

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

NATIONAL ASSOCIATION OF REALTORS®,

Petitioner,

v.

UNITED STATES OF AMERICA, et al.,

Respondents.

Case No. 1:21-cv-2406 (TJK)

**DECLARATION OF ETHAN GLASS IN SUPPORT OF NAR'S RESPONSE TO THE
GOVERNMENT'S OPPOSITION TO NAR'S PETITION**

DECLARATION OF ETHAN GLASS

I, Ethan Glass, declare as follows under 28 U.S.C. § 1746:

1. I am a partner at the law firm of Quinn, Emanuel, Urquhart & Sullivan, LLP, counsel to Petitioner National Association of REALTORS® (“NAR”) in the above-captioned matter.

2. Attached hereto as **Exhibit A** is a true and correct copy of *Auth. of the United States to Enter Settlements Limiting the Future Exercise of Exec. Branch Discretion*, 23 Op. OLC 126 (June 15, 1999).

3. Attached hereto as **Exhibit B** is a true and correct copy of the United States Department of Justice’s *Antitrust Division Manual* (5th Ed. 2012).

4. Attached hereto as **Exhibit C** is a true and correct copy of the Petition to Enforce Civil Investigative Demands (Dkt. 1) from *United States v. Time Warner, Inc.*, No. 94-mc-338 (D.D.C. Nov. 3, 1994).

5. Attached hereto as **Exhibit D** is a true and correct copy of the Answer to Petition to Enforce Civil Investigative Demands (Dkt. 9) from *United States v. Time Warner, Inc.*, No. 94-mc-338 (D.D.C. Dec. 8, 1994).

6. Attached hereto as **Exhibit E** is a true and correct copy of the Petition to Enforce Civil Investigative Demand (Dkt. 1) from *United States v. Bain & Company, Inc.*, No. 1:20-mc-91572 (D. Mass. Oct. 27, 2020).

7. Attached hereto as **Exhibit F** is a true and correct copy of the Petition to Enforce Civil Investigative Demands (Dkt. 1) from *United States v. Jost*, No. 04-cv-1854 (N.D. Ill. Mar. 10, 2004).

8. Attached hereto as **Exhibit G** is a true and correct copy of the Cross-Petition to Enforce and Answer (Dkt. 5) from *Cohen & Co. v. United States*, No. 1:96-cv-1396 (N.D. Oh. July 26, 1996).

9. Attached hereto as **Exhibit H** is a true and correct copy of the Motion to Dismiss (Dkt. 3) from *Sioux Sales/Sioux City Night Patrol, Inc. v. Price*, No. 5:00-cv-4013 ((N.D. Iowa Feb. 11, 2000).

10. Attached hereto as **Exhibit I** is a true and correct copy of the definition of “close” from Merriam-Webster’s Collegiate Dictionary (10th ed. 2002).

11. Attached hereto as **Exhibit J** is a true and correct copy of the definition of “open” from Merriam-Webster’s Collegiate Dictionary (10th ed. 2002).

12. Attached hereto as **Exhibit K** is a true and correct copy of the Antitrust Division’s Model Leniency Letter.

13. Attached hereto as **Exhibit L** is a true and correct copy of the Antitrust Division’s Model Annotated Corporate Plea Agreement.

14. Attached hereto as **Exhibit M** is a true and correct copy of the December 8, 2011 letter from Sharis A. Pozen, Acting Assistant Attorney General, to Karen Patton Seymour, Sullivan & Cromwell LLP.

15. The Participation Rule and the Clear Cooperation Policy have not been changed, modified, or amended since November 19, 2020, the date NAR received a letter from Assistant Attorney General Delrahim stating that the Antitrust Division had closed its investigation into the Participation Rule and the Clear Cooperation Policy.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

This declaration was executed on November 12, 2021, in the District of Columbia.


Ethan Glass