

1 COOLEY LLP
MICHAEL ATTANASIO (151529)
2 (mattanasio@cooley.com)
BARRETT J. ANDERSON (318539)
3 (banderson@cooley.com)
CRAIG E. TENBROECK (287848)
4 (ctenbroeck@cooley.com)
JASMIN F. MOTLAGH (311639)
5 (jmotlagh@cooley.com)
DYLAN K. SCOTT (332796)
6 (dscott@cooley.com)
RACHAEL M. HELLER (335636)
7 (rheller@cooley.com)
4401 Eastgate Mall
8 San Diego, CA 92121-1909
Telephone: (858) 550-6000
9 Facsimile: (858) 550-6420

10 *Attorneys for Plaintiff and Counter-Defendant*
11 *ChromaDex, Inc.*

12 *Counsel continued on following page*

13
14 **UNITED STATES DISTRICT COURT**
15 **CENTRAL DISTRICT OF CALIFORNIA**
16 **(SOUTHERN DIVISION)**

17 ChromaDex, Inc.,
18 Plaintiff,
19 v.
20 Elysium Health, Inc., and Mark Morris,
21 Defendants.

22 Elysium Health, Inc.,
23 Counterclaimant,
24 v.
25 ChromaDex, Inc.,
26 Counter-Defendant.
27

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

JOINT TRIAL WITNESS LIST

Judge: Hon. Cormac J. Carney
Courtroom: 9B

Trial: September 21, 2021
Pretrial Conf.: September 13, 2021

1 COVINGTON & BURLING LLP
MITCHELL A. KAMIN (202788)
2 (mkamin@cov.com)
1999 Avenue of the Stars, Suite 3500
3 Los Angeles, CA 90067-4643
Telephone: (424) 332-4800
4 Facsimile: (424) 332-4749

5 COVINGTON & BURLING LLP
PHILIP A. IRWIN (*admitted Pro Hac Vice*)
6 (pirwin@cov.com)
620 Eighth Avenue
7 New York, NY 10018-1405
Telephone: (212) 841-1000
8

LTL ATTORNEYS LLP
9 JOE H. TUFFAHA (253723)
(joe.tuffaha@ltlattorneys.com)
10 PRASHANTH CHENNAKESAVAN (284022)
(prashanth.chennakesavan@ltlattorneys.com)
11 300 South Grand Avenue, 14th Floor
Los Angeles, CA 90071
12 Telephone: (213) 612-8900
Facsimile: (213) 612-3773
13

14 *Attorneys for Plaintiff and Counter-Defendant*
ChromaDex, Inc.

15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 Pursuant to Fed. R. Civ. P. 26(a)(3)(A), Local Rule 16–5, and the Court’s
2 standing Order Regarding Settlement Procedures, Pretrial Conference and Trial,
3 Plaintiff and Counter-Defendant ChromaDex, Inc., Defendant and Counterclaimant
4 Elysium Health, Inc. and Defendant Mark Morris hereby jointly submit their respective
5 trial witness lists for the portion of the case set for a jury trial on September 21, 2021.
6 Under the Court’s August 17, 2021 order (Dkt. 508), the parties will file at a later date
7 their witness lists for the bench trial on Elysium’s counterclaims for patent misuse and
8 unjust enrichment.

9 The parties present the following list of trial witnesses and time estimates for
10 their respective direct cases, to the best of the parties’ knowledge at this time. In
11 preparing this document, the parties have contemplated a six day jury trial that includes
12 opening statements, closing arguments, and 14 hours for each party to offer witness
13 testimony and other evidence, as well as a one day bench trial to the Court on certain of
14 the parties’ equitable defenses.¹

15 **CHROMADDEX’S WITNESSES AT JURY TRIAL**²

16 ChromaDex reserves the right to identify additional witnesses, withdraw any
17 witness, modify the order in which its witnesses will appear, and modify the summary
18 of testimony or time for examination of each witness, based on the issues presented at
19 trial and subsequent rulings of the Court. The parties are conferring about the most
20 efficient way to present witness testimony and evaluating the availability of the
21 witnesses. For that reason, ChromaDex has listed its witnesses in alphabetical order.

22 **I. WITNESSES CHROMADDEX EXPECTS TO CALL AT JURY TRIAL**

23 ChromaDex expects to call one or more of the witnesses below to testify at the
24 jury trial portion of the case. ChromaDex also reserves the right to call additional
25

26 _____
27 ¹ The parties respectively reserve the right to object to duplicative or cumulative
28 testimony of witnesses who testify in person and by video deposition.

² Pursuant to Local Rule 16-5, an asterisk is “placed next to the names of those witnesses
whom the party may call only if the need arises.”

1 witnesses, if necessary, to rebut any unanticipated exhibit or testimony offered by
2 Defendants.

3 **A. Daniel Alminana**

4 c/o Cohen Williams LLP, 724 South Spring Street, 9th Floor, Los Angeles, CA
5 90014
6 213-232-5160

7 Summary of Testimony

8 Mr. Alminana is the Co-Founder and Chief Operating Officer of Elysium.
9 Mr. Alminana is expected to testify about Elysium's founding, the company's
10 relationship and agreements with ChromaDex, its recruitment and hiring of Mr. Morris,
11 its development of strategies with Mr. Morris to destroy or otherwise harm ChromaDex
12 and advance Elysium, its nonpayment for large ingredient orders it placed with
13 ChromaDex on June 30, 2016 ("the June 30 Orders"), and its efforts to misappropriate
14 ChromaDex trade secrets and confidential information to harm ChromaDex and
15 advance Elysium.

16 Summary Time For Examination:

17 On direct: 0.75-1 hours

18 On cross: 1.5-2 hours

19 On re-direct: 0.5 hours

20 On re-cross: 0.5 hours

21 **B. Will Black**

22 c/o Cooley LLP, 4401 Eastgate Mall, San Diego, CA 92121
23 (858) 550-6000

24 Brief Summary of Testimony

25 Mr. Black is the former Vice President of Sales and Marketing at ChromaDex.
26 Mr. Black is expected to testify regarding the duties owed to ChromaDex by its
27 corporate officers, the June 30 Orders, ChromaDex's compliance with its contractual
28 obligations to Elysium, and ChromaDex's trade secrets and confidential information.

1 Summary Time For Examination:

2 On direct: 0.5 hours

3 On cross: 0.5-0.75 hours

4 On re-direct: 0.2 hours

5 On re-cross: 0.1 hours

6 **C. Elysium’s Custodian of Records [if necessary]**

7 c/o Cohen Williams LLP, 724 South Spring Street, 9th Floor, Los Angeles, CA

8 90014

9 213-232-5160

10 Brief Summary of Testimony

11 Elysium has not yet identified its custodian of records. Through his or her
12 testimony, ChromaDex expects Elysium’s custodian of records to authenticate
13 Elysium’s business records and to testify to Elysium’s maintenance of such records.

14 Summary Time For Examination:

15 On direct: 0.25 hours

16 On cross: 0.25 hours

17 On re-direct: 0.1 hours

18 On re-cross: 0.1 hours

19 **D. Aron Erickson**

20 c/o ChromaDex, 10900 Wilshire Blvd., Suite 650, Los Angeles, CA 90024

21 (310) 388-6706

22 Brief Summary of Testimony

23 Mr. Erickson is the Director of Technology at ChromaDex. Mr. Erickson is
24 expected to testify regarding ChromaDex’s investment into its NR product, NIAGEN®,
25 its research and development efforts into NR, and the patents, trade secrets, and other
26 confidential and proprietary information that ChromaDex owns or has developed
27 related to NR.

28

1 Summary Time For Examination:

2 On direct: 0.5 hours

3 On cross: 0.25 hours

4 On re-direct: 0.1 hours

5 On re-cross: 0.1 hours

6 **E. Rob Fried**

7 c/o ChromaDex, 10900 Wilshire Blvd., Suite 650, Los Angeles, CA 90024

8 (310) 388-6706

9 Brief Summary of Testimony

10 Mr. Fried is the Chief Executive Officer of ChromaDex. Mr. Fried is expected
11 to testify regarding ChromaDex's current business and the harm that Defendants have
12 caused ChromaDex.

13 Summary Time For Examination:

14 On direct: 0.25-0.5 hours

15 On cross: 0.5-0.75 hours

16 On re-direct: 0.25 hours

17 On re-cross: 0.25 hours

18 **F. Lance Gunderson**

19 c/o Echelon Analytics, 1717 Main Street, Suite 3380, Dallas, TX 75201

20 (214) 965-8530

21 Brief Summary of Testimony

22 Mr. Gunderson is a Professor and Chair of the Department of Environmental
23 Sciences at Emory University and is the Managing Director with Echelon Analytics
24 LLC. Mr. Gunderson is expected to provide expert testimony regarding the damages
25 incurred by ChromaDex and the unjust enrichment of Defendants.

26 Summary Time For Examination:

27 On direct: 0.75 hours

28 On cross: 0.25 hours

1 On re-direct: 0.25 hours

2 On re-cross: 0.1 hours

3 **G. Jeremy Harrington**

4 c/o Cooley LLP, 4401 Eastgate Mall, San Diego, CA 92121

5 (858) 550-6000

6 Brief Summary of Testimony

7 Mr. Harrington is the former Systems Architect at ChromaDex. Mr. Harrington
8 is expected to testify regarding the information technology policies, practices, and
9 procedures guarding ChromaDex's trade secrets and confidential information.

10 Summary Time For Examination:

11 On direct: 0.25 hours

12 On cross: 0.25 hours

13 On re-direct: 0.1 hours

14 On re-cross: 0.1 hours

15 **H. Frank Jaksch**

16 c/o ChromaDex, 10900 Wilshire Blvd., Suite 650, Los Angeles, CA 90024

17 (310) 388-6706

18 Brief Summary of Testimony

19 Mr. Jaksch is the Co-Founder of ChromaDex and the Executive Chairman of the
20 ChromaDex Board. Mr. Jaksch is expected to testify regarding the beginning of
21 ChromaDex's relationship with Elysium, the history of events between Elysium and
22 ChromaDex from 2013 through the events at issue in this litigation, and the negotiation
23 and provisions of the contracts between Elysium and ChromaDex. He is also expected
24 to testify regarding ChromaDex's employment of Mr. Morris and his duties to the
25 company as a corporate officer.

26 Summary Time For Examination:

27 On direct: 1.5-2 hours

28 On cross: 1.5-2 hours

1 On re-direct: 0.5 hours

2 On re-cross: 0.5 hours

3 **I. Eric Marcotulli**

4 c/o Cohen Williams LLP, 724 South Spring Street, 9th Floor, Los Angeles, CA
5 90014

6 213-232-5160

7 Summary of Testimony

8 Mr. Marcotulli is the Co-Founder and Chief Executive Officer of Elysium.
9 Mr. Marcotulli is expected to testify about Elysium's founding, the company's
10 relationship and agreements with ChromaDex, its recruitment and hiring of Mr. Morris,
11 its development of strategies with Mr. Morris to destroy or otherwise harm ChromaDex
12 and advance Elysium, its nonpayment for the June 30 Orders, and its efforts to
13 misappropriate ChromaDex trade secrets and confidential information to harm
14 ChromaDex and advance Elysium.

15 Summary Time For Examination:

16 On direct: 1.5-2 hours

17 On cross: 1-1.5 hours

18 On re-direct: 0.5 hours

19 On re-cross: 0.25 hours

20 **J. Mark Morris**

21 c/o Cohen Williams LLP, 724 South Spring Street, 9th Floor, Los Angeles, CA
22 90014

23 213-232-5160

24 Summary of Testimony

25 Mr. Morris is currently the Vice President, Research and Development at
26 Elysium and was previously employed as a corporate officer by ChromaDex.
27 Mr. Morris is expected to testify regarding his duties at ChromaDex, the confidentiality
28 agreements he executed with ChromaDex in February and July 2016, and his

1 misappropriation of ChromaDex trade secrets and confidential information. Mr. Morris
2 is also expected to testify about his efforts and the strategies he created in cooperation
3 with Elysium to advance Elysium and destroy or otherwise harm ChromaDex while he
4 was still employed by ChromaDex. Mr. Morris is also expected to testify about his
5 work for Elysium after he left employment at ChromaDex, including his and Elysium's
6 use of ChromaDex documents and information.

7 Summary Time For Examination:

8 On direct: 1.5-2 hours

9 On cross: 1-1.5 hours

10 On re-direct: 0.5 hours

11 On re-cross: 0.25 hours

12 **K. Troy Rhonemus**

13 c/o Cooley LLP, 4401 Eastgate Mall, San Diego, CA 92121

14 (858) 550-6000

15 Brief Summary of Testimony

16 Mr. Rhonemus is the former Chief Operating Officer at ChromaDex.
17 Mr. Rhonemus is expected to testify regarding the duties owed to ChromaDex by its
18 corporate officers, Mr. Morris's conduct during and after his employment by
19 ChromaDex, the June 30 Orders, ChromaDex's compliance with its contractual
20 obligations to Elysium, ChromaDex's trade secrets and confidential information
21 regarding, and the harm to ChromaDex caused by Elysium's conduct.

22 Summary Time For Examination:

23 On direct: 0.5-0.75 hours

24 On cross: 0.5-0.75 hours

25 On re-direct: 0.25 hours

26 On re-cross: 0.25 hours

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

L. Jenny Robles

c/o ChromaDex, 10900 Wilshire Blvd., Suite 650, Los Angeles, CA 90024
(310) 388-6706

Brief Summary of Testimony

Ms. Robles is the Human Resources Manager at ChromaDex. Ms. Robles is expected to testify regarding the human resource policies, practices, and procedures guarding ChromaDex’s trade secrets and confidential information. Ms. Robles is also expected to testify about the confidentiality agreements that Mr. Morris executed with ChromaDex in February and July 2016 and his employment at ChromaDex and Mr. Morris’s conduct on his final days at ChromaDex.

Summary Time For Examination:

- On direct: 0.5-0.75 hours
- On cross: 0.5 hours
- On re-direct: 0.1 hours
- On re-cross: 0.25 hours

M. Tom Varvaro

c/o Cooley LLP, 4401 Eastgate Mall, San Diego, CA 92121
(858) 550-6000

Brief Summary of Testimony

Mr. Varvaro is the former Chief Financial Officer at ChromaDex. Mr. Varvaro is expected to testify regarding and the negotiation and provisions of the contracts between Elysium and ChromaDex, the June 30 Orders, the harm to ChromaDex caused by Elysium’s conduct, the policies, practices, and procedures implemented by ChromaDex to guard its information, and the value of ChromaDex’s intellectual property, trade secrets, and other confidential information to the company.

Summary Time For Examination:

- On direct: 0.5-0.75 hours
- On cross: 0.5-0.75 hours

1 On re-direct: 0.25 hours

2 On re-cross: 0.25 hours

3 **II. WITNESSES CHROMADDEX INTENDS TO CALL AT JURY TRIAL BY**
4 **DEPOSITION TESTIMONY**

5 ChromaDex expects to offer deposition testimony from one or more of the
6 witnesses below at the jury trial portion of the case. ChromaDex also reserves the right
7 to offer testimony from additional witnesses, if necessary, to rebut any unanticipated
8 exhibit or testimony offered by Defendants.

9 **A. Dan Alminana**

10 c/o Cohen Williams LLP, 724 South Spring Street, 9th Floor, Los Angeles, CA
11 90014

12 213-232-5160

13 Summary of Testimony

14 ChromaDex intends to offer Mr. Alminana's testimony regarding Elysium's
15 founding, the company's relationship and agreements with ChromaDex, its recruitment
16 and hiring of Mr. Morris, its development of strategies with Mr. Morris to destroy or
17 otherwise harm ChromaDex and advance Elysium, its nonpayment for large ingredient
18 orders it placed with ChromaDex on June 30, 2016 ("the June 30 Orders"), and its
19 efforts to misappropriate ChromaDex trade secrets and confidential information to harm
20 ChromaDex and advance Elysium.

21 Summary Time For Examination:

22 On direct: 0.25 hours

23 On cross: 0.25 hours

24 On re-direct: 0 hours

25 On re-cross: 0 hours

1 **B. Nicholas Duda**

2 c/o AMPAC Fine Chemicals, Hwy. 50 and Hazel Ave., Rancho Cordova, CA
3 95742
4 (916) 357-6880

5 Summary of Testimony

6 Mr. Duda is the Director of Business Development at AMPAC Fine Chemicals
7 (“AFC”). ChromaDex intends to offer Mr. Duda’s testimony regarding AFC’s
8 relationship with Elysium and Elysium’s development of its second supply chain for
9 NR following its relationship with its first alternative manufacturer for NR.

10 Summary Time For Examination:

- 11 On direct: 0.2 hours
- 12 On cross: 0.2 hours
- 13 On re-direct: 0 hours
- 14 On re-cross: 0 hours

15 **C. Daniel Magida**

16 c/o Cohen Williams LLP, 724 South Spring Street, 9th Floor, Los Angeles, CA
17 90014
18 213-232-5160

19 Brief Summary of Testimony

20 Mr. Magida is Elysium’s former Supply Chain Manager. ChromaDex intends to
21 offer Mr. Magida’s testimony regarding Elysium’s supply chain for and inventory of
22 NR, its development of alternative sources for NR, and Elysium’s misappropriation of
23 certain ChromaDex confidential and trade secret information.

24 Summary Time For Examination:

- 25 On direct: 0.5 hours
- 26 On cross: 0.3 hours
- 27 On re-direct: 0 hours
- 28 On re-cross: 0 hours

1 **D. Eric Marcotulli**

2 c/o Cohen Williams LLP, 724 South Spring Street, 9th Floor, Los Angeles, CA
3 90014
4 213-232-5160

5 Summary of Testimony

6 ChromaDex intends to offer Mr. Marcotulli’s testimony regarding Elysium’s
7 founding, the company’s relationship and agreements with ChromaDex, its recruitment
8 and hiring of Mr. Morris, its development of strategies with Mr. Morris to destroy or
9 otherwise harm ChromaDex and advance Elysium, its nonpayment for the June 30
10 Orders, and its efforts to misappropriate ChromaDex trade secrets and confidential
11 information to harm ChromaDex and advance Elysium.

12 Summary Time For Examination:

- 13 On direct: 0.5 hours
- 14 On cross: 0.25 hours
- 15 On re-direct: 0 hours
- 16 On re-cross: 0 hours

17 **E. Mark Morris**

18 c/o Cohen Williams LLP, 724 South Spring Street, 9th Floor, Los Angeles, CA
19 90014
20 213-232-5160

21 Summary of Testimony

22 ChromaDex intends to offer Mr. Morris’ testimony regarding his duties at
23 ChromaDex, the confidentiality agreements he executed with ChromaDex in
24 February and July 2016, and his misappropriation of ChromaDex trade secrets and
25 confidential information. ChromaDex also intends to offer Mr. Morris’ testimony
26 regarding his efforts and the strategies he created in cooperation with Elysium to
27 advance Elysium and destroy or otherwise harm ChromaDex while he was still
28 employed by ChromaDex. ChromaDex also intends to offer Mr. Morris’ testimony

1 regarding his work for Elysium after he left employment at ChromaDex, including his
2 and Elysium's use and disclosure of ChromaDex confidential information and trade
3 secrets.

4 Summary Time For Examination:

5 On direct: 0.25 hours

6 On cross: 0.25 hours

7 On re-direct: 0 hours

8 On re-cross: 0 hours

9 **F. Edward Price**

10 c/o PCI Synthesis, 9 Opportunity Way, Newburyport, MA 01950³

11 (978) 462-5555

12 Brief Summary of Testimony

13 Mr. Price is the Co-Founder, President, and Chief Executive Officer of PCI.
14 ChromaDex intends to offer Mr. Price's testimony regarding PCI's relationship with
15 Elysium, Defendants' first effort to develop of a new source of NR for Elysium, and
16 Defendants' disclosure of ChromaDex confidential information.

17 Summary Time For Examination:

18 On direct: 0.2 hours

19 On cross: 0.2 hours

20 On re-direct: 0 hours

21 On re-cross: 0 hours

22 **G. Dr. Rajesh Shukla**

23 c/o PCI Synthesis, 9 Opportunity Way, Newburyport, MA 01950

24 (978) 462-5555

25 Brief Summary of Testimony

26 Dr. Shukla is the Vice President of Research and Development at PCI.
27

28 ³ PCI Synthesis ("PCI") was acquired by SEQENS, but does business as PCI.

1 ChromaDex intends to offer Dr. Shukla's testimony regarding Defendants'
2 development of a new source of NR for Elysium and Defendants' disclosure of
3 ChromaDex confidential information.

4 Summary Time For Examination:

5 On direct: 0.2 hours

6 On cross: 0.2 hours

7 On re-direct: 0 hours

8 On re-cross: 0 hours

9 **H. Dr. Thomas Wilhelm**

10 c/o Cohen Williams LLP, 724 South Spring Street, 9th Floor, Los Angeles, CA
11 90014

12 213-232-5160

13 Summary of Testimony

14 Dr. Wilhelm is Elysium's General Counsel and testified as Elysium's
15 Rule 30(b)(6) company witness. ChromaDex intends to offer Dr. Wilhelm's testimony
16 regarding Elysium's financial condition and investors, the company's preservation
17 obligations, Elysium's interpretation of the contract terms at issue, and Elysium's
18 relationship with ChromaDex from 2013 to the present.

19 Summary Time For Examination:

20 On direct: 0.4 hours

21 On cross: 0.4 hours

22 On re-direct: 0 hours

23 On re-cross: 0 hours

24 **DEFENDANTS' WITNESSES**

25 **I. WITNESSES DEFENDANTS EXPECT TO CALL AT JURY TRIAL**

26 Defendants reserve the right to identify additional witnesses, withdraw any
27 witness, modify the order in which their witnesses will appear, and modify the summary
28 of testimony or time for examination of each witness, based on the issues presented at

1 trial and subsequent rulings of the Court. Due to the stage of the litigation, including
2 ChromaDex's currently outstanding motion *in limine*, and because Defendants are still
3 evaluating the availability of witnesses for trial testimony, they have listed their
4 witnesses in alphabetical order.

5 Defendants expect to call one or more of the witnesses below to testify at trial,
6 and reserve the right to call additional witnesses, if necessary, to rebut any unanticipated
7 exhibit or testimony offered by ChromaDex. Defendants anticipate that they might be
8 able to complete their examination of witnesses listed during ChromaDex's case-in-
9 chief if ChromaDex calls the witness, but Defendants reserve the right to recall any
10 witness during their case in chief. Defendants have placed an asterisk next to those
11 witnesses ChromaDex has indicated it intends to call live, meaning Defendants may not
12 need to call such witnesses during Defendants' case-in-chief.

13 **A. Daniel Alminana***

14 c/o Cohen Williams LLP, 724 South Spring Street, 9th Floor, Los Angeles, CA
15 90014
16 213-232-5160

17 Brief Summary of Testimony

18 Mr. Alminana is Elysium's Chief Operating Officer. He is expected to testify
19 about certain aspects of the contract negotiations between Elysium and ChromaDex,
20 including misrepresentations made by ChromaDex during those negotiations;
21 ChromaDex's interest in acquiring Elysium; the relationship between Elysium and
22 ChromaDex, including ChromaDex's breaches of the parties' NR Supply Agreement;
23 Elysium's efforts to maintain a supply of NR and its efforts to develop an alternate
24 source of NR once the relationship with ChromaDex soured; the information
25 ChromaDex provided Elysium during the course of the parties' relationship; Elysium's
26 hiring of Mark Morris and Ryan Dellinger; and the harm caused Elysium by
27 ChromaDex's conduct.

28

1 Summary Time For Examination:

2 On direct: 0.25 hours

3 On cross: 0.1 hours

4 On re-direct: 0 hours

5 On re-cross: 0 hours

6 **B. Will Black***

7 c/o Cooley LLP, 4401 Eastgate Mall, San Diego, CA 92121

8 (858) 550-6000

9 Brief Summary of Testimony

10 Mr. Black is the former Vice President of Sales and Marketing at ChromaDex.
11 He is expected to testify about information ChromaDex provided to Elysium concerning
12 its other customers and its own business; ChromaDex's breaches of the NR Supply
13 Agreement; and information ChromaDex provided to customers other than Elysium
14 about its business.

15 Summary Time For Examination:

16 On direct: 0 hours

17 On cross: 0.25 hours

18 On re-direct: 0 hours

19 On re-cross: 0.1 hours

20 **C. Stephen Block**

21 Hermosa Beach, CA 90254

22 Summary of Testimony

23 Mr. Block is a member of ChromaDex's Board of Directors. He is expected to
24 testify about ChromaDex's decision to enter the direct-to-consumer ("DTC") NR
25 supplement market and to seek to eliminate Elysium from that market; ChromaDex's
26 negotiation of the acquisition of Healthspan Research LLC ("Healthspan") from its
27 director Rob Fried in pursuit of that DTC strategy; and discussions between ChromaDex
28 and Elysium regarding their disputes under their contracts.

1 Summary Time For Examination:

2 On direct: 0.5-0.75

3 On cross: 0.25-0.5 hours

4 On re-direct: 0.25

5 On re-cross: 0.1 hours

6 **D. Dr. Iain Cockburn**

7 c/o Foley Hoag LLP, 155 Seaport Blvd, Boston, MA 02210

8 617-832-1000

9 Summary of Testimony

10 Dr. Cockburn is the Richard C. Shipley Professor in Management and Chair of
11 the Strategy and Innovation Department at Boston University's Questrom School of
12 Business, where he conducts research on the economics of innovation, including its
13 application to the pharmaceutical industry, and teaches graduate classes on business
14 strategy, competition, innovation, and intellectual property. Dr. Cockburn is expected
15 to testify about the damages Elysium suffered as a result of ChromaDex's breach of the
16 MFN Provision and ChromaDex's excess inventory of NR at the time of the June 30
17 Orders.

18 Summary Time For Examination:

19 On direct: 0.75 hours

20 On cross: 0.5 hours

21 On re-direct: 0.25 hours

22 On re-cross: 0.25 hours

23 **E. ChromaDex's Custodian of Records [if necessary]**

24 c/o ChromaDex, 10900 Wilshire Blvd., Suite 650, Los Angeles, CA 90024

25 (310) 388-6706

26 Brief Summary of Testimony

27 ChromaDex has not yet identified its custodian of records. Through his or her
28 testimony, Elysium expects ChromaDex's custodian of records to authenticate

1 ChromaDex's business records and to testify to ChromaDex's maintenance of such
2 records.

3 Summary Time For Examination:

4 On direct: 0.25-0.5 hours

5 On cross: 0.25 hours

6 On re-direct: 0.25 hours

7 On re-cross: 0.1 hours

8 **F. Rob Fried**

9 c/o Cooley LLP, 4401 Eastgate Mall, San Diego, CA 92121

10 (858) 550-6000

11 Brief Summary of Testimony

12 Mr. Fried is the Chief Executive Officer of ChromaDex. He is expected to testify
13 concerning ChromaDex's interest in acquiring Elysium; his decision, while a director
14 of ChromaDex, to found Healthspan to compete with Elysium and ChromaDex's other
15 DTC customers; ChromaDex's decision to become a DTC seller of an NR supplement
16 and to eliminate from the market its DTC NR customers like Elysium; his negotiations
17 to sell Healthspan to ChromaDex in furtherance of that strategy; and ChromaDex's
18 breaches of the NR Supply Agreement, including its sales of NR to Healthspan that
19 contributed to its breaches of the MFN Provision.

20 Summary Time For Examination:

21 On direct: 0.25 hours

22 On cross: 0.1 hours

23 On re-direct: 0 hours

24 On re-cross: 0 hours

25

26

27

28

1 **G. Leonard Guarente**

2 c/o Cohen Williams LLP, 724 South Spring Street, 9th Floor, Los Angeles, CA
3 90014

4 213-232-5160

5 Brief Summary of Testimony

6 Dr. Guarente is Elysium’s Chief Science Officer. He is expected to testify
7 concerning Elysium’s founding; certain aspects of the negotiations between
8 ChromaDex and Elysium; and ChromaDex’s interest in acquiring Elysium.

9 Summary Time For Examination:

10 On direct: 0.25-0.5 hours

11 On cross: 0.1 hours

12 On re-direct: 0.1 hours

13 On re-cross: 0 hours

14 **H. Frank Jaksch***

15 c/o Cooley LLP, 4401 Eastgate Mall, San Diego, CA 92121

16 (858) 550-6000

17 Brief Summary of Testimony

18 Mr. Jaksch is ChromaDex’s former Chief Executive Officer. He is expected to
19 testify to negotiations between ChromaDex and Elysium, including misrepresentations
20 he made during those negotiations; the relationship between ChromaDex and Elysium;
21 ChromaDex’s breaches of the NR Supply Agreement and attempts to conceal those
22 breaches; information he provided Elysium about ChromaDex’s business and its
23 customers; information he provided ChromaDex customers and others about
24 ChromaDex’s business and its customers; and ChromaDex’s strategy to enter the DTC
25 market as a seller of an NR supplement and to eliminate Elysium from that market.

26 Summary Time For Examination:

27 On direct: 0.25 hours

28 On cross: 0.1 hours

1 On re-direct: 0 hours

2 On re-cross: 0 hours

3 **I. Eric Marcotulli***

4 c/o Cohen Williams LLP, 724 South Spring Street, 9th Floor, Los Angeles, CA
5 90014

6 213-232-5160

7 Brief Summary of Testimony

8 Mr. Marcotulli is Elysium's Chief Executive Officer. He is expected to testify
9 concerning Elysium's founding; certain aspects of the negotiations between
10 ChromaDex and Elysium, including misrepresentations made by ChromaDex during
11 those negotiations; ChromaDex's interest in acquiring Elysium; information
12 ChromaDex provided Elysium concerning its other customers and its business; the
13 relationship between Elysium and ChromaDex; ChromaDex's breaches of the NR
14 Supply Agreement; communications between Elysium and potential investors; and the
15 harm caused Elysium by ChromaDex's conduct.

16 Summary Time For Examination:

17 On direct: 0.25 hours

18 On cross: 0.1 hours

19 On re-direct: 0 hours

20 On re-cross: 0 hours

21 **J. Mark Morris***

22 c/o Cohen Williams LLP, 724 South Spring Street, 9th Floor, Los Angeles, CA
23 90014

24 213-232-5160

25 Brief Summary of Testimony

26 Mr. Morris is a former ChromaDex employee and current Elysium employee. He
27 is expected to testify about his responsibilities at ChromaDex, including information he
28 was expected to share with customers concerning ChromaDex's; ChromaDex's

1 breaches of the NR Supply Agreement; his interactions with Elysium while at
2 ChromaDex; his decision to leave ChromaDex and join Elysium; and his
3 responsibilities at Elysium.

4 Summary Time For Examination:

5 On direct: 0.25 hours

6 On cross: 0.1 hours

7 On re-direct: 0 hours

8 On re-cross: 0 hours

9 **K. Troy Rhonemus***

10 c/o Cooley LLP, 4401 Eastgate Mall, San Diego, CA 92121

11 (858) 550-6000

12 Brief Summary of Testimony

13 Troy Rhonemus is the former Chief Operating Officer of ChromaDex. He is
14 expected to testify regarding certain contract negotiations between Elysium and
15 ChromaDex; the relationship between ChromaDex and Elysium; and ChromaDex's
16 breaches of the NR Supply Agreement.

17 Summary Time For Examination:

18 On direct: 0 hours

19 On cross: 0 hours

20 On re-direct: 0 hours

21 On re-cross: 0 hours

22 **L. Tom Varvaro***

23 c/o Cooley LLP, 4401 Eastgate Mall, San Diego, CA 92121

24 (858) 550-6000

25 Brief Summary of Testimony

26 Tom Varvaro is the former Chief Financial Officer of ChromaDex. He is
27 expected to testify regarding the relationship between ChromaDex and Elysium;

28

1 information provided by ChromaDex to Elysium about ChromaDex's customers and
2 business; and ChromaDex's breaches of the NR Supply Agreement.

3 Summary Time For Examination:

4 On direct: 0 hours

5 On cross: 0 hours

6 On re-direct: 0 hours

7 On re-cross: 0 hours

8 **II. WITNESSES DEFENDANTS EXPECT TO CALL AT JURY TRIAL BY**
9 **DEPOSITION TESTIMONY**

10 For those witnesses ChromaDex expects to call at trial by deposition and who are
11 not listed below as witnesses Elysium expects to call at trial by deposition, Elysium
12 intends to make counter-designations for such witnesses.

13 **A. ChromaDex's 30(b)(6) Designee (Tom Varvaro)**

14 c/o Cooley LLP, 4401 Eastgate Mall, San Diego, CA 92121

15 (858) 550-6000

16 Brief Summary of Testimony

17 Mr. Varvaro was proffered by ChromaDex as its designee pursuant to Federal
18 Rule of Civil Procedure 30(b)(6). Elysium intends to offer Mr. Varvaro's 30(b)(6)
19 regarding the negotiations between ChromaDex and Elysium; information ChromaDex
20 provided Elysium and others concerning its customers and business; ChromaDex's
21 breaches of the NR Supply Agreement, and ChromaDex's strategy to enter the DTC
22 market for NY supplements and to eliminate Elysium from that.

23 Summary Time For Examination:

24 On direct: 0.75 hours

25 On cross: 0.2 hours

26 On re-direct: 0 hours

27 On re-cross: 0 hours

1 Dated: September 3, 2021

COOLEY LLP
MICHAEL A. ATTANASIO (151529)
BARRETT J. ANDERSON (318539)
CRAIG E. TENBROECK (287848)
JASMIN F. MOTLAGH (311639)
DYLAN K. SCOTT (332796)
RACHAEL M. HELLER (335636)

2
3
4
5
6 /s/ Michael A. Attanasio

7 Michael A. Attanasio (151529)

8 *Attorneys for Plaintiff and Counter-Defendant*
9 *ChromaDex, Inc.*

10 *The filer, Michael A. Attanasio, attests that the*
11 *other signatory listed, on whose behalf the*
12 *filing is submitted, concurs in the filing's*
13 *content and has authorized the filing.*

14 Dated: September 3, 2021

COHEN WILLIAMS LLP
MARC S. WILLIAMS (198913)
REUVEN L. COHEN (231915)
BRITTANY LANE (323440)

KAPLAN HECKER & FINK LLP
JOHN C. QUINN (*pro hac vice*)

15
16
17
18
19 /s/ Marc S. Williams

Marc S. Williams (198913)

20 *Attorneys for Defendant and Counterclaimant*
21 *Elysium Health, Inc. and*
22 *Defendant Mark Morris*