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10
11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN JOSE DIVISION

14 UNITED STATES OF AMERICA,) Case No. CR-18-00258-EJD
15 Plaintiff,)
16 v.) **NOTICE OF FILING OF EXHIBITS RELATED**
17) **TO VOIR DIRE**
18 ELIZABETH HOLMES and) Hon. Edward J. Davila
RAMESH "SUNNY" BALWANI,)
19 Defendants.)
20)
21)

NOTICE OF FILING OF EXHIBITS RELATED TO VOIR DIRE

As discussed at the August 25, 2021 hearing, Ms. Holmes hereby lodges in the record the following long-form media cited in the jury questionnaire:

1. Bad Blood by John Carreyrou (2018)
2. The Theranos Deception on 60 Minutes (2018)
3. The Dropout: ABC 20/20 (2019)
4. ABC Nightline Documentary: The Dropout (2019)
5. ABC: The Dropout Podcast (2019, 2021)
6. HBO: The Inventor (2019)
7. TED Talk: Theranos, whistleblowing and speaking truth to power by Erika Cheung (2020)
8. Thicker than Water by Tyler Shultz (2021)

According to the completed questionnaires, the following jurors stated that they have watched or read (in whole or in part) one or more of the specific foregoing publications:

- 1, 26, 31, 46, 58, 63, 78, 90, 116, 135, 159, 168, 169, 171, 173, 181, 184, 188, 195, 203, 220, 239.

According to the completed questionnaires, the following jurors recalled with different degrees of certainty they had watched some or all of a program, but could not identify the specific program:

- 11, 14, 49, 64, 93, 94, 95, 112, 130, 133, 160, 164, 193, 196, 207, 208, 212, 223.

For the Court's convenience, we note that, according to the completed questionnaires, the following jurors have been exposed to other media coverage (outside of the seven publications listed above):

- 7, 20, 23, 29, 30, 41, 42, 47, 56, 62, 66, 71, 79, 96, 99, 102, 108, 122, 137, 140, 147, 152, 163, 166, 176, 186, 194, 198, 215, 219, 228.

These categories do not include the jurors struck by the Court for cause at the August 25, 2021 hearing, at least 9 of whom the parties identified as having evinced substantial media exposure and/or bias in their questionnaire responses.¹

¹ Including the jurors struck at the August 25, 2021 hearing, approximately half of the jurors who completed questionnaires indicated that they have consumed media concerning the case, or have

NOTICE OF FILING OF EXHIBITS RELATED TO VOIR DIRE
CR-18-00258 EJD

1 DATED: August 26, 2021
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4 /s/ Kevin Downey
5 KEVIN DOWNEY
6 LANCE WADE
7 AMY MASON SAHARIA
8 KATHERINE TREFZ
9 Attorneys for Elizabeth Holmes
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27 _____
28 knowledge or opinions about the case that could only have come (directly or indirectly) through media exposure.

CERTIFICATE OF SERVICE

I hereby certify that on August 26, 2021 a copy of this filing was delivered via ECF on all
counsel of record.

/s/ Kevin Downey
KEVIN DOWNEY
Attorney for Elizabeth Holmes

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