

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

JOSHUA SITZER AND AMY WINGER,)
 SCOTT AND RHONDA BURNETT, AND)
 RYAN HENDRICKSON, on behalf of)
 themselves and all others similarly situated,)

Plaintiffs,)

v.)

THE NATIONAL ASSOCIATION OF)
 REALTORS, REALOGY HOLDINGS CORP.,)
 HOMESERVICES OF AMERICA, INC., BHH)
 AFFILIATES, LLC, HSF AFFILIATES, LLC,)
 RE/MAX LLC, and KELLER WILLIAMS)
 REALTY, INC.)

Defendants.)

Case No.: 4:19-cv-00332-SRB

CLASS ACTION

ORAL ARGUMENT REQUESTED

**THE HOMESERVICES DEFENDANTS’ MOTION:
 (1) TO COMPEL ARBITRATION, (2) TO STRIKE CLASS ALLEGATIONS AS
 TO CERTAIN UNNAMED PLAINTIFFS, AND (3) TO STAY PROCEEDINGS WITH
 RESPECT TO THE HOMESERVICES DEFENDANTS’ PENDING ARBITRATION**

Defendants HomeServices of America, Inc. (“HomeServices”), BHH Affiliates, LLC, and HSF Affiliates, LLC. (hereinafter, collectively, “HomeServices Defendants”) move the Court for its Order to (1) Compel Arbitration, (2) Strike Class Allegations as to Certain Unnamed Plaintiffs, and (3) to Stay Proceedings with Respect to the HomeServices Defendants Pending Arbitration.

The purported class members who listed their homes for sale through a subsidiary of HomeServices of America executed listing agreements containing prominent, clear, and conspicuous arbitration provisions. Named plaintiffs Scott and Rhonda Burnett did the same. The HomeServices Defendants therefore respectfully move this Court to enforce its arbitration rights

with respect to all controversies and claims against the HomeServices Defendants, to strike the class allegations purporting to include as putative class members individuals who signed the Listing and Arbitration Agreement or any other valid and applicable arbitration agreement, and to stay all proceedings with respect to the HomeServices Defendants. Further Suggestions in Support of this Motion are filed contemporaneously and incorporated into this Motion.

Dated: February 28, 2020

Respectfully submitted,

s/ Brian C. Fries

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ATTORNEYS FOR DEFENDANTS
HomeServices of America, Inc., BHH
Affiliates, LLC, and HSF Affiliates, LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of February, 2020, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send a notice of electronic filing to counsel of record for this case.

/s/ Brian C. Fries _____

An attorney for Defendants
HomeServices of America, Inc.,
BHH Affiliates, LLC, and
HSF Affiliates, LLC