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Attorneys for Plaintiffs PHILLIP BERNAL and TRUHILL NOEL, on behalf of themselves and all others similarly situated

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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 PLAINTIFFS' MOTION AND
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**

**(Hearing reserved per February 20, 2026 Minute
Order)**

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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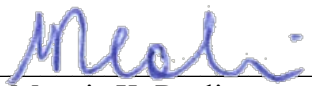
1 **TO ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that on July 21, 2026, at 1:30 p.m. in Department S-17 of the San
3 Bernardino Superior Court, located at 247 West Third Street, San Bernardino, California, 92415, the
4 Honorable Joseph T. Ortiz presiding, Plaintiffs PHILLIP BERNAL, TRUHILL NOEL, KHYELL
5 MARTIN, DAMIEN MCNORTON, WADDIE EARNEST, GILBERT ESTRADA, CARMEN
6 HERNANDEZ, and WENDY QUINTERO (“Plaintiffs”) on behalf of themselves and the settlement
7 class defined as all current and former non-exempt employees who worked for Defendant OnTrac
8 Logistics, Inc. (formerly Express Messenger Systems, Inc. dba OnTrac) (“OnTrac”) in California
9 between July 23, 2019 and May 24, 2025 will respectfully move the Court for an order granting
10 Plaintiffs’ Motion for: 1) Final Approval of Class and Representative Action Settlement and 2)
11 Approval of Attorneys’ Fees and Costs, Administration Costs, and Class Representatives’ Service
12 Awards.

13 This motion is made on the ground that the Parties have reached a class and representative
14 action settlement and are seeking the Court’s final approval of the class and representative settlement,
15 and its terms as provided in the California Rules of Court, Rule 3.769, approval of attorneys’ fees and
16 costs, Administration Costs, and Plaintiffs’ Service Awards. This motion is based on this notice, the
17 accompanying Memorandum of Points and Authorities, Declarations of Class Counsel Isam C. Khoury,
18 Maggie K. Realin, David Markham, Walter Haines, Peggy Reali, Jessica Campbell, Haig B.
19 Kazandjian, Tyler J. Woods, Yasmin Hosseini, and Brandon Brouillette, Declarations of Plaintiffs
20 Phillip Bernal, Truhill Noel, Khyell Martin, Damien McNorton, Waddie Earnest, Gilbert Estrada,
21 Carmen Hernandez, and Wendy Quintero, Declaration of Cassandra Polites on behalf of ILYM Group,
22 Inc., a [proposed] order, and all other pleadings and papers on file in the above-captioned action, and on
23 such oral and documentary evidence and argument as may be presented at the time of hearing.

24 Respectfully submitted,
25 COHELAN KHOURY & SINGER

26 Dated: June 26, 2026

27 By:  _____
28 Maggie K. Realin

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