

**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ILLINOIS**

**NOTICE OF A CLASS ACTION LAWSUIT SEEKING TO RECOVER OVERTIME  
WAGES UNDER FEDERAL AND STATE LAW**

To: All persons who have been employed in the state of Illinois at C.H. Robinson as Assistant Carrier Account Managers, Buyers, Carrier Representatives, Carrier Account Managers, Senior Carrier Account Managers, Capacity Account Managers, and/or other similar positions, and who did not sign a C.H. Robinson arbitration agreement, at any time from July 17, 2015 through and including the present and until final resolution of the case.

*A federal court has authorized this notice. This is not a solicitation from a lawyer.*

**CASE SUMMARY**

- Plaintiff Taryn Dietrich is a former employee of C.H. Robinson Worldwide, Inc. (“C.H. Robinson”) who worked as an Assistant Carrier Manager (Buyer), Carrier Account Manager, and Senior Carrier Account Manager at C.H. Robinson’s Chicago office. On July 17, 2018 Plaintiff filed this lawsuit against C.H. Robinson on behalf of herself and other similarly situated employees who worked as Assistant Carrier Account Managers, Buyers, Carrier Account Managers, Senior Carrier Account Managers, Capacity Account Managers, and/or other similar positions (collectively, the “Illinois Carrier Positions”) at any time from July 17, 2015 to the present.
- Plaintiff alleges that she and other individuals employed in the State of Illinois in the Illinois Carrier Positions were misclassified as exempt employees and were not properly paid overtime at the required time and one-half rate in violation of the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201, *et seq.*, and the Illinois Minimum Wage Law (“IMWL”), 820 ILCS 105/1, *et seq.* Plaintiff further claims that the actions of C.H. Robinson were willful. Plaintiff also seeks an additional equal amount as liquidated damages and/or prejudgment interest, Illinois statutory penalties, attorney fees, and costs.
- C.H. Robinson denies these allegations and denies that it has engaged in any wrongdoing or that Plaintiff or the class members are entitled to any damages or recovery.
- The Court has not decided whether Plaintiff or C.H. Robinson is right, and no trial date has yet been set in this case.
- The Court previously allowed this lawsuit to proceed as a Collective Action under federal law and you received a Notice regarding your right to “opt in” to the federal claims in the lawsuit.
- The Court has now also certified this lawsuit as a Class Action for the claims that arise under Illinois law. Unlike the federal Collective Action claims, you are not required to “opt in” to participate in the Class Action claims. This Notice explains important

information about your legal right to remain in the Class Action claims in this lawsuit that arise under Illinois law.

- The Court has allowed this lawsuit to proceed as a class action on behalf of all individuals who worked in the Illinois Carrier Positions and who did not sign a C.H. Robinson arbitration agreement and worked for C.H. Robinson at any time from July 17, 2015 and through the present. If you fit this definition, then you are a Class Member.
- **Your legal rights are affected, and you have a choice to make now:**

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS CLASS ACTION LAWSUIT</b>	
<b>DO NOTHING</b>	<p style="text-align: center;"><b>Stay in this lawsuit. Await the outcome. Give up certain rights.</b></p> <p>By doing nothing, you keep the possibility of getting money or benefits that may come from a trial or a settlement if you are determined to be eligible. If money or benefits are obtained from the Defendant, you will be notified about how to determine if you are eligible for a share. You will not be required to pay out-of-pocket for attorneys' fees in this class action. You will also be legally bound by the Orders the Court issues and/or judgments the Court makes in this class action. By doing nothing, you give up any rights to sue the Defendant separately about the same legal claims in this lawsuit.</p>
<b>ASK TO BE EXCLUDED</b>	<p style="text-align: center;"><b>Get out of this lawsuit. Get no benefits from it. Keep any rights you have.</b></p> <p>If you ask to be excluded, you will not share in any money or benefits if they are awarded. You keep any rights you have to sue the Defendant separately about the same legal claims in this lawsuit.</p>

- **To ask to be excluded, you must act before July 3, 2020.**
- **Your options are explained in this Notice.**
- **Your legal rights will be affected whether you act or don't act. Please read this notice carefully.**

For additional information you may visit the websites [www.potterlaw.org](http://www.potterlaw.org) or [www.thefranklinlawfirm.com](http://www.thefranklinlawfirm.com)

(Click on the “*Current Class Actions*” Tab)

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## BASIC INFORMATION

### 1. Why Did I Get This Notice?

You have received this Notice because the Defendant's records show that you worked in the state of Illinois and at C.H. Robinson as an Assistant Carrier Account Manager, Buyer, Carrier Representative, Carrier Account Manager, Senior Carrier Account Manager, Capacity Account Manager, and/or another similar position at some time from July 17, 2015 and the present and that you did not sign an agreement to arbitrate. This notice explains that the Court has allowed, or "certified," that this case may proceed as a class action lawsuit and as a member of the class, the lawsuit may affect you.

### 2. What Is This Lawsuit About?

This lawsuit alleges that the Named Plaintiff and other individuals employed in the State of Illinois in the positions of Assistant Carrier Account Managers, Buyers, Carrier Account Managers, Senior Carrier Account Managers, Capacity Account Managers, and/or other similar positions were misclassified as exempt employees and were not properly paid overtime at the required time and one-half rate in violation of the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 201, et seq., and the Illinois Minimum Wage Law ("IMWL"), 820 ILCS 105/1, et seq. Plaintiff further claims that the actions of C.H. Robinson were willful. You can read the claims alleged in this lawsuit in the First Amended Complaint, and access other documents related to this case, which are available here: [www.potterlaw.org](http://www.potterlaw.org) (click on the "Current Class Actions" Tab).

### 3. What Is A Class Action Lawsuit and Who Is Involved?

In a class action lawsuit, one or more persons called the "Class Representative(s)" sue on behalf of other people with similar claims. In this case, the Class Representative is Taryn Dietrich. The Class Representative, together with the other unnamed persons who worked in the Illinois Carrier Positions at C.H. Robinson's Chicago office on or after July 17, 2015 and did not sign an arbitration agreement, are a "Class" or "Class Members" and together are referred to as the Plaintiffs. In a class action lawsuit, one court resolves the issues for everyone in the Class—except for those individuals who choose to exclude themselves from the Class. Judge Ronald Guzman of the United States District Court for the Northern District of Illinois presides over this class action.

### 4. Why Am I Getting Another Notice About this Lawsuit and What Is The Difference Between A Class Action and A Collective Action?

You may have received a Notice about this lawsuit previously. That Notice advised you that the lawsuit had been certified as a Collective Action for purposes of the claims arising under federal law and advised you of your rights and options in that proceeding. More recently, the Court in this lawsuit certified a Class Action for purposes of the claims arising under Illinois state law. This Notice is to advise you of your rights and options in the Class Action.

- A “Collective Action” is a lawsuit where one or more people bring claims on their own behalf, and other people can choose to join the lawsuit. You are not included in the “collective action” unless you returned the claim form that was included in the Notice of Collective Action.
- A “Class Action” is a lawsuit where one or more people represent a large group, or “class” of people. If you received this Notice and fit the Class Definition, you are automatically included in the class action unless you request to be excluded in writing.

## **5. Why Is This Lawsuit A Class Action?**

On February 11, 2020, the Court ruled that this lawsuit can go forward as a class action because There is a sufficient number of persons who worked at C.H. Robinson’s Chicago office during the relevant time period;

- There are certain legal questions and facts that are common to the Class Members;
- The Class Representative’s claims are typical of the claims of the rest of the Class;
- The Class Representative and the lawyers representing the Class will fairly and adequately represent the Class Members’ interests;
- The claims made by the Class Representative against the Defendant are generally applicable to the Class;
- The common legal questions are more important than questions that affect only individuals; and
- A class action will be more efficient than many individual lawsuits.

## **6. What Does This Lawsuit Complain About?**

In this lawsuit, the Class Representative alleges that she and the Class have were required to work hours in excess of forty hours per work week but were not compensated for those additional hours at one and half times their regular rate because they were unlawfully misclassified as exempt salaried employees. The lawsuit alleges that Defendant’s misclassification of Assistant Carrier Account Managers, Buyers, Carrier Account Managers, Senior Carrier Account Managers, Capacity Account Managers, and/or other similar positions was willful because Defendant knew or should have known they were non-exempt employees and entitled to overtime pay for all hours worked in excess of forty in a work week.

## **7. What Is C.H. Robinson’s Position?**

C.H. Robinson denies that it has violated the law or that it has engaged in any wrongdoing. C.H. Robinson denies that it misclassified the Illinois Carrier Positions and that Plaintiff or the class members are entitled to any damages or recovery.

## **8. Has the Court Decided Who is Right?**

The Court has not decided who is right. By certifying the Class and allowing this Notice to be sent to you, the Court is not suggesting that the Class or the Defendant will win or lose this case. The Plaintiffs must prove their claims. There is no guarantee that the Plaintiffs will or will not win or obtain money damages and other relief for the Class Members.

## **9. What Class Has Been Certified and Who Is In It?**

The Court has certified one class consisting of: All persons who have been employed in the state of Illinois at C.H. Robinson as Assistant Carrier Account Managers, Buyers, Carrier Representatives, Carrier Account Managers, Senior Carrier Account Managers, Capacity Account Managers, and/or other similar positions, and who did not sign a C.H. Robinson arbitration agreement, at any time from July 17, 2015 through and including the present and until final resolution of this case.

## **10. What Is The Class Representative Asking For?**

The Class Representative is asking for monetary damages to compensate Class Members for the overtime pay they are owed, one and a half times each employee's regular rate for hours worked in excess of forty for every workweek. The Class Representative also seeks statutory penalties and for the Defendant to pay Class Counsel's attorney's fees and litigation costs.

## **11. Is there any money available now?**

No decision has been made on the merits in this case. There is no money available now and no guarantee of any money in the future. In the event of settlement or verdict, you will be notified about the monetary terms and how to claim a share in any award or settlement.

## **WHO IS IN THE CLASS?**

## **12. Am I part of this class?**

You are a member of the Class if you fit within the Class Definition. Judge Guzman decided that the Class consists of "All persons who have been employed in the state of Illinois at C.H. Robinson as Assistant Carrier Account Managers, Buyers, Carrier Representatives, Carrier Account Managers, Senior Carrier Account Managers, Capacity Account Managers, and/or other similar positions, and who did not sign a C.H. Robinson arbitration agreement, at any time from July 17, 2015 through and including the present and until final resolution of this case." If you are still not sure whether you are part of the class, you can connect with Class Counsel at the phone number listed below.

## **YOUR RIGHTS AND OPTIONS**

You must decide whether to stay in the Class or ask to be excluded from this lawsuit. **If you want to be excluded, you must notify Class Counsel by July 3, 2020.**

### 13. What Happens If I Do Nothing?

You do not have to do anything now to stay in the Class Action portion of this lawsuit. If you stay in and the Class Representative obtains money or benefits, either as a result of a trial or a settlement, you will be notified about how to determine if you are eligible for a share (or about how to ask to be excluded from any settlement). If you do nothing now, regardless of whether the Plaintiffs win or lose the trial, you will be bound by the result, and you will not be able to sue the Defendant about the same legal claims that are the subject of this lawsuit.

### 14. What Happens If I Ask To Be Excluded?

If you ask to be excluded from this lawsuit, you will not share in any recovery obtained in the suit. However, you may be able to sue or continue to sue the Defendant for wage and overtime violations independently. If you start your own lawsuit against the Defendant after you exclude yourself, you will have to hire your own lawyer for that lawsuit, and you will have to prove your own claims. There are time limits associated with bringing a wage and overtime lawsuits, so if you want to bring your own individual claims you should talk to your own lawyer as soon as possible so that you do not miss any deadlines or statutes of limitations that may apply. If you exclude yourself, you will not be legally bound by the Court's judgments or decisions in this class action and will not share in any recovery from the lawsuit.

### 15. How Do I Ask The Court To Exclude Me From This Class Action?

To ask to be excluded, you must send a letter or email to the attorneys who have been approved as the attorneys for the Class.

The letter must be mailed or delivered to:

*Dietrich, et al. v. C.H. Robinson, et al.* c/o Potter Bolanos LLC, 111 East Wacker Dr., Suite 2600, Chicago, Illinois, 60601

Or the email must be sent to the following email address:

nieves@potterlaw.org

The email or letter must state that you want to be excluded from *Dietrich, et al. v. C.H. Robinson, et al.* Be sure to include your full name and address and be sure to sign the letter or email. Your letter must be received by the attorneys that represent the Class on or before **July 3, 2020**. It is your responsibility to make sure that your letter or email is received by the attorneys for the Class by the deadline.

If you do not elect to be excluded by **July 3, 2020**, you will not be entitled to elect exclusion from the Class at a later date.

## YOUR LEGAL REPRESENTATION IN THIS CASE

### 16. Do I Have A Lawyer In This Case?

the law firm of Potter Bolanos LLC and The Franklin Law Firm LLC in Chicago, Illinois and its attorneys are qualified to represent you and all Class Members. These lawyers are called “Class Counsel.” They are experienced in handling class actions and wage and overtime lawsuits. Their full contact information is below.

### 17. Should I Get My Own Lawyer?

If you remain in this lawsuit, you do not need to hire your own lawyer because Class Counsel is working on your behalf. If you want your own lawyer, you will have to make your own arrangements with an attorney of your choice. For example, you can ask them to appear in Court for you if you want someone other than Class Counsel to speak for you.

### 18. How Will The Lawyers Be Paid?

You will not be personally charged to be represented by Class Counsel. If Class Counsel get money or benefits for the Class, they will ask the Court for their fees and expenses. You won't have to pay these fees and expenses. If the Court grants Class Counsels' request, the fees and expenses would either be deducted from money obtained for the Class or paid separately by Defendant, or a combination of these.

## THE TRIAL, NEXT STEPS, AND GETTING FURTHER INFORMATION

### 19. Do I Have to Come To The Trial?

No trial date has been set in the case. At trial, your Class Counsel will present the case for the Plaintiffs, and the Defendant will present the defenses. The trial is public, and you are welcome to attend.

### 20. What Happens Next?

Class Counsel are in the process of litigating this lawsuit and gathering additional evidence on the merits of the Plaintiff's claims in preparation for a trial to determine whether the Defendant is liable for overtime and wage violations, and what relief, if any, applies to the Class as a whole. If you remain in this lawsuit, and if there is a recovery, either as a result of a trial or a settlement, you will be notified how to participate in any claims process. We do not know how long this will take.

### 21. Is More Information Available?

For more information, visit the website [www.potterlaw.org](http://www.potterlaw.org) or [www.thefranklinlawfirm.com](http://www.thefranklinlawfirm.com) where you will find the Court's Order certifying the class, a copy of this Notice, the Complaint and Defendant's Answer under the “*Current Class Actions*” tab. You may also call or write to Class Counsel with any questions regarding this class action. The contact information for Class Counsel is:

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**PLEASE DO NOT CALL THE COURT, THE OFFICE OF THE CLERK OF THE COURT OR C.H. ROBINSON WITH QUESTIONS ABOUT THIS NOTICE.**