

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

**TITLE: *UNITED STATES v. RAMESH SUNNY BALWANI*
CASE NUMBER: 5:18-CR-00258-2 EJD**

Minute Order and Trial Log

Date: March 23, 2022

Time in Court: 9:03-9:34 AM ; 9:52-11:13 AM; 11:48-1:23 PM; 1:59-3:19 PM

(TOTAL Time: 4 hrs, 47 min)

Courtroom Deputy Clerk: Cheré Robinson

Court Reporter: Irene Rodriguez

APPEARANCES:

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

Also present: Agent – Chris McCollow
Paralegal – Maddi Wachs

Defendant Attorney(s) present: Jeffrey Coopersmith, Amy Walsh, Stephen Cazares,
Shawn Estrada, Aaron Brecher, Molly McCafferty

Also present: Paralegal – Jennifer Cygnor

Also present: Ramesh Sunny Balwani (out-of-custody)

PROCEEDINGS:

Jury Trial (Day 8):

Jury Trial held March 23, 2022. Testimony held and evidence entered. Further Jury Trial set for March 30, 2022, at 9:00 AM

See attached Trial Log.

The following exhibits were identified and offered:

Plaintiffs: 1160, 1227, 1287, 1289, 1323, 1431, 1512, 1548, 1589, 1587, 1633, 1662, 2567,
5387H

Defendants: 224, 1557, 9368, 9603DD, 9909, 9925, 10029, 10224, 20020, 20029, 20043

The following exhibits are admitted into evidence:

Plaintiffs: 1227, 1287, 1323, 1431, 1512, 1548, 1589, 1587, 1633, 1662, 2567, 5387H

Defendants: 1557, 9368, 9909, 9925, 10224, 20020, 20029, 20043

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HONORABLE EDWARD J. DAVILA

Case Name: *United States v. Ramesh Sunny Balwani*

Case No: 5:18- CR-00258-2 EJD

TRIAL LOG

| TRIAL DATE: March 23, 2022 | | REPORTER(S): Irene Rodriguez | CLERK: Cheré Robinson |
|----------------------------|------|---------------------------------|--|
| PLF | DEFT | TIME | DESCRIPTION |
| | | 9:03 am | Jury enters Courtroom |
| | | 9:04 am | Court in session; Jury present |
| | | 9:06 am | Witness #1 - Erika Cheung seated; testimony continues |
| Ex. 1227 | | 9:08 am | Government offers Ex. 1237 |
| EX 1227 | | 9:09 am | ADMITTED into Evidence – Nov. 2013 Email String re New Daily Demo Schedule |
| EX 1289 | Obj | 9:32 am | OFFERED. Withdrawn and reserved |
| | | 9:34 am | Jury departs Courtroom; Witness #1 departs Courtroom |
| | | 9:52 am | Court in session; Jury present |
| | | | Witness #1 Erika Cheung present; testimony continues |
| EX 1287 | | | ADMITTED into Evidence – Nov. 2013 Email String re QC Controls for Vit. D |
| EX 1323 | | 10:14 am | ADMITTED into Evidence – Dec. 2013 Email String re QCs failing with updated Range |
| EX 1431 | | 10:22 am | ADMITTED into Evidence – Jan. 2014 Email String re QC for EDISONS |
| EX 1512 | | 10:34 am | ADMITTED into Evidence – Feb. 2014 Email String re SOPs for EDISON Total T4, Total T3, Testosterone, FSH |
| Ex 1548 | | 10:41 am | ADMITTED into Evidence – Feb. 2014 Email String re Proficiency spreadsheet, and Attachment |
| EX 1589 | | 10:50 am | ADMITTED into Evidence – Feb. 2014 Email String re New QC measure for Edisons |

| TRIAL DATE: March 23, 2022 | | REPORTER(S): Irene Rodriguez | CLERK: Cheré Robinson |
|----------------------------|----------|---------------------------------|---|
| PLF | DEFT | TIME | DESCRIPTION |
| EX 1587 | Obj | 10:57 am | Government offers Exhibit 1587 |
| | | 10:58 am | Witness questioned to lay foundation |
| EX 1587 | | 11:00 am | ADMITTED into Evidence (as business record) – Feb. 2014 Email String re 3.5 Readers |
| EX 1633 | | 11:02 am | ADMITTED into Evidence – Mar. 2014 Email String re Failed QC |
| | | 11:13 am | Court breaks for 35 min |
| | | 11:48 am | Court in session; Jury present |
| | | | Witness #1 Erika Cheung present; testimony continues |
| EX 1160 | Obj | 12:01 | OFFERED |
| | | 12:03 pm | Objection sustained. |
| EX 1662 | | 12:04 pm | ADMITTED into Evidence – Apr. 2014 Email String re Follow up to previous discussion |
| EX 2567 | Obj | 12:08 | OFFERED |
| EX 2567 | Obj | 12:10 pm | ADMITTED with limitation (Exhibit not offered for truth of matter; admitted only to indicate receipt of letter by witness) – 2015-06-26 Boies Schiller & Flexner LLP Letter to Erika Cheung re potential litigation |
| EX 5387H | | 12:15 pm | ADMITTED into Evidence – Misc. text messages |
| | | 12:43 pm | Defense cross-examination begins |
| | EX 20043 | 12:30 pm | ADMITTED into Evidence – Dec. d2013 Email String re Reassignment to CLIA |
| Obj | EX 10224 | 12:38 pm | ADMITTED with limited – Curriculum Vitae of Sharada Sivaraman, Ph.D. |
| | EX 20020 | 12:41 pm | ADMITTED into evidence – 10/14/2013 Theranos Offer Letter to Erika Cheung |
| | EX 20029 | 12:47 pm | ADMITTED into evidence – Theranos, Inc. At Will Employment, Confidential Information and Invention Assignment Agreement |

| TRIAL DATE: March 23, 2022 | | REPORTER(S): Irene Rodriguez | CLERK: Cheré Robinson |
|----------------------------|-----------|---------------------------------|---|
| PLF | DEFT | TIME | DESCRIPTION |
| | EX 1557 | 1:01 pm | ADMITTED into Evidence – 2014-02-22 Pandori Email to Cheung re Task Assignments; and Attachment |
| | EX 9925 | 1:09 pm | ADMITTED into Evidence – Theranos Standard Operating Procedure – CLIA Laboratory |
| Obj | EX 10029 | 1:14 pm | OFFERED; Court sustains objection |
| | | 1:23 pm | Court recesses for 36 min |
| | | 1:15 pm | Court in session; Jury Present |
| | | | Witness #1 Erika Cheung present; testimony continues |
| Obj | EX 7603DD | 2:01 pm | OFFERED. Court sustains objection. Withdrawn and preserved for later use |
| Obj | EX 9909 | 2:05 pm | OFFERED. |
| | | 2:06 pm | Court directs counsel to lay further foundation |
| Obj | EX 9909 | 2:12 pm | ADMITTED into Evidence – 06/09/2011 Theranos Quality Operating Procedure – CLIA Laboratory |
| Obj | EX 9368 | 2:19 pm | ADMITTED into Evidence – Theranos TSH – ELISA Assay Validation Report on Edison 3.X Theranos System |
| Obj | EX 224 | 2:25 pm | OFFERED. |
| | | 2:57 pm | Jury departs Courtroom. Witness #1 Erika Cheung release for day; testimony to continue |
| | | | Court in session out of presence of Jury and Witnesses |
| | | 3:19 pm | Court is adjourned |
| | | | Further Jury Trial scheduled for March 30, 2022, at 9:00 AM |