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11 *ChromaDex, Inc.*

12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**
14 **(SOUTHERN DIVISION)**

15
16 ChromaDex, Inc.,
17 Plaintiff,
18 v.
19 Elysium Health, Inc. and Mark Morris,
20 Defendants.

21 _____
22 Elysium Health, Inc.
23 Counterclaimant,

24 v.
25 ChromaDex, Inc.,
26 Counter-Defendant.
27
28

Case No. 8:16-cv-2277-CJC (DFMx)

**JOINT STIPULATION REGARDING A
PORTION OF CHROMADEx, INC.'S
MOTION TO COMPEL FURTHER
RESPONSES FROM ELYSIUM HEALTH,
INC.**

Hon. Douglas F. McCormick

Discovery Cut-Off: April 5, 2019
Pretrial Conference: July 1, 2019
Trial: July 9, 2019

1 **WHEREAS**, on October 23, 2018, ChromaDex, Inc. (“ChromaDex”) filed a
2 Motion to Compel Further Responses From Elysium Health, Inc. (“Elysium”)
3 (collectively with ChromaDex, the “Parties”) requesting that the Court compel Elysium
4 to further respond to ChromaDex’s Request for Production (“Requests”) Nos. 93, 94,
5 95, 96, 97, 98, 100, 101, 129, 130, 141, 143, 144, 145, 146, 148, 149, 150, 151, 152,
6 153, 154, 155, 159, and 160 (ECF 133) (“Motion to Compel”);

7 **WHEREAS**, on November 8, 2018, ChromaDex filed an Unopposed Motion for
8 Leave to File Fifth Amended Complaint (EFC 146);

9 **WHEREAS**, on November 13, 2018, the Court heard ChromaDex’s Motion to
10 Compel and continued the hearing until November 29, 2018 at 9:30 am (ECF 151);

11 **WHEREAS**, on November 27, 2018, the Court granted ChromaDex’s
12 Unopposed Motion to File Fifth Amended Complaint (ECF 152);

13 **WHEREAS**, on November 27, 2018, ChromaDex filed its Fifth Amended
14 Complaint adding additional claims to the action (ECF 153);

15 **WHEREAS**, on November 28, 2018, Elysium served ChromaDex with
16 Amended Responses and Objections to ChromaDex’s Second and Fourth Sets of
17 Requests For Production to Elysium (“Amended Responses”);

18 **WHEREAS**, Elysium’s Amended Responses stated that Elysium would produce
19 documents responsive to Request Nos. 141, 143, 149, 151, 153, 159, and 160, as
20 written;

21 **WHEREAS**, Elysium’s Amended Responses stated that Elysium would produce
22 documents responsive to Request Nos. 100, 101, 144, 154, and 155, as narrowed by the
23 Amended Responses;

24 **WHEREAS**, ChromaDex maintains that it is entitled to the full scope of material
25 that is responsive to Request No. 144 and disagrees with Elysium’s narrowing of the
26 scope of that Request in its Amended Responses;

27 **WHEREAS**, ChromaDex proposes that Elysium substantially complete the
28 production of documents in response to Request Nos. 141, 143, 149, 151, 153, 159, and

1 160, by January 16, 2019, so that the Parties will have a reasonable amount of time to
2 prepare for and begin depositions;

3 **WHEREAS**, Elysium disagrees with the feasibility of ChromaDex’s proposed
4 January 16, 2019, deadline, will use its best efforts to produce documents promptly, and
5 requests until February 8, 2019 to substantially complete the production of documents
6 in response to Request Nos. 141, 143, 149, 151, 153, 159, and 160;

7 **WHEREAS**, on November 29, 2018, the Court denied the Motion to Compel as
8 to Request Nos. 129 and 130, and granted the Motion to Compel as to Request Nos.
9 93, 94, 95, 96, 97, 98, 100, 101, 154, and 155, ordering Elysium to produce documents
10 responsive to the Requests within 21 days (ECF 157);

11 **WHEREAS**, on November 29, 2018, the Court heard the remaining portion of
12 ChromaDex’s Motion to Compel and stated that it would permit the Parties to submit
13 supplemental briefing by December 7, 2018 on the remaining disputes;

14 **NOW, THEREFORE**, ChromaDex and Elysium, by and through their counsel
15 of record, hereby (1) stipulate that the only remaining Requests in dispute subject to
16 ChromaDex’s Motion to Compel are Request Nos. 144, 145, 146, 148, 150, and 152 and
17 Elysium will begin a rolling production of documents in response to Request Nos.
18 141, 143, 149, 151, 153, 159, and 160 within 21 days of the date of this Joint Stipulation;
19 and (2) request that the Court set a deadline for Elysium to substantially complete
20 production of documents in response to Request Nos. 141, 143, 149, 151, 153, 159, and
21 160.

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The Parties expressly reserve all rights and remedies with respect to the pleadings in this action, and each Party agrees to bear its own fees and costs with respect to the matters addressed herein.

IT IS SO STIPULATED.

Dated: December 7, 2018

COOLEY LLP

/s/ Barrett J. Anderson

Barrett J. Anderson

Attorneys for Plaintiff and Counter-Defendant ChromaDex, Inc.

The filer, Barrett J. Anderson, attests that the other signatory listed, on whose behalf the filing is submitted, concurs in the filing's content and has authorized the filing.

Dated: December 7, 2018

BAKER & HOSTETLER LLP

/s/ Kristin L. Keranen

Kirstin L. Keranen

Attorneys for Defendant and Counterclaimant Elysium Health, Inc.