

# Appendix B

## Materials Relied Upon

### Pleadings and Legal Correspondence

United States District Court for the District of Delaware, *In Re Class 8 Transmission Indirect Purchaser Antitrust Litigation*, Civil Action No. 11-cv-00009 (SLR), Third Amended Class Action Complaint, filed January 15, 2013.

United States Court of Appeals for the Third Circuit, *ZF Meritor LLC; Meritor Transmission Corporation v. Eaton Corporation* (Nos. 11-3301 and 11-3426), Opinion of the Court, filed September 28, 2012

United States District Court for the District of Delaware, *ZF Meritor LLC and Meritor Transmission Corporation v. Eaton Corporation*, Civil Action No. 06-623-SLR

### Bates-Stamped Materials

#### Data

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#### Documents

DTNA00020912  
MV0002671-73  
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MV0316113-21  
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Data Produced by Defendants and Third Parties

2006 Rebates	MV0000861	MV0337314-28
2007 Rebates	MV0136552	MV0387577-78
Class8-c.xlsx v2-c.xlsx	MV0147813	NAV00078074
Cognos Data	MV0178193	NAV00078078
Copy of 2002-2014.xls	MV0178243	NAV00110144-5
DTNA_D_00000002-3	MV0178476	NAV00110148
DTNA_D_00000113-4	MV0268425	PACCAR155776-7
ETN-0018401	MV0269745	PACCAR156464
ETN-0018403-4	MV0269868	PACCAR156518-24
ETN-0018625	MV0276699	Quantity Data
EATON-00230552	MV0290289	Rebates Reserves Pmts by Year 2001-2005 (R)
EATON-00304441	MV0316083-106	Sales (Dollars) Data
EATON-00716813	MV0316113-21	
ITE-000852-90	MV0316123-33	

Answers to Questions Regarding Data

Email from Doug Marshall to Greg Linkh and Lee Albert, dated July 11, 2014.

Email from Jennifer Cowen to Daniel Silverman, dated July 10, 2014.

Email from Jennifer Cowen to Daniel Silverman, dated July 25, 2014.

Letter from Catherine S. Simonsen to Greg Linkh, Matthew Ruan, Daniel Silverman, and Chris Heffelfinger, dated October 17, 2014.

Letter from Daniel J. Boland to Laura Alexander and Gregory B. Linkh, dated January 10, 2014.

Letter from Eric J. Weiss to Daniel Silverman and Greg Linkh, dated July 18, 2014.

Letter from Eric J. Weiss to Daniel Silverman and Greg Linkh, dated July 31, 2014.

Letter from Eric J. Weiss to Daniel Silverman, dated July 3, 2014.

Letter from Eric J. Weiss to Daniel Silverman, dated March 20, 2014.

Letter from Eric J. Weiss to Greg Linkh, Matt Ruan, Daniel Silverman, and Chris Heffelfinger, dated September 5, 2014.

Letter from Jennifer Cowen to Daniel Silverman, dated June 6, 2014.

Letter from Jennifer Cowen to Daniel Silverman, dated March 14, 2014.

Letter from Jennifer Cowen to Daniel Silverman, dated September 15, 2014.

Letter from Jennifer Cowen to Greg Linkh, Daniel Silverman, and Kyle G. DeValerio, dated October 2, 2014.

Letter from Jennifer Cowen to Greg Linkh, Daniel Silverman, and Kyle G. DeValerio, dated September 19, 2014.

Letter from Jennifer Cowen to Kyle G. DeValerio, Esq., dated July 28, 2014.

Letter from Jennifer Cowen to Lee Albert, dated July 21, 2014.

Letter from Jennifer Cowen to Lee Albert, dated July 22, 2014.

Letter from Julie B. Rubenstein to Daniel Silverman and Gregory Linkh, dated July 16, 2014.

Letter from Julie B. Rubenstein to Daniel Silverman and Gregory Linkh, dated July 17, 2014.

Letter from Julie B. Rubenstein to Daniel Silverman and Gregory Linkh, dated July 18, 2014.

Letter from Julie B. Rubenstein to Daniel Silverman and Gregory Linkh, dated July 29, 2014.

Letter from Julie B. Rubenstein to Daniel Silverman and Gregory Linkh, dated September 2, 2014.

Letter from Julie B. Rubenstein to Daniel Silverman and Gregory Linkh, dated September 3, 2014.

Letter from Julie B. Rubenstein to Daniel Silverman and Gregory Linkh, dated September 4, 2014.

Letter from Julie B. Rubenstein to Daniel Silverman, dated August 6, 2014.

Letter from Julie B. Rubenstein to Gregory Linkh, dated July 28, 2014.

Letter from Julie B. Rubenstein to Gregory Linkh, dated October 24, 2014.

Letter from Julie B. Rubenstein to M. John Dominguez and Daniel Silverman, dated July 25, 2014.

Letter from Julie B. Rubenstein to M. John Dominguez, Daniel Silverman, and Gregory Linkh, dated July 31, 2014.

Letter from Justin Bernick to Daniel Silverman, dated June 5, 2014.

Letter from Justin Bernick to Daniel Silverman, dated March 21, 2014.

Letter from Justin Bernick to Gregory B. Linkh, dated February 11, 2014.

Letter from Justin Bernick to Gregory B. Linkh, dated January 8, 2014.

Letter from Justin Bernick to Gregory B. Linkh, dated July 18, 2014.

Letter from Justin Bernick to Gregory B. Linkh, dated September 14, 2014.

Letter from Justin Bernick to Gregory B. Linkh, dated September 19, 2014.

Letter from Meghan C. Edwards-Ford to Gregory B. Linkh, dated November 26, 2013.

Letter from Michael J. Hartman to Daniel H. Silverman and Gregory B. Linkh, dated April 9, 2014.  
 Letter from Michael J. Hartman to Daniel H. Silverman and Gregory B. Linkh, dated July 1, 2014.  
 Letter from Michael J. Hartman to Daniel H. Silverman and Gregory B. Linkh, dated July 11, 2014.  
 Letter from Michael J. Hartman to Daniel Silverman and Gregory B. Linkh, dated August 19, 2014.  
 Letter from Michael J. Hartman to Daniel Silverman and Gregory B. Linkh, dated August 26, 2014.  
 Letter from Michael J. Hartman to Daniel Silverman and Gregory B. Linkh, dated July 25, 2014.  
 Letter from Michael J. Hartman to Daniel Silverman, dated April 29, 2014.  
 Letter from Michael J. Hartman to Daniel Silverman, dated July 10, 2014.  
 Letter from Michael J. Hartman to Daniel Silverman, dated March 20, 2014.  
 Letter from Michael J. Hartman to Daniel Silverman, dated May 16, 2014.  
 Letter from Michael J. Hartman to Gregory B. Linkh, dated October 1, 2014.  
 Letter from Michael J. Hartman to Gregory B. Linkh, dated October 17, 2014.  
 Letter from Michael J. Hartman to Gregory Linkh and Daniel Boland, dated October 1, 2014.  
 Letter from Michael J. Hartman to Laura Alexander and Gregory B. Linkh, dated February 11, 2014.  
 Letter from Michael J. Macko to Gregory Linkh, Esq., dated June 12, 2014.  
 Letter from Thomas L. Boeder to Jason Hartley, dated September 19, 2014.  
 Letter from Interstate Truck Center to Jason Lindner, dated October 13, 2014.

#### Depositions and Declarations

Expert Report of Russell Lamb, dated November 3, 2014  
 Deposition of James Jensen, dated July 16, 2014  
 Deposition of Roger Nielsen, dated September 19, 2014

Deposition of Gary Moore, dated August 20, 2014  
 Deposition of Ron Gerhard, dated September 10, 2014  
 Deposition of Joseph Richie, dated May 29, 2014

Deposition of Selwyn Feaster, dated July 23, 2014  
 Deposition of Robert Reichard, dated June 12, 2014

#### Third Party Materials

##### Market Research

Tam, Steve. "Energy Use and Policy in the U.S. Trucking Sector - State of the Trucking Industry," ACT Research Co., LLC, October 10, 2012.  
 Available at [http://www.rff.org/Documents/Events/121010\\_trucking\\_event/Tam-presentation.pdf](http://www.rff.org/Documents/Events/121010_trucking_event/Tam-presentation.pdf)  
 Vieth, Kenny "An Overview of Commercial Vehicle Demand in the NA Market," ACT Research Co., LLC, June 4, 2010.  
 Available at <http://www.tirebusiness.com/assets/PDF/TB87011225.pdf>  
 MarketLine. "Company Profile - Rush Enterprises, Inc.," November 25, 2013.  
 Available at [http://store.marketline.com/Product/rush\\_enterprises\\_inc?productid=349D4E14-D9BA-490D-BD86-1DE6031BD43E](http://store.marketline.com/Product/rush_enterprises_inc?productid=349D4E14-D9BA-490D-BD86-1DE6031BD43E)  
 Valuetum, "Rush Enterprises Could Ride Truck Up-Cycle To New Highs", Seeking Alpha, September 5, 2011.  
 Available at <http://seekingalpha.com/article/291615-rush-enterprises-could-ride-truck-up-cycle-to-new-highs>  
 MarketLine. "Company Profile - Navistar International Corporation", February 12, 2014.  
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 Ulama, Darryle "Truck Dealers in the U.S.," IBISWorld, August 2014.  
 Available at <http://www.ibisworld.com/industry/truck-dealers.html>  
 "Q3 2005 Rush Enterprises, Inc. Earnings Conference Call - Final" Voxant FD Wire, October 19, 2005.  
 Available at <http://www.alacrastore.com/thomson-streetevents-transcripts/Q3-2005-Rush-Enterprises-Inc-Earnings-Conference-Call-T1146727>  
 MarketLine. "Medium & Heavy Trucks in the United States", May 2014.  
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 Van Horn, George, "Trucking Takes A Detour," September 16, 2008.  
 Available at <http://www.ibisworld.com/media/2008/09/16/trucking-takes-detour-2/>  
 "Cascadia International LLC Profile", Hoovers Online.  
 Available online at [www.Hoovers.com](http://www.Hoovers.com)

##### News Articles

"After The Worst Year In Three Decades, Here Comes A Boom In American Trucking," Business Insider, December 11, 2009  
 Available at <http://www.businessinsider.com/predicted-boom-for-us-truck-manufacturers-2009-12>  
 Kilcarr, Sean "Rush Enterprises pins growth on parts & service," Fleetowner.com, December 18, 2013  
 Available at <http://fleetowner.com/fleet-management/rush-enterprises-pins-growth-parts-service>

##### Websites

<http://triadfreightliner.com/about-us/>  
<http://fleetowner.com/>  
<http://www.businessinsider.com/>  
<http://seekingalpha.com/>  
<http://ibisworld.com/>  
<http://store.marketline.com>  
<http://www.alacrastore.com>

<http://www.hoovers.com>  
<http://www.rff.org>  
<http://www.tirebusiness.com>

Public Data

Federal Highway Administration Statistics, Highway Statistics Series Publications (VM-1), <http://www.fhwa.dot.gov/policyinformation/statistics.cfm>.  
Federal Reserve Bank of St. Louis, Real Gross Domestic Product, <http://research.stlouisfed.org/fred2/series/GDPC96/downloaddata>.  
U.S. Bureau of Labor Statistics, Aluminum PPI (PCU33152433152402), <http://data.bls.gov/cgi-bin/srgate>.  
U.S. Bureau of Labor Statistics, Iron Foundries PPI (PCU331511331511), <http://data.bls.gov/cgi-bin/srgate>.  
U.S. Bureau of Labor Statistics, Iron and Steel PPI (PCU3311103311107), <http://data.bls.gov/cgi-bin/srgate>.

Purchased Data

WardsAuto InfoBank, WardsAuto US GVW Sales, 1999 – July 2014

Academic Literature

John Cirace, "Apportioning Damages between Direct and Indirect Purchasers in consolidated Antitrust Suits: ARC America Unravels the Illinois Brick Rule," *Villanova Law Review*, Vol. 35, No. 2, 1990, pp 311-317.  
Robert G. Harris and Lawrence A. Sullivan, "Passing on the Monopoly Overcharge: A Comprehensive Policy Analysis", *University of Pennsylvania Law Review*, Vol. 128, No. 2, 1979, pp 269-360.  
Robert S. Pindyck and Daniel L. Rubinfeld, *Microeconomics*, Sixth Edition, Upper Saddle River, NJ, Pearson Prentice Hall, 2005  
Theon van Dijk & Frank Verboven, "Quantification of Damages," in *Three Issues in Competition Law and Policy*, ABA Section of Antitrust Law 2008, pp. 2331-2348.