

THIS IS A DIFFERENT NOTICE THAN YOU PREVIOUSLY RECEIVED FOR A DIFFERENT PART OF THE CASE AGAINST PRIME.

YOU ARE CURRENTLY REPRESENTED BY ATTORNEYS IN A CLASS ACTION AGAINST PRIME. IF YOU DO NOT WANT TO BE PART OF THE LAWSUIT AGAINST PRIME, YOU MUST TAKE ACTION NOW TO OPT OUT.

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

If you attended “D seat” orientation and/or pre-CDL training based in Springfield, Missouri at any time since May 9, 2020, please read this Notice. This lawsuit may affect your rights.

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

NOTICE OF CLASS ACTION LAWSUIT AND DEADLINE TO OPT OUT

RE: Lawsuit Regarding Claims for Alleged Unpaid Minimum Wages

- A lawsuit has been brought by Named Plaintiff Peter Nyachira on behalf of individuals who have attended “D seat” orientation and/or pre-CDL training and/or have done team driving as a “B seat” or “C seat” driver for Defendant New Prime, Inc. (“Prime”), alleging that Prime has failed to properly pay minimum wages. The Court has not yet determined whether the claims asserted by Plaintiff have any merit. In other words, the Court has not decided whether any laws have been violated, nor has it decided in favor of Plaintiff or Prime.
- **The case involves two categories of claims:** (1) Missouri minimum wage claims that have been brought on behalf of all individuals who have attended D seat orientation and/or pre-CDL training for Prime, based in Springfield, Missouri since May 9, 2020 (the “Missouri Claims”); and (2) federal minimum wage claims under the Fair Labor Standards Act (“FLSA”) on behalf of all individuals who have attended orientation and/or pre-CDL training and/or have done team driving for Prime since May 9, 2020 (the “Federal FLSA Claims”). The Named Plaintiff asserts the Missouri Claims on behalf of a “class” and the Federal FLSA Claims on behalf of a “collective” under the FLSA. Further details are in Section 2 below. You likely have already received notice about the Federal FLSA Claims in this case. **This Notice relates only to the Missouri Claims.**

- You have two options relating to the Missouri Claims, described below.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT	
DO NOTHING	For the Missouri Claims, you do not need to do anything in order to join the class and be eligible to pursue a claim for damages. If you do nothing, you are automatically part of the class for the Missouri Claims and will be eligible to participate in any judgment or settlement relating to those claims.
EXCLUDE YOURSELF FROM THE MISSOURI CLAIMS CLASS	If you wish to be excluded from the class for the Missouri Claims, you must make a request to be excluded from the class to the Notice Administrator. Further instructions are set forth in Section 10 below. The deadline to exclude yourself from the Missouri Claims class is October 22, 2023 .

1. Why did I get this Notice?

Prime’s records show that you have attended D seat orientation and/or pre-CDL training, based in Springfield, Missouri at some point since May 9, 2020. The Court has authorized issuing this Notice to you regarding the Missouri Claims in this case. You have legal rights and options that you may wish to exercise. The Honorable Beth Phillips of the United States District Court for the Western District of Missouri is overseeing this lawsuit. The lawsuit is known as *Peter Nyachira, on behalf of himself and all others similarly situated 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. **This Notice concerns the claims under the Missouri minimum wage law for time spent attending D seat orientation and/or Pre-CDL training for Prime in Missouri since May 9, 2020 (the “Missouri Claims”) and the Missouri Claims class.**

3. What is a class action and who is involved?

In a class action lawsuit, one or more people sue on behalf of other people who have allegedly similar claims. The Named Plaintiff in this case seeks to represent any and all individuals who have attended orientation and/or pre-CDL training, based in Springfield, Missouri since May 9, 2020. Prime is the Defendant in this case. Plaintiff’s goal in filing the class action is for one court to resolve the issues for everyone who is in the class for the Missouri Claims. **To participate in the Missouri Claims class, you do not need to do anything, but to exclude yourself from the Missouri Claims class you must affirmatively exclude yourself, as described in Section 10 below.**

4. What is the position of Prime?

Prime denies that it owes wages to individuals for orientation and/or pre-CDL training and also denies that it did not compensate drivers properly for team driving. Prime denies that it has violated any laws or owes any money to the drivers. Prime further asserts that class or collective action treatment of this case is inappropriate. 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 any unpaid minimum wage owed to each individual who is in the class. Plaintiff also seeks “liquidated damages.” Under the Missouri Minimum Wage Law, this would triple the amount of any recovery of any unpaid minimum wages. In addition, Plaintiff seeks recovery of costs and attorney’s fees from Prime.

7. I’m still not sure if I am included. What should I do?

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 13 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.

8. What happens if I do nothing?

If you do nothing, you will continue to be part of the class for the Missouri Claims (if you attended orientation and/or pre-CDL training for Prime based in Springfield, Missouri at any time since May 9, 2020) and you will be bound by any judgment or settlement rendered in the case on the Missouri Claims, whether favorable or unfavorable to the class. You will also be represented by the attorneys below for the Missouri Claims.

9. What happens if I exclude myself from the Missouri Claims class?

If you choose to exclude yourself from the Missouri Claims class, you will not participate in those claims in the lawsuit and will not be bound by, nor will you receive any compensation from, any judgment or settlement relating to the Missouri Claims in this lawsuit. If you so choose, you may pursue your claims on your own, but the statute of limitations may continue to run on any claims you may have.

10. How do I ask to be excluded from the class for the Missouri Claims?

In order to exclude yourself from the class for the Missouri Claims, you must request to exclude yourself by making a request for exclusion to the Notice Administrator (contact information in Section 13 below). The request for exclusion must include: (1) your name, address, email address, and telephone number; (2) a statement that you request to be excluded from the Missouri Claims and understand that you will not be eligible to recover damages as part of any settlement or judgment of the case; and (3) your signature. You may also get an Exclusion Request form at the website, www.primetruckinglawsuit.com.

You may submit the request for exclusion by mail, email, or facsimile. The request must be submitted or, if sending by mail, postmarked by **October 22, 2023**. Alternatively, you can upload your Exclusion Request by **October 22, 2023**, to the website, www.primetruckinglawsuit.com.

11. Do I have a lawyer in this case?

If you do nothing, thereby remaining in the Missouri Claims class (and/or if you have already filed a Consent to Join form relating to the Federal FLSA Claims in the case), 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 13 below.

12. 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 any settlement or judgment obtained, which the Court may order be separately paid by Prime.

13. Are there more details available?

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

Prime Trucking Collective Action Lawsuit
Notice Administrator
c/o A.B. Data, Ltd.
P.O. Box 173132
Milwaukee, WI 53217
Phone: 877-390-3127
Fax: 414-961-4861
Email: info@primetruckinglawsuit.com
Website: 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

Garrett M. Hodes
Hodes Law Firm, LLC
6 Victory Lane, Suite 6
Liberty, MO 64068
Telephone: 816-222-4338
Email:
primetruckinglawsuit@hodeslawfirm.com

Hillary Schwab
Fair Work, P.C.
192 South Street, Suite 450
Boston, MA 02111
Telephone: 617-607-3261
Email:
primetruckinglawsuit@fairworklaw.com

PLEASE DO NOT CONTACT THE COURT CLERK REGARDING THIS NOTICE.