



MiMedx continue to consciously mislead investors, defame Viceroy and Marc Cohodes

AvKare just “made it easier” for former Advanced BioHealing agents to stuff federal customers with MiMedx product

Viceroy present indisputable proof that Parker H. Petit has been misleading investors and defaming Marc Cohodes & Viceroy.

Mike Carlton, VP of Global Sales, was under oath giving a deposition about MiMedx’s relationship with Mid-South Biologics, who are suing MiMedx regarding contractual issues. Parker H. Petit and MiMedx attorneys would have known that during the deposition, Mike Carlton said this:

| | | |
|---|---|---|
| 6 | A | we -- AvKare didn't sell the product. They |
| 7 | | didn't do anything. They just made it easier to sell. |

Figure 1 Extract from Case 2:17-cv-02028-JTF-egb Document 43-3 Filed 12/04/17

Interestingly, when Viceroy and Marc Cohodes echoed this statement, we were met by a barrage of lies and a law suit from MiMedx who want to falsely assert our reports are factually inaccurate.

For the analysts that can find ‘no credible evidence of wrong-doing’, we recommend they review filings for all cases MiMedx are involved in.

Today’s focus is on case is Mid-South Biologics LLC (Pla) Vs. MiMedx Group Inc (Def) - Reference: Case 2:17-cv-02028-JTF-egb Document 43-3 Filed 12/04/17. **The deposition was taken on the 13th Day of October 2017.**

Parker H. Petit and Mike Carlton are advised that we have forwarded this information to the SEC. Investors should be aware of the lengths MiMedx will go to mislead and misinform its shareholders

As a recap:

Analysts who can blindly find no credible evidence of wrong-doing should seriously review Viceroy’s reports and MiMedx’s own documentation showing channel-stuffing, fake revenue recognition, ‘free evaluation products’, breaches to anti-kickback statutes and many more violations.

As previously reported, MiMedx is being investigated by Regulators, it would be prudent for the sellside to conduct their own investigation instead of relying on a “binary outcome” in relation to allegations of fraud.



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Mike Carlton proves Parker H. Petit is misleading investors under oath

Mike Carlton was deposed as part of case 2:17-cv-02028-JTF-egb, as MiMedx was being sued by Mid-South Biologics in relation to contract disputes

Direct from Mike Carlton, MiMedx Vice President of Global Sales:

1 whereupon,
2 MICHAEL CARLTON,
3 having been first duly sworn to state the whole truth,
4 was examined and testified as follows:
5 EXAMINATION

Figure 2 Extract from Case 2:17-cv-02028-JTF-egb Document 43-3 Filed 12/04/17

Case 2:17-cv-02028-JTF-egb Document 43-3 Filed 12/04/17 Page 47 of 105 PageID 735

Exhibit 3 to Notice of Filing Depo Trans (Depo of Michael Carlton.txt
21 hear more about it, maybe meet these guys, let Bill know

22 there's another opportunity to follow up on it just like
23 a lot these distributors had -- I didn't think much of it.
24 I didn't think much of it. I didn't know what it would
25 turn out to be, so we decided to go meet them. 58

1 Q what did it turn out to be?

2 A A good relationship.

3 Q And of this 20 million in 2012, do you know
4 how much of that 20 million represented sales through
5 AvKare and to the governmental facilities?

6 A We -- AvKare didn't sell the product. They
7 didn't do anything. They just made it easier to sell.

8 AvKare is just like Affirmative solutions. We realized
9 that they're bigger and have more size of the company than
10 the small Affirmative Solutions. So it made it easier to
11 do business with AvKare than with AF, but it was really
12 our direct guys that sold the product. It just made it
13 easier to sell. So you could argue -- all of it went
14 through AvKare because we left the other relationship and
15 moved to AvKare, but it wasn't because -- AvKare just made
16 it easier to do business. They didn't have sales guys.

17 Q Made it possible to do business?

18 A No. We were doing business anyway. We were
19 going to hire these people -- we started hiring direct
20 reps in 2012 from Advanced BioHealing. And they were
21 converting their dermograph business over to amniotic
22 membrane in these VAS. We could have pursued our own FSS
23 at the time as well.

Figure 3 Extract from Case 2:17-cv-02028-JTF-egb Document 43-3 Filed 12/04/17



Let's run through that again:

"AvKare didn't sell the product. They didn't do anything. They just made it easier to sell. AvKare is just like Affirmative solutions. We realized that they're bigger and have more size of the company than the small Affirmative Solutions."

"So it made it easier to do business with AvKare than with AF, but it was really our direct guys that sold the product. It just made it easier to sell. So you could argue -- all of it went through AvKare because we left the other relationship and moved to AvKare, but it wasn't because -- AvKare just made it easier to do business. They didn't have sales guys."

7 Q So the sales in 2011 for MiMedx went from
8 7.7 million or so to around 20 million in 2012?
9 A Somewhere in there; 20, 25.
10 Q Twenty to 25?
11 A Yeah. We made a big jump. The jump was
12 20 million, so maybe 27 million. It was a 20-million
13 jump. And that was because of the Advanced BioHealing
14 guys that came on board that pitched to us they've got

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Figure 4 Extract from Case 2:17-cv-02028-JTF-egb Document 43-3 Filed 12/04/17

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Exhibit 3 to Notice of Filing Depo Trans (Depo of Michael Carlton.txt
15 20 million in VAS, they can convert their dermograph to
16 amnio effects. And that's why we were successful. It
17 wasn't AvKare selling the product. It was direct hires.
18 But it was with the customer service extension of AvKare.
19 Q So tell me again who these people were that
20 you brought on.
21 A They were a company called Advanced
22 BioHealing, ABH. The company was acquired by Shire
23 Pharmaceuticals, S-H-I-R-E. Shire laid off their federal
24 division in 2012 and we hired them. That's what made the
25 VA business tick.

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Figure 5 Extract from Case 2:17-cv-02028-JTF-egb Document 43-3 Filed 12/04/17

We reiterate from our previous reports that Advanced BioHealing holds the record for largestly ever false claims settlement with the DOJ.

It is remarkable that MiMedx actively sought these individuals to 'boost' federal sales.



Pete's desperate denial of Viceroy's and Marc Cohodes' evidence

MiMedx has been distributing misleading 'short selling commentary' statements over a period of time as an attempt to cover up their misconduct, something the SEC will not take a light view of. The following statements were put out by MiMedx. We are notifying the Georgia Bar Association of the further irregularities that GC Alexandra Haden condones.

On November 11, 2017, MiMedx put out the following, entitled MiMedx Demand for Correction to Cohodes Report dated Nov 2, 2017. The contents of which were misleading as **we shall evidence using only Mike Carlton's deposition.**

MiMedx Demand for Correction to Cohodes Report dated Nov 2, 2017

10. Cohodes Statement:
"MDXG is "sole point of contact" and Avkare does not "re-sell," so MDXG LIED to the SEC"

MiMedx: **This is another Cohodes Lie.**

11. Cohodes Statement:
"AVkare is just an 'intermediary'"

MiMedx:
See #3. **This is another Cohodes Lie.**

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Figure 6 MiMedx Demand for Correction to Cohodes Report dated Nov 2, 2017¹

Parker H. Petit/MiMedx responded: This is another Cohodes Lie.

It is a factual statement that MiMedx circumvented AvKare to sell directly to federal customer, per the deposition of Mike Carlton (MiMedx Vice President of Global Sales) on Oct 2017. Just two weeks before.

For those following, on November 14, 2017, Parker H. Petit and MiMedx made the following misleading statements to their investors.

¹ <https://mimedx.app.box.com/s/z6tybx6yi4d7p5mug7z6u6bljp520ggt>



MiMedx Addresses Viceroy #15

November 14, 2017

Viceroy Claims 1-4:

(1) “MiMedx employees attempt to circumvent hospital policy on consignment inventory to prevent tracking of Mimedx product usage” (2) This inevitably results in the hospital noting that, due to the lack of documentation, reimbursement is essentially impossible without forging statements (3) **“MiMedx completely circumvented AvKare during throughout their relationship. AvKare had no role to play beyond providing MiMedx an FSS number.”** At no point is an AvKare representative present in any sourced business discussion – even when discussing the transition of suppliers to MiMedx from AvKare for the VA facility. (4) MiMedx’s push for a consignment agreement with the VA Medical center only occurs after this transition. We to believe that a motivation for the revised arrangement is hid MiMedx product usage from hospital monitoring systems.”

MiMedx:

FALSE. During 2016, the Department of Veteran’s Affairs (“VA”) announced and implemented changes to their procurement process which inevitably caused confusion amongst both VA employees and vendors. The email exchanges published by Viceroy are indicative of that confusion.

Figure 7 MiMedx Addresses Viceroy #15 Item 9 ²

“MiMedx completely circumvented AvKare during throughout their relationship. AvKare had no role to play beyond providing MiMedx an FSS number. At no point is an AvKare representative present in any sourced business discussion – even when discussing the transition of suppliers to MiMedx from AvKare for the VA facility

Summary

Shareholders should seriously consider the instant dismissal of Parker Petit and an immediate external and independent investigation of MiMedx’s affairs. MiMedx cannot dispute the testimony made under oath by Mike Carlton Vice President of Global sales.

Viceroy are currently compiling a dossier for the auditors and will be reminding them of their duties.

MiMedx misleading statements will eventually cause financial losses for investors.

Viceroy are notifying the SEC of the blatant inaccuracies on the MiMedx short selling commentary.

² <https://mimedx.app.box.com/s/ik47rmglfratzbbn38babpmhp4li12sd>