

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

**JUUL LABS, INC.,**

**Plaintiff,**

**v.**

**4X PODS, EONSMOKE, LLC d/b/a  
4X PODS, GREGORY GRISHAYEV,  
MICHAEL TOLMACH, and JOHN  
DOES 1-50,**

**Defendants.**

Civ. No. 18-15444 (KM) (MAH)

**MEMORANDUM ORDER**

I have received a letter inquiry from defense counsel (DE 298) as to whether the Court intends to pursue criminal contempt sanctions against the defendants in connection with the disposition of assets. Counsel, while acknowledging that the Court might not be able to answer the question at this time, states that he must exercise due diligence in connection with advising his client regarding the assertion of the Fifth Amendment privilege in depositions.

The Court cannot render legal advice as to the existence or scope of the privilege. No determination has been made on the issue raised by counsel. As the parties are aware, I have prioritized the issues of substantive liability and damages, which will be tried as soon as possible. The outcome, whatever it may be, may shape the Court's view as to the assets-related issues.

The discovery deadline is March 1, 2021. The plaintiff has elected to pursue its equitable claims, which are tried to the bench. The court being familiar with the issues, it will not require the preparation of a complex pretrial order. Rather, under the supervision of Magistrate Judge Hammer, the parties shall exchange lists of witnesses, with brief summaries of their testimony, as well as exhibit lists and copies of exhibits. No pretrial motions in limine will be required; the court will hear the evidence and rule on its admissibility as

required. The parties will be afforded a full opportunity for advocacy, orally and/or in writing, as to legal issues that may arise and the ultimate outcome.

The earliest available date to begin the presentation of evidence is March 22, 2021. Judge Hammer will set a trial date in consultation with the parties.

SO ORDERED this 16<sup>th</sup> day of February, 2021

/s/ Kevin McNulty

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KEVIN MCNULTY  
United States District Judge