

Interlocutory Orders, Etc.

IN THE MATTER OF

**LOUISIANA REAL ESTATE APPRAISERS
BOARD**

Docket No. 9374. Order, April 27, 2018

Order denying respondent's motion for expedited review.

ORDER DENYING MOTION FOR EXPEDITED REVIEW

On April 20, 2018, Respondent Louisiana Real Estate Appraisers Board moved to stay this proceeding pending judicial review by the U.S. Court of Appeals for the Fifth Circuit of the Commission's April 10, 2018, Opinion and Order denying Respondent's Motion to Dismiss Complaint and granting Complaint Counsel's Motion for Partial Summary Decision regarding Respondent's state action defenses ("Motion to Stay"). On the same day Respondent also submitted a Motion for Expedited Review requesting that the Commission rule upon the Motion to Stay on or before May 2, 2018.¹

On April 24, 2018, the Commission issued an Order Seeking Supplemental Briefing, Scheduling Oral Argument, Extending Deadline for Commission Ruling, and Rescheduling Commencement of Evidentiary Hearing. The Order moved the date for commencement of the evidentiary hearing in this proceeding from June 11, 2018, to October 15, 2018. Pre-trial deadlines established with reference to the previous June 11, 2018, hearing date may now be adjusted by the presiding Chief Administrative Law Judge. Respondent predicated its Motion for Expedited Review on the proximity of the start of trial, and the delay of the trial date removes those timing concerns.

On April 26, 2018, the United States Senate voted to confirm five nominees to the Federal Trade Commission, four of whom

¹ Respondent also requested the Commission to direct Complaint Counsel to respond to the Motion to Stay by April 25. Complaint Counsel have already filed an Opposition to the Motion to Stay, so that portion of Respondent's motion for expedition is moot.

Interlocutory Orders, Etc.

are expected to receive their commissions in the coming days. Because the Commission is in the midst of change, it is appropriate to defer a ruling on the Motion to Stay until incoming Commissioners are able to participate. Although the Commission plans to address the Motion to Stay expeditiously, action by May 2, 2018, would not be consistent with the extant circumstances.

Accordingly,

IT IS HEREBY ORDERED that Respondent Louisiana Real Estate Appraisers Board's Motion for Expedited Review is **DENIED**.

By the Commission.

Interlocutory Orders, Etc.

IN THE MATTER OF

**TRONOX LIMITED,
NATIONAL INDUSTRIALIZATION COMPANY
(TASNEE),
NATIONAL TITANIUM DIOXIDE COMPANY
LIMITED (CRISTAL),
AND
CRISTAL USA INC.**

Docket No. 9377. Order, May 16, 2018

Order denying Tronox Limited and the National Titanium Dioxide Company of the Kingdom of Saudi Arabia's motion to stay the Part 3 evidentiary hearing scheduled to begin on May 18, 2018, and to temporarily withdraw this matter from adjudication "to allow renewed settlement discussions."

**ORDER DENYING RESPONDENTS' MOTION TO STAY AND
TEMPORARILY WITHDRAW THIS MATTER FROM ADJUDICATION**

On May 7, 2018, Tronox Limited ("Tronox") and the National Titanium Dioxide Company of the Kingdom of Saudi Arabia ("Cristal") moved the Commission to stay the Part 3 evidentiary hearing scheduled to begin on May 18, 2018, and to temporarily withdraw this matter from adjudication "to allow renewed settlement discussions." Motion at 2. Tronox and Cristal alternatively ask the Commission to reassess whether to seek a preliminary injunction in federal court in this matter. Motion at 5-6. Complaint Counsel oppose the requested stay and dispute the need for or benefit of seeking a preliminary injunction. For the reasons stated below, the Commission denies the Motion to Stay and Temporarily Withdraw this Matter from Adjudication.

Respondents argue that the Commission has good cause to stay this matter "to afford Respondents the opportunity to renew discussion with the Commission about the pro-competitive nature of this transaction" and to provide for settlement discussions. Motion at 2-3. Respondents explain that if the matter remains in Part 3 adjudication, settlement discussions might violate *ex parte* rules. Motion at 4.