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VIA ECF

March 20, 2020

Honorable Lewis J. Liman
United States District Court
Southern District of New York
500 Pearl St.
New York, NY 10007-1312

Re: In re Elysium Health-ChromaDex Litigation, No. 17 Civ. 7394 (LJL)

Dear Judge Liman,

We represent Plaintiff ChromaDex, Inc. (“ChromaDex”) in the above-referenced matter. We respectfully submit this letter jointly with Defendant Elysium Health, Inc. (“Elysium”), pursuant to Paragraph 3 of Your Honor’s COVID-19 Emergency Individual Practices, to request a four-month extension of all deadlines in this matter in light of the COVID-19 outbreak.

The following deadlines have been set by the operative Civil Case Management Plan and Scheduling Order (“Case Management Plan”) entered on March 21, 2019, ECF No. 77, as extended by the Court on August 22, 2019, ECF No. 92:

- Completion of Fact Depositions – April 11, 2020
- Initial Expert Disclosures – April 25, 2020
- Rebuttal Expert Disclosures – May 25, 2020
- Completion of Expert Depositions – June 20, 2020
- Completion of All Discovery – June 20, 2020
- Submission of Joint Pretrial Order – August 28, 2020

As set forth more fully in the parties’ February 28, 2020 joint status letter, ECF No. 142, the parties have made document productions pursuant to the February 24, 2020 document discovery deadline. Since that time, the parties have been reviewing the respective productions, met and conferred to address specific issues related thereto, engaged in third-party discovery, and exchanged a list of party witnesses for deposition scheduling.

However, due to the restrictions on movement that have been instituted to address the COVID-19 pandemic, it has become clear that the parties will not be able to go forward with depositions at this time. We note that the parties, counsel, and many of the deposition witnesses are located in New York City and the Los Angeles metropolitan area, which have in place restrictive social distancing measures, with local officials advising of even more restrictive

measures in the coming days and weeks.¹ Additionally, given current projections, these restrictions are likely to be in place beyond the April 11, 2020 fact deposition deadline, and possibly beyond the June 20, 2020 discovery completion deadline.

In light of the foregoing, the parties respectfully request an extension of all remaining deadlines. The parties would continue to engage in non-deposition discovery while COVID-19 restrictions remain in place.

The Court has granted one prior extension of the Case Management Plan deadlines. *See* ECF No. 92. A request for a further extension made by Elysium on February 14, 2020, ECF No. 129, was denied. Should the Court grant this request, the deadlines in the Case Management Plan would be modified as follow:

	Current Deadline	Proposed Deadline
Completion of Fact Depositions	April 11, 2020	August 11, 2020
Initial Expert Disclosures	April 25, 2020	August 25, 2020
Rebuttal Expert Disclosures	May 25, 2020	September 25, 2020
Completion of Expert Depositions	June 20, 2020	October 20, 2020
Completion of All Discovery	June 20, 2020	October 20, 2020
Submission of Joint Pretrial Order	August 28, 2020	December 23, 2020

The parties thank the Court for its consideration of this request.

Sincerely,

s/ Joe H. Tuffaha

Joe H. Tuffaha

CC: Via ECF to Counsel of Record

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¹ As of the date of this letter, California has a statewide shelter-in-place mandate in effect, and Governor Cuomo has ordered similar statewide restrictions in New York.