

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

DIANNA ESTES, on behalf of herself and
all those similarly situated

PLAINTIFF

v.

Case No. 5:13-CV-05199

PAM TRANSPORT INC.

DEFENDANT

**ORDER GRANTING PROVISIONAL CERTIFICATION OF A SETTLEMENT CLASS,
APPOINTING CLASS REPRESENTATIVE AND CLASS COUNSEL,
PRELIMINARILY GRANTING APPROVAL OF CLASS SETTLEMENT, AND
RELATED RELIEF**

Before the Court is Plaintiff's unopposed motion for preliminary certification of a settlement class and related relief. (Doc. 76). The Court has considered the motion and legal arguments presented therein, held a hearing on the motion, and ordered (Doc. 81) supplementation of the proposed settlement agreement and notice. The parties have provided an amended settlement agreement (Doc. 83-2) and notice (Doc. 83-4) pursuant to the Court's order, and the Court has reviewed those documents.

Upon due consideration, the Court finds that Plaintiff's unopposed motion (Doc. 76) is GRANTED. THE COURT HEREBY:

1. Provisionally certifies the following class under Federal Rule of Civil Procedure 23(a) and 23(b)(3) for purposes of effectuating the settlement:
 - a. All individuals who attended orientation and/or worked for PAM as an over-the-road truck driver and who were paid by PAM from August 22, 2010 through December 5, 2013.
2. Appoints Dianne Estes as Class Representative.
3. Appoints Swartz Swidler, LLC as Class Counsel.

4. Grants preliminary approval of the Joint Settlement and Release Agreement, as amended (Doc. 85, pp. 1-23).
5. Appoints Kurtzman Carson Consultants (“KCC”) as the Claims Administrator.
6. Orders Defendant to produce to the Claims Administrator and Class Counsel, within 14 days of the date of the Order, a spreadsheet containing the names, last known contact information, and dates of employment of each individual in the class.
7. Orders Defendant to produce, at the same time it produces the above-referenced spreadsheet, social security numbers of each class member to the Claims Administrator only;
8. Orders Class Counsel to produce to the Claims Administrator the contact information it has for any opt-in plaintiff within 14 days of this Order;
9. Approves the Parties’ proposed Notice of Settlement and Fairness Hearing, as amended (Doc. 85, pp. 25-31), directs its distribution, and orders KCC to mail notices to each class member within 14 days of the date it receives the Class List from Defendant.
10. Provides class members 75 days from the date of initial mailing to object or opt-out of the settlement.
- 11. Orders Class Counsel to file Plaintiffs’ motion for final approval of the settlement and approval of attorney’s fees, costs, and service payments by no later than **January 6, 2016.****
12. Orders Class Counsel to file all objections and opt-outs to the settlement by no later than **January 6, 2016.**
13. Stays the instant matter and suspends all deadlines not related to the settlement of this

matter pending the Final Approval Hearing.

14. Enjoins all class members from commencing or prosecuting any claim subject to the release by the Settlement Agreement against any Defendant in this matter pending the Final Approval Hearing.
15. Schedules a Final Settlement Approval Hearing on **January 20, 2016 at 1:30 pm in Fort Smith in the third-floor courtroom (Room 310)**.

IT IS SO ORDERED this 28th day of August, 2015.

P. K. Holmes, III

P.K. HOLMES, III
CHIEF U.S. DISTRICT JUDGE