

No. 22A-___

IN THE
Supreme Court of the United States

R.J. REYNOLDS TOBACCO COMPANY; AMERICAN SNUFF COMPANY;
AND SANTA FE NATURAL TOBACCO COMPANY,

Applicants,

v.

COUNTY OF LOS ANGELES; COUNTY OF LOS ANGELES BOARD OF SUPERVISORS;
AND HILDA L. SOLIS, MARK RIDLEY-THOMAS, SHEILA KUEHL, JANICE HAN, AND
KATHRYN BARGER, EACH IN HIS OR HER OFFICIAL CAPACITY AS A MEMBER OF THE
BOARD OF SUPERVISORS,

Respondents.

**APPLICATION FOR AN EXTENSION OF TIME TO FILE A
PETITION FOR A WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE NINTH CIRCUIT**

To the Honorable Elena Kagan, Associate Justice of the Supreme Court of the
United States and Circuit Justice for the United States Court of Appeals for the
Ninth Circuit:

1. Pursuant to Supreme Court Rules 13.5, 22, and 30, Applicants R.J.
Reynolds Tobacco Company, American Snuff Company, and Santa Fe Natural
Tobacco Company (collectively “Applicants”)¹ respectfully request a 59-day

¹ R.J. Reynolds Tobacco Company is a direct, wholly owned subsidiary of R.J. Reynolds Tobacco Holdings, Inc.; R.J. Reynolds Tobacco Holdings, Inc. is a direct, wholly owned subsidiary of Reynolds American Inc.; and Reynolds American Inc. is an indirect, wholly owned subsidiary of British American Tobacco, p.l.c., a publicly traded company. Santa Fe Natural Tobacco Company is a direct, wholly owned subsidiary of Reynolds American Inc. and Reynolds American Inc. is an indirect, wholly owned subsidiary of British American Tobacco, p.l.c., a publicly traded company.

extension of time, up to and including October 7, 2022, to file a petition for a writ of certiorari to the U.S. Court of Appeals for the Ninth Circuit, seeking review of that court's decision in *R.J. Reynolds Tobacco Company v. County of Los Angeles*, 29 F.4th 542 (9th Cir. 2022). The Ninth Circuit issued its decision and judgment on March 18, 2022. A copy of the court's opinion is attached as Appendix A. Applicants timely sought rehearing on April 1, 2022. The Ninth Circuit denied the rehearing petition on May 11, 2022. A copy of that order is attached as Appendix B. The jurisdiction of this Court will be invoked under 28 U.S.C. § 1254(1), and the time to file a petition for a writ of certiorari will otherwise expire on August 9, 2022. This Application for Extension of Time is timely because it has been filed on July 12, 2022, more than ten days prior to the date on which the time for filing the petition is to expire (August 9, 2022).

2. Applicants have good cause for an extension of time.
 - a. First, this case presents nuanced and novel questions of statutory interpretation. And counsel for Applicants has a number of professional and personal commitments over the coming months. For example, counsel has comments on a federal agency's notice of proposed rulemaking due in early August, as well as work and personal travel scheduled for July 18–20, July 25–31, and August 5–8.

American Snuff Company, LLC is a direct, wholly owned subsidiary of Conwood Holdings, Inc.; Conwood Holdings, Inc. is a wholly owned subsidiary of Reynolds American Inc.; and Reynolds American Inc. is an indirect, wholly owned subsidiary of British American Tobacco, p.l.c., a publicly traded company.

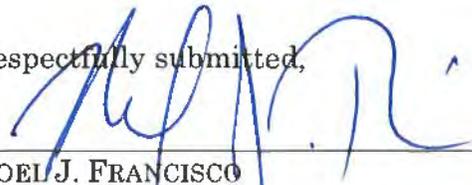
Other members of the legal team likewise have conflicting professional and personal commitments. Thus, an extension of time will allow counsel to present the petition in a manner that allows efficient review by this Court.

- b. In addition, Applicants have a case pending before the U.S. Court of Appeals for the Eighth Circuit that presents the same legal claims as this case (whether federal law preempts state and local bans on flavored tobacco products). *See R.J. Reynolds Tobacco Co. v. City of Edina*, No. 20-2852 (8th Cir.). That case was argued to the Court of Appeals on May 12, 2021. That court may therefore issue a decision soon, before the current time to file a petition for certiorari in this case expires. If the Eighth Circuit does issue a decision before that time, undersigned counsel will need time to analyze the decision and assess how the decision affects the petition for a writ of certiorari in this case.

WHEREFORE, Applicants respectfully request that an order be entered extending the time to file a petition for a writ of certiorari for 59 days, to and including October 7, 2022.

Dated: July 12, 2022

Respectfully submitted,



NOEL J. FRANCISCO

Counsel of Record

JONES DAY

51 Louisiana Avenue, N.W.

Washington, D.C. 20001

(202) 879-3939

Counsel for Applicants