

EXHIBIT 4

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

KATHLEEN MOLLER

VS.

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 COMPANY AND JOHN
DOES 1-4.

CIVIL ACTION NO.

24-0028-WBV-DPC

Video Deposition of WINSTON H. GANDY, JR.,
MD, FACC, FASE, taken on Friday, February 13,
2026, via Zoom videoconference.

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1 (Reporter complies with counsel's request.)

2 BY MS. HICKMAN:

3 Q Okay. My question to you now is: Did you,
4 when you were coming to the cause of death
5 in Harmony, in the case we're here for
6 today, with regards to Harmony Moller, did
7 you consider that mitragynine could have
8 caused or contributed to a ventricular
9 arrhythmia?

10 A Yes, I considered it.

11 Q Yet you don't know one way or the other
12 that it's possible?

13 A Well, we're here and I was asked to opine
14 on causation and the cause of death. And
15 QT prolongation and subsequent cardiac
16 dysrhythmia is a possibility. And in the
17 context of that and the other drugs that
18 were found, what I considered is the QT
19 prolongation regardless of the etiology of
20 that. That's just one possible mechanism
21 of sudden cardiac death.

22 Q Okay.

23 A And I did consider it.

24 Q Do you believe, as we sit here today, that
25 it is possible that kratom causes cardiac

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1 arrhythmia?

2 A I think anything is possible. And, yes, it
3 is possible.

4 Q Okay. In this case, you're saying now that
5 you did consider that mitragynine could
6 have caused a cardiac arrhythmia in Harmony
7 Moller?

8 MS. CONGER:

9 Object to form. Mischaracterizes
10 testimony.

11 THE WITNESS:

12 I will say to you that I
13 considered it as well as everything in
14 this case. I was more interested in
15 arriving at more likely than not and
16 which I felt was the cause of death.
17 There are a lot of things on board,
18 but, yes, I considered QT prolongation
19 regardless of the cause.

20 BY MS. HICKMAN:

21 Q Okay. And we are going to get to your
22 opinions. Like I said, I am absolutely
23 going to come to your report, and we're
24 going to go through it paragraph by
25 paragraph. But you would agree with me

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1 A As a consequence of an ischemic
2 cardiomyopathy, the underlying etiology of
3 that is the anomalous origin of the left
4 main coronary artery.
5 The other contributing factor would be a
6 hypertrophic cardiomyopathy or non-ischemic
7 cardiomyopathy that was the underlying
8 cause and substrate between the two such
9 that the one critical factor here is the
10 fibrosis in the myocardium and the
11 hypertrophy, which is really the link, if
12 you will, to a sudden cardiac event. And,
13 as such, the cause of death, I believe,
14 more likely than not, is the anomalous
15 origin of the coronary artery, which was
16 there from birth, and subsequent
17 hypertrophic cardiomyopathy, which, in and
18 of itself, by itself, either one of the two
19 of those would have a more likely than not
20 to have caused it whether or not any other
21 circumstances were present.

22 Q Okay.

23 A And that all the other drugs that were on
24 board, including kratom, that had the
25 potential to prolong the QT interval, in my

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1 opinion, did not cause it, and if anything,
2 either made it easier for the arrhythmia to
3 occur. But either way, it was the
4 underlying substrate that was necessary for
5 this event to occur.

6 Q Okay. We're going to come to the
7 hypertrophic cardiomyopathy in a moment.
8 Okay? I'm not quite there yet. But, you
9 know, I'm not a doctor. You got that by
10 now.

11 The arrhythmia is -- we agree, again, that
12 is the -- what caused the moment of death,
13 correct?

14 A Yes.

15 Q Okay. And you do not dispute, as you said
16 a moment ago, that there is potential for
17 kratom to cause cardiac arrhythmias,
18 correct?

19 MS. CONGER:

20 Object to form.

21 THE WITNESS:

22 There is a potential, that is
23 correct.

24 BY MS. HICKMAN:

25 Q Correct. And so while your opinions that

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1 while we have the tox -- the caffeine that
2 you state is in her system, that's a
3 presumptive positive, correct?

4 A That's what it says.

5 Q Right. And even when it goes down to here
6 (indicating), it's presumptive positive,
7 right?

8 A That's fine, yes.

9 Q Okay. So we're not, like, saying that
10 Harmony drank a bunch of coffee or had a
11 bunch of caffeine in her system that
12 contributed. Do you think that caffeine
13 contributed -- or do we even know if she
14 had caffeine, given that it's a
15 presumptive?

16 MS. CONGER:

17 Object to form.

18 THE WITNESS:

19 That was not anything that I
20 considered significant.

21 BY MS. HICKMAN:

22 Q Thank you. What about, did you consider
23 Benadryl or Phenergan and their properties
24 as therapeutic drugs to potentially cause
25 her death?

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1 A Your question doesn't make sense.

2 Q Okay. Wrapping up here, you're not aware
3 of any medical literature that says that
4 kratom is safe or effective for any medical
5 purposes, correct?

6 A Correct.

7 Q You, in your capacity as a cardiologist or
8 a medical director at a substance abuse
9 rehabilitation facility, have never advised
10 a patient to use kratom?

11 A I have not.

12 Q While you believe more likely than not the
13 cause of Harmony's death is due to her CHM?

14 A Uh-huh (affirmative expression), that's
15 fine.

16 Q And her anomaly?

17 A Correct.

18 Q Resulting in an arrhythmia, right? That's
19 what you believe happened to Harmony?

20 A Correct.

21 Q Okay. However, you agree with me you
22 cannot exclude nor rule out the possibility
23 that mitragynine contributed to the
24 arrhythmia that caused Harmony's death?

25 MS. CONGER:

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1 Object to form.

2 THE WITNESS:

3 More likely than not, I cannot
4 say that it didn't.

5 BY MS. HICKMAN:

6 Q Okay. And this is the one time I'm not
7 asking "more likely than not." What I'm
8 saying is it's possible that mitragynine --
9 you can't say that mitragynine had
10 absolutely nothing to do with Harmony's
11 death?

12 MS. CONGER:

13 Object to form.

14 BY MS. HICKMAN:

15 Q Correct?

16 A The question is: I cannot say that it abs
17 -- that it's -- say that one more time.

18 Q Yeah. You cannot say -- actually, strike
19 that question. I don't like that question.
20 As we sit here today, you cannot rule out
21 that mitragynine is a possible contributing
22 factor to the arrhythmia that caused
23 Harmony's sudden cardiac death?

24 MS. CONGER:

25 Object to form.