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FILED
 JUL 25 1993
 CLERK OF DISTRICT COURT
 POCATELLO, IDAHO

Attorneys for Orthodontic Centers of Idaho, Inc.

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF IDAHO



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

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

vs.)

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

**MOTION TO QUASH SUBPOENAS
 (Orthodontic Centers of Idaho, Inc.)**

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)

Agents, Inc. Service of Process Summary Transmittal Form is attached hereto as **Exhibit B** and incorporated as if set forth fully.

2. The subpoena issued upon OCI commands that OCI, pursuant to Federal Rules of Civil Procedure 30(b)(6), attend a deposition and produce the documents listed in Exhibit A at the office of Steel Rives LLP, 101 South Capitol Boulevard, Suite 1900, Boise, Idaho, on August 3, 2004, at 9:00 a.m.

3. As demonstrated by the pleadings in this matter, OCI is not a party in this action, nor are any of the parties in this litigation officers of OCI. Further, OCI does not have any officers, directors, or managing agents who could testify on its behalf that reside or are employed or regularly transact business in person within 100 miles of Boise, Idaho. See **Exhibit C** attached hereto and incorporated as if set forth fully. OCI respectfully requests this Court to take judicial notice that Metairie, Louisiana is more than 100 miles from Boise, Idaho.

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

DATED this 23 day of July, 2004.

RACINE, OLSON, NYE, BUDGE &
BAILEY, CHARTERED

By: 
STEPHEN J. MUHONEN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23 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
Ron Kerl
Cooper & Larsen, Chartered
P.O. Box 4229
Pocatello, Idaho 83205-4229
Facsimile: 208-235-1182

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

Erik F. Stidham
G. Rey Reinhardt
Stoel Rives, LLP
101 South Capitol Blvd., Suite 1900
Boise, Idaho 83702
Facsimile: 208-389-9040

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

Scott J. Kaplan
Darian A. Stanford
Stoel Rives, LLP
900 SW Fifth Avenue, Suite 2600
Portland, OR 97204-1268
Facsimile: 503-220-2480

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

Lowell N. Hawkes
LOWELL N. HAWKES, CHARTERED
1322 East Center
Pocatello, Idaho 83201
Facsimile: 208-235-4200

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



STEPHEN J. MUHONEN

EXHIBIT "A"

UNITED STATES DISTRICT COURT

District of Idaho

FOCATELLO DENTAL GROUP, P.C.,
Plaintiff,

v.

INTERDENT SERVICE CORPORATION,
Defendants.

SUBPOENA DUCES TECUM IN A CIVIL CASE

INTERDENT SERVICE CORPORATION,
Third-Party Plaintiff,

v.

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

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

TO: Orthodontic Centers of Idaho, Inc., c/o National Registered Agents Inc., 1423 Tyrell Lane, Boise, ID 83706

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 to testify regarding the matters set forth in Exhibit 1.

PLACE OF DEPOSITION Stoel Rives LLP 101 South Capitol Boulevard, Suite 1900 Boise, ID 83702-7705	DATE AND TIME August 3, 2004 9 a.m.
---	--

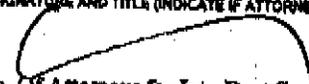
YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): See attached Exhibit 2.

PLACE Stoel Rives LLP 101 South Capitol Boulevard, Suite 1900 Boise, ID 83702-7705	DATE AND TIME August 3, 2004 9 a.m.
---	--

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

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'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)  Scott J. Kaplan, Of Attorneys for InterDent Service Corporation	DATE July 8, 2004
---	----------------------

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 1

Pursuant to Fed. R. Civ. P. 30(b)(6), please provide the person or persons most knowledgeable on your behalf to testify regarding the following subject areas:

1. All contracts and agreements between you and Valley Dental, P.A., Dr. Larry Bybee and/or Dr. Larry Misner.
2. All employment and noncompete agreements entered into by Valley Dental, P.A. or any of its dentists.
3. All business plans, projections or other documents submitted to you by Valley Dental, P.A., Dr. Larry Bybee and/or Dr. Larry Misner for the purpose of entering into a business relationship with you.
4. All communications between you and Valley Dental, P.A., Dr. Larry Bybee and/or Dr. Larry Misner before March 15, 2004.
5. The lawfulness or legality under Idaho law of all of the provisions of the contracts entered into between you and Valley Dental, P.A., Dr. Larry Bybee and/or Dr. Larry Misner.

EXHIBIT 2**Definitions and Instructions**

1. "You," "your" or "yours" shall mean Orthodontic Centers of Idaho, Inc. and its officers, directors, employees, agents, parents (including but not limited to Orthodontic Centers of America), subsidiaries and affiliates.
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. All contracts and agreements between you and Valley Dental, P.A., Dr. Larry Bybee and/or Dr. Larry Misner.
2. All employment and noncompetes agreements entered into by Valley Dental, P.A. or any of its dentists.
3. All business plans, projections or other documents submitted to you by Valley Dental, P.A., Dr. Larry Bybee and/or Dr. Larry Misner for the purpose of entering into a business relationship with you.
4. All communications between you and Valley Dental, P.A., Dr. Larry Bybee and/or Dr. Larry Misner before March 15, 2004.

EXHIBIT "B"

NATIONAL REGISTERED AGENTS, INC.
SERVICE OF PROCESS SUMMARY TRANSMITTAL FORM

To: DONALD R. MOODY, ESQUIRE
WALLER, LANSDEN, DORTCH & DAVIS
511 UNION ST.
NASHVILLE CITY CENTER - SUITE 2100
NASHVILLE, TN 37219

SOP Transmittal # ID10247

Telephone (800) 767-1563

Fax (609) 716-0820

Defendant: ORTHODONTIC CENTERS OF IDAHO, INC.

Enclosed herewith are legal documents received on behalf of the above captioned entity by National Registered Agents, Inc. or its Affiliate in the State of IDAHO on this 12th day of July, 2004. The following is a summary of the document(s) received:

- 1) Title of Action: Pocatello Dental Group, P.C. v. Interdent Service Corporation
- 2) Document(s) served:

<input type="checkbox"/> Summons	<input checked="" type="checkbox"/> Subpoena	<input type="checkbox"/> Injunction
<input type="checkbox"/> Complaint	<input type="checkbox"/> Third Party Complaint	<input type="checkbox"/> Notice of: _____
<input type="checkbox"/> Petition	<input type="checkbox"/> Demand for Jury Trial	<input type="checkbox"/> Mechanics Lien
<input type="checkbox"/> Garnishment	<input type="checkbox"/> Default Judgement	<input type="checkbox"/> Other: _____
- 3) Court of Jurisdiction/ Case & Docket Number: United States District Court - Idaho CV-03-450-E-LMB
- 4) Amount claimed, if any:
- 5) Method of Service:

<input checked="" type="checkbox"/> Personally Served By: <input checked="" type="checkbox"/> Process Server	<input type="checkbox"/> Deputy Sheriff	<input type="checkbox"/> U.S. Marshall
<input type="checkbox"/> Delivered Via: <input type="checkbox"/> Certified Mail	<input type="checkbox"/> Regular Mail	<input type="checkbox"/> Facsimile
Other: _____		
- 6) Date and Time of Service: 7/12/2004 3:32:36 PM
- 7) Appearance/Answer Date: 8/3/04 at 9:00 a.m.
- 8) Plaintiff's Attorney: Scott J. Kaplan
Steel River LLP
800 B.W. Fifth Ave. Ste. 2800
Portland, OR 97204-1268
(503) 224-9380
- 9) Federal Express Airbill # 790696429884
- 10) Call Made To: DONALD R. MOODY, ESQUIRE
- 11) Special Comments:

NATIONAL REGISTERED AGENTS, INC.

Copies To:

Transmitted by: Kasee Serrano

The information contained in this Summary Transmittal Form is provided by National Registered Agents, Inc. for the informational purposes only and should not be considered a legal opinion. It is the responsibility of the parties receiving this form to review the legal documents forwarded and to take the appropriate action.

ORIGINAL

EXHIBIT "C"

STATE OF LOUISIANA

PARISH OF JEFFERSON

AFFIDAVIT

Before me, Notary Public, personally came and appeared:

Bartholomew F. Palmisano, Sr.

who upon being placed under oath did depose and state:

- That he is a person of full age and majority and capable of giving this affidavit.
- That he is President and Chief Executive Officer of OCA.
- That Orthodontic Centers of Idaho is a wholly owned subsidiary of OCA.
- That Orthodontic Centers of Idaho has no employees.
- That neither Orthodontic Centers of Idaho nor OCA are parties to the Pocatello Dental Group, P.C. v. Interdent Services Corporation litigation in which it has been subpoenaed.
- That OCA has no employees within 100 miles of Boise, Idaho.
- That OCA has no employees that reside within 100 miles of Idaho.
- That OCA does not transact business in Idaho.
- That virtually all OCA employees work and reside in the New Orleans, Louisiana area.



 Bartholomew F. Palmisano, Sr.

THUS SWORN AND SIGNED BEFORE ME

ON THIS 23rd DAY OF July 2004.



 Notary Public