

EXHIBIT 4

Page 1

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

KATHLEEN MOLLER

vs.

NO: 24-0228-WBV-DPC

MARTIAN SALES, INC.;
JOPEN, LLC, a Texas
limited Liability company;
JOHNSON FOODS, LLC, a Wyoming
limited liability company;
CAG Holdings, LLC, a Wyoming
limited liability company;
RMH HOLDINGS, INC., a Wyoming
corporation, et al.

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The remote video deposition of
CHRISTOPHER McCURDY, Ph.D.,
taken via Zoom web conference on
January 28, 2026, commencing at
approximately 9:56 a.m. EST

Job No. MDLG7836268

1 don't generally see aqueous extracts, like a
2 water extract, like you would make a tea and then
3 freeze-dry it, which is some of the work that
4 we've actually published, trying to mirror what
5 is done in Southeast Asia with the decoctions.

6 And then you move into the
7 concentrates, and then you move into the
8 isolates. And I would just say that the isolates
9 are not pure. So you're not getting -- you're
10 not getting isolate, like highly purified
11 isolate.

12 Q Meaning there's contaminants from the
13 process of isolation?

14 A Or remaining alkaloids from that
15 process.

16 Q Thank you.

17 And I think you've also been, you know,
18 thankfully, on a public health campaign of late
19 regarding synthetics as well -- right? -- as sort
20 of separate category of 7-hydroxymitragynine
21 that's fully synthetic, meaning it's synthesized
22 in a chemistry laboratory and sold,
23 unfortunately, as -- as pure kratom. But,
24 really, what we're talking about there is a
25 synthesized and isolated compound. That's just

Page 26

1 another category that's out there on the market
2 this day. Right?

3 A Correct. And growing, unfortunately.

4 MS. PAYTON:

5 Michael, it doesn't have to be right
6 now, but when you get to a breaking point, could
7 we just take a quick break?

8 MR. COWGILL:

9 For sure. Let me just finish this
10 line, and we can do that.

11 MS. PAYTON:

12 Sure.

13 MR. COWGILL:

14 Q So for this case, though, have you had
15 a chance to review which particular products are
16 at issue in this case?

17 A Yes.

18 Q And, you know, fair to agree that what
19 we're talking about here is a powder product?

20 A Correct.

21 Q Okay.

22 MR. COWGILL:

23 All right. You want to go ahead and
24 take five, Gwendolyn?

25 MS. PAYTON:

1 not polypharmacological. They're not using other
2 substances at the same time. Right?

3 A Correct.

4 Q And it says "may not provoke any risk
5 except." Right? So there is a cardiovascular
6 risk with regular kratom use, which is prolonged
7 QTc; right?

8 A At the levels that were reported, yes.

9 Q At the levels reported in the study?

10 A These are very high levels.

11 Q Right.

12 So let's unpack that a bit. So we know
13 we've got a much lower level. Fair to say? 150
14 nanograms per milliliter; right?

15 A Correct.

16 Q However, we do have other substances on
17 board. We've got delta-9 carboxy THC, which is a
18 metabolite of delta-9 THC; right?

19 A Yes.

20 Q In your experience, would you say these
21 levels of delta-9 carboxy and delta-9, are they
22 high?

23 A No.

24 Q Are they low?

25 A No.

1 milliliter. But that's for quantification
2 purposes. Right?

3 So, qualitatively, we may not be
4 reaching one nanogram per milliliter, but what we
5 can see is a peak that's there that can't be
6 quantified, but qualitatively, we can say
7 7-hydroxy is present in trace amounts that are
8 below the limit of detection.

9 So -- so, yes. There's not been
10 evidence that grinding the leaves causes an
11 increase, as far as I know in the literature, in
12 7-hydroxy. There is some literature evidence to
13 show that putting a leaf in the sunlight, drying
14 that leaf, can slightly increase 7-OH
15 concentrations but not to anything that would
16 exceed what has ever been reported in the
17 literature; in other words, not to exceed more
18 than 2 percent of the total alkaloid content.
19 And, in fact, I don't think we've ever seen
20 anything in recent time frames that's exceeded .3
21 percent.

22 Q All right. So let's take a look. Is 2
23 percent a lot of 7-OH?

24 A Yes.

25 Q So I think part of what you're