

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

JEREMY KEEL, JEROD BREIT, HOLLEE
ELLIS, FRANCES HARVEY, RHONDA
BURNETT, DON GIBSON, LAUREN CRISS,
JOHN MEINERS, DANIEL UMPA,
CHRISTOPHER MOEHL, MICHAEL
COLE, STEVE DARNELL, JACK RAMEY,
and JANE RUH, on behalf of themselves and
all others similarly situated,

Plaintiffs,

v.

CHARLES RUTENBERG REALTY, INC.,
TIERRA ANTIGUA REALTY, LLC, WEST
USA REALTY, INC., MY HOME GROUP
REAL ESTATE, LLC.,

Defendants.

Case No. 4:25-cv-00759

JURY TRIAL DEMANDED

**PLAINTIFFS' MOTION AND SUGGESTIONS IN SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL OF SETTLEMENTS WITH ALL DEFENDANTS AND
FOR APPROVAL OF THE FORM AND MANNER OF NOTICE**

Plaintiffs move for preliminary approval of their Settlements with all Defendants:

- Charles Rutenberg Realty, Inc. (“Charles Rutenberg”);
- Tierra Antigua Realty, LLC (“Tierra Antigua Realty”);
- West USA Realty, Inc. (“West USA Realty”);
- My Home Group Real Estate, LLC (“My Home Group Real Estate”).¹

These Settlements are substantially similar to those reached in *Gibson*, *Burnett*, and *Keel*. The Court is well acquainted with this litigation and the legal standards governing settlement, and it has previously approved similar settlements. The Court should preliminarily approve these Settlements as well.

This case resolves actual and potential claims against several real estate brokerage companies. These entities have been sued in other litigation and engaged in settlement discussions jointly with co-lead counsel in the *Burnett*, *Moehrl*, and *Gibson* suits. Each Settlement follows the same general structure and terms as prior settlements that have already been approved.

As with the prior settlements in the real estate commissions litigation, the present Settlements were the result of lengthy arms-length negotiations and consideration of the risk and cost of litigation. *See* Berman Decl. (attached as Exhibit 1) at ¶¶ 9, 11, 14. As with the previous *Gibson* Settlements, these Settlements were reached after a detailed investigation of each Defendant’s financial condition and ability to pay a judgment or settlement. *See id.* at ¶¶ 9, 12. The Settlements are fair, reasonable, and adequate, and beneficial to the Settlement Classes. *See id.* at ¶¶ 10, 12. Class counsel have discussed the Settlements with the *Gibson* Class Representatives, and they have approved them. *See id.* at ¶ 19.

¹ The Settlement Agreements are attached as Exhibits E through H to the Declaration of Steve Berman, Ex. 1 (“Berman Decl.”).

A. Settlement Class:

The proposed Settlements reflect the same Settlement Class that the Court certified for settlement of claims against, among others, including Compass, Douglas Elliman, HomeSmart, Real Brokerage, Realty ONE, United Real Estate, NextHome, LoKation, and Baird & Warner:

All persons who sold a home that was listed on a multiple listing service² anywhere in the United States where a commission was paid to any brokerage in connection with the sale of the home in the following date range: October 31, 2019 to the date of Class Notice.

See Charles Rutenberg ¶ 11; Tierra Antigua Realty ¶ 14; West USA Realty ¶ 14; My Home Group Real Estate ¶ 11. The Settlement Agreements provide for a nationwide settlement class with a nationwide settlement and release. *See* Charles Rutenberg ¶ 11; Tierra Antigua Realty ¶ 14; West USA Realty ¶ 14; My Home Group Real Estate ¶ 11.

B. Settlement Amount:

The Settlements provide that the Settling Defendants will pay a total of \$3,087,500 for the benefit of the Settlement Class, as follows:

- Charles Rutenberg: \$750,000
- Tierra Antigua Realty: \$400,000
- West USA Realty: \$950,000
- My Home Group Real Estate: \$987,500

In combination with the other Settlements reached in *Gibson*, *Burnett*, and *Keel I*, Plaintiffs have recovered over \$1 billion for the benefit of the Settlement Class. The non-monetary terms of these Settlements are the same in material respects as the terms of previous *Gibson* and *Burnett* Settlements, including substantially similar Practice Changes. *See* Charles Rutenberg ¶¶ 47-49;

² Multiple Listing Service includes non-NAR multiple listing services, such as REBNY/RLS.

Tierra Antigua Realty ¶¶ 50-52; West USA Realty ¶¶ 50-52; My Home Group Real Estate ¶¶ 50-52.

Because the Settlements provide substantially similar relief to the Settlements the Court previously approved in *Burnett* (*Burnett* Docs. 1487, 1622), *Gibson* (Docs. 530, 769), and *Keel I* (Docs. 7, 30, 56), the Court should grant preliminary approval of the present Settlements. In support, Plaintiffs incorporate herein their previous motions for preliminary and final approval in *Gibson*, *Burnett*, and *Keel I* (e.g., *Burnett* Docs. 1458, 1518, 1538, 1595, 1596; *Gibson* Docs. 161, 294, 303, 521, 522, 531 655, 762; *Keel I* Docs. 2, 22).

C. Form and Manner of Notice:

Plaintiffs also move this Court for approval of the settlement notice. This Court has previously approved the form and manner of class notice for fifteen prior settlements in the *Gibson* action, five prior settlements in the related *Burnett* action, and nine prior settlements in the *Keel I* action. *See, e.g., Gibson* Doc. 161 (motion for preliminary approval of settlements and approval of notice plan); *Gibson* Doc. 163, ¶ 9 (Order approving notice plan); *Gibson* Doc 292 (motion to approve form of notices); *Gibson* Doc. 296 (Order approving form of notices); *Gibson* Doc. 673 (motion for order approving form and manner of class notice); *Gibson* Doc. 677 (Order approving notice); *Burnett* Doc. 1319 (motion for preliminary approval of settlements and approval of notice plan); *Burnett* Doc. 1321, ¶ 9 (Order approving notice plan); *Burnett* Docs. 1365 and 1371 (motions to approve form of notices); *Burnett* Doc. 1366 (Order approving form of notices); *Keel I* Doc. 26 (motion to approve form and manner of notice); *Keel I* Doc. 29 (Order approving notice). *See* Declaration of Jennifer Keough, attached as Exhibit 2.

Because notice has been disseminated to the class on four prior occasions and in order to make efficient use of settlement funds and maximize recovery for the Class, Plaintiffs propose that

JND implement an email and digital notice program substantially similar to the prior rounds of notice. For any new addresses provided by Settling Defendants that were not already included in the prior notice campaigns, JND will implement an advanced email search and provide email notice to such class members. For those newly identified Settlement Class Members where an email address is unavailable or where the email bounces back and cannot be ultimately delivered, JND proposes sending a postcard notice. This plan, pursuant to Rule 23(c)(2)(B), provides the “best notice practicable” to all potential Settlement Class Members who will be bound by the proposed Settlements. Accordingly, the Court should authorize the proposed notice plan.

Plaintiffs further request that this Court approve the content of the notices that will be sent and published. Exhibit 3 is the “long form” notice that will be posted to the settlement website. Exhibit 4 is the “email notice” that will be sent to identified Class Members via email. Exhibit 5 is a postcard notice sent only to those who have not previously received one and an email cannot be found. The notices are derived from and substantially similar to the notices of settlements provided to, and approved by, the Court in the *Gibson* action, the *Burnett* action, and the *Keel I* action. *See, e.g., Burnett* Doc. 1319-1 at 76 (Keough Declaration, Exhibit B); *Burnett* Docs. 1365, 1365-1, 1365-2, 1365-3, 1366 (proposed notices and order approving form of notices in *Burnett*). These notices include the deadlines for filing objections and exclusions as well as the date of the final approval hearing. The long form notice will be posted to the website, and any new postcard notice will be mailed to Class Members at least 60 days prior to the objection/opt out deadline. The email and publication campaign will continue throughout the notice period.

The parties wish to send these notices as soon as possible and, therefore, respectfully request that the Court grant this motion without delay and authorize the parties to send notice in substantial compliance with Exhibits 3-5.

For these reasons, Plaintiffs respectfully request that the Court enter an order: (1) preliminarily approving the Settlements with all Defendants in this case; (2) certifying the Settlement Class as defined above for settlement purposes only; (3) appointing Plaintiffs as Settlement Class Representatives; (4) appointment Co-Lead Settlement Class Counsel;³ (5) appointing JND as the notice administrator; and (6) approving the form and manner of class notice.

Dated: September 30, 2025

Respectfully submitted by:

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