

Interlocutory Orders, Etc.

IN THE MATTER OF  
  
**LOUISIANA REAL ESTATE APPRAISERS BOARD**

*Docket No. 9374. Order, July 19, 2018*

Order staying the proceedings pursuant to an Order of the Court of Appeals for the Fifth Circuit.

ORDER STAYING ADMINISTRATIVE PROCEEDING

On April 10, 2018, the Commission issued an Opinion and Order<sup>1</sup> that denied Respondent's motion to dismiss the complaint, and dismissed Respondent's third and ninth affirmative defenses.<sup>2</sup> On April 19, 2018, Respondent filed a petition for review of the Commission Opinion and Order with the United States Court of Appeals for the Fifth Circuit. On April 20, 2018, Respondent filed a motion to stay proceedings in this matter pending appellate review of its Petition. On June 6, 2018, the Commission denied that motion.<sup>3</sup> On June 11, 2018, Respondent filed a motion to stay this proceeding pending appeal with the Court of

Appeals for the Fifth Circuit. On July 17, 2018, the Court of Appeals for the Fifth Circuit issued the attached Order granting that Motion until further order of that court. Accordingly,

**IT IS HEREBY ORDERED** that all proceedings before the Commission and the Administrative Law Judge in this matter, including the Oral Argument currently scheduled for August 27, 2018, be, and they hereby are, stayed until further order of the Court of Appeals for the Fifth Circuit and the Commission.

By the Commission.

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1 *In the Matter of Louisiana Real Estate Appraisers Board*, Docket No. 9374, Opinion and Order of the Commission (April 10, 2018), at 21, available at [https://www.ftc.gov/system/files/documents/cases/d09374\\_opinion\\_and\\_order\\_of\\_the\\_commission\\_04102018\\_redacted\\_public\\_version.pdf](https://www.ftc.gov/system/files/documents/cases/d09374_opinion_and_order_of_the_commission_04102018_redacted_public_version.pdf).

2 Answer of Respondent Louisiana Real Estate Appraisers Board to the Complaint (June 19, 2017), at 12, available at <https://www.ftc.gov/system/files/documents/cases/d09374/reabanswer.pdf>. Affirmative Defense No. 3 avers 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), while Affirmative Defense No. 9 avers that the Respondent "is immune from federal antitrust liability under *Parker v. Brown*, 317 U.S. 341 (1943)."

3 Commission Order Denying Stay Pending Appellate Review (June 6, 2018), available at [https://www.ftc.gov/system/files/documents/cases/d09374\\_reab\\_order\\_denying\\_stay\\_pending\\_appellate\\_review\\_06062018.pdf](https://www.ftc.gov/system/files/documents/cases/d09374_reab_order_denying_stay_pending_appellate_review_06062018.pdf).

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**Attachment**

Case: 18-60291 Document: 00514559151 Page: 1 Date Filed: 07/17/2018

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 18-60291

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LOUISIANA REAL ESTATE APPRAISERS BOARD,

Petitioner

v.

FEDERAL TRADE COMMISSION,

Respondent

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Petition for Review of an Order of the  
Federal Trade Commission

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Before DAVIS, OWEN, and ENGELHARDT, Circuit Judges.

PER CURIAM:

IT IS ORDERED that Petitioner's opposed motion to stay administrative proceedings pending review is GRANTED until further order of this court.

Interlocutory Orders, Etc.

**IN THE MATTER OF**  
  
**IMPAX LABORATORIES, INC.**

*Docket No. 9373. Order, August 15, 2018*

Order scheduling oral argument in this Matter.

**ORDER SCHEDULING ORAL ARGUMENT**

Complaint Counsel have filed their Appeal Brief perfecting their appeal from the Initial Decision in this matter; the Respondent has filed its Answering Brief; and Complaint Counsel must file their Reply Brief on or before August 24, 2018. Commission Rule 3.52(b)(2) provides that the Commission ordinarily will schedule an Oral Argument within fifteen days after the date on which the Reply Brief is filed. Commission Rule 3.51(a), however, provides that the Commission may extend for good cause any of the time periods relating to an appeal from an Initial Decision, and a new Member of the Commission will take office in the near future. The Commission therefore has determined to conduct the Oral Argument in this matter on October 11, 2018, at 2 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 forty-five minutes to present its argument. Complaint Counsel will have the opportunity to open the argument and will be permitted to reserve time for rebuttal. If either side wishes to provide the Commission with a short written or electronic compilation of material to facilitate its presentation during the Oral Argument, any such compilation may contain only public information that is already in the record of the proceeding, and copies must be filed with the Secretary of the Commission and provided to opposing counsel no later than October 4, 2018, at 5 pm.

By the Commission, Commissioner Ohlhausen not participating.