

Interlocutory Orders, Etc.

THE NORTH CAROLINA BOARD OF DENTAL EXAMINERS

Docket No. 9343. Order, February 3, 2011

Order denying respondent's motion to dismiss, granting complaint counsel's motion for partial summary decision, denying respondent's motion to disqualify the Commission, and granting respondent's motion for leave to file limited surreply brief.

ORDER DENYING RESPONDENT'S MOTION TO DISMISS, GRANTING
COMPLAINT COUNSEL'S MOTION FOR PARTIAL SUMMARY
DECISION, DENYING RESPONDENT'S MOTION TO DISQUALIFY THE
COMMISSION, AND GRANTING RESPONDENT'S MOTION FOR LEAVE
TO FILE LIMITED SURREPLY BRIEF

The Commission has considered Respondent's Motion to Dismiss on state action grounds (which the Commission has treated as a motion for summary decision) and Complaint Counsel's Motion for Partial Summary Decision on state action grounds, Respondent's Motion to Disqualify the Commission, and Respondent's Motion for Leave to File Limited Surreply Brief, as well as both parties' memoranda of law in support of and in opposition to these motions. For the reasons set forth in the accompanying Opinion, the Commission has determined to deny Respondent's Motion to Dismiss, to grant Complaint Counsel's Motion for Partial Summary Decision, to deny Respondent's Motion to Disqualify the Commission,¹ and to grant Respondent's Motion for Leave to File Limited Surreply Brief. Accordingly,

I.

IT IS ORDERED THAT Respondent's Motion to Dismiss (which the Commission has treated as a motion for summary decision) be, and it hereby is, **DENIED**.

¹ An opinion setting forth the reasons for denying this motion is forthcoming.

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II.

IT IS FURTHER ORDERED THAT Complaint Counsel's Motion for Partial Summary Decision, be, and it hereby is, **GRANTED** and Respondent's state action defense is **DISMISSED**.

III.

IT IS FURTHER ORDERED THAT Respondent's Motion to Disqualify the Commission, be, and it hereby is, **DENIED**.

IV.

IT IS FURTHER ORDERED THAT Respondent's Motion for Leave to File Limited Surreply Brief, be, and it hereby is, **GRANTED**.

By the Commission, Commissioner Brill recused.