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5 **UNITED STATES DISTRICT COURT**

6
7 **CENTRAL DISTRICT OF CALIFORNIA**

8 CURTIS MARKSON, MARK
9 MCGEORGE, CLOIS MCCLENDON,
10 and ERIC CLARK, individually and on
11 behalf of all others similarly situated,

12 **Plaintiffs,**

13 vs.

14 CRST INTERNATIONAL, INC., CRST
15 EXPEDITED, INC.; C.R. ENGLAND,
16 INC., WESTERN EXPRESS, INC.,
17 SCHNEIDER NATIONAL CARRIERS,
18 INC., SOUTHERN REFRIGERATED
19 TRANSPORT, INC., COVENANT
20 TRANSPORT, INC., PASCHALL
21 TRUCK LINES, INC., STEVENS
22 TRANSPORT, INC., and DOES 1-10,
23 inclusive,

24 **Defendants.**

Case No. 5:17-cv-01261-SB (SPx)

**FINAL JUDGMENT AS TO
SETTLING DEFENDANTS
WESTERN EXPRESS, INC.,
SCHNEIDER NATIONAL
CARRIERS, INC., SOUTHERN
REFRIGERATED TRANSPORT,
INC., COVENANT TRANSPORT,
INC., PASCHALL TRUCK LINES,
INC., AND STEVENS TRANSPORT,
INC.**

Judge: Hon. Stanley Blumenfeld, Jr.

Location: Courtroom 6C

350 West 1st Street

Los Angeles, CA 90012

1 The Court, having granted final approval of the Class Action Settlements (the
2 Settlements)¹ between Plaintiffs CURTIS MARKSON, MARK MCGEORGE, CLOIS
3 MCCLENDON, AND ERIC CLARK (collectively, Plaintiffs) and Defendants
4 WESTERN EXPRESS, INC. (Western), SCHNEIDER NATIONAL CARRIERS,
5 INC. (Schneider), SOUTHERN REFRIGERATED TRANSPORT, INC. (Southern),
6 COVENANT TRANSPORT, INC. (Covenant), PASCHALL TRUCK LINES, INC.
7 (Paschall), and STEVENS TRANSPORT, INC. (Stevens, and collectively, Settling
8 Defendants),² through its Order Granting Plaintiffs' Motion for Final Approval of
9 Class Action Settlement and Partially Granting Motion for Attorneys' Fees and Costs,
10 Dkt. No. 681 (the "Final Approval Order"), hereby enters Final Judgment in this action
11 as to the Settling Defendants in accordance with the Settlements and the Final
12 Approval Order, and **ORDERS, ADJUDGES, AND DECREES** as follows:

13 **1.** The Final Approval Order is incorporated herein by reference into this
14 Final Judgment as to the Settling Defendants.

15 **2.** The Settlements, including the definitions applicable to the Settlements,
16 are incorporated by reference into this Final Judgment as to the Settling Defendants.
17 All terms used in this Order, unless otherwise defined, shall have the same meanings
18 given those terms in the Settlements.

19 **3.** All Settlement Class Members, as defined in the Final Approval Order
20 and the Settlements, are hereby bound by the Final Approval Order and this Final
21 Judgment as to the Settling Defendants. The Settlement Class consists of the
22 following:

24 ¹ The Settlements consist of five separate class action settlement agreements, found at
25 Dkt Nos. 537-3 (Paschall), 537-4 (Schneider), 537-5 (Covenant and Southern), 537-6
26 (Western) and 564-3 (Stevens).

27 ² Plaintiffs and the Settling Defendants are collectively referred to as the Settling
Parties.

1 All current and former motor drivers “Under Contract” as
2 motor vehicle carriers with CRST International, Inc., CRST
3 Expedited, Inc., C.R. England, Inc., Western Express, Inc.,
4 Schneider National Carriers, Inc., Southern Refrigerated
5 Transport, Inc., Covenant Transport, Inc., Paschall Truck
6 Lines, Inc. and/or Stevens Transport, Inc., at any time from
7 May 15, 2013 through the Preliminary Approval Date.
8 Excluded from the Settlement Class are officers, directors,
9 senior executives, employees of Defendants who are not
10 motor vehicle carrier drivers, and personnel in human
11 resources and recruiting departments of the Defendants in
12 this Action.

13 Attached as **Exhibit A** is the list of individuals who requested exclusion from the
14 Settlements.

15 4. For settlement purposes, the Court finds that Federal Rule of Civil
16 Procedure 23 has been satisfied.

17 5. The Court has personal jurisdiction over all members of the Settlement
18 Class as defined in the Settlements and the Court’s Final Approval Order, and the Court
19 has subject matter jurisdiction to approve the Settlements (including all exhibits
20 amendments thereto, as previously ordered by the Court). The Settlements, including
21 the definitions applicable to the Settlements, are incorporated by reference into this
22 Final Judgment as to the Settling Defendants.

23 6. The terms of the Settlements and this Final Judgment as to the Settling
24 Defendants are binding on Plaintiffs and all other Settlement Class Members (except
25 for the 17 individuals who timely excluded themselves from the Settlements), as well
26 as their heirs, executors and administrators, successors and assigns, and those terms
27 shall have res judicata, collateral estoppel and all other preclusive effect in all pending

1 and future claims, lawsuits or other proceedings (governmental, administrative,
2 regulatory or otherwise), maintained by or on behalf of any such persons, to the extent
3 those claims, lawsuits or other proceedings involve matters that have been raised in
4 this Action and are subject to the Release of claims applicable to the Settlement Class
5 as provided by the Settlements and defined in those Settlements and the Final Approval
6 Order. Since only 17 individuals timely excluded themselves from the Settlement
7 Class, all the remaining Class Members are bound by the Release of Defendants as set
8 forth in the Settlements and the Court's Final Approval Order as to the Settling
9 Defendants.

10 **7.** In accordance with the Settlements, as of the Effective Date (as defined
11 in the Settlements), Plaintiffs and all Class Members are deemed to have conclusively
12 released Defendants from "any and all claims, demands, actions, suits, [or] causes of
13 action under any federal, state or local law of any jurisdiction in the United states" that
14 "aris[e] out of any conduct that was or could have been alleged in the Complaints or
15 any act or omission" concerning the settling Defendants' participation in a conspiracy
16 not to hire drivers "under contract" with another Defendant.

17 **8.** Nothing contained herein shall constitute a release of Plaintiffs' claims,
18 and the claims of the Settlement Class members, against the Non-Settling Defendants
19 CRST International, Inc., CRST Expedited Inc., and C.R. England, Inc., which remain
20 pending. This Order constitutes the Court's Final Judgment as and between the
21 Settling Parties only.

22 **9.** The Court finds that all notice requirements of the Class Action Fairness
23 Act (CAFA) have been satisfied for the Settlements. The Court also notes that,
24 following class notice dissemination to 122,664 class members, there were no
25 objections to the Settlements.

26 **10.** In accordance with the Court's Final Approval Order, the Court approved
27 the gross non-reversionary total settlement amount of \$9,750,000, including \$700,000

1 from Paschall; \$750,000 from Schneider; \$800,000 from Covenant and Southern,
2 together; \$2 million from Western; and \$5.5 million from Stevens. Dkt. Nos. 537-3 at
3 10, 537-4 at 10, 537-5 at 11, 537-6 at 10, and 564-3 at 12–13. The settlement fund of
4 \$9,750,000 will be used to pay (1) costs of class notice and administration of the
5 settlement fund, (2) incentive awards to the named Plaintiffs, (3) attorneys’ fees and
6 litigation expenses awarded by the Court, and (4) the remainder shall be paid to the
7 Settlement Class members pro rata based on the weeks worked by each class member
8 for Defendants.

9 **11.** In accordance with the Final Approval Order and the Settlements,
10 \$252,650 in settlement administration costs shall be paid from the settlement fund to
11 JND Legal Administration LLC, the settlement administrator. Dkt. Nos. 610 at 3, 610-
12 4 at 4.

13 **12.** In accordance with the Final Approval Order, the named Plaintiffs shall
14 be paid Class Representative Incentive Awards from the settlement fund as follows:
15 \$15,000 for Curtis Markson; \$13,500 for Mark McGeorge; \$12,000 for Clois
16 McClendon; and \$12,000 for Eric Clark.

17 **13.** In accordance with the Final Approval Order, Class Counsel shall be paid
18 from the settlement fund attorneys’ fees in the amount of \$2,437,500, and litigation
19 costs shall also be reimbursed from the settlement fund in the amount of \$2,716,510.45.

20 **14.** Any checks paid to Settlement class members shall advise that they will
21 remain valid and negotiable for 180 calendar days from the date of their issuance and
22 may thereafter automatically be canceled if not cashed by a Settlement Class member
23 within that time, at which time the Settlement Class member’s check will be deemed
24 void and have no further force and effect. Any Settlement Participant’s failure to
25 negotiate and/or cash any such check will not abrogate or affect that Settlement Class
26 member’s releases under the Settlements. The funds associated with any checks which
27

are not timely negotiated will be paid to an appropriate cy pres beneficiary, such as St. Christopher Truckers Relief Fund.

15. FINAL JUDGMENT IS HEREBY ENTERED ON THE SETTLEMENTS AS TO THE SETTLING DEFENDANTS WESTERN EXPRESS, INC., SCHNEIDER NATIONAL CARRIERS, INC., SOUTHERN REFRIGERATED TRANSPORT, INC., COVENANT TRANSPORT, INC. PASCHALL TRUCK LINES, INC. and STEVENS TRANSPORT, INC.

16. Following entry of this Order, the Court will dismiss the Settling Defendants from this action with prejudice by separate order. Although the Settling Defendants will be dismissed from this action with prejudice, the Court shall maintain jurisdiction over the Settling Defendants for one (1) year from the date of entry of this Judgment as to the Settling Defendants for purposes of enforcing the terms of the Settlements, the Final Approval Order and this Judgment as to the Settling Defendants, and/or making further orders regarding the disbursement of funds associated with uncashed settlement checks, notwithstanding the entry of the dismissal order and final judgment as to the Settling Defendants.

17. The Clerk is directed to enter this judgment as to the Settling Defendants as final judgment as to the Settling Defendants pursuant to Rule 54(b) of the Federal Rules of Civil Procedure there being no just reason for delay.

IT IS SO ORDERED.

Dated: August 10, 2022



THE HONORABLE STANLEY BLUMENFELD, JR.
UNITED STATES DISTRICT COURT JUDGE

Exhibit A
Class Members Excluded from Settlement

Aaron Danny Pinske
Hailiegh L. Wenger (Pinske)
Daniel Gipson
Judith Dawn Martin
Christopher Michael Troutman
Juan Perez Rodriguez
Randall R. Bennett
Kelly Don Nightengale
Travis Frost
Blazej Mikolajczak
Stephen C.W. Coleman-Roush
Moh A. Motawakil
Thomas Martin
Carl McRoberts
Frederick Neal
Ryan Helling
Isabel Taveras