

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION**

UNITED STATES OF AMERICA

v.

CASE NO: 2:20-cr-115-FtM-66MRM

WILLIAM N. HARWIN  
\_\_\_\_\_ /

**Status Conference via Zoom video conference**

Presiding Judge:	United States District Judge John L. Badalamenti
Counsel for Plaintiff(s):	Christina J. Brown/William Vigen/Mark Grundvig Patrick Hallagan
Counsel for Defendant(s):	Barry J. Pollack/David Markus/Margot Moss/Jessica Ettinger
Date and Time:	January 15, 2021 10:30 AM
Deputy Clerk:	Shelley Giauque
Court Reporter:	Jeff Thomas
Interpreter:	n/a

Start Time: 10:30 AM

Court calls case. Counsel enter appearances. Michael Harwin and William Harwin also present via zoom. All parties are able to see and hear this status conference.

Projected trial date of June 2021. Mr. Pollack has a trial set in April in Maryland, which may get pushed to a later date due to Covid. No other conflicts at this time. Court notes pending motions and is working on them. The Court will issue rulings as quickly as possible.

Court notes the demonstrative exhibit (attached as Exhibit 1).

Mr. Pollack, on behalf of the defendant, and Mr. Vigen, on behalf of the United States, both present argument as to MOTION for Hearing *Pursuant to Franks v. Delaware, 438 U.S. 154 (1978)*. Motion filed by William N. Harwin at docket no. 60.

Court will reserve ruling. The parties do not object to proceeding via zoom video conference if it is deemed that an evidentiary hearing on the Franks Motion is needed.

End time: 11:50 AM

## Apple Affidavit

Affidavit at ¶ 15:

On January 7, 2012, DR. DANIEL E. DOSORETZ (21C) emailed DR. WILLIAM N. HARWIN (FCS) about this announcement and urged him to take steps to address Premiere's entry into medical oncology. **He also reminded "Bill" that while 21C did not employ medical oncologists in the relevant area, FCS did not want to run the risk that 21C would react to Premiere's competition by disregarding the "gentlemen's agreement" and entering FCS's turf.**

January 7, 2012 e-mail from Dr. Dosoretz to Dr. Harwin:

Bill, we need to move on and do something!  
You do not want me to hire anyone, so you need to do something! I am willing to help in any legal and compliant way! But let them have the market is not a winning strategy!  
Time for you and me to get involved directly. If we do not do something soon, they will "invade" lee too, grow to 4 med oncs and compete for contracts.  
Need action yesterday! No talk action  
Dd

US District Court  
Middle District of Florida  
Defendant Exhibit

USA

v.

William N. Harwin

Exhibit # Demonstrati

Case # 2:20-cr-115-JLB-MRM

Date Identified: 1/15/2021

Date Admitted: 1/15/2021

### Google Affidavit

Google Affidavit at ¶ 16:

On January 7, 2012, DR. DANIEL E. DOSORETZ (21C) forwarded the Premiere email announcement from his corporate email account to “Bill” at BHARWIN@GMAIL.COM informing “Bill” that “we need to move on and do something!” and “[y]ou do not want me to hire anyone, so you need to do something!” **A reminder that while 21C did not employ medical oncologists in the relevant area, FCS did not want to run the risk that 21C would react to Premiere’s competition by disregarding the “gentlemen’s agreement” and entering FCS’s turf.** DR. DANIEL E. DOSORETZ (21C) also represents in his email to “Bill” that he is prepared to work together to address the competitive threat from Premiere before it expands from Collier into Lee county. “I am willing to help in any legal and compliant way! But let them [Premiere] have the market is not a winning strategy! Time for you and me to get involved directly. If we do not do something soon they will “invade” lee too, grow to 4 med oncs and compete for contracts. Need action yesterday! No talk, action.”

January 7, 2012 e-mail from Dr. Dosoretz to Dr. Harwin:

Bill, we need to move on and do something!  
You do not want me to hire anyone, so you need to do something! I am willing to help in any legal and compliant way! But let them have the market is not a winning strategy!  
Time for you and me to get involved directly. If we do not do something soon, they will “invade” lee too, grow to 4 med oncs and compete for contracts.  
Need action yesterday! No talk action  
Dd

**Apple Affidavit at Paragraph16 (Exhibits G and H)**

May 2012

Text from Dr. Dosoretz to Dr. Harwin:

“Bill: as you meet with SIU please do not cut any “deals” that put us in [sic] opposite sides or make me look stupid with my partners [21C’s other doctors] as I do not control them. Thanks.”

Dr. Harwin responds to Dr. Dosoretz:

“Danny, I never even responded to his text or returned his call nor have I ever sent Premiere a patient and now I stole one of their med oncs.”

**Apple Affidavit at Paragraph 17 (Exhibit I)**

April 2013

Email from Dr. Harwin to Dr. Dosoretz, described as follows:

He wrote to DR. DANIEL E. DOSORETZ (21C) asking “what does this mean related to their med oncs. Our docs don’t want them. Make then [sic] disappear.” DR. WILLIAM N. HARWIN (FCS) signs this email “Bill” and just below his email signature block is the text “Sent from my iPhone.”

**Google Affidavit at Paragraph 15 (Exhibit J)**

November 2012

E-mail from Dr. Harwin to others at FCS, described as follows:

On November 14, 2012, DR. WILLIAM N. HARWIN (FCS) sent an email from his WHARWIN@GMAIL.COM account to FCS's Executive Board, Senior Management, and Doctors in Lee, Collier and Charlotte Counties with the subject line "HOLY COW." DR. WILLIAM N. HARWIN (FCS) reported to the group that he had heard from the "godfather himself [DR. DANIEL E. DOSORETZ (21C)] that 21C hired breast cancer surgeon Jeff Lewis here in Fort Myers. That will be a big blow to Premier Oncology at least in Lee County." By recruiting Premiere's breast cancer surgeon, 21C ensured that this breast surgeon would no longer generally refer the bulk of his patients to Premiere's oncologists if they required either medical oncology or radiation oncology.

In turn, DR. FRANK RODRIGUEZ (FCS Executive Board Member) forwarded this email from his FRANKRODRIGUEZMD@GMAIL.COM account to his contact at 21C adding "just got this. congrats."