

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE: JUUL LABS, INC., MARKETING,  
SALES PRACTICES, AND PRODUCTS  
LIABILITY LITIGATION

Case No. 19-md-02913-WHO

**NOTICE OF INTENT TO APPOINT A  
SPECIAL MASTER**

\_\_\_\_\_  
This Document Relates to:

PERSONAL INJURY ACTIONS

From the outset of these complex proceedings, I have noted my goal that they be resolved in as expeditious, efficient, and just manner as possible. To that end, I believe that the appointment of a Settlement Master to facilitate settlement discussions would serve the interests of justice and of the parties. I have previously discussed the possibility of appointing **Thomas J. Perrelli** as Settlement Master with the Lead Counsel for plaintiffs and the JUUL and Altria defendants and understand that they have conferred with Mr. Perrelli and considered his qualifications. I now give notice of my intent to appoint Mr. Perrelli as Settlement Master.<sup>1</sup>

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<sup>1</sup> I will not appoint Mr. Perrelli to perform any adjudicatory functions, or to even advise me on such matters. Accordingly, I do not intend to appoint him pursuant to Federal Rule of Civil Procedure 53. Attached to this Order as Exhibit B is a letter from Mr. Perrelli agreeing to serve as Settlement Master and explaining his law firm's engagements involving parties to this litigation. I do not believe that any of these engagements make Mr. Perrelli's appointment to facilitate settlement discussions in these matters inappropriate.

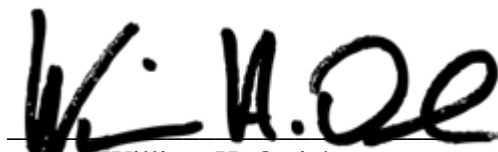
1 Mr. Perrelli served as Associate Attorney General at the U.S. Department of Justice from  
2 2009 to 2012, overseeing multiple Divisions of the Department and leading major settlement  
3 negotiations on behalf of the United States. That is where I met him and came to respect him. He is  
4 currently the Chair of Jenner & Block LLP and a partner in the firm's Washington, D.C. office,  
5 where he leads the firm's Government Controversies and Public Policy Litigation Practice. Mr.  
6 Perrelli's biography is attached to this Order as Exhibit A.

8 Mr. Perrelli has excellent judgment and a reputation for fairmindedness and integrity. He  
9 also has significant experience with settlement negotiations in both public service and the private  
10 sector, making him highly qualified to earn the parties' trust and to effectively facilitate discussions  
11 that may lead to fair and efficient resolution of some or all of these matters. Mr. Perrelli will not  
12 adjudicate, or assist me with adjudicating, any issues in these proceedings. His role will be to use  
13 his experience and judgment solely to mediate settlement discussions among the various parties.

14 I will give the parties an opportunity to respond to this suggestion of the appointment of Mr.  
15 Perrelli. Any responses shall be filed on or before noon on May 11, 2020, and shall not exceed two  
16 pages.

18 **IT IS SO ORDERED.**

20 Date: May 4, 2020

21   
22 Hon. William H. Orrick  
23 United States District Court Judge  
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**THOMAS J. PERRELLI, Firm Chair, Partner**

*Thomas J. Perrelli is the Chair of Jenner & Block. He is also the founder and co-chair of the firm's Government Controversies and Public Policy Litigation Practice. Drawing on his experience as a nationally recognized litigator and as Associate Attorney General, the third-ranking official at the US Department of Justice, Mr. Perrelli represents businesses, governmental entities and their leaders in high-stakes matters where litigation, investigations, public policy and media scrutiny intersect. He provides clients and their boards with high-level strategic advice on their most complex matters.*

Mr. Perrelli re-joined Jenner & Block as a partner in 2012 after serving for three years as Associate Attorney General of the United States. In that capacity, he was responsible for the Department's Civil, Antitrust, Civil Rights, Environment and Natural Resources, and Tax Divisions, the United States Trustee Program, the Office of Justice Programs and the Office on Violence Against Women, among others. Among numerous high-level, multi-party negotiations, he led the US government's efforts to negotiate a \$25 billion settlement to resolve claims against financial institutions for servicing of mortgages and negotiated the creation of a \$20 billion fund to compensate victims of the Deepwater Horizon oil spill.

Mr. Perrelli began practicing law as an associate at Jenner & Block in 1992. He left the firm in 1997 to serve as counsel to then-US Attorney General Janet Reno, rising to the position of deputy assistant attorney general before returning to Jenner & Block in 2001. Over the next eight years, he concentrated his practice in copyright, media and constitutional litigation, as well as complex litigation with a public policy or regulatory component. During that time, Mr. Perrelli was recognized by *Chambers USA* as one of the country's leading media and entertainment lawyers. In 2005, *The National Law Journal* named him one of the most promising lawyers under 40 years old. In 2009, he was nominated by the president and confirmed by the Senate to the position of Associate Attorney General of the United States.

- Before re-joining Jenner & Block and on behalf of the US government, Mr. Perrelli negotiated all aspects of the \$20 billion trust fund that BP set up to compensate victims of the Deepwater Horizon oil spill and monitored the operation of that fund. He subsequently led negotiations with BP to set aside \$1 billion for early restoration of the Gulf of Mexico in the wake of the oil spill and oversaw the Justice Department's litigation against those responsible for the Deepwater Horizon tragedy.
- Before re-joining Jenner & Block and on behalf of the US Justice Department, Mr. Perrelli brokered settlements that exceeded \$25 billion arising out of the five largest mortgage servicers' alleged failure to comply with legal obligations owed to their customers (including such things as robo-signing, other violations of law in the foreclosure process, and violations of law related to the making of loan modifications). This complex, multilateral negotiation involved 49 state attorneys general, state banking regulators, the largest US financial institutions and a dozen federal agencies



**THOMAS J. PERRELLI**  
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**PRACTICE GROUPS**

Antitrust and Competition Law  
Complex Commercial Litigation  
Content, Media and Entertainment  
Education  
Energy  
Financial Services Litigation  
Government Controversies and Public Policy  
Litigation  
Indian Law  
Intellectual Property  
Investigations, Compliance and Defense  
Japan Practice  
Monitorship Practice  
Public International Law  
State Enforcement and Regulation

**INDUSTRY GROUPS**

Cybersecurity  
Education

**EDUCATION**

Harvard Law School, JD, 1991; *magna cum laude*; Managing Editor, *Harvard Law Review*

Brown University, AB, 1988; *magna cum laude*

**ADMISSIONS**

District of Columbia, 1993

Virginia (inactive), 1991

**COURT ADMISSIONS**

US Supreme Court, 1996

US Court of Appeals, Federal Circuit, 2002

US District Court, District of Columbia, 1994

- Before re-joining Jenner & Block and on behalf of the US Justice Department, Mr. Perrelli resolved the long-running dispute between Native Americans and the United States over individual trust accounting (the *Cobell* case), which had been in litigation for more than a decade and involved claims that went back over a century. Mr. Perrelli led negotiations that resulted in a landmark \$3.4 billion settlement and successfully pursued congressional legislation to implement aspects of the settlement.
- Before re-joining Jenner & Block and on behalf of the US Justice Department, Mr. Perrelli negotiated the resolution of the claims of African-American farmers against the Department of Agriculture for discrimination in the making of farm loans (the *Pigford II* case). Mr. Perrelli led the United States' effort to negotiate a \$1.25 billion settlement and successfully pursued congressional legislation to implement aspects of the settlement.
- Negotiated a series of settlements totaling almost \$1 billion to resolve lawsuits brought by tribal nations against the United States for mismanagement of tribal trust funds.
- Served as vice-chair of the Executive Committee of the Attorney General's Financial Fraud Enforcement Task Force.
- Served as co-chair of the President's Task Force on Puerto Rico's Status, which, among other things, resulted in a landmark report on status, as well as on economic, housing, health care, energy and other challenges faced by the island.
- Served as a lead lawyer on the Jenner & Block team that represented a consortium of 28 of the largest entertainment companies in the country in the landmark copyright case *MGM v. Grokster*, involving peer-to-peer file-sharing services.

Supreme Court of Virginia, 1991

#### **JUDICIAL CLERKSHIPS**

Hon. Royce C. Lamberth, US District Court,  
District of Columbia, 1992 (Clerkship)

For several years, Mr. Perrelli represented, pro bono, the husband of Terri Schiavo in the high-profile Florida case involving Ms. Schiavo's right to control and decline life-extending medical care and efforts by the state and federal governments to overturn prior court decisions that had ascertained her wishes. He led the constitutional challenge to state and federal laws before state and federal courts, including the US Supreme Court.

#### **Awards**

- *National Law Journal*  
Visionaries of the Legal Profession - 2011
- National Congress of American Indians  
Governmental Leadership Award - 2011
- *Chambers USA*  
Media & Entertainment - 2007, 2008, 2009
- *Washington Business Journal*  
Best Intellectual Property Lawyer in Washington, DC - 2008

# JENNER & BLOCK

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- Jenner & Block  
Albert E. Jenner, Jr. Pro Bono Award - 2005
- *Lawdragon Magazine*  
500 "New Stars, New Worlds" - 2006  
500 "Leading Lawyers in America" - 2013-2015
- *Legal 500*  
Dispute Resolution - General Commercial Disputes - 2017
- *National Law Journal*  
"40 Under 40" - 2005
- *Washington, DC, Super Lawyers*  
Civil Litigation: Defense - 2015  
Entertainment and Sports - 2015  
Schools and Education - 2015, 2016, 2019
- *Washingtonian Magazine*  
Best Lawyers, National Security - 2015

## Community

- Center for Catastrophic Risk Management and Compensation, RAND Corporation  
Member, Advisory Board - 2013

## Publications

- Editor, *The Guide to Monitorships*, June 2019
- "The Life Cycle of a Monitorship," *The Guide to Monitorships*, June 2019

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JENNER & BLOCK LLP

## **EXHIBIT B**

May 1, 2020

Hon. William H. Orrick  
San Francisco Courthouse  
450 Golden Gate Avenue  
San Francisco, CA 94102

Re: In re: Juul Labs, Inc. Marketing, Sales Practices & Products Liability Litigation, No.  
3:19-md-2913-WHO

Dear Judge Orrick:

This letter confirms my willingness to serve as Settlement Master in the above-captioned litigation (“the Litigation”). As you know, I am currently a partner and Firm Chair of Jenner & Block LLP. I have previously served in the U.S. Department of Justice in a variety of capacities, most recently as Associate Attorney General.

My law firm has reviewed its files and identified certain representations involving entities that are either parties to this Litigation or, to the best of my knowledge, financial affiliates of parties to the Litigation. I have not participated in any of those representations, identified here below:

- Jenner & Block does not represent JUUL or Altria.
- Jenner & Block represents Walgreen Co. in certain civil and commercial litigation unrelated to the Litigation.
- Jenner & Block represents Seven and i Holdings Co. Ltd., the parent company of 7-11, in certain commercial matters unrelated to the Litigation.
- Jenner & Block LLP represents Philip Morris International Management in one matter that is unrelated to the Litigation.

Finally, in the 1990s, while serving as Deputy Assistant Attorney General in the U.S. Department of Justice’s Civil Division, I was significantly involved in the consideration of comprehensive tobacco legislation and the Department’s lawsuit against tobacco companies. My role in that litigation concluded when I left the Department in January of 2001.

May 1, 2020

Page 2

Should I be selected, personnel involved in matters for these clients, or potential future matters involving parties to the Litigation, would be walled off from my work as Settlement Master. Likewise, I and any others assisting me would be walled off from those matters.

Sincerely,

A handwritten signature in cursive script, appearing to read "Thomas J. Perrelli".

Thomas J. Perrelli