



### Juror Question (s)

Please remember, you may submit a question only to the witness in this case, not to the Judge or attorneys.

For Witness: Andrew Hayslek

Question: Why did SCA have the same type of unusual no poach agreement with USPI as it did Davita?

Did you & KT ever write down this "gentlemen's agreement" to be a legal agreement? If not, why not?

In the email exchanges with KT about this agreement, were you trying to intentionally use vague

*If additional space is needed, please use the back of this form.*

terminology? Almost like speaking in code?

\*\*\*\*\*Juror: Please do not mark below this line\*\*\*\*\*

Question No. 11

ACTION BY THE COURT:

☒ Permitted

☐ Denied

☒ Rephrased

(#1 over govt's obj.)  
2d Question

#### Juror Questioning Procedure

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Did you have a no-hire or no-poach agreement with Optum?

Is it common to have a no-hire or no-poach from any ~~potential~~ company that may potentially acquire your company?

What is the litmus test or defining factor when you and CEOs decide if a company should be no hire? No poach?  
(same question)



### Juror Question (s)

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For Witness: ANDREW HAYEK

Question: DID THE AGREEMENT  
AFFECT THE HIRING  
OF JUNIOR EXECUTIVES  
OR EXECUTIVES BELOW  
DIRECTOR BETWEEN SCA  
AND DAVIDA THAT YOU  
ARE AWARE OF?  
IF YES, WERE THERE  
MANY CASES OF THIS?

#### Juror Questioning Procedure

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\*\*\*\*\*Juror: Please do not mark below this line\*\*\*\*\*

Question No. 12

ACTION BY THE COURT:

no objection

- ☒ Permitted  
☐ Denied  
☐ Rephrased



### Juror Question (s)

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For Witness: \_\_\_\_\_

Question: SCA's  
 1. Did your agreement with  
 USPI include a "tell your boss"  
 requirement?

2. Who wanted the "tell your  
 boss" requirement in place between  
 SAC + Davita - you, Mr. Thiry, or  
 both?

3. Who wanted the "tell your  
 boss" requirement in place for  
 the SCA + USPI agreement?

4. Did SCA publicly post job  
 ads for executive director  
 positions?

#### Juror Questioning Procedure

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More on back →

\*\*\*\*\*Juror: Please do not mark below this line\*\*\*\*\*

Question No. 13

ACTION BY THE COURT:

- ☐ Permitted  
☐ Denied  
☐ Rephrased

5. ~~at~~ Did you record your agreement with Mr. Thiry related to "no-poaching" and "tell your boss" in a signed, formal document? If not, why?
6. Did your no-solicit lasting 2 years with Davita, specify a specific division or employees? Did anyone you ~~hire~~ solicited ~~under~~ at SCA fall under those specifications?
7. Was the "tell your boss" requirement in the SCA + Davita and SCA + VSP I agreements to ensure that employees were serious about leaving? In your experience, do executive directors respond to solicitations or reach out to prospective employers if they are not serious about changing jobs?
8. Did SCA and other companies ~~that~~ <sup>with</sup> they did business ~~together~~ have written, formal no-solicit agreements? Are those put in place before NDAs are signed?
9. If Bridie Fanning had expressed concern over agreements you had with other partners/companies, would you have considered her thoughts and been open to changing agreements or policies?



### Juror Question (s)

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For Witness: \_\_\_\_\_

Question: In your view,  
Was the agreement to tell  
your boss essentially the  
same as getting permission,  
or do you see it differently?

If not permission, ~~what~~ how  
would you describe it?  
Giving approval? A required  
step in the process?  
or something else?

#### Juror Questioning Procedure

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\*\*\*\*\*Juror: Please do not mark below this line\*\*\*\*\*

Question No. 14

ACTION BY THE COURT:

no objections

☒ Permitted

☐ Denied

☐ Rephrased



### Juror Question (s)

Please remember, you may submit a question only to the witness in this case, not to the Judge or attorneys.

For Witness: Andrew Hayek

Question: You mention "other ways"  
to recruit, even with the  
agreement in place. Can you  
explain those "other ways"?

This had to involve getting the  
employee telling their boss, correct?  
Were  
there any other ways  
to open the door?

#### Juror Questioning Procedure

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Question No. 15

ACTION BY THE COURT:

no objections

☒ Permitted

☐ Denied

☐ Rephrased



### Juror Question (s)

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For Witness: Andrew Hayak

Question: \_\_\_\_\_

Before the agreement, many  
exec positions had been  
filled. How many do you  
estimate were open when  
the agreement started in 2012?

How many exec positions  
do you estimate were filled  
during Bridges tenure?  
She indicated that was one  
of her focus areas.

~~How much impact do you~~

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#### Juror Questioning Procedure

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Question No. 16

ACTION BY THE COURT:

no objections

☒ Permitted

☐ Denied

☐ Rephrased

~~XXXXXX~~ has



### Juror Question (s)

Please remember, you may submit a question only to the witness in this case, not to the Judge or attorneys.

For Witness: Andrew Hayak

Question: You spoke about how the "tell your boss" rule serves to validate the intent of the employee.

With three parties involved -  
1) the current employer  
2) the potential employer  
and 3) the current employee,  
how would you say that  
each are impacted - either  
positively or negatively,  
from this validation of intent?

#### Juror Questioning Procedure

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Question No. 57

ACTION BY THE COURT:

No objection

- ☒ Permitted  
☐ Denied  
☐ Rephrased

It is easy to see <sup>the</sup> positive impact  
for both <sup>the</sup> current and potential  
employers. But do you see  
any positive impact for the  
current employee?



**Juror Question (s)**

*Please remember, you may submit a question only to the witness in this case, not to the Judge or attorneys.*

For Witness: \_\_\_\_\_

Question: \_\_\_\_\_

Referring to the bullet points  
you proposed to Mr Thiry,  
were you forced or induced  
to make the offer?

Or was it at your discretion?

**Juror Questioning  
Procedure**

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Question No. 18

ACTION BY THE COURT:

*no objections*

- ☒ Permitted  
☐ Denied  
☐ Rephrased



### Juror Question (s)

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For Witness: Anthony Gabriel

Question: 1. In the rad partners + Davita agreement, what was the purpose of the "tell your boss" requirement?  
2. What was the purpose of the requirement that Davita employees needed to be looking at other companies (other than rad partners?)? To ensure something to Davita or rad partners, like the serious intent of the employee?

#### Juror Questioning Procedure

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More on back →

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Question No. 19

ACTION BY THE COURT:

No objection

- ☒ Permitted  
☐ Denied  
☐ Rephrased

3. How did you expect to enforce that all Davita employees engaging in rad partner job opportunities followed the guidelines and did it include telling anyone who was involved in any hiring at rad partners ~~learning~~ about the agreement?

4. In one of the Nov 5, 2013 emails about guidelines Rich said "fair way to treat each other". Does each other ~~and other references to~~ include the employees of the companies? (to the best of your knowledge, based on working closely with Rich)



### Juror Question (s)

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For Witness: Dr. Anthony Gabriel

Question:

We have heard that it is technically possible for someone to move to RP from DVA even respecting the grand rules. In your opinion, do the grand rules put any groups of people or types of personalities at a disadvantage to successfully having that opportunity? [Eg. Introverts, minorities, women? i.e. Are confident white men

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able to have more opportunities with this arrangement?

\*\*\*\*\*Juror: Please do not mark below this line\*\*\*\*\*

Question No. 20

ACTION BY THE COURT:

☒ Permitted

☒ Denied — bracketed part

☐ Rephrased



### Juror Question (s)

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For Witness: Dr Anthony Gabriel

Question: If part 2 A (first  
half) said that  
if ~~they~~<sup>employees</sup> are actively looking  
then "full steam ahead,"  
then why was it so hard /  
involved to hire Cameron?

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Question No. 21

ACTION BY THE COURT:

no objection

- ☐ Permitted  
☐ Denied  
☐ Rephrased