

EXHIBIT 9

1 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

2 IN AND FOR COWLITZ COUNTY

3 NO: 23-2-01183-08

4 *****

5 RACHEL McKIBBAN, individually and
6 as Personal Representative of the
7 Estate of JORDAN McKIBBAN, deceased,
8 Plaintiffs,

9 vs.

10 JOPEN, LLC, Texas limited liability
11 Company, et al.,

12 Defendants.

13 *****

14
15 VOLUME 2

16
17
18 The remote video deposition of
19 MARK JENNINGS, taken via Zoom
20 web conference on October 2,
21 2024, commencing at approximately
22 10:08 a.m. EDT
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A P P E A R A N C E S

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A P P E A R A N C E S - (continued)

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ALSO PRESENT:

Pamela Mauldin

Dennis McKibban

Kelly Mims, Johnson Foods corporate rep

VIDEOGRAPHER:

Karen Keebler

Lois Anne Robinson, RDR, CRR
Court Reporter

1 Q And about what year was that meeting?

2 A 2017, I believe.

3 Q And do you understand that Louis Perez
4 was identified as the first sole member of
5 Johnson Foods and its CEO?

6 A Yes.

7 Q How did it come to be that Johnson
8 Foods was developed, if you know?

9 A I don't know.

10 Q Was the concept of Johnson Foods
11 something that was discussed among those involved
12 with Olistica before it was created?

13 A No.

14 Q Why did you communicate the alignment
15 strategy through phone calls rather than emails?

16 A That's just how I prefer to operate.

17 Q And was this --

18 You know, who was involved in setting
19 up the various Olistica emails for -- for folks
20 to use?

21 A I believe it was the IT company that
22 was contracted.

23 Q Is that the company you spoke of on
24 Friday?

25 A Yes.

1 A I'm the manager.

2 Q So as the manager of NP Pharma,
3 Johnsons Foods is paying NP Pharma for what?

4 MS. PAYTON:

5 Object to the form.

6 A Scientific and literature review.

7 MR. ABOLINS:

8 Q And what is Johnson Foods' relationship
9 with NP Biotech?

10 A I'm not certain of their arrangement.

11 Q But they're involved with Johnson Foods
12 as well; correct?

13 A Yes, I believe so.

14 Q Is Peyton Palaio involved in any way
15 with NP Biotech?

16 A I don't know the answer.

17 Q Is Mr. Hoban?

18 A I don't know the answer.

19 Q Did you speak with Peyton Palaio about
20 how Friday's deposition went?

21 A Briefly, yes.

22 Q And what did you tell him?

23 A I said "I think it went all right."

24 Q And do you know if Mr. Hoban was told
25 about the deposition?

1 strategy?

2 MS. PAYTON:

3 Object to the form. Asked and
4 answered.

5 A Jordan Process, Companion Ag, Naturea
6 Biomaterials, Cascade Naturals, and Della Terra.

7 MR. ABOLINS:

8 Q Okay. And, now, Naturea Biomaterials,
9 that one -- I think you said that one never got
10 off the ground in any way?

11 A Correct.

12 Q Now, let's start at the top. The CC US
13 Holdings, that does business at Centralized
14 Services; right?

15 A Yes.

16 Q And it was formed in 2019; correct?

17 A I believe so.

18 Q And you mentioned or we have
19 information indicating that it's headquarters and
20 back office for LP Industries, CAG, RMH, Calibre,
21 Pacific West Holdings and Nuza; correct?

22 A It provides services for those
23 entities.

24 Q What services does it provide for those
25 entities? And if they're different, go ahead and

1 explain the difference.

2 A HR, accounting, and IT.

3 Q So does it provide the same suite of
4 services for all of these entities?

5 MS. PAYTON:

6 Object to the form.

7 A I think we would need to go entity by
8 entity. I don't want to generalize.

9 MR. ABOLINS:

10 Q Okay. And before we do that, what
11 other entities on this exhibit does CC US
12 Holdings provide services to?

13 MS. PAYTON:

14 Object to the form. I think we've
15 answered that a couple times now.

16 MR. ABOLINS:

17 Q I want to make sure this is accurate,
18 Mr. Jennings.

19 MS. PAYTON:

20 What is accurate?

21 MR. ABOLINS:

22 The statement of which entities
23 received services from CC US Holdings.

24 MS. PAYTON:

25 Object to the form.

1 A I was not asked to prepare for details
2 around CC US Holdings today.

3 MR. ABOLINS:

4 Q Well, the -- the deposition notice
5 involves the discussion of Olistica and its
6 affiliated entities. We have a document,
7 granted, you were not apparently aware of, which
8 shows that CC US Holdings is identified as, you
9 know, the first box in the long list of business
10 units under Olistica Life Sciences Group, and now
11 we have you testifying to which of the Olistica
12 affiliated business units that we've identified
13 are receiving services from this CC US Holdings.

14 And, so, I think it is well within the
15 scope of this deposition to clear up on this
16 exhibit, you know, which ones of these entities
17 in the blue boxes are receiving some form of
18 service or support from CC US Holdings.

19 MS. PAYTON:

20 Object to the narrative. Object to the
21 form. I think that was a lecture, not a
22 question. So what's the question?

23 MR. ABOLINS:

24 Q What other entities in the blue boxes,
25 beyond those specified in the orange box, receive

1 services or support from CC US Holdings?

2 MS. PAYTON:

3 Object to the form of the question.

4 A NP Pharma Holdings also receives
5 support.

6 MR. ABOLINS:

7 Q So, going to the left, we have
8 Cascade Naturals and -- as one of the Olistica
9 business units, at least in the concept, and
10 Cascade, the d/b/a for Cascade Naturals was
11 utilized by Pacific West Holdings; correct?

12 A Correct.

13 Q And that entity existed in 2019; right?

14 A Yes, I believe so.

15 Q And that entity is involved with kratom
16 activities related to Johnson Foods; correct?

17 A I don't believe so.

18 Q What is your role with Pacific West
19 Holdings?

20 A Manager.

21 Q As a manager, shouldn't you be aware of
22 the extent to which Pacific West Holdings is
23 associated with kratom activities?

24 MS. PAYTON:

25 Object -- object to the form of the

1 activities?

2 A There's an offsite tree farm.

3 Q What city?

4 A Salem.

5 Q Okay. So, then, moving to

6 NP BioPharma, is there a --

7 A There is no NP BioPharma listed here.

8 Sorry for interrupting.

9 Q Okay. So the NP Biotech, LLC, what
10 relationship does that have to any of the
11 entities identified on this exhibit?

12 MS. PAYTON:

13 Object to the form. Asked and
14 answered.

15 A None.

16 MR. ABOLINS:

17 Q Are you aware of the circumstances
18 involving NP Biotech's purchase of kratom on
19 behalf of Johnson Foods for the NDIN study?

20 A No.

21 Q You are familiar with the NDIN study;
22 correct?

23 A I'm familiar with a clinical study.

24 Q And this is a clinical study that
25 relates to Johnson Foods' efforts to prepare and

1 notice -- a notice -- a new dietary ingredient
2 notification, or also known as an NDIN; correct?

3 A Yes.

4 Q And what is your role when it comes to
5 that clinical study and the associated NDIN?

6 A I was managing the employee of
7 NP Pharma who was contracted by Johnson Foods to
8 review the clinical information.

9 Q And where did the kratom come from that
10 was used in that clinical study?

11 A I don't know.

12 Q Was that kratom from the same source of
13 kratom identified in the Cleanview litigation for
14 national distribution in the United States?

15 MS. PAYTON:

16 Object to the form. Vague. Asked and
17 answered.

18 A I don't know.

19 MR. ABOLINS:

20 Q Who would know?

21 A Somebody at NP Biotech.

22 Q Where did that clinical study take
23 place?

24 A In Canada.

25 Q Tampa, Florida?

1 A Yes, I think that's fair to say.

2 MR. ABOLINS:

3 Q And, again, are you familiar with the
4 MitraLeaf concept?

5 MS. PAYTON:

6 Object to the form. Asked and
7 answered.

8 A Yes, I am.

9 MR. ABOLINS:

10 Q Who owns the rights to the MitraLeaf
11 concept?

12 A I don't know.

13 Q Moving down to Jordan Process, that
14 business unit is -- that's -- of Olistica is the
15 d/b/a for LP Industries; correct?

16 MS. PAYTON:

17 Object to the form.

18 A Yes.

19 MR. ABOLINS:

20 Q And it was up and running in 2019 as
21 well; right?

22 A It was under construction in 2019.

23 Q But the business was formed in Wyoming
24 in 2019; right?

25 A Yes, I believe so.

1 Q And it operates the Springfield,
2 Colorado, facility; right?

3 A Yes.

4 Q And it was involved in kratom
5 extraction for OPMS; right?

6 A As of the later part of 2021, yes.

7 Q How late?

8 A I believe it was August or September.

9 Q How did that kratom activity or
10 contract come about?

11 MS. PAYTON:

12 Object to the form.

13 A Liv Group had contracted LP IND.

14 MR. ABOLINS:

15 Q What was the nature of that contract?

16 A Contract manufacturing.

17 Q So there's a contract manufacturing
18 agreement between Liv Group and LP IND?

19 A Yes.

20 Q And what are the terms of that
21 agreement?

22 A I would need the contract in front of
23 me to relay the terms accurately.

24 Q But who's -- who's receiving payment
25 for the contract manufacturing under that

1 bulk extract that's an ingredient, and it would
2 go to Calibre Manufacturing.

3 Q And Calibre Manufacturing received
4 services from CC US; right?

5 A Yes.

6 Q What are the services specifically that
7 Calibre Manufacturing receives from CC US?

8 A HR, IT, and accounting.

9 Q Who are the common owners shared
10 between Calibre and CC US?

11 A I'm not certain of the ownership
12 structure.

13 Q Who are the common managers?

14 A That would be me.

15 Q So you manage both of these entities?

16 A I do.

17 Q Who do you answer to in terms of a
18 representative for the owner group?

19 A I generally report to Peyton.

20 Q Who put you in charge as a manager on
21 behalf of the owner group?

22 MS. PAYTON:

23 Object to the form.

24 A That would have been Sam Palaio, his
25 grandfather.

1 whether Alphabet Wholesale was a d/b/a of the Liv
2 Group business unit?

3 MS. PAYTON:

4 Object to the form. Asked and
5 answered.

6 A I do not.

7 MR. ABOLINS:

8 Q Okay. So you're not in position to
9 deny that; right?

10 MS. PAYTON:

11 Object to the form. Asked and
12 answered.

13 A No.

14 MR. ABOLINS:

15 Q And were there any other kratom
16 products besides Martian Sales products that were
17 processed by Liv Group?

18 A Not to my knowledge.

19 Q Can RMH Holdings, Inc., and RMH
20 Holdings II, those are businesses that do
21 business as Canopy; right?

22 A Yes, I believe so.

23 Q And what is -- and they operate out of
24 the Springfield, Colorado, facility?

25 A They did. They no longer do.

1 Q And they also purported to operate out
2 of a Washington facility; right?

3 A No, not to my knowledge.

4 Q Do you have any basis --

5 Is that an affirmative no, that Canopy
6 never purported to operate out of a Washington
7 facility?

8 A That's a no.

9 Q Okay. What is the distinction between
10 the two entities?

11 MS. PAYTON:

12 Objection to form.

13 A I'm not certain there is a difference.

14 MR. ABOLINS:

15 Q Okay. And, then, why were two
16 different entities created?

17 A I think it was for a specific state
18 registration.

19 Q And CAG Holdings does business as
20 Companion Ag; right?

21 A Yes.

22 Q And Companion Ag operates out of the
23 same Springfield facility?

24 A At the same site but in a different
25 facility on the same site.

VERITEXT LEGAL SOLUTIONS

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