

EXHIBIT 1

**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.

Case No. 1:20-cv-00393-LO-TCB

JOINT PROPOSED PRELIMINARY JURY INSTRUCTIONS

Plaintiffs Altria Client Services LLC (“Altria”), Philip Morris USA Inc. (“PM USA”), and Philip Morris Products S.A. (“PMP”) (collectively, “PMI/Altria”) and Defendants RAI Strategic Holdings, Inc. and R.J. Reynolds Vapor Company (collectively, “Reynolds”) respectfully submit the following proposed preliminary jury instructions. For each disputed instruction, the parties have included (i) one proposed instruction with a notation of the parties’ point(s) of disagreement for that instruction, or (ii) the parties’ competing proposed instructions. The language proposed by PMI/Altria is underlined, and the language proposed by Reynolds is *italicized*.

The parties reserve the right to amend, supplement, and/or modify these proposed preliminary jury instructions as the case proceeds, including in light of the Court’s orders on pending and future motions and as the case proceeds through trial. The parties do not concede, by submitting the proposed instructions, that the adverse party has met its evidentiary burdens, if any, with respect to any issue to which the proposed instructions pertain.

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PROPOSED PRELIMINARY JURY INSTRUCTIONS

1. Opening Instructions – AGREED

Members of the jury:

We are about to begin the trial of the case you heard about during the jury selection. Before the trial begins, I am going to give you instructions that will help you to understand what will be presented to you and how you should conduct yourself during the trial.

During the trial you will hear me use a few terms that you may not have heard before. Let me briefly explain some of the most common to you. The party who sues is called the plaintiff. In this action, there are three plaintiffs: (1) Altria Client Services LLC, which may be referred to as “ACS” or “Altria,” (2) Philip Morris USA Inc., which is usually referred to as “PM USA,” and (3) Philip Morris Products S.A., which is usually referred to as “PMP.” The party being sued is called the defendant. In this action, the Defendant is R.J. Reynolds Vapor Company, which is usually referred to as “RJR” or “Reynolds”

You will sometimes hear me refer to “counsel.” “Counsel” is another way of saying “lawyer” or “attorney.” I will sometimes refer to myself as the “Court.”

Authorities:

TecSec, Inc. v. Adobe Inc., No. 10-cv-115, Dkt. 1322 at 3 (E.D. Va. Dec. 9, 2018) (modified to fit the facts of the case); O’Malley, *Federal Jury Practice and Instructions* (6th ed. 2006) § 101.01.

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