

**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: 9/29/2021

Time in Court: 9:03-11:12am,12:02pm-2:05pm,2:30-4:30 pm

**(TOTAL time: 6 hrs. 12 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, Patrick Looby

Also present: Elizabeth Holmes (Out-custody)

---

**PROCEEDINGS: Jury Trial (Day 12)**

Further Jury trial held. Testimony held and evidence entered. Further Jury Trial scheduled for Friday, October 1, 2021 at 9:00 a.m.

**Please see trial log attached.**

**The following exhibits are marked for IDENTIFICATION:**

Plaintiffs: 1240,1430,3849,541,3893,

Defendants: 12479,11424,11001,10281,9368, 9004,9007,9013,9016,9020,9026,9031,  
9042,9046,9048,9052,9057,9082,9086,9098,9099,9102,9105,9111,9113,9123,9126,9129,9137,  
9155,9158,9162,9166,9167,9196,9201,9240,9243,9245,9252,9260,9264,9268,9276,9279,9284,  
9315,9319,9323,9326,9341,9352,9368,9372,9375,9378,9381,9382,9384,9387,9393,9409,9412,  
12531,13809,11003,10451,10029,13905,5039,5414,5416,13895,13896,13897,13898,13899,  
13900,13901,5049,13907,13902

///

*Adriana M. Kratzmann*  
Adriana M. Kratzmann  
Courtroom Deputy  
Original: **E-Filed**

**The following exhibits are ADMITTED into evidence:**

**Plaintiffs: 1240,1430,3849,541,3893**

**Defendants: 12479,10281,9368,\*9004,9007,9013,9016,9020,9026,9031,9042,9046,9048,  
9052,9057,9082,9086,9098,9099,9102,9105,9111,9113,9123,9126,9129,9137,  
9155,9158,9162,9166,9167,9196,9201,9240,9243,9245,9252,9260,9264,9268,9276,9279,9284,  
9315,9319,9323,9326,9341,9352,9368,9372,9375,9378,9381,9382,9384,9387,9393,9409,9412,  
12531,13809,10451,10029,13905,5039,5414,5416,13895,13896,13897,13898,13899,13900,  
13901,5049,13907,13902**

\*Series that was stipulated will be fully uploaded on 9/30/2021 for public access.

///

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**

<b>TRIAL DATE:</b> September 29, 2021			<b>REPORTER(S):</b> Irene Rodriguez	<b>CLERK:</b> Adriana M. Kratzmann
PLF	DEFT	TIME	DESCRIPTION	
		9:03 am	Court in session. Counsel and Defendant are present. Jury seated	
	CX	9:04 am	Cross examination resumes of W#8 Adam Rosendorff by Defense Counsel Lance Wade	
	EX 12479		ADMITTED – Email chain - From: K. Elenitoba-Johnson; To: Elizabeth Holmes; Subject: None – Text of email re Path for NY inspection (Dated 11/27/2013)	
	EX 11424		IDENTIFICATION -	
	EX 11001		IDENTIFICATION -	
	EX 1240		ADMITTED – Email chain – From: Sunny Balwani; To: Elizabeth Holmes; Subject: Compliance with Federal Law CFR493.1253 (Dated 11/11/2013)	
		11:12 am	Court takes recess 45 mins	
		12:02pm	Court in session. Counsel and Defendant are present. Jury seated	
	CX		Cross examination resumes of W#8 by Defense Counsel Lance Wade	
	EX 1430		ADMITTED – Email From: Adam Rosendorff; To: CLIA Lab; Subject: CL Q10-0002 Quality Control Guideline (Dated 1/16/2014)	
			Counsel submitted to the Court a Joint Stipulation Regarding Trial Evidence as to a series of Exhibits to be admitted	

<b>TRIAL DATE:</b> September 29, 2021		<b>REPORTER(S):</b> Irene Rodriguez		<b>CLERK:</b> Adriana M. Kratzmann	
PLF	DEFT	TIME	DESCRIPTION		
	EX's		The Court ordered the following exhibits ADMITTED upon stipulation filed by the Parties – 9004,9007,9013,9016,9020,9026,9031,9042,9046,9048,9052,9057,9082,9086,9098,9099,9102,9105,9111,9113,9123,9126,9129,9137,9155,9158,9162,9166,9167,9196,9201,9240,9243,9245,9252,9260,9264,9268,9276,9279,9284,9315,9319,9323,9326,9341,9352,9368,9372,9375,9378,9381,9382,9384,9387,9393,9409,9412,12531		
	EX 10281		ADMITTED – Curriculum Vitae for Langly Gee		
	EX 9368		ADMITTED – Thyroid Stimulating Hormone (TSH) Validation Report (Dated 9/30/2013)		
	EX		IDENTIFICATION - DEMONSTRATIVE – Validation Edison Assays – Calendar dates September 2013 through September 2014		
	EX 13809		ADMITTED – Quality Systems Presentation Q1, Q2 2014 Review – by Langly Lee Dated 7/10/2014		
	EX 11003		IDENTIFICATION – Document 7/22/2016		
	EX 10451		ADMITTED – Email Chain – From: Langly Lee; To: Daniel Edlin et al., Subject: Updated PT/Audit Renewal Since 3/18 (Dated 5/9/2014)		
	EX 10029		ADMITTED – Proficiency Testing Addressed to Adam Rosendorff Theranos Results ImmunoAssays 2014 Chemistry-3 <sup>rd</sup> Event – (Dated 10/13/2014)		
	EX 13905		ADMITTED – Email Chain – From: Silvia Chang; To: Sunny Balwani, Subject: Proficiency Testing Details (Dated 7/27/2013)		
		2:04 pm	Jury excused for 20 min recess		
		2:05 pm	W#8 is excused and to return on Friday, October 1, 2021 at 9:00 am for further testimony		
		2:05 pm	Court takes recess 20 mins		
			Court in session. Counsel and Defendant are present. Jury seated		

<b>TRIAL DATE:</b> September 29, 2021			<b>REPORTER(S):</b> Irene Rodriguez	<b>CLERK:</b> Adriana M. Kratzmann
PLF	DEFT	TIME	DESCRIPTION	
		2:30 pm	Government calls next witness W#9	
			Dr. Victoria Sung W#9 – Sworn	
DX			Direct examination begins of W#9 by Government Counsel Robert Leach	
EX 5039			ADMITTED – Email Chain – From: Victoria Sung; To: Gary Frenzel; Subject: PD Marker Development Priority List (Dated 1/5/2010)	
EX 5414			ADMITTED – Email Chain – From: Carolyn Balkenhol; To: Victoria Sung; Subject: Celgene Clinical Trial PD Marker Development (Dated 4/1/2010)	
EX 3849			ADMITTED – Email Chain – From: Victoria Sung; To: Elizabeth Holmes; Subject: ACE-011 Program (Dated 7/20/2010)	
EX 541			ADMITTED – Email Chain – From: Victoria Sung; To: Elizabeth Holmes; Subject: For our discussions this morning (Dated 3/5/2012)	
EX 5416			ADMITTED – Email Chain – From: Elizabeth Holmes; To: Victoria Sung; Subject: For our discussions this morning (Dated 3/5/2012)	
EX 3893			ADMITTED – Email Chain – From: Daniel Edlin; To: Victoria Sung; Subject; For our discussion this morning (Dated 4/3/2012)	
		3:36 pm	Direct examination of W#9 concludes	
	CX	3:36 pm	Cross examination begins of W#9 Victoria Young by Defense Counsel John Cline	
	EX 13895		ADMITTED - Email Chain – From: Victoria Sung; To: Gary Frenzel; Subject: PD Marker Development Priority List (Dated 12/22/2009)	
	EX 13896		ADMITTED - Email Chain: From: Victoria Sung; To Subject: Agenda Face-to-Face (Dated 5/7/2010)	
	EX 13897		ADMITTED – Email Chain – From: Victoria Sung; To: Frenzel and Gangakhedkar; Subject: Thank you (w/attachment) (Dated 5/7/2010)	

<b>TRIAL DATE:</b> September 29, 2021		<b>REPORTER(S):</b> Irene Rodriguez	<b>CLERK:</b> Adriana M. Kratzmann
PLF	DEFT	TIME	DESCRIPTION
	EX 13898		ADMITTED – Email Chain – From: Gangakhedkar; To: Victoria Sung; Subject: ACE-011 REN-001
	EX 13899		ADMITTED – Email From: Kapil Gadkar; To: Victoria Sung; Subject: Validation Reports (Dated 7/15/2010)
	EX 13900		ADMITTED – Email From: Kapil Gadkar; To: Victoria Sung; Subject: Validation Reports 3 PD Markers – LH, FSH & Estradiol (Dated 7/27/2010)
	EX 13901		ADMITTED – Email From: Victoria Sung; To: Kapil Gadkar; Subject: Validation Reports 3 PD Markers – LH, FSH & Estradiol (Dated 7/27/2010)
	EX 5049		ADMITTED – Email From: Kapil Gadkar; To: Victoria Sung; Subject: FINAL REPORT for ACE-011 PK (Dated 4/27/2011)
	EX 13907		ADMITTED – Email From: Kapil Gadkar; To: nonclincialreports; Subject: FINAL REPORT (Dated 5/5/2011)
	EX 13902		ADMITTED – Email From: Kapil Gadkar; To: Victoria Sung; Subject: PD Marker
		4:15 pm	Cross examination concludes of W#9
		4:15 pm	No re-direct examination, W#9 is excused
		4:16 pm	Court admonishes the Jury
		4:17 pm	Court in session outside presence of Jury with Counsel and Defendant
			Court taking up possible evidentiary issues of W#8 Adam Rosendorff