

EXHIBIT E

1/16/2026

Kathleen Moller v. Martian Sales, Inc., et al. Josef Thundiyil, MD, MPH

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

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KATHLEEN MOLLER, :
 :
 Plaintiff, :
 : Civil Action No.
 vs. :
 : 2:24-cv-228-WBV-DPC
 MARTIAN SALES, INC., :
 et al., :
 :
 Defendants. :
-----X

VIRTUAL VIDEOTAPED DEPOSITION OF
JOSEF THUNDIYIL, MD, MPH
Friday, January 16, 2026
10:08 a.m. Eastern Standard Time

REPORTER: Dawn A. Jaques, CSR, CLR

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1 BY MS. PAYTON:

2 Q Okay. And you also mentioned when I
3 asked you earlier that he had questions about
4 your research. Do you recall that?

5 A Yes.

6 Q And what research did you tell him
7 about?

8 A What I just told you about, that our
9 study looked at the deaths in the state.

10 Q Okay, tell me about that study.

11 First of all, when did you do it?

12 A We started this about a year and a
13 half ago.

14 Q And what is the study about?

15 A This study was looking at reported
16 deaths in the state of Florida from kratom,
17 and comparing that to a control group of
18 patients that died in our county who had
19 kratom or mitragyne on board, but it wasn't
20 deemed to be the cause of death.

21 So I looked at those two groups, one
22 group where mitragynine was thought to be the

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1 correctly for your needs to answer the
2 question; is that fair?

3 A Yes, ma'am.

4 Q Okay. So at the end of your report,
5 Exhibit 1, we have your CV, correct?

6 A Yes.

7 Q And we were just talking about a
8 study, and you said you believed it was --
9 well, actually, I'm not sure.

10 Is it or is it not listed in your
11 CV?

12 A Well, go to the bottom of just one
13 of the pages for a second and let's see what
14 date this CV you have.

15 Q I have 4/14/25.

16 Do you see that there?

17 A I see that, right. So I'm sorry,
18 that is not the most recent. This version may
19 not have it, but we can check, because
20 sometimes I update the CV and forget to update
21 the date.

22 MR. COWGILL: To the extent there's

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1 but mitragynine was not implicated as a cause
2 of death.

3 And in those, that's where we made
4 comparisons on some of the autopsy findings on
5 some of the levels, and so that study was more
6 of a comparison study using basically the same
7 dataset, and that's why I described them both
8 to you.

9 Q Okay. So it's the same dataset of
10 the 41 lives, correct?

11 A 41, plus the control group I believe
12 had about 105. So the one includes just those
13 41, whittled down to 38; the other includes
14 the 106, approximately. So we're talking
15 about 150 -- just shy of 150 cases.

16 Q And where did you get these cases
17 from?

18 A We reached out -- I reached out to
19 every medical examiner in the state of Florida
20 and asked them to share with me every
21 mitrag- -- every death -- autopsy report and
22 tox report for every death that they have

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1 listed as being caused by kratom. That was
2 where I got the case group.

3 The control group, I reached out to
4 our local medical examiner and asked for just
5 every patient that died in a time period that
6 had kratom in their system, even though you
7 don't necessarily think kratom was the cause
8 of their death, and that became the control
9 group.

10 Q And what county was that, the
11 control?

12 A That was Orange County.

13 Q So Orange County is the control
14 group, and the entire state of Texas was the
15 dataset that you used for the deaths?

16 MR. COWGILL: Objection to form.

17 THE WITNESS: Florida. Every -- all
18 of this was done in Florida.

19 BY MS. PAYTON:

20 Q Okay. Sorry, I didn't ask a very
21 good question.

22 So for the control group, you went

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1 first, then I can talk.

2 And the other things would be any
3 disagreements I had with some of the defense
4 experts' reports, some of which we talked
5 about, but I don't think we got through them
6 all.

7 Q Do you -- what was the process by
8 which you came to your opinion in this matter?

9 A So we touched on this earlier a
10 little bit, but it was really a two-step
11 process.

12 The first is determining -- and
13 I think this is, in my mind, well
14 established -- whether or not it's even
15 possible for kratom to cause death.

16 And in order to do that, I relied on
17 a well recognized causation process known as
18 the Bradford Hill criteria, which includes
19 steps such as identifying plausibility,
20 specificity, dose response, analogy, coherence
21 with existing literature, experimental
22 evidence, strength of association, as well as