

**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: 9/24/2021

Time in Court: 8:30-8:45am, 9:04-10:45am, 11:22am-1:43pm, 2:05-3:04pm

(TOTAL time: 5 hrs. 16 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

Also present: Elizabeth Holmes (Out-custody)

PROCEEDINGS: Jury Trial (Day 10)

Further Jury trial held. Testimony held and evidence entered. Further Jury Trial scheduled for Tuesday, September 28, 2021 at 9:00 a.m.

Please see trial log attached.

The following exhibits are marked for IDENTIFICATION:

Plaintiffs: 939, 3231, 1049, 1157, 1491, 1214, 1432, 1525, 1772, 2188, 4836, 4145, 4147, 4840, 4222, 4228, 1543, 1555, 4116, 4189, 2009, 5397, 2206, 4124, 4127, 1717, 4014, 1828, 4292, 4298, 1953


Defendants: N/A

The following exhibits are ADMITTED into evidence:

Plaintiffs: **939, 3231, 1049, 1157, 1491, 1214, 1432, 1525, 1772, 2188, 4836, 4145, 4147, 4840, 4222, 4228, 1543, 1555, 4116, 4189, 2009, 5397, 2206, 4124, 4127, 1717, 4014, 1828, 4292, 4298, 1953**

Defendants: N/A

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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 24, 2021			REPORTER(S): Irene Rodriguez	CLERK: Adriana M. Kratzmann
PLF	DEFT	TIME	DESCRIPTION	
		8:30 am	Court in session outside presence of Jury – Counsel and Defendant are present	
			Court takes up issue raised by the Government as to next witness and Defense possible objections re testimony	
		8:45 am	Court takes recess	
		9:04 am	Court in session. Counsel and Defendant are present. Jury seated	
			Government calls next witness W#8	
			Adam Rosendorff W#8 – Sworn	
DX		9:05 am	Direct examination of W#8 begins by Government Counsel John Bostic	
EX 939			ADMITTED – Email From: Elizabeth Holmes; To: Adam Rosendorff; No Subject – Confidential – Body of text re micro-cups (Dated 8/3/2013)	
EX 3231			ADMITTED – Email From: E. Holmes (originator); From:N. Haase; To: Rose Edmonds et al. Subject: GC Assay (Dated 8/31/2013)	
EX 1049			ADMITTED – Email From: Adam Rosendorff; To: Elizabeth Holmes; Subject: Concerns About Launch (Dated 8/29/2013)	
EX 1157			ADMITTED – Email Chain From: Daniel Edlin; To: Paul Patel; Subject: Demo tomorrow morning at 10 am (Dated 9/23/2013)	
EX 1491			ADMITTED – Email Chain From: Mark Pandori; To: Max Fosque; Subject: End of Shift Log 1/28 2pm (Dated 1/29/2014)	

TRIAL DATE: September 24, 2021			REPORTER(S): Irene Rodriguez	CLERK: Adriana M. Kratzmann
PLF	DEFT	TIME	DESCRIPTION	
EX 1214			ADMITTED – Email Chain From: S. Balwani; To: Paul Patel et al., Subject: Advia in Normandy (Dated 11/5/2013)	
EX 1432			ADMITTED – Email From: Adam Rosendorff; To: Erika Cheung; Subject: QC for Edisons (Dated 1/15/2014)	
EX 1525			ADMITTED – Email Chain From: Erika Cheung; To: Adam Rosendorff et al., Subject: QC for TSH Failed After Re-Run (Dated 2/10/2014)	
EX 1772			ADMITTED – Email Chain: From Romina Riener; To: Adam Rosendorff; Subject: Update (Dated 6/11/2014)	
		10:45 am	Court takes 30 min recess	
		11:22 am	Court in session. Counsel and Defendant present. Jury seated	
DX			Direct examination resumes of W#8	
EX 2188			ADMITTED – Email From: Sunny Balwani; To: Adam Rosendorff; Subject: Theranos Tests (Dated 11/5/2014)	
EX 4836			ADMITTED – Email Chain From: Samartha Anekal; To: Sunny Balwani and Daniel Young; Subject: hCG precision (Dated: 10/31/2013)	
EX 4145			ADMITTED – Email Chain From: Elizabeth Holmes; To: Sunny Balwani; Subject: OORL Results (5/30/2014)	
EX 4147			ADMITTED – Email Chain From: Adam Rosendorff; To: CLS; Subject: hCG Testing (Dated 5/30/2014)	
EX 4840			ADMITTED – Email Chain From: Amelia Aguirre; To: Romina Riener et al., Subject: Patient Results (Dated 6/12/2014)	
EX 4222			ADMITTED – Email Chain From: Sunny Balwani; To: Elizabeth Holmes; Subject: Customer Issues GM (Dated 9/29/2014)	
EX 4228			ADMITTED – Email Chain From: Sunny Balwani; To: Elizabeth Holmes; Subject: FW: Customer Issue – GM (Dated 9/30/2014)	
EX 1543			ADMITTED – Email Chain From: Adam Rosendorff; To: Sunny Balwani and Daniel Young; Subject: Low HDLs UPDATE (Dated 2/19/2014)	

TRIAL DATE: September 24, 2021			REPORTER(S): Irene Rodriguez	CLERK: Adriana M. Kratzmann
PLF	DEFT	TIME	DESCRIPTION	
EX 1555			ADMITTED – Email Chain From: Adam Rosendorff; To: Sunny Balwani and Daniel Young; Subject: HDL values (Dated 2/21/2014)	
EX 4116			ADMITTED – Email Chain From: Elizabeth Holmes; To: Daniel Young; Subject: FW: CO2 (Bicarbonate) issue (Dated 3/31/2014)	
EX 4189			ADMITTED – Email From: Adam Rosendorff; To: Sunny Balwani; Subject: FW: Voided CO2 Results (Dated 8/27/2014)	
EX 2009			ADMITTED – Email From: Adam Rosendorff; To: Sunny Balwani; Subject: FW: Physician Call Needed Before 4pm (Dated 10/1/2014)	
EX 5397			ADMITTED – Email From: Steve Morin; To: Adam Rosendorff; Subject: Redraw Request (Dated 11/4/2014)	
EX 2206			ADMITTED – Email From: Adam Rosendorff; To: Christian Holmes; Subject: Lab Results Inquiry (Dated 11/15/2014)	
EX 4124			ADMITTED – Email Chain From: Sunny Balwani; To: Elizabeth Holmes; Subject: FW:Dr. Kwatra/Dr. Stamps (Dated 4/7/2014)	
EX 4127			ADMITTED – Email Chain From: Elizabeth Holmes; To: Sunny Balwani; Subject: Re Dr. Kwatra/Dr. Stamps (Dated 4/25/2014)	
		1:43 pm	Court takes recess 20 Mins	
		2:05 pm	Court in session. Counsel and Defendant present. Jury seated	
DX			Direct examination resumes of W#8	
EX 1717			ADMITTED – Email From: Elizabeth Holmes; To: Daniel Young; Subject: ISE Output (Dated 5/10/2014)	
EX 4014			ADMITTED – Email From: Daniel Young; To: Elizabeth Holmes and Sunny Balwani; Subject: CLIA Updates (Dated 10/22/2013)	
EX 1828			ADMITTED – Email Chain From: Sunny Balwani; To: Elizabeth Holmes; Subject: FW Patient Results Since 5/24 for Potassium (Dated 6/28/2014)	
EX 4292			ADMITTED – Email Chain From: Nishit Doshi; To: Sunny Balwani and Daniel Young; Subject: Critical ISEs (Dated 10/27/2014)	

TRIAL DATE: September 24, 2021		REPORTER(S): Irene Rodriguez		CLERK: Adriana M. Kratzmann	
PLF	DEFT	TIME	DESCRIPTION		
EX 4182			IDENTIFICATION – Email Chain Defense objects to admission		
EX 4298			ADMITTED – Email Chain From: Sunny Balwani; To: Elizabeth Holmes; Subject: FW Critical ISEs (Dated 10/28/2014)		
EX 1953			ADMITTED – Email Chain From: Christian Holmes; To: Elizabeth Holmes; Subject: FW Customer Issue – Sikorski (PA) (Dated 9/23/2014)		
		3:00 pm	Court admonishes the Jury and Jury is excused		
		3:01 pm	Court in session outside presence of Jury taking up defense issues re bias of W#8. Court requests counsel to meet and confer re the issue and to contact the Court should a hearing be necessary.		
		3:04 pm	Court adjourns		
			Further Jury Trial scheduled for Tuesday, September 28, 2021 at 9:00 a.m.		