

EXHIBIT H

SUPERIOR COURT OF WASHINGTON
COUNTY OF KING

Welsh

NO. 13-2-26774-8 SEA

VS

CASE INFORMATION COVER SHEET
AND AREA DESIGNATION

Duyzend

CAUSE OF ACTION

(MED) - TORT, MEDICAL MALPRACTICE

AREA DESIGNATION

SEATTLE - Defined as all King County north of Interstate 90 and including all of Interstate 90 right of way, all of the cities of Seattle, Mercer Island, Issaquah, and North Bend, and all of Vashon and Maury Islands.

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KING COUNTY SUPERIOR COURT FOR THE STATE OF WASHINGTON

TOM WELSH and ANNE WELSH,
individually and the marital community
comprised thereof,

Plaintiffs,

vs.

HENRI DUYZEND, D.D.S. and SHARON
DUYZEND, individually and the marital
community comprised thereof,

Defendants.

No.

SUMMONS

THE STATE OF WASHINGTON TO: HENRI DUYZEND, D.D.S. and SHARON
DUYZEND.

A lawsuit has been started against you in the above-entitled Court by Plaintiffs Tom
Welsh and Anne Welsh. Plaintiffs' claims are stated in writing in the written complaint, a copy
of which is served upon you with this summons.

In order to defend against this lawsuit, you must respond to the complaint by stating your
defense in writing, and by serving a copy upon the person signing this summons within twenty
(20) days after the service of this summons, excluding the day of service, or a default judgment

1 may be entered against you without notice. A default judgment is one where plaintiffs are
2 entitled to what has been asked for because you have not responded. If you serve a notice of
3 appearance on the undersigned person, you are entitled to notice before a default judgment may
4 be entered.

5 If not previously filed, you may demand that the plaintiffs file this lawsuit with the Court.
6 If you do so, the demand must be in writing and must be served upon the person signing this
7 summons. Within fourteen (14) days after you serve the demand, the plaintiff must file this
8 lawsuit with the Court, or the service on you of this summons and complaint will be void.

9 If you wish to seek the advice of an attorney in this matter, you should do so promptly so
10 that your written response, if any, may be served on time.

11 THIS SUMMONS is issued pursuant to Rule 4 of the Superior Court Civil Rules of the
12 State of Washington.

13 DATED this 22nd day of July, 2013.

14 MYERS & COMPANY, P.L.L.C.

15 Attorneys for Plaintiffs

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18 By: 

19 Michael David Myers
20 WSBA No. 22486

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TOM WELSH and ANNE WELSH,
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Plaintiffs,

vs.

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DUYZEND, individually and the marital
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Defendants.

No.

COMPLAINT FOR DAMAGES

COME NOW the plaintiffs herein, Tom Welsh and Anne Welsh, by and through their undersigned attorneys of record, MYERS & COMPANY, P.L.L.C., and for cause of action against the defendants named herein, hereby allege and assert as follows:

I. PARTIES

1.1 Plaintiffs Tom Welsh and Anne Welsh are married and reside in Shoreline, Washington.

1 1.2 Upon information and belief, Defendants Duyzend are a marital community
2 residing in Shoreline, Washington.

3 1.3 Dr. Henri Duyzend was a licensed dentist who was practicing dentistry in
4 Shoreline, Washington at all times material to this case.

5 II. JURISDICTION AND VENUE

6 2.1. The acts and omissions giving rise to this cause of action occurred in Shoreline,
7 King County, Washington.

8 2.2 Defendants reside in Shoreline, King County, Washington.

9 2.3 Jurisdiction and venue are properly lodged in King County Superior Court, Seattle
10 Division.

11 III. FACTS

12 3.1 Dr. Duyzend practiced dentistry at his office located in Shoreline, Washington
13 beginning in approximately 1980 and continuing until at least December 2007.

14 3.2 Mr. Welsh was a patient of Dr. Duyzend and underwent extensive dental
15 treatment by Dr. Duyzend at his office in Shoreline, Washington.
16

17 3.3 Dr. Duyzend performed numerous dental procedures on Mr. Welsh, many of
18 which were not indicated and were unnecessary.

19 3.4 Dr. Duyzend falsely represented to Mr. Welsh that all of the treatment he was
20 performing was necessary to maintain Mr. Welsh's oral health.

21 3.5 Mr. Welsh relied upon Dr. Duyzend's false representations in agreeing to and
22 paying for the dental treatment.

23 3.6 Much of the dentistry performed on Mr. Welsh by Dr. Duyzend fell below the
24 standard of care for a reasonably prudent dentist.
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1 3.7 Dr. Duyzend failed to obtain Mr. Welsh's informed consent before performing
2 unnecessary dental procedures in order to increase his profits.

3 3.8 As a result Dr. Duyzend's negligence and performance of unnecessary dental
4 procedures, Plaintiffs sustained injuries and damages in an amount to be proven at trial.

5 **IV. CAUSES OF ACTION**

6 A. Negligence

7 4.1 Plaintiffs Welsh reallege all prior paragraphs as though fully stated herein.

8 4.2 Dr. Duyzend failed to follow the accepted standard of care and exercise the
9 degree of care, skill and learning expected of a reasonably prudent dentist, in the State of
10 Washington, acting in the same or similar circumstances.

11 4.3 Dr. Duyzend's failure to adhere to the standard of care was a proximate cause of
12 Mr. Welsh's damages.

13 4.4 As a direct and proximate result of Dr. Duyzend's negligence, Mr. Welsh has
14 suffered damages in an amount to be proven at trial.

15 B. Lack of Informed Consent

16 4.5 Plaintiffs Welsh reallege all prior paragraphs as though fully stated herein.

17 4.6 Dr. Duyzend failed to inform Mr. Welsh of a material fact or facts relating to the
18 treatment (specifically, that the procedures were not necessary or medically indicated).

19 4.7 Mr. Welsh consented to the treatment without being aware of or fully informed of
20 such material fact or facts.

21 4.8 A reasonably prudent patient under similar circumstances would not have
22 consented to the treatment if informed of such material fact or facts.

23 4.9 The treatment in question proximately caused injury to Mr. Welsh.
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1 4.10 As a direct and proximate result of Dr. Duyzend's negligence, Mr. Welsh has
2 suffered damages in an amount to be proven at trial.

3 C. Fraud

4 4.11 Plaintiffs Welsh reallege all prior paragraphs as though fully stated herein.

5 4.12 Dr. Duyzend committed common law fraud in his treatment of Mr. Welsh by
6 engaging in the acts and representations described herein.

7 4.13 As a direct and proximate result of Dr. Duyzend's fraudulent acts, Mr. Welsh has
8 suffered damages in an amount to be proven at trial.

9 D. Consumer Protection Act Violations

10 4.14 Plaintiffs Welsh reallege all prior paragraphs as though fully stated herein.

11 4.15 Dr. Duyzend's acts and representations as described herein above constitute
12 unfair and deceptive acts or practices in the conduct of trade or commerce which affect the
13 public interest within the meaning of the Washington Consumer Protection Act, RCW 19.86 et
14 seq.

15 4.16 As a direct and proximate result of Dr. Duyzend's violations of the Consumer
16 Protection Act, Mr. Welsh has suffered damages in an amount to be proven at trial.

17 E. Loss of Consortium

18 4.17 Plaintiffss reallege all prior allegations as though fully stated herein.

19 4.18 A spouse has an independent cause of action for support, services, love, affection,
20 care, companionship, society, and consortium.

21 4.19 As a direct and proximate result of Dr. Duyzend's acts, Mrs. Welsh has suffered
22 loss of consortium damages in an amount to be proven at trial.
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1 **V. COMPLIANCE WITH LAWS PECULIAR TO HEALTH CARE LAWSUITS**

2 5.1 Election: Plaintiffs give notice of their election to submit this dispute to
3 arbitration pursuant to RCW 7.70A.020 and in accordance with RCW 7.70A.

4 5.2 Statute of Limitations: This action was commenced within the applicable statute
5 of limitations.

6 **VI. PRAYER FOR RELIEF**

7 WHEREFORE having fully set forth their claims against Defendants Duyzend, Plaintiffs
8 pray for relief as follows:

9 A. For monetary judgment in an amount sufficient to compensate them for the
10 damages they sustained as a result of the acts described herein;

11 B. For prejudgment interest on all liquidated amounts as allowed by law;

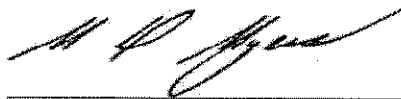
12 C. For their reasonable costs and attorneys fees incurred herein, pursuant to all
13 applicable statutory, common law, and equitable theories; and
14

15 D. For such other and further relief as the Court deems just and equitable.

16 DATED this 22nd day of July, 2013.

17 MYERS & COMPANY, P.L.L.C.

18 Attorneys for Plaintiffs

19 By: 
20

21 Michael David Myers
22 WSBA No. 22486

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

Welsh

Plaintiff(s),

vs.

Duyzend

Respondent(s)

NO. 13-2-26774-8 SEA
ORDER SETTING CIVIL CASE SCHEDULE

ASSIGNED JUDGE: Amini, Susan, Dept. 20

FILED DATE: 7/22/2013

TRIAL DATE: 10/6/2014

SCOMIS CODE: *ORSCS

A civil case has been filed in the King County Superior Court and will be managed by the Case Schedule on Page 3 as ordered by the King County Superior Court Presiding Judge.

I. NOTICES

NOTICE TO PLAINTIFF: The Plaintiff may serve a copy of this **Order Setting Case Schedule** (*Schedule*) on the Defendant(s) along with the **Summons and Complaint/Petition**. Otherwise, the Plaintiff shall serve the *Schedule* on the Defendant(s) within 10 days after the later of: (1) the filing of the **Summons and Complaint/Petition** or (2) service of the Defendant's first response to the **Complaint/Petition**, whether that response is a *Notice of Appearance*, a response, or a Civil Rule 12 (CR 12) motion. The *Schedule* may be served by regular mail, with proof of mailing to be filed promptly in the form required by Civil Rule 5 (CR 5).

"I understand that I am required to give a copy of these documents to all parties in this case."

PRINT NAME

SIGN NAME

I. NOTICES (continued)

NOTICE TO ALL PARTIES:

All attorneys and parties should make themselves familiar with the King County Local Rules [KCLCR] -- especially those referred to in this *Schedule*. In order to comply with the *Schedule*, it will be necessary for attorneys and parties to pursue their cases vigorously from the day the case is filed. For example, discovery must be undertaken promptly in order to comply with the deadlines for joining additional parties, claims, and defenses, for disclosing possible witnesses [See KCLCR 26], and for meeting the discovery cutoff date [See KCLCR 37(g)].

CROSSCLAIMS, COUNTERCLAIMS AND THIRD PARTY COMPLAINTS:

A filing fee of \$240 must be paid when any answer that includes additional claims is filed in an existing case.

KCLCR 4.2(a)(2)

A Confirmation of Joinder, Claims and Defenses or a Statement of Arbitrability must be filed by the deadline in the schedule. The court will review the confirmation of joinder document to determine if a hearing is required. If a Show Cause order is issued, all parties cited in the order must appear before their Chief Civil Judge.

PENDING DUE DATES CANCELED BY FILING PAPERS THAT RESOLVE THE CASE:

When a final decree, judgment, or order of dismissal of all parties and claims is filed with the Superior Court Clerk's Office, and a courtesy copy delivered to the assigned judge, all pending due dates in this *Schedule* are automatically canceled, including the scheduled Trial Date. It is the responsibility of the parties to 1) file such dispositive documents within 45 days of the resolution of the case, and 2) strike any pending motions by notifying the bailiff to the assigned judge.

Parties may also authorize the Superior Court to strike all pending due dates and the Trial Date by filing a *Notice of Settlement* pursuant to KCLCR 41, and forwarding a courtesy copy to the assigned judge. If a final decree, judgment or order of dismissal of all parties and claims is not filed by 45 days after a *Notice of Settlement*, the case may be dismissed with notice.

If you miss your scheduled Trial Date, the Superior Court Clerk is authorized by KCLCR 41(b)(2)(A) to present an *Order of Dismissal*, without notice, for failure to appear at the scheduled Trial Date.

NOTICES OF APPEARANCE OR WITHDRAWAL AND ADDRESS CHANGES:

All parties to this action must keep the court informed of their addresses. When a Notice of Appearance/Withdrawal or Notice of Change of Address is filed with the Superior Court Clerk's Office, parties must provide the assigned judge with a courtesy copy.

ARBITRATION FILING AND TRIAL DE NOVO POST ARBITRATION FEE:

A Statement of Arbitrability must be filed by the deadline on the schedule if the case is subject to mandatory arbitration and service of the original complaint and all answers to claims, counterclaims and cross-claims have been filed. If mandatory arbitration is required after the deadline, parties must obtain an order from the assigned judge transferring the case to arbitration. Any party filing a Statement must pay a \$220 arbitration fee. If a party seeks a trial de novo when an arbitration award is appealed, a fee of \$250 and the request for trial de novo must be filed with the Clerk's Office Cashiers.

NOTICE OF NON-COMPLIANCE FEES:

All parties will be assessed a fee authorized by King County Code 4A.630.020 whenever the Superior Court Clerk must send notice of non-compliance of schedule requirements and/or Local Civil Rule 41.

King County Local Rules are available for viewing at www.kingcounty.gov/courts/clerk.

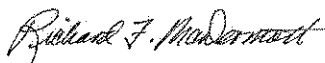
II. CASE SCHEDULE

√	CASE EVENTS	DATE
	Case Filed and Schedule Issued.	7/22/2013
√	Last Day for Filing Statement of Arbitrability without a Showing of Good Cause for Late Filing [<i>See KCLMAR 2.1(a) and Notices on Page 2</i>]. \$220 arbitration fee must be paid	12/30/2013
√	DEADLINE to file Confirmation of Joinder if not subject to Arbitration. [<i>See KCLCR 4.2(a) and Notices on Page 2</i>].	12/30/2013
	DEADLINE for Hearing Motions to Change Case Assignment Area. [<i>See KCLCR 82(e)</i>]	1/13/2014
	DEADLINE for Disclosure of Possible Primary Witnesses [<i>See KCLCR 26(b)</i>].	5/5/2014
	DEADLINE for Disclosure of Possible Additional Witnesses [<i>See KCLCR 26(b)</i>].	6/16/2014
	DEADLINE for Jury Demand [<i>See KCLCR 38(b)(2)</i>].	6/30/2014
	DEADLINE for Setting Motion for a Change in Trial Date [<i>See KCLCR 40(e)(2)</i>].	6/30/2014
	DEADLINE for Discovery Cutoff [<i>See KCLCR 37(g)</i>].	8/18/2014
	DEADLINE for Engaging in Alternative Dispute Resolution [<i>See KCLCR 16(b)</i>].	9/8/2014
	DEADLINE for Exchange Witness & Exhibit Lists & Documentary Exhibits [<i>See KCLCR 4(j)</i>].	9/15/2014
√	DEADLINE to file Joint Confirmation of Trial Readiness [<i>See KCLCR 16(a)(2)</i>].	9/15/2014
	DEADLINE for Hearing Dispositive Pretrial Motions [<i>See KCLCR 56; CR 56</i>].	9/22/2014
√	Joint Statement of Evidence [<i>KCLCR 4(K)</i>]	9/29/2014
	DEADLINE for filing Trial Briefs, Proposed Findings of Fact and Conclusions of Law and Jury Instructions (Do not file Proposed Findings of Fact and Conclusions of Law with the Clerk).	9/29/2014
	Trial Date [<i>See KCLCR 40</i>].	10/6/2014

The √ indicates a document that must be filed with the Superior Court Clerk's Office by the date shown.

III. ORDER

Pursuant to King County Local Rule 4 [*KCLCR 4*], IT IS ORDERED that the parties shall comply with the schedule listed above. Penalties, including but not limited to sanctions set forth in Local Rule 4(g) and Rule 37 of the Superior Court Civil Rules, may be imposed for non-compliance. It is FURTHER ORDERED that the party filing this action **must** serve this *Order Setting Civil Case Schedule* and attachment on all other parties.



DATED: 7/22/2013

PRESIDING JUDGE

IV. ORDER ON CIVIL PROCEEDINGS FOR ASSIGNMENT TO JUDGE

READ THIS ORDER BEFORE CONTACTING YOUR ASSIGNED JUDGE.

This case is assigned to the Superior Court Judge whose name appears in the caption of this case schedule. The assigned Superior Court Judge will preside over and manage this case for all pretrial matters.

COMPLEX LITIGATION: If you anticipate an unusually complex or lengthy trial, please notify the assigned court as soon as possible.

APPLICABLE RULES: Except as specifically modified below, all the provisions of King County Local Civil Rules 4 through 26 shall apply to the processing of civil cases before Superior Court Judges. The local civil rules can be found at <http://www.kingcounty.gov/courts/superiorcourt/civil.aspx>.

CASE SCHEDULE AND REQUIREMENTS: Deadlines are set by the case schedule, issued pursuant to Local Civil Rule 4.

THE PARTIES ARE RESPONSIBLE FOR KNOWING AND COMPLYING WITH ALL DEADLINES IMPOSED BY THE COURT'S LOCAL CIVIL RULES.

A. Joint Confirmation regarding Trial Readiness Report:

No later than twenty one (21) days before the trial date, parties shall complete and file (with a copy to the assigned judge) a joint confirmation report setting forth whether a jury demand has been filed, the expected duration of the trial, whether a settlement conference has been held, and special problems and needs (e.g. interpreters, equipment, etc.).

The form is available at <http://www.kingcounty.gov/courts/superiorcourt.aspx>. If parties wish to request a CR 16 conference, they must contact the assigned court. Plaintiff's/petitioner's counsel is responsible for contacting the other parties regarding said report.

B. Settlement/Mediation/ADR

a. Forty five (45) days before the trial date, counsel for plaintiff/petitioner shall submit a written settlement demand. Ten (10) days after receiving plaintiff's/petitioner's written demand, counsel for defendant/respondent shall respond (with a counter offer, if appropriate).

b. Twenty eight (28) days before the trial date, a Settlement/Mediation/ADR conference shall have been held. **FAILURE TO COMPLY WITH THIS SETTLEMENT CONFERENCE REQUIREMENT MAY RESULT IN SANCTIONS.**

C. Trial: Trial is scheduled for 9:00 a.m. on the date on the case schedule or as soon thereafter as convened by the court. The Friday before trial, the parties should access the King County Superior Court website <http://www.kingcounty.gov/courts/superiorcourt.aspx> to confirm trial judge assignment. Information can also be obtained by calling (206) 205-5984.

MOTIONS PROCEDURES

A. Noting of Motions

Dispositive Motions: All summary judgment or other dispositive motions will be heard with oral argument before the assigned judge. The moving party must arrange with the hearing judge a date and time for the hearing, consistent with the court rules. Local Civil Rule 7 and Local Civil Rule 56 govern procedures for summary judgment or other motions that dispose of the case in whole or in part. The local civil rules can be found at <http://www.kingcounty.gov/courts/superiorcourt/civil.aspx>.

Non-dispositive Motions: These motions, which include discovery motions, will be ruled on by the assigned judge without oral argument, unless otherwise ordered. All such motions must be noted for a date by which the ruling is requested; this date must likewise conform to the applicable notice requirements. Rather than noting a time of day, the Note for Motion should state "Without Oral Argument." Local Civil Rule 7 governs these motions, which include discovery motions. The local civil rules can be found at <http://www.kingcounty.gov/courts/superiorcourt/civil.aspx>.

Motions in Family Law Cases not involving children: Discovery motions to compel, motions in limine, motions relating to trial dates and motions to vacate judgments/dismissals shall be brought before the assigned judge. All other motions should be noted and heard on the Family Law Motions calendar. Local Civil Rule 7 and King County Family Law Local Rules govern these procedures. The local rules can be found at <http://www.kingcounty.gov/courts/superiorcourt/civil.aspx>.

Emergency Motions: Under the court's local civil rules, emergency motions will be allowed only upon entry of an Order Shortening Time. However, emergency discovery disputes may be addressed by telephone call and without written motion, if the judge approves.

B. Original Documents/Working Copies/ Filing of Documents: All original documents must be filed with the Clerk's Office. Please see information on the Clerk's Office website at www.kingcounty.gov/courts/clerk regarding the new requirement outlined in LGR 30 that attorneys must e-file documents in King County Superior Court. The exceptions to the e-filing requirement are also available on the Clerk's Office website.

The working copies of all documents in support or opposition must be marked on the upper right corner of the first page with the date of consideration or hearing and the name of the assigned judge. The assigned judge's working copies must be delivered to his/her courtroom or the Judges' mailroom. Working copies of motions to be heard on the Family Law Motions Calendar should be filed with the Family Law Motions Coordinator. On June 1, 2009 you will be able to submit working copies through the Clerk's office E-Filing application at www.kingcounty.gov/courts/clerk.

Service of documents: E-filed documents may be electronically served on parties who opt in to E-Service within the E-Filing application. The filer must still serve any others who are entitled to service but who have not opted in. E-Service generates a record of service document that can be e-filed. Please see information on the Clerk's office website at www.kingcounty.gov/courts/clerk regarding E-Service.

Original Proposed Order: Each of the parties must include an original proposed order granting requested relief with the working copy materials submitted on any motion. Do not file the original of the proposed order with the Clerk of the Court. Should any party desire a copy of the order as signed and filed by the judge, a pre-addressed, stamped envelope shall accompany the proposed order.

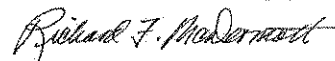
Presentation of Orders: All orders, agreed or otherwise, must be presented to the assigned judge. If that judge is absent, contact the assigned court for further instructions. If another judge enters an order on the case, counsel is responsible for providing the assigned judge with a copy.

Proposed orders finalizing settlement and/or dismissal by agreement of all parties shall be presented to the assigned judge or in the Ex Parte Department. Formal proof in Family Law cases must be scheduled before the assigned judge by contacting the bailiff, or formal proof may be entered in the Ex Parte Department. **If final order and/or formal proof are entered in the Ex Parte Department, counsel is responsible for providing the assigned judge with a copy.**

C. Form

Memoranda/briefs for matters heard by the assigned judge may not exceed twenty four (24) pages for dispositive motions and twelve (12) pages for non-dispositive motions, unless the assigned judge permits over-length memoranda/briefs in advance of filing. Over-length memoranda/briefs and motions supported by such memoranda/briefs may be stricken.

IT IS SO ORDERED. FAILURE TO COMPLY WITH THE PROVISIONS OF THIS ORDER MAY RESULT IN DISMISSAL OR OTHER SANCTIONS. PLAINTIFF/PEITITONER SHALL FORWARD A COPY OF THIS ORDER AS SOON AS PRACTICABLE TO ANY PARTY WHO HAS NOT RECEIVED THIS ORDER.



PRESIDING JUDGE