

# EXHIBIT 5

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

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

Plaintiff 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

**DEFENDANTS' THIRD NOTICE OF DEPOSITION OF PLAINTIFFS RAI  
STRATEGIC HOLDINGS, INC. AND R.J. REYNOLDS VAPOR COMPANY  
PURSUANT TO FED. R. CIV. P. 30(b)(6)**

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that pursuant to Federal Rule of Civil Procedure 30(b)(6), Altria Client Services LLC, Philip Morris USA, Inc., and Philip Morris Products S.A. (collectively, "Defendants or "Counterclaim Plaintiffs"), by and through their attorneys, will take the deposition upon oral examination of RAI Strategic Holdings, Inc. and R.J. Reynolds Vapor Company (together, "Plaintiffs" or "Counterclaim Defendants").

The deposition will begin on April 2, 2021, at 9:00 a.m., at the offices of Latham & Watkins LLP, 555 Eleventh Street, N.W., Suite 1000, Washington, DC 20004 or at another mutually agreeable time and place (including by remote video conference, if required), and will continue from day to day thereafter until completed. The deposition shall be for all allowable purposes under the Federal Rules of Civil Procedure. The deposition will be recorded by a certified court

reporter and may be videotaped. Defendants reserve the right to supplement and/or amend this Notice, as necessary.

Pursuant to Federal Rule of Civil Procedure 30(b)(6), Plaintiffs are required to designate one or more officers, directors, managing agents, or other persons who consent to testify on its behalf about each numbered category set forth in Exhibit A, and identify in writing at least five (5) business days in advance of the deposition the name(s) and title(s) of the person(s) who will testify on their behalf and the subject matter on which such person will testify.

Dated: March 12, 2021

By: /s/ Maximilian A. Grant

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S.A.*

**ATTACHMENT A**

**DEFINITIONS & INSTRUCTIONS**

The Definitions and Instructions in Defendants' First Set of Requests for the Production of Documents, served on August 11, 2020, are incorporated herein by reference. Additional instructions are set forth below.

1. Your designee(s) shall be prepared to testify fully on the following topics, after conducting a diligent and thorough investigation into all information within your possession, custody, or control. Each topic encompasses Documents relating to and the Persons most knowledgeable about the subject matter of the topic.

2. In the event you refuse to fully respond to a topic on the basis of a claim of attorney-client privilege, you shall at least respond to that portion of the topic that is unobjectionable and specifically identify that portion of the topic that is allegedly protected by attorney-client privilege.

3. In the event you refuse to fully respond to a topic on the basis of a claim of overbreadth, you shall at least respond to that portion of the topic that is unobjectionable and specifically identify that portion of the topic that is allegedly overbroad.

4. In the event you refuse to fully respond to a topic on the basis of undue burden, you shall at least respond to that portion of the topic that is unobjectionable and specifically identify that portion of the topic that allegedly presents undue burden.

5. Each topic should be construed independently. No topic should be construed by reference to any other topics for the purpose of limiting the scope of response to such topic.

6. Any topic "relating to" or "related to" a particular subject shall be construed in its most-inclusive sense and shall be considered a topic that relates to, refers to, discusses, summarizes, reflects, constitutes, contains, embodies, pertains to, mentions, consists of, comprises, shows, comments on, evidences, describes, or in any other way concerns the subject matter.

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