

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

ELLIS III,
DWIGHT D. BRINSON,
MARLIN L WILLIAMS,
SHERMAN M. KIER,
ERNEST SHIPMAN,
TANIA S. CHAPMAN,
ERIC S. JONES,
EUGENE MARSHALL,
*on behalf of themselves and all similarly
situated individuals,*

Plaintiffs,

v.
SWIFT TRANSPORTATION CO. OF
ARIZONA, LLC,

Defendant

Civil Action No. 3:13-CV-00473-JAG

**Stipulated Order Re: Stipulation of
Settlement, Agreement and Release
and Claims in *Van Dusen et. al. v. Swift
Transportation, Ciluffo et. al. v. Central
Refrigerated Services, Inc., et. al.* and
related individual arbitration
proceedings**

WHEREAS, the parties in the instant case have entered into a **Stipulation of Settlement Agreement and Release** settling and releasing the claims of the plaintiffs and class members in this case;

WHEREAS, some of the plaintiffs in the instant case are also plaintiffs, opt-in plaintiffs, putative class members and/or potential claimants in the cases entitled (1) *Van Dusen et. al. v. Swift Transportation Co., Inc., et. al.*, No. CV 10-899-PHX-JWS (D. Ariz.), pending in the United States District Court for the District of Arizona and (2) *Cilluffo et. al. v. Central Refrigerated Services, Inc., et. al.*, No. 5:12-cv-00886-VAP (C.D. Cal.), pending in the United States District Court for the Central District of California, Eastern Division, and in proceedings before the American Arbitration Association; and

WHEREAS, in the two above-referenced cases, and related proceedings at the American Arbitration Association, plaintiffs have not alleged or pled any Fair Credit Reporting Act or state statutory claims that also expressly address fair credit reporting (“Mini-FCRA Claims”);

IT IS HEREBY STIPULATED AND AGREED THAT the Fair Credit Reporting Act and Mini –FCRA Claims, asserted or unasserted, of the plaintiffs, opt-in plaintiffs, putative class members and/or potential claimants in the aforementioned cases and arbitration proceedings who were mailed notice in this case are covered by the **Stipulation of Settlement Agreement and Release** in this case;

IT IS HEREBY STIPULATED AND AGREED THAT the **Stipulation of Settlement Agreement and Release** in this case shall not bar any claims asserted or to be asserted in:

(1) *Van Dusen et. al. v. Swift Transportation Co., Inc., et. al.*, No. CV 10-899-PHX-JWS (D. Ariz.);

(2) *Cilluffo et. al. v. Central Refrigerated Services, Inc., et. al.*, No. 5:12-cv-00886-VAP (C.D. Cal.), and

(3) AAA arbitration proceedings against Central Refrigerated other than the FCRA and Mini-FCRA Claims settled and released in this case.

IT IS FURTHER STIPULATED BY THE OBJECTOR CLASS MEMBERS that the Objection to Settlement or, in the Alternative, Motion to Clarify Scope of Release re 39 Order on Motion to Certify Class, Order on Motion for Miscellaneous Relief (Docket No. 47) is withdrawn.

IT IS SO ORDERED.


Dated this 2nd day of October 2014.

John A. Gibney, Jr.
United States District Judge

Honorable John A. Gibney, Jr.
United States District Judge

AGREED:

SWIFT TRANSPORTATION CO.
OF ARIZONA



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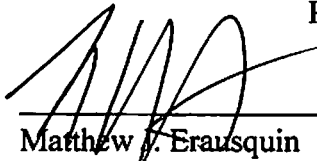
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AGREED:

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Plaintiffs,



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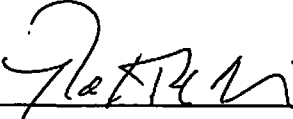
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Counsel for Plaintiffs on Behalf of the Plaintiffs and the Putative Class

AGREED:

Jason Hoffman and Arthur L. Reed, Jr., et al.
("Objector Class Members")



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