

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

MYA BATTON, AARON BOLTON,
MICHAEL BRACE, DO YEON 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)

**JOINT DECLARATION OF VINCENT BRIGANTI AND RANDALL EWING
IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF
PROPOSED PLAN OF DISTRIBUTION**

Pursuant to 28 U.S.C. § 1746, we, Vincent Briganti and Randall Ewing, declare:

1. We are, respectively, attorneys from the law firms of Lowey Dannenberg, P.C. (“Lowey”) and Korein Tillery, LLC (“Korein Tillery”) (together, “Class Counsel”). We have been actively involved in prosecuting this Action, are familiar with its proceedings, and have personal knowledge of or have conferred with attorneys and staff from our firms with personal knowledge of the matters set forth herein. We have been appointed Class Counsel in connection with the Settlement (“Keller Williams Settlement”) between Plaintiffs and Keller Williams, LLC (“Keller Williams”), which the Court has preliminarily approved. ECF No. 269.

2. We respectfully submit this Declaration in support of Plaintiffs’ motion for preliminary approval of the plan for distributing the Net Settlement Funds from the Keller Williams Settlement (“Plan” or “Distribution Plan”). Attached as **Exhibit A** is a true and correct copy of the Distribution Plan.

3. To develop the Plan, Class Counsel conferred closely with their experts at Berkeley Research Group (“BRG”) to develop a calculator for determining the approximate harm (“Transaction Amount”) that each class member suffered as a result of the alleged conspiracy. Each class member’s Transaction Amount will be used to determine their *pro rata* share of the Net Settlement Fund.

4. Class Counsel also conferred with their Claims Administrator, A.B. Data to develop a claim form that requests the information that A.B. Data will require to process claims forms and to calculate claimants’ payment amounts from the Net Settlement Fund. The Claim Form is designed to be straightforward and simple in order to promote participation in the Settlement. Attached as **Exhibit B** is a true and correct copy of the Claim Form.

5. In addition, Class Counsel engaged Christopher Burke of Burke LLP and Todd Seaver of Berman Tobacco (together, “Allocation Counsel”) to independently represent class members who are subject to the legal risk that their homebuying claims may be released by settlements reached in related seller litigation, and those class members who are not subject to such a legal risk either because they have never sold a home or have not sold a home during the periods covered by those settlements. Allocation counsel was tasked with determining the appropriate legal risk discount.

6. Both Allocation Counsel have extensive experience litigating and settling complex antitrust actions like this one. Mr. Burke is managing partner at Burke LLP where his principal practice is antitrust litigation. Over the course of his career, he has recovered over \$10 billion on behalf of class members and has served as lead and co-lead counsel in numerous antitrust actions. His co-lead counsel appointments include several indirect purchaser cases, like this one, in which he successfully navigated complex indirect purchaser issues to obtain substantial recoveries for indirect purchaser class members. *See, e.g., In re Korean Air Lines Co., Ltd. Antitrust Litig.*, MDL No. 1891 (C.D. Cal.) (\$86 million settlement); *In re Prudential Ins. Co. of America SGLI/VGLI Contract Litig.*, No. 11-md-2208 (D. Mass.) (\$40 million settlement); *In re Wholesale Elec. Antitrust Litig.*, MDL No. 1405 (S.D. Cal.) (over \$1 billion in settlements). Mr. Burke also served as court-appointed allocation counsel in *In re Prograf Antitrust Litigation*, MDL No. 2242 (D. Mass.). Attached as **Exhibit C** is a true and correct copy of Mr. Burke’s résumé.

7. Mr. Seaver, a partner at Berman Tobacco, is likewise deeply knowledgeable and experienced regarding the ins-and-outs of antitrust litigation. Mr. Seaver has served as co-lead counsel in numerous antitrust cases in which role he has recovered millions for his clients. His work has included representation in several cases that involved complex and novel issues of law.

For example, Mr. Seaver led his firm's efforts in *In re Online DVD Rental Antitrust Litigation*, No. M 09–2029 PJH (S.D. Cal.), where he argued an issue of first impression regarding class action settlements and the Class Action Fairness Act before the Ninth Circuit. He also currently serves as co-lead counsel in *Moskowitz v. American Express Co.*, No. 1:19-cv-00566-NGG (E.D.N.Y.), a case involving the payments industry and which was heavily impacted by the Supreme Court's landmark ruling in *Ohio v. American Express Co.*, 138 S. Ct. 2274 (2018) (articulating the framework now used to analyze so-called “two-sided” markets). And he recovered the largest known recovery from Moody's and S&P in a private, civil lawsuit for damages in a landmark case that held the rating agencies responsible for negligent representation. *Cal. Pub. Employees' Ret. Sys. v. Moody's Corp.*, No. CGC-09-490241 (Cal. Super. Ct. San Francisco Cnty.) (\$225 million). Attached as **Exhibit D** is a true and correct copy of Mr. Seaver's résumé.

8. In Class Counsel's opinion, Allocation Counsel is highly experienced and competent and were well-equipped to negotiate an appropriate legal risk discount in this case.

9. To aid the process, Class Counsel retained Gregory Lindstrom to mediate the allocation of the Net Settlement Fund between the two differing groups of Class Members. Gregory Lindstrom is a renowned mediator whose practice now focuses almost exclusively on complex antitrust litigation. *See* Declaration of Gregory P. Lindstrom dated February 25, 2026, ¶¶ 2-4 (filed contemporaneously herewith). Mr. Lindstrom mediated more than twenty separate sets of antitrust claims asserted by home sellers against defendants, including those in this action. He also served as mediator for Plaintiffs and Keller Williams. He is thus deeply familiar not only with antitrust litigation generally, but also with the facts and issues of this case specifically.

10. After the mediation process was complete, Mr. Lindstrom reported to Class Counsel that Allocation Counsel reached agreement on a 75% legal risk discount for Class

Members whose claims are at risk of being released by seller settlements. Class Counsel understands that Allocation Counsel initially disagreed as to the appropriate discount. After comprehensive discussion that included a discussion of the relevant Eighth Circuit oral argument, Mr. Lindstrom engaged in shuttle diplomacy between the Allocation Counsel. He ultimately made a mediator's proposal of a 75% discount, which Allocation Counsel accepted.

11. Based upon the foregoing, Class Counsel's firmly believes that the outcome reached by Allocation Counsel is fair and reasonable in light of all the circumstances of this case, including: (1) the timing of the Settlement, (2) Class Counsel's experience and familiarity with the law and facts of this case, (3) Class Counsel's experience and familiarity with the Keller Williams settlement with home-seller plaintiffs and the likelihood of success on appeal, (3) Allocation Counsel's competence and experience, (4) the Mediator's competence and experience, (4) the arms'-length nature of Allocation Counsel's negotiations, and (5) the overall terms of the Plan.

12. Additionally, based upon Class Counsel's extensive work and in-depth knowledge as well as their experience with similar cases, it is Class Counsel's strong opinion that the Plan is fair, reasonable, and adequate.

I certify under penalty of perjury that the foregoing is true and correct. Executed on February 26, 2026 in White Plains, New York.

/s/ Vincent Briganti
Vincent Briganti
LOWEY DANNENBERG, P.C.
44 South Broadway, Suite 1100
White Plains, NY 10601
Telephone: (914) 997-0500
Facsimile: (914) 997-0035
vbriganti@lowey.com

I certify under penalty of perjury that the foregoing is true and correct. Executed on
February 26, 2026, in Fort Lauderdale, FL.

/s/ Randall P. Ewing
Randall P. Ewing
KOREIN TILLERY, LLC
205 North Michigan Ave., Suite 1950
Chicago, IL 60601
(312) 641-9750
rewing@koreintillery.com