

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**GARY T. WINNETT, FREDA** )  
**JACKSON-CHITTUM, CASPER R.** )  
**HARRIS, WILLIAM H. DAILEY,** )  
**CALVIN E. GROGAN, KENNETH C.** )  
**HAMMER, and CHARLES A.** )  
**WATERFIELD, on behalf of themselves** )  
**and others similarly situated,** )  
 )  
          **Plaintiffs,** )  
 )  
**v.** )  
 )  
**CATERPILLAR, INC.,** )  
 )  
          **Defendant.** )

**Case No. 3:06-cv-00235  
District Judge Trauger  
Magistrate Judge Brown  
  
Class Action**

**ORDER**

For the reasons expressed in the accompanying Memorandum, the plaintiffs’ motion for class certification (Docket No. 103) is hereby GRANTED. The court certifies a class, pursuant to Federal Rule of Civil Procedure 23(b)(1) and (2), consisting of the following:

retirees and surviving spouses (1) who are or were participants or beneficiaries in Caterpillar’s plan that provided for retiree medical insurance benefits; (2) for whom the UAW had been the employees’ collective bargaining representative at the time of their retirement from Caterpillar, Inc.; and (3) who began working for Caterpillar prior to the expiration of the 1988 labor agreement and who retired on or after January 1, 1992, and before March 16, 1998, and became eligible for the immediate commencement of a monthly pension (with at least five years of credited service) under the Non-Contributory Pension Plan upon retirement; and, in the case of beneficiaries of such retirees, who is a surviving participant spouse whose employee spouse fulfilled the conditions above leaving a spouse with a survivor pension.

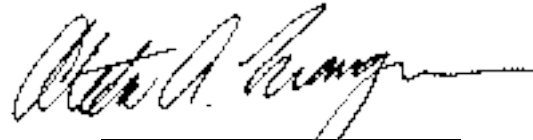
The court further certifies three subclasses in this matter, as follows:

(1) members of the main class who were eligible to retire prior to January 1, 1992; (2) members of the main class who worked (or whose employee spouses worked) under the Caterpillar Logistics Services Agreement; and (3) members of the main class who are surviving spouses of Caterpillar retirees.

The named plaintiffs are hereby designated as class representatives, and the plaintiffs' counsel is designated as class counsel.

It is so ordered.

Entered this 12<sup>th</sup> day of July 2007.

A handwritten signature in black ink, appearing to read "Aleta A. Trauger", written over a horizontal line.

ALETA A. TRAUGER  
United States District Judge