

**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 SHANA E. SCARLETT IN SUPPORT OF
CLASS COUNSEL’S MOTION FOR ATTORNEY’S FEES, COSTS,
AND SERVICE AWARDS**

I, **Shana E. Scarlett**, declare as follows:

1. I am a partner at Hagens Berman Sobol Shapiro LLP (“Hagens Berman” or 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. Hagens Berman is among the most experienced and skilled practitioners in the complex litigation field and has a long and successful track record in such cases. Hagens Berman is a nationally recognized law firm, with offices in Berkeley, Seattle, Boston, Chicago, Los Angeles, Washington D.C., and Phoenix. We have been consistently rated by the National Law Journal in the top ten of plaintiffs’ firms in the country. The firm has extensive experience litigating complex class actions asserting claims of securities, investment fraud, product liability, tort, antitrust, consumer fraud, employment, environmental, and ERISA cases. Hagens Berman ensured that each attorney on the team had specific areas of focus; that there was not duplication of efforts, especially among higher billers; and that projects were assigned to experienced

lawyers with depth in the field who could effectively and efficiently execute the phenomenal amount of work this case demanded.

3. I have reviewed the Court's November 6, 2018 Order Appointing Interim Lead Class Counsel (ECF No. 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 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. Assisted in researching the issue of unions in the railway industry, interviewed industry witnesses, drafted document requests to defendants seeking production of relevant information related to unions, and drafted insert to the complaint regarding the impact of unions on class members; and
- b. Reviewed documents regarding pay scales, defendants' collective bargaining agreements with certain unions, negotiations between defendants and unions, job postings, and wrote a weekly review memorandum to lead counsel regarding the results of the document review.

5. Summary of Time and Expenses. During the course of this litigation, the Firm performed 242 hours of work in connection with this litigation. Based upon the Firm's current hourly rates, the lodestar value of the time is \$100,220.00. 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>
Scarlett, Shana (Partner)	24.1	\$675.00	\$16,267.50
Siegel, Benjamin (Associate)	37.8	\$575.00	\$21,735.00
Hsu, Helen (Staff Attorney)	169.7	\$350.00	\$59,395.00
Miller, Brian (Paralegal)	1.9	\$300.00	\$570.00
Decena, Jeaneth (Paralegal)	8.5	\$265.00	\$2,252.50
Totals:	242.0		\$100,220.00

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 \$577.28. 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.

DESCRIPTION	AMOUNT
Court Fees (Filing costs, etc.)	\$ 140.00
Computer Research	\$ 437.28
TOTAL EXPENSES	\$ 577.28

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 Berkeley, California on May 2, 2020.



SHANA E. SCARLETT