

LEGAL NOTICE

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

If you sold a home using a real estate agent from April 29, 2014 to June 30, 2022 and paid a commission to the buyer's agent, then a class action may affect your rights.

A federal court in Missouri authorized this notice. This is not a solicitation from a lawyer.

- This class action lawsuit is known as *Burnett et al. v. National Association of Realtors, et al.*, No. 19-322. Trial in this matter is scheduled to commence on October 16, 2023. In advance of trial, the Plaintiffs have moved to dismiss their claims arising under Missouri state law, including their claims pursuant to the Missouri Merchandising Practices Act (MMPA) (Count II) and the Missouri Antitrust Law Mo. Rev. Stat. § 416.031 (Count III). The Court will conduct a hearing on this motion on October 13, 2023, at 8:30 AM. If the motion is granted, the Plaintiffs will not pursue claims pursuant to Missouri state law at trial. Plaintiffs will pursue their claims involving the Sherman Antitrust Act (Count I) at trial.
- The Sherman Antitrust class and Missouri Antitrust Law class period runs from April 29, 2015, to June 30, 2022. The MMPA class period runs from April 29, 2014, to June 30, 2022.
- Under the proposal, all claims under the Missouri Antitrust Law will be dismissed with prejudice for all class members. This means that no class member will be able to refile those claims in the future.
- The proposal further provides that dismissal of all MMPA claims will be with prejudice as to class members who have a Sherman Act claim. This means that if your home sale took place from April 29, 2015, through June 30, 2022, you will not be able to refile an MMPA claim in the future relating to that home sale.
- For class members whose home sale took place between April 29, 2014, and April 28, 2015, the dismissal of the MMPA claims will be without prejudice. If this includes you, this means that you will be able to refile an MMPA claim relating to that home sale in the future, subject to the relevant statute of limitations. Under the proposal, the statute of limitations for the MMPA claims dismissed without prejudice will be tolled from April 29, 2019, until 60 days after the date of the Court's final order dismissing those claims without prejudice. Because class members in this group have no claim under the federal Sherman Antitrust Act, their involvement in this litigation will be terminated.
- Notice was previously provided notifying individuals that they may be part of this class. The parties anticipate further notice being issued after the trial of this case to update class members as to important updates, including any settlements and/or judgments.
- If you object to the Plaintiffs' motion to dismiss state law claims, then you may attend the Court's hearing on October 13, 2023, at 8:30AM to make an objection. The hearing will take place before Judge Stephen R. Bough of the U.S. District Court for the Western

District of Missouri, Charles Evans Whittaker U.S. Courthouse, 400 E. 9th Street, Kansas City, MO 64106, Courtroom 7B.

- **Any questions? Read on and visit www.mlscommissionlawsuit.com.** A copy of the Plaintiffs' motion to dismiss as well as other case materials will be posted on the website.

BASIC INFORMATION

1. Why did I get this notice?

If you received this notice by email, it is because records from Defendants and other sources show that you may have sold a home using one of the Subject MLS's, that you used a broker or agent affiliated with one of the companies listed below to sell your home, and you paid a commission to the buyer's broker.

Plaintiffs are moving to dismiss state law claims that were previously pleaded as a part of the class action. The claims are being dismissed as set forth in this notice.

The case includes individuals who: (1) sold a home between April 29, 2014, and June 30, 2022; (2) used a real estate broker or agent affiliated with a Defendant to sell the home; (3) paid a commission to the buyer's real estate broker or agent; and (4) listed the home for sale on what is referred to as a "Subject MLS."

- To be in the class, you must have listed your home for sale on a "Subject Multiple Listing Service" or "Subject MLS," which includes:
 - **Heartland MLS** (encompassing the Kansas City metropolitan area, counties in eastern Kansas, counties in southwest Missouri, and counties in northwest Missouri);
 - **MARIS MLS** (encompassing the St. Louis metropolitan area, counties in eastern Missouri, and counties in western Illinois);
 - **Columbia Board of Realtors MLS** (encompassing Columbia, Missouri and its surrounding areas); *or*
 - **Southern Missouri Regional MLS** (encompassing Springfield and Joplin, Missouri and their surrounding areas).
- The class is limited to consumers who used "listing" brokers and you are not part of the class if your agent or broker was a "dual agent" or "transaction broker."
- Additionally, you must have used a real estate broker or agent affiliated with one of the one of the companies listed below to sell your home. The National Association of Realtors (NAR) is also a Defendant, but it does not provide brokerage or agent services to home sellers. The companies are:
 - **HomeServices of America and its affiliates** (including brands such as ReeceNichols and Berkshire Hathaway);
 - **Keller Williams**;
 - **RE/MAX**; *or*
 - **Anywhere (formerly known as Realogy Holdings Corp.)** (including brands such as Coldwell Banker, Century 21, Sotheby's International Realty, and Better Homes and Gardens).

2. Is there more information available?

Yes. A more detailed “class notice” and other case information can be found at www.mlscommissionlawsuit.com.

3. What are my options?

You do not need to do anything. If you object to Plaintiffs’ motion to dismiss, then you may attend the Court’s hearing on the motion on October 13, 2023 to state your objections.

4. Are there more details available?

Visit the website www.mlscommissionlawsuit.com where you will find the Court’s Order Certifying the Class, the Third Amended Complaint that Plaintiffs submitted, Defendants’ Answers to the Complaint, class notice, and Plaintiffs’ motion to dismiss state law claims. The website also contains information to inform you whether you are part of the class.

If you still want more information, you can submit inquiries to:

Burnett et al. v. National Association of Realtors®, et al.
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