

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

COMMISSIONERS: **Lina M. Khan, Chair**
 Noah Joshua Phillips
 Rebecca Kelly Slaughter
 Christine S. Wilson
 Alvaro Bedoya

In the Matter of

Altria Group, Inc.
a corporation;

and

JUUL Labs, Inc.
a corporation.

DOCKET NO. 9393

RESPONDENTS' MOTION TO RESCHEDULE ORAL ARGUMENT

On May 27, 2022, the Commission issued an Order scheduling the oral argument in this matter for Thursday, July 14, 2022. Pursuant to Rule 4.3(b) of the Commission's Rules of Practice, 16 C.F.R. § 4.3(b), Respondents Altria Group, Inc. ("Altria") and Juul Labs, Inc. ("JLI") respectfully request that the Commission reschedule this oral argument to a date after July 31, 2022, as Altria's lead counsel will be unavailable and out of the country on the currently scheduled date. Respondents have contacted Complaint Counsel, who consent to this motion.

Section 4.3(b) of the Commission's Rules permits the Commission to "extend any time limit prescribed by the rules in this chapter" for "good cause shown." 16 C.F.R. § 4.3(b). Good cause exists because absent this extension, Altria's lead counsel will be unable to participate in oral argument. The Commission has previously granted such an extension under almost identical circumstances. *See* Commission Order Rescheduling Oral Argument, *In the Matter of McWane, Inc.*, No. 9351 (June 19, 2013) (granting request to reschedule oral argument when respondent's

lead counsel and general counsel were out of the country and unavailable on original argument date). Respondents therefore request that the Commission reschedule oral argument for a date after July 31, 2022, with any written or electronic materials that will be used during the argument to be submitted one week prior to the rescheduled date.

Dated: June 2, 2022

Respectfully submitted,

By: s/ David Gelfand
David I. Gelfand
Jeremy Calsyn
Matthew I. Bachrack
Linden Bernhardt
Jessica Hollis
Cleary Gottlieb Steen & Hamilton
LLP
2112 Pennsylvania Avenue, NW
Washington, DC 20037
Telephone: (202) 974-1500

Counsel for Juul Labs, Inc.

By: s/ Beth Wilkinson
Beth Wilkinson
James Rosenthal
Wilkinson Stekloff LLP
2001 M Street NW, 10th Floor
Washington, DC 20036
Telephone: (202) 847-4000

Moira Penza
Ralia Polechronis
Wilkinson Stekloff LLP
130 West 42nd Street, 24th Floor
New York, NY 10036
Telephone: (212) 294-8910

Jonathan M. Moses
Kevin S. Schwartz
Adam L. Goodman
Wilfred T. Beaye, Jr.
Wachtell, Lipton, Rosen & Katz
51 West 52nd Street
New York, NY 10019
Telephone: (212) 403-1000

Counsel for Altria Group, Inc.

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

COMMISSIONERS: **Lina M. Khan, Chair**
 Noah Joshua Phillips
 Rebecca Kelly Slaughter
 Christine S. Wilson
 Alvaro Bedoya

In the Matter of

Altria Group, Inc.
a corporation;

and

JUUL Labs, Inc.
a corporation.

DOCKET NO. 9393

**[PROPOSED] ORDER GRANTING RESPONDENTS' MOTION TO RESCHEDULE
ORAL ARGUMENT**

Upon consideration of Respondents' Motion To Reschedule Oral Argument, and for good cause shown, it is hereby ORDERED that Oral Argument in this matter will be held on _____, 2022, pursuant to Commission Rule 4.3(b), 16 C.F.R. § 4.3(b).

ORDERED By the Commission:

April J. Tabor
Secretary

Dated: _____, 2022

CERTIFICATE OF SERVICE

I hereby certify that on June 2, 2022, I caused a true and correct copy of the foregoing to be filed electronically using the FTC's E-Filing System, which will send notification of such filing to:

April Tabor
Secretary
Federal Trade Commission
600 Pennsylvania Ave., NW, Rm. H-113
Washington, DC 20580
ElectronicFilings@ftc.gov

The Honorable D. Michael Chappell
Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Ave., NW, Rm. H-110
Washington, DC 20580

I also certify that I caused the foregoing document to be served via email to:

Stephen Rodger (srodger@ftc.gov)
James Abell (jabell@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)
Nicole Lindquist (nlindquist@ftc.gov)
Jeanine Balbach (jbalbach@ftc.gov)
Steven Wilensky (swilensky@ftc.gov)
Eric M. Sprague (esprague@ftc.gov)
Federal Trade Commission
400 7th Street, SW
Washington, DC 20024

Complaint Counsel

s/ Beth Wilkinson

Beth Wilkinson
Counsel for Altria Group, Inc.