

AMERICAN ARBITRATION ASSOCIATION

GABRIEL CILLUFFO, et al,
Claimants,

v.

CENTRAL REFRIGERATED SERVICE,
INC., CENTRAL LEASING, INC., JON
ISAACSON and JERRY MOYES,

Respondents.

77 160 00126 13 PLT
(Collective Matter)

**ORDER re Claimants' Motion to
Compel Discovery Responses for
Claimants' Discovery
Representatives**

The Arbitrator has received Claimants' Motion to Compel Discovery Responses for Claimants' Discovery Representatives, Respondents' Opposition and Claimants' Reply. Respondents also submitted an email with an attached memorandum filed in the district court, and Claimants' responsive email.

The Complaint in this case defined the class as "all truckers who lease a truck from Central Leasing, Inc. to drive for CENTRAL REFRIGERATED SERVICE, Inc. during the three years preceding the filing of the initial complaint and up through the date of final judgment herein and subject to any equitable tolling for any applicable portion of the limitation period." The initial complaint was filed June 1, 2012, so three years preceding was June 1, 2009.

Claimants seek information from Respondents regarding two individuals who filed consents in this case and who Claimants have named as discovery representatives. Respondents object because the two individuals stopped transporting freight for Respondents before June 1, 2009. Claimants respond that while notice was only directed

at drivers who leased from and drove for Respondents on or after June 1, 2009, the limitations period should be equitably tolled due to Respondents' failure to properly post notice of the Fair Labor Standards Act as required by law. Claimants assert that the two individuals are proper representatives to present the equitable tolling issue in this proceeding.

The claims raised by Claimants are plainly limited to truckers who performed services on or after June 1, 2009. The reference to equitable tolling in the complaint addresses tolling that may apply to those truckers. It may be that those truckers can assert claims for damages for periods prior to June 1, 2009 due to equitable tolling, but those claims must be brought by truckers who provided services on or after June 1, 2009. Truckers who provided services only before that date are not included in this collective arbitration as the class of claimants is currently defined. As noted in the Order dated April 22, 2014, a party may argue in the future that the class of claimants may be clarified or redefined, and objections may be made to such arguments. Until such arguments are made and accepted, however, the class of claimants is limited by the June 1, 2009 date. Therefore,

IT IS ORDERED denying Claimants' Motion to Compel Discovery Responses for Claimants' Discovery Representatives.

DATED: February 27, 2015



PATRICK IRVINE
ARBITRATOR