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10  
 11 UNITED STATES DISTRICT COURT  
 12 NORTHERN DISTRICT OF CALIFORNIA  
 13 SAN JOSE DIVISION

14 UNITED STATES OF AMERICA,	)	Case No. CR-18-00258-EJD
15 Plaintiff,	)	<b>REVISED JOINT PROPOSED SCHEDULE OF THE ORDER OF CALL FOR MOTIONS IN LIMINE</b>
16 v.	)	
17 ELIZABETH HOLMES and	)	
18 RAMESH "SUNNY" BALWANI,	)	Hon. Edward J. Davila
19 Defendants.	)	
20	)	

21 **REVISED JOINT PROPOSED SCHEDULE**

22 Defendant Elizabeth A. Holmes and the United States of America, by and through their counsel,  
 23 have met and conferred and respectfully submit this revised joint proposed schedule of the order of call  
 24 for the parties' motions *in limine*.

TUESDAY: MAY 4, 2021		
26 1	<b><u>Dkt. 588</u></b> Mot. 588 Opp. 659 Reply 726	Government's MIL No. 1 to preclude defendant from offering an improper defense of blaming her victims
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1	2	<b><u>Dkt. 588</u></b> Mot. 588 Opp. 659 Reply 726	Government's MIL No. 2 to preclude the defense from referencing punishment in front of the jury
2	3	<b><u>Dkt. 588</u></b> Mot. 588 Opp. 659 Reply 726	Government's MIL No. 3 to preclude an improper advice-of-counsel defense
3	4	<b><u>Dkt. 563</u></b> Mot. 563 Opp. 682 Reply 730	Holmes' MIL to exclude evidence of anecdotal test results and Government's MIL No. 10 to admit relevant testimony from "non-paying" patients witnesses
4		<b><u>Dkt. 588</u></b> Mot. 588 Opp. 659 Reply 726	
5	5	<b><u>Dkt. 561</u></b> Mot. 561 Opp. 660 Reply 705	Holmes' MIL to exclude evidence of fact-percipient witnesses
6	6	<b><u>Dkt. 562</u></b> Mot. 562 Opp. 676 Reply 706	Holmes' MIL to exclude customer impact evidence
7	7	<b><u>Dkt. 569</u></b> Mot. 569 Opp. 670 Reply 712	Holmes' MIL to exclude evidence of alleged violations of industry standards and government regulations
8	8	<b><u>Dkt. 570</u></b> Mot. 570 Opp. 665 Reply 713	Holmes' MIL to exclude Theranos' customer service spreadsheets
9	WEDNESDAY: MAY 5, 2021		
10	1	<b><u>Dkt. 588</u></b> Mot. 588 Opp. 659 Reply 726	Government's MIL No. 4 re government charging decisions
11	2	<b><u>Dkt. 588</u></b> Mot. 588 Opp. 659	Government's MIL No. 5 to preclude defendant from presenting an improper good-faith defense
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1		Reply 726	
2	3	<b><u>Dkt. 560</u></b> Mot. 560 Opp. 668 Reply 704	Holmes' MIL to exclude expert opinion testimony of Dr. Stephen Master
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4	4	<b><u>Dkt. 574</u></b> Mot. 574 Opp. 675 Reply 717  <b><u>Dkt. 588</u></b> Mot. 588 Opp. 659 Reply 726	Holmes' MIL to exclude evidence of CMS survey findings and sanctions and Government's MIL No. 6 to admit CMS Form-2567
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6	5	<b><u>Dkt. 572</u></b> Mot. 572 Opp. 673 Reply 715	Holmes' MIL to exclude evidence of remedial measures and settlements
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8	6	<b><u>Dkt. 573</u></b> Mot. 573 Opp. 674 Reply 716	Holmes' MIL to exclude FDA inspection evidence
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10	7	<b><u>Dkt. 575</u></b> Mot. 575 Opp. 677 Reply 718	Holmes' MIL to exclude evidence relating to Theranos' interactions with government regulatory agencies
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19			THURSDAY: MAY 6, 2021
20	1	<b><u>Dkt. 567</u></b> Mot. 567 Opp. 663 Reply 710	Holmes' MIL to exclude evidence concerning wealth, spending, and lifestyle
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22	2	<b><u>Dkt. 566/576</u></b> Mots. 566 & 576 Opps. 672 & 666 Replies 709 & 719	Holmes' MILs to exclude evidence of Theranos' trade secrets practices and to exclude evidence and argument concerning third-party testing platforms
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25	3	<b><u>Dkt. 578</u></b> Mot. 578 Opp. 667 Reply 721	Holmes' MIL to exclude certain news articles
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28	4	<b><u>Dkt. 565</u></b>	Holmes' MIL to exclude evidence of bad acts and

1	Mot. 565 Opp. 662 Reply 708	false or misleading statements by Theranos agents and employees and Government's MIL No. 8 to admit statements by Theranos and Theranos employees and agents offered by the Government
2	<b><u>Dkt. 588</u></b> Mot. 588 Opp. 659 Reply 726	
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6	5 <b><u>Dkt. 564</u></b> Mot. 564 Opp. 661 Reply 707	Holmes' MIL to exclude certain Rule 404(b) evidence for lack of expert support
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9	6 <b><u>Dkt. 588</u></b> Mot. 588 Opp. 659 Reply 726	Government's MIL No. 7 to admit text messages between Defendant and Balwani offered by the Government
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12	7 <b><u>Dkt. 588</u></b> Mot. 588 Opp. 659 Reply 726	Government's MIL No. 8 to exclude self-serving hearsay statements made and offered by Defendant
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14	8 <b><u>Dkt. 588</u></b> Mot. 588 Opp. 659 Reply 726	Government's MIL No. 11 for an order to produce reverse Jencks including any <i>in camera</i> proffers
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18 Ms. Holmes is not requesting oral argument on the following motions, but counsel will of course  
19 answer any questions that the Court may have with respect to the motions.

20	1 <b><u>Dkt. 568</u></b> Mot. 568 Opp. 664 Reply 711	Holmes' MIL to exclude evidence and argument by the government as to the purported inaccuracy or unreliability of tests not identified in the Bill of Particulars
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23	2 <b><u>Dkt. 571</u></b> Mot. 571 Opp. 671 Reply 714	Holmes' MIL to exclude evidence of settlements
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26	3 <b><u>Dkt. 577</u></b> Mot. 577 Opp. 678 Reply 720	Holmes' MIL to exclude evidence of alleged blaming and vilifying of competing companies and journalists
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DATED: February 26, 2021

Respectfully Submitted,

/s/ Amy Mason Saharia  
AMY MASON SAHARIA  
Attorney for Elizabeth Holmes

DATED: February 26, 2021

STEPHANIE M. HINDS  
Attorney for the United States,  
Acting Under Authority Conferred  
By 28 U.S.C. § 515

/s/ Robert Leach  
ROBERT S. LEACH  
JEFF SCHENK  
JOHN C. BOSTIC  
VANESSA BAEHR-JONES  
Assistant United States Attorneys

**CERTIFICATE OF SERVICE**

I hereby certify that on February 26, 2021, a copy of this filing was delivered via ECF on all  
counsel of record.

/s/ Amy Mason Salaria  
AMY MASON SAHARIA  
Attorney for Elizabeth Holmes

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