

EXHIBIT 39

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

KATHLEEN MOLLER

VERSUS

MARTIAN SALES, INC; JOPEN, LLC, a
Texas limited liability company; JOHNSON
FOODS, LLC, a Wyoming limited liability
company; LP IND., LLC, a Wyoming
limited liability company; CAG
HOLDINGS, LLC, a Wyoming limited
liability company; RMH HOLDINGS, INC.,
a Wyoming corporation; ABC INSURANCE
CO. and John Does 1-4

CIVIL ACTION NO. 24-228

SECTION: D (2)

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**DEFENDANT JOHNSON FOODS, LLC’S RESPONSES AND OBJECTIONS
TO PLAINTIFF’S FIRST SET OF JURISDICTIONAL DISCOVERY**

NOW COMES Defendant, Johnson Foods, LLC (“Johnson Foods”), which, for the limited purpose of contesting the propriety of the Court’s exercise of jurisdiction over it in this matter, and in furtherance of its pending Rule 12(b)(2) motion to dismiss, responds to the jurisdictional discovery propounded by Plaintiff, Kathleen Moller, as follows:

RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 1: Please describe the extent of JOHNSON FOODS, LLC’s (hereinafter “JOHNSON FOODS”) distribution of Kratom into the State of Louisiana since January 1, 2018. In your description specify those who received a distribution of JOHNSON FOODS’s product, with the quantities of each specific JOHNSON FOODS’s product provided to each distributor and retailer within Louisiana.

RESPONSE: Johnson Foods has not distributed any kratom or kratom-containing product in the State of Louisiana or any other state since its inception in August 2021.

001, a dried kratom leaf powder, which the FDA did not acknowledge at that time. However, Johnson Foods denies that it is now, or ever has been, a subsidiary of Della Terra, and Johnson Foods is unaware of any “internal documents” that suggest otherwise.

RESPONSES TO REQUESTS FOR PRODUCTION

REQUEST NO. 1: Produce all documents about kratom that Defendant displayed or provided to retailers, consumers, or purchasers of kratom within Louisiana, including OPMS kratom.

RESPONSE: No such documents exist, as Johnson Foods has not displayed or provided any documents about kratom to retailers, consumers, or purchasers of kratom within Louisiana.

REQUEST NO. 2: Provide the governing documents (including amendments) since incorporation through present for Defendant. This includes the Operating Agreement, Articles of Organization, and Bylaws for Defendant.

RESPONSE: Please see documents produced herewith bearing Bates range JF000001 to JF000025.

REQUEST NO. 3: Produce documents sufficient to identify each shareholder, director, and officer, both past and present, of Defendant.

RESPONSE: Please see documents produced herewith bearing Bates range JF000001 to JF000025.

REQUEST NO. 4: Produce documents sufficient to identify any parent company or companies of Defendant, and all subsidiaries of the parent company of Defendant.

RESPONSE: Please see documents produced herewith bearing Bates range JF000001 to JF000025.

REQUEST NO. 5: Produce all general liability insurance policies and product liability

insurance policies held for damages caused by OPMS kratom within Louisiana.

RESPONSE: Johnson Foods objects to this Request for Production No. 5 as beyond the scope of permissible jurisdictional discovery. Subject to and without waiving this objection, Johnson Foods responds as follows: No such documents exist, as Johnson Foods does not currently maintain, nor has ever maintained, general liability or product liability insurance.

REQUEST NO. 6: Produce all documents exchanged with governmental authorities or public officials within Louisiana regarding kratom.

RESPONSE: No such documents exist, as Johnson Foods has never exchanged any documents with any governmental authorities or public officials in Louisiana.

REQUEST NO. 7: Produce all contracts and agreements to do business with any entity within Louisiana.

RESPONSE: No such documents exist, as Johnson Foods has never done business (i) in Louisiana or (ii) with any entity operating in or established under the laws of Louisiana.

REQUEST NO. 8: Produce all contractual documents and agreements between Defendant and any entities, contractors, employees, or other persons who have manufactured, processed, or supplied kratom to Defendant, which kratom was ultimately distributed within or sold within Louisiana, over the past five (5) years.

RESPONSE: No such documents exist, as Johnson Foods has not distributed any kratom or kratom-containing product in the State of Louisiana or any other state since its inception in August 2021.

REQUEST NO. 9: Produce all documents relating to customer complaints or notifications about kratom side effects and/or adverse reactions received from or sent to Louisiana consumers, retailers, distributors, or end users of OPMS kratom, including but not limited to vomiting, nausea,

addiction, withdrawals, overdose, and death involving the use of kratom. Notifications includes information provided to Defendant through indirect means such as posts, comments, or blogs.

RESPONSE: No such documents exist, as Johnson Foods has not distributed any kratom or kratom-containing product in the State of Louisiana or any other state since its inception in August 2021.

REQUEST NO. 10: Produce any documents regarding business travel of any member, manager, owner, or officer of Defendant into Louisiana.

RESPONSE: No such documents exist, as no member, manager, owner, or officer of Johnson Foods has ever travelled to Louisiana for business purposes.

REQUEST NO. 11: Please produce all documents, reports, and analyses reflecting the amount of kratom sold and distributed by Defendant in Louisiana.

RESPONSE: No such documents exist, as Johnson Foods has not distributed any kratom or kratom-containing product in the State of Louisiana or any other state since its inception in August 2021.

Respectfully submitted,

/s/ John E.W. Baay II
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing have been served on all counsel of record by electronic mail on this 20th day of September, 2024.

/s/ John E.W. Baay II