
From: Michalik, John M.
Sent: Monday, May 2, 2022 5:44 PM
To: Brett.Sandford@lw.com; pmiedva.lwteam@lw.com; rvanarnam@williamsmullen.com; cbrannon@williamsmullen.com; Altria.RJRV@weil.com
Cc: RJREDVA; cmolster@molsterlaw.com
Subject: RE: 1:20-cv-00393-LO-TCB (Reynolds Rule 26 supplementation)

Brett - -

Reynolds expects to produce the documents mentioned in my April 28 email by this Friday, May 6. We also can agree to a mutual exchange of amended exhibit lists. We propose exchanging at 5 ET on May 13.

With respect to Dr. Figlar, he spoke with Aaron Williams and Elaine Round about the VUSE Solo clearance as well as the status of FDA's review of Reynolds's other pending PMTAs. Dr. Figlar also spoke with Jorge Araya to discuss marketing of VUSE products and with Richard Baker regarding financial information related to the VUSE products. Finally, Dr. Figlar spoke with Patrick Doyle and Barry Bratcher to get an update on a vaccine project with which he was involved in the research and development. The Rule 30(b)(6) topic relevant to the trial and to which his conversations related was Topic 22. Dr. Figlar's discussions were also generally relevant to PMP's injunction-related topics, but we understand that neither side will be offering purely injunction-related evidence at trial.

John M. Michalik
Partner
[JONES DAY® - One Firm WorldwideSM](#)
110 North Wacker Drive
Suite 4800
Chicago, Illinois 60606
Office +1.312.269.4215
Mobile +1.312.315.5926
jmichalik@jonesday.com

***Please note our new address effective April 25, 2022**

From: Brett.Sandford@lw.com <Brett.Sandford@lw.com>
Sent: Friday, April 29, 2022 4:12 PM
To: Michalik, John M. <jmichalik@JonesDay.com>; pmiedva.lwteam@lw.com; Elizabeth.Weiswasser@weil.com; david.lender@weil.com; anish.desai@weil.com; adrian.percer@weil.com; robert.vlasis@weil.com; rvanarnam@williamsmullen.com; cbrannon@williamsmullen.com; Matthew.Sieger@weil.com; Altria.RJRV@weil.com
Cc: RJREDVA <RJREDVA@jonesday.com>; cmolster@molsterlaw.com
Subject: RE: 1:20-cv-00393-LO-TCB (Reynolds Rule 26 supplementation)

**** External mail ****

John,

Please confirm that Reynolds will produce the documents referenced in your email below by Monday. PMI/Altria also intends to serve an amended exhibit list. We propose that the parties mutually exchange amended exhibit lists at 5 pm ET on June 6th. Please let us know if you agree.

Separately, with respect to Dr. Figlar, please (i) identify the specific Rule 30(b)(6) topics that you are referencing below, (ii) identify the Reynolds' employees that he spoke with, and (iii) provide a detailed description of the subject matter of those conversations. Once you have provided this information and produced all documents, we will be able to assess whether to take Dr. Figlar's deposition. We reserve all rights.

Regards,

Brett M. Sandford

LATHAM & WATKINS LLP

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

From: Michalik, John M. <jmichalik@JonesDay.com>

Sent: Thursday, April 28, 2022 5:40 PM

To: #C-M PMIEDVA - LW TEAM <pmiedva.lwteam@lw.com>; Elizabeth.Weiswasser@weil.com; david.lender@weil.com; anish.desai@weil.com; adrian.percer@weil.com; robert.vlasis@weil.com; rvanarnam@williamsmullen.com; cbrannon@williamsmullen.com; Matthew.Sieger@weil.com

Cc: RJREDVA <RJREDVA@jonesday.com>; cmolster@molsterlaw.com

Subject: 1:20-cv-00393-LO-TCB (Reynolds Rule 26 supplementation)

Counsel - -

Pursuant to Rule 26(e), we intend to produce documents that have become available since the close of fact discovery in April 2021, for example updated PMTA materials, that are responsive to PM/Altria's RFPs. We also will serve an amended exhibit list. In addition, Dr. Figlar recently spoke with several individuals at Reynolds to get updated information from the company, including on Rule 30(b)(6) topics for which he was Reynolds's corporate designee. While his conversations have not substantively changed his prior testimony on behalf of the company, we will make him available for a limited deposition prior to trial if you want to ask him about those conversations.

John M. Michalik

Partner

[JONES DAY® - One Firm WorldwideSM](http://www.jonesday.com)

110 North Wacker Drive

Suite 4800

Chicago, Illinois 60606

Office +1.312.269.4215

Mobile +1.312.315.5926

jmichalik@jonesday.com

***Please note our new address effective April 25, 2022**

This e-mail (including any attachments) may contain information that is private, confidential, or protected by attorney-client or other privilege. If you received this e-mail in error, please delete it from your system without copying it and notify sender by reply e-mail, so that our records can be corrected.

This email may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient. Any review, disclosure, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies including any attachments.

Latham & Watkins LLP or any of its affiliates may monitor electronic communications sent or received by our networks in order to protect our business and verify compliance with our policies and relevant legal requirements. Any personal information contained or referred to within this electronic communication will be processed in accordance with the firm's privacy notices and Global Privacy Standards available at www.lw.com.