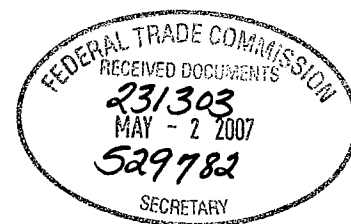


ORIGINAL

PUBLIC RECORD

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION



In the Matter of _____
REALCOMP II LTD., _____
Respondent. _____

Docket No. 9320

COMPLAINT COUNSEL'S RESPONSE
TO RESPONDENT'S APPLICATION TO ADMINISTRATIVE
LAW JUDGE TO LIFT RESTRICTED CONFIDENTIAL STATUS
OF DEPOSITION TESTIMONY OF JEFF KERMATH

Pursuant to the procedures set forth in Paragraph 7 of the Protective Order in this matter, Complaint Counsel hereby responds to Respondent Realcomp II Ltd.'s ("Realcomp") Application to Administrative Law Judge to Lift Restricted Confidential Status of Deposition Testimony of Jeff Kermath. Complaint Counsel takes no position on the merits of Respondent's Application. In the interest of resolving any issues, however, with respect to Mr. Kermath's confidentiality designations, Complaint Counsel states:

1. Mr. Kermath is not represented by counsel in this Matter.
2. He has redesignated his deposition testimony such that no portion of his transcript is Restricted Confidential.
3. More specifically, as shown in the email message attached hereto as Exhibit A, Mr. Kermath has now designated just 23 of 119 pages from his transcript as Confidential, and one deposition exhibit as Confidential. The remaining 96 transcript pages and 16 deposition

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exhibits have not been designated with Confidential or Restricted Confidential status by Mr. Kermath, and the parties may treat them as Discovery Material in this Matter.

4. Upon information and belief, Mr. Kermath's redesignations were communicated to the parties prior to his receipt of Respondent's Application. In addition, Complaint Counsel is not aware that Respondent contacted Mr. Kermath directly or otherwise satisfied its obligation to meet and confer with the Producing Party to negotiate changes to the challenged designations, as provided in Paragraph 7(a) of the Protective Order, prior to filing its Application.

Respectfully Submitted,



Sean P. Gates
Joel Christie
Peggy Bayer Femenella
Linda M. Holleran
Christopher Renner

Counsel Supporting the Complaint
Bureau of Competition
Federal Trade Commission
601 New Jersey Ave., NW
Washington, DC 20580
(202) 326-3711

May 2, 2007

EXHIBIT A

-----Original Message-----

From: Jeffry M. Kermath [mailto:jeff@MLSClickIt.com]

Sent: Thursday, April 26, 2007 3:53 PM

To: Gates, Sean

Cc: smandel@fosterswift.com

Subject: Re: Deposition Transcript

Dear Mr. Gates and Mr. Mandel,

Upon further review of my deposition transcript, the exhibits and the Protective Order in the Matter of Realcomp II Ltd., FTC Docket No. 9320, I hereby redesignate my testimony as follows:

Pages 46, 48-54, 70,77-79, 95-99, 105-108 and 111-112 and Exhibit RX10 are Confidential Discovery Material; and the remainder of my transcript and exhibits are regular Discovery Material.

Thank you,
Jeff Kermath
Amerisell Realty

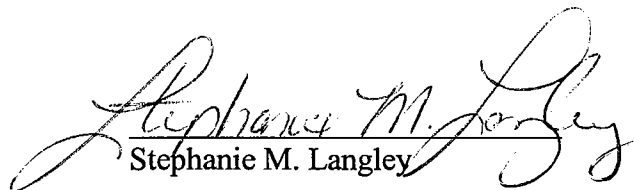
CERTIFICATE OF SERVICE

This is to certify that on May 2, 2007, I caused a copy of the attached Complaint Counsel's Response to Respondent's Application to Administrative Law Judge to Lift Restricted Confidential Status of Deposition Testimony of Jeff Kermath to be served upon the following persons by Electronic Transmission and Overnight Courier, or Hand-Delivered:

The Honorable Stephen J. McGuire
Chief Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580
Hand-Delivery

Scott Mandel, Esq.
Foster, Swift, Collins & Smith, P.C.
313 South Washington Square
Lansing, MI 48933-2193
Electronic Transmission and Overnight Courier

Counsel for Respondent, Realcomp II Ltd.


Stephanie M. Langley