

**UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION**

**COMMISSIONERS:**        **Joseph J. Simons, Chairman**  
                                  **Maureen K. Ohlhausen**  
                                  **Noah Joshua Phillips**  
                                  **Rohit Chopra**  
                                  **Rebecca Kelly Slaughter**

**In the Matter of**

**Louisiana Real Estate Appraisers Board,  
Respondent**

**DOCKET NO. 9374**

**PUBLIC**

**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

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<sup>1</sup> *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).

<sup>2</sup> 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\\_lrab\\_answer\\_to\\_complaint\\_06192017.pdf](https://www.ftc.gov/system/files/documents/cases/d09374_lrab_answer_to_complaint_06192017.pdf). “[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).”

<sup>3</sup> Commission Order Denying Stay Pending Appellate Review (June 6, 2018), available at [https://www.ftc.gov/system/files/documents/cases/d09374\\_lrab\\_order\\_denying\\_stay\\_pending\\_appellate\\_review\\_06062018.pdf](https://www.ftc.gov/system/files/documents/cases/d09374_lrab_order_denying_stay_pending_appellate_review_06062018.pdf).

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,

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.