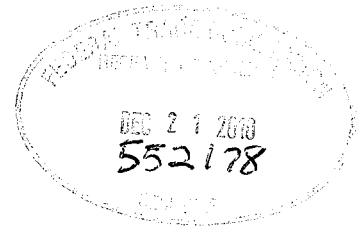


ORIGINAL



UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

_____)	
In the Matter of)	PUBLIC
)	
NORTH CAROLINA STATE BOARD OF)	
DENTAL EXAMINERS,)	DOCKET NO. 9343
)	
Respondent.)	
_____)	

**COMPLAINT COUNSEL’S SUPPLEMENTAL FILING
IN REPLY TO RESPONDENT’S CORRECTED MEMORANDUM IN OPPOSITION TO
COMPLAINT COUNSEL’S MOTION FOR PARTIAL SUMMARY DECISION**

Complaint Counsel hereby bring to the attention of the Commission the following statement contained in Respondent’s “Expert Witness Report of Dr. David L. Baumer” (page 16): “I do not contest Professor Kwoka’s statement that the actions of the State Board enforcing state law also benefit dentists financially.”

This statement relates to important issues raised in this matter, and addressed in Complaint Counsel’s Reply To Respondent’s Corrected Memorandum in Opposition to Complaint Counsel’s Motion for Partial Summary Decision (“Reply”) (pages 12-14).

On December 20, 2010 at 4:00 p.m., Complaint Counsel filed its Reply. At 6:21 p.m., Respondent served Complaint Counsel with Respondent’s “Expert Witness Report of Dr. David L. Baumer.” Dr. Baumer, Head of the Business Management Department at North Carolina State University, College of Management, had been asked by Respondent to review the “Expert Report of Professor John Kwoka.” Professor Kwoka, the Neal F. Finnegan Distinguished Professor of Economics at Northeastern University, submitted an expert report on November 26,

2010. This supplemental filing was necessitated because the statement by Respondent's expert was not received by Complaint Counsel until (1) after Complaint Counsel's Reply was filed with the Secretary and (2) after the Secretary's Office was closed.¹

Respectfully submitted,

s/ Richard B. Dagen
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Washington, D.C.
(202) 326-2628
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Counsel Supporting Complaint

December 21, 2010

¹At this time, Complaint Counsel has not submitted the two expert reports on behalf of Complaint Counsel or the two expert reports on behalf of Respondent for consideration with the summary decision pleadings but will do so upon request of the Commission.

CERTIFICATE OF SERVICE

I hereby certify that on December 21, 2010, I filed the foregoing document electronically using the FTC's E-Filing System, which will send notification of such filing to:

Donald S. Clark
Secretary
Federal Trade Commission
600 Pennsylvania Ave., NW, Rm. H-113
Washington, DC 20580

I also certify that I delivered via electronic mail and hand delivery a copy of the foregoing document to:

The Honorable D. Michael Chappell
Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Ave., NW, Rm. H-110
Washington, DC 20580

I further certify that I delivered via electronic mail a copy of the foregoing document to:

Noel Allen
Allen & Pinnix, P.A.
333 Fayetteville Street
Suite 1200
Raleigh, NC 27602
nla@Allen-Pinnix.com

*Counsel for Respondent
North Carolina State Board of Dental Examiners*

CERTIFICATE FOR ELECTRONIC FILING

I 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 the adjudicator.

December 21, 2010

By: s/ Richard B. Dagen
Richard B. Dagen