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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

KASPER LEUZINGER, MICHAEL ALLEN
JENSEN, WILLIAM MATNEY-TATE, and
RICARDO AMEZCUA, on behalf of themselves
and all others similarly situated,

Plaintiffs,

vs.

GARDNER TRUCKING, INC., a California
corporation, GARDNER TRUCKING
CONVERSION, LLC, a California Limited
Liability Company; CRST EXPEDITED, INC.,
an Iowa Corporation; CRST THE
TRANSPORTATION SOLUTION, INC., an
entity of unknown formation; and DOES 1
through 50, inclusive,

Defendants.

Case No.: 4:21-cv-04952-YGR

Consolidated with:

4:21-cv-07474-YGR

4:21-cv-07741-YGR

4:22-cv-06501-YGR

[Related on July 27, 2021 to *Castro v.*
Gardner Trucking, Inc., N.D. Cal. Case No.
4:20-cv-05473-YGR]

FRCP RULE 23 CLASS ACTION

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' MOTION FOR FINAL
APPROVAL OF CLASS ACTION AND
PAGA SETTLEMENT AND
ENTERING JUDGMENT**

Date: February 18, 2025

Time: 2:00 p.m.

Place: Courtroom 1 – 4th Floor

Action Filed: June 28, 2021

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8 and RICARDO AMEZCUA
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1 This matter came on for hearing on February 18, 2025 at 2:00 p.m. in Courtroom 1-4th
2 Floor of the above-captioned Court on Plaintiffs Kasper Leuzinger's, Michael-Allen Jensen's,
3 William Matney-Tate's, and Ricardo Amezcua's (collectively, "Plaintiffs") Motion for Final
4 Approval of Class Action and PAGA Settlement, Attorneys' Fees, Enhancement Award, Costs,
5 and Judgment. For purposes of this Order and Judgment, the Court refers to all defined terms
6 (i.e. terms with initial capitalization) as set forth in the Class Action and PAGA Settlement
7 Agreement ("Settlement Agreement") and the amendment thereto. Having received and
8 considered the Settlement Agreement and the amendment thereto, the supporting papers filed by
9 the Parties, and the evidence and argument received by the Court in conjunction with the Motion
10 for Preliminary Approval of Class Action Settlement, and the instant Plaintiffs' Unopposed
11 Motion for Final Approval and Entering of Final Judgment, the Court grants final approval of
12 the Settlement and IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

13 1. For the reasons set forth in the Preliminary Approval Order Dkt. # 130, which are
14 adopted and incorporated herein by reference, this Court finds that the applicable requirements
15 of the Federal Rules of Civil Procedure, Rule 23 have been satisfied with respect to the Class
16 and the proposed Settlement. The Court hereby makes final its earlier provisional certification
17 of the Class, as set forth in the Preliminary Approval Order.

18 2. This Order and Judgment Granting Final Approval of Class Action and PAGA
19 Settlement hereby adopts and incorporates by reference the terms and conditions of the parties'
20 settlement agreement, together with the definitions of terms used and contained therein.

21 3. The Court finds that it has jurisdiction over the subject matter of the class action
22 and Lawsuit and over all parties to the Lawsuit, including all Participating Class Members and
23 PAGA Employees.

24 4. The Notice of Class and PAGA Settlement ("Notice") given to the Class Members
25 and PAGA Employees fully and accurately informed the Class Members and PAGA Employees
26 of all material elements of the proposed Settlement and of their opportunity to object to or
27 comment thereon or exclude themselves from the Settlement; was the best notice practicable
28 under the circumstances; was valid, due, and sufficient notice to all Class Members; and

1 complied fully with the laws of the State of California, the United States Constitution, due
2 process, and other applicable law. The Notice fairly and adequately described the Settlement,
3 including the right to dispute their workweeks, and provided Class Members and PAGA
4 Employees adequate instructions and a variety of means to obtain additional information. The
5 Court further finds that it provided due and sufficient notice of the Settlement and the Fairness
6 Hearing to all persons affected by and/or entitled to participate in the Settlement or the Fairness
7 Hearing, in full compliance with the requirements of due process and Federal Rule of Civil
8 Procedure 23(c)(2)(B), (e)(1), and (h)(1). Accordingly, the Court determines that all
9 Participating Class Members and PAGA Employees are bound by this Order and Judgment.

10 5. The Court finds that two (2) members of the Class requested to Opt Out of the
11 Settlement and there were zero (0) Objections received.

12 6. The Court has considered all relevant factors for determining the fairness of the
13 Settlement and has concluded that all such factors weigh in favor of granting Final Approval. In
14 particular, the Court finds that the Settlement was reached following meaningful discovery and
15 investigation conducted by Class/PAGA Counsel; that the Settlement is the result of serious,
16 informed, adversarial, and arm's-length negotiations between the Parties; and that the terms of
17 the Settlement are in all respects fair, adequate, and reasonable. In so finding, the Court has
18 considered all of the evidence presented, including evidence regarding the strength of the
19 Plaintiffs' case; the risk, expense, and complexity of the claims presented; the likely duration of
20 further litigation; the amount offered in Settlement; the extent of investigation and discovery
21 completed; and the experience and views of Class/PAGA Counsel. Accordingly, the Court
22 hereby approves the Settlement as set forth in the Settlement Agreement and amendments thereto
23 and expressly finds that said Settlement is, in all respects, fair, reasonable, adequate, and in the
24 best interests of the Class and hereby directs implementation of all remaining terms, conditions,
25 and provisions of the Settlement Agreement.

26 7. The Court hereby approves the following to be deducted from the Gross
27 Settlement Amount (or "GSA") and paid. Attorney's fees are to be deducted from the GSA and
28 paid to Class Counsel in the amount of \$1,215,000.00 and litigation costs in the amount of

1 \$31,891.93, as compensation for all attorney time spent on this matter from inception through
2 and including the Final Approval Hearing and all other work related to this case and all costs, as
3 these requests are fair and reasonable. Costs to the Settlement Administrator, ILYM Group Inc.,
4 shall be paid from the GSA in the amount of \$100,000.00 are hereby approved as fair and
5 reasonable. No other costs or fees relief shall be awarded, either against Defendants or any other
6 of the Released Parties, as defined in the Settlement Agreement.

7 8. The Court hereby approves the Class Representative Enhancement Award of
8 \$10,000.00 to each named Plaintiff totaling \$40,000.00, which shall be paid from the GSA.
9 Plaintiffs' Class Representative Enhancement Payment is approved as a service award to
10 Plaintiffs for serving as the class representatives and in consideration and exchange for
11 Plaintiffs' Complete and General Release of all claims as explained in the Settlement. Based on
12 the contributions to the Class, risks incurred, stigma, change of policies, execution of a general
13 release and all other factors presented to the Court, the Court finds this request fair and
14 reasonable.

15 9. The Court hereby approves payment from the GSA of a PAGA Award of
16 \$200,000.00 with \$150,000.00 payable to the Labor Workforce Development Agency
17 ("LWDA"), as this request is fair and reasonable and the remainder of \$50,000.00 deducted
18 from the GSA to be paid to the Class Members as stated in the Settlement. The Court approves
19 the Settlement pursuant to the PAGA, including Labor Code section 2699(l) (2).

20 10. Entry of this Final Judgment shall constitute a full and complete bar against
21 Plaintiffs and the Participating Class Members and PAGA Employees (whether individuals,
22 cumulatively or in any combination or in any manner) and in favor of the Released Parties (as
23 defined in the Settlement) from bringing any Class Released Claims and PAGA Released Claims
24 against Defendants and Released Parties (as defined in the Settlement) (whether individually,
25 cumulatively or in any combination or in any manner), and shall constitute res judicata and
26 collateral estoppel with respect to the Class Released Claims, except to those who timely and
27 properly opted out of the Settlement pursuant to the terms of the Settlement Agreement, and the
28 PAGA Released Claims.

1 11. By operation of the entry of this Final Order and Judgment, as of the Effective
2 Date, the Parties and Class Members, except those who excluded themselves from the
3 Settlement, are ordered to perform their respective duties and obligations under the Settlement.

4 12. If the Settlement is successfully challenged and, as a result, does not become final
5 and effective in accord with the terms of the Settlement, then this Final Order and Judgment
6 shall be rendered null and void and shall be vacated and, in such event, all orders entered,
7 including but not limited to all releases delivered in connection herewith, shall be null and void.

8 13. The Court orders Plaintiffs to submit a copy of this judgment to the Labor and
9 Workforce Development Agency (LWDA) within 10 days after judgment has been entered by
10 the Court in accordance with Labor Code Section 2699(1)(3).

11 **IT IS SO ORDERED.**

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13 Date _____, 2025

14 Hon. Yvonne Gonzalez Rogers
15 United States District Judge

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