

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

BRIAN C. WILLIAMS, et al.,

Plaintiffs,

v.

THE ESTATES LLC, et al.,

Defendants.

Case No.: 1:19-cv-01076-CCE-JLW

PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

Plaintiffs Brian C. Williams, Maricol Yunaira Tineo de Leon, and Jairo Vensrique, by and through undersigned counsel and pursuant to Fed. R. Civ. P. 23 and LR 23.1(b), respectfully move for certification of their claims for the violation of Section 1 of the Sherman Antitrust Act (the "Sherman Act"), 15 U.S.C. § 1; N.C. Gen. Stat. § 75-1; and North Carolina's common law prohibition against unjust enrichment. In support hereof, Plaintiffs state as follows:

1. Plaintiffs commenced this action on October 18, 2019. Plaintiffs allege that Defendants conspired to rig bids at public foreclosure sales.

2. Through this motion, Plaintiffs seek to certify one nationwide class seeking redress for their claims under the Sherman Act. That class, the "National Sherman Act Class" is defined as:

All persons and entities whose properties were sold through foreclosure proceedings at which a Member of the Estates was the high bidder and at which the Estates placed the bid deposit on their behalf.

Complaint (Doc. 1 ¶ 99).

3. Pursuant to Fed. R. C. P. 23(c)(5), Plaintiffs also seek to certify a subclass, the “North Carolina Subclass,” which seeks redress for their claims under N.C. Gen. Stat. §75-1 and North Carolina common law’s prohibition against unjust enrichment, and is a subclass of the National Sherman Act Class. The North Carolina Subclass is defined as:

All persons and entities whose properties were sold through foreclosure proceedings in North Carolina at which a Member of the Estates was the high bidder and at which the Estates placed the bid deposit on their behalf who have standing to bring North Carolina state law claims.

4. In addition, pursuant to Fed. R. Civ. P. 23(c)(2)(B), Plaintiffs ask the Court to approve distribution of the proposed short form notice (attached to this Motion as **Exhibit A**) and long form notice (attached to this Motion as **Exhibit B**) to all putative class members included in the class definitions set forth above.

5. Further, and pursuant to Fed. R. Civ. P. 23(g), Plaintiffs seek the appointment of JC White Law Group and Blue LLP as co-Class Counsel or, in the event the Court defers certification to a later date, Plaintiffs ask that their attorneys be appointed co-Interim Counsel.

6. Finally, to the extent the Court requires a more developed record before ruling on the pending motion, Plaintiffs request, pursuant to LR 23.1(b) that the Court hold the instant motion in abeyance pending the completion of an appropriate amount of discovery.

7. The grounds for this motion are more fully set forth in Plaintiffs' Memorandum in Support of Motion for Class Certification.

Dated: March 25, 2020

J.C. WHITE LAW GROUP

/s/ James C. White

James C. White, N.C. Bar # 31859
100 Europa Drive, Suite 401
Chapel Hill, NC 27517
jwhite@jcwhitelaw.com
(919) 246-4676
(919) 246-9113 fax

BLUE LLP

Dhamian A. Blue, N.C. Bar # 31405
205 Fayetteville Street, Suite 300
Raleigh, NC 27601
dab@bluellp.com
T: (919) 833-1931
F: (919) 833-809

*Attorneys for Plaintiffs Maricol Yunaira
Tineo De Leon and Jairo Vensrique Leon
Da Costa*

CERTIFICATE OF SERVICE

I hereby certify that on March 25, 2020, I served the foregoing *Plaintiffs Motion for Class Certification* on all counsel of record via the CM/ECF system.

/s/ James C. White
James C. White

LEGAL NOTICE**If your home was sold at a foreclosure auction at which a member of the Estates or a related company was the winning bidder, a class action lawsuit may affect your rights.**

You may be affected by a class action lawsuit that alleges that the following companies and individuals entered into an agreement to restrict the bidding at public foreclosure auctions: The Estates LLC, The Estates (UT), LLC, The Estates Real Estate Group, LLC, Timbra of North Carolina, LLC, Versa Properties, LLC, Red Tree Holdings, LLC, Maldives, LLC, Tonya Newell, and Carolyn Souther. This entire group of businesses and people are called the "Defendants."

The lawsuit is called *Williams et al. v. The Estates LLC et al.*, No. 1:19-CV-1076. It was filed in the United States District Court for the Middle District of North Carolina. The Court has decided that this lawsuit should be a class action lawsuit on behalf of a "Class," or group of people, that could include you. This notice summarizes your rights and options before any trial might occur. If you are a member of the Class, you have to decide whether to stay in the Class and be bound by whatever results, or ask to be excluded and keep your right to sue any of the Defendants. **There is no money available now and no guarantee that there will be.**

ARE YOU AFFECTED?

The judge who is in charge of this case has defined the class as: All persons and entities whose properties were sold through foreclosure proceedings at which a Member of the Estates was the high bidder and at which the Estates placed the bid deposit on their behalf.

WHAT IS THIS CASE ABOUT?

The lawsuit alleges that the Defendants were involved in a conspiracy to coordinate who among them would bid at public foreclosure sales. The individuals who filed the lawsuit contend that this coordination was illegal and reduced the amount of competition, thereby resulting in lower sales prices.

The Defendants deny that they did anything wrong. **The Court has not decided whether the Class or the Defendants are right.** The lawyers who have been appointed to represent the Class will have to prove their claims in court.

WHO REPRESENTS YOU?

The Court has approved JC White Law Group of 100 Europa Drive, Suite 401, Chapel Hill, NC 27517, and Blue LLP of 205 Fayetteville Street, Raleigh, NC 27601, to represent members of the Class as "co-Class Counsel."

You do not have to pay co-Class Counsel to participate in this case. Instead, if they get money or benefits for the Class, they may ask the Court for attorneys' fees and costs, which would be paid by the Defendants or out of any money recovered, before the rest is paid to the Class. You may hire your own lawyer to appear in Court for you; if you do, you will have to make your own arrangements for paying that lawyer. Brian C. Williams, Maricol Yuniara Tineo de Leon, and Jairo Vensrique Leon da Costa are Class members like you, and the Court has approved them to represent your interests as the "Class Representatives."

WHAT ARE YOUR OPTIONS?

You have a choice of whether to stay in the Class or not, **and you must decide this now.** If you stay in the Class, you will be legally bound by all orders and judgments of the Court, and you won't be able to sue, or continue to sue, the Defendants—as party of any other lawsuit—for allegedly conspiring to rig bids at the public foreclosure sale of your home. If money or benefits are obtained, you will be notified about how to get a share. To stay in the Class, you do not have to do anything now.

If you ask to be excluded from the Class, you cannot get any money or benefits from this lawsuit if any are awarded, but you will keep any rights to sue the Defendants for these claims, now or in the future, and will not be bound by any orders or judgments of the Court. To ask to be excluded, send a letter to the address below, postmarked by **[DEADLINE]**, that says you want to be excluded from *Williams et al. v. The Estates LLC et al.* Include your name, address, and telephone number.

HOW CAN YOU GET MORE INFORMATION?

For more information, you may call or write to:

James C. White, Attorney
JC White Law Group
100 Europa Drive, Suite 401
Chapel Hill, NC 27517
(919) 246-4676

Dhamian A. Blue, Attorney
Blue LLP
205 Fayetteville Street
Raleigh, NC 27601
(919) 833-1931

Judge Eagles of the United States District Court for the Eastern District of North Carolina approved this Notice, but takes no position on the merits of the case.

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

If your property was sold at a foreclosure proceeding at which a Member of the Estates or a related company was the winning bidder, a class action lawsuit may affect your rights.

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

- Homeowners whose homes were sold at public foreclosure proceedings have sued the following companies and individuals for allegedly engaging in illegal bid rigging: The Estates LLC; The Estates (UT), LLC; The Estates Real Estate Group, LLC; Timbra of North Carolina, LLC; Versa Properties, LLC; Red Tree Holdings, LLC; Maldives, LLC; Tonya Newell; and Carolyn Souther. This entire group of businesses and people are called the “Defendants” throughout this notice.
- The Court has allowed the lawsuit to proceed as a class action on behalf of all persons and entities whose properties were sold through foreclosure proceedings at which a Member of the Estates was the high bidder and at which the Estates placed the bid deposit on their behalf.
- The Court has not decided whether any of the Defendants did anything wrong. There is no money available now, and no guarantee that there will be. However, your legal rights are affected whether you act, or don’t act. Read this notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:	
DO NOTHING	<p>Stay in this lawsuit. Await the outcome. Give up certain rights.</p> <p>By doing nothing, you keep the possibility of getting money or benefits that may come from a trial or settlement. But, you give up any rights to sue any of the Defendants separately about the same legal claims in this lawsuit.</p>
ASK TO BE EXCLUDED	<p>Get out of this lawsuit. Get no benefits from it. Keep your rights.</p> <p>If you ask to be excluded and money or benefits are later awarded, you won’t share in those. But, you keep any rights to sue any of the Defendants separately about the same legal claims in this lawsuit.</p>

- Your options are explained in this notice. To ask to be excluded, you must act before [DEADLINE]
- Lawyers must prove the claims against the Defendants in Court. A trial date has not yet been set. If money or benefits are obtained from any of the Defendants, you will be notified about how to ask for a share.

WHAT THIS NOTICE CONTAINS

BASIC INFORMATION	PAGE 3
1. Why did I get this notice?	
2. What is this lawsuit about?	
3. What is a class action and who is involved?	
4. Why is this lawsuit a class action?	
THE CLAIMS IN THE LAWSUIT	PAGE 4
5. What does the lawsuit complaint about?	
6. How have the Defendants answered?	
7. Has the Court decided who is right??	
8. What are the Plaintiffs asking for?	
9. Is there any money available now?	
WHO IS IN THE CLASS?	PAGE 4
10. Am I part of this Class?	
11. I'm still not sure if I am included.	
YOUR RIGHTS AND OPTIONS?	PAGE 5
12. What happens if I do nothing at all?	
13. Why would I ask to be excluded?	
14. How do I ask the Court to exclude me from the Class?	
THE LAWYERS REPRESENTING YOU	PAGE 6
15. Do I have a lawyer in the case?	
16. Should I get my own lawyer?	
17. How will the lawyers be paid?	
THE TRIAL	PAGE 7
18. How and when will the Court decide who is right?	
19. Do I have to come to the trial?	
20. Will I get money after the trial?	
GETTING MORE INFORMATION	PAGE 9
21. Are there more details available?	

BASIC INFORMATION

1. Why did I get this notice?

You received this notice because the parties' records show that your home or other property was sold at a foreclosure auction at which a member of the Estates was the high bidder. This notice explains 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 before the Court holds a trial. If there is a trial, it will be to decide whether the claims being made against the Defendants, on your behalf, are correct. Judge Catherine Eagles of the United States District Court for the Middle District of North Carolina is overseeing this class action. The lawsuit is called *Williams et al., v. The Estates LLC et al.*, No. 1:19-CV-1076.

2. What is this lawsuit about?

The lawsuit alleges that the Defendants were involved in a conspiracy to coordinate who among them would bid at public foreclosure sales. The individuals who filed the lawsuit contend that this coordination was illegal and reduced the amount of competition at the sales, thereby resulting in lower sales prices and injuring the Plaintiffs.

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

In a class action lawsuit, one or more people called "Class Representatives" (in this case Brian C. Williams, Maricol Yuniara Tineo de Leon, and Jairo Vensrique Leon da Costa) sue on behalf of other people who have similar claims. The people together are a "Class" or "Class Members." The individuals who sued—and all the Class Members like them—are called the Plaintiffs. The companies and individuals that they sued are called the Defendants. Once court resolves the issues for everyone in the Class—except for those people who choose to exclude themselves from the Class.

4. Why is this lawsuit a class action?

The Court decided that this lawsuit can be a class action and move towards a trial because it meets the requirements of Federal Rule of Civil Procedure 23, which governs class actions in federal courts. Specifically, the Court found that:

- There are more than 40 people who are members of the Class;
- 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 Class' interests;
- The common legal questions and facts are more important than questions that affect only individuals; and
- This class action will be more efficient than having many individual lawsuits.

More information about why the Court is allowing this lawsuit to proceed as a class action is in the Court's Order Certifying the Class, which is available at [The Estates Class Action Website].

THE CLAIMS IN THE LAWSUIT

5. How do I know if I am part of the settlement?

In the lawsuit, the Plaintiffs say that the Defendants were involved in a conspiracy to coordinate who among them would bid at public foreclosure sales. The individuals who filed the lawsuit contend that this coordination was illegal and reduced the amount of competition, thereby resulting in lower sales prices. You can read the Plaintiffs' Class Action Complaint at [The Estates Class Action Website].

6. How do the Defendants Answer?

The Defendants deny that they did anything wrong. Their answers to the Complaint are available at [The Estates Class Action Website].

7. Has the Court decided who is right?

The Court has not yet decided whether the Plaintiffs or the Defendants are correct. By certifying the Class and issuing this Notice, the Court is not suggesting that the Plaintiffs will win or lose this case. The Plaintiffs must prove their claims at a trial. A trial date has not yet been set.

8. What are the Plaintiffs asking for?

The Plaintiffs are asking for an order that prohibits the Defendants from engaging in illegal bid rigging. They also want an award of damages and disgorgement (in other words, removal) of the profits that the Defendants made from the bid rigging.

9. Is there any money available now?

No money or benefits are available now because the Court has not yet decided whether any of the Defendants did anything wrong, and the parties have not agreed to settle the case. There is no guarantee that money or benefits ever will be obtained. If they are, you will be notified about how to ask for a share.

WHO IS IN THE CLASS

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

10. Am I part of this Class?

The Court has decided that all persons and entities whose properties were sold through foreclosure proceedings at which a Member of the Estates was the high bidder and at which the Estates placed the bid deposit on their behalf are members of the Class.

11. I'm still not sure if I am included.

If you are still not sure whether you are included, you can get free help at [The Estates Class Action Website], or by calling or writing to the lawyers in the case at the phone number or address listed in question 21.

YOUR RIGHTS AND OPTIONS

You have to decide whether to stay in the Class or ask to be excluded before the trial, and you have to decide this now.

12. What happens if I do nothing at all?

You don't have to do anything now if you want to keep the possibility of getting money or benefits from this lawsuit. By doing nothing you are staying in the Class. If you stay in and the Plaintiffs obtain money or benefits, either as a result of the trial or a settlement, you will be notified about how to apply for a share (or how to ask to be excluded from any settlement). Keep in mind that if you do nothing now, regardless of whether the Plaintiffs win or lose the trial, you will not be able to sue, or continue to sue, any of the Defendants—as part of any other lawsuit—about the same legal claims that are the subject of this lawsuit. 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 antitrust lawsuit against the Defendants and want to continue with it, 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” of the Class—you won't get any money or benefits from this lawsuit even if the Plaintiffs obtain them as a result of the trial or from any settlement (that may or may not be reached) between any of the Defendants and the Plaintiffs. However, you may then be able to sue or continue to sue the Defendants for antitrust violations that occurred or occurs at any time. 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 the Defendants after you exclude yourself, you'll have to hire and pay your own lawyer for that lawsuit, and you'll have to prove your claims. If you do exclude yourself so you can start or continue your own lawsuit against the Defendants, you should talk to your own lawyer soon, because your claims may be subject to a statute of limitations.

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

To ask to be excluded, send an "Exclusion Request" in the form of a letter sent by mail, that says you want to be excluded from *Williams et al. v. The Estates LLC et al.* Include your name, address, and telephone number, and be sure to sign the letter. Send your letter to either of the law firms identified in question number 21.

THE LAWYERS REPRESENTING YOU

15. Do I have a lawyer in this case?

The Court has decided that the law firms of JC White Law Group of 100 Europa Drive, Suite 401, Chapel Hill, NC 27517, and Blue LLP of 205 Fayetteville Street, Raleigh, NC 27601, are qualified to represent you and all Class Members. Together the law firms are called "Class Counsel." They are experienced in handling this type of case. More information about these law firms, their practices, and their lawyers' experience is available at jcwhitelaw.com and bluellp.com.

16. Should I get my own lawyer?

You do not need to hire your own lawyer because Class Counsel is working on your behalf. But, if you want your own lawyer, you will have to pay that lawyer. For example, you can ask him or her to appear in Court for you if you want someone other than Class Counsel to speak for you.

17. How will the lawyers be paid?

Class counsel will ask the Court to approve payment of attorneys' fees and their out-of-pocket expenses. The fees would pay Class Counsel for investigating the facts, litigating the case, and negotiating the settlement. The Court may award less than these amounts.

THE TRIAL

There may be a trial to decide who is right in this case.

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

As long as the case isn't resolved by a settlement or otherwise, Class Counsel will have to prove the Plaintiffs' claims at a trial. A trial has not yet been scheduled. If there is a trial, a jury or the Judge

will hear all of the evidence to help them reach a decision about whether the Plaintiffs or Defendants are right about the claims in the lawsuit. There is no guarantee that the Plaintiffs will win, or that they will get any money for the Class.

19. Do I have to come to the trial?

You do not need to attend the trial. Class Counsel will present the case for the Plaintiffs. You or your own lawyer are welcome to come at your own expense.

20. Will I get money after the trial?

If the Plaintiffs obtain money or benefits as a result of the trial or a settlement, you will be notified about how to participate. We do not know how long this will take.

GETTING MORE INFORMATION

21. Are more details available?

Visit the website [The Estates Class Action Website], where you will find the Court's Order Certifying the Class, the Complaint that the Plaintiffs submitted, the Defendants' answers to the Complaint and any other important filings in the case. You may also speak to one of the lawyers by contacting them at:

James C. White, Attorney

JC White Law Group
100 Europa Drive, Suite 401
Chapel Hill, NC 27517
(919) 246-4676

Dhamian A. Blue, Attorney

Blue LLP
205 Fayetteville Street
Raleigh, NC 27601
(919) 833-1931

Date: _____