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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 WALTER L. HAINES IN
SUPPORT OF PLAINTIFFS' MOTION FOR: 1)
FINAL APPROVAL OF CLASS AND
REPRESENTATIVE ACTION SETTLEMENT
AND 2) APPROVAL OF ATTORNEYS' FEES
AND COSTS, ADMINISTRATION COSTS,
AND CLASS REPRESENTATIVES' SERVICE
AWARDS**

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, Walter L. Haines, declare as follows:

2 1. I am an attorney duly licensed to practice law in the State of California and am an
3 attorney of record for Plaintiffs PHILLIP BERNAL and TRUHILL NOEL (“Plaintiffs”) in this
4 Action against Defendants EXPRESS MESSENGER SYSTEMS, INC., dba ONTRAC, and
5 ONTRAC LOGISTICS, INC., (“Defendants”). I am a member in good standing with the State Bar
6 of California. I make this Declaration in support of Plaintiff’s Motion for Final Approval of Class
7 Action Settlement. I make this Declaration based on my personal knowledge and if called to testify
8 I could and would competently testify to the matters contained in this Declaration.

9 2. I am a highly experienced class action attorney, with over 40 years of practice that
10 includes extensive involvement in matters of this nature. I am the most senior attorney at my firm,
11 United Employees Law Group, and worked on the litigation of this matter. I formed United
12 Employees Law Group in 2005, primarily to represent employees in their wage claims. I have
13 represented over 1,500 clients in wage and hour disputes of which more than 300 cases were class
14 actions with settlements totaling over \$400,000,000. These class action cases include Fortune 500
15 companies such as Pepsi, Intel, Home Depot, Kaiser, Wells Fargo, Bank of America, Cisco
16 Systems, First American Title Co., Yahoo!, WellPoint, Inc., Sun Microsystems, and Kaiser
17 Foundation Hospitals.

18 3. United Employees Law Group has prosecuted this litigation solely on a contingent-
19 fee basis and has been completely at risk that it would not receive any compensation for prosecuting
20 claims against the Defendants.

21 4. United Employees Law Group has participated in this litigation and has performed
22 work on behalf of Plaintiff since the inception of this litigation. The hours submitted with this
23 declaration are solely for work performed on behalf of the class alleged in the above-entitled
24 California action and not any other state or federal matter.

25 5. I performed, among other things, the following tasks related to this matter: analyzed
26 initial clients’ claims; performed initial investigation inclusive of research necessary for case
27 evaluation and searched court records relative to possible competing cases. I participated in its
28 mediation and settlement and reviewed all settlement papers along with orders from the court, law

1 and motion papers and assisted with client liaison and other tasks assigned by lead counsel.

2 6. The hourly rate for my time is \$725 per hour which is my usual and customary
3 hourly rate charged for my services in similar complex class actions.

4 7. The total number of hours spent by me on this litigation is 68.90 hours through June
5 8, 2026. The hours billed are broken down as follows:

6 Intake and client signup: 6.50

7 Review documents: 51.20

8 Review MOU, settlement agreement and prelim approval: 5.00

9 Oversee admin and review and edit final approval: 6.20

10 Total Hours = 68.90

11 8. My involvement with the case was primarily in the very initial stages of vetting the
12 potential client, along with verification that there were no conflicting cases existing at that time.
13 During most of the litigation there was ongoing communications with co-counsel discussing
14 strategy and status of litigation. In order to provide the court with a reasonable estimate of the time
15 involved, all email communications were reviewed, which is the source of these estimates.

16 9. My total lodestar amount through June 8, 2026, is \$49,952.50 (68.90 hours @
17 \$725/hour).

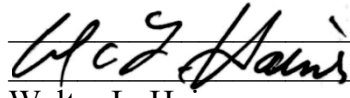
18 10. No charges have been included for paralegal or staff time spent on this matter.

19 11. I believe that the Settlement is fair, adequate, and reasonable. The Settlement
20 provides substantial monetary benefits to class members and is a product of diligent efforts of Class
21 Counsel to obtain the best possible result for the class members. This Settlement was reached
22 following thorough legal and factual research and analysis, thorough review of extensive data
23 relative to the claims in the action, arduous settlement negotiations, and thorough investigation of
24 the underlying facts by the respective parties and review of records. The settlement negotiations
25 were, at all times, adversarial and non-collusive in nature. The proposed Settlement is within the
26 range of reasonableness, and class members have supported the Settlement.

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28 ///

1 I declare under the penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct, and this declaration is executed on June 10, 2026, in Los Angeles,
3 California.

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5 
6 Walter L. Haines