

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED STATES OF AMERICA

Plaintiff,

v.

**NATIONAL ASSOCIATION OF
REALTORS**

Defendant.

Civil Action No. 05 C 5140

Judge Filip

Magistrate Judge Denlow

AFFIDAVIT OF LAURENE K. JANIK

I, Laurene K. Janik, hereby declare under penalty of perjury as follows:

1. My name is Laurene K. Janik. I am the General Counsel of the National Association of Realtors® (“NAR”). I have held this position since 1987. This affidavit is based upon my own personal knowledge.

2. The term “Realtor®” is a federally registered collective membership mark indicating that a real estate broker or agent displaying the mark is a member of NAR.

3. On May 17, 2003, NAR adopted a Virtual Office Website Policy (“2003 VOW Policy”) governing the multiple listing services (“MLSs”) operated by NAR’s member associations of Realtors®. A true and correct copy of the 2003 VOW Policy is attached hereto as Exhibit 1. Prior to May 17, 2003, NAR had not had a policy concerning the display of MLS listings on VOWs.

4. Shortly after the 2003 VOW Policy was adopted, the United States Department of Justice launched an investigation of the Policy. Based on the uncertainties created by the

investigation, NAR advised its member associations of Realtors® that they need not implement the Policy.

5. Toward the end of the investigation, NAR engaged in an extensive series of discussions with the Department of Justice about the 2003 VOW Policy. Based in part on NAR's desire to address the concerns expressed by the Department of Justice and in part on a desire to have a single policy governing all displays of MLS listing information on the internet (both advertising sites and password protected sites accessible only by consumers who have agreed to enter into a broker-client relationship with the VOW operator), NAR rescinded the 2003 VOW Policy on August 31, 2005.

6. Also on August 31, 2005, NAR adopted a new policy entitled the Internet Listing Display Policy ("2005 ILD Policy"). A true and correct copy of the 2005 ILD Policy is attached hereto as Exhibit 2.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed on December 6, 2005.

Laurene K. Janik
Laurene K. Janik

I, Christopher Harrigan, a Notary Public in and for the State of Illinois, hereby certify that Laurene K. Janik was by me first duly sworn to testify truthfully, and that the foregoing is a true record before me at the time and place stated herein.

Given under my hand this 6th day of December 2005.

My commission expires: April 29, 2006.



CERTIFICATE OF SERVICE

I, Julie K. Potter, an attorney, hereby certify that on this 6th day of December, 2005, I caused copies of the foregoing document to be served on the persons listed below by electronic mail and U.S. Mail.

Craig W. Conrath
U.S. Department of Justice
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/s/ Julie K. Potter
Julie K. Potter