

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

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)

**DECLARATION OF JULIA WESTPHAL OF A.B. DATA IN SUPPORT OF
MOTION FOR FINAL APPROVAL OF SETTLEMENT**

I, Julia Westphal, declare as follows:

1. I am a Project Manager with A.B. Data, Ltd. ("A.B. Data"). I am fully familiar with the facts contained herein based upon personal knowledge and, if called as a witness, I could and would testify competently thereto.
2. Class Counsel selected A.B. Data to act as Claims Administrator in the above-captioned case for Plaintiffs' settlements with Defendant Keller Williams Realty, LLC fna Keller Williams Realty, Inc. ("Keller Williams") and Defendant RE/MAX, LLC ("RE/MAX") (the "Settlements").

3. The Court appointed A.B. Data to serve as Claims Administrator to provide notification and claims administration services in connection with the Keller Williams and RE/MAX Settlements (Docs. 269 ¶ 8, 314 ¶ 8). A.B. Data's duties in connection with the Settlements have and will include: (a) establishing a toll-free telephone number; (b) establishing a post office box for the receipt of mail; (c) receiving and analyzing the Partial Class List; (d) creating a Settlement Website with online claim filing capabilities; (e) implementing the Notice Plan; (f) preparing the Short Form Notice and Long Form Notice; (g) sending the Short Form Notice via email to Settlement Class Members; (h) receiving and processing mail from the United States Postal Service ("USPS") with forwarding addresses; (i) receiving and processing undeliverable mail, without a forwarding address, from the USPS; (j) receiving and processing Settlement Claim Forms; (k) receiving and processing opt-out requests; and (l) such other tasks as counsel for the Parties or the Court request A.B. Data to perform.

4. Justin Parks of A.B. Data previously submitted declarations in support of Plaintiffs' motions for preliminary approval of the Settlements. His declaration for the Keller Williams settlement (Doc. 262-7) ("Parks Declaration") detailed A.B. Data's proposed plan for providing the best notice practicable to Settlement Class Members (the "Notice Plan"). His declaration for the RE/MAX settlement (Doc. 310-9) addressed A.B. Data's determination that combining notice for the Keller Williams and RE/MAX settlements pursuant to the proposed Notice Plan would be the most efficient approach to provide Settlement Class Members with notice of the Settlements and help to avoid confusion that could be caused by sending multiple notices in quick succession.

5. This Declaration describes the implementation of the Notice Plan approved by the Court to provide notice to Settlement Class Members, as outlined in the Parks Declaration for the Keller Williams settlement (Doc. 262-7).

NOTICE PLAN OVERVIEW

6. When developing the Notice Plan, A.B. Data and Class Counsel evaluated the quality of the email address data available for direct notice. As described in the Parks Declaration, Plaintiffs provided A.B. Data with a partial list of potential Settlement Class Members' names and email addresses. The available data contained a significant number of duplicate, outdated, inactive, and business-associated email addresses, including email addresses affiliated with real estate professionals rather than potential Settlement Class Members. After the process to review and remove these duplicate entries and otherwise invalid entries, the remaining list was used to provide direct notice ("Partial Class List") as described below.

7. Due to privacy restrictions, more comprehensive consumer email databases were not available for use in this matter. Additionally, the cost of obtaining supplemental third-party email append and verification services for the Settlement Class was evaluated but ultimately not utilized given an anticipated incremental benefit versus the associated costs.

8. Therefore, the Parties elected to supplement direct email notice with a robust paid and earned media campaign to maximize reach and provide broad notice to the Settlement Class.

DIRECT NOTICE

9. Given the size of the Settlement Class and the cost of first-class mail, A.B. Data provided direct notice to Settlement Class Members on the Partial Class List via email.

10. Prior to sending direct notice, A.B. Data performed several tasks to maximize deliverability, including running the list of recipient email addresses through a deliverability analysis to ensure addresses were valid and working with A.B. Data's email service providers to develop strategies for achieving optimal deliverability.

11. On April 14, 2026, A.B. Data sent the Short Form Notice, formatted as an email (“Email Notice”), to 268,860 Settlement Class Members on the Partial Class List for whom an email address was available.

12. As discussed in the Parks Declaration, the Email Notice included a unique PIN number for Settlement Class Members to use when filing their Claim Forms and embedded links to the case-specific website. A.B. Data incorporated email best practices with respect to the Email Notice. The subject line, sender, and message content of the Email Notice were designed to encourage readership and exclude words or phrases known to trigger spam or junk filters. Further, the Email Notice was sent in an embedded html text format, without attachments and similar elements, to make it less likely that email service providers would block the message. The Email Notices were also programmatically authenticated, so providers could verify that they were being sent from A.B. Data’s authorized mail servers.

13. Of the 268,860 Email Notices that were sent to Settlement Class Members, 144,888 (or 54%) were delivered. The remaining emails were undeliverable due to invalid addresses, domain rejections, inactive accounts, or other technical reasons. A true and correct copy of the Email Notice is attached as **Exhibit A**.

14. On June 22, 2026 and July 20, 2026, A.B. Data will also send reminder email notices (“Reminder Email Notices”) to eligible Settlement Class Members for whom a valid email address is available.

PAID MEDIA

15. A.B. Data also implemented a comprehensive paid digital and social media advertising campaign to reach potential Settlement Class Members who may not have received an Email Notice and to provide additional Settlement Class coverage.

16. From April 14, 2026, through May 29, 2026, digital banner and social media advertising appeared on various websites and social media via Google Display Networks, YouTube, Facebook, Instagram, and other programmatic platforms. Targeted digital and social media advertising was also employed to programmatically reach users such as: homeowners; individuals viewing home improvement or renovation content; and individuals searching for or researching home loans, mortgages, or homeowners insurance. This advertising delivered 225,996,699 gross impressions, exceeding the 200 million gross impression delivery goal.

17. All digital and social media ads include images appropriate for this case and an embedded link to the case-specific website. Samples of the banner ads as they appeared on several websites are attached as **Exhibit B**.

18. A.B. Data purchased sponsored search listings to appear from April 14, 2026, through May 29, 2026 on Google and/or other search partners. When a person used a specific target phrase and/or keyword in a search engine to search for information, the link to the case-specific website may have appeared near the top of the search result pages.

EARNED MEDIA

19. On April 14, 2026, A.B. Data distributed a news release via PR Newswire's US1 and Newswire and shared information about the case with its followers on X.

WEBSITE

20. A.B. Data established and is maintaining the secure, dedicated website for the Settlements: www.homebuyerlitigation.com. The website provides background about the case and details about Settlement Class Member rights and options, important dates, updates, and other relevant information. Settlement Class Members are able to access detailed Frequently Asked Questions and download copies of key documents, such as the Claim Form, the Settlement

Agreements, and select court filings. A claims-filing portal on the website also allows Settlement Class Members to update their information or submit a Claim Form online.

21. As of June 4, 2026, there have been 66,822 unique visitors to the website and 112,589 page views within the website.

TOLL-FREE TELEPHONE NUMBER

22. A.B. Data established and is maintaining the case-specific toll-free telephone number, 800-329-4562, with an automated interactive voice response (“IVR”) system to answer Settlement Class Member questions and provide additional information. If callers need further help, they have the option to speak with a live operator during business hours. After business hours, callers may leave a voicemail message, and their call will be returned.

CAFA

23. On February 19, 2026, A.B. Data, on behalf of Defendant Keller Williams, provided the notice required under the Class Action Fairness Act, 28 U.S.C. § 1715(b) (“CAFA”). On April 3, 2026, A.B. Data, on behalf of Defendant RE/MAX, LLC, provided the notice required under the Class Action Fairness Act, 28 U.S.C. § 1715(b) (“CAFA”). A.B. Data caused both CAFA Notices to be sent to the Attorneys General of all the States and Territories of the United States and the Attorney General of the United States. The CAFA Notices were sent via each office’s preferred method of delivery, including priority mail and/or email. True and accurate copies of the CAFA Notices are attached hereto as **Exhibits C and D**, respectively.

OBJECTIONS AND EXCLUSIONS

24. The Long Form Notice includes specific instructions regarding how to object to or request exclusion from the Settlements. The deadline for Settlement Class Members to object to or opt out of the Settlements is June 23, 2026.

25. To date, A.B. Data has not received any objections or exclusion requests. However, if it receives any objections or exclusion requests, A.B. Data will process them and circulate copies to the parties. The complete list of exclusion requests, if any, will be provided to the Court after the exclusion deadline.

CLAIMS ADMINISTRATION

26. A.B. Data is providing claims administration services, including processing each submitted Claim Form, preparing and sending deficiency/eligibility notifications, determining the *pro rata* amount of each claim payment due based on the experts' methodology, and providing payments, via check or an electronic payment platform to authorized claimants.

27. Settlement Class Members who wish to be eligible to receive a payment from the Settlement Fund are required to complete and submit a properly executed Claim Form, either by mail or online through the website, no later than the August 25, 2026 deadline.

28. As of June 5, 2026, A.B. Data has received 9,451 claims, of which all were submitted through the website. A.B. Data has not yet received any paper claims.

29. A.B. Data, in partnership with Covalynt LLC, is reviewing and processing claims as they are received. However, this process will not be complete until the claim filing deadline has passed and all Claim Forms have been submitted. A.B. Data will provide the Court an updated report regarding claims administration after the claim filing deadline.

ADMINISTRATION COSTS

30. As of June 4, 2026, A.B. Data has invoiced \$208,822.27 for claims administration services in connection with the Settlements. Should the Court grant final approval of the Settlements, A.B. Data estimates that the additional cost to complete the administration will be \$580,000.00. This estimate is based on A.B. Data's experience, but the final cost of this

administration could change based on the actual circumstances and volumes, such as the number of claims ultimately submitted, the number of claims requiring review, and/or any out-of-scope work encountered during the administration process. A.B. Data will always strive to keep costs down whenever possible and provide updated estimated administration costs to the Court in connection with any motion to approve the disbursement of the Net Settlement Fund in this Action.

CONCLUSION

31. This Notice Plan included direct notice, paid media (digital and social media advertising), and earned media notice. In combination with the dedicated Settlement website, toll-free telephone number, and email address, it provided Settlement Class Members with multiple avenues to get information about the Settlements and their rights in this matter. The plan was designed to reach over 70% of the Settlement Class and comply with Rule 23 of the Federal Rules of Civil Procedure. It also conforms to the standards employed by A.B. Data in similar notice programs approved by courts.

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

Executed this 9th day of June 2026.


Julia Westphal

A.B. DATA, LTD.
Class Action Administration



VIA USPS Priority Mail and Email

Date: February 19, 2026

To: Attorney General of the United States
Attorneys General of the States and Territories of the United States

Re: **Notice of Proposed Class Action Settlement**

Case: *Batton v. The National Association of Realtors, No. 1:21-cv-00430*

Court: United States District Court for the Northern District of Illinois, Eastern Division

Pursuant to Section 3 of the Class Action Fairness Act of 2005 ("CAFA"), 28 U.S.C. § 1715, Defendant Keller Williams ("Defendant") hereby notifies you of the proposed settlement of the above-captioned action (the "Litigation"), currently pending in the United States District Court for the Northern District of Illinois, Eastern Division (the "Court").

Eight (8) items must be provided to you in connection with any proposed class action Settlement pursuant to 28 U.S.C. § 1715(b).

Each of the requirements of notice pursuant to 28 U.S.C. § 1715(b)(1) – (8) is addressed below. All referenced exhibits are provided electronically at <https://bit.ly/3OoTDbo> or by scanning this QR code:



To be added to our email list to receive CAFA correspondence digitally, please email help@abdataclassaction.com and we will add you to our email list.

1. 28 U.S.C. § 1715(b)(1) – a copy of the operative Amended Complaint.
The Amended Class Action Complaint, available as **Exhibit A**.
2. 28 U.S.C. § 1715(b)(2) – notice of any scheduled judicial hearing in the class action.

On February 2, 2026, Plaintiffs filed a motion for preliminary approval of the Stipulation and Agreement of Settlement with Keller Williams Realty, LLC. And a Memorandum of Law in Support of Motion for Preliminary Approval of Class Action Settlement with Keller Williams Realty, LLC. together available as **Exhibit B**. The Court issued an Order Preliminarily Approving Class Action Settlement with Keller Williams on February 13, 2026, available as **Exhibit C**.

3. 28 U.S.C. § 1715(b)(3) – any proposed or final notification to class members.

Copies of the Class Notice, Long-Form Notice and Short-Form Notice will be provided to Settlement Class Members and will be available on the Settlement Website created for the administration of this matter. These are available as **Exhibits D and E** respectively. The notices describe, among other things, the claim submission process and the Settlement Class Members' rights to object or exclude themselves from the Settlement Class.

4. 28 U.S.C. § 1715(b)(4) – any proposed or final class action settlement.

The Stipulation and Agreement of Settlement with Keller Williams, LLC is available as **Exhibit F**.

5. 28 U.S.C. § 1715(b)(5) – any settlement or other agreement contemporaneously made between class counsel and counsel for defendants.

There has been no settlement or other agreement contemporaneously made between class counsel and counsel for defendants

6. 28 U.S.C. § 1715(b)(6) – any final judgment or notice of dismissal.

The Court has not yet entered a Final Judgment or notice of dismissal. Accordingly, no such document is presently available. A final approval hearing scheduled for July 28, 2026.

7. 28 U.S.C. § 1715(b)(7) – (A) If feasible, the names of class members who reside in each State and the estimated proportionate share of the claims of such members to the entire settlement to that State's appropriate State official; or (B) if the provision of the information under subparagraph (A) is not feasible, a reasonable estimate of the number of class members residing in each State and the estimated proportionate share of the claims of such members to the entire settlement.

At this time, it is not feasible to provide names or estimates of the number of class members who reside in each State. The definition of the Settlement Class in the proposed Settlement Agreement means all persons who purchased residential real estate in the United States, from the beginning of the State Statutory Period through the date of class Notice, that was listed on a MLS. Excluded from the Settlement Class are: Defendants and any parent, subsidiary, affiliate, or co-conspirator of any Defendant. Also excluded is the Judge presiding over this action, his or her judicial staff, their immediate family, and to this Action.

8. 28 U.S.C. § 1715(b)(8) – any written judicial opinion relating to the materials described in 28 U.S.C. § 1715(b) subparagraphs (3) through (6).



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There has been no written judicial opinion beyond the Order Preliminarily Approving the Stipulation and Agreement to Settlement. Accordingly, no such document is presently available.

If for any reason you believe the enclosed information does not fully comply with 28 U.S.C. § 1715, please contact the undersigned immediately so that Defendants can address any concerns or questions you may have.

Sincerely,

A.B. Data, Ltd.
Class action Settlement Administrator
on behalf of Defendant



A.B. DATA, LTD.
abdataclassaction.com
New York | Washington, D.C. | Chicago | West Palm Beach | Milwaukee

A.B. DATA, LTD.
Class Action Administration



VIA USPS Priority Mail and Email

Date: April 3, 2026

To: Attorney General of the United States
Attorneys General of the States and Territories of the United States

Re: **Notice of Proposed Class Action Settlement**

Case: *Batton v. The National Association of Realtors, et al. No. 1:21-cv-00430*

Court: United States District Court for the Northern District of Illinois, Eastern Division

Pursuant to Section 3 of the Class Action Fairness Act of 2005 ("CAFA"), 28 U.S.C. § 1715, Defendant RE/MAX, LLC ("Defendant") hereby notifies you of the proposed settlement of the above-captioned action (the "Litigation"), currently pending in the United States District Court for the Northern District of Illinois, Eastern Division (the "Court").

Eight (8) items must be provided to you in connection with any proposed class action Settlement pursuant to 28 U.S.C. § 1715(b).

Each of the requirements of notice pursuant to 28 U.S.C. § 1715(b)(1) – (8) is addressed below. All referenced exhibits are provided electronically at <https://bit.ly/47Av8ig> or by scanning this QR code:



To be added to our email list to receive CAFA correspondence digitally, please email help@abdataclassaction.com and we will add you to our email list.

1. 28 U.S.C. § 1715(b)(1) – a copy of the operative Amended Complaint.
The Amended Class Action Complaint, available as **Exhibit A**.
2. 28 U.S.C. § 1715(b)(2) – notice of any scheduled judicial hearing in the class action.

On March 25, 2026, Plaintiffs filed a motion for preliminary approval of the Stipulation and Agreement of Settlement with RE/MAX, LLC. and a memorandum

of Law in Support of Motion for Preliminary Approval of Class Action Settlement with RE MAX, LLC. together available as **Exhibit B**. The Court issued an Order Preliminarily Approving Class Action Settlement with RE MAX, LLC on March 31, 2026, available as **Exhibit C**.

3. 28 U.S.C. § 1715(b)(3) – any proposed or final notification to class members.

Copies of the Class Notice, Long-Form Notice and Short-Form Notice will be provided to Settlement Class Members and will be available on the Settlement Website created for the administration of this matter. These are available as **Exhibits D and E** respectively. The notices describe, among other things, the claim submission process and the Settlement Class Members' rights to object or exclude themselves from the Settlement Class.

4. 28 U.S.C. § 1715(b)(4) – any proposed or final class action settlement.

The Stipulation and Agreement of Settlement with RE/MAX, LLC is available as **Exhibit F**.

5. 28 U.S.C. § 1715(b)(5) – any settlement or other agreement contemporaneously made between class counsel and counsel for defendants.

There has been no settlement or other agreement contemporaneously made between class counsel and counsel for defendants

6. 28 U.S.C. § 1715(b)(6) – any final judgment or notice of dismissal.

The Court has not yet entered a Final Judgment or notice of dismissal. Accordingly, no such document is presently available. A final approval hearing is scheduled for July 28, 2026.

7. 28 U.S.C. § 1715(b)(7) – (A) If feasible, the names of class members who reside in each State and the estimated proportionate share of the claims of such members to the entire settlement to that State's appropriate State official; or (B) if the provision of the information under subparagraph (A) is not feasible, a reasonable estimate of the number of class members residing in each State and the estimated proportionate share of the claims of such members to the entire settlement.

At this time, it is not feasible to provide names or estimates of the number of class members who reside in each State. The definition of the Settlement Class in the proposed Settlement Agreement means all persons who purchased residential real estate in the United States, from the beginning of the State Statutory Period through the date of class Notice, that was listed on a MLS. Excluded from the Settlement Class are: (i) the Judge presiding over this action, his or her judicial staff, and their immediate family; (ii) any person or entity who or which properly excludes himself, herself, or itself by filing a valid and timely request for exclusion in accordance with the requirements to be set forth in the Notice to Class Members; and (iii) any persons who are settlement class members with respect to RE/MAX's settlement in Burnett, et al. v. National Ass'n of Realtors, et al., 4:19-cv-00332 (W.D. Mo.).



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8. 28 U.S.C. § 1715(b)(8) – any written judicial opinion relating to the materials described in 28 U.S.C. § 1715(b) subparagraphs (3) through (6).

There has been no written judicial opinion entered regarding this Stipulation and Agreement to Settlement. Accordingly, no such document is presently available.

If for any reason you believe the enclosed information does not fully comply with 28 U.S.C. § 1715, please contact the undersigned immediately so that Defendants can address any concerns or questions you may have.

Sincerely,

A.B. Data, Ltd.
Class action Settlement Administrator
on behalf of Defendant



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