

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



In the Matter of)
)
Benco Dental Supply Co.,)
a corporation,)
)
Henry Schein, Inc.,)
a corporation, and)
)
Patterson Companies, Inc.,)
a corporation.)
)
Respondents.)

Docket No. 9379


**ORDER GRANTING UNOPPOSED MOTION
FOR EXTENSION OF TIME**

On December 21, 2018, Federal Trade Commission (“FTC”) Complaint Counsel filed an Unopposed Motion for Extension of Time to respond to Respondent Patterson’s pending Motion for Dismiss. Respondent Patterson’s Motion to Dismiss was filed on December 20, 2018, after the conclusion of Complaint Counsel’s presentation of its case-in-chief, and asserts that the evidence presented was insufficient to sustain the allegations of the Complaint. Complaint Counsel seeks to extend the deadline for responding to Respondent Patterson’s Motion to January 9, 2019. *See* 16 C.F.R. § 3.22(d) (stating that a party shall respond to a motion within ten days “or within such longer or shorter time as may be designated by the Administrative Law Judge . . .”).

Complaint Counsel states that it has consulted with counsel for Respondent Patterson and counsel does not oppose the requested extension. Complaint Counsel further notes the provisions of Rule 3.22(a), which state that “the Administrative Law Judge shall defer ruling” on a motion to dismiss filed at the conclusion of the government’s case based on insufficiency of the evidence “until immediately after all evidence has been received and the hearing record is closed.” 16 C.F.R. §3.22(a).

Based on the foregoing, Complaint Counsel's Motion for Extension of Time is GRANTED, and it is HEREBY ORDERED that Complaint Counsel's time to respond to Respondent Patterson's Motion to Dismiss is extended to January 9, 2019.

ORDERED:



D. Michael Chappell
Chief Administrative Law Judge

Date: December 27, 2018