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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

BENNIE HAMILTON, ANTHONY KILLION,
KRISTOPHER KACZANOWSKI, LEROY
COKER, DARRELL BROWN,

Plaintiffs,

v.

KNIGHT TRANSPORTATION, INC. dba
Arizona Knight Transportation Inc.; KNIGHT
PORT SERVICES, LLC; and DOES 1 through
25, inclusive,

Defendants.

Case No.: 5:21-cv-01859-MEMF-SP

**ORDER GRANTING EX PARTE
APPLICATION TO STAY ACTION [ECF
No. 87]**

Before the Court is an *Ex Parte* Application, filed by Plaintiffs Benny Hamilton, Anthony Killion, Kristopher Kaczanowski, Leroy Coker, and Darrell Brown, to stay this Action pending the Court's ruling on final approval of a class action settlement in *Martinez v. Knight Transportation*, C.D. Cal. Case No. 5:21-cv-00572. ECF No. 87. For the reasons stated herein, the Court GRANTS the *Ex Parte* Application, and will order the action STAYED, with certain conditions imposed in the event that the stay is lifted.

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1 **I. Factual Background and Procedural History**

2 **A. This Action**

3 Plaintiff Bennie Hamilton (“Hamilton”) filed a class action complaint in this Court on
4 November 2, 2021. ECF No. 1. In his initial complaint, Hamilton brought suit against Defendants
5 Kold Trans, LLC (“Kold Trans”); Knight Transportation Inc.¹ (“Knight Transportation”); Knight
6 Refrigerated, LLC (“Knight Refrigerated”); and Knight-Swift Transportation Holdings, Inc.
7 (“Knight-Swift”). *See id.* Hamilton alleged various wage and hour violations on behalf of himself
8 and a class of all similarly situated persons. *See id.*

9 Hamilton filed a First Amended Complaint on January 18, 2022. ECF No. 10 (“FAC”). He
10 filed a Second Amended Complaint on July 26, 2022. ECF No. 42 (“SAC”). In the SAC, Hamilton
11 removed Defendant Knight-Swift and added Defendant Knight Port Services, LLC (“Knight Port”).²
12 *See id.* Hamilton filed a Third Amended Complaint on March 7, 2024. ECF No. 66 (“TAC”). In the
13 TAC, Hamilton added an additional named Plaintiff, Anthony Killion (“Killion”), and removed
14 Defendants Kold Trans and Knight Refrigerated, leaving only Defendants Knight Transportation and
15 Knight Port. Hamilton and Killion filed a Fourth Amended Complaint on May 25, 2023. ECF No. 74
16 (“4AC”). In the 4AC, Hamilton added three additional named plaintiffs: Kristopher Kaczanowski
17 (“Kaczanowski”), Leroy Coker (“Coker”), and Darrell Brown (“Brown,” or collectively with
18 Hamilton, Killion, Kaczanowski, and Coker, “Plaintiffs”).³ *See id.* Plaintiffs allege various wage and
19 hour violations against Knight Transportation and Knight Port.

20 Plaintiffs filed a Motion for Class Certification on February 26, 2024. *See* ECF No. 86.
21 Defendants’ Opposition to that Motion is due on May 10, 2024; Plaintiffs’ Reply is due on June 10,
22 2024; and the hearing is set for August 1, 2024. *See* ECF No. 83.

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25 ¹ Hamilton’s complaint names “Knight Transportation Inc.,” with no internal comma in the name, while
26 Defendants generally use “Knight Transportation, Inc.,” with an internal comma. *See* ECF Nos. 1, 88. The
Court understands that these are intended to refer to the same entity.

27 ² Defendants assert that Hamilton was an employee of Knight Port, and of no other Defendants. *See* ECF No.
28 88 at 4.

³ Defendants assert that Killion, Kaczanowski, Coker, and Brown were employees of Knight Transportation.

1 **B. The *Martinez* Action**

2 In an action distinct from this one, and filed prior to the filing of this action, Plaintiffs Raul
3 Martinez (“Martinez”) and Philippe Vieux (“Vieux”) filed a class action (the “*Martinez* Action”) in
4 San Bernardino County Superior Court on July 7, 2020, which was removed to this Court on April 1,
5 2021. *See Raul Martinez et al v. Knight Transportation, Inc. et al*, Case No. 5:21-cv-00572, ECF No.
6 1 (C.D. Cal. Apr. 1, 2021). The parties to the *Martinez* Action participated in a mediation on
7 December 13, 2023, and later reached a settlement. *See Raul Martinez et al v. Knight*
8 *Transportation, Inc. et al*, Case No. 5:21-cv-00572, ECF No. 37-2 ¶ 20 (C.D. Cal. July 20, 2023).
9 The parties to the *Martinez* Action filed a Motion for Preliminary Approval of Class and
10 Representative Action Settlement on July 20, 2023. *See Raul Martinez et al v. Knight*
11 *Transportation, Inc. et al*, Case No. 5:21-cv-00572, ECF No. 37 (C.D. Cal. July 20, 2023). The
12 Court held a hearing and expressed some concerns regarding the proposed class notice, and then on
13 December 5, 2023, granted the Motion for Preliminary Approval of Class and Representative Action
14 Settlement after changes were made to the proposed class notice. ECF No. 53. A hearing on final
15 approval of the class action settlement in the *Martinez* Action is set for April 23, 2024.

16 **C. Filings in this Action regarding the *Martinez* Action**

17 In this action, Defendants Kold Trans, Knight Transportation, Knight Refrigerated, and
18 Knight Swift filed a Notice of Related Cases regarding the *Martinez* Action on June 6, 2022. ECF
19 No. 27. The Notice of Related Cases was filed after the FAC but before the SAC, TAC, and 4AC,
20 and so the only plaintiff at the time of its filing was Hamilton, and the Defendants were Kold Trans,
21 Knight Transportation, Knight Refrigerated, and Knight Swift. *See id.* In the Notice of Related
22 Cases, those Defendants asserted that they “never employed [Hamilton]” (based on Defendants’
23 position that Hamilton was only ever employed by Knight Port, which was not a Defendant at that
24 time, *see supra* n.2), and so those Defendants “den[ie]d that this case and the *Martinez* Action [were]
25 related,” but nevertheless “identifie[d] the *Martinez* Action because it involves an overlapping
26 defendant: Knight Transportation, Inc.” *See id.* at 2. Defendants never amended their Notice of
27 Related cases to account for the changes in the SAC, TAC, and 4AC, but now take the position that
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1 this action and the *Martinez* Action are related and argue that Plaintiffs should have known that the
2 amendments to the complaint made the actions related. *See* ECF No. 88 at 9.

3 **D. The Instant *Ex Parte* Application**

4 Plaintiffs became aware of the settlement of the *Martinez* Action on March 5, 2024, when
5 Plaintiffs received a class notice regarding the settlement. *See* ECF No. 87 at 6. Plaintiffs filed their
6 own Notice of Related Cases in this Action on March 12, 2024.⁴ ECF No. 86. Also on March 12,
7 2024, Plaintiffs filed the instant *Ex Parte* Application to Stay Action Pending Final Approval of
8 Class Action Settlement in the *Martinez* Action. ECF No. 87 (“Application” or “Appl.”). Defendants
9 oppose the Application. ECF No. 88 (“Opp’n”).

10 **II. Applicable Law**

11 The “power to stay proceedings is incidental to the power inherent in every court to control
12 the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and
13 for litigants.” *Landis v. N. Am. Co.*, 299 U.S. 248, 255 (1936). “A trial court may, with propriety,
14 find it is efficient for its own docket and the fairest course for the parties to enter a stay of an action
15 before it, pending resolution of independent proceedings which bear upon the case.” *Leyva v.*
16 *Certified Grocers of California, Ltd.*, 593 F.2d 857 (9th Cir. 1979). Whether to stay a case is left to
17 the “sound discretion” of a trial court. *CMAX, Inc. v. Hall*, 300 F.2d 265, 268 (9th Cir. 1962). In
18 exercising this discretion, courts should consider “the competing interests which will be affected by
19 the granting or refusal to grant a stay,” including “the possible damage which may result from the
20 granting of a stay,” “the hardship or inequity which a party may suffer in being required to go
21 forward,” and “the orderly course of justice measured in terms of the simplifying or complicating of
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24 ⁴ Plaintiffs also filed a Notice of Related Cases in the *Martinez* Action. *See Raul Martinez et al v. Knight*
25 *Transportation, Inc. et al*, Case No. 5:21-cv-00572, ECF No. 59 (C.D. Cal. March 12, 2024). Knight
26 *Transportation* objects to that Notice of Related Cases on the basis that it was filed by a non-party, and
27 requests that the Court strike it. *See Raul Martinez et al v. Knight Transportation, Inc. et al*, Case No. 5:21-
28 cv-00572, ECF No. 60 (C.D. Cal. March 14, 2024). That request to strike is not before the Court in this Order
and so the Court need not address it here.

In both of their Notices of Related Cases (the one filed in this action and the one filed in the *Martinez* Action),
Plaintiffs request that the Court stay this Action. The Court will address that request in this Order ruling on
the Application, and so those duplicative requests are MOOT.

1 issues, proof, and questions of law which could be expected to result from a stay.” *Id.*; *see also*
2 *Dependable Highway Exp., Inc. v. Navigators Ins. Co.*, 498 F.3d 1059, 1066 (9th Cir. 2007)
3 (similar).

4 **III. Discussion**

5 Here, Defendants do not actually oppose the stay Plaintiffs seek, but Defendants urge that
6 the stay only be granted subject to certain conditions. *See* Opp’n at 7–8. The Court will discuss these
7 conditions in further detail below.

8 At the outset, the Court finds that a stay of this action is appropriate. Both parties agree that
9 this action is likely to be affected by the settlement of the *Martinez* Action if the settlement is
10 approved. The Court finds that it would preserve both the parties’ and the Court’s resources to stay
11 this action, rather than proceeding with discovery and the class certification motion, when there is a
12 significant possibility that key issues here will be mooted or otherwise affected. *See CMAX*, 300
13 F.2d at 268 (factors to consider include “the hardship or inequity which a party may suffer in being
14 required to go forward” and “the orderly course of justice measured in terms of the simplifying or
15 complicating of issues, proof, and questions of law which could be expected to result from a stay”).
16 The Court sees no evidence that either party will suffer damage from a stay. *See id.* Thus, the Court
17 will stay this action. The stay shall automatically expire upon the issuance of a final Order regarding
18 the settlement of the *Martinez* Action. The issue to decide is what conditions, if any, to impose
19 alongside the stay.⁵

21 ⁵ The Court notes that the parties accuse each other of various misrepresentations and purported misconduct
22 in their filings. *See, e.g.*, Appl. at 4 (“Defendants were engaged in underhanded conduct that not only
23 potentially wipes out the Hamilton action, but renders the pending class certification motion, in its current
24 form, all but moot”), 5 n.2 (“Defendants communicated directly with Plaintiffs (our clients), who are known
25 to be represented parties”); Opp’n at 9 (“Defendants must correct the multiple misrepresentations and
26 accusatory insinuations in Plaintiffs’ ex parte application and notice of related case . . . It is egregious that
27 Plaintiffs’ counsel persists with their flagrantly false accusation that Defendants concealed the fact that
28 *Martinez* and *Hamilton* are related”), 10 (“It is similarly false that [as Plaintiffs claim] ‘the *Martinez* case was
settled around the same time that the *Hamilton* Plaintiffs were mediating with the same mediator” . . . there is
absolutely no justification for Mr. Glugoski’s brazen lie. . . Also baseless is Plaintiffs’ allegation that
Defendants’ counsel violated the California Rule of Professional Conduct against communicating with
represented parties.”)

The Court considered these arguments in preparing this Order but did not find them dispositive. The Court
urges the parties to be both truthful and civil in their filings going forward.

1 Defendants request four conditions: (1) if any claims here remain after the final decision
2 regarding the settlement of the *Martinez* Action, Defendants should receive the same amount of time
3 that they would have had absent the stay to file an opposition to the class certification motion; (2)
4 Plaintiffs must stand on their already-filed class certification motion, subject only to withdrawal of
5 claims or issues mooted by the *Martinez* Action; (3) Plaintiffs must provide responses to outstanding
6 written discovery and produce responsive documents within one week of the lifting of the stay; and
7 (4) Plaintiffs whose claims are not released by the *Martinez* Action must sit for depositions within
8 three weeks of the lifting of the stay. *See* Opp'n at 7. Some background is necessary as to the third
9 and fourth requested conditions. Defendants served written discovery on February 9, 2024, which
10 the Court understands Plaintiffs have refused to respond to (in light of the fact that Plaintiffs became
11 aware of the settlement of the *Martinez* Action and are requested a stay). *See* ECF No. 88-1 ¶ 6. The
12 parties had previously agreed to deposition dates of March 11, March 13, and March 18, 2024, for
13 Killion, Kaczanowski, and Brown, and were working to find a date for Coker. *See id.* ¶ 7. Plaintiffs
14 unilaterally canceled those dates when they became aware of the settlement of the *Martinez* Action.
15 *See id.* ¶ 8.

16 The Court will address each requested condition in turn. The Court is not aware of any
17 binding case law on how to approach the requested conditions, and so will exercise its discretion and
18 seek to find a fair result.

19 First, the Court finds it fair and appropriate that in the event the stay is lifted and this Action
20 is not entirely mooted, Defendants should have the same amount of time to respond to Plaintiffs'
21 Motion for Class Certification that Defendants would have had absent the stay. The parties
22 previously stipulated as to a briefing schedule for that motion. *See* ECF No. 82. The Court will apply
23 the same schedule—after the re-filing of Plaintiffs' Motion for Class Certification, Defendants shall
24 have seventy-four (74) days to file their opposition, and after the opposition, Plaintiffs shall have
25 thirty-one (31) days to file a reply. Thus, Defendants opposition shall be due seventy-four (74) days
26 after Plaintiffs re-file their Motion for Class Certification, and Plaintiffs' reply shall be due one
27 hundred and five (105) days after Plaintiffs re-file their Motion for Class Certification.
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1 Second, the Court does not find it appropriate or efficient to require Plaintiffs to stand on
2 their previously filed Motion for Class Certification, and to only withdraw arguments or claims that
3 are mooted. The Court understands Defendants' concern that Plaintiffs may inappropriately change
4 their theories, but Defendants may raise that argument in opposition to the Motion, and Defendants'
5 concern does not warrant requiring Plaintiffs to stand on their Motion if many issues it raised are
6 mooted or changed. *See Opp'n* at 8. The Court finds that it would inefficient and make the Court's
7 work difficult to require Plaintiffs to stand on a Motion that is largely mooted or otherwise
8 significantly altered, either by the settlement of the *Martinez* Action or the passage of time. The
9 Court will thus allow Plaintiffs to file a new Motion for Class Certification after the lifting of the
10 stay. This Motion shall be due thirty (30) days after the stay is lifted. Plaintiffs may stand on their
11 previous motion if they so desire (in which case they must file a statement stating as such within 30
12 days of the lifting of the stay), but if they intend to withdraw any claims or arguments, they must
13 meet and confer and file a new motion, and cannot file a statement that simply describes which parts
14 of the Motion are withdrawn (as this would be unduly confusing).

15 Third, the Court does not find it appropriate to require Plaintiffs to produce documents within
16 seven days of the lifting of the stay. First, this would require Plaintiffs to somewhat rapidly produce
17 documents after an Order that may arrive at an unpredictable time. Second, the situation as to
18 discovery may change depending on the resolution of the *Martinez* Action, and the parties should be
19 given time to account for that change and consider what discovery is appropriate. Thus, the Court
20 will order the parties to meet and confer regarding the state of outstanding discovery within fourteen
21 (14) days of a final Order regarding the settlement of the *Martinez* Action. If Defendants wish to
22 stand on previously served discovery, that discovery shall be deemed served on the date of the meet
23 and confer, and Plaintiffs' response deadline shall be governed by the typical rules for discovery
24 served on that date.

25 Fourth, the Court finds it appropriate and fair to require Plaintiffs to sit for depositions
26 reasonably soon after the stay is lifted, but not within three weeks as requested. Plaintiffs whose
27 claims are not mooted must make themselves available for depositions within 30 days of the meet
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1 and confer described above. The parties should be prepared to discuss the scheduling of these
2 depositions at the meet and confer.

3 Finally, the Court also notes that a new case schedule will be necessary after the stay is lifted.
4 The parties are ordered to file a joint statement as to the case schedule (including dates for a class
5 certification hearing, the close of fact discovery, trial, and all other deadlines) within twenty-one
6 (21) days of a final Order regarding the settlement of the *Martinez* Action. The parties should be
7 prepared to discuss scheduling at the meet and confer described above.

8 **IV. Conclusion**

9 For the reasons stated herein, the Court ORDERS as follows:

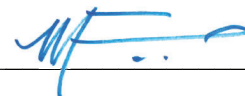
- 10 1. This Action is STAYED pending the resolution of the *Martinez* Action. The Stay shall
11 automatically lift upon the issuance of a final Order regarding the settlement of the
12 *Martinez* Action.
- 13 2. Plaintiffs must re-file their Motion for Class Certification, or file a statement indicating
14 that they stand on their previous Motion, within 30 days of a final Order regarding the
15 settlement of the *Martinez* Action. Defendants' Opposition shall be due seventy-four (74)
16 days after Plaintiffs re-file their Motion for Class Certification (or file a statement that
17 they stand on the previous Motion), and Plaintiffs' reply shall be due one hundred and
18 five (105) days after Plaintiffs re-file their Motion for Class Certification.
- 19 3. The parties must meet and confer regarding the state of outstanding discovery and the
20 case schedule in this action within fourteen (14) days of a final Order regarding the
21 settlement of the *Martinez* Action.
- 22 4. Should Defendants stand on previously served discovery, that discovery shall be deemed
23 served on the day of the meet and confer described above, and the typical rules regarding
24 discovery served on that date shall govern the deadline for Plaintiffs to respond.
- 25 5. All named Plaintiffs whose claims survive and who have not yet been deposed must
26 make themselves available for depositions within 30 days of the meet and confer
27 described above.
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6. The parties must file a joint statement regarding new deadlines and a new trial date in this Action within twenty-one (21) days of a final Order regarding the settlement of the *Martinez* Action.

IT IS SO ORDERED.

Dated: March 27, 2024



MAAME EWUSI-MENSAH FRIMPONG
United States District Judge