



other real estate brokerages and real estate companies can elect to participate in the settlement in exchange for contributing a payment to the settlement's global settlement fund, among other things (Dkt. 58 at 8) (summarizing the settlement's opt-in procedure);

WHEREAS, on March 4, 2026, the Court granted preliminary approval to settlements with five opt-in settlors (Dkt. 119);

WHEREAS, the opt-in period ended on April 13, 2026 (Dkt. 62), and Plaintiffs have secured agreements from additional entities to opt into the settlement, including the remaining non-settling Defendants in this action and a number of non-party opt-in settlors;<sup>1</sup>

WHEREAS, although Plaintiffs' operative First Amended Consolidated Class Action Complaint already references the non-party opt-in settlors as co-conspirators (*see, e.g.*, Dkt. 123 ¶¶ 51-54), Plaintiffs seek to amend their First Amended Consolidated Class Action Complaint to name the non-party opt-in settlors as defendants to procedurally facilitate bringing those entities into the case and the settlement;

WHEREAS, Plaintiffs do not intend for their amendment to substantively change their claims or allegations against the existing Defendants; and

WHEREAS, Defendants consent to the filing of the proposed Second Amended Consolidated Class Action Complaint for settlement purposes, but do not intend to waive or forfeit,

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<sup>1</sup> The proposed Second Amended Consolidated Class Action Complaint adds the following non-party opt-in settlors as defendants: Realty ONE Group Inc., Kempa and Associates LLC d/b/a Realty ONE Group Excel, and Umro Realty Corp d/b/a The Agency, which are defendants in an action filed by Plaintiffs' counsel captioned *Cwynar v. The Real Brokerage, Inc. et al.*, 25-cv-07289 (N.D. Ill.) (Alexakis, J.); Hanna Holdings, Inc. which is a defendant in *Davis v. Hanna Holdings, Inc.*, 24-cv-02374 (E.D. Pa.) (Beetlestone, J.); Douglas Elliman Inc., HomeServices of America, Inc., BHH Affiliates, LLC, and HSF Affiliates LLC which are defendants in *Lutz et al. v. HomeServices of America, Inc. et al.*, 24-cv-10040 (S.D. Fl.) (Moore, J.); eXp World Holdings, Inc., Compass, Inc., and United Real Estate Holdings, LLC d/b/a United Real Estate Group which are defendants in *Batton et al. v. Compass, Inc. et al.*, No. 1:23-cv-15618 (N.D. Ill.) (Hunt, J.); and The National Association of REALTORS® which is a defendant in *Batton v. The Nat'l Ass'n of Realtors*, No. 21-cv-00430 (N.D. Ill.) (Hunt, J.).

and hereby expressly preserve, any argument or defense, including any argument or defense pertaining to lack of personal jurisdiction.

NOW, THEREFORE, the Stipulating Parties stipulate and agree that:

1. Pursuant to Fed. R. Civ. P. 15(a)(2), Defendants consent to Plaintiffs filing their Second Amended Consolidated Class Action Complaint.
2. Defendants do not waive or forfeit any argument or defense, including without limitation any argument or defense based on lack of personal jurisdiction.
3. The case remains stayed and suspended as to certain Defendants pursuant to ECF 65, 95, and 119, including any deadline to answer or otherwise respond to the Second Amended Consolidated Class Action Complaint.

Dated: May 18, 2026

Respectfully Submitted,

JAMES TUCCORI, COURTNEY  
FOREGGER, KEVIN C WYNAR, DAWID  
ZAWISLAK, MICHAEL D'ACQUISTO,  
and ALEJANDRO LOPEZ A/K/A  
ALEANDRO LOPEZ, individually and on  
behalf of similarly situated individuals

By: /s/ Paul T. Geske  
One of Plaintiffs' attorneys

Myles McGuire  
Evan Meyers  
Paul T. Geske  
MCGUIRE LAW, P.C.  
55 W. Wacker Drive, 9th Fl.  
Chicago, IL 60601  
Tel: (312) 893-7002  
Fax: (312) 275-7895  
mmcguire@mcgpc.com  
emeyers@mcgpc.com  
pgeske@mcgpc.com

AT WORLD PROPERTIES, LLC

By: /s/ Molly K. McGinley

Robert J. Palmersheim  
Molly K. McGinley  
Timothy G. Parilla  
Honigman LLP  
321 N. Clark Street Suite 500  
Chicago, Illinois 60654  
(312) 701-9300  
rpalmersheim@honigman.com  
mmcginley@honigman.com  
tparilla@hongiman.com

*Counsel for At World Properties, LLC*

Jonathan M. Jagher  
Matthew W. Ruan  
JUSTICE JAGHER LONDON  
& MILLEN LLC  
100 Tri-State International, Ste. 128  
Lincolnshire, IL 60069  
Tel: (224) 632-4500  
mruan@jjlmlaw.com  
jjagher@jjlmlaw.com

*Counsel for Plaintiffs and the Settlement  
Class*

REAL ESTATE ONE, INC.

By: /s/ Cody D. Rockey

Cody D. Rockey  
DYKEMA GOSSETT PLLC  
2723 South State Street, Suite 400  
Ann Arbor, Michigan 48104  
Tel: (734) 214-7660  
CRockey@dykema.com

Kevin B. Connor  
Harry N. Arger  
DYKEMA GOSSETT PLLC  
10 S. Wacker Drive, Suite 2300  
Chicago, Illinois 60606  
Tel: (312) 876-1700  
Fax: (312) 876-1155  
KConnor@dykema.com

*Counsel for Real Estate One, Inc.*

BAIRD & WARNER, INC.

By: /s/ Michelle Ann Mantine

Michelle Ann Mantine  
Reed Smith LLP  
225 Fifth Avenue  
Pittsburgh, PA 15222  
(412) 288-4268  
Email: mmantine@reedsmith.com

*Counsel for Baird & Warner, Inc.*

SILVERCREEK REALTY GROUP, LLC

By: /s/ Jack R. Bierig

Jack R. Bierig  
ARENTFOX SCHIFF LLP  
233 South Wacker Drive, Suite 7100  
Chicago, IL 60606  
Tel: (312) 258-5500  
Fax: (312) 258-5600  
jack.bierig@afslaw.com

*Counsel for Silvercreek Realty Group, LLC*

EQUITY REALTORS, L.L.C. d/b/a  
EQUITY REAL ESTATE

By: /s/ T Carter Maudsley

T Carter Maudsley (*pro hac vice* to be filed)  
Lieberman Siebers & Wood  
1105 East 900 South, Suite 200  
Salt Lake City, Utah 84105  
Tel: (801) 449-1381  
carter@9thsouthlaw.com

*Counsel for Defendant Equity Realtors,  
L.L.C. d/b/a Equity Real Estate*

FATHOM REALTY, LLC

By: /s/ Emilee L. Hargis

Emilee L. Hargis  
Bryan Cave Leighton Paisner LLP  
211 N. Broadway, Suite 3600  
St. Louis, MO 63102  
Telephone: (314) 259-2028  
emilee.hargis@bclplaw.com

James D. Lawrence (*admitted pro hac vice*)  
Bryan Cave Leighton Paisner LLP  
1200 Main St., Suite 3800  
Kansas City, MO 64105  
Telephone: (816) 374-3200  
jim.lawrence@bclplaw.com

*Counsel for Fathom Realty, LLC*

HOMESMART INTERNATIONAL, LLC

By: /s/ Paul W. Daugherty

Paul W. Daugherty  
Kaufman Dolowich LLP  
230 W. Monroe St., Suite 1250  
Chicago, IL 60606  
Telephone: (312) 759-1400  
pdaugherty@kaufmandolowich.com

*Counsel for HomeSmart International, LLC*

NEXTHOME, INC.

By: /s/ Michael S. Pullos

Michael S. Pullos  
DLA Piper LLP (US)  
444 W. Lake Street, Suite 900  
Chicago, IL 60606  
T 312.368.4000  
F 312. 251.5728  
michael.pullos@us.dlapiper.com

*Counsel for NextHome, Inc.*

REALTY EXECUTIVES INTL. SVCS.  
LLC

By: /s/ Laura Rogal

Laura Rogal (*pro hac vice*)  
Realty Executives Intl. Svcs. LLC  
4343 Outlier Blvd., Suite 229E  
Phoenix, AZ 85008  
Phone: (480) 646-1014  
Lrogal@realtyexecutives.com

*Counsel for Realty Executives Intl. Svcs.  
LLC*

SIDE, INC.

By: /s/ J. Matthew Goodin

J. Matthew Goodin  
Troutman Pepper Locke LLP  
111 South Wacker Drive  
Chicago, Illinois 60618  
Tel: 312.443.0472  
matt.goodin@troutman.com

*Counsel for Side, Inc.*

ENGEL & VÖLKERS AMERICAS, INC.  
and ENGEL & VÖLKERS GMBH

By: /s/ Michael Sibarium

Michael Sibarium  
Pillsbury, Winthrop, Shaw, Pittman LLP  
1200 17th St NW  
Washington, DC 20036  
Telephone: (202) 663-9202  
michael.sibarium@pillsburylaw.com

*Counsel for Engel & Völkers Americas, Inc.  
and Engel & Völkers GmbH*

ILLUSTRATED PROPERTIES, LLC and  
THE KEYES COMPANY

By: /s/ M. Patrick Yingling

M. Patrick Yingling  
Reed Smith LLP  
10 S. Wacker Dr., 40th Fl.  
Chicago, IL 60606  
Tel: 312-207-2834  
mpyingling@reedsmith.com

*Counsel for Illustrated Properties, LLC and  
The Keyes Company*

SHOREWEST REALTORS, INC.

By: /s/ Edward A. Salanga

Edward A. Salanga (*Pro Hac Vice*)  
QUARLES & BRADY LLP  
Two North Central Avenue  
Suite 600  
Phoenix, AZ 85004-2322  
Telephone: (602) 229-5200  
Edward.Salanga@quarles.com

*Counsel for Shorewest Realtors, Inc.*

THE REAL BROKERAGE INC. and  
REAL BROKER, LLC

By: /s/ Eric Sussman

Eric Sussman  
BARNES & THORNBURG LLP  
One North Wacker Drive, Suite 4400  
Chicago, Illinois 60606  
Tel: (312) 214-4830  
eric.sussman@btlaw.com

*Counsel for The Real Brokerage Inc. and  
Real Broker, LLC*

ANYWHERE REAL ESTATE INC.

By: /s/ Aaron D. Van Oort

Aaron D. Van Oort (*pro hac vice*)  
FAEGRE DRINKER BIDDLE & REATH  
LLP  
90 South Seventh Street, Suite 2200  
Minneapolis, MN 55402  
Telephone: (612) 766-7000  
aaron.vanoort@faegredrinker.com

Kenneth Michael Kliebard  
MORGAN, LEWIS & BOCKIUS LLP  
110 North Wacker Drive  
Chicago, IL 60606  
Telephone: (312) 324-1000  
kenneth.kliebard@morganlewis.com

Stacey Anne Mahoney (*pro hac vice*)  
MORGAN, LEWIS & BOCKIUS LLP  
101 Park Avenue  
New York, NY 10178  
Telephone: (212) 309-6000  
stacey.mahoney@morganlewis.com

*Counsel for Defendant Anywhere Real Estate  
Inc. (f/k/a Realty Holdings Corp.)*

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on May 18, 2026 I caused the foregoing *Stipulation as to Second Amended Consolidated Complaint* to be electronically filed with the Clerk of the Court using the CM/ECF system. A copy of said document will be electronically transmitted to all counsel of record.

/s/ Paul T. Geske