

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: RAILWAY INDUSTRY)	
EMPLOYEE NO-POACH ANTITRUST)	Master Docket Misc. No. 18-798
LITIGATION)	
)	MDL No. 2850
)	
This Document Relates to:)	
ALL ACTIONS)	
)	

**DECLARATION OF DEAN M. HARVEY IN SUPPORT OF MOTION FOR
ATTORNEYS' FEES, COSTS, AND SERVICE AWARDS**

I, Dean M. Harvey, declare as follows:

1. I am a Partner at the law firm of Lief Cabraser Heimann & Bernstein, LLP (“Lief Cabraser” or “LCHB”). I was appointed by the Court to serve as Interim Co-Lead Class Counsel in this action, along with Roberta D. Liebenberg of Fine, Kaplan and Black, and the Court subsequently appointed us Class Counsel with respect to the settlements in this litigation. I make this Declaration in support of Plaintiffs’ Motion for Attorneys’ Fees, Costs, and Service Awards. I have personal knowledge of the following facts and, if called as a witness, I could competently testify to these matters.

Summary of Litigation, Discovery, and Settlement Process

2. After the Court appointed Ms. Liebenberg and myself Interim Co-Lead Class Counsel, the parties served and responded to discovery and held extensive discovery meet-and-confers. These meet-and-confers often occurred weekly or bi-weekly, and included the negotiation of the Protective Order, ESI protocol, custodians, and ESI search terms, as well as extensive back-and-forth relating to follow-up questions on Defendants’ production of over 194,000 documents and data. As part of this process, the parties exchanged over 250 formal letters and many more e-mails. In addition, 19 third-parties produced over 10,400 documents.

3. Interim Co-Lead Counsel and counsel for Knorr first discussed settlement in March 2019. Through vigorous arm’s length negotiations and on the basis of substantial documentary evidence produced in discovery, the parties agreed to the key terms of the settlement in a Memorandum of Understanding executed on August 13, 2019. Because of the agreement in principle, Knorr did not file an Answer or other pleading in response to Plaintiffs’ Consolidated Amended Complaint. The final terms of the Knorr Settlement were worked out over the next two months and was executed on October 16, 2019. As part of its cooperation

obligations under the settlement, Knorr made a human resources employee and detailed employee data available to aid Plaintiffs in determining the job titles that fit the class definition in the Consolidated Amended Complaint.

4. As discussed more fully in my declaration in support of Plaintiffs' Motion for Preliminary Approval, *see* Dkt. 245, Plaintiffs prepared the list of class job titles by performing a careful, expert-led review of 1,471 job titles for Knorr falling under 253 job families, and 1,746 job titles for Wabtec in 444 job families. Plaintiffs reviewed these job titles to remove categories of employees (1) explicitly excluded from the proposed Settlement Class and the Class alleged in the Consolidated Amended Complaint (*e.g.*, senior executives, human resources, and legal personnel) and (2) lacking specific rail-industry value or skills (*e.g.*, administrative assistants, custodial staff). For the remaining job families and job titles, the experts reviewed Knorr and Wabtec job descriptions and job postings where necessary to clarify the skills required for the job, and were then able to identify additional job families for exclusion.

5. In the fall of 2019, while Wabtec's Motion to Strike the class allegations in the Consolidated Amended Complaint was pending, Wabtec and Interim Co-Lead Counsel began to pursue settlement negotiations. Both sides recognized they faced substantial risks with respect to class certification, which served as an inducement to pursue settlement. The class certification issues were the subject of extensive discovery by the Plaintiffs. Through interrogatories, document requests, and third-party subpoenas, Plaintiffs obtained extensive information about Wabtec's employee job titles, descriptions, and compensation structure, and the persons affected by the alleged no-poach agreements.

6. A first mediation with Wabtec, presided over by former Third Circuit Judge Thomas Vanaskie, was held on November 21, 2019. Prior to that date, the parties each

submitted detailed and confidential mediation memoranda to Judge Vanaskie. During the mediation, which lasted almost 6 hours, the parties provided Judge Vanaskie with additional information. On December 10, 2019, the parties held a second in-person mediation session with Judge Vanaskie. Subsequent to that second mediation, the parties continued extensive negotiations both through Judge Vanaskie and with each other directly, holding several telephonic meetings and eventually coming to an agreement in principle on January 10, 2020. A Memorandum of Understanding containing the central terms of the settlement was signed on January 21, 2020, and a long-form settlement agreement was finalized and executed on February 24, 2020.

7. The Knorr and Wabtec Settlements resulted in a common fund of \$48.95 million for the benefit of the Class, to be divided between approximately 9,234 rail industry workers who are members of the Class. This is an average per capita net recovery of approximately \$3,437, if the instant requests for fees, costs, and service awards are granted. Attached as **Exhibit A** is a chart comparing the result in this case to other similar antitrust employment class actions. As a proportion of Class Member income over the Class period, this result is the second largest ever.

Notice to Class Members

8. Pursuant to the Court's order granting preliminary approval of the Knorr and Wabtec Settlements, on April 9, 2020, the Notice Administrator established the settlement website at www.railwaynopoach.com and provided direct e-mail notice and first class mail notice to all known class members. The Notice Administrator also arranged for publication notice in *Progressive Railroading*, which is now underway in the May 2020 print edition and on the publication's website. The various notices informed the Class that Class Counsel would seek one-third of the common fund as attorneys' fees, reimbursement of approximately \$715,000 in

expenses Class Counsel already incurred, the costs of notice and settlement administration (approximately \$105,000), and a service award of \$15,000 for each of the five named plaintiffs.

Case Management and Division of Labor

9. I was the partner managing the day-to-day efforts in this case at LCHB, from the case's inception to the present. After the Court appointed Ms. Liebenberg and me as Interim Co-Lead Counsel, we jointly oversaw the efforts of all participating law firms in this matter. As such, we paid considerable attention to ensuring that each attorney and law firm on the file had specific areas of focus; that there was no duplication of efforts, especially among higher billers; and that projects were assigned to experienced lawyers who could effectively and efficiently execute the work this case demanded.

10. Ms. Liebenberg and I divided responsibilities between the law firms as follows:

a. **Interim Co-Lead Counsel:** LCHB and FKB closely coordinated and divided responsibilities between themselves for all day-to-day tasks in this litigation, including: (1) drafting the amended pleadings, including promulgating questionnaires to all plaintiffs in the MDL and evaluating responses to identify the strongest potential class representatives; (2) briefing and arguing Defendants' motions to dismiss and briefing Wabtec's motion to strike; (3) promulgating discovery on Defendants and engaging in follow-up meet-and-confers; (4) reviewing all documents produced by Defendants in discovery; (5) coordinating with Plaintiffs' consulting experts to analyze the compensation data provided by the Defendants and analyzing all relevant discovery concerning job titles to determine class membership; (6) appearing at status conferences on behalf of the putative class; (7) drafting Plaintiffs' responses to Defendants' discovery requests and coordinating with participating law firms to collect documents and verify interrogatories from each of the named Plaintiffs; (8) assigning tasks to

other law firms as discussed below; (9) handling all aspects of settlement negotiations with the Defendants; (10) seeking preliminary approval of the proposed Settlements, implementing the Court's orders approving the proposed settlements, overseeing the Settlement Administrator's notice and claims processing, and preparing to seek final approval of the Settlements; and (11) collecting and submitting quarterly time reports to the Court.

b. **Local Liaison Counsel:** The Court appointed Kelly K. Iverson of Carlson Lynch as Liaison Counsel in this matter. *See* Dkt. 112. Consistent with the Court's order regarding Liaison Counsel's duties, Ms. Iverson was responsible for: submitting time and expense reports as required by the Court's leadership order; researching local rules and practice and advising Interim Co-Lead Counsel accordingly with respect to required court filings; preparing and filing several filings, including numerous stipulations and motions concerning filing logistics (e.g., deadlines, page length requirements); and reviewing substantive filings to ensure compliance with local rules and practice.

c. **Named Plaintiff Issues:** Interim Co-Lead Counsel worked closely with each of the five law firms representing one of the individuals selected as a named plaintiff in Plaintiffs' Consolidated Class Action Complaint, including: Donahoo & Associates, PC; Feinstein Doyle Payne & Kravec, LLP; Hartley LLP; Turke & Strauss LLP; and Zelle LLP. In particular, although Interim Co-Lead Counsel decided the overall plaintiff discovery strategy including deciding what objections could or should be asserted and meeting-and-conferring on the scope of the requests, Interim Co-Lead Counsel worked closely with each of those firms to communicate with the named plaintiffs concerning their substantive responses to discovery requests, the collection of electronic devices containing potentially responsive documentation, and the collection and production of hard copy documents. In addition, these participating law

firms served as point of contact with each named plaintiff to advise them of important case developments and to collect valuable insights concerning the scope of the revised class definition for purposes of the Consolidated Amended Complaint.

d. **Third-Party Discovery:** Class Counsel delegated responsibility for third-party discovery issues to Nussbaum P.C. and Labaton Sucharow LLP. This included preparing and serving subpoenas on 14 third-party staffing/recruitment firms utilized by Defendants, seeking evidence relevant to the alleged no-poach agreements and the dynamics of the labor market in the railway industry, and 9 subpoenas to two telecom carriers seeking records of communications of key individuals working for Defendants who were alleged to be personally involved in creating or enforcing the alleged no-poach agreements. Under Interim Co-Lead Counsel's supervision, Nussbaum and Labaton Sucharow also followed-up with the third-parties, met and conferred with them, reviewed their document productions, and provided analysis and recommendations to Interim Co-Lead Counsel.

e. **Research and Analysis Concerning Union Employees:** In connection with preparing the Consolidated Amended Complaint, Interim Co-Lead Counsel asked Hagens Berman Sobol Shapiro LLP to research, investigate, and draft allegations concerning the wage structure of Defendants' employees who were unionized. Additionally, Hagens Berman was tasked with drafting discovery requests aimed at investigating this issue. Interim Co-Lead Counsel designated this responsibility to Hagens Berman because of the firm's prior experience litigating a no-poach class action on behalf of unionized employees in *Nitsch v. Dreamworks Animation SKG Inc.*, No. 14-cv-4062-LHK (N.D. Cal.).

Review of Participating Law Firm Time Submissions

11. Interim Co-Lead Counsel reviewed all participating law firms' detailed time records from inception through March 31, 2020 to determine which time should be reported to the Court as part of Interim Co-Lead Counsel's request for fees, and, particularly, in conjunction with a lodestar cross-check. The overarching goal of this review was to ensure that only work which reasonably benefited the Class was considered.

12. With respect to work performed after the Court appointed Interim Co-Lead Class Counsel, counsel followed the Court's guidelines and only credited work authorized by Co-Lead Class Counsel in time records that were timely submitted, recorded contemporaneously, and with a sufficient description and breakdown of time to enable meaningful review. Interim Co-Lead Counsel excluded block-billing entries that failed to reasonably specify the time spent on discrete, unrelated tasks; time spent preparing time submissions; and time related to preparing the instant request for attorneys' fees.

13. Based on a detailed and manual line-by-line review of all time submissions, Co-Lead Counsel determined that the total hours of work that reasonably benefited the Class are as follows:

Pre-Appointment (Inception-Sep. 13, 2018)		Post-Appointment (Sep. 14, 2018 – present)		Total	
Hours	Lodestar	Hours	Lodestar	Hours	Lodestar
1,557.6	\$911,038	12,079.64	\$6,940,874.55	13,637.24	\$7,851,912.55

14. Based on this review, if the Court considers only the time contributed after the appointment of Interim Co-Lead Counsel, the total lodestar is \$6,940,874.55 and the multiplier is 2.35. If the Court also considers pre-appointment time that reasonably benefited the Class, then the total lodestar is \$7,851,912.55 and the multiplier is 2.08.

15. Attached as **Exhibit B** is a consolidated table, broken down by law firm and time-keeper, showing the number of hours, billing rates, and lodestar per time-keeper and firm. This exhibit consolidates the information from the concurrently-filed declarations of each of the participating law firms. The hourly rates submitted by each firm ranged from \$275-700 for associates and senior associates (with a weighted average of approximately \$525), and \$500-1100 for partners (with a weighted average of approximately \$750). In my professional judgment and experience, these rates are in line with reasonable market rates for this type of litigation. *See* paragraph 1122, *infra*.

16. Class Counsel also anticipate working many more hours after this motion is filed to oversee the notice and claims program; respond to Class Member inquiries; prepare and file a motion for final approval of the settlements; and to monitor and oversee implementation of the settlement and distribution of payments to Class Members. By way of comparison, in the *High-Tech* case, LCHB alone performed over 500 additional hours of work at a lodestar of more than \$240,000 after counsel's petition for fees was granted.

Reimbursement of Costs

17. Attached as **Exhibit C** is a table summarizing the costs and expenses paid out of the litigation fund, a total of \$578,568.94. In addition, the settlement administrator projects a fee of \$105,000 for the cost of issuing notice, processing claims, and disbursing funds to the Settlement Class if final approval is granted. The largest expenses thus relate to Plaintiffs' consulting experts (approximately \$550,000), mediation fees (\$15,925), and settlement administration (\$105,000). Attached as **Exhibit D** are statements summarizing the experts' charges for work on this case, totaling \$553,827.00. Class Counsel have reviewed all these costs and, in our experience and professional judgment, all were reasonably necessary to successful prosecution of the case. Plaintiffs' consulting experts in particular played a pivotal role in

analyzing Defendants' payroll records (including processing the records to convert them into a consistent format susceptible to econometric analysis), advising on job titles to include in the class, and estimating class damages.

18. In addition to the expenditures coming from the common litigation fund, each participating law firm has also expended costs or expenses in prosecution of this litigation. Each firm was required to submit monthly reports of any claimed expenses to Interim Co-Lead Counsel. In preparing this submission, Interim Co-Lead Counsel reviewed each entry and supporting back-up, and has included only those costs that reasonably benefited the Class, such as necessary travel, postage, copy fees, telephone fees, document production and storage, and legal research. These additional expenditures total \$133,443.46. Attached as **Exhibit E** is a table summarizing the total claimed expenses from each firm. This table consolidates the per-firm expenses that are discussed in each firm's concurrently-filed declaration.

19. In total, Class Counsel and the participating law firms have incurred expenses of \$712,012.40 for which they seek reimbursement at this time, in addition to \$105,000 for the Settlement Administrator.

LCHB's Investment of Time in the Case

20. LCHB is an experienced and skilled class action antitrust litigation firm, with specific expertise in no-poach antitrust litigation. Attached as **Exhibit F** is an excerpt of the firm's resume, highlighting its experience with antitrust class action litigation and the biographies of several of the primary timekeepers on this case.

21. In total, in connection with this litigation, attorneys, paralegals, and other support staff at LCHB dedicated 6,093.1 hours for a lodestar of \$3,010,442.00, through March 31, 2020. These time records were kept contemporaneously and promptly recorded in an electronic database, in keeping with LCHB firm policy. Attached as **Exhibit G** is a table identifying each

timekeeper at LCHB who contributed to the case, the number of hours they contributed, and their hourly rate (based on the firm's analysis of reasonable market rates, discussed below). Although a number of LCHB attorneys have contributed to the case over the past two years, the principal LCHB timekeepers and their hours were Dean M. Harvey (Partner), Lin Chan (Partner), Kate Konopka (Of Counsel), Yaman Salahi (Associate and Partner in 2020), Jeremy Pilaar (Associate), and Mike Sheen (Associate), together committing 2,265 hours. In addition, Karen Jones (Staff Attorney), Cameron Saunders (Staff Attorney), Rose Waller (Staff Attorney), Victoria Chinn (Contract Attorney), Sharon Liu (Contract Attorney), and Peter Touschner (Contract Attorney) assisted with review and analysis of the documentary evidence produced by Defendants, as well as responsiveness-review of voluminous electronically-stored information collected from the Plaintiffs, together committing 2,887.6 (at \$415/hour).

22. The rates set forth in the lodestar calculation are my firm's current billing rates and were used to calculate the lodestar above. Our rate structure has been paid to our firm by hourly-paying clients. The rates range from \$535-925/hour for partners (the vast majority being billed below \$675/hour); from \$395-510 for associates; \$415 for contract and staff attorneys; and \$355-405 for paralegals. LCHB's rate structure has been approved by numerous courts. *See, e.g., Seaman v. Duke Univ.*, No. 1:15-cv-462, 2019 WL 4674758, at *5 (M.D.N.C. 2019); *In re Volkswagen "Clean Diesel" Mktg., Sales Practices, & Prod. Liab. Litig.*, No. 2672 CRB (JSC), 2017 WL 1047834, at *5 (N.D. Cal. Mar. 17, 2017); *In re High-Tech Employee Antitrust Litig.*, No. 11-CV-02509-LHK, 2015 WL 5158730, at *9 (N.D. Cal. Sept. 2, 2015); *Lonardo v. Travelers Indem. Co.*, 706 F. Supp. 2d 766, 793-94 (N.D. Ohio 2010); *Pelletz v. Weyerhaeuser Co.*, 592 F. Supp. 2d 1322, 1326-27 (W.D. Wash. 2009); *Fleming v. Kemper Nat. Servs., Inc.*, 373 F. Supp. 2d 1000, 1012 (N.D. Cal. 2005).

23. I have personal knowledge of the hourly rates charged by other attorneys with comparable experience as well as the attorneys within the firm who worked on this matter. Based on that information, I believe that these rates are fully consistent with the market rates for attorneys with comparable expertise, experience, and qualifications, and are comparable to rates of attorneys specializing in complex antitrust class action litigation around the country. Based on the information I have, I believe that the rates charged by LCHB are reasonable and appropriate.

LCHB's Out-of-Pocket Costs

24. Attached as **Exhibit H** is a summary of costs and expenses incurred by LCHB, totaling \$44,336.04. I have reviewed these costs and, in my experience and professional judgment, all were reasonably necessary to successful prosecution of the case.

Risk and Complexity of Litigation

25. Interim Co-Lead Counsel prosecuted this action on a wholly contingent basis in the face of significant risk. Large-scale antitrust cases of this type are, by their very nature, complicated and time-consuming. Any lawyer representing thousands of employees inevitably must be prepared to make a tremendous investment of time, energy, and resources. In agreeing to represent the Class, Interim Co-Lead Counsel had to forego other litigation opportunities.

Contributions of the Class Representatives

26. The Class Representatives expended substantial time and effort in assisting Class Counsel with the prosecution of the Settlement Class's claims. As set forth in each one's declaration, each Class Representative invested significant time and energy into collecting evidence, responding to discovery requests, and reviewing draft interrogatory responses. This process was more onerous and invasive than in a typical antitrust case because it involved the imaging and searching of the Class Representatives' personal computers, email accounts, and

social media accounts. Collectively, they produced over 3,600 documents to Defendants. Additionally, each Class Representative assisted counsel's efforts to draft complaints, including the Consolidated Amended Complaint. The Class Representatives' industry knowledge was particularly useful in revising the allegations and class definition in the Consolidated Amended Complaint. The Class Representatives have no interests that conflict with those of the Settlement Class, have been actively involved in the litigation of this case, and have each reviewed and approved the proposed settlements. In my capacity as Co-Class Counsel, I believe that each Class Representative's request for a \$15,000 service award is fair and reasonable in light of their efforts securing a significant benefit for the Class, the substantial risks they took in filing suit against the largest employers in their industry, and the critical role they played in enforcing the nation's antitrust laws.

* * *

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on the 4th day of May, 2020, in San Francisco, California.

Respectfully submitted,

/s/ Dean M. Harvey
Dean M. Harvey

EXHIBIT A

SETTLEMENTS OF EMPLOYEE CLASS ACTIONS ASSERTING ANTITRUST CLAIMS
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Rows in green involve challenges to no-poach agreements. The remaining cases involve other anti-competitive behavior, such as wage-fixing.

Case	Settlement % of Total Comp.	Gross Individual Recovery	Total Settlements	Number of Class Members	Total Class Compensation	Time from Filing to Final Motion for Preliminary Approval
<i>Nitsch v. DreamWorks Animation SKG Inc.</i> , (N.D. Cal.)	5.3%	\$15,542.78	\$168,950,000	10,870	~\$3,201,933,099.60	2 years & 2 months
<i>In re Railway Industry Employee No-Poach Antitrust Litig.</i> , MDL 2850 (W.D. Pa.)	2.42%	\$5,301.06	\$48,950,000	9,234	\$1,952,750,478	1 year & 6 months
<i>Seaman v. Duke University, et al.</i> , 15-cv-462 (M.D.N.C.)	1.5%	\$10,029.44	\$54,500,000	5,434	\$3,654,379,996	4 years
<i>In re: High-Tech Employee Antitrust Litig.</i> , 5:11-cv-02509-LHK (N.D. Cal.)	1.33%	\$6,731.14	\$435,000,000	64,625	\$32,829,041,681	3 years & 4 months
<i>Unger v. Albany Medical Center, et al.</i> , 1:06-cv-00765-TJM-DRH (N.D.N.Y. Nov. 21, 2011)	~3.21%	\$2,031.84	\$14,005,469	6,893	~\$297,920,131.71	4 years & 11 months
<i>Cason-Merendo, et al. v. VHS of Michigan, Inc. et al.</i> , 2:06-cv-15601-GER-DAS (E.D. Mich.)	~3.0%	\$3,913.04	\$90,000,000	23,000	~ \$2,994,519,295.77	8 years & 9 months
<i>Masters v. Wilhelmina Model Agency, Inc.</i> 1:02-cv-04911-HB (S.D.N.Y. Sept. 16, 2009)	Unknown ¹	\$1,323.58	\$ 21,855,000	16,512	Unknown	Unknown
<i>Johnson, et al. v. Arizona Hosp. and Healthcare Ass'n, et al.</i> , 07-cv-01292-SRB (D. Ariz. Mar. 4, 2011)	Unknown	\$896.00	\$22,400,000	25,000	Unknown	4 years & 8 months
<i>Verdin, et al. v. R&B Falcon Drilling, USA, Inc., et al.</i> , 3:00-cv-00488-SL (S.D. Tex. Apr. 24, 2002)	Unknown	\$730.75	\$73,075,000	100,000	Unknown	1 year & 6 months
<i>Beltran et al. v. InterExchange Inc. et al.</i> , Case No. 1:14-cv-03074 (D. Colo. 2019)	Unknown	\$655.00	\$65,500,000	100,000	Unknown	4 years & 2 months
<i>State of California v. eBay, Inc.</i> , 5:12-cv-05874-EJD (N.D. Cal. May 1, 2014)	Unknown	\$268.05	\$3,750,000	13,990	Unknown	1 year & 6 months

¹ “Unknown” indicates that the information was not publicly available.

EXHIBIT B

Summary of All Counsel Time, Rates, and Lodestar

Berger Montague P.C.

<u>Time Keeper</u>	<u>Title</u>	<u>Hours</u>	<u>Hourly Rate</u>	<u>Lodestar</u>
Eric L. Cramer	Partner	4.5	\$980	\$4,410.00
Michael C. Dell'Angelo	Partner	13.8	\$820	\$11,316.00
E. Michelle Drake	Partner	1	\$760	\$760.00
Daniel J Walker	Partner	5.2	\$645	\$3,354.00
Karissa Sauder	Associate	2.8	\$450	\$1,260.00
Totals:		27.3		\$21,100.00

Carlson Lynch LLP

<u>Time Keeper</u>	<u>Title</u>	<u>Hours</u>	<u>Hourly Rate</u>	<u>Lodestar</u>
Gary Lynch	Partner	29.1	\$675	\$19,642.50
Benjamin Sweet	Partner	18.7	\$625	\$11,687.50
Kelly Iverson	Partner	83.9	\$500	\$41,950.00
Jamisen Etzel	Associate	4.9	\$425	\$2,082.50
Jon Romanishin	Paralegal	6.8	\$200	\$1,360.00
Daniel Hart	Paralegal	3.8	\$175	\$665.00
Totals:		147.2		\$77,387.50

Donahoo & Associates P.C.

<u>Time Keeper</u>	<u>Title</u>	<u>Hours</u>	<u>Hourly Rate</u>	<u>Lodestar</u>
Richard E. Donahoo	Attorney	387	\$715	\$276,705.00
Sarah L. Kokonas	Attorney	26.53	\$550	\$14,591.50
Judith Camilleri	Attorney	4.1	\$495	\$2,029.50
William E. Donahoo	Attorney	292.01	\$450	\$131,404.50
Chase Donahoo	Attorney	1.7	\$275	\$467.50
Kelsey Ung	Paralegal	13.6	\$245	\$3,332.00
Brenda Torres	Paralegal	5.3	\$195	\$1,033.50
Totals:		730.24		\$429,563.50

Feinstein Doyle Payne & Kravec LLC

<u>Time Keeper</u>	<u>Title</u>	<u>Hours</u>	<u>Hourly Rate</u>	<u>Lodestar</u>
Joel R. Hurt	Partner	84.5	\$530	\$44,785.00
Ruairi McDonnell	Associate	4	\$310	\$1,240.00
Gail Z. Brown	Paralegal	2	\$175	\$350.00
Abel Adoh	Paralegal	5	\$160	\$800.00
Totals:		95.5		\$47,175.00

Fine Kaplan & Black RPC				
<u>Time Keeper</u>	<u>Title</u>	<u>Hours</u>	<u>Hourly Rate</u>	<u>Lodestar</u>
Roberta Liebenberg	Partner	480.9	\$950	\$456,855.00
Gerard Dever	Partner	780.9	\$775	\$605,197.50
Adam Pessin	Partner	244.1	\$725	\$176,972.50
Mary Russell	Associate	89.7	\$625	\$56,062.50
Ria Momblanco	Associate	208.4	\$625	\$130,250.00
Jessica Khan	Associate	156.5	\$550	\$86,075.00
Robert Larsen	Associate	1110.4	\$575	\$638,480.00
Joseph Borgia	Associate	576.4	\$475	\$273,790.00
Nancy Blakeslee	Paralegal	161	\$330	\$53,130.00
Susan Hufnagel	Paralegal	8.8	\$330	\$2,904.00
Allyson Katzman	Paralegal	1	\$330	\$330.00
Totals:		3818.1		\$2,480,046.50
Foley Bezek Behle & Curtis LLP				
<u>Time Keeper</u>	<u>Title</u>	<u>Hours</u>	<u>Hourly Rate</u>	<u>Lodestar</u>
Peter J. Bezek	Founding Partner	0.4	\$695	\$278.00
Thomas G. Foley, Jr.	Founding Partner	7.1	\$695	\$4,934.50
Robert A. Curtis	Managing Partner	30.9	\$595	\$18,385.50
Kevin D. Gamarnik	Partner	0.8	\$550	\$440.00
Aaron L. Arndt	Senior Associate	1.3	\$495	\$643.50
Chantel Walker	Paralegal	0.4	\$175	\$70.00
Totals:		40.9		\$24,751.50
Girard Sharp				
<u>Time Keeper</u>	<u>Title</u>	<u>Hours</u>	<u>Hourly Rate</u>	<u>Lodestar</u>
Daniel C. Girard	Partner	1.9	\$975	\$1,852.50
Dena Sharp	Partner	1.3	\$750	\$975.00
Natalie Attar	Litigation Assistant	4.2	\$275	\$1,155.00
Adam Polk	Partner	24.5	\$625	\$15,312.50
Ferdous Joya	Litigation Assistant	24.7	\$200	\$4,940.00
Anne-Michele von Goetz	Litigation Secretary	0.3	\$175	\$52.50
Totals:		56.9		\$24,287.50
Gordon Wolf & Carney CHTD				
<u>Time Keeper</u>	<u>Title</u>	<u>Hours</u>	<u>Hourly Rate</u>	<u>Lodestar</u>
Benjamin H. Carney	Principal	6	\$500	\$3,000.00
Totals:		6		\$3,000.00

Grabar Law Office				
<u>Time Keeper</u>	<u>Title</u>	<u>Hours</u>	<u>Hourly Rate</u>	<u>Lodestar</u>
Joshua H. Grabar	Principal	5.5	\$775	\$4,262.50
Totals:		5.5		\$4,262.50
Hagens Berman Sobol Shapiro LLP				
<u>Time Keeper</u>	<u>Title</u>	<u>Hours</u>	<u>Hourly Rate</u>	<u>Lodestar</u>
Shana Scarlett	Partner	24.1	\$675	\$16,267.50
Benjamin Siegel	Associate	37.8	\$575	\$21,735.00
Helen Hsu	Staff Attorney	169.7	\$350	\$59,395.00
Brian Miller	Paralegal	1.9	\$300	\$570.00
Jeaneth Decena	Paralegal	8.5	\$265	\$2,252.50
Totals:		242		\$100,220.00
Hartley LLP				
<u>Time Keeper</u>	<u>Title</u>	<u>Hours</u>	<u>Hourly Rate</u>	<u>Lodestar</u>
Jason Hartley	Partner	125.5	\$875	\$109,812.50
Dylan McFarland	Of Counsel	8.3	\$750	\$6,225.00
Jason Lindner	Partner	37.5	\$710	\$26,625.00
Jessica Servais	Of Counsel	43.3	\$695	\$30,093.50
Tina Glover	Paralegal	4.3	\$250	\$1,075.00
Totals:		218.9		\$173,830.05
Kaplan Fox Kilsheimer LLP				
<u>Time Keeper</u>	<u>Title</u>	<u>Hours</u>	<u>Hourly Rate</u>	<u>Lodestar</u>
Robert N. Kaplan	Partner	1.5	\$995	\$1,492.50
Mandrika Moonsammy	Paralegal	5	\$310	\$1,550.00
Totals:		6.5		\$3,042.50
Kessler Topaz Meltzer & Check, LLP				
<u>Time Keeper</u>	<u>Title</u>	<u>Hours</u>	<u>Hourly Rate</u>	<u>Lodestar</u>
Kimberly Justice	Partner	22.9	\$850	\$19,465.00
Joseph Meltzer	Partner	0.4	\$850	\$340.00
James A. Moro	Partner	0.3	\$775	\$232.50
William Monks	Investigator	6.7	\$450	\$3,015.00
Zachary Arbitman	Associate	0.3	\$450	\$135.00
Kevin Kane	Investigator	22.9	\$300	\$6,870.00
Caitlyn McMenamin	Investigator	1	\$275	\$275.00
Julie Wotring	Paralegal	3	\$250	\$750.00
Lacey Russo	Paralegal	0.6	\$250	\$150.00
Totals:		58.1		\$31,232.50

Labaton Sucharow LLP				
<u>Time Keeper</u>	<u>Title</u>	<u>Hours</u>	<u>Hourly Rate</u>	<u>Lodestar</u>
Gregory Ascioilla	Partner	70.1	\$995	\$69,749.50
Jay Himes	Partner	4.2	\$1,100	\$4,620.00
Christopher McDonald	Partner	58.1	\$925	\$53,742.50
Karin Garvey	Partner	19.6	\$925	\$18,130.00
Domenica Minerva	Partner	0.5	\$825	\$412.50
Robin van der Meulen	Partner	1.4	\$750	\$1,050.00
Matthew Perez	Of Counsel	3.4	\$650	\$2,210.00
Jerome Pontrelli	Investigator	105.1	\$550	\$57,805.00
Brian Morrison	Associate	60	\$475	\$28,500.00
Thomas Watson	Associate	1.8	\$525	\$945.00
Mark Crowley	Investigator	47.5	\$435	\$20,662.50
Tianran Song	Associate	42	\$425	\$17,850.00
Rian Wroblewski	Investigator	99.5	\$450	\$44,775.00
Jonathan Crevier	Associate	24.6	\$450	\$11,070.00
Stacy Redman	Paralegal	8.8	\$335	\$2,948.00
Peter Schneider	Paralegal	0.6	\$335	\$201.00
Jordan Mendelson	Law Clerk	0.1	\$275	\$27.50
Danhui Xu	Law Clerk	0.1	\$275	\$27.50
Totals:		547.4		\$334,726.00
Lieff Cabraser Heimann & Bernstein LLP				
<u>Time Keeper</u>	<u>Title</u>	<u>Hours</u>	<u>Hourly Rate</u>	<u>Lodestar</u>
Kelly Dermody	Partner	6.40	\$925.00	\$5,920.00
Lin Chan	Partner	446.80	\$615.00	\$274,782.00
Brendan Glackin	Partner	2.50	\$800.00	\$2,000.00
Dean Harvey	Partner	819.30	\$675.00	\$553,027.50
Annika Martin	Partner	1.50	\$665.00	\$997.50
Yaman Salahi	Partner	44.80	\$535.00	\$23,968.00
Anne Shaver	Partner	0.50	\$615.00	\$307.50
Kathleen Konopka	Of Counsel	395.60	\$775.00	\$306,590.00
Jeremy Pilaar	Associate	152.40	\$395.00	\$60,198.00
Yaman Salahi	Associate	291.90	\$510.00	\$148,869.00
Mike Sheen	Associate	114.20	\$485.00	\$55,387.00
Karen Jones	Staff Attorney	829.00	\$415.00	\$344,035.00
Cameron Saunders	Staff Attorney	157.30	\$415.00	\$65,279.50
Rose Waller	Staff Attorney	65.00	\$415.00	\$26,975.00
Jonathan Zaul	Staff Attorney	0.80	\$415.00	\$332.00
Victoria Chinn	Contract Attorney	936.50	\$415.00	\$388,647.50
Sharon Liu	Contract Attorney	677.70	\$415.00	\$281,245.50

Peter Touschner	Contract Attorney	222.10	\$415.00	\$92,171.50
Dawn Behrmann	Paralegal/Clerk	13.50	\$405.00	\$5,467.50
Todd Carnam	Paralegal/Clerk	13.00	\$390.00	\$5,070.00
Elizabeth Keenley	Paralegal/Clerk	1.00	\$405.00	\$405.00
Rebecca Krause	Paralegal/Clerk	2.00	\$385.00	\$770.00
Ellison Lee	Paralegal/Clerk	9.40	\$390.00	\$3,666.00
Omar Rivera	Paralegal/Clerk	34.00	\$360.00	\$12,240.00
Jennifer Rudnick	Paralegal/Clerk	3.20	\$405.00	\$1,296.00
Hannah Selhorst	Paralegal/Clerk	13.40	\$395.00	\$5,293.00
Sarah Soogrim-Dass	Paralegal/Clerk	2.00	\$405.00	\$810.00
Jle Tarpeh	Paralegal/Clerk	2.80	\$390.00	\$1,092.00
Rebecca Taylor	Paralegal/Clerk	10.30	\$355.00	\$3,656.50
Brian Troxel	Paralegal/Clerk	321.40	\$405.00	\$130,167.00
Mitchell Willin	Paralegal/Clerk	3.00	\$360.00	\$1,080.00
Richard Anthony	Litigation Support/Research	116.60	\$420.00	\$48,972.00
Nikki Belushko Barrows	Litigation Support/Research	9.10	\$405.00	\$3,685.50
Margie Calangian	Litigation Support/Research	217.70	\$420.00	\$91,434.00
Kirti Dugar	Litigation Support/Research	1.00	\$510.00	\$510.00
Anthony Grant	Litigation Support/Research	71.20	\$420.00	\$29,904.00
Xiang Li	Litigation Support/Research	14.90	\$405.00	\$6,034.50
Major Mugrage	Litigation Support/Research	1.50	\$420.00	\$630.00
Renee Mukherji	Litigation Support/Research	5.80	\$420.00	\$2,436.00
Fawad Rahimi	Litigation Support/Research	57.50	\$405.00	\$23,287.50
Fawad Rahimi	Litigation Support/Research	1.60	\$420.00	\$672.00
Nabila Siddiqi	Litigation Support/Research	2.90	\$390.00	\$1,131.00
Totals:		6,093.10		\$3,010,442.00
Lockridge Grindal Nauen P.L.L.P.				
Richard A. Lockridge	Partner	1	\$975	\$975.00
W. Joseph Bruckner	Partner	15	\$950	\$14,250.00
Heidi M. Siltan	Partner	1	\$925	\$925.00
Elizabeth R. Odette	Partner	2.6	\$750	\$1,950.00
Anna M. Horning Nygren	Partner	0.7	\$750	\$525.00
Craig S. Davis	Associate	0	\$700	\$0.00

Simeon A. Morbey	Associate	6.6	\$575	\$3,795.00
Stephen M. Owen	Associate	0	\$575	\$0.00
Elizabeth M. Sipe	Paralegal	4.1	\$275	\$1,127.50
Totals:		31		\$23,547.50

Milberg Tadler Phillips Grossman, LLP

<u>Time Keeper</u>	<u>Title</u>	<u>Hours</u>	<u>Hourly Rate</u>	<u>Lodestar</u>
Elizabeth McKenna	Partner	0.2	\$750	\$150.00
Henry Kelston	Former Partner	0.6	\$700	\$420.00
Matthew Kupillas	Partner	3.2	\$700	\$2,240.00
Andrei Rado	Partner	22.7	\$700	\$15,890.00
Jason Joseph	Paralegal	2.3	\$325	\$747.50
Totals:		29		\$19,447.50

Minto Law Group

<u>Time Keeper</u>	<u>Title</u>	<u>Hours</u>	<u>Hourly Rate</u>	<u>Lodestar</u>
David B. Spear, Esq.	Partner	16.2	\$425	\$6,885.00
Nick Kennedy, Esq.	Associate	8.9	\$195	\$1,735.50
Totals:		25.10		\$8,620.50

Nussbaum Law Group P.C.

<u>Time Keeper</u>	<u>Title</u>	<u>Hours</u>	<u>Hourly Rate</u>	<u>Lodestar</u>
Linda P. Nussbaum	Director	31.7	\$995	\$31,541.50
Bart Cohen	Director	157	\$925	\$145,225.00
Hugh D. Sandler	Director	21.2	\$825	\$17,490.00
Susan R. Schwaiger	Of Counsel	301.4	\$800	\$241,120.00
Fred T. Isquith Jr.	Counsel	7.6	\$750	\$5,700.00
Peter Moran	Senior Associate	6.8	\$700	\$4,760.00
Sara Wigmore	Senior Contract Attorney	89.3	\$700	\$62,510.00
James Perelman	Associate	9.1	\$450	\$4,095.00
Hoyoung Yang	Associate	74.9	\$425	\$31,832.50
Zachary Shutran	Law Clerk	1	\$325	\$325.00
Vivian Lee	Paralegal	0.7	\$200	\$140.00
Matthew Kaminer	Paralegal	25.3	\$175	\$4,427.50
Totals:		726		\$549,166.50

Robins Geller Rudman & Dowd LLP

<u>Time Keeper</u>	<u>Title</u>	<u>Hours</u>	<u>Hourly Rate</u>	<u>Lodestar</u>
Carmen Medici	Partner	5.3	\$830	\$4,399.00
Totals:		5.3		\$4,399.00

Robins Kaplan LLP				
<u>Time Keeper</u>	<u>Title</u>	<u>Hours</u>	<u>Hourly Rate</u>	<u>Lodestar</u>
Bernard Persky	Partner	2	\$950	\$1,900.00
Hollis Salzman	Partner	5.9	\$900	\$5,310.00
Thomas J. Undlin	Partner	1.5	\$900	\$1,350.00
Kellie C. Lerner	Partner	13.3	\$800	\$10,640.00
Aaron M. Sheanin	Partner	42.4	\$795	\$33,708.00
Tai S. Milder	Counsel	0.7	\$750	\$525.00
David B. Rochelson	Associate	56.8	\$610	\$34,648.00
Vincent A. Licata	Associate	0.7	\$490	\$343.00
Nahid A. Shaikh	Associate	19.8	\$465	\$9,207.00
Jeffrey D. Baum	Paralegal	17.2	\$325	\$5,590.00
Michael Turitto	Paralegal	3.1	\$325	\$1,007.50
Audra M. O'Rourke	Paralegal	11.5	\$320	\$3,680.00
Totals:		174.9		\$107,908.50
Segmiller & Associates				
<u>Time Keeper</u>	<u>Title</u>	<u>Hours</u>	<u>Hourly Rate</u>	<u>Lodestar</u>
A. Patricia Diulus-Myers	Of Counsel	30.9	\$390	\$12,051.00
Totals:		30.9		\$12,051.00
Turke & Strauss LLP				
<u>Time Keeper</u>	<u>Title</u>	<u>Hours</u>	<u>Hourly Rate</u>	<u>Lodestar</u>
Zog Begolli	Associate	32.6	\$350	\$11,410.00
Samuel Strauss	Partner	36.4	\$500	\$18,200.00
Totals:		69		\$29,610.00
Zelle				
<u>Time Keeper</u>	<u>Title</u>	<u>Hours</u>	<u>Hourly Rate</u>	<u>Lodestar</u>
Christopher Micheletti	Partner	212.8	\$905	\$192,584.00
Woody N. Peterson	Senior Counsel	1.5	\$860	\$1,290.00
Qianwei Fu	Partner	97.1	\$650	\$63,115.00
Heather T. Rankie	Associate	107	\$630	\$67,410.00
Nicholas Cheolas	Associate	6	\$565	\$3,390.00
Brian Wang	Associate	1.3	\$440	\$572.00
Robert Newman	Paralegal	4.8	\$300	\$1,440.00
Lauren E. Griffith	Paralegal	7.3	\$280	\$2,044.00
Marie J. Babione	Paralegal	1	\$250	\$250.00
Totals:		438.8		\$332,095.00
TOTAL ALL COUNSEL:		13,637.24		\$7,851,912.55

EXHIBIT C

Chart of Expenses from Litigation Fund*In re Railway Industry Employee No-Poach Antitrust Litig.*, MDL No. 2850 (W.D. Pa.)

Description	Amount
AT&T (Third-Party Subpoena Costs)	\$370.00
Burns White, LLC (Special Master Fees)	\$4,053.25
Court Support, Inc. (Filing/Service Fees)	\$506.00
Expert Fees	\$553,827.00
Fronteo (Discovery eVendor)	\$1,675.00
JAMS, Inc. (Mediation Fees)	\$15,925.00
Sharon L. Siatkowski, Official Court Reporter	\$43.50
Veritext (Transcript Fees)	\$1,970.00
Verizon Security Subpoena Compliance (Third-Party Subpoena Costs)	\$462.00
Total:	\$578,568.94

EXHIBIT D

Summary of Invoices from EconOne February 2019-March 2020

Invoice Date	Invoice Amount
2020-03	\$ 12,585
2020-02-29	\$ 35,814
2020-01-31	\$ 66,522
2019-12-31	\$ 62,364
2019-11-30	\$ 94,831
2019-10-31	\$ 77,816
2019-09-30	\$ 48,812
2019-08-31	\$ 44,122
2019-07-31	\$ 44,594
2019-06-30	\$ 17,628
2019-05-31	\$ 25,728
2019-04-30	\$ 9,313
2019-03-31	\$ 8,834
2019-02-28	\$ 3,068
Total:	\$ 552,027

Edward E. Leamer

In re: Railway Industry Employee No-Poach Antitrust Litigation

Hours

April 2019 to March 2020

	Date	Description	Hours
Tuesday	2-Apr-19	Conference call EconOne re data problems	0.75
Tuesday	23-Jul-19	Call with Econone, Lief Cabraser	1
Wednesday	4-Sep-19	Call re class definition	0.5
		TOTAL HOURS	2.25
		TOTAL INVOICE @ \$800	\$1,800.00

April 3rd 2020

Lin Y. Chan
Lief, Cabraser, Heimann & Bernstein
lchan@lchb.com

Dear Lin:

Below please find an invoice associated with my work on the Wabtec case, which began in October 2018:

Phone calls, background research, and guidance on comparable job titles – total seven hours @ \$750/hour = \$5250.

Please have the proceeds sent to my home office:

2249 Fitzwater
Philadelphia, PA 19146

Thanks in advance for your help,

A handwritten signature in black ink, appearing to read "Peter Cappelli". The signature is written in a cursive, flowing style.

Peter Cappelli

EXHIBIT E

Summary of All Counsel Expenses	
<u>Firm</u>	<u>Expenses</u>
Berger Montague P.C.	\$ -
Carlson Lynch LLP	\$ 953.07
Donahoo & Associates P.C.	\$ 3,957.95
Feinstein Doyle Payne & Kravec LLC	\$ 3,526.27
Fine Kaplan & Black RPC	\$ 20,922.06
Foley Bezek Behle & Curtis LLP	\$ 783.76
Girard Sharp	\$ 4,191.71
Gordon Wolf & Carney CHTD	\$ 2,200.00
Grabar Law Office	\$ -
Hagens Berman Sobol Shapiro LLP	\$ 577.28
Hartley LLP	\$ 2,091.99
Kaplan Fox Kilsheimer LLP	\$ 1,443.75
Kessler Topaz Meltzer & Check, LLP	\$ 1,810.78
Labaton Sucharow LLP	\$ 22,368.11
Lieff Cabraser Heimann & Bernstein LLP	\$ 44,336.04
Lockridge Grindal Nauen P.L.L.P.	\$ 2,684.37
Milberg Tadler Phillips Grossman, LLP	\$ -
Minto Law Group	\$ 582.90
Nussbaum Law Group P.C.	\$ 808.62
Robins Geller Rudman & Dowd LLP	\$ 5,812.70
Robins Kaplan LLP	\$ 11,190.32
Segmiller & Associates	\$ 400.00
Turke & Strauss LLP	\$ 202.09
Zelle LLP	\$ 2,599.69
Total Expenses:	\$ 133,443.46

EXHIBIT F

Lieff Cabraser Heimann & Bernstein

Attorneys at Law

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Facsimile: 415.956.1008

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Telephone: 212.355.9500
Facsimile: 212.355.9592

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Telephone: 615.313.9000
Facsimile: 615.313.9965

Nymphenburger Strasse 4, 5th Floor
80335 Munich, GERMANY
Telephone: 49.89.20.80.27.389
Facsimile: 49.89.20.80.27.450

Email: mail@lchb.com
Website: www.lieffcabraser.com

FIRM PROFILE:

Lieff Cabraser Heimann & Bernstein, LLP, is a 100-plus attorney AV-rated law firm founded in 1972 with offices in San Francisco, New York, Nashville, and Munich. We have a diversified practice, successfully representing plaintiffs in the fields of personal injury and mass torts, securities and financial fraud, employment discrimination and unlawful employment practices, product defect, consumer protection, antitrust, environmental and toxic exposures, False Claims Act, digital privacy and data security, and human rights. Our clients include individuals, classes and groups of people, businesses, and public and private entities.

Lieff Cabraser has served as Court-appointed Plaintiffs' Lead or Class Counsel in state and federal coordinated, multi-district, and complex litigation throughout the United States. With co-counsel, we have represented clients across the globe in cases filed in American courts. Lieff Cabraser is among the largest firms in the United States that only represent plaintiffs.

Described by *The American Lawyer* as "one of the nation's premier plaintiffs' firms," Lieff Cabraser enjoys a national reputation for professional integrity and the successful prosecution of our clients' claims. We possess sophisticated legal skills and the financial resources necessary for the handling of large, complex cases, and for litigating against some of the nation's largest corporations. We take great pride in the leadership roles our firm plays in many of this country's major cases, including those resulting in landmark decisions and precedent-setting rulings.

Lieff Cabraser has litigated and resolved thousands of individual lawsuits and hundreds of class and group actions, including some of the most important civil cases in the United States over the past four decades. We have assisted our clients in recovering over \$124 billion in verdicts and settlements. Twenty-eight cases have been resolved for over \$1 billion; another 54 have resulted in verdicts or settlements at or in excess of \$100 million.

The National Law Journal has recognized Lieff Cabraser as one of the nation's top plaintiffs' law firms for fourteen years, and we are a member of its Plaintiffs' Hot List Hall of Fame, "representing the best qualities of the plaintiffs' bar and demonstrating unusual dedication and creativity." *The National Law Journal* separately recognized Lieff Cabraser as one of the "50 Leading Plaintiffs Firms in America." In December 2019, *The American Lawyer* included Lieff Cabraser in its "Top 50 Litigation Departments in the U.S.," the only all-plaintiff-side litigation firm included among the firms recognized. In March of 2020, Benchmark Litigation named Lieff Cabraser its "California Plaintiff Firm of the Year."

In September of 2019, *Law360* named Lieff Cabraser a "California Powerhouse" for litigation after naming our firm its "Class Action Firm of the Year" in January 2019. In July of 2019, Public Justice awarded Lieff Cabraser its "Trial Lawyer of the Year" award. In March 2019, *Benchmark Litigation* selected Lieff Cabraser as its "California Plaintiff Firm of the Year" and we were 2018 finalists for *Benchmark's* "Plaintiff Law Firm of the Year." Lieff Cabraser has 21 lawyers named to the "Best Lawyers in America" 2020 listing, and *The National Law Journal* awarded our firm its 2019 "Elite Trial Lawyer" awards in the fields of Consumer Protection and Cybersecurity/Data Breach. We had 38 firm lawyers named to the 2019 *Super Lawyers* "Super Lawyer" and "Rising Star" lists, and were named the *Daily Journal's* "California Lawyers of the Year 2018" as well as having eight lawyers named to *Benchmark's* "40 and Under Hot List 2018."

U.S. News and Best Lawyers has selected Lieff Cabraser as a national "Law Firm of the Year" six times in the last nine years, in categories including Mass Torts Litigation/Class Actions – Plaintiffs and Employment Law – Individuals. In 2017, Lieff Cabraser's Digital Privacy and Data Security practice group was named "Privacy Group of the Year" by *Law360*, and the firm's Consumer Protection practice group was named "Consumer Protection Group of the Year" by the publication as well.

In 2016, *Benchmark Litigation* named Lieff Cabraser to its "Top 10 Plaintiff Firms in America" list, *The National Law Journal* chose our firm as one of nine "Elite Trial Lawyers" nationwide, and *Law360* selected Lieff Cabraser as one of the "Top 50 Law Firms Nationwide for Litigation." The publication separately noted that our firm "persists as a formidable agency of change, producing world class legal work against some of the most powerful corporate players in the world today."

SELECTED CASE PROFILES:**I. Antitrust/Trade Regulation/Intellectual Property****A. Current Cases**

1. ***In Re: Railway Industry Employee No-Poach Antitrust Litigation***, MDL No. 2850 (W.D. Pa.). In late 2018, Loeff Cabraser was selected as interim Co-Lead Counsel for plaintiffs in the consolidated “no-poach” employee antitrust litigation against rail equipment companies Knorr-Bremse and Wabtec, the world’s dominant rail equipment suppliers. The complaint charged that the companies entered into unlawful agreements with one another not to compete for each other’s employees. Plaintiffs alleged that these agreements spanned several years, were monitored and enforced by Defendants’ senior executives, and achieved their desired goal of suppressing employee compensation and mobility below competitive levels. Plaintiffs’ vigorous prosecution of the case led to settlements with both defendants of \$48.95 million, which is pending approval.
2. ***In re California Bail Bond Antitrust Litig., 3:19-cv-00717-JST (N.D. Cal.)***. Loeff Cabraser serves as Interim Lead Class Counsel for a proposed class of purchasers of bail bonds in California. This first-of-its-kind case alleges a conspiracy among sureties and bail agents to inflate bail bond prices.
3. ***Schwab Short-Term Bond Market Fund, et al. v. Bank of America Corp., et al.***, No. 11 CV 6409 (S.D.N.Y.); ***Charles Schwab Bank, N.A., et al. v. Bank of America Corp., et al.***, No. 11 CV 6411 (S.D.N.Y.); ***Schwab Money Market Fund, et al. v. Bank of America Corp., et al.***, No. 11 CV 6412 (S.D.N.Y.); ***The Charles Schwab Corp., et al. v. Bank of America Corp., et al.***, No. 13 CV 7005 (S.D.N.Y.); and ***Bay Area Toll Authority v. Bank of America Corp., et al.***, No. 14 CV 3094 (S.D.N.Y.) (collectively, “LIBOR”). Loeff Cabraser serves as counsel for The Bay Area Toll Authority (“BATA”), as well as The Charles Schwab Corporation (“Charles Schwab”), its affiliates Charles Schwab Bank, N.A., and Charles Schwab & Co., Inc., which manages the investments of the Charles Schwab Bank, N.A. (collectively “Schwab”), several series of The Charles Schwab Family of Funds, Schwab Investments, and Charles Schwab Worldwide Funds plc (“Schwab Fund Series”), in individual lawsuits against Bank of America Corporation, Credit Suisse Group AG, JPMorgan Chase & Co., Citibank, Inc., and additional banks for allegedly manipulating the London Interbank Offered Rate (“LIBOR”). The complaints allege that beginning in 2007, the defendants conspired to understate their true costs of borrowing, causing the calculation of LIBOR to be set artificially low. As a result, Schwab, the Schwab Fund Series, and BATA received less than their

rightful rates of return on their LIBOR-based investments. The complaints assert claims under federal antitrust laws, the federal Racketeer Influenced and Corrupt Organizations Act (“RICO”), and the statutory and common law of California. The actions were transferred to the Southern District of New York for consolidated or coordinated proceedings with the LIBOR multidistrict litigation pending there.

4. ***In Re: Generic Pharmaceuticals Pricing Antitrust Litigation***, MDL No. 2724 (E.D. Pa.). Beginning in February 2015, Lieff Cabraser conducted an extensive investigation into dramatic price increases of certain generic prescription drugs. Lieff Cabraser worked alongside economists and industry experts and interviewed industry participants to evaluate possible misconduct. In December of 2016, Lieff Cabraser filed the first case alleging price-fixing of Levothyroxine, the primary treatment for hypothyroidism, among the most widely prescribed drugs in the world. Lieff Cabraser also played a significant role in similar litigation over the drug Propranolol, and the drug Clomipramine. These cases, and other similar cases, were consolidated and transferred to the Eastern District of Pennsylvania as *In Re: Generic Pharmaceuticals Pricing Antitrust Litigation*, MDL No. 2724. Lieff Cabraser is a member of the End-Payer Plaintiffs’ Steering Committee.
5. ***In re Lithium-Ion Batteries Antitrust Litigation***, MDL No. 2420 (N.D. Cal.). Lieff Cabraser serves as Interim Co-Lead Counsel representing indirect purchasers in a class action filed against LG, GS Yuasa, NEC, Sony, Sanyo, Panasonic, Hitachi, LG Chem, Samsung, Toshiba, and Sanyo for allegedly conspiring from 2002 to 2011 to fix and raise the prices of lithium-ion rechargeable batteries. The defendants are the world’s leading manufacturers of lithium-ion rechargeable batteries, which provide power for a wide variety of consumer electronic products. As a result of the defendants’ alleged anticompetitive and unlawful conduct, consumers across the U.S. paid artificially inflated prices for lithium-ion rechargeable batteries. Lieff Cabraser and co-counsel have reached settlements totaling \$113.45 million with all defendants. Approval is pending.
6. ***In Re: Restasis Antitrust Litigation***, MDL No. 2819 (E.D.N.Y.). Lieff Cabraser serves as interim co-lead counsel for indirect purchasers (i.e., third-party payors and consumers) of Restasis, a blockbuster drug used to treat dry-eye disease, in multidistrict litigation alleging a broad-based and ongoing anticompetitive scheme by pharmaceutical giant Allergan, Inc. (“Allergan”). The goal of the alleged scheme was and is to maintain Allergan’s monopoly. Lieff Cabraser, together with co-counsel, filed the first two class actions on behalf of indirect purchasers. The complaints allege that Allergan (1) fraudulently procured patents it knew were invalid, (2) caused those invalid patents to be listed in the FDA’s “Orange

Book” as being applicable to Restasis, (3) used the improper Orange Book listings as grounds for filing baseless patent-infringement litigation, (4) abused the FDA’s “citizen petition” process, and (5) used a “sham” transfer of the invalid patents to the Saint Regis Mohawk Tribe to obtain tribal sovereign immunity and protect the patents from challenge. This alleged scheme of government petitioning delayed competition from generic equivalents to Restasis that would have been just as safe and cheaper for consumers. The complaints assert claims under federal and state law, including the Sherman Act and the statutory and common law of numerous states. In late 2018, plaintiffs successfully defeated defendants’ motion to dismiss the case. The litigation is ongoing.

7. ***Nashville General v. Momenta Pharmaceuticals, et al.***, No. 3:15-cv-01100 (M.D. Tenn.). Lief Cabraser represents AFCSME DC 37 and the Nashville General Hospital (the Hospital Authority of Metropolitan Government of Nashville) in a class-action antitrust case against defendants Momenta Pharmaceuticals and Sandoz, Inc., for their alleged monopolization of enoxaparin, the generic version of the anti-coagulant blood clotting drug Lovenox. Lovenox, developed by Sanofi-Aventis, is a highly profitable drug with annual sales of more than \$1 billion. The drug entered the market in 1995 and its patent was invalidated by the federal government in 2008, making generic production possible. The complaint alleged that defendants colluded to secretly bring the official batch-release testing standard for generics within the ambit of their patent, delaying the entry of the second generic competitor—a never-before-tried theory of liability. In 2019, the court certified a class of hospitals, third-party payors, and uninsured persons in 29 states and DC, appointing Lief Cabraser sole lead counsel. In 2019, the parties agreed to a proposed settlement totaling \$120 million, the second largest indirect-purchaser antitrust pharmaceutical settlement fund in history, after Cipro. Court approval is anticipated in 2020.
8. ***International Antitrust Cases.*** Lief Cabraser has significant experience and expertise in antitrust litigation in Europe. Lief Cabraser partner, Dr. Katharina Kolb, head of the firm’s Munich office, has experience in all aspects of German and European competition law, particularly antitrust litigation matters following anti-competitive behavior established by European competition authorities including German Federal Cartel Office and the European Commission.

Currently, one of the firm’s major international antitrust cases involves the European truck cartel, which the European Commission fined more than €3.8 billion for colluding on prices and emission technologies for more than 14 years. Lief Cabraser is working with a range of funders to prosecute the claims of persons damaged by the European truck cartel,

including many municipalities in Europe which purchased trucks for street cleaning, fire brigades, waste disposal, and other purposes.

Lieff Cabraser is also prosecuting other cartel damages cases in the EU, including the German quarto steel cartel, the German plant pesticides cartel and the French meal voucher cartel, each of which have likely caused significant damages to customers.

9. ***In re Capacitors Antitrust Litigation***, No. 3:14-cv-03264 (N.D. Cal.). Lieff Cabraser is a member of the Plaintiffs' Steering Committee representing indirect purchasers in an electrolytic and film price-fixing class action lawsuit filed against the world's largest manufacturers of capacitors, used to store and regulate current in electronic circuits and computers, phones, appliances, and cameras worldwide. The defendants include Panasonic Corp., Elna Co. Ltd., Hitachi Chemical Co., Ltd., Nitsuko Electronics Corp., NEC Tokin Corp., SANYO Electric Co., Ltd., Matsuo Electric Co., Okaya Electric Industries Co., Nippon Chemi-con Corp., Nichicon Corp., Rubycon Corp., Taitsu Corp., and Toshin Kogyo Co., Ltd. Lieff Cabraser has played a central role in discovery efforts, and assisted in opposing Defendants' motions to dismiss and in opposing Defendants' motions for summary judgment.

Settlements with defendants NEC Tokin Corp., Nitsuko Electronics Corp., and Okaya Electric Industries Co., Ltd. have received final approval, and a settlement with Hitachi Chemical and Soshin Electric Co., Ltd. has received preliminary approval. Discovery continues with respect to the remaining defendants.

10. ***In re Disposable Contact Lens Antitrust Litigation***, MDL No. 2626 (M.D. Fla.). Lieff Cabraser represents consumers who purchased disposable contact lenses manufactured by Alcon Laboratories, Inc., Johnson & Johnson Vision Care, Inc., Bausch + Lomb, and Cooper Vision, Inc. The complaint challenges the use by contact lens manufacturers of minimum resale price maintenance agreements with independent eye care professionals (including optometrists and ophthalmologists) and wholesalers. These agreements, the complaint alleges, operate to raise retail prices and eliminate price competition and discounts on contact lenses, including from "big box" retail stores, discount buying clubs, and online retailers. As a result, the consumers across the United States have paid artificially inflated prices.
11. ***In re Domestic Airline Travel Antitrust Litigation***, 1:15-mc-01404 (District of Columbia). Lieff Cabraser represents consumers in a class action lawsuit against the four largest U.S. airline carriers: American Airlines, Delta Air, Southwest, and United. These airlines collectively account for over 80 percent of all domestic airline travel. The complaint alleges that for years the airlines colluded to restrain capacity,

eliminate competition in the market, and increase the price of domestic airline airfares in violation of U.S. antitrust law. The proposed class consists of all persons and entities who purchased domestic airline tickets directly from one or more defendants from July 2, 2011 to the present. In February 2016, Judge Kollar-Kotelly appointed Lief Cabraser to the three-member Plaintiffs' Executive Committee overseeing this multidistrict airline price-fixing litigation. Defendants filed a motion to dismiss, which was denied in October 2016. Subsequently, a settlement with Southwest Airlines was granted preliminary approval. Discovery as to the remaining defendants is underway.

12. ***Seaman v. Duke University***, No. 1:15-cv-00462 (M.D. N.C.). Lief Cabraser represented Dr. Danielle M. Seaman and a certified class of over 5,000 academic doctors at Duke and UNC in a class action lawsuit against Duke University and Duke University Health System. The complaint charged that Duke and UNC entered into an express, secret agreement not to compete for each other's faculty. The lawsuit sought to recover damages and obtain injunctive relief, including treble damages, for defendants' alleged violations of federal and North Carolina antitrust law.

On February 1, 2018, U.S. District Court Judge Catherine C. Eagles issued an order certifying a faculty class.

On September 24, 2019, Judge Eagles granted final approval to the proposed settlement of the case, valued at \$54.5 million.

The settlement includes an unprecedented role for the United States Department of Justice to monitor and enforce extensive injunctive relief, which will ensure that neither Duke nor UNC will enter into or enforce any unlawful no-hire agreements or similar restraints on competition. Assistant Attorney General Delrahim remarked: "Permitting the United States to become part of this settlement agreement in this private antitrust case, and thereby to obtain all of the relief and protections it likely would have sought after a lengthy investigation, demonstrates the benefits that can be obtained efficiently for the American worker when public and private enforcement work in tandem."

B. Successes

1. ***In re High-Tech Employee Antitrust Litigation***, No. 11 CV 2509 (N.D. Cal.). Lief Cabraser served as Co-Lead Class Counsel in a consolidated class action charging that Adobe Systems Inc., Apple Inc., Google Inc., Intel Corporation, Intuit Inc., Lucasfilm Ltd., and Pixar violated antitrust laws by conspiring to suppress the pay of technical, creative, and other salaried employees. The complaint alleged that the conspiracy among defendants restricted recruiting of each other's employees. On October 24, 2013, U.S. District Court Judge Lucy H. Koh

certified a class of approximately 64,000 persons who worked in Defendants' technical, creative, and/or research and development jobs from 2005-2009. On September 2, 2015, the Court approved a \$415 million settlement with Apple, Google, Intel, and Adobe. Earlier, on May 15, 2014, the Court approved partial settlements totaling \$20 million resolving claims against Intuit, Lucasfilm, and Pixar. The Daily Journal described the case as the "most significant antitrust employment case in recent history," adding that it "has been widely recognized as a legal and public policy breakthrough."

2. ***Cipro Cases I and II***, JCCP Nos. 4154 and 4220 (Cal. Supr. Ct.). Lief Cabraser represented California consumers and third party payors in a class action lawsuit filed in California state court charging that Bayer Corporation, Barr Laboratories, and other generic prescription drug manufacturers conspired to restrain competition in the sale of Bayer's blockbuster antibiotic drug Ciprofloxacin, sold as Cipro. Between 1997 and 2003, Bayer paid its would-be generic drug competitors nearly \$400 million to refrain from selling more affordable versions of Cipro. As a result, consumers were forced to pay inflated prices for the drug -- frequently prescribed to treat urinary tract, prostate, abdominal, and other infections.

The trial court granted defendants' motion for summary judgment, which the California Court of Appeal affirmed in October 2011. Plaintiffs sought review before the California Supreme Court. Following briefing, the case was stayed pending the U.S. Supreme Court's decision in *FTC v. Actavis*. After the U.S. Supreme Court in *Actavis* overturned lower federal court precedent that pay-for-delay deals in the pharmaceutical industry are generally legal, plaintiffs and Bayer entered into settlement negotiations. In November 2013, the Trial Court approved a \$74 million settlement with Bayer.

On May 7, 2015, the California Supreme Court reversed the grant of summary judgment to Defendants and resoundingly endorsed the rights of consumers to challenge pharmaceutical pay-for-delay settlements under California competition law. Working to the brink of trial, the plaintiffs reached additional settlements with the remaining defendants, bringing the total recovery to \$399 million (exceeding plaintiffs' damages estimate by approximately \$68 million), a result the trial court described as "extraordinary." The trial court granted final approval on April 21, 2017, adding that it was "not aware of any case" that "has taken roughly 17 years," where, net of fees, end-payor "claimants will get basically 100 cents on the dollar[.]"

In 2017, the American Antitrust Institute honored Lief Cabraser's Cipro team with its Outstanding Private Practice Antitrust Achievement Award

for their extraordinary work on the Cipro price-fixing and exclusionary drug-pricing agreements case. In addition, their work on the Cipro case led Loeff Cabraser partners Eric B. Fastiff, Brendan P. Glackin, and Dean M. Harvey to recognition by California Lawyer and the Daily Journal with a 2016 California Lawyer of the Year Award.

3. ***In re Municipal Derivatives Litigation***, MDL No. 1950 (S.D.N.Y.). Loeff Cabraser represented the City of Oakland, the County of Alameda, City of Fresno, Fresno County Financing Authority, along with East Bay Delta Housing and Finance Agency, in a class action lawsuit brought on behalf of themselves and other California entities that purchased guaranteed investment contracts, swaps, and other municipal derivatives products from Bank of America, N.A., JP Morgan Chase & Co., Piper Jaffray & Co., Societe Generale SA, UBS AG, and other banks, brokers and financial institutions. The complaint charged that defendants conspired to give cities, counties, school districts, and other governmental agencies artificially low bids for guaranteed investment contracts, swaps, and other municipal derivatives products, which are used by public entities to earn interest on bond proceeds.

The complaint further charged that defendants met secretly to discuss prices, customers, and markets for municipal derivatives sold in the U.S. and elsewhere; intentionally created the false appearance of competition by engaging in sham auctions in which the results were pre-determined or agreed not to bid on contracts; and covertly shared their unjust profits with losing bidders to maintain the conspiracy.

4. ***Natural Gas Antitrust Cases***, JCCP Nos. 4221, 4224, 4226 & 4228 (Cal. Supr. Ct.). In 2003, the Court approved a landmark of \$1.1 billion settlement in class action litigation against El Paso Natural Gas Co. for manipulating the market for natural gas pipeline transmission capacity into California. Loeff Cabraser served as Plaintiffs' Co-Lead Counsel and Co-Liaison Counsel in the *Natural Gas Antitrust Cases I-IV*. In June 2007, the Court granted final approval to a \$67.39 million settlement of a series of class action lawsuits brought by California business and residential consumers of natural gas against a group of natural gas suppliers, Reliant Energy Services, Inc., Duke Energy Trading and Marketing LLC, CMS Energy Resources Management Company, and Aquila Merchant Services, Inc. Plaintiffs charged defendants with manipulating the price of natural gas in California during the California energy crisis of 2000-2001 by a variety of means, including falsely reporting the prices and quantities of natural gas transactions to trade publications, which compiled daily and monthly natural gas price indices; prearranged wash trading; and, in the case of Reliant, "churning" on the Enron Online electronic trading platform, which was facilitated by a secret netting agreement between Reliant and Enron. The 2007

settlement followed a settlement reached in 2006 for \$92 million partial settlement with Coral Energy Resources, L.P.; Dynegy Inc. and affiliates; EnCana Corporation; WD Energy Services, Inc.; and The Williams Companies, Inc. and affiliates.

5. ***In the Matter of the Arbitration between CopyTele and AU Optronics***, Case No. 50 117 T 009883 13 (Internat'l Centre for Dispute Resolution). Lief Cabraser successfully represented CopyTele, Inc. in a commercial dispute involving intellectual property. In 2011, CopyTele entered into an agreement with AU Optronics ("AUO") under which both companies would jointly develop two groups of products incorporating CopyTele's patented display technologies. CopyTele charged that AUO never had any intention of jointly developing the CopyTele technologies, and instead used the agreements to fraudulently obtain and transfer licenses of CopyTele's patented technologies. The case required the review of thousands of pages of documents in Chinese and in English culminating in a two week arbitration hearing. In December 2014, after the hearing, the parties resolved the matter, with CopyTele receiving \$9 million.
6. ***Wholesale Electricity Antitrust Cases I & II***, JCCP Nos. 4204 & 4205 (Cal. Supr. Ct.). Lief Cabraser served as Co-Lead Counsel in the private class action litigation against Duke Energy Trading & Marketing, Reliant Energy, and The Williams Companies for claims that the companies manipulated California's wholesale electricity markets during the California energy crisis of 2000-2001. Extending the landmark victories for California residential and business consumers of electricity, in September 2004, plaintiffs reached a \$206 million settlement with Duke Energy Trading & Marketing, and in August 2005, plaintiffs reached a \$460 million settlement with Reliant Energy, settling claims that the companies manipulated California's wholesale electricity markets during the California energy crisis of 2000-01. Lief Cabraser earlier entered into a settlement for over \$400 million with The Williams Companies.
7. ***In re TFT-LCD (Flat Panel) Antitrust Litigation***, MDL No. 1827 (N.D. Cal.). Lief Cabraser served as Court-appointed Co-Lead Counsel for direct purchasers in litigation against the world's leading manufacturers of Thin Film Transistor Liquid Crystal Displays. TFT-LCDs are used in flat-panel televisions as well as computer monitors, laptop computers, mobile phones, personal digital assistants, and other devices. Plaintiffs charged that defendants conspired to raise and fix the prices of TFT-LCD panels and certain products containing those panels for over a decade, resulting in overcharges to purchasers of those panels and products. In March 2010, the Court certified two nationwide classes of persons and entities that directly purchased TFT-LCDs from January 1, 1999 through December 31, 2006, one class of panel purchasers, and one class of buyers

of laptop computers, computer monitors, and televisions that contained TFT-LCDs. Over the course of the litigation, the classes reached settlements with all defendants except Toshiba. The case against Toshiba proceeded to trial. In July 2012, the jury found that Toshiba participated in the price-fixing conspiracy. The case was subsequently settled, bringing the total settlements in the litigation to over \$470 million. For his outstanding work in the precedent-setting litigation, California Lawyer recognized Richard Heimann with a 2013 California Lawyer of the Year award.

8. ***Sullivan v. DB Investments***, No. 04-02819 (D. N.J.). Lief Cabraser served as Class Counsel for consumers who purchased diamonds from 1994 through March 31, 2006, in a class action lawsuit against the De Beers group of companies. Plaintiffs charged that De Beers conspired to monopolize the sale of rough diamonds in the U.S. In May 2008, the District Court approved a \$295 million settlement for purchasers of diamonds and diamond jewelry, including \$130 million to consumers. The settlement also barred De Beers from continuing its illegal business practices and required De Beers to submit to the jurisdiction of the Court to enforce the settlement. In December 2011, the Third Circuit Court of Appeals affirmed the District Court's order approving the settlement. 667 F.3d 273 (3rd Cir. 2011). The hard-fought litigation spanned several years and nations. Despite the tremendous resources available to the U.S. Department of Justice and state attorney generals, it was only through the determination of plaintiffs' counsel that De Beers was finally brought to justice and the rights of consumers were vindicated. Lief Cabraser attorneys played key roles in negotiating the settlement and defending it on appeal. Discussing the DeBeers case, The National Law Journal noted that Lief Cabraser was "among the plaintiffs' firms that weren't afraid to take on one of the business world's great white whales."

9. ***Haley Paint Co. v. E.I. Dupont De Nemours and Co. et al.***, No. 10-cv-00318-RDB (D. Md.). Lief Cabraser served as Co-Lead Counsel for direct purchasers of titanium dioxide in a nationwide class action lawsuit against Defendants E.I. Dupont De Nemours and Co., Huntsman International LLC, Kronos Worldwide Inc., and Cristal Global (fka Millennium Inorganic Chemicals, Inc.), alleging these corporations participated in a global cartel to fix the price of titanium dioxide. Titanium dioxide, a dry chemical powder, is the world's most widely used pigment for providing whiteness and brightness in paints, paper, plastics, and other products. Plaintiffs charged that defendants coordinated increases in the prices for titanium dioxide despite declining demand, decreasing raw material costs, and industry overcapacity.

Unlike some antitrust class actions, Plaintiffs proceeded without the benefit of any government investigation or proceeding. Plaintiffs

overcame attacks on the pleadings, discovery obstacles, a rigorous class certification process that required two full rounds of briefing and expert analysis, and multiple summary judgment motions. In August 2012, the Court certified the class. Plaintiffs prepared fully for trial and achieved a settlement with the final defendant on the last business day before trial. In December 2013, the Court approved a series of settlements with defendants totaling \$163 million.

10. ***In re Lupron Marketing and Sales Practices Litigation***, MDL No. 1430 (D. Mass.). In May 2005, the Court granted final approval to a settlement of a class action lawsuit by patients, insurance companies and health and welfare benefit plans that paid for Lupron, a prescription drug used to treat prostate cancer, endometriosis and precocious puberty. The settlement requires the defendants, Abbott Laboratories, Takeda Pharmaceutical Company Limited, and TAP Pharmaceuticals, to pay \$150 million, inclusive of costs and fees, to persons or entities who paid for Lupron from January 1, 1985 through March 31, 2005. Plaintiffs charged that the defendants conspired to overstate the drug's average wholesale price ("AWP"), which resulted in plaintiffs paying more for Lupron than they should have paid. Lief Cabraser served as Co-Lead Plaintiffs' Counsel.

11. ***Marchbanks Truck Service v. Comdata Network***, No. 07-cv-01078 (E.D. Pa.). In July 2014, the Court approved a \$130 million settlement of a class action brought by truck stops and other retail fueling facilities that paid percentage-based transaction fees to Comdata on proprietary card transactions using Comdata's over-the-road fleet card. The complaint challenged arrangements among Comdata, its parent company Ceridian LLC, and three national truck stop chains: defendants TravelCenters of America LLC and its wholly owned subsidiaries, Pilot Travel Centers LLC and its predecessor Pilot Corporation, and Love's Travel Stops & Country Stores, Inc. The alleged anticompetitive conduct insulated Comdata from competition, enhanced its market power, and led to independent truck stops' paying artificially inflated transaction fees. In addition to the \$130 million payment, the settlement required Comdata to change certain business practices that will promote competition among payment cards used by over-the-road fleets and truckers and lead to lower merchant fees for the independent truck stops. Lief Cabraser served as Co-Lead Class Counsel in the litigation.

12. ***California Vitamins Cases***, JCCP No. 4076 (Cal. Supr. Ct.). Lief Cabraser served as Co-Liaison Counsel and Co-Chairman of the Plaintiffs' Executive Committee on behalf of a class of California indirect vitamin purchasers in every level of the chain of distribution. In January 2002, the Court granted final approval of a \$96 million settlement with certain vitamin manufacturers in a class action alleging that these and other

manufacturers engaged in price fixing of particular vitamins. In December 2006, the Court granted final approval to over \$8.8 million in additional settlements.

13. ***In re Buspirone Antitrust Litigation***, MDL No. 1413 (S.D. N.Y.). In November 2003, Lief Cabraser obtained a \$90 million cash settlement for individual consumers, consumer organizations, and third party payers that purchased BuSpar, a drug prescribed to alleviate symptoms of anxiety. Plaintiffs alleged that Bristol-Myers Squibb Co. (BMS), Danbury Pharmacal, Inc., Watson Pharmaceuticals, Inc. and Watson Pharma, Inc. entered into an unlawful agreement in restraint of trade under which BMS paid a potential generic manufacturer of BuSpar to drop its challenge to BMS' patent and refrain from entering the market. Lief Cabraser served as Plaintiffs' Co-Lead Counsel.
14. ***Meijer v. Abbott Laboratories***, Case No. C 07-5985 CW (N.D. Cal.). Lief Cabraser served as co-counsel for the group of retailers charging that Abbott Laboratories monopolized the market for AIDS medicines used in conjunction with Abbott's prescription drug Norvir. These drugs, known as Protease Inhibitors, have enabled patients with HIV to fight off the disease and live longer. In January 2011, the Court denied Abbott's motion for summary judgment on plaintiffs' monopolization claim. Trial commenced in February 2011. After opening statements and the presentation of four witnesses and evidence to the jury, plaintiffs and Abbott Laboratories entered into a \$52 million settlement. The Court granted final approval to the settlement in August 2011.
15. ***In re Carpet Antitrust Litigation***, MDL No. 1075 (N.D. Ga.). Lief Cabraser served as Class Counsel and a member of the trial team for a class of direct purchasers of twenty-ounce level loop polypropylene carpet. Plaintiffs, distributors of polypropylene carpet, alleged that Defendants, seven manufacturers of polypropylene carpet, conspired to fix the prices of polypropylene carpet by agreeing to eliminate discounts and charge inflated prices on the carpet. In 2001, the Court approved a \$50 million settlement of the case.
16. ***In re Lasik/PRK Antitrust Litigation***, No. CV 772894 (Cal. Supr. Ct.). Lief Cabraser served as a member of Plaintiffs' Executive Committee in class actions brought on behalf of persons who underwent Lasik/PRK eye surgery. Plaintiffs alleged that defendants, the manufacturers of the laser system used for the laser vision correction surgery, manipulated fees charged to ophthalmologists and others who performed the surgery, and that the overcharges were passed onto consumers who paid for laser vision correction surgery. In December 2001, the Court approved a \$12.5 million settlement of the litigation.

17. ***Methionine Cases I and II***, JCCP Nos. 4090 & 4096 (Cal. Supr. Ct.). Lief Cabraser served as Co-Lead Counsel on behalf of indirect purchasers of methionine, an amino acid used primarily as a poultry and swine feed additive to enhance growth and production. Plaintiffs alleged that the companies illegally conspired to raise methionine prices to super-competitive levels. The case settled.
18. ***In re Electrical Carbon Products Antitrust Litigation***, MDL No. 1514 (D.N.J.). Lief Cabraser represented the City and County of San Francisco and a class of direct purchasers of carbon brushes and carbon collectors on claims that producers fixed the price of carbon brushes and carbon collectors in violation of the Sherman Act.

FIRM BIOGRAPHY:

PARTNERS

DEAN M. HARVEY, Admitted to practice in California, 2007; U.S. District Court, Northern District of California, 2007; U.S. District Court, Central District of California, 2007; U.S. District Court, Eastern District of California, 2008; U.S. District Court, Southern District of California, 2008; U.S. Court of Appeals for the Ninth Circuit, 2008; U.S. District Court, Eastern District of Wisconsin, 2013; U.S. Court of Appeals for the Fourth Circuit, 2016; U.S. Supreme Court, 2018; U.S. Court of Appeals for the Sixth Circuit, 2019. *Education*: University of California, Berkeley, School of Law (Berkeley Law) (J.D. 2006); Articles Editor, *California Law Review* (2005-2006); Assistant Editor, *Berkeley Journal of International Law* (2004); University of Minnesota, Twin Cities (B.A. *summa cum laude*, 2002). *Prior Employment*: Partner, Lief Cabraser Heimann & Bernstein, LLP (2013-Present); Associate, Lief Cabraser Heimann & Bernstein, LLP (2009-2013); Associate, Boies, Schiller & Flexner LLP (2007-2008); Law Clerk, The Honorable James V. Selna, U.S. District Court for the Central District of California (2006-2007); Law Clerk, U.S. Department of Justice, Antitrust Division, San Francisco Field Office (2006); Summer Law Intern, U.S. Department of Justice (2005); Summer Associate, Boies, Schiller & Flexner LLP (2005). *Awards & Honors*: "Lawdragon 500 Leading Plaintiff Financial Lawyers in America," Lawdragon, 2020; "Super Lawyer for Northern California," *Super Lawyers*, 2013-2019; "On the Rise – Top 40 Young Lawyers," American Bar Association, 2017; "Top 40 Under 40" Lawyer in California, *Daily Journal*, 2017; "Outstanding Private Practice Antitrust Achievement," American Antitrust Institute, 2017; "California Lawyer Attorney of the Year (CLAY) Award," *California Lawyer*, 2016; "Lawyers on the Fast Track," *The Recorder*, 2013; "Rising Star for Northern California," *Super Lawyers*, 2010-2012; "William E. Swope Antitrust Writing Prize," 2006. *Publications & Presentations*: Co-Author, Comments of the Antitrust Law Section of the ABA in Connection with the FTC Workshop on "Non-Competes in the Workplace: Examining Antitrust and Consumer Protection Issues," April 2020; Panelist, "No-Poach: Assessing Risk in Uncertain Seas," ABA Antitrust Law Section Virtual Spring Meeting, (April 2020); Panelist, "Competition in Labor Markets," U.S. Justice Department Antitrust Division Public Workshop, (November 2019); Commentator, "When Rules Don't Apply," Spotlights Successful Antitrust Challenges to Illegal High-Tech Labor Practices, (April 2019); Speaker, "Current and Future Antitrust and Labor Issues," National

Association of Attorneys General, (April 2019); Panelist, “Competition Tort Claims Around the Globe,” ABA Antitrust Section Spring Meeting, (March 2019); Speaker, “Antitrust and Silicon Valley: New Themes and Direction in Competition Law and Policy,” Santa Clara University School of Law, March 2019; Speaker, “Antitrust Analysis in Two-Sided Markets,” California Lawyers Association, (February 2019); Speaker, “Latest Developments in No-Poach Agreements,” California Lawyers Association (January 2019); Panelist, “Antitrust and Workers – Agreements, Mergers, and Monopsony,” American Antitrust Institute Conference (June 2018); Speaker, “Anticompetitive Practices in the Labor Market,” Unrigging the Market Program, Harvard Law School (June 2018); Speaker, “Tech-Savvy and Talented: Competition in Employment Practices,” American Bar Association (May 2018); Speaker, “Antitrust for HR: No-Poach and Wage Fixing Agreements,” Bar Association of San Francisco (January 2018); Moderator, “Competition Torts in the Trenches: Lessons From Recent High-Profile Cases,” American Bar Association (November 2016); Speaker, “Are Computers About to Eat Your Lunch (Or At Least Change the Way You Practice)?”, Association of Business Trial Lawyers Panel (August 2016); Moderator, “The Law and Economics of Employee Non-Compete Agreements,” American Bar Association Panel (June 2016); Speaker, “Lessons from the Headlines: In re: High-Tech Employee Antitrust Litigation,” The Recorder and Corporate Counsel’s 13th Annual General Counsel Conference West Coast (November 2015); Speaker, “The Future of Private Antitrust Enforcement,” American Antitrust Institute Panel (November 2015); Moderator, “From High-Tech Labor to Sandwich Artists: The Law and Economics of Employee Solicitation and Hiring,” American Bar Association Panel (March 2015); Panelist, “Tech Sector ‘No Poaching’ Case Update - What Antitrust Counselors and HR Departments Need to Know,” American Bar Association (2015); Speaker, “Cases at the Intersection of Class Actions and Employee Protection Regulations,” Law Seminars International (2015); Speaker, Town Hall Meeting, American Bar Association Section of Antitrust Law Business Torts & Civil RICO Committee (December 2014); Panelist, “If You Don’t Steal My Employees, I Won’t Steal Yours: The Antitrust Treatment of Non-Poaching and Non-Solicitation Agreements,” American Bar Association (2013); Panelist, “In the Wake of AT&T Mobility v. Concepcion: Perspectives on the Future of Class Litigation,” American Bar Association (2011); Co-Author, “Play Ball: Potential Private Rights of Action Emerging From the FIFA Corruption Scandal,” 11 Business Torts & RICO News 1 (Summer 2015); Contributing Author, *The Class Action Fairness Act: Law and Strategy*, American Bar Association, 2013; Contributing Author, *Concurrent Antitrust Criminal and Civil Proceedings: Identifying Problems and Planning for Success*, American Bar Association (2013); Co-Editor, *California Class Actions Practice and Procedures* (2010-2013); Articles Editor, *Competition* (the Journal of the Antitrust and Unfair Competition Law Section of the State Bar of California) (2012); Contributing Author, *ABA Annual Review of Antitrust Law Developments* (2011); *New Guidance for Standard Setting Organizations: Broadcom Corp. v. Qualcomm Inc. and In the Matter of Rambus, Inc.*, 5 ABA Sherman Act Section 1 Newsl. 35 (2008); *Anticompetitive Social Norms as Antitrust Violations*, 94 Calif. L. Rev. 769 (2006). *Member*: American Antitrust Institute, Advisory Board; American Bar Association (Antitrust Section), and Co-Chair, Competition Torts Committee; Bar Association of San Francisco; San Francisco Trial Lawyers Association.

LIN Y. CHAN, Admitted to practice in California, 2008; U.S. District Court, Northern District of California, 2008; U.S. District Court, Central District of California, 2010; U.S. Court of Appeals for the Fifth Circuit, 2011; U.S. Court of Appeals for the Ninth Circuit, 2011; U.S.

Court of Appeals for the Tenth Circuit, 2010. Education: Wellesley College (B.A. summa cum laude 2001); Stanford Law School (J.D. 2007); Editor-in-Chief, Stanford Journal of Civil Rights and Civil Liberties; Fundraising Chair, Shaking the Foundations Progressive Lawyering Conference. Prior Employment: Associate, Goldstein, Borgen, Dardarian & Ho (formerly Goldstein, Demchak Baller Borgen & Dardarian), 2008-2013; Law Clerk to Judge Damon J. Keith, Sixth Circuit Court of Appeals, 2007-2008; Clinic Student, Stanford Immigrants' Rights Clinic, 2006-2007; Union Organizer, SEIU and SEIU Local 250, 2002-2004; Wellesley-Yenching Teaching Fellow, Chinese University of Hong Kong, 2001-2002. Awards & Honors: "Lawdragon 500 Leading Plaintiff Financial Lawyers in America," Lawdragon, 2020; "Super Lawyer for Northern California," Super Lawyers, 2019; "Rising Star for Northern California," Super Lawyers, 2015-2018; "40 and Under Hot List," Benchmark Litigation, 2018"; "Outstanding Antitrust Litigation Achievement by a Young Lawyer," American Antitrust Institute, 2017; "Outstanding Private Practice Antitrust Achievement," American Antitrust Institute, 2017. Presentations & Publications: Panelist, "Class Certification – The Evolving Relationship Between Damages and Predominance," ABA Sixth Annual Class Actions and Mass Torts Regional CLE Program; Moderator, "Antitrust for HR: No-Poach and Wage Fixing Agreements," Bar Association of San Francisco (January 2018); Moderator, "Challenging Non-Price Restraints," American Antitrust Institute 11th Annual Private Antitrust Enforcement Conference (November 2017); Panelist, "Settlement Ethics: Negotiating Class Action Settlements the Right Way," Impact Fund Annual Class Action Conference (February 2016); Author, "Do Federal Associated General Contractors Standing Requirements Apply to State Illinois Brick Repealer Statutes?," Business Torts & Rico News, Winter 2015; Panelist, "Federal and State Whistleblower Laws: What You Need to Know," Asian American Bar Association (November 2014); Author, "California Supreme Court Clarifies State Class Certification Standards in Brinker," American Bar Association Labor & Employment Law Newsletter (April 2013); Presenter, "Rule 23 Basics in Employment Cases," Impact Fund's 11th Annual Employment Discrimination Class Action Conference (February 2013); Chapter Author, The Class Action Fairness Act: Law and Strategies; Co-Author, "Clash of the Titans: Iqbal and Wage and Hour Class/Collective Actions," BNA, Daily Labor Report, 80 DLR L-1 (April 2010); Chapter Co-Chair, Lindemann & Grossman, Employment Discrimination Law Treatise, Fifth Edition; Chapter Monitor, Lindemann & Grossman, Employment Discrimination Law Treatise 2010 Cumulative Supplement. Member: American Antitrust Institute, Advisory Board, 2018; Asian Americans Advancing Justice - Asian Law Caucus, Board Member and Board Secretary, 2013 – 2018; Asian American Bar Association, Board of Directors and Board Secretary, 2017 – Present; American Bar Association, Fair and Impartial Courts Committee Co-Chair, 2017 – 2019; Bar Association of San Francisco Antitrust and Business Regulation Section, Chair, 2018-2019; Committee to Support the Antitrust Laws, Treasurer, 2019; Public Justice; State Bar of California.

YAMAN SALAHI, Admitted to practice in California, 2013; U.S. District Court, Central District of California, 2013; U.S. District Court, Northern District of California, 2014; U.S. Court of Appeals, Ninth Circuit, 2013. *Education*: Yale Law School (J.D. 2012); University of California, Berkeley (B.A. 2009). *Prior Employment*: Judicial Clerk to Judge Edward M. Chen in the U.S. District Court for the Northern District of California; Arthur Liman Fellow, American Civil Liberties Union of Southern California; National Security and Civil Rights program, Advancing Justice-Asian Law Caucus. *Awards & Honors*: Kathi Pugh Award for Exceptional

Mentorship, U.C. Berkeley School of Law; American Antitrust Institute's 2017 Antitrust Enforcement Award for Outstanding Antitrust Litigation Achievement in Private Law Practice in *In re Cipro Cases I & II*. *Publications*: Co-Author, Comments of the Antitrust Law Section of the ABA in Connection with the FTC Workshop on "Non-Competes in the Workplace: Examining Antitrust and Consumer Protection Issues," April 2020. *Member*: Asian Americans Advancing Justice - Asian Law Caucus, Board Member and Board Secretary, 2019 – Present; State Bar of California.

OF COUNSEL

Kathleen M. Konopka was an Of Counsel attorney in Lief Cabraser's New York office working on Antitrust, Commercial Litigation, and Intellectual Property matters. Prior to joining Lief Cabraser, Kathleen worked in the New York State Attorney General's office, where she served as Senior Enforcement Counsel of the Social Justice Division, supervising six bureaus of the NY AG's office, leading the investigation and litigation of complex civil matters as well as providing advice and mentorship to other attorneys. Konopka came to the New York AG's office after serving six years as a Senior Litigator in the Antitrust Division of the Department of Justice in D.C., where she specialized in the investigation and litigation of complex cartel, fraud, and merger matters. At the DOJ, she regularly led large teams of attorneys, economists, and support professionals, providing briefings to division leadership, including the Assistant U.S. Attorney General, and negotiating settlements, consent decrees, and plea agreements on behalf of the United States. A 1997 graduate of the Northeastern University School of Law, Konopka has served as lead prosecutor in over 40 antitrust and consumer fraud trials, more than 100 grand jury investigations, and more than 20 appellate matters.

ASSOCIATES

MIKE SHEEN, Admitted to practice in California, 2012; U.S. District Court, Northern District of California, 2013; U.S. District Court, Southern District of California, 2013; U.S. Court of Appeals, Ninth Circuit, 2018; U.S. Court of Appeals, Federal Circuit, 2015. *Education*: University of California, Berkeley, School of Law (Berkeley Law) (J.D., 2012); Articles Editor (2010-2012), Executive Editor (2011-2012), *Berkeley Technology Law Journal*; Senior Articles Editor, *Asian American Law Journal*; Student Member, Berkeley Law Admissions Committee; Funding Officer, U.C. Berkeley Graduate Assembly. University of California, Berkeley (B.A., 2004). *Prior Employment*: Judicial Clerk to Judge Dale A. Drozd of the U.S. District Court for the Eastern District of California; Milbank, Tweed, Hadley & McCloy LLP. *Member*: State Bar of California.

JEREMY PILAAR, Admitted to practice in California, 2019; U.S. District Court, Central District of California, 2019; U.S. District Court, Northern District of California, 2019; U.S. District Court, Southern District of California, 2019. *Education*: Yale Law School (J.D. 2018); Managing Editor, Yale Law & Policy Review; University of Oxford (M. Phil. 2015), General Section Editor, St Antony's International Review; University of California, Berkeley (B.A. highest honors, 2012), Editor in Chief, Berkeley Political Review. *Publications*: Making the Most of a BVT: Lessons from New Hampshire and Michigan, 93 State Tax Notes 703 (2019); Assessing the Gig Economy in Comparative Perspective: How Platform Work Challenges the French and American Legal Orders, 27 J. L. & Policy 47 (2019); The Origins of the Supreme Court Bar: The Political Economy of Legal Services, L. & Pol. Econ. Blog (April 26, 2019); How Lawmakers Let Effective Unemployment Policy Drift Away, Harv. L. & Pol'y Rev. Blog (April 2,

2019); Reforming Unemployment Insurance in the Age of Non-Standard Work, 13 Harv. L. & Pol'y Rev. 327 (2018); Starving the Statehouse: The Hidden Tax Policies Behind States' Long-Run Fiscal Crises, 37 Yale L. & Pol'y Rev. 345 (2018); The Making of the Supreme Court Bar: How Business Created a Solicitor General for the Private Sector, 117 Mich. L. Rev. Online 75 (2018); Conflicting Accountabilities in the 2012 Health Care Reforms in England, 38 Int'l J. Pub. Admin. 461 (2015) (with Paola Mattei and Tom Christensen) (peer-reviewed); Humanitarian Intervention: Contemporary Normative and Legal Debates, 11 St. Antony's Int'l Rev. 2 (2015) (with Fay Clarke et al.) (editorial introduction); The Resurgence of Identity Politics: New Phenomena or Echoes of History?, 10 St. Antony's Int'l Rev. 2 (2015) (with Katharine Brooks and Molly McParland) (editorial introduction); Green Growth: From Religion to Reality, Berkeley Roundtable on the International Economy & Green Growth Leaders (2011) (with John Zysman, et al.). Prior Employment: Research Scholar and Lecturer in Law, Yale Law School. Member: State Bar of California.

EXHIBIT G

LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
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PARTNER

NAME	HOURS	RATE	TOTAL
KELLY DERMODY	6.40	\$925.00	\$5,920.00
LIN CHAN	446.80	\$615.00	\$274,782.00
BRENDAN GLACKIN	2.50	\$800.00	\$2,000.00
DEAN HARVEY	819.30	\$675.00	\$553,027.50
ANNIKA MARTIN	1.50	\$665.00	\$997.50
YAMAN SALAHI	44.80	\$535.00	\$23,968.00
ANNE SHAVER	0.50	\$615.00	\$307.50
	1,321.80		\$861,002.50

ASSOCIATE

NAME	HOURS	RATE	TOTAL
JEREMY PILAAR	152.40	\$395.00	\$60,198.00
YAMAN SALAHI	291.90	\$510.00	\$148,869.00
MIKE SHEEN	114.20	\$485.00	\$55,387.00
	558.50		\$264,454.00

STAFF ATTORNEY

NAME	HOURS	RATE	TOTAL
KAREN JONES	829.00	\$415.00	\$344,035.00
CAMERON SAUNDERS	157.30	\$415.00	\$65,279.50
ROSE WALLER	65.00	\$415.00	\$26,975.00
JONATHAN ZAUL	0.80	\$415.00	\$332.00
	1,052.10		\$436,621.50

CONTRACT ATTORNEY

NAME	HOURS	RATE	TOTAL
VICTORIA CHINN	936.50	\$415.00	\$388,647.50
SHARON LIU	677.70	\$415.00	\$281,245.50
PETER TOUSCHNER	222.10	\$415.00	\$92,171.50
	1,836.30		\$762,064.50

OF COUNSEL

NAME	HOURS	RATE	TOTAL
KATHLEEN KONOPKA	395.60	\$775.00	\$306,590.00
	395.60		\$306,590.00

PARALEGAL/CLERK

NAME	HOURS	RATE	TOTAL
DAWN BEHRMANN	13.50	\$405.00	\$5,467.50
TODD CARNAM	13.00	\$390.00	\$5,070.00
ELIZABETH KEENLEY	1.00	\$405.00	\$405.00
REBECCA KRAUSE	2.00	\$385.00	\$770.00
ELLISON LEE	9.40	\$390.00	\$3,666.00
OMAR RIVERA	34.00	\$360.00	\$12,240.00
JENNIFER RUDNICK	3.20	\$405.00	\$1,296.00

HANNAH SELHORST	13.40	\$395.00	\$5,293.00
SARAH SOOGRIM-DASS	2.00	\$405.00	\$810.00
JLE TARPEH	2.80	\$390.00	\$1,092.00
REBECCA TAYLOR	10.30	\$355.00	\$3,656.50
BRIAN TROXEL	321.40	\$405.00	\$130,167.00
MITCHELL WILLIN	3.00	\$360.00	\$1,080.00
	429.00		\$171,013.00

LITIGATION SUPPORT / RESEARCH

NAME	HOURS	RATE	TOTAL
RICHARD ANTHONY	116.60	\$420.00	\$48,972.00
NIKKI BELUSHKO BARROWS	9.10	\$405.00	\$3,685.50
MARGIE CALANGIAN	217.70	\$420.00	\$91,434.00
KIRTI DUGAR	1.00	\$510.00	\$510.00
ANTHONY GRANT	71.20	\$420.00	\$29,904.00
XIANG LI	14.90	\$405.00	\$6,034.50
MAJOR MUGRAGE	1.50	\$420.00	\$630.00
RENEE MUKHERJI	5.80	\$420.00	\$2,436.00
FAWAD RAHIMI	57.50	\$405.00	\$23,287.50
FAWAD RAHIMI	1.60	\$420.00	\$672.00
NABILA SIDDIQI	2.90	\$390.00	\$1,131.00
	499.80		\$208,696.50

MATTER TOTALS 6,093.10 \$3,010,442.00

GZJ DKV'J ''

LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
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KNORR / WABTEC NO-POACH ANTITRUST LITIGATION
Cost Summary

Description	<u>Amount</u>
Postage	\$497.95
Print	\$4,150.20
Telephone	\$978.68
Computer Research	\$5,065.59
Deposition/Transcripts	\$133.98
Electronic Database	\$17,010.00
Litigation Services (Discovery-related)	\$2,080.24
Federal Express/Messenger	\$268.78
Other Charges	\$528.00
Process Service	\$935.00
Travel	\$12,687.62
Total Costs:	\$44,336.04