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January 29, 2020

BY ECF

The Honorable Colleen McMahon
Chief U.S. District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: In re Elysium Health-ChromaDex Litigation,
Case No. 1:17-cv-7394 (CM)

Dear Judge McMahon:

I am writing on behalf of Elysium Health, Inc. (“Elysium”) to inform the Court about a change in Elysium’s legal representation in the above-captioned action and another separate action between the parties.¹

As Your Honor is aware, the parties in the above-captioned action are also parties in an ongoing action in the United States District Court for the Central District of California. *See ChromaDex, Inc. v. Elysium Health, Inc. and Mark Morris*, Case No. 8:16-cv-02277-CJC-DFM (C.D. Cal.) (Carney, J.) (the “California Action”). Earlier this month, my law firm Kaplan Hecker & Fink LLP (“KHF”) was retained by Elysium to replace its lead counsel in the California Action, and on January 23, 2020, KHF attorneys, including my partners Roberta A. Kaplan and Gabrielle E. Tenzer, appeared *pro hac vice* in that action. KHF will serve as lead counsel for Elysium at trial in the California Action, which is now scheduled to begin on May 12, 2020, per the January 22, 2020 order issued by Judge Carney attached as Exhibit A.

Earlier today, Craig B. Whitney from the law firm of Frankfurt Kurnit Klein & Selz PC entered an appearance on behalf of Elysium before Your Honor in the above-captioned action (the “New York Action”). Also today, I entered an appearance on behalf of Elysium in the New York Action. We are, of course, aware of your longstanding relationship with Ms. Kaplan, and in an abundance of caution, we wanted to provide notice that I intend to serve as counsel for Elysium in

¹ We expect that Elysium’s counsel at Baker & Hostetler LLP will soon file a motion to withdraw pursuant to Local Rule 1.4.

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the New York Action. Although other KHF attorneys may also be appearing in the New York Action on behalf of Elysium, Ms. Kaplan and Ms. Tenzer do not intend to do so. While we do not believe that KHF's appearance in the New York Action creates any conflict that would necessitate action pursuant to the Second Circuit's guidance in *In re FCC*, 208 F.3d 137, 139 (2d Cir. 2000), we wanted to apprise Your Honor of KHF's appearance. We note that I, while a partner at KHF, have previously appeared before Your Honor in a separate matter. *See United States v. Robinson*, No. 12 Cr. 445 (CM), ECF Nos. 764, 765.

We thank the Court for its consideration of this matter.

Respectfully submitted,

/s/ Sean Hecker

Sean Hecker

cc: Counsel of Record (*via* ECF)