

**UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS**

KIRK ROBERTS, FARAJI ARTURO	)	
COUNCIL, TERRENCE	)	
COLVIN-WILLIAMS, REGINALD	)	
BRADLEY, DAVID COLEMAN, and	)	
CARL McROBERTS, JR., on behalf of	)	
themselves and all others similarly situated,	)	
	)	
Plaintiffs,	)	Civil Action No.
	)	2:21-cv-02073-JWB-GEB
v.	)	
	)	
TRANSAM TRUCKING, INC.,	)	
OLATHE NOBLE EQUIPMENT	)	
LEASING, INC., and JACOBSON	)	
HOLDINGS, INC.,	)	
	)	
Defendants.	)	
	)	

**PRELIMINARY SETTLEMENT APPROVAL ORDER**

Plaintiffs have filed an Unopposed Motion for Preliminary Approval of Settlement pursuant to Federal Rule of Civil Procedure 23 and the FLSA, 29 U.S.C. § 216(b). In that motion, Plaintiffs request an order preliminarily approving settlement of the above-captioned action in accordance with the parties’ Settlement Agreement, which sets forth the terms and conditions for a proposed settlement of this matter and its dismissal with prejudice.

Having reviewed the unopposed motion, memorandum, and the settlement agreement, it is hereby ORDERED that:

1. For purposes of this settlement, the following Settlement Classes/Collectives are certified:

- a. **The FLSA orientation collective:** All individuals who attended company driver orientation in Rockwall, Texas or in Tampa, Florida between October 2020 and March 2021; and
- b. **The FLSA lease driver collective:** All individuals who have personally driven for TransAm subject to an independent contractor agreement with TransAm that they themselves signed while leasing a truck from ONE Leasing since September 29, 2020; and
- c. **The Rule 23 Truth-in-Leasing class:** All individuals who have been subject to an independent contractor agreement with TransAm and/or a lease agreement with ONE Leasing since February 2017 and have: (i) had fuel surcharge deductions taken from their compensation; and/or (ii) have had physical damage insurance deductions taken from their compensation in excess of the amounts listed in their contracts; and/or (iii) have had other charges or deductions made from their compensation in excess of the amounts listed in their contracts as alleged in the Lawsuit.

2. For purposes of this settlement only, the Settlement Classes/Collectives are preliminarily certified, and all Settlement Class Members shall have the right to file claim forms to participate in the settlement, to object to the settlement, and to exclude themselves from the settlement through the procedures set forth in the Parties' Settlement Agreement.

3. This Court finds that the Settlement Agreement is fair, reasonable, and adequate, and within the range of possible approval, subject to further consideration at the Final Fairness Hearing as set forth below in Paragraph 6, *infra*.

4. The Court preliminary approves Atticus Administration, LLC as Settlement Administrator and preliminarily approves the costs of the claims administration.

5. The Court preliminary approves Class Counsel's request for attorneys' fees and costs and the named plaintiffs' and early opt-in plaintiffs' requests for service awards.

6. This Court finds that the Notices of Proposed Class Action Settlement, attached to the Settlement Agreement as Exhibits 1 through 4, satisfy the requirements of due process and the Federal Rules of Civil Procedure, constitute the best notice practicable under the circumstances, and shall constitute due and sufficient notice to all persons entitled thereto. The Court approves the form and content of the Notices and Claim Forms.

7. The Court approves the distribution formula and claim procedure set forth in the Settlement Agreement, the Notices, and in Plaintiffs' Memorandum in support of their Motion for Preliminary Settlement Approval.

8. The Court authorizes the Settlement Administrator to mail the approved Notice of Settlement.

9. The Court approves the proposed schedule and procedure for completing the final approval process as set forth in the Settlement Agreement and in Plaintiffs' Memorandum in support of their Motion for Preliminary Settlement Approval.

10. The Final Fairness Hearing shall take place before the Honorable John W. Broomes on October 15, 2024, at 10:00 a.m. at the United States District Court for the District of Kansas in Courtroom 238 of the United States District Court at 401 North Market Street, in Wichita, Kansas 67202. The purpose of the hearing is for the Court to decide whether the proposed settlement is fair, reasonable, and adequate as to the Class and should be approved and, if so, to determine what amount of attorneys' fees and expenses should be awarded to Class Counsel and what amount should be awarded as service awards to the Named Plaintiffs and early opt-in plaintiffs. The Court will also hear and consider any properly lodged objections at that

time. If the Final Fairness Hearing is conducted via videoconference, then information about how to participate in the videoconference hearing shall be available by contacting the Court.

ENTERED this 23rd day of May, 2024.

s/ John Broomes  
The Honorable John W. Broomes