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U.S. DISTRICT COURT
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Attorneys for Dr. Larry R. Misner, Jr.,
 Porter Sutton and Ernest Sutton

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF IDAHO

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

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

Plaintiff,)

vs.)

INTERDENT SERVICE CORPORATION,)
 a Washington corporation,)

**MOTION TO QUASH SUBPOENAS
 (Valley Dental, P.A.)**

Defendant.)

INTERDENT SERVICE CORPORATION,)
 a Washington corporation,)

Counterclaimant,)

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)

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GOODLIFFE, individually,)
)
Counterdefendants.)
)
_____)
)
LARRY R. MISNER, JR, individually,)
)
Counterclaimant,)
)
vs.)
)
INTERDENT SERVICE CORPORATION,)
a Washington corporation,)
)
Counterdefendant.)
)
_____)
)
LARRY R. MISNER, JR., individually,)
)
Crossclaimant,)
)
vs.)
)
POCATELLO DENTAL GROUP, P.C., an)
Idaho professional corporation,)
)
Crossdefendant.)
_____)

COMES NOW, Valley Dental, P.A., by and through counsel, and, pursuant to Federal Rules of Civil Procedure 45(c)(3)(A), moves this Court to quash the subpoena issued by Interdent Service Corporation ("ISC") to Valley Dental, P.A.. The grounds for this motion are as follows:

1. On July 8, 2004, ISC caused a subpoena for production of documents to be served on Valley Dental, P.A., requiring production of documents. A true and correct copy of this subpoena issued by ISC to Valley Dental, P.A. is attached hereto as **Exhibit A** and incorporated as if set forth fully.

2. The subpoena issued upon Valley Dental, P.A. commands that it produce the documents listed in Exhibit A at the office of Stoel Rives LLP, 101 South Capitol Boulevard, Suite 1900, Boise, Idaho, on July 21, 2004, at 9:00 a.m.

3. As demonstrated by the pleadings in this matter, Valley Dental, P.A. is not a party in this action, nor are any of the parties in this litigation officers of Valley Dental, P.A. Valley Dental P.A. regularly transacts business in Pocatello, Idaho. Through this motion, Valley Dental, P.A. respectfully requests this Court to take judicial notice that Pocatello, Idaho, is more than 100 miles from Boise, Idaho.

4. Further, the production of document listed in Exhibit A to the subpoena directed to Valley Dental, P.A. will not likely lead to any relevant information since, as previously stated, Valley Dental, P.A. not a party to this action nor are any of its officers parties in this litigation, nor does it have a non-compete agreement with ISC. Such production of documents will only contribute to the judicial inefficiency in this matter and will not further the means of justice.

DATED this 16 day of July, 2004.

RACINE, OLSON, NYE, BUDGE &
BAILEY, CHARTERED

By: 
STEPHEN J. MUHONEN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16 day of July, 2004, I served a true and correct copy of the above and foregoing document to the following person(s) as follows:

Gary L. Cooper
James P. Price
Ron Kerl
Cooper & Larsen, Chartered
P.O. Box 4229
Pocatello, Idaho 83205-4229

U.S. Mail, postage prepaid
 Hand Delivery
 Overnight Mail
 Facsimile

Erik F. Stidham
G. Rey Reinhardt
Stocl Rives, LLP
101 South Capitol Blvd., Suite 1900
Boise, Idaho 83702

U.S. Mail, postage prepaid
 Hand Delivery
 Overnight Mail
 Facsimile

Thomas J. Holmes
Jones, Chartered
203 South Garfield
P.O. Box 967
Pocatello, Idaho 83204

U.S. Mail, postage prepaid
 Hand Delivery
 Overnight Mail
 Facsimile

Lowell N. Hawkes
LOWELL N. HAWKES, CHARTERED
1322 East Center
Pocatello, Idaho 83201

U.S. Mail, postage prepaid
 Hand Delivery
 Overnight Mail
 Facsimile



UNITED STATES DISTRICT COURT

District of Idaho

POCATELLO DENTAL GROUP, P.C.,
Plaintiffs,

v.

INTERDENT SERVICE CORPORATION,
Defendants.

SUBPOENA DUCES TECUM IN A CIVIL CASE

INTERDENT SERVICE CORPORATION,
Third-Party Plaintiff,

CASE NUMBER: CV-03-450-E-LMB

v.

POCATELLO DENTAL GROUP, P.C., et al.,
Third-Party Defendants.

TO: Valley Dental, P.A., c/o Richard A. Hearn, M.D., Racine Olson Nye Budge & Bailey Chartered, 201 East Center, PO Box 1391, Pocatello, ID 83204-1391

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
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YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): See attached Exhibit 1.

PLACE Stoel Rives LLP 101 South Capitol Boulevard, Suite 1900 Boise, ID 83702-7705	DATE AND TIME July 21, 2004 9 a.m.
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YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
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Any organization not a party to this suit that is subpoenaed for taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6)

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)  Scott J. Kaplan, Of Attorneys for InterDent Service Corporation	DATE July 8, 2004
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ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER Scott J. Kaplan Stoel Rives LLP 900 SW Fifth Avenue, Suite 2600 Portland, OR 97204-1268 (503) 224-3380

EXHIBIT A

EXHIBIT 1

Definitions and Instructions

1. "You," "your" or "yours" shall mean Valley Dental, P.A. and its officers, directors, employees and shareholders, including but not limited to Dr. Larry Misner and Dr. Larry Bybee.
2. "Document" or "documents" means a writing, as defined in FRE 1001 and includes the original or a copy of handwriting, typewriting, printing, photostating, photographing and every other means of recording upon any tangible thing and form of communicating or representation, including letters, words, pictures, sounds, or symbols or combinations of them.
3. "Relating to" or "related to" means concerning, referring to, alluding to, responding to, in connection with, commenting on, in response to, about, regarding, announcing, explaining, discussing, showing, describing, studying, reflecting, analyzing or constituting.
4. If you object to any request for production or part thereof on the basis of the attorney-client, work-product or other privilege, identify the privilege claimed as well as each document for which such privilege is claimed, together with the following information with respect to each such document: (a) the date of the document, (b) the names of persons receiving copies of the document, (c) subject matter, (d) location and/or custodian of each copy, (e) the basis on which the privilege is claimed and (f) the paragraph(s) of these requests to which the document is responsive.
5. The past tense shall be construed to include the present tense and vice versa to make the request inclusive rather than exclusive.
6. Regardless of whether any of these document requests, instructions and definitions uses a term in the plural or singular form, the term shall be construed in both the singular and plural forms, as is necessary to require the most inclusive response.
7. Regardless of the gender used, each document request, instruction and definition shall be construed to seek the requested information for persons of both genders, as is necessary to require the most inclusive response.
8. Each request contained herein extends to any documents in the care, custody or control of the deponent. A document is deemed to be in deponent's care, custody or control if it is in deponent's physical custody or if it is in the physical custody of any other person and deponent (a) owns such document in whole or in part; (b) has a right by contract, statute or otherwise to use, inspect, examine or copy such document on any terms; (c) has an understanding, express or implied, that deponent may use, inspect, examine or copy such document on any terms; or (d) has, as a practical matter, been able to use, inspect, examine or copy such document when the deponent has sought to do so. Such documents shall include, without limitation, documents that are in the custody of deponent's attorney(s), representative or other agents.

9. In the event that a document called for by these requests has been destroyed, the response hereto shall identify (to the extent it is known) (a) the preparer of the document, (b) the addressor (if different), (c) its addressee, (c) each recipient thereof, (d) each person to whom distributed or shown, (e) the date it was prepared, (f) the date it was transmitted (if different), (g) the date it was received, (h) a description of its contents and subject matter, (i) the date, time, place and method of disposal, (j) the name and address of the person who disposed of the document and (k) the reason(s) for its destruction.

Documents To Be Produced

1. The management agreement and all other contracts between you and Orthodontic Centers of Idaho, Inc. and any affiliated company, including but not limited to Orthodontic Centers of America.
2. All employment and noncompete agreements entered into by you.
3. The business plan you submitted to Wells Fargo to obtain financing.
4. Documents identifying all current or former Pocatello Dental Group patients seen by you.
5. Documents identifying all revenues received by you for or from all current or former Pocatello Dental Group patients seen by you.