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November 23, 2020

VIA EMAIL AND U.S. MAIL

Steve Dawson
REX - Real Estate Exchange, Inc.
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Re: *United States v. National Association of REALTORS®*, Case No. 1:20-cv-03356-TJK (D.D.C.)

Dear Mr. Dawson:

I represent the National Association of REALTORS®. I am in receipt of a letter REX sent to several multiple listing services about the proposed Final Judgment filed by the United States on November 19, 2020. I write to correct the confusion that REX's letters have caused concerning the timeline for the implementation of rule changes concerning lockbox access.

So that REX and everyone else in the industry is clear: there is no November 30 deadline. The proposed Final Judgment clearly states: "By not later than five business days after the later of [1] the entry of this Final Judgment or [2] the United States' approval of the Rules proposed in Paragraph V.A of this Final Judgment, NAR must adopt one or more Rules, the content of which must first have been approved in writing by the United States in its sole discretion, that require all Member Boards and MLSs to allow any licensed real estate agent or agent of a Broker, to access, with seller approval, the lockboxes of those properties listed on an MLS."¹ Neither of those triggering events has occurred.

1. Entry of Final Judgment. The Court has not entered the Final Judgment, and it will not for at least 60 days. As the United States explained in its filing, there is a federal statute that "requires that the United States publish the proposed Final Judgment and the Competitive Impact Statement in the *Federal Register* and cause to be published a summary of the terms of the proposed Final Judgment and the Competitive Impact Statement in certain newspapers at least

¹ Section V.H of the proposed Final Judgment.

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sixty (60) days prior to entry of the proposed Final Judgment.”² These actions have not yet occurred.

2. Approval of Proposed Rule Changes. As for the second triggering event, the proposed Final Judgment states: “By not later than 45 calendar days after entry of the Stipulation and Order in this matter, NAR must submit to the United States, for the United States’ approval in its sole discretion, any Rule changes that NAR proposes to adopt to comply with Paragraphs V.C-I of this Final Judgment.”³ That time period has not ended.

To be absolutely clear, NAR will comply with all of its obligations under the proposed Final Judgment. The process outlined in the papers the United States filed on November 19, however, will not be complete by November 30.

Finally, I understand that your letters’ multiple references to November 30 have created confusion in the industry concerning the timing of the forthcoming rule changes. To correct this confusion, please (1) send me the list of all recipients (names and addresses) of your letters concerning the proposed Final Judgment; (2) provide a copy of this letter to each of those recipients; and (3) provide written confirmation to me when you have forwarded them this letter.

Best regards,

A handwritten signature in black ink that reads "Ethan Glass". The signature is written in a cursive, slightly slanted style.

Ethan Glass

² The United States’ Explanation of Consent Decree Procedures, at 2. *See also* 15 U.S.C. § 16.

³ Section V.A of the proposed Final Judgment.