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SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN BERNARDINO

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

Plaintiffs,

v.

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

Defendants.

Case No. CIVSB2319614

ASSIGNED FOR ALL PURPOSES TO:

The Honorable Joseph Ortiz
Department S-17

CLASS AND REPRESENTATIVE ACTION

**NOTICE OF MOTION AND PLAINTIFFS'
[UNOPPOSED] MOTION FOR PRELIMINARY
APPROVAL OF CLASS AND
REPRESENTATIVE ACTION SETTLEMENT**

**(Hearing reserved per September 24, 2025
Minute Order)**

Date: January 6, 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 PLEASE TAKE NOTICE, on January 6, 2026, at 1:30 p.m., or as soon as the matter may be
2 heard in Department S-17 of the above-captioned court, located at 247 West Third Street, San
3 Bernardino, California, 92415, the Honorable Joseph T. Ortiz presiding, Plaintiffs PHILLIP
4 BERNAL, TRUHILL NOEL, KHYELL MARTIN, DAMIEN MCNORTON, WADDIE EARNEST,
5 GILBERT ESTRADA, CARMEN HERNANDEZ, and WENDY QUINTERO (“Plaintiffs”), on behalf
6 of themselves and others similarly situated and aggrieved, will move this Court for an Order:

7 1. Preliminarily approving the Class and Representative Action Settlement as fair,
8 adequate, and reasonable based upon the terms set forth in the Settlement Agreement and Release of
9 Class and PAGA Claims (“Agreement”), including payment by OnTrac Logistics, Inc. (formerly
10 known as Express Messenger Systems, Inc. dba OnTrac) (“Defendant”) of the Gross Settlement
11 Amount of \$4,500,000.00;

12 2. Conditionally certifying the case as a class action for settlement purposes only;

13 3. Approving the Court Approved Notice of Class and PAGA Settlement (“Class
14 Notice”) to be mailed to all Class Members advising them of the pendency of Class Action,
15 proposed Settlement, manner and procedure to submit requests for exclusion and objections to the
16 Settlement, automatic payment of their share of the Net Settlement Amount without the need to
17 return a claim form, date set for the Final Approval hearing, and of the right to appear at the
18 Hearing;

19 4. Appointing David R. Markham and Lisa R. Brevard of The Markham Law Firm;
20 Isam C. Khoury, Michael D. Singer, and Maggie K. Realin of Cohelan Khoury & Singer; Haig B.
21 Kazandjian of Haig B. Kazandjian Lawyers, APC; Chad Saunders, Brandon Brouillette, and
22 Zachary M. Crosner of Crosner Legal, PC; Samuel A. Wong and Kashif Haque of Aegis Law Firm,
23 PC; Arby Aiwezian, Joanna Ghosh, and Yasmin Hosseini of Lawyers For Justice, P.C.; and Tyler J.
24 Woods, James Yoo, and Ruby Carrera of Wilshire Law Firm as Class Counsel;

25 5. Appointing Plaintiffs Phillip Bernal, Truhill Noel, Khyell Martin, Damien McNorton,
26 Waddie Earnest, Gilbert Estrada, Carmen Hernandez, and Wendy Quintero as Class Representatives;

27 6. Appointing ILYM Group, Inc. as the Settlement Administrator; and

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7. Setting a hearing date to consider final approval of the Settlement.

This motion is made based on this Notice; Points and Authorities; Declarations of Class Counsel, Isam C. Khoury, Maggie K. Realin, David Markham, Walter Haines, Jessica Campbell, Haig B. Kazandjian, Tyler J. Woods, Yasmin Hosseini, and Chad Saunders; the Agreement; [Proposed] Order Granting Motion for Preliminary Approval of Class and Representative Action Settlement; the Court's files; and such other evidence the Court may consider.

Respectfully submitted,

COHELAN KHOURY & SINGER

Dated: December 10, 2025

By: M. A. A.

Maggie K. Realin

Attorneys for Plaintiffs on behalf of themselves and all
others similarly situated