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10 Attorneys for Plaintiffs and the Class

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 CITY AND COUNTY OF SAN FRANCISCO

13 CALIFORNIA DENTAL ASSOCIATION, a
14 California Corporation;
15 RICHARD W. BARNES, D.D.S.;
16 ROBERT E. REED, D.D.S.;
17 DEAN SCHWEITZER, D.D.S.;
18 GERALD MIDDLETON, D.D.S.;
19 WHITNEY JOHNSON, D.D.S.;
20 TERRENCE Y. LAU, D.D.S.,
21 BARBARA M. HAWTHORNE, D.D.S.,
22 individually and on behalf of all others
23 similarly situated,

24 Plaintiffs,

25 vs.

26 DELTA DENTAL OF CALIFORNIA, a
27 California Corporation,

28 Defendant.

Case No.: CGC-14-538849

**DECLARATION OF GERALD
MIDDLETON, DDS**

Date: April 25, 2018

Time: 1:30 p.m.

Judge: Hon. Mary E. Wiss

Dept.: 305

I, Gerald Middleton, DDS, hereby declare as follows:

1. I am a licensed California dentist and a member of the "Premier network" of dentists of Delta Dental of California pursuant to a Participating Dentist Agreement ("PDA"). I have been a member of the Delta Dental Premier network for many years and have been a member during the period since January 1, 2011 pursuant to a PDA with Delta Dental. I am also a member of the

1 California Dental Association (“CDA”) and have been a member of CDA since before January,
2 2011. The matters set forth herein are based on my personal knowledge unless otherwise indicated.

3 2. I was one of the original claimants in the arbitration proceedings brought against
4 Delta Dental in August, 2013, and have remained involved in the litigation and consulted with CDA
5 and Class counsel throughout the course of the litigation. I was willing to step forward to pursue
6 the issues presented by this litigation because I thought they were important for all dentists who
7 serve as Premier dentists in the Delta Dental network, not just me. In 2016, when counsel asked
8 whether I would consider serving as a class representative, I agreed to do so because I believed then
9 and believe now that the issues presented by this case are important for all Premier dentists, not
10 simply for me alone.

11 3. Throughout the time I have served as a class representative, I have spent many hours
12 reviewing materials that have been forwarded to me, participating in conference calls and, where
13 necessary, individual calls with counsel, and stayed up to date with the issues presented by the case.
14 I have provided my thoughts and comments to counsel with respect to the issues presented by the
15 case, responded to questions from counsel, provided information as requested, and stayed familiar
16 with the progress of the case. By way of significant example, I stayed familiar with the progress of
17 settlement negotiations and carefully reviewed drafts of settlement agreements, and thereafter
18 reviewed and ultimately signed the final settlement agreement. I have participated in conference
19 calls with counsel and responded to emails from counsel on these issues as well. Throughout this
20 process, I have understood that my role was to represent the interests of all Premier dentists in the
21 Delta Dental network who are class members and have consistently sought to do so.

22 4. My service as class representative in this matter is motivated by my desire to ensure
23 that the case be conducted in a manner that is consistent with the best interests of all California
24 dentists who are Premier dentists with Delta Dental. I have not attempted to obtain any personal
25 advantage or gain from my service as a class representative. To the contrary, I understand that I
26 will be treated the same as every other class member with respect to the implementation of the
27 terms of the Amended Settlement Agreement.

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5. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed in Riverside, California on February 14, 2018.


Gerald Middleton, DDS