

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:20-cv-00176

R.J. Reynolds Tobacco Company et al.,
Plaintiffs,

v.

United States Food and Drug Administration et al.,
Defendants.

ORDER

For the reasons stated in the court's order (Doc. 33) postponing the effective date of the challenged rule¹ and the further equitable reasons given in plaintiffs' motion for an extension of that relief, plaintiffs' motion (Doc. 76) is **granted**. The court **orders** that the effective date of the rule is postponed for an additional 90 days, until January 14, 2022. Any obligation to comply with the Tobacco Control Act's warning requirements, 5 U.S.C. § 1333(a)(1) and (b)(1), and the additional requirements in 21 U.S.C. §§ 387c(a)(2) and 387t(a), is also postponed for an additional 90 days, as is any other obligation to comply with a deadline tied to the effective date of the rule.

A hearing on the pending motions for summary judgment and motion for a preliminary injunction (*see* Docs. 34, 37, 59, 67) is **set** for December 11, 2020, at 9:00 a.m. In light of the ongoing COVID-19 pandemic, the hearing will be conducted telephonically. The court and the parties will participate by telephone, with a court reporter transcribing the proceedings. Instructions on dialing into and observing the hearing will be provided. To promote audio clarity and ensure that all parties can hear and be heard during the hearing, the following protocols apply:

¹ *Tobacco Products; Required Warnings for Cigarette Packages and Advertisements*, 85 Fed. Reg. 15,638 (Mar. 18, 2020).

1. Twenty-four hours before the hearing, the parties must provide the courtroom deputy clerk with the names of all attorneys who will speak during the hearing.
2. Attorneys must call from a land line, in a location selected to minimize ambient noise.
3. Attorneys must identify themselves by name before speaking.
4. Attorneys should mute their microphones when not engaged in argument or dialogue.
5. Before responding to a hearing participant, allow time to be sure that the participant is finished speaking. Do not interrupt other counsel or speak over them.

Further hearing protocols may follow in due course.

So ordered by the court on December 2, 2020.



J. CAMPBELL BARKER
United States District Judge