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InterDent Service Corporation

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF IDAHO

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

Plaintiff,

v.

INTERDENT SERVICE CORPORATION, a
Washington corporation,

Defendant.

INTERDENT SERVICE CORPORATION, a
Washington corporation,

Third-Party Plaintiff,

v.

POCATELLO DENTAL GROUP, P.C., an
Idaho professional corporation; DWIGHT G.
ROMRIELL, individually; LARRY R.

Case No. CV-03-450-E-LMB

DEFENDANT/THIRD-PARTY
PLAINTIFF'S MOTION FOR LEAVE
TO DEPOSIT FUNDS WITH THE
COURT

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MISNER, JR., individually; PORTER SUTTON, individually; ERNEST SUTTON, individually; GREGORY ROMRIELL, individually; ERROL ORMOND, individually; and ARNOLD GOODLIFFE, individually,

Third-Party Defendants.

Pursuant to Rule 67 of the Federal Rules of Civil Procedure and 28 U.S.C. § 2041, third-party plaintiff InterDent Service Corporation ("ISC") moves the Court for an order granting leave to deposit with the Clerk of the Court on the first business day of each month pending the outcome of this action third-party defendant Pocatello Dental Group, P.C.'s share of accounts receivable that ISC may collect pursuant to the terminated Dental Office Management Agreement between the parties. ISC makes this motion on the grounds that there is a dispute concerning the ownership of the aforementioned funds which are subject to ISC's right of setoff and that these funds are the only PDG assets of which ISC is aware upon which it might be able to collect a judgment in its favor.

This motion is based upon the accompanying memorandum, Affidavit of Kevin Webb and the pleadings and papers on file herein.

DATED: October 7, 2004.

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CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **DEFENDANT/THIRD-PARTY PLAINTIFF'S MOTION FOR LEAVE TO DEPOSIT FUNDS WITH THE COURT** on the following named person(s) on the date indicated below:

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DATED: October 7, 2004.

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