

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI

**If you attended orientation and/or over-the-road training and/or have done team driving as a “B” or “C” seat for Prime at any time since May 9, 2020, please read this Notice. This collective action lawsuit may affect your rights.**

*This is not a solicitation from a lawyer.  
A Federal Court has authorized this Notice.*

**NOTICE OF COLLECTIVE ACTION LAWSUIT**

**RE: Lawsuit Regarding Claims for Alleged Unpaid Wages**

- A lawsuit has been brought on behalf of individuals who have attended orientation and/or training and/or have done team driving as a “B” or “C” seat for New Prime, Inc. (“Prime”), alleging that Prime has failed to properly pay minimum wages. The Court has not yet made any rulings on the merits in favor of either side.
- The Court has authorized mailing of this notice regarding FLSA claims to a group of individuals who have attended orientation and/or training and/or have done team driving for Prime since May 9, 2020 and have not signed certain types of arbitration agreements. The people who are subject to this notice should receive an email and/or a hard copy notice.
- You have been identified as a person potentially eligible to join this lawsuit. You are eligible to join this lawsuit if you have attended orientation and/or training and/or have done team driving as a “B” or “C” seat for Prime at any time since May 9, 2020.
- You have two options relating to the FLSA claims in this Lawsuit, described below.

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT</b>	
<b>JOIN THE LAWSUIT</b>	<p>If you choose to join this case, you would be eligible to receive money or benefits from a trial or settlement of the FLSA claims in this case if Plaintiffs are successful.</p> <p><u>If you wish to be included</u>, you may complete and return the Consent to Join Form or by completing the form electronically by visiting the website: <a href="http://www.PrimeTruckingLawsuit.com">www.PrimeTruckingLawsuit.com</a>.</p> <p><b>The deadline to join the lawsuit is <u>June 19, 2023</u>.</b></p>
<b>DO NOTHING</b>	<p>By doing nothing, you give up the possibility of getting money or benefits from a trial or settlement as to the FLSA claims in this lawsuit. You keep any right to sue separately about the same legal claims in this lawsuit, but the statute of limitations (i.e., deadline) continues to run on any claims you may have.</p>

*For more information about this lawsuit, please visit the website: [www.PrimeTruckingLawsuit.com](http://www.PrimeTruckingLawsuit.com).*

### **1. Why did I get this notice?**

Prime's records show that you have attended orientation and/or training and/or have done team driving as a "B" or "C" seat at some point since May 9, 2020. The Court has authorized mailing of this notice to you regarding a collective action lawsuit that may affect you. You have legal rights and options that you may exercise in this case. The Honorable Beth Phillips of the United States District Court for the Western District of Missouri is overseeing this collective action. The lawsuit is known as *Peter Nyachira v. New Prime, Inc.*, Case No. 6:21-cv-03211-BP.

### **2. What is this lawsuit about?**

On August 12, 2021, the Named Plaintiff filed this lawsuit in the United States District Court for the Western District of Missouri on behalf of himself and other similarly situated individuals who have attended orientation and/or training and/or have done team driving, alleging that Prime failed to pay minimum wage for all hours worked, including time spent in orientation and over-the-road training, and time spent riding in the cab (or front passenger seat), time logged as "off duty" while working, time logged as "on duty not driving" including time spent waiting, and/or excessive time spent in the truck's sleeper berth.

### **3. What is a collective action and who is involved?**

In a collective action lawsuit, one or more people sue on behalf of other people who have similar claims. The Named Plaintiff in this case seeks to represent any and all current and former employees who have attended orientation and/or training and/or have done team driving for Prime since May 9, 2020. Prime is the Defendant in this case. Plaintiff's goal in filing the collective action is for one court to resolve the issues for everyone who joins the case.

### **4. What is the position of Prime?**

Prime denies that it owes wages to individuals for orientation and/or over-the-road training and also denies that it did not compensate drivers properly for team driving. Prime denies that it owes any money to the drivers. Prime also contends that to the extent Plaintiff Nyachira and/or putative class members are entitled to damages, Prime is entitled to a setoff for any prior payments of wages or other consideration previously provided to those parties.

### **5. Has the Court decided who is right?**

The Court has not decided who should win the case. By authorizing this notice, the Court is not suggesting that the Plaintiffs will win or lose the case.

### **6. What are the Plaintiffs asking for?**

Plaintiff seeks to recover unpaid minimum wage owed to each individual who joins the case. Plaintiff also seeks "liquidated damages," which doubles the amount of recovery of any unpaid minimum wages. In addition, Plaintiff seeks recovery of costs and attorney's fees from Prime.

## **7. Can I join this lawsuit?**

If you fit the description above (i.e., you have attended orientation and/or training and/or have done team driving for Prime at some point since May 9, 2020), you may join this lawsuit.

## **8. I'm still not sure if I am included?**

If you are still not sure whether you are included, you can contact the lawyers representing the Named Plaintiff in this case, using the contact information in Section 14 below, who will provide you with a free and confidential consultation. You may also seek legal advice from any attorney of your choice at your own expense.

## **9. What happens if I join the lawsuit?**

If you choose to join this lawsuit, you will be bound by the final judgment, whether favorable or unfavorable. You will also be bound by, and will share in, any settlement that may be reached as to those claims. While this suit is pending, you may be required to respond to written questions, produce documents, sit for a deposition and/or testify in court. By joining this lawsuit, you designate the Named Plaintiff as your representative, and to the fullest extent possible, to make decisions on your behalf concerning the case, the method and manner of conducting the case, the entering of an agreement with Plaintiffs' counsel regarding payment of fees and costs, and all other matters pertaining to this lawsuit. These decisions and agreements made and entered into will be binding on you if you join this lawsuit.

## **10. What happens if I do nothing at all?**

If you choose not to join this lawsuit, you will not be affected by any judgment or settlement rendered in this case on this claim, whether favorable or unfavorable to the class. You will not be entitled to share any amounts recovered by the class as part of this lawsuit. You will also be free to file your own individual lawsuit against Prime separately about the same legal claims, subject to any defenses that might be asserted, but the statute of limitations continues to run on any claims you may have.

## 11. How do I ask to be included in the case?

If you choose to join this lawsuit, **you must read, sign and complete the Consent to Join Form to the Notice Administrator, whose contact information is set forth below. You can access, electronically sign and complete the Consent to Join Form by visiting the website: [www.PrimeTruckingLawsuit.com](http://www.PrimeTruckingLawsuit.com).** You may also sign and complete a copy of the Consent to Joint Form and send it via mail, email, or facsimile to the Notice Administrator at the following address:

Prime Trucking Collective Action Lawsuit  
Notice Administrator  
c/o AB Data Ltd.  
PO Box 173132  
Milwaukee, WI 53217  
Phone: 877-390-3127  
Fax: 414-961-4861  
Email: [info@primetruckinglawsuit.com](mailto:info@primetruckinglawsuit.com)  
Website: [www.primetruckinglawsuit.com](http://www.primetruckinglawsuit.com)

The signed Consent to Join Form must be submitted electronically or by facsimile or postmarked by **June 19, 2023**. If your signed Consent to Join Form is not returned electronically or by facsimile or postmarked by **June 19, 2023** you may be prohibited from participating in any recovery obtained against Prime in this lawsuit.

## 12. Do I have a lawyer in this case?

If you choose to join the lawsuit, you will be represented in this case by Virginia Stevens Crimmins, and Matthew R. Crimmins of the Crimmins Law Firm LLC of Independence, MO, Garrett M. Hodes of the Hodes Law Firm, LLC of Liberty, MO, and Hillary Schwab of Fair Work, P.C. of Boston, MA. Their contact information is in Section 14 below.

## 13. How will the lawyers be paid?

The Named Plaintiff has entered into a contingency fee agreement with Plaintiffs' counsel, which means that if there is no recovery, there will be no attorneys' fees or costs chargeable to you. Under the fee agreement, in the event there is a recovery, Plaintiffs' counsel will receive a percentage of any settlement obtained or money judgment entered in favor of all members of the class, subject to approval by the Court. It is possible that attorneys' fees and costs may also be a part of a settlement or judgment obtained, which the Court may order be separately paid by Prime.

**14. Are there more details available?**

If you have any questions or require additional information, please contact the Administrator at the following contact information:

Prime Trucking Collective Action Lawsuit  
Notice Administrator  
c/o AB Data Ltd.  
PO Box 173132  
Milwaukee, WI 53217  
Phone: 877-390-3127  
Fax: 414-961-4861  
Email: [info@primetruckinglawsuit.com](mailto:info@primetruckinglawsuit.com)  
Website: [www.primetruckinglawsuit.com](http://www.primetruckinglawsuit.com)

You may also contact the Plaintiff's lawyers at the following contact information:

Virginia Stevens Crimmins  
Matthew Crimmins  
Crimmins Law Firm LLC  
214 S. Spring Street  
Independence, MO 64050  
Telephone: 855-974-0777  
Email:  
[primetruckinglawsuit@crimminslawfirm.com](mailto:primetruckinglawsuit@crimminslawfirm.com)

Garrett M. Hodes  
Hodes Law Firm, LLC  
6 Victory Lane, Suite 6  
Liberty, MO 64068  
Telephone: 816-222-4338  
Email:  
[garrett@hodeslawfirm.com](mailto:garrett@hodeslawfirm.com)

Hillary Schwab  
Fair Work, P.C.  
192 South Street, Suite 450  
Boston, MA 02111  
Telephone: 617-607-3261  
Email: [hillary@fairworklaw.com](mailto:hillary@fairworklaw.com)

**PLEASE DO NOT CONTACT THE COURT CLERK REGARDING THIS MATTER**

*For more information about this lawsuit, please visit the website: [www.PrimeTruckingLawsuit.com](http://www.PrimeTruckingLawsuit.com).*