

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION



In the Matter of)

NORTH CAROLINA BOARD OF)
DENTAL EXAMINERS,)

Respondent.)

PUBLIC

Docket No. 9343

**COMPLAINT COUNSEL'S OPPOSITION (MOOTNESS) TO
RESPONDENT'S MOTION FOR HEARING REGARDING ITS
MOTION FOR AN ORDER COMPELLING DISCOVERY**

The Court denied Respondent's January 11, 2011 Motion for an Order Compelling Discovery ("Motion to Compel") by its Order Denying Respondent's Motion to Compel (Jan. 20, 2011). Accordingly, Respondent's motion for a hearing in connection with such motion should be denied as moot.

Respectfully submitted,

s/Richard B. Dagen
Richard B. Dagen
William L. Lanning
Michael J. Bloom
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Counsel Supporting Complaint
Bureau of Competition
Federal Trade Commission
601 New Jersey Avenue NW
Washington, DC 20580

Dated: January 24, 2011

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

In the Matter of)	
)	
THE NORTH CAROLINA BOARD OF DENTAL EXAMINERS,)	DOCKET NO. 9343
)	
Respondent.)	
)	

[PROPOSED] ORDER DENYING RESPONDENT’S MOTION FOR A HEARING

On January 20, 2011, Respondent filed its motion for a hearing in connection with its January 11, 2011 Motion for an Order Compelling Discovery (“Motion to Compel”). Complaint Counsel filed its opposition on the ground that the motion was moot on January 24, 2011, because Respondent’s motion to compel had been denied by the Court’s Order Denying Motion to Compel, issued on January 20, 2011.

That being the case, Respondent’s motion is DENIED as moot.

ORDERED:

D. Michael Chappell
Chief Administrative Law Judge

Date:

CERTIFICATE OF SERVICE

I hereby certify that on January 24, 2011, I filed the foregoing document electronically using the FTC's E-Filing System, which will send notification of such filing to:

Donald S. Clark
Secretary
Federal Trade Commission
600 Pennsylvania Ave., NW, Rm. H-113
Washington, DC 20580

I also certify that I delivered via electronic mail and hand delivery a copy of the foregoing document to:

The Honorable D. Michael Chappell
Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Ave., NW, Rm. H-110
Washington, DC 20580

I further certify that I delivered via electronic mail a copy of the foregoing document to:

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North Carolina State Board of Dental Examiners*

CERTIFICATE FOR ELECTRONIC FILING

I 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 the adjudicator.

January 24, 2011

By: s/ Richard B. Dagen
Richard B. Dagen