

Exhibit 1

revelation, talk, transfer, transmission, or utterance. The phrase “communication between” is defined to include instances where one party addresses the other party but the other party does not necessarily respond.

5. “Complaint” means the First Amended Class Action Complaint (Doc. # 38) or any superseding complaint filed in this Action. A copy of the Complaint is attached to this Subpoena, as Exhibit 1.

6. “Defendant” means any company, organization, entity or person presently or subsequently named as a Defendant in the Complaint, including its predecessors, wholly-owned or controlled subsidiaries or affiliates, successors, parents, other subsidiaries, departments, divisions, joint ventures, other affiliates and any organization or entity managed or controlled by a named Defendant, including those merged with or acquired, together with all present and former directors, officers, employees, agents, attorneys, representatives or any persons acting or purporting to act on behalf of a Defendant.

7. “Document” shall have the same meaning as used in Rule 34 of the Federal Rules of Civil Procedure, and shall be construed in its broadest sense to include, without limitation, the final form and all drafts and revisions of any paper or other substance or thing, original or reproduced, and all copies thereof that are different in any way from the original, on which any words, letters, numbers, symbols, pictures, graphics, or any other form of information is written, typed, printed, inscribed, or otherwise visibly shown, and also every other form of stored or recorded information, whether on film, tape, disks, cards, computer memories, or any other medium and/or device whereby stored information can, by any means whatsoever, be printed or otherwise recovered, generated or displayed in the form of visible, audible, or otherwise perceptible words, letters, numbers, symbols, pictures, or graphics. To illustrate (and not to limit) the breadth of this

definition, “document” in this sense papers or objects bearing handwritten notes, material written in Braille, contracts, letters, bills, telegrams, notes, e-mail, voice mail, books, desk calendars, memoranda, envelopes, drafts or partial copies of anything, signs, photographic negatives and prints, video and audio recordings of all kinds and the contents of storage media used in data-processing systems. Each and every draft of a document is a separate document for purposes of these document requests.

8. “Electronically Stored Information” or “ESI” means and refers to computer generated information or data of any kind, stored in or on any storage media located on computers, file servers, disks, the cloud, tape, or other real or virtualized devices or media. Non-limiting examples of ESI include:

- Digital communications (e.g., e-mail, phone calls and logs of phone calls, voice mail, text messaging, instant messaging, and ephemeral messaging (SnapChat, etc.));
- E-Mail Server Stores (e.g., Lotus Domino .NSF or Microsoft Exchange .EDB)
- Word processed documents (e.g., MS Word or WordPerfect files and drafts);
- Spreadsheets and tables (e.g., Excel or Lotus 123 worksheets);
- Accounting Application Data (e.g., QuickBooks, Money, Peachtree data);
- Image and Facsimile Files (e.g., .PDF, .TIFF, .JPG, .GIF images);
- Sound Recordings (e.g., .WAV and .MP3 files);
- Video and Animation (e.g., .AVI and .MOV files);
- Unstructured Data;
- Structured Databases (e.g., Access, Oracle, SQL Server data, SAP);
- Contact and Relationship Management Data (e.g., Outlook, ACT!);

28. If you contend that you are entitled to withhold from production any documents requested herein on the basis of attorney/client privilege, work-product protection, or other legally recognized grounds, identify the nature of the document(s), the date for same, the author, and the person to whom the document was addressed; identify each individual who has seen the document, each individual who has received a copy of the document and from whom the document was received; and state the basis upon which you contend you are entitled to withhold the document from production. Accordingly, please provide a formal written privilege log of all claimed privileged documents and information.

DOCUMENTS

The relevant time period for these requests is from January 1, 2007 to the present, unless otherwise noted.

1. Documents sufficient to show the policies, procedures, and/or methods You employ to gather, retain, and store data concerning residential real estate Broker and/or agent commissions in the United States.

2. Documents sufficient to show the types and format of data You retain concerning Broker and/or agent commissions relating to sales of residential properties in the United States.

3. Data sufficient to show, for each purchase or sale of residential real estate and each actual transaction of Real Estate Services in the United States, at the most disaggregated level available, the categories of information listed below:

- i. all terms of each transaction;
- ii. the location of the property associated with each transaction;
- iii. all pricing information concerning the property purchase or sale, including sale price, rebates, closing costs, fees, taxes, and financing type and terms;
- iv. all information concerning Broker and/or agent compensation type, terms, source, and amount, including the amount offered in any listing and the amount actually paid, as well as any rebates, discounts, or incentives;
- v. the currency in which the sale and Broker and/or agent compensation was billed and paid;
- vi. whether the seller, buyer, and any other offerors was self-represented; and

vii. the type and amount of any expenses or costs associated with the transaction (whether fixed or variable), and who paid those expenses, regardless of whether they were paid by a Broker, agent, or the buyer or seller.

4. All Documents and data reflecting broker and agent commissions and fees in residential real estate transactions, including but not limited to data compiled in the Uniform Closing Dataset (“UCD”), Closing Disclosures, Uniform Loan Delivery Dataset (“ULDD”), or otherwise stored as a result of the Uniform Mortgage Data Program (“UMDP”) or any other program.