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**VIA ECF**

March 30, 2021

Honorable Lewis J. Liman  
United States District Court  
Southern District of New York  
500 Pearl St.  
New York, NY 10007-1312

*Re: In re Elysium Health-ChromaDex Litigation*, No. 17 Civ. 7394 (LJL)

Dear Judge Liman,

We represent Plaintiff ChromaDex, Inc. (“ChromaDex”) in the above-referenced matter. We respectfully submit this letter jointly with Defendant Elysium Health, Inc. (“Elysium”) to propose a briefing schedule for the parties’ anticipated motions for summary judgment and *Daubert* motions.

Pursuant to the operative case management plan and scheduling order, *see* ECF No. 165, the deadline for completion of all discovery is April 23, 2021; the deadline for submission of a joint pretrial order is June 22, 2021; and the Court has directed the parties to be ready for trial on 48 hours’ notice by August 9, 2021.

Deadlines for summary judgment motions and *Daubert* motions have not yet been set. Accordingly, the parties have conferred and jointly propose the following schedule for the Court’s consideration:

- Any motions for summary judgment or *Daubert* motions shall be filed by May 7, 2021;
- Any oppositions shall be filed by May 28, 2021;
- Any replies shall be by June 11, 2021.

The parties note that the proposed schedule is consistent with Your Honor’s model Case Management Plan and Scheduling Order, which provides that “[a]bsent exceptional circumstances” any motion for summary judgment must be filed no later than “fourteen (14) days from the completion of all discovery.”

As an additional matter, as potentially relevant to trial scheduling, the parties respectfully inform the Court of the status of two other federal actions in which ChromaDex and Elysium are parties, both of which have trial dates scheduled in the fall. Those actions are pending in the



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district courts for the Central District of California (the “California Action”)<sup>1</sup> and the District of Delaware (the “Delaware Action”).<sup>2</sup> In the California Action, the court has set a pretrial conference date of September 13, 2021, and the commencement of trial for September 21, 2021. In the Delaware Action, the final pretrial conference is set for September 14, 2021 and commencement of trial is set for September 27, 2021. The parties expect that some of the witnesses in the California and Delaware actions will also testify in this action.

The parties thank the Court for its consideration herein.

Sincerely,

*s/ Omar H. Tuffaha*  
Omar H. Tuffaha

cc: Via ECF to counsel of record

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<sup>1</sup> Case No. 8:16-cv-02277.

<sup>2</sup> Case No. 1:18-cv-01434.