



United States District Court for the District of Nebraska

Abarca et al. v. Werner Enterprises, Inc., et al.

Case No. 8:14-cv-00319-JFB-MDN

Class Action Notice

Authorized by the United States District Court for the District of Nebraska

Did you work for Werner Enterprises, Inc. between June 4, 2010, and July 14, 2023, as a qualified driver?

There is an \$18 million settlement of a lawsuit.

You may be entitled to money.

To be part of this Settlement, you should:

Read this Notice.

Important things to know:

- If you take no action, you will automatically receive payment, be bound by the settlement, and your rights will be affected.
- You can learn more at: www.truckerclassaction.com.

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About This Notice

Why did I get this Notice?

This Notice is to tell you about the settlement of a class action lawsuit, *Abarca et al. v. Werner Enterprises, Inc., et al.* (hereinafter, the “Lawsuit”). The Lawsuit was brought by several former drivers, individually and on behalf of other individuals who worked as qualified drivers for Werner Enterprises Inc. and Drivers Management, LLC (collectively “Werner”). The Lawsuit was consolidated with two other similar pending actions, *Smith v. Werner Enterprises, Inc.*, Case No. 8:15-cv-287, and *Vester v. Werner Enterprises, Inc.*, Case No. 8:17-cv-145, and all three cases are being resolved as part of the settlement. **You received this Notice because you may be a member of the group of people affected, called the “class”.** This Notice gives you a summary of the terms of the proposed settlement, explains class members’ rights, and helps class members make decisions about what action to take.

What do I do next?

Read this Notice to understand the settlement and to determine if you are a class member. Then, decide which of these actions you want to take:

Options	What each option means:
Do Nothing	Get automatic payment. Give up right to pursue claims based on the facts asserted in the lawsuit.
Opt Out	Get no payment. Retain your right to bring a separate lawsuit against Werner.
Object	Tell the Court why you don’t like the settlement.

Read on to understand the specifics of the settlement and what each choice would mean for you.

What are the most important dates?

Your deadline to object or opt out: **May 4, 2026**
Settlement Final Approval Hearing: **July 24, 2026**

Learning About the Lawsuit

What is this lawsuit about?

Several former drivers filed a lawsuit in 2014 claiming Werner violated Nebraska and California law by failing to pay qualified drivers minimum wage for all work time and other related wage protection laws. Plaintiffs Ezequiel Olivares Abarca, Alfredo Alesna, David Cagle, Stephen Davis, Frank Eads, Kenneth Surman, and William Smith were appointed by the Court as Class Representatives to represent themselves and similarly situated current and former Werner drivers.

Werner denies Plaintiffs' allegations in their entirety and contends it paid drivers in accordance with applicable law.

Where can I learn more?

You can get a complete copy of the proposed settlement and other key documents in this lawsuit at:
www.truckerclassaction.com

Why is there a settlement in this lawsuit?

In October 2025, the Parties agreed to settle. That means they have reached an agreement to resolve the lawsuit. Both sides want to avoid the costs and risks of continuing the case in court.

The settlement involves a settlement payment in exchange for dismissal of the lawsuit and a release of claims by the seven class representatives and all members of the Nebraska and California classes previously certified by the Court who do not opt out of the settlement. The Court has not decided this case in favor of either side.

What is a class action settlement?

A class action settlement is an agreement between the parties to resolve and end the case. Settlements can provide money to class members.

What happens next in this Lawsuit?

The Court will hold a Final Approval Hearing to decide whether to approve the proposed settlement. The hearing will be held at:

Where: Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, NE 68102, in Courtroom 3.

When: 10:00am CST on July 24, 2026.

The Court has directed the Parties to send you this Notice about the proposed settlement. Because the settlement of a class action decides the rights of all members of the settlement class, the Court must give final approval to the settlement before the settlement can take effect. Payments will only be made if the Court approves the settlement.

You don't have to attend the hearing, but you may do so at your own expense. If timely written notice is given, you may also ask the Court for permission to speak and express your opinion about the settlement. If the Court does not approve the settlement, no settlement money will be distributed, the settlement will not take effect, and the lawsuit will continue. The date of the hearing may change without further notice to members of the class. To learn more and confirm the hearing date, go to www.truckerclassaction.com.

Updating your contact information

If your contact information is inaccurate, or if you move before you receive your settlement payment, you should contact the Settlement Administrator to provide your updated contact information. The Settlement Administrator can be contacted at +1 800-406-7301 or truckerclassaction@atticusadmin.com.

Learning About the Settlement

What does the settlement provide?

Werner has agreed to pay \$18 million into a settlement fund. This

money will be divided among the class members and will also be used to pay applicable payroll taxes on the settlement payments to class members, for the cost of administering this settlement (administration costs are expected to be approximately \$282,300), \$100,000 to resolve claims under the California Private Attorneys General Act ("PAGA"), service awards for the seven class representatives and class members who sat for depositions (\$110,250), attorney fees (no more than \$6,000,000), and paid or incurred litigation costs (no more than \$2,250,000) to be approved by the Court. As more fully set forth in the Settlement Agreement, members of the settlement class will "release" their claims as part of the settlement, which means they cannot assert claims against Werner based on the facts alleged in this Lawsuit. The full terms of the release can be found here, in the Settlement Agreement document: www.truckerclassaction.com.

No portion of the settlement fund will revert to Werner.

For the California Class, the law requires that recoveries under the Private Attorneys General Act ("PAGA") must be split, with 75% going to the California Labor and Workforce Development Agency, and 25% allocated to the PAGA Group. Everyone falling within the California PAGA Group (defined in the next section below) will receive a share of that \$25,000.

The settlement provides \$15,000 to the seven Class Representatives, including Ezequiel Olivares Abarca, Alfredo Alesna, David Cagle, Stephen Davis, Frank Eads, Kenneth Surman, and William Smith, to compensate them for the hours spent and the risks taken in leading this case over the past 11 years. The settlement also provides \$250 to the other twenty-one drivers who sat for a deposition during this case. These are called "Service Awards".

More information about the Settlement can be found in the Settlement Agreement document at www.truckerclassaction.com.

How do I know if I am part of this settlement?

If you worked as a qualified driver for Werner at any time between June 4, 2010, and July 14, 2023, you are part of this Settlement. The class does *not* include student drivers (also known as placement drivers) or owner operators.

- You are a member of the Nebraska Settlement Class if you worked

for Werner anywhere in the United States as a qualified driver at any time between June 4, 2010, and July 14, 2023.

- You are a member of the California Settlement Class if you, while residing in California, worked as a qualified driver for Werner at any time between June 4, 2010, and July 14, 2023, and picked up or delivered at least one load for Werner in the state of California.
- You are a member of the California PAGA Group if you are a California Class Member and worked as a qualified driver for Werner between May 19, 2013, and November 6, 2023.
- If you previously opted out of the classes in this case in response to either of the two prior class notices, sent in 2018 and 2023, you are not part of the settlement classes in this case.

If you are unsure of whether you are part of this Settlement, contact the Settlement Administrator at www.truckerclassaction.com or +1 800-406-7301.

How was my estimated payment calculated?

All class members will receive a settlement payment unless they opt out. Settlement payments will be calculated according to the methodology provided in the Settlement Agreement. Nebraska Settlement Class Members will receive a base payment of \$20 and California Class Members will receive a base payment of \$40. In addition to base payments, all Settlement Class Members will receive a pro-rata share of the remaining Net Settlement Fund based on weeks worked as a Werner qualified driver during the class period.

- The Net Settlement Fund will depend in part on the amount of the settlement administration costs, PAGA payments, attorney fees, costs, and service payments approved by the Court.
- Everyone falling within the PAGA Group will receive an equal share of that portion of the PAGA award that goes to the drivers rather than the state of California.

You may review your estimated Individual Settlement Payment by

visiting www.truckerclassaction.com and entering your Unique Settlement ID found on your notice postcard, e-mail, or text message. If you believe that your estimated payment amount is based on an incorrect number of work weeks, you may raise a dispute by contacting the Settlement Administrator at truckerclassaction@atticusadmin.com or toll-free +1 800-406-7301. The Settlement Administrator shall adjudicate any timely disputes based on available Werner records and any evidence you provide. Disputes must be submitted no later than May 4, 2026.

Deciding What to Do

How do I weigh my options?

You have three options. You can do nothing and automatically receive payment, you can opt out of the settlement, or you can object to the settlement. Note: Any written opt out request or objection will be electronically filed with the Court and available for public review.

This chart shows how your rights are affected by each option:

	Do Nothing	Opt out	Object
Can I receive settlement money if I . . .	YES	NO	YES
Am I bound by the terms of this Lawsuit if I . . .	YES	NO	YES
Can I pursue my own case if I . . .	NO	YES	NO
Will the class attorneys represent me if I . . .	YES	NO	NO

How do I get a payment if I am a class member?

If you wish to receive a settlement payment, **you do not need to do anything**. By doing nothing, you will remain a part of this settlement and your payment will automatically be sent to you. You can also

request to receive your payment electronically (i.e., via Paypal) by visiting www.truckerclassaction.com.

To make sure that you receive your payment, you should ensure that the Settlement Administrator has your correct mailing address. If you have already opted out of this case, you are not part of this Settlement and will not receive money.

Do I have an attorney in this Lawsuit?

In a class action, the Court appoints class representatives and attorneys – called Class Counsel – to work on the case and represent the interests of all the class members. For this case and settlement, the Court has appointed the following individuals and attorneys:

Class Representatives: Ezequiel Olivares Abarca, Alfredo Alesna, David Cagle, Stephen Davis, Frank Eads, Kenneth Surman, and William Smith.

Class Counsel: Swartz Swidler, LLC, Dardarian Ho Kan & Lee, and Mara Law Firm. These are the law firms who negotiated this Settlement on your behalf. You will not be charged out of pocket for their services.

If you want to be represented by your own attorney, you may hire one at your own expense.

Do I have to pay the attorneys in this Lawsuit?

Attorneys' fees and costs will be paid from the Settlement Fund. **You will not have to pay Class Counsel directly.**

To date, Class Counsel have not been paid any money for their work or out-of-pocket expenses that they have paid or been charged for the case. To pay for their time and the risk in bringing this case without any guarantee of payment unless they were successful, Class Counsel will request, as part of the final approval of this Settlement, that the Court approve a payment of up to \$6,000,000 total in attorneys' fees plus the reimbursement of out-of-pocket expenses totaling no more than \$2,250,000.

Attorneys' fees and expenses will only be awarded if approved by the Court as a fair and reasonable amount.

Opting Out

What if I don't want to be part of this Settlement?

You can opt out. If you do, you will not receive any payment from the settlement fund and you cannot object to the settlement. However, with the exception of members of the PAGA Group, you will not be bound by the judgment in this case and you may be able to file your own case. Regardless of whether you opt out, if you are a member of the PAGA Group, you will still receive a share of the PAGA settlement and you will be bound by any judgment entered by the Court with respect to the PAGA claims.

How do I opt out?

To opt out of the settlement, you must return a signed and dated written statement by May 4, 2026 to the Settlement Administrator at:

Abarca v Werner Enterprises
c/o Atticus Administration
PO Box 64053
St. Paul, MN 55164
+1 800-406-7301

To be valid, your opt out must include your full name, current address, your unique Settlement Notice identifier number, your signature and the date, the case name and number, and a written statement that you want to exclude yourself from the Settlement.

Objecting

What if I disagree with the settlement?

If you disagree with any part of the settlement but don't want to opt out, you may object. You must give reasons why you think the Court should not approve the entire settlement and say whether your objection applies to just you or the entire class. Your views will be presented to the Court. The Court can only approve or deny the entire settlement as

is— it cannot change the terms of the settlement. You may, but don't have to, hire your own attorney to help you.

To object, you must send a letter to the Settlement Administrator at the address shown below. To be valid, a written objection must include the following:

- (1) Be postmarked by May 4, 2026;
- (2) The lead case name and number (*Abarca et al. v. Werner Enterprises, Inc. et al.*, Case No. 14-cv-00319-JFB-MDN)
- (3) Your full name, address and telephone number, and email address (if you have one);
- (4) The reason(s) for your objection;
- (5) Whether either you or your attorney intend to appear at the final approval hearing and your attorney's name;
- (6) Your signature and the date of the objection.

Mail the letter to:

Abarca v Werner Enterprises
c/o Atticus Administration
PO Box 64053
St. Paul, MN 55164
+1 800-406-7301

Key Resources

How do I get more information?

This Notice is a summary of the proposed settlement. The complete settlement with all its terms can be found www.truckerclassaction.com. To get a copy of the settlement agreement or get answers to your questions:

- visit the settlement website at www.truckerclassaction.com
- contact Class Counsel (information below)
- by visiting the Clerk's office of the Court (address below) or access the Court's online PACER portal (<https://ecf.ned.uscourts.gov/>), which requires registering an account and then selecting "Query" and searching for this case by its case number (8:14-cv-00319-JFB-

MDN) or party names.

Resource	Contact Information
Case website	www.truckerclassaction.com
Settlement Administrator	Abarca v Werner Enterprises c/o Atticus Administration PO Box 64053 St. Paul, MN 55164 +1 800-406-7301 truckerclassaction@atticusadmin.com
Class Counsel	SWARTZ SWIDLER, LLC jswidler@swartz-legal.com 9 Tanner Street, Suite 101 Haddonfield, NJ 08033 Tel: (856) 685-7420 DARDARIAN HO KAN & LEE wernerdrivers@dhkl.law 155 Grand Avenue, Suite 900 Oakland, CA 94612 Tel: (866) 762-8575
Court (DO NOT CONTACT)	In addition to the Settlement Agreement and other materials on the settlement website listed above, the pleadings and complete records in this litigation may be examined (a) in person at Clerk of Court, 111 South 18 th Plaza, Suite 1152, Omaha, NE 68102, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding Court holidays and closures; or (b) online on https://ecf.ned.uscourts.gov/ .