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6 UNITED STATES DISTRICT COURT
7 NORTHERN DISTRICT OF CALIFORNIA
8 SAN FRANCISCO DIVISION
9

10 Dmitry Shkipin
11 Cross-claimant (original
12 Defendant)
13 vs.
14 HomeLight, Inc. et al.
15 Cross-claim Defendant
16
17
18

Case No.: 3:22-cv-03119-VC
Homelight, Inc. v. Shkipin et al.

**CROSS-COMPLAINT
FOR RESTRAINT OF TRADE (15 U.S.C. §
1); ATTEMPTED MONOPOLIZATION
(15 U.S.C. § 2); MISLEADING
TRADEMARK USE (15 U.S.C. § 1125);
AND UNFAIR PRACTICES (CA BUS. &
PROF. CODE § 172000)**

JURY TRIAL DEMANDED

19
20 1. In accordance to Federal Rules of Civil Procedure Rule 13, Cross-claimant (original
21 Defendant) pleads the following Counterclaims and Crossclaims that arise out of the
22 transaction or occurrence that is the subject matter of the opposing parties' Claims.
23

24 **THE PARTIES**

25 2. HomeOpenly is a two-sided online real estate marketplace in the United States real estate
26 representation sector. Between 2017 and up to 2021, the HomeOpenly platform was
27 operated by HomeOpenly, Inc. with Dmitry Shkipin as CEO. On December 31, 2020,
28 HomeOpenly, Inc. was fully dissolved as an entity. Any and all remaining assets, any and

1 all outstanding liabilities, and any and all future claims were subsequently assigned to
2 Dmitry Shkipin as an individual entrepreneur. Specifically, as part of the dissolution
3 HomeOpenly, Inc. Board of Directors assigned to Dmitry Shkipin “any and all claims
4 and causes of action” including those for “any violation of the Sherman Antitrust Act, the
5 Lanham Act, and the California Unfair Practices Act.” For simplicity, when used in this
6 Cross-complaint, HomeOpenly refers to a platform and a digital asset as well as a sole
7 proprietorship business entity currently in a sole possession to and operated by Cross-
8 claimant, Dmitry Shkipin who works and resides in San Francisco, California. Since the
9 Corporate dissolution, HomeOpenly platform was and is currently in full possession of
10 and is operated by Dmitry Shkipin as an individual entrepreneur from a home office
11 residence located in San Francisco, California.
12

13 3. HomeLight is a licensed real estate broker that operates a Referral Fee Network in the
14 United States real estate representation sector. Since June 30, 2011, HomeLight, Inc.
15 (formerly, AgentBrain Corporation) operates a California real estate brokerage with a
16 principal designated officer as Andrew Justin Uher under California DRE License
17 01900940 with a primary brokerage office in San Francisco, California. True names and
18 capacities, individual, corporate, associate, or otherwise, of Cross-claim Defendant, Does
19 1 through 100, inclusive, are unknown to Cross-claimant. When Cross-claimant learns
20 their identity, Cross-claimant will amend this Cross-complaint to add them as named
21 Cross-claim Defendants.
22

23 4. An ever-growing HomeLight “partner agent” network of colluding real estate agents and
24 real estate brokers operating locally throughout the United States, known as HomeLight
25 “partner agents” presently numbered at around +/-28,000 entities. True names and
26 capacities, individual, corporate, associate, or otherwise, of such “partner agents” are
27 unknown to Cross-claimant. When Cross-claimant learns their identity, Cross-claimant
28 will amend this Cross-complaint to add them as named Cross-claim Defendants.

JURISDICTION

- 5. HomeOpenly brings federal antitrust claims against HomeLight under Section 4 of the Clayton Act (15 U.S.C. § 15), for damages caused by HomeLight’s violations of Section 1 and Section 2 of the Sherman Act (15 U.S.C. § 1 and 15 U.S.C. § 2). This Court has federal question jurisdiction over those claims pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1337.
- 6. HomeOpenly brings unfair competition claims against HomeLight for damages caused by HomeLight’s violations of the Lanham Act (15 U.S.C. § 1125). This Court has federal question jurisdiction over those claims pursuant to 15 U.S.C. § 1116 and 15 U.S.C § 1117.
- 7. This Court has supplemental jurisdiction over the claims brought by HomeOpenly under the California Unfair Practices Act pursuant to 28 U.S.C. § 1367.

VENUE

- 8. HomeLight has a regular and established place of business in this District. HomeLight’s brokerage headquarters is located in San Francisco, California.
- 9. HomeLight had committed or directed the anticompetitive acts described in this Cross-complaint from within this District. Accordingly, the venue is appropriate in the Northern District of California pursuant to 28 U.S.C. § 1391, 28 U.S.C. § 1404(a), and 15 U.S.C. § 22.

NATURE OF ACTION

- 10. Through an array of anticompetitive acts, a series of unlawful broker-to-broker collusion agreements that restrain free trade, and false representations aided by a wide variety of interstate wire communications channels, HomeLight has stifled competition in the United States real estate representation markets, has collected billions USD in unlawful kickbacks from hundreds of thousands of real estate transactions, and re-invested ill-

1 gotten gains to expand the broker-to-broker collusion scheme nationally. Those
2 anticompetitive actions cause significant damage to a highly novel and legitimate two-
3 sided online real estate marketplace platform, HomeOpenly, operated by the Cross-
4 claimant.

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6 11. HomeOpenly is an entirely lawful proposition that aggregates savings offered by local
7 real estate professionals. HomeOpenly is built to deliver positive network effects built
8 around competitive commissions savings delivered as digital content to consumers that
9 occur as a result of healthy and open competitive forces between local real estate
10 representation services professionals. HomeOpenly platform amplifies real estate
11 professionals' abilities to individually compete for consumers with savings, while the
12 platform itself benefits from the network effects generated and elevated traffic due to the
13 overall aggregate value of content available to consumers. (See Exhibit A)

14 12. All consumers benefit from HomeOpenly proposition due to the aggregate nature and
15 network effects associated with savings – the more consumers use HomeOpenly, the
16 more quality providers are motivated to compete, the better quality content platform is
17 able to deliver, hence network effects are lawfully developed by HomeOpenly to improve
18 commerce in the housing sector. HomeOpenly Open Marketplace™ is a signature of
19 quality, transparency, and trust because it aims to develop a product that encompasses all
20 available competitive local options to consumers, instead of steering consumers toward
21 select set of services providers in a pay-to-play setting. (See Exhibit B)

22 13. Eventually, HomeLight and HomeOpenly cannot co-exist in the same markets because
23 HomeLight mode of operations is built entirely on the premise of real estate broker-to-
24 broker collusion between double-dealing real estate agents, and HomeOpenly mode of
25 operations is built entirely on the premise of competition between honest real estate
26 professionals. As long as real estate agents are able to collude as networks, they will
27 continue to do so.
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1 14. HomeOpenly is a legitimate two-sided marketplace designed to improve homeownership
2 experience, whereas HomeLight is a malicious “sham” brokerage that falsely disguises
3 itself as a “referral service” in an effort to scam consumers out of billions USD in
4 unlawful kickbacks paid into the scheme for the act of steering. Despite being licensed as
5 a broker, HomeLight brokerage cannot presently participate on HomeOpenly marketplace
6 platform because it does not offer any tangible services to consumers when buying and/or
7 selling homes.
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9 15. If some licensed brokerage or a licensed agent cannot engage with a two-sided
10 marketplace designed to deliver real estate services directly to consumers, for some
11 reason, this is typically an indication of an inherent flaw with the licensed mode of
12 operations of such brokers. HomeOpenly specifically does not allow certain real estate
13 agents to use Open Marketplace™ if we know that they behave unethically. Such as, if
14 we know that an agent is part of Redfin Partner Program, or HomeLight, or UpNest, such
15 agents do not meet HomeOpenly guidelines for basic honesty. In some one shape or
16 form, “partner agents” who willingly collude with “sham” brokerages place their own
17 interests before the best interests of their clients.

18 16. In effect, and over time, legitimate licensed agents always offer some tangible service
19 with respect to their licensed activities. Such services are lawfully aggregated and offered
20 to consumers on HomeOpenly. As an open system, HomeOpenly is a superior and a
21 technologically advanced product that would normally thrive in competitive markets.
22

23 17. Alas, the United States real estate sector is a broker-focused environment first, and
24 consumer-focused is a distant second, where consumers are systematically “sold as leads”
25 and real estate agents are willing to pay kickbacks and actively form referral networks.
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1 18. HomeLight is not an "unbiased Realtor matching" "referral service," as it claims, but a
2 "sham" real estate brokerage that operates a network of colluding brokers and agents
3 through a series of nearly-identical, perpetual, long-lasting, blanket, one-sided
4 agreements that restrain free trade, which has harmed both HomeOpenly, as a legitimate
5 two-sided marketplace, and the consumers of real estate services, who systematically
6 overpay for real estate commissions as a result of HomeLight's actions.
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8 19. Consumers do not even have to use referral networks, such as HomeLight, to be directly
9 harmed with inflated real estate commissions. The mere presence of broker-to-broker
10 collusion systematically degrades all real estate services and competitive forces that are
11 offered in the entire United States housing sector. Competitive real estate professionals
12 outside of the scheme receive less business; are unable to scale rapidly and are unable to
13 bring offer more savings. Competitive two-sided marketplaces develop lesser network
14 effects; are unable to scale rapidly and are unable to aggregate more savings. All
15 consumers looking for savings in a competitive setting receive less options; are unable to
16 buy and sell homes at lower prices due to inflated closing costs.

17 20. HomeLight makes a series of false claims to entice consumers into using the scheme that,
18 among others, include: "Our service is 100% free, with no catch. Agents don't pay us to
19 be listed, so you get the best match" ... "HomeLight is operated in compliance with all
20 state and federal housing laws" ... "The agents we recommend on HomeLight typically
21 can save you thousands on your home purchase" ... "We've designed a solution that
22 allows you to sort through over 2 million agents from all of the top real estate brokerages
23 in order to find the perfect one for you." ... "HomeLight matches you with the top listing
24 agents in your local neighborhood. We do this by analyzing over 15 million home
25 transactions since 2009 to produce updated agent rankings based on objective data.
26 Agents never pay us to be listed on our site, so we can be 100% unbiased." ... "we look
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1 through our database of over 18 million verified real estate transactions (collected from
2 over 2 million agents) and generate unbiased recommendations."

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4 21. HomeLight representations are entirely false. HomeLight falsely represents itself as an
5 unbiased service but it is, in fact, a "sham" real estate entity that does not offer any real
6 estate services designed and developed in a blatant attempt and with a sole purpose to
7 bypass federal prohibition against kickbacks and unearned fees from business incident to
8 or part of a settlement service involving a federally related mortgage. Kickbacks and
9 unearned fees are prohibited by RESPA Section 8 (12 U.S.C. § 2607) and CFPB
10 Regulation X (12 C.F.R. § 1024.14) federal regulations.

11 22. As the premise to forming the scheme, HomeLight falsely claims that it meets limited
12 exemptions as described in 12 C.F.R. § 1024.14(g)(1)(v) and 12 U.S.C. § 2607(c)(3) that
13 narrowly allow payments pursuant to cooperative brokerage and referral arrangements
14 between real estate agents and real estate brokers. These limited exemptions on kickbacks
15 only apply to fee divisions within *bona fide* real estate brokerage arrangements when all
16 parties are acting in a real estate brokerage capacity. HomeLight "sham" entity does not
17 act in a brokerage capacity, in fact, this entity willfully chooses to disengage from
18 offering real estate representation services to consumers, as the core premise to create
19 successful network of brokers who are all acting in collusion. HomeLight actively utilizes
20 interstate wire communication to further the scheme. All colluding HomeLight "partner
21 agents" know that HomeLight will not compete with them, and that HomeLight has a
22 direct financial incentive to promote higher real estate commissions to consumers.

23 23. Unlawful blanket, perpetual, referral fee agreements that help organize competitors into
24 "hub-and-spoke" networks in an effort to restrain free trade do not qualify for federal
25 exemptions under 12 C.F.R. § 1024.14(g)(1)(v) and 12 U.S.C. § 2607(c)(3) broker-to-
26 broker referral provisions because such agreements violate Section 1 of the Sherman
27 Antitrust Act, among other federal regulations.
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1 24. HomeLight operates a scaled network of independent "partner agents" through a series of
2 unlawful blanket referral fee agreements between the "hub" and an ever-growing number
3 +/-28,000 "partner agents" as of 2022. (See Exhibit C)

4 25. HomeLight "partner agents" are "spokes" that all agree to the same kickback terms - to
5 pay HomeLight 25% of their future commissions. All colluding brokers in the
6 HomeLight scheme know that all other colluding brokers agree to pay the exact same
7 kickbacks under the exact same terms. The uniform, blanket, price-fixed, restrictive, pre-
8 negotiated, and malicious nature of these kickbacks are all essential elements of the "hub-
9 and-spoke" collusion originated by HomeLight. Meaning, it is the blanket pre-negotiated
10 nature of the referral agreement terms that allows HomeLight to promote the scheme to
11 consumers as some form of service. Without series of such agreements, HomeLight
12 "hub" brokerage has absolutely nothing to promote because it does not offer any tangible
13 services.
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15 26. HomeLight maintains a direct financial incentive to maintain collusion scheme under
16 false premise of 5%-6% "standard" relevance of real estate commissions in the United
17 States to accommodate the "standard" relevance of the 25% blanket referral fees.
18 According to HomeLight, "Generally, you can expect to pay between 5%-6% in agent
19 commissions when selling a home in 2022" ... "Some agents with less experience will
20 offer a lower fee to their sellers, which might save them 1 to 2% of their sales price.
21 However, just because one real estate agent offers a lower percentage commission than
22 another doesn't mean you'll net more money working with them." HomeLight scheme
23 directly benefits from the promotion of a uniform nature of commissions where none of
24 the colluding brokers are in any true "cut-throat" competition with one another on
25 commission rates. (See Exhibit D)

26 27. Acting as a "hub," HomeLight allocates consumers between "spokes" where the nature of
27 the scheme requires HomeLight to act as a mutually beneficial entity to guard the scheme
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1 from the “cut-throat” competition. Obviously, “spokes” must feel “secure” within the
2 scheme and able to seek HomeLight’s long-term approval, rather than the direct approval
3 of consumers who seldom work with the same real estate agent more than once. The best
4 way for a “partner agent” to get HomeLight’s approval is with bigger kickbacks.
5 Colluding brokers who systematically produce better kickbacks rewards for HomeLight
6 only naturally succeed within the confines of the scheme.
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8 28. HomeLight operates as a “black box” biased pay-to-play matching algorithm in an effort
9 to maintain full control over the conspiracy. Colluding “partner agents” are
10 systematically required to report their progress to HomeLight in ways that far exceed the
11 amount of private consumers’ transactions information that they typically report to their
12 own broker of record. HomeLight needs to know such private details in order to
13 successfully administer consumer allocation tasks where it must be careful not to forward
14 too many consumers to too few colluding “partner agents,” or make consumers’
15 information available to all too many “partner agents.” HomeLight also needs to know
16 when and how much their kickback revenue will arrive. Such toxic “black box” troves of
17 data actively breeds and rewards forces of broker-to-broker collusion, both financially
18 and from the added value of the data itself. The scheme that operates on basis of reverse
19 competition and only naturally rewards collusion in a feedback loop.

20 29. HomeLight actively steers consumers away from competitive representation options
21 available on the open market. For example, HomeLight claims: "Discount brokers may
22 not be able to devote ample time or resources to the marketing or sales efforts your home
23 deserves. You may save money on the broker fees, but you might lose money when a
24 low-commission agent uploads shoddy photos that look like fuzzy mess shots from a
25 shaky iPhone. Doesn't your home deserve to let its beauty shine? Or you may get a
26 discount agent who only works in real estate part-time and does not have sufficient
27 experience in negotiations, credits, concessions, contingencies, inspections, or know-how
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1 to market your home to the right buyers." What HomeLight fails to mention in these
2 claims to consumers is that the kickbacks hidden within the scheme directly decrease
3 quality and value and increase price of services provided by any colluding "partner
4 agent" within the network. (See Exhibit E)

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6 30. HomeLight further explains: "A significant portion of the Realtor's® fee goes to selling
7 your home. As explained by top real estate agent Elizabeth Weintraub
8 (<https://www.homelight.com/agents/elizabeth-weintraub-ca-00697006>) of Sacramento,
9 California, some of the money agents earn from commissions go into marketing.
10 Weintraub estimates that she dedicates about 30% of her fee share to marketing.
11 Marketing includes professional photographs, full-color online and newspaper ads, and
12 an active online presence. You might think of the real estate fee as an investment that
13 enables your agent to make your home more attractive and sell it for more money."
14 HomeLight fails to mention that when a colluding "partner agent" pays 25% of their
15 commissions to HomeLight, he or she cannot possibly provide a full service to their
16 clients. So-called "top real estate agent Elizabeth Weintraub" ends up spending less of
17 her fee share on marketing because she also has massive kickbacks to pay into
18 HomeLight. The kickbacks and unearned fees are prohibited by RESPA Section 8 and
19 Regulation X for this exact reason - to save consumers from paying for services where no
20 tangible outcomes are actually performed with a transaction involving a federally related
21 mortgage loan.

22 31. *All* consumers who use HomeLight scheme *always* overpay for commissions and/or
23 receive lower quality of service because they hire *two* colluding real estate brokers to
24 perform the work of *one*. HomeLight does not perform any tangible service as a real
25 estate brokerage. HomeLight has not helped a single consumer buy or sell a single home
26 anywhere in the United States, despite massive kickbacks from over a 1,000,000 of real
27 estate transactions performed by "partner agents."
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32. HomeLight scheme operates by means of clever and colorful deception in an effort to create an appearance of legitimacy. However, the hidden nature of kickbacks, the damage of reverse completion, the inflated commissions due to broker-to-broker collusion, the existence of restrictive price-fixed blanket referral agreements, and the premise to maintain a “sham” real estate entity reveal HomeLight’s true colors. To lure consumers in, HomeLight attempts to hide its status as a real estate brokerage, while aiming to develop an appearance of an unbiased “100% free, no catch” referral service.

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33. Any reasonable consumer understands that businesses are in business to make a profit, and HomeLight is a business. However, HomeLight utilizes an illegitimate business revenues where: (1) it falsely claims to be 100% free, unbiased, with no catch as the core premise to use it; and (2) it is a “hub-and-spoke” conspiracy between, and for the purpose of steering, a select set of “partner agents” to consumers, subject to kickbacks prohibited by RESPA. A reasonable consumer is deliberately overwhelmed by HomeLight with blatant lies, deliberate omissions, modal scope logical fallacies to hide the nature of kickbacks, pay-to-play bias, and artificially inflated commissions that are involved.

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34. Honest real estate professionals are in business to make a lawful profit from activities that are prescribed by their licensed occupations, and derive clearly identified revenue in form of commissions from such lawful activities. HomeLight attempts to do the opposite – to rake activities of third-party “partner agents” without any meaningful service, while making blatantly false claims that it is free to use.

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35. HomeLight’s claims to offer consumers unbiased matches specifically identify the lack of payment as the reason to use the scheme where the scheme claims that “agents don’t pay us to be *listed*, so you get the best match.” HomeLight is clearly aware that the lack of ulterior motive that involves some form of payment by third-party brokers is an integral issue to consumers. However, simply because “partner agents” do not pay HomeLight to be *listed*, does not mean that “partner agents” do not pay HomeLight at all. HomeLight’s

1 deceptive omission of this fact is a form of modal logical fallacy made to deliberately
2 deceive consumers by means of omission of the full truth. Simply because some part of a
3 proposition is true, does not mean that there is not some other condition involved that
4 makes the entire proposition entirely false. This is a deliberately hidden, purposefully
5 omitted, and highly deceptive pay-to-play methodology, at the core of HomeLight entire
6 proposition to consumers. (See Exhibit F)
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8 36. HomeLight makes similar omissions of the full truth when it claims that it has developed
9 a system that impartially analyzes all, or almost all local agents, locally based on their
10 apparent performance. Even if HomeLight is able to legally look into data about all local
11 agents obtained from MLS data banks under a false premise, and even if it is legally able
12 to rate its own competitors, and even if it is legally able to organize its own competitors
13 into a network, and even if such data could be reasonably used to clearly identify service
14 quality, the scheme *only* recommends “partner agents” to consumers who have agreed to
15 pay kickbacks.

16 37. HomeLight is clearly aware that impartial and inclusive nature of the analysis is very
17 important to consumers, but HomeLight is unable to deliver such proposition because out
18 of 1,500,000+ real estate professionals nationwide only +/-28,000 of unethical “partner
19 agents” are presently willing pay kickbacks into the scheme. HomeLight fills this
20 massive logical fallacy gap with persistent false statements and deliberate omissions of
21 the full truth. This means that if an agent outside the scheme is better in some way by that
22 same “black box” metric, but does not maintain a blanket agreement to pay kickbacks
23 into the scheme, the data about such agent is disregarded by HomeLight and they are
24 *never* recommended to consumers.

25 38. HomeLight systematically utilizes junk cognition, that is, arguments that seem irrefutable
26 but prove nothing. Such claims often seem superficially sound and they often retain
27 immense persuasive power even after being clearly exposed as false. (1) In an appeal to
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1 authority, HomeLight claims to know the mind and quality of a third party “partner
2 agents” as a superior data-driven entity, where further justification is not required and no
3 serious challenge should come from the consumer about such determination. (2) In an
4 availability bias, HomeLight promotes only "partner agents" to consumers, ignoring
5 overwhelming number of agents from other places in the open market. (3) In circular
6 reasoning, HomeLight falsely argues that something is true by repeating the same
7 statements in different words, such as that HomeLight service is “unbiased with no
8 catch.” (4) In confirmation bias, HomeLight consistently rewards colluding "partner
9 agents" behavior that conform to its flawed anticompetitive kickback-driven proposition.
10 (5) In cost bias, HomeLight argues that more expensive "full commission" "partner
11 agents" are valued more highly, regardless of the real quality, utility or true value to the
12 consumer. (6) In a card stacking fallacy, HomeLight consciously selects and promotes
13 some elements that may support one's false proposition, deliberately minimizing or
14 omitting important key details in order to falsify the larger picture and support a false
15 conclusion, such as that “partner agents” don’t pay to be listed thus *all* the results are
16 unbiased, while deliberately ignoring the fact that “partner agents” do pay massive
17 kickbacks to HomeLight, where in fact, *all* the results suffer from pay-to-play.
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19 39. HomeLight administers agreements that help “partner agents” to refrain from
20 participating in business activity to reduce competition and gain higher profits. By
21 refusing to compete with colluding “partner agents,” HomeLight “sham” brokerage has
22 set itself apart from other real estate brokers as the “administrator” or the “hub-and-
23 spoke” conspiracy. HomeLight “partner agents” know that HomeLight will not compete
24 with them and that it will work to make sure that the competition between them is
25 managed.
26

27 40. HomeLight administers agreements to fix commissions prices at above market for
28 business activity to reduce competition and gain higher profits. In order to attract

1 colluding brokers into the scheme, HomeLight maintains false notions about the
2 “standard” nature of commissions and the permissive nature of “standard” blanket
3 referral fees in the real estate sector. In reality, brokers cannot even discuss the nature of
4 real estate commissions with one another, and individual one-time referrals must be
5 negotiated for a specific transactions between *bona fide* entities acting in real estate
6 brokerage capacity. (See Exhibit G)
7

8 41. HomeLight administers agreements to refrain from selling a product or a service to a
9 certain set of customers to reduce competition and gain higher profits. HomeLight
10 scheme offers consumers “three best choices” of colluding “partner agents” as means to
11 reduce competition between all real estate brokers in the scheme. HomeLight “shuffles”
12 these “best choices” from consumer to consumer, where each consumer is presented with
13 a deliberately limited set of choices that allows for a high success rate of consumer
14 allocation between the limited number of colluding “partner agents” that the HomeLight
15 “sham” brokerage has decided are the “best” match. Obviously, the next consumer who
16 walks through the door will get some other set of “best options,” otherwise all consumers
17 will be matched with the same exact limited set of “partner agents” over and over. Such
18 proposition is not only highly uncompetitive, but further suffers from a series of logical
19 fallacies that make the entire proposition false by design.
20

21 42. HomeLight administers agreements to pool products and services into a common channel
22 to reduce competition and gain higher profits. HomeLight scheme requires colluding
23 brokers to be organized into a network. Each colluding broker in the scheme directly and
24 indirectly benefits from the aggregate kickbacks funneled back into the scheme by other
25 brokers, and all colluding brokers in the scheme benefit from inflated commissions sold
26 to consumers due to limited, managed, and reversed forms of competition.
27

28 43. The Internet is an integral element of HomeLight scheme. The Internet is an excellent
communications tool that can be used to develop either highly competitive networks

1 effects, or highly successful “hub-and-spoke” form of collusion to unite thousands of
2 independent service providers and pool their resources under common agreements that
3 restrain free trade. The scalability of technology makes it "worthwhile" to develop a
4 common agreement and deliver it into a common channel because of an efficient ability
5 to attract thousands and sometimes millions of small-business belligerents into a common
6 scheme. HomeLight broker-to-broker collusion scheme is *only* made possible with a high
7 level of adoption of Internet as the prime interstate wire communications channel.
8

9 44. HomeLight converts consumer savings into kickbacks. Colluding brokers would much
10 rather collude with "no upfront costs" with HomeLight and give up 25% of their future
11 commissions into the scheme than to offer this same money as competitive savings to
12 their clients. The reason for this is that each rare-event transaction is handed to a
13 colluding broker at “no upfront cost” and often brings in tens of thousands USD in
14 revenue. In the scheme, colluding brokers seek 100% certainty of receiving the “bulk” of
15 their gross commission, instead of offering savings subjected to uncertainty of competing
16 for consumers on the open market. HomeLight operates with “partner agents” on a
17 reoccurring basis, where consumers typically work with agents on a rare event basis.
18 Such mixed incentives help broker-to-broker collusion scheme that thrives in a broken
19 real estate sector.

20 45. There about 700 Multiple Listing Service (MLS) data banks that operate in the United
21 States in all 50 US states and Washington DC. MLS generally allows real estate agents to
22 advertise new listings and to make blanket, non-negotiable offers of buyer agent
23 compensation associated with each new listing, where sellers and their listing agents
24 decide the commission to be paid to the buyer agent working with the home purchaser.
25 Sellers, effectively advance the buyer agent fee from the sale to the purchaser. In (40) US
26 states and Washington DC, a buyer agent rebate can be lawfully negotiated between the
27 home purchaser and their buyer agent, a lawful mechanism that allows buyer agents to
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1 compete for home buyers on price. However, in (10) US states, such as Oregon, buyer
2 rebates are banned, making the use of blanket non-negotiable offers on MLS in these
3 states anticompetitive because the home purchaser cannot lawfully reduce such offer
4 amounts extended to their buyer agent via MLS. HomeOpenly does not allow agents
5 from the (10) US states with active rebate bans to advertise buyer agent services to
6 consumers on the platform, where none of these providers are able to offer buyer agent
7 rebates to clients by state law, making their services uncompetitive due to non-negotiable
8 offers of buyer agent compensation requirements on the local MLS systems.
9

10 46. HomeLight has gained access to local MLS data troves as a “sham” real estate entity not
11 in an effort to engage in efficient home sales and purchases, but in an effort to form a
12 network of third-party agents. Whenever “sham” brokerages utilize MLS data banks not
13 as intended, but in an effort to form networks, MLS data banks become tools used to
14 promote collusion, rather than to improve home buying and home selling processes.

15 47. For all practical reasons, as long as HomeLight “partner agents” are able to form a
16 network with HomeLight, the economics the rare-event, high-value, and high risk-
17 avoidance home purchase and/or home sale transaction ensures that forces of collusion
18 built on kickbacks will always outperform forces of competition built on savings.
19

20 **UNFAIR COMPETITION INJURY**

21 48. HomeLight uses false and misleading representations of facts in the commercial
22 advertising and promotion to misrepresent the nature, character, and quality of
23 HomeLight's scheme.

24 49. HomeLight and HomeOpenly normally operate in two distinctly different “zones of
25 interest.” HomeLight operates as a licensed real estate entity, classified as NAICS Code
26 531210 - Offices of Real Estate Agents and Brokers. HomeOpenly, on the other hand,
27 operates a two-sided online real estate marketplace classified as NAICS 519130 - Internet
28 Publishing and Broadcasting and Web Search Portals. Under normal economic principles

1 and conditions, HomeLight, a broker, and HomeOpenly, an online marketplace, are not
2 legitimate competitors. However, in an effort to misrepresent itself as a “referral service”
3 to consumers, HomeLight brokerage encroaches into the “zone of interest” occupied by
4 HomeOpenly classified as NAICS 519130 - Internet Publishing and Broadcasting and
5 Web Search Portals. Such “zone of interest” encroachment is a product of broker-to-
6 broker collusion where HomeLight acts as a “hub” brokerage that designates and falsely
7 promotes itself as an unbiased online “agent matching service” in an effort to distribute
8 real estate services fulfilled and by “partner agents” to consumers, and in an effort to earn
9 kickbacks from their future home sales and/or future home purchases. The encroachment
10 into the “zone of interest” occupied by HomeOpenly is a direct result of HomeLight’s
11 refusal to compete with other real estate brokers.
12

13 50. HomeLight's use of false and misleading representations of facts tends to deceive a
14 substantial portion of the target audience or actually deceives the target audience.

15 51. HomeLight's false and misleading representations of facts are material because they are
16 likely to influence the decision of the target consumer in hiring a real estate agent for the
17 listing of their property for sale and/or choosing a real estate agent for the purchase of a
18 home.

19 52. HomeOpenly has been and continues to be injured by HomeLight's false and misleading
20 representations of fact through the diversion of consumers, loss of HomeOpenly's
21 goodwill of a genuine unbiased marketplace, and loss of genuine advertising revenue and
22 profits from auxiliary real estate services such as mortgage origination, refinance, home
23 insurance, renovation, design, staging, home inspections, home security, moving, home
24 maintenance, title, escrow, cash offer bridge loans and home purchase stand-in programs,
25 home warranty, and other real estate products and services.

26 53. HomeLight knows that its representations of facts are false and misleading.
27
28

1 54. HomeLight's false and misleading representations of facts are accompanied by bad faith,
2 malice, and reckless indifference to open markets, to consumers, to honest real estate
3 professionals outside the scheme, and to HomeOpenly.

4 55. HomeLight's bad faith false and misleading representations of fact regarding their scheme
5 make an exceptional case within the meaning of 15 U.S.C § 1117.

6 56. HomeLight continues to make false and misleading representations of facts regarding its
7 scheme and will continue to do so unless enjoined by this Court as provided by 15 U.S.C.
8 § 1116.
9

10 **ANTITRUST INJURY**

11 57. To operate properly, the HomeOpenly platform requires all real estate agents to fairly and
12 individually compete with one another in all United States markets. There is no
13 exception. HomeOpenly operates by aggregating competitive savings provided by local
14 competitive real estate agents, for a wide variety of levels of service, and individually set
15 pricing is at the core of the platform's value-added content. The more savings, from the
16 better agents, with the better quality services, deliver better content and allow
17 HomeOpenly to develop the network effects required to deliver the required impact on
18 the United States housing sector with overall better UX for all participants: past, present,
19 and future consumers, real estate agents, and our marketing partners.

20 58. In the event real estate professionals are unwilling to compete, and/or willing to form
21 anticompetitive networks, the HomeOpenly marketplace decisively suffers from a lower
22 rate of adoption, lower-quality content, lower network effects, loss of ancillary
23 advertising revenue, and loss of profits.

24 59. HomeLight's use of anticompetitive and exclusionary blanket referral agreements in their
25 effort to form a massive network of real estate professionals directly harms
26 HomeOpenly's ability to deliver savings to consumers and to produce amplified network
27 effects required to profitably sell advertising services to its marketing partners.
28

1 60. HomeLight's use of unlawful kickbacks yields massive cash flows toward HomeLight
2 scheme from colluding broker commissions. HomeLight funnels more and more
3 kickbacks into highly effective use of Google ads, Facebook ads, Nextdoor ads, TV and
4 radio ads, affiliate web sites, and other interstate wire communications to promote the
5 fraudulent kickbacks scheme *en masse* to consumers.

6
7 61. In unison, HomeLight scheme and colluding HomeLight "partner agents" benefit
8 individually and as a group from participation in the scheme due to the anticompetitive
9 and exclusionary nature of the scheme.

10 62. As a direct result of HomeLight's scheme, HomeOpenly has suffered and continues to
11 suffer significant financial damages flowing from that harm to competition, including lost
12 advertising revenues and profits, the artificial suppression of the value of HomeOpenly's
13 legitimate advertising business, and suppressed network effects of its legitimate two-
14 sided online real estate marketplace proposition to consumers.

15 **REFERRAL FEE NETWORKS**

16 63. Without exception, all Referral Fee Networks rely on a series of identical (or nearly-
17 identical) blanket broker-to-broker referral fee agreements to restrain trade in the United
18 States housing sector in order to collect real estate commissions kickbacks from the
19 largest possible number of home sales or home purchases. The "hub" real estate entity,
20 typically a "sham" licensed brokerage, aims to collude with and allocate a significant
21 number of independent third-party brokers and agents as "spokes" to consumers through
22 a reverse competition mechanism.

23
24 64. As of June 2022, the following are some of the most widely scaled "sham" real estate
25 entities that operate as originating "hubs" of Referral Fee Networks in the United States:
26 Better Real Estate, Blend Realty, Clever Real Estate, Estatefy by Realogy, HomeLight,
27 mellohome by loanDepot, OJO Home (Movoto), Opendoor Brokerage, Ramsey Solutions

1 ELP, Realtor ReadyConnect (Opcity), Redfin Partner Program, Rocket Homes by Rocket
2 Companies, UpNest, Xome by Mr. Cooper, Zillow Flex, and several others.

3
4 65. The list of Referral Fee Networks was nearly irrelevant only a few years ago, but, over
5 the last five to seven years, several Referral Fee Networks have gained an unprecedented
6 scale in US housing sector. These schemes now successfully scale massive kickbacks
7 from “partner agent” commissions aided by interstate wire communications (primarily
8 via Google, Facebook, Nextdoor, TV and radio advertising channels) as well as an influx
9 of venture capital.

10 66. The key success factors of all Referral Fee Networks are typically a combination of the
11 following basic elements: (1) massive kickbacks are generated from one of the most
12 affluent transactions in consumers’ lives (2) large numbers of real estate brokers willing
13 to collude with “no upfront costs” by means of agreeing to pay a cut of future
14 commissions into the scheme (3) nationwide scalability of a highly localized service
15 without the burden of hard costs of operations (4) anticompetitive myths about how real
16 estate commissions are negotiated and paid in the United States (5) the lack of (and the
17 difficulty of) antitrust and RESPA regulation enforcement in a massive real estate sector
18 by federal agencies (6) cost-effective pay-per-click advertising (7) some form of
19 “dangling carrot” offer in front of consumers, such as price-fixed commissions proposed
20 as “savings,” or by means of creating an arrangement wherein the purchaser of services
21 splits the kickback with the scheme, or by means of false promises to deliver an
22 “unbiased data-driven match” with the “best” local agent.

23 67. Some Referral Fee Networks, such as Redfin Partner Program, operate in a hybrid mode
24 where some transactions are “farmed out” to “Redfin Partner Agents” while others are
25 performed by in-house by legitimate Redfin Agents. For example, Chris Nielsen, Chief
26 Financial Officer at Redfin, openly admits in Q2 2021 earnings call the following:
27 “...generally you should think of revenue from partner transactions as having very high
28

1 gross margin because the cost to serve the customer mostly comes from the agent who
2 does that, not someone from within Redfin ... you can't certainly use that assumption as
3 very high gross margin on the partner business."
4

5 68. Some Referral Fee Networks, such as Zillow Flex, set highly elaborate kickbacks
6 schedules based on the colluding brokers' geographic service areas. For example, Zillow
7 Group's Flex pricing states: "For each purchase or sale of a property you complete with a
8 Premier Agent Flex connection, you will pay Zillow a percentage of the full commission
9 you expect to receive for your side of the transaction. The referral for each transaction is
10 determined by (1) the location of the property and (2) the purchase or sale price of the
11 property. The referral fee may vary by each Premier Agent Flex market. The referral fee
12 for each Premier Agent Flex market is [stated] in the rate card ... If a property for a
13 transaction is located outside of the [identified] Premier Agent Flex markets, then the
14 referral fee will be 35%."

15 69. All Referral Fee Networks offer colluding "partner agents" a pathway to not compete for
16 consumers individually, thereby, stifling completion in the real estate sector.

17 **RELEVANT PRODUCT MARKET**

18 70. Two-sided online real estate agent marketplaces constitute a relevant antitrust product
19 market. Consumers have a systematic need to hire competitive and quality real estate
20 professionals when buying and selling homes. Buying and selling homes is one of the
21 most important, risk-averse, and complex transactions that takes a massive financial and
22 psychological toll on most of the consumers' where choosing the right real estate agent to
23 help is essential. Real estate commissions are systematically the largest single line item
24 consumers pay for when buying and selling homes, in part because they are not paid out
25 of pocket, but primarily are charged against the escrow.
26

27 71. To correctly solve for consumers' need in this market is to solve one of the biggest
28 problems in real estate, where the first most important step is to merely identify the

1 problem correctly – lack of direct pricing competition between real estate providers due
2 to prevailing and incredibly stubborn false notions in the industry that all “commissions
3 are standard,” that all “referral fees are standard,” and that all “buyer agent work for
4 free.”

5
6 72. Two-sided marketplaces allow for a number of highly advanced and efficient
7 mechanisms that can help consumers find real estate professionals unavailable by other
8 means (such as consumer review aggregators, MLS aggregators, individual real estate
9 agent websites, meta index search, etc.) because a two-sided marketplace generates
10 unique pricing element data in addition to reputation and availability elements that may
11 be already available elsewhere. Two-sided marketplace is the prime e-commerce
12 mechanism able to facilitate open competition between real estate professionals based on
13 all three basic economic utility elements: price, quality, and availability.

14 73. Further, two-sided online real estate agent marketplaces are able to transpose all three
15 economic utility elements against 130 million single home residence property records in
16 the United States as means to gain relevance within the organic output of a meta search
17 index (primarily through Google and Bing search providers outputs to consumers who
18 search for their present and/or future home addresses in the search bar) without a need to
19 offer actual real estate services directly to consumers. (See Exhibit H)

20 74. A unique ability to shift local hard costs of operations onto third-party providers is the
21 basic reason why two-sided marketplaces are able to scale rapidly in hard-to-reach
22 localized sectors such as transportation, real estate, consumer goods, food delivery, etc.
23 where the services of others can be aggregated rather than offered directly. The
24 opportunity to release two-sided marketplaces from the burden of having to carry hard
25 costs of local operations is the premise for rapid adoption synonymous with a true
26 technology company, in lieu of a tech-enabled company.
27
28

1 75. Some genuine tech-enabled real estate brokers are able to utilize Internet as a successful
2 marketing medium to scale their tangible services more rapidly than competitors, but they
3 are not a genuine substitute to two-sided online real estate agent marketplaces because
4 scaling of such brokerage operations locally requires massive resources and some models
5 scale easier in some areas than other areas. It is nearly impossible for any real estate
6 brokerage to have a national presence, that same way it is impossible for any taxi
7 company, or a transportation service to acquire a national presence.
8

9 76. By scaling unbiased and impartial information, two-sided online real estate agent
10 marketplaces are able to aggregate services nationally side-by-side that are highly
11 relevant and available in any number of geographical difficult to reach areas, especially
12 underrepresented and historically redlined by the housing industry. Two-sided online real
13 estate agent marketplaces support tech-enabled real estate brokers with networks effects
14 just like any other brokers that may be available to consumers locally. In a healthy,
15 properly functioning market, two-sided online real estate agent marketplaces work side-
16 by-side with tech-enabled real estate brokers in their respective “zones of interest.”
17

18 77. Two-sided online real estate agent marketplaces are a key to deliver a number of
19 essential relevant services that consumers may need at the time of their home purchase
20 and sale transactions, such as mortgage origination, refinance, home insurance,
21 renovation, design, staging, home inspections, home security, moving, home
22 maintenance, title, escrow, cash offer bridge loan stand-in programs, home warranty, and
23 other real estate products and services. With enough network effects, such services allow
24 for a plethora of revenue sources from legitimate advertising.

25 78. Any licensed real estate broker is not a *genuine* substitute to two-sided online real estate
26 agent marketplaces simply because a real estate broker cannot lawfully aggregate
27 services of its competitors without violating Section 1 of the Sherman Antitrust Act.
28 Two-sided online real estate agent marketplaces operate in an entire different “zone of

1 interest” and are able to aggregate services and savings provided by licensed real estate
2 brokers in a form of media content, or value-added data. Whereas, any real estate broker
3 can only lawfully promote self-performed services directly to consumers.
4

5 79. Given the differences between real estate brokers and two-sided online real estate agent
6 marketplaces, they are not *genuine* substitutes for one another.

7 80. However, in the event any real estate broker disguises itself as a two-sided online real
8 estate agent marketplace in an effort to create such substitute by means of forming a
9 Referral Fee Network, the open competition between real estate brokers fails due to the
10 simple fact that the broker who orchestrates the scheme systematically refuses to compete
11 for consumers in accordance with their licensed activities, and, instead, engages in “per
12 se” unlawful collusion. Such act of encroachment by the broker into a “zone of interest”
13 occupied by an online marketplace is an act of replacing the forces of competition
14 between brokers with forces of broker-to-broker collusion.

15 81. Referral Fee Networks damage free markets in United States residential real estate
16 representation industry and reinforce higher “uniform” commissions, promote “standard”
17 referral fees, and lower quality of service.

18 82. On the other hand, two-sided online real estate agent marketplaces improve free markets,
19 lead to competitive “fluid” commissions structure that varies from one provider to the
20 next, comply with federal prohibition against kickbacks and unearned fees, and increase
21 the overall utility value to consumers.

22 83. Two-sided online real estate agent marketplaces and Referral Fee Networks cannot
23 coexist in the real estate sector, in the long run. Referral Fee Networks are collusion-
24 driven substitutes for fragile open competition mechanisms provided by two-sided online
25 real estate agent marketplaces. As long as real estate agents are able to form their
26 operations into networks, the online real estate market in the United States residential real
27 estate representation sector does not function properly.
28

CAUSES OF ACTION

COUNT 1: RESTRAINT OF TRADE (15 U.S.C. § 1)

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2
3
4 84. HomeOpenly incorporates by reference the foregoing paragraphs of this Complaint as if
5 fully set forth herein.

6 85. HomeLight's conduct violates Section 1 of the Sherman Antitrust Act, which declares
7 "[e]very contract, combination in the form of trust or otherwise, or conspiracy, in
8 restraint of trade or commerce among the several States, or with foreign nations ... to be
9 illegal."

10 86. HomeLight administers a series of anticompetitive and exclusionary blanket referral
11 agreements with +/-28,000 independent real estate "partner agents" throughout the
12 United States. (See Exhibit I)

13 87. HomeLight scheme operates a massive anticompetitive and exclusionary network of real
14 estate agents across (50) US states and Washington DC to profit from restraining free
15 trade.

16 88. HomeLight scheme artificially increases the cost of real estate commissions paid by
17 consumers due to steering and hidden kickbacks.

18 89. HomeLight scheme subdues and damages operations of legitimate two-sided
19 marketplaces in the real estate representation sector.

20 90. HomeLight "partner agents" colluding with HomeLight no longer compete for
21 consumers, but rather compete for HomeLight to steer their business in exchange for pre-
22 negotiated kickbacks.

23 91. HomeLight has a direct financial incentive to steer consumers toward colluding brokers
24 who charge higher commissions within the network.

25 92. HomeLight has reinforced its scheme through tortious conduct designed to undermine
26 open markets and legitimate two-sided marketplaces.

27 93. HomeLight's conduct has no legitimate business purposes or procompetitive effects.
28

1 94. HomeLight's conduct has had a substantial negative effect on interstate commerce in all
2 major real estate representation markets across the United States.

3 95. HomeOpenly has suffered and will suffer an injury of the type that the antitrust laws were
4 intended to prevent.

5 96. HomeOpenly has been injured by the harm to competition as a result of HomeLight's
6 unlawful conduct with lesser network effects.

7 97. HomeOpenly has been injured by the harm to competition as a result of HomeLight's
8 unlawful conduct with lost revenue and profits from legitimate advertising.

9 98. Considering the balance of the hardships between HomeOpenly and HomeLight, an
10 injunction is warranted, and the public interest would not be disserved by the issuance of
11 an injunction.

12 99. As such, HomeOpenly is entitled to an injunction restraining HomeLight, and all persons
13 acting in concert with it, from engaging in further acts constituting restraint of trade in
14 violation of the Section 1 of the Sherman Antitrust Act in accordance with 15 U.S.C. § 26
15

16 **COUNT 2: ATTEMPTED MONOPOLIZATION (15 U.S.C. § 2)**

17 100. HomeOpenly incorporates by reference the foregoing paragraphs of this
18 Complaint as if fully set forth herein.

19 101. HomeLight's conduct violates Section 2 of the Sherman Antitrust Act, which
20 prohibits the "monopoliz[ation of] any part of the trade or commerce among the several
21 States, or with foreign nations".

22 102. HomeLight's conduct has substantial anticompetitive effects, including increased
23 prices for real estate commissions, reduced innovation and quality of service.

24 103. HomeLight engages in both predatory and anticompetitive conduct, with an intent
25 to monopolize and a dangerous probability of achieving monopoly power in United
26 States real estate representation market by means of interstate wire communications and
27 online media.
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104. HomeLight is an acting “hub” administrator of a "hub-and-spoke" conspiracy between itself, and +/-28,000 "partner agents" “spokes” all of which in unison engage in an overt act in furtherance of the conspiracy and a specific intent to monopolize.

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105. HomeLight excludes and harms open competition across (50) US states and Washington DC, with a greater share of that market than any one typical brokerage. The illicit action to form a network of +/-28,000 third-party “partner agents” is at the core of HomeLight’s exclusionary conduct. HomeLight systematically drives consumers toward +/-28,000 HomeLight “partner agents” and away from the open markets against law-abiding highly competitive agents who work outside the scheme.

11
12
106. HomeLight has reinforced its scheme through tortious conduct designed to undermine open markets and legitimate two-sided marketplaces.

13
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107. HomeLight's conduct has no legitimate business purposes or procompetitive effects.

15
16
108. HomeLight's conduct has had a substantial negative effect on interstate commerce in all major real estate representation markets across the United States.

17
18
109. HomeOpenly has suffered and will suffer an injury of the type that the antitrust laws were intended to prevent.

19
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110. HomeOpenly has been injured by the harm to competition as a result of HomeLight’s unlawful conduct with lesser network effects.

21
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111. HomeOpenly has been injured by the harm to competition as a result of HomeLight’s unlawful conduct with lost revenue and profits from legitimate advertising.

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112. Considering the balance of the hardships between HomeOpenly and HomeLight, an injunction is warranted, and the public interest would not be disserved by the issuance of an injunction.

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113. As such, HomeOpenly is entitled to an injunction restraining HomeLight, and all persons acting in concert with it, from engaging in further acts constituting attempted

1 monopolization in violation of the Section 2 of the Sherman Antitrust Act in accordance
2 with 15 U.S.C. § 26

3
4 **COUNT 3: MISLEADING TRADEMARK USE (15 U.S.C. § 1125)**

5 114. HomeLight actively promotes and publishes false and misleading statements
6 regarding its “sham” brokerage.

7 115. HomeLight’s false and misleading statements of fact were published on
8 HomeLight’s website, which functions as a commercial advertisement and promotion for
9 its “sham” brokerage

10 116. HomeLight’s false and misleading statements have deceived or are likely to
11 deceive real estate agents and consumers to cause them to cease or avoid using
12 HomeOpenly service.

13 117. HomeLight advertises its “sham” brokerage in multiple states throughout the
14 nation, and by putting their false statements about HomeLight online, have distributed
15 these statements nationwide and affected interstate commerce.

16 118. HomeLight’ false and misleading statements have caused and are likely to
17 continue to cause HomeOpenly to lose network effects and ads revenues, and also to lose
18 goodwill value associated with its 100% free services to real estate agents and consumers.

19 119. HomeLight’ false and misleading statements concerning HomeLight are a
20 violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

21 120. On information and belief, HomeLight knows that their representations
22 concerning HomeLight are false or misleading.

23 121. On information and belief, HomeLight’s false or misleading representations of
24 fact were done with bad faith and malice or reckless indifference to open markets,
25 consumers, and HomeOpenly’s interests and are likely to affect the consumer’s conduct
26 or decisions with regard to a product or service.
27

1 122. HomeLight’ false or misleading representations of fact makes this an exceptional
2 case within the meaning of 15 U.S.C. § 1117.

3 123. HomeOpenly has suffered and continues to suffer an irreparable injury by
4 HomeLight’ wrongful acts of false advertising including a loss of goodwill, and no
5 remedy available at law would be sufficient to compensate it for that injury.
6

7 124. Considering the balance of the hardships between HomeOpenly and HomeLight,
8 an injunction is warranted, and the public interest would not be disserved by the issuance
9 of an injunction.

10 125. As such, HomeOpenly is entitled to an injunction restraining HomeLight, and all
11 persons acting in concert with it, from engaging in further acts constituting false
12 advertising in violation of the Lanham Act.

13 126. HomeLight should additionally be required to issue corrective advertising with
14 regards to its services to repair the damage it has done to HomeOpenly with its customers
15 and in the marketplace.

16 **COUNT 4: UNFAIR PRACTICES (CA Bus. & Prof. Code §172000 et seq)**

17 127. HomeOpenly incorporates by reference the foregoing paragraphs of this
18 Complaint as if fully set forth herein.

19 128. The California Business and Professions Code §172000 defines “unfair
20 competition” as any unlawful, unfair or fraudulent business act or practice, or false,
21 deceptive or misleading advertising. Almost any violation of the law can serve as the
22 basis for an unfair competition claim if, as a result of the unfair competition, it harms
23 consumers, or it gives a business an unfair advantage over its competitors.
24

25 129. The purpose and effect of HomeLight's scheme are acts of unfair competition that
26 harm consumers with an unfair advantage over its competitors.
27
28

1 130. HomeOpenly has been injured by the harm to competition as a result of
2 HomeLight's unlawful conduct with lesser network effects.

3 131. HomeOpenly has been injured by the harm to competition as a result of
4 HomeLight's unlawful conduct with lost revenue and profits from legitimate advertising.

5 132. Considering the balance of the hardships between HomeOpenly and HomeLight,
6 an injunction is warranted, and the public interest would not be disserved by the issuance
7 of an injunction.

8 133. As such, HomeOpenly is entitled to an injunction restraining HomeLight, and all
9 persons acting in concert with it, from engaging in further acts constituting unfair
10 competition in accordance with CA Bus. & Prof. Code §17203.
11

12
13 **DEMAND FOR JURY TRIAL**

14 134. HomeOpenly hereby demands a jury trial on all its claims.
15

16
17 **PRAYER FOR RELIEF**

18 135. HomeOpenly respectfully prays for the following relief:

- 19 a. a judgment finding that HomeLight violated the Sherman Act, Lanham Act, and
20 California Unfair Practices Act;
- 21 b. a judgment and order requiring HomeLight to pay HomeOpenly damages in an
22 amount adequate to compensate HomeOpenly for HomeLight's violations of the
23 Sherman Act, Lanham Act, and California Unfair Practices Act;
- 24 c. treble damages, costs, and attorneys' fees, pursuant to 15 U.S.C. § 15;
- 25 d. treble damages, costs, and attorneys' fees, pursuant to 15 U.S.C. § 1117;
- 26 e. treble damages, costs, and attorneys' fees, pursuant to Cal. Bus. & Prof. Code §
27 17082;
- 28

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- f. a judgment and order requiring HomeLight to pay pre-judgment interest and post-judgment interest to the full extent allowed under the law; and
- g. any further relief the Court may deem just and proper.

DATED: June 18, 2022

/s/ Dmitry Shkipin

Dmitry Shkipin, pro se

Exhibit A

Homelight, Inc. v. Shkipin et al.

Case Number: 3:22-cv-03119-VC

Open Real Estate Marketplace™

Enter an address to see your savings



Open Marketplace™ vs. Referral Networks

HomeOpenly maintains an Open Marketplace for all local Real Estate Agents who offer consumers great service and savings. When shopping for a Real Estate Agent, the price alone is not as important as being able to make an informed choice about

representation. HomeOpenly makes this choice transparent and subject to 0% referral fees.

Read Less ^

We provide consumers with impartial local matches for value-added Agents based on their services, reviews, individual rates, flat fees, and/or buyer's refunds. HomeOpenly is an absolutely free service to consumers and Real Estate Agents because it is supported with independent ads for home mortgages, home insurance, and similar real estate verticals.

There is no pressure for Agents to advertise the lowest rates and cut corners - we encourage Agents to list reasonable market rates for their best service. HomeOpenly displays all local results LIVE to our users, so that consumers know who they are dealing with up-front, instead of being matched blindly with a random agent as a part of a Referral Network. Referral Networks propose a poor choice for Real Estate Agents and consumers alike due to lack of transparency and 25%-40% in hidden referral fees.

Under our Privacy by Design methodology, only consumers are able to decide who receives their information. HomeOpenly never shares users' information without expressed intent. This process allows our users to safely connect with the best local Agents, instead of being subjected to referral fees and "sold as leads" in the process.

HomeOpenly is a marketplace designed to completely change the way our homes are bought and sold in the United States with an innovative approach that encourages healthy competition among great local Agents looking to provide the best service to consumers.

Compare LIVE Local Results

San Francisco, CA



0% Referral Fees ^

What does this mean? HomeOpenly does not seek referral fees, period. Our service operates as an Open Marketplace and it is funded with independent revenue. This also means that all our results are fair and impartial. Without referral fees, we are able to show you the best savings right away. There are no hidden referral agreements for anyone who uses HomeOpenly.

100% Savings ^

HomeOpenly is an open access platform built for Home Owners, Home Buyers and Real Estate Agents. Real Estate Agents advertise their best listing rates, flat fees and buyer's refunds locally and consumers receive 100% of all savings.

Privacy by Design ^

We keep your user data 100% safe. Competing online middle-man brokers often sell your data to as many Agents as possible. HomeOpenly only shares user information if you choose to send your Lead Request to a specific Real Estate Agent. HomeOpenly delivers the best user privacy by design.

Transparent Nationwide Savings. Top Brands.

0% Referral Fees. No Subscription Fees. No Lead Fees.

Instead of cutting HomeOpenly into their gross commission, your Realtor[®] works for you, 100% of the time. HomeOpenly delivers clear savings, structured as digital content, in the most equitable format possible.

Open Marketplace[™] enables the largest variety of client-focused Realtors[®] to offer competitive rates, honest accord, and a true-blue customer experience.



Real Estate Commissions Open Marketplace

HomeOpenly is an Internet company designed to connect Home Sellers and Home Buyers with Real Estate Agents participating within its Open Marketplace.

Our web service facilitates competitive behavior among Real Estate Agents and allows each Agent to advertise his/her competitive commissions, flat fees, and services.

HomeOpenly offers access and service as an open and an impartial platform for all our users.

You Choose the Best Real Estate Agents

HomeOpenly is an excellent opportunity for Home Sellers and Home Buyers to find and negotiate representation fees with Real Estate Agents prior to the elusive and complicated search for the desired property, or the best purchase offer.

Our system is uniquely built so that you, as a prospective Home Seller or a Home Buyer, find the right Real Estate Agent who offers competitive commission rates and flat fees based on overall transaction budget.

HomeOpenly does not facilitate any offers or sets any commission rates, we are an OPEN online platform that connects Home Sellers and Home Buyers with Real Estate Agents at no additional cost.



Your Open Real Estate Savings Marketplace

HomeOpenly is an Internet company, we exist to improve the homeownership experience. Highly effective and open systems approach allows us to aggregate the best local listing savings, flat fees, and buyer's refunds for the direct benefit of housing marketplace participants.

Instead of steering our users, we seek to profit by offering our users impartial hyper-local savings information, something that we call good e-commerce. HomeOpenly helps our users to make the opportunity of homeownership transparent, affordable, and an open experience.

Open Marketplace

[Our Mission \(/Our-Mission.html\)](/Our-Mission.html)

[Terms of Service \(/TermsOfService.html\)](/TermsOfService.html)

[Privacy by Design \(/PrivacyPolicy.html\)](/PrivacyPolicy.html)

Homeownership

[Real Estate Guides \(/guide/RealEstateGuides\)](/guide/RealEstateGuides)

[Real Estate Directory \(/Reviews/RealEstateDirectory\)](/Reviews/RealEstateDirectory)

[Savings by States \(/Real-Estate-Agents-Commissions-Rebates\)](/Real-Estate-Agents-Commissions-Rebates)

Connect with Us

[Contact \(/ContactUs.html\)](/ContactUs.html)

[Feedback \(/feedback.html\)](/feedback.html)

[Marketplace Partners \(/Marketplace-Partners\)](/Marketplace-Partners)

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Designed in California 

Exhibit B

Homelight, Inc. v. Shkipin et al.

Case Number: 3:22-cv-03119-VC

Our Mission Is to Improve the Homeownership Experience

Last updated: August 2019

HomeOpenly helps our users to make the opportunity of homeownership transparent, affordable, and an open experience.

Privacy by Design

As an Internet technology company, our commitment will always be the same: user experience. HomeOpenly strictly enforces Privacy by Design policy and never shares user's information unless the user specifically authorizes us to do so. Privacy by Design policy improves user trust and leads to better network effects. Our team uses Open Systems Design methodology to innovate, develop, and maintain an excellent end-to-end Open Real Estate Marketplace™ experience for all users.

(<https://homeopenly.com/PrivacyPolicy.html>)

Open Systems Design

Most of our optional marketplace products carry highly sensitive user information and other private details. Automatic end-to-end encryption ensures that only the intended users can read what is sent, and nobody in between, not even HomeOpenly.

(<https://homeopenly.com/TermsOfService.html>)

Truth in Advertising and Marketing

Transparency is all about trust. HomeOpenly is an Open Marketplace™ with access to the best unbiased local savings information, for free. HomeOpenly does not sell broker fees and does not accept any referral fees from real estate brokers. Simply stated, real estate brokers never pay HomeOpenly. When you use HomeOpenly, all matched results are unbiased and transparent. Any paid offers we display to you from our Marketplace Partners are optional and always clearly labeled. HomeOpenly keenly guards user privacy and never shares your information with third parties without your expressed consent. We consider it a privilege to be able to help make your homeownership a better experience with the use of Internet technology.

(<https://homeopenly.com/Marketplace-Partners>)

Residential Real Estate Reviews and Ratings

HomeOpenly maintains Residential Real Estate Directory (RRED) of trending real estate services, portals, and startups. All entries are independently compiled and scored. HomeOpenly does not receive any payments from companies and services listed, all Editor's reviews are impartial. The guidelines for acceptance require sizable and innovative impact on the residential real estate process in the United States. Only services that provide the best organic value to consumers in home transactions receive the highest Editor's rating.

(<https://homeopenly.com/Reviews/RealEstateDirectory>)

Residential Real Estate Guides

HomeOpenly maintains a series of articles organized into Guides that aim to highlight issues that affect housing affordability, home selling, home buying, and home care trends in the industry. The information presented in the Guides is unbiased. HomeOpenly staff selects issues based on the importance and impact to users, and not due to any outside influence.

(<https://homeopenly.com/guide/RealEstateGuides>)

Your User Experience and Feedback

HomeOpenly works due to healthy user-participation. Our goal is to encourage competition and to fix the residential real estate process with network effects as a driving catalyst. HomeOpenly relies on powerful user engagement as much as a compass relies on a powerful geomagnetic field. HomeOpenly advocates for 100% experience with all our users: homeowners, home buyers, real estate agents, and marketplace partners. Please tell us what is important to you about your homeownership experience, what you look for in a trust-focused platform and how we can better serve you as our user.

(<https://homeopenly.com/ContactUs.html>)

HomeOpenly Frequently Asked Questions (FAQ)

Why Open Marketplace™ offers unbiased real estate information?

The alternative to Open Marketplace™ is 'pay to play' where the information you get depends on who paid to present it to you. In real estate, unbiased information is especially important because your home is probably the largest purchase you will ever make.



The most common 'pay to play' scheme in real estate is a 'paper brokerage' website that pretends to give unbiased agent referrals while referring only agents who are willing to pay a referral fee.

Why Open Marketplace™ offers a fair platform for Realtors®?

HomeOpenly provides agents the ability to establish fair commissions and the best level of service. As a real estate professional, your efforts and rewards for doing the work are 100% focused on your clients.

HomeOpenly is not a real estate 'paper broker' and can legally advertise services of real estate professionals in compliance with local Business and Professions Codes, RESPA (12 U.S.C. 2607), and the Sherman Antitrust Act (15 U.S.C. Chapter 1, 2).

When should I use HomeOpenly?

As a consumer, you may easily check HomeOpenly online live results before hiring a real estate agent to see how much you can save when buying or selling any residence in the United States.

All results are impartial and there are no hidden costs to anyone. The best thing for a homebuyer or a home seller is to use our service before approaching real estate agents directly.

How does HomeOpenly help me financially?

HomeOpenly helps homebuyers and home sellers save money by connecting our users with Real Estate Agents offering the best deals as an open e-commerce platform. We also connect our users with many value-added services, such as mortgage lenders, insurance providers, maintenance pros, and bridge loan financial products that offer competitive terms and conditions to consumers across the US.

Is HomeOpenly a Referral Service?

No. HomeOpenly is not a referral service, we do not recommend one agent over another to consumers. Our product is a digital e-commerce marketplace where agents advertise to consumers their services subject to transparent pricing. A marketplace is a distinctly different proposition from a referral service.

HomeOpenly offers genuine information that helps consumers meet local professionals on competitive terms and to make a sound Financial Service or a Financial Product choice. Specifically, the platform aggregates savings information from local real estate agents subject to 0% referral fees. However, consumers are not referred to anyone in specific. (<https://homeopenly.com/guide/The-Anatomy-of-an-Open-Real-Estate-Marketplace>)

HomeOpenly is distinctly unbiased media company in real estate. We help consumers with new and transparent information; we help consumers to connect with competitive agents, but we are not a referral service and we do not make any broker referrals.

The distinction is such that paper brokers, or broker referral services, typically attempt to steer consumers in self-interest toward their Partner Brokers for a cut of their commissions. (<https://homeopenly.com/guide/Blanket-Referral-Agreements-in-Real-Estate>)

Does HomeOpenly have any hidden fees?



There are no fees to anyone, no 'partner agents,' and no hidden 'blanket' referral agreements. HomeOpenly always delivers 100% savings and keenly guards user privacy because it is built to deliver the best user experience.

HomeOpenly delivers great savings to consumers looking to buy or sell residential real estate in the United States because it is supported with independent advertising revenue for value-added Fintech and housing products and services such as mortgage, refinance, moving, stand-in cash offers programs, home insurance, etc.

Real estate agents never pay HomeOpenly to advertise and we never collect fees from agents after your real estate transaction is complete. Our goal is to encourage competition and to improve the homeownership experience as a value-added Internet service.

Search for Real Estate Savings

San Francisco, CA

Open Marketplace

[Our Mission \(/Our-Mission.html\)](/Our-Mission.html)

[Terms of Service \(/TermsOfService.html\)](/TermsOfService.html)

[Privacy by Design \(/PrivacyPolicy.html\)](/PrivacyPolicy.html)

Homeownership

[Real Estate Guides \(/guide/RealEstateGuides\)](/guide/RealEstateGuides)

[Real Estate Directory \(/Reviews/RealEstateDirectory\)](/Reviews/RealEstateDirectory)

[Savings by States \(/Real-Estate-Agents-Commissions-Rebates\)](/Real-Estate-Agents-Commissions-Rebates)

Connect with Us

[Contact \(/ContactUs.html\)](/ContactUs.html)

[Feedback \(/feedback.html\)](/feedback.html)

[Marketplace Partners \(/Marketplace-Partners\)](/Marketplace-Partners)



Exhibit C

Homelight, Inc. v. Shkipin et al.

Case Number: 3:22-cv-03119-VC



[NEWS & MARKET TRENDS \(HTTPS://WWW.HOMELIGHT.COM/BLOG/BUY-HOUSE/MARKET-NEWS/\)](https://www.homelight.com/blog/buy-house/market-news/)

[WORKING WITH REAL ESTATE AGENTS \(HTTPS://WWW.HOMELIGHT.COM/BLOG/ATTRACT-BUYERS/WORKING-WITH-AGENTS/\)](https://www.homelight.com/blog/ATTRACT-BUYERS/WORKING-WITH-AGENTS/)

Is HomeLight Legitimate? What to Know About the Real Estate Technology Company

Published on March 28th, 2022 11 min read



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Editor

in

(<https://www.linkedin.com/shareArticle?mini=true&url=https://www.homelight.com/blog/is-homelight-legitimate/&title=Is HomeLight Legitimate? What to Know About the Real Estate Technology Company>)

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f

(<https://www.facebook.com/sharer/sharer.php?u=https://www.homelight.com/blog/is-homelight-legitimate/&t=Is HomeLight Legitimate? What to Know About the Real Estate Technology Company>)

e

(<mailto:?subject=Is HomeLight Legitimate? What to Know About the Real Estate Technology Company&body=https://www.homelight.com/blog/is-homelight-legitimate/>)

p

At HomeLight, our vision is a world where every real estate transaction is simple, certain, and satisfying. Therefore, we promote strict editorial integrity (<https://www.homelight.com/blog/editorial-integrity/>) in each of our posts.

In recent years, the online real estate landscape has been changing nearly as fast as homes have been selling. Agent referral services, iBuyers with instant cash offers, and home trade-in programs, have all played a role in making home buying a selling faster and more convenient.



Connect with a top agent to find your dream home

However, confusion and concern can also accompany change. So it's understandable that some consumers are asking, "Are these real estate companies legit?" You may even be wondering, "Is HomeLight legitimate?" Get started (<https://www.homelight.com/find-agent/quiz/buyer?#/qaas=0/>)

The answer is yes, HomeLight (<https://www.homelight.com/about-us>) is a legit online real estate company. That's good news for you, especially if you want to sell your home. You've come to the right place to find out the answers to your questions and help as you plan on selling your home.

Imagine that you are ready to sell your home. Maybe you've decided to sell because it's time to downsize. Or perhaps your job allows you to work remotely, and you want to find a new space. No matter what the reason – you are ready to sell.

The task can feel monumental, especially since you have to go through the daunting effort of finding, vetting, and hiring a real estate agent. This is where HomeLight can help. HomeLight reduces the hassle of finding an agent and monumentally smoothes the house selling process.

Is HomeLight legit? Read on to learn more about the company and its vision for real estate, products and services, and record of success.

What is HomeLight?

HomeLight matches you with top-performing local real estate agents who know your market. We partner with 28,000 agents in our nationwide network to find the highest rated agents that know your market.

HomeLight's matching algorithm accounts for factors like:

- the agent's sale to list price ratio
- how the ratio maps to local price trends
- average days on market (DOM (<https://www.homelight.com/blog/how-long-should-a-house-sit-on-the-market/>)) to show how fast they've sold homes like yours
- The agent's client feedback

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Bottom line: HomeLight provides valuable services to home sellers and buyers

HomeLight is a free, fast, and convenient service to empower you to achieve better outcomes during the selling process. Our vision is a world where every real estate transaction is simple, certain, and satisfying.

All in all, our leading agents handle over \$1 billion in real estate transactions on HomeLight's platform every year.

Beyond speed and convenience, HomeLight provides a substantial advantage when you're selling your home.

Is HomeLight legitimate and worthwhile?



Connect with a top agent to find your dream home people (<https://www.homelight.com/testimonials>) have successfully used HomeLight to get a better outcome when buying or selling their homes. Additionally, HomeLight was a 4.2 out of 5 star customer review (as of 2021) with the Better Business Bureau.

Finally, the independent finance site Moneyunder30 (<https://www.moneyunder30.com/homelight-review>) rated HomeLight 9/10. The finance site caters its advice to young adults. That's a strong endorsement because part of HomeLight's success comes from the changing demographic of homebuyers.

An estimated 45 million Millennials (26-35) (<https://www.realtor.com/research/2022-national-housing-forecast/>) are entering the real estate market. This younger, tech-inclined generation has discovered the cost and time-saving benefits of real estate companies like HomeLight.



(<https://3xlsey17pnzh3nf35w1wwnug-wpengine.netdna-ssl.com/wp-content/uploads/2022/03/is-homelight-legitimate.png>)

Source: (Eric Ardito / Unsplash)

How does HomeLight work?

For home sellers

HomeLight works by matching home sellers to top real estate agents that sell homes faster and for money. Here's how HomeLight works for sellers:

- you tell us a bit about your property and when you want to sell
- our matching platform analyzes an agent's specialties, experiences, and market presence in your area
- we analyze over 27 million transactions and thousands of reviews
- Agent Match provides the top recommendations in your area



Connect with a top

agent to find your dream home
 you will get unbiased agent recommendations because agents don't pay us
 to be listed on our platform.

Get started (<https://www.homelight.com/find-agent/quiz/buyer?#/qaas=0/>)

Your HomeLight network agent can provide complete service to help
 prepare your home for sale, including:

- price trends analysis and local price
 (<https://www.homelight.com/blog/comparative-market-analysis/>) per
 square foot
- home prep (<https://www.homelight.com/blog/add-value/preparing-to-sell/>) and staging (<https://www.homelight.com/blog/home-staging-tips-first-timers/>)
- arrange for professional photographs
 (<https://www.homelight.com/blog/how-to-stage-a-house-for-photos/>) of
 your home
- list your home on the multiple listing service
 (<https://www.homelight.com/blog/buyer-what-is-the-mls-multiple-listing-service/>) (MLS)
- market your property (<https://www.homelight.com/blog/creative-ways-to-market-a-house-for-sale/>)
- handle showings, tours, and open houses
 (<https://www.homelight.com/blog/buyer-open-house-dos-and-donts/>)

Our data shows the top 5% of agents across the U.S. help clients sell homes
 for as much as 10% more than the average real estate agent. All in all, our
 top performing partner agents can put more money in your wallet at
 closing.

For homebuyers

HomeLight works for you by tailoring your agent search to your specific
 needs. This service is 100% free and is at no cost to you. In about two
 minutes, you can match with an agent who can:

- take the stress out of house hunting
- get a grip on your housing market
- navigate the home buying process with you

Ultimately, your agent works for you to make buying a home easier. To help
 find your dream home, a top agent can:

- prepare all the documents and offers
- provide detailed knowledge and experience in your local market
- strategically advise you during the homebuying process



HomeLight matches buyers with top agents who can provide comprehensive service to you. Those services can include:

- Get started (<https://www.homelight.com/find-agent/quiz/buyer?#/qaas=0/>)
- Share knowledge and experience to help you navigate the local market
- give strategic advice throughout the home buying process
- prepare all required documents and written offers
- negotiate to get you the best price
- review financing options
- Monitor and guide the process through to closing

We've introduced more than 1 million buyers and sellers to top local real estate agents. Due to our success, that number keeps climbing higher.

Put this success to work for you and get in contact with an experienced agent in your area using our Agent Match tool (<https://www.homelight.com/find-real-estate-agents>).

How does HomeLight make money?

First, top agents don't pay HomeLight to receive a listing. Suppose you and one of our in-network agents complete a successful home sale or purchase. Then, HomeLight receives a portion of the agent's commission as a referral fee.

The referral fee ensures there is no cost to you to use HomeLight. Another thing to remember is that the Agent Match service has no catch. This 100% free service makes home buying or selling more manageable and a win-win for everyone involved.

What is Simple Sale?

As a seller, you may want to connect directly with cash buyers instead of listing your home on the market. Cash offers can be especially helpful if you need to sell fast, such as selling an inherited home located away from where you live. Or perhaps your home is in need of expensive repairs you can't, or don't want to fix. To meet that need, in 2019, HomeLight introduced Simple Sale, which provides a cash offer to buy your home.

Simple Sale is HomeLight's marketplace where you can connect with cash buyers in your area. We have direct-buy partners countrywide ready to make nearly instant cash offers on your home for sale. The service gives you a convenient and streamlined method for selling your home online.

Sellers appreciate HomeLight's Simple Sale because of these benefits:

- avoid agent fees
- sell your house "as is" with no repairs or renovations



Connect with a top agent to find your dream home

- connects you with one of the largest buyer networks in the U.S.
- skip home prep, staging, or showings
- Get started (<https://www.homelight.com/find-agent/quiz/buyer?#/qaas=0/>)
- receive a competitive cash offer
- Fast and simple transaction
- can often let you pick the closing date

With Simple Sale (<https://www.homelight.com/simple>), you can sell your home fast with the certainty of a cash offer in as few as 10 days.

(<https://3xlsey17pnzh3nf35w1wwnug-wpengine.netdna-ssl.com/wp-content/uploads/2022/03/is-homelight-legitimate-1.png>)

Source: (Cut in A Moment / Unsplash)

HomeLight Reviews

Sellers and buyers who use HomeLight are happy with the services we provide. Our testimonial page (<https://www.homelight.com/testimonials>) has scores of satisfied sellers and buyers. People like:

- Sam R. (Temple, Texas) closed the sale on his home and happily explained that one of our top agents made everything as “stress-free as possible.” Sam was also happy to receive his cash in hand “in no time.”
- Michael H (Tallapoosa, Georgia) was initially overwhelmed by the whole selling experience and had many questions. When he used HomeLight,



Connect with a top agent to find your dream home

Michael was able to find an agent who provided “frequent updates” and was “quick to reply anytime.” Michael was so happy with the experience

that he used HomeLight to buy a property.

Get started (<https://www.homelight.com/find-agent/quiz/buyer?#/qaas=0/>)

- Jordyn D (Berthoud, Colorado) used HomeLight to find a Realtor® in his area and bought his first home. Jordyn liked that his realtor team was “experienced with construction” and could help them with their newly built home.
- Dolly K (Dallas, Georgia) used HomeLight’s Simple Sale and sold her home with a cash offer. “I would like to thank HomeLight for finding us a professional investor to buy our house. I did not expect it would be that simple, fast, and hassle-free.” She contacted HomeLight and then “the next day I got a few interested parties...closing went through smoothly. Superb!”

Another place that catalogs HomeLight’s success is BBB’s

(<https://www.bbb.org/us/ca/san-francisco/profile/real-estate/homelight-inc-1116-532628/customer-reviews>) customer reviews. The reviews provide good insight into HomeLight and how people like the agents we suggest.

For instance:

- CM J appreciated that his agent explained the seller’s side of the process and helped list the home. Within 48 hours, CM J “had three, all-cash offers” and would “definitely utilize HomeLight services again.”
- John S said the process of selling his home was “so much easier than expected.” With HomeLight’s agent’s help, John says the “process and experience was effortless” and looks forward to selling another home using HomeLight’s services.

Finally, SiteJabber (<https://www.sitejabber.com/reviews/homelight.com#>) shows that HomeLight has a 4.5/5 star rating from 209 reviews. The rating shows customers are satisfied with our company.

- Luann P showed her gratitude to HomeLight’s agent, who was “knowledgeable, kind, and so helpful.”
- Robert S explained he had a “great experience with HomeLight.” Using the matched agent, Robert was able to sell his home before listing it on the MLS and said, “you can’t beat zero days on the market!”

A note about reviews — sometimes people confuse HomeLight with a power tool company called Homelite, which manufactures hedge trimmers, chainsaws, and blowers. Sometimes we catch a stray review from their customers.

What other services does HomeLight provide?



Connect with a top agent to find your dream home go smoothly. You can click on the links to learn more about:

- Get started (<https://www.homelight.com/find-agent/quiz/buyer?#/qaas=0/>)
HomeLight Home Loans (<https://www.homelighthomeloans.com/mortgage-rates/>): You'll have a dedicated loan office, low rates, and exceptional speed and certainty with our mortgage services.
- HomeLight Trade-In (<https://www.homelight.com/trade-in/>): Selling and buying at the same time? You'll receive a guaranteed offer on your house. When you find your new home, we buy your existing property. After we sell your old house, you keep any profit above our guaranteed offer.
- HomeLight Cash Offer (<https://www.homelight.com/cash-offer/>): We'll purchase your dream home for cash on your behalf, giving you extra bidding power. Then we'll sell it to you using our mortgage service or one of your choosing.

Some services are not available in all areas.

HomeLight provides additional tools resources to smooth the home buying and selling process:

- Home Value Estimator (<https://www.homelight.com/home-value-estimator/>): Harnesses the power of multiple sources to provide a value estimate based on current market trends.
- Agent Commissions Calculator (<https://www.homelight.com/real-estate-agent-commissions/>): You can look up average commission rates for your city.
- Home Affordability Calculator (<https://www.homelight.com/how-much-house-can-i-afford/>): We help buyers budget using current savings, income, and down payment.
- Net Proceeds Calculator (<https://www.homelight.com/net-proceeds-calculator/>): We help buyers budget using current savings, income, and down payment.
- Best Time to Sell Calculator (<https://www.homelight.com/best-time-to-sell-house/>): Analyzes market data and home sale price data to determine the best time to sell quickly and for the most money.
- Informative Blogs (<https://www.homelight.com/blog/>): We provide expert advice, checklists, and quick tips in the HomeLight Seller and Buyer resource centers.

Other frequently asked questions about HomeLight

Do real estate agents pay HomeLight to be part of their network?



Connect with a top

agent to find your dream home performing real estate agent (<https://www.homelight.com/blog/find-a-realtor/>) to partner based on a number of metrics and curation of reviews. Get started (<https://www.homelight.com/find-agent/quiz/buyer?#/qaas=0/>)

Is HomeLight worth it? Do they deliver on what they promise?

If you check out the testimonials page (<https://www.homelight.com/testimonials>), you will see story after story from sellers and buyers alike who were happy to work with HomeLight. We always strive to deliver on what we promise whether we are helping you find a top agent, securing a competitive mortgage, providing a no-obligation cash offer, or working toward an on-time closing.

What else should I know about HomeLight?

People like to work at HomeLight because it's a good company. For instance, HomeLight has been repeatedly recognized as one of the best workplaces by organizations such as Inc. Magazine's Best Workplaces (<https://www.inc.com/profile/homelight>) (2019 and 2020). In addition, the website Comparably shows a 98% positive rating (<https://www.comparably.com/companies/homelight/reviews>) from HomeLight employees.

Bottom line: HomeLight provides valuable services to home sellers and buyers

In this article, we answered, "is HomeLight legit?" You learned what type of company HomeLight is, how it makes money, how much clients like to work with HomeLight, and a list of its valuable products and services.

Navigating real estate transactions is not always easy. Sometimes, it's reassuring to have a knowledgeable and experienced partner to guide the way. If you're thinking about buying or selling a home, HomeLight can help!

Check out our 100% free agent-matching service (<https://www.homelight.com/find-real-estate-agents>) to find a top-rated agent who can guide you during your real estate journey.

Header Image Source: (Matt Kay / Shutterstock)

Dwayne Vega (<https://www.homelight.com/blog/author/dwayne-vega/>)
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Dwayne Vega is a freelance writer with a specialization in real estate content. He works closely with B2C and B2B companies providing useful and engaging content that converts viewers into clients. When he isn't writing for work, you can find him reading and writing for his ongoing MFA in Creative Writing.



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Richard Haddad
(<https://www.homelight.com/blog/author/richardhaddad/>)
Editor

Get started (<https://www.homelight.com/find-agent/quiz/buyer?#/qaas=0/>)
(mailto:richard.haddad@homelight.com)

in
(<https://www.linkedin.com/in/richard-w-haddad>)

Richard Haddad is an editor at HomeLight where he works with an experienced content team that oversees the Seller Resource Center, a blog featuring in-depth articles about the home sale process, home ownership news, home care and design tips, and related trends. Previously, he served as an editor and content producer for World Company, Gannett, and Western News & Info, where he also served as news director and director of internet operations. Richard is a veteran of the U.S. Air Force and published his first works in military newspapers and magazines.

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(<https://www.homelight.com/blog/should-i-sell-my-house-or-rent-it-out/>)

BUYERS

The 35 Steps to Building a House: Your Start-to-Finish Guide

(<https://www.homelight.com/blog/buyer-steps-to-building-a-house/>)

SELLING ADVICE

Can I Sell My House to a Family Member at Below Market Value?

(<https://www.homelight.com/blog/can-i-sell-my-house-to-a-family-member/>)



Connect with a top agent to find your dream home

Take the next step

Get started (<https://www.homelight.com/find-agent-quiz/buyer?#/qaas=0/>)

Get free, objective, performance-based recommendations for top real estate agents in your area.

Enter your address

Find an Agent

Company

About HomeLight (<https://www.homelight.com/about-us>)

Testimonials (<https://www.homelight.com/testimonials>)

Careers (<https://www.homelight.com/careers>)

Press (<https://www.homelight.com/press>)

Affiliate Program (<https://affiliate.homelight.com>)

Real Estate Investors (<https://www.homelight.com/ibuyers>)

Sign In (<https://www.homelight.com/client/sign-in>)

Find top real estate agents in these similar cities

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Austin (<https://www.homelight.com/austin-tx/top-real-estate-agents>)

Boston (<https://www.homelight.com/boston-ma/top-real-estate-agents>)

Chicago (<https://www.homelight.com/chicago-il/top-real-estate-agents>)

Dallas (<https://www.homelight.com/dallas-tx/top-real-estate-agents>)

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Real Estate Agent Commissions: How Much Do Agents Make in 2022?

Published on January 28th, 2022 4-5 min read



HomeLight



Caroline Feeney
Senior Managing Editor



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At HomeLight, our vision is a world where every real estate transaction is simple, certain, and satisfying. Therefore, we promote strict editorial integrity (<https://www.homelight.com/blog/editorial-integrity/>) in each of our posts.

Most real estate agents get paid through commissions. Commissions are typically calculated as a percentage of a property's sale price, though some brokerages will charge a flat fee. The average real estate agent commission rate (<https://www.homelight.com/real-estate-agent-commission/>)



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commissions) nationwide is 5.8% of the home sale price, according to HomeLight's real estate transaction data of thousands of home sales each year.

Get started (<https://www.homelight.com/find-agent/quiz/seller?>)

Generally, you can expect to pay between 5%-6% in agent commissions when selling a home in 2022. On a property worth the median existing home price of \$358,000 (<https://www.nar.realtor/newsroom/annual-existing-home-sales-hit-highest-mark-since-2006>) as reported in Jan. 2022, that amounts to \$17,900-\$21,480 in commission costs.

According to the most recent data from the National Association of Realtors, the median gross income of Realtors in 2020 was \$43,330, down from \$49,700 in 2019 (<https://www.nar.realtor/research-and-statistics/quick-real-estate-statistics>). The decline is likely due in part to a shortage of for-sale homes and increasing number of real estate licensees in the business (3 million and counting (<https://www.arello.org/>)).

Here's a breakdown how much you would pay in commission based on what a home sells for:

Home price	5.8% real estate agent commission
\$200,000	\$11,600
\$350,000	\$20,300
\$500,000	\$29,000
\$750,000	\$43,500
\$1,000,000	\$58,000

Do real estate agent commissions vary?

Real estate agent commissions tend to range from 5%-6%, but they can vary by locale. Using real estate transaction data from thousands of home sales each year, HomeLight's Commissions Calculator (<https://www.homelight.com/real-estate-agent-commissions>) estimates average commission rates by city.

Market	Average home price	Average commission rate	Average commission paid
San Francisco	\$1,434,900	5.04%	\$72,318
New York	\$839,000	5.33%	\$44,719
Los Angeles	\$810,400	4.96%	\$40,195
Miami	\$515,000	5.95%	\$30,642
Atlanta	\$369,500	5.98%	\$22,096



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Data source: HomeLight's Agent Commission Calculator
(<https://www.homelight.com/real-estate-agent-commissions>)

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Who pays real estate commission fees?

Typically commission fees are paid in full by the seller in the transaction. As explained by top real estate agent Rachel Moussa (<https://www.homelight.com/agents/rachel-moussa-tx-0699301>) of Flower Mound, Texas, "the standard is for sellers to pay both the listing agent and the buyer's agent's commission. The listing agent puts on the MLS what percentage the seller has agreed to pay cooperating brokers."

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Find Agent (<https://www.homelight.com/find-agent/quiz/seller?#/qaas=0/>)

When is the commission owed?

The real estate commission will automatically be deducted from the sale proceeds at the time of closing. Until then, no money to the real estate agent will be owed.



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(<https://www.homelight.com/blog/real-estate-agent-commission/commission-01-1/>)

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Does the agent get to keep the full commission?

Although the seller pays the entire commission, the listing agent (representing the seller) in a transaction doesn't keep it all. Part of their commission will go toward marketing your property with professional photography, open houses, offline marketing, and more.

The commission is also typically split 50/50 with the buyer's agent to compensate them for bringing a buyer to the sale and coordinating the buy-side of the transaction. So, around 2.5% to 3% goes to the listing agent, and the other 2.5%-3% goes to the buyer's agent.

Both the listing agent and the buyer's agent will then share a percentage of their commission with their sponsoring broker.

These split rates can vary; however, it's common for the listing agent to give their broker anywhere from 30%-50% of their commission, depending on the agent's level of experience, their market size, and brokerage agreement.

How is the commission divided between agents?



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The commission paid for by the seller will be split among each agent and the brokerages through which they hang their real estate license. Let's say you sell your home for \$220,000 with a 6% commission rate. You pay a commission of \$13,200 and each agent has a 70/30 split agreement with their brokerage.

Here's how that might look:

- Listing agent: \$4,200 (70% of their \$6,000 commission share)
- Listing broker: \$1,800 (30% of their \$6,000 commission share)
- Buyer's agent: \$4,200 (70% of their \$6,000 commission share)
- Buyer's broker: \$1,800 (30% of their \$6,000 commission share)

Are commission rates negotiable?

Real estate agent commission rates are negotiable, but don't be surprised if your agent holds firm on how much they charge. A 2019 study from the Consumer Federation of America interviewed 200 agents and brokers nationwide and found that 73% will not negotiate their commission (<https://consumerfed.org/wp-content/uploads/2019/10/Real-Estate-Commissioner-Report.pdf>). One reason agents gave for *not* lowering the rate was their ability to negotiate a higher sale price for the seller.

Top-producing agents especially would not be likely to devalue their services — the reason being, they have a stellar reputation, they don't need to reduce their rate to attract client, and they've invested in certifications and trainings to provide expert services. Because an agent's services often include photography and a pricing analysis, a lower commission could also translate as a smaller marketing budget for your property or inaccurate list price, reducing the home's promotion, exposure, and likelihood of selling.

"There was a house that was being listed by a 'you move free' discount broker." It was on the market for 81 days," shares Moussa (<https://www.homelight.com/agents/rachel-moussa-tx-0699301>). "They fired that agent and hired us. It was a renovated farmhouse. We brought in a stager, did drone photography and videography, and properly marketed it and got multiple offers."

Exceptions can occur if you've already found a buyer. Let's say you're selling your house to a friend (<https://www.homelight.com/blog/how-to-sell-a-house-to-a-friend/>), or have decided to sell to a family member (<https://www.homelight.com/blog/can-i-sell-my-house-to-a-family-member/>), in that case, the agent would likely be willing to play the role of transaction coordinator and independent go-between for a reduced commission rate.



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In summary, commissions are negotiable but do your research first. When asking an agent to lower their pay, you're limiting the pool of agents willing to work with you. And the downsides to working with a low-commission agent (Get started (<https://www.homelight.com/find-agent/quiz/seller>) agents/) can be steep. Without a top agent in your corner, you could dramatically undersell your home, have a rough selling experience, or fail to sell the home at all.

What is included in a real estate agent's commission?

A full service real estate agent will provide a high level of offerings that go toward giving you a great selling experience and boosting exposure to your home.

An agent's services fall into a few main categories:

Guidance on pre-sale improvements

Agents have seen a lot of houses. They will have an eye for the small but impactful improvements you could make to help it sell for more. The best agents will go above and beyond to help their clients get the job done.

"We had one seller — they had stuff everywhere, it was super dirty, the furniture wasn't working the way they had it. But the house was over a million dollars. We went through the whole process of making a list of things that they needed to do," shares top-selling agent Sandra Rathe (<https://www.homelight.com/agents/sandra-rathe-fl-03223068>) of her experience selling the home of a client in South Florida. "This particular client had a lot of paperwork from their business. So we called in our intern; we bought a shredder and sent it over with the intern."

Pricing strategy

An agent will put together a comparative market analysis (<https://www.homelight.com/blog/what-does-a-comparative-market-analysis-do/>) in the form of a thick packet featuring charts, facts, figures, and photographs of houses. The analysis will show you what your home is worth based on comparable sales in the neighborhood, market trends, and local price per square foot. This key tool is going to help you set a realistic price that helps you attract offers right off the bat in a fraction of the time it would take a non-professional to determine.

Marketing services

As part of their commission, at a minimum agents should offer expert home prep and staging, professional photography, marketing flyers and pamphlets, direct mail, automatic postings of your listing on major home search sites, local advertisements, exclusive previews for other brokers, and open house coordination. Advanced agents may also offer development of a virtual tour.



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“Our team actually meets the photographer out at the house to make sure that all the right angles are taken,” shares Moussa.

Offer management and negotiations Get started (<https://www.homelight.com/find-agent/quiz/seller?>)

When you receive one or more offers, an agent will help you determine the strength of the offer and work with you to proceed on responding to buyers. They'll advise on whether to accept, reject, or make a counteroffer, while putting together offer spreadsheets to identify the best offer in bidding war situations.

If a buyer requests repairs after the inspection, an agent will help you push back where appropriate and advise on when to concede. Should the appraised value be lower than the contract price, an agent can help you determine whether to ask the buyer to make up the difference or if you should lower your price.

Market knowledge and neighborhood expertise

Great real estate agents know what local buyers seek in homes and which of your home's attributes to highlight. Whether your sunroom is the only one like it in the area or your location can't be beat, an agent will skillfully incorporate these features into your home's listing description and immediately be able to recognize what makes your house or the surrounding area special.

Moussa summarizes an agent's services and the ultimate goal:

“The agent puts everything into the MLS, asks detailed questions about the home, writes the property description, and then markets it. We do Facebook Ads, door hangers, whatever we need to do to get it out so that every possible buyer's agent can see the home. The listing agent's responsibility is to bring as many offers as they can to the seller.”

What is a 'fair' real estate commission?

A commission rate between 5%-6% is standard for most markets to hire a full service real estate agent. This rate should translate as having an agent who is dedicated to selling your home for the best possible price, who is available and communicative, and who is willing to quarterback the transaction from start to finish. If an agent isn't willing to offer all or the majority of services listed above, you should interview some more candidates.

What if the house doesn't sell?

Real estate agents only get paid if and when your home sells successfully. Most real estate contracts are “exclusive right to sell (<https://www.homelight.com/blog/exclusive-right-to-sell/>)” which provides the real estate agent the sole rights to market the property, list the property



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on MLS, and receive the commission if the sale closes in a determined time frame. If your house remains on the market beyond the time period outlined in the listing agreement, you are not obligated to pay your agent. Get started (<https://www.homelight.com/find-agent/quiz/seller?>)

Keep in mind, though, that your listing agreement may contain a protection clause (<https://www.homelight.com/blog/protection-clause/>), also known as a “brokerage protection clause,” “safety clause,” “extension clause,” or “tail provision.” The protection clause states that if a buyer who the listing agent introduced to the property purchases the property after the listing agreement expires, the seller still must pay the agent a commission.

How can you avoid paying Realtor® fees?

There are two main ways to avoid paying Realtor® fees. You can either sell your home without an agent’s help, or sell it directly to a cash buyer without ever going on the market.

“For Sale By Owner”

Without a real estate agent, you’re responsible for preparing your home for sale, marketing, negotiating, and navigating legal and financial documents — and potentially assume more legal risk along the way. When going FSBO, you’ll need to hire an attorney at a minimum to make sure the paperwork is right.

Typically, FSBO makes the most sense if you already have a buyer. Industry data since 1981 shows that FSBO sellers often sell to a friend, family member, or neighbor. As of 2020, 51% of FSBO sellers knew their buyer (<https://www.nar.realtor/research-and-statistics/research-reports/highlights-from-the-profile-of-home-buyers-and-sellers>), compared to 8% of all sellers.

This indicates that while the FSBO route is rare (8% of sellers), it’s even *more* rare to forgo a real estate agent’s help when you don’t already have a buyer lined up and ready to go. In addition, according to the National Association of Realtors, the average “For Sale By Owner” property sold for \$217,900 last year, compared to a median of \$242,300 for agent-assisted sales. That’s an 11% loss in value for a 6% commission saved (<https://www.nar.realtor/research-and-statistics/research-reports/highlights-from-the-profile-of-home-buyers-and-sellers>).

Sell to a cash buyer

Cash buyers (<https://www.homelight.com/blog/sell-house-for-cash/>) — including iBuyers (<https://www.maxrealestateexposure.com/ibuyer/>), investors, and house buying companies (<https://www.homelight.com/blog/house-buying-companies/>) — are individuals or entities that purchase your home outright, without the need for lender financing. These buyers typically make off-market purchases and can provide speed and convenience to sellers. You can receive a



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competitive cash offer through HomeLight's Simple Sale platform (<https://www.homelight.com/simple>), with no hidden fees or agent commission.

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HomeLight provides offers for homes (<https://www.homelight.com/simple>) in almost any condition, while giving sellers a flexible move-out date. Just be aware that the price offered by any cash buyer may not match what you could receive on the open market with the help of a top agent.

Now you know how real estate agent commissions work!

Sellers pay real estate commissions in exchange for an agent's expertise and services throughout the sale process. If you're worried about the cost of the commission, consider that targeted upgrades, stellar marketing, and savvy negotiations can help you maximize your sale price. With an agent to guide you, you also avoid the stress of navigating this complex process without professional oversight.

The key is finding a quality agent who provides the highest amount of value for their commission fee. In fact, our transaction data shows that the top 5% of agents in the U.S. sell homes for as much as 10% more than the average agent.

We'd recommend going through an online agent matching service (<https://www.homelight.com/find-real-estate-agents>) like HomeLight that can surface top agents with experience tailored to your needs. Whenever you're ready to get started, HomeLight (<https://www.homelight.com/find-real-estate-agents>) would be happy to put your commission worries to rest by introducing several agents in your area well worth their salt.

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Caroline Feeney is the Senior Managing Editor at HomeLight where she oversees the Seller Resource Center, a blog featuring hundreds of in-depth articles that tackle every step of the home sale process. Previously she served as an editor for real estate industry publication Inman News and co-authored a book on real estate leadership. The Midwest native holds a master's from the Missouri School of Journalism and was formerly a real estate contributor for Forbes.

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Exhibit E

Homelight, Inc. v. Shkipin et al.


Case Number: 3:22-cv-03119-VC




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How Much Are Realtor Fees and Who Pays, Buyer or Seller?

Published on March 31st, 2022 10 min read

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Contributing Author

 Richard Haddad
Editor

in
 (https://www.linkedin.com/shareArticle?mini=true&url=https://www.homelight.com/blog/realtor-fees/&title=How Much Are Realtor Fees and Who Pays, Buyer or Seller?)

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At HomeLight, our vision is a world where every real estate transaction is simple, certain, and satisfying. Therefore, we promote strict editorial integrity (https://www.homelight.com/blog/editorial-integrity/) in each of our posts.

Who pays commission on a home sale, the buyer or seller? In almost all cases, the seller pays the entire commission fee for the listing agent and the buyer’s agent.

You work hard for your money, and the cost of agent fees is a concern. Thus, you want to make sure the money you spend on real estate agent fees is well spent. For instance, you would like to ensure that your agent




Find a top agent in your area who sells your house for the most profit possible.

According to the most recent trend report from the National Association of Realtors (NAR), most home sellers worked with a real estate agent, sold their homes for a median of \$66,000 more (https://www.nar.realtor/sites/default/files/documents/2021-home-buyers-and-sellers-generational-trends-03-16-2021.pdf) than they purchased them, and were “very satisfied” with the selling process.

The \$66,000 gain and satisfaction with the selling process are a function of agent fees. You get a top-tier marketer, negotiator, and advocate for your best interests in exchange for paying an agent's price.

Let's dig deeper to discover everything you get when you pay Realtor® fees.

 A person's hands working on a laptop keyboard at a desk.

(https://www.homelight.com/blog/buyer-realtor-fees/realtor-fees-4/)

Source: (Bongkarn Thanyakij / Pexels)

First, what is the difference between a Realtor® and a real estate agent?

Real estate agents and Realtors® are not the same, even though people use the terms interchangeably. As explained by a top real estate agent, Randi Szakaly (https://www.homelight.com/agents/randi-szakaly-wa-116490) of Snohomish County, Washington, “A real estate agent simply holds a real estate license whereas a Realtor® subscribes to a code of ethics that holds them to a higher standard.”

While some Realtors® are brokers (https://www.homelight.com/blog/what-is-a-real-estate-broker/) and others are licensed real estate agents (https://www.homelight.com/), not all real estate agents are Realtors®. To be designated a Realtor®, an agent must undergo more education and is bound by a strict Code of Ethics & Standards of Practice (https://www.nar.realtor/about-nar/governing-documents/code-of-ethics/2022-code-of-ethics-standards-of-practice).

What is a Realtor® fee?

The fee is not pure profit for the real estate agent. Here is an example of how a Realtor® fee works for you.

As of February 2022, the median sales price of a house sold in the United States was \$357,300 (https://www.nar.realtor/research-and-statistics). According to our Commissions Calculator (https://www.homelight.com/real-estate-agent-commissions), the national average for a Realtor® fee is 5.8% – let's round it up to 6% to get nice, round numbers to analyze.



Find a top agent in your area

Pro tip: To find out your city's average commission rate, you can use

HomeLight's Agent Commissions Calculator

(<https://www.homelight.com/real-estate-agent-commissions>), which has

access to real estate transaction data from thousands of home sales

each year.

Here is an illustration showing how the Realtor® fee typically gets divided:

Sale price: \$357,300 (<https://www.nar.realtor/research-and-statistics>)

Realtor® fee: 6%

Seller pays: \$21,438

Listing agent receives: \$5,359.50

Listing broker receives: \$5,359.50

Buyer's broker receives: \$5,359.50

Buyer's agent receives: \$5,359.50

The selling agent in this example takes home 1.5% of the home's sale price, or 25% of the Realtor® fee. Using the national median sale price, a listing agent makes \$5,359.50 on the average home sale.

According to the most recent real estate statistics from the NAR (<https://www.nar.realtor/agent-income>), here is a breakdown of what agents make annually:

- Overall median gross income: \$43,300
- Realtors® with 16 years or more experience: \$75,000
- Realtors® with two years or less experience: \$8,500

That's not much in Realtor® fees, after all.

What do Realtor® fees cover?

An experienced agent (<https://www.homelight.com/blog/real-estate-agent-commission/>) brings a lot to the table. Top agents will provide:

- Guidance on pre-sale improvements
- Pricing strategy
- Marketing services
- Offer management and negotiations
- Market knowledge and neighborhood expertise

Table of Contents

First, what is the difference between a Realtor® and a real estate agent?

What is a Realtor® fee?

What do Realtor® fees cover?

The Realtor® fee makes your money work hard for you so that you potentially sell your home for your asking price or more. In 2021, Realtors® helped people sell their homes for a median sales price that was 99%



Where does a Realtor's® commission go? (https://www.nar.realtor/sites/default/files/documents/2021-home-buyers-and-sellers-generational-trends-03-16-2021.pdf).
 Find a top agent in your area (https://www.homelight.com/find-agent/quiz/seller?)
 Can I get good service from a low-cost brokerage company? Get started (https://www.homelight.com/find-agent/quiz/seller?)

Do discount or low-commission agents really save you money?

If I sell without an agent (FSBO) will I see a bigger profit?

What about selling to another buyer or accepting some other cash offer?

Are Realtor® fees negotiable?

Realtor® fees translate to more money for your home and better service



(https://www.homelight.com/blog/buyer-realtor-fees/realtor-fees-6/)

Source: (Oleg Magni / Pexels)

Where does a Realtor's® commission go?

A significant portion of the Realtor's® fee goes to selling your home. As explained by top real estate agent Elizabeth Weintraub (https://www.homelight.com/agents/elizabeth-weintraub-ca-00697006) of Sacramento, California, some of the money agents earn from commissions go into marketing. Weintraub estimates that she dedicates about 30% of her fee share to marketing.

Marketing includes professional photographs, full-color online and newspaper ads, and an active online presence. You might think of the real estate fee as an investment that enables your agent to make your home more attractive and sell it for more money.

Why should you care?

Discount brokers (https://www.homelight.com/blog/low-commission-real-estate-agents/) may not be able to devote ample time or resources to the marketing or sales efforts your home deserves.

You may save money on the broker fees, but you might lose money when a low-commission agent uploads shoddy photos that look like fuzzy mess shots from a shaky iPhone. Doesn't your home deserve to let its beauty shine?

Or you may get a discount agent who only works in real estate part time and does not have sufficient experience in negotiations (https://www.homelight.com/blog/how-to-negotiate-house-price/), credits (https://www.homelight.com/blog/what-is-a-seller-credit/), concessions (https://www.homelight.com/blog/concession-real-estate/), contingencies (https://www.homelight.com/blog/what-does-contingent-mean-in-real-



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estate/), inspections (<https://www.homelight.com/blog/how-home-inspection-works/>), or know how to market (<https://www.homelight.com/blog/real-estate-marketing/>) your home to the right buyers. Get started (<https://www.homelight.com/find-agent/quiz/seller?>)

What could be at risk?

Money is at risk. When sellers use an agent to sell a home, they typically make \$58,000 (<https://www.nar.realtor/research-and-statistics/quick-real-estate-statistics>) more on the deal than someone who sells a For Sale By Owner (FBSO) home.



Connect with a Top Agent

We've introduced over 1 million buyers and sellers (and counting) to top local real estate agents.

Our data shows the top 5% of agents across the U.S. help clients sell their home for as much as 10% more than the average real estate agent.

Find Agent (<https://www.homelight.com/find-real-estate-agents>)

Can I get good service from a low-cost brokerage company?

There are a number of low-cost brokerage companies that offer discounted real estate commissions or fees. Depending on your market, type and condition of your home, and your selling objectives, a discount brokerage may be able to get you satisfactory results. However, top-performing agents take pride in delivering not only a higher sales price for your home than average agents, but also a higher level of service.

Weintraub shared an anecdote about the time a client chose a low-cost brokerage company over her to save money on Realtor® fees.

"He wanted me to discount my Realtor® fee to what this other company was going to charge him. And he said... they're going to do everything that you're going to do. And I said, 'No they're not...but I'll tell you what. When you get into escrow, and you get to the home inspection part, and you've got an old home — it was built in the 1920s — you're not going to get out of it. And when you don't get out of it, you can give me a call, and I'll come back and list the property.'"

"He hired that company, and sure enough, they got into escrow, and the home inspection came around, and the whole thing blew up...and he came back to me and said, I want you to list this and put this into escrow!"



Find a top agent in your area

The client's house did not sell with the discount brokerage. In the end, it cost the seller time and money that could have been avoided had he used an experienced, full service agent or real estate team from the start. Get started (<https://www.homelight.com/find-agent/quiz/seller?>)

"You can certainly 'save money' by hiring a lower commission real estate agent. But if you look beneath the hood and do the research, you will see that those agents commanding that full six percent commission are categorically more valuable."

Randi Szakaly
Real Estate Agent

Do discount or low-commission agents really save you money?

You may appear to save money on the commission, but appearances can be deceiving. Szakaly explains, "You can certainly 'save money' by hiring a lower commission real estate agent. But if you look beneath the hood and do the research, you will see that those agents commanding that full six percent commission are categorically more valuable."

Namely, that a top real estate agent typically sells homes for more money than a bargain agent does. Without a top agent working for you, you may sell your home for less than its worth, struggle through an agonizing transaction, or be stuck without selling your home.

It's only fair to note that not all discount agents (<https://www.homelight.com/blog/low-commission-real-estate-agents/>) lack experience, and some may have a better track record than others. However, there are enough uncertainties in the complex world of real estate sales; taking a gamble on having the right agent might not be something you feel comfortable doing — especially with what is likely one of the largest financial transactions of your life.

If I sell without an agent (FSBO), will I see a bigger profit?

You will most likely lose money without an agent guiding you during the transaction.

"There is a guarantee that you will see a lower profit," Szakaly said. "And the reason I say that is because right now, the real estate market is dictated by a shortage of inventory, and when you go For Sale By Owner, it reduces the



Find a top agent in your area

number of eyeballs that find your home, it reduces the amount of showing and has a detrimental impact on the price you ultimately receive.”

Get started (<https://www.homelight.com/find-agent/quiz/seller?>)
According to recent data compiled by the NAR, the typical FSBO home sold for \$260,000 compared to \$318,000 for agent-assisted (<https://www.nar.realtor/research-and-statistics/quick-real-estate-statistics>) home sales.

Historically, only 7%-8% of homes sold each year are listed as FSBO, and about a quarter of those were houses sold to family members or friends.

What about selling to an iBuyer or accepting some other cash offer?

iBuyers (<https://www.homelight.com/blog/how-ibuyers-work/>) are financial technology companies that buy properties online, usually without a physical inspection. The iBuyers buy decently taken care of homes, do light repairs, then sell the house. It's a volume business that often operates on razor-thin margins.

iBuyers do not make up a majority of cash buyers, but they do exist for a reason. That reason is convenience. If you need cash quickly or are desperate to sell your home because of a life event, an iBuyer might be right for you.

Keep in mind, with an iBuyer, you will likely get less than what you could have received (<https://www.homelight.com/blog/how-much-do-house-buying-companies-pay/>) if you sold your home on the open market with an experienced real estate agent. This means you could potentially leave tens of thousands of dollars on the table. However, for some sellers, the convenience of an all-cash offer (<https://www.homelight.com/blog/sell-your-house-for-cash/>) and fast closing can be the solution they need.

HomeLight's Simple Sale (<https://www.homelight.com/simple>) platform could be another option to consider. Simple Sale provides cash offers for homes in almost any condition nationwide. Just answer a short questionnaire (<https://www.homelight.com/simple-sale/quiz#/qaas=0/>) with some basic questions about your home's condition, how much work it needs, and your selling timeline. You will generally get results within 48 hours, and there is no obligation to accept any offer.

Are Realtor® fees negotiable?

Realtor fees are negotiable, but think about how much money your agent is receiving when negotiating. When you bargain away your agent's commission, you may impede your agent's ability to do the great work necessary to sell your home.

“If you are hiring a professional qualified real estate agent, it should not cost you one penny to have them represent you,” Szakaly said. “They should be able to bring more to you and the home's value through their marketing



Find a top agent in your area with the expertise and negotiation skills than you'd ever pay them in real estate fees."

Get started (<https://www.homelight.com/find-agent/quiz/seller?>)

(<https://www.homelight.com/blog/buyer-realtor-fees/realtor-fees-1/>)

Source: (Oleg Magni / Pexels)

Realtor® fees translate to more money for your home and better service

Sellers pay real estate fees to their listing agent. It's an exchange of the payment for the listing agent's expertise, local knowledge, and negotiation skills. The cost of the commission may seem off-putting, but – on balance – the agent's skill and expertise can far outstrip the price of a fee.

The most important aspect is to find a solid agent who provides you with the most value. Our transaction data reveals the top 5% of agents in the U.S. sell homes for as much as 10% more than the average agent.

If you'd like to take a confident next step, try HomeLight's agent matching service (<https://www.homelight.com/find-real-estate-agents>) that matches you with top agents who have experience and knowledge specific to your needs and your market. HomeLight's (<https://www.homelight.com/find-real-estate-agents>) network agents will happily and openly answer your questions about Realtor® fees and ease your real estate journey.

Header Image Source: (Ján Jakub Naništa / Unsplash)



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Editor



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(<https://www.linkedin.com/in/richard-w-haddad>)

Richard Haddad is an editor at HomeLight where he works with an experienced content team that oversees the Seller Resource Center, a blog featuring in-depth articles about the home sale process, home ownership news, home care and design tips, and related trends. Previously, he served as an editor and content producer for World Company, Gannett, and Western News & Info, where he also served as news director and director of internet operations. Richard is a veteran of the U.S. Air Force and published his first works in military newspapers and magazines.

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Exhibit F

Homelight, Inc. v. Shkipin et al.

Case Number: 3:22-cv-03119-VC



Listing Agents

Buyer's Agents

Find the Perfect Real Estate Agent. Buy Your Dream Home.

San Francisco, CA

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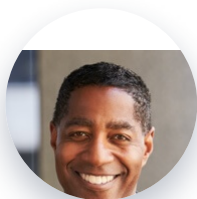
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Kent helped buy 3020 45th Avenue in March, 2018

Get a grip on the housing market

Top real estate agents have worked with both sellers and buyers in your area—they've seen all of the ups-and-downs in the market, they've closed more deals in the neighborhood and, at a glance, can point out which homes are underpriced or overvalued. Tap into a top real estate agent's years of real estate experience to save time and energy every step of the way.



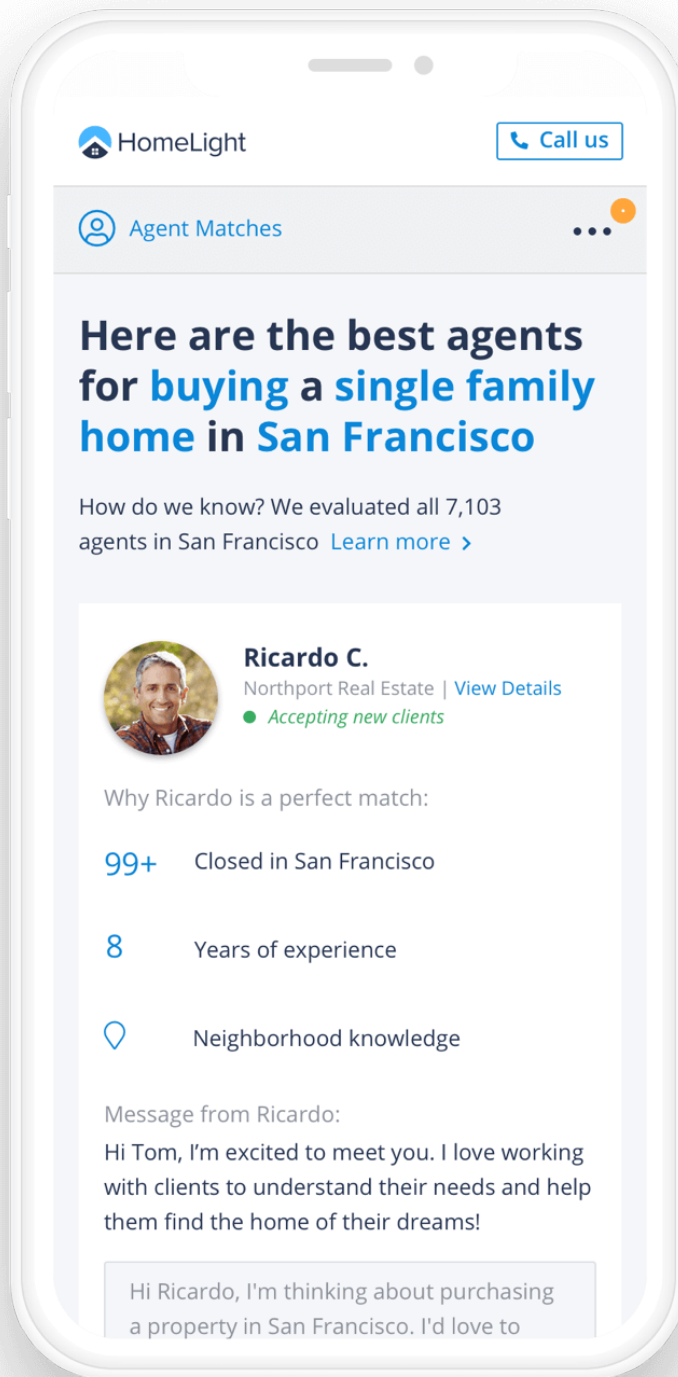
Lloyd C.

Realty One Group



206

Homes closed in San Francisco



Tailor your agent search to your needs

You let us know what you're looking for in a home and in a real estate agent and we'll do the research. We only recommend the top performing real estate agents working in your area those with a proven track record of success handling needs like yours. HomeLight recommended real estate agents have first-hand knowledge of the:

- Quality of school districts

- Crime and safety
- Most desirable neighborhoods/streets
- Recent price trends
- Access to exclusive pocket listings
- General sense of community

Find a top real estate agent near you

San Francisco, CA

Find an Agent

Expect more from your San Francisco real estate agent

The top buyer's agents maximize your chances of finding the perfect home by showing you more properties that exceed your expectations while staying within your desired budget. Use this checklist to make sure your buying agent provides the best service, like:

Brings recent knowledge and experience to help you navigate the local market

Becomes your #1 supporter and strategic advisor throughout the home buying process

Prepares all required documentation and written offers

Provides the top local contacts of home inspectors, title companies, and other home service professionals

Reviews various financing options with you

Negotiates like a pro to get you the best price

Ensures your loan closes in time so you can secure your dream home

What our clients say they like about their agents

“ Integrity. Being trustworthy enough to entrust them with the sale of a family heirloom. Responsiveness. Knowing I could count on them in the middle of the process, and bounce ideas off of them.

Terry L.

[Read Terry's story »](#)

Meet top real estate agents who help buy homes in San Francisco


We compare and contrast real estate agents on how well they serve buyers like you. Then, we introduce you to your top matches absolutely free. Get started and meet top San Francisco agents like these ones...

Let's Talk

Whenever you're ready, our team of Home Consultants are on the line to answer your questions, walk you through your options, and help you make more informed decisions about your home.

Call (855) 999-7975

What our clients say

4.8  Google rating based on over [240+ reviews](#)

Russell Edmonds

a month ago

Bought with a HomeLight agent

My experience with HomeLight was fantastic. From the first call to closing, everything went very smooth. Bob Montuori, the realtor you referred to me, was excellent. He always answered my calls and responded to emails and texts promptly. He was very knowledgeable and provided great advice and insight during the negotiation process with the buyer side. I would wholeheartedly recommend him and HomeLight without hesitation. Our escrow officer Angelica also provided great service to us. I can't imagine the process going as smoothly had we not used HomeLight. I have and will continue to recommend HomeLight to friends and family.

[See review on Google](#)

Michael Sly

a month ago

Bought with a HomeLight agent

My experience with HomeLight for the purchase of our home was a good one. I would and will recommend the service to friends and family. Finding a realtor is a tricky and very important decision. Everyone has a friend or relative that is a realtor and says that they will help them find their dream home and then also at the same time sell your home. But that is not the best option because buying and selling a home is a very involved process. So getting unbiased suggestions based on statistics and testimonials is worth its weight in gold. We have had a pleasurable buying experience with our realtor and I have no doubts that the realtor recommended by HomeLight will sell our house in a timely manner and make sure that it is as easy of a process as it can be. Thank you HomeLight for your free and valuable service!

[See review on Google](#)



Mike Nakashima

a few months ago

Bought with a HomeLight agent

I was in the market looking to purchase a second home in February of this year and was unsure about how to connect with a qualified real estate agent who had intimate familiarity with the specific neighborhood at which I was looking. I decided to use HomeLight based on reviews I read and testimonials regarding the quality of the real estate agents in their database. Within hours I was contacted by several real estate agents and chose Mary Claus from Re/Max. To make a long story short, 2 months after choosing Mary, I closed on my house. Mary is a professional full time agent, meaning she is not a part time agent dabbling in real estate on the side, and very well versed with all aspects of the purchasing process. Mary is also extremely diligent and was very knowledgeable about the neighborhood in which I bought my home. I feel very fortunate that HomeLight connected me with Mary and would suggest that anyone in the market looking to purchase a home use HomeLight to find a professional, specifically qualified agent tailored to your needs.

[See review on Google](#)



Victoria Breneman

a few months ago

Bought with a HomeLight agent

HomeLight was a pretty easy no-hassle way to find a buyers agent in a town where we didn't know many. Finding an agent can be tough because there are hundreds, and it's easy to get lost in reading reviews of them all. HomeLight was a great way to put trusted and reliable agents in front of us. I appreciated that the agents on HomeLight all took the first step in reaching out to us, and getting the ball rolling. They were also very nice, and very willing to go through an "interview" process so we could find a good match for us. I would recommend using HomeLight! I'd use it again if we ever move to a city where we don't know of any trusted agents.

[See review on Google](#)

Find top real estate agents in all major US cities

Atlanta

Austin

Boston

Chicago

Dallas

Denver

Fort Lauderdale

Houston

Los Angeles

Miami

New York

Portland

San Diego

San Francisco

Sarasota

Seattle

For Sellers

Find a Listing Agent

Simple Sale

HomeLight Trade-In

Home Value Estimator

Seller Resource Center

Sell Your Home Fast

Best Time To Sell House

Commissions Calculator

Net Proceeds Calculator

How To Sell Your Home

For Buyers

Find a Buyer's Agent

Find Homes for Sale

Get Pre-approved

Buyer Resource Center

Housing Market Trends

Home Affordability Calculator

Down Payment Calculator

For Agents

The Walkthrough

Agent Resource Center

Agent Sign Up

FAQ for Agents

Agent Directory

Company

About HomeLight

Testimonials

Careers

Press

Affiliate Program

Real Estate Investors

Sign In



Our Commitment to Accessibility

HomeLight is committed to making our website accessible and user friendly to all. While we are constantly working to improve, we welcome your feedback and accommodation requests. If you are having difficulty accessing or navigating our website, or if you have any suggestions to improve accessibility, please email our team.

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Exhibit G

Homelight, Inc. v. Shkipin et al.

Case Number: 3:22-cv-03119-VC

REALTOR®

REFERRAL CONTRACT FORM

DISCLAIMER: Neither the National Association of REALTORS® nor its International REALTOR® Member program enters into mediation or arbitration processes

Date of Referral Agreement: _____

Referring (Source) Broker/Agent

NAME: _____

COMPANY: _____

BUSINESS ADDRESS: _____

BUSINESS CITY: _____

STATE/REGION/PROVINCE: _____

POSTAL CODE: _____

COMPANY COUNTRY: _____

E-MAIL ADDRESS: _____

WEB SITE: _____

FAX (include country code): _____

PHONE (include country code): _____

Receiving Broker/Agent

NAME: _____

COMPANY: _____

BUSINESS ADDRESS: _____

BUSINESS CITY: _____

STATE/REGION/PROVINCE: _____

POSTAL CODE: _____

COMPANY COUNTRY: _____

E-MAIL ADDRESS: _____

WEB SITE: _____

FAX (include country code): _____

PHONE (include country code): _____



REALTOR®

REFERRAL CONTRACT FORM

Referral Fee Particulars

In the event Receiving Broker/Agent receives a commission or other payment for services rendered in connection with a real estate transaction consummated involving the Referred Client (see attachment 1) within _____ of the date this Referral Contract is entered into (both parties have signed), Referring Broker/Agent will be entitled to a referral fee*, and Receiving Broker/Agent agrees to pay said referral fee, in the amount of:

- _____ cash (in _____ currency), or
- _____ percent of the list price, sale price, or lease commission that Receiving Broker/Agent receives in connection with the foregoing.

The parties hereby agree that the referral fee shall be fully paid by the Receiving Broker/Agent no later than _____ business days after the transaction is completed.

Other (describe) _____

**Referral fees may be subject to withholding tax or other forms of taxes in the country in which the transaction takes place. Referring agents should be aware of state, provincial, or local laws in their respective markets with regards to paying referrals.*

Term

This contract will expire on _____ (date). If both parties want to cooperate after the expiration date, they will have to execute a new referral contract.

Signatures

Authorized Referring Broker/Agent Date

Authorized Receiving Broker/Agent Date



REALTOR®

REFERRAL CONTRACT FORM

Attachment 1

CLIENT WORKSHEET

Client Referred

NAME: _____

ADDRESS: _____

CITY: _____

STATE/REGION/PROVINCE: _____ POSTAL CODE: _____

E-MAIL ADDRESS: _____

FAX (include country code): _____

PHONE (include country code): _____

Client Particulars

Property Needs

Is this property for the client's personal use, or is it intended as an investment?

Does this client own other real property in the destination country?

Referring Broker/Agent Prior Experience with this client

Comments



Exhibit H

Homelight, Inc. v. Shkipin et al.

Case Number: 3:22-cv-03119-VC

Enter an address to see your savings



[California \(/CA-Real-Estate-Agents-Commissions-Rebates\)](#) > [San Francisco \(/San_Francisco-San_Francisco-CA-Real-Estate-Agents-Commissions-Rebates\)](#) > 94121



838 30th Ave

San Francisco, CA 94121

\$1,580,000

Update Estimate

Estimated Market Value

Home Listing Savings



We found local agents offering home listing savings:

\$31,600 listing savings

(1% listing commission compared with a 3% listing rate)

\$37,450 listing savings

(\$9,950 flat listing fee compared with a 3% listing rate)



Compare competitive local Agents offering the best Listing rates

[Close](#)

Top Competitive Realtors[®]

<p>Tony Andrade TREND Estimated Listing Savings to Seller: \$27,650</p>
<p>Baron Chestney Baron & Chestney Estimated Listing Savings to Seller: \$23,700</p>
<p>Tim Heffernan Real Estate Advisor Group Estimated Listing Savings to Seller: \$15,800</p>

COMPASS

Geoffrey Taft

Compass

Estimated Listing Savings to Seller:

➔ \$15,800


COMPASS


Mike Annunziata

Compass

Estimated Listing Savings to Seller:

➔ \$7,900

 [Re-calculate Listing Commission Savings](#)

 [Selling Savings Qualifications](#)

Home Buyer's Refunds



We found local agents offering home buyer's refunds:

\$33,180 commission refund

(70% buyer's agent commission rebate)

\$37,450 commission refund

(\$9,950 flat fee with 100% buyer's agent commission rebate)



Compare competitive local Agents offering the best Buyer's rebates

[Close](#)

Top Competitive Realtors[®]

Baron Chestney
 Baron & Chestney
 Estimated Refund Amount to Buyer:
\$33,180

Tony Andrade
 TREND
 Estimated Refund Amount to Buyer:
\$23,700

COMPASS

Geoffrey Taft
 Compass
 Estimated Refund Amount to Buyer:
\$14,220

[Re-calculate Buyer's Rebate Savings](#)

[Buying Savings Qualifications](#)



Do you know a quality local Real Estate Agent who offers savings?



Invite them to HomeOpenly!

(<https://homeopenly.com/RealEstateAgent.html>)

Local Homes in the Neighborhood

➡ 835-837 30th Ave, San Francisco, CA 94121

(/835-837-30th-Ave-San-Francisco-CA-94121-aid9673218)

➡ 839-841 30th Ave, San Francisco, CA 94121

(/839-841-30th-Ave-San-Francisco-CA-94121-aid9673220)

➡ 834 30th Ave, San Francisco, CA 94121

(/834-30th-Ave-San-Francisco-CA-94121-aid9673217)

➡ 842 30th Ave, San Francisco, CA 94121

(/842-30th-Ave-San-Francisco-CA-94121-aid9673221)

➡ 831-833 30th Ave, San Francisco, CA 94121

(/831-833-30th-Ave-San-Francisco-CA-94121-aid9673216)

➡ 843-845 30th Ave, San Francisco, CA 94121

(/843-845-30th-Ave-San-Francisco-CA-94121-aid9673222)

➡ 830 30th Ave, San Francisco, CA 94121

(/830-30th-Ave-San-Francisco-CA-94121-aid9673215)

➡ 846 30th Ave, San Francisco, CA 94121

(/846-30th-Ave-San-Francisco-CA-94121-aid9673223)

➡ 827-829 30th Ave, San Francisco, CA 94121



(/827-829-30th-Ave-San-Francisco-CA-94121-aid9673214)

📍 847 30th Ave, San Francisco, CA 94121

(/847-30th-Ave-San-Francisco-CA-94121-aid9673224)

Property Details

According to public records, this is a single-family home originally built in the year 1931. At the time of the last tax assessment in 2019, this property was valued at \$326,725. This is a three bedrooms, two baths home, with an area of 1,729 sqft, and it is situated on a 3,000 sqft lot.

Last updated: 12 June 2022

Is home savings information on this page helpful?

Yes No

📍 Are you a local Real Estate Agent in San Francisco, CA?

(/RealEstateAgent.html)

FAQ for 838 30th Ave in San Francisco, CA

- ⌵ [What home listing savings are available for 838 30th Ave in San Francisco, CA?](#)
- ⌵ [What home buyer's refunds are available for 838 30th Ave in San Francisco, CA?](#)

What home listing savings are available for 838 30th Ave in San Francisco, CA?

HomeOpenly found 5 local real estate agents who offer home listing savings starting at 1% listing commission or \$9,950 flat listing fee. HomeOpenly is an Open Marketplace for competitive agents who offer home selling savings. All matched results are unbiased and subject to 0% referral fees.



What home buyer's refunds are available for 838 30th Ave in San Francisco, CA?

HomeOpenly found 3 local real estate agents who offer home buyer's refunds starting at 70% buyer's agent commission rebate or \$9,950 flat fee with 100% buyer's agent commission rebate. HomeOpenly is an Open Marketplace for competitive agents who offer home buyer's refunds. All matched results are unbiased and subject to 0% referral fees.

Consumer Savings Publishing Principles

Open Real Estate Marketplace™ is an unbiased, private, and secure online media service. HomeOpenly aggregates and publishes home buying and home selling savings for this real estate property to allow our users to evaluate local Realtors® savings offers based on price, quality, and overall best value. HomeOpenly operates by the following Terms of Service (</TermsOfService.html>) with Privacy by Design (</PrivacyPolicy.html>) as a digital end-to-end home Financial Products and Home Services marketplace. (</Our-Mission.html>)

Open Marketplace

[Our Mission \(/Our-Mission.html\)](/Our-Mission.html)

[Terms of Service \(/TermsOfService.html\)](/TermsOfService.html)

[Privacy by Design \(/PrivacyPolicy.html\)](/PrivacyPolicy.html)

Homeownership

[Real Estate Guides \(/guide/RealEstateGuides\)](/guide/RealEstateGuides)

[Real Estate Directory \(/Reviews/RealEstateDirectory\)](/Reviews/RealEstateDirectory)

[Savings by States \(/Real-Estate-Agents-Commissions-Rebates\)](/Real-Estate-Agents-Commissions-Rebates)

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[Marketplace Partners \(/Marketplace-Partners\)](/Marketplace-Partners)



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Designed in California 



Exhibit I

Homelight, Inc. v. Shkipin et al.

Case Number: 3:22-cv-03119-VC

HomeLight Referral Agreement for Agents

This agreement establishes a referral arrangement between HomeLight, Inc. ("HomeLight") and _____ ("Agent"). This agreement aims to use plain English so both parties understand our arrangement. We hope to have a long and mutually beneficial relationship.

Definition of Referral

HomeLight matches buyers and sellers of real estate ("Clients") with a real estate agent who can best serve their needs. A "Referral" is defined as when HomeLight has recommended the Agent to the Client via phone or via the HomeLight website. After a Referral, HomeLight will attempt to introduce the Client to the Agent via phone, text, or email, but such introduction is not necessary for a Referral to be made.

Referral Fee

In consideration for Referrals, the Agent agrees to pay HomeLight a referral fee through the Agent's employing broker as follows:

- A referral fee is triggered when a transaction closes within two years of the date of the Referral.
- The referral fee shall be 25% of the Agent's side of the gross commission. Gross commission is calculated as that received by the Agent's broker prior to any split of commission with the agent or any other brokers on the Agent's side of the transaction. The Agent will not owe any monthly or per-lead fees.
- If an Agent represents both a buyer and seller on the same transaction and one party is an HomeLight Referral, referral fee will be 25% of ½ of the total gross commission of the transaction.
- If an Agent represents both a buyer and seller on the same transaction where both parties are HomeLight Referrals, the referral fee will be 25% of the total gross commission.
- If an Agent represents a client referred by HomeLight in multiple transactions within two years of the date of the referral, the 25% referral fee will apply to these additional transactions. No fee shall apply to transactions after the two-year period.
- After the signing of a contract for a transaction resulting from a Referral, the Agent will promptly notify HomeLight via email or via the HomeLight website and indicate the expected closing date. The Agent will have the resulting referral fee paid from escrow or by the employing broker within ten days of closing.

Voluntary Participation

The Agent's participation in HomeLight's service is voluntary and can be terminated by either party at any time with written notice. However, any Referrals made prior to such termination are still bound by this agreement, and referral fees (calculated per the above) will be due upon close of any transactions resulting from such Referrals.

Fine Print

- The Agent is responsible for maintaining his or her real estate license and for following all applicable real estate laws regarding disclosures, documentation and other broker responsibilities.
- In the unlikely event of a legal dispute between HomeLight and the Agent, the prevailing party will be entitled to recover its attorneys' fees and costs from the other party. This Agreement will be governed by California law, without regard to its conflict of laws provisions.
- The Agent is responsible for the real estate brokerage services provided to the Clients. The Agent agrees to indemnify and hold HomeLight harmless from any claims, costs, and damages incurred by HomeLight arising from claims by Clients regarding the brokerage services provided by the Agent.
- Any notices between HomeLight and the Agent are to be sent to the email addresses below unless such address is changed in writing.

HOMELIGHT

AGENT

Name: _____

Name: _____

Date: _____

Date: _____

Email: _____

Email: _____

HomeLight Referral Agreement for Brokers

This agreement establishes a referral arrangement between HomeLight, Inc. ("HomeLight") and _____ ("Broker"), including any agents operating under the Broker. This agreement aims to use plain English so both parties understand our arrangement. We hope to have a long and mutually beneficial relationship.

Definition of Referral

HomeLight matches buyers and sellers of real estate ("Clients") with a broker or agent who can best serve their needs. A "Referral" is defined as when HomeLight has recommended the Broker or the Broker's agent to the Client via phone or via the HomeLight website. After a Referral, HomeLight will attempt to introduce the Client to the Broker or Broker's agent via phone, text, or email, but such introduction is not necessary for a Referral to be made.

Referral Fee

In consideration for Referrals, the Broker agrees to pay HomeLight a referral fee as follows:

- A referral fee is triggered when a transaction closes within two years of the date of the Referral.
- The referral fee shall be 25% of the Broker's side of the gross commission. Gross commission is calculated prior to any split of commission with the agent or any other brokers on the Broker's side of the transaction. The Broker will not owe any monthly or per-lead fees.
- If a Broker represents both a buyer and seller on the same transaction and one party is a HomeLight Referral, referral fee will be 25% of 1/2 of the total gross commission of the transaction.
- If a Broker represents both a buyer and seller on the same transaction where both parties are HomeLight Referrals, the referral fee will be 25% of the total gross commission.
- If a Broker represents a client referred by HomeLight in multiple transactions within two years of the date of the referral, the 25% referral fee will apply to these additional transactions. No fee shall apply to transactions after the two-year period.
- After the signing of a contract for a transaction resulting from a Referral, the Broker will promptly notify HomeLight via email or via the HomeLight website and indicate the expected closing date. The Broker will pay the resulting referral fee from escrow or within ten (10) days of closing of such a transaction.

Voluntary Participation

Broker's participation in HomeLight's service is voluntary and can be terminated by either party at any time with written notice. However, any Referrals made prior to such termination are still bound by this agreement, and referral fees (calculated per the above) will be due upon close of any transactions resulting from such Referrals.

Fine Print

- The Broker is responsible for maintaining its real estate license and for following all applicable real estate laws regarding disclosures, documentation and other broker responsibilities.
- In the unlikely event of a legal dispute between HomeLight and the Broker, the prevailing party will be entitled to recover its attorneys' fees and costs from the other party. This Agreement will be governed by California law, without regard to its conflict of laws provisions.
- The Broker and its agents are solely responsible for the real estate brokerage services provided to the Clients. The Broker agrees to indemnify and hold HomeLight harmless from any claims, costs, and damages incurred by HomeLight arising from claims by Clients regarding the brokerage services provided.
- Any notices between HomeLight and the Broker are to be sent to the email addresses below unless such address is changed in writing.

HOMELIGHT

BROKER

Name: _____

Name: _____

Date: _____

Date: _____

Email: _____

Email: _____