

DECLARATION OF CUSTODIAN OF RECORDS

Pursuant to 28 U.S.C. § 1746, I, the undersigned, hereby declare:

My name is MARK BURNES, MD.  
(Name of Declarant)

I am a United States citizen, and I am over eighteen years of age. I am the custodian of records of the business named below, or I am otherwise qualified as a result of my position with the business named below to make this declaration.

I am in receipt of a United States District Court Grand Jury Subpoena for the Northern District of California, signed by Assistant U.S. Attorney \_\_\_\_\_, requesting specified records of the business named below. Attached hereto are records responsive to the subpoena. Pursuant to Federal Rule of Evidence 902(11) and Federal Rule of Evidence 803(6), I hereby certify that the records attached hereto:

- (1) were made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of those matters;
- (2) were kept in the course of the regularly conducted business activity; and
- (3) were made by the regularly conducted business activity as a regular practice.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 11/29/17

MB  
(signature of declarant)

MARK BURNES  
(name of declarant)

MARK BURNES, MD  
(name of business/firm)

\_\_\_\_\_  
(business address)

**theranos**

Kingshuk Das, MD, Laboratory Director

Report Status: Final

This report Contains corrected results

7373 Gateway Boulevard

Newark, CA 94560

Lab: (855) 843-7200 Fax: (650) 852-9594

customersupport@theranos.com

**Ellsworth, Mehrl**

Male,

HOME:

MOBILE:

EMAIL:



PHYSICIAN

Burnes, Mark

Mark Burnes, MD.

PHONE: (623) 935-3688

FAX: (623) 935-6601

VISIT: 06/11/15, 03:45 PM

Theranos Service Center, 3361 N Litchfield Rd, Goodyear, AZ 85395

FASTING: Not Required

ACC#: 197729

FINAL REPORT: 06/12/15, 11:15 PM

**Prostate Specific Antigen (PSA), Total**

TEST NAME	RESULTS	FLAG	REF. RANGE	UNITS	LOC
Prostate Specific Antigen, Total ‡	VOID - 22.8 [c]	V [c]	<=4.0	ng / mL	NE
Prostate Specific Antigen, Total as previously reported is voided and this result should not be used out of an abundance of caution. Redraw is recommended as clinically indicated.					

**Uric Acid**

TEST NAME	RESULTS	FLAG	REF. RANGE	UNITS	LOC
Uric Acid	7.5		3.7 - 9.0	mg/dL	NE

**INTERPRETIVE NOTES****KEY**

NE Test processed at Theranos Laboratories, 7373 Gateway Boulevard, Newark, CA 94560

[c] Corrected

Final Report Sent: 06/12/2015 11:15:11 PM



Kingshuk Das, MD, Laboratory Director

Report Status: Final

This report Contains corrected results

7373 Gateway Boulevard  
Newark, CA 94560

Lab: (855) 843-7200 Fax: (850) 852-9594

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PHONE: (623) 935-3688

FAX: (623) 935-6601

VISIT: 05/14/15, 05:12 PM

Theranos Service Center, 3361 N Litchfield Rd, Goodyear, AZ 85395

FASTING: Not Required

ACC#: 186111

FINAL REPORT:

TURNAROUND: 0 hour

**Blood Type (ABO/RhD)**

TEST NAME	RESULTS	FLAG	REF. RANGE	UNITS	LOC
ABO group	O				NE
Rh	NEGATIVE				NE

**Prostate Specific Antigen (PSA), Total**

TEST NAME	RESULTS	FLAG	REF. RANGE	UNITS	LOC
Prostate Specific Antigen, Total‡	VOID - 26.1 [c]	V [c]	<=4.0	ng / mL	NE

Prostate Specific Antigen, Total as previously reported is voided and this result should not be used out of an abundance of caution. Redraw is recommended as clinically indicated.

**Uric Acid**

TEST NAME	RESULTS	FLAG	REF. RANGE	UNITS	LOC
Uric Acid	7.2		3.7 - 9.0	mg/dL	NE

**INTERPRETIVE NOTES**

**KEY**

NE Test processed at Theranos Laboratories, 7373 Gateway Boulevard, Newark, CA 94560

[c] Corrected

Final Report Sent:

Rec'd 3/29/16 Date                      Who MB  
Reviewed by Dr. Burnes                       
See PN                       
Notified Pt.                     

Patient: Ellsworth, Mehrl -

Report date: 3/29/2016 2:44:53 AM

Page 2 of 2



RESULTS REPORT STATUS: FINAL

1365 N. Scottsdale Road

Scottsdale, AZ 85257

Lab: (855) 043-7200 Fax: (650) 852-9594

customersupport@theranos.com

Ellsworth, Mehrl

Male,

HOME:

MOBILE:

EMAIL:



PHYSICIAN

Burnes, Mark

Mark Burnes, MD.

PHONE: (623) 935-3688

FAX: (623) 935-6601

EMAIL:

VISIT: 06/30/15, 04:32 PM Theranos Service Center, 1365 N. Scottsdale Rd, Scottsdale, AZ 85257

FASTING: No

ACC#: 206426

PSA, Total

TEST NAME	RESULTS	FLAG	REF. RANGE	UNITS	LOC
Prostate Specific Antigen, Total ‡	0.95		<=4.00	ng / mL	PH

Uric Acid

TEST NAME	RESULTS	FLAG	REF. RANGE	UNITS	LOC
Uric Acid	7.5		3.7 - 9.0	mg/dL	PH

INTERPRETIVE NOTES

PSA, Total - Interpretive Data

Prostate Specific Antigen, Total

\*This assay should not be interpreted as absolute evidence for the presence or absence of malignant disease nor should it be used alone as a cancer screening test. Clinical correlation is required.

\*Elevated PSA concentrations can only suggest the presence of prostate cancer until biopsy is performed. PSA concentrations can also be elevated in benign prostatic hyperplasia or inflammatory conditions of the prostate. PSA is generally not elevated in healthy men or men with non-prostatic carcinoma.

This method is also indicated for the serial measurement of PSA to aid in the prognosis and management of prostate cancer patients.

KEY

PH Test processed at Theranos Laboratories, 1365 N. Scottsdale Road, Scottsdale, AZ 85257

Date: 7/1/15  
 Rec'd: [Signature] SK  
 Reviewed by Dr. Burnes: [Signature] MB  
 See PN: [Signature]  
 Notified Pt.: [Signature]

Patient: Ellsworth, Mehrl

Report date: 6/30/2015 6:11:57 PM

Page 2 of 2



RESULTS REPORT STATUS: FINAL

1365 N. Scottsdale Road

Scottsdale, AZ 85257

Lab: (855) 843-7200 Fax: (855) 852-9594

customersupport@theranos.com

Ellsworth, Mehrl

Male,

HOME:

MOBILE:

EMAIL:

PHYSICIAN

Burnes, Mark

Mark Burnes, MD.

PHONE: (623) 935-3666

FAX: (623) 935-6601

EMAIL:

VISIT: 06/11/15, 03:45 PM

Theranos Service Center, 3361 N Litchfield Rd, Goodyear, AZ 85395

FASTING: No

ACG#: 197729

Summary of Abnormal Results

TEST NAME	RESULTS	FLAG	REF. RANGE	UNITS
Prostate Specific Antigen, Total	22.8	HIGH	<=4.0	ng / mL

PSA, Total

TEST NAME	RESULTS	FLAG	REF. RANGE	UNITS
Prostate Specific Antigen, Total ‡	22.8	HIGH	<=4.0	ng / mL

Uric Acid

TEST NAME	RESULTS	FLAG	REF. RANGE	UNITS
Uric Acid	7.5		3.7 - 9.0	mg/dL

PSA, Total - Interpretive Data

Prostate Specific Antigen, Total

\*This assay should not be interpreted as absolute evidence for the presence or absence of malignant disease nor should it be used alone as a cancer screening test. Clinical correlation is required.

\*Elevated PSA concentrations can only suggest the presence of prostate cancer until biopsy is performed. PSA concentrations can also be elevated in benign prostatic hyperplasia or inflammatory conditions of the prostate. PSA is generally not elevated in healthy men or men with non-prostatic carcinoma.

This method is also indicated for the serial measurement of PSA to aid in the prognosis and management of prostate cancer patients.

PERFORMING SITE:

Newark - 7373 Gateway Boulevard, Newark CA 94560

Date

Rec'd 6/15/15

Who

SK

Reviewed by Dr. Burnes:

Patient: Ellsworth, Mehrl

Report date: 6/12/2015 11:15:11 PM

Page 2 of 2

Name

6/15/15

@ spoke w/ pt 6/15



RESULTS REPORT STATUS: FINAL

1365 N. Scottsdale Road  
Scottsdale, AZ 85267  
Lab: (855) 840-7200 Fax: (602) 852-9594  
customersupport@theranos.com

Ellsworth, Mehrl

Male,

HOME:

MOBILE:

EMAIL:

PHYSICIAN

Burnes, Mark

Mark Burnes, MD.

PHONE: (623) 935-3688

FAX: (623) 935-6601

EMAIL:

VISIT: 05/18/15, 10:15 AM

Theranos Service Center, 3361 N Litchfield Rd, Goodyear, AZ 85395

FASTING: No

ACC#: 187188

PSA, Free

TEST NAME	RESULTS	FLAG	REF. RANGE	UNITS
Prostate specific Ag.free ‡	0.41		<=0.70	ng / mL
Prostate specific Ag.free/Prostate specific Ag.total ‡	24.0			%

PSA, Total

TEST NAME	RESULTS	FLAG	REF. RANGE	UNITS
Prostate Specific Antigen, Total ‡	1.71		<=4.00	ng / mL

*5/19/15 D/W Theranos clearly someone of lab error occurred & will work to them to make this right for patient & confirm accuracy. Most likely testing in error from 5/14.*

Date: 5/19/15  
 Rec'd: 5/19/15  
 Reviewed by Dr. Burnes: 5/19/15  
 See PN: \_\_\_\_\_  
 Notified Pt: LM



RESULTS REPORT STATUS: FINAL

1365 N. Scottsdale Road  
 Scottsdale, AZ 85257  
 Lab: (855) 843-7200 Fax: (650) 852-9594  
 customersupport@theranos.com

Ellsworth, Mehri

Male,

HOME:

MOBILE:

EMAIL:

PHYSICIAN

Burnes, Mark

Mark Burnes, MD.

PHONE: (623) 935-3668

FAX: (623) 935-6601

EMAIL:

VISIT: 05/14/15, 05:12 PM | Theranos Service Center, 3361 N Litchfield Rd, Goodyear, AZ 85395 FASTING: No ACC#: 186111

Summary of Abnormal Results

TEST NAME	RESULTS	FLAG	REF. RANGE	UNITS
Prostate Specific Antigen, Total	26.1	HIGH	<=4.0	ng / mL

ABO/RhD Blood Typing

TEST NAME	RESULTS	FLAG	REF. RANGE	UNITS
ABO group	O			
Rh	NEGATIVE			

PSA, Total

TEST NAME	RESULTS	FLAG	REF. RANGE	UNITS
Prostate Specific Antigen, Total ‡	26.1	HIGH	<=4.0	ng / mL

Uric Acid

TEST NAME	RESULTS	FLAG	REF. RANGE	UNITS
Uric Acid	7.2		3.7 - 9.0	mg/dL

*Very high result, red, maybe lab error.*

Rec'd 5/18/15 Date 5/18/15 Who RLC  
 Reviewed by Dr. Burnes \_\_\_\_\_  
 See PN \_\_\_\_\_  
 Notified Pt. 5/18 ML



Patient: ELLSWORTH, MEHRL  
DOB:

Patient ID: ELLSWO0006

Control ID: B0055711888

Specimen ID: 059-944-3159-0  
Date collected: 02/28/2017 1025 Local

TESTS	RESULT	FLAG	UNITS	REFERENCE INTERVAL	LAB
LDL Cholesterol Calc	97		mg/dL	0 - 99	

**PSA Total (Reflex To Free)**

Prostate Specific Ag, Serum	2.0		ng/mL	0.0 - 4.0	01
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Roche ECLIA methodology.

According to the American Urological Association, Serum PSA should decrease and remain at undetectable levels after radical prostatectomy. The AUA defines biochemical recurrence as an initial PSA value 0.2 ng/mL or greater followed by a subsequent confirmatory PSA value 0.2 ng/mL or greater.

Values obtained with different assay methods or kits cannot be used interchangeably. Results cannot be interpreted as absolute evidence of the presence or absence of malignant disease.

**Reflex Criteria**

The percent free PSA is performed on a reflex basis only when the total PSA is between 4.0 and 10.0 ng/mL.

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**Hemoglobin A1c**

Hemoglobin A1c	5.4		%	4.8 - 5.6	01
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Please Note:

Pre-diabetes: 5.7 - 6.4

Diabetes: >6.4

Glycemic control for adults with diabetes: <7.0

01

TSH	0.533		uIU/mL	0.450 - 4.500	01
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Vitamin D, 25-Hydroxy	34.3		ng/mL	30.0 - 100.0	01
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Vitamin D deficiency has been defined by the Institute of Medicine and an Endocrine Society practice guideline as a level of serum 25-OH vitamin D less than 20 ng/mL (1,2).

The Endocrine Society went on to further define vitamin D insufficiency as a level between 21 and 29 ng/mL (2).

1. IOM (Institute of Medicine). 2010. Dietary reference intakes for calcium and D. Washington DC: The National Academies Press.
2. Holick MF, Binkley NC, Bischoff-Ferrari HA, et al. Evaluation, treatment, and prevention of vitamin D deficiency: an Endocrine Society clinical practice guideline. JCEM. 2011 Jul; 96(7):1911-30.

**Uric Acid, Serum**

Uric Acid, Serum	6.7		mg/dL	3.7 - 8.6	01
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Please Note:

Therapeutic target for gout patients: <6.0

01

01 PDLCA LabCorp Phoenix

5005 S 40th Street Ste 1200, Phoenix, AZ 85040-2969

Dir: Brian Poirier, MD

For Inquiries, the physician may contact Branch: 888-522-2677 Lab: 800-788-9743