

# EXHIBIT 14

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

1 Party Nuts, for A1.

2 Q Is that the sort of information that you would  
3 have discussed with Mr. Reilly or is that something you just  
4 gathered over time through selling the product?

5 MS. PAYTON: Object to the form.

6 THE WITNESS: When the product came out,  
7 silver was a non-extract product.

8 BY MR. COWGILL:

9 Q When you started selling OPMS Kratom was Silver  
10 the only product available or were there multiple types?

11 A When I started selling OPMS products?

12 Q Right.

13 A I think Gold was the only one.

14 Q So it was only an extract?

15 A Yes.

16 Q When did -- when did Silver enter the market?

17 A Circa 2014.

18 Q Why -- why was the decision made to have Silver  
19 enter the market as well?

20 A I'm not sure.

21 Q Do you consider kratom a dietary supplement?

22 A I consider it an ingredient, a food ingredient.

23 Q Why do you consider kratom a food ingredient?

24 A Just the way I understood it to be.

25 Q What knowledge do you have of cooking recipes that

1 when I printed it.

2 Do you follow?

3 A I do.

4 Q Have you ever seen this page before?

5 A I may have.

6 Q I'm just scrolling through it so you can see the  
7 whole thing, and then I'll ask you some questions.

8 All right?

9 A Okay.

10 Q At any point, yeah, as I'm showing you documents  
11 today, let me know if you need me to zoom. Let me know if  
12 you want to see something specific, have me zoom or scroll  
13 to it, I'm happy to do that. Okay?

14 A Okay.

15 Q All right. So here it says: "Kratom is a  
16 tropical tree, *Mitragyna speciosa*, that is native to  
17 Southeast Asia. Products prepared from kratom leaves are  
18 available in the U.S., online, and in brick-and-mortar  
19 stores. Kratom is often used to self-treat conditions such  
20 as pain, coughing, diarrhea, anxiety, and depression, opioid  
21 use disorder and opioid withdraw. With regular kratom users  
22 self-reporting using less than 6-grams of botanical kratom  
23 for consumption per several recent studies." And it has a  
24 link to a study.

25 Are you aware that kratom is used for these

1 purposes?

2 A For self-treatment, yes.

3 Q Is that why Jopen is in the business of selling  
4 and distributing kratom?

5 MS. PAYTON: Object to the form.

6 THE WITNESS: Jopen is in the business of  
7 distributing kratom products that are available on the  
8 market.

9 BY MR. COWGILL:

10 Q And you testified earlier that you had an affinity  
11 for natural products as opposed to traditional medicine and  
12 that the story of OPMS, such as opiate use disorder  
13 treatment, drew you to distribution and sale of OPMS Kratom.

14 Right?

15 A Correct.

16 Q Let's look here. It says: "Of note,  
17 7-hydroxymitragynine, 7-OH, is a naturally occurring  
18 alkaloid in the kratom plant, but only a minor constituent  
19 that comprises less than 2 percent of the total alkaloid  
20 content in natural kratom leaves. However, 7-OH  
21 demonstrates substantially greater mu-opioid receptor  
22 potency than kratom's primary alkaloid constituent  
23 mitragynine, as well as other classical opiate, such as  
24 morphine."

25 Did I read that correctly?

1 USC 350(b)(b). Because to the best of the agency's  
2 knowledge, there's no information demonstrating that the  
3 substance was marketed as a dietary ingredient in the United  
4 States before October 15th, 1994."

5 Did I read that correctly?

6 A Correct.

7 Q Do you agree that kratom can be both a food and a  
8 dietary supplement?

9 A Correct.

10 Q What's your knowledge of kratom's presence in the  
11 U.S. market prior to October 15th, 1994?

12 A I don't know.

13 Q You don't know your knowledge or you don't have  
14 knowledge?

15 A I do not have any knowledge.

16 MS. PAYTON: Object to the form.

17 THE WITNESS: I don't have any knowledge.

18 BY MR. COWGILL:

19 Q And this says: "Furthermore, based on the FDA's  
20 review of the publicly available information regarding  
21 kratom, there does not appear to be a history of use or  
22 other evidence of safety. Establishing that kratom will  
23 reasonably be expected to be safe as a dietary ingredient."

24 Does that concern you at all?

25 A No.

1 want to confirm. Yeah, they're all 2022.

2 Do you see that?

3 A I do.

4 Q And so what would be the chain of documentation  
5 that would allow correlation between these kratom products  
6 and these tests?

7 MS. PAYTON: Object to the form.

8 THE WITNESS: I'm not 100 percent sure.

9 BY MR. COWGILL:

10 Q Because it sounds like there's two more tests,  
11 which I'll look at when I can. But here you got five tests  
12 and two packages of kratom, so I'm curious how these five  
13 tests relate to two packages.

14 What's your knowledge of that?

15 A I don't know that I have that knowledge.

16 Q You don't have that knowledge?

17 A I don't believe I do.

18 Q And then you see here on the alkaloids assay, it  
19 includes mitragynine, paynantheine, speciogynine,  
20 speciociliatine, 7-OH mitragynine, mitraphylline,  
21 isorhynchophylline, I might have not said some of those  
22 correctly, but do you see that?

23 A I do.

24 Q And then you see here on the specifications it  
25 says just "Report Only."

1           A     This is a -- this is a conversation between the  
2 manufacturer and the brand owner.

3           Q     For a product that you sell and distribute, right?

4           A     I'm not privy to any of this information.

5           Q     But this is a product you sell and distribute,  
6 right?

7           A     Correct.

8           Q     What's your understanding of whether these tests  
9 relate to kratom that may ultimately be used for multiple  
10 brands of kratom, other than OPMS?

11                   MS. PAYTON: Object to the form of the  
12 question.

13                   THE WITNESS: I'm not sure I understand the  
14 question.

15 BY MR. COWGILL:

16           Q     Do you know if the kratom that this test relates  
17 to, this raw kratom powder, what's your knowledge of whether  
18 this kratom may ultimately be used in other brands of kratom  
19 distributed or sold by A1?

20                   MS. PAYTON: Object to the form of the  
21 question.

22                   THE WITNESS: I don't know.

23 BY MR. COWGILL:

24           Q     Who would know that?

25           A     I'm not sure. I mean, probably Advanced.

1 Q Who would you contact for the chain of  
2 documentation that would associate these tests to this  
3 particular kratom package?

4 A I would not.

5 Q You wouldn't contact anyone?

6 A I would not.

7 Q Why not?

8 A Because it's Mark Reilly's job to do that, if need  
9 be. He has the contract with Advanced. He has a  
10 relationship with Advanced.

11 Q Referring to Advanced Nutrition?

12 A Yeah, not Jopen.

13 Q So if you receive an adverse event associated to a  
14 particular package of kratom, you would communicate that to  
15 Mr. Reilly to then do this chain of connecting a test to a  
16 package?

17 A That would be probably the pathway, correct.

18 Q So with that FDA investigation for the OPMS Black,  
19 what did you do to trace the product at issue there to any  
20 testing related to that product?

21 MS. PAYTON: Object to the form.

22 THE WITNESS: I don't know that we did  
23 anything.

24 BY MR. COWGILL:

25 Q Has the FDA ever asked you to engage in that sort

1 vary within one single bag of kratom?

2 A I'm not sure I understand. What do you mean  
3 "within one single bag of kratom"?

4 Q So what's your understanding of alkaloid content  
5 varying within the bag itself. So, you know, in this  
6 corner, could the alkaloid content be different from over  
7 here?

8 MS. PAYTON: Object to the form.

9 THE WITNESS: I think that's unlikely.

10 BY MR. COWGILL:

11 Q Do you have any knowledge of that, of that  
12 potential variance?

13 A I do not.

14 Q So why do you think it's unlikely?

15 A Because it's coming off the same container to fill  
16 that bag.

17 Q But we saw five tests associated to the kratom  
18 that allegedly went into these bags. So how do you know  
19 that it's going from this, quote-unquote, same container?

20 A I'm not sure. Again, I'm not privy to this  
21 information.

22 Q And on these tests, you know, we saw the  
23 mitragynine, then we saw these other alkaloids?

24 A Mm-hmm, correct.

25 Q What's your knowledge of the risk or safety

1 Mark Jennings.

2 Q Do you see here it says: "Matrix Extract." Do  
3 you see that?

4 A I do.

5 Q So why would a test for an extract related to the  
6 OPMS Silver product that allegedly is not an extract?

7 A I don't know that it does.

8 Q Well, that's been the representations of your  
9 counsel and why they're produced.

10 These tests were connected to the products at  
11 issue in the case?

12 MS. PAYTON: Object to the form.

13 THE WITNESS: I would have no idea.

14 BY MR. COWGILL:

15 Q Why would it say the sample name is Black when  
16 this isn't the Black Kratom at issue and this case involves  
17 Green Maeng Da?

18 A We're talking about a brand I don't manage. At  
19 the facilities and manufacturers that I don't manage or work  
20 at. I have no part in any of this.

21 Q So the answer is you don't know?

22 A Exactly.

23 Q All right. And you see here the alkaloids listed?

24 A I do.

25 Q And you see there's amounts detected?