

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**CONSOLIDATED MULTIPLE
LISTING SERVICE, INC.,**

Defendant.

Case No. 3:08-CV-01786-SB

**CERTIFICATE OF COMPLIANCE WITH PROVISIONS
OF THE ANTITRUST PROCEDURES AND PENALTIES ACT**

Plaintiff United States of America, by the undersigned attorneys, hereby certifies that, in compliance with the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h) (“APPA” or “Tunney Act”), the following procedures have been followed in preparation for the entry of the Final Judgment herein:

1. The United States and defendant Consolidated Multiple Listing Service, Inc. (“CMLS”) stipulated to the entry of the proposed Final Judgment on April 28, 2009, and that Stipulation, along with the proposed Final Judgment, was filed with the Court on May 4, 2009 (Docket # 60).

2. Pursuant to 15 U.S.C. § 16(b), the United States filed a Competitive Impact Statement with the Court on May 8, 2009 (Docket # 63).

3. Pursuant to 15 U.S.C. § 16(b), the Stipulation, proposed Final Judgment, and Competitive Impact Statement were published in the *Federal Register* on May 15, 2009. See 74 Fed. Reg. 22965 (2009).

4. Pursuant to 15 U.S.C. § 16(c), a summary of the terms of the proposed Final Judgment was published in the *Washington Post*, a newspaper of general circulation in the District of Columbia, for seven days from June 7, 2009, to June 13, 2009, and in *The State*, a newspaper of general circulation in Columbia, South Carolina, for seven days from May 23, 2009, to May 29, 2009. A copy of the certificate of publication from the *Washington Post* is attached hereto as Exhibit 1 and a copy of the certificate of publication from *The State* is attached hereto as Exhibit 2.

5. Pursuant to 15 U.S.C. § 16(b), copies of the Stipulation, proposed Final Judgment, and Competitive Impact Statement were furnished to all persons requesting them and made available on the Antitrust Division's Internet site.

6. Pursuant to 15 U.S.C. § 16(g), on May 14, 2009, CMLS filed with the Court its disclosure statement concerning written or oral communications by or on behalf of the defendant, or any other person, with any officer or employee of the United States concerning the proposed Final Judgment (Docket # 64).

7. The sixty-day comment period for this matter prescribed by 15 U.S.C. § 16(b) and (d) for the receipt and consideration of written comments, during which the proposed Final Judgment could not be entered, ended on August 13, 2009.

8. The United States received no comments from the public on the proposed Final Judgment.

9. The parties in this action have now satisfied all the requirements of the APPA, 15 U.S.C. § 16(b)-(h), as a condition for entering the proposed Final Judgment, and it is now appropriate for the Court to make the necessary public-interest determination required by 15 U.S.C. § 16(e) and to enter the proposed Final Judgment.

Respectfully submitted,

FOR PLAINTIFF
THE UNITED STATES OF AMERICA

s/Jennifer J. Aldrich
WILLIAM WALTER WILKINS, III
United States Attorney
District of South Carolina

By:
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DAVID C. KULLY
ETHAN C. GLASS

United States Department of Justice
Antitrust Division, Litigation III Section
450 5th Street, N.W., Suite 4000
Washington, DC 20530
Telephone: (202) 305-9969

Dated: August 17, 2009

CERTIFICATE OF SERVICE

I, Jennifer J. Aldrich, certify that on this 17th day of August, 2009, I caused a copy of the CERTIFICATE OF COMPLIANCE WITH PROVISIONS OF THE ANTITRUST PROCEDURES AND PENALTIES ACT to be served on the person listed below by ECF.

Edward M. Woodward, Jr.
Woodward, Cothran & Herndon
P.O. Box 12399
Columbia, SC 29211
e-mail: emwoodward@wchlawn.com

Counsel for Defendant Consolidated Multiple Listing Service, Inc.

s/Jennifer J. Aldrich

Jennifer J. Aldrich

Ad # 10831009 Name US DEPT OF JUSTICE/ANTI TRUS ATTN: CARO
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Account 1010122583

PROOF OF PUBLICATION

District of Columbia, ss., Personally appeared before me, a Notary Public in and for the said District, Kate M Davey well known to me to be Billing Manager of The Washington Post, a daily newspaper published in the City of Washington, District of Columbia, and making oath in due form of law that an advertisement containing the language annexed hereto was published in said newspaper on the dates mentioned in the certificate herein.

I Hereby Certify that the attached advertisement was published in The Washington Post, a daily newspaper, upon the following date(s) at a cost of \$4,548.12 and was circulated in the Washington metropolitan area.

Published 7 time(s). Date(s): 07, 08, 09, 10, 11, 12 and 13 of June 2009

Account 1010122583

Witness my hand and official seal this 15 day of June 20 09

My commission expires

Tuesday T. Bell
Notary Public, District of Columbia
My Commission Expires 7-31-2009

Department of Justice Antitrust Division Take notice that a proposed Final Judgment has been filed

in a civil antitrust case, United States of America v. Consolidated Multiple Listing Service, Inc.,

No. 3:08-C-1786-SB. On May 2, 2008, the United States filed a Complaint alleging that Consolidated

Multiple Listing Service, Inc. ("CMLS") violated Section 1 of the Sherman Act, 15 U.S.C. § 1, by denying consumers choice of innovative fee-for-service business models available to consumers in other parts of South Carolina and by adopting burdensome prerequisites to membership that prevented

some real estate brokers, who would likely compete aggressively on price, from becoming members of

CMLS. The proposed Final Judgment, filed on May 4, 2009, requires CMLS to repeal its offending rules and prohibits CMLS from adopting any new rules that exclude or otherwise disadvantage brokers

who compete in innovative ways. A Competitive Impact Statement filed by the United States on May 8,

2009, describes the Complaint, filed on May 2, 2008, the proposed Final Judgment, the industry, and

the remedies available to private litigants who may have been injured by the alleged violation. Copies of the Complaint, proposed Final Judgment and Competitive Impact Statement are available for

inspection at the Department of Justice, Antitrust Division, Antitrust Documents Group, 450 5th Street, N.W., Room 1010, Washington, DC 20530 (telephone: 202-514-2481), on the Department of Justice's Web site at <http://www.usdoj.gov/atr>, and at the Office of the Clerk of the United States

District Court for the District of South Carolina. Interested persons may address comments to John

R. Read, Chief, Litigation III Section, Antitrust Division, U.S. Department of Justice, 450 5th Street, N.W., Suite 4000, Washington, DC 20530, (202) 307-0468, within 60 days of the date of this

notice.

Take notice that a proposed Final Judgment has been filed in a civil antitrust case, United States of America v. Consolidated Multiple Listing Service, Inc., No. 3:08-C-1786-SB. On May 2, 2008, the United States filed a Complaint alleging that Consolidated Multiple Listing Service, Inc. ("CMLS") violated Section 1 of the Sherman Act, 15 U.S.C. § 1, by denying consumers choice of innovative fee-for-service business models available to consumers in other parts of South Carolina and by adopting burdensome prerequisites to membership that prevented some real estate brokers, who would likely compete aggressively on price, from becoming members of CMLS. The proposed Final Judgment, filed on May 4, 2009, requires CMLS to repeal its offending rules and prohibits CMLS from adopting any new rules that exclude or otherwise disadvantage brokers who compete in innovative ways. A Competitive Impact Statement filed by the United States on May 8, 2009, describes the Complaint, filed on May 2, 2008, the proposed Final Judgment, the industry, and the remedies available to private litigants who may have been injured by the alleged violation. Copies of the Complaint, proposed Final Judgment and Competitive Impact Statement are available for inspection at the Department of Justice, Antitrust Division, Antitrust Documents Group, 450 5th Street, N.W., Room 1010, Washington, DC 20530 (telephone: 202-514-2481), on the Department of Justice's Web site at <http://www.usdoj.gov/atr>, and at the Office of the Clerk of the United States District Court for the District of South Carolina.

Interested persons may address comments to John R. Read, Chief, Litigation III Section, Antitrust Division, U.S. Department of Justice, 450 5th Street, N.W., Suite 4000, Washington, DC 20530, (202) 307-0468, within 60 days of the date of this notice.

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THE STATE-RECORD CO., INC.

Columbia, South Carolina

publisher of



STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Personally appeared before me, Brian Nalepa, Advertising Operations Manager of THE STATE, and makes oath that the advertisement,

Notice of proposed Final Judgement in civil antitrust case: USA v. Consolidated Multiple Listing Service, Inc., No. 3:08-C-1786-SB

was inserted in THE STATE, a daily newspaper of general circulation published in the City of Columbia, State and County aforesaid, in the issue(s) of

May 23, 24, 25, 26, 27, 28, 29, 2009



Subscribed and sworn to before me

on this day June 8, 2009



Notary Public

My commission expires
September 25, 2016

"Errors- the liability of the publisher on account of errors in or omissions from any advertisement will in no way exceed the amount of the charge for the space occupied by the item in error, and then only for the first incorrect insertion."