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## BrokersNYC suit against REBNY progresses

Both sides in an anti-trust suit have claimed victory after a U.S. District Court judge ruled that he would hear conspiracy charges filed by BrokersNYC against the Real Estate Board of New York and others, but dismissed monopoly charges.

The suit, filed in 2005, claims that a conspiracy prevented REBNY broker listings from being shared with an outside listing service, a possible breach of federal antitrust regulations.

Judge Leonard B. Sand also dismissed monopoly charges against REBNY, Online Residential Inc., RealPlus LLC, Terra Holdings LLC, Brown Harris Stevens, Halstead Properties Realty Ltd., the Corcoran Group Inc., Bellmarc Realty, Sotheby's International and several brokers and individuals, including REBNY president Steve Spinola. Sand's Aug. 6 ruling said that they did not act as a monopoly because they did not constitute one company.

Sand also dismissed BrokersNYC's tortious interference claim, which would have required proof that malicious attempts were made to hurt its business.

The defendants had requested a summary judgment and dismissal of BrokersNYC's allegations.

Spinola, REBNY's president, said in a written statement that the decision affirmed that "this suit has no merit or legal foundation."

Lala Wang, president of BrokersNYC, said the defendants made it difficult to serve small brokers.

"Ultimately consumers are hurt when small brokerages don't have the same advantages as large brokerages," she said.

Wang said that in 2003 all large broker members of REBNY exchanged automated real estate listings, but REBNY refused to exchange data feeds with her company for BrokerNYC's REBNY member clients.

Wang said REBNY demanded that all brokers use RealPlus, an automated listings exchange process, and then let On-Line Residential, also an automated exchange facilitator used by Citi Habitats, get the downloads.

The suit also alleges that Klickads (doing business as BrokersNYC) RealPlus, and OLR each had about one-third of the city's automated real estate listings, but that by 2006 RealPlus's share had increased to 70 percent and BrokersNYC had fallen to 13 percent. *By Jen Benepe*

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