

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

_____)	
THE PLS.COM, LLC,)	
)	
Plaintiff-Appellant,)	No. 21-55164
)	
v.)	On appeal from the United States
)	District Court for the Central District
)	of California
THE NATIONAL ASSOCIATION)	
OF REALTORS, ET AL.,)	
)	
Defendants-Appellees.)	
_____)	

**UNOPPOSED MOTION OF THE UNITED STATES FOR LEAVE TO FILE
A LETTER UPDATING A FACTUAL STATEMENT IN ITS *AMICUS*
BRIEF**

The United States respectfully moves for leave to file the attached letter informing the Court of a development pertaining to a then-pending consent judgment cited in its brief *amicus curiae* and states:

1. On June 2, 2021, the United States filed a brief *amicus curiae* in support of neither party. Page 2 of that brief notes that the United States had a then-pending consent judgment with defendant The National Association of Realtors, *United States v. NAR*, No. 1:20-cv-3356 (D.D.C. 2020).

2. On July 1, 2021, the United States filed a notice of withdrawal of consent to that proposed consent judgment.

3. The United States seeks permission to file the attached letter to update the Court on this development.

4. The parties have informed the United States that they do not oppose this motion.

The United States respectfully requests that it be granted leave to file the attached letter.

Respectfully submitted,

July 14, 2021

/s/ Steven J. Mintz

Steven J. Mintz
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CERTIFICATE OF SERVICE

I certify that on July 14, 2021, I electronically filed the foregoing motion with the Clerk of the Court of the United States Court of Appeals for the Ninth Circuit by using the CM/ECF System. I further certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/ Steven J. Mintz
Steven J. Mintz



U.S. Department of Justice

Antitrust Division

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950 Pennsylvania Avenue, N.W.
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July 14, 2021

BY ELECTRONIC FILING

Molly C. Dwyer, Clerk
United States Court of Appeals
For the Ninth Circuit
James R. Browning U.S. Courthouse
95 7th Street
San Francisco, CA 94103

**Re: *The PLS.COM, LLC, v. The National Association of Realtors,
et al.*, No. 21-55164**

Dear Ms. Dwyer:

I write to update the Court on a factual development pertaining to a then-pending consent judgment cited in the United States' brief *amicus curiae*, filed June 2, 2021.

Page 1 of our brief notes that “[t]he United States also has a pending consent judgment with NAR, *United States v. NAR*, No. 1:20-cv-3356 (D.D.C. 2020),” which “does not encompass the conduct challenged here—NAR’s Clear Cooperation Policy.” The brief also notes that “[o]n the same day the United States filed the proposed consent judgment, it closed an investigation into the Policy. ‘No inference should be drawn, however, from the Division’s decision to close its investigation into these rules, policies or practices not addressed by the consent decree.’” *Id.* at 1-2 n.1 (citation omitted)

Molly C. Dwyer
July 14, 2021
Page 2

On July 1, 2021, the United States filed a notice of withdrawal of consent to that proposed consent judgment, as permitted by the settlement's Stipulation and Order. The United States' public announcement of the withdrawal stated in part: "The [Department of Justice] determined that the settlement will not adequately protect the department's rights to investigate other conduct by NAR that could impact competition in the real estate market and may harm home sellers and home buyers. The department is taking this action to permit a broader investigation of NAR's rules and conduct to proceed without restriction." Press Release, Office of Public Affairs, Department of Justice, Justice Department Withdraws from Settlement with the National Association of Realtors (July 1, 2021), <https://www.justice.gov/opa/pr/justice-department-withdraws-settlement-national-association-realtors>.

Respectfully submitted,

/s/Steven J. Mintz

Steven J. Mintz
Attorney for the United States