

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

NATIONAL UNION FIRE INSURANCE)
COMPANY OF PITTSBURGH, PA,)

Plaintiff,)

v.)

SMALL SMILES HOLDING CO., LLC,)

Defendant,)

v.)

AFFINITY INSURANCE SERVICES,)
INC.,)

Third-Party Defendant.)

Civil Action No. 3:10-cv-00743

Judge Kevin H. Sharp
Magistrate Judge Juliet Griffin

DECLARATION OF SCOTT D. GREENSPAN

SCOTT D. GREENSPAN, an attorney duly admitted to practice before this Court *pro hac vice*, affirms the following under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am a partner at Sedgwick LLP, counsel for the Plaintiff/Counter-Defendant, National Union Fire Insurance Company of Pittsburgh, Pa. (“National Union”), in the above-captioned action.

2. I submit this declaration in support of National Union’s reply memorandum of law in further support of its Motion to Compel Defendant to Search Custodians and Terms. This declaration is based upon my personal knowledge.

3. Small Smiles has been sued by approximately 125 plaintiffs in four states for various alleged abuses stemming from its alleged performance of medically unnecessary procedures upon its child patients.

4. Attached hereto as Exhibit "A" is a true and correct copy of a document produced by Small Smiles in this litigation bearing Bates Nos. SSHC-0020375-0020401.

5. Exhibit "B" to National Union's reply memorandum of law is a DVD containing a copy of a telecast run by ABC affiliate WJLA in 2007. A true and correct copy of such DVD will be submitted to the Court if National Union's contemporaneous Motion for Leave to Manually Submit Video Files is granted.

6. Attached hereto as Exhibit "C" is a true and correct copy of the Civil Settlement Agreement by and between FORBA Holdings, LLC, the United States and three *qui tam* plaintiffs.

7. Attached hereto as Exhibit "D" is a true and correct copy of a May 31, 2011 letter from Robert J. Walker to Scott D. Greenspan.

8. When Small Smiles suggested that National Union run additional search terms on data collected from its custodians, National Union, with the assistance of its e-discovery vendor Autonomy was able to determine the number of documents responsive to those terms (including to each proposed term) within approximately 24 hours.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 5, 2011.



SCOTT D. GREENSPAN