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9 (Additional counsel for Plaintiffs Listed on Signature Page)

10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**

12 CURTIS MARKSON, MARK
13 MCGEORGE, CLOIS MCCLENDON,
14 and ERIC CLARK, individually and on
15 behalf of all others similarly situated,

16 Plaintiffs,

17 vs.

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

28 Defendants.

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

**PLAINTIFFS’ NOTICE OF MOTION
AND UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENTS**

Judge: Hon. Stanley Blumenfeld, Jr.
Date: January 7, 2022
Time: 8:30 a.m.
Location: Courtroom 6C
350 West 1st Street
Los Angeles, CA 90012

Discovery Cutoff Date: 7/2/2021
Pretrial Conference Date: TBD
Trial Date: TBD

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TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

NOTICE IS HEREBY GIVEN that, on **January 7, 2022**, at **8:30 a.m.** or as soon thereafter as the matter may be heard, in Courtroom 6C of the United States District Court for the Central District of California, located at the United States Courthouse at 350 W. 1st Street, Los Angeles, California, before the Honorable Stanley Blumenfeld, Jr., pursuant to Federal Rules of Civil Procedure 23(e) and (g), Plaintiffs Curtis Markson, Mark McGeorge, Clois McClendon, and Eric Clark (“Plaintiffs”) individually and on behalf of all others similarly situated, will and do hereby move this Court for entry of an Order:

1. preliminarily certifying a class for purposes of settlement;
2. preliminarily appointing Plaintiffs as Class Representatives for purposes of settlement;
3. preliminarily appointing Mark M. Seltzer, Steven G. Sklaver, Matthew Berry, Krysta Kauble Pachman, and Ian M. Gore of Susman Godfrey L.L.P., William J. Gorham and Robert J. Wasserman of Mayall Hurley P.C., Craig J. Ackermann and Avi Kreitenberg of Ackermann & Tilajef, P.C., and Jonathan Melmed of Melmed Law Group, P.C. as Class Counsel for purposes of settlement;
4. preliminarily approving the settlements as fair, adequate, and reasonable, based upon the terms set forth in the Parties’ Settlement Agreements (“Settlement Agreements”), including payment by Defendant Paschall Truck Lines, Inc. (“PTL”) of the non-reversionary amount of \$700,000.00; payment by Defendant Schneider National Carriers (“SNC”) of the non-reversionary amount of \$750,000.00; payment by Defendants Covenant Transport, Inc. (“CT”) and Southern Refrigerated Transport, Inc. (“SRT”) of the non-reversionary amount of \$800,000.00; and payment by Defendant Western Express, Inc. (“WE”) of the non-reversionary amount of \$2,000,000.00. In total the Gross Settlement Amount (“GSA”) totals \$4,250,000.00;

- 1 5. preliminarily approving Service Awards of up to \$25,000.00 for each of the
2 named Plaintiffs from the GSA in recognition of their significant service to the
3 Settlement Class;
- 4 6. preliminarily approving Plaintiff's Counsel's request for an amount not in excess
5 of one-fourth of the benefits created for the Class (that is, the value of the
6 Settlement Fund plus the value of non-cash relief secured), plus reimbursement
7 of litigation costs incurred in litigating and resolving this case up to
8 \$1,000,000.00;
- 9 7. preliminarily approving all administrative fees incurred in administering all class
10 notice and the settlement, including those fees incurred by the Settlement
11 Administrator;¹
- 12 8. setting a schedule to implement the settlements; and
- 13 9. ordering all of the Defendants to provide contact information for members of the
14 settlement class to the claims administrator for purposes of providing notice to
15 the class.

16 This motion is based upon the supporting Memorandum of Points and Authorities,
17 the Declaration of Ian M. Gore, the Settlement Agreements, and the other papers and
18 exhibits filed herewith.

19 The Settling Defendants (PTL, SNC, CT, SRT, and WE) do not oppose entry of
20 an Order filed herewith granting preliminary approval of the proposed class action
21 settlement and setting a final approval and fairness hearing. Moreover, the Non-Settling
22 Defendants (the CRST Defendants, C.R. England, Inc., and Stevens Transport, Inc.) do
23 not oppose this motion insofar as it requires them to provide contact information for
24 members of the settlement class to the claims administrator.

25 This motion is made following the conferences of counsel pursuant to L.R. 7-3
26 which took place on several occasions in October 2021.

27 ¹ In order to mitigate the costs of notice and the administration of the settlement, the Plaintiffs shall
28 endeavor, if practicable, to disseminate notice with any other settlements that have been or are reached
in the Action at the time the Notice Motion is filed.

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Respectfully submitted,

Dated: December 6, 2021

By: /s/ Craig J. Ackermann

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