

**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 RICHARD E. DONAHOO IN SUPPORT OF
CLASS COUNSEL’S MOTION FOR ATTORNEY’S FEES, COSTS,
AND SERVICE AWARDS**

I, Richard E. Donahoo, declare as follows:

1. I am the founder and a shareholder of Donahoo & Associates, PC (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 the principal of the Firm, which is a California law firm representing employees in labor and employment matters. I have been a member of the California Bar for over 23 years. I am licensed to practice before all state courts of the State of California, the United States District Courts for the State of California, and the United States Supreme Court. I have been admitted to practice in numerous other district courts throughout the United States.

3. I have successfully litigated a variety of federal and state civil matters during my professional career, including class and representative employment actions. I have served as lead counsel or co-lead counsel in a numerous certified class and collective actions, including cases that were litigated through trial and appeal. I have successfully tried multiple class actions as lead trial counsel for the class. I have been honored as a two-time recipient of Orange County

Trial Lawyer Association's Trial Lawyer of the Year award (2015 and 2017) in recognition of significant civil jury verdicts.

4. My representation of employees in employment litigation has resulted in a number of published opinions in the area of California employment law. I am supported by a dedicated support staff including associate attorneys, paralegals and support staff.

5. The Firm commenced our initial activity in this matter in early 2018, working in association with attorney Dean M. Harvey of the law firm of Lief Cabraser Heimann & Bernstein, LLP ("LCHB") and Thomas G. Foley of the law firm of Foley Bezek Behle & Curtis, LLP ("FBBC"). Our firm and FBBC have been involved in previous litigation involving Wabtec's labor and employment practices in California and we represented numerous former Wabtec employees. In the prior Wabtec litigation I personally took numerous depositions and reviewed and analyzed thousands of documents gaining familiarity with Wabtec's employment practices.

6. After an initial investigation and coordination with LCHB and FBBC, we filed our initial complaint in this matter May 24, 2018 in the District Court of Maryland on behalf of plaintiff Derek Johnson. Between May and September 2018 we filed additional complaints on behalf of other former Wabtec employees both in the District Court of Maryland and the District Court for the Western District of Pennsylvania. We actively participated in the Multi-District Litigation proceedings and I attended the MDL hearing in Sante Fe, New Mexico July 26, 2018 supporting Dean M. Harvey and LCHB. I also attended the initial hearing before this Court on September 13, 2018 at which it selected Mr. Harvey and Ms. Roberta D. Liebenberg of Fine, Kaplan and Black, R.P.C. as Interim Co-Lead Class Counsel.

7. The Firm continued to work with Co-Lead Counsel Mr. Harvey and Ms. Liebenberg to review and select the appropriate lead plaintiffs for a Consolidated Amended Complaint and to engage in detailed factual inquiry and legal analysis regarding each of the class representatives. One of our clients, David Escalera, who had filed an early complaint, was selected as a named plaintiff and class representative in the Consolidated Class Action complaint.

8. 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.

9. The Firm has acted as counsel for Named Plaintiff and Class Representative David Escalera and 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 numerous activities on behalf of the Settlement Class at the request and under the direction of interim lead class counsel ("Lead Counsel"), including but not limited to:

- a. Researching factual history of Wabtec's employment practices and use of third-party recruiting firms and vendors for recruiting and hiring;
- b. Research legal issues associated with defendants' motion to dismiss and Plaintiffs' amended complaint;
- c. Reviewing, editing, and revising pleadings and discovery;
- d. Interviewing Mr. Escalera 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.

- e. Working with Mr. Escalera 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.
- f. Analyzing discovery including documents and depositions in other litigation involving defendant Wabtecs employment practices;
- g. Reviewing and participating in law and motion hearings related to case management and defendants' motion to dismiss.

10. Summary of Time and Expenses. During the course of this litigation, the Firm performed more than 730 hours of work in connection with this litigation. Records of the detailed hours and work since May 2018 has been provided to Co-Lead counsel Mr. Harvey and Ms. Liebenberg. Based upon the Firm's current hourly rates, the lodestar value of the time is \$429,563.50. 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>Hours</u>	<u>Hourly Rate</u>	<u>Lodestar</u>
Richard E. Donahoo, Attorney	387.00	\$715.00	\$276,705.00
Sarah L. Kokonas, Attorney	26.53	\$550.00	\$14,591.50
Judith Camilleri, Attorney	4.10	\$495.00	\$2,029.50
William E. Donahoo, Attorney	292.01	\$450.00	\$131,404.50
Chase Donahoo, Attorney	1.70	\$275.00	\$467.50

Kelsey Ung, Paralegal	13.60	\$245.00	\$3,332.00
Brenda Torres, Paralegal	5.30	\$195.00	\$1,033.50
Totals:	730.24	\$715.00	\$429,563.50

11. 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.

12. During the course of this litigation, the Firm incurred expenses in the sum of \$3,957.95. 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.

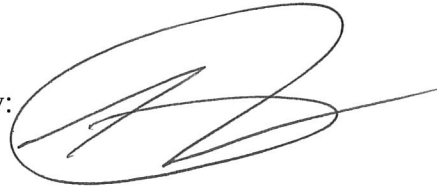
DESCRIPTION	CUMULATIVE
	TOTAL
Internal Reproduction / Copies	\$ 180.65
Computer Research	\$ 350.32
Air Transportation	\$ 1,957.24
Ground Transportation	\$ 116.15
Meals	\$ 101.16
Lodging	\$ 1,152.43
Miscellaneous/Other (Airport parking)	\$ 100.00
TOTAL EXPENSES	\$3,957.95

13. 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.

14. 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 Tustin California, on May 1, 2020.

By:

A handwritten signature in black ink, consisting of a large, stylized 'R' followed by a horizontal line and a vertical stroke, all enclosed within a large, loopy oval shape.

Richard E. Donahoo, Declarant