

No. 22-1123

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

JUUL LABS, INC.,

Petitioner,

v.

U.S. FOOD AND DRUG ADMINISTRATION,

Respondent.

On Petition for Review of an Order of the U.S. Food and Drug Administration

**PETITIONER JUUL LABS, INC.'S REDACTED EMERGENCY MOTION
FOR TEMPORARY ADMINISTRATIVE STAY**

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June 24, 2022

CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1(a) and Circuit Rules 18(a)(4) and 26.1, Juul Labs, Inc. (a private, nongovernmental party) certifies that it does not have a parent corporation. Atria Group, Inc. owns a minority share of Juul Labs, Inc., and no other publicly held corporation owns 10 percent or more of the stock of Juul Labs, Inc.

CERTIFICATE AS TO PARTIES, RULINGS, AND RELATED CASES

A. Parties and Amici.

Petitioner is Juul Labs, Inc. (JLI), and respondent is the U.S. Food and Drug Administration (FDA). No amici curiae have appeared in this Court.

B. Ruling Under Review.

JLI has petitioned for review of FDA's June 23, 2022 order denying its premarket tobacco product applications. A copy of the order is attached as Exhibit 2. FDA has not consented to the requested relief, which is an administrative stay pending this Court's consideration of JLI's forthcoming emergency motion to stay.

C. Related Cases.

The June 23, 2022 order denying JLI's applications has not been previously before this Court or any other court. Moreover, counsel is not aware of any other related cases currently pending in any other court involving substantially the same parties and the same or similar issues.

June 24, 2022

s/John C. O'Quinn

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EMERGENCY MOTION FOR ADMINISTRATIVE STAY

This is an emergency request for an administrative stay until this Court can receive full briefing on petitioner Juul Labs, Inc.'s forthcoming emergency motion for a stay pending review. JLI plans to file that motion by noon eastern on June 27, 2022. Specifically, pursuant to Federal Rule of Appellate Procedure 18(a)(2), JLI submits this *Emergency Motion for Administrative Relief* asking this Court to temporarily stay enforcement of the U.S. Food and Drug Administration's Marketing Denial Order of JLI's Premarket Tobacco Product Applications, which FDA issued yesterday, until this Court resolves JLI's forthcoming emergency motion for a stay pending review of FDA's Order.

FDA's extraordinary and unlawful action, which demands that JLI immediately halt essentially all of its business operations, warrants the emergency interim relief requested. The purpose of an "administrative stay is to give the court sufficient opportunity to consider the merits of the motion for a stay pending appeal." *Cobell v. Norton*, 2004 WL 603456, at *1 (D.C. Cir. Mar. 24, 2004); *see also Twelve John Does v. Dist. of Columbia*, 841 F.2d 1133, 1137 (D.C. Cir. 1988) (describing entry of a temporary administrative stay to permit time for full consideration of motions). Without an administrative stay, [REDACTED]

[REDACTED]

[REDACTED]—all before this Court has any



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