

Freitas v Heartland
c/o Kroll Settlement Administration
PO Box 5324
New York, NY 10150-5324

California Superior Court, County of San Bernardino

OFFICIAL COURT AUTHORIZED
NOTICE OF FAIR LABOR STANDARDS ACT SETTLEMENT

(This is not a solicitation from a lawyer)

If you were a United States resident long-haul driver of Heartland Express Inc., of Iowa and/or Interstate Distributor Co. (collectively “Defendant”) who worked for Defendant during the period of September 1, 2019 and March 13, 2023, please read this notice.

- Former long-haul drivers employed by Defendant filed the following class, collective, and representative action lawsuits against Defendant: *In re Heartland Express Wage and Hour Cases*, case no. JCPDS5045, pending in the California Superior Court, County of San Bernardino (“*Christensen Action*”); and *Gregg Freitas et al. v. Heartland Express, Inc. of Iowa et al.*, case no. 2:19-cv-00383-SAB, pending in the United States District Court for the Eastern District of Washington (“*Freitas Action*”).
- The *Freitas Action* was brought by two former employees of Defendant (“Plaintiffs”) and alleges that Defendant failed to pay their long-haul drivers minimum wage, in violation of The Fair Labor Standards Act of 1938, as amended 29 U.S.C. §201, *et seq.* (“FLSA”).
- Defendant denies that the claims have merit. Defendant contends that they have paid their long-haul drivers properly under the FLSA and that the matter cannot proceed as a collective action.
- The Court has not decided who is right or wrong or whether the claims can proceed on a collective basis.
- A settlement has been reached in the litigation pending court approval.
- As part of the Settlement, the Court authorized the Parties to send notice of this lawsuit, under the FLSA, to individuals employed by Defendant as a long-haul drivers during the period September 1, 2019 through March 13, 2023 to inform them of their eligibility to participate in the Settlement.

Questions? Call 833-630-6291 or visit the website
www.HeartlandLongHaulDriversSettlement.com

****NOTE**** *Submit a Consent to Join form as soon as possible if you wish to preserve your rights and to be included in this case.*

1. WHY DID I GET THIS NOTICE?

The Court overseeing this case granted “conditional certification” for settlement purposes and directed that notice of the lawsuit and proposed settlement be sent to current and former long-haul drivers who worked for Defendant between September 1, 2019, and March 13, 2023. This notice has been sent to you because Defendant’s records indicate that you are or were a long-haul driver employed by Defendant between September 1, 2019, and March 13, 2023. This notice is intended to inform you of this lawsuit and your right to participate in the Settlement by joining as an opt-in plaintiff.

2. WHAT IS THE LAWSUIT ABOUT?

The Plaintiffs in the lawsuit allege that Defendant denied United States resident long-haul drivers minimum wages by requiring them to perform work off-the-clock without compensation. The categories of work Plaintiffs allege were not compensated include time spent engaging in pre and post trip duties when logged in as “off duty” or “sleeper berth.” This may include time spent before and after drivers’ trips, time attending the drivers’ vehicles, and other tasks. Plaintiffs allege that the off-the-clock work results in the denial of minimum wage. Defendant denies that the claims have merit. Defendant contends that they have paid the long-haul drivers properly under the FLSA.

3. WHAT ARE MY CHOICES?

If you worked for Defendant as a long-haul truck driver in the United States at any time September 1, 2019, and the March 13, 2023, you are eligible to join the collective and participate in the Settlement.

Your Consent to Join form must be postmarked by July 3, 2023 to be considered timely.

4. HOW WILL MY FLSA SETTLEMENT PAYMENT BE DETERMINED?

As part of the Settlement, \$200,000 has been allocated to the FLSA Settlement Fund, which will be used to compensate eligible drivers who submit a Consent to Join. If you submit a Consent to Join, you will receive a payment based on your total number of workweeks as a United States resident long-haul driver of Defendant between the period of September 1, 2019, and March 13, 2023. If you submit a Consent to Join, your payment will be the gross amount of your pro rata portion of the FLSA Settlement Fund. Your pro rata portion will be determined by multiplying the FLSA Settlement Fund by the percentage of total workweeks for all drivers who submit a Consent to Join that is made up by your total workweeks. Defendant’s records show that during the relevant period (September 1, 2019 and March 13, 2023) your total number of workweeks are: <<Weeks Worked>>. Together, all the potential members of the FLSA Collective have worked approximately 283,996 workweeks. However, the total amount of workweeks that will be used to calculate your potential FLSA Settlement Payment will be only those weeks worked by individuals who submit a Consent to Join. This depends on the number of eligible individuals who submit a Consent to Join.

5. WHAT IF I WISH TO CHALLENGE MY WORKWEEKS?

If you wish to dispute the workweeks data above, you must postmark your dispute and provide all supporting information and/or documentation to the Settlement Administrator by July 3, 2023.

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6. WHAT HAPPENS IF I SUBMIT A CONSENT TO JOIN?

If you submit a Consent to Join, you will:

- Be considered an opt-in plaintiff and submit to the jurisdiction of the California Superior Court, County of San Bernardino.
- Be bound by the terms of the Settlement, meaning that you will release and discharge Defendant and their past, present and/or future, direct and/or indirect, officers, directors, employees, agents, representatives, attorneys, insurers, partners, investors, shareholders, administrators, parent companies, subsidiaries, affiliates, divisions, predecessors, successors, assigns, and joint venturers, including specifically Heartland Express, Inc. of Iowa, its predecessors in interest, including specifically Gordon Trucking, Inc., Interstate Distributor, Co., and its parent company Saltchuk Resources, Inc., and any and all of their parent companies, predecessors, subsidiaries and all other affiliated or related entities including any of their current and former directors, officers and employees (the “Released Parties”) of any and all federal wage and hour law claims, that are pled in Plaintiffs’ operative complaints in the *Freitas* and/or *Christensen* Actions, or which could have been pled based upon the factual allegations in these complaints, arising under the FLSA during the period of September 1, 2019 and the March 13, 2023 (“FLSA Released Claims”). As such, you will be barred from pursuing any of the claims alleged in this lawsuit against the Released Parties.
- You consent to be represented by Class Counsel, as identified below.

If you mail a Consent to Join to the Settlement Administrator that is postmarked on or before July 3, 2023 and the Court ultimately approves the Settlement, you will receive your portion of the FLSA Settlement Fund allocated to the release of claims under the FLSA.

7. WHAT HAPPENS IF I DO NOT JOIN?

If you do not join, you will not be entitled to share in any amounts recovered under the Settlement in this Action. Your rights under the FLSA will not be affected by any judgment issued or Settlement approved.

8. HOW DO I JOIN?

IF YOU WISH TO TAKE PART IN THIS SETTLEMENT, YOU MUST SUBMIT A “CONSENT TO JOIN” FORM BY SIGNING AND MAILING THE FORM ENCLOSED HEREIN TO THE FOLLOWING ADDRESS:

Freitas v Heartland
c/o Kroll Settlement Administration
PO Box 5324
New York, NY 10150-5324

The Consent to Join form must be postmarked by July 3, 2023 to be considered timely. The return envelope has been pre-addressed and pre-paid for your convenience.

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9. HOW CAN I GET MORE INFORMATION?

Additional information, including a full copy of the Parties' Stipulation of Settlement and Release ("Settlement Agreement") can be obtained by contacting the Class Counsel (listed below) or reviewing the Settlement website at www.HeartlandLongHaulDriversSettlement.com.

The Court file in the *Freitas* Action can be examined in person at the Clerk's Office of the United States District Court, Thomas S. Foley United States Courthouse, 920 West Riverside Ave, Spokane, WA 99201. Court documents may also be viewed electronically for a charge by visiting the Court's Electronic Records database PACER at www.pacer.gov, and inputting the case information. Other than in-person requests to examine the file at the Clerk's office, no inquiries concerning this case should be directed to the Court or to the Clerk of the Court.

The Court file in the *Christensen* Action can be examined in person at the Clerk's Office Superior Court of California, County of San Bernardino, San Bernardino District – Civil Division, 247 West Third Street, San Bernardino, CA 92415-0210. Court documents may also be viewed electronically for a charge by visiting the Court's Electronic Records database at <https://www.sb-court.org/divisions/civil-general-information/court-case-information-and-document-sales>.

10. WHO ARE THE ATTORNEYS REPRESENTING THE PLAINTIFFS?

Plaintiffs are represented by the following attorneys:

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You may also choose to retain alternative counsel of your choice.

***THIS NOTICE AND ITS CONTENTS HAVE BEEN AUTHORIZED BY
THE COURT, THE HONORABLE DAVID S. COHN,
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO***

PLEASE DO NOT CONTACT THE COURT.

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