

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:11-CV-49-FL

THE NORTH CAROLINA STATE)	
BOARD OF DENTAL EXAMINERS,)	
)	
Plaintiff,)	MOTION TO DISMISS
)	
v.)	
)	
FEDERAL TRADE COMMISSION,)	
)	
Defendant.)	

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, moves to dismiss the above-captioned action for lack of subject matter jurisdiction. Fed. R. Civ. P. 12(b)(1). A supporting memorandum is attached.

Respectfully submitted, this 28th day of February, 2011.

GEORGE E.B. HOLDING
United States Attorney

By: /s/ Seth M. Wood
SETH M. WOOD
Attorney for Defendant
Assistant United States Attorney
Civil Division
310 New Bern Avenue, Suite 800
Raleigh, NC 27601-1461
Telephone: (919) 856-4530
Facsimile: (919) 856-4821
E-Mail: seth.wood@usdoj.gov
D.C. Bar No. 491011

CERTIFICATE OF SERVICE

I do hereby certify that I have this 28th day of February, 2011, served a copy of the foregoing upon the below-listed party electronically and/or by placing a copy of the same in the U.S.

Mail, addressed as follows:

Noel L. Allen
Alfred P. Carlton, Jr.
M. Jackson Nichols
Catherine E. Lee
Allen and Pinnix, PA
Post Office Drawer 1270
Raleigh, NC 27602
Email: nallen@allen-pinnix.com
acarlton@allen-pinnix.com
mjn@allen-pinnix.com
Clee@allen-pinnix.com

/s/ Seth M. Wood
SETH M. WOOD
Attorney for Defendant
Assistant United States Attorney
Civil Division
310 New Bern Avenue, Suite 800
Raleigh, NC 27601-1461
Telephone: (919) 856-4530
Facsimile: (919) 856-4821
E-Mail: seth.wood@usdoj.gov
D.C. Bar No. 491011