

FILED
Superior Court of California
County of San Francisco

MAR 29 2019

CLERK OF THE COURT

BY: [Signature]
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO
DEPARTMENT 305

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.; and
BARBARA M. HAWTHORNE, D.D.S.,
individually and on behalf of all others similarly
situated,

Case No.: CGC-14-538849

ORDER AFTER MARCH 22, 2019
COMPLIANCE HEARING

Plaintiffs,

vs.

DELTA DENTAL OF CALIFORNIA, a
California Corporation, and DOES 1-10,
inclusive,

Defendants.

The Court held a Compliance Hearing in the above matter on March 22, 2019. Appearances are as noted in the record. The case will proceed as follows:

1. For Class Members with invalid addresses ("Group A"), the Court finds that there is nothing more for Class Counsel or the Class Notice Administrator to do. The remaining amount of \$73,265.14 will be distributed to the *cy pres* recipient once the final amount of *cy pres* distribution is determined.
2. For Class Members with uncashed checks ("Group B"), the Court orders the Class Notice

1 Administrator to send a postcard to notify Group B Class Members that they have until June 14, 2019 to
2 cash their checks. The notification should include a statement that if the checks remain uncashed after
3 June 14, 2019, the checks will be voided and will not be re-issued under any circumstances, and any sums
4 remaining from uncashed checks will be distributed to the *cy pres* recipient. The postcard should make it
5 clear that no further extensions will be granted. The Court has approved the form of Postcard Notice
6 attached as Exhibit A.

7 3. For Class Members with unresolved disputes regarding the distribution of their allocation
8 ("Group C"), the Court orders the Class Notice Administrator to send a postcard notifying Group C Class
9 Members that they have until June 14, 2019 to resolve their dispute and designate a payee. If they cannot
10 resolve their dispute they must notify the Class Notice Administrator as to a mutually agreeable payee(s)
11 by June 14, 2019. If new checks are issued, class members have 30 days to cash their checks. Uncashed
12 checks will revert to the *cy pres* recipient. If the dispute is not resolved, and a payee is not designated, all
13 funds will revert to the *cy pres* recipient and the disputants will receive no allocation of settlement funds.
14 The Court approves the form of Postcard Notice Attached as Exhibit B.

15 4. For deceased Class Members ("Group D"), the Court finds that there is nothing more for
16 Class Counsel or the Class Notice Administrator to do. The remaining amount of \$97,910.62 will be
17 distributed to the *cy pres* recipient once the final amount of *cy pres* distribution is determined.

18 5. The next Compliance Hearing is set for August 23, 2019 at 9:30 a.m. in Department 305 of
19 the above-entitled court. A compliance statement must be filed, and two copies delivered to Department
20 305, no later than August 16, 2019. The compliance statement should update the Court on the four groups
21 identified above and should provide a summary of the remaining funds and how they should be
22 allocated/distributed.

23 IT IS SO ORDERED.

24 Dated: March 29, 2019


25 
26 _____
27 Mary E. Wiss
28 Judge of the Superior Court

EXHIBIT A

Final Notice

Dear Dr. <<Name1>>:

You are receiving this postcard pursuant to Court Order from the Class Administrator for the Class Action Settlement in *California Dental Association, et al. v. Delta Dental of California*, Superior Court of California, County of San Francisco Case No. CGC-14-538849.

Our records show that you and/or a group practice for which you practiced are entitled to an allocation from the settlement fund, but that a dispute remains as to how this payment should be made. This dispute has prevented mailing of the settlement allocation(s). The Court has ordered that ~~either~~ all remaining disputes regarding settlement allocations must be resolved so that settlement checks can be mailed and cashed by June 14, 2019. If the dispute cannot be resolved by that date, the parties must designate a mutually agreeable entity or individual to receive the payment pending ~~its~~ resolution of the dispute. In either case, the check must be mailed and cashed on or before June 14, 2019.

Under the Court's Order, if you do not resolve your dispute or designate an entity or individual to receive the funds while the dispute is resolved so that the check can be mailed and cashed by June 14, 2019, the funds will be ordered paid into the cy pres fund established by the Amended Settlement Agreement and you will lose all rights to these funds.

We ask that you contact the Class Administrator, Rust Consulting, and provide instructions on the payment of this settlement allocation in accordance with the Court's Order as summarized in this postcard. The contact information is:

- Telephone: 1-866-431-8455
- Email: info@deltadentalofcaliforniasettlement.com

Please respond to this request at the earliest possible time. You must take the necessary steps to receive and cash your settlement check on or before June 14, 2019 or lose all rights to these funds.

A copy of the Court's Order referred to in this postcard and all pertinent documents relating to the litigation and the settlement are available to you on the settlement website, <http://www.deltadentalofcaliforniasettlement.com/>.

EXHIBIT B

Final Notice re Class Action Settlement Payment

Dear Dr. <<Name1>>:

You are receiving this postcard from the Class Administrator for the Class Action Settlement in *California Dental Association, et al. v. Delta Dental of California*, Superior Court of California, County of San Francisco Case No. CGC-14-538849.

Our records show that you and/or a group practice for which you practiced are entitled to an allocation from the settlement fund, but that you and/or your group dispute how this payment should be made. This dispute has prevented mailing of your settlement allocation(s). The Court has ordered that by June 14, 2019 you must either: (1) notify the Class Administrator that you have resolved your disputes regarding your settlement allocations AND provide instructions as to the payee(s) or (2) if your dispute cannot be resolved by that date, you must designate a mutually agreeable entity or individual to receive the payment. In either case, if you designate a payee, the Class Administrator will mail the check and you will have 30 days to cash the check. **IF YOU DO NOT DESIGNATE A PAYEE BY THE JUNE 14, 2019 DEADLINE YOU LOSE ALL RIGHT TO THESE FUNDS AND THEY WILL REVERT TO THE CY PRES RECIPIENT. IF YOU DO NOT TIMELY CASH YOUR CHECK, YOU LOSE ALL RIGHT TO THE FUNDS AND THEY WILL REVERT TO THE CY PRES RECIPIENT.**

If you want to receive your money, you must contact the Class Administrator, Rust Consulting, and provide instructions on the payment of your settlement allocation in accordance with the Court's Order as summarized in this postcard. The contact information is:

- Telephone: 1-866-431-8455
- Email: info@deltadentalofcaliforniasettlement.com

You must take the necessary steps set forth above on or before June 14, 2019 or lose all right to these funds.

A copy of the Court's Order referred to in this postcard and all pertinent documents relating to the litigation and the settlement are available to you on the settlement website, <http://www.deltadentalofcaliforniasettlement.com/>.

**Superior Court of California
County of San Francisco**

CALIFORNIA DENTAL ASSOCIATION,
et al.,

Plaintiffs,

vs.

DELTA DENTAL OF CALIFORNIA, et al.,

Defendants.

Case Number: CGC-14-538849

**CERTIFICATE OF ELECTRONIC SERVICE
(CCP 1010.6(6) & CRC 2.260(g))**

I, T. Michael Yuen, Clerk of the Superior Court of the County of San Francisco, certify that I am not a party to the within action.

On March 29, 2019, I electronically served the ORDER AFTER MARCH 22, 2019 COMPLIANCE HEARING via File&ServeXpress® on the recipients designated on the Transaction Receipt located on the File&ServeXpress® website.

Dated: March 29, 2019

T. Michael Yuen, Clerk

By: _____



Sean Kane, Deputy Clerk