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12 **UNITED STATES DISTRICT COURT**  
 13 **CENTRAL DISTRICT OF CALIFORNIA**  
 14 **(WESTERN DIVISION)**

15 ChromaDex, Inc.,  
 16 Plaintiff,  
 17 v.  
 18 Elysium Health, Inc. and Mark Morris,  
 19 Defendants.

20  
 21 Elysium Health, Inc.,  
 22 Counterclaimant,  
 23 v.  
 24 ChromaDex, Inc.,  
 25 Counterdefendant.

Case No. 8:16-cv-2277-CJC (DFMx)

**CHROMADEX, INC.’S NOTICE OF *EX PARTE* APPLICATION AND *EX PARTE* APPLICATION FOR TEN-PAGE EXTENSION OF PAGE LIMIT FOR CHROMADEX’S MOTION FOR PARTIAL SUMMARY JUDGMENT**

Judge: Hon. Cormac J. Carney  
 Date: n/a  
 Time: n/a

Trial: October 15, 2019  
 Pretrial Conference: Sept. 18, 2019

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1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 PLEASE TAKE NOTICE that Plaintiff and Counterdefendant ChromaDex, Inc.  
3 (“ChromaDex”) hereby makes this *ex parte* application for a ten-page extension of the  
4 page limits set by Local Rule 11-6 for its opening Memorandum of Points and  
5 Authorities in Support of its Motion for Partial Summary Judgment. This Application  
6 is based on this Notice of *Ex Parte* Application and *Ex Parte* Application, the  
7 accompanying Memorandum of Points and Authorities, all records and papers on file  
8 in this action, and any evidence or oral argument offered at any hearing on this  
9 Application that the Court may order. This Application is made following a conference  
10 of counsel, which took place on August 5, 2019. Counsel for Defendants Elysium  
11 Health, Inc. and Mark Morris stated that Defendants oppose the Application.

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14  
15 Dated: August 7, 2019

COOLEY LLP

17 /s/ Barrett J. Anderson

18 Barrett J. Anderson (318539)

19 Attorneys for Plaintiff and Counter-  
20 Defendant ChromaDex, Inc.

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 23 v.  
 24 ChromaDex, Inc.,  
 25 Counterdefendant.

Case No. 8:16-cv-2277-CJC (DFMx)

**CHROMADEX, INC.’S MEMORANDUM  
 OF POINTS AND AUTHORITIES IN  
 SUPPORT OF *EX PARTE* APPLICATION  
 FOR TEN-PAGE EXTENSION OF PAGE  
 LIMIT FOR CHROMADEX’S MOTION  
 FOR PARTIAL SUMMARY JUDGMENT**

Judge: Hon. Cormac J. Carney  
 Date: n/a  
 Time: n/a

Trial: October 15, 2019  
 Pretrial Conference: Sept. 18, 2019

1 Pursuant to Local Rule 7-19, Plaintiff and Counterdefendant ChromaDex, Inc.  
2 (“ChromaDex”) makes this *Ex Parte* Application for a ten-page extension of the page  
3 limits set by Local Rule 11-6 for its opening Memorandum of Points and Authorities in  
4 Support of its planned Motion for Partial Summary Judgement.

## 5 I. RELEVANT HISTORY

6 In order to assist the Court in narrowing the issues for trial, the parties have  
7 agreed they will file their respective Motions for Summary Judgment on August 16,  
8 2019. (Declaration of Sophia Rios (“Rios Decl.”) ¶ 2.) On July 18, 2019, counsel for  
9 ChromaDex informed counsel for Elysium Health, Inc. (“Elysium”) and Mark Morris  
10 (collectively “Defendants”) that ChromaDex believed it would need an additional ten  
11 pages for its opening brief to efficiently present the relevant facts and arguments to the  
12 Court in one motion. (Rios Decl. ¶ 3.) To that end, ChromaDex offered a joint  
13 stipulation that would have equally granted ChromaDex an additional ten pages for its  
14 motion and Defendants the same for their opposition. (*Id.*)

15 Counsel for Defendants declined the offer on August 2, 2019, citing the recently  
16 advanced trial date and presuming to opine that the Court would not “appreciate  
17 extensive additional briefing or have the necessary time to review and rule on the  
18 parties’ arguments.” (*Id.*) Later that same day, ChromaDex informed Defendants that  
19 it intended to file the present *Ex Parte* Application, and requested to meet-and-confer.  
20 (*Id.* ¶ 4.) The parties conferred on August 5, 2019, and Defendants stated that they  
21 would oppose this Application.<sup>1</sup> (*Id.*)

## 22 II. ARGUMENT

23 The use of [an *ex parte* application] is justified [where] . . . the party seeks a  
24 routine procedural order that cannot be obtained through a regularly noticed motion  
25 (i.e., to file an overlong brief or shorten the time within which a motion may be  
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27 <sup>1</sup> Kristin L. Keranen represented Defendants on that call and has appeared in this matter.  
28 (*Id.*) Her “name, address, telephone number and email address” are listed on the docket.  
*See* Local Rule 7-19.

1 brought).” *Horne v. Wells Fargo Bank, N.A.*, 969 F. Supp. 2d 1203, 1205 (C.D. Cal.  
2 2013). *See also In re Intermagnetics Am., Inc.*, 101 B.R. 191, 193–94 (C.D. Cal. 1989).  
3 An *ex parte* application is warranted here. First, a short page extension is justified  
4 because summary judgment in this case will be an important tool for the parties and the  
5 Court to simplify and streamline the issues to be presented to the jury at trial. There are  
6 over twenty claims and counterclaims currently at issue in this litigation, including the  
7 several separate breaches alleged under the parties’ agreements. (*See* Dkt. Nos. 103,  
8 118, 153.) Rather than crowd the Court’s docket with multiple motions for partial  
9 summary judgment, ChromaDex seeks extra pages so that it may file a single, unified  
10 Motion for Partial Summary Judgment carefully targeted at only a handful of those  
11 counterclaims vulnerable to summary judgment because they turn on facts not in  
12 material dispute. (Rios Decl. ¶ 5.)

13 Second, judicial efficiency favors granting this application, as it will allow the  
14 Court to consider all of ChromaDex’s arguments together in one brief. Ten extra pages  
15 is warranted in light of the disparate counterclaims alleged by Elysium. (*Id.*) (*See*  
16 *generally*, Dkt. Nos. 103, 118.) Although the legal principles at issue are  
17 straightforward to apply, each counterclaim requires its own dedicated factual  
18 recitations and analysis. (Rios Decl. ¶ 5.) Because the parties and third parties together  
19 have produced over 96,000 documents and will have taken 25 depositions by the time  
20 the motion is filed, it is entirely reasonable to permit ten extra pages to both sides so  
21 that all of the issues may be addressed in mutual omnibus briefs. (*Id.*)

### 22 III. CONCLUSION

23 For the foregoing reasons, ChromaDex respectfully requests that the Court grant  
24 this *ex parte* application and grant ChromaDex a ten-page extension of the page limit  
25 set by Local Rule 11-6 for its opening Memorandum of Points and Authorities in  
26 Support of its Motion for Partial Summary Judgment.

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Dated: August 7, 2019

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/s/ Barrett J. Anderson

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