

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

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JUAN CARLOS MONTOYA,)	
on his own behalf and on behalf of)	
all others similarly situated,)	
	Plaintiffs,)	Civil Action No. 1:16-cv-10095-PBS
v.)	
)	
CRST EXPEDITED, INC. and)	
CRST INTERNATIONAL, INC.,)	
	Defendants.)	
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SLEEPER BERTH PRELIMINARY SETTLEMENT APPROVAL ORDER

Plaintiffs have filed an assented-to motion for approval of the Sleeper Berth Settlement pursuant to the federal Fair Labor Standards Act (“Approval Motion”). In that motion, Plaintiffs request an order approving the settlement of this action in accordance with the parties’ settlement agreement, Dkt. No. 310-1 at 24, the Stipulated Separate and Final Judgment on the sleeper berth claim, Dkt. No. 331-1, and the notice previously issued to affected individuals, Dkt. No. 329-1 at 5, which set forth the terms and conditions for a proposed settlement of this matter and the entry of an amended final judgment against Defendants.

Having reviewed the Approval Motion and attached papers, the settlement agreement, and the Stipulated Separate and Final Judgment, and having conducted a preliminary settlement approval hearing on May 31, 2024, it is hereby ORDERED that:

1. Pursuant to 29 U.S.C. § 216(b), the Court finds that the members of the proposed collectives are similarly situated, and certifies the following FLSA collectives for purposes of the Sleeper Berth Settlement:

- a. Sleeper Berth Only Collective: All individuals who participated as contract drivers in Phase 3 (team-driving with a lead driver) or Phase 4 (team-driving with a co-driver) of CRST's Driver Training Program at any time between January 1, 2021, and March 31, 2024, who consent to join the collective by submitting a valid and timely claim form; and
- b. Federal Wage Claims Collective: All individuals who previously filed valid and timely Consent to Join forms in this lawsuit and participated as contract drivers in Phase 3 (team-driving with a lead driver) or Phase 4 (team-driving with a co-driver) of CRST's Driver Training Program at any time between December 22, 2013, and December 31, 2020.

2. The proposed Sleeper Berth Settlement Notices, filed herewith, provide members of the FLSA collectives with sufficient information to make an informed decision about their options and, therefore, are approved.

3. The proposed Sleeper Berth Settlement Notices shall be issued by email and by text message (subject to availability of individuals' email addresses and/or cell phone numbers) containing a link to a settlement website, which will allow individuals to submit claim forms electronically. After 30 days, if individuals have not submitted claim forms, they will be mailed notice by first-class mail.

4. The Sleeper Berth Settlement in the total amount of \$2.95 million is preliminarily approved as a fair and reasonable resolution of a bona fide dispute over FLSA provisions.

5. The Court preliminarily approves the proposed distribution of settlement funds:

- a. \$2,041,667 shall be designated as the "Sleeper Berth Fund," to be distributed to the two settlement collectives:

- i. \$1,541,667 to be distributed to the Federal Wage Claims Collective;
- ii. \$500,000 to be distributed to the Sleeper Berth Only Collective;
- b. \$833,333 to be distributed to Class Counsel as reasonable attorneys' fees; and
- c. \$75,000 to be distributed to the proposed settlement administrator for the reasonable costs of settlement administration.

6. The Court preliminarily approves the proposed use of the residual amount from the previous *Montoya* settlement:

- a. The amount of \$50,000 to be added to the \$500,000 to be distributed to the Sleeper Berth Only Collective; and

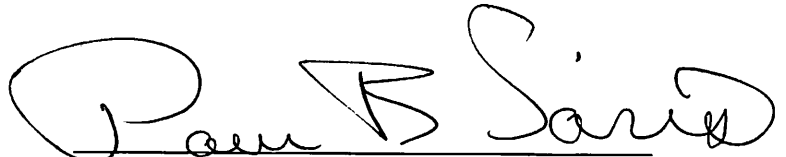
7. The remainder, approximately \$65,000, to be deposited into a new Qualified Settlement Fund and designated as the Sleeper Berth Dispute Fund, to resolve disputes with putative members of the two collectives concerning eligibility and settlement shares. The Court orders that the parties are to submit a final approval motion, including a report on the notice and claim/opt-in process no later than October 11, 2024 and that any objections submitted by opt-in plaintiffs be attached as exhibits to that motion.

8. The Court sets a final approval hearing for October 18, 2024, at 3:00 pm, to be conducted by video conference, to consider any objections submitted by opt-in plaintiffs and to decide whether to enter an amended final judgment against Defendants in the amount of \$2.95 million.

9. Upon entry of the amended final judgment, within 14 days Defendants shall make payment of \$2.95 million into the Qualified Settlement Fund.

10. Once the Court enters a final amended judgment against Defendants, the parties' Settlement Agreement will be binding on Defendants and all collective members who have opted in to the case, regardless of whether they submit claim forms.

ENTERED this 2^d day of June, 2024.

A handwritten signature in black ink, reading "Patti B. Saris". The signature is written in a cursive style with a large initial "P" and a stylized "B".

The Honorable Patti B. Saris
U.S. District Judge