

**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 LINDA P. NUSSBAUM IN SUPPORT OF
CLASS COUNSEL’S MOTION FOR ATTORNEY’S FEES, COSTS,
AND SERVICE AWARDS**

I, Linda P. Nussbaum, declare as follows:

1. I am the managing director of Nussbaum Law Group, P.C. (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 founded the Nussbaum Law Group, P.C. in 2015, having practiced as a senior partner and antitrust department chair at two prominent national plaintiff’s class action firms. I have over 35 years of experience, have been repeatedly appointed as class lead counsel and recognized by courts throughout the country as a preeminent litigator. My firm has collected billions of dollars for plaintiff classes in cases in which I have served in the court appointed leadership.

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. We aided in drafting of the protection order, edited and assisted in preparation of consolidated amended complaint, did factual and legal research with respect to defendants motion to dismiss, researched and drafted third party discovery, and revised and analyzed third party production.
- b. The Firm's work as to third-party discovery was particularly extensive. In addition to the above, the Firm located and served over 20 subpoenas on recruiting firms that served Defendants during the relevant period. Many of those were small firms that could not afford outside counsel, and who required extensive guidance in responding, all while the Firm scrupulously adhered to ethical standards governing such situations. Larger firms were represented by sophisticated counsel who were persistent in objecting and negotiating before producing documents.

5. Summary of Time and Expenses. During the course of this litigation, the Firm performed 726 hours of work in connection with this litigation. Based upon the Firm's current hourly rates, the lodestar value of the time is \$549,166.50. 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>Title</u>	<u>Hours</u>	<u>Hourly Rate</u>	<u>Lodestar</u>
Linda P. Nussbaum	Director	31.70	\$995.00	\$31,541.50
Bart Cohen	Director	157.00	\$925.00	\$145,225.00
Hugh D. Sandler	Director	21.20	\$825.00	\$17,490.00
Susan R. Schwaiger	Of counsel	301.40	\$800.00	\$241,120.00
Fred T. Isquith Jr.	Counsel	7.60	\$750.00	\$5,700.00
Peter Moran	Senior Associate	6.80	\$700.00	\$4,760.00
Sara Wigmore	Senior contract attorney	89.30	\$700.00	\$62,510.00
James Perelman	Associate	9.10	\$450.00	\$4,095.00
Hoyoung Yang	Associate	74.90	\$425.00	\$31,832.50
Zachary Shutran	Law clerk	1.00	\$325.00	\$325.00
Vivian Lee	Paralegal	0.70	\$200.00	\$140.00
Matthew Kaminer	Paralegal	25.30	\$175.00	\$4,427.50
Totals:		726.00		\$549,166.50

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 \$808.62. 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
Internal Reproduction / Copies	\$ 60.25
Court Fees (Filing costs, etc.)	\$161.52
Computer Research	\$315.21
Telephone/Fax/E-mail	\$ 28.00
Postage/Express Delivery/Messenger	\$ 34.60
Miscellaneous/Other (Sharefile)	\$209.04
TOTAL EXPENSES:	\$808.62

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 New York on April 30, 2020.

By: /s/ Linda P. Nussbaum
Linda P. Nussbaum
Nussbaum Law Group, P.C.