

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION**

**ANTHONY CERVANTES and MIKE CROSS,
individually and behalf of all other similarly
situated persons,**

Plaintiffs,

vs.

**CRST INTERNATIONAL, INC. and CRST
EXPEDITED, INC.**

Defendants.

No. 1:20-cv-00075-CJW-KEM

NOTICE OF RIGHT TO TAKE PART IN A LAWSUIT

To: All drivers who drove for CRST Expedited, Inc. at any time on or after October 23, 2017 pursuant to an Independent Contractor Operating Agreement (“ICOAs”) and who have not leased more than one truck at a time to CRST Expedited, Inc. (“Drivers”).

The purpose of this Notice is (1) to inform you about a lawsuit, *Cervantes and Cross v. CRST International, Inc., and CRST Expedited, Inc.*, pending in the Northern District of Iowa, which alleges CRST International, Inc. and CRST Expedited, Inc. (collectively referred to as “CRST”) violated the minimum wage provisions of the Fair Labor Standards Act; (2) to inform you that you have the have the right to participate in this lawsuit if you want to; and (3) to instruct you on how to exercise your right to participate or not participate in the lawsuit.

1. What is the Lawsuit About?

Plaintiff Anthony Cervantes is a truck driver who signed ICOAs to drive for CRST from January 2018 to August 2019. Plaintiff Mike Cross is a truck driver who signed an ICOA with CRST in October 2018 and is still driving for CRST. These Plaintiffs (referred to as the “Named Plaintiffs”) allege that, despite the fact that their ICOAs label them as “independent contractors,” they were, in fact, employees of CRST for purposes of the Fair Labor Standards Act, and as such, were entitled to receive the minimum wage. They further allege that in certain workweeks they received less than the minimum wage for their hours of work and in some workweeks they received nothing at all. These Plaintiffs seek unpaid minimum wages and an equal amount in liquidated damages for each workweek in which they received less than the minimum wage. These Plaintiffs also seek

to recover unpaid minimum wages and liquidated damages for other Drivers who did not receive minimum wage for all hours worked in a workweek.

CRST denies any wrongdoing and asserts that the ICOAs properly classified Plaintiffs and other Drivers as independent contractors exempt from the protections of the Fair Labor Standards Act.

The Court has not yet decided whether Plaintiffs' claims are correct or not.

2. Why Did I Get This Notice?

The Court has conditionally determined that the group of individuals who drove for CRST Expedited, Inc. at any time on or after October 23, 2017 pursuant to an ICOA and did not lease more than one truck at a time to CRST are eligible to join and participate in this action as opt-in plaintiffs. You have been identified as one of those individuals who is eligible to join this action and potentially be entitled to compensation if Plaintiffs' suit is successful.

3. What Happens If I Choose To Take Part In The Lawsuit?

If you take part in this lawsuit, you will be bound by the Court's decision regarding the lawsuit, whether favorable or unfavorable. Being bound by the Court's decision means that if Plaintiffs win or the Court approves a settlement of their claims and they are awarded money, you will receive your share of the money. But it also means that if Plaintiffs lose on their claims, you will receive nothing, and your claims will be terminated. Joining the lawsuit is not a guarantee that you will ultimately receive compensation.

4. What Happens If I Choose NOT To Take Part In The Lawsuit?

If you do not take part in this lawsuit, you will not be bound by the decision of the Court. That means if Plaintiffs win money you will NOT receive a share of the money. The lawsuit will not affect your right to hire an attorney to file your own lawsuit about this claim as long as you do so within applicable time limitations.

5. How Do I Make My Choice To Participate Or Not?

If you want to take part in this lawsuit you must fill out the enclosed form entitled "CONSENT TO JOIN SUIT AS PARTY PLAINTIFF." If you choose to join the lawsuit, you must read, sign, and send it to Plaintiffs' attorneys by the 6th day of July, 2021. Send your form to Plaintiffs' attorneys by mail, fax, or email to:

Getman, Sweeney & Dunn, PLLC
260 Fair Street
Kingston, NY 12401
Fax: (845) 255-8649
Email: arusso@getmansweeney.com

An addressed and postage-paid envelope is enclosed for your convenience. Or you can visit www.getmansweeney.com/gsd_cases/crst/ and electronically sign and submit a Consent Form.

You have the right to be represented by a different lawyer if you wish, but you must make separate arrangements with any such lawyer.

If your signed Consent Form is not received by Plaintiffs' attorneys by the 6th day of July, 2021, you will lose the right to participate in any recovery obtained against CRST in this lawsuit.

If you do not want to take part in this lawsuit, you need not take any action. You are not required to respond in any way to this notice.

6. What Happens Next?

You have until the 6th day of July, 2021 to decide whether or not you want to participate in the case. After that date, the lawsuit will proceed toward trial on behalf of Plaintiffs and those Drivers who chose to participate in the lawsuit.

7. Can CRST Retaliate Against Me If I Participate in the Lawsuit?

No. The law prohibits CRST from retaliating against you in any way. For example, CRST cannot give you an unfair review, reduce your pay, terminate you, or give you less work because you have decided to participate in the lawsuit. Moreover, Paragraph 9(F) of the ICOA will not interfere with your right to participate in this lawsuit and receive money if Plaintiffs win. That paragraph, which describes the consequences of a Court order finding Drivers to be employees, is invalid and will not apply to this lawsuit regardless of whether Plaintiffs win or lose.

Paragraph 9(F) does not waive or limit any rights or remedies you may have under any state or federal wage payment laws or statutes, including the Fair Labor Standards Act. The Court has not yet determined whether Paragraph 7(E) of the ICOA, purporting to make Drivers liable for CRST's attorneys fees in certain circumstances, is valid or invalid. CRST does not agree with the Court's finding regarding Paragraph 9(F) and will continue to litigate that finding in this lawsuit.

9. Who Will Be My Lawyer If I Participate In the Lawsuit?

If you choose to participate in this lawsuit, you will be designating Plaintiffs and their attorneys to act on your behalf and to represent your interests. These lawyers will not charge you for representing you in this lawsuit. If Plaintiffs win and recover money, Plaintiffs' attorneys may

petition the Court to award them up to 1/3 of the money they win for the Plaintiffs and the participating Drivers or a fee award to be paid directly from CRST. The Court will decide how much they should receive. If Plaintiffs lose and recover no money from CRST, Plaintiffs' attorneys will not be paid and you will not owe Plaintiffs' attorneys anything.

11. Who Are The Plaintiffs' Attorneys?

The names of the Plaintiffs' attorneys are as follows:

MICHAEL SWEENEY
GETMAN, SWEENEY & DUNN, PLLC
260 Fair Street
Kingston, NY 12401
(845) 255-9370
msweeney@getmansweeney.com

SUSAN MARTIN
MARTIN & BONNETT, P.L.L.C.
4647 N. 32nd St., Suite 185
Phoenix, AZ 85018
(602) 240-6900
smartin@martinbonnett.com

EDWARD TUDDENHAM
23 Rue Du Laos
75015 Paris, France
+33 684 79 89 30
etudden@prismnet.com

If you would rather hire your own attorney to represent you in the lawsuit, you have a right to do so but you must make the arrangements yourself. If you do not hire your own attorney, you will be represented by Plaintiffs' attorneys.

12. How Do I Get More Information?

If you have questions about this notice or the lawsuit, please contact Plaintiff's attorneys by writing, calling, or emailing:

Getman, Sweeney & Dunn, PLLC
260 Fair Street
Kingston, NY 12401
(845) 255-9370
arusso@getmansweeney.com

When you write, call, or email, please indicate that you are a CRST driver and your question will be routed to the correct person.

**THIS NOTICE HAS BEEN APPROVED BY C.J. WILLIAMS, UNITED STATES
DISTRICT JUDGE**