

# Exhibit A

1 [Submitting Counsel on Signature Page]  
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10 **IN THE UNITED STATES DISTRICT COURT**  
11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
12

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

CASE NO. 19-MD-02913-WHO

16 This Document Relates to: **Plaintiffs'**  
17 **Amended Consolidated Class Action**  
18 **Complaint (ECF Doc. No. 679)**

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20 **PLAINTIFFS' AND ABSENT CLASS MEMBERS' OBJECTIONS AND RESPONSES**  
21 **TO JUUL LABS, INC.'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS**  
22 **TO ABSENT CLASS MEMBERS**  
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28 **PLAINTIFFS' AND ABSENT CLASS MEMBERS' OBJECTIONS AND RESPONSES**  
**TO JUUL LABS, INC.'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO**  
**ABSENT CLASS MEMBERS**  
**CASE NO. 19-MD-02913-WHO**

1 Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure and Local Civil Rule 34-1  
2 of the United States District Court for the Northern District of California, Plaintiffs<sup>1</sup> and certain absent  
3 class members hereby provide objections and responses to JUUL Labs, Inc.’s (“JLI’s”) First Set of  
4 Requests for Production of Documents propounded on individuals who filed class actions but were  
5 ultimately not included as named plaintiffs in the Amended Consolidated Class Action Complaint (ECF  
6 Doc. No. 679) (“Absent Class Members”)<sup>2</sup>, as set forth below.

7 **PRELIMINARY STATEMENT OF GENERAL OBJECTIONS,**  
8 **RESERVATIONS AND CLARIFICATIONS**

9 1. The failure of Plaintiffs and Absent Class Members to object on a particular ground to a  
10 specific Request should in no way be construed to be a waiver of Plaintiffs’ or Absent Class Members’  
11 right to object on additional grounds or to supplement these objections and responses at a later time after  
12 further investigation and discovery and/or in response to clarifications or interpretations provided by JLI.

13 2. Plaintiffs and Absent Class Members object to the Requests to the extent they seek the  
14 creation of documents or data compilations that do not exist or are not ordinarily kept in the normal  
15 course of business.

16 3. Plaintiffs and Absent Class Members object to the Requests to the extent they require  
17 Plaintiffs or Absent Class Members to restore or search data sources that are not reasonably accessible.

18 4. Plaintiffs and Absent Class Members object to the Requests to the extent they seek to  
19 require Plaintiffs or Absent Class Members to make any inquiry beyond that required by the Federal  
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23 <sup>1</sup> The term “Plaintiffs” as used in the objections and responses herein, refers to the named plaintiffs in the Amended  
Consolidated Class Action Complaint (ECF Doc. No. 679).

24 <sup>2</sup> The term “Absent Class Members,” for purposes of the objections and responses herein, refers to Anastasia Quercia, Ethan  
25 Cooper, Giovanni Ferraro, J.G. (individually and on behalf of C.G.), Elizabeth Ann Swearingen, John Thomas Via Peavy,  
26 Kaytlin McKnight, Kewmarse Imani, M.D. (individually and on behalf of M.E.D.), Matthew Pedecine, David Lechtzin, R.E.  
27 (individually and on behalf of P.K.E.), Rebecca Ledbetter, Sabrina Zampa (individually and on behalf of both J.M. and  
J.M.), Sebastian Oberhauser, Sebastian Soulas, Shawn Hochhauser, William O’Reilly, Andrew Tekulve, Morgan Wright,  
Christine Langlois (individually and on behalf of E.L.), Lisa Yore (individually and on behalf of B.Y.), Erin Nessmith, Jared  
Nessmith, Matthew Murphy, Cade Beuparlant, Marianne Savage (on behalf of M.), Sean E. Doker, and Jacob Harrison.

1 Rules of Civil Procedure; or of persons over whom Plaintiffs and Absent Class Members have no control;  
2 or to obtain information or documents from persons or entities that are not parties to this action.

3 5. To the extent a Request does not seek responsive information for a defined time period,  
4 Plaintiffs and Absent Class Members will interpret that Request as asking for responsive information for  
5 a reasonable time period.

6 6. Plaintiffs and Absent Class Members reserve the right to supplement, modify, or amend  
7 these objections and responses in accordance with the provisions of the Federal Rules of Civil Procedure  
8 and decisions relevant to this case.

9 7. Plaintiffs and Absent Class Members object to the Requests in their entirety because they  
10 seek discovery from Absent Class Members – individuals who are part of the putative class but are not  
11 named plaintiffs in the Amended Consolidated Class Action Complaint (ECF Doc. No. 679). Discovery  
12 of members of the proposed class is permissible only with leave of the Court and with a showing of  
13 particularized need.

14 8. Plaintiffs and Absent Class Members object to the Requests in their entirety since  
15 discovery of Absent Class Members defeats the purpose of streamlining the Class Action litigation to  
16 focus on preparing for the bellwether proceedings.

17 **OBJECTIONS TO DEFINITIONS**

18 1. Plaintiffs and Absent Class Members object to JLI's definition of "Action" as vague and  
19 ambiguous because it does not reference the operative complaint in Plaintiffs' Class Action litigation.  
20 For purposes of responding to these Requests, Plaintiffs and Absent Class Members will interpret  
21 "Action" to refer to the claims and allegations set forth in Plaintiffs' Amended Consolidated Class Action  
22 Complaint (ECF Doc. No. 679). Plaintiffs and Absent Class Members understand this to mean that to  
23 the extent JLI's Requests refer to "Action" they refer to Plaintiffs' claim for economic damages, as set  
24 forth in Plaintiffs' Amended Consolidated Class Action Complaint. Plaintiffs and Absent Class Members  
25 further understand that to the extent that either Plaintiffs or Absent Class Members have asserted any  
26 personal injury claims against JLI or other Defendants, the term "Action" does not refer to those personal  
27 injury claims.



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3 **DOCUMENT REQUEST NO. 1:** All Documents and Information referenced in Your Complaint or  
4 that You relied upon in drafting Your Complaint.

5 Response to Document Request No. 1:

6 Plaintiffs and Absent Class Members object to this Request as improperly seeking discovery from  
7 Absent Class Members – i.e., discovery from individuals who are not named plaintiffs in the Amended  
8 Consolidated Class Action Complaint (ECF Doc. No. 679). Discovery of members of the proposed class  
9 is permissible only with leave of the Court and with a showing of particularized need. Furthermore,  
10 discovery of Absent Class Members defeats the purpose of streamlining the Class Action litigation to  
11 focus on preparing for the bellwether proceedings. Plaintiffs and Absent Class Members also object to  
12 this Request as prematurely seeking documents to support Plaintiffs’ contentions without the full benefit  
13 of discovery in this matter. Plaintiffs and Absent Class Members further object to this Request to the  
14 extent that it calls for the premature production of expert reports, analysis, opinions or testimony.  
15 Plaintiffs and Absent Class Members further object to the extent that this Request calls for the production  
16 of documents that are protected from disclosure by the attorney-client privilege, the attorney work-  
17 product doctrine, the common interest privilege, or any other applicable privilege or confidentiality  
18 doctrine. Plaintiffs and Absent Class Members further object that this Request is unduly burdensome to  
19 the extent it seeks information that is already in the possession, custody, or control of, or readily  
20 accessible to JLI, including, but not limited to, information in the public record that is equally accessible  
21 to all parties.

22 Absent Class Members will withhold otherwise responsive documents on the basis of these  
23 objections.

24 **DOCUMENT REQUEST NO. 2:** All Documents Relating to Your claims against JLI or any other  
25 Defendant in this Action as alleged in the Complaint.

26 Response to Document Request No. 2:

1 Plaintiffs and Absent Class Members object to this Request as improperly seeking discovery from  
2 Absent Class Members – i.e., discovery from individuals who are not named plaintiffs in the Amended  
3 Consolidated Class Action Complaint (ECF Doc. No. 679). Discovery of members of the proposed class  
4 is permissible only with leave of the Court and with a showing of particularized need. Furthermore,  
5 discovery of Absent Class Members defeats the purpose of streamlining the Class Action litigation to  
6 focus on preparing for the bellwether proceedings. Plaintiffs and Absent Class Members also object to  
7 this Request as prematurely seeking documents to support Plaintiffs’ contentions without the full benefit  
8 of discovery in this matter. Plaintiffs and Absent Class Members further object to this Request to the  
9 extent that it calls for the premature production of expert reports, analysis, opinions or testimony.  
10 Plaintiffs and Absent Class Members further object to the extent that this Request calls for the production  
11 of documents that are protected from disclosure by the attorney-client privilege, the attorney work-  
12 product doctrine, the common interest privilege, or any other applicable privilege or confidentiality  
13 doctrine. Plaintiffs and Absent Class Members further object that this Request is unduly burdensome to  
14 the extent it seeks information that is already in the possession, custody, or control of, or readily  
15 accessible to JLI, including, but not limited to, information in the public record that is equally accessible  
16 to all parties.

17 Absent Class Members will withhold otherwise responsive documents on the basis of these  
18 objections.

19 **DOCUMENT REQUEST NO. 3:** All Documents supporting Your claim for damages or injuries as  
20 a result of the actions alleged in Your Complaint.

21 **Response to Document Request No. 3:**

22 Plaintiffs and Absent Class Members object to this Request as improperly seeking discovery from  
23 Absent Class Members – i.e., discovery from individuals who are not named plaintiffs in the Amended  
24 Consolidated Class Action Complaint (ECF Doc. No. 679). Discovery of members of the proposed class  
25 is permissible only with leave of the Court and with a showing of particularized need. Furthermore,  
26 discovery of Absent Class Members defeats the purpose of streamlining the Class Action litigation to  
27 focus on preparing for the bellwether proceedings. Plaintiffs and Absent Class Members also object to

1 this Request as prematurely seeking documents to support Plaintiffs’ contentions without the full benefit  
2 of discovery in this matter. Plaintiffs and Absent Class Members further object to this Request to the  
3 extent that it calls for the premature production of expert reports, analysis, opinions or testimony.  
4 Plaintiffs and Absent Class Members further object to the extent that this Request calls for the production  
5 of documents that are protected from disclosure by the attorney-client privilege, the attorney work-  
6 product doctrine, the common interest privilege, or any other applicable privilege or confidentiality  
7 doctrine. Plaintiffs and Absent Class Members further object that this Request is unduly burdensome to  
8 the extent it seeks information that is already in the possession, custody, or control of, or readily  
9 accessible to JLI.

10 Absent Class Members will withhold otherwise responsive documents on the basis of these  
11 objections.

12 **DOCUMENT REQUEST NO. 4:** All Documents or Communications sent to or received from any  
13 Person other than Your attorneys Relating to, or in preparation for, this Action.

14 Response to Document Request No. 4:

15 Plaintiffs and Absent Class Members object to this Request as improperly seeking discovery from  
16 Absent Class Members – i.e., discovery from individuals who are not named plaintiffs in the Amended  
17 Consolidated Class Action Complaint (ECF Doc. No. 679). Discovery of members of the proposed class  
18 is permissible only with leave of the Court and with a showing of particularized need. Furthermore,  
19 discovery of Absent Class Members defeats the purpose of streamlining the Class Action litigation to  
20 focus on preparing for the bellwether proceedings. Plaintiffs and Absent Class Members also object to  
21 the extent that this Request calls for the production of Documents or Communications that Relate to or  
22 were made in preparation for Plaintiffs’ Class Action and were sent to or received from third parties hired  
23 by or otherwise affiliated with Plaintiffs’ attorneys. Such Documents and Communications are protected  
24 from disclosure by privilege and confidentiality doctrines, including the attorney-client privilege and the  
25 attorney work-product doctrine. Plaintiffs and Absent Class Members further object that this Request is  
26 unduly burdensome to the extent it seeks information that is already in the possession, custody, or control  
27 of, or readily accessible to JLI.



1 Absent Class Members will withhold otherwise responsive documents on the basis of these  
2 objections.

3 **DOCUMENT REQUEST NO. 5:** All Documents Concerning any Communications by You or on  
4 Your behalf with JLI, any contractors, consultants, agents or representatives of JLI, or any former JLI  
5 employees.

5 Response to Document Request No. 5:

6 Plaintiffs and Absent Class Members object to this Request as improperly seeking discovery from  
7 Absent Class Members – i.e., discovery from individuals who are not named plaintiffs in the Amended  
8 Consolidated Class Action Complaint (ECF Doc. No. 679). Discovery of members of the proposed class  
9 is permissible only with leave of the Court and with a showing of particularized need. Furthermore,  
10 discovery of Absent Class Members defeats the purpose of streamlining the Class Action litigation to  
11 focus on preparing for the bellwether proceedings. Plaintiffs and Absent Class Members also object that  
12 this Request’s use of the phrases “All Documents” and “any Communications” are, in this instance,  
13 overbroad in that they encompass Documents that are irrelevant to the claims or defenses of any of the  
14 Parties in the Class Action and fall outside the scope of Fed. R. Civ. P. 26(b)(1). Plaintiffs’ Amended  
15 Consolidated Class Action Complaint claims economic damages related to JUUL Product marketing and  
16 Defendants’ representations regarding JUUL Products, and Plaintiffs’ consequent purchase of JUUL  
17 Products. Documents and information unrelated to Plaintiffs’ purchase of JUUL Products (*e.g.*,  
18 Communications regarding JUUL account access issues), Defendants’ marketing of and representations  
19 regarding JUUL Products, and the impact that Defendants’ marketing and representations had on  
20 Plaintiffs’ decision to purchase JUUL Products are therefore irrelevant to any claims or defenses at issue  
21 in this Class Action. Plaintiffs and Absent Class Members further object to this Request to the extent that  
22 the phrase “contractors, consultants, agents ... of JLI” is vague and ambiguous. It is unclear who or what  
23 entities JLI considers to be contractors, consultants, or agents of JLI, or how Plaintiffs or Absent Class  
24 Members would go about identifying such individuals or entities within their Communications. Plaintiffs  
25 are willing to meet and confer with Defendants regarding this Request and will supplement this response  
26 once the term “agents” has been clarified. Plaintiffs and Absent Class Members object that this Request  
27

1 is unduly burdensome to the extent it seeks Documents or information that are already in the possession,  
2 custody, or control of, or readily accessible to JLI.

3 Absent Class Members will withhold otherwise responsive documents on the basis of these  
4 objections.

5 **DOCUMENT REQUEST NO. 6:** All Documents Concerning any Communications by You or on  
6 Your behalf with any retailers, wholesalers, or distributors of JLI.

7 Response to Document Request No. 6:

8 Plaintiffs and Absent Class Members object to this Request as improperly seeking discovery from  
9 Absent Class Members – i.e., discovery from individuals who are not named plaintiffs in the Amended  
10 Consolidated Class Action Complaint (ECF Doc. No. 679). Discovery of members of the proposed class  
11 is permissible only with leave of the Court and with a showing of particularized need. Furthermore,  
12 discovery of Absent Class Members defeats the purpose of streamlining the Class Action litigation to  
13 focus on preparing for the bellwether proceedings. Plaintiffs and Absent Class Members also object that  
14 this Request’s use of the phrases “All Documents” and “any Communications” are, in this instance,  
15 overbroad in that they encompass Documents that are irrelevant to the claims or defenses of any of the  
16 Parties in the Class Action and fall outside the scope of Fed. R. Civ. P. 26(b)(1). Plaintiffs’ Amended  
17 Consolidated Class Action Complaint claims economic damages related to JUUL Product marketing and  
18 Defendants’ representations regarding JUUL Products, and Plaintiffs’ consequent purchase of JUUL  
19 Products. Documents and information unrelated to Plaintiffs’ purchase of JUUL Products (*e.g.*,  
20 communications with JLI retailers regarding the purchase of food items), Defendants’ marketing of and  
21 representations regarding JUUL Products, and the impact that Defendants’ marketing and representations  
22 had on Plaintiffs’ decision to purchase JUUL Products are therefore irrelevant to any claims or defenses  
23 at issue in this Class Action.

24 Absent Class Members will withhold otherwise responsive documents on the basis of these  
25 objections.

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3 **DOCUMENT REQUEST NO. 7:** All Documents that refer to, discuss, or otherwise mention  
4 Communications between You and any other ENDS Product manufacturer or Tobacco Product  
5 manufacturer other than JLI.

6 **Response to Document Request No. 7:**

7 Plaintiffs and Absent Class Members object to this Request as improperly seeking discovery from  
8 Absent Class Members – i.e., discovery from individuals who are not named plaintiffs in the Amended  
9 Consolidated Class Action Complaint (ECF Doc. No. 679). Discovery of members of the proposed class  
10 is permissible only with leave of the Court and with a showing of particularized need. Furthermore,  
11 discovery of Absent Class Members defeats the purpose of streamlining the Class Action litigation to  
12 focus on preparing for the bellwether proceedings. Plaintiffs and Absent Class Members also object that  
13 this Request’s use of the phrase “All Documents” is, in this instance, overbroad in that it encompasses  
14 documents that are irrelevant to the claims or defenses of any of the Parties in the Class Action and falls  
15 outside the scope of Fed. R. Civ. P. 26(b)(1). Plaintiffs’ Amended Consolidated Class Action Complaint  
16 claims economic damages related to JUUL Product marketing and Defendants’ representations regarding  
17 JUUL Products, and Plaintiffs’ consequent purchase of JUUL Products. Documents and information  
18 unrelated to Plaintiffs’ purchase of JUUL Products, Defendants’ marketing of and representations  
19 regarding JUUL Products, or the impact that Defendants’ marketing and representations had on Plaintiffs’  
20 decision to purchase JUUL Products are therefore irrelevant to any claims or defenses at issue in this  
21 Class Action.

22 Absent Class Members will withhold otherwise responsive documents on the basis of these  
23 objections.

24 **DOCUMENT REQUEST NO. 8:** All Documents Concerning Your purchase or use of JUUL  
25 Products, including emails, invoices, receipts, bank, credit card, or debit card statements, bills,  
26 cancelled checks, or proofs of purchase for JUUL Products.

27 **Response to Document Request No. 8:**

28 Plaintiffs and Absent Class Members object to this Request as improperly seeking discovery from  
Absent Class Members – i.e., discovery from individuals who are not named plaintiffs in the Amended

1 Consolidated Class Action Complaint (ECF Doc. No. 679). Discovery of members of the proposed class  
2 is permissible only with leave of the Court and with a showing of particularized need. Furthermore,  
3 discovery of Absent Class Members defeats the purpose of streamlining the Class Action litigation to  
4 focus on preparing for the bellwether proceedings. Plaintiffs and Absent Class Members also object that  
5 this Request’s use of the phrase “use” is, in this instance, overbroad in that it encompasses a request for  
6 Documents that are irrelevant to the claims or defenses of any of the Parties in the Class Action litigation  
7 and falls outside the scope of Fed. R. Civ. P. 26(b)(1). Plaintiffs’ Amended Consolidated Class Action  
8 Complaint claims economic damages related to JUUL Product marketing and Defendants’  
9 representations regarding JUUL Products, and Plaintiffs’ consequent purchase of JUUL Products.  
10 Information related solely to an individual’s use of JUUL Products – without any reference to that  
11 individual’s purchase of JUUL Products – is therefore irrelevant to Plaintiffs’ Class Action claims or any  
12 defense to those claims. Plaintiffs and Absent Class Members further object to this Request to the extent  
13 it calls for the production of information that is not relevant to the claims or defenses of any of the Parties  
14 in the Class Action but is contained in otherwise responsive documents. Plaintiffs and Absent Class  
15 Members further object to the extent this Request seeks information that falls within the bounds of Absent  
16 Class Members’ legitimate expectation of privacy, or is otherwise of a highly personal nature, not of  
17 legitimate concern to the public, and/or protected under federal or state laws. An individual’s credit card  
18 statements or other receipts, for example, may reflect that individual’s credit card account number,  
19 purchase transactions that are unrelated to JUUL Products, or other personal information that is irrelevant  
20 to the claims or defenses at issue in this Class Action. In the event that documents are produced in  
21 response to this Request, Absent Class Members will either designate such documents as  
22 CONFIDENTIAL, pursuant to the Court’s Protective Order (ECF Doc. No. 308), and/or redact otherwise  
23 responsive documents accordingly.

24 Absent Class Members will withhold otherwise responsive documents on the basis of these  
25 objections.

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3 **DOCUMENT REQUEST NO. 9:** All Documents Concerning any actual or potential benefits of  
4 JUUL Products or ENDS, including the benefits of JUUL Products or ENDS as compared to other  
5 Tobacco Products, including any research, investigation, or other efforts to understand these benefits,  
6 and any Communications about these topics.

6 Response to Document Request No. 9:

7 Plaintiffs and Absent Class Members object to this Request as improperly seeking discovery from  
8 Absent Class Members – i.e., discovery from individuals who are not named plaintiffs in the Amended  
9 Consolidated Class Action Complaint (ECF Doc. No. 679). Discovery of members of the proposed class  
10 is permissible only with leave of the Court and with a showing of particularized need. Furthermore,  
11 discovery of Absent Class Members defeats the purpose of streamlining the Class Action litigation to  
12 focus on preparing for the bellwether proceedings. Plaintiffs and Absent Class Members also object that  
13 this Request is unduly burdensome to the extent it seeks information that is already in the possession,  
14 custody, or control of, or readily accessible to JLI.

15 Absent Class Members will withhold otherwise responsive documents on the basis of these  
16 objections.

17 **DOCUMENT REQUEST NO. 10:** All Documents that discuss, mention, set forth, refer to, or relate  
18 to Communications that You have had, made, or received regarding the health effects of smoking  
19 cigarettes.

19 Response to Document Request No. 10:

20 Plaintiffs and Absent Class Members object to this Request as improperly seeking discovery from  
21 Absent Class Members – i.e., discovery from individuals who are not named plaintiffs in the Amended  
22 Consolidated Class Action Complaint (ECF Doc. No. 679). Discovery of members of the proposed class  
23 is permissible only with leave of the Court and with a showing of particularized need. Furthermore,  
24 discovery of Absent Class Members defeats the purpose of streamlining the Class Action litigation to  
25 focus on preparing for the bellwether proceedings. Plaintiffs and Absent Class Members also object to  
26 the extent this Request seeks documents and information that fall within the bounds of Absent Class  
27 Members' legitimate expectation of privacy, or is otherwise of a highly personal nature, not of legitimate

1 concern to the public, and/or protected under federal or state laws. For example, the Request may  
2 encompass Absent Class Members' medical records or similar personal records. In the event that  
3 documents are produced in response to this Request, Absent Class Members will either designate such  
4 documents as CONFIDENTIAL, pursuant to the Court's Protective Order (ECF Doc. No. 308), and/or  
5 redact otherwise responsive documents accordingly.

6 Absent Class Members will withhold otherwise responsive documents on the basis of these  
7 objections.

8 **DOCUMENT REQUEST NO. 11:** All Documents that discuss, mention, set forth, refer to, or relate  
9 to Communications that You have had, made, or received regarding the health effects of using ENDS  
10 products, including JUUL Products.

11 Response to Document Request No. 11:

12 Plaintiffs and Absent Class Members object to this Request as improperly seeking discovery from  
13 Absent Class Members – i.e., discovery from individuals who are not named plaintiffs in the Amended  
14 Consolidated Class Action Complaint (ECF Doc. No. 679). Discovery of members of the proposed class  
15 is permissible only with leave of the Court and with a showing of particularized need. Furthermore,  
16 discovery of Absent Class Members defeats the purpose of streamlining the Class Action litigation to  
17 focus on preparing for the bellwether proceedings. Plaintiffs and Absent Class Members also object to  
18 the extent this Request seeks documents and information that fall within the bounds of Absent Class  
19 Members' legitimate expectation of privacy, or is otherwise of a highly personal nature, not of legitimate  
20 concern to the public, and/or protected under federal or state laws. In the event that documents are  
21 produced in response to this Request, Absent Class Members will either designate such documents as  
22 CONFIDENTIAL, pursuant to the Court's Protective Order (ECF Doc. No. 308), and/or redact otherwise  
23 responsive documents accordingly.

24 Absent Class Members will withhold otherwise responsive documents on the basis of these  
25 objections.  
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3 **DOCUMENT REQUEST NO. 12:** All Documents that discuss, mention, set forth, refer to, or relate  
4 to Communications that You have had, made, or received regarding the addictiveness of nicotine,  
5 including but not limited to nicotine in combustible cigarettes and ENDS products.

6 **Response to Document Request No. 12:**

7 Plaintiffs and Absent Class Members object to this Request as improperly seeking discovery from  
8 Absent Class Members – i.e., discovery from individuals who are not named plaintiffs in the Amended  
9 Consolidated Class Action Complaint (ECF Doc. No. 679). Discovery of members of the proposed class  
10 is permissible only with leave of the Court and with a showing of particularized need. Furthermore,  
11 discovery of Absent Class Members defeats the purpose of streamlining the Class Action litigation to  
12 focus on preparing for the bellwether proceedings. Plaintiffs and Absent Class Members also object to  
13 the extent this Request seeks documents and information that fall within the bounds of Absent Class  
14 Members’ legitimate expectation of privacy, or is otherwise of a highly personal nature, not of legitimate  
15 concern to the public, and/or protected under federal or state laws. In the event that documents are  
16 produced in response to this Request, Absent Class Members will either designate such documents as  
17 CONFIDENTIAL, pursuant to the Court’s Protective Order (ECF Doc. No. 308), and/or redact otherwise  
18 responsive documents accordingly.

19 Absent Class Members will withhold otherwise responsive documents on the basis of these  
20 objections.

21 **DOCUMENT REQUEST NO. 13:** All Documents that discuss, mention, set forth, refer to, or relate  
22 to Communications that You have had, made, or received regarding any efforts You have made to quit  
23 smoking combustible cigarettes.

24 **Response to Document Request No. 13:**

25 Plaintiffs and Absent Class Members object to this Request as improperly seeking discovery from  
26 Absent Class Members – i.e., discovery from individuals who are not named plaintiffs in the Amended  
27 Consolidated Class Action Complaint (ECF Doc. No. 679). Discovery of members of the proposed class



1 is permissible only with leave of the Court and with a showing of particularized need. Furthermore,  
2 discovery of Absent Class Members defeats the purpose of streamlining the Class Action litigation to  
3 focus on preparing for the bellwether proceedings. Plaintiffs and Absent Class Members also object that  
4 this Request seeks documents that are irrelevant to the claims or defenses of any of the Parties in the  
5 Class Action and falls outside the scope of Fed. R. Civ. P. 26(b)(1). Plaintiffs' Amended Consolidated  
6 Class Action Complaint claims economic damages related to JUUL Product marketing and Defendants'  
7 representations regarding JUUL Products, and Plaintiffs' consequent purchase of JUUL Products.  
8 Documents regarding any efforts to quit smoking are unrelated to Defendants' marketing of and  
9 representations regarding JUUL Products and the impact that Defendants' marketing and representations  
10 had on Plaintiffs' decision to purchase JUUL Products; they are therefore irrelevant to any claims or  
11 defenses at issue in this Class Action. Plaintiffs and Absent Class Members further object to the extent  
12 this Request seeks documents and information that fall within the bounds of Absent Class Members'  
13 legitimate expectation of privacy, or is otherwise of a highly personal nature, not of legitimate concern  
14 to the public, and/or protected under federal or state laws. For example, the Request may encompass  
15 Absent Class Members' medical records or similar personal records. In the event that documents are  
16 produced in response to this Request, Absent Class Members will either designate such documents as  
17 CONFIDENTIAL, pursuant to the Court's Protective Order (ECF Doc. No. 308), and/or redact otherwise  
18 responsive documents accordingly.

19 Absent Class Members will withhold otherwise responsive documents on the basis of these  
20 objections.

21 **DOCUMENT REQUEST NO. 14:** All Documents that discuss, mention, set forth, refer to, or relate  
22 to Communications that You have had, made, or received regarding any efforts You have made to quit  
23 using ENDS products, including JUUL Products.

24 **Response to Document Request No. 14:**

25 Plaintiffs and Absent Class Members object to this Request as improperly seeking discovery from  
26 Absent Class Members – i.e., discovery from individuals who are not named plaintiffs in the Amended  
27 Consolidated Class Action Complaint (ECF Doc. No. 679). Discovery of members of the proposed class



1 is permissible only with leave of the Court and with a showing of particularized need. Furthermore,  
2 discovery of Absent Class Members defeats the purpose of streamlining the Class Action litigation to  
3 focus on preparing for the bellwether proceedings. Plaintiffs and Absent Class Members also object that  
4 this Request seeks documents that are irrelevant to the claims or defenses of any of the Parties in the  
5 Class Action and falls outside the scope of Fed. R. Civ. P. 26(b)(1). Plaintiffs' Amended Consolidated  
6 Class Action Complaint claims economic damages related to JUUL Product marketing and Defendants'  
7 representations regarding JUUL Products and Plaintiffs' consequent purchase of JUUL Products.  
8 Documents regarding any efforts to quit using JUUL Products or any other ENDS products are unrelated  
9 to Defendants' marketing of and representations regarding JUUL Products and the impact that  
10 Defendants' marketing and representations had on Plaintiffs' decision to purchase JUUL Products; they  
11 are therefore irrelevant to any claims or defenses at issue in this Class Action. Plaintiffs and Absent Class  
12 Members further object to the extent this Request seeks documents and information that fall within the  
13 bounds of Absent Class Members' legitimate expectation of privacy, or is otherwise of a highly personal  
14 nature, not of legitimate concern to the public, and/or protected under federal or state laws. For example,  
15 the Request may encompass Absent Class Members' medical records or similar personal records. In the  
16 event that documents are produced in response to this Request, Absent Class Members will either  
17 designate such documents as CONFIDENTIAL, pursuant to the Court's Protective Order (ECF Doc. No.  
18 308), and/or redact otherwise responsive documents accordingly.

19 Absent Class Members will withhold otherwise responsive documents on the basis of these  
20 objections.

21 **DOCUMENT REQUEST NO. 15:** All videos, whether surveillance or otherwise, or audio or voice  
22 recordings, that You obtained or undertook or possess regarding JLI or JUUL Products.

23 **Response to Document Request No. 15:**

24 Plaintiffs and Absent Class Members object to this Request as improperly seeking discovery from  
25 Absent Class Members – i.e., discovery from individuals who are not named plaintiffs in the Amended  
26 Consolidated Class Action Complaint (ECF Doc. No. 679). Discovery of members of the proposed class  
27 is permissible only with leave of the Court and with a showing of particularized need. Furthermore,

1 discovery of Absent Class Members defeats the purpose of streamlining the Class Action litigation to  
2 focus on preparing for the bellwether proceedings. Plaintiffs and Absent Class Members also object to  
3 the extent this Request seeks videos, audio or voice recordings that are unrelated to Defendants'  
4 marketing of, or representations regarding, JUUL Products. Such videos, audio or voice recordings are  
5 irrelevant to the claims or defenses of any of the Parties in the Class Action and fall outside the scope of  
6 Fed. R. Civ. P. 26(b)(1). Plaintiffs' Amended Consolidated Class Action Complaint claims economic  
7 damages related to JUUL Product marketing and Defendants' representations regarding JUUL Products,  
8 and Plaintiffs' consequent purchase of JUUL Products. Videos, audio or voice recordings that are  
9 unrelated to JUUL marketing materials or Plaintiffs' JUUL Products purchase are therefore irrelevant to  
10 Plaintiffs' Class Action claims. Plaintiffs and Absent Class Members further object to this Request to  
11 the extent that the term "surveillance" is vague and ambiguous. Assuming that JLI intends for the term  
12 "surveillance" to have the primary definition given by the Merriam-Webster Dictionary, *i.e.*, "close watch  
13 kept over someone or something (as by a detective)," Plaintiffs and Absent Class Members submit the  
14 response below. Plaintiffs and Absent Class Members further object to the extent this Request seeks  
15 documents and information that fall within the bounds of Absent Class Members' legitimate expectation  
16 of privacy, or is otherwise of a highly personal nature, not of legitimate concern to the public, and/or  
17 protected under federal or state laws. In the event that documents are produced in response to this  
18 Request, Absent Class Members will either designate such documents as CONFIDENTIAL, pursuant to  
19 the Court's Protective Order (ECF Doc. No. 308), and/or redact otherwise responsive documents  
20 accordingly.

21 Absent Class Members will withhold otherwise responsive documents on the basis of these  
22 objections.

23 **DOCUMENT REQUEST NO. 16:** All photographs, images, videos, negatives, films, gifs, slides,  
24 and/or other visual or audio recordings, including but not limited to images, videos, or recordings  
25 posted, saved, or archived on personal or third-party websites, social media, cellular phones, cloud  
26 platforms, or hard drives, depicting You holding or using an ENDS product, package, or carton,  
27 including any JUUL Products, packages, or cartons.

1 Response to Document Request No. 16:

2 Plaintiffs and Absent Class Members object to this Request as improperly seeking discovery from  
 3 Absent Class Members – i.e., discovery from individuals who are not named plaintiffs in the Amended  
 4 Consolidated Class Action Complaint (ECF Doc. No. 679). Discovery of members of the proposed class  
 5 is permissible only with leave of the Court and with a showing of particularized need. Furthermore,  
 6 discovery of Absent Class Members defeats the purpose of streamlining the Class Action litigation to  
 7 focus on preparing for the bellwether proceedings. Plaintiffs and Absent Class Members also object that  
 8 this Request seeks documents that are irrelevant to the claims or defenses of any of the Parties in the  
 9 Class Action and falls outside the scope of Fed. R. Civ. P. 26(b)(1). Plaintiffs’ Amended Consolidated  
 10 Class Action Complaint claims economic damages related to JUUL Product marketing and Defendants’  
 11 representations regarding JUUL Products and Plaintiffs’ consequent purchase of JUUL Products. Visual  
 12 or audio recordings depicting an Absent Class Member “holding or using an ENDS product, package, or  
 13 carton,” whether a JUUL Product or otherwise, are unrelated to Defendants’ marketing of and  
 14 representations regarding JUUL Products and the impact that Defendants’ marketing and representations  
 15 had on Plaintiffs’ decision to purchase JUUL Products; they are therefore irrelevant to any claims or  
 16 defenses at issue in this Class Action. Plaintiffs and Absent Class Members further object to the extent  
 17 this Request seeks documents and information that fall within the bounds of Absent Class Members’  
 18 legitimate expectation of privacy, or is otherwise of a highly personal nature, not of legitimate concern  
 19 to the public, and/or protected under federal or state laws. This includes, but is not limited to, the extent  
 20 that the Request seeks visual or audio recordings that are not posted to public forums.

21 Absent Class Members will withhold otherwise responsive documents on the basis of these  
 22 objections.

23 **DOCUMENT REQUEST NO. 17:** All photographs, images, videos, negatives, films, gifs, slides,  
 24 and/or other visual or audio recordings, including but not limited to images, videos, or recordings  
 25 posted, saved, or archived on personal or third-party websites, social media, cellular phones, cloud  
 26 platforms, or hard drives, in which You refer to or discuss ENDS products, combustible cigarettes,  
 smoking, or vaping.

27 Response to Document Request No. 17:

1 Plaintiffs and Absent Class Members object to this Request as improperly seeking discovery from  
2 Absent Class Members – i.e., discovery from individuals who are not named plaintiffs in the Amended  
3 Consolidated Class Action Complaint (ECF Doc. No. 679). Discovery of members of the proposed class  
4 is permissible only with leave of the Court and with a showing of particularized need. Furthermore,  
5 discovery of Absent Class Members defeats the purpose of streamlining the Class Action litigation to  
6 focus on preparing for the bellwether proceedings. Plaintiffs and Absent Class Members also object that  
7 this Request seeks documents that are irrelevant to the claims or defenses of any of the Parties in the  
8 Class Action and falls outside the scope of Fed. R. Civ. P. 26(b)(1). Plaintiffs’ Amended Consolidated  
9 Class Action Complaint claims economic damages related to JUUL Product marketing and Defendants’  
10 representations regarding JUUL Products and Plaintiffs’ consequent purchase of JUUL Products. Any  
11 visual or audio recordings in which an Absent Class Member discusses ENDS products (whether a JUUL  
12 Product or otherwise), combustible cigarettes, smoking, or vaping are unrelated to Defendants’ marketing  
13 of and representations regarding JUUL Products and the impact that Defendants’ marketing and  
14 representations had on Plaintiffs’ decision to purchase JUUL Products; they are therefore irrelevant to  
15 any claims or defenses at issue in this Class Action. Plaintiffs and Absent Class Members further object  
16 to the extent this Request seeks documents and information that fall within the bounds of Absent Class  
17 Members’ legitimate expectation of privacy, or is otherwise of a highly personal nature, not of legitimate  
18 concern to the public, and/or protected under federal or state laws. This includes, but is not limited to,  
19 the extent that the Request seeks visual or audio recordings that are not posted to public forums.

20 Absent Class Members will withhold otherwise responsive documents on the basis of these  
21 objections.

22 **DOCUMENT REQUEST NO. 18:** All Documents that refer to, discuss, or otherwise mention  
23 smoking restrictions at any schools You attend or have attended, and any of Your current or former  
24 places of employment.

25 **Response to Document Request No. 18:**

26 Plaintiffs and Absent Class Members object to this Request as improperly seeking discovery from  
27 Absent Class Members – i.e., discovery from individuals who are not named plaintiffs in the Amended

1 Consolidated Class Action Complaint (ECF Doc. No. 679). Discovery of members of the proposed class  
2 is permissible only with leave of the Court and with a showing of particularized need. Furthermore,  
3 discovery of Absent Class Members defeats the purpose of streamlining the Class Action litigation to  
4 focus on preparing for the bellwether proceedings. Plaintiffs and Absent Class Members also object that  
5 this Request seeks documents that are irrelevant to the claims or defenses of any of the Parties in the  
6 Class Action and falls outside the scope of Fed. R. Civ. P. 26(b)(1). Plaintiffs' Amended Consolidated  
7 Class Action Complaint claims economic damages related to JUUL Product marketing and Defendants'  
8 representations regarding JUUL Products and Plaintiffs' consequent purchase of JUUL Products. Any  
9 Documents discussing smoking restrictions at an Absent Class Member's past or current educational  
10 institutions or past or current work places are unrelated to Defendants' marketing of and representations  
11 regarding JUUL Products and the impact that Defendants' marketing and representations had on  
12 Plaintiffs' decision to purchase JUUL Products; they are therefore irrelevant to any claims or defenses at  
13 issue in this Class Action. Plaintiffs and Absent Class Members further object to the extent this Request  
14 seeks documents and information that fall within the bounds of Absent Class Members' legitimate  
15 expectation of privacy, or is otherwise of a highly personal nature, not of legitimate concern to the public,  
16 and/or protected under federal or state laws. This includes, but is not limited to, the extent that the  
17 Request seeks employment personnel files or private student education records. In the event that  
18 documents are produced in response to this Request, Absent Class Members will either designate such  
19 documents as CONFIDENTIAL, pursuant to the Court's Protective Order (ECF Doc. No. 308), and/or  
20 redact otherwise responsive documents accordingly.

21 Absent Class Members will withhold otherwise responsive documents on the basis of these  
22 objections.

23 **DOCUMENT REQUEST NO. 19:** All Documents that refer to, discuss, or otherwise mention  
24 restrictions of ENDS products at any schools You attend or have attended, and any of Your current or  
25 former places of employment.

26 Response to Document Request No. 19:  
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1 Plaintiffs and Absent Class Members object to this Request as improperly seeking discovery from  
2 Absent Class Members – i.e., discovery from individuals who are not named plaintiffs in the Amended  
3 Consolidated Class Action Complaint (ECF Doc. No. 679). Discovery of members of the proposed class  
4 is permissible only with leave of the Court and with a showing of particularized need. Furthermore,  
5 discovery of Absent Class Members defeats the purpose of streamlining the Class Action litigation to  
6 focus on preparing for the bellwether proceedings. Plaintiffs and Absent Class Members also object that  
7 this Request seeks documents that are irrelevant to the claims or defenses of any of the Parties in the  
8 Class Action and falls outside the scope of Fed. R. Civ. P. 26(b)(1). Plaintiffs’ Amended Consolidated  
9 Class Action Complaint claims economic damages related to JUUL Product marketing and Defendants’  
10 representations regarding JUUL Products and Plaintiffs’ consequent purchase of JUUL Products. Any  
11 Documents discussing ENDS products restrictions at an Absent Class Member’s past or current  
12 educational institutions or past or current work places are unrelated to Defendants’ marketing of and  
13 representations regarding JUUL Products and the impact that Defendants’ marketing and representations  
14 had on the decision to purchase JUUL Products; they are therefore irrelevant to any claims or defenses  
15 at issue in this Class Action. Plaintiffs and Absent Class Members further object to the extent this Request  
16 seeks documents and information that fall within the bounds of Absent Class Members’ legitimate  
17 expectation of privacy, or is otherwise of a highly personal nature, not of legitimate concern to the public,  
18 and/or protected under federal or state laws. This includes, but is not limited to, the extent that the  
19 Request seeks employment personnel files or private student education records. In the event that  
20 documents are produced in response to this Request, Absent Class Members will either designate such  
21 documents as CONFIDENTIAL, pursuant to the Court’s Protective Order (ECF Doc. No. 308), and/or  
22 redact otherwise responsive documents accordingly.

23 Absent Class Members will withhold otherwise responsive documents on the basis of these  
24 objections.

1 **DOCUMENT REQUEST NO. 20:** All documents identified in any of your answers to any  
2 interrogatories served upon you in this matter.

3 Response to Document Request No. 20:

4 Plaintiffs and Absent Class Members object to this Request as improperly seeking discovery from  
5 Absent Class Members – i.e., discovery from individuals who are not named plaintiffs in the Amended  
6 Consolidated Class Action Complaint (ECF Doc. No. 679). Discovery of members of the proposed class  
7 is permissible only with leave of the Court and with a showing of particularized need. Furthermore,  
8 discovery of Absent Class Members defeats the purpose of streamlining the Class Action litigation to  
9 focus on preparing for the bellwether proceedings. Plaintiffs and Absent Class Members also object that  
10 this Request’s use of the phrase “All Documents” is, in this instance, overbroad and unduly burdensome  
11 to the extent that it may encompass documents or information that is irrelevant to the claims or defenses  
12 of any of the Parties in the Class Action, disproportionate to the needs of the Class Action case and fall  
13 outside the scope of Fed. R. Civ. P. 26(b)(1). Plaintiffs and Absent Class Members further object to the  
14 extent that this Request calls for the production of documents that are protected from disclosure by the  
15 attorney-client privilege, the attorney work-product doctrine, the common interest privilege, or any other  
16 applicable privilege or confidentiality doctrine. Plaintiffs and Absent Class Members further object to  
17 the extent this Request seeks documents and information that fall within the bounds of Absent Class  
18 Members’ legitimate expectation of privacy, or is otherwise of a highly personal nature, not of legitimate  
19 concern to the public, and/or protected under federal or state laws. In the event that documents are  
20 produced in response to this Request, Absent Class Members will either designate such documents as  
21 CONFIDENTIAL, pursuant to the Court’s Protective Order (ECF Doc. No. 308), and/or redact otherwise  
22 responsive documents accordingly. Plaintiffs and Absent Class Members further object that this Request  
23 is unduly burdensome to the extent it seeks information that is already in the possession, custody, or  
24 control of, or readily accessible to JLI.

25 Absent Class Members will withhold otherwise responsive documents on the basis of these  
26 objections.  
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Date: August 19, 2020

Respectfully submitted,

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