

ORIGINAL

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



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In the Matter of )  
 )  
The North Carolina Board of )  
Dental Examiners, )  
Respondent. )  
\_\_\_\_\_

DOCKET NO. 9343

**ORDER GRANTING RESPONDENT'S SECOND  
MOTION FOR EXTENSION OF TIME AND  
RESCHEDULING CLOSING ARGUMENT**

On April 25, 2011, Respondent filed a Second Motion for Extension of Time for the parties to file post-trial briefs, proposed findings of fact and conclusions of law, and proposed orders ("Motion"). As set forth below, the Motion is **GRANTED**.

Pursuant to Commission Rule of Practice 3.46(a) and the March 30, 2011 Order on Post-Trial Briefs issued in this case, a deadline of April 20, 2011 was initially set for the parties to file concurrent post-trial briefs, proposed findings of fact, and proposed conclusions of law. 16 C.F.R. § 3.46(a). Respondent previously sought and was granted an extension of time to make these filings until April 22, 2011. See April 19, 2011 Order (finding good cause to grant extension where tornado in Raleigh, NC caused power outages in the offices and the residences of some of Respondent's attorneys and their staff).

In the instant Motion, Respondent states that counsel's server for its computer network was not available on April 22, 2011 and as a result, counsel's employees and contractors were unable to access the server, and its documents, drafts, and research. Respondent further states that none of counsel's employees or contractors was able to receive or send e-mails or drafts of documents. Consequently, Respondent asserts, during the time period the server was unavailable, Respondent's counsel was unable to work on the post-trial briefs, proposed findings of fact, conclusions of law, and proposed order.

Commission Rule 4.3(b) authorizes the Administrative Law Judge, for good cause shown, to extend (1) any time limit prescribed or allowed by order of the Administrative Law Judge, or (2) any time limit prescribed by the Rules of Practice, except those governing motions directed to the Commission, interlocutory appeals and initial decisions and deadlines that the Rules expressly authorize only the Commission to extend. 16 C.F.R § 4.3(b). As set forth above, Respondent has shown that it could not, despite due

diligence, meet the April 22, 2011 deadline. Moreover, Complaint Counsel does not oppose the requested extension of time. Accordingly, the deadline for both parties to file and exchange their respective post-trial submissions is hereby extended to the next business day, April 25, 2011.

Pursuant to Commission Rule 3.46(a), reply findings of fact, conclusions of law, and briefs may be filed by each party within 10 days of service of the initial proposed findings. For both sides to have the 10 days allotted under the Rules, the deadline for finding concurrent replies is also hereby extended to May 5, 2011.

In addition, pursuant to Commission Rule 3.41(b)(6), each side is permitted to make a closing argument no later than 5 days after the last filed proposed findings. Closing arguments, previously scheduled for May 5, 2011, are hereby rescheduled. Closing arguments shall be held on May 11, 2011 at 1:00 p.m., in courtroom 532, Federal Trade Commission Building, 600 Pennsylvania Avenue, N.W., Washington, D.C.

ORDERED:

  
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D. Michael Chappell  
Chief Administrative Law Judge

Date: April 25, 2011