and Defense counsel negotiated, and which this Court entered on November 14, 2016.

2. Typically, the inspection process occurred as follows. One of Navistar's counsel would contact me and identify certain Plaintiffs whose Class Trucks they wished to inspect. I would contact the respective Plaintiff to determine if the Class Truck(s) was still in their possession. Some of the Plaintiffs no longer possessed their Class Truck(s) because they were repossessed by creditors. If the Plaintiff still had the Class Truck, I would work with scheduling a time and place for inspection. Because most Plaintiffs used their Class Truck(s) for driving long and short-haul routes, this could be a difficult process. This was especially true for Plaintiffs owning more than one Class Truck because Defendant typically demanded to

inspect all of the Plaintiff's Class Trucks at one time in one place. For many Plaintiffs it was rare for their vehicles to be located at their place of business at one time, and so the Plaintiffs rearranged their route schedules, missed a route, or turned down a route, in order for the inspection to occur.

3. If the plaintiff no longer possessed their Class Truck, I would question them on when the vehicle left their possession, the reasons, and gather any information they had on its last-known whereabouts or who the creditor was that repossessed the Class Truck. I would then contact the creditor or repossessing authority to determine if they still had the Class Truck and if we could arrange an inspection. Many creditors denied these requests, but several inspections occurred at impound and wreckage lots, as well as mechanics' shops where the Class Trucks were held while undergoing repairs or were being held due to nonpayment of the mechanics' services.

4. In addition to coordinating the inspections of the Class Trucks, I attended the majority, but not all, of the inspections.

5. Navistar did not make requests to me to inspect every Named Plaintiff's Class Truck. Defendants inspected Class Trucks owned or operated by the following Named Plaintiffs on the dates indicated:

Named Plaintiff	Date(s) of Inspection
A-Rapid Logistics/Alka Trucking	5/25/2017
C&T Transport	11/18/2016
Carmichael Leasing Co., Inc.	2/22/2017
Ferraro Foods, Inc.	6/23/17; 9/29/17; 5/23/18
Fike Logistics, Inc.	6/13/17
Gettysburg Auto Transport, LLC	10/15/2015
GoTo Logistics, Inc./GT Expedited, Inc./ToGo Express, Inc.	5/10/2018
Jenkins Unlimited, Inc.	3/30/2017
Joandnas Operations, Inc.	5/25/2017
Killer B Trucking LLC	6/6/2017
Lance Edwards	4/18/2017

David A. Lord d/b/a Lord AG Transportation	8/30/2017
Michael Jackson, Sr.	3/2/2017
Randy Quick	3/9/2017
Robert Constantine	9/11/17
Robert Grieser	12/5/2016
Ronald L. Anderson/A&K Development Co./RLA Holdings, LLC	8/25/2017
Stephen Slough	5/8/2018
Steven Hamilton	5/19/2017
The Cross Express	6/22/2017
Two Star Trucking, Inc.	5/10/2018
Vera Transport LLC	6/15/2017
Victor Caballero	8/25/2017
Wright Transportation, Inc.	6/14/2017

6. The following Plaintiffs had one or more Class Trucks that were sold, traded, repossessed or otherwise disposed of before the plaintiff instituted suit or was named as a plaintiff in this lawsuit:

- a. Charles Keplinger;
- b. Lakeside Leasing Inc./Storey Trucking Company, Inc.; and
- c. Wright Transportation, Inc.

7. The following Plaintiffs had one or more Class Trucks that were sold, traded, repossessed or otherwise disposed of before the Inspection Protocol was entered:

- a. Binder Trucking, Inc.;
- b. Charles Keplinger;
- c. G&G Specialized Carriers, LLC;
- d. Lakeside Leasing Inc./Storey Trucking Company, Inc.;
- e. Phifer Trucking, Inc.; and
- f. Wright Transportation, Inc.

8. Vera Transport, LLC had one Class Truck that was repossessed after the Inspection Protocol was entered but before Defendants were able to inspect. Its second Class Truck was inspected.

9. Peninsular Transfer, Inc. sold its one Class Truck after the Inspection Protocol was entered but before Defendants were able to inspect.

10. Leonard Butler's Class Truck was repossessed after the Inspection Protocol was entered but before Defendants were able to inspect.

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

DATED this 4th day of March, 2019, in Spokane, Washington.



James Bulthuis, WSBA #44089, *admitted pro hac vice*

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