

# Exhibit 22

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

- - - - -x  
 RAI STRATEGIC HOLDINGS, INC. : Case No.  
 and R.J. REYNOLDS VAPOR : 1:20-cv-00393-LO-TCB  
 COMPANY, :  
 Plaintiffs and :  
 Counterclaim Defendants, :  
 v. :  
 ALTRIA CLIENT SERVICES LLC; :  
 PHILIP MORRIS USA INC.; and :  
 PHILIP MORRIS PRODUCTS S.A., :  
 Defendants and :  
 Counterclaim Plaintiffs. :  
 - - - - -x

CONFIDENTIAL BUSINESS INFORMATION  
SUBJECT TO PROTECTIVE ORDER

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

By and through its Corporate Representative  
NICHOLAS RAY GILLEY

And in his Individual Capacity

Conducted Virtually

Thursday, December 3, 2020

7:07 a.m. PST

Job No.: 337459

Pages: 1 - 283

Reported By: Rhonda Norberg, CSR No. 9265, CCRR No. 185

CONFIDENTIAL BUSINESS INFORMATION

Transcript of Nicholas Ray Gilley, Corporate Designee & Individually

Conducted on December 3, 2020

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1	and therefore would be a direct or primary	10:57:42
2	competitor of R.J. Reynolds Tobacco Company.	10:57:44
3	BY MR. SANDFORD:	10:57:50
4	Q And that is true from 2013 to the present,	10:57:50
5	correct, sir?	10:57:53
6	MR. VITT: Beyond the scope.	10:57:56
7	THE WITNESS: Yes, that would be true from	10:57:58
8	2013 to the present time.	10:58:02
9	MR. SANDFORD: Okay. Let's switch to then	10:58:04
10	and talk a little bit about the United States vapor	10:58:08
11	market. All right?	10:58:10
12	Q You've been working specifically with the	10:58:11
13	Vuse product line since, I think you said, October	10:58:13
14	2016; is that right?	10:58:16
15	A Yes, that's when I first started working on	10:58:17
16	the -- in the categories, correct.	10:58:23
17	Q Were you familiar with the vapor market	10:58:26
18	from your time at Reynolds from 2013 when the Vuse	10:58:29
19	Solo was first released?	10:58:35
20	A I was aware of the Vuse product line when	10:58:39
21	it launched in 2013.	10:58:42
22	Q Is it fair to say that the -- the vapor	10:58:43
23	market in the United States has changed pretty	10:58:47
24	significantly from 2013 to the present?	10:58:49
25	A I would say it's evolved quite a bit from	10:58:51

PLANET DEPOS

CONFIDENTIAL BUSINESS INFORMATION

Transcript of Nicholas Ray Gilley, Corporate Designee & Individually

Conducted on December 3, 2020

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1	2013 to the present.	10:59:00
2	Q How has it evolved quite a bit, in your --	10:59:00
3	in your -- based on your understanding?	10:59:03
4	Let me -- let me ask a better question. I	10:59:08
5	apologize.	10:59:10
6	How has the United States e-vapor market	10:59:12
7	changed or evolved quite a bit from 2013 to 2020?	10:59:16
8	A The product as well as the consumer trends	10:59:20
9	as well as the regulatory environment have all	10:59:32
10	changed from 2013 to the present time.	10:59:34
11	Q In the 2012/2013 time frame, the -- several	10:59:38
12	traditional suppliers of combustible cigarettes	10:59:51
13	began entering the e-vapor market in the	10:59:54
14	United States, right?	10:59:59
15	A I believe it was about that time frame,	11:00:00
16	correct.	11:00:06
17	Q And that includes Reynolds, right?	11:00:06
18	A Yes, that includes Reynolds.	11:00:08
19	Q And that also includes NuMark LLC, which is	11:00:14
20	an Altria subsidiary, correct?	11:00:19
21	A Yes, I believe NuMark also entered in	11:00:22
22	somewhere in that time frame.	11:00:26
23	Q Is it fair to say that the -- you mentioned	11:00:28
24	product as well as consumer trends and the	11:00:37
25	regulatory environment have all changed from 2013 to	11:00:39

PLANET DEPOS

CONFIDENTIAL BUSINESS INFORMATION

Transcript of Nicholas Ray Gilley, Corporate Designee & Individually

Conducted on December 3, 2020

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1 the present. 11:00:42

2 What did you mean that -- when you said 11:00:44

3 product has changed from 2013 to the present time in 11:00:46

4 the U.S. e-vapor market? 11:00:49

5 A In general terms, products, based on my 11:00:57

6 understanding, in the early days were sourced from 11:01:03

7 China, low-quality disposables primarily. They have 11:01:09

8 evolved to closed systems as well as open systems 11:01:13

9 that can be refilled with various flavors that have 11:01:16

10 been introduced. 11:01:23

11 And then in August of 2016, the FDA gained 11:01:25

12 regulation over the category; and therefore, the 11:01:30

13 category has had to adjust and adapt based on those 11:01:33

14 regula- -- the new regulatory environment. 11:01:37

15 Q And the technology relating to e-vapor 11:01:45

16 products in the U.S. market has advanced 11:01:49

17 significantly since 2013, correct? 11:01:52

18 MR. VITT: Beyond the scope. 11:01:53

19 THE WITNESS: It's my understanding that 11:01:55

20 technology has continued to change. 11:01:57

21 BY MR. SANDFORD: 11:01:57

22 Q My question was the technology related to 11:02:04

23 e-vapor products in the United States market has 11:02:06

24 advanced significantly since 2013, right? 11:02:08

25 MR. VITT: Beyond the scope. 11:02:13

PLANET DEPOS

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