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# U.S. District Court
# Western District of Pennsylvania (Pittsburgh)
# CIVIL DOCKET FOR CASE #: 2:24-mc-01283-MRH

Railware, Inc. v. SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY
Assigned to: Judge Mark R. Hornak
Case in other court: Eastern District of Pennsylvania, 2:24-cv-02963
Cause: no cause specified

Date Filed: 11/25/2024
Date Terminated: 06/25/2025

**Plaintiff**

**Railware, Inc.**

represented by **Bryan J. Vogel**
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V.

**Defendant**

**SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY**

represented by **Christopher Ricciuti**
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Wabtec v. Railware, Inc.
IPR2026-00133
EX2010 - 0001

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| Date Filed | # | Docket Text |
|---|---|---|
| 11/25/2024 | 1 | MOTION to Quash Subpoena Filing fee $52, receipt number APAWDC-8578240. by Westinghouse Air Brake Technologies Corp.. (Attachments: # 1 Proposed Order) (Horrigan, Courtney) (Entered: 11/25/2024) |
| 11/25/2024 | 2 | Disclosure Statement identifying None as corporate parent or other affiliate by Westinghouse Air Brake Technologies Corp.. (Horrigan, Courtney) (Entered: 11/25/2024) |
| 11/25/2024 | 3 | NOTICE of Appearance by Alexa Austin on behalf of Westinghouse Air Brake Technologies Corp.. (Austin, Alexa) (Entered: 11/25/2024) |
| 11/25/2024 | | Chief Judge Mark R. Hornak added. (bjr) (Entered: 11/25/2024) |
| 11/25/2024 | 4 | ORDER deferring ruling on 1 Motion to Quash. Counsel for the moving party shall forthwith serve (by electronic means) counsel for all parties or entities that may have an interest in this matter, including counsel for all parties in the underlying litigation, with a copy of this Order and all papers of record and immediately file a certificate of such service, and all such receiving counsel shall enter their appearance on this docket forthwith. All such counsel shall file a statement of their client's position as to the Motion at 1 and the relief that it seeks within 14 days of the entry of appearance for each such party/entity.. Signed by Chief Judge Mark R. Hornak on 11/25/2024. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (Hornak, Mark) (Entered: 11/25/2024) |
| 11/25/2024 | 5 | BRIEF in Support re 1 Motion to Quash *Subpoena* filed by Westinghouse Air Brake Technologies Corp.. (Attachments: # 1 Declaration Stephen T. Passano, # 2 Declaration Ralph A. Dengler, # 3 Exhibit 1, # 4 Exhibit 2, # 5 Exhibit 3, # 6 Exhibit 4, # 7 Exhibit 5, # 8 Exhibit 6, # 9 Exhibit 7, # 10 Exhibit 8, # 11 Exhibit 9) (Horrigan, Courtney) (Entered: 11/25/2024) |
| 11/25/2024 | | CLERK'S OFFICE QUALITY CONTROL MESSAGE re 1 Motion to Quash. ERROR: Attorney signature missing required information. No Bar number in signature block. CORRECTION: Attorney directed to comply with requirements of LCvR 5.2(B) in all future filings. This message is for informational purposes only. (bjr) (Entered: 11/25/2024) |
| 11/26/2024 | 6 | CERTIFICATE OF SERVICE by Westinghouse Air Brake Technologies Corp. re 1 Motion to Quash, 5 Brief in Support of Motion, 3 Notice of Appearance, 2 Disclosure Statement, 4 Order on Motion to Quash,,, (Austin, Alexa) (Entered: 11/26/2024) |

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| 11/27/2024 | 7 | NOTICE of Appearance by Jessica Ann Priselac on behalf of SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY. (Priselac, Jessica) (Entered: 11/27/2024) |
| 11/27/2024 | | CLERK'S OFFICE QUALITY CONTROL MESSAGE re 7 Notice of Appearance. ERROR: Party did not file disclosure statement identifying all parent companies, subsidiaries, and affiliates that have issued shares or debt securities to the public as required pursuant to LR 7.1.A. CORRECTION: Attorney advised to file statement within 7 days under Civil > Other Filings > Other Documents > Disclosure Statement (LR 7.1.A and/or FRCvP 7.1(a)(2)). Disclosure Statement due by 12/4/2024. (bjr) (Entered: 11/27/2024) |
| 11/27/2024 | | CLERK'S OFFICE QUALITY CONTROL MESSAGE re 7 Notice of Appearance. ERROR: Attorney signature missing required information. No Bar number in signature block. CORRECTION: Attorney directed to comply with requirements of LCvR 5.2(B) in all future filings. This message is for informational purposes only. (bjr) (Entered: 11/27/2024) |
| 12/02/2024 | 8 | NOTICE of Appearance by Joe H. Tucker, Jr on behalf of Railware, Inc.. (Tucker, Joe) (Entered: 12/02/2024) |
| 12/03/2024 | | CLERK'S OFFICE QUALITY CONTROL MESSAGE re 8 Notice of Appearance. ERROR: Attorney signature missing required information. CORRECTION: Attorney directed to comply with requirements of LCvR 5.2(B) in all future filings. This message is for informational purposes only., CLERK'S OFFICE QUALITY CONTROL MESSAGE. ERROR: Party did not file disclosure statement identifying all parent companies, subsidiaries, and affiliates that have issued shares or debt securities to the public as required pursuant to LR 7.1.A. CORRECTION: Attorney advised to file statement within 7 days under Civil > Other Filings > Other Documents > Disclosure Statement (LR 7.1.A and/or FRCvP 7.1(a)(2)).(Disclosure Statement due by 12/10/2024.) (bjr) (Entered: 12/03/2024) |
| 12/04/2024 | 9 | Disclosure Statement identifying None as corporate parent or other affiliate, declaring citizenship by Railware, Inc. (Tucker, Joe) Hidden from public view. Errata filed at 10 . Modified text on 12/4/2024. (bjr) (Entered: 12/04/2024) |
| 12/04/2024 | | CLERK'S OFFICE QUALITY CONTROL MESSAGE re 9 Disclosure Statement. ERROR: Typed name omitted by s/. CORRECTION: Attorney advised of signature requirements. Attorney to resubmit with signature, using Errata event. (bjr) (Entered: 12/04/2024) |
| 12/04/2024 | 10 | Errata re 9 Disclosure Statement by Railware, Inc.. Reason for Correction: Signature. (Tucker, Joe) (Entered: 12/04/2024) |
| 12/04/2024 | 11 | Disclosure Statement identifying None as corporate parent or other affiliate by SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY. (Priselac, Jessica) (Entered: 12/04/2024) |
| 12/06/2024 | 12 | Joint MOTION to Extend Time to Respond to Wabtec's Motion to Quash Subpoena by Railware, Inc.. (Attachments: # 1 Proposed Order) (Tucker, Joe) (Entered: 12/06/2024) |
| 12/06/2024 | 13 | ORDER GRANTING 12 Joint Motion to Extend Time. The deadlines related to 1 Motion to Quash are hereby EXTENDED as set forth herein. Signed by Chief Judge Mark R. Hornak on 12/6/24. (bdb) (Entered: 12/06/2024) |
| 12/11/2024 | 14 | RESPONSE to Motion re 1 MOTION to Quash Subpoena Filing fee $52, receipt number APAWDC-8578240. filed by SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY. (Attachments: # 1 Exhibit A) (Priselac, Jessica) (Entered: 12/11/2024) |

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| 12/20/2024 | 15 | MOTION for attorney Bryan J. Vogel to Appear Pro Hac Vice, (Filing fee $70, Receipt # APAWDC-8617633) by Railware, Inc.. (Attachments: # 1 Affidavit in Support of Motion for Admission Pro Hac Vice) (Vogel, Bryan) (Entered: 12/20/2024) |
| 12/20/2024 | 16 | ORDER GRANTING 15 Motion for Bryan J. Vogel to Appear Pro Hac Vice. Signed by Chief Judge Mark R. Hornak on 12/20/24. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (bdb) (Entered: 12/20/2024) |
| 12/30/2024 | 17 | BRIEF in Opposition re 1 Motion to Quash, 14 Response to Motion *and In Support of 19 Cross-Motion to Compel* filed by Railware, Inc. (Attachments: # 1 Railware's Cross-Motion to Compel, # 2 Declaration of Bryan J. Vogel, # 3 Exhibit A, # 4 Exhibit B, # 5 Exhibit C, # 6 Exhibit D, # 7 Proposed Order) (Vogel, Bryan) Attachments #1 and #7 removed from view and redocketed at 19 . Links added to 14 and 19 . Modified text on 1/3/2025. (ept) (Entered: 12/30/2024) |
| 12/30/2024 | 19 | Cross MOTION to Compel Compliance with Subpoena by Railware, Inc. (Attachments: # 1 Proposed Order) (ept) (Entered: 01/03/2025) |
| 01/03/2025 | 18 | NOTICE of Appearance by Andrew Macarthur on behalf of Westinghouse Air Brake Technologies Corp.. (Macarthur, Andrew) (Entered: 01/03/2025) |
| 01/03/2025 | | CLERK'S OFFICE QUALITY CONTROL MESSAGE re 17 Brief in Opposition to Motion. ERROR: Document should have been filed as two separate documents. CORRECTION: Attorney advised in future that documents of that nature are to be filed as separate documents. Clerk of Court docketed Motion to Compel. This message is for informational purposes only. (ept) (Entered: 01/03/2025) |
| 01/03/2025 | 20 | NOTICE of Appearance by Ralph A Dengler on behalf of Westinghouse Air Brake Technologies Corp.. (Dengler, Ralph) (Entered: 01/03/2025) |
| 01/03/2025 | 21 | NOTICE of Appearance by Nicholas D Marcello on behalf of Westinghouse Air Brake Technologies Corp.. (Marcello, Nicholas) (Entered: 01/03/2025) |
| 01/03/2025 | 22 | MOTION for Clarification as to 19 MOTION to Compel Compliance with Subpoena, Quality Control message - document should have been filed as 2 separate documents, *Clerk's Quality Control Message re 17* by Westinghouse Air Brake Technologies Corp.. (Attachments: # 1 Proposed Order) (Horrigan, Courtney) (Entered: 01/03/2025) |
| 01/04/2025 | 23 | Addendum by Westinghouse Air Brake Technologies Corp. in Support of 22 Motion for Clarification,. (Macarthur, Andrew) (Entered: 01/04/2025) |
| 01/04/2025 | 24 | ORDER granting in part and denying in part 22 Motion for Clarification. Counsel for Westinghouse Air Brake, and counsel for all parties, shall confer, and file on or before January 7, 2025 a proposed single consolidated/comprehensive briefing schedule, along with a proposed Order which would implement it if approved by the Court. All filing obligations of any party, or interested entity, are held in abeyance pending the Courts consideration and disposition of such filing.. Signed by Chief Judge Mark R. Hornak on 12/04/2025. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (Hornak, Mark) (Entered: 01/04/2025) |
| 01/07/2025 | 25 | Joint MOTION *FOR BRIEFING SCHEDULE* by Westinghouse Air Brake Technologies Corp.. (Attachments: # 1 Proposed Order) (Horrigan, Courtney) (Entered: 01/07/2025) |
| 01/08/2025 | 26 | ORDER GRANTING 25 Joint Motion for Briefing Schedule. The Court hereby sets the briefing schedule as set forth herein. Signed by Chief Judge Mark R. Hornak on 1/8/25. (bdb) (Entered: 01/08/2025) |

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| 01/21/2025 | 27 | MOTION for Leave to File Documents Under Seal by Westinghouse Air Brake Technologies Corp.. (Attachments: # 1 Declaration, # 2 Proposed Order) (Dengler, Ralph) (Entered: 01/21/2025) |
| 01/21/2025 | 28 | REPLY *In Support* to 1 Motion to Quash, filed by Westinghouse Air Brake Technologies Corp.. (Dengler, Ralph) (Entered: 01/21/2025) |
| 01/21/2025 | 29 | RESPONSE IN OPPOSITION to 19 Motion to Compel, filed by Westinghouse Air Brake Technologies Corp.. (Dengler, Ralph) (Entered: 01/21/2025) |
| 01/21/2025 | 30 | DECLARATION re 28 Reply, 29 Response in Opposition by Westinghouse Air Brake Technologies Corp. Affiant: Ralph A. Dengler. (Attachments: # 1 Exhibit 10, # 2 Exhibit 11, # 3 Exhibit 12, # 4 Exhibit 13, # 5 Exhibit 14, # 6 Exhibit 15, # 7 Exhibit 16, # 8 Exhibit 17, # 9 Exhibit 18) (Dengler, Ralph) (Entered: 01/21/2025) |
| 01/21/2025 | 31 | DECLARATION re 28 Reply, 29 Response in Opposition by Westinghouse Air Brake Technologies Corp. Affiant: Stephen T. Passano. (Dengler, Ralph) (Entered: 01/21/2025) |
| 01/22/2025 | 32 | ORDER GRANTING 27 MOTION for Leave to File Documents Under Seal. **DO NOT electronically file the sealed version of the document until you electronically file the redacted version of the document, using the Redacted Document event, unless otherwise ordered by the Court. You are required to serve the sealed document on counsel using traditional service methods**. **Decision to Unseal Document deferred**. Signed by Chief Judge Mark R. Hornak on 1/22/25. (jad) (Entered: 01/22/2025) |
| 01/22/2025 | 33 | SEALED DOCUMENT by Westinghouse Air Brake Technologies Corp.. This document Sealed pursuant to 32 Order on Motion for Leave to File Documents Under Seal,,. (Attachments: # 1 Exhibit 10, # 2 Exhibit 11, # 3 Exhibit 12, # 4 Exhibit 13, # 5 Exhibit 14, # 6 Exhibit 15, # 7 Exhibit 16, # 8 Exhibit 17) (Dengler, Ralph) (Entered: 01/22/2025) |
| 02/04/2025 | 34 | REPLY BRIEF re 19 Motion to Compel *Reply in Further Support of Railware's Cross-Motion to Compel Wabtec to Comply with the Subpoenas* filed by Railware, Inc.. (Attachments: # 1 Declaration of Bryan J. Vogel, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C) (Vogel, Bryan) (Entered: 02/04/2025) |
| 03/12/2025 | 35 | SCHEDULING ORDER. An Oral Argument is hereby SCHEDULED for 3/26/25 at 1:00 PM via Video Conference before Chief Judge Mark R. Hornak. The link required to participate will be circulated via e-mail. Signed by Chief Judge Mark R. Hornak on 3/12/25. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (bdb) (Entered: 03/12/2025) |
| 03/24/2025 | 36 | MOTION for attorney Richard M. Hughes, IV to Appear Pro Hac Vice, (Filing fee $70, Receipt # BPAWDC-8770970) by SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY. (Attachments: # 1 Certificate of Service, # 2 Proposed Order, # 3 Affidavit, # 4 Exhibit A) (Hughes, Richard) (Entered: 03/24/2025) |
| 03/24/2025 | 37 | ORDER GRANTING 36 Motion for Richard M. Hughes to Appear Pro Hac Vice. Signed by Chief Judge Mark R. Hornak on 3/24/25. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (bdb) (Entered: 03/24/2025) |
| 03/24/2025 | 38 | MOTION for attorney Christopher Ricciuti to Appear Pro Hac Vice, (Filing fee $70, Receipt # APAWDC-8771194) by SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY. (Attachments: # 1 Certificate of Service, # 2 Proposed Order, # 3 Affidavit, # 4 Exhibit A) (Ricciuti, Christopher) (Entered: 03/24/2025) |
| 03/24/2025 | 39 | ORDER GRANTING 38 Motion for Christopher Ricciuti to Appear Pro Hac Vice. Signed by Chief Judge Mark R. Hornak on 3/24/25. Text-only entry; no PDF document will issue. |

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| | | This text-only entry constitutes the Order of the Court or Notice on the matter. (bdb) (Entered: 03/24/2025) |
| 03/26/2025 | 40 | ORDER REGARDING ORAL ARGUMENT ON PENDING MOTIONS. The Court has set Oral Argument on the pending motions for this date. In those regards, the Court anticipates providing each participating party/entity an initial 10 minutes period to make such presentation as they deem appropriate. Thereafter, the Court intends to pose such questions as it considers appropriate, including but not limited to on the following topics: (1) the breadth of the definition of Product/Products at ECF 5-5, particularly in reference to the Accused Feature; (2) whether pursuant to relevant Order(s) in the underlying civil action, a specific Electronic Communications request is appropriate; (3) the relevance/discoverability from WABTEC of actions/inactions of WABTEC customers (other than SEPTA) on any topic, including roadway worker protection; (4) the relationship, if any, between the scope of the challenged discovery requests and the description of the Asserted Patents set out at ECF 17, page 10; (5) to the extent an objection to discovery has been made based (in whole or in part) on costs of compliance, the specifics of the anticipated costs, generally and as compared to non-contested compliance; (6) the basis to conclude that WABTEC is in possession of requested information relative to blocking data reflecting SEPTAs actual operations; (7) whether the matters central to the pending disputes are so inexorably intertwined with the substance and administration of the civil action pending in the USDC/EDPA at its docket number 2:24-cv-2963 (JMY) such that the pending discovery dispute should be transferred to such Court pursuant to Fed. R. Civ. P. 45(f). The Court also notes that in its experience, a blow-by-blow recitation of perceived bad manners in the discovery process is rarely helpful in the resolution of discovery disputes, unless such is relevant under the applicable substantive rules of decision. The argument will conclude not later than 2:30 pm this date. Signed by Chief Judge Mark R. Hornak on 03/26/2025. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (Hornak, Mark) (Entered: 03/26/2025) |
| 03/26/2025 | 41 | Minute Entry for proceedings held before Chief Judge Mark R. Hornak: Oral Argument held via video on 3/26/25. (Court Reporter: Marsia Balobeck) (bdb) (Entered: 03/26/2025) |
| 04/15/2025 | 42 | NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings re hearing held on 3/26/2025 before Judge Mark R. Hornak. Court Reporter Marsia Balobeck, Telephone number 412-328-5452. marsia.balobeck@gmail.com. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely, electronically available to the public without redaction after 90 calendar days. For redaction purposes, or otherwise, during this 90 day period a copy of the transcript may be purchased from the court reporter or viewed at the clerk's office public terminal. **Any Notice of Intent to Request Redaction and Redaction Request must be separately mailed to the court reporter of said proceedings.** Notice of Intent for Redaction of Personal Data Identifiers due by 4/22/2025. Redaction Request due 5/6/2025. Redacted Transcript Deadline set for 5/16/2025. Release of Transcript Restriction set for 7/14/2025. (Balobeck, Marsia) (Entered: 04/15/2025) |
| 05/19/2025 | 43 | MOTION for Status Conference by Railware, Inc.(Attachments: # 1 Proposed Order) (Vogel, Bryan) (Entered: 05/19/2025) |
| 05/21/2025 | 44 | ORDER GRANTING 43 Motion for Status Conference. A Telephonic Status Conference is hereby SCHEDULED for 6/3/25 at 4:00 PM before Chief Judge Mark R. Hornak. The information required to participate will be circulated via e-mail.. Signed by Chief Judge Mark R. Hornak on 5/21/25. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (bdb) (Entered: 05/21/2025) |

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| 05/21/2025 | | Set Hearing: Telephonic Status Conference set for 6/3/25 at 4:00 PM via Telephone Conference before Chief Judge Mark R. Hornak. (bdb) (Entered: 05/21/2025) |
| 05/23/2025 | 45 | ORDER RESCHEDULING CONFERENCE. Based on the telephonic request with Chambers, and with the expressed consent of all parties, the Telephonic Status Conference set for 6/3/25 at 4:00 PM EDT is hereby RESCHEDULED for 6/9/25 at 4:00 PM EDT before Chief Judge Mark R. Hornak. Counsel shall utilize the same dial-in info previously provided. Signed by Chief Judge Mark R. Hornak on 5/23/25. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (bdb) (Entered: 05/23/2025) |
| 06/09/2025 | 46 | ORDER CONTINUING CONFERENCE. Due to a matter on the Court's criminal docket, the telephonic status conference set for THIS DATE, 6/9/25, at 4:00 PM is hereby CONTINUED pending further Order of Court. Signed by Chief Judge Mark R. Hornak on 6/9/25. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (bdb) (Entered: 06/09/2025) |
| 06/24/2025 | 47 | STIPULATION of Dismissal *and Proposed Order* by Railware, Inc.. (Vogel, Bryan) (Entered: 06/24/2025) |
| 06/25/2025 | 48 | ORDER APPROVING 47 Stipulation of Dismissal. Signed by Chief Judge Mark R. Hornak on 6/25/25. (bdb) (Entered: 06/25/2025) |

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| **Billable Pages:** | 6 | **Cost:** | 0.60 |