



### 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: Dr. Pierre Cremieux

Question: 1. You used Mr. Hayek's testimony to support a pattern of in an analysis. Is using someone's ~~co~~ comments to a person's comments to describe analytical results common practice in your field?  
2. Did you ever meet with Mr. Thiry while working on the analysis for this trial?

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

#### Juror Questioning Procedure

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

Question No. 45

ACTION BY THE COURT:

☒ Permitted

☐ Denied

☐ Rephrased

A objection to #2 denied

3. why was reviewing documents to determine that SCA + Davita were strategic partners part of his work for the defense?



### 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: Dr. Cremieux

Question: ① Have you and/or Analysis Group ever been hired by the US government?

② What types of companies and individuals typically hire Analysis Group?

③ that Is the project Davita + Kent Thiny ~~that~~ hired you to do a typical undertaking for you/Analysis Group?

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

Question No. 46

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: DR PIERRE CREMIEUX

Question: WAS ANY DATA USED  
IN YOUR STUDY OBTAINED  
THROUGH HIRING FIRMS?

WOULD YOUR COMPENSATION  
STUDY FOR DAVITA TAKE  
INTO ACCOUNT THE LARGE  
GROWTH OF DAVITA AS A  
COMPANY WHEREAS THE  
MEAN AVERAGE WOULD INCLUDE  
POOR PERFORMING COMPANIES,  
WOULD IT BE MORE FAIR TO  
COMPARE DAVITA COMPENSATION →

#### Juror Questioning Procedure

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

Question No. 47

ACTION BY THE COURT:

- ☒ Permitted  
☐ Denied  
☐ Rephrased

AND HIRING TO EQUALLY PERFORMING  
COMPANIES. ↗



### 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: DR PIERRE CREMIEUX

Question: DID YOUR STUDY  
INCLUDE DIRECTOR LEVEL  
EMPLOYEES OR ONLY  
SENIOR VP'S?

#### Juror Questioning Procedure

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

Question No. 48

ACTION BY THE COURT:

No objection

- ☒ Permitted  
☐ Denied  
☐ Rephrased



### Juror Question (s)

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For Witness: Dr. Pierre Crémieux

Question: In the analysis where  
you had the population of 460  
companies that hired someone  
from Dva, did you do this  
same analysis where the  
population of companies is:  
"companies founded by a former  
Dva employee who hired someone  
from Dva"? Hypothesis:  
companies founded by a Dva  
alum hire more ppl from Dva  
than those that are not.

#### Juror Questioning Procedure

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

Question No. 49

ACTION BY THE COURT:

no objection

- ☒ Permitted  
☐ Denied  
☐ Rephrased

when you did the SCA vs Dva analysis, why do you look at the median instead of the mean? If you used mean, it may be larger than a value of 1. (n=1 person)

For SCA's movement to Dva, how do you factor in that SCA was a new company? Isn't it common to have less attention in the first few years of a new startup?

~~If this case is about purpose and intent, how can your analysis show anything about that? It seems the analysis shows whether any allocation happened not whether it was intended.~~

Why didn't you reduce the population of relevant companies to be companies in similar industries or the companies that have a historical track record of hiring heavily from Dva (like SCA did.)





### Juror Question (s)

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For Witness: Dr Pierre Crémieux

Question: In the turnover analysis,  
did you consider D's performance  
during the years 2012-2017?  
E.g. If the company's performance  
was less strong in that time period  
and peoples' bonuses were lower  
than expected, that could cause  
natural higher turnover.  
(for the lawyers- my hypothesis  
that the business performance in  
2012-2017 may have been lower is  
from KT salary & the  
prosecution showed)

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

Question No. 50

ACTION BY THE COURT:

- ☐ Permitted  
☐ Denied  
☐ Rephrased

Regarding the SCA 8 hires in the  
pre-agreement period vs the 1 hire,  
you have pointed to Hayek's testimony  
as an explanation for that reduction.  
Before he said that, what would  
your conclusion have been?  
I.e. what were you planning to present  
on this topic before Hayek said  
that quote in court?



### 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: Dr. Pierre Crémieux

Question: Did you study the demographics of people who DID move freely between these companies vs. the people who did not? My hypothesis is that even though there is some movement, the people who are not as empowered or confident (minorities, internet, young people, women) would be more likely to stay due to the agreements.  
Did you study this?

#### Juror Questioning Procedure

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

Question No. 51

ACTION BY THE COURT:

☒ Permitted

☐ Denied

☒ Rephrased

Court deleted the presentation



### 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: Dr. Pierre Crémieux

Question: I understand the logic of  
looking for reduced compensation,  
but practically speaking, to  
reduce the median salary would  
be very unlikely. People would  
have to be taking pay cuts  
or those who leave replaced  
with lower paid people.  
How would keeping people  
employed at a company be  
expected to result in a  
decrease of the median?

#### Juror Questioning Procedure

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

Question No. 52

ACTION BY THE COURT:

No objections

- ☒ Permitted  
☐ Denied  
☐ Rephrased

At one point you said "global" benchmark.  
Is the benchmark wage inflation data  
US only?



### 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: Pierre C.

Question: These questions relate to the data points around movement from Davita - where SCA and 400 other companies had one move, and 20 companies had more than one.

1) Did you look at the categories/markets that the companies fell into in each set (the 400 and the 20)?

2) Were the companies in the set of 20 (with more movement) more in the health care field, or business aligned with Davita?

#### Juror Questioning Procedure

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

Were the companies in the set of 400 (only 1 move) health care companies? →

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

Question No. 53

ACTION BY THE COURT:

☐ Permitted

☐ Denied

☐ Rephrased

~~see below~~

SCA had a large list of companies to potentially hire from, but within that a smaller list of target/close fit companies. There was one testimony that put Davita in the top three target companies. With that, would you expect for the movement between Davita and SCA to be in the group with higher movement (the group of 20) or ~~the~~ ~~group~~ ~~with~~ ~~only~~ ~~one~~ ~~move~~ ~~(the group of 20)~~ ~~lower~~ in the group with only one move (the group of 20).

How would you describe or categorize the types of compa





### 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: \_\_\_\_\_

~~For~~ For compensation analysis, your data looked at Davita averages.

If employees stay at Davita, would a decrease in salaries only be seen if there were pay cuts?

You looked for a decrease in compensation to assess evidence of market allocation. Help me

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

#### Juror Questioning Procedure

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Question No. 54

ACTION BY THE COURT:

*no objection*

- ☒ Permitted  
☐ Denied  
☐ Rephrased



understand how this would be possible unless either 1) there was a lot of movement and new hires <sup>to fill gaps</sup> came in at a lower salary or 2) Davita employees received salary cuts. what other factors ~~was~~ would lead to a lower average ~~was~~ in Davita senior executive salaries?



### Juror Question (s)

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For Witness: Pierre C.

Question: The data we've been reviewing with you ~~is~~ is based on actual movement of employees.

During this case, we've been discussing scenarios where the move didn't occur.

How do we reconcile those scenarios of "no movement" against the data of actual movement?

#### Juror Questioning Procedure

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

Question No. 55

ACTION BY THE COURT:

No options

- ☒ 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: Dr Pierre Crémieux

Question: In a case like Davita where 400 companies only hired 1 Dva executive, is there any way possible to prove a market allocation? (Referring to the first part of your analysis)

Companies that hire 1 are in line with typical behavior, companies that hire 0 are very close to typical behavior. So that median of 1 makes it impossible, right?

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#### Juror Questioning Procedure

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

Question No. 56

ACTION BY THE COURT:

No objection

☒ Permitted

☐ Denied

☐ Rephrased



### Juror Question (s)

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For Witness: Pierre C.

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

With the thousands of hours  
of analysis on this, was all  
~~the~~ analysis under the  
three areas presented here,

Or was other data collected and  
analyzed without presenting  
it here?

Do you think there was any  
cherry picking of data  
to select what to present,

If additional space is needed, please use the back of this form.  
even by the team under you?

#### Juror Questioning Procedure

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

Question No. 57

ACTION BY THE COURT:

☒ Permitted

☐ Denied

☐ Rephrased

no A objection desired



### Juror Question (s)

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For Witness: Pierre C.

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

You explained the difference in hiring at SCA over two periods (8 hires vs 1 hire) by referencing Hayek's testimony about already having a lot Davita employees.

Do you think this is the only explanation, or could there be others? Specifically could the gentlemen's agreement and the "tell your boss" policy also

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

be part of ~~the~~ explaining the difference in ~~movement~~ movement.

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

Question No. 58

ACTION BY THE COURT:

no objections

☒ Permitted

☐ Denied

☐ Rephrased

#### Juror Questioning Procedure

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### 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: Dr. Pierre C.

Question: 1. Do you believe  
you or anyone from  
Analysis Group Inc.  
would have testified  
if you had found  
evidence supporting  
the govt. allegations?  
2. Do you consider the  
the labor market of  
health care, ~~companies~~  
~~relevant to this case~~  
restricted only to Davita &  
companies that work with

#### Juror Questioning Procedure

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

More on back →

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

Question No. 59

ACTION BY THE COURT:

no obj 2/20/21

- ☒ Permitted  
☐ Denied  
☐ Rephrased



3. why didn't you frame your analysis of question # 1 ("end of meaningful competition") to include the rate of hiring or median ~~of hiring~~ number of hires of all relevant health care companies, even if they didn't work with Davita? You could still compare <sup>hiring + movement</sup> data of all health care companies to Davita + SCA, Davita + Hazel, and Davita + RP, correct?

4. Do people ~~using~~ <sup>using</sup> linkedin use profile pictures? can you determine gender and race <sup>with these pictures?</sup>

(Asking questions 2 and 3 because he didn't answer my <sup>interpret</sup> question correctly from yesterday, which I believe was the 3rd jury question)



**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: \_\_\_\_\_

could you have allocation  
of labor ~~was~~ without a  
compensation decrease?

In a ~~was~~ scenario with  
hourly workers, this  
hypothesis makes sense.  
But with senior executives  
the motives seem different,  
and also the ~~was~~ potential  
impact on salaries.  
~~Can you~~ Can you speak to

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

**Juror Questioning  
Procedure**

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

Question No. 60

ACTION BY THE COURT:

no objection

- ☒ Permitted  
☐ Denied  
☐ Rephrased



You said one of ~~the~~ goals for  
~~allocating~~ labor was to lower  
~~compensation~~. In this case,  
that has not been a