

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

RHONDA BURNETT, JEROD BREIT,)
HOLLEE ELLIS, FRANCES)
HARVEY, and JEREMY KEEL,)
individually and on behalf of all others)
similarly situated,)

Plaintiffs,)

v.)

THE NATIONAL ASSOCIATION OF)
REALTORS, et al.)

Defendants.)

Case No. 19-CV-00332-SRB

**UPDATE FROM CO-LEAD COUNSEL ON ENFORCEMENT OF
THE NATIONAL ASSOCIATION OF REALTORS SETTLEMENT AGREEMENT**

Co-Lead Counsel for the Settlement Class submit this update on their ongoing efforts to enforce the practice changes outlined in the National Association of Realtors (“NAR”) Settlement Agreement (“NAR Settlement”), ECF No. 1458-1.

The NAR Settlement includes several robust monitoring and enforcement mechanisms. These grant Co-Lead Counsel authority to request proof of compliance from entities bound by the settlement’s practice changes. For Multiple Listing Services (“MLSs”) opting into the NAR Settlement as released parties, compliance with the required practice changes is mandatory, and they must “provide proof of compliance” upon request by Co-Lead Counsel. NAR Settlement Appendix B ¶¶ 4, 7. Similarly, local or state/territory Realtor associations, to be a released party under the settlement, must adhere to specific practice changes and provide proof of compliance when requested. NAR Settlement ¶¶ 7, 18.

Pursuant to these terms, Co-Lead Counsel have requested proof of compliance from eleven MLSs and fourteen Realtor associations, including some of the largest entities nationwide.¹ See Exs. A; B.² Co-Lead Counsel are diligently reviewing the submitted documentation from these entities to evaluate compliance with the NAR Settlement's practice changes.

This Court retains "jurisdiction over the implementation and enforcement" of the NAR Settlement (NAR Settlement ¶ 82), and Co-Lead Counsel will, if necessary, bring instances of noncompliance to the Court's attention.

Additionally, Co-Lead Counsel participated in a legal seminar hosted by the Council of Multiple Listing Services ("CMLS"), engaging with MLS leaders and their counsel to discuss settlement requirements and compliance. In the coming months, Co-Lead Counsel plan to request proof of compliance from additional MLSs and Realtor associations and will provide further updates on their ongoing enforcement efforts.

Date: July 10, 2025

Respectfully Submitted,

**COHEN MILSTEIN SELLERS &
TOLL PLLC**

/s/ Robert A. Braun

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¹ Presently, Plaintiffs have requested proof of compliance with the NAR Settlement from the following MLSs and Realtor associations: Stellar MLS; San Diego MLS; OneKey MLS; Charlottesville Area Association of Realtors; Imagine MLS; Canopy MLS; Northstar MLS; California Regional MLS; Bright MLS; Heartland MLS; Florida Gulf Coast MLS; Long Island Board of Realtors; Georgia Association of Realtors; NC Realtors; Texas Realtors; Pennsylvania Association of Realtors; New Jersey Realtors; Florida Realtors; Minnesota Realtors; California Association of Realtors; Colorado Association of Realtors; Idaho Realtors; New Mexico Association of Realtors; Oregon Realtors; and Rhode Island Association of Realtors.

² Exhibit A shows the information requested from the eleven MLSs and Exhibit B shows the information requested from the fourteen Realtor associations.

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Attorneys for Plaintiffs and the Class

CERTIFICATE OF SERVICE

I hereby certify that on July 10, 2025 a copy of the foregoing document was electronically filed through the ECF system and will be sent electronically to all persons identified on the Notice of Electronic Filing.

/s/ Robert A. Braun

Robert A. Braun

Exhibit A

April 23, 2025

Via Email

Brian D. Schneider
ArentFox Schiff LLP
1717 K Street NW
Washington, DC 20006
(202) 715-8590
brian.schneider@afslaw.com

Re: Compliance with the National Association of Realtors Settlement Agreement

Dear Mr. Schneider:

My firm, Cohen Milstein Sellers & Toll PLLC, is Co-Lead Counsel for the Plaintiff settlement class, which reached the National Association of Realtors Settlement in *Burnett v. National Association of Realtors* (hereinafter, “NAR Settlement”). We write pursuant to the terms of the NAR Settlement to request Bright MLS’s proof of compliance with the Settlement’s practice changes, which took effect on August 17, 2024.

Bright MLS has opted into the NAR Settlement by executing Appendix B. As such, Bright MLS has agreed to comply with the practice changes reflected in Paragraph 58 of the NAR Settlement and Paragraph 5 of Appendix B and has agreed to provide proof of such compliance if requested by Co-Lead Counsel. *See, e.g.*, NAR Settlement Appendix B ¶ 7 (“Stipulating MLS agrees to provide proof of compliance with the practice changes if requested by Co-Lead Counsel”), *Burnett v. Nat’l Assn. of Realtors*, No. 4:19-cv-00332 (Apr. 19, 2024) (ECF No. 1458-1).

To confirm Bright MLS’s compliance, Co-Lead Counsel request that Bright MLS provide the following documents and information via email by May 16, 2025:

1. Bright MLS’s Rules and Regulations, including redlines reflecting any revisions made following the NAR Settlement;

2. All guidance and educational materials (whether in writing, video, or otherwise) provided to Bright MLS Participants and Subscribers on complying with the NAR Settlement's practice changes;
3. Proof of the removal of compensation fields and a description of how Bright MLS ensures that cooperative compensation offers are not communicated through any remaining fields (e.g., agent remarks);
4. All form listing agreements, related forms and addenda, and any other form agreements with sellers created or otherwise made available by Bright MLS to its users;
5. All form purchase agreements, related forms and addenda, and other agreements facilitating property sales created or otherwise made available by Bright MLS to its users;
6. All form buyer representation agreements (and any other form agreements between brokers and buyers regardless of agency relationship) created or otherwise made available by Bright MLS to its users;
7. All other forms created or otherwise made available by Bright MLS to its users pertaining to buyer broker compensation;
8. Proof of Bright MLS's enforcement of: (i) the buyer-side broker compensation disclosure requirements reflected in Appendix B ¶ 5.vi; (ii) the seller-side broker disclosure requirements reflected in Appendix B ¶ 5.viii; and (iii) the consumer disclosure requirements reflected in Appendix B ¶ 5.ix;
9. Proof of Bright MLS's compliance with the prohibition on creating, facilitating, or supporting non-MLS mechanisms (including by providing listing information to an internet aggregators' website for such purpose) for listing brokers or sellers to make offers of compensation to buyer brokers or other buyer representatives (either directly or through buyers);
10. All documents relating to Bright MLS's positions on the use of "Touring Agreements", "Showing Agreements" or similar agreements between buyers and brokers; and
11. All other documents concerning or reflecting how Bright MLS has been enforcing compliance with the NAR Settlement.

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I am available to discuss this request and the timing and format for producing proof of compliance with the practice changes.

Sincerely,

A handwritten signature in blue ink, appearing to read 'R. Braun', with a long horizontal flourish extending to the right.

Robert A. Braun

Exhibit B

April 23, 2025

Via Email

Tyrone Adams
Chief Executive Officer
Colorado Association of Realtors
309 Inverness Way S
Englewood, CO 80112
tadams@coloradorealtors.com

Re: Compliance with the National Association of Realtors Settlement Agreement

Dear Mr. Adams:

My firm, Cohen Milstein Sellers & Toll PLLC, is Co-Lead Counsel for the Plaintiff settlement class in the National Association of Realtors Settlement in *Burnett v. National Association of Realtors* (hereinafter, “NAR Settlement”). We write pursuant to the terms of the NAR Settlement to request the Colorado Association of Realtors’ proof of compliance with the Settlement’s practice changes, which took effect on August 17, 2024.

In order to be a “Released Party” under the NAR Settlement, “local or state/territory real estate boards or associations of REALTORS,” must agree to comply with certain practice changes reflected in Paragraph 58 of the NAR Settlement and agree to provide proof of such compliance as requested by Co-Lead Counsel. *See* NAR Settlement ¶¶ 7, 18(b), *Burnett v. Nat’l Assn. of Realtors*, No. 4:19-cv-00332 (Apr. 19, 2024) (ECF No. 1458-1). The Colorado Association of Realtors is a state association of REALTORS and must follow these requirements in order to be released under the Settlement.

To confirm compliance with the practice changes, Co-Lead Counsel request that the Colorado Association of Realtors provide the following documents and information via email by May 16, 2025:

- All guidance and educational materials (whether in writing, video, or otherwise) provided to members on complying with the NAR Settlement’s practice changes;

- All form listing agreements, related forms and addenda, and any other form agreements with sellers created or otherwise made available by you to your members;
- All form purchase agreements, related forms and addenda, and other agreements facilitating property sales created or otherwise made available by you to your members;
- All form buyer representation agreements (and any other form agreements between brokers and buyers regardless of agency relationship) created or otherwise made available by you to your members;
- All other forms created or otherwise made available by you to your members pertaining to buyer broker compensation;
- Proof of your enforcement of: (i) the buyer-side broker compensation disclosure requirements reflected in Paragraph ¶ 58.vi; (ii) the seller-side broker disclosure requirements reflected in Paragraph ¶ 58.vii; and (iii) the consumer disclosure requirements reflected in Paragraph ¶ 58.viii;
- All documents relating to your positions on the use of “Touring Agreements”, “Showing Agreements” or similar agreements between buyers and brokers; and
- All other documents concerning or reflecting how you have been enforcing compliance with the NAR Settlement.

For all documents listed above, Co-Lead Counsel request any redlined versions showing revisions made to the documents following the NAR Settlement.

I am available to discuss this request and the timing and format for producing proof of compliance with the practice changes.

Sincerely,



Robert A. Braun