

# EXHIBIT 5

**EXHIBIT****Defendant's 10**

exhibitstick.com

AC PRIV – Michael Wong Texts

Michael California General Services - 95

| Date                       | Status   | Message                                                                                                                                                                                                                                                                           |
|----------------------------|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Mar 22, 2020<br>7:44:10 PM | Sent     | Hi Michael just left you a VM. It's John Thomas with blueflame medical. We have direct from our manufacturers whatever covid supplies you need and can get them to you quickly. I'm available 24/7. When is a good time to talk? Thanks!                                          |
| Mar 22, 2020<br>8:24:42 PM | Received | Hi John, are they domestic or overseas?                                                                                                                                                                                                                                           |
| Mar 22, 2020<br>8:25:34 PM | Sent     | I have both but most are overseas.                                                                                                                                                                                                                                                |
| Mar 22, 2020<br>8:27:36 PM | Received | Do you have N95 masks? And if so, are the manufacturers requiring 100% prepayment?                                                                                                                                                                                                |
| Mar 22, 2020<br>8:32:30 PM | Sent     | Yes I have loads of n95 masks. Yes everyone requires pre payment BUT you have 48 hours to inspect and reject and we'll refund you back 100%. I do have a supplier who can get you a shipment in 3 days. Shipping is going to get jammed up so I really need to place orders asap. |
| Mar 22, 2020<br>8:32:44 PM | Sent     | We also have covid kits, and nearly everything else you might want.                                                                                                                                                                                                               |
| Mar 22, 2020<br>8:37:43 PM | Received | Ok, I'll have to figure out the prepayment issue, but let's reconvene tomorrow morning                                                                                                                                                                                            |
| Mar 22, 2020<br>8:51:54 PM | Sent     | Ok sounds great! We can supply you anything you need at the best prices, speed and capacity I promise.                                                                                                                                                                            |
| Mar 22, 2020<br>8:52:16 PM | Sent     | I'm just getting worries about shipping delays if we wait to order. But if I can get stuff out and in the pipeline to you it won't be a problem                                                                                                                                   |

**Plaintiff's  
Trial Exhibit  
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| Mar 22, 2020<br>8:53:51 PM  | Sent     | What time should I call you tomorrow?                                                                                                                                       |
| Mar 22, 2020<br>9:08:18 PM  | Received | I'll try to call you around 8 or so                                                                                                                                         |
| Mar 22, 2020<br>9:08:41 PM  | Sent     | Ok perfect. looking forward to it.                                                                                                                                          |
| Mar 22, 2020<br>10:58:59 PM | Sent     | Michael, can't oes or the Controller find a way to authorize pre-payment in an emergency? Anyway sorry for the late msg. Looking forward to speaking with you soon.         |
| Mar 23, 2020<br>6:57:06 AM  | Received | We're researching alternative options but it's hard to circumvent the law                                                                                                   |
| Mar 23, 2020<br>8:22:28 AM  | Sent     | Right that little thing.                                                                                                                                                    |
| Mar 23, 2020<br>9:54:23 AM  | Sent     | Just found out the controller can cut checks up front for prepayment! We can now do our part and get you the supplies!                                                      |
| Mar 23, 2020<br>10:26:51 AM | Sent     | Just a friendly ping. If you can give me a sense of how many units of what and by when I'll start getting things setup for when you call now that prepayment isn't an issue |
| Mar 23, 2020<br>4:31:12 PM  | Sent     | 😊 hey we just got kid n95's in stock. Pretty cool. Also hand sanitizer by the swimming pool ready to truck out here in California. Kind of fun.                             |
| Mar 23, 2020<br>4:37:08 PM  | Received | Ok, I'm still working on the payment issues. Can you email me product lists with quantities and specification sheets? Michael.Wong@dgs.ca.gov                               |

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| Mar 23, 2020<br>4:41:18 PM  | Sent     | Yes np.                                                                                                                                                                                                                                              |
| Mar 23, 2020<br>6:46:26 PM  | Sent     | Just sent over our sales sheet!                                                                                                                                                                                                                      |
| Mar 23, 2020<br>9:50:03 PM  | Sent     | Hey Michael just sent a reply. Urgent though, my lead supplier said he's about to pre sell 100 mil of his n95's to the UK. I want us to lock it down. For this I can take a deposit to hold the production inventory and send it to Calif over time. |
| Mar 23, 2020<br>9:54:36 PM  | Received | I can't prepay for 100M masks                                                                                                                                                                                                                        |
| Mar 23, 2020<br>9:55:20 PM  | Sent     | I can take a small partial deposit                                                                                                                                                                                                                   |
| Mar 23, 2020<br>9:56:04 PM  | Sent     | If that's too large of an order just let me know what you think you might need or so a standing open po and I'll make sure that's filled                                                                                                             |
| Mar 23, 2020<br>9:56:38 PM  | Sent     | I do have lots of other manufacturers but this one that messages me is fantastic so I just wanted to make sure you knew his stuff was about to leave.                                                                                                |
| Mar 23, 2020<br>9:57:30 PM  | Received | How much partial deposit? I need to have each manufacturer vetted before we can execute                                                                                                                                                              |
| Mar 23, 2020<br>10:47:35 PM | Sent     | That's fine. 10- 15% for a large order depending on the manufacturer. These are well established manufacturers.                                                                                                                                      |
| Mar 23, 2020<br>10:49:38 PM | Received | I would like to see specification and certification sheets for the product and proposed payment terms                                                                                                                                                |
| Mar 23, 2020<br>10:50:02 PM | Sent     | Ok got it. I'll have to you no later than the morning unless you guys think you can move tonight?                                                                                                                                                    |

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| Mar 23, 2020<br>10:50:21 PM | Received | Morning is fine                                                                                                                                 |
| Mar 23, 2020<br>10:50:39 PM | Sent     | Thanks. Not a problem.                                                                                                                          |
| Mar 23, 2020<br>11:00:33 PM | Sent     | You guys can also do a small test order too before the big one.                                                                                 |
| Mar 24, 2020<br>3:01:47 PM  | Received | Quick question: is payment made to your company or overseas?                                                                                    |
| Mar 24, 2020<br>3:02:23 PM  | Sent     | My company cages the \$. I then pay the manufacturer, shipping, customs specialist etc.                                                         |
| Mar 24, 2020<br>3:02:48 PM  | Received | And your company is based in the US?                                                                                                            |
| Mar 24, 2020<br>3:03:01 PM  | Sent     | Yep! And I live in Pasadena                                                                                                                     |
| Mar 24, 2020<br>3:03:32 PM  | Sent     | Also if it helps, my preferred manufacturer for this state is a Chinese American citizen. He lives in Pasadena too and Ive known him for years. |
| Mar 24, 2020<br>3:04:44 PM  | Sent     | Henry is stuck in china because they have everyone locked down but he really wants to bring his supplies here!                                  |
| Mar 24, 2020<br>3:05:09 PM  | Sent     | But like I said even if Henry's product gets taken up I plenty of other manufacturers to work with.                                             |
| Mar 24, 2020<br>3:05:47 PM  | Received | What volume of the DTC 3B, DTX 3X, L-288, and SEKURA-321 model masks can you ship immediately?                                                  |

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| Mar 24, 2020<br>3:08:51 PM  | Sent     | Hang on let me check my multiple manufacturers but I know my favorite one, Henry can get you 2 million out the door and to you within 8 days. He can deliver you 25 million a month. But I have much bigger capacity than that. I'll huddle with my team and crunch the math super fast. |
| Mar 24, 2020<br>3:09:24 PM  | Sent     | Do you anticipate me needing to put together more than 100mil this month? Just need a sense of how many manufacturers I need to cobble together.                                                                                                                                         |
| Mar 24, 2020<br>3:11:59 PM  | Received | Initially let's shoot for 100M                                                                                                                                                                                                                                                           |
| Mar 24, 2020<br>3:15:36 PM  | Sent     | Ok stand by!                                                                                                                                                                                                                                                                             |
| Mar 25, 2020<br>7:59:45 AM  | Sent     | Morning Michael, looking forward to closing this first transaction this morning. Let me know you want to take the next steps for the masks. Appreciate all your help.                                                                                                                    |
| Mar 25, 2020<br>10:35:27 AM | Sent     | Hi Michael, sorry to be annoying but I've got Everything ready on my side and the inventory set aside but we've got to put this deal to bed so I can get them moving and lock in my prices. Anything I can do to help speed things up on your side?                                      |
| Mar 25, 2020<br>11:03:15 AM | Received | Working with finance                                                                                                                                                                                                                                                                     |
| Mar 25, 2020<br>11:03:56 AM | Sent     | I see ok. Thanks. Not to rush BUT I literally have my inventory locked and cannot hold it for much longer without giving them \$.                                                                                                                                                        |
| Mar 25, 2020<br>11:20:56 AM | Received | How do you want the advance payment?                                                                                                                                                                                                                                                     |

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| Mar 25, 2020<br>11:21:16 AM | Sent     | Via wire transfer is best.                                                                                                                                                                                                                                                                                                                       |
| Mar 25, 2020<br>11:22:29 AM | Sent     | Also my principal place of business is in Glendale California. If it makes it easier for the state to know they are doing biz with a team that's based in California.                                                                                                                                                                            |
| Mar 25, 2020<br>11:27:47 AM | Received | Ok working finance mechanisms                                                                                                                                                                                                                                                                                                                    |
| Mar 25, 2020<br>11:29:15 AM | Sent     | Hey I'm going to be stuck on call with another client who we are closing a large order with for the next hour. But you and I need to close this deal. So I'm going to copy you with my corporate counsel Ethan Bearman who can help facilitate anything you need in the meantime.                                                                |
| Mar 25, 2020<br>11:33:33 AM | Received | What's the total order amount and the amount due now?                                                                                                                                                                                                                                                                                            |
| Mar 25, 2020<br>12:19:24 PM | Sent     | Michael, ok I'm back on the grid. Ethan just briefed me. Great news on having the state handle much of the shipping. Can we get the initial wire transfer done before the cut off today so that I can lock down the inventory pipeline for you. We can sort out the logistics of shipping throughout the rest of today and tomorrow. Make sense? |
| Mar 25, 2020<br>12:20:14 PM | Received | Waiting for final approvals for the wire transfer                                                                                                                                                                                                                                                                                                |
| Mar 25, 2020<br>12:21:10 PM | Sent     | Understood. We are all on standby....thank you. Can you confirm you received our wire transfer information? I just want to make sure you have everything you need.                                                                                                                                                                               |
| Mar 25, 2020<br>12:21:54 PM | Received | Yes I have it                                                                                                                                                                                                                                                                                                                                    |

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| Mar 25, 2020<br>12:22:42 PM | Sent     | Great! Not to ramp up pressure but literally minutes matter on me being able to lock down this inventory. Thank you again for moving so quickly. |
| Mar 25, 2020<br>1:16:32 PM  | Sent     | Hey Michael is this us newsom is referring to?                                                                                                   |
| Mar 25, 2020<br>1:22:45 PM  | Received | We haven't briefed the Governor on our purchase yet                                                                                              |
| Mar 25, 2020<br>1:25:37 PM  | Sent     | Hmm weird. Is our deal still on?                                                                                                                 |
| Mar 25, 2020<br>1:26:59 PM  | Received | Yes, waiting for wire approval from DoF/SCO                                                                                                      |
| Mar 25, 2020<br>1:28:45 PM  | Sent     | Ok wonderful! 🙌                                                                                                                                  |
| Mar 25, 2020<br>1:42:17 PM  | Received | Have you sent me the invoice yet?                                                                                                                |
| Mar 25, 2020<br>1:42:25 PM  | Received | DoF needs it ASAP                                                                                                                                |
| Mar 25, 2020<br>1:42:28 PM  | Sent     | No I have it ready                                                                                                                               |
| Mar 25, 2020<br>1:42:39 PM  | Sent     | Should I send it to you? Or is there another email?                                                                                              |
| Mar 25, 2020<br>1:42:45 PM  | Received | Can you email it to me please                                                                                                                    |
| Mar 25, 2020<br>1:42:50 PM  | Sent     | Yes give me two minutes                                                                                                                          |

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| Mar 25, 2020<br>1:47:50 PM | Sent     | Which zip code in Fresno is this going to? Need to finish sales tax calculation.                                                                                        |
| Mar 25, 2020<br>1:48:08 PM | Received | 93725                                                                                                                                                                   |
| Mar 25, 2020<br>1:48:13 PM | Sent     | K one sec                                                                                                                                                               |
| Mar 25, 2020<br>1:59:55 PM | Sent     | Sent!!!                                                                                                                                                                 |
| Mar 25, 2020<br>2:00:26 PM | Sent     | Please confirm receipt.                                                                                                                                                 |
| Mar 25, 2020<br>2:05:25 PM | Sent     | Just sent you a note regarding shipping: Any reduction in shipping costs due to California arranging transport of goods will be reflected in the final balance billing. |
| Mar 25, 2020<br>2:21:07 PM | Sent     | Michael, any update? We are checking the account and nothing has come through yet.                                                                                      |
| Mar 25, 2020<br>6:29:42 PM | Sent     | Hey Michael, do you have a shipping address for where you want the masks to arrive? Trying to plan on my side. Thanks.                                                  |
| Mar 25, 2020<br>6:34:28 PM | Received | 3131 S. Northpointe Dr. Suite 101 Fresno, CA 93725<br>ATTN: Brian Smith (916-621-8134)                                                                                  |
| Mar 25, 2020<br>6:34:41 PM | Sent     | Got it thank you.                                                                                                                                                       |
| Mar 25, 2020<br>7:27:05 PM | Sent     | Michael, Abby just sent me a list of what she needs. I can literally fill all of this without breaking a sweat.                                                         |
| Mar 25, 2020<br>7:27:19 PM | Sent     | My supply chain can crank it out no problem.                                                                                                                            |

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| Mar 25, 2020<br>7:34:12 PM  | Received | I'll run numbers with my team and verify with you tomorrow                                                                                                                                                              |
| Mar 25, 2020<br>8:31:27 PM  | Sent     | Just spoke with Dan Kim. Very nice guy. I'm cranking out a rough timing and amount deadline for you and Dan tonight.                                                                                                    |
| Mar 25, 2020<br>8:31:45 PM  | Sent     | Also working to get you a rushed initial order to make you guys feel better.                                                                                                                                            |
| Mar 25, 2020<br>8:32:28 PM  | Received | Thank you!                                                                                                                                                                                                              |
| Mar 25, 2020<br>9:04:01 PM  | Sent     | My pleasure. Also ill send you pricing and numbers on the other items Abby said you guys need.                                                                                                                          |
| Mar 25, 2020<br>9:06:53 PM  | Received | Spec sheets too please                                                                                                                                                                                                  |
| Mar 25, 2020<br>9:08:26 PM  | Sent     | You got it. Thanks.                                                                                                                                                                                                     |
| Mar 25, 2020<br>10:24:56 PM | Sent     | Michael, do you happen to know the specs on the 3ply masks you need? I told Dan I would source and give him the best price.                                                                                             |
| Mar 25, 2020<br>11:49:24 PM | Sent     | Know you're snoozing but just wanted to make sure you knew to wire to heritage bank. Heard there was some confusion on dgs side so wanted to be clear the email Ethan Bearman sent is blueflames bank here in Virginia. |
| Mar 26, 2020<br>10:54:54 AM | Sent     | Hi Michael. We got the \$1 hooray. Do you have time shortly to talk through shipping? Ethan and I want to make sure we understand what California wants to hand and what we need to handle.                             |

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| Mar 26, 2020<br>10:55:04 AM | Sent | I mean the \$\$ lol not \$1                                                                                            |
| Apr 9, 2020<br>1:36:16 PM   | Sent | Hi Michael, just left you a voicemail making sure you received my email and had everything you needed from us. Thanks. |