

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION
Honorable Edward J. Davila
Courtroom 4 - 5th Floor**

**TITLE: USA v. ELIZABETH HOLMES
CASE NUMBER: 18-cr-00258-EJD-1**

Minute Order and Trial Log

Date: 9/17/2021

Time in Court: 8:31-8:47am,9:01-11:05am,11:57am-2:02pm

(TOTAL time: 4 hrs. 25 mins.)

Courtroom Deputy Clerk: Adriana M. Kratzmann

Court Reporter: Irene Rodriguez

APPEARANCES:

Plaintiff Attorney(s) present: Jeffrey Schenk, John Bostic, Robert Leach, Kelly Volkar

Also present: Agent: Adelaida Hernandez

Defendant Attorney(s) present: Kevin Downey, Lance Wade, Katherine Trefz, John Cline,
Andrew Lemons

Also present: Elizabeth Holmes (Out-custody)

PROCEEDINGS: Jury Trial (Day 7)

Further Jury trial held. Testimony held and evidence entered. Further Jury Trial scheduled for
Tuesday, September 21, 2021 at 9:00 a.m.

Please see trial log attached.

The following exhibits are marked for IDENTIFICATION:

Plaintiffs: 1288,5402,112,5077,853,5084,5089,5338,5096,5100,3967,1020,1019,5106,3958,972

Pg. 4 ONLY, 3959,3964,3968,1109


Defendants: 10480,9909,10479,9645,

The following exhibits are ADMITTED into evidence:

Plaintiffs: **1288,112,5077,853,5084,5089,5338,5096,5100,3967,1020,1019,5106,3958,972 Pg. 4
ONLY,3959,3964,3968,1109**

Defendants: **10480,9909,10479,9645**

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Adriana M. Kratzmann
Courtroom Deputy
Original: E-Filed

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HONORABLE EDWARD J. DAVILA

Case Name: USA v. Elizabeth Holmes

Case No: 5:18cr00258EJD-1

TRIAL LOG

TRIAL DATE: September 17, 2021			REPORTER(S): Irene Rodriguez	CLERK: Adriana M. Kratzmann
PLF	DEFT	TIME	DESCRIPTION	
		8:31 am	Court in session outside presence of Jury – Counsel and Defendant are present	
			Court hears arguments re Holmes filed Notice Re Testimony of Surekha Gangakkhedkar (Dkt. 1023 filed 9/16/201) and Governments Response (Dkt. 1025 filed 9/16/2021)	
		8:47 am	Court takes recess	
		9:01 am	Court session. Counsel and Defendant present. Jury seated	
	CX		Cross examination resumes of W#2 Erika Cheung by Defense Counsel Lance Wade	
	EX 10480		ADMITTED – J O’Leary Email to A. Ayer et al., Subject: 3.5 Reader Quality Control Test (Dated 11/27/2013)	
	EX 9909		ADMITTED – Corrective and Preventative Action (CL QOP-00008 Rev A) (Dated 6/9/20211)	
	EX 10479		ADMITTED – S. Sivaraman Email to D. Crandall et al., Subject: Normandy Lab Updates (Dated 11/20/2013)	
	EX 1288		ADMITTED – Email from: Elizabeth Holmes; To: Daniel Young; Subject RE: Both QC Controls for Vitamin D didn’t pass (Dated 11/30/2013)	
	EX 9645		ADMITTED – US Patent 10,391,497 (Dated 8/27/20219)	

TRIAL DATE: September 17, 2021		REPORTER(S): Irene Rodriguez		CLERK: Adriana M. Kratzmann	
PLF	DEFT	TIME	DESCRIPTION		
RD X		10:16 am	Redirect examination begins of W#2 Erika Cheung by Government Counsel John Bostic		
		10:39 am	W#2 is excused		
		10:40 am	Government calls next witness W#3		
			W#3 Surekha GangaKhedkar – Sworn		
DX		10:42 am	Direct examination of W#3 begins by Government Counsel Robert Leach		
EX 5402			IDENTIFIED – Order Re Immunity Dkt. 1021 (Dated: 9/14/21)		
EX 112			ADMITTED – Email from: Susan DiGiaimo; To: Elizabeth Holmes et al., Subject: Theranos Evaluation (Dated 6/11/2008)		
		11:05 am	Court takes recess 45 mins		
		11:57 am	Court in session. Counsel and Defendant present. Jury seated		
			Direct examination resumes of W#3 -		
EX 5077			ADMITTED – Email From: Tina Noyes; To: Surekha Gangakhedkar; Subject: New Project (Dated 3/6/2013)		
EX 853			ADMITTED – Email From: Surekha Gangakhedkar; To: Chinmay Pangarkar, Elizabeth Holmes et al., Subject: System Build 4/30 CBC results and report (Dated 5/1/2013)		
EX 5084			ADMITTED – Email From: Surekha Gangakhedkar; To: Tina Noyes; Subject: ELISA data for today (Dated 5/6/2013)		
EX 5089			ADMITTED – Email From: Esther Chan; To: Ling Wang; Subject: TSH and PSA Calibrators (Dated 7/8/2013)		
EX 5338			ADMITTED – Email From: Sharada Sivaraman; To: Daniel Young; Subject: Plan for ELISA LDT Validation (Dated 7/31/2013)		

TRIAL DATE: September 17, 2021			REPORTER(S): Irene Rodriguez	CLERK: Adriana M. Kratzmann
PLF	DEFT	TIME	DESCRIPTION	
EX 5096			ADMITTED – Email From: Sharada Sivaraman; To: Karen Shaw; Subject: Protocols with low sample volume (Dated 8/6/2013)	
EX 5100			ADMITTED – Email From: Sharada Sivaraman: To:Surekha Gangakhedkar; Subject: 3.5 data from last nights runs; new laswer cut parts, revised protocol and no label cartridges (Dated 8/15/2013)	
EX 3967			ADMITTED – Email Chain Froom: Surekha Gangakhedkar; To: MFG Subject: Assays for launch (Dated 9/4/2013)	
EX 1020			ADMITTED – Email From: Daniel Young; To: Elizabeth Holmes; Subject: Updates (Dated 8/22/2013)	
EX 1019			ADMITTED – Email thread between Surekha Gangakhedkar, et., Subject: Validation Plans w/attachments (Dated 8/22/2013)	
EX 5106			ADMITTED – Email From: Sharada Sivaraman; To: Daniel Young, Elizabeth Holmes; Subject: 3.0 Cartridge failure Report for ACE-011 (Dated 8/23/2013)	
EX 3958			ADMITTED – Email chain from Surekha Gangakhedkar; To: Elizabeth Holmes – No Subject w/attachment TPSA Assay Validation Summary (Dated 8/30/2013)	
EX 972			ADMITTED – ONLY Pg. 4 – Email From: Sharada Sivaraman; To: Daniel Young and Surekha Gangakhedkar; Subject ELISA Validation Protocol (Dated 8/17/2013)	
EX 3959			ADMITTED – Email Chain From: Surekha Gangakhedkar; To: Elizabeth Holmes - No Subject – Two Attachments – Master Checklist & Copy TPSA (Dated 8/31/2013)	
EX 3964			ADMITTED – Email Chain From: Surekha Gangakhedkar; To: ELISA; Subject: Shifts and Schedules (Dated 9/3/2013) Defense objection to admission – Court overruled the objection	
EX 3968			ADMITTED – Email Chain From: Surekha Gangakhedkar; To: Sani Hadzianmetovic; Subject: Edison 3.0s (Dated 9/4/2013)	

TRIAL DATE: September 17, 2021		REPORTER(S): Irene Rodriguez		CLERK: Adriana M. Kratzmann
PLF	DEFT	TIME	DESCRIPTION	
EX 1109			ADMITTED – Email From: Mona Ramamurthy; To: Elizabeth Holmes and Balwani; Subject: Summary Document w/attachment (Dated 9/9/2013)	
	CX		Cross Examination of W#3 begins by Defense Counsel Lance Wade	
	13764		IDENTIFICATION – Email (Dated 5/30/2008)	
		1:57 pm	Court admonishes the Jury – Jury excused and to return on Tuesday, September 21, 2021 at 9:00 a.m.	
		1:59 pm	Court in session outside presence of Jury with Counsel and Defendant	
			Taking up housekeeping matters	
		2:02 pm	Court adjourned. Further Jury Trial scheduled for Tuesday, September 21, 2021 at 9:00 a.m.	