

1 STEPHANIE M. HINDS (CABN 154284)  
Acting United States Attorney

2 HALLIE HOFFMAN (CABN 210020)  
3 Chief, Criminal Division

4 JEFF SCHENK (CABN 234355)  
JOHN C. BOSTIC (CABN 264367)  
5 ROBERT S. LEACH (CABN 196191)  
KELLY I. VOLKAR (CABN 301377)  
6 Assistant United States Attorneys

7 150 Almaden Boulevard, Suite 900  
San Jose, California 95113  
8 Telephone: (408) 535-5061  
9 Fax: (408) 535-5066  
Robert.Leach@usdoj.gov

10 Attorneys for United States of America

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN JOSE DIVISION

14 UNITED STATES OF AMERICA,	)	Case No. 18-CR-00258 EJD
15 Plaintiff,	)	UNITED STATES' PROPOSED
16 v.	)	JURY QUESTIONNAIRE
17 ELIZABETH HOLMES,	)	Trial Date: August 31, 2021
18 Defendant.	)	Court: Hon. Edward J. Davila
19 _____	)	

20 The United States hereby respectfully submits its Proposed Jury Questionnaire.

21 If the Court decides to employ the Proposed Jury Questionnaire, the United States does not see a  
22 need to submit specific *voir dire* questions. The United States respectfully recommends that the Court  
23 ask its customary *voir dire* questions, follow up questions the Court deems appropriate based on the  
24 questionnaire responses and the Court's *voir dire*, and questions addressing any possible Rule 12.2  
25 defense. The United States also respectfully requests that, following the Court's *voir dire*, the Court  
26 permit counsel for both sides to conduct limited individual *voir dire*, as appropriate, to follow up on (1)  
27 significant responses in the written questionnaires, or (2) responses given to the Court's *voir dire*.

1           Should the Court decline to administer, or substantially revise, the proposed questionnaire, the  
2 government requests the opportunity to submit additional *voir dire* questions.

3 DATED: May 27, 2021

Respectfully submitted,

4           STEPHANIE HINDS  
5           Acting United States Attorney

6           *Robert S. Leach*

7           \_\_\_\_\_  
8           JEFF SCHENK  
9           JOHN C. BOSTIC  
10          ROBERT S. LEACH  
11          KELLY I. VOLKAR  
12          Assistant United States Attorneys

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,	)	Case No. 18-CR-00258 EJD
	)	
Plaintiff,	)	<b>JUROR QUESTIONNAIRE</b>
	)	
v.	)	
ELIZABETH HOLMES,	)	
	)	
Defendant.	)	
	)	
_____	)	

You have been summoned by this Court for jury selection. The case for which you have been summoned for jury selection is a criminal case entitled *United States v. Elizabeth Holmes*. In this case, the defendant, Elizabeth Holmes, is charged with wire fraud and conspiracy to commit fraud. The indictment alleges that Ms. Holmes was the Chief Executive Officer (“CEO”) of Theranos, Inc., which was in the blood testing business. The indictment alleges that the defendant and Ramesh “Sunny” Balwani, Theranos’ Chief Operating Officer (“COO”) and President, engaged in a scheme, plan, and artifice to defraud investors in Theranos and paying customers of Theranos. The charges are only allegations and not evidence. The defendant has entered a plea of not guilty to all of the charges in the case and is presumed to be innocent. It will be the responsibility of the government, through the trial, to prove those charges beyond a reasonable doubt.

As part of the jury selection process, each of you must complete this juror questionnaire. The questions on this form are asked to assist the Court and the attorneys in the jury selection process for this trial. This questionnaire is designed to obtain information about your background as it relates to your possible service as a fair and impartial juror in this case. Its use will avoid the necessity of asking each prospective juror every one of these questions in open Court.

Unless the question states otherwise, the fact that a particular question is asked does not imply that the subject matter of the question is an issue in this case. As you read the questions, you are not to draw any inferences about the issues that must be decided in this case. The questions are not meant to invade your privacy but to help select a fair and impartial jury for this case.

If there is any reason why you might not be able to give both sides a fair trial in this case, it is important to say so. Please answer each question as fully as you can. Your complete honesty is essential. Do not leave any questions blank. If a question does not apply to you in any way, write “N/A” (for “not applicable”), rather than leaving the form blank. If you do not understand the question, please write that in the space for the answer. If you feel the answer is too personal, please say so in the space provided. You will have the opportunity to discuss your answer privately. If you do not understand a question, need more space for your response, or wish to make further comments about any question, please use the extra sheets attached at the end of the questionnaire. If you use the explanation sheets, please make sure to indicate which numbered question you are answering.

**You are instructed not to discuss this case or questionnaire with anyone, including your family or fellow jurors. It is also important that you do not engage in any research such as searching for stories or reports on the internet.** Your answers are confidential. They will be reviewed by the Judge and the lawyers in this case. Following jury selection, the original questionnaire will be kept under seal and will be disclosed, if at all, with names and other identifying information removed.

Upon completion, please sign your name on the last page where indicated. You are expected to sign your questionnaire, and your answers will be given the same effect as a statement given to the Court under oath.

Dated: \_\_\_\_\_

\_\_\_\_\_  
HON. EDWARD J. DAVILA  
United States District Judge

**JUROR QUESTIONNAIRE**  
**UNITED STATES V. ELIZABETH HOLMES**

1. NAME: \_\_\_\_\_ Dr. Mr. Mrs. Ms. Miss Age: \_\_\_\_\_

2. Residence: County: \_\_\_\_\_ City/Town: \_\_\_\_\_ Neighborhood: \_\_\_\_\_  
[Do not list your street address]

How long have you lived at that location? \_\_\_\_\_

Your place of birth: \_\_\_\_\_

Do you own or rent your home? Rent \_\_\_\_\_ Own \_\_\_\_\_ Other \_\_\_\_\_

What other communities have you lived in during the last ten years? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

3. If called to serve as a juror, how will you commute to the courthouse? \_\_\_\_\_

4. What is your marital status? (Please Circle)

Single Married Separated Divorced Widowed Live with a partner

5. What is your current job status?

\_\_\_\_\_ Working full-time \_\_\_\_\_ Unemployed

\_\_\_\_\_ Working part-time \_\_\_\_\_ Homemaker

\_\_\_\_\_ Retired \_\_\_\_\_ Full-time student

\_\_\_\_\_ Disabled

6. What is your occupation? [PLEASE NOTE: If you are currently not employed, retired, disabled or a homemaker, please describe your most recent prior employment]

a. What is your occupation (or what was it, if not currently employed)?

\_\_\_\_\_

b. By whom are (were) you employed? \_\_\_\_\_

c. How long have (did) you worked there? \_\_\_\_\_

d. Please describe the nature of your job. \_\_\_\_\_

e. Do (Did) you supervise other people? Yes \_\_\_\_\_ No \_\_\_\_\_ If so, how many? \_\_\_\_\_

7. During the course of your working life have you changed careers or occupations and, if so, what?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. Have you ever had a job which was considered management? Yes \_\_\_\_\_ No \_\_\_\_\_  
If Yes, how many people did you manage?

9. What is the highest level of education you completed? \_\_\_\_\_

10. Please describe your educational background:

School Name

Major areas of study

Degrees received

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11. Have you taken any courses or had training in law, legal procedure, or administration of justice?  
Yes \_\_\_\_\_ No \_\_\_\_\_ If Yes, please explain:

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12. Have you taken in courses or had training in business, finance, investing, medicine, medical devices,  
or blood or lab testing?  
Yes \_\_\_\_\_ No \_\_\_\_\_ If Yes, please explain:

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13. Have you worked for an entity or held a job that involved investing, medicine, medical devices, or  
blood or lab testing?  
Yes \_\_\_\_\_ No \_\_\_\_\_ If Yes, please explain:

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14. Please complete the following questions regarding your **present spouse** or **partner**. If you are  
widowed, divorced or separated, please answer all the following questions regarding your **former  
spouse/partner**.

Current employment status:

- Working full-time
- Working part-time
- Retired
- Disabled
- Unemployed
- Homemaker
- Full-time student

a. What is his/her occupation (or what was it, if retired or unemployed or disabled)?

\_\_\_\_\_

b. By whom is (was) s/he employed? \_\_\_\_\_

How long has (did) s/he worked there? \_\_\_\_\_

c. Please describe the nature of his/her job? \_\_\_\_\_

\_\_\_\_\_

d. What other types of jobs has s/he had in the past? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

15. What is the highest level of education s/he completed? \_\_\_\_\_

Please describe her/his educational background, including vocational school(s) and/or college(s) attended:

<u>School Name</u>	<u>Major areas of study</u>	<u>Degrees received</u>
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\_\_\_\_\_

\_\_\_\_\_

16. What are/were your parents' and/or stepparents' occupations? (If retired or deceased, what did they do?)

Mother: \_\_\_\_\_ Father: \_\_\_\_\_

Stepmother: \_\_\_\_\_ Stepfather: \_\_\_\_\_

17. If you have children, please state:

<u>Sex</u>	<u>Age</u>	<u>Education</u>	<u>Occupation</u>
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\_\_\_\_\_

\_\_\_\_\_

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18. If other adults live in your home in addition to those already you already described above, please state:

Relationship                      Sex                      Age                      Education                      Occupation

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19. Have you, your current spouse/partner, or your child ever served in the military? Yes \_\_\_ No \_\_\_

If yes, please list for:                      You                      Spouse, Partner, or Child

Branch of service:                      \_\_\_\_\_                      \_\_\_\_\_

Combat:                      Yes \_\_\_                      No \_\_\_                      Yes \_\_\_                      No \_\_\_

20. Please list your main sources of news – including newspapers, television and radio stations or programs, internet sites, and conversations with others:

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21. Do you watch, read, or listen to financial news? If so, how often and from what source?

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22. Please list all groups and organizations you belong to or participate in, such as community neighborhood groups, volunteer activities, crime prevention groups, etc.

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23. Do you have any condition that would affect your ability to hear testimony from witnesses at trial?  
 Yes\_\_\_\_ No\_\_\_\_ If Yes, please explain:

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24. Have you ben vaccinated against COVID-19 or are you scheduled to be vaccinated?  
 Yes\_\_\_\_ No\_\_\_\_

25. Have you already contracted COVID-19? Yes\_\_\_\_ No\_\_\_\_

If Yes, are you fully recovered (no symptoms) and have you received a negative test result since recovering? Yes\_\_\_\_ No\_\_\_\_

26. If called to serve as a juror, how concerned are you about getting sick with COVID-19?

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27. If called to serve as a juror, how comfortable are you being in a large courtroom with 20-30 people?

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28. Have you previously served as a trial juror or as a grand juror? Yes\_\_\_\_ No\_\_\_\_  
 If Yes, please complete for each case on which you served:

	Civil or Criminal	Nature of case (i.e., robbery or personal injury)	When/Where?	Verdict reached? (yes or no)
1				
2				
3				
4				
5				

a. Have you ever served as a jury foreperson? Yes\_\_\_\_ No\_\_\_\_

b. Is there any reason that your prior jury service would affect your ability to be fair, objective, and impartial to both sides at trial? Yes\_\_\_\_ No\_\_\_\_  
 If Yes, please explain:

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29. Have you, or a close friend or family member, ever had occasion to contact the United States Attorney’s Office or the District Attorney's Office, including the Family Support, Consumer Fraud or Victim/Witness Divisions?

Yes\_\_\_\_ No\_\_\_\_ If Yes, please explain:

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30. Have you, or a close friend or family member, ever been employed by or affiliated with any law enforcement or other government agency (including police, sheriff, corrections, FBI, Immigration, IRS, Securities and Exchange Commission, Food and Drug Administration, Department of Health and Human Services, Centers for Medicare & Medicaid Services, parole or probation, etc.)?

Yes \_\_\_\_\_ No \_\_\_\_\_ If Yes, please list:

<u>Name</u>	<u>Relationship to you</u>	<u>Position</u>	<u>Agency</u>
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31. Have you, or a close friend or family member, ever worked for a court, a prosecutor's office, or a criminal defense office? This includes a judge, a District Attorney's office, a United States Attorney's office, or any private or public criminal defense attorney's office?

Yes \_\_\_ No \_\_\_ If Yes, please explain:

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32. Have you or anyone close to you ever been the victim of any kind of crime – including domestic violence, burglary, robbery, assault, identity theft, etc. – whether it was reported to law enforcement authorities or not?

Yes \_\_\_\_\_ No \_\_\_\_\_ If Yes, please explain:

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33. Have you ever called the police because of a crime or concern about illegal or dangerous activity?

Yes \_\_\_\_\_ No \_\_\_\_\_ If Yes, please explain:

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34. Have you ever had to appear in court or in any court proceeding in a case as a plaintiff, defendant, victim, or witness?

Yes\_\_\_\_ No\_\_\_\_ If Yes, please explain:

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35. Have you, or a close friend or family member, ever been arrested?

Yes\_\_\_\_ No\_\_\_\_ If Yes, please explain:

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36. Have you, or a close friend or family member, even been accused of fraud or misrepresentations, or of fraudulently concealing information?

Yes\_\_\_\_ No\_\_\_\_ If Yes, please explain:

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37. Have you, or a close friend or family member, ever had a positive or negative experience with a law enforcement officer or agency, federal agency, or the federal government which would strongly influence your ability to judge the facts of a criminal case or the person accused?

Yes\_\_\_\_ No\_\_\_\_ If Yes, please explain:

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38. Have you, or a close friend or family member, ever suffered a substantial monetary loss as a result of a financial investment, including stocks, real estate, or business?

Yes\_\_\_\_ No\_\_\_\_ If Yes, please explain:

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39. Is there anything about your experiences, opinions, or beliefs about race, color, immigration status, national origin, ethnicity, gender, or sexual orientation which would strongly influence your ability to judge the facts of a criminal case or the person accused?  
Yes\_\_\_\_ No\_\_\_\_ If Yes, please explain:

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40. Is there anything about your personal beliefs, whether religious, moral, ethical, or philosophical, that would strongly influence, inhibit, or hinder your ability to judge the facts in a criminal case?  
Yes\_\_\_\_ No\_\_\_\_ If Yes, please explain:

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41. The court will instruct you on the applicable law and your duties as jurors. Will you be able to follow these instructions even if you disagree with them?  
Yes\_\_\_\_ No\_\_\_\_ If No, please explain:

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42. The cover page contains a brief statement about this case. Have you heard or read anything about this case before today?  
Yes\_\_\_\_ No\_\_\_\_ If Yes, please explain:

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43. Is there anything about the nature of the charges and/or what you have heard or read about this case that would affect how you judge the facts of this case or the person accused?

Yes \_\_\_ No \_\_\_ If Yes, please explain:

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44. Have you, or a close friend or family member, had any prior experience with Theranos, Ms. Holmes, or Mr. Balwani, or strong opinions or feelings about any of them, that would influence your ability to be a fair and impartial juror in this case?

Yes \_\_\_ No \_\_\_ If Yes, please explain:

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45. Have you owned securities or interests in Theranos or used its blood testing services?

Yes \_\_\_ No \_\_\_ If Yes, please explain:

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46. The Court will instruct you that jurors will decide the case based solely on the evidence presented in the courtroom and not information a juror may have heard or read about this case previously. Will you be able to follow this instruction?

Yes \_\_\_ No \_\_\_ If No, please explain:

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47. The Court estimates that the trial in this case will last approximately 13 weeks. Trial days during the week will be Tuesday, Wednesday, and Friday and from 9:00 a.m. to approximately 5:00 p.m. Do you have any specific problems of a serious nature that might prevent you from serving as a juror in this case?

Yes \_\_\_ No \_\_\_ If Yes, please explain:

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48. Both the prosecution and the defendant are entitled to have a fair, unbiased, and unprejudiced jury. Is there any reason why you should not be a juror on this case?

Yes\_\_\_\_ No\_\_\_\_ If Yes, please explain:

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49. Is there any matter not covered by this questionnaire that should be brought to the attention of the court and the lawyers because it might affect your ability to be a fair and impartial juror?

Yes\_\_\_\_ No\_\_\_\_ If Yes, please explain:

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50. Is there any matter that you would prefer to discuss privately with the Court?

Yes\_\_\_\_ No\_\_\_\_

51. A list is attached to this questionnaire, please circle the name of any of the listed people that you personally know.

### JUROR'S OATH

I declare under penalty of perjury that the answers set forth in this Juror Questionnaire are true and correct to the best of my knowledge and belief. I have not discussed my answers with others, or received assistance in completing this questionnaire.

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_



**ATTACHMENT**

Please circle the name of any of the listed people that you personally know:

**Attorneys**

*Prosecuting Attorneys:*

Jeff Schenk  
John C. Bostic  
Robert S. Leach  
Kelly I. Volkar  
United States Attorney's Office, Northern District of California

*Defense Attorneys:*

Kevin M. Downey  
Lance Wade  
Amy Mason Saharia  
Katherine Trefz  
John C. Cline  
Seema Roper Mittal  
Andrew Lemens  
Patrick Looby  
Jean Ralph Fleurmont  
Richard S. Cleary, Jr.  
Williams & Connolly LLP

**Possible Witnesses**

Govind Acharya  
Peter Anderson  
Gerald Asin  
Stacey Beck  
Brent Bingham  
Fabrizio Bonnani  
Steven Burd  
Sarah Cabayan Chow  
Mark Campbell  
Shekar Chandrasekaran  
Erika Cheung  
William Clarke  
Toby Cosgrove  
Constance Cullen  
Sue Desmond-Hellmann  
Elizabeth Dickinson  
Jennifer Dooren  
Dan Doyle  
Lisa Durkin  
Erin Edgar  
Alan Eisenman  
Merhl Ellsworth  
Kendra Fadil  
Kenneth Fisher  
Max Fosque  
Peter Fritsch  
Phyllis Gardner

Sheri Ackert  
Samartha Anekal  
Carolyn Balkenhol  
Matthew Benedetto  
Jeffrey Blickman  
Jessica Bramstedt  
Mark Burnes  
Eric Caddenhead  
Tim Carroll  
Sergio Chavez  
Kevin Chung  
Tim Cooper  
John Couvaras  
Andrea Cuppoletti  
Rick DeVos  
Susan DiGiaimo  
Bruce Doll  
Maritn Drake  
Karen Dyer  
Daniel Edlin  
Kerry Denise Elenatinoba-Johnson  
JoEllen Embry  
Richard Fernandez  
William Foege  
Gary Frenzel  
Surekha Gangadkhedkar  
Zubin Gautam

Robert Amenta  
Brad Arington  
Riley Bechtel  
Sarah Bennett  
David Boies  
Brooke Buchanan  
Howard Burris  
Xiao-Yan Cai  
Yun Chan  
Nianhang Chen  
Michael Chung  
Dustin Cook  
Michael Craig  
Chris Davies  
Sunil Dhawan  
Michael Dixon  
Matt Downs  
Diana Dupuy  
Scott Earthy  
Joel Ehrenkranz  
  
Raymond Embry  
Stan Fiorito  
Season Flores  
William Frist  
  
Arnold Gelb



Rochelle Gibbons  
Maureen Glunz  
Brittany Gould  
Brian Grossman  
Craig Hall  
Peyton Hobson  
Mary Hole  
Elizabeth Holmes  
Stefan Hritsu  
Nimesh Jhaveri  
Yousuf Khamisani  
Henry Kissinger  
Mark Laret  
Courtney Lias  
Craig Lipset  
Ashley Marie Mackey  
John McChesney  
Seth Michelson  
Daniel Mosley  
Eileen Norkin  
Noam Ohana  
Mark Pandori  
James Patterson  
Melissa Pessin  
Bruce Pixley  
Mona Badani Ramamurthy  
Channing Robertson  
Kimberly Romanski  
Callie Raquel Rosendin  
Gary Roughead  
David Satchell  
Tim Sheehy  
Tyler Shultz  
Kyle Sims  
Victoria Sung  
Nicole Sundene  
Alex Taylor  
Erin Tompkins  
Aline Tryon  
Jarod Wada  
Orville Weyrich  
Mike Yagi  
Judith Yost  
David Nathan Zalatan

Richard Gift  
Xinwei (Sam) Gong  
Cass Grandone  
Alberto Gutierrez  
Margaret Hamberg  
Peyton Hobson  
Chris Holmes  
Noel Holmes  
Kevin Hunter  
Craig Josephson  
Thomas Kickler  
Antti Korhonen  
Eileen Lepera  
Tina Lin  
Christopher Lucas  
Stephen Master  
Mindy Mechanic  
Wade Duvall Miquelon  
Rupert Murdoch  
Anthony Nugent  
Patrick O'Neill  
Chinmay Pangarkar  
Greg Penner  
Lisa Peterson  
Meredith Potter  
Natalie Ravitz  
Brian Rodriguez  
Jay Rosan  
Adam Rosendorff  
David Rusnak  
Mario Scussel  
David Shoemaker  
Jeff Shuren  
Sharada Sivaraman  
Adrienne Stewart  
Todd Surdey  
David Taylor  
Jim Topinka  
Jerry Tubergen  
Shane Weber  
Alexander (Xan) White  
Denise Yam  
Daniel Young  
Lisa Zuckerman

Melissa Givens  
Robert Gordon  
William Griffith  
Kevin Hagen  
George Hamilton  
Sally Hojvat  
Christian Holmes  
Cassie Hughes  
Jared Hutchings  
Penny Keller  
Heather King  
Richard Kovacevich  
Erez Levy  
Steve Linnerson  
Clarissa Lui  
James Mattis  
Pat Mendenhall  
Katie Moran  
Matthew Nathan  
Sam Nunn  
Curtis Page  
Roger Parloff  
William Perry  
Ian Pilcher  
Ana Quintana  
Larree Renda  
Michael Romeo  
  
Suraj Saksena  
Robert Shapiro  
George Shultz  
Seema Singh  
Dee Anna Smith  
Serena Stewart  
Edward Szmuc  
Bryan Tolbert  
Eric Topol  
Sekhar Variam  
Mike Wei  
Kate Wolff  
Gary Yamamoto  
Audra Zachman