

STATE OF NORTH CAROLINA
COUNTY OF FORSYTH

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILED 15 CVS 2274

In The Matter Of:

ANDREW W. KELLY, D.D.S.
(License No. 7950)

2015 APR 20 P 3:27

FORSYTH COUNTY, C.S.C.

BY RAA

ORDER

THIS CAUSE COMING ON TO BE HEARD and being heard before the Judge Presiding for the Civil Superior Court of Forsyth County, North Carolina, during the April 20, 2015 session of court on the Verified Petition for Writs of Certiorari, Prohibition and Supersedeas and Motion for Temporary Stay ("Motion") by Andrew W. Kelly, D.D.S. ("Petitioner"), pursuant to N.C.G.S. § 1-269, § 150B-45(a) (2), §1A-1, Rule 65 of the Rules of Civil Procedure, and Rule 23(e) of the Appellate Rules of Civil Procedure.

IT APPEARING TO THE COURT that Petitioner appeared through his counsel R. Jonathan Charleston, Jose A. Coker and Leon E. Porter, Jr. Counsel for Respondent North Carolina State Board of Dental Examiners ("Board") was notified of Petitioner filed Motion and request for a hearing on the Motion; and further notified that the Motion was scheduled to be heard before the Superior Court Judge presiding at the April 20, 2015 Civil Session of Superior Court. Counsel for the Petitioner advised the Court of the unavailability of the Board's Counsel and his objection to the Motion.

IT FURTHER APPEARING TO THE COURT based on the allegations contained in the Verified Petition, which included the Motion; and the Court, having reviewed the applicable law; having heard the arguments of counsel; and having considered the requirement of bond, concludes that Petitioner's Motion should be GRANTED.

IT FURTHER APPEARING TO THE COURT that the summary suspension of Petitioner's sedation permit would cause immediate and irreparable harm to his practice, incumbent loss of business, business disruption and damage to reputation. Further, Petitioner's Medicaid patients would lose access to the category of dental care provided by Petitioner.

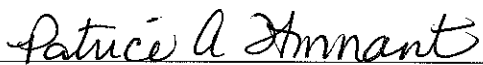
NOW, THEREFORE, IT IS ORDERED that the enforcement of the Board's April 14, 2015 Order of Summary Suspension of Moderate Sedation Permit is temporarily stayed until a hearing can be set in this matter; and

IT IS FURTHER ORDERED that after having considered the requirement of bond, it is determined that no bond shall be required; and

IT IS FURTHER ORDERED that a copy of this Temporary Stay shall be served upon Respondent in accordance with Rule 5 of the North Carolina Rules of Civil Procedure; and

IT IS FURTHER ORDERED that a hearing on the return of the Temporary Stay be hereby set at 9:30AM, on the 30th day of April, 2015, in Courtroom 6-A of the Forsyth County Courthouse.

IT IS SO ORDERED on April 20, 2015 at 3:18 PM.



The Honorable Patrice A. Hinnant
Superior Court Judge Presiding,