

1
2 UNITED STATES DISTRICT COURT
3 NORTHERN DISTRICT OF CALIFORNIA
4 SAN JOSE DIVISION

5 UNITED STATES OF AMERICA,) Case No. CR-18-00258-EJD
6 Plaintiff,)
7 v.)
8 ELIZABETH HOLMES,)
9 Defendant.)
10)
11)

12 **PROPOSED JURY QUESTIONNAIRE**

13 Defendant Elizabeth Holmes respectfully submits the attached jury questionnaire.

14 Dated: May 27, 2021

15 Respectfully submitted,

16 /s/ Kevin M. Downey
Kevin M. Downey

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20 *Attorney for Elizabeth Holmes*

Name: _____

JUROR QUESTIONNAIRE

TO THE PROSPECTIVE JUROR:

You have been selected to potentially serve as a juror in the U.S. District Court, which sits in San Jose, California. In each case, the judge and the lawyers involved in the case must decide if you should serve in that particular case. These decisions are made before the trial begins. Because many of the questions asked by the Court and the lawyers are the same in most cases, this questionnaire has been prepared so that the information provided can be given to counsel and the Court prior to individual questioning. This will speed the process of jury selection and minimize the amount of time you must spend in the courtroom while a jury is selected.

It is important that you understand that the Court is sensitive to your privacy. Your answers are confidential. They will be reviewed by the Judge and the lawyers in this case. After a jury has been selected, all copies of your responses to this questionnaire will be returned to the Clerk of the Court and kept under seal. They will be disclosed, if at all, with names and other identifying information removed. Finally, using this questionnaire will save time because prospective jurors will not have to sit and wait before they answer these or similar questions in person.

IMPORTANT – READ CAREFULLY

Now that you are a prospective juror, you **MUST** follow the instructions listed below until you have been excused from further service in this case.

DO NOT read anything whatsoever about this case, the participants in the case, or any of the issues in the case. Please avoid any media accounts that may relate to this case.

DO NOT read or listen to any media accounts whether in a newspaper, on the internet, on television, on the radio, or on any electronic or social media of any kind concerning this case.

DO NOT conduct any research, including on the Internet, about this case, the participants in the case, or any of the issues in the case.

DO NOT at any time discuss this case (including this questionnaire) with anyone, including your friends, family members, or other prospective members of this jury panel.

DO NOT discuss or post anything about this case on any electronic or social media, including Facebook, YouTube, Twitter, Reddit, Instagram, LinkedIn, Snapchat, TikTok, e-mail, text message, any blog, website, or chat forum, or any other media of any kind.

DO NOT let anyone, including friends, family members, court personnel, parties in this case, or persons involved in the case, talk to you about your views or any aspect of this case except officially in the courtroom.

This is a criminal case. The case involves Theranos, a blood testing company, and its founder and CEO, Ms. Elizabeth Holmes. The indictment alleges that Ms. Holmes knowingly and intentionally made misstatements to investors and paying customers in order to defraud them. The indictment also alleges that Ms. Holmes knowingly and intentionally conspired with one or more other people to do so.

You should understand clearly that the indictment language that I just summarized is not evidence. The indictment is just a formal way of charging a person with a crime in order to bring her to trial. You must not think of the indictment as any evidence of guilt, or draw any conclusion as to guilt of the defendant just because she has been indicted.

Ms. Holmes denies the charges and has pleaded not guilty. She is presumed to be innocent.

The only purpose of this questionnaire is to determine whether, if selected as a juror, you could fairly and impartially decide this case based solely on the evidence presented at trial and the instructions about the applicable law that will be given by the Court. The Court and the lawyers know that every person has beliefs and prejudices concerning many things. You should answer with your true feelings, whatever they may be. Do not assume that any of your answers will qualify you or disqualify you from serving on this jury.

Please do not discuss with anyone any question or answer you give on this questionnaire. **When you have completed the questionnaire, you will sign an oath, affirming the truth of your answers and confirming that you had no assistance in completing it. This oath is made under penalty of perjury.**

The following additional instructions should assist you to complete the questionnaire:

- Please answer each question below candidly and as completely as you reasonably can.
- Certain questions will ask about family members and close friends' experiences. Please answer all questions to the best of your personal knowledge and recollection.

- Please keep in mind that there are no “right” or “wrong” answers, only complete and truthful answers or incomplete and untruthful answers.
- You must fill out the entire questionnaire.
- Please write your juror number in the upper right corner of each page of the questionnaire.
- Where indicated, please check the space for “Yes” or “No” and, as requested, furnish answers, explanations, and/or details in the spaces provided.
- Do not leave any questions unanswered. If you cannot answer a question because you do not understand the question, please write “Do not understand.”
- If you cannot answer a question because you do not know the answer, write “Do not know” in the space after the question.
- If a question does not apply to you in any way, write “N/A” rather than leaving the form blank.
- If you need extra space to answer any question, please use the margin next to the question or the extra blank sheet of paper included at the end of the questionnaire. If you use the extra sheet of paper at the end of the questionnaire, be sure to indicate on the blank page the number of the question you are answering.
- Please write or print legibly using a black or blue pen. If your answers are illegible, you may be required to re-copy your answers.
- Do not write anything on the back of any page.

When the individual jury selection process begins in court, you may be asked some follow-up questions based on one or more of your answers to the questionnaire. Please understand this follow-up will be conducted with only the Court and counsel. Other prospective jurors will not be present.

When you have completed the questionnaire, please sign it, affirming the truth of your answers and confirming that you had no assistance in completing it. If you have any contact with anyone, including another prospective juror, relating to this case, please inform the Court immediately. Thank you for your cooperation with these instructions and for your careful and honest responses to the questionnaire. Your forthright and full cooperation is of vital importance to ensuring a fair and impartial trial in this case, as guaranteed by the Constitution.

Dated: _____

Hon. Edward J. Davila
United States District Judge

Example: Xanax

Makes Me Sleepy

4. Have you received a vaccine for COVID-19?

___ Yes ___ No

If yes, when did you receive the vaccine? _____

5. Have you been diagnosed with COVID-19 in the past?

___ Yes ___ No

If yes, when did you have COVID-19? _____

6. In light of the COVID-19 pandemic, do you have concerns about your ability to concentrate at trial, consider all the evidence, and make a conscientious decision in deliberations?

___ Yes ___ No

If yes, would courtroom precautions (ex. the use of air filters, use of a larger courtroom) alleviate your concerns?

7. Is there any reason relating to the COVID-19 pandemic that would make jury service an undue hardship for you or anyone in your household?

___ Yes ___ No

If yes, please explain: _____

8. Is there anything else going on in your life or work that would prevent you from giving this case

your full attention for the duration of trial?

9. Will your employer continue to pay your salary if you are selected to serve on this jury?

___ Yes ___ No ___ Not Sure ___ I do not have an employer

10. Do you have any difficulty reading or understanding English?

___ Yes ___ No

II. BACKGROUND

11. Name: _____

12. Title (please circle)

Dr. Mr. Mrs. Ms. Miss

13. Age: _____

14. Sex: _____

15. Gender Identity: _____

16. Residence: County: _____ City/Town: _____ Zip Code: _____

Neighborhood: _____ *[Do not list your street address]*

a. How long have you lived at that location? _____

b. How many years have you lived in California? _____

c. Do you own or rent your home?

Rent _____ Own _____ Other _____

d. What other communities have you lived in during the last ten years?

e. Your place of birth: _____

17. What is your marital status? (please circle)

Single Married Separated Divorced

Widowed Live with a partner/significant other

18. Any prior marriages? _____ Yes _____ No If yes, how many? _____

19. What is your current job status? (please check)

_____ Employed full-time _____ Self-employed

_____ Employed part-time _____ Unemployed/laid-off

_____ Homemaker _____ Retired

_____ Disabled

_____ Full-time student (please state area of study _____)

_____ Other (please describe _____)

20. What is your occupation? If you are not currently employed, please describe your most recent prior employment. _____

a. By whom are (were) you employed? _____

b. How long have you worked (did you work) there? _____

c. What are (were) your specific duties at your job? _____

d. Do (did) you supervise other people?

___ Yes ___ No

If yes, how many people do (did) you manage and/or supervise? _____

e. Please briefly describe what your management and/or supervisory responsibilities have entailed (e.g., do you conduct performance reviews, are you responsible for hiring and firing decisions, etc.): _____

f. If you have held any other occupations in the past five years, please identify them here: _____

21. What is the highest level of education you have completed?

___ Less than high school

___ High school graduate

___ Some college/vocational training

___ College graduate. If so, please indicate degree and/or field of study: _____

___ Post-graduate degree. If so, please indicate degree and/or field of study: _____

22. Please list all educational institutions you have attended, beginning with high school: _____

23. Have you, a family member, or someone close to you received any training, experience, or specialized knowledge in any of the following? Please check the box that applies and provide an explanation below:

| Sector | Yes, Me | Yes, Family Member | Yes, Someone Close to Me | No |
|--|----------------|---------------------------|---------------------------------|-----------|
| Business | | | | |
| Finance | | | | |
| Law | | | | |
| Investing; Private Equity; Startups; Venture Capital | | | | |
| Accounting; Book-keeping | | | | |
| Public Relations; Marketing; Advertising; Media; Press | | | | |
| Health Insurance | | | | |
| Chemistry; Biology; Medicine; Life Sciences | | | | |
| Engineering | | | | |
| Computer Science | | | | |
| Statistics; Data Analytics | | | | |
| Healthcare; Health Services | | | | |
| Blood Testing | | | | |
| Laboratories | | | | |
| Scientific Research | | | | |
| Contracts | | | | |
| Psychiatry; Psychology | | | | |

| Sector | Yes, Me | Yes, Family Member | Yes, Someone Close to Me | No |
|--|---------|--------------------|--------------------------|----|
| Pharmacology; Pharmacy; Pharmaceuticals | | | | |
| Quality control, compliance, or enforcement of standards and regulations | | | | |
| State, County, or Federal Government (Any) | | | | |
| U.S. Food & Drug Administration | | | | |
| U.S. Dep't of Health & Human Services (HHS) | | | | |
| Centers for Medicare & Medicaid Services (CMS) | | | | |
| Clinical Laboratory Improvement Amendments (CLIA) | | | | |
| California Dep't of Public Health | | | | |
| Any other regulatory/law enforcement agency | | | | |

If you indicated yes with a check mark to any of the above, please provide detail: _____

Please complete the following questions regarding your **present spouse or partner/significant other**.

If you are divorced, widowed, or separated, please answer the following questions regarding your **former** spouse, partner or significant other's employment:

24. What is your spouse's current employment status?

- Employed full-time
- Employed part-time
- Homemaker
- Disabled
- Full-time student (please state area of study _____)
- Other (please describe _____)
- Self-employed
- Unemployed/laid-off
- Retired

25. What is his or her occupation (or what was it, if he or she is no longer employed)? _____

a. By whom is (was) he or she employed? _____

b. How long has (did) he or she worked there? _____

c. What are (were) his or her specific duties at the job? _____

d. Does he or she supervise other people?

Yes No

If yes, how many people does (did) your spouse manage and/or supervise? _____

Please briefly describe what these management and/or supervisory responsibilities entail or entailed (e.g., does your spouse conduct performance reviews, is he or she responsible for hiring and firing decisions, etc.):

e. How long has your spouse held his or her present position/title?

f. Please briefly describe what significant training he or she has received for the position, if any:

g. What other types of jobs has he or she had in the past? _____

26. What is the highest level of education your spouse has completed?

____ Less than high school

____ High school graduate

____ Some college/vocational training

____ College graduate. If so, please indicate degree and/or field of study: _____

____ Post-graduate degree. If so, please indicate degree and/or field of study: _____

27. Please list all educational institutions your spouse has attended, beginning with high school:

28. Do you have any children, including step-children?

____ Yes ____ No

If yes, please fill out the chart below:

| Relationship | Age | Sex | Occupation or Year in School |
|---------------------|------------|------------|-------------------------------------|
|---------------------|------------|------------|-------------------------------------|

29. With whom do you live, what is your relationship with them, and what are their occupations, if applicable? _____

30. Have you, a family member, or someone close to you ever served in the military (including Reserves, National Guard or ROTC)?

___ Yes ___ No

If yes, please list the branch, years of service, rank attained, type of discharge, and whether you, your family member, or person close to you served in a military police unit, court martial, and/or were in combat:

31. What are your hobbies, major interests, recreational pastimes and spare time activities and sports?

32. What are your spouse's hobbies, major interests, recreational pastimes and spare time activities and sports?

33. Please list any groups and/or organizations to which you belong (for example, church groups, professional organizations, volunteer activities, victim's rights groups, etc.):

34. Please list any groups and/or organizations to which your spouse belongs:

35. If you have ever been a published or unpublished author, please describe the things you have written and when you wrote them: _____

36. When in a group trying to make a decision, do you usually:

___ Strongly express your views to get the outcome you believe is best

___ Participate in the discussion and try to help build a consensus

___ Listen and follow what you think the majority favors

___ Other (please describe) _____

III. LIFE EXPERIENCE

37. Have you, a family member, or someone close to you (as far as you are aware) had any of the following experiences? Please check the box that applies and then provide an explanation below.

| Experience | Yes, Me | Yes, Family Member | Yes, Someone Close to Me | No |
|---|----------------|---------------------------|---------------------------------|-----------|
| Directly invested in a company, other than stock purchases on public exchanges | | | | |
| Sought out/solicited investments in a company | | | | |
| Worked in any field that involves blood tests, doctor's tests or other medical care | | | | |
| Had any work experience with pharmacies (ex. Walgreens; CVS; Safeway; etc.) | | | | |
| Had any work experience in the venture capital industry | | | | |
| Prepared financial models or projections for a business | | | | |
| Had a bad experience with an investment | | | | |
| Been the victim of fraud | | | | |
| Received any form of medical treatment, vaccine, test or diagnosis in a pharmacy and/or grocery store | | | | |
| Been involved in a dispute about misdiagnosis, payment for medical treatment, or quality | | | | |

| Experience | Yes, Me | Yes, Family Member | Yes, Someone Close to Me | No |
|---|---------|--------------------|--------------------------|----|
| of treatment, including a malpractice dispute | | | | |
| Been a government contractor | | | | |

38. If you answered yes to any of the questions above, please provide detail: _____

39. Have you, a family member or someone close to you ever worked in law enforcement or the security field (including federal, state, local, military, auxiliary, volunteer, state or local police departments, the Federal Bureau of Investigation, U.S. Postal Inspection Service, Department of Health and Human Services Office of Inspector General, Food and Drug Administration Office of Criminal Investigations, the Securities and Exchange Commission, any prosecutor’s office, the Department of Corrections, etc.)?

___ Yes ___ No

If yes, please identify who, when, and describe the position(s):

40. Do you know anyone who works for any sort of prosecutorial agency (for example, the U.S. Attorney’s Office, San Jose District Attorney’s Office, California Attorney General’s Office, etc.)?

___ Yes ___ No

If yes, please explain:

41. Do you have investments?

___ Yes ___ No

If yes, check the forms of investment that you use or have used:

- | | | |
|--|--|---|
| <input type="checkbox"/> Savings Accounts | <input type="checkbox"/> Stocks | <input type="checkbox"/> Mutual Funds |
| <input type="checkbox"/> Growth Funds | <input type="checkbox"/> Value Funds | <input type="checkbox"/> Bonds |
| <input type="checkbox"/> Exchange Traded Funds | <input type="checkbox"/> Certificates of Deposit | |
| <input type="checkbox"/> Annuities | <input type="checkbox"/> Options | <input type="checkbox"/> Cryptocurrency |

42. Do you have health insurance?

___ Yes ___ No

If yes, where do you get it?

- | | | | |
|---|-----------------------------------|-----------------------------------|--|
| <input type="checkbox"/> Employer | <input type="checkbox"/> Medicare | <input type="checkbox"/> Medicaid | <input type="checkbox"/> Public Exchange |
| <input type="checkbox"/> Other (Please explain _____) | | | |

43. Do you have any general opinion about the venture capital industry?

___ Yes ___ No

If yes, please explain: _____

44. Do you have any general opinion about startup businesses?

___ Yes ___ No

If yes, please explain: _____

45. Do you have any strong views regarding entrepreneurs?

___ Yes ___ No

If yes, please explain: _____

46. Do you have any strong views regarding corporate executives?

___ Yes ___ No

If yes, please explain: _____

47. Have you, a family member, or someone close to you ever been a victim of or witness to a crime?

___ Yes ___ No

If yes, please explain: _____

48. Have you, a family member, or someone close to you ever been falsely accused of a crime?

___ Yes ___ No

If yes, please explain: _____

IV. MEDIA HABITS AND EXPOSURE

49. How much do you rely on the following sources for your news?

| | A lot | Somewhat | Not much | Not at all |
|----------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Newspapers: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Social Media: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Television: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Radio: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Internet: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Conversations: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Other _____: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

50. How often do you check, follow, or read about news or current events?

- | | |
|-----------------------------|----------------------------|
| ___ Multiple times per day | ___ Once per day |
| ___ Several times per week | ___ Once or twice per week |
| ___ Less than once per week | ___ Almost never |

51. Do you have an account on any social media platforms?

___ Yes ___ No

a. If yes, please identify the platform(s): _____

b. Do you use any other social media platforms?

___ Yes ___ No

If yes, please list them and explain how frequently you use them: _____

c. How frequently do you use the platform(s) listed above in 51(a) and 51(b)?

- Multiple times per day:
- Once per day:

Several times per week:

Once or twice per week:

Less than once per week:

Almost never:

N/A:

If you use some platforms more frequently than others, please explain:

d. How do you use social media? (for example, communicate with friends; express opinions; follow current events; etc.) _____

e. Do you belong to any groups on social media (ex. Facebook or WhatsApp groups)?

____ Yes ____ No

If yes, please list the groups: _____

f. Have you ever posted messages, comments, or opinions on websites/social media, or blogged?

____ Yes ____ No

If yes, please describe the websites or social media platforms that you have used; the types of things you have posted or blogged; and how often you have done it: _____

g. Have you read, listened to, commented on, "liked," or posted anything on social media about Elizabeth Holmes, Ramesh "Sunny" Balwani, or Theranos?

____ Yes ____ No

If yes, please explain: _____

52. Do you read, listen to, follow, or subscribe to any of the following individuals on blogs, podcasts, social media, or in any other way? If yes, please circle the applicable individuals.

- | | | | |
|----------------|----------------|-----------------|--------------|
| John Carreyrou | Roger Parloff | Adam Klasfeld | Ethan Barron |
| Chuck Barney | Yasmin Khorram | Sara Randazzo | Tom Hals |
| Matthew Renda | Ken Auletta | Kara Swisher | |
| Matthew Herper | Rebecca Jarvis | Joel Rosenblatt | Eric Topol |

53. Do you read, follow, or subscribe to any of the following outlets, whether online, in print, or on social media or podcasts? Please check the box that applies.

| Outlet | Yes, Multiple Times/Day | Yes, Once/Day | Yes, Once or Twice/Week | Yes, Less than Once/Week | Almost Never | Never |
|-------------------------|-------------------------|---------------|-------------------------|--------------------------|--------------|-------|
| San Jose Mercury News | | | | | | |
| The Wall Street Journal | | | | | | |
| The New York Times | | | | | | |
| The Washington Post | | | | | | |
| The Los Angeles Times | | | | | | |
| The Financial Times | | | | | | |
| CNBC | | | | | | |
| Bloomberg | | | | | | |
| Politico | | | | | | |
| The Huffington Post | | | | | | |

| Outlet | Yes, Multiple Times/Day | Yes, Once/Day | Yes, Once or Twice/Week | Yes, Less than Once/Week | Almost Never | Never |
|---------------------------------|--------------------------------|----------------------|--------------------------------|---------------------------------|---------------------|--------------|
| Business Insider | | | | | | |
| New York Post | | | | | | |
| The Daily Mail | | | | | | |
| USA Today | | | | | | |
| Engadget | | | | | | |
| TechCrunch | | | | | | |
| Dark Daily | | | | | | |
| Fierce Biotech | | | | | | |
| Wired | | | | | | |
| Industry Week | | | | | | |
| Silicon Valley Business Journal | | | | | | |
| The Daily Beast | | | | | | |
| Vanity Fair | | | | | | |
| The New Yorker | | | | | | |
| East Bay Times | | | | | | |
| San Francisco Chronicle | | | | | | |
| San Francisco Business Times | | | | | | |
| SF Gate | | | | | | |
| The Arizona Republic | | | | | | |
| Law.com/The Recorder | | | | | | |
| Law360 | | | | | | |
| NYMag/The Cut | | | | | | |
| Mashable | | | | | | |
| People | | | | | | |

| Outlet | Yes, Multiple Times/Day | Yes, Once/Day | Yes, Once or Twice/Week | Yes, Less than Once/Week | Almost Never | Never |
|-------------------------|-------------------------|---------------|-------------------------|--------------------------|--------------|-------|
| Variety | | | | | | |
| Hollywood Reporter | | | | | | |
| Deadline | | | | | | |
| SFist | | | | | | |
| Forbes | | | | | | |
| Fortune | | | | | | |
| UPROXX | | | | | | |
| Gizmodo | | | | | | |
| Slate | | | | | | |
| Breitbart | | | | | | |
| Vox | | | | | | |
| Beckers Hospital Review | | | | | | |

a. Please list any outlets not listed above that you read, view, listen to, follow, or subscribe to, and how frequently you do so. _____

b. Have you ever read, viewed, or heard about anything relating to Theranos, Elizabeth Holmes, and/or Ramesh “Sunny” Balwani published in the outlets listed above?

___ Yes ___ No

If yes, state what you recall about what you viewed, read or heard?

54. Do you watch or listen to any of the following networks, podcasts, or shows on television or online? Please circle.

| Network, Podcast, Show | Yes, Multiple Times/Day | Yes, Once/Day | Yes, Once or Twice/Week | Yes, Less than Once/Week | Almost Never | Never |
|---------------------------|-------------------------|---------------|-------------------------|--------------------------|--------------|-------|
| ABC 7 News | | | | | | |
| KPIX-TV (CBS SF Bay Area) | | | | | | |
| KTVU FOX2 | | | | | | |
| NBC Bay Area | | | | | | |
| ABC | | | | | | |
| CBS | | | | | | |
| NBC | | | | | | |
| The Today Show (NBC) | | | | | | |
| 60 Minutes (CBS) | | | | | | |
| KQED | | | | | | |
| NPR | | | | | | |
| CNBC | | | | | | |
| CNN | | | | | | |
| Fox News | | | | | | |
| Fox Business | | | | | | |
| Hulu | | | | | | |
| Netflix | | | | | | |
| HBO | | | | | | |
| Three Uncanny Four | | | | | | |

a. Do you watch or listen to other television shows, radio shows, or podcasts?

___ Yes ___ No

If yes, please list them and explain how frequently you watch or listen to them: _____

b. Have you ever read, viewed, listened to, or heard about anything relating to Theranos, Elizabeth Holmes, and/or Ramesh "Sunny" Balwani in one of the outlets listed above?

___ Yes ___ No

If yes, what have you heard? _____

55. Do you regularly watch any television shows involving criminal investigations, crime solving, or criminal trials?

___ Yes ___ No

56. Have you ever written a letter to the editor or called into a radio show?

___ Yes ___ No

Please explain: _____

57. Have you read, watched, listened to, or been told of any of the following? Please circle:

Bad Blood by John Carreyrou

HBO's The Inventor

ABC News' The Dropout Podcast

ABC News' The Dropout Documentary

ABC News 20/20 on Theranos

Thicker Than Water by Tyler Shultz

TED Talk: Theranos, Whistleblowing and Speaking Truth to Power by Erica Cheung

If yes, please explain: _____

58. How much in the news media do you believe is fair and accurate?

- All of it
- Most of it
- Some of it
- None of it

Please explain. _____

V. NATURE OF THE CHARGES

59. This case will present issues relating to blood testing and the medical field. Do you have any strong views on these issues that might affect your ability to be a fair and impartial juror in this case?

___ Yes ___ No

If yes, please explain. _____

60. This case will involve investments, entrepreneurship, and start-up businesses. Do you have any strong views on the issue that might affect your ability to be a fair and impartial juror in this case?

___ Yes ___ No

If yes, please explain. _____

61. This case will present issues relating to innovation in the clinical laboratory testing industry. Do you have any strong views on the issue that might affect your ability to be a fair and impartial juror in this case?

___ Yes ___ No

If yes, please explain. _____

62. Do you think that companies that oppose a government regulation and seek to overturn it are more likely to commit fraud?

___ Yes ___ No ___ Not Sure

Please explain. _____

63. Do you believe that an entrepreneur is more likely to commit fraud than the average person?

___ Yes ___ No ___ Not Sure

Please explain. _____

64. Do you believe that entrepreneurs should be punished if investors lose money on their business?

___ Yes ___ No ___ Not Sure

Please explain: _____

65. During the course of jury deliberations, if a fellow juror should suggest that you disregard the law or the evidence, and decide the case on other grounds, would you, as a juror, be able to reject the suggestion and abide by your oath to this Court to decide the case solely on the evidence and law as

the Court has instructed you to do, without regard to sympathy, bias, or prejudice?

___ Yes ___ No ___ Not sure

If No or Not Sure, please explain: _____

VI. FAMILIARITY WITH THE CASE

66. Do you know or have you heard about the defendant, Ms. Elizabeth Holmes?

___ Yes ___ No

If yes, please explain how you know Ms. Holmes, or what you have heard about her, and the source of anything you know or have heard about her: _____

67. Ms. Holmes was the founder and CEO of Theranos, a blood testing company. Do you know or have you heard about Theranos?

___ Yes ___ No

If yes, please explain what you know or have heard about Theranos, and the source: _____

68. Are you aware of any controversies in the blood testing industry?

___ Yes ___ No

If yes, please explain what you know or have heard: _____

69. The indictment alleges that Ms. Holmes knowingly and intentionally made misstatements to investors and paying customers in order to defraud them. The indictment also alleges that Ms. Holmes knowingly and intentionally conspired with one or more other people to defraud investors and paying customers. As I have explained, the indictment is not evidence, and is just a formal way of charging a person with a crime in order to bring her to trial. Ms. Holmes has pleaded not guilty. She is presumed innocent. Unless the government proves that she is guilty of these charges beyond a reasonable doubt, the jury must return a verdict of not guilty.

a. Have you read, seen, or heard about this case?

If yes, please explain what you have read, seen, or heard about this case: _____

70. Do you have an opinion about Ms. Holmes?

___ Yes ___ No

If yes, please explain your opinion: _____

71. Do you know or have you heard of Mr. Ramesh “Sunny” Balwani, former President and Chief Operating Officer at Theranos?

___ Yes ___ No

If yes, please explain what you know or have heard, and the source: _____

72. Do you have an opinion about Mr. Balwani?

___ Yes ___ No

If yes, please explain your opinion: _____

73. Have you or anyone you know ever been employed by Theranos?

___ Yes ___ No

If yes, what were the positions and approximate dates of employment: _____

74. Have you or anyone you know ever applied to work at Theranos?

___ Yes ___ No

Please explain: _____

75. Have you or anyone you know ever invested in Theranos?

___ Yes ___ No

If yes, please explain: _____

76. Have you or anyone you know ever received a Theranos blood test result?

___ Yes ___ No

If yes, please explain: _____

77. The following individuals may be called as witnesses in this case. Please circle the name of anyone whom you recognize or know:

[Names to be added based on updated witness lists]

Please explain how you recognize or know the individual(s) whom you have circled:

78. Are you familiar with any of the following investment groups?

- | | | |
|----------------------|-------------------------|--------------------------|
| Hall Group | Black Diamond Ventures | Partner Fund Management |
| Dynasty Financial | Mosley Family Holdings | PEER Ventures |
| BDT Group | Dignity Health | Lucus Venture Group |
| RDV Corporation | Draper Fisher Jurveston | Madrone Capital Partners |
| Cox Enterprises | Craig Hall | Bryan Tolbert |
| BDT Capital Partners | Alan Eisenman | |

____ Yes ____ No

If yes, please explain: _____

79. The following governmental agencies and private companies may be referred to in this trial. Have you ever had any connection with any of the following? If yes, check the box:

California Public Health Department

- Centers for Medicaid & Medicare Studies
- Food and Drug Administration
- Sonora Quest Diagnostics
- Quest Diagnostics
- Lab Corp
- The Wall Street Journal
- Federal Bureau of Investigation
- U.S. Postal Inspection Service
- The Securities and Exchange Commission
- U.S. Attorney's Office
- U.S. Department of Justice

If you indicated yes, please explain your connection: _____

VII. EXPERIENCE WITH LEGAL SYSTEM

80. Have you ever served as a juror at trial or in a grand jury?

___ Yes ___ No

a. If yes, how many times? _____

b. Did you serve as a juror in state or federal court? _____

c. Were you ever the foreperson of the jury?

___ Yes ___ No

d. If applicable, please briefly describe the case(s) in which you served as a juror using the following table:

| Criminal or Civil | Type of case (e.g., fraud, personal injury, etc.) | Yes or No - Did the jury reach a verdict? |
|-------------------|---|---|
| | | |
| | | |

| | | |
|--|--|--|
| | | |
|--|--|--|

e. Did you feel that the justice system worked?

___ Yes ___ No

Please explain: _____

f. What stands out most to you about your experience as a juror? Please explain: _____

g. Is there anything about that experience that would affect your ability to be a fair and impartial juror in this case?

___ Yes ___ No

81. Have you ever testified as a witness at any kind of legal proceeding, including a trial?

___ Yes ___ No

If yes, please explain: _____

82. Have you ever been interviewed as a potential witness in any kind of legal proceeding?

___ Yes ___ No

If yes, please explain: _____

83. Have you, a family member, or someone close to you ever been involved in a civil or criminal proceeding as a plaintiff (the party suing), defendant (the party being sued), or potential witness?

___ Yes ___ No

If yes, please explain: _____

84. Have you ever filed a criminal complaint?

___ Yes ___ No

If yes, please explain: _____

85. Have you ever contacted any United States Attorney's office?

___ Yes ___ No

If yes, what was the reason? _____

86. Have you ever reported someone for wrongdoing to your employer or a government agency?

___ Yes ___ No

If yes, please explain: _____

87. Other than for a minor traffic citation, have you ever been arrested for, charged with, or convicted of a crime?

___ Yes ___ No

If yes, please explain: _____

88. Each defendant is presumed innocent and must be acquitted unless the jury, unanimously and based

solely on the evidence presented in court, decides that her guilt has been proven beyond a reasonable doubt. Do you believe that simply because a person has been charged with a crime, that person:

Is Guilty

Probably Is Guilty

May be Guilty:

Don't Know

Please explain: _____

89. If the United States government accuses a corporative executive of committing fraud, do you think he or she is:

Very probably guilty

Probably guilty

Equally likely to be guilty or not guilty

Probably not guilty

Very probably not guilty

Don't know

Please explain: _____

90. If the United States government accuses a corporate executive in the field of medical devices and laboratory testing of a crime, do you think he or she is:

Very probably guilty

Probably guilty

Equally likely to be guilty or not guilty

Probably not guilty

Very probably not guilty

Don't know

Please explain: _____

91. The indictment is not evidence, and does not prove anything. The indictment is just a formal way of charging a person with a crime in order to bring her to trial. Does the fact that Ms. Holmes has been indicted make it difficult for you to presume she is innocent?

___ Yes ___ No

If yes, please explain: _____

92. As I have explained, the law says the indictment is absolutely no proof whatsoever that the defendant has engaged in any illegal activity. Furthermore, the law says that the jury must not hold it against the defendant no matter how many charges are contained in the indictment. Do you agree with that statement of the law?

___ Yes ___ No

If no, please explain _____

93. The burden of proving guilt beyond a reasonable doubt rests entirely with the government. The defendant is presumed innocent, and has no burden to do anything at the trial. The government's burden includes the specific need to prove that the defendant consciously intended to commit various crimes. Do you believe that a defendant has an obligation to prove his innocence or produce any evidence in order to be found not guilty?

___ Yes ___ No

If yes, please explain: _____

94. Under the law, a defendant need not testify in his or her own defense. If a defendant does not testify, the jury may not consider that fact in any way in reaching a decision as to whether that person is guilty. Do you believe that the defendant has an obligation to testify in order to be found not guilty?

Yes No

If yes, please explain: _____

95. Do you believe a defendant who does not testify is more likely to be guilty than one who testifies?

Yes No

Please explain: _____

96. You may hear testimony during the trial from members of law enforcement (for example, an FBI agent). The fact that a witness may be a member of law enforcement does not mean that his or her testimony is entitled to any greater weight by reason of his or her employment. By the same token, his or her testimony is not entitled to less consideration simply because he or she is a member of law enforcement. You should consider the testimony of members of law enforcement just as you would any other evidence in the case and evaluate their testimony just as you would that of any other witness. Would you, as a juror, give law enforcement officers more credibility than the testimony of others?

Yes No

Please explain: _____

97. This case may feature testimony from individuals who work for government regulatory/law enforcement agencies (ex. U.S. Food & Drug Administration). Are you more likely to believe the testimony of a federal or state civil servant than another witness without that association?

___ Yes ___ No

Please explain: _____

98. If you are selected to sit as a juror on this case, are you aware of any reason why you would be unable to render a verdict based solely on the evidence presented at trial?

___ Yes ___ No

If yes, please explain: _____

99. If you are selected to sit as a juror in this case, are you aware of any reason why you would not be able to follow the law as the Court gives it to you?

___ Yes ___ No

If yes, please explain: _____

100. As a juror it is important that you do not obtain information about this case outside of the courtroom. The Court will instruct you that you are not to watch television, go on the internet, read newspapers, magazines, or any other form of print media, listen to or watch any media coverage, use social media, and/or speak to anyone regarding this case and that the only evidence you are permitted to consider is that which is presented in court. Will you be tempted to disregard this

instruction?

___ Yes ___ No

If yes, please explain: _____

101. Judge Davila will preside over this trial. His courtroom deputy is Ms. Adriana Kratzmann. His court reporter is Ms. Irene Rodriguez. Do you know Judge Davila or any members of his staff?

___ Yes ___ No

If yes, please explain: _____

102. Do you, a family member or someone close to you have any connection or familiarity, including employment or an application for employment, with any of the following law firms? Please place a check mark next to any responsive business.

Williams & Connolly LLP Davis Wright Tremaine LLP Law Office of John D. Cline
Orrick, Herrington & Sutcliffe, LLP

Please explain how you know the law firm(s) indicated:

103. The following attorneys are or have been involved in this case. Do you know or have you ever had any connection with any of the following?

Prosecuting Attorneys:

Stephanie M. Hinds

Hallie Hoffman

Jeff Schenk

John C. Bostic

Robert S. Leach

Kelly I. Volkar

Vanessa Baehr-Jones

Jeff Nedrow

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 Mittal Roper

Andrew Lemens

Patrick Looby

Jean Ralph Fleurmont

Richard S. Cleary, Jr.

Michelle Chen

Williams & Connolly LLP

104. Do you know any other member of the prospective jury panel, for example from work, school, socially, prior jury service or one's neighborhood?

____ Yes ____ No

If yes, please explain. _____

105. Is there any reason (for example, religious, philosophical, moral, or personal belief) that would prevent you from serving as a juror in a criminal trial?

Yes No

If yes, please explain: _____

106. You are going to be instructed that a defendant is presumed innocent unless and until proven guilty beyond a reasonable doubt. Based on what you have read or heard so far, do you hold the opinion that the defendant is:

- Unsure
- Definitely Guilty
- Probably Guilty
- Probably Not Guilty
- Definitely Not Guilty

107. In your deliberations, are you willing to abide by your convictions and not agree with other jurors solely for the purpose of getting along with them or finishing deliberations if you are convinced that the opinions of the other jurors are not correct?

Yes No Not Sure

108. Is there anything about the subject matter of this case, or the points covered in this questionnaire, which creates a question in your mind as to whether you could be a fair, objective, and impartial juror in this particular case?

Yes No

If yes, please explain. _____

109. When the time comes for individual oral questioning of prospective jurors, you will have the opportunity to discuss privately with the Court and the attorneys in the case any answers which would require you to reveal information you feel is personal and private and which you do not want to reveal publicly in open court. Would any of the questions above require you to reveal confidential and personal information which you would like to keep private?

___ Yes ___ No

If yes, please list which question number(s): _____

110. Is there any matter you wish to discuss privately with the Judge?

___ Yes ___ No

If yes, please explain. _____

111. Is there anything else the attorneys or the Court might want to know about you when considering you as a juror in this case?

112. Did you have any problems reading or understanding this questionnaire?

___ Yes ___ No

If yes, please explain _____

JUROR OATH

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

Signature: _____

Print Name: _____

Date: _____

Further Explanation Sheet
(Please put the question number next to your response. Thank you)

