

**General Docket  
Eighth Circuit Court of Appeals**

**Court of Appeals Docket #:** 17-1661

**Docketed:** 03/29/2017

**Nature of Suit:** 3442 Jobs

Yassine Baouch, et al v. Werner Enterprises, Inc., et al

**Appeal From:** U.S. District Court for the District of Nebraska - Omaha

**Fee Status:** paid - cs

**Case Type Information:**

- 1) Civil
- 2) Private
- 3) null

**Originating Court Information:**

**District:** 0867-8 : [8:12-cv-00408-LSC](#)

**Trial Judge:** Laurie Smith Camp, U.S. District Judge

**Date Filed:** 11/27/2012

**Date Order/Judgment:**  
03/23/2017

**Date NOA Filed:**  
03/28/2017

**Date Rec'd COA:**  
03/28/2017

**Prior Cases:**

[14-8011](#)    **Date Filed:** 05/23/2014    **Date Disposed:** 06/24/2014    **Disposition:** Denied

**Current Cases:**

None

Yassine Baouch, on behalf of himself and all those similarly situated

Plaintiff - Appellant

Joshua S. Boyette  
Direct: 856-685-7420  
[COR NTC Retained]  
SWARTZ & SWIDLER  
Suite 402  
1101 Kings Highway, N.  
Cherry Hill, NJ 08034

Matthew D. Miller  
Direct: 856-685-7420  
[COR NTC Retained]  
SWARTZ & SWIDLER  
Suite 402  
1101 Kings Highway, N.  
Cherry Hill, NJ 08034

Richard S. Swartz  
Direct: 856-685-7420  
[COR NTC Retained]  
SWARTZ & SWIDLER  
Suite 402  
1101 Kings Highway, N.  
Cherry Hill, NJ 08034

Justin L. Swidler  
Direct: 856-685-7420  
[COR NTC Retained]  
SWARTZ & SWIDLER  
Suite 402  
1101 Kings Highway, N.  
Cherry Hill, NJ 08034

Scott Larrow, on behalf of himself and all those similarly situated

Plaintiff - Appellant

Joshua S. Boyette  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Matthew D. Miller  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Richard S. Swartz  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Justin L. Swidler  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Joshua S. Boyette  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Matthew D. Miller  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Justin L. Swidler  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Joshua S. Boyette  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Matthew D. Miller  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Justin L. Swidler  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Joshua S. Boyette  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Matthew D. Miller  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Justin L. Swidler  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Joshua S. Boyette  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Matthew D. Miller  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Justin L. Swidler  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Justin Burkholder  
Plaintiff - Appellant

Robert William Herrmann  
Plaintiff - Appellant

Radek Kohout  
Plaintiff - Appellant

Jack Dean Michael  
Plaintiff - Appellant

Steven Richard Milstead  
Plaintiff - Appellant

Joshua S. Boyette  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Matthew D. Miller  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Justin L. Swidler  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

James Myrick  
Plaintiff - Appellant

Joshua S. Boyette  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Matthew D. Miller  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Justin L. Swidler  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Troy Edmund Townsend  
Plaintiff - Appellant

Joshua S. Boyette  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Matthew D. Miller  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Justin L. Swidler  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Claire Elizabeth Bodo  
Plaintiff - Appellant

Joshua S. Boyette  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Matthew D. Miller  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Justin L. Swidler  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Wayne Darius Grant  
Plaintiff - Appellant

Joshua S. Boyette  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Matthew D. Miller  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Justin L. Swidler  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Adam Hoffman  
Plaintiff - Appellant

Joshua S. Boyette  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Matthew D. Miller  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Justin L. Swidler  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Joseph Dewayne Thomas  
Plaintiff - Appellant

Joshua S. Boyette  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Matthew D. Miller  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Justin L. Swidler  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Danielle Marie Barney  
Plaintiff - Appellant

Joshua S. Boyette  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Matthew D. Miller  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Justin L. Swidler  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Chad Ryan Basso  
Plaintiff - Appellant

Joshua S. Boyette  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Matthew D. Miller  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Justin L. Swidler  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Caroline Cecelia Busick  
Plaintiff - Appellant

Joshua S. Boyette  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Matthew D. Miller  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Justin L. Swidler  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Joshua S. Boyette  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Matthew D. Miller  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Justin L. Swidler  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Joshua S. Boyette  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Matthew D. Miller  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Justin L. Swidler  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Joshua S. Boyette  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Matthew D. Miller  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Justin L. Swidler  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Joshua S. Boyette  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Matthew D. Miller  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Justin L. Swidler  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Christopher Clay Day  
Plaintiff - Appellant

Bruce L. Marsha  
Plaintiff - Appellant

Dale Don Oshiro  
Plaintiff - Appellant

Aaron David Wing  
Plaintiff - Appellant

David Allen Faykosh  
Plaintiff - Appellant

Joshua S. Boyette  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Matthew D. Miller  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Justin L. Swidler  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Steve N. Neely  
Plaintiff - Appellant

Joshua S. Boyette  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Matthew D. Miller  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Justin L. Swidler  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Jatarveiyon Kevin Lee Ashley  
Plaintiff - Appellant

Joshua S. Boyette  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Matthew D. Miller  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Justin L. Swidler  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Michael Egli  
Plaintiff - Appellant

Joshua S. Boyette  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Matthew D. Miller  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Justin L. Swidler  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Thomas Fisher  
Plaintiff - Appellant

Joshua S. Boyette  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Matthew D. Miller  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Justin L. Swidler  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

John A. Phillips  
Plaintiff - Appellant

Joshua S. Boyette  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Matthew D. Miller  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Justin L. Swidler  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Marvin E. Rush  
Plaintiff - Appellant

Joshua S. Boyette  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Matthew D. Miller  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Justin L. Swidler  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Marvin E. Rush  
Plaintiff - Appellant

Joshua S. Boyette  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Matthew D. Miller  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Justin L. Swidler  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Adams Frank Akhalu  
Plaintiff - Appellant

Joshua S. Boyette  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Matthew D. Miller  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Justin L. Swidler  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Steven Wayne Doane  
Plaintiff - Appellant

Joshua S. Boyette  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Matthew D. Miller  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Justin L. Swidler  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Joshua S. Boyette  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Matthew D. Miller  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Justin L. Swidler  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Joshua S. Boyette  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Matthew D. Miller  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Justin L. Swidler  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Joshua S. Boyette  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Matthew D. Miller  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Justin L. Swidler  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Joshua S. Boyette  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Matthew D. Miller  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Justin L. Swidler  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Thomas A. Gillis  
Plaintiff - Appellant

William A. Hamilton  
Plaintiff - Appellant

John Ray Minor  
Plaintiff - Appellant

Joseph Sablan Salas  
Plaintiff - Appellant



Timothy Leonardo Smith  
Plaintiff - Appellant

Joshua S. Boyette  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Matthew D. Miller  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Justin L. Swidler  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Terri Lynn Thacker  
Plaintiff - Appellant

Joshua S. Boyette  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Matthew D. Miller  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Justin L. Swidler  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Brian Zeitz  
Plaintiff - Appellant

Joshua S. Boyette  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Matthew D. Miller  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Justin L. Swidler  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Lance Edwards  
Plaintiff - Appellant

Justin L. Swidler  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Mark Sohmer  
Plaintiff - Appellant

Justin L. Swidler  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

Joseph Horton  
Plaintiff - Appellant

Justin L. Swidler  
Direct: 856-685-7420  
[COR NTC Retained]  
(see above)

v.

Werner Enterprises, Inc., doing business as Werner Trucking  
Defendant - Appellee

Patrick Joseph Barrett  
Direct: 402-978-5245  
[COR NTC Retained]  
FRASER & STRYKER  
Firm: 402-341-6000  
500 Energy Plaza  
409 S. 17th Street

Omaha, NE 68102-2663

Elizabeth A. Culhane  
Direct: 402-341-6000  
[COR NTC Retained]  
FRASER & STRYKER  
Firm: 402-341-6000  
500 Energy Plaza  
409 S. 17th Street  
Omaha, NE 68102-2663

Joseph Edward Jones  
Direct: 402-341-6000  
[COR NTC Retained]  
FRASER & STRYKER  
Firm: 402-341-6000  
500 Energy Plaza  
409 S. 17th Street  
Omaha, NE 68102-2663

Sarah L. McGill  
Direct: 402-978-5277  
[COR NTC Retained]  
FRASER & STRYKER  
Firm: 402-341-6000  
500 Energy Plaza  
409 S. 17th Street  
Omaha, NE 68102-2663

Patrick Joseph Barrett  
Direct: 402-978-5245  
[COR NTC Retained]  
(see above)

Elizabeth A. Culhane  
Direct: 402-341-6000  
[COR NTC Retained]  
(see above)

Joseph Edward Jones  
Direct: 402-341-6000  
[COR NTC Retained]  
(see above)

Sarah L. McGill  
Direct: 402-978-5277  
[COR NTC Retained]  
(see above)

Drivers Management, LLC  
Defendant - Appellee












Yassine Baouch, on behalf of himself and all those similarly situated; Scott Larrow, on behalf of himself and all those similarly situated; Justin Burkholder; Robert William Herrmann; Radek Kohout; Jack Dean Michael; Steven Richard Milstead; James Myrick; Troy Edmund Townsend; Claire Elizabeth Bodo; Wayne Darius Grant; Adam Hoffman; Joseph Dewayne Thomas; Danielle Marie Barney; Chad Ryan Basso; Caroline Cecelia Busick; Christopher Clay Day; Bruce L. Marsha; Dale Don Oshiro; Aaron David Wing; David Allen Faykosh; Steve N. Neely; Jatarveiyon Kevin Lee Ashley; Michael Egli; Thomas Fisher; John A. Phillips; Marvin E. Rush; Marvin E. Rush; Adams Frank Akhalu; Steven Wayne Doane; Thomas A. Gillis; William A. Hamilton; John Ray Minor; Joseph Sablan Salas; Timothy Leonardo Smith; Terri Lynn Thacker; Brian Zeitz; Lance Edwards; Mark Sohmer; Joseph Horton

Plaintiffs - Appellants

v.

Werner Enterprises, Inc., doing business as Werner Trucking; Drivers Management, LLC


Defendants - Appellees

- 03/29/2017  5 pg, 20.88 KB Civil case docketed. [4517621] [17-1661] (AEV) [Entered: 03/29/2017 10:14 AM]
- 03/29/2017  122 pg, 958.14 KB Originating court document filed consisting of notice of appeal, Memorandum and Order 3/23/17, Judgment 3/23/17, Certificate of Service 3/28/17, docket entries, [4517638] [17-1661] (AEV) [Entered: 03/29/2017 10:26 AM]
- 03/29/2017  2 pg, 16.99 KB BRIEFING SCHEDULE SET AS FOLLOWS:  
Appendix due on 05/08/2017. BRIEF OF APPELLANT Adams Frank Akhalu, Jatarveiyon Kevin Lee Ashley, Yassine Baouch, Danielle Marie Barney, Chad Ryan Basso, Claire Elizabeth Bodo, Justin Burkholder, Caroline Cecelia Busick, Christopher Clay Day, Steven Wayne Doane, Lance Edwards, Michael Egli, David Allen Faykosh, Thomas Fisher, Thomas A. Gillis, Wayne Darius Grant, William A. Hamilton, Robert William Herrmann, Adam Hoffman, Joseph Horton, Radek Kohout, Scott Larrow, Bruce L. Marsha, Jack Dean Michael, Steven Richard Milstead, John Ray Minor, James Myrick, Steve N. Neely, Dale Don Oshiro, John A. Phillips, Marvin E. Rush, Joseph Sablan Salas, Timothy Leonardo Smith, Mark Sohmer, Terri Lynn Thacker, Joseph Dewayne Thomas, Troy Edmund Townsend, Aaron David Wing and Brian Zeitz due 05/08/2017.  
Appellee brief is due 30 days from the date the court issues the Notice of Docket Activity filing the brief of appellant.  
Appellant reply brief is due 14 days from the date the court issues the Notice of Docket Activity filing the appellee brief. [4517642] [17-1661] (AEV) [Entered: 03/29/2017 10:29 AM]
- 04/03/2017  1 pg, 211.07 KB APPEARANCE filed by Justin L. Swidler, Esq. for Appellants Adams Frank Akhalu, Jatarveiyon Kevin Lee Ashley, Yassine Baouch, Danielle Marie Barney, Chad Ryan Basso, Claire Elizabeth Bodo, Justin Burkholder, Caroline Cecelia Busick, Christopher Clay Day, Steven Wayne Doane, Lance Edwards, Michael Egli, David Allen Faykosh, Thomas Fisher, Thomas A. Gillis, Wayne Darius Grant, William A. Hamilton, Robert William Herrmann, Adam Hoffman, Joseph Horton, Radek Kohout, Scott Larrow, Bruce L. Marsha, Jack Dean Michael, Steven Richard Milstead, John Ray Minor, James Myrick, Steve N. Neely, Dale Don Oshiro, John A. Phillips, Marvin E. Rush, Marvin E. Rush, Joseph Sablan Salas, Timothy Leonardo Smith, Mark Sohmer, Terri Lynn Thacker, Joseph Dewayne Thomas, Troy Edmund Townsend, Aaron David Wing and Brian Zeitz w/service 04/03/2017 [4519233] [17-1661] (JLS) [Entered: 04/03/2017 10:15 AM]
- 04/03/2017  1 pg, 113.97 KB APPEARANCE filed by Joseph E. Jones for Appellees Werner Enterprises, Inc. and Drivers Management, LLC w/service 04/03/2017 [4519432] [17-1661] (JEJ) [Entered: 04/03/2017 02:05 PM]
- 04/03/2017  1 pg, 113.74 KB APPEARANCE filed by Elizabeth A. Culhane for Appellees Drivers Management, LLC and Werner Enterprises, Inc. w/service 04/03/2017 [4519435] [17-1661] (JEJ) [Entered: 04/03/2017 02:08 PM]
- 04/03/2017  3 pg, 112.08 KB CORPORATE disclosure statement filed by Appellee Drivers Management, LLC. - FOR CAL [4519441] [17-1661] (JEJ) [Entered: 04/03/2017 02:14 PM]
- 04/03/2017  3 pg, 110.9 KB CORPORATE disclosure statement filed by Appellee Werner Enterprises, Inc.. - FOR CAL [4519447] [17-1661] (JEJ) [Entered: 04/03/2017 02:16 PM]
- 04/12/2017  1 pg, 211.77 KB APPEARANCE filed by Richard S. Swartz, Esq. for Appellants Adams Frank Akhalu, Jatarveiyon Kevin Lee Ashley, Yassine Baouch, Danielle Marie Barney, Chad Ryan Basso, Claire Elizabeth Bodo, Justin Burkholder, Caroline Cecelia Busick, Christopher Clay Day, Steven Wayne Doane, Lance Edwards, Michael Egli, David Allen Faykosh, Thomas Fisher, Thomas A. Gillis, Wayne Darius Grant, William A. Hamilton, Robert William Herrmann, Adam Hoffman, Joseph Horton, Radek Kohout, Scott Larrow, Bruce L. Marsha, Jack Dean Michael, Steven Richard Milstead, John Ray Minor, James Myrick, Steve N. Neely, Dale Don Oshiro, John A. Phillips, Marvin E. Rush, Marvin E. Rush, Joseph Sablan Salas, Timothy Leonardo Smith, Mark Sohmer, Terri Lynn Thacker, Joseph Dewayne Thomas, Troy Edmund Townsend, Aaron David Wing and Brian Zeitz w/service 04/12/2017 [4523797] [17-1661] (JLS) [Entered: 04/12/2017 07:00 PM]
- 04/12/2017  3 pg, 339.94 KB DESIGNATION of record filed by Appellants Adams Frank Akhalu, Jatarveiyon Kevin Lee Ashley, Yassine Baouch, Danielle Marie Barney, Chad Ryan Basso, Claire Elizabeth Bodo, Justin Burkholder, Caroline Cecelia Busick, Christopher Clay Day, Steven Wayne Doane, Lance Edwards, Michael Egli, David Allen Faykosh, Thomas Fisher, Thomas A. Gillis, Wayne Darius Grant, William A. Hamilton, Robert William Herrmann, Adam Hoffman, Joseph Horton, Radek Kohout, Scott Larrow, Bruce L. Marsha, Jack Dean Michael, Steven Richard Milstead, John Ray Minor, James Myrick, Steve N. Neely, Dale Don Oshiro, John A. Phillips, Marvin E. Rush, Marvin E. Rush, Joseph Sablan Salas, Timothy Leonardo Smith, Mark Sohmer, Terri Lynn Thacker, Joseph Dewayne Thomas, Troy Edmund Townsend, Aaron David Wing and Brian Zeitz. w/service 04/12/2017 [4523799] [17-1661] (JLS) [Entered: 04/12/2017 07:31 PM]
- 04/12/2017  4 pg, 342.84 KB STATEMENT of issues filed by Appellants Adams Frank Akhalu, Jatarveiyon Kevin Lee Ashley, Yassine Baouch, Danielle Marie Barney, Chad Ryan Basso, Claire Elizabeth Bodo, Justin Burkholder, Caroline Cecelia Busick, Christopher Clay Day, Steven Wayne Doane, Lance Edwards, Michael Egli, David Allen Faykosh, Thomas Fisher, Thomas A. Gillis, Wayne Darius Grant, William A. Hamilton, Robert William Herrmann, Adam Hoffman, Joseph Horton, Radek Kohout, Scott Larrow, Bruce L. Marsha, Jack Dean Michael, Steven Richard Milstead, John Ray Minor, James Myrick, Steve N. Neely, Dale Don Oshiro, John

A. Phillips, Marvin E. Rush, Marvin E. Rush, Joseph Sablan Salas, Timothy Leonardo Smith, Mark Sohmer, Terri Lynn Thacker, Joseph Dewayne Thomas, Troy Edmund Townsend, Aaron David Wing and Brian Zeitz - w/service 04/12/2017. [4523800] [17-1661] (JLS) [Entered: 04/12/2017 07:33 PM]

04/12/2017  1 pg, 332.33 KB


METHOD of appendix preparation filed by Appellants Adams Frank Akhalu, Yassine Baouch, Danielle Marie Barney, Chad Ryan Basso, Claire Elizabeth Bodo, Caroline Cecelia Busick, Christopher Clay Day, Jatarveiyon Kevin Lee Ashley, Justin Burkholder, Steven Wayne Doane, Lance Edwards, Michael Egli, David Allen Faykosh, Thomas Fisher, Thomas A. Gillis, Wayne Darius Grant, William A. Hamilton, Robert William Herrmann, Adam Hoffman, Joseph Horton, Radek Kohout, Scott Larrow, Bruce L. Marsha, Jack Dean Michael, Steven Richard Milstead, John Ray Minor, James Myrick, Steve N. Neely, Dale Don Oshiro, John A. Phillips, Marvin E. Rush, Marvin E. Rush, Joseph Sablan Salas, Timothy Leonardo Smith, Mark Sohmer, Terri Lynn Thacker, Joseph Dewayne Thomas, Troy Edmund Townsend, Aaron David Wing and Brian Zeitz - Joint Appendix - w/service 04/12/2017 [4523801] [17-1661] (JLS) [Entered: 04/12/2017 07:40 PM]

04/12/2017  3 pg, 96.12 KB


Certificate of transcript filed by Appellants Adams Frank Akhalu, Jatarveiyon Kevin Lee Ashley, Yassine Baouch, Danielle Marie Barney, Chad Ryan Basso, Claire Elizabeth Bodo, Justin Burkholder, Caroline Cecelia Busick, Christopher Clay Day, Steven Wayne Doane, Lance Edwards, Michael Egli, David Allen Faykosh, Thomas Fisher, Thomas A. Gillis, Wayne Darius Grant, William A. Hamilton, Robert William Herrmann, Adam Hoffman, Joseph Horton, Radek Kohout, Scott Larrow, Bruce L. Marsha, Jack Dean Michael, Steven Richard Milstead, John Ray Minor, James Myrick, Steve N. Neely, Dale Don Oshiro, John A. Phillips, Marvin E. Rush, Marvin E. Rush, Joseph Sablan Salas, Timothy Leonardo Smith, Mark Sohmer, Terri Lynn Thacker, Joseph Dewayne Thomas, Troy Edmund Townsend, Aaron David Wing and Brian Zeitz. No Transcript[4523810] [17-1661] (JLS) [Entered: 04/12/2017 10:42 PM]

04/20/2017  2 pg, 16.31 KB

DESIGNATION of record filed by Appellees Drivers Management, LLC and Werner Enterprises, Inc.. w/service 04/20/2017 [4526662] [17-1661] (JEJ) [Entered: 04/20/2017 11:59 AM]


04/21/2017  0 pg, 0 KB

MOTION for extension of time to file brief until 06/19/2017, filed by Mr. Patrick Joseph Barrett for Appellees Drivers Management, LLC and Werner Enterprises, Inc., Ms. Elizabeth A. Culhane for Appellees Drivers Management, LLC and Werner Enterprises, Inc., Mr. Joseph Edward Jones for Appellees Drivers Management, LLC and Werner Enterprises, Inc., Ms. Sarah L. McGill for Appellees Drivers Management, LLC and Werner Enterprises, Inc. and Mr. Joshua S. Boyette for Appellants Adams Frank Akhalu, Jatarveiyon Kevin Lee Ashley, Yassine Baouch, Danielle Marie Barney, Chad Ryan Basso, Claire Elizabeth Bodo, Justin Burkholder, Caroline Cecelia Busick, Christopher Clay Day, Steven Wayne Doane, Michael Egli, David Allen Faykosh, Thomas Fisher, Thomas A. Gillis, Wayne Darius Grant, William A. Hamilton, Robert William Herrmann, Adam Hoffman, Radek Kohout, Scott Larrow, Bruce L. Marsha, Jack Dean Michael, Steven Richard Milstead, John Ray Minor, James Myrick, Steve N. Neely, Dale Don Oshiro, John A. Phillips, Marvin E. Rush, Marvin E. Rush, Joseph Sablan Salas, Timothy Leonardo Smith, Terri Lynn Thacker, Joseph Dewayne Thomas, Troy Edmund Townsend, Aaron David Wing and Brian Zeitz, Mr. Matthew D. Miller for Appellants Adams Frank Akhalu, Jatarveiyon Kevin Lee Ashley, Yassine Baouch, Danielle Marie Barney, Chad Ryan Basso, Claire Elizabeth Bodo, Justin Burkholder, Caroline Cecelia Busick, Christopher Clay Day, Steven Wayne Doane, Michael Egli, David Allen Faykosh, Thomas Fisher, Thomas A. Gillis, Wayne Darius Grant, William A. Hamilton, Robert William Herrmann, Adam Hoffman, Radek Kohout, Scott Larrow, Bruce L. Marsha, Jack Dean Michael, Steven Richard Milstead, John Ray Minor, James Myrick, Steve N. Neely, Dale Don Oshiro, John A. Phillips, Marvin E. Rush, Marvin E. Rush, Joseph Sablan Salas, Timothy Leonardo Smith, Terri Lynn Thacker, Joseph Dewayne Thomas, Troy Edmund Townsend, Aaron David Wing and Brian Zeitz, Mr. Richard S. Swartz for Appellants Yassine Baouch and Scott Larrow and Mr. Justin L. Swidler for Appellants Adams Frank Akhalu, Jatarveiyon Kevin Lee Ashley, Yassine Baouch, Danielle Marie Barney, Chad Ryan Basso, Claire Elizabeth Bodo, Justin Burkholder, Caroline Cecelia Busick, Christopher Clay Day, Steven Wayne Doane, Lance Edwards, Michael Egli, David Allen Faykosh, Thomas Fisher, Thomas A. Gillis, Wayne Darius Grant, William A. Hamilton, Robert William Herrmann, Adam Hoffman, Radek Kohout, Scott Larrow, Bruce L. Marsha, Jack Dean Michael, Steven Richard Milstead, John Ray Minor, James Myrick, Steve N. Neely, Dale Don Oshiro, John A. Phillips, Marvin E. Rush, Marvin E. Rush, Joseph Sablan Salas, Timothy Leonardo Smith, Mark Sohmer, Terri Lynn Thacker, Joseph Dewayne Thomas, Troy Edmund Townsend, Aaron David Wing and Brian Zeitz w/service 04/21/2017. [4527462] [17-1661]-- [Edited 04/24/2017 by MDS - Reason: DUPLICATE MOTION] (JEJ) [Entered: 04/21/2017 03:45 PM]

04/21/2017 

On December 1, 2016, the Federal Rules of Appellate Procedure were amended to require a certificate of compliance for motions filed under Rule 27, certifying that the document complies with the type-volume limitations and stating the number of words in the document. Your recently filed motion did not contain this certificate of compliance.

**No action will be taken on your motion for extension of time to file brief, [4527462-2], submitted by Mr. Joseph Edward Jones, Mr. Patrick Joseph Barrett, Ms. Elizabeth A. Culhane, Mr. Justin L. Swidler, Mr. Richard S. Swartz, Ms. Sarah L. McGill, Mr. Joshua S. Boyette and Mr. Matthew D. Miller in 17-1661, pending the filing of a certificate of compliance using the 'Certificate of Compliance' event. Please do not refile your motion [17-1661] (MDS) [Entered: 04/21/2017 03:59 PM]**

04/24/2017  4 pg, 20.67 KB

MOTION for extension of time to file brief until 06/19/2017, filed by Mr. Patrick Joseph Barrett for Appellees Drivers Management, LLC and Werner Enterprises, Inc., Ms. Elizabeth A. Culhane for

Appellees Drivers Management, LLC and Werner Enterprises, Inc., Mr. Joseph Edward Jones for Appellees Drivers Management, LLC and Werner Enterprises, Inc., Ms. Sarah L. McGill for Appellees Drivers Management, LLC and Werner Enterprises, Inc. and Mr. Joshua S. Boyette for Appellants Adams Frank Akhalu, Jatarveiyon Kevin Lee Ashley, Yassine Baouch, Danielle Marie Barney, Chad Ryan Basso, Claire Elizabeth Bodo, Justin Burkholder, Caroline Cecelia Busick, Christopher Clay Day, Steven Wayne Doane, Michael Egli, David Allen Faykosh, Thomas Fisher, Thomas A. Gillis, Wayne Darius Grant, William A. Hamilton, Robert William Herrmann, Adam Hoffman, Radek Kohout, Scott Larrow, Bruce L. Marsha, Jack Dean Michael, Steven Richard Milstead, John Ray Minor, James Myrick, Steve N. Neely, Dale Don Oshiro, John A. Phillips, Marvin E. Rush, Marvin E. Rush, Joseph Sablan Salas, Timothy Leonardo Smith, Terri Lynn Thacker, Joseph Dewayne Thomas, Troy Edmund Townsend, Aaron David Wing and Brian Zeitz, Mr. Matthew D. Miller for Appellants Adams Frank Akhalu, Jatarveiyon Kevin Lee Ashley, Yassine Baouch, Danielle Marie Barney, Chad Ryan Basso, Claire Elizabeth Bodo, Justin Burkholder, Caroline Cecelia Busick, Christopher Clay Day, Steven Wayne Doane, Michael Egli, David Allen Faykosh, Thomas Fisher, Thomas A. Gillis, Wayne Darius Grant, William A. Hamilton, Robert William Herrmann, Adam Hoffman, Radek Kohout, Scott Larrow, Bruce L. Marsha, Jack Dean Michael, Steven Richard Milstead, John Ray Minor, James Myrick, Steve N. Neely, Dale Don Oshiro, John A. Phillips, Marvin E. Rush, Marvin E. Rush, Joseph Sablan Salas, Timothy Leonardo Smith, Terri Lynn Thacker, Joseph Dewayne Thomas, Troy Edmund Townsend, Aaron David Wing and Brian Zeitz, Mr. Richard S. Swartz for Appellants Yassine Baouch and Scott Larrow and Mr. Justin L. Swidler for Appellants Adams Frank Akhalu, Jatarveiyon Kevin Lee Ashley, Yassine Baouch, Danielle Marie Barney, Chad Ryan Basso, Claire Elizabeth Bodo, Justin Burkholder, Caroline Cecelia Busick, Christopher Clay Day, Steven Wayne Doane, Lance Edwards, Michael Egli, David Allen Faykosh, Thomas Fisher, Thomas A. Gillis, Wayne Darius Grant, William A. Hamilton, Robert William Herrmann, Adam Hoffman, Joseph Horton, Radek Kohout, Scott Larrow, Bruce L. Marsha, Jack Dean Michael, Steven Richard Milstead, John Ray Minor, James Myrick, Steve N. Neely, Dale Don Oshiro, John A. Phillips, Marvin E. Rush, Marvin E. Rush, Joseph Sablan Salas, Timothy Leonardo Smith, Mark Sohmer, Terri Lynn Thacker, Joseph Dewayne Thomas, Troy Edmund Townsend, Aaron David Wing and Brian Zeitz w/service 04/24/2017. [4527673] [17-1661] (JEJ) [Entered: 04/24/2017 09:36 AM]

04/24/2017    
3 pg, 20.72 KB

CERTIFICATE OF COMPLIANCE filed by Attorney Mr. Joseph Edward Jones for Appellees Drivers Management, LLC and Werner Enterprises, Inc. correcting [\[4527673-2\]](#) motion for extension of time to file brief filed by null and null. [4527704] [17-1661] (JEJ) [Entered: 04/24/2017 10:02 AM]

04/24/2017    
1 pg, 9.06 KB

CLERK ORDER:Granting [\[4527673-2\]](#) motion for extension of time to file brief filed by Mr. Joseph Edward Jones, Mr. Patrick Joseph Barrett, Ms. Elizabeth A. Culhane, Mr. Justin L. Swidler, Mr. Richard S. Swartz, Ms. Sarah L. McGill, Mr. Joshua S. Boyette and Mr. Matthew D. Miller. Brief of Adams Frank Akhalu, Jatarveiyon Kevin Lee Ashley, Yassine Baouch, Danielle Marie Barney, Chad Ryan Basso, Claire Elizabeth Bodo, Justin Burkholder, Caroline Cecelia Busick, Christopher Clay Day, Steven Wayne Doane, Lance Edwards, Michael Egli, David Allen Faykosh, Thomas Fisher, Thomas A. Gillis, Wayne Darius Grant, William A. Hamilton, Robert William Herrmann, Adam Hoffman, Joseph Horton, Radek Kohout, Scott Larrow, Bruce L. Marsha, Jack Dean Michael, Steven Richard Milstead, John Ray Minor, James Myrick, Steve N. Neely, Dale Don Oshiro, John A. Phillips, Marvin E. Rush, Joseph Sablan Salas, Timothy Leonardo Smith, Mark Sohmer, Terri Lynn Thacker, Joseph Dewayne Thomas, Troy Edmund Townsend, Aaron David Wing and Brian Zeitz due 06/19/2017. Appendix due on 06/19/2017.. Brief of Drivers Management, LLC and Werner Enterprises, Inc. due 08/07/2017. Reply brief will be due 14 days from the filing of the appellee's brief. [4527877] [17-1661] (MDS) [Entered: 04/24/2017 12:00 PM]

06/19/2017    
0 pg, 0 KB

APPELLANT brief of Adams Frank Akhalu, Jatarveiyon Kevin Lee Ashley, Yassine Baouch, Danielle Marie Barney, Chad Ryan Basso, Claire Elizabeth Bodo, Justin Burkholder, Caroline Cecelia Busick, Christopher Clay Day, Steven Wayne Doane, Lance Edwards, Michael Egli, David Allen Faykosh, Thomas Fisher, Thomas A. Gillis, Wayne Darius Grant, William A. Hamilton, Robert William Herrmann, Adam Hoffman, Joseph Horton, Radek Kohout, Scott Larrow, Bruce L. Marsha, Jack Dean Michael, Steven Richard Milstead, John Ray Minor, James Myrick, Dale Don Oshiro, John A. Phillips, Marvin E. Rush, Marvin E. Rush, Joseph Sablan Salas, Timothy Leonardo Smith, Mark Sohmer, Terri Lynn Thacker, Joseph Dewayne Thomas, Troy Edmund Townsend, Aaron David Wing and Brian Zeitz submitted for review. The time for filing the subsequent brief (if any) does not begin to run until the brief has been approved and filed. To open/view this brief, you must first login to CM/ECF and then open the document link in your Notice of Docket Activity. [4548699] [17-1661] (JLS) [Entered: 06/19/2017 11:09 PM]

06/19/2017    
0 pg, 0 KB

Addendum of APPELLANT submitted for review by Yassine Baouch [4548700] [17-1661] (JLS) [Entered: 06/19/2017 11:13 PM]

06/20/2017    
1 pg, 15.49 KB

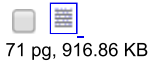
Addendum deficiency notice sent to counsel, Attorney Mr. Justin L. Swidler for Appellants Thomas Fisher, Yassine Baouch, Scott Larrow, Justin Burkholder, Robert William Herrmann, Radek Kohout, Jack Dean Michael, Steven Richard Milstead, James Myrick, Troy Edmund Townsend, Claire Elizabeth Bodo, Wayne Darius Grant, Adam Hoffman, Joseph Dewayne Thomas, Danielle Marie Barney, Chad Ryan Basso, Caroline Cecelia Busick, Christopher Clay Day, Bruce L. Marsha, Dale Don Oshiro, Aaron David Wing, David Allen Faykosh, Steve N. Neely, Jatarveiyon Kevin Lee Ashley, Michael Egli, John A. Phillips, Marvin E. Rush, Adams Frank Akhalu, Steven Wayne Doane, Thomas A. Gillis, William A. Hamilton, John Ray Minor, Joseph Sablan Salas, Timothy Leonardo Smith, Terri Lynn Thacker, Brian Zeitz, Lance Edwards, Mark Sohmer and Joseph Horton. New electronic copy of addendum due on 06/26/2017 [4548974] [17-1661] (MDS) [Entered: 06/20/2017 11:48 AM]

06/20/2017



Addendum of APPELLANT submitted for review by Adams Frank Akhalu, Jatarveiyon Kevin Lee Ashley, Yassine Baouch, Danielle Marie Barney, Chad Ryan Basso, Claire Elizabeth Bodo, Justin Burkholder, Caroline Cecelia Busick, Christopher Clay Day, Steven Wayne Doane, Lance Edwards, Michael Egli, David Allen Faykosh, Thomas Fisher, Thomas A. Gillis, Wayne Darius Grant, William A. Hamilton, Robert William Herrmann, Adam Hoffman, Joseph Horton, Radek Kohout, Scott Larrow, Bruce L. Marsha, Jack Dean Michael, Steven Richard Milstead, John Ray Minor, James Myrick, Steve N. Neely, Dale Don Oshiro, John A. Phillips, Marvin E. Rush, Marvin E. Rush, Joseph Sablan Salas, Timothy Leonardo Smith, Mark Sohmer, Terri Lynn Thacker, Joseph Dewayne Thomas, Troy Edmund Townsend, Aaron David Wing and Brian Zeitz [4549169] [17-1661] (JLS) [Entered: 06/20/2017 03:25 PM]

06/21/2017

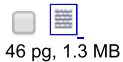


**BRIEF FILED** - APPELLANT BRIEF filed by Adams Frank Akhalu, Jatarveiyon Kevin Lee Ashley, Yassine Baouch, Danielle Marie Barney, Chad Ryan Basso, Claire Elizabeth Bodo, Justin Burkholder, Caroline Cecelia Busick, Christopher Clay Day, Steven Wayne Doane, Lance Edwards, Michael Egli, David Allen Faykosh, Thomas Fisher, Thomas A. Gillis, Wayne Darius Grant, William A. Hamilton, Robert William Herrmann, Adam Hoffman, Joseph Horton, Radek Kohout, Scott Larrow, Bruce L. Marsha, Jack Dean Michael, Steven Richard Milstead, John Ray Minor, James Myrick, Steve N. Neely, Dale Don Oshiro, John A. Phillips, Marvin E. Rush, Marvin E. Rush, Joseph Sablan Salas, Timothy Leonardo Smith, Mark Sohmer, Terri Lynn Thacker, Joseph Dewayne Thomas, Troy Edmund Townsend, Aaron David Wing and Brian Zeitz. w/service 06/21/2017 , Length: 12,974 words.

**10 COPIES OF PAPER BRIEFS FROM Adams Frank Akhalu, Jatarveiyon Kevin Lee Ashley, Yassine Baouch, Danielle Marie Barney, Chad Ryan Basso, Claire Elizabeth Bodo, Justin Burkholder, Caroline Cecelia Busick, Christopher Clay Day, Steven Wayne Doane, Lance Edwards, Michael Egli, David Allen Faykosh, Thomas Fisher, Thomas A. Gillis, Wayne Darius Grant, William A. Hamilton, Robert William Herrmann, Adam Hoffman, Joseph Horton, Radek Kohout, Scott Larrow, Bruce L. Marsha, Jack Dean Michael, Steven Richard Milstead, John Ray Minor, James Myrick, Steve N. Neely, Dale Don Oshiro, John A. Phillips, Marvin E. Rush, Joseph Sablan Salas, Timothy Leonardo Smith, Mark Sohmer, Terri Lynn Thacker, Joseph Dewayne Thomas, Troy Edmund Townsend, Aaron David Wing and Brian Zeitz due 06/26/2017 WITH certificate of service for paper briefs**

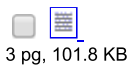
. Brief of Drivers Management, LLC and Werner Enterprises, Inc. due on 07/21/2017 [4549407] [17-1661] (MDS) [Entered: 06/21/2017 09:44 AM]

06/21/2017



**ADDENDUM** of APPELLANT FILED by Appellants Adams Frank Akhalu, Jatarveiyon Kevin Lee Ashley, Yassine Baouch, Danielle Marie Barney, Chad Ryan Basso, Claire Elizabeth Bodo, Justin Burkholder, Caroline Cecelia Busick, Christopher Clay Day, Steven Wayne Doane, Lance Edwards, Michael Egli, David Allen Faykosh, Thomas Fisher, Thomas A. Gillis, Wayne Darius Grant, William A. Hamilton, Robert William Herrmann, Adam Hoffman, Joseph Horton, Radek Kohout, Scott Larrow, Bruce L. Marsha, Jack Dean Michael, Steven Richard Milstead, John Ray Minor, James Myrick, Steve N. Neely, Dale Don Oshiro, John A. Phillips, Marvin E. Rush, Marvin E. Rush, Joseph Sablan Salas, Timothy Leonardo Smith, Mark Sohmer, Terri Lynn Thacker, Joseph Dewayne Thomas, Troy Edmund Townsend, Aaron David Wing and Brian Zeitz , w/service 06/21/2017 [4549443] [17-1661] (MDS) [Entered: 06/21/2017 10:07 AM]

06/27/2017



MOTION to seal portion of appendix, filed by Attorney Mr. Justin L. Swidler for Appellants Thomas Fisher, Yassine Baouch, Scott Larrow, Justin Burkholder, Robert William Herrmann, Radek Kohout, Jack Dean Michael, Steven Richard Milstead, James Myrick, Troy Edmund Townsend, Claire Elizabeth Bodo, Wayne Darius Grant, Adam Hoffman, Joseph Dewayne Thomas, Danielle Marie Barney, Chad Ryan Basso, Caroline Cecelia Busick, Christopher Clay Day, Bruce L. Marsha, Dale Don Oshiro, Aaron David Wing, David Allen Faykosh, Steve N. Neely, Jatarveiyon Kevin Lee Ashley, Michael Egli, John A. Phillips, Marvin E. Rush, Adams Frank Akhalu, Steven Wayne Doane, Thomas A. Gillis, William A. Hamilton, John Ray Minor, Joseph Sablan Salas, Timothy Leonardo Smith, Terri Lynn Thacker, Brian Zeitz, Lance Edwards, Mark Sohmer and Joseph Horton w/service 06/27/2017. [4551611] [17-1661] (MDS) [Entered: 06/27/2017 04:47 PM]

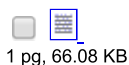
06/27/2017








On December 1, 2016, the Federal Rules of Appellate Procedure were amended to require a certificate of compliance for motions filed under Rule 27, certifying that the document complies with the type-volume limitations and stating the number of words in the document. Your recently filed motion did not contain this certificate of compliance.

**No action will be taken on your motion to seal, [4551611-2], submitted by Mr. Justin L. Swidler in 17-1661 , pending the filing of a certificate of compliance using the 'Certificate of Compliance' event. Please do not refile your motion [17-1661] (MDS) [Entered: 06/27/2017 04:51 PM]**

06/28/2017



CERTIFICATE OF COMPLIANCE filed by Attorney Mr. Justin L. Swidler for Appellants Adams Frank Akhalu, Jatarveiyon Kevin Lee Ashley, Yassine Baouch, Danielle Marie Barney, Chad Ryan Basso, Claire Elizabeth Bodo, Justin Burkholder, Caroline Cecelia Busick, Christopher Clay Day, Steven Wayne Doane, Lance Edwards, Michael Egli, David Allen Faykosh, Thomas Fisher, Thomas A. Gillis, Wayne Darius Grant, William A. Hamilton, Robert William Herrmann, Adam Hoffman, Joseph Horton, Radek Kohout, Scott Larrow, Bruce L. Marsha, Jack Dean Michael, Steven Richard Milstead, John Ray Minor, James Myrick, Steve N. Neely, Dale Don Oshiro, John A. Phillips, Marvin E. Rush, Marvin E. Rush, Joseph Sablan Salas, Timothy Leonardo Smith, Mark Sohmer, Terri Lynn Thacker, Joseph Dewayne Thomas, Troy Edmund Townsend, Aaron David Wing and Brian Zeitz correcting [4551611-2] motion to seal filed by Attorney. [4551955] [17-1661] (JLS) [Entered: 06/28/2017 12:25 PM]

- 06/28/2017   1 pg, 8.9 KB CLERK ORDER:Granting [\[4551611-2\]](#) motion to seal filed by Mr. Justin L. Swidler. The Court is hereby sealing the following: Volume 5 of the joint appendix. [4552059] [17-1661] (MDS) [Entered: 06/28/2017 02:08 PM]
- 06/28/2017  RECORD FILED - JOINT APPENDIX, 5 volumes, Location STL, 2 boxes, Comments: **\*\*VOLUME 5 IS SEALED\*\***  
[4552081] [17-1661] (MDS) [Entered: 06/28/2017 02:23 PM]
- 06/29/2017  Paper copies Appellant/Petitioner Brief, [\[4549407-2\]](#) filed by Adams Frank Akhalu, Jatarveiyon Kevin Lee Ashley, Yassine Baouch, Danielle Marie Barney, Chad Ryan Basso, Claire Elizabeth Bodo, Justin Burkholder, Caroline Cecelia Busick, Christopher Clay Day, Steven Wayne Doane, Lance Edwards, Michael Egli, David Allen Faykosh, Thomas Fisher, Thomas A. Gillis, Wayne Darius Grant, William A. Hamilton, Robert William Herrmann, Adam Hoffman, Joseph Horton, Radek Kohout, Scott Larrow, Bruce L. Marsha, Jack Dean Michael, Steven Richard Milstead, John Ray Minor, James Myrick, Steve N. Neely, Dale Don Oshiro, John A. Phillips, Marvin E. Rush, Marvin E. Rush, Joseph Sablan Salas, Timothy Leonardo Smith, Mark Sohmer, Terri Lynn Thacker, Joseph Dewayne Thomas, Troy Edmund Townsend, Aaron David Wing and Brian Zeitz 10 paper copies received. w/Addendum attached [4553026] [17-1661] (MDS) [Entered: 06/30/2017 11:51 AM]
- 08/07/2017   0 pg, 0 KB APPELLEE brief of Drivers Management, LLC and Werner Enterprises, Inc. submitted for review. The time for filing the subsequent brief (if any) does not begin to run until the brief has been approved and filed. To open/view this brief, you must first login to CM/ECF and then open the document link in your Notice of Docket Activity. [4565696] [17-1661] (JEJ) [Entered: 08/07/2017 05:07 PM]
- 08/09/2017   73 pg, 879.97 KB **BRIEF FILED - APPELLEE BRIEF** filed by Drivers Management, LLC and Werner Enterprises, Inc., w/service 08/09/2017 , Length: 12,813 words.  
**10 COPIES OF PAPER BRIEFS FROM Drivers Management, LLC and Werner Enterprises, Inc. due 08/14/2017 WITH certificate of service for paper briefs**  
. Reply brief of Adams Frank Akhalu, Jatarveiyon Kevin Lee Ashley, Yassine Baouch, Danielle Marie Barney, Chad Ryan Basso, Claire Elizabeth Bodo, Justin Burkholder, Caroline Cecelia Busick, Christopher Clay Day, Steven Wayne Doane, Lance Edwards, Michael Egli, David Allen Faykosh, Thomas Fisher, Thomas A. Gillis, Wayne Darius Grant, William A. Hamilton, Robert William Herrmann, Adam Hoffman, Joseph Horton, Radek Kohout, Scott Larrow, Bruce L. Marsha, Jack Dean Michael, Steven Richard Milstead, John Ray Minor, James Myrick, Steve N. Neely, Dale Don Oshiro, John A. Phillips, Marvin E. Rush, Joseph Sablan Salas, Timothy Leonardo Smith, Mark Sohmer, Terri Lynn Thacker, Joseph Dewayne Thomas, Troy Edmund Townsend, Aaron David Wing and Brian Zeitz due on 08/23/2017. [4566879] [17-1661] (MDS) [Entered: 08/09/2017 03:25 PM]
- 08/11/2017  Paper copies Appellee/Respondent brief, [\[4566879-2\]](#) filed by Drivers Management, LLC and Werner Enterprises, Inc. 10 paper copies received.  
[4568755] [17-1661] (MDS) [Entered: 08/15/2017 03:32 PM]
- 08/17/2017  Please note that this case has been screened for oral argument. The exact date of your oral argument has not been determined at this time. You will be receiving a calendar approximately 4 weeks before the scheduled argument date. Please review the current and future argument dates immediately to determine if you have any conflicts.
- [Click Here to View Published Argument Calendars and Future Court Session Dates and Locations](#)
- If you do have conflicts with any of the argument dates, please inform this court by sending a letter using the ECF docketing event 'Correspondence to Court', 'Letter filed' regarding availability for oral argument'. Your compliance with this policy will minimize the need for motions to continue or reschedule oral argument. The court also encourages you to notify the clerk if conflicts with these dates develop in the future. The clerk's office takes conflict dates into consideration in scheduling oral arguments but cannot guarantee that every request will be honored. [4569378] [17-1661] (BWB) [Entered: 08/17/2017 07:19 AM]
- 08/23/2017   0 pg, 0 KB REPLY brief of Adams Frank Akhalu, Jatarveiyon Kevin Lee Ashley, Yassine Baouch, Danielle Marie Barney, Chad Ryan Basso, Claire Elizabeth Bodo, Justin Burkholder, Caroline Cecelia Busick, Christopher Clay Day, Steven Wayne Doane, Lance Edwards, Michael Egli, David Allen Faykosh, Thomas Fisher, Thomas A. Gillis, Wayne Darius Grant, William A. Hamilton, Robert William Herrmann, Adam Hoffman, Joseph Horton, Radek Kohout, Scott Larrow, Bruce L. Marsha, Jack Dean Michael, Steven Richard Milstead, John Ray Minor, James Myrick, Steve N. Neely, Dale Don Oshiro, John A. Phillips, Marvin E. Rush, Marvin E. Rush, Joseph Sablan Salas, Timothy Leonardo Smith, Mark Sohmer, Terri Lynn Thacker, Joseph Dewayne Thomas, Aaron David Wing and Brian Zeitz submitted for review. The time for filing the subsequent brief (if any) does not begin to run until the brief has been approved and filed. To open/view this brief, you must first login to CM/ECF and then open the document link in your Notice of Docket Activity. [4571898] [17-1661] (JLS) [Entered: 08/23/2017 11:37 PM]
- 08/24/2017   35 pg, 573.45 KB **BRIEF FILED - APPELLANT REPLY BRIEF** filed by Adams Frank Akhalu, Jatarveiyon Kevin Lee Ashley, Yassine Baouch, Danielle Marie Barney, Chad Ryan Basso, Claire Elizabeth Bodo, Justin Burkholder, Caroline Cecelia Busick, Christopher Clay Day, Steven Wayne Doane, Lance Edwards, Michael Egli, David Allen Faykosh, Thomas Fisher, Thomas A. Gillis, Wayne Darius Grant, William A. Hamilton, Robert William Herrmann, Adam Hoffman, Joseph Horton, Radek Kohout, Scott Larrow, Bruce L. Marsha, Jack



Dean Michael, Steven Richard Milstead, John Ray Minor, James Myrick, Steve N. Neely, Dale Don Oshiro, John A. Phillips, Marvin E. Rush, Marvin E. Rush, Joseph Sablan Salas, Timothy Leonardo Smith, Mark Sohmer, Terri Lynn Thacker, Joseph Dewayne Thomas, Troy Edmund Townsend, Aaron David Wing and Brian Zeitz. w/service 08/23/2017 , Length: 6445 words.

**10 COPIES OF PAPER BRIEFS FROM Adams Frank Akhalu, Jatarveiyon Kevin Lee Ashley, Yassine Baouch, Danielle Marie Barney, Chad Ryan Basso, Claire Elizabeth Bodo, Justin Burkholder, Caroline Cecelia Busick, Christopher Clay Day, Steven Wayne Doane, Lance Edwards, Michael Egli, David Allen Faykosh, Thomas Fisher, Thomas A. Gillis, Wayne Darius Grant, William A. Hamilton, Robert William Herrmann, Adam Hoffman, Joseph Horton, Radek Kohout, Scott Larrow, Bruce L. Marsha, Jack Dean Michael, Steven Richard Milstead, John Ray Minor, James Myrick, Steve N. Neely, Dale Don Oshiro, John A. Phillips, Marvin E. Rush, Joseph Sablan Salas, Timothy Leonardo Smith, Mark Sohmer, Terri Lynn Thacker, Joseph Dewayne Thomas, Troy Edmund Townsend, Aaron David Wing and Brian Zeitz due 08/29/2017 WITH certificate of service for paper briefs**

[4572306] [17-1661] (MDS) [Entered: 08/24/2017 02:41 PM]

08/30/2017

Paper copies Reply brief, [\[4572306-2\]](#) filed by Adams Frank Akhalu, Jatarveiyon Kevin Lee Ashley, Yassine Baouch, Danielle Marie Barney, Chad Ryan Basso, Claire Elizabeth Bodo, Justin Burkholder, Caroline Cecelia Busick, Christopher Clay Day, Steven Wayne Doane, Lance Edwards, Michael Egli, David Allen Faykosh, Thomas Fisher, Thomas A. Gillis, Wayne Darius Grant, William A. Hamilton, Robert William Herrmann, Adam Hoffman, Joseph Horton, Radek Kohout, Scott Larrow, Bruce L. Marsha, Jack Dean Michael, Steven Richard Milstead, John Ray Minor, James Myrick, Steve N. Neely, Dale Don Oshiro, John A. Phillips, Marvin E. Rush, Marvin E. Rush, Joseph Sablan Salas, Timothy Leonardo Smith, Mark Sohmer, Terri Lynn Thacker, Joseph Dewayne Thomas, Troy Edmund Townsend, Aaron David Wing and Brian Zeitz 10 paper copies received.

[4574338] [17-1661] (MDS) [Entered: 08/30/2017 03:55 PM]

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<b>Billable Pages:</b>	12	<b>Cost:</b>	1.20