

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

COMMISSIONERS: Joseph J. Simons, Chairman
Noah Joshua Phillips
Rohit Chopra
Rebecca Kelly Slaughter
Christine S. Wilson



In the Matter of

Louisiana Real Estate Appraisers Board,
Respondent

Docket No. 9374

**RESPONDENT LOUISIANA REAL ESTATE APPRAISERS BOARD'S
MOTION FOR EXPEDITED REVIEW**

Pursuant to Federal Trade Commission Rules of Practices 16 C.F.R. § 3.22, Respondent Louisiana Real Estate Appraisers Board (“LREAB” or “the Board”), respectfully moves the Commission for expedited review of the Board’s concurrently filed Motion for Continuance of Stay of the “Order Staying Administrative Proceedings” dated July 19, 2018 (“Order”). Complaint Counsel declined to agree to an expedited schedule for the filing of its opposition, but stated they would not oppose the request for an expedited decision by the Commission on LREAB’s Motion for Continuance of Stay.

Special circumstances necessitate expedited review of LREAB’s Motion for Continuance of Stay. As stated in the Order, the stay of the Part 3 proceedings will remain “until further order of the Court of Appeals for the Fifth Circuit and the Commission.” On February 28, 2019, the Fifth Circuit dismissed the appeal and issued the mandate, thus returning jurisdiction to the Commission. *Op. & J., Louisiana Real Estate Appraisers Board v. FTC*, No. 18-60291 (5th Cir.,

Feb. 28, 2019). As indicated in the Motion for Continuance of the Stay, the Board is seeking a rehearing en banc and will be filing that petition well before the 45-day deadline. Fed. R. App. P. 40. Per the Fifth Circuit's rules, the Court should reach a decision on whether to grant the rehearing in short order. *See* Fifth Circuit Rule 35 I.O.P. (indicating the Fifth Circuit circulates the petition and consideration is given within 10 days). If rehearing en banc is granted, it is anticipated that the Commission will again be divested of jurisdiction, and the Part 3 proceedings will be stayed. *See* Order, *Louisiana Real Estate Appraisers Board v. FTC* (July 17, 2017).

As a result of the quick turnaround, expedited treatment over the motion is necessary. For non-expedited motions, the Commission would not be required to reach a decision until "45 days of the filing of the last-filed answer or reply to the motion." 16 C.F.R. § 3.22(a). Under these circumstances, such a delay on a response to LREAB's Motion for Continuance of Stay would be impracticable and would render the motion meaningless as the Fifth Circuit will likely reach a decision before any Commission order.

The Board files this Motion out of an abundance of caution, and because good cause exists for an expedited decision on whether to continue the existing stay over the Part 3 proceedings until the Fifth Circuit renders its decision. Hence, for good cause shown and the reasons stated above, the Board respectfully requests that the Commission: (1) order that Complaint Counsel's response to the Board's Motion for Continuance of Stay be due no later than March 18, 2019; and (2) render a decision on the Board's Motion for Continuance of Stay on or before March 22, 2019. A proposed order is attached.

Dated: March 13, 2018

Respectfully submitted,

/s/ W. Stephen Cannon

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Louisiana Real Estate Appraisers Board,
Respondent

Docket No. 9374

[PROPOSED] ORDER ON RESPONDENT’S MOTION FOR EXPEDITED REVIEW

On March 13, 2019 Respondent filed a Motion for Expedited Review of Respondent’s Motion for Continuance of Stay. Good cause having been shown, the motion is hereby

GRANTED:

- 1) Complaint Counsel’s Response to Respondent’s Motion for Continuance of Stay shall be due no later than March 18, 2019,
- 2) The Commission will issue an order on Respondent’s Motion for Continuance of Stay on or before March 22, 2019.

By the Commission.

Donald S. Clark
Secretary

ISSUED:

Notice of Electronic Service

I hereby certify that on March 13, 2019, I filed an electronic copy of the foregoing Respondent's Motion for Expedited Review, with:

D. Michael Chappell
Chief Administrative Law Judge
600 Pennsylvania Ave., NW
Suite 110
Washington, DC, 20580

Donald Clark
600 Pennsylvania Ave., NW
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Washington, DC, 20580

I hereby certify that on March 13, 2019, I served via E-Service an electronic copy of the foregoing Respondent's Motion for Expedited Review, upon:

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