

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Magistrate Judge Kathleen M. Tafoya**

**Civil Action No.** 08-cv-00513-CMA-KMT

FTR

**Date:** August 14, 2009

Debra Brown, Deputy Clerk

TOTAL RENAL CARE, INC.

Charles E. Weir

Plaintiff.

v.

WESTERN NEPHROLOGY AND METABOLIC  
BONE DISEASE, P.C., et al.

Ellen Stewart

AMERICAN RENAL ASSOCIATES, INC.

Michael Davis

DaVITA, INC.,

Thomas Ryan

Defendants.

---

**COURTROOM MINUTES / MINUTE ORDER**

---

**MOTIONS HEARING**

**Court in Session: 8:59 a.m.**

Court calls case. Appearance of counsel.

Court's opening remarks regarding the pending motions.

**ORDERED:** MOTION to Seal Portions of DaVita's Brief and Documents Submitted in Opposition to ARA's Motion to Compel the Deposition of Kent Thiry [Document #158, filed August 03, 2009] is **GRANTED**.

MOTION to Compel Production of Documents and Supplemental Interrogatory Responses from ARA (Expedited Review Requested) filed by DaVita, Inc., [Document #145, filed July 22, 2009] Compel the Deposition of Kent Thiry ] at issue:

**ORDERED:** The request to consider ARA's objections as to privileged waived due to late filing of responses to discovery is **DENIED**.

Argument by Mr. Weir.  
Objections by Mr. Davis.  
Rebuttal by Mr. Weir.

**ORDERED:** MOTION to Compel Production of Documents and Supplemental Interrogatory Responses from ARA (Expedited Review Requested) filed by DaVita, Inc., [Document #145, filed July 22, 2009] Compel the Deposition of Kent Thiry ] is **DENIED as moot**. The Court will not award attorney fees or sanctions in connection with the filing of this motion.

MOTION to Compel Deposition of Mr. Kent Thiry and For Expedited Resolution of This Motion filed by American Renal Associates, Inc. [Document #150, filed July 23, 2009] at issue:

Argument by Mr. Palmer.

Objections by Mr. Ryan.

Rebuttal by Mr. Palmer.

**ORDERED:** MOTION to Compel Deposition of Mr. Kent Thiry and For Expedited Resolution of This Motion filed by American Renal Associates, Inc. [Document #150, filed July 23, 2009] is **GRANTED**. Mr. Kent Thiry is to appear in Denver, Colorado for deposition on September 03, 2009.

**ORDERED:** Discovery cut-off is extended to **September 30, 2009**. Dispositive motion deadline extended to **October 30, 2009**. Final Pretrial Conference is **RESET** to **January 08, 2010 at 9:00 a.m.**

**Court in recess: 10:17 a.m.**

Total In-Court Time 1:18; hearing concluded

\*To obtain a transcript of this proceeding, please contact Avery Woods Reporting at (303) 825-6119.