

**IN THE 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.

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

JOINT MOTION TO MODIFY SCHEDULING ORDER

Pursuant Federal Rule of Civil Procedure 16 and Local Rule 7, Plaintiffs RAI Strategic Holdings, Inc. and R.J. Reynolds Vapor Company (“Reynolds”) and Defendants Altria Client Services LLC, Philip Morris USA Inc., and Philip Morris Products S.A. (“PMP”) (“Counterclaim Plaintiffs”) (together, the “Parties”) hereby submit this Joint Motion to Modify Scheduling Order (Dkt. No. 99).

The parties conferred on March 30, 2021 and agreed to jointly request a modification of the Scheduling Order, which provides for certain additional deadlines related to expert disclosures.

Good cause exists to grant this motion. *See* FED. R. CIV. P. 16(b)(4) (“A schedule may be modified only for good cause and with the judge’s consent.”). The requested modifications to the Scheduling Order change certain deadlines that relate to necessary pre-trial disclosures and dispositive motions. The modified and additional deadlines will provide the parties with time to complete expert discovery, dispositive motions, and pre-trial filings before trial in this case. Accordingly, the prompt resolution of this case will not be affected. Additionally, the Parties agree that the requested additional deadlines are appropriate and consistent with the practice in this District.

The Parties request that the Court treat the currently scheduled pretrial conference on April 16, 2021 as a status conference to discuss pretrial preparations and scheduling.

The Parties request that the Court set the additional Scheduling Order deadlines as follows:

Description	Current Deadline	Proposed Modified Deadline
<ul style="list-style-type: none"> • Last day for fact depositions¹ 	April 12, 2021	April 19, 2021

¹ The Parties agree that the depositions of third-party Panasonic and Messr. Rinker, as well as party depositions of Swiss Counterclaim Plaintiff PMP, can be taken out of time, as necessary and with the Court’s permission. The parties currently have four PMP party depositions scheduled to occur

Description	Current Deadline	Proposed Modified Deadline
<ul style="list-style-type: none"> • Experts identify citations to fact testimony to support already-disclosed opinions 	N/A	April 26, 2021
<ul style="list-style-type: none"> • Expert depositions 	By April 12, 2021	April 28 to May 12, 2021
<ul style="list-style-type: none"> • Party with the burden serves proposed uncontested facts 	N/A	May 14, 2021 (by 5:00 PM ET)
<ul style="list-style-type: none"> • Party without the burden serves revised uncontested facts 	N/A	May 19, 2021 (by 5:00 PM ET)
<ul style="list-style-type: none"> • Parties meet and confer on proposed uncontested facts 	N/A	May 20, 2021
<ul style="list-style-type: none"> • Deposition designations • Witness lists • Exhibit Lists • Statement of uncontested facts • Dispositive motions 	April 16, 2021	May 21, 2021
<ul style="list-style-type: none"> • Counter deposition designations • Objections to witness lists • Oppositions to dispositive motions 	April 30, 2021	June 4, 2021
<ul style="list-style-type: none"> • Objections to exhibits • Objections to deposition designations 	April 26 and 30, 2021	June 25, 2021
<ul style="list-style-type: none"> • Final pretrial conference 	April 16, 2021	TBD

before April 19, 2021 and may not need to take any party depositions out of time. The parties also agree that Panasonic may produce documents responsive to Reynolds's subpoena out of time.

For good cause shown, the Parties respectfully request that the Court modify the Scheduling Order to include the foregoing additional deadlines. A proposed order is submitted herewith. The Parties agree to waive oral argument on this motion.

Dated: March 30, 2021

Respectfully submitted,

s/ David M. Maiorana

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