

Melendez, Yadira

From: Mitzi McLean <Mitzi.McLean@davita.com>
Sent: Wednesday, January 29, 2025 12:22 PM
To: Melendez, Yadira
Cc: Osterman, Jeffrey
Subject: FW: In re the Extended Hours, Filling Station, Food Dealer and Weights and Measurers Licenses: 4295 N. Teutonia, Inc.; Hearing 1/31/2025
Attachments: 20250129093350-+1-833-406-3770-4149378248-2137917160.pdf
Importance: High

Ms. Melendez,

Thank you for taking the time to speak with me this morning and identify the appropriate point of contact for the Subpoena issued to “A Representative of DaVita Wisconsin Avenue Dialysis” (attached). I also noticed that Jeffrey Osterman was identified on the Meeting Agenda for this Friday’s meeting and copied him out of an abundance of caution.

I was able to speak to attorney Emil Ovbiagele this morning and he was under a mistake of fact as to DaVita’s ability to provide information that might be helpful with his case. As a result, he agreed to withdraw the subpoena for appearance to provide testimony at this Friday’s meeting. Mr. Ovbiagele sent the email confirmation immediately below.

I was unsure of the process by which Mr. Ovbiagele would notify the Licenses Committee, so I am passing the communication along to you for awareness. DaVita appreciates being a part of the City of Milwaukee and providing healthcare services within it, I did not want to risk a potential oversight by Mr. Ovbiagele to lead any member of the Committee or community to believe that we would ignore or disregard a subpoena for appearance. I also did not want a lack of appearance to result in punishment or contempt.

Please do not hesitate to reach out to me should the Committee have any questions or concerns. Otherwise, please know that DaVita appreciates all the work that goes into serving the City of Milwaukee.

Best,
Mitzi McLean

Mitzi L. McLean, Esq.

(She/Her/Hers)

Director, Assistant General Counsel

DaVita Inc.

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From: Emil Ovbiagele <emil@ovblaw.com>
Sent: Wednesday, January 29, 2025 11:55 AM
To: Mitzi McLean <Mitzi.McLean@davita.com>
Cc: Austin Baldwin <austin@ovblaw.com>
Subject: Re: In re the Extended Hours, Filling Station, Food Dealer and Weights and Measurers Licenses: 4295 N. Teutonia, Inc.

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Hi Mitzi -

Thanks for the call. This to confirm that the subpoena sent to your company is being withdrawn.

Emil Ovbiagele, JD, MBA
Partner

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From: Mitzi McLean <Mitzi.McLean@davita.com>
Sent: Wednesday, January 29, 2025 10:16 AM
To: Emil Ovbiagele <emil@ovblaw.com>

Subject: In re the Extended Hours, Filling Station, Food Dealer and Weights and Measurers Licenses: 4295 N. Teutonia, Inc.

Mr. Ovbiagele,

I am in receipt of the attached Subpoena issued by the City of Milwaukee Licenses Committee. It was served at the local facility, Wisconsin Avenue Dialysis, this morning. I understand that you are legal counsel for the business involved in this issue/dispute with the Licenses Committee over what I assume is the revocation of a business license. I also understand that there is the potential that a current or former patient may have been involved in a shooting at this particular business.

What I am not understanding is why DaVita would be receiving a subpoena to appear and give testimony about a business license revocation proceeding involving your client. Given applicable laws protecting patient and health privacy, we are not even able to confirm whether or not the individual was or is receiving treatment at DaVita.

I am happy to discuss further at your convenience, but it appears that I have less than 48 hours to retain counsel to quash this subpoena. Unless I hear from you in fairly short order, I will proceed to retaining outside counsel to quash the subpoena and, if available, seek fees and/or expenses for the cost of doing so.

Thank you,
Mitzi

Mitzi L. McLean, Esq.

(She/Her/Hers)

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-DaVita Inc-

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