

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

IN RE: DENTAL SUPPLIES ANTITRUST
LITIGATION

No. 1:16-CV-00696-BMC-GRB
CONSOLIDATED

**PLAINTIFFS' MOTION FOR SUPPLEMENTAL
DISTRIBUTION OF SETTLEMENT FUNDS**

Plaintiffs,¹ through Class Counsel,² move this Court for an Order (i) authorizing a supplemental distribution of the remaining settlement funds from the class settlement with Defendants³ to settlement class members who cashed their initial payments; (ii) determining the payment due to a class member that disputed its designation as a Corporate Practice; and (iii) authorizing the payment of claims administration costs incurred, or to be incurred, by Kroll Settlement Administration, formerly known as Heffler Claims Group LLC.

For the reasons set forth more fully in the accompanying memorandum of law and the Supplemental Declaration of Lori L. Castaneda, Plaintiffs respectfully request that the Court authorize the distribution of the Net Settlement Fund.

Dated: January 31, 2022

Respectfully submitted,

/s/ Brent W. Landau

Brent W. Landau
Gary I. Smith, Jr.
HAUSFELD LLP

¹ Arnell Prato, D.D.S., P.L.L.C., d/b/a/ Down to Earth Dental; Evolution Dental Sciences, LLC; Howard M. May, DDS, P.C.; Casey Nelson, D.D.S.; Jim Peck, D.D.S.; Keith Schwartz, D.M.D., P.A.; and Bernard W. Kurek, D.M.D. and Larchmont Dental Associates, P.C.

² Berger Montague PC, Cohen Milstein Sellers & Toll, PLLC, Hausfeld LLP, and Susman Godfrey LLP.

³ Henry Schein, Inc., Patterson Companies, Inc., and Benco Dental Supply Co.

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CERTIFICATE OF SERVICE

I hereby certify that on January 31, 2022, I caused the foregoing Motion, the Memorandum of Law in Support, the Supplemental Declaration of Lori L. Castaneda, and a Proposed Order granting the foregoing Motion, to be electronically filed and also sent via U.S. mail and electronic mail to:

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Two North Twentieth Building
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Notice of this filing will be sent by email to all parties by operation of the court's electronic filing systems. Parties may access the filing through the Court's CM/ECF System.

/s/ Brent W. Landau

Co-Lead Class Counsel

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

IN RE: DENTAL SUPPLIES ANTITRUST
LITIGATION

No. 1:16-CV-00696-BMC-GRB
CONSOLIDATED

**MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFFS' MOTION FOR
SUPPLEMENTAL DISTRIBUTION OF SETTLEMENT FUNDS**

Plaintiffs,¹ through Class Counsel,² move this Court for an Order (i) authorizing a supplemental distribution of the remaining settlement funds from the class settlement with Defendants³ to settlement class members who cashed their initial payments; (ii) determining the payment due to a class member that disputed its designation as a Corporate Practice; and (iii) authorizing the payment of claims administration costs incurred, or to be incurred, by Kroll Settlement Administration, formerly known as Heffler Claims Group LLC.

In this action, Plaintiffs alleged that the Defendants artificially inflated the prices that dental practices paid for Dental Supplies and Equipment through a series of anticompetitive practices, including an agreement to fix margins, an agreement not to poach one another's sales representatives (thus preventing those sales representatives' clients from moving between Defendants, akin to a market allocation scheme), and agreements to boycott low-priced rivals.

¹ Arnell Prato, D.D.S., P.L.L.C., d/b/a/ Down to Earth Dental; Evolution Dental Sciences, LLC; Howard M. May, DDS, P.C.; Casey Nelson, D.D.S.; Jim Peck, D.D.S.; Keith Schwartz, D.M.D., P.A.; and Bernard W. Kurek, D.M.D. and Larchmont Dental Associates, P.C.

² Berger Montague PC, Cohen Milstein Sellers & Toll, PLLC, Hausfeld LLP, and Susman Godfrey LLP.

³ Henry Schein, Inc., Patterson Companies, Inc., and Benco Dental Supply Co.

See generally ECF No. 49. Plaintiffs’ federal antitrust claims against Defendants were fully resolved in an \$80 million cash settlement, reached on September 28, 2018. ECF No. 310-1.

On June 25, 2019, this Court granted final approval of the Settlement. *See generally* ECF No. 341. This included finally approving the Plan of Allocation, *id.* ¶ 5, which the Court had previously preliminarily approved as “a straightforward and equitable method of allocat[i]on” that “fairly accounts for the relative strengths and weaknesses of the claims of different categories of Settlement Class Members,” ECF No. 317 ¶ 17. An appeal of final approval (as to the award of attorneys’ fees only) was resolved, on remand, by motion before this Court in October 2019. *See* ECF Nos. 342, 344-347.

1. Supplemental Distribution of Remaining Settlement Funds

On August 31, 2020, this Court granted Plaintiffs’ motion for disbursement of settlement funds, approving a \$25 minimum payment and “[d]istribution of the NSF [net settlement fund] as proposed in the excel file provided to the Court.” ECF No. 354. As described in the Supplemental Declaration of Lori L. Castaneda Regarding Claims Administration (“Castaneda Supp. Decl.”), Kroll mailed checks to 49,910 class members on October 13, 2020. Castaneda Supp. Decl. ¶ 4. Since that time, 46,489 checks (over 93% of total checks) have been negotiated and 3,421 remain uncashed. *Id.* The average dollar amount of uncashed checks is approximately \$476. *Id.* Kroll has conducted outreach to claimants via email and phone calls, which led to the reissue of several hundred checks that have now been cashed. *Id.* ¶ 5. Kroll does not believe further outreach efforts will materially alter the remaining funds. *Id.*

There remains \$1,643,025.89 from the uncashed checks described above and from funds held in reserve. *Id.* ¶ 6. Kroll anticipates that it will cost approximately \$98,000 to complete the

supplemental distribution. *Id.* ¶ 7. To minimize administrative expense, Kroll proposes to have checks remain valid for 60 days. *Id.*

Based on the Plan of Allocation, Kroll has calculated payment amounts for those class members who cashed their initial payments, removing those claimants who did not cash their checks and those whose pro rata share would have already been fulfilled based on the minimum payment of \$25 for the first distribution. *Id.* ¶¶ 8-10. Kroll and Class Counsel recommend a minimum payment for the supplemental distribution of \$5. *Id.* ¶ 11.⁴

2. Payment Due to Familia Dental

The Court-approved Plan of Allocation weighed class member purchases differently depending on whether an entity was considered a Corporate Practice versus a Private Practice. As described in the Plan of Allocation, “Corporate dental customers are multi-office practices with centralized functions, which include national dental support organizations (‘DSOs’).” ECF No. 310-5, ¶ 2 n.3. Therefore, the Private Practice designation was defined on the claim form as a “sole practitioner, small independent dental practice, dental clinic or a dental laboratory,” and a Corporate Practice was defined as “a corporate dental practice, a dental support or service organization “DSO,” or receives ‘Corporate or Special Markets’ pricing.” Castaneda Supp. Decl. ¶ 14.

After the first distribution was mailed, Kroll became aware that Familia Dental (“Familia”), which had submitted timely claims, disagreed with the designation used in determining its payment. Castaneda Supp. Decl. ¶ 12. According to its website,

⁴ In the first distribution, claimants received a minimum payment of \$25 or the actual amount of their relevant purchases, whichever was lower. For those claimants who received a \$5 check in the first distribution, over 90% cashed their checks, suggested that class members are generally willing to cash \$5 checks. Castaneda Supp. Decl. ¶ 11.

www.familiadental.com, Familia “was established in 2008 and has grown rapidly because of our quality dentistry and our caring, compassionate approach to all people” and operates “42 locations for your convenience” in Illinois, Indiana, Iowa, New Mexico, Texas, and Wisconsin.

Kroll received 120 separate registrations and claim forms for Familia entities. *Id.* ¶ 13. The 120 records included multiple registrations and claim forms for each Familia location due to multiple listings of the same entity in Defendants’ data; for example, Kroll received five separate claims for Familia’s location at 3200 Andrews Highway, Midland, Texas: “Familia – Midland Mobile” and “Familia Dental – Midland” listed purchases from Patterson, and “Familia Dental Midland Mobile,” “Familia Dental Midland Ortho,” and “Familia Dental Midland” listed purchases from Schein. *Id.*

Familia’s claim forms did not consistently describe its type of practice: 5 claim forms were marked Corporate, 100 were marked as Private, and one was blank. *Id.* ¶ 14. For the remaining 14 entity records, Kroll received only a registration and not a claim form. *Id.* Familia’s claims were submitted by a third-party recovery agent, which provided a copy of its agreement with Familia Dental, LLC; that agreement states that it “is meant to cover Familia Dental LLC and all of its [sic] subsidiaries, affiliated businesses and DBA’s including but not limited to” 42 separate limited liability companies, one for each of Familia’s separate locations. *Id.* ¶ 15. The agreement was signed by a single representative of Familia Dental, LLC. *Id.* Kroll was provided with a single tax identification number to use for all of the claims. *Id.*

When Kroll reviewed Familia’s claims against the Defendants’ data prior to the initial distribution, 116 of the entities were listed in the data as Corporate, 4 of the entities did not have a designation in the Defendants’ data, and *none of the entities was listed as Private.* *Id.* ¶ 16. When Kroll finalized the claim, Defendants’ designation as a Corporate account was therefore

used for all the Familia claims, except for 14 records that appeared to have been submitted through the registration process only and for which no claim form appeared to have been received. *Id.*⁵

Familia did not cash any of its checks and has since requested that the claims be paid as they were marked, primarily as Private practices, even though Kroll determined that Familia does not appear to fall under the definition of a “sole practitioner, small independent dental practice, dental clinic or a dental laboratory” and contrary to Defendants’ data listing it as a Corporate account and its apparent status as a “multi-office practice[] with centralized functions.” *Id.* ¶ 17.

According to Kroll, while it did notify other claimants where the designation needed to be changed, it does appear that through an oversight, Familia was not notified of this change as it should have been prior to the first distribution. *Id.* ¶ 18. However, Kroll and Class Counsel have since discussed this issue with the third-party recovery agent that submitted Familia’s claims and its counsel on a number of occasions. *Id.* Kroll and Class Counsel invited Familia to submit additional documentation, including regarding its corporate structure and use of centralized functions, or to make Familia employees available to speak with Kroll and Class Counsel about these issues, but Familia did not do so. *Id.* Kroll therefore recommends, based on all of the information received and for the reasons discussed above, that all Familia claims be treated as Corporate. *Id.*

⁵These “registered only” records did not get included in the programmatic roll-up nor included with the master grouped Corporate claim as they were not required to provide a tax identification number in the registration process and this is what Kroll used to combine claims. Castaneda Supp. Decl. ¶ 16. These 14 registered Familia records were paid as single practitioners and a Private claim. *Id.*

While Kroll believes the Corporate designation is the appropriate designation, it has prepared two calculations for the potential second distribution so that if the Court determines that Familia should be treated as multiple Private practices, Kroll can and will do so. *Id.* ¶ 19. These calculations are set out in the Excel file that is posted on the settlement website (www.dentalsuppliesantitrustclassaction.com);⁶ Scenario One represents the payments to eligible Class Members if each Familia location is treated as a Private customer, while Scenario Two represents the payments to eligible Class Members if Familia is treated as a Corporate customer. *Id.* If Familia is treated as Corporate, it would receive \$2,457.00 as its share of the first distribution, while if each Familia location is treated as Private, it would receive \$78,215.00 as its share of the first distribution and would have received the second-largest payment of any Class Member in this entire litigation. *Id.*⁷

Class Counsel are serving a copy of this motion on counsel for the third-party recovery agent that submitted Familia's claim, so that it has notice and an opportunity to respond. Class Counsel request that the Court then determine whether Familia should be treated as Private, as it requests, or as Corporate, as Kroll has determined. Upon the Court's ruling, Kroll can then carry out a distribution under either Scenario One or Scenario Two, as directed.

Depending on how the Court resolves the Familia issue, the average additional award for the Equipment Only group will be about \$18.90, with the highest additional award being

⁶The file is accessible here:

http://www.dentalsuppliesantitrustclassaction.com/home/261/DocumentHandler?docPath=/Documents/Dental_Supplies_2nd_Distribution.xlsx. Because there are nearly 50,000 class members, a .pdf submission of the proposed distribution would span approximately 750 pages. As a result, and for the convenience of the Court, Plaintiffs have made available an excel file that is searchable and sortable (although not editable, to maintain accuracy of the proposed distribution), rather than a massive and unsortable .pdf file.

⁷Familia would also receive a supplemental distribution, either \$79.07 if it is treated as Corporate or \$2,382.01 if it is treated as Private. Castaneda Supp. Decl. ¶ 19.

approximately \$351. *Id.* ¶ 22. For those who had Supply purchases, the average additional award will be between \$40 and \$42.45, with the largest additional award being between \$2,586 and \$2,732 (not including any award to Familia). *Id.*

3. Payment of Claims Administration Costs

The Court previously authorized payment of \$700,000 to Kroll for its work through the first distribution of settlement funds. As noted above, the cost of the supplemental distribution would be \$98,000. Kroll also recommends a reserve of \$17,500 for any residual tax filings or payments. Castaneda Supp. Decl. ¶ 21.

CONCLUSION

Plaintiffs respectfully request that the Court authorize the distribution of the remaining Settlement Fund in the manner set forth herein and that the Court direct Kroll to proceed with either Scenario One or Scenario Two, as it determines to be appropriate.

Dated: January 31, 2022

Respectfully submitted,

/s/ Brent W. Landau

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**IN THE UNITED STATES DISTRICT COURT
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IN RE: DENTAL SUPPLIES ANTITRUST
LITIGATION

No. 1:16-CV-00696-BMC-GRB
CONSOLIDATED

**SUPPLEMENTAL DECLARATION OF LORI L. CASTANEDA
REGARDING CLAIMS ADMINISTRATION**

1. I am a Senior Director for Kroll Settlement Administration (“Kroll”), formerly known as Heffler Claims Group LLC. The following statements are based on my personal knowledge and information provided by other experienced Kroll employees working under my supervision. If called on to do so, I could and would testify competently thereto.

2. Kroll has served in this matter as the Claims Administrator assisting with various tasks, including administering the Notice Program; receiving and processing claims and requests for exclusion; responding to Class Member inquiries; establishing and maintaining the Settlement Website; and distributing Settlement Funds. This Declaration discusses the funds remaining in the Settlement Fund, mainly uncashed checks, and recommendations as to a second distribution to Class Members of those funds.

3. As previously reported to this court in my Declaration Regarding Claims Administration [ECF No. 353-2], after all efforts in the claims review and audit process were complete the total number of Claims and Registrations eligible for payment was 49,910. Of these, 3,450 were paid as purchasers of Equipment only based on their total Equipment purchased, and

46,460 were paid as purchasers of both Supplies and Equipment based on their total Supplies purchased as detailed further in the Plan of Allocation.

SETTLEMENT DISTRIBUTION

4. Upon the Court's approval, Kroll caused the initial distribution of Settlement funds to be sent to Class Members or their agents, based on the Plan of Allocation weighting and the pro rata shares. Checks were mailed October 13, 2020. All 49,910 eligible Class Members were sent Settlement funds in the amounts reported to the Court. Since that time, 46,489 checks (over 93% of total checks) have been negotiated and 3,421 remain uncashed. The average dollar amount of uncashed checks is approximately \$476.

5. Kroll has conducted outreach to Class Members via email and phone calls, advising them that their check remained uncashed and recommending that they request a reissue of their check if it was stale, or to cash their check if it was still valid. After said outreach, Kroll reissued several hundred checks which have now been cashed. Kroll does not believe further outreach efforts will materially alter the remaining funds and recommends consideration of a second distribution.

REMAINING SETTLEMENT FUNDS

6. Based on the Settlement Fund statements Kroll has received, there remains \$1,643,025.89 from the uncashed checks and from funds held in reserve. For the reasons set out below, Kroll believes that a second distribution is viable and fiscally reasonable for the Class.

7. Kroll estimates that it will cost approximately \$98,000 to complete the supplemental distribution, including preparation of the calculations described in this Declaration, printing and mailing checks to Class Members, and handling any requests for reissues, questions about checks, or questions on the Settlement Plan of Allocation, along with tax reporting for 2021 and 2022. To minimize administrative expense, should the Court approve a second distribution, Kroll proposes to have checks valid for 60 days. This will also help keep Class Member communications to a minimum.

8. In anticipation of the Court's consideration of a second distribution of the remaining funds, Kroll has prepared the calculated award values for Class Members. Kroll considered the funds remaining for each group (Equipment Only Purchasers and Equipment & Supply Purchasers) and assigned those funds back to each respective group. Next, Kroll removed all Class Members who did not cash their initial check ("Non-Cashers"). These entities and individuals may be out of business due to the pandemic or have moved and not let the Post Office, Claims Administrator, or Class Counsel know of their new address. As noted above, Kroll does not believe further outreach efforts to the remaining Non-Cashers will materially alter the remaining funds. Once the Non-Cashers were removed from the list of potential second distribution recipients, Kroll applied the Plan of Allocation to determine a pro rata amount that the Class Members who cashed their checks would have received had the Non-Cashers been excluded from the first distribution.

9. Kroll then reviewed the results to see if the resulting pro rata share would have already been fulfilled based upon the minimum payment of \$25 for the first distribution. All Class Members who would have had their pro rata share fulfilled in the first distribution were then removed from the list of payable claims for a second distribution, as they would not have received

a larger distribution had the Non-Cashers been excluded from the first distribution. This leaves only those Class Members who cashed their checks and did not get paid their full pro rata amount in the first distribution.

10. Kroll then calculated the additional amount each of the remaining Class Members would have received had the Non-Cashers been excluded from the first distribution, based on the funds left for each group and pursuant to the Plan of Allocation. This resulted in many Class Members' additional payments being under \$5.

11. In consultation with Class Counsel, Kroll is recommending that, like the \$25 minimum payment in the first distribution, it use a \$5 minimum payment in the second distribution. Kroll and Class Counsel arrived at this recommendation in looking at the cash rate of checks from the first distribution that were \$5. This cash rate was very high (more than 90%), suggesting that Class Members are generally willing to cash \$5 checks; the \$5 minimum maintains a very close proximity for these remaining Class Members to receive their actual pro rata share, especially for the higher valued purchasers; and it allows a consistent minimum to be used between the Equipment Only group and the Equipment & Supplies group, as there are not enough funds to do a \$25 minimum in the Equipment Only group.

FAMILIA DENTAL CLAIMS

12. After the Court-approved first distribution was mailed, Kroll became aware that Familia Dental ("Familia"), which had submitted timely claims, disagreed with the designation used in determining its payment. The Plan of Allocation differentiated the weighting of purchases where an entity was considered a Corporate Practice versus a Private Practice.

13. According to its website, www.familiadental.com, Familia “was established in 2008 and has grown rapidly because of our quality dentistry and our caring, compassionate approach to all people” and operates “42 locations for your convenience” in Illinois, Indiana, Iowa, New Mexico, Texas, and Wisconsin. Kroll received 120 separate registrations and claim forms for La Familia entities. The 120 records included multiple registrations and claim forms for each Familia Dental location due to multiple listings of the same entity in Defendants’ data; for example, Kroll received five separate claims for Familia’s location at 3200 Andrews Highway, Midland, Texas: “Familia – Midland Mobile” and “Familia Dental – Midland” listed purchases from Patterson, and “Familia Dental Midland Mobile,” “Familia Dental Midland Ortho,” and “Familia Dental Midland” listed purchases from Schein.

14. Each claim form requested information as to the type of practice, Private or Corporate. The Private Practice designation was defined on the claim form as a “sole practitioner, small independent dental practice, dental clinic or a dental laboratory.” A Corporate Practice was defined as “a corporate dental practice, a dental support or service organization “DSO,” or receives ‘Corporate or Special Markets’ pricing.” As described in the Plan of Allocation approved by the Court, “Corporate dental customers are multi-office practices with centralized functions, which include national dental support organizations (‘DSOs’).” Familia’s claim forms did not consistently describe the type of practice: 5 claim forms were marked Corporate, 100 were marked as Private, and one was blank. For the remaining 14 entity records, Kroll received only a registration and not a claim form.

15. Familia’s claims were submitted by a third-party recovery agent, which provided a copy of its agreement with Familia Dental, LLC. That agreement states that it “is meant to cover

Familia Dental LLC and all of its [sic] subsidiaries, affiliated businesses and DBA's including but not limited to" 42 separate limited liability companies, one for each of Familia's separate locations. The agreement was signed by a single representative of Familia Dental, LLC. Kroll was provided with a single tax identification number to use for all of the claims.

16. When Familia's claims were reviewed against the Defendants' data prior to the initial distribution, 116 of the entities were listed in the data as Corporate, 4 of the entities did not have a designation in the Defendants' data, and *none of the entities was listed as Private*. When Kroll finalized the claim, Defendants' designation as a Corporate account was therefore used for all the Familia claims, except for 14 records that appeared to have been submitted through the registration process only and for which no claim form appeared to have been received. These "registered only" records did not get included in the programmatic roll-up nor included with the master grouped Corporate claim, as they were not required to provide a tax identification number in the registration process, and this is what Kroll used to combine claims. These 14 registered Familia records were paid as single practitioners and a Private claim.

17. Familia did not cash any of its checks and has since requested that the claims be paid as they were marked, primarily as Private practices, even though Familia does not appear to fall under the definition of a "sole practitioner, small independent dental practice, dental clinic or a dental laboratory" and contrary to Defendants' data listing it as a Corporate account and its apparent status as a "multi-office practices with centralized functions." Familia states that it should have been notified of the entity type determination prior to payment and disputes the characterization as a Corporate practice.

18. Kroll checked its records, and while it did notify other claimants where the designation needed to be changed, it does appear that through an oversight, Familia was not notified of this change as it should have been prior to the first distribution. However, Kroll and Class Counsel have since discussed this issue with the third-party recovery agent that submitted Familia's claims and its counsel on a number of occasions. Kroll and Class Counsel invited Familia to submit additional documentation, including regarding its corporate structure and use of centralized functions, or to make Familia employees available to speak with Kroll and Class Counsel about these issues, but Familia did not do so. Kroll therefore recommends, based on all of the information received and for the reasons discussed above, that all Familia claims be treated as Corporate.

19. While Kroll believes the Corporate designation is the appropriate designation, it has prepared two calculations for the potential second distribution so that if the Court determines that Familia should be treated as multiple Private practices, Kroll can and will do so. These calculations are set out in the Excel file that has been posted on the settlement website; Scenario One represents the additional payments to eligible Class Members if each Familia location is treated as a Private customer, while Scenario Two represents the payments to eligible Class Members if Familia is treated as a Corporate customer. If Familia is treated as Corporate, it would receive \$2,457.00 as its share of the first distribution, while if each Familia location is treated as Private, it would receive \$78,215.00 as its share of the first distribution and would have received the second-largest payment of any Class Member in this entire litigation. Additionally, Kroll will use the designation the Court determines appropriate for the supplemental distribution to Familia, which will be either \$79.07 if it is determined a Corporate customer or \$2,382.01 if it is determined to be Private.

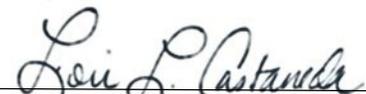
CONCLUSION

20. Upon Court approval of a second distribution and the recommended minimum award of \$5, as well as the Court's determination of practice status that should be used for Familia, Kroll is prepared to cause the remaining funds to be distributed.

21. As \$1,643,025.89 remains in unclaimed funds, after estimated administration fees (\$98,000), a reserve for any residual tax filings or payments (\$17,500), and payment to Familia for the first distribution as they have not cashed their checks awaiting a determination of their entity status (\$78,215 or \$2,457), there will be either \$1,521,858.94 or \$1,446,100.94 available to be distributed to eligible Class Members. Of either amount, \$22,615 will be distributed pro rata as described to the Equipment Only purchasers and the remainder will be distributed based on the weighted supply purchase values and the pro rata after that weighting.

22. In each case scenario, the minimum additional award will be \$5, and the average additional award for the Equipment Only group will be about \$18.90 with the highest additional award being approximately \$351. For those who had Supply purchases, the average additional award will be between \$40 and \$42.45, with the largest additional award being between \$2,586 and \$2,732 (not including any award to Familia). In total, there will be 36,503 Class Members who will receive an additional payment.

I declare under penalty of perjury pursuant to the laws of the United States of America that the foregoing is true and correct. Executed on this 27th day of January 2022 at Fair Oaks, California.



LORI L. CASTANEDA

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

IN RE: DENTAL SUPPLIES ANTITRUST
LITIGATION

No. 1:16-CV-00696-BMC-GRB
CONSOLIDATED

**[PROPOSED] ORDER GRANTING PLAINTIFFS' MOTION FOR SUPPLEMENTAL
DISTRIBUTION OF SETTLEMENT FUNDS**

WHEREAS, the Court finally approved a settlement between Plaintiffs and Defendants on June 25, 2019 (the "Settlement"), ECF No. 341;

WHEREAS, the Court subsequently granted Plaintiffs' motion for disbursement of settlement funds, ECF No. 354; and

WHEREAS, there remains \$1,641,009.30 from uncashed checks, in addition to a further \$5,473 from funds held in reserve, and Plaintiffs have moved for a supplemental distribution of these funds;

THEREFORE, the Court, having reviewed Plaintiffs' submissions and materials referenced therein, and good cause appearing, it is hereby ORDERED as follows:

1. Plaintiffs' motion is GRANTED.
2. The \$5 minimum payment recommended by Kroll and Class Counsel is approved.
3. Familia Dental's claim is to be treated as [Private, and therefore the supplemental distribution shall proceed in accordance with Scenario One] [Corporate, and therefore the supplemental distribution shall proceed in accordance with Scenario Two], as reflected in the excel file posted on the settlement website (www.dentalsuppliesantitrustclassaction.com).

4. Kroll is awarded \$98,000 for the cost of the supplemental distribution, and there shall be a reserve of \$17,500 for any residual tax filings or payments.

SO ORDERED.

Dated: _____

Brian M. Cogan
United States District Judge