

EXHIBIT 1

From: Erica Baum <Erica_Baum@vaed.uscourts.gov>
Sent: Thursday, May 27, 2021 6:58 AM
To: Gotts, Larry (DC); dmaiorana@JonesDay.com; cmolster@molsterlaw.com; jweizenecker@jonesday.com; msquinlan@jonesday.com; msmit@jonesday.com; nmsmith@jonesday.com; Underwood, Jamie (DC); Grant, Max (NY-DC); jmichalik@JonesDay.com; wdevitt@jonesday.com
Cc: Koh, Jennifer (SD); Thomas, Amy (DC)
Subject: RE: RAI Strategic Holdings, et al. v. Altria Client Servs., et al. (20-cv-393-LO/TCB)

Counsel:

As it appears both parties agree to the original joint stipulation, please file a signed stipulation on the docket for the Court's signature.

Best,
Erica Baum

From: Lawrence.Gotts@lw.com <Lawrence.Gotts@lw.com>
Sent: Thursday, May 27, 2021 7:59 AM
To: dmaiorana@JonesDay.com; Erica Baum <Erica_Baum@vaed.uscourts.gov>; cmolster@molsterlaw.com; jweizenecker@jonesday.com; msquinlan@jonesday.com; msmit@jonesday.com; nmsmith@jonesday.com; Jamie.Underwood@lw.com; Max.Grant@lw.com; jmichalik@JonesDay.com; wdevitt@jonesday.com
Cc: Jennifer.Koh@lw.com; Amy.Thomas@lw.com
Subject: RE: RAI Strategic Holdings, et al. v. Altria Client Servs., et al. (20-cv-393-LO/TCB)

CAUTION - EXTERNAL:

Dear Ms. Baum,

Based upon Reynold's email below, Reynold's is now agreeing to honor its previous agreement regarding the stipulation. It is flatly false that PMP has refused to meet and confer, and PMP has informed Reynolds that it is agreeable to doing so, and that it likewise will be addressing Reynold's document production deficiencies. We are hopeful that any remaining issues can be resolved or significantly narrowed through that process.

With best regards,

Larry

Lawrence J. Gotts

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From: Maiorana, David M. <dmaiorana@JonesDay.com>
Date: Thursday, May 27, 2021, 7:47 AM
To: Gotts, Larry (DC) <Lawrence.Gotts@lw.com>, Erica Baum@vaed.uscourts.gov <Erica_Baum@vaed.uscourts.gov>, cmolster@molsterlaw.com <cmolster@molsterlaw.com>, Weizenecker, Jennifer L. <jweizenecker@jonesday.com>, Quinlan, Michael S. <msquinlan@jonesday.com>, Smit, Michelle B. <msmit@jonesday.com>, Smith, Nicole M. <nmsmith@jonesday.com>, Underwood, Jamie (DC) <Jamie.Underwood@lw.com>, Grant, Max (NY-DC) <Max.Grant@lw.com>, Michalik, John M. <jmichalik@JonesDay.com>, Devitt, William E. <wdevitt@jonesday.com>
Cc: Koh, Jennifer (SD) <Jennifer.Koh@lw.com>, Thomas, Amy (DC) <Amy.Thomas@lw.com>
Subject: RE: RAI Strategic Holdings, et al. v. Altria Client Servs., et al. (20-cv-393-LO/TCB)

Dear Ms. Baum,

I write in response to Mr. Gotts's second email, which confuses two issues. First, Reynolds had already agreed to Dr. Figlar's deposition on June 24. That alone resolves Counterclaim-Plaintiffs' motion to compel. But the second issue arises because, in resolving their motions to compel this week, the parties reached a fundamental agreement on how injunction-related discovery would proceed. First, the parties would resolve all document disputes concerning their injunction-related document productions, and then would complete their productions, by June 7 to allow adequate time to prepare for the depositions identified in the stipulation. It is this latter issue on which Counterclaim-Plaintiffs are now unwilling to uphold their end of the bargain. Indeed, they recently have refused to engage in a meet and confer so that the parties could address significant issues with Counterclaim-Plaintiffs' document production on the previously-agreed timetable, although we are hopeful that they will reconsider.

Nevertheless, to resolve the latest dispute over deposition dates, Reynolds will agree to the Court entering Counterclaim-Plaintiffs' draft stipulation. Reynolds will, however, seek appropriate relief from the Court if Counterclaim-Plaintiffs continue to refuse to produce relevant documents, including to seek modification of the stipulation to avoid having to take depositions before receiving all relevant documents with adequate time to prepare.

Best regards,
David Maiorana

David M. Maiorana (bio)
Partner
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From: Lawrence.Gotts@lw.com <Lawrence.Gotts@lw.com>
Sent: Wednesday, May 26, 2021 7:51 PM
To: Maiorana, David M. <dmaiorana@JonesDay.com>; Erica Baum@vaed.uscourts.gov; cmolster@molsterlaw.com; Weizenecker, Jennifer L. <jweizenecker@jonesday.com>; Quinlan, Michael S. <msquinlan@jonesday.com>; Smit, Michelle B. <msmit@jonesday.com>; Smith, Nicole M. <nmsmith@jonesday.com>; Jamie.Underwood@lw.com; Max.Grant@lw.com; Michalik, John M. <jmichalik@JonesDay.com>; Devitt, William E. <wdevitt@jonesday.com>
Cc: Jennifer.Koh@lw.com; Amy.Thomas@lw.com; Lawrence.Gotts@lw.com
Subject: RE: RAI Strategic Holdings, et al. v. Altria Client Servs., et al. (20-cv-393-LO/TCB)

**** External mail ****

Dear Ms. Baum,

I write in response to Mr. Maiorana's email regarding the agreement of the parties. We do not agree to Reynolds proposed stipulation. PMP's motion to compel the Rule 30(b)(1) and 30(b)(6) deposition of Reynolds's witness, Dr. Figlar, is entirely unrelated to any dispute that Reynolds might have regarding PMP's document production. At no time in the correspondence or otherwise did PMP agree to withdraw its motion to compel Dr. Figlar's deposition, and condition Reynolds' production of Dr. Figlar, on Reynolds' unilateral determination regarding the adequacy of PMP's document production. Nor would it, since Dr. Figlar is not even permitted to review PMP's document production under the Protective Order. Indeed, it is this improper "tit-for-tat" approach to discovery that necessitated PMP's motion to compel Dr. Figlar's deposition in the first instance.

Separate from the agreement to produce their witnesses for deposition in response to the Court's direction that the parties provide deposition dates, both Reynolds and PMP have agreed to complete their injunction-related document productions by June 7th. If Reynolds has issues regarding that production that the parties are unable to resolve, it is free to bring a motion to compel. Although we are hopeful that such further motion practice will be unnecessary regarding either parties' document productions, Reynolds' agreement to produce Dr. Figlar for deposition is decoupled from Reynolds' unilateral determination as to the adequacy of PMP's document production. Reynolds should be required to produce Dr. Figlar on June 24th, as agreed and as requested in PMP's motion to compel, and if any lingering issues regarding PMP's document production remain as of June 7th, Reynolds can separately address these issues by motion.

We respectfully request that the Court order the depositions of the parties' witnesses to proceed on the agreed dates.

With best regards,

Larry

Lawrence J. Gotts

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From: Maiorana, David M. <dmaiorana@JonesDay.com>

Sent: Wednesday, May 26, 2021 6:13 PM

To: Gotts, Larry (DC) <Lawrence.Gotts@lw.com>; Erica Baum <Erica.Baum@vaed.uscourts.gov>; cmolster <cmolster@molsterlaw.com>; Weizenecker, Jennifer L. <jweizenecker@jonesday.com>; Quinlan, Michael S. <msquinlan@jonesday.com>; Smit, Michelle B. <msmit@jonesday.com>; Smith, Nicole M. <nmsmith@jonesday.com>; Underwood, Jamie (DC) <Jamie.Underwood@lw.com>; Grant, Max (NY-DC) <Max.Grant@lw.com>; Michalik, John M.

<jmichalik@JonesDay.com>; Devitt, William E. <wdevitt@jonesday.com>

Cc: Koh, Jennifer (SD) <Jennifer.Koh@lw.com>; Thomas, Amy (DC) <Amy.Thomas@lw.com>

Subject: RE: RAI Strategic Holdings, et al. v. Altria Client Servs., et al. (20-cv-393-LO/TCB)

Dear Ms. Baum,

Mr. Gotts's email does not reflect the full scope of the parties' agreement on Monday. As the attached email chain demonstrates, Mr. Gotts is correct that Reynolds confirmed it would offer a date for Dr. Figlar's deposition. Reynolds did so this morning, offering either June 23 or June 24. In turn, Counterclaim-Plaintiffs confirmed that for the depositions to proceed on the agreed schedule, the parties would resolve all document-related disputes and complete all remaining injunction-related document productions by June 7. In response to the stipulation proposed by Counterclaim-Plaintiffs (and attached to Mr. Gotts's email), Reynolds proposed additional language in the stipulation reflecting the portion of the parties' agreement requiring resolution of injunction-related document disputes and completion of document productions by June 7. Reynolds's proposed edits also are attached.

Reynolds has no interest in burdening the Court further on this subject and asks that the Court enter the stipulation with Reynolds's proposed edits that reflect the parties' agreement. A clean copy of the stipulation with Reynolds's edits is attached.

Best regards,
David Maiorana

David M. Maiorana (bio)

Partner

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From: Lawrence.Gotts@lw.com <Lawrence.Gotts@lw.com>

Sent: Wednesday, May 26, 2021 5:18 PM

To: Erica.Baum@vaed.uscourts.gov; cmolster@molsterlaw.com; Weizenecker, Jennifer L.

<jweizenecker@jonesday.com>; Quinlan, Michael S. <msquinlan@jonesday.com>; Smit, Michelle B.

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Cc: Jennifer.Koh@lw.com; Amy.Thomas@lw.com; Lawrence.Gotts@lw.com

Subject: RE: RAI Strategic Holdings, et al. v. Altria Client Servs., et al. (20-cv-393-LO/TCB)

**** External mail ****

Dear Ms. Baum, the parties reported to the Court on Monday that they had reached agreement to file a joint stipulation by close of business today setting forth dates for the depositions of Dr. Figlar (Reynolds' witness) and Dr. Gilchrist and Mr. King (PMP's witness). That agreement was not conditioned in any way on resolution of any disputes regarding the scope of document productions of the parties. PMP provided the attached proposed joint stipulation setting forth the parties' dates for depositions. We regret to inform the Court that Reynolds is now refusing to enter into the stipulation based on purported ongoing disputes regarding

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