

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 DAMIEN MUHAMMAD IN SUPPORT OF PLAINTIFFS'
MOTION FOR SERVICE AWARDS

I, Damien Muhammad, 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 2012 in both company driver and owner-operator positions. I formed Mein & Meen Trucking, Inc. (“Mein & Meen”) and began running my own business as an owner-operator in about 2016.

4. I worked for C&K as an owner-operator through my small business from about March 2018 to August 2019, and then again between about October 2019 and February 2020. I signed a contract with C&K before each of my two stints working for it. In these standardized contracts, C&K made representations about how I would be paid, which was supposed to be a certain percentage of revenue that increased depending on the type of load, and what documentation I would be provided to help determine if C&K was paying me correctly. The contracts also had what I consider to be problematically vague language about what it would deduct from my pay and how those deductions would be calculated.

5. I had pay problems throughout both of my stints with C&K. For example, I did not receive the documentation I was promised that would have enabled me to determine whether I was being paid correctly. My pay often was strangely low and I was very much in the dark about how C&K was calculating things. I also experienced problems with not being paid at all for certain loads, no longer being paid for accessorial services that C&K had originally paid for, and

deductions that did not make sense. Escrow money that I had to pay up front to contract with C&K also was not properly handled. It was clear to me that I was being underpaid.

6. In about February or March 2020, I contacted Stacey Vucko of Vucko Law LLP. I spent hours meeting with her in person and over the phone and gave her a copy of my contract. I had witnessed other owner-operators having similar problems. I came to believe that it would be a good idea to pursue these claims as a class action. I agreed to act as a class representative and move forward with a class action case with the help of Ms. Vucko and her co-counsel.

7. Agreeing to be a class representative meant I was making a serious commitment. I understood that I'd have to be available for questioning and to provide evidence, and that I'd need to stay updated on case developments. I also understood that I could have my deposition taken and would need to participate in proceedings if that was necessary or helpful to the case.

8. Making this commitment meant that I needed to put other owner-operators' interests before my own. This was a big responsibility because it meant that despite my own feelings and though C&K owed me money, I would need to make strategic choices that benefited everyone and not just me. I understood that the case might require me to compromise for the benefit of the group, and that I would need to put a lot of time and energy into the case.

10. Agreeing to be a class representative also put my small business at risk. I faced the possibility that the case could damage my ability to contract with other companies because I could be denied work for stepping forward in a lawsuit against a major player in the industry. I also faced the risk that C&K might seek its litigation costs from me if it won the case. I nonetheless decided that representing the class was the right thing to do and that it was important that C&K follow the law.

11. I have taken my responsibilities as a class representative seriously and invested time into this case. After the initial 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 time on the phone with them to provide more details about the pay problems and misrepresentations I experienced. During this time and throughout the rest of the case, I made myself readily available to my attorneys and often took calls from them during my workday.

12. I also responded to discovery requests and produced documents, which required more lengthy conversations and multiple searches to ensure I had found and produced all the relevant documents. I worked with Ms. Stephens and Mr. Shurn to produce about 1,000 pages of documents in total. I also sat for a six-hour deposition, before which I spent hours preparing with my attorneys. I had to sacrifice pay when the preparation and deposition required me to take time off work. I took this process very seriously and kept in mind my commitment to promote the class's interests.

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

14. I also played an active role in the mediation process. I attended both mediation sessions and actively participated, along with Ms. Stephens and Mr. Shurn. I didn't hesitate to speak up at the mediation to make sure the mediator understood what it was like to be an owner-

operator and why we had not been treated fairly. I helped the attorneys push for a strong result. I also agreed to a release of claims that is broader than the class release.

15. I remained involved even after reaching the settlement. I kept in close communication with my attorneys 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 so I could provide any extra information the court might need and to support the great result I helped achieve. I then worked on this declaration to explain the work I have done to the Court.

16. To sum up, over the past approximately two-and-a-half years, I have worked diligently 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 personally witnessed, and about case developments and strategy.

17. I am proud of my contributions to this case. I am confident that the information I 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 agree to, and the promises it makes to owner-operators. I also worked hard to help my attorneys better understand every aspect of owner-operators' day-to-day work in the industry, which helped the attorneys effectively represent the class. I am pleased to have helped achieve the successful settlement.

18. Because of the time and effort I have invested 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 this award is appropriate 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 / 22 / 2022 in Orland Park, Illinois.



Damien Muhammad



Audit trail

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