

EXHIBIT B

From: [Smith, Alexis Adian](#)
To: [Sandford, Brett \(Bay Area\)](#); [RJREDVA](#); cmolster@molsterlaw.com
Cc: [#C-M PMIEDVA - LW TEAM](#); Elizabeth.Weiswasser@weil.com; sutton.ansley@weil.com; anish.desai@weil.com; adrian.percer@weil.com; robert.vlasis@weil.com; Stephanie.Adamakos@weil.com
Subject: RE: RAI Strategic Holdings, Inc. v. Altria Client Services LLC - Draft Stipulation
Date: Wednesday, April 13, 2022 5:22:06 PM
Attachments: [Altria2_MDNC0000032876_Joseph_Hamilton_Declaration.pdf](#)

Brett,

We cannot agree to your requested stipulation regarding Fontem's produced documents. Nor can we agree to your untimely request to reopen discovery to depose Fontem in an attempt to authenticate and to establish admissibility of irrelevant and inadmissible documents. As you know, Altria had the opportunity to depose Fontem already in the MDNC action, where Altria served subpoenas on three different Fontem entities for both documents and corporate depositions. Altria opted not to pursue those depositions, and instead produced the attached declaration from Fontem's outside counsel. PM/Altria can make use of that same declaration here. We trust this resolves the issue.

With respect to your planned objection to Magistrate Judge Buchanan's April 1st ruling, please explain the basis for your objection.

Regards,
Lexi

Alexis Smith (Lexi) ([bio](#))
Partner
[JONES DAY® - One Firm WorldwideSM](#)
[555 South Flower Street, Fiftieth Floor](#)
[Los Angeles, CA 90071](#)
Office +1.213.243.2653
asmith@jonesday.com

From: Brett.Sandford@lw.com <Brett.Sandford@lw.com>
Sent: Monday, April 11, 2022 2:02 PM
To: Smith, Alexis Adian <asmith@jonesday.com>; RJREDVA <RJREDVA@jonesday.com>; cmolster@molsterlaw.com
Cc: pmiedva.lwteam@lw.com; Elizabeth.Weiswasser@weil.com; sutton.ansley@weil.com; anish.desai@weil.com; adrian.percer@weil.com; robert.vlasis@weil.com; Stephanie.Adamakos@weil.com
Subject: RAI Strategic Holdings, Inc. v. Altria Client Services LLC - Draft Stipulation

**** External mail ****

Lexi,

As you will recall, the parties previously entered into a stipulation regarding the authenticity and

admissibility under Rule 803(6) of certain documents produced by third parties in this case. See Dkt. 541. Certain documents recently produced by third-party Fontem in this case should be subject to the same stipulation. Attached is a draft stipulation identifying those documents (see Appendix A to the attached word document) for your review. Please let us know if Reynolds agrees to the attached stipulation by 5 pm ET on Wednesday. If we do not hear from you by then, we will understand that Reynolds will not agree to the stipulation and we intend to seek the Court's assistance in obtaining a deposition to establish the authenticity and 803(6) admissibility of the identified documents.

Separately, we intend to file an objection to Magistrate Judge Buchannan's order on PMI/Altria's motion to show cause. We assume that Reynolds opposes, but please let us know if that is not the case. We can be available to discuss later this week, if necessary.

Regards,

Brett M. Sandford

LATHAM & WATKINS LLP

505 Montgomery Street | Suite 2000 | San Francisco, CA 94111-6538
D: +1.415.395.8150

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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

RAI STRATEGIC HOLDINGS, INC. and
R.J. REYNOLDS VAPOR COMPANY,

Plaintiffs and Counterclaim
Defendants,

v.

ALTRIA CLIENT SERVICES LLC; PHILIP
MORRIS USA INC.; and PHILIP MORRIS
PRODUCTS S.A.

Defendants and Counterclaim
Plaintiffs.

Civil Action No. 1:20-cv-393-LO-TCB

**JOINT STIPULATION REGARDING AUTHENTICATION OF DOCUMENTS
PRODUCED BY THIRD-PARTY FONTEM**

Plaintiffs Altria Client Services LLC, Philip Morris USA Inc., and Philip Morris Products S.A. (collectively, “Plaintiffs”) and Defendants RAI Strategic Holdings, Inc. and R.J. Reynolds Vapor Company (collectively “Reynolds”) (altogether “the Parties”) in an effort to simplify the upcoming trial with respect to certain documents produced by third parties in the above captioned-litigation, hereby submit their Stipulation Regarding Authentication of Documents Produced By Third-Party Fontem as follows:

IT IS STIPULATED AND AGREED by the Parties:

1. For purposes of this action only, the following documents listed in Appendix A attached hereto (hereinafter, “Third Party Documents”), which were produced by third party Fontem in this action, are authentic and non-hearsay if offered by Plaintiffs at trial. The Third

Party Documents require no additional or other foundational evidence or testimony in order to be admissible at trial.

2. The Parties agree that the Third Party Documents are authentic pursuant to Federal Rule of Evidence 901.

3. The Parties agree that the Third Party Documents are business records pursuant to Federal Rule of Evidence 803(6), and that they meet all of the requirements for admission as business records under Federal Rule of Evidence 803(6).

4. This stipulation does not serve as a waiver of any other objections a party may have with respect to third-party discovery or trial exhibits.

Dated: April XX, 2022

Respectfully submitted,

/s/
David M. Maiorana (VA Bar No. 42334)
Ryan B. McCrum
JONES DAY
901 Lakeside Avenue
zzmpShiftReturnCleveland, OH
44114zzmpShiftReturnTelephone: (216)
586-3939
Facsimile: (216) 579-0212
Email: dmaiorana@jonesday.com
Email: rbmccrum@jonesday.com

John J. Normile
JONES DAYzzmpShiftReturn250 Vesey
StreetzzmpShiftReturnNew York, NY
10281zzmpShiftReturnTel: (212) 326-3939
Fax: (212) 755-7306
Email: jjnormile@jonesday.com

Alexis A. Smith
JONES DAY
555 South Flower Street
Fiftieth Floor

By: /s/
Maximilian A. Grant (VSB No. 91792)
(max.grant@lw.com)
Matthew J. Moore (*pro hac vice*)
matthew.moore@lw.com
LATHAM & WATKINS LLP
555 Eleventh Street, N.W., Suite 1000
Washington, DC 20004
Telephone: (202) 637-2200
Facsimile: (202) 637-2201

Clement J. Naples (*pro hac vice*)
clement.naples@lw.com
LATHAM & WATKINS LLP
885 Third Avenue
New York, NY 10022-4834
Tel: (212) 906-1200; Fax: (212) 751-4864

Gregory J. Sobolski (*pro hac vice*)
greg.sobolski@lw.com
LATHAM & WATKINS LLP
505 Montgomery Street, Suite 2000
San Francisco, CA 94111

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