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15-003

**RECEIVED**

FEB 04 2015

HEALTH FACILITIES &  
SERVICES REVIEW BOARD

February 2, 2015

Kent Thiry  
Total Renal Care, Inc.  
2000 16<sup>th</sup> Street  
Denver, CO 80202

RE: NOTICE TO CEASE AND DESIST  
MISAPPROPRIATION OF BUSINESS NAME  
Danville Dialysis Services, LLC

Dear Mr. Thiry;

I represent Danville Dialysis Services, LLC as its attorney. Danville Dialysis Services, LLC is an Illinois-registered limited liability company that operates an End Stage Renal Dialysis facility in Danville, Illinois. The company has operated under that name and has been registered with the Illinois Secretary of State since 2000. I learned today that Total Renal Care, Inc., together with DaVita Healthcare Partners has filed an application for certificate of need with the Illinois Health Facilities and Services Review Board, seeking approval to establish, construct and operate an 8-station ESRD facility also in Danville, Illinois and that you intend to call the entity, "Danville Dialysis".

Please be advised that your use of the name "Danville Dialysis" is a misappropriation of the well-established and properly registered business name of my client, Danville Dialysis Services, LLC. You are therefore hereby required to immediately cease and desist use of the name "Danville Dialysis" as a trade name, d/b/a name, assumed name, or in any other fashion in the service area of Danville Dialysis Services, LLC. In the event that we do not receive from you satisfactory evidence that you have ceased using this name, including notification of withdrawal or amendment of the IHFSRB filings, within fourteen (14) days of the date of this letter, we will have no recourse but to commence legal proceedings against you to enforce the rights of Danville Dialysis Services, Inc.

Sincerely,



Thomas J. Pliura, M.D., J.D.  
Attorney for Danville Dialysis Services, Inc.

cc: Mike Constantino, Illinois Health Facilities and Services Review Board  
Tim Tincknell, DaVita Healthcare Partners  
Charles Sheets, Polsinelli, PC