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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

IN RE: JUUL LABS, INC., MARKETING SALES
PRACTICE AND PRODUCTS LIABILITY
LITIGATION

3:19-md-02913 (WHO)

Hon. William H. Orrick

*This Document Relates to All Plaintiffs Identified in
Exhibit A*

**JLI'S NOTICE OF MOTION TO DISMISS WITHOUT PREJUDICE FOR FAILURE TO
SUBMIT DISCOVERY REQUIRED BY CASE MANAGEMENT ORDER NO. 8**

PLEASE TAKE NOTICE that on January 15, 2021, or as soon thereafter as this matter may be heard, in Courtroom 2 of this Court, located at 450 Golden Gate Avenue, 17th Floor, San Francisco, California, Defendant Juul Labs, Inc. ("JLI") will and hereby does move for the Court to dismiss without prejudice plaintiffs identified in Exhibit A and Exhibit B to JLI's Motion for failure to submit discovery required by Case Management Order No. 8. The Motion is based on this Notice of Motion and the following Motion to Dismiss.

1 Dated: December 4, 2020

/s/ Renee D. Smith/

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27 *Attorneys for Defendant Juul Labs, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on December 4, 2020, I electronically served the foregoing Motion on all counsel of record in this action using the CM/ECF system.

/s/ Renee D. Smith
Renee D. Smith

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U.S. Notice of Motion to Dismiss Without Prejudice

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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

IN RE: JUUL LABS, INC., MARKETING SALES
PRACTICE AND PRODUCTS LIABILITY
LITIGATION

3:19-md-02913 (WHO)

Hon. William H. Orrick

*This Document Relates to All Plaintiffs Identified in
Exhibit A*

**JLI'S MOTION TO DISMISS WITHOUT PREJUDICE FOR FAILURE TO SUBMIT
DISCOVERY REQUIRED BY CASE MANAGEMENT ORDER NO. 8**

Case Management Order (“CMO”) No. 8 requires that every plaintiff asserting a personal injury or wrongful death claim in a case entered on the MDL 2913 docket submit a substantially complete Plaintiff Fact Sheet (“PFS”) within 60 days after the complaint has been entered. (CMO No. 8 § 5 (Docket No. 406).) Numerous plaintiffs did not comply.

Pursuant to Sections 5 and 12 of CMO No. 8, on October 26, 2020, JLI served counsel of record for plaintiffs identified in Exhibit A with a Notice of Overdue Discovery (the “October 26th Notice”), identifying their overdue discovery, and notifying them that their cases may be subject to dismissal for failure to comply with the Court’s discovery orders. (*Id.* ¶ 12; Affidavit of Christina Sharkey (“Aff.”) ¶¶ 4-5.) One of the nine plaintiffs identified in Exhibit A failed to serve a Plaintiff Fact Sheet even after JLI granted him an additional 30-day extension. (Aff. ¶ 3.)

Plaintiffs identified in the October 26th Notice were required to submit a completed PFS on or before November 25, or risk having their claims dismissed. (CMO No. 8 ¶ 12.) None of the plaintiffs identified in Exhibit A responded to the October 26th Notice, and none of the plaintiffs identified in Exhibit A have subsequently produced a Plaintiff Fact Sheet. (Aff. ¶¶ 6-7.)

Pursuant to Sections 5 and 12 of CMO No. 8, on November 3, 2020, JLI served counsel of record for plaintiffs identified in Exhibit B with a Notice of Overdue Discovery (the “November 3rd Notice”), identifying their overdue discovery, and notifying them that their cases may be subject to dismissal for failure to comply with the Court’s discovery orders. (*Id.* ¶ 12; Aff ¶¶ 4-5.) Two of the thirteen plaintiffs

1 identified in Exhibit B failed to serve a Plaintiff Fact Sheet even after JLI granted them an additional 30-
2 day extension. (Aff. ¶ 3.)

3 Plaintiffs identified in the November 3rd Notice were required to submit a completed PFS on or
4 before December 3, or risk having their claims dismissed. (CMO No. 8 ¶ 12.) None of the plaintiffs
5 identified in Exhibit B responded to the November 3rd Notice, and none of the plaintiffs identified in
6 Exhibit B have subsequently produced a Plaintiff Fact Sheet. (Aff. ¶¶ 6-7.)

7 Pursuant to CMO No. 8, JLI hereby moves to dismiss, without prejudice, the claims of the plaintiffs
8 identified in Exhibits A and B who have not submitted a completed PFS. Pursuant to CMO No. 8,
9 Plaintiffs subject to the foregoing Motion must file a response no later than **December 18, 2020**, either
10 (a) certifying that the plaintiff has submitted a completed PFS or (b) opposing the Motion for other reasons.
11

12 Dated: December 4, 2020

/s/ Renee D. Smith

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