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COMPANY
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Elizabeth A. Brown
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

R.J. REYNOLDS TOBACCO
COMPANY, a foreign corporation,
individually, and as successor-by-
merger to LORILLARD TOBACCO
COMPANY and as successor-in-
interest to the United States tobacco
business of BROWN &
WILLIAMSON TOBACCO
CORPORATION, which is the
successor-by-merger to THE
AMERICAN TOBACCO COMPANY,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF
NEVADA, IN AND FOR THE
COUNTY OF CLARK; AND THE
HONORABLE NADIA KRALL,
DISTRICT COURT JUDGE,

Respondents,

And

SANDRA CAMACHO, individually;
ANTHONY CAMACHO, individually;
PHILIP MORRIS USA, INC., a foreign
corporation; LIGGETT GROUP, LLC,
a foreign corporation; and ASM
NATIONWIDE CORPORATION d/b/a
SILVERADO SMOKES & CIGARS, a
domestic corporation,

Real Parties in Interest.

Supreme Court No. 83724

District Court No. A807650

**PETITIONER R.J. REYNOLDS
TOBACCO COMPANY'S
MOTION TO CONSOLIDATE**

1 **PETITIONER R.J. REYNOLDS TOBACCO COMPANY’S**
2 **MOTION TO CONSOLIDATE**

3 Pursuant to NRAP 3(b), Petitioner R.J. Reynolds Tobacco Company
4 (“Reynolds”) moves to consolidate its Petition for Writ of Mandamus or
5 Prohibition (the “Instant Writ Petition”) with Real Parties in Interest Sandra
6 Camacho and Anthony Camacho’s (“Camacho”) previously filed writ petition
7 currently pending before this Court, entitled *Camacho v. Eighth Judicial*
8 *District Court ex rel. State of Nevada*, Case No. 82654.

9 DATED this 17th day of November, 2021.

10 BAILEY ❖ KENNEDY

11
12 By: /s/ Dennis L. Kennedy
13 DENNIS L. KENNEDY
14 JOSEPH A. LIEBMAN
15 REBECCA L. CROOKER

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Attorneys for Petitioner
 R.J. REYNOLDS TOBACCO
 COMPANY

MEMORANDUM OF POINTS AND AUTHORITIES

There are currently seven product liability lawsuits pending in the Eighth Judicial District Court arising from alleged tobacco use. While the facts related to each plaintiff's smoking decisions, brand choices, and alleged injuries are unique in each case, all of the above cases were filed by the same law firm, and allege the same claims based on the same alleged actions taken by the defendants, tobacco manufacturers ("Reynolds"), Philip Morris USA, Inc., and Liggett Group LLC, over the course of the twentieth century.

Each of these cases includes a claim for violation of the Nevada Deceptive Trade Practices Act ("NDTPA") under NRS 41.600 as well as a derivative conspiracy claim, wherein the plaintiff admits that he/she did not purchase or use one, or more, of the tobacco manufacturers' products.

On March 23, 2020, Reynolds filed a Motion to Dismiss in Department IV in front of Judge Kerry Earley. Judge Earley granted Reynolds' Motion to Dismiss on the basis that Camacho had neither used nor purchased Reynolds' products, and therefore was not a victim who was directly harmed by Reynolds' alleged NDTPA violations as required by NRS 41.600(1). Judge Earley also dismissed Camacho's civil conspiracy claims against Reynolds, because without the NDTPA claim, Camacho lacked the underlying tort necessary to form the basis for the civil conspiracy claim. Judge Earley signed the Order

1 Granting Reynolds’ Motion to Dismiss on August 27, 2020.

2 On March 24, 2021, Camacho filed a Petition for Writ of Mandamus or
3 Prohibition (the “Initial Writ Petition”), seeking relief from Judge Earley’s
4 decision to grant Reynolds’ Motion to Dismiss. The Initial Writ Petition was
5 fully briefed on July 12, 2021.

6 Despite the pending writ petition, Camacho filed a Motion to Reconsider
7 in front of Judge Earley’s newly elected successor, Judge Nadia Krall, on
8 May 25, 2021—*nine months* after Judge Earley’s Order was entered. Although
9 Judge Krall was aware that Camacho’s Motion to Reconsider was the subject of
10 the fully briefed, and still pending, Initial Writ Petition, Judge Krall granted
11 Camacho’s Motion to Reconsider, and signed an order drafted by Plaintiff’s
12 counsel on November 3, 2021.¹

13 On November 5, 2021, Reynolds filed the Instant Writ Petition,
14 requesting that this Court find that Judge Krall’s decision to grant Camacho’s
15 Motion to Reconsider was a manifest abuse of discretion. On November 16,
16 2021, this Court issued an order directing the parties to provide additional
17 briefing and stating that “an answer may assist the court in resolving this
18 matter.”²

20 ¹ Notice of Entry of the Order was filed on November 4, 2021.

² See Order Directing Answer, *R.J. Reynolds Tobacco Company v. Eighth*

NRAP 3(b)(2) contemplates the consolidation of related matters. As set forth above, the issues raised in each of these Writ Petitions are largely duplicative, and to the extent there are differences, the factual and legal analyses overlap. Moreover, the parties and the counsel in each of the Writ Petitions are the same. Therefore, in the interests of judicial efficiency, economy, and consistency, Reynolds respectfully requests that the Writ Petitions be consolidated into one action to ensure that these overlapping issues are decided in one proceeding.

DATED this 17th day of November, 2021.

BAILEY ♦ KENNEDY

By: /s/ Dennis L. Kennedy

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COMPANY

Judicial District Ct. ex rel. Nevada, Case No. 83724 (Nov. 16, 2021), attached as Exhibit A.

CERTIFICATE OF SERVICE

I certify that I am an employee of BAILEY ♦ KENNEDY and that on the 17th day of November, 2021, service of the foregoing **PETITIONER R.J. REYNOLDS TOBACCO COMPANY'S MOTION TO CONSOLIDATE** was made by electronic service through Nevada Supreme Court's electronic filing system and/or by depositing a true and correct copy in the U.S. Mail, first class postage prepaid, and addressed to the following at their last known address:

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EIGHTH JUDICIAL DISTRICT COURT
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Respondents

[VIA U.S. MAIL]

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/s/ Sharon L. Murnane
Employee of BAILEY ♦ KENNEDY

EXHIBIT A

EXHIBIT A

IN THE SUPREME COURT OF THE STATE OF NEVADA

R.J. REYNOLDS TOBACCO COMPANY,
A FOREIGN CORPORATION,
INDIVIDUALLY, AND AS
SUCCESSOR-BY-MERGER TO
LORILLARD TOBACCO COMPANY
AND AS SUCCESSOR-IN-INTEREST
TO THE UNITED STATES TOBACCO
BUSINESS OF BROWN &
WILLIAMSON TOBACCO
CORPORATION, WHICH IS THE
SUCCESSOR-BY-MERGER TO THE
AMERICAN TOBACCO COMPANY,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
NADIA KRALL, DISTRICT JUDGE,
Respondents,


and

SANDRA CAMACHO, INDIVIDUALLY;
ANTHONY CAMACHO,
INDIVIDUALLY; PHILIP MORRIS USA,
INC., A FOREIGN CORPORATION;
LIGGETT GROUP, LLC, A FOREIGN
CORPORATION; AND ASM
NATIONWIDE CORPORATION, D/B/A
SILVERADO SMOKES & CIGARS, A
DOMESTIC CORPORATION,
Real Parties in Interest.

No. 83724

FILED

NOV 16 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DIRECTING ANSWER

This petition for a writ of mandamus or prohibition challenges a district court order granting reconsideration of an order of dismissal. Having reviewed the petition, it appears that an answer may assist this

court in resolving this matter. Therefore, real parties in interest, on behalf of respondents, shall have 28 days from the date of this order to file and serve an answer, including authorities, against issuance of the requested writ. Petitioner shall have 14 days from service of the answer to file and serve any reply.

It is so ORDERED.

J. Hardesty, C.J.
Hardesty

cc: Hon. Nadia Krall, District Judge
Bailey Kennedy
Shook, Hardy & Bacon LLP/Kansas City
Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC/Las Vegas
Lewis Roca Rothgerber Christie LLP/Las Vegas
Kelley Uustal/Fort Lauderdale
Kasowitz Benson Torres LLP/Miami
Claggett & Sykes Law Firm
Eighth District Court Clerk