

**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 GREGORY ASCIOLLA IN SUPPORT OF
CLASS COUNSEL’S MOTION FOR ATTORNEYS’ FEES, COSTS,
AND SERVICE AWARDS**

I, Gregory Ascioffa, declare as follows:

1. I am a partner at Labaton Sucharow 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 co-chair of the Firm’s Antitrust and Competition Litigation Practice. I have practiced antitrust law over 25 years, including at the Department of Justice’s Antitrust Division, and have practiced antitrust law at the Firm for over 13 years. Labaton Sucharow has a well-earned reputation for successfully investigating and litigating complex antitrust class actions throughout the nation on behalf of victims of anticompetitive conduct. Regularly appointed lead or co-lead counsel, the Firm has led the charge in prosecuting some of the most significant private antitrust litigation in recent years.

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 performed the following work to benefit the Settlement Class at the request and under the direction of interim lead class counsel (“Lead Counsel”) or prior to entry of the Order:

- a. assisted in drafting the Consolidated Amended Complaint;
- b. conducted legal research regarding foreign discovery;
- c. conducted third-party discovery of trade associations, including researching and drafting a fact memorandum, drafting subpoenas and requests for production, leading meet and confer discovery negotiations, and reviewing third-party discovery;
- d. conducted an extensive investigation prior to filing a complaint, including numerous interviews with former employees of defendants (confidential witnesses) that provided key details on the nature of the conspiracy, market research, and legal research;
- e. attended and participated in the Court’s first status conference; and
- f. coordinated with other plaintiffs’ counsel in drafting and editing preliminary case-related documents.

5. Summary of Time and Expenses. During the course of this litigation, the Firm performed 547.40 hours of work in connection with this litigation. Based upon the Firm’s current hourly rates, the lodestar value of the time is \$334,726.00. The chart below indicates the attorneys, investigators 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>
Asciolla, Gregory (Partner)	70.1	\$995.00	\$69,749.50
Himes, Jay (Partner)	4.2	\$1,100.00	\$4,620.00
McDonald, Christopher (Partner)	58.1	\$925.00	\$53,742.50
Garvey, Karin (Partner)	19.6	\$925.00	\$18,130.00
Minerva, Domenico (Partner)	0.5	\$825.00	\$412.50
van der Meulen, Robin (Partner)	1.4	\$750.00	\$1,050.00
Perez, Matthew (Of Counsel)	3.4	\$650.00	\$2,210.00
Pontrelli, Jerome (Investigator)	105.1	\$550.00	\$57,805.00
Morrison, Brian (Associate)	60	\$475.00	\$28,500.00
Watson, Thomas (Associate)	1.8	\$525.00	\$945.00
Crowley, Mark (Investigator)	47.5	\$435.00	\$20,662.50
Song, Tianran (Associate)	42	\$425.00	\$17,850.00
Wroblewski, Rian (Investigator)	99.5	\$450.00	\$44,775.00
Crevier, Jonathan (Associate)	24.6	\$450.00	\$11,070.00
Redman, Stacy (Paralegal)	8.8	\$335.00	\$2,948.00
Schneider, Peter (Paralegal)	0.6	\$335.00	\$201.00
Mendelson, Jordan (Law Clerk)	0.1	\$275.00	\$27.50
Xu, Danhui (Law Clerk)	0.1	\$275.00	\$27.50
<u>Totals:</u>	547.4		\$334,726.00

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 for similar work.

7. During the course of this litigation, the Firm incurred expenses in the sum of \$22,368.11. 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>AMOUNT</u>
Internal Reproduction / Copies	\$ 505.40
Court Fees (Filing costs, etc.)	\$ 356.00
Computer Research	\$ 3,281.58
Telephone/Fax/E-mail	\$ 234.38
Postage/Express Delivery/Messenger	\$ 182.54
Professional Fees (expert, investigator, accountant, etc.)	\$ 7,783.23
Witness/Service Fees	\$ 1,252.80
Air Transportation	\$ 4,290.46
Ground Transportation	\$ 2,509.56
Meals	\$ 484.54
Lodging	\$ 1,487.62
TOTAL EXPENSES:	\$ 22,368.11

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 Settlement Class, and any such compensation is wholly contingent on the Court's approval

of Class Counsel's motion for attorneys' 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 New York on May 1, 2020.

By: /s/ Gregory Ascioffa

Gregory Ascioffa