

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,
PHH HOME LOANS, LLC,
ATRIUM INSURANCE CORPORATION,
and ATRIUM REINSURANCE
CORPORATION

MOTION TO INTERVENE FOR THE PURPOSE OF SEEKING
A PROTECTIVE ORDER

Pursuant to 12 C.F.R. § 1081.119(a), Radian Guaranty Inc., United Guaranty Residential Insurance Company, Mortgage Guaranty Insurance Corporation, Genworth Mortgage Insurance Corporation, and Republic Mortgage Insurance Company (collectively, the “MI Companies”) hereby move to intervene in this matter for purposes of seeking a protective order.

On January 29, 2014, the Consumer Financial Protection Bureau (the “Bureau”) notified each of the MI Companies that it intended to disclose to the respondents in this matter confidential information that the MI Companies produced to the Bureau in response to civil investigative demands, or which the MI Companies produced to other federal or state agencies and which was received by the Bureau during the conduct of an investigation related to this matter. All of this information is “confidential investigative information” under 12 C.F.R. § 1070.2(h), and consists of sensitive commercial and financial information related to the MI Companies, and, in some instances, sensitive personal information related to home mortgage borrowers and information unrelated to claims or defenses at issue herein.

On February 7, 2014, the Bureau sent each of the MI Companies a proposed protective order for this matter, attached hereto as Exhibit A.

On February 12, 2014, the MI Companies timely notified the Bureau by letter pursuant to 12 C.F.R. § 1081.119(a) that they consented to the disclosure of confidential investigative information conditioned on the entry of an appropriate protective order. *See* letter from Stephen A. Fogdall to Donald Gordon attached as Exhibit B. In that same letter, the MI Companies identified several respects in which the Bureau's proposed protective order fails to protect the interests of third parties such as the MI Companies with respect to their confidential information.

On February 13, 2014, the MI Companies received a response from the Bureau attached as Exhibit C, in which the Bureau stated that the "mechanism" by which the MI Companies should assert any deficiencies in the Bureau's proposed protective order is a motion to intervene in this matter for purposes of seeking a protective order pursuant to 12 C.F.R. § 1081.119(a).

WHEREFORE, the MI Companies should be permitted to intervene for purposes of seeking a protective order to govern the disclosure of confidential investigative information in this matter.

Respectfully submitted,

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PROOF OF SERVICE

I certified that I have this day sent a copy of the foregoing motion to intervene for the purpose of seeking a protective order by electronic mail to Donald Gordon, enforcement counsel for the Consumer Financial Protection Bureau in this matter, and David M. Souders, counsel for the respondents in this matter.

/s/ Stephen A. Fogdall

Dated: February 14, 2014