

**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 N. KAPLAN IN SUPPORT OF  
CLASS COUNSEL’S MOTION FOR ATTORNEY’S FEES, COSTS,  
AND SERVICE AWARDS**

I, Robert N. Kaplan, declare as follows:

1. I am a Partner of Kaplan Fox & Kilsheimer 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. The firm has been actively litigating Antitrust cases throughout the United State, for more than fifty years and has been a lead counsel or member of the Executive Committee in cases which resulted in some of the largest recoveries for plaintiff classes, including In re Air Cargo Shipping Services Antitrust Litigation No.1:06-md-1775 JG-VVP (E.D.N.Y); In re Flat Glass Antitrust Litigation MDL No. 12006 (W.D.Pa); and In re High Fructose Corn Syrup Antitrust Litigation, MDL No. 1087 (C.D.Ill.).
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) We participated in conference calls and did research as directed.

(B) Summary of Time and Expenses. During the course of this litigation, the Firm performed 6.5 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 \$3,042.50. The chart below indicates the attorney and paralegal 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 Rates</u>	<u>Lodestar</u>
Robert N. Kaplan	1.50	\$995.00	\$1,492.50
Mandrika Moonsammy	5.00	\$310.00	\$1,550.00
<b><u>Totals:</u></b>	6.50		<b>\$3,042.50</b>

5. 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.

6. During the course of this litigation, the Firm incurred expenses in the sum of \$1,443.75. 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.)	\$ 105.00
Computer Research	\$ 716.35
Postage/Express Delivery/Messenger	\$ 66.50
Lodging	\$ 555.90
<b>TOTAL EXPENSES</b>	<b>\$ 1,443.75</b>

7. 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.

8. 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 on May 1, 2020.

By: /s/ Robert N. Kaplan  
Robert N. Kaplan