

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.)

**RESPONDENTS' RESPONSE TO THE TRIBUNAL'S ORDER RE
SEALING AND DIRECTING PUBLIC RELEASE, DATED MAY 13, 2014 (DKT 137)**

On May 13, 2014, this Tribunal stated that “[i]t is not clear that Exhibit B” to the Bureau’s Opposition to Respondents’ Renewed Motion to Dismiss (“Opposition”) “contains information subject to the Protective Order.” Order at 1. As explained below, Exhibit B to the Opposition fits directly within the Protective Order’s definition of “Confidential Information,” and, as such, should remain under seal.

The Protective Order defines “Confidential Information” to include, among other things, “(iii) any Document or other material prepared by, on behalf of, received by, or for the use by the Bureau . . . in the conduct of an *investigation* of or enforcement action against any person, and any information derived from such Document or other material[.]” Dkt. 48 ¶ 1.h. (emphasis added). Exhibit B consists of correspondence from Respondents’ counsel, “received by” the CFPB “for the use by the Bureau . . . in the conduct of an *investigation*[.]”—specifically the CFPB’s investigation of Respondents’ reinsurance practices.

Exhibit B also falls within another subsection of the Protective Order’s “Confidential Information” definition, subsection (ii). Subsection (ii) provides that Confidential Information

includes: “(ii) any Document, written report, or answers to questions, tangible thing, or transcript of oral testimony received by the Bureau in any form or format pursuant to a civil investigative demand, as those terms are set forth in 12 U.S.C. § 5562, or received by the Bureau voluntarily in lieu of a civil investigative demand[.]” *Id.* Exhibit B is correspondence to the Bureau regarding Respondents’ cooperation in responding to the civil investigative demand issued to Respondents pursuant to 12 U.S.C. § 5562, concerning Respondents’ reinsurance practices. Furthermore, Exhibit B discusses certain document productions made by Respondents in response to that civil investigative demand.

Because Exhibit B is covered by the “Confidential Information” definition found in the Protective Order, Respondents respectfully request that Exhibit B remain under seal.

Dated: May 22, 2014

Respectfully submitted,

WEINER BRODSKY KIDER PC

By: /s/ David M. Souders
Mitchel H. Kider, Esq.
David M. Souders, Esq.
Sandra B. Vipond, Esq.
Leslie A. Sowers, Esq.
Rosanne L. Rust, Esq.
Michael S. Trabon, Esq.
1300 19th Street, N.W., Fifth Floor
Washington, D.C. 20036
(202) 628-2000

Attorneys for Respondents
PHH Corporation, PHH Mortgage Corporation, PHH Home
Loans, LLC, Atrium Insurance Corporation, and Atrium
Reinsurance Corporation

CERTIFICATION OF SERVICE

I hereby certify that on the 22nd of May, 2014, I caused a copy of the foregoing Respondents’ Response to the Tribunal’s Order Re Order Sealing and Directing Public Release, Dated May 13, 2014, (Dkt 137), to be filed with the Office of Administrative Adjudication and served by electronic mail on the following parties:

<p>Lucy Morris Lucy.Morris@cfpb.gov</p> <p>Sarah Auchterlonie Sarah.Auchterlonie@cfpb.gov</p> <p>Donald Gordon Donald.Gordon@cfpb.gov</p> <p>Kim Ravener Kim.Ravener@cfpb.gov</p> <p>Navid Vazire Navid.Vazire@cfpb.gov</p> <p>Thomas Kim Thomas.Kim@cfpb.gov</p> <p>Kimberly Barnes Kimberly.Barnes@cfpb.gov</p> <p>Fatima Mahmud Fatima.Mahmud@cfpb.gov</p> <p>Jane Byrne janebyrne@quinnemanuel.com</p> <p>William Burck williamburck@quinnemanuel.com</p> <p>Scott Lerner scottlerner@quinnemanuel.com</p>	<p>David Smith dsmith@schnader.com</p> <p>Stephen Fogdall sfogdall@schnader.com</p> <p>William L. Kirkman billk@bourlandkirkman.com</p> <p>Reid L. Ashinoff reid.ashinoff@dentons.com</p> <p>Melanie McCammon melanie.mccammon@dentons.com</p> <p>Ben Delfin ben.delfin@dentons.com</p> <p>Jay N. Varon jvaron@foley.com</p> <p>Jennifer M. Keas jkeas@foley.com</p>
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/s/ Rosanne L. Rust _____
Rosanne L. Rust