

EXHIBIT 13

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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
MARK JENNINGS, as corporate
representative of Nuza, taken
via Zoom web conference on October 10,
2025, commencing at approximately
1:00 p.m. EST

Job No. MDLG7641097-2

1 A Correct.

2 Q What does that mean? What does that
3 difference mean?

4 A To my understanding, no difference
5 except for that's how it was ordered by the
6 client and that's how we fulfilled the order,
7 based on the codes.

8 Q Okay. And, so, all the results were
9 reported here, and it looks like it passed the
10 microbio and heavy metals assay; right?

11 A Yes.

12 Q And given the representation that these
13 tests relate to the products at issue in this
14 case, fair to assume that these results were
15 within spec and were ultimately utilized? The
16 product was ultimately utilized?

17 A Yes.

18 (DEPOSITION EXHIBIT NUMBER 19
19 WAS MARKED FOR IDENTIFICATION.)

20 MR. COWGILL:

21 Q So let's look at Exhibit 19. This is
22 sample number 7 green, and we're now on a
23 different date, September 15, '22, with a sample
24 lot number of MDGP090922FP. Do you see that?

25 A Yes.

1 A Yes.

2 (DEPOSITION EXHIBIT NUMBER 21
3 WAS MARKED FOR IDENTIFICATION.)

4 MR. COWGILL:

5 Q All right. Let's look at Exhibit 21.
6 Make sure that's it. Yeah. Exhibit 21 is dated
7 August 29th, '22. This is sample number 4 green.
8 Sample lot is BRP0822222FP. And this time, the
9 email is AN-results@olisticagroup. Do you see
10 that?

11 A I do.

12 Q So we've got the reported results, pass
13 on microbio, pass on heavy metals; right?

14 A Right.

15 Q So what I want to understand, we've
16 got, now -- let's see -- one, two, three, four,
17 five separate tests, and the representation is
18 that these prod- -- that, you know, those samples
19 that have been tested in these tests, these five
20 tests, ultimately made it into the products at
21 issue in this case; right? Do you understand
22 that?

23 A Yes.

24 Q So we talked about blending earlier.
25 Is that what's happening here?

1 There's five tests for five samples,
2 and they ultimately relate to different lots.
3 And those lots are blended, and then that's what
4 is output into the final product?

5 A No.

6 Q So how would these five tests relate to
7 these final products?

8 A Um, those were the lot numbers
9 identified by the distributor or the -- the
10 co-packer that would have gone into the package
11 that is in question. So we just took that
12 information and pulled these results based on
13 that.

14 So I'm not sure how they packaged
15 things, if they mix different lot numbers or how
16 their reporting is. I'm not sure.

17 Q So we've got five different lot
18 numbers, but we have no way of knowing which of
19 those lot numbers corresponds to what's actually
20 in this package?

21 MS. PAYTON:

22 Object to the form.

23 A Um, I'm not sure what -- what they
24 know. That's in the distributor's universe of
25 paperwork. Or the co-packer's universe of

1 paperwork would identify which one of those lot
2 numbers are in that bag, and maybe it was
3 multiple of them and they used multiple lot
4 numbers. I don't know.

5 As long as they're all passing, I guess
6 they could, you know, just keep filling bags with
7 different lots of passing and -- you know,
8 passing results.

9 MR. COWGILL:

10 Q Does that in any way change these
11 results? If you start blending these together,
12 does it not change the alkaloid content in any
13 way?

14 A I'm not sure. I don't know what they
15 did. But this is what we were told went into
16 that product.

17 Q All right. So just to make sure I'm
18 understanding here, so when Calibre would send
19 these lots on to Jopen, it would leave as just
20 one lot with this designation?

21 A Every pallet or -- and even individual
22 box would be labeled with that number on it or
23 one of the other ones that you see. They would
24 take that into their warehouse, and then when
25 they started producing or packaging or whatever,

1 they would identify those different numbers here
2 that you see that went into their manufacturing
3 orders and steps.

4 So, yes, every -- every package was
5 labeled with that number with the test result.
6 We sent it to Texas for them to package however
7 they do things.

8 Q Okay. So you -- you, then, that's
9 where your knowledge ends. You don't know if in
10 Texas they're taking these lots and blending them
11 into the package.

12 A Correct. Yeah. I do not know that.

13 Q But the capsules, those are leaving
14 Calibre already capsulized; right?

15 A Yes.

16 Q So these capsules would only have one
17 of these, one lot number?

18 A Um, unless they took, I mean, two
19 different lot numbers of capsules that were both
20 passing and the same and mixed them in one bag.
21 It's possible. Again, I don't know. But we
22 would only send capsules per lot number, like you
23 see here, to them.

24 Q Okay. So I want to revisit these flows
25 real quick. Because you talked about blending

1 MS. PAYTON:

2 Object to the form.

3 A It might to me after explained. I
4 can't say if it makes sense or not. I -- I'm not
5 in their system.

6 MR. COWGILL:

7 Q But as we sit here today, how does it
8 make sense that there would be five tests with
9 five different lot numbers associated to these
10 two packages?

11 A I mean, I described to you a few other
12 ways that it could have happened on their side,
13 but I don't know.

14 Q Yeah. And the ways you described were
15 all different blends of either mixing the powder
16 or mixing the capsules together; right?

17 A Yeah. It could be how their coding
18 system works and how many of our batches they run
19 through one code. I don't know. You'd have to
20 ask them.

21 (DEPOSITION EXHIBIT NUMBER 22
22 WAS MARKED FOR IDENTIFICATION.)

23 MR. COWGILL:

24 Q All right. Let's take a look at
25 exhibit 22. Is that what I'm on? Yep.

1 A Yes.

2 Q And the answer is "Defendant objects to
3 this interrogatory as vague and ambiguous with
4 respect to the phrase 'manufacturing process.'
5 Defendant further objects on the grounds that
6 this interrogatory is unduly burdensome because
7 Defendant does not manufacture any kratom
8 products, including OPMS Silver Vein Maeng Da
9 capsules. As such, it is not responsible to
10 demand that Defendant describe the manufacturing
11 process for this product. Defendant also
12 reiterates its response to interrogatory number 2
13 of plaintiffs' first set of interrogatories;
14 namely, at or around the incident date alleged in
15 the complaint, Defendant worked with the
16 following manufacturer: Calibre Manufacturing,
17 LLC. This product consists of ground kratom
18 leaf."

19 To your understanding, is this an
20 accurate answer?

21 A Can you represent the date of the
22 alleged -- the incident?

23 Q Yeah. So that refers to the death of
24 Harmony Moller, which occurred on February 6th,
25 2023.

1 A Then, yes, this is an accurate
2 statement.

3 (DEPOSITION EXHIBIT NUMBER 24
4 WAS MARKED FOR IDENTIFICATION.)

5 MR. COWGILL:

6 Q All right. And then Exhibit 24, this
7 is Defendant Martian Sales's Responses and
8 Objections to Plaintiffs' First Set of
9 Interrogatories.

10 And this is just sort of a
11 cross-reference -- right? -- as you see here how
12 it refers back to the response to interrogatory
13 number 2 of the first set?

14 A Yes.

15 Q I'm just taking you to interrogatory
16 number 2. It says "please identify all upstream
17 suppliers of kratom supplied to Martian since
18 January 1st, 2018. In your answer, please
19 include the name, address, and phone numbers for
20 all suppliers and manufacturers by year and the
21 form or type of product provided."

22 There's objections, but then it goes on
23 to say "at or around the incident date alleged in
24 the complaint" --

25 Again, that's that February 26, 2023