

**UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES**

**In the Matter of**

**Altria Group, Inc.,  
a corporation,**

**And**

**JUUL Labs, Inc.,  
a corporation,**

**Respondents.**

**Docket No. 9393**

**JOINT MOTION OF NON-PARTY TURNING POINT BRANDS, INC., RESPONDENT  
JUUL LABS, INC., AND FEDERAL TRADE COMMISSION FOR EXTENSION OF  
TIME TO MOVE TO LIMIT OR QUASH SUBPOENAS *DUCES TECUM***

Non-party Turning Point Brands, Inc. (“Turning Point”), Respondent JUUL Labs, Inc. (“JLI”), and Complaint Counsel for the Federal Trade Commission (“Complaint Counsel”) jointly move for an extension of time for Turning Point to move to limit or quash two subpoenas *duces tecum* served on Turning Point: one by JLI on September 16, 2020 (the “JLI Subpoena”), and one by Complaint Counsel on September 24, 2020 (the “Complaint Counsel Subpoena,” and together with the JLI Subpoena, the “Subpoenas”). Turning Point, JLI, and Complaint Counsel (collectively, the “Parties”) respectfully request that Turning Point’s deadline to move to limit or quash the Subpoenas pursuant to 16 C.F.R. § 3.34(c) (“Rule 3.34(c)”) be extended to November 6, 2020. In support of this motion, the Parties state as follows:

1. Since the Subpoenas were served on Turning Point, the Parties have met and conferred multiple times in an attempt to negotiate the appropriate scope of discovery and schedule

for production, in the hopes of eliminating any need for motion practice, or at least substantially narrowing any issues that need to be presented for resolution.

2. The Parties have made progress towards agreeing on the scope of discovery, have narrowed the issues needing resolution, and intend to continue to discuss the unresolved issues.

3. To facilitate this effort, Your Honor previously extended the original deadline to move to limit or quash the Subpoenas by two weeks, to October 23, 2020.

4. The Parties believe that further extending the time to move to limit or quash the Subpoenas may allow the Parties to reach an agreement on the scope of discovery and obviate the need for motion practice.

5. Pursuant to the August 4, 2020 Scheduling Order, the parties have several months, until February 1, 2021, to complete fact discovery and therefore the Parties do not believe the requested extension (of two additional weeks) will delay the progress of these proceedings, and will afford the parties sufficient time to continue their negotiations.

WHEREFORE, for good cause shown, Turning Point, JLI, and Complaint Counsel respectfully request that Your Honor grant the requested relief pursuant to 16 C.F.R. § 4.3(b), and further extend the deadline for Turning Point to move to limit or quash the subpoenas pursuant to Rule 3.34 November 6, 2020, should such a filing be necessary.

Date: October 22, 2020

Respectfully submitted,

/s/ James Abell

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UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES

**In the Matter of**

**Altria Group, Inc.,  
a corporation,**

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**Respondents.**

**Docket No. 9393**

**[PROPOSED] ORDER GRANTING MOTION FOR EXTENSION OF TIME TO MOVE  
TO LIMIT OR QUASH SUBPOENAS *DUCES TECUM***

On October 22, 2020, non-party Turning Point Brands, Inc. (“Turning Point”), Respondent JUUL Labs, Inc. (“JLI”), and Complaint Counsel for the Federal Trade Commission (“Complaint Counsel”) jointly filed a Motion for Extension of Time to Move to Limit or Quash two Subpoenas *Duces Tecum* (“Motion”) served on Turning Point: one by JLI on September 16, 2020, and the second by Complaint Counsel on September 24, 2020.

Under FTC Rule of Practice 3.34(c), any motion to limit or quash a subpoena must be filed within 10 days of receipt of the subpoena, 16 C.F.R. § 3.34(c). With Turning Point having already obtained, by order dated September 28, 2020, an extension to October 23, 2020, Turning Point, JLI, and Complaint Counsel jointly state that they seeks a further extension until November 6, 2020, in order to continue their negotiations regarding the scope and asserted burden of the subpoenas. Turning Point, JLI, and Complaint Counsel argue that an additional extension is necessary because the parties have made substantial progress in their negotiations so far and believe that further negotiations may obviate the need for motion practice regarding the subpoenas.

FTC Rule 4.3(b) authorizes the Administrative Law Judge, except in circumstances not here presented, to extend any time limit prescribed by the rules “[f]or good cause shown.” 16 C.F.R. § 4.3(b). Based on the representations in the Motion, Turning Point, JLI, and Complaint Counsel have demonstrated good cause for the requested extension. Accordingly, the Motion is GRANTED and it is hereby ORDERED that Turning Point’s deadline for filing any motion to limit or quash the subpoenas pursuant to Rule 3.34(c) is extended November 6, 2020.

ORDERED:

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D. Michael Chappell  
Chief Administrative Law Judge

Date: October [ ], 2020

**UNITED STATES OF AMERICA  
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OFFICE OF ADMINISTRATIVE LAW JUDGES**

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**Respondents.**

**Docket No. 9393**

**PROOF OF SERVICE OF PUBLIC FILING  
AND CERTIFICATION PURSUANT TO 16 C.F.R. § 4.2**

I, Mark A. Ford, hereby certify that on October 22, 2020, I served a copy of Non-Party Turning Point Brands, Inc.'s Motion for Extension of Time to Move to Limit or Quash Subpoenas *Duces Tecum*, and its Proposed Order electronically via email and the Office of the Secretary's electronic filing system to:

April Tabor  
Acting Secretary  
Federal Trade Commission  
600 Pennsylvania Avenue, NW, Room H-113  
Washington, DC 20580  
secretary@ftc.gov

And pursuant to ¶ 1 of the Scheduling Order in the above-captioned matter by email to:

The Honorable D. Michael Chappell  
Chief Administrative Law Judge  
Office of Administrative Law Judges  
600 Pennsylvania Avenue, NW, Room H-110  
Washington, DC 20580

And pursuant to ¶ 2 of the Scheduling Order in the above-captioned matter by email to Complaint Counsel and counsel of record for the Respondents:

<p>James Abell jabell@ftc.gov Dominic Vote dvote@ftc.gov Peggy Bayer Femenella pbayer@ftc.gov Erik Herron eherron@ftc.gov Joonsuk Lee jlee4@ftc.gov Meredith Levert mlevert@ftc.gov Kristian Rogers krogers@ftc.gov David Morris dmorris1@ftc.gov Michael Blevins mblevins@ftc.gov Michael Lovinger mlovinger@ftc.gov Frances Anne Johnson fjohnson@ftc.gov Federal Trade Commission 600 Pennsylvania Avenue, NW Washington, DC 20580</p> <p><i>Complaint Counsel</i></p>	<p>David Gelfand dgelfand@cgsh.com Jeremy Calsyn jcalsyn@cgsh.com Jessica Hollis jhollis@cgsh.com Matthew Bachrack mbachrack@cgsh.com Linden Bernhardt lbernhardt@cgsh.com Cleary Gottlieb Steen &amp; Hamilton LLP 2112 Pennsylvania Avenue NW Washington, DC 20037</p> <p><i>Counsel for Respondent Juul Labs, Inc.</i></p> <p>Debbie Feinstein debbie.feinstein@arnoldporter.com Robert Katerberg robert.katerberg@arnoldporter.com Justin Hedge justin.hedge@arnoldporter.com Francesca Pisano francesca.pisano@arnoldporter.com Le-Tanya Freeman tanya.freeman@arnoldporter.com Arnold &amp; Porter Kaye Scholer LLP 601 Massachusetts Avenue NW Washington, DC 20011</p> <p>Marc Wolinsky MWolinsky@wlrk.com Jonathan Moses JMMoses@wlrk.com Kevin Schwartz KSchwartz@wlrk.com Adam Goodman ALGoodman@wlrk.com Wachtell, Lipton, Rosen &amp; Katz 51 West 52nd Street New York, NY 10019</p> <p><i>Counsel for Respondent Altria Group, Inc.</i></p>
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*/s/ Mark A. Ford*