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21 **UNITED STATES DISTRICT COURT**
 22 **CENTRAL DISTRICT OF CALIFORNIA**
 23 **(WESTERN DIVISION)**

24 ChromaDex, Inc.,
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 26 Plaintiff,
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 28 v.
 29 Elysium Health, Inc. and Mark Morris,
 30
 31 Defendants.

Case No. SACV 16-02277-CJC(DFMx)

**JOINT STIPULATION AND REQUEST
 FOR PROTECTIVE ORDER REGARDING
 PLAINTIFF CHROMADDEX, INC.'S
 PRODUCTION OF DOCUMENTS AND
 NONWAIVER OF PRIVILEGE**

Judge: Hon. Cormac J. Carney
 Magistrate Judge: Hon. Douglas F.
 McCormick

32 Elysium Health, Inc.,
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 34 Counterclaimant,
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 36 v.
 37 ChromaDex, Inc.,
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 39 Counterdefendant

Discovery Cut-off: April 5, 2019
 Pretrial Conference: July 1, 2019
 Trial: July 9, 2019

[DISCOVERY DOCUMENT:
 REFERRED TO MAGISTRATE
 JUDGE DOUGLAS F.
 MCCORMICK]

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1 **WHEREAS**, on February 19, 2019, Plaintiff ChromaDex, Inc. (“ChromaDex”)
2 informed Defendants Elysium Health, Inc. (“Elysium”) and Mark Morris (collectively
3 the “Parties”) that certain communications involving Stephen Block—an attorney and
4 ChromaDex Board Member—were inadvertently withheld in their entirety and that
5 ChromaDex would reproduce those documents in the appropriate redacted form;

6 **WHEREAS**, on February 22, 2019, Defendants wrote to ChromaDex to notify
7 it of Defendants’ intent to move to compel the production of specific documents
8 involving Stephen Block that ChromaDex withheld in their entirety or redacted (the
9 “Notice”);

10 **WHEREAS**, on March 4, 2019, ChromaDex responded and explained the
11 grounds for ChromaDex’s claims of privilege and for withholding or redacting the
12 documents identified in the Notice;

13 **WHEREAS**, pursuant to Local Rule 37-1, the Parties met and conferred on
14 Wednesday, March 6, 2019, but did not resolve the dispute;

15 **WHEREAS**, at a discovery conference before this Court at 10:00 a.m. on Friday,
16 March 8, 2019, the Parties discussed Elysium’s intent to move to compel production of
17 the documents it had identified in the Notice;

18 **WHEREAS**, at the March 8 discovery conference, by agreement of the Parties,
19 the Court requested that each Party submit letter briefs on this issue no longer than five
20 pages by Monday, March 11, 2019, and further indicated that it would hear argument
21 at the discovery conference scheduled for 1:30 p.m. on Tuesday, March 12, 2019;

22 **WHEREAS**, following the March 8 conference, the Parties agreed to resolve the
23 dispute without the necessity of briefing or argument;

24 **WHEREAS**, ChromaDex agrees to this resolution in the interests of efficiency
25 and conserving resources while still maintaining that the documents identified in the
26 Notice are subject to a claim of attorney-client privilege;

27 **WHEREAS**, Defendants agree to this resolution in the interests of efficiency and
28 conserving resources while still maintaining that the above-referenced documents are

1 not properly subject to a claim of attorney-client privilege.

2 **NOW, THEREFORE**, the Parties, by and through their counsel of record,
3 hereby stipulate and agree as follows:

4 (1) ChromaDex will produce by March 13, 2019, the documents that
5 Defendants identified in the Notice and that ChromaDex withheld or redacted solely
6 because of the asserted attorney-client relationship between Stephen Block and
7 ChromaDex;

8 (2) ChromaDex will produce by March 13, 2019, a privilege log for any
9 document identified in the Notice that ChromaDex continues to withhold or redact on
10 a ground other than the asserted attorney-client relationship between Stephen Block and
11 ChromaDex;

12 (3) ChromaDex will produce by March 13, 2019, the documents that it
13 inadvertently withheld or redacted involving Stephen Block about which it informed
14 Defendants on February 19, 2019;

15 (4) ChromaDex will produce concurrently with its next privilege log any
16 document that it withheld or redacted solely because of the asserted attorney-client
17 relationship between Stephen Block and ChromaDex since it produced its last privilege
18 log;

19 (5) Defendants will not argue in this litigation or any other federal or state
20 proceeding that ChromaDex's disclosure of the above-referenced documents (the
21 "Block Communications") or privilege log constitutes an express or implied waiver of
22 any privilege or protection over any other material, including any material related to
23 any subject matter of the above-referenced documents; and

24 (6) The Parties jointly request that this Court enter the protective order
25 attached hereto as Exhibit A under Federal Rule of Evidence 502(d) to find that
26 ChromaDex's production of the Block Communications and privilege log does not
27 constitute an express or implied waiver of any other privilege or protection over any
28 other material, including any material related to the subject matter of those documents.

IT IS SO STIPULATED.

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Dated: March 11, 2019

COOLEY LLP
MICHAEL ATTANASIO (151529)

s/ Michael Attanasio
MICHAEL ATTANASIO

Attorneys for Plaintiff and Counter-Defendant ChromaDex, Inc.

The filer, Michael Attanasio, attests that the other signatory listed, on whose behalf the filing is submitted, concurs in the filing's content and has authorized the filing.

Dated: March 11, 2019

BAKER & HOSTETLER LLP
ESTERINA GIULIANI (admitted *pro hac vice*)

s/ Esterina Giuliani
ESTERINA GIULIANI

Attorneys for Defendant and Counterclaimant Elysium Health, Inc. and Defendant Mark Morris