

**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 JOEL R. HURT IN SUPPORT OF
CLASS COUNSEL’S MOTION FOR ATTORNEY’S FEES, COSTS,
AND SERVICE AWARDS**

I, Joel R. Hurt, declare as follows:

1. I am a partner of Feinstein Doyle Payne & Kravec, LLC (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. The Firm is a plaintiff-side law firm based in Pittsburgh, Pennsylvania that maintains a nationwide class action practice focusing on employment, consumer, and insurance cases. I am a 2000 graduate of the University of Pittsburgh School of Law. I have practiced with the Firm since its founding in 2007 and have been a partner since 2014. I have represented employees and retirees in more than 50 class actions for employee benefits under ERISA. I have also litigated class actions under the Labor Management Relations Act (LMRA), the Fair Labor Standards Act (FLSA), and the Real Estate Settlement Procedures Act (RESPA), as well as insurance and consumer class actions under state law. I frequently write and speak on employee benefits topics and am a contributing author to two leading ERISA treatises. I am also active in the ABA’s Labor and Employment Section and The Hay-Sell Pittsburgh American Inn of Court,

where I currently serve as Co-President and on the Executive Board. A full bio for the Firm, which includes individual bios for the attorneys who worked on this matter, can be found in the record at Docket 65-2.

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 counsel for Named Plaintiff and Class Representative Brian Lara and performed work to benefit the Class at Class Counsel's request throughout the litigation. 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 and under the direction of interim lead class counsel ("Lead Counsel"):

- a. Interviewing Mr. Lara and three additional clients to obtain information and documents necessary for the Consolidated Class Action Complaint.
- b. Following this Court's order on Defendants' first motion to dismiss and to strike class allegations, interviewing Mr. Lara to obtain information for the Amended Consolidated Class Action Complaint.
- c. Reviewing drafts of pleadings with Mr. Lara, including the Consolidated Class Action Complaint, Amended Consolidated Class Action Complaint, and other documents, in order to explain the documents and answer Mr. Lara's questions.
- d. Working with Mr. Lara to respond to discovery requests, including the collection of electronically-stored information, potentially responsive hard-

copy documents, and responding to and verifying responses to Defendants' interrogatory requests.

- e. Analyzing Wabtec's production of Mr. Lara's employment file and providing analysis to Lead Counsel.
- f. Participating in telephone calls with Lead Counsel and Mr. Lara regarding settlement negotiations and settlement terms, and reviewing various settlement papers with Mr. Lara to explain the documents and answer his questions.

5. Summary of Time and Expenses. During the course of this litigation, the Firm performed 95.5 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 \$47,175.00. 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>Hourly Rate</u> | <u>Lodestar</u> |
|-------------------------------|--------------|--------------------|--------------------|
| Hurt, Joel (Partner) | 84.5 | \$530.00 | \$44,785.00 |
| McDonnell, Ruairi (Associate) | 4.0 | \$310.00 | \$1,240.00 |
| Brown, Gail Z. (Paralegal) | 2.0 | \$175.00 | \$350.00 |
| Adoh, Abel (Paralegal) | 5.0 | \$160.00 | \$800.00 |
| <u>Totals:</u> | 95.5 | | \$47,175.00 |

6. 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.

7. During the course of this litigation, the Firm incurred expenses in the sum of \$3,526.27. 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>DESCRIPTION</u> | <u>TOTAL</u> |
|---|---------------------|
| Commercial Copies | \$63.24 |
| Internal Reproduction / Copies | \$53.99 |
| Court Fees (Filing costs, etc.) | \$1,600.00 |
| Computer Research | \$259.87 |
| Postage/Express Delivery/Messenger | \$193.10 |
| Miscellaneous/Other (Miscellaneous Advertising) | \$1,356.07 |
| TOTAL EXPENSES | \$3,526.27 |

8. 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.

9. 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 Gibsonia, Pennsylvania on April 30, 2020.

By: /s/ Joel R. Hurt
 Joel R. Hurt