

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

CONSTRUCTION WORKERS PENSION
TRUST FUND – LAKE COUNTY AND
VICINITY, individually and on behalf of all
others similarly situated,

Plaintiff,

vs.

NAVISTAR INTERNATIONAL
CORPORATION, DANIEL C. USTIAN,
ANDREW J. CEDEROTH, and JACK
ALLEN,

Defendants.

Civ. No. 13-2111

CLASS ACTION

CLASS DISTRIBUTION ORDER

Lead Plaintiff Central States, Southeast and Southwest Areas Pension Fund (“Central States” or “Lead Plaintiff”), on behalf of itself, Norfolk County Retirement System (“Norfolk County”), and the Class have moved for entry of a Class Distribution Order in the above-captioned class action (the “Action”). The Court, having considered all materials and arguments submitted in support of the motion, including the Declaration of Stephanie Thurin and the Memorandum of Law in Support of Lead Plaintiff’s Unopposed Motion for Entry of a Class Distribution Order, ORDERS AS FOLLOWS:

1. This Class Distribution Order incorporates by reference the definitions in the Stipulation and Agreement of Settlement (Dkt. 161) (the “Settlement”). All terms not otherwise defined shall have the same meaning as set forth in the Settlement or the Thurin Declaration.

2. This Court has jurisdiction over the subject matter of the Action and over all parties to the Action, including all Class Members.

3. As set forth in the Thurin Declaration, the administrative determinations of the Claims Administrator in accepting and rejecting Claims are approved.

4. As directed by the Court at the hearing on August 8, 2017, no new Proofs of Claim may be accepted after August 8, 2017. All Late But Otherwise Eligible Proofs of Claim received as of August 8, 2017 will be paid.

5. The distribution plan for the Net Settlement Fund as set forth in the Thurin Declaration is approved. The balance of the Net Settlement Fund shall be distributed to Authorized Claimants. To encourage Authorized Claimants to promptly deposit their payments, all distribution checks will bear a notation requiring deposit within ninety (90) days of distribution. Authorized Claimants who fail to negotiate a distribution check within the time allotted or consistent with the terms outlined in the Thurin Declaration will irrevocably forfeit all recovery from the Settlement.


6. Consistent with the Thurin Declaration, the Claims Administrator will determine whether additional distributions to Authorized Claimants from any funds remaining after the initial distribution would be cost-effective. If additional distributions are warranted, Lead Counsel will cause the Claims Administrator to distribute the remaining balance among Authorized Claimants, up to and until the balance remaining in the Net Settlement Fund is such that no further distributions would be cost-effective. Any distributions shall be conducted in accordance with the terms and conditions outlined in the Thurin Declaration.

7. If there are residual funds remaining in the Net Settlement Fund, and the Claims Administrator determines that no additional distributions are cost-effective, then the funds will be donated a non-sectarian charitable organization certified as tax-exempt under Section

501(c)(3) of the U.S. Internal Revenue Code, to be designated by Lead Counsel and subject to approval by the Court.

8. Consistent with the terms outlined in the Thurin Declaration, paper Proofs of Claim and their supporting documentation will be destroyed one year after the last distribution, and electronic Proofs of Claim and their supporting documentation will be destroyed one year after all funds have been distributed.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'S L Ellis', positioned above a horizontal line.

SARA L. ELLIS
UNITED STATES DISTRICT JUDGE

8/8/17