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UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION

In the Matter of:)
Louisiana Real Estate Appraisers Board,) Docket No. 9374
Respondent.) PUBLIC

**MOTION FOR EXTENSION OF TIME FOR REAL ESTATE VALUATION
PARTNERS, LLC TO FILE A MOTION TO QUASH OR LIMIT
RESPONDENT'S SUBPOENA DUCES TECUM**

Pursuant to 16 C.F.R. §3.34(c), Real Estate Valuation Partners, LLC ("REVP"), through counsel, hereby moves for an extension of time to file a motion to quash or limit the subpoena *duces tecum* served on REVP by Respondent. Specifically, REVP requests that the deadline for filing such a motion be extended to December 22, 2017. In support of this motion, REVP states as follows:

1. On July 17, 2017, Respondent served a subpoena duces tecum on REVP. A copy of that subpoena is attached as Exhibit A. The subpoena includes twelve separate requests for production.
2. Discovery in this case is stayed through November 26, 2017.

3. REVP is attempting to hold discussions regarding the scope of the document requests, any objections by REVP thereto, and the time required to REVP to search for, review, and produce responsive documents. To facilitate those discussions and to provide REVP and its counsel with adequate time to review the subpoena, REVP requests this Court extend its time for filing a motion to quash or limit the subpoena until December 22, 2017. The additional extension period will provide counsel for REVP and Respondent with time to attempt to resolve issues regarding the scope of the subpoena and to discuss the potential necessity of filing a motion to quash or limit.

4. The undersigned counsel represents that she has attempted to confer with counsel for Respondent to obtain Respondent's consent, but has been unable to reach her.

5. A proposed Order granting this motion is attached as Exhibit B.

Dated: November 15, 2017.

Respectfully submitted,

/s/ Jennifer J. Dawson

Thomas P. Killam

Jennifer J. Dawson

Counsel for Real Estate Valuation Partners, LLC

MARSHALL & MELHORN, LLC

Four SeaGate, 8th Floor

Toledo, Ohio 43604

Phone: (419) 249-7100

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dawson@marshall-melhorn.com

CERTIFICATE OF SERVICE

This is to certify that on this 15th day of November, 2017, a true and correct copy of the foregoing Motion for Extension of Time for Real Estate Valuation Partners, LLC to File a Motion to Quash or Limit Respondent's Subpoena was served by electronic means upon: W. Stephen Cannon and Kristen Broz, Constantine Cannon, 1001 Pennsylvania Avenue, Suite 1300N, Washington, DC 20004 (scannon@constantinecannon.com) and Lisa Kopchik and Sean Pugh, Federal Trade Commission, 400 7th St. SW, Washington, DC 20024 (lkopchik@ftc.gov and spugh@ftc.gov).

/s/ Jennifer J. Dawson
Counsel for Real Estate Valuation Partners, LLC



SUBPOENA DUCES TECUM

Provided by the Secretary of the Federal Trade Commission, and
Issued Pursuant to Commission Rule 3.34(b), 16 C.F.R. §3.34(b)(2010)

1. TO Real Estate Valuation Partners c/o Thomas Killam, Esq. Marshall & Melhorn 4 Seagate, 8th Floor Toldeo, OH 43604	2. FROM UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION
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This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things, at the date and time specified in Item 5, and at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

3. PLACE OF PRODUCTION Constantine Cannon LLP c/o W. Stephen Cannon 1001 Pennsylvania Ave NW Suite 1300N Washington DC 20004	4. MATERIAL WILL BE PRODUCED TO Constantine Cannon LLP
	5. DATE AND TIME OF PRODUCTION August 4, 2017 at 10:00am

6. SUBJECT OF PROCEEDING

In the Matter of Louisiana Real Estate Appraisers Board, Dkt. No. 9374

7. MATERIAL TO BE PRODUCED

Documents and materials responsive to the attached Subpoena Duces Tecum Requests for Production

8. ADMINISTRATIVE LAW JUDGE The Honorable D. Michael Chappell Federal Trade Commission Washington, DC 20580	9. COUNSEL AND PARTY ISSUING SUBPOENA W. Stephen Cannon Constantine Cannon LLP 1001 Pennsylvania Ave NW Suite 1300N Washington DC 20004 (202) 204-3500 Counsel for the Louisiana Board of Real Estate Appraisers
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DATE SIGNED 7/14/17	SIGNATURE OF COUNSEL ISSUING SUBPOENA
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GENERAL INSTRUCTIONS

APPEARANCE The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.	TRAVEL EXPENSES The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to counsel listed in Item 9 for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from counsel listed in Item 9.
MOTION TO LIMIT OR QUASH The Commission's Rules of Practice require that any motion to limit or quash this subpoena must comply with Commission Rule 3.34(c), 16 C.F.R. § 3.34(c), and in particular must be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed before the Administrative Law Judge and with the Secretary of the Commission, accompanied by an affidavit of service of the document upon counsel listed in Item 9, and upon all other parties prescribed by the Rules of Practice.	A copy of the Commission's Rules of Practice is available online at http://bit.ly/FTCRulesofPractice . Paper copies are available upon request. This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1995

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of

Louisiana Real Estate Appraisers Board,
Respondent

Docket No. 9374

RESPONDENT'S SCHEDULE FOR PRODUCTION OF DOCUMENTS
PURSUANT TO SUBPOENA

Pursuant to Respondent's attached *Subpoena Duces Tecum* issued on July 13, 2017, under Commission Rule of Practice § 3.34(b), Complaint Counsel requests that the following material be produced to Respondent.

DEFINITIONS

1. "All documents" means each document, as defined below, that can be located, discovered, or obtained by reasonable, diligent efforts, including without limitation all documents possessed by: (a) you, including documents stored in any personal electronic mail account, electronic device, or any location under your control, or the control of your officers, employees, agents or contractors; (b) your counsel; or (c) any other person or entity from which you can obtain such documents by request or which you have a legal right to bring within your possession by demand.
2. The term "Communication" includes but is not limited to, any transmittal, exchange, transfer, or dissemination of information, regardless of the means by which it is accomplished, and includes all communications, whether written or oral, and all discussions, meetings, telephone communications, or email contacts.
3. "Complaint" means the Complaint issued by the Federal Trade Commission in the above-captioned matter on May 31, 2017.
4. The term "Containing" means containing, describing, or interpreting in whole or in part.
5. "Document" means the complete original and any non-identical copy (whether different from the original because of notations on the copy or otherwise), regardless of origin or

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location, of any written, typed, printed, transcribed, filmed, punched, or graphic matter of every type and description, however and by whomever prepared, produced, disseminated or made, including, but not limited to, any advertisement, book, pamphlet, periodical, contract, correspondence, file, invoice, memorandum, note, telegram, report, record, handwritten note, working paper, routing slip, chart, graph, paper, index, map, tabulation, manual, guide, outline, script, abstract, history, calendar, diary, journal, agenda, minute, code book or label. "Document" shall also include electronically stored information ("ESI"). ESI means the complete original and any non-identical copy (whether different from the original because of notations, different metadata, or otherwise), regardless of origin or location, of any electronically created or stored information, including, but not limited to, electronic mail, instant messaging, videoconferencing, and other electronic correspondence (whether active, archived, or in a deleted items folder), word processing files, spreadsheets, databases, and sound recordings, whether stored on cards, magnetic or electronic tapes, disks, computer files, computer or other drives, thumb or flash drives, cell phones, Blackberry, PDA, or other storage media, and such technical assistance or instructions as will enable conversion of such ESI into a reasonably usable form.

6. The terms "each," "any," and "all" shall be construed to have the broadest meaning whenever necessary to bring within the scope of any document request all documents that might otherwise be construed to be outside its scope.
7. "FTC Investigation" means the FTC's Part 2 investigation into the Louisiana Real Estate Appraisers Board, File No. 161-0068, as well as the FTC's formal Part 3 Administrative Complaint, Docket No. 9374.
8. "Includes" or "including" means "including, but not limited to," so as to avoid excluding any information that might otherwise be construed to be within the scope of any document request.
9. "LREAB" means the Louisiana Real Estate Appraisers Board, the named Respondent in the above-captioned matter.
10. "LREAB Rule 31101" means Louisiana Administrative Code Title 46, § 31101.
11. "Or" as well as "and" shall be construed both conjunctively and disjunctively, as necessary, in order to bring within the scope of any document request all documents that otherwise might be construed to be outside the scope.
12. The term "Person" means any natural person, corporate entity, partnership, association, joint venture, governmental entity, or other legal entity.

13. The terms "Relate" or "Relating to" mean discussing, constituting, commenting, containing, concerning, embodying, summarizing, reflecting, explaining, describing, analyzing, identifying, stating, referring to, dealing with, or in any way pertaining to, in whole or in part.
14. "Relevant period" means from 2010 to the present.
15. Whenever the term "sufficient to show" is contained in a Request, such language requires the return of that group of documents which when viewed together reveals the information sought. The fact that no single document contains the information sought does not relieve you of the responsibility to gather and return such additional documents which when viewed together do contain the information requested in the Request. These phrases encompass those documents that are both necessary and sufficient to provide the information requested. If no single document contains all the information sought, submit additional documents so that the group of documents, when viewed together, is both necessary and sufficient to reveal the information sought.
16. "Third Party" means any natural person, corporate entity, partnership, association, joint venture, or governmental entity, including their officers, directors, agents, and employees, other than You.
17. "You" or "Your" means Real Estate Valuation Partners and all other persons acting or purporting to act on behalf of Real Estate Valuation Partners, including officers, directors, agents, and employees.
18. The use of a singular includes the plural, and the plural includes the singular.
19. The use of a verb in any tense shall be construed as the use of the verb in all other tenses.

INSTRUCTIONS

1. Transmission of Sensitive Information: Because material called for by this request may contain sensitive information, materials responsive to this request shall be submitted via an encrypted method of transmission.
2. Petitions to Limit or Quash: Pursuant to Commission Rule of Practice § 3.34(c), any motion to limit or quash this subpoena must be filed within ten days of service thereof.
3. Protective Order: On May 31, 2017, the Court entered a Protective Order governing discovery material in this matter. A copy of the protective order is enclosed as Exhibit A, with instructions on the handling of confidential information.

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4. Production of Copies: Unless otherwise stated, legible photocopies (or electronically rendered images or digital copies of native electronic files) may be submitted in lieu of original documents, provided that the originals are retained in their state at the time of receipt of this Subpoena. Further, copies of originals may be submitted in lieu of originals only if they are true, correct, and complete copies of the original documents; provided, however, that submission of a copy shall constitute a waiver of any claim as to the authenticity of the copy should it be necessary to introduce such copy into evidence in any Commission proceeding or court of law. Copies of the materials shall be produced in color if necessary to interpret them or render them intelligible.
5. Scope of Search: These requests relate to documents that are in your possession or under your actual or constructive custody or control, including, but not limited to, documents and information in the possession, custody, or control of your attorneys, accountants, directors, officers, employees, or other agents or consultants, whether or not such documents were received from or disseminated to any other person or entity.
6. Claims of Privilege: Pursuant to the Federal Trade Commission's Rule of Practice 3.38A, 16 C.F.R. § 3.38A, if any documents are withheld from production based on a claim of privilege or any similar claim, you shall provide, not later than the date set for production of materials, a schedule that describes the nature of the documents, communications, or tangible things not produced or disclosed in a manner that will enable Counsel to assess the claim of privilege. The schedule shall state individually for each item withheld: (a) the document control number(s); (b) the full title (if the withheld material is a document) and the full file name (if the withheld material is in electronic form); (c) a description of the material withheld (for example, a letter, memorandum, or email), including any attachments; (d) the date the material was created; (e) the date the material was sent to each recipient (if different from the date the material was created); (f) the email addresses, if any, or other electronic contact information to the extent used in the document, from which and to which each document was sent; (g) the names, titles, business addresses, email addresses or other electronic contact information, and relevant affiliations of all authors; (h) the names, titles, business addresses, email addresses or other electronic contact information, and relevant affiliations of all recipients of the material; (i) the names, titles, business addresses, email addresses or other electronic contact information, and relevant affiliations of all persons copied on the material; (j) the factual basis supporting the claim that the material is protected (for example, that it was prepared by an attorney rendering legal advice to a client in a confidential communication, or prepared by an attorney in anticipation of litigation regarding a specifically identified claim); and (k) any other pertinent information necessary to

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support the assertion of protected status by operation of law. If only part of a responsive document is privileged, all non-privileged portions of the document must be produced.

7. This request shall be deemed to be continuing until and during the course of this proceeding. Information sought by these requests and that you obtain after you respond to these requests must be disclosed to Respondent Counsel by supplementary responses.
8. To furnish a complete response to these Requests, the person supervising compliance must submit a signed and notarized copy of the attached verification form along with the responsive materials.

REQUESTS FOR PRODUCTION

Respondent Counsel hereby requests that Real Estate Valuation Partners produce all documents, electronically stored information, and other things in its possession, custody, or control responsive to the following requests:

1. All documents and communications between You and LREAB during the Relevant Period.
2. All documents and communications between You and the FTC relating to the FTC Investigation.
3. All documents and communications relating to LREAB's investigations regarding the payment of customary and reasonable fees to residential real estate appraisers in Louisiana.
4. All documents and communications between You and any Third Party, including between You and the Real Estate Valuation Advocacy Association or any other trade association, relating to the determination or payment of customary and reasonable fees to residential real estate appraisers in Louisiana during the Relevant Period.
5. All internal documents and communications relating to the determination or payment of customary and reasonable fees to residential real estate appraisers in Louisiana during the Relevant Period.
6. All documents and communications between You and any Third Party relating to LREAB Rule 31101, including, but not limited to, any comments on the proposed Rule 31101 prior to its promulgation.

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7. All internal documents and communications relating to LREAB Rule 31101 including, but not limited to, any comments on the proposed Rule 31101 prior to its promulgation.
8. All documents and communications relating to activities to inform or influence members of the Louisiana legislature by You or third parties concerning customary and reasonable fees paid to residential real estate appraisers in Louisiana during the Relevant Period.
9. Documents and communications sufficient to show the compensation You receive from lenders for residential real estate appraisal services in Louisiana during the Relevant Period.
10. Documents and communications sufficient to show the cost of appraisal management services for residential real estate appraisals in Louisiana during the Relevant Period.
11. All documents and communications relating to the October 2010 Federal Reserve Board Interim Final Rules regarding customary and reasonable fees paid to residential real estate appraisers.
12. All documents and communications relating to any investigation, enforcement action, administrative order, or adjudication from any jurisdiction regarding the fees You paid to residential real estate appraisers.

Dated: July 13, 2017

Respectfully Submitted,

/s/ W. Stephen Cannon

W. Stephen Cannon

Seth Greenstein

Richard Levine

James Kovacs

Kristen Ward Broz

CONSTANTINE CANNON

1001 Pennsylvania Ave. Suite 1300N

Washington, DC 20004

scannon@constantinecannon.com

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CERTIFICATION

Pursuant to 28 U.S.C. § 1746, I hereby certify under penalty of perjury that this response to the Requests for Production of Documents is complete and correct to the best of my knowledge and belief.

(Signature of Official)

(Title/Company)

(Typed Name of Above Official)

(Telephone)

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CERTIFICATE OF SERVICE

I hereby certify that, on July 14, 2017, I delivered via electronic mail and Federal Express a copy of the foregoing document to:

Real Estate Valuation Partners
c/o Thomas Killam, Esq.
Marshall & Melhorn
4 Seagate, 8th Floor
Toldeo, OH 43604

Lisa Kopchik
Sean Pugh
Federal Trade Commission
400 7th St. SW
Washington, DC 20024
L.Kopchik@ftc.gov
spugh@ftc.gov

/s/ Kristen Ward Broz

Kristen Ward Broz, Esq.
Constantine Cannon

**UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION**

In the Matter of:) Docket No. 9374
Louisiana Real Estate Appraisers Board,)
Respondent.)
)

**[PROPOSED] ORDER GRANTING REAL ESTATE VALUATION PARTNERS'
MOTION FOR EXTENSION OF TIME FOR TO FILE A MOTION TO QUASH
OR LIMIT RESPONDENT'S SUBPOENA DUCES TECUM**

Real Estate Valuation Partners, LLC ("REVP") proposes the entry of an Order extending REVP's deadline for filing a motion to quash or limit, or otherwise responding to, the subpoena *duces tecum* issued by Respondent, Louisiana Real Estate Appraisers Board, until and including December 22, 2017.

Good cause having been shown,

IT IS ORDERED,

That the Motion for Extension of Time for REVP to file a Motion to Quash or Limit Respondent's Subpoena Duces Tecum is **GRANTED**; and

IT IS FURTHER ORDERED:

That REVP's deadline to file a motion to quash or limit the subpoena issued by Respondent is hereby extended until and including December 22, 2017.

Dated: _____

Hon. D. Michael Chappell