

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



In the Matter of	)	<b>PUBLIC</b>
	)	
THE NORTH CAROLINA [STATE] BOARD	)	DOCKET NO. 9343
OF DENTAL EXAMINERS,	)	
	)	<b>EXPEDITED</b>
Respondent	)	<b>TREATMENT</b>
	)	<b>REQUESTED</b>

**RESPONDENT'S MOTION FOR EXPEDITED 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 5:30 p.m. on April 22, 2011, to file its Post-Trial Brief and Proposed Findings of Fact, Conclusions of Law, and Proposed Order. In the event such extension is granted, Respondent respectfully requests that the Administrative Law Judge grant Complaint Counsel the same extension of time to file its Post-Trial Brief and Proposed Findings of Fact, Conclusions of Law, and Proposed Order.

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

1. Currently, Respondent's and Complaint Counsel's Post-Trial Brief and Proposed Findings of Fact, Conclusions of Law, and Proposed Order are due April 20, 2011, pursuant to the Order on Post Trial Briefs entered March 30, 2011.

2. Pursuant to the same Order, Respondent and Complaint Counsel have a deadline of May 2, 2011 to file reply briefs and replies to the proposed findings of fact.

3. Respondent's counsel has been diligently working towards the current April 20th deadline.

4. On April 16, 2011, a tornado passed through downtown Raleigh very close to the offices of Respondent's counsel. Fortunately, there was no direct impact on the property of Respondent's counsel; however, electrical power was cut off to the offices of the firm and the residences of some of its attorneys and staff for a substantial period of time. Power did not return to Counsel's office building until about 2:15 a.m. Sunday morning.

5. During that time period, it was not possible to work on the preparation of the Post-Trial Brief and Proposed Findings of Fact, Conclusions of Law, and Proposed Order.

6. 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 April 22, 2011 the deadline for both Respondent's counsel and Complaint Counsel to file their Post-Trial Brief and Proposed Findings of Fact, Conclusions of Law, and Proposed Order is granted, Complaint Counsel supports Respondent's request that the Administrative Law Judge grant the extension.

7. 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 they will not oppose this Motion.

8. None of the requested extensions will affect the deadline to file reply briefs or replies to the proposed findings of fact on May 2, 2011, or the scheduled closing arguments date of May 5, 2011, or any other deadlines.

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

1. An extension of time until 5:30 p.m. on April 22, 2011 for Respondent and Complaint Counsel to file their respective Post-Trial Brief and Proposed Findings of Fact, Conclusions of Law, and Proposed Order.

2. All other deadlines in the Scheduling Order would remain the same.

This the 18th day of April, 2011.

ALLEN AND PINNIX, P.A.

/s/ M. Jackson Nichols

By: \_\_\_\_\_

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## CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of April, 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-113  
Washington, D.C. 20580  
[dclark@ftc.gov](mailto:dclark@ftc.gov)

I hereby certify that the undersigned has this date served a copy of the foregoing 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-110  
Washington, D.C. 20580  
[oalj@ftc.gov](mailto:oalj@ftc.gov)

This the 18th day of April, 2011.

/s/ M. Jackson Nichols

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M. Jackson Nichols

#### **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/ M. Jackson Nichols

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M. Jackson Nichols



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THE NORTH CAROLINA [STATE] BOARD OF DENTAL EXAMINERS.	)	)	)
	)	)	)

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**[PROPOSED] ORDER FOR EXTENSIONS OF TIME**

Upon consideration of Respondent North Carolina State Board of Dental Examiner's Motion for Extension of Time for Respondent and Complaint Counsel to file Post-Trial Briefs and Proposed Findings of Fact, Conclusions of Law, and Proposed Order is GRANTED. Respondent and Complaint Counsel are hereby granted until 5:30 p.m. on April 22, 2011 to file their respective Post-Trial Briefs and Proposed Findings of Fact, Conclusions of Law, and Proposed Order.

ORDERED:

\_\_\_\_\_  
D. Michael Chappell  
Chief Administrative Law Judge

Date: