

**UNITED STATES OF AMERICA  
BEFORE FEDERAL TRADE COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES**



**ORIGINAL**

Docket No. 9374

**In the Matter of**

Louisiana Real Estate Appraisers Board,  
Respondent

**JOINT MOTION FOR  
REVISED SCHEDULING ORDER**

Pursuant to Commission Rules of Practice 3.21(c) and 3.22, Complaint Counsel and Respondent Louisiana Real Estate Appraisers Board (“LREAB”) jointly and respectfully move the Court to enter the attached proposed (Fourth) Revised Scheduling Order.

On April 10, 2018, the Commission issued an Order granting Complaint Counsel’s Motion for Partial Summary Decision and denying Respondent’s Motion to Dismiss. On April 19, 2018, Respondent submitted a petition for appeal of that Order to the Fifth Circuit Court of Appeals. After the Commission denied Respondent’s request to stay the administrative proceedings pending resolution of the appeal, Respondent moved the Court of Appeals for a stay. On July 17, 2018, the Court of Appeals granted Respondent’s motion. On July 19, 2018, the Commission issued its own stay.

On February 28, 2019, the Court of Appeals denied Respondent’s appeal on jurisdictional grounds and lifted its stay. On March 13, 2019, Respondent moved that the Commission continue its own stay pending resolution of the Respondent’s petition for rehearing en banc. On March 14, 2019, Complaint Counsel cross-moved for the Commission to lift the stay and set a date for the hearing. On March 21, 2019, the

Commission granted Complaint Counsel’s motion, lifted the stay, and set the hearing to begin on September 17, 2019. In its Order, the Commission directed that “the Administrative Law Judge shall establish a revised prehearing schedule that will permit the evidentiary hearing to commence on the date set by the Commission.”

The attached Proposed Order attempts to replicate the sequence of deadlines in the Court’s July 6, 2017 Scheduling Order, adjusted when necessary for weekends and federal holidays.

Date: March 25, 2019

Respectfully submitted,

/s/ Daniel J. Matheson  
Daniel J. Matheson  
Lisa B. Kopchik  
J. Alexander Ansaldo  
Wesley G. Carson  
Nathaniel M. Hopkin  
Kenneth H. Merber  
Thomas H. Block

/s/ W. Stephen Cannon  
W. Stephen Cannon  
Seth D. Greenstein  
Richard O. Levine  
Allison F. Sheedy  
James J. Kovacs  
J. Wyatt Fore

**Federal Trade Commission**  
600 Pennsylvania Avenue, NW  
Washington, DC 20580  
(202) 326-3139  
LKopchik@ftc.gov

**Constantine Cannon LLP**  
1001 Pennsylvania Ave. Suite 1300N  
Washington, DC 20004  
(202) 204-3500  
scannon@constantinecannon.com

*Counsel Supporting the Complaint*

*Counsel for Respondent, the Louisiana Real Estate Appraisers Board*

**UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES**

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| In the Matter of                 | ) |                 |
|                                  | ) |                 |
| Louisiana Real Estate Appraisers | ) | DOCKET NO. 9374 |
|                                  | ) |                 |
| Board, Respondent.               | ) |                 |
|                                  |   |                 |

**[PROPOSED]  
FOURTH REVISED SCHEDULING ORDER**

On March 25, 2019, the parties filed a joint motion for a Fourth Revised Scheduling Order. The parties state that the Commission's Order dated March 21, 2019, rescheduled the hearing to commence on September 17, 2019. The parties request modification of the remaining dates in the Third Revised Scheduling Order to reflect the original sequence of dates set forth in the July 6, 2017 Scheduling Order, but adjusted for the new September 17, 2019 trial date.

The parties' Joint Motion is GRANTED. The deadlines set forth in the Third Revised Scheduling Order are hereby extended as set forth below.

|                |   |
|----------------|---|
| June 21, 2019  | Parties that intend to offer confidential materials of an opposing party or a non-party as evidence at the hearing must provide notice to the opposing party or non-party, pursuant to 15 C.F.R. § 3.45 (b). <sup>1</sup> See Additional Provision 7. |
| August 2, 2019 | Deadline for filing motions for <i>in camera</i> treatment of proposed trial exhibits.  |

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<sup>1</sup>Appendix A to Commission Rule 3.31, the Standard Protective Order, states that if a party or third party wishes in camera treatment for a document or transcript that a party intends to introduce into evidence, that party or third party shall file an appropriate motion with the Administrative Law Judge within 5 days after it receives notice of a party's intent to introduce such material. Commission Rule 3.45(b) states that parties who seek to use material obtained from a third party subject to confidentiality restrictions must demonstrate that the third party has been given at least 10 days' notice of the proposed use of such material. To resolve this apparent conflict, the Scheduling Order requires that the parties provide 10 days' notice to the opposing party or third parties to allow for the filing of motions for in camera treatment.

- August 6, 2019 Deadline for filing responses to motions for *in camera* treatment of proposed trial exhibits.
- August 6, 2019 Complaint Counsel files pretrial brief supported by legal authority.
- August 9, 2019 Exchange proposed stipulations of law, facts, and authenticity.
- August 15, 2019 Exchange and serve courtesy copy on ALJ objections to final proposed witness lists and exhibit lists. The Parties are directed to review the Commission's Rules on admissibility of evidence before filing objections to exhibits.
- August 15, 2019 Deadline for depositions of experts (including rebuttal experts) and exchange of expert related exhibits.
- August 16, 2019 Deadline for filing motions *in limine* to preclude admission of evidence. *See* Additional Provision 9.
- August 20, 2019 Deadline for filing responses to motions *in limine* to preclude admission of evidence.
- August 20, 2019 Respondent's Counsel files pretrial brief supported by legal authority.
- September 12, 2019 Final prehearing conference to begin at 1:00 p.m. in FTC Courtroom, Room 532, Federal Trade Commission Building, 600 Pennsylvania Avenue, NW, Washington, DC 20580.

The parties shall meet and confer prior to the prehearing conference regarding trial logistics and proposed stipulations of law, facts, and authenticity of exhibits.

To the extent the parties have agreed to stipulate to any issues of law, facts, and/or authenticity of exhibits, the parties shall prepare a list of such stipulations and submit a copy of the stipulations to the ALJ one business day prior to the conference. At the conference, the parties' list of stipulations shall be marked as "JX 1" and signed by each party, and the list shall be offered into evidence as a joint exhibit. No signature by the ALJ is required. Any subsequent stipulations may be offered as agreed by the parties.

Counsel may present any objections to the final proposed witness

lists and exhibits. Trial exhibits will be admitted or excluded to the extent practicable. To the extent the parties agree to the admission of each other's exhibits, the parties shall prepare a list identifying each exhibit to which admissibility is agreed, marked as "JX2" and signed by each party, which list shall be offered into evidence as a joint exhibit. No signature by the ALJ is required.

September 17, 2019

Commencement of Hearing, to begin at 10:00 a.m. in FTC Courtroom, Room 532, Federal Trade Commission Building, 600 Pennsylvania Avenue, NW, Washington, DC 20580.

All other provisions of the July 6, 2017 Scheduling Order remain in effect.

ORDERED:

Date: \_\_\_\_\_

\_\_\_\_\_  
D. Michael Chappell  
Chief Administrative Law Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on March 25, 2019, I filed the foregoing document electronically using the FTC's E-Filing System and served the following via email:

April Tabor  
Acting Secretary  
Federal Trade Commission  
600 Pennsylvania Ave., NW, Rm. H-113  
Washington, DC 20580  
[ElectronicFilings@ftc.gov](mailto:ElectronicFilings@ftc.gov)

The Honorable D. Michael Chappell  
Administrative Law Judge  
Federal Trade Commission  
600 Pennsylvania Ave., NW, Rm. H-110  
Washington, DC 20580

I also certify that I delivered via electronic mail a copy of the foregoing document to:

W. Stephen Cannon  
Seth Greenstein  
Richard Levine  
James Kovacs  
Allison Sheedy  
Wyatt Fore  
Constantine Cannon LLP  
1001 Pennsylvania Avenue, NW  
Suite 1300N  
Washington, DC 20004  
[scannon@constantinecannon.com](mailto:scannon@constantinecannon.com)  
[sgreenstein@constantinecannon.com](mailto:sgreenstein@constantinecannon.com)  
[rlevine@constantinecannon.com](mailto:rlevine@constantinecannon.com)  
[jkovacs@constantinecannon.com](mailto:jkovacs@constantinecannon.com)  
[asheedy@constantinecannon.com](mailto:asheedy@constantinecannon.com)  
[wfore@constantinecannon.com](mailto:wfore@constantinecannon.com)

*Counsel for Respondent Louisiana Real Estate Appraisers Board*

Dated: March 25, 2019

By: /s/ Daniel J. Matheson

Daniel J. Matheson, Attorney

**CERTIFICATE FOR ELECTRONIC FILING**

I certify that the electronic copy sent to the Secretary of the Commission is a true and correct copy of the paper original and that I possess a paper original of the signed document that is available for review by the parties and the adjudicator.

Date: March 25, 2019

By: /s/ Daniel J. Matheson

Daniel J. Matheson, Attorney