

EXHIBIT

4

Thomas Fleming/NY/US/KSFHH

03/23/2007 04:56 PM

To "Fishman, Deborah" <dfishman@daycasebeer.com>
cc
Subject Re: Deposition scheduling -- yet more Link

I will get on this right away.
Thank You,

Tom Fleming
tfleming@kayescholer.com
212-836-7515

"Fishman, Deborah"
<dfishman@daycasebeer.com>

03/23/2007 04:49 PM

To <TFleming@kayescholer.com>
cc "Platt, Rachele L." <rplatt@daycasebeer.com>; "Rajagopalan, Sandy"
<SRajagopalan@daycasebeer.com>
Subj Deposition scheduling -- yet more
ect

Dear Tom,

Can you confirm location on the Daly and Marinelli depositions. Bill sent a letter yesterday requesting that these depositions go forward in T.O., but I haven't seen a response. Also, I have been assuming these depositions are going forward sequentially. If this is not the case, can you please let me know as soon as possible.

Also, Smalling and Browne were noticed by Roche for 4/2. We have tried to contact these gentlemen, but have not as of yet been successful so I cannot confirm representation. Please let me know if you are planning on going forward with both of these depositions and, if so, whether you plan on proceeding on 4/2.

Finally, I heard back from DaVita counsel, who is offering two witnesses both on 4/2 each for two hours. We should discuss how we want to proceed with this.

Thanks,
Deborah

Deborah Fishman
Day Casebeer Madrid Batchelder, LLP
fishmand@daycasebeer.com

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