

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

**If you bought or sold residential real estate
with the assistance of Houlihan Lawrence
between January 1, 2011 and July 14, 2018, this
class action Notice may affect your rights**

A court authorized this notice. This is not a solicitation from a lawyer.

- Pamela Goldstein, Ellyn Berk and Tony Berk, as Administrators of the Estate of Winifred Berk, and Paul Benjamin (“Plaintiffs”) have filed a class action against Houlihan Lawrence Inc. (“Houlihan Lawrence”) for allegedly acting as a real estate agent on behalf of buyers and sellers in the same residential real estate transaction without disclosing all facts material to the dual agency and obtaining both parties’ informed written consent. The allegations against Houlihan Lawrence are described in Plaintiffs’ Third Amended Complaint filed with the Court on June 10, 2019.
- Houlihan Lawrence brokered the residential real estate transactions at issue between January 1, 2011 and July 14, 2018. A Court has allowed the lawsuit to proceed as a class action against Houlihan Lawrence on behalf of all buyers and sellers who were parties to these transactions, except for those who entered into an arbitration agreement with Houlihan Lawrence. This notice is to inform you of the certification of the Class, the nature of the lawsuit claims, and your right to exclude yourself from the Class.
- This lawsuit seeks to recover the sales commissions that Plaintiffs allege Houlihan Lawrence wrongfully obtained in connection with the transactions in which Houlihan Lawrence acted as the real estate agent for both the buyer and seller. Plaintiffs are also asking the Court to award pre-and post-judgment interest, costs, attorneys’ fees, and punitive damages. If you wish to pursue other damages or relief, you need to exclude yourself from this case (“opt-out”) and proceed with a separate litigation on your own behalf.
- The Court has not decided whether any laws were broken. There is no money available now and no guarantee there ever will be. However, if you are a member of the Class, your rights are affected and you have a choice to make now.
- Plaintiffs must prove their claims against Houlihan Lawrence at a trial. The date for the trial has not yet been set, but the trial is currently expected to occur in 2023. If money or benefits become available as a result of this lawsuit, including following the trial or through a settlement, further notice will be provided regarding how Class Members who have not opted out can receive those money or benefits.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS CLASS ACTION	
DO NOTHING	<p>Stay in this lawsuit and await the outcome.</p> <p>By doing nothing, the certification ruling means that any judgment in this case – whether favorable to Plaintiffs or Houlihan Lawrence – will bind all Class Members who do not timely elect to be excluded from the Class in the manner described in this notice.</p>
ASK TO BE EXCLUDED ("opt-out")	<p>Get no benefits from lawsuit. Keep certain rights.</p> <p>If you ask to be excluded from this lawsuit and money is later awarded, you will not be allowed to request a payment. However, you preserve any rights to sue Houlihan Lawrence at your own expense and with your own attorney about the same legal claims in this lawsuit.</p>

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BASIC INFORMATION

1. Why was this Notice issued?

This Notice explains that a Court “certified” a Class consisting of all buyers and sellers who were party to residential real estate transactions in Westchester, Putnam and Dutchess County, New York, between January 1, 2011 to July 14, 2018, in which Houlihan Lawrence acted as the real estate agent for both the buyer and seller in the same transaction, except for those who entered into an arbitration agreement with Houlihan Lawrence. If this describes you, you may choose to stay in the lawsuit, or exclude yourself from it, **submitted or postmarked no later than May 10, 2023**.

Justice Linda S. Jamieson of the Supreme Court of the State of New York, Westchester County is overseeing this lawsuit, known as *Goldstein et al. v. Houlihan / Lawrence Inc.*, Index No. 60767/2018, and has determined that it can proceed as a class action.

2. What is this lawsuit about?

The class action lawsuit alleges that Houlihan Lawrence breached fiduciary duties and engaged in deceptive and misleading business practices by acting as the agent for the buyers and sellers in the same residential real estate transaction without disclosing all facts material to the dual agency and obtaining both parties’ informed written consent. Plaintiffs allege that Houlihan Lawrence acted as an undisclosed, non-consensual dual agent in these residential real estate transactions, and that Plaintiffs and members of the Class have been damaged, as a result. Houlihan Lawrence denies Plaintiffs’ claims and asserts multiple defenses, including that Houlihan Lawrence’s challenged actions were disclosed, consensual, and have not harmed Plaintiffs or caused any damages.

On January 24, 2022, the Supreme Court of the State of New York, Westchester County granted Plaintiff’s motion for class certification for breach of fiduciary duty and violation of General Business Law § 349 against Houlihan Lawrence. Houlihan Lawrence has appealed this ruling.

The Court’s order certifying the Class does not predict or guarantee that Class Members will receive any money or benefits; that will be decided later. In certifying this lawsuit as a class action, the Court has made no decision as to the merits of the Plaintiffs’ legal claims or Houlihan Lawrence’s defenses. Houlihan Lawrence has appealed the Court’s class certification decision.

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

In a class action, one or more persons called “Class Representatives” sue on behalf of all individuals who have a similar claim. Here, Plaintiffs Pamela Goldstein, Ellyn and Tony Berk, as Administrators of the Estate of Winifred Berk, and Paul Benjamin represent other eligible Houlihan Lawrence clients and together they are called the “Class” or “Class Members.” The persons who sued are called the “Plaintiffs;” a party being sued, such as Houlihan Lawrence, is called a “Defendant.”

Any judgment in this case will resolve the issues for all Class Members, except for those who exclude themselves from the Class. Class Members might receive money and other benefits if they stay in the Class, if the Class prevails on the merits, or Class Members might receive nothing if they stay in the Class and Houlihan Lawrence prevails on the merits.

4. Why is this lawsuit a class action?

The Court decided that this lawsuit could proceed as a class action because, at this point of the lawsuit, it meets the requirements of CPLR 901 and 902, which govern class actions in New York state court. Houlihan Lawrence has appealed this decision. The Court found that:

- There are numerous Class Members whose interests will be affected by this lawsuit;
- There are legal questions and facts that are common to each of them;
- The Class Representatives' claims are typical of the claims of the rest of the Class;
- The Class Representatives and the lawyers representing the Class will fairly and adequately represent the interests of the Class;
- A class action would be a fair, efficient and superior way to resolve this lawsuit; and
- The common legal questions and facts predominate over questions that affect only individual Class Members.

For more information, visit the Important Documents page of the website at www.HoulihanLawrenceLitigation.com.

WHO IS IN THE CLASS

5. Am I part of this class action?

The Class consists of all home buyers and sellers of residential real estate in Westchester, Putnam, and Dutchess County, New York from January 1, 2011 and July 14, 2018 in which Houlihan Lawrence represented both buyer and seller in the same transaction except for those who entered into an arbitration agreement with Houlihan Lawrence.

6. Are there exceptions to being included?

Yes. Excluded from the Class are Houlihan Lawrence and its parent company, HomeServices of America, Inc., and their employees, officers, directors, legal representatives, agents, heirs, successors, wholly or partly owned subsidiaries or affiliates, and their immediate family members; Class counsel, their employees, and their immediate family members; and the judicial officers and their immediate family members and associated court staff assigned to this case.

7. I am still not sure if I am included.

If you are still not sure whether you are included in the Class, please visit the website, www.HoulihanLawrenceLitigation.com, call the Notice Administrator toll-free at 1-877-654-1976, email to info@houlihanlawrencelitigation.com, or write to: Houlihan Lawrence Litigation Notice Administrator, c/o JND Legal Administration, P.O. Box 91306, Seattle, WA 98111.

YOUR RIGHTS AND OPTIONS

8. What happens if I do nothing at all?

By doing nothing, you will remain in the Class. If you remain in the Class and Plaintiffs obtain money or other value from this lawsuit—either because of any ruling, trial or Court approved settlement—you may receive a payment, if you are entitled to one. Keep in mind that if you do nothing now, regardless of whether Plaintiffs win or lose, you will be legally bound by all Court orders and judgments made in this class action and you will not be able to maintain a separate lawsuit against Houlihan Lawrence for the same legal claims that are the subject of this lawsuit.

9. What happens if I ask to be excluded?

If you exclude yourself (or “opt-out”) from the Class, you will not receive any distribution that may result from a judgment or settlement favorable to Plaintiffs. If you exclude yourself, you will also not be legally bound by the Court’s orders and judgments in this class action. You may sue or continue to sue Houlihan Lawrence for the same legal claims that are the subject of this lawsuit, now or in the future. If you choose to pursue your own lawsuit against Houlihan Lawrence, you may hire a lawyer at your own expense to prove your alleged claims.

10. How do I ask to be excluded?

To exclude yourself, you must send a letter, email or fax to the Notice Administrator requesting exclusion from *Goldstein et al. v. Houlihan/Lawrence Inc.* class action, with your name, address, telephone number, email address and signature. You must also identify the property address for the transaction in which Houlihan Lawrence acted as your real estate agent. Your exclusion request **must be submitted or postmarked no later than May 10, 2023**. Send your exclusion request by email to info@houlihanlawrencelitigation.com, via fax to 206-788-8766, or by mail to Houlihan Lawrence Litigation Notice Administrator, c/o JND Legal Administration, P.O. Box 91306, Seattle, WA 98111. If you participated in multiple residential real estate transactions that are included in the Class, you may request to be excluded from the Class with respect to some transactions while participating in the Class with respect with respect to other transactions.

IF YOU DO NOT EXCLUDE YOURSELF BY MAY 10, 2023, YOU WILL REMAIN PART OF THE CLASS AND BE BOUND BY THE ORDERS OF THE COURT IN THIS LAWSUIT.

THE LAWYERS REPRESENTING YOU

11. Do I have a lawyer in this case?

Yes. The Court has appointed the following lawyers as “Class Counsel.”

Jeremy Vest
MINTZ, LEVIN, COHN, FERRIS
GLOVSKY, AND POPEO, P.C.
Chrystal Center
666 Third Avenue
New York, NY 10017

jvest@mintz.com
Telephone: 212-692-6718

William S. Ohlemeyer
BOIES SCHILLER FLEXNER LLP
333 Main Street
Armonk, NY 10504

wohlemeyer@bsfllp.com
Telephone: 914-749-8440

12. How will the lawyers be paid?

Class Counsel will represent your interests in presenting the claims against Houlihan Lawrence. You will not be personally responsible for Plaintiffs’ attorneys’ fees or costs, except to the extent that the Court may approve or award any such fees and costs to Class Counsel which would be paid out of the recovery in this action, if any.

13. Should I get my own lawyer?

If you stay in the Class, you do not need to hire your own lawyer to pursue the claims against Houlihan Lawrence because Class Counsel is working on behalf of the Class. However, if you want to be represented by your own lawyer, you may hire one at your own expense and cost.

THE TRIAL

14. When is the trial?

The Court has not yet scheduled the trial in this case, but it is expected that the trial will occur in 2023 and will take place in the Supreme Court of the State of New York, Westchester County Commercial Division, Courtroom 103, 111 Dr. Martin Luther King, Jr. Blvd., White Plains, NY 10601. Once the trial is scheduled, the date and location will be posted at www.HoulihanLawrenceLitigation.com.

15. How will the Court decide who is right?

During the trial, a jury and/or the judge will hear evidence to help them decide whether Plaintiffs or Houlihan Lawrence is right. There is no guarantee Plaintiffs will win, or that they will get any money for all or some members of the Class. After the trial, there may be additional proceedings, including an appeal, and/or you may be asked to provide information to qualify for benefits. We do not know how long this will take.

16. Do I have to come to any trial?

Unless told otherwise, you do not need to attend any trial. Class Counsel will present the case for the Plaintiffs and the Class, and lawyers for Houlihan Lawrence will present on its behalf. You or your own lawyer is welcome to attend any trial at your own expense.

17. Will I get money after the trial?

If money or benefits are obtained for the Class in this lawsuit, including after trial (and any possible appeal) or through any settlement, further notice will be provided about how Class Members who did not opt out can receive such money or benefits. We do not know how long this will take.

GETTING MORE INFORMATION

18. Are more details available?

Yes. Key Dates and Important Documents related to the lawsuit can be found at www.HoulihanLawrenceLitigation.com. For additional assistance, contact the Notice Administrator by calling toll-free 1-877-654-1976, sending email to info@houlihanlawrencelitigation.com, or writing to: Houlihan Lawrence Litigation Notice Administrator, c/o JND Legal Administration, P.O. Box 91306, Seattle, WA 98111.

PLEASE DO NOT CONTACT THE COURT OR HOULIHAN LAWRENCE. ALL QUESTIONS SHOULD BE DIRECTED TO THE NOTICE ADMINISTRATOR OR CLASS COUNSEL.