

Exhibit 62

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA
3 WESTERN DIVISION
4

5 CHROMADEx, INC.,)

6 PLAINTIFF,) CASE NO.

) 16-02277-CJC- (DFMx)

7 vs.)

8 ELYSIUM HEALTH, INC., AND)
9 MARK MORRIS,)

10 DEFENDANTS.)

11 _____)
12 AND RELATED CROSS-ACTIONS.)
13 _____)

14 * * * ATTORNEYS' EYES ONLY * * *

15 VIDEOTAPED DEPOSITION OF
16 CHROMADEx'S 30(B)(6) WITNESS THOMAS VARVARO
17 TAKEN WEDNESDAY, MAY 8, 2019
18 LOS ANGELES, CALIFORNIA
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24 Reported by Audra E. Cramer, CSR No. 9901
Job No. 160326
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6 PLAINTIFF,) CASE NO.

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AND RELATED CROSS-ACTIONS.)

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14
15 VIDEOTAPED DEPOSITION OF CHROMADEX'S 30(B)(6)
16 WITNESS THOMAS VARVARO, TAKEN ON BEHALF OF THE DEFENDANT
17 AND COUNTERCLAIMANT, AT 9:39 A.M., WEDNESDAY, MAY 8,
18 2019, AT 11601 WILSHIRE BOULEVARD, LOS ANGELES,
19 CALIFORNIA, BEFORE AUDRA E. CRAMER, CSR NO. 9901,
20 PURSUANT TO NOTICE.
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1 APPEARANCES OF COUNSEL

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3 FOR PLAINTIFF AND CROSS-DEFENDANT:

4 COOLEY

BY: BARRETT ANDERSON, ESQUIRE

5 JAYME STATEN, ESQUIRE

4401 EASTGATE MALL

6 SAN DIEGO, CALIFORNIA 92121

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8

9 FOR DEFENDANT AND COUNTERCLAIMANT:

10 BAKER & HOSTETLER

BY: JOSEPH SACCA, ESQUIRE

11 ELIZABETH TRECKLER, ESQUIRE

45 ROCKEFELLER PLAZA

12 NEW YORK, NEW YORK 10111

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15 ALSO PRESENT:

16 SPENCER BURDOCK, VIDEOGRAPHER

17 MARK FRIEDMAN, GENERAL COUNSEL, CHROMADEx

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1 were your time frames where 12-month periods
2 would end then.

3 Q. So in the language that ChromaDex added
4 here --

5 A. Yes.

6 Q. -- "provided Elysium Health purchases
7 equal volumes or higher volumes than the third
8 party," tell me, at the time ChromaDex drafted
9 this language, how it thought that would be
10 calculated.

11 MR. ANDERSON: Objection. Legal
12 conclusion.

13 THE WITNESS: Please repeat the
14 question.

15 BY MR. SACCA:

16 Q. At the time ChromaDex drafted this
17 language for inclusion in the agreement,
18 "provided Elysium Health purchases equal volumes
19 or higher volumes than the third party," how did
20 ChromaDex contemplate the equal or higher
21 volumes would be calculated?

22 A. I believe we contemplated it on a
23 yearly basis.

24 Q. A calendar-year basis?

25 A. I believe it would be a 12-month basis.

1 Q. Calendar year?

2 A. No. 12 months.

3 Q. 12 months from when?

4 A. A quarter to -- through an end of a
5 quarter. So if you have a quarter, four
6 quarters equal 12 months.

7 Q. Okay. So give me a hypothetical.

8 A. Give you a hypothetical.

9 MR. ANDERSON: Objection. Assumes
10 facts not in evidence.

11 THE WITNESS: Hypothetical.

12 If you sold something on January 1,
13 that's the beginning of a quarter. Your four
14 quarters would have ended at the end of December
15 of that year. I know I'm using a calendar as an
16 example, but we could go through and say if you
17 sold something on April 1, and assuming that's
18 the first day of a quarter, you would go through
19 March 31 of the following calendar year. That's
20 four quarters.

21 BY MR. SACCA:

22 Q. Assume a purchase --

23 A. 12 months.

24 Q. Assume a purchase made March 15.

25 A. Yes.

1 damages.

2 BY MR. SACCA:

3 Q. Which are?

4 A. Lack of payment by Elysium. Interest
5 on lack of payment. There's damages related to
6 breach of fiduciary duty, breach of confidential
7 contracts, aiding and abetting, amongst the ones
8 that I'm aware of.

9 Q. Are you not aware of all of the damages
10 ChromaDex seeks in this case?

11 MR. ANDERSON: Objection.

12 Mischaracterizes testimony.

13 THE WITNESS: Please repeat the
14 question.

15 BY MR. SACCA:

16 Q. Are you not aware of all of the damages
17 ChromaDex seeks in this case?

18 MR. ANDERSON: Same objection. Calls
19 for a legal conclusion.

20 THE WITNESS: I'm aware there are many
21 of them. I'm not an expert on damages.

22 BY MR. SACCA:

23 Q. Does ChromaDex claim damages from
24 Elysium's disclosure of the NR specs?

25 MR. ANDERSON: Calls for a legal

1 conclusion.

2 THE WITNESS: I don't know.

3 BY MR. SACCA:

4 Q. You don't know?

5 A. Please repeat the question. Sorry.

6 Q. Does ChromaDex claim damages from
7 Elysium's disclosure of the NR specifications?

8 MR. ANDERSON: Same objection.

9 THE WITNESS: I believe they do.

10 BY MR. SACCA:

11 Q. What damages?

12 MR. ANDERSON: Same objection.

13 THE WITNESS: I don't know. I'm not an
14 expert.

15 BY MR. SACCA:

16 Q. Okay. In what way was ChromaDex harmed
17 by Elysium's disclosure of the NR
18 specifications?

19 A. Again, I'm not an expert. I'm not an
20 expert.

21 Q. I'm not asking for an expert opinion.
22 I'm asking for ChromaDex's opinion, because
23 you're here speaking on behalf of ChromaDex, for
24 an explanation as to how it was injured by
25 Elysium's disclosure of the NR specifications?

1 A. ChromaDex was injured by the disclosure
2 of a series of documents. To be able to
3 determine what the damages are for any one
4 document is difficult, if not impossible, unless
5 you're an expert, because the documents all need
6 to be taken as a whole.

7 Q. I don't need a dollar value. I just
8 want to know how -- in what respect ChromaDex
9 was damaged about Elysium's disclosure of the NR
10 specifications.

11 A. Elysium enabled itself to find another
12 supplier of nicotinamide riboside much faster
13 than they would have been if they had to develop
14 the confidential information on their own.

15 Q. Did ChromaDex injure itself when it
16 publicly disclosed the NR specifications?

17 MR. ANDERSON: Objection. Calls for a
18 legal conclusion.

19 THE WITNESS: I don't know.

20 BY MR. SACCA:

21 Q. Well, is it your testimony that Elysium
22 used the NR specifications to find another
23 supplier of nicotinamide riboside?

24 A. Please repeat the question.

25 Q. Is it your testimony that Elysium

1 STATE OF CALIFORNIA)
2 COUNTY OF LOS ANGELES) SS.

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4 I, AUDRA E. CRAMER, CSR No. 9901, in and for the
5 State of California, do hereby certify:

6 That, prior to being examined, the witness named
7 in the foregoing deposition was by me duly sworn to
8 testify the truth, the whole truth and nothing but the
9 truth;

10 That said deposition was taken down by me in
11 shorthand at the time and place therein named, and
12 thereafter reduced to typewriting under my direction,
13 and the same is a true, correct and complete transcript
14 of said proceedings;

15 I further certify that I am not interested in the
16 event of the action.

17 Witness my hand this 20th day of May,
18 2019.

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AUDRA E. CRAMER

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Reporter for the

25

State of California