

Interlocutory Orders, Etc.

IN THE MATTER OF

**ALAN B. MILLER,
UNIVERSAL HEALTH SERVICES, INC.,
AND
PSYCHIATRIC SOLUTIONS, INC.**

Docket No. C-4309. Order, January 19, 2012

Letter approving the divestiture of the Puerto Rico Divestiture Assets to Donald R. Dizney and David A. Dizney through two companies, Capestrano Realty Company, Inc., and San Juan CP Hospital, Inc.

LETTER ORDER APPROVING DIVESTITURE OF CERTAIN ASSETS

Peter T. Barbur, Esquire
Christopher D. Belelieu, Esquire
Cravath, Swaine & Moore LLP

Re: *In the Matter of Universal Health Services, Inc.,
Docket No. C-4309*

Dear Mr. Barbur and Mr. Belelieu:

This letter responds to the Application for Approval of Divestiture of the Puerto Rico Divestiture Assets filed by Universal Health Services, Inc., on October 13, 2011. The Application requests that the Commission approve, pursuant to the order in this matter, Universal's proposed divestiture of the Puerto Rico Divestiture Assets to Donald R. Dizney and David A. Dizney through two companies, Capestrano Realty Company, Inc., and San Juan CP Hospital, Inc. The application was placed on the public record for comments until November 14, 2011, and no comments were received.

After consideration of the proposed divestiture as set forth in Universal's Application and supplemental documents, as well as other available information, the Commission has determined to approve the proposed divestiture. In according its approval, the Commission has relied upon the information submitted and

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representations made in connection with Universal's Application and has assumed them to be accurate and complete.

By direction of the Commission.

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IN THE MATTER OF

**THE NORTH CAROLINA BOARD OF DENTAL
EXAMINERS**

Docket No. 9343. Order, February 10, 2012

Order granting respondent's motion for Stay of Order Pending Review by the U.S. Court of Appeals.

**ORDER ON RESPONDENT'S APPLICATION FOR STAY OF ORDER
PENDING REVIEW BY U.S. COURT OF APPEALS**

On January 13, 2012, Respondent North Carolina State Board of Dental Examiners filed an Application for Stay of Order Pending Review by the U.S. Court of Appeals. Complaint Counsel opposes the motion. For the reasons described below, the Commission grants Respondent's motion and stays the Final Order entered on December 2, 2011 until disposition of Respondent's appeal.

On December 2, 2011, the Commission issued an Opinion and Final Order against Respondent. The Commission held that Respondent excluded non-dentist providers from the market for teeth whitening services, in violation of Section 5 of the Federal Trade Commission Act, 15 U.S.C. § 45. The Commission's Final Order prohibited the Board from directing non-dentist teeth whitening providers to cease providing teeth whitening products or services. In its Application, Respondent asserts that it intends to seek review of the Commission's Opinion and Final Order in the Court of Appeals for the Fourth Circuit. (Petition at 1, 2.)

Section 5(g) of the Federal Trade Commission Act provides that Commission cease and desist orders (except divestiture orders) take effect "upon the sixtieth day after such order is served," unless "stayed, in whole or in part and subject to such conditions as may be appropriate, by ... the Commission" or "an appropriate court of appeals of the United States." 15 U.S.C. § 45(g)(2); *see also* 16 C.F.R. § 3.56(a). A party seeking a stay must first apply for such relief to the Commission, as Respondent has done here. *See* 15 U.S.C. § 45(g)(2); *see also* 16 C.F.R. § 3.56(b); Fed. R. App. P. 18(a)(1). If, "within the 30-day period