

Interlocutory Orders, Etc.

IN THE MATTER OF

**LINDE AG,
PRAXAIR, INC.,
AND
LINDE PLC***Docket No. C-4660. Order, February 26, 2019*

Letter approving the petition of Linde AG, Praxair, Inc., and Linde PLC to divest certain gases assets to Messer Industries GmbH.

LETTER ORDER APPROVING DIVESTITURE OF CERTAIN ASSETS

Thomas McGrath
Linklaters LLP

Re: *In the Matter of Linde AG, Praxair, Inc., and Linde PLC*, Docket No. C-4660.

Dear Mr. McGrath:

This is in reference to the petition for the approval of the proposed divestiture of certain assets filed by Linde AG, Praxair, Inc., and Linde PLC (collectively “Linde”) and received on November 9, 2018 (“Petition”). Pursuant to the Decision and Order in Docket No. C-4660, Linde requests prior Commission approval of its proposal to divest certain gases assets to Messer Industries GmbH (“Messer”).

After consideration of Linde’s Petition and other available information, the Commission has determined to approve the proposed divestiture as set forth in the Petition. In according its approval, the Commission has relied upon the information submitted and the representations made by Linde and Messer in connection with the Petition and has assumed them to be accurate and complete.

By direction of the Commission, Commissioner Chopra abstaining.

Interlocutory Orders, Etc.

IN THE MATTER OF

LOUISIANA REAL ESTATE APPRAISERS BOARD

Docket No. 9374. Order, March 21, 2019

Order lifting the stay pending appeal, resuming administrative proceedings, extending the deadline for ruling on Complaint Counsel's motion, and scheduling the evidentiary hearing.

ORDER LIFTING STAY AND RESUMING ADMINISTRATIVE PROCEEDINGS]

On April 19, 2018, Respondent filed a petition with the United States Court of Appeals for the Fifth Circuit, seeking review of the Commission's Opinion and Order¹ denying Respondent's motion to dismiss the complaint in this proceeding and dismissing Respondent's third and ninth affirmative defenses. On July 19, 2018, the Commission stayed this proceeding pending appellate review.² On February 28, 2019, the Court of Appeals for the Fifth Circuit found that Respondent's petition was premature and dismissed its petition for lack of jurisdiction.³ Accordingly,

IT IS HEREBY ORDERED, that the stay of these proceedings is hereby lifted; and

IT IS FURTHER ORDERED that the Commission's deadline for ruling on Complaint Counsel's Motion for Partial Summary Decision Dismissing Respondent's Fourth Affirmative Defense⁴ is extended to April 29, 2019; and

IT IS FURTHER ORDERED that the evidentiary hearing in this proceeding before an Administrative Law Judge of the Federal Trade Commission is rescheduled to commence on July 30, 2019, at 10:00 a.m.

1 *In the Matter of Louisiana Real Estate Appraisers Board*, Docket No. 9374, Opinion and Order of the Commission, at 21 (April 10, 2018), available at https://www.ftc.gov/system/files/documents/cases/d09374_opinion_and_order_of_the_commission_04102018_redacted_public_version.pdf.

2 *In the Matter of Louisiana Real Estate Appraisers Board*, Docket No. 9374, Commission Order Staying Administrative Proceeding at 2 (July 19, 2018), available at https://www.ftc.gov/system/files/documents/cases/d09374_commission_ord_staying_administrative_proceeding.pdf

3 *Louisiana Real Estate Appraisers Board v. Federal Trade Commission*, No. 18-60291, Order, at 1 (5th Cir., Feb. 28, 2019).

4 At the time the stay was entered, Complaint Counsel's motion was pending before the Commission, and oral argument on that motion was scheduled to occur on August 27, 2018. The Commission declines to reschedule the oral argument on Complaint Counsel's Motion for Partial Summary Decision at this time.