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

THOMAS HARDWICK, on behalf of
himself and all others similarly
situated,

Plaintiff,

v.

HOOVESTOL, INC., a Minnesota
corporation; and DOES 1 through 10,
inclusive,

Defendants.

Case No. CV 20-7505-DMG (MAAx)

**ORDER RE STIPULATION TO
APPROVE CLASS NOTICE AND
NOTICE ADMINISTRATOR [48]**

1 Before the Court is a Stipulation to Approve Class Notice and Notice
2 Administrator (the “Stipulation”) jointly submitted by Plaintiff Thomas Hardwick
3 (“Plaintiff”) and Defendants Hoovestol, Inc. and 10 Roads Express, LLC
4 (“Defendants”). Having reviewed the Stipulation, and good cause appearing
5 therefor, the Court hereby APPROVES the Stipulation and ORDERS as follows:

6 1. The Notice of Class Certification (“Class Notice”) attached hereto as
7 **Exhibit 1** and reflecting the Court’s redlined edits is approved for distribution to
8 members of the Class, as defined in the Court’s Amended Order re Plaintiff’s
9 Motion to Certify Class [Doc. # 45].

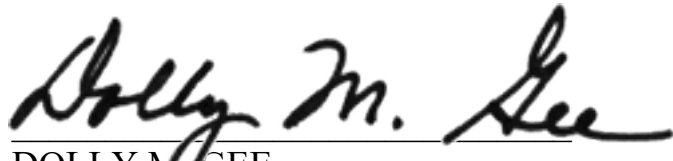
10 2. ILYM Group, Inc. is approved to administer the Class Notice to the
11 Class Members.

12 3. The Class Notice shall be distributed to the Class Members by
13 November 25, 2022.

14 4. Class Members shall have 21 days from the mailing or re-mailing of
15 the Class Notice to opt out of the Class.

16 IT IS SO ORDERED.

17
18 DATED: November 15, 2022


DOLLY M. GEE
UNITED STATES DISTRICT JUDGE

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

NOTICE OF CLASS CERTIFICATION

If you were employed by Hoovestol, Inc. and/or 10 Roads Express, LLC (“Defendants”) as an hourly driver in the State of California at any time from May 22, 2017 through the present and were not a member of the settlement in *Richard Terry v. Hoovestol, Inc.*, or if you performed work for Defendants after December 7, 2018 as an hourly driver, a class action lawsuit may affect your rights.

A court authorized this notice. This is not a solicitation from a lawyer. You are not being sued.

Please Read This Notice Carefully.

- A class action lawsuit is pending in the United States District Court for the Central District of California (“the Court”) against Hoovestol, Inc. and 10 Roads Express, LLC (“Defendants”). The case is entitled *Thomas Hardwick v. Hoovestol, Inc., et al.*, CV2:20-~~ev~~-07505-DMG (MAA). The lawsuit alleges that Defendants failed to provide itemized wage statements by failing to specify all applicable hourly rates and the number of hours worked at each hourly rate in a pay period on each pay statement; and failed to pay all wages owed at the time of termination or within 72 hours of resignation at the correct rates, and waiting time penalties for doing so. Defendants deny the allegations in the lawsuit and deny any wrongdoing.
- The Court has allowed the lawsuit to proceed as a class action on behalf of current and former hourly drivers employed by Defendants in the State of California at any time from May 22, 2017 through the present, who are not members of the *Richard Terry v. Hoovestol, Inc.* class, or who performed work after December 7, 2018. This “Class” could include you.
- The Court has certified the Class to pursue claims against Defendants for an alleged failure to provide itemized wage statements and alleged failure to pay all wages owed at the time of termination or within 72 hours of resignation.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT	
DO NOTHING – REMAIN IN THE CLASS	<p>Stay in the lawsuit. Await the Outcome. Share in possible benefits. Give up certain rights.</p> <p>By doing nothing, you are choosing to stay in the Class. You will be represented by the Plaintiff and his attorneys, your rights will be determined in this case, and you will be bound by the decisions in the case.</p> <p>By doing nothing, you keep the possibility of getting money that may come from a trial or settlement. But, you will give up your rights to sue Defendants in a separate lawsuit for the claims made in this class action.</p>

EXCLUDE YOURSELF	<p>Get out of this lawsuit. Get no benefits. Keep any rights that you may have.</p> <p>If you opt out of the Class (meaning you say in writing that you do not want to be included in this lawsuit), you will not be entitled to any recovery that may result from this Class Action, but you will not be bound by any past or future rulings against Defendants. You will be free to pursue your own claims against the Defendants on your own or as part of a different lawsuit <u>and may hire a separate lawyer to do so.</u></p> <p>If you are considering excluding yourself from the class, please note that there may be a risk that any new claims asserted against Defendants may no longer be timely and may be time barred.</p>
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Basic Information About the Lawsuit

1. Why did I get this notice?

Records show that you worked for Defendants at some point between May 22, 2017 and the present as an hourly driver in the State of California. This notice explains that the Court has allowed, or “certified,” a class action lawsuit that may affect you. You have legal rights and options that you may exercise before the Court holds a trial. The trial is to decide whether the claims being made against Defendants, on your behalf, are correct. Judge Dolly M. Gee of the United States District Court for the Central District of California is overseeing this class action. The case is known as *Thomas Hardwick v. Hoovestol, Inc., et al.*, [2:CV20-ev-07505-DMG](#) (MAA).

2. What is this lawsuit about?

This Action is about whether Defendants failed to provide accurate, itemized wage statements and failed to pay all wages owed at the time of termination of within 72 hours of resignation, all as required by applicable California law. Defendants deny any wrongdoing.

3. What is a class action and who is involved?

In a class action lawsuit, one or more people called “Class Representatives” sue on behalf of other people who have similar claims. The people together are a “Class” or “Class Members.” In this case, there is only one Class Representative, Thomas Hardwick. The Class Representative is called the Plaintiff. The companies that he sued (in this case Hoovestol, Inc. and 10 Roads Express, LLC) are called the Defendants. One court resolves the issues for everyone in the Class—except for those people who choose to exclude themselves from the Class.

4. What has happened in the lawsuit?

On May 22, 2020, Plaintiff filed a putative class action against Defendants in the Superior Court for the County of Los Angeles, alleging, among other things, failure to timely pay wages due at termination and failure to provide accurate itemized wages statements. Defendants then removed the action to this court. You can read Plaintiff’s Class Action Complaint (“Complaint”) at www.ilymgroupclassaction.com/ _____.

On September 12, 2022, the Court certified the Class, as defined above, and the following subclasses:

Wage Statement Subclass: All Class Members employed by Defendants in the State of California at any time from May 22, 2019 to the present.

Waiting Time Penalty Subclass: All former hourly drivers employed by Defendants in the State of California at any time from May 22, 2017 through the present, who are not members of the *Terry* class, or who performed work after December 7, 2018 and who received hourly fringe pay and sick pay during the same pay period.

The Class Representative has been certified to pursue claims for failure to provide accurate and wages owed at the time of termination of within 72 hours of resignation. The Court has not certified the Class Representative to pursue certify any other claims in the Complaint.

You can read the Court's Order Certifying the Class at www.ilymgroupclassaction.com/ [REDACTED].

5. What is the Class Representative asking for?

The Class Representative is asking for civil penalties pursuant to California Labor Code §§ 226(e)(1) and 226.3 for the alleged failure to provide itemized wages and waiting time pay pursuant to California Labor Code § 203 for the alleged failure to pay all wages owed at the time of termination or within 72 hours of resignation. More information about what Plaintiff is seeking is available in the Complaint, which you can read at www.ilymgroupclassaction.com/ [REDACTED].

6. Is there any money available now?

No money or benefits are available now because the Court has not yet decided whether the Defendants did anything wrong, and the two sides have not settled the case. There is no guarantee that money or benefits ever will be obtained. If they are, you will receive a notice describing how to receive a share.

Who Is In The Class?

7. How do I know if I am a Class Member?

The judge decided that all current and former hourly drivers employed by Defendants in the State of California at any time from May 22, 2017 through the present, who are not members of the *Richard Terry v. Hoovestol, Inc.* class, or who performed work after December 7, 2018 are members of the Class.

8. Are you still not sure if you're included?

If you still are not sure whether you are included in the Class, you can get free help by contacting ILYM Group, Inc., the Administrator, at the designated phone number for this matter which is ([REDACTED]) [REDACTED] - [REDACTED], or by calling or writing the lawyers representing the Class in this case ("Class Counsel"), at the phone number or address listed in Question 23, below.

9. Who is the Class Representative?

Plaintiff Thomas Hardwick will represent the Class. He is a former hourly driver employed by Hoovestol, Inc. in California.

YOUR RIGHTS AND OPTIONS

You have to decide whether to stay in the Class or ask to be excluded by no later than [REDACTED].

10. What are my options as a Class Member?

You must decide whether to stay in the Class or opt out of it.

11. What happens if I choose to stay in the Class?

If you stay in the Class, you will be permitted to share in a recovery, if any, that may occur in this Action. However, if you remain in the Class, you will give up any rights to sue the Defendants separately about the certified claims in this lawsuit. You also will be legally bound by all of the Orders the Court issues and Judgments the Court makes in this class action, even if there is no recovery.

12. How do I stay in the Class?

To remain in the Class, you do not need to do anything. You will become a Class Member automatically.

13. What happens if I opt out of the Class?

If you opt out of the Class (by submitting the enclosed Request for Exclusion Form), you will give up the right to participate in any recovery that may occur. But you will keep any rights you may currently have to sue the Defendants regarding the legal claims at issue in this lawsuit and may hire a separate lawyer to do so. You also will not be bound by the Orders the Court issues and Judgments the Court makes in this class action.

14. How do I opt out of the Class?

If you **do not** want to remain a member of the Class, **you must** complete, sign, and return the enclosed “Request For Exclusion Form” to the Notice Administrator postmarked, faxed or e-mailed no later than

Your Request for Exclusion Form must be sent to the following address or fax number:

Thomas Hardwick vs. Hoovestol, Inc. Class Action
Settlement Administrator
c/o ILYM Group, Inc.
P. O. Box _____
_____, CA _____
Fax: (800) _____ - _____
Email: _____

If your request is not postmarked, faxed or e-mailed by the due date, it will not be valid and you will remain in the Class.

If you are considering excluding yourself from the Class, please note that there may be a risk that any new claims asserted against Defendants may no longer be timely and may be time barred.

15. What are the risks if I remain in the Class?

If you stay in the Class, you will be bound by the decisions of the Court. This means you will not be able to pursue any claim against Defendants on your own for matters that the Court has certified. If the Plaintiff loses, you will not get any recovery and will not be able to bring a later claim for the matters that the Court has certified.

16. What are the benefits if I remain in the Class?

If you stay in the Class, you do not have to sue Defendants on your own for any claim you may have against Defendants related to the matters that the Court has certified. If there is a recovery, either by trial or by settlement, you may be entitled to a share of any recovery.

17. What happens if I do not do anything?

By doing nothing, you are choosing to stay in the Class. You don't have to do anything now if you want to stay in the Class. If you stay in the Class and the Class Representative obtains money or benefits, either as a result of a trial or a settlement, you will be notified about how to receive a share (or how to ask to be excluded from any settlement). Regardless of whether the Plaintiff wins or loses the trial, you will not be able to sue, or continue to sue Defendants—as part of any other lawsuit—about the same matters that the Court has certified. You will also be legally bound by all of the Orders the Court issues and Judgments the Court makes in this class action.

18. Do I have to come to the trial?

No. You do not have to come to trial unless you receive a subpoena to appear at trial by one of the parties. If you remain in the Class, Class Counsel and the Plaintiff will represent you. You are welcome to come at your own expense.

19. Has a trial date been set?

No trial date has been set in this case.

THE LAWYERS REPRESENTING YOU

20. As a Class Member, do I have a lawyer representing my interests in this Class Action?

Yes. The Court has appointed lawyers to represent you and the other Class Members. These lawyers are called Class Counsel. Class Counsel are experienced in handling similar cases against other employers. The following lawyers are representing the Class:

JAMES HAWKINS APLC
9880 Research Dr., Suite 200
Irvine, California 92618
(949) 387-7200 (Phone)
(949) 387-6676 (Fax)

James R. Hawkins, Esq. (james@jameshawkinsaplc.com)
Christina M. Lucio, Esq. (christina@jameshawkinsaplc.com)
Mitchell J. Murray, Esq. (mitchell@jameshawkinsaplc.com)

21. Should I get my own lawyer?

You do not need to hire your own lawyer because Class Counsel is working on your behalf. But, if you want your own lawyer, you will have to pay that lawyer. If you hire a lawyer to speak for you or to appear in Court, your lawyer must file a Notice of Appearance.

22. How will the lawyers be paid, and will the Class Representative be paid?

If recovery is obtained for the Class, Class Counsel will request from the Court an award for attorneys' fees and expenses. Class Counsel may also ask the Court to approve a reasonable incentive award for the Class

Representative. If approved, these fees and expenses and the incentive award will either be paid from the recovery obtained for the Class.

GETTING MORE INFORMATION

23. Where do I get more information

You may contact Class Counsel at any time at the address, phone number, or email addresses in Question 20 for additional information.

This Notice contains a summary of relevant court papers. Complete copies of public pleadings, Court rulings and other filings are available for review and copying at the Clerk's office. The address is First Street U.S. Courthouse, 350 W 1st Street, Los Angeles, CA 90012-4564, (213) 894-1565. Information is also available at www.ilymgroupclassaction.com/____, or by calling the Notice Administrator at (____) ____-____, or by writing to: Thomas Hardwick v. Hoovestol, Inc. Class Action, c/o ILYM Group, P.O. Box _____, CA _____.

Please do not contact the Court or Judge Gee. They cannot answer any questions or discuss the Action.

DATED: _____

BY ORDER OF THE UNITED STATES DISTRICT COURT FOR
THE CENTRAL DISTRICT OF CALIFORNIA

United States District Court, Central District of California
Thomas Hardwick v. Hoovestol, Inc., et al.
2:20-cv-07505-DMG (MAA)

REQUEST FOR EXCLUSION FORM

You should **only** complete this form if you want to be excluded (opt out) from the Class that has been certified in this case. Before completing this form, you should read the Court-issued Notice of Class Certification. You should **not** complete this form if you want to remain a member of the class.

If you want to be excluded from this class action, you must complete and sign this form and send it by mail, e-mail, or fax to:

Thomas Hardwick vs. Hoovestol, Inc. Class Action
Settlement Administrator
c/o ILYM Group, Inc.
P. O. Box _____
_____, CA _____
Fax: (800) _____ - _____
E-mail: _____

I certify that I have read the Court-issued Notice of Class Certification and I do **not** want to remain a member of the Class in *Thomas Hardwick v. Hoovestol, Inc., et al.*, Case No. 2:20-cv-07505-DMG (MAA) currently pending in the United States District Court for the Central District of California. I understand that, by completing this form, I will **not** share in any judgment or settlement that may be obtained for the Class, but I will keep any rights that I may currently have against Defendants Hoovestol, Inc. and/or 10 Roads Express, LLC regarding the legal claims at issue in the case.

Name: _____
First Middle Last

Mailing Address: _____
Street Address

City State Zip

Telephone Number: (____) _____ - _____

Dated: _____,
Signature