

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

JENNIFER NOSALEK, RANDY
HIRSCHORN, and TRACEY HIRSCHORN,
individually and on behalf of all others similarly
situated,

Plaintiffs,

vs.

MLS PROPERTY INFORMATION
NETWORK, INC., REALOGY HOLDINGS
CORP., HOMESERVICES OF AMERICA,
INC., BHH AFFILIATES, LLC, HSF
AFFILIATES, LLC, RE/MAX LLC, and
KELLER WILLIAMS REALTY, INC.,

Defendants.

No. 1:20-cv-12244-PBS

CLASS ACTION

AUGUST 5, 2022

MOTION TO COMPEL AS TO DEFENDANT REALOGY HOLDINGS CORP.

Pursuant to Local Rule 37.1, Plaintiffs respectfully move this Court to require Defendant Realogy Holdings Corp. (“Realogy”) to produce all documents relating to its nationwide implementation of the “Buyer Broker Commission Rule” (the “Rule”). At a minimum, Realogy should be required to produce documents in accord with the agreement reached by Plaintiffs and every other Defendant on this issue.

In support of this Motion, Plaintiffs respectfully submit the accompanying memorandum of law and Exhibit A thereto.

REQUEST FOR ORAL ARGUMENT

Plaintiffs respectfully request oral argument on this motion to respond to any arguments raised by Realogy in any opposition it may file and to address any questions that the Court may have.

CERTIFICATION OF COMPLIANCE WITH LOCAL RULE 37.1

As detailed in the accompanying memorandum, the undersigned hereby certifies pursuant to Local Rule 37.1(b) that the provisions of Rule 37.1 have been complied with.

Dated: August 5, 2022

Respectfully submitted,

/s/ Seth R. Klein

Douglas P. Needham, BBO No. 67101

Robert A. IZard (*pro hac vice*)

Craig A. Raabe (*pro hac vice*)

Seth R. Klein (*pro hac vice*)

Christopher M. Barrett (*pro hac vice*)

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Attorneys for Plaintiffs

Rule 7.1 Certification

Pursuant to Local Rule 7.1(a)(2), counsel for Plaintiffs and for Realty conferred by correspondence, telephone and video conference as set forth in the accompanying memorandum of law, and were unable to resolve the dispute raised in this motion.

Dated: August 5, 2022

Respectfully submitted,

/s/ Seth R. Klein

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I, Seth R. Klein, hereby certify that a true copy of the foregoing document filed through the ECF system will be electronically sent to the registered participants as identified on the Notice of Electronic Filing on August 5, 2022.

/s/ Seth R. Klein
Seth R. Klein