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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 KELLY USANOVIC,

11 Plaintiff,

12 v.

13 EXP REALTY LLC,

14 Defendant.

CASE NO. C23-0687JLR

ORDER

15 **I. INTRODUCTION**

16 Before the court is Plaintiff Kelly Usanovic's Motion to Approve Notice Plan
17 (Mot. (Dkt. # 88)), Defendant eXp Realty, LLC's ("eXp") Response (Resp. (Dkt. # 89)),
18 and Plaintiff's Reply in Support of the Notice Plan (Reply (Dkt. # 90)). The parties have
19 successfully met and conferred, achieving consensus on the revised text of the short-form
20 and long-form class notices and the operational methods for notice dissemination. (*See*,
21 *e.g.*, Resp. ¶ 7.) The parties' remaining disagreement centers on Plaintiff's request to
22 restrict eXp's downstream use of reverse look-up data compiled during the notice

1 campaign. (*Id.* ¶ 9a; *see also* Reply at 1.) Having reviewed the briefing, the supporting
2 declaration of the Notice Administrator, and the operative exhibits, the court GRANTS
3 the Motion subject to the conditions set forth below.

4 II. ANALYSIS

5 Under Federal Rule of Civil Procedure 23(c)(2)(B), for any class certified under
6 Rule 23(b)(3), the court must direct to class members “the best notice that is practicable
7 under the circumstances, including individual notice to all members who can be
8 identified through reasonable effort.” Fed. R. Civ. P. 23(c)(2)(B). Notice must clearly
9 and concisely state the nature of the action, the class definition, the class claims and
10 issues, the right of a member to enter an appearance or opt out, and the binding effect of a
11 class judgment. *See id.*; *In re Online DVD-Rental Antitrust Litig.*, 779 F.3d 934, 946 (9th
12 Cir. 2015) (“Rule 23(e) requires notice that describes ‘the terms of the settlement in
13 sufficient detail to alert those with adverse viewpoints to investigate and to come forward
14 and be heard.’” (quoting *Lane v. Facebook, Inc.*, 696 F.3d 811, 826 (9th Cir. 2012))).
15 Direct notice by email paired with a postcard mailing program based on verified reverse
16 look-up databases satisfies due process requirements if it is “reasonably calculated, under
17 all the circumstances, to apprise interested parties of the pendency of the action and
18 afford them an opportunity to present their objections.” *Mighty Dreams LLC v. Shenzhen*
19 *Beianen Auto. Supplies Co.*, No. C24-0793KKE, 2025 WL 447892, at *2 (W.D. Wash.
20 Feb. 7, 2025) (citing *Mullane v. Cent. Hanover Bank & Tr. Co.*, 339 U.S. 306, 314
21 (1950)).
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A. Method and Sufficiency of the Amended Notice Plan

The parties are in agreement regarding the mechanisms for notice dissemination, using a combined strategy of email notice where valid electronic addresses exist, and first-class U.S. Mail postcard notice where only a mailing address can be verified through data matching. (*See* Mot. at 3-5; Resp. ¶ 3.) The notice infrastructure also includes a dedicated case website and a toll-free telephone support line managed by the Notice Administrator, Angeion Group, LLC (“Angeion”). (Mot. at 1-2; Resp. ¶ 4; *see also* Schachter Decl. (Dkt. # 88-3) (summarizing Angeion’s background and qualifications to act as the Notice Administrator and the procedures and methods that will be used to provide notice to potential class members).)

The court finds that the forms of notice attached to Defendant’s Response as Exhibit A (Amended Short-Form Notice) and Exhibit B (Amended Long-Form Notice)¹—which replace the original proposals Ms. Usanovic submitted with the motion—are written in clear, plain language. (*See* Resp. ¶ 7, Exs. A-B (Draft Notices).) They accurately reflect the class definition certified by this court on March 20, 2026 under the Telephone Consumer Protection Act. (3/20/26 Order (Dkt. ## 75 (sealed), 77 (redacted))). The notice program is thoroughly designed to provide the best notice practicable under the circumstances.

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¹ The court notes that the Amended Long-Form Notice contains a typographical error on page 4, wherein the name of Plaintiff’s counsel Eric R. Draluck is misspelled as Eric P. Draluck.

B. Administrative Commitments and the Reverse Look-Up Data Use Restriction

In its response, eXp requests the incorporation of explicit conditions ensuring administrative transparency, data sharing, and the preservation of its rights to challenge class treatment or move for decertification at a later date. (Resp. ¶¶ 9(a)-(d).) Plaintiff agrees to these measures but requests a reciprocal protective shield restricting eXp's later use of the administration data. (*See generally* Reply.)

The remaining issue is whether eXp may use data generated or procured via reverse look-ups for purposes unrelated to class administration. (*See generally* Resp.; Reply.) The court agrees with Plaintiffs that data and results generated using a reverse look-up shall be used only for the narrow purpose of fulfilling the notice mandates of Rule 23. (*See id.*); *see Chinitz v. Intero Real Estate Servs.*, No. 18-cv-05623-BLF, 2020 WL 7042871, at *4 (N.D. Cal. Dec. 1, 2020). Although a defendant has a right to access and review this data to monitor delivery, evaluate metrics, and prepare for a future claims administration process, it may not use such data for any other purpose. *See Chinitz*, 2020 WL 7042871, at *4 (so holding).

Accordingly, the court incorporates eXp's transparency and non-waiver provisions but restricts eXp's use of the reverse look-up results. eXp is prohibited from using the reverse look-up data and resulting contact streams for summary judgment, *Daubert* proceedings, trial exhibits, or any other motions unrelated to class and claims administration. *See id.* (so ordering).

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III. CONCLUSION

For the forgoing reasons, the court GRANTS the motion to approve notice plan (Dkt. # 88).

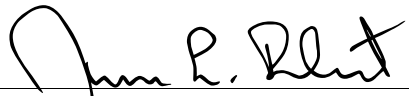
The court ORDERS as follows:

1. The court APPROVES the Amended Notice Plan and the revised forms of notice attached to Defendant's Response (Dkt. # 89, Exs. A-B).
2. Notice Administrator: The court appoints Angeion Group, LLC, as the Notice Administrator to oversee the notice program.
3. Data Sharing and Transparency: The Notice Administrator and the parties shall maintain a commitment to structural transparency. All data regarding notice efforts, including Compiled Class List data, raw reverse look-up results, electronic deliverability/bounce-back logs, and validation data, shall be shared fully between the parties.
4. Data Use Restriction: eXp shall use the reverse look-up and results data for class tracking and claims administration purposes only. eXp is strictly prohibited from using this specific notice-derived data for summary judgment, *Daubert* proceedings, trial, or any other motions unrelated to claims administration.
5. Preservation of Rights: eXp's agreement to this Notice Plan does not waive, undermine, or modify its continuing objection to class certification, its right to move to decertify the class, or its position regarding the eventual design of an individualized claims administration framework.

1 6. Implementation Deadlines: The parties and the Notice Administrator shall adhere
2 to the following schedule:

- 3 • Class List Provision: Defendant shall provide all available Class List and
4 call records to the Notice Administrator within **14 days** of this Order.
- 5 • Notice Commencement: Notice Administrator shall initiate email and
6 postcard dissemination within **30 days** of this Order.
- 7 • Class members shall submit any requests for exclusion or formal objections
8 no later than 60 days after the Notice Commencement Date.
- 9 • Compliance Declaration: The Notice Administrator shall file an
10 administrative declaration of compliance 14 days prior to the Final Fairness
11 Hearing.

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13 Dated this 2nd day of September, 2026.

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15 JAMES L. ROBART
16 United States District Judge
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