

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

OWNER-OPERATOR INDEPENDENT )  
DRIVERS ASSOCIATION, et al. )

Plaintiffs, )

v. )

MAYFLOWER TRANSIT, INC., )

Defendant. )

Case No. 1:98-cv-00457-SEB-JMS

**ORDER**

Before the Court is the Parties' Joint Motion for Preliminary Approval of Offer and Acceptance of Judgment, to Approve Proposed Notice to Class Members, and to Set Fairness Hearing .

Mayflower's proposed offer of judgment provides every eligible class member who timely returned a valid and signed claim form with the full amount of their fuel tax credit balance 60 days after lease termination, plus interest and without any deductions for prior payments, fuel tax audit assessments, or other setoffs. These terms are unquestionably "within the range of possible [final] approval." *In re Bromine Antitrust Litig.*, 203 F.R.D. 403, 416 (S.D. Ind. 2001) (quoting *In re General Motors Corp., Engine Interchange Litig.*, 594 F.2d 1106, 1126 (7th Cir. 1979)). Accordingly, for good cause shown, the Court grants preliminary approval to Plaintiffs' acceptance of Mayflower's offer of judgment.

The Court also finds that the form and method of delivery of the proposed Notice to Class Members of Offer and Acceptance of Judgment is reasonable and comports with all the requirements of Federal Rule of Civil Procedure 23(e) and due process. The Parties are directed to mail notices substantially conforming with the proposed Notice to Class Members of Offer

and Acceptance of Judgment to eligible class members who submitted a timely claim form no later than September 16, 2008.

The Court will hold a Fairness Hearing on Friday, November 14, 2008, at 2:00 p.m. At the Fairness Hearing, the Parties must show that Plaintiffs' acceptance of the offer of judgment is "fair, reasonable, and adequate." *Reynolds v. Beneficial Nat'l Bank*, 288 F.3d 277, 279 (7th Cir. 2002). The Parties may present witnesses, experts, and affidavits or declarations, and objectors and class members may also appear and testify. Objections to the proposed settlement via the offer of judgment shall be filed with the Court by November 4, 2008.

The Fairness hearing will be held in Room 216 of the United States Courthouse in Indianapolis, Indiana.

Dated: 09/12/2008



SARAH EVANS BARKER, JUDGE  
United States District Court  
Southern District of Indiana

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