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13 *Counsel continued on following page*

14 **UNITED STATES DISTRICT COURT**  
 15 **CENTRAL DISTRICT OF CALIFORNIA**  
 16 **WESTERN DIVISION**

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

Case No.: 8:16-cv-02277-CJC-DFM  
 [Assigned to the Hon. Cormac J. Carney]

**ELYSIUM HEALTH, INC. AND  
 MARK MORRIS'S EVIDENTIARY  
 OBJECTIONS TO EVIDENCE FILED  
 BY CHROMADDEX, INC. IN  
 SUPPORT OF OPPOSITION TO  
 MOTION FOR PARTIAL SUMMARY  
 JUDGMENT**

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

Pre-Trial Conference: September 18, 2019  
 Trial: October 15, 2019

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ELYSIUM HEALTH, INC.

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9 MARK MORRIS

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1 Defendant and Counterclaimant Elysium Health, Inc. (“Elysium”) and  
 2 Defendant Mark Morris (“Morris”) hereby object to the following declaration and  
 3 exhibits submitted by Plaintiff and Counter-Defendant ChromaDex, Inc. in support  
 4 of its Opposition to Defendants’ Motion for Partial Summary Judgment (the  
 5 “Motion”).

	<b>Objectionable Material:</b>	<b>Defendants’ Grounds for Objection:</b>	<b>Ruling on Objection:</b>
1. 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	Declaration of Barrett J. Anderson, Exh. 84	<p><b>Relevance (Fed. R. Evid. 401 &amp; 402)</b></p> <p>Exhibit 84 is a compilation of personal text messages that purports to be from an Elysium employee’s phone to a third-person’s phone. In its Memorandum of Points and Authorities in Opposition to Defendants’ Motion, ChromaDex never cites even once to Exhibit 84. In its Statement of Genuine Disputes of Fact, ChromaDex provides only a “see” citation to Ex. 84 one time to dispute a witness’s credibility, without any further explanation as to how Exhibit 84 actually creates a dispute concerning credibility.</p> <p>This thread of personal text messages has no tendency to make any consequential fact more or less probable because ChromaDex has demonstrated no nexus between Exhibit 84 and any merits issue in the Motion or Opposition. It is also inadmissible for challenging credibility because it is extrinsic</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

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		<p>evidence on a collateral issue. (<i>See</i> ECF No. 264 [Defendants’ Motion <i>in Limine</i> to Exclude Personal Conduct Evidence].)</p> <p><b>Unfair Prejudice (Fed. R. Evid. 403)</b></p> <p>The introduction of this thread of personal text messages is unfairly prejudicial. ChromaDex’s attempt to admit into evidence personal texts with no nexus to any merits issue is nothing more than an attempt to make an ad hominem attack against Elysium personnel. It unfairly attempts to enlist the jury’s passions against Elysium based on the personal conduct of Elysium personnel. (<i>See</i> ECF No. 264 [Defendants’ Motion <i>in Limine</i> to Exclude Personal Conduct Evidence].)</p> <p><b>Hearsay (Fed. R. Evid. 801)</b></p> <p>Exhibit 84 contains out of court statements offered to prove the truth of the matter asserted. Therefore, the statements set forth in Exhibit 84 are inadmissible hearsay, without exception.</p>	
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Respectfully submitted,

Dated: September 4, 2019

**BAKER & HOSTETLER LLP**

By: /s/ Joseph N. Sacca  
JOSEPH N. SACCA

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Counterclaimant ELYSIUM HEALTH,  
INC. and Defendant  
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