

UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES

03 06 2018  
589894

In the Matter of

Louisiana Real Estate Appraisers Board,  
Respondent

FTC FILE No. 17080001  
Docket No. 9374

**ORIGINAL**

**ADAMS AND REESE’S AND ROBERT L. RIEGER’S MOTION TO QUASH OR  
LIMIT RESPONDENT’S SUBPOENA AD TESTIFICANDUM**

Pursuant to 16 C.F.R. § 3.34 and Rule 3.34(c) of the Rules of Practice for Adjudicative

Proceedings before the United States Federal Trade Commission (FTC), Adams and Reese LLP and Robert L. Rieger, Jr., both non-parties to this proceeding, hereby file the following Motion to Quash or Limit the Subpoena Ad Testificandum (the “Subpoena”) issued to Mr. Rieger by Respondent Louisiana Real Estate Appraisers Board (the “Board” or “Respondent”).

**I. INTRODUCTION AND FACTUAL BACKGROUND**

On May 31, 2017, the FTC filed an Administrative Complaint (the “Complaint” or “Compl”) against the Board. The Complaint alleges that the Board unreasonably restrained price competition for appraisal services in Louisiana, contrary to Federal antitrust law, by adopting and through its implementation of a regulation requiring the charging of appraisal fees that were equal to or exceeded median fees identified by the Board. Compl. ¶¶ 1-7. The Complaint alleges that because of the Board’s unlawful restraint of price competition, appraisal management companies (“AMCs”) paid more for appraisal services in Louisiana, that is, “above competitive levels.” Compl. ¶ 44.

Robert L. Rieger, Jr. is an attorney and partner of Adams and Reese LLP. Mr. Rieger has represented clients before the Board of Accountancy January 31, 2018. The Board informed Mr. Rieger that the Board intended to subpoena him for a deposition in this matter. On behalf of Mr. Rieger and Adams and Reese LLP, undersigned counsel sent a letter to attorney from disclosing attorney-client privileged communications and more broadly from disclosing any information relating to the representation of a client without client consent, and that the Louisiana Code of Evidence as applied by federal courts in Louisiana prohibits the subpoena of an attorney unless and until certain conditions are met. (Exhibit 1; Letter to Ms. Broz).

On or about February 23, 2018, counsel for the Board responded that it disagreed with these assertions and served on Mr. Rieger through undersigned counsel a Subpoena Ad Rieger). The Subpoena commands appearance for a deposition and does not limit in any fashion the items or topics on which the Subpoena is to be deposed. While the Subpoena includes a protective order as an attachment, nothing in the protective order can be deemed a waiver of

Louisiana Rule of Professional Conduct 1.6.

Because undersigned counsel was scheduled to be out of town in the ensuing week, the Board's counsel agreed to defer the deposition date of March 2, 2018 pending confirmation of whether the Firm's affected clients desired to waive or claim the protections to which they are entitled. The affected clients have not given consent to this deposition, hence the filing of this motion.

## II. ARGUMENT

Under the FRCP, the Board's subpoena must be "reasonably calculated to yield information within the scope of discovery under § 321(c)(1)." 16 C.F.R. § 2.22(c). The scope of discovery is limited to "information relevant to the subject matter of the proposed

discovery." 16 C.F.R. § 2.22(c). The Board has the discretion and the power to modify a subpoena and limit the scope of the discovery sought

order which notice, required to protect a party or other person from annoyance, embarrassment,

While undersigned counsel has read the administrative complaint that initiated this

proceeding, we would concede that we do not know what is at issue and in not relevant to the claims or defenses in this matter. What is clear, however, is that the Board apparently intends to depose Mr. Rieger

Reese LLP whom the Firm has represented before the Board, and interactions with the Board on

behalf of those clients. To state it plainly, the Board has subpoenaed a lawyer essentially

in order to disclose information to the Board about his representation of Adams and Reese clients

before the Board. This cannot stand.

Clearly, Mr. Rieger cannot disclose any information protected by the attorney-client privilege or mental impressions that would constitute work product. But more broadly, any

information arising from his representation of clients falls squarely within Mr. Rieger's and the

Firm's duties under Louisiana Rule 1.6 Professional Conduct 1.0 "A lawyer shall not reveal

information relating to the representation of a client unless the client gives informed

consent." Not surprisingly, no such consent from Adams and Reese's clients has been provided

since to do so would be to authorize the Board to inquire from those clients' lawyer about matters their lawyer litigated on their behalf before the Board.

Mercaderes stated to the Board's counsel and rejected by them, the subpoena to Mr. Rieger implicates the attorney-client privilege as embodied in Federal Rule of Evidence 501, and which federal courts have incorporated by reference Louisiana Code of Evidence Article

508. See, e.g., *Util. Constructors, Inc. v. Perez*, 2016 U.S. Dist. LEXIS 111206 (E.D. La. 2016); *Plotkin v. North River Ins. Co.*, 2012 U.S. Dist. LEXIS 81054, 2012 WL 2179103 (E.D. La.

WL 1252328 (W.D. La. 2010). Article 508 contains very strict standards for the subpoena of a Louisiana lawyer to testify about his or her representation of a client:

**Art. 508. Subpoena of lawyer or his representative in civil cases**

A. General rule. Neither a subpoena nor a court order shall be issued to a lawyer or his representative to appear or testify in any civil or juvenile proceeding, including pretrial discovery, or in an administrative investigation or hearing, where the purpose of the subpoena or order is to ask the lawyer or his representative to reveal information about a client or former client obtained in the course of representing the client unless, after a contradictory hearing, it has been determined that the information sought is not protected from disclosure by any applicable privilege or work product rule, and all of the following:

- (1) The information sought is essential to the successful completion of an ongoing investigation, is essential to the case of the party seeking the information, and is not merely peripheral, cumulative, or speculative.
- (2) The purpose of seeking the information is not to harass the attorney or his client.
- (3) With respect to a subpoena, the subpoena lists the information sought with particularity, is reasonably limited as to subject matter and period of time, and gives timely notice.

We understand that the incident mentioned in the letter dated 1/6/04, ETC, III, are not aware, however, of any authority from the ETC or elsewhere that eliminates the fundamental obligations of attorneys under the applicable Rules of Professional Conduct or constitutes in any way the application of the attorney work product protection. Insofar

as Mr. Rieger is an attorney licensed in the state of Louisiana and is governed by this State's rules governing lawyers and insofar as his representation of clients before the Board was in this State where the federal courts have issued Louisiana Code of Evidence Article 508 in discovery proceedings, we urge the Administrative Law Judge to quash the Subpoena to Mr. Rieger and the standards of Article 508 are met and, even then, only upon clear directions that attorney-client and work product protections must be maintained.

Without question, the effort by a state agency to depose a lawyer who represented clients before that agency about the subject matter of that very representation must be refused. It is hard to imagine an activity with a more chilling effect on advocacy before the Board than to allow the Board's lawyer to depose a lawyer who appears before the Board about that lawyer's representation of clients before the Board. Merely to state this proposition is to reveal its absurdity.

III. CONCLUSION

For the foregoing reasons, Adams and Pease and Robert J. Rieger, Jr. pray that the Subpoena Ad Testificandum to Mr. Rieger be quashed, and for all other just and proper relief. In the event the deposition is allowed to proceed in any fashion, the denant respectfully prays for an order compelling to Board to pay Mr. Rieger's hourly rate so that the Firm's clients are not burdened with this expense.

Dated: March 6, 2018

Respectfully Submitted,

**ADAMS AND REESE LLP**

/s/ Don S. McKinney  
DON S. MCKINNEY (#26685)  
One Shell Square – Suite 4500  
New Orleans, Louisiana 70130

New Orleans, Louisiana 70139  
Telephone: (504) 581-3234  
Facsimile: (504) 566-0210  
E-Mail: don.mckinney@arlaw.com

**CERTIFICATE OF CONFERENCE**

I hereby certify that I, counsel for non-party Adams and Reese and Robert L. Bingham, Jr.,  
conferred with counsel for the Board by phone and in writing in a good faith effort to resolve the  
issues raised in this motion, and have been unable to reach agreement on the issues set forth  
herein.

/s/ DON S. MCKINNEY

/s/ Don S. McKinney

UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES

In the Matter of

FTC FILE NO. 101-0008     FTIC FILE NO. 101-0055

Louisiana Real Estate Appraisers Board,  
Respondent

DOCKET NO. 9574

PROPOSED ORDER GRANTING ADAMS AND REESE'S AND  
ROBERT L. RIEGER'S MOTION TO QUASH OR  
LIMIT RESPONDENT'S SUBPOENA AD TESTIFICANDUM

Upon consideration of Adams and Reese's and Robert L. Rieger's Motion to Quash or

Limit Respondent's Subpoena Ad Testificandum, it is hereby

ORDERED, that the subpoena *ad testificandum* is QUASHED.

ORDERED:

\_\_\_\_\_  
D. Michael Channell

Office of Administrative Law Judge

ADAMS AND REESE LLP

Attorneys at Law  
Alabama  
Georgia  
Louisiana  
Mississippi  
South Carolina  
Tennessee  
Texas

February 8, 2018

Ms. Kristen Ward Broz  
CONSTANTINE CANNON

Suite 1300N

Don S. McKinney

Direct: 504.585.0134

Fax: 504.585.0500

Re: Individual Deposition – In the Matter of the Louisiana Real Estate Appraisers Board  
Our File No.: 981-217 don.mckinney@arlaw.com

Dear Kristen:

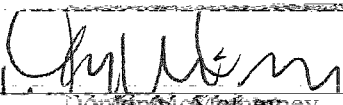
Thank you for speaking with me about your request, on behalf of the Louisiana Real Estate Appraisers Board ("LREAB") to take the deposition of Adam Reese, Robert L. Rieger. It is a matter pending against the LREAB before the Federal Trade Commission. I may have had with the FTC in the course of representing one or more clients in matters before the LREAB.

Any subpoena to Mr. Rieger would be subject to Federal Rule of Evidence 501 which incorporates by reference Louisiana Code of Evidence Article 508. See e.g. *Util Constructors, Inc. v. Perez*, 2016 U.S. Dist. LEXIS 111206 (E.D. La. 2016); *Plotkin v. North River Ins. Co.*, 2012 U.S. Dist. LEXIS 81054, 2012 WL 2170102 (E.D. La. 2012); *Kaybank Nat'l Ass'n v. Perkins Rowe Assocs., LLC*, 2010 U.S. Dist. LEXIS 28708, 2010 WL 1252328 (W.D. La. 2010). Article 508 contains very strict standards for the subpoena for a lawyer to testify about his or her representation of a client. Mr. Rieger's testimony would also be subject to attorney

work product protection, which would prevent the disclosure of any information that reveals information relating to the representation of a client unless the client gives informed consent." No such consent from any clients has been provided and none is expected.

With kind regards, I remain

Cordially,



DSM/bec



## CONSTANTINE CANNON LLP

Attorney at Law  
 (202) 204-3513  
 ashedy@constantinecannon.com

February 23, 2018

**BY EMAIL**

Mr. Don S. McKinney  
 ADAMS & REESE LLP  
 One Shell Square  
 701 Poydras Street, Suite 4500  
 New Orleans, LA 70139

Re: Individual Deposition of Mr. Rieger – In the Matter of the Louisiana Real Estate Appraisers Board

Dear Don:

This correspondence responds to your letter dated February 8, 2018 in which you assert certain privileges that protect Mr. Rieger from appearing for deposition testimony. While we acknowledge that the attorney-client privilege would apply to certain communications, we respectfully disagree with your blanket assertion of privilege and have attached a subpoena for Mr. Rieger's deposition along with this letter.

First, the FTC Rules of Practice are binding authority; the Commission is not bound by the Federal Rules of Evidence. *FTC v. Cement Institute*, 333 U.S. 683, 705 (1948) (“[A]dministrative agencies like the Commission are not bound by the rigid rules of evidence”); see also *In re American Med. Ass’n*, 94 F.T.C. 701, 965 (1979) (initial decision) (noting that FTC proceeding is governed by the FTC’s Rules rather than the Federal Rules of Evidence). The FTC Rules of Practice allow for more liberal discovery than the Federal Rules of Evidence. Relevant for our purposes, the FTC Rules provide that discovery may be limited to questions governed by “any Commission rule, regulation, or order promulgated by the Commission, or the principles of the common law as they may be interpreted by the Commission in light of reason and experience.” FTC Rule 3.31(c)(2). Our research has uncovered no recognition by the Commission of any privilege analogous to Louisiana Code of Evidence Article 508 [“LCE 508”]. Cf. *In re 1-800 Contacts*, 2016 WL 7634657 (Dec. 26, 2016) (Chappell, ALJ) (“a conclusory, blanket assertion of privilege is not a sufficient basis for denying a request for discovery”).

Second, even under the Federal Rules of Evidence, LCE 508 would not apply to the present case. The Federal Rules of Evidence would incorporate the Louisiana Code of Evidence and therefore “the law of the state of Louisiana.” Fed. R. Evid. 501 (comment (d)).

CONSTANTINE CANNON LLP

WASHINGTON | NEW YORK | SAN FRANCISCO | LONDON

February 23, 2018

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a hypothetical district court would not apply Louisiana law because diversity jurisdiction would be supplied via federal question (and vice versa). See *Administrative Compliance, Inc. v. Louisiana Real Estate Appraisal Board* ("the Commission having reason to believe that [the] LEAD Act...")

diversity jurisdiction must apply state substantive law to resolve claims under state law of, e.g., *Util. Constructors, Inc. v. Perez*, 2016 U.S. Dist. LEXIS 111206 (E.D. La. 2016) (incorporating LCE 508 as the Federal Rule of Evidence in diversity action); *Blackburn v. Biv. Int'l Co.*, 2012 U.S. Dist. LEXIS 61854 (E.D. La. 2012) (same); *Keybank Int'l v. Perkins Rowe Assocs., LLC*, 2010 U.S. Dist. LEXIS 28708 (W.D. La. 2010) (same).

Accordingly, we have enclosed with this letter a subpoena for Mr. Rieger, as his deposition "is reasonably expected to yield information within the scope of discovery." FTC Rule 3.23(a). Please note that the data in enclosed was submitted to you to come up with a convenient date, prior to our March 16, 2018 close of discovery.

Sincerely,

*Allison Sheedy/mps*

Allison F. Sheedy

Enclosure



# DEPOSITION

Provided by the Secretary of the Federal Trade Commission and Issued Pursuant to Commission Rule 3.34(a), 16 C.F.R. 63.34(a)(2)(A)

1. TO  
Robert Rieger  
Adams & Reese LLP  
Chase North Tower  
450 Laurel St. Suite 1000  
Baton Rouge, LA 70801

2. FROM  
**UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION**

This subpoena is issued in connection with the taking of a deposition of the person named in Item 2, and at the request of Counsel listed in Item 3, in the proceeding described in Item 5.

3. PLACE OF DEPOSITION

Baton Rouge, LA

4. YOUR APPEARANCE WILL BE REQUIRED

Seth Greenstein, or designee

5. DATE AND TIME OF DEPOSITION

March 2, 2018, at 9:00am

6. SUBJECT OF PROCEEDING

In the Matter of the Louisiana Real Estate Appraisers Board, File No. 2017-1

The Honorable D. Michael Chappell

FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Seth Greenstein, or designee  
Constantine Cannon  
1001 Pennsylvania Ave. NW Ste. 1000N  
Washington, DC 20004  
(202) 204 3500

DATE SIGNED

SIGNATURE OF COUNSEL ISSUING SUBPOENA

GENERAL INSTRUCTIONS

### APPEARANCE

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

### MOTION TO LIMIT OR QUASH

A motion to limit or quash this subpoena must comply with Commission Rule 3.34(c), 16 C.F.R. § 3.34(c), and in particular must be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed before the

Administrative Law Judge and with the Secretary of the Commission, accompanied by affidavits of the filer of the document upon Counsel listed in Item 3, and upon all other parties prescribed by the Rules of Practice.

### TRAVEL EXPENSES

The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to counsel listed in Item 2 for approval. If you are unable to temporarily living someplace other than the address on this subpoena and it would require excessive travel for you to appear you must get prior approval from counsel listed in Item 2.

A copy of the Commission's Rules of Practice is available online at <http://bit.ly/FTCRulesofPractice>. Paper copies are available upon request.

This subpoena does not require approval by OMB under the Government Information Act of 1967.

PUBLIC

UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION

FEDERAL TRADE COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES

In the Matter of )  
 )  
Louisiana Real Estate Appraisers Board, )  
 )  
Respondent. )

DOCKET NO. 9374

~~PROTECTIVE ORDER CONCERNING CONFIDENTIAL INFORMATION~~

~~Commission Rule 3.31(d) states. "In order to protect the parties and third parties against improper use and disclosure of confidential information, the Administrative Law Judge shall issue a protective order as set forth in the appendix to this section." 16 C.F.R. § 3.31(d). The Commission's Order of 2016, 2016-06, incorporating the appendix to that section is attached verbatim as Attachment A and is hereby issued.~~

ORDERED:

Dm Chappell  
D. Michael Chappell  
Chief Administrative Law Judge

Date: May 31, 2017

ATTACHMENT A

For the purpose of protecting the interests of the parties and third parties in the above-captioned matter against improper use and disclosure of confidential information submitted or produced in connection with this matter:

**IT IS HEREBY ORDERED THAT** this Protective Order Governing Confidential Material ("Protective Order") shall govern the handling of all Discoverable Material, as hereinafter defined:

1. As used in this Order, "confidential material" shall refer to any document or portion thereof that contains privileged, competitively sensitive information, or sensitive personal information. Sensitive personal information shall refer to, but shall not be limited to, an individual's Social Security number, taxpayer identification number, financial account number, credit card number, and a number, driver's license number, state issued identification number, passport number, date of birth (other than year), and any sensitive health information identifiable to an individual, such as an individual's medical records.

"Document" shall refer to any discoverable writing, recording, transcript of oral testimony, or electronically stored information in the possession of a party or a third party.

"Commission" shall refer to the Federal Trade Commission ("FTC"), or any of its employees, agents, attorneys, or other staff members who are retained as consultants or experts for purposes of this proceeding.

2. Any document or portion thereof submitted by a respondent or a third party during a Federal Trade Commission investigation or during the course of this proceeding that is entitled to confidentiality under the Federal Trade Commission Act or any regulation promulgated thereunder, as well as any information taken from any portion of such document, shall be treated as confidential material for purposes of this Order. The identity of a third party submitting this Order where the submitter has requested such confidential treatment.

3. The parties and any third parties, in complying with informal discovery requests, disclosure requirements, or discovery demands in this proceeding may designate any responsive document or portion thereof as confidential material, including documents obtained by them from third parties pursuant to discovery or as otherwise obtained.

4. The parties, in conducting discovery from third parties, shall provide to each third party a copy of this Order so as to inform each such third party of his, her, or its rights herein.

5. A designation of confidentiality shall constitute a representation in good faith and under oath that the information is not reasonably being used or already in the public domain and shall constitute a representation that the information is not being disseminated to any third party outside of the parties to this proceeding. A designation of confidentiality shall constitute a representation that the information is not being disseminated to any third party outside of the parties to this proceeding.

6. Material may be designated as confidential by a party containing such material if such party can demonstrate that the information contained in such material is confidential by nature or by reason of the fact that its disclosure would result in the identification of confidential sources or the disclosure of confidential information. If a party files a document in a confidential folder or box, the designation "CONFIDENTIAL - ETC Docket No. 9374" or any other appropriate notice that identifies this proceeding, together with a copy of the portion or portions of the document considered to be confidential material. Confidential information contained in any document submitted to the Commission shall be placed in a confidential folder or box, and the designation "CONFIDENTIAL - ETC Docket No. 9374" and any other appropriate notice that identifies this proceeding, on the face of the CD or DVD or other medium in which the document is produced. Material contained in confidential folders or boxes may be produced where the portions thereof contain privileged matter, provided that the copy produced shall indicate at the appropriate point that portions have been deleted and the reasons therefor.

7. Confidential material shall be disclosed only to: (a) the Administrative Law Judge presiding over this proceeding, personnel assisting the Administrative Law Judge, the consultants for this proceeding, (b) judges and clerks of any court having jurisdiction over any appellate proceedings involving this matter; (c) outside counsel of record for any respondent, their associated attorneys and other employees of their law firm (c) provided they are not employees of a respondent; (d) anyone retained to assist outside counsel in the preparation or hearing of this proceeding including consultants provided they are not affiliated in any way with a respondent and have signed an agreement to abide by the terms of the protective order; and (e) any witness or deponent who may have authored or received the information in question.

8. Disclosure of confidential material to any person described in Paragraph 7 of this Order shall be only for the purposes of the preparation and hearing of this proceeding. The Commission may, subject to taking appropriate steps to preserve the confidentiality of such material, use or disclose confidential material as provided by its Rules of Practice; sections 6(f) and 21 of the Federal Trade Commission Act; or any other legal obligation imposed upon the Commission.

9. In the event that any confidential material is contained in any pleading, motion, exhibit or other paper filed or to be filed with the Secretary of the Commission, the Secretary shall be so informed by the Party filing such papers, and such papers shall be filed *in camera*. To the extent that such material was originally submitted by a third party, the party including the materials in its papers shall immediately notify the submitter of such inclusion. Confidential material contained in the papers shall continue to have *in camera* treatment until further order of the Administrative Law Judge, provided, however, that such papers may be furnished to persons or entities who may receive confidential material pursuant to Paragraphs 7 or 8. Upon or after filing any paper containing confidential material, the filing party shall file on the public record a duplicate copy of the paper that does not reveal confidential material. Further, if the protection for any such material expires, a party may file on the public record a duplicate copy which also contains the formerly protected material.

10. If a party plans to introduce into evidence at the hearing any document or transcript, including an affidavit, prepared by another party or third party, they shall provide advance notice to the other party or third party for purposes of allowing that party to seek an order that the document or transcript be granted *in camera* treatment. If that party wishes *in camera* treatment for the document or transcript, the party shall file an appropriate motion with the Administrative Law Judge within 5 days after it receives such notice. Except where such an order is granted, all documents and transcripts shall be part of the public record. Where *in camera* treatment is granted, a duplicate copy of such document or transcript with the confidential material deleted therefrom may be placed on the public record.

11. If any party receives a discovery request in any investigation or in any other proceeding or matter that may require the disclosure of confidential material submitted by another party or third party, the recipient of the discovery request shall promptly notify the submitter of receipt of such request. Unless a shorter time is mandated by an order of a court, such notification shall be in writing and be received by the submitter at least 10 business days before production, and shall include a copy of this Protective Order and a cover letter that will apprise the submitter of its rights hereunder. Nothing herein shall be construed as requiring the recipient of the discovery request or anyone else connected by this Order to challenge or object to any other document or information in confidential material to subject itself to any penalties for non-compliance with any such order, or to seek any relief from the Administrative Law Judge or the Commission. The recipient shall not oppose the submitter's efforts to challenge the disclosure of confidential material. In addition, nothing herein shall limit the applicability of Rule 4.11(e) of the Commission's Rules of Practice, 16 CFR 4.11(e), to discovery requests in another proceeding that are directed to the Commission.

12. At the time that any consultant or other person retained to assist counsel in the preparation of this action concludes participation in the action, such person shall return to counsel all copies of documents or portions thereof designated confidential that are in the possession of such person, together with all notes, memoranda or other papers containing confidential information. At the conclusion of this proceeding, including the conclusion of judicial review, the parties shall return documents obtained in this proceeding to their submitters, provided, however, that the Commission's obligations shall be governed by the provisions of Rule 4.12 of the Rules of Practice, 16 CFR 4.12.

13. The provisions of this Protective Order, including the prohibition on communication and use of confidential discovery material shall, without the written permission of the submitter or further order of the Commission, continue to be binding after the conclusion of this proceeding.

Notice of Electronic Service

**I hereby certify that on March 06, 2018, I filed an electronic copy of the foregoing Proposed Order, Exhibit 1 and Exhibit 2, with:**

D. Michael Chappell  
Chief Administrative Law Judge  
600 Pennsylvania Ave., NW  
Suite 110  
Washington, DC, 20580

Donald Clark  
600 Pennsylvania Ave., NW  
Suite 172  
Washington, DC, 20580

**I hereby certify that on March 06, 2018, I served via E-Service an electronic copy of the foregoing Proposed Order, Exhibit 1 and Exhibit 2, upon:**

Lisa Kopchik  
Attorney  
Federal Trade Commission  
LKopchik@ftc.gov  
Complaint

Michael Turner  
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Federal Trade Commission  
mturner@ftc.gov  
Complaint

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Federal Trade Commission  
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Complaint

Geoffrey Green  
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Complaint

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