

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SAN BERNARDINO**

GRANT FRITSCH, an individual,

Plaintiffs,

v.

SWIFT TRANSPORTATION CO. OF ARIZONA, LLC,  
a Delaware limited liability company; and, DOES  
1 through 10, inclusive,

Defendants.

Case No.: CIVDS1518012

*[Case Assigned for All Purposes to the Hon. David  
Cohn., Dept. S26]*

**CLASS ACTION**

NOTICE OF CLASS ACTION

**TO:** All employees of Swift Transportation Co. of Arizona, LLC, who have worked in California between December 7, 2011 and the present as yard hostlers.

**THIS NOTICE MAY AFFECT YOUR LEGAL RIGHTS. PLEASE READ IT CAREFULLY. PLEASE DO NOT CONTACT THE COURT OR THE COURT CLERK REGARDING THIS ACTION.**

**NOTICE OF PENDENCY OF CLASS ACTION**

This Notice pertains to a class action lawsuit which is currently pending against Swift Transportation Co. of Arizona, LLC in the San Bernardino County Superior Court regarding hostlers' claims for recovery of overtime and doubletime premium wages, meal period premium wages, interest, and penalties. This notice concerns claims made in the suit that are based upon California law. You may or may not be a member of the class of workers for whom relief is being sought.

The defined class in this case consists of "All employees of Swift Transportation Co of Arizona LLC who have worked in California between December 7, 2011 and the present as yard hostlers who do did not cross state lines in performance of their duties and have not received full and correct pay for all hours worked." You have been identified as an employee of Swift Transportation Co of Arizona LLC who has worked in California between December 7, 2011 and the present as a yard hostler, and therefore you may or may not be a member of this class.

On February 5, 2018, the Court determined that this lawsuit may be maintained as a class action. It has also been determined that you may or may not be a member of this class. You do not need to take any further action at this time if you wish to be included in this class action and you are eligible to do so.

If you do not wish to be included, you may exclude yourself ("opt out") by following the procedures described below. **DO NOT CALL THE COURT. DO NOT DISCUSS THIS LAWSUIT AT WORK OR WITH ANY MANAGER.** For more information about this lawsuit you may contact the Class Counsel listed below. The Court has not ruled on the merits of these claims and the decision to certify the class in this case should not be viewed as a prediction that Plaintiff or the class will ultimately prevail on the merits of the action.

**Why Should I Read This Notice?**

The purpose of this Notice is to inform you that there is now pending in this Court a class action on behalf of certain employees who worked for Swift Transportation Co. of Arizona, LLC between December 7, 2011 and the present day. Your rights may or may not be affected by this class action. You should read this Notice to determine whether your rights may be affected and to decide whether you wish to participate in the class action if you are eligible to do so.

**What is a Class Action?**

A class action is a type of lawsuit in which one or a few named plaintiffs bring suit on behalf of all of the members of a similarly situated group to recover damages for all members of the group without the necessity of each member filing an individual lawsuit or appearing as an individual plaintiff. Class actions are used by the courts where the claims raise basic issues of law or fact that are common, making it fair to bind all class members to the orders and the

judgment in the case, without the necessity of hearing essentially the same claims over and over again. Use of a class action eliminates the necessity of filing multiple suits, and assures that all class members are bound by the results of the lawsuit.

Because you may be a member of a class of plaintiffs whose rights may be affected by this litigation, this Notice is being sent to you. This Notice is not to be understood as an expression of any opinion by the Court as to the merits of any claims or defenses of either side in this litigation, but is sent for the sole purpose of informing you of the pendency of this litigation so that you may make appropriate decisions as to what steps you may wish to take in relation to this lawsuit.

#### **Description of the Action**

The above-entitled action has been brought by an individual ("Plaintiff") who worked in California for Swift Transportation Co. of Arizona, LLC ("Defendant") as a hostler. Plaintiff contends that Defendant failed to pay overtime and doubletime premium wages pursuant to California law, to pay meal period premium wages for each day Defendant did not provide him with meal periods in accordance with California law, and to pay all wages due at the conclusion of his employment and, in doing so, violated provisions of the Labor Code and the Business and Professions Code. Plaintiff also makes these claims on behalf of the class members described above. Plaintiff seeks unpaid wages, interest, restitution, and penalties under California law. Defendant asserts that it complied with the law and does not owe any wages, interest, restitution, or penalties to the class members.

#### **Status of the Lawsuit and the Class**

On February 5, 2018, the Court has ruled that this lawsuit may be maintained as a class action on behalf of specific past and present employees of Defendants.

#### **Information Regarding the Case**

This case is currently being litigated in the San Bernardino County Superior Court as case number CIVDS1518012.

#### **Information Concerning Class Counsel**

The Class is represented by the following lawyers and law firms:

Brian D. Hefelfinger, Esq.  
**PALAY HEFELFINGER, APC**  
1484 E Main St, Ste 105B  
Ventura, CA 93001  
Telephone: (805) 628-8220  
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Michael A. Strauss, SBN 246718  
**STRAUSS & STRAUSS, APC**  
121 North Fir Street, Suite F  
Ventura, CA 93001  
Telephone: (805) 641-6600  
Facsimile: (805) 641-6607  
E-mail: mike@strausslawyers.com

#### **NO RETALIATION**

No one may retaliate against you because of your decision to remain in the class or opt-out.

#### **Rights Regarding Exclusion from the Class**

If you are a member of the class above and would like to be included in this case, **you do not need to take any further action.** You will be automatically included in this lawsuit if you are eligible. Any member of the class described above may exclude himself/herself from the class ("opt-out") by sending a letter to the Claims Administrator requesting to be excluded from the class action ("Opt-Out Letter") and must postmark said Opt-Out Letter within 30 days from the date of the Claims Administrator's mailing of the Class Notice (the "Opt-Out Period"). Any member of the Class who sends a timely Opt-Out Letter to the Claims Administrator shall be excluded from the Class.

If you desire to exclude yourself, the Opt-Out Letter must be postmarked no later than \_\_\_\_\_, 2018, and should be mailed to the Class Administrator, Fritsch v. Swift Transportation Co. of Arizona, LLC, c/o CPT Group, Inc., 50 Corporate Park, Irvine, CA 92606.

If you opt out of this case, you will have no right to recover any money under any judgment or settlement in this lawsuit concerning any of the state-based claims and will not be bound by any such judgment or settlement. Any member of the class who does not timely exercise the right to exclusion will be included in this class action lawsuit and will be bound by any judgment in this lawsuit, favorable or unfavorable. A Class member may, if the member so desires, enter an appearance in this lawsuit through an attorney other than Class Counsel. Dated: \_\_\_\_\_, 2018