

# Exhibit C

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
(WESTERN DIVISION)

ChromaDex, Inc., )

)

Plaintiff, )

)

VS. )

CASE NO. SACV

16-02277-CJC(DFMx)

Elysium Health, Inc. and )

Mark Morris, )

)

Defendants. )

)

\_\_\_\_\_  
Elysium Health, Inc., )

)

Counterclaimant, )

V. )

)

ChromaDex, Inc., )

)

Counter-Defendant. )

)

HIGHLY CONFIDENTIAL, ATTORNEYS' EYES ONLY  
VIDEOTAPED DEPOSITION OF ARON ERICKSON  
Los Angeles, California  
Tuesday, March 26, 2019

Job No. 157988

Reported by: NIKKI ROY

CSR No. 3052

1 Videotaped deposition of ARON ERICKSON, taken on  
2 behalf of the Defendant and Counterclaimant, at  
3 11601 Wilshire Boulevard, Los Angeles, California,  
4 on Tuesday, March 26, 2019 at 9:35 a.m., before  
5 NIKKI ROY, CSR No. 3052.

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1 APPEARANCES OF COUNSEL:

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3 FOR PLAINTIFF AND CROSS-DEFENDANT:

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8

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15 BAKER & HOSTETLER

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21 VIDEOGRAPHER:

22 GARY BREWER

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25

1 us to test every lot of Niagen that we had ever  
2 produced including -- and so we had retains from  
3 lots.

4 So we were able to identify multiple lots of  
5 Niagen and identify those that may have contained  
6 higher than specification amounts. And fortunately  
7 the lots that we still had that were not sold to  
8 customers had not been -- I mean, were the ones that  
9 contain higher acetamide levels. So we had  
10 identified lots prior to any sale to customers.

11 Q. So none of the lots that were sold to  
12 customers between 2017 -- sorry -- between 2015 and  
13 2017 contained acetamide in levels that were out of  
14 spec?

15 A. Correct, to my knowledge.

16 Q. And just to be clear, every single lot of  
17 lot of Niagen that was ever produced by or for  
18 ChromaDex was tested for acetamide?

19 A. I wouldn't -- I don't know if every lot, but  
20 a good majority of the lots now have been tested,  
21 yes.

22 MR. PERGAMENT: And have those results been  
23 produced to us?

24 MS. RIOS: I believe so.

25 MR. PERGAMENT: All right. Well, to the

1 extent they've not been, we'd like to request them  
2 officially now on the record.

3 MS. RIOS: Noted.

4 BY MR. PERGAMENT:

5 Q. To your knowledge, was there any acetamide  
6 in the Niagen that ChromaDex sold to Elysium?

7 A. Not to my knowledge. Not out of  
8 specification, to my knowledge.

9 Q. As far as you know, was every lot that was  
10 sold to Elysium tested for acetamide?

11 A. I do not recall.

12 Q. How would you find that out?

13 A. I'd have to probably look back at a document  
14 and see if it's actually present in the spreadsheet.

15 Q. And we've briefly discussed California's  
16 Proposition 65, which is sometimes referred to as  
17 Prop 65.

18 What is your understanding of Prop 65?

19 A. Well, I don't live in the state of  
20 Colorado -- I mean, California, so my understanding  
21 is vague. I did live in California for two years.  
22 But I believe it is a list of carcinogenic compounds  
23 that California has identified that have potential  
24 levels that need to be remained within. As far as I  
25 know -- that's about as far as I know.

1 the GC mass spec method is a proven method for  
2 determining acetamide levels in Niagen.

3 MS. RIOS: Objection; vague.

4 THE WITNESS: I'd say yes, we were able to  
5 validate the GC mass spec method, showing that it is  
6 accurate and reproducible for testing acetamide  
7 levels in Niagen.

8 BY MR. PERGAMENT:

9 Q. How were you able to validate the GC mass  
10 spec method?

11 A. We spiked acetamide -- known acetamide  
12 concentrations into Niagen as a matrix and determined  
13 the recovery of that acetamide from the Niagen  
14 matrix, showing that the accuracy of the recovery was  
15 close to 100 percent.

16 Q. And are the results of the GC mass spec  
17 analyses of acetamide in Niagen expressed in parts  
18 per million?

19 A. Yes, they are.

20 Q. Have you used the GC mass spec method to go  
21 back and test any of the lots that we discussed today  
22 that were out of spec for acetamide?

23 A. I do not recall at the moment. I'd have to  
24 review, if that was the case.

25 Q. How were the lots chosen that were tested by

1 the GC spec method?

2 MS. RIOS: Objection; calls for privileged  
3 information.

4 Do not answer.

5 MR. PERGAMENT: That calls for privileged  
6 information?

7 MS. RIOS: Yes, it does.

8 BY MR. PERGAMENT:

9 Q. Other than legal counsel, did anyone have  
10 any input into how the lots were chosen that were to  
11 be tested by the GC spec method?

12 A. No.

13 Q. Do you know the lot numbers of the lots that  
14 were tested by the GC spec method?

15 MS. RIOS: Objection; asked and answered.

16 THE WITNESS: Not off the top of my head.

17 BY MR. PERGAMENT:

18 Q. Do you know who at ChromaDex would know the  
19 lot numbers of the lots that were tested by the GC  
20 spec method?

21 A. Yes.

22 Q. And who is that?

23 A. Kiel Henderson.

24 Q. Anyone else?

25 A. There are others.



1           May I have a minute to discuss with counsel?

2           Q.    Not right now.  There's a question pending.

3           A.    I'm just --

4           MS. RIOS:  Objection --

5   BY MR. PERGAMENT:

6           Q.    I'm asking -- I'm asking --

7           MS. RIOS:  It potentially calls for  
8   privileged information.

9           THE WITNESS:  It may call for privileged  
10   information.

11          MS. RIOS:  Then don't answer.

12   BY MR. PERGAMENT:

13          Q.    I'm asking if you know who the people at  
14   ChromaDex are who know the lot numbers that were  
15   tested by the GC spec method.

16          And you're saying the only way you know who  
17   those people are is through privileged information?

18          A.    No.  I'm saying how they know may only be  
19   through privileged information.

20          Q.    Okay.  I'm asking who knows, though, not how  
21   they know.

22          MS. RIOS:  Okay.  You can answer.

23          THE WITNESS:  Okay.  Mark Friedman, our  
24   legal -- our legal counsel.

25   ///

1 BY MR. PERGAMENT:

2 Q. Anyone besides Mr. Henderson and  
3 Mr. Friedman?

4 A. Not that I can recall.

5 Q. Do you know why Kiel knows the lot numbers  
6 but you don't?

7 MS. RIOS: Objection; mischaracterizes prior  
8 testimony. Mr. --

9 THE WITNESS: I know the lot numbers, if  
10 you're asking.

11 BY MR. PERGAMENT:

12 Q. But --

13 A. I don't recall the exact lot numbers off the  
14 top of my head.

15 MR. PERGAMENT: Okay. I'd like to make a  
16 request on the record for those lot numbers.

17 MS. RIOS: They've been produced.

18 MR. PERGAMENT: The lot numbers that have  
19 been tested by the GC spec method?

20 MS. RIOS: Correct.

21 MR. PERGAMENT: Okay.

22 BY MR. PERGAMENT:

23 Q. Do you know if ChromaDex has used the GC  
24 spec method to test Elysium's products?

25 MS. RIOS: Objection; vague.

1 STATE OF CALIFORNIA )  
 ) ss.  
2 COUNTY OF LOS ANGELES )  
3

4 I, NIKKI ROY, Certified Shorthand Reporter,  
5 certificate number 3052, for the State of  
6 California, hereby certify:

7 The foregoing proceedings were taken before me  
8 at the time and place therein set forth, at which  
9 time the deponent was placed under oath by me;

10 The testimony of the deponent and all  
11 objections at the time of the examination were  
12 recorded stenographically by me and were thereafter  
13 transcribed;

14 The foregoing transcript is a true and correct  
15 transcript of my shorthand notes so taken;

16 I further certify that I am neither counsel for  
17 nor related to any party to said action nor in any  
18 way interested in the outcome thereof.

19 In witness whereof I have hereunto subscribed  
20 my name this 5th day of April, 2019.

21 

22 \_\_\_\_\_  
23 NIKKI ROY CSR No. 3052  
24  
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