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KASPER LEUZINGER, MICHAEL ALLEN JENSEN,
8 and RICARDO AMEZCUA

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

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

13 *Plaintiffs,*

14 vs.

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

20 *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]

[PROPOSED] ORDER:

**(1) PRELIMINARILY APPROVING
PROPOSED SETTLEMENT;**

**(2) CONDITIONALLY CERTIFYING
SETTLEMENT CLASSES;**

**(3) APPROVING CLASS NOTICE AND
RELATED MATERIALS; AND**

**(4) SETTING HEARING FOR FINAL
APPROVAL OF SETTLEMENT**

Date: July 9, 2024
Time: 2:00 p.m.
Place: Courtroom 1 – 4th Floor

Action Filed: June 28, 2021

1 Plaintiffs KASPER LEUZINGER, MICHAEL ALLEN JENSEN, WILLIAM MATNEY-
 2 TATE, and RICARDO AMEZCUA's Motion for Preliminary Approval of Class Action Settlement and
 3 Certification of Settlement Classes (the "Motion") came on regularly for hearing before this court on
 4 July 9, 2024. The Court, having considered the Motion, Memorandum of Points and Authorities in
 5 support thereof, supporting declarations filed therewith, and argument presented at the hearing on the
 6 Motion, and good cause appearing, grants preliminary approval of the Joint Stipulation of Class Action
 7 and PAGA Settlement Agreement (the "Settlement")¹. The Court, good cause appearing, HEREBY
 8 ORDERS THE FOLLOWING:

9 1. The Court GRANTS preliminary approval of the class action settlement as set forth
 10 in the Settlement and finds its terms to be within the range of reasonableness of a settlement that
 11 ultimately could be granted approval by the Court at a Final Approval Hearing. For purposes of the
 12 Settlement only, the Court finds that the proposed settlement classes are ascertainable and that there
 13 is a sufficiently well-defined community of interest among the members of the settlement classes in
 14 questions of law and fact. Therefore, for settlement purposes only, the Court grants conditional
 15 certification of the following settlement classes, which are defined as follows:

16 Expedited Settlement Class: All California resident truck driver employees who worked for
 17 CRST as part of what is now known as Expedited Solutions at any time from August 10,
 2017 through February 29, 2024 (the "Expedited Class Period"). (Agreement, ¶ 9.)

18 Gardner-Dedicated West Settlement Class: All California resident truck driver employees
 19 who worked for CRST as part of what is now known as Dedicated West at any time from
 20 April 6, 2016 through February 29, 2024, (the "Gardner-Dedicated West Class Period").
 (Agreement, ¶ 12.)

21 2. The Court conditionally certifies the Classes under each Cause of Action solely for purposes
 22 of Settlement pursuant to Rule 23, Federal Rules of Civil Procedure.

26
 27 ¹ The executed Agreement between the Parties is attached as Exhibit 1 to the Declaration of
 28 Shaun Setareh in Support of Motion for Preliminary Approval of Class Action Settlement and
 Certification of Settlement Class ("Setareh Declaration" or "Setareh Decl.")

1 3. For purposes of the Settlement, the Court designates Plaintiffs KASPER LEUZINGER,
2 MICHAEL ALLEN JENSEN, WILLIAM MATNEY-TATE, and RICARDO AMEZCUA as Class
3 Representatives, and designates Setareh Law Group and James Hawkins APLC as Class Counsel.

4 4. The Court designates ILYM Group, Inc. as the third-party Settlement Administrator for
5 mailing notices.

6 5. The Court approves, as to form and content, the Notice of Class Action and PAGA
7 Settlement (**Exhibit A** to the Settlement). **Exhibit A** shall be sent to Class Members.

8 6. The Court finds that the forms of notice to the Class Members regarding the pendency of the
9 action and of the Settlement, and the methods of giving notice to Class Members, constitute the best
10 notice practicable under the circumstances, and constitute valid, due, and sufficient notice to all
11 Settlement Class Members. The form and method of giving notice satisfies the requirements of law
12 and due process.

13 7. The Court further approves the procedures for Class Members to opt out of the Settlement,
14 and all Class Members to object to the Settlement, as set forth in the Notice of Class Action and
15 PAGA Settlement.

16 8. The Court directs the Settlement Administrator to mail the Notice of Class Action and
17 PAGA Settlement to the Class Members in accordance with the terms of the Settlement.

18 9. The Notices to Class Members shall provide at least 50 calendar days' notice from the date
19 of initial mailing for Class Members to opt out of the Settlement, and all Class Members to object to
20 the Settlement, as set forth in the Notice of Class Action and PAGA Settlement.

21 10. Pursuant to the Class Action Fairness Act, 28 U.S.C. § 1711 et seq. ("CAFA"), not later than
22 ten days after the motion seeking preliminary approval of the Settlement was filed in court,
23 Defendants served upon the Attorney General of the United States and the appropriate state official
24 of each state in which a Class Member resides a notice of the Settlement.

25 11. The Final Approval Hearing on the question of whether the Settlement should be finally
26 approved as fair, reasonable, and adequate is scheduled for _____.
27 Plaintiff shall file a motion for final approval of the Settlement no later than [15 days before the
28 Final Approval Hearing].

12. At the Final Approval Hearing, the Court will consider: (a) whether the Settlement should be finally approved as fair, reasonable, and adequate for the Classes; (b) whether a judgment granting final approval of the Settlement should be entered; and (c) whether Plaintiff's application for reasonable attorneys' fees, reimbursement of litigation expenses, representative payment to Plaintiff, and settlement administration costs should be granted.

13. An implementation schedule is below:

Date	Event
July 23, 2024	Defendants to provide to Settlement Administrator database containing Class Member information necessary to calculate Settlement Payment (14 calendar days after Preliminary Approval)
August 2, 2024	Settlement Administrator to mail Class Notice to all Class Members.
September 21, 2024	(50 calendar days after Class Notice is mailed to Class Members)
September 21, 2024	Last day for Class Members to submit Objections, Requests for Exclusion, and/or Dispute Forms to the Settlement Administrator (50 calendar days after Settlement Administrator mails Class Notice to all Class Members), subject to extension provisions of Settlement Agreement
September 26, 2024	Date by which Settlement Administrator will provide Parties with a list of all Class Members who submitted timely and valid Request for Exclusion Forms (5 calendar days after the deadline for submitting exclusions), subject to extension provisions of Settlement Agreement
October 23, 2024	Date by which Settlement Administrator will provide to Parties declaration certifying that notice has been mailed under the provisions of the Settlement Agreement
October 29, 2024	Date by which Plaintiff and Settlement Administrator will file with the Court a summary of objections received and Plaintiff's responses thereto (21 calendar days before the final approval hearing)
October 15, 2024	Date by which Plaintiff shall file with the Court a motion for final approval of the Settlement, requesting final approval of the Settlement Agreement and a determination of the amounts payable for the Service Award, the Class Counsel Award, the PAGA Payment, and the Settlement Administration Costs. Plaintiff shall provide drafts of these papers to Defense Counsel at least five (5) court days before filing the documents.
November 12, 2024	Date by which the parties must file responsive documents to any objections (5 business days before the final approval hearing).
November 19, 2024	Hearing on Plaintiff's motion for final approval of Settlement (not less than 90 calendar days after order preliminarily approving Settlement)

14. Pending the Final Approval Hearing, all proceedings in this action, other than proceedings necessary to carry out or enforce the terms and conditions of the Settlement and this Order, are stayed.

1 15. The Court reserves the right to continue the date of the Final Approval Hearing without
2 further notice to Class Members. The Court retains jurisdiction to consider all further applications
3 arising out of or in connection with the Settlement.

4
5 **IT IS SO ORDERED.**

6
7 Dated: _____, 2024

8 The Honorable Yvonne Gonzalez Rogers
9 District Court Judge