

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

RHONDA BURNETT, et al., on behalf of  
themselves and all others similarly situated,

Plaintiffs,

v.

THE NATIONAL ASSOCIATION OF REALTORS,  
et al.,

Defendants.

Case No. 19-CV-00332-SRB

DON GIBSON, et al., on behalf of themselves and all  
others similarly situated,

Plaintiffs,

v.

NATIONAL ASSOCIATION OF REALTORS, et al.,

Defendants.

Case No. 4:23-cv-00788-SRB

[Consolidated with 4:23-cv-00945-  
SRB]

JEREMY KEEL, et al., individually and on behalf of all  
others similarly situated,

Plaintiffs,

v.

HOUSE OF SEVEN GABLES REAL ESTATE, INC.,  
et al.,

Defendants.

Case No. 4:25-cv-00055-SRB

JEREMY KEEL, et al., on behalf of themselves and all  
others similarly situated,

Plaintiffs,

v.

CHARLES RUTENBERG REALTY, INC., et al.,

Defendants.

Case No. 4:25-cv-00759-SRB

## **DECLARATION**

I, Vito Tartamella, hereby declare as follows:

1. I am a Senior Risk Officer and First Vice President of Morgan Stanley Smith Barney LLC (“Morgan Stanley”). I am over nineteen years of age, and I am competent to testify about all facts set forth in this Declaration.

2. In or around July 2025, class counsel in the above captioned cases sought information on Morgan Stanley’s ability to act as the custodian for the settlement funds for the above-captioned litigation (“the litigation”).

3. In September 2025, class counsel informed the court that the authorized parties wished to transfer the settlement funds from Huntington Bank to Morgan Stanley.

4. The authorized parties completed the necessary paperwork and transfers were completed on October 23, 2025.

5. Per the Morgan Stanley Client Statement, the Ending Total Value as of December 31, 2025, is \$548,530,105.33.

6. As of January 2, 2026, the accounts are earning annualized interest at a rate of 3.651%.

7. Per the year-end Morgan Stanley statement, as of December 31, 2025, \$563,829.70 has been transferred out of the accounts. Any future transfers will be made pursuant to instructions from the authorized parties. Additionally, \$3,830,119.37 was paid in year-to-date interest.

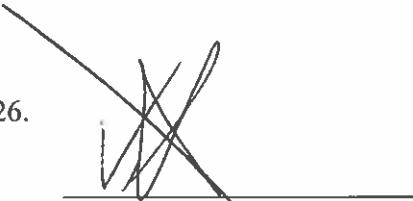
8. Morgan Stanley does not charge an investment management fee for services related to the settlement funds. The settlement funds will be invested in institutional open-end money market mutual funds. Morgan Stanley receives compensation from the mutual fund company for assets invested in money market mutual funds, including when client cash is swept into such funds, and a portion of this compensation may be shared with the financial advisor team.

9. Based on a review of internal records and communications with class counsel and JND Legal Administration (“JND”), and to the best of my knowledge as of today’s date, Morgan Stanley has not received or paid any cash rebates, fee credits, or monetary awards from or to class counsel or JND in connection with the administration of the settlement fund.

10. Morgan Stanley Private Wealth/Mihir J. Patel and his operations team shall prepare and deliver to Williams Dirks Dameron LLC a copy of the Morgan Stanley Statements (“the Statements”), who will then present the Statements to the Chambers of the Honorable Steven R. Bough. Morgan Stanley Statements are sent monthly if there is any activity in the account during the month, or if there is no activity, statements are sent quarterly.

I verify under penalty of perjury that the foregoing is true and correct.

Executed on this 2<sup>nd</sup> Day of January 2026.



Vito Tartamella  
Senior Risk Officer  
First Vice President