

**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**

**SUPPLEMENT TO COMPLAINT COUNSEL’S MOTION TO LIFT THE STAY AND  
SET HEARING DATE**

On December 18, 2020, Complaint Counsel moved the Commission to lift the stay in these proceedings and to set March 15, 2021 as the date for commencement of the evidentiary hearing.<sup>1</sup> In light of the time that has passed since that filing, Complaint Counsel respectfully modifies our proposed order and requests that the Commission set a hearing date ten weeks from the issuance of its order lifting the stay. Ten weeks will provide sufficient time for the parties to complete pretrial disclosures and to coordinate with third party witnesses who may be called to testify at the hearing.

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<sup>1</sup> Respondent did not oppose lifting the stay but opposes the March 15, 2021 date and has requested the Commission set a date no sooner than August 16, 2021 for commencement of the evidentiary hearing. *See* Resp’t La. Real Estate Appraisers Bd.’s Opp. in Part to Compl. Counsel’s Mot. to Lift the Stay and Set Hr’g Date (Dec. 28, 2020), [https://www.ftc.gov/system/files/documents/cases/d09374\\_r\\_response\\_to\\_cc\\_motion\\_to\\_lift\\_stay\\_set\\_hearingpublic600331.pdf](https://www.ftc.gov/system/files/documents/cases/d09374_r_response_to_cc_motion_to_lift_stay_set_hearingpublic600331.pdf). With respect to this supplement, Respondent stated that it stands by the positions articulated in its opposition.

Dated: January 19, 2021

By: /s/ Patricia M. McDermott

Patricia M. McDermott  
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*Counsel Supporting the Complaint*

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**DOCKET NO. 9374**

**[PROPOSED] ORDER SETTING HEARING DATE**

On April 10, 2018, the Commission issued an Opinion and Order that denied Respondent Louisiana Real Estate Appraisers Board's motion to dismiss the complaint and dismissed Respondent's third and ninth affirmative defenses.<sup>1</sup> On April 11, 2019, Respondent filed a complaint with the United States District Court for the Middle District of Louisiana alleging that the Commission had violated the Administrative Procedure Act and seeking to set aside the Commission's April 10 Order. On July 29, 2019, the district court granted Respondent's motion to stay this administrative proceeding until further order of that court,<sup>2</sup> and on August 5, 2019, the Commission then issued its own order, staying all proceedings in this matter pending further order from the district court and from the Commission.<sup>3</sup> On October 2, 2020, the Fifth Circuit Court of Appeals held that the district court lacked jurisdiction to hear LREAB's complaint,

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<sup>1</sup> *In the Matter of La. Real Estate Appraisers Bd.*, No. 9374, Op. and Order of the Comm'n, at 21 (Apr. 10, 2018), [https://www.ftc.gov/system/files/documents/cases/d09374\\_opinion\\_and\\_order\\_of\\_the\\_commission\\_04102018\\_redacted\\_public\\_version.pdf](https://www.ftc.gov/system/files/documents/cases/d09374_opinion_and_order_of_the_commission_04102018_redacted_public_version.pdf).

<sup>2</sup> *La. Real Estate Appraisers Bd. v. FTC*, No. 19-cv-214, 2019 U.S. Dist. LEXIS 126165 (M.D. La. July 29, 2019).

<sup>3</sup> *In the Matter of La. Real Estate Appraisers Bd.*, No. 9374, Order Staying Admin. Proceeding (Aug. 5, 2019), [https://www.ftc.gov/system/files/documents/cases/d9374\\_lreab\\_commission\\_order-august\\_5-2019.pdf](https://www.ftc.gov/system/files/documents/cases/d9374_lreab_commission_order-august_5-2019.pdf).

vacated the district court's stay order, and remanded with instructions to dismiss the complaint.<sup>4</sup> The mandate to the district court issued on December 14, 2020, thereby lifting the district court's stay.<sup>5</sup>

On December 18, 2020, Complaint Counsel moved to lift the Commission's stay and set the date for the evidentiary hearing, which Respondent opposed on December 28, 2020. Complaint Counsel supplemented its motion on January 19, 2020, requesting that the date for commencement of the evidentiary hearing be set for ten weeks from the issuance of an order lifting the stay. Accordingly,

**IT IS HEREBY ORDERED** that the stay of these proceedings is lifted;

**IT IS FURTHER ORDERED** that the evidentiary hearing in this proceeding before the Administrative Law Judge of the Federal Trade Commission is rescheduled to commence on [DATE], at 10:00 a.m.; and

**IT IS FURTHER ORDERED** 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.

By the Commission.

April Tabor  
Acting Secretary

SEAL

ISSUED:

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<sup>4</sup> *La. Real Estate Appraisers Bd. v. FTC*, 976 F.3d 597, 600 (5th Cir. 2020).

<sup>5</sup> *La. Real Estate Appraisers Bd. v. FTC*, No. 19-30796 (5th Cir. Dec. 14, 2020) (issuing mandate).

**CERTIFICATE OF SERVICE**

I hereby certify that on January 19, 2021, 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  
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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:

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*Counsel for Respondent Louisiana Real Estate Appraisers Board*

Dated: January 19, 2021

By: /s/ Patricia M. McDermott  
Patricia M. McDermott, 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.

Dated: January 19, 2021

By: /s/ Patricia M. McDermott  
Patricia M. McDermott, Attorney