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THE HONORABLE ROBERT S. LASNIK

U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

KEVIN HELDE, JON BODILY, and MAX
TENA, on their own behalf and on the behalf
of all others similarly situated,

Plaintiffs,

v.

KNIGHT TRANSPORTATION, INC., an
Arizona corporation,

Defendant.

NO. 2:12-cv-00904-RSL

**FINAL JUDGMENT AND ORDER OF
DISMISSAL**

Plaintiffs Motion for Final Approval of Class Action Settlement came before this Court on a hearing on October 19, 2017. The above captioned Action is a class action lawsuit brought by Plaintiffs Kevin Helde, Jon Bodily, and Max Tena (“Plaintiffs”) against Knight Transportation, Inc. (“Knight”) (collectively the “Parties”). Plaintiffs allege that Knight willfully failed to pay Plaintiffs and a certified Class of employee drivers (“Class”) for wage and hour abuses in violation of Washington law. Knight denies any and all wrongdoing, and denies any liability to the Plaintiffs or to members of the Class.

On May 24, 2017, this Court entered an Order Granting Preliminary Approval of Settlement. That Order directed the Settlement Administrator to provide Notice to the Class, which informed Class members of: (a) the proposed Settlement, and the Settlement’s key

1 terms; (b) the date, time, and location of the Final Approval Hearing; and (c) the right of any
2 Class Member to opt out of or object to the proposed Settlement, and an explanation of the
3 procedures to exercise those rights.

4 The Court, upon Notice having been given as required in the Preliminary Approval
5 Order, and having considered the proposed Settlement Agreement, as well as all papers filed,
6 hereby ORDERS, ADJUDGES AND DECREES AS FOLLOWS:

7 1. This Court has jurisdiction over this matter and over all Parties, including all
8 members of the Settlement Class.

9 2. This Court confirms the proposed Settlement Class satisfies the requirements of
10 Fed. R. Civ. P. 23, as found in the Court's Order Granting Class Certification (Dkt. # 95),
11 Order Reinstating Plaintiffs' Rest Break Claim and Certifying Class (Dkt. # 124), and the Order
12 Granting Preliminary Approval of Class Action Settlement (Dkt. # 191), and finds that the
13 Settlement Class is properly certified as a class for settlement purposes.

14 3. The Notice provided to the Settlement Class conforms with the requirements of
15 Fed. R. Civ. P. 23, the Washington and United States Constitutions, and any other applicable
16 law, and constitutes the best notice practicable under the circumstances, by providing
17 individual notice to all Class Members who could be identified through reasonable effort, and
18 by providing due and adequate notice of the proceedings and of the matters set forth therein to
19 the other Class Members. The Notice fully satisfied the requirements of due process.

20 4. The Court finds that the Settlement was entered into in good faith as the result of
21 arm's-length negotiations between experienced attorneys, that the Settlement is fair,
22 reasonable, and adequate, and that the Settlement satisfies the standards and applicable
23 requirements for final approval of this class action Settlement under Washington law and the
24 provisions of Fed. R. Civ. P. 23.

1 5. To the extent any timely-filed objections to the Settlement have been lodged, the
2 Court has considered those objections and found they do not counsel against approval of the
3 Settlement, and the objections are hereby overruled.

4 6. Upon entry of this Order, compensation to the participating members of the
5 Settlement Class shall be effected pursuant to the terms of the Settlement Agreement.

6 7. In addition to any recovery that Plaintiffs may receive under the Settlement, and
7 in recognition of the Plaintiffs' efforts on behalf of the Settlement Class, the Court hereby
8 approves the payment of service awards to the Plaintiffs, in the amount of \$10,000 each, to be
9 paid pursuant to the terms of the Settlement Agreement.

10 8. Upon the date on which this order is entered (the "Effective Date"), the
11 Plaintiffs and all members of the Settlement Class, shall have, by operation of this Order and
12 the accompanying Judgment, fully, finally and forever released, relinquished, and discharged
13 Knight from all claims as defined by the terms of the Settlement. Upon the Effective Date, all
14 members of the Settlement Class shall be and are hereby permanently barred and enjoined from
15 the institution or prosecution of any and all of the claims released under the terms of the
16 Settlement.

17 9. This Court hereby dismisses this action with prejudice as to all Settlement Class
18 Members except those who have timely and properly excluded themselves from the Settlement
19 Class. Individuals who have timely and properly excluded themselves from the Class and are
20 thus not bound by this Judgment are listed on Exhibit A, which is attached to this order.

21 10. Pursuant to the Settlement Agreement, this Order shall constitute a dismissal of
22 this action on the merits with prejudice with respect to Defendant, without fees or costs to any
23 party except as provided in the Settlement Agreement and approved by the Court.

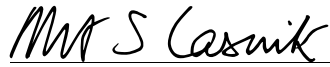
24 11. Without affecting the finality of this Final Approval Order and Judgment for the
25 purposes of appeal, this Court shall retain jurisdiction to all matters relating to administration,
26 consummation, enforcement, and interpretation of the Settlement Agreement and the Final

1 Approval Order, and for any other necessary purpose.

2 THEREFORE, the Clerk of the Court is HEREBY ORDERED to enter this Final Order
3 of Judgment and Dismissal with Prejudice.

4 IT IS SO ORDERED.

5 Dated this 19th day of October, 2017.

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9 Robert S. Lasnik
10 United States District Judge

1 CERTIFICATE OF SERVICE

2 I, Toby J. Marshall, hereby certify that on October 19, 2017, I electronically filed the
3 foregoing with the Clerk of the Court using the CM/ECF system which will send notification of
4 such filing to the following:

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24 DATED this 19th day of October, 2017.

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