

Interlocutory Orders, Etc.

IN THE MATTER OF

**LOUISIANA REAL ESTATE APPRAISERS
BOARD**

Docket No. 9374. Order, February 16, 2018

Order denying respondent's motion to reconsider the Commission's January 12 order.

**ORDER DENYING RESPONDENT'S RENEWED EXPEDITED MOTION
TO STAY PART 3 ADMINISTRATIVE PROCEEDINGS AND MOVE THE
EVIDENTIARY HEARING DATE**

On January 10, 2018, the Commission issued an order scheduling oral argument on two pending motions in this proceeding - a Motion to Dismiss Complaint, filed by Respondent Louisiana Real Estate Appraisers Board, and a Motion for Partial Summary Decision, submitted by Complaint Counsel ("the pending motions"). The Commission's order scheduled oral argument on February 22, 2018, and moved the deadlines for the Commission's rulings on the pending motions to April 9, 2018.

One day later, Respondent moved (1) to stay the administrative proceeding until the Commission renders its decisions on the pending motions and (2) to delay the start of the evidentiary hearing from May 30, 2018 to August 27, 2018. Respondent argued that granting its motion would avoid expenses of pretrial activity that might prove unnecessary, depending on how the Commission resolves the pending motions. On January 12, 2018, the Commission denied Respondent's motion. The Commission found that routine discovery costs of the type that Respondent sought to avoid generally do not outweigh the competing public interest in the efficient and expeditious resolution of litigated matters. The Commission also noted that, as previously requested by Respondent, the Commission had already stayed the proceeding and delayed commencement of the evidentiary hearing by four months.

On January 31, 2018, Respondent requested that the Commission reconsider its January 12 order; stay the administrative proceeding until after the Commission renders its

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decision on the pending motions; and move the starting date for the evidentiary hearing to September 10, 2018. Again, Respondent cites the cost of litigation. It elaborates regarding the burdens and distractions that litigation imposes and urges that a stay could permit the resolution of important issues presented in this case regarding the state action doctrine in a manner least disruptive to its operations and budgetary concerns. Complaint Counsel have opposed Respondent's renewed motion.

Respondent has identified no changes in fact or law or other new considerations or circumstances that would warrant reconsideration. *Cf* Commission Rule of Practice 3.55 (limiting petitions for reconsideration to "new questions raised by the decision or final order and upon which the petitioner had no opportunity to argue before the Commission"). Viewed as a self-standing request, the renewed motion is largely a repetition and elaboration of arguments that Respondent has already made. For the same reasons stated in our January 12 order, Respondent's renewed motion is denied.

Accordingly,

IT IS ORDERED that the Renewed Expedited Motion of Respondent Louisiana Real Estate Appraisers Board to Stay Part 3 Administrative Proceedings and Move the Evidentiary Hearing Date is hereby **DENIED**.

By the Commission.

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IN THE MATTER OF

PEPSICO, INC.

Docket No. C-4301. Order, February 26, 2018

Letter Order extending the term of the Monitor's agreement for an additional three years.

LETTER ORDER APPROVING AMENDMENT TO THE MONITOR'S
AGREEMENT

Megan H. Hurley
Senior Vice President, General Counsel
PepsiCo North America Beverages
Quaker Foods North America

Eric A. Croson

Re: *In the Matter of PepsiCo, Inc., Docket No. C-4301*

Dear Ms. Hurley and Mr. Croson:

This letter serves to approve the Second Amendment to the Monitor's agreement originally approved by the Commission by letter dated September 27, 2010 (and amended by the First Amendment, which was approved by the Commission by letter dated March 27, 2015), and entered into as of February 1, 2018. The Second Amendment extends the term of the Monitor's agreement for an additional three years.

By direction of the Commission.