

1 BLUMENTHAL NORDREHAUG BHOWMIK DE BLOUW LLP  
 2 Norman B. Blumenthal (Bar No. 068687)  
 3 Kyle R. Nordrehaug (Bar No. 205975)  
 4 Aparajit Bhowmik (Bar No. 248066)  
 5 Piya Mukherjee (Bar No. 274217)  
 6 2255 Calle Clara  
 7 La Jolla, CA 92037  
 8 Telephone: (858) 551-1223  
 9 Facsimile: (858) 551-1232  
 10 norm@bamlawca.com

Attorneys for Plaintiff

11 Spencer C. Skeen CA Bar No. 182216  
 12 spencer.skeen@ogletreedeakins.com  
 13 Tim L. Johnson CA Bar No. 265794  
 14 tim.johnson@ogletreedeakins.com  
 15 Jesse C. Ferrantella CA Bar No. 279131  
 16 jesse.ferrantella@ogletreedeakins.com  
 17 OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.  
 18 4370 La Jolla Village Drive, Suite 990  
 19 San Diego, CA 92122  
 20 Telephone: 858.652.3100  
 21 Facsimile: 858.652.3101

Attorneys for Defendant

22 UNITED STATES DISTRICT COURT  
 23 EASTERN DISTRICT OF CALIFORNIA

24 RICKEY HENRY, an individual, on behalf of  
25 himself, and on behalf of all persons similarly  
26 situated,

27 Plaintiff,

28 vs.

29 CENTRAL FREIGHT LINES, INC., a  
30 Corporation, and DOES 1 through 50,  
31 Inclusive,

32 Defendants.

**FILED**

MAY 02 2018

CLERK, U.S. DISTRICT COURT  
 EASTERN DISTRICT OF CALIFORNIA  
 BY \_\_\_\_\_  
 DEPUTY CLERK

Case No. 2:16-cv-00280-JAM-EFB

CLASS ACTION

STIPULATION AND [<sup>JAM</sup>PROPOSED] ORDER  
 REGARDING ADMINISTRATION OF  
 BELAIRE-WEST NOTICE TO PUTATIVE  
 CLASS MEMBERS

Action Filed: October 20, 2015  
 Removed: February 23, 2016

1 Plaintiff Rickey Henry (“Plaintiff”) and Defendant Central Freight Lines, Inc. (“Defendant”)  
2 (collectively the “Parties”) hereby stipulate by and through their respective attorneys of record as follows:

3 WHEREAS, the Parties have met and conferred and have agreed upon a version of a *Belaire-West*  
4 notice to be mailed to the putative class members, a copy of which is attached hereto as Exhibit 1;

5 WHEREAS, the agreed-upon draft *Belaire-West* notice has been provided to the third-party  
6 administrator, ILYM Group, Inc (“ILYM”), for formatting and preparation for mailing;

7 WHEREAS, Defendant shall provide to ILYM the last known contact information of all putative  
8 class members within 7 business days of the Court’s entry of the order regarding this Stipulation. The  
9 Parties agree that any information pertaining to putative class members shall be confidential and provided  
10 only to ILYM upon ILYM’s agreement to abide by the terms of the Stipulated Protective Order entered  
11 by the Court in this action. ILYM shall execute the Acknowledgement and Agreement to Be Bound  
12 (which is attached as Exhibit A to the Stipulated Protective Order) prior to any disclosure of putative class  
13 member to ILYM. ILYM shall maintain putative class information as private and confidential pursuant  
14 to the Stipulated Protective Order, and shall not disclose any such information to Plaintiff or his counsel  
15 except as expressly authorized in this Stipulation, and only after the close of the opt-out period as further  
16 set forth below;

17 WHEREAS, the mailing of the notices by ILYM to the putative class members will take place no  
18 later than one week after receipt of the putative class list from Defendant;

19 WHEREAS, the putative class members shall have thirty (30) days from the date of mailing to  
20 opt-out from having their contact information and time records produced to Plaintiff. Any putative class  
21 member who, within the 30-day opt-out period, opts out of the disclosure by returning the opt-out form or  
22 by otherwise indicating in writing to ILYM that the putative class member wishes to have his/her  
23 information maintained as private shall not have his/her contact or other information disclosed;

24 WHEREAS, no later than ten (10) days after the close of the opt-out period, ILYM shall provide  
25 to counsel for Defendant a list containing each putative class member who submitted an opt-out requests;

26 WHEREAS, within ten (10) days after the close of the opt-out period, ILYM shall produce to  
27 counsel for the parties a list containing the name, address, and telephone number of each putative class  
28

1 members who did not opt-out of the disclosure;

2 WHEREAS, Plaintiff agrees to bear the costs associated with the mailing of the notice to the  
3 putative class members;

4 WHEREAS, the Parties agree that this Stipulation may be executed in counterparts.

5 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

6  
7 DATED: April 30, 2018

BLUMENTHAL NORDREHAUG BHOWMIK  
DE BLOUW LLP

8  
9 By: /s/ Aparajit Bhowmik

10 Norman B. Blumenthal  
11 Kyle R. Nordrehaug  
12 Aparajit Bhowmik  
Jeffrey S. Herman  
Attorneys for Plaintiff

13 DATED: April 30, 2018

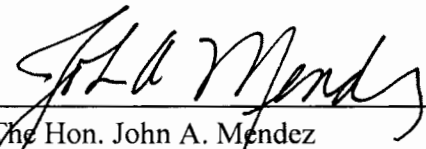
OGLETREE, DEAKINS, NASH, SMOAK &  
STEWART, P.C.

14  
15 By: /s/ Tim L. Johnson

16 Spencer C. Skeen  
17 Tim L. Johnson  
18 Jesse C. Ferrantella  
Attorneys for Defendant  
CENTRAL FREIGHT LINES, INC.

19 **IT IS SO ORDERED.**

20  
21 Dated: May 1, 2018

By: 

The Hon. John A. Mendez  
JUDGE OF THE EASTERN DISTRICT

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

# EXHIBIT 1

[ILYM Group, Inc. Letterhead]

[Date of Mailing]

**NOTICE TO CURRENT AND FORMER EMPLOYEES OF CENTRAL FREIGHT LINES, INC. REGARDING DISCLOSURE OF PERSONAL INFORMATION**

[Putative Class Member Name]

[Address]

[City, ST Zip]

[Phone Number]

Dear [Name]:

Plaintiff Rickey Henry ("Plaintiff"), a former owner-operator for Central Freight Lines, Inc. ("CFL"), filed a class action lawsuit (*Rickey Henry v. Central Freight Lines, Inc.*, 2:16-cv-00280-JAM-EFB) in the United States District Court for the Eastern District of California against CFL. Henry alleges that CFL: 1) violated California's Unfair Competition law; 2) failed to pay minimum wages; 3) failed to provide accurate itemized statements; 4) failed to pay wages when due; 5) failed to reimburse for expenses; 6) made illegal deductions from wages; and 7) violated California's Private Attorneys General Act. The lawsuit seeks unpaid wages, penalties and interest. Henry seeks to bring these claims on behalf of all on behalf of truck drivers who performed trucking services for as independent contractors in California between October 20, 2011 and the present ("Putative Class Members").

CFL denies all allegations and contends it complied with California wage and hour laws. CFL also denies that Plaintiffs' claims are appropriate for resolution on a class-wide basis. The Court has yet to decide whether Plaintiffs' claims have merit and whether the lawsuit should proceed as a class action.

**This correspondence is being sent to you pursuant to an agreement reached between the Plaintiff and CFL. The Court does not endorse any of the statements contained in this Notice. The Court has not rendered any opinion as to the merits of this case.**

CFL's records reflect that you have provided trucking services for CFL as an owner-operator in California at some time since October 20, 2011. Henry's attorneys have requested that CFL provide your address, and telephone number so they may contact you to obtain your input as to whether the Plaintiff's allegations are accurate.

CFL wants you have an opportunity to protect your privacy. Therefore, this notice is being sent to you by a neutral, third-party administrator to give you an opportunity, if you choose, to object to the release of your personal contact information to Plaintiffs' attorneys. **You may elect not to provide your contact, time and/or payroll information to Plaintiff's attorneys on the grounds of privacy.**

**THEREFORE, if you do not want your contact information to be provided to the Plaintiff's attorneys, you must sign and return the enclosed (postage pre-paid) postcard to *Central Freight Lines Class Action, c/o ILYM Group, Inc., 14771 Plaza Drive, Unit L, Tustin, California 92780*, on or before [One (1) Month from Mailing]. Alternatively, you may send an email to ILYM Group, Inc., the third-party administrator, at [email address] objecting to the disclosure of your personal contact information (please include *Henry v. Central Freight Lines, Inc.* in the subject line of the email). If you choose to respond by email, you must send the email by no later than [One (1) Month from Mailing].**

**If you do not sign and return the enclosed Response Card, or send an email to the above address, on or before [One (1) Month from Mailing], your contact information will be provided to Plaintiff's attorneys. If you have misplaced the enclosed Response Card, you may contact ILYM Group, Inc. at *Henry v. Central Freight Lines, Inc., c/o [TPA Contact Info]* for a replacement card.**

Please understand that you are under no obligation to provide information to or discuss this matter with anyone representing Henry or CFL. Your choice about whether to return the Response Card will not affect your right to participate in the lawsuit in the future in the event it is later certified as a class action and will not impact your business relationship with CFL. You will experience no retaliation regardless of whether you choose to return the Response Card or discuss the lawsuit with any attorneys.

**THIS IS NOT A COMMUNICATION FROM THE COURT AND IS NOT AN EXPRESSION OF ANY OPINION BY THE COURT AS TO THE MERITS OF THE CLAIMS OR DEFENSES BY EITHER SIDE IN THIS LITIGATION. PLEASE DO NOT CONTACT THE COURT REGARDING THIS NOTICE.**

ILYM Group, Inc. has been retained by the parties as a neutral third-party to provide this Notice to you. If you have any questions regarding this Notice you may contact them at: *Central Freight Lines Class Action, c/o ILYM Group, Inc.*, 14771 Plaza Drive, Unit L, Tustin, California 92780. You also have the right to contact Plaintiff's attorneys or CFL's attorneys with any questions.

The attorneys representing Plaintiff are:

BLUMENTHAL NORDREHAUG BHOWMIK DE BLOUW LLP

Nicholas De Blouw

[deblouw@bamlawlj.com](mailto:deblouw@bamlawlj.com)

2255 Calle Clara

La Jolla, CA 92037

Telephone: (858) 952-0354

Facsimile: (858) 551-1232

The attorneys representing the CFL are:

Spencer C. Skeen

Tim Johnson

Jesse C. Ferrantella

Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

4370 La Jolla Village Drive, Suite 990

San Diego, CA 92122

Phone: (858) 652-3100

[Spencer.Skeen@ogletree.com](mailto:Spencer.Skeen@ogletree.com)

[Tim.Johnson@ogletree.com](mailto:Tim.Johnson@ogletree.com)

[Jesse.Ferrantella@ogletree.com](mailto:Jesse.Ferrantella@ogletree.com)

**OBJECTION TO RELEASE OF CONTACT INFORMATION**

*Peterson v. Central Freight Lines, Inc.*

c/o [TPA Info]

**This postcard must be postmarked no later than [30 days after mailing]**

I **DO NOT WANT** to disclose my name, home address, and personal telephone number to the attorneys representing Plaintiffs Alfonso Peterson and Manuel Ortega in the lawsuit against Central Freight Lines, Inc.

**[PLEASE PRINT CLEARLY]**

Print Full Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**SIGNATURE CERTIFICATION**

Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies and Procedures Manual, I hereby certify that the content of this document is acceptable to Tim L. Johnson, counsel for Defendant, and that I have obtained Tim L. Johnson's authorization to affix his electronic signature to this document.

DATED: April 30, 2018

BLUMENTHAL NORDREHAUG BHOWMIK DE  
BLOUW LLP

By:  /s/ Victoria B. Rivapalacio  
VICTORIA B. RIVAPALACIO  
Attorney for Plaintiff