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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CURTIS MARKSON, MARK
MCGEORGE, CLOIS MCCLENDON,
and ERIC CLARK, individuals on behalf
of themselves and all others similarly
situated,

Plaintiffs,

v.

CRST INTERNATIONAL, INC.; CRST
EXPEDITED, INC.; C.R. ENGLAND,
INC.; WESTERN EXPRESS, INC.;
SCHNEIDER NATIONAL CARRIERS,
INC.; SOUTHERN REFRIGERATED
TRANSPORT, INC.; COVENANT
TRANSPORT, INC.; PASCHALL
TRUCK LINES, INC.; STEVENS
TRANSPORT, INC.; and DOES 1 TO
10,

Defendants.

Case Number: 5:17-cv-01261-SB (SPx)

**ORDER REGARDING UNCASHED
SETTLEMENT FUNDS**

1 The Court is in receipt of: Plaintiffs’ report concerning compliance with final
2 approval orders; the declaration of Plaintiffs’ counsel, Jonathan Melmed; and the
3 declaration of the Kim Ness of JND Legal Administration LLC—the settlement
4 administrator in this case. Based on the papers and evidence submitted regarding the
5 uncashed settlement funds (and all other relevant papers filed in this action), hereby
6 finds and orders the following:

7 Defendants CRST International, Inc., CRST Expedited, Inc., C.R. England, Inc.,
8 Western Express, Inc., Schneider National Carriers, Inc., Southern Refrigerated
9 Transport, Inc., Covenant Transport, Inc., Paschall Truck Lines, Inc., and Stevens
10 Transport, Inc. (collectively, “Defendants”) properly funded their settlements in the
11 combined gross amount of \$11,875,000.00 in accordance with the terms of their
12 respective settlements with Plaintiffs Curtis Markson, Mark McGeorge, Clois
13 McClendon, and Eric Clark (“Plaintiffs”) and in accordance with this Court’s approval
14 orders. Dkt. Nos. [681](#) (order granting final approval of settlements as to the first group
15 of settling defendants—Western Express, Inc., Schneider National Carriers, Inc.,
16 Southern Refrigerated Transport, Inc., Covenant Transport, Inc., Paschall Truck Lines,
17 Inc., and Stevens Transport, Inc.), [688](#) (final judgment as to the first group of settling
18 defendants), [724](#) (order granting final approval of settlements as to the remaining
19 defendants—CRST International, Inc., CRST Expedited, Inc., and C.R. England, Inc.),
20 [726](#) (final judgment as to the remaining group of defendants).

21 After deductions for attorneys’ fees, costs, Plaintiffs’ service awards, and
22 settlement administration costs, the remainder of \$5,054,875.79 (the Net Settlement
23 Amount) was properly distributed by JND Legal Administration LLC (the Settlement
24 Administrator) in the form of 238,070 checks to class members. Of that amount,
25 \$2,409,541.00 in checks were cashed by class members and \$2,645,334.79 in checks
26 remain uncashed by class members.

27 Accordingly, the Court hereby orders that such settlement funds be distributed
28 as follows:

1 The unclaimed settlement funds shall be sent to all class members who have
2 cashed at least one check during the prior distributions. The Court hereby authorizes
3 the Settlement Administrator to: (1) deduct up to (and no more than) \$165,000 from
4 the remaining Net Settlement Amount to cover the cost of administering this second
5 distribution, (2) calculate the settlement amounts owed to this group of class members
6 based on the reduced amount remaining of the Net Settlement Amount, and (3) send a
7 new round of checks to this group of class members on a pro rata basis determined by
8 their share of workweeks compared to the total number of workweeks worked by all
9 class members in this group.

10 Any unclaimed settlement funds still remaining after this second round of
11 distributions shall then be sent by the Settlement Administrator to St. Christopher
12 Truckers Relief Fund as the cy pres beneficiary for any uncashed checks, thereby
13 exhausting the Net Settlement Amount.

14 After distribution has been completed as described above, and in no event later
15 than August 30, 2024, Plaintiffs' counsel shall file a report with this Court certifying
16 compliance with the distribution set forth in this order, including a certification that
17 counsel has verified, after exercising due diligence, that all costs claimed by the
18 Settlement Administrator were actually and reasonably incurred. If the Court has any
19 questions about the certification, it may set a status conference to address them.

20
21 Date: January 18, 2024



Stanley Blumenfeld, Jr.
United States District Judge