

ORIGINAL

TRADE CO.

Complaint Counsel met and conferred with Respondent Realcomp regarding this motion

explained the basis for the motion. Realcomp does not oppose this motion.

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

In the Matter of

REPLY TO RESPONDENT'S ANSWER TO COMPLAINT COUNSEL IS MOTION IN

which Mr. Taylor corrects this previous testimony and disavows personal involvement in any

In its Answering Brief, Respondent quotes the following testimony from Mr. Taylor:

Q. Do you know whether or not—well, do you know what was the underlying listing type that was involved in those half-dozen arbitrations?

A. Yes.

Q. And just to be clear, these arbitrations, at least the ones you remember, involved exclusive right-to-sell contracts?

A. Yes.

Q. Okay.

A. Yes, my apologies for intimating they were exclusive agency.

(Taylor Dep. at 111:12 - 111:18).

This testimony clearly supports Complaint Counsel's Motion in *limine* and demonstrates

Mr. Taylor's lack of personal knowledge regarding relevant arbitrations involving Evaluation

**UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION**

In the Matter of

REALCOMP II LTD.,

a corporation.

Docket No. 9320

PUBLIC

[PROPOSED] ORDER

Upon consideration of Complaint Counsel's Unopposed Motion for Leave to File Draft

[REDACTED]

UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION

[Redacted]

DECLARATION OF PEGGY BAYER FEMENELLA

I, Peggy Bayer Femenella, make the following statement:

1. I am an Attorney in the Bureau of Competition of the Federal Trade Commission. I serve
as Complaint Counsel in this matter.

I declare under penalty of perjury that the foregoing is true and correct. (28 U.S.C. § 1746).



Peggy Bayer Femenella

INDEX TO EXAMINATIONS

Witness	Page
ROBERT TAYLOR	
EXAMINATION	
BY MR. GATES:	5

INDEX TO EXHIBITS

1 Q. So for 32 years you've served on an arbitration panel
2 for procuring cause issues?

1 Q. I'm asking you.

2 A. I don't know.

3 Q. Why do you say there's no documents that we could go
4 to verify what you just said?

5 A. Well, I don't have any.

6 Q. Do you know whether any exist?

7 A. No.

1 A. Yes.

1 only allowed to arbitrate the commission that was
2 paid.

3 Q. Okay.

4 A. Those were probably exclusive right-to-sell listings
5 as well.

6 Q. Okay. So they were -- this is an instance in which
7 the listing broker -- or was it a second broker that
8 relisted it?

9 A. I don't remember.

1 works, I would go to the guidelines of the National
2 Association of Realtors?

3 I would go to the guidelines of the National Association of Realtors.

