

**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: April 19, 2022

Time in Court: 8:34-9:13 AM; 9:18-11:48 AM; 12:26-2:16 PM; 2:38-4:24 PM
(TOTAL Time: 6 hrs, 45 min)

Courtroom Deputy Clerk: Cheré Robinson
Court Reporter: Irene Rodriguez

APPEARANCES:

Plaintiff Attorney(s) present: Jeffrey Schenk, John Bostic
Also present: Paralegals – Maddi Wachs; Sara Slattery

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

Also present: Paralegal – Jennifer Cygnor
Also present: Ramesh Sunny Balwani (out-of-custody)

PROCEEDINGS:

Motion Hearing and Jury Trial (Day 19):

Motion Hearing: 39 min. (8:34-9:13 AM)

Hearing on [1401] Defendant's Motion to Allow Cross-Examination Relating to Dr. Adam Rosendorff's Post-Theranos Employment, and [1406] Defendant's Motion Curative Instruction on Theranos Devices Sent to Walgreens. Argument of Counsel heard.

Jury Trial: 6 hrs, 6 min. (9:18-11:48 AM; 12:26-2:16 PM; 2:38-4:24 PM)

Jury Trial held April 19, 2022. Testimony held and evidence entered.
Further Jury Trial set for April 20, 2022, at 9:00 AM.

See attached Trial Log.

The following exhibits were identified and offered:

Plaintiffs: 617, 966, 1113, 1254, 1387, 3755, 1711, 1755, 1884, 1896, 1909, 2214, 2275
Defendants: 20531, 20531, 20553, 20432, 20432, 1673, 1708, 20234, 1861, 20228, 1891

The following exhibits are admitted into evidence:

Plaintiffs: 617, 966, 1113, 1254, 1387, 3755, 1711, 1755, 1884, 1896, 1909, 2214, 2275
Defendants: 20531, 20532, 20432, 1673, 1708, 20234, 1861, 20228, 1891

**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: April 19, 2022		REPORTER(S): Irene Rodriguez	CLERK: Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION
		8:34 AM	Court in session outside of presence of Jury and witness
			Hearing held on [1401] Defendant's Motion to Allow Cross-Examination Relating to Dr. Adam Rosendorff's Post-Theranos Employment, and [1406] Defendant's Motion Curative Instruction on Theranos Devices Sent to Walgreens
		9:13 AM	Motion hearing concludes; further hearing on [1401]
		9:18 AM	Court in session in presence of Jury.
			Court addresses Jury re previous admonishment and potential trial scheduling
		9:20 AM	Witness #7 Nimesh Jhaveri sworn and takes the Witness Stand.
		9:21 AM	Government begins direct examination of Nimesh Jhaveri
		9:33 AM	Ex. 372 – Previously Admitted
617		9:43 AM	ADMITTED into Evidence: 2012-06-05 Amended and Restated Theranos Master Service Agreement (Walgreens/Theranos)
966		10:08 AM	ADMITTED into Evidence (adding pp. 7 and 8 to previously admitted Exhibit 966A): 2013-08-14 Young Email to C. Holmes, Edlin, E. Holmes, Balwani, Blickman re demo results 8_13_2013 - pp. 7-8 – 2013-08-13 Theranos Test Report Technology Demonstration (Nimesh Jhaveri)
		10:12 AM	Ex. 957 – Previously Admitted
1113		10:15 AM	ADMITTED into Evidence: 2013-09-09 Theranos/Walgreens Press Release, <i>Theranos Selects Walgreens as a Long-Term Partner Through Which to Offer Its New Clinical Laboratory Service</i>

TRIAL DATE: April 19, 2022		REPORTER(S): Irene Rodriguez	CLERK: Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION
1254		10:20 AM	ADMITTED into Evidence (body content admitted not for truth of matter, but for limited purpose of knowledge and intent of Mr. Balwani): 2013-11-18 Balwani Email to Rosan and Wasson re Theranos post from SingularityHub, and body re linked article: <i>Small, Fast and Cheap, Theranos Is the Poster Child of Med Tech – and It's in Walgreens</i> , SINGULARITYHUB.COM, http://singularityhub.com/2013/11/18/small-fast-and-cheap-theranos-is-the-post-child-of-med-tech-and-its-in-walgreens/
1387		10:27 AM	ADMITTED into Evidence: 2013-12-31 Amended and Restated Theranos Master Services Agreement (Theranos/Walgreens)
3755		10:35 AM	ADMITTED into Evidence: 2010-12-17 – 2014-03-05 Walgreens Program Charter: Diagnostic Testing re Theranos Bloodtesting Services
1711		10:46 AM	ADMITTED into Evidence – 2014-03/14, 2014 05-06 Jhaveri Meeting Invite, and Haworth Email re Diagnostic Testing Executive Steering Committee Slide Deck, and attachment – Walgreens Presentation entitled <i>Diagnostic Testing – Theranos Partnership</i> , Executive Steering Committee Meeting, May 6, 2014
1755		11:03 AM	ADMITTED into Evidence: 2014-06-03 Haworth Email re 5/28 Walgreens-Theranos Partnership Meeting Minutes and Action Items, and attachment – Partnership Meeting Minutes 05-8-2014.docx
1884		11:06 AM	ADMITTED into Evidence: 2014-08-11 Haworth Email re REVISED 8/6 Walgreens-Theranos Partnership Meeting Minutes & Slide Deck, and attachments – Partnership Meeting Minutes 08-06-2014.pdf; Partnership Meeting Minutes 08-06-2014.docx; Theranos Walgreens Partnership Meeting August 2014 final.pptx
1896		11:08 AM	ADMITTED into Evidence: 2014-08-15 Nimesh Email to Balwani and Kozlowski re Thoughts and Goals
1909		11:13 AM	ADMITTED into Evidence: 2014-08-21 Jhaveri/Balwani Email String re Topics for Discussion
2214		11:17 AM	ADMITTED into Evidence: 2014-11-18 Haworth Email re 11/18 Walgreens/Theranos Partnership Meeting Agency & Slide Deck
2275		11:20 AM	ADMITTED into Evidence: 2014-12-08 Jhaveri Email to Balwani re Contract and Other Topics
		11:27 AM	Ex. 5387H – Previously admitted
		11:47 AM	Government completes direct examination of Nimesh Jhaveri
		11:48 AM	Jury and witness exit Courtroom

TRIAL DATE: April 19, 2022		REPORTER(S): Irene Rodriguez	CLERK: Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION
		11:48 AM	Court takes break for 38 minutes.
		12:26 PM	Court in session in presence of Jury
		12:27 PM	Defense begins cross-examination of Nimesh Jhaveri
Obj	20531	12:43	Offered into Evidence
			Further Foundation to be laid
	20531	12:44 PM	ADMITTED into Evidence: 2013-11-19 Email String re Hopkins – Please read
	20532	12:51 PM	ADMITTED into Evidence: Dec 2015-Jan 2016 Email String re Attorney/Client Privilege Hopkins – Walgreens Follow Up, and attachment JHU-Theranos Meeting Minutes.pdf re 4/27/2010 meeting
Obj	20553	1:05 PM	Offered into Evidence
			Objection sustained. Further foundation to be laid
Obj		1:08 PM	Re-Offered.
			Sustained
			Ex. 372 – Previously admitted
		1:25 PM	Ex. 1113 – Previously admitted
	20432	1:34 PM	ADMITTED into Evidence: 2013-11-13 Walgreens/Theranos Press Release - <i>Theranos and Walgreens Expand Diagnostic Lab Theranos and Walgreens Expand Diagnostic Lab Testing to the Phoenix Metropolitan Area</i>
		1:38 PM	Ex. 3741A – Previously admitted
		1:40 PM	Ex. 1387 – Previously admitted
	1673	1:51 PM	ADMITTED into Evidence: 2014-04-15 Jhaveri Email re Diagnostic Testing - Live in 10 stores in Phoenix!!
	1708	1:55 PM	ADMITTED into Evidence: 5/6/2014 Balwani/Jhaveri Email String re details about vp vs fs
		1:59 PM	Ex. 1711 – Previously admitted

TRIAL DATE: April 19, 2022		REPORTER(S): Irene Rodriguez	CLERK: Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION
	20234	2:12 PM	ADMITTED into Evidence: 2014-05-23/05-24 Email String re Wave 3 Site Survey Findings
		2:16 PM	Court takes break for 22 minutes
		2:38 PM	Court in session in presence of Jury and Witness
			Defense continues cross-examination of Nimesh Jhaveri
		2:41 PM	Ex. 1755 – Previously admitted
	1861	2:56 PM	ADMITTED into Evidence: 2014-07-10 Haworth Email re 7/10 Walgreens-Theranos Partnership Meeting Minutes & Action Items, and attachment – Partnership Meeting Minutes
	20228	3:11 PM	ADMITTED into Evidence: July 2014 Balwani/Wasson/Jhaveri Email String re couple of quick update
			Ex. 1884 – Previously admitted
	1891	3:53 PM	ADMITTED into Evidence: Aug 2014 Balwani/Jhaveri Email String re store build out
		3:59 PM	Court admonishes Jury before departure
			Jury and Witness Nimesh Jhaveri released for day; Juror #8 remains
		4:00 PM	Court Seals Courtroom, and in session with Counsel and Juror #8
		4:07 PM	Juror #8 released for day
			Court in session with Counsel outside of presence of Jurors and Witnesses to discuss housekeeping matters
		4:24 PM	Court adourned
			Jury Trial Continued to April 20, 2022, at 9:00 AM