UNITED STATES OF AMERICA Before the CONSUMER FINANCIAL PROTECTION BUREAU

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ADMINISTRATIVE PROCEEDING File No. 2014-CFPB-0002

In the Matter of: PHH CORPORATION, PHH MORTGAGE CORPORATION, PHH HOME LOANS LLC, ATRIUM INSURANCE CORPORATION, and ATRIUM REINSURANCE CORPORATION

ENFORCEMENT COUNSEL'S MOTION TO AMEND THE PROTECTIVE ORDER AND TO UNSEAL "CONFIDENTIAL" MATERIAL

The Rules governing this proceeding provide that "[d]ocuments and testimony introduced in a public hearing, or filed in connection with an adjudication proceeding, are presumed to be public." 12 C.F.R. § 1081.119. But under the present definition of "Confidential" and the provisions of paragraph 8 to Attachment A of the Protective Order Governing Discovery Material, all material that Enforcement Counsel collected as part of its investigation is sealed from the public, regardless of its content.¹ It is overly restrictive under the Rules to also restrict the Office of Administrative Adjudication

¹ *In re PHH Corporation, et. al.*, File No. 2014-CFPB-0002, <u>Protective Order Governing</u> <u>Discovery Material</u>, (Feb. 28, 2014), Attachment A, ¶ 8.

from publishing non-sensitive information on the Bureau's docket and impeding the public discourse about this adjudication. Therefore, as more fully explained in the accompanying memorandum, Enforcement Counsel hereby move to modify paragraph 8 of the Protective Order's Attachment A to state:

Any submission filed or lodged in this Administrative Proceeding, and any portion of the record or transcript of a hearing before the Hearing Officer in this Administrative Proceeding, that contains, refers to, or reflects the use of any Sensitive Personal Information or Highly-Confidential Information shall be maintained under seal, and shall not be posted on the Bureau's website or otherwise made publicly available unless required by law.

Enforcement Counsel also move the Tribunal to unseal all "Confidential" portions of documents already filed with the Office of Administrative Adjudication. To be clear, Enforcement Counsel does not move to unseal any "Highly Confidential" Information that was designated under the Protective Order. DATED: June 6, 2014

Respectfully submitted,

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