

**UNITED STATES OF AMERICA  
BEFORE FEDERAL TRADE COMMISSION**

**COMMISSIONERS:**

Robert Pitofsky  
Sheila F. Anthony  
Mozelle W. Thompson  
Orson Swindle  
Thomas B. Leary

*In the Matter of*  
**CALIFORNIA DENTAL ASSOCIATION**, a corporation.

**ORDER RETURNING MATTER TO ADJUDICATION AND DISMISSING  
COMPLAINT**

Docket No. 9259

In 1996, the Commission issued a Final Order and an Opinion finding that Respondent California Dental Association ("CDA") had violated Section 5 of the Federal Trade Commission Act, 15 U.S.C. § 45(a)(1) (1995). *In re California Dental Ass'n*, 121 F.T.C. 190, 284 (1996). Last year, after various appellate proceedings, the U.S. Court of Appeals for the Ninth Circuit vacated the Commission's Final Order and remanded to the Commission with instruction to dismiss the case. *California Dental Ass'n v. F.T.C.*, 224 F.3d 942 (9<sup>th</sup> Cir. 2000).

The Commission has now determined not to seek further review by the United States Supreme Court, but instead to return this matter to adjudication and dismiss the complaint. Therefore,

IT IS ORDERED that this matter be, and it hereby is, returned to adjudication, and

IT IS FURTHER ORDERED that the complaint in this matter be, and it hereby is, dismissed.

By the Commission.  
Donald S. Clark  
Secretary

Issued: February 15, 2001