

EXHIBIT 2

1/14/2026

Kathleen Moller v. Martian Sales, Inc., et al.

Evelyn Cadman

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

KATHLEEN MOLLER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No.
	)	2:24-cv-228
MARTIAN SALES, INC.; JOPEN,	)	WBV-DPC
LLC; JOHNSON FOODS, LLC; LP	)	
IND., LLC; CAG HOLDINGS, LLC;	)	
RMH HOLDINGS, INC.; ABC	)	
INSURANCE COMPANY; and JOHN	)	
DOES 1-4,	)	
	)	
Defendants.	)	

Videotaped Deposition of EVELYN CADMAN
Wednesday, January 14, 2026
9:53 a.m.

Reported by Lisa A. Knight, RDR, CRR, RSA

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1 intend to update or amend that's not included
2 in this CV?

3 A. After today, I'll update it,
4 but otherwise, no, ma'am.

5 Q. Back on the first page --

6 A. Of the CV?

7 Q. Of the CV, yes.

8 A. Excuse me for interrupting you.

9 Q. I understand you're the
10 principal consultant at FDA Compliance
11 Simplified.

12 A. Um-hmm.

13 Q. Is that correct?

14 A. Yes, ma'am.

15 Q. What does FDA Compliance
16 Simplified do?

17 A. Well, it's a regulatory affairs
18 consulting company. And so we help companies
19 navigate FDA regulations.

20 Q. Does that include with respect
21 to kratom?

22 A. With respect to -- and let

1 me -- if I may give a little bit of an
2 explanation, it will help me and may help
3 you.

4 So we focus primarily on foods,
5 dietary supplements, pet food, cosmetics.
6 I also do work with over-the-counter drugs
7 and sometimes regulatory path analyses for
8 prescription drugs and medical devices.

9 So where kratom could fit into
10 any of those, we would work with that.

11 Q. Outside of your expert work,
12 does FDA Compliance Simplified have any
13 business related to kratom?

14 A. About ten years ago, I had a
15 client who was -- would not reveal the
16 ingredient in the product, but wanted a label
17 review. I don't remember the name of that
18 client, but it ends up that they had a kratom
19 product.

20 Q. And when you say, "ends up they
21 had a kratom product," how did you come to
22 that conclusion?

1 A. When they sent me the label and
2 it wasn't complete, I had to say, "I can't
3 review a label that doesn't declare the
4 ingredients." And so they had to tell me it
5 was kratom, and then I was -- I had
6 actually -- yeah, then I had to look into
7 kratom.

8 Q. So that was about ten years
9 ago?

10 A. Right.

11 Q. As you sit here, you don't
12 recall who this client was?

13 A. No. And I tried to see -- look
14 in my files about it, but I think I just --
15 I didn't want to work with the -- in that
16 industry again and just got rid of it.

17 Q. Why didn't you want to --

18 MS. SPIRES: I'm sorry. If I
19 could just interject a little bit.

20 It sounds like, Maeghan, you
21 said "two" years ago. She said "ten."
22 I just wanted to --

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1 MS. WHITEHEAD: I said "ten."

2 MS. SPIRES: Oh, okay.

3 THE DEPONENT: I thought she

4 said "ten."

5 MS. SPIRES: Okay. All right.

6 Sorry about that.

7 MS. WHITEHEAD: No worries.

8 BY MS. WHITEHEAD:

9 Q. Why didn't you want to work in
10 the kratom industry?

11 A. Because it was clear to me at
12 the time that kratom was not being sold in a
13 compliant manner, that it was being imported
14 under import alert, that it had new opioid
15 receptor activity that would preclude it from
16 being a dietary supplement in my
17 understanding of the regulations for foods
18 and dietary supplements.

19 Q. And these are opinions you
20 formed ten years ago?

21 A. Yes, ma'am.

22 Q. What did you do to research

1 A. If they touched upon topics of
2 interest or points that I wanted to make in
3 my report, then I would have used those
4 warning letters and chosen those. Because
5 there's many, many others.

6 Q. Are you familiar with the
7 defendants in this lawsuit?

8 A. No, ma'am -- wait. Wait.
9 I mean, I haven't met them.

10 Q. Okay. But do you know who the
11 defendants in this lawsuit are?

12 A. There's quite a list. I'm
13 aware of -- a big, long list of names.

14 Q. And you're aware that there is
15 no FDA warning letter to any defendant in
16 this lawsuit. Correct?

17 A. I thought there was a warning
18 letter to OPMS.

19 (Document[s] reviewed.)

20 Oh, no. There was a warning to
21 consumers about OPMS products.

22 Q. So you're aware there's no FDA

1 warning letter to any defendant in this
2 lawsuit. Correct?

3 A. I'm not entirely sure because
4 there's so many business names. You know,
5 there may be some that are in here and that
6 I -- I don't know. I haven't looked into the
7 structure of the company that closely or at
8 all.

9 Q. So you're not sure whether any
10 of the FDA warning letters that you've relied
11 on in this report are to a defendant in this
12 matter?

13 MS. SPIRES: Objection. Form.

14 A. I just am not certain as I sit
15 here today.

16 BY MS. WHITEHEAD:

17 Q. Under letter E on page 3, how
18 did you determine which new dietary
19 ingredient denial letters to review?

20 A. Those were the ones that relate
21 to kratom ingredients.

22 Q. Under letter M, which is on

1 And frankly, the labeling on these products
2 makes it so unclear as to what the products
3 are, it's very difficult for consumers or a
4 regulatory professional like myself to
5 determine which set of regulations apply,
6 which is why we talk about new dietary
7 ingredient, drug, and food regulations in
8 this report.

9 Q. Looking at Exhibits 2 or 3, can
10 you point me to any examples where the
11 labeling or marketing of these products shows
12 that they are dietary ingredients?

13 A. As I noted, the capsule format
14 is one thing.

15 Let me view this.

16 (Document[s] reviewed.)

17 Let's see.

18 (Document[s] reviewed.)

19 There's little else except that
20 in the way that consumers seem to be using
21 these products, in terms of what I've read
22 online. But in terms of the labeling itself,

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1 I would say it's mostly that it's capsules.

2 Q. Okay. And so anything you've
3 read online about why consumers are using
4 these products, that's not a reflection of
5 what these labels actually say. Correct?

6 A. No. But there's also the
7 depositions of the defendants, where they
8 talk about the intention that's -- why it's
9 being sold.

10 They haven't gone through the
11 drug approval process, and yet they're
12 selling something in a format that's either a
13 drug or a dietary supplement.

14 And as I stated before, it's
15 difficult to tell which set of regulations or
16 if there's an exclusive set of regulations
17 that apply to these products. And in light
18 of that, I'd say that there -- there's just
19 problems with the marketing overall.

20 But in terms of whether or not
21 this is a dietary supplement, some of it is
22 based on implications made or statements that

1 sold that informs your opinion that OPMS

2 kratom is an NDI?

3 MS. SPIRES: Objection. Form.

4 A. I just went over all this on
5 the packaging that indicates that it is for
6 some kind of -- it's some kind of ingestible.
7 And as such, it comes under FDA regulations.

8 I've already stated more than
9 once that it is either a dietary supplement,
10 a food, or a drug.

11 Now, this labeling is so
12 pathetic that it's difficult to know which of
13 those apply appropriately. But clearly,
14 based on the way it's labeled, there's a --
15 what looks to me like a circumvention of the
16 regulations.

17 BY MS. WHITEHEAD:

18 Q. What is your opinion: Is OPMS
19 kratom a dietary ingredient, a drug, or a
20 food?

21 A. Yes. All three potentially.
22 Either, or, and.