

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES



In the Matter of)	PUBLIC
)	
THE NORTH CAROLINA [STATE] BOARD)	DOCKET NO. 9343
OF DENTAL EXAMINERS.)	
)	
)	

**RESPONDENT'S EXPEDITED MOTION TO
AMEND THE SCHEDULING ORDER**

Pursuant to the Federal Trade Commission's Rule of Practice 3.21(c)(2), Respondent, the North Carolina State Board of Dental Examiners ("State Board") respectfully moves the Administrative Law Judge to amend the Scheduling Order in this proceeding to extend by three months all remaining deadlines set forth in the Scheduling Order, filed on July 15, 2010, other than the date of the evidentiary hearing.

State Board's Counsel has conferred with Complaint Counsel in a good-faith effort to resolve by agreement the issues raised by this motion and has been unable to reach such agreement. Further, Complaint Counsel has indicated their intention to oppose this motion.

Due to the impending deadlines in the current version of the Scheduling Order, the State Board respectfully requests expedited consideration of this motion.

This the 18th day of January, 2011.

ALLEN AND PINNIX, P.A.

/s/ Alfred P. Carlton, Jr.

By: _____

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CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of January, 2011, I electronically filed the foregoing with the Federal Trade Commission using the Federal Trade Commission E-file system, which will send notification of such filing to the following:

Donald S. Clark, Secretary
Federal Trade Commission
600 Pennsylvania Avenue, N.W., Room H-159
Washington, D.C. 20580
dclark@ftc.gov

I hereby certify that the undersigned has this date served a copy of the foregoing upon the Secretary and upon all parties to this cause by electronic mail as follows:

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I also certify that I have sent courtesy copies of the document via Federal Express and electronic mail to:

The Honorable D. Michael Chappell
Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Avenue N.W.
Room H-113
Washington, D.C. 20580
oyalj@ftc.gov

This the 18th day of January, 2011.

/s/ Alfred P. Carlton, Jr.
Alfred P. Carlton, Jr.

CERTIFICATION FOR ELECTRONIC FILING

I further 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 by the adjudicator.

/s/ Alfred P. Carlton, Jr.
Alfred P. Carlton, Jr.

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PROPOSED REVISED SCHEDULING ORDER

April 19, 2011	Complaint Counsel files pretrial brief supported by legal authority.
April 26, 2011	Exchange proposed stipulations of law, facts, and authenticity.
April 28, 2011	Exchange and serve courtesy copy on ALJ objections to final proposed witness lists and exhibit lists.
	Exchange objections to the designated testimony to be presented by deposition and counter designations.
April 29, 2011	Respondent's Counsel files pretrial brief supported by legal authority.
May 9, 2011	File final stipulations of law, facts, and authenticity. Any subsequent stipulations may be offered as agreed by the parties.
May 16, 2011	Final prehearing conference to begin at 10:00 a.m. held in room 532, Federal Trade Commission Building, 600 Pennsylvania Avenue, NW, Washington, D.C. 20580. ¹

The parties are to meet and confer prior to the conference regarding trial logistics and proposed stipulations of law, facts, and authenticity and any designated deposition testimony. To the extent the parties stipulate to certain issues, the parties shall prepare a Joint Exhibit which lists the agreed-to stipulations.

Counsel may present any objections to the final proposed witness lists and exhibits, including the designated testimony to be presented by deposition. Trial exhibits will be admitted or

¹ Currently pending before the Administrative Law Judge ("ALJ") is Respondent's Motion to Change Hearing Location ("Motion"), which moves the ALJ to change the location of the hearing to Raleigh, North Carolina. If this Motion is granted, the location of the final prehearing conference also should be in Raleigh, North Carolina.

excluded to the extent practicable. To the extent the parties agree to the admission of each other's exhibits, the parties shall prepare a Joint Exhibit which lists the exhibits to which neither side objects. Any Joint Exhibit will be signed by each party with no signature for the judge required.

May 18, 2011

Commencement of Hearing, to begin at 10:00 a.m. in room 532, Federal Trade Commission Building, 600 Pennsylvania Avenue, NW, Washington, D.C. 20580.²

ORDERED:

D. Michael Chappell
Chief Administrative Law Judge

Date

² An Expedited Motion for a Later Hearing Date is currently pending before the Commission.