

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

COMMISSIONERS: **Timothy J. Muris, Chairman**
 Mozelle W. Thompson
 Orson Swindle
 Thomas B. Leary
 Pamela Jones Harbour

In the Matter of)
)
SOUTH CAROLINA STATE BOARD OF DENTISTRY.) **Docket No. 9311**
)

MOTION TO DISMISS

Respondent, the South Carolina State Board of Dentistry, hereby moves to dismiss the Complaint herein on the following grounds:

1. This action is moot, because the acts of the Board that are the subject of the Complaint have not only been discontinued by the Board, but such acts have also subsequently been rendered legally impossible by amendments to state law.

2. The South Carolina State Board of Dentistry is immune from the present action, because the acts of the Board that are the subject of the Complaint were actions of the State of South Carolina and therefore exempt from federal antitrust liability under the state action immunity doctrine.

This motion is based on the Memorandum in Support which is being filed herewith, the exhibits thereto, and such other matters as may be in the record and

appropriate for the Commission's consideration.

Respectfully submitted,

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