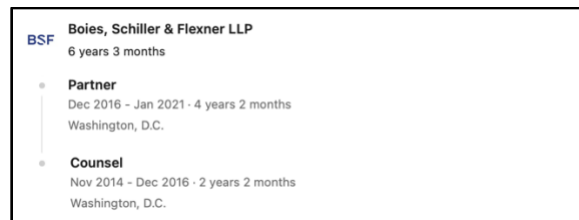


Boies Schiller & Flexner LLP – Theranos/ Elizabeth Holmes

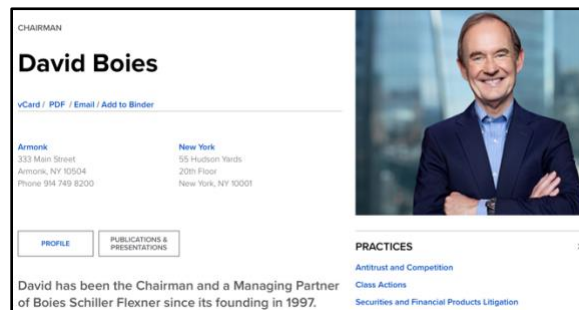
While Riley worked as Counsel and later as a Partner at Boies Schiller & Flexner LLP, the firm’s Chairman and Managing Partner owned millions of dollars in Theranos stock, served on the Theranos Board of Directors and as CEO Elizabeth Holmes’s legal advisor at the same time, attempted to block reporting on Theranos, and stayed with the company until a month before the SEC alleged “massive fraud” costing investors more than \$700 million had been committed:

- Riley worked as Counsel and as a Partner at Boies Schiller & Flexner LLP from 2016-2021.



(Joshua Riley, [LinkedIn](#), Accessed 8/26/22)

- “David Boies has been the Chairman and a Managing Partner of Boies Schiller Flexner since its founding in 1997.”



(“Chairman: David Boies,” [Boies Schiller Flexner](#), Accessed 8/28/22)

- Elizabeth Holmes, the founder of Theranos promised that “with a few drops of blood” her company’s Edison Test technology “could detect conditions such as cancer and diabetes quickly without the hassle of needles. ““In 2014, Elizabeth Holmes, then 30 years old, was on top of the world. A Stanford University drop-out, she had founded a company valued at \$9bn (£6.5bn) for supposedly bringing about a revolution in diagnosing disease. With a few drops of blood, Theranos promised that its Edison test could detect conditions such as cancer and diabetes quickly without the hassle of needles. Bigwigs from Henry Kissinger to general James Mattis sat on the board.” (Daniel Thomas, “Theranos scandal: Who is Elizabeth Holmes and why was she on trial?” [BBC](#), 1/4/22)
 - By 2016 “Holmes was exposed as a fake,” by 2018 Theranos “had collapsed,” and as of 2022 she’s “been convicted by a jury in California on four counts of fraud,” totaling 80 years in prison. “But by 2015, the seams were coming apart, and within a year, Holmes was exposed as a fake. The technology she touted didn't work at all, and by 2018 the company she founded had collapsed. She's now been convicted by a jury in California on four counts of fraud, each of which carries a maximum

sentence of 20 years in prison. The jury found her not guilty on four other charges and failed to reach a verdict on three more. She had pleaded not guilty to all charges, and can appeal against the convictions.” (Daniel Thomas, “Theranos scandal: Who is Elizabeth Holmes and why was she on trial?” [BBC](#), 1/4/22)

- **Boies bought 400,000 shares of Theranos totaling a value of “roughly \$7 million at the company’s apex.”** “So impressed was Mr. Boies that he took half his and his firm’s fees in Theranos stock, which eventually amounted to 400,000 shares, or roughly \$7 million at the company’s apex. Had the company thrived, it could have been worth many times that.” (James B. Stewart, “David Boies Pleads Not Guilty,” [New York Times](#), 9/21/18)
- **Former Secretary of Defense Jim Mattis convinced Boies to join the board of Theranos and to provide legal advice to Elizabeth Holmes while the Wall Street Journal was investigating Theranos.** “During the summer of 2015, at the behest of Jim Mattis, a Theranos board member who is now the secretary of defense, Mr. Boies also agreed to join the Theranos board. The Wall Street Journal was investigating Theranos, and Mr. Mattis told him that he anticipated “a difficult period where both Theranos and Ms. Holmes would need the advice of a seasoned lawyer,” Mr. Boies recalled.” (James B. Stewart, “David Boies Pleads Not Guilty,” [New York Times](#), 9/21/18)
 - **Boies was caught in an ethical dilemma because as a board member he “assumed a fiduciary duty to shareholders” but now he was also “obliged” to act in the best interest of company management.** “That added another level of ethical complexity. As a board member, Mr. Boies assumed a fiduciary duty to shareholders. Now he was obliged to act in the best interest of two different parties: investors and company management. What if one – i.e. Ms. Holmes – acted in a way that harmed the other? Precisely because the arrangement could create an impossible dilemma, some firms prohibit such board memberships. Yet it is not explicitly forbidden by the bar’s ethics rules.” (James B. Stewart, “David Boies Pleads Not Guilty,” [New York Times](#), 9/21/18)
- **As the Wall Street Journal “stepped up” their reporting on Theranos, Boies “used all the tools at his disposal to defend Ms. Holmes and muzzle the journalist’s sources.”** “As The Journal’s Mr. Carreyrou stepped up his reporting on Theranos that summer, Mr. Boies used all the tools at his disposal to defend Ms. Holmes and muzzle the journalist’s sources. His partners sent letters threatening suspected talkers with litigation if they disclosed trade secrets or confidential information. (One whistle-blower, a man in his 20s, incurred several hundred thousand dollars in legal fees.) And he wrote a 23-page letter to The Journal warning it about publishing Mr. Carreyrou’s article.” (James B. Stewart, “David Boies Pleads Not Guilty,” [New York Times](#), 9/21/18)
 - **The Wall Street Journal published their “bombshell” story on Theranos in October 2015.** “Mr. Carreyrou’s article, published in October 2015, was nonetheless a bombshell. “The reporting was excellent. He and The Wall Street Journal deserve credit,” Mr. Boies said. “If I knew then what I do now,” he added, “I would have written a very different letter.” (James B. Stewart, “David Boies Pleads Not Guilty,” [New York Times](#), 9/21/18)

- Holmes stopped listening to Boies’s legal advice and Boies left the Theranos Board of Director by February 2018 – one month before the SEC alleged Holmes “orchestrated ‘massive fraud’ that cost investors more than \$700 million while putting the health of its testing subjects at risk.” “The final straw came in August, when Ms. Holmes made an overly optimistic presentation to shareholders without consulting Mr. Boies. As he put it in an email to Ms. Holmes, he could not continue being her lawyer if she did not heed his advice: ‘If we are going to risk being at the scene of a serious accident, we want to have the steering wheel in our hands.’ He continued, “Because of the very public role we have taken in defense of the company, the firm’s own credibility is at stake.’ Within 72 hours of sending the email, Mr. Boies stopped representing the company. He remained a director until Theranos could find a replacement, which took until February. The next month, the Securities and Exchange Commission alleged that Ms. Holmes orchestrated a “massive fraud” that cost investors more than \$700 million while putting the health of its testing subjects at risk.” (James B. Stewart, “David Boies Pleads Not Guilty,” [New York Times](#), 9/21/18)
- In March 2018, the SEC alleged that Theranos, Holmes and other leadership, defrauded their investors of “more than \$700 million.” “The SEC, describing the case as involving “massive fraud,” said Theranos, Holmes and Balwani were charged “with raising more than \$700 million from investors through an elaborate, years-long fraud in which they exaggerated or made false statements about the company’s technology, business and financial performance.” (Pete Schroeder, “Theranos and its founder settle U.S. fraud charges: SEC,” [Reuters](#), 3/14/18)

Riley has taken nearly \$30,000 from David Boies and members of his immediate family while running as a candidate for Congress during the 2021-2022 election cycle:

- As of September 19, 2022, Josh Riley has taken \$29,000 from David Boies and members of his immediate family while running as a candidate for Congress during the 2021-2022 election cycle. (“Receipts: Josh Riley for Congress: Boies,” [Federal Elections Commission](#), Accessed 9/19/22)

Editor’s Note: See Subsequent Table for detailed summary of donations to Riley’s campaign.

<u>Josh Riley Campaign Donations from David Boies/ the Boies Family</u>		
<u>Contribution</u>	<u>Date</u>	<u>Amount</u>
Alexander Boies	8/2/22	-\$2,900
Alexander Boies	8/2/22	\$2,900
Mary Boies	8/1/22	-\$2,900
Mary Boies	8/1/22	\$2,900
David Boies	6/29/22	\$2,900
Alexander Boies	3/29/22	\$2,900
Mary Boies	3/29/22	\$2,900
Alexander Boies	3/29/22	\$2,900
Mary Boies	3/29/22	\$2,900
David Boies III	3/29/22	\$2,900
Alexander Boies	3/29/22	\$2,900
Mary Boies	3/29/22	\$2,900
David Boies	1/11/21	\$2,900
David Boies	1/11/21	\$2,900
TOTAL:		\$29,000.00
("Receipts: Josh Riley for Congress: Boies," Federal Elections Commission , Accessed 9/19/22)		

- **David Boies is the Chairman and a Managing Partner of the law firm Boies Schiller Flexner LLP.** ("Chairman: David Boies," [Boies Schiller Flexner](#), Accessed 9/19/22)
 - **Mary Boies is the wife of David Boies.** (Anna Schneider-Mayerson, "The Boies Family," [Observer](#), 12/18/06)
 - **Alexander Boies is the son of David and Mary Boies.** (Anna Schneider-Mayerson, "The Boies Family," [Observer](#), 12/18/06)
 - **David Boies III is the son of David Boies.** (Anna Schneider-Mayerson, "The Boies Family," [Observer](#), 12/18/06)

Riley has taken over \$140,000 from employees of the law firm Boies Schiller & Flexner LLP while running as a candidate for Congress during the 2021-2022 election cycle:

- As of September 19, 2022, Josh Riley has taken \$141,204 from employees of the law firm Boies Schiller & Flexner LLP while running as a candidate for Congress during the 2021-2022 election cycle.

Editor's Note: See Subsequent Table for detailed summary of donations to Riley's campaign.

Josh Riley Campaign Donations from Employees of "Boies Schiller Flexner LLP"

<u>Contribution</u>	<u>Date</u>	<u>Amount</u>
James Denvir	8/2/22	\$500
Phillip Korologos	8/2/22	\$1,000
Carl Goldfarb	7/31/22	\$250
Christopher Belelieu	7/19/22	\$500
Stephen Zack	7/5/22	\$500
Scott Wilson	6/30/22	\$250
Kathleen Hartnett	6/30/22	\$2,900
Alex Holtzman	6/30/22	\$250
Sigrid McCawley	6/30/22	\$500
Gregory Dubinski	6/30/22	\$500
Mark Mao	6/30/22	\$1,000
David Boies	6/29/22	\$2,900
Marilyn Kunstler	6/29/22	\$250
John Gerardi	6/28/22	\$300
Karen Dunn	6/28/22	\$2,900
Pascual Oliu	6/28/22	\$100
Nicholas Standish	6/28/22	\$250
Stuart Singer	6/27/22	\$2,900
Michael Gottlieb	6/27/22	\$2,900
Vanessa Tussey	6/26/22	\$250
Robert Dwyer	6/25/22	\$2,900
Tyler Ulrich	6/25/22	\$500
Sashi C Bach	6/24/22	\$50
Richard Feinstein	6/15/22	\$2,900
William Weaver	6/13/22	\$250
Samuel Kaplan	5/27/22	\$250
John Kucera	5/20/22	\$250
Robert Dwyer	5/19/22	\$2,900
Duane Loft	5/17/22	\$500
Jim Denvir	5/6/22	\$500
Amy Neuhardt	5/2/22	\$500
Christopher Belelieu	4/10/22	\$250
Julia Bredrup	4/5/22	\$250
Gregory Dubinsky	3/31/22	\$200
Carlos Sires	3/31/22	\$500
Benjamin Solomon-Schwartz	3/31/22	\$250

William Weaver	3/30/22	\$100
Alexander Boies	3/29/22	\$2,900
Mary Boies	3/29/22	\$2,900
Tyler Ulrich	3/29/22	\$500
Alexander Boies	3/29/22	\$2,900
David Barrett	3/29/22	\$500
Thomas Sosnowski	3/29/22	\$350
Joanna Wright	3/29/22	\$500
Eric Maurer	3/29/22	\$500
Carl Goldfarb	3/29/22	\$500
Michael Mitchell	3/29/22	\$500
Alexander Boies	3/29/22	\$2,900
Andrew Brenner	3/29/22	\$500
Samuel Kaplan	3/28/22	\$500
John Gerardi	3/27/22	\$500
Hsiao Mao	3/25/22	\$1,500
Hsiao Mao	3/25/22	\$1,400
Hsiao Mao	3/25/22	\$1,500
James Miller	3/24/22	\$500
Stephen Zack	3/23/22	\$500
Pascual Oliu	3/23/22	\$500
Richard Feinstein	3/22/22	\$900
Yotam Barkal	3/17/22	\$500
Peter Skinner	3/16/22	\$500
Scott Wilson	3/15/22	\$1,350
Sashi C Bach	3/15/22	\$500
Benjamin Solomon-Schwartz	3/9/22	\$500
Vanessa Tussey	3/3/22	\$500
Amy Neuhardt	3/1/22	\$500
Alex Holtzman	3/1/22	\$1,000
Robert Dwyer	3/1/22	\$2,900
James Lee	3/1/22	\$250
Hamish Hume	2/27/22	\$2,000
Jim Denvir	2/27/22	\$500
Jonathan Sherman	2/18/22	\$2,900
Jonathan Sherman	2/18/22	\$2,900
Jonathan Sherman	2/18/22	\$2,900
Michael Gottlieb	2/16/22	\$2,900
Michael Gottlieb	2/16/22	\$2,900

Scott Wilson	2/7/22	\$500
Richard Feinstein	2/7/22	\$1,000
Samuel Kaplan	1/31/22	\$100
David Barrett	12/31/21	\$250
Joanna Wright	12/3/21	\$1,000
Kathleen Hartnett	12/31/21	\$2,900
John Kucera	12/31/21	\$500
Scott Wilson	12/20/21	\$25
Stephen Zack	12/29/21	\$1,000
Joseph Kroetsch	12/22/21	\$500
Maxwell Pritt	12/21/21	\$250
Christopher Belelieu	12/20/21	\$1,000
Pascual Oliu	12/17/21	\$250
Gregory Dubinsky	12/16/21	\$500
Sabria McElroy	12/16/21	\$250
Ann O'Leary	12/16/21	\$2,900
Sashi Bach	12/16/21	\$250
Karen Dunn	12/16/21	\$2,900
Karen Dunn	12/16/21	\$2,900
William Isaacson	12/15/21	\$2,900
William Isaacson	12/15/21	\$2,900
Hsiao Mao	12/7/21	\$1,500
Carlos Sires	12/2/21	\$500
Scott Wilson	11/30/21	\$25
Benjamin Solomon-Schwartz	11/24/21	\$250
Abby Dennis	11/19/21	\$1,000
Sashi Bach	11/18/21	\$250
Amy Neuhardt	11/18/21	\$500
Scott Wilson	11/15/21	\$1,000
Chloe Houdre	11/12/21	\$500
Sigrid McCawley	11/11/21	\$1,000
Richard Feinstein	11/11/21	\$1,000
David Boies	11/11/21	\$2,900
Pascual Oliu	11/11/21	\$500
David Boies	11/11/21	\$2,900
Carl Goldfarb	11/11/21	\$500
Samuel Kaplan	11/10/21	\$1,000
Edward Takashima	11/4/21	\$2,900
Edward Takashima	11/4/21	\$2,900

Edward Takashima	11/4/21	\$2,900
John Gerardi	11/3/21	\$2,900
Stuart Singer	11/3/21	\$2,900
Jim Denvir	11/3/21	\$1,000
Stuart Singer	11/3/21	\$2,900
TOTAL:		\$141,204.45
("Receipts: Josh Riley for Congress: Employees of Boies Schiller," Federal Elections Commission , Accessed 9/19/22)		