Case 3:25-cv-00001-SDD-SDJ Document 1 01/02/25

**IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF LOUISIANA**

**Carla DeYoung, Tammy Jo Williams**
**Darlene Currie, Carlos Alvarez**

**Plaintiffs,**

**vs.**

**Greater Baton Rouge Association of Realtors, Inc.,**
**New Orleans Metropolitan Association of Realtors, Inc.**
**Bayou Board of Realtors, Inc.,**
**Greater Central Louisiana Realtors Association, Inc.,**
**Realtor Association of Acadiana, Louisiana Realtors Association,**
**ROAM MLS, LLC,**
**National Association of Realtors,**
**Kenneth Daman, Registered Agent, ROAM MLS, LLC**

**Defendants**

## COMPLAINT

4. (Carla DeYoung), is designated to act on behalf of all plaintiffs in This matter.

**6. Plaintiffs**

- Carla DeYoung, is a resident of Walker, La., residing at 31185 Walker Rd North, Walker, La 70785. Plaintiff operates as a licensed real estate broker through Tigerland Properties, LLC and Certified Residential Appraiser in Louisiana through The Appraisal Company, LLC.
- Tammy Jo Williams is a resident of Walker, Louisiana, residing at 30792 Walker Rd North, Walker, LA 70785. Plaintiff operates as a licensed real estate agent under Tigerland Properties, LLC.

- Darlene Currie is a resident of Brusly, Louisiana, residing at 3431 Allene St., Brusly, Louisiana 70719. Plaintiff operates as a licensed real estate agent under Tigerland Properties, LLC.
- Carlos Alvarez is a resident of Prairieville, Louisiana, with his principal office at 10202 Perkins Rowe, Ste E-160, Baton Rouge, Louisiana 70810. Plaintiff operates as a real estate broker operating through Supreme, LLC and multiple other brokerage companies.
- Carla DeYoung is a Louisiana State Certified Residential appraiser earning income as an appraiser of real property.
- All of the Plaintiffs earn their living based upon the marketing and sale of real property and the commissions derived therefrom.

All plaintiffs are required to pay dues and be members of three associations in order to be members of the MLS that services their market area. Market area MLS Services are essential to successfully compete in the Real Estate Industry.

## FACTUAL ALLEGATIONS COMMON TO ALL OR MULTIPLE COUNTS AGAINST ALL DEFENDANTS

7. Some plaintiffs are current members of ROAM MLS, while others canceled their memberships due to concerns regarding potential violations of the law. ROAM MLS, is serviced by a third-party platform, Paragon MLS. The Board associations require individuals to maintain membership with NAR, LRA, and a REALTOR board within the state of Louisiana to qualify for membership in the MLS that serves the plaintiffs market area. Board association control the data provided to Paragon MLS.

9. The defendants employ tying arrangements and extract intellectual property (data) from their members, syndicating this data while simultaneously asserting copyright ownership over it. This practice allows them to effectively claim control over the proprietary information of their members.

11. The widely publicized scandals surrounding the NAR-including sexual harassment allegations, extravagant spending, and antitrust violations related to the Participation Rule and Clear Cooperation Policy-have irreparably harmed the reputation of the entire real estate industry. The public's inability to differentiate between Realtors and non-Realtors ensures that this damage extends to all real estate professionals.

## PLAINTIFF'S ALLEGATIONS

12. The MLS (Multiple Listing Service) is a critical facility in the real estate industry, serving as a centralized platform essential for real estate professionals. Without access to the MLS that serves the specific market area needed, real estate professionals face significant disadvantages in competing effectively. The data provided by the market area MLS is unparalleled and unavailable on any other platform that could offer comparable competitive opportunities, particularly in time-sensitive scenarios in both buyer's and seller's markets. Communication, transparency, and market data is essential between all licensed Real Estate Agents regardless of association membership.

13. The defendants impose restrictions on data usage, creating significant barriers to conducting market analysis-an essential tool for real estate professionals. These restrictions hinder real estate professionals who are denied MLS access due to their non-member status in the defendants' associations from competing effectively. Three key elements of the definition of market value-Reasonable Knowledge, Fair Market Conditions, and Open Market-are crucial for accurately informing consumers about property values. Without access to the market area MLS, agents cannot effectively analyze and disseminate this essential information to buyers and sellers.

14. The defendants require membership in three REALTOR associations as a condition for accessing the MLS. These associations impose rules that the plaintiffs do not support, which constitute restraints of trade and violate the plaintiffs' First Amendment right to freedom of association under the United States Constitution.

**15. Equitable Access:** Defendants engaged in unfair methods of competition and employed deceptive practices, violating provisions of the Federal Trade Commission Act. By excluding non-association real estate professionals from cooperating through the MLS system with association members, they have created an environment that favors certain real estate professionals over others. This exclusion undermines the principle that all real estate professionals are independent contractors and limits opportunities for collaboration and has directly contributed to reputational harm for non-member real estate professionals. As a result, the market is hindered, leading to fewer options for consumers and negatively affecting overall market dynamics. Ensuring that all professionals, regardless of association affiliation, have access to critical data mitigates inequalities in the market.

16. Without these elements being readily accessible, agents are significantly hampered in their ability to effectively guide consumers in understanding true market value

18. The plaintiffs assert that the defendants' practices disproportionately impact minority consumers and real estate professionals by limiting access to essential data and hindering equitable competition in the market.

19. The NAR's history of antitrust violations, as evidenced by the 2020 DOJ settlement, the current investigation into the Clear Cooperation Policy, and numerous pending lawsuits, harms real estate professionals. We strongly oppose mandatory membership in an organization with such a record of anti-competitive behavior.

21. We respectfully urge the Court to recognize that multiple listing services (MLS), including those operated by local board associations and those governed by rules that mirror the National Association of Realtors (NAR) policies, should operate independently of such frameworks that may perpetuate antitrust violations. Ensuring fair and lawful practices in the real estate market requires addressing these concerns to protect both industry professionals and the public.

**23. FAIR HOUSING VIOLATIONS:**

Plaintiffs assert that the Defendants' association rules and policies, enforced through tying arrangements, violate fair housing laws, and create discriminatory impacts on consumers. Furthermore, Plaintiffs contend that requiring real estate professionals to enforce these rules as a condition of MLS membership improperly shifts regulatory burdens onto them, which is both inappropriate and unjust - Specifically:

**a. Disproportionate Impact on Minority Consumers:** Imposing burdensome requirements that effectively discriminate against protected classes under the Fair Housing Act.

**b. Barriers to Fair Business Practices:** Restricting competition and limiting opportunities for licensed real estate professionals operating in compliance with fair housing laws.

**c. Violations in Advertising:** Implementing policies that result in noncompliance with fair housing requirements for real estate advertising.

24. As a result, Plaintiffs have suffered harm, including lost business opportunities, reputational damage, emotional stress, and financial losses.

25. The Defendant, NAR, engaged in conduct that was extreme and outrageous by entering into a settlement agreement in the *Sitzer Burnett Class Action Suit* that significantly impacts all members without seeking or considering their input. This conduct disregards the interests and well-being of its members.

27. As a direct result of the Defendant's conduct, Plaintiffs have experienced severe emotional distress, including anxiety, frustration, and a sense of betrayal due to the lack of transparency and the unilateral decisions made by NAR. The adverse effects of these actions extend beyond financial implications, causing psychological and emotional harm.

28. The Defendant's actions constitute a breach of trust, causing widespread reputational harm and member dissatisfaction. This is further exacerbated by the fact that access to essential MLS tools, necessary for effectively serving clients, is contingent upon maintaining the defendants' association memberships. Real estate agents who choose not to be controlled by association overreach suffer adverse consequences due to the loss of MLS access, significantly hindering their ability to compete effectively in the marketplace.

**Count I: Violation of Clayton Act (§ 3, 15 U.S.C. § 14)**

31. Defendants' tying arrangements substantially lessen competition and create monopolistic dominance.

**Count II: Breach of Contract**

33. The defendants breached contractual terms and violated the implied covenant of good faith and fair dealing by imposing excessive fees and enforcing mandatory membership rules, which the plaintiffs argue infringe upon fair housing and antitrust laws.

**Count III: Violation of Federal Trade Commission Act**

35. Defendants engaged in unfair methods of competition and employed deceptive practices, violating provisions of the Federal Trade Commission Act.

**Count IV: Unjust Enrichment**

37. Defendants have unjustly benefited by collecting fees that are tied to restrictive and anti-competitive policies, to the detriment of the plaintiffs and others.

## COUNT V: Emotional Distress

39. Defendants have caused emotional harm as a direct result of the actions taken by the National Association of Realtors (NAR).

## COUNT VI: Reputational Harm

41. Defendants caused reputational damage due to its policies as a result of their settlement in the Sitzer/Burnett case, leading to widespread negative perceptions of real estate professionals.

## COUNT VII: Violation of Fair Housing Act

Defendants' rules and policies, required as a condition of MLS access, have discriminatory impacts that plaintiffs consider to violate the Fair Housing Act. These practices undermine efforts to ensure equal housing opportunities and exacerbate existing disparities in the real estate industry.

## PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court grant the following relief:

1. **MLS Data Access:** Order Defendants to cease leveraging control over MLS data to enforce anticompetitive tying arrangements.
2. **Declaratory Judgment:** Declare that Defendants' policies and practices violate federal and state antitrust laws, including the Sherman Antitrust Act, and constitute unlawful restraints of trade.
3. **Permanent Injunction:** Issue a permanent injunction prohibiting Defendants from enforcing mandatory association memberships and tying arrangements as conditions for accessing the MLS.
4. **Damages for Emotional Distress:** Plaintiffs request damages for emotional distress caused by the Defendant's conduct. This includes compensation for:

- Anxiety, stress, and emotional turmoil arising from the reputational harm to the plaintiff's profession and the uncertainty caused by the changed rules for MLS members as a result of the NAR Sitzer/Burnett settlement

5. **Treble Damages:** Award treble damages, as provided under Section 4 of the Clayton Act, in an amount not less than $10,000,000, for the harm caused by Defendants' antitrust violations.

8. **Nondiscriminatory MLS Access:** Issue an injunction requiring Defendants to provide fair and nondiscriminatory access to the MLS for all real estate professionals, independent of association membership.

Respectfully submitted,

Pro Se Plaintiffs: Carla DeYoung, Darlene Currie, Carlos Alvarez