

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

KEITH HUCKABY, individually and on behalf of all other persons similarly situated, and on behalf of the general public,

Plaintiff,

v.

CRST EXPEDITED, INC., an Iowa corporation; CRST INTERNATIONAL, INC., an Iowa corporation; and DOES 1 through 30, inclusive,

Defendants.

Case No. 2:21-cv-07766-ODW-PD

NOTICE OF CLASS ACTION

TO: ALL CURRENT AND FORMER EMPLOYEES WHO HAD A RESIDENTIAL ADDRESS IN CALIFORNIA AND PERFORMED WORK AS A TRUCK DRIVER FOR CRST AND WHO WERE COMPENSATED BY A PIECE-RATE AT ANY TIME BETWEEN AUGUST 9, 2017 AND APRIL 10, 2023, EXCLUDING PARTICIPANTS IN THE SETTLEMENT IN *MONTOYA V. CRST EXPEDITED, INC.*, CASE NO. 16-CV-10095-PBS (D. MASS.).

**THIS NOTICE MAY AFFECT YOUR RIGHTS
PLEASE READ IT CAREFULLY**

YOU ARE HEREBY NOTIFIED that there is a pending class action lawsuit in the United States District Court for the Central District of California (the “Court”) entitled *Keith Huckaby v. CRST Expedited, Inc.*, Case No. 2:21-CV-07766-ODW-PD (the “Lawsuit”). This Notice of Class Action (“Notice”) contains information about: (1) the Court’s order certifying a class of California-resident truck drivers who were compensated by a piece-rate; (2) your rights in the Lawsuit as a member of the class; and (3) your right to “opt out” or exclude yourself from the Lawsuit.

YOUR LEGAL RIGHTS AND OPTIONS

WHAT IS THIS?	<p>The Court has allowed the Lawsuit to be a class action on behalf of all current and former employees who had a residential address in California and performed work as a truck driver for CRST (“CA Truck Drivers”) and who were compensated by a piece-rate at any time between August 9, 2017 and April 10, 2023 (the “Class”). The Lawsuit claims CRST violated California law by failing to pay CA Truck Drivers for all hours worked, including for non-driving tasks, and did not compensate the drivers for the actual miles driven. Plaintiff, Keith Huckaby, seeks to recover wages and penalties on behalf of CA Truck Drivers for the alleged violations. CRST denies these allegations and maintains that it properly paid all its employees in accordance with California law. The Court has not made a decision as to the merits of the case. However, your legal rights are affected, and you have a choice to make now. Your options—and the deadlines to exercise them—are explained below.</p>
DO NOTHING	<p>Stay in this lawsuit. Await the outcome. Give up certain rights.</p> <p>You do not need to do anything to remain a part of the class. This notice is only to inform you of this Lawsuit and advise you that you have the right to exclude yourself from the class. If you do nothing and remain in the class, you keep the possibility of getting money or benefits that may come from the Lawsuit, although there is no money available now and no guarantee there will be. If you remain in the class, Class Counsel (listed below) will represent you in the Lawsuit at no out-of-pocket cost to you.</p>
EXCLUDE YOURSELF	<p>Get out of this lawsuit. Get no benefits from it. Keep rights.</p> <p>If you do not want to remain part of the class, you may ask to be excluded from the class by following the instructions below. If you choose to be excluded, you will not be able to share in money or benefits that may be later awarded to the class, if any, and you will not be bound by any judgment in this case. If you exclude yourself, you may bring a separate lawsuit, or you may choose to do nothing.</p>

- Your options—and the deadlines to exercise them—are explained in this Notice. To ask to be excluded, you must act before **October 12, 2023**.
- The attorneys for the Class must prove the claims against CRST at a trial set to start on March 19, 2024. If money or benefits are obtained from CRST, you will be notified.

1. Why did I get this notice?

The purpose of this Notice is to explain that on October 3, 2022, the United States District Court in the Central District of California allowed, or “certified,” a class action lawsuit for three of Plaintiff’s claims that may affect you. On October 17, 2022, CRST filed a Motion for Reconsideration of the Court’s decision to certify the class action. On April 10, 2023, the Court affirmed that the Lawsuit satisfies the requirements for proceeding as a class action and provided further specification as to the time period covered by the Lawsuit. You have legal rights and options that you may exercise before the Court holds a trial. The trial is to decide whether the

claims being made against CRST on behalf of Plaintiff and the class have merit and, if so, how much money is owed to the class. This Notice is to inform you of the Lawsuit so that you may make an informed decision as to whether you wish to remain in this class action or whether you wish to be excluded from the class.

2. What is this lawsuit about?

On August 9, 2021, Plaintiff Keith Huckaby filed a class action lawsuit against CRST Expedited, Inc. and CRST International, Inc. (collectively referred to as “CRST”). The Lawsuit alleges that CRST is required to separately pay the CA Truck Drivers for non-driving tasks that he alleges is not covered by the split mileage pay rate used to compensate their miles driven, including but not limited to the following: conducting pre-trip and post-trip inspections of the truck, trailer, and equipment; filling out freight transportation paperwork/inspection reports; waiting on customers and dispatch; and truck fueling between various legs of their routes. The Lawsuit further claims that CRST agreed to compensate the CA Truck Drivers for actual miles driven, but the drivers were only paid for an estimate of the miles driven. As a result, the Lawsuit alleges that CRST violated the California Labor Code and Industrial Welfare Commission Wage Order No. 9-2001 and that CRST’s conduct also constitutes unfair business practices under the California Unfair Competition Law. CRST denies that California law applies to its drivers and that, if it does, it has violated the law. CRST contends that it paid the CA Truck Drivers for all work they performed, including driving and non-driving tasks.

3. What is a class action and who is involved?

In a class action lawsuit, one or more people who are called “Class Representatives” (in this case Keith Huckaby), sue on behalf of other people who may have similar claims. The people together are a “Class” or “Class Members.” The person who sued is called the Plaintiff. The company they sued (in this case, CRST) is called Defendant. One court resolves the issues for everyone in the Class—except for those people who choose to exclude themselves from the Class.

4. Am I part of this Class?

The Court has defined the Class to include “[a]ll current and former employees that had a residential address in California and performed work as a truck driver for CRST (“CA Truck Driver”) who were compensated by a piece-rate between August 9, 2017 and April 10, 2023, excluding the participants in the settlement in *Montoya v. CRST Expedited, Inc.*, Case No. 16-cv-10095-PBS (D. Mass.).” You are receiving this Notice because CRST records show that you are a member of the Class.

5. Why is this lawsuit a class action?

The Court decided that this Lawsuit can proceed as a class action on three of the claims alleged by Mr. Huckaby and move towards a trial because those claims meet the requirements of Federal Rule of Civil Procedure 23, which governs class actions in federal courts. The Court denied class certification of the remaining six claims asserted in the Lawsuit. Specifically, the Court found that, for the three claims that may proceed as a class action:

- There are more than 3,539 individuals that had a residential address in California, performed work as a truck driver for CRST, for which they received piece-rate pay, and

did not participate in the settlement in *Montoya v. CRST Expedited, Inc.*, Case No. 16-cv-10095-PBS (D. Mass.);

- There are legal questions and facts that are common to each of them;
- Keith Huckaby’s certified claims are typical of the claims of the rest of the Class;
- Mr. Huckaby and the lawyers representing the Class will fairly and adequately represent the Class’s interests;
- The common legal questions and facts predominate over questions that affect only certain individuals; and,
- Allowing the three certified claims to proceed as a class action will be more efficient than having those claims asserted in many individual lawsuits.

The Court has not made a decision as to the merits of the case. Rather, the Court has determined that it is appropriate for Mr. Huckaby to pursue the certified claims on behalf of the class, so notice should be sent out to those who are eligible to participate in the class action.

6. What is the Plaintiff asking for?

In this class action, Plaintiff seeks to recover the following monetary amounts on behalf of himself and the Class: (1) pay for non-driving tasks—including but not limited to the following: conducting pre-trip and post-trip inspections of the truck, trailer, and equipment, filling out freight transportation paper work/inspection reports, waiting on customers and dispatch, and truck fueling between various legs of their routes—that he alleges is owed to the CA Truck Drivers because CRST does not pay it to them under its split mileage pay rate; (2) pay for actual miles the CA Truck Drivers drive that he alleges are underestimated by the CRST system for calculating miles driven; (3) penalties for and interest on unpaid wages; and (4) Plaintiff’s reasonable attorneys’ fees and lawsuit-related costs.

7. What happens if I do nothing at all?

If you wish to remain a member of the Class, you do not need to do anything at this time. By doing nothing, you are staying in the Class. If you stay in and the Class is awarded money or benefits, either as a result of the trial or a settlement, you will be notified.

Keep in mind that if you do nothing now, regardless of whether the class representative wins or loses the trial, you will not be able to separately sue, or continue to sue, CRST for the same legal claims that are the subject of this Lawsuit. You will also be legally bound by all of the orders the Court issues and judgments the Court makes in this Lawsuit.

8. Why would I ask to be excluded?

If you choose to exclude yourself from the Class—which is sometimes called “opting-out” of the Class—you won’t get any money or benefits from this Lawsuit even if Plaintiff obtains them for the class. However, you may then be able to separately sue or continue to sue CRST for the legal claims that are the subject of this Lawsuit. If you ~~ex~~clude yourself, you will not be legally bound

by the Court's judgments in this Lawsuit.

If you start your own lawsuit against CRST after you exclude yourself, the lawyers representing the Class (the "Class Counsel" listed in Section 10 below) will not be able to represent you. Rather, you will have to hire your own lawyer or pursue your claims pro se.

9. How do I exclude myself from the Class?

If you wish to be excluded from the Class, you must mail a letter to the Class Notice Administrator at the address below stating that you want to be excluded. The letter must include your full name and home address. It must also be signed by you. Please note that no other person may opt-out for you. Please include "Huckaby v. CRST, Case No. 21-cv-07766" in the subject line of the letter.

You may also call the telephone number below to request that a pre-addressed postcard to submit such a request be mailed to you. To be effective and valid, your request to be excluded from the Class must be postmarked by **October 12, 2023** and sent to the address below. If you have questions, you may contact the Class Notice Administrator at:

Huckaby v. CRST Notice Administrator
c/o Settlement Services, Inc.
PO Box 10269
Tallahassee, FL 32302-2269
(888) 224-1415

10. Do I have a lawyer in this case?

The following attorneys represent the Class ("Class Counsel"). You may contact Class Counsel with questions at any time, free of charge. The contact information for Class counsel is:

SHADIE L. BERENJI
berenji@employeejustice.law
BERENJI LAW FIRM, APC
8383 Wilshire Boulevard, Suite 708
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COTTRELL KONECKY LLP
2000 Powell Street, Suite 1400
Emeryville, CA 94608
(415) 421-7100 or (800) 689-0024

11. How will the lawyers be paid?

If Class Counsel get money or benefits for the Class, they may ask the Court for reasonable fees and expenses to be paid out of the recovery or to be paid separately by CRST. You won't have to pay these fees and expenses.

12. What do I need to do now?

If you wish to remain a member of the Class, you do not need to do anything at this time. You may, if you wish, enter an appearance through an attorney, but you do not need to do so to remain a member of the Class. If you wish to be excluded from the Class, please follow the instructions set forth in paragraph 9 of this Notice. If you have any questions about this Notice, please call the Class Notice Administrator at the toll-free number listed in paragraph 9. If you have questions about this Lawsuit or your rights as a Class Member, you may contact one of the attorneys listed as Class Counsel in paragraph 10. You may download a copy of this Notice and other case-related documents at the following website: www.Truckerpayclassaction.com

13. Can I be Retaliated Against for Choosing to Remain in the Class?

NO. California law prohibits employers or their agents from retaliating against any person who participates in or assists in the litigation of a wage-and-hour lawsuit, such as this one.

PLEASE DO NOT ADDRESS ANY QUESTIONS TO THE COURT.