

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION**

RICHARD BARTON,
JOANNA M. RIEDL,
NICHOLAS W. HAMILTON,
CARLA TOMLINSON,

Plaintiffs,

v.

STEVE GALELLA, D.D.S.,
ORTHOMATRIX CORP., INC.,
JOHN'S DENTAL LABORATORY, INC.,

Defendants.

No. 2:21-cv-00319-JRS-MG

KARAN GILL,
HYE YOON,
CRYSTAL NASSOURI,

Plaintiffs,

v.

LVI GLOBAL, LLC,
STEVE GALELLA, D.D.S.,
ORTHOMATRIX CORP., INC.
JOHN'S DENTAL LABORATORY, INC.,

Defendants.

No. 2:21-cv-00338-JRS-MG

STEPHANIE O'CONNOR,
ARI SILBERMAN,
AMANDA HAYS,

Plaintiffs,

v.

JOHN'S DENTAL LABORATORY, INC.,
STEVE GALELLA, D.D.S.,
ORTHOMATRIX CORP., INC.

Defendants.

No. 2:21-cv-00374-JRS-MG

AKIKO SHOSHIDO,
ROBIN STROEBEL,
IRIS MATARO,

Plaintiffs,

v.

JOHN'S DENTAL LABORATORY, INC.,
STEVE GALELLA, D.D.S.,
ORTHOMATRIX CORP., INC.

Defendants.

No. 2:21-cv-00438-JRS-MG

MICHAEL HAILE,
MELANIE PAPPLARDI,

Plaintiffs,

v.

STEVE GALELLA, D.D.S.,
JOHN'S DENTAL LABORATORY, INC.
ORTHOMATRIX CORP., INC.,

Defendants.

No. 2:22-cv-00083-JRS-MG

**OMNIBUS MEMORANDUM OF LAW IN LIMITED OPPOSITION TO
DEFENDANTS' JOINT MOTION TO STAY**

In their Joint Motion to Stay, Defendants OrthoMatrix Corp., Inc. (“OrthoMatrix”), Steve Galella, D.D.S. (“Dr. Galella”) and John’s Dental Laboratory, Inc. (“John’s Dental”) (collectively “Defendants”) seek to stay the instant matter on the basis of recent criminal investigations by the U.S. Attorney’s Office for the Western District of Tennessee and/or the U.S. Department of Justice. While Plaintiffs do not dispute that Defendants provide sufficient basis to stay proceedings in this matter, Plaintiffs file this limited opposition to raise two issues with the Court. More specifically:

1) OrthoMatrix and Dr. Galella have failed to comply with the Court’s Order, issued March 1, 2023 requiring defendants to provide insurance policies and coverage information. These documents/information were originally due to be provided more than a year ago, with the parties’ initial disclosures. To date, only John’s Dental has supplied their complete insurance information. As such, in the event the Court is inclined to stay the proceedings, Plaintiffs respectfully request that the Court enforce its Order of March 1, 2023, and require OrthoMatrix and Dr. Galella to produce their insurance policies and coverage information prior to entry of a stay. Any further delay in compliance with the Court’s prior Order of production cannot be justified by any criminal investigation of Defendants. Certainly, the production of such documents will not affect Defendants’ Fifth Amendment privilege.

2) Defendants’ contention that somehow the Plaintiffs are responsible for the Defendants being the subject of criminal investigation is not only false, but it is ridiculous. Plaintiffs do not control the United States Department of Justice (“DOJ”), and do not determine the targets of DOJ investigations. Apparently, according to Defendants, the DOJ has seen enough of their conduct in

regard to the product that is at the heart of this civil case, to believe that criminal charges may be warranted. To blame Plaintiffs for that DOJ conclusion is absurd on its face.

For the foregoing reasons, Plaintiffs request that in the event this Court is inclined to enter an Order granting Defendants' Motion, Plaintiffs respectfully request that the Court enter an order requiring OrthoMatrix and Dr. Galella to produce their insurance policies and coverage information prior to entry of a stay.

Dated: April 12, 2023

Respectfully submitted,

s/Alan C. Milstein

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s/ Scott Charnas

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I, Alan C. Milstein, Esquire, hereby certify as follows:

I am an attorney at law admitted to practice before this Court and am a member of the firm Sherman, Silverstein, Kohl, Rose & Podolsky, attorneys for Plaintiffs. On April 13, 2023, I electronically filed the foregoing opposition to the Joint Motion to Stay filed by Defendants with the United States District Court for the Southern District of Indiana, using the CM/ECF system and served the same on the following persons in the matter shown:

Served electronically via CM/ECF

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Steve Galella, DDS**

I certify the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

DATE: **April 13, 2023**

s/Alan C. Milstein
Alan C. Milstein, Esquire