

No. 22A\_\_

---

IN THE  
**Supreme Court of the United States**

---

R.J. REYNOLDS TOBACCO COMPANY; R.J. REYNOLDS VAPOR COMPANY;  
AMERICAN SNUFF COMPANY, LLC; SANTA FE NATURAL TOBACCO COMPANY, INC.;  
MODORAL BRANDS INC.; NEIGHBORHOOD MARKET ASSOCIATION, INC.;  
AND MORIJA, LLC DBA VAPIN' THE 619,

*Applicants,*

v.

ROBERT BONTA, IN HIS OFFICIAL CAPACITY AS ATTORNEY GENERAL OF CALIFORNIA;  
AND SUMMER STEPHAN, IN HER OFFICIAL CAPACITY AS DISTRICT ATTORNEY FOR THE  
COUNTY OF SAN DIEGO,

*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, R.J. Reynolds Vapor Company, American Snuff  
Company, LLC, Santa Fe Natural Tobacco Company, Inc., Modoral Brands Inc.,  
Neighborhood Market Association, Inc., and Morija, LLC dba Vapin' the 619

(collectively “Applicants”)\* respectfully request a 60-day extension of time, up to and including June 26, 2023, 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. Bonta*, No. 22-56052 (9th Cir. Jan. 27, 2023). The Ninth Circuit issued its order on January 27, 2023. A copy of that order is attached as Appendix A. 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 April 27, 2023. This Application for Extension of Time is timely because it has been filed on April 14, 2023, more than ten days prior to the date on which the time for filing the petition is to expire (April 27, 2023).

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

---

\* 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. R.J. Reynolds Vapor Company is a direct, wholly owned subsidiary of RAI Innovations Company; RAI Innovations 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. 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. Santa Fe Natural Tobacco Company, 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. Modoral Brands Inc. is a subsidiary of RAI Innovations Company; RAI Innovations 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. Neighborhood Market Association, Inc. has no parent corporation and no publicly held corporation owning 10% or more of its stock exists. Morija, LLC dba Vapin’ the 619 has no parent corporation and no publicly held corporation owning 10% or more of its stock exists.

professional and personal commitments over the coming months. For example, counsel of record has work and personal travel scheduled for April 10–14, April 20–21, April 30–May 7, May 18–20, and May 24–26, as well as business events scheduled for May 8 and May 31. 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, some of the Applicants have a petition for rehearing en banc 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 petition was filed on March 13, 2023. A decision on that petition may issue soon, and judges on the Eighth Circuit may opine on the merits of the preemption issue, which could aid this Court’s consideration.

WHEREFORE, Applicants respectfully request that an order be entered extending the time to file a petition for a writ of certiorari for 60 days, to and including June 26, 2023.

Dated: April 14, 2023

Respectfully submitted,

A handwritten signature in black ink that reads "Noel J. Francisco". The signature is written in a cursive style with a large, stylized "N" and "F".

---

NOEL J. FRANCISCO

*Counsel of Record*

JONES DAY

51 Louisiana Avenue, N.W.

Washington, D.C. 20001

(202) 879-3939

[njfrancisco@jonesday.com](mailto:njfrancisco@jonesday.com)

*Counsel for Applicants*