

**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** )  
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**Case No. 1:14-cv-10318**

**This filing applies to:**

**All Class Cases**

**Judge Joan B. Gottschall**

**DECLARATION OF STEVEN G. CALAMUSA IN SUPPORT OF MOTION FOR AN  
AWARD OF ATTORNEYS’ FEES, REIMBURSEMENT OF EXPENSES, AND  
INCENTIVE AWARDS**

**I, Steven G. Calamusa, declare:**

1. I am a Partner at Gordon and Partners, P.A. I make this declaration upon personal knowledge as counsel who participated in this action.
2. I have practiced law for twenty-five (25) years, and I am admitted to practice in Florida State Courts as well as the United States District Court, Southern District of Florida. I have also been admitted Pro Hac Vice in a number of jurisdictions relative to Consumer Class Action matters. *Please see Resume attached hereto as Exhibit “A”.*
3. The Firm’s practice includes Consumer Class Action, Mass Torts, Multi-District Litigation (MDL), and complex litigation in both Federal and State Courts. The firm has also tried numerous Tobacco cases that have resulted in excess of \$400 million dollars in verdicts.

4. My firm has been involved in the Navistar matter since 2014, and represented Priority Towing, Inc. (Florida), Lord AG Transportation (Idaho), Fike Logistics, Inc. (Kentucky/North Carolina/Texas), and Byron Chun (Canada). Lord AG Transportation and Fike Logistics, Inc. are still Plaintiffs in this matter.
5. My firm had an active role in this action and worked in coordination with Leif, Cabraser, Heimann and Bernstein; Fine, Kaplan and Black, R.P.C.; and, Audet and Partners, LLP.
6. Throughout the litigation, Gordon and Partners, P.A. ensured that the matter was staffed efficiently and took steps to avoid the duplication of efforts.
7. Since 2104, my firm worked on most aspects of this case including the investigative, pre-suit and litigation phases.
8. Among the tasks undertaken by my firm and I were: (1) Conducting a pre-filing investigation, which included interviewing potential Plaintiffs and witnesses; (2) Reviewing the Complaints; (3) Reviewing and analyzing documents produced in discovery as well as pleadings and depositions; (4) Attending depositions; (5) Preparing Plaintiffs for deposition; (6) Drafting Plaintiffs' discovery responses; (7) Gathering voluminous documents requested through numerous Requests for Production propounded by the defense; (8) Involvement with Plaintiffs during pre-suit, Complaint review, discovery and settlement negotiations; (9) Numerous discussions and correspondence with staff from Leif, Cabraser, Heimann and Bernstein; Fine, Kaplan and Black, R.P.C.; and, Audet and Partners, LLP regarding multiple aspects of this case, including discussions regarding settlement and moving for preliminary approval of the settlement; and, (10) Reviewing settlement materials, etc.

9. Gordon and Partners, P.A. continues to respond to Plaintiffs' inquiries regarding about the settlement.
10. Because of the time that we devoted to this action, select members of Gordon and Partners, P.A.'s staff and I were precluded and/or limited from engaging in work on other cases.

### **GORDON AND PARTNER, P.A.'S TIME AND EXPENDITURES**

11. Incorporated herein, is a detailed summary of the amount of time spent by my firm's professional support staff and myself from August 14, 2014 through February 13, 2019.
12. It does not include any time not considered compensable, time devoted to preparing this declaration or otherwise pertaining to the Motion, or any time associated with inquires relative to settlement that have been made and continue to be made by Plaintiffs since February 13, 2019.
13. It is my understanding that the time was prepared from contemporaneous time records regularly prepared and maintained by my firm. I reviewed said time records and to the best of my knowledge all time is reasonable in relation to the services performed, and necessary to properly prosecute this matter.
14. My firm's representation was at all times contingent on the outcome of the case. As such, my firm has not received any compensation for our work on this matter.
15. In addition to being set forth in our contingency contract with the Plaintiffs, the hourly rates for my firm's professional support staff and myself are the usual and customary hourly rates charged for their services in similar complex litigation.
16. My firm has submitted fee petitions in other cases that have reported hourly rates at amounts comparable to those sought herein, and Courts have approved an award of

attorneys' fees in such cases. (*Hankinson, et al. v. R.T.G. Furniture Corp., et al Case No. 9:15-cv-81139-Cohn/Seltzer (S.D. Fla.)*; *Triplett v. Rooms to Go North Carolina Corp., et al Case No. 9:15-cv-81139-Cohn/Seltzer (E.D. N.C)*; *IN RE: Chrysler- Dodge-Jeep Eco Diesel Marketing, Sales Practices, and Products Liability Litigation; MDL No. 2777 / Master File No. 17-md-02777 (N.D. CA)*).

17. The total number of compensable hours reasonably expended on this action by my firm from approximately August 14, 2014 to February 13, 2019 is 749.75. Said total only consists of hours considered compensable by this Honorable Court. The total lodestar for my firm at current rates is \$352,002.00. A summary of said time is below.

<b>GORDON AND PARTNERS, P.A.'S TIME</b>				
<b>NAME</b>	<b>TITLE</b>	<b>HOURS</b>	<b>RATE(S)</b>	<b>TOTAL</b>
Calamusa, Steven	Partner	319.1	\$350 - \$795	\$244,339.50
Calamusa, Chris	Paralegal	375.15	\$250	\$93,787.50
Colunga, Tania	Paralegal	55.5	\$250	\$13,875.00
<b>TOTAL</b>		<b>749.75</b>		<b>\$352,002.00</b>

18. The expenses my firm incurred in litigating this action are reflected in the books and records of my firm. These books and records are prepared from expense vouchers, receipts, and check records and other source materials and accurately reflect the expenses incurred.

19. My firm incurred a total of \$4,272.06 in unreimbursed expenses, all of which were reasonable and necessary for the prosecution of this action. A summary of those expenses by category is below.

<b>GORDON AND PARTNERS, P.A.'S COSTS</b>	
<b>CATEGORY</b>	<b>AMOUNT</b>
HOTELS	\$ 1,216.01
MEALS	\$ 770.12
AIR TRAVEL	\$ 1,461.71
TRANSCRIPTS	\$ 627.50
GROUND TRANSPORTATION	\$ 196.72
<b>TOTAL</b>	<b>\$ 4,272.06</b>

I declare that the foregoing is true and correct to the best of my knowledge.

Dated: 9/4/19

  
Steven G. Calamusa



**ABBREVIATED FIRM RESUME**

Gordon & Partners, PA was founded twenty-six (26) years ago and has four (4) offices with over 100 employees, which include 20 lawyers and approximately 50 paralegals. Our attorneys are recognized as some of the most qualified and skilled professionals in their fields. We possess the legal skills, financial resources, investigative talent, and administrative support to litigate, and have litigated, against the world's most powerful corporations.

Gordon & Partners, PA takes great pride in our firm's role in cases resulting in landmark decisions and precedent-setting rulings. Our firm has tried numerous Tobacco cases that have resulted in excess of \$400 million dollars in verdicts. The Firm's practice also includes Consumer Class Action, Mass Torts, Multi-District Litigation (MDL), and complex litigation in both Federal and State Courts.

**PRIMARY ATTORNEY ON THIS MATTER**

**Steven G. Calamusa**

Steven G. Calamusa became a partner at Gordon & Partners in 2004. Mr. Calamusa attended the University Of Miami School Of Law. While at the University of Miami, Mr. Calamusa was on the Dean's List and Business Law Review. Mr. Calamusa joined the firm approximately twenty-two (22) years ago after serving as an Assistant County Attorney for Palm Beach County. His practice involves complex litigation in both Federal and State Courts,

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including Consumer Class Action and Multi-District Litigation (MDL). During his career, Steven Calamusa has tried numerous cases to verdict and has attained a verdict in excess of Twenty (20) Million Dollars. Moreover, Mr. Calamusa has achieved a number of distinctions within the legal community. He has been recognized as one of the Top 100 attorneys in the State of Florida, has been awarded the honor of “Super Lawyers” for a number of years, including 2019, and given the highest rating possible, an AV rating, with the Martindale-Hubbell legal directory of exemplary lawyers since 2004.

Mr. Steven Calamusa has been involved in the following class action matters and complex litigation:

- *Hankinson, et al. v. RTG Furniture Corp., dba Rooms To Go; Case No. 15-cv-81139, United States District Court, Southern District of Florida*
- *IN RE: Navistar Maxxforce Engines Marketing, Sales Practices and Products Liability Litigation; Case No. 14-cv-10318, United States District Court, Northern District of Illinois*
- *IN RE: Takata Airbag Products Liability Litigation; MDL No. 2599/Master File No. 15-md-2599, United States District Court, Southern District of Florida*
- *Ponzio, et al. v. Mercedes-Benz USA LLC, et al.; Case No. 18-cv-12544, United States District Court, District of New Jersey*
- *Johannessohn, et al. v. Polaris Industries Inc.; Case No. 16-cv-03348, United States District Court, District of Minnesota*
- *Simmons et al. v. Ford Motor Company; Case No. 18-cv-81558, United States District Court, Southern District of Florida*
- *IN RE: Chrysler- Dodge-Jeep Eco Diesel Marketing, Sales Practices, and Products Liability Litigation; MDL No. 2777 / Master File No. 17-md-02777, United States District Court, Northern District of California*
- *Colon v. South Florida Blood Banks, Inc.; Robert Bosch Corporation; Cummins Engine Company, et al.; Case No. 03-CA-001313, 15<sup>th</sup> Judicial Circuit, Palm Beach County, Florida*
- *Bornander v. Sundy Inn Inc., dba Sundy House; Dey, Inc.; Dey, LP, et al.; Case No. 08-CA-012219, 15<sup>th</sup> Judicial Circuit, Palm Beach County, Florida*

**EXHIBIT "A"**

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- *Toral v. Outback Steakhouse of Florida, dba Outback Steakhouse, et al.*; Case No. 03-CA-951, 19<sup>th</sup> Judicial Circuit, Martin County, Florida
- *Goldman v. Babe Ruth League, Inc. and Jupiter Tequesta Association, Inc.*; Case No. 13-CA-016431, 15<sup>th</sup> Judicial Circuit, Palm Beach County, Florida
- *Duffy v. General Motors, LLC*; Case No. 18-cv-81726, United States District Court, Southern District of Florida
- *Francis v. General Motors, LLC*; Case No. 19-cv-11044, United States District Court, Eastern District of Michigan
- *Lewis, et al. v. PGT INDUSTRIES, INC. and PGT, INC.*; Case No. 13-CA-011785, 15<sup>th</sup> Judicial Circuit, Palm Beach County, Florida

In addition, Mr. Calamusa was lead counsel in a single event complex product liability case against a German manufacturer and its U.S. Subsidiary, which required the translation of approximately 10,000 pages of documents from German to English, and required numerous depositions of engineers in Hamburg, Germany. Said case resulted in an eight (8) figure resolution.

Steven Calamusa is admitted to practice in Florida State Courts as well as the United States District Court, Southern District of Florida. Moreover, Mr. Calamusa has been admitted Pro Hac Vice in a number of jurisdictions relative to Consumer Class Action matters.

Mr. Calamusa has also given back to the community as he formerly served on the Palm Beach County Safe Kids Coalition as well as the Palm Beach County Sheriff's Foundation, and was the President of the Palm Beach County Chapter of Mothers Against Drunk Driving (MADD).