

# **Exhibit 5**

1 UNITED STATES DISTRICT COURT  
2 CENTRAL DISTRICT OF CALIFORNIA  
3 WESTERN DIVISION  
4

5 CHROMADEx, INC., )

6 PLAINTIFF, ) CASE NO.

) 16-02277-CJC- (DFMx)

7 vs. )

8 ELYSIUM HEALTH, INC., AND )  
9 MARK MORRIS, )

10 DEFENDANTS. )

11 \_\_\_\_\_ )  
12 AND RELATED CROSS-ACTIONS. )  
13 \_\_\_\_\_ )

14 \* \* \* ATTORNEYS' EYES ONLY \* \* \*

15 VIDEOTAPED DEPOSITION OF  
16 CHROMADEx'S 30(B)(6) WITNESS THOMAS VARVARO  
17 TAKEN WEDNESDAY, MAY 8, 2019  
18 LOS ANGELES, CALIFORNIA  
19  
20  
21  
22  
23

24 Reported by Audra E. Cramer, CSR No. 9901  
Job No. 160326  
25

1 sell NR to any prospective customer?

2 MR. ANDERSON: Objection. Asked and  
3 answered.

4 THE WITNESS: Every customer was a  
5 unique situation.

6 BY MR. SACCA:

7 Q. Were there any factors that would be  
8 disqualifying for ChromaDex to sell NR to any  
9 particular potential customer?

10 A. I'm sure there were.

11 Q. Can you --

12 A. I don't recall what those would have --  
13 on any individual customer would have been.

14 Q. Do you recall ChromaDex declining to  
15 sell NR to any potential customers?

16 A. I don't recall specifically, but we  
17 might have.

18 Q. Who was authorized to make the decision  
19 whether ChromaDex would sell NR to any  
20 particular customer?

21 MR. ANDERSON: Objection. Outside the  
22 scope.

23 THE WITNESS: Depending on what time  
24 frame, it was different individuals.

25 Mark Morris was in charge of the sales

1 team, and he would bring customers, and he had  
2 authorization to make those sales.

3 At some point when Will Black took  
4 over, I'm sure he had similar authority.

5 BY MR. SACCA:

6 Q. Do you recall when ChromaDex made its  
7 first shipment of NR to any customer?

8 A. I do not.

9 Q. But it was sometime in 2013?

10 A. I'd have to see the shipping records.

11 Q. Do you recall when was the first time  
12 any ChromaDex NR customer sold finished  
13 products?

14 A. I do not.

15 Q. Do you recall what year it was?

16 A. It would have been -- depending on when  
17 it was sold in '13, it could have been '13. It  
18 could have been 2014.

19 Q. How would you determine when  
20 ChromaDex's customers first sold NR-containing  
21 finished products?

22 A. You'd have to go ask the customers.

23 Q. Did you -- did ChromaDex keep track of  
24 its -- when its customers were selling in the  
25 market?

1 STATE OF CALIFORNIA )  
2 COUNTY OF LOS ANGELES ) SS.

3

4 I, AUDRA E. CRAMER, CSR No. 9901, in and for the  
5 State of California, do hereby certify:

6 That, prior to being examined, the witness named  
7 in the foregoing deposition was by me duly sworn to  
8 testify the truth, the whole truth and nothing but the  
9 truth;

10 That said deposition was taken down by me in  
11 shorthand at the time and place therein named, and  
12 thereafter reduced to typewriting under my direction,  
13 and the same is a true, correct and complete transcript  
14 of said proceedings;

15 I further certify that I am not interested in the  
16 event of the action.

17 Witness my hand this 20th day of May,  
18 2019.

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23

AUDRA E. CRAMER

24

Reporter for the

25

State of California