

NAVISTAR UPDATES

November 9, 2012 Class Action Lawsuit Update

Greetings, as we have previously indicated there will be a Court hearing on November 14, 2012, in the Superior Court of Justice, Courthouse, located at 245 Windsor Avenue, Windsor, Ontario. The hearing will begin at 10:00 o'clock. It is anticipated that it will last all day.

There will be no testimony from witnesses. Lawyers for the Plaintiffs' (Cathy Baker and Joseph Lucier) and the Defendant Navistar Canada Inc. will make argument about the company's motion to dismiss the lawsuit brought by Sister Baker and Brother Lucier. A key issue to be debated is the jurisdiction or authority of the Court to entertain the lawsuit. The Company says that the Court does not have the legal authority to hear the lawsuit. The Plaintiffs disagree.

Lawyers for the Plaintiffs and the Company have filed written arguments with the Court in advance of the hearing. A copy of each side's written argument is available on this website. Please click [here](#) for a copy of the Company's argument. Please click [here](#) for a copy of the Plaintiffs' responding argument.

The lawyers for both sides will expand upon these points when the oral hearing occurs. The public, including particularly former unionized employees of Navistar are welcome to attend. It is important to observe the decorum and rules of the Court if you attend the hearing.

If you decide to attend please arrive on time. Listen carefully and respectfully to the argument of both sides. There will be an opportunity to talk with the Plaintiffs' lawyer once the hearing is done.

We cannot say if the Court will issue a ruling at the end of the hearing day. The Court is entitled to do so. It is more probable than not that the Court will reserve its decision and issue it in writing after November 14, 2012.