

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

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

Plaintiffs-Counterclaim  
Defendants,

v.

ALTRIA CLIENT SERVICES LLC; PHILIP  
MORRIS USA INC.; PHILIP MORRIS  
PRODUCTS S.A.

Defendants-Counterclaim  
Plaintiffs.

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

**COUNTERCLAIM PLAINTIFFS PHILIP MORRIS PRODUCTS S.A.,  
ALTRIA CLIENT SERVICES LLC, AND PHILIP MORRIS USA INC.’S  
OBJECTIONS TO COUNTERCLAIM DEFENDANTS’ WITNESS LIST**

Pursuant to Federal Rule of Civil Procedure 26(a)(3), Counterclaim Plaintiffs Philip Morris Products S.A., Altria Client Services LLC, and Philip Morris USA Inc. (collectively, “Counterclaim Plaintiffs”) provide the following objections to Counterclaim Defendants’ witness list.

Counterclaim Plaintiffs object to Counterclaim Defendants’ witness list to the extent that it identifies witnesses who have not been deposed or offered for deposition in this case. To the extent that Counterclaim Defendants will call any witness that Counterclaim Plaintiffs have not deposed in this case, Counterclaim Plaintiffs reserve the right to depose those witnesses prior to the start of trial.

Counterclaim Plaintiffs further object to Counterclaim Defendants calling by deposition any non-party witness who is not “unavailable” under Rule 32(a)(4) and any non-30(b)(6) testimony from a Counterclaim Plaintiff witness who is not “unavailable” under Rule 32(a)(4).<sup>1</sup>

Counterclaim Plaintiffs reserve the right to amend, remove, modify, or supplement these objections after the parties have had an opportunity to meet and confer regarding objections or in light of any Court order, including any order regarding the parties’ motions *in limine*, any information submitted by Counterclaim Defendants prior to trial, or any other case developments.

Dated: June 4, 2021

Respectfully submitted,

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<sup>1</sup> The parties have agreed to exchange counter deposition designations today, and file complete page/line charts and objections on August 6, 2021. (D.I. 680).

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Philip Morris USA Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 4th day of June, 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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