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*Counsel for Pocatello Dental Group, P.C.*

**UNITED STATES DISTRICT COURT  
 DISTRICT OF IDAHO**

POCATELLO DENTAL GROUP, P.C., )  
 an Idaho professional corporation, )  
 )  
 Plaintiff, )

vs. )

INTERDENT SERVICE CORPORATION, )  
 a Washington corporation, )  
 )  
 Defendant. )

Case No. CIV 03-450-E-BLW

INTERDENT SERVICE CORPORATION, )  
 a Washington corporation, )  
 )  
 Counterclaimant, )

**MOTION FOR TEMPORARY  
 RESTRAINING ORDER**

vs. )

POCATELLO DENTAL GROUP, P.C., an )  
 Idaho professional corporation; DWIGHT G. )  
 ROMRIELL, individually; LARRY R. )  
 MISNER, JR., individually; PORTER )  
 SUTTON, individually; ERNEST SUTTON, )  
 individually; GREGORY ROMRIELL, )  
 individually; ERROL ORMOND, individually; )  
 and ARNOLD GOODLIFFE, individually; )  
 )  
 Counterdefendants. )

COMES NOW the Plaintiff, by and through its attorneys, and moves the court for a temporary restraining order restraining the Defendant InterDent Service Corporation ("ISC") from (1) refusing to immediately surrender to the Plaintiff the names, addresses and telephone numbers of all current patients of the Plaintiff and its dentists, (2) refusing to immediately surrender to the Plaintiff the names, addresses and telephone numbers of all patients of the Plaintiff and its dentists who were scheduled to receive dental care on and after October 2, 2004, and (3) refusing to immediately surrender to the Plaintiff and its dentists their personal property, which personal property ISC removed from the Pocatello Dental Group office without the owners' consent.

In support of its motion, the Plaintiff represents as follows:

1. Without any prior notice to PDG as to the date and time it intended to do so, ISC unilaterally closed the office of Pocatello Dental Group on Friday, October 1, 2004 and discontinued the telephone service for its dentists. ISC closed the office even though for the weeks and days immediately prior to the closure ISC employees actively scheduled patients to receive dental care from the Plaintiff's dentists and hygienists. These patients shall be hereinafter referred to as the "patients abandoned by ISC."
2. The patients abandoned by ISC are in the process of receiving critical and necessary dental treatment and care from the Plaintiff's dentists and hygienists. Plaintiff's dentists and hygienists owe an ethical duty to complete the treatment of these patients before these patients can be released or abandoned. In order to comply with their ethical obligations towards their patients, Plaintiff must contact these patients abandoned by ISC in order to arrange for the continuity of their dental care. Article 2, Paragraph 2.1 provides that: *"Nothing in this Agreement shall be construed to alter or in any way affect the legal, ethical and professional relationship between and among*

*Provider [PDG's dentists and hygienists] and Provider's patients, nor shall anything contained in this Agreement abrogate any right or obligation arising out of or applicable to the dentist-patient relationship.<sup>1</sup>*

3. Plaintiff has made multiple demands upon ISC, through counsel and through its president Dr. Greg Romriell, and ISC has refused to surrender a list of current patients containing their names, addresses and telephone numbers, or the names, addresses and telephone numbers of those patients abandoned by ISC who have been scheduled by ISC employees to receive dental care after October 1, 2004.

4. While ISC has released to Plaintiff its patient's charts, those charts are not in any particular order and have been mixed up with old, non-current patient files. There are thousands of patient files which would have to be manually examined by the Plaintiff in order to ascertain the names, addresses and current telephone numbers of Plaintiff's current patients. And, it is not entirely clear that even a manual examination of these files, taking hundreds of hours to accomplish, will allow Plaintiff to ascertain the names, addresses and telephone numbers of those patients abandoned by ISC who have been scheduled by ISC employees to receive dental care from the Plaintiff's dentists and hygienists after October 1, 2004.

5. ISC does not own the property of the dentists which it removed from the Pocatello Dental Group office. This property belonged to the persons working at the Pocatello Dental Group. ISC had no right to remove those items of property, but once removing them from the offices of Pocatello Dental Group owe a duty of due care for the care and

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<sup>1</sup>A copy of the Management Agreement is attached to the affidavit of Ivar Chhina, Docket No. 15.

return of that property to its rightful owners. Demand has been made upon ISC for the return of these items of property, but ISC has refused to do so.

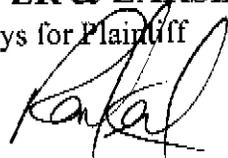
6. ISC's conduct, as summarized above, has resulted in, and threaten to continue to result in irreparable harm to the Plaintiff's dentists and hygienists, and the patients abandoned by ISC. Unless ISC is restrained from refusing to provide the requested information to Plaintiff, Plaintiff and its dentists and hygienist will not be able to honor their ethical and professional relationship with these patients, and the dentist-patient relationship will be abrogated in violation of Article 2, Paragraph 2.1 of the Management Agreement.

This Motion is accompanied with the supporting affidavit of Greg Romriell and Memorandum of the Plaintiff submitted herewith. The Court is requested to set an immediate hearing on this Motion so that the appropriate order can be entered which insures the rights of Pocatello Dental Group, its dentists and hygienists, and its dental patients.

Dated this 4 day of October, 2004.

**COOPER & LARSEN, CHTD**

Attorneys for Plaintiff

By: 

\_\_\_\_\_  
Ron Kerl

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on the 4 day of October, 2004, I served a true and correct copy of the foregoing document as follows:

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