

# **NAVISTAR** UPDATES

## **August 29, 2012 - Update on Class Action Lawsuit**

This message is intended to update all union employees of Navistar with respect to the conduct of the civil law suit undertaken in the Superior Court of Justice by Sister Cathy Baker and Brother Joe Lucier.

To see the entire "Amended" Statement of Claim of Cathy Baker and Joe Lucier please click [here](#). The new document is very similar to the initial statement of claim. In fact there are only a few changes, all of which are underlined. The few additions were made because it was concluded that the additions clarified the legal theory under which the claim has been made. The legal theory asserts, among other things that after June 30, 2009 all affected union employees maintained at least an employment relationship with the employer Navistar.

Second we advise that on July 23, 2012 a teleconference was held about this case. Counsel for the employer, Lewis Gottheil, Director of the CAW National Legal Department (counsel for Cathy Baker and Joe Lucier) and Justice Richard Gates participated in the call. A key item on the agenda was the scheduling of the employer's motion to strike out the workers' claim on the grounds that the Court has no jurisdiction over it.

Unfortunately it became clear during the call that the earliest possible date for such a motion is during the third full week in January that is during the week of January 21-25, 2013. This is due to the schedules of Counsel and the Courts. The Superior Court of Justice in Windsor and Chatham has a busy agenda. We are doing what is feasible to ensure the earliest scheduling of this important issue and case. There will be an exchange of written material before the oral argument of the motion. We will post that written material when it becomes available. We will also advise when the specific date of the motion is fixed.