ELECTRONICALLY RECEIVED - 12/22/2025 5:41 PM - By: Sylvia Guajardo, DEPUTY

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO

MAR 24 2026

By _____ Deputy

Benjamin H. Haber (SBN 315664)
benjamin.haber@wilshirelawfirm.com
Daniel J. Kramer (SBN 314625)
daniel.kramer@wilshirelawfirm.com
Alan Wilcox (SBN 287476)
alan.wilcox@wilshirelawfirm.com
WILSHIRE LAW FIRM, PLC
660 S. Figueroa St., Sky Lobby
Los Angeles, CA 90017
Telephone: (213) 381-9988
Facsimile: (213) 381-9989

Attorneys for Plaintiffs

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN BERNARDINO

LUZ HERNANDEZ, TYLER SMITH, individually, on behalf of all others similarly situated, the State of California and other aggrieved employees, *Plaintiffs*, v. UNITED GROUND EXPRESS, INC., a corporation; and DOES 1 through 10, inclusive *Defendants*.	Case No.: CIVSB2326322 Consolidated with Case Nos. CIVSB2405630 and CIVSB2410517 **CLASS & REPRESENTATIVE ACTION** *[Assigned for all purposes to: Hon. David E Driscoll, Dept. S22]* **~~[PROPOSED]~~ ORDER GRANTING PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT** PRELIMINARY APPROVAL HEARING Date: March 24, 2026 Time: 8:30 a.m. Dept: S22 Complaint filed: October 30, 2023 FAC filed: September 11, 2024 SAC filed: December 19, 2025 Trial date: not set

The Court has before it Plaintiffs Luz Hernandez's and Tyler Smith's ("Plaintiffs") Motion for Preliminary Approval of Class Action Settlement. Having reviewed the Motion for Preliminary Approval of Class Action Settlement, along with the accompanying papers, the Class Action and PAGA Settlement Agreement and Class Notice (which is referred to here as the "Settlement Agreement"), and good cause appearing, the Court hereby finds and orders as follows:

1. The Court finds on a preliminary basis that the Settlement Agreement appears to be fair, adequate, and reasonable and therefore meets the requirements for preliminary approval. The Court grants preliminary approval of the Settlement and the Settlement Class based upon the terms set forth in the Settlement Agreement between Plaintiffs and Defendant United Ground Express, Inc. ("Defendant," and together with Plaintiffs, the "Parties"), attached to the Declaration of Benjamin H. Haber in Support of Plaintiffs' Motion for Preliminary Approval of Class Action Settlement as Exhibit 1.

2. The Settlement falls within the range of reasonableness of a settlement which could ultimately be given final approval by this Court, and appears to be presumptively valid, subject only to any objections that may be raised at the Final Approval Hearing and final approval by this Court. The Court notes that Defendant has agreed to create a common fund of $1,500,000.00 to cover (a) settlement payments to class members who do not validly opt out; (b) a $50,000.00 payment to the State of California, Labor & Workforce Development Agency ("LWDA") for its share of the settlement of claims for penalties under the Private Attorneys General Act ("PAGA"), with 75% of which ($37,500.00) being paid to the LWDA and 25% ($12,500.00) being paid to eligible Aggrieved Employees; (c) Class Representative service payments in the amount of $15,000.00 for each Plaintiff ($30,000.00 total); (d) Class Counsel's attorneys' fees, not to exceed 33 1/3% of the Gross Settlement Amount ($500,000.00), and up to $50,000.00 in costs for actual litigation expenses incurred by Class Counsel; and (e) Settlement Administration Costs of up to $12,950.00.

3. The Court preliminarily finds that the terms of the Settlement appear to be within the range of possible approval, pursuant to California Code of Civil Procedure § 382 and

applicable law. The Court finds on a preliminary basis that: (1) the settlement amount is fair and reasonable to the class members when balanced against the probable outcome of further litigation relating to class certification, liability and damages issues, and potential appeals; (2) significant informal discovery, investigation, research, and litigation have been conducted such that counsel for the Parties at this time are able to reasonably evaluate their respective positions; (3) settlement at this time will avoid substantial costs, delay, and risks that would be presented by the further prosecution of the litigation; and (4) the proposed settlement has been reached as the result of intensive, serious, and non-collusive negotiations between the Parties with the assistance of a well-respected class action mediator. Accordingly, the Court preliminarily finds that the Settlement Agreement was entered into in good faith.

4. A final fairness hearing on the question of whether the proposed settlement, attorneys' fees and costs to Class Counsel, payment to the LWDA for its share of the settlement of claims for penalties under the PAGA, and the class representatives' enhancement awards should be finally approved as fair, reasonable and adequate as to the members of the class is hereby set in accordance with the Implementation Schedule set forth below.

5. The Court provisionally certifies for settlement purposes only the following class (the "Settlement Class"): "all persons employed by Defendant in California and classified as an hourly-paid or non-exempt employee who worked for Defendant at least one workday during the Class Period in which a prior settlement agreement did not cover the claims at issue in this Agreement."

6. The Court finds, for settlement purposes only, that the Settlement Class meets the requirements for certification under California Code of Civil Procedure § 382 in that: (1) the Settlement Class Members are so numerous that joinder is impractical; (2) there are questions of law and fact that are common, or of general interest, to all Settlement Class Members, which predominate over individual issues; (3) Plaintiffs' claims are typical of the claims of the Settlement Class Members; (4) Plaintiffs and Class Counsel will fairly and adequately protect the interests of the Settlement Class Members; and (5) a class action is superior to other available methods for the fair and efficient adjudication of the controversy.

7. The Court appoints as Class Representatives, for settlement purposes only, Plaintiffs Luz Hernandez and Tyler Smith. The Court further preliminarily approves Plaintiffs' ability to request incentive awards as $15,000.00 to each Plaintiff ($30,000.00 total).

8. The Court appoints, for settlement purposes only, Benjamin H. Haber, Daniel J. Kramer and Alan Wilcox of Wilshire Law Firm, PLC as Class Counsel. The Court further preliminarily approves Class Counsel's ability to request attorneys' fees of up to 33 1/3% of the Total Settlement Amount ($500,000.00), and costs not to exceed $50,000.00.

9. The Court appoints ILYM Group, Inc. as the Settlement Administrator with reasonable administration costs estimated not to exceed $12,950.00.

10. The Court approves, as to form and content the Class Notice, attached to the Settlement Agreement. The Court finds on a preliminary basis that plan for distribution of the Notice to Settlement Class Members satisfies due process, provides the best notice practicable under the circumstances, and shall constitute due and sufficient notice to all persons entitled thereto.

11. The Parties are ordered to carry out the Settlement according to the terms of the Settlement Agreement.

12. Any class member who does not timely and validly request exclusion from the settlement may object to the Settlement Agreement.

13. The Court orders the following Implementation Schedule:

Defendant to provide Class List to the Settlement Administrator	Within 15 days after the Court grants Preliminary Approval of the Settlement
Settlement Administrator to mail the Class Notice	Within 14 days after receipt of the Class List from the Defendant
Response Deadline	45 days after Class Notice is mailed out by the Settlement Administrator
Deadline to file Motion for Final Approval, Request for Attorneys' Fees and Costs, and	16 court days before hearing on Motion for Final Approval;

Service Award to Plaintiffs	
Final Approval Hearing	08/04/26 at 8:30 a.m./~~p.m.~~, or first available date thereafter, in Department S22. The hearing may be continued to another date without further notice to the Class Members.

14. The Court further ORDERS that, pending further order of this Court, all proceedings in this lawsuit, except those contemplated herein and in the settlement, are stayed.

IT IS SO ORDERED.

DATE: 3/24/26

Hon. David E Driscoll
San Bernardino County Superior Court