

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION
Honorable Edward J. Davila
Courtroom 4 - 5th Floor**

**TITLE: USA v. ELIZABETH HOLMES
CASE NUMBER: 18-cr-00258-EJD-1**

Minute Order and Trial Log

Date: 9/21/2021

Time in Court: 8:33-8:56am,9:04-11:04am,11:57am-2:45pm

(TOTAL time: 5 hrs. 11 mins.)

Courtroom Deputy Clerk: Adriana M. Kratzmann

Court Reporter: Irene Rodriguez

APPEARANCES:

Plaintiff Attorney(s) present: Jeffrey Schenk, John Bostic, Robert Leach, Kelly Volkar

Also present: Agent: Adelaida Hernandez

Defendant Attorney(s) present: Kevin Downey, Lance Wade, Katherine (Katie) Trefz, John Cline, Andrew Lemons

Also present: Elizabeth Holmes (Out-custody)

PROCEEDINGS: Jury Trial (Day 8)

Further Jury trial held. Testimony held and evidence entered. Further Jury Trial scheduled for Wednesday, September 22, 2021 at 9:00 a.m.

Please see trial log attached.

The following exhibits are marked for IDENTIFICATION:

Plaintiffs: 487,3966,3962,3961(Pg.1 and Top of Pg.2 ONLY),5410,2044.3305,5411,4242,5184, 2083,5412,

Defendants: 10492,10493,9002,10500,9110,10496,7215,10497,7202,10491,7297,9397,9143, 7216,9921,1031,7603,10521,10522,10503,13767,13768,13770,13769,11430,7549,13786-13790

The following exhibits are ADMITTED into evidence:

Plaintiffs: **487,3966,3962,3961(Pg.1 and Top of Pg.2 ONLY),5410,2044.3305,5411,4242, 2083,5412,**

Defendants: **10492,10493,9002,10500,9110,10496,7215,10497,7202,10491,7297,9397,9143, 7216,9921,1031,7603,10521,10522,10503,13767,13768,13770,13769**

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Adriana M. Kratzmann
Adriana M. Kratzmann
Courtroom Deputy
Original: **E-Filed**

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HONORABLE EDWARD J. DAVILA

Case Name: USA v. Elizabeth Holmes

Case No: 5:18cr00258EJD-1

TRIAL LOG

TRIAL DATE: September 21, 2021			REPORTER(S): Irene Rodriguez	CLERK: Adriana M. Kratzmann
PLF	DEFT	TIME	DESCRIPTION	
		8:33 am	Court in session outside presence of Jury – Counsel and Defendant are present	
			Court hears from the Defense Counsel Katherine Trefz re objections to evidence (text messages) as to testimony of upcoming government witnesses	
		8:56 am	Court takes recess	
		9:04 am	Court in session. Counsel and Defendant present. Jury seated	
	CX		Further cross examination resumes of W#3 Surekha Gangakhedkar by Defense Counsel Lance Wade	
	EX 10492		ADMITTED – Email From: Elizabeth Holmes; To: Surekha Gangakhedkar; Subject: Great news (Dated 9/28/2005)	
	EX 10493		ADMITTED – Email From: Elizabeth Holmes; To: Surekha Gangakhedkar; Subject: C-reactive Protein Clinical Serum Correlation	
	EX 9002		ADMITTED – ACE-011 Development Report	
	EX 10500		ADMITTED – Email From: K. Gadkar; To: P. Bryan et al., Subject: Final Report for ACE-11 PK (w/attachment) (Dated:4/27/2011)	
	EX 9110		ADMITTED – CNTO 8525 Development Report	
	EX 10496		ADMITTED – Email From: Elizabeth Holmes; To: Surekha Ganagakhedkar; Subject: ELISA Plan (Dated 1/6/2011)	

TRIAL DATE: September 21, 2021		REPORTER(S): Irene Rodriguez	CLERK: Adriana M. Kratzmann
PLF	DEFT	TIME	DESCRIPTION
	EX 7215		ADMITTED – Email From: Surekha Gangakhedkar; To: A. Dinh et al., Subject: Agenda for ELISA Meeting (Dated 11/14/2011)
	EX 10497		ADMITTED – Email From: Surekha Gangakhedkar; To: Elizabeth Holmes; Subject: Assay Timelines (with native attachment) (Dated 3/23/2011)
	EX 7202		ADMITTED - Email From: Surekha Gangakhedkar; To: Elizabeth Holmes; Subject: Assays (with native attachments) (Dated 8/23/2011)
	EX 10491		ADMITTED - Email From: Surekha Gangakhedkar; To: Elizabeth Holmes; Subject: No ELISA Timelines Mtg Tomorrow (with native attachments) (Dated 6/8/2012)
	EX 7297		ADMITTED - Email From: Surekha Gangakhedkar; To: Elizabeth Holmes; Subject: ELISA update (with native attachments) (Dated 6/28/2013)
	EX 9397		ADMITTED – TSH Development Report, Prepared by: Tina Noyes (Dated 4/4/2011)
	EX 9143		ADMITTED – Amino Assay Reports – 2 binders, Counsel stipulated to the admission of certain exhibits – Counsel to provide list of exhibits later (Also referred to as R&D Validation Reports)
	EX 7216		ADMITTED – Email From: Elizabeth Holmes; To: Surekha Gangakhedkar; Subject: DoD meeting tomorrow (Dated 11/17/2011)
	EX 487		ADMITTED – Email From: Arnold Gelb; To: Surekha Gangakhedkar; Subject: LDT “Validation” Under CLIA (10/26/2011)
	EX 9921		ADMITTED – Signed CL PLN-14002 Master Validation Plan for ELISA Assays on Theranos Devices, Rev A (Dated 11/4/2011)
	EX 1031		ADMITTED – Email From: Surekha Gangakhedkar; To: Daniel Young, Elizabeth Holmes et al., Subject: Assay Documents for review w/attachments (Dated 8/24/2013)
	EX 10521		ADMITTED – Email Meeting Invite – From: Daniel Young; To: Surekha Gangakhedkar et al., Subject: ELISA Validation Plans on Advia (Dated 8/23/2013)

TRIAL DATE: September 21, 2021		REPORTER(S): Irene Rodriguez	CLERK: Adriana M. Kratzmann
PLF	DEFT	TIME	DESCRIPTION
	EX 1522		ADMITTED – Email Meeting Invite – From Daniel Young; Subject: Review ELISA Validation Studies (Dated 8/28/2013)
		11:04 am	Court takes recess 45 mins
		11:57 am	Court in session. Counsel and Defendant present. Jury seated
	CX		Cross examination of W#3 continues by Defense Counsel Lance Wade
	EX 3966		ADMITTED – Email Chain From: Surekha Gangakhedkar; cc'ing Elizabeth Holmes; Subject: Immunoassay on Advia (Dated 9/4/2013)
	EX 10503		ADMITTED – Email: From: S. Balwani; To: Elizabeth Holmes; Subject: Immunoassay Plan w/attachment (Dated 8/24/20213)
	EX 13767		ADMITTED – Email From: Elizabeth Holmes; To Surekha Gangakhedkar; cc: S. Balwani; No Subject – Body of text contains Cytometry and GC LDT validation (Dated 7/13/2013)
	EX 13768		ADMITTED – Email From: Surekha Gangakhedkar; To: Elizabeth Holmes; No Subject – Reference Male Health Cartridge (Dated 7/15/2013)
	EX 13770		ADMITTED – Email From: Surekha Gangakhedkar: To: Emma Liu et al., Subject: MTP Assays (Dated 7/8/2013)
	EX 13769		ADMITTED – Email From: Surekha Gangakhedkar; To: Daniel Young; Subject: Test Protocol for Edison Devices (Dated 7/17/2013)
	EX 3962		ADMITTED – Email From: Surekha Gangakhedkar; To: Sunny Balwani; cc'ing: Elizabeth Holmes; Subject: Upgraded Devices (Dated 9/2/2013)
		12:41pm	Cross examination of W#3 concludes
RD X		12:42pm	Re-direct examination of W#3 begins by Government Counsel Robert Leach

TRIAL DATE: September 21, 2021		REPORTER(S): Irene Rodriguez		CLERK: Adriana M. Kratzmann	
PLF	DEFT	TIME	DESCRIPTION		
EX 3961			ADMITTED – Page 1 and top of page 2 ONLY – Email Chain From: Surekha Gangakhedkar; To: Sivaraman; Subject: Upgraded Devices (9/2/2013) Defendant objected to admission – Court overruled as to Pages 1 and top of Page 2, sustained as to rest of the document		
		12:58pm	W#3 excused		
			Government calls the next witness W#4		
			Witness #4 Dr. Audra Zachman – Sworn		
DX			Direct examination begins of W#4 Audra Zachman by Government Counsel John Bostic		
EX 5410			ADMITTED – Quest Diagnostic, Inc Lab Test Result (Date 9/30/2014)		
EX 2044			ADMITTED – Theranos Lab Test Result (10/2/2014)		
EX 3305			ADMITTED – Quest Diagnostic, Inc. Results (10/6/2014)		
EX 5411			ADMITTED – Quest Diagnostic, Inc. Results (10/8/2014)		
			Government moves to offer W#4 Dr. Zachman as an expert witness Defense has no objection		
			Court designates W#4 as an expert witness		
			Demonstrative Exhibit (Patient HCG Results)		
EX 4242			ADMITTED – Theranos (CORRECTED) Lab Test Result (10/4/2014) – Report Date: 10/8/2014 6:56 pm		
EX 5184			IDENTIFICATION – Email Chain 10/8/2014 Defendant objects to admission of exhibit		

TRIAL DATE: September 21, 2021		REPORTER(S): Irene Rodriguez	CLERK: Adriana M. Kratzmann
PLF	DEFT	TIME	DESCRIPTION
EX 2083			ADMITTED - Email From: Leslie Neville; To: Audra Zachman; Subject: Checking Back (Dated 10/14/2014)
EX 5412			ADMITTED - Email From: Christian; To: Audra Zachman; Subject: Theranos Following-up (10/22/2014)
			Direct examination of W#4 concludes
	CX		Cross examination of W#4 begins by Defense Counsel Katie Trefz
		2:21 pm	Cross examination of W#4 concludes
RD X		2:21 pm	Re-direct examination of W#4 begins by Government Counsel John Bostic
		2:26 pm	W#4 excused
		2:28 pm	Government calls next witness W#5
		2:28 pm	W#5 Brittany Gould – Sworn
DX		2:29 pm	Direct examination of W#5 begins by Government Counsel Robert Leach
			No cross examination by defense of W#5
		2:44 pm	W#5 excused
		2:44 pm	Court admonishes Jury and Jury is excused
		2:45 pm	Court adjourned
			Further Jury Trial scheduled for Wednesday, September 22, 2021 at 9:00 a.m.