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DAVID TYKULSKER & ASSOCIATES
161 Walnut Street
Montclair, New Jersey 07042
(973) 509-9292
Attorneys for Plaintiffs

LAWRENCE M. MARON, J.S.C.

GONZALO CHIRINO, FELIX D. JAY, :
ANDREW ANKLE, GARY JOSEPHS, :
RENE CAMPBELL, ASTON HEMLEY, :
and MARYAN VASYUTA, on behalf of :
themselves and all others similarly situated, :
:
Plaintiffs, :
:
v. :
:
PROUD 2 HAUL, INC., et al., :
:
Defendants. :

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - HUDSON COUNTY

DOCKET NO. HUD-L-6191-11

Class Action

Civil Action

**AMENDED ORDER GRANTING
PARTIAL SUMMARY JUDGEMENT**

This matter, having been opened to the Court by application of David Tykulsker & Associates, Class Counsel and attorneys for Plaintiffs for entry of an Order granting partial summary judgment for defendants' failure to pay Class members for the fuel tax, and the Court having considered the moving papers, the opposition that has been filed, and all other relevant matters of record, and good cause appearing,

IT IS this 17 Day of September, 2013, **ORDERED and ADJUDGED** that

1. Plaintiffs' application for Partial Summary Judgment be and hereby is granted as against defendants Proud to Haul, Inc. and Ivana Koprowski (collectively "defendants"), jointly and severally as follows:
 - a. In derogation of the plain language of Defendants' form lease, Defendants have violated the Truth-in-Leasing regulations by deducting fuel tax from plaintiffs' pay during the period November 19, 2010 through May 26, 2012.

- b. In derogation of the plain language of Defendants' form lease, defendants have breached their contracts with plaintiffs by deducting fuel tax from plaintiffs' pay during the period November 19, 2010 through May 26, 2012.
- c. Defendants owe \$382,753.68 for wrongfully deducting fuel taxes during the period November 19, 2010 through May 26, 2012, as appears in Appendix A.
2. Plaintiffs are deemed entitled to prejudgment interest to August 30, 2013, the date of the original Order granting summary judgment pursuant to R. 4:42-11 in the amount of \$18,663.17, and their reasonable attorney's fees and costs. Plaintiffs shall file and serve their motion for same by September 19, 2013, i.e. within fourteen days of Class Counsel's receipt of the August 30, 2013, Order. Defendants shall file and serve any response within seven days of service of the motion; and Plaintiffs shall file any reply within four days of service of the response.

L. Maron

Hon. LAWRENCE M. MARON, J.S.C.

This Order supercedes this Court's August 30, 2013 order granting Partial Summary Judgment. The only modification is to set the amount of prejudgment interest pursuant to R. 4:42-11.

I, Gerald A. Buccafusco, Deputy Clerk of the Superior Court of New Jersey, County of Hudson, do hereby certify that the foregoing is a true and correct copy of the original on file in my office.

Gerald A. Buccafusco
Deputy Clerk of the Superior Court

Date: 9/20/13

