

EXHIBIT 5

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

- - -

KATHLEEN MOLLER,

:

:

Plaintiff,

:

:

vs.

:

Case 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.,

:

:

Defendants.

:

- - -

REMOTE VIDEOTAPED DEPOSITION OF
EDWARD W. BOYER, M.D., Ph.D.

- - -

Tuesday, February 17, 2026
at 10:03 a.m.

- - -

REPORTED BY: CAROL A. KIRK, CSR-9139

Job No. MDLG7836483

1 each case specimen."

2 Q. Meaning in a specific case of the
3 51 deaths analyzed, right?

4 A. Yep.

5 Q. All right. So where does this show
6 a threefold?

7 A. Go to patient 46. You have to find
8 "HOSB," hospital blood. It's 555.

9 Q. Okay.

10 A. Look at femoral blood at 1752. It's
11 a threefold increase, slightly more than threefold
12 increase.

13 Q. And that's one case. Are there any
14 others?

15 A. No, there are not. Well, actually,
16 there are others, but the amount of mitragynine
17 was non-detectable or -- yeah, it was
18 non-detectable.

19 Q. So your assertion is based upon one
20 patient and one table?

21 A. It's not an assertion. It's a
22 reporting of the content of the paper.

23 Q. Well, it's the content of patient
24 46 among 51, right?

25 A. Correct. It's not -- it's not an

1 Q. So then why do you opine that a
2 blood mitragynine concentration of 150 nanograms
3 or 158 nanograms per milliliter is not elevated?

4 A. Because the clinical trials had
5 blood concentrations that were higher than that.
6 So in the context of clinical trials where no
7 adverse events related to the heart were
8 identified, there was no evidence of toxicity.

9 Q. Do you agree that Harmony Moller
10 would have been excluded from all clinical trials
11 involving kratom based upon the exclusion criteria
12 in those trials?

13 A. As a clinical trialist, I actually
14 disagree, because nobody knew that she had
15 congenital heart disease. Nobody knew that she
16 had a high takeoff coronary artery with acute
17 angle of origin and an aortic flap.

18 And depending on the type of trial
19 to be done, there would have been no investigation
20 to see if she did have that condition. So she
21 would have been included.

22 Q. Well, that's actually not right,
23 right? Because both the Huestis and FDA study
24 screened individuals for inclusion and exclusion,
25 which would have uncovered things like Harmony's