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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 PEGGY J. REALI 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, Peggy J. Real, declare as follows:

2 1. I am an attorney at law, duly licensed to practice before all of the Courts of the State
3 of California. Since June 2023 I have been a shareholder of United Employees Law Group, PC
4 (“UELG”). UELG is co-counsel of record for Plaintiffs Phillip Bernal and Truhill Noel
5 (“Plaintiffs”) in this action.

6 2. I submit this declaration in support of Plaintiffs’ Final Approval of Class and
7 Representative Action Settlement.

8 3. I make this Declaration based on my personal knowledge except for those matters
9 which are stated on information and belief, or after a detailed review of UELG business records,
10 and if called to testify I could and would competently testify to the matters contained in this
11 Declaration.

12 **Settlement was Reached through Arms-Length Negotiations**

13 4. I appeared at and participated in a full-day March 25, 2025 mediation with my co-
14 counsel, The Markham Law Firm and Cohelan Khoury & Singer (along with other counsel of
15 record in related cases that joined in the mediation). The mediator, Kevin Barnes, is a well-reputed
16 and successful California wage and hour class and PAGA action mediator. Settlement negotiations
17 were at arm’s length and, although conducted in a professional manner, were adversarial. My co-
18 counsel and I went into the mediation session willing to explore the potential for a settlement of the
19 dispute, but we were also prepared to litigate their position through trial.

20 5. I believe that the Settlement is fair, adequate, and reasonable. In my opinion, the
21 Settlement provides substantial monetary benefits to the Class, and to the LWDA and aggrieved
22 employees, and is a product of diligent efforts to obtain the best possible result for the Class and the
23 LWDA and aggrieved employees. This Settlement was reached following thorough legal and
24 factual research and analysis, thorough review of data relative to the claims in the action, arduous
25 settlement negotiations, and thorough investigation of the underlying facts by the respective parties
26 and review of records. The settlement negotiations were, at all times, adversarial and non-collusive
27 in nature. In sum, I am well-suited to act as counsel for Plaintiff and other class members and
28

1 aggrieved employees and will continue to vigorously represent the interests of the Class, and the
2 LWDA and the aggrieved employees.

3 **Qualifications of Counsel**

4 6. My firm, and I personally, have extensive experience in litigating complex
5 employment matters, including wage-and-hour class actions, representative PAGA actions, and
6 related statutory claims. We have successfully prosecuted numerous class cases through contested
7 certification, settlement, and final approval, resulting in substantial recoveries for California
8 workers.

9 7. I am a graduate of the University of San Diego School of Law, and have practiced
10 law since 1991. I have extensive experience in class action litigation, including wage and hour /
11 PAGA litigation, and have been involved in litigating numerous mass torts in state and federal
12 courts throughout the United States, to include, among others, against Big Tobacco culminating in
13 the 1998 Big Tobacco Master Settlement, L-Tryptophan, Fen-Phen Litigation, Breast Implant
14 Litigation, Vioxx Litigation, and the *2007 San Diego Wildfire Litigation*. I have conducted at least
15 three trials, to include two jury trials and one bench trial, and have prepared for numerous trials
16 which settled on the eve of trial.

17 8. I am a member of the California State Bar, San Diego County Bar Association,
18 Consumer Attorneys of San Diego, and California Employment Lawyers Association.

19 9. I have served as class counsel in numerous wage-and-hour class and representative
20 actions in both federal and state courts in California and other states since at least 2007, when I was
21 employed as an attorney with the wage-and-hour class action firm then known as Cohelan &
22 Khoury (now Cohelan, Khoury & Singer). In addition to extensive class action and PAGA litigation
23 experience with that firm, I have continued this practice through Real Law, APC (beginning in
24 2017), served as Of Counsel and as an independent contractor with other well-regarded wage-and-
25 hour and class action firms in California and other jurisdictions, and in addition, since 2023, have
26 continued to litigate class and representative matters through United Employees Law Group. Since
27 2007, I have been appointed as class counsel, and/or performed substantial litigation work in cases
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1 in which my law firm was appointed as class counsel, and/or otherwise contributed to wage and
2 hour class / PAGA litigations with class co-counsel, including, but not limited to, the following:

- 3 a. *Yeager v. Atlas Technical Consultants (CA), Inc.*, Alameda Superior Court Case No.
4 23CV039836 (Reali appointed class counsel, final approval of \$500,000 Class / PAGA
5 settlement);
- 6 b. *Duffie v. Reliable Energy Management, Inc.*, Los Angeles Superior Court Case No.
7 23STCV28325 (Reali as counsel of record; participated in mediation; extensive
8 contribution to approval briefing; Class / PAGA of \$200,000);
- 9 c. *Fumera et al. v. LBC Mundial Corporation*, San Francisco Superior Court Case No.
10 CGC-23-60896 (Reali appointed class counsel, final approval of \$503,000 Class /
11 PAGA settlement);
- 12 d. *Villalobos v. Cornwall Security Services, Inc.*, Los Angeles Superior Court Case No.
13 22STCV28166 (Reali appointed class counsel, final approval of Class / PAGA \$230,000
14 settlement);
- 15 e. *Cebreros v. SmartCareMD Practice Management, LLC*, San Diego Superior Court Case
16 No. 37-2019-00022973-CU-OE-NC (Reali appointed class counsel, final approval of
17 \$596,653 Class / PAGA settlement);
- 18 f. *Montgomery v. CEC Entertainment*, San Diego Superior Court Case No. 37-2020-
19 00009952-CU-OE-CTL (Reali obtained class action settlement of \$325,000; then
20 defendant's Ch. 11 petition and subsequent settlement through bankruptcy court);
- 21 g. *Merino v. Wells Fargo and Company*, United States District Court, District of New
22 Jersey Case No. 2:16-cv-07840-ES-MAH (Reali appointed class counsel, final approval
23 granted, \$35 million settlement);
- 24 h. *Collins v. ITT Educational Service, Inc.*, United States District Court, Southern District
25 of California Case No. 12-cv-1395-DMS-BGS (firm appointed class counsel, final
26 approval granted, \$200,000 Class / PAGA settlement);
- 27 i. *Tenet Health Care Litigation* Los Angeles Superior Court JCCP 4377 (firm appointed
28 class counsel, final approval granted, \$85m settlement);

- 1 j. *Wells Fargo Wage and Hour Cases*, JCCP 004821, Alameda County Superior Court
2 (firm appointed class counsel, final approval granted, \$27.5 million Class / PAGA
3 settlement);
- 4 k. *Alvarez v. Farmers*, case number 3:14-cv-00574-WHO, (firm appointed class counsel,
5 final approval granted, \$4.9 million settlement);
- 6 l. *Saldana v. Amazon*, case number 3:14-cv-00290-DJH (W.D. Ky.) (firm appointed class
7 counsel, final approval granted, \$3.77 million settlement);
- 8 m. *Vangsoulatda v. Blue Shield*, San Francisco Superior Court Case No. CGC-14-543296
9 (firm appointed class counsel, final approval granted, \$3 million settlement);
- 10 n. *Wells Fargo Bank Wage and Hour Cases*, Los Angeles Superior Court JCCP 4702
11 (*Layog v. Wells Fargo, et al.*) (firm appointed class counsel, final approval granted, \$13
12 million settlement);
- 13 o. *Kogok v. T-Mobile USA, Inc.*, San Diego Superior Court Case No. 37-2012-00076945
14 (firm appointed class counsel, final approval granted, \$2.75 million settlement);
- 15 p. *Johnson v. Metlife Ins. Co.*, Case No. 13-cv-128-JLS-RNB (C.D. Cal. Mar. 19, 2015)
16 (firm appointed class counsel, final approval granted, \$1.97 million settlement);
- 17 q. *Loeza v. Chase Bank, NA*, United States District Court, Southern District of California
18 Case No. 3:13-cv-95-L-BGS (firm appointed class counsel, class certified and settled for
19 \$970,000);
- 20 r. *Campagna et al. v. Language Line Services, Inc.*, Orange County Superior Court Case
21 No. 30-2012-00578934-CU-OE-CXC (firm appointed class counsel, final approval
22 granted, \$900,000 settlement);
- 23 s. *Santini v. Wells Fargo*, United States District Court, Northern District of California,
24 Case No. 4:16-cv-01992-YGR (RealI appointed class counsel, final approval granted,
25 \$685,00 settlement).

26 My Curriculum Vitae will be produced upon request.

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Attorneys' Fees / Lodestar

10. I personally performed at least **10.3 hours** of legal services on behalf of the aggrieved employees through June 10, 2026, as follows:

Date	Description	Hours
3/24/2025	Prepare for mediation (review brief; mediation housekeeping matters)	.40
3/25/2025	Prep for, appear at and participate in mediation, de-brief UELG team after mediation	8.90
6/20/2026	Communications w UELG staff / co-counsel re declaration for final approval of settlement, draft Reali Decl. iso final approval	1.00

11. At my hourly rate of \$875 / hour, my **lodestar is \$9,012.50** (10.3 hours at \$875 / hour).

12. In performing legal services, the undersigned has exercised billing discretion, and has not billed for every phone call, email reviewed, and the like. Moreover, I have been mindful to not log duplicative hours that were not reasonably necessary to the resolution of this case.

13. UELG sets its billing rates based on a review of the rates charged by other plaintiffs' attorneys involved in complex litigation in the state of California. I have reviewed and been informed of billing rates at several other class action / PAGA / representative firms in California, and my hourly rate of \$875 is comparable to rates charged by other class action and employment firms in this market for attorneys with similar levels of experience. My law firm requests the foregoing billable rates be applied in this case.

14. My hourly rate of \$875 is reasonable and consistent with prevailing market rates for senior attorneys litigating complex wage-and-hour class and PAGA actions in Northern California and throughout California.

15. Courts have previously approved similar hourly rates for my work in comparable wage-and-hour class and representative actions. In 2026, the Alameda Superior Court approved a rate of \$850 in *Duffie v. Reliable Energy Management, Inc.*, Los Angeles Superior Court Case No.

1 23STCV28325, and also in 2026 the a rate of \$750 was approved in *Yeager v. Atlas Technical*
2 *Consultants (CA), Inc.*, Alameda Superior Court Case No. 23CV039836. In 2024, the Los Angeles
3 Superior Court approved a rate of \$725 per hour in *Villalobos v. Cornwall Security Services, Inc.*,
4 Case No. 22STCV28166. In 2019, a federal court approved my \$650 hourly rate in *Merino v. Wells*
5 *Fargo & Company*, No. 2:16-cv-07840-ES-MAH (D.N.J.). Between 2016 and 2018, courts
6 approved my then-\$575 hourly rate in multiple coordinated Wells Fargo wage-and-hour
7 proceedings, including JCCP Nos. 4702 and 4821.

8 16. In compliance with California Rules of Professional Conduct section 1.5.1, Plaintiffs
9 entered into a Joint Prosecution Agreement with their counsel of record. The JPA governs the
10 division of responsibilities and attorneys' fees among counsel, and Plaintiffs provided informed
11 written consent after full disclosure.

12 I declare under penalty of perjury of the laws of California and of the United States of
13 America that the foregoing is true and correct. Executed this 10th day of June, 2026, at San Diego,
14 California.

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18 Peggy J. Reali
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