

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

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

In the Matter of

**THE NORTH CAROLINA STATE BOARD OF
DENTAL EXAMINERS**

Docket No. 9343

**ORDER DENYING RESPONDENT’S MOTION TO DISMISS,
GRANTING COMPLAINT COUNSEL’S MOTION FOR PARTIAL SUMMARY
DECISION, DENYING RESPONDENT’S MOTION TO DISQUALIFY THE
COMMISSION, AND GRANTING RESPONDENT’S MOTION FOR LEAVE TO FILE
LIMITED SURREPLY BRIEF.**

The Commission has considered Respondent’s Motion to Dismiss on state action grounds (which the Commission has treated as a motion for summary decision) and Complaint Counsel’s Motion for Partial Summary Decision on state action grounds, Respondent’s Motion to Disqualify the Commission, and Respondent’s Motion for Leave to File Limited Surreply Brief, as well as both parties’ memoranda of law in support of and in opposition to these motions. For the reasons set forth in the accompanying Opinion, the Commission has determined to deny Respondent’s Motion to Dismiss, to grant Complaint Counsel’s Motion for Partial Summary Decision, to deny Respondent’s Motion to Disqualify the Commission,¹ and to grant Respondent’s Motion for Leave to File Limited Surreply Brief. Accordingly,

I.

IT IS ORDERED THAT Respondent’s Motion to Dismiss (which the Commission has treated as a motion for summary decision) be, and it hereby is, **DENIED**.

¹An opinion setting forth the reasons for denying this motion is forthcoming.

II.

IT IS FURTHER ORDERED THAT Complaint Counsel's Motion for Partial Summary Decision, be, and it hereby is, **GRANTED** and Respondent's state action defense is **DISMISSED**.

III.

IT IS FURTHER ORDERED THAT Respondent's Motion to Disqualify the Commission, be, and it hereby is, **DENIED**.

IV.

IT IS FURTHER ORDERED THAT Respondent's Motion for Leave to File Limited Surreply Brief, be, and it hereby is, **GRANTED**.

By the Commission, Commissioner Brill recused.

Donald S. Clark
Secretary

SEAL:
ISSUED: February 3, 2011