



UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION

COMMISSIONERS: Jon Leibowitz, Chairman  
William E. Kovacic  
J. Thomas Rosch  
Edith Ramirez  
Julie Brill

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 EXTENSION OF TIME**

Pursuant to Rules 3.22(a) and (f) and 4.3(b) of the Rules of the Federal Trade Commission, Respondent North Carolina State Board of Dental Examiners (“Respondent” or the “State Board”) respectfully requests that the Commission grant Respondent a two-week extension of time until 5:00 PM Eastern Standard Time on August 29, 2011, to file its opening appeal brief. Currently, the deadline for Respondent to file its opening appeal brief is 5:00 PM Eastern Standard Time on Monday, August 15, 2011.

Respondent’s Counsel has conferred with Complaint Counsel in a good-faith effort to resolve by agreement the issues raised by this motion, and Complaint Counsel has informed Respondent’s Counsel that it would not oppose a motion for extension of time provided, of course, that Complaint Counsel be granted an additional two weeks in which to file its answering brief.

Due to the limited time frame within which Respondent's opening appeal brief must be filed, Respondent respectfully requests expedited consideration of this Motion.

In support of this Motion, Respondent respectfully submits that:

1. Respondent's Counsel moved to new office space on July 22, 2011. Respondent's Notice of Appeal was filed shortly thereafter on July 28, 2011.

2. During the past month, Respondent's Counsel and staff have necessarily been engaged in packing and unpacking activity, and as a consequence have not been able to devote the full amount of time contemplated by the FTC's rules as being adequate for the preparation of Respondent's opening appeal brief.

WHEREFORE, Respondent respectfully requests that the Commission grant an extension of time until 5:00 PM Eastern Standard Time on August 29, 2011, to file its opening appeal brief. Respondent also respectfully requests that the Commission grant an extension of time of an additional two weeks, or until 5:00 PM Eastern Standard Time on October 3, 2011 (34 days from August 29th being a Sunday), for Complaint Counsel to file its answering brief.

Respectfully submitted, this the 11th day of August, 2011.

ALLEN, PINNIX & NICHOLS, P.A.

/s/ Noel L. Allen

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

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## CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of August, 2011, I electronically filed the foregoing with the Federal Trade Commission using the Federal Trade Commission E-file system. On the same date, I also emailed a copy of the foregoing and caused to be delivered via Federal Express twelve copies of the foregoing 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 the Secretary and upon all parties to this cause by electronic mail as follows:

William L. Lanning  
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I also certify that I have this date 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 11th day of August, 2011.

/s/ Noel L. Allen  
Noel L. Allen

#### **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/ Noel L. Allen  
Noel L. Allen

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Respondent.	)	
	)	

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

Upon consideration of Respondent North Carolina State Board of Dental Examiner's Motion for Extension of Time, it is hereby ORDERED that Respondent's Motion is GRANTED. Respondent is hereby granted until 5:00 PM Eastern Standard Time on August 29, 2011, to file its opening appeal brief. Complaint Counsel is hereby granted until 5:00 PM Eastern Standard Time on October 3, 2011 to file its answering brief.

By the Commission.

ISSUED: \_\_\_\_\_

\_\_\_\_\_  
Donald S. Clark, Secretary  
Federal Trade Commission  
600 Pennsylvania Avenue, N.W.  
Room H-159  
Washington, D.C. 20580