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7 Attorneys for Plaintiff DAMIEN McNORTON
8 As an individual and on behalf of all others
similarly situated

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **COUNTY OF SAN BERNARDINO**

11 PHILLIP BERNAL, TRUHILL NOEL,
12 KHYELL MARTIN, DAMIEN
MCNORTON, WADDIE EARNEST,
13 GILBERT ESTRADA, CARMEN
HERNANDEZ, and WENDY
14 QUINTERO, individually, on behalf of
themselves and all others similarly
situated,

15 Plaintiffs,

16 v.

17 EXPRESS MESSENGER SYSTEMS,
18 INC., dba ONTRAC, a Minnesota
Corporation, ONTRAC LOGISTICS,
19 INC., a Delaware Corporation, and DOES
2-10, Inclusive,

20 Defendants.

Case No. CIVSB2319614

Assigned for all purposes to:
Hon. Joseph T. Ortiz, Dept. S17

**DECLARATION OF CHAD SAUNDERS IN
SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: January 6, 2026
Time: 1:30 p.m.
Dept. S-17

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1. I am an attorney duly licensed to practice in California and before this Court, and I am Partner with Crosner Legal, PC, counsel of record for plaintiff Damien McNorton. I make this declaration in support of Plaintiffs' Motion for Preliminary Approval of Class Action Settlement. If called to testify as to the within facts, I would and could competently do so.

2. On July 25, 2023, Plaintiff McNorton filed a representative action under the Private Attorneys General Act (Labor Code §§ 2698, et seq.) (“PAGA”) alleging wage and hour violations.

3. On May 19, 2023, before filing his PAGA complaint, Plaintiff McNorton provided written notice to the Labor and Workforce Development Agency (“LWDA”) and Defendants regarding Defendants’ alleged Labor Code violations, as required by Labor Code section 2699.3(a). The LWDA did not respond to this notice.

4. As part of the global settlement submitted with the motion for preliminary approval, Plaintiff McNorton was added to this case through the filing of the Second Amended Complaint.

5. I received a Bachelor of Arts in Philosophy from the University of Maryland Baltimore County in 2001 and a Juris Doctor from New College of California School of Law in 2008. While a law student, I completed 600 hours of public interest law apprenticeship, at Legal Services for Children, Disability Rights California, and as a Certified Legal Intern with the Bay Area Legal Aid Housing Clinic. I have been a member of the California Bar since 2008. Since 2009, I have been a class action attorney, practicing mainly in the area of California wage and hour law, with the firms of Hoffman & Lazear, Kralowec Law P.C., Sundeen Salinas & Pyle, and Hunter Pyle Law. I joined Crosner Legal in May 2021 as a Senior Associate Attorney and became a Partner in October 2024. In this role I routinely draft complaints and discovery, brief motions, appear before California courts for law and motion and settlement hearings, lead mediation negotiations, and draft settlement approval documents. I also regularly communicate with class members, co-counsel, and opposing counsel. I have represented thousands of employees in both state and federal

1 courts, involving class actions and PAGA claims, and I have assisted in obtaining millions of
2 dollars for employees during my years of practice.

3 6. I have been approved as Class Counsel by numerous courts throughout California,
4 including in the following cases: *Alonzo, et al. v. First Transit, Inc.* (Los Angeles Superior Court
5 case no. BC433932; settled for \$2 million); *Sadiq v. Greatwide Dedicated Transport II, LLC*
6 (Alameda County Superior Court case no. RG15789114; settled for \$762,500); *Kostyuk v.*
7 *Golden State Overnight Delivery Service, Inc.* (Alameda County Superior Court case no.
8 RG14727191; settled for \$1.25 million); *Newcomb, et al. v. J.B. Hunt Transport, Inc.* (Alameda
9 County Superior Court case no. RG16815734; settled for \$750,000); *Hooper v. URS Midwest,*
10 *Inc.*, (San Bernardino Superior Court Case No. CIV DS1607489; settled for approximately \$3
11 million); *Brooks, et al. v. Chariot Transit, Inc.* (San Francisco Superior Court case no. CGC-16-
12 554398; settled for \$750,000); *Austin, et al. v. Foodliner, Inc.* (Northern District of California,
13 case number 16-cv-07185-HSG; settled for \$1.2 million); *Castro, et al. v. ABM Industries, Inc.,*
14 *et al.* (Northern District of California, case number 17-cv-03026-YGR; settled for \$5.4 million);
15 *Benton v. Northern California InAlliance* (Sacramento County Superior Court, case number 34-
16 2021-00293036; settled for \$650,000); *French v. Lonza, Inc.* (Los Angeles County Superior
17 Court, case number 21STCV08097; settled for \$556,500); *McKinnie v. Iron Mountain Secure*
18 *Shredding, Inc., et al.* (Los Angeles Superior County Superior Court, case number
19 21STCV05707; settled for \$1.5 million); and *Bland v. Marin Airporter* (Marin County Superior
20 Court, case number CIV 2003640; settled for \$450,000).

21 7. Zach Crosner is a 2010 graduate of University San Diego School of Law and he
22 has approximately fourteen years of experience as a practicing attorney. For nearly his entire
23 career, his practice has focused on litigation of wage & hour, consumer, and privacy class action
24 and representative action claims. Following graduation he immediately began working for a
25 nationally recognized plaintiff's complex litigation firm, CaseyGerry, where he worked directly
26 with past presidents of the consumer attorneys and recipients of trial attorneys of the year
27 awards. He also worked for other firms that included former CAALA and CLAY trial attorney
28 of the year recipients. While with these firms, he advocated for the rights of consumers and

1 employees in class action litigation, civil rights and employment litigation, catastrophic injuries,
2 insurance bad faith and appellate litigation.

3 8. In 2013, he founded the law firm of Crosner Legal, P.C. which since its inception
4 has focused almost exclusively on plaintiff-side class actions lawsuits representing employees,
5 consumers and other victims. Currently, over ninety percent (95%) of his practice is dedicated
6 exclusively to the prosecution of class actions and representative action lawsuits, and his law
7 firm is currently responsible as lead counsel or co-lead counsel for prosecuting over one hundred
8 (100) active wage and hour class actions and/or PAGA representative actions, as well as a
9 multitude of consumer and privacy class actions, in both federal and state courts throughout
10 California. He has been a direct participant in over one hundred (100) class action and/or
11 representative action settlements where he has been approved as adequate lead counsel.

12 9. Mr. Crosner has been selected by Super Lawyers as a “Southern California Rising
13 Star” for employment and labor law consecutively from 2018 through 2023. Super Lawyers has
14 also named him on their “Up-and-Coming 100” Southern California Rising Stars List for
15 consecutive years from 2021 through 2023. Only 2.5% of lawyers within California are named a
16 Super Lawyer Rising Star and even less are added to their Top Lists. Additionally, he has been
17 selected as a Top 40 Under 40 Civil Plaintiff Attorney by the National Trial Lawyers, invitation-
18 only organization composed of the premier trial lawyers, from 2019 through 2023. He is an
19 active participant in advocacy groups, including as an executive board member of the Wage and
20 Hour Committee and the Legislative Committee for the California Employment Lawyers
21 Association; a member of the Grassroots Advocacy Team for the National Employment Lawyers
22 Association; Wage and Hour Committee member and Class Action Committee member for the
23 National Trial Lawyers; a member of the American Association for Justice; and a member of the
24 Pound Civil Justice Institute.

25 10. Brandon Brouillette is a 2009 graduate of Loyola Law School, Los Angeles. Prior
26 to attending law school, he attended the University of Southern California and received a
27 *bachelors of science* in Business Administration in 2006. He has been a Partner at Crosner Legal
28 since February 1, 2023. Prior to joining Crosner Legal, he was a Senior Associate and Team

1 Director of a Wage and Hour Litigation Team at Capstone Law APC, which he originally joined
2 as an associate attorney in May 2016.

3 11. Since being admitted to the California State Bar in 2010, his entire legal career has
4 been dedicated to protecting employee and consumer rights through the prosecution of class action
5 and representative actions filed on behalf of plaintiffs in class actions and statewide representative
6 actions. Throughout his career he has managed or co-managed more than 100 class action and
7 PAGA representative cases, from initial filing of the complaint through final resolution. In
8 particular, he has served as class counsel in several certified class action cases, including:

- 9 a. *Party City Wage and Hour Cases*, JCCP4781 (class counsel for certified class of non-
10 exempt hourly employees who worked for Defendants in California)
11 b. *Lewis v. Express Messenger Systems*, Los Angeles Superior Court Case No. BC501521
12 (class counsel for certified class of last-mile delivery drivers who were alleged to be
13 misclassified as independent contractors)
14 c. *Ramirez-Vivar v. Grifols Diagnostic Solutions, Inc., et al.*, Alameda County Superior
15 Court, Case No. RG21099519 (class counsel for certified classes of non-exempt hourly
16 employees who worked for Defendants in California)
17 d. *Jones v. LA Live*, Los Angeles County Case No. BC687908 (class counsel for certified
18 issue classes consisting of hourly employees who worked at Staples Center and Nokia
19 Theater)

20 12. He has been selected as a Super Lawyers ‘Rising Star’ every year since 2016 through
21 2022, which is a recognition that is provided to only 2.5% of active lawyers practicing within the
22 State of California.

23 13. Crosner Legal, P.C. has obtained multiple multi-million dollar wage and hour class
24 action settlements while serving as lead class counsel in recent years, including but not limited to a
25 \$1.9 million wage and hour class action settlement in 2015 (*Smith v. Lux Retail North America,*
26 *Inc.*, Case No. 3:13-cv-01579-WHA (N.D. Cal.)); a \$4.1 million wage and hour class action
27 settlement in 2016 (*Aguirre v. Mariani Nut Company, Inc. et al.*, Case No. 34- 2016-00190252
28 (Sacramento Cty. Super Ct.)); a \$1.35 million wage and hour class action settlement in 2017

1 (*Montelone v. Ocean Cities Pizza, Inc.*, Case No. 56-2014-00458249 (Ventura Cty. Super. Ct.)), a
2 \$1.8 million wage and hour class action settlement in 2018 (*Latham v. K.W.P.H. Enterprises, Inc.*
3 *dba American Ambulance*, Case No. 17C-0162 (Kings Cty. Super Ct.)), a \$1.3 million wage and
4 hour class action settlement in 2019 (*Means, et al. v. AirGas USA, LLC*, Case No. 17-CV-2160
5 JGB (C.D. Cal.)), a \$1.5 million wage and hour settlement in 2020 (*Babouchian, et al. v.*
6 *Wyndham Vacation Ownership, et al.*, Case No. CV18-14601 (San Diego Cty. Super. Ct.)), a \$1.15
7 million wage and hour class action settlement in 2020 (*Buford v. Medical Solutions LLC*, Case No.
8 4:18-CV-04864-YGR (N.D.Cal.)); a \$7.25 million wage and hour class action settlement in 2020
9 in *Avina, et al. v. First Alarm Security & Patrol, Inc.*, Case No. 18CV323753 (Santa Clara Cty.
10 Super Ct.); a \$2.2 million wage and hour class action settlement in 2021 (*Ghorchian, et al. v. West*
11 *Hills Hospital, et al.*, Case No. LS029737 (Los Angeles Cty. Super. Ct.)); a \$2.85 million dollar
12 wage and hour settlement in 2021 (*Valencia v. The Original Mowbray's Tree Service, Inc.*, Case
13 No. CIVDS1825518 (San Bernardino Cty. Super. Ct.)); a \$1 million wage and hour class action
14 settlement in 2022 (*Duong v. Loan Factory, Inc.*, Case No. 21CV382467 (Santa Clara Cty. Super.
15 Ct.)), a \$1.4 million wage and hour class action settlement in 2023 in *Correa, et al. v. FedEx*
16 *Supply Chain, Inc.*, Case No. CIVDS2023369 (San Bernardino Cty. Super. Ct.), a \$2.38 million
17 wage and hour class action settlement in 2023 in *Michel, et al. v. Valley Thrift Store, Inc.*, Case
18 No. 21STCV00925 (Los Angeles Cty. Super. Ct.); a \$2.5 million wage and hour class action
19 settlement in 2023 in *Jajuga v. Pilot Travel Centers*, Case No. CIVDS1931464 (San Bernardino
20 Cty. Super. Ct.); \$1.015 million wage and hour class action settlement in 2023 in *Gotishan v. Kyo*
21 *Autism Therapy*, Case No. CGC-21-596378 (San Francisco Cty. Super. Ct.); and a \$1.15 million
22 wage and hour PAGA settlement in 2023 in *Vaughn v. Public Health Foundation Enters., Inc.*,
23 Case No. 21STCV18512 (Los Angeles Cty. Super. Ct.); a \$1.5 million wage and hour class action
24 settlement in *McKinnie v. Iron Mountain*, Case No. 21STCV05707 (Los Angeles Cty. Super.
25 Court); a \$1.3 million wage and hour class action settlement in *Ellsworth, et al. v. Hallcon*, Case
26 No. 20STCV06618 (Los Angeles Cty. Super. Court); a \$1.925 million wage and hour class
27 settlement in 224 in *Lo v. Cyberpower, Inc.*, Case No. 21STCV31479 (Los Angeles Cty. Super.
28 Ct.); a \$1.19 million dollar wage and hour class action settlement in 2024 in *Herrera v. Signature*

1 *Flight Support LLC*, Case No. 22STCV18367 (Los Angeles Cty. Super. Ct.); a \$2.65 million wage
2 and hour class action settlement in 2024 in *Shilevinatz v. Airport Terminal Services*, Case No.
3 CIVSB2229072 (San Bernardino Cty. Super Ct.); a \$1 million wage and hour class action
4 settlement in 2025 in *Hernandez v YZER, LLC*, Case No. 23CV025345 (Alameda Cty. Superior
5 Ct); a \$3.9 million wage and hour class action settlement in 2025 in *Bolanos et al. v. Newport*
6 *Fab*, Case No. 30-2022-01280696-CU-OE-CXC (Orange Cty. Super. Ct.); and a \$5,093,537.50
7 wage and hour class action settlement in 2025 in *Deaver et al. v Blue Diamond Growers*, Case No.
8 34-2022-00316490-CU-OE-GDS (Sacramento Cty. Super. Ct.); a \$5.6 million wage and hour
9 class action settlement in 2025 in *Goodwin et al. v Save Mart*, Case No. STK-CV-UOE-2023-
10 0002062 (San Joaquin Cty. Super. Ct.); a \$2.85 million wage and hour class action settlement in
11 2025 in *Munoz et al. v XPO Logistics*, Case No. 23CV003704 (Sacramento Cty. Super. Ct.); and a
12 \$1.3 million wage and hour class action settlement in 2025 in *Bui v. Spectrum Lifesciences*, Case
13 No. 22STCV12522 (Los Angeles Cty. Super. Ct.).

14 14. Based on this experience, we believe the Settlement is fair, reasonable, adequate, and
15 in the best interest of the Class Members.

16 I declare under penalty of perjury under the laws of the State of California that the
17 foregoing is true and correct. Executed this 10th day of December 2025, at Berkeley, California.

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19 _____
Chad Saunders