

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CRAIG SHAPIRO and JULIE SHAPIRO, individually,)
and as guardians of their minor child, B.S.,)

Plaintiffs,)

v.)

JUUL LABS INC.; ALTRIA GROUP, INC.; PHILIP)
MORRIS USA INC.; MY VAPOR HUT, INC. d/b/a)
1ST WAVE VAPOR; EDGAR F. DI PUGLIA in his)
capacity as owner of THE SMOKE HOUSE SMOKE)
SHOP,)

Defendants.)

Case No. _____

Action Filed: May 17, 2019

Action Served: May 22, 2019

**DEFENDANTS ALTRIA GROUP, INC. AND
PHILIP MORRIS USA INC.’S NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Altria Group, Inc. and Philip Morris USA Inc. (collectively, the “Removing Defendants”) hereby give notice of removal of this action, captioned *Craig Shapiro et al. v. JUUL Labs Inc. et al.*, bearing case number CACE-19-010866, from the Circuit Court of the Seventeenth Judicial Circuit in and for Broward County, Florida, to the United States District Court for the Southern District of Florida. Pursuant to 28 U.S.C. § 1446(a), the Removing Defendants provide the following statement of the grounds for removal:

BACKGROUND

1. On May 17, 2019, Plaintiffs filed this lawsuit in the Circuit Court of the Seventeenth Judicial Circuit in and for Broward County, Florida. The Complaint (attached hereto as **Exhibit 1**) asserts claims against the following defendants: JUUL Labs, Inc. (“JLI”); Altria Group, Inc. (“Altria”); Philip Morris USA Inc. (“PM USA”); My Vapor Hut, Inc. d/b/a 1st Wave Vapor (“Vapor Hut”); and Edgar F. Di Puglia in his capacity as owner of The Smoke House Smoke Shop (“Smoke House”).

2. JLI, Altria, and PM USA are not citizens of Florida for diversity purposes.

Compl. ¶¶ 5-7.

3. Vapor Hut and Smoke House are alleged to be citizens of Florida for diversity purposes. *Id.* ¶ 9-10.

4. Plaintiffs' claims are based on the design, manufacture, promotion, marketing, and sale of JLI products. *Id.* ¶¶ 22-54. Plaintiffs state that their "claims arise out of JUUL's fraudulent concealment of material facts concerning the JUUL e-cigarette and representations about the JUUL e-cigarettes' nicotine content, its addictiveness, and the physiological effects of JUUL e-cigarettes." *Id.* ¶ 34. Plaintiffs also allege that the "JUUL e-cigarette is defectively designed and therefore unreasonably dangerous." *Id.* ¶ 28.

5. The Complaint also alleges "Defendants JUUL, Altria and PM USA have been conspiring[] to sell and promote JUUL and have engaged in unlawful marketing practices to do so." *Id.* ¶ 89. Plaintiffs' allegations concerning Altria and PM USA (together, "the Altria Defendants") focus on PM USA's historic advertising for cigarettes and Altria's recent investment in JLI. *See id.* ¶¶ 73-103.

6. Plaintiffs (B.S. and his guardians, Craig and Julie Shapiro) do not allege that B.S. has suffered any physical injury. Instead, Plaintiffs allege "harm" in the form of "exposure to significant toxic substances, which *may* cause or contribute to causing disease; nicotine addiction; and economic harm in that he would not have purchased JUUL if he knew the facts." *Id.* ¶ 3 (emphasis added).

7. Based on these allegations, Plaintiffs raise eight claims against JLI and the Altria Defendants: (1) civil conspiracy; (2) fraud; (3) strict product liability for failure to warn; (4) strict product liability for design defect; (5) negligence; (6) unjust enrichment; (7) violation of Florida's

Deceptive and Unfair Trade Practices Act, Fla. Stat. § 501.203; and (8) preliminary and permanent injunction. *Id.* ¶¶ 87-146.

8. Plaintiffs separately include as defendants two Florida retailers, the Vapor Hut and Smoke House (together, the “Retailer Defendants”). Plaintiffs’ separate claim against the Retailer Defendants is based on their retail sale of JLI products in Florida and allegations that the Retailer Defendants sold JLI products to B.S. *Id.* ¶¶ 148-51.

9. Based on these allegations, Plaintiffs plead a *single, separate* cause of action against the Retailer Defendants for “strict liability.” *Id.* ¶¶ 147-52.

10. Plaintiffs’ Complaint is not the first action raising allegations concerning JLI products. Rather, as set forth in JLI’s Notice of Related Cases, this case raises allegations and claims that are similar to those raised in several other cases. Four of these cases are currently pending before Judge William H. Orrick in the Northern District of California, including one case that was also removed to this Court and transferred there last April. *See Zampa v. JUUL Labs, Inc.*, 2019 WL 1777730 (S.D. Fla. Apr. 23, 2019). A motion to transfer is currently pending in a fifth case filed a month before this case in the Middle District of Florida. *See NesSmith et al. v. JUUL Labs, Inc. et al.*, No. 8:19-cv-00884 (M.D. Fla.).¹ Yet another case, *Swearingen et al. v. JUUL Labs, Inc. et al.*, No. 7:19-cv-00779-LSC, is currently pending in the Northern District of Alabama, where the parties are discussing its transfer to the Northern District of California for consolidation before Judge Orrick.

11. The *NesSmith* case was filed by the same plaintiffs’ counsel who filed this case. *See Compl., NesSmith* (Doc. 1). Plaintiffs raise identical factual allegations in both cases and

¹ The Removing Defendants and JLI respectfully submit that transfer is proper here also and are separately filing a motion requesting that relief.

virtually identical claims. *See id.* The *NesSmith* plaintiffs, however, do not bring claims against retailers. *See id.* Instead, they bring claims only against JLI, Altria, and PM USA. *See id.*

12. Pursuant to 28 U.S.C. § 1446(a), a copy of all process, pleadings, and orders (other than the Complaint) purportedly served on the Removing Defendants is attached hereto as **Exhibit 2**. A copy of all documents filed in the state court action (other than the Complaint) is attached hereto as **Exhibit 3**.

VENUE AND JURISDICTION

13. Removal to this Court is proper under 28 U.S.C. §§ 89, 1391, 1441(a), and 1446(a) because the Circuit Court of the Seventeenth Judicial Circuit in and for Broward County, Florida, where the Complaint was filed, is a state court within the Southern District of Florida.

14. This Court has subject matter jurisdiction under 28 U.S.C. § 1332(a) because (1) there is complete diversity of citizenship between Plaintiffs and all properly joined defendants; (2) the amount in controversy exceeds \$75,000, exclusive of interests and costs; and (3) all other requirements for removal have been satisfied.

BASIS FOR REMOVAL

I. THERE IS COMPLETE DIVERSITY OF CITIZENSHIP BETWEEN PLAINTIFFS AND ALL PROPERLY JOINED DEFENDANTS

15. There is complete diversity of citizenship for purposes of federal jurisdiction. Plaintiffs are Florida citizens, and the Removing Defendants and JLI are citizens of states other than Florida. Although Plaintiffs allege that the Retailer Defendants are citizens of Florida, the citizenship of the Retailer Defendants should be ignored for purposes of diversity jurisdiction. Plaintiffs do not, and cannot, allege a claim against the Retailer Defendants, and therefore the Retailer Defendants' citizenship should be disregarded under the doctrine of fraudulent joinder. Moreover, Plaintiffs' claims against the Retailer Defendants are severable and should be ignored

under Federal Rule of Civil Procedure 21.

A. Plaintiffs Are Diverse from JLI and the Altria Defendants

1. Plaintiffs Are Citizens of Florida

16. Plaintiffs Craig Shapiro, Julie Shapiro, and B.S. are citizens of Florida.

Compl. ¶ 3.

2. The Removing Defendants and JLI Are Citizens of States Other Than Florida

17. For purposes of diversity jurisdiction, a corporation is “a citizen of every State and foreign state by which it has been incorporated and of the State or foreign state where it has its principal place of business.” 28 U.S.C. § 1332(c)(1).

18. Defendant JUUL Labs, Inc. is a corporation organized under the laws of Delaware with its principal place of business in San Francisco, California. Compl. ¶ 5.

19. Defendant Altria Group, Inc. is a corporation organized under the laws of Virginia with its principal place of business in Richmond, Virginia. *Id.* ¶ 6.

20. Defendant Philip Morris USA Inc. is a corporation organized under the laws of Virginia with its principal place of business in Richmond, Virginia. *Id.* ¶ 7.

21. Accordingly, there is complete diversity between Plaintiffs and the Removing Defendants and JLI.

B. The Citizenship of the Retailer Defendants Should Be Ignored Under The Doctrine of Fraudulent Joinder

22. Even where the face of a complaint shows a lack of complete diversity, removal based on diversity jurisdiction is proper where the doctrine of fraudulent joinder applies as to the non-diverse defendants. “Fraudulent joinder is a judicially created doctrine that provides an exception to the requirement of complete diversity.” *Triggs v. John Crump Toyota, Inc.*, 154 F.3d 1284, 1287 (11th Cir. 1998). Under this doctrine, “[w]hen a plaintiff names a non-diverse

defendant solely in order to defeat federal diversity jurisdiction, the district court must ignore the presence of the non-diverse defendant and deny any motion to remand[.]” *Henderson v. Washington Nat’l Ins. Co.*, 454 F.3d 1278, 1281 (11th Cir. 2006).

23. As the Eleventh Circuit has explained, “[t]he removal process was created by Congress to protect defendants. Congress ‘did not extend such protection with one hand, and with the other give plaintiffs a bag of tricks to overcome it.’ As the Supreme Court long ago admonished, ‘the Federal courts should not sanction devices intended to prevent a removal to a Federal court where one has that right, and should be equally vigilant to protect the right to proceed in the Federal court.’” *Legg v. Wyeth*, 428 F.3d 1317, 1325 (11th Cir. 2005) (citations omitted). In *Legg*, the Eleventh Circuit recognized the “common strategy employed” by plaintiffs in product liability cases in which plaintiffs “name local parties” as defendants—often local sales representatives and small enterprises—to defeat the “real target[’s]” right to remove a case to federal court. *Id.* at 1320.

24. In the Eleventh Circuit, the doctrine of fraudulent joinder applies as to a non-diverse defendant where “there is no possibility the plaintiff can establish a cause of action against” that defendant. *Pacheco de Perez v. AT&T Co.*, 139 F.3d 1368, 1380 (11th Cir. 1998); *see also, e.g., Hill Dermaceuticals, Inc. v. RX Solutions*, 306 Fed. App’x 450, 454 (11th Cir. 2008) (district court properly concluded that defendant was fraudulently joined where complaint did not allege facts establishing an alter ego or agency relationship, which was basis of alleged liability).

25. “The potential for legal liability ‘must be reasonable, not merely theoretical.’ In considering possible state law claims, possible must mean ‘more than such a possibility that a designated residence can be hit by a meteor tonight. That is possible. Surely, as in other

instances, reason and common sense have some role.” *Legg*, 428 F.3d at 1325 n.5 (citations omitted).

26. Plaintiffs’ single, separate claim against the Retailer Defendants based on strict liability does not meet this standard, and therefore the citizenship of the Retailer Defendants should be ignored under the doctrine of fraudulent joinder.

27. In Florida, a plaintiff cannot establish a cause of action for strict products liability without properly based allegations of “‘physical harm . . . to the ultimate user or consumer, or to his property.’” *Clements v. Attenti US, Inc.*, 735 F. App’x 661, 663 (11th Cir. 2018) (quoting *West v. Caterpillar Tractor Co.*, 336 So.2d 80, 84 (Fla. 1976)). Indeed, the Florida Supreme Court has long held that strict products liability can be imposed only if the defect “causes injury to a human being.” *West*, 336 So.2d at 86; *see also, e.g., Cedars of Lebanon Hosp. Corp. v. European X-Ray Distributors of Am., Inc.*, 444 So. 2d 1068, 1070 (Fla. 3d DCA 1984) (strict liability claims require “a defect which causes an injury to a human being”).

28. In *West*, the Florida Supreme Court expressly adopted the “doctrine of strict liability as stated by the” Restatement (Second) of Torts § 402A. *West*, 336 So.2d at 87. That section of the Restatement—entitled “Special Liability of Seller of Product for Physical Harm to User or Customer”—sets forth when a seller of a “product in a defective condition unreasonably dangerous to the user or consumer or to his property” may be “subject to liability for *physical harm* thereby caused to the ultimate user or consumer, or to his property.” Restatement (Second) of Torts § 402A (1965) (emphasis added); *see also Zyferman v. Taylor*, 444 So. 2d 1088, 1091 (Fla. 4th DCA 1984) (citing language from Restatement (Second) of Torts § 402A as “elements the [strict product liability] plaintiff must establish”).

29. Plaintiffs do not claim that B.S. has suffered any physical injury or that Plaintiffs have suffered injury to property when pleading their strict liability claim against the Retailer Defendants. Compl. ¶¶ 147-52. Nor do they plead any physical injuries, or even physical symptoms, or any property damage anywhere else in their Complaint.

30. Instead, the only harm that Plaintiffs allege is “exposure” to substances, which in the future “*may* cause or contribute to causing disease; nicotine addiction; and economic harm in that [B.S.] would not have purchased JUUL if he knew the facts.” *Id.* ¶ 3 (emphasis added). These three forms of harm do not allege property damage. Moreover, none of these alleged harms constitutes a “physical injury” that is required to state a strict liability claim.

31. *First*, Plaintiffs’ claim concerning “exposure to significant toxic substances” does not allege a physical injury. Indeed, rather than alleging an actual physical injury, Plaintiffs claim only that that these substances “*may* cause or contribute to causing disease.” Compl. ¶ 3 (emphasis added). But the Florida Third District Court of Appeal has held that a plaintiff “cannot recover damages . . . for his enhanced risk of contracting cancer in the future.” *Eagle-Picher Indus., Inc. v. Cox*, 481 So. 2d 517, 520 (Fla. 3d DCA 1985); *see also Jacobs v. Osmose, Inc.*, 2002 WL 34241682, at *3 (S.D. Fla. Jan. 3, 2002) (“A plaintiff cannot recover damages merely for increased risk of contracting a disease in the future absent some claim of actual injury.”); Order Granting Motion to Dismiss at 1-2, *Doss v. General Mills, Inc.*, No. 18-cv-61924 (S.D. Fla. June 14, 2019) (Doc. 36) (**Exhibit 4**) (allegations that “glyphosate may be harmful to human health” were insufficient to establish an injury in fact); *see also id.* at 5 (“Mere conjecture that something has the potential to be harmful is not enough.”). Courts around the country likewise have held that “[e]xposure to a potentially harmful substance does not in itself constitute a personal injury.” *Paz v. Brush Engineered Materials Inc.*, 949 So. 2d 1, 5 (Miss. 2007); *see also, e.g., In re MI*

Windows and Doors, Inc. Prods. Liab. Litig., 2013 WL 1363845, at *4 (D.S.C. Apr. 3, 2013) (exposure to contamination without personal injury insufficient to plead strict liability claims); *Prue v. Fiber Composites, LLC*, 2012 WL 1314114, at *6 (E.D.N.Y. Apr.17, 2012) (similar); *Martin v. Home Depot U.S.A., Inc.*, 369 F. Supp. 2d 887, 891 (W.D. Tex. 2005) (similar).

32. Courts elsewhere have similarly rejected strict liability claims after concluding that an increased risk of harm does not satisfy the “physical harm” requirement set forth in Restatement (Second) Torts § 402A, which the Florida Supreme Court adopted in *West*, 336 So.2d at 87. As one court explained, “[t]he mere fact of risk without any accompanying physical injury is insufficient to state a claim for strict products liability.” *Mink v. Univ. of Chicago*, 460 F. Supp. 713, 719 (N.D. Ill. 1978); *see also, e.g. Sease v. Taylor’s Pets, Inc.*, 700 P.2d 1054, 1060 (Or. Ct. App. 1985) (citing Restatement (Second) § 402A and holding that plaintiff could not “state a claim for strict products liability” based on allegations that product “increased the risk that he would suffer physical harm” where he did not “suffer physical harm”).

33. The same principles apply here. Plaintiffs have not alleged a physical injury. At most, they have alleged *potential* (and hypothetical) future injuries based solely upon B.S.’s purported exposure “toxic substances.” Compl. ¶ 3.

34. *Second*, Plaintiffs’ alleged “nicotine addiction” does not plead a physical injury that would allow Plaintiffs to bring a strict liability claim against the Retailer Defendants. Indeed, Florida’s Third District Court of Appeal—in ruling on a statute of limitations issue in a products liability action against tobacco companies—held that a cigarette smoker could not have filed a “non-frivolous” lawsuit against the tobacco companies until symptoms of a disease caused by tobacco addiction had actually manifested. *See Frazier v. Philip Morris USA Inc.*, 89 So. 3d 937, 945 (Fla. Dist. Ct. App. 2012), *approved sub nom. Philip Morris USA, Inc. v. Russo*, 175 So. 3d

681 (Fla. 2015). In other words, under Florida law, while tobacco addiction might result from smoking traditional cigarettes, it must cause physical injury in order to give rise to a potential cause of action. In fact, courts in Florida hold that even a medical diagnosis that *could* lead to an injury is a “mere wrong without damage” for which “there is no cognizable cause of action.” *Colville v. Pharmacia & Upjohn Co.*, 565 F. Supp. 2d 1314, 1322-23 (N.D. Fla. 2008) (finding that a medication consumer plaintiff could not satisfy products liability injury requirement even though plaintiff had been diagnosed with low bone density).

35. Courts in other jurisdictions are in accord. The California Supreme Court, for example, explained that “[t]he addictiveness of a product is distinct from its capacity to cause serious physical injury, as demonstrated by the fact that other addictive products are not associated with the same harmful consequences.” *Grisham v. Philip Morris USA Inc.*, 40 Cal. 4th 623, 643 (Cal. 2007). As the court explained, the plaintiff’s “efforts to break her nicotine addiction do not amount to an allegation that the addiction was causing her appreciable physical harm, nor that the addiction itself was actionable, other than as a cause of economic injury.” *Id.* at 641 n.11; *see also, e.g., Spain v. Brown & Williamson Tobacco Corp.*, 872 So.2d 101, 114 (Ala. 2003) (“Assuming no other physical injury has previously manifested itself, the *economic loss* attributable to supporting an addiction is the first injury a smoker addicted to cigarettes sustains[.]”) (emphasis added); *Craft v. Philip Morris Cos., Inc.*, 2003 WL 23355745, at *13 (Mo. Cir. Ct. 2003) (recognizing that “there is almost no legal authority suggesting that addiction per se is a personal injury”); *Castano v. Am. Tobacco Co.*, 84 F.3d 734, 749 (5th Cir. 1996) (noting that “no court in this country has ever tried an injury-as-addiction claim” and this theory presents an “immature tort”). In addition, courts in other contexts have found that addiction alone does not constitute a physical injury. *See, e.g., Sharples v. United States*, 2018 WL 5634355, at *2 (E.D.

Mich. 2018) (“physical pain and mental anguish as the result of his untreated drug addiction is insufficient to satisfy the ‘physical injury’ element of a Federal Tort Claims Act claim brought by prisoner”); *Mitchell v. Philip Morris Inc.*, 2000 WL 1848085, at *7 (S.D. Ala. 2000), *aff’d in part, vac’d in part, Mitchell v. Brown & Williamson Tobacco Corp.*, 294 F.3d 1309 (11th Cir. 2002) (“[n]icotine addiction . . . is not an injury that satisfies the physical injury requirement of [the Prison Litigation Reform Act] because it is not greater than *de minimis*”).

36. Consistent with these decisions, Florida courts do not permit recovery for mental or psychological harm where, as here, there are no physical injuries. In *Brown v. Cadillac Motor Car Division*, the Supreme Court of Florida addressed “the question of whether a person who suffers no physical injuries . . . has a cause of action for mental distress or psychic injury[.]” 468 So. 2d 903, 904 (Fla. 1985). The court answered that question in the negative. “[P]sychological trauma must cause a demonstrable physical injury such as death, paralysis, muscular impairment, or similar objectively discernible physical impairment before a cause of action may exist.” *Id.* The court thus concluded that plaintiff’s negligence claims failed despite “expert testimony at trial on the issue of a psychiatric disability,” because plaintiff “failed to show a direct physical injury or any physical injury resulting from his mental distress.” *Id.* The same is true here. Plaintiffs do not plead any “discernible physical impairment” that has resulted from B.S.’s alleged nicotine addiction. Accordingly, “nicotine addiction” standing alone does not allege physical harm.

37. *Finally*, Plaintiffs’ allegation of “economic harm” does not plead an injury that would be actionable under a theory of strict liability. Courts have repeatedly ruled that strict liability claims require more than economic loss. *See, e.g., Tiara Condo Ass’n v. Marsh & McLennan Co.*, 110 So.3d 399, 404 (Fla. 2013) (Florida has “adopted the products liability economic loss rule, precluding recovery of economic damages in tort”); *Melton v. Century Arms*,

Inc., 243 F. Supp. 3d 1290, 1302 (S.D. Fla. 2017) (dismissing strict liability and other tort claims because plaintiffs “allege only economic harm arising from the claims”); *Aprigliano v. Am. Honda Motor Co.*, 979 F. Supp. 2d 1331, 1336 (S.D. Fla. 2013) (similar).

38. Plaintiffs therefore fail to allege any personal injury or injury to property and have not alleged even an “arguable” strict liability claim against the Retailer Defendants. As a result, the Retailer Defendants were fraudulently joined and should be ignored for purposes of diversity of citizenship, thereby creating complete diversity.

C. The Retailer Defendants Should Be Severed Under Rule 21

39. Alternatively, the Plaintiffs’ single claim against the Retailer Defendants is severable. This presents an independent ground to ignore the citizenship of the Retailer Defendants for diversity purposes. Relying upon Federal Rule of Civil Procedure 21, federal courts routinely deny remand and retain jurisdiction where non-diverse defendants are neither necessary nor indispensable under Federal Rule of Civil Procedure 19. This is particularly true where the claims against the non-diverse defendants are different from the claims against the diverse defendants and the plaintiff retains a remedy against the non-diverse defendants in state court. That is the case here: (1) the Retailer Defendants are not necessary or indispensable, (2) Plaintiffs’ single claim against them is distinct from their claims against the Removing Defendants and JLI, and (3) Plaintiffs retain a remedy against the Retailer Defendants in state court.

40. “It is firmly established that Rule 21 ‘invests district courts with authority to allow a dispensable nondiverse party to be dropped at any time,’ such as when necessary to establish federal subject-matter jurisdiction.” *Payroll Mgmt., Inc. v. Lexington Ins. Co.*, 815 F. 3d 1293, 1298 n.8 (11th Cir. 2016) (quoting *Newman-Green, Inc. v. Alfonzo-Larrain*, 490 U.S. 826, 832 (1989)). Courts therefore may “dismiss a nondiverse dispensable defendant from an action

initially brought in federal court under the pretense of diversity of citizenship grounds, in order to perfect diversity.” *Byrd v. Howse Implement Co.*, 227 F.R.D. 692, 694 (M.D. Ala. 2005) (citing *Anderson v. Moorer*, 372 F.2d 747, 750 n.4 (5th Cir. 1967)). When doing so, courts “consider whether any of the parties will be prejudiced by the dismissal of a nondiverse party” by “apply[ing] Rule 19,” *Byrd*, 227 F.R.D. at 694, which governs whether a party is “necessary” and “indispensable.” *See, e.g., Durham Commercial Capital Corp. v. Ocwen Loan Servicing, LLC*, 2015 WL 4164780, at *3 n.2 (S.D. Fla. 2015) (“Rule 19(a) governs the analysis used in determining whether a party is necessary, and Rule 19(b) controls the indispensability analysis.”).

41. Applying these principles, courts within this Circuit and around the country have severed dispensable, non-diverse defendants under Rule 19 and denied remand where severance “preserve[d] the Court’s diversity jurisdiction.” *Clements v. Essex Ins. Co.*, 2016 WL 3144151, at *3 (M.D. Fla. June 6, 2016); *see also, e.g., Sullivan v. Calvert Mem’l Hosp.*, 117 F. Supp. 3d 702, 705-07 (D. Md. 2015); *Cooke-Bates v. Bayer Corp.*, 2010 WL 3984830, at *4 (E.D. Va. Oct. 8, 2010); *Mayfield v. London Women’s Care, PLLC*, 2015 WL 3440492, at *5 (E.D. Ky. May 28, 2015); *McElroy v. Hamilton Cty. Bd. of Educ.*, 2012 WL 12871469, at *2-3 (E.D. Tenn. Dec. 20, 2012). In *Joseph v. Baxter International, Inc.*, 614 F. Supp. 2d 868 (N.D. Ohio 2009), for example, plaintiffs brought a products liability action against the out-of-state manufacturer of the drug Heparin. *Id.* at 870. Before the case was removed, plaintiffs amended their complaint to add as defendants certain non-diverse healthcare providers, alleging that they engaged in “negligent acts and omissions in the administration of Heparin.” *Id.* at 871. Despite the presence of these non-diverse healthcare provider defendants, the district court denied remand. The court reasoned that the healthcare provider defendants were “not necessary parties as the resolution of a claim against them would not necessarily resolve the [plaintiffs’] claim against [the

manufacturer]” and because the claims against the healthcare providers “differ[ed] from” the claims against the manufacturer. *Id.* at 872. The court explained that the healthcare provider defendants were dispensable because plaintiffs “retain an adequate remedy against the Healthcare Defendants as they can proceed with their claims in state court.” *Id.* at 873. In addition, given the different factual basis for plaintiffs’ medical malpractice claims against the healthcare providers, the court found that it could “sever them from the claims against [the manufacturer], and in doing so, perfect diversity jurisdiction over [the manufacturer].” *Id.* at 874.

42. The same principle applies here. The Retailer Defendants are not necessary or indispensable, because Plaintiffs can resolve their claims and obtain a full recovery from the Removing Defendants. *See, e.g., Solnes v. Wallis & Wallis, P.A.*, 2013 WL 3771341, at *3 (S.D. Fla. 2013) (Rule 19 “applies only if full relief cannot be ordered among the existing parties”); *see also Temple v. Synthes Corp.*, 498 U.S. 5, 7-8 (1990) (recognizing that joint tortfeasors are not necessary parties under Rule 19). Indeed, it is especially obvious that the Retailer Defendants are dispensable and unnecessary, given ***Plaintiffs’ counsel filed an action raising identical allegations one month earlier in federal court that did not include claims against retailers.*** *NesSmith Compl.* ¶ 3. *See, e.g., Andreasen v. Progressive Express Ins. Co.*, 276 F. Supp. 3d 1317, 1329 (S.D. Fla. 2017) (finding party was not necessary, and denying remand after severing non-diverse defendants, in part because “Plaintiff’s behavior strongly suggests that his real agenda is to include an additional defendant merely to defeat diversity jurisdiction and to get this case back to state court.”).

43. Moreover, as in *Joseph*, 614 F. Supp. 2d 868, Plaintiffs’ claims against the Retailer Defendants are different from the claims alleged against JLI and the Altria Defendants. Plaintiffs’ claims against JLI and the Altria Defendants focus on their design, manufacture,

marketing, and promotion of JLI products that allegedly appealed to minors and contained more nicotine than traditional combustible cigarettes. *See* Compl. ¶¶ 22-54; 73-103. By contrast, Plaintiffs' allegations against the Retailer Defendants have nothing to do with designing, manufacture, marketing, or promotion of e-cigarettes. They focus exclusively upon retail sales at two specific locations in Florida, and, more specifically, the Retailer Defendants' alleged sale of JLI products to one Plaintiff. *Id.* ¶¶ 148-50. As a result, these claims are extremely narrow in scope when compared to the broad nature of Plaintiffs' allegations against the Removing Defendants and discovery and litigation those allegations might entail. It is apparent that the sole purpose of Plaintiffs adding the Retailer Defendants is to improperly thwart diversity jurisdiction.

44. In addition, the distinction between Plaintiffs' claims against the Removing Defendants and Plaintiffs' claims against the Retailer Defendants is underscored by the causes of action pled in the Complaint. Plaintiffs assert eight causes of action against each of the Removing Defendants, none of which includes the Retailer Defendants. *Id.* ¶¶ 87-146. Instead, they assert a single, separate cause of action against the Retailer Defendants that does not include the Removing Defendants. *Id.* ¶¶ 147-52. Thus, there is no overlap between the claims against the Removing Defendants and the Retailer Defendants.

45. Finally, as in *Joseph*, if Plaintiffs want to pursue claims against the Retailers, Plaintiffs have an "adequate remedy . . . in state court." *Joseph*, 614 F. Supp. 2d at 873.

46. Accordingly, the Retailer Defendants are not necessary or indispensable under Rule 19, and Plaintiffs' claims against these two stores should be severed under Rule 21. Doing so leaves complete diversity of citizenship, since Plaintiffs are Florida citizens, and the properly joined Defendants are not. *See* 28 U.S.C. § 1332(a).

II. THE AMOUNT IN CONTROVERSY EXCEEDS \$75,000

47. “[A] defendant’s notice of removal need only include a plausible allegation that the amount in controversy exceeds the jurisdictional threshold.” *Dart Cherokee Basin Operating Co. v. Owens*, 135 S. Ct. 547, 554 (2014). “Evidence establishing the amount is required . . . only when the plaintiff contests, or the court questions, the defendant’s allegation.” *Id.* at 553-54; *see also, e.g., Goldstein v. GFS Mkt. Realty Four, LLC*, 2016 WL 5215024, at *3 (S.D. Fla. Sept. 21, 2016) (similar); *VIP Auto Glass, Inc. v. GEICO Gen. Ins. Co.*, 2017 WL 3712918, at *3 (M.D. Fla. Mar. 7, 2017) (similar).

48. Plaintiffs seek (1) “[a]n order enjoining Defendants from further negligent, deceptive, unfair, and unlawful conduct as alleged herein,” (2) “actual, compensatory, and consequential damages,” (3) “monetary and equitable relief for diagnostic testing, medical monitoring, and nicotine cessation programs,” (4) “restitution,” (5) “reasonable attorneys’ fees” and “costs,” (6) “prejudgment and post-judgment interest,” and (7) “other and further relief.” Compl. at Prayer for Relief. Aside from costs and interest, each of these items is relevant to the amount in controversy.

49. Plaintiffs’ “actual” and “compensatory” damages would include the amount spent by B.S. on JLI products. Compl. ¶ 3 (alleging “economic harm in that [B.S.] would not have purchased JUUL if he knew the facts”). In addition, Plaintiffs seek “monetary and equitable relief for diagnostic testing, medical monitoring, and nicotine cessation programs.” Compl. at Prayer for Relief. The cost of providing these remedies to B.S. would be significant and alone might meet the jurisdictional requirement. *See, e.g., Williams v. Alxial Corp.*, 2015 WL 5638080, at *5 (W.D. La. Sept. 24, 2015) (denying remand where “plaintiff’s medical monitoring claim [would] easily push the relief sought in this case beyond the jurisdictional limit”); *Rice v. CSX*

Transp., Inc., 2002 WL 35467650, at *8 (N.D. W. Va. Mar. 11, 2002) (denying remand where medical monitoring and research costs would exceed \$75,000 even “when considering the value of such costs to one plaintiff”). Indeed, Plaintiffs allege that nicotine “is a carcinogen, as well as a toxic chemical associated with cardiovascular, reproductive, and immunosuppressive problems” and “adversely affects the heart, eyes, reproductive system, lungs, and kidneys.” Compl.

¶¶ 19-20. Based on these allegations, Plaintiffs are likely to request several costly diagnostic tests and extensive medical monitoring over a period of several years. Furthermore, Plaintiffs seek costly injunctive relief that, among other things, would foreclose sales of all JLI products pending approval by the FDA. Compl. ¶ 146(d).

50. In addition, Plaintiffs’ request for attorneys’ fees is further reason why the amount in controversy exceeds \$75,000. *See* § 768.79, Fla. Stat. (fee-shifting statute allowing recovery of attorney fees in certain situations); § 501.2105, Fla. Stat. (allowing recovery of attorney fees for FDUTPA claims). “When a statute authorizes the recovery of attorney’s fees, a reasonable amount of those fees is included in the amount in controversy.” *See Morrison v. Allstate Indem. Co.*, 228 F.3d 1255, 1265 (11th Cir. 2000). The Eleventh Circuit has not addressed whether to calculate this amount “as of the date of removal or through the end of the case.” *Frisher v. Lincoln Benefit Life Co.*, 2013 WL 12092525, at *4 (S.D. Fla. 2013).² The latter approach, however, which considers the amount of fees that would be accrued throughout the case, is

² Courts in this district have reached different conclusions when addressing this issue. Although some decisions have stated that “the majority of district courts in this circuit” include attorney’s fees accrued only through the date of removal, *Brown Heating & Air Conditioning, LLC v. Sunbelt Rentals, Inc.*, 2015 WL 12712059, at *5 (S.D. Fla. 2015), other courts have concluded that the amount in controversy should include fees that would be incurred during the course of the litigation. *See, e.g., Hall v. Am. Sec. Ins. Co.*, 2009 WL 2215131, at *1 (S.D. Fla. 2009) (including estimated future attorney’s fees in the amount in controversy); *DO Rests., Inc. v. Aspen Specialty Ins. Co.*, 984 F. Supp. 2d 1342, 1345-47 (S.D. Fla. 2013) (similar).

consistent with the Eleventh Circuit’s holding in *Morrison* that the calculation include a “reasonable amount” of the fees “authorize[d]” by the relevant statute. 228 F.3d at 1265. That approach should be applied here. For purposes analyzing the jurisdictional amount only, the fees that Plaintiffs would incur in this case therefore would be substantial.³

51. Finally, “[w]hen determining the jurisdictional amount in controversy in diversity cases, punitive damages must be considered.” *Holley Equip. Co. v. Credit All. Corp.*, 821 F.2d 1531, 1535 (11th Cir. 1987). When alleging their fraud claim,⁴ Plaintiffs parrot the standard for punitive damages by alleging that “Defendants’ conduct . . . was willful and malicious and was designed to maximize Defendants’ profits even though Defendant knew it would cause loss and harm to Plaintiffs.” Compl. ¶ 103.⁵ Given Plaintiffs’ allegations of “willful and malicious” conduct, it appears Plaintiffs will eventually attempt to amend their Complaint to add a specific punitive damages claim. Under Florida’s punitive damages statute, section 768.73, Fla. Stat., Plaintiffs might seek up to \$2 million or four times the compensatory amount. The Removing Defendants submit that no award of punitive damages would be proper and reserve their right to

³ In one recent smoking and health case, for example, the same counsel representing Plaintiffs here sought attorney’s fees at more than \$1,000 per hour. See Plaintiff’s Attachment to Notice of Compliance at Columns 2 & 3, ATTY and Rate, *In re Engle Progeny Cases Tobacco Litig. (Grossman)*, No. 08-025828 (Fla. Cir. Ct.) (stating that rate for Scott P. Schlesinger was \$1600/hour and rate for Jonathan R. Gdanski was \$1200/hour) (excerpted and attached as **Exhibit 5**). In another smoking and health case, a different group of plaintiff’s counsel were awarded more than \$1.4 million in attorney’s fees, before that award was reversed on appeal. *R.J. Reynold Tobacco Co. v. Ward*, 141 So. 3d 236 (Fla. 1st DCA 2014).

⁴ Punitive damages generally can be recovered under an intentional fraud claim. See, e.g., *First Interstate Dev. Corp. v. Ablanado*, 511 So. 2d 536, 537-38 (Fla. 1987) (punitive damages allowable based on claims sounding in fraud).

⁵ See, e.g., *Owens-Corning Fiberglas Corp. v. Ballard*, 749 So. 2d 483, 486 (Fla. 1999) (“[P]unitive damages are appropriate when a defendant engages in conduct which is fraudulent, malicious, deliberately violent or oppressive, or committed with such gross negligence as to indicate a wanton disregard for the rights and safety of others.”).

challenge any such request. But for removal purposes, this further escalates the amount in controversy above the \$75,000 minimum.

III. ALL OTHER REMOVAL REQUIREMENTS ARE SATISFIED

A. This Notice of Removal Is Timely

52. This Notice of Removal is timely filed. JLI and PM USA were served with the Complaint on May 22, 2019. Altria was served with the Complaint on May 23, 2019. Because the Removing Defendants filed the Notice of Removal on June 21, 2019, removal is timely. *See* 28 U.S.C. § 1446(b)(1).

B. All Properly Joined And Served Defendants Consent to Removal

53. For purposes of removal based on diversity jurisdiction under 28 U.S.C. § 1332(a) and pursuant to 28 U.S.C. § 1446(b), all defendants who have been properly joined and served must consent to removal.

54. Defendant JUUL Labs, Inc. consents to this removal, as indicated by its signing below. Because the Retailer Defendants are not properly joined, their consent to removal is not required. *See* 28 U.S.C. § 1446(b)(2)(A).

55. By filing this Notice of Removal, the Removing Defendants do not waive any defenses that may be available to them and expressly reserve all such defenses.

56. If any question arises as to the propriety of the removal to this Court, the Removing Defendants request the opportunity to present a brief and oral argument in support of their position that this case has been properly removed. *See, e.g., Dart Cherokee Basin*, 135 S. Ct. at 554.

CONCLUSION

WHEREFORE, Altria Group, Inc. and Philip Morris USA Inc. hereby remove this action from the Circuit Court of the Seventeenth Judicial Circuit in and for Broward County, Florida, to the United States District Court for the Southern District of Florida.

DATED: June 21, 2019

/s/ Geoffrey J. Michael
Geoffrey J. Michael
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Attorneys for Defendants Altria Group, Inc. and
Philip Morris USA Inc.

CONSENT TO REMOVAL:

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Attorneys for Defendant JUUL Labs, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing is being served upon the following by regular United States mail, postage prepaid:

| | |
|---|---|
| <p>Scott P. Schlesinger Jonathan R. Gdanski Jeffrey L. Haberman SCHLESINGER LAW OFFICES, P.A. 1212 SE Third Avenue Ft. Lauderdale, FL 33316 Telephone: 954-467-8800 scott@schlesingerlaw.com jgdanski@schlesingerlaw.com jhaberman@schlesingerlaw.com</p> <p><i>Attorneys for Plaintiffs</i></p> | <p>George S. LeMieux 450 East Las Olas Boulevard, Suite 1400 Fort Lauderdale, Florida 33301 Telephone: 954-462-2000 Facsimile: 954-523-1722 glemieux@gunster.com</p> <p>Timothy J. McGinn 600 Brickell Avenue, Suite 3500 Miami, Florida 33131 Telephone: 305-376-6000 Facsimile: 305-376-6010 tmcginn@gunster.com</p> <p><i>Attorneys for Defendant JUUL Labs, Inc.</i></p> |
| <p>Matthew Adams ADAMS SANDLER LAW GROUP 37 N. Orange Ave., Ste. 500 Orlando, FL 32801 Telephone: 407-926-4144 mattadams@adamssandlerlaw.com info@adamssandlerlaw.com</p> <p><i>Attorneys for Defendant My Vapor Hut, Inc. d/b/a 1st Wave Vapor</i></p> | <p>Melody Ridgley Fortunato FORTUNATO & ASSOCIATES, P.A. 12 South East 7th Street - Suite 711 Fort Lauderdale, FL 33301 Telephone: 954-728-1266 Fax: 954-728-1268 mrf@mfortunatolaw.com</p> <p><i>Attorneys for Defendant Edgar F. Di Puglia in his capacity as owner of The Smoke House Smoke Shop</i></p> |

DATED: June 21, 2019

/s/ Geoffrey J. Michael
Geoffrey J. Michael
ARNOLD & PORTER KAYE SCHOLER LLP
601 Massachusetts Ave., NW
Washington, DC 20001
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JS 44 (Rev. 06/17) FLSD Revised 06/01/2017

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.) NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.

I. (a) PLAINTIFFS Craig Shapiro and Julie Shapiro, individually, and as guardians of their minor child, B.S.

DEFENDANTS JUUL Labs, Inc.; Altria Group, Inc.; Philip Morris USA Inc.; My Vapor Hut; Smoke House Smoke Shop

(b) County of Residence of First Listed Plaintiff Broward (EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant (out of state) (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number) Scott P. Schlesinger, Jonathan R. Gdanski, Jeffrey L. Haberman, Schlesinger Law Offices, P.A., 212 SE Third Ave., Ft. Lauderdale, FL 33316, (954) 467-8800

Attorneys (If Known) Geoffrey J. Michael, ARNOLD & PORTER KAYE SCHOLER LLP, 601 Massachusetts Ave., NW, Washington, DC 20001, (202) 942-5000

(d) Check County Where Action Arose: MIAMI-DADE MONROE BROWARD PALM BEACH MARTIN ST. LUCIE INDIAN RIVER OKEECHOBEE HIGHLANDS

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
PTF DEF
1 1
2 2
3 3
4 4
5 5
6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT, REAL PROPERTY, CIVIL RIGHTS, PRISONER PETITIONS, LABOR, IMMIGRATION, FEDERAL TAX SUITS, OTHER STATUTES. Includes categories like Insurance, Marine, Miller Act, etc.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
2 Removed from State Court
3 Re-filed (See VI below)
4 Reinstated or Reopened
5 Transferred from another district (specify)
6 Multidistrict Litigation Transfer
7 Appeal to District Judge from Magistrate Judgment
8 Multidistrict Litigation - Direct File
9 Remanded from Appellate Court

VI. RELATED/RE-FILED CASE(S) (See instructions): a) Re-filed Case YES NO b) Related Cases YES NO JUDGE: Judge Williams & Judge Torres DOCKET NUMBER: No. 2:18-cv-25005

VII. CAUSE OF ACTION Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity): 28 U.S.C. sections 1332, 1441, and 1446.

VIII. REQUESTED IN COMPLAINT: LENGTH OF TRIAL via days estimated (for both sides to try entire case)

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE DATE June 21, 2019 SIGNATURE OF ATTORNEY OF RECORD Geoffrey Michael (RUB)

FOR OFFICE USE ONLY RECEIPT # AMOUNT IFP JUDGE MAG JUDGE

JS 44 (Rev. 06/17) FLSD Revised 06/01/2017

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked. Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Nature of Suit. Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Refiled (3) Attach copy of Order for Dismissal of Previous case. Also complete VI.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

Remanded from Appellate Court. (8) Check this box if remanded from Appellate Court.

VI. Related/Refiled Cases. This section of the JS 44 is used to reference related pending cases or re-filed cases. Insert the docket numbers and the corresponding judges name for such cases.

VII. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553

Brief Description: Unauthorized reception of cable service

VIII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

Date and Attorney Signature. Date and sign the civil cover sheet.

EXHIBIT 1

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT IN AND
FOR BROWARD COUNTY, FLORIDA**

CRAIG SHAPIRO and JULIE SHAPIRO
Individually, and as guardians of their minor child,
B.S.,
Plaintiffs,

CIVIL ACTION
CASE NO:

DEMAND FOR JURY TRIAL

JUUL LABS INC., ALTRIA GROUP,
INC., PHILIP MORRIS USA, INC.,
MY VAPOR HUT, INC. d/b/a 1ST WAVE VAPOR,
EDGAR F. DI PUGLIA in his capacity as owner of
THE SMOKE HOUSE SMOKE SHOP.

Defendants.

COMPLAINT AND DEMAND FOR JURY TRIAL

1. Plaintiffs, Craig Shapiro and Julie Shapiro, individually, and as legal guardians of their minor child, B.S., by and through their undersigned counsel, bring this action against Defendants JUUL Labs, Inc., Altria Group, Inc., and Philip Morris USA, Inc., , and allege as follows:

INTRODUCTION

2. B.S. is only 14 years old yet he is addicted to JUUL, an e-cigarette. Health authorities consider youth e-cigarette use an epidemic. Defendants are to blame. Mimicking Big Tobacco's past marketing practices, Defendants prey on youth to recruit replacement smokers for financial gain. Tobacco giant Altria recently acquired a 35% stake in JUUL, the country's lead e-cigarette seller. Altria also owns Philip Morris, which sells Marlboro, the country's most popular cigarette. Now that JUUL has Altria's infrastructure, progress in nicotine cessation stands to erode. Defendants use the very fraudulent and deceptive youth marketing business practices adjudged to violate federal racketeering laws. They exploit themes that resonate with teenagers while falsely denying doing so:



Plaintiffs bring this lawsuit to redress the harm already sustained and to prevent future harm to others.

PARTIES, JURISDICTION, AND VENUE

3. Plaintiffs, Craig Shapiro and Julie Shapiro are the parents and natural guardians of B.S. Plaintiffs reside in Broward County, Florida, and are citizens of the State of Florida. B.S., who is 14 years old, began using and purchasing JUUL vaping products when he was 13. B.S. did not know how much nicotine JUUL contained or that JUUL was specifically developed to create and sustain a nicotine addiction when he began using it. B.S. was attracted to and used JUUL's mint, mango, crème brulee, fruit medley, and menthol flavors. B.S. is addicted to the nicotine contained in JUUL. B.S. was directly and proximately harmed by Defendants' unlawful conduct as alleged in this complaint. Such harm includes exposure to significant toxic substances, which may cause or contribute to causing disease; nicotine addiction; and economic harm in that he would not have purchased JUUL if he knew the facts.

4. Plaintiffs did not know that JUUL was an e-cigarette device when they first saw the product. Instead, they thought it was a USB drive for a computer. Now that they know that

JUUL is a nicotine delivery device and are aware of their son's JUUL use, they are concerned about their son's health and for his future health because of the known complications associated with nicotine usage. Plaintiffs reasonably fear that the Defendants listed below are working in concert to market and advertise JUUL to youth and teenagers and that Defendants' association and marketing efforts increase the likelihood that their minor children will begin using e-cigarettes and become addicted. Unless these Defendants are enjoined from their unlawful acts as described below, the harms will continue as their family members will continue to be exposed to their deceptive youth marketing campaigns.

5. Defendant JUUL Labs, Inc. ("JUUL"), is a Delaware corporation, having its principal place of business in San Francisco, California. JUUL originally operated under the name PAX Labs, Inc. In 2017, it was renamed JUUL Labs, Inc. JUUL manufactures, designs, sells, markets, promotes and distributes JUUL e-cigarettes.

6. Defendant, Altria Group, Inc. ("Altria"), is a Virginia corporation, having its principal place of business in Richmond, Virginia.

7. Defendant, Philip Morris USA, Inc. (Philip Morris), is a wholly-owned subsidiary of Altria. Philip Morris is a Virginia corporation, having its principal place of business in Richmond, Virginia. Philip Morris is engaged in the manufacture and sale of cigarettes in the United States. Philip Morris is the largest cigarette company in the United States. Marlboro, the principal cigarette brand of Philip Morris, has been the largest-selling cigarette brand in the United States for over 40 years.

8. Altria and Philip Morris are referred to collectively as the Altria Defendants. Altria acquired 35% ownership in JUUL to, among other things, sell, promote, market, and

distribute JUUL e-cigarettes. Pursuant to a services agreement, JUUL will have access to Altria Defendants' industry infrastructure.

9. Defendant My Vapor Hut, Inc., d/b/a 1st Wave Vapor (1st Wave Vapor), is a Florida company with a principal place of business in Pompano Beach, Florida. 1st Wave Vapor sells and promotes JUUL, among other products. B.S. has purchased or procured JUUL at 1st Wave Vapor.

10. Defendant Edgar Di Puglia is the owner of the fictitious business name The Smoke House Smoke Shop, located at 1952 East Sunrise Boulevard, Fort Lauderdale Florida, with a principal place of business in Broward County, Florida. The Smoke House Smoke Shop sells and promotes JUUL, among other products. B.S. has purchased or procured JUUL at The Smoke House Smoke Shop.

11. The Court has subject matter jurisdiction over this action because it exceeds fifteen thousand dollars (\$15,000.00), exclusive of costs and fees.

12. The Court has personal jurisdiction over all Defendants because they do business in Florida and have sufficient minimum contacts with Broward County, Florida. Defendants intentionally avail themselves of the markets in this State through the promotion, marketing, distribution or sale of the products at issue in this lawsuit to render the exercise of jurisdiction by this Court permissible under Florida law and the U.S. Constitution.

13. Venue is proper in this Court pursuant to Fla. Stat. sec. 47.011 because part of the events or omissions giving rise to the claims at issue in this Complaint arose in Broward County, Florida and Defendants are subject to the Court's personal jurisdiction with respect to this action.

GENERAL FACTUAL ALLEGATIONS

A. The E-Cigarette Epidemic

14. According to the CDC, about 4.9 million middle and high school students were current users of a tobacco product in 2018, meaning that they used such products within the past 30 days. This represents an increase of 1.3 million users just since 2017.¹

15. A surge in e-cigarette use explains this dramatic increase: There were 1.5 million more youth e-cigarette users in 2018 than 2017, accounting for more than the full increase in youth tobacco usage and erasing past progress in reducing youth tobacco product use. E-cigarette use among U.S. high school students increased more than 900% from 2011 to 2015. Frequent use of e-cigarettes increased from 20 percent in 2017 to 28 percent in 2018. E-cigarette use in general increased 78 percent among high school students and 48 percent among middle school students from 2017 to 2018. As CDC Director Dr. Robert R. Redfield explains: “The skyrocketing growth of young people’s e-cigarette use over the past year threatens to erase progress made reducing tobacco use. It’s putting a new generation at risk for nicotine addiction.”

16. Many youth tobacco product users are also using multiple tobacco products: a combination of e-cigarettes and conventional cigarettes.

17. The FDA characterizes teen vaping as an epidemic. And with good reason: Smoking is the leading cause of preventable death. Cigarette smoking causes about one in every five deaths in the United States each year. This amounts to around 480,000 deaths annually. If smoking continues at the current rate among U.S. youth, 5.6 million of today’s Americans younger than 18 years of age are expected to die prematurely from a smoking-related illness. This represents about one in every 13 Americans aged 17 years or younger who are alive today.

¹ See <https://www.cdc.gov/media/releases/2019/p0211-youth-tobacco-use-increased.html>.

18. A study done by the American Journal of Medicine found that among young adults who did not smoke cigarettes, those who used e-cigarettes were more than four times as likely than non-vapers to start smoking traditional cigarettes within 18 months.²

19. JUUL e-cigarettes and JUULpods deliver dangerous toxins and carcinogens to users, especially teenage users. Nicotine itself is a carcinogen, as well as a toxic chemical associated with cardiovascular, reproductive, and immunosuppressive problems.

20. Nicotine adversely affects the heart, eyes, reproductive system, lungs, and kidneys. Exposure to nicotine from sources such as nicotine gum still produces an increased risk of Coronary Vascular Disease by producing acute myocardial ischemia, as well as an increased risk of peripheral arterial disorders. Moreover, because vaping introduces foreign substances into the lungs, prolonged use of vaping products is believed to produce chronic obstructive pulmonary disease, just like traditional cigarette smoke. Vaping also triggers immune responses associated with inflammatory lung diseases.

21. According to the National Institutes of Health, the “amount and speed of nicotine delivery . . . plays a critical role in the potential for abuse of tobacco products.”³ Big Tobacco has long known that nicotine addiction is the reason for tobacco product usage.

B. The JUUL E-Cigarette

22. Since its launch in 2015, JUUL has become the dominant e-cigarette manufacturer in the United States. Its revenues grew by 700% in 2017. According to a recent Wells-Fargo report, JUUL owns three-quarters of the e-cigarette market.⁴

² Primack, Brian A. MD, PhD. “Initiation of Traditional Cigarette Smoking after Electronic Cigarette Use Among Tobacco-Naïve US Young Adults.” The Am. J. of Medicine. November 2017.

³ See <https://www.ncbi.nlm.nih.gov/books/NBK53018/#ch4.s92>

⁴ <https://www.durbin.senate.gov/imo/media/doc/FINAL%20JUUL%20Letter%204.8.19.pdf>

23. JUUL is a novel cartridge-based e-cigarette design. The cartridges are called pods or JUULpods. JUUL devices heat up a cartridge containing oils to create vapor, which quickly dissolves into the air. JUUL describes the e-cigarettes as an “easy to use vaporizer.”

24. The JUUL e-cigarette is a sleek, high-tech design. It looks like a USB flash drive, and it can charge in a computer. It is about the size and shape of a pack of chewing gum; it is small enough to fit in a closed hand. JUUL is easy to conceal from parents and teachers. The odor emitted from JUUL is a reduced aerosol – unlike the distinct smell of conventional cigarettes.

25. The thin, rectangular JUUL e-cigarette device consists of an aluminum shell, a battery, a magnet (for the USB-charger), a circuit board, an LED light, and a pressure sensor. Each JUULpod is a plastic enclosure containing 0.7 milliliters of JUUL’s patented nicotine liquid and a coil heater. When a sensor in the JUUL e-cigarette detects the movement of air caused by suction on the JUULpod, the battery in the JUUL device activates the heating element, which in turn converts the nicotine solution in the JUULpod into a vapor consisting principally of nicotine, benzoic acid, glycerin, and propylene glycol. A light embedded in the JUUL device serves as a battery level indicator and lights up in a “party mode” display of rainbow of colors when the device is waved around.

26. The physical design of the JUUL device (including its circuit board) and JUULpod determines the amount of aerosolized nicotine the JUUL emits. By altering the temperature, maximum puff duration, or airflow, among other things, JUUL precisely controls amount of nicotine vapor delivered. Studies show that there is a “decrease in the perceived harshness of the aerosol to the user and thus a greater abuse liability.” See Duell, James F. Pankow, and David H.

Peyton, *Free-Base Nicotine Determination in Electronic Cigarette Liquids by 1H NMR Spectroscopy*, 31 Chem. Res. Toxicol. 431, 431 (2018) (“the Duell study”).

27. JUUL designed its products to replicate the “feel” of traditional cigarettes, and this design makes it easier for e-cigarette users to transition to conventional cigarettes because of the similarity. Indeed, JUUL says its devices “mirror the simplicity that smokers are accustomed to.”⁵

28. The JUUL e-cigarette is defectively designed and therefore unreasonably dangerous. JUUL is designed to create and sustain a nicotine addiction. JUUL appears to deliver nicotine more effectively and at higher doses than other e-cigarettes, increasing users’ risk of addiction. JUUL’s patented JUULSalts approach to nicotine delivery is due to compounds called nicotine salts, which develop in heat-dried tobacco leaves much like most cigarettes. According to the company website, freebase nicotine is mixed with benzoic acid to make the e-liquid, which has a chemical reaction to produce the nicotine salts. JUULPod e-liquid cartridges contain up to twice the amount of nicotine as a pack of cigarettes and are easier to inhale. This design method increases JUUL’s inhale-ability. The Duell study concluded that JUUL’s use of nicotine salts “may well contribute to the current use prevalence of JUUL products among youth.” *Id.* 433

29. Moreover, the JUUL device does not have a manual or automatic “off” switch. Neither the JUULpod nor the programming of the JUUL device’s temperature or puff duration settings limits the amount of nicotine JUUL delivers in each puff to the upper bound of a cigarette.

⁵ See <https://support.juul.com/home/learn/faqs/juul-device-basics> (last visited Apr. 9, 2019)

30. JUUL e-cigarettes and JUULpods deliver dangerous toxins and carcinogens to users, especially teenage users.

31. JUUL delivers doses of nicotine that are materially higher than combustible cigarettes. The United Kingdom Medicines and Healthcare Products Regulatory Agency notes, “an e-cigarette with a concentration of 20 mg/ml delivers approximately 1 milligram of nicotine in 5 minutes (the time needed to smoke a traditional cigarette, for which the maximum allowable delivery is 1 mg of nicotine).⁶ JUUL’s nicotine concentration is 59 mg/ml, which is in a salt form that increases the rate and efficiency of nicotine delivery. JUULpods therefore exceed the nicotine dose of a traditional cigarette.

32. Comparison of available data regarding per-puff nicotine intake corroborates the other JUUL studies (mentioned above), indicating that JUUL delivers about 30% more nicotine per puff. Specifically, a recent study of JUULpods found that “[t]he nicotine levels delivered by the JUUL are similar to or even higher than those delivered by cigarettes.” Reilly et al., *Free Radical, Carbonyl, and Nicotine Levels Produced by JUUL Electronic Cigarettes*, 3 (the “Reilly study”). The Reilly study tested JUUL’s Tobacco, Crème Brulee, Fruit Punch, and Mint flavors and found that a puff of JUUL delivered 164 ± 41 micrograms (μg) of nicotine per puff. Reilly et al. *Free Radical*. See Appendix B, Chart 7. Reilly’s findings were based on a puff volume of 75ml. By comparison, a 2014 study using larger, 100 ml puffs found that a Marlboro cigarette delivered 152—193 $\mu\text{g}/\text{puff}$. M.J. Schroeder and A.C. Hoffman, *Electronic Cigarettes and Nicotine Clinical Pharmacology*, *Tobacco Control* 2014; 23:ii30-ii35. Correcting to account for the different puff sizes between the Reilly and Schroeder studies, this suggests that, at 75ml/puff,

⁶ E-Cigarettes, https://ec.europa.eu/health/sites/health/files/tobacco/docs/fs_ecigarettes_en.pdf (last visited Apr. 9, 2019).

a Marlboro would deliver between 114 and 144 $\mu\text{g}/\text{puff}$. In other words, empirical data suggests that JUUL delivers up to 36% more nicotine per puff than a Marlboro.

33. Adding to the above defects, JUUL is also defective in design because it puts e-cigarette users, especially youth or young adults with developing brains, at greater risk of experiencing seizures.⁷ JUUL's design for nicotine delivery, nicotine content, nicotine formulation and their effects on creating or sustaining nicotine addiction increases the propensity of abnormal electrical activity in the brain. JUUL is further defectively designed in that its users may unwittingly swallow the e-liquid. These defects can cause or substantially contribute to causing mild or major seizures. The FDA is currently investigating reports of youth and young adults who are experiencing seizures following the use of e-cigarettes.

B. JUUL Fraudulently Concealed Important Safety Information On How Addictive It's E-Cigarettes Are

34. JUUL has fraudulently concealed material information about the addictive nature of its e-cigarettes. Plaintiffs' claims arise out of JUUL's fraudulent concealment of material facts concerning the JUUL e-cigarette and representations about the JUUL e-cigarettes' nicotine content, its addictiveness, and the physiological effects of JUUL e-cigarettes.

35. At all relevant times, JUUL knew that JUUL e-cigarettes' were not safe for non-smokers, and posed a risk of aggravating nicotine addiction in those already addicted to cigarettes. JUUL was under a duty to disclose this material information based upon its exclusive knowledge of it, and its concealment of it; yet JUUL never disclosed the defect to Plaintiff or the public.

36. JUUL repeatedly represented that a single JUULpod contains an amount of nicotine equivalent to about a pack of cigarettes. For example, some JUUL advertisements and

⁷ <https://www.fda.gov/TobaccoProducts/NewsEvents/ucm635133.htm>

JUUL's website currently provides that each "JUULpod is designed to contain approximately 0.7mL with 5% nicotine by weight at time of manufacture which is approximately equivalent to 1 pack of cigarettes or 200 puffs." This falsehood is recast in JUUL advertisements, and on JUUL's website, into the claim that a JUUL delivers about as much nicotine as a cigarette.

37. This statement is false because, as JUUL knows, it is not just the amount of nicotine, but the efficiency with which the product delivers nicotine into the bloodstream, that determines the product's narcotic effect and risk of addiction. Defendants know that benzoic acid affects pH and "absorption of nicotine across biological membranes."⁸

38. JUUL's statement in its advertisements that each JUULpod contains about as much nicotine as a pack of cigarettes is false and likely to mislead, because the amount of nicotine *contained* in the JUULpod is perhaps six times less than in a pack of cigarettes, but actual amount of nicotine *consumed* via JUULpod is as much as twice as high as that via cigarettes.

39. Despite making numerous revisions to its packaging since 2015, JUUL did not add nicotine warnings until forced to do so in August of 2018.

40. JUUL has not been approved as a smoking therapy nor has it been approved as a modified risk tobacco product.

41. JUUL fails to inform users that its products have not been found to be safe and effective by the FDA for the purpose of smoking cessation.

C. JUUL Copied Big Tobacco's Youth Marketing Playbook To Addict Youth to Nicotine

⁸ Neil L. Benowitz et al., *Nicotine Chemistry, Metabolism, Kinetics and Biomarkers*, Handbook of Experimental Pharmacology 1982: 29-60 (Oct. 13, 2010), available at: [HYPERLINK "https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2953858/"](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2953858/)⁸
<https://www.fda.gov/TobaccoProducts/NewsEvents/ucm635133.htm>

42. JUUL adopted the same themes used by Philip Morris and other Big Tobacco companies in the cigarette industry's long-standing, extensive advertising campaign to glamorize cigarette smoking while downplaying its addictiveness and deleterious health effects.

43. Statements by JUUL's founder and employees make clear JUUL's intent to develop a highly addictive product to sell to a new audience of non-smokers. James Monsees, one of JUUL's founders, described the cigarette as "the most successful consumer product of all time . . . an amazing product." According to Monsees, JUUL aimed to "deliver[] solutions that refresh the magic and luxury of the tobacco category."

44. JUUL used the tobacco industry's prior practices as a playbook. Monsees admitted publicly that JUUL began by looking at tobacco industry documents, including board meeting minutes. "It became a very intriguing space for us to investigate because we had so much information that you wouldn't normally be able to get in most industries. And we were able to catch up, right, to a huge, huge industry in no time. And then we started building prototypes."

45. JUUL's research included documents about how tobacco companies had chemically manipulated nicotine content to maximize delivery: "We started looking at patent literature. We are pretty fluent in 'Patentese.' And we were able to deduce what had happened historically in the tobacco industry."

46. JUUL also used tobacco industry advertisements—which were created to lure nonsmoking youth—as a guide to JUUL's own advertising campaigns. In a 2018 interview, "Monsees indicated that the design of JUUL's advertising had been informed by traditional tobacco advertisements and that [the Stanford Research into Impact of Tobacco Advertising] had been quite useful to them." Robert K. Jackler, M.D. et al, *JUUL Advertising Over Its First Three Years on the Market* (Jan. 21, 2019).

47. These copycat advertising and marketing practices include: colorful ad campaigns using eye-catching designs and youth-oriented imagery touting themes of being “cool,” “carefree,” “stylish,” “attractive,” “sexy,” “pleasureful,” “popular” and that the JUUL e-cigarettes are “great tasting,” etc. Viral marketing campaigns push JUUL products on children, teens, and young adults. For example, it is suspected that JUUL pays social media stars or social media influencers to flood social media newsfeeds with JUUL promotion – Big Tobacco did the same type of product placement to create viral campaigns of smoking. Like Big Tobacco before it, JUUL distributed free e-cigarette and packs at live social events.

48. JUUL’s original marketing campaign included billboards, YouTube videos, advertising in magazines, like VICE Magazine, launch parties, and a sampling tour.

49. One study of JUUL’s marketing showed that “the growth of JUUL was accompanied by innovative marketing across a variety of new media platforms...JUUL was one of the first major retail e-cigarette brands that relied heavily on social media to market its products.”⁹ The study further found that JUUL’s Instagram account reached a quarter million followers, used artsy photographs to display its products and “evoke lifestyle feelings such as relaxation, freedom and sex appeal.”

50. The Surgeon General’s Advisory on E-Cigarette Use Among Youth found that JUUL’s Twitter account was being followed by adolescents and that 25% of those retweeting official JUUL tweets were under 18.

⁹ Huang, J, et al., “Vaping versus JUULing: how the extraordinary growth and marketing of JUUL transformed the US retail, available at <https://tobaccocontrol.bmj.com/content/tobaccocontrol/early/2018/05/31/tobaccocontrol-2018-054382.full.pdf>.

51. JUUL has also played off the ubiquity of Apple products such as iPhones and iPads. JUUL promotes itself with statements like JUUL is “the iPhone of e-cigarettes,” which JUUL posted on its website and used as the basis for a social media and email campaign.

52. JUUL is available in sweet flavors including mango, fruit medley and cool mint. According to one survey, 81 percent of current youth e-cigarette users cited the availability of appealing flavors as the primary reason for use.¹⁰

53. JUUL’s viral marketing campaign has been successful. The National Youth Tobacco Survey has found that 78.2 percent of middle and high-school students – 20.5 million youth – had been exposed to e-cigarette advertisements.

54. JUUL has styled itself as something different than Big Tobacco. For example, JUUL had a campaign that expressly stated: “FACT: JUUL Labs is not Big Tobacco. We are an independent vapor company on a mission to eliminate cigarettes.” That has proved false. As discussed below, Altria acquired 35% of JUUL to partner with the company.

D. Philip Morris, An Altria Subsidiary, Has a Long History of Marketing Tobacco Products to Youth

55. Beginning in the 1950s through the present, Philip Morris intentionally marketed cigarettes to young people under the age of 21 to recruit “replacement smokers” to ensure the economic future of the tobacco industry. *See U.S. v. Philip Morris, et al.*, No. 99-cv-2496, Amended Final Opinion at page 972 (D.D.C. Aug. 17, 2006) (Kessler, J.).

56. Philip Morris knew that marketing cigarettes to youth is essential to the company’s success and longevity, and for that reason, it created marketing campaigns to increase youth consumption.

¹⁰ Villanti AC, Johnson AL, Ambrose BK, et al. Use of flavored tobacco products among U.S. youth and adults; findings from the first wave of the PATH Study (2013-2014)

57. An internal memorandum dated March 31, 1981 sent by Myron Johnston, a marketing researcher for Philip Morris, states: “It is important to know as much as possible about teenage smoking patterns and attitudes. Today’s teenager is tomorrow’s potential regular customer, and the overwhelming majority of smokers first begin to smoke while still in their teens.” *See Young Smokers: Prevalence, Trends, Implications, and Related Demographic Trends*, p. 6.

58. To accomplish this sordid goal, Philip Morris tracked youth behavior and preference; employed marketing themes that resonated with youth; and promoted cigarettes to youth through retail promotions, events and sponsorships. *See U.S. v. Philip Morris, et al.*, at pages 1006, 1072.

59. Philip Morris intentionally exploited adolescents’ vulnerability to imagery by creating advertising that utilizes the themes of independence, adventurousness, sophistication, glamour, athleticism, social inclusion, sexual attractiveness, thinness, popularity, rebelliousness, and being “cool.” Philip Morris’ marketing tactics consistently reached millions of teens. *Id.* at page 990

60. Philip Morris’ youth brand is Marlboro, which was and remains among the most heavily advertised brands. *Id.*, at pages 980, 991.

61. Philip Morris was adjudged to have engaged in unlawful coordinated activity to “recruit new, youth smokers through cigarette marketing,” and falsely denied that it marketed to youth.

62. The Racketeering Acts associated with Philip Morris’ youth marketing consisted of advertisements that appeal to and target youth, the designs of which are based on its research on teenage behaviors and preferences. *Id.*, at page 1519.

63. The Altria Defendants have not abandoned their youth-appealing themes. Up until it acquired a 35% stake in JUUL, described below, Altria Defendants had their own e-cigarette, the MarkTen products, which Altria conceded was popular among youth.

E. The Government Takes Action to Address the E-Cigarette Epidemic

64. On February 24, 2018, the FDA sent a letter to JUUL expressing concern about the popularity of JUUL products among youth. The FDA ordered JUUL to submit documents regarding its marketing practices. The FDA publicized this letter on its website.

65. On September 12, 2018, the FDA sent letters to five e-cigarette manufacturers that represent more than 97 percent of the current market. JUUL and Altria were among these manufacturers. The FDA commissioner, Dr. Gottlieb, stated these companies are “now on notice by the FDA of how their products are being used by youth at disturbing rates.” Further, the FDA requested “the manufacturers of these brands and products to come back to the FDA in 60 days with robust plans on how they’ll convincingly address the widespread use of their products by minors.” Dr. Gottlieb ordered the companies to “demonstrate that they’re truly committed to keeping these [e-cigarettes] out of the hands of kids and they must find a way to reverse this trend.”

66. On October 4, 2018, JUUL stated it released 50,000 pages of documents to the FDA and that it “want[s] to be part of the solution in preventing underage use.”

67. On October 18, 2018, Altria’s CEO met with members of the FDA leadership. During that meeting, Altria acknowledged it had an obligation to address the epidemic of youth use of e-cigarettes.

68. Publicly, and in response to the FDA’s alarm concerning the rise in youth e-cigarette use, Altria’s CEO, Howard Willard, stated, in letter to the FDA of October 25, 2018, that

the company is “alarmed about the reported rise in youth e-vapor use to epidemic levels.” Mr. Willard further wrote that Altria believed that pod-based products significantly contributed to the rise in youth use of e-vapor products and committed to “remove from the market our *MarkTen Elite* and *Apex by MarkTen* pod-based products until we receive a market order from FDA or the youth issue is otherwise addressed.” Mr. Willard also wrote: “We are committed to helping reverse the current [vaping] use and trend among youth.”

69. On November 14, 2018, JUUL announced a plan to combat underage use.

70. A day later, on November 15, the CDC announced that e-cigarette use in general increased 78 percent among high school students and 48 percent among middle school students from 2017 to 2018. The FDA Commissioner called these results “astonishing.”

71. On December 7, 2018, Altria announced it would discontinue production and distribution of all MarkTen products and said it will “refocus its resources on more compelling reduced-risk tobacco product opportunities.”

72. On December 18, 2018, the Secretary of the U.S. Department of Health and Human Services, Alex Azar, stated at a press conference: “We have never seen use of any substance by America’s young people rise as rapidly as e-cigarette use is rising.”

F. Altria Defendants Long-Monitored JUUL’s Growth And Recently Purchased a Controlling Stake to Partner With JUUL

73. Altria’s public stance on e-cigarettes markedly differed from its private undertakings with respect to JUUL.

74. The Altria Defendants closely and carefully monitored the details of JUUL’s business for years prior to its decision to buy into JUUL in December 2018. In an earnings call of December 2018, Altria Defendants stated that they had been in talks with JUUL’s managers for

“quite some time.” Altria’s chief executive, Howard Willard, stated: “we’ve been monitoring [JUUL’s] growth...for three years” – in other words, since JUUL launched back in 2015.

75. Altria’s disclosures to the Securities and Exchange Commission reveal it had been “closely” following JUUL’s journey to “see if it had staying power.”

76. Weeks after Altria announced it would remove its e-vapor products from the market to address the youth vaping epidemic, on December 20, 2018, Altria made public that it closed a \$12.8 billion investment with JUUL, the leader in e-cigarettes, amounting to a 35% stake. Thus, Altria is continuing to sell flavored e-cigarettes, which it told the FDA it would stop.

77. Altria agreed to a non-competition obligation with JUUL as long as Altria is providing services to JUUL, which Altria has committed to doing for at least six years.

78. Altria and JUUL also entered into a services agreement. Among other things, Altria will provide services to JUUL with respect to logistics and distribution, access to retail shelf space, youth vaping prevention, cigarette pack inserts and onserts, regulatory matters and government affairs. Altria has also agreed to grant JUUL a non-exclusive, royalty-free perpetual, irrevocable, sublicensable license to Altria’s non-trademark licensable intellectual property rights in the e-vapor field, subject to the terms and conditions set forth in an intellectual property license agreement between the parties.

79. Pursuant to the agreement Altria has agreed to provide JUUL with certain commercial services on a cost-plus-3% basis for an initial term of six years.

80. Pursuant to the agreement Altria will provide JUUL access to its prime retail shelf space, which will allow JUUL products to appear alongside Philip Morris combustible cigarettes like Marlboro, the country’s most popular cigarette brand. Altria will also provide JUUL,

through the Altria Group Distribution Company, sales and distribution services and thus: access to Altria's near 230,000 retail locations.

81. Pursuant to the agreement, Philip Morris, which maintains a database of cigarette smokers' mailing and email addresses, will send JUUL advertising and marketing messages to its customers.

82. Further, pursuant to the agreement JUUL will benefit from Altria's influence with legislators and regulators and the expertise of Altria's legal team in countering tobacco litigation.

83. At a conference call on December 20, 2018, Altria's CEO remarked that Altria felt "fortunate to be the tobacco company that's partnered up with JUUL" and that Altria would provide its infrastructure to JUUL in order to accelerate JUUL's growth. During that call, Altria said it would continue to market conventional cigarettes "vigorously."

84. According to Robert K. Jackler, MD, Principal Investigator of the Stanford Research into the Impact of Tobacco Advertising: "The joining of JUUL and Marlboro brings together the two dominant players in the teenage nicotine addiction market (e-cigarette & cigarette). This powerful combination constitutes a clear and present danger to the youth of America as well as those around the world."

85. Studies demonstrate that e-cigarette use is associated with increased risk for cigarette initiation and use, particularly among low-risk youths. See Berry KM, Fetterman JL, Benjamin EJ, et al. Association of Electronic Cigarette Use With Subsequent Initiation of Tobacco Cigarettes in US Youths. *JAMA Netw Open*. 2019;2(2):e187794. doi:10.1001/jamanetworkopen.2018.7794.

86. Recent promotional practices of both companies suggest that they may pursue a strategy by which youth start with JUUL and graduate to Marlboro:

MARLBORO MENTHOL
**SWITCH
IT UP**

**RESEAL.
REPEAT.
WIN.**



**1000s OF CUTTING-EDGE PRIZES.
ALL PACKED IN THE NEW RESEAL PACK.**

AND ONLY ONE WAY TO REVEAL WHAT'S NEXT.

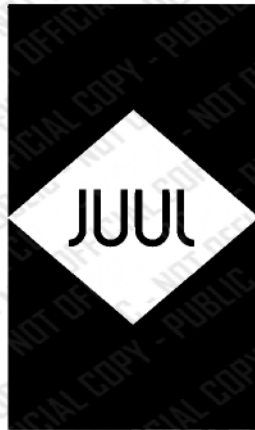
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WIN INSTANTLY AT
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SITE LIMITED TO ELIGIBLE SMOKERS 21 YEARS OF AGE OR OLDER



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With the range Reveal of Marlboro Classics, it's the opportunity to make the
switch to the... Long Classic Menthol and Classic Tobacco. More fun in it, see
what's next. www.marlboro.com



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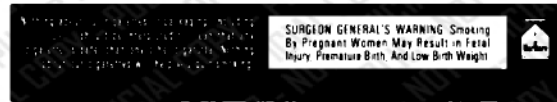
FLAVOR MULTIPACK

4 Pods
5.0% Strength

- Mint
- Virginia Tobacco
- Creme
- Mango



The Alternative For Adult Smokers



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NEVER SHORT ON FLAVOR

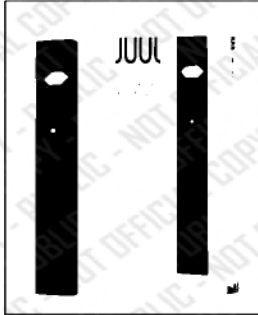
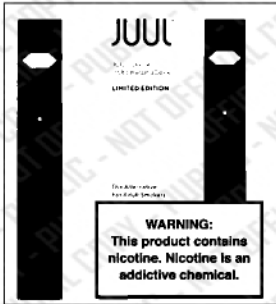


NOW AVAILABLE IN BLACK MENTHOL

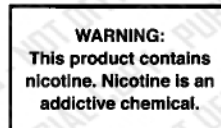
DISCOVER THE FLAVOR™

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See limited to eligible smokers 21 years of age or older.



The Alternative For Adult Smokers



Original JUUL Design

Recent JUUL Design



**Leading
Youth
Cigarette
Initiation
Brand**



**Leading
Youth
e-Cigarette
Initiation
Brand**

CAUSES OF ACTION

FIRST CAUSE OF ACTION

**Civil Conspiracy
(Against Defendants JUUL, Altria and Philip Morris)**

87. Plaintiffs incorporate by reference paragraphs 1-86 above as if fully set forth herein, and further declare:

88. Defendants JUUL, Altria and Philip Morris are all “persons” for purposes of this cause of action.

89. Defendants JUUL, Altria and Philip Morris have been conspiring, to sell and promote JUUL and have engaged in unlawful marketing practices to do so.

90. Since at least as long as Defendants JUUL, Altria and Philip Morris have entered into an agreement with respect to JUUL e-cigarettes, and continuing up to and including the date of the filing of this complaint, these Defendants have been functioning to achieve shared goals through unlawful means including to deceive consumers, particularly parents and children, by claiming that they did not market to children, while engaging in marketing and advertising with the intent of addicting children into becoming lifetime nicotine users.

91. As detailed in the General Factual Allegations, these Defendants’ know that marketing JUUL e-cigarettes to youth is essential to Defendants’ success and longevity, and for that reason, they partnered to create marketing campaigns to increase youth consumption, while fraudulently denying they are doing so. Defendants have furthered this scheme to profit. Defendants’ collaboration, as evidenced by a services agreement, marketing campaign, fraudulent statements, and misrepresentations constitute overt acts in pursuance on the conspiracy.

92. The Defendants' conduct in furtherance of this scheme was intentional. Plaintiffs were directly harmed as a result of the Defendants' intentional conduct.

93. Defendants' JUUL, Altria and Philip Morris have directly and proximately caused injuries and damages to Plaintiffs. Equitable relief is necessary to ensure an end to Defendants' continued effort to deceptively campaign to induce children and minors to become addicted and subject to a high risk of disease.

SECOND CAUSE OF ACTION

Fraud

(Against Defendants JUUL, Altria and Philip Morris)

94. Plaintiffs incorporate by reference paragraphs 1-86 above as if fully set forth herein and further declare:

95. At all times relevant, Defendants fraudulently and deceptively sold or partnered to sell JUUL products to Plaintiffs as non-addictive nicotine delivery systems, or less addictive nicotine products than cigarettes, when Defendants knew it to be untrue.

96. Defendants also fraudulently and deceptively failed to disclose to Plaintiffs that the JUUL nicotine salts they were purchasing were highly addictive in nature, making it extremely difficult for Plaintiffs to cease purchasing JUULpod refills.

97. Defendants further fraudulently and deceptively failed to disclose to Plaintiffs that JUUL is designed to create and sustain an addiction to nicotine. Defendant also manipulated the formulations of JUUL devices and JUULpods in ways that could and would impact their potency and addictiveness, and Defendant did so without notifying Plaintiffs. Defendants actively concealed the nicotine content and nicotine potency of JUUL e-cigarettes.

98. Each of these misrepresentations and omissions were material at the time they were made. In particular, each of the misrepresentations and omissions concerned material facts

that were essential to the analysis undertaken by Plaintiffs, as to whether to purchase a JUUL E-cigarette and JUULpod.

99. Defendants had a duty to accurately provide this information to Plaintiffs. In not informing Plaintiffs, Defendants breached their duties. Defendants also gained financially from, and as a result of, their breach.

100. Defendants concealed material information at all times relevant to this Complaint. Defendants have yet to disclose the truth about JUUL e-cigarettes.

101. Plaintiffs relied to their detriment on Defendant's fraudulent omissions. Had Plaintiffs been adequately informed and not intentionally deceived by Defendant, they would not have purchased or used JUUL products.

102. Plaintiffs harmed directly and proximately by Defendants' fraud. Such harm includes significant exposure to toxic substances, which may cause or contribute to causing disease; nicotine addiction; and economic harm in that they would not have purchased JUUL or would have paid less for it if they had known the true facts and that they had paid a premium as a result of Defendants' fraud.

103. Defendants' conduct as described herein was willful and malicious and was designed to maximize Defendants' profits even though Defendant knew that it would cause loss and harm to Plaintiffs.

THIRD CAUSE OF ACTION

Strict Product Liability – Failure to Warn (Against Defendants JUUL, Altria and Philip Morris)

104. Plaintiffs incorporate by reference paragraphs 1-86 above as if fully set forth herein and further declare:

105. Defendants manufactured, distributed and sold and promoted JUUL, or have partnered to manufacture, distribute, sell and promote JUUL.

106. At all times relevant, Defendants were well-aware of the dangers of nicotine addiction as described in this complaint.

107. At all times relevant, Plaintiffs were not aware of and would not have recognized the risks of using a JUUL device with a JUUL pod because Defendant JUUL has intentionally downplayed, misrepresented, concealed, and failed to warn of the heightened risks of nicotine exposure and addiction. Since the Altria Defendants partnered with JUUL, they too intentionally downplayed, misrepresented, concealed, and failed to warn of the heightened risks of nicotine exposure and addiction.

108. In all forms of advertising as well as social media communications, Defendants failed adequately to warn or instruct foreseeable users, including youth and adolescent users, that JUUL products were unreasonably dangerous to them and created a high level of risk of harms caused by nicotine exposure and addiction as explained herein. Defendants failed adequately to warn in their advertising, social media communications, or anywhere on the product label that the product was not safe for minors and should not be used or consumed by them. Instead, as described herein, Defendants marketed their products to minors and made them available in youth-friendly colors and flavors. Defendants also designed their products to be more palatable to youth and nonsmokers by increasing JUUL's inhale-ability and increased the level of nicotine that is absorbed by users, making them even more addictive.

109. The defects in JUUL Products, including the lack of warnings, existed at the time the JUUL pods and devices were sold and/or when the JUUL pods and devices left JUUL's possession or control.

110. The JUUL devices and pods were expected to be used by Plaintiffs without substantial change in their condition from the time of their manufacture or sale.

111. Plaintiffs were harmed directly and proximately by Defendants' failure to warn. Such harm includes significant exposure to toxic substances, which may cause or contribute to causing disease; nicotine addiction; and economic harm in that they would not have purchased JUUL or would have paid less for it if they had known the true facts and that they had paid a premium as a result of Defendants' failure to warn.

FOURTH CAUSE OF ACTION

Strict Product Liability – Design Defect (Against Defendants JUUL, Altria and Philip Morris)

112. Plaintiffs incorporate by reference paragraphs 1-86 above as if fully set forth herein and further declare:

113. Defendant JUUL designed, engineered, developed, manufactured, fabricated, assembled, equipped, tested or failed to test, inspected or failed to inspect, labeled, advertised, promoted, marketed, supplied, distributed, wholesaled, and sold the JUUL devices and JUUL pods, which were intended by JUUL to be used as a method of ingesting nicotine and the other aerosolized constituents of JUUL's nicotine solution. Since the Altria Defendants partnered with JUUL, they have assisted with one or more of these activities.

114. Defendants knew or, by the exercise of reasonable care, should have known that JUUL's products under ordinary use were harmful or injurious, particularly to youths and adolescents, including the Plaintiffs.

115. As described in this complaint, Defendants designed and marketed their products to appeal to nonsmokers, youths and adolescents and to encourage them to buy and use the product.

116. JUUL products are also inherently defective because they contain and deliver significantly more nicotine than JUUL represents. Moreover, JUUL is unreasonably dangerous and therefore defective in design because it is made to create and sustain addiction. The risks inherent in the design of JUUL outweigh significantly any benefits of such design.

117. At all relevant times, Defendants could have employed reasonably feasible alternative designs to prevent the harms discussed in the complaint.

118. At all relevant times, Plaintiffs were unaware of the design defects described in the complaint. Further, Defendants knew or had reason to know that youths and adolescents would not fully realize the dangerous and addictive nature of the JUUL products and the long-term complications nicotine addiction can present, or that, due to their youth, inexperience and/or immaturity of judgment, would recklessly disregard such risks.

119. Plaintiffs were harmed directly and proximately by Defendants' defectively designed JUUL e-cigarette. Such harm includes significant exposure to toxic substances, which may cause or contribute to causing disease; nicotine addiction; and economic harm in that they would not have purchased JUUL or would have paid less for it if they had known the true facts and that they had paid a premium as a result of Defendants' defective products.

FIFTH CAUSE OF ACTION

Negligence (Against Defendants JUUL, Altria and Philip Morris)

120. Plaintiffs incorporate by reference paragraphs 1-86 above as if fully set forth herein and further declare:

121. Defendants had a duty and owed a duty to Plaintiffs to exercise a degree of reasonable care including, but not limited to: ensuring that JUUL marketing does not target minors; ensuring that JUUL devices and JUULpods are not sold and/or distributed to minors and

are not designed in a manner that makes them unduly attractive to minors; designing a product that is not defective and unreasonably dangerous; designing a product that will not addict youth or other users to nicotine; adequately warning of any reasonably foreseeable adverse events with respect to using the product.

122. Defendants knew the risks that minors would be attracted to their electronic cigarette devices and JUULpods and knew or should have known the importance of ensuring that the products were not sold and/or distributed to minors.

123. Defendants knew or should have known that their marketing, distribution, and sales practices did not adequately safeguard Plaintiffs from the sale and/or distribution of electronic cigarette devices and JUULpods and, in fact, induced minors to purchase JUUL products.

124. Defendants breached the duties they owed to Plaintiffs.

125. But for Defendants' duties and breaches thereof, Plaintiffs would not have been harmed as alleged in the Complaint.

126. Plaintiffs were harmed directly and proximately by Defendants' negligence. Such harm includes significant exposure to toxic substances, which may cause or contribute to causing disease; nicotine addiction; and economic harm in that they would not have purchased JUUL or would have paid less for it if they had known the true facts and that they had paid a premium because of Defendants' negligence.

SIXTH CAUSE OF ACTION

Unjust Enrichment (Against Defendants JUUL, Altria and Philip Morris)

127. Plaintiffs incorporate by reference paragraphs 1-86 above as if fully set forth herein and further declare:

128. As described in the complaint, Defendants knowingly sold or partnered to sell JUUL Products to Plaintiffs in a manner that was unfair, unconscionable, and oppressive.

129. As a result of Defendants' unlawful and deceptive actions described above, Defendants were enriched at the expense of Plaintiffs.

130. Under the circumstances, it would be against equity and good conscience to permit Defendants to retain the ill-gotten benefits it received from Plaintiffs. Thus, it would be unjust and inequitable for Defendants to retain the benefit without restitution to Plaintiffs for the monies paid to Defendants for its defective JUUL products.

SEVENTH CAUSE OF ACTION

Violation of Florida's Deceptive and Unfair Trade Practices Act, Fla. Stat. § 501.203 (Against Defendants JUUL, Altria and Philip Morris)

131. Plaintiffs incorporate by reference paragraphs 1-86 above as if fully set forth herein and further declare:

132. The express purpose of FDUTPA is to "protect the consuming public...from those who engage in unfair methods of competition, or unconscionable, deceptive, or unfair acts or practices in the conduct of any trade or commerce." § 501.202(2).

133. FDUPTA §501.204(1) declares as unlawful "unfair methods of competition, unconscionable acts or practices, and unfair or deceptive acts or practices in the conduct of any trade or commerce."

134. Manufacturing, selling, promoting e-cigarettes in interstate commerce are "consumer transaction[s]" in the scope of FDUPTA, and JUUL is a good within the meaning of that statute.

135. Plaintiff is a "consumer" as defined by FDUPTA § 501.203.

136. Defendants' unfair and deceptive practices are likely to mislead – and have misled – reasonable consumers, such as Plaintiffs, and therefore, violate Section 500.04, Florida Statutes

137. Defendants have engaged and continue to engage in unfair, unlawful, and deceptive trade practices in Florida as outlined herein. In particular, Defendants have knowingly developed, sold, and promote a product that contained nicotine levels in excess of cigarettes with the intention of creating and fostering long-term addiction to JUUL products for minors to continue that addiction into adulthood; selling a product that aggravates nicotine addiction; creating advertising to target youth into using JUUL e-cigarettes, and disseminating that advertising through unregulated social media platforms commonly used by youth.

138. Plaintiffs reasonably relied to their detriment on Defendants' unlawful conduct in that they purchased JUUL not knowing the true propensity of its dangers.

139. Plaintiffs sustained damages as a direct and proximate result of Defendants' tortious conduct.

140. Plaintiffs seek injunctive relief to prohibit Defendants from continuing to engage in the unfair and deceptive advertising and marketing practices complained of in this complaint. Such misconduct by Defendants, unless and until enjoined and restrained by order of this Court, will continue to cause injury in fact.

141. Pursuant to FDUPTA §§501.211(2) and 501.2105, Plaintiffs make claims for damages, attorney's fees and costs. The damages suffered by the Plaintiffs were directly and proximately caused by the deceptive, misleading and unfair practices of Defendants.

EIGHTH CAUSE OF ACTION

Preliminary and Permanent Injunction (Against Defendants JUUL, Altria and Philip Morris)

142. Plaintiffs incorporate by reference paragraphs 1-86 above as if fully set forth herein and further declare:

143. Defendants' actions – designing, marketing, and selling JUUL in ways that it knows will attract minors and deceptively downplaying the potency and danger of the nicotine in JUUL – constitute unlawful acts under Florida Law.

144. Nicotine addiction constitutes irreparable harm. Nicotine is a neurotoxin, which means that it is poisonous to the human brain. Further, the brains of teenagers are particularly vulnerable to nicotine's neurotoxic effects. Nicotine causes macromolecular alterations of the brain.

145. Based on the factual allegations above, Plaintiffs established a clear legal right, an inadequate remedy at law and that irreparable harm will arise absent injunctive relief.

146. Thus, Defendants, officers, directors, employees, agents, and all those acting in concert with them, should be preliminarily and permanently enjoined from:

- a. Offering, selling, delivering, or in any manner, providing or facilitating others to provide JUUL products to minors within this State;
- b. Offering, selling, delivering, or in any manner, providing or facilitating others to provide any flavors other than tobacco through online sales;
- c. Engaging or participating in any marketing or advertising activities within this State that are intended or are known to likely appeal to minors, and should thus be enjoined from: sending marketing emails to minors within this State; advertising outdoors within 1,000 feet of schools and playgrounds within this State; sponsor any sporting, entertainment, or charity event in this State; providing free or discounted samples, starter

kits or e-cigarette products to consumers, including being enjoyed from providing automatic renewals or bulk orders; advertising in any fashion in media or outlets that serve consumers under 30 years;

- d. Offering, selling, delivering, or in any manner, providing or facilitating others to provide JUUL products within this State unless and until JUUL obtains Premarket Approval or approved as a Modified Risk Tobacco Product under the Tobacco Control Act.

NINTH CAUSE OF ACTION

Strict Liability

(Against 1st Wave Vapor and The Smoke House Smoke Shop)

147. Plaintiffs incorporate by reference paragraphs 1-86 above as if fully set forth herein and further declare:

148. 1st Wave Vapor and The Smoke House Smoke Shop engage in the business of selling and distributing JUUL products in Florida, including in Broward County.

149. 1st Wave Vapor and The Smoke House Smoke Shop directly placed JUUL products on the market with knowledge the products would be used without inspection for defects and dangers. 1st Wave Vapor and The Smoke House Smoke Shop knew or should have known that the ultimate users and consumers would not and could not know that JUUL products are defective and unreasonably dangerous for Plaintiffs.

150. For the reasons stated above, JUUL products are defective and unreasonably dangerous. JUUL products failed to be safe for regular consumer application as an ordinary consumer would expect, and the risks of regular use of JUUL products outweighed any benefits. JUUL products lacked adequate warnings or any proper documentation or notice to alert users,

particularly youth users, regarding the hazardous conditions, as stated above, involving JUUL products.

151. The JUUL products purchased by B.S. at 1st Wave Vapor and The Smoke House Smoke Shop were substantially unchanged from their condition when sold and distributed.

152. As a result of the defects of JUUL products discussed above, and as a result of 1st Wave Vapor's sale and The Smoke House Smoke Shop's sale of JUUL products, Plaintiffs were injured as described in this complaint.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment as follows:

- A. An order enjoining Defendants from further negligent, deceptive, unfair, and unlawful conduct as alleged herein;
- B. Awarding actual, compensatory, and consequential damages;
- C. Awarding other monetary and equitable relief for diagnostic testing, medical monitoring, and nicotine cessation programs;
- D. Awarding restitution;
- E. Awarding reasonable attorneys' fees, and costs of this case;
- F. Awarding prejudgment and post-judgment interest;
- G. Such other and further relief as the Court deems appropriate under the circumstances.

JURY TRIAL DEMAND

Plaintiffs hereby demand a jury trial on all issues so triable.

Dated: May 17, 2019

Respectfully submitted,

s/Scott P. Schlesinger
Scott P. Schlesinger (FBN: 444952)
Jonathan R. Gdanski (FBN: 0032097)

Jeffrey L. Haberman (FBN: 98522)
SCHLESINGER LAW OFFICES, P.A.
1212 SE Third Avenue
Ft. Lauderdale, FL 3316
Tel: 954-467-8800
scott@schlesingerlaw.com
jgdanski@schlesingerlaw.com
jhaberman@schlesingerlaw.com

EXHIBIT 2



**Service of Process
Transmittal**

05/23/2019

CT Log Number 535537054

TO: DIANNE WATKINS
Altria Client Services, LLC
6601 W BROAD ST
RICHMOND, VA 23230-1723

RE: Process Served in Virginia

FOR: Altria Group, Inc. (Domestic State: VA)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: CRAIG SHAPIRO and JULIE SHAPIRO Individually, and as guardians of their minor child, B.S., Pltfs. vs. JUUL LABS INC., ET AL., DFTS. // TO: ALTRIA GROUP, INC.

DOCUMENT(S) SERVED: SUMMONS, COMPLAINT, NOTICE(S), REQUEST(S)

COURT/AGENCY: Broward County Circuit Court, FL
Case # CACE19010866

NATURE OF ACTION: Product Liability Litigation - Personal Injury - JUUL, an e-cigarette

ON WHOM PROCESS WAS SERVED: C T Corporation System, Glen Allen, VA

DATE AND HOUR OF SERVICE: By Process Server on 05/23/2019 at 09:25

JURISDICTION SERVED : Virginia

APPEARANCE OR ANSWER DUE: Within 20 days after service of this Summons on that Defendant, exclusive of the day of service

ATTORNEY(S) / SENDER(S): Scott P. Schlesinger
SCHLESINGER LAW OFFICES, P.A.
1212 SE Third Avenue
Ft. Lauderdale, FL 33316
954-320-9507

ACTION ITEMS: CT has retained the current log, Retain Date: 05/23/2019, Expected Purge Date: 05/28/2019

Image SOP

Email Notification, Altria Docket Altria.Docket@Altria.com

Email Notification, Ann Zmijewski Ann.E.Zmijewski@altria.com

Email Notification, DIANNE WATKINS dianne.watkins@altria.com

SIGNED: C T Corporation System

ADDRESS: 4701 Cox Road
Suite 285
Glen Allen, VA 23060

TELEPHONE: 804-217-7255

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT IN AND
FOR BROWARD COUNTY, FLORIDA**

CRAIG SHAPIRO and JULIE SHAPIRO
Individually, and as guardians of their minor child,
B.S.,

Plaintiffs,

CIVIL ACTION
CASE NO:

DEMAND FOR JURY TRIAL

JUUL LABS INC., ALTRIA GROUP,
INC., PHILIP MORRIS USA, INC.,
MY VAPOR HUT, INC. d/b/a 1ST WAVE VAPOR,
EDGAR F. DI PUGLIA in his capacity as owner of
THE SMOKE HOUSE SMOKE SHOP.

Defendants.

SUMMONS

THE STATE OF FLORIDA:

To Each Sheriff of the State:

YOU ARE COMMANDED to serve this Summons and a copy of the Complaint or petition
in this action on Defendant,

ALTRIA GROUP, INC.
c/o CT CORPORATION SYSTEM
4701 COX RD., STE 285
GLEN ALLEN, VA 23060

Each Defendant is required to serve written defenses to the Complaint or petition on
attorney for Plaintiffs whose address is:

Scott P. Schlesinger
SCHLESINGER LAW OFFICES, P.A.
Attorney for Plaintiffs
1212 Southeast Third Avenue
Fort Lauderdale, FL 33316
Telephone: (954) 320-9507

within twenty (20) days after service of this Summons on that Defendant, exclusive of the day of
service, and to file the original of the defenses with the clerk of this court either before service on

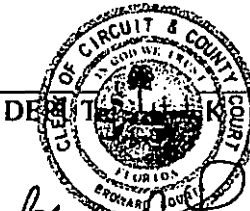
Plaintiff's attorney or immediately thereafter. If a Defendant fails to do so, a default will be entered against that Defendant for the relief demanded in the Complaint or petition.

DATED on) MAY 21 2019

BRENDA D. FORMAN,
As Clerk of said Court

BY: _____

AS DEPUTY CLERK



Brenda D. Forman
BRENDA D. FORMAN

IN THE CIRCUIT COURT OF THE 17TH
JUDICIAL CIRCUIT, IN AND FOR
BROWARD COUNTY, FLORIDA

CRAIG SHAPIRO and JULIE SHAPIRO
Individually, and as guardians of their minor child,
B.S.,

Plaintiffs,

Case No.: CACE-19010866

v.

JUUL LABS INC., ALTRIA GROUP,
INC., PHILIP MORRIS USA, INC.,
MY VAPOR HUT, INC. d/b/a 1ST WAVE VAPOR,
EDGAR F. DI PUGLIA in his capacity as owner of
THE SMOKE HOUSE SMOKE SHOP.

Defendants.

NOTICE OF TAKING VIDEOTAPED DEPOSITION

PLEASE TAKE NOTICE that the undersigned attorneys will take the deposition of:

| <u>NAME AND ADDRESS</u> | <u>DATE & TIME</u> | <u>LOCATION</u> |
|---|------------------------------|---|
| JAMES MONSEES JUUL Labs Inc. 560 20 th Street San Francisco, CA 94107 | July 9, 2019 at 9:00 a.m. | Barkley Court Reporter 201 California Street Suite 375 San Francisco, CA 94111 T: 415.433.5777 |

The deposition will be upon oral examination before **Barkley Court Reporters**, Notary Public, or officer authorized by law to take depositions. The deposition will be taken orally and will be videotaped. The oral examination will continue from day to day until completed. This deposition is being taken for the purpose of discovery, for use at trial, or for such other purposes as are permitted under the rules of the Court.

Respectfully submitted,

s/ Jeffrey L. Haberman

SCOTT P. SCHLESINGER

Fla. Bar No. 444952

scott@schlesingerlaw.com

JEFFREY L. HABERMAN

Fla. Bar. No. 98522

jhaberman@schlesingerlaw.com

JONATHAN R. GDANSKI

Fla. Bar. No. 32097

SCHLESINGER LAW OFFICES, P.A.

1212 SE 3rd AVENUE

FT LAUDERDALE, Florida 33316

T: (954) 467-8800

F: (954) 320-9509

*Attorneys for Plaintiffs Craig and Julie Shapiro
individually, and as guardians of their minor child, B.S.*

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT IN AND
FOR BROWARD COUNTY, FLORIDA**

CRAIG SHAPIRO and JULIE SHAPIRO
Individually, and as guardians of their minor child,
B.S.,

Plaintiffs,

CIVIL ACTION
CASE NO: CACE-19010866

JUUL LABS INC., ALTRIA GROUP,
INC., PHILIP MORRIS USA, INC.,
MY VAPOR HUT, INC. d/b/a 1ST WAVE VAPOR,
EDGAR F. DI PUGLIA in his capacity as owner of
THE SMOKE HOUSE SMOKE SHOP.

Defendants.

**PLAINTIFFS' NOTICE OF SERVICE OF INTERROGATORIES TO DEFENDANT
JUUL LABS, INC.**

PLAINTIFFS, pursuant to Fla. R. Civ. P. 1.340, hereby request that Defendant JUUL Labs, Inc., responds to the following interrogatories. As used in these interrogatories, the following terms have the following meanings.

As used in these requests, the following terms have the following meanings.

DEFINITIONS

1. "You" and "Your" and "JUUL" refers to Defendant JUUL Labs, Inc., and including (as may apply depending upon the time frame of a given request), subsidiary companies, its predecessors-in-interest, its successors-in-interest, its executives, officers, agents, and employees, and any other person acting on its behalf, including attorneys.
2. As used throughout these Interrogatories, the term "Document" or any similar term refers in the broadest possible sense meaning anything which may be considered to be a document and includes, without limitations, any written, printed, typed, photostatic, photographic, recorded or otherwise reproduced communication or representation, whether

comprised of letters, words, numbers, pictures, sound or symbols, or any combination thereof. This definition includes copies or duplicates of documents contemporaneously or subsequently created that have any nonconforming notes or other markings. Without limiting the generality of the foregoing, the term "Document" includes, but is not limited to, correspondence, memoranda, notes, records, letters, envelopes, telegrams, messages, studies, analyses, contracts, agreements, working papers, summaries, statistical statements, financial statements, work papers, accounts, local records, reports and/or summaries of investigation, trade letters, press releases, comparisons, books, calendars, diaries, articles, magazines, newspapers, booklets, brochures, pamphlets, circulars, bulletins, notices, drawings, diagrams, instructions, notes or minutes of meeting, or other communications of any type, including inter-office and intra office communication, questionnaires, surveys, charts, graph, photographs, recordings, tapes, back-up tapes, discs, data cells, printouts, all other data compilations from which information can be obtained (translated, if necessary, into usable form), and any preliminary versions, drafts or revisions of any of the foregoing and shall also include electronic communications, whether maintained presently in the normal course of business or available in back-up or legacy data formats, wherever found or maintained, including all servers, hard drives, lap tops, and firewalls.

3. "JUUL" or "product" refers to JUUL brand e-cigarettes placed in the stream of commerce/within the United States at any time, including all packings and line extensions.

4. Unless otherwise specified, all requests are limited to documents and things pertaining to the sale, marketing, design and manufacture of JUUL and JUULPods within the United States.

5. Unless a request contains a specific time limitation, it seeks all documents created, generated or obtained at any point in time through the date of your response.

6. "To," "relating to" or "refer or relate to" shall mean, without limitation, discussing, describing, reflecting, dealing with, pertaining to, analyzing, evaluating, concerning, mentioning, studying, surveying, projecting, assessing, recording, summarizing, criticizing, reporting, commenting, or otherwise involving, in whole or in part the subject matter of the request.

INSTRUCTIONS

1. The use of the singular herein shall be deemed to include the plural. The use of one gender shall be deemed to include all other genders. The use of the conjunction "or" shall be deemed to include the conjunction "and," and vice versa.

2. In producing the documents and things requested herein, you shall furnish all documents in your actual or constructive possession, custody, or control, or in the actual or constructive possession, custody, or control of your officers, employees, agents, representatives, corporate affiliates, or attorneys.

3. If any requested document or thing cannot be produced in full, it shall be produced to the extent possible, indicating what document or portion of documents are being withheld and the reasons why such documents are being withheld.

4. If any document covered by these requests is withheld by reason of a claim of attorney-client privilege, attorney work product protection, or any other privilege or protection, please furnish a log providing the following information with respect to each such withheld document: date, author, recipients, general subject matter sufficient to make a prima facie determination whether the asserted privilege has been properly invoked, and legal basis upon which the document has been withheld.

5. Notwithstanding the assertion of any privilege or objection, any document which contains both privileged or objectionable and non-privileged or non-objectionable information

which is responsive to these requests must be produced with the privileged or objectionable information redacted from the document.

6. Copies of the file tab or label of the file within which a requested document is located shall be produced along with the document found in the file.

7. If you are aware that a document or thing once existed but has been destroyed, please state when the document or thing was destroyed, why it was destroyed, and the circumstances under which it was destroyed.

8. If you object to or are unable to answer any of these requests, please state your objection or reason for your inability to answer separately in detail for each such request. Any ground not stated shall be deemed waived.

9. Failure to provide information in response to these requests will be deemed a waiver of your right to produce such evidence at trial. Plaintiffs reserve the right to move to preclude the introduction of any evidence not produced in response to these requests.

INTERROGATORIES

1. Please identify in chronological order every product produced by JUUL LABS, INC. including the dates it was available for purchase in the United States (excluding dates relating solely to geographically limited test markets).

2. For each product identified in response to the preceding interrogatory identify every ingredient (including processing aids and additives, whether in the e-liquid, or device) noting any changes or variation since 2007.

3. Please identify by name, title, and last known address, every executive, officer, and board member for JUUL Labs, Inc. from its inception as PAX Labs, Inc.

4. Please describe in detail the division/allocation of respective corporate responsibilities between JUUL Labs, Inc., Philip Morris USA, and/or Altria Group, Inc.,

including any of Altria Group, Inc.'s subsidiaries, including before and after Altria Group, Inc.'s acquisition of JUUL Labs, Inc. with respect to the design, manufacture, regulatory compliance, advertising, marketing, and sale of JUUL products, including a description of document retention/destruction responsibilities for documents that pre-existed the acquisition and documents generated or obtained after the acquisition.

5. Please set forth the advertising/marketing budget for JUUL for each of the past years since 2015, including the amounts allocated for particular budget line items.

6. Please identify by name and date of publication every print or online publication and/or forum in which JUUL has advertised.

7. Please explain in detail the economic and/or corporate rationale for the acquisition of JUUL Labs, Inc. by Altria Group, Inc.

8. Please explain in detail how JUUL Labs, Inc., and/or Altria Group, Inc. has complied or failed to comply with the Food and Drug Administration (FDA)'s concern of the surge in e-cigarette use among youth.

9. Please state the gross sales, in dollars and units, of the products sold in the United States during the past six years, broken down by year, state/territory, and brand/ flavor.

10. Please identify all e-mail, text, and/or mailing lists used to communicate with consumers who have purchased JUUL Labs' products in the United States during the past six years.

11. Please describe any research that indicates whether JUUL Labs' products are safer, safer, less hazardous and/or less addictive than conventional cigarettes.

12. Please identify all packaging of the products, including any changes to the packaging and when the changes were made.

13. Please identify all consumer surveys, reports, and other documents that pertain to youth or underaged viewing of the marketing and advertising of the products.

14. Please describe in detail the process or processes in which nicotine is developed for e-liquid use.

15. Please describe in detail how the e-liquid is heated in the JUUL device.

16. Please describe in detail the product design and function of all JUUL devices, respectively.

17. Has JUUL ever conducted a clinical trial in the United States proving that's its products actually help smokers with nicotine cessation? If so, please provide that study. If not, why not?

18. Please explain in detail, what actions JUUL Labs, Inc. or Altria Group, Inc. has taken to decrease youth e-cigarette use?

19. Has JUUL paid any "social media influencers" to promote its products? If so, please provide a list of influencers who have been paid by JUUL to promote its products. Has JUUL identified its connection with these influencers, in accordance with Federal Trade Commission (FTC) rules?

20. Please provide a copy of JUUL's response to the FDA's 904(b) letter on April 24, 2018.

21. Following December 19, 2018 Altria merger announcement, please list any and all changes to JUUL's November 13, 2018 commitments and action plan.

22. For products sold online, will JUUL require independent, third-party age and identity verification that compares customer information against third-party data sources, such as public records?

23. Ostensibly to prevent bulk shipments and youth access, JUUL announced that it would limit online customers to two devices and fifteen JUUL pod packages per month, and no more than ten devices per year. How did JUUL determine it would limit online purchases to 15 JUUL pods per month? Please provide pattern of use documentation to explain.

24. Did JUUL, or any of its employees or contractors, discuss with Altria, or any of its employees or contractors, either company's response to the FDA's September 12, 2018, inquiry on plans to address youth e-cigarette use? If so, please describe said communication(s) and produce a copy of same.

25. Has JUUL collected information on the appeal of its flavored products among youth? Please provide information on youth use of each of JUUL's flavored products.

26. According to a recent report, JUUL has an "enterprise markets team" that is working to strike deals with health insurers, employers, health care providers, and the public sector to make JUUL available to employees and beneficiaries who want to stop smoking cigarettes. What data and other information does JUUL communicate to health insurers, employers, health care providers, and the public sector about whether JUUL is effective at helping adult smokers stop smoking cigarettes?

27. Does JUUL clearly indicate that its products have not been found safe and effective by the FDA for the purpose of smoking cessation?

Dated: May 21, 2019

By: /s/ Jeffrey L. Haberman

Scott Schlesinger
Jonathan Gdanski
Jeffrey Haberman
scott@schlesingerlaw.com
jonathan@schlesingerlaw.com
jhaberman@schlesingerlaw.com
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Telephone: (954) 467-8800
Facsimile: (954) 320-9509

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT IN AND
FOR BROWARD COUNTY, FLORIDA**

CRAIG SHAPIRO and JULIE SHAPIRO
Individually, and as guardians of their minor child,
B.S.,
Plaintiffs,

CIVIL ACTION
CASE NO: CACE-19010866

**JUUL LABS INC., ALTRIA GROUP,
INC., PHILIP MORRIS USA, INC.,
MY VAPOR HUT, INC. d/b/a 1ST WAVE VAPOR,
EDGAR F. DI PUGLIA in his capacity as owner of
THE SMOKE HOUSE SMOKE SHOP.**

Defendants.

**PLAINTIFFS' REQUESTS FOR PRODUCTION OF DOCUMENTS TO DEFENDANT
JUUL LABS INC.**

PLAINTIFFS, pursuant to Fla .R. Civ. P. 1.350, hereby request that Defendant JUUL Labs, Inc., produce the following documents and things within its custody, possession, or control, in accordance with the requirements and procedures set forth in the rule.

As used in these requests, the following terms have the following meanings.

DEFINITIONS

1. "You" and "Your" and "JUUL" refer to JUUL Labs Inc., including (as may apply depending upon the time frame of a given request), subsidiary companies (specifically including Altria Group, Inc. ("Altria") and Philip Morris USA ("Philip Morris")), its predecessors-in-interest, its successors-in-interest, its executives, officers, agents, and employees, and any other person acting on its behalf, including attorneys.

2. As used throughout these Interrogatories, the term "Document" or any similar term refers in the broadest possible sense meaning anything which may be considered to be a document and includes, without limitations, any written, printed, typed, photostatic,

photographic, recorded or otherwise reproduced communication or representation, whether comprised of letters, words, numbers, pictures, sound or symbols, or any combination thereof. This definition includes copies or duplicates of documents contemporaneously or subsequently created that have any nonconforming notes or other markings. Without limiting the generality of the foregoing, the term "Document" includes, but is not limited to, correspondence, memoranda, notes, records, letters, envelopes, telegrams, messages, studies, analyses, contracts, agreements, working papers, summaries, statistical statements, financial statements, work papers, accounts, local records, reports and/or summaries of investigation, trade letters, press releases, comparisons, books, calendars, diaries, articles, magazines, newspapers, booklets, brochures, pamphlets, circulars, bulletins, notices, drawings, diagrams, instructions, notes or minutes of meeting, or other communications of any type, including inter-office and intra office communication, questionnaires, surveys, charts, graph, photographs, recordings, tapes, back-up tapes, discs, data cells, printouts, all other data compilations from which information can be obtained (translated, if necessary, into usable form), and any preliminary versions, drafts or revisions of any of the foregoing and shall also include electronic communications, whether maintained presently in the normal course of business or available in back-up or legacy data formats, wherever found or maintained, including all servers, hard drives, lap tops, and firewalls.

3. "JUUL" or "product" refers to JUUL brand e-cigarettes placed in the stream of commerce/within the United States at any time, including all packings and line extensions.

4. Unless otherwise specified, all requests are limited to documents and things pertaining to the sales, marketing, design, and manufacture of JUUL and JUULPods within the United States.

5. Unless a request contains a specific time limitation, it seeks all documents created, generated or obtained at any point in time through the date of your response.

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INSTRUCTIONS

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2. In producing the documents and things requested herein, you shall furnish all documents in your actual or constructive possession, custody, or control, or in the actual or constructive possession, custody, or control of your officers, employees, agents, representatives, corporate affiliates, or attorneys.

3. If any requested document or thing cannot be produced in full, it shall be produced to the extent possible, indicating what document or portion of documents are being withheld and the reasons why such documents are being withheld.

4. If any document covered by these requests is withheld by reason of a claim of attorney-client privilege, attorney work product protection, or any other privilege or protection, please furnish a log providing the following information with respect to each such withheld document: date, author, recipients, general subject matter sufficient to make a prima facie determination whether the asserted privilege has been properly invoked, and legal basis upon which the document has been withheld.

5. Notwithstanding the assertion of any privilege or objection, any document which contains both privileged or objectionable and non-privileged or non-objectionable information which is responsive to these requests must be produced with the privileged or objectionable information redacted from the document.

6. Copies of the file tab or label of the file within which a requested document is located shall be produced along with the document found in the file.

7. If you are aware that a document or thing once existed but has been destroyed, please state when the document or thing was destroyed, why it was destroyed, and the circumstances under which it was destroyed.

8. If you object to or are unable to answer any of these requests, please state your objection or reason for your inability to answer separately in detail for each such request. Any ground not stated shall be deemed waived.

9. Failure to provide information in response to these requests will be deemed a waiver of your right to produce such evidence at trial. Plaintiffs reserve the right to move to preclude the introduction of any evidence not produced in response to these requests.

PLEASE PRODUCE LEGIBLE/AUDIBLE COPIES OF THE FOLLOWING DOCUMENTS

1. Any and all documents or communications concerning or that you believe concern the acquisition of JUUL Labs, Inc. by Altria Group, Inc., or any other of its subsidiaries including, but not limited to, all documents and communications prior to its acquisition.

2. Any and all documents or communications concerning or that you believe concern, marketing practices of JUUL Lab, Inc., concerning JUUL and related e-cigarette products including communications with Altria Group, Inc., and/or any other of its officers,

directors, agents, employees or personnel, and its subsidiaries including their officers, directors, agents, employees or personnel.

3. Any and all documents or communications concerning or that you believe concern, sales practices of JUUL Lab, Inc., concerning JUUL and related e-cigarette products including communications with Altria Group, Inc., and/or any other of its officers, directors, agents, employees or personnel, and its subsidiaries including their officers, directors, agents, employees or personnel.

4. Any and all documents or communications concerning or that you believe concern, advertising practices of JUUL Lab, Inc., concerning JUUL and related e-cigarette products including communications with Altria Group, Inc., and/or any other of its officers, directors, agents, employees or personnel, and its subsidiaries including their officers, directors, agents, employees or personnel.

5. Any and all documents or communications concerning or that you believe concern product usage by youth or use by underaged persons concerning JUUL.

6. Any and all documents or communications concerning or that you believe concern, communications regarding JUUL between JUUL Labs, Inc. and/or Altria Group, INC., and/or any of its subsidiaries, and the Food and Drug Administration (FDA).

7. Any and all documents or communications concerning or that you believe concern, the product safety or risk of JUUL including but not limited to safety compared to conventional cigarettes from JUUL Labs, Inc., and/or Altria Group, INC., and/or any of its subsidiaries, excluding pleadings and discovery responses in this action.

8. Any and all documents or communications concerning or that you believe concern trade practices of JUUL Labs, Inc., and/or Altria Group, Inc., and/or any subsidiary of Altria Group, Inc., concerning JUUL.

9. Any and all documents or communications that you believe were authored by or that you believe otherwise memorializes the beliefs, opinions, or knowledge of any named defendant in any related action, excluding pleadings and discovery responses in this action.

10. If not encompassed within the manufacturing specifications produced in response to the preceding request, any other product specification or profile or other document that identifies [a] the ingredients, additives, and processing aids for all JUUL Labs, Inc. products, including, but not limited to: [b] the product design, [c] how the nicotine that is being used in the JUUL e-cigarette is developed, [d] nicotine formulation, [e] e-cigarette configuration, [f] e-liquid additives, [g] nicotine yield and/or percentage in the device, [h] vapor yield, [i] pH levels of vapor, and [j] every other additive and processing aid of any description.

11. Any and all documents necessary to interpret the documents produced in response to the preceding requests, including, for example, internal indexes or glossaries revealing the significance of manufacturing or ingredient codes.

12. Any and all documents not produced in response to any preceding request which discusses, refers to, or otherwise reflects product use by youth or underaged persons of JUUL products.

13. Any and all documents not produced in response to any preceding request which discusses, refers to, or otherwise reflects product design of JUUL Labs, Inc.

14. Any and all documents not produced in response to any preceding request which discusses, refers to, or otherwise reflects nicotine development of JUUL Labs, Inc.

15. Any and all documents not produced in response to any preceding request which discusses, refers to, or otherwise reflects the acquisition of JUUL Labs, Inc. by Altria Group, Inc.

16. Please provide copies of all materials that JUUL provides to health insurers, employers, health care providers, and the public sector.

17. Please provide copies of all documents and other information reflecting communications with the FDA about whether any JUUL advertisements or proposed advertisements – or other actual or proposed promotional materials – make claims that JUUL helps smokers quit smoking (smoking cessation claims) or claims that JUUL is less hazardous than other tobacco products (modified risk claims).

18. Please provide a breakdown of sales – broken down by retail and online – between all of JUUL's flavored products – including year-over-year sales, aggregate sales, and percentage sales between flavored JUULpods.

19. Regarding a February 4, 2019 letter to President Trump, urging the White House to intervene with the FDA's public health oversight and "pump the brakes on its new regulatory efforts," the New York Times reported that JUUL made financial contributions to organizations that were signatories of that letter. Please confirm the amounts and dates of JUUL's contributions to these organizations, as well as amounts and dates of contributions to any other organizations that signed the February 4, 2019 letter.

20. Please provide all documents and communications relating to or concerning JUUL customer loyalty program, including the lists or databases of known customers, and all communications between you and Defendant Altria Group, Inc. and Philip Morris USA, Inc. or any subsidiary of these companies, or between you and any third party relating to same.

21. Please produce any and all documents seized by or produced to the FDA in connection with JUUL, and produce any and all communications regarding same.

Dated: May 21, 2019

By: /s/ Jeffrey L. Haberman

Scott Schlesinger
Jonathan Gdanski
Jeffrey Haberman
scott@schlesingerlaw.com
jonathan@schlesingerlaw.com
jhaberman@schlesingerlaw.com
SCHLESINGER LAW OFFICES, P.A.
1212 SE 3rd Avenue
Fort Lauderdale, FL 33316
Telephone: (954) 467-8800
Facsimile: (954) 320-9509

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT IN AND
FOR BROWARD COUNTY, FLORIDA**

CRAIG SHAPIRO and JULIE SHAPIRO
Individually, and as guardians of their minor child,
B.S.,

Plaintiffs,

CIVIL ACTION
CASE NO: CACE19010866

JUUL LABS INC., ALTRIA GROUP,
INC., PHILIP MORRIS USA, INC.,
MY VAPOR HUT, INC. d/b/a 1ST WAVE VAPOR,
EDGAR F. DI PUGLIA in his capacity as owner of
THE SMOKE HOUSE SMOKE SHOP.

Defendants.

PLAINTIFFS' REQUESTS FOR PRODUCTION OF DOCUMENTS TO DEFENDANTS
ALTRIA GROUP, INC. AND PHILIP MORRIS USA, INC.

PLAINTIFFS, pursuant to Fla .R. Civ. P. 1.350, hereby request that Defendants Altria Group, Inc., and Philip Morris USA, Inc. produce the following documents and things within its custody, possession, or control, in accordance with the requirements and procedures set forth in the rule.

As used in these requests, the following terms have the following meanings.

DEFINITIONS

1. "You" and "Your" and "Altria" refer to Defendants Altria Group, Inc., and Philip Morris USA, Inc. including (as may apply depending upon the time frame of a given request), subsidiary companies, its predecessors-in-interest, its successors-in-interest, its executives, officers, agents, and employees, and any other person acting on its behalf, including attorneys.

2. As used throughout these Interrogatories, the term "Document" or any similar term refers in the broadest possible sense meaning anything which may be considered to be a document and includes, without limitations, any written, printed, typed, photostatic,

photographic, recorded or otherwise reproduced communication or representation, whether comprised of letters, words, numbers, pictures, sound or symbols, or any combination thereof. This definition includes copies or duplicates of documents contemporaneously or subsequently created that have any nonconforming notes or other markings. Without limiting the generality of the foregoing, the term "Document" includes, but is not limited to, correspondence, memoranda, notes, records, letters, envelopes, telegrams, messages, studies, analyses, contracts, agreements, working papers, summaries, statistical statements, financial statements, work papers, accounts, local records, reports and/or summaries of investigation, trade letters, press releases, comparisons, books, calendars, diaries, articles, magazines, newspapers, booklets, brochures, pamphlets, circulars, bulletins, notices, drawings, diagrams, instructions, notes or minutes of meeting, or other communications of any type, including inter-office and intra office communication, questionnaires, surveys, charts, graph; photographs, recordings, tapes, back-up tapes, discs, data cells, printouts, all other data compilations from which information can be obtained (translated, if necessary, into usable form), and any preliminary versions, drafts or revisions of any of the foregoing and shall also include electronic communications, whether maintained presently in the normal course of business or available in back-up or legacy data formats, wherever found or maintained, including all servers, hard drives, lap tops, and firewalls.

3. "JUUL" or "product" refers to JUUL brand e-cigarettes placed in the stream of commerce/within the United States at any time, including all packings and line extensions.

4. Unless otherwise specified, all requests are limited to documents and things pertaining to the sales, marketing, design, and manufacture of JUUL and JUULPods within the United States.

5. Unless a request contains a specific time limitation, it seeks all documents created, generated or obtained at any point in time through the date of your response.

6. "To," "relating to" or "refer or relate to" shall mean, without limitation, discussing, describing, reflecting, dealing with, pertaining to, analyzing, evaluating, concerning, mentioning, studying, surveying, projecting, assessing, recording, summarizing, criticizing, reporting, commenting ,or otherwise involving, in whole or in part the subject matter of the request.

INSTRUCTIONS

1. The use of the singular herein shall be deemed to include the plural. The use of one gender shall be deemed to include all other genders. The use of the conjunction "or" shall be deemed to include the conjunction "and," and vice versa.

2. In producing the documents and things requested herein, you shall furnish all documents in your actual or constructive possession, custody, or control, or in the actual or constructive possession, custody, or control of your officers, employees, agents, representatives, corporate affiliates, or attorneys.

3. If any requested document or thing cannot be produced in full, it shall be produced to the extent possible, indicating what document or portion of documents are being withheld and the reasons why such documents are being withheld.

4. If any document covered by these requests is withheld by reason of a claim of attorney-client privilege, attorney work product protection, or any other privilege or protection, please furnish a log providing the following information with respect to each such withheld document: date, author, recipients, general subject matter sufficient to make a prima facie determination whether the asserted privilege has been properly invoked, and legal basis upon which the document has been withheld.

5. Notwithstanding the assertion of any privilege or objection, any document which contains both privileged or objectionable and non-privileged or non-objectionable information which is responsive to these requests must be produced with the privileged or objectionable information redacted from the document.

6. Copies of the file tab or label of the file within which a requested document is located shall be produced along with the document found in the file.

7. If you are aware that a document or thing once existed but has been destroyed, please state when the document or thing was destroyed, why it was destroyed, and the circumstances under which it was destroyed.

8. If you object to or are unable to answer any of these requests, please state your objection or reason for your inability to answer separately in detail for each such request. Any ground not stated shall be deemed waived.

9. Failure to provide information in response to these requests will be deemed a waiver of your right to produce such evidence at trial. Plaintiffs reserve the right to move to preclude the introduction of any evidence not produced in response to these requests.

PLEASE PRODUCE LEGIBLE/AUDIBLE COPIES OF THE FOLLOWING DOCUMENTS

1. Any and all documents or communications concerning or that you believe concern the acquisition of JUUL Labs, Inc. by Altria Group, Inc., or any other of its subsidiaries including, but not limited to, all documents and communications prior to its acquisition.

2. Any and all documents or communications concerning or that you believe concern, marketing practices of JUUL Lab, Inc., concerning JUUL and related e-cigarette products including communications with Altria Group, Inc., and/or any other of its officers,

directors, agents, employees or personnel, and its subsidiaries including their officers, directors, agents, employees or personnel.

3. Any and all documents or communications concerning or that you believe concern, sales practices of JUUL Lab, Inc., concerning JUUL and related e-cigarette products including communications with Altria Group, Inc., and/or any other of its officers, directors, agents, employees or personnel, and its subsidiaries including their officers, directors, agents, employees or personnel.

4. Any and all documents or communications concerning or that you believe concern, advertising practices of JUUL Lab, Inc., concerning JUUL and related e-cigarette products including communications with Altria Group, Inc., and/or any other of its officers, directors, agents, employees or personnel, and its subsidiaries including their officers, directors, agents, employees or personnel.

5. Any and all documents or communications concerning or that you believe concern, internal documents related to product usage by youth or use by underaged persons concerning JUUL from JUUL Labs, Inc.

6. Any and all documents or communications concerning or that you believe concern, communications regarding JUUL between JUUL Labs, Inc. and/or Altria Group, Inc., and/or any of its subsidiaries, and the Food and Drug Administration (FDA).

7. Any and all documents or communications concerning or that you believe concern, the product safety or risk of JUUL including but not limited to safety compared to conventional cigarettes from JUUL Labs, Inc.

8. Any and all documents or communications concerning or that you believe concern, trade practices of JUUL Labs, Inc., and/or Altria Group, Inc., and/or any subsidiary of Altria Group, Inc., concerning JUUL.

9. Any and all documents or communications that you believe were authored by or that you believe otherwise memorializes the beliefs, opinions, or knowledge of any named defendant in any related action, excluding pleadings and discovery responses in this action.

10. If not encompassed within the manufacturing specifications produced in response to the preceding request, any other product specification or profile or other document that identifies [a] the ingredients, additives, and processing aids for all JUUL Labs, Inc. products, including, but not limited to: [b] the product design, [c] how the nicotine that is being used in the JUUL e-cigarette is developed, [d] nicotine formulation, [e] e-cigarette configuration, [f] e-liquid additives, [g] nicotine yield and/or percentage in the device, [h] vapor yield, [i] pH levels of vapor, and [j] every other additive and processing aid of any description.

11. Any and all documents necessary to interpret the documents produced in response to the preceding requests, including, for example, internal indexes or glossaries revealing the significance of manufacturing or ingredient codes.

12. Any and all documents not produced in response to any preceding request which discusses, refers to, or otherwise reflects product use by youth or underaged persons of JUUL products.

13. Any and all documents not produced in response to any preceding request which discusses, refers to, or otherwise reflects product design of JUUL Labs, Inc.

14. Any and all documents not produced in response to any preceding request which discusses, refers to, or otherwise reflects nicotine development of JUUL Labs, Inc.

15. Any and all documents not produced in response to any preceding request which discusses, refers to, or otherwise reflects the acquisition of JUUL Labs, Inc. by Altria Group, Inc. or any of its subsidiaries.

16. Please provide copies of all materials that JUUL provides to health insurers, employers, health care providers, and the public sector.

17. Please provide copies of all documents and other information reflecting communications with the FDA about whether any JUUL advertisements or proposed advertisements – or other actual or proposed promotional materials – make claims that JUUL helps smokers quit smoking (smoking cessation claims) or claims that JUUL is less hazardous than other tobacco products (modified risk claims).

18. Please provide a breakdown of sales – broken down by retail and online – between all of JUUL's flavored products – including year-over-year sales, aggregate sales, and percentage sales between flavored JUULpods.

19. Regarding a February 4, 2019 letter to President Trump, urging the White House to intervene with the FDA's public health oversight and "pump the brakes on its new regulatory efforts," the New York Times reported that JUUL made financial contributions to organizations that were signatories of that letter. Please confirm the amounts and dates of JUUL's contributions to these organizations, as well as amounts and dates of contributions to any other organizations that signed the February 4, 2019 letter.

20. Please provide all documents and communications relating to or concerning JUUL customer loyalty program, including the lists or databases of known customers, and all communications between you and Defendant JUUL Labs, Inc. between you and any third party relating to same.

21. Please provide all documents and communications relating to or concerning an services agreement between you and Defendant JUUL Labs, Inc.

22. Please provide all documents and communications relating to or concerning any of your customer lists or database(s) of your known customers that have been shared, will be shared, or that you contemplate being shared with Defendant JUUL Labs, Inc.

23. Please produce any and all documents concerning or related to communications with the FDA concerning JUUL or any electronic cigarette.

Dated: May 21, 2019

By: /s/ Jeffrey L. Haberman

Scott Schlesinger
Jonathan Gdanski
Jeffrey Haberman
scott@schlesingerlaw.com
jonathan@schlesingerlaw.com
jhaberman@schlesingerlaw.com
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**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT IN AND
FOR BROWARD COUNTY, FLORIDA**

CRAIG SHAPIRO and JULIE SHAPIRO
Individually, and as guardians of their minor child,
B.S.,

Plaintiffs,

CIVIL ACTION
CASE NO: CACE-19010866

JUUL LABS INC., ALTRIA GROUP,
INC., PHILIP MORRIS USA, INC.,
MY VAPOR HUT, INC. d/b/a 1ST WAVE VAPOR,
EDGAR F. DI PUGLIA in his capacity as owner of
THE SMOKE HOUSE SMOKE SHOP.

Defendants.

PLAINTIFFS' NOTICE OF SERVICE OF INTERROGATORIES TO DEFENDANTS
ALTRIA GROUP, INC., PHILIP MORRIS USA, INC.

PLAINTIFFS, pursuant to Fla .R. Civ. P. 1.340, hereby request that Defendants Altria Group, Inc., and Philip Morris USA, Inc. respond to the following interrogatories. As used in these interrogatories, the following terms have the following meanings.

DEFINITIONS

1. "You" and "Your" and "Altria" refer to Defendants Altria Group, Inc., and Philip Morris USA, Inc. including (as may apply depending upon the time frame of a given request), subsidiary companies, its predecessors-in-interest, its successors-in-interest, its executives, officers, agents, and employees, and any other person acting on its behalf, including attorneys.
2. As used throughout these Interrogatories, the term "Document" or any similar term refers in the broadest possible sense meaning anything which may be considered to be a document and includes, without limitations, any written, printed, typed, photostatic, photographic, recorded or otherwise reproduced communication or representation, whether comprised of letters, words, numbers, pictures, sound or symbols, or any combination thereof.

This definition includes copies or duplicates of documents contemporaneously or subsequently created that have any nonconforming notes or other markings. Without limiting the generality of the foregoing, the term "Document" includes, but is not limited to, correspondence, memoranda, notes, records, letters, envelopes, telegrams, messages, studies, analyses, contracts, agreements, working papers, summaries, statistical statements, financial statements, work papers, accounts, local records, reports and/or summaries of investigation, trade letters, press releases, comparisons, books, calendars, diaries, articles, magazines, newspapers, booklets, brochures, pamphlets, circulars, bulletins, notices, drawings, diagrams, instructions, notes or minutes of meeting, or other communications of any type, including inter-office and intra office communication, questionnaires, surveys, charts, graph, photographs, recordings, tapes, back-up tapes, discs, data cells, printouts, all other data compilations from which information can be obtained (translated, if necessary, into usable form), and any preliminary versions, drafts or revisions of any of the foregoing and shall also include electronic communications, whether maintained presently in the normal course of business or available in back-up or legacy data formats, wherever found or maintained, including all servers, hard drives, lap tops, and firewalls.

3. "JUUL" or "product" refers to JUUL brand e-cigarettes placed in the stream of commerce/within the United States at any time, including all packings and line extensions.

4. Unless otherwise specified, all requests are limited to documents and things pertaining to the sale, marketing, design and manufacture of JUUL and JUULPods within the United States.

5. Unless a request contains a specific time limitation, it seeks all documents created, generated or obtained at any point in time through the date of your response.

6. "To," "relating to" or "refer or relate to" shall mean, without limitation, discussing, describing, reflecting, dealing with, pertaining to, analyzing, evaluating, concerning, mentioning, studying, surveying, projecting, assessing, recording, summarizing, criticizing, reporting, commenting ,or otherwise involving, in whole or in part the subject matter of the request.

INSTRUCTIONS

1. The use of the singular herein shall be deemed to include the plural. The use of one gender shall be deemed to include all other genders. The use of the conjunction "or" shall be deemed to include the conjunction "and," and vice versa.

2. In producing the documents and things requested herein, you shall furnish all documents in your actual or constructive possession, custody, or control, or in the actual or constructive possession, custody, or control of your officers, employees, agents, representatives, corporate affiliates, or attorneys.

3. If any requested document or thing cannot be produced in full, it shall be produced to the extent possible, indicating what document or portion of documents are being withheld and the reasons why such documents are being withheld.

4. If any document covered by these requests is withheld by reason of a claim of attorney-client privilege, attorney work product protection, or any other privilege or protection, please furnish a log providing the following information with respect to each such withheld document: date, author, recipients, general subject matter sufficient to make a prima facie determination whether the asserted privilege has been properly invoked, and legal basis upon which the document has been withheld.

5. Notwithstanding the assertion of any privilege or objection, any document which contains both privileged or objectionable and non-privileged or non-objectionable information

which is responsive to these requests must be produced with the privileged or objectionable information redacted from the document.

6. Copies of the file tab or label of the file within which a requested document is located shall be produced along with the document found in the file.

7. If you are aware that a document or thing once existed but has been destroyed, please state when the document or thing was destroyed, why it was destroyed, and the circumstances under which it was destroyed.

8. If you object to or are unable to answer any of these requests, please state your objection or reason for your inability to answer separately in detail for each such request. Any ground not stated shall be deemed waived.

9. Failure to provide information in response to these requests will be deemed a waiver of your right to produce such evidence at trial. Plaintiffs reserve the right to move to preclude the introduction of any evidence not produced in response to these requests.

INTERROGATORIES

1. Please describe in detail the division/allocation of respective corporate responsibilities between JUUL Labs, Inc., Philip Morris USA, and/or Altria Group, Inc., including any of Altria Group, Inc.'s subsidiaries, including before and after Altria Group, Inc.'s acquisition of JUUL Labs, Inc. with respect to the design, manufacture, regulatory compliance, advertising, marketing, and sale of JUUL products, including a description of document retention/destruction responsibilities for documents that pre-existed the acquisition and documents generated or obtained after the acquisition.

2. Please set how Philip Morris USA, and Altria Group, Inc. will assist with or participate in the marketing of JUUL, include how much money will be allocated to the marketing of JUUL since your acquisition of Defendant JUUL Labs, Inc.

3. Please explain in detail the economic and/or corporate rationale for the acquisition of JUUL Labs, Inc. by Altria Group, Inc.

4. Please explain in detail how JUUL Labs, Inc., and/or Altria Group, Inc. has complied or failed to comply with the Food and Drug Administration (FDA)'s concern with the surge in e-cigarette use among youth.

5. Please identify all e-mail, text, and/or mailing lists used to communicate with consumers who have purchased JUUL Labs' products in the United States since you acquired a financial stake in JUUL Labs Inc.

6. Please describe any research that indicates whether JUUL Labs' products are safer and/or less addictive than conventional cigarettes.

7. Please identify all consumer surveys, reports, and other documents that pertain to youth or underage viewing of the marketing and advertising of the products.

8. Please describe in detail the process or processes in which nicotine is developed for e-liquid by JUUL Labs, Inc. and/or Altria Group, Inc.

9. Please describe in detail how the e-liquid is heated in the JUUL device.

10. Please describe in detail the product design and function of all JUUL devices, respectively.

11. To your knowledge, has JUUL ever conducted or have you ever assisted with or recommended to JUUL to conduct a clinical trial in the United States proving that its products actually help smokers with nicotine cessation? If so, please provide that study. If not, why not?

12. Please explain in detail, what actions JUUL Labs, Inc. or Altria Group, Inc. has taken to decrease youth e-cigarette use?

13. To your knowledge, has JUUL paid any “social media influencers” to promote its products? If so, please provide a list of influencers who have been paid by JUUL to promote its products. Has JUUL identified its connection with these influencers, in accordance with Federal Trade Commission (FTC) rules?

14. Following December 19, 2018 Altria merger announcement, please list any and all changes to JUUL’s November 13, 2018 commitments and action plan.

15. For products sold online, will JUUL require independent, third-party age and identity verification that compares customer information against third-party data sources, such as public records?

16. Ostensibly to prevent bulk shipments and youth access, JUUL announced that it would limit online customers to two devices and fifteen JUUL pod packages per month, and no more than ten devices per year. How did JUUL determine it would limit online purchases to 15 JUUL pods per month? Did you assist in that determination? Please provide pattern of use documentation to explain.

17. Have you or JUUL collected information on the appeal of JUUL flavored products, or e-cigarette flavored products among youth? Please provide information on youth use of any and all such flavored products.

18. According to a recent report, JUUL has an “enterprise markets team” that is working to strike deals with health insurers, employers, health care providers, and the public sector to make JUUL available to employees and beneficiaries who want to stop smoking cigarettes. What data and other information do you or JUUL communicate to health insurers, employers, health care providers, and the public sector about whether JUUL is effective at helping adult smokers stop smoking cigarettes?

19. Do you or JUUL clearly indicate that JUUL products have not been found safe and effective by the FDA for the purpose of smoking cessation?

Dated: May 21, 2019

Respectfully submitted,

By: /s/ Jeffrey L. Haberman

Scott Schlesinger

Jonathan Gdanski

Jeffrey Haberman

scott@schlesingerlaw.com

jonathan@schlesingerlaw.com

jhaberman@schlesingerlaw.com

SCHLESINGER LAW OFFICES, P.A.

1212 SE 3rd Avenue

Fort Lauderdale, FL 33316

Telephone: (954) 467-8800

Facsimile: (954) 320-9509



**Service of Process
Transmittal**

05/22/2019

CT Log Number 535534653

TO: DIANNE WATKINS
Altria Client Services, LLC
6601 W BROAD ST
RICHMOND, VA 23230-1723

RE: Process Served in Florida

FOR: Philip Morris USA Inc. (Domestic State: VA)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Craig Shapiro, etc., Pltf. vs. Juul Labs Inc., et al., Dfts. // To: Philip Morris USA Inc.

DOCUMENT(S) SERVED: Summons, Complaint, Notice(s), Request

COURT/AGENCY: Broward County Circuit Court, FL
Case # CACE19010866

NATURE OF ACTION: Product Liability Litigation - Personal Injury - E-Cigarette

ON WHOM PROCESS WAS SERVED: C T Corporation System, Plantation, FL

DATE AND HOUR OF SERVICE: By Process Server on 05/22/2019 at 09:42

JURISDICTION SERVED : Florida

APPEARANCE OR ANSWER DUE: Within 20 days after service of this summons on that defendant, exclusive of the day of service

ATTORNEY(S) / SENDER(S): Scott P. Schlesinger
Schlesinger Law Offices, P.A.
1212 Southeast Third Avenue
Fort Lauderdale, FL 33316
954-320-9507

ACTION ITEMS: CT has retained the current log, Retain Date: 05/23/2019, Expected Purge Date: 05/28/2019
Image SOP
Email Notification, Altria Docket Altria.Docket@Altria.com
Email Notification, Ann Zmijewski Ann.E.Zmijewski@altria.com
Email Notification, DIANNE WATKINS dianne.watkins@altria.com

SIGNED: C T Corporation System
ADDRESS: 1200 South Pine Island Road
Plantation, FL 33324
TELEPHONE: 954-473-5503

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

CRAIG SHAPIRO and JULIE SHAPIRO
Individually, and as guardians of their minor child,
B.S.,
Plaintiffs,

CIVIL ACTION
CASE NO:

DEMAND FOR JURY TRIAL

JUUL LABS INC., ALTRIA GROUP,
INC., PHILIP MORRIS USA, INC.,
MY VAPOR HUT, INC. d/b/a 1ST WAVE VAPOR,
EDGAR F. DI PUGLIA in his capacity as owner of
THE SMOKE HOUSE SMOKE SHOP.

Defendants.

5/22/19
9:20 AM
MS
731

SUMMONS

THE STATE OF FLORIDA:

To Each Sheriff of the State:

YOU ARE COMMANDED to serve this Summons and a copy of the Complaint or petition
in this action on Defendant,

PHILIP MORRIS USA, INC.
c/o CT CORPORATION SYSTEM
1200 S. PINE ISLAND ROAD
PLANTATION, FL 33324

Each Defendant is required to serve written defenses to the Complaint or petition on
attorney for Plaintiffs whose address is:

Scott P. Schlesinger
SCHLESINGER LAW OFFICES, P.A.
Attorney for Plaintiffs
1212 Southeast Third Avenue
Fort Lauderdale, FL 33316
Telephone: (954) 320-9507

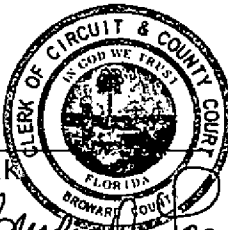
within twenty (20) days after service of this Summons on that Defendant, exclusive of the day of
service, and to file the original of the defenses with the clerk of this court either before service on

Plaintiff's attorney or immediately thereafter. If a Defendant fails to do so, a default will be entered against that Defendant for the relief demanded in the Complaint or petition.

DATED on MAY 21 2019

BRENDA D. FORMAN,
As Clerk of said Court

BY: _____
AS DEPUTY CLERK



Brenda D. Forman
BRENDA D. FORMAN

IN THE CIRCUIT COURT OF THE 17TH
JUDICIAL CIRCUIT, IN AND FOR
BROWARD COUNTY, FLORIDA

CRAIG SHAPIRO and JULIE SHAPIRO
Individually, and as guardians of their minor child,
B.S.,

Plaintiffs,

Case No.: CACE-19010866

v.

JUUL LABS INC., ALTRIA GROUP,
INC., PHILIP MORRIS USA, INC.,
MY VAPOR HUT, INC. d/b/a 1ST WAVE VAPOR,
EDGAR F. DI PUGLIA in his capacity as owner of
THE SMOKE HOUSE SMOKE SHOP.

Defendants.

NOTICE OF TAKING VIDEOTAPED DEPOSITION

PLEASE TAKE NOTICE that the undersigned attorneys will take the deposition of:

| <u>NAME AND ADDRESS</u> | <u>DATE & TIME</u> | <u>LOCATION</u> |
|---|------------------------------|---|
| JAMES MONSEES JUUL Labs Inc. 560 20 th Street San Francisco, CA 94107 | July 9, 2019 at 9:00 a.m. | Barkley Court Reporter 201 California Street Suite 375 San Francisco, CA 94111 T: 415.433.5777 |

The deposition will be upon oral examination before **Barkley Court Reporters**, Notary Public, or officer authorized by law to take depositions. The deposition will be taken orally and will be videotaped. The oral examination will continue from day to day until completed. This deposition is being taken for the purpose of discovery, for use at trial, or for such other purposes as are permitted under the rules of the Court.

Respectfully submitted,

s/ Jeffrey L. Haberman

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*Attorneys for Plaintiffs Craig and Julie Shapiro
individually, and as guardians of their minor child, B.S.*

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT IN AND
FOR BROWARD COUNTY, FLORIDA**

CRAIG SHAPIRO and JULIE SHAPIRO
Individually, and as guardians of their minor child,
B.S.,

Plaintiffs,

CIVIL ACTION
CASE NO: **CACE-19010866**

JUUL LABS INC., ALTRIA GROUP,
INC., PHILIP MORRIS USA, INC.,
MY VAPOR HUT, INC. d/b/a IST WAVE VAPOR,
EDGAR F. DI PUGLIA in his capacity as owner of
THE SMOKE HOUSE SMOKE SHOP.

Defendants.

**PLAINTIFFS' NOTICE OF SERVICE OF INTERROGATORIES TO DEFENDANT
JUUL LABS, INC.**

PLAINTIFFS, pursuant to Fla. R. Civ. P. 1.340, hereby request that Defendant JUUL Labs, Inc., responds to the following interrogatories. As used in these interrogatories, the following terms have the following meanings.

As used in these requests, the following terms have the following meanings.

DEFINITIONS

1. "You" and "Your" and "JUUL" refers to Defendant JUUL Labs, Inc., and including (as may apply depending upon the time frame of a given request), subsidiary companies, its predecessors-in-interest, its successors-in-interest, its executives, officers, agents, and employees, and any other person acting on its behalf, including attorneys.

2. As used throughout these Interrogatories, the term "Document" or any similar term refers in the broadest possible sense meaning anything which may be considered to be a document and includes, without limitations, any written, printed, typed, photostatic, photographic, recorded or otherwise reproduced communication or representation, whether

comprised of letters, words, numbers, pictures, sound or symbols, or any combination thereof. This definition includes copies or duplicates of documents contemporaneously or subsequently created that have any nonconforming notes or other markings. Without limiting the generality of the foregoing, the term "Document" includes, but is not limited to, correspondence, memoranda, notes, records, letters, envelopes, telegrams, messages, studies, analyses, contracts, agreements, working papers, summaries, statistical statements, financial statements, work papers, accounts, local records, reports and/or summaries of investigation, trade letters, press releases, comparisons, books, calendars, diaries, articles, magazines, newspapers, booklets, brochures, pamphlets, circulars, bulletins, notices, drawings, diagrams, instructions, notes or minutes of meeting, or other communications of any type, including inter-office and intra office communication, questionnaires, surveys, charts, graph, photographs, recordings, tapes, back-up tapes, discs, data cells, printouts, all other data compilations from which information can be obtained (translated, if necessary, into usable form), and any preliminary versions, drafts or revisions of any of the foregoing and shall also include electronic communications, whether maintained presently in the normal course of business or available in back-up or legacy data formats, wherever found or maintained, including all servers, hard drives, lap tops, and firewalls.

3. "JUUL" or "product" refers to JUUL brand e-cigarettes placed in the stream of commerce/within the United States at any time, including all packings and line extensions.

4. Unless otherwise specified, all requests are limited to documents and things pertaining to the sale, marketing, design and manufacture of JUUL and JUULPods within the United States.

5. Unless a request contains a specific time limitation, it seeks all documents created, generated or obtained at any point in time through the date of your response.

6. “To,” “relating to” or “refer or relate to” shall mean, without limitation, discussing, describing, reflecting, dealing with, pertaining to, analyzing, evaluating, concerning, mentioning, studying, surveying, projecting, assessing, recording, summarizing, criticizing, reporting, commenting, or otherwise involving, in whole or in part the subject matter of the request.

INSTRUCTIONS

1. The use of the singular herein shall be deemed to include the plural. The use of one gender shall be deemed to include all other genders. The use of the conjunction “or” shall be deemed to include the conjunction “and,” and vice versa.

2. In producing the documents and things requested herein, you shall furnish all documents in your actual or constructive possession, custody, or control, or in the actual or constructive possession, custody, or control of your officers, employees, agents, representatives, corporate affiliates, or attorneys.

3. If any requested document or thing cannot be produced in full, it shall be produced to the extent possible, indicating what document or portion of documents are being withheld and the reasons why such documents are being withheld.

4. If any document covered by these requests is withheld by reason of a claim of attorney-client privilege, attorney work product protection, or any other privilege or protection, please furnish a log providing the following information with respect to each such withheld document: date, author, recipients, general subject matter sufficient to make a prima facie determination whether the asserted privilege has been properly invoked, and legal basis upon which the document has been withheld.

5. Notwithstanding the assertion of any privilege or objection, any document which contains both privileged or objectionable and non-privileged or non-objectionable information

which is responsive to these requests must be produced with the privileged or objectionable information redacted from the document.

6. Copies of the file tab or label of the file within which a requested document is located shall be produced along with the document found in the file.

7. If you are aware that a document or thing once existed but has been destroyed, please state when the document or thing was destroyed, why it was destroyed, and the circumstances under which it was destroyed.

8. If you object to or are unable to answer any of these requests, please state your objection or reason for your inability to answer separately in detail for each such request. Any ground not stated shall be deemed waived.

9. Failure to provide information in response to these requests will be deemed a waiver of your right to produce such evidence at trial. Plaintiffs reserve the right to move to preclude the introduction of any evidence not produced in response to these requests.

INTERROGATORIES

1. Please identify in chronological order every product produced by JUUL LABS, INC. including the dates it was available for purchase in the United States (excluding dates relating solely to geographically limited test markets).

2. For each product identified in response to the preceding interrogatory identify every ingredient (including processing aids and additives, whether in the e-liquid, or device) noting any changes or variation since 2007.

3. Please identify by name, title, and last known address, every executive, officer, and board member for JUUL Labs, Inc. from its inception as PAX Labs, Inc.

4. Please describe in detail the division/allocation of respective corporate responsibilities between JUUL Labs, Inc., Philip Morris USA, and/or Altria Group, Inc.,

including any of Altria Group, Inc.'s subsidiaries, including before and after Altria Group, Inc.'s acquisition of JUUL Labs, Inc. with respect to the design, manufacture, regulatory compliance, advertising, marketing, and sale of JUUL products, including a description of document retention/destruction responsibilities for documents that pre-existed the acquisition and documents generated or obtained after the acquisition.

5. Please set forth the advertising/marketing budget for JUUL for each of the past years since 2015, including the amounts allocated for particular budget line items.

6. Please identify by name and date of publication every print or online publication and/or forum in which JUUL has advertised.

7. Please explain in detail the economic and/or corporate rationale for the acquisition of JUUL Labs, Inc. by Altria Group, Inc.

8. Please explain in detail how JUUL Labs, Inc., and/or Altria Group, Inc. has complied or failed to comply with the Food and Drug Administration (FDA)'s concern of the surge in e-cigarette use among youth.

9. Please state the gross sales, in dollars and units, of the products sold in the United States during the past six years, broken down by year, state/territory, and brand/flavor.

10. Please identify all e-mail, text, and/or mailing lists used to communicate with consumers who have purchased JUUL Labs' products in the United States during the past six years.

11. Please describe any research that indicates whether JUUL Labs' products are safer, safer, less hazardous and/or less addictive than conventional cigarettes.

12. Please identify all packaging of the products, including any changes to the packaging and when the changes were made.

13. Please identify all consumer surveys, reports, and other documents that pertain to youth or underaged viewing of the marketing and advertising of the products.

14. Please describe in detail the process or processes in which nicotine is developed for e-liquid use.

15. Please describe in detail how the e-liquid is heated in the JUUL device.

16. Please describe in detail the product design and function of all JUUL devices, respectively.

17. Has JUUL ever conducted a clinical trial in the United States proving that's its products actually help smokers with nicotine cessation? If so, please provide that study. If not, why not?

18. Please explain in detail, what actions JUUL Labs, Inc. or Altria Group, Inc. has taken to decrease youth e-cigarette use?

19. Has JUUL paid any "social media influencers" to promote its products? If so, please provide a list of influencers who have been paid by JUUL to promote its products. Has JUUL identified its connection with these influencers, in accordance with Federal Trade Commission (FTC) rules?

20. Please provide a copy of JUUL's response to the FDA's 904(b) letter on April 24, 2018.

21. Following December 19, 2018 Altria merger announcement, please list any and all changes to JUUL's November 13, 2018 commitments and action plan.

22. For products sold online, will JUUL require independent, third-party age and identity verification that compares customer information against third-party data sources, such as public records?

23. Ostensibly to prevent bulk shipments and youth access, JUUL announced that it would limit online customers to two devices and fifteen JUUL pod packages per month, and no more than ten devices per year. How did JUUL determine it would limit online purchases to 15 JUUL pods per month? Please provide pattern of use documentation to explain.

24. Did JUUL, or any of its employees or contractors, discuss with Altria, or any of its employees or contractors, either company's response to the FDA's September 12, 2018, inquiry on plans to address youth e-cigarette use? If so, please describe said communication(s) and produce a copy of same.

25. Has JUUL collected information on the appeal of its flavored products among youth? Please provide information on youth use of each of JUUL's flavored products.

26. According to a recent report, JUUL has an "enterprise markets team" that is working to strike deals with health insurers, employers, health care providers, and the public sector to make JUUL available to employees and beneficiaries who want to stop smoking cigarettes. What data and other information does JUUL communicate to health insurers, employers, health care providers, and the public sector about whether JUUL is effective at helping adult smokers stop smoking cigarettes?

27. Does JUUL clearly indicate that its products have not been found safe and effective by the FDA for the purpose of smoking cessation?

Dated: May 21, 2019

By: /s/ Jeffrey L. Haberman

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**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT IN AND
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CRAIG SHAPIRO and JULIE SHAPIRO
Individually, and as guardians of their minor child,
B.S.,
Plaintiffs,

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CASE NO: **CACE-19010866**

JUUL LABS INC., ALTRIA GROUP,
INC., PHILIP MORRIS USA, INC.,
MY VAPOR HUT, INC. d/b/a IST WAVE VAPOR,
EDGAR F. DI PUGLIA in his capacity as owner of
THE SMOKE HOUSE SMOKE SHOP.

Defendants.

**PLAINTIFFS' REQUESTS FOR PRODUCTION OF DOCUMENTS TO DEFENDANT
JUUL LABS INC.**

PLAINTIFFS, pursuant to Fla .R. Civ. P. 1.350, hereby request that Defendant JUUL Labs, Inc., produce the following documents and things within its custody, possession, or control, in accordance with the requirements and procedures set forth in the rule.

As used in these requests, the following terms have the following meanings.

DEFINITIONS

1. "You" and "Your" and "JUUL" refer to JUUL Labs Inc., including (as may apply depending upon the time frame of a given request), subsidiary companies (specifically including Altria Group, Inc. ("Altria") and Philip Morris USA ("Philip Morris"), its predecessors-in-interest, its successors-in-interest, its executives, officers, agents, and employees, and any other person acting on its behalf, including attorneys.

2. As used throughout these Interrogatories, the term "Document" or any similar term refers in the broadest possible sense meaning anything which may be considered to be a document and includes, without limitations, any written, printed, typed, photostatic,

photographic, recorded or otherwise reproduced communication or representation, whether comprised of letters, words, numbers, pictures, sound or symbols, or any combination thereof. This definition includes copies or duplicates of documents contemporaneously or subsequently created that have any nonconforming notes or other markings. Without limiting the generality of the foregoing, the term "Document" includes, but is not limited to, correspondence, memoranda, notes, records, letters, envelopes, telegrams, messages, studies, analyses, contracts, agreements, working papers, summaries, statistical statements, financial statements, work papers, accounts, local records, reports and/or summaries of investigation, trade letters, press releases, comparisons, books, calendars, diaries, articles, magazines, newspapers, booklets, brochures, pamphlets, circulars, bulletins, notices, drawings, diagrams, instructions, notes or minutes of meeting, or other communications of any type, including inter-office and intra office communication, questionnaires, surveys, charts, graph, photographs, recordings, tapes, back-up tapes, discs, data cells, printouts, all other data compilations from which information can be obtained (translated, if necessary, into usable form), and any preliminary versions, drafts or revisions of any of the foregoing and shall also include electronic communications, whether maintained presently in the normal course of business or available in back-up or legacy data formats, wherever found or maintained, including all servers, hard drives, lap tops, and firewalls.

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5. Unless a request contains a specific time limitation, it seeks all documents created, generated or obtained at any point in time through the date of your response.

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3. If any requested document or thing cannot be produced in full, it shall be produced to the extent possible, indicating what document or portion of documents are being withheld and the reasons why such documents are being withheld.

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5. Notwithstanding the assertion of any privilege or objection, any document which contains both privileged or objectionable and non-privileged or non-objectionable information which is responsive to these requests must be produced with the privileged or objectionable information redacted from the document.

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9. Failure to provide information in response to these requests will be deemed a waiver of your right to produce such evidence at trial. Plaintiffs reserve the right to move to preclude the introduction of any evidence not produced in response to these requests.

PLEASE PRODUCE LEGIBLE/AUDIBLE COPIES OF THE FOLLOWING DOCUMENTS

1. Any and all documents or communications concerning or that you believe concern the acquisition of JUUL Labs, Inc. by Altria Group, Inc., or any other of its subsidiaries including, but not limited to, all documents and communications prior to its acquisition.

2. Any and all documents or communications concerning or that you believe concern, marketing practices of JUUL Lab, Inc., concerning JUUL and related e-cigarette products including communications with Altria Group, Inc., and/or any other of its officers,

directors, agents, employees or personnel, and its subsidiaries including their officers, directors, agents, employees or personnel.

3. Any and all documents or communications concerning or that you believe concern, sales practices of JUUL Lab, Inc., concerning JUUL and related e-cigarette products including communications with Altria Group, Inc., and/or any other of its officers, directors, agents, employees or personnel, and its subsidiaries including their officers, directors, agents, employees or personnel.

4. Any and all documents or communications concerning or that you believe concern, advertising practices of JUUL Lab, Inc., concerning JUUL and related e-cigarette products including communications with Altria Group, Inc., and/or any other of its officers, directors, agents, employees or personnel, and its subsidiaries including their officers, directors, agents, employees or personnel.

5. Any and all documents or communications concerning or that you believe concern product usage by youth or use by underaged persons concerning JUUL.

6. Any and all documents or communications concerning or that you believe concern, communications regarding JUUL between JUUL Labs, Inc. and/or Altria Group, INC., and/or any of its subsidiaries, and the Food and Drug Administration (FDA).

7. Any and all documents or communications concerning or that you believe concern, the product safety or risk of JUUL including but not limited to safety compared to conventional cigarettes from JUUL Labs, Inc., and/or Altria Group, INC., and/or any of its subsidiaries, excluding pleadings and discovery responses in this action.

8. Any and all documents or communications concerning or that you believe concern trade practices of JUUL Labs, Inc., and/or Altria Group, Inc., and/or any subsidiary of Altria Group, Inc., concerning JUUL.

9. Any and all documents or communications that you believe were authored by or that you believe otherwise memorializes the beliefs, opinions, or knowledge of any named defendant in any related action, excluding pleadings and discovery responses in this action.

10. If not encompassed within the manufacturing specifications produced in response to the preceding request, any other product specification or profile or other document that identifies [a] the ingredients, additives, and processing aids for all JUUL Labs, Inc. products, including, but not limited to: [b] the product design, [c] how the nicotine that is being used in the JUUL e-cigarette is developed, [d] nicotine formulation, [e] e-cigarette configuration, [f] e-liquid additives, [g] nicotine yield and/or percentage in the device, [h] vapor yield, [i] pH levels of vapor, and [j] every other additive and processing aid of any description.

11. Any and all documents necessary to interpret the documents produced in response to the preceding requests, including, for example, internal indexes or glossaries revealing the significance of manufacturing or ingredient codes.

12. Any and all documents not produced in response to any preceding request which discusses, refers to, or otherwise reflects product use by youth or underaged persons of JUUL products.

13. Any and all documents not produced in response to any preceding request which discusses, refers to, or otherwise reflects product design of JUUL Labs, Inc.

14. Any and all documents not produced in response to any preceding request which discusses, refers to, or otherwise reflects nicotine development of JUUL Labs, Inc.

15. Any and all documents not produced in response to any preceding request which discusses, refers to, or otherwise reflects the acquisition of JUUL Labs, Inc. by Altria Group, Inc.

16. Please provide copies of all materials that JUUL provides to health insurers, employers, health care providers, and the public sector.

17. Please provide copies of all documents and other information reflecting communications with the FDA about whether any JUUL advertisements or proposed advertisements – or other actual or proposed promotional materials – make claims that JUUL helps smokers quit smoking (smoking cessation claims) or claims that JUUL is less hazardous than other tobacco products (modified risk claims).

18. Please provide a breakdown of sales – broken down by retail and online – between all of JUUL’s flavored products – including year-over-year sales, aggregate sales, and percentage sales between flavored JUULpods.

19. Regarding a February 4, 2019 letter to President Trump, urging the White House to intervene with the FDA’s public health oversight and “pump the brakes on its new regulatory efforts,” the New York Times reported that JUUL made financial contributions to organizations that were signatories of that letter. Please confirm the amounts and dates of JUUL’s contributions to these organizations, as well as amounts and dates of contributions to any other organizations that signed the February 4, 2019 letter.

20. Please provide all documents and communications relating to or concerning JUUL customer loyalty program, including the lists or databases of known customers, and all communications between you and Defendant Altria Group, Inc. and Philip Morris USA, Inc. or any subsidiary of these companies, or between you and any third party relating to same.

21. Please produce any and all documents seized by or produced to the FDA in connection with JUUL, and produce any and all communications regarding same.

Dated: May 21, 2019

By: /s/ Jeffrey L. Haberman

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**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT IN AND
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Individually, and as guardians of their minor child,
B.S.,

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JUUL LABS INC., ALTRIA GROUP,
INC., PHILIP MORRIS USA, INC.,
MY VAPOR HUT, INC. d/b/a IST WAVE VAPOR,
EDGAR F. DI PUGLIA in his capacity as owner of
THE SMOKE HOUSE SMOKE SHOP.

Defendants.

**PLAINTIFFS' REQUESTS FOR PRODUCTION OF DOCUMENTS TO DEFENDANTS
ALTRIA GROUP, INC. AND PHILIP MORRIS USA, INC.**

PLAINTIFFS, pursuant to Fla .R. Civ. P. 1.350, hereby request that Defendants Altria Group, Inc., and Philip Morris USA, Inc. produce the following documents and things within its custody, possession, or control, in accordance with the requirements and procedures set forth in the rule.

As used in these requests, the following terms have the following meanings.

DEFINITIONS

1. "You" and "Your" and "Altria" refer to Defendants Altria Group, Inc., and Philip Morris USA, Inc. including (as may apply depending upon the time frame of a given request), subsidiary companies, its predecessors-in-interest, its successors-in-interest, its executives, officers, agents, and employees, and any other person acting on its behalf, including attorneys.

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2. Any and all documents or communications concerning or that you believe concern, marketing practices of JUUL Lab, Inc., concerning JUUL and related e-cigarette products including communications with Altria Group, Inc., and/or any other of its officers,

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4. Any and all documents or communications concerning or that you believe concern, advertising practices of JUUL Lab, Inc., concerning JUUL and related e-cigarette products including communications with Altria Group, Inc., and/or any other of its officers, directors, agents, employees or personnel, and its subsidiaries including their officers, directors, agents, employees or personnel.

5. Any and all documents or communications concerning or that you believe concern, internal documents related to product usage by youth or use by underaged persons concerning JUUL from JUUL Labs, Inc.

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8. Any and all documents or communications concerning or that you believe concern, trade practices of JUUL Labs, Inc., and/or Altria Group, Inc., and/or any subsidiary of Altria Group, Inc., concerning JUUL.

9. Any and all documents or communications that you believe were authored by or that you believe otherwise memorializes the beliefs, opinions, or knowledge of any named defendant in any related action, excluding pleadings and discovery responses in this action.

10. If not encompassed within the manufacturing specifications produced in response to the preceding request, any other product specification or profile or other document that identifies [a] the ingredients, additives, and processing aids for all JUUL Labs, Inc. products, including, but not limited to: [b] the product design, [c] how the nicotine that is being used in the JUUL e-cigarette is developed, [d] nicotine formulation, [e] e-cigarette configuration, [f] e-liquid additives, [g] nicotine yield and/or percentage in the device, [h] vapor yield, [i] pH levels of vapor, and [j] every other additive and processing aid of any description.

11. Any and all documents necessary to interpret the documents produced in response to the preceding requests, including, for example, internal indexes or glossaries revealing the significance of manufacturing or ingredient codes.

12. Any and all documents not produced in response to any preceding request which discusses, refers to, or otherwise reflects product use by youth or underage persons of JUUL products.

13. Any and all documents not produced in response to any preceding request which discusses, refers to, or otherwise reflects product design of JUUL Labs, Inc.

14. Any and all documents not produced in response to any preceding request which discusses, refers to, or otherwise reflects nicotine development of JUUL Labs, Inc.

15. Any and all documents not produced in response to any preceding request which discusses, refers to, or otherwise reflects the acquisition of JUUL Labs, Inc. by Altria Group, Inc. or any of its subsidiaries.

16. Please provide copies of all materials that JUUL provides to health insurers, employers, health care providers, and the public sector.

17. Please provide copies of all documents and other information reflecting communications with the FDA about whether any JUUL advertisements or proposed advertisements – or other actual or proposed promotional materials – make claims that JUUL helps smokers quit smoking (smoking cessation claims) or claims that JUUL is less hazardous than other tobacco products (modified risk claims).

18. Please provide a breakdown of sales – broken down by retail and online – between all of JUUL's flavored products – including year-over-year sales, aggregate sales, and percentage sales between flavored JUULpods.

19. Regarding a February 4, 2019 letter to President Trump, urging the White House to intervene with the FDA's public health oversight and "pump the brakes on its new regulatory efforts," the New York Times reported that JUUL made financial contributions to organizations that were signatories of that letter. Please confirm the amounts and dates of JUUL's contributions to these organizations, as well as amounts and dates of contributions to any other organizations that signed the February 4, 2019 letter.

20. Please provide all documents and communications relating to or concerning JUUL customer loyalty program, including the lists or databases of known customers, and all communications between you and Defendant JUUL Labs, Inc. between you and any third party relating to same.

21. Please provide all documents and communications relating to or concerning an services agreement between you and Defendant JUUL Labs, Inc.

22. Please provide all documents and communications relating to or concerning any of your customer lists or database(s) of your known customers that have been shared, will be shared, or that you contemplate being shared with Defendant JUUL Labs, Inc.

23. Please produce any and all documents concerning or related to communications with the FDA concerning JUUL or any electronic cigarette.

Dated: May 21, 2019

By: /s/ Jeffrey L. Haberman

Scott Schlesinger
Jonathan Gdanski
Jeffrey Haberman
scott@schlesingerlaw.com
jonathan@schlesingerlaw.com
Jhaberman@schlesingerlaw.com
SCHLESINGER LAW OFFICES, P.A.
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IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

CRAIG SHAPIRO and JULIE SHAPIRO
Individually, and as guardians of their minor child,
B.S.,
Plaintiffs,

CIVIL ACTION
CASE NO: CACE-19010866

JUUL LABS INC., ALTRIA GROUP,
INC., PHILIP MORRIS USA, INC.,
MY VAPOR HUT, INC. d/b/a IST WAVE VAPOR,
EDGAR F. DI PUGLIA in his capacity as owner of
THE SMOKE HOUSE SMOKE SHOP.

Defendants.

PLAINTIFFS' NOTICE OF SERVICE OF INTERROGATORIES TO DEFENDANTS
ALTRIA GROUP, INC., PHILIP MORRIS USA, INC.

PLAINTIFFS, pursuant to Fla .R. Civ. P. 1.340, hereby request that Defendants Altria Group, Inc., and Philip Morris USA, Inc. respond to the following interrogatories. As used in these interrogatories, the following terms have the following meanings.

DEFINITIONS

1. "You" and "Your" and "Altria" refer to Defendants Altria Group, Inc., and Philip Morris USA, Inc. including (as may apply depending upon the time frame of a given request), subsidiary companies, its predecessors-in-interest, its successors-in-interest, its executives, officers, agents, and employees, and any other person acting on its behalf, including attorneys.
2. As used throughout these Interrogatories, the term "Document" or any similar term refers in the broadest possible sense meaning anything which may be considered to be a document and includes, without limitations, any written, printed, typed, photostatic, photographic, recorded or otherwise reproduced communication or representation, whether comprised of letters, words, numbers, pictures, sound or symbols, or any combination thereof.

This definition includes copies or duplicates of documents contemporaneously or subsequently created that have any nonconforming notes or other markings. Without limiting the generality of the foregoing, the term "Document" includes, but is not limited to, correspondence, memoranda, notes, records, letters, envelopes, telegrams, messages, studies, analyses, contracts, agreements, working papers, summaries, statistical statements, financial statements, work papers, accounts, local records, reports and/or summaries of investigation, trade letters, press releases, comparisons, books, calendars, diaries, articles, magazines, newspapers, booklets, brochures, pamphlets, circulars, bulletins, notices, drawings, diagrams, instructions, notes or minutes of meeting, or other communications of any type, including inter-office and intra office communication, questionnaires, surveys, charts, graph, photographs, recordings, tapes, back-up tapes, discs, data cells, printouts, all other data compilations from which information can be obtained (translated, if necessary, into usable form), and any preliminary versions, drafts or revisions of any of the foregoing and shall also include electronic communications, whether maintained presently in the normal course of business or available in back-up or legacy data formats, wherever found or maintained, including all servers, hard drives, lap tops, and firewalls.

3. "JUUL" or "product" refers to JUUL brand e-cigarettes placed in the stream of commerce/within the United States at any time, including all packings and line extensions.

4. Unless otherwise specified, all requests are limited to documents and things pertaining to the sale, marketing, design and manufacture of JUUL and JUULPods within the United States.

5. Unless a request contains a specific time limitation, it seeks all documents created, generated or obtained at any point in time through the date of your response.

6. "To," "relating to" or "refer or relate to" shall mean, without limitation, discussing, describing, reflecting, dealing with, pertaining to, analyzing, evaluating, concerning, mentioning, studying, surveying, projecting, assessing, recording, summarizing, criticizing, reporting, commenting ,or otherwise involving, in whole or in part the subject matter of the request.

INSTRUCTIONS

1. The use of the singular herein shall be deemed to include the plural. The use of one gender shall be deemed to include all other genders. The use of the conjunction "or" shall be deemed to include the conjunction "and," and vice versa.

2. In producing the documents and things requested herein, you shall furnish all documents in your actual or constructive possession, custody, or control, or in the actual or constructive possession, custody, or control of your officers, employees, agents, representatives, corporate affiliates, or attorneys.

3. If any requested document or thing cannot be produced in full, it shall be produced to the extent possible, indicating what document or portion of documents are being withheld and the reasons why such documents are being withheld.

4. If any document covered by these requests is withheld by reason of a claim of attorney-client privilege, attorney work product protection, or any other privilege or protection, please furnish a log providing the following information with respect to each such withheld document: date, author, recipients, general subject matter sufficient to make a prima facie determination whether the asserted privilege has been properly invoked, and legal basis upon which the document has been withheld.

5. Notwithstanding the assertion of any privilege or objection, any document which contains both privileged or objectionable and non-privileged or non-objectionable information

which is responsive to these requests must be produced with the privileged or objectionable information redacted from the document.

6. Copies of the file tab or label of the file within which a requested document is located shall be produced along with the document found in the file.

7. If you are aware that a document or thing once existed but has been destroyed, please state when the document or thing was destroyed, why it was destroyed, and the circumstances under which it was destroyed.

8. If you object to or are unable to answer any of these requests, please state your objection or reason for your inability to answer separately in detail for each such request. Any ground not stated shall be deemed waived.

9. Failure to provide information in response to these requests will be deemed a waiver of your right to produce such evidence at trial. Plaintiffs reserve the right to move to preclude the introduction of any evidence not produced in response to these requests.

INTERROGATORIES

1. Please describe in detail the division/allocation of respective corporate responsibilities between JUUL Labs, Inc., Philip Morris USA, and/or Altria Group, Inc., including any of Altria Group, Inc.'s subsidiaries, including before and after Altria Group, Inc.'s acquisition of JUUL Labs, Inc. with respect to the design, manufacture, regulatory compliance, advertising, marketing, and sale of JUUL products, including a description of document retention/destruction responsibilities for documents that pre-existed the acquisition and documents generated or obtained after the acquisition.

2. Please set how Philip Morris USA, and Altria Group, Inc. will assist with or participate in the marketing of JUUL, include how much money will be allocated to the marketing of JUUL since your acquisition of Defendant JUUL Labs, Inc.

3. Please explain in detail the economic and/or corporate rationale for the acquisition of JUUL Labs, Inc. by Altria Group, Inc.

4. Please explain in detail how JUUL Labs, Inc., and/or Altria Group, Inc. has complied or failed to comply with the Food and Drug Administration (FDA)'s concern with the surge in e-cigarette use among youth.

5. Please identify all e-mail, text, and/or mailing lists used to communicate with consumers who have purchased JUUL Labs' products in the United States since you acquired a financial stake in JUUL Labs Inc.

6. Please describe any research that indicates whether JUUL Labs' products are safer and/or less addictive than conventional cigarettes.

7. Please identify all consumer surveys, reports, and other documents that pertain to youth or underage viewing of the marketing and advertising of the products.

8. Please describe in detail the process or processes in which nicotine is developed for e-liquid by JUUL Labs, Inc. and/or Altria Group, Inc.

9. Please describe in detail how the e-liquid is heated in the JUUL device.

10. Please describe in detail the product design and function of all JUUL devices, respectively.

11. To your knowledge, has JUUL ever conducted or have you ever assisted with or recommended to JUUL to conduct a clinical trial in the United States proving that its products actually help smokers with nicotine cessation? If so, please provide that study. If not, why not?

12. Please explain in detail, what actions JUUL Labs, Inc. or Altria Group, Inc. has taken to decrease youth e-cigarette use?

13. To your knowledge, has JUUL paid any “social media influencers” to promote its products? If so, please provide a list of influencers who have been paid by JUUL to promote its products. Has JUUL identified its connection with these influencers, in accordance with Federal Trade Commission (FTC) rules?

14. Following December 19, 2018 Altria merger announcement, please list any and all changes to JUUL’s November 13, 2018 commitments and action plan.

15. For products sold online, will JUUL require independent, third-party age and identity verification that compares customer information against third-party data sources, such as public records?

16. Ostensibly to prevent bulk shipments and youth access, JUUL announced that it would limit online customers to two devices and fifteen JUUL pod packages per month, and no more than ten devices per year. How did JUUL determine it would limit online purchases to 15 JUUL pods per month? Did you assist in that determination? Please provide pattern of use documentation to explain.

17. Have you or JUUL collected information on the appeal of JUUL flavored products, or e-cigarette flavored products among youth? Please provide information on youth use of any and all such flavored products.

18. According to a recent report, JUUL has an “enterprise markets team” that is working to strike deals with health insurers, employers, health care providers, and the public sector to make JUUL available to employees and beneficiaries who want to stop smoking cigarettes. What data and other information do you or JUUL communicate to health insurers, employers, health care providers, and the public sector about whether JUUL is effective at helping adult smokers stop smoking cigarettes?

19. Do you or JUUL clearly indicate that JUUL products have not been found safe and effective by the FDA for the purpose of smoking cessation?

Dated: May 21, 2019

Respectfully submitted,

By: /s/ Jeffrey L. Haberman

Scott Schlesinger
Jonathan Gdanski
Jeffrey Haberman
scott@schlesingerlaw.com
jonathan@schlesingerlaw.com
jhaberman@schlesingerlaw.com
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Fort Lauderdale, FL 33316
Telephone: (954) 467-8800
Facsimile: (954) 320-9509

EXHIBIT 3

FORM 1.997. CIVIL COVER SHEET

The civil cover sheet and the information contained in it neither replace nor supplement the filing and service of pleadings or other documents as required by law. This form must be filed by the plaintiff or petitioner for the use of the Clerk of Court for the purpose of reporting judicial workload data pursuant to section 25.075, Florida Statutes. (See instructions for completion.)

I. CASE STYLE

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT,
IN AND FOR BROWARD COUNTY, FLORIDA

Case No.: _____

Judge: _____

Craig Shapiro
Plaintiff

vs.

JUUL LABS, INC.
Defendant

II. TYPE OF CASE

- | | |
|---|---|
| <ul style="list-style-type: none"><input type="checkbox"/> Condominium<input type="checkbox"/> Contracts and indebtedness<input type="checkbox"/> Eminent domain<input type="checkbox"/> Auto negligence<input type="checkbox"/> Negligence – other<ul style="list-style-type: none"><input type="checkbox"/> Business governance<input type="checkbox"/> Business torts<input type="checkbox"/> Environmental/Toxic tort<input type="checkbox"/> Third party indemnification<input type="checkbox"/> Construction defect<input type="checkbox"/> Mass tort<input type="checkbox"/> Negligent security<input type="checkbox"/> Nursing home negligence<input type="checkbox"/> Premises liability – commercial<input type="checkbox"/> Premises liability – residential<input checked="" type="checkbox"/> Products liability<input type="checkbox"/> Real Property/Mortgage foreclosure<ul style="list-style-type: none"><input type="checkbox"/> Commercial foreclosure \$0 - \$50,000<input type="checkbox"/> Commercial foreclosure \$50,001 - \$249,999<input type="checkbox"/> Commercial foreclosure \$250,000 or more<input type="checkbox"/> Homestead residential foreclosure \$0 – 50,000<input type="checkbox"/> Homestead residential foreclosure \$50,001 - \$249,999<input type="checkbox"/> Homestead residential foreclosure \$250,000 or more<input type="checkbox"/> Non-homestead residential foreclosure \$0 - \$50,000<input type="checkbox"/> Non-homestead residential foreclosure \$50,001 - \$249,999 | <ul style="list-style-type: none"><input type="checkbox"/> Non-homestead residential foreclosure \$250,00 or more<input type="checkbox"/> Other real property actions \$0 - \$50,000<input type="checkbox"/> Other real property actions \$50,001 - \$249,999<input type="checkbox"/> Other real property actions \$250,000 or more<input type="checkbox"/> Professional malpractice<ul style="list-style-type: none"><input type="checkbox"/> Malpractice – business<input type="checkbox"/> Malpractice – medical<input type="checkbox"/> Malpractice – other professional<input type="checkbox"/> Other<ul style="list-style-type: none"><input type="checkbox"/> Antitrust/Trade Regulation<input type="checkbox"/> Business Transaction<input type="checkbox"/> Circuit Civil - Not Applicable<input type="checkbox"/> Constitutional challenge-statute or ordinance<input type="checkbox"/> Constitutional challenge-proposed amendment<input type="checkbox"/> Corporate Trusts<input type="checkbox"/> Discrimination-employment or other<input type="checkbox"/> Insurance claims<input type="checkbox"/> Intellectual property<input type="checkbox"/> Libel/Slander<input type="checkbox"/> Shareholder derivative action<input type="checkbox"/> Securities litigation<input type="checkbox"/> Trade secrets<input type="checkbox"/> Trust litigation |
|---|---|

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT IN AND
FOR BROWARD COUNTY, FLORIDA**

CRAIG SHAPIRO and JULIE SHAPIRO
Individually, and as guardians of their minor child,
B.S.,

Plaintiffs,

CIVIL ACTION

CASE NO:

DEMAND FOR JURY TRIAL

JUUL LABS INC., ALTRIA GROUP,
INC., PHILIP MORRIS USA, INC.,
MY VAPOR HUT, INC. d/b/a 1ST WAVE VAPOR,
EDGAR F. DI PUGLIA in his capacity as owner of
THE SMOKE HOUSE SMOKE SHOP.

Defendants.

SUMMONS

THE STATE OF FLORIDA:

To Each Sheriff of the State:

YOU ARE COMMANDED to serve this Summons and a copy of the Complaint or petition
in this action on Defendant,

ALTRIA GROUP, INC.
c/o CT CORPORATION SYSTEM
4701 COX RD., STE 285
GLEN ALLEN, VA 23060

Each Defendant is required to serve written defenses to the Complaint or petition on
attorney for Plaintiffs whose address is:

Scott P. Schlesinger
SCHLESINGER LAW OFFICES, P.A.
Attorney for Plaintiffs
1212 Southeast Third Avenue
Fort Lauderdale, FL 33316
Telephone: (954) 320-9507

within twenty (20) days after service of this Summons on that Defendant, exclusive of the day of
service, and to file the original of the defenses with the clerk of this court either before service on

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT IN AND
FOR BROWARD COUNTY, FLORIDA**

CRAIG SHAPIRO and JULIE SHAPIRO
Individually, and as guardians of their minor child,
B.S.,
Plaintiffs,

CIVIL ACTION
CASE NO:
DEMAND FOR JURY TRIAL

JUUL LABS INC., ALTRIA GROUP,
INC., PHILIP MORRIS USA, INC.,
MY VAPOR HUT, INC. d/b/a 1ST WAVE VAPOR,
EDGAR F. DI PUGLIA in his capacity as owner of
THE SMOKE HOUSE SMOKE SHOP.

Defendants.

SUMMONS

THE STATE OF FLORIDA:

To Each Sheriff of the State:

YOU ARE COMMANDED to serve this Summons and a copy of the Complaint or petition
in this action on Defendant,

JUUL LABS, INC.
c/o INCORP SERVICES INC.
LOXAHATCHEE, FL 33470

Each Defendant is required to serve written defenses to the Complaint or petition on
attorney for Plaintiffs whose address is:

Scott P. Schlesinger
SCHLESINGER LAW OFFICES, P.A.
Attorney for Plaintiffs
1212 Southeast Third Avenue
Fort Lauderdale, FL 33316
Telephone: (954) 320-9507

within twenty (20) days after service of this Summons on that Defendant, exclusive of the day of
service, and to file the original of the defenses with the clerk of this court either before service on

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT IN AND
FOR BROWARD COUNTY, FLORIDA**

CRAIG SHAPIRO and JULIE SHAPIRO
Individually, and as guardians of their minor child,
B.S.,

Plaintiffs,

CIVIL ACTION

CASE NO:

DEMAND FOR JURY TRIAL

JUUL LABS INC., ALTRIA GROUP,
INC., PHILIP MORRIS USA, INC.,
MY VAPOR HUT, INC. d/b/a 1ST WAVE VAPOR,
EDGAR F. DI PUGLIA in his capacity as owner of
THE SMOKE HOUSE SMOKE SHOP.

Defendants.

SUMMONS

THE STATE OF FLORIDA:

To Each Sheriff of the State:

YOU ARE COMMANDED to serve this Summons and a copy of the Complaint or petition
in this action on Defendant,

PHILIP MORRIS USA, INC.
c/o CT CORPORATION SYSTEM
1200 S. PINE ISLAND ROAD
PLANTATION, FL 33324

Each Defendant is required to serve written defenses to the Complaint or petition on
attorney for Plaintiffs whose address is:

Scott P. Schlesinger
SCHLESINGER LAW OFFICES, P.A.
Attorney for Plaintiffs
1212 Southeast Third Avenue
Fort Lauderdale, FL 33316
Telephone: (954) 320-9507

within twenty (20) days after service of this Summons on that Defendant, exclusive of the day of
service, and to file the original of the defenses with the clerk of this court either before service on

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT IN AND
FOR BROWARD COUNTY, FLORIDA**

CRAIG SHAPIRO and JULIE SHAPIRO
Individually, and as guardians of their minor child,
B.S.,
Plaintiffs,

CIVIL ACTION
CASE NO:
DEMAND FOR JURY TRIAL

JUUL LABS INC., ALTRIA GROUP,
INC., PHILIP MORRIS USA, INC.,
MY VAPOR HUT, INC. d/b/a 1ST WAVE VAPOR,
EDGAR F. DI PUGLIA in his capacity as owner of
THE SMOKE HOUSE SMOKE SHOP.

Defendants.

SUMMONS

THE STATE OF FLORIDA:

To Each Sheriff of the State:

YOU ARE COMMANDED to serve this Summons and a copy of the Complaint or petition
in this action on Defendant,

EDGAR F. DI PUGLIA
1952 EAST SUNRISE BLVD.
FORT LAUDERDALE, FL 33304

Each Defendant is required to serve written defenses to the Complaint or petition on
attorney for Plaintiffs whose address is:

Scott P. Schlesinger
SCHLESINGER LAW OFFICES, P.A.
Attorney for Plaintiffs
1212 Southeast Third Avenue
Fort Lauderdale, FL 33316
Telephone: (954) 320-9507

within twenty (20) days after service of this Summons on that Defendant, exclusive of the day of
service, and to file the original of the defenses with the clerk of this court either before service on

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT IN AND
FOR BROWARD COUNTY, FLORIDA**

CRAIG SHAPIRO and JULIE SHAPIRO
Individually, and as guardians of their minor child,
B.S.,
Plaintiffs,

CIVIL ACTION
CASE NO:
DEMAND FOR JURY TRIAL

JUUL LABS INC., ALTRIA GROUP,
INC., PHILIP MORRIS USA, INC.,
MY VAPOR HUT, INC. d/b/a 1ST WAVE VAPOR,
EDGAR F. DI PUGLIA in his capacity as owner of
THE SMOKE HOUSE SMOKE SHOP.

Defendants.

SUMMONS

THE STATE OF FLORIDA:

To Each Sheriff of the State:

YOU ARE COMMANDED to serve this Summons and a copy of the Complaint or petition
in this action on Defendant,

MY VAPOR HUT, INC. d/b/a 1ST WAVE VAPOR
2767 EAST ATLANTIC BLVD.
POMPANO BEACH, FL 33062

Each Defendant is required to serve written defenses to the Complaint or petition on
attorney for Plaintiffs whose address is:

Scott P. Schlesinger
SCHLESINGER LAW OFFICES, P.A.
Attorney for Plaintiffs
1212 Southeast Third Avenue
Fort Lauderdale, FL 33316
Telephone: (954) 320-9507

within twenty (20) days after service of this Summons on that Defendant, exclusive of the day of
service, and to file the original of the defenses with the clerk of this court either before service on

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA**

CRAIG SHAPIRO and JULIE SHAPIRO

Individually, and as guardians of their minor child,
B.S.,

Plaintiffs,

CIVIL ACTION

CASE NO: CACE-19010866

JUUL LABS INC., ALTRIA GROUP,
INC., PHILIP MORRIS USA, INC.,
MY VAPOR HUT, INC. d/b/a 1ST WAVE VAPOR,
EDGAR F. DI PUGLIA in his capacity as owner of
THE SMOKE HOUSE SMOKE SHOP.

Defendants.

PLAINTIFFS' NOTICE OF FILING

COME NOW, the Plaintiffs, by and through their undersigned counsel, and hereby file
this Notice of Filing Interrogatories served on Defendants with Summons and Complaint.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing has been filed this
24th day of May, 2019, using the Florida ePortal filing system and that a copy was served via
process server on Defendants JUUL LABS, INC, and PHILIP MORRIS USA, INC., on May 22,
2019; and on Defendant ALTRIA GROUP, INC., on May 23rd, 2019.

Respectfully submitted,

s/ Jeffrey L. Haberman

Jeffrey L. Haberman, Esq.

Fla. Bar No. 98522

jhaberman@schlesingerlaw.com

SCHLESINGER LAW OFFICES, P.A.

1212 S.E. 3rd Ave.

Fort Lauderdale, FL 33316

T: 954-467-8800

F: 954-779-7389

Attorneys for Plaintiff

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA**

CRAIG SHAPIRO and JULIE SHAPIRO
Individually, and as guardians of their minor child,
B.S.,
Plaintiffs,

CIVIL ACTION
CASE NO:

JUUL LABS INC., ALTRIA GROUP,
INC., PHILIP MORRIS USA, INC.,
MY VAPOR HUT, INC. d/b/a 1ST WAVE VAPOR,
EDGAR F. DI PUGLIA in his capacity as owner of
THE SMOKE HOUSE SMOKE SHOP.

Defendants.

**PLAINTIFFS' NOTICE OF SERVICE OF INTERROGATORIES TO DEFENDANT
JUUL LABS, INC.**

COME NOW, the Plaintiffs, by and through the undersigned counsel, and propound these Interrogatories to defendant JUUL LABS, INC., to be answered under oath and in writing within the time and manner prescribed by law pursuant to Rule 1.340 of the Florida Rules of Civil Procedure.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing will be served with a copy of the summons and complaint.

Respectfully Submitted,

s/ Jeffrey L. Haberman
Jeffrey L. Haberman, Esq.
Fla. Bar No. 98522
jhaberman@schlesingerlaw.com
SCHLESINGER LAW OFFICES, P.A.
1212 S.E. 3rd Ave.
Fort Lauderdale, FL 33316
T: 954-467-8800
F: 954-779-7389
Attorneys for Plaintiff

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA**

CRAIG SHAPIRO and JULIE SHAPIRO

Individually, and as guardians of their minor child,
B.S.,

Plaintiffs,

CIVIL ACTION

CASE NO: CACE-19010866

JUUL LABS INC., ALTRIA GROUP,
INC., PHILIP MORRIS USA, INC.,
MY VAPOR HUT, INC. d/b/a 1ST WAVE VAPOR,
EDGAR F. DI PUGLIA in his capacity as owner of
THE SMOKE HOUSE SMOKE SHOP.

Defendants.

PLAINTIFFS' NOTICE OF SERVICE OF INTERROGATORIES TO DEFENDANTS
ALTRIA GROUP, INC., PHILIP MORRIS USA, INC.

COME NOW, the Plaintiffs, by and through the undersigned counsel, and propound these Interrogatories to defendants ALTRIA GROUP, INC., and PHILIP MORRIS USA, INC. to be answered under oath and in writing within the time and manner prescribed by law pursuant to Rule 1.340 of the Florida Rules of Civil Procedure.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing will be served with a copy of the summons and complaint.

Respectfully Submitted,

s/ Jeffrey L. Haberman

Jeffrey L. Haberman, Esq.

Fla. Bar No. 98522

jhaberman@schlesingerlaw.com

SCHLESINGER LAW OFFICES, P.A.

1212 S.E. 3rd Ave.

Fort Lauderdale, FL 33316

T: 954-467-8800

F: 954-779-7389

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA**

CRAIG SHAPIRO and JULIE SHAPIRO
Individually, and as guardians of their minor child,
B.S.,
Plaintiffs,

CIVIL ACTION
CASE NO: **CACE-19010866**

JUUL LABS INC., ALTRIA GROUP,
INC., PHILIP MORRIS USA, INC.,
MY VAPOR HUT, INC. d/b/a 1ST WAVE VAPOR,
EDGAR F. DI PUGLIA in his capacity as owner of
THE SMOKE HOUSE SMOKE SHOP.

Defendants.

PLAINTIFFS' NOTICE OF FILING

COME NOW, the Plaintiffs, by and through their undersigned counsel, and hereby file this Notice of Taking Videotaped Deposition served on Defendants with Summons and Complaint.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing has been filed this 24th day of May, 2019, using the Florida ePortal filing system and that a copy was served via process server on Defendants JUUL LABS, INC, and PHILIP MORRIS USA, INC., on May 22, 2019; and on Defendant ALTRIA GROUP, INC., on May 23rd, 2019.

Respectfully submitted,

s/ Jeffrey L. Haberman
Jeffrey L. Haberman, Esq.
Fla. Bar No. 98522
jhaberman@schlesingerlaw.com
SCHLESINGER LAW OFFICES, P.A.
1212 S.E. 3rd Ave.
Fort Lauderdale, FL 33316
T: 954-467-8800
F: 954-779-7389
Attorneys for Plaintiff

IN THE CIRCUIT COURT OF THE 17TH
JUDICIAL CIRCUIT, IN AND FOR
BROWARD COUNTY, FLORIDA

CRAIG SHAPIRO and JULIE SHAPIRO
Individually, and as guardians of their minor child,
B.S.,

Plaintiffs,

Case No.: **CACE-19010866**

v.

JUUL LABS INC., ALTRIA GROUP,
INC., PHILIP MORRIS USA, INC.,
MY VAPOR HUT, INC. d/b/a 1ST WAVE VAPOR,
EDGAR F. DI PUGLIA in his capacity as owner of
THE SMOKE HOUSE SMOKE SHOP.

Defendants.

NOTICE OF TAKING VIDEOTAPED DEPOSITION

PLEASE TAKE NOTICE that the undersigned attorneys will take the deposition of:

| <u>NAME AND ADDRESS</u> | <u>DATE & TIME</u> | <u>LOCATION</u> |
|---|------------------------------|---|
| JAMES MONSEES JUUL Labs Inc. 560 20 th Street San Francisco, CA 94107 | July 9, 2019 at 9:00 a.m. | Barkley Court Reporter 201 California Street Suite 375 San Francisco, CA 94111 T: 415.433.5777 |

The deposition will be upon oral examination before **Barkley Court Reporters**,
Notary Public, or officer authorized by law to take depositions in the State of Florida. The
deposition will be taken orally and will be videotaped. The oral examination will continue
from day to day until completed. This deposition is being taken for the purpose of discovery,
for use at trial, or for such other purposes as are permitted under the rules of the Court.

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT IN AND
FOR BROWARD COUNTY, FLORIDA**

CRAIG SHAPIRO and JULIE SHAPIRO
Individually, and as guardians of their minor child,
B.S.,
Plaintiffs,

CIVIL ACTION
CASE NO: **CACE19010866**

JUUL LABS INC., ALTRIA GROUP,
INC., PHILIP MORRIS USA, INC.,
MY VAPOR HUT, INC. d/b/a 1ST WAVE VAPOR,
EDGAR F. DI PUGLIA in his capacity as owner of
THE SMOKE HOUSE SMOKE SHOP.

Defendants.

PLAINTIFFS' REQUESTS FOR PRODUCTION OF DOCUMENTS TO DEFENDANTS
ALTRIA GROUP, INC. AND PHILIP MORRIS USA, INC.

PLAINTIFFS, pursuant to Fla .R. Civ. P. 1.350, hereby request that Defendants Altria Group, Inc., and Philip Morris USA, Inc. produce the following documents and things within its custody, possession, or control, in accordance with the requirements and procedures set forth in the rule.

As used in these requests, the following terms have the following meanings.

DEFINITIONS

1. "You" and "Your" and "Altria" refer to Defendants Altria Group, Inc., and Philip Morris USA, Inc. including (as may apply depending upon the time frame of a given request), subsidiary companies, its predecessors-in-interest, its successors-in-interest, its executives, officers, agents, and employees, and any other person acting on its behalf, including attorneys.

2. As used throughout these Interrogatories, the term "Document" or any similar term refers in the broadest possible sense meaning anything which may be considered to be a document and includes, without limitations, any written, printed, typewritten, photostatic,

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT IN AND
FOR BROWARD COUNTY, FLORIDA**

CRAIG SHAPIRO and JULIE SHAPIRO
Individually, and as guardians of their minor child,
B.S.,
Plaintiffs,

CIVIL ACTION
CASE NO: **CACE-19010866**

JUUL LABS INC., ALTRIA GROUP,
INC., PHILIP MORRIS USA, INC.,
MY VAPOR HUT, INC. d/b/a 1ST WAVE VAPOR,
EDGAR F. DI PUGLIA in his capacity as owner of
THE SMOKE HOUSE SMOKE SHOP.

Defendants.

**PLAINTIFFS' REQUESTS FOR PRODUCTION OF DOCUMENTS TO DEFENDANT
JUUL LABS INC.**

PLAINTIFFS, pursuant to Fla .R. Civ. P. 1.350, hereby request that Defendant JUUL Labs, Inc., produce the following documents and things within its custody, possession, or control, in accordance with the requirements and procedures set forth in the rule.

As used in these requests, the following terms have the following meanings.

DEFINITIONS

1. "You" and "Your" and "JUUL" refer to JUUL Labs Inc., including (as may apply depending upon the time frame of a given request), subsidiary companies (specifically including Altria Group, Inc. ("Altria") and Philip Morris USA ("Philip Morris"), its predecessors-in-interest, its successors-in-interest, its executives, officers, agents, and employees, and any other person acting on its behalf, including attorneys.

2. As used throughout these Interrogatories, the term "Document" or any similar term refers in the broadest possible sense meaning anything which may be considered to be a document and includes, without limitations, any written, printed, typed, photostatic,

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA**

CRAIG SHAPIRO and JULIE SHAPIRO
Individually, and as guardians of their minor child,
B.S.,
Plaintiffs,

CIVIL ACTION
CASE NO: **CACE-19010866**

JUUL LABS INC., ALTRIA GROUP,
INC., PHILIP MORRIS USA, INC.,
MY VAPOR HUT, INC. d/b/a 1ST WAVE VAPOR,
EDGAR F. DI PUGLIA in his capacity as owner of
THE SMOKE HOUSE SMOKE SHOP.

Defendants.

PLAINTIFFS' NOTICE OF FILING

COME NOW, the Plaintiffs, by and through their undersigned counsel, and hereby file this Notice of Filing Requests for Production of Documents served on Defendants with Summons and Complaint.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing has been filed this 24th day of May, 2019, using the Florida ePortal filing system and that a copy was served via process server on Defendants JUUL LABS, INC, and PHILIP MORRIS USA, INC., on May 22, 2019; and on Defendant ALTRIA GROUP, INC., on May 23rd, 2019.

Respectfully submitted,

s/ Jeffrey L. Haberman
Jeffrey L. Haberman, Esq.
Fla. Bar No. 98522
jhaberman@schlesingerlaw.com
SCHLESINGER LAW OFFICES, P.A.
1212 S.E. 3rd Ave.
Fort Lauderdale, FL 33316
T: 954-467-8800
F: 954-779-7389
Attorneys for Plaintiff

VERIFIED RETURN OF SERVICE

State of Florida

County of Broward

Circuit Court

Case Number: CACE-19-010866 DIV 04

Plaintiff:
CRAIG SHAPIRO AND JULIE SHAPIRO, INDIVIDUALLY, AND ON BEHALF OF THIER MINOR CHILD, B.S.



vs.

Defendant:
JUUL LABS, INC., ET AL.

For:
Scott P. Schlesinger, Esq
Schlesinger Law Offices, P.A.
1212 SE Third Avenue
Fort Lauderdale, FL 33316

Received by COMPASS INVESTIGATIONS on the 21st day of May, 2019 at 7:37 pm to be served on **PHILIP MORRIS USA, INC. BY SERVING CT CORPORATION SYSTEM AS REGISTERED AGENT, 1200 S PINE ISLAND RD, PLANTATION, FL 33324.**

I, John Van Steenkiste, do hereby affirm that on the **22nd day of May, 2019 at 9:30 am, I:**

CORPORATE - REGISTERED AGENT: served by delivering a true copy of the **20 DAY SUMMONS, COMPLAINT AND DEMAND FOR JURY TRIAL, NOTICE OF TAKING VIDEOTAPED DEPOSITION, PLAINTIFF'S NOTICE OF SERVING OF INTERROGATORIES TO DEFENDANT JUUL LABS, INC. WITH INTERROGATORIES, PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANT JUUL LABS, INC., PLAINTIFF'S NOTICE OF SERVING OF INTERROGATORIES TO DEFENDANTS ALITRIA GROUP, INC. AND PHILIP MORRIS USA, INC. WITH INTERROGATORIES and PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANTS ALITRIA GROUP, INC. AND PHILIP MORRIS USA, INC.** with the date and hour of service endorsed thereon by me, to: **CT CORPORATION SYSTEM at 1200 S PINE ISLAND RD, PLANTATION, FL 33324,** the Registered Agent for the aforementioned company. **DONNA MOCH (a white female, 5'4", 140lbs, blonde hair, not wearing glasses)** is the **SR. CORPORATE OPERATIONS MANAGER OF CT CORPORATION SYSTEM.** Affiant informed said person of the contents therein, in compliance with state statutes.

I certify that I am over the age of 18, have no interest in the above action, and am a Special Process Server, in good standing, in the judicial circuit in which the process was served. Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true. Notary Required pursuant to F.S. 92.525(2).

John Van Steenkiste
SPS #731

COMPASS INVESTIGATIONS
927 S.E. 1st Street
Pompano Beach, FL 33060
(954) 527-5722

Our Job Serial Number: JVS-2019005637
Ref: Scott Schlesinger

VERIFIED RETURN OF SERVICE

State of Florida

County of Broward

Circuit Court

Case Number: CACE-19-010866 DIV 04



Plaintiff:
**CRAIG SHAPIRO AND JULIE SHAPIRO, INDIVIDUALLY, AND ON BEHALF OF THEIR
MINOR CHILD, B.S.**

vs.

Defendant:
JUUL LABS, INC., ET AL.

For:
Scott P. Schlesinger, Esq
Schlesinger Law Offices, P.A.
1212 SE Third Avenue
Fort Lauderdale, FL 33316

Received by COMPASS INVESTIGATIONS on the 21st day of May, 2019 at 7:37 pm to be served on **MY VAPOR HUT, INC. D/B/A 1ST WAVE VAPOR, 2767 E ATLANTIC BLVD, POMPANO BEACH, FL 33062.**

I, Felix Onate, do hereby affirm that on the **22nd day of May, 2019 at 12:48 pm, I:**

Served an **AUTHORIZED:** entity by delivering a true copy of the **20 DAY SUMMONS, COMPLAINT AND DEMAND FOR JURY TRIAL, NOTICE OF TAKING VIDEOTAPED DEPOSITION, PLAINTIFF'S NOTICE OF SERVING OF INTERROGATORIES TO DEFENDANT JUUL LABS, INC. WITH INTERROGATORIES, PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANT JUUL LABS, INC., PLAINTIFF'S NOTICE OF SERVING OF INTERROGATORIES TO DEFENDANTS ALITRIA GROUP, INC. AND PHILIP MORRIS USA, INC. WITH INTERROGATORIES and PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANTS ALITRIA GROUP, INC. AND PHILIP MORRIS USA, INC.** with the date and hour of service endorsed thereon by me, to: **D J JOHNSON as MANAGER,** who stated they are authorized to accept service for: **MY VAPOR HUT, INC. D/B/A 1ST WAVE VAPOR** at the address of: **2767 E ATLANTIC BLVD, POMPANO BEACH, FL 33062,** and informed said person of the contents therein, in compliance with state statutes.

Description of Person Served: Age: 40, Sex: M, Race/Skin Color: White, Height: 5'9", Weight: 170, Hair: Blonde, Glasses: N

I certify that I am over the age of 18, have no interest in the above action, and am a Special Process Server, in good standing, in the judicial circuit in which the process was served. Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true. No Notary Required pursuant to F.S. 92.525(2).



Felix Onate
SPS #473

COMPASS INVESTIGATIONS
927 S.E. 1st Street
Pompano Beach, FL 33060
(954) 527-5722

Our Job Serial Number: JVS-2019005640
Ref: Scott Schlesinger

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA**

CRAIG SHAPIRO and JULIE SHAPIRO
individually, and as guardians of their minor
child, B.S.,

Plaintiffs,

CIVIL ACTION
CASE NO: CACE-19010866

v.

JUUL LABS, INC., ALTRIA GROUP,
INC., PHILIP MORRIS USA INC.,
MY VAPOR HUT, INC. d/b/a 1ST WAVE VAPOR,
EDGAR F. DI PUGLIA in his capacity as owner of
THE SMOKE HOUSE SMOKE SHOP,

Defendants.

**DEFENDANTS JUUL LABS, INC.'S, ALTRIA GROUP, INC.'S, AND PHILIP MORRIS
USA INC.'S MOTION FOR EXTENSION OF TIME TO RESPOND TO COMPLAINT**

Defendants JUUL Labs, Inc. ("JLI"), Altria Group, Inc. ("Altria"), and Philip Morris USA Inc. ("PM USA") (collectively, "Defendants") respectfully request that the Court extend Defendants' deadline to respond to Plaintiffs' Complaint through and including July 11, 2019 (a 30-day extension from the date JLI and Altria were served with the Complaint). This routine, limited extension of time will afford Defendants an opportunity to adequately analyze the allegations and claims raised in Plaintiffs' Complaint, and brief the Court in response to the Complaint at the appropriate time. Defendants in good faith sought Plaintiffs' agreement to this extension of time in this newly filed case, but Plaintiffs did not agree even though there have been no previous extensions in this case and Plaintiffs will suffer no prejudice by the requested relief. Plaintiffs' counsel's failure to agree to the requested extension is contrary to the Florida Bar's Professionalism Expectations:

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA**

CRAIG SHAPIRO and JULIE SHAPIRO
individually, and as guardians of their minor
child, B.S.,

Plaintiffs,

v.

JUUL LABS, INC., ALTRIA GROUP,
INC., PHILIP MORRIS USA INC.,
MY VAPOR HUT, INC. d/b/a 1ST WAVE VAPOR,
EDGAR F. DI PUGLIA in his capacity as owner of
THE SMOKE HOUSE SMOKE SHOP,

Defendants.

CIVIL ACTION

CASE NO: CACE-19010866

NOTICE OF HEARING

PLEASE TAKE NOTICE that Defendants JUUL Labs, Inc., Altria Group, Inc., and Philip Morris USA Inc. will call up for hearing before the Honorable Judge Sandra Perlman, in Courtroom WW16165 of the Broward County Courthouse, 201 Southeast Sixth Street, Fort Lauderdale, Florida 33301, on Wednesday, June 5, 2019 at 8:45 a.m., or as soon thereafter as we may be heard, the following:

**DEFENDANTS JUUL LABS, INC.'S, ALTRIA GROUP, INC.'S, AND
PHILIP MORRIS USA INC.'S MOTION FOR EXTENSION OF TIME
TO RESPOND TO COMPLAINT**

By: /s/ George S. LeMieux

George S. LeMieux, FBN 16403

GUNSTER

450 East Las Olas Boulevard, Suite 1400

Ft. Lauderdale, FL 33301-4206

Telephone: 954.462.2000

Facsimile: 954.523.1722

glemieux@gunster.com

Attorneys for Defendant JUUL Labs, Inc.

**IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA**

CASE NO. CACE19010866 DIVISION 04 JUDGE Sandra Perlman

Craig Shapiro

Plaintiff(s) / Petitioner(s)

v.

JUUL Labs Inc

Defendant(s) / Respondent(s)

/

ORDER PERMITTING TELEPHONIC APPEARANCE

The Court having been advised that opposing counsel has no objection, it is hereby ORDERED and ADJUDGED that:

1. Attorney **Geoffrey Michael** may appear telephonically on behalf of **Philip Morris USA Inc. and Altria Group, Inc.** at the hearing on **Defendants' Motion for Extension of Time to Respond to Complaint, ONLY IF THE PARTIES MEET AND CONFER PRIOR TO THE DATE OF THE HEARING.**

2. The hearing is noticed for **Wednesday, June 5, 2019 at 8:45 a.m.**, or as soon thereafter as the matter may be heard.

3. Mr. Michael can be reached at **(202)942-6752** when the case is called up for hearing.

4. Mr. Michael may attend the June 5, 2019, hearing by telephone only if the parties meet and confer (either in person or telephonically) prior to the day of the hearing and time permitting. Failure to do so may result in cancellation of the hearing.

DONE and **ORDERED** in Chambers, at Broward County, Florida on 06-03-2019.

 CACE19010866 06-03-2019 11:28 AM

CACE19010866 06-03-2019 11:28 AM

Hon. Sandra Perlman

CIRCUIT JUDGE

Electronically Signed by Sandra Perlman

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA**

CRAIG SHAPIRO and JULIE SHAPIRO
individually, and as guardians of their minor
child, B.S.,

CIVIL ACTION
CASE NO.: CACE19010866

Plaintiffs,

v.

JUUL LABS, INC., ALTRIA GROUP, INC.,
PHILIP MORRIS USA INC., MY VAPOR
HUT, INC. d/b/a 1ST WAVE VAPOR,
EDGAR F. DI PUGLIA in his capacity as
owner of THE SMOKE HOUSE SMOKE
SHOP,

Defendants.

NOTICE OF APPEARANCE

The undersigned hereby enters his appearance as attorney of record for Defendant JUUL LABS, INC., in the above-styled action and requests that copies of all pleadings, notices, orders, and other papers filed herein be served upon him.

Respectfully submitted,

GUNSTER
Attorneys for Defendant JUUL Labs, Inc.
600 Brickell Avenue, Suite 3500
Miami, Florida 33131

By: /s/ Timothy J. McGinn
Timothy J. McGinn
FBN 1000377
Telephone: 305-376-6000
Facsimile: 305-376-6010
E-mail: tmcginn@gunster.com

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA**

CRAIG SHAPIRO and JULIE SHAPIRO
individually, and as guardians of their minor
child, B.S.,

CIVIL ACTION
CASE NO.: CACE19010866

Plaintiffs,

v.

JUUL LABS, INC., ALTRIA GROUP, INC.,
PHILIP MORRIS USA INC., MY VAPOR
HUT, INC. d/b/a 1ST WAVE VAPOR,
EDGAR F. DI PUGLIA in his capacity as
owner of THE SMOKE HOUSE SMOKE
SHOP,

Defendants.

NOTICE OF CANCELLATION OF HEARING¹

PLEASE TAKE NOTICE that Defendant JUUL Labs, Inc., hereby cancels the hearing
before the Honorable Judge Sandra Perlman, previously scheduled for Wednesday, June 5, 2019,
at 8:45 a.m., concerning the following:

**DEFENDANTS JUUL LABS, INC.'S, ALTRIA GROUP, INC.'S, AND
PHILIP MORRIS USA INC.'S MOTION FOR EXTENSION OF TIME
TO RESPOND TO COMPLAINT**

¹ The moving defendants are canceling the hearing because the plaintiffs have agreed to the relief requested in the defendants' motion. The moving defendants submitted a proposed unopposed order to the Court on June 3, 2019.

**IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA**

CASE NO. CACE19010866 DIVISION 04 JUDGE Sandra Perlman

Craig Shapiro

Plaintiff(s) / Petitioner(s)

v.

JUUL Labs Inc

Defendant(s) / Respondent(s)

**UNOPPOSED ORDER GRANTING AN EXTENSION OF TIME TO RESPOND TO
THE COMPLAINT**

THIS CAUSE came before the Court upon Defendants JUUL Labs, Inc.'s, Altria Group, Inc.'s, and Philip Morris USA Inc.'s motion for an extension of time, through and including July 11, 2019, to respond to the Compliant ("Motion"). Having reviewed the Motion, having been advised that the relief sought in the Motion is unopposed, and being otherwise duly informed in the premises, the Court ORDERS AND ADJUDGES that the Motion is GRANTED. Unless otherwise ordered, Defendants JUUL Labs, Inc., Altria Group, Inc., and Philip Morris USA Inc. shall respond to the Complaint on or before July 11, 2019.

DONE and ORDERED in Chambers, at Broward County, Florida on 06-04-2019.

Sandra Perlman
CACE19010866 06-04-2019 7:52 AM

CACE19010866 06-04-2019 7:52 AM

Hon. Sandra Perlman

CIRCUIT JUDGE

Electronically Signed by Sandra Perlman

Copies Furnished To:

Amanda Fischer Hylton , E-mail : aifhylton@schlesingerlaw.com

Geoffrey J. Michael , E-mail : geoffrey.michael@arnoldporter.com

George S Lemieux , E-mail : cjames@gunster.com

George S Lemieux , E-mail : glemieux@gunster.com

VERIFIED RETURN OF SERVICE

State of Florida

County of Broward

Circuit Court

Case Number: CACE-19-010866 DIV 04



JVS2019005641

Plaintiff:
CRAIG SHAPIRO AND JULIE SHAPIRO, INDIVIDUALLY, AND ON BEHALF OF THEIR MINOR CHILD, B.S.

vs.

Defendant:
JUUL LABS, INC., ET AL.

For:
Scott P. Schlesinger, Esq
Schlesinger Law Offices, P.A.
1212 SE Third Avenue
Fort Lauderdale, FL 33316

Received by COMPASS INVESTIGATIONS on the 21st day of May, 2019 at 7:37 pm to be served on **ALTRIA GROUP, INC. BY SERVING CT CORPORATION SYSTEM AS REGISTERED AGENT, 4701 COX RD, STE 285, GLEN ALLEN, VA 23060.**

I, Jody Ashworth, being duly sworn, depose and say that on the **23rd day of May, 2019 at 9:25 am, I:**

served a **CORPORATION** by delivering a true copy of the **20 DAY SUMMONS, COMPLAINT AND DEMAND FOR JURY TRIAL, NOTICE OF TAKING VIDEOTAPED DEPOSITION, PLAINTIFF'S NOTICE OF SERVING OF INTERROGATORIES TO DEFENDANT JUUL LABS, INC. WITH INTERROGATORIES, PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANT JUUL LABS, INC., PLAINTIFF'S NOTICE OF SERVING OF INTERROGATORIES TO DEFENDANTS ALITRIA GROUP, INC. AND PHILIP MORRIS USA, INC. WITH INTERROGATORIES and PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANTS ALITRIA GROUP, INC. AND PHILIP MORRIS USA, INC.** with the date and hour of service endorsed thereon by me, to: **TERESA BROWN as Designated Agent for the Registered Agent at the address of: 4701 COX RD, STE 285, GLEN ALLEN, VA 23060** on behalf of **ALTRIA GROUP, INC.**, and informed said person of the contents therein, in compliance with State Statute.

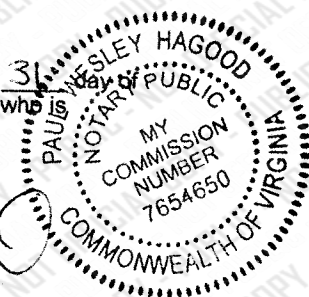
I certify that I identified myself as a Process Server. I am over the age of 18, have no interest in the above action, and under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.

Jody Ashworth
Process Server

COMPASS INVESTIGATIONS
927 S.E. 1st Street
Pompano Beach, FL 33060
(954) 527-5722

Our Job Serial Number: JVS-2019005641
Ref: Scott Schlesinger

Subscribed and sworn to before me on the 31st day of May, 2019 by the affiant who is personally known to me.

NOTARY PUBLIC

VERIFIED RETURN OF SERVICE

State of Florida

County of Broward

Circuit Court

Case Number: CACE-19-010866 DIV 04



Plaintiff:
**CRAIG SHAPIRO AND JULIE SHAPIRO, INDIVIDUALLY, AND ON BEHALF OF THIER
MINOR CHILD, B.S.**

vs.

Defendant:
JUUL LABS, INC., ET AL.

For:
Scott P. Schlesinger, Esq
Schlesinger Law Offices, P.A.
1212 SE Third Avenue
Fort Lauderdale, FL 33316

Received by COMPASS INVESTIGATIONS on the 21st day of May, 2019 at 7:37 pm to be served on **EDGAR F. DI PUGLIA, 1952
EAST SUNRISE BLVD, FORT LAUDERDALE, FL 33304.**

I, Felix Onate, do hereby affirm that on the **29th day of May, 2019 at 7:26 pm, I:**

INDIVIDUALLY/PERSONALLY served by delivering a true copy of the **20 DAY SUMMONS, COMPLAINT AND DEMAND FOR JURY TRIAL, NOTICE OF TAKING VIDEOTAPED DEPOSITION, PLAINTIFF'S NOTICE OF SERVING OF INTERROGATORIES TO DEFENDANT JUUL LABS, INC. WITH INTERROGATORIES, PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANT JUUL LABS, INC., PLAINTIFF'S NOTICE OF SERVING OF INTERROGATORIES TO DEFENDANTS ALITRIA GROUP, INC. AND PHILIP MORRIS USA, INC. WITH INTERROGATORIES and PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANTS ALITRIA GROUP, INC. AND PHILIP MORRIS USA, INC.** with the date and hour of service endorsed thereon by me, to **EDGAR F. DI PUGLIA** at the address of: **840 NE 17TH TERRACE, APT 5, FORT LAUDERDALE, FL 33304**, and informed said person of the contents therein, in compliance with state statutes.

Military Status: Based upon inquiry of the party served, the defendant is not in the military service of the United States.

Description of Person Served: Age: 45, Sex: M, Race/Skin Color: White, Height: 5'11", Weight: 200, Hair: Black, Glasses: N

I certify that I am over the age of 18, have no interest in the above action, and am a Special Process Server, in good standing, in the judicial circuit in which the process was served. Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true. No Notary Required pursuant to F.S. 92.525(2).

Felix Onate
SPS #473

**COMPASS INVESTIGATIONS
927 S.E. 1st Street
Pompano Beach, FL 33060
(954) 527-5722**

Our Job Serial Number: JVS-2019005639
Ref: Scott Schlesinger

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA**

Case No.: CACE19010866

Division: Civil

CRAIG SHAPIRO AND JULIE SHAPIRO,
INDIVIDUALLY, AS GUARDIANS OF THEIR
MINOR B.S.

Plaintiff,

vs.

JUUL LABS, INC., a Corporation, ALTRIA
GROUP, INC., a Corporation, PHILLIP MORRIS
USA, INC., a Corporation, MY VAPOR HUT,
INC. D/B/A/ 1ST WAVE VAPOR, a Corporation
and EDGAR F. DI PUGLIA, IN HIS CAPACITY
AS OWNER OF THE SMOKE HOUSE SMOKE
SHOP., a Limited Liability Company

Defendants

DESIGNATION OF E-MAIL ADDRESSES PURSUANT TO RULE 2.516

Melody Ridgley Fortunato, Esq., as attorney for Defendant, Edgar Di Puglia, a Limited Liability Company, hereby designates, pursuant to Rule 2.516 of the Florida Rules of Judicial Administration (effective September 1, 2012), the following e-mail addresses for the purpose of service of all documents required to be served pursuant to Rule 2.516 in this proceeding:

Primary E-Mail Address: mrf@mfortunatolaw.com

Secondary E-Mail Address: courtdocs@mfortunatolaw.com

I certify that a copy of this document was delivered to each person listed below by the method indicated on June 10, 2019.

Scott P. Schlesinger, Esq.
Attorney for Craig Shapiro and Julie Shapiro,
Individually, as Guardians of their minor B.S.

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA**

Case No.: CACE19010866

Division: Civil

CRAIG SHAPIRO AND JULIE SHAPIRO,
INDIVIDUALLY, AS GUARDIANS OF THEIR
MINOR B.S.

Plaintiff,

vs.

EDGAR DI PUGLIA, a Limited Liability
Company, JUUL LABS, INC., a Corporation,
ALTRIA GROUP, INC., a Corporation, PHILLIP
MORRIS USA, INC., a Corporation, MY VAPOR
HUT, INC. D/B/A/ 1ST WAVE VAPOR, a
Corporation and EDGAR F. DI PUGLIA, IN HIS
CAPACITY AS OWNER OF THE SMOKE
HOUSE SMOKE SHOP., a Limited Liability
Company

Defendants

NOTICE OF APPEARANCE OF COUNSEL

Melody Ridgley Fortunato, Esq., of the Law Firm of Fortunato & Associates, P.A., hereby files this appearance as attorney of record for Edgar Di Puglia, a Limited Liability Company. Please direct all future correspondence, pleadings, etc., to the undersigned.

I certify that a copy of this document was delivered to each person listed below by the method indicated on June 10, 2019.

Scott P. Schlesinger, Esq.
Attorney for Craig Shapiro and Julie Shapiro, individually, as Guardians of their minor B.S.
1212 S.E. Third Avenue
Fort Lauderdale, Fl 33316
E-mail: scott@schlesingerlaw.com
By electronic service via the Florida Courts E-Filing Portal

Timothy John McGinn, Esq.

IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

CRAIG SHAPIRO and JULIE SHAPIRO
Individually, and as guardians of their
minor child, B.S.,
Plaintiff,

vs.

CASE NO. CACE 19-010866 DIV 04

JUUL LABS INC., ALTRIA GROUP, INC.,
PHILIP MORRIS USA, INC., MY VAPOR
HUT, INC. d/b/a/ 1ST WAVE VAPOR, et. all,
Defendant(s),

**DEFENDANT, MY VAPOR HUT, INC.'S, MOTION
FOR EXTENSION OF TIME TO RESPOND TO THE COMPLAINT**

COMES NOW, Attorney Matthew Adams on behalf of Defendant **My Vapor Hut, Inc.**,
and files this **Motion for Extension of Time to Respond to the Complaint** and would state as
follows:

1. Counsel for Defendant was just retained today, June 11, 2019.
2. Counsel for Defendant needs more time to sufficiently evaluate and respond to the allegations and claims in this matter.
3. Defendants, Juul Labs, Inc., Altria Group, Inc., and Philip Morris USA, Inc., have already been granted an extension of time to respond to the Complaint until July 11, 2019.
4. Plaintiff's will not be prejudiced.
5. There have been no previous extensions for this Defendant in this case.

WHEREFORE Defendant, MY VAPOR HUT, INC. respectfully requests this Court enter an order granting this motion and providing Defendant an extension of time to respond to the

IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

CRAIG SHAPIRO and JULIE SHAPIRO
Individually, and as guardians of their
minor child, B.S.,
Plaintiff,

vs.

CASE NO. CACE 19-010866 DIV 04

JUUL LABS INC., ALTRIA GROUP, INC.,
PHILIP MORRIS USA, INC., MY VAPOR
HUT, INC. d/b/a/ 1ST WAVE VAPOR, et. all,
Defendant(s),

_____ /

NOTICE OF APPEARANCE
DEFENDANT, MY VAPOR HUT, INC.

COMES NOW, Attorney Matthew Adams on behalf of Defendant **My Vapor Hut, Inc.**,
and files this Notice of Appearance as counsel for Defendant. Please forward all future
correspondence to the email address listed below.

I HERBY CERTIFY that a copy of the foregoing document has been furnished to all
parties, see the Service List below, this 11th day of June, 2019.

Respectfully Submitted,

/s/Matthew Adams

Matthew Adams, Esq.
Bar No. 109633
Adams Sandler Law Group
37 N. Orange Ave., Ste. 500
Orlando, FL 32801
(407) 926-4144
mattadams@adamssandlerlaw.com
info@adamssandlerlaw.com

**IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA**

CASE NO. CACE19010866 DIVISION 04 JUDGE Sandra Perlman

Craig Shapiro, et al

Plaintiff(s) / Petitioner(s)

v.

JUUL Labs Inc, et al

Defendant(s) / Respondent(s)

/

**UNOPPOSED ORDER GRANTING AN EXTENSION OF TIME TO RESPOND TO
THE COMPLAINT**

THIS CAUSE came before the Court upon Defendant, MY VAPOR HUT, INC.'S, Motion for Extension of Time, through July 11, 2019, to respond to the Complaint. Having reviewed the Motion and been advised that the relief sought is unopposed, and being otherwise duly informed in the premises, the Court ORDERS and ADJUDGES that the Motion be GRANTED. Unless otherwise ordered, Defendant, MY VAPORT HUT, INC. shall respond to the Complaint on or before July 11, 2019.

DONE and ORDERED in Chambers, at Broward County, Florida on 06-11-2019.

CACE19010866 06-11-2019 4:24 PM


CACE19010866 06-11-2019 4:24 PM

Hon. Sandra Perlman

CIRCUIT JUDGE

Electronically Signed by Sandra Perlman

Copies Furnished To:

Amanda Fischer Hylton , E-mail : aifhylton@schlesingerlaw.com

Geoffrey J. Michael , E-mail : geoffrey.michael@arnoldporter.com

George S Lemieux , E-mail : cjames@gunster.com

George S Lemieux , E-mail : glemieux@gunster.com

**IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA**

CRAIG SHAPIRO and JULIE SHAPIRO
Individually, and as guardians of their minor child,
B.S.,

CASE NO: CACE-19-010866

Plaintiff,

v.

JUUL LABS INC., ALTRIA GROUP,
INC., PHILIP MORRIS USA, INC.,
MY VAPOR HUT, INC. d/b/a 1ST WAVE VAPOR,
EDGAR F. DI PUGLIA in his capacity as owner of
THE SMOKE HOUSE SMOKE SHOP.

Defendant.

PLAINTIFF'S NOTICE OF TAKING VIDEOTAPED DEPOSITION

TO: ALL COUNSEL OF RECORD

PLEASE TAKE NOTICE that the undersigned will take the videotaped deposition
upon oral and video examination of the following individuals:

DATE: June 26, 2019

NAME: Winston Martinez

TIME: 10:00 a.m. EST

LOCATION: United Court Reporting
1218 SE 3rd Avenue
Fort Lauderdale, FL 33316

VIDEOGRAPHER: Dynamic Legal Video Services
401 E. Las Olas Blvd., Suite 130-267
Fort Lauderdale, FL 33301

Upon oral examination before United Reporting, Inc., Notary Public or any other
officer duly authorized by law to take depositions in the State of Florida. The oral
examination will continue from day to day until completed. This deposition is being taken

IN THE CIRCUIT COURT OF THE 17TH
JUDICIAL CIRCUIT, IN AND FOR
BROWARD COUNTY, FLORIDA

CASE NO; 19-010866

CRAIG SHAPIRO and JULIE SHAPIRO
Individually, and as guardians of their minor child,
B.S.,

Plaintiff,

v.

JUUL LABS INC., ALTRIA GROUP,
INC., PHILIP MORRIS USA, INC.,
MY VAPOR HUT, INC. d/b/a 1ST WAVE VAPOR,
EDGAR F. DI PUGLIA in his capacity as owner of
THE SMOKE HOUSE SMOKE SHOP.

Defendants.

**PLAINTIFFS' NOTICE OF
DESIGNATION OF E-MAIL ADDRESSES**

PLEASE TAKE NOTICE that the following email addresses are to be used for mandatory electronic service pursuant to Florida Rule of Judicial Administration 2.516 (Service of Pleadings and Papers) effective immediately:

1. Primary E-Mail: jhaberman@schlesingerlaw.com
2. Secondary E-Mail: SLOPA.Service@Schlesingerlawoffices.com
3. Secondary E-Mail: jonathan@schlesingerlawoffices.com

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA**

Case No.: CACE19010866

Division: Civil

CRAIG SHAPIRO AND JULIE SHAPIRO,
INDIVIDUALLY, AS GUARDIANS OF THEIR
MINOR B.S.

Plaintiff,

vs.

JUUL LABS, INC., a Corporation, ALTRIA
GROUP, INC., a Corporation, PHILLIP MORRIS
USA, INC., a Corporation, MY VAPOR HUT,
INC. D/B/A/ 1ST WAVE VAPOR, a Corporation
and EDGAR F. DI PUGLIA, IN HIS CAPACITY
AS OWNER OF THE SMOKE HOUSE SMOKE
SHOP., a Limited Liability Company

Defendants

**DEFENDANT'S, THE SMOKE HOUSE SMOKE SHOP, MOTION FOR
EXTENSION OF TIME TO FILE RESPONSE**

Defendant The Smoke House Smoke Shop, a Limited Liability Company files this Motion for Extension of Time to File a response to the complaint served on 5-29-2019, pursuant to Rule 1.090(b) of the Florida Rules of Civil Procedure, and alleges the following:

1. The deadline for filing Defendant's a response to the complaint served on 5-29-2019 is June 19, 2019.
2. This extension of time is sought so that justice may be done, and not for purposes of delay.
3. Granting this request for an extension of time to file will not delay the beginning of trial.
4. Defendant requests until July 11, 2019 to file Defendant's a response to the complaint served on 05-29-2019.

WHEREFORE, Defendant The Smoke House Smoke Shop, a Limited Liability

Company requests that the Court grant until July 11, 2019 to file Defendant's a response to the complaint served on -5-29-2019, and grant such other and further relief that may be awarded at law or in equity.

CERTIFICATE OF SERVICE

I certify that a copy of this document was delivered to each person listed below by the method indicated on June 19, 2019.

Scott P. Schlessinger, Esq.
Attorney for Craig Shapiro and Julie Shapiro, individually, as Guardians of their minor B.S.
1212 S.E. Third Avenue
Fort Lauderdale, Fl 33316
E-mail: scott@schlesingerlaw.com
By electronic service via the Florida Courts E-Filing Portal

Timothy John McGinn, Esq.
Attorney for JUUL LABS, Inc.
600 Brickell Ave Ste 3500
Brickell World Plaza
Miami, Fl. 33131
E-mail: tmcginn@gunster.com
By electronic service via the Florida Courts E-Filing Portal

George s. LeMieux, Esq.
Attorney for Juul Labs., Inc.
450 Las Olas Blvd., Suite 1400
Fort Lauderdale, Florida 33301
E-mail: glemieux@gunster.com
By electronic service via the Florida Courts E-Filing Portal

Geoffrey J. Michael, Esq.
Attorney for ALTRIA GROUP, INC. and PHILLIP MORRIS USA, INC
601 Massachusetts Ave., NW
Washington, DC, 20001
Geoffrey.michael@arnoldporter.com

Matthew Adams, Esq.
Attorney for MY VAPOR HUT, INC. d/b/a/ 1st WAVE VAPOR
Matthew Adams, Esq.
37 N. Orange Ave., Ste 500
Orlando, Florida 32801
E-mail: mattadams@adamssandlerlaw.com
By electronic service via the Florida Courts E-Filing Portal



Melody Ridgley Fortunato, Esq.,
Attorney for Defendant: The Smoke House Smoke
Shop
Florida Bar Number: 0933200
Fortunato & Associates, P.A;
12 South East 7th Street - Suite 711
Fort Lauderdale, Fl 33301
Telephone: (954) 728-1266
Fax: (954) 728-1268
E-Mail: mrf@mfortunatolaw.com
Secondary E-Mail: courtdocs@mfortunatolaw.com

EXHIBIT 4

United States District Court
for the
Southern District of Florida

Mounira Doss, individually and on)
behalf of all other similarly situated,)
Plaintiffs,)
) Civil Action No. 18-61924-Civ-Scola
v.)
)
General Mills, Inc., Defendant.)

Order Granting Motion to Dismiss

Plaintiff Mounira Doss, individually and on behalf of a putative class, complains that Defendant General Mills, Inc., does not tell consumers that its Cheerios contain glyphosate and that, had she been aware of the glyphosate content, she never would have purchased them. (ECF No. 1.) Based on her allegations, she has lodged four claims against General Mills: a violation of Florida’s Deceptive and Unfair Trade Practices Act; breach of warranty; breach of implied warranty of merchantability; and unjust enrichment. (*Id.*) In response, General Mills has filed a motion to dismiss. (ECF No. 21.) General Mills argues that Doss’s complaint should be dismissed on several grounds: lack of Article III standing; preemption; the matters raised in the complaint are committed exclusively to the jurisdiction of the Environmental Protection Agency; and each cause of action fails to state a claim under Federal Rule of Civil Procedure 12(b)(6). (*Id.*) Because the Court finds Doss has failed to establish standing, it **grants** General Mills’ motion (**ECF No. 21**) and dismisses the complaint.

1. Background¹

Glyphosate, an herbicide, is often sprayed on oats just before they are harvested. (Compl. at ¶¶ 7, 9.) General Mills uses oats in manufacturing the cereals Doss complains about: Original and Honey Nut Cheerios. (*Id.* at ¶¶ 3, 17.) Testing has revealed trace amounts of glyphosate in samples of these cereals: the measured levels in the Cheerios tested range between 470 and 1,125 parts per billion. (*Id.* at ¶¶ 14 – 16.) According to Doss, “even ultra-low levels of glyphosate may be harmful to human health.” (*Id.* at ¶ 10.) And, in fact, a nonprofit entity, the Environmental Working Group, has determined that the “health benchmark” for glyphosate is 160 parts per billion. (*Id.* at ¶ 16.)

¹ The Court accepts the complaint’s allegations, as set forth below, as true for the purposes of evaluating the motion to dismiss. *Brooks v. Blue Cross & Blue Shield of Fla., Inc.*, 116 F.3d 1364, 1369 (11th Cir. 1997).

Doss's claims against General Mills stem from General Mills' failure to disclose to consumers that its Original and Honey Nut Cheerios contain glyphosate. She seeks to represent a nationwide class defined as "[a]ll persons who purchased Cheerios and Honey Nut Cheerios in the United States" and a Florida class defined as "all persons in the State of Florida who purchased Cheerios and Honey Nut Cheerios." (*Id.* at ¶ 21.) Doss maintains that she, and the class members, have been harmed by General Mills' lack of disclosure because, if they had known the cereal contained glyphosate, they would never have purchased it. (*Id.* at ¶¶ 1, 2, 26, 40, 46, 52.) Accordingly, Doss seeks relief, on behalf of the Florida class, for General Mills' violation of FDUTPA, and, on behalf of the nationwide class, for common law claims of breach of warranty, breach of implied warranty of merchantability, and unjust enrichment.

2. Legal Standard

Because the question of Article III standing implicates subject matter jurisdiction, it must be addressed as a threshold matter prior to the merits of any underlying claims. *Palm Beach Golf Ctr.-Boca, Inc. v. John G. Sarris, D.D.S., P.A.*, 781 F.3d 1245, 1250 (11th Cir. 2015). Article III of the Constitution grants federal courts judicial power to decide only actual "Cases" and "Controversies." U.S. Const. Art. III § 2. The doctrine of standing is a "core component" of this fundamental limitation that "determin[es] the power of the court to entertain the suit." *Hollywood Mobile Estates Ltd. v. Seminole Tribe of Fla.*, 641 F.3d 1259, 1264–65 (11th Cir. 2011) (quoting *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560 (1992); *Warth v. Seldin*, 422 U.S. 490, 498 (1975)). "In the absence of standing, a court is not free to opine in an advisory capacity about the merits of a plaintiff's claims, and the court is powerless to continue." *Id.* (citing *CAMP Legal Def. Fund, Inc. v. City of Atlanta*, 451 F.3d 1257, 1269 (11th Cir. 2006)).

Standing under Article III consists of three elements: the plaintiff must have "(1) suffered an injury in fact, (2) that is fairly traceable to the challenged conduct of the defendant, and (3) that is likely to be redressed by a favorable judicial decision." *Spokeo, Inc. v. Robins*, 136 S. Ct. 1540, 1547 (2016). To establish the first element, "a plaintiff must show that he or she suffered an invasion of a legally protected interest that is concrete and particularized and actual or imminent, not conjectural or hypothetical." *Id.* at 1548.

Because the Court finds Doss lacks standing, it declines to address General Mills' additional arguments regarding, among others things, preemption; the jurisdiction of the Environmental Protection Agency over this action; and Doss's failure to state a claim for each cause of action.

3. Analysis

In count one, Doss submits General Mills violated FDUTPA by engaging in deceptive trade practices by failing to disclose the presence of glyphosate in Cheerios. (Compl. at ¶ 35.) In count two, Doss alleges General Mills breached its warranty by warranting Cheerios as “wholesome goodness for toddlers and adults” when in reality, and unbeknownst to Doss, the cereal contains glyphosate. (*Id.* at ¶¶ 43–44.) Count three sets forth a claim for breach of implied warranty of merchantability. Doss maintains General Mills warranted that its Cheerios were reasonably fit for the intended use of food consumption when, in fact, they are not because they contain glyphosate. (*Id.* at ¶¶ 49–50). Lastly, count four alleges a claim for unjust enrichment based on the unlawful conduct described in counts one through three. (*Id.* at ¶ 54.)

As a threshold matter, General Mills moves to dismiss Doss’s complaint in its entirety because she has not alleged any injury sufficient to confer Article III standing. (Def.’s Mot. at 19–21.) In response, Doss argues, without any meaningful analysis, that she has sufficiently alleged an “economic injury” because she would not have bought Cheerios if she had known they contained glyphosate. (Pl.’s Resp., ECF No. 30, 12.) After careful review, the Court finds General Mills’ argument persuasive and finds Doss’s position to the contrary unavailing.

Significantly, Doss does not allege her health has suffered as a result of eating Cheerios. Instead, she says her harm is “economic loss” resulting from buying a product under allegedly false pretenses. Doss does not, however, even allege that the Cheerios she herself bought actually contain any glyphosate—just that some Cheerios that have been tested do. In fact, Doss even hedges her bets, saying that the Cheerios she herself purchased either “contained or *could contain* glyphosate.” (Compl. at ¶ 2.) There is thus no allegation that the cereal she purchased even contains glyphosate, never mind harmful levels of it. Moreover, Doss does not allege she even consumed the Cheerios she purchased—it would thus, based on her allegations, certainly be impossible for her to have suffered any negative health consequences as a result her purchase. Where a plaintiff “concede[s] . . . not [being] among the injured[,]” her claimed “wrong[] cannot constitute an injury in fact.” *Rivera v. Wyeth-Ayerst Labs.*, 283 F.3d 315, 320 (5th Cir. 2002) (“The ‘injury in fact’ test requires . . . that the party seeking review be himself among the injured.”) (quoting *Sierra Club v. Morton*, 405 U.S. 727, 734–35 (1972)).

Here, Doss paid for and purchased Cheerios and Honey Nut Cheerios. And even if the cereal she herself bought contained a significant amount of glyphosate, which she does not allege, or even any glyphosate, which she also

does not allege, there is no allegation that she did not receive, at a minimum, the product General Mills said it was offering: a “gluten free” cereal “packed with nutrients,” made of oats which are “proven to help lower cholesterol,” containing only one gram of sugar, and the ingredients of which also include “corn starch, . . . salt, tripotassium phosphate, and [v]itamin E.” (Compl. at ¶¶ 17–19.) To the extent Doss means to argue she did not receive the benefit of the bargain, her claim fails. See *In re Fruit Juice Products Mktg. & Sales Practices Litig.*, 831 F. Supp. 2d 507, 512 (D. Mass. 2011) (finding no injury in fact where the “[p]laintiffs paid for fruit juice, . . . received fruit juice, which they consumed without suffering harm,” and the juice has “not been recalled, ha[s] not caused any reported injuries, . . . do[es] not fail to comply with any federal standards, [and had] no diminished value due to the presence of the lead”); *c.f. Askin v. Quaker Oats Co.*, 818 F. Supp. 2d 1081, 1083 (N.D. Ill. 2011) (finding standing where, unlike here, Quaker Oats affirmatively stated on its package that its product contained “0 grams trans fat,” when, in fact, it allegedly contained up to five grams of trans fat per box); *c.f. Guerrero v. Target Corp.*, 889 F. Supp. 2d 1348, 1353 (S.D. Fla. 2012) (Cohn, J.) (finding standing where the product purchased was labeled “honey” when it, allegedly, was not, in fact, honey). Furthermore, Doss has not set forth any allegations suggesting General Mills was under a legal obligation—for example by a federal regulation—to disclose the presence of glyphosate or its potential harm. See *Estrada v. Johnson & Johnson*, CV 16-7492 (FLW), 2017 WL 2999026, at *6 (D.N.J. July 14, 2017), *aff’d sub nom. In re Johnson & Johnson Talcum Powder Products Mktg., Sales Practices & Liab. Litig.*, 903 F.3d 278 (3d Cir. 2018) (noting that a “[p]laintiff cannot assert a benefit-of-the-bargain theory of economic harm based on an omission, where [the p]laintiff has failed to allege that [the d]efendants are under a legal duty to disclose the omitted fact”).

Doss does not in any significant way elaborate on what she means when she summarily says she satisfies the injury-in-fact requirement because she “alleges an economic injury.” In failing to develop her argument, she highlights the fact that she has, indeed, asserted no concrete injury. Instead she merely points to various paragraphs in her complaint in which she maintains “she would not have purchased Cheerios and Honey Nut Cheerios had she known the true nature of those products.” (Pl.’s Resp. at 12 (citing Compl. at ¶¶ 2, 40–41, 45–47, 51–53).) In doing so, Doss seems to intermingle theories of liability premised on product liability principles and contract damages. “Such artful pleading, however, is not enough to create an injury in fact.” *Rivera*, 283 F.3d at 320–21.

Furthermore, the danger Doss alleges is posed by the glyphosate, that is in, or *could* be in, the Cheerios she purchased is purely speculative. For

example, Doss alleges only that “ultra-low levels of glyphosate *may* be harmful to human health” (Compl. at ¶ 10 (emphasis added)) and that the World Health Organization classifies glyphosate as a “*probable* human carcinogen” (*id.* at ¶ 1 (emphasis added)). (See also Compl. at ¶ 44 (referring to glyphosate as “a known or *probabl[e]* carcinogen”) (emphasis added).) Mere conjecture that something has the potential to be harmful is not enough. Doss also does not define “ultra-low levels.” Is this more than or less than the levels she alleges were measured in some samples (though not the Cheerios she purchased) by various testing entities? At what level, exactly, does glyphosate, in oats, cause harm? Doss also briefly mentions the Environmental Working Group’s glyphosate “health benchmark” of 160 parts per billion. (*Id.* at ¶ 16.) What is the significance of this “health benchmark”? What does it have to do with the potential harms Doss refers to? Her complaint offers no answers. Any hypothetical health risks Doss alludes to are far too speculative to manufacture standing in this case. See *Koronthaly v. L’Oreal USA, Inc.*, 374 Fed. App’x 257, 259 (3d Cir. 2010) (finding that a “subjective allegation that . . . trace amounts of lead . . . are unacceptable” does not amount to “an injury-in-fact sufficient to confer Article II standing”).

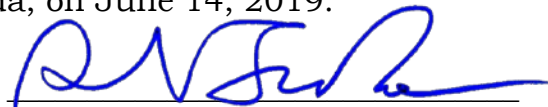
Put simply, the Plaintiff has failed to allege an injury in fact based on her purchase of Cheerios and she therefore lacks standing.

4. Conclusion

Because the Court finds General Mills’ analysis persuasive, and because Doss has thoroughly failed to controvert or rebut General Mills’ arguments regarding standing, the Court **grants** General Mills’ motion (**ECF No. 21**).

All pending motions, if any, are **denied as moot**. The Clerk is directed to **close** this case.

Done and ordered, at Miami, Florida, on June 14, 2019.



Robert N. Scola, Jr.
United States District Judge

EXHIBIT 5



IN THE CIRCUIT COURT FOR THE
SEVENTEENTH JUDICIAL CIRCUIT IN AND
FOR BROWARD COUNTY, FLORIDA

COMPLEX LITIGATION UNIT

CASE NO. 08-80000 (19)

JUDGE JEFFREY E. STREITFELD

IN RE: *ENGLE* PROGENY CASES
TOBACCO LITIGATION

Pertains To: *Jan Grossman, 08-025828*

PLAINTIFF'S VERIFIED STATEMENT OF COSTS

COMES NOW, the Plaintiff, **JAN GROSSMAN** as the personal representative of the **ESTATE OF LAURA GROSSMAN**, by and through the undersigned counsel and pursuant to Plaintiff's previously filed Motion to Tax Costs which was granted on June 6, 2010, moves this court for an order pursuant to Section 57.041 Florida Statutes taxing the costs of this action against the Defendant, R.J.REYNOLDS. This statement of costs is support for Plaintiff's entitlement to costs following the judgment entered in his favor. This statement, along with the attached exhibits, lists of legal costs and charges to which the Plaintiff, JAN GROSSMAN as personal representative of the ESTATE OF LAURA GROSSMAN is entitled. Pursuant to the Amendments to Uniform Guidelines for Taxation of Costs effective January 1, 2006, the Plaintiff submits this Statement of Costs and states as follows:

A. COURT REPORTERS AND ELECTRONIC DEPOSITIONS

1. The original and one copy of the deposition and court reporter's per diem for all depositions.

2. Reasonable court reporter's per diem for the reporting of evidentiary hearings, trial, and post-trial hearings.
3. The original and/or one copy of the electronic deposition and costs of the services of a technician for electronic deposition used at trial.
4. Attached as **Plaintiff's Itemized Verified Statement of Costs, Exhibit "A"** is the list pertaining to the court reporter's per diem for depositions, evidentiary hearings, trial and post-trial hearings, and fees for electronic depositions taken in this case which the Plaintiff is claiming as costs.
5. The total amount for Court Reporters and Electronic Depositions is **\$106,384.29**.

B. TELE-CONFERENCEING

1. Telephone toll and electronic conferencing charges for the conduct of telephone and electronic depositions.
2. Attached as **Plaintiff's Itemized Verified Statement of Costs, Exhibit "B"** is the list pertaining to the fees of Tele-Conferencing in this case which the Plaintiff is claiming as costs.
3. The total amount for Tele-Conferencing is **\$14,655.34**.

C. TRIAL EXHIBITS

1. The costs of exhibits which are reasonably necessary to assist the court in reaching a conclusion.
2. Attached as **Plaintiff's Itemized Verified Statement of Costs, Exhibit "C"** is the list pertaining to the fees of Trial Exhibits in this case which the Plaintiff is claiming as costs.
3. The total amount for Trial Exhibits is **\$298,448.86**.

D. DOCUMENTS/COPIES

1. The costs of copies of documents filed with the court, which are reasonably necessary to assist the court in reaching a conclusion.

2. The costs of copies obtained in discovery, even if the copies were not used at trial.
3. Attached as **Plaintiff's Itemized Verified Statement of Costs, Exhibit "D"** is the list pertaining to the fees of Documents/Copies in this case which the Plaintiff is claiming as costs.
4. The total amount for Documents/Copies is **\$6,257.06**.

E. COURT COSTS

1. The costs of copies of documents filed with the court, which are reasonably necessary to assist the court in reaching a conclusion.
2. Attached as **Plaintiff's Itemized Verified Statement of Costs, Exhibit "E"** is the list pertaining to the fees of Court Costs in this case which the Plaintiff is claiming as costs.
3. The total amount for Court Costs is **\$267.37**.

F. EXPERT WITNESSES

1. A reasonable fee for deposition and/or trial testimony, and the costs of preparation of any court ordered report.
2. Reasonable travel expenses of expert when traveling in excess of 100 miles from the expert's principal place of business.
3. Attached as **Plaintiff's Itemized Verified Statement of Costs, Exhibit "F"** is the list pertaining to the fees of Expert Witnesses in this case which the Plaintiff is claiming as costs.
4. The total amount for Expert Witnesses is **\$241,096.44**.

G. APPELLATE SERVICES

1. Reasonable Appellate Services.
2. Attached as **Plaintiff's Itemized Verified Statement of Costs, Exhibit "G"** is the list pertaining to Appellate Services in this case which the Plaintiff is claiming as costs.
3. The total amount for Appellate Services is **\$4,787.21**.

H. MAIL/DELIVERY

1. Attached as **Plaintiff's Itemized Verified Statement of Costs, Exhibit "H"** is the list pertaining to the fees of Mail/Delivery in this case which the Plaintiff is claiming as costs.
2. The total amount for Mail/Delivery is **\$4,251.59**.

I. PROCESS SERVERS/SUBPOENAS

1. Costs of subpoena, witness fee, and service of witnesses for deposition and/or trial.
2. Attached as **Plaintiff's Itemized Verified Statement of Costs, Exhibit "I"** is the list pertaining to the fees of Process Servers/Subpoenas in this case which the Plaintiff is claiming as costs.
3. The total amount for Process Servers/Subpoenas is **\$741.00**.

J. VIDEO SERVICES

1. Attached as **Plaintiff's Itemized Verified Statement of Costs, Exhibit "J"** is the list pertaining to the fees of Video Services in this case which the Plaintiff is claiming as costs.
2. The total amount for Video Services is **\$22,810.81**.

K. REASONABLE TRAVEL EXPENSES

1. Reasonable travel expenses of witnesses.
2. Attached as **Plaintiff's Itemized Verified Statement of Costs, Exhibit "K"** is the list pertaining to Reasonable Travel Expenses in this case which the Plaintiff is claiming as costs.
3. The total amount for Reasonable Travel Expenses is **\$29,101.31**.

TOTAL COSTS

TOTAL COST SUBMITTED:

\$728,801.28

STATE OF FLORIDA

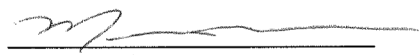
COUNTY OF BROWARD

I, Jonathan R. Gdanski, being duly sworn, say:

I am the attorney for the Plaintiff in the above-entitled action. I have read the foregoing Statement and know the contents of the Statement. The contents are true of my own knowledge.


Jonathan R. Gdanski

SUBSCRIBED AND SWORN TO BEFORE ME on 5/21/14, to certify which witness my hand and official seal.

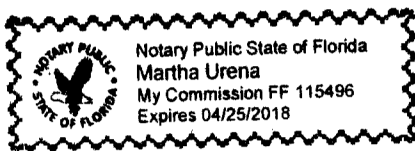

(signature)

MARTHA URENA
(typed name)

NOTARY PUBLIC in and for
Broward County, Florida

(Seal)

My Commission Expires:



| DATE | ATTY | Rate | TIME | DETAIL |
|------------|------|------|------|---|
| 8/5/2010 | JRG | 1200 | 1 | Docketing Statement |
| 9/15/2010 | JRG | 1200 | 0.25 | Motion for Extension of time to Complete Record on Appeal |
| 9/22/2010 | JRG | 1200 | 0.25 | Order Granting Motion for Extension of time to Complete Record on Appeal |
| 11/5/2010 | JRG | 1200 | 1 | R.J. Reynolds Motion for Clarification Regarding Briefing Schedule Or, Alternatively, Agreed Motion for Extension of Time to Serve Initial Brief |
| 11/10/2010 | JRG | 1200 | 0.25 | Order Granting R.J. Reynolds Motion for Clarification Regarding Briefing Schedule Or, Alternatively, Agreed Motion for Extension of Time to Serve Initial Brief |
| 12/13/2010 | JRG | 1200 | 0.5 | Agreed Motion to Supplement the Record on Appeal |
| 12/13/2010 | JRG | 1200 | 0.5 | Request for Oral Argument |
| 12/13/2010 | JRG | 1200 | 5 | Initial Brief of Appellant R.J. Reynolds Tobacco Company (4D10-2993) |
| 12/13/2010 | SJH | 1600 | 3 | Initial Brief of Appellant R.J. Reynolds Tobacco Company (4D10-2993) |
| 12/13/2010 | SPS | 1600 | 3 | Initial Brief of Appellant R.J. Reynolds Tobacco Company (4D10-2993) |
| 12/13/2010 | JRG | 1200 | 2 | Appendix to Appellant's Initial Brief (127 pages) |
| 12/13/2010 | SJH | 1600 | 1 | Appendix to Appellant's Initial Brief (127 pages) |
| 12/13/2010 | SPS | 1600 | 1 | Appendix to Appellant's Initial Brief (127 pages) |
| 12/16/2010 | JRG | 1200 | 0.25 | Order Granting Motion to Supplement the Record on Appeal |
| 12/16/2010 | JRG | 1200 | 0.25 | Supplemental Records |
| 1/10/2011 | JRG | 1200 | 0.25 | Motion for Extension of time to File Answer Brief |
| 1/14/2011 | JRG | 1200 | 0.25 | Order Granting Motion for Extension of time to File Answer Brief |
| 1/21/2011 | JRG | 1200 | 0.5 | Received Records and Exhibits |
| 2/15/2011 | JRG | 1200 | 0.25 | Motion for Extension of time to File Answer Brief |
| 2/18/2011 | JRG | 1200 | 0.25 | Order Granting Motion for Extension of time to File Answer Brief |
| 3/14/2011 | JRG | 1200 | 0.25 | Motion for Extension of time to File Answer Brief |
| 3/18/2011 | JRG | 1200 | 0.25 | Order Granting Motion for Extension of time to File Answer Brief |
| 3/14/2011 | JRG | 1200 | 2 | Meetings, discussions, and strategy for answer brief (discussing court correctly applying Engle findings and lay opinion testimony re addiction) |
| 3/14/2011 | SPS | 1600 | 2 | Meetings, discussions, and strategy for answer brief (discussing court correctly applying Engle findings and lay opinion testimony re addiction) |
| 3/14/2011 | SJH | 1600 | 2 | Meetings, discussions, and strategy for answer brief (discussing court correctly applying Engle findings and lay opinion testimony re addiction) |

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| 3/15/2011 | JRG | 1200 | 2.5 | Meetings, discussions, and strategy for answer brief (discussing lay opinion testimony re addiction) |
| 3/15/2011 | SPS | 1600 | 2.5 | Meetings, discussions, and strategy for answer brief (discussing lay opinion testimony re addiction) |
| 3/15/2011 | SJH | 1600 | 2.5 | Meetings, discussions, and strategy for answer brief (discussing lay opinion testimony re addiction) |
| 3/16/2011 | JRG | 1200 | 2.25 | Meetings, discussions, and strategy for answer brief (discussing lay opinion testimony re addiction) |
| 3/16/2011 | SPS | 1600 | 2.25 | Meetings, discussions, and strategy for answer brief (discussing lay opinion testimony re addiction) |
| 3/16/2011 | SJH | 1600 | 2.25 | Meetings, discussions, and strategy for answer brief (discussing lay opinion testimony re addiction) |
| 3/17/2011 | JRG | 1200 | 2 | Meetings, discussions, and strategy for answer brief (discussing lay opinion testimony re addiction) |
| 3/17/2011 | SPS | 1600 | 2 | Meetings, discussions, and strategy for answer brief (discussing lay opinion testimony re addiction) |
| 3/17/2011 | SJH | 1600 | 2 | Meetings, discussions, and strategy for answer brief (discussing lay opinion testimony re addiction) |
| 3/18/2011 | JRG | 1200 | 1.25 | Meetings, discussions, and strategy for answer brief (discussing court correctly applying Engle findings) |
| 3/18/2011 | SPS | 1600 | 1.25 | Meetings, discussions, and strategy for answer brief (discussing court correctly applying Engle findings) |
| 3/18/2011 | SJH | 1600 | 1.25 | Meetings, discussions, and strategy for answer brief (discussing court correctly applying Engle findings) |
| 3/19/2011 | JRG | 1200 | 3 | Meetings, discussions, and strategy for answer brief (discussing court correctly applying Engle findings) |
| 3/19/2011 | SPS | 1600 | 3 | Meetings, discussions, and strategy for answer brief (discussing court correctly applying Engle findings) |
| 3/19/2011 | SJH | 1600 | 3 | Meetings, discussions, and strategy for answer brief (discussing court correctly applying Engle findings) |
| 3/20/2011 | JRG | 1200 | 3 | Meetings, discussions, and strategy for answer brief (discussing court correctly applying Engle findings and lay opinion testimony re addiction) |

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| 3/20/2011 | SPS | 1600 | 3 | Meetings, discussions, and strategy for answer brief (discussing court correctly applying Engle findings and lay opinion testimony re addiction) |
| 3/20/2011 | SJH | 1600 | 3 | Meetings, discussions, and strategy for answer brief (discussing court correctly applying Engle findings and lay opinion testimony re addiction) |
| 4/11/2011 | JRG | 1200 | 0.25 | Motion for Extension of time to File Answer Brief |
| 4/15/2011 | JRG | 1200 | 0.25 | Order Granting Motion for Extension of time to File Answer Brief |
| 4/18/2011 | JRG | 1200 | 2 | Meetings, discussions, and strategy for answer brief (discussing cross appeal placing Jan Grossman on verdict form) |
| 4/18/2011 | SPS | 1600 | 2 | Meetings, discussions, and strategy for answer brief (discussing cross appeal placing Jan Grossman on verdict form) |
| 4/18/2011 | SJH | 1600 | 2 | Meetings, discussions, and strategy for answer brief (discussing cross appeal placing Jan Grossman on verdict form) |
| 4/19/2011 | JRG | 1200 | 1 | Meetings, discussions, and strategy for answer brief (discussing cross appeal placing Jan Grossman on verdict form) |
| 4/19/2011 | SPS | 1600 | 1 | Meetings, discussions, and strategy for answer brief (discussing cross appeal placing Jan Grossman on verdict form) |
| 4/19/2011 | SJH | 1600 | 1 | Meetings, discussions, and strategy for answer brief (discussing cross appeal placing Jan Grossman on verdict form) |
| 4/20/2011 | JRG | 1200 | 1.25 | Meetings, discussions, and strategy for answer brief (discussing cross appeal placing Jan Grossman on verdict form) |
| 4/20/2011 | SPS | 1600 | 1.25 | Meetings, discussions, and strategy for answer brief (discussing cross appeal placing Jan Grossman on verdict form) |
| 4/20/2011 | SJH | 1600 | 1.25 | Meetings, discussions, and strategy for answer brief (discussing cross appeal placing Jan Grossman on verdict form) |
| 4/21/2011 | JRG | 1200 | 1.5 | Meetings, discussions, and strategy for answer brief (discussing cross appeal placing Jan Grossman on verdict form) |
| 4/21/2011 | SPS | 1600 | 1.5 | Meetings, discussions, and strategy for answer brief (discussing cross appeal placing Jan Grossman on verdict form) |
| 4/21/2011 | SJH | 1600 | 1.5 | Meetings, discussions, and strategy for answer brief (discussing cross appeal placing Jan Grossman on verdict form) |
| 4/22/2011 | JRG | 1200 | 1 | Meetings, discussions, and strategy for answer brief (discussing court correctly applying Engle findings) |

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| 4/22/2011 | SPS | 1600 | 1 | Meetings, discussions, and strategy for answer brief (discussing court correctly applying Engle findings) |
| 4/22/2011 | SJH | 1600 | 1 | Meetings, discussions, and strategy for answer brief (discussing court correctly applying Engle findings) |
| 4/23/2011 | JRG | 1200 | 0.75 | Meetings, discussions, and strategy for answer brief (discussing cross appeal placing Jan Grossman on verdict form) |
| 4/23/2011 | SPS | 1600 | 0.75 | Meetings, discussions, and strategy for answer brief (discussing cross appeal placing Jan Grossman on verdict form) |
| 4/23/2011 | SJH | 1600 | 0.75 | Meetings, discussions, and strategy for answer brief (discussing cross appeal placing Jan Grossman on verdict form) |
| 4/24/2011 | JRG | 1200 | 2 | Meetings, discussions, and strategy for answer brief (discussing cross appeal placing Jan Grossman on verdict form) |
| 4/24/2011 | SPS | 1600 | 2 | Meetings, discussions, and strategy for answer brief (discussing cross appeal placing Jan Grossman on verdict form) |
| 4/24/2011 | SJH | 1600 | 2 | Meetings, discussions, and strategy for answer brief (discussing cross appeal placing Jan Grossman on verdict form) |
| 4/25/2011 | JRG | 1200 | 2 | Meetings, discussions, and strategy for answer brief (discussing court correctly applying Engle findings and lay opinion testimony re addiction; discussing cross appeal placing Jan Grossman on verdict form) |
| 4/25/2011 | SPS | 1600 | 2 | Meetings, discussions, and strategy for answer brief (discussing court correctly applying Engle findings and lay opinion testimony re addiction; discussing cross appeal placing Jan Grossman on verdict form) |
| 4/25/2011 | SJH | 1600 | 2 | Meetings, discussions, and strategy for answer brief (discussing court correctly applying Engle findings and lay opinion testimony re addiction; discussing cross appeal placing Jan Grossman on verdict form) |
| 4/26/2011 | JRG | 1200 | 1.25 | Meetings, discussions, and strategy for answer brief (discussing court correctly applying Engle findings) |
| 4/26/2011 | SPS | 1600 | 1.25 | Meetings, discussions, and strategy for answer brief (discussing court correctly applying Engle findings) |
| 4/26/2011 | SJH | 1600 | 1.25 | Meetings, discussions, and strategy for answer brief (discussing court correctly applying Engle findings) |
| 4/27/2011 | JRG | 1200 | 1.5 | Meetings, discussions, and strategy for answer brief (discussing lay opinion testimony re addiction) |

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| 4/27/2011 | SPS | 1600 | 1.5 | Meetings, discussions, and strategy for answer brief (discussing lay opinion testimony re addiction) |
| 4/27/2011 | SJH | 1600 | 1.5 | Meetings, discussions, and strategy for answer brief (discussing lay opinion testimony re addiction) |
| 4/28/2011 | JRG | 1200 | 1.75 | Meetings, discussions, and strategy for answer brief (discussing cross appeal placing Jan Grossman on verdict form) |
| 4/28/2011 | SPS | 1600 | 1.75 | Meetings, discussions, and strategy for answer brief (discussing cross appeal placing Jan Grossman on verdict form) |
| 4/28/2011 | SJH | 1600 | 1.75 | Meetings, discussions, and strategy for answer brief (discussing cross appeal placing Jan Grossman on verdict form) |
| 4/29/2011 | JRG | 1200 | 1 | Meetings, discussions, and strategy for answer brief (discussing lay opinion testimony re addiction) |
| 4/29/2011 | SPS | 1600 | 1 | Meetings, discussions, and strategy for answer brief (discussing lay opinion testimony re addiction) |
| 4/29/2011 | SJH | 1600 | 1 | Meetings, discussions, and strategy for answer brief (discussing lay opinion testimony re addiction) |
| 4/30/2011 | JRG | 1200 | 1.5 | Meetings, discussions, and strategy for answer brief (discussing lay opinion testimony re addiction) |
| 4/30/2011 | SPS | 1600 | 1.5 | Meetings, discussions, and strategy for answer brief (discussing lay opinion testimony re addiction) |
| 4/30/2011 | SJH | 1600 | 1.5 | Meetings, discussions, and strategy for answer brief (discussing lay opinion testimony re addiction) |
| 5/1/2011 | JRG | 1200 | 1.25 | Meetings, discussions, and strategy for answer brief (discussing cross appeal placing Jan Grossman on verdict form) |
| 5/1/2011 | SPS | 1600 | 1.25 | Meetings, discussions, and strategy for answer brief (discussing cross appeal placing Jan Grossman on verdict form) |
| 5/1/2011 | SJH | 1600 | 1.25 | Meetings, discussions, and strategy for answer brief (discussing cross appeal placing Jan Grossman on verdict form) |
| 4/27/2011 | JRG | 1200 | 0.25 | Motion for Extension of time to File Answer Brief |
| 4/29/2011 | JRG | 1200 | 0.25 | Order Granting Motion for Extension of time to File Answer Brief |
| 5/3/2011 | JRG | 1200 | 3 | Meetings, discussions, and strategy for answer brief (discussing court correctly applying Engle findings and lay opinion testimony re addiction; discussing cross appeal placing Jan Grossman on verdict form) |

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| 5/3/2011 | SPS | 1600 | 3 | Meetings, discussions, and strategy for answer brief (discussing court correctly applying Engle findings and lay opinion testimony re addiction; discussing cross appeal placing Jan Grossman on verdict form) |
| 5/3/2011 | SJH | 1600 | 3 | Meetings, discussions, and strategy for answer brief (discussing court correctly applying Engle findings and lay opinion testimony re addiction; discussing cross appeal placing Jan Grossman on verdict form) |
| 5/9/2011 | JRG | 1200 | 2 | Editing, Proofreading, Meetings, discussions, and strategy for answer brief (discussing court correctly applying Engle findings and lay opinion testimony re addiction; discussing cross appeal placing Jan Grossman on verdict form)-supporting case law |
| 5/9/2011 | SPS | 1600 | 2 | Editing, Proofreading, Meetings, discussions, and strategy for answer brief (discussing court correctly applying Engle findings and lay opinion testimony re addiction; discussing cross appeal placing Jan Grossman on verdict form)-supporting case law |
| 5/9/2011 | SJH | 1600 | 2 | Editing, Proofreading, Meetings, discussions, and strategy for answer brief (discussing court correctly applying Engle findings and lay opinion testimony re addiction; discussing cross appeal placing Jan Grossman on verdict form)-supporting case law |
| 5/10/2011 | JRG | 1200 | 2 | Editing, Proofreading, Meetings, discussions, and strategy for answer brief (discussing court correctly applying Engle findings; supporting case law) |
| 5/10/2011 | SPS | 1600 | 2 | Editing, Proofreading, Meetings, discussions, and strategy for answer brief (discussing court correctly applying Engle findings; supporting case law) |
| 5/10/2011 | SJH | 1600 | 2 | Editing, Proofreading, Meetings, discussions, and strategy for answer brief (discussing court correctly applying Engle findings; supporting case law) |
| 5/11/2011 | JRG | 1200 | 2 | Editing, Proofreading, Meetings, discussions, and strategy for answer brief (discussing court correctly applying Engle findings; supporting case law) |
| 5/11/2011 | SPS | 1600 | 2 | Editing, Proofreading, Meetings, discussions, and strategy for answer brief (discussing court correctly applying Engle findings; supporting case law) |
| 5/11/2011 | SJH | 1600 | 2 | Editing, Proofreading, Meetings, discussions, and strategy for answer brief (discussing court correctly applying Engle findings; supporting case law) |
| 5/12/2011 | JRG | 1200 | 2 | Editing, Proofreading, Meetings, discussions, and strategy for answer brief (discussing cross appeal placing Jan Grossman on verdict form; supporting case law) |

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| 5/12/2011 | SPS | 1600 | 2 | Editing, Proofreading, Meetings, discussions, and strategy for answer brief (discussing cross appeal placing Jan Grossman on verdict form; supporting case law) |
| 5/12/2011 | SJH | 1600 | 2 | Editing, Proofreading, Meetings, discussions, and strategy for answer brief (discussing cross appeal placing Jan Grossman on verdict form; supporting case law) |
| 5/13/2011 | JRG | 1200 | 2 | Editing, Proofreading, Meetings, discussions, and strategy for answer brief (discussing lay opinion testimony re addiction; supporting case law) |
| 5/13/2011 | SPS | 1600 | 2 | Editing, Proofreading, Meetings, discussions, and strategy for answer brief (discussing lay opinion testimony re addiction; supporting case law) |
| 5/13/2011 | SJH | 1600 | 2 | Editing, Proofreading, Meetings, discussions, and strategy for answer brief (discussing lay opinion testimony re addiction; supporting case law) |
| 5/14/2011 | JRG | 1200 | 2 | Editing, Proofreading, Meetings, discussions, and strategy for answer brief (discussing lay opinion testimony re addiction; supporting case law) |
| 5/14/2011 | SPS | 1600 | 2 | Editing, Proofreading, Meetings, discussions, and strategy for answer brief (discussing lay opinion testimony re addiction; supporting case law) |
| 5/14/2011 | SJH | 1600 | 2 | Editing, Proofreading, Meetings, discussions, and strategy for answer brief (discussing lay opinion testimony re addiction; supporting case law) |
| 5/15/2011 | JRG | 1200 | 2 | Editing, Proofreading, Meetings, discussions, and strategy for answer brief (discussing cross appeal placing Jan Grossman on verdict form; supporting case law) |
| 5/15/2011 | SPS | 1600 | 2 | Editing, Proofreading, Meetings, discussions, and strategy for answer brief (discussing cross appeal placing Jan Grossman on verdict form; supporting case law) |
| 5/15/2011 | SJH | 1600 | 2 | Editing, Proofreading, Meetings, discussions, and strategy for answer brief (discussing cross appeal placing Jan Grossman on verdict form; supporting case law) |
| 5/12/2011 | JRG | 1200 | 0.25 | Motion for Extension of time to File Answer Brief |
| 5/16/2011 | JRG | 1200 | 0.25 | Order Granting Motion for Extension of time to File Answer Brief |
| 5/18/2011 | JRG | 1200 | 3 | Editing, Proofreading, Meetings, discussions, and strategy for answer brief (cross appeal placing Jan Grossman on verdict form)-supporting case law |
| 5/18/2011 | SPS | 1600 | 3 | Editing, Proofreading, Meetings, discussions, and strategy for answer brief (cross appeal placing Jan Grossman on verdict form)-supporting case law |

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| 5/18/2011 | SJH | 1600 | 3 | Editing, Proofreading, Meetings, discussions, and strategy for answer brief (cross appeal placing Jan Grossman on verdict form)-supporting case law |
| 5/19/2011 | JRG | 1200 | 3 | Editing, Proofreading, Meetings, discussions, and strategy for answer brief (court correctly applying Engle findings)-supporting case law |
| 5/19/2011 | SPS | 1600 | 3 | Editing, Proofreading, Meetings, discussions, and strategy for answer brief (court correctly applying Engle findings)-supporting case law |
| 5/19/2011 | SJH | 1600 | 3 | Editing, Proofreading, Meetings, discussions, and strategy for answer brief (court correctly applying Engle findings)-supporting case law |
| 5/20/2011 | JRG | 1200 | 2 | Editing, Proofreading, Meetings, discussions, and strategy for answer brief (lay opinion testimony re addiction)-supporting case law |
| 5/20/2011 | SPS | 1600 | 2 | Editing, Proofreading, Meetings, discussions, and strategy for answer brief (lay opinion testimony re addiction)-supporting case law |
| 5/20/2011 | SJH | 1600 | 2 | Editing, Proofreading, Meetings, discussions, and strategy for answer brief (lay opinion testimony re addiction)-supporting case law |
| 5/23/2011 | JRG | 1200 | 2 | Editing, Proofreading, Meetings, discussions, and strategy for answer brief (discussing court correctly applying Engle findings and lay opinion testimony re addiction; discussing cross appeal placing Jan Grossman on verdict form)-supporting case law |
| 5/23/2011 | SPS | 1600 | 2 | Editing, Proofreading, Meetings, discussions, and strategy for answer brief (discussing court correctly applying Engle findings and lay opinion testimony re addiction; discussing cross appeal placing Jan Grossman on verdict form)-supporting case law |
| 5/23/2011 | SJH | 1600 | 2 | Editing, Proofreading, Meetings, discussions, and strategy for answer brief (discussing court correctly applying Engle findings and lay opinion testimony re addiction; discussing cross appeal placing Jan Grossman on verdict form)-supporting case law |
| 5/24/2011 | JRG | 1200 | 3 | Editing, Proofreading, Meetings, discussions, and strategy for answer brief (discussing court correctly applying Engle findings and lay opinion testimony re addiction; discussing cross appeal placing Jan Grossman on verdict form)-supporting case law |
| 5/24/2011 | SPS | 1600 | 3 | Editing, Proofreading, Meetings, discussions, and strategy for answer brief (discussing court correctly applying Engle findings and lay opinion testimony re addiction; discussing cross appeal placing Jan Grossman on verdict form)-supporting case law |

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| 5/24/2011 | SJH | 1600 | 3 | Editing, Proofreading, Meetings, discussions, and strategy for answer brief (discussing court correctly applying Engle findings and lay opinion testimony re addiction; discussing cross appeal placing Jan Grossman on verdict form)-supporting case law |
| 5/25/2011 | JRG | 1200 | 3 | Editing, Proofreading, Meetings, discussions, and strategy for answer brief (discussing court correctly applying Engle findings and lay opinion testimony re addiction; discussing cross appeal placing Jan Grossman on verdict form)-supporting case law |
| 5/25/2011 | SPS | 1600 | 3 | Editing, Proofreading, Meetings, discussions, and strategy for answer brief (discussing court correctly applying Engle findings and lay opinion testimony re addiction; discussing cross appeal placing Jan Grossman on verdict form)-supporting case law |
| 5/25/2011 | SJH | 1600 | 3 | Editing, Proofreading, Meetings, discussions, and strategy for answer brief (discussing court correctly applying Engle findings and lay opinion testimony re addiction; discussing cross appeal placing Jan Grossman on verdict form)-supporting case law |
| 5/26/2011 | JRG | 1200 | 3 | Answer Brief of Appellee and Initial Brief on Cross-Appeal |
| 5/26/2011 | SPS | 1600 | 3 | Answer Brief of Appellee and Initial Brief on Cross-Appeal |
| 5/26/2011 | SJH | 1600 | 3 | Answer Brief of Appellee and Initial Brief on Cross-Appeal |
| 6/13/2011 | JRG | 1200 | 0.25 | Motion for Extension of time to File Reply Brief |
| 6/16/2011 | JRG | 1200 | 0.25 | Order Granting Motion for Extension of time to File Reply Brief |
| 6/17/2011 | JRG | 1200 | 0.25 | Motion to Consolidate |
| 6/20/2011 | JRG | 1200 | 0.25 | Order Granting Motion to Consolidate |
| 7/20/2011 | JRG | 1200 | 0.5 | Motion to Supplement Record |
| 7/20/2011 | JRG | 1200 | 4 | Reply Brief/Answer Brief on Cross Appeal of Appellant R.J. Reynolds Tobacco Company |
| 7/20/2018 | SPS | 1600 | 4 | Reply Brief/Answer Brief on Cross Appeal of Appellant R.J. Reynolds Tobacco Company |
| 7/20/2011 | SJH | 1600 | 4 | Reply Brief/Answer Brief on Cross Appeal of Appellant R.J. Reynolds Tobacco Company |
| 7/20/2011 | JRG | 1200 | 1 | Appendix to Reply Brief/Answer Brief on Cross Appeal of Appellant R.J. Reynolds Tobacco Company (96 pages) |

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| 7/20/2011 | SPS | 1600 | 1 | Appendix to Reply Brief/Answer Brief on Cross Appeal of Appellant R.J. Reynolds Tobacco Company (96 pages) |
| 7/20/2011 | SJH | 1600 | 1 | Appendix to Reply Brief/Answer Brief on Cross Appeal of Appellant R.J. Reynolds Tobacco Company (96 pages) |
| 7/22/2011 | JRG | 1200 | 0.25 | Notice of Agreement to Motion to Supplement |
| 7/27/2011 | JRG | 1200 | 0.25 | Order Allowing Attachment to Record |
| 7/27/2011 | JRG | 1200 | 0.25 | Supplemental Records |
| 8/9/2011 | JRG | 1200 | 3 | Meetings and discussions to discuss appeal and cross reply brief (Court erred placing Jan Grossman on verdict form; going through trial testimony) |
| 8/9/2011 | SPS | 1600 | 3 | Meetings and discussions to discuss appeal and cross reply brief (Court erred placing Jan Grossman on verdict form; going through trial testimony) |
| 8/9/2011 | SJH | 1600 | 3 | Meetings and discussions to discuss appeal and cross reply brief (Court erred placing Jan Grossman on verdict form; going through trial testimony) |
| 8/11/2011 | JRG | 1200 | 1 | Notice of Supplemental Authority |
| 8/11/2011 | SPS | 1600 | 1 | Notice of Supplemental Authority |
| 8/11/2011 | SJH | 1600 | 1 | Notice of Supplemental Authority |
| 8/17/2011 | JRG | 1200 | 0.25 | Motion for Extension of time to File Cross Reply Brief |
| 8/19/2011 | JRG | 1200 | 0.25 | Order Granting Motion for Extension of time to File Cross Reply Brief |
| 9/5/2011 | JRG | 1200 | 1.5 | Meetings and discussions to discuss appeal and cross reply brief (Court erred placing Jan Grossman on verdict form; supporting case law) |
| 9/5/2011 | SPS | 1600 | 1.5 | Meetings and discussions to discuss appeal and cross reply brief (Court erred placing Jan Grossman on verdict form; supporting case law) |
| 9/5/2011 | SJH | 1600 | 1.5 | Meetings and discussions to discuss appeal and cross reply brief (Court erred placing Jan Grossman on verdict form; supporting case law) |
| 9/6/2011 | JRG | 1200 | 1.5 | Meetings and discussions to discuss appeal and cross reply brief (going through trial testimony and supporting case law) |
| 9/6/2011 | SPS | 1600 | 1.5 | Meetings and discussions to discuss appeal and cross reply brief (going through trial testimony and supporting case law) |
| 9/6/2011 | SJH | 1600 | 1.5 | Meetings and discussions to discuss appeal and cross reply brief (going through trial testimony and supporting case law) |
| 9/12/2011 | JRG | 1200 | 0.25 | Motion for Extension of time to File Cross Reply Brief |
| 9/14/2011 | JRG | 1200 | 0.25 | Order Granting Motion for Extension of time to File Cross Reply Brief |
| 9/28/2011 | JRG | 1200 | 0.25 | Motion for Extension of time to File Cross Reply Brief |

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| 10/12/2011 | JRG | 1200 | 0.25 | Order Granting Motion for Extension of time to File Cross Reply Brief |
| 10/20/2011 | JRG | 1200 | 0.25 | Motion for Extension of time to File Cross Reply Brief |
| 10/31/2011 | JRG | 1200 | 0.25 | Order Granting Motion for Extension of time to File Cross Reply Brief |
| 10/31/2011 | JRG | 1200 | 2 | Meetings and discussions to discuss appeal and cross reply brief (going through trial testimony and supporting case law) |
| 10/31/2011 | SPS | 1600 | 2 | Meetings and discussions to discuss appeal and cross reply brief (going through trial testimony and supporting case law) |
| 10/31/2011 | SJH | 1600 | 2 | Meetings and discussions to discuss appeal and cross reply brief (going through trial testimony and supporting case law) |
| 11/1/2011 | JRG | 1200 | 2 | Meetings and discussions to discuss appeal and cross reply brief (going through trial testimony and supporting case law) |
| 11/1/2011 | SPS | 1600 | 2 | Meetings and discussions to discuss appeal and cross reply brief (going through trial testimony and supporting case law) |
| 11/1/2011 | SJH | 1600 | 2 | Meetings and discussions to discuss appeal and cross reply brief (going through trial testimony and supporting case law) |
| 11/2/2011 | JRG | 1200 | 0.5 | Motion for Attorney's Fees |
| 11/8/2011 | JRG | 1200 | 3 | Editing, Proofreading, Meetings, discussions, and strategy for cross reply brief (Court erred placing Jan Grossman on verdict form; going through trial testimony and supporting case law) |
| 11/8/2011 | SPS | 1600 | 3 | Editing, Proofreading, Meetings, discussions, and strategy for cross reply brief (Court erred placing Jan Grossman on verdict form; going through trial testimony and supporting case law) |
| 11/8/2011 | SJH | 1600 | 3 | Editing, Proofreading, Meetings, discussions, and strategy for cross reply brief (Court erred placing Jan Grossman on verdict form; going through trial testimony and supporting case law) |
| 11/9/2011 | JRG | 1200 | 0.25 | Motion for Extension of time to File Cross Reply Brief |
| 11/18/2011 | JRG | 1200 | 0.25 | Order Granting Motion for Extension of time to File Cross Reply Brief |
| 11/20/2011 | JRG | 1200 | 2 | Editing, Proofreading, Meetings, discussions, and strategy for cross reply brief (Court erred placing Jan Grossman on verdict form; going through trial testimony and supporting case law) |
| 11/20/2011 | SPS | 1600 | 2 | Editing, Proofreading, Meetings, discussions, and strategy for cross reply brief (Court erred placing Jan Grossman on verdict form; going through trial testimony and supporting case law) |

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| 11/20/2011 | SJH | 1600 | 2 | Editing, Proofreading, Meetings, discussions, and strategy for cross reply brief (Court erred placing Jan Grossman on verdict form; going through trial testimony and supporting case law) |
| 11/21/2011 | JRG | 1200 | 1 | Response to Motion for Attorney's Fees |
| 11/22/2011 | JRG | 1200 | 1.5 | Editing, Proofreading, Meetings, discussions, and strategy for cross reply brief (Court erred placing Jan Grossman on verdict form; going through trial testimony and supporting case law) |
| 11/22/2011 | SPS | 1600 | 2 | Editing, Proofreading, Meetings, discussions, and strategy for cross reply brief (Court erred placing Jan Grossman on verdict form; going through trial testimony and supporting case law) |
| 11/22/2011 | SJH | 1600 | 2 | Editing, Proofreading, Meetings, discussions, and strategy for cross reply brief (Court erred placing Jan Grossman on verdict form; going through trial testimony and supporting case law) |
| 11/23/2011 | JRG | 1200 | 2 | Editing, Proofreading, Meetings, discussions, and strategy for cross reply brief (Court erred placing Jan Grossman on verdict form; going through trial testimony and supporting case law) |
| 11/23/2011 | SPS | 1600 | 1.5 | Editing, Proofreading, Meetings, discussions, and strategy for cross reply brief (Court erred placing Jan Grossman on verdict form; going through trial testimony and supporting case law) |
| 11/23/2011 | SJH | 1600 | 1.5 | Editing, Proofreading, Meetings, discussions, and strategy for cross reply brief (Court erred placing Jan Grossman on verdict form; going through trial testimony and supporting case law) |
| 11/28/2011 | JRG | 1200 | 2 | Editing, Proofreading, Meetings, discussions, and strategy for cross reply brief (Court erred placing Jan Grossman on verdict form; going through trial testimony and supporting case law) |
| 11/28/2011 | SPS | 1600 | 2 | Editing, Proofreading, Meetings, discussions, and strategy for cross reply brief (Court erred placing Jan Grossman on verdict form; going through trial testimony and supporting case law) |
| 11/28/2011 | SJH | 1600 | 2 | Editing, Proofreading, Meetings, discussions, and strategy for cross reply brief (Court erred placing Jan Grossman on verdict form; going through trial testimony and supporting case law) |
| 11/29/2011 | JRG | 1200 | 3 | Editing, Proofreading, Meetings, discussions, and strategy for cross reply brief (Court erred placing Jan Grossman on verdict form; going through trial testimony and supporting case law) |

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|------------|-----|------|------|--|
| 11/29/2011 | SPS | 1600 | 3 | Editing, Proofreading, Meetings, discussions, and strategy for cross reply brief (Court erred placing Jan Grossman on verdict form; going through trial testimony and supporting case law) |
| 11/29/2011 | SJH | 1600 | 3 | Editing, Proofreading, Meetings, discussions, and strategy for cross reply brief (Court erred placing Jan Grossman on verdict form; going through trial testimony and supporting case law) |
| 11/30/2011 | JRG | 1200 | 2 | Reply Brief on Cross-Appeal of Appellee/Cross-Appellant |
| 11/30/2011 | SPS | 1600 | 2 | Reply Brief on Cross-Appeal of Appellee/Cross-Appellant |
| 11/30/2011 | SJH | 1600 | 2 | Reply Brief on Cross-Appeal of Appellee/Cross-Appellant |
| 3/26/2012 | JRG | 1200 | 3 | Notice of Supplemental Authority |
| 3/26/2012 | SPS | 1600 | 3 | Notice of Supplemental Authority |
| 3/26/2012 | SJH | 1600 | 3 | Notice of Supplemental Authority |
| 3/19/2012 | JRG | 1200 | 1 | Preparing for Oral Argument (cases to cite to; lay opinion on addiction; applying Engle findings; placing Jan Grossman on verdict form) |
| 3/19/2012 | SPS | 1600 | 1 | Preparing for Oral Argument (cases to cite to; lay opinion on addiction; applying Engle findings; placing Jan Grossman on verdict form) |
| 3/19/2012 | SJH | 1600 | 1 | Preparing for Oral Argument (cases to cite to; lay opinion on addiction; applying Engle findings; placing Jan Grossman on verdict form) |
| 3/20/2012 | JRG | 1200 | 2 | Preparing for Oral Argument (applying Engle findings) |
| 3/20/2012 | SPS | 1600 | 2 | Preparing for Oral Argument (applying Engle findings) |
| 3/20/2012 | SJH | 1600 | 2 | Preparing for Oral Argument (applying Engle findings) |
| 3/21/2012 | JRG | 1200 | 1.5 | Preparing for Oral Argument (lay opinion on addiction) |
| 3/21/2012 | SPS | 1600 | 1.5 | Preparing for Oral Argument (lay opinion on addiction) |
| 3/21/2012 | SJH | 1600 | 1.5 | Preparing for Oral Argument (lay opinion on addiction) |
| 3/22/2012 | JRG | 1200 | 1.75 | Preparing for Oral Argument (applying Engle findings) |
| 3/22/2012 | SPS | 1600 | 1.75 | Preparing for Oral Argument (applying Engle findings) |
| 3/22/2012 | SJH | 1600 | 1.75 | Preparing for Oral Argument (applying Engle findings) |
| 3/23/2012 | JRG | 1200 | 1.5 | Preparing for Oral Argument (placing Jan Grossman on verdict form) |
| 3/23/2012 | SPS | 1600 | 1.5 | Preparing for Oral Argument (placing Jan Grossman on verdict form) |
| 3/23/2012 | SJH | 1600 | 1.5 | Preparing for Oral Argument (placing Jan Grossman on verdict form) |
| 3/24/2012 | JRG | 1200 | 1.25 | Preparing for Oral Argument (placing Jan Grossman on verdict form) |
| 3/24/2012 | SPS | 1600 | 1.25 | Preparing for Oral Argument (placing Jan Grossman on verdict form) |
| 3/24/2012 | SJH | 1600 | 1.25 | Preparing for Oral Argument (placing Jan Grossman on verdict form) |

| | | | | |
|-----------|-----|------|------|---|
| 3/25/2012 | JRG | 1200 | 1.75 | Preparing for Oral Argument (cases to cite to) |
| 3/25/2012 | SPS | 1600 | 1.75 | Preparing for Oral Argument (cases to cite to) |
| 3/25/2012 | SJH | 1600 | 1.75 | Preparing for Oral Argument (cases to cite to) |
| 3/26/2012 | JRG | 1200 | 3 | Preparing for Oral Argument (cases to cite to; lay opinion on addiction; applying Engle findings; placing Jan Grossman on verdict form) |
| 3/26/2012 | SPS | 1600 | 3 | Preparing for Oral Argument (cases to cite to; lay opinion on addiction; applying Engle findings; placing Jan Grossman on verdict form) |
| 3/26/2012 | SJH | 1600 | 3 | Preparing for Oral Argument (cases to cite to; lay opinion on addiction; applying Engle findings; placing Jan Grossman on verdict form) |
| 3/27/2012 | JRG | 1200 | 5 | Oral Argument Date Set |
| 3/27/2012 | SPS | 1600 | 5 | Oral Argument Date Set |
| 3/27/2012 | SJH | 1600 | 5 | Oral Argument Date Set |
| 4/3/2012 | JRG | 1200 | 1.5 | Motion Stay Pending SC Resolution of Douglas |
| 4/3/2012 | SPS | 1600 | 1.5 | Motion Stay Pending SC Resolution of Douglas |
| 4/3/2012 | SJH | 1600 | 1.5 | Motion Stay Pending SC Resolution of Douglas |
| 4/12/2012 | JRG | 1200 | 0.5 | Order Denying Motion Stay Pending SC Resolution of Douglas |
| 4/12/2012 | SPS | 1600 | 0.5 | Order Denying Motion Stay Pending SC Resolution of Douglas |
| 4/12/2012 | SJH | 1600 | 0.5 | Order Denying Motion Stay Pending SC Resolution of Douglas |
| 5/6/2012 | JRG | 1200 | 1 | Notice of Supplemental Authority |
| 5/6/2012 | SPS | 1600 | 1 | Notice of Supplemental Authority |
| 5/6/2012 | SJH | 1600 | 1 | Notice of Supplemental Authority |
| 6/27/2012 | JRG | 1200 | 1 | Order Denying Attorney's Fees |
| 6/27/2012 | SPS | 1600 | 1 | Order Denying Attorney's Fees |
| 6/27/2012 | SJH | 1600 | 1 | Order Denying Attorney's Fees |
| 6/27/2012 | JRG | 1200 | 5 | Opinion/Disposition-Affirmed in Part, Reversed in Part |
| 6/27/2012 | SPS | 1600 | 5 | Opinion/Disposition-Affirmed in Part, Reversed in Part |
| 6/27/2012 | SJH | 1600 | 5 | Opinion/Disposition-Affirmed in Part, Reversed in Part |
| 7/5/2012 | JRG | 1200 | 0.25 | Motion for Extension of Time to File Post Decision Motions |
| 7/11/2012 | JRG | 1200 | 0.25 | Order Granting Extension of Time to File Post Decision Motions |
| 7/27/2012 | JRG | 1200 | 3 | Motion for Rehearing En Banc |
| 7/27/2012 | SPS | 1600 | 3 | Motion for Rehearing En Banc |
| 7/27/2012 | SJH | 1600 | 3 | Motion for Rehearing En Banc |
| 7/28/2012 | JRG | 1200 | 2 | Motion for Rehearing En Banc Costs |

| | | | | |
|------------|-----|------|------|--|
| 7/28/2012 | SPS | 1600 | 2 | Motion for Rehearing En Banc Costs |
| 7/28/2012 | SJH | 1600 | 2 | Motion for Rehearing En Banc Costs |
| 8/14/2012 | JRG | 1200 | 0.5 | Motion for Extension of time to File Response |
| 8/16/2012 | JRG | 1200 | 0.25 | Order Granting Motion for Extension of time to File Response |
| 8/23/2012 | JRG | 1200 | 2 | Response to Motion for Rehearing En Banc |
| 8/23/2012 | SPS | 1600 | 2 | Response to Motion for Rehearing En Banc |
| 8/23/2012 | SJH | 1600 | 2 | Response to Motion for Rehearing En Banc |
| 9/21/2012 | JRG | 1200 | 1.5 | Order Denying Rehearing En Banc |
| 9/21/2012 | SPS | 1600 | 1.5 | Order Denying Rehearing En Banc |
| 9/21/2012 | SJH | 1600 | 1.5 | Order Denying Rehearing En Banc |
| 10/5/2012 | JRG | 1200 | 2 | Motion to Stay Issuance of Mandate |
| 10/5/2012 | SPS | 1600 | 2 | Motion to Stay Issuance of Mandate |
| 10/5/2012 | SJH | 1600 | 2 | Motion to Stay Issuance of Mandate |
| 10/17/2012 | JRG | 1200 | 2.5 | Notice to Invoke Discretionary Jurisdiction |
| 10/17/2012 | SPS | 1600 | 2.5 | Notice to Invoke Discretionary Jurisdiction |
| 10/17/2012 | SJH | 1600 | 2.5 | Notice to Invoke Discretionary Jurisdiction |
| 10/22/2012 | JRG | 1200 | 3 | Response to Motion to Stay Issuance of Mandate |
| 10/22/2012 | SPS | 1600 | 3 | Response to Motion to Stay Issuance of Mandate |
| 10/22/2012 | SJH | 1600 | 3 | Response to Motion to Stay Issuance of Mandate |
| 10/25/2012 | JRG | 1200 | 0.25 | Acknowledgement Receipt from FL Supreme Court |
| 11/9/2012 | JRG | 1200 | 1 | Order Denying Motion to Stay Issuance of Mandate |
| 11/9/2012 | SPS | 1600 | 1 | Order Denying Motion to Stay Issuance of Mandate |
| 11/9/2012 | SJH | 1600 | 1 | Order Denying Motion to Stay Issuance of Mandate |
| 11/9/2012 | JRG | 1200 | 0.25 | Mandate |
| 2/25/2014 | JRG | 1200 | 0.25 | Ready to Close |
| 3/18/2014 | JRG | 1200 | 0.25 | Returned Records |

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CRAIG SHAPIRO and JULIE SHAPIRO, individually,)
and as guardians of their minor child, B.S.,)

Plaintiffs,)

v.)

JUUL LABS INC.; ALTRIA GROUP, INC.; PHILIP)
MORRIS USA INC.; MY VAPOR HUT, INC. d/b/a)
1ST WAVE VAPOR; EDGAR F. DI PUGLIA in his)
capacity as owner of THE SMOKE HOUSE SMOKE)
SHOP,)

Defendants.)

Case No. _____

Action Filed: May 17, 2019

Action Served: May 22, 2019

ALTRIA GROUP, INC.’S CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Civil Procedure 7.1,¹ Altria Group, Inc. hereby provides the following disclosure statement:

1. Altria Group, Inc. (ticker MO) is a publicly held corporation with no parent entity.
2. No publicly held corporation owns 10% or more of Altria Group, Inc.’s stock.

DATED: June 21, 2019

/s/ Geoffrey J. Michael
 Geoffrey J. Michael
 Florida Bar No.: 86152
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Attorneys for Defendants Altria Group, Inc. and Philip Morris USA Inc.

¹ By filing this Rule 7.1 disclosure, Altria Group, Inc. does not waive, and specifically reserves, all defenses it has pursuant to Fed. R. Civ. P. 12(b).

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing is being served upon the following by regular United States mail, postage prepaid:

| | |
|---|---|
| <p>Scott P. Schlesinger Jonathan R. Gdanski Jeffrey L. Haberman SCHLESINGER LAW OFFICES, P.A. 1212 SE Third Avenue Ft. Lauderdale, FL 33316 Telephone: 954-467-8800 scott@schlesingerlaw.com jgdanski@schlesingerlaw.com jhaberman@schlesingerlaw.com</p> <p><i>Attorneys for Plaintiffs</i></p> | <p>George S. LeMieux 450 East Las Olas Boulevard, Suite 1400 Fort Lauderdale, Florida 33301 Telephone: 954-462-2000 Facsimile: 954-523-1722 glemieux@gunster.com</p> <p>Timothy J. McGinn 600 Brickell Avenue, Suite 3500 Miami, Florida 33131 Telephone: 305-376-6000 Facsimile: 305-376-6010 tmcginn@gunster.com</p> <p><i>Attorneys for Defendant JUUL Labs, Inc.</i></p> |
| <p>Matthew Adams ADAMS SANDLER LAW GROUP 37 N. Orange Ave., Ste. 500 Orlando, FL 32801 Telephone: 407-926-4144 mattadams@adamssandlerlaw.com info@adamssandlerlaw.com</p> <p><i>Attorneys for Defendant My Vapor Hut, Inc. d/b/a 1st Wave Vapor</i></p> | <p>Melody Ridgley Fortunato FORTUNATO & ASSOCIATES, P.A. 12 South East 7th Street - Suite 711 Fort Lauderdale, FL 33301 Telephone: 954-728-1266 Fax: 954-728-1268 mrf@mfortunatolaw.com</p> <p><i>Attorneys for Defendant Edgar F. Di Puglia in his capacity as owner of The Smoke House Smoke Shop</i></p> |

DATED: June 21, 2019

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CRAIG SHAPIRO and JULIE SHAPIRO, individually,)
and as guardians of their minor child, B.S.,)

Plaintiffs,)

v.)

JUUL LABS INC.; ALTRIA GROUP, INC.; PHILIP)
MORRIS USA INC.; MY VAPOR HUT, INC. d/b/a)
1ST WAVE VAPOR; EDGAR F. DI PUGLIA in his)
capacity as owner of THE SMOKE HOUSE SMOKE)
SHOP,)

Defendants.)

Case No. _____

Action Filed: May 17, 2019

Action Served: May 22, 2019

**DEFENDANT PHILIP MORRIS USA INC.'S
CORPORATE DISCLOSURE STATEMENT**

Pursuant to Federal Rule of Civil Procedure 7.1,¹ Philip Morris USA Inc. hereby provides the following disclosure statement:

1. The parent company of Philip Morris USA Inc. is Altria Group, Inc. (ticker MO).
2. Altria Group, Inc. is the only publicly held corporation that owns 10% or more of

Philip Morris USA Inc.'s stock.

¹ By filing this Rule 7.1 disclosure, Philip Morris USA Inc. does not waive, and specifically reserves, all defenses it has pursuant to Fed. R. Civ. P. 12(b).

DATED: June 21, 2019

/s/ Geoffrey J. Michael
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Attorneys for Defendant Philip Morris USA Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing is being served upon the following by regular United States mail, postage prepaid:

| | |
|---|---|
| <p>Scott P. Schlesinger Jonathan R. Gdanski Jeffrey L. Haberman SCHLESINGER LAW OFFICES, P.A. 1212 SE Third Avenue Ft. Lauderdale, FL 33316 Telephone: 954-467-8800 scott@schlesingerlaw.com jgdanski@schlesingerlaw.com jhaberman@schlesingerlaw.com</p> <p><i>Attorneys for Plaintiffs</i></p> | <p>George S. LeMieux 450 East Las Olas Boulevard, Suite 1400 Fort Lauderdale, Florida 33301 Telephone: 954-462-2000 Facsimile: 954-523-1722 glemieux@gunster.com</p> <p>Timothy J. McGinn 600 Brickell Avenue, Suite 3500 Miami, Florida 33131 Telephone: 305-376-6000 Facsimile: 305-376-6010 tmcginn@gunster.com</p> <p><i>Attorneys for Defendant JUUL Labs, Inc.</i></p> |
| <p>Matthew Adams ADAMS SANDLER LAW GROUP 37 N. Orange Ave., Ste. 500 Orlando, FL 32801 Telephone: 407-926-4144 mattadams@adamssandlerlaw.com info@adamssandlerlaw.com</p> <p><i>Attorneys for Defendant My Vapor Hut, Inc. d/b/a 1st Wave Vapor</i></p> | <p>Melody Ridgley Fortunato FORTUNATO & ASSOCIATES, P.A. 12 South East 7th Street - Suite 711 Fort Lauderdale, FL 33301 Telephone: 954-728-1266 Fax: 954-728-1268 mrf@mfortunatolaw.com</p> <p><i>Attorneys for Defendant Edgar F. Di Puglia in his capacity as owner of The Smoke House Smoke Shop</i></p> |

DATED: June 21, 2019

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