

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

Kelly Usanovic v. eXp Realty, LLC, No 2:23-cv-00687-JLR

**If you received more than one call from a
real estate agent affiliated with eXp Realty
and your telephone number was on the
National Do Not Call Registry, a 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.*

- Call records indicate that you may be affected by a class action lawsuit claiming that Defendant eXp Realty (“eXp”) violated a federal law called the Telephone Consumer Protection Act (“TCPA”). eXp denies that it violated the law.
- The lawsuit is called *Kelly Usanovic v. eXp Realty, LLC*, Case. No 2:23-cv-00687-JLR. Judge James L. Robart decided that this lawsuit should be a class action on behalf of a class, or a nationwide group of people that could include you.
- The Court has not yet decided whether eXp did anything wrong. **There is no money available now and no guarantee that there will be.** Your legal rights are affected, however, and you have a choice to make now:

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT:	
DO NOTHING	Stay in this lawsuit. Await the outcome. Give up certain rights. 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 eXp about the same legal claims in this lawsuit.
ASK TO BE EXCLUDED	Get out of this lawsuit. Get no benefits from it. Keep rights. If you ask to be excluded and money or benefits are later awarded, you won’t share in those. But you will keep any right to separately sue eXp about the same legal claims in this lawsuit.

- Your options are explained in this notice. To ask to be excluded, you must act before **December 1, 2026**. 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 a trial against eXp. If money or benefits are obtained from eXp, you will be notified about the process for determining whether you are entitled to claim a share of the recovery at that time. Receiving this notice is not a determination of class membership, liability, damages, or whether you are entitled to recovery.

QUESTIONS? (844) 430-4342 TOLL FREE, OR VISIT www.TCPAREaltyLitigation.com

BASIC INFORMATION

1. Why was this notice issued?

The Court authorized this notice to explain that the Court 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 L. Robart of the United States District Court for the Western District of Washington is overseeing this class action. The lawsuit is called *Kelly Usanovic v. eXp Realty, LLC*, Case. No 2:23-cv-00687-JLR (W.D. Wash.).

2. What is this lawsuit about?

Ms. Usanovic claims that eXp-affiliated real estate agents violated the Federal Telephone Consumer Protection Act (TCPA) by making unsolicited calls to the telephone numbers of consumers who were registered on the National Do Not Call Registry. Ms. Usanovic also claims that eXp is responsible for any illegal calls made by these real estate agents. eXp denies these allegations and denies that it violated the Telephone Consumer Protection Act.

3. What is a class action and who is involved?

In a class action, one or more people called “class representatives” (in this case, Kelly Usanovic) sue on behalf of a group of people who may 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 company that they sue (in this case, eXp) 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.

4. Why is this lawsuit a class action?

The Court decided that this lawsuit should be a class action because it meets the requirements of Federal Rule of Civil Procedure 23, which governs class actions in federal courts.

THE CLAIMS IN THE LAWSUIT

5. What does the lawsuit complain about?

Ms. Usanovic claims that eXp-affiliated real estate agents violated the federal Telephone Consumer Protection Act (TCPA) by making more than one telephone call in a twelve-month period to residential telephone numbers of consumers who were registered on the Do Not Call Registry without consent or an established business relationship to promote the agents’ real estate services. Ms. Usanovic also claims that eXp is responsible for any illegal calls made by these real estate agents. You can read a copy of the Plaintiffs’ Class Action Complaint in the “Court Documents” section of this website.

6. How does eXp answer?

eXp denies that the real estate agents did anything illegal and denies that eXp is legally responsible for calls placed by real estate agents. You can read eXp’s Answer to Plaintiffs’ Complaint in the “Court Documents” section of this website.

7. Has the court decided who is right?

The Court has not decided whether Plaintiff Ms. Usanovic or Defendant eXp is right. By establishing the class and issuing this notice, the Court is not suggesting that the Ms. Usanovic will win or lose this case. Unless the case settles, Usanovic must prove her claims and the claims of the class at a trial or through legal motions to recover money.

8. What is Usanovic asking for?

Ms. Usanovic is asking the Court to award each class member up to \$500 per call, or up to \$1,500 per call if Usanovic can demonstrate that the calls were “knowingly or willfully” made. The Court has not decided whether the class or whether eXp is right. If the case is not resolved through legal motions or settled, the lawyers for the class will have to prove the claims of class members at a trial.

9. Is there any money available now?

No money or benefits are available now because the Court has not decided whether eXp did anything wrong, and the two sides have also 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 CLASS

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

10. Am I part of the class?

The Court certified the following class: “All persons in the United States who from May 10, 2019 through September 30, 2023 (1) received more than one call made by eXp Realty agents, (2) using a Mojo or Vulcan7 dialer, (3) as a result of being obtained as a lead from Mojo, Vulcan7, RedX, My Plus Leads, or All the Leads, (4) within any 12-month period, (5) where the person’s telephone number had been on the National Do Not Call Registry for at least thirty days.”

You may be part of the class if you received more than one telephone call in a twelve-month period to a residential telephone number from an eXp-affiliated real estate agent without consent or an established business relationship and:

- Your name and telephone number appeared in calling records obtained for this case, in which case you may have received a notice email or postcard from the class action administrator;
- Even if you did not get an email or postcard, you may still be part of the class if your telephone number appears in the calling records obtained for this case. If you would like to check your phone number against the calling records, please call the Class Action Administrator at (844) 430-4342 and provide your name, phone number, and a current email.

11. What if I’m still not sure if I am included?

If you are still not sure whether you are included, you can call the *Usanovic v. eXp Realty, LLC* Class Action Administrator at (844) 430-4342. Or you can get free help by calling the lawyers in this case at the phone number listed in question 21.

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.

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12. What happens if I do nothing at all?

By doing nothing you are choosing to stay in the class. If you stay in the class and Ms. Usanovic obtains money or benefits for the class, either as a result of any trial or settlement, you will be notified about how to apply for a share or object to the settlement. The Court may also provide an additional opportunity to opt out from any class settlement. Keep in mind that if you are a member of the class and you do nothing now, regardless of whether Ms. Usanovic wins or loses this case based on legal motions or at a trial, you will not be able to separately sue, or continue to separately sue eXp—as part of any other lawsuit—about the same legal claims that are the subject of this lawsuit. This means that if you do nothing, you may not be able to sue eXp for telephone calls you received. You will also be legally bound by all of the orders the Court issues and judgments the Court makes in this class action.

13. Why would I ask to be excluded?

If you already have your own lawsuit against Defendant eXp for the same telephone calls, and want to continue with it, or if you would like to sue Defendant eXp for the same telephone calls in the future, you need to ask to be excluded from the class. If you exclude yourself from the class—which also means to remove yourself from the class 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 a trial, legal motions, or from any settlement. However, you will be able to start or maintain your own lawsuit against Defendant for the telephone 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 Defendant after you exclude yourself, you’ll have to hire and pay your own lawyer for that lawsuit, and you’ll have to prove your own claims. If you exclude yourself so you can start or continue your own lawsuit against Defendant, you should talk to your own lawyer soon because your claims may be subject to a statute of limitations or other deadlines.

14. How do I ask the Court to exclude me from the Class?

To exclude yourself from the class, you must mail or otherwise deliver a letter (or request for exclusion) stating that you want to be excluded from the class in *Kelly Usanovic v. eXp Realty, LLC*, No 2:23-cv-00687-JLR (W.D. Wash.). Your letter or request for exclusion must include your name and address, the phone number that received the call(s) at issue, and your signature. You must mail your exclusion request no later than **December 1, 2026**, to:

Usanovic v. eXp Realty, LLC Class Action Administrator
P.O. Box 58220
Philadelphia, PA 19102

THE LAWYERS REPRESENTING YOU

15. Do I have a lawyer in the case?

The Court appointed Avi Kaufman and Stefan Coleman to represent the class. They will be assisted by additional class counsel appointed by the Court from Del Castillo Law Group, LLC and Eric P. Draluck. Together, they are called “class counsel.” They are experienced in handling similar class action cases. More information about these lawyers, their law firms, and their experience is available at: www.KaufmanPA.com.

16. Should I get my own lawyer?

You are not required to hire your own lawyer because class counsel is 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.

17. How will the lawyers be paid?

You do not have to pay class counsel, or anyone else, to participate in this case as a class member. Instead, if class counsel gets money or benefits for the class, they may ask the Court for attorneys' fees and costs. If the Court grants this request, the fees and costs would potentially be deducted from any money obtained for the class.

THE TRIAL

18. How and when will the Court decide who is right?

Class counsel will have to prove the claims of the class at a trial if the case is not settled or decided through legal motions. The trial is currently scheduled to begin on January 31, 2028 before the Honorable James L. Robart, and will be held at the United States Courthouse located at 700 Stewart Street, Seattle, Washington, 98101-9906, in Courtroom 14106. The trial may be rescheduled without further notice to you.

During the trial, a jury or the Judge will hear all of the evidence to help them reach a decision about whether Ms. Usanovic or eXp is right about the claims in the lawsuit.

If at trial or otherwise Plaintiff Usanovic obtains an award of damages for the class against eXp, at that point a claims administration process will take place to determine whether you are entitled to payment. More information about the claims administration process will be provided at the appropriate time.

19. Do I have to come to the trial?

You do not need to attend the trial. Ms. Usanovic, through class counsel, will present the class's case and eXp, through its own counsel, will present eXp's defenses. You or your own lawyer are welcome to come at your own expense.

20. Will I get money after the trial?

If Ms. Usanovic obtains money or benefits for the class 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 money or benefits will be available or how long this process will take. There is no guarantee that Ms. Usanovic will win or that she will get any money for the class, nor is there any guarantee that you will be considered a class member.

GETTING MORE INFORMATION

21. Where do I get more information?

For more information, contact the administrator at (844) 430-4342 or write to the Class Action Administrator, 1650 Arch Street, Suite 2210, Philadelphia, PA 19103, or call Class Counsel at (305) 469-5881.

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