

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

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

**DECLARATION OF CLASS REPRESENTATIVE DAVID ESCALERA**

I, David Escalera, declare as follows:

1. I make this statement on the basis of my personal knowledge and, if called as a witness, could and would testify as to its contents. I was employed by Wabtec as a Field Service Technician for over three years and came to know the company well. I was a Class Representative in this lawsuit.

2. Since retaining Donahoo & Associates, PC to file a class action lawsuit on my behalf, attorneys at the firm have regularly updated me regarding the status of the case. They have also consulted me throughout the litigation on a variety of issues, including discussions about the status of settlement discussions with the Defendants, the Court's motion to dismiss order, the amended complaint, and responding to Defendants' discovery requests.

3. I understand the responsibilities of a Class Representative and I have fulfilled, and I continue to fulfill, my duties to the Class. I have been actively involved in the litigation of this case, as described more fully below, and have been in close contact with the attorneys representing the Class to monitor and contribute to this case throughout.

4. I was not promised any amount of money to serve as a Class Representative, or in connection with supporting the settlements with Wabtec and Knorr. My support for the

Settlements is based on my view, in light of the record and the risks, that they are in the best interests of the Class.

5. My attorneys consulted me about the settlement negotiations with Defendants as they occurred, and I authorized my attorneys in these negotiations. I authorized the proposed settlements, and I believe that they are fair, adequate, and reasonable. I believe that my attorneys worked diligently to secure these settlements in the best interests of the Settlement Class.

6. I believe these are good settlements that are in the best interest of the Settlement Class.

7. In my role as Class Representative, I have expended substantial time and effort (as more fully explained below) to perform actions that have benefited the Settlement Class.

8. Since I first retained Donahoo & Associates, PC, I have spent well over 25 hours fulfilling my role as a Class Representative in this case. That number does not include the time and energy that was associated with thinking through decisions as a Class Representative and remembering my work history and work experience at Wabtec, which could easily double the hours committed to this case. A summary of my activities is as follows:

- a. Meeting with and speaking with my attorney as part of the initial investigation of this case;
- b. Preparing, reviewing and finalizing my initial complaint;
- c. Consulting with the attorneys on amending the complaint and the appropriate class definition;
- d. Reviewing drafts of pleadings, including the Consolidated Complaint and Consolidated Amended Complaint and other documents before authorizing my attorney to file them and providing input on these documents;

- e. Gathering documents to provide to my attorneys for possible production to Defendants in discovery, as well as helping my attorneys understand the documents and the industry;
- f. Assisting my attorneys with the collection and review of electronically stored information on my e-mail accounts my various online job seeking accounts and desktop and laptop computers;
- g. Reviewing and finalizing responses to 19 document requests, and preparing, reviewing, finalizing, and verifying my responses to 16 interrogatories; and,
- h. Participating in regular conversations with my attorneys throughout the duration of this case, and additional communications by way of frequent and regular email correspondence.

9. My participation in this lawsuit was particularly burdensome given the extensive electronic searches of my personal electronically-stored information as part of document review and production. These searches required my own extensive personal review, and searching and permitting the imaging and review of, my personal email accounts, my personal computers, and my personal and professional social media accounts by my attorneys and their eDiscovery professionals. The personal computer search included both my home computer and a laptop computer that was designated as my work computer and professional device. The discovery dealing with the laptop was the more burdensome experience because it required turning it over, so I was left without my only laptop and my primary computer for several months. I also reviewed the indexes and the complete file structure of the laptop as part of the data collection to determine which information stored on the device was potentially relevant to the matter at hand.

This process was very invasive and required substantial time and energy working with the attorneys and the eDiscovery vendor that was retained. I worried about invasion of my privacy.

10. During the pendency of the case and during the litigation, I pursued additional educational opportunities at the University of Rhode Island in business administration. I subsequently took new jobs in the rail industry, including as a contractor for a railroad company, Canadian National, and as a fulltime employee for a railroad manufacturer, China Railroad Corporation. Working in the railroad industry and finding new employment while participating as a Class Representative in the case against Wabtec and Knorr required me to be much more conscious of the position I was taking against past employers. I also had to continue working diligently to secure and perform my professional responsibilities with my new employers who were also part of the rail industry while this litigation progressed.

11. To date, I have not received any personal benefit from my participation in this case, but I chose to serve as a Class Representative because I believe strongly that it is necessary to stand up for other employees besides myself.

12. Given the close-knit nature of the railway industry, the prominence of the Defendants in this case, and my name as a class representative on the notice that was sent out to all class members, I have taken substantial risks in my own career by stepping forward as a Class Representative. My name will be forever associated with this matter. I took the risk and know that other companies might not hire me in the future or that clients might not want to work with me because I served as a Class Representative in this action against major railway industry companies. During the time this matter was pending, former associates became aware of my involvement and brought the fact that they had learned of my involvement to my attention. This

risk is particularly high given the relatively small number of railway employers in this industry. That risk will continue throughout my career in and out of the rail industry.

13. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge, and that this declaration was executed in Norfolk county of Massachusetts, April 28, 2020.

By:   
David Escalera