

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

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

Plaintiff,

v.

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

Defendants.

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

STIPULATION OF DISMISSAL

Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, RAI Strategic Holdings, Inc. and R.J. Reynolds Vapor Company (collectively, “Plaintiffs”) and Defendants Altria Client Services LLC (“ACS”), Philip Morris USA, Inc. (“PM USA”), and Philip Morris Products S.A. (“PMPSA”) stipulate that Defendants Altria Group, Inc. (“AGI”) and Philip Morris International Inc. (“PMII”) should be dismissed from this case without prejudice.

WHEREAS, Plaintiffs served the Summons and Complaint on Defendants AGI and PMII on or about April 13, 2020.

WHEREAS, those Defendants’ responses to the Complaint are due on May 4, 2020.

WHEREAS, Defendants AGI and PMII represent that they are each holding companies that have not engaged in the manufacture, use, sale, offer for sale or importation of any accused products.

WHEREAS, Defendants ACS, PM USA, and PMPSA agree that they will not use the absence of AGI and/or PMII from the case as a basis to resist discovery, and that they will not make any substantive argument during the case that is based, in whole or in part, on the absence of AGI and/or PMII from the case.

WHEREAS, in view of the foregoing, Plaintiffs consent to the dismissal of AGI and PMII from this action, without prejudice.

NOW, THEREFORE, Plaintiffs, PMII and AGI hereby stipulate and agree as follows:

1. All claims in this action against PMII and AGI are hereby dismissed without prejudice pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure.

2. PMII and AGI submit and consent to the jurisdiction of this Court solely for the purposes of enforcing this stipulation, and to adjudicate or resolve any disputes regarding its terms, interpretation, application, or requirements. Plaintiffs, ACS, PM USA, and PMPSA submit and consent to the jurisdiction of this Court for the purposes of enforcing this stipulation, and to adjudicate or resolve any disputes regarding its terms, interpretation, application, or requirements.

SO ORDERED this _____ day of _____, 2020.

THERESA CARROLL BUCHANAN
UNITED STATES MAGISTRATE JUDGE

Dated: May 1, 2020

Respectfully submitted,

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

*Counsel for Defendants Altria Client Services
LLC, Altria Group, Inc., Philip Morris USA,
Inc., Philip Morris International Inc., and
Philip Morris Products S.A.*

By: /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

Stephanie E. Parker
JONES DAY
1420 Peachtree Street, N.E.
Suite 800
Atlanta, GA 30309
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

John J. Normile
JONES DAY

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

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

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of May, 2020, 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/ Maximilian A. Grant

Maximilian A. Grant (VSB No. 91792)

LATHAM & WATKINS LLP

555 Eleventh Street, N.W., Suite 1000

Washington, DC 20004

Telephone: (202) 637-2200

Facsimile: (202) 637-2201

Email: max.grant@lw.com

Counsel for Defendants Altria Client Services LLC, Altria Group, Inc., Philip Morris USA, Inc., Philip Morris International Inc., and Philip Morris Products S.A.