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THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

REX - REAL ESTATE EXCHANGE, INC.,
a Delaware corporation,

Plaintiff,

v.

ZILLOW, INC., a Washington corporation;
ZILLOW GROUP, INC., a Washington
corporation; ZILLOW HOMES, INC., a
Delaware corporation; ZILLOW LISTING
SERVICES, INC., a Washington
corporation; ZILLOW GROUP
MARKETPLACE, INC., a Washington
corporation; TRULIA, LLC, a Delaware
limited liability company; and THE
NATIONAL ASSOCIATION OF
REALTORS, an Illinois trade association,

Defendants.

Case No. 2:21-CV-00312-TSZ

**STIPULATION AND ORDER FOR
EXTENSION OF TIME AND
BRIEFING SCHEDULE, AND FOR
DISMISSAL OF ZILLOW GROUP
MARKETPLACE, INC.**

STIPULATION AND
ORDER:
2:21-CV-00312-TSZ

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STIPULATION

1
2 Plaintiff REX-Real Estate Exchange, Inc. (“REX”) and Defendants Zillow, Inc., Zillow
3 Group, Inc., Zillow Homes, Inc., Zillow Listing Services, Inc., Zillow Group Marketplace, Inc.,
4 and Trulia, LLC (collectively “Zillow”) and The National Association of Realtors (“NAR”), by
5 their undersigned counsel, hereby stipulate as follows:

6 1. On Tuesday, March 9, 2021, REX filed a Complaint for Injunctive Relief and for
7 Damages (Dkt. No. 1) against Zillow and NAR. REX simultaneously filed a Motion for
8 Preliminary Injunction (Dkt. No. 5). REX provided courtesy copies of the Complaint and Motion
9 for Preliminary Injunction to executives at Zillow and NAR that same day.

10 2. On Friday, March 12, 2021, Zillow was served with the summons, Complaint,
11 and Motion for Preliminary Injunction and supporting papers. REX claims that its process server
12 made numerous attempts to serve NAR’s registered agent in Chicago, Illinois, but was turned
13 away.

14 3. On Thursday, March 18, 2021, NAR’s counsel agreed to waive service of the
15 Summons, and REX’s counsel transmitted the waiver of service form that day. On Thursday,
16 March 25, 2021, NAR returned the signed waiver of service of the Summons.

17 4. On Thursday, March 25, 2021, counsel for Zillow filed a notice of appearance.

18 5. REX, Zillow and NAR stipulate and agree to re-note REX’s Motion for
19 Preliminary Injunction to May 10, 2021.

20 6. REX, Zillow and NAR stipulate and agree to staying Zillow and NAR’s deadline
21 for answering, moving to dismiss, or otherwise responding to REX’s complaint until 21 days
22 after this Court issues its order on REX’s Motion for Preliminary Injunction. Zillow and NAR
23 agree they will not file motions to dismiss or other dispositive motions until after the court enters
24 its order on the Preliminary Injunction motion. This will avoid parallel briefing and streamline
25 the proceedings.

26 7. REX, Zillow and NAR stipulate and agree to the following briefing schedule,
27 provided such dates are agreeable to the Court:
28

Filing	Stipulated Deadline
Zillow's Response to Motion for Preliminary Injunction	April 30, 2021
NAR's Response to Motion for Preliminary Injunction	April 30, 2021
REX's Reply ISO Motion for Preliminary Injunction	May 10, 2021
Zillow's Response to Complaint	21 days after the Court's ruling on Motion for Preliminary Injunction
NAR's Response to Complaint	21 days after the Court's ruling on Motion for Preliminary Injunction

8. Good cause exists for the requested extension and proposed briefing schedule. REX, Zillow and NAR agree that an extension of time for Zillow and NAR to respond to the Complaint and Motion for Preliminary Injunction promotes efficiency and will not unduly delay this proceeding.

9. REX told Zillow and NAR that it intends to supplement the Motion for Preliminary Injunction with additional information it learned after the motion was filed. REX also told Zillow and NAR that it intends to supplement the record no later than April 15, 2021. Zillow and NAR do not agree to REX's potential "supplement," but will meet and confer with REX on any motion it intends to bring.

10. In addition, REX and Zillow stipulate and agree to the dismissal of Zillow Group Marketplace, Inc. from this action. Zillow represents that: (a) Zillow Group Marketplace, Inc. is a mortgage lead generator whose business is providing advertising products and selling mortgage leads to lenders; (b) Zillow Group Marketplace, Inc. is not a licensed brokerage and its business does not involve the aggregation, search, display, or publication of real estate listings, that is the subject of REX's Complaint; and (c) Zillow Group Marketplace, Inc. is a subsidiary of Zillow, Inc., and does not control any of the other Zillow entities that are parties to this lawsuit. In light of these representations, REX agrees that Zillow Group Marketplace, Inc. should be dismissed without prejudice. Zillow and NAR stipulate and agree that REX may amend its Complaint to join Zillow Group Marketplace, Inc. if (a) any of Zillow's

1 representations above are not supported by the evidence, or (b) if Zillow or NAR assert that
2 Zillow Group Marketplace, Inc. is a necessary party for the relief sought in this action.

3
4 Respectfully submitted this 29th day of March 2021.

5
6 By: /s/ Michael Vaska
7 /s/ Rylan Weythman
8 /s/ Darren L. McCarty
9 /s/ Cristina M. Moreno

By: **/s/ Aravind Swaminathan
/s/ Nicole Tadano
/s/ John "Jay" Jurata, Jr.
/s/ Russell P. Cohen
/s/ Naomi J. Scotten

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26 ***Attorneys for Plaintiff REX-Real Estate
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***Attorneys for Defendants Zillow, Inc., Zillow
Group, Inc., Zillow Homes, Inc., Zillow
Listing Services, Inc. Zillow Group
Marketplace, Inc., and Trulia, LLC***

27 **Pursuant to this Court's Electronic Filing
28 Procedure III L, the electronic signatory has
obtained approval from all other signatories.

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By: /s/ Thomas C. Rubin
/s/ Ethan Glass
/s/ Michael D. Bonanno

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*Attorneys for The National Association of
Realtors®*

1 **ORDER**

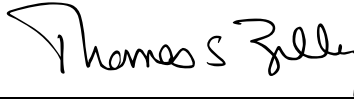
2 IT IS HEREBY ORDERED that:

3 1. Zillow Group Marketplace, Inc. is dismissed from this action without prejudice.

4 2. Plaintiff REX-Real Estate Exchange, Inc.'s Motion for Preliminary Injunction is re-
5 noted for May 10, 2021. The deadline for defendants Zillow, Inc., Zillow Group, Inc., Zillow
6 Homes, Inc., Zillow Listing Services, Inc., Trulia, LLC (collectively, "Zillow") and The
7 National Association of Realtors ("NAR") to respond to the Motion for Preliminary Injunction
8 is April 30, 2021. Plaintiff's deadline to file any reply brief in support of its Motion for
9 Preliminary Injunction is May 10, 2021.

10 3. The deadline for defendants Zillow and NAR to answer, move to dismiss, or otherwise
11 respond to the Complaint for Injunctive Relief and for Damages is extended to twenty-one (21)
12 days after the Court rules on Plaintiff's Motion for Preliminary Injunction.

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15 DATED this 30th day of March, 2021.

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19 Thomas S. Zilly
20 United States District Judge
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