

**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: 11/29/2021

Time in Court: 9:04-10:29am,11:12-11:15,11:17-1:16pm,1:57-3:56pm

(TOTAL time: 5 Hrs. 26 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, Andrew Lemens, John Cline, Patrick Looby, Amy Saharia, Jean Ralph Fleurmont

Also present: Elizabeth Holmes (Out-custody)

PROCEEDINGS: Jury Trial (Day 38)

Further Jury Trial held. Testimony held and evidence entered. Further Jury Trial scheduled for Tuesday, November 30, 2021 at 9:00 a.m.

Please see trial log attached.

The following exhibits are marked for IDENTIFICATION:


Plaintiffs: None

Defendants: 7469,7514,7623,*13862,*13863,*14207,*14208,7129,7228,7282,7363,7368,
7421,7434,1667,5387E,7734,7731,5387F,7534,7517,**13288,10677,7673A Pg. 52
only,7680,7719,7718,7695,7717,7690,7693,15027,15035,7710

The following exhibits are ADMITTED into evidence:

Plaintiffs: None

Defendants: **7469,7514,7623,*13862,*13863,*14207,*14208,7129,7228,7282,7363,7368,
7421,7434,1667,5387E,7734,7731,5387F,7534,7517,**13288,10677,7673A pg. 52
only,7680,7719,7718,7695,7717,15027,15035**


Adriana M. Kratzmann
Courtroom Deputy
Original: E-Filed

***Previously conditionally admitted, **Parties to meet and confer to agree what pages of exhibit are to be admitted and uploaded to public access**

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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: November 29, 2021			REPORTER(S): Irene Rodriguez	CLERK: Adriana M. Kratzmann
PLF	DEFT	TIME	DESCRIPTION	
		9:04 am	Court in session Counsel and Defendant present outside the presence of the Jury	
			Counsel addresses the defense motions filed. Defendant's Motion to Admit Prior Testimony of <i>Ramesh "Sunny" Balwani</i> . (Dkt. 1163 filed 11/24/2021) and Renewed Motion to Admit Trial Exhibit 14259 (Dkt. 1165 filed 11/26/2021)	
			Court hears oral arguments from counsel	
		10:29 am	Court takes recess	
		11:12 am	Court in session Counsel and Defendant present outside the presence of the Jury	
		11:15 am	Court off record	
		11:17 am	Court in session Counsel and Defendant present. Jury seated.	
	DX	11:20 am	Direct examination of W#32 Elizabeth Holmes resumes by Defense Counsel Kevin Downey	
	EX 7469		ADMITTED - Email From: Jay Rosan; To: Sunny Balwani, Elizabeth Holmes; Subject: Demo schedule underway, just did labs at Theranos in Palo Alto (Dated 8/14/2014)	
	EX 7514		ADMITTED – Email From: Elena Scheer; To: Elizabeth Holmes; Subject: Amazing special needs visit (Dated	

TRIAL DATE: November 29, 2021			REPORTER(S): Irene Rodriguez	CLERK: Adriana M. Kratzmann
PLF	DEFT	TIME	DESCRIPTION	
	EX 7623		ADMITTED – Email From: Brandi Luzania; To: Tracy Masson; Subject: Very Positive guest experience (Dated 10/7/2015)	
	EX 13862		ADMITTED - *Previously conditionally admitted	
	EX 13863		ADMITTED - *Previously conditionally admitted	
	EX 14207		ADMITTED - *Walgreens/Theranos website page Previously conditionally admitted	
	EX 14208		ADMITTED - *Theranos website page Previously conditionally admitted	
	EX 7129		ADMITTED – Email From: Renaat VanDenHooff; To: Sunny Balwani and Elizabeth Holmes; Subject: Kickoff-Demo (Dated 9/6/2010)	
	EX 7228		ADMITTED – Email From: Arnold Gelb; To: Elizabeth Holmes; Subject: CMS-2567 Examiner’s Report (Dated 1/26/2012)	
	EX 7282		ADMITTED – Email From: Sunny Balwani; cc: Elizabeth Holmes; To: Chi Nguyen et al., Subject: Congratulations (Dated 4/4/2013)	
	EX 7363		ADMITTED – Email From: Suraj Saksena; To: Elizabeth Holmes and Sunny Balwani; Subject: ELISA preparation for CLIA Audit status (Dated 11/28/2013)	
	EX 7368		ADMITTED – Email From: Daniel Young; To: Elizabeth Holmes; Subject: CLIA Laboratory Audit w/attachment (Dated 12/4/2013)	
	EX 7421		ADMITTED – Email chain – From: Daniel Young; To: Sunny Balwani; Elizabeth Holmes; Subject: Syphilis Validations (Dated 2/26/2014)	
	EX 7434		ADMITTED – Email chain – From: Tyler Schultz; To: Elizabeth; Subject: Followup to previous discussion (Dated 4/12/2014)	
	EX 1667		ADMITTED – Email chain – From: Daniel Young; To: Sunny Balwani; cc: Elizabeth Holmes; Subject: Follow up to previous discussion (Dated 4/12/2014)	

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PLF	DEFT	TIME	DESCRIPTION	
	EX 5387E		ADMITTED – Portions of text messages between Elizabeth Holmes and Sunny Balwani (Dated 11/25/2014)	
		1:16 pm	Court takes recess 30 mins	
		1:57 pm	Court in session Counsel and Defendant present. Jury seated	
	DX		Direct examination resumes of W#32	
	EX 7734		ADMITTED - Handwritten notes with Title Non-Negotiables (People)	
	EX 7731		ADMITTED – Holmes’ handwritten notes	
	EX 5387F		ADMITTED – Portions of text messages between Elizabeth Holmes and Sunny Balwani	
	EX 7534		ADMITTED – Holmes’ created summary notes	
	EX 7517		ADMITTED – Holmes’ created summary notes	
	EX 13288		ADMITTED – **Theranos 510(k) Premarket Notification (specific pages) (Dated 11/11/2014) **Parties to meet and confer what pages are to be admitted and uploaded to interest page	
	EX 10677		ADMITTED – Photo of 68 th AACC annual Scientific Meeting & Clinical Lab Expo	
	EX 7673A		ADMITTED – Theranos Sample Processing Unit (Minilab) Pg. 52 only single slide	
	EX 7680		ADMITTED – Email Chain – From Channing Robertson; To: Samartha Amekal; cc: Elizabeth Holmes; Subject: TAB (Dated 9/9/2016)	
	EX 7719		ADMITTED – Research Report Engineering of a miniaturized, robotic clinical laboratory (Dated 9/28/2017) Government objection – The Court admitted it not for the truth of the matter asserted	

TRIAL DATE: November 29, 2021		REPORTER(S): Irene Rodriguez	CLERK: Adriana M. Kratzmann
PLF	DEFT	TIME	DESCRIPTION
	EX 7718		ADMITTED – Peer review documents – From ELSEVIER - Journal of Virological Methods Government objection – The Court admitted it not for the truth of the matter asserted
	EX 7695		ADMITTED – Peer review documents – From Cureus – Spectral Analysis Methods Based on Background Subtraction and Curvature Calculation Used in the Detection or Quantification of Hemolysis and Icterus in Blood-derived Clinical Samples Government objection – The Court admitted it not for the truth of the matter asserted
	EX 7717		ADMITTED – Manuscript Details – Title Evaluation of a miniaturized clinical laboratory system for lipid analysis Government objection – The Court admitted it not for the truth of the matter asserted
	EX 7690		IDENTIFICATION -
	EX 7693		IDENTIFICATION -
	EX 15027		ADMITTED – Email From: Sunny Balwani; To: Elizabeth Holmes; Subject: Had excellent conversation with Bob Gordon at SWY (Dated 3/13/2014)
	EX 15035		ADMITTED – Letter to Elizabeth Holmes, From George P. Shultz
	EX 7710		IDENTIFICATION – Government objection to admission – Court sustained objection
		3:50 pm	Direct examination concludes
		3:51 pm	Court admonishes Jury. Jury excused for the day
		3:53 pm	Court in session outside presence of Jury with Counsel and Defendant

TRIAL DATE: November 29, 2021			REPORTER(S): Irene Rodriguez	CLERK: Adriana M. Kratzmann
PLF	DEFT	TIME	DESCRIPTION	
			Court addresses Dkt. 1163-2, Exhibit A re testimony as to this exhibit – that the issue is moot. Court will address the matter with Counsel tomorrow.	
		3:56 pm	Court adjourns for the day	
			Further Jury Trial scheduled Tuesday, November 30, 2021 at 9:00 a.m.	