

1 Paul Alexander (C.S.B. #49997)
Paul.alexander@apks.com
2 Emily Wood (C.S.B. #260382)
Emily.wood@apks.com
3 ARNOLD & PORTER KAYE SCHOLER LLP
Three Embarcadero Center, 10th Fl.
4 San Francisco, CA 94111-4024
Telephone: (415) 471-3122
5 Facsimile: (415) 471-3400

6 Attorneys for Plaintiffs
7

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 CITY AND COUNTY OF SAN FRANCISCO

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

16 Plaintiffs,

17 vs.

18 DELTA DENTAL OF CALIFORNIA, a
California Corporation,

19 Defendant.
20

No.: CGC-14-538849

**NOTICE OF MOTION AND MOTION TO
SEAL SUPPLEMENTAL AGREEMENT
REGARDING OPT-OUT THRESHOLDS**

Hearing Date: March 21, 2017

Time: 10:00 a.m.

Judge: Hon. Mary E. Wiss

Dept.: 305

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on March 21, 2017, at 10:00 a.m., or as soon thereafter as the
3 matter may be heard in Department 305 of the above-entitled Court, located at 400 McAllister
4 Street, San Francisco, California 94102, Plaintiffs California Dental Association (“CDA”), Richard
5 W. Barnes, D.D.S., Robert E. Reed, D.D.S., Dean Schweitzer, D.D.S., Gerald Middleton, D.D.S.,
6 Whitney Johnson, D.D.S., Terrence Y. Lau, D.D.S., and Barbara M. Hawthorne, D.D.S.
7 (collectively, “Class Representatives”) will move this Court, pursuant to California Rules of Court,
8 rules 2.550 and 2.551, for an order sealing the unredacted version of the Supplemental Agreement
9 Between Class Representatives and Delta Dental Regarding Opt-Out Thresholds (“Supplemental
10 Agreement”), which contains the specific numerical opt-out thresholds that trigger Delta Dental’s
11 right to terminate the Settlement Agreement.

12 This motion is based upon this Notice of Motion and Motion to Seal, the accompanying
13 Memorandum of Points and Authorities, and the supporting declaration of Emily H. Wood, as well
14 as all pleadings and papers on file in this action, oral argument by counsel, and such matters as may
15 be presented to the Court at the time of the hearing.

16
17 Dated: March 7, 2017

ARNOLD & PORTER KAYE SCHOLER
LLP

18
19
20 By: /s/ Emily H. Wood
Emily H. Wood

21 Attorneys for Plaintiffs
22
23
24
25
26
27
28