

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 VALINDA STEPHENS IN SUPPORT OF PLAINTIFFS' MOTION
FOR SERVICE AWARDS**

I, Valinda Stephens, 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. I have worked in the trucking industry since approximately 2015 in both contractor and employee roles. In April 2019, my business partner, Bernard Shurn, and I formed BNVS Transport LLC (“BNVS”) to establish a business as owner-operators. Mr. Shurn and I are BNVS’ only employees. We share responsibility for the business and are both involved in day-to-day operations, recordkeeping, and decision-making.

4. Mr. Shurn and I worked for C&K as owner-operators through BNVS from about May 2019 through about May 2020. To begin working for C&K, we signed a contract with C&K on behalf of BNVS in May 2019. That contract and other documents C&K provided made promises regarding how we would be paid, which was supposed to be a certain percentage of revenue (a percentage that varied depending on the type of load), and what documentation we would be provided to help assess whether we were being paid properly.

5. Mr. Shurn and I had significant pay issues with C&K from the start. For example, we did not receive documentation we were promised and that we needed to verify whether we were being paid properly; we frequently received lower pay than what was promised to us; we repeatedly noticed deductions from our pay that did not make sense; and we struggled with a lack of transparency in how our pay was calculated. We tried to address these issues directly with C&K, but ultimately were unsuccessful. We knew we were being regularly underpaid and saw that other owner-operators were having similar issues. We decided to seek legal advice.

6. In about February or March 2020, Mr. Shurn and I contacted Stacey Vucko of Vucko Law LLP. We spent several hours meeting with her in person and over the phone. We also provided her with a copy

of our contract and documentation concerning the pay issues we were having. Mr. Shurn and I both made significant contributions to these efforts, as we share responsibility for our business, and both had information and knowledge to contribute.

7. I knew that other owner-operators were having similar problems. Based on these observations and my discussions with Ms. Vucko, I came to realize that the claims could be brought as a class action. Ultimately, I agreed to act as a class representative and work with Ms. Vucko and her co-counsel on a class action.

8. This was a big commitment. It meant that I would need to make myself available for questioning and to provide evidence that I might have that would be relevant to the case. It also meant that I would need to stay updated on case developments and participate in proceedings if my presence was needed or might be helpful.

9. Serving as a class representative also meant I needed to put other owner-operators' interests above mine. That was a significant responsibility because even though C&K owed me a lot of money, I would need to make strategic decisions in the case for everyone's benefit and not just my own. I realized I might need to compromise for the good of the group, and that I would need to invest significant time and energy into the case.

10. In becoming a class representative, I faced the risk that initiating the case could potentially further strain my then-ongoing business relationship with C&K. I also faced the risk the case could damage my ability to contract with other companies because I'd be looked at as a troublemaker. I also faced the risk that C&K might seek its litigation costs from me if it won the case. Despite these risks, I decided that representing the class was the right thing to do and that it was important that C&K follow the law and honor the terms of its contracts in how it pays owner-operators.

11. I have invested significant time and effort in this case from the beginning. After the initial hours of interviews I mentioned, I communicated regularly with my attorneys and provided them documentation as 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 assist in amending the complaint. I spent hours more on the phone

with them, helping them understand timelines and documents and providing them with detailed information about the who, what, when, where, and why of the pay problems and misrepresentations I experienced. During this time and throughout the rest of the case, I made myself freely available to my attorneys and often took time out of my workday to speak with them. This was also true of my partner, Bernard Shurn, whose assistance I needed in filling in the gaps and getting our attorneys the details they needed.

12. I also worked with my partner to respond to discovery requests and produce documents, which required more lengthy conversations with our attorneys. Together with our co-plaintiff, my partner and I produced about 1,000 pages of documents. I also sat for a full-day deposition, before which I spent several hours preparing with my attorneys. Both the preparation and the deposition itself required me to miss out on work. Throughout this process and the case as a whole, I kept in mind and followed through on my responsibility to advocate for all C&K drivers.

13. After the discovery process, I assisted my attorneys in preparing the motion for class certification and provided a declaration to support it. Once again, this required substantial discussions with the attorneys, including during my workday. I worked hard to provide a declaration that explained my experiences in detail and clearly communicated the pay practices affecting the many owner-operators who have contracted with C&K.

14. Another point in the case where I made a significant contribution for the group's benefit was during the mediation process. I attended both mediation sessions and actively participated, along with Mr. Shurn and Mr. Muhammad. I intervened at moments when I could that tell the mediator did not fully understand the owner-operators' perspective and that more information from us would be helpful. I helped our attorneys present the strongest possible case for the owner-operators. I also agreed to a release of claims that is broader than the class release.

15. Even after we reached a settlement, I was actively involved. I gladly provided the input our attorneys needed as they put the settlement in writing and negotiated its details. I then kept in regular touch with my attorneys throughout the preliminary approval process. I missed work to attend the preliminary approval hearing in case the Court had any questions for me and to support the strong result I helped achieve

for the class. I then worked on this declaration to help the Court understand my contributions to the case.

16. To summarize, over the past approximately two-and-a-half years, I have worked hard with my attorneys to help investigate and develop the record for the class-wide claims. I have met with my attorneys in person, provided interviews, searched for and produced documents, reviewed case documents, and personally participated in two mediation sessions. I have regularly communicated with my attorneys about the details of my work and that of the other owner-operators, which I have directly observed, and about what was going on in the lawsuit and what strategy we were taking.

17. I am heartened that my time and effort contributed to the success of this case. I strongly believe that the work that Mr. Shum, Mr. Muhammad, and I put in made for a beneficial outcome for the class. For example, the information we provided in this case was helpful in documenting the way C&K pays and communicates with owner-operators, the standard terms it requires owner-operators to sign on to, and the promises it makes to owner-operators. The information we provided also helped our attorneys better understand the ins and outs of the work owner-operators perform in the industry, which helped them make strong arguments for the class. I am proud and pleased to have helped pave the way for the successful settlement.

18. In light of the time I put into this case since the original meetings in 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 a significant award is warranted here because of the result achieved, the many hours of my personal time that I have invested in the case over about two-and-a-half years, my commitment to seeing it through to a strong settlement for the other drivers, and my release of all other claims that I may have against C&K.

19. Regardless of how the Court rules on my request for a service award, I request that the Court grant final approval to the class action settlement because it offers a very beneficial 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.








Valinda Stephens



Audit trail

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