

**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 JASON HARTLEY IN SUPPORT OF  
CLASS COUNSEL’S MOTION FOR ATTORNEY’S FEES, COSTS,  
AND SERVICE AWARDS**

I, Jason Hartley, declare as follows:

1. I am a partner of Hartley 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 the founding partner of Hartley LLP, and my practice includes class action litigation, antitrust and unfair competition. I am involved in all aspects of civil litigation and have handled cases in both federal and state courts, in litigation and at trial. For the past several years, my practice has involved primarily antitrust and consumer class actions, often representing the largest plaintiff class members in nationwide antitrust actions. I have successfully represented plaintiffs in Sherman Act Section 1 and Section 2 cases and in state law actions alleging unfair business practices, false advertising, warranty and Proposition 65 violations, among other claims, and have served as lead counsel and in senior litigation roles in numerous class actions, which have collectively recovered more than \$1 billion for plaintiffs.

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 Patricia Lonergan. 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 Ms. Lonergan to obtain information necessary for the Consolidated Class Action Complaint and, following this Court’s order on Defendants’ first motion to dismiss and to strike class allegations, for the Amended Consolidated Class Action Complaint.
- b. Working with Ms. Lonergan 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;
- c. Answering Ms. Lonergan’s questions and providing periodic status reports to Ms. Lonergan;
- d. Developing, researching and drafting the operative protective order and deposition protocol in the class case; and
- e. Working with and obtaining information from Ms. Lonergan in preparing, finalizing and filing her Complaint, which was necessary to her role in advancing the case for the entire class.

5. Summary of Time and Expenses. During the course of this litigation, the Firm performed 218.90 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 \$173,830.05. 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.

<b><u>Timekeeper</u></b>	<b><u>Hours</u></b>	<b><u>Hourly Rate</u></b>	<b><u>Lodestar</u></b>
Jason Hartley (Partner)	125.5	875.00	109,812.50
Dylan McFarland (Of Counsel)	8.3	750.00	6,225.00
Jason Lindner (Partner)	37.5	710.00	26,625.00
Jessica Servais (Of Counsel)	43.3	695.00	30,093.50
Tina Glover (Paralegal)	4.3	250.00	1,075.00
<b>Totals:</b>	218.9		<b>173,830.05</b>

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 \$2,091.99. 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.

<b>Description</b>	<b>Amount</b>
Court Fees (Filing costs, etc.)	\$ 72.00
Computer Research	\$ 635.94
Postage/Express Delivery/Messenger	\$ 44.00
Air Transportation	\$ 744.56
Ground Transportation	\$ 270.68
Meals	\$ 7.18
Lodging	\$ 317.63
<b>TOTAL EXPENSES</b>	<b>\$2,091.99</b>

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 San Diego, California on this 1<sup>st</sup> day of May, 2020.

s/ Jason S. Hartley  
Jason S. Hartley