

**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

**REYNOLDS'S STIPULATION OF AUTHENTICITY  
AND RESPONSE REGARDING THE MAY 20, 2022 HEARING**

Responding to the Court's request that Reynolds confirm whether it has any objection to the authenticity of PM/Altria's identified Fontem documents, Reynolds stipulates that the Fontem-Reynolds negotiation documents produced by Fontem, bearing Bates numbers FON55\_0000201, FON55\_0000202-319, FON55\_0000392-393, FON55\_0000394-427, FON55\_0000428-462 are:

1. authentic and non-hearsay if offered at trial;
2. authentic pursuant to Federal Rule of Evidence 901; and
3. business records pursuant to Federal Rule of Evidence 803(6).

Reynolds's counsel Jones Day understands and takes very seriously the concerns expressed by the Court regarding the propriety of the arguments made by Jones Day in support of the *Daubert* motion directed to Mr. Meyer. We sincerely regret any misunderstanding regarding our statements

at the *Daubert* hearing regarding the evidentiary basis for Mr. Meyer's opinions as to the rates paid by third-party Fontem-licensees. We filed the *Daubert* Motion because we believed that we had a good-faith basis for challenging Mr. Meyer's opinion regarding the third-party agreements, and believed that the Fontem-produced negotiation documents do not make up for the deficiencies in his analysis. In no way and at no time were we trying to mislead the Court on the facts or the issue. We understand and accept that the Court believes that the better course would have been to disclose those Fontem-produced negotiation documents to PM/Altria's lawyers in this case so that our *Daubert* arguments could have been presented and evaluated in light of this additional information. We want to be clear that we take very seriously our obligations regarding our duties of candor to the tribunal, and we sincerely apologize to the Court for any appearance that we failed to meet our obligations in discovery or thereafter.

Dated: May 22, 2022

Respectfully submitted,

Stephanie E. Parker  
JONES DAY  
1221 Peachtree Street, N.E.  
Suite 400  
Atlanta, GA 30361  
Telephone: (404) 521-3939  
Facsimile: (404) 581-8330  
Email: separker@jonesday.com

Anthony M. Insogna  
JONES DAY  
4655 Executive Drive  
Suite 1500  
San Diego, CA 92121  
Telephone: (858) 314-1200  
Facsimile: (844) 345-3178  
Email: aminsogna@jonesday.com

William E. Devitt  
JONES DAY  
110 North Wacker Drive  
Suite 4800  
Chicago, IL 60606  
Telephone: (312) 269-4240  
Facsimile: (312) 782-8585  
Email: wdevitt@jonesday.com

Sanjiv P. Laud  
JONES DAY  
90 South Seventh Street  
Suite 4950  
Minneapolis, MN 55402  
Telephone: (612) 217-8800  
Facsimile: (844) 345-3178  
Email: slaud@jonesday.com

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

John J. Normile  
JONES DAY  
250 Vesey Street  
New York, NY 10281  
Telephone: (212) 326-3939  
Facsimile: (212) 755-7306  
Email: jjnormile@jonesday.com

Alexis A. Smith  
JONES DAY  
555 South Flower Street  
Fiftieth Floor  
Los Angeles, CA 90071  
Telephone: (213) 243-2653  
Facsimile: (213) 243-2539  
Email: asmith@jonesday.com

Charles B. Molster  
THE LAW OFFICES OF  
CHARLES B. MOLSTER, III PLLC  
2141 Wisconsin Avenue, N.W. Suite M  
Washington, DC 20007  
Telephone: (202) 787-1312  
Email: cmolster@molsterlaw.com

*Counsel for RAI Strategic Holdings, Inc. and  
R.J. Reynolds Vapor Company*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 22nd day of May, 2022, a true and correct copy of the foregoing was served using the Court's CM/ECF system, with electronic notification of such filing to all counsel of record.

*/s/ David M. Maiorana*

David M. Maiorana (VA Bar No. 42334)

JONES DAY

901 Lakeside Ave.

Cleveland, OH 44114

Telephone: (216) 586-3939

Facsimile: (216) 579-0212

Email: dmaiorana@jonesday.com

*Counsel for RAI Strategic Holdings, Inc. and  
R.J. Reynolds Vapor Company*