

**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 TODD A. SEAYER 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, Todd A. Seaver, hereby declare:

1. I am a Partner at the law firm of Berman Tabacco, counsel for Plaintiffs and the Settlement Classes. 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. At all times relevant hereto, Berman Tabacco served as allocation counsel for purposes of the Settlements in the above-captioned action (the “Action”). Unless otherwise

defined, capitalized terms herein have the same meaning as in the Settlement Agreements between Plaintiffs and Keller Williams Realty, LLC (“Keller Williams”) and RE/MAX LLC (“RE/MAX”).

3. The statements herein are true to the best of my personal knowledge, information, and belief based on the books and records of Berman Tabacco and information received from Berman Tabacco attorneys and staff.

4. As detailed in Berman Tabacco’s resume submitted in connection with Plaintiffs’ Motion for Preliminary Approval of the Proposed Distribution Plan (ECF No. 276-5), Berman Tabacco has extensive experience prosecuting antitrust and other complex class actions.

5. The schedule attached as **Exhibit A** summarizes the hours and lodestar of Berman Tabacco 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. Berman Tabacco 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. As a result of this review, certain reductions were made to time and lodestar either in the exercise of billing judgment or to conform with my firm’s practice.

6. The time set forth in this Declaration does not include the hours Class Counsel spent or will spend preparing this Fee and Expense Application, briefing final approval of the Settlement after March 31, 2026, communicating with Settlement Class Members after March

31, 2026, preparing for and attending the Settlement Hearing on July 28, 2026, and administering the Settlement, assuming it is approved by the Court.

7. The hourly rates for the attorneys and other professional support staff at my firm are the same as the usual and customary hourly rates used for their services in contingent matters, and have been approved by other courts in similar matters. *See In re California Gasoline Spot Market Antitrust Litig.*, No. 3:20-cv-03131-JSC (N.D. Cal. March 14, 2025), ECF No. 631 (Order awarding attorneys' fees and expenses); *In re European Gov't Bonds Antitrust Litig.*, No. 19-cv-2601-VM (S.D.N.Y. Dec. 9, 2024), ECF No. 531 For personnel no longer employed by Berman Tabacco, the lodestar calculation is based on the billing rates for such personnel in his or her final year of employment. The total lodestar does not include charges for expense items.

8. The services Berman Tabacco performed on behalf of the putative class were performed by experienced antitrust litigators: myself and Carl N. Hammar skjold. The services performed include, but are not limited, the following:

a. I reviewed and analyzed relevant case materials in the instant action (*Batton v. Nat'l Ass'n of Realtors*, Case no. 1:21-cv-00430-LHH (N.D. Ill.) ("*Batton*")) and in those class actions on behalf of home sellers pending in *Burnett v. The National Association of Realtors*, No. 4:19-cv-00332-SRB (W.D. Mo.), and subject to the pending Eighth Circuit appeal, *Burnett v. Mullis*, No. 24-2143 (8th Cir.).

b. I listened to the entirety of the oral arguments before the Eighth Circuit in the *Burnett* appeal and took notes regarding the panel's reception to various arguments presented by the parties and objectors to the settlement agreement at issue;

c. I drafted and submitted a mediation statement on behalf of the Buyers-Seller Group in *Batton* regarding how Buyer-Seller class members should be treated in an

allocation compared to Buyer class members, given the then-present risk to Buyer-Seller class members' claims. Specifically, the Buyer-Seller claims have been released and enjoined by the W.D. Mo. district court in an order approving settlement of a separate class action. That order, and the scope of the release, is the subject of the Eighth Circuit appeal. The question I addressed is whether, and by how much, to discount Buyer-Seller recoveries from the Keller Williams Settlement when the resolution of that appeal is unknown. My partner Carl N. Hammarskjold assisted me in the analysis.

d. I prepared for and attended an in-person mediation at Berman Tabacco's offices in San Francisco on February 9, 2026, before mediator Gregory P. Lindstrom, presenting arguments and negotiating on behalf of the Buyer-Seller Group;

e. With the participation of the mediator and able counsel representing the Buyer-Only Group, I helped to secure a favorable resolution: the mediator proposed a 75% discount to the claims of the Buyer-Seller class members that are subject to the *Burnett* release. The mediator's proposal was accepted by all Allocation Counsel;

f. I assisted Class Counsel following the mediation by communicating the result and helping prepare settlement papers on allocation-related issues.

9. The total time invested in this action by my firm is 60.7 hours. The total loadstar value of these professional services is \$72,056.00.

10. Attached as **Exhibit B** is a schedule of Berman Tabacco's expenses reasonably incurred in connection with this litigation for which reimbursement is requested. Expense items are billed separately, and such charges are not duplicated in the firm's current billing rates.

Further, expense items do not contain any general overhead costs, and do not contain a surcharge over the amount paid to the corresponding vendor(s).

11. The requested payment for litigation expenses should also be approved because the expenses were reasonably and necessarily incurred in the prosecution of the Action.

12. As detailed and categorized in the schedule attached as **Exhibit B**, Berman Tabacco incurred a total of \$401.18 in expenses from December 30, 2025 through March 31, 2026. The principal expenses were for hosting a lunch for mediation participants, and the photocopying, binding and transmission by overnight Federal Express the mediation statement and exhibits to the mediator. The schedule is based upon expense records recorded in Berman Tabacco's books and records. These books and records are prepared from expense vouchers, check records, receipts, and other source materials.

* * *

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

Executed this 5th day of June, 2026, in San Francisco, California.

/s/ Todd A. Seaver

Todd A. Seaver

EXHIBIT A

Attorneys	Role	Total Hours	Hourly Rate	Total Lodestar
Carl Hammarskjold	Partner	4.5	\$940.00	\$4,230.00
Todd Seaver	Partner	56	\$1,210.00	\$67,760.00
TOTAL:		60.5		\$71,990.00

Non-Attorneys	Role	Total Hours	Hourly Rate	Total Lodestar
Yelena Soboleva	Legal Assistant	0.2	\$330.00	\$66.00
TOTAL:		0.2		\$66.00

EXHIBIT B

Expense Categories	Expenses
Travel - Airfare, Lodging, Meals, Taxi	\$147.53
Computer Research, Databases & Docket	\$55.29
In-House Copying	\$150.76
Postage, Mailing, FedEx, UPS, Fares & Messengers	\$47.60
TOTAL	\$401.18