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

UNITED STATES OF AMERICA Plaintiff, v. **NATIONAL ASSOCIATION OF REALTORS** Defendant.	Civil Action No. 05 C 5140 Judge Kennelly

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 National Association of Realtors ("NAR") stipulated to the entry of the proposed Final Judgment (as well as any agreed amended proposed Final Judgment) on May 7, 2008, and that Stipulation, along with the proposed Final Judgment, was filed with the Court on May 27, 2008.

2. Plaintiff filed a Competitive Impact Statement with the Court on June 12, 2008.

3. The Stipulation, proposed Final Judgment, and Competitive Impact Statement were published in the *Federal Register* on August 14, 2008, *see* 73 Fed. Reg. 47613 (2008).

4. 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 27, 2008, to July 3, 2008, and in the *Chicago Tribune*, a newspaper of general circulation in Chicago, Illinois, for seven days from July 7, 2008, to July 13, 2008.

5. 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. On June 10, 2008, NAR 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, as required by 15 U.S.C. § 16(g).

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 October 13, 2008.

8. The United States received nine comments on the proposed Final Judgment from (i) Zip Realty, Inc., (ii) Prudential Real Estate Services Company, LLC and Prudential Real Estate Affiliates, Inc., (iii) Home Buyers Marketing II, Inc., (iv) National Association of Exclusive Buyer Agents, (v) Buyer's Broker of Northern Michigan, LLC, (vi) MLS4owners.com, (vii) Realty Specialist Inc., (viii) anonymous brokers in Montgomery County, Pennsylvania, and (ix) an anonymous broker in San Jose, California.

9. The United States responded to these comments, filing its Response to Public Comments and the public comments with this Court on October 23, 2008, and publishing the Response and the public comments in the *Federal Register* on November 4, 2008, *see* 73 Fed. Reg. 65616 (2008). Based on the comments it received, the United States recognized the need

for two minor modifications to the proposed Final Judgment, which the United States identified in its Response to Public Comments and to which NAR agreed.

10. On October 21, 2008, the United States and NAR agreed to an additional minor modification to the proposed Final Judgment, necessary to effectuate the parties intentions and to avoid imposing an unanticipated and unnecessary obligation upon NAR. Because the amended proposed Final Judgment, containing this modification, is a logical outgrowth of the proposed Final Judgment, no additional public comment period is warranted.

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

Respectfully submitted,

s/David C. Kully
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Dated: November 7, 2008

CERTIFICATE OF SERVICE

I, David C. Kully, hereby certify that on this 7th day of November, 2008, I caused a copy of the foregoing Certificate of Compliance with Provisions of the Antitrust Procedures and Penalties Act to be served by ECF on counsel for the defendant identified below.

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s/David C. Kully
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