

UNITED STATES OF AMERICA  
Before the  
CONSUMER FINANCIAL PROTECTION BUREAU  
May 9, 2014

ADMINISTRATIVE PROCEEDING  
File No. 2014-CFPB-0002

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In the Matter of	:	
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PHH CORPORATION,	:	ORDER SEALING FILING
PHH MORTGAGE CORPORATION,	:	AND DIRECTING PUBLIC
PHH HOME LOANS LLC,	:	RELEASE
ATRIUM INSURANCE CORPORATION, and	:	
ATRIUM REINSURANCE CORPORATION	:	

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On January 29, 2014, the Consumer Financial Protection Bureau (Bureau) filed a Notice of Charges Seeking Disgorgement, Other Equitable Relief, and Civil Money Penalty in this proceeding. The hearing commenced on March 24, 2014, in Philadelphia, PA, and is not yet complete.

On February 28, 2014, I issued a Protective Order Governing Discovery Material (Protective Order). PHH Corporation, 2014-CFPB-0002, Document 48. Paragraph 8 of the Protective Order provides that submissions containing Confidential Information or Highly-Confidential Information, as defined in the Protective Order, shall be maintained under seal. Id. at 9. Paragraph 4(e) of the Protective Order provides that: (1) redacted versions of such submissions shall be provided to the Bureau's Office of Administrative Adjudication (OAA) within five business days after the original filing date of the submission; (2) the hearing officer will accept any such redacted version as a motion to file the unredacted submission under seal; and (3) the hearing officer will direct OAA to make publicly available only the redacted version no less than six days after the original filing date of the submission. Id. at 7.

On April 30, 2014, Schnader Harrison Segal & Lewis LLP (Schnader), counsel for intervenor Radian Guaranty, Inc., submitted a Response to Enforcement Counsel's (Enforcement) Motion to Disqualify Schnader (Response). PHH Corporation, 2014-CFPB-002, Documents 115. Schnader also submitted the Declaration of David Smith (Smith Declaration) and the Declaration of Stephen A. Fogdall (Fogdall Declaration). PHH Corporation, 2014-CFPB-002, Documents 115-A, 115-B. None of these submissions by Schnader noted that they should be maintained under seal, Schnader did not provide redacted versions of any of their submissions within five business days, and they were posted to the public docket. Subsequently, on May 9, 2014, Schnader submitted for filing a redacted version of the Response (Redacted Response), but not redacted version of the Smith and Fogdall Declarations, and requested that the Response, Smith Declaration, and Fogdall Declaration be removed from the public docket and maintained under seal.

Schnader's failure to file the Response, Smith Declaration, and Fogdall Declaration under seal appears to have been inadvertent. Because this was a mistake that Schnader has tried to cure, I have reviewed the submissions. It is determined that the original submissions contain information subject to the Protective Order. The parties are reminded that they are responsible for ensuring information subject to the Protective Order is submitted under seal and that redacted versions are provided within the specified time period in compliance with the Protective Order.

It is HEREBY ORDERED that the Redacted Response submitted by Schnader, to the extent it constitutes a motion to file its unredacted version under seal, is GRANTED and the unredacted Response, Smith Declaration, and Fogdall Declaration submitted by Schnader shall be SEALED pursuant to the Protective Order and 12 C.F.R. § 1081.119(c).

It is FURTHER ORDERED that the Redacted Response submitted by Enforcement may immediately be made publicly available, pursuant to the Protective Order and 12 C.F.R. § 1081.111(c).



Cameron Elliot  
Administrative Law Judge  
Securities and Exchange Commission