

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

**IF YOU RECEIVED TELEPHONE CALLS FROM COLDWELL BANKER-AFFILIATED AGENTS AND (1) YOUR TELEPHONE NUMBER WAS ON THE NATIONAL DO NOT CALL REGISTRY OR (2) THE CALLS WERE MADE USING A PRERECORDED MESSAGE, A PENDING CLASS ACTION LAWSUIT MAY AFFECT YOUR RIGHTS.**

*A court authorized this notice. You are **not** being sued. This is **not** a solicitation from a lawyer.*

- The lawsuit claims that Realogy Brokerage Group LLC (f/k/a NRT LLC) and four affiliated companies (“Defendants”), through their agents, violated the Telephone Consumer Protection Act (“TCPA”) by calling the Plaintiffs and others (1) at telephone numbers registered on the National Do Not Call Registry and/or (2) using a prerecorded message. The TCPA entitles consumers who prove they received illegal calls to recover money damages and get a court order stopping the calls. Defendants deny that they did anything wrong.
- The current lawsuit affects you if (1) your telephone number was on the National Do Not Call Registry for at least 31 days, and you received at least two telemarketing calls within any 12-month period from a specific list of Coldwell Banker-affiliated real estate agents after June 10, 2015, made using one of three specific dialers and/or (2) you received a call using a prerecorded message from a specific list of Coldwell Banker-affiliated real estate agents after June 10, 2015, made using one of three specific dialers. You may have received other calls from other Coldwell Banker-affiliated agents and/or made using other dialers that are NOT currently covered by this case. Those included are “Class Members,” defined more fully in the answer to Question 9, below.
- This notice is being provided to you in advance of a trial. Defendants deny all allegations of wrongdoing, and no judge or jury has concluded that Defendants did anything wrong. For this reason, there is no money available now, and there is no guarantee there ever will be. If you are a Class Member, however, you have a choice to make now:

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT:</b>	
<b>DO NOTHING</b>	<b>Stay in this lawsuit. Await the outcome. Give up certain rights.</b> By doing nothing, you automatically keep the possibility of getting money or benefits that may come from a trial or settlement. But you give up any rights to separately sue Defendants about the same legal claims in this lawsuit.
<b>ASK TO BE EXCLUDED</b>	<b>Get out of this lawsuit. Get no benefits from it. Keep rights.</b> If you ask to be excluded and money benefits are later awarded, you won't share in those. But you keep any rights to separately sue Defendants about the same legal claims in this lawsuit.

- Your options are explained in this notice. To ask to be excluded, you must act before **September 22, 2022**. To remain a part of the class action, you do not need to do anything.
- If this case is not dismissed, resolved, or settled before trial, lawyers for the class must prove their claims at trial against Defendants. If money or benefits are obtained from Defendants, you will be notified about how to ask for a share.

**QUESTIONS? CALL 1 (866) 991-0891 TOLL-FREE OR VISIT REALOGYTCPA.COM.**

## BASIC INFORMATION

### 1. Why was this notice issued?

The Court authorized this notice to explain that it has allowed, or “certified,” a class action lawsuit that may affect you. You have legal rights and options that you may exercise in this case, as described below. Judge James Donato of the United States District Court for the Northern District of California is overseeing this class action. The lawsuit is called *Bumpus v. Realty Holdings Corp.*, Case No. 3:19-cv-03309-JD (N.D. Cal.).

### 2. What is a class action and who is involved?

In a class action, one or more people called “class representatives” (in this case, Sarah Bumpus, Cheryl Rowan, and Micheline Peker) sue on behalf of a group of people who have similar claims. The people together are a “class” or “class members.” The individual who sues—and all the class members like them—is called the plaintiff. The person that they sue (in this case, Realty) is called the defendant. In a class action, the Court resolves the issues for all class members, except for those who exclude themselves from the class.

### 3. Why is this lawsuit a class action?

The Court decided that this lawsuit can be a class action because it meets the requirements of Federal Rule of Civil Procedure 23, which governs class actions in federal courts. Specifically, the Court found for each of the classes that:

- there are enough Class Members that it would be impractical to have individual cases;
- there are legal questions and facts that are common to each member of the class;
- the class representatives’ claims are typical of the claims of the rest of the class;
- the class representatives and class counsel will fairly and adequately represent the class’s interests;
- the common legal questions and facts outweigh questions that affect only individuals; and
- this class action will be more efficient than having many individual lawsuits.

More information about why the Court is allowing this lawsuit to be a class action is in the Court’s Order, which is available in the “Court Documents” section of the case website.

## THE CLAIMS IN THE LAWSUIT

### 4. What is this lawsuit about?

The Plaintiffs claim that Defendants’ real estate agents violated the Federal Telephone Consumer Protection Act (TCPA) by making calls to telephone numbers registered on the National Do Not Call Registry and/or by making calls using prerecorded messages. Plaintiffs claim that Defendants are responsible for the calls made by these real estate agents. Defendants deny the Plaintiffs’ allegations. You can read a copy of the Plaintiffs’ Class Action Complaint in the “Court Documents” section of the case website.

### 5. How do Defendants answer?

Defendants deny that they have real estate agents or did anything wrong and deny that they are legally responsible for the calls. You can read Defendants’ Answer to Plaintiffs’ Complaint in the “Court Documents” section of the case website.

### 6. Has the Court decided who is right?

The Court has not decided whether the Plaintiffs or Defendants are correct. By establishing the class and issuing this notice, the Court is not suggesting that the Plaintiffs will win or lose this case. Unless the case settles, Plaintiffs must prove their claims at a trial or through legal motions to recover money.

**QUESTIONS? CALL 1 (866) 991-0891 TOLL-FREE OR VISIT REALOGYTCPA.COM.**

## **7. What are the Plaintiffs asking for?**

The Plaintiffs are asking the Court to award each Class Member \$500 per call, or up to \$1,500 per call if the Plaintiffs can demonstrate that the calls were “willfully” made. The Court has not decided who is right. If the case is not resolved through legal motions or settled, the lawyers for the class will have to prove Plaintiffs’ claims at a trial.

## **8. Is there any money available now?**

No money or benefits are available now because the Court has not decided whether Defendants did anything wrong, and the two sides have not settled the case. There is no guarantee that money or benefits will ever be obtained. If they are, you will be notified about how to ask for a share.

### **WHO IS IN THE CLASSES**

You need to determine whether you are affected by this lawsuit.

## **9. Am I part of one or more of the classes?**

The Court certified the following classes:

**National Do Not Call Registry Nationwide Class (“NDNC Class”):** All persons in the United States who received two or more calls made by a Coldwell Banker-affiliated agent using a Mojo, PhoneBurner, and/or Storm dialer in any 12-month period on a residential landline or cell phone number that appeared on the National Do Not Call Registry for at least 31 days for the time period beginning June 11, 2015, to present.

**National Artificial or Prerecorded Message Class (“Prerecorded Message Class”):** All persons in the United States who received a call on their residential landline or cell phone number with an artificial or prerecorded message, as indicated by the following call disposition codes: (1) “Drop Message” (if using the Mojo dialer); (2) “ATTENDED TRANSFER” (if using the Storm dialer); and/or (3) “VOICEMAIL” (if using a PhoneBurner dialer) in the call records obtained by the Plaintiffs in discovery and made by a Coldwell Banker-affiliated agent for the time period beginning June 11, 2015, to present.

You may be part of the classes above if you received at least two calls within any 12-month period from a specific list of Coldwell Banker-affiliated real estate agents after June 10, 2015, made using one of three specific dialers and/or (2) you received a call using a prerecorded message from a specific list of Coldwell Banker-affiliated real estate agents after June 10, 2015, made using one of three specific dialers.

You may have received other calls from other Coldwell Banker-affiliated agents and/or made using other dialers that are NOT currently covered by this case.

You can find out whether you might be a member of either or both classes by inputting your phone number(s) into the inquiry form on the case website, [RealtyTCPA.com](http://RealtyTCPA.com).

### **YOUR RIGHTS AND OPTIONS**

You have a choice about whether to stay in the class or ask to be excluded before the trial, and you have to decide this now.

## **10. What happens if I do nothing at all?**

By doing nothing, you are staying in the class(es). If you stay in the class(es) and the Plaintiffs obtain money or benefits, either as a result of any trial or settlement, you will be notified about how to apply for a share (or how to ask to be excluded from any settlement). Keep in mind that if you are a member of the class(es) and you do nothing now, regardless of whether the Plaintiffs win or lose the legal motions or trial, you will not be able to separately sue, or continue to separately sue Defendants—as part of any other lawsuit—about the same legal claims that are the subject of this lawsuit. You will also be legally bound by all of the orders the Court issues and judgments the Court makes in this class action.

**QUESTIONS? CALL 1 (866) 991-0891 TOLL-FREE OR VISIT REALOGYTCPA.COM.**

## 11. Why would I ask to be excluded?

If you already have your own lawsuit against Defendants for the same types of calls and want to continue with it, you need to ask to be excluded from the class. If you exclude yourself from the class(es)—which also means to remove yourself from the class(es) and is sometimes called “opting out”—you won’t get any money or benefits from this lawsuit if any are awarded or obtained as a result of the trial, legal motions, or from any settlement. However, you will be able to start or maintain your own lawsuit against Defendants for the calls at issue in this case. If you exclude yourself, you will not be legally bound by the Court’s judgments in this class action. If you start your own lawsuit against Defendants after you exclude yourself, you’ll have to prove your claims. If you exclude yourself so you can start or continue your own lawsuit against Defendants, you should talk to your own lawyer soon because your claims may be subject to a statute of limitations or other deadlines.

## 12. How do I ask the Court to exclude me from the Class(es)?

To exclude yourself from the class(es), you must mail or otherwise deliver a letter (or request for exclusion) stating that you want to be excluded from the class(es) in *Bumpus v. Realogy Holdings Corp.*, No. 3:19-cv-03309-JD (N.D. Cal.). Your letter or request for exclusion must include the phone number that received the call(s) at issue and your signature. You must mail your exclusion request no later than **September 22, 2022**, to:

Coldwell Banker Real Estate Calls  
Class Action Administrator  
P.O. Box 4068  
Portland, OR 97208-4068

### THE LAWYERS REPRESENTING YOU

## 13. Do I have a lawyer in the case?

The Court has appointed the law firms of Tycko & Zavareei LLP, Reese LLP, and Kaufman P.A. as “Class Counsel,” the lawyers representing the Classes. They are experienced in handling similar class action cases. More information about these lawyers, their law firms, and their experience is available at [www.tzlegal.com](http://www.tzlegal.com), [www.reesellp.com](http://www.reesellp.com), and [kaufmanpa.com](http://kaufmanpa.com).

## 14. Should I get my own lawyer?

You are not required to hire your own lawyer because Class Counsel are working on your behalf. If you want to hire your own lawyer, you certainly can, but you will have to pay that lawyer yourself. If you do hire your own lawyer, they may enter an appearance for you and represent you individually in this case.

## 15. How will the lawyers be paid?

You do not have to pay Class Counsel, or anyone else, to participate. Instead, if Class Counsel get money or benefits for the classes, they may ask the Court for attorneys’ fees and costs. If the Court grants this request, the fees and costs would either be deducted from any money obtained for the classes or paid separately by Defendants.

### THE TRIAL

## 16. How will the Court decide who is right?

Class Counsel will have to prove the classes’ claims at a trial if the case is not settled or decided through legal motions. The trial will be at San Francisco Courthouse, Courtroom 11, 19th Floor, 450 Golden Gate Avenue, San Francisco, CA 94102.

During the trial, a jury or the Judge will hear all of the evidence to help them reach a decision about whether the Plaintiffs or Defendants are right about the claims in the lawsuit.

**QUESTIONS? CALL 1 (866) 991-0891 TOLL-FREE OR VISIT REALOGYTCPA.COM.**

**17. Do I have to come to the trial?**

You do not need to attend the trial. Class Counsel will present their case and Defendants will present their defenses. You or your own lawyer are welcome to come at your own expense.

**18. Will I get money after the trial?**

If the Plaintiffs obtains money or benefits as a result of the trial or a settlement, you will be notified about how to apply for a share or what your other options are at that time. Currently, we do not know if any benefits will be available or how long this process will take. There is no guarantee that the Plaintiffs will win or that they will get any money for the classes, nor is there any guarantee that you will be considered a Class Member.

**GETTING MORE INFORMATION**

**19. Where do I get more information?**

For more information, contact the Class Action Administrator at P.O. Box 4068, Portland, OR 97208-4068, visit the case website, [RealtyTCPA.com](http://RealtyTCPA.com), or call the toll-free number that has been set up for this case, 1 (866) 991-0891.

**QUESTIONS? CALL 1 (866) 991-0891 TOLL-FREE OR VISIT REALOGYTCPA.COM.**