UNITED STATES OF AMERICA BEFORE FEDERAL TRADE COMMISSION

COMMISSIONERS:

Deborah Platt Majoras, Chairman

Mozelle W. Thompson

Orson Swindle

Thomas B. Leary

Pamela Jones Harbour

In the Matter of

SOUTH CAROLINA STATE

Docket No. 9311

BOARD OF DENTISTRY

Docket No. 9311

ORDER GRANTING UNOPPOSED MOTION TO STAY DISCOVERY AND STAYING FURTHER PROCEEDINGS

On July 28, 2004, the Commission issued its Opinion in this matter, and an accompanying Order Denying Motion To Dismiss On State Action Grounds, Holding In Abeyance Motion To Dismiss On Mootness Grounds, Retaining Jurisdiction, And Referring Mootness Issues To An Administrative Law Judge. Pursuant to this Order, on August 9, 2004, Chief Administrative Law Judge Stephen J. McGuire issued an Order Setting Discovery Deadlines and Briefing Schedule which, *inter alia*, requires the parties to complete limited discovery by September 24, 2004; to file briefs, proposed findings of fact, and attachments thereto by October 20, 2004; and to file reply briefs and reply findings of fact by November 3, 2004.

On August 10, 2004, Respondent South Carolina State Board of Dentistry filed a Petition for Review of the Commission's July 28 Opinion and Order with the United States Court of Appeals for the Fourth Circuit. On the same date, Respondent filed with the Commission an Unopposed Motion to Stay Discovery Pending Judicial Review ("Motion to Stay"). The Motion to Stay indicates that although Counsel for the Complaint "take[] no position on the legal arguments" proffered by Respondent, they do not oppose Respondent's requested stay.

The Commission has determined to grant the Motion to Stay – solely as a matter of discretion, without taking any position as to the merits of any of the arguments or other statements contained in Respondent's Motion to Stay -- until the Court of Appeals issues an Order disposing of Respondent's Petition for Review. Accordingly,

IT IS ORDERED THAT all discovery and all other proceedings before the Chief Administrative Law Judge in this matter be, and they hereby are, stayed until the issuance by the United States Court of Appeals for the Fourth Circuit of an Order disposing of Respondent's Petition for Review.

By the Commission.

Donald S. Clark Secretary

SEAL

ISSUED: August 17, 2004