

**Certain truck drivers who contracted to drive for
DNJ Intermodal Services, LLC within the State of Illinois,
may be entitled to a cash payment from a class action settlement.
Please read this notice carefully.**

Official Notice for *Barrera v. DNJ Intermodal Services, LLC*, No. 2015-CH-09701 (Ill. Cir. Ct. Cook Cnty.)

The Circuit Court of Cook County has preliminarily approved a class action settlement in the lawsuit *Barrera v. DNJ Intermodal Services, LLC*, No. 2015-CH-09701. This legal Notice was authorized by the Circuit Court for Cook County, Illinois to inform Class Members about their rights in the Settlement. This is not an advertisement from a law firm.

What is this Notice about?

This notice provides information about a class action settlement that has been reached in a lawsuit entitled *Barrera v. DNJ Intermodal Services, LLC*, No. 2015-CH-09701 (Ill. Cir. Ct. Cook Cnty.). The case involves allegations that DNJ Intermodal Services, LLC, unlawfully misclassified their truck drivers as independent contractors rather than employees and took deductions from the drivers' paychecks in violation of Illinois law. DNJ denies the allegations, and the Court has not decided who is right or wrong. Rather, the parties have reached a compromise to end the lawsuit and avoid the uncertainties and costs of further litigation. **Please read this notice carefully. It summarizes your rights and options under the settlement.** You can access and read the full Settlement Agreement at www.IllinoisOwnerOperatorSettlement.com.

Who's included in the Settlement?

The Settlement Class: All persons (1) who entered into Independent Contractor agreements or similar contracts for services with DNJ Intermodal Services, LLC, individually or on behalf of another entity, and (2) personally provided drayage services as drivers pursuant to that agreement and/or contract in the State of Illinois at any time during the applicable statute of limitations.

The class includes all such persons who performed the described services from 10 years prior to the filing of the Complaint (June 22, 2005) through the date the Settlement Agreement was executed (May 18, 2023).

What are my options?

If you are a member of the Settlement Class, then you have the following options under the Settlement:

- 1) **Do Nothing, and Participate in the Settlement:** The proposed Settlement provides for a gross settlement fund totaling \$3,250,000. If you do nothing, you will remain a member of the Settlement Class and will be eligible to receive a cash payment from the Settlement Fund. The amount each Class Member receives will vary based on the number of owner-operator pay statements you or your business entity received from DNJ. You do not need to do anything to receive a cash payment from the Settlement Fund. Assuming the Court approves the Settlement, you will be sent a check as described above shortly after what is called the "Effective Date" of the settlement agreement, which we anticipate would be within the next five (5) to months (although this timing is subject to change). You will be bound by the judgment and bound by the injunction against prosecuting wage-related claims against DNJ, and you will release claims against DNJ as discussed below.
- 2) **Exclude Yourself from the Settlement and receive no money:** You may exclude yourself from the Settlement. If you choose this option, you will not receive a payment from the Settlement, but you will keep your right to hire your own lawyers and bring a separate lawsuit against DNJ at your own expense if you want to do so. Your request to exclude yourself must be submitted by mail no later than **August 17, 2023**. You must follow the process described in section 8 below. If the Settlement is approved and you do not exclude yourself, you will be bound by the Settlement and will release certain claims as described below.

For more information, visit www.IllinoisOwnerOperatorSettlement.com

3) **Object:** You may object to the Settlement. The deadline for objecting to the Settlement is **August 17, 2023**. All objections must be mailed to the Parties’ lawyers and the Settlement Administrator. See Part 7 below for details.

NOTE: This Notice is just a summary. The Class Members’ rights and options under the Settlement—and the deadlines to exercise them—are explained in the Settlement Agreement and summarized below.

PLEASE DO NOT CALL OR WRITE THE COURT OR THE COURT CLERK’S OFFICE. THEY WILL NOT BE ABLE TO ASSIST YOU. If you have questions, or if you’d like more information, please visit www.IllinoisOwnerOperatorSettlement.com or contact the Settlement Administrator or Settlement Class Counsel at:

<u>Settlement Administrator</u>	<u>Settlement Class Counsel</u>
Barrera v. DNJ Intermodal Services c/o Analytics Consulting LLC P.O. Box 2002 Chanhassen, MN 55317-2002 Toll-free phone: (888) 686-5019 Email: info@IllinoisOwnerOperatorSettlement.com	Alejandro Caffarelli, Esq. Alexis D. Martin, Esq. Amanda Burns, Esq. Caffarelli & Associates Ltd. 224 S. Michigan Ave., Ste. 300 Chicago, Illinois 60604 Tel. (312) 763-6880

WHAT THIS NOTICE CONTAINS

1.	Who’s part of the Settlement?	3
2.	What is this lawsuit about?.....	3
3.	Who represents me?	3
4.	What benefits can I receive from the Settlement?.....	4
5.	Do I have to pay the lawyers representing me?.....	4
6.	What am I agreeing to by remaining in the Settlement Class in this case?.....	4
7.	What if I don’t agree with the Settlement?.....	5
8.	Can I exclude myself from the Settlement Class?.....	5
9.	What is the difference between objecting and asking to be excluded?	6
10.	What if I do nothing at all?.....	6
11.	What will be decided at the final approval hearing?	6
12.	Is this the entire Settlement Agreement?.....	7
13.	Where can I get more information?.....	7

1. Who's part of the Settlement?

In a class action, the plaintiffs bring a lawsuit on behalf of other people who have similar claims.

These people are collectively called "Class Members" or a "Class." In this case, the Court has preliminarily certified a Class for purposes of the settlement of this case. That class is defined to include the following people:

All persons (1) who entered into Independent Contractor agreements or similar contracts for services with DNJ Intermodal Services, LLC, individually or on behalf of another entity, and (2) personally provided drayage services as drivers pursuant to that agreement and/or contract in the State of Illinois at any time during the applicable statute of limitations.

The class includes all such persons who performed the described services from 10 years prior to the filing of the Complaint through the date the Settlement Agreement is executed.

The limitations period for Class Members is June 22, 2005 through the present.

The Circuit Court for Cook County, Illinois (Judge Anna M. Loftus) has conditionally certified the Settlement Class for the purpose of facilitating a settlement.

The Settlement Class excludes DNJ; the Court and staff to whom the lawsuit is assigned, and any immediate family members of the Court or its staff; and any persons who elected to exclude themselves pursuant to and in compliance with the Settlement Agreement.

If you are not sure whether you are in the Settlement Class, or have any other questions about the Settlement, call the lawyers appointed to represent the Settlement class at 312-763-6880, call the Settlement Administrator at (888) 686-5019, or visit the Settlement Website at www.IllinoisOwnerOperatorSettlement.com.

2. What is this lawsuit about?

The lawsuit, filed in 2015, involves allegations that DNJ unlawfully misclassified truck drivers performing services for them as independent contractors in violation of Illinois law. The lawsuit additionally alleges that by either requiring drivers to front operating costs themselves, or by deducting or withholding certain operating costs from the drivers' compensation, DNJ violated various provisions of Illinois law. Specifically, the lawsuit alleges claims for violation of the Illinois Wage Payment and Collection Act, 820 ILCS 115/1, *et seq.* The full complaint filed in the lawsuit is posted at www.IllinoisOwnerOperatorSettlement.com and contains all of the allegations.

The Defendant named in the lawsuit is DNJ Intermodal Services, LLC. DNJ has denied, and continues to deny all of the allegations, including that DNJ misclassified contractors. DNJ additionally denies that they have taken unlawful deductions from drivers' pay, or that they otherwise violated the law. By agreeing to settle, DNJ is not admitting liability on any of the factual allegations or claims in the case or that the case can or should proceed as a class action. The Parties have negotiated and entered into the proposed Settlement to avoid the risk, uncertain outcome, expense, and distraction of continued litigation.

Neither the Court nor a jury have considered or decided the merits of the allegations in the lawsuit. And, by approving the Settlement and issuing this Notice, the Court is not suggesting which side would win or lose this case if it went to trial.

3. Who represents me?

In a class action, one or more people called "class representatives" sue on behalf of other people who have the same or similar claims. In this case, the Plaintiff, Lucio Barrera, sued DNJ and sought to represent other truck driver contractors who performed trucking and transportation services for DNJ. The Court has appointed the Plaintiff for settlement purposes to be the Class Representatives for all Class Members in the case.

The Court has also appointed the law firm Caffarelli & Associates Ltd. as Class Counsel to represent the Class Members. If you want to be represented by your own lawyer, you may hire one at your own expense.

4. What benefits can I receive from the Settlement?

Without admitting any wrongdoing, DNJ has agreed to pay \$3,250,000 into a Settlement Fund to be distributed to Settlement Class Members after deductions for the fees and costs associated with the Settlement. You do not need to do anything in order to be eligible to receive a payment from the Settlement Fund.

The exact amount each Settlement Class Member is eligible to receive varies based on the number of owner-operator pay statements Settlement Class Members received from DNJ.

The Settlement Administrator, working with the Parties, has developed a model to calculate the amounts of individual Settlement Class Member payments based on the factors stated above. Your payment may also be subject to tax withholdings. You may fill out and return an IRS Form W9 to the Settlement Administrator by **September 28, 2023** if you wish to claim particular exemptions. If you do not return a completed IRS Form W9 by **September 28, 2023**, you will still receive your settlement payment and the Settlement Administrator will issue a check for payment less the backup withholding at the applicable rate required by the IRS, which currently is 24 percent.

If you do not exclude yourself, your settlement payment will be paid by check mailed to you. Payments will only be made after the Court grants final approval of the Settlement and after any appeals are resolved. If there are appeals, resolving them can take time. Please be patient.

5. Do I have to pay the lawyers representing me?

No. The Court has appointed attorneys from Caffarelli & Associates, Ltd. in Chicago, Illinois to serve as Class Counsel to represent the members of the Settlement Class. If you want to be represented by a different lawyer, you may hire one at your own expense.

To date, Class Counsel have not received any payment for their services in litigating the case on behalf of the Class Representatives and the Settlement Class, nor have Class Counsel been reimbursed for their costs and expenses directly relating to their representation of the Settlement Class. Prior to final approval of the Settlement, Class Counsel will ask the court for an award of attorneys' fees and litigation expenses for investigating the facts, litigating the case, and negotiating the Settlement. This award is subject to court approval and can be up to 33.33% of the settlement fund, or \$1,083,322.50, plus reimbursable costs and litigation expenses.

Class Counsel's contact information is as follows:

Alejandro Caffarelli
Alexis D. Martin
Amanda Burns
CAFFARELLI & ASSOCIATES LTD.
224 S. Michigan Avenue, Suite 300
Chicago, Illinois 60604
Tel.: (312) 763-6880
acaffarelli@caffarelli.com
aburns@caffarelli.com

Class Counsel may also request that a Service Award of up to \$15,000 be awarded to the Class Representative, Lucio Barrera, in recognition of his service to the Settlement Class. The amount of any fee or service award will be subject to approval by the court.

6. What am I agreeing to by remaining in the Settlement Class in this case?

If you are a member of the Settlement Class, and you choose to remain in the Settlement Class (i.e. you do not exclude yourself), then you will be eligible to receive a payment from the \$3,250,000 Settlement Fund as described above. Settlement Class Members will also be bound by the release of claims in the Settlement. This means that if the Settlement is finally approved, Settlement Class Members cannot sue, continue to sue, or be part of any lawsuit against DNJ for claims made in the lawsuit that led to the Settlement.

For more information, visit www.IllinoisOwnerOperatorSettlement.com

The released claims include all claims that were or could have been asserted in the Litigation, including all claims related to deductions or failure to pay wages, regardless of whether those claims are known or unknown, filed or unfiled, asserted or as yet unasserted, existing or contingent.

7. What if I don't agree with the Settlement?

If you are a member of the Settlement Class, and have not excluded yourself from the Settlement, you may object to the Settlement or any part of the Settlement if you think there are legal reasons why the Court should reject it. If you object, the Court will consider your views. To object, you must file your objection with the Court and serve a copy to the Settlement Administrator and the lawyers for both the Settlement Class and DNJ. Your objection must clearly state the following information:

- a) The case name and case number of this Litigation (*Barrera v. DNJ Intermodal Services, LLC*, No. 2015-CH-09701 (Ill. Cir. Ct. Cook Cnty.)).
- b) Your full name, current address, email address and phone number;
- c) The reasons why you object to the Settlement along with any supporting materials;
- d) Information about all other objections you or your lawyer(s) have made in other class action cases in state or federal courts within the past five years, including the name of the case, case number, the court in which the objection was filed, and the outcome of the objection; and
- e) Your signature.

Your objection must be filed and postmarked no later than August 17, 2023. Objections must be mailed to:

The Settlement Administrator

Barrera v. DNJ Intermodal Services
c/o Analytics Consulting LLC
P.O. Box 2002
Chanhassen, MN 55317-2002

Plaintiffs' Counsel

Alejandro Caffarelli
CAFFARELLI & ASSOCIATES LTD.
224 S. MICHIGAN AVENUE, SUITE 300
Chicago, IL 60604

Defendants' Counsel

Andrew J. Butcher
SCOPELITIS, GARVIN, LIGHT, HANSON
& FEARY, P.C.
30 W. Monroe Street, Suite 1600
Chicago, IL 60603

8. Can I exclude myself from the Settlement Class?

If you do not want a payment and do not want to be legally bound by the terms of the Settlement, you must exclude yourself from the Settlement. If you do so, you will not be eligible to receive any payment as a result of this Settlement. However, you will retain the right to sue or continue to sue DNJ on your own and at your own expense if you wish to pursue any of the claims being released as part of this Settlement.

To exclude yourself from the Settlement Class, you must submit a timely and valid "Opt-Out Request" to the Settlement Administrator in writing. To be valid, the request must include:

- a) The case name and case number of this Litigation (*Barrera v. DNJ Intermodal Services, LLC*, No. 2015-CH-09701 (Ill. Cir. Ct. Cook Cnty.)).
- b) Your full name, current mailing address, email address, and phone number;
- c) A statement that you wish to exclude yourself from the Settlement Class; and
- d) Your signature.

To be considered timely, you must submit your fully completed Opt-Out Request to the following address postmarked no later than August 17, 2023.

Barrera v. DNJ Intermodal Services
c/o Analytics Consulting LLC
P.O. Box 2002
Chanhassen, MN 55317-2002

REQUESTS FOR EXCLUSION FROM THE CLASS THAT ARE NOT POSTMARKED ON OR BEFORE AUGUST 17, 2023 WILL NOT BE HONORED.

You cannot exclude yourself from the Settlement Class by telephone, email, or on the Settlement Website. You cannot exclude yourself by mailing a request to any other location or after the deadline above. Your request for exclusion must be signed by you, and you cannot request exclusion on behalf of others.

9. What is the difference between objecting and asking to be excluded?

Objecting is telling the Court the legal reasons why you do not like something about the Settlement. You can object to the Settlement only if you are a Settlement Class Member and you do not exclude yourself.

Excluding yourself is telling the court that you do not want to be part of the Settlement. If you exclude yourself, you cannot object to the Settlement because it no longer affects you.

10. What if I do nothing at all?

If you are a Class Member and do nothing in response to this notice, you will remain a member of the Settlement Class, receive a settlement payment, and release your claims against DNJ. See Part 4 above.

11. When will the court finally rule on the Settlement?

The Court will hold a final approval hearing to decide whether to grant final approval to the Settlement and any requests for fees, expenses, and an Incentive Award. The final approval hearing is currently set for **September 28, 2023 at 10:30 a.m.** in Courtroom 2410 of the Chancery Division of the Circuit Court of Cook County, Illinois, via Zoom at Meeting ID: 955 3557 3920, (no password required), <https://circuitcourtofcookcounty.zoom.us/j/95535573920> or via telephone at (312) 626-6799 ID# 95535573920. The hearing may be moved to a different date or time without additional notice, so you should check the Settlement Website and the court's docket for updates.

At the final approval hearing, the court will consider whether the Settlement is fair, reasonable, and adequate. The court will also consider the request by Class Counsel for attorneys' fees and expenses and for the Class Representative's incentive award. If there are any objections, the court will consider them at the final approval hearing as well. After the hearing, the court will decide whether to finally approve the settlement. We do not know how long that decision may take.

You may attend the hearing, at your own expense, but you do not have to do so. If you intend to appear and wish to be heard, please send a Notice of Intent to Appear to the Settlement Administrator with the following information:

- a) The case name and case number of this litigation (*Barrera v. DNJ Intermodal Services, LLC*, No. 2015-CH-09701 (Ill. Cir. Ct. Cook Cnty.)).
- b) Your full name, current address, email address, and phone number;
- c) A statement that this is your "Notice of Intent to Appear" at the final approval hearing in this case;
- d) Copies of any papers, exhibits, or other evidence or information that you will present to the court;
- e) The reasons you want to be heard; and
- f) Your signature.

You must send copies of your Notice of Intent to Appear, postmarked by August 17, 2023, to:

The Settlement Administrator
Barrera v. DNJ Intermodal Services
c/o Analytics Consulting LLC
P.O. Box 2002
Chanhassen, MN 55317-2002

Note: You cannot object or speak at the hearing if you exclude yourself from the Settlement.

12. Does this Notice contain the entire Settlement Agreement?

No. This is only a summary of the Settlement. If the Settlement is approved and you do not exclude yourself from the Settlement Class, you will be bound by the terms and the release contained in the Settlement Agreement, and not just by the terms of this Notice. You can view the full Settlement Agreement online at www.IllinoisOwnerOperatorSettlement.com, or you can call Class Counsel for more information.

13. Where can I get more information?

For more information, visit www.IllinoisOwnerOperatorSettlement.com or call class counsel at 312-763-6880.

**NOTE: PLEASE DO NOT CALL OR WRITE THE COURT OR THE COURT CLERK'S OFFICE.
THEY WILL NOT BE ABLE TO ASSIST YOU.**