

## **Exhibit 3**

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

1 Roberta A. Kaplan (*pro hac vice*)  
rkaplan@kaplanhecker.com  
2 Gabrielle E. Tenzer (*pro hac vice*)  
gtenzer@kaplanhecker.com  
3 David Shieh (*pro hac vice*)  
4 dshieh@kaplanhecker.com  
5 KAPLAN HECKER & FINK LLP  
350 Fifth Avenue, Suite 7110  
6 New York, NY 10118  
7 Telephone: (212) 763-0883

8 Marc S. Williams (Bar No. 198913)  
mwilliams@cohen-williams.com  
9 Reuven L. Cohen (Bar No. 231915)  
rcohen@cohen-williams.com  
10 COHEN WILLIAMS LLP  
11 724 South Spring Street, 9th Floor  
Los Angeles, CA 90014  
12 Telephone: (213) 232-5160  
13 Facsimile: (213) 232-5167

14 Attorneys for Defendants and Counter-Claimants  
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**  
**DANIEL ALMINANA**

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

DECLARATION OF DANIEL ALMINANA

HIGHLY CONFIDENTIAL – ATTORNEY’S EYES ONLY

**Exhibit 3**  
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1 I, Daniel Alminana, hereby declare and state as follows:

2 1. I am the Chief Operating Officer of Elysium Health, Inc. (“Elysium”). I submit  
3 this declaration to change and correct certain testimony about my awareness regarding  
4 aspects of my colleague’s personal life that I gave at a deposition in this matter on March 29,  
5 2019 (transcript at ECF 284-4). I also submit this declaration under seal pursuant to Local  
6 Rule 79-5. I declare that the following statements are true to the best of my knowledge,  
7 information, and belief. I have personal knowledge of the facts set forth below and, if called  
8 as a witness, I could and would testify competently as follows.  
9

10  
11  
12 2. On March 29, 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 two cell phones I used between 2012 and 2017 for both  
16 personal and business matters, as well as the entire message contents of a cell phone used by  
17 Elysium’s Chief Executive Officer Eric Marcotulli.  
18

19  
20 4. Although I understand that Baker made efforts to “claw back” certain of these  
21 text messages on privilege grounds, my purely personal text messages that were not subject  
22 to a claim of privilege but were also not responsive to any of the document requests in the  
23 case were not returned or destroyed.  
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1           5. I state the following with no intention to waive any privilege or applicable  
2 protection. At the time of my deposition, I expected to answer questions regarding the subject  
3 matter of the above-captioned case. Specifically, I expected to answer questions relating to  
4 Elysium’s contracts with ChromaDex, including negotiations and performance of those  
5 contracts; patent issues; and trade secret allegations. I did not realize, know, or anticipate at  
6 the time that ChromaDex would question me about sensitive matters personal to my  
7 colleague relating to the inadvertently produced text messages.  
8

9  
10           ■ [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]

18           ■ [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]

22           ■ [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]  
26 [REDACTED]  
27 [REDACTED]

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

3  
4 Dated: December 10, 2020  
5 Murfreesboro, Tennessee

6 DocuSigned by:  
7 *Dan Alminana*  
8 \_\_\_\_\_  
9 Daniel Alminana

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