

Interlocutory Orders, Etc.

IN THE MATTER OF

**OTTO BOCK HEALTHCARE NORTH AMERICA,
INC.**

Docket No. 9378. Order, April 23, 2018

Order granting Complaint Counsel and Respondent's joint motion to reschedule commencement of the evidentiary hearing in this proceeding.

ORDER GRANTING JOINT MOTION TO RESCHEDULE THE DATE FOR
THE HEARING

On April 20, 2018, Complaint Counsel and Respondent Otto Bock HealthCare North America, Inc. ("Otto Bock") jointly moved to reschedule commencement of the evidentiary hearing in this proceeding to July 10, 2018. The parties represent that Chief Administrative Law Judge D. Michael Chappell agrees with this scheduling change.

The hearing currently is scheduled to begin on June 1, 2018, which is two weeks after the scheduled start of the evidentiary hearing in *In the Matter of Tronox Limited, et al.*, Docket No. 9377. Both hearings are assigned to Judge Chappell. If *Tronox* goes to trial as scheduled, the hearing in this matter may not be handled expeditiously. In these circumstances, it would be difficult to provide adequate notice to witnesses of the dates when they would be expected to testify and for counsel for each side efficiently to allocate their time and resources.

Consequently, we find that there is good cause to reschedule the hearing date. Accordingly,

IT IS HEREBY ORDERED that the evidentiary hearing in this proceeding shall commence on July 10, 2018, and that pre-hearing deadlines shall be appropriately extended by the Administrative Law Judge.

By the Commission.

Interlocutory Orders, Etc.

IN THE MATTER OF

**LOUISIANA REAL ESTATE APPRAISERS
BOARD**

Docket No. 9374. Order, April 24, 2018

Order dealing with multiple issues arising from Complaint Counsel's Motion for Partial Summary Decision Dismissing Respondent's Fourth Affirmative Defense.

**ORDER SEEKING SUPPLEMENTAL BRIEFING, SCHEDULING ORAL
ARGUMENT, EXTENDING DEADLINE FOR COMMISSION RULING,
AND RESCHEDULING COMMENCEMENT OF EVIDENTIARY HEARING**

On February 5, 2018, Complaint Counsel filed a Motion for Partial Summary Decision Dismissing Respondent's Fourth Affirmative Defense. That defense avers: "Louisiana Real Estate Appraisers Board has acted in good faith to comply with a federal regulatory mandate." Complaint Counsel argue that the regulatory compliance defense is inapplicable to this proceeding and ask the Commission to rule that the Fourth Affirmative Defense is not a valid defense to the Complaint. Respondent has opposed Complaint Counsel's Motion, and Complaint Counsel have filed a timely Reply in support thereof.

After a careful review of the parties' submissions and the applicable case law, we have determined that supplemental briefing and entertaining oral argument on this Motion would be beneficial. Although both parties should be prepared to present oral argument addressing all issues raised by Complaint Counsel's Motion, we instruct the parties to focus their supplemental briefing and presentations on the following questions:

1. How do the elements of the regulatory compliance defense differ from those applicable to implied immunity from the antitrust laws?
2. What are the consequences of successful application of the regulatory compliance defense? Does successful invocation of the defense universally bar antitrust liability