

# **Exhibit 44**

1 MICHAEL R. MATTHIAS (SBN 057728)  
mmatthias@bakerlaw.com  
2 ELIZABETH M. TRECKLER (SBN 282432)  
etreckler@bakerlaw.com  
3 **BAKER & HOSTETLER LLP**  
11601 Wilshire Boulevard, Suite 1400  
4 Los Angeles, California 90025-0509  
Telephone: (310) 820-8800  
5 Facsimile: (310) 820-8859

6 JOSEPH N. SACCA (admitted *pro hac vice*)  
jsacca@bakerlaw.com  
7 **BAKER & HOSTETLER LLP**  
45 Rockefeller Plaza  
8 New York, NY 10111-0100  
9 Telephone: (212) 589-4200  
Facsimile: (212) 589-4201

10 *Counsel continued on following page*

11  
12 UNITED STATES DISTRICT COURT  
13 CENTRAL DISTRICT OF CALIFORNIA  
14 SOUTHERN DIVISION

15  
16 ChromaDex, Inc.,  
17 Plaintiff,  
18 v.  
19 Elysium Health, Inc. and Mark  
Morris,  
20 Defendants.

Case No.: 8:16-cv-02277-CJC (DFM)

**DEFENDANT MARK MORRIS'S  
RESPONSES AND OBJECTIONS TO  
CHROMADEx, INC.'S FIRST SET OF  
INTERROGATORIES TO MARK  
MORRIS**

21 Elysium Health, Inc.,  
22 Counterclaimant,  
23 v.  
24 ChromaDex, Inc.,  
25 Counter-Defendant.  
26

1 DONALD R. WARE (admitted *pro hac vice*)  
*dware@foleyhoag.com*  
2 MARCO J. QUINA (admitted *pro hac vice*)  
*mquina@foleyhoag.com*  
3 JULIA HUSTON (admitted *pro hac vice*)  
*jhuston@foleyhoag.com*  
4 **FOLEY HOAG LLP**  
155 Seaport Boulevard  
5 Boston, Massachusetts 02210  
Telephone: (617) 832-1000  
6 Facsimile: (617) 832-7000

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

*Attorneys for Defendant*  
**MARK MORRIS**

BAKER & HOSTETLER LLP  
ATTORNEYS AT LAW  
LOS ANGELES

1 applicable privilege or protection against disclosure.

2 Due to the foregoing objections, including burden and over breath, it is not  
3 practical or possible for Morris to respond to this Interrogatory.

4 **INTERROGATORY NO. 3**

5 State all facts CONCERNING YOUR misappropriation of CHROMADDEX'S  
6 INGREDIENT SALES SPREADSHEET, including, but not limited to:

- 7 a. the date YOU downloaded the file from CHROMADDEX'S servers;
- 8 b. the methods by which YOU transported or transferred the  
9 INGREDIENT SALES SPREADSHEET;
- 10 c. the identity of each COMPUTER OR STORAGE DEVICE from  
11 which YOU or any other PERSONS downloaded the INGREDIENT  
12 SALES SPREADSHEET;
- 13 d. the identity of each COMPUTER OR STORAGE DEVICE to which  
14 YOU or any other PERSONS downloaded the INGREDIENT SALES  
15 SPREADSHEET;
- 16 e. the identity of any PERSONS with whom YOU shared the  
17 INGREDIENT SALES SPREADSHEET;
- 18 f. the date YOU transferred the INGREDIENT SALES SPREADSHEET  
19 to ELYSIUM;
- 20 g. the date the INGREDIENT SALES SPREADSHEET was downloaded  
21 to ELYSIUM'S servers; and
- 22 h. the identity of all PERSONS who had knowledge that, or were present  
23 when, the INGREDIENT SALES SPREADSHEET was downloaded  
24 to ELYSIUM'S servers.

BAKER & HOSTETLER LLP  
ATTORNEYS AT LAW  
LOS ANGELES

1 **RESPONSE TO INTERROGATORY NO. 3**

2 Morris objects to Interrogatory No. 3 because it lacks foundation and calls for  
3 a legal conclusion, in particular, it states that there was a “misappropriation” by  
4 Morris of “ChromaDex’s Ingredient Sales Spreadsheet.”

5 Morris also objects to the Interrogatory because it is overbroad and seeks  
6 information beyond Morris’s possession, custody or control because it requests “all  
7 facts concerning” the alleged “misappropriation” of “ChromaDex’s Ingredient Sales  
8 Spreadsheet,” including all facts concerning “any other persons,” such as “the  
9 identity of each computer or storage device from which . . . *any other persons*  
10 downloaded the Ingredient Sales Spreadsheet,” and “the identity of each computer or  
11 storage device to which . . . *any other persons* downloaded the Ingredient Sales  
12 Spreadsheet” (emphasis added).

13 Additionally, Morris objects to the phrases and terms “the file,” “transported  
14 or transferred,” “Storage Device,” “[Morris] shared,” “[Morris] transferred,” and  
15 “had knowledge that, or were present when, the Ingredient Sales Spreadsheet was  
16 downloaded” as vague and ambiguous.

17 Morris further objects to the Interrogatory to the extent that it purports to  
18 impose obligations beyond those permitted by the applicable provisions of the  
19 Federal Rules of Civil Procedure, the Local Rules of the Central District of  
20 California, or any applicable Court order. Morris also objects to the Interrogatory  
21 because it calls for information not relevant to any party’s claims or defenses, is not  
22 proportional to the needs of the case, and is already within ChromaDex’s possession,  
23 custody or control.

24 Additionally, Morris objects to the Interrogatory to the extent it seeks  
25 discovery of information or documents protected by the attorney-client privilege, the  
26 work product doctrine, the common interest privilege, the right to privacy, or any  
27 other applicable privilege or protection against disclosure.

BAKER & HOSTETLER LLP  
ATTORNEYS AT LAW  
LOS ANGELES

1 Subject to and without waiving any of his objections, Morris states that to  
2 the best of his knowledge:

3 Morris downloaded the Ingredient Sales Spreadsheet from his ChromaDex  
4 laptop to a USB flash drive sometime in late May 2016. At some time during his  
5 first few weeks of employment with Elysium, Morris downloaded the Ingredient  
6 Sales Spreadsheet from the USB flash drive to his computer at Elysium. No one  
7 had knowledge that, or was present when, Morris downloaded the Ingredient Sales  
8 Spreadsheet to his computer at Elysium.

9 Morris did not share the Ingredient Sales Spreadsheet with anyone other than  
10 employees or officers of ChromaDex, which occurred during the time Morris was  
11 employed by ChromaDex.

12 **INTERROGATORY NO. 4**

13 IDENTIFY all CHROMADEX DOCUMENTS and/or information YOU  
14 retained, used, accessed, or relied on following YOUR termination of employment  
15 with CHROMADEX.

16 **RESPONSE TO INTERROGATORY NO. 4**

17 Morris objects to Interrogatory No. 4 because “all ChromaDex Documents  
18 and/or information” that Morris “retained, used, accessed or relied on” is vague and  
19 ambiguous. Morris also objects to the Interrogatory because “all documents and/or  
20 information” that Morris “retained, used, accessed or relied on” calls for information  
21 not relevant to any party’s claims or defenses, and is not proportional to the needs of  
22 the case.

23 Morris further objects to the Interrogatory to the extent that it purports to impose  
24 obligations beyond those permitted by the applicable provisions of the Federal Rules  
25 of Civil Procedure, the Local Rules of the Central District of California, or any  
26 applicable Court order, and calls for documents in the public domain or already  
27 within ChromaDex’s possession, custody or control.

28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**VERIFICATION**

I, Mark Morris, being duly sworn, deposes and says that I am a defendant in this action, that I have read the foregoing answers to these interrogatories and know the contents thereof, and the same are true and correct to the best of my knowledge and belief.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 7, 2019.

MARK MORRIS

By:   
Mark Morris

BAKER & HOSTETLER LLP  
ATTORNEYS AT LAW  
LOS ANGELES