

BakerHostetler

Baker&Hostetler LLP

45 Rockefeller Plaza
New York, NY 10111

T 212.589.4200
F 212.589.4201
www.bakerlaw.com

Esterina Giuliani
direct dial: 212.589.4608
egiuiliani@bakerlaw.com

October 30, 2018

VIA ECF

Honorable Colleen McMahon
United States District Judge
Chief U.S. District Judge
500 Pearl Street
New York, NY 10007-1312

Re: Elysium Health, Inc. v. ChromaDex, Inc., Case No. 1:17-cv-07934 (CM)

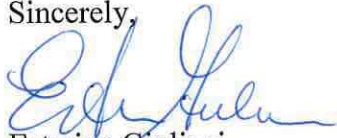
Dear Judge McMahon:

I write with respect to the above-captioned matter and represent the plaintiff in that action, Elysium Health, Inc. Per your Order issued on September 27, 2018 (ECF No. 44), we sought to file a memorandum of law with an accompanying declaration and exhibits on October 29, 2018, but were prevented from doing so because of an apparent malfunction with the ECF/PACER system. We attempted to file using several different computers and different attorneys' usernames and passwords. Unfortunately, we were unable to file before midnight on October 29, 2018, the deadline specified in the Court's Order. Instead, we served on opposing counsel before midnight via email Plaintiff's memorandum of law and accompanying declaration, and served via FTP site the accompanying exhibits.

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In accordance with the S.D.N.Y. ECF Rules and Instructions, dated October 9, 2018, §§ 11 and 23.5, we are electronically filing our documents as soon as the system is restored, and are attaching this statement to our filing explaining how the system interruption prevented our timely filing. We would ask that you kindly inform us if there is anything else we need to do to seek relief from the Court or under the relevant ECF/PACER rules.

Sincerely,

A handwritten signature in blue ink, appearing to read "Esterina Giuliani". The signature is fluid and cursive, with a large initial "E" and "G".

Esterina Giuliani
Partner