



UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

COMMISSIONERS: Jon Leibowitz, Chairman
William E. Kovacic
Edith Ramirez
J. Thomas Rosch
Julie Brill (recused)

In the Matter of)
)
)
THE NORTH CAROLINA [STATE] BOARD) PUBLIC
OF DENTAL EXAMINERS.) DOCKET NO. 9343
)
)
)

RESPONDENT'S EXPEDITED MOTION FOR A LATER HEARING DATE

Pursuant to the Federal Trade Commission's Rules of Practice 3.21(c)(1) and 3.41(b), Respondent, the North Carolina State Board of Dental Examiners ("State Board") respectfully moves the Commission for a later hearing date in this proceeding. The State Board respectfully requests a three-month extension of the date on which the administrative hearing shall commence, so that the commencement date shall be May 18, 2011. This motion is filed concurrently with a motion to the Administrative Law Judge for a three-month extension of the deadlines contained in the Scheduling Order entered in this matter on July 15, 2010.

State Board's Counsel has conferred with Complaint Counsel in a good-faith effort to resolve by agreement the issues raised by this motion and has been unable to reach such agreement. Further, Complaint Counsel has indicated their intention to oppose this motion.

Due to the impending deadlines in the current version of the Scheduling Order,
the State Board respectfully requests expedited consideration of this motion.

This the 18th day of January, 2011.

ALLEN AND PINNIX, P.A.

/s/ Alfred P. Carlton, Jr.

By: _____

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CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of January, 2011, I electronically filed the foregoing with the Federal Trade Commission using the Federal Trade Commission E-file system, which will send notification of such filing to the following:

Donald S. Clark, Secretary
Federal Trade Commission
600 Pennsylvania Avenue, N.W., Room H-159
Washington, D.C. 20580
dclark@ftc.gov

I hereby certify that the undersigned has this date served a copy of the foregoing upon the Secretary and upon all parties to this cause by electronic mail as follows:

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I also certify that I have sent courtesy copies of the document via Federal Express and electronic mail to:

The Honorable D. Michael Chappell
Administrative Law Judge
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Washington, D.C. 20580
oyalj@ftc.gov

This the 18th day of January, 2011.

/s/ Alfred P. Carlton, Jr.
Alfred P. Carlton, Jr.

CERTIFICATION FOR ELECTRONIC FILING

I further certify that the electronic copy sent to the Secretary of the Commission is a true and correct copy of the paper original and that I possess a paper original of the signed document that is available for review by the parties and by the adjudicator.

/s/ Alfred P. Carlton, Jr.
Alfred P. Carlton, Jr.

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PROPOSED ORDER FOR A LATER HEARING DATE

The Scheduling Order entered in this case on July 15, 2010, set February 17, 2011 as the date that the evidentiary hearing is to commence. On January __, 2011, Respondent submitted an Expedited Motion for a Later Hearing Date. Respondent seeks a hearing date of May 18, 2011.

Under Rule 3.41(b) of the Commission's Rules of Practice, the Commission may, upon a showing of good cause, order a later date for the evidentiary hearing to commence. Considering the grounds asserted by the Respondent, good cause is found to grant Respondent's motion for a later hearing date.

Accordingly, Respondent's motion is GRANTED.

The new date for the commencement of the evidentiary hearing shall be May 18, 2011.

ORDERED:

Donald S. Clark, Secretary
Federal Trade Commission

Date