

Exhibit G



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By Email

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725 Twelfth Street, N.W.
Washington, DC 20005

Re: *United States v. Holmes & Balwani*, CR 18-258 EJD

Dear Counsel,

I write in response to your March 23, 2020 letter. The government's Rule 404(b) notices are sufficient and satisfy the requirements of the local rule. Our March 6, 2020 letter in particular provides sufficient detail such that the Court may rule on the admissibility of the proffered evidence. We dispute any claim that you are surprised by any of the matters set forth in the March 6, 2020 letter. We have sent you no fewer than sixteen discovery letters since July 2018 stating: "The government also hereby gives notice that it may seek to introduce the other crimes, wrongs or acts committed by defendant which are referenced in the enclosed documents pursuant to Rules 404(b), 608 and/or 609 of the Federal Rules of Evidence." We also dispute any claim that the government's Rule 404(b) disclosures significantly or unexpectedly "expand" the case. Indeed, much of the March 6, 2020 letter and the matters set forth below are not properly considered 404(b) evidence but instead are disclosed out of an abundance of caution and to avoid surprise about the government's intentions. By providing this disclosure, the government is not conceding that the evidence described below (or previously) is admissible only under the provisions of Rule 404(b). The government may also assert that this evidence is admissible as direct evidence of the charged conduct, that it is inextricably intertwined with the events charged in the operative Indictment, that it shows a continuing course of conduct otherwise admissible under Rules 401 and 402, or that it simply is not subject to Rule 404(b).

With that in mind, we supplement our prior disclosures as follows:

False and misleading representations directed at insured patients.

The government may call the following individuals: [REDACTED]

[REDACTED] Their prior statements have been produced to you or are attached. The government may elicit testimony from them as set forth in such statements. The government may offer as exhibits the documents attached to and/or referenced in such prior statements, as well as records produced in discovery relating to tests Theranos performed for such insured patients (or ordered by their physicians) and/or complaint logs, including, without limitation:

SEC-USAO-EPROD-000715459
SEC-USAO-EPROD-000772753
SEC-USAO-EPROD-000853289
SEC-USAO-EPROD-000877519
SEC-USAO-EPROD-000877524
SEC-USAO-EPROD-000877573
SEC-USAO-EPROD-001283843
SEC-USAO-EPROD-001357766
SEC-USAO-EPROD-002185369
SEC-USAO-EPROD-002185371
SEC-USAO-EPROD-002190318
THPFM0004992347
TS-0231006
TS2-0000002

SEC-USAO-EPROD-002756209

US-FDA-0035497
US-FDA-0035498
US-FDA-0035499
US-FDA-0035500
US-FDA-0035501
US-FDA-0035502
US-FDA-0040555
SEC-USAO-EPROD-000402791
SEC-USAO-EPROD-000957089
SEC-USAO-EPROD-001257940
SEC-USAO-EPROD-001258104
SEC-USAO-EPROD-001266264
SEC-USAO-EPROD-001266297
SEC-USAO-EPROD-001274832
SEC-USAO-EPROD-001756237
SEC-USAO-EPROD-002702412
SEC-USAO-EPROD-003080215
SEC-USAO-EPROD-003985757

SEC-USAO-EPROD-003985822
SEC-USAO-EPROD-004870058

SEC-USAO-EPROD-000388965
SEC-USAO-EPROD-000402267
SEC-USAO-EPROD-000402268
SEC-USAO-EPROD-000402269
SEC-USAO-EPROD-000404900
SEC-USAO-EPROD-000563810
SEC-USAO-EPROD-000841020
SEC-USAO-EPROD-000950922

SEC-USAO-EPROD-000950923
SEC-USAO-EPROD-001349287
SEC-USAO-EPROD-001354559
SEC-USAO-EPROD-002319700
SEC-USAO-EPROD-006000512
SEC-USAO-EPROD-002573419
THER-1491275
THER-1491276

SEC-USAO-EPROD-000881245

SEC-USAO-EPROD-000879453
SEC-USAO-EPROD-000997304
SEC-USAO-EPROD-001289817
SEC-USAO-EPROD-002101857
SEC-USAO-EPROD-002383092
SEC-USAO2-EPROD-000177859
THPFM0003755688
THPFM0003826459
THPFM0004069370
THPFM0004509162
THPFM0004545609
THPFM0004653568

SEC-USAO-EPROD-000656798
SEC-USAO-EPROD-000400993
SEC-USAO-EPROD-000564319
SEC-USAO-EPROD-000656798
SEC-USAO-EPROD-002756209
SEC-USAO-EPROD-003070238
SEC-USAO-EPROD-004601915

THPFM0000018472

False and misleading representations directed at doctors.

The government may call the following individuals: [REDACTED]

[REDACTED] Their prior statements have been produced to you or are attached. The government may elicit testimony from them as set forth in such statements. The government may offer as exhibits the documents attached to and/or referenced in such interview reports, as well as records produced in discovery memorializing representations to doctors, including, without limitation:

TS-1078095
TS-1076614-16
THPFM0000003941
THPFM0002747643
THPFM0005008026
SEC-USAO-EPROD-000638580
TS-1124314
THPFM0003759724
THPFM0003759624
THPFM0000555315
THPFM0000958955
THPFM0000147443
THPFM0000204033

False and misleading representations made to Theranos's Board of Directors.

The government may call the following individuals from Theranos' board: Riley Bechtel, David Boies, William Frist, Henry Kissinger, Richard Kovacevich, James Mattis, Sam Nunn, William Perry, Channing Robertson, Gary Roughead, Robert Shapiro, and George Shultz. Any prior statements to the government, and any known prior statements in the PFM, Colman, Arizona class action, or SEC proceedings, have been produced to you. The government may elicit testimony from them as set forth in such statements. The government may offer as exhibits the documents attached to and/or referenced in such prior statements as well as records produced in discovery memorializing misrepresentations or relating to board members, including, without limitation:

PFM-DEPO-00010593-785
PFM-DEPO-00014157-14227
PFM-DEPO-00011053
PFM-GJ-00000926
SEC-USAO-EPROD-000009206
SEC-USAO-EPROD-000009214
SEC-USAO-EPROD-000009399
SEC-USAO-EPROD-000010407
SEC-USAO-EPROD-000012357
SEC-USAO-EPROD-000017769
SEC-USAO-EPROD-000027830

SEC-USAO-EPROD-000027998
SEC-USAO-EPROD-000032043
SEC-USAO-EPROD-000048468
SEC-USAO-EPROD-000048795
SEC-USAO-EPROD-000049227
SEC-USAO-EPROD-000050361
SEC-USAO-EPROD-000050812
SEC-USAO-EPROD-000051124
SEC-USAO-EPROD-000066325
SEC-USAO-EPROD-000066358
SEC-USAO-EPROD-000066368
SEC-USAO-EPROD-000066488
SEC-USAO-EPROD-000070593
SEC-USAO-EPROD-000070623
SEC-USAO-EPROD-000070643
SEC-USAO-EPROD-000070646
SEC-USAO-EPROD-000070661
SEC-USAO-EPROD-000128843
SEC-USAO-EPROD-000128929
SEC-USAO-EPROD-000129052
SEC-USAO-EPROD-000130080
SEC-USAO-EPROD-000429472
SEC-USAO-EPROD-002055775
SEC-USAO-EPROD-002629438
SEC-USAO-EPROD-002629781
SEC-USAO-EPROD-002629788
SEC-USAO-EPROD-002629796
SEC-USAO-EPROD-002629816
SEC-USAO-EPROD-002629820
SEC-USAO-EPROD-002629831
SEC-USAO-EPROD-002629843
SEC-USAO-EPROD-002629858
SEC-USAO-EPROD-002642562
SEC-USAO-EPROD-002642572
SEC-USAO-EPROD-002642580
SEC-USAO-EPROD-002642600
SEC-USAO-EPROD-003440256
SEC-USAO-EPROD-003441064
SEC-USAO-EPROD-003441405
SEC-USAO-EPROD-003966821
SEC-USAO-EPROD-004887198
SEC-USAO-EPROD-004888406
SEC-USAO-EPROD-004888426
SEC-USAO-EPROD-005786938
SEC-USAO-EPROD-006000464
SEC-USAO-EPROD-006021872

SEC-USAO2-EPROD-000009903
SEC-USAO2-EPROD-000009911
SEC-USAO2-EPROD-000009919
SEC-USAO2-EPROD-000009928
SEC-USAO2-EPROD-000010968
SEC-USAO2-EPROD-000012225
THER-0325204
THER-0335524
THER-0335796
THER-0335871
THER-0337106
THER-0337130
THER-0337131
THER-0337132
PFM-DEPO-00010632.
PFM-DEPO-00010789.
PFM-DEPO-00010792.
PFM-DEPO-00010643-57 & 793
PFM-DEPO-00010798
PFM-DEPO-00010801
PFM-DEPO-00010802
PFM-DEPO-00010814
PFM-DEPO-00010733
PFM-DEPO-00011002
PFM-DEPO-00011015
PFM-DEPO-00011017
PFM-DEPO-00011080
PFM-DEPO-00011098
PFM-DEPO-00011088
PFM-DEPO-00014176
PFM-DEPO-00014178, 181
PFM-DEPO-00014183,-84
PFM-DEPO-00014186-87
PFM-DEPO-00014196-9799, 14220-21
PFM-DEPO-00014199
SEC-USAO-EPROD-001193899

False and misleading representations made to Walgreens.

The government may call the following individuals from Walgreens: Dan Doyle, Nimesh Jhaveri, Wade Miquelon, Kim Romanski, and Jay Rosen. Any prior statements to the government, and any known prior statements in the PFM, Colman, Arizona class action, or SEC proceedings, have been produced to you. The government may elicit testimony from them as set forth in such statements. The government may offer as exhibits the documents attached to and/or referenced in such prior statements as well as records produced in discovery memorializing misrepresentations or relating to Walgreens, including, without limitation:

THER-2436909-45
WAG-TH-DOJ-00021950-988
WAG-TH-DOJ-00021948
WAG-TH_00010182; SEC-TX-000001925-1926
THER-AZ-06326446-500; TS-0906360-414
WAG-TH-00012056-65
WAG-TH-DOJ-00024875-77
WAG-TH-DOJ-00000005-47
WAG-TH-DOJ-00001745-63
WAG-TH-DOJ-00000181-210
WAG-TH-DOJ-00002825-36
PFM-DEPO-00018573
WAG-TH-00006788
WAG-TH-00006801
WAG-TH-00006827
WAG-TH-00002500-WAG-TH-00002514
WG002257-WG002259
WAG-TH-DOJ-00000040
WAG-TH-DOJ-00001748
SEC-TX-000001511
WAG-TH-00006788
WAG-TH-00006792
WAG-TH- 00009707
WAG-TH-00000216
WAG-TH-00006827
WAG000319

False and misleading representations made to Safeway.

The government may call the following individuals: Steve Burd and Robert Gordon. Any prior statements to the government, and any known prior statements in the PFM, Colman, Arizona class action, or SEC proceedings, have been produced to you. The government may elicit testimony from them as set forth in such statements. The government may offer as exhibits the documents attached to and/or referenced in such prior statements as well as records produced in discovery memorializing misrepresentations and relating to Safeway, including, without limitation:

PFM-DEPO-00017581
SEC-TX-000003066
SEC-USAO-EPROD-000016526
SEC-USAO-EPROD-000016615
SEC-USAO-EPROD-000016617
SEC-USAO-EPROD-000016667
SEC-USAO-EPROD-000016732
SEC-USAO-EPROD-000016742

SEC-USAO-EPROD-000016743
SEC-USAO-EPROD-000016745
SEC-USAO-EPROD-000016746
SEC-USAO-EPROD-000016756
SEC-USAO-EPROD-000016774
SEC-USAO-EPROD-000016776
SEC-USAO-EPROD-000016779
SEC-USAO-EPROD-000016783
SEC-USAO-EPROD-000016790
SEC-USAO-EPROD-000016792
SEC-USAO-EPROD-000016803
SEC-USAO-EPROD-000016804
SEC-USAO-EPROD-000016806
SEC-USAO-EPROD-000016810
SEC-USAO-EPROD-000016831
SEC-USAO-EPROD-000016850
SEC-USAO-EPROD-000035825
SEC-USAO-EPROD-000036124
SEC-USAO-EPROD-000036142
SEC-USAO-EPROD-000055893
SEC-USAO-EPROD-000122112
SEC-USAO-EPROD-000122116
SEC-USAO-EPROD-000122138
SEC-USAO-EPROD-000122157
SEC-USAO-EPROD-000122171
SEC-USAO-EPROD-000122203
SEC-USAO-EPROD-000122204
SEC-USAO-EPROD-000122217
SEC-USAO-EPROD-000122331
SEC-USAO-EPROD-000122498
SEC-USAO-EPROD-000122718
SEC-USAO-EPROD-000122823
SEC-USAO-EPROD-000122912
SEC-USAO-EPROD-000122928
SEC-USAO-EPROD-000122929
SEC-USAO-EPROD-000122930
SEC-USAO-EPROD-000122934
SEC-USAO-EPROD-000122934
SEC-USAO-EPROD-000124996
SEC-USAO-EPROD-000125159
SEC-USAO-EPROD-000125163
SEC-USAO-EPROD-000132870
SEC-USAO-EPROD-000403646
THPFM0005638605
THPFM0005638609
THPFM0005638615

THPFM0005638641
PFM-DEPO-00017722
PFM-DEPO-00017746
PFM-DEPO-00017807
PFM-DEPO-00017819
PFM-DEPO-00017821
PFM-DEPO-00017852
PFM-DEPO-00017853

False and misleading representations made to journalists.

The government may call the following individuals: Dan Edlin, Roger Parloff, Caitlin Roper, and Eric Topol. Any prior statements to the government, and any known prior statements in the PFM, Colman, Arizona class action, or SEC proceedings, have been produced to you. The government may elicit testimony from them as set forth in such statements. The government may offer as exhibits the documents attached to and/or referenced in such prior statements as well as records produced in discovery memorializing representations to journalists, including, without limitation:

All documents Bates numbered PARLOFF including all recordings produced by Roger Parloff
Article, Wired, What health care needs is a real-time snapshot of you, Daniela Hernandez 11/6/2013
Article, Fortune, New blood, Roger Parloff, June 2014
Article, Forget Vials of Blood - New Tests Require Just One Drop: How a Stanford Dropout is revolutionizing the blood-testing industry, Liana Aghajanian
Article, Brand Channel, Breakthrough branding: Theranos, with Walgreens, Revolutionizes Healthcare, Sheila Shayon, 2/3/2015
Article, CNN, She's America's youngest female billionaire - and a dropout, 10/16/2014
Article, Wall Street Journal, Elizabeth Holmes: The Breakthrough of Instant Diagnosis, Joseph Rago, 9/8/13
Article, PR Newswire, Elizabeth Holmes, visionary silicon valley entrepreneur and passionate advocate.... 2015 Horatio Alger Award, 12/4/2014
Article, Economist, Holmes is where the heart is, 6/27/2015
Article, Singularity Hub Small fast and cheap Theranos is the poster child of med tech - and it's at Walgreens, Cameron Scott, 11/19/2013
Article & Video, Medscape Creative Disruption? She's 29 and Set to Reboot Lab Medicine - Elizabeth Holmes Plans to revolutionize testing by using tiny blood draws and offering near-instantaneous results, Eric Topol 11/18/2013
Video, Betting big on lab tests, 11/27/2013
Article, Wired, One drop infinite data, Caitlin Roper, March 2015
Theranos Twitter 11/2/2015
Article, The New Yorker, Ken Aueletta, Blood, Simpler, December 8, 2014
9/2014: Holmes TEDMED interview
10/8/2014: Holmes interview at Fortune Most Powerful Women
12/8/2014: Holmes interview at Fortune Most Power Women

4/16/2015: Holmes on CBS News
4/27/2015: Holmes Interview with Jim Cramer
6/3/2015: Holmes Interview with Charlie Rose
9/30/2015: Holmes Interview with Bill Clinton
10/15/2015: Holmes on Mad Money (Jim Cramer)
10/21/2015: Holmes interview with WSJ (Jonathan Krim).
11/2/2015: Holmes interview with Fortune (Alan Murray)
2016: Today show interview

All articles/videos/media referenced in the government's bill of particulars

SEC-USAO-EPROD-000972051

SEC-USAO-EPROD-000972062

SEC-USAO-EPROD-000990339

SEC-USAO-EPROD-000990

SEC-USAO-EPROD-001204430

SEC-USAO-EPROD-000000343

SEC-USAO-EPROD-000000362

Fostering culture of secrecy and forcing employees and others to sign non-disclosure agreements.

The government may call the following individuals: Brad Arrington, David Boies, Sarah Cabayan, Erika Cheung, Michael Craig, Andrea Cuppoletti, Diana Dupuy, Dan Edlin, Surekha Gangakhedkar, Christian Holmes, Stefan Hristu, Heather King, Seth Michelson, Wade Miquelon, Roger Parloff, Channing Robertson, Mona Ramamurthy, Jan Reed, Kim Romanski, Jay Rosen, Adam Rosendorff, Callie Rosendin, Tyler Shultz, Daniel Young, and David Zatlan. Any prior statements to the government, and any known prior statements in the PFM, Colman, Arizona class action, or SEC proceedings, have been produced to you. The government may elicit testimony from them as set forth in such statements. The government may offer as exhibits the documents attached to and/or referenced in such prior statements as well as records produced in discovery memorializing Holmes and Balwani's fostering a culture of secrecy and forcing employees and others to sign NDAs, including, without limitation:

PFM-DEPO-00000335

PFM-DEPO-00000708

PFM-DEPO-00001061

PFM-DEPO-00001147

PFM-DEPO-00001153

PFM-DEPO-00001164

PFM-DEPO-00001207

PFM-DEPO-00001209

PFM-DEPO-00001211

PFM-DEPO-00004743

PFM-DEPO-00005457

Restricting access to laboratory areas within Theranos.

The government may call the following individuals: Sarah Cabayan, Erika Cheung, Andrea Cuppoletti, Sunil Dhawan, Diana Dupuy, Dan Edlin, Christian Holmes, Kerry Elenatinba-Johnson, Tony Nugent, Jan Reed, Kim Romanski, Adam Rosendorff, and Daniel Young. Any prior statements to the government, and any known prior statements in the PFM, Colman, Arizona class action, or SEC proceedings, have been produced to you. The government may elicit testimony from them as set forth in such statements. The government may offer as exhibits the documents attached to and/or referenced in such prior statements as well as records produced in discovery memorializing or relating to restricting access to laboratory areas within Theranos.

Harassing, threatening, or otherwise influencing doctors or patients who had negative experiences with Theranos.

The government may call the following individuals: David Boies, [REDACTED]. Any prior statements to the government, and any known prior statements in the PFM, Colman, Arizona class action, or SEC proceedings, have been produced to you. The government may elicit testimony from them as set forth in such statements. The government may offer the as exhibits the documents attached to and/or referenced in such prior statements as well as records produced in discovery memorializing harassment, threats, or other influence of doctors or patients who had negative experiences with Theranos.

Threatening, influencing, or vilifying journalists in response to negative coverage of Theranos.

The government may call the following individuals: David Boies, Brooke Buchanan, Nimesh Jhaveri, Heather King, Rupert Murdoch, and Roger Parloff. Any prior statements to the government, and any known prior statements in the PFM, Colman, Arizona class action, or SEC proceedings, have been produced to you. The government may elicit testimony from them as set forth in such statements. The government may offer as exhibits the documents attached to and/or referenced in such prior statements as well as records produced in discovery memorializing threats, influence, or vilification of journalists in response to negative coverage with Theranos, including, without limitation:

SEC-USAO-EPROD-002487614
THER-2507775
SEC-USAO-EPROD-000536645
SEC-USAO-EPROD-000034936
SEC-USAO-EPROD-000034937
SEC-USAO-EPROD-000536602
SEC-USAO-EPROD-001045197

Blaming and vilifying competing companies.

The government may call the following individuals: Nimesh Jhaveri, Wade Miquelon, Roger Parloff, Suraj Suksena, and Serena Stewart. Any prior statements to the government, and any known prior statements in the PFM, Colman, Arizona class action, or SEC proceedings, have been produced to you. The government may elicit testimony from them as set forth in such statements. The government may offer as exhibits the documents attached to and/or referenced in such prior statements as well as records produced in discovery memorializing Theranos' blaming and/or vilifying other companies, including, without limitation:

SEC-USAO-EPROD-002757301

Threatening or intimidating employees and former employees.

The government may call the following individuals: Sarah Cabayan, Erika Cheung, Andrea Cuppoletti, Surekha Gangakhedkar, Rochelle Gibbons, Christian Holmes, Kerry Elenatinoba-Johnson, Seth Michaelson, Tony Nugent, Mona Ramamurthy, Callie Rosendin, Adam Rosendorff, Tyler Shultz, Daniel Young, and David Nathan Zalatan. Any prior statements to the government, and any known prior statements in the PFM, Colman, Arizona class action, or SEC proceedings, have been produced to you. The government may elicit testimony from them as set forth in such statements. The government may offer as exhibits the documents attached to and/or referenced in such prior statements as well as records produced in discovery memorializing threats or intimidation of employees or former employees, including, without limitation:

PFM-DEPO-00000335
PFM-DEPO-00000708
PFM-DEPO-00001061
PFM-DEPO-00001147
PFM-DEPO-00001153
PFM-DEPO-00001164
PFM-DEPO-00001207
PFM-DEPO-00001209
PFM-DEPO-00001211
PFM-DEPO-00004743
PFM-DEPO-00005457

False and misleading representations made to FDA, CMS, CDPH, and other regulatory organizations.

The government may call the following individuals: Sarah Bennett, Erica Cheung, Sunil Dhawan, Heather King, Courtney Lias, Eileen Norkin, Mark Pandori, Adam Rosendorff, Tyler Shultz, Gary Yamamoto, and Daniel Young. Any prior statements to the government, and any known prior statements in the PFM, Colman, Arizona class action, or SEC proceedings, have been produced to you. The government may elicit testimony from them as set forth in such statements. The government may offer as exhibits the documents attached to and/or referenced

in such prior statements as well as records produced in discovery memorializing representations to and efforts to conceal information from regulators, including, without limitation:

SEC-USAO2-EPROD-000070971
TS-1133080
THPFM0001203524-532
THPFM0004381689
THPFM0000154254
TS-0999042
THPFM0000154254
CTRL-DHAWAN-00009861

Violations of industry standards and government regulations or rules regarding research and development procedures, medical devices and clinical laboratory practices.

The government may call the following individuals: Sarah Bennett, Erica Cheung, Sunil Dhawan, Max Fosque, Heather King, Courtney Lias, Mark Pandori, Adam Rosendorff, Tyler Shultz, Gary Yamamoto, and Daniel Young. Any prior statements to the government, and any known prior statements in the PFM, Colman, Arizona class action, or SEC proceedings, have been produced to you. The government may present expert testimony on this matter, which has been disclosed to you separately and is incorporated by reference. The government may offer as exhibits the documents attached to and/or referenced in such prior statements as well as records produced in discovery memorializing violations of industry standards and other regulations, including, without limitation:

CMS' report on its 2015 inspection and findings and correspondence with Theranos
Sanctions imposed by CMS on Theranos arising from the 2015 inspection
TS-1036460
THPFM0000965933
THPFM0001944964

Altering or tampering with third-party medical devices.

The government may call the following individuals: Sarah Bennett, Jeff Blickman, Erika Chung, Sunil Dhawan, Dan Edlin, Richard Fernandez, Max Fosque, Sam Gong, Christian Holmes, Mark Pandori, Adam Rosendorff, and Daniel Young. Any prior statements to the government, and any known prior statements in the PFM, Colman, Arizona class action, or SEC proceedings, have been produced to you. The government may elicit testimony from them as set forth in such statements. The government may offer as exhibits the documents attached to and/or referenced in such prior statements as well as records produced in discovery memorializing altering or tampering with third-party medical devices, including, without limitation:

SEC-TX-000005300
SEC-TX-000005285
SEC-USAO-EPROD-000666750

TS-0958390
TS-0959027
TS-0959090

Multiplexing test results and disregarding outliers to mask inconsistency.

The government may call the following individuals: Sarah Bennett, Erika Chung, Sunil Dhawan, Max Fosque, Arnold Gelb, Christian Holmes, Mark Pandori, Adam Rosendorff, and Daniel Young. Any prior statements to the government, and any known prior statements in the PFM, Colman, Arizona class action, or SEC proceedings, have been produced to you. The government may elicit testimony from them as set forth in such statements. The government may present expert testimony on this matter, which has been disclosed to you separately and is incorporated by reference. The government may offer as exhibits the documents attached to and/or referenced in such prior statements as well as records produced in discovery memorializing multiplexing test results and disregarding outliers to mask inconsistency, including, without limitation:

THPFM0001388582
THPFM0001389956

Improperly setting and altering reference ranges.

The government may call the following individuals: Sarah Bennett, Erika Chung, Sunil Dhawan, Max Fosque, Arnold Gelb, Christian Holmes, Mark Pandori, Adam Rosendorff, and Daniel Young. Any prior statements to the government, and any known prior statements in the PFM, Colman, Arizona class action, or SEC proceedings, have been produced to you. The government may offer as exhibits the documents attached to and/or referenced in such prior statements as well as records produced in discovery memorializing improperly setting and/or altering reference ranges, including, without limitation:

THPFM0000057384
THPFM0000195849
THPFM0000829808
SEC-USAO-EPROD-000648943
SEC-USAO-EPROD-006313786

Withholding critical test results and other important information from doctors and patients.

The government may call the following individuals: Sarah Bennett, Sunil Dhawan, Max Fosque, Arnold Gelb, Christian Holmes, Mark Pandori, Adam Rosendorff, and Daniel Young. Any prior statements to the government, and any known prior statements in the PFM, Colman, Arizona class action, or SEC proceedings, have been produced to you. The government may elicit testimony from them as set forth in such statements. The government may offer as exhibits the documents attached to and/or referenced in such prior statements as well as records produced

in discovery memorializing withholding of critical test results and other important information from doctors and patients, including, without limitation:

THPFM0000277608
THPFM0000277617
THPFM0000017786
TS-1078326
PFM-DEPO-00018911
SEC-USAO-EPROD-000648962
SEC-USAO-EPROD-000650279
SEC-USAO-EPROD-000674427
SEC-USAO-EPROD-000935411
SEC-USAO-EPROD-000935416
SEC-USAO-EPROD-001186148
SEC-USAO-EPROD-001754657
SEC-USAO-EPROD-001898294
SEC-USAO-EPROD-001906221
SEC-USAO-EPROD-004138487
SEC-USAO-EPROD-006000464
THER-0293804

Declining to conduct or agree to meaningful comparative tests.

The government may call the following individuals: David Boies, Skip Burris, William Clarke, Toby Cosgrove, Henry Kissinger, Kandice Marchant, Roger Parloff, Meredith Potter, and Dee Ann Smith. Any prior statements to the government, and any known prior statements in the PFM, Colman, Arizona class action, or SEC proceedings, have been produced to you. The government may elicit testimony from them as set forth in such statements. The government may offer as exhibits the documents attached to and/or referenced in such prior statements as well as records produced in discovery demonstrating Theranos agreeing but ultimately declining to conduct meaningful comparative tests, including, without limitation:

SCRI_001864
SCRI_001291
CCF000000967-970
THPFM0001777415-436
CCF000000208-217
CF000000003-13
CCF000001002
CCF000000257-258
BOIES_THERANOS_0000143
CCF000000950-951
CCF000000952-954
CCF000000750-766
THPFM0000350174-181
TS-0055135

CCF000000801-803
TGPS00004008
THPFM0000416534-536
CCF000000014-60
THPFM0000556435
THPFM0004816765-69
THPFM0004816797
SEC-USAO-EPROD-000070593
SEC-USAO-EPROD-000070623
SEC-USAO-EPROD-000070643
SEC-USAO-EPROD-000070661
SEC-USAO-EPROD-000070646
Video: Elizabeth Holmes October 15, 2015 appearance on *Mad Money*

Decommissioning Theranos's Laboratory Information System database.

The government may call David Taylor, Eric Caddenhead, and/or a custodian of records from the Theranos assignee.

Obtaining personal benefit from position at Theranos.

The government may call the following individuals: Carolyn Balkenhol, Brooke Buchanan, Lisa Durkin, Dan Edlin, Season Flores, Kendra Fadil, Christian Holmes, Heather King, Patrick O'Neill, Callie Rosendin, Tyler Shultz, Dee Ann Smith, and Denise Yam. Any prior statements to the government, and any known prior statements in the PFM, Colman, Arizona class action, or SEC proceedings, have been produced to you. The government may elicit testimony from them as set forth in such statements. The government may offer as exhibits the documents attached to and/or referenced in such prior statements as well as records produced in discovery memorializing benefits defendant Holmes received, including, without limitation:

PFM-ROGS-00000040
SEC-USAO-EPROD-000000003
SEC-USAO-EPROD-002795076
SEC-USAO-EPROD-001314378
SEC-USAO-EPROD-001314378
SEC-USAO-EPROD-001176349
SEC-USAO-EPROD-001175694
SEC-USAO-EPROD-001175665
SEC-USAO-EPROD-001206267
SEC-USAO-EPROD-001205348
SEC-USAO-EPROD-001205336
SEC-USAO-EPROD-001082330
SEC-USAO-EPROD-001205225
SEC-USAO-EPROD-001205215
SEC-USAO-EPROD-006053567
SEC-USAO-EPROD-000705421

SEC-USAO-EPROD-000723875
SEC-USAO-EPROD-001198532
SEC-USAO-EPROD-001205188
SEC-USAO-EPROD-001205162
SEC-USAO-EPROD-001043591
SEC-USAO-EPROD-001204256
SEC-USAO-EPROD-001204258
SEC-USAO-EPROD-001204223
SEC-USAO-EPROD-001204153
SEC-USAO-EPROD-001203150
SEC-USAO-EPROD-001202724
SEC-USAO-EPROD-001212249
SEC-USAO-EPROD-001314171
SEC-USAO-EPROD-001202480
SEC-USAO-EPROD-002150649
SEC-USAO-EPROD-002625245
SEC-USAO-EPROD-002787868
SEC-USAO-EPROD-003188132
SEC-USAO-EPROD-005053153
US-FDA-0038921
SEC Investigative Testimony Exhibit 210
Theranos' general ledger and tax returns

Concealing the romantic relationship between Holmes and Balwani from investors and others.

The government may call the following individuals: Peter Anderson, Jeff Blickman, Davis Boies, Mark Campbell, Dan Edlin, Alan Eismann, William Frist, Brian Grossman, Chris Lucas, Craig Hall, Jared Hutchings, Heather King, Henry Kissinger, Dan Mosley, James Mattis, Tony Nugent, Roger Parloff, William Perry, Lisa Peterson, Callie Rosendin, Gary Roughead, George Shultz, Brian Tolbert, and Lisa Zuckerman. Any prior statements to the government, and any known prior statements in the PFM, Colman, Arizona class action, or SEC proceedings, have been produced to you. The government may elicit testimony from them as set forth in such statements. The government may offer as exhibits the documents attached to and/or referenced in such prior statements as well as records produced in discovery relating to the concealment of the romantic relationship between Holmes and Balwani, including, without limitation:

SEC-USAO-EPROD-005800653
SEC-USAO2-EPROD-000041814
SEC-USAO2-EPROD-000041815
SEC-USAO-EPROD-000068053
SEC-USAO-EPROD-000068054
SEC-TX-000003320

The government reserves the right to introduce additional evidence covered by its previous disclosures, and further reserves the right to amend this notice in advance of trial based on its continuing investigation and trial preparation.

Very truly yours,

ADAM A. REEVES
Attorney for the United States,
Acting Under Authority Conferred
By 28 U.S.C. § 515

/s/

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Assistant United States Attorneys

Cc Jeffrey Coopersmith, Esq. (by email)