

UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION

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

In the Matter of  
  
THE NORTH CAROLINA BOARD OF  
DENTAL EXAMINERS

DOCKET NO. 9343

ORDER DENYING MOTION FOR STAY OF PROCEEDING

On November 2, 2010, Complaint Counsel filed a Motion For Partial Summary Decision in this matter, and on November 3, 2010, Respondent filed a Motion To Dismiss. On November 3, 2010, Respondent also filed a Motion For Stay of the Proceeding "until the Motion to Dismiss has been determined on the merits. . . ." (Motion For Stay at 1), and on November 5, 2010, Complaint Counsel filed a Response to that Motion advising that Complaint Counsel does not oppose the Motion For Stay. The Commission has issued an Order granting the parties' Joint Motion For Extension of Time, pursuant to which responses to the dispositive Motions will be due on November 30, 2010, and replies to those responses will be due on December 10, 2010. As the Commission stated in that Order, the Joint Motion has been granted in order to ensure that the parties can fully address all relevant issues arising from the dispositive Motions in their respective filings.

The Commission has determined not to stay proceedings before the Chief Administrative Law Judge in this matter while it considers the Motion To Dismiss and the Motion For Partial Summary Decision. Commission Rule 3.22(b) provides:

A motion under consideration by the Commission shall not stay proceedings before the Administrative Law Judge unless the Commission so

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<sup>1</sup> 16 C.F.R. § 3.22(b)(2)(10).

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<sup>2</sup> Federal Trade Commission, 16 CFR Parts 3 and 4: Rules of Practice: Proposed Rule Amendments and Request For Public Comment, 73 Fed. Reg 58832, 58834 (October 7, 2008); see also *id.* at 58836 (“The Commission anticipates that new paragraphs [322](b) and (e) will

IT IS ORDERED THAT Respondent's Motion For Stay of the Proceeding be, and it hereby is, denied.

By the Commission, Commissioner Bill recused.

Donald S. Clark  
Secretary

SEAL:  
ISSUED: November 15, 2010