

Exhibit 76

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

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

CHROMADEX, INC.,)
)
Plaintiff,)
)
vs.) Case No.
) SACV 16-02277-CJC(DFMx)
ELYSIUM HEALTH, INC.,)
)
Defendant.)

)
ELYSIUM HEALTH, INC.,)
)
Counterclaimant,)
)
vs.)
)
CHROMADEX, INC.,)
)
Counter-Defendant.)

)

[REDACTED]

Reported by:
VICTORIA RUSSO, CSR
No. 18-72093

09:54 1 Vague and ambiguous.

2 A. Difficult to work with, I guess the
3 answer is yes.

4 Q. And who was difficult?

09:54 5 A. Dan is difficult.

6 Q. Why would you say that he's difficult?

7 A. Because he's a bullshit artist.

8 Q. Do you remember a particular time when
9 Mr. Alminana mislead you?

09:54 10 MR. PERGAMENT: Objection to form.

11 A. Yes.

12 MR. PERGAMENT: Assumes facts not in
13 evidence.

14 Q. Can you describe that particular time?

09:54 15 A. Yes, we had a conference call earlier
16 this summer. We had two calls actually. One Dan was
17 involved in and one he was not where we were
18 discussing ongoing production and we had orders in
19 place. We had segregated planned time for him and we
09:55 20 could have made other things but we didn't. We
21 wanted to make sure that we took care of them.

22 We were assured that those orders were
23 going to be fulfilled and then out of the blue on
24 Labor Day they sent an e-mail telling us to stop all
09:55 25 production.

1 Q. And did that have a negative impact on

2

3 A. Absolutely.

4 Q. How did it?

5 A. We stopped production when we don't
6 necessarily have projects ready to go into the
7 facility in terms of chemistry and raw materials and
8 so forth. So we had a hole in our facility and it
9 was -- quite frankly, the whole situation was
10 unavoidable and unnecessary if they had simply just
11 been upfront with us from the beginning that they
12 didn't want us to make product anymore rather than
13 string us along until they didn't -- until they
14 secured their other supplies and that would have been
15 fine but, you know, clearly, that was orchestrated
16 all by Dan and that's the way he does business.

17 It is not the way I do business so and
18 with all the ChromaDex stuff going on, you know, it
19 became apparent that, you know, there is a pattern
20 here of behavior.

21 Q. I will talk to you in a little bit
22 about some more specific situations.

23 A. Sure.

24 Q. But I'd like to ask you a little bit --
25 a few more general questions first.

1 A. Correct.

2 Q. Has Elysium always paid its bills on
3 time?

4 A. No.

5 Q. Can you give me an example of when they
6 have been late on a bill?

7 A. No, I can't. I have just heard that
8 from my finance people that there were issues.

9 Q. Were those issues repeated?

10 A. I can't comment as to the frequency or
11 how many or how much.

12 Q. Was there more than one instance that
13 you heard of?

14 A. From what I understand, yes, but they
15 were resolved.

[REDACTED]

20 A. Well, there is the plant time. They
21 initiated two stability studies that are one or two
22 months into it. [REDACTED]

[REDACTED]

24 They have also abandoned [REDACTED]
[REDACTED] We have made numerous requests and

1 phone calls for resolution of those materials and I
2 can't give you an answer as to what the cost would be
3 but that issue has to be resolved. It, ultimately,
4 would cost [REDACTED] for us to
5 dispose of those materials if that's what we end up
6 doing.

7 Q. Do you know what those raw materials
8 are?

9 A. They are all the raw materials that go
10 into -- it's a combination of raw materials and
11 semi-finished goods as well.

[REDACTED]

14 Q. About how big is 52 pallets?

15 A. It's big, you know, each pallet is four
16 feet by four feet with drums on top of it. So this
17 is a -- this causes us a significant problem and
18 their lack of response over installing and inability
19 to get back to us is, again, just indicative of how
20 they operate.

[REDACTED]

23 MR. PERGAMENT: Objection to the
24 form.

25 A. It totally depends on what materials

1 conversation.

2 Q. There are [REDACTED] employees on these in
3 sending some of these e-mails?

4 A. Yes.

5 Q. It includes [REDACTED]
[REDACTED]

7 A. Yes.

8 Q. And you had conversations with both
9 [REDACTED] about this situation; is that
10 right?

11 A. Yes, we would have discussed it.

12 Q. If you would flip to Page 16253 which
13 is the last page of the exhibit, the very first
14 e-mail in the chain on May 10, 2017 from [REDACTED]

[REDACTED], he writes to Mark Morris and says -- and
16 asks "is there any update? Has your team decided
17 which way to go?"

18 The response from Mark Morris right
19 above that on May 10th seems to discuss acetamide.
20 Do you know what [REDACTED] was asking in his first
21 e-mail on May 10th?

22 A. Presumably, we're dealing with the
23 acetamide issue and we were probably looking for them
24 to decide whether or not they wanted to purify this
25 batch or leave the acetamide where it happened to be.

1 So, I think, Mark is speaking the
2 material is probably in the dryer, it's not in the
3 reactor. "please pull the second batch from the
4 reactor."

5 Q. When he say "please pull the second
6 batch", what does that mean for that batch?

7 A. Oh, just get it out of manufacturing
8 and start packaging it up and testing it.

9 Q. I'm sorry, did you say stop
10 manufacturing and testing it?

11 A. Well, NRB is the final product, right.
12 So at this stage it is probably sitting in the dryer
13 and we are awaiting a final decision whether or not
14 they want to put it back into the vessel and do the
15 third step and purify it or pull it from the dryer
16 and drum it up and get it ready for shipping.

17 Q. So by asking to pull the second batch,
18 Mr. Morris is instructing ■■■ not to do the third
19 step?

20 A. Correct, they're going to raise the
21 spec. This batch was probably, you know, they tested
22 it, they put it in the process sample. It came back
23 at 150 or whatever, some number, and they are going
24 to raise it -- the spec comfortably to 200 so that
25 this batch will pass.

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C E R T I F I C A T E

I, VICTORIA RUSSO, a Certified Shorthand Reporter and Notary Public within and for the States of Connecticut, New York, New Jersey, and Massachusetts, do hereby certify:

I reported the proceedings in the within-entitled matter, and that the within transcript is a true record of such proceedings.

I further certify that I am not related, by blood or marriage and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 11th day of December, 2018.



VICTORIA RUSSO, CRR
NOTARY PUBLIC