

**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: 9/28/2021

Time in Court: 8:35-8:40am,8:56-10:43,11:15am-1:31pm,1:55-3:06pm

(TOTAL time: 6 hrs. 36 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 (Katie) Trefz, John Cline

Also present: Elizabeth Holmes (Out-custody)

PROCEEDINGS: Jury Trial (Day 11)

Further Jury trial held. Testimony held and evidence entered. Further Jury Trial scheduled for Wednesday, September 29, 2021 at 9:00 a.m.

Please see trial log attached.

The following exhibits are marked for IDENTIFICATION:

Plaintiffs: 4182,4181,1580,1724,1248,4146,4044,4047,2149,4323,4314,4330,5387A,2228


Defendants: 11424,11439,11000,11000A,7603,7603D,12464,11002,13880,7228,11001,10272,9903,9915,9910,9945

The following exhibits are ADMITTED into evidence:

Plaintiffs: **4182,4181,1580,1724,1248,4146,4044,4047,2149,4323,4314,4330,5387A,2228**

Defendants: **11000A,7603,12464,7338 Conditionally Admitted),10272,9903,9915,9910,9945**

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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 28, 2021			REPORTER(S): Irene Rodriguez	CLERK: Adriana M. Kratzmann
PLF	DEFT	TIME	DESCRIPTION	
		8:35 am	Court in session outside presence of Jury – Counsel and Defendant are present	
		8:40 am	Court takes recess	
		8:56 am	Court in session outside presence of Jury – Counsel and Defendant are present	
			Court speaks with Alt. 3 re email submitted regarding new employment	
		9:05 am	Court in session. Counsel and Defendant are present. Jury seated	
DX			Further direct examination resumes of W#8 Adam Rosendorff by Government Counsel John Bostic	
EX 4182			ADMITTED – Email chain - From: Daniel Young; To: Sunny Balwani; Subject: Bot experience (Dated 8/25/2014)	
EX 4181			ADMITTED – Email Chain – From: Sunny Balwani; To: Elizabeth Holmes; Subject: Bot experience (Dated 8/25/2014)	
EX 1580			ADMITTED – Email Chain – From Sunny Balwani; To: Adam Rosendorff; Subject: Proficiency Testing for LDT's (Dated 2/25/2014)	
EX 1724			ADMITTED – Email – From: Adam Rosendorff; To: Chinmay Pangarkar; Subject: PT Testing for Edisons (Dated 5/13/2014)	
EX 1248			ADMITTED – Email Chain – From: Daniel Young; To: Sunny Balwani; Subject: Assay Validation (Dated 11/15/2013)	

TRIAL DATE: September 28, 2021		REPORTER(S): Irene Rodriguez		CLERK: Adriana M. Kratzmann	
PLF	DEFT	TIME	DESCRIPTION		
EX 4146			ADMITTED – Email Chain – From: Elizabeth Holmes; To: Daniel Young; Subject: Redraw (5/30/2014)		
EX 4044			ADMITTED – Email Chain – From: Sunny Balwani; To: Elizabeth Holmes; Subject: Fwd: CLIA Inspection Scheduled (Dated 11/22/2013)		
EX 4047			ADMITTED – Email From: Elizabeth Holmes; To: Daniel Young et al., cc: Sunny Balwani; No Subject: Text of email path for walk through for auditors (Dated 11/27/2013)		
EX 2149			ADMITTED – Email Chain From: Daniel Young; To: Adam Rosendorff et al., Subject: Fingerstick v Venous (Dated 9/5/2013)		
EX 4323			ADMITTED – Email Chain From: Christian Holmes; To: Maximillion Fosque; Subject: Escalated call – 111240 (Dated 11/14/2014)		
EX 4314			ADMITTED – Email Chain From: Christian Holmes; To: Elizabeth Holmes and Sunny Balwani; Subject: Escalating Call – 111240 (Dated 11/15/2014)		
EX 4330			ADMITTED – Email Chain From: Elizabeth Holmes; To: Sunny Balwani; Subject: Fwd: Ebola (Dated 11/20/2014)		
EX 5387 A			ADMITTED – Pages 28 & 33 ONLY – Text messages from Elizabeth Holmes to Sunny Balwani (Dated 11/27/2014)		
EX 2228			ADMITTED – Email Chain – From: Sunny Balwani; To: Elizabeth Holmes; Subject: Redraw Request 11-21-14 (Dated 11/21/2014)		
		10:40 am	Direct examination concludes of W#8		
		10:43 am	Court takes 30 min recess		
		11:15 am	Court in session. Counsel and Defendant present. Jury seated		
	CX	11:18 am	Cross examination begins of W#8 Adam Rosendorff by Defense Counsel Lance Wade		
	EX 11424		IDENTIFICATION - Memo		

TRIAL DATE: September 28, 2021		REPORTER(S): Irene Rodriguez		CLERK: Adriana M. Kratzmann	
PLF	DEFT	TIME	DESCRIPTION		
	EX 11439		IDENTIFICATION – (Pg. 1702)		
	EX 11000		IDENTIFICATION – Deposition Transcript of Adam Rosendorff (Dated Feb. 2019)		
	EX 11000 A		ADMITTED – Errata Sheet for Deposition Transcript of Adam Rosendorff (Dated 4/15/2019)		
	EX 7603		ADMITTED – 42 CFR §493 (Laboratory Requirements) Total pgs. 102		
	EX 7603D		IDENTIFICATION – Subpart of Exhibit 7603		
	EX 12464		ADMITTED – Email From: Sunny Balwani; To: Adam Rosendorff; Subject:300 U Ave (Dated 11/7/2013)		
	EX 11002		IDENTIFICATION – Page 82		
	EX 13880		IDENTIFICATION		
	EX 7338		ADMITTED (Conditionally) – Email From: M. Fosque; To: Daniel Young; Subject: Clia Testing (w native attachment) (Dated 10/21/2013)		
		1:31 pm	Court takes recess 20 mins		
		1:55 pm	Court in session. Counsel and Defendant present. Jury seated		
	CX		Cross examination resumes of W#8 by Defense Counsel Lance Wade		
	EX 11001		IDENTIFICATION		
	EX 10272		ADMITTED – Resume of Adam Rosendorff,, MD submitted to Theranos		
	EX 9903		ADMITTED – Signed CL SOP07001 Refrigerator and Freezer Temperature Monitoring, Rev A (Dated 6/9/2011)		

TRIAL DATE: September 28, 2021		REPORTER(S): Irene Rodriguez		CLERK: Adriana M. Kratzmann	
PLF	DEFT	TIME	DESCRIPTION		
	EX 9915		ADMITTED – Test Result Report (CL SOP-12001 Rev B) (Dated 6/13/2021)		
	EX 9910		ADMITTED – Quality Systems Manual (CL QSM-00001 Rev A) (Dated 6/9/2011)		
	EX 9945		ADMITTED – Quality Systems Manual (CL QSM-00001 Rev C) (Dated 7/28/2014)		
		3:00 pm	Court admonishes the Jury – Jury excused		
		3:00 pm	Court in session outside presence of Jury taking up evidentiary issues re W#8 and housekeeping matters re witness schedules		
			Parties shall meet and confer re witness schedule		
		3:06 pm	Court adjourns		
			Further Jury Trial scheduled for Wednesday, September 29, 2021 at 9:00 a.m.		