

**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

COUNTERCLAIM PLAINTIFFS' MOTION TO COMPEL

Pursuant to Rule 37(a) of the Federal Rules of Civil Procedure, and Local Rules 7 and 37, and the Court's Scheduling Order (Dkt. 99), Counterclaim Plaintiffs Altria Client Services, LLC ("ACS"), Philip Morris USA Inc. ("PM USA"), and Philip Morris Products S.A. ("PMP") (collectively, "PMP/Altria"), by counsel, hereby move to compel RAI Strategic Holdings, Inc. and R.J. Reynolds Vapor Co. ("Counterclaim Defendants") to provide (i) a date for the deposition of Dr. James Figlar in his personal capacity; (ii) dates for PMP/Altria's 30(b)(6) Topics 22 and 79-96; and (iii) an alternate date for the deposition of its expert, Mr. Kelly Kodama, as requested in PMP/Altria's Memorandum in Support of this Motion.

Pursuant to Local Rules 7(E), 7(J), and 37(E), the undersigned counsel hereby certifies that counsel for the parties conferred telephonically on May 13, 2021, in an effort to resolve the issues raised in this Motion, but were unable to do so. In support of this Motion, PMP/Altria refers the Court to the accompanying Memorandum in Support, which is hereby incorporated by reference as if fully set forth herein. A proposed order for the Court's consideration accompanies this Motion.

Dated: May 14, 2021

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Respectfully submitted,

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Services LLC, and Philip Morris USA, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of May, 2021, 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

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