

**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 SAMUEL J. STRAUSS IN SUPPORT OF  
CLASS COUNSEL’S MOTION FOR ATTORNEY’S FEES, COSTS,  
AND SERVICE AWARDS**

I, Samuel J. Strauss, declare as follows:

1. I am a member of Turke & Strauss 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. Turke & Strauss is a law firm in Madison, Wisconsin that focuses on complex civil and commercial litigation with an emphasis on consumer protection, employment, wage and hour, business, real estate, and debtor-creditor matters.

3. I graduated from the University of Washington School of Law with honors in 2013. As a founding member of Turke & Strauss, I concentrate my practice in complex litigation with an emphasis on consumer and employment issues.

4. I have represented plaintiffs in several consumer class actions, including the following:

- *Jones, et al. v. Monsanto Company*—Filed on behalf of individuals who purchased mislabeled RoundUp® products. The case settled on a class-wide basis in 2020 for \$39,550,000. and preliminary approval is pending in the United States District Court for the Western District of Missouri.

- *Hudock, et al. v. LG Electronics U.S.A., Inc., et al.*—Turke & Strauss represents two certified classes of consumers who paid a premium when purchasing televisions due to mislabeled product information. The case is currently on appeal to the United States Court of Appeals for the Eight Circuit
- *Fowler, et al. v. Wells Fargo Bank, N.A.*—Filed on behalf of consumers who were overcharged fees on FHA mortgages. The case settled on a class-wide basis in 2018, and final approval was granted in January 2019.
- *In re Capital One Telephone Consumer Protection Act Litigation*—Filed on behalf of consumers who received automated, prerecorded collection telephone calls on their cellular telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* Final approval of the \$75,455,098.74 settlement was granted in February 2015.
- *Wilkins, et al. v. HSBC Bank Nevada, N.A., et al.*—Filed on behalf of individuals who alleged that HSBC made prerecorded calls using an automatic dialing system. The case settled on a class-wide basis in 2014 for \$39,975,000, and final approval was granted in March 2015.
- *Ott, et al. v. Mortgage Investors Corporation*—Filed on behalf of consumers who received automated solicitation telephone calls on their cellular and residential telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* The case settled on a class-wide basis for \$7,483,600, and final approval was granted in January 2016.
- *Booth, et al. v. AppStack, et al.*—Filed on behalf of consumers who received automated, prerecorded solicitation telephone calls on their cellular telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* The case settled on a class-wide basis in 2016, and final approval was granted in January 2017.
- *Melito, et al. v. American Eagle Outfitters, Inc., et al.*—Filed on behalf of consumers who received spam text messages on their cellular telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* The case settled on a class-wide basis in 2016 for \$14.5 million. The case is currently on appeal with

the United States Court of Appeals for the Second Circuit.

- *Dibb, et al. v. AllianceOne Receivables Management, Inc.*— Filed on behalf of Washington consumers who received unfair and deceptive debt collection notices that included threats of criminal prosecution. The case is settled on a class-wide basis, and final approval was granted in July 2017.
- *Bee, Denning, Inc., et al. v. Capital Alliance Group, et al.*— Filed on behalf of consumers who received junk faxes and automated, prerecorded solicitation telephone calls on their cellular telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* The case settled on a class-wide basis in 2016, and final approval was granted in November 2016.
- *Rinky Dink, et al. v. World Business Lenders, LLC*—Filed on behalf of consumers who received automated, prerecorded solicitation telephone calls on their cellular telephones and Washington landlines without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.*, the Washington Automatic Dialing and Announcing Device statute, RCW 80.36.400, and the Washington Consumer Protection Act, RCW 19.86 *et seq.* The case settled on a class-wide basis in 2015, and final approval was granted in May 2016.
- *Rinky Dink, et al. v. Electronic Merchant Systems, Inc., et al.*— Filed on behalf of consumers who received automated, prerecorded solicitation telephone calls on their cellular telephones and Washington landlines without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.*, the Washington Automatic Dialing and Announcing Device statute, RCW 80.36.400, and the Washington Consumer Protection Act, RCW 19.86 *et seq.* The case settled on a class-wide basis in 2015, and final approval was granted in April 2016.
- *Spencer v. FedEx Ground Package System, Inc.*—Filed on behalf of current and former delivery drivers who allege violations of state wage and hour laws. The case settled on a class-wide basis, and final approval was granted in December 2016.

- *Newell v. Home Care of Washington, Inc., et al.*—Filed on behalf of more than 400 in-home health care workers who alleged violations of state wage and hour laws. The case settled on a class-wide basis, and final approval was granted in January 2015.

5. 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.

6. The Firm has acted as counsel for Named Plaintiff and Class Representative Stephen Baldassano. 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. Interviewing Mr. Baldassano to obtain information necessary for the Consolidated Class Action Complaint and, following this Court’s order on Defendants’ first motion to dismiss and to strike class allegations, for the Amended Consolidated Class Action Complaint.
- b. Working with Mr. Baldassano to respond to discovery requests, including the collection of electronically-stored information, potentially responsive hard-copy documents, and responding to and verifying responses to Defendants’ interrogatory requests.

7. Summary of Time and Expenses. During the course of this litigation, the Firm performed 69 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 \$29,610. 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>
Zog Begolli, Associate Attorney	32.6	\$350.00	\$11,410.00
Samuel Strauss, Partner	36.4	\$500.00	\$18,200.00
<b>Totals:</b>	<b>69.0</b>		<b>\$29,610.00</b>

8. 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.

9. During the course of this litigation, the Firm incurred expenses in the sum of \$202.09. 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>
Computer Research	\$ 63.29
Postage/Express Delivery/Messenger	\$ 138.80
<b>TOTAL EXPENSES:</b>	<b>\$202.09</b>

10. 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.

11. 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 Madison, Wisconsin on May 1, 2020.

By: /s/ Samuel J. Strauss  
Samuel J. Strauss