

ORIGINAL

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03/02/04 27 14:10:40  
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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.

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

AFFIDAVIT OF SCOTT J. KAPLAN IN  
SUPPORT OF INTERDENT SERVICE  
CORPORATION'S MOTION TO  
AMEND FEBRUARY 9, 2004 ORDER  
REGARDING THE MAIL

INTERDENT SERVICE CORPORATION, a  
Washington corporation,

AFFIDAVIT OF SCOTT J. KAPLAN IN SUPPORT OF INTERDENT SERVICE  
CORPORATION'S MOTION TO AMEND FEBRUARY 9, 2004 ORDER REGARDING THE  
MAIL - 1

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Third-Party Plaintiff,

v.

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

Third-Party Defendants.

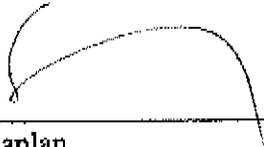
STATE OF OREGON            )  
  ) ss.  
County of Multnomah        )

I, Scott J. Kaplan, being first duly sworn, state as follows:

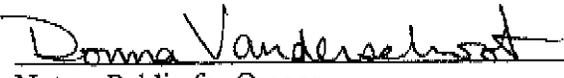
1. I am a member of Steel Rives LLP, counsel for defendant/third-party plaintiff InterDent Service Corporation ("ISC") in this litigation.
2. Before and following the telephonic hearing on October 21, 2004, I discussed the issue of handling the mail upon the closure of the Pocatello office with Pocatello Dental Group's ("PDG") counsel and counsel for its dentists. We talked generally about a private post office box and twice-weekly pickup. Mr. Kerl, PDG's counsel, told me he needed to consult with his clients and would get back to me.
3. I heard nothing from counsel, so on Tuesday, October 26, 2004, I sent them a high-priority e-mail. Still I obtained no response. Consequently, I do not know whether PDG's counsel oppose the form of order attached.

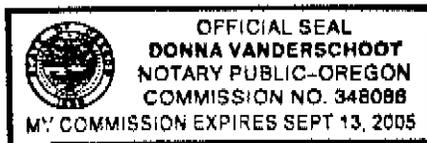
AFFIDAVIT OF SCOTT J. KAPLAN IN SUPPORT OF INTERDENT SERVICE  
CORPORATION'S MOTION TO AMEND FEBRUARY 9, 2004 ORDER REGARDING THE  
MAIL - 2

4. After consulting with my clients, we propose that the mail simply be held by the post office and an InterDent employee pick it up once a week and distribute it.

  
\_\_\_\_\_  
Scott J. Kaplan

SUBSCRIBED AND SWORN to before me this 26<sup>th</sup> day of October, 2004.

  
\_\_\_\_\_  
Notary Public for Oregon



AFFIDAVIT OF SCOTT J. KAPLAN IN SUPPORT OF INTERDENT SERVICE  
CORPORATION'S MOTION TO AMEND FEBRUARY 9, 2004 ORDER REGARDING THE  
MAIL - 3

PortInd3-1497312.1 0021164-00081

**Certificate of service**

I hereby certify that I served the foregoing AFFIDAVIT OF SCOTT J. KAPLAN IN SUPPORT OF INTERDENT SERVICE CORPORATION'S MOTION TO AMEND FEBRUARY 9, 2004 ORDER REGARDING THE MAIL on the following named person(s) on the date indicated below:

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Ron Kerl

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Sutton and Dr. Porter Sutton

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DATED: October 27, 2004.

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G. Rcy Reinhardt,

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InterDent Service Corporation

AFFIDAVIT OF SCOTT J. KAPLAN IN SUPPORT OF INTERDENT SERVICE CORPORATION'S MOTION TO AMEND FEBRUARY 9, 2004 ORDER REGARDING THE MAIL - 4