



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: Rich Whitney

Question: 1. If a Davita
employee reached out to
rad. partners about a
job opportunity, did
rad. partners ask the
Davita employee to
tell their boss ~~that~~ or if
they were looking at
other companies? ~~if~~
Did rad. partners
follow up with the
Davita employee in those
cases if they didn't hear
back?

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

More on back →

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

Question No. 22

ACTION BY THE COURT:

☒ Permitted

☐ Denied

☐ Rephrased

No objections

Juror Questioning Procedure

1. Please write your question in a clear and legible manner.
2. Your question must be submitted in writing and using this form. Please do not identify yourself in any way on the form.
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2. would it be typical for rad. partners people who are engaged in ~~the~~ hiring executive directors ~~and~~ ~~above~~ to know whether or not employees of other companies are conducting job searches and strongly considering leaving current job? same question, but specifically about Davita employees?

3. Did you ever feel that by following the ground rules in the gentleman's agreement and ~~updating~~ Mr. Thiry's requests to stall communication with Davita employees, that you sent mixed messages to Davita employees that were engaged in ~~the~~ exploring rad. partner ~~operation~~ employment?

4. ~~Do you have a no prosecution contract with the federal government?~~

5. ~~Did your agreement with Mr. Thiry include all Davita employees?~~



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: Rich Whitney

Question: 1. How did you know that for a Davita employee who ~~was~~ was already planning to leave Davita, taking a job at rad. partners was better than taking a job at a different company?
2. How did you assess what the Davita employee wanted in their next job?

Juror Questioning Procedure

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More on back →

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Question No. 23

ACTION BY THE COURT:

No objection

- ☐ Permitted
☐ Denied
☐ Rephrased

3. In your agreement with Mr. Thiny,
~~did were~~ ^{were} rad. partner employees under
the same guidelines ~~that~~ as
Davita employees?



Juror Question (s)

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For Witness: Rich Whitney

Question: Regarding the email about the guidelines of the agreement, 2b gives options where the employee doesn't have to inform their boss they are looking at options. Can you be more specific about what a potential employee needed to show to you to confirm that they were looking elsewhere?



Juror Questioning Procedure

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Question No. 24

ACTION BY THE COURT:

no objections

☒ Permitted

☐ Denied

☐ Rephrased

If someone ~~used~~ used another offer to show this ~~intent~~ intent, is that like in the ~~job~~ job search for the employee ~~to~~ to start discussions with RP?

~~How~~ How would one show they are interviewing? ~~interviewing?~~



Juror Question (s)

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For Witness: Rich Whitney

Question: _____

Did Kent Thiry's investment
in RAD Partners influence
your decision to engage in
the gentlemen's agreement,
or was that engagement
based more on maintaining
your relationship with
Kent Thiry?

Juror Questioning Procedure

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Question No. 25

ACTION BY THE COURT:

No objection

- ☒ Permitted
☐ Denied
☐ Rephrased



Juror Question (s)

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For Witness: ACH WHITNEY

Question: DO YOU FEEL AS IF
YOU LOST POTENTIAL
CANDIDATES DUE TO THE
'SPEAK TO YOUR BOSS' RULE
DUE TO THE RISK ~~THAT~~ AN
EMPLOYEE WOULD HAVE IN
DOING SO.
OR TO THE EXTRA TIME
INVOLVED THAT THIS EXTRA
STEP MIGHT TAKE.

Juror Questioning Procedure

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Question No. 26

ACTION BY THE COURT:

No objection

☒ 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:

Richard Whitney

Question:

Were you aware that Davita & KT had a similar gentleman's agreement with other companies, like SCA?

Were you aware that SCAs agreement did not have a "OR" in the part about "tell your boss." Meaning, the other company's agreement was MORE restrictive than yours.

Juror Questioning Procedure

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Question No. 22

ACTION BY THE COURT:

no answer

☒ Permitted☐ Denied☐ Rephrased

Did you ever follow up with KT about his initial reaction that this agreement was asymmetrical in a way that is unfair to Dante? Why did he think it was to Dante's disadvantage?



Juror Question (s)

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For Witness: _____

Question: _____

*if you didn't like
the ground rules of the
Agreement why did you
agree to them?*

**Juror Questioning
Procedure**

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Question No. 28

ACTION BY THE COURT:

no action

☒ Permitted

☐ Denied

☐ Rephrased



Juror Question (s)

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For Witness: Rich Whitney

Question: Did employees at RP
need to notify their boss
in order to be considered
for a role at Davita?
Or ~~otherwise~~ looking
elsewhere?

If so, was this
enforced by Davita or
RP? Or both?

Juror Questioning Procedure

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Question No. 29

ACTION BY THE COURT:

- ☐ Permitted
☐ Denied
☐ Rephrased