IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

Case No. 5:11-cv-00049-FL

THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS,))) MOTION FOR TEMPORARY
Plaintiff, v.) RESTRAINING ORDER AND) OTHER EQUITABLE) RELIEF
FEDERAL TRADE COMMISSION,)
Defendant.)))

Plaintiff, the North Carolina State Board of Dental Examiners ("State Board" or "Plaintiff"), having filed its Complaint in this matter, moves this Court for a Temporary Restraining Order ("TRO") against Defendant the Federal Trade Commission ("Commission" or "Defendant") and its Commissioners, agents, employees, Administrative Law Judges, and attorneys, pursuant to Rule 65 of the Federal Rules of Civil Procedure. A TRO is necessary to prevent Defendant from continuing the violations alleged in the Plaintiff's Complaint for Declaratory Judgment and Preliminary and Permanent Injunction ("Complaint") and Memorandum in Support of Plaintiff's Motion for TRO, Preliminary Injunction, and Permanent Injunction ("Memorandum"). Specifically, it is alleged that:

The Commission has engaged in and is likely to engage in acts or practices that violate Art. I, Sect. 8, Cl. 3 of the U.S. Constitution; the 5th and 10th Amendments to the U.S. Constitution; the Federal Trade Commission Act; and the progeny of *Parker v. Brown*, 317 U.S. 341 (1943), as alleged in the Plaintiff's Complaint and Memorandum;

- 2. These actions constitute immediate and irreparable harm to the Plaintiff, and will continue to cause immediate and irreparable harm to the Plaintiff unless relief is granted; and
- 3. Therefore, the Plaintiff is entitled to a TRO and other equitable relief enjoining the Defendant from further violations of Art. I, Sect. 8, Cl. 3 of the U.S. Constitution; the 5th and 10th Amendments to the U.S. Constitution; the Federal Trade Commission Act; and the progeny of *Parker v. Brown*, 317 U.S. 341 (1943).

WHEREFORE, the State Board respectfully requests that the Court grant its motion for a TRO and other Equitable Relief, and enter the State Board's TRO against the Defendant.

This the 2nd day of February, 2011.

/s/ Noel L. Allen

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