


UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
OCALA DIVISION

10:30  


PAUL GAGNON, individually and through class  
Representation on behalf of a class consisting  
of all other similarly situated owner-operators,

Plaintiff,

Case No. 5:02-CV-342-OC-10GRJ

v.

SERVICE TRUCKING, INC., a Florida  
Corporation,

Defendant.

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**ORDER**

Pending before the Court is the Parties' Joint Motion to Schedule and Conduct Final Hearing to Approve Settlement Agreement, Preliminarily Certify Class for Purposes of Noticing Fairness Hearing, and Approve Form of Notice of Class Action. This Court has reviewed and duly considered the parties' Settlement Agreement and the stipulations of the parties and counsel. As requested by the parties, the Joint Motion is **GRANTED**.

**I. FAIRNESS HEARING**

The parties' Settlement Agreement warrants that the Court conduct a fairness hearing to consider approval of the Parties' Settlement Agreement. Accordingly, the Fairness Hearing in this case is set for January 21, 2004, at <sup>10:30</sup>~~10:00~~ a.m. before the undersigned in the Third Floor Courtroom, Golden-Collum Memorial Federal Building and U.S. Courthouse, 207 N.W. 2nd Street, Ocala, Florida. The

Court shall hear the argument of counsel and may consider evidence concerning the fairness, adequacy, and reasonableness of the proposed settlement.

**II. CLASS DEFINITION AND PRELIMINARY CERTIFICATION**

The Class is defined as all independent owner-operators who, during a period beginning October 21, 1998 and ending October 21, 2002, leased or operated a truck or trailer or both under an agreement with Defendant ("the Class"). The Class includes all independent owner-operators who, during the period beginning October 21, 1998 and ending October 21, 2002, leased or operated a truck or trailer or both under Independent Contractor Agreements similar to the Independent Contractor Agreement entered into by and between the class representative and Service Trucking, Inc.

The above-described Class is preliminarily certified for the purposes of sending out notices to the Class members to inform the Class members of (1) the background of the case, (2) the benefits the settlement, if approved, will provide to the Class members, (3) the attorney's fees and benefits to the Class Representative the Defendant will pay if the settlement is approved, (4) the effect of the settlement on Class members' legal rights, (5) how to become a Class member, (6) how to be excluded from the Class, (7) how to object to the proposed settlement, (8) the right to appear at the Fairness Hearing and when and where the Fairness Hearing will take place, and (9) how to obtain other information concerning the settlement or the case.

III. NOTICE OF CLASS ACTION

The Court approves of the Notice of Class Action, attached hereto as Exhibit "A," and Orders that Defendant mail the Notice of Class Action to all known potential class members within three (3) days of the date of this Order. Should Defendant's counsel receive any timely written requests for exclusion, Defendant shall file each written request for exclusion it receives with the Court and provide a copy to opposing counsel.

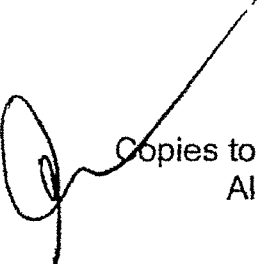
IT IS SO ORDERED.

DONE AND ORDERED in Ocala, Florida this 11<sup>th</sup> day of December,  
2003.



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Honorable Wm. Terrell Hodges  
UNITED STATES DISTRICT COURT JUDGE

  
Copies to:  
All Counsel