

Exhibit 5

In the Matter Of:

3C, LLC and MIDWEST HEMP COUNCIL

-v-

TODD ROKITA and STATE OF INDIANA

Justin Journey

July 28, 2023



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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF INDIANA
3 INDIANAPOLIS DIVISION

4 3C, LLC D/B/A 3CHI AND)
5 MIDWEST HEMP COUNCIL,)
6 Plaintiffs,)

7 -v-

) CASE NO.
) 1:23-CV-1115-JRS-MKK

8 TODD ROKITA, IN HIS OFFICIAL)
9 CAPACITY AS INDIANA ATTORNEY)
10 GENERAL, AND STATE OF)
11 INDIANA,)
12 Defendants.)

13
14 The videotaped 30(b)(6) deposition upon oral
15 examination of JUSTIN JOURNAY, a witness produced and
16 sworn before me, Jade H. Keane, RPR, Notary Public in
17 and for the County of Boone, State of Indiana, taken
18 on behalf of the Defendants at the offices of Bose
19 McKinney & Evans, LLP, 111 Monument Circle,
20 Suite 2700, Indianapolis, Indiana, on July 28, 2023,
21 at 9:14 a.m., pursuant to the Federal Rules of Civil
22 Procedure.

23
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30(b)(6)

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Ram Desabholta
Justin Fromke
William Smeltzer
John Vastag

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1 THE VIDEOGRAPHER: We're now on the record.
2 The time is 9:14. Today's date is July the 28th,
3 the year 2023. This deposition is being held at
4 111 Monument Circle, Indianapolis, Indiana.

5 Here begins the video deposition of Justin
6 Jounay taken by the attorneys for the defendant.
7 This case is filed in the U.S. District Court for
8 the Southern District of Indiana, Indianapolis
9 Division in the matter of 3C, LLC, doing business
10 as 3Chi, C-H-I, and Midwest Hemp Council,
11 plaintiff, versus Todd Rokita, in his official
12 capacity as the Indiana attorney general, and the
13 State of Indiana.

14 My name is Brian Taylor with Stewart
15 Richardson. The court reporter is Jade Keane also
16 with Stewart.

17 Counsel may now state your appearance for the
18 record, and then the court reporter will swear the
19 witness.

20 MR. LANE: My name is Razi Lane here for the
21 State. With me -- I'm counsel of record -- here is
22 William Smeltzer, we have John Vastag, we have
23 Justin Fromke, and we have Ram Desabholta as
24 externs for the State of Indiana also present.

25 MR. VINK: And Paul Vink from Bose McKinney &

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1 Evans representing the plaintiffs in this case.

2 With me is my colleague Justin Swanson.

3 JUSTIN JOURNAY,

4 having been first duly sworn to tell the truth, the
5 whole truth, and nothing but the truth, was examined
6 and testified as follows:

7 DIRECT EXAMINATION

8 BY MR. LANE:

9 Q Good morning, Justin. Would you prefer Justin or
10 Mr. Jounray?

11 A Justin's fine.

12 Q Justin. Good to meet you, Justin. My name is Razi
13 Lane. I'm an attorney for the defendants. I'm
14 going to be asking you some questions today.

15 A Okay.

16 Q Have you ever given a deposition before?

17 A Yes, I have.

18 Q Okay. So you know that I'm going to ask some
19 questions. The court reporter here is going to be
20 recording everything we say, and you'll need to
21 answer my questions to the best of your ability.
22 And we'll want to talk slow so that she can follow
23 along. And your answers will be the truth as the
24 court reporter has asked you to swear. Is that
25 understood?

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1 A Yes.

2 Q And I'll assume you understand my questions unless
3 you tell me that you don't. If you don't
4 understand a question, please let me know, and we
5 will do our best to clarify it. Do you understand?

6 A Yes.

7 Q And we ask that you please give verbal answers and
8 not gestures for the court reporter on the record.

9 A Okay.

10 Q So I don't expect this to take too long, but
11 depositions are tiring so it's okay to ask for a
12 break if you need to. And that goes for anybody in
13 the room. If there's any reasons that we would
14 need a break, I would just ask that you would
15 answer any pending question before we go to a
16 break. Is that okay?

17 A Okay.

18 Q Okay. Is there any reason you cannot understand
19 any questions that I'll ask today?

20 A I guess we'll know if we get there.

21 Q Is there any reasons that you can't answer my
22 questions with the truth?

23 A No.

24 Q So other than meeting with your attorneys, did you
25 do anything else to prepare for today's deposition?

1 A No. Just met with them.

2 Q Okay. Are you being compensated for your
3 testimony?

4 A No.

5 Q All right. So we'll start with Exhibit Number 1.
6 I'm going to pass that around.

7 MR. VINK: She'll hand that to you -- is
8 that -- okay.

9 (Deposition Exhibit 1 was marked for
10 identification.)

11 Q Do you recognize this document?

12 A No, but I may have seen it before.

13 Q Would you agree that this is the defendants' notice
14 of 30(b)(6) deposition as it's printed on the first
15 page?

16 A It appears to be that, I guess.

17 Q Are you here in response to this deposition notice?

18 A I would guess yes.

19 Q Are you here for any other reason?

20 A No. I just don't a hundred percent know what this
21 document is. But if you're telling me that this is
22 just the official notice, then okay, yes.

23 Q Okay. Thank you. We'll move to Exhibit 2.

24 MR. VINK: Razi, before you do that --

25 MR. LANE: Yes.

1 MR. VINK: -- do you have a copy of this that
2 has the attachment with the categories on it?

3 MR. LANE: Oh.

4 MR. VINK: I think that's why the witness is
5 confused.

6 MR. LANE: Oh, I see.

7 MR. VINK: He's seen the attachment with the
8 categories but probably not the --

9 MR. LANE: Okay.

10 MR. VINK: -- notice itself.

11 MR. LANE: That should have been with this.
12 My apologies. Let's see. One moment.

13 MR. VINK: Why don't we go off the record a
14 minute.

15 MR. LANE: Yeah, let's do that.

16 THE VIDEOGRAPHER: 9:18. Off the record.

17 (A discussion was held off the record.)

18 THE VIDEOGRAPHER: We're back on the record.

19 It's 9:26.

20 BY MR. LANE:

21 Q All right. So we're here with the exhibit that's
22 previously handed over, and I'll just note for the
23 record that this is a previous edition of the
24 30(b)(6) deposition notice that does not note that
25 this proceeding will be handled or recorded via

1 video.

2 Since then, we've issued to counsel an updated
3 30(b)(6) deposition notice that does clarify that
4 video recording will be in progress for the
5 deposition.

6 And my understanding is there was no
7 objection?

8 MR. VINK: No objection, and you've accurately
9 stated the history.

10 MR. LANE: Thank you.

11 BY MR. LANE:

12 Q Now we'll move to Exhibit 2.

13 (Deposition Exhibit 2 was marked for
14 identification.)

15 Q All right, Justin. Do you recognize this document?

16 A Yes.

17 Q Are you familiar with its contents?

18 A I don't have them memorized, but yes, generally,
19 yes.

20 Q Okay. And this is the complaint for the lawsuit
21 that you've brought challenging the attorney
22 general's Official Opinion 2023-1; correct?

23 A Yes.

24 Q All right. Let's move on to Exhibit Number 3.

25 (Deposition Exhibit 3 was marked for

1 identification.)

2 Q Do you recognize this document?

3 A I -- oh, this is the opinion letter from January?

4 Q Yes.

5 A Then yes, I'm familiar with it.

6 Q Okay. How did you first hear about this opinion?

7 A I believe through my counsel.

8 Q Okay. What was your reaction to it?

9 A I generally didn't agree with it.

10 Q And so why did you decide to bring the lawsuit?

11 A Because I don't agree with it, and it's hurting
12 business.

13 Q In what way is it hurting business?

14 A Well, right now, you have a lot of retailers out
15 there who are scared to do business, who believe
16 that they're doing things legally. And I mean, for
17 the past few years of -- everything has been
18 indicating that they've been operating legally.

19 And then, you know, in addition to that, we lost a
20 banking relationship here in Indiana because of it.

21 Q Okay. And other than your attorneys, did you talk
22 to anyone about the official opinion as you planned
23 to bring the lawsuit?

24 A Not that I can recall.

25 Q And when you say "counsel," do you mean your

1 current counsel, which we won't get into, or do you
2 mean general counsel with your company?

3 A No. I mean Bose.

4 Q Understood. Thank you. All right. So let's move
5 just to some general background questions just to
6 get to know each other a little bit better. So
7 have you ever been arrested?

8 A No.

9 Q Okay. How old are you?

10 A I am 41.

11 Q Okay. And where do you live?

12 A I live in Fishers.

13 Q Have you lived anywhere else in Indiana?

14 A No.

15 Q Can you tell me a little bit about your educational
16 background?

17 A Graduated from The College of Wooster in 2004 with
18 a biochemistry major.

19 Q Did you do any other education after that, like
20 post-graduate?

21 A No.

22 Q Okay. So let's talk a little about your
23 professional background. What's your current
24 employment?

25 A I am the owner of 3Chi.

1 Q Okay.

2 A 3C, LLC.

3 Q And how long have you been in that capacity?

4 A I started that in July of 2018.

5 Q Okay. Where were you before then?

6 A I had started a company called Slick Lips, which
7 was a lip balm company.

8 Q Very neat. So why did you decide to shift over
9 from that company into cannabis products? What was
10 the interest there?

11 A Well, with Slick Lips, I had made it for my
12 girlfriend at the time. And, you know, she wanted
13 a lip balm that was -- you know, tasted good and
14 she could wear it. And I made one, and it -- you
15 know, people liked it so much, they were eating it
16 off their lips so fast, they -- we kept getting
17 these requests to turn it into an edible.

18 And I didn't know what that entailed so I went
19 out to a conference in Portland, Oregon, and, you
20 know, tried to get my hands on some THC distillate
21 to just see, you know, if that was possible.

22 I was not able to do that, but I was able to
23 get my hands on hemp, which I learned about at that
24 time at that conference. And in the process of
25 that, you know, I learned that people were using

1 this medicinally -- they were using hemp
2 medicinally, and I had debilitating shoulder pain
3 for about three years. It was just progressively
4 getting worse and worse and worse to where I could
5 barely use my right arm.

6 And then, you know, they made the comment hey,
7 you know, if you can make products, you should
8 probably make some stuff for your shoulder and see
9 if it helps. And within a week of trying it, you
10 know -- because at the time, I didn't even think
11 medicinal cannabis was real, you know, that it
12 could actually help. I thought it was just an
13 excuse to get high and that was it.

14 And within a week of using it, I had the use
15 of my right arm back, and it was nothing short of a
16 miracle to me. It changed my life. And at that
17 point I said this is what I'm going to do, and I'm
18 going to pay this forward. You know, it helped me
19 tremendously, and I wanted others to know that.
20 You know, I had a misconception about this plant.
21 And, you know, I wanted to spread that, you know,
22 that -- just the general attitudes towards it were
23 very off base.

24 Q When you say you thought it was an excuse to get
25 high, what -- just for the record, what do you mean

1 when you say "high"?

2 A I thought there -- people would just -- you know,
3 people use it recreationally, and I thought that
4 that was only it. And I wasn't that familiar with
5 it, and so it was just a -- you know, I just had a
6 large learning curve.

7 Q Okay. And did you found 3Chi?

8 A I did.

9 Q Do you consider yourself a chemist?

10 A Yeah. I mean, I've got the degree. So I would say
11 there are better chemists out there, but ...

12 Q Why would you say that?

13 A Because I've hired some.

14 Q Understood. Are you a member of any organizations?

15 A Like, what kind of organizations?

16 Q So I'm thinking political organizations or lobbying
17 groups or anything of that nature.

18 MR. VINK: And just for clarity, do you mean
19 him personally, or do you mean 3C, LLC?

20 MR. LANE: Him -- Justin personally.

21 MR. VINK: Okay.

22 MR. LANE: Thank you for the clarification
23 though.

24 THE WITNESS: Is, like, the PAC -- is that
25 something or --

1 A Okay. So, like, GITPAC.

2 Q What's that?

3 A It's a Grow Indiana Together PAC that just
4 essentially works to get education out there. I'm
5 also a member of Midwest Hemp Council.

6 Q Okay. How long have you been a member of the
7 Midwest Hemp Council?

8 A I don't remember the exact amount of years. Couple
9 years, few years.

10 Q Okay. What's your involvement -- or 3Chi's
11 involvement -- I should clarify -- with the Midwest
12 Hemp Council?

13 A We're members.

14 Q Okay. So what are your current responsibilities at
15 3Chi?

16 A I'm the CEO.

17 Q And where's 3Chi headquartered?

18 A In Indianapolis.

19 Q Okay. Does anyone at 3Chi testify before
20 legislative bodies?

21 A It would be me only.

22 Q Have you testified before legislative bodies?

23 A Yeah. Well, does the summer study council count?

24 MR. VINK: Go ahead. Tell him about it, and
25 he can decide.

1 A Okay. So there was a summer study session that I
2 spoke at. I don't know if that counts as
3 testifying.

4 Q I'm thinking more of, like, the Indiana General
5 Assembly or the U.S. Senate or something of that
6 nature or, you know, an administrative agency that
7 regulates cannabis or anything of that variety.

8 A I don't believe I have done that.

9 Q Okay. Thanks. So how many U.S. states does 3Chi
10 operate in?

11 A In what capacity?

12 Q In terms of marketing and selling its products.

13 A It's a good question. I don't know off the top of
14 my head but a large number of them.

15 Q Okay. Does 3Chi operate internationally?

16 A We have made some international sales, but it's not
17 a primary focus.

18 Q Okay. Where is the primary focus?

19 A The United States.

20 Q Okay. Does 3Chi have a current hemp license in the
21 jurisdictions in which it operates?

22 A Yes.

23 Q How does 3Chi ship its products?

24 A We will deliver. We will, you know, use mail
25 couriers.

1 Q Thank you. All right. Let's move on to Exhibit
2 Number 4.

3 (Deposition Exhibit 4 was marked for
4 identification.)

5 MR. LANE: Here you are.

6 Q Do you recognize this document?

7 A Yes.

8 Q Are these all the low-THC hemp products currently
9 offered by 3Chi?

10 A Yes.

11 Q Are there any -- is there any reason that this list
12 is no longer accurate?

13 A No. I believe these are accurate.

14 Q Okay.

15 A There may be some things that have recently
16 dropped, but I mean, if I -- if over the course of
17 discussing that, I will let you know.

18 Q I appreciate that. Thank you. So on this list of
19 products, you'll see the name of a product. And
20 then just to the immediate right of it, you'll see
21 this milligram designation. What does the
22 milligram designation represent?

23 A It -- well, it may depend. So, like, for some of
24 these gummies, it's like a total milligram amount
25 in a bag of a specific cannabinoid. Some of the

1 other things are just, like, the total content
2 completely.

3 Q Okay. I guess what I'm trying to understand is is
4 this -- this isn't the amount of the delta -- for
5 example, if we take the very first item on the
6 list, the 3Chi delta-8 watermelon gummies --

7 A Uh-huh.

8 Q -- dash, 400 milligrams.

9 The 400 milligrams, is that the weight of that
10 bag, or is it the amount of delta-8 in that
11 product?

12 A That's the amount of delta-8 in the entire bag
13 over -- you know, spread out across all the
14 individual units, individual pieces.

15 Q I see. Does 3Chi maintain any partnerships with
16 individuals or entities that supply the raw
17 ingredients? We don't have to get into, you know,
18 specifically what those entities are. But are
19 there partnerships with those entities?

20 A Partnership in what way? We have vendor
21 relationships. We aren't, like, party in, like, a
22 business together where we --

23 Q Sure.

24 A -- we formed a business together.

25 Q Sure. I mean the vendor relationships.

1 A Yeah, yes.

2 Q Okay. So where does generally 3Chi obtain raw
3 ingredients?

4 A All over. Depends what we're doing and what we're
5 making.

6 Q Okay. Are the ingredients tested by the provider
7 or after obtained by 3Chi?

8 A I mean, it's going to depend on what it is that
9 we're buying. You know, if it's like a piece of
10 hardware, it doesn't have -- it'll have a different
11 type of testing. They'll make sure that it works.
12 If you're talking about cannabinoids, yes,
13 generally it'll come tested from them. Then we
14 will take it, and we will test it ourselves.

15 Q Okay. So are you familiar with delta-9 THC?

16 A Yes.

17 Q Are you familiar with delta-8 THC?

18 A Yes.

19 Q Okay. How is delta-9 THC produced or acquired from
20 the cannabis plant?

21 A Delta what?

22 Q Delta-9?

23 A Delta-9, it exists naturally in the plant.

24 Q Okay. Is delta-8 THC produced any differently?

25 A I mean, it also exists naturally in the plant.

1 There are different ways that it can be produced.

2 Q Okay. Do delta-8 and delta-9 -- I'm trying to
3 understand sort of the difference between the two.

4 A Uh-huh.

5 Q Do they have similar or different psychoactive
6 effects, if any at all?

7 A I mean, they're similar-ish. They're not the exact
8 same.

9 Q Okay. In what ways are they different?

10 A Users of delta-8 typically say that the -- you
11 know, it's a much more functional feeling.

12 Q Uh-huh.

13 A And so -- and it all -- it all depends on the
14 individual. The reality of this is that these
15 products affect each individual differently, and so
16 it's tough to just give a blanket statement of how
17 they affect somebody because everybody's got a
18 unique experience with these cannabinoids.

19 Q Okay. Are you familiar with a distinction between
20 synthetic versus natural cannabinoids?

21 A Yes.

22 Q Okay. What's that difference?

23 A Synthetic, to me, is when you -- you know, layman's
24 terms, "Frankenstein" something together and
25 construct something from a bunch of individual

1 parts.

2 Q Okay. So is delta-8 THC as used in the 3Chi
3 products listed in the previous exhibit -- is that
4 a synthetic delta-8, or is that a natural delta-8?

5 A That is -- I mean, it's derived from a natural
6 source. It would not be synthetic in the sense
7 that -- in the way that I just described. So if I
8 had to choose one to say, I would say it's more
9 natural than synthetic.

10 Q Okay. But if something -- if a delta-8 product has
11 any synthetic component to it, it still can be
12 natural even if it's somewhat synthetic? I'm
13 trying to understand that difference.

14 A Well, it's -- I mean, you can say semi-synthetic.
15 You could say -- I mean, there's different ways to
16 classify things. And, you know, I don't know what
17 your term -- what you want to define synthetic as.
18 My definition of synthetic would not include
19 delta-8 the way that we use it.

20 Q Understood. So is it your understanding that a
21 synthetic -- that a synthetic transformation of CBD
22 to delta-8 in that context would yield a legal hemp
23 derivative product?

24 A You can turn CBD into delta-8. Again, you're
25 not -- the process is not adding components to

1 anything. So like I said, Frankensteining, you're
2 not doing that. You're taking a molecule as it
3 exists and essentially restructuring it.

4 Q Okay.

5 A So if I wanted to just squeeze this can, it now
6 looks a little different physically, but it's going
7 to have different properties. You can hold it
8 different, you know. And at the end of the day,
9 it's not as it was when it was popped out exactly.
10 But I didn't add anything to that can to construct
11 and make a brand-new thing (indicating).

12 Q I see. Are there any reagents? So in that
13 distillation process, are there any reagents that
14 may appear, for example, in the final delta-8
15 sample that comes out?

16 A No. They're there to -- they exist to essentially
17 modify the environment that CBD is in to create
18 that reaction.

19 Q Okay. Is it your opinion that all hemp derivatives
20 are legal?

21 A Yes.

22 Q Okay. So if one could chemically convert CBD to
23 heroin, would that heroin be exempted from the
24 controlled substances act in your personal opinion?

25 A I mean, I guess technically.

1 Q Are there -- let's see. Do you know if delta-10
2 THC -- are you familiar with that?

3 A Yes.

4 Q Is that found naturally in the cannabis plant?

5 A It's my understanding that it is. It can be. But,
6 you know, the reality of this is -- you know, if
7 we're going to go down this pathway, there is so
8 much to learn about cannabis and what is naturally
9 found, and we're finding new compounds all the
10 time.

11 And as testing gets better and better, you're
12 finding that the people who maybe looked at
13 cannabis before didn't know everything there was to
14 know about it. And so, you know, this idea that
15 some of these cannabinoids may not exist naturally
16 is -- it's just not the case, you know, as you get
17 better and better testing and get more insight on
18 what's actually in there.

19 Q Is there any such thing as a purely synthetic
20 nonnatural cannabinoid?

21 A A purely synthetic nonnatural -- yeah.

22 Q Okay. Does 3Chi use any of those --

23 A No.

24 Q -- in their products?

25 A No.

1 Q No. Why not?

2 A Because that's -- that would be outside of the law,
3 as we understand it.

4 Q Understood. Do you know, is delta-6a10a THC
5 naturally found in cannabis?

6 A That's another one of those things where, you know,
7 likely it is, I would say.

8 Q Okay. Is HHC -- are you familiar with that?

9 A Yes. That is.

10 Q That's naturally found in cannabis?

11 A Yes.

12 Q Okay. Are the delta-4(8)-iso-THC -- are you
13 familiar with that?

14 A Uh-huh.

15 Q Is that found naturally in cannabis?

16 A To my understanding, yes.

17 Q Okay. Are there any methods that can be used to
18 remove any synthetic reagents in that purification
19 process --

20 A Uh-huh.

21 Q -- right, that may remove any potential controlled
22 substances from delta-8 products?

23 A Can you ask that question again?

24 Q Absolutely. So are there any methods that can be
25 used to remove synthetic reagents that might be

1 controlled substances if they appear in delta-8
2 products?

3 A There's no -- I mean, I'll try to answer your
4 question --

5 Q Thank you.

6 A -- to the best that I can. So when you say
7 "reagent," we don't use a -- like, a controlled
8 substance as a reagent to turn -- to make CBD into
9 delta-8. You know, you're modifying the
10 environment with the pH levels. So you'll use,
11 like, an acid to make an acidic environment. That
12 doesn't make it into the final product. But you're
13 not adding a controlled substance, you know, to
14 make that reaction happen.

15 Q I understand. I'll ask it a little bit
16 differently. So is there a purification process
17 that 3Chi has to guarantee that the products are
18 the most pure that they can be?

19 A Yeah.

20 Q Yeah. What does that purification process look
21 like?

22 A Well, if you're talking about reagents, I mean,
23 you'll perform the reaction. Like I said, you'll
24 modify the environment, put it in an acidic
25 environment, and then you neutralize that

1 environment to get the pH, you know, to like pH 7.
2 You will then -- you know, you'll do your washes,
3 you'll remove the acidic components, and then you
4 will distill away the solvents.

5 Q Are there costs, like, financial costs that are
6 associated with distilling away those solvents and
7 doing those washing techniques that you're
8 mentioning?

9 A Yes.

10 Q What is the cost of production or purification in
11 that context generally?

12 A I don't have an exact figure of what it costs.

13 Q All right. So let's flip back to Exhibit 4 here.
14 That's that list of products that were provided to
15 us. And so we're going to use the numbering down
16 at the bottom right. You'll see where it says PLS,
17 and then there's some zeros. And then you'll see a
18 two, and you'll see a three. And so we're going to
19 go by those numbering.

20 A Okay.

21 Q What is the significance of naming delta-8 gummies
22 Comfortably Numb on page 2? It's up there towards
23 the top.

24 A Oh. On the first page?

25 Q Yes, sir.

1 A Okay. I mean, marketing.

2 Q Okay. What is Comfortably Numb?

3 A Just a generally good feeling.

4 Q Okay.

5 A A relaxed state.

6 Q Okay. Going down a little bit further on the page,
7 you'll see the delta-9 Orange Dreamsicle gummies
8 and the HHC Orange Dreamsicle gummies. What's the
9 difference between those two?

10 A Between the HHC Orange Dreamsicle and the
11 Comfortably Numb?

12 Q No. So --

13 A Or between the -- what?

14 Q I'm sorry. Between the delta-9 Orange Dreamsicle
15 gummies and the HHC Orange --

16 A Okay.

17 Q -- Dreamsicle gummies.

18 A It's just a different cannabinoid.

19 Q Okay. Do they have a different psychoactive
20 effect?

21 A It's going to depend on the person --

22 Q Okay.

23 A -- at the end of the day but typically yes.

24 Q Does everything in terms of psycho-activity depend
25 on the person?

1 A Yes.

2 Q Does it depend so exclusive on the person that we
3 can't make any generalizations about it?

4 A We could make -- it's going to depend what kind of
5 generalization we're trying to make, I guess.

6 So ...

7 Q Understood. Is there any reason for choosing the
8 name Orange Dreamsicle?

9 A That's just a flavor.

10 Q Okay. What's the -- so the Caribbean Dream -- if
11 we go further down here on page 2, Caribbean Dream
12 vape cartridge, what's that?

13 A That's just a strain name.

14 Q Okay. Is there any reason for calling it Caribbean
15 Dream?

16 A It's a strain.

17 Q A strain. What do you mean when you say "strain"?

18 A So when hemp cannabis in general is grown, the
19 different plants, they vary a little bit. And
20 growers will typically give them a name when
21 they're growing a different type where they --
22 they'll crossbreed, and they'll just -- they'll
23 name it something.

24 Q Okay.

25 A So that's why you see all these different names

1 really.

2 Q Oh, I see. Okay. Thank you for clarifying that.
3 That's probably going to answer some of our
4 questions as we go down, but we'll still just make
5 that all clear for the record --

6 A Okay.

7 Q -- on that. So I appreciate that.

8 So turning to the bottom of page 3 -- this is
9 just flipped over one time -- you'll see just the
10 very last five: The calm vape, the focus vape, the
11 happy vape, the sleep vape, the soothe vape. Do
12 these have different effects on users?

13 A People say so, yes.

14 Q Okay. How does the happy vape elevate mood?

15 A I couldn't tell you exactly how.

16 Q Okay. Why is it called that?

17 A Because that's the feedback that we got.

18 Q Understood. Do you know how the calm vape might
19 stabilize mood?

20 A I mean, it's -- everything is going to be the same
21 as what I answered with the happy.

22 Q Understood. Do any of these products contain
23 delta-8 or delta-9 THC?

24 A These do not.

25 Q Okay. Turning over to page 4 in the exhibit list

1 here, are you familiar with what THCV is?

2 A Yes.

3 Q Okay. What is it?

4 A It's another cannabinoid.

5 Q Okay. Does THCV cause psychoactive effects in
6 users that's similar to the high experienced by
7 users of delta-9 THC?

8 A No.

9 Q No? How is it different?

10 A I mean, we've had people say that it will help them
11 focus more. There's people that have said that
12 it's helped them with their appetite. There's
13 people that have said that it helps them with
14 energy.

15 Q Okay. So why would we have one called Blue Dream
16 as opposed to, you know, energy booster or anything
17 like that?

18 A Again, that's just the strain name.

19 Q Okay.

20 A So when you're looking at -- these are vape
21 cartridges that you're asking about.

22 Q Yes.

23 A And essentially, the cannabis, hemp, everything
24 will contain something called terpenes.

25 Q Okay.

1 A And that component gives, like, flavors, you know,
2 and scents, two things. And they're specific to
3 those different plant types that I had talked about
4 earlier, and so each strain has its own little
5 flavor and scent and everything. And that's what
6 that is. Blue Dream is just a strain.

7 Q Okay.

8 A And so we will take those terpenes and put it in
9 with the oil to create a Blue Dream vape.

10 Q Fascinating. So the terpenes, are those naturally
11 found in cannabis, or are they additives?

12 A They are naturally found.

13 Q Okay. So what is napalm?

14 A Also a strain name.

15 Q Okay. All right. Let's flip over to page number 5
16 down at the bottom. And here we have products that
17 are called tinctures. I think that's how it's
18 pronounced.

19 A Uh-huh.

20 Q What is a tincture?

21 A Like, a little -- an oil dropper.

22 Q Okay. Are those naturally found in cannabis?

23 A Tinctures?

24 Q Tinctures.

25 A No.

1 Q No?

2 A So it's just -- it's the cannabinoids mixed with,
3 like, a base oil, like an MCT oil. And then you
4 just suck it up with a dropper and drop it on your
5 tongue.

6 Q Interesting. What's the -- what does MCT stand
7 for?

8 A Medium-chain triglycerides.

9 Q Thank you. All right. Let's move over now to page
10 number -- let's look at page number 11. And you'll
11 see a delta-8 THC vape cartridge OG Kush. Is that
12 also a strain?

13 A Yes.

14 Q And I assume White Runtz is also a strain?

15 A Yes.

16 Q So we move over to page number 12. Towards the end
17 there, this is just that last little bit of the
18 list. It says True Strains, and then there's a
19 list of those. Do you see that?

20 A Uh-huh.

21 Q All right. What are True Strains?

22 A Well, it's a name for a line that we just came out
23 with. And so when -- you know, as I talked about
24 the strains earlier, when you grow them, there's
25 variability between even the same strain when you

1 grow it.

2 Q Uh-huh.

3 A So the consistency is not as -- if you get it -- a
4 strain from a grower in Ohio, it might be different
5 than what you see in California, let's say. And so
6 what our attempt is with True Strains is to just
7 provide consistency with the product -- more
8 consistency with the product and those strains so
9 that you get the same product every time.

10 Q Okay. So is Cruise Control a True Strain?

11 A Yes.

12 Q Are these others that are listed here, for example,
13 Cyclone, Interstellar Mind Trip, Space Cowboy,
14 Rocketman -- are these all just the name of
15 strains?

16 A Yes.

17 Q Okay. Do you know why those names were given to
18 those strains?

19 A They're -- it's just marketing.

20 Q Marketing. Okay. Did you assign those names to
21 the strains?

22 A Yes.

23 Q Okay. And you only did that for marketing reasons?

24 A Well, I mean, at the end of the day, we -- that
25 was -- we got feedback that those were good names

1 for it. So ...

2 Q Did you get feedback that some users were having
3 mind trips with the Mind Trip strain?

4 A No. And it wasn't like hallucinations. It's just
5 I went on a trip.

6 Q Okay. All right. We're going to flip back a
7 little bit to page number 7. And here there's a
8 list -- let me start over at the top. As we go
9 down, we see delta-8 THC sauce. What is THC sauce?

10 A It's just the oil by itself.

11 Q Okay. And for example, the descriptor -- so we see
12 Orange Cookies, for example, Pancakes. Are
13 those --

14 A Strains.

15 Q -- strains? Okay. I see.

16 And you assign the names to all these strains?

17 A No. The only thing that -- where we came up with
18 it was True Strains.

19 Q Okay. Understood. All right. So let's move on
20 now -- we're going to go now to Exhibit Number 5.

21 (Deposition Exhibit 5 was marked for
22 identification.)

23 MR. LANE: Here you are.

24 Q Do you recognize this document?

25 A I do.

1 Q Okay. Let's see. Do you still sell this product
2 at 3Chi, the product discussed in this exhibit?

3 A I mean, no. The -- this would have been a very old
4 batch of delta-8 THC.

5 Q Okay. So has it changed? How has the batches of
6 delta-8 THC changed since 2021 when this report was
7 issued?

8 A I mean, we're just always refining our processing
9 methods.

10 Q I see. Just for the record, can you tell us a
11 little bit about what this product is, what's being
12 discussed in this report, and what this report is?

13 A Yeah. This is a test. We send a delta-8 THC out
14 to quite a few laboratories, and one of the
15 laboratories was ProVerde. And the reason we sent
16 it to this individual was because he was trying to
17 make a name for itself by what I would say is lying
18 about the industry.

19 And so we -- you know, saying that it was
20 completely unsafe, that there's no pure products
21 and that essentially this guy knew more than
22 anybody else and just generally -- he was getting
23 speaking arrangements, you know, by going out and
24 talking poor about the industry. And so we sent
25 him a test, and this is what he produced.

1 Q I see. All right.

2 A And this individual -- the reason we sent it to
3 him, he is a known opponent of the industry.

4 Q Okay. How is he known as an opponent?

5 A Well, because he actively speaks out against it.

6 Q Okay.

7 A And he makes money off of doing that.

8 Q I see. Does 3Chi use different labs now?

9 A Yes, we've used different labs. This was just --
10 we sent it to him to see what he would say.

11 Q Okay. Which other labs do you use?

12 A We use KCA Laboratories. They're out of Kentucky.
13 We use Bluebonnet out of Texas. Those are the two
14 primary ones that we use right now. We also use an
15 ACS Laboratories down in Florida, although the
16 results haven't really been that consistent. So
17 we've kind of moved to KCA. We've seen them be the
18 most consistent with the results.

19 Q Okay. What do you mean the results were not
20 consistent with the lab in Florida?

21 A I mean, you could send the same product down ten
22 times and get ten wildly different answers.

23 Q Okay. Do you have any reason to believe why that
24 might be?

25 A Poor lab practices.

1 Q All right. Let's move on to the next exhibit.
2 This will be Exhibit Number 6.

3 (Deposition Exhibit 6 was marked for
4 identification.)

5 MR. LANE: One moment here. Actually, can we
6 go off the record for just a second?

7 THE VIDEOGRAPHER: Yeah. 10:01, off the
8 record.

9 (A discussion was held off the record.)

10 THE VIDEOGRAPHER: We're back on the record.
11 It's 10:02.

12 MR. LANE: Thanks.

13 BY MR. LANE:

14 Q All right. This is Exhibit 6.

15 THE WITNESS: What's that?

16 THE REPORTER: I didn't give it to you yet,
17 did I?

18 THE WITNESS: No. Okay. No.

19 THE REPORTER: Okay. Thanks.

20 Q Do you recognize this document?

21 A Yes, actually, I have seen this.

22 Q When did you first see this?

23 A I can't recall.

24 Q Okay. This is a letter from the Department of
25 Justice, Drug Enforcement Administration to Mr. Rod

1 Right on February 13th, 2023; is that correct?

2 A Yes.

3 Q Okay. I want to direct your attention to the third
4 paragraph, which -- and I'll just read a portion of
5 it, and I'll ask you a couple questions.

6 But "delta-9 THC-O and delta-8 THC-O do not
7 occur natural [sic] in the cannabis plant and can
8 only be obtained synthetically and, therefore, do
9 not fall into the definition of hemp."

10 What is delta-9 THC-O?

11 A It is an acetylated version of delta-9.

12 Q Okay. What do you mean by "acetylated"?

13 A It's got an acetyl group on it.

14 Q Okay. Is it naturally found in cannabis?

15 A We don't know.

16 Q Okay. How about delta-8 THC-O?

17 A We also don't know.

18 Q Okay. So the letter continues. "Thus delta-9
19 THC-O" -- this is in that same paragraph -- "and
20 delta-8 THC-O meet the definition of
21 tetrahydrocannabinols and they, in products
22 containing delta-9 THC-O and delta-8 THC-O, are
23 controlled in Schedule I by 21U.S.C.,
24 Section 812(c) Schedule I and 21CFR,
25 Section 1308.11(d)."

1 Does 3Chi sell any products that contain
2 delta-8 THC-O?

3 A Yes, we do.

4 Q So after -- did this letter give you any pause
5 about selling delta-8 THC-O?

6 A No.

7 Q Why not?

8 A We met with counsel and multiple firms, and their
9 interpretation was that --

10 MR. VINK: I'll --

11 MR. LANE: Yeah.

12 MR. VINK: We don't want to get into the
13 legal --

14 THE WITNESS: Okay.

15 MR. VINK: -- advice that you were given.

16 THE WITNESS: Okay.

17 MR. VINK: You can just simply say met with
18 counsel.

19 THE WITNESS: Okay.

20 A Met with counsel.

21 Q That's right. Thank you.

22 MR. VINK: Yep.

23 Q Okay. So if DEA formally classifies THC-O as a
24 non-naturally-occurring controlled substance, would
25 other -- in your opinion, would other synthetic

1 cannabinoids also be considered controlled
2 substances?

3 MR. VINK: I'm going to object to the extent
4 it calls for a legal conclusion. He's not a lawyer
5 and I think that's a legal question as whether
6 something is legal or illegal.

7 To the extent you have an opinion that you
8 want to share as a layman, go ahead.

9 A Can you repeat the question though?

10 Q Sure. So if the DEA issues a rule that the
11 formally classified THC-O is a
12 non-naturally-occurring controlled substance, would
13 3Chi continue to sell any synthetic cannabinoids,
14 or would you consider those controlled substances
15 at that point?

16 A Other cannabinoids, like, just -- so I mean, it's
17 my opinion that the -- I mean, these are hemp
18 derived and fall within the scope of the 2018 Farm
19 Bill.

20 Q Okay. Thank you so much. Going to move on to
21 Exhibit Number 7.

22 (Deposition Exhibit 7 was marked for
23 identification.)

24 Q Do you recognize this tweet?

25 A I don't, but ...

1 Q You don't?

2 A No. I mean, I didn't make it.

3 Q Okay. Did you retweet it?

4 A Did I retweet it?

5 Q Yes.

6 A I don't know.

7 Q Okay. Is this -- do you recognize the --

8 A I may have. I don't know.

9 Q Okay. Do you recognize the Twitter handle?

10 A Yes.

11 Q Is that 3Chi's Twitter handle?

12 A Yes.

13 Q Did 3Chi produce the video that's in this?

14 A We didn't produce it. We contracted out for it.

15 Q Okay. But 3Chi authorized production of this
16 video?

17 A We did.

18 Q And this is a -- is this a marketing video that's
19 depicted in this tweet screenshot?

20 A Yes.

21 Q Okay. Let's see. And you don't know whether
22 you've retweeted that video or not?

23 A Like, on a personal account?

24 Q Yes.

25 A I don't remember if I did. I may have.

1 Q Okay.

2 A I don't personally run our social media account.

3 So that's ...

4 Q Okay. If you retweeted it, why would you retweet
5 it?

6 MR. VINK: Object to the form. He said he
7 doesn't know if he retweeted it so now it's pure
8 speculation.

9 But you can speculate as to why you might have
10 done something that you don't know if you did.

11 A I mean, because it's my company. I don't know.

12 Q Okay.

13 A I mean ...

14 Q I understand.

15 MR. LANE: Let's go off the record for a
16 minute.

17 THE VIDEOGRAPHER: Okay. 10:08 off the
18 record.

19 (A brief recess was taken.)

20 (Deposition Exhibit 8 was marked for
21 identification.)

22 THE VIDEOGRAPHER: We're back on the record.
23 It's 10:23.

24 BY MR. LANE:

25 Q All right, Justin. What has been provided to you

1 is marked as Exhibit Number 8. Do you have a copy?

2 A Yes.

3 Q All right. I want to direct your attention to the
4 very top of Exhibit Number 8. Do you see where it
5 says "Justin Journey Retweeted"?

6 A Yes.

7 Q Are you the Justin Journey that retweeted?

8 A I am. And I was able -- during our break, I was
9 able to check and see that I had done that.

10 Q I appreciate you doing that. Thank you. So why
11 would you retweet this video?

12 A Because I'm the owner of the company.

13 Q Okay. Was it more for marketing, the purpose?

14 A I guess you could say that, yeah.

15 Q Okay. Would you say that?

16 A Yes, awareness, just sharing the company.

17 Q Understood. And this video was originally tweeted
18 by 3Chi, the plaintiff in this case?

19 A Yes.

20 Q And do you remember when this video was produced?

21 A Possibly April-ish of 2023.

22 Q Okay. So when we look at this exhibit, Exhibit 8,
23 we see the caption. What is meant when -- by
24 potency?

25 A Just that the effects are -- you would need less

1 for your desired effect.

2 Q What is the desired effect?

3 A Whatever that person's taking it for.

4 Q Okay. Could the desired effect be to get high?

5 A If that's what they're looking for, I guess --

6 Q Okay.

7 A -- potentially. It depends on the product. I
8 mean, any individual.

9 Q Okay. So when you -- so when the caption of the
10 tweet says, "That's what sets our products apart,"
11 apart from what?

12 A I would say from other companies.

13 Q Okay. And then that very last line says -- it
14 mentions a superior experience. What does
15 "superior experience" mean here?

16 A I mean, I didn't type it.

17 Q I understand. But to the best of your knowledge as
18 a representative of 3Chi and the CEO, what does
19 "superior experience" mean?

20 A I would say a better experience than our
21 competitors.

22 Q And better in terms of achieving the desired
23 effect?

24 A Yes.

25 Q Okay. All right. Let's take just a two-minute

1 break, and we'll set up some logistics for the
2 video somewhere. Then we'll come back on record.

3 THE VIDEOGRAPHER: Okay. Off the record.
4 10:25.

5 (A brief recess was taken.)

6 THE VIDEOGRAPHER: We're back on the record.
7 It's 10:30.

8 BY MR. LANE:

9 Q All right. Thank you. So we're going to begin
10 with -- this is now going to be Exhibit Number 9.
11 It's a video exhibit. And so I'm going to ask
12 Will, our extern, to go ahead and play the video
13 from the beginning through 11 seconds.

14 (Video is played.)

15 Q Okay. So, Justin, what does "toke" mean in the
16 context of this video?

17 A Vapeing or smoking something.

18 Q Okay. What does -- is there anything about the
19 word "toke" that implies a certain psychoactive
20 effect or no?

21 A No. It's just a method of use.

22 Q Understood. So what about 3Chi products makes them
23 the greatest of all tokes?

24 A I don't know. I mean, it worked with the word
25 goat.

1 Q I understand. Is there anything that makes 3Chi
2 products more potent than other products?

3 A I mean, higher purities.

4 Q Okay. What is the trip mentioned at the end of the
5 clip?

6 A It's just his verbiage that he used. I mean, these
7 are just marketers, comedians. I mean ...

8 Q Understood. And so you don't have any sense of
9 what the word "trip" means here in this context,
10 what he means by it?

11 A I mean, no, I don't know exactly what he means by
12 that.

13 Q Okay. Are any 3Chi products hallucinogenic?

14 A No.

15 Q Okay. Is the word "trip" ever used -- to the best
16 of your knowledge, ever used to refer to a high
17 from cannabis?

18 A I mean, I guess you could. I mean, I don't know --
19 people can use whatever words they want to describe
20 things, you know.

21 Q Okay. All right.

22 MR. LANE: Will, I'm going to have you scoot
23 over. We're going to play the video from the
24 45-second mark, if we can start it there.

25 THE VIDEOGRAPHER: Counsel, could you put your

1 mic over there by the monitor?

2 MR. VINK: Oh, yeah.

3 THE VIDEOGRAPHER: That way, I can get a
4 better audio.

5 MR. VINK: Yep. That's fine.

6 THE VIDEOGRAPHER: Thank you. Thank you.

7 MR. LANE: Thank you.

8 Q So we'll go from the 45-second mark, and we'll play
9 to the 1-minute-and-4-second mark in the video.

10 (Video is played.)

11 Q So are the gummies in the video that the woman is
12 holding -- are those 3Chi products?

13 A Yes.

14 Q Okay. Are these gummies specifically low-THC hemp
15 extract products listed in Exhibit 4?

16 A Yes.

17 Q Okay. What does the term "rope" mean in this clip?

18 A Can you play it again?

19 Q Sure. Yeah. Let's play from the 45-second mark to
20 the 1-minute-04-second mark. Thank you.

21 (Video is played.)

22 Q So same question to you.

23 A I think it's just comparing hemp.

24 Q Okay. Is rope slang for hemp?

25 A No, but you can make rope out of hemp.

1 Q Okay. So what makes 3Chi rope different from,
2 quote, "rope" that is just hemp?

3 A I mean, it's still technically hemp, but we make a
4 purer product than a lot of other people.

5 Q Okay. And why is the fact that, quote, "rope made
6 by 3Chi is made in the lab," end quote,
7 significant?

8 A I mean, we do make delta-8 in a lab setting --

9 Q Okay. And --

10 A -- to ensure purity.

11 Q Is delta-8 naturally found in cannabis?

12 A Yes.

13 Q So why would you make it in a lab?

14 A It's just -- again, when you're making delta-8 from
15 CBD, you -- you're controlling the environment and
16 controlling that reaction. And so we're putting it
17 in a place, you know -- not like a garage or
18 somewhere else. I mean, we're doing it in a
19 professional setting where we can ensure that we're
20 going to have a -- you know, the best product
21 possible.

22 Q Okay. Is that a synthetic process?

23 A It's going to come down to your definition again.
24 I would say no.

25 Q Okay. As you understand the definition of

1 synthetic in terms of how your company operates
2 within the law, is it considered a synthetic
3 process?

4 A If you're saying in that capacity that synthetic is
5 illegal, then no, we don't operate that way.

6 Q Okay. What is rope you can smoke?

7 A Well, I guess you're saying, like, hemp you can
8 smoke.

9 Q So smokable hemp?

10 A Smokable hemp, I think it's just a general term
11 that he's saying more for just -- generally you can
12 use it.

13 Q Okay. Are you familiar with the term "smokable
14 hemp" outside of that video?

15 A Yes.

16 Q Okay. Does 3Chi sell any smokable hemp?

17 A We do not.

18 Q Okay. All right. So let's move the video -- now
19 we're going to start at the 2-minute-6-second mark,
20 and we'll go through to the end of the video.

21 A I guess I should clarify.

22 Q Yes.

23 A We -- people could smoke products, I guess, but we
24 don't sell anything to be smoked --

25 Q Okay.

1 A -- intentionally.

2 MR. SMELTZER: Good?

3 MR. LANE: That's good. All right. Let's ...

4 (Video is played.)

5 BY MR. LANE:

6 Q All right. So what is meant by 3Chi products
7 getting users "faded," in quotes?

8 A Faded, again, can just be, you know, alter their
9 current state.

10 Q State of mind?

11 A Yeah.

12 Q Okay. In what ways?

13 A It's going to depend on the person again.

14 Q Okay. Could 3Chi products get a person high?

15 A Some could.

16 Q Okay. What is the stronger and longer experience
17 mentioned in the clip?

18 A Would be alluding to potency in that definition of
19 just the fact that we have purer products.

20 Q Okay. Purer products based on the testing that
21 3Chi does or based on testing that labs do for
22 3Chi?

23 A Both.

24 Q Okay. All right.

25 MR. LANE: So let's -- we'll take down Exhibit

1 Number 9. Let's put up Exhibit Number 10, if we
2 will, Will. And we'll just play this exhibit all
3 the way through.

4 (Video is played.)

5 BY MR. LANE:

6 Q All right. Justin, was this video produced by
7 3Chi?

8 A I mean, not directly, no. It was contracted out.

9 Q Okay. Was it produced on behalf of 3Chi?

10 A Yes.

11 Q Okay. Is -- are the products referenced in the
12 video 3Chi products?

13 A Yeah.

14 Q Okay. What does "stoned" mean in the context of
15 this video?

16 A Just that she's got an altered state of mind.

17 Q Okay. And by "altered state of mind," would you
18 say high?

19 A You could say that, yes.

20 Q Would you say that?

21 A Yes.

22 Q Okay. So do 3Chi -- and -- do 3Chi products get
23 users stoned?

24 A They can.

25 Q Okay.

1 A Some can. Not all.

2 Q Okay. So how is being stoned in this sense any
3 different from being stoned from consuming a
4 product with greater than .3 percent delta-9 THC?

5 A Well, again, there would be less of it.

6 Q Less of what?

7 A Delta-9 THC.

8 Q Okay. But is the psychoactive effect similar or
9 different?

10 A Delta-9 THC is delta-9 THC at the end of the day.

11 Q Okay.

12 A It's just going to be less than .3 percent in our
13 products.

14 Q Are you saying that the effects are the same even
15 if it's less in the product?

16 A I mean, if you had more delta-9 THC, you would need
17 to take more of our product to get to whatever
18 you're comparing it to.

19 Q Okay. I see. What does "baked" mean as used by
20 the woman in this video?

21 A Similar to what stoned would mean.

22 Q Okay. Is there any difference from being "baked,"
23 quote -- in quotes, in this sense from being baked
24 from consuming a product with greater than
25 0.3 percent delta-9 THC?

1 A Well, yes, I mean, it would be stronger with more
2 than .3 percent.

3 MR. LANE: Okay. All right. So we're done
4 with the video deposition exhibit so you can go
5 ahead and close those. And let's go ahead and take
6 a two-minute break.

7 THE VIDEOGRAPHER: Okay. 10:40. Off the
8 record.

9 (A discussion was held off the record.)

10 THE VIDEOGRAPHER: We're back on the record.
11 It's 10:41.

12 BY MR. LANE:

13 Q All right. We're going to move to the next
14 numbered exhibit to be introduced now. Should be
15 Exhibit Number 11.

16 (Deposition Exhibit 11 was marked for
17 identification.)

18 Q Justin, have you seen this document before?

19 A Yes.

20 Q Okay. What is it?

21 A This is our bank saying that they're no longer
22 going to work with us, I believe. Yes.

23 Q Okay. Has 3Chi taken any steps to find another
24 financial institution?

25 A Yes.

1 Q Has -- have those steps been successful?

2 A Yes.

3 Q Okay. All right. Is the other financial
4 institution in Indiana?

5 A We found a partner in Indiana willing to explore
6 working with us. We're not a hundred percent sure
7 if they're going to be able to do everything that
8 we need them to do.

9 Q Okay. What wouldn't they be able to do?

10 A We don't know yet. Still trying to -- I still
11 gotta meet with them to see if we can do everything
12 that we could do with the First Bank of Berne. We
13 still don't have full solutions anywhere. So we
14 have banking secured, like a checking account. But
15 in terms of all the extra things that we need to
16 operate, we don't have that secured yet.

17 Q What are those extra things that are needed to
18 be -- for operation?

19 A Everything from the ability for sales reps to
20 collect mobile deposits so that they can go out to
21 stores and collect money for sales so that we
22 can -- you know, we don't have to mail checks in
23 because that long process, the inability to get a
24 check in timely, forces us to have to ship without
25 knowing whether a check is going to clear.

1 And what that process had mitigated was the
2 loss of people passing bad checks on us. It also
3 allowed us for the people who were giving us good
4 checks, we could get them product faster.

5 And so if you go to -- if we're forced to go
6 to a process where we have to mail the checks in
7 and then wait until they clear, you have the
8 customers that are good customers that are passing
9 good checks don't want to work with you because
10 they have to wait so long for their product and a
11 competitor can get a product a lot quicker to them.

12 Q Okay. All right. Let's move to the next numbered
13 exhibit. That's Exhibit Number 12.

14 (Deposition Exhibit 12 was marked for
15 identification.)

16 Q Are you familiar with this document?

17 A I don't remember if this was ever shared with me.

18 Q Okay. Does -- did 3Chi have any accounts with Star
19 Bank before May 9th, 2023?

20 A No.

21 Q Okay. Did Star Bank cut off any services it was
22 providing to 3Chi because of the AG Opinion 2023-1?

23 A No. To my knowledge, we did not have a
24 relationship with them.

25 Q Okay. Let's move now -- we're going to introduce

1 Exhibit Number 13.

2 (Deposition Exhibit 13 was marked for
3 identification.)

4 Q Do you recognize this first slide?

5 A Yes.

6 Q Okay. What is it?

7 A This existed on our website. This is just a --
8 kind of a quick explanation to the HPLC testing
9 method that we developed internally.

10 Q Okay. Is that the D-SPEC method?

11 A Yeah, that's what we referred to it as is D-SPEC.

12 Q Okay. So what is D-SPEC?

13 A D-SPEC is -- we call it delta Specific. So, you
14 know, we talked earlier about how you can send
15 samples to a lab and they can come back with a
16 bunch of different results even with the same, you
17 know, sample. And, you know, we kept getting that,
18 and that wasn't good enough.

19 So what we did was we invested heavily in lab
20 testing equipment, in individuals that were good at
21 testing specifically to develop methods to push
22 this industry forward to get it to a point where we
23 knew exactly what was in our product so that we
24 could know what we were selling to individuals, you
25 know, with confidence.

1 And what we found was -- is that the tests
2 that we were getting from some of these accredited
3 labs, like ProVerde, for example, the one that you
4 [sic] sent, were completely incorrect. So these
5 individuals who are out there pretending to know
6 everything they -- about this industry couldn't
7 even handle their own job correctly.

8 And so when we got into it, we found that
9 sometimes that peak -- HPLC testing will produce
10 chromatograms is how you interpret the results.
11 And it'll show a peak with a bigger peak, generally
12 implying that there's more of a compound in there.

13 If you run a poor method, that method -- or
14 you run a method that's too quick -- and I should
15 back up. So the HPLC testing loosely and generally
16 will just -- you'll take a substance, and you'll
17 push it down a column that -- think of it like
18 packed with sand.

19 And as that oil travels through that sand,
20 over time, it will separate out into its individual
21 components. And then as it comes out of the
22 column, the machine will read it and indicate with
23 a peak essentially how much came out.

24 Now, if you run it too quickly, it's just
25 going to shoot through the column. And so what

1 happens is you may get a big peak, but you didn't
2 have the proper environment or timing or whatever
3 to completely separate everything as it should have
4 been.

5 And that's what we were finding. So, like,
6 with the ProVerde result, he didn't do that. So
7 his result was a -- I don't know, incorrect, faulty
8 method that essentially produced a bigger peak than
9 it should have been because it should have been,
10 you know, separated out into these individual
11 components. And so that's what we found is that
12 sometimes we were getting results from labs that
13 didn't correctly separate those results.

14 And so our push has been -- although we're not
15 an ISO-accredited lab, we have been working with an
16 ISO-accredited lab to get this out and standardize
17 testing and improve the industry so that everybody
18 can be on the same page, and everybody can know
19 exactly what's in their product. And we know for a
20 fact that this is a better method than what we were
21 receiving from some of these labs.

22 And just in the case of working with the lab
23 that we are right now, we found that their method
24 was one-fourth of the time that ours was. Now,
25 time is just one component of testing, but that's a

1 big difference to run -- that ours takes four times
2 longer to move through that column. And that's
3 just going to create more separation typically.

4 And so we do see that as being a somewhat
5 industry-wide problem. One of the reasons that we
6 tested with so many labs -- which you can see on
7 our website, I think we tested with ten different
8 labs, and there's varying results on there.

9 And so the reason we did that is to just kind
10 of show there's variance out there, and something
11 realistically needs to be done to standardize the
12 industry and standardize testing.

13 Q I see. So you mentioned that ProVerde Labs
14 company?

15 A Uh-huh.

16 Q When you sent off the sample to ProVerde, that
17 Exhibit 5 --

18 A Uh-huh.

19 Q -- I believe it was that dealt with it, did you
20 have an opinion about ProVerde before you sent that
21 sample, or was the opinion formed after you got the
22 COA back?

23 A No. We knew what he was doing. I mean, he had
24 secured speaking arrangements and things like that
25 being a vocal opponent of delta-8. You know, he

1 had that contrarian approach, and it got him
2 speaking arrangements and likely would have made
3 him money. So in general, we knew that that was
4 his approach.

5 And so what we did was, you know, he was
6 saying it's all illegal. You know, it all
7 contains, you know, more than .3 percent delta-9.
8 So we sent it to him, and he produced a result that
9 showed that indeed we don't have over .3 percent
10 delta-9.

11 Q Okay. So does your D-SPEC method -- go back and
12 focus on that a little bit. Does that differ any
13 from liquid or gas chromatography methods, or is it
14 hybrid, or how does that --

15 A It is a liquid chromatography method.

16 Q Okay. Are 3Chi products tested via gas
17 chromatography as well by any other labs?

18 A It depends. KCA is the only -- it's our belief
19 that HPLC is the proper way to test these
20 components, and simply -- that's simply because
21 these compounds can change when they're subjected
22 to things like heat, which is what gas
23 chromatography requires.

24 So if you can do it in a liquid -- you know,
25 do it with liquid chromatography, our opinion is

1 that that's going to be better because you don't
2 change the molecules. There's an opinion that,
3 well, gas chromatography gets better separation.
4 And, you know, that's -- the potential for that is
5 true, but are you changing things?

6 And so we do have -- KCA Laboratories is one
7 of the few and maybe the only one that we know of
8 that uses gas chromatography, and I believe they
9 actually use that in conjunction with HPLC as well.

10 Q Okay. So do any of the certificates of analysis,
11 which is what I mean by COAs -- are those posted on
12 the 3Chi website? Do they includes data collected
13 by the D-SPEC method?

14 A We are -- I don't know if any do right now. That
15 is what -- we're working with Bluebonnet Labs right
16 now to get that, you know, method up and running
17 and then get those things tested. Unfortunately,
18 we are -- we -- the State requires us to use an
19 ISO 17025-accredited lab to test, and that is --
20 part of that accreditation is that it can't be tied
21 to us. It has to be independent. So we can't use
22 our own labs as proof. This State doesn't allow us
23 to do that.

24 So to have legal products out there, we have
25 to work with these other labs. So, you know, to --

1 for us to be able to have a D-SPEC method tested,
2 we have to get a lab to accept that method.

3 Q And as of right now, no lab has yet accepted it?

4 A They are accepting it right now. And so we've
5 worked with them to explain it to them and kind of
6 work through that with them. And I don't know the
7 exact status of where it's at, but I know that it
8 is moving forward.

9 Q Okay. So say it's moving forward. How many labs
10 currently use D-SPEC?

11 A It's really just -- we're just working with them
12 right now.

13 Q By "them," you mean Bluebonnet?

14 A Bluebonnet.

15 Q Okay. And Bluebonnet is still in the process -- it
16 hasn't formally accepted it, or has it accepted it?

17 A I don't know exactly where it's at. They -- I know
18 that they have seen it and they understand that it
19 is a superior method. And I think -- I believe
20 they are still going to use their former method
21 simply because it is a shorter method. So at the
22 end of the day, you can run more samples in a given
23 day. That's a business decision by them.

24 But I mean, we can -- again, to be compliant,
25 we have to use a 17025-accredited lab, which they

1 are. And if they accept it, then we would use
2 D-SPEC with them.

3 Q Okay. So is there any reason -- and I'm looking at
4 this first page of this exhibit that you have, this
5 Exhibit 13. Is there any reason that only an
6 animation of the D-SPEC chromatography is shown
7 rather than the actual graphic data?

8 A This is just a general depiction of the issue.
9 This -- and when -- so where it's stopped right
10 now, you see several peaks. Where this starts is
11 at a singular peak which separates out into a --
12 you know, two peaks with shouldering, which means
13 that it's almost kind of like a -- the two peaks
14 don't come down to baseline.

15 So they're -- it's kind of, like, up -- sorry.
16 I don't know how to explain that. But it's just
17 generally showing that -- you know, kind of what we
18 learned from testing with everybody is that
19 different methods produce different results
20 (indicating).

21 Q Okay. Have you run a d-8-iso-THC reference -- I'll
22 restart that question. Have you run a d-8-iso-THC
23 reference standard on the D-SPEC method to look for
24 potential collusions or present potential
25 controlled substances?

1 A I don't know that.

2 Q Okay. Is there any evidence of collusion of
3 d-8-iso-THC compound with any of the other signals
4 present in this graph?

5 A Not on here.

6 Q Okay. So turning back to that Exhibit 13, in that
7 graph, we see the first three peaks to the left.
8 They have question marks beside them.

9 A Uh-huh.

10 Q For the unknown peaks, does 3Chi have any available
11 information that show these peaks do not represent
12 a Schedule I controlled substance?

13 A Well, in -- to be clear, the sample that's being
14 discussed in this is not our sample.

15 Q Oh, okay. So where did the sample come from?

16 A It was a competitor sample.

17 Q I see. Why not use a 3Chi sample?

18 A Because we don't have delta-9 in it.

19 Q Understand. What does delta-11 THC mean here?

20 A It's just another -- another term for it would be
21 exo-THC.

22 Q Okay. Let's flip over to slide number 2 which is
23 the very next one you'll see. So the Exhibit 5
24 that we've talked about kind of at length today,
25 which is that ProVerde --

1 A Uh-huh.

2 Q -- exhibit, was posted on the 3Chi website.

3 And it includes a note, you know, about the
4 recorded synthetic byproducts. So once the COA was
5 released publicly, we requested access from the lab
6 to the chromatographic data that supports that
7 analysis. And that's what's shown here in slide
8 number 2.

9 Slides 3 and 4 subsequently are from the
10 analysis of other 3Chi vape products done at
11 ProVerde, so a couple of questions about this
12 second slide.

13 Is D-6a10a THC found naturally in the cannabis
14 plant?

15 A I don't know off the top of my head, but it very
16 well could be.

17 Q Okay. Can products containing D-6a10a THC induce a
18 high in users like products containing more than
19 0.3 percent delta-9 THC?

20 A Can you repeat that question?

21 Q Sure. Does D-6a10a THC induce a high in users?

22 A Some people have reported it. Very mild.

23 Q Okay. Mild as compared to what?

24 A Compared to, you know, like, a delta-9 or a delta-8
25 or ...

1 Q Okay. Is delta-10 THC an intoxicating compound?

2 A We don't believe so.

3 Q Okay. Why not?

4 A Because we've made it and isolated it ourselves.

5 We've tried it ourselves. We did not find that it

6 had those effects. Common marketing out there

7 suggests that it might, but it's just kind of up in

8 the air. If it does, it is very mild.

9 Q Okay. When you say we've tried it ourselves, have
10 you tried the --

11 A Yes.

12 Q -- 3Chi products? Okay.

13 Okay. So still looking at that second slide,

14 we see different peaks that are marked with

15 asterisks there. And there are isomer signals that

16 are not observed in natural cannabis, at least

17 that's what the lab's report was saying.

18 Do you know what these isomers in your

19 products are?

20 A I guess I would be curious. You're saying that
21 this is the HPLC chromatogram for that same result
22 that you showed on -- was it Exhibit 5 or
23 something?

24 Q Yes.

25 A Okay. Do I know -- I mean, one, this would have to

1 be incredibly zoomed in. What is it, 5?

2 Q Yes, that's right.

3 A So your CBN is at -- they're reading it at
4 .6 percent.

5 Q Okay.

6 A And these things, I mean, are maybe -- maybe
7 .1 percent, you know, maybe lower. It's my
8 understanding -- I am not a synthetic -- or not an
9 analytical chemist, but it is my understanding that
10 sometimes there is what's considered noise at low
11 levels on HPLCs so that all these peaks might
12 not -- at this level, might not actually be
13 compounds and molecules. It could just be static
14 on -- essentially from the reading. Also if this
15 is 2 and a half -- 2 and a half minutes is a very
16 short run time. For reference, I think D-SPEC is
17 30 minutes.

18 Q Okay. Understood. All right. So let's move on
19 now to Exhibit Number 14. This will be our last
20 exhibit.

21 (Deposition Exhibit 14 was marked for
22 identification.)

23 Q Do you recognize the car in this photo?

24 A I do.

25 Q Tell me a little bit about how you recognize that

1 car.

2 A It's the car that we sponsor.

3 Q How much does the sponsorship cost?

4 A I mean, it depends. It's just however many races
5 you want to do --

6 Q How many races --

7 A -- and -- we did eight races this year.

8 Q Okay. How much per race?

9 A It's roughly \$250,000.

10 Q Per race?

11 A Per race.

12 Q Okay. Is this the first year that 3Chi's sponsored
13 a race car?

14 A It's the second year.

15 Q Okay. How many races did the car do last year --
16 or the other year?

17 A I believe 14.

18 Q 14 races. And still -- was it still \$250,000 per
19 race?

20 A I believe. Somewhere around there.

21 Q Okay. So that's a total of 22 races, if my math is
22 right, 14 plus 8?

23 A Over the course of two years. We haven't run them
24 all yet but yes.

25 Q Okay. Excellent. All right. Let's go ahead and

1 take a five-minute break, and we're about done.

2 Thanks.

3 THE VIDEOGRAPHER: Okay. It's 11:04. Off the
4 record.

5 (A brief recess was taken.)

6 THE VIDEOGRAPHER: We're back on the record.
7 It's 11:14.

8 BY MR. LANE:

9 Q All right, Justin. Just a few last-minute
10 questions, and then we'll be all done.

11 So you mentioned earlier in the deposition
12 that you had maybe spoken at a summer study
13 committee. Was that through, like, the legislative
14 study committee, or was it a different kind of
15 summer study?

16 A I believe it would be called a legislative summer
17 study.

18 Q Okay. So is that with the Indiana legislature?

19 A Yes.

20 Q Okay. What did that involve?

21 A What did what involve specifically?

22 Q What did the discussion that you gave at the summer
23 study committee -- what did you talk about
24 generally? What was the topic of your
25 conversation?

1 A We were discussing cannabis and just generally what
2 we do, I believe. I can't remember exactly what I
3 said at that, but I think we just kind of told our
4 story is my recollection. But that may be off.

5 Q Okay. You also mentioned later in the deposition
6 that delta-8 sometimes made users feel a little bit
7 more functional. What do you mean -- what did you
8 mean by functional?

9 A Some people find that delta-8 is just a -- people
10 will take this for a myriad of reasons and take
11 hemp cannabis. I mean, some people turn to street
12 weed. And what delta-8 provides for them is, you
13 know -- and a reasonable amount of people use it
14 is -- whereas they've been turning to street weed.

15 It's something that is -- they find to be less
16 intoxicating and something where they can, you
17 know, go about their day in a better way. And
18 that's what I meant by more functional than when
19 they use, like, street weed or something like that.

20 Q Okay. Do you think of delta-8 as similarly
21 intoxicating to street weed or different?

22 A No. Less intoxicating and safer.

23 Q Why safer?

24 A It's tested. I mean, right now, when you're
25 dealing with, you know, marijuana from drug

1 cartels, I mean, how safe do you feel? And they
2 have no incentive to put out a good product.

3 I mean, if anything, they have incentives to
4 lace it with fentanyl and get you hooked on
5 something, you know, more addictive and a little
6 more dangerous and easier for them to smuggle into
7 a country. You know, our motivations are to
8 provide something that is going to help you. And
9 at the end of the day, that's it.

10 Q Okay. Has 3Chi received any -- has there been any
11 action taken against 3Chi by the attorney general
12 in Indiana?

13 A No.

14 Q Has 3Chi received any letters from the attorney
15 general of Indiana regarding its products?

16 A No.

17 Q Okay. Has 3Chi received any letters from
18 prosecutors regarding its products?

19 A No.

20 Q So let's look quickly back at Exhibit Number 11.
21 This is the First Bank of Berne letter. And you
22 had mentioned that 3Chi has been working with --
23 trying to nail down another bank, for lack of
24 better phrasing.

25 During that process, has 3Chi been able to

1 operate?

2 A Yes.

3 Q Okay. And I think you'd mentioned that there's
4 other sort of -- other aspects of that banking
5 relationship that haven't been finalized yet?

6 A Uh-huh.

7 Q Is that right?

8 A Yes.

9 Q Okay. In the interim, until those other aspects
10 are finalized, is 3Chi able to operate?

11 A We can operate but not at the same level.

12 Q Okay.

13 A So there is going to be a period of time -- and
14 it's indefinite at this point. You know, we're
15 going to operate at a level that we know is going
16 to hurt our business financially.

17 Q Okay. Has 3Chi lost any customers?

18 A Are you saying -- in what regard?

19 Q In regard --

20 A In regards to this banking as of right now?

21 Q Yes.

22 A No, because it's -- this goes into effect
23 July 30th, which is over the weekend now. So, you
24 know, we're about to feel -- start feeling those
25 effects.

1 Q Okay. Have any customers reached out to 3Chi
2 concerning the attorney general opinion?

3 A I believe so. Nobody has directly reached out to
4 me, but I believe people have reached out to sales
5 reps, you know. And I know that they've gone to
6 Midwest Hemp Council and that we've heard about
7 that through Midwest Hemp Council.

8 Q Do you have a sense of what 3Chi sale reps -- sales
9 reps tell individuals that have thoughts about the
10 attorney general opinion?

11 A I don't know that they're really saying anything at
12 this point.

13 Q Okay. All right. Well, did you have -- did you
14 understand each question that I've asked you today?

15 A I believe so.

16 Q And you answered to the best of your ability?

17 A Yes.

18 Q Okay. Is there anything else that you'd like to
19 add?

20 A For your questions, no, I'm good.

21 MR. LANE: All right. Well, Justin, thank you
22 so much. The State doesn't have any further
23 questions so I'll pass you over to your lawyers.

24 MR. VINK: Thank you.

25 CROSS-EXAMINATION

1 BY MR. VINK:

2 Q Just a couple of questions for you, Justin.

3 There's been some discussion about political
4 leaders that you met with and summer study
5 commission meetings, things like that.

6 Let me ask you point-blank. Have you ever met
7 with Attorney General Rokita and discussed your
8 operation and things of that nature?

9 A Yes, I have.

10 Q Tell me about that. When did you meet? What'd you
11 talk about?

12 A So we met -- I want to say it was fall of 2021. We
13 met in the Attorney General's Office. We were, you
14 know, a couple feet away across the table. I was
15 there with Justin Swanson here from Bose as well as
16 Victor Smith. And he had an individual, I can't
17 remember her name. It was a woman.

18 Q Who's the "he"? Attorney General Rokita?

19 A Well, Attorney General Rokita was there, Victor
20 Smith, Justin Swanson, myself, and then a woman who
21 I don't remember her name.

22 Q Okay.

23 A But he -- she was with Attorney General Rokita.

24 Q Okay. So Attorney General Rokita and someone else
25 from his office, a female that you don't remember?

1 A To my understanding, yes.

2 Q Okay. So I interrupted you, but what did you
3 discuss?

4 A So we discussed our business and what we were
5 doing. We discussed delta-8 THC. We discussed how
6 it was different and why it was legal and, you
7 know, the benefits of it, the fact that it provided
8 a more functional and ultimately safer alternative
9 than black market, you know, street weed that was
10 out there and that it had the ability to lower
11 the -- you know, the net intoxication of the
12 population in terms of when you're getting people
13 off of street marijuana onto a product like
14 delta-8.

15 So ultimately, you're lowering the net
16 intoxication level of the population, creating an
17 environment where they can access, you know, less
18 intoxicating, safer, tested products. And, you
19 know, at the end of the day, we discussed for
20 maybe -- I want to say it was like 30, 45 minutes
21 our business. And then, you know, we shook hands
22 and left on good terms --

23 Q And during this meeting --

24 A -- as it appeared.

25 Q I'm sorry.

1 A I was just saying it appeared we left on good terms
2 with an understanding that we were operating
3 legally and there were no issues.

4 Q And during this meeting, you specifically discussed
5 with Attorney General Rokita that 3Chi was selling
6 products that did have a psychoactive effect that
7 could create a high in consumers?

8 A Yes, absolutely.

9 Q He understood that?

10 A Yes.

11 Q Did he raise any objection during this meeting to
12 that?

13 A No.

14 Q So when you get the attorney general's opinion in
15 January of 2023 that's sort of the centerpiece of
16 this case, did that surprise you?

17 A Yes.

18 Q Why?

19 A You would think it would have come up in the
20 face-to-face meeting if that was an issue.

21 Q Did you offer to have Attorney General Rokita or
22 his staff tour your facilities?

23 A Yes, we did.

24 Q Did he take you up on that offer?

25 A He did not.

1 Q Was there any information about your operations
2 that you withheld from Attorney General Rokita
3 during that meeting that you described?

4 A No. Questions were -- any questions that he had we
5 answered to best of our ability, and we tried to be
6 forthcoming at the end of the day. My intention is
7 to operate completely legally and, you know,
8 ultimately put out a legal, safe product under the
9 laws of Indiana. That's the reason we came here
10 was because of the laws that Indiana had put forth
11 that seemed to make it abundantly clear that these
12 types of products were legal.

13 Indiana was the first state to put those laws
14 in place. It was one of the main reasons that we
15 came here. And so it was -- you know, that was
16 just part of it in addition to meeting with
17 legislators consistently for a few years now and
18 having them tour our facilities and explaining
19 exactly what we do.

20 There's never been objections or, you know,
21 hey, you guys are, you know, operating illegally or
22 anything like that.

23 MR. VINK: Nothing further. Thank you.

24 MR. LANE: All right. I have a few follow-up.

25 MR. VINK: Sure.

1 REDIRECT EXAMINATION

2 BY MR. LANE:

3 Q So you mentioned that you met the attorney general
4 in 2021 for a meeting. Was that at the Attorney
5 General's Office?

6 A Yes.

7 Q Okay. And you mentioned that Mr. Swanson was
8 present as well?

9 A Yes.

10 Q Okay. Was he present as your counsel?

11 A I don't remember the capacity in which he was
12 present.

13 Q Okay. At that meeting with the attorney general,
14 did you discuss the D-SPEC testing method with him?

15 A No. We did not have the D-SPEC testing method
16 fully developed at that point.

17 Q Okay. Did you discuss the difference between
18 liquid and gas chromatography?

19 A No.

20 Q Okay.

21 A Well, I don't believe so.

22 Q Okay. Did you discuss THC-O products?

23 A I -- I don't recall if we discussed that
24 specifically. I know that I have discussed that
25 with legislators. I don't know if I discussed that

specifically with Attorney General Rokita.

Q Okay. Which legislators have you met with?

A Many. I don't know if I can name all of them.

Many from the House. Todd Huston is one of them.

We have had really -- Jake Teshka. We've had -- I

don't know. I'd almost to have to confer with

counsel over here to get a full list.

Q Sure. So what did those discussions look like with legislators?

A Just generally showing them what we do and putting it out there and giving them the opportunity to say whether or not there were issues and just trying to be as open as possible.

Q Okay. You mentioned that Indiana laws make abundantly clear in your opinion that delta-8 THC is perfectly legal; is that right?

A Yes.

Q All right. What's the basis for that opinion?

A Derivatives are legal, cannabinoids are legal, and isomers are legal. At the end of the day, you know, delta-8 THC is all three of those.

Q Okay. With your meeting with the attorney general -- back to that -- did you discuss the difference between natural and synthetic cannabinoids?

1 A I don't recall if that specific -- if those terms
2 were specifically used. We discussed, you know,
3 that it was created from CBD.

4 Q Okay. Did you discuss anything about how that
5 process plays out for how it's created from CBD?

6 A In what way?

7 Q In terms of heating up CBD in order to extract
8 delta-8.

9 A I don't remember exactly the conversation. But
10 generally when I describe how delta-8 is made, it
11 is similar to, you know, what I told you where
12 you're just really modifying the environment in
13 which CBD is in to create a structural change that
14 turns it into delta-8 THC.

15 Q Okay. How do you modify that environment?

16 A Lowering the pH.

17 Q Okay. And how is that done?

18 A Just making it more acidic.

19 Q Okay. Does it involve, like, a heating process, or
20 is it -- are different things added, or what does
21 that look like?

22 A Yeah. You can -- I mean, there's many variables
23 you can change. But, you know, heat and pH level
24 are typically the two that you modify.

25 Q Is there a preference that you would have for one

1 or the other?

2 A No. They're typically used in combination.

3 Different solvents are used just to ensure that
4 that process creates the desired outcome better.

5 Q And by "desired outcome," you mean the individual
6 consumer's desired outcome?

7 A No. I mean in terms of creating the product that
8 you're trying to create which would be a purer
9 version of delta-8.

10 MR. LANE: Okay. All right. Well, Justin,
11 that's all the questions I have for you.

12 THE WITNESS: Okay.

13 MR. VINK: Nothing further. Thank you.

14 MR. LANE: All right.

15 THE WITNESS: All right.

16 MR. LANE: Thank you.

17 THE VIDEOGRAPHER: Okay. 11:28. Off the
18 record.

19 MR. VINK: We'll take signature like before.

20 MR. LANE: We'll need a rough and an
21 expedited.

22 THE REPORTER: Do you want this by Tuesday?

23 MR. LANE: Yes.

24 THE REPORTER: And you want me to transcribe
25 the audio files?

1 MR. LANE: Let's not do that.

2 THE REPORTER: Would you like to order a copy?

3 MR. VINK: Yes, please.

4 (The deposition concluded at 11:28 a.m.)

5 (Deposition Exhibit 9 and Exhibit 10 were
6 marked for identification post-deposition.)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

3C, LLC D/B/A 3CHI AND)
MIDWEST HEMP COUNCIL,)
Plaintiffs,)
-v-) CASE NO.
TODD ROKITA, IN HIS OFFICIAL) 1:23-CV-1115-JRS-MKK
CAPACITY AS INDIANA ATTORNEY)
GENERAL, AND STATE OF)
INDIANA,)
Defendants.)

Job No. 183406

I, JUSTIN JOURNAY, state that I have read the foregoing transcript of the testimony given by me at my deposition on July 28, 2023, and that said transcript constitutes a true and correct record of the testimony given by me at said deposition except as I have so indicated on the errata sheets provided herein.

JUSTIN JOURNAY

STEWART RICHARDSON & ASSOCIATES
Registered Professional Reporters
One Indiana Square, Suite 2425
Indianapolis, IN 46204
(800) 869-0873

1 STATE OF INDIANA

2 COUNTY OF BOONE

3
4 I, Jade H. Keane, RPR, a Notary Public in and
5 for said county and state, do hereby certify that the
6 deponent herein was by me first duly sworn to tell the
7 truth, the whole truth, and nothing but the truth in
8 the aforementioned matter;

9 That the foregoing deposition was taken on
10 behalf of the Defendants; that said deposition was
11 taken at the time and place heretofore mentioned
12 between 9:14 a.m. and 11:28 a.m.;

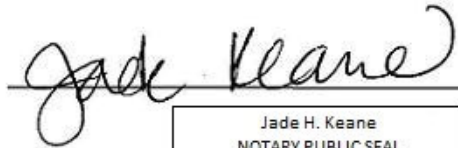
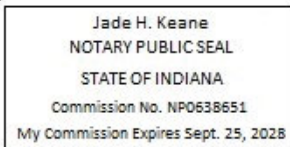
13 That said deposition was taken down in
14 stenograph notes and afterwards reduced to typewriting
15 under my direction; and that the typewritten
16 transcript is a true record of the testimony given by
17 said deponent;

18 And thereafter presented to said witness for
19 signature; that this certificate does not purport to
20 acknowledge or verify the signature hereto of the
21 deponent.

22 I do further certify that I am a disinterested
23 person in this cause of action; that I am not a
24 relative of the attorneys for any of the parties.

25

1 IN WITNESS WHEREOF, I have hereunto set my
2 hand and affixed my notarial seal this 1st day of
3 August, 2023.

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14 My commission expires:
15 September 25, 2028

16 Job No. 183406
17
18
19
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24
25

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