

EXHIBIT S

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CHRISTOPHER MOEHRL, MICHAEL
COLE, STEVE DARNELL, VALERIE
NAGER, JACK RAMEY, DANIEL UMPA,
and JANE RUH, 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, THE LONG & FOSTER
COMPANIES, INC., RE/MAX, LLC, and
KELLER WILLIAMS REALTY, INC.,

Defendants.

No. 1:19-cv-01610

Judge Andrea R. Wood

Magistrate Judge M. David Weisman

SCHEDULING ORDER

Having considered the parties' respective proposals in their Joint Status Report (Dkt. No. 191), the Court sets the following case schedule:


- Defendants shall answer the Consolidated Amended Class Action Complaint by **11/16/2020**.
- Parties shall serve their respective initial disclosures under Federal Rule of Civil Procedure 26(a)(1) by **11/16/2020**.
- Parties shall agree to ESI terms/custodians and/or submit any disputes regarding the same to the Court by **1/8/2021**.
- Defendants shall complete their production of transactional data responsive to Plaintiffs' first set of requests for production by **5/14/2021**.
- Parties shall complete their production of documents responsive to other parties' requests for production by **6/15/2021**.

- Plaintiffs shall file their motion for class certification and supporting expert reports by **12/15/2021**.
- Defendants shall file their responses to Plaintiffs' class certification motion and supporting expert reports, and *Daubert* motions directed to Plaintiffs' class certification experts by **3/1/2022**.
- Plaintiffs shall file their reply in support of class certification and supporting rebuttal expert reports, responses to Defendants' *Daubert* motions regarding Plaintiffs' class certification experts, and *Daubert* motions regarding Defendants' class certification experts by **5/2/2022**.
- Defendants shall file their replies in support of their *Daubert* motions regarding Plaintiff's class certification experts and responses to Plaintiffs' *Daubert* motions regarding Defendants' class certification experts by **6/2/2020**.
- Plaintiffs shall file their replies in support of their *Daubert* motions regarding Defendants' class certification experts by **7/1/2022**.
- Fact discovery shall be completed by **9/1/2022**.

The Court will set a schedule for merits expert discovery and dispositive motion practice at a later date. The parties are advised, however, that the Court intends to schedule merits expert discovery to be completed prior to the deadline for the filing of dispositive motions. The briefing of *Daubert* challenges to merits experts will occur simultaneously with briefing of dispositive motions.

SO ORDERED.

Dated: November 6, 2020



ANDREA R. WOOD
United States District Judge

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CHRISTOPHER MOEHRL, et al.,
on behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

THE NATIONAL ASSOCIATION OF
REALTORS, et al.,

Defendants.

No. 19-cv-01610

Judge Andrea R. Wood

ORDER

As requested in the parties' 9/8/2022 joint status report [350] and discussed at the most recent status hearing on 9/15/2022, Defendants seek leave to conduct supplemental depositions of Plaintiffs' class certification experts regarding their rebuttal reports. That request is denied. As an initial matter, the Court notes that the current class certification schedule, which includes time for expert depositions after initial reports, does not contemplate an additional round of depositions after rebuttal reports. The Court finds that neither of Plaintiffs' experts' rebuttal reports contain arguments, analyses, or materials that are outside the realm of proper rebuttal such that they warrant a deviation from the existing class certification discovery plan. To the extent Defendants contend that either expert's rebuttal report is inconsistent with their initial report, Defendants may raise such inconsistencies in their *Daubert* reply brief. Moreover, the Court cannot discern how further deposition testimony from Plaintiffs' experts is necessary at this stage of the proceedings—either to allow Defendants to explore further Plaintiff's arguments for class certification or to support their own *Daubert* motions. Additional deposition testimony is particularly inappropriate given that Defendants have already had nine hours to depose each of Plaintiffs' experts, after requesting and receiving a two-hour extension of Federal Rule of Civil Procedure 30(d)(1)'s seven-hour limit. Defendants will have another opportunity to depose Plaintiffs' experts during merits expert discovery. If class certification is granted yet information subsequently comes to light during merits expert discovery that undermines the grounds for certification, Defendants have the option to move to decertify, or otherwise alter or amend, the class pursuant to Fed. R. Civ. 23(c)(1)(C). But at this stage, no further expert depositions will be permitted. Defendants' reply in support of *Daubert* motion shall be filed by 10/4/2022.

Dated: September 27, 2022



Andrea R. Wood
United States District Judge

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF NextGen 1.7.1.1
Eastern Division**

Christopher Moehrl, et al.

Plaintiff,

v.

Case No.: 1:19-cv-01610
Honorable Andrea R. Wood

The National Association of Realtors, et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Tuesday, May 30, 2023:

MINUTE entry before the Honorable Andrea R. Wood: Telephonic status hearing held on 5/30/2023. As discussed on the record, the motions to compel arbitration [405], [406], [407], and [409] have been taken under advisement for written ruling. Plaintiffs' motion for leave to file a sur-reply in further opposition to the HomeServices Defendants' motions to compel arbitration [423] is taken under advisement. By 6/9/2023, the parties shall meet, confer, and file a status report regarding the disputed interrogatory responses from the 12/14/2022 status report [390] discussed on the record. The parties' oral request to modify the current expert discovery schedule is granted. The Court modifies the following expert discovery schedule as follows: Defendants shall serve their expert reports and rebuttal expert reports by 6/1/2023. Plaintiffs shall serve their rebuttal expert reports by 8/10/2023. All expert discovery shall be completed by 9/1/2023. Dispositive motions and any Daubert motions are still due by 10/19/2023. Telephonic status hearing set for 8/2/2023 at 11:00 AM. To ensure public access to court proceedings, members of the public and media may call in to listen to telephonic hearings. The call-in number is (888) 557-8511 and the access code is 3547847. Counsel of record will receive an email 30 minutes prior to the start of the telephonic hearing with instructions to join the call. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court-issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court. Mailed notice (lma,)

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