

2004 AUG -9 PM 1:36
RECEIVED
FEDERAL JUDGE
THOMAS J. BRIDGES
DISTRICT OF IDAHO

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

POCATELLO DENTAL GROUP, P.C.,)
)
Plaintiff,)
)
v.)
)
INTERDENT SERVICE CORPORATION,)
)
Defendant.)
)

)
INTERDENT SERVICE CORPORATION,)
)
Third-Party Plaintiff,)
)
v.)
)
POCATELLO DENTAL GROUP, P.C., et al.,)
)
Third-Party Defendants.)

)

Case No. CV 03-450-E-LMB

ORDER

At the present, there are twelve (12) pending motions before the Court in this action. The motions are Counterdefendant Larry Misner's Motion to Dismiss Interdent's Counterclaim (Docket No. 58), Defendant Interdent's Motion for Summary Judgment (Docket No. 63), Plaintiff Pocatello Dental Group's Motion to Compel Payment of Attorney Fees (Docket No. 79), Plaintiff Pocatello Dental Group's Motion to Strike Amended Counterclaims (Docket No.

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120), Counterdefendant Larry Misner's Motion to Strike Interdent's Amended Counterclaims (Docket No. 122), Defendant Interdent's Motion to Dismiss Third Party Defendants (Docket No. 130), Plaintiff Pocatello Dental Group's Motion to Compel (Docket No. 137), Plaintiff Pocatello Dental Group's Motion to Extend Time For Expert Witness Disclosure (Docket No. 139), Counterdefendant Larry Misner's Motion to Quash Bybee Subpoena (Docket No. 144), Counterdefendant Larry Misner's Motion to Quash Valley Dental Subpoena (Docket No. 145), Defendant Interdent's Motion for Protective Order (Docket No. 146), and Orthodontic Centers of Idaho's Motion to Quash Subpoena (Docket No. 151).

In this action, a hearing is scheduled on August 9, 2004 on all pending motions that are ripe. *Amended Notice of Hearing* (Docket No. 157). Of the twelve (12) pending motions before the Court, only eight (8) are ripe. The four motions which are not ripe will not be heard because the various responses or replies have not yet been filed.

For the benefit of counsel, and to allow them to more effectively tailor their arguments at the August 9, 2004 hearing, the Court provides the following direction. The eight (8) motions which will be heard on August 9, 2004 will be taken up by the Court in the following order:

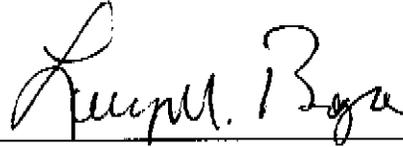
1. Counterdefendant Larry Misner's Motion to Dismiss Interdent's Counterclaim (Docket No. 58),
2. Plaintiff Pocatello Dental Group's Motion to Compel Payment of Attorney Fees (Docket No. 79),
3. Plaintiff Pocatello Dental Group's Motion to Strike Amended Counterclaims (Docket No. 120),
4. Counterdefendant Larry Misner's Motion to Strike Amended Counterclaims

(Docket No. 122),

5. Defendant Interdent's Motion to Dismiss Third Party Defendants (Docket No. 130),
6. Counterdefendant Larry Misner's Motion to Quash Bybee Subpoena (Docket No. 144),
7. Counterdefendant Larry Misner's Motion to Quash Valley Dental Subpoena (Docket No. 145), and
8. Defendant Interdent's Motion for Summary Judgment (Docket No. 63).

The motions which are not yet ripe will be reviewed by the Court, and a determination will be made, and counsel will be advised whether an oral hearing is necessary on these motions.

DATED this 6th day of August, 2004.



LARRY M. BOYLE
UNITED STATES DISTRICT COURT

United States District Court
for the
District of Idaho
August 9, 2004

* * CLERK'S CERTIFICATE OF MAILING * *

Re: 4:03-cv-00450

I certify that I caused a copy of the attached document to be mailed or faxed to the following named persons:

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 Judge Edward J. Lodge
✓ Chief Magistrate Judge Larry M. Boyle
✓ Magistrate Judge Mikel H. Williams

Visiting Judges:

 Judge David O. Carter
 Judge John C. Coughenour
 Judge Thomas S. Zilly

Cameron S. Burke, Clerk

Date: 8-9-04

BY: WM
(Deputy Clerk)