

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

[Submitting Counsel on Signature Page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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

This Document Relates to:
ALL ACTIONS

Case No. 19-md-02913-WHO

**JOINT STIPULATION AND
~~PROPOSED~~ ORDER REGARDING
LETTER BRIEFS REGARDING
SELECTION OF PERSONAL INJURY
BELLWETHER TRIAL CANDIDATES**

1 The undersigned parties jointly stipulate and agree, subject to the Court’s approval, to a
2 modification of the case schedule and process for the submission of letter briefs regarding the
3 selection of personal injury bellwether trial candidates and state as follows:

4 WHEREAS, under the current schedule, the Parties are scheduled on June 10, 2021 to
5 “simultaneously submit under seal to the Court a letter not to exceed 12 pages identifying four cases
6 from the remaining nominee pool that they contend are representative bellwether trial cases, the
7 basis for their selections, and if appropriate, why the other cases are not representative or suitable
8 bellwether trial candidates. The Court will then select a total of four cases to be set for bellwether
9 trials, prioritizing for trial the order of the cases.” (ECF No. 938 at pdf pg. 2, ECF No. 1488 at pdf
10 pg. 8)

11 WHEREAS, counsel for Defendants and Plaintiffs believe the letter briefs may be more
12 streamlined and useful to the Court if the Parties exchange their proposed four candidates before
13 submitting the letter briefs. This will allow the Parties to focus on and more fully explore the
14 proposed candidates at issue in their submissions.

15 WHEREAS, counsel for Plaintiffs and Defendants agree that a modest modification of the
16 current scheduling order is appropriate.

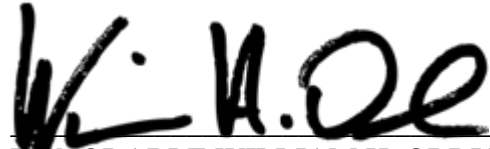
17 IT IS HEREBY STIPULATED AND AGREED by the Parties, through their counsel, that
18 the provisions of ECF Nos. 938 and 1488 with respect to letter briefing regarding personal injury
19 bellwether trial selection should be modified as follows:

- 20 • By June 9, 2021 at 5 pm pacific time, the Parties shall exchange the list of the four proposed
21 cases to be set for bellwether trials. The proposals will be subject to modification only to
22 the extent the Parties reach agreement or compromises on certain candidates after the
23 exchange.
- 24 • By June 14, 2021 at 5 pm pacific time, the Parties each shall file under seal a letter not to
25 exceed 12 pages identifying four cases from the remaining nominee pool that they contend
26 are representative bellwether trial cases, the basis for their selections, and if appropriate,
27 why the other proposed cases are not representative or suitable bellwether trial candidates.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PURSUANT TO STIPULATION, IT IS SO ORDERED:

Date: June 8, 2021

A handwritten signature in black ink, appearing to read "W. H. Orrick", written over a horizontal line.

HONORABLE WILLIAM H. ORRICK
United States District Judge

1 Dated: June 8, 2021

Respectfully submitted,

2
3 By: /s/ Renee D. Smith

By: /s/ Sarah R. London

4 Renee D. Smith (*pro hac vice*)
5 James F. Hurst (*pro hac vice*)
6 **KIRKLAND & ELLIS LLP**
7 300 N. LaSalle
Chicago, IL 60654
Telephone: (312) 862-2310

Sarah R. London
**LIEFF CABRASER HEIMANN &
BERNSTEIN**
275 Battery Street, Fl. 29
San Francisco, CA 94111
Telephone: (415) 956-1000

8
9 By: /s/ Peter A. Farrell

By: /s/ Dena C. Sharp

10 Peter A. Farrell (*pro hac vice*)
11 **KIRKLAND & ELLIS LLP**
12 1301 Pennsylvania Ave, N.W.
Washington, D.C. 20004
Telephone: (202) 389-5959

Dena C. Sharp
GIRARD SHARP LLP
601 California St., Suite 1400
San Francisco, CA 94108
Telephone: (415) 981-4800

13
14 By: /s/ Gregory P. Stone

By: /s/ Dean Kawamoto

15 Gregory P Stone, SBN 78329
16 Bethany W. Kristovich, SBN 241891
17 **MUNGER, TOLLES & OLSON LLP**
18 350 South Grand Avenue
Fiftieth Floor
19 Los Angeles, California 90071-3426
20 Telephone: (213) 683-9100

Dean Kawamoto
KELLER ROHRBACK L.L.P.
1201 Third Ave., Ste. 3200
Seattle, WA 98101
Telephone: (206) 623-1900

21 *Attorneys for Defendant Juul Labs, Inc.*

By: /s/ Ellen Relkin

22 Ellen Relkin
23 **WEITZ & LUXENBERG**
24 700 Broadway
25 New York, NY 10003
26 Telephone: (212) 558-5500

27 *Co-Lead Counsel for Plaintiffs*
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

By: /s/ John C. Massaro

**ARNOLD & PORTER KAYE SCHOLER
LLP**

John C. Massaro (admitted pro hac vice)
Jason A. Ross (admitted pro hac vice)
601 Massachusetts Ave., N.W.
Washington D.C. 20001
Telephone: (202) 942-5000
Facsimile: (202) 942-5999
john.massaro@arnoldporter.com
Jason.ross@arnoldporter.com

*Attorneys for Defendants Altria Group, Inc.
and Philip Morris USA Inc.*

By: /s/ Eugene Illovsky

BOERSCH & ILLOVSKY LLP

Eugene Illovsky
Martha Boersch
Matthew Dirkes
1611 Telegraph Ave., Suite 806
Oakland, CA 94612
Telephone: (415) 500-6643
eugene@boersch-illovsky.com
martha@boersch-illovsky.com
matt@boersch-illovsky.com

Attorneys for Defendant Adam Bowen

By: /s/ James Kramer

**ORRICK HERRINGTON &
SUTCLIFFE LLP**

James Kramer
Roland D. Chang
The Orrick Building
405 Howard Street
San Francisco, CA 94105-2669
Telephone: (415) 773-5700
jkramer@orrick.com
rdchang@orrick.com

Attorneys for Defendant James Monsees

By: /s/ Michael J. Guzman

**KELLOGG, HANSEN, TODD, FIGEL &
FREDERICK, P.L.L.C.**

Mark C. Hansen
Michael J. Guzman
David L. Schwartz
Sumner Square, 1615 M St., N.W., Suite 400
Washington, DC 20036
Telephone: (202) 326-7910
mguzman@kellogghansen.com

*Attorneys for Defendants Nicholas Pritzker,
Riaz Valani, and Hoyoung Huh*