



David J. Sales, P.A.

APPEALS | TRIAL COUNSEL | TRIAL SUPPORT

1857 Morrill Street - Sarasota, FL 34236 - (941) 957-0888

January 31, 2019

Scott F. Harris, Clerk of Court
Supreme Court of the United States
One First Street, N.E.
Washington, DC 20543

Re: *R.J. Reynolds Tobacco Co. v. Odom*, No. 18-788

Dear Mr. Harris:

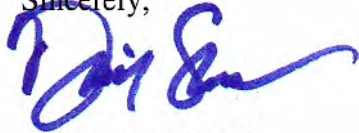
Pursuant to Supreme Court Rule 30.4, Respondent Gwendolyn Odom, as Personal Representative of the Estate of Juanita Thurston, hereby requests that the time within which to respond to the petition for certiorari (the "Petition") in the above-styled matter be extended thirty (30) days to and including March 27, 2019. The Petition was docketed on December 17, 2018. On January 7, 2019, the Respondent filed a waiver of the right to respond to the Petition. On January 16, 2019, the matter was distributed for the Conference of February 15, 2019. And, on January 25, 2019, the Court requested a response to the Petition, with a due date of February 25, 2019.

This request is being made for the following reasons. First, the Petition requests that the Court (a) dispose of this matter in a manner consistent with two other, earlier-filed cases, *R.J. Reynolds Tobacco Co. v. Searcy*, No. 18-649, and *Philip Morris USA Inc. v. Boatright*, No. 18-654, and (b) hold this case pending the disposition of *Searcy* and *Boatright*. (Petition at 5, 15, 19-20) The Petition likewise suggests that the issues before the Court in this case are the same as those in *Searcy* and *Boatright*. (*Id.* at 14-15) I have been informed that the results of the Conference(s) in respect of both *Searcy* and *Boatright* shall be known around the same time as the response is currently due in this case, February 25, 2019. Knowing how the Court has decided to treat these two, earlier-filed cases will substantially assist the Respondent in framing her response to the Petition, or potentially moot the need for a response altogether.

Second, I am counsel of record in this case, and the lead appellate attorney for the Respondent. I am also scheduled to begin a four-week trial in the matter of *Gafney v. R.J. Reynolds Tobacco Company*, No. 50 2007 CA 020540 AA (Fla. 15th Jud. Cir. Ct.) on February 4, 2019, and my attendance will be required throughout the trial. While I recognize that matters before this Court take precedence over the referenced trial proceedings, given the issue raised just above, I am requesting that I be granted the extra time to so that I can attend to the needs of both clients, in both cases.

I have contacted Jeffrey S. Bucholtz, counsel of record for the Petitioner, who has indicated that the Petitioner does not object to the relief requested here. Respondent therefore requests a 30-day extension of time in which to respond to file her Brief in Opposition to Certiorari.

Sincerely,

A handwritten signature in blue ink, appearing to read "David J. Sales", with a stylized, flowing script.

DAVID J. SALES

cc: Jeffrey S. Bucholtz, Esquire (counsel of record)
William L. Durham, II, Esquire
Val Leppert, Esquire