

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

No. 11-5779

UNITED STATES OF AMERICA, ex rel. JULIE  
WILLIAMS,

Plaintiffs - Appellees,

JOHN MARTINEZ, M.D.,

Plaintiff,

v.

RENAL CARE GROUP, INC.; RENAL CARE  
GROUP SUPPLY COMPANY; FRESENIUS  
MEDICAL CARE HOLDINGS, INC.,

Defendants - Appellants.

Before: COLE and COOK, Circuit Judges; ROSEN, Chief District Judge.

**JUDGMENT**

On Appeal from the United States District Court  
for the Middle District of Tennessee at Nashville.

THIS CAUSE was heard on the record from the district court and was argued by counsel.

IN CONSIDERATION WHEREOF, it is ORDERED that the district court's judgments as to Counts One and Two are REVERSED, and the defendants' motion for summary judgment as to those counts is GRANTED. IT IS FURTHER ORDERED that the district court's judgments as to all remaining counts are REVERSED AND REMANDED for further proceedings consistent with the opinion of this court, but that defendants' motion for reassignment is DENIED.

**ENTERED BY ORDER OF THE COURT**



Deborah S. Hunt, Clerk

**FILED**  
**Oct 05, 2012**  
DEBORAH S. HUNT, Clerk