

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

In the Matter of)
)
Louisiana Real Estate Appraisers Board,)
)
 Respondents)
_____)

DOCKET NO. 9374

**NON-PARTY SOLIDIFI US INC.’S
MOTION FOR *IN CAMERA* TREATMENT**

Counsel for non-party Solidifi US Inc. (“Solidifi”), pursuant to Rule 3.45(b) of the Federal Trade Commission’s Rules of Practice. 16 C.F.R. § 3.45(b), respectfully moves this Court for *in camera* treatment for five years for nine competitively-sensitive, confidential business documents (the “Confidential Documents”).

Respectfully submitted,

/s Adam J. Biegel
Adam J. Biegel
Hilla Shimshoni
ALSTON & BIRD LLP
950 F Street, NW
Washington, DC 20004
Phone: (202) 239-3300
Adam.Biegel@alston.com
Hilla.Shimshoni@alston.com

*Counsel for Non-Party
Solidifi US Inc.*

DATED: March 12, 2021

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

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

**NON-PARTY SOLIDIFI US INC.’S
MEMORANDUM OF LAW IN SUPPORT OF ITS
MOTION FOR *IN CAMERA* TREATMENT**

Pursuant to Rule 3.45(b) of the Federal Trade Commission’s Rules of Practice. 16 C.F.R. § 3.45(b), counsel for non-party Solidifi US Inc. (“Solidifi”) submits this Memorandum of Law in support of Solidifi’s motion, filed this date, for *in camera* treatment for five years for 11 competitively-sensitive, confidential business documents (the “Confidential Documents”).

Counsel for The Federal Trade Commission (“FTC”) and counsel for Respondent Louisiana Real Estate Appraisers Board (“LREAB”) have stated that they do not intend to oppose Solidifi’s Motion. A corresponding Statement Regarding Meet and Confer is appended to this Memorandum.

Solidifi is an independent provider of valuation and closing services supporting the residential real estate mortgage industry. Solidifi produced the Confidential Documents in response to non-party subpoenas in this matter. The FTC has now notified Solidifi that it intends to introduce three of the Confidential Documents into evidence at the administrative trial in this matter, and Respondent LREAB has notified Solidifi that it intends to introduce eight of the Confidential Documents into evidence at the administrative trial in this matter. *See* Letter from the

FTC dated June 20, 2019 (attached as Exhibit A); Letter from LREAB dated June 19, 2019 (attached as Exhibit B).

The exhibits for which Solidifi is seeking *in camera* treatment are confidential business documents that contain information regarding Solidifi’s fees, methodology for setting the fees, and detailed geographic scope of operations. If these documents were to become part of the public record, Solidifi would be significantly harmed. For the reasons discussed in this motion, Solidifi respectfully requests that the Confidential Documents be afforded *in camera* treatment. In support of the motion, Solidifi relies on the Affidavit of Colleen McCafferty, Chief Compliance Officer at Solidifi (“McCafferty Declaration”), attached as Exhibit C, which provides additional details regarding the Confidential Documents.

I. The Documents for Which Protection is Sought

Exhibit No.	Document Title/Description	Date	Beginning Bates No.	Ending Bates No.
CX3274 ¹ / RX0717	Letter from Colleen McCafferty to Lisa Kopchik to re: File No. 161-0068, CID Issued to Solidifi US, Inc.	6/29/2016	FTC-PROD-0010269	FTC-PROD-0010275
	Spreadsheet: Solidifi's CID Response (Spec. 2)	6/28/2016	“2. Solidifi – Database of Relevant Appraisals for SC”	“2. Solidifi – Database of Relevant Appraisals for SC”
CX3274 ² / RX0712	Spreadsheet: Solidifi's CID Response (Spec. 1) / Solidifi CID data spreadsheets	6/29/2016	FTC-PROD-0010240	FTC-PROD-0010240

¹ CX3274 also contains three documents marked “1. Solidifi – Database of Relevant Appraisals for LA”, “2. Solidifi – Database of Relevant Appraisals for SC” and “3. Solidifi - Customary and Reasonable Fee Floor - Test Methodology to January 4, 2016.” Of those, only the document markets as s number 1 is also provided by LREAB as an exhibit, marked as RX0712.

² FTC-PROD-0010240 is also marked as “1. Solidifi – Database of Relevant Appraisals for LA” , and is identified by the FTC as part of CX3274 (with the date of 6/28/2016) (see above)

RX0713	Solidifi CID data spreadsheets	6/29/2016	FTC-PROD-0010243	FTC-PROD-0010253
RX0714	Solidifi Compliance Committee Meeting minutes	11/12/2015	FTC-PROD-0010254	FTC-PROD-0010258
RX0715	Solidifi Compliance Administration Committee Monthly Meeting Minutes	6/29/2016	FTC-PROD-0010259	FTC-PROD-0010264
RX0716	Solidifi Appraiser FAQ - The Solidifi PerformAX Appraiser Quality Score	6/29/2016	FTC-PROD-0010265	FTC-PROD-0010268
RX0718	Solidifi Compliance Committee Meeting minutes	2/1/2016	FTC-PROD-0010259	FTC-PROD-0010264
RX0719	Appraiser FAQ-- the Solidifi PerformAX Appraiser Quality Score	6/10/2014	FTC-PROD-0010265	FTC-PROD-0010268

Solidifi seeks *in camera* treatment for the following Confidential Documents, copies of which are attached under seal in Exhibit D.

II. Solidifi’s Documents are Secret and Material to Solidifi’s Business and Their

Disclosure Would Result in Serious Injury to the Company

In camera treatment of material is appropriate when its “public disclosure will likely result in a clearly defined, serious injury to the person, partnership, or corporation requesting” such treatment. 16 C.F.R. § 3.45(b). The proponent demonstrates serious competitive injury by showing that the documents are secret and that they are material to the business. *In re 1-800 Contacts, Inc.*, No. 9372, 2017 FTC LEXIS 55, at *2-3 (Apr. 4, 2017); *In re Gen. Foods Corp.*, 95 F.T.C. 352, 355 (1980); *In re Dura Lube Corp.*, No. 9292, 1999 FTC. LEXIS 255, at *5 (Dec. 23, 1999). In this context, courts generally attempt “to protect confidential business information from unnecessary airing.” *H.P. Hood & Sons, Inc.*, 58 F.T.C. 1184, 1188 (1961).

In considering both secrecy and materiality, the Court may consider: (1) the extent to which the information is known outside of the business; (2) the extent to which it is known by employees and others involved in the business; (3) the extent of measures taken to guard the

secrecy of the information; (4) the value of the information to the business and its competitors; (5) the amount of effort or money expended in developing the information; and (6) the ease or difficulty with which the information could be acquired or duplicated by others. *In re Bristol-Myers Co.*, 90 F.T.C. 455, 456-57 (1977). As discussed in the McCafferty Declaration, the Confidential Documents relate to Solidifi's fees, its methodology for setting fees, and its geographic scope of operations. Such information is both secret and material to Solidifi's business and, as set forth below, satisfies the standard for *in camera* treatment.

The Commission has recognized the propriety of granting *in camera* treatment to business records. *See, e.g., In re McWane, Inc.*, No. 9351, 2012 WL 3862131, at *2 (F.T.C. Aug. 17, 2012); *In re Champion Spark Plug Co.*, No. 9141, 1982 FTC LEXIS 85, at *2 (Apr. 5, 1982); *H.P. Hood & Sons, Inc.*, 58 F.T.C. at 1188-89; *In re Kaiser Aluminum & Chem. Corp.*, 103 F.T.C. 500, 500 (May 25, 1984). Thus, the information for which Solidifi seeks *in camera* treatment is eligible to receive it.

Solidifi has taken significant steps to protect the confidential information contained in the Confidential Documents, which was produced pursuant to compulsory processes and under the terms of the May 31, 2017, Protective Order Governing Confidential Material in this matter (the "Protective Order") that was issued to protect the information contained in the Confidential Documents at question here. Pursuant to the Protective Order, Solidifi's counsel designated the documents as "Confidential" to avoid any public disclosure. Furthermore, Solidifi takes substantial measures to guard the secrecy of the information contained in the Confidential Documents by limiting the dissemination of that information and taking every reasonable step to protect its confidentiality. The information contained in the Confidential Documents is generally only disclosed to Solidifi management and employees. As described in more detail in the McCafferty

Declaration, the information contained in the Confidential Documents relates to Solidifi's fees and the methodology for setting those fees is not and would not otherwise become publicly available.

Finally, Solidifi's status as a non-party is relevant to the treatment of its documents. The FTC has held that "[t]here can be no question that the confidential records of businesses involved in Commission proceedings should be protected insofar as possible." *H.P. Hood & Sons*, 58 F.T.C. at 1186. This is especially so in the case of a non-party, which deserves "special solicitude" in its request for *in camera* treatment for its confidential business information. See *In re Kaiser Aluminum*, 103 F.T.C. at 500 ("As a policy matter, extensions of confidential or *in camera* treatment in appropriate cases involving third party bystanders encourages cooperation with future adjudicative discovery requests."). Solidifi's non-party status therefore weighs in favor of granting *in camera* status to the Confidential Documents.

III. IN CAMERA PROTECTION SHOULD EXTEND FOR FIVE YEARS

Because of the highly confidential and proprietary nature of the information contained in the Confidential Documents – competitively significant information that Solidifi continues to use and considers key to its business strategies, performance, and ongoing operations – lasting protection is appropriate in order to ensure avoidance of the competitive injuries to Solidifi's business outlined above. See *In re 1-800 Contacts*, 2017 FTC LEXIS 55, at *3, *8 (recognizing that *in camera* treatment is appropriate where the material remains "competitively sensitive."). As the Commission has previously recognized, if such Confidential Documents are disclosed, Solidifi will lose the advantages that it currently enjoys based on its efforts to maintain the confidentiality of the information contained in the Confidential Documents. *In re Otto Bock Healthcare N. Am., Inc.*, No. 9378, 2018 FTC LEXIS 111, at *11 (July 6, 2018) (granting *in camera* treatment for five years from time of order to non-party's ordinary course business documents, including documents

EXHIBIT A



J. Alexander Ansaldo
Attorney

(202) 326-3695
jansaldo@ftc.gov

UNITED STATES OF AMERICA
Federal Trade Commission
WASHINGTON, D.C. 20580

June 20, 2019

VIA EMAIL

Solidifi Inc.
c/o Colleen McCafferty, Esq.
Vice President, Compliance
cmccafferty@solidifi.com
701 Seneca St. Ste. 660
Buffalo, NY 14210

RE: *In re Louisiana Real Estate Appraisers Board*, FTC Dkt. No. 9374

Dear Ms. McCafferty:

By this letter we are providing formal notice, pursuant to Rule 3.45(b) of the Commission's Rules of Practice, 16 C.F.R. § 3.45(b), that Complaint Counsel intend to offer the documents and testimony referenced in the enclosed Attachment A into evidence in the administrative trial in the above-captioned matter. The administrative trial is currently scheduled to begin on September 17, 2019. All exhibits admitted into evidence become part of the public record unless *in camera* status is granted by Administrative Law Judge D. Michael Chappell.

For documents or testimony that include sensitive or confidential information that you do not want on the public record, you must file a motion seeking *in camera* status or other confidentiality protections pursuant to 16 C.F.R §§ 3.45, 4.10(g). Judge Chappell may order that materials, whether admitted or rejected as evidence, be placed *in camera* only after finding that their public disclosure will likely result in a clearly defined, serious injury to the person, partnership, or corporation requesting *in camera* treatment.

Motions for *in camera* treatment for evidence to be introduced at trial must meet the strict standards set forth in 16 C.F.R. § 3.45 and explained in *In re 1-800 Contacts, Inc.*, 2017 FTC LEXIS 55 (April 4, 2017); *In re Jerk*, 2015 FTC LEXIS (Feb. 23, 2015); and *In re Basic Research, Inc.*, 2006 FTC LEXIS 14 (Jan. 25, 2006). Motions also must be supported by a declaration or affidavit by a person qualified to explain the confidential nature of the documents. *In re North Texas Specialty Physicians*, 2004 FTC LEXIS 66 (April 23, 2004). You must also provide one copy of the documents for which *in camera* treatment is sought to the Administrative Law Judge.

Colleen McCafferty, Esq.
June 20, 2019
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Under the operative Fourth Revised Scheduling Order, your deadline for filing motions seeking *in camera* treatment is **August 2, 2019**.

If you have any questions, please feel free to contact me at (202) 326-3695.

Sincerely,

s/ J. Alexander Ansaldo

J. Alexander Ansaldo

Counsel Supporting the Complaint

Confidential Notice

Attachment A

Attachment A

Confidential Notice
Attachment A

Exhibit No.	Description	Date	Bates - Begin	Bates - End
CX3274	Letter from Colleen McCafferty to Lisa Kopchik to re: File No. 161-0068, CID Issued to Solidifi US, Inc.	6/29/2016	FTC-PROD-0010269	FTC-PROD-0010275
	Spreadsheet: Solidifi's CID Response (Spec. 1)	6/28/2016	"1. Solidifi - Database of Relevant Appraisals for LA"	"1. Solidifi - Database of Relevant Appraisals for LA"
	Spreadsheet: Solidifi's CID Response (Spec. 2)	6/28/2016	"2. Solidifi - Database of Relevant Appraisals for SC"	"2. Solidifi - Database of Relevant Appraisals for SC"
	Document: Solidifi's CID Response (Spec. 3)	6/28/2016	"3. Solidifi - Customary and Reasonable Fee Floor - Test Methodology to January 4, 2016"	"3. Solidifi - Customary and Reasonable Fee Floor - Test Methodology to January 4, 2016"

EXHIBIT B

CONSTANTINE CANNON LLP

WASHINGTON | NEW YORK | SAN FRANCISCO | LONDON

James J. Kovacs
Attorney
202-204-3518
jkovacs@constantinecannon.com

June 19, 2019

Via E-Mail and Mail

Mark Pawelek
Chief Compliance Officer
Solidifi US Inc.
701 Seneca Street
Moon Township, PA 15108

Re: *In the Matter of Louisiana Real Estate Appraisers Board*, FTC Dkt. 9374

Dear Mr. Pawelek,

This letter will constitute notice to Solidifi US Inc., pursuant to 16 C.F.R. § 3.45(b) and paragraph 7 of the July 6, 2017 Scheduling Order in the above-captioned matter, that Respondent Louisiana Real Estate Appraisers Board (“LREAB”) intends to use the materials referenced on the attached Exhibit A as evidence at the administrative trial scheduled to begin on September 17, 2019. All exhibits admitted into evidence become part of the public record unless *in camera* treatment is granted by Administrative Law Judge D. Michael Chappell.

Pursuant to 16 C.F.R. § 3.45, for documents or testimony that you believe include sensitive or confidential information that you do not want on the public record, you must file a motion for *in camera* status with Judge Chappell. As indicated in paragraph 7 of the July 6, 2017 Scheduling Order, motions for in camera treatment for evidence to be introduced at trial must meet the strict standards set forth in 16 C.F.R. § 3.45, explained in *In re I-800 Contacts, Inc.*, 2017 FTC LEXIS 55 (April 4, 2017); *In re Jerk, LLC*, 2015 FTC LEXIS (Feb. 23, 2015); *In re Basic Research, Inc.*, 2006 FTC LEXIS 14 (Jan. 25, 2006). Motions also must be supported by a declaration or affidavit by a person qualified to explain the confidential nature of the documents. *In re I-800 Contacts, Inc.*, 2017 FTC LEXIS 55 (April 4, 2017); *In re North Texas Specialty Physicians*, 2004 FTC LEXIS 66 (April 23, 2004). Each party or non-party that files a motion for in camera treatment shall provide one copy of the documents for which in camera treatment is sought to the Administrative Law Judge.

CONSTANTINE CANNON LLP

WASHINGTON | NEW YORK | SAN FRANCISCO | LONDON

June 19, 2019

Page 2

Under the Fourth Revised Scheduling Order dated March 26, 2019, the deadline for filing motions seeking in camera status is **August 2, 2019**.

Please contact me via email or at (202) 204-3518 if you have any questions regarding the foregoing.

Best regards,

/s/ James J. Kovacs
James J. Kovacs

CONSTANTINE CANNON LLP

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June 19, 2019
Page 3

EXHIBIT A

CONSTANTINE CANNON LLP

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June 19, 2019

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Exhibit #	Description	Date	Beg Bates	End Bates
RX0711	Email from Ashley Smrekar to SingleSource Appraisal Fulfillment Department re: VA and LA -- do not broadcast/offer	6/9/2016	FTC-PROD-0009425	FTC-PROD-0009445
RX0712	Solidifi CID data spreadsheets	6/29/2016	FTC-PROD-0010240	FTC-PROD-0010240
RX0713	Solidifi CID data spreadsheets	6/29/2016	FTC-PROD-0010243	FTC-PROD-0010253
RX0714	Solidifi Compliance Committee Meeting minutes	11/12/2015	FTC-PROD-0010254	FTC-PROD-0010258
RX0715	Solidifi Compliance Administration Committee Monthly Meeting Minutes	6/29/2016	FTC-PROD-0010259	FTC-PROD-0010264
RX0716	Solidifi Appraiser FAQ - The Solidifi PerforMAX Appraiser Quality Score	6/29/2016	FTC-PROD-0010265	FTC-PROD-0010268
RX0717	Letter from Colleen McCafferty to Lisa Kopchik re File No. 161-0068, CID Issued to Solidifi US, Inc.	6/29/2016	FTC-PROD-0010269	FTC-PROD-0010275
RX0718	Solidifi Compliance Committee Meeting minutes	2/1/2016	FTC-PROD-0010259	FTC-PROD-0010264
RX0719	Appraiser FAQ-- the Solidifi PerforMAX Appraiser Quality Score	6/10/2014	FTC-PROD-0010265	FTC-PROD-0010268
RX0720	Email from Colleen McCafferty to Lisa Kopchik re: This is the sentence	5/26/2017	FTC-PROD-0010276	FTC-PROD-0010276

EXHIBIT C

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

In the Matter of)	
)	PUBLIC
Louisiana Real Estate Appraisers Board,)	
)	DOCKET NO. 9374
Respondents)	
)	

**DECLARATION OF COLLEEN MCCAFFERTY
IN SUPPORT OF NON-PARTY SOLIDIFI US INC.’S
MOTION FOR *IN CAMERA* TREATMENT**

I, Colleen McCafferty, hereby declare as follows:

1. I am the Chief Compliance Officer at Solidifi US Inc. (“Solidifi”). I make this declaration in support of non-party Solidifi’s Motion for *in camera* treatment for certain documents (the “Motion”).

2. I have personal knowledge of the matters stated herein and, if called upon to do so, could competently testify about them.

3. Solidifi is an independent provider of valuation and closing services supporting the residential real estate mortgage industry.

4. I have reviewed and am familiar with the documents Solidifi produced in the above-captioned matter in response to subpoenas from the Federal Trade Commission (“FTC”) and the Louisiana Real Estate Appraisers Board (“LREAB”). Given my position at Solidifi, I am familiar with the type of information contained in the documents at issue and its competitive significance to Solidifi. Based on my review of the documents, my knowledge of Solidifi’s business, and my familiarity with the confidentiality protection afforded this type of information by Solidifi, the disclosure of these documents to the public and to competitors of Solidifi would cause serious, irreparable competitive injury to Solidifi.

5. The FTC has notified Solidifi that it intends to introduce three competitively-sensitive, confidential documents that Solidifi produced in response to the subpoenas into evidence at the administrative trial in this matter, and Respondent LREAB has notified Solidifi that it intends to introduce eight of Solidifi’s competitively-sensitive, confidential documents into evidence at the administrative trial in this matter. As described in the Motion, Solidifi seeks *in camera* protection for the information related to Solidifi’s fees, the methodology for setting the fee contained, and the detailed geographic scope of operations in these documents which are listed below.

Exhibit No.	Document Title/Description	Date	Beginning Bates No.	Ending Bates No.
CX3274 ¹ / RX0717	Letter from Colleen McCafferty to Lisa Kopchik to re: File No. 161-0068, CID Issued to Solidifi US, Inc.	6/29/2016	FTC-PROD-0010269	FTC-PROD-0010275
	Spreadsheet: Solidifi's CID Response (Spec. 2)	6/28/2016	“2. Solidifi – Database of Relevant Appraisals for SC”	“2. Solidifi – Database of Relevant Appraisals for SC”
CX3274 ² / RX0712	Spreadsheet: Solidifi's CID Response (Spec. 1) / Solidifi CID data spreadsheets	6/29/2016	FTC-PROD-0010240	FTC-PROD-0010240
RX0713	Solidifi CID data spreadsheets	6/29/2016	FTC-PROD-0010243	FTC-PROD-0010253
RX0714	Solidifi Compliance Committee Meeting minutes	11/12/2015	FTC-PROD-0010254	FTC-PROD-0010258
RX0715	Solidifi Compliance Administration Committee Monthly Meeting Minutes	6/29/2016	FTC-PROD-0010259	FTC-PROD-0010264
RX0716	Solidifi Appraiser FAQ - The Solidifi PerforMAX Appraiser Quality Score	6/29/2016	FTC-PROD-0010265	FTC-PROD-0010268
RX0718	Solidifi Compliance Committee Meeting minutes	2/1/2016	FTC-PROD-0010259	FTC-PROD-0010264

¹ CX3274 also contains three documents marked “1. Solidifi – Database of Relevant Appraisals for LA”, “2. Solidifi – Database of Relevant Appraisals for SC” and “3. Solidifi - Customary and Reasonable Fee Floor - Test Methodology to January 4, 2016.” Of those, only the document markets as s number 1 is also provided by LREAB as an exhibit, marked as RX0712.

² FTC-PROD-0010240 is also marked as “1. Solidifi – Database of Relevant Appraisals for LA”, and is identified by the FTC as part of CX3274 (with the date of 6/28/2016) (see above)

RX0719	Appraiser FAQ-- the Solidifi PerforMAX Appraiser Quality Score	6/10/2014	FTC-PROD-0010265	FTC-PROD-0010268
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6. Publicly disclosing any of Solidifi’s confidential financial and strategic information is not necessary in this proceeding and could be detrimental to Solidifi, whose only involvement in this proceeding is as a non-party.

7. Solidifi has taken significant steps to protect the confidential information contained in the documents identified above. Solidifi takes substantial measures to guard the secrecy of this confidential information by limiting the dissemination of the information and taking every reasonable step to protect its confidentiality. The information is only disclosed to Solidifi management and employees as needed and appropriate. The information is not, and would not, otherwise become publicly available.

8. CX3274/RX0717 contains Solidifi’s confidential, written response to the FTC’s Civil Investigative Demand (“CID”). The response contains confidential information regarding Solidifi’s methodology for setting the fees that Solidifi pays to appraisers. Disclosure of information regarding Solidifi’s methodology for setting the fees could have a material impact on Solidifi’s ability to conduct its business and its ability to compete. Disclosure of this information could also be used by Solidifi’s competitors to analyze Solidifi’s place in the market and its confidential business strategies, giving those competitors an unfair competitive advantage over Solidifi. Therefore, the information related to Solidifi’s methodology for setting the fees that Solidifi pays to appraisers should be given *in camera* protection.


9. RX0712, RX0713, “1. Solidifi - Database of Relevant Appraisals for LA” and “2. Solidifi - Database of Relevant Appraisals for SC” contain confidential information regarding the fees that Solidifi pays to appraisers as well as detailed geographic scope of operations, pulled from a confidential database maintained by Solidifi,. It would very difficult, if not impossible, for anyone outside of Solidifi to recreate this information. Disclosure of information regarding the

fees that Solidifi pays to appraisers could have a material impact on Solidifi's ability to conduct its business and its ability to compete. Even though the fees are several years old, disclosure of this information could still be used by Solidifi's competitors to analyze Solidifi's current place in the market, the scope and details of its appraisal operations including detailed geographic footprint, and its confidential business strategies, giving those competitors an unfair competitive advantage over Solidifi. Therefore, the information related to the fees that Solidifi pays to appraisers should be given *in camera* protection.

10. RX0714, RX0715, and RX0718 contain confidential meeting minutes from Solidifi's Compliance Administration Committee. The meeting minutes contain confidential information regarding Solidifi's methodology for setting the fees that Solidifi pays to appraisers. Disclosure of information regarding Solidifi's methodology for setting the fees could have a material impact on Solidifi's ability to conduct its business and its ability to compete. Disclosure of this information could also be used by Solidifi's competitors to analyze Solidifi's place in the market and its confidential business strategies, giving those competitors an unfair competitive advantage over Solidifi. Therefore, the information related to Solidifi's methodology for setting the fees that Solidifi pays to appraisers should be given *in camera* protection.

11. RX0716 and RX0719 contain confidential documents that Solidifi provides to its appraisers regarding Solidifi's methodology for setting the fees that Solidifi pays to appraisers. Disclosure of information regarding Solidifi's methodology for setting the fees could have a material impact on Solidifi's ability to conduct its business and its ability to compete. Disclosure of this information could also be used by Solidifi's competitors to analyze Solidifi's place in the market and its confidential business strategies, giving those competitors an unfair competitive advantage over Solidifi. Therefore, the information related to Solidifi's methodology for setting the fees that Solidifi pays to appraisers should be given *in camera* protection.

12. Pursuant to 28 U.S.C. § 1746, I declare, under the penalty of perjury under the laws of the United States of America, that the foregoing is true and correct to the best of my knowledge, information, and belief.



Colleen McCafferty
Chief Compliance Officer
Solidifi US Inc.

Signed this 10th day of March 2021.

EXHIBIT D

**DOCUMENTS MARKED CONFIDENTIAL
REDACTION IN THEIR ENTIRETY REQUESTED**

CERTIFICATE OF SERVICE

I, Hilla Shimshoni, declare under penalty of perjury that the following is true and correct.

On March 12, 2021, I caused to be served the following documents on the parties listed below by the manner indicated:

- Non-Party Solidifi US Inc.'s Motion for *In Camera* Treatment, with accompanying Memorandum of Law and all Exhibits, and Statement Regarding Meet and Confer
- [Proposed] Order Granting *In Camera* Treatment

The Office of the Secretary (via FTC E-Filing System (public version) and email (non-public version))

April Tabor
Acting Secretary
Office of the Secretary
Federal Trade Commission
600 Pennsylvania Ave., NW, Rm. H-172
Washington, DC 20580
ElectronicFilings@ftc.gov

The Office of the Administrative Law Judge (via FTC E-Filing System (public version) and email (non-public version))

The Honorable D, Michael Chappell
Chief Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Ave., NW, Rm. H-106
Washington, DC 20580

Complaint Counsel for Federal Trade Commission (via FTC E-Filing System (public version) and email (non-public version))

Daniel J. Matheson
Lisa B. Kopchik
J. Alexander Ansaldo
Wesley G. Carson
Nathaniel M. Hopkin
Kenneth H. Merber
Thomas H. Brock Federal Trade Commission
400 7th Street, SW
Washington, DC 20024
dmatheson@ftc.gov
lkopchik@ftc.gov
jansaldo@ftc.gov
wcarson@ftc.gov

nhopkin@ftc.gov
kmerber@ftc.gov
tbrock@ftc.gov

Counsel for Louisiana Real Estate Appraisers Board (via FTC E-Filing System (public version) and email (non-public version))

W. Stephen Cannon

Seth D. Greenstein

Richard O. Levine

Allison F. Sheedy

James J. Kovacs

J. Wyatt Fore Constantine Cannon

1001 Pennsylvania Ave NW, 1300N

Washington, DC 20004

scannon@constantinecannon.com

sgreenstein@constantinecannon.com

rlevine@constantinecannon.com

asheedy@constantinecannon.com

jkovacs@constantinecannon.com

wfore@constantinecannon.com

/s Hilla Shimshoni

CERTIFICATE FOR ELECTRONIC FILING

I, Hilla Shimshoni, 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 parties and adjudicator.

Dated: March 12, 2021.

/s Hilla Shimshoni

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

In the Matter of)	
)	PUBLIC
Louisiana Real Estate Appraisers Board,)	
Respondents)	DOCKET NO. 9374

**NON-PARTY SOLIDIFI US INC.'s
[PROPOSED] ORDER**

Upon consideration of non-party Solidifi US Inc. (“Solidifi”) Motion for *In Camera* Treatment, IT IS HEREBY ORDERED that the following documents are to be provided *in camera* treatment under 16 C.F.R. § 3.45 for five years from the date of this order.

Exhibit No.	Document Title/Description	Date	Beginning Bates No.	Ending Bates No.
CX3274/ RX0717	Letter from Colleen McCafferty to Lisa Kopchik to re: File No. 161-0068, CID Issued to Solidifi US, Inc.	6/29/2016	FTC-PROD-0010269	FTC-PROD-0010275
	Spreadsheet: Solidifi's CID Response (Spec. 2)	6/28/2016	“2. Solidifi – Database of Relevant Appraisals for SC”	“2. Solidifi – Database of Relevant Appraisals for SC”
CX3274/ RX0712	Spreadsheet: Solidifi's CID Response (Spec. 1) / Solidifi CID data spreadsheets	6/29/2016	FTC-PROD-0010240	FTC-PROD-0010240
RX0713	Solidifi CID data spreadsheets	6/29/2016	FTC-PROD-0010243	FTC-PROD-0010253
RX0714	Solidifi Compliance Committee Meeting minutes	11/12/2015	FTC-PROD-0010254	FTC-PROD-0010258
RX0715	Solidifi Compliance Administration Committee Monthly Meeting Minutes	6/29/2016	FTC-PROD-0010259	FTC-PROD-0010264
RX0716	Solidifi Appraiser FAQ - The Solidifi PerforMAX Appraiser Quality Score	6/29/2016	FTC-PROD-0010265	FTC-PROD-0010268

RX0718	Solidifi Compliance Committee Meeting minutes	2/1/2016	FTC-PROD-0010259	FTC-PROD-0010264
RX0719	Appraiser FAQ-- the Solidifi PerformAX Appraiser Quality Score	6/10/2014	FTC-PROD-0010265	FTC-PROD-0010268

ORDERED:

Date:

The Honorable D. Michael Chappell
Chief Administrative Law Judge