

EXHIBIT 6

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

KATHLEEN MOLLER,)
) CIVIL ACTION NO.
Plaintiff,) 24-0228-WBV-DPC
)
vs.) JUDGE WENDY B. VITTER
)
MARTIN SALES, INC., et al.) MAGISTRATE DONNA
) PHILLIPS CURRAULT
Defendants.)

THURSDAY, OCTOBER 16, 2025

— — —

Remote Videotaped Deposition of FRCP 30(b)(6)
Corporate Designee, DAVID GABBAY, taken pursuant to notice
and held at the location of the witness in the State of
Georgia, on the above date, commencing at 8:38 a.m., CDT,
taken stenographically by Jennifer A. Dunn, Registered Merit
Reporter, Certified Realtime Reporter, California, Illinois,
& Texas Certified Shorthand Reporter, and Missouri Certified
Court Reporter.

Job No. 7656076

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1 MS. PAYTON: Object to the form.

2 THE WITNESS: Well, these are alleged to
3 start up with and misdiagnosed, as far as I'm
4 concerned.

5 And if you compare it to a number of users
6 and of people who have used it, it's statistically
7 impossible that this is a risk.

8 BY MR. COWGILL:

9 Q Are you a medical doctor?

10 A I am not.

11 Q Are you a coroner?

12 A I am not.

13 Q Are you a statistician?

14 A I am not.

15 Q Do you agree that a company selling kratom for
16 human consumption should stay current on the scientific and
17 medical research regarding kratom safety and efficacy?

18 A Yes.

19 Q Do you agree that a product should include a
20 warning regarding any known risks associated to its use?

21 A I do.

22 Q Do you agree that a product should provide clear
23 contact information for the party responsible for the
24 product?

25 A I do.

1 But I've -- I mean, I've used it, so I would say
2 for me that I've used it, just use it in moderation.

3 Q Do you use kratom today?

4 A I do not.

5 Q When was the last time you used kratom?

6 A It's been a couple years.

7 Q Why do you use kratom when you've used it?

8 A I've used it for focus.

9 Q How did you consume it when you used it?

10 A I tried both capsules, and I've done some of the
11 liquid.

12 Q The liquid extract shots?

13 A Correct.

14 Q When you consume the liquid, how much did you
15 take, a whole shot?

16 A I took about half a bottle.

17 Q How did you measure that out?

18 A I literally just drank half the bottle.

19 Q Why did you -- why did you use half the bottle?

20 A For one, that is what it is. For two, I didn't
21 want to use a lot.

22 MS. PAYTON: Michael, this is the point when
23 we need to take that break.

24 MR. COWGILL: Okay. Well, he just answered
25 the question, so there isn't one pending.

1 Extract" on them?

2 A Correct.

3 Q What other changes?

4 A I'm sure the warnings and stuff changed over the
5 years. It didn't use to have the batch numbers on it, I
6 think, originally. The distributor buy was added at one
7 point.

8 I don't remember further than that.

9 Q Why were the batch numbers added?

10 A I guess just evolution.

11 Q When were they added?

12 A I don't know.

13 Q And how did the warning change over time?

14 A I mean, I don't remember what the original warning
15 had on it and the batch numbers. I mean, it'd be from
16 something in the dark here, you know.

17 Q Were the changes to the warnings ever made without
18 advice of counsel?

19 A I don't believe so.

20 Q We're going to get to this in a little bit, I just
21 want to cover it, try not to belabor it, based on prior
22 testimony.

23 Jopen maintains the OPMS Kratom website, right?

24 A Correct.

25 Q And so the changes that have occurred in terms of