

UNITED STATES OF AMERICA
Before the
CONSUMER FINANCIAL PROTECTION BUREAU
February 24, 2014

ADMINISTRATIVE PROCEEDING
File No. 2014-CFPB-0002

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

On January 29, 2014, the Consumer Financial Protection Bureau (Bureau) filed a Notice of Charges Seeking Disgorgement, Other Equitable Relief, and Civil Money Penalty (Notice) in this proceeding. The hearing is scheduled to commence on March 24, 2014, in Philadelphia, PA.

On February 20, 2014, I issued an order denying without prejudice the Joint Stipulated Motion for a Protective Order filed on February 19, 2014, by the Office of Enforcement (Enforcement) and Respondents, and the Notice of Submission of Proposed Protective Order filed by certain third parties (Third Parties), to the extent it constituted a motion for a protective order.

On February 21, 2014, the Bureau forwarded to this Office several emails pertaining to a February 20, 2014, filing by Enforcement captioned as its Opposition to PHH's Motion to Dismiss the Notice of Charges or, in the Alternative, for Summary Disposition (Opposition). I understand from the emails that all parties, and at least some of the Third Parties, are concerned that the Opposition and its attachments contain confidential information, which might properly be subject to a protective order. I also understand from the emails that there is some doubt whether the Opposition and its attachments may be filed under seal without such a protective order.

Documents as to which confidential treatment is sought shall be maintained under seal and shall be disclosed only in accordance with orders of the hearing officer, "[p]ending a determination of a motion" for protective order. 12 C.F.R. § 1081.119(e). Under the circumstances, the most reasonable reading of this language is that, so long as some party (e.g., the party filing the allegedly confidential material) has a good faith intent to promptly file a motion for protective order, the confidential material "shall be maintained under seal and shall be disclosed only in accordance with orders of the hearing officer." 12 C.F.R. § 1081.119(e). That is, a motion for protective order need not actually have been filed prior to the time the confidential material is filed, but at the same time, the confidential material may not be maintained under seal indefinitely without a protective order.

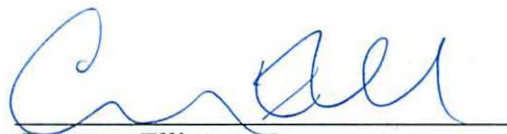
I denied without prejudice the previously-filed motions for protective order, and no new motion for protective order has yet been filed, but it is abundantly clear that the parties intend to file such a motion soon. Out of an abundance of caution, I will sua sponte order that the Opposition and its attachments be maintained under seal pending determination of a motion for protective order. If such a motion has not been determined prior to the filing of Respondents' Reply to their Motion to Dismiss the Notice of Charges or, in the Alternative, for Summary Disposition, the Reply and any attachments may also be filed under seal. Also out of an abundance of caution, I will limit disclosure of the Opposition and Reply to this Office, the Bureau, and Respondents' counsel and counsel's staff. I see no need at this juncture for any Third Party to have access to these documents, although the emails suggest that counsel for the Third Parties may have already seen them.

Any party, including any Third Party, may seek relief from this Order by filing an appropriate motion. Unless the parties express a contrary view, it is my intent that any future potentially confidential filings be handled in a similar fashion, except that a public "Motion to File Under Seal" should be filed contemporaneously with the potentially confidential filing, to alert me and the Office of Administrative Adjudication that confidential treatment is requested.

It is HEREBY ORDERED that the Office of Enforcement's Opposition to PHH's Motion to Dismiss the Notice of Charges or, in the Alternative, for Summary Disposition, and any attachments, and Respondents' Reply to their Motion to Dismiss the Notice of Charges or, in the Alternative, for Summary Disposition, and any attachments, shall be maintained UNDER SEAL until further notice.

It is FURTHER ORDERED that said Opposition and its attachments, and said Reply and its attachments, shall be disclosed only to: (1) staff of the Securities and Exchange Commission Office of Administrative Law Judges; (2) staff of the Consumer Financial Protection Bureau; and (3) counsel of record for Respondents and other staff of Weiner Brodsky Kider PC.

It is FURTHER ORDERED that this Order shall be public, pursuant to 12 C.F.R. § 1081.119(e).



Cameron Elliot
Administrative Law Judge
Securities and Exchange Commission