

RESIDENTIAL REAL ESTATE BROKER COMMISSIONS ANTITRUST LITIGATION

Moehrl v. The National Association of Realtors (NAR), 1:19-cv-01610 (N.D. Ill.)

If you sold a home, and paid a commission to a real estate broker or agent, then a class action may affect your rights.

*A federal court ordered this Notice. It is not an ad from a lawyer.
Your legal rights may be affected whether you act or do not act.*

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

- A federal court has certified a class action alleging 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. The case is referred to as “*Moehrl v. National Association of Realtors*” or “*Moehrl*,” and it includes people who sold homes in many areas across the United States.
- This Notice is to inform you of your rights related to the ongoing lawsuit. Proposed settlements have been reached with three of the five defendants. Notice of those settlements has been published separately and is also referenced here.
- To be a member of the “Litigation Damages Class” in the *Moehrl* lawsuit you must have (1) sold a home between March 6, 2015, and December 31, 2020; (2) used a real estate agent or broker affiliated with a “Corporate Defendant” to sell the home; (3) paid a commission to your agent or broker; and (4) listed the home for sale on what is referred to as a “Covered Multiple Listing Service” or “Covered MLS” in certain jurisdictions.

What Are the Covered MLSs and States/Jurisdictions?	
Covered MLS	States/Jurisdictions
Bright MLS	Delaware, District of Columbia, Maryland, New Jersey, Pennsylvania, Virginia, West Virginia
Carolina/Canopy MLS	North Carolina, South Carolina
Triangle MLS	North Carolina
Stellar MLS	Florida
Miami MLS	Florida
Florida Gulf Coast MLS	Florida

Questions? Visit www.RealEstateCommissionLitigation.com/Moehrl or call 888-995-0207

What Are the Covered MLSs and States/Jurisdictions?	
Covered MLS	States/Jurisdictions
Metro MLS	Wisconsin
Yes MLS/MLS Now	Ohio, West Virginia
Columbus Realtors MLS	Ohio
Northstar MLS	Minnesota, Wisconsin
Wasatch Front MLS/Utah Real Estate	Utah
REcolorado/Metrolist	Colorado
Pikes Peak MLS	Colorado
GLVAR MLS	Nevada
SABOR	Texas
ACTRIS/ABOR	Texas
HAR MLS	Texas
NTREIS	Texas
ARMLS	Arizona
Realcomp II	Michigan

- The *Moehrl* Litigation Damages Class is also limited to people who used a real estate broker or agent (or “listing agent”) to help sell their home. And that agent or broker needs to have been affiliated with one of these Corporate Defendants. Below is a list of some of the brands associated with each Defendant.

Relevant Brands	
Defendant	Example Brands
Keller Williams	Keller Williams
RE/MAX	RE/MAX
Anywhere Real Estate f/k/a Realogy	<ul style="list-style-type: none"> • Better Homes and Gardens • Century 21 • Coldwell Banker • Corcoran • ERA Real Estate • Sotheby’s

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Relevant Brands	
Defendant	Example Brands
HomeServices of America, Long & Foster, HSF Affiliates, and BHH Affiliates	<ul style="list-style-type: none"> • Berkshire Hathaway HomeServices • BHHS • Ebby Halliday • Edina Realty • First Weber • Kentwood • Long & Foster • Lovejoy • Midwest Preferred • Preferred Carolinas • Real Living / RLRE • Roy H. Long Realty

- Three of the Defendants—Anywhere, RE/MAX, and Keller Williams (the “Settling Defendants”)—have entered into settlement agreements that would recover \$208.5 million and other benefits for members of a nationwide class of home sellers. This “Settlement Class” is broader than the *Moehrl* Litigation Damages Class; it includes home sellers who are members of the *Moehrl* Litigation Damages Class, along with many other home sellers, as described in Section 19. A federal court in Missouri has preliminarily approved the settlements, and attorneys are working to provide notice and seek final approval. You may have rights under both the ongoing *Moehrl* litigation (as a member of the Litigation Damages Class) and the Nationwide Settlements (as a member of the Settlement Class). You may object to or exclude yourself (opt-out) from one or more of the three settlements with Settling Defendants by **April 13, 2024**. The deadline to file a claim for a payment in the Nationwide Settlements is **May 9, 2025**. There may be additional settlements. To learn more about the Nationwide Settlements, how to submit a claim, and the rights you would be giving up, go to www.RealEstateCommissionLitigation.com. Further notice of the Nationwide Settlements is being published separately.
- The *Moehrl* lawsuit, which is the subject of this Notice, is proceeding in federal court in Illinois against the remaining Defendants—the National Association of Realtors and HomeServices of America and certain of its subsidiaries (the “Non-Settling Defendants”). Defendants deny the allegations, and the Illinois Court in the *Moehrl* case has not decided whether Defendants did anything wrong.
- There is no money available now in the *Moehrl* lawsuit against the Non-Settling Defendants, and no guarantee there will be. However, your legal rights are affected, and you have a choice to make now:

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YOUR LEGAL RIGHTS AND OPTIONS IN THE <i>MOEHRL</i> LAWSUIT	
DO NOTHING	<p>Stay in <i>Moehrl</i> lawsuit. Await the outcome. Give up certain rights.</p> <p>By doing nothing, you keep the possibility of getting money or benefits that may come from a trial or future settlement in the <i>Moehrl</i> lawsuit. But you give up any rights to sue Defendants separately about the same legal claims in this lawsuit.</p> <p>** Note: To get a payment in the <i>Settlements</i> with RE/MAX, Anywhere, and Keller Williams, you must submit a claim by May 9, 2025. For further information about the proposed Settlements and where to submit a claim, go to www.RealEstateCommissionLitigation.com.</p>
ASK TO BE EXCLUDED FROM THE SETTLEMENTS AND <i>MOEHRL</i> LITIGATION DAMAGES CLASS BY APRIL 13,2024	<p>Get out of <i>Moehrl</i> lawsuit. Get no benefits from it. Keep rights.</p> <p>If you ask to be excluded from the three <i>Settlements</i> and the <i>Moehrl</i> Litigation Damages Class, and money or benefits are later awarded, you won't share in those. But you keep any rights to sue Defendants separately about the same legal claims in this lawsuit. If you exclude yourself, you may hire your own lawyer, at your own cost, to appear in court for you.</p>
ASK TO BE EXCLUDED FROM THE SETTLEMENTS – BUT NOT THE <i>MOEHRL</i> LITIGATION DAMAGES CLASS BY APRIL 13,2024	<p><u>Defendants RE/MAX, Anywhere, and Keller Williams</u></p> <p>If you ask to be excluded from one or more of the Nationwide Settlements with RE/MAX, Anywhere, and Keller Williams, you won't share in any money or benefits from these settlements. But if the settlements are approved, you will keep any rights to sue these defendants individually about the same legal claims in this lawsuit. If the settlements aren't approved, you'll remain a member of the <i>Moehrl</i> Litigation Damages Class, including for purposes of claims against RE/MAX, Anywhere, and Keller Williams, as well as the other defendants.</p> <p><u>Defendants NAR and HomeServices</u></p> <p>By not excluding yourself from the Litigation Damages Class, you keep the possibility of getting money or benefits that may come from a trial or a future settlement with these defendants. But you give up any rights to sue these defendants separately about the same legal claims in this lawsuit.</p>

YOUR LEGAL RIGHTS AND OPTIONS IN THE *MOEHRL* LAWSUIT

**ASK TO BE EXCLUDED
FROM THE *MOEHRL*
LITIGATION
DAMAGES CLASS –
BUT NOT THE
SETTLEMENTS**

BY APRIL 13, 2024

Defendants RE/MAX, Anywhere, and Keller Williams

By not asking to exclude yourself from the Nationwide Settlements with RE/MAX, Anywhere, and Keller Williams, you may be eligible to receive money or benefits from those settlements. But you give up any rights to sue those defendants separately about the same legal claims in this lawsuit.

Defendants NAR and HomeServices

If you ask to be excluded from the Litigation Damages Class, and money or benefits are later awarded against these defendants, you won't share in them. But you keep any rights to sue these defendants separately about the same legal claims in this lawsuit. If you exclude yourself, you may hire your own lawyer, at your own cost, to appear in court for you.

- These rights and options—and the deadlines to exercise them—are explained in this Notice. To ask to be excluded, you must act before **April 13, 2024**.
- The Plaintiffs must prove their claims at trial against any Defendants who have not settled. If additional money or benefits are obtained from Non-Settling Defendants, you will be notified about how to ask for a share.

BASIC INFORMATION

1. What is this Notice about?

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

This Notice explains that the Court has allowed, or “certified,” a class action lawsuit that may affect you. You have legal rights and options that you may exercise before the Court holds a trial. The trial is to decide whether the claims being made against Defendants, on your behalf, are correct.

Judge Andrea Wood of the United States District Court for the Northern District of Illinois is overseeing the class action. The lawsuit is known as *Moehrl et al. v. National Association of Realtors, et al.*, No. 1:19-cv-01610 (“*Moehrl v. NAR*” or “*Moehrl*”).

2. What is this lawsuit about?

The lawsuit claims that Defendants created and 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 lawsuit claims that these rules are anticompetitive and unfair, and that they violate antitrust laws. Specifically, the lawsuit alleges violation of the Sherman Act (a federal antitrust statute found at 15

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U.S.C. § 1 *et seq.*). You can read Plaintiffs' Consolidated Amended Class Action Complaint at www.RealEstateCommissionLitigation.com.

3. What is a class action and who is involved?

In a class action, one or more people called Class Representatives (in this case, Christopher Moehrl, Michael Cole, Steve Darnell, Jack Ramey, Daniel Umpa, and Jane Ruh) sue on behalf of other people who have similar claims. The people together are a "Class" or "Class Members."

The home sellers who sued Defendants—and all the Class Members like them—are called Plaintiffs. The companies they sued (in this case, the National Association of Realtors, RE/MAX, Keller Williams, Anywhere, HomeServices of America and certain HomeServices subsidiaries) are called Defendants. One court resolves the issues for everyone in the Class—except for those who choose to exclude themselves from the Class.

4. Why is this lawsuit a class action?

The Court decided that this lawsuit can be a class action and move toward a trial because it 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 the class definitions; (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 Litigation Classes; (4) Plaintiffs, and the lawyers representing the Litigation Classes, will fairly and adequately represent 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. How do Defendants answer?

Defendants dispute Plaintiffs' allegations and deny liability to Plaintiffs and the Litigation Classes. You can read Defendants' Answers to the Consolidated Amended Class Action Complaint at www.RealEstateCommissionLitigation.com. Settling Defendants (Anywhere, RE/MAX, and Keller Williams) have entered into settlement agreements. The Defendants who have not entered into settlement agreements will argue their defenses at a trial. (*See* "The Trial" below on page 10.)

6. Has the Court decided who is right?

The Court in *Moehrl* has not decided whether Plaintiffs or Defendants are correct. By establishing the Litigation Classes and issuing this Notice, the Court is not suggesting that Plaintiffs will win or lose this case. Plaintiffs and the Litigation Classes must still prove their claims at a trial. (*See* "The Trial" below on page 10.)

7. What are Plaintiffs asking for?

Plaintiffs are asking the Court to rule that the challenged rules created and implemented by Defendants are anticompetitive, and that they violate federal antitrust law. Plaintiffs are also asking the Court to require the Defendants to reimburse home sellers for the amount they overpaid in commissions to real estate agents or brokers involved with their transaction.

WHO IS IN THE LITIGATION CLASSES?

You need to decide whether you are affected by this lawsuit.

8. Am I part of the Litigation Classes?

If you meet the following criteria, then you may qualify to be a member of the Litigation Damages Class in the *Moehrl* lawsuit:

- (1) sold a home between March 6, 2015 and December 31, 2020;**
- (2) used a real estate agent or broker affiliated with a “Corporate Defendant” to sell the home;**
- (3) paid a commission to your agent or broker; and**
- (4) listed the home for sale on what is referred to as a “Covered MLS.”**

In this lawsuit, the Court certified a Litigation Damages Class and an Injunctive Relief Class, as defined below. (Together, the “Litigation Classes”) You can only opt out of the Litigation Damages Class.

Litigation Damages Class:

Home sellers who paid a commission between March 6, 2015, and December 31, 2020, to a brokerage affiliated with a Corporate Defendant in connection with the sale of residential real estate listed on a Covered MLS and in a covered jurisdiction.

Litigation Injunctive Relief Class:

Current and future owners of residential real estate in the covered jurisdictions who are presently listing or will in the future list their home for sale on a Covered MLS.

Excluded from the Litigation Classes are (i) sales of residential real estate for a price below \$56,500, (ii) sales of residential real estate at auction, and (iii) employees, officers, and directors of defendants, the presiding Judge in this case, and the Judge’s staff.

9. I am still not sure if I am included.

If you are still not sure whether you are included, you can get free help at www.RealEstateCommissionLitigation.com, or by calling or writing to the lawyers in this case, at the phone number or address listed in item No. 13 below.

YOUR RIGHTS AND OPTIONS

You have to decide whether to stay in the Litigation Damages Class or ask to be excluded before the trial, and you have to decide this now.

10. What happens if I do nothing at all?

Moehrl litigation against the Non-Settling Defendants:

You don’t have to do anything now if you want to keep the possibility of getting money or benefits from the ongoing *Moehrl* lawsuit against the Non-Settling Defendants (NAR and HomeServices of America and certain of its subsidiaries). By doing nothing, you are staying in the Litigation Damages Class. If you stay in the Litigation Damages Class and the Plaintiffs obtain

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money or benefits, either as a result of the trial or a settlement, you will be notified about how to apply for a share (or how to ask to be excluded from any settlement).

Keep in mind that if you do nothing now, regardless of whether Plaintiffs win or lose at trial, you will not be able to sue, or continue to sue, Defendants—as a part of any other lawsuit—about the same legal claims that are the subject of this lawsuit. This means that if you do nothing, you will be legally bound by all the orders the Court issues and judgments the Court makes in the *Moehrl* class action lawsuit.

Nationwide Settlements:

To secure rights you may have to a payment under the proposed settlements with the Settling Defendants (Anywhere, RE/MAX, and Keller Williams), *you may need to take action soon***. Separate notice and information about your right to submit a claim by **May 9, 2025**, are available at www.RealEstateCommissionLitigation.com.

11. Why would I ask to be excluded?

If you already have your own lawsuit against Defendants concerning the rules at issue or wish to initiate your own lawsuit, then you need to ask to be excluded from the Litigation Damages Class. If you exclude yourself from the Litigation Damages Class—which also means to remove yourself from the Litigation Damages Class, and is sometimes called “opting-out”—you won’t get any money or benefits from this lawsuit even if Plaintiffs prevail as a result of the trial or from any settlement between Non-Settling Defendants and the Plaintiffs. However, you may then be able to sue or continue to sue Non-Settling Defendants for the issues in this lawsuit. If you exclude yourself, you will not be legally bound by the Court’s judgments in this class action.

If you start your own lawsuit against Non-Settling Defendants after you exclude yourself, you’ll have to hire and pay your own lawyer for that lawsuit, and you’ll have to prove your claims. If you do exclude yourself so you can start or continue your own lawsuit against Non-Settling Defendants, you should talk to your own lawyer soon, because your claims may be subject to a statute of limitations.

12. How do I ask the Court to exclude me from the Litigation Damages Class?

Moehrl litigation against Defendants who have not settled:

To ask to be excluded from the *Moehrl* Litigation Damages Class, you must send an “Exclusion Request” in the form of a letter sent by mail, stating that you want to be excluded from the *Moehrl et al. v. National Association of Realtors, et al.* Litigation Damages Class. You must include your name and address, and sign the letter. You may also get an Exclusion Request form at www.RealEstateCommissionLitigation.com/Moehrl.

Your Exclusion Request letter must be postmarked by **April 13, 2024**, and addressed to

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

Nationwide Settlements:

If you wish to object to or exclude yourself (opt-out) from one or more of the three Nationwide Settlements, you must do so by **April 13, 2024**. Go to ww.RealEstateCommissionLitigation.com to learn more.

THE LAWYERS REPRESENTING YOU

13. Do I have a lawyer in this case?

The Court decided that the following law firms are qualified to represent you and all Members of the Litigation Classes in the *Moehrl* litigation:

- Hagens Berman Sobol Shapiro LLP
- Cohen Milstein Sellers & Toll PLLC
- Susman Godfrey LLP

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 are available on their law firm websites at: www.hbsslaw.com, www.cohenmilstein.com, and www.susmangodfrey.com.

14. Should I get my own lawyer?

You do not need to hire your own lawyer because Class Counsel is working on your behalf. But, if you want your own lawyer, you may need to pay that lawyer. For example, you can ask him or her to appear in Court for you if you want someone other than Class Counsel to speak for you.

15. How will the lawyers be paid?

If Class Counsel get money or benefits for the Litigation Classes in the *Moehrl* litigation, they may ask the Court for fees and expenses. You won’t have to pay these fees and expenses. If the Court grants Class Counsels’ request, the fees and expenses would be either deducted from any money obtained for the Litigation Classes or paid separately by Defendants.

Regarding the proposed Nationwide Settlements with Settling Defendants (Anywhere, RE/MAX, and Keller Williams), Settlement Class Counsel will ask the Court for fees and expenses. More information about this can be found at www.RealEstateCommissionLitigation.com.

THE TRIAL

The Court will schedule a trial to decide who is right in this case.

16. How and when will the Court or Jury decide who is right?

As long as the case isn’t resolved by a settlement or otherwise, Class Counsel will have to prove Plaintiffs’ claims at a trial. During the trial, a Jury or the Judge will hear all of the evidence to help them reach a decision about whether the Plaintiffs or Defendants are right about the claims in the lawsuit. There is no guarantee that Plaintiffs will win, or that they will get any money or benefits for the Litigation Classes.

Questions? Visit www.RealEstateCommissionLitigation.com/Moehrl or call 888-995-0207

17. Do I have to come to the trial?

You do not need to attend the trial. Class Counsel will present the case for Plaintiffs, and Defendants who have not settled will present the defenses. You or your own lawyer are welcome to come at your own expense.

18. Will I get money after the trial?

If Plaintiffs obtain money or benefits as a result of the trial or a settlement, you will be notified about how to participate. We do not know how long this will take.

ARE THERE OTHER REAL ESTATE COMMISSION LAWSUITS OR SETTLEMENTS?

If you sold a home on a non-Covered MLS, or with a broker not affiliated with a Defendant in this case (*Moehrl*), you may have rights in connection with other lawsuits or settlements that encompass other MLSs and real estate brokerage firms.

19. Have there been any Settlements?

You may be eligible to receive a recovery from Nationwide Settlements with Settling Defendants (Anywhere, RE/MAX, and Keller Williams) 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 deadline to submit a claim for a payment in the Nationwide Settlements is **May 9, 2025**.

Participation in the Nationwide Settlements requires a Release of Claims. This Release may affect your rights, and may carry obligations, in the future. You may view terms of the release, and an explanation of the “Eligible Date Range,” at www.RealEstateCommissionLitigation.com.

20. Are there other similar cases?

There are other class actions involving similar claims that are related to the proposed Nationwide Settlements with Settling Defendants (Anywhere, RE/MAX, and Keller Williams): *Burnett, et al. v. The National Association of Realtors, et al.*, Case No. 19-CV-00332-SRB, pending in the Western District of Missouri; and *Nosalek v. MLS Property Information Network, Inc. (“MLS PIN”), et al.*, Case No. 20-CV-12244-PBS, pending in the district of Massachusetts; among others. The settlements will settle the claims against Settling Defendants that were brought in this case and those cases, but they will not settle the claims against other Defendants in the cases.

In the *Burnett* case, a jury returned a verdict for \$1.78 billion against certain of the Defendants—the National Association of Realtors, Keller Williams, and HomeServices of America and certain of its subsidiaries. The *Burnett* case covers certain home sales on the following MLSs in Missouri: Heartland, MARIS, Columbia Board of Realtors MLS, and Southern Missouri MLS.

GETTING MORE INFORMATION

21. Are more details available?

You can find more information about the ongoing *Moehrl* lawsuit that is the subject of this Notice at www.RealEstateCommissionLitigation.com. There you will find the Consolidated Amended Class Action Complaint that Plaintiffs submitted, Defendants' Answers to the Complaint, the Court's Order Certifying the Class, and additional information about the status of the case.

At the same website, you can also find information about the Nationwide Settlements with Settling Defendants.

If you have additional questions about this case (which is called the *Moehrl* lawsuit) or the Nationwide Settlements, you may contact Class Counsel (listed above) or the Claims Notice Administrator by calling 888-995-0207, sending an email to info@RealEstateCommissionLitigation.com, or writing to *Moehrl v. National Association of Realtors*, c/o JND Legal Administration, PO Box 91479, Seattle, WA 98111.