

1 COOLEY LLP  
 2 MICHAEL ATTANASIO (151529)  
 3 (mattanasio@cooley.com)  
 4 EAMONN GARDNER (310834)  
 5 (egardner@cooley.com)  
 6 JON F. CIESLAK (268951)  
 7 (jcieslak@cooley.com)  
 8 BARRETT J. ANDERSON (318539)  
 9 (banderson@cooley.com)  
 10 SOPHIA M. RIOS (305801)  
 11 (srios@cooley.com)  
 12 4401 Eastgate Mall  
 13 San Diego, CA 92121  
 14 Telephone: (858) 550-6000  
 15 Facsimile: (858) 550-6420

16 *Attorneys for ChromaDex, Inc.*

17 *Counsel continued on next page*

18 **UNITED STATES DISTRICT COURT**  
 19 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**  
 20 **(SOUTHERN DIVISION)**

21 ChromaDex, Inc. ,  
 22  
 23 Plaintiff,  
 24  
 25 v.  
 26 Elysium Health, Inc.,  
 27  
 28 Defendant.

Case No. 16-cv-02277-CJC-DFM

**JOINT STIPULATION TO:**

**(1) AMEND CHROMADDEX, INC.’S COMPLAINT PURSUANT TO FED. R. CIV. P. 15 (A)(2); AND**

**(2) REQUEST THE COURT MODIFY THE SCHEDULING ORDER**

29 Elysium Health, Inc.,  
 30  
 31 Counterclaimant,  
 32  
 33 v.  
 34 ChromaDex, Inc.,  
 35  
 36 Counter-Defendant.

- 1 PETER B. MORRISON (State Bar No. 230148)  
peter.morrison@skadden.com
- 2 JULIA M. NAHIGIAN (State Bar No. 307508)  
julia.nahigian@skadden.com
- 3 SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP  
300 South Grand Avenue, Suite 3400
- 4 Los Angeles, California 90071-3144  
Telephone: (213) 687-5000
- 5 Facsimile: (213) 687-5600
  
- 6 JOSEPH N. SACCA (admitted *pro hac vice*)  
joseph.sacca@skadden.com
- 7 BRADLEY E. HONIGMAN (admitted *pro hac vice*)  
bradley.honigman@skadden.com
- 8 MICHAEL M. POWELL (admitted *pro hac vice*)  
michael.powell@skadden.com
- 9 SPENCER A. GOTTLIEB (admitted *pro hac vice*)  
spencer.gottlieb@skadden.com
- 10 SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP  
Four Times Square
- 11 New York, New York 10036  
Telephone: (212) 735-3000
- 12 Facsimile: (212) 735-2000
  
- 13 DONALD R. WARE (admitted *pro hac vice*)  
dware@foleyhoag.com
- 14 MARCO J. QUINA (admitted *pro hac vice*)  
mquina@foleyhoag.com
- 15 FOLEY HOAG LLP  
155 Seaport Boulevard
- 16 Boston, MA 02210  
Telephone: (617) 832-1000
- 17 Facsimile: (617) 832-7000
  
- 18 *Attorneys for Elysium Health, Inc.*

19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1           **WHEREAS**, on December 29, 2016, ChromaDex, Inc. (“ChromaDex”)  
2 initiated this action against Elysium Health, Inc. (“Elysium”);

3           **WHEREAS**, on January 25, 2017, Elysium filed counterclaims against  
4 ChromaDex;

5           **WHEREAS**, both parties have amended their pleadings several times during  
6 the course of this action;

7           **WHEREAS**, on March 30, 2018, the Court amended the scheduling order and  
8 extended the case schedule and trial by three months to accommodate additional  
9 discovery related to the Third Amended Counterclaims filed by Elysium the same  
10 day, [Dkt. 103];

11           **WHEREAS**, discovery in this action provided ChromaDex with additional  
12 information that it seeks to incorporate into a Fourth Amended Complaint containing  
13 additional claims against Elysium;

14           **WHEREAS**, Elysium consents to ChromaDex filing a Fourth Amended  
15 Complaint in the redacted form attached to this Stipulation as Exhibit 1;

16           **WHEREAS**, pursuant to Federal Rule of Civil Procedure 15(a)(2), “a party  
17 may amend its pleading . . . with the opposing party’s written consent”;

18           **WHEREAS**, under the current Scheduling Order, [Dkt. 99], all discovery  
19 between the parties must be completed by September 13, 2018, and trial is scheduled  
20 to begin on December 11, 2018;

21           **WHEREAS**, the parties have consulted and agreed that there is good cause  
22 under Federal Rule of Civil Procedure 16(b) for an extension of the applicable  
23 deadlines in this action to allow for additional discovery into the claims and defenses  
24 arising from the Fourth Amended Complaint;

25           **WHEREAS**, to allow for that additional discovery, the parties have agreed to  
26 jointly request that the Court consent to a three-month extension of all applicable  
27 deadlines in this action, including trial, under Rule 16(b);

28

1 **NOW, THEREFORE**, Elysium, by and through its counsel of record, hereby  
 2 provides written consent for ChromaDex to file its Fourth Amended Complaint in  
 3 the redacted form attached as Exhibit 1; and

4 **NOW, THEREFORE**, ChromaDex and Elysium, by and through their  
 5 counsel of record, hereby jointly request that this Court find good cause to amend the  
 6 Scheduling Order, instruct that all discovery shall be completed on or near December  
 7 21, 2018, set jury trial to begin in March 2019, and modify all other applicable Court  
 8 deadlines to conform with those amended dates.

9 The parties expressly reserve all other rights and remedies with respect to the  
 10 pleadings in this action.

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Dated: June 22, 2018

COOLEY LLP

/s/ Barrett J. Anderson  
 Barrett J. Anderson

*Attorneys for ChromaDex, Inc.*

*The filer, Barrett Anderson, attests that the other signatory listed, on whose behalf the filing is submitted, concurs in the filing's content and has authorized the filing.*

Dated: June 22, 2018

SKADDEN, ARPS, SLATE,  
 MEAGHER & FLOM LLP

/s/ Joseph N. Sacca  
 JOSEPH N. SACCA

*Attorneys for Elysium Health, Inc.*