

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

R.J. REYNOLDS TOBACCO COMPANY, *et al.*,

Plaintiffs,

v.

UNITED STATES FOOD AND DRUG
ADMINISTRATION, *et al.*,

*Defendants.*¹

Civil Action No. 6:20-cv-00176

**DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION TO
EXTEND POSTPONEMENT OF RULE'S EFFECTIVE DATE**

Defendants oppose Plaintiffs' motion to further postpone the effective date of the Food and Drug Administration's new cigarette health warnings rule, *see* Tobacco Products; Required Warnings for Cigarette Packages and Advertisements, 85 Fed. Reg. 15,638 (Mar. 18, 2020). The reasons for Defendants' opposition are set forth in Defendants' opposition to Plaintiffs' previous motion of this sort. *See* ECF No. 79. Defendants incorporate by reference the arguments set forth in that opposition, as well as the arguments set forth in Defendants' opposition to Plaintiffs' motion for a preliminary injunction. *See* ECF No. 37 at 73-75.

¹ Pursuant to Federal Rule of Civil Procedure 25(d), Janet Woodcock, M.D. (in her official capacity as the Acting Commissioner of Food and Drugs) is automatically substituted as a Defendant for former Commissioner Stephen M. Hahn, M.D., and Norris Cochran (in his official capacity as the Acting Secretary of Health and Human Services) is automatically substituted as a Defendant for former Secretary Alex M. Azar II.

Dated: March 1, 2021

Respectfully submitted,

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/s/ Stephen M. Pezzi
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