

EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DOMINIC OLIVEIRA,
on his own behalf and on behalf of
all others similarly situated,

Plaintiffs,

V.

NEW PRIME INC.,

Defendant.

Civil Action No. 1:15-cv-10603-PBS

FINAL SETTLEMENT APPROVAL ORDER AND JUDGMENT

Plaintiffs have filed a motion for final settlement approval pursuant to Federal Rule of Civil Procedure 23 and the federal Fair Labor Standards Act. In that motion, Plaintiffs request an order finally approving settlement of the above-captioned action in accordance with the parties' settlement agreement, which sets forth the terms and conditions for a proposed settlement of this matter and its dismissal with prejudice.

Having reviewed the motion, the settlement agreement, and conducting a final settlement approval hearing on January 13, 2021, it is hereby ORDERED that:

1. This Order applies to the consolidated actions of *Oliveira v. New Prime, Inc.*, Civil Action No. 1:15-cv-10603-PBS (D. Mass.), and *Haworth et al. v. New Prime, Inc.*, Civil Action No. 6:19-cv-03025-RK (W.D. Mo.), which was transferred to this Court from the United States District Court for the Western District of Missouri.

2. This settlement is fair, reasonable, and adequate and the Court grants Plaintiffs' motion for final settlement approval.

3. The following Settlement Class is certified pursuant to Federal Rule of Civil Procedure 23(b)(3) and 29 U.S.C. § 216(b): All individuals who have attended training to become truck drivers for Prime and/or have driven for Prime either as employee drivers or as independent contractor drivers who have leased their trucks through Prime at any time from October 2, 2012, to May 8, 2020, and all individuals who have otherwise attended training in Missouri to become truck drivers for Defendant New Prime, Inc. at any time from March 4, 2010, to May 8, 2020, except for the named plaintiffs in *Montgomery v. New Prime, Inc.*, Civil Action No. 8:17-cv-00321 (C.D. Cal.).

4. This Court finds that the notice provided to Settlement Class Members was the best notice practicable and fully satisfied the requirements of the Federal Rules of Civil Procedure, due process, and any other applicable laws.

5. The Court grants Class Counsel's petition for attorneys' fees and costs and approves the amounts for fees and costs set forth in Plaintiffs' motion for final settlement approval. The Court further approves \$50,000.00 as an incentive award to Plaintiff Dominic Oliveira and \$25,000.00 as an incentive award to Plaintiff Rocky Haworth. These amounts shall be paid out of the settlement fund, as set forth in the parties' Settlement Agreement.

6. The Court approves the proposed distribution of settlement funds as set forth in Plaintiffs' motion for final settlement approval.

7. The Court overrules the objection filed at Docket No. 273 and denies the “Motion to Appeal,” and related “Request for Waiver of Mandatory Fee Reduction,” and motion to proceed *in forma pauperis* filed at Docket Nos. 274 and 275.

8. The Court orders that the payments be made in this matter pursuant to the timetable established in the parties’ Settlement Agreement.

9. Judgment is to be entered pursuant to Federal Rule of Civil Procedure 54(b) and 29 U.S.C. § 216(b) *et seq.*, and the Court dismisses with prejudice all claims against Prime released as part of this settlement.

10. The parties’ Settlement Agreement is binding on Defendant, the Class Representatives, and all Participating Class Members who have not excluded themselves from the settlement.

11. The claims of Putative Class/Collective Members who have properly and timely excluded themselves in full accordance with the procedures set forth in the parties’ Settlement Agreement are dismissed without prejudice.

12. Without affecting the finality of this Final Settlement Approval Order and Judgment in any way, this Court retains continuing jurisdiction to implement the Settlement Agreement and to construe, enforce, and administer the Settlement Agreement and this settlement. Class Counsel will continue in their role to oversee all aspects of the Settlement Agreement and settlement, consistent with the terms of the Settlement Agreement.

ENTERED this ____ day of _____, 2021.

The Honorable Patti B. Saris