

UNITED STATES OF AMERICA
Before the
CONSUMER FINANCIAL PROTECTION BUREAU

ADMINISTRATIVE PROCEEDING
File No. 2014-CFPB-0002

In the Matter of)	
PHH CORPORATION,)	
PHH MORTGAGE CORPORATION,)	ENFORCEMENT COUNSEL'S
PHH HOME LOANS LLC,)	NOTICE REGARDING
ATRIUM INSURANCE CORPORATION, and)	DOCUMENT 145
ATRIUM REINSURANCE CORPORATION)	

Enforcement Counsel submits this notice in response to the Tribunal's November 3, 2014 Order Partially Unsealing Document 145 (Order), in which the Tribunal stated that the redactions to Document 145 proposed by Radian Guaranty, Inc. (Radian) and Enforcement Counsel are excessive, but that out of an abundance of caution, the Tribunal "construe[d] the parties' agreement as the functional equivalent of a 'stipulat[ion] to the entry of a protective order,' within the meaning of 12 C.F.R. § 1081.119(c)(3)."

With respect to the Tribunal's observation regarding the extent of the proposed redactions, Enforcement Counsel notes that it has consistently sought to make this proceeding as transparent as reasonably possible while also protecting confidential business information or other sensitive information, a goal that is emphasized in the Bureau's Rules of Practice for Adjudication Proceedings. To achieve this goal, Enforcement Counsel moved for, and obtained, a protective order that would allow the disclosure of the vast majority of documents or other information filed in this proceeding. (Dkt. Nos. 161, 165, and 176.) Then, Enforcement Counsel engaged in

negotiations with Respondents and the intervenor parties to obtain their agreement to the complete unsealing of 114 document sets and the partial unsealing of many other documents, which the Tribunal ordered on October 20, 2014 (Dkt. No. 195.)

With respect to Document 145, Enforcement Counsel respectfully seeks to clarify that it did not intend for the proposed redactions to that document to constitute a stipulation to the entry of a protective order. The only protective order governing this proceeding is the one entered on February 28, 2014, as modified by the Tribunal's August 1, 2014 Order. The redactions to Document 145 submitted on October 31, 2014 reflect a proposal that resulted from good faith negotiations with Radian, consistent with the Tribunal's October 20, 2014 Order Regarding Unsealing of Documents, in which the Tribunal granted Enforcement Counsel and Radian additional time (beyond the extension requested by the parties) to confer about redactions to Document 145 and "to jointly file a report updating [the Tribunal] on the outcome of their discussions and the treatment of Document 145." Enforcement Counsel and Radian disagreed as to the extent of redactions permitted under the protective order, and the October 31, 2014 submission reflects Enforcement Counsel's attempt to conserve judicial resources. But as indicated in the Joint Filing accompanying that submission, Enforcement Counsel did not intend to restrict the Tribunal's authority to determine the proper scope of redactions pursuant to the protective order and consistent with the Rules of Adjudication, including the presumption of public hearings set forth in Rule 1081.300. See October 31, 2014 Joint Filing of Enforcement Counsel and Counsel for Radian Regarding Document 145 ("Counsel for Radian and Enforcement Counsel respectfully request that Exhibit A to this filing, which is the redacted version of Document 145, remain under seal until the Tribunal issues an Order to unseal Document 145 pursuant

to this filing *or otherwise.*") (emphasis added). If the Tribunal orders the disclosure of a version of Document 145 with redactions that differ from those submitted on October 31, 2014, Enforcement Counsel respectfully requests that such an order be issued before the Recommended Decision is filed. *See* Rule 400(e)(2).

DATED: November 14, 2014

Respectfully submitted,

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Enforcement Counsel

Certificate of Service

I hereby certify that on this 14th day of November 2014, I caused a copy of the foregoing "Enforcement Counsel's Notice Regarding Document 145" to be filed with the Office of Administrative Adjudication and served electronically on the following persons who have consented to electronic service:

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