

EXHIBIT 5

AO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the
United States District Court
NORTHERN DISTRICT OF ILLINOIS
SUBPOENA IN A CIVIL CASE

UNITED STATES OF AMERICA

v.

CASE NUMBER: 05 C 5140

NATIONAL ASSOCIATION OF REALTORS®

TO: Prudential Real Estate and Relocation Services, Inc.
c/o CT CORPORATION SYSTEM
208 South LaSalle Street
Suite 814
Chicago, IL 60604

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
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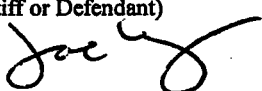
YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **SEE ATTACHED RIDER**

PLACE Sidley Austin LLP, One South Dearborn St., Chicago, IL, 60603, 37 th Floor	DATE AND TIME January 8, 2007 5:00 p.m.
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YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
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Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant) Attorneys for Defendant National Association of Realtors® 	Date December 7, 2006
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Issuing Officers Name, Address, and Phone Number Scott D. Stein and Joseph W. Yockey, Sidley Austin LLP, One South Dearborn Street, Chicago, Illinois, 60603, (312) 853-7520

26. All communications between eRealty or Prudential and any public officials (or their staffers or representatives) concerning the IDX, VOW, or ILD policies, or any other Rules relating to the display of residential listings data on or through the Internet.
27. All communications (regardless of date) with any real estate brokerage company, any competitor of eRealty or Prudential, or any company that operates or has operated a VOW or utilizes VOW technology concerning any of the following:
 - a. The Capper Declaration;
 - b. The lawsuit captioned *United States v. National Association of Realtors*[®], Civil Action No. 05 C 5 140 (N.D. Ill.);
 - c. The DOJ investigation that preceded the aforementioned lawsuit;
 - d. Any allegedly discriminatory or anti-competitive practices directed at eRealty or Prudential (*e.g.*, discriminatory commission splits); or
 - e. The IDX, VOW, or ILD policies, or any other Rules relating to the display of residential listings data on or through the Internet.
28. All notes, memoranda, or other documents reflecting or summarizing communications concerning any of the matters responsive to request 26.
29. Documents sufficient to show any financial, "in kind", or other benefit, contribution, or reimbursement to eRealty or Prudential by any entity in connection with any of the matters responsive to request 23 or request 26.

Business And Strategic Plans

30. One set of the materials provided to members of eRealty or Prudential's Board of Directors in connection with each meeting of the Board.
31. Audio recordings, video recordings, and transcripts of each presentation made by a member of eRealty or Prudential Senior Management in connection with any periodic investor conference calls or any real estate, investment, or technology conference.
32. All strategic plans, business plans, and forecasts prepared by, reviewed by, or disseminated to, eRealty or Prudential's Senior Management.
33. All communications between eRealty or Prudential and any investment bank or any actual or potential investor concerning eRealty or Prudential's financial stability or competitive prospects. This request includes all Quarterly Investor Reports and any initial public offering registration statements (whether or not they were filed or relate to an IPO that was not completed), and all "roadshow" presentations made by, to, or on behalf of eRealty or Prudential or any potential investors or investment banks.

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Issued by the
United States District Court
 NORTHERN DISTRICT OF ILLINOIS
 SUBPOENA IN A CIVIL CASE

UNITED STATES OF AMERICA

v.

CASE NUMBER: 05 C 5140

NATIONAL ASSOCIATION OF REALTORS®

TO: Home Buyers Marketing II, Inc.
 c/o CT CORPORATION SYSTEM
 208 South LaSalle Street, Suite 814
 Chicago, IL 60604

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
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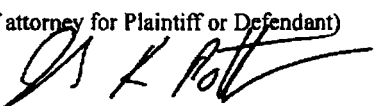
YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **SEE ATTACHED RIDER**

PLACE Sidley Austin LLP, One South Dearborn St., Chicago, IL, 60603, 37 th Floor	DATE AND TIME December 4, 2006 5:00 p.m.
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YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
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Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant) Julie K. Potter, Attorney for defendant NAR 	Date December 6, 2006
Issuing Officers Name, Address, and Phone Number Julie K. Potter, Sidley Austin LLP, One South Dearborn Street, Chicago, Illinois, 60603 (312) 853-7221	

30. All documents concerning any actual or contemplated work-around to accommodate the prospect that brokers may opt-out of permitting their listings to be displayed on HBM II's website under the IDX, VOW or ILD Policies.
31. All documents concerning the effect of the "No Advertising" provisions described in Paragraphs 44-49 of the Polston Declaration, including any complaints or dissatisfaction relating thereto.
32. All documents discussing the Membership Rule.
33. All documents concerning the relationship between a broker's interest in becoming an HBM II cooperating agent and the quantity or quality of listings on HBM II's website, as discussed in Paragraph 34 of the Polston Declaration.

Business And Strategic Plans

34. One set of the materials provided to members of HBM II's Board of Directors in connection with each meeting of the Board.
35. All strategic plans, business plans, and forecasts prepared by, reviewed by, or disseminated to, HBM II's Senior Management.
36. HBM II's monthly P&L and Operating Income Statements, by market, and all other routine reports distributed to HBM II's Senior Management or investors concerning HBM II's operational or financial performance.
37. All documents (regardless of timeframe) concerning HBM II's evaluation of whether to enter or withdraw from any geographic market. Examples of responsive documents include:
 - a. Documents discussing the demographics or other characteristics of geographic markets that HBM II considers in evaluating whether to enter a geographic market;
 - b. Documents discussing the requirements or costs of entry into a market, including the minimum viable scale, number of unique visitors, or page views;
 - c. Documents discussing the anticipated costs of entry into a geographic market;
 - d. Documents discussing reasons why HBM II did or did not enter a geographic market.
38. All documents discussing or reflecting HBM II's actual or estimated cost of entry into any geographic market.

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United States District Court
NORTHERN DISTRICT OF ILLINOIS
SUBPOENA IN A CIVIL CASE

UNITED STATES OF AMERICA

v.

CASE NUMBER: 05 C 5140

NATIONAL ASSOCIATION OF REALTORS®

TO: ZipRealty, Inc.
 1300 Higgins Road
 Suite 214
 Park Ridge, IL 60068

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
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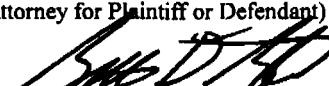
X YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **SEE ATTACHED RIDER**

PLACE Sidley Austin LLP, One South Dearborn St., Chicago, IL, 60603, 37 th Floor	DATE AND TIME October 12, 2006 5:00 p.m.
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YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
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Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant) Scott D. Stein, Attorney for defendant NAR. 	Date September 7, 2006
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Issuing Officers Name, Address, and Phone Number Scott D. Stein, Sidley Austin LLP, One South Dearborn Street, Chicago, Illinois, 60603, (312) 853-7520
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10. All communications with Internet service providers concerning the issue of Zip e-mails being flagged as spam. This request includes all documents and communications referenced in paragraph 17 of the Beasley Declaration.

Communications With DOJ And Other Government Representatives.

11. All drafts of the Beasley Declaration, and all communications relating to the Beasley Declaration.
12. All communications (regardless of date) with DOJ, the Federal Trade Commission, any state Attorney General, any legislator or legislative committee, or any state or local regulatory body, concerning any of the following:
 - a. The Beasley Declaration;
 - b. The lawsuit captioned *United States v. National Association of Realtors*[®], Civil Action No. 05 C 5 140 (N.D. Ill.);
 - c. The DOJ investigation that preceded the aforementioned lawsuit;
 - d. Any allegedly discriminatory or anti-competitive practices directed at Zip (e.g., discriminatory commission splits); or
 - e. The IDX, VOW, or ILD policies, or any other Rules relating to the display of residential listings data on or through the Internet.
13. All notes, memoranda, or other documents reflecting or summarizing communications concerning any of the matters responsive to request 12.
14. All communications between Zip and any public officials (or their staffers or representatives) concerning the IDX, VOW, or ILD policies, or any other Rules relating to the display of residential listings data on or through the Internet.

Business And Strategic Plans

15. One set of the materials provided to members of Zip's Board of Directors in connection with each meeting of the Board.
16. Audio recordings, video recordings, and transcripts of each presentation made by a member of Zip Senior Management in connection with any periodic investor conference calls or any real estate, investment, or technology conference.
17. All strategic plans, business plans, and forecasts prepared by, reviewed by, or disseminated to, Zip's Senior Management.
18. All communications between Zip and any investment bank or any actual or potential investor concerning Zip's financial stability or competitive prospects. This request includes all Quarterly Investor Reports and any initial public offering registration