

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

Barry Sewall, Shamika Gregory, Jerome Gregory, Frank Richmond, Michael McDermott, Kelley McDermott, Chance Gallo, Sheila Nasilasila, Erin Wise, Michael Curran, Christa Curran, Latrice Jones-Byrd, LaQuita Dasher, Ayoka Durham, Marcus Durham, Donna Sheard, Richard Allen, Gabrielle Todd, Gina Johnson, and Lionel Johnson each individually and on behalf of all others similarly situated,

Plaintiffs,

v.

Home Partners Holdings LLC, and
OPVHHJV LLC, d/b/a Pathlight
Property Management,

Defendants.

Court File No.: 0:25-CV-7849

**DECLARATION OF ANNE T. REGAN
IN SUPPORT OF MOTION FOR
FINAL APPROVAL AND MOTION
FOR ATTORNEYS' FEES,
REIMBURSEMENT OF LITIGATION
EXPENSES, AND CLASS
REPRESENTATIVE SERVICE
AWARDS**

I, Anne T. Regan, state as follows under penalty of perjury under 28 U.S.C. § 1746:

1. I am a partner of the law firm of Hellmuth & Johnson PLLP ("H&J"). I have been involved in investigating, initiating, and prosecuting this matter since its inception. I am familiar with all of the proceedings and have personal knowledge of the matters set forth herein. If called on and sworn as witnesses, I would be competent to testify thereto.

2. I submit this Declaration in support of Plaintiffs' Motion for Final Approval of Class Action Settlement, as well as their Motion for Attorneys' fees, reimbursement of Litigation Expenses, and Class Service Awards.

3. This Declaration discusses: (I) Class Counsel's efforts in litigating this case; (II) Class Counsel's costs, time, and expenses incurred in this litigation; (III) the efforts and contributions of the Class Representatives; and (IV) the response to the settlement to date.

I. Class Counsel's efforts in litigating this case.

4. Class Counsel have devoted substantial time, effort, and resources to this litigation. Our efforts include the filing of six class action complaints and their amendments, successful pursuit of class certification in the Minnesota state court action and in the Western District of Washington, briefing and argument of non-dispositive and dispositive motions in all of the underlying Class Action Matters,¹ significant written and deposition discovery, trial preparation, and briefing before state appellate courts in Minnesota and Colorado.

5. Class Counsel pursued resolution after significant litigation in multiple jurisdictions, by which time they knew about the strengths and risks of each side's case. Class Counsel's efforts to resolve the litigation included arm's length settlement negotiations, mediation with former Chief Magistrate Judge Sidney Schenkier (ret.),

¹ Unless defined herein, all capitalized terms in this Declaration have the same meaning as defined in the Settlement Agreement.

and lengthy discussions of the details of the Settlement Agreement and associated documents, including the Motion for Preliminary Approval.

6. This case began when Minnesota Plaintiff Barry Sewall called H&J regarding his experience renting with Home Partners, leading to the initial investigation by H&J and myself.

7. Sewall filed his original complaint in the Northern District of Illinois on March 3, 2022 (No. 22-cv-01138), later voluntarily dismissing it without prejudice and re-filing in Minnesota state court. *Sewall, et al. v. Home Partners Holdings LLC, et al.*, No. 27-CV-22-10389 (Minn. Dist. Ct.). Shamika and Jerome Gregory were added as named plaintiffs in the First Amended Complaint in August 2022. The operative complaint asserted claims under the Minnesota Consumer Fraud and Deceptive Trade Practices Acts, the Landlord Tenant Act, and common law claims for breach of good faith and fair dealing, unjust enrichment, and rescission, as well as declaratory and injunctive relief.

8. In *Sewall*, Plaintiffs litigated their claims through class certification and summary judgment and agreed to settle in principle only when the trial in the matter was approximately 60 days away. Plaintiffs engaged in significant non-dispositive and dispositive motion practice with Defendants, including but not limited to a substantially successful motion for class certification (granted on October 3, 2023), cross-motions for summary judgment, motions to exclude experts, and a motion for decertification.

9. Discovery was extensive both before and after class certification. Plaintiffs secured the production of thousands of documents and internal data from the Defendants, as well as thousands of documents from Class Representative electronic and hard copy records, and reviewed and analyzed these records.

10. Plaintiffs retained four experts, Professor Akshay Rao, Ph.D., Michael J. Rothman, J.D., Dr. Robert Kneuper, and Geoff Gilson, P.E. Professor Rao was retained to provide testimony on matters relating to consumer behavior, marketing science, and consumer surveys. Mr. Rothman, the former Commissioner of the Minnesota Department of Commerce and an expert in insurance, was retained to provide his opinion regarding Defendant's "resident liability program," Dr. Kneuper was retained to provide a method for calculation of class damages and opined on the potential range a jury could award. Mr. Gilson was retained to provide an opinion on the physical condition of certain Plaintiffs' homes.

11. On November 27, 2024, the district court denied the parties' cross-motions for summary judgment, motions to exclude experts, and substantially denied a motion for decertification. No. 27-CV-22-10389, Index #523. Class Counsel's trial preparations had already begun, however, given the short time frame between the August 2024 hearing on the parties' cross-motions and the February 2025 trial block.

12. The parties were scheduled to appear before the *Sewall* court on December 10, 2024, for a Pretrial Conference and to commence trial on or before February 3, 2025, but requested that both be continued because they had reached a settlement in principle on December 5, 2024.

13. The filing of the *Sewall* matter in March 2022 prompted numerous inquiries from Home Partners renters in states other than Minnesota, which Plaintiffs' counsel responded to and investigated. The majority of inquiries were directed to my firm. During the course of the litigation, we received 400 inquiries from individuals who rented from Home Partners

14. On September 21, 2022, Plaintiffs Frank Richmond, Michael McDermott, and Kelley McDermott filed a class action complaint in the United States District Court for the Western District of Washington. *See Richmond, et al. v. Home Partners Holdings LLC, et al.*, No. 22-cv-05704 (W.D. Wash.) ("Richmond"). The complaint was amended five times in part to account for information learned during discovery. The last amendment included additional named plaintiffs and proposed representatives Chance Gallo, Sheila Nasilasila, and Erin Wise. *Id.*, Doc. 223. The operative complaint asserted claims under the Washington Residential Landlord-Tenant Act, breach of duty of good faith and fair dealing, and declaratory and injunctive relief.

15. During the *Richmond* litigation, Plaintiffs served and responded to multiple sets of written discovery, counsel reviewed and analyzed thousands of documents produced by Defendants, and Plaintiffs sat for deposition. Plaintiffs also deposed Defendants' Rule 30(b)(6) and fact witnesses.

16. Generally, the parties coordinated their discovery efforts with those in *Sewall*, conducting case-specific depositions in Richmond. Between the *Sewall* and *Richmond* matters, Class Counsel deposed seventeen (17) Defendant, two (2) third

party, and four (4) expert witnesses, located in multiple states, for a total of 72.5 hours of deposition testimony.

17. They also defended the depositions of the *Sewall* and *Richmond* named Plaintiffs and their family members, for a total of twelve (11) depositions and 45 hours of deposition testimony.

18. Similar to the *Sewall* matter, in *Richmond* the parties engaged in significant motion practice, including briefing on motions to dismiss, motions to compel discovery, a motion to preclude putative absent class member communications, Plaintiffs' motions for class certification, and Defendant's motion for partial summary judgment and motion to exclude under *Daubert*.

19. On July 2, 2024, the court granted in part and denied in part Defendant's motion for partial summary judgment. *Richmond*, Doc. 167. On November 19, 2024, the district court certified classes asserting claims for damages under the Washington Residential Landlords and Tenants Act and for breach of the duty of good faith and fair dealing, and for injunctive or declaratory relief. *Id.*, Doc. 224. The Court certified a damages class under Fed. R. Civ. P. 23(b)(3) for Plaintiffs' claims alleging that Defendants illegally charged and collected late fees, attorneys' fees, and failed to provide compliant written move-in and move-out statements for purposes of the security deposit provisions of the RLTA. The Richmond court also certified an injunctive relief class under Fed. R. Civ. P. 23(b)(2).

20. In addition to these two cases, Plaintiffs filed the following Class Action Matters: *Curran, et al. v. Home Partners Holdings LLC, et al.*, No. 1:23-cv-01279 (D.

Colo.) (“Curran”); *Jones-Byrd, et al. v. Home Partners Holdings LLC, et al.*, No. 23-cv-05927 (N.D. Ga.); *Durham, et al. v. Home Partners Holdings LLC, et al.*, No. 23-cv-03490 (D. Md.) (“Durham”); and *Sheard, et al. v. Home Partners Holdings LLC, et al.*, No. 23-cv-04012 (S.D. Ill.) (“Sheard”).

21. Each of these matters, like *Sewall* and *Richmond*, asserted claims under state consumer protection and applicable landlord-tenant statutes, common law and equitable claims, and claims for declaratory and injunctive relief.

22. Defendants moved to dismiss all of these matters, in whole or part.

23. In *Curran*, Defendants brought a partial motion to dismiss. The parties also began case-specific discovery, which included written discovery directed to the named plaintiffs. The district court denied Defendants’ motion to dismiss without prejudice to re-filing (No. 1:23-cv-01279, Doc. 44), having determined that the case presented “novel” and “important questions of Colorado state-law statutory interpretation and public policy that call[ed] for resolution by Colorado’s highest court.” No. 1:23-cv-01279, Doc. 50. Accordingly, the court certified two questions to the Colorado Supreme Court, which the supreme court accepted, and administratively closed the matter. *See* No. 1:23-cv-01279, Docs. 50, 56. The parties fully briefed the certified questions, and oral argument before the Colorado Supreme Court was scheduled for January 14, 2025, which was postponed after the parties reported they had reached a settlement in principle. No. 1:23-cv-01279, Doc. 67.²

² Plaintiffs retained Colorado appellate counsel with extensive experience in consumer protection and landlord-tenant law.

24. In *Jones-Byrd*, Plaintiffs asserted claims under Georgia consumer protection and landlord-tenant statutes, as well as common law. The district court held a hearing on Defendants' partial motion to dismiss on September 18, 2024. The court terminated the motion and administratively closed the matter after the parties jointly stipulated to a stay pending settlement. No. 1:23-cv-05927, Doc. 87. Before settlement in principle, the parties had exchanged case-specific written discovery and Plaintiffs Latrice Jones-Byrd and Laquita Dasher had begun preparing their responses to interrogatories and requests for production.

25. In *Sheard*, on November 18, 2024, the district court granted defendants' motion in part, dismissing without prejudice Plaintiffs' claims under the Illinois Consumer Fraud Act ("ICFA") insofar as they asserted that fees charged by Defendants violated the ICFA, as well as Plaintiffs' declaratory relief claim. *Sheard*, No. 3:23-cv-04012, Doc. 52. Because the court dismissed the only claims pled on a proposed nationwide basis, it requested additional briefing on whether it should retain subject matter jurisdiction under the Class Action Fairness Act. As in *Jones-Byrd*, the parties moved to stay pending settlement.

26. On December 22, 2023, the Durhams filed a class action complaint in the United States District Court for the District of Maryland, asserting claims under Maryland consumer protection and landlord-tenant laws, as well as for rescission, unjust enrichment, and breach of the duty of good faith and fair dealing. *Durham, et al. v. Home Partners Holdings LLC, et al.*, No. 23-cv-03490 (D. Md.) ("*Durham*").

Defendants moved to dismiss, which the court granted on December 3, 2024. *Id.*, Doc. 59.

27. During the pendency of the Class Action Matters, Defendants changed their policies and practices with respect to two of the fees that Plaintiffs alleged were unlawful under consumer protection or landlord-tenant laws. Doc. 4-1, III.F, at PageID#:109. In addition, during the pendency of the *Richmond* matter, Defendants refunded legal fees charged to Plaintiff Richmond and other Washington residents that Plaintiffs contended were unlawful under the RLTA, after the *Richmond* matter was filed. *See Richmond*, Doc. 167, Order Denying in Part Motion for Summary Judgment, at p. 19; Doc. 131, Declaration of Emily Cefalu, ¶ 57. Though Class Counsel have not precisely quantified the effect of these changes, the value to Settlement Class Members was not *de minimis* and likely is in the millions of dollars. From Plaintiffs' perspective their lawsuits were the catalyst for these changes.

II. Time and Expenses incurred by H&J

28. All Class Counsel, including H&J, kept contemporaneous time and expense records in a manner that they would in the ordinary course of their business.

29. These records include a chronological listing of time reported for work performed by attorneys and paralegals in specified activity categories, a complete and accurate categorization of work performed, the name and title of the person who performed the work, the hourly rate associated with each attorney and paralegal at the time the work was performed, and the firm's expenses incurred in relation to the case.

30. My firm originated this litigation and has devoted significant time and resources to it since Mr. Sewall first called us, as detailed here. The time and effort successfully advanced the litigation towards trial and directly led to the excellent settlement benefit achieved. My firm's efforts include but are not limited to:

- The initial investigation of Sewall's dispute;
- Extensive pre-complaint research of the rent-to-own and single-family home rental industry and its associated economics, along with federal and state consumer protection and landlord-tenant and common laws in multiple states;
- Research into eviction and rent escrow matters involving Defendants, filed in Minnesota and multiple other states;
- Detailed intake and attorney interviews of 233 individuals who rent or rented with Defendants in multiple states nationwide, including the individuals who became named plaintiffs in the underlying Class Action Matters;
- Drafting all of the complaints filed in the underlying Class Action Matters;
- Acting as the principal contact with all of the Plaintiffs and other absent class member tenants who retained my firm, responding to questions from class representatives, and providing timely updates on case developments;
- Assisting all Plaintiffs with drafting initial disclosures and collecting responsive documents and data requested by Defendants;
- Leading the drafting and negotiation of multiple case management protocols, including but not limited to discovery plans, ESI protocols, protective orders, and multiple discovery stipulations;
- Drafting, serving, and coordinating discovery against Defendants, including lengthy and laborious meet and confers with Defendants;
- Preparing for and defending the depositions of twelve (12) of the named plaintiffs and proposed Class Representatives, as well as in certain

instances their family members, remotely and in person in Minnesota and Washington;

- Reviewing, analyzing, and coding over 110,507 documents³ produced by Defendants, including internal emails, policies and procedures, financial data, leases, tenant ledgers, and communications with third parties, such as vendors;
- Leading meet and confers and hearings relating to discovery disputes with Defendants;
- Preparing for and taking the depositions of Defendant witnesses, including Rule 30(b)(6) witnesses, remotely and in person in Colorado, Texas, and Illinois;
- Preparing for and taking third-party depositions of vendors who performed work for Defendant in Minnesota;
- Interviewing dozens of absent class member and other witnesses located in Washington, Colorado, Minnesota, and Georgia;
- Engaging and working with experts in the areas of real estate, construction and engineering, marketing science and consumer behavior, economics, and insurance;
- Preparing for and taking the depositions of three of Defendant's experts in the areas of consumer behavior, real estate, and insurance, both remotely and in Colorado and New York;
- Defending the depositions of Plaintiffs' consumer behavior, insurance experts, and construction experts;
- Leading and acting as principal drafters of Plaintiffs' response to critical motion practice in the Class Action Matters, including motions to dismiss, for summary judgment, and to exclude experts;

³ These documents and data were uploaded into a document review platform. By the end of the litigation, the document review databases contained 1,129 GB of data, which contributed to the costs of maintaining this data through litigation and through the date that settlement was assured.

- Drafting, researching, and compiling comprehensive motions for class certification in Minnesota and Washington, and assembling the common liability evidence;
- Drafting the opposition to Defendant's petition to appeal the *Sewall* court's grant of class certification;
- Identifying and retaining a competent class-notice administrator in Minnesota to send class notice after certification of the Minnesota class;
- Drafting, researching, and compiling evidence in support of the *Sewall* and *Richmond* responses in opposition to Defendant's multiple motions for summary judgment;
- Identifying and working with appellate counsel in Colorado in connection with the federal court's certification of questions to the Colorado Supreme Court;
- Working on trial and witness strategy and preparation in *Sewall*, including preparing initial draft motions in limine and stipulations and interviewing absent class member witnesses;
- Reviewing and compiling data from thousands of leases and ledgers of Minnesota class members and preparing summary exhibits for purposes of presenting Plaintiffs' damages evidence at trial in *Sewall*;
- Preparing for and leading multiple oral arguments in the *Sewall* matter, and preparing for and assisting in-person oral argument in the *Jones-Byrd* matter;
- Performing numerous tasks necessary to achieve a favorable and reasonable settlement, including: analyzing economic evidence and data and formulating a demand; drafting the mediation brief; engaging in extensive arms' length negotiations with Defendants; and negotiating and preparing multiple drafts of the settlement agreement;
- Drafting the Class Action complaint in the Northern District of Illinois that consolidates the claims from the Class Action Matters;
- Preparing the preliminary approval motion and supporting documents;

- Obtaining bids from multiple class-notice and claims administrators and retaining, on behalf of the Settlement Class, a well-regarded notice and claims administrator;
- Responding to numerous queries from Settlement Class Members regarding the Settlement terms and benefits; and
- Preparing Plaintiffs' Motion for Final Approval.

31. The total number of hours my firm expended on this case from inception through October 10, 2025, is 7,538.6 hours. The total lodestar is \$5,213,185.00. My firm's lodestar figures are based on the firm's current hourly billing rates. The hourly rates for the partners, associates, and professional support staff in my firm are the same as the usual and customary hourly rates charged for their services in contingent matters. The total number of hours was determined by examining contemporaneous daily time records regularly prepared and maintained by my firm, and examined by me each month.

32. Attached as Exhibit 1 is a summary of the time spent by partners, associates, and other professional staff from my firm who have worked on this litigation. In presenting these summary records, I reduced my firm's lodestar for time billed by any timekeeper who billed less than 10 hours to the Class Action Matters. In addition, I previously had reduced hours of certain timekeepers, including myself, for duplicative entries.

33. Neither I nor any member of my firm has participated in an "auction" for the right to serve as a lead or co-lead counsel by bidding a ceiling on a contingent fee award in any class or other complex litigation.

34. My firm has paid a total of \$1,125,228.70 in litigation costs and expenses since the start of this case, which is detailed in Exhibit 2. The expenses incurred in this action are reflected on the books and records of my firm. These books and records are prepared from source materials such as invoices, expense vouchers and check records and represent an accurate reflection of the costs and expenses incurred.

35. As detailed in their declarations, my Co-Class Counsel at the law firms of Milberg LLP and Lockridge Grindal Nauen contributed to ongoing common cost expenses, such as deposition transcripts, ESI discovery costs like the Everlaw document review platform and the costs of forensic collection of Plaintiffs' electronically stored information, mediator fees, special master fees, and expert fees. Accordingly, the total unreimbursed costs and expenses reasonably and necessarily incurred by my firm are \$825,963.14.

36. In addition to the costs and expenses incurred by counsel, Plaintiffs are petitioning for reimbursement of the Settlement Administrator's costs. Plaintiffs seek a total of \$175,000 from the Settlement Fund to pay for the administrative costs of direct notice, CAFA notice, claims processing, answering Settlement Class Member inquiries, establishment of the Qualified Settlement Fund, claims processing, Settlement Payment calculation, and distribution of checks by first class mail.

III. Efforts of the Class Representatives

37. The Class Representatives in this case are Barry Sewall, Shamika Gregory, Jerome Gregory, Michael Curran, Christa Curran, Frank Richmond, Michael McDermott, Kelley McDermott, Chance Gallo, Sheila Nasilasila, Erin Wise,

Latrice Jones-Byrd, LaQuita Dasher, Donna Sheard, Richard Allen, Gabrielle Todd, Gina Johnson, Lionel Johnson, Ayoka Durham, and Marcus Durham. Each representative signed a retainer with my firm in which they agreed that H&J and associated counsel may petition for an award of up to forty percent of any settlement. Class Counsel propose that the Class Representatives receive the following awards, which are distributed according to the time and effort they spent on the case:

- a. Minnesota Subclass Representatives Barry Sewall and Shamika and Jerome Gregory: \$14,000 to each household (\$28,000 total). Barry Sewall is the original named plaintiff in the first-filed case. *See Sewall, et al. v. Home Partners Holdings LLC, et al.*, No. 27-CV-22-10389 (Minn. Dist. Ct.). Shamika and Jerome Gregory subsequently became named plaintiffs after the case was re-filed in Minnesota state court. These representatives cooperated fully with my firm in gathering documents and allowing forensic searches of their electronic accounts; reviewing and approving the complaints; answering and supplementing interrogatories; providing extensive declaration testimony; submitting to all-day, in-person depositions; appearing in person for the July 14, 2023 hearing on the Minnesota Plaintiffs' motion for class certification; and participating in the December 5, 2024 mediation with Judge Schenkier. Two members of Sewall's family were also deposed by Defendants.
- b. Washington Subclass Settlement Class Representatives Frank Richmond, Kelley and Michael McDermott: \$14,000 to each household (\$28,000 total). These representatives initiated the first complaint in Washington in

September 2023. *See Richmond, et al. v. Home Partners Holdings LLC, et al.*, No. 22-cv-05704 (W.D. Wash). They cooperated fully with my firm in gathering documents and allowing forensic searches of their electronic accounts; reviewing and approving the complaints; answering and supplementing interrogatories; providing extensive declaration testimony; submitting to all-day, in-person depositions; and participating in the December 5, 2024 mediation with Judge Schenkier. One member of Richmond's family was also deposed by Defendants.

- c. Washington Subclass Settlement Class Representatives Chance Gallo, Sheila Nasilasila, and Erin Wise: \$6,000 to each household (\$18,000 total). Gallo, Nasilasila, and Wise provided declarations on behalf of the Washington Subclass, gathered and provided documents to my firm and to Defendants, reviewed and approved complaint allegations, submitted to half-day remote depositions, and participated in mediation.
- d. Colorado named plaintiffs and Colorado Subclass Settlement Class Representatives Christa and Michael Curran: \$5,000. The Currans reviewed and approved the complaints filed in *Curran, et al. v. Home Partners Holdings LLC, et al.*, No. 1:23-cv-01279 (D. Colo.), gathered and provided documents to my firm and to Defendants, provided answers to interrogatories from Defendants, and participated in the December 5, 2024 mediation.
- e. Georgia named plaintiffs and Settlement Class Representatives Latrice Jones-Byrd and LaQuita Dasher: \$5,000 to each household (\$10,000 total). These

representatives reviewed and approved the complaints filed in *Jones-Byrd, et al. v. Home Partners Holdings LLC, et al.*, No. 23-cv-05927 (N.D. Ga.), gathered and provided documents to my firm, responded to written interrogatories from Defendants, provided other information to Class Counsel, and participated in the mediation.

- f. Multistate Settlement Class Representatives Donna Sheard and Richard Allen, Gabrielle Todd, Gina and Lionel Karl Johnson, and Ayoka and Marcus Durham: \$4,000 to each household (\$16,000 total). These representatives provided information to counsel, and reviewed and approved complaint allegations in the underlying Class Action Matters. Some participated in mediation.

38. Although the amounts stated above differ from the ranges stated in the notice, the total amount requested does not exceed \$105,000.

39. No Class Representative has received any compensation nor have any promises been made regarding compensation for leading the case. Their motivation in being the name and face for other residents like them was solely related to ensuring that Defendants be held accountable for their alleged misconduct.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date: October 14, 2025

/s/Anne T. Regan
Anne T. Regan