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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

**DECLARATION OF CARMEN HERNANDEZ
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

I, Carmen Hernandez, declare as follows:

1. I am one of the named plaintiffs in this class and representative action against Defendant OnTrac Logistics, Inc. (formerly Express Messenger Systems, Inc. dba OnTrac) (“OnTrac”), and make this declaration in support of the Class and Representative Action Settlement. I have personal knowledge of the facts stated in this declaration, except as to those matters stated upon information or belief, and, as to those matters, I believe them to be true. If called as a witness, I could and would testify truthfully and competently to the matters stated in this declaration.

2. I initiated this lawsuit because I was concerned that I was not paid properly for all the hours that I worked, and I was not provided all of my meal and rest breaks.

3. By originating this lawsuit as a class representative, I hoped that I might be able to change Defendant’s policies to better protect the working conditions of my co-workers. I also understood that it was my duty as a class representative to represent the best interests of the class, know about the lawsuit, assist my attorneys, and keep updated on the case.

4. I have invested a lot of personal time and energy into this lawsuit. As detailed more fully below, I have spent approximately 80 hours on this case. I made it a priority to be actively involved because I wanted to do everything I can to assist my attorneys in prosecuting this case.

5. Throughout this case, I spent a lot of time on the phone with my attorneys to get updates about the case and provide them with information. For example, during some of the phone calls, my attorneys and I were able to identify instances when I was not paid correctly. Additionally, leading up to the mediation in March 2025, I had multiple lengthy phone calls with Wilshire Law Firm, PLC regarding the claims at issue and what was to transpire at the mediation.

6. Throughout the case, I also spent time looking for documents relevant to the case to send to my attorneys. I spent numerous hours looking for these documents, including when I first contacted my attorneys, before my attorneys filed the case, and before my case was mediated. I also spent time reviewing legal documents in this case, including the retainer and settlement agreement and discussed, in detail, the terms with my attorneys.

7. Additionally, I made myself fully available on the day of mediation and was in continuous contact with my attorneys to assist with any questions or issues that may have arisen.

8. I believe the settlement is a good settlement and I would recommend that the Court approve it because I believe that this settlement is fair, adequate, and reasonable. I am glad that I had the opportunity to represent the class in this lawsuit and that I was able to recover money through a settlement for the class.

9. I did not make the decision to file a class action lightly. I was concerned by the attention a publicly filed lawsuit, and especially a class action, would attract. My name would be associated with a lawsuit that I filed against my former employer. I am mindful that prospective employers might find out that I sued Defendant. Nevertheless, I felt that important rights were at stake that hurt everyone, and something ought to be done about it.

10. I also understand that there was financial risk in bringing this lawsuit. For example, I knew that if I did not prevail in this lawsuit that I could potentially be responsible for Defendant's attorneys' fees and costs.

11. I understand that the settlement agreement provides a service payment to me of up to \$7,500.00. I believe this amount is fair compensation for my time and effort on this case, for helping to prosecute this case, and the risks with respect to my future employment. In addition, the settlement requires that I enter into a general release, which I understand is broader than the release that will bind other class members. I am receiving no additional compensation to that provided for in the settlement.

12. Based on my involvement in this case and the benefits provided to my former co-workers, I can say I helped stand up for the other workers who were too afraid to say anything to management because they did not want to risk losing their jobs or risk the stigma of suing an employer. I was not afraid to take that risk because I strongly care about helping out my former co-workers.

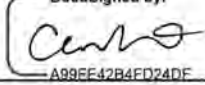
13. I reviewed (and ultimately signed) the Class Action and PAGA Settlement Agreement in full and my attorneys answered all the questions I had. I believe the settlement terms

1 and allocations are fair, adequate, and reasonable given the strength of the class claims and
2 Defendant's defenses.

3 14. I have no conflicts of interest with any class member or the Settlement
4 Administrator, ILYM, Group, Inc.

5 15. I am not aware of any other pending matter or action asserting claims that will be
6 extinguished or adversely affected by the Settlement.

7 I declare under the penalty of perjury under the laws of United States and the State of
8 California that the foregoing is true and correct and that this declaration is executed on
9 6/11/2026, in Rialto, California.

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11 DocuSigned by:

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