

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

In the Matter of

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

and

**Juul Labs, Inc.
a corporation,**

Respondents.

Docket No. 9393

RESPONDENT JUUL LABS, INC.’S MOTION FOR LEAVE TO FILE OUT OF TIME

Respondent Juul Labs, Inc. (“JLI”) respectfully moves under 16 C.F.R. § 3.22 for leave to file less than one day out of time. Despite best efforts, due to a technical difficulty in loading its documents, JLI’s counsel filed JLI’s Motion for *In Camera* Review of Certain Trial Exhibits (the “In Camera Motion”) shortly after the May 7, 2021 deadline.

JLI’s In Camera Motion and supporting exhibits, including the attachment containing the documents at issue in the motion (“Exhibit 2”), were prepared prior to the expiration of the May 7, 2021 deadline, and JLI counsel anticipated filing on time. However, counsel encountered technical difficulties preparing Exhibit 2 for transmission to the Court and the parties. After trying unsuccessfully to resolve these technical difficulties, JLI filed its In Camera Motion without Exhibit 2 at 1:44am on May 8, 2021. Once the technical difficulties were resolved, JLI then refiled the In Camera Motion, this time with Exhibit 2, at 8:56am on May 8, 2021.

No prejudice to any party could have resulted from this short delay that occurred over a weekend. While the In Camera Motion is now on file, out of an abundance of caution, JLI respectfully requests a one day extension of the filing deadline, to May 8, 2021.

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JLI consulted Complaint Counsel about this Motion For Leave To File Out Of Time, and Complaint Counsel consented to the relief requested by JLI.

Dated: May 9, 2021

By: s/ David I. Gelfand

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Counsel for Juul Labs, Inc.

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**DECLARATION OF MATTHEW I. BACHRACK IN SUPPORT OF MOTION FOR
LEAVE TO FILE OUT OF TIME**

I, Matthew I. Bachrack, declare as follows:

1. I am a Senior Attorney at the law firm of Cleary Gottlieb Steen & Hamilton LLP, counsel to Respondent Juul Labs, Inc. (“JLI”). I am one of the counsel of record for JLI in the above-captioned matter. I oversaw the filing of JLI’s Motion for *In Camera* Review of Certain Trial Exhibits (the “In Camera Motion”).
2. JLI’s In Camera Motion and supporting exhibits, including the attachment containing the documents at issue in the motion (“Exhibit 2”), were prepared prior to the expiration of the May 7, 2021 deadline. I expected that the In Camera Motion would be filed prior to the deadline.
3. However, our team encountered technical difficulties preparing Exhibit 2 for transmission to the Court and the parties.
4. After trying unsuccessfully to resolve these technical difficulties, JLI filed its In Camera Motion without Exhibit 2 at 1:44am on May 8, 2021. This was less than two hours after the deadline for filing the In Camera Motion.

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5. The technical difficulties were resolved early in the morning of May 8, 2021, and JLI refiled the In Camera Motion with Exhibit 2 at 8:56am on May 8, less than nine hours after the filing deadline.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: May 9, 2021

A handwritten signature in blue ink, reading "Matthew I. Bachrack", is written over a horizontal line.

Matthew I. Bachrack

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[PROPOSED] ORDER

Upon consideration of Respondent Juul Labs, Inc.'s ("JLI") Motion For Leave To File Out Of Time, it is hereby

ORDERED, that JLI's motion is GRANTED, and it is further

ORDERED, that JLI had until May 8, 2021 to file its Motion for *In Camera* Review Of Certain Trial Exhibits.

Date: _____

D. Michael Chappell
Chief Administrative Law Judge

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RESPONDENT’S MEET AND CONFER STATEMENT

Respondent submits this statement in support of their Motion For Leave To File Out Of Time (the “Motion”). Respondent conferred with Complaint Counsel on May 8, 2021. Complaint Counsel consented to the relief requested in Respondent’s Motion.

Dated: May 9, 2021

By: s/ David I. Gelfand

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Counsel for Juul Labs, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on May 9, 2021, I caused a true and correct copy of the foregoing Motion For Leave To File Out Of Time to be filed electronically using the FTC's E-Filing System, which will send notification of such filing to:

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

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

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

James Abell
Dominic Vote
Peggy Bayer Femenella
Erik Herron
Joonsuk Lee
Meredith Levert
Kristian Rogers
David Morris
Michael Blevins
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Counsel for Respondent Juul Labs, Inc.