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10 and all others similarly situated

11 *[Additional Counsel listed on following page]*

12 **SUPERIOR COURT OF CALIFORNIA**

13 **COUNTY OF SAN BERNARDINO**

14 PHILLIP BERNAL, TRUHILL NOEL,
15 KHYELL MARTIN, DAMIEN
16 MCNORTON, WADDIE EARNEST,
17 GILBERT ESTRADA, CARMEN
18 HERNANDEZ, and WENDY QUINTERO,
19 individually, on behalf of themselves and all
20 others similarly situated,

21 Plaintiffs,

22 v.

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

27 Defendants.

Case No. CIVSB2319614

ASSIGNED FOR ALL PURPOSES TO:

The Honorable Joseph Ortiz
Department S-17

CLASS AND REPRESENTATIVE ACTION

**DECLARATION OF KHYELL MARTIN IN
SUPPORT OF PLAINTIFFS' MOTION FOR
FINAL APPROVAL OF CLASS AND
REPRESENTATIVE ACTION SETTLEMENT**

Date: July 21, 2026

Time: 1:30 p.m.

Dept. S-17

Complaint filed: August 15, 2023

Trial date: Not set

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Attorneys for Plaintiff CARMEN HERNANDEZ and WENDY QUINTERO

1 I, Khyell Martin, declare as follows:

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

9 2. I was employed by Defendant from October 2017 until on or about October 2022 as
10 an hourly paid, non-exempt employee. I worked as a Lead Sorter. I contacted the Haig B.
11 Kazandjian Lawyers APC and spoke with Haig B. Kazandjian. I consulted with the attorneys
12 discussing my situation, representative and class action lawsuits in general, and what it meant to be
13 a class representative. In my capacity as an employee of Defendant, I felt that I was in a unique
14 position to offer insight as to Defendant’s wage and hour practices. I also wanted to ensure that
15 Defendant paid me and other employees what was owed to us and that Defendant stopped their
16 practice of not properly compensating its employees for all hours worked and for non-compliant
17 meal and rest breaks.

18 3. As one of the lead Plaintiffs in this case, my decision to bring the case was not taken
19 lightly as I understood that I assumed considerable potential reputational and financial risk in
20 bringing the lawsuit. However, I wanted to ensure that Defendant paid me and other employees
21 what was owed to us.

22 4. Since becoming involved in this case, I have spent over thirty (30) hours meeting
23 with my attorneys concerning the case and fulfilling my responsibilities as a class representative,
24 which included gathering documents concerning my employment with Defendant, reviewing
25 documents with my attorneys and answering their questions, speaking with other current and former
26 employees of Defendant, answering questions and providing guidance regarding the duties of
27 hourly, non-exempt employees, and helping develop a strategy as to what documents to obtain from
28 Defendant. I routinely checked in with my attorneys and their staff to make sure that they had all of

1 my most current information and any additional information that I had obtained from speaking with
2 other employees.

3 5. Throughout the case, I was available to answer any questions my attorneys had, and
4 I was available to speak and meet with my attorneys whenever they needed me. I responded to them
5 as quickly as possible and gave them as much information as I could. I spent additional hours
6 speaking with my attorneys about the case, identifying potential witnesses, providing my attorneys
7 with documents and information for the purposes of discovery, and also describing documents,
8 policies, practices, and procedures of Defendant.

9 6. As far as the settlement is concerned, I was available to review documents and
10 answer any questions my attorneys had. I spent extensive time assisting my attorneys to prepare for
11 private mediation in this matter and to review the documents and data Defendant produced in
12 connection to mediation. I spent additional hours reviewing the settlement agreement, reviewing
13 and discussing the contents of the Settlement Agreement with my attorneys and asking questions
14 and discussing the potential settlement with my attorneys before signing the settlement agreements.

15 7. I believe that I have done everything that my attorneys have asked of me and have
16 tried, to the best of my ability, to represent the class. I understand and willingly accept my fiduciary
17 obligations to prosecute this case on behalf of the employees that make up the absent class
18 members. I think my efforts helped to get the result obtained in this case, and as a class
19 representative, I respectfully request that the Court award me a service award payment in the
20 amount of Ten Thousand Dollars (\$10,000.00) for my active participation in this case. Taking into
21 consideration the time that I have dedicated to this case, I believe that this amount is reasonable.

22 8. I am not related to anyone associated with the Haig B. Kazandjian Lawyers, APC,
23 The Markham Law Firm, Cohelan Khoury & Singer, Crosner Legal, PC, Aegis Law Firm, PC,
24 Lawyers For Justices, P.C., or Wilshire Law Firm. I am aware and have agreed to the Joint
25 Prosecution Agreement between Haig B. Kazandjian Lawyers, APC, The Markham Law Firm,
26 Cohelan Khoury & Singer, Crosner Legal, PC, Aegis Law Firm, PC, Lawyers For Justices, P.C., or
27 Wilshire Law Firm. I am aware of the agreement to split the attorney fees in this action between the
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1 law firms and consented to the fee split in writing. I am informed that the amount of attorney's fees
2 will not increase as a result of this fee sharing agreement.

3 9. I have not entered into any undisclosed agreements, nor have I received any
4 undisclosed compensation in this case. The only compensation I will receive is whatever amount
5 the Court awards as an incentive payment, as well as my share of the settlement fund as a class
6 member.

7 I declare under the penalty of perjury under the laws of United States and the State of
8 California that the foregoing is true and correct and that this declaration is executed on June 17,
9 2026, in Los Angeles, California.

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11 *Khyell martin*

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