

**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 CHRISTOPHER T. MICHELETTI IN SUPPORT OF
CLASS COUNSEL’S MOTION FOR ATTORNEYS’ FEES, COSTS,
AND SERVICE AWARDS**

I, Christopher T. Micheletti, declare as follows:

1. I am a partner of Zelle 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. Zelle LLP is among the preeminent antitrust class action litigation firms in the United States with class action litigators in San Francisco, Washington, D.C. and Minneapolis. With many decades of collective experience, Zelle attorneys have successfully represented classes of consumers and businesses in California, multi-state and nationwide antitrust class actions. We have also successfully defended corporations in antitrust class actions. *See* https://www.zelle.com/Antitrust_and_Unfair_Competition. A few of our case successes include the following: *In re Static Random Access Memory (SRAM) Antitrust Litig.* (MDL No. 1819) (Lead Counsel for 25 certified statewide damages classes in price-fixing case with settlements of \$41.3 million); *In re TFT-LCD (Flat Panel) Antitrust Litig.* (MDL No. 1827) (Co-Lead Counsel for 23 certified statewide damages classes in price-fixing case with settlements totaling nearly \$1.1 billion); *In re: Cathode Ray Tubes (CRT) Antitrust Litig.* (MDL No. 1917) (part of core

team of counsel for 22 certified statewide damages classes in price-fixing case with settlements totaling \$577 million); *In re: Lithium Ion Batteries Antitrust Litig.* (MDL No. 2420) (Liaison Counsel for certified settlement class in price-fixing case with settlements of nearly \$140 million).

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 acted as counsel for Named Plaintiff and Class Representative John Brand. In particular, during the course of this litigation, the Firm has been involved in, among others, 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. Brand 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. Review and analysis of Plaintiffs' opposition to Defendants' motions to dismiss and providing Lead Counsel with comments and edits thereto.
- c. Working with Mr. Brand, Lead Counsel and Plaintiffs' electronic discovery vendor to respond to discovery requests, including the collection of electronically-stored information and potentially responsive hard-copy documents, and responding to and verifying responses to Defendants' interrogatory requests.

- d. Legal analysis of and drafting of memoranda and other communications with Lead Counsel regarding issues related to Mr. Brand's possession and production of electronically-stored information.
- e. Research regarding and drafting of letters from Zelle LLP to counsel for Defendant New York Air Brake ("NYAB") regarding Mr. Brand's possession and production of certain electronically-stored information.
- f. Multiple calls with Lead Counsel and with NYAB counsel regarding Mr. Brand's possession and production of hard copy and electronic documents.
- g. Assisting Lead Counsel with final review and selection of Mr. Brand's electronic and other documents for production to Defendants.
- h. Working with Lead Counsel in connection with the preparation of Plaintiffs' privilege logs to be provided to Defendants.
- i. Consulting with Lead Counsel regarding settlement status and strategies and in turn consulting with Mr. Brand regarding same.

5. Summary of Time and Expenses. During the course of this litigation, the Firm performed 438.8 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 \$332,095.00. 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.

Timekeeper	Hours	Rates	Lodestar
Micheletti, Chris T. (Partner)	212.8	\$905.00	\$192,584.00
Peterson, Woody N. (Senior Counsel)	1.5	\$860.00	\$1,290.00
Fu, Qianwei (Partner)	97.1	\$650.00	\$63,115.00
Rankie, Heather T. (Associate)	107.0	\$630.00	\$67,410.00
Cheolas, Nicholas S. (Associate)	6.0	\$565.00	\$3,390.00
Wang, Bryan (Associate)	1.3	\$440.00	\$572.00
Newman, Robert (Paralegal)	4.8	\$300.00	\$1,440.00
Griffith, Lauren E. (Paralegal)	7.3	\$280.00	\$2,044.00
Babione, Marie J. (Paralegal)	1.0	\$250.00	\$250.00
<u>Totals:</u>	438.8		\$332,095.00

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 charged for similar work.

7. During the course of this litigation, the Firm incurred expenses in the sum of \$2,599.69. 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.

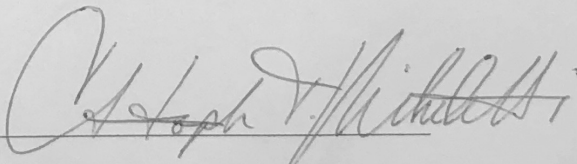
<u>DESCRIPTION</u>	<u>AMOUNT</u>
Internal Reproduction / Copies	\$37.25
Court Fees (Filing costs, etc.)	\$816.12
Computer Research	\$534.09
Telephone/Fax/Email	\$38.22
Postage/Express Delivery/Messenger	\$114.19

Air Transportation	\$720.40
Ground Transportation	\$108.20
Meals	\$37.43
Lodging	\$193.79
TOTAL EXPENSES	\$2,599.69

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 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 Castro Valley, California on May 1, 2020.

By: 
Christopher T. Micheletti