

JONES DAY

51 LOUISIANA AVENUE, N.W. • WASHINGTON, DC 20001.2113
TELEPHONE: +1.202.879.3939 • JONESDAY.COM

DIRECT NUMBER: (202) 879-5485
NJFRANCISCO@JONESDAY.COM

May 21, 2024

By Overnight Mail and Electronic Filing

The Honorable Scott S. Harris
Clerk of the Court
United States Supreme Court
One First Street, NE
Washington, DC 20543

Re: *Food & Drug Administration et al. v. R.J. Reynolds Vapor Co., et al.*,
No. 23-1187

Dear Mr. Harris:

The Court docketed the petition for a writ of certiorari in the above-referenced case on May 2, 2024. The response is currently due on June 3, 2024.

In accordance with Supreme Court Rules 15.3 and 30.4, respondents R.J. Reynolds Vapor Co., RJR Vapor Company L.L.C., Mississippi Petroleum Marketers and Convenience Stores Association, and Avail Vapor L.L.C. respectfully request an extension of thirty days, until July 3, 2024, to file a brief in opposition.

The extension of time is warranted in light of the press of other business for members of the core litigation team. Specifically, the litigation team has a hearing before Maryland's Fifth Circuit Court on May 24, 2024, in *City of Annapolis v. BP P.L.C., et al.*, No. C-02-CV-21-000250, as well as filings due in multiple cases at the end of May. The extension will also allow counsel for Respondents to fully research the novel issues raised in this petition for certiorari. Finally, this extension will not prejudice Petitioners. Petitioners took the full 90 days to file their petition.

Sincerely,

/s/ Noel J. Francisco

Noel J. Francisco

*Counsel of Record for Respondents
R.J. Reynolds Vapor Co.; RJR Vapor*

May 21, 2024
Page 2

*Company L.L.C.; Mississippi Petroleum
Marketers and Convenience Stores
Association; and Avail Vapor L.L.C.*

cc: Elizabeth B. Prelogar, Solicitor General
Counsel of Record for Petitioners (by overnight mail)