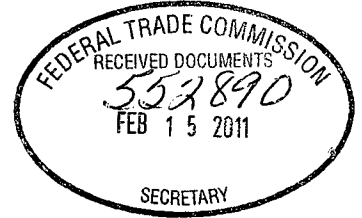


**ORIGINAL**

**UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES**



\_\_\_\_\_)  
In the Matter of )  
 )  
The North Carolina Board of )  
Dental Examiners, )  
Respondent. )  
\_\_\_\_\_)

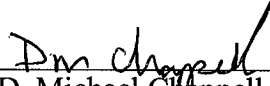
DOCKET NO. 9343

**ORDER SUMMARIZING BENCH RULING ON COMPLAINT COUNSEL'S  
MOTION TO REPLACE WITNESS WITH AN EQUIVALENT  
REPRESENTATIVE FROM THE SAME COMPANY**

On February 4, 2011, Complaint Counsel filed a Motion to Replace a Witness with an Equivalent Representative from the Same Company ("Motion"). Respondent filed its Opposition to the Motion on February 14, 2011. This Motion was addressed at the Final Prehearing Conference on February 15, 2011.

Upon full consideration of the Motion and Opposition, and as explained on the record at the Final Prehearing Conference, Complaint Counsel's Motion is GRANTED. Complaint Counsel will be allowed to call Mr. Mounce as a witness. However, Respondent will be allowed to depose Mr. Mounce before Mr. Mounce is called as a witness at trial. Unless otherwise agreed by the parties, the deposition shall take place no later than forty-eight hours prior to Complaint Counsel's calling Mr. Mounce to testify at the hearing.

ORDERED:

  
\_\_\_\_\_  
D. Michael Chappell  
Chief Administrative Law Judge

Date: February 15, 2011