

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

BNVS Transport LLC and MEIN & MEEN
TRUCKING, INC., individually and on behalf of
all others similarly situated,

Plaintiffs,

vs.

C&K TRUCKING, LLC,

Defendants.

Case No. 1:20-CV-04305

HON. JOHN ROBERT BLAKEY

HON. M. DAVID WEISMAN

DATE: October 20, 2022

TIME: 11:00 a.m.

COURTROOM: 1203

JUDGE: Hon. John Robert Blakey

**DECLARATION OF BERNARD SHURN IN SUPPORT OF PLAINTIFFS' MOTION
FOR SERVICE AWARDS**

I, Bernard Shurn, declare as follows:

1. I have personal knowledge of the facts stated in this declaration and could and would testify to those facts if called upon to do so.

2. I am submitting this declaration in support of the motion for service awards in connection with the proposed class action settlement that was preliminarily approved by this Court on November 15, 2022. (ECF 75).

3. In April 2019, I formed BNVS Transport LLC (“BNVS”) with my partner, Valinda Stephens, to establish a business in the trucking industry as owner-operators. Ms. Stephens and I run BNVS entirely on our own. We share business responsibilities and are both involved in all aspects of the work and running the business.

4. I worked alongside Ms. Stephens for C&K as owner-operators through BNVS from about May 2019 to about May 2020. We got started with C&K by signing a contract. In that contract and other documents, C&K made promises about how we would be paid, which was supposed to be a certain percentage of revenue that might increase depending on the type of load, and what documentation we would be provided to help us make sure we were being paid properly.

5. Ms. Stephens and I had pay problems with C&K for our entire time working for them. For example, we did not receive documentation we were promised and that we needed to figure out whether we were being paid properly. We also often received lower pay than what was promised to us. And each paycheck, we noticed deductions from our pay that did not make sense. What’s more, we struggled with a lack of transparency in how our pay was calculated. We tried to work this out with C&K, but our concerns were not addressed. We knew we were not getting our full pay. We also noticed that other owner-operators were having similar issues. We decided to look for a lawyer.

6. In about February or March 2020, Ms. Stephens and I sought advice from Stacey Vucko of Vucko Law LLP. We spent several hours meeting with her in person and over the phone. We also provided her with documents related to our claims. Ms. Stephens and I both actively participated in these conversations and efforts because we share business responsibilities and each had our own knowledge and information to

contribute.

7. I learned from my own experience seeing other folks go through the same issues and from my discussions with Ms. Vucko that a class action would be a good way to address these problems. At that point, I agreed to be a class representative and to work closely with Ms. Vucko and the other attorneys she was working with. I did not take this decision lightly. I understood it meant that I would be available to answer questions and to provide relevant evidence. I also understood that I would need to stay up to date on the case and participate in proceedings where my input would be necessary or helpful.

8. One part of being a class representative is making sure to put the interests of the other class members before my own interests. This is an important responsibility that required me to make decisions in the case for the benefit of the whole group of owner-operators and not just me or Ms. Stephens.

9. In becoming a class representative, I faced the risk that initiating the case could make my then-ongoing business relationship with C&K even more tense than it already was. I also faced the risk the case could damage my ability to contract with other companies in the industry that might not like the fact that I was suing C&K. I also faced the risk that C&K might seek litigation costs from me if it won the case. Despite these risks, I decided that representing the class was the right thing to do. It was important to me that C&K follow the law, honor its promises, and pay owner-operators properly.

10. I have worked hard on this case ever since my partner and I first contacted Ms. Vucko. In addition to our initial interviews with her, I spoke regularly with my attorneys and helped give them documents they requested to assist in their investigation and preparation of the complaint. When C&K tried to get this case dismissed, I worked with my attorneys to help amend the complaint. I spent time on the phone helping them understand the facts and providing them with additional details about the pay problems and misrepresentations I experienced. From the start, I made myself easily available to my attorneys and often interrupted my workday to speak with them. So did my partner, Valinda Stephens. Valinda and I both needed to put in a lot of work to make sure we got our attorneys all the information they needed.

11. I also worked with Ms. Stephens and our attorneys to respond to discovery requests and produce documents. Together with our co-plaintiff, we produced about 1,000 pages of documents. I also sat for a

deposition that lasted about six hours and spent hours preparing with my attorneys beforehand. Both the preparation and the deposition itself required me to miss out on work. Throughout the case, I took my responsibility to advocate for all C&K drivers very seriously.

12. Later, I worked with my attorneys to prepare the motion for class certification by helping them investigate and understand the pay practices that affect owner-operators who have contracted with C&K.

13. I also worked hard on the group's behalf by attending both mediation sessions. I actively participated in these sessions, along with Ms. Stephens and Mr. Muhammad. I helped the mediator better understand the owner-operators' perspective. I also helped my attorneys when they had questions about information affecting the negotiations, such as the categories of deductions that showed up on owner-operators' pay statements and C&K's standard practices involving pay and documentation (or lack of documentation) for it. I also agreed to a release of claims that is broader than the class release.

14. After we reached a settlement, I helped provide the input our attorneys needed as they worked out the details. I kept in regular touch with my attorneys throughout the preliminary approval process. I missed work to attend the preliminary approval hearing. I then worked on this declaration to help the Court understand my work on this case.

15. To recap, over the past approximately two-and-a-half years, I have been actively involved in all aspects of this case from the initial investigation, to helping oppose C&K's attempts to get rid of the case, to discovery and depositions, to class certification, to the settlement negotiations and preliminary approval.

16. I am certain that my contributions and those of Ms. Stephens and Mr. Muhammad helped achieve a strong result for the class in this case. We helped our attorneys understand and document the way C&K pays and communicates with owner-operators, the standard terms it requires owner-operators to agree to, and the promises it makes owner-operators. The information we provided also helped our attorneys better understand the industry and the work it entails, which helped them make strong arguments for the class. I am proud of my contributions to this case.

17. Considering the time and effort I put into this case from early 2020 through the present, including my continued commitment to the class claims and the risks that came with being a class representative, I

respectfully request that the Court grant me a service payment of \$20,000. I believe this award is reasonable because of the results I helped achieve, the many hours of my personal time that I put into the case over about two-and-a-half years, my commitment to pursuing a strong settlement for the other drivers, and my release of all other claims that I may have against C&K.

18. Regardless of the outcome of my request for a service award, I request that the Court grant final approval to the class action settlement because it offers a strong result for the owner-operators.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and based on my personal knowledge. Executed on 12/21/2022 in Orland Park, Illinois.

Bernard Shurn






Bernard Shum



Audit trail

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