UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

COMMISSIONERS: **Maureen K. Ohlhausen, Acting Chairman**
Terrell McSweeny

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

ORDER SCHEDULING CONSOLIDATED ORAL ARGUMENT AND EXTENDING DEADLINES FOR COMMISSION RULINGS

On November 27, 2017, Respondent Louisiana Real Estate Appraisers Board filed a Motion to Dismiss Complaint in this proceeding. On that same date, Complaint Counsel submitted a Motion for Partial Summary Decision. Both motions raise issues regarding application of the state action doctrine. Respondent's Motion argues that re-promulgation of a regulation, establishment of new procedures, and various steps to address ongoing or prospective effects of prior regulation – all of which have occurred after issuance of the Commission's Complaint – bring Respondent's activities within the scope of the state action doctrine and render this proceeding moot. Complaint Counsel's Motion seeks summary determination that two of Respondent's defenses – asserting that "[t]he Complaint fails adequately to allege that the Board has a controlling number of active participants in the relevant **residential** appraisal market" (emphasis in original) and that "LREAB is immune from antitrust liability under *Parker v. Brown*, 317 U.S. 341 (1943)" – should be dismissed. Each party has since opposed the other's motion and has filed a timely Reply in support of its own motion.

Respondent has requested oral argument regarding its Motion to Dismiss, and we believe that entertaining oral argument on both motions would be beneficial. Although both parties should be prepared to address all issues raised by both motions, we instruct the parties to focus their attention during the oral argument on the following question:

> Since the issuance of the Complaint, has the State of Louisiana taken sufficient steps to establish active supervision over the conduct of the Respondent at issue in this matter?

The Commission has determined to conduct the oral argument on Thursday, February 22, 2018, at 2:00 p.m. in Hearing Room 532 of the Headquarters Building of the Federal Trade Commission, located at 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580. Each side will be allotted 30 minutes to present its argument. Respondent will have the opportunity to

open the argument and will be permitted to reserve time for rebuttal. The Commission's deadlines for ruling upon the motions, currently 45 days after the respective Reply filings, will be adjusted to a date 45 days after the oral argument. Accordingly,

IT IS HEREBY ORDERED that the Commission will conduct oral argument regarding Respondent's Motion to Dismiss Complaint and Complaint Counsel's Motion for Partial Summary Decision on February 22, 2018, as specified above; and

IT IS FURTHER ORDERED that the Commission's deadlines for ruling on Respondent's Motion to Dismiss Complaint and Complaint Counsel's Motion for Partial Summary Decision are extended to April 9, 2018.

By the Commission.

Donald S. Clark
Secretary

SEAL:
ISSUED: January 10, 2018