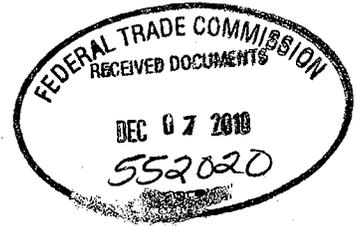


UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES



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

RESPONDENT'S MOTION FOR EXTENSIONS OF TIME

Pursuant to Rules 3.21(c)(2) and 4.3(b) of the Rules of Adjudicative Practice of the Federal Trade Commission, Respondent North Carolina State Board of Dental Examiners ("Respondent" or the "State Board") respectfully requests that the Administrative Judge grant Respondent an extension of time until December 20, 2010, to serve its Expert Witness Reports. In the event such extension is granted, Respondent respectfully requests that the Administrative Law Judge grant Complaint Counsel extensions of time: until December 30, 2010 to identify rebuttal expert(s) and until January 8, 2011 to provide rebuttal expert report(s), and grant both Respondent and Complaint Counsel until January 21, 2011 to depose experts (including rebuttal experts) and exchange expert related exhibits.

In support hereof, Respondent shows unto the Administrative Law Judge that:

1. Currently, Respondent's Expert Witness Reports are due on December 10, 2010.
2. Currently, Complaint Counsel is required to a) identify rebuttal experts(s); and b) provide rebuttal expert report(s) on December 20, 2010.

3. Currently, the deadline for both parties to depose experts (including rebuttal experts) and exchange expert related exhibits is December 30, 2010.

4. The State Board served its Expert Witnesses List on November 24, 2010, and listed two experts, Dr. David L. Baumer and Dr. Van B. Haywood.

5. In addition to the Thanksgiving holiday, Dr. Haywood is currently traveling out of the country from November 24th until December 8th and is not able to devote the necessary time to preparing his report.

6. In addition to the Thanksgiving holiday, Dr. Baumer was traveling on business from November 13th to November 23rd, is obligated to perform semester-end academic duties, and has not been able to devote the necessary time to preparing his report.

7. Complaint Counsel served its Expert Witness List on November 5, 2010, and listed two experts, Dr. Martin S. Giniger and Dr. John E. Kwoka. Both Dr. Giniger and Dr. Kwoka served their reports on November 26, 2010.

8. In addition to the hardships occasioned by an already demanding timetable and individually demanding professional schedules, the advent of a national holiday season and numerous federal and state holidays work an additional hardship for both Respondent's and Complaint Counsel's listed experts in being able to devote the necessary time to discharging their responsibilities as experts.

9. Respondent's Counsel has consulted with Complaint Counsel and can hereby represent that the granting of this motion to extend time will not affect other deadlines established by the Scheduling Order and, in particular, will not affect the date set by the Scheduling Order for the Commencement of Hearing (February 17, 2011).

10. Respondent's Counsel has consulted with Complaint Counsel and can represent that, in the event Respondent's Motion for Extensions of Time to extend until November 20, 2010 to serve its Expert Witness Reports is granted, Complaint Counsel supports Respondent's request that the Administrative Law Judge grant Complaint Counsel extensions of time until December 30, 2010 to identify rebuttal experts and until January 8, 2011 to provide rebuttal expert reports.

11. Respondent's Counsel has consulted with Complaint Counsel and can represent that, in the event Respondent's Motion for Extensions of Time to extend until December 20, 2010 to serve its Expert Witness Reports is granted, Complaint Counsel supports Respondent's request that the Administrative Law Judge grant Complaint and Respondent Counsel an extension of time until January 21, 2011 to depose expert witnesses (including rebuttal witnesses) and exchange expert related exhibits.

12. The time for serving Respondent's Expert Witness Reports has not expired pursuant to the Scheduling Order and Rule 3.31A(a) of the FTC's Rules of Adjudicative Practice and Rule 3.31A(a) of the FTC's Rules of Adjudicative Practice.

13. The time for Complaint Counsel to identify their rebuttal expert(s) and to provide their rebuttal expert report(s) has not expired pursuant to the Scheduling Order and Rule 3.31A(a) of the FTC's Rules of Adjudicative Practice.

14. The time for both parties to conduct depositions of experts (including rebuttal experts) and exchange expert related exhibits has not expired pursuant to the Scheduling Order and Rule 3.31A(d) of the FTC's Rules of Adjudicative Practice.

15. Respondent's Counsel has conferred with opposing counsel in an effort in good faith to resolve by agreement the issue raised by this Motion, and Complaint

Counsel has indicated that, in addition to supporting those matters set forth in paragraphs 10 and 11 above, they will not oppose this Motion.

16 None of the requested extensions will affect the scheduled trial date in this matter or any other deadlines.

WHEREFORE, Respondent respectfully requests that the Administrative Law Judge grant:

1. An extension of time until December 20, 2010, for Respondent to serve its Expert Witness Reports.
2. An extension of time until December 30, 2010 for Complaint Counsel to identify their rebuttal expert(s).
3. An extension of time until January 8, 2011 for Complaint Counsel to provide their rebuttal expert report(s).
4. An extension of time until January 21, 2011 for both parties to conduct depositions of experts (including rebuttal experts) and exchange expert related exhibits.

This the 7th day of December, 2010.

ALLEN AND PINNIX, P.A.

/s/ Alfred P. Carlton, Jr.

By: _____

Noel L. Allen
M. Jackson Nichols
Alfred P. Carlton, Jr.
Attorneys for Respondent
Post Office Drawer 1270
Raleigh, North Carolina 27602
Telephone: 919-755-0505
Facsimile: 919-829-8098
Email: acarlton@allen-pinnix.com

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of December, 2010, I electronically filed the foregoing Motion for Extension of Time 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

I hereby further certify that the undersigned has this date served copies of the foregoing upon all parties to this cause by electronic mail as follows:

William L. Lanning
Bureau of Competition
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Room NJ-6264
Washington, D.C. 20580
wlanning@ftc.gov

Steven L. Osnowitz
Bureau of Competition
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Room NJ-6264
Washington, D.C. 20580
sosnowitz@ftc.gov

Melissa Westman-Cherry
Bureau of Competition
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Room NJ-6264
Washington, D.C. 20580
westman@ftc.gov

Tejasvi Srimushnam
Bureau of Competition
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Room NJ-6264
Washington, D.C. 20580
tsrimushnam@ftc.gov

Michael J. Bloom
Bureau of Competition
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Room H-374
Washington, D.C. 20580
mjbloom@ftc.gov

Richard B. Dagen
Bureau of Competition
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Room H-374
Washington, D.C. 20580
rdagen@ftc.gov

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 7th day of December, 2010.

/s/ Alfred P. Carlton, Jr.

Alfred P. Carlton, Jr.

CERTIFICATION FOR ELECTRONIC FILING

I further certify that the electronic copy sent to the Acting 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.

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
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In the Matter of)))))
THE NORTH CAROLINA [STATE] BOARD OF DENTAL EXAMINERS.)))))

PUBLIC
DOCKET NO. 9343

[PROPOSED] ORDER FOR EXTENSION OF TIME

Upon consideration of Respondent North Carolina State Board of Dental Examiner's Motion for Extension of Time to serve its Expert Witness reports, and extend the related deadlines for Complaint Counsel to identify their rebuttal expert(s) and provide rebuttal expert report(s), and for both parties to complete depositions of experts (including rebuttal experts) and exchange expert related exhibits, it is hereby ORDERED that Respondent's Motion is GRANTED. Respondent is hereby granted until December 20, 2010, to serve its expert witness reports. Complaint Counsel are hereby granted until December 30, 2010, to identify their rebuttal expert(s) and until January 8, 2011 to provide their expert report(s). Both parties are hereby granted an extension of time until January 21, 2011 to conduct depositions of experts (including rebuttal experts) and exchange expert related exhibits.

ORDERED:

D. Michael Chappell
Chief Administrative Law Judge

Date: