

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

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

UNOPPOSED MOTION TO STAY DISCOVERY

Respondent, the South Carolina State Board of Dentistry, hereby moves to stay discovery in this matter pending the resolution of the Motion to Dismiss which will be filed by Respondent within 30 days after the service of the Complaint in this matter. Undersigned counsel for the Respondent has conferred about this Motion to Stay with Michael B. Kades, counsel for the Commission, and Mr. Kades has stated that he does not oppose this motion.

The basis for this motion is that the Motion to Dismiss to be filed by the Respondent will be potentially dispositive of this matter on legal grounds, among which will be the Respondent's contention that its acts constituted state action as defined in Parker v. Brown, 317 U.S. 341 (1943), and its progeny. Such facts as are needed to determine the legal issues to be raised in the Motion to Dismiss are either already before the Commission, or can be brought to the Commission's attention in the filings of the parties in connection with the Motion to Dismiss. As a result, it should not be necessary for either the Commission or the Respondent to incur the time and expense of discovery during the pendency of the Motion to Dismiss. For these reasons, the Respondent respectfully requests that discovery be stayed in this matter pending the resolution of the

Motion to Dismiss which will be filed by Respondent within 30 days of the service of the Complaint.

Respectfully submitted,

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