

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

<b>RAI STRATEGIC HOLDINGS, INC.,</b>	)	
	)	
<b>et al.,</b>	)	Civil Action
	)	No. 1:20-cv-00393-LO-TCB
<b>Plaintiffs,</b>	)	
	)	December 4, 2020
<b>v.</b>	)	11:06 a.m.
	)	
<b>ALTRIA CLIENT SERVICES, LLC,</b>	)	
	)	
<b>et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**TRANSCRIPT OF MOTION HEARING PROCEEDINGS  
(VIA ZOOM CONFERENCE)  
BEFORE THE HONORABLE THERESA C. BUCHANAN,  
UNITED STATES DISTRICT COURT MAGISTRATE JUDGE**

APPEARANCES:

For the Plaintiffs:	<b>Charles Bennett Molster, III, Esq.</b> The Law Offices of Charles B. Molster III, PLLC 2141 Wisconsin Ave NW, Suite M Washington, DC 20007 703-346-1505 Email: Cmolster@molsterlaw.com
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**Jason Burnette, Esq.**  
Jones Day  
1420 Peachtree Street, N.E.,  
Suite 800  
Atlanta, Georgia 30309-3053  
1-404-521-3939  
Jburnette@jonesday.com

**Sanjiv Prakash Laud, Esq.**  
Jones Day  
90 South Seventh Street,  
Suite 4950,  
Minneapolis, MN, 55402  
612-217-8800  
Email: Slaud@jonesday.com

APPEARANCES: Cont.

For the Defendants:

**Maximilian Antony Grant, Esq.**

Latham & Watkins LLP (DC)  
555 11th St NW, Suite 1000  
Washington, DC 20004-1304  
202-637-2200  
Email: Max.grant@lw.com

**Lawrence Jay Gotts, Esq.**

Latham & Watkins LLP (DC)  
555 11th St NW  
Suite 1000  
Washington, DC 20004-1304  
(202) 637-2200  
Fax: (202) 637-2201  
Email: Lawrence.gotts@lw.com

Court Reporter:

**Scott L. Wallace, RDR, RMR, CRR**

Official Court Reporter  
United States District Court  
401 Courthouse Square  
Alexandria, VA 2231-5798  
703.549.4626  
scottwallace.edva@gmail.com

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1 FRIDAY MORNING SESSION, DECEMBER 4, 2020

2 (11:06 a.m.)

3 THE COURTROOM CLERK: *RAI Strategic Holdings, Inc., et*  
4 *al., versus Altria Client Services, LLC, et al., 20-cv-393.*

5 Counsel, please note your appearances for the record.

6 MR. MOLSTER: Good morning, Your Honor. Charles Molster  
7 on behalf of the plaintiffs, and with me are a number of Jones  
8 Day lawyers. If you would like them to all enter their  
9 appearances, I'm sure they would be happy to. They include Jason  
10 Burnette from the Atlanta office, who is *pro hoc vice*. He will  
11 address defendant's motion to stay, with the Court's permission;  
12 and Sanjiv Laud, who is from Jones Day, the Minneapolis office,  
13 and, with the Court's permission, he will address Reynolds's  
14 motion to compel and motion to strike.

15 MR. GRANT: Your Honor, Max Grant on behalf of the  
16 defendants, and arguing with me or sharing the load today will be  
17 Larry Gotts.

18 THE COURT: All right. Mr. Grant, are you actually at a  
19 podium? Like, are you recording this?

20 MR. GRANT: Yes, Your Honor, we are. The way we do these  
21 remote hearings and remote trials is we actually have a sound  
22 stage set up so that it has the feel and look of a courtroom.

23 MR. MOLSTER: I've got to get one of those.

24 THE COURT: Better than where I am right now.

25 MR. GRANT: Well, candidly, Your Honor, I was going to say

1 you look like you're on a movie set. That looks exactly like  
2 what I would expect a judge's background to look.

3 THE COURT: I managed to get the picture of the Supreme  
4 Court Reporters behind me. When I tried to do the one with the  
5 seal that some of the other judges have done, that was the limit  
6 of my technological capabilities, and I just gave up and went  
7 with the Supreme Court Reporters.

8 MR. GRANT: If you can believe it, Your Honor, we actually  
9 have two of these sound stages, and the other one is being used  
10 for a virtual trial that's ongoing.

11 THE COURT: That's great. All right. So, I have all of  
12 the motions. I read all of the replies. And before I get  
13 started, one thing I just wanted to bring up was it appears that  
14 we did not receive -- and I'm not going to yell at you right now  
15 because I think we're having Clerk's Office issues as well, but  
16 we checked everywhere, checked Judge O'Grady's chambers, and it  
17 appears that Reynolds did not give us courtesy copies this week  
18 of any of their pleadings.

19 MR. LAUD: Well, that's a --

20 MR. MOLSTER: Your Honor, I think I checked on that, and I  
21 think I was told that they were all delivered, Your Honor. So,  
22 if that's the case, we profusely apologize, but we're obviously  
23 aware of the rule, and we thought we complied.

24 THE COURT: If you could make sure. Mr. Molster, if you  
25 don't mind just checking on it, I would love to know if they were

1 dropped in the drop box outside of the Clerk's Office and if they  
2 had my name on them or if they had Judge O'Grady's name on them,  
3 because we've checked everywhere. And if it was the Clerk's  
4 Office's fault, I want to make sure that I follow through with  
5 them and don't let them off the hook on this.

6 MR. MOLSTER: Very good, Your Honor. We'll do so. And my  
7 apologies. If it was our mistake, which I don't know, but it's  
8 my understanding that it's not. But if it was, we profusely  
9 apologize.

10 THE COURT: We just want to make sure in the future that  
11 you do it, but, in this instance, please let me know where they  
12 were delivered because I want to make sure that whoever is  
13 handling these --

14 MR. MOLSTER: With the Court's permission, may I send  
15 Erica an e-mail on that?

16 THE COURT: That's totally fine.

17 MR. MOLSTER: Thank you, Your Honor.

18 THE COURT: Okay. So, sa I said, I read everything. I  
19 even read the replies that came in yesterday, and I don't feel  
20 like I need much oral argument. Is there anything that you all  
21 want to add? I was going to address the motion to stay first  
22 because, frankly, that would moot everything else.

23 Is there anything that you all need to add to that? Okay.  
24 Hearing nothing --

25 MR. GRANT: Your Honor -- Look, Your Honor, if you're

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