

Erik F. Stidham, ISB #5483
efstidham@stoel.com
G. Rey Reinhardt, ISB #6209
grreinhardt@stoel.com
STOEL RIVES LLP
101 South Capitol Boulevard, Suite 1900
Boise, ID 83702-5958
Telephone: (208) 389-9000
Facsimile: (208) 389-9040

Scott J. Kaplan, Pro Hac Vice
sjkaplan@stoel.com
Darian A. Stanford, Pro Hac Vice
dastanford@stoel.com
STOEL RIVES LLP
900 SW Fifth Avenue, Suite 2600
Portland, OR 97204-1268
Telephone: (503) 224-3380
Facsimile: (503) 220-2480

Attorneys for Defendant/Third-Party Plaintiff
InterDent Service Corporation

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CLERK OF DISTRICT COURT
BOISE, IDAHO

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

INTERDENT SERVICE
CORPORATION'S OBJECTION TO
STIPULATED DISMISSAL OF CROSS-
CLAIM WITH PREJUDICE AND
MOTION TO STRIKE

INTERDENT SERVICE CORPORATION, a
Washington corporation,

INTERDENT SERVICE CORPORATION'S OBJECTION TO STIPULATED DISMISSAL OF
CROSS-CLAIM WITH PREJUDICE AND MOTION TO STRIKE - 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.

Defendant/third-party plaintiff InterDent Service Corporation ("ISC") objects and moves to strike as surplusage, irrelevant and frivolous paragraphs 3 and 4 of the Stipulated Dismissal of Cross-Claim with Prejudice (the "Dismissal") filed by and between plaintiff Pocatello Dental Group, P.C. ("PDG") and third-party defendant Larry R. Misner, Jr. ("Misner") dated October 19, 2004. ISC objects on the following grounds:

1. The claims by and between Misner and PDG related in part to alleged fraudulent billings by Misner. Liabilities arising out of fraudulent practices by PDG employees are not subject to reimbursement under the Dental Office Management Agreement (the "Management Agreement").

2. The claims by and between Misner and PDG related in part to compensation allegedly due to Misner as an employee of PDG. ISC was not Misner's employer and was not responsible for paying him.

3. The alleged settlement is collusive and in bad faith.

4. ISC has a prior claim to any PDG assets and objects to such assets being wasted and transferred to an insider such as Misner. The settlement is a fraudulent conveyance.

INTERDENT SERVICE CORPORATION'S OBJECTION TO STIPULATED DISMISSAL OF CROSS-CLAIM WITH PREJUDICE AND MOTION TO STRIKE - 2

5. A stipulation by and between Misner and PDG has no legal force or effect with regard to the rights or responsibilities of ISC.

6. PDG's prior material breaches of the Management Agreement excuse all duties of ISC (if any) under the Management Agreement and estops PDG from asserting a claim against ISC.

7. Misner's prior material breaches of his Noncompete Agreement with ISC excuse any and all duties of ISC (if any) toward Misner and estops him from asserting a claim against ISC.

8. ISC does not object to paragraphs 1 and 2 of the Dismissal.

DATED: October 18, 2004.

STOEL RIVES LLP



Erik F. Stidham, ISB #5483
G. Rey Reinhardt, ISB #6209
Scott J. Kaplan, pro hac vice
Darian A. Stanford, pro hac vice

Attorneys for Defendant/Third-Party Plaintiff
InterDent Service Corporation

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **InterDent Service Corporation's Objection to Stipulated Dismissal of Cross-Claim with Prejudice and Motion to Strike** on the following named persons on the date indicated below by

- mailing with postage prepaid
- hand delivery
- facsimile transmission
- overnight delivery

to said persons a true copy thereof, contained in a sealed envelope, addressed to said persons at his or her last-known addresses indicated below.

Gary L. Cooper
Ron Kerl
COOPER & LARSEN
151 North Third Avenue, Suite 210
PO Box 4229
Pocatello, ID 83205-4229
Telephone: (208) 235-1145
Fax: (208) 235-1182
gary@cooper-larsen.com
ron@cooper-larsen.com
jim@cooper-larsen.com

Attorneys for Plaintiff/Third-Party
Defendant Pocatello Dental Group, P.C.

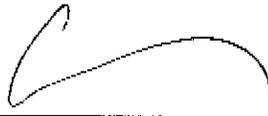
Richard A. Hearn
Stephen J. Muhonen
RACINE, OLSON, NYE,
BUDGE & BAILEY, CHARTERED
PO Box 1391/Center Plaza
Pocatello, ID 83204-1391
Telephone: (208) 232-6101
Fax: (208) 232-6109
rah@racinelaw.net
sjm@racinelaw.net

Attorneys for Third-Party Defendants
Dr. Larry R. Misner, Jr., Dr. Ernest Sutton
and Dr. Porter Sutton

Lowell N. Hawkes
LOWELL N. HAWKES, CHARTERED
1322 East Center
Pocatello, ID 83201
Telephone: (208) 235-1600
Fax: (208) 235-4200
hox@nicoh.com

Attorney for Third-Party Defendants
Dwight G. Romriell, Gregory Romriell,
Errol Ormond and Arnold Goodliffe

DATED: October 22, 2004.



Scott J. Kaplan, Pro Hac Vice
Attorneys for Defendant/Third-Party Plaintiff
InterDent Service Corporation

* * * COMMUNICATION RESULT REPORT (OCT.22.2004 10:45AM) * * *

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900 S.W. Fifth Avenue, Suite 2600
Portland, Oregon 97204
phone 503.224.3380
fax 503.220.2480
www.stoel.com

Name:	Fax No.	Company/Firm	Phone No.
TO: Ron Kerl Gary Cooper	(208) 235-1182	Cooper & Larsen	(208) 235-1145
Richard A. Hearn Stephen J. Muhonen	(208) 232-6109	Racine Olson, et al.	(208) 232-6101
Lowell N. Hawkes	(208) 235-4200	Lowell N. Hawkes Chtd.	(208) 235-1600

Name:	Sender's Direct Dial:	Sender's Direct Email:
FROM: Scott J. Kaplan	(503) 294-9186	sjkaplan@stoel.com

Client: InterDent, Inc.	Matter: Pocatello Dental Group
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