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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 ISAM C. KHOURY 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, Isam C. Khoury, declare as follows:

2 1. I am a Founding Partner at the law firm of Cohelan Khoury & Singer, co-counsel of  
3 record for Plaintiffs Phillip Bernal and Truhill Noel (“Plaintiffs”) in this Action. I submit this  
4 declaration in support of Plaintiffs’ Motion for: Final Approval of Class and Representative Action  
5 Settlement and 2) Approval of Attorneys’ Fees and Costs, Administration Costs, and Class  
6 Representatives’ Service Awards. The following facts are within my personal knowledge and I  
7 could and would competently testify to them.

8 2. I am a 1973 Hastings School of Law graduate and was admitted to the California  
9 State Bar in 1974 and am admitted to practice in all state courts in California and in the all federal  
10 courts in California, as well as the First Circuit Court of the State of Hawaii and the United States  
11 Court of Appeals for Sixth Circuit.

12 3. In 1981, Timothy D. Cohelan and I formed Cohelan & Khoury, a Partnership of  
13 Professional Law Corporations, and within a few years began to focus on class actions. Cohelan &  
14 Khoury became Cohelan Khoury & Singer in 2009. Our firm represents plaintiffs in class and  
15 representative action litigation, including wage and hour, labor and employment, antitrust,  
16 consumer protection, construction defect and other public interest actions.

17 4. I, along with Partner Diana M. Khoury, have been selected by our peers based on  
18 ethics, experience and reputation as Super Lawyers in Civil Litigation by the Southern California  
19 Super Lawyers Magazine for the years 2012 through the present. Michael D. Singer, Managing  
20 Partner, was named to the Daily Journal 2012, 2013, and 2018 list of Top California Labor and  
21 Employment Attorneys and selected to the Southern California Super Lawyers in 2010, 2012-2019.  
22 Mr. Singer was admitted as a fellow to the College of Labor and Employment Attorneys in 2020. I  
23 am AV – Preeminent rated by Martindale-Hubbell, as are many attorneys in our firm.

24 5. Cohelan Khoury & Singer has been certified by the State Bar of California to  
25 provide the Mandatory Continuing Legal Education activity entitled “Litigating California Class  
26 Actions” and has conducted MCLE certified seminars on this topic. Senior Partner, Timothy D.  
27 Cohelan, is the author of Cohelan on California Class Actions (1997-2026, updated annually), part  
28 of Thomson Reuters Expert Series updated annually. Michael D. Singer is a contributing author on

1 the CEB publication California Wage and Hour Law: Compliance and Litigation (2010-2026  
2 updated annually), in which he wrote the opening chapter overview on California Wage and Hour  
3 laws, including the public policy underpinnings for those laws, and the Private Attorneys General  
4 Act (PAGA) Claim chapter. He is also a contributing author to the CEB Practitioner (2020),  
5 including guidelines for oral argument and forms for PAGA litigation. Mr. Singer has served as a  
6 columnist for the California State Bar, Litigation Section on wage and hour litigation and has  
7 contributed articles on wage and hour and class action issues through the years to numerous  
8 California publications.

9         6. Prior to COVID, Mr. Singer typically lectured several times per year for continuing  
10 education courses on wage and hour and class action issues at events in San Diego, Orange County,  
11 Los Angeles, and San Francisco. For over twelve years, Mr. Singer has served as wage and hour  
12 amicus co-chair and liaison for the California Employment Lawyers Association, drafting,  
13 reviewing, and coordinating amicus filings on wage and hour issues in the California Supreme  
14 Court and Courts of Appeal. He has been engaged in the practice of labor and employment law  
15 since 2000, handling well over 300 wage and hour class and PAGA actions and several individual  
16 labor cases. He has litigated several types of employment actions, including complex ERISA  
17 employee welfare benefit plan cases, as well as wage and hour class actions before Federal and  
18 State Courts in California. In 2014, Mr. Singer tried a wage and hour class action involving claims  
19 for illegally deducted wages and unreimbursed expenses. *Dilts v Penske Logistics LLC, Inc.* Mr.  
20 Singer successfully appealed the trial court ruling in *Dilts* finding state laws preempted by the  
21 FAAAA for truck drivers.

22         7. My firm has successfully tried class cases, obtained appellate reversals of class  
23 certification denials (*e.g. Hicks v. Kaufman and Broad*, (2001) 89 Cal.App.4th 908), and has  
24 certified multiple wage and hour class.

25         8. Partner Maggie Realin worked for a certified appellate law specialist in San Diego  
26 for five years. Subsequently, she was an associate at a San Diego consumer class action firm, where  
27 she represented consumers in class actions against large corporations, specifically in the area of  
28 deceptive food labeling. Ms. Realin then joined an employment class action firm in 2013, where she

1 focused on representing employees in wage and hour class actions. On February 26, 2020, Ms.  
2 Realin was rated AV Preeminent by Martindale Hubbell. In 2024, Ms. Realin joined Cohelan  
3 Khoury & Singer, where her practice continues to focus on employee-side wage and hour class  
4 actions.

5         9. As a part of our overall firm philosophy lawyers perform community service and pro  
6 bono work. Firm volunteer work includes service through the Legal Aid at Work, San Diego  
7 Volunteer Lawyer Program, the San Diego County Bar Foundation, and Consumer Attorneys of  
8 San Diego. I have served on the Legal Aid at Work Board of Directors since 2010. Mr. Cohelan  
9 served as the Chair of the San Diego Volunteer Lawyers Program from 2015-2018, and currently  
10 sits on the Board as past Chair. He completed 24 years of volunteer judicial service as a Judge Pro  
11 Tem of the San Diego Superior Court. Partner Diana M. Khoury has been a member of the San  
12 Diego County Bar Association, Consumer Attorneys of San Diego, and Consumer Attorneys of  
13 California, serving and chairing various committees through the years for these organizations.  
14 Partner Maggie Realin has volunteered at the Legal Aid Society of San Diego where she advised  
15 clients on preparing and filing civil restraining orders and answers to unlawful detainer, for which  
16 she was awarded a Wiley B. Manuel Award for Pro Bono Legal Services in 2010. Partner Jeff  
17 Geraci is a past recipient of the Wiley W. Manuel Award for Pro Bono Service. Our firm's pro  
18 bono victories include a settlement which prohibits the City of San Diego from targeting homeless  
19 people for illegal lodging tickets under Penal Code Section 467(j). (*Spencer v. City of San Diego*,  
20 USDC Case No 04CV-2314 BEN (WMC).)

21         10. As Class and PAGA Representative Counsel, Cohelan Khoury & Singer has actively  
22 commenced, prosecuted and concluded numerous state and federal class and representative actions.  
23 Since 2016, Cohelan Khoury & Singer has played a central role in the resolution of over 300 such  
24 cases, including the following, which have received court approval: (a) *Arellano, et al. v. Container*  
25 *Connection of Southern California, Inc.*, Los Angeles County Superior Court Case No. BC500675,  
26 Hon. Anne I. Jones; (b) *Castro v. Home Depot U.S.A., Inc.*, Los Angeles County Superior Court  
27 Case No. BC577885, Hon. Elihu M. Berle; (c) *Czuchaj v. Conair Corporation*, United States  
28 District Court, Southern District of California Case No. 13-CV-1901 BEN, Hon. Roger T. Benitez;

(d) *Gardiner v. TSYS*, United States District Court, Central District of California Case No. 18-cv-00415, Hon. David O. Carter; (e) *Grana v. PICO Enterprises, Inc.*, Los Angeles County Superior Court Case No. BC472891, Hon. Stephanie M. Bowick; (f) *Gutierrez v. Save Mart Supermarkets*, San Mateo County Superior Court Case No. CIV530955, Hon. Marie S. Weiner; (g) *Hernandez v. Workforce Enterprises WFE, Inc.*, Los Angeles County Superior Court Case No. BC590913, Hon. Elihu M. Berle; (h) *Hicks v. Poway Academy of Hair Design, Inc.*, San Diego County Superior Court Case No. 2014-00026517, Hon. Ronald L. Styn; (i) *Hubbard v. Caliber Home Loans, Inc.*, Orange County Superior Court Case No. 2018-01017838; (j) *Klein v. Loomis Armored US, LLC*, San Bernardino County Superior Court Case No. CIVDS1704547, Hon. David Cohn; (k) *Laureano v. The Art of Shaving*, Los Angeles County Superior Court Case No. BC550093, Hon. Amy D. Hogue; (l) *Lopez, et al. v. Management & Training Corporation, et al.*, United States District Court, Southern District of California Case No. 17-CV-010624 JM, Hon. Jeffrey T. Miller; (m) *Magdaleno v. Shelly Automotive, LLC*, Orange County Superior Court Case No. 2013-0043958, Hon. Kim. G. Dunning; (n) *McGrath, et al. v. Wyndham Resort Development Corporation, et al.*, United States District Court, Southern District of California Case. No. 15-CV-1631 JM, Hon. Jeffrey T. Miller; (o) *Mena v. Wolfgang Puck Catering*, Los Angeles County Superior Court Case No. BC582743, Hon. John Shepard Wiley, Jr.; (p) *Morales v. The Los Angeles Country Club*, Los Angeles County Superior Court Case No. BC566493, Hon. William F. Highberger; (q) *Nijmeh v. Bon Appetit Management Company, Inc.*, Santa Clara County Superior Court Case No. 16CV294127, Hon. Thomas E. Kuhnle; (r) *Plascencia v. Aramark Services, Inc.*, Santa Clara County Superior Court Case No. 2015-1-CV-288310, Hon. Brian C. Walsh; (s) *Plimpton v. Gordon Trucking, Inc.*, San Bernardino County Superior Court Case No. CIVDS1511918, Hon. Donald Alvarez; (t) *Raya v. Amazon*, United States District Court, Northern District of California Case No. 15-CV-02005 MMC, Hon. Maxine M. Chesney; (u) *Rivas v. ESA Management*, United States District Court, Central District of California Case No. 14-CV-5767, Hon. Dale S. Fischer; (v) *Rodriguez v Healthcare Partner Medical Group, Inc.*, Los Angeles County Superior Court Case No. BC541313, Hon. Kenneth Freeman; (w) *Ryan v. Dignity Health*, Sacramento County Superior Court Case No. 2013-00147371, Honorable Alan G. Perkins; (x) *Santana v. Rady Children's*

1 *Hospital-San Diego*, San Diego County Superior Court Case No. 37-2014-00022411, Hon. Joel R.  
2 Wohlfeil; (y) *Schaffer v. Rady Children's Hospital-San Diego*, San Diego County Superior Court  
3 Case No. 337-2015-00022978; Hon. Joel R. Wohlfeil; (z) *Schneider v. Catholic Healthcare West*,  
4 San Francisco County Superior Court Case No. CGC-10-506243, Hon. Angela Bradstreet; (aa)  
5 *Schwartz v Bank of the West*, San Francisco County Superior Court Case No. CGC-14-538955,  
6 Hon. Harold E. Kahn; (bb) *Syed v. M.I. Swaco*, United States District Court, Eastern District of  
7 California, Case No. 12-CV-01718 DAD, Hon. Dale A. Drozd; (cc) *Vaquero, et al. v. Stoneledge*  
8 *Furniture, LLC*, Los Angeles County Superior Court Case No. BC522676, Hon. Elihu M. Berle;  
9 (dd) *Vazquez v. Kraft Heinz Foods Company*, United States District Court, Southern District of  
10 California Case No. 16-CV-02749, Hon. William Q. Hayes; (ee) *Walsh v. Cedars-Sinai Medical*  
11 *Center*, Los Angeles County Superior Court Case No. BC487290, Hon. William F. Highberger;  
12 among many others.

13 11. We are experienced and consider ourselves qualified to evaluate the claims and  
14 defenses in this Action, and support the efficient resolution of the claims in this matter for a  
15 \$4,500,000 Settlement Amount against Defendant OnTrac Logistics, Inc. (formerly Express  
16 Messenger Systems, Inc. dba OnTrac) (“OnTrac”) for a group of 31,162 Participating Class  
17 Members who worked for OnTrac in California between July 23, 2019 and May 24, 2025.

18 12. This Settlement is the product of arm’s-length bargaining between attorneys who are  
19 highly experienced in complex class actions.

20 13. Settlement Class Counsel thoroughly evaluated the evidence supporting the claims  
21 and defenses at issue, and were very well positioned to evaluate the Settlement’s relative strengths  
22 and benefits. The Parties are well-versed in the evidentiary record upon which Plaintiffs’ claims are  
23 based. At the time of mediation, the Parties understood their respective positions.

24 14. On March 25, 2025, the Parties engaged in mediation before experienced neutral,  
25 Kevin Barnes, Esq. The Parties did not settle at mediation but after additional weeks of arms’-  
26 length negotiations, the Parties finalized the terms of the settlement agreement submitted for the  
27 Court’s approval.

28 ///

1           15.     The Gross Settlement Amount of \$4,500,000 is fair and reasonable as it guarantees  
2 cash payments to Class Members, without any risks, costs, and uncertainty of prolonged litigation,  
3 including arbitration proceedings, trial, and appeal.

4           16.     OnTrac's maximum potential liability for Plaintiffs' direct claims is \$24,415,285.29,  
5 and an additional \$73,381,285 for Plaintiffs' derivative wage statement and waiting time penalties  
6 claims, possible only if Plaintiffs prevailed on their underlying claims, for a total of  
7 \$97,796,569.98, without applying any discounts. The Gross Settlement Amount of \$4,500,000  
8 represents over 18% of Defendant's maximum realistic liability for Plaintiffs' direct claims, and  
9 4.60% of Defendant's maximum realistic liability for all of Plaintiffs' non-PAGA claims. This  
10 result is well within the range of settlements commonly approved by California state and district  
11 courts.

12           17.     Before mediation, OnTrac produced time and pay data for 100% of Class Members.  
13 Class Counsel had investigated Class Members' claims, examined documents and data, and hired  
14 an expert to perform damage calculations. As a result of investigation and discovery, the Parties had  
15 a clear understanding of their respective claims and defenses.

16           18.     The Class Notice explained the payment to the Class Members would be calculated  
17 based on the number of workweeks worked during the Settlement Class Period. This formula is  
18 realistic because Settlement Class Members' individual recovery is proportionate to the amount of  
19 time they were employed with Defendant.

20           19.     The LWDA was timely served with the proposed Settlement Agreement in this  
21 action on December 10, 2025 and did not object to the amount of PAGA penalties.

22           20.     By this motion, Plaintiff and Class Counsel seek an award of attorneys' fees in the  
23 sum of \$1,575,000.00 representing 35% of the Gross Settlement Amount. In addition, subject to  
24 Court approval, Class Counsel shall be entitled to an award of reasonable and actual costs of  
25 \$30,916.43 associated with Class Counsel's prosecution of the Action.

26           21.     Plaintiffs gave written consent to apportion fees between Class Counsel as follows:  
27 39.6% to Bernal's counsel (to be allocated as follows: the Markham Law Firm shall receive 16.33%  
28 of the awarded attorneys' fees, Cohelan, Khoury & Singer shall receive 50.34%, and 33.33% to

United Employees Law Group), 14.85% to Martin’s counsel, 14.85% to McNorton’s counsel, 14.85% to Estrada’s counsel, 14.85% to Earnest’s counsel, and 1% to Hernandez’s counsel.

22. Class Counsel’s fee request of \$1,575,000, 35% of the Gross Settlement Amount, is well-justified here, particularly considering the results achieved on behalf of the Class, and the amount of work contributed by Class Counsel during this litigation. Class Counsel’s fee request is also supported by a lodestar multiplier cross-check.

23. Class Counsel’s total lodestar in this matter is \$838,331.50. To bring this matter to final approval, Cohelan Khoury & Singer will have expended **302.1** hours of attorney and para-professional time prosecuting the case, resulting in a lodestar fee of **\$197,682.50**, as shown in the below Lodestar Chart. Attached as **Exhibits 1(A-C)** is a true and correct copy of Cohelan Khoury & Singer’s Time Records for each attorney that worked on this case.

| ATTORNEYS/<br>PARAPROFESSIONALS      | YEAR<br>ADMITTED | HOURS        | HOURLY<br>RATE | TOTAL               |
|--------------------------------------|------------------|--------------|----------------|---------------------|
| Isam C. Khoury, Partner              | 1974             | 19.1         | \$1,100        | \$21,010.00         |
| Michael D. Singer, Partner           | 1984             | 4.9          | \$1,250        | \$6,125.00          |
| Maggie K. Realin, Partner            | 2009             | 230.1        | \$700          | \$161,070.00        |
| Amber Worden, Certified<br>Paralegal | N/A              | 43.1         | \$200          | \$8,620.00          |
| Matthew Atlas, Paralegal             | N/A              | 4.9          | \$175          | \$857.50            |
| <b>TOTAL:</b>                        |                  | <b>302.1</b> |                | <b>\$197,682.50</b> |

24. A summary of the time expended and lodestar for each Class Counsel is attached as **Exhibit 2**. Class Counsel will incur additional billable hours of at least 10-20 hours to oversee the settlement distribution process. Class Counsel’s work was reasonable and necessary and reflected in the excellent result achieved.

25. Class Counsel’s request for 35% of the common fund is in the mid-range of awards which commonly range from 20% to 50%, and is fair compensation for undertaking complex, risky, litigation on a contingent basis, and for the result achieved for the Class.

26. Some courts have found 33% of a common fund is the California “benchmark.” The request is consistent with market rates and been award to Class Counsel numerous times.

27. Since 2020, Cohelan Khoury & Singer has been awarded attorneys' fee of one-third of a common fund state and federal courts in many class and representative actions:

- a) *Hubbard v. Caliber Home Loans, Inc.*, Orange County Superior Court, Case No. 2018-01017838 (Hon. Glenda Sanders – approving attorneys' fees of 33-1/3% of \$175,000 settlement in a PAGA action).
- b) *Redin v. Accountabilities Professional Group, Et al.*, Orange County Superior Court, Case No. 2017-00929734 (Hon. Glenda Sanders –attorneys' fees of 33-1/3% of \$255,000 settlement in Class action).
- c) *White v. Sacramento Regional Transit District*, Sacramento County Superior Court, Case No. 234-2018-00240461 (Hon. David D. Alba –attorneys' fees of 33-1/3% of \$385,000 settlement in Class action).
- d) *Burris v. Resort Vacations, Inc.*, Orange County Superior Court, Case No. 30-2018-00997260 (Hon. Randall J. Sherman –attorneys' fees of 33-1/3% of \$1,485,000 Class action settlement).
- e) *Jimenez v. Reyes Holdings, LLC, et al.*, San Diego County Superior Court, Case No. 37-2019-00051577 (Hon. Joel R. Wohlfeil –attorneys' fees of 33-1/3% of \$650,000 settlement in Class and Representative action).
- f) *Santos, et al. v. National General Management Corp.*, San Bernardino County Superior Court, Case No. CIVDS 1918865 (Hon. David Cohn –attorneys' fees of 33-1/3% of \$680,000 settlement in PAGA action).
- g) *Loreto v. General Dynamics Information Technology, Inc.*, USDC Southern District of California, Case No. 3:19-cv-01366-GPC-MSB (Hon. Gonzalo P. Curiel – attorneys' fees of 33-1/3% of \$900,000 settlement in a pre-certification wage and hour class action).
- h) *Romanov v. Amazon Services LLC.*, USDC Central District of California, Case No. 2:20-cv-02692-SB-KS (Hon. Stanley Blumenfeld, Jr. – approving attorneys' fees of 33-1/3% of \$700,000 settlement in a pre-certification wage and hour class action).
- i) *Olson v. Wrike, Inc.*, Santa Clara County Superior Court, Case No. 20CV366599 (Hon. Patricia M. Lucas – approving attorneys' fees of 33-1/3% of \$2,000,000 settlement in a pre-certification wage and hour class action).
- j) *Gutierrez v. Kite Electric Incorporated*, Orange County Superior Court, Case No. 30-2020-01133960 (Hon. Peter J. Wilson – approving attorneys' fees of 33-1/3% of \$458,991 settlement in a pre-certification wage and hour class action).
- k) *Ramos Gonzalez v. Staff Pro, LLC, et al.*, San Diego County Superior Court, Case No. 37-2019-00044561 (Hon. Joel R. Wohlfeil –attorneys' fees of 33-1/3% of \$1,500,000 settlement in Class and Representative action).
- l) *Dolan v. Abacus Data Systems, Inc.*, San Diego County Superior Court, Case No. 37-2019-00051447 (Hon. Katherine Bacal –attorneys' fees of 33-1/3% of \$600,000 settlement in Class and Representative action).
- m) *Lopez, et al. v. PG&E Company*, San Francisco County Superior Court, Case No. CGC-17-562970 (Hon. Richard B. Ulmer, Jr. –33-1/3% of \$350,000 Class/PAGA settlement).
- n) *Popal v. Wells Fargo Bank, National Associate*, San Diego County Superior Court, Case No. 37-2020-00038101 (Hon. Gregory W. Pollack –attorneys' fees of 33-1/3%

of \$3,000,000 settlement in Class and Representative action).

- o) *Randolph v. Konica Minolta Business Solutions U.S.A., Inc.*, Sacramento County Superior Court, Case No. 34-2018-00237087 (Hon. Lauri A. Damrell – attorneys’ fees of 33-1/3% of \$325,000 settlement in Class and Representative action).
- p) *Sanchez, et al. v. Renzenberger, Inc. et al.*, Los Angeles County Superior Court, Case No. 19STCV46131 (Hon. Yvette M. Palazuelos – attorneys’ fees of 33-1/3% of \$2,400,000 settlement in Class and Representative action).
- q) *De Benning v. Costco Wholesale Corporation*, Sacramento County Superior Court, Case No. 34-2021-00309030 (Hon. Gregory W. Pollack – attorneys’ fees of 33-1/3% of \$9,000,000 settlement in Class and Representative action).
- r) *Tam v. Q Tech Corporation*, Los Angeles County Superior Court, Case No. 21STCV18635 (Hon. Elihu M. Berle – attorneys’ fees of 33-1/3% of \$650,000 settlement in Class and Representative action).
- s) *Mireles v. Lodi Memorial Hospital Association, Inc., et al.*, San Joaquin County Superior Court, Case No. STK-CV-UOE-2020-0004458 (Hon. Erin Guy Castillo – attorneys’ fees of 35% of \$1,500,000 settlement in PAGA action).
- t) *Foley, et al. v. Yuen’s Enterprise One, Inc., et al.*, San Bernardino County Superior Court, Case No. CIVDS1912925 (Hon. Jessica Morgan – attorneys’ fees of 33-1/3% of \$2,824,090.50 settlement in Class and Representative action).
- u) *Schiller v. Ashley Distribution Services, LTD.*, San Bernardino County Superior Court, Case No. CIVDS2013264 (Hon. Jessica Morgan – attorneys’ fees of 33-1/3% of \$350,000 settlement in Class and Representative action).
- v) *Caracoza, Jr. v. Ashley Furniture Industries, Inc.*, San Bernardino County Superior Court, Case No. CIVDS2012912 (Hon. Corey G. Lee – attorneys’ fees of 33-1/3% of \$2,500,000 settlement in Class and Representative action).
- w) *Morris v. The Lincoln National Life Insurance Company.*, Los Angeles County Superior Court, Case No. 22STCV20426 (Hon. Lawrence P. Riff – attorneys’ fees of 33-1/3% of \$500,000 settlement in Class and Representative action).
- x) *Augustine, et al. v United Parcel Service, Inc.*, Los Angeles County Superior Court, Case No. BC636468 (Hon. Stuart M. Rice – attorneys’ fees of 33-1/3% of \$5,188,336.88 settlement in Class and Representative action).
- y) *Parra, et al. v Aztec Landscaping, Inc.*, San Diego County Superior Court, Case No. 37-2019-00002992 (Hon. James A. Mangione – attorneys’ fees of 33-1/3% of \$3,000,000.00 settlement in a certified Class action).
- z) *Butler v. Powerschool Group LLC*, Sacramento County Superior Court, Case No. 34-2021-00299363 (Hon. Jill H. Talley – attorneys’ fees of 33-1/3% of \$898,852 settlement in in Class and Representative action).

28. If this were non-representative litigation, the customary fee would be a contingent percentage basis in the range of one-third to 40% of recovery. Class Counsel’s fee request is in line with, if not lower than, awards in similar cases.

29. If the fee award were calculated using the lodestar, rather than the common fund method, it would result in a reasonable multiplier of 1.88.

30. Cohelan Khoury & Singer has been awarded equal or greater multipliers in other cases: *McGrath v. Wyndham Resort Dev. Corp.*, (S.D.Cal. Jan. 30, 2018, No. 15cv1631 JM (KSC)) 2018 U.S.Dist.LEXIS 16095, \*24 [Hon. Jeffrey T. Miller – approving attorneys’ fees of \$2,416,666.67 and **4.8 multiplier**, one-third of \$7,250,000 settlement in a pre-certification wage and hour class action]; *Jones v. Abercrombie & Fitch Trading Co.*, (C.D.Cal. Nov. 19, 2018, No. CV 15-0105 JGB (Ex)) 2018 U.S.Dist.LEXIS 198001, \*24-25 [Hon. Jesus G. Bernal – approving attorneys’ fees of \$2,400,000 and **3.7 multiplier**, one-third of \$9,600,000 settlement in a pre-certification wage and hour class action]; *Schaffer v. Rady Children’s Hospital – San Diego, et al.*, San Diego County Superior Court, Case No. 2015-00022978 (Hon. Joel R. Wohlfeil – approving attorneys’ fees of \$4,166,666 and **3.98 multiplier**, one-third of \$12,500,000 settlement in a certified wage and hour class action); *Rodriguez v. Healthcare Partner Medical Group, Inc.*, Los Angeles County Superior Court, Case No. BC541313] Hon. Kenneth Freeman – approving attorneys’ fees of \$2,000,000 and **5.05 multiplier**, one-third of \$6,000,000 settlement in a pre-certification wage and hour class action]; *De Benning v. Costco Wholesale Corporation*, Sacramento County Superior Court, Case No. 2021-00309030 [Hon. Jill H. Talley – approving attorneys’ fees of \$3,000,000 and **7.99 multiplier**, one-third of \$9,000,000 settlement in a pre-certification wage and hour class action]; *Tam v. Q Tech Corporation*, Los Angeles County Superior Court, Case No. 21STCV18635 [Hon. Elihu M. Berle – approving attorneys’ fees of \$216,666.67 and **3.49 multiplier**, one-third of \$650,000 settlement in a pre-certification wage and hour class action].

31. To prosecute and bring this matter to final approval, Cohelan Khoury & Singer has incurred **\$13,190.61** in reasonable and necessary actual costs, as described below:

| <u>Date</u> | <u>Payee</u>       | <u>Details</u>                     | <u>Amount</u> |
|-------------|--------------------|------------------------------------|---------------|
| 4/8/2024    | One Legal          | Notice of Remote Appearance MR     | 20.68         |
| 4/8/2024    | One Legal          | Notice of Association of Counsel   | 20.68         |
| 4/8/2024    | One Legal          | Notice of Change of Address        | 20.68         |
| 9/3/2024    | SB-Court           | Copy of Documents                  | 8.50          |
| 5/15/2024   | One Legal          | Opposition; Dec.; RJN              | 10.30         |
| 5/15/2024   | Express Network    | Opposition; Dec.; RJN              | 104.00        |
| 5/24/2024   | Express Network    | Notice of Errata re Dec. P. Bernal | 170.00        |
| 6/25/2024   | Peterson Reporting | Motion to Compel Transcript        | 186.00        |

| <u>Date</u>  | <u>Payee</u>        | <u>Details</u>                                          | <u>Amount</u>      |
|--------------|---------------------|---------------------------------------------------------|--------------------|
| 8/22/2024    | Express Network     | Joint CMC Statement                                     | 157.00             |
| 9/27/2024    | Kevin T. Barnes     | Mediation Fee 3/25/25                                   | 5,625.00           |
| 3/21/2025    | Axiom Analytics LLC | Consultant                                              | 5,976.00           |
| 3/25/2025    | SB-Court            | Copy of Documents                                       | 2.09               |
| 4/7/2025     | Express Network     | Joint Notice                                            | 170.00             |
| 5/1/2025     | LASC                | Copy of Motion for Preliminary Approval in related case | 12.60              |
| 7/17/2025    | Express Network     | Stipulation to Cont.                                    | 145.00             |
| 7/30/2025    | One Legal           | Notice Filed                                            | 33.96              |
| 8/21/2025    | LASC                | Copy of First Amended Complaint in Blanco-Torres        | 15.00              |
| 9/10/2025    | Express Network     | Joint CMC Statement                                     | 120.00             |
| 10/24/2025   | One Legal           | Stipulation Filed re: Prop. Order                       | 72.28              |
| 11/5/2025    | One Legal           | Stipulation Filed re: Prop. Order                       | 55.64              |
| 11/19/2025   | SB-Court            | Copy of Documents                                       | 1.50               |
| 12/8/2025    | One Legal           | Notice of Entry of Judgment or Order                    | 33.96              |
| 12/26/2025   | One Legal           | Motion for Preliminary Approval                         | 96.94              |
| 12/26/2025   | One Legal           | Stipulation and Order                                   | 55.64              |
| 1/13/2026    | SB-Court            | Copy of Documents                                       | 3.00               |
| 1/20/2026    | One Legal           | Notice Filed                                            | 35.08              |
| 2/11/2026    | One Legal           | Supp. Declaration in Support of Preliminary Approval    | 35.08              |
| 2/23/2026    | SB-Court            | Copy of Documents                                       | 4.00               |
| Est          | One Legal           | Motion for Final Approval                               | 96.94              |
| Est          | One Legal           | Stipulation and Order                                   | 55.64              |
| Est          | One Legal           | Notice Filed                                            | 35.08              |
| <b>Total</b> |                     |                                                         | <b>\$13,378.27</b> |

32. Unlike Defense counsel, who are regularly paid fair-market hourly rates, Class Counsel received no compensation, or expense reimbursement, since the case began almost three years ago. The contingent representation, and risks of the litigation which could result in no fee, support approval of the fee request.

33. Based on my experience, the experience of my firm, and my research, Class Counsel's skill and experience support their hourly rates and are in line with rates typically approved in California wage and hour class and representative actions.

34. Class Counsel's skill and experience support their hourly rates: **Cohelan Khoury & Singer**: Founding Partner, Isam C. Khoury - \$1,100; Managing Partner, Michael D. Singer -

1 \$1,250; Partner Maggie Realin - \$700.

2 35. The current Laffey Matrix would actually provide for some rate increases: Founding  
3 Partner, Isam C. Khoury - \$1,141 (20+ years out of law school); Partner, Maggie Realin - \$948 (11-  
4 19 years out of law school); Paralegals, Amber Worden and Matthew Atlas - \$258. Attached as  
5 **Exhibit 3** is a true and correct copy of the Laffey Matrix (accessed June 18, 2026, available at  
6 <http://www.laffeymatrix.com/see.html>).

7 36. Further, the fees sought for paralegals Amber Worden and Matthew Atlas are  
8 appropriate because they meet the requirements of Business & Professions Code sections 6450, *et*  
9 *seq*, including qualifications and continuing education and their hourly billing rate and hours  
10 worked are reasonable and usual for the services rendered.

11 37. Plaintiffs acknowledge their claims face substantial difficulties, and there are  
12 substantial risks that the continued litigation would not yield a better result than this settlement.

13 38. In *Bernal*, the court compelled several claims, including overtime, meal and rest  
14 break, reporting time pay, expense reimbursement, and derivative claims, to individual arbitration,  
15 and Plaintiffs anticipated the same result in the related *Estrada* action. Plaintiffs also faced the  
16 possibility that the third-filed *Hernandez* action would be stayed or dismissed as duplicative.

17 39. Plaintiffs' substantive claims also faced evidentiary and legal challenges. OnTrac  
18 maintained facially lawful timekeeping and reimbursement policies, prohibited off-the-clock work,  
19 and paid employees substantial overtime. OnTrac would likely argue it was entitled to rely on  
20 employee time records and that any gaps reflected voluntary or approved breaks rather than  
21 uncompensated work or split shifts. Payroll records also showed employees were generally paid  
22 reporting time wages when they reported to work without being provided work.

23 40. Meal and rest break claims were further weakened because only 3.72% of meal  
24 periods appeared missed, late, or short, likely insufficient to trigger a presumption of violations  
25 under *Donohue v. AMN Services, LLC* (2021) 11 Cal.5th 58, and rest breaks were not separately  
26 recorded. Expense reimbursement and unlawful deduction claims likewise faced risks because  
27 OnTrac did not require employees to use personal cell phones for work and employees who failed  
28 to request reimbursement could face summary judgment. Plaintiffs' wage statement and waiting

1 time claims were derivative of the underlying wage claims and would likely fail if the substantive  
2 claims were unsuccessful.

3 41. The requested 35% fee award is also warranted by the unusual procedural  
4 complexity and extraordinary coordination efforts required to achieve a global resolution of six  
5 separate class and PAGA actions pending in multiple counties, brought by different Plaintiffs  
6 represented by six different law firms. Counsel were required to coordinate overlapping but not  
7 identical factual allegations, procedural postures, arbitration issues, representative claims, and  
8 settlement positions across actions pending in San Bernardino, Los Angeles, San Francisco, and San  
9 Joaquin counties.

10 42. The cases involved competing class and PAGA representatives, overlapping  
11 aggrieved employee groups, differing litigation strategies, and the need to negotiate a  
12 comprehensive resolution that would bind all parties and eliminate the risk of piecemeal litigation,  
13 inconsistent rulings, duplicative discovery, and competing claims to PAGA penalties and attorneys'  
14 fees.

15 43. Reaching a single coordinated settlement required extensive arm's-length  
16 negotiations not only with Defendant, but among Plaintiffs' counsel themselves, each of whom had  
17 independent obligations to their own clients and competing theories of liability and damages.

18 44. OnTrac vigorously contested liability and repeatedly sought to compel arbitration  
19 based on arbitration agreements executed by employees. Although *Bernal* Plaintiffs prevailed in  
20 part by establishing the transportation worker exemption under the FAA, several claims in *Bernal*  
21 were nonetheless compelled to individual arbitration, and OnTrac also appealed the denial of  
22 arbitration in *McNorton*, which would likely create significant uncertainty regarding the continued  
23 viability and manageability of the overlapping class and PAGA claims.

24 45. Defendant reasonably believed it had already substantially addressed or "cleared the  
25 deck" of similar claims through the earlier settlement in *Knox et al. v. Express Messenger Systems,*  
26 *Inc. dba OnTrac* (San Bernardino Superior Court Case No. CIV-DS-1932323), which further  
27 informed its aggressive litigation posture and settlement strategy. Despite these obstacles, counsel  
28 successfully coordinated the competing actions, navigated complicated arbitration and

1 representative standing issues, and achieved a global resolution providing substantial relief to the  
2 class and aggrieved employees while avoiding years of further litigation, motion practice, appeals,  
3 and potentially inconsistent outcomes.

4 46. As Cohelan Khoury & Singer has done since its entry into this matter, we will  
5 continue to fulfill our responsibility to the Plaintiffs and the members of the class through final  
6 approval of the settlement and the final accounting of the distribution.

7 47. No member of Cohelan Khoury & Singer has any conflicts of interest with the class  
8 or with the Plaintiffs, nor are they related to any of the Plaintiffs. We do not represent opposing  
9 factions within the class, in that all claims are predicated upon the same theories of liability and  
10 benefit all class members equally.

11 48. My firm fully endorses the terms and conditions of the proposed Settlement. We  
12 respectfully request that the Court grant final approval of the Class and Representative Action  
13 Settlement.

14 49. On the same date the final approval motion and its supporting documents are filed  
15 with the Court, they will be served upon Defendant and provided to the LWDA via the LWDA's  
16 website. Attached as **Exhibit 4** is a true and correct copy of the LWDA confirmation of Receipt.

17 I declare under the penalty of perjury under the laws of the State of California that the  
18 foregoing is true and correct and this declaration is executed on June 26, 2026 in San Diego,  
19 California.

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**EXHIBIT 1**  
**TIME RECORDS**

**EXHIBIT 1-A**  
**TIME RECORD**  
**ISAM C. KHOURY**  
**FOUNDING PARTNER**

**Bernal, et al. v. Express Messenger Systems, Inc. dba OnTrac, et al.**  
**San Bernardino Superior Court Lead Case No. CIVSB2319614**  
**Attorney Time – Isam C. Khoury**

| <b>Date</b> | <b>Activity</b>                                                                                              | <b>Time</b> |
|-------------|--------------------------------------------------------------------------------------------------------------|-------------|
| 8/19/2024   | Update on mediation setting                                                                                  | 0.3         |
| 1/6/2025    | Status update and file review, discuss w/ MR                                                                 | 0.6         |
| 2/24/2025   | Mediation prep and discuss damages from consultant w/ MR, call w/consultant                                  | 2.0         |
| 3/5/2025    | Review initial consultant findings and questions re: clarification                                           | 0.5         |
| 3/10/2025   | Mediation damage eval. Defense discussions re: modeling and file review                                      | 1.0         |
| 3/11/2025   | Update on consultant progress and defense agreement to supplement data                                       | 0.3         |
| 3/17/2025   | Call w/ consultant re: damage analysis, discuss rest break violation rate w/ MR                              | 0.5         |
| 3/18/2025   | Review final brief and updated damage model                                                                  | 0.3         |
| 3/19/2025   | Confirm w/ experts re: data analysis and discrepancies and w/ MR re: mediation data                          | 0.3         |
| 3/20/2025   | Call w/ defense and consultants re: workweek analysis                                                        | 0.2         |
| 3/21/2025   | Discuss mediation strategy w/ MDS and MR (emails. Mediation review and prep                                  | 1.2         |
| 3/22/2025   | Mediation prep and supplemental client interview                                                             | 1.0         |
| 3/23/2025   | Email discussion w/ MR                                                                                       | 0.2         |
| 3/24/2025   | Discuss w/ MR re: Damage calculations and liability arguments                                                | 0.3         |
| 3/25/2025   | Pre-mediation review and attend mediation                                                                    | 8.5         |
| 3/26/2025   | Review, discuss mediator's proposal                                                                          | 0.1         |
| 4/1/2025    | Status update on settlement processing assignment of MOU                                                     | 0.2         |
| 4/7/2025    | Notice of settlement filed and review MR MOU draft                                                           | 0.2         |
| 4/9/2025    | Review Co-counsel edits to MOU                                                                               | 0.1         |
| 4/10/2025   | Follow up emails with counsel re settlement documentation, attorney's fees                                   | 0.3         |
| 4/24/2025   | Discuss incentive award w/ MR                                                                                | 0.2         |
| 8/13/2025   | status update on settlement processing and MOU finalization and Preliminary approval motion, Kullar analysis | 0.3         |
| 12/9/2025   | Review draft of declaration in support of Motion for Preliminary Approval                                    | 0.2         |
| 6/17/2026   | Review draft of declaration in support of Motion for Final Approval                                          | 0.3         |
|             | <b>TOTAL</b>                                                                                                 | <b>19.1</b> |

**EXHIBIT 2-B**

**TIME RECORD**

**MICHAEL D. SINGER**

**MANAGING PARTNER**

***Bernal, et al. v. Express Messenger Systems, Inc. dba OnTrac, et al.***  
**San Bernardino Superior Court Lead Case No. CIVSB2319614**  
**Attorney Time – Michael D. Singer**

| <b>Date</b> | <b>Activity</b>                                      | <b>Time</b> |
|-------------|------------------------------------------------------|-------------|
| 3/13/24     | Analysis of MTC Arb 1.2; research re opposition 1.0  | 2.2         |
| 4/26/24     | Analysis of MTC Arb 1.0; review and revise oppos 1.2 | 2.2         |
| 6/5/24      | Review discovery requests .5                         | 0.5         |
|             | <b>Total</b>                                         | <b>4.9</b>  |

# **EXHIBIT 1-C**

**TIME RECORD  
MAGGIE REALIN  
PARTNER**

**Bernal, et al. v. Express Messenger Systems, Inc. dba OnTrac, et al.**  
**San Bernardino Superior Court Lead Case No. CIVSB2319614**  
**Attorney Time – Maggie Realin**

| <b>Date</b> | <b>Activity</b>                                                           | <b>Time</b> |
|-------------|---------------------------------------------------------------------------|-------------|
| 2/6/24      | email exchange with LB re CMC                                             | 0.2         |
| 2/8/24      | meet with MS re opposing motion to compel                                 | 0.1         |
| 2/8/24      | call with LB re opposing motion to compel                                 | 0.1         |
| 2/8/24      | legal research re opposing motion to compel arb                           | 1.1         |
| 2/12/24     | email to LB re D's anticipated motion to compel                           | 0.1         |
| 2/12/24     | review joint initial status conf statement and complaint; prepare for CMC | 1.3         |
| 2/12/24     | legal research and draft argument for oppo to motion to compel            | 2.4         |
| 2/12/24     | review email from LB re anticipated motion to compel                      | 0.1         |
| 2/13/24     | Prepare for CMC                                                           | 0.4         |
| 2/14/24     | Appear at CMC                                                             | 0.7         |
| 2/14/24     | draft memo re CMC and case strategy                                       | 0.2         |
| 2/14/24     | draft RPDs to Def. set 1                                                  | 0.6         |
| 2/14/24     | draft RFAs to Def. set 1                                                  | 0.5         |
| 2/14/24     | draft interrogatories to Def. set 1                                       | 0.6         |
| 2/14/24     | review email exchange with defense re ntc of related cases                | 0.1         |
| 2/14/24     | review and edit RPDs to Def. set 1                                        | 0.2         |
| 2/14/24     | review and edit RFAs to Def. set 1                                        | 0.2         |
| 2/14/24     | review and edit rogs to Def. set 1                                        | 0.2         |
| 2/16/24     | review finalized outgoing discovery to Defendant                          | 0.3         |
| 2/21/24     | review D's email re hearing re arbitration, email to LB re same           | 0.2         |
| 2/21/24     | review D's notice of related cases                                        | 0.1         |
| 2/21/24     | call with LB re mtn to compel arbitration hearing date                    | 0.1         |
| 2/21/24     | review minute order after CMC                                             | 0.1         |
| 2/21/24     | email exchange with LB re briefing schedule for mtn compel arb            | 0.1         |
| 2/21/24     | review decl of SB re notice of related cases                              | 0.2         |
| 3/6/24      | call with LB re opposing motion to compel                                 | 0.2         |
| 3/7/24      | email to defense re eot to respond to discovery                           | 0.1         |
| 3/8/24      | review D's motion to compel arbitration                                   | 0.9         |
| 3/8/24      | review supp docs iso motion to compel                                     | 1.0         |
| 3/8/24      | legal research re oppo to motion to compel                                | 1.7         |
| 3/11/24     | email to MS re mtn to compel                                              | 0.1         |
| 3/12/24     | email exchange with MS re oppo to mtn to compel arbitration               | 0.2         |
| 3/15/24     | legal research re oppo to motion to compel                                | 1.7         |
| 3/18/24     | draft oppo to motion to compel                                            | 1.1         |
| 3/18/24     | legal research re oppo to motion to compel                                | 3.2         |
| 3/19/24     | legal research re oppo to motion to compel                                | 2.2         |
| 3/19/24     | draft oppo to motion to compel                                            | 2.0         |
| 3/20/24     | legal research and draft oppo to motion to compel                         | 1.7         |

***Bernal, et al. v. Express Messenger Systems, Inc. dba OnTrac, et al.***  
**San Bernardino Superior Court Lead Case No. CIVSB2319614**  
**Attorney Time – Maggie Realin**

| <b>Date</b> | <b>Activity</b>                                                           | <b>Time</b> |
|-------------|---------------------------------------------------------------------------|-------------|
| 3/21/24     | draft oppo to motion to compel                                            | 2.0         |
| 3/22/24     | draft oppo to motion to compel                                            | 2.7         |
| 3/25/24     | edit and review oppo to motion to compel                                  | 4.9         |
| 4/8/24      | edit opposition to motion to compel                                       | 1.2         |
| 4/8/24      | draft decl of Plaintiff Bernal iso oppo to motion to compel               | 0.6         |
| 4/9/24      | draft decl of Plaintiff Noel iso oppo to motion to compel                 | 0.8         |
| 4/10/24     | review minute order re related cases & associated deadlines               | 0.1         |
| 4/11/24     | legal research re RJN of websites                                         | 1.2         |
| 4/16/24     | email to LB re Ps' decls iso oppo to mtn to compel                        | 0.1         |
| 4/18/24     | edit Ps and As iso oppo to motion to compel                               | 0.3         |
| 4/18/24     | draft decl of MR iso opposition to motion to compel                       | 0.8         |
| 4/19/24     | review D's responses to RPDs set 1                                        | 0.2         |
| 4/19/24     | review D's responses to RFAs set 1                                        | 0.2         |
| 4/19/24     | review D's responses to interrogatories set 1                             | 0.2         |
| 4/19/24     | review Ontrac's document production                                       | 0.2         |
| 4/23/24     | review new case law re delegation issue                                   | 0.4         |
| 4/24/24     | review RJN iso oppo to motion to compel                                   | 0.2         |
| 4/24/24     | review exhibits to RJN                                                    | 0.2         |
| 4/25/24     | call with plaintiff TN re decl iso oppo to motion to compel               | 0.3         |
| 4/25/24     | edit P Noel's decl iso opposition to motion to compel                     | 0.4         |
| 4/25/24     | edit decl of P Bernal iso oppo to motion to compel                        | 0.4         |
| 4/26/24     | edit P's oppo to D's motion to compel arbitration                         | 1.3         |
| 4/26/24     | meet with MS re edits to oppo to motion to compel                         | 0.2         |
| 4/29/24     | review order relating cases                                               | 0.1         |
| 4/30/24     | edit oppo to motion to dismiss                                            | 0.6         |
| 5/1/24      | edit oppo to motion to compel                                             | 0.9         |
| 5/2/24      | edit oppo to motion to compel arbitration                                 | 0.2         |
| 5/2/24      | meet with MS re opposing motion to compel                                 | 0.2         |
| 5/13/24     | review Ex. 1 to Realin decl iso oppo to motion to compel                  | 0.2         |
| 5/13/24     | review CRC rules re pagination                                            | 0.1         |
| 5/13/24     | edit oppo to motion to compel (shortening)                                | 1.1         |
| 5/15/24     | final review of opposition to motion to compel and supporting docs        | 0.4         |
| 5/17/24     | review cases re hearing                                                   | 2.3         |
| 5/20/24     | legal research re caselaw for the hearing re motion to compel             | 1.7         |
| 5/21/24     | review cases for hearing                                                  | 3.0         |
| 5/22/24     | review reply, answer for the hearing                                      | 4.5         |
| 5/23/24     | draft corrected declaration of P. Bernal iso oppo to motion to compel arb | 0.1         |
| 5/23/24     | email and VM to client re corrected decl iso oppo to motion to compel arb | 0.1         |

**Bernal, et al. v. Express Messenger Systems, Inc. dba OnTrac, et al.**  
**San Bernardino Superior Court Lead Case No. CIVSB2319614**  
**Attorney Time – Maggie Realin**

| <b>Date</b> | <b>Activity</b>                                                                               | <b>Time</b> |
|-------------|-----------------------------------------------------------------------------------------------|-------------|
| 5/23/24     | review notice of errata re corrected decl of P. Bernal                                        | 0.1         |
| 5/23/24     | call with LB re notice of errata re corrected decl of P. Bernal                               | 0.1         |
| 5/28/24     | prepare for hearing                                                                           | 7.5         |
| 5/29/24     | appear at the hearing re motion to compel                                                     | 1.2         |
| 5/29/24     | prepare for hearing, review tentative                                                         | 0.9         |
| 6/4/24      | review D's notice of ruling                                                                   | 0.1         |
| 6/4/24      | legal research re appeal from partial denial of arbitration                                   | 1.0         |
| 6/4/24      | legal research re tolling for arbitration petition after order compelling partial arbitration | 0.7         |
| 6/4/24      | draft RPDs to Def. set 2                                                                      | 1.0         |
| 6/4/24      | review and edit RPDs to Def. set 2                                                            | 0.3         |
| 6/5/24      | draft rogs to Def. set 2                                                                      | 1.0         |
| 6/5/24      | edit and review rogs to Def. set 2                                                            | 0.5         |
| 6/10/24     | call with client re case status                                                               | 0.2         |
| 6/10/24     | email to defense counsel re meet and confer                                                   | 0.1         |
| 6/13/24     | draft arbitration petition                                                                    | 0.6         |
| 6/19/24     | call with DRM and LB re stay motion & arbitration                                             | 0.6         |
| 6/19/24     | prepare for meet and confer with defendant re stay motion and arbitration                     | 0.4         |
| 6/19/24     | email to MS re arguments against stay of the class action                                     | 0.1         |
| 6/19/24     | meet and confer with defense re motion to stay & relate cases                                 | 0.5         |
| 6/19/24     | email exchange with MS re case status and strategy                                            | 0.2         |
| 6/21/24     | review chart of related cases, call with DRM and LB                                           | 0.4         |
| 6/24/24     | draft petition for arbitration obo Bernal                                                     | 2.3         |
| 6/25/24     | call with DRM re related cases                                                                | 0.1         |
| 6/25/24     | email to defense counsel re related cases                                                     | 0.1         |
| 6/25/24     | email exchange with defense counsel re meet and confer                                        | 0.1         |
| 6/26/24     | draft petition for arbitration obo Noel                                                       | 0.6         |
| 6/26/24     | edit petition for arbitration obo Bernal                                                      | 0.3         |
| 6/26/24     | review status of related cases, email to LB                                                   | 0.3         |
| 6/26/24     | review MTC arb in Earnest case                                                                | 0.3         |
| 6/27/24     | call with defense re potential global mediation                                               | 0.3         |
| 6/27/24     | call with DRM and LB re potential global mediation                                            | 0.2         |
| 6/27/24     | email to MS and IK re potential global mediation                                              | 0.1         |
| 6/27/24     | email to defense re tolling of arbitrable claims                                              | 0.1         |
| 6/27/24     | prepare for call with defense re global mediation                                             | 0.3         |
| 7/10/24     | email exchange with defense counsel re potential mediation                                    | 0.2         |
| 7/15/24     | email to client re case status                                                                | 0.1         |
| 7/15/24     | review email re client's LC claim                                                             | 0.1         |
| 7/15/24     | review P Noel's letter to LC                                                                  | 0.1         |

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**Attorney Time – Maggie Realin**

| <b>Date</b> | <b>Activity</b>                                                                                   | <b>Time</b> |
|-------------|---------------------------------------------------------------------------------------------------|-------------|
| 7/15/24     | review email exchange among counsel re other OnTrac actions                                       | 0.1         |
| 7/15/24     | review email from defense re global mediation                                                     | 0.1         |
| 7/16/24     | review email from DRM re global mediation                                                         | 0.1         |
| 7/18/24     | review email re tolling of SOL to commence arb                                                    | 0.1         |
| 7/18/24     | review email from defense re discovery                                                            | 0.1         |
| 7/23/24     | review email from defense counsel re mediation                                                    | 0.1         |
| 7/24/24     | review email from counsel re related cases                                                        | 0.1         |
| 8/6/24      | call with LB re case status                                                                       | 0.2         |
| 8/6/24      | call with DRM re case status                                                                      | 0.2         |
| 8/6/24      | review status of related cases, draft memo re JPA                                                 | 0.7         |
| 8/7/24      | review email from counsel in related case re global mediation                                     | 0.1         |
| 8/12/24     | email to MS re JPA                                                                                | 0.1         |
| 8/12/24     | review email from DRM re JPA                                                                      | 0.1         |
| 8/12/24     | call with LB re JPA                                                                               | 0.2         |
| 8/13/24     | call with DRM and LB re JPA with other plaintiffs' counsel                                        | 0.3         |
| 8/13/24     | multiple communications with co-counsel re JPA with other plaintiffs' counsel, draft emails, etc. | 1.0         |
| 8/13/24     | email exchange with MS re fee split with other plaintiffs' counsel                                | 0.2         |
| 8/13/24     | emails with defense counsel re mediation                                                          | 0.2         |
| 8/15/24     | email to other counsel re JPA                                                                     | 0.1         |
| 8/15/24     | review email exchange among counsel re mediation data                                             | 0.1         |
| 8/16/24     | review and edit CMC statement                                                                     | 0.3         |
| 8/16/24     | email exchange with counsel for related cases re status                                           | 0.2         |
| 8/19/24     | email exchange with defense re mediation                                                          | 0.2         |
| 8/21/24     | edit CMC statement, email to LB                                                                   | 0.2         |
| 8/22/24     | review D's edits to CMC statement                                                                 | 0.2         |
| 8/22/24     | review complaint in a related case                                                                | 0.5         |
| 8/22/24     | email exchange with defense counsel re CMC and mediation                                          | 0.2         |
| 8/23/24     | email exchange with defense counsel re mediation                                                  | 0.2         |
| 8/26/24     | call with DRM re fee split                                                                        | 0.1         |
| 8/26/24     | email exchange with counsel in related cases re mediation and fee split                           | 0.1         |
| 8/26/24     | meet with MS re fee split                                                                         | 0.1         |
| 8/27/24     | appear at CMC                                                                                     | 0.4         |
| 8/27/24     | prepare for CMC                                                                                   | 0.3         |
| 8/27/24     | email exchange with defense counsel re CMC statement                                              | 0.2         |
| 8/27/24     | prepare for call with counsel in related actions re global mediation                              | 0.3         |
| 8/27/24     | call with counsel in related actions re global mediation                                          | 0.4         |
| 8/27/24     | f/u call with DRM and LB re global mediation                                                      | 0.3         |
| 8/28/24     | Review complaint in one of the co-counsel's cases                                                 | 0.4         |

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| <b>Date</b> | <b>Activity</b>                                                               | <b>Time</b> |
|-------------|-------------------------------------------------------------------------------|-------------|
| 8/28/24     | email to MS re complaint in one of the co-counsel's cases                     | 0.1         |
| 8/29/24     | call with defense re mediation and related case                               | 0.3         |
| 8/29/24     | prepare for call with defense re mediation and related case                   | 0.3         |
| 8/29/24     | email with MS re mediation and related case                                   | 0.2         |
| 9/3/24      | email exchange with MS re global mediation                                    | 0.2         |
| 9/3/24      | call with LB re global mediation                                              | 0.2         |
| 9/4/24      | call with DRM and LB re global mediation                                      | 0.4         |
| 9/4/24      | call with Martin counsel re mediation                                         | 0.2         |
| 9/4/24      | email exchange with defense counsel re mediation                              | 0.2         |
| 9/4/24      | emails to other related cases re mediation                                    | 0.2         |
| 9/5/24      | review data analysis re FTEs and workweeks                                    | 0.2         |
| 9/10/24     | call with DRM re mediation                                                    | 0.2         |
| 9/11/24     | email exchange with counsel in related cases re mediation and fee split       | 0.2         |
| 9/11/24     | email exchange with MS re counsel in related cases re mediation and fee split | 0.2         |
| 10/24/24    | email to co-counsel re fee split                                              | 0.1         |
| 10/24/24    | call with MS re fee split                                                     | 0.1         |
| 10/24/24    | call with DRM and LB re fee split                                             | 0.1         |
| 11/5/24     | Draft JPA re mediation                                                        | 1.1         |
| 11/7/24     | email to other counsel re JPA                                                 | 0.1         |
| 11/20/24    | review email from co-counsel re JPA                                           | 0.1         |
| 12/4/24     | draft email to plaintiff Bernal re JPA                                        | 0.1         |
| 12/4/24     | draft email to plaintiff Noel re JPA                                          | 0.1         |
| 12/4/24     | email exchange with counsel in other cases re JPA                             | 0.2         |
| 12/5/24     | review fully signed JPA                                                       | 0.1         |
| 12/20/24    | email to expert re mediation analysis                                         | 0.1         |
| 1/2/25      | email exchange among counsel re mediation                                     | 0.2         |
| 1/6/25      | call with defense counsel re mediation and related cases                      | 0.3         |
| 1/6/25      | follow up call with DRM and LB re related cases                               | 0.2         |
| 1/6/25      | email to co-counsel re related case                                           | 0.1         |
| 1/6/25      | meet with IK re mediation                                                     | 0.1         |
| 1/6/25      | draft mediation brief                                                         | 5.6         |
| 1/7/25      | draft mediation brief, cont'd                                                 | 4.3         |
| 1/8/25      | draft mediation brief, cont'd                                                 | 3.2         |
| 1/9/25      | email exchange with co-counsel re mediation                                   | 0.2         |
| 1/9/25      | email exchange with DRM and LB re mediation                                   | 0.2         |
| 1/13/25     | draft mediation brief, cont'd                                                 | 0.7         |
| 1/13/25     | edit mediation brief                                                          | 0.6         |
| 1/15/25     | review emails from co-counsel re related case                                 | 0.1         |

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| <b>Date</b> | <b>Activity</b>                                              | <b>Time</b> |
|-------------|--------------------------------------------------------------|-------------|
| 1/16/25     | email exchange with co-counsel re related case and mediation | 0.2         |
| 1/16/25     | email to defense re related case & mediation                 | 0.1         |
| 1/17/25     | review emails from co-counsel re related actions             | 0.2         |
| 1/30/25     | email exchange with co-counsel re mediation                  | 0.2         |
| 1/30/25     | call with counsel in a related action re mediation           | 0.2         |
| 1/30/25     | call with MS re mediation                                    | 0.1         |
| 1/30/25     | call with DRM re mediation                                   | 0.2         |
| 1/30/25     | call with LB re mediation                                    | 0.2         |
| 2/4/25      | email exchange with co-counsel re mediation                  | 0.2         |
| 2/5/25      | email to co-counsel re related case                          | 0.1         |
| 2/5/25      | review email from counsel re related case                    | 0.1         |
| 2/7/25      | email exchange with client re case status                    | 0.2         |
| 2/11/25     | call with counsel in a related action re JPA                 | 0.1         |
| 2/18/25     | email exchange with potential expert re mediation analysis   | 0.1         |
| 2/20/25     | call with prospective expert and LB re mediation analysis    | 0.4         |
| 2/21/25     | call with MS re mediation analysis                           | 0.2         |
| 2/24/25     | call with proposed expert re mediation analysis              | 0.3         |
| 2/24/25     | meet with IK re mediation                                    | 0.3         |
| 2/24/25     | email to clients re mediation                                | 0.2         |
| 2/24/25     | edit mediation brief                                         | 0.3         |
| 2/25/25     | email to client re mediation                                 | 0.1         |
| 3/5/25      | review email from expert re data analysis for mediation      | 0.2         |
| 3/5/25      | draft email to expert re mediation analysis                  | 0.2         |
| 3/7/25      | email exchange with expert re mediation analysis             | 0.2         |
| 3/7/25      | email to defense counsel re mediation data                   | 0.1         |
| 3/7/25      | review email from client re mediation                        | 0.1         |
| 3/10/25     | call with defense counsel re mediation                       | 0.2         |
| 3/10/25     | call with LB re mediation                                    | 0.2         |
| 3/10/25     | email to co-counsel re mediation                             | 0.1         |
| 3/11/25     | call with DRM re mediation                                   | 0.2         |
| 3/11/25     | call with T. Noel re mediation                               | 0.4         |
| 3/11/25     | email to expert re payroll codes                             | 0.1         |
| 3/11/25     | email to client Bernal re mediation                          | 0.1         |
| 3/11/25     | email to defense counsel re mediation data                   | 0.1         |
| 3/11/25     | call with client and LB re mediation                         | 0.2         |
| 3/11/25     | email exchange with expert re mediation analysis             | 0.2         |
| 3/11/25     | email from defense re payroll codes                          | 0.1         |
| 3/14/25     | email exchange with defense counsel re policies              | 0.2         |
| 3/14/25     | email exchange with expert re mediation analysis             | 0.2         |

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| <b>Date</b> | <b>Activity</b>                                                                | <b>Time</b> |
|-------------|--------------------------------------------------------------------------------|-------------|
| 3/14/25     | email to LB re edits to mediation brief                                        | 0.1         |
| 3/17/25     | edit mediation brief, analyze damages, review brief                            | 3.8         |
| 3/17/25     | call with expert re exposure analysis                                          | 0.5         |
| 3/17/25     | meet with IK re damages calculations and claims                                | 0.3         |
| 3/17/25     | calls with client Noel re meal and rest break claims                           | 0.5         |
| 3/17/25     | multiple email exchange with expert re damages model                           | 0.4         |
| 3/17/25     | call with LB re damages calculations and claims                                | 0.3         |
| 3/17/25     | email exchange with co-counsel re mediation brief                              | 0.2         |
| 3/18/25     | review edits to mediation brief                                                | 0.3         |
| 3/18/25     | call with counsel in a related case re mediation brief                         | 0.3         |
| 3/18/25     | further edit mediation brief                                                   | 0.4         |
| 3/18/25     | email to mediator re brief                                                     | 0.1         |
| 3/19/25     | email exchange with defense counsel re mediation data points (multiple emails) | 0.4         |
| 3/19/25     | email exchange with expert re mediation data points (multiple emails)          | 0.3         |
| 3/19/25     | email exchange with mediator re mediation brief                                | 0.2         |
| 3/19/25     | review edits to mediation brief                                                | 0.2         |
| 3/19/25     | email exchange with CS (McNorton) re edits to mediation brief                  | 0.2         |
| 3/19/25     | email exchange with co-counsel re status of the mediation brief                | 0.2         |
| 3/19/25     | meet with IK re status of mediation data points                                | 0.2         |
| 3/19/25     | call with LB re status of mediation data analysis                              | 0.3         |
| 3/19/25     | email exchange with defense counsel re mediation data points (multiple emails) | 0.1         |
| 3/20/25     | email exchange with expert re mediation data points                            | 0.1         |
| 3/20/25     | call with defense counsel and experts re mediation data points                 | 0.4         |
| 3/20/25     | email exchange with expert re mediation data points                            | 0.1         |
| 3/20/25     | call with expert re mediation damages analysis                                 | 0.2         |
| 3/20/25     | edit mediation brief re updated data points                                    | 2.6         |
| 3/20/25     | email to mediator re mediation brief                                           | 0.1         |
| 3/20/25     | email to co-counsel re mediation brief                                         | 0.1         |
| 3/21/25     | email exchange with co-counsel re D's exposure                                 | 0.2         |
| 3/21/25     | email exchange with mediator re exposure                                       | 0.2         |
| 3/23/25     | email exchange with IK re claims                                               | 0.2         |
| 3/24/25     | prepare for mediation                                                          | 4.5         |
| 3/24/25     | research re any related cases and previous settlements                         | 1.5         |
| 3/24/25     | email exchange with co-counsel re mediation                                    | 0.2         |
| 3/24/25     | call with LB and DRM re mediation                                              | 0.2         |
| 3/24/25     | call with defense counsel re mediation                                         | 0.2         |
| 3/24/25     | review draft CMC statement                                                     | 0.3         |
| 3/24/25     | meet with IK re damages calculations and claims                                | 0.3         |

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| <b>Date</b> | <b>Activity</b>                                                   | <b>Time</b> |
|-------------|-------------------------------------------------------------------|-------------|
| 3/25/25     | attend mediation                                                  | 8.5         |
| 3/25/25     | pre-mediation call with DRM, IK and LB                            | 0.3         |
| 3/25/25     | post-mediation call with DRM and LB                               | 0.2         |
| 3/26/25     | review mediator's proposal                                        | 0.1         |
| 3/28/25     | review email from mediator re settlement                          | 0.1         |
| 3/31/25     | email to defense counsel re MOU                                   | 0.1         |
| 3/31/25     | call with LB re incentive awards                                  | 0.2         |
| 4/2/25      | call with client Noel re results of mediation                     | 0.1         |
| 4/2/25      | email to LB re call with Noel re results of mediation             | 0.1         |
| 4/3/25      | draft MOU                                                         | 2.6         |
| 4/3/25      | edit notice of settlement                                         | 0.2         |
| 4/3/25      | email to defense counsel re ntc of settlement and prelim approval | 0.1         |
| 4/7/25      | review edits to MOU                                               | 0.2         |
| 4/7/25      | email to LB re edits to MOU                                       | 0.1         |
| 4/7/25      | email to co-counsel re MOU                                        | 0.1         |
| 4/7/25      | email to defense counsel re ntc of settlement                     | 0.1         |
| 4/7/25      | call with counsel in a related case re case status                | 0.2         |
| 4/7/25      | edit MOU                                                          | 0.3         |
| 4/7/25      | email MOU to co -counsel                                          | 0.1         |
| 4/7/25      | review finalized version of ntc of settlement                     | 0.1         |
| 4/8/25      | prepare for CMC                                                   | 0.3         |
| 4/8/25      | appear at CMC                                                     | 0.4         |
| 4/8/25      | email exchange with defense counsel re settlement approval venue  | 0.2         |
| 4/8/25      | call with LB re settlement approval venue and CMC                 | 0.2         |
| 4/9/25      | review co-counsel edits to MOU                                    | 0.4         |
| 4/9/25      | email exchange with co-counsel re MOU                             | 0.2         |
| 4/9/25      | call with LB re edits to MOU                                      | 0.2         |
| 4/9/25      | email exchange with MS re edits to MOU                            | 0.2         |
| 4/10/25     | email to defense counsel re MOU                                   | 0.1         |
| 4/16/25     | email from co-counsel re atty fee provision                       | 0.1         |
| 4/18/25     | review admin bids for settlement                                  | 0.3         |
| 4/18/25     | email to defense counsel re MOU and admin bids                    | 0.1         |
| 4/21/25     | call with client re settlement                                    | 0.3         |
| 4/21/25     | review email from defense counsel re MOU                          | 0.1         |
| 4/22/25     | call with DRM and LB re incentive award                           | 0.2         |
| 4/24/25     | review email exchange with client re mediation                    | 0.2         |
| 4/24/25     | call with DRM re incentive awards                                 | 0.2         |
| 4/24/25     | meet with IK re incentive award                                   | 0.2         |
| 4/28/25     | email to defense counsel re MOU                                   | 0.1         |

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| <b>Date</b> | <b>Activity</b>                                                           | <b>Time</b> |
|-------------|---------------------------------------------------------------------------|-------------|
| 4/28/25     | email from defense counsel re MOU                                         | 0.1         |
| 4/30/25     | review email from client re settlement                                    | 0.1         |
| 5/5/25      | email exchange with co-counsel re MOU                                     | 0.2         |
| 5/15/25     | call with DRM re status of MOU                                            | 0.2         |
| 5/15/25     | email exchange with defense counsel re MOU                                | 0.2         |
| 5/15/25     | draft Ps and As iso motion for preliminary approval                       | 2.1         |
| 5/16/25     | review email from defense counsel re MOU                                  | 0.1         |
| 5/16/25     | draft Ps and As iso motion for preliminary approval                       | 2.6         |
| 5/19/25     | draft motion for preliminary approval, cont'd                             | 3.7         |
| 5/23/25     | email exchange with DRM re status of MOU                                  | 0.2         |
| 5/27/25     | review D's edits to MOU, further edits, draft memo to co-counsel re edits | 1.8         |
| 6/2/25      | edit MOU                                                                  | 0.8         |
| 6/2/25      | email to defense counsel re MOU                                           | 0.1         |
| 6/10/25     | email to defense counsel re edits to MOU                                  | 0.1         |
| 6/16/25     | call with DRM re status of MOU                                            | 0.2         |
| 6/19/25     | email to defense counsel re MOU                                           | 0.1         |
| 6/20/25     | email exchange with defense counsel re MOU                                | 0.2         |
| 6/25/25     | call with defense counsel re edits to MOU                                 | 0.3         |
| 6/25/25     | email exchange with defense counsel re edits to MOU                       | 0.2         |
| 6/30/25     | email exchange with co-counsel re status of MOU                           | 0.2         |
| 7/3/25      | review email from defense re MOU                                          | 0.1         |
| 7/3/25      | email to defense re MOU                                                   | 0.1         |
| 7/3/25      | review emails from co-counsel re MOU                                      | 0.1         |
| 7/8/25      | draft CMC statement re settlement                                         | 0.4         |
| 7/8/25      | email to LB re CMC statement                                              | 0.1         |
| 7/9/25      | call with DRM re case status                                              | 0.2         |
| 7/29/25     | call with defense re release in MOU                                       | 0.3         |
| 7/29/25     | call with LB re release in the MOU                                        | 0.2         |
| 7/29/25     | email exchange with co-counsel re release in the MOU                      | 0.2         |
| 8/4/25      | email exchange re further edits to MOU                                    | 0.2         |
| 8/6/25      | email exchange with defense re edits to MOU                               | 0.2         |
| 8/6/25      | review and finalize MOU                                                   | 0.5         |
| 8/6/25      | email to co-counsel re MOU                                                | 0.1         |
| 8/6/25      | call with DRM re MOU                                                      | 0.1         |
| 8/6/25      | email exchange with LB re consolidated complaint                          | 0.2         |
| 8/8/25      | email exchange with defense counsel re MOU                                | 0.2         |
| 8/8/25      | email exchange with co-counsel re MOU                                     | 0.1         |
| 8/8/25      | email exchange with DRM re ltr to P re MOU                                | 0.2         |
| 8/11/25     | review email from co-counsel re MOU                                       | 0.1         |

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| <b>Date</b> | <b>Activity</b>                                           | <b>Time</b> |
|-------------|-----------------------------------------------------------|-------------|
| 8/12/25     | email exchange with co-counsel re signatures to MOU       | 0.2         |
| 8/13/25     | email exchange with co-counsel re Kullar analysis         | 0.2         |
| 8/13/25     | edit motion for prelim approval                           | 0.7         |
| 8/13/25     | email exchange with co-counsel re MOU                     | 0.2         |
| 8/13/25     | review email to client re MOU                             | 0.1         |
| 8/13/25     | review D's additional edits to MOU                        | 0.3         |
| 8/13/25     | email exchange with co-counsel re add'l edits to MOU      | 0.2         |
| 8/13/25     | email exchange with co-counsel re client status           | 0.2         |
| 8/13/25     | email exchange with co-counsel re Kullar analysis         | 0.2         |
| 8/15/25     | email exchange with defense counsel re edits to MOU       | 0.2         |
| 8/15/25     | email exchange with defense counsel re finalized MOU      | 0.2         |
| 8/15/25     | email exchange with co-counsel re finalized MOU           | 0.2         |
| 8/15/25     | review email from client re MOU                           | 0.1         |
| 8/18/25     | edit motion for preliminary approval                      | 1.7         |
| 8/18/25     | email to co-counsel re mtn for prelim approval            | 0.1         |
| 8/19/25     | email exchange with LB re MOU                             | 0.2         |
| 8/19/25     | review email with co-counsel re prelim approval mtn       | 0.2         |
| 8/20/25     | review order in related case re prelim approval           | 0.2         |
| 8/20/25     | review stip and proposed order to amend complaint         | 0.2         |
| 8/20/25     | email to co-counsel re MOU                                | 0.1         |
| 8/22/25     | review emails with client re MOU                          | 0.2         |
| 8/25/25     | email to co-counsel re edits to SA                        | 0.1         |
| 8/29/25     | email to co-counsel re MOU signatures                     | 0.1         |
| 9/5/25      | email exchange with co-counsel re MPU                     | 0.2         |
| 9/5/25      | email to defense counsel re status of SA                  | 0.1         |
| 9/8/25      | review email from defense counsel re SA                   | 0.1         |
| 9/9/25      | communications with co-counsel re status of settlement    | 0.2         |
| 9/10/25     | email exchange with defense counsel re CMC statement      | 0.2         |
| 9/10/25     | email exchange with defense counsel re edits to SA        | 0.2         |
| 9/19/25     | email to defense counsel re SA                            | 0.1         |
| 9/22/25     | email exchange with defense counsel re status of SA       | 0.2         |
| 9/23/25     | review D's edits to SA                                    | 0.4         |
| 9/23/25     | email exchange with co-counsel re D's further edits to SA | 0.2         |
| 9/24/25     | email to co-counsel re preliminary approval               | 0.1         |
| 9/24/25     | review SA, prepare a final version                        | 0.4         |
| 9/24/25     | email to defense counsel re SA                            | 0.1         |
| 9/29/25     | email to defense counsel re SA and amended complaint      | 0.1         |
| 10/20/25    | review D's edits to SAC                                   | 0.3         |
| 10/20/25    | email to defense counsel re edits to SAC                  | 0.1         |

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| <b>Date</b> | <b>Activity</b>                                                                | <b>Time</b> |
|-------------|--------------------------------------------------------------------------------|-------------|
| 10/20/25    | email exchange with co-counsel re status of settlement docs                    | 0.2         |
| 10/23/25    | review finalized version of stip for leave to file SAC and SAC                 | 0.3         |
| 10/24/25    | email exchange with defense counsel re status of the SA                        | 0.2         |
| 10/28/25    | email exchange with co-counsel re SA                                           | 0.1         |
| 11/4/25     | email to defense counsel re SA                                                 | 0.1         |
| 11/7/25     | review further edits to SA                                                     | 0.4         |
| 11/7/25     | email exchange with defense counsel re edits to SA                             | 0.2         |
| 11/7/25     | further edit and review SA                                                     | 0.4         |
| 11/7/25     | email to co-counsel re further edits to SA                                     | 0.1         |
| 11/7/25     | edit motion for preliminary approval                                           | 0.6         |
| 11/10/25    | email exchange with co-counsel re final version of the SA                      | 0.2         |
| 11/11/25    | finalize SA for signatures                                                     | 0.4         |
| 11/11/25    | email to co-counsel re finalized SA and prelim approval motion                 | 0.1         |
| 11/11/25    | email to defense counsel re finalized SA                                       | 0.1         |
| 11/11/25    | review email from defense counsel re settlement notice                         | 0.1         |
| 11/11/25    | email to Plaintiff Noel re SA                                                  | 0.1         |
| 11/11/25    | email to Plaintiff Bernal re SA                                                | 0.1         |
| 11/12/25    | email exchange with DRM re signing SA                                          | 0.2         |
| 11/13/25    | review and edit notice of settlement                                           | 1.8         |
| 11/13/25    | email to co-counsel re edits to notice of settlement                           | 0.1         |
| 11/21/25    | review emails among counsel re SA                                              | 0.2         |
| 11/21/25    | email exchange with DRM re SA                                                  | 0.2         |
| 11/25/25    | email exchange with defense counsel re prelim approval docs                    | 0.2         |
| 11/25/25    | email exchange with co-counsel re prelim approval docs                         | 0.2         |
| 12/2/25     | email exchange with Martin's counsel re SA                                     | 0.2         |
| 12/3/25     | email to defense re fully signed SA                                            | 0.1         |
| 12/3/25     | edit proposed order granting preliminary approval                              | 0.6         |
| 12/3/25     | email exchange with defense counsel re prelim approval docs                    | 0.2         |
| 12/3/25     | email exchange with co-counsel re prelim approval docs                         | 0.2         |
| 12/5/25     | review decl of admin re notice process                                         | 0.3         |
| 12/8/25     | review status of settlement documents                                          | 0.3         |
| 12/8/25     | review stip to exceed page limit for prelim approval motion and proposed order | 0.3         |
| 12/8/25     | review emails from co-counsel re counsel decls                                 | 0.2         |
| 12/8/25     | review D's edits to motion for preliminary approval                            | 0.6         |
| 12/8/25     | review D's edits to settlement notice                                          | 0.4         |
| 12/8/25     | email exchange with defense counsel re edits to prelim approval docs           | 0.2         |
| 12/9/25     | email exchange with defense counsel re edits to proposed prelim approval order | 0.2         |
| 12/9/25     | review further edits to motion for prelim approval                             | 0.4         |

**Bernal, et al. v. Express Messenger Systems, Inc. dba OnTrac, et al.**  
**San Bernardino Superior Court Lead Case No. CIVSB2319614**  
**Attorney Time – Maggie Realin**

| <b>Date</b> | <b>Activity</b>                                                                  | <b>Time</b> |
|-------------|----------------------------------------------------------------------------------|-------------|
| 12/9/25     | review further edits to settlement notice                                        | 0.3         |
| 12/9/25     | email to defense counsel re further edits to settlement notice                   | 0.1         |
| 12/9/25     | review further edits to motion for prelim approval                               | 0.2         |
| 12/10/25    | email exchange with co-counsel re class counsel decls iso prelim approval        | 0.2         |
| 12/10/25    | review final version of prelim approval motion and all supporting docs           | 1.3         |
| 1/5/26      | review tentative ruling re prelim approval                                       | 0.5         |
| 1/6/26      | appear at prelim approval hearing                                                | 0.5         |
| 1/6/26      | prepare for prelim approval hearing                                              | 1.7         |
| 1/6/26      | review tentative ruling re prelim approval                                       | 0.5         |
| 1/6/26      | email exchange with DRM and LB re tentative ruling granting prelim approval      | 0.2         |
| 1/6/26      | email exchange with defense counsel re tentative ruling re prelim approval       | 0.2         |
| 1/6/26      | email exchange with defense counsel re supplemental briefing iso prelim approval | 0.2         |
| 1/6/26      | email exchange with co-counsel re tentative re prelim approval                   | 0.2         |
| 1/6/26      | draft memo re response to court's tentative re prelim approval                   | 1.5         |
| 1/6/26      | email to co-counsel re preliminary approval hearing                              | 0.1         |
| 1/7/26      | draft supp decl iso preliminary approval                                         | 1.1         |
| 1/14/26     | email exchange with co-counsel re edits to supp decl iso prelim approval         | 0.2         |
| 1/14/26     | review order granting request to exceed page limit for prelim approval mtn       | 0.1         |
| 1/14/26     | email to client re case status update                                            | 0.1         |
| 1/16/26     | email to defense counsel re supp decl iso prelim approval                        | 0.1         |
| 2/2/26      | email to defense counsel re supp decl iso prelim approval                        | 0.1         |
| 2/2/26      | email to defense counsel re supp decl iso prelim approval                        | 0.1         |
| 2/5/26      | review D's edits to supp decl iso prelim approval                                | 0.3         |
| 2/5/26      | email exchange with LB re D's edits to supp decl iso prelim approval             | 0.2         |
| 2/6/26      | email exchange with co-counsel re supp decl iso prelim approval                  | 0.2         |
| 2/9/26      | review D's further edits to supp decl iso prelim approval                        | 0.1         |
| 2/9/26      | email exchange with co-counsel re further edits to supp decl iso prelim approval | 0.2         |
| 2/9/26      | email to defense counsel re further edits to supp decl iso prelim approval       | 0.1         |
| 2/20/26     | email to LB re FH                                                                | 0.1         |
| 2/20/26     | email exchange with co-counsel re prelim approval                                | 0.2         |
| 2/20/26     | email exchange with defense counsel re prelim approval and FH                    | 0.2         |
| 2/20/26     | review tentative ruling re prelim approval                                       | 0.4         |
| 2/23/26     | review admin timeline                                                            | 0.2         |
| 2/24/26     | review class notice formatted for sending                                        | 0.3         |

***Bernal, et al. v. Express Messenger Systems, Inc. dba OnTrac, et al.***  
**San Bernardino Superior Court Lead Case No. CIVSB2319614**  
**Attorney Time – Maggie Realin**

| <b>Date</b> | <b>Activity</b>                                                                   | <b>Time</b>  |
|-------------|-----------------------------------------------------------------------------------|--------------|
| 2/25/26     | review email from co-counsel re class notice                                      | 0.1          |
| 3/11/26     | email exchange with plaintiff Bernal re case status                               | 0.2          |
| 3/23/26     | review email from admin re class data                                             | 0.1          |
| 3/26/26     | email exchange with admin re data production                                      | 0.2          |
| 4/2/26      | review revised class notice                                                       | 0.4          |
| 4/6/26      | review edited class notice, email to admin                                        | 0.3          |
| 4/13/26     | review status of related cases, email exchange with MS                            | 0.6          |
| 4/13/26     | email exchange with LB re FH                                                      | 0.1          |
| 4/15/26     | review email from admin re class notice                                           | 0.1          |
| 4/21/26     | review court guidelines re final approval and atty fees                           | 0.3          |
| 4/22/26     | review status report re class ntc                                                 | 0.1          |
| 5/4/26      | email exchange with T. Noel re status of settlement                               | 0.2          |
| 5/5/26      | draft motion for final approval and atty fees                                     | 4.2          |
| 5/6/26      | draft motion for final approval and atty fees                                     | 4.5          |
| 5/6/26      | legal research re atty fees                                                       | 2.2          |
| 5/7/26      | draft and edit mtn for final approval and atty fees                               | 3.7          |
| 5/26/26     | email exchange with LB re mtn final approval and lodestar                         | 0.2          |
| 5/26/26     | review email to co-counsel re final approval                                      | 0.1          |
| 6/9/26      | email to co-counsel re final approval motion                                      | 0.1          |
| 6/11/26     | email to co-counsel re client decls iso final approval                            | 0.1          |
| 6/11/26     | call with LB and client TN re decl iso final approval                             | 0.2          |
| 6/11/26     | edit decl of TN re final approval                                                 | 0.7          |
| 6/12/26     | email to client re decl iso final approval                                        | 0.1          |
| 6/12/26     | review proposed order granting final approval                                     | 0.2          |
| 6/12/26     | review edits to ILYM's decl re ntc administration                                 | 0.2          |
| 6/15/26     | review stip and proposed order to exceed page limit for motion for final approval | 0.2          |
| 6/15/26     | review and edit decl of P. Bernal iso final approval                              | 0.3          |
| 6/15/26     | email to defense counsel re final approval motion                                 | 0.1          |
| 6/26/26     | Review def edit to Final approval motion and review for filing                    | 2.0          |
|             | <b>Total</b>                                                                      | <b>230.1</b> |

**EXHIBIT 2**

**SUMMARY OF TIME &  
COSTS**

**SUMMARY OF TIME AND COSTS**

***Bernal, et al. v. Express Messenger Systems, Inc. dba OnTrac, et al.***  
**San Bernardino Superior Court Lead Case No. CIVSB2319614**

**Total Attorneys' Hours: 1,164.9**  
**Total Lodestar: \$838,331.50**  
**Total Costs: \$30,916.43**

| <b>FIRM/<br/>ATTORNEYS</b>         | <b>YEAR<br/>ADMITTED</b> | <b>HOURS</b> | <b>HOURLY<br/>RATE</b> | <b>TOTAL</b>        |
|------------------------------------|--------------------------|--------------|------------------------|---------------------|
| <b>COHELAN KHOURY &amp; SINGER</b> |                          |              |                        |                     |
| Isam C. Khoury, Partner            | 1974                     | 19.1         | \$1,100                | \$21,010.00         |
| Michael D. Singer, Partner         | 1984                     | 4.9          | \$1,250                | \$6,125.00          |
| Maggie K. Realin, Partner          | 2009                     | 230.1        | \$700                  | \$161,070.00        |
| Amber Worden, Certified Paralegal  | N/A                      | 43.1         | \$200                  | \$8,620.00          |
| Matthew Atlas, Paralegal           | N/A                      | 4.9          | \$175                  | \$857.50            |
| <b>TOTAL:</b>                      |                          | <b>302.1</b> |                        | <b>\$197,682.50</b> |

| <b>FIRM/<br/>ATTORNEYS</b>            | <b>YEAR<br/>ADMITTED</b> | <b>HOURS</b> | <b>HOURLY<br/>RATE</b> | <b>TOTAL</b>       |
|---------------------------------------|--------------------------|--------------|------------------------|--------------------|
| <b>THE MARKHAM LAW FIRM</b>           |                          |              |                        |                    |
| David R. Markham, Partner             | 1976                     | 23.6         | \$815                  | \$19,234.00        |
| Maggie K. Realin, Former Partner      | 2009                     | 9.6          | \$700                  | \$6,720.00         |
| Lisa R. Brevard, Associate            | 2018                     | 64.9         | \$500                  | \$32,450.00        |
| Leeanna D. Carcione, Former Paralegal | N/A                      | 32.3         | \$175                  | \$5,652.50         |
| Noor Haleem, Paralegal                | N/A                      | 23.3         | \$175                  | \$4,077.50         |
| <b>TOTAL:</b>                         |                          | <b>153.7</b> |                        | <b>\$68,134.00</b> |

| <b>FIRM/<br/>ATTORNEYS</b>        | <b>YEAR<br/>ADMITTED</b> | <b>HOURS</b> | <b>HOURLY<br/>RATE</b> | <b>TOTAL</b>       |
|-----------------------------------|--------------------------|--------------|------------------------|--------------------|
| <b>UNITED EMPLOYEES LAW GROUP</b> |                          |              |                        |                    |
| Walter L. Haines, Partner         | 1976                     | 68.90        | \$725                  | \$49,952.50        |
| Peggy J. Reali, Associate         | 1991                     | 10.3         | \$875                  | \$9,012.50         |
| <b>TOTAL:</b>                     |                          | <b>79.2</b>  |                        | <b>\$58,965.00</b> |

**SUMMARY OF TIME AND COSTS**

***Bernal, et al. v. Express Messenger Systems, Inc. dba OnTrac, et al.***  
**San Bernardino Superior Court Lead Case No. CIVSB2319614**

| <b>FIRM/<br/>ATTORNEYS</b>             | <b>YEAR<br/>ADMITTED</b> | <b>HOURS</b> | <b>HOURLY<br/>RATE</b> | <b>TOTAL</b>        |
|----------------------------------------|--------------------------|--------------|------------------------|---------------------|
| <b>HAIG B. KAZANDJIAN LAWYERS, APC</b> |                          | 193.2        | \$825                  | \$159,390.00        |
| <b>TOTAL:</b>                          |                          | <b>193.2</b> |                        | <b>\$159,390.00</b> |

| <b>FIRM/<br/>ATTORNEYS</b>       | <b>YEAR<br/>ADMITTED</b> | <b>HOURS</b> | <b>HOURLY<br/>RATE</b> | <b>TOTAL</b>       |
|----------------------------------|--------------------------|--------------|------------------------|--------------------|
| <b>CROSNER LEGAL, PC</b>         |                          |              |                        |                    |
| Zachary M. Crosner, Partner      | 2010                     | 18.8         | \$950                  | \$17,860.00        |
| Brandon Brouillete, Partner      | 2010                     | 19.9         | \$900                  | \$17,910.00        |
| Chad A. Saunders, Former Partner | 2008                     | 38.7         | \$800                  | \$30,960.00        |
| Branden Hamilton, Of Counsel     | 2011                     | 9.8          | \$650                  | \$6,370.00         |
| Kiara Bramasco, Associate        | 2018                     | 9.9          | \$650                  | \$6,435.00         |
| <b>TOTAL:</b>                    |                          | <b>97.1</b>  |                        | <b>\$79,535.00</b> |

| <b>FIRM/<br/>ATTORNEYS</b>         | <b>YEAR<br/>ADMITTED</b> | <b>HOURS</b> | <b>HOURLY<br/>RATE</b> | <b>TOTAL</b>        |
|------------------------------------|--------------------------|--------------|------------------------|---------------------|
| <b>AEGIS LAW FIRM, PC</b>          |                          |              |                        |                     |
| Samuel A. Wong, Partner            | 2001                     | 48.3         | \$950                  | \$45,885.00         |
| Jessica L. Campbell, Partner       | 2011                     | 36.7         | \$800                  | \$29,360.00         |
| Ali Carlsen, Senior Associate      | 2013                     | 20.5         | \$750                  | \$15,375.00         |
| Elizabeth Robles, Former Associate | 2019                     | 58.9         | \$600                  | \$35,340.00         |
| <b>TOTAL:</b>                      |                          | <b>164.4</b> |                        | <b>\$125,960.00</b> |

**SUMMARY OF TIME AND COSTS**

***Bernal, et al. v. Express Messenger Systems, Inc. dba OnTrac, et al.***  
**San Bernardino Superior Court Lead Case No. CIVSB2319614**

| <b>FIRM/<br/>ATTORNEYS</b>        | <b>YEAR<br/>ADMITTED</b> | <b>HOURS</b> | <b>HOURLY<br/>RATE</b> | <b>TOTAL</b>        |
|-----------------------------------|--------------------------|--------------|------------------------|---------------------|
| <b>LAWYERS FOR JUSTICE, PC</b>    |                          |              |                        |                     |
| Edwin Aiwarzian, CEO              | 2004                     |              | \$                     |                     |
| Arby Aiwarzian, Senior Partner    | 2010                     |              | \$                     |                     |
| Joanna Ghosh, Senior Partner      | 2010                     |              | \$                     |                     |
| Yasmin Hosseini, Senior Associate | 2019                     | 134.5        | \$850                  | \$114,325.00        |
| <b>TOTAL:</b>                     |                          | <b>134.5</b> |                        | <b>\$114,325.00</b> |

| <b>FIRM/<br/>ATTORNEYS</b>    | <b>YEAR<br/>ADMITTED</b> | <b>HOURS</b> | <b>HOURLY<br/>RATE</b> | <b>TOTAL</b>       |
|-------------------------------|--------------------------|--------------|------------------------|--------------------|
| <b>WILSHIRE LAW FIRM</b>      |                          |              |                        |                    |
| Tyler Woods, Senior Partner   | 2004                     | 1.2          | \$1,200                | \$1,440.00         |
| Alan Wilcox, Senior Associate | 2012                     | 5.0          | \$950                  | \$4,750.00         |
| James Yoo, Senior Associate   | 2016                     | 19.5         | \$800                  | \$15,600.00        |
| Conor Gomez, Associate        | 2021                     | 1.0          | \$575                  | \$575.00           |
| Ruby Carrera, Associate       | 2022                     | 4.5          | \$550                  | \$2,475.00         |
| Molly DeSario, Former Partner | 2004                     | 9.5          | \$1,000                | \$9,500.00         |
| <b>TOTAL:</b>                 |                          | <b>40.7</b>  |                        | <b>\$34,340.00</b> |

|                                       |                                     |
|---------------------------------------|-------------------------------------|
| <b>Total Aggregate Hours: 1,164.9</b> | <b>Total Lodestar: \$838,331.50</b> |
|---------------------------------------|-------------------------------------|

| <b>LITIGATION EXPENSES</b>      |                    |
|---------------------------------|--------------------|
| Cohelan Khoury & Singer         | \$13,378.27        |
| The Markham Law Firm            | \$4,422.16         |
| United Employees Law Group      | \$0.00             |
| Haig B. Kazandjian Lawyers, APC | \$1,931.22         |
| Crosner Legal, PC               | \$1,200.98         |
| Aegis Law Firm, PC              | \$3,441.84         |
| Lawyers for Justice, PC         | \$3,344.12         |
| Wilshire Law Firm               | \$3,197.84         |
| <b>TOTAL COSTS</b>              | <b>\$30,916.43</b> |

**EXHIBIT 3**

**LAFFEY MATRIX**

# LAFFEY MATRIX

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|                  |                      |                         | Years Out of Law School * |       |       |         |         |
|------------------|----------------------|-------------------------|---------------------------|-------|-------|---------|---------|
| Year             | Adjustmt<br>Factor** | Paralegal/<br>Law Clerk | 1-3                       | 4-7   | 8-10  | 11-19   | 20 +    |
| 6/01/25- 5/31/26 | 1.075336             | \$277                   | \$508                     | \$625 | \$902 | \$1,019 | \$1,227 |
| 6/01/24- 5/31/25 | 1.080182             | \$258                   | \$473                     | \$581 | \$839 | \$948   | \$1,141 |
| 6/01/23- 5/31/24 | 1.059295             | \$239                   | \$437                     | \$538 | \$777 | \$878   | \$1,057 |
| 6/01/22- 5/31/23 | 1.085091             | \$225                   | \$413                     | \$508 | \$733 | \$829   | \$997   |
| 6/01/21- 5/31/22 | 1.006053             | \$208                   | \$381                     | \$468 | \$676 | \$764   | \$919   |
| 6/01/20- 5/31/21 | 1.015894             | \$206                   | \$378                     | \$465 | \$672 | \$759   | \$914   |
| 6/01/19- 5/31/20 | 1.0049               | \$203                   | \$372                     | \$458 | \$661 | \$747   | \$899   |
| 6/01/18- 5/31/19 | 1.0350               | \$202                   | \$371                     | \$455 | \$658 | \$742   | \$894   |
| 6/01/17- 5/31/18 | 1.0463               | \$196                   | \$359                     | \$440 | \$636 | \$717   | \$864   |
| 6/01/16- 5/31/17 | 1.0369               | \$187                   | \$343                     | \$421 | \$608 | \$685   | \$826   |
| 6/01/15- 5/31/16 | 1.0089               | \$180                   | \$331                     | \$406 | \$586 | \$661   | \$796   |
| 6/01/14- 5/31/15 | 1.0235               | \$179                   | \$328                     | \$402 | \$581 | \$655   | \$789   |
| 6/01/13- 5/31/14 | 1.0244               | \$175                   | \$320                     | \$393 | \$567 | \$640   | \$771   |
| 6/01/12- 5/31/13 | 1.0258               | \$170                   | \$312                     | \$383 | \$554 | \$625   | \$753   |
| 6/01/11- 5/31/12 | 1.0352               | \$166                   | \$305                     | \$374 | \$540 | \$609   | \$734   |
| 6/01/10- 5/31/11 | 1.0337               | \$161                   | \$294                     | \$361 | \$522 | \$589   | \$709   |
| 6/01/09- 5/31/10 | 1.0220               | \$155                   | \$285                     | \$349 | \$505 | \$569   | \$686   |
| 6/01/08- 5/31/09 | 1.0399               | \$152                   | \$279                     | \$342 | \$494 | \$557   | \$671   |
| 6/01/07-5/31/08  | 1.0516               | \$146                   | \$268                     | \$329 | \$475 | \$536   | \$645   |
| 6/01/06-5/31/07  | 1.0256               | \$139                   | \$255                     | \$313 | \$452 | \$509   | \$614   |
| 6/1/05-5/31/06   | 1.0427               | \$136                   | \$249                     | \$305 | \$441 | \$497   | \$598   |
| 6/1/04-5/31/05   | 1.0455               | \$130                   | \$239                     | \$293 | \$423 | \$476   | \$574   |
| 6/1/03-6/1/04    | 1.0507               | \$124                   | \$228                     | \$280 | \$405 | \$456   | \$549   |
| 6/1/02-5/31/03   | 1.0727               | \$118                   | \$217                     | \$267 | \$385 | \$434   | \$522   |
| 6/1/01-5/31/02   | 1.0407               | \$110                   | \$203                     | \$249 | \$359 | \$404   | \$487   |
| 6/1/00-5/31/01   | 1.0529               | \$106                   | \$195                     | \$239 | \$345 | \$388   | \$468   |
| 6/1/99-5/31/00   | 1.0491               | \$101                   | \$185                     | \$227 | \$328 | \$369   | \$444   |
| 6/1/98-5/31/99   | 1.0439               | \$96                    | \$176                     | \$216 | \$312 | \$352   | \$424   |
| 6/1/97-5/31/98   | 1.0419               | \$92                    | \$169                     | \$207 | \$299 | \$337   | \$406   |

|                |        |      |       |       |       |       |       |
|----------------|--------|------|-------|-------|-------|-------|-------|
| 6/1/96-5/31/97 | 1.0396 | \$88 | \$162 | \$198 | \$287 | \$323 | \$389 |
| 6/1/95-5/31/96 | 1.032  | \$85 | \$155 | \$191 | \$276 | \$311 | \$375 |
| 6/1/94-5/31/95 | 1.0237 | \$82 | \$151 | \$185 | \$267 | \$301 | \$363 |

The methodology of calculation and benchmarking for this Updated Laffey Matrix has been approved in a number of cases. See, e.g., *DL v. District of Columbia*, 267 F.Supp.3d 55, 69 (D.D.C. 2017)

\*  $\frac{1}{2}$ Years Out of Law School  $\frac{1}{2}$  is calculated from June 1 of each year, when most law students graduate.  $\frac{1}{2}$ 1-3" includes an attorney in his 1st, 2nd and 3rd years of practice, measured from date of graduation (June 1).  $\frac{1}{2}$ 4-7" applies to attorneys in their 4th, 5th, 6th and 7th years of practice. An attorney who graduated in May 1996 would be in tier  $\frac{1}{2}$ 1-3" from June 1, 1996 until May 31, 1999, would move into tier  $\frac{1}{2}$ 4-7" on June 1, 1999, and tier  $\frac{1}{2}$ 8-10" on June 1, 2003.

\*\* The Adjustment Factor refers to the nation-wide Legal Services Component of the Consumer Price Index produced by the Bureau of Labor Statistics of the United States Department of Labor.

**EXHIBIT 4**  
**LWDA CONFIRMATION**