

STATE OF NEW YORK
SUPREME COURT COUNTY OF ONONDAGA

In Re: SMALL SMILES LITIGATION

Index No: 2011-2128
RJI No: 33-11-1413
Hon. John C. Cherundolo
*(Including all cases in
Attachment A)*

**PLAINTIFFS' NOTICE FOR DISCOVERY AND INSPECTION AND
COMBINED DISCOVERY DEMANDS**

To: Defendants, MAZIAR IZADI, D.D.S., LAURA KRONER, D.D.S., JUDITH MORI, D.D.S., LISSETTE BERNAL, D.D.S., EDMISE FORESTAL, D.D.S., EVAN GOLDSTEIN, D.D.S., KEERTHI GOLLA, D.D.S., NASSEF LANCEN, D.D.S., WADIA HANNA, D.D.S., BERNICE LITTLE-MUNDLE, D.D.S., NAVEED AMAN, D.D.S., KOURY BONDS, D.D.S., TAREK ELSAFTY, D.D.S., DIMITRI FILOSTRAT, D.D.S., DELIA MORALES, D.D.S., YAQOOB KHAN, D.D.S., JANINE RANDAZZO, D.D.S., LOC VINH VUU, D.D.S., GRACE YAGHMAI, D.D.S., ISMATU KAMARA, D.D.S., SONNY KHANNA, D.D.S., SHILPA AGADI, D.D.S., KEIVAN ZOUFAN, D.D.S., KATHLEEN POLEAN, D.D.S., GARY GUSMEROTTI, D.D.S., ELLEN NAM, D.D.S., DOUG GARDNER, D.D.S., LAWANA FUQUAY, D.D.S., and KIM PHAM, D.D.S.

NOTICE TO PRODUCE

PLEASE TAKE NOTICE, that the undersigned demands that you produce, on a date set by the coordinating justice after expiration of any stays now in effect, at the offices of Powers & Santola, LLP, 39 N. Pearl St., 6th Floor, Albany, New York, for copying, testing or photographing by the plaintiffs, or someone acting on the plaintiffs' behalf, the following documents or items that are in the possession, custody or control of said defendant:

Definitions

1. "Corporate Integrity Agreement" means the agreement between the Office of Inspector General of the Department of Health and Human Services and FORBA Holdings, LLC signed on or about January 14, 2010.
2. "Document" includes any written, recorded or graphic matter, applications, summaries, data, electronic mail, compilations, and information of any kind or description however made, produced, or reproduced, or stored whether by hand or by any electronic, photographic, magnetic, optical, mechanical, computer, or other process technology. Documents include but are not limited to: papers, books, records, catalogs, pamphlets, periodicals, letters, correspondence, memoranda, contracts, agreements, leases, reports, notes, sound and tape recordings, video recordings, videotapes, audiotapes, calendar or desk pads, and appointment books. A Document can take the form of any medium on which information can be stored, including without limitation, computer memory, computer disk, film, paper, tape recordings, video tapes, and video disks, hard drives, servers, CDs, DVDs, zip discs, jump drives, iPods, iPads, MP3 players, CD-ROM disks, magnetic tapes, and back-up tapes. A Document also includes computerized data, i.e., a data compilation from which information can be obtained and translated by the responding party, if necessary, through detection devices in reasonably usable form, and meta data, system data, backup data, files deleted by a computer user, residual data, on line storage media, and near line storage media.
3. "Medicaid Investigation" means the investigation by the United States and various states that resulted in the Medicaid Settlement Agreement.
4. "Medicaid Settlement Agreement" means the settlement agreement executed in

January 2010, entered among the United States, acting through the United States Department of Justice and on behalf of the Office of Inspector General of the Department of Health; FORBA Holdings, LLC; and John Haney, Angela Crawford, and Deborah McDaniel.

5. "New York Clinics" means Small Smiles Dentistry of Albany, LLC; Albany Access Dentistry, PLLC; Small Smiles Dentistry of Syracuse, LLC; and Small Smiles Dentistry of Rochester, LLC.
6. "Qui Tam Actions" means the *qui tam* actions referred to in the Medicaid Settlement Agreement.
7. "Old FORBA" means FORBA, LLC n/k/a LICSAAC, LLC; FORBA NY LLC n/k/a LICSAAC NY LLC; DD Marketing, Inc.; and DeRose Management, LLC.
8. "New FORBA" means FORBA Holdings, LLC n/k/a Church Street Health Management LLC; Small Smiles Dentistry of Albany, LLC; Albany Access Dentistry PLLC; Small Smiles Dentistry of Syracuse, LLC; and Small Smiles Dentistry of Rochester, LLC.
9. "FORBA" means Old FORBA and New FORBA.
10. "The Old FORBA Defendants" means Old FORBA; Daniel D. DeRose; Adolph R. Padula, DDS; William A. Mueller, DDS; Edward J. DeRose, DDS; Michael A. DeRose, DDS; and Michael Rounph.
11. "The Individual Defendants" means Daniel D. DeRose; Adolph R. Padula, DDS; William A. Mueller, DDS; Edward J. DeRose, DDS; Michael A. DeRose, DDS; and Michael Rounph.
12. "Defendant Dentist" means any dentist who is a defendant in this case.
13. "You or your" means the defendant responding to these combined discovery

demands.

Instructions

1. The answering party shall produce any and all drafts and copies of each document responsive to any of the requests, and all copies of such documents that are not identical in any respect, including but not limited to copies containing handwritten notes, markings, stamps or interlineations. Plaintiffs specifically call for any and all electronically stored information that is responsive to these requests. Electronically stored information shall be produced in .tiff format, OCRd, with the extracted text and all metadata attached electronically, provided however, that the answering party shall produce all Excel spreadsheets in native format with all metadata attached. To the extent it exists, the answering party shall produce the following fields of metadata: (1) bates ranges, (2) family associations, (3) document address information, (4) document author, (5) document title or subject, (6) document dates (including creation, modification and sent dates), (7) custodian and (8) for non-redacted documents, text searchable files on the document's content.
2. The answering party must, in responding to these requests, obtain and furnish all documents in their possession, custody or control.
3. The documents responsive to these requests are to be produced either as they are kept in the regular course of business or organized and labeled to correspond to the categories in the request.
4. If answering party withholds one or more documents that appear to be within the category of the documents required by the requests on the basis of a claim of privilege, the answering party shall comply with CPLR 3122(b).
5. Unless otherwise stated, these requests cover the time period January1, 2004 to

the present.

6. When policies and procedures are requested, please produce the original policy and procedures and all amendments and revisions.
7. This Notice To Produce is intended to be continuing in nature. The answering party shall promptly file supplemental responses if it obtains additional responsive documents or information or discovers that information produced is incomplete or incorrect.
8. Words used in this Notice To Produce in the plural shall be construed to include the singular, and vice versa.
9. The words “and” and “or” shall be construed conjunctively or disjunctively as necessary to make the Notice To Produce inclusive rather than exclusive.

Documents

1. Employment or other contracts between you and one of the New York Clinics or FORBA and all Documents related to such contracts.
2. Your current CV or resume.
3. Documents that reflect or relate to complaints made about you while you were working at one of the New York Clinics.
4. Documents that reflect or relate to complaints you made to the lead dentist, office manager, or FORBA’s management regarding the operations of, or patient care provided at one of the New York Clinics.
5. Documents that reflect complaints you received about the staff or one of the other dentists who worked with you at one of the New York Clinics.
6. Documents that reflect or relate to complaints received from the parents of patients or the staff regarding the operations of or the care provided at one of the

New York Clinics.

7. Documents that relate to investigations by federal or state authorities or dental boards of you or the New York Clinic where you worked.
8. The manuals or handbooks you received while working at a New York Clinic, including but not limited to operations manuals, orientation manuals, lead dentist manuals, or policies and procedures handbooks.
9. Other than manuals and handbooks, Documents that you received as part of your orientation training.
10. Documents that reflect or relate to educational or training materials provided to you while you worked at one of the New York Clinics.
11. Documents that reflect communications between you and FORBA's management regarding production at one of the New York Clinics; or which refer to or mention such conduct.
12. Your performance evaluations or reviews while you worked at one of the New York Clinics and Documents which refer to or mention such evaluations or reviews.
13. Your job application and other Documents that discuss or are related to your hiring at one of the New York Clinics.
14. Letters of resignation, termination notices or other Documents that discuss or relate to the ending of your employment at one of the New York Clinics.
15. Documents referring or relating to the Medicaid Investigation.
16. Witness statements (whether written or recorded) or depositions you gave in connection with the Medicaid Investigation or any investigation of FORBA or your dental care by New York state officials.

17. Documents reflecting communications between you and FORBA management in either Pueblo, Colorado or Nashville, Tennessee.
18. Documents reflecting communications between you and one or more of the Individual Defendants.
19. Documents reflecting communications between you and a representative of FORBA NY LLC.
20. For each year you worked at one of the New York Clinics, W-2s, 1099s and other Documents reflecting the income you received for working there.
21. Documents (including agendas, notes, recordings, memos) relating to the all-clinic monthly conference calls between FORBA management and the lead dentists and office managers.
22. Monthly Provider Reports and other monthly reports that tracked your production.
23. All weekly status worksheet reports for the New York Clinics.
24. Provider Productivity Reports and other Documents that evaluated your financial performance while you worked at one of the New York Clinics.
25. Bonus worksheets or other Documents that evidence the bonus structure used at the New York Clinic where you worked. If the bonus criteria changed, then the Documents that refer, reflect or evidence the criteria used during the period you worked at one of the New York Clinics.
26. Reports that compared the monthly financial goals at the New York Clinic where you worked with the actual financial performance of the clinic.
27. Besides your employment contract, agreements between you and one of the other defendants relating to dental care, administrative services or ownership of one of the New York clinics.

28. Correspondence with representatives of the New York OMIG, the New York Medicaid Fraud Control Unit and the New York State Office of Professional Discipline regarding their investigation of FORBA's dental practice in New York.
29. Documents relating to the investigation and criminal prosecution of Dr. Doug Gardner for Medicaid fraud committed while he was working at one of the New York Clinics.
30. Audit reports received from the New York Medicaid offices that reflect that FORBA overbilled Medicaid.
31. Documents that discuss or relate to the termination of Small Smiles of Albany from the New York Medicaid program.
32. Documents that discuss the formation of Albany Access Dentistry, PLLC.
33. Documents, including Power Point presentations, you received when you were being recruited to work at one of the New York Clinics.
34. Marketing plans that include one or more of the New York Clinics.
35. Advertisements for one or more of the New York Clinics.
36. Materials used in marketing one of the New York Clinics.
37. Documents that reflect your ownership interest in any of the New York Clinics.
38. Documents reflecting the terms of any sale or transfer by or to you of ownership in one of the New York Clinics.
39. Documents reflecting your investment in or funding of one of the New York Clinics.
40. Documents that were prepared for, used in, refer to or mention your orientation and training sessions you had in Colorado when you began working at one of the New York Clinics.

41. Documents relating to the FORBA training session on protective stabilization in Vail, Colorado in 2005, including the documents you received at the training session.
42. Clinical guidelines used at the New York Clinic where you worked.
43. Quality assurance protocols used at the New York Clinic where you worked.
44. Compliance guidelines used at the New York Clinic where you worked.
45. Policies and procedures regarding clinical care in use at any time at the New York Clinic where you worked, including without limitation those regarding:
 - (a) the use of nitrous oxide;
 - (b) the use of local anesthetics before beginning dental procedures;
 - (c) the referral of cases to board certified pediatric dentists;
 - (d) the referral of cases to surgical centers or hospitals;
 - (e) the circumstances in which a patient should have dental procedures performed under general anesthesia;
 - (f) patient safety;
 - (g) appropriate patient assessment and treatment planning;
 - (h) documentation of dental records, including radiographs or digital photos;
 - (i) appropriate anesthesia care for pediatric dental patients;
 - (j) appropriate behavior guidance approaches for pediatric dental patients;
 - (k) advanced behavior guidance techniques for the pediatric dental patient including protective stabilization, sedation, general anesthesia and contraindications of each technique;
 - (l) appropriate management of dental patients with special health care needs;
 - (m) time management;
 - (n) the appropriate amount of treatment in an individual visit;

- (o) parental accompaniment;
 - (p) informed consent;
 - (q) periodic audits of clinical quality;
 - (r) the ethical responsibility to treat or refer patients;
 - (s) the appropriate use of medications for pediatric dental patients;
 - (t) promotion of adherence to the compliance and quality of care standards set forth in the applicable statutes, regulations, Federal health care program and state dental board requirements and AAPD guidelines;
 - (u) ensuring that financial incentives do not motivate dentists or staff to engage in improper conduct or provide excessive or substandard services;
 - (v) employee performance objectives and evaluation;
 - (w) linking employee compensation to clinical quality.
 - (x) discipline for violations of the policies and procedures, including policies relating to professionally recognized standards of health care, Federal health care program requirements, and state dental board requirements;
 - (y) termination of any employee who violates professionally recognized standards of dental care.
46. Documents that refer to or discuss any of the following: (1) the use of crowns and pulpotomies over other procedures and treatments (2) performing all planned procedures in a single clinic visit (3) following treatment plans when prepared by other dentists (4) refraining from referring patients outside the FORBA clinics; (5) denying parents access to their children during treatment.
47. Documents that raised concerns about the quality of dental care provided to patients at the New York Clinic where you worked, and Documents that refer to or mention such Documents or concerns.
48. Documents that evaluated the quality of dental care received by patients at the New York Clinic where you worked.

49. All reports or complaints received from dentists, staff, state or federal government agencies, state dental boards, patients or their parents regarding any of the following: (1) the misuse of papoose boards or other forms of restraints (2) a high pulp to crown ratio (3) procedures performed without x-rays or with non-diagnostic x-rays (4) pressure to perform procedures in an inadequate amount of time (5) pressure to convert hygiene patients to operative patients (6) failure to obtain informed consent (7) preferring FORBA's interest to those of the patients (8) the misuse of nitrous oxide (9) unnecessary dental procedures (10) overtreatment (11) the lack of training of dentists or staff, or (12) the lack of clinical quality of control; and all documents referring to or discussing such reports or complaints.
50. Documents that refer to or discuss (1) the performance of medically unnecessary pulpotomies, crowns, extractions, or fillings, or (2) pulpotomies, crowns, extractions, or fillings performed in a manner that did not meet professionally recognized standards of care.
51. Documents that refer to or discuss the failure to obtain x-rays sufficient to support treatment that was provided patients at the New York Clinic where you worked.
52. Documents that are or refer to FORBA's "Best Practices".
53. Documents in which you, other dentists or the clinic where you worked were urged or pressured to increase production, and all Documents that refer to or discuss such conduct.
54. Production emails that you sent or received while working at one of the New York Clinics.
55. Reports that evidence or evaluate your performance at one of the New York

Clinics, including without limitation all Dentist Efficiency Reports and Dentist Daily Average Reports.

56. Documents that tracked your production at the New York Clinic where you worked.
57. Documents that refer to contests between clinics, including but not limited to one called "The July Challenge."
58. Documents that set forth the compensation structure for dentists in place at any of the New York Clinics during the time you worked there.
59. Documents that set forth the bonus program in place at any time for any of the New York Clinics' dentists, or refer to, discuss or mention such program.
60. Documents that evidence the bonuses that you received during each year that you were employed at one of the New York Clinics.
61. Documents that evidence the total amount of compensation that you received from the clinic or FORBA during each year that you were employed at one of the New York Clinics.
62. Documents evidencing, referring to or relating to quotas or production goals for any of the New York Clinics, or any of the dentists or staff at any of the New York Clinics, including without limitation all Documents which evidence the method of establishing such quotas or production goals.
63. Documents concerning production per patient at any of the New York Clinics, including without limitation, reports of production per patient, and Documents that refer to, mention, or discuss production per patient.
64. Documents concerning production per dentist at any of the New York Clinics, including without limitation, reports of production per dentist, and documents that

refer to, mention, or discuss production per dentist.

65. Documents that set forth conversion rate goals for any of the New York Clinics, or refer to, discuss or mention conversion rates or conversion rate goals.
66. Documents other than medical records that discuss or refer to the use of Papoose boards or other forms of restraints.
67. Your schedules and calendars for each day on which you treated one of the Plaintiffs, and Documents sufficient to show the number of patients treated by you and by the other dentists at the clinic on each such day.
68. Documents that refer to one or more of the plaintiffs, including but not limited to dental records, x-rays, billing records, account summaries, appointment records, office notes, correspondence, history sheets, prescriptions, insurance forms, referral slips, consent forms, letters and appointment notices, discharge or follow-up instructions, wet reads of x-rays, referral letters, telephone contact notes, invoices, patient identification and intake sheets, chart reviews and treatment summaries.
69. Documents sent to or from or that mention any of the Individual Defendants and pertain to the selection of the location, negotiation of the lease, construction, and initial staffing of any of the New York Clinics.
70. Documents that refer to or discuss the exclusion of parents or guardians from the exam or treatment rooms, including without limitation complaints by guardians, parents or others about such exclusion.
71. Documents discussing or referring to non-certified or unlicensed employees taking x-rays of patients at one of the New York Clinics.
72. Any films, images, photographs, video and audio tapes, including transcripts or

memoranda thereof, involving a person referred to in paragraph one of subdivision (a) of CPLR Section 3101. There shall be disclosure of all portions of such material, including out-takes, rather than just those portions which a party intends to use. This demand shall not apply to materials compiled for law enforcement purposes, which are exempt from disclosure under section eighty-seven of the Public Officers Law. This is a continuing demand. Should any such material come into your possession, custody or control, or into the possession, custody or control of any party you represent in this action, after the date of this demand, demand is hereby made that you produce such material at the undersigned's office for inspection and copying on the aforesaid date or twenty (20) days after you, or said party, obtain possession, custody or control of same, whichever is later (See: Tran v. New Rochelle Hospital Medical Center, 99 NY2d 383 (2003)). Should any such material come into your possession, custody or control, or into the possession, custody or control of any party you represent in this action, after the date of this demand and less than twenty (20) days before the scheduled deposition of any party or witness in this action, or less than twenty (20) days before the trial of this action is scheduled to commence, demand is hereby made that you immediately notify the attorneys making this demand, by a means and method that is calculated to provide actual and meaningful notice before the date of the scheduled deposition or trial, of the existence of all such material.

73. Any written report of any of the incidents that are the subject of this action prepared in the regular course of business operations or practices of any person, firm, corporation, association or other public or private entity, unless prepared by a police or peace officer for a criminal investigation or prosecution and disclosure

would interfere with a criminal investigation or prosecution.

74. Any statements of any plaintiff, or any plaintiff's agents, servants, or employees, now in your possession, custody or control, or in the possession, custody or control of any party you represent in this action, whether signed or unsigned, written, transcribed or otherwise recorded and whether obtained by investigation made after the date of the occurrence and regardless of how made.
75. Any films, photographs or video tapes depicting any of the plaintiffs.
76. Any films, photographs or video tapes depicting the scene of any of the events or the individuals or instrumentality that are the subject of this action.

PLEASE TAKE NOTICE that a statement by the defendant, or defendant's counsel, indicating that the plaintiff may already be in possession of the requested records WILL NOT BE CONSIDERED RESPONSIVE TO THIS DEMAND. The records itemized above must be produced by the defendants, irrespective of whether plaintiff(s) may have independently secured or requested copies of the same information.

PLEASE TAKE FURTHER NOTICE:

- ♦ IF THE ORIGINAL OF ANY OF THE PRECEDING ITEMS WAS AT ONE TIME IN YOUR POSSESSION, CUSTODY, OR CONTROL BUT IS NO LONGER IN YOUR POSSESSION, CUSTODY OR CONTROL, PRODUCE ALL COPIES OF SAME, TOGETHER WITH A STATEMENT SETTING FORTH THE DATE THAT THE ORIGINAL OF SAID ITEM WAS LAST IN YOUR POSSESSION, CUSTODY OR CONTROL AND THE NAME OF THE PERSON OR ENTITY TO WHOM YOU TRANSFERRED POSSESSION, CUSTODY OR CONTROL ON THAT DATE.
- ♦ IF THE ORIGINAL OF ANY OF THE PRECEDING ITEMS WAS NEVER IN YOUR

POSSESSION, CUSTODY, OR CONTROL BUT A COPY WAS IN YOUR POSSESSION, CUSTODY OR CONTROL, PRODUCE ALL COPIES OF SAME.

- ◆ IF THE ORIGINAL OF ANY OF THE PRECEDING ITEMS WAS NEVER IN YOUR POSSESSION, CUSTODY, OR CONTROL BUT A COPY WAS IN YOUR POSSESSION, CUSTODY OR CONTROL, BUT THAT COPY IS NO LONGER IN YOUR POSSESSION, CUSTODY OR CONTROL, PRODUCE A STATEMENT SETTING FORTH THE DATE THAT THE COPY OF SAID ITEM WAS LAST IN YOUR POSSESSION, CUSTODY OR CONTROL AND THE NAME OF THE PERSON OR ENTITY TO WHOM YOU TRANSFERRED POSSESSION, CUSTODY OR CONTROL ON THAT DATE.

DEMAND FOR EXPERT WITNESSES

PLEASE TAKE FURTHER NOTICE, that pursuant to Article 31, subdivision (d) of Section 3101 of the Civil Practice Law and Rules, the undersigned hereby demand that, at the date and time stated above, you:

- 1) Disclose in reasonable detail the qualifications of each expert witness whom you expect to call at trial.
- 2) Disclose in reasonable detail the subject matter on which each expert is expected to testify.
- 3) Disclose in reasonable detail the substance of the facts and opinion on which each expert is expected to testify.
- 4) Disclose in reasonable detail a summary of the grounds for each expert's opinions.

DEMAND FOR CONTENTS OF INSURANCE AGREEMENT

PLEASE TAKE FURTHER NOTICE that, pursuant to Section 3101(f) of the CPLR, at the date and time stated above, you are hereby required to disclose the existence and

contents of any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in this action or to indemnify or reimburse for payments made to satisfy the judgment by delivering to the offices of the undersigned, at the date and time stated above, a complete and accurate copy of all such insurance agreements, including all declaration pages, coverage sheets or face sheets pertaining thereto and all forms and endorsements that are a part of the insurance agreement. This demand is not limited to primary insurance agreements and specifically includes, but is not limited to, all insuring agreements in excess of, or which supplement, the primary insurance agreement.

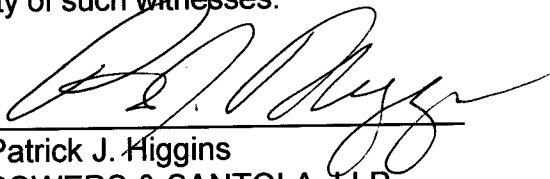
DEMAND FOR WITNESSES

PLEASE TAKE FURTHER NOTICE that the undersigned demands that, at the date and time stated above, you:

- 1) Identify the names and addresses of all persons who:
 - a) were witnesses to any of the occurrences(s) or to any of the events surrounding any of the occurrence(s) that are the subject of this action; or
 - b) were witnesses to any of the condition(s) that are the subject of this action; or
 - c) were witnesses to any of the plaintiff's injuries;

whether or not obtained by investigation made after the date of the occurrence and regardless of how you learned of the identity of such witnesses.

Dated: October 17, 2011


Patrick J. Higgins
POWERS & SANTOLA, LLP
Attorneys for Plaintiffs
Office and P.O. Address
39 North Pearl Street
Albany, New York 12207
(518) 465-5995

To:

<p>P. Kevin Leyendecker, Esq. Kevin@moriarty.com Hilary S. Greene, Esq. hilary@moriarty.com Moriarty Leyendecker, P.C. Attorneys for Plaintiffs [Not Admitted in New York] 4203 Montrose Blvd., Suite 150 Houston, TX 77006 Tel. No. (713) 528-0700 Fax (713) 528-1390</p>	<p>John Murad, Jr., Esq. jmurad@hancocklaw.com Hancock Estabrook, LLP Attorneys for Defendant, Lissette Bernal, D.D.S. 1500 AXA Tower 100 Madison Street Syracuse, NY 13202 Direct Line: (515) 565-4543 Tel. No. (315) 565-4500 Fax (315) 565-4600</p>
<p>Stephen M. Hackerman, Esq. shackerman@hackermanfrankel.com Richard Frankel, Esq. rfrankel@hackermanfrankel.com Hackerman Frankel, P.C. Attorneys for Plaintiffs [Not Admitted in New York] 4203 Montrose Blvd., Suite 600 Houston, TX 77006 Direct: (713) 528-2519 Fax (713) 528-2509</p>	<p>Joseph P. McGovern, Esq. joe@jmcgovernlaw.com Attorney for Defendant, Wadia Hanna, D.D.S. 5 Wilson Street Albany, NY 12207 Tel. No. (518) 427-2933 Fax (518) 427-2933</p>
<p>Simeon M. Schopf, Esq. sschopf@kslaw.com King & Spalding Attorneys for Defendants, FORBA Holdings, LLC, n/k/a Church Street Health Management, LLC, FORBA NY, LLC, FORBA LLC n/k/a LICSAC, LLC; FORBA NY, LLC n/k/a LICSAC, LLC 1700 Pennsylvania Avenue, NW, Ste 200 Washington, DC 20006-4707 Direct Line: (202) 626-2384 Tel. No. (202) 737-0500 Fax (202) 626-3737</p>	<p>Kevin S. Hulslander, Esq. khulslander@smithsovik.com Smith, Sovik, Kendrick & Sugnet, P.C. Attorneys for Defendants, FORBA Holdings, LLC, FORBA NY, LLC, Small Smiles Dentistry of Albany LLC and Albany Access Dentistry, PLLC 250 South Clinton Street Syracuse, NY 13202 Tel. No. (315) 474-2911 Fax (315) 474-6015</p>
<p>Laura Kroner, D.D.S. 3249 Quantum Lakes Drive Boynton Beach, FL 33426</p>	<p>Dr. Bernice Little-Mundle P.O. Box 10204 Silver Spring, MD 20904</p>
<p>Dennis A. First, Esq. first@oobf.com O'Connor, O'Connor, Bresee & First, P.C. Attorneys for Defendants, FORBA LLC, n/k/a LICSAC LLC, FORBA NY, LLC, n/k/a LICSAC LLC, DD Marketing, Inc., DeRose Management, LLC, Daniel E. DeRose, D.D.S., Michael A. DeRose, Edward J. DeRose, Adolph R. Padula, D.D.S., William A. Mueller, D.D.S. and Michael W. Roumph 20 Corporate Woods Blvd. Albany, NY 12211 Tel. No. (518) 465-0400 Fax (518) 465-0015</p>	<p>Theresa B. Marangas, Esq. Theresa.marangas@wilsonelser.com Wilson, Elser, Moskowitz, Edelman & Dicker, LLP Attorneys for Defendants, Judith Mori, D.D.S., Keerthi Golla, D.D.S., Maziar Izadi, D.D.S., Evan Goldstein, D.D.S., Edmise Forestal, D.D.S. and Nassef Lancen, D.D.S. 677 Broadway Albany, NY 12207 Tel. No. (518) 449-8893 Fax (518) 559-8927</p>

<p>Andrew M. Knoll, Esq. aknoll@scolaro.com Scolaro, Shulman, Cohen, Fetter & Burstein, P.C. Attorneys for Defendant, Delia Morales, D.D.S. [Varano] 507 Plum Street, Suite 300 Syracuse, NY 13204 Tel. No. (315) 471-8111 Fax (315) 425-3641</p>	<p>Gordon D. Tresch, Esq. gtresch@feldmankieffer.com Feldman Kieffer, LLP Attorneys for Defendants, Ellen Nam, D.D.S. [Johnson] The Dun Building 110 Pearl Street, Suite 400 Buffalo, NY 14202 Tel. No. (716) 852-5875 Fax (716) 852-4253</p>
<p>Dr. Dimitri Filostrat, Pro Se [Varano] 6709 Gillen Street Metairie, LA 70003</p>	<p>John A. McPhillamy, Esq. johnmcpPhillamy@admlaw.com Ahmuty, Demers & McManus, Esqs. Attorneys for Defendant, Adolph R. Padula, D.D.S. 200 I.U. Willets Road Albertson, NY 11507 Tel. No. (516) 294-5433 Fax (516) 294-5387</p>
<p>Thomas D. Cronmiller, Esq. tcronmiller@hblaw.com Tara J. Sciortino, Esq. tsciortino@hblaw.com Paul A. Sanders, Esq. Hiscock & Barclay, LLP Attorneys for Defendant, Gary Gusmerotti, D.D.S. [Johnson] 2000 HSBC Plaza, 100 Chestnut Street Rochester, NY 14604 Tel. No. (585) 295-4400 Fax (585) 295-4401</p>	<p>Kathleen M. Reilly, Esq. kreilly@damonmorey.com Damon Morey, LLP Attorneys for Kathleen Poleon, D.D.S. The Aviant Building, Suite 1200 200 Delaware Avenue Buffalo, NY 14202-2150 Tel. No. (716) 856-5500 Fax (716) 856-5510</p>
<p>Michael L. Koenig, Esq. koenigm@gtlaw.com Greenberg Traurig Attorneys for Defendant, Maziar Izadi, D.D.S. 54 State Street, 6th Floor Albany, NY 12207 Tel. No. (518) 689-1400 Fax (518) 689-1499</p>	

Eff. 10/17/11

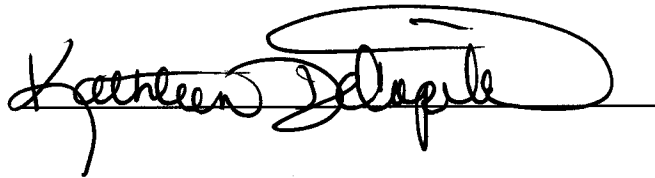
[illegible]

The undersigned, being duly sworn, deposes and says that a true and correct copy of the above and foregoing Plaintiffs' Notice for Discovery and Inspection and Combined Discovery Demands was mailed on October 17, 2011 to:

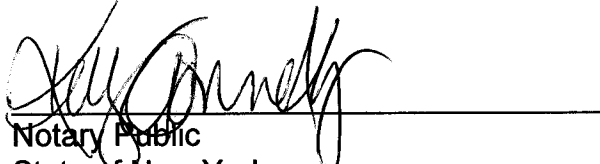
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<p>Boynton Beach, FL 33426</p> <p>Dennis A. First, Esq. first@oobf.com O'Connor, O'Connor, Bresee & First, P.C. Attorneys for Defendants, FORBA LLC, n/k/a LICsac LLC, FORBA NY, LLC, n/k/a LICsac LLC, DD Marketing, Inc., DeRose Management, LLC, Daniel E. DeRose, D.D.S., Michael A. DeRose, Edward J. DeRose, Adolph R. Padula, D.D.S., William A. Mueller, D.D.S. and Michael W. Roumph 20 Corporate Woods Blvd. Albany, NY 12211 Tel. No. (518) 465-0400 Fax (518) 465-0015</p>	<p>Silver Spring, MD 20904</p> <p>Theresa B. Marangas, Esq. Theresa.marangas@wilsonelser.com Wilson, Elser, Moskowitz, Edelman & Dicker, LLP Attorneys for Defendants, Judith Mori, D.D.S., Keerthi Golla, D.D.S., Maziar Izadi, D.D.S., Evan Goldstein, D.D.S., Edmise Forestal, D.D.S. and Nassef Lancen, D.D.S. 677 Broadway Albany, NY 12207 Tel. No. (518) 449-8893 Fax (518) 559-8927</p>
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Fax (518) 689-1499



Sworn to before me on October 17, 2011.



Notary Public
State of New York

KELLY S. GONNELLY
Notary Public, State of New York
Qualified in Montgomery County
Reg. No. 01GO4882679
My Commission Expires March 14, 2014

EXHIBIT “A”

560001/11
SUB # 6

**STATE OF NEW YORK
LITIGATION COORDINATING PANEL**

X

TIMOTHY ANGUS, AS PARENT AND NATURAL
GUARDIAN OF INFANT JACOB ANGUS; JESSALYNN
PURCELL, AS PARENT AND NATURAL GUARDIAN
OF INFANT ISAIAH BERG; BRIAN CARTER, AS
PARENT AND NATURAL GUARDIAN OF INFANT
BRIANA CARTER; APRIL FERGUSON, AS PARENT
AND NATURAL GUARDIAN OF INFANT JOSEPH
FERGUSON; SHERAIN RIVERA, AS PARENT AND
NATURAL GUARDIAN OF INFANT SHADAYA
GILMORE; TONYA POTTER, AS PARENT AND
NATURAL GUARDIAN OF INFANT DESIRAE
HAGER; NANCY WARD, AS LEGAL CUSTODIAN
OF INFANT AALYIAROSE LABOMBARD-BLACK;
NANCY WARD, AS LEGAL CUSTODIAN OF INFANT
MANUEL LABORDE JR., JENNIFER BACON, AS PARENT
AND NATURAL GUARDIAN OF INFANT ASHLEY PARKER;
AND COURTNEY CONRAD, AS PARENT AND NATURAL
GUARDIAN OF INFANT ZAKARY WILSON

Plaintiffs

- against -

FORBA HOLDINGS, LLC N/K/A CHURCH STREET HEALTH
MANAGEMENT, LLC; FORBA N.Y., LLC; FORBA, LLC, N/K/A
LICSAC, LLC; FORBA NY, LLC N/K/A LICSAC NY, LLC; DD
MARKETING INC.; DEROSE MANAGEMENT, LLC; SMALL
SMILES DENTISTRY OF ALBANY, LLC, ALBANY ACCESS
DENTISTRY, PLLC; DANIEL E. DEROSE; MICHAEL A. DEROSE,
D.D.S.; EDWARD J. DEROSE, D.D.S.; ADOLPH R. PADULA, D.D.S.;
WILLIAM A. MUELLER, D.D.S.; MICHAEL W. ROUMPH; MAZIAR
IZADI, D.D.S.; LAURA KRONER, D.D.S.; JUDITH MORI, D.D.S.
LISSETTE BERNAL ;D.D.S.; EDMISE FORESTAL, D.D.S.;
EVAN GOLDSTEIN, D.D.S.; KEERTHI GOLLA, D.D.S.; NASSEF
LANCEN, D.D.S.; WADIA HANNA, D.D.S.; AND BERNICE LITTLE-
MUNDLE, D.D.S

Panel Case No. 0011/2011

Index No. 000562/2011

Pending in the

Fourth Judicial District

Assigned Justice

Hon. Barry D. Kramer

Filed: Schenectady Supreme Court

FILED

SEP - 1 2011

COUNTY CLERK'S OFFICE
NEW YORK

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AND OTHER MATTERS LISTED ON THE ATTACHED APPENDIX

APPENDIX

<u>CASE</u>	<u>INDEX NO.</u>	<u>COUNTY</u>	<u>JUSTICE ASSIGNED</u>
Varano v Forba Holdings.	002128/11	Onondaga	Hon. John C. Cherundolo
Johnson v Forba Holdings	007100/11	Monroe	Unknown

STATE OF NEW YORK
SUPREME COURT COUNTY OF ONONDAGA

SERVICE LIST

In Re: SMALL SMILES LITIGATION

Index No: 2011-2128
RJI No: 33-11-1413
Hon. John C. Cherundolo

<p>P. Kevin Leyendecker, Esq. Kevin@moriarty.com Hilary S. Greene, Esq. hilary@moriarty.com Moriarty Leyendecker, P.C. <i>Attorneys for Plaintiffs</i> [Not Admitted in New York] 4203 Montrose Blvd., Suite 150 Houston, TX 77006 Tel. No. (713) 528-0700 Fax (713) 528-1390</p>	<p>John Murad, Jr., Esq. jmurad@hancocklaw.com Hancock Estabrook, LLP <i>Attorneys for Defendant, Lissette Bernal, D.D.S.</i> 1500 AXA Tower 100 Madison Street Syracuse, NY 13202 Direct Line: (515) 565-4543 Tel. No. (315) 565-4500 Fax (315) 565-4600</p>
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