

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MYA BATTON, AARON BOLTON,
MICHAEL BRACE, DO YEON IRENE KIM,
ANNA JAMES, JAMES MULLIS,
THEODORE BISBICOS, and DANIEL
PARSONS, individually and on behalf of
all others similarly situated,

Plaintiffs,

v.

THE NATIONAL ASSOCIATION OF
REALTORS, ANYWHERE REAL ESTATE, INC.
FORMERLY KNOWN AS REALOGY HOLDINGS
CORP., RE/MAX LLC, and KELLER WILLIAMS
REALTY, INC.,

Defendants.

Case No. 1:21-cv-00430 (LAH)

**DECLARATION OF JAMES R. LAYTON IN SUPPORT OF
CLASS COUNSEL'S MOTION FOR AN AWARD OF
ATTORNEYS' FEES AND PAYMENT OF LITIGATION EXPENSES,
AND PLAINTIFFS' REQUEST FOR SERVICE AWARDS**

I, James R. Layton, hereby declare:

1. I am of Counsel at the law firm of Tueth Keeney Cooper Mohan & Jackstadt P.C. ("Tueth Keeney"). I make this Declaration in support of Class Counsel's Motion for an Award of Attorneys' Fees and Payment of Litigation Expenses and Plaintiffs' Request for Service Awards ("Fee and Expense Application") filed concurrently herewith. I have personal knowledge of the matters stated herein and, if called upon to testify to those facts, I could and would do so competently.

2. I served as appellate counsel for Plaintiffs and the proposed Class in the above-captioned action (the “Action”) in connection with their appeals from orders finally approving class-action settlements with Defendants, including Keller Williams Realty and RE/MAX LLC, in *Burnett et al. v. Nat’l Ass’n of REALTORS®*, et al., No. 4:19-cv-00332 (W.D. Mo.). Plaintiffs and the proposed class appealed the district court’s orders interpreting the releases contained in those settlements as releasing class members’ claims arising from their home purchase transactions, instead of being limited to the separate home sale transaction claims that were actually plead and litigated in those cases. Those appeals are *Burnett, et al. v. The Nat’l Ass’n of Realtors, et al.*, 24-2143, 24-2168, and 24-2391 (8th Cir.).

3. The statements herein are true to the best of my personal knowledge, information, and belief based on the books and records of Tueth Keeny.

4. I have extensive experience serving as appellate counsel. My resume is attached as **Exhibit B**.

5. The schedule attached as **Exhibit A** summarizes my hours and lodestar from inception of this Action to March 31, 2026. The total hours were determined by the examination of contemporaneous, daily time records regularly prepared and maintained by my firm. Lodestar calculations for the time incurred are based on the firm’s current hourly rates and were prepared based upon daily time records maintained by attorneys and professional support staff at the firm. Lodestar figures do not include charges for expense items. Tueth Keeney’s time records have been reviewed to confirm both the accuracy of the entries as well as the necessity for and reasonableness of the time expended in this litigation.

6. The hourly rates included herein are the usual and customary hourly rates for their services in other non-contingent matters.

7. The services I performed on behalf of the putative class include, but are not limited to, advising Plaintiffs and the proposed Class on appellate strategy, reviewing the filed briefs in preparation for oral argument, drafting an oral argument outline and otherwise preparing for oral argument, and presenting oral argument.

8. The total time invested in this action by my firm is 51.30 hours. The total loadstar value of these professional services is \$24,880.50.

* * *

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

Executed this 9 day of June, 2026, in Clayton, Missouri.


James R. Layton

EXHIBIT A

Attorneys	Role	Total Hours	Hourly Rate	Total Lodestar
James R. Layton	Of Counsel	51.30	\$485	\$24,880.50
TOTAL:		51.30		\$24,880.50