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

**JUN 08 2017**

**CLERK OF THE COURT**  
BY: *Alan K...*  
Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
CITY AND 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,  
  
Plaintiffs,  
  
vs.  
  
DELTA DENTAL OF CALIFORNIA, a  
California Corporation,  
  
Defendant.

Case No. CGC-14-538849

**ORDER VACATING DATES AND  
DEADLINES CONTAINED IN  
PRELIMINARY APPROVAL ORDER  
AND SETTING CASE MANAGEMENT  
CONFERENCE**

On June 6, 2017, counsel for the parties, including, Robert Rosenfeld, Howard Ullman, David Goldstein and Ellen Caro of Orrick, Herrington & Sutcliffe LLP on behalf of defendant Delta Dental, Paul Alexander, Emily Wood and George Langendorf of Arnold & Porter, Kaye Scholer, LLP on behalf of plaintiffs and the plaintiff class, and Alison Sandman of California Dental Association, during an informal telephone conference requested by the parties, advised the Court of certain developments affecting the proposed class action settlement in the above matter, which has been preliminarily approved by the Court. Counsel for the parties advised the Court

Case No. CGC-14-538849

1 that, during the process of validating the accuracy of the calculations for allocation of the  
2 Settlement Amount, there exists a potentially material miscalculation of the financial impact of  
3 Delta Dental's application of the "INAP" limitation on fees of Premier dentists, which impacts  
4 the proposed settlement.

5 The parties advised the Court that further investigation is necessary to determine the  
6 correct amount of the total financial impact of the INAP limitation, the number and identity of all  
7 class members whose fee payments were reduced by application of the INAP, and the extent to  
8 which this information affects the terms of the Settlement Agreement. The parties estimate an  
9 additional 60 - 90 days will be necessary in order to thoroughly investigate the new information.  
10 The parties desire to investigate this new information in order to fully apprise the class and the  
11 Court as to how these developments may impact the proposed class action settlement. In light of  
12 the newly discovered information, and good cause appearing, the Court hereby orders as follows:

13 1. All dates and deadlines contained in the Preliminary Approval Order dated April 21,  
14 2017, are hereby vacated.

15 2. The parties shall present to the Court no later than June 9, 2017, a proposed Notice to  
16 be mailed to the Class and posted on the website [www.DeltaDentalofCaliforniaSettlement.com](http://www.DeltaDentalofCaliforniaSettlement.com),  
17 and a plan for providing this Notice to the Class, informing the Class of these developments and  
18 that the dates contained in the Class Notice previously mailed to the Class on May 11, 2017 have  
19 been vacated by the Court. The parties will cooperate mutually in communicating this  
20 information to the Class.

21 3. The parties are directed to use their best efforts to determine the correct amount of the  
22 financial impact of the INAP and to determine whether any revision to the Settlement Agreement  
23 may be necessary and appropriate as a result of this determination.

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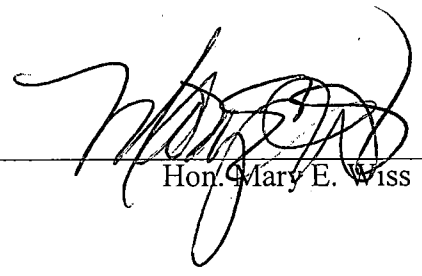
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4. A further Case Management Conference is set for August 25, 2017 at 9:30 a.m. The parties are ordered to file a Joint Case Management Conference Statement at least three court days before the CMC advising the Court of the status of the results of their investigation, the impact on the proposed class action settlement, any proposals as to how the action will proceed, and how the class should be notified of developments.

IT IS SO ORDERED.

Dated: June 8, 2017



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Hon. Mary E. Wiss

**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 June 8, 2017, I electronically served the ORDER VACATING DATES AND DEADLINES CONTAINED IN PRELIMINARY APPROVAL ORDER AND SETTING CASE MANAGEMENT CONFERENCE via File&ServeXpress® on the recipients designated on the Transaction Receipt located on the File&ServeXpress® website.

Dated: June 8, 2017

T. Michael Yuen, Clerk

By:



Sean Kane, Deputy Clerk