

Multiple Documents

Part	Description
1	Main Document
2	Exhibit 1 - Excerpts of Trial Exhibit 5387

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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' OPPOSITION TO HOLMES' MOTION TO ADMIT PRIOR TESTIMONY OF RAMESH "SUNNY" BALWANI
16	v.)	
17	ELIZABETH HOLMES,)	
18	Defendant.)	Date: November 29, 2021
19)	Time: 9:00 a.m.
)	Court: Hon. Edward J. Davila

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1 The government opposes Defendant Elizabeth Holmes' Motion to Admit Prior Testimony of her
2 co-Defendant Ramesh "Sunny" Balwani. ECF No. 1163 ("Mot."). Defendant Holmes may not admit in
3 this criminal case testimony of her co-Defendant Balwani from a prior civil investigation unless she
4 establishes the requirements of Federal Rule of Evidence 804. As explained below, she has not met
5 these requirements and the Court should deny her Motion.

6 **I. Defendant Has Not Met the Requirements of Federal Rule of Evidence 804 to Admit Prior**
7 **Testimony of Her Co-Defendant**

8 **A. Defendant Has Not Established That Co-Defendant Balwani is Unavailable**

9 The general rule to establish a witness is unavailable under Rule 804(a)(1) is that "a witness'
10 blanket assertion of the Fifth Amendment privilege . . . is unacceptable[.]" *United States v. Tsui*,
11 646 F.2d 365, 367 (9th Cir. 1981). Rather, the declarant must be subpoenaed to testify and called before
12 the district judge to formally invoke the privilege in response to specific questions. *See id.*; *see also*
13 *United States v. Wyatt*, 804 F. App'x 530, 532 (9th Cir. 2020) (affirming district court's denial of
14 defendant's request to admit prior statements of co-defendant where co-defendant was never subpoenaed
15 or called before the judge and thus defendant did not establish co-defendant's unavailability).

16 Defendant cites the exception to this general rule that permits a blanket invocation of the Fifth
17 Amendment privilege where the Court has sufficient knowledge of the case and the expected testimony
18 of the witness that the Court could "conclude that the witness could legitimately refuse to answer
19 essentially all relevant questions." *Tsui*, 646 F.2d at 368 (internal quotation omitted). But the cases she
20 cites in her Motion all involve a co-defendant or co-conspirator appearing before the district judge,
21 allowing the district judge to review the specific questions that will be asked of the witness, and an
22 express invocation of the Fifth Amendment by that witness (or counsel for the witness) in front of the
23 Court. *See United States v. Sapp*, 721 F. App'x 698, 698–99 (9th Cir. 2018); *Tsui*, 646 F.2d at 366
24 (defendant called co-conspirator as first witness and then co-conspirator invoked the privilege); Brief of
25 Appellee United States in *United States v. James*, 2020 WL 7866586, at 50–53 (filed Dec. 21, 2020)
26 (arguing that the district court holding a hearing outside the presence of the jury to analyze co-
27 conspirator's Fifth Amendment claim was not an abuse of discretion); *cf.* Mot. at 3–4 (citing these cases
28 in support of finding a blanket privilege applies here).

1 Here, Defendant has not subpoenaed her co-Defendant Balwani nor called him as a witness in
 2 her criminal case before the Court.¹ Thus, Defendant has not even attempted to compel Balwani to
 3 testify, and this Court has not had the opportunity to do more than “speculate as to whether that express
 4 claim [of Fifth Amendment privilege] would have been made”—as the Ninth Circuit forbids. *Wyatt*,
 5 804 F. App’x at 532. Defendant’s communication with co-Defendant Balwani’s counsel
 6 (ECF No. 1164)—also outside the presence of the Court and the government—does not fill this gap.
 7 Therefore, the blanket assertion of Balwani’s Fifth Amendment privilege is unacceptable.

8 **B. Co-Defendant Balwani’s Prior Testimony Does Not Meet the Requirements of**
 9 **Federal Rule of Evidence 804(b)(3)**

10 To admit statements against the declarant’s penal interest under Rule 804(b)(3), the proponent
 11 must demonstrate that: (1) the declarant is unavailable—which Defendant cannot do here as described
 12 above; (2) the statement tended to subject the declarant to criminal liability such that a reasonable person
 13 in the declarant’s position would not have made the statement unless he believed it to be true; and
 14 (3) there exist corroborating circumstances that clearly indicate the statement’s trustworthiness. Fed. R.
 15 Evid. 804(b)(3); *United States v. Paguio*, 114 F.3d 928, 932 (9th Cir. 1997).

16 The Ninth Circuit has repeatedly held that statements by family members—or from a declarant
 17 who may have made the statements out of “[a] motive of love”—do not meet the threshold of indicating
 18 trustworthiness underpinning this hearsay exception. *Id.* at 933; *see United States v. Gadson*, 763 F.3d
 19 1189, 1200 (9th Cir. 2014) (“In general, the exculpatory statements of family members are not
 20 considered to be highly reliable[.]” (internal quotation omitted)). Here, co-Defendant Balwani made the
 21 statements that Defendant seeks to admit approximately one year after the Defendants’ 12-year
 22 relationship had ended. In May and June 2016, after Theranos announced co-Defendant Balwani would
 23 be leaving the company, Balwani texted Defendant Holmes messages of love and support despite the
 24 challenges the company was facing. Exhibit 1 (attached are excerpts of Trial Exhibit 5387 (“TX 5387”))

25
 26 ¹ This, of course, is consistent with Defendant Holmes’ position in her motion for a severance, where
 27 she claimed that co-Defendant Balwani’s presence during her trial “would visibly affect Ms. Holmes’
 28 demeanor in the courtroom and hinder her ability to participate in the trial proceedings or communicate
 with counsel” given their prior abusive intimate-partner relationship. ECF No. 970 at 6 (public redacted
 version of Defendant’s Motion for Severance).

1 at 410, 413–414, 426–428, 444). Specifically, Balwani texted Holmes: “I know things are tough but
 2 don’t give up on your dreams. Keep focused and keep fighting. Plan, focus, stay organized and stay in
 3 control. One person who has a plan and executes can defeat an army.” *Id.* at 9 (TX 5387 at 444). Co-
 4 Defendant Balwani also expressed a desire to help Defendant Holmes because of his love for her:
 5 “I could have done so much more [¶] There is so much more I can give to you and this world[,]” and
 6 “[m]y love and devotion to you will lift your heart[.]” *Id.* at 4–5 (TX 5387 at 413–14). Indeed, the
 7 Defendants’ contemporaneous text messages contradict some of Balwani’s prior testimony before the
 8 SEC, further undermining its trustworthiness. *Compare id.* at 1–2 (TX 5387 at 34, 36) (Balwani
 9 referring to projections—rather than model—and asking if Holmes is comfortable with explaining it to
 10 potential investors), *with* ECF No. 1163-3 at 6 (Balwani testifying that Holmes was not familiar with the
 11 financial model he prepared).

12 Moreover, several of the statements that Defendant seeks to admit “are not truly self-inculpatory
 13 for purposes of Rule 804(b)(3)(A) because they do not expose [Balwani] himself to criminal liability.”
 14 *Gadson*, 763 F.3d at 1200 (internal quotations omitted). The Ninth Circuit has held that “[s]tatements
 15 that curry favor or deflect (or share) blame do not fall within the scope of Rule 804(b)(3)(A).” *Id.*
 16 (internal quotation omitted). Most of the statements Defendant seeks to admit from co-Defendant
 17 Balwani’s prior testimony fall into this category of deflecting or sharing blame, namely:

- 18 • In 2010, Balwani and Holmes spent time meeting with retail pharmacy
 19 businesses, including Walgreens and Safeway, and noting that Holmes “spent a lot more
 20 time on Safeway because she had developed a close relationship with Steve Burd[.]”
 21 ECF No. 1163-2 at 4. For Walgreens, Balwani testified that he “was spending at least as
 22 much time as [Holmes] on Walgreens from the start.” *Id.* at 5.
- 23 • Balwani described Burd’s “obsess[ion]” with the Theranos project. *Id.* at 4–5.
- 24 • Balwani testified that Danise Yam “was in charge of all the financials” and she
 25 would provide him with updates on the company’s cash position. *Id.* at 6.
- 26 • Balwani described how he created a financial model—rather than projections—
 27 and he did so with input from Safeway and Walgreens and later from individuals at BDT.
 28 *Id.* at 6–7; ECF No. 1163-3 at 3–5. The SEC asked Balwani who labeled the document

1 “projections” and he deflected by pointing to Danise Yam’s and BDT’s roles. ECF No.
2 1163-3 at 4–5.

3 • Balwani testified that lab directors were “responsible for all the medical decision
4 stuff” and he could not “make any medical decisions in the CLIA lab” but “they did
5 report under me.” ECF No. 1163-2 at 9. (And, of course, co-Defendant Balwani
6 reported to Defendant Holmes. *See* Trial Exhibit 4528.)

7 • Balwani also testified that the lab directors determined which device to use in the
8 CLIA lab for patient testing and that “[t]he technical decisions were being made by the
9 CLIA lab directors and the scientists and engineers in the company.” ECF No. 1163-4
10 at 3–4.

11 Indeed, the prior testimony Defendant seeks to admit regarding the null protocol fails both
12 prongs of Rule 804(b)(3). First, there is nothing inculpatory about co-Defendant Balwani’s answer
13 regarding whether Defendant Holmes knew about the null protocol or whether others outside the
14 software group at Theranos knew what “null protocol” meant. *See* ECF No. 1163-2 at 10. Second,
15 contrary to Defendant’s assertion (Mot. at 6), the evidence at trial thus far does *not* corroborate
16 Balwani’s answer to the SEC. The testimony of Daniel Edlin that Defendant cites does not speak to
17 Holmes’ knowledge or lack thereof regarding the null protocol, and his testimony on direct examination
18 described what the null protocol was designed to do and discussed emails about the null protocol that
19 were shared with Defendant Holmes and co-Defendant Balwani. *See, e.g.*, 10/15/2021 Hearing
20 Transcript at 3873:25–3874:23; 10/19/2021 Hearing Transcript at 3916:7–23, 3940:13–3942:25.

21 In sum, co-Defendant Balwani’s prior testimony is not admissible under Rule 804(b)(3) because
22 the statements largely deflect or share blame by pointing to others and, to the extent Balwani inculpat
23 himself and exculpates Holmes, there is insufficient indication of trustworthiness because he may have
24 been motivated by feelings of love given their prior relationship.

25 **C. Co-Defendant Balwani’s Prior Testimony Is Not Admissible Under Rule 804(b)(1)**

26 Under Federal Rule of Evidence 804(b)(1), testimony from a prior civil investigation is not
27 admissible in a criminal case unless the declarant is unavailable as a witness and the party against whom
28 the testimony is offered in the criminal case “had an opportunity and similar motive to develop it by

1 direct, cross-, or redirect examination” in the prior civil proceeding. Fed. R. Evid. 804(b)(1). Here, the
2 Securities and Exchange Commission (“SEC”) and Department of Justice (“DOJ”) are not the same
3 party, and the SEC did not have a “similar motive” to the DOJ’s in developing co-Defendant Balwani’s
4 civil investigative testimony.

5 First, the government submits that the SEC and DOJ—and more specifically the United States
6 Attorney’s Office (“USAO”)—are not the same party for Rule 804(b) purposes. While the Ninth Circuit
7 has not specifically addressed this question, the Ninth Circuit analyzed a similar question and held that
8 the USAO and Federal Deposit Insurance Corporation (“FDIC”) are not the same party for Rule 804(b)
9 purposes. *See Fed. Deposit Ins. Corp. v. Glickman*, 450 F.2d 416, 417–18 (9th Cir. 1971). Specifically,
10 the Ninth Circuit held that the “FDIC stands in the shoes of the insolvent bank” and the “FDIC, in its
11 capacity as receiver of a bank, is not represented in this litigation by the United States Attorney, as
12 would be the Government if it were a party.” *Id.* at 418. The Ninth Circuit’s logic aligns with the
13 reasoning of the Fifth Circuit—which explicitly held that the SEC and DOJ are not the same party for
14 Rule 804(b) purposes in *United States v. Baker*, 923 F.3d 390, 399 (5th Cir. 2019). The Fifth Circuit in
15 *Baker* noted that the case law on this topic is sparse but “no court has expressly held that the SEC and
16 the DOJ are the same party” and it declined to be the first court to do so. *Id.* at 399–401. The
17 Fifth Circuit reviewed and rejected the Seventh Circuit’s holding in *United States v. Sklena*, 692 F.3d
18 725, 731–32 (7th Cir. 2012).

19 While Defendant urges the Court to follow *Sklena* and part ways from *Baker* (Mot. at 7–8),
20 *Baker*’s distinctions are sound and apply equally here. Critically, the agency at issue in *Sklena* was the
21 Community Futures Trading Commission (“CFTC”)—which is required by statute to report to DOJ—
22 and thus the Seventh Circuit found that “had [DOJ] wished, it could have ensured that the CFTC lawyers
23 included questions of interest to the United States when they deposed [the witness].” *Id.* But DOJ does
24 not exert the same amount of control over the SEC. Defendant’s reference to coordinated discovery
25 efforts conflates cooperation with control. *See* Mot. at 8. As explained by the Fifth Circuit: “Unlike the
26 CFTC, the SEC is not statutorily required to report to the DOJ, nor must the two agencies cooperate to
27 enforce the same statutory scheme. The SEC is an independent agency with its own litigating
28 authority.” *Baker*, 923 F.3d at 401. As the Ninth Circuit found in *Glickman*, the SEC would not be

1 represented in litigation by the USAO and thus the SEC and DOJ should not be considered the same
2 party for Rule 804(b) purposes.

3 Second, even if the Court disagrees and finds the SEC and DOJ to be the same party,
4 Ninth Circuit precedent precludes a finding that they shared a “similar motive” in developing co-
5 Defendant Balwani’s testimony. The Ninth Circuit drew a distinction for Rule 804(b)(1) purposes
6 between the SEC’s *investigatory* process and the SEC’s *accusatory* stage of proceedings in *SEC v.*
7 *Jasper*, 678 F.3d 1116, 1128–29 (9th Cir. 2012). In *Jasper*, the defendant in an SEC enforcement action
8 sought to introduce the investigative testimony of a lower-level employee that was taken *by the SEC*
9 before the formal complaint was filed. *Id.* at 1127–29. The employee was unavailable to testify at trial
10 because he had invoked his Fifth Amendment right against self-incrimination. *Id.* Nevertheless, the
11 Court upheld the district court’s decision that the prior testimony could not be used against the SEC in
12 the enforcement action because the SEC did not have “*a motive similar to its motive at trial*” and the
13 employee’s prior testimony “was too unreliable to be admitted without the opportunity for cross-
14 examination by the SEC.” *Id.* at 1128. So too here.

15 The investigative testimony of co-Defendant Balwani that Defendant Holmes seeks to admit was
16 taken prior to the SEC filing an enforcement complaint. *See* ECF No. 1, Dkt. No. 18-CV-01603-EJD
17 (complaint filed on March 14, 2018). The DOJ is a separate agency from the SEC and has a higher
18 burden of proof to meet. *See Baker*, 923 F.3d at 401–02. In the investigatory process, the SEC is
19 “likely developing a factual background regarding wrongdoing at the company generally, whereas the
20 DOJ would have been gathering evidence to convict specific individuals.” *Id.* at 402. Critically, the
21 SEC focused on securities fraud whereas the indictment against Defendants also alleges a conspiracy to
22 defraud patients. Members of the USAO prosecution team did not attend Balwani’s SEC investigative
23 testimony and contributed no input to the questions asked by the SEC. And the prior testimony of co-
24 Defendant Balwani is too unreliable—for reasons discussed in the prior section—to be admitted without
25 being tested by cross examination by the government. Thus, for the same reasons the Ninth Circuit
26 upheld a district court’s finding that testimony taken by the SEC during its investigatory process should
27 not be used against the SEC in a later enforcement action, similar testimony in this case should not be
28 used against the DOJ in a criminal trial without the benefit of cross-examination.

1 In sum, the Court should exclude co-Defendant Balwani's prior testimony as inadmissible
2 hearsay.

3 **II. Co-Defendant Balwani's Prior Testimony Should Be Excluded Under Federal Rule of**
4 **Evidence 403**

5 Defendant acknowledges in her Motion that several of the subjects she seeks to introduce
6 through co-Defendant Balwani's SEC investigative testimony have been discussed by other witnesses at
7 trial to date. Mot. at 6. To the extent the Court finds any of co-Defendant Balwani's prior testimony to
8 fall within a hearsay exception, the Court should still exclude as cumulative any statements about lab
9 directors being responsible for medical decisions and in the CLIA lab, Danise Yam controlling
10 Theranos's finances, and Steve Burd's views about Theranos's technology.

11 **III. Conclusion**

12 The government respectfully requests that the Court deny Defendant's Motion to Admit Prior
13 Testimony of her co-Defendant Balwani. To the extent the Court is inclined to grant Defendant's
14 Motion, the government respectfully requests a reasonable amount of time to propose rule of
15 completeness suggestions pursuant to Federal Rule of Evidence 106.

16
17 DATED: November 28, 2021

Respectfully submitted,

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19 Acting United States Attorney

20 /s/ Kelly I. Volkar
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25 Assistant United States Attorneys
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Record	Type	Message Sent Date/Time	Message	Sender / Author	Recipient(s)	ChatID	Attachments
Hoimes_iPhone_iMessage-MMS-SMS_007404	iMessage	11/21/2013 3:50:24 AM	Love	Sunny Balwani	Elizabeth Holmes		
Hoimes_iPhone_iMessage-MMS-SMS_007407	iMessage	11/21/2013 4:11:05 AM	:)	Elizabeth Holmes	Sunny Balwani		
Hoimes_iPhone_iMessage-MMS-SMS_007405	iMessage	11/21/2013 4:11:08 AM	More love	Elizabeth Holmes	Sunny Balwani		
Hoimes_iPhone_iMessage-MMS-SMS_007410	iMessage	11/21/2013 4:16:00 AM		Sunny Balwani	Elizabeth Holmes		
Hoimes_iPhone_iMessage-MMS-SMS_007406	iMessage	11/21/2013 4:16:09 AM	What is our gate code	Elizabeth Holmes	Sunny Balwani		
Hoimes_iPhone_iMessage-MMS-SMS_007412	iMessage	11/21/2013 4:19:51 AM	Will txt when get there	Elizabeth Holmes	Sunny Balwani		
Hoimes_iPhone_iMessage-MMS-SMS_007411	iMessage	11/21/2013 4:20:05 AM	Ok	Sunny Balwani	Elizabeth Holmes		
Hoimes_iPhone_iMessage-MMS-SMS_007423	iMessage	11/21/2013 4:46:39 AM	Just walked in door. Going to open luggage and start bringing upstairs. Missing you. How is your mom ...	Elizabeth Holmes	Sunny Balwani		
Hoimes_iPhone_iMessage-MMS-SMS_007426	iMessage	11/21/2013 4:48:00 AM	Wish I could help you carry the stuff. Mom is ok. Trying to get her home today. She won't get any better in hospital. She is having breathing issues.	Sunny Balwani	Elizabeth Holmes		
Hoimes_iPhone_iMessage-MMS-SMS_007430	iMessage	11/21/2013 4:48:00 AM	All ur texts are coming thru ur iCloud account which is safer. Don't know how u did it.	Sunny Balwani	Elizabeth Holmes		
Hoimes_iPhone_iMessage-MMS-SMS_007427	iMessage	11/21/2013 4:48:17 AM	:)	Elizabeth Holmes	Sunny Balwani		
Hoimes_iPhone_iMessage-MMS-SMS_007424	iMessage	11/21/2013 4:48:29 AM	Agree if hospital can't help	Elizabeth Holmes	Sunny Balwani		
Hoimes_iPhone_iMessage-MMS-SMS_007425	iMessage	11/21/2013 4:48:33 AM	Call me	Elizabeth Holmes	Sunny Balwani		
Hoimes_iPhone_iMessage-MMS-SMS_007431	iMessage	11/21/2013 4:50:02 AM	:)	Elizabeth Holmes	Sunny Balwani		
Hoimes_iPhone_iMessage-MMS-SMS_007428	iMessage	11/21/2013 4:50:08 AM	Ok	Sunny Balwani	Elizabeth Holmes		
Hoimes_iPhone_iMessage-MMS-SMS_007429	iMessage	11/21/2013 4:50:14 AM	Call anytime	Elizabeth Holmes	Sunny Balwani		
Hoimes_iPhone_iMessage-MMS-SMS_007432	iMessage	11/21/2013 4:54:57 AM	About to send files to Surabh btw - assume you didn't have comments on that little text series ...	Elizabeth Holmes	Sunny Balwani		
Hoimes_iPhone_iMessage-MMS-SMS_007433	iMessage	11/21/2013 5:07:00 AM	Correct	Sunny Balwani	Elizabeth Holmes		
Hoimes_iPhone_iMessage-MMS-SMS_007436	iMessage	11/21/2013 5:35:58 AM	U should make urself comfortable with financial models alternatively, u can cover everything else and I can meet with him on Tuesday and answer any questions.	Sunny Balwani	Elizabeth Holmes		
Hoimes_iPhone_iMessage-MMS-SMS_007437	iMessage	11/21/2013 5:37:20 AM	Are you coming home Tuesday?	Elizabeth Holmes	Sunny Balwani		
Hoimes_iPhone_iMessage-MMS-SMS_007440	iMessage	11/21/2013 5:39:39 AM	I'll get myself comfortable. Let me know what file to use.	Elizabeth Holmes	Sunny Balwani		
Hoimes_iPhone_iMessage-MMS-SMS_007438	iMessage	11/21/2013 5:43:12 AM	Planning to come home Monday if all goes well	Sunny Balwani	Elizabeth Holmes		
Hoimes_iPhone_iMessage-MMS-SMS_007439	iMessage	11/21/2013 5:51:52 AM	:)	Elizabeth Holmes	Sunny Balwani		
Hoimes_iPhone_iMessage-MMS-SMS_007441	iMessage	11/21/2013 5:54:08 AM	Is it nice to be home	Sunny Balwani	Elizabeth Holmes		
Hoimes_iPhone_iMessage-MMS-SMS_007445	iMessage	11/21/2013 5:54:08 AM	I developed terrible flu yesterday.	Sunny Balwani	Elizabeth Holmes		
Hoimes_iPhone_iMessage-MMS-SMS_007447	iMessage	11/21/2013 6:18:33 AM	Oh no tiger	Elizabeth Holmes	Sunny Balwani		
Hoimes_iPhone_iMessage-MMS-SMS_007446	iMessage	11/21/2013 6:19:07 AM	Can stop sniffing and sneezing.	Sunny Balwani	Elizabeth Holmes		

Record	Type	Message Sent Date/Time	Message	Sender / Author	Recipient(s)	ChatID	Attachments
Hoimes_iPhone_iMessage-MMS-SMS_007479	iMessage	11/21/2013 10:05:46 PM	K all set up here now with the files. Sleep long time. Xxxxxxxx	Elizabeth Holmes	Sunny Balwani		
Hoimes_iPhone_iMessage-MMS-SMS_007481	iMessage	11/22/2013 4:28:48 AM	Confirmed Monday on Singapore airlines.	Sunny Balwani	Elizabeth Holmes		
Hoimes_iPhone_iMessage-MMS-SMS_007483	iMessage	11/22/2013 4:30:23 AM	Reaching home at 8 pm. Same fit as u took.	Sunny Balwani	Elizabeth Holmes		
Hoimes_iPhone_iMessage-MMS-SMS_007484	iMessage	11/22/2013 4:45:50 AM	10 nights	Elizabeth Holmes	Sunny Balwani		
Hoimes_iPhone_iMessage-MMS-SMS_007486	iMessage	11/22/2013 4:48:09 AM	I know.	Sunny Balwani	Elizabeth Holmes		
Hoimes_iPhone_iMessage-MMS-SMS_007491	iMessage	11/22/2013 5:15:44 AM	I wd be ok with projections but not financials	Sunny Balwani	Elizabeth Holmes		
Hoimes_iPhone_iMessage-MMS-SMS_007490	iMessage	11/22/2013 5:16:03 AM	What are your thoughts on sending financials to DFJ even though we've never sent them as an existing investor / on sending other content to them @ this stage	Elizabeth Holmes	Sunny Balwani		
Hoimes_iPhone_iMessage-MMS-SMS_007488	iMessage	11/22/2013 5:17:38 AM	Projects include bs and 2013 numbers. I guess it is ok.	Elizabeth Holmes	Sunny Balwani		
Hoimes_iPhone_iMessage-MMS-SMS_007492	iMessage	11/22/2013 5:18:04 AM	Saw you took the 10m tps out of sequoia 2013 projects	Elizabeth Holmes	Sunny Balwani		
Hoimes_iPhone_iMessage-MMS-SMS_007493	iMessage	11/22/2013 5:18:26 AM	(And therefore will be out of the DFJ projects)	Elizabeth Holmes	Sunny Balwani		
Hoimes_iPhone_iMessage-MMS-SMS_007496	iMessage	11/22/2013 5:20:00 AM	Yeah	Sunny Balwani	Elizabeth Holmes		
Hoimes_iPhone_iMessage-MMS-SMS_007495	iMessage	11/22/2013 5:22:45 AM	I guess if 25 is an issue 35 would be too ...	Elizabeth Holmes	Sunny Balwani		
Hoimes_iPhone_iMessage-MMS-SMS_007494	iMessage	11/22/2013 5:24:16 AM	Or look another way, if 25 is not good enuff than 35 won't be either.	Sunny Balwani	Elizabeth Holmes		
Hoimes_iPhone_iMessage-MMS-SMS_007497	iMessage	11/22/2013 5:38:04 AM	Exactly!	Elizabeth Holmes	Sunny Balwani		
Hoimes_iPhone_iMessage-MMS-SMS_007510	iMessage	11/22/2013 6:45:20 AM	In the kitchen pantry on left	Sunny Balwani	Elizabeth Holmes		
Hoimes_iPhone_iMessage-MMS-SMS_007509	iMessage	11/22/2013 6:46:42 AM	Let me know where fishie food is. Had almost know food	Elizabeth Holmes	Sunny Balwani		
Hoimes_iPhone_iMessage-MMS-SMS_007511	iMessage	11/22/2013 6:47:26 AM	.) big fishie came to eat xxx	Elizabeth Holmes	Sunny Balwani		
Hoimes_iPhone_iMessage-MMS-SMS_007512	iMessage	11/22/2013 6:47:28 AM	We can go. Sounds good	Sunny Balwani	Elizabeth Holmes		
Hoimes_iPhone_iMessage-MMS-SMS_007513	iMessage	11/22/2013 6:47:28 AM	R u out there? l tht u r in bed	Sunny Balwani	Elizabeth Holmes		
Hoimes_iPhone_iMessage-MMS-SMS_007514	iMessage	11/22/2013 6:47:54 AM	Btw Christian found great place @ shutters on the beach in la for nye - let me know what your desire is	Elizabeth Holmes	Sunny Balwani		
Hoimes_iPhone_iMessage-MMS-SMS_007517	iMessage	11/22/2013 6:48:26 AM	Went when I came home. Sensed they were hungry	Elizabeth Holmes	Sunny Balwani		
Hoimes_iPhone_iMessage-MMS-SMS_007518	iMessage	11/22/2013 6:48:35 AM	I think so too. I'll tell him were in	Elizabeth Holmes	Sunny Balwani		
Hoimes_iPhone_iMessage-MMS-SMS_007525	iMessage	11/22/2013 6:49:46 AM	.) xo	Elizabeth Holmes	Sunny Balwani		
Hoimes_iPhone_iMessage-MMS-SMS_007547	iMessage	11/22/2013 7:10:39 AM	Xoxox	Elizabeth Holmes	Sunny Balwani		
Hoimes_iPhone_iMessage-MMS-SMS_007550	iMessage	11/22/2013 7:10:55 AM	Love	Sunny Balwani	Elizabeth Holmes		
Hoimes_iPhone_iMessage-MMS-SMS_007551	iMessage	11/22/2013 7:12:09 AM	More love	Elizabeth Holmes	Sunny Balwani		
Hoimes_iPhone_iMessage-MMS-SMS_007554	iMessage	11/22/2013 3:55:23 PM	Going to go crash early today. Tired live for my baby	Sunny Balwani	Elizabeth Holmes		
Hoimes_iPhone_iMessage-MMS-SMS_007558	iMessage	11/22/2013 5:05:23 PM	Xxx	Elizabeth Holmes	Sunny Balwani		

Record	Type	Message Sent Date/Time	Message	Sender / Author	Recipient(s)	ChatID	Attachments
Holmes_iPhone_iMessage-MMS-SMS_049232	iMessage	4/21/2016 2:45:29 PM	:)	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049235	iMessage	4/21/2016 2:45:35 PM	Awesome	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049236	iMessage	4/21/2016 8:22:24 PM	Brooke came by and shared that you have shared with her of my transitioning out?	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_064778	MMS	4/21/2016 9:51:42 PM		Sunny Balwani	Elizabeth Holmes		~/Library/SMS/Attachments/ff/15/F895D07E-961D-4EA9-8768-
Holmes_iPhone_iMessage-MMS-SMS_049237	iMessage	4/21/2016 11:10:09 PM	:)	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049238	iMessage	4/22/2016 3:42:32 AM	Hi	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049239	iMessage	4/22/2016 4:49:09 AM	Missing you. Hope all is well	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049241	iMessage	4/22/2016 6:04:40 AM	Hope you are safe. Worrying about you.	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049240	iMessage	4/22/2016 3:11:45 PM	It was full moon last night. And this morning it is pouring rain. Love	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049242	iMessage	4/22/2016 3:12:23 PM	Gods omen	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049243	iMessage	4/22/2016 3:12:27 PM	Prepping xxx	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049244	iMessage	4/22/2016 3:12:36 PM	Ok	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049245	iMessage	4/22/2016 9:13:34 PM	How did it go?	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049246	iMessage	4/22/2016 9:59:39 PM	Love	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049247	iMessage	4/22/2016 10:02:28 PM	Infinite	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049249	iMessage	4/22/2016 10:02:40 PM	Missing you	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049250	iMessage	4/22/2016 10:02:40 PM	Alright.	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049248	iMessage	4/22/2016 10:02:44 PM	How're u doing	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049251	iMessage	4/22/2016 10:03:29 PM	Ditto. Paradise is next.	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049252	iMessage	4/22/2016 10:56:28 PM	Made the flight. Land 10:20	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049253	iMessage	4/22/2016 11:08:19 PM	Wonderful	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049254	iMessage	4/22/2016 11:08:26 PM		Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049255	iMessage	4/23/2016 1:50:56 AM	Should I order any food for you?	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049256	iMessage	4/23/2016 1:53:36 AM	No need. Have u eaten naan yet	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049257	iMessage	4/23/2016 1:55:12 AM	No	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049258	iMessage	4/23/2016 1:57:59 AM	Btw most of marketing and comms team wasn't here all day. Brooke came for may be hour. Carissa and Jodi no shoe and they didn't file pto as always. The entire that side of building was empty because 5 PMs were missing also probably on PTO	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049259	iMessage	4/23/2016 2:00:41 AM	Lauren also came around 11 and gone by 4.	Sunny Balwani	Elizabeth Holmes		

Record	Type	Message Sent Date/Time	Message	Sender / Author	Recipient(s)	ChatID	Attachments
Holmes_iPhone_iMessage-MMS-SMS_049310	iMessage	4/26/2016 2:52:00 AM	Ate a lot during day	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049314	iMessage	4/26/2016 2:52:23 AM	So nice to have the anticipation of coming home	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049317	iMessage	4/26/2016 6:20:48 PM	My heart is missing it's heartbeat.	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049318	iMessage	4/26/2016 6:44:49 PM	Ditto	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049321	iMessage	4/26/2016 6:44:51 PM	We will do this	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049319	iMessage	4/26/2016 7:29:04 PM	Love for my love	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049320	iMessage	4/26/2016 7:30:41 PM	💕	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049322	iMessage	4/26/2016 7:31:34 PM	More love	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049323	iMessage	4/26/2016 9:53:41 PM	Going for massage. Shd be done by 445	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049326	iMessage	4/26/2016 9:57:25 PM	Awesome	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049325	iMessage	4/26/2016 11:52:58 PM	Missing my heartbeat	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049324	iMessage	4/27/2016 12:06:52 AM	Ditto times a million	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049328	iMessage	4/27/2016 3:46:08 AM	Nice	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049327	iMessage	4/27/2016 3:47:36 AM	On my way! 😊😁😁😁	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049330	iMessage	4/27/2016 2:34:40 PM	Tried calling you couple of times.	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049332	iMessage	4/27/2016 3:25:52 PM	Yeah ok	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049329	iMessage	4/27/2016 3:26:13 PM	All ok in meeting	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049331	iMessage	4/27/2016 3:26:15 PM	?	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049334	iMessage	4/27/2016 3:36:32 PM	Love and prayers and all my energy for you in every breath.	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049336	iMessage	4/27/2016 4:40:32 PM	Mine too.	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049339	iMessage	4/27/2016 4:40:32 PM	My love and devotion to you will lift your heart	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049333	iMessage	4/27/2016 4:41:06 PM	I love you	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049335	iMessage	4/27/2016 4:41:11 PM	Heart in pain	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049338	iMessage	4/27/2016 5:00:55 PM	Going into shower. 5 mi Utes	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049337	iMessage	4/27/2016 5:06:07 PM	Will call in but	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049340	iMessage	4/27/2016 5:06:08 PM	Ok	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049341	iMessage	4/27/2016 5:06:22 PM	Bit	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049342	iMessage	4/27/2016 10:36:48 PM	Infinite love for you in every breath. Let's focus only on business.	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049344	iMessage	4/27/2016 10:36:48 PM	Zika, publications, ctn submission studies, submissions and clearance.	Sunny Balwani	Elizabeth Holmes		

Record	Type	Message Sent Date/Time	Message	Sender / Author	Recipient(s)	ChatID	Attachments
Holmes_iPhone_iMessage-MMS-SMS_049343	iMessage	4/27/2016 11:08:47 PM	Science can not be denied or refuted.	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049345	iMessage	4/28/2016 10:02:40 PM	Love	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049346	iMessage	4/28/2016 10:05:28 PM	More love.	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049347	iMessage	4/28/2016 10:09:04 PM	Missing u in every breath and in every cell.	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049348	iMessage	4/28/2016 10:10:54 PM	Ditto	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049349	iMessage	4/28/2016 10:11:01 PM	You live in my eyes. I see you everywhere.	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049352	iMessage	4/28/2016 10:11:12 PM	Pray we get time of joy and happiness and carefreeness like birds soon.	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049350	iMessage	4/28/2016 10:11:15 PM	☺	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049353	iMessage	4/29/2016 12:17:04 AM	Ok	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049351	iMessage	4/29/2016 12:17:49 AM	Will call back	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049354	iMessage	4/29/2016 1:26:41 AM	Call when have 5 minutes	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049357	iMessage	4/29/2016 7:52:32 PM	Off to gym should be done by 2	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049355	iMessage	4/29/2016 8:07:05 PM	Awesome	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049356	iMessage	4/29/2016 9:26:24 PM	👉	Sunny Balwani	Elizabeth Holmes		~/Library/SMS/Attachments/9a/10/18185644-9FC8-43A5-9B89-
Holmes_iPhone_iMessage-MMS-SMS_049358	iMessage	4/29/2016 9:26:24 PM	World is so beautiful because of you.	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049361	iMessage	4/29/2016 9:26:24 PM	👉	Sunny Balwani	Elizabeth Holmes		~/Library/SMS/Attachments/86/06/50EDC02A-A1CA-4BDB-9BD7-
Holmes_iPhone_iMessage-MMS-SMS_049359	iMessage	4/29/2016 9:43:27 PM	I love you	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049360	iMessage	4/29/2016 9:43:28 PM	For me you are manifestation of love itself.	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049362	iMessage	4/29/2016 9:44:37 PM	☺	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049363	iMessage	4/29/2016 9:48:23 PM	"In all the world, there is no heart for me like yours. In all the world, there is no love for you like mine." Maya Angelou	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049364	iMessage	4/29/2016 9:49:30 PM	I agree. There is no love for me like yours. Which is why it's hard to breath without your breath near me.	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049365	iMessage	4/29/2016 9:51:14 PM	:)	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049366	iMessage	4/29/2016 9:51:22 PM	Ditto	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049367	iMessage	4/29/2016 10:51:44 PM	Loving you.	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049368	iMessage	4/29/2016 10:53:47 PM	Loving you infinite	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049369	iMessage	4/29/2016 10:53:52 PM	I could have done so much more.	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049370	iMessage	4/29/2016 10:53:52 PM	There is so much more I can give to you and this world.	Sunny Balwani	Elizabeth Holmes		

Record	Type	Message Sent Date/Time	Message	Sender / Author	Recipient(s)	ChatID	Attachments
Holmes_iPhone_iMessage-MMS-SMS_049668	iMessage	5/11/2016 3:48:44 AM	Ok	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049671	iMessage	5/11/2016 5:42:24 PM	Whenever u r free call me for 2 minutes. Nothing urgent.	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049669	iMessage	5/11/2016 5:53:52 PM	K	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049670	iMessage	5/12/2016 3:13:48 AM	☺	Sunny Balwani	Elizabeth Holmes		~/Library/SMS/Attachments/31/01/AAB0C4DB-2928-4A44-83EB-
Holmes_iPhone_iMessage-MMS-SMS_049672	iMessage	5/12/2016 3:19:00 AM	☺	Elizabeth Holmes	Sunny Balwani		~/Library/SMS/Attachments/cb/11/35824212-6701-40FD-A84A-
Holmes_iPhone_iMessage-MMS-SMS_049673	iMessage	5/12/2016 3:19:03 AM	Been thinking about you nonstop	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049674	iMessage	5/12/2016 3:19:33 AM	Me too.	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049676	iMessage	5/13/2016 1:30:32 AM	☺	Sunny Balwani	Elizabeth Holmes		~/Library/SMS/Attachments/6f/15/9DFD09DE-E50B-496F-9EA4-
Holmes_iPhone_iMessage-MMS-SMS_049675	iMessage	5/13/2016 1:33:21 AM	☺	Elizabeth Holmes	Sunny Balwani		~/Library/SMS/Attachments/a9/09/21F87893-B667-4BC9-9674-
Holmes_iPhone_iMessage-MMS-SMS_049677	iMessage	5/13/2016 1:33:52 AM	I was literally looking at these words when u texted me. Exact same moment	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049678	iMessage	5/13/2016 1:38:28 AM	:)	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049679	iMessage	5/13/2016 8:51:57 PM	Would you send my love to your mom	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049680	iMessage	5/13/2016 8:52:16 PM	I will	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049681	iMessage	5/13/2016 9:28:32 PM	I love you and miss you	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049682	iMessage	5/13/2016 10:31:18 PM	Ditto	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049683	iMessage	5/13/2016 11:08:35 PM	☺	Sunny Balwani	Elizabeth Holmes		~/Library/SMS/Attachments/de/14/E8F3905A-525C-463E-B911-
Holmes_iPhone_iMessage-MMS-SMS_049684	iMessage	5/13/2016 11:08:48 PM	☺	Sunny Balwani	Elizabeth Holmes		~/Library/SMS/Attachments/45/05/060EF350-BF2A-4569-B54D-
Holmes_iPhone_iMessage-MMS-SMS_049685	iMessage	5/13/2016 11:09:34 PM	☺	Elizabeth Holmes	Sunny Balwani		~/Library/SMS/Attachments/44/04/B4E51827-B043-4ACB-91E9-
Holmes_iPhone_iMessage-MMS-SMS_049686	iMessage	5/13/2016 11:10:05 PM	Nice	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049687	iMessage	5/14/2016 7:14:08 PM	Back home. Love.	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049688	iMessage	5/14/2016 7:16:35 PM	Infinite love	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049689	iMessage	5/14/2016 8:28:48 PM	Booking my fight for next Saturday morning to India. Ok?	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049690	iMessage	5/14/2016 8:54:37 PM	Yes :)	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049691	iMessage	5/14/2016 8:54:51 PM	No Friday night for you?	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049692	iMessage	5/14/2016 8:55:20 PM	No Friday night. Just clicked confirm for Saturday am after ur text and permission	Sunny Balwani	Elizabeth Holmes		

Record	Type	Message Sent Date/Time	Message	Sender / Author	Recipient(s)	ChatID	Attachments
Holmes_iPhone_iMessage-MMS-SMS_049693	iMessage	5/14/2016 8:57:40 PM	:)	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049694	iMessage	5/14/2016 8:58:18 PM	Got the best seat and airline. First class suite on etihad.	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049695	iMessage	5/14/2016 9:14:59 PM	Awesome. That is perfect.	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049696	iMessage	5/14/2016 10:36:48 PM	Heading out for coffee my love	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049697	iMessage	5/14/2016 10:57:38 PM	:)	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049698	iMessage	5/14/2016 10:57:40 PM	Nice	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049699	iMessage	5/14/2016 10:59:16 PM	Back home. Sending my infinite love	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049700	iMessage	5/14/2016 10:59:32 PM	Ditto	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049701	iMessage	5/14/2016 10:59:48 PM	☺	Sunny Balwani	Elizabeth Holmes		~/Library/SMS/Attachments/74/04/ED9BA25-9B6C-4166-A9BA-
Holmes_iPhone_iMessage-MMS-SMS_049702	iMessage	5/14/2016 10:59:59 PM	Beautiful	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049703	iMessage	5/14/2016 11:00:16 PM	☺	Sunny Balwani	Elizabeth Holmes		~/Library/SMS/Attachments/db/11/OC855E96-5FCC-47EA-8486-
Holmes_iPhone_iMessage-MMS-SMS_049704	iMessage	5/15/2016 12:12:48 AM	Diana put two books on my desk that came in thru Amazon. Can u bring them ?	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049705	iMessage	5/15/2016 12:28:49 AM	Of course	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049706	iMessage	5/15/2016 12:33:20 AM	Ordering from Naomi. Anything for u?	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049707	iMessage	5/15/2016 12:33:44 AM	All set :) good you're ordering. A bit hungry	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049708	iMessage	5/15/2016 7:03:15 PM	If you get coffee on the way back let me know ... :)	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049709	iMessage	5/15/2016 7:03:28 PM	Ok	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049710	iMessage	5/15/2016 7:03:28 PM	What do u need	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049711	iMessage	5/15/2016 7:04:11 PM	Will decide if u go after apptmnt ...	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049712	iMessage	5/15/2016 7:56:48 PM	On my way! Do u want coffee	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049713	iMessage	5/15/2016 11:38:40 PM	☺☺☺	Sunny Balwani	Elizabeth Holmes		~/Library/SMS/Attachments/cb/11/286314CD-7A96-481C-A360-
Holmes_iPhone_iMessage-MMS-SMS_049714	iMessage	5/15/2016 11:38:40 PM	☺☺☺	Sunny Balwani	Elizabeth Holmes		~/Library/SMS/Attachments/0b/11/B6FE005A-E0C6-4862-A5D4-
Holmes_iPhone_iMessage-MMS-SMS_049715	iMessage	5/16/2016 11:45:04 PM	I am going to take off.	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049716	iMessage	5/17/2016 12:19:12 AM	You have my love in every breath	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049717	iMessage	5/17/2016 12:20:49 AM	And in every cell and every heartbeat	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049718	iMessage	5/17/2016 3:21:28 AM	☺	Sunny Balwani	Elizabeth Holmes		~/Library/SMS/Attachments/84/04/A74EA52A-A412-4813-B2C3-

Record	Type	Message Sent Date/Time	Message	Sender / Author	Recipient(s)	ChatID	Attachments
Holmes_iPhone_iMessage-MMS-SMS_049719	iMessage	5/17/2016 4:33:04 AM		Sunny Balwani	Elizabeth Holmes		~/Library/SMS/Attachments/e9/09/53FFDD3D-2A76-4DDE-B33C-
Holmes_iPhone_iMessage-MMS-SMS_049720	iMessage	5/17/2016 4:35:12 AM		Sunny Balwani	Elizabeth Holmes		~/Library/SMS/Attachments/f3/03/9417C488-D69F-4121-87E0-
Holmes_iPhone_iMessage-MMS-SMS_049721	iMessage	5/17/2016 6:10:08 PM	I am here but not sure where you are	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049722	iMessage	5/17/2016 6:10:08 PM	Never mind.	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049723	iMessage	5/18/2016 3:37:15 AM		Sunny Balwani	Elizabeth Holmes		~/Library/SMS/Attachments/d8/08/DB62D9DE-F264-4D75-B7D2-
Holmes_iPhone_iMessage-MMS-SMS_049724	iMessage	5/18/2016 3:37:19 AM	Missing u	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049725	iMessage	5/18/2016 3:37:36 AM		Sunny Balwani	Elizabeth Holmes		~/Library/SMS/Attachments/ca/10/49CD13FB-DF27-4453-9D40-
Holmes_iPhone_iMessage-MMS-SMS_049726	iMessage	5/18/2016 3:43:21 AM		Sunny Balwani	Elizabeth Holmes		~/Library/SMS/Attachments/96/06/E3DF5A9F-2C43-4AC3-99D3-
Holmes_iPhone_iMessage-MMS-SMS_049727	iMessage	5/18/2016 2:56:15 PM		Elizabeth Holmes	Sunny Balwani		~/Library/SMS/Attachments/bb/11/8004B4DA-B90E-4B4D-9F18-
Holmes_iPhone_iMessage-MMS-SMS_049728	iMessage	5/19/2016 2:03:12 AM	Am I participating in the next meeting?	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049729	iMessage	5/19/2016 4:13:17 AM		Sunny Balwani	Elizabeth Holmes		~/Library/SMS/Attachments/63/03/E2C51CC9-AE92-4C75-9D09-
Holmes_iPhone_iMessage-MMS-SMS_049730	iMessage	5/19/2016 4:24:17 AM	I love you	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049731	iMessage	5/19/2016 4:24:21 AM	I love this	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049732	iMessage	5/19/2016 8:33:37 PM	I love you	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049733	iMessage	5/19/2016 9:21:53 PM	U r my every breath.	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049734	iMessage	5/19/2016 9:56:16 PM	Headed out.	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049735	iMessage	5/19/2016 10:13:31 PM	I adore you. I love you so much.	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049736	iMessage	5/19/2016 10:15:28 PM	U have my heart and soul for every lifetime. Unconditionally the	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049737	iMessage	5/19/2016 11:22:42 PM	Literal timeless love	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049738	iMessage	5/19/2016 11:53:36 PM	There is not a breath I take when I am not manifesting the best and brightest and Lords Glory for you.	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049739	iMessage	5/20/2016 12:50:55 AM	You are my true north because you are Gods bright shining light.	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049740	iMessage	5/20/2016 4:07:22 AM		Sunny Balwani	Elizabeth Holmes		~/Library/SMS/Attachments/31/01/01223065-1BD8-4D69-97DB-
Holmes_iPhone_iMessage-MMS-SMS_049741	iMessage	5/20/2016 6:08:49 AM	Ditto	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_049742	iMessage	5/21/2016 5:00:48 AM	There yet?	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_049743	iMessage	5/21/2016 5:03:02 AM	Yes :) in admirals club	Elizabeth Holmes	Sunny Balwani		

Record	Type	Message Sent Date/Time	Message	Sender / Author	Recipient(s)	ChatID	Attachments
Holmes_iPhone_iMessage-MMS-SMS_050116	iMessage	5/31/2016 12:59:44 AM	Nothing urgent.	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_050117	iMessage	5/31/2016 12:59:44 AM	Was thinking if it is useful for you to get some 1:1 time with tony robins. He doesn't do this but we can ask.	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_050114	iMessage	5/31/2016 12:59:55 AM	About to get masage	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_050118	iMessage	5/31/2016 1:01:29 AM	We can talk later or tomorrow	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_050119	iMessage	6/1/2016 12:16:00 PM	Your presence on earth is proof of God's presence. Stay strong and focus on building business and turning the negative around thru science and publications and submissions.	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_050121	iMessage	6/1/2016 1:58:12 PM	:) I completely agree with that plan.	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_050120	iMessage	6/1/2016 1:58:56 PM	:) r u traveling today and tomorrow?	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_050123	iMessage	6/1/2016 1:59:03 PM	Yes	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_050122	iMessage	6/1/2016 1:59:19 PM	Going to DC	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_050124	iMessage	6/1/2016 1:59:58 PM	Ok. My family sends love and prayers and u have prayers of thousands and thousands of people u have sever.	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_050125	iMessage	6/1/2016 2:00:05 PM	Served	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_050127	iMessage	6/1/2016 2:02:05 PM	Ditto	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_050128	iMessage	6/2/2016 2:01:08 AM	Do u have a minute to talk?	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_050126	iMessage	6/2/2016 3:30:52 AM	U still up?	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_050129	iMessage	6/2/2016 1:00:23 PM	.	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_050131	iMessage	6/2/2016 8:50:08 PM	..	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_050132	iMessage	6/3/2016 1:54:55 AM	I know things are tough but don't give up on your dreams. Keep focused and keep fighting. Plan, focus, stay organized and stay in control. One person who has a plan and executes can defeat an army.	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_050133	iMessage	6/3/2016 2:01:36 AM	I know what you are thinking and going thru. Control your thoughts and don't let fear control you. Breathe and in every hour be conscious of your breath and breath out fear.	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_050130	iMessage	6/3/2016 2:02:25 AM	I love this.	Elizabeth Holmes	Sunny Balwani		
Holmes_iPhone_iMessage-MMS-SMS_050134	iMessage	6/3/2016 2:03:44 AM	That God asks us to be responsible for.	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_050137	iMessage	6/3/2016 2:03:44 AM	Whatever you decide and whatever happens is in gods hands. But your focus, attention, thoughts and breath is in your control.	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_050135	iMessage	6/4/2016 7:25:52 AM	Did u figure out your schedule for the weekend.	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_050136	iMessage	6/4/2016 7:25:52 AM	.	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_050138	iMessage	6/5/2016 12:15:41 AM	I can drop you off after ur dinner.	Sunny Balwani	Elizabeth Holmes		
Holmes_iPhone_iMessage-MMS-SMS_050139	iMessage	6/5/2016 3:24:59 AM	:) have car here ...	Elizabeth Holmes	Sunny Balwani		

General Information

Court	United States District Court for the Northern District of California; United States District Court for the Northern District of California
Federal Nature of Suit	Criminal
Docket Number	5:18-cr-00258