

**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 DAVID B. SPEAR IN SUPPORT OF
CLASS COUNSEL’S MOTION FOR ATTORNEY’S FEES, COSTS,
AND SERVICE AWARDS**

I, David B. Spear, declare as follows:

1. I am the head of litigation at the Minto Law Group, LLC (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 handles complex civil litigation and employment law litigation, as well as high-end estate planning and tax matters. Mr. Spear has a multi-faceted civil litigation practice, focusing on employment and civil rights cases. He represents mainly employees, including, among others, doctors, professors and executives, and small businesses in employment disputes mainly in federal courts and has extensive experience in the United States District Court for the Western District of Pennsylvania.
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 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. On behalf of Plaintiff Travis Carruth, Mr. Spear filed the first plaintiff's compliant in this class action in the Western District of Pennsylvania. Mr. Spear also contributed his experience practicing in this Court relating to the selection of the Western District of Pennsylvania for the jurisdiction of the class action/MDL, among other matters.

5. Summary of Time and Expenses. During the course of this litigation, the Firm performed 25.1 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 \$8,620.50. 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>
David Spear, Partner	16.2	\$425	\$6,885.00
Nick Kennedy, Associate	8.9	\$195	\$1,735.50
<u>Totals:</u>	25.1		\$8,620.50

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 \$582.90. 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>
Court Fees (Filing costs, etc.)	\$ 400.00
Professional Fees (Service of Process)	\$ 182.90
TOTAL EXPENSES:	\$ \$582.90

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 Pittsburgh, PA on May 4, 2020.

Minto Law. Group, LLC

By: /s/ David B. Spear

David B. Spear

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