

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION



_____)
In the Matter of)
)
THE NORTH CAROLINA BOARD)
OF DENTAL EXAMINERS,)
)
Respondent.)
_____)

PUBLIC

Docket No. 9343

**COMPLAINT COUNSEL’S OPPOSITION (MOOTNESS) TO RESPONDENT’S
EXPEDITED MOTION TO AMEND THE SCHEDULING ORDER**

On the same day that Respondent’s Expedited Motion to Amend the Scheduling Order was filed, January 18, 2011, Respondent also filed an Expedited Motion for Later Hearing Date to the Commission. In an Order entered on January 21, 2011, the Commission denied Respondent’s motion for a new hearing date. In light of the Commission’s Order, Respondent’s motion to amend the scheduling order is rendered moot, given that it is not feasible to simultaneously extend the Scheduling Order deadlines by three months and keep the same hearing date. Accordingly, Respondent’s Expedited Motion to Amend the Scheduling Order should be denied.

Respectfully submitted,

s/ Richard B. Dagen
Richard B. Dagen
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Federal Trade Commission
Washington, DC 20580
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Dated: January 25, 2011

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

In the Matter of)	
)	
NORTH CAROLINA BOARD OF DENTAL EXAMINERS,)	Docket No. 9343
)	
Respondent.)	
)	

**[PROPOSED] ORDER DENYING RESPONDENT'S EXPEDITED
MOTION TO AMEND THE SCHEDULING ORDER**

On January 18, 2011, Respondent submitted an Expedited Motion to Amend the Scheduling Order. This motion was accompanied by an Expedited Motion for a Later Hearing Date, which was submitted to the Commission.

On January 25, 2011, Complaint Counsel filed its opposition on the ground that the motion was moot because Respondent's motion to change the hearing date was denied by the Commission on January 21, 2011.

Upon consideration of the points raised in the motion and the opposition thereto, Respondent's motion is DENIED as moot. All remaining deadlines in the Scheduling Order will remain the same.

ORDERED:

D. Michael Chappell
Chief, Administrative Law Judge

Date:

CERTIFICATE OF SERVICE

I hereby certify that on January 25, 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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*Counsel for Respondent
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 25, 2011

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