

COUNTY OF SAN BERNARDINO SUPERIOR COURT  
STATE OF CALIFORNIA  
MINUTE ORDER

CASE NO: CIVDS1518012

DATE: 02/01/18

CASE TITLE: FRITSCH -V- SWIFT TRANSPORTATION

-----  
DEPT: S26 02/01/18 TIME: 1:30  
Ruling on Submitted Matter  
-----

COMPLAINT TYPE: EMP

---

DAVID COHN, JUDGE

Clerk: NADYA AVAKIAN

-  
Court rules as follows on submitted matter:

The court adopts its prior oral tentative ruling, certifying the class: The class, consisting of employees who work (or formerly worked) as "yard hostlers" is ascertainable from defendant's employment records. The class is numerous, comprising some 233 members. The named plaintiff's claims are typical of the claims attributed to the class members--failure to pay overtime and to provide meal breaks pursuant to California labor law. The class representative can adequately represent the class: No conflicts of interest have been shown, and, although he is a former employee representing both current and former employees, applicable case law suggests that a former employee may represent the interests of current employees as well as, if not better than, a current employee, because the former employee is not subject to the same ongoing employment pressures as current employees. Class counsel have demonstrated themselves to be competent and experienced in similar class litigation. Finally, plaintiff has made an adequate showing that common questions of law and fact predominate, specifically whether there is a company-wide policy imposing a requirement to drive periodically on public highways, thereby engaging in interstate commerce, as an allegedly spurious means of circumventing state labor laws. Insofar as the reasonable expectations of employees on the subject of driving in interstate commerce are relevant, whether such expectations are reasonable would be a common question. While the actual experience of each employee in regard to the amount of driving in interstate commerce, insofar as it may deviate from any common policy, may be an individualized question, it does not appear that such individual questions would predominate over the common questions. The class is therefore certified.

-  
Notice given by Judicial Assistant

Correspondence coversheet generated to mail Ruling on Submitted



Matter to counsel of record.

Action - Complete

=== MINUTE ORDER END ===

=== MINUTE ORDER END ===



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO

SAN BERNARDINO JUSTICE CENTER  
247 W. 3RD ST  
SAN BERNARDINO, CA 92415-0210

---

---

STRAUSS & STRAUSS, APC  
121 NORTH FIR STREET, SUITE F  
VENTURA CA 93001

CASE NO: CIVDS1518012

I M P O R T A N T C O R R E S P O N D E N C E

From the above entitled court, enclosed you will find:

Ruling on Submitted Matter

---

---

CERTIFICATE OF SERVICE

I am a Deputy Clerk of the Superior Court for the County of San Bernardino at the above listed address. I am not a party to this action and on the date and place shown below, I served a copy of the above listed notice:

- Enclosed in a sealed envelope mailed to the interested party addressed above, for collection and mailing this date, following standard Court practices.
- Enclosed in a sealed envelope, first class postage prepaid in the U.S. mail at the location shown above, mailed to the interested party and addressed as shown above, or as shown on the attached listing.
- A copy of this notice was given to the filing party at the counter
- A copy of this notice was placed in the bin located at this office and identified as the location for the above law firm's collection of file stamped documents.

Date of Mailing: 02/01/18

I declare under penalty of perjury that the foregoing is true and correct. Executed on 02/01/18 at San Bernardino, CA

BY: NADYA AVAKIAN

---

---

M A I L I N G C O V E R S H E E T