

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

1925 HOOPER LLC; ROBERT J.
ARKO; and ANDREW M. MOORE;
on behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

THE NATIONAL ASSOCIATION OF
REALTORS; *et al.*,

Defendants.

Case No. 1:23-cv-05392-MHC

Hon. Mark H. Cohen

**PLAINTIFFS' PLAN OF ALLOCATION FOR SETTLEMENTS WITH
DEFENDANTS HIGHER TECH REALTY, LLC d/b/a MARK SPAIN REAL
ESTATE, EXP WORLD HOLDINGS, INC., WEICHERT OF NORTH
AMERICA, INC., AND ATLANTA COMMUNITIES REAL ESTATE
BROKERAGE, LLC**

I. Purpose and Overview

This Plan of Allocation (“Plan”) establishes the method for distributing the Net Settlement Fund to eligible members of the Settlement Class in a fair and equitable manner. The Plan allocates the Net Settlement Fund pro rata based on each Class Member’s total buyer’s broker commission payments in qualifying residential real estate transactions during the Class Period, as established by the documentation accompanying each claim. The purpose of this Plan is to align each distribution with

the extent of the alleged injury suffered by each Class Member, as reflected by the commissions they paid.

II. Definitions

1. **Settlement Fund** means the total monetary consideration paid by the Defendants under the Settlement Agreement.
2. **Net Settlement Fund** means the Settlement Fund less attorneys' fees, litigation expenses, service awards, administration costs, and any applicable taxes.
3. **Settlement Class Member** or **Class Member** means any individual or entity who sold a home that was listed on a multiple listing service anywhere in the United States where a commission was paid to any brokerage in connection with the sale of the home between October 31, 2019 and July 22, 2025 (the date of notice to the class members).
4. **Buyer's Broker Commission** means the portion of the total real estate commission paid at closing by a seller Class Member that was attributable to the buyer's agent or buyer's broker.
5. **Recognized Commission Amount** means the total dollar amount of buyer's broker commission paid by a Class Member in one or more covered transactions during the Class Period, as established by the documentation submitted with each claim.

6. **Recognized Claim** means the value assigned to each Class Member's claim for purposes of determining their share of the Net Settlement Fund, equal to the Class Member's Recognized Commission Amount.
7. **Pro Rata Share** means the proportion of the Net Settlement Fund allocated to each Class Member based on their Recognized Claim relative to the aggregate Recognized Claims of all eligible Class Members.

III. Basis of Allocation

Each eligible Class Member's distribution will be determined according to the following formula:

$$\text{Pro Rata Share}_i = \frac{\text{Recognized Claim}_i}{\sum_{j=1}^N \text{Recognized Claim}_j} \times \text{Net Settlement Fund}$$

where:

- i represents an individual Class Member, and
- N represents the total number of valid, eligible claims.

Accordingly, Class Members who paid higher total Buyer's Broker Commissions will receive larger settlement distributions, in proportion to their total payments relative to the Class as a whole.

IV. Claim Documentation and Verification

To establish eligibility and to calculate Recognized Claims, Class Members must submit a valid Claim Form supported by one or more of the following:

- Settlement statements (e.g., HUD-1 or Closing Disclosure) identifying the commission paid to the buyer's broker;
- MLS records or transaction data showing the commission structure for the transaction;
- Closing or brokerage documentation reflecting commission disbursement; or
- Other reliable records demonstrating payment of a buyer's broker commission.

The Settlement Administrator may use available MLS data, public records, or data obtained during discovery to verify or supplement Class Members' submissions.

V. Minimum and De Minimis Distributions

If a Class Member's calculated distribution is less than \$10.00, no payment shall be issued, and that amount shall be redistributed to other eligible Class Members on a pro rata basis. If, after reasonable efforts, residual funds remain that cannot feasibly be distributed to Class Members, those funds shall be distributed *cy pres* to Consumer Advocates in American Real Estate, a non-profit, 501(c)(3) charity dedicated to exposing conflicts of interest in residential real estate and providing information, solutions and resources to consumers and others to combat such problems. See www.caare.org (last visited on November 8, 2025).

VI. Disputed, Deficient, or Incomplete Claims

- The Claims Administrator shall notify any claimant whose submission is deficient and provide a reasonable opportunity to cure the deficiency.
- Disputes regarding eligibility or calculation shall be resolved pursuant to the dispute-resolution procedures approved by the Court.
- The Administrator's determinations shall be final and binding, subject to review by the Court for good cause shown.

VII. Timing of Distribution

The Net Settlement Fund shall be distributed as soon as practicable after the Effective Date of the Settlement, the complete funding of the Settlement Fund by the Settling Defendants in accordance with the Settlement Agreements, and completion of all claims review and audit procedures.

VIII. No Reversion

No portion of the Net Settlement Fund shall revert to any Defendant. All funds shall be distributed to eligible Class Members or as otherwise directed by the Court.

IX. Tax Compliance

The Claims Administrator shall be responsible for all tax reporting and compliance associated with the Settlement Fund and any distributions made therefrom.

X. Modification

Any modification to this Plan of Allocation must be approved by the Court upon a showing that the modification is fair, reasonable, and consistent with the objectives of the Settlement.

Dated: November 10, 2025

Respectfully submitted,

By: /s/ Jonathan M. Palmer

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LOCAL RULE 5.1(c) CERTIFICATION

The undersigned attorney of record hereby certifies that the text of this submission has been prepared in Times New Roman typeface, 14-point, consistent with this Court's requirements in Local Rule 5.1(c).

DATED: November 10, 2025

/s/ Nathan D. Chapman
Nathan D. Chapman

CERTIFICATE OF SERVICE

The undersigned attorney of record hereby certifies that on November 10, 2025, a true and correct copy of the foregoing was filed electronically by the Court's CM/ECF system, which will cause notice and a copy of this filing to be sent to all counsel of record by electronic mail.

DATED: November 10, 2025

/s/ Nathan D. Chapman
Nathan D. Chapman