

## **Exhibit 2**

**REDACTED VERSION OF DOCUMENT PROPOSED TO BE  
FILED UNDER SEAL**

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15 Elysium Health, Inc. and Mark Morris

16  
17 **UNITED STATES DISTRICT COURT**  
18 **CENTRAL DISTRICT OF CALIFORNIA – SOUTHERN DIVISION**

19 ChromaDex, Inc.,

20  
21 Plaintiff,

22 v.

23 Elysium Health, Inc. and Mark Morris,

24  
25 Defendants.

26  
27 And Related Counterclaims  
28

Case No. 8:16-cv-02277-CJC-DFM

**DECLARATION OF**  
**ERIC MARCOTULLI**

**UNREDACTED VERSION OF**  
**DOCUMENT PROPOSED TO BE**  
**FILED UNDER SEAL**

DECLARATION OF ERIC MARCOTULLI

1 I, Eric Marcotulli, hereby declare and state as follows:

2 1. I am the Chief Executive Officer of Elysium Health, Inc. (“Elysium”). I submit  
3 this declaration to change and correct certain testimony about my personal life that I gave at  
4 a deposition in this matter on March 27, 2019 (transcript at ECF 284-3). I also submit this  
5 declaration under seal pursuant to Local Rule 79-5. I declare that the following statements  
6 are true to the best of my knowledge, information, and belief. I have personal knowledge of  
7 the facts set forth below and, if called as a witness, I could and would testify competently as  
8 follows.  
9

10  
11  
12 2. On March 27, 2019, I was deposed in the above-captioned action.

13 3. Prior to my deposition, and without my knowledge or consent, Elysium’s prior  
14 counsel, Baker & Hostetler LLP (“Baker”), inadvertently produced spreadsheets containing  
15 the complete message history of the cell phone that I used between 2012 and 2017 for both  
16 personal and business matters, as well as the entire message contents of two cell phones used  
17 by Elysium’s Chief Operating Officer, Dan Alminana.  
18

19  
20 4. Although I understand that Baker made efforts to “claw back” certain text  
21 messages on privilege grounds, my purely personal text messages that were not subject to a  
22 claim of privilege but were also not responsive to any of the document requests in the case  
23 were not returned or destroyed.  
24

25 5. I state the following with no intention to waive any privilege or applicable  
26 protection. At the time of my deposition, I expected to answer questions regarding the subject  
27  
28

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DECLARATION OF ERIC MARCOTULLI

1 matter of the above-captioned case. Specifically, I expected to answer questions relating to  
2 Elysium's contracts with ChromaDex, including negotiations and performance of those  
3 contracts; patent issues; and trade secret allegations. I did not realize, know, or anticipate at  
4 the time that ChromaDex would question me about sensitive and wholly personal matters  
5 relating to the personal text messages that, without my knowledge, had been produced  
6  
7 inadvertently.

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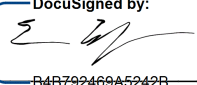
28 [REDACTED]

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[REDACTED]

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: December 10, 2020  
New York, New York

DocuSigned by:  
  
B4B792469A5242B...  
Eric Marcotulli