

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

DON GIBSON, LAUREN CRISS, JOHN
MEINERS, and DANIEL UMPA, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

THE NATIONAL ASSOCIATION OF
REALTORS, et al.,

Defendants.

Civil Action No. 4:23-cv-00788-SRB

[Consolidated with 4:23-cv-00945-SRB]

Hon. Stephen R. Bough

JURY TRIAL DEMANDED

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, individually and on behalf of 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

**DECLARATION OF JENNIFER M. KEOUGH
REGARDING PROPOSED NOTICE PROGRAM**

I, Jennifer M. Keough, declare as follows:

1. I am Chief Executive Officer, President, and Co-Founder of JND Legal Administration LLC (“JND”). I have more than 20 years of legal experience creating and supervising notice and claims administration programs and have personally overseen well over 1,000 matters. I am regularly called upon to submit declarations in connection with JND’s notice and administration work.

2. I submit this Declaration based on my personal knowledge, as well as upon information provided to me by experienced JND employees and Counsel for the Plaintiffs and Defendants, to describe the proposed Notice Program and address why it is consistent with other best practicable court approved notice plans and the requirements of Rule 23 of the Federal Rules of Civil Procedure (“Rule 23”), the Due Process Clause of the United States Constitution, and any other applicable statute, law or rule, as well as the Federal Judicial Center (“FJC”) guidelines for best practicable due process notice.

RELEVANT EXPERIENCE

3. JND is a leading legal administration services provider with its headquarters in Seattle, Washington and other offices within the United States. JND’s class action division provides all services necessary for the effective implementation of class actions, including: (1) all facets of legal notice to potential class members, such as developing the final class members list and addresses for them, outbound mailing, email notification, and the design and implementation of media programs; (2) website design and deployment, including online claim filing capabilities; (3) call center and other contact support; (4) secure class member data management; (5) paper and electronic claims processing; (6) calculation design and programming; (7) payment disbursements through check, wire, PayPal, merchandise credits, and other means; (8) qualified settlement fund

tax reporting; (9) banking services and reporting; and (10) all other functions related to the secure and accurate administration of class actions.

4. JND is an approved vendor for the United States Securities and Exchange Commission, the Federal Trade Commission, and the Consumer Financial Protection Bureau. In addition, we have worked with a number of other government agencies including the U.S. Equal Employment Opportunity Commission, the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Federal Communications Commission, the Department of Justice, and the Department of Labor. We also have Master Services Agreements with various corporations and banks which were only awarded after JND underwent rigorous reviews of our systems, privacy policies, and procedures. JND has also been certified as SOC 2 Type 2 compliant by noted accounting firm Moss Adams.¹

5. JND has been recognized by various publications, including the *National Law Journal*, the *Legal Times*, and the *New York Law Journal*, for excellence in class action administration. JND was named the #1 Class Action Claims Administrator in the U.S. by the national legal community for multiple consecutive years, and we were inducted into the *National Law Journal* Hall of Fame for having held this title for four years in a row. JND was also recognized as the Most Trusted Class Action Administration Specialists in the Americas by *New World Report* (formerly *U.S. Business News*) in the publication's 2022 Legal Elite Awards program.

6. The principals of JND collectively have over 80 years of experience in class action legal and administrative fields. JND has overseen the administration of some of the most complex

¹ As a SOC 2 Compliant organization, JND has passed an audit under AICPA criteria for providing data security.

administration programs in the country and regularly prepare and implement court-approved notice campaigns throughout the United States.

7. JND was appointed as the notice and claims administrator in the landmark \$2.67 billion Blue Cross Blue Shield antitrust settlement in which we mailed over 100 million postcard notices; sent hundreds of millions of email notices and reminders; placed notice via print, television, radio, internet, and more; staffed a call center with 250 agents during the peak of the notice program; and received and processed more than eight million claims. I am the Court-appointed notice expert in that case. JND was also appointed the settlement administrator in the \$1.3 billion Equifax Data Breach Settlement, where we received more than 18 million claims and I supervised all aspects of direct notice. Email Notice was sent twice to over 140 million class members, the interactive website received more than 130 million hits, and the call center was staffed with 500 agents at the peak of call volume.

8. Other large JND matters include a voluntary remediation program in Canada on behalf of over 30 million people; the \$1.5 billion Mercedes-Benz Emissions Settlements; the \$120 million GM Ignition Switch Settlement, where we mailed nearly 30 million notices and processed over 1.5 million claims; and the \$215 million USC Student Health Center Settlement on behalf of women who were sexually abused by a doctor at USC; as well as hundreds of other matters.

9. Prior to forming JND with my partners, I was involved in many other large-scale notice and claims programs. For example, my team and I handled all aspects of mailed notice, website activities, call center operations, claim intake, scanning and data entry, and check distribution for the \$20 billion Gulf Coast Claims Facility. In the \$10+ billion BP Deepwater Horizon Settlement, I worked directly for Patrick Juneau, the Court-appointed claims administrator, in overseeing all inbound and outbound mail activities, all call center operations, all claim intake,

scanning and data entry and all check distributions for the program. I oversaw the entire administration process in the \$3.4 billion Cobell Indian Trust Settlement (the largest U.S. government class action settlement ever).

10. JND's Legal Notice Team, which operates under my direct supervision, researches, designs, develops, and implements a wide array of legal notice programs to meet the requirements of Rule 23 and relevant state court rules. In addition to providing notice directly to potential class members through direct mail and email, our media campaigns, which are regularly approved by courts throughout the United States, have used a variety of media including newspapers, press releases, magazines, trade journals, radio, television, social media, and the internet depending on the circumstances and allegations of the case, the demographics of the class, and the habits of its members, as reported by various research and analytics tools.

11. During my career, I have submitted several hundred declarations to courts throughout the country attesting to our role in the creation and launch of various notice programs. Particularly relevant here, I submitted previous declarations regarding the proposed notice program and JND was appointed as the Settlement Administrator for the Anywhere, RE/MAX, Keller Williams, National Association of Realtors, and HomeServices Settlements in the *Burnett* action; the Compass, Real Brokerage, Realty One, @ Properties, Douglas Elliman, Redfin, Engel & Völkers, HomeSmart, United Real Estate, Keyes, Illustrated, NextHome, John L. Scott, LoKation, Baird & Warner, and Real Estate One in the *Gibson* action; and the Side, Seven Gables, WFP, JPAR, Signature, First Team, Sibcy Cline, Brooklyn MLS, and CYNIS Settlements in the *Keel I* action. The notice elements we are proposing here are substantially similar to what we designed and implemented for the settlements in connection with the *Gibson* and *Keel I* actions.

SETTLEMENT CLASSES

12. JND has been asked by the Parties to prepare a Notice Program to reach Settlement Class Members in the Settlements with William Raveis Real Estate, Inc. (“William Raveis”), Hanna Holdings, Inc. (“Howard Hanna”), EXIT Realty Corp. USA (“EXIT”), Windermere Real Estate Services Company, Inc. and William Lyon & Associates (“Windermere/Lyon”), Charles Rutenberg Realty, Inc. (“Charles Rutenberg”), My Home Group Real Estate, LLC (“My Home”), Tierra Antigua Realty, LLC (“Tierra Antigua”), and West USA Realty, Inc. (“West USA”), and inform them about their rights and options in the proposed Settlements. This Notice Program may easily be done in conjunction with providing notice related to other forthcoming settlements.

13. According to the Settlement Agreements with William Raveis and Howard Hanna, the Settlement Class consists of:

All persons who sold a home that was listed on a multiple listing service 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 ranges:

- Homes in Alabama, Georgia, Indiana, Maine, Michigan, Minnesota, New Jersey, Pennsylvania, Tennessee, Vermont, Wisconsin, and Wyoming: October 31, 2017, to the date of Class Notice;
- Homes in Arkansas, Kentucky, and Missouri: October 31, 2018, to the date of Class Notice;
- For all other homes sold in the United States: October 31, 2019, to the date of the Class Notice.

According to the Settlement Agreements with Tierra Antigua, West USA, Charles Rutenberg, My Home, EXIT, and Windermere/Lyon, the Settlement Class consists of:

All persons who sold a home that was listed on a multiple listing service anywhere in the United States where a commission was paid to any brokerage in connection with the sale of the home between October 19, 2019 and the date of Class Notice.

NOTICE PROGRAM SUMMARY

14. The proposed Notice Program has been designed to provide the best notice practicable, consistent with the methods and tools employed in other court-approved notice programs. The FJC's *Judges' Class Action Notice and Claims Process Checklist and Plain Language Guide* considers a notice plan with a 70%-95% reach effective.²

15. The proposed Notice Program mirrors the notice efforts in the *Gibson* and *Keel I* settlements, and consists of the following components:

- a. Direct notice to all Settlement Class Members for whom the Settling Defendants provide contact information or for whom contact information is located via other means (e.g. third-party data);
- b. A targeted digital effort with the leading digital network (Google Display Network – “GDN”), a respected trade desk programmatic partner (OMTD), and two popular social media platforms (Facebook and Instagram);
- c. A notice placement in a top consumer magazine (*People*);
- d. An internet search campaign to assist interested Settlement Class Members in finding the Settlement website and the distribution of a national press release;
- e. A claims stimulation effort that will include the sending of multiple Email Notices reminding potential Settlement Class Members of the approaching claims deadline;
- f. An established case-specific Settlement website where information about the Settlements, as well as copies of relevant case documentation, including but not limited

² Reach is the percentage of a specific population group exposed to a media vehicle or a combination of media vehicles containing a notice at least once over the course of a campaign. Reach factors out duplication, representing total different net persons.

to the Settlement Agreements, the Plan of Distribution (once submitted to the Court), the Long Form Notice, and the Claim Form, will be accessible to Settlement Class Members (Settlement Class Members will be encouraged to file claims online through a secure portal on the website);

g. An established toll-free telephone number with an Interactive Voice Recording system (“IVR”) that Settlement Class Members may call to obtain more information about the Settlements and request copies of the Long Form Notice and Claim Form; and

h. The creation of a QR Code (a matrix barcode) that will allow quick and direct access to the Settlement website through a mobile device.

16. Throughout the Notice Program, JND will monitor, adjust, and/or optimize as needed to achieve the desired goals.

17. Based on my experience in developing and implementing class notice programs, I believe the proposed Notice Program will meet, and in fact exceed, the standards for providing the best practicable notice in class action settlements.

18. Each component of the proposed Notice Program is described in more detail in the sections below.

DIRECT NOTICE

19. An adequate notice plan needs to satisfy “due process” when reaching a class. The United States Supreme Court, in *Eisen v. Carlisle & Jacquelin*, 417 U.S. 156 (1974), stated that direct notice (when possible) is the preferred method for reaching a class. In addition, Rule 23(C)(2) of the Federal Rules of Civil Procedure provides that “the court must direct to class members the best notice that is practicable under the circumstances, including individual notice to

all members who can be identified through reasonable effort. The notice may be by one or more of the following: United States mail, electronic means, or other appropriate means.”

20. As a result, at my direction, JND staff will effectuate direct individual notice, as described below, to all members of the Settlement Classes for whom Settling Defendants provide contact information or for whom we were able to obtain such information through other means. Courts have approved notice programs in which email is the primary method of delivering notice to class members.

21. Email Notice will be sent to all Settlement Class Members for whom an email address is available.

22. For those newly identified Settlement Class Members where an email address is unavailable following advanced address search or where the email bounces back and cannot be ultimately delivered, JND proposes sending a Postcard Notice.

23. Both the Email Notice and the Postcard Notice will be modeled off of the Long Form Notice and will identify and direct Settlement Class Members to an interactive Settlement website where they can review the Settlement Agreements, and other key documents in the case, and initiate the claims process (a hard copy Claim Form may also be requested).

24. Both the Email Notice and the Postcard Notice will include a Spanish-language tag that will direct Spanish-speaking Settlement Class Members to the Settlement website for a notice in Spanish.

25. Importantly, whether a Settlement Class Member is sent direct notice by email or postcard, the notice will satisfy the Federal Rules of Civil Procedure and due process.

Email Notice

26. Prior to sending the Email Notice, JND will evaluate the email for potential spam language to improve deliverability. This process includes running the email through spam testing software, DKIM³ for sender identification and authorization, and hostname evaluation. Additionally, we will check the send domain against the 25 most common IPv4 blacklists.⁴

27. JND uses industry-leading email solutions to achieve the most efficient email notification campaigns. Our Data Team is staffed with email experts and software solution teams to conform each notice program to the particulars of the case. JND provides individualized support during the program and manages our sender reputation with the Internet Service Providers (“ISPs”). For each of our programs, we analyze the program’s data and monitor the ongoing effectiveness of the notification campaign, adjusting the campaign as needed. These actions ensure the highest possible deliverability of the email campaign so that more potential Settlement Class Members receive notice.

28. For each email campaign, including this one, JND will utilize a verification program to eliminate invalid email and spam traps that would otherwise negatively impact deliverability. We will then clean the list of email addresses for formatting and incomplete addresses to further identify all invalid email addresses.

29. To ensure readability of the email, our team will review and format the body content into a structure that is compatible with all email platforms, allowing the email to pass easily to the recipient. Before launching the email campaign, we will send a test email to multiple ISPs and

³ DomainKeys Identified Mail, or DKIM, is a technical standard that helps protect email senders and recipients from spam, spoofing, and phishing.

⁴ IPv4 address blacklisting is a common practice. To ensure that the addresses being used are not blacklisted, a verification is performed against well-known IP blacklist databases. A blacklisted address affects the reputation of a company and could cause an acquired IP addresses to be blocked.

open and test the email on multiple devices (iPhones, Android phones, desktop computers, tablets, etc.) to ensure the email opens as expected.

30. Additionally, JND will include an “unsubscribe” link at the bottom of the email to allow Settlement Class Members to opt out of any additional Email Notices from JND. This step is essential to maintain JND’s good reputation among the ISPs and reduce complaints relating to the email campaign.

31. Emails that are returned to JND are generally characterized as either “Hard Bounces” or “Soft Bounces.” A Hard Bounce occurs when the ISP rejects the email due to a permanent reason such as the email account is no longer active. A Soft Bounce occurs when the email is rejected for temporary reasons, such as the recipient’s email address inbox is full.

32. When an email is returned due to a Soft Bounce, JND attempts to re-send the Email Notice up to three additional times in an attempt to secure deliverability. If the Soft Bounce email continues to be returned after three attempts, the email will be considered undeliverable. Emails that result in a Hard Bounce are also considered undeliverable.

Postcard Notice

33. JND will send a color Postcard Notice to newly identified Settlement Class Members provided by Defendants for whom an email address is not available or for whom the Email Notice was deemed ultimately undeliverable. In my experience, the use of color will help differentiate the postcard from junk mail.

34. Prior to sending the Postcard Notice, JND staff will run the mailing addresses through the United States Postal Service (“USPS”) National Change of Address (“NCOA”)

database.⁵ At my direction, JND staff will track all Postcard Notices returned undeliverable by the USPS and will promptly re-mail Postcard Notices that are returned with a forwarding address. Also, with my oversight, JND staff will take reasonable efforts to research and determine if it is possible to reach a Settlement Class Member for whom the Postcard Notice is returned without a forwarding address by mailing to a more recent mailing address at which the potential Settlement Class Member may be reached.

MEDIA NOTICE

35. In addition to the direct notice effort, JND proposes a robust media campaign that alone will reach at least 70% of potential members of the Settlement Classes.

36. The media campaign consists of a targeted digital effort with GDN, Facebook, Instagram, and the OMTD programmatic partner, as well as a print notice placement in a popular consumer magazine (e.g., *People*).

Media Resources

37. JND utilizes the most reputable advertising media research tools to ensure that the best media is selected and that our reach calculations can withstand the most critical review and challenge. The media research tools we utilized in our analysis and will use to implement the media campaign include MRI, ComScore, Google Active View, Google Analytics, Google Tag Manager, and The Trade Desk.

38. MRI data was used to analyze the demographics and media usage of potential Settlement Class Members, as well as to determine the reach of our proposed print effort. Understanding who we are trying to reach is key in determining how best to reach them. MRI is a

⁵ The NCOA database is the official USPS technology product which makes change of address information available to mailers to help reduce undeliverable mail pieces before mail enters the mail stream. This product is an effective tool to update address changes when a person has completed a change of address form with the USPS. The address information is maintained on the database for 48 months.

nationally accredited research firm that provides consumer demographics, product and brand usage, and audience/exposure in all forms of advertising media through probabilistic and address-based sampling. MRI is the leading producer of media and consumer research in the United States.

39. JND used Comscore data to not only analyze where potential Settlement Class Members are spending time on the internet, but more importantly, for calculating the reach of our proposed digital effort. Comscore's multi-reach platform allows us to analyze unduplicated audiences (net reach) across multiple platforms (e.g., Google, OMTD) and devices (desktop and mobile). Through the platform, we were able to assess the efficiency and effectiveness of our proposed media plan by reducing waste and improving campaign performance across all devices.

40. At the time of implementation, our digital experts will verify and monitor our digital placements. Google Active View, which is accredited by the Media Rating Council (MRC), will be used to measure viewable impressions across the web and in apps. Google Active View supports the Interactive Advertising Bureau (IAB) and MRC definition of viewability—a minimum of 50% of the ad is in view for a minimum of one second for display ads. In addition, over a hundred complex algorithms will be used to spot bad traffic as it happens to prevent invalid clicks, impressions, views, or interactions. These efforts prevent impressions from being served and counted when they have not been loaded onto a person's screen.

41. JND will place a Google Analytics pixel across all case landing pages to monitor and track website traffic. Through the use of Google Analytics and custom UTM codes, our digital experts will be able to monitor the number of Settlement website visits, average time spent per visit, and the number of pages visited per session. Data will be broken down by source, or referring website, in order to make optimizations based on media placements that are driving the longest time on site and the largest number of Claim Form submissions. Demographic data such as age

and gender will be reviewed and optimized towards those groups who prove to be the most responsive and interactive with the Settlement website.

42. JND will also place a ‘Container Tag’ across all case landing pages using Google Tag Manager, a tag management system (TMS) that allows advertisers to place and update measurement codes and code fragments on a landing page from a single source. With these codes placed within the container, website data is passed back to advertising platforms (such as Meta, Google, The Trade Desk), allowing machine learning to take place, optimizing towards placements and audiences that are driving site traffic and Claim Form submissions. All data collected through Google Tag Manager adheres to Google’s Privacy Policies and Principles. No personal identifiable information (PII) is collected.

43. JND places media through The Trade Desk (OMTD), the leading Demand Side Platform (DSP) that champions transparency, as well as industry-wide collaboration and innovation. The Trade Desk provides JND the same buying power/access to inventory as the biggest Fortune 100 companies. JND has access to nearly any website’s banner inventory, streaming video, streaming audio and OTT (over-the-top) inventory. Through The Trade Desk’s countless partnerships with data providers, JND also has access to leading technology to target and reach audiences based on criteria such as recent/frequent browsing habits, purchase data, recent and frequent geo locations, and more.

Target Analysis

44. JND analyzed the demographics and media usage of potential Settlement Class Members to determine how best to reach them. MRI data was studied on adults 18 years of age or older (Adults 18+) who used a real estate agent to sell a property (“Home Sellers”).

45. Among other things, MRI data indicates that the vast majority (81%) of Home Sellers are adults 35 years of age or older (Adults 35+), and an even higher percentage among Settlement Class Members who may have sold a home as far back as 2018. In addition, they are active internet users, with 99% using the internet, 65% visiting Facebook, and 37% visiting Instagram in a 30-day period. In terms of devices, 90% use their cellphone or smartphone to access the internet.

46. JND considered these and other key demographics and media usage when designing our Notice Program and selecting targets.

Digital Effort

47. The proposed digital effort consists of placements with GDN, the leading digital network; OMTD, a respected trade desk programmatic partner, and Facebook and Instagram, two of the top social media platforms. A total of 350 million digital impressions will be served over 6 weeks.⁶

48. To concentrate our efforts on potential Settlement Class Members, the GDN effort will target adults 35 years of age or older (Adults 35+) with a heavy portion of the impressions specifically targeted to homeowners as well as users who (1) searched on Google for key terms related to this matter, such as home improvement, house renovation, home renovation, general contractor, residential general contractors, home building contractors, house renovation ideas, mortgage refinance interest rates, home refinance calculator, mortgage assistance, real estate investing, real estate, real estate agent commission, real estate commission fees, real estate

⁶ Impressions or Exposures are the total number of opportunities to be exposed to a media vehicle or combination of media vehicles containing a notice. Impressions are a gross or cumulative number that may include the same person more than once. As a result, impressions can and often do exceed the population size.

commissions; or (2) browsed websites similar to www.hgtv.com or used apps similar to Houzz or Angi: Hire Home Service Pros.

49. The OMTD programmatic impressions will target Adults 35+ who are likely homeowners with a length of residency between 3-10 years or who sold a home one or more years ago.

50. The Facebook and Instagram effort will target Adults 18+ with an interest in things like homeowner association, moving company, home repair, home improvement, real estate investing, mortgage insurance, home improvement (home & garden). In addition, a portion of the Facebook and Instagram impressions will be allocated towards retargeting or look-alike targeting audiences, as described below.

51 Multiple targeting strategies will be used to increase the effectiveness of our digital effort, including the following techniques:

a. *Predictive Targeting* (GDN only) uses multiple data points (search queries, sites visited, and digital behavior trends) to make inferences regarding future behavior/performance for a given campaign.

b. *Look-Alike Targeting* (Facebook/Instagram only) to individuals whose characteristics match that of individuals who have visited the Settlement website and/or submitted an online claim.

c. *Retargeting* (Facebook/Instagram only) to individuals who visited the Settlement website but have not yet filed a claim.

d. *Audience Targeting* optimizes efforts based on demographics, behavior, and interests of potential Settlement Class Members.

a. *Geotargeting* optimizes efforts based on the location of potential Settlement Class Members.

e. *Keyword Targeting* allows targeting to users based on their search queries, recent social media posts or engagement with websites or posts that feature specific keywords.

f. *Machine Learning* will be used across all digital media platforms in order to optimize campaigns in real time based on placements, times of day and sub-targets within the larger demo and geo target that are likely to drive Claim Form submissions.

50. The digital activity will be served across all devices (desktop, laptop, tablet and mobile), with a heavy emphasis on mobile devices. The digital ads will directly link to the Settlement website, where Settlement Class Members may access more information about the Settlements, including the Long Form Notices, as well as file a claim electronically.

Print Effort

51. Print media will include a notice placement in *People* magazine, a highly read consumer magazine. *People* publishes weekly with a circulation of 1.7 million and a total readership of 21 million. It reaches 9% of Adults 35+ and extends reach to older homeowners who may not frequent the internet. A QR code will appear in the print ad for easy, direct access to the Settlement website through mobile devices.

Internet Search Campaign

52. Given that web browsers frequently default to a search engine page, search engines are a common source to get to a specific website (i.e., as opposed to typing the desired URL in the navigation bar). As a result, JND proposes a Google search effort to assist interested Settlement Class Members in finding the Settlement website. When purchased keywords/phrases related to

the Settlement (e.g., content on the Settlement website landing page, legal names of the cases, as well as other case information) are searched, a paid Responsive Search Ad (“RSA”) with a hyperlink to the Settlement website may appear on the search engine results page. RSAs utilize machine learning to pair various combinations of ad copy (headlines and descriptions) based on which groupings are working best (i.e., producing a strong click-through/conversion performance), and what the platform anticipates will generate the ideal results from the unique searcher. When an RSA is clicked on, the visitor will be redirected to the Settlement website where they can get more information, as well as file a claim online.

Press Release

53. To further assist in getting “word of mouth” out about the case, JND proposes the distribution of a press release at the start of the campaign to over 6,000 English and Spanish media outlets nationwide.

CLAIMS STIMULATION EFFORT

54. Prior to the claim filing deadline, JND’s team will initiate an effort to encourage Settlement Class Members to submit claims and to remind them of the impending deadline.

55. The claims stimulation effort will include sending multiple reminder Email Notices to potential Settlement Class Members who have yet to take action (i.e., file a claim or exclude themselves from the Settlements).

56. Additional digital efforts may also be considered.

SETTLEMENT WEBSITE

57. At my direction, JND created an informational, interactive Settlement website where potential Settlement Class Members can obtain more information about their rights and options under the Settlements and submit claims. Information regarding these Settlements will be

incorporated into the existing Settlement website. The website, www.RealEstateCommissionLitigation.com, has an easy-to-navigate design and is formatted to emphasize important information and deadlines. The Settlement website contains, among other things, information about the Settlements, a Frequently Asked Questions section, a list of Important Dates and a list of Important Documents, the ability to download the Long Form Notices and Claim Form in both English and Spanish, the ability to submit claims electronically through a secure claims filing portal, and information about how Settlement Class Members can access the toll-free telephone number.

58. The Settlement website is mobile-enabled and ADA compliant and will undergo significant penetration testing to make sure that the site cannot be breached as well as load testing to make sure that the site will be able to accommodate the expected traffic from a class this large. It will also be designed to maximize search engine optimization through Google and other search engines.

DEDICATED TOLL-FREE NUMBER

59. JND established and will maintain a dedicated toll-free telephone number with an automated IVR, available 24 hours a day, seven days a week, which will provide Settlement-related information to Settlement Class Members, and the ability to request and receive the Notices and the Claim Form by mail.

60. The Settlement website and IVR recordings will be designed to be comprehensive, answering all common questions. JND has multiple call center sites, all in the United States, and can ensure enough staffing and redundancy to handle any volume of calls we receive on this matter.

DEDICATED POST OFFICE BOXES

61. JND established two separate United States Post Office Boxes which will be utilized for these Settlements: one dedicated for Settlement Class Members to submit letters, inquiries, and Claim Forms; and one dedicated strictly to receive exclusion requests.

QR CODE

62. JND created a QR Code (a matrix barcode) that will allow quick and direct access to the Settlement website through mobile devices. The QR Code is included, where practicable, in printed notice documents (i.e., the email, postcard, and print publication notices).

REACH

63. The proposed media effort alone is designed to reach at least 70% of potential Settlement Class Members. The extensive direct notice effort, internet search campaign, and distribution of the national press release will extend the reach further. The proposed Notice Program is similar to and, indeed, more robust than that of other court approved programs and meets the high reach standard set forth by the FJC.

NOTICE DESIGN AND CONTENT

64. I reviewed and provided input to the Parties on the form and content for each of the notice document exhibits in the *Gibson* and *Keel I* actions, it is my understanding that the form of the notices and Claim Form will be substantially similar to the documents used in the previous settlements. Based on my experience designing court-approved class notice programs, if the notice documents for these Settlements are substantially similar to the notice documents previously used, then in my opinion, each of these notice documents will comply with Rule 23, the Due Process Clause of the United States Constitution, and any other applicable statute, law, or rule, as well as the FJC's *Judges' Class Action Notice and Claims Process Checklist and Plain Language Guide*.

65. Each of the notice documents will contain easy-to-read summaries of the Settlements and the options that are available to Settlement Class Members. Additionally, the notice documents will provide instructions on how to obtain more information about the Settlements.

66. The Long Form Notice will be posted on the Settlement website and will be available by mail if requested. It will provide details regarding, among other things, the nature of the action; who is in the Settlement Classes; general descriptions of the claims asserted and references to the defenses of Settling Defendants; the monetary relief afforded by the Settlement Agreements; the right of Settlement Class Members to obtain counsel, object to the Settlements, or exclude themselves from the Settlements; and the binding effect of the Settlements on Settlement Class Members. The Long Form Notice will also provide, inter alia, details on when claims and objections are due, how and when to opt-out, how and where to seek additional information, and how to submit a claim.

67. The Email Notice and Postcard Notice will provide, among other things, a summary of what the lawsuit is about, who is affected, what a Settlement Class Member may receive from the Settlements, the deadline by which a claim should be submitted, other options (opting out and objecting), and how and where to obtain more information.

68. To the extent that some Settlement Class Members may speak Spanish as their primary language, the print notice documents will include a subheading in Spanish at the top directing Spanish speaking Settlement Class Members to visit the Settlement website for a Notice in Spanish.

CLAIM FORM

69. The Claim Form will explain the claims process, is designed to ensure that filing a claim is as simple as possible, and will be sent to any individual who requests a printed form. However, the direct notice portion of the Notice Program is designed to drive claimants to the Settlement website where they can utilize an interactive process for claims submission. Online Claim Forms not only save substantial money in postage but are generally favored by claimants since the wizard feature of the process will walk them through the form step by step and will be very user-friendly. The Online Claim Form process will prevent claimants from submitting an electronic claim without clicking necessary verifications such as signature. Electronic claims also eliminate the step of manual data entry and generally make processing easier and less expensive.

70. The interactive Claim Form will be accessed through a secure portal and will request the same information from claimants that is set forth in the printed Claim Form. The interactive Claim Form will also be designed to ensure that required information is provided before a claimant can move onto the next step of the Claim Form.

71. Broadly stated, to complete the Claim Form, the claimant will provide their name and contact information as well as identify, to the extent possible, information about the home sale, such as the address of the home sold, date of sale, amount of the total commission paid, and any documents to support the proof of payment.

72. All claimants may submit Claim Forms electronically through the Settlement website or physically by mail to the established Settlement P.O. Box.

OBJECTIONS AND OPT-OUTS

73. Members of the Settlement Classes may object to the Settlements. Settlement Class Members may also exclude themselves (“opt-out”) entirely. The Long Form Notice explains these legal rights (and others) to Settlement Class Members.

74. Any member of the Settlement Classes who wishes to object to any aspect of the Settlements must send to Class Counsel, Defendants’ Counsel, and file with the Court, a written statement of its objection. The objection must include the case name and number, the Settlement Class Member’s name, address, telephone number, signature, which of the Settlements they object to, and the reasons that they object to the Settlement(s).

75. Any Settlement Class Member may also opt out of the Settlements. To do so, Settlement Class Members must submit a written request to JND stating their intent to exclude themselves from the Settlements. The exclusion request must include the Settlement Class Member’s present name and address, the address of the home(s) sold and approximate date(s) of sale of the home(s); a clear and unequivocal statement that they wish to be excluded from one or more of the Settlements; and their handwritten signature. If the Settlement Class Member is deceased or incapacitated, the signature of the legally authorized representative of the Settlement Class Member must be included.

CONCLUSION

76. In my opinion, the Notice Program provides the best notice practicable under the circumstances, is consistent with the requirements of Rule 23, and is consistent with other similar court-approved best notice practicable notice programs. The Notice Program is designed to reach as many Settlement Class Members as possible and inform them about the Settlements and their

rights and options, and provide them with the opportunity to review a plain language notice with the ability to easily take the next step and learn more about the Settlements.

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

Executed on September 29, 2025, in Seattle, Washington.

A handwritten signature in black ink, appearing to read "Jennifer M. Keough", written over a horizontal line.

JENNIFER M. KEOUGH

Exhibit 3

**RESIDENTIAL REAL ESTATE BROKER COMMISSIONS
ANTITRUST SETTLEMENTS**

**NOTICE OF PROPOSED SETTLEMENTS
FOR OVER \$42 MILLION
WITH WILLIAM RAVEIS, HOWARD HANNA, EXIT,
WINDERMERE, LYON, CHARLES RUTTENBERG, MY
HOME, TIERRA ANTIGUA, AND WEST USA**

**If you sold a home and paid a commission to a real estate agent,
then you *may* be part of class action settlements.
Please read this Notice carefully because it may affect your legal rights.**

Para una notificación en español, visite www.RealEstateCommissionLitigation.com

A federal court has ordered this Notice. It is not from a lawyer, and you are not being sued.

- These Settlements resolve claims against the following Defendants in two related lawsuits that allege the existence of an anticompetitive agreement that resulted in home sellers paying inflated commissions to real estate brokers or agents in violation of antitrust law for a total of over **\$42 million**: William Raveis Real Estate, Inc. (“William Raveis”); Hanna Holdings, Inc. (Howard Hanna”); EXIT Realty Corp. International and EXIT Realty Corp. USA (“EXIT”); Windermere Real Estate Services Company, Inc. (“Windermere”), William Lyon & Associates (“Lyon”); Charles Rutenberg Realty, Inc. (“Charles Rutenberg”); My Home Group Real Estate, LLC (“My Home”); Tierra Antigua Realty, LLC (“Tierra Antigua”); and West USA Realty, Inc. (“West USA”); and related entities and affiliates as defined in the Settlement Agreements.
- To be eligible to receive the benefits of the Settlements, you must have: (1) sold a home during the Eligible Date Range (see below); (2) listed the home that was sold on a multiple listing service (“MLS”) anywhere in the United States; and (3) paid a commission to any real estate brokerage in connection with the sale of the home. The Eligible Date Range depends on the state where you listed your home for sale. The terms “multiple listing service” and “MLS” encompass multiple listing services nationwide, regardless of whether they are affiliated with NAR or not, including, for example, NWMLS, WPMLS, and REBNY/RLS. You may be eligible for benefits under one or more of the proposed Settlements.
- If you have already submitted a claim form for a prior settlement with other Defendants listed on the website: www.RealEstateCommissionLitigation.com, you do not need to submit another claim form. You may be eligible for a share of multiple settlements.
- If you have not previously submitted a claim, you must submit a claim in order to receive your share of these settlements. You will not be eligible to claim for previous settlements.

Questions? Call 888-995-0207 or visit www.RealEstateCommissionLitigation.com to learn more.

What Eligible Date Ranges* apply to me?	
Where was my home listed?	Eligible Date Ranges* to make a claim
Homes in Alabama, Georgia, Indiana, Maine, Michigan, Minnesota, New Jersey, Pennsylvania, Tennessee, Vermont, Wisconsin, or Wyoming	October 31, 2017, through October 14, 2025
Homes in MLS in Arkansas, Kentucky, or Missouri	October 31, 2018, through October 14, 2025
Homes anywhere in the United States, other than in the states listed above.	October 31, 2019, through October 14, 2025

* The Eligible Date Ranges for the date of home sale vary across the multiple Settlements. You may be eligible for a share of another settlement with a different eligible date range. For more information, see the Settlement Agreements and/or FAQs for the multiple settlements at www.RealEstateCommissionLitigation.com.

Your Legal rights are affected whether or not you act. ***Please read this Notice carefully***

YOUR LEGAL RIGHTS AND OPTIONS IN THE SETTLEMENTS:	
SUBMIT A CLAIM FORM BY DECEMBER 30, 2025	The only way to get a payment.
ASK TO BE EXCLUDED BY DECEMBER 30, 2025	If you do not want to be included in the Settlements with William Raveis, Howard Hanna, EXIT, Windermere, Lyon, Charles Ruttenberg, My Home, Tierra Antigua, and/or West USA, you must exclude yourself. This is called “opting out.” This is the only option that allows you to sue these Defendants for these same issues again.
OBJECT BY DECEMBER 30, 2025	You may write to the Court about why you don’t like the proposed Settlements with William Raveis, Howard Hanna, EXIT, Windermere, Lyon, Charles Ruttenberg, My Home, Tierra Antigua, and/or West USA. You cannot object if you opt-out.
GO TO A HEARING ON ?, 2025	You may ask to speak in Court about the fairness of the proposed Settlements with William Raveis, Howard Hanna, EXIT, Windermere, Lyon, Charles Ruttenberg, My Home, Tierra Antigua, and/or West USA.
DO NOTHING	If you do nothing and the Court approves the proposed Settlements, you will get no payment. You will not be able to sue William Raveis, Howard Hanna, EXIT, Windermere, Lyon, Charles Ruttenberg, My Home, Tierra Antigua, and/or West USA for these same issues again.

Questions? Call 888-995-0207 or visit www.RealEstateCommissionLitigation.com to learn more.

- These rights and options – **and the deadlines to exercise them** – are explained in this Notice.
- The Court in charge of the settlements still has to decide whether to approve the proposed Settlements. Payments will be made if the Court approves the Settlements and after appeals are resolved. Please be patient.
- In addition to these proposed settlements, other settlements were reached with the National Association of Realtors (“NAR”), Anywhere, RE/MAX, Keller Williams, HomeServices, Compass, Real Brokerage, Realty ONE, @properties, Douglas Elliman, Redfin, Engel & Völkers, HomeSmart, United Real Estate (and certain of their affiliates), Keyes, Illustrated, NextHome, John L. Scott, LoKation, Real Estate One, and Baird & Warner, among others. Those settlements have already received final approval from the District Court. Additional settlements may be reached with other Defendants. See www.RealEstateCommissionLitigation.com for more information about these settlements and any additional settlements. You may not receive any additional notice about future Settlements, so it is important that you continue to check the website to stay up to date.

BASIC INFORMATION

1. Why did I get this Notice?

This Notice has been posted for the benefit of potential members of the Settlement Class. If you are uncertain about whether you are a member of the Settlement Class, you may contact the Settlement Administrator at 888-995-0207.

This Notice has been posted because members of the Settlement Class have a right to know about the proposed settlements of a class action lawsuit in which they are class members, and about all of their options, before the Court decides whether to approve the Settlements. If the Court approves the Settlements, and after objections or appeals relating to the Settlements are resolved, the benefits provided by the Settlements will be available to members of the Class.

This Notice explains the lawsuits, the Settlements, your legal rights, what benefits are available, who is eligible for them, and how to get them. A full copy of the Settlement Agreements may be viewed at the settlement website: www.RealEstateCommissionLitigation.com. This Notice contains only a summary of the Settlements.

The Court in charge of the Settlements with William Raveis, Howard Hanna, EXIT, Windermere, Lyon, Charles Rutenberg, My Home, Tierra Antigua, and West USA is the United States District Court for the Western District of Missouri. There are two cases at issue. They are *Gibson et al. v. National Association of Realtors et al.*, (W.D. Mo. Case No. 23-CV-788-SRB) , which is consolidated with *Umpa v. National Association of Realtors et al.*, (W.D. Mo. Case No. 4:23-cv-00945) (“*Gibson*”) and *Keel v. National Association of Realtors et al.*, (W.D. Mo. Case No. 25-cv-00759) (“*Keel II*”). The people who filed this lawsuit are called the Plaintiffs. The people being sued are called the Defendants. Defendants in the *Gibson* action include large real estate brokerage firms and families of firms, including:

HomeServices of America,
Keller Williams,
Compass,
Exp Realty,
Redfin,
Weichert Realtors,

United Real Estate,
Howard Hanna,
Douglas Elliman,
@properties,
The Real Brokerage,
Realty ONE,

HomeSmart,
Engel & Völkers,
NextHome,
Exit Realty,
Windermere,
Lyon Real Estate,

Questions? Call 888-995-0207 or visit www.RealEstateCommissionLitigation.com to learn more.

William Raveis,
John L. Scott Real Estate,
The Keyes Company,

Illustrated Properties,
Parks Pilkerton,
Crye-Leike,

Baird & Warner,
Real Estate One,
LoKation Real Estate

Many Defendants in *Gibson* have already settled, and more Defendants may settle in the future. Of these *Gibson* Defendants, this Notice concerns only William Raveis, Howard Hanna, EXIT, Windermere, Lyon. The *Keel II* case includes Charles Ruttenberg, My Home, Tierra Antigua, and West USA. All four of those Defendants have settled. Notice of additional settlements is also available on the settlement website: www.RealEstateCommissionLitigation.com.

These Settlements may also release claims against William Raveis, Howard Hanna, EXIT, Windermere, Lyon, Charles Ruttenberg, My Home, Tierra Antigua, and/or West USA raised in other lawsuits involving alleged anticompetitive conduct in connection with commissions charged by brokers and agents in residential real estate transactions. Those other lawsuits are discussed further below in response to Question 21.

2. What is this lawsuit about?

The lawsuits claim that Defendants, including William Raveis, Howard Hanna, EXIT, Windermere, Lyon, Charles Ruttenberg, My Home, Tierra Antigua, and West USA, created and/or implemented rules that require home sellers to pay commissions to the broker or agent representing the buyer and that caused home sellers to pay total commissions at inflated rates. They also allege that Defendants enforced these rules through anticompetitive and unlawful practices.

The lawsuits claim that these rules are anticompetitive and unfair, and that they violate antitrust laws. You can read Plaintiffs' complaints at www.RealEstateCommissionLitigation.com. Specifically, the lawsuits allege violations of the Sherman Act (a federal antitrust statute found at 15 U.S.C. § 1 *et seq.*) among other things. The Sherman Act claims apply to home sales that occurred anywhere in the United States during the Eligible Date Range.

3. Has the Court decided who is right?

Although the Court has authorized notice to be given of the proposed Settlements, this Notice does not express the opinion of the Court on the merits of the claims or defenses asserted by either side of the lawsuit.

William Raveis, Howard Hanna, EXIT, Windermere, Lyon, Charles Ruttenberg, My Home, Tierra Antigua, and/or West USA dispute Plaintiffs' allegations and deny all liability to Plaintiffs and the Class. On October 31, 2023, a jury found in favor of Plaintiffs against different defendants in an action involving similar claims and allegations: *Burnett et al. v. National Association of Realtors, et al.*, Case No. 19-CV-00332-SRB (Western District of Missouri) ("Burnett").

4. Why is this case a class action?

In a class action, one or more people called Class Representatives sue on behalf of other people who have similar claims. The people together are a "Class" or "Class Members." The consumers who sued Defendants—and all the Class Members like them—are called Plaintiffs. The companies they sued are called the Defendants. One court resolves the issues for everyone in the Class – except for those who choose to exclude themselves from the Class.

Here, the Court decided that this lawsuit can be a class action for settlement purposes because it preliminarily meets the requirements of Federal Rule of Civil Procedure 23, which governs class actions in federal courts. Specifically, the Court found that: (1) there are numerous people who fit

Questions? Call 888-995-0207 or visit www.RealEstateCommissionLitigation.com to learn more.

the class definition; (2) there are legal questions and facts that are common to each of them; (3) the Plaintiffs' claims are typical of the claims of the rest of the Class; (4) Plaintiffs, and the lawyers representing the Class, will fairly and adequately represent the Class Members' interests; (5) the common legal questions and facts are more important than questions that affect only individuals; and (6) this class action will be more efficient than having individual lawsuits.

5. Why are there Settlements?

Although Plaintiffs prevailed at trial against other defendants in the related *Burnett* action, involving similar claims and allegations, the Court has not ruled in favor of the Plaintiffs or Defendants in the *Gibson* or *Keel II* actions. Counsel for the Settlement Class investigated the facts and applicable law regarding Plaintiffs' claims and Defendants' defenses, potential issues at trial and on appeal, and the Defendants' ability to pay. The parties engaged in arms-length negotiations to reach the Settlements. Plaintiffs and Counsel for the Settlement Class believe that the proposed Settlements are fair, reasonable, and adequate, and in the best interest of the Class.

Both sides agree that by settling, William Raveis, Howard Hanna, EXIT, Windermere, Lyon, Charles Rutenberg, My Home, Tierra Antigua, and West USA are not admitting any liability or that they did anything wrong. Both sides want to avoid the uncertainties and expense of further litigation.

WHO IS IN THE SETTLEMENTS?

6. How do I know if I am a part of the Settlements?

You are a part of the Settlement Class if you: (1) sold a home during the Eligible Date Range (as defined above); (2) listed the home that was sold on a multiple listing service (as defined above) anywhere in the United States; and (3) paid a commission to a real estate brokerage in connection with the sale of the home. More information about the Eligible Date Range for each Settlement can be found in each Settlement Agreement, at www.RealEstateCommissionLitigation.com.

If you are uncertain as to whether you are a member of the Settlement Class, you may contact the Settlement Administrator at 888-995-0207 to find out.

THE SETTLEMENT BENEFITS

7. What do the Settlements provide?

If you are a member of the Settlement Class, you are eligible to receive a benefit under the Settlements.

The Settling Defendants named here have agreed to pay \$42,787,500 million into a settlement fund as follows: William Raveis (\$4.1 million), Howard Hanna (\$32 million), EXIT (\$1.5 million), Windermere, Lyon (\$2.1 million), Charles Rutenberg (\$750,000), Tierra Antigua (\$400,000), West USA Realty (\$950,000), and My Home (\$987,500).

The settlement fund will be distributed to qualifying Settlement Class Members who submit an approved claim form, after any awarded attorneys' fees, expenses, settlement administration costs, and service awards have been deducted. William Raveis, Howard Hanna, EXIT, Windermere, Lyon, Charles Rutenberg, My Home, Tierra Antigua, and/or West USA have also agreed to implement Practice Changes and provide Cooperation. You can learn more about the Practices Changes and Cooperation in the Settlement Agreements, which are available at www.RealEstateCommissionLitigation.com.

Questions? Call 888-995-0207 or visit www.RealEstateCommissionLitigation.com to learn more.

HOW YOU GET A PAYMENT – SUBMITTING A CLAIM FORM

8. How can I get a benefit?

Note: If you have already submitted a claim form for a prior settlement with other Defendants through the website: www.RealEstateCommissionLitigation.com, you do not need to submit another claim form. But if you did not previously file a claim form, then you will be eligible to make a claim for the settlements with only William Raveis, Howard Hanna, EXIT, Windermere, Lyon, Charles Rutenberg, My Home, Tierra Antigua, and/or West USA, but not for prior settlements.

To receive a benefit, a Settlement Class Member must submit a claim form with information pertaining to and/or evidence of your home sale and commissions paid to the Notice and Claims Administrator. The Notice and Claims Administrator will be responsible for reviewing all claim forms and evidence of purchase to determine whether a claim is an approved claim. The Notice and Claims Administrator will reject any claim that is not: (a) submitted timely and in accordance with the directions on the claim form, the provisions of these Settlement Agreements, and the Preliminary Approval Order; (b) fully and truthfully completed by a Settlement Class Member or their representative with all of the information requested in the claim form; and (c) signed by the Settlement Class Member. Claims that cannot be confirmed by the Settlement Administrator may be subject to challenge, nonpayment, or a reduced share of the available funds.

You can submit a claim form by clicking [this link](#), or by printing the claim form from the website and returning it to the Settlement Administrator via mail or email on or before **DECEMBER 30, 2025**.

Gibson et al. v. The National Association of Realtors et al.
c/o JND Legal Administration
PO Box 91479
Seattle, WA 98111

Email: info@RealEstateCommissionLitigation.com

9. When would I get my benefit?

The Court will hold a final Fairness Hearing at **INSERT** on **INSERT**, in the United States District Court for the Western District of Missouri, 400 E. 9th St., Courtroom 7B, Kansas City, Missouri 64106, to decide whether to finally approve the Settlements. If the Settlements are approved, there may be appeals. Payments to members of the Settlement Class will be made only if the Settlements are approved and after any appeals are resolved. This may take some time, so please be patient.

10. What am I giving up to get a benefit?

Upon the Court's approval of the proposed Settlements, all members of the Settlement Class who do not exclude themselves (as well as their representatives) will release William Raveis, Howard Hanna, EXIT, Windermere, Lyon, Charles Rutenberg, My Home, Tierra Antigua, and West USA (and their affiliates, subsidiaries, franchisees, employees, and certain others as specified in the Settlement Agreements).

All members of the Settlement Class who do not exclude themselves will release claims whether known or unknown that they ever had, now have, or hereafter may have and that have accrued as of the date of preliminary approval of the Settlements arising from or related to the Released Claims. "Released Claims" means any and all manner of claims regardless of the cause of action

Questions? Call 888-995-0207 or visit www.RealEstateCommissionLitigation.com to learn more.

arising from or relating to conduct that was alleged or could have been alleged in the Actions based on any or all of the same factual predicates for the claims alleged in the Actions, including but not limited to commissions negotiated, offered, obtained, or paid to brokerages in connection with the sale of any residential home. The release does not extend to any individual claims that a Class Member may have against his or her own broker or agent based on a breach of contract, breach of fiduciary duty, malpractice, negligence or other tort claim, other than a claim that a Class Member paid an excessive commission or home price due to the claims at issue.

This release may affect your rights, and may carry obligations, in the future. To view terms of the release, review the Settlement Agreements, which are available at www.RealEstateCommissionLitigation.com.

EXCLUDING YOURSELF FROM THE SETTLEMENTS

If you do not want a payment from the Settlements, and you want to keep the right to sue or continue to sue William Raveis, Howard Hanna, EXIT, Windermere, Lyon, Charles Rutenberg, My Home, Tierra Antigua, and/or West USA and affiliated entities on your own about the legal issues in this case, then you must take steps to get out. This is called excluding yourself—or is sometimes referred to as opting out of the Settlement Class.

11. How do I ask to be excluded?

To ask to be excluded, you must execute and send a Request for Exclusion to the Settlement Administrator submitted or postmarked on or before **DECEMBER 30, 2025**. A Request for Exclusion must include the potential Settlement Class Member's present name and address, the address of the home(s) sold and approximate date(s) of sale of the home(s), a clear and unequivocal statement that the potential Settlement Class Member wishes to be excluded from the Settlement Class as to William Raveis, Howard Hanna, EXIT, Windermere, Lyon, Charles Rutenberg, My Home, Tierra Antigua, and/or West USA, and the signature of the putative Settlement Class Member or, in the case of a potential Settlement Class Member who is deceased or incapacitated only, the signature of the legally authorized representative of the putative Settlement Class Member.

Note: if you did not exclude yourself from previous settlements, you may still exclude yourself from some or all of these eight Settlements.

If the request is not submitted or postmarked on or before **DECEMBER 30, 2025**, your exclusion will be invalid, and you will be bound by the terms of the Settlements approved by the Court, including without limitation, the judgment ultimately rendered in the case, and you will be barred from bringing any claims against William Raveis, Howard Hanna, EXIT, Windermere, Lyon, Charles Rutenberg, My Home, Tierra Antigua, and/or West USA, or their affiliates as outlined in Question 10 above which arise out of or relate in any way to the claims in the case as specified in the release referenced in Question 10 above.

You must submit your Exclusion Request to:

Gibson et al. v. The National Association of Realtors et al.
Keel II v. The National Association of Realtors et al.
c/o JND Legal Administration – Exclusion Dpt.
PO Box 91486
Seattle, WA 98111

Email: info@RealEstateCommissionLitigation.com

Questions? Call 888-995-0207 or visit www.RealEstateCommissionLitigation.com to learn more.

12. If I don't exclude myself, can I sue William Raveis, Howard Hanna, EXIT, Windermere, Lyon, Charles Ruttenberg, My Home, Tierra Antigua, and/or West USA for the same thing later?

No. Unless you exclude yourself, you give up any right to sue William Raveis, Howard Hanna, EXIT, Windermere, Lyon, Charles Ruttenberg, My Home, Tierra Antigua, and/or West USA, and their Released Parties for the claims that the Settlements resolve. If you have a pending lawsuit against William Raveis, Howard Hanna, EXIT, Windermere, Lyon, Charles Ruttenberg, My Home, Tierra Antigua, and/or West USA, their Released Parties, or certain affiliated entities such as MLSs or small brokers, speak to your lawyer in that case immediately. You may have to exclude yourself from this Class to continue your own lawsuit. Remember, the exclusion deadline is **DECEMBER 30, 2025**.

13. If I exclude myself, can I get benefits from the Settlements?

No. If you exclude yourself as to the Settlements with William Raveis, Howard Hanna, EXIT, Windermere, Lyon, Charles Ruttenberg, My Home, Tierra Antigua, and/or West USA, do not send in a claim form to ask for any money. If you exclude yourself only as to some of these Defendants, you may still ask for money from the Settlements with other Defendants. If you exclude yourself as to William Raveis, Howard Hanna, EXIT, Windermere, Lyon, Charles Ruttenberg, My Home, Tierra Antigua, and/or West USA, you may sue, continue to sue, or be a part of a different lawsuit against these Defendants.

THE LAWYERS REPRESENTING YOU

14. Do I have a lawyer in this case?

The Court decided that the law firms Ketchmark and McCreight P.C.; Williams Dirks Dameron LLC; Boulware Law LLC; Hagens Berman Sobol Shapiro LLP; Cohen Milstein Sellers & Toll PLLC; and Susman Godfrey LLP, are qualified to represent you and all other Settlement Class Members. These lawyers are called "Class Counsel." You will not be charged for these lawyers. They are experienced in handling similar cases against other entities. More information about the law firms, their practices, and their lawyers' experience is available at: www.kansascitylawoffice.com, www.williamsdirks.com, www.boulware-law.com, www.hbsslaw.com, www.cohenmilstein.com, and www.susmangodfrey.com.

Class Counsel represent the interests of the Settlement Class. You may hire your own attorney to advise you, but if you hire your own attorney, you will be responsible for paying that attorney's fees.

15. How will the lawyers be paid?

Class Counsel will ask the Court for attorneys' fees, in an amount not to exceed one-third (33.3%) of the settlement fund, plus out-of-pocket expenses incurred. The Court may award less. Class Counsel may also seek compensation for each current and/or former class representative in *Gibson and Keel II*.

The Class Representatives will make their request for attorneys' fees, costs, and service awards on or before **December 1, 2025** and that request will be published at www.RealEstateCommissionLitigation.com.

William Raveis, Howard Hanna, EXIT, Windermere, Lyon, Charles Ruttenberg, My Home, Tierra Antigua, and West USA will pay the fees and expenses that the Court awards from the settlement fund. You are not responsible for any fees or expenses that the Court awards.

Questions? Call 888-995-0207 or visit www.RealEstateCommissionLitigation.com to learn more.

OBJECTING TO THE PROPOSED SETTLEMENTS

You can tell the Court that you don't agree with the any or all of the Settlements or some parts of them.

16. How do I tell the Court that I don't like the Settlements?

If you are a Class Member, you can object to these Settlements if you do not like any part of them, including the forthcoming motion for attorneys' fees, costs and service awards. You can give reasons why you think the Court should not approve them. The Court will consider your view. To object, you must file or send a written objection to the Court, as instructed by the Court, by **DECEMBER 30, 2025**, or you will waive your right to object (whether in opposition to the motion for Final Approval, motion for attorneys' fees, costs and service awards, on appeal, or otherwise) to the Settlements. Be sure to include the case name and number (*Gibson et al. v. The National Association of Realtors et al.*, Case No. 23-cv-788-SRB and/or *Keel II et al. v. National Association of Realtors et al.*, Case No. 25-cv-00759), as well as the following information: (a) your full name, address, telephone number and email address, if any; (b) the address of the home(s) sold, the date of the sale, the listing broker(s), and the buyer's broker(s); (c) a specific statement of all grounds for your objection and, if applicable, any legal support for the objection; (d) a statement whether the objection applies only to you, to a specific subset of one or more of the Settlement Classes, or to the entirety of all of the Settlement Classes; (e) a statement whether the objection applies to all of the Settlement Classes addressed in this order or only those with certain of the Settling Defendants; (f) the name and contact information of any and all attorneys representing, advising, or in any way assisting you in connection with the preparation or submission of the objection or who may profit from the pursuit of the objection; (g) a list of all class action settlements to which you have objected in the past five (5) years, if any; (h) copies of any papers, briefs, or other documents upon which the objection is based; and (i) your signature.

You must file any objection with the Clerk of the Court at the address below by INSERT:

United States District Court for the Western District of Missouri
400 E. 9th St., Room 7462, Kansas City, Missouri 64106

Gibson et al. v. The National Association of Realtors et al., Case No. 23-cv-788-SRB
and/or *Keel II et al. v. National Association of Realtors et al.*, Case No. 25-cv-00759.

You must also send your objection by first class mail, postmarked on or before INSERT, to Class Counsel and Defendants' Counsel at the following addresses:

Counsel for West USA: Counsel for the Settlement Class:	Counsel for William Raveis:	Counsel for Howard Hanna:
WILLIAMS DIRKS DAMERON LLC c/o Eric Dirks 1100 Main Street, Ste 2600 Kansas City, MO 64105	WIGGIN AND DANA LLP c/o Benjamin H. Diessel John M. Doroghazi One Century Tower P.O. Box 1832 New Haven, CT 06510	WILMER CUTLER PICKERING HALE AND DORR LLP c/o David Gringer 7 World Trade Center 250 Greenwich Street New York, NY 10007
Counsel for EXIT:	Counsel for Windermere and Lyon:	Counsel for My Home:

Questions? Call 888-995-0207 or visit www.RealEstateCommissionLitigation.com to learn more.

HINSHAW & CULBERTSON LLP c/o David Schultz 151 North Franklin Street, Suite 2500 Chicago, IL 60606	STOEL RIVES LLP c/o Christopher Osborn 600 University Street, Suite 3600 Seattle, WA 98101	BRYAN CAVE LEIGHTON PAISNER, LLP (“BCLP”) c/o Jim Lawrence 1200 Main Street, Suite 3800 Kansas City, MO 65104
Counsel for Tierra Antigua:	Counsel for West USA:	Counsel for Charles Ruttenberg:
JENNINGS HAUG KELEHER MCLEOD WATERFALL LLP c/o Michael H. Orcutt 2800 North Central Avenue Suite 1800 Phoenix, AZ 85004	JENNINGS HAUG KELEHER MCLEOD WATERFALL LLP c/o Michael H. Orcutt 2800 North Central Avenue Suite 1800 Phoenix, AZ 85004	BRYAN CAVE LEIGHTON PAISNER, LLP (“BCLP”) c/o Jim Lawrence 1200 Main Street, Suite 3800 Kansas City, MO 65104

Any member of the Settlement Class who does not file and serve an objection in the time and manner described above will not be permitted to raise that objection later. If you send an objection, you may need to personally appear at the Fairness Hearing on **INSERT**, or your objection may be waived. Please check the settlement website and/or Court docket for the Court’s instruction.

17. What’s the difference between objecting and excluding?

Objecting is simply telling the Court that you don’t like something about the Settlements. You can object to a Settlement only if you stay in it. Excluding yourself is telling the Court that you do not want to be part of a Settlement. If you exclude yourself, you have no basis to object because the Settlement no longer affects you.

THE COURT’S FAIRNESS HEARING

18. When and where will the Court decide whether to approve the Settlements?

There will be a final Fairness Hearing to consider approval of the proposed Settlements, **at INSERT** at the United States District Court for the Western District of Missouri, 400 E. 9th St., Courtroom 7B, Kansas City, Missouri 64106. The hearing may be postponed to a later date without further individual notice. Any such postponements will be posted on the Court docket and/or settlement website at www.RealEstateCommissionLitigation.com. The purpose of the hearing is to determine the fairness, reasonableness, and adequacy of the terms of the Settlements, whether the Settlement Class is adequately represented by the Plaintiffs and Class Counsel, and whether an order and final judgment should be entered approving the proposed Settlements. The Court will also consider Class Counsel’s application for an award of attorneys’ fees and expenses, and any class representative service awards.

If you do not object to the Settlements, you will be represented by Class Counsel at the Fairness Hearing unless you choose to enter an appearance in person or through your own counsel. The appearance of your own attorney is not necessary to participate in the Fairness Hearing. If you

Questions? Call 888-995-0207 or visit www.RealEstateCommissionLitigation.com to learn more.

send an objection, you may need to personally appear at the Fairness Hearing on **INSERT**, or your objection may be waived. Please check the settlement website and/or Court docket for the Court's instruction.

19. Do I have to come to the hearing?

If you do not object, you do not need to come to the hearing. Class Counsel will represent the Settlement Class at the Fairness Hearing, but you are welcome to come at your own expense. You may also pay your own lawyer to attend if you wish. If you send an objection, you may need to personally appear at the Fairness Hearing on **INSERT**, or your objection may be waived. Please check the settlement website and/or Court docket for the Court's instruction.

20. May I speak at the hearing?

You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must send a letter saying "Notice of Intention to Appear in *Gibson et al. v. National Association of Realtors et al.*, Case No. 23-CV-788-SRB" and/or "Notice of Intention to Appear in *Keel II et al. v. National Association of Realtors et al.*, Case No. 25-cv-00759." Be sure to include your name, address, telephone number and your signature. Your Notice of Intention to Appear must be submitted or postmarked no later than **DECEMBER 30, 2025**, and be sent to the Clerk of the Court, Class Counsel and Counsel for William Raveis, Howard Hanna, EXIT, Windermere, Lyon, Charles Ruttenberg, My Home, Tierra Antigua, and West USA at the addresses in Question 16. You cannot speak at the hearing if you excluded yourself.

**ARE THERE OTHER REAL ESTATE COMMISSIONS LAWSUITS
OR OTHER DEFENDANTS?**

21. Are there other similar cases?

In addition to *Gibson* and *Keel II*, there are numerous other class actions involving similar claims, including: *Keel, et al. v. Washington Fine Properties LLC, et al.*, Case No. 4:25-cv-00055-FJG (W.D. Missouri); *Burnett et al., v. National Ass'n of Realtors et al.*, Case No. 19-CV-00332-SRB (W.D. Missouri); *Moehrl et al., v. National Ass'n of Realtors et al.*, Case No. 1:19-cv-01610 (N.D. Illinois); *Batton v. NAR*, Case No. 1:21-cv-00430 (N.D. Ill.); *Batton v. Compass*, Case No. 1:23-cv-15618 (N.D. Ill.); *Burton v. NAR*, Case No. 7:23-cv-05666-JD (D.S.C.); *QJ Team, LLC and Five Points Holdings, LLC v. TAR*, Case No. 4:23-cv-01013 (E.D. Tx.); *March v. REBNY*, Case No. 1:23-cv-09995 (S.D.N.Y.); *1925 Hooper LLC v. NAR*, Case No. 1:23-cv-05392-SEG (N.D. Ga.); *Kay v. West Penn Multi-List, Inc.*, Case No. 2:23-cv-2061 (W.D. Pa.); *Grace v. NAR*, Case No. 3:23-cv-06352 (N.D. Cal.); *Masiello v. Arizona Association of Realtors*, Case No. 2:24-cv-00045 (D. Ariz.); *Tuccori v. At World Properties, LLC*, Case No. 2:24-cv-00150 (N.D. Ill.); *Whaley v. Arizona Association of Realtors*, Case No. 2:24-cv-00105 (D. Nev.); *Fierro v. National Association of Realtors*, Case No. 2:24-cv-00449 (C.D. Cal.); *Friedman v. REBNY et al.*, Case No. 1:23-cv-00405 (S.D.N.Y.); *Willsim Latham v. MetroList*, Case No. 2:24-cv-00244 (E.D. Cal.); *Jensen v. National Ass'n of Realtors et al.*, Case No. 2:24-cv-00109 (D. Utah); *Peiffer v. Latter & Blum Holding, LLC, et al.*, Case No. 2:24-cv-00557 (E.D. La.); *Wang v. National Ass'n of Realtors et al.*, Case No. 1:24-cv-02371 (S.D.N.Y.); *Jutla v. Redfin Corporation*, 2:24-cv-00464 (W.D. Wash.); *Burton v. Bluefield Realty*, Case No. 7:24-cv-01800-JDA (D.S.C.); *1925 Hooper LLC v. Watson Realty Corp.*, Case No. 3:24-cv-00374 (M.D. Fla.); *Wallach v. Silvercreek Realty Group LLC*, Case No. 1:24-cv-3356 (N.D. Ill.); *Lutz v. HomeServices of America, Inc., et al.* 4:24-cv-10040-KMM (S.D. Fla.); *Davis v. Hanna Holdings, Inc.* 2:24-cv-02374 (E.D. Pa.); *Hartz v. Real Estate One, Inc.*, Case No. 1:24-cv-

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03160 (N.D. Ill.); *Maslanka, et. al. v. Baird & Warner, Inc.*, Case No. 1:24-cv-02399 (N.D. Ill.); and *Wutsch v. William Raveis Real Estate, Inc.*, X08-FST-CV24-6067981-S (Conn. Super. Ct.), among others.

The Settlements may release claims against William Raveis, Howard Hanna, EXIT, Windermere, Lyon, Charles Ruttenberg, My Home, Tierra Antigua, and West USA, and other Released Parties, asserted on behalf of members of the putative classes in those cases. But the Settlements may not release claims against other Defendants in those cases. If you are a member of a putative class in any other cases involving similar claims, you may have additional rights to participate in or exclude yourself from ongoing litigation or settlements in those cases.

GETTING MORE INFORMATION

22. Are there more details available?
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This Notice is only a summary. For a more detailed statement of the matters involved in the lawsuit or the Settlements, you may refer to the papers filed in this case during regular business hours at the office of the Clerk of Court, United States District Court for the Western District of Missouri, 400 E. 9th St, Kansas City, Missouri 64106: *Gibson et al. v. The National Association of Realtors et al.*, Case No. 23-CV-788-SRB; and *Keel II et al. v. National Association of Realtors et al.*, Case No. 25-cv-00759. The full Settlement Agreements and certain pleadings filed in the cases are also available at www.RealEstateCommissionLitigation.com, or can be requested from Class Counsel, identified in the answers to Questions 14 and 16 above, or from the Settlement Administrator, with the contact information provided in Question 8 above.

Exhibit 4

To: [Class Member Email Address]

From: info@RealEstateCommissionLitigation.com

Subject Line: Real Estate Commission Lawsuits – New Settlements Reached

If you sold a home and paid a commission to a real estate agent, you *may* be a part of class action Settlements

PROPOSED SETTLEMENTS WITH WILLIAM RAVEIS, HOWARD HANNA, EXIT, WINDERMERE, LYON, CHARLES RUTTENBERG, MY HOME, TIERRA ANTIGUA, AND WEST USA

\$42 MILLION



A federal court authorized this Notice.

Para una notificación en español, visite www.RealEstateCommissionLitigation.com.

What is this lawsuit about?

This Notice is to inform you that proposed Settlements have been reached with William Raveis, Howard Hanna, EXIT, Windermere, Lyon, Charles Rutenberg, My Home, Tierra Antigua, and West USA in two lawsuit known as *Gibson v. National Association of Realtors*, Case No. 23-CV-788-SRB (W.D. Mo.) (“*Gibson*”) and *Keel v. Charles Rutenberg Realty, Inc., et al.*, (W.D. Mo. Case No. 25-cv-00759 (“*Keel II*”). The lawsuits allege the existence of an anticompetitive agreement that resulted in home sellers paying inflated commissions to real estate brokers or agents in violation of antitrust law. Many Defendants in the two lawsuits have already settled. Notice of additional settlements is available at www.RealEstateCommissionLitigation.com.

How do I know if I am a part of the Settlements?

You are a Settlement Class Member and eligible for payment if you: (1) sold a home during the Eligible Date Range; (2) listed the home that was sold on a multiple listing service (“MLS”) anywhere in the United States; and (3) paid a commission to any real estate brokerage in connection with the sale of the home. The term “MLS” encompasses all NAR and non-NAR MLSs. The Eligible Date Range may depend on the state in which your home was located.

Go to www.RealEstateCommissionLitigation.com to see the Eligible Date Range and to learn more.

What do the Settlements provide?

The Settling Defendants named here have agreed to pay, collectively, over **\$42 million** into a Settlement Fund. The Fund will be distributed to qualifying Settlement Class Members who submit an approved Claim Form, after any awarded attorneys' fees, expenses, Settlement Administration costs, and service awards have been deducted. Settling Defendants have also agreed to implement Practice Changes and provide Cooperation.

You can learn more about the Practice Changes and Cooperation in the Settlement Agreements, available at www.RealEstateCommissionLitigation.com.

How do I get a payment?

Note: If you have already submitted a Claim Form in these or related cases for a prior Settlement with other Defendants, you do not need to submit another Claim. If you have not previously submitted a claim, you must submit a claim in order to receive your share of these Settlements. You will not be eligible to claim for previous settlements.

You must submit a Claim Form with information pertaining to and/or evidence of your home sale and commissions paid, by **Month x, 202x**. Claim Forms can be submitted online at www.RealEstateCommissionLitigation.com.

You can also print a Claim Form at the website and mail it to Real Estate Commission Litigation Settlements, c/o JND Legal Administration, PO Box 91479, Seattle, WA 98111, or email it to info@RealEstateCommissionLitigation.com.

What are my other options?

You may object to or exclude yourself (opt-out) from the Settlements by **Month x, 202x**, or do nothing.

If you exclude yourself, you will *not* receive a Settlement Payment, but this is the only option that allows you to sue the Settling Defendants named here, and their Released Parties, relating to commission prices.

If you wish to object, the Court will consider your views in deciding whether to approve or reject the proposed Settlements. If the Court does not approve the Settlements, no Settlement Payments will be sent, and the lawsuit will continue. You cannot object if you opt-out.

By doing nothing, you will get no payment, and you will not be able to sue the Settling Defendants relating to commission prices.

For more information, including how to object or exclude yourself and to read the full terms of the release, visit www.RealEstateCommissionLitigation.com.

What happens next?

The Court will hold a hearing on **Month x, 202x** to consider whether to grant Final Approval of the Settlements and award fees and costs to the attorneys representing the class ("Class Counsel"). The Court has appointed the law firms of Ketchmark and McCreight; Williams Dirks Dameron; Boulware Law; Hagens Berman Sobal Shapiro; Cohen Milstein Sellers & Toll; and Susman Godfrey as Class Counsel. Class Counsel will ask the Court to award an amount not to exceed one-third (33.3%) of the Settlement Funds, plus out-of-pocket expenses associated with the cases. The Court may award less. Class Counsel will also seek compensation for each current and/or former Class Representative. You will be represented by Class Counsel at the hearing unless you choose to enter an appearance in person or through your own lawyer, at your own cost, or unless you choose to object or opt-out of the Settlements. The appearance of your own attorney is not necessary to participate in the hearing.

Questions?

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To unsubscribe from this list, please click on the following link: [Unsubscribe](#)

Exhibit 5

A federal court has ordered this Notice.

RESIDENTIAL REAL ESTATE BROKER
COMMISSIONS ANTITRUST SETTLEMENTS

**NOTICE OF PROPOSED SETTLEMENTS
FOR OVER \$42 MILLION**

**WITH WILLIAM RAVEIS, HOWARD HANNA,
EXIT, WINDERMERE, LYON, CHARLES
RUTTENBERG, MY HOME, TIERRA ANTIGUA,
AND WEST USA**

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*Para una notificación en español, visite
www.RealEstateCommissionLitigation.com
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Real Estate Commission Litigation Settlements
c/o JND Legal Administration
PO Box 91479
Seattle WA 98111

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