

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

LUIS MANUEL RODRIGUEZ, *et al.*,

Plaintiffs,

v.

IMPERIAL BRANDS PLC, *et al.*,

Defendants.

Case No.: 1:20-cv-23287-DPG

DEFENDANT IMPERIAL BRANDS PLC'S FIRST STATUS REPORT

Defendant Imperial Brands plc (“Imperial”) respectfully submits this status report pursuant to the Court’s September 23, 2020 Order [D.E. 49] granting Imperial’s motion for a limited stay of proceedings and directing Imperial to submit monthly status reports on its application to the European Commission (the “Commission”) for authorization to defend this lawsuit or, at a minimum, to file and litigate a motion to dismiss. By way of update, Imperial states as follows:

1. As Imperial previously advised the Court [D.E. 14, D.E. 15-1], on August 27, 2020, Imperial submitted an application to the Commission under Article 5 paragraph 2 of Council Regulation (EC) No. 2271/96, Protecting Against the Effects of the Extra-Territorial Application of Legislation Adopted by a Third Country, and Actions Based Thereon or Resulting Therefrom, 1996 O.J. (L. 309) 1 (EC) (“Regulation 2271/96”), for authorization to defend this lawsuit or, at a minimum, authorization in the first instance to file and litigate a motion to dismiss (the “Application”).

2. The Commission has acknowledged receipt of Imperial’s Application, and has cautioned Imperial that unless and until the Commission provides authorization Imperial is

prohibited from appearing before this Court pursuant to the summons in this action under Title III of the Helms-Burton Act.

3. Imperial notified the Commission of the requirement to file a status report and requested that the Commission therefore provide Imperial an update on the status of its application ahead of the October 23, 2020 due date. On October 21, 2020, the Commission informed Imperial that the Commission is currently analyzing Imperial's application and will do its utmost to ensure that a decision is made in due course.

Dated: October 23, 2020
Miami, Florida

Respectfully submitted,

/s/ Mark F. Raymond

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