

STATE OF NORTH CAROLINA
DAVIE COUNTY

FILED

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

ANDREW W. KELLY, DDS,
Petitioner,

This day of 9 May, 2024
[Signature]

CVS 244

Time 11:22A M
Assistant/Deputy Clerk of Superior Court
Davie County, North Carolina

**ORDER DENYING PETITIONER'S MOTION
FOR PRELIMINARY INJUNCTION**

NORTH CAROLINA STATE BOARD)
OF DENTAL EXAMINERS)
Respondent.)

THIS MATTER, having come on for hearing, was heard by the undersigned Judge Presiding, at the 6 May 2024 Session of Civil Superior Court for Davie County, upon the Petitioner's Motion for Preliminary Injunction. Petitioner was represented at the hearing by attorney Josh Bennett of the Forsyth County Bar and Respondent was represented by attorney Doug Brocker of the Wake County Bar. The Court having heard arguments of counsel for the parties, having reviewed the official court file for this matter, having considered documents, affidavits, briefs, and other exhibits presented by the parties through their respective attorneys, hereby finds and concludes that:

1. On 25-27 January 2024, the North Carolina State Board of Dental Examiners (hereinafter "Board") conducted a disciplinary hearing, the subject matter of which were the dental practices of Andrew W. Kelly, DDS (hereinafter "Petitioner").
2. On 22 April 2024 the Hearing Panel for the Board issued a Final Agency Decision revoking the Petitioner's licenses to practice dentistry and sedation.
3. On 30 April 2024 Petitioner filed a Motion for a Preliminary Injunction as well as a Motion for Entry of a Temporary Restraining Order.
4. On 1 May 2024 a Temporary Restraining Order was issued which stayed the effect of the Final Agency Decision until 8 May 2024.
5. That the Temporary Restraining Order issued 1 May 2024 was not objected to by the Respondent.
6. That the earliest possible time for hearing this matter was 7 May 2024.
7. Though Petitioner has demonstrated that he may likely suffer irreparable harm in the absence of preliminary injunctive relief, Petitioner has not demonstrated a reasonable likelihood of success on the merits in this action.
8. Further, Petitioner has not demonstrated that the balance of equities are in his favor.
9. Finally, the Court further finds that the public interest is in favor of denying Petitioner's motion.
10. Consequently, Petitioner' Motion for a Preliminary Injunction should be denied and the existing Temporary Restraining Order should be vacated.

NOW, THEREFORE, it is ORDERED, ADJUDGED, and DECREED that Petitioner's Motion for Preliminary Injunctive relief is denied and the Temporary Restraining Order issued 1 May 2024 is dissolved.

This the 7th day of May 2024.

[Signature]

W. Taylor Browne
Superior Court Judge Presiding