UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES

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

RESPONDENT'S MOTION FOR HEARING REGARDING ITS MOTION FOR AN ORDER COMPELLING DISCOVERY

Respondent, the North Carolina State Board of Dental Examiners, respectfully requests and hereby moves for a hearing regarding the issues raised by Respondent's Motion for an Order Compelling Discovery (the "Motion") under FTC Rules 3.38 and 3.22(g) and Complaint Counsel's Opposition thereto.

A hearing is necessary because of issues that have been raised by Complaint Counsel, both factual and legal, but mainly factual, in their Opposition to Respondent's Motion for an Order Compelling Discovery ("Opposition") and the Declaration of William Lanning that accompanied it. Based on certain misrepresentations made in Complaint Counsel's Opposition and the Lanning Declaration, it appears that there is a need for testimony regarding these issues; Respondent (under the Rules) would be deprived of an opportunity to counter these misrepresentations without the benefit of a hearing; and, the Administrative Law Judge would be able to fully evaluate all issues before it, factual and legal.

Respondent'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.

WHEREFORE, Respondent respectfully requests a hearing regarding its Motion for an Order Compelling Discovery and the issues raised in Complaint Counsel's opposition thereto; the location for such a hearing would be at the discretion of the Administrative Law Judge.

This the 20th day of January, 2011.

ALLEN AND PINNIX, P.A.

/s/ Alfred P. Carlton, Jr.
By: _____

Noel L. Allen
Alfred P. Carlton, Jr.
M. Jackson Nichols
Attorneys for Respondent
Post Office Drawer 1270
Raleigh, North Carolina 27602
Telephone: 919-755-0505
Facsimile: 919-829-8098
Email: acarlton@allen-pinnix.com

CERTIFICATE OF SERVICE

I hereby certify that on the 20th 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

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

William L. Lanning
Bureau of Competition
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Room NJ-6264
Washington, D.C. 20580
wlanning@ftc.gov

Steven L. Osnowitz
Bureau of Competition
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Room NJ-6264
Washington, D.C. 20580
sosnowitz@ftc.gov

Melissa Westman-Cherry
Bureau of Competition
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Room NJ-6264
Washington, D.C. 20580
westman@ftc.gov

Tejasvi Srimushnam
Bureau of Competition
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Room NJ-6264
Washington, D.C. 20580
tsrimushnam@ftc.gov

Michael J. Bloom
Bureau of Competition
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Room H-374
Washington, D.C. 20580
mjbloom@ftc.gov

Richard B. Dagen
Bureau of Competition
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Room H-374
Washington, D.C. 20580
rdagen@ftc.gov

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
Federal Trade Commission
600 Pennsylvania Avenue N.W.
Room H-113
Washington, D.C. 20580
oalj@ftc.gov

This the 20th 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 ON RESPONDENT'S MOTION FOR HEARING REGARDING ITS MOTION FOR AN ORDER COMPELLING DISCOVERY

On January 11, 2011, Respondent filed a Motion for an Order Compelling Discovery. Complaint Counsel filed an Opposition to Respondent's Motion and an accompanying Declaration by Mr. William Lanning on January 18, 2011. On January 20, 2011, Respondent filed a Motion for Hearing regarding its Motion for an Order Compelling Discovery. In support of this Motion, Respondent states that there is a need for testimony regarding the factual and legal issues raised in Complaint Counsel's Opposition and the Lanning Declaration.

Accordingly, Respondent's motion is GRANTED.

A hearing regarding these matters shall be set for _____, 2011, at _____ m. The location for the hearing shall be _____.

ORDERED:

_____
D. Michael Chappell
Chief Administrative Law Judge

Dated_____