

In the Supreme Court 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,

Respondents,

and

SANDRA CAMACHO, individually; and 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.

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District Court
Case No. A807650

**PHILIP MORRIS USA INC.'S, LIGGETT GROUP LLC'S, AND ASM
NATIONWIDE CORPORATION'S ANSWER TO AND JOINDER IN R.J.
REYNOLDS TOBACCO COMPANY'S PETITION FOR WRIT OF MANDAMUS
OR PROHIBITION**

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NRAP 26.1 DISCLOSURE

Counsel of record certifies that the following are persons and entities as described in NRAP 26.1(a) and must be disclosed in order that the judges of this Court may evaluate possible disqualification or recusal.

1. The parent company of Philip Morris USA Inc. is Altria Group, Inc.

2. Altria Group, Inc. is the only publicly held corporation that owns 10% or more of Philip Morris USA Inc.'s stock.

3. Philip Morris USA Inc. has no publicly traded subsidiaries or affiliates (except as described in paragraph 2, *supra*).

4. Philip Morris USA Inc. has been represented in this litigation by D. Lee Roberts, Jr. of Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC, and Jennifer Blues Kenyon, Brian Jackson, and Bruce Tepikian of Shook, Hardy & Bacon, L.L.P., admitted pro hac vice.

5. Liggett Group LLC's sole member is VGR Holding LLC. VGR Holding LLC's sole member is Vector Group Ltd. Vector Group Ltd.'s stock is publically traded on the New York Stock exchange.

6. Liggett Group LLC has been represented in this litigation by

Dan Polsenberg and J. Christopher Jorgensen of Lewis Roca Rothgerber Christie, LLC, and Kelly Anne Luther of Kasowitz Benson Torres, LLP, admitted pro hac vice.

7. ASM Nationwide Corporation does not have a parent and is not a publically traded corporation.

8. ASM Nationwide Corporation has been represented in this litigation by D. Lee Roberts, Jr. of Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC.

Dated this 14th day of January, 2022.

WEINBERG, WHEELER, HUDGINS, GUNN & DIAL, LLC

By: /s/ D. LEE ROBERTS, JR.

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ANSWER TO AND JOINDER IN WRIT PETITION

Philip Morris USA Inc., Liggett Group LLC, and ASM Nationwide Corporation¹ join R.J. Reynolds Tobacco Company's petition for writ of mandamus or prohibition. As such, the Court may redesignate Phillip Morris and Liggett as petitioners, even without the need for them to file an additional brief.

This case raises an important legal issue, whether a manufacturer can face litigation and possible liability when it did not manufacture or distribute the particular product in question. In fact, there are additional lawsuits pending in the Eighth Judicial District Court raising the same issue, that is, where other plaintiffs did *not* plead and cannot prove that they were injured by products (cigarettes) manufactured by Philip Morris or Liggett. Philip Morris and Liggett filed a petition for writ of mandamus or prohibition in *Yvonne Clark v. Philip Morris USA Inc. et al.*, Case No. 83740. This Court has directed an answer to that petition.

As the resolution of the instant petition will impact Philip Morris

¹ The issues raised in R.J. Reynolds's petition do not apply to ASM Nationwide Corporation and it therefore does not take a position with respect to the issues raised in R.J. Reynolds's petition.

and Liggett, and as they are already named as real parties and have been directed to answer the petition, they join in and adopt the petition. As such, the Court may want to redesignate them as petitioners in accordance with this joinder.

Dated this 14th day of January, 2022.

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CERTIFICATE OF COMPLIANCE

1. I certify that this brief complies with the formatting, typeface, and type-style requirements of NRAP 32(a)(4)–(6) because it was prepared in Microsoft Word 2016 with a proportionally spaced typeface in 14-point, double-spaced Century Schoolbook font.

2. I certify that this brief complies with the type-volume limitations of NRAP 32(a)(7) because, except as exempted by NRAP 32(a)(7)(C), it contains 327 words.

3. I certify that I have read this brief, that it is not frivolous or interposed for any improper purpose, and that it complies with all applicable rules of appellate procedure, including NRAP 28(e). I understand that if it does not, I may be subject to sanctions.

Dated this 14th day of January, 2022.

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VERIFICATION

Under penalty of perjury, I declare that I am counsel for the petitioner in the foregoing petition and know the contents thereof; that the pleading is true of my own knowledge, except as to those matters stated on information and belief; and that as to such matters I believe them to be true. I, rather than petitioner, make this verification because the relevant facts are procedural and thus within my knowledge as petitioner's attorney. This verification is made pursuant to NRS 15.010 and NRAP 21(a)(5).

DATED this 14th day of January, 2022.

WEINBERG, WHEELER, HUDGINS, GUNN & DIAL,
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CERTIFICATE OF SERVICE

I hereby certify that on January 14, 2022, I submitted the foregoing “Philip Morris USA Inc.’s, Liggett Group LLC’s, and ASM Nationwide Corporation’s Answer To and Joiner In R.J. Reynolds Tobacco Company’s Petition For Writ Of Mandamus or Prohibition” for filing via the Court’s eFlex electronic filing system. Electronic notification will be sent to the following:

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I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, at Las Vegas, Nevada, addressed as follows:

The Honorable Nadia Krall
DISTRICT COURT JUDGE – DEPT. 4
200 Lewis Avenue
Las Vegas, Nevada 89155

Respondent

/s/ *Kelly L. Pierce*

An Employee of Weinberg, Wheeler, Hudgins,
Gunn & Dial, LLC