

**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 ROBERT A. CURTIS IN SUPPORT OF
CLASS COUNSEL’S MOTION FOR ATTORNEY’S FEES, COSTS,
AND SERVICE AWARDS**

I, Robert A. Curtis, declare as follows:

1. I am the Managing Partner of Foley Bezek Behle & Curtis, 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 graduated from the University of California at Los Angeles with a B.S. in 1996, and received my law degree from Pepperdine University School of Law in 1999. Upon graduating from law school, I was hired full time at Foley Bezek & Komoroske, LLP (the predecessor name of my current firm) and became a partner in January 2003. Over the past twenty-one years, the primary focus of my practice has been complex business litigation and class actions. I, in conjunction with other partners at the firm, have litigated cases that have resulted in over \$550 million in settlements and verdicts. In 2014, I was the lead trial attorney for the plaintiff and obtained a \$38.9 million jury verdict in a 7-week lender liability trial in Los Angeles Superior Court against East West Bank. The East West Bank verdict was the 12th largest verdict in California and the 54th largest verdict in the entire United States for 2014.

During the past twenty-one years, my partners and I collectively have been involved in the representation of plaintiffs in more than 25 different class action cases and have been certified to act as Class Counsel in the Superior Court of the State of California, in the Superior Court of the State of New Jersey and in numerous federal district courts of various jurisdictions throughout the country. During that time, I have had significant involvement with and have served as lead or co-lead counsel in a number of major class actions which were settled in a manner that resulted in over \$400 million in benefits for various classes of wronged individuals.

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. 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. Assisted in drafting original complaint using class representatives who were clients of the firm from a prior litigation that my firm had against Wabtec;
- b. Assisted in preparing papers that were filed before the Judicial Panel on Multidistrict Litigation; and
- c. Drafted discovery responses and gathered and reviewed documents for the class representative clients.

5. Summary of Time and Expenses. During the course of this litigation, the Firm performed 40.9 hours of work in connection with this litigation. Based upon the Firm's current hourly rates, the lodestar value of the time is \$24,751.50. 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>Hourly Rate</u> | <u>Lodestar</u> |
|---|--------------|--------------------|--------------------|
| Peter J. Bezek (Founding Partner) | 0.4 | \$695.00 | \$278.00 |
| Thomas G. Foley, Jr. (Founding Partner) | 7.1 | \$695.00 | \$4,934.50 |
| Robert A. Curtis (Managing Partner) | 30.9 | \$595.00 | \$18,385.50 |
| Kevin D. Gamarnik (Partner) | 0.8 | \$550.00 | \$440.00 |
| Aaron L. Arndt (Senior Associate) | 1.3 | \$495.00 | \$643.50 |
| Chantel Walker (Paralegal) | 0.4 | \$175.00 | \$70.00 |
| Totals: | 40.9 | | \$24,751.50 |

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 \$783.76. 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> |
|--------------------|--------------|
| Computer Research | \$ 13.66 |
| Air Transportation | \$ 770.10 |

TOTAL: \$783.76

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 Santa Barbara, California on April 30, 2020.

By:



Robert A. Curtis