

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

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

Defendant.

Civil Action No. 3:08-cv-01786-SB

**DECLARATION OF NATHAN P. SUTTON IN SUPPORT OF
THE UNITED STATES' MOTIONS *IN LIMINE* AND MEMORANDUM IN SUPPORT**

Nathan P. Sutton hereby declares:

1. I am a Trial Attorney for the United States Department of Justice, Antitrust Division, Litigation III Section and I represent the United States in the above-captioned matter. I am over 18 years of age and I have personal knowledge of the facts set forth in this declaration.
2. Attached hereto as Exhibit A is a true and correct copy of the cover page, pages 106-07, and the court reporter's certification of the Rule 30(b)(6) Deposition of CMLS (Robert Baucom), dated February 12, 2009.
3. Attached hereto as Exhibit B is a true and correct copy of the cover page, page 19, and the court reporter's certification of the Rule 30(b)(6) Deposition of CMLS (James Derrick), dated August 22, 2008.

4. Attached hereto as Exhibit C is a true and correct copy of the cover page, pages 34-35, and the court reporter's certification of the Rule 30(b)(6) Deposition of CMLS (Ron Roe) dated, August 22, 2008.

5. Attached hereto as Exhibit D is a true and correct copy of of the article from the May 5, 2008 edition of *The State* with the headline "Real estate group facing scrutiny; Government suing listing service that allegedly limits competition."

6. Attached hereto as Exhibit E is a true and correct copy of the cover page, pages 35-36, and the court reporter's certification of the Rule 30(b)(6) Deposition of CMLS (Robert Baucom), dated July 18, 2008.

7. Attached hereto as Exhibit F is a true and correct copy of the cover pages, pages 99-100 and 153, and the court reporter's certification of the Deposition of Marcus T. Allen, Ph.D., dated January 29, 2009.

8. Attached hereto as Exhibit G is a true and correct copy of the Agreement to Mediate signed by the parties and counsel, dated February 13, 2009.

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

Executed on March 18, 2009 in
Washington, D.C.


NATHAN P. SUTTON