

1 Paul Alexander (C.S.B. #49997)
2 Paul.alexander@apks.com
3 George Langendorf (C.S.B. #255563)
4 George.Langendorf@apks.com
5 ARNOLD & PORTER KAYE SCHOLER LLP
6 Three Embarcadero Center, 10th Fl.
7 San Francisco, CA 94111-4024
8 Telephone: (415) 471-3122
9 Facsimile: (415) 471-3400

10 Attorneys for Plaintiffs

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO

CALIFORNIA DENTAL ASSOCIATION, a
California Corporation;
RICHARD W. BARNES, D.D.S.;
ROBERT E. REED, D.D.S.;
DEAN SCHWEITZER, D.D.S.;
GERALD MIDDLETON, D.D.S.;
WHITNEY JOHNSON, D.D.S.;
TERRENCE Y. LAU, D.D.S.,
BARBARA M. HAWTHORNE, D.D.S.,
individually and on behalf of all others
similarly situated,

Plaintiffs,

vs.

DELTA DENTAL OF CALIFORNIA, a
California Corporation,

Defendant.

No.: CGC-14-538849

**PLAINTIFFS' NOTICE OF MOTION
AND MOTION IN SUPPORT OF
MOTION FOR CERTIFICATION OF
SETTLEMENT CLASS;
PRELIMINARY APPROVAL OF
PROPOSED AMENDED CLASS ACTION
SETTLEMENT;
APPROVAL OF AMENDED CLASS
NOTICE AND
CLASS NOTICE PLAN;
CONFIRMATION OF CLASS
REPRESENTATIVES AND
APPOINTMENT OF CLASS COUNSEL**

Hearing Date: Dec. 27, 2017
Time: 10:30 a.m.
Judge: Hon. Mary E. Wiss
Dept.: 305

ELECTRONICALLY
FILED
Superior Court of California,
County of San Francisco
12/14/2017
Clerk of the Court
BY: RONNIE OTERO
Deputy Clerk

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that on December 27, 2017 at 10:30 a.m. or as soon thereafter
3 as the matter may be heard in Department 305 of the above-entitled Court, located at 400
4 McAllister Street, San Francisco, California, Plaintiff California Dental Association (“CDA”) will,
5 and does hereby move for an Order provisionally certifying the proposed Class for settlement
6 purposes only, for preliminary approval of the proposed Amended Settlement Agreement on behalf
7 of the Class, for approval of the long form and short form Amended Notices to the Class and the
8 amended Class notice plan, for confirmation of the appointment of the individual named plaintiffs
9 as Class Representatives, and for confirmation of the appointment of Paul Alexander and George
10 Langendorf of the firm of Arnold & Porter Kaye Scholer LLP as counsel for the Class. Plaintiffs
11 seek this Order pursuant to California Code of Civil Procedure § 382 and California Rule of Court
12 3.764, and the additional authority cited in the Memorandum of Points and Authorities filed
13 herewith.

14 This Motion is based upon this Notice of Motion, the accompanying Memorandum of Points
15 and Authorities, and the declarations of Eric Green, of Kim Schmidt, of Paul Alexander, including
16 the attachments thereto, and of the individual named plaintiffs, as well as all of the pleadings and
17 papers on file in this action, all admissible evidence presented at the hearing, oral argument by
18 counsel at the hearing, and upon such matters as may be presented to the Court at the time of the
19 hearing.

20 Dated: December 14, 2017

ARNOLD & PORTER KAYE SCHOLER
LLP

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22 By: */s/ Paul Alexander*
Paul Alexander

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24 Attorneys for Plaintiffs
25 California Dental Association, Richard W.
26 Barnes, Robert E. Reed, Dean Schweitzer,
27 Gerald Middleton, Whitney Johnson,
28 Terrance Y. Lau, and Barbara M. Hawthorne