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10 and all others similarly situated

11 *[Additional Counsel listed on following page]*

12 **SUPERIOR COURT OF CALIFORNIA**

13 **COUNTY OF SAN BERNARDINO**

14 PHILLIP BERNAL, TRUHILL NOEL,
15 KHYELL MARTIN, DAMIEN
16 MCNORTON, WADDIE EARNEST,
17 GILBERT ESTRADA, CARMEN
18 HERNANDEZ, and WENDY QUINTERO,
19 individually, on behalf of themselves and all
20 others similarly situated,

21 Plaintiffs,

22 v.

23 EXPRESS MESSENGER SYSTEMS, INC.,
24 dba ONTRAC, a Minnesota Corporation,
25 ONTRAC LOGISTICS, INC., a Delaware
26 Corporation, and DOES 2-10, Inclusive,

27 Defendants.

Case No. CIVSB2319614

ASSIGNED FOR ALL PURPOSES TO:

The Honorable Joseph Ortiz
Department S-17

CLASS AND REPRESENTATIVE ACTION

**DECLARATION OF WADDIE EARNEST IN
SUPPORT OF PLAINTIFFS' MOTION FOR
FINAL APPROVAL OF CLASS AND
REPRESENTATIVE ACTION SETTLEMENT**

Date: July 21, 2026

Time: 1:30 p.m.

Dept. S-17

Complaint filed: August 15, 2023

Trial date: Not set

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Attorneys for Plaintiff CARMEN HERNANDEZ and WENDY QUINTERO

1 I, Waddie Earnest, declare as follows:

2 1. I am over 18 years of age and a resident of California. I am one of the named
3 plaintiffs in this class and representative action. I have personal knowledge of the facts stated in this
4 declaration, except as to those matters stated upon information or belief, and, as to those matters, I
5 believe them to be true. If called as a witness, I could and would testify truthfully and competently
6 to the matters stated in this declaration.

7 2. I was employed by Defendant OnTrac Logistics, Inc. (formerly Express Messenger
8 Systems, Inc. dba OnTrac) (“OnTrac”), from approximately September 2023 to approximately
9 October 2023 as an hourly-paid, non-exempt employee. I decided to seek legal advice about my
10 work experiences with Defendant and about pursuing my grievances. I contacted Lawyers *for*
11 Justice, PC and spoke with attorneys there. I wanted to do whatever I could to make sure Defendant
12 was held accountable for not properly compensating its employees for all hours worked, non-
13 compliant meal and rest breaks, and failure to reimburse expenses. I consulted with the attorneys
14 and staff at Lawyers *for* Justice, PC discussing my situation, complex wage-and-hour class actions
15 and representative actions under the Private Attorneys General Act (“PAGA”) in general, and what
16 it meant to be a named plaintiff and a PAGA representative. Prior to commencing the case, I was
17 informed of and came to understand what my duties and responsibilities would be as a plaintiff, a
18 PAGA representative.

19 3. Throughout the case, I have spent time speaking with my attorneys regarding the
20 case and fulfilling my responsibilities as a PAGA representative, which included gathering
21 documents concerning my employment with Defendant, reviewing documents with my attorneys,
22 answering questions, providing guidance regarding the duties of other hourly-paid non-exempt
23 employees, and helping develop a strategy as to what documents and information to obtain from
24 Defendant. I routinely checked in with my attorneys and their staff to make sure that they had all of
25 my most current information and any additional information that I had obtained.

26 4. As the case progressed, I was available to answer any questions my attorneys had,
27 and available to speak and meet with my attorneys whenever they needed me. I responded to them
28 as quickly as possible and gave them as much information and identified as many documents as I

1 could. I spent time speaking with my attorneys about the case, identifying potential witnesses,
2 providing my attorneys with documents and information concerning the case, and also describing
3 policies, practices, and procedures of Defendant.

4 5. As far as the settlement is concerned, I was available to review documents and
5 answer any questions my attorneys had. I reviewed the Settlement Agreement and discussed the
6 questions I had regarding the potential settlement with my attorneys before signing the settlement
7 papers.

8 6. I think my efforts helped to get the result obtained in this matter, and as a potential
9 PAGA representative, I respectfully request that the Court award me a service award for my efforts
10 in pursuing and participating in this matter, as well as my broader release of claims. Taking into
11 consideration the time that I have dedicated to this matter, I believe that this amount is reasonable.

12 7. I am not related to anyone associated with Lawyers *for* Justice, PC, The Markham
13 Law Firm, Cohelan Khoury & Singer, Haig B. Kazandjian Lawyers, APC, Crosner Legal, PC,
14 Aegis Law Firm, PC, or Wilshire Law Firm.

15 8. I have not entered into any undisclosed agreements, nor have I received any
16 undisclosed compensation in this matter. The only compensation I will receive is whatever amount
17 the Court awards as a service award, as well as my share of the settlement as an aggrieved
18 employee.

19 I declare under the penalty of perjury under the laws of United States and the State of
20 California that the foregoing is true and correct. 06/12/2026

21 Executed on this _____ day of _____, 2026, at Stockton, California.

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23 Electronically Signed: 2026-06-13 03:23:26 UTC - 50 209.64.226*
Nintex e-AssureSignID: 94553e7e-1c0b-4a30-b07c-b46802009874

24 Waddie Earnest
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