

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: RAILWAY INDUSTRY	)	
EMPLOYEE NO-POACH ANTITRUST	)	Master Docket Misc. No. 18-798
LITIGATION	)	
	)	MDL No. 2850
	)	
This Document Relates to:	)	
ALL ACTIONS	)	
	)	

**JOINT DECLARATION OF DEAN M. HARVEY AND ROBERTA D. LIEBENBERG IN  
SUPPORT OF PLAINTIFFS' MOTION FOR FINAL APPROVAL OF PROPOSED  
CLASS SETTLEMENTS**

We, Dean M. Harvey and Roberta D. Liebenberg, declare as follows:

1. Dean Harvey is a Partner at the law firm of Lief Cabraser Heimann & Bernstein, LLP (“Lief Cabraser” or “LCHB”), and Roberta Liebenberg is a Partner at the law firm of Fine, Kaplan and Black, RPC (“Fine Kaplan”). We were appointed by the Court to serve as Interim Co-Lead Class Counsel in this action, and the Court subsequently appointed us Class Counsel with respect to the settlements in this litigation. We make this Joint Declaration in support of Plaintiffs’ Motion for Final Approval of Proposed Class Settlements. We have personal knowledge of the following facts and, if called as witnesses, we could competently testify to these matters.

2. After notice of the proposed Settlements, 40 Class Members and potential Class Members contacted our offices with questions through e-mail and phone calls. Counsel responded to all of these inquiries and provided the requested information.

3. The inquiries we fielded included questions from two individuals regarding whether the Settlement Class included individuals who worked for Wabtec subsidiaries that were not specifically referenced in the Class Notice, Settlement Class definition, or Consolidated Amended Complaint. KCC advised us that it had received similar inquiries. After consulting Defendants, we advised KCC that the Settlement Class does not include such persons, but rather includes only people who held a job that is on the Eligible Job Title List and worked for one of the following named Defendants during the class period: Westinghouse Air Brake Technologies Corporation, Wabtec Railway Electronics, Inc., Railroad Controls, L.P., Xorail Inc., Faiveley Transport, S.A., Faiveley Transport North America Inc., Knorr Brake Company LLC, and New York Air Brake LLC. We reached out directly to the two individuals who contacted us to advise them, and instructed KCC to do the same with respect to individuals who contacted it. We also

requested that KCC add clarifying language to the Settlement Website, as described in the concurrently-filed Declaration of Derek Smith.

4. Before filing with the Court, we sent a copy of the concurrently-filed Proposed Order Granting Final Approval of Class Action Settlements and Final Judgment and Order of Dismissal to Defendants. Defendants reviewed the Proposed Order and advised us that they have no objections.

5. Attached as **Exhibit A** is an updated chart comparing the result in this case to other similar antitrust employment class actions, using the updated information about the size of the class and the number of persons with valid claims gathered during the claims process.

\* \* \*

We declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on the 17th day of July, 2020, in San Francisco, California by Dean Harvey and Philadelphia, Pennsylvania by Roberta Liebenberg.

/s/ Dean M. Harvey  
Dean M. Harvey

/s/ Roberta D. Liebenberg  
Roberta D. Liebenberg