

**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 KELLY K. IVERSON IN SUPPORT OF
CLASS COUNSEL’S MOTION FOR ATTORNEYS’ FEES, COSTS,
AND SERVICE AWARDS**

I, Kelly K. Iverson, declare as follows:

1. I am a Partner with the law firm of Carlson Lynch, LLP (the “Firm”). I submit this declaration in support of Class Counsel’s motion for attorneys’ fees, costs, and service awards. The time expended in preparing this declaration is not included in the motion for attorneys’ fees.

2. I am licensed in Pennsylvania, and have been admitted to practice before numerous federal appellate and district courts, including this Court. I have been practicing law for over 10 years and represent plaintiffs in complex matters, including many national class actions. I was appointed as Interim Class Counsel in *In re: Solara Medical Supplies Data Breach Litig.* (S.D. Cal.), and as Settlement Class Counsel in *Flynn v. Concord Hospitality Enterprises Co.*, (W.D. Pa.) and *Flynn v. Aimbridge Hospitality, LLC* (W.D. Pa.). Additionally, I have served as a committee member for the leadership teams prosecuting various MDLs and consolidated actions. Attorneys with our Firm have been engaged in complex class actions on behalf of plaintiffs for more than 30 years and have been appointed lead counsel and had their fees approved as reasonable on many occasions, including in this Court. Recently, Carlson Lynch

founding partner Gary Lynch served as Co-Lead counsel in *First Choice Fed. Credit Union v. The Wendy's Co., et al* (W.D. Pa.), which received final approval of a \$50 million class settlement. In granting final approval, the Honorable Maureen P. Kelly noted Class Counsel's "national reputation," "significant experience in these types of class actions," and "high level of skill and efficiency."¹ Moreover, Judge Kelly lauded the work and professionalism of the attorneys leading the case : "And as involved as this case was, if every case I had was as well organized and professionally presented as this case has been, my life would be much easier... I want to thank counsel for the way you have conducted yourselves and the way you've all presented this case."²

3. I have reviewed the Court's November 6, 2018 Order Appointing Interim Lead Class Counsel (Dkt. 106) ("Order"), including in particular the Order's provisions regarding fees, costs, and expenses. The Firm has adhered to those provisions and to guidance received throughout the litigation from Class Counsel regarding timekeeping and expense reporting.

4. The Firm has acted as Liaison Counsel for the Plaintiffs and the proposed class. In particular, during the course of this litigation, the Firm has been involved in the following activities on behalf of the Settlement Class at the request of and under the direction of interim co-lead class counsel ("Lead Counsel"):

- a. Communicating with the Court regarding scheduling;
- b. Advising on standard practice and procedure in Western District of Pennsylvania;
- c. Filing documents on behalf of Plaintiffs;
- d. Drafting various motions and stipulations on behalf of Plaintiffs;

¹ Transcript of Final Fairness Hearing, *First Choice Federal Credit Union v. The Wendy's Company*, (W.D. Pa. Nov. 6, 2019).

² Transcript of Final Fairness Hearing, *First Choice Federal Credit Union v. The Wendy's Company*, (W.D. Pa. Nov. 6, 2019).

- e. Assisting with Review of Plaintiffs' various briefing; and
- f. Attending Court conferences.

5. **Summary of Time and Expenses.** During the course of this litigation, the Firm performed 147.2 hours of work in connection with this litigation to the benefit of the Settlement Class. Based upon the Firm's current hourly rates, the lodestar value of the time is \$77,387.50. The chart below indicates the attorneys and paralegals at my Firm who worked on this litigation, the number of hours worked, and their respective lodestar values and hourly rates. This information was based on contemporaneous, daily time records regularly prepared and maintained by the Firm, as provided to, reviewed and approved by Lead Counsel.

<u>Timekeeper</u>	<u>Hours</u>	<u>Rate</u>	<u>Lodestar</u>
Gary Lynch (Partner)	29.1	\$675.00	\$19,642.50
Benjamin Sweet (Partner)	18.7	\$625.00	\$11,687.50
Kelly Iverson (Partner)	83.9	\$500.00	\$41,950.00
Jamisen Etzel (Associate)	4.9	\$425.00	\$2,082.50
Jon Romanishin (Paralegal)	6.8	\$200.00	\$1,360.00
Daniel Hart (Paralegal)	3.8	\$175.00	\$665.00
Totals:	147.2		\$77,387.50

3. All of the services performed by the Firm in connection with this litigation and described above were reasonably necessary in the prosecution of this case. There has been no unnecessary duplication of services for which the Firm now seeks compensation. The lodestar calculations exclude time spent reading or reviewing work prepared by others or other information concerning this case unless related to preparation for, or work on, a matter specifically assigned to the Firm by Class Counsel. The rates at which the Firm seeks compensation are its usual and customary hourly rates charged for similar work.

4. During the course of this litigation, the Firm incurred expenses in the sum of \$953.07. These expenses were reasonably and necessarily incurred in connection with this

litigation and are summarized in the chart below. Expense documentation has been provided to Lead Counsel for audit and review.

<u>Date</u>	<u>Description</u>	<u>Amount</u>
2/18/19	Transcript	\$155.22
3/4/19	Transcript	\$397.85
3/5/19	Filing Fee	\$400.00
	Total:	\$953.07

5. The expenses incurred are reflected on the books and records of the Firm. These books and records are prepared from checks and expense vouchers that are regularly kept and maintained by the Firm and accurately reflect the expenses incurred.

6. This Firm has not received any compensation for the services rendered on behalf of the Class, and any such compensation is wholly contingent on the Court's approval of Class Counsel's motion for attorney's fees. My Firm has devoted substantial time and resources to this matter, and for that reason has foregone other legal work for which it would have been compensated.

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 Allegheny County, Pennsylvania on April 30, 2020.

By: /s/Kelly K. Iverson
 Kelly K. Iverson
CARLSON LYNCH LLP
 1133 Penn Ave, Floor 5
 Pittsburgh, PA 15222
 Tel (412) 322-9243
 kiverson@carlsonlynch.com