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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  
19 Morris,  
20 Defendants.

Case No. SACV 16-02277-CJC(DFMx)

**JOINT DECLARATION OF BARRETT  
ANDERSON AND ESTERINA GIULIANI IN  
SUPPORT OF CHROMADEx, INC.'S,  
ELYSIUM HEALTH, INC.'S, AND MARK  
MORRIS'S JOINT STIPULATION AND  
REQUEST TO AMEND SCHEDULING  
ORDER**

**Judge:** Hon. Cormac J. Carney  
**Courtroom:** 7C

21  
22 Elysium Health, Inc.,  
23 Counterclaimant,  
24 v.  
25 ChromaDex, Inc.,  
26 Counter-Defendant.  
27

Discovery Cut-Off: April 5, 2019  
Pretrial Conference: July 1, 2019  
Trial: July 9, 2019

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*Attorney for Plaintiff and Counter-Defendant  
ChromaDex, Inc.*

1 We, Barrett Anderson and Esterina Giuliani, hereby jointly declare:

2 1. We are lawyers representing, respectively, Plaintiff ChromaDex, Inc.  
3 (“ChromaDex”) and Defendants Elysium Health, Inc. (“Elysium”) and Mark Morris  
4 (collectively “the Parties”) in the above-captioned litigation. We declare that the  
5 following statements are true to the best of our knowledge, information, and belief,  
6 formed after a reasonable inquiry under the circumstances. If called upon to testify, we  
7 could and would competently testify hereto.

8 2. Under the current Third Amended Scheduling Order [Dkt. 150], the Parties  
9 are scheduled to begin trial on July 9, 2019.

10 3. The Parties have consulted and agreed that there is good cause under Federal  
11 Rule of Civil Procedure 16(b) for one more short extension of the trial date and other  
12 deadlines in this action to allow sufficient time for, among other things, expert discovery,  
13 motions for summary adjudication, mediation, and pre-trial submissions.

14 4. The Parties have worked hard and made great progress toward completing  
15 fact discovery, including producing and reviewing over 90,000 documents, as well as  
16 coordinating and holding nineteen fact witness depositions in Los Angeles, Sacramento,  
17 New York, Chicago, and Boston (including two third-party depositions that lasted  
18 multiple days).

19 5. The Parties have one more fact witness deposition (the 30(b)(6) deposition  
20 of Elysium’s designee) scheduled for June 6, 2019, and several remaining document  
21 discovery disputes to resolve before they will finish fact discovery.

22 6. When the Parties complete fact discovery, they intend to proceed  
23 immediately to expert discovery (including the exchange of opening and rebuttal expert  
24 reports and depositions) and file motions for summary adjudication, which the Parties  
25 believe will help to reduce, narrow, and focus the remaining disputes between them.

26 7. The Parties also will need additional time to complete pre-trial conferencing,  
27 case management, briefing, and any other submissions to the Court.

28 8. The Parties have conferred and scheduled their mediation session with the

1 Court-appointed Mediator for September 17, 2019.

2 9. On May 24, 2019, the Parties appeared before Magistrate Judge Douglas F.  
3 McCormick to seek his guidance regarding the remaining work they must complete in the  
4 case and how to approach requesting an amendment of the case schedule. Based on the  
5 remaining work to complete, Magistrate Judge McCormick suggested that it would be  
6 best to request a new trial date in the early Fall of 2019, subject to this Court's availability.

7 10. Further, ChromaDex states that it has paid a substantial deposit for trial  
8 accommodations near the Court, a deposit that ChromaDex will lose in its entirety if trial  
9 starts any later than October 31, 2019.

10 11. Subject to this Court's availability, the Parties agree that they are both  
11 available for a jury trial to begin on October 29, 2019.

12 12. The Parties are willing to appear before the Court at its earliest convenience  
13 for a status conference to answer any questions it may have related to this request for an  
14 extension or the status of the case generally.

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We declare under the penalty of perjury that the foregoing is true and correct.

Executed on June 3, 2019.



Barrett Anderson

*Attorney for ChromaDex, Inc.*



Esterina Giuliani

*Attorney for Elysium Health, Inc. and Mark Morris*