

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

GENOMIC PREDICTION, INC.,

Plaintiff,

vs.

NATHAN TREFF, TALIA METZGAR and
NUCLEUS GENOMICS, INC.,

Defendants.

Case No. 2:25-cv-16850-SDW-AME

District Judge Susan D. Wigenton

Magistrate Judge Andre M. Espinosa

Motion Date: November 4, 2025

**DECLARATION OF KELLY KETTERSON REGARDING STATEMENTS OF
COUNSEL DURING THE PRELIMINARY INJUNCTION HEARING**

Kelly Ketterson, of full age, hereby certifies:

1. I am the Chief Executive Officer for Genomic Prediction, Inc. ("GP"), the Plaintiff in this litigation.

2. I make this Declaration in support of the letter from GP's counsel correcting the record regarding misstatements made during the preliminary injunction hearing as to whether the businesses listed in defendant Nathan Treff's non-compete provision all are PGT wet labs. This Declaration is based upon personal knowledge and my review of the business records maintained by GP, as well as my confirmation of the misstatements in the record by reviewing the formal transcript this morning.

3. On Tuesday, November 4, 2025, I attended this Court's hearing on GP's application for a preliminary injunction with temporary restraining order.

4. During that hearing, counsel for defendants Nucleus Genomics, Inc. and Nathan Treff stated on the record that all of the business entities listed in the non-compete provision of Treff's agreement are "traditional PGT wet labs."

5. After the hearing, I informed counsel for GP that defense counsel's statement was incorrect. The list in Treff's non-compete provision includes Life/Thermofisher and Illumina, both of which are not PGT wet labs.

6. This morning, GP's counsel sent me the transcript of the hearing, which I reviewed. The transcript confirms my understanding during the hearing that Nucleus' counsel incorrectly stated that the businesses listed in Treff's non-compete provision are all PGT wet labs. *See* Hearing Tr. 24:18-25:6. So that this declaration is complete, I also confirm that the statement by GP's counsel, in response to the Court's question as to whether all of the businesses listed in the non-compete provisions were PGT web labs as stated on the record by counsel for Nucleus and Treff, was also a misstatement. *See* Hearing Tr. 45:12-23. I have asked GP's counsel to correct their misstatement as well.

I declare under the penalty of perjury under the laws of the United States and New Jersey that the foregoing is true and correct to the best of my knowledge.

Dated: November 10, 2025


box SIGN 13XY263Z-4QVPK33X

Kelly Ketterson