

**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 A. PATRICIA DIULUS-MYERS, ESQ. IN SUPPORT OF
CLASS COUNSEL’S MOTION FOR ATTORNEY’S FEES, COSTS,
AND SERVICE AWARDS**

I, A. Patricia Diulus-Myers, declare as follows:

1. I am an attorney of counsel of Segmiller & Associates, 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 am an experienced litigation and trial attorney, having practiced law for over 40 years. I am admitted to practice law in the state bars of Pennsylvania, Ohio, West Virginia and Florida, and several federal district courts including the U.S. District Court for the Western District of Pennsylvania, as well as the Third Circuit Court of Appeals. Since January 2017, I joined as of counsel with the firm of Segmiller & Associates, P.C., which is a woman-owned and operated litigation law practice, concentrating in general civil litigation on behalf of plaintiffs and defendants, health care and insurance defense work. Prior to joining Segmiller, I was an equity principal in the national employment law firm of Jackson Lewis PC, focusing my practice on litigation and trial work in employment matters, including restrictive covenant and non-competition disputes.

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. Prior to the appointment of Co-Lead Counsel, the Firm performed legal research and interviewed numerous former Wabtec employees and potential class members regarding restrictive covenant agreements, job duties and descriptions and terms of employment, as well as legal ramifications of the no-poach agreements alleged in the instant litigation. The Firm filed a complaint on behalf of Jeffrey Ochoa in the Western District of Pennsylvania and worked on the ESI protocol for the case. After the cases were consolidated and the Court appointed Interim Co-Lead Counsel, at Co-Lead Counsel's request, the Firm worked with Mr. Ochoa to respond to Lead Counsel's questionnaire for prospective class representatives and provide input on the consolidated amended complaint.

5. Summary of Time and Expenses. During the course of this litigation, I performed 30.9 hours of work in connection with this litigation to the benefit of the Settlement Fund. Based upon the Firm's current hourly rate of \$390/hour for my time, the lodestar value of my time is \$12,051.00. 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.

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 \$400, which was the filing fee for the Complaint. Reimbursement for other expenses incurred, such as copying charges, have not been sought in this case. 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.

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 on May 1, 2020.

By: 
A. PATRICIA DIULUS-MYERS