

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

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

COMPLAINT COUNSEL'S RESPONSE TO RESPONDENT'S MOTION TO STAY THE
PROCEEDINGS AND [PROPOSED] ORDER

Complaint Counsel does not oppose Respondent's Motion for a Stay of the Proceedings pending a ruling by the Commission on Complaint Counsel's Motion for Partial Summary Decision and Respondent's Motion to Dismiss for the reasons set forth below. Complaint Counsel has attached a Proposed Order incorporating reference to this Response for use in the event the Commission grants Respondent's Motion for a Stay.

1. On November 2, 2010, Complaint Counsel filed a Motion for Partial Summary Decision to dismiss Respondent North Carolina State Board of Dental Examiners' affirmative defense under the "State Action Doctrine" so that the proceeding may focus efficiently on those issues as to which there is a bona fide factual controversy.
2. On November 3, 2010, Respondent filed a Motion to Dismiss and a Motion to Stay in this matter.

Respectfully submitted,

s/ Richard B. Dagen

Richard A. Feinstein , Director
Pete Levitas, Deputy Director
Melanie Sabo, Assistant Director
Geoffrey M. Green, Deputy Assistant Director

Bureau of Competition

Richard B. Dagen
601 New Jersey Ave, NW
Washington, D.C.
(202) 326-2628
(202) 326-3496 Facsimile
rdagen@ftc.gov

William L. Lanning
Melissa Westman-Cherry
Steven Osnowitz
Tejasvi Srimushnam

Counsel Supporting Complaint

Michael J. Bloom, Assistant Director
Erica Meyers
Office of Policy & Coordination

Dated: November 5, 2010

CERTIFICATE OF SERVICE

I hereby certify that on November 5, 2010, 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-159
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:

Noel Allen
Allen & Pinnix, P.A.
333 Fayetteville Street
Suite 1200
Raleigh, NC 27602
nla@Allen-Pinnix.com

*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.

November 5, 2010

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