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Superior Court of California,
County of Alameda

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ALAMEDA

CHRISTIAN SANCHEZ, ATU AKINLABI
WATSON, and TYRON WESLEY
MCCARTHER, individuals, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

SPOKE LOGISTICS, LLC, a Wyoming
Limited Liability Company, and Does 1-25,
Inclusive,

Defendant.

Case No. 23-CV-035138

ASSIGNED FOR ALL PURPOSES TO:

The Honorable Victoria Kolakowski
Department 16

CLASS AND REPRESENTATIVE ACTION

**DECLARATION OF DAVID R.
MARKHAM IN SUPPORT OF
PLAINTIFF'S UNOPPOSED MOTION
FOR PRELIMINARY APPROVAL OF
CLASS AND REPRESENTATIVE
ACTION SETTLEMENT**

Date: April 14, 2026

Time: 2:30 p.m.

Dept.: 16

Reservation: 408531732666

Complaint filed: June 6, 2023

Trial Date: Not Set

1 SPOKE LOGISTICS, LLC, a California
2 Corporation,

3 Cross-Complainant,

4 v.

5 HE IS THE WAY TRANSPORT
6 SERVICES, INC.,

7 Cross-Defendant.

Complaint filed: September 11, 2023
Trial Date: Not Set

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1 I, David R. Markham, declare:

2 1. I am an attorney licensed to practice before all courts of the State of California
3 and a member in good standing of the State Bar of California. I am counsel of record for
4 Plaintiff Christian Sanchez in this action. I make this declaration in support of Plaintiff's
5 Motion for Preliminary Approval of Class and Representative Action Settlement. I make this
6 declaration based on my personal knowledge, and if called to testify, I could and would
7 competently testify to the matters contained in this declaration. I join in the description
8 provided by my co-counsel in their concurrently filed declarations explaining the background
9 and events of this action, the contributions of Plaintiffs and counsel to it, and the actions
10 completed by the parties.

11 2. The Markham Law Firm has extensive experience in litigating complex class
12 action cases and representative actions under PAGA. I am The Markham Law Firm's founding
13 partner. I am a graduate of Cornell University and Columbia Law School, and have been
14 practicing law since 1976. I have extensive experience in class action litigation, including
15 wage-and-hour, consumer, antitrust, and securities litigation. I have been lead or co-lead class
16 counsel in hundreds of class action cases in federal and state courts in California, and
17 throughout the United States. I was counsel of record in over thirty reported and widely-cited
18 appellate cases. I have conducted trials in over twenty cases, both bench and jury, including
19 class action trials.

20 3. The Class and Representative Settlement in this action is the product of arms'-
21 length bargaining between attorneys who are highly experienced in complex class and
22 representative actions. We thoroughly evaluated the evidence supporting the claims and
23 defenses at issue and were very well positioned to evaluate the Settlement's relative strengths
24 and benefits. The parties are well-versed in the evidentiary record upon which Plaintiff's claims
25 are based. We engaged in pre-mediation exchange of information, damages analysis and
26 mediation. Meaningful discovery led to a point where the parties were well postured to resolve
27 this action.

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1 4. My firm has obtained many large class action settlements which have benefited
2 consumers and employees. Two of those cases alone have resulted in recovery of over a billion
3 dollars for class members. In *Jordan v. California Department of Motor Vehicles*, we obtained
4 a settlement fund of over 665 million dollars for the benefit of new California residents who
5 registered their out-of-state vehicles and were unlawfully charged the \$300 smog impact fee.
6 *Jordan v. California Dep't of Motor Vehicles*, 100 Cal. App. 4th 431, 440, (2002), as modified
7 on denial of reh'g (Aug. 20, 2002). In *Sparks v AT&T et al.*, a settlement fund of \$350 million
8 was obtained for consumers nationwide who had been overcharged for residential telephone
9 equipment. Case No. 96-LM-983, 01-L-1668 (Ill. Cir. Ct., Madison County).

10 5. My firm's settlements in wage and hour cases include *Contreras v. Bank of*
11 *America*, where we reached a settlement fund of over \$16.5 million (San Francisco Superior
12 Court, Case No. CGC-07467749, Sept. 3, 2010). In *Nelson v. St. Paul Fire and Marine*
13 *Insurance Company*, we reached a settlement of \$24.5 million (Case No. 95-G-1088 Brazoria
14 County, Texas, 1996). Further, I settled *Zwart v. John Hancock Mutual Life Insurance*
15 *Company* for \$3 million (Case No. 673902, San Diego Superior Court, 1995). Other California
16 wage and hour settlements in cases where I was lead counsel include *Friend v. Wellpoint/Blue*
17 *Shield*, Case No. BC345147 (Los Angeles Super. Ct., Aug. 22, 2007) which settled for \$6
18 million, and *Gruender v. First American Title Co.*, Case No. 06CC0197 (Orange County
19 Superior Court, 2008), which settled for \$11 million.

20 6. More recent wage and hour settlements that my firm has reached include a
21 \$8,000,000 settlement in *XESP v. BF Borgers CPA PC et al.*, Case No. 2024CV030771, District
22 Court of the State of Colorado, finally approved on December 11, 2025; a \$11,000,000
23 settlement in *Robertson v. Amazon*, Case No., 3:14-md-2504-DJH, United States District Court
24 for the Western District of Kentucky, finally approved on December 23, 2024;\$11,500,000
25 settlement in *Harrison v. Bank of America*, Case No. 3:19-cv-00316-LB, United States District
26 Court for the Northern District of California, finally approved on November 24, 2021; a
27 \$1,375,000 settlement in *Diaz et al. v. United Parcel Service, Inc.*, United States District Court
28 for the Eastern District of California, Case No. 1:22-cv-00246-CDB, finally approved on

December 13, 2023; a \$24,000,000 global settlement in *Esteban v. American Airlines*, Case No. 20STCV47361, Los Angeles Superior Court, finally approved on April 26, 2024; a \$2,000,000 settlement in *Stewart v. Del Monte*, Case No. 1:22-CV-04919-RMI, United States District Court for the Northern District of California, finally approved on May 29, 2024; a \$975,000 settlement in *Shaw v. Kaiser*, Case No. CVRI2102203, Riverside Superior Court, finally approved on January 19, 2024; a \$4,600,000 settlement in *Vasquez v. Bank of America*, Case No. CGC-18-571669, San Francisco Superior Court, finally approved on July 29, 2022; a \$1,200,000 settlement in *Townsend v. Maxim*, Case No. 22-CV-005450, Alameda Superior Court, finally approved on December 4, 2025; a \$665,000 settlement in *Gibson v. Ross*, Case No. 23CV048864, Alameda Superior Court, finally approved on December 12, 2025; a \$2,900,000 settlement in *Swayzer et al. v. Circle K*, Case No. 34-2018-00234999, Sacramento Superior Court, finally approved on February 18, 2022; a \$750,000 settlement in *Almanzar v. Home Depot*, Case No. 2:20-cv-0699-KJN, Eastern District of California, finally approved on January 3, 2024; a \$750,000 settlement in *Delamora v. Thorpe Design, Inc.*, Case No. C22-00931, Contra Costa Superior Court, finally approved on October 2, 2023; a \$750,000 settlement in *Antenucci v. Bank of the West*, Case No. CGC-20-583746, San Francisco Superior Court, finally approved on December 7, 2022; a \$800,000 settlement in *Slaughter v. California C.C.S. P.C., dba Wellpath*, Case No. CIVDS1935187, San Bernardino Superior Court, finally approved on May 6, 2022; a \$1,000,000 settlement in *Kelly v. Simco Electronics*, Case No. 20CV370177, Santa Clara Superior Court, finally approved on January 19, 2022; a \$5,900,000 settlement in *Hurtubise v. Sutter East Bay Hospitals*, Case No. RG17868819, Sacramento Superior Court, finally approved on December 27, 2021; a \$825,000 settlement in *Fritsch et al. v. Swift Transportation Co.*, Case No. 5:17-cv-02226-VAP-KKx, United States District Court for the Central District of California, finally approved on January 4, 2022; a \$1.62 million PAGA-only Settlement in *Moreno, et al. v. Habit Employment, LP, et al.*, Case No. 37-2019-00014576-CU-OE-CTL, San Diego Superior Court, approved on September 10, 2021; a \$2,295,000 settlement in *Veramendi v. Airtouch Cellular Inc., et al.*, Case No. BC647309, Los Angeles Superior Court, finally approved on June 3, 2021; a \$438,000 settlement in *Valdez v.*

1 *Pro Unlimited, Inc., et al.*, Case No. CGC-19-574146, San Francisco Superior Court, finally
2 approved on May 10, 2021, an average settlement share of \$5,511.11 per employee in *Hopstein*
3 *v. Hewlett Packard Enterprise Company (d.b.a. HPE), et al.*, Case No. 17CV305577, Santa
4 Clara Superior Court, finally approved on December 2, 2020; an average settlement share of
5 \$1,139.71 per employee in *Cuevas v. Three Rivers Trucking, Inc.*, Case No. BC655003, Los
6 Angeles Superior Court, finally approved on July 29, 2020; a \$1.2 million class and PAGA
7 representative action settlement in *Hernandez et al. v. SFM, LLC*, Case No. 37-2016-00015169,
8 San Diego Superior Court, finally approved on July 21, 2020 (aff'd March 16, 2022); \$8.7
9 million settlement in *Evans v. Wal-Mart Stores, Inc.*, Case No. 2:10-cv-1224, United States
10 District Court for the District of Nevada, finally approved on July 8, 2020 (Dkt. No. 135); \$35
11 million settlement in *Merino v. Wells Fargo*, Case No. 2:16-cv-07840-ES-MA, United States
12 District Court for the District of New Jersey, finally approved on January 15, 2020 (Dkt. No.
13 144); an average settlement share of \$1,317.31 per employee in *Angala v. Kaiser Foundation*
14 *Hospitals*, Case No. HG18899291, Alameda County Superior Court, finally approved on
15 January 13, 2020; \$600,000 settlement in *Hoover v. Sedgwick Claims Management Services,*
16 *Inc.*, Case No. 34-2018-00239159, Sacramento Superior Court, finally approved on December
17 6, 2019; \$950,000 settlement in *Bessellieu v. Metro Shore Services, LLC, et al.*, Case No.
18 BC6737001, Los Angeles Superior Court, finally approved on May 21, 2019; \$1.6 million
19 settlement in *Jenkins v. The Mentor Network, Inc., et al.*, Case No. 34-2015-00187936,
20 Sacramento Superior Court, finally approved on September 13, 2018; \$27.5 million settlement
21 in *Wells Fargo Wage and Hour Cases*, Case No. JCCP004821, Alameda County Superior
22 Court, finally approved on March 28, 2018; \$2.5 million settlement in *Geilenfeldt v. EDF*
23 *Renewable Energy, Inc.*, Case No. 37-2016-00001369, San Diego Superior Court, finally
24 approved on March 9, 2018; \$3 million settlement in *Vangsoulatda v. Blue Shield*, Case No.
25 CGC-14-543296, San Francisco County Superior Court, finally approved on January 25, 2018;
26 \$650,000 settlement in *McCarthy v. Marriott Hotel Services, Inc.*, Case No. 16-cv-293998,
27 Santa Clara Superior Court, finally approved on October 16, 2017; \$4.9 million settlement for
28 insurance adjusters in *Alvarez v. Farmers*, case number 3:14-cv-00574-WHO, finally approved

1 on January 18, 2017 by Judge Orrick (Dkt. No. 189); \$3.77 million settlement for California
2 warehouse workers in *Saldana v. Amazon*, case number 3:14-cv-00290-DJH (W.D. Ky.), finally
3 approved on October 31, 2016 (Dkt. No. 228).

4 7. My other recent California wage and hour settlements also resulted in substantial
5 recoveries for class members. For instance, I settled *Kogok v. T-Mobile USA, Inc.*, Case No.
6 37-2012-00076945 (San Diego Super. Ct. Jan. 2015) for \$2,750,000; *Johnson v. Metlife Ins.*
7 *Co.*, Case No. 13-cv-128-JLS-RNB (C.D. Cal. Mar. 19, 2015) for \$1,970,000; *Erickson v. Old*
8 *Republic Title Company*, Case No. 13-cv-1210-NLS, (S.D. Cal. Jan. 17, 2014) for \$12,000,000
9 (co-counsel); *Loeza v. Chase Bank, NA*, Case No. 3:13-cv-95-L-BGS (S.D. Cal. Feb. 10, 2016)
10 for \$970,000 plus payroll taxes; *Campagna et al. v. Language Line Services, Inc.*, Case No. 30-
11 2012-00578934-CU-OE-CXC (Orange County Superior Court, Mar. 14, 2014) for \$900,000;
12 *Anderson et al. v. Oracle Corp.*, Case No. CIV469916/JCCP No. 4597 (Alameda Super. Ct.,
13 June 2013) for \$850,000; *McDonagh v. Harrah's Las Vegas, Inc, et al.*, Case No. 13-cv-01744
14 (United States District Court for the District of Nevada, Dec. 13, 2016), for \$850,000.

15 8. I have also been counsel and argued numerous appellate cases in the California
16 Supreme Court and Courts of Appeal, as well as the Ninth Circuit. Among the published
17 decisions from these cases are: *Daniels v. Philip Morris*, 18 F.Supp.2d 1110 (S.D. Cal. 1998);
18 *Washington Mutual Bank v. Super. Ct.*, 24 Cal.4th 906 (2001); *Norwest Mortgage Inc. v. Super.*
19 *Ct.*, 72 Cal.App. 4th 214 (1999); *Taiheiyo Cement Corp. v. Super. Ct.*, 105 Cal.App. 4th 398
20 (2003); *Ramos v. Countrywide Home Loans*, 82 Cal.App.4th 615; *In re Tobacco II*, 123
21 Cal.App.4th 617 (2004); *In re Steroid Hormone Prod. Cases*, 181 Cal.App.4th 145 (2010).

22 9. In total, I prosecuted over 250 wage-and-hour class actions.

23 10. I have no conflicts of interest with the class or with the class representatives. I
24 am not related to the representative Plaintiffs. I have not previously represented Defendant in
25 any matter. I do not represent opposing factions within the class in that all claims are predicated
26 upon the same theories of liability and benefit all class members equally. In sum, I am well-
27 suited to act as Class Counsel and will continue to vigorously represent the interests of the class.

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11. Based on my experience as Class Counsel, I believe that the proposed Settlement is fair, reasonable, and adequate for the Class.

I declare under the penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct to the best of my knowledge and recollection.

Executed on March 10, 2026 at New York, New York.

By: David R. Markham
David R. Markham
Attorney for Plaintiff