

EXHIBIT 5

Fishman, Deborah

From: Fishman, Deborah
Sent: Wednesday, March 21, 2007 4:35 PM
To: TFleming@kayescholer.com
Cc: Platt, Rachelle L.; Rajagopalan, Sandy; Hafalia, April; Carter, Krista; Bier, Adam Arthur
Subject: Deposition scheduling

Dear Tom,

We confirmed Egrie (full day) and Sharer (1-3 pm) for deposition (double tracking) on 3/27 in Thousand Oaks. Dr. Lin will go forward for a full day on 3/28 and a half day on 3/29 starting at 2 p.m., again in Thousand Oaks. Stuart Watt's deposition will also go forward on 3/29, starting at 9 pm and finishing by 3 pm (per our agreement to move Lin), again in Thousand Oaks.

For all of the Thousand Oaks depositions, Rachelle is working on arranging conference rooms at the Hyatt Westlake in Westlake Village. We will provide you with confirmation and a contact person by the end of tomorrow.

We agreed that all experts subpoenaed for personal deposition by either party will not be deposed until the expert discovery period after 4/6.

You are supposed to confirm the date for Rob Brenner, we have offered him on 3/30 but have not yet heard back from you. Likewise, you will confirm the location for Dr. Hood's deposition, scheduled for 4/2.

I am looking into alternate dates for you for Josh Ofman. I agreed to see if we could move the Odre deposition to San Francisco for 4/2 and you were going to see if this would work for you.

With respect to Bill Burns, I told you that we will let you know whether we are proceeding with his deposition after the Abercrombie deposition tomorrow.

We need to confirm whether Barbara Senich's deposition is starting at 8 or 9 am in NY.

Finally, with respect to third party DaVita, you were going to speak with Christian Kemnitz, outside counsel for DaVita, to see if we could secure a date for deposition (per both parties' subpoenas) that would occur before the close of fact discovery yet after the production of documents. I look forward to hearing from you in that regard.

In case I've missed anything, let's touch base tomorrow.

Thanks,
Deborah

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7/27/2007