

In the Supreme Court of Nevada

PHILIP MORRIS USA INC., a foreign corporation,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA, IN AND FOR THE COUNTY OF
CLARK; and the HONORABLE VERONICA M.
BARISICH,

Respondents,

and

DOLLY ROWAN, AS AN INDIVIDUAL, AS SPECIAL
ADMINISTRATOR OF THE ESTATE OF NOREEN THOMPSON;
NAVONA COLLISON, AS AN INDIVIDUAL; RUSSELL
THOMPSON, AS AN INDIVIDUAL; R.J. REYNOLDS TOBACCO
COMPANY, A FOREIGN CORPORATION; LIGGETT GROUP LLC,
A FOREIGN CORPORATION; QUICK STOP MARKET, LLC, A
DOMESTIC LIMITED LIABILITY COMPANY; JOE'S BAR, INC., A
DOMESTIC CORPORATION; THE POKER PALACE, A DOMESTIC
CORPORATION; SILVER NUGGET GAMING, LLC D/B/A
SILVER NUGGET CASINO, A DOMESTIC LIMITED LIABILITY
COMPANY; AND JERRY'S NUGGET, A DOMESTIC
CORPORATION,

Real Parties in Interest

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Case No. _____

District Court
Case No. A-19-807653-C

**PHILIP MORRIS USA INC.'S PETITION FOR
WRIT OF MANDAMUS OR, ALTERNATIVELY, PROHIBITION – APPENDIX
VOL. 7**

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1 Reynolds' advertisements that were published in 1985 in various magazines and newspapers. The
2 full and precise content of the advertisements may be ascertained from the statements themselves.
3 Reynolds states that the remaining subparagraphs are not directed to Reynolds and do not require an
4 answer. Reynolds denies the remaining allegations contained in paragraph 243, including each of its
5 subparagraphs a. through g.

6 244. Reynolds is without knowledge or information sufficient to form a belief as to the
7 existence, authenticity, content, or context of the unidentified statements referenced in paragraph
8 244 and, accordingly, denies the allegations relating thereto. Reynolds denies the remaining
9 allegations contained in paragraph 244.

10 245. Reynolds is without knowledge or information sufficient to form a belief as to the
11 existence, authenticity, content, or context of the unidentified press releases and statements
12 referenced in paragraph 245 and, accordingly, denies the allegations relating thereto. Reynolds
13 denies the remaining allegations contained in paragraph 245.

14 246. Reynolds is without knowledge or information sufficient to form a belief as to the
15 existence, authenticity, content, or context of the unidentified statements referenced in paragraph
16 246 and, accordingly, denies the allegations relating thereto. Reynolds denies the remaining
17 allegations contained in paragraph 246.

18 247. Reynolds denies that the allegations contained in paragraph 247 fairly or accurately
19 characterize the substance of Reynolds' defense to smoking and health litigation. Reynolds admits
20 that smokers can and do quit smoking. Reynolds denies the remaining allegations contained in
21 paragraph 247.

22 248. Reynolds admits that, consistent with applicable law, it has claimed and continues to
23 claim that certain documents are protected by the attorney-client privilege and/or other applicable
24 privileges or protections. Reynolds further admits that it has withheld such documents from
25 production in litigation in which production has been called for and has listed the withheld
26 documents on privilege logs in accordance with applicable law and rules of procedure. Reynolds
27 states that it has complied with all court orders requiring the production of documents as to which it
28 has asserted privilege. Reynolds denies the remaining allegations contained in paragraph 248.

1 249. Reynolds denies that the allegations contained in paragraph 249 fairly or accurately
2 characterize the substance of Reynolds' defense to smoking and health litigation and denies the
3 remaining allegations contained in paragraph 249.

4 250. Paragraph 250 does not require an answer because it asserts incorrect legal
5 conclusions, rather than stating factual allegations. To the extent that any answer is required,
6 Reynolds is without knowledge or information sufficient to form a belief as to the unidentified
7 "statements" referenced in paragraph 250 and, accordingly, denies the allegations relating thereto.
8 Reynolds denies the remaining allegations contained in paragraph 250.

9 251. Reynolds is without knowledge or information sufficient to form a belief as to the
10 truth of the remaining allegations contained in paragraph 251 concerning what the Plaintiff's
11 Decedent "heard, read, and relied upon" and, accordingly, denies the same. Reynolds denies making
12 "misrepresentations and false statements" and denies the remaining allegations contained in
13 paragraph 251.

14 252. Reynolds denies the existence of, and its participation in, any alleged conspiracy,
15 denies making false statements and/or misrepresentations, and denies the remaining allegations
16 contained in paragraph 252.

17 253. Reynolds denies making "false and misleading marketing and advertisements."
18 Reynolds is without knowledge or information sufficient to form a belief as to the truth or falsity of
19 the allegations contained in paragraph 253 concerning the Plaintiff's Decedent's smoking history
20 and/or alleged injuries and, on that basis, denies those allegations. Reynolds admits that the selected
21 phrase quoted in paragraph 253 appeared at some point in time in certain advertisements for Camel
22 brand cigarettes. Reynolds denies that the advertisement is fairly or accurately characterized in
23 paragraph 253 and states that the complete and precise content of the advertisement can be
24 ascertained from the advertisements itself. Reynolds denies the remaining allegations contained in
25 paragraph 253 that apply to Reynolds. Reynolds is without knowledge or information sufficient to
26 form a belief as to the truth or falsity of the remaining allegations contained in paragraph 253 that
27 apply to other Defendants and, on that basis, denies those allegations.

28 254. Reynolds is without knowledge or information sufficient to form a belief as to the

1 truth of the remaining allegations contained in paragraph 254 concerning what the Plaintiff's
2 Decedent "heard" and, accordingly, denies the same. Reynolds denies making "false or misleading
3 statements" and denies the remaining allegations contained in paragraph 254.

4 255. Reynolds denies the existence of, and its participation in, any alleged conspiracy,
5 denies making false statements and/or misrepresentations, and denies the remaining allegations
6 contained in paragraph 255.

7 256. Paragraph 256 does not require an answer because it asserts incorrect legal
8 conclusions, rather than stating factual allegations. To the extent that any answer is required,
9 Reynolds is without knowledge or information sufficient to form a belief as to the unidentified
10 "statements" referenced in paragraph 256 and, accordingly, denies the allegations relating thereto.
11 Reynolds denies the remaining allegations contained in paragraph 256.

12 257. Reynolds is without knowledge or information sufficient to form a belief as to the
13 truth or falsity of the allegations contained in paragraph 257 concerning Plaintiff's Decedent's
14 smoking history and, on that basis, denies those allegations. Reynolds denies the remaining
15 allegations contained in paragraph 257.

16 258. Paragraph 258 does not require an answer because it asserts incorrect legal
17 conclusions, rather than stating factual allegations. To the extent that any answer is required,
18 Reynolds is without knowledge or information sufficient to form a belief as to the unidentified and
19 testimony referenced in paragraph 258 and, accordingly, denies the allegations relating thereto.
20 Reynolds denies the remaining allegations contained in paragraph 258.

21 259. Paragraph 259 does not require an answer because it asserts incorrect legal
22 conclusions, rather than stating factual allegations. To the extent that any answer is required,
23 Reynolds denies making "misrepresentations" to the Plaintiff's Decedent and denies the remaining
24 allegations contained in paragraph 259, including each of its subparagraphs.

25 260. Paragraph 260 does not require an answer because it asserts incorrect legal
26 conclusions, rather than stating factual allegations. To the extent that any answer is required,
27 Reynolds denies making "false promises" to the Plaintiff's Decedent and denies the remaining
28 allegations contained in paragraph 260, including each of its subparagraphs.

261. Paragraph 261 does not require an answer because it asserts incorrect legal conclusions, rather than stating factual allegations. To the extent that any answer is required, Reynolds denies that Plaintiff has any cause of action against Reynolds, denies that Plaintiff is entitled to judgment against, or any relief whatsoever from, Reynolds in this action, and denies the remaining allegations contained in paragraph 261.

262. Paragraph 262 does not require an answer because it asserts incorrect legal conclusions, rather than stating factual allegations. To the extent that any answer is required, Reynolds denies that Plaintiff has any cause of action against Reynolds, denies that Plaintiff is entitled to judgment against, or any relief whatsoever from, Reynolds in this action, and denies the remaining allegations contained in paragraph 262.

263. Reynolds denies that it engaged in the conduct alleged in the Amended Complaint and denies the remaining allegations of paragraph 263.

264. Reynolds denies that it engaged in the conduct alleged in the Amended Complaint. Reynolds also denies that Plaintiff has any cause of action against Reynolds, denies that Plaintiff is entitled to judgment against, or any relief whatsoever from, Reynolds in this action, and denies the remaining allegations contained in paragraph 264.

265. Reynolds denies that it engaged in the conduct alleged in the Amended Complaint. Reynolds also denies that Plaintiff has any cause of action against Reynolds, denies that Plaintiff is entitled to judgment against, or any relief whatsoever from, Reynolds in this action, and denies the remaining allegations contained in paragraph 265.

266. Reynolds denies that Plaintiff has any cause of action against Reynolds, denies that Plaintiff is entitled to judgment against, or any relief whatsoever from, Reynolds in this action, and denies the remaining allegations contained in paragraph 266.

SEVENTH CLAIM FOR RELIEF

(WRONGFUL DEATH – FRAUDULENT CONCEALMENT)

Dolly Rowan as Personal Representative of the Estate of Noreen Thompson and Dolly Rowan as Heir of Noreen Thompson Against Defendants R.J. Reynolds and Liggett

267. Reynolds incorporates by this reference its responses to the allegations repeated and

1 re-alleged by Plaintiff in this paragraph as if fully restated herein.

2 268. Reynolds admits that Plaintiff purports to bring a claim for wrongful death. Reynolds
3 denies that Plaintiff has any cause of action against Reynolds, denies that Plaintiff is entitled to
4 judgment against, or any relief whatsoever from, Reynolds in this action, and denies the remaining
5 allegations contained in paragraph 268.

6 269. Reynolds is without knowledge or information sufficient to form a belief as to the
7 truth of the allegations contained in paragraph 269 and, on that basis, denies those allegations.

8 270. Reynolds admits that Plaintiff purports to bring a claim pursuant to NRS 41.085(4).
9 Reynolds denies that Plaintiff has any cause of action against Reynolds, denies that Plaintiff is
10 entitled to judgment against, or any relief whatsoever from, Reynolds in this action, and denies the
11 remaining allegations contained in paragraph 270 that apply to Reynolds. Reynolds is without
12 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining
13 allegations contained in paragraph 270 and, on that basis, denies those allegations.

14 271. Reynolds is without knowledge or information sufficient to form a belief as to the
15 truth or falsity of the allegations contained in paragraph 271 and, on that basis, denies those
16 allegations.

17 272. Reynolds admits that Plaintiff purports to bring a claim pursuant to NRS 41.085(5).
18 Reynolds denies that Plaintiff has any cause of action against Reynolds, denies that Plaintiff is
19 entitled to judgment against, or any relief whatsoever from, Reynolds in this action, and denies the
20 remaining allegations contained in paragraph 272 that apply to Reynolds. Reynolds is without
21 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining
22 allegations contained in paragraph 272 and, on that basis, denies those allegations.

23 273. Reynolds denies the allegations contained in paragraph 273.

24 274. Reynolds denies the allegations contained in paragraph 274.

25 275. Reynolds denies that it engaged in the conduct alleged in the Amended Complaint
26 and denies the remaining allegations contained in paragraph 275.

27 276. Reynolds states that the document purportedly quoted in subparagraph 276h. is
28 protected from disclosure by the attorney-client privilege, the work product doctrine and/or the joint

1 defense or the joint interest privilege, and that it is therefore improper for Plaintiff to have referred to
2 and quoted this document in the Amended Complaint. Further responding, Reynolds denies the
3 allegations contained in paragraph 276, including each of its subparagraphs.

4 277. Reynolds denies the allegations contained in paragraph 277, including each of its
5 subparagraphs.

6 278. Reynolds is without knowledge or information sufficient to form a belief as to the
7 existence, authenticity, content, or context of the unidentified “media campaigns, mailings . . . and
8 testimony” referenced in paragraph 278 and, accordingly, denies the allegations relating thereto.
9 Reynolds denies the remaining allegations contained in paragraph 278.

10 279. Reynolds denies the allegations contained in paragraph 279.

11 280. Reynolds states that paragraph 280g. quotes accurately but out of context from
12 Reynolds’ advertisements that were published in 1985 in various magazines and newspapers. The
13 full and precise content of the advertisements may be ascertained from the statements themselves.
14 Reynolds states that the remaining subparagraphs are not directed to Reynolds and do not require an
15 answer. Reynolds denies the remaining allegations contained in paragraph 280, including each of its
16 subparagraphs.

17 281. Reynolds is without knowledge or information sufficient to form a belief as to the
18 existence, authenticity, content, or context of the unidentified statements referenced in paragraph
19 281 and, accordingly, denies the allegations relating thereto. Reynolds denies the remaining
20 allegations contained in paragraph 281.

21 282. Reynolds is without knowledge or information sufficient to form a belief as to the
22 existence, authenticity, content, or context of the unidentified press releases and statements
23 referenced in paragraph 282 and, accordingly, denies the allegations relating thereto. Reynolds
24 denies the remaining allegations contained in paragraph 282.

25 283. Reynolds is without knowledge or information sufficient to form a belief as to the
26 existence, authenticity, content, or context of the unidentified statements referenced in paragraph
27 283 and, accordingly, denies the allegations relating thereto. Reynolds denies the remaining
28 allegations contained in paragraph 283.

1 284. Reynolds denies that the allegations contained in paragraph 284 fairly or accurately
2 characterize the substance of Reynolds' defense to smoking and health litigation. Reynolds admits
3 that smokers can and do quit smoking. Reynolds denies the remaining allegations contained in
4 paragraph 284.

5 285. Reynolds admits that, consistent with applicable law, it has claimed and continues to
6 claim that certain documents are protected by the attorney-client privilege and/or other applicable
7 privileges or protections. Reynolds further admits that it has withheld such documents from
8 production in litigation in which production has been called for and has listed the withheld
9 documents on privilege logs in accordance with applicable law and rules of procedure. Reynolds
10 states that it has complied with all court orders requiring the production of documents as to which it
11 has asserted privilege. Reynolds denies the remaining allegations contained in paragraph 285.

12 286. Reynolds denies that the allegations contained in paragraph 286 fairly or accurately
13 characterize the substance of Reynolds' defense to smoking and health litigation and denies the
14 remaining allegations contained in paragraph 286.

15 287. Reynolds is without knowledge or information sufficient to form a belief as to the
16 truth of the allegations contained in paragraph 287 concerning what the Plaintiff's Decedent "heard,
17 read, and relied upon" and, accordingly, denies the same. Reynolds denies making "concealed
18 statements and misrepresentations" and denies the remaining allegations contained in paragraph 287.

19 288. Reynolds denies the existence of, and its participation in, any alleged conspiracy,
20 denies making false statements and/or misrepresentations, and denies the remaining allegations
21 contained in paragraph 288.

22 289. Reynolds denies making "false and misleading marketing and advertisements."
23 Reynolds is without knowledge or information sufficient to form a belief as to the truth or falsity of
24 the allegations contained in paragraph 289 concerning the Plaintiff's Decedent's smoking history
25 and/or alleged injuries and, on that basis, denies those allegations. Reynolds admits that the selected
26 phrase quoted in paragraph 289 appeared at some point in time in certain advertisements for Camel
27 brand cigarettes. Reynolds denies that the advertisement is fairly or accurately characterized in
28 paragraph 289 and states that the complete and precise content of the advertisement can be

1 ascertained from the advertisements itself. Reynolds denies the remaining allegations contained in
2 paragraph 289 that apply to Reynolds. Reynolds is without knowledge or information sufficient to
3 form a belief as to the truth or falsity of the remaining allegations contained in paragraph 289 that
4 apply to other Defendants and, on that basis, denies those allegations.

5 290. Reynolds is without knowledge or information sufficient to form a belief as to the
6 truth of the remaining allegations contained in paragraph 290 concerning what the Plaintiff's
7 Decedent "heard" and, accordingly, denies the same. Reynolds denies making "false or misleading
8 statements" and denies the remaining allegations contained in paragraph 290.

9 291. Paragraph 291 does not require an answer because it asserts incorrect legal
10 conclusions, rather than stating factual allegations. To the extent that any answer is required,
11 Reynolds is without knowledge or information sufficient to form a belief as to the unidentified
12 "statements" referenced in paragraph 291 and, accordingly, denies the allegations relating thereto.
13 Reynolds denies the remaining allegations contained in paragraph 291.

14 292. Reynolds is without knowledge or information sufficient to form a belief as to the
15 truth or falsity of the allegations contained in paragraph 292 concerning Plaintiff's Decedent's
16 smoking history and, on that basis, denies those allegations. Reynolds denies the remaining
17 allegations contained in paragraph 292.

18 293. Paragraph 293 does not require an answer because it asserts incorrect legal
19 conclusions, rather than stating factual allegations. To the extent that any answer is required,
20 Reynolds is without knowledge or information sufficient to form a belief as to the unidentified and
21 testimony referenced in paragraph 293 and, accordingly, denies the allegations relating thereto.
22 Reynolds denies the remaining allegations contained in paragraph 293.

23 294. Reynolds is without knowledge or information sufficient to form a belief as to the
24 truth or falsity of the allegations contained in paragraph 294 concerning what Plaintiff's Decedent
25 allegedly "heard" and, on that basis, denies those allegations. Reynolds denies making false or
26 misleading statements and denies the remaining allegations contained in paragraph 294.

27 295. Reynolds denies "concealing and/or suppress[ing]" information and denies the
28 remaining allegations contained in paragraph 295.

1 296. Paragraph 296 does not require an answer because it asserts incorrect legal
2 conclusions, rather than stating factual allegations. To the extent that any answer is required,
3 Reynolds denies making “false promises” to the Plaintiff’s Decedent and denies the remaining
4 allegations contained in paragraph 296, including each of its subparagraphs.

5 297. Paragraph 297 does not require an answer because it asserts incorrect legal
6 conclusions, rather than stating factual allegations. To the extent that any answer is required,
7 Reynolds denies that Plaintiff has any cause of action against Reynolds, denies that Plaintiff is
8 entitled to judgment against, or any relief whatsoever from, Reynolds in this action, and denies the
9 remaining allegations contained in paragraph 297.

10 298. Paragraph 298 does not require an answer because it asserts incorrect legal
11 conclusions, rather than stating factual allegations. To the extent that any answer is required,
12 Reynolds denies that Plaintiff has any cause of action against Reynolds, denies that Plaintiff is
13 entitled to judgment against, or any relief whatsoever from, Reynolds in this action, and denies the
14 remaining allegations contained in paragraph 298.

15 299. Paragraph 299 does not require an answer because it asserts incorrect legal
16 conclusions, rather than stating factual allegations. To the extent that any answer is required,
17 Reynolds denies that Plaintiff has any cause of action against Reynolds, denies that Plaintiff is
18 entitled to judgment against, or any relief whatsoever from, Reynolds in this action, and denies the
19 remaining allegations contained in paragraph 299.

20 300. Reynolds denies that it engaged in the conduct alleged in the Amended Complaint
21 and denies the remaining allegations of paragraph 300.

22 301. Reynolds denies that it engaged in the conduct alleged in the Amended Complaint.
23 Reynolds also denies that Plaintiff has any cause of action against Reynolds, denies that Plaintiff is
24 entitled to judgment against, or any relief whatsoever from, Reynolds in this action, and denies the
25 remaining allegations contained in paragraph 301.

26 302. Reynolds denies that it engaged in the conduct alleged in the Amended Complaint.
27 Reynolds also denies that Plaintiff has any cause of action against Reynolds, denies that Plaintiff is
28 entitled to judgment against, or any relief whatsoever from, Reynolds in this action, and denies the

1 remaining allegations contained in paragraph 302.

2 303. Reynolds denies that Plaintiff has any cause of action against Reynolds, denies that
3 Plaintiff is entitled to judgment against, or any relief whatsoever from, Reynolds in this action, and
4 denies the remaining allegations contained in paragraph 303.

5 **EIGHTH CLAIM FOR RELIEF**
6 **(FRAUDULENT CONCEALMENT)**

7 **Dolly Rowan as Administrator of the Estate of Noreen Thompson Against Defendants**
8 **R.J. Reynolds and Liggett**

9 304. Reynolds incorporates by this reference its responses to the allegations repeated and
10 re-alleged by Plaintiff in this paragraph as if fully restated herein.

11 305. Reynolds denies that Plaintiff is entitled to judgment against, or any relief whatsoever
12 from, Reynolds in this action, and denies the remaining allegations contained in paragraph 305 that
13 apply to Reynolds. Reynolds is without knowledge or information sufficient to form a belief as to
14 the truth or falsity of the remaining allegations contained in paragraph 305 and, on that basis, denies
15 those allegations.

16 306. Reynolds denies the allegations contained in paragraph 306.

17 307. Reynolds denies the allegations contained in paragraph 307.

18 308. The Amended Complaint does not contain allegation 308.

19 309. The Amended Complaint does not contain allegation 309.

20 310. Reynolds denies that it engaged in the conduct alleged in the Amended Complaint
21 and denies the remaining allegations contained in paragraph 310.

22 311. Reynolds states that the document purportedly quoted in subparagraph h. is protected
23 from disclosure by the attorney-client privilege, the work product doctrine and/or the joint defense or
24 the joint interest privilege, and that it is therefore improper for Plaintiff to have referred to and
25 quoted this document in the Amended Complaint. Further responding, Reynolds denies the
26 allegations contained in paragraph 311, including each of its subparagraphs.

27 312. Reynolds denies the allegations contained in paragraph 312, including each of its
28 subparagraphs.

1 313. Reynolds is without knowledge or information sufficient to form a belief as to the
2 existence, authenticity, content, or context of the unidentified “media campaigns, mailings . . . and
3 testimony” referenced in paragraph 313 and, accordingly, denies the allegations relating thereto.
4 Reynolds denies the remaining allegations contained in paragraph 313.

5 314. Reynolds denies the allegations contained in paragraph 314.

6 315. Reynolds states that paragraph 315g. quotes accurately but out of context from
7 Reynolds’ advertisements that were published in 1985 in various magazines and newspapers. The
8 full and precise content of the advertisements may be ascertained from the statements themselves.
9 Reynolds states that the remaining subparagraphs are not directed to Reynolds and do not require an
10 answer. Reynolds denies the remaining allegations contained in paragraph 315, including each of its
11 subparagraphs.

12 316. Reynolds is without knowledge or information sufficient to form a belief as to the
13 existence, authenticity, content, or context of the unidentified statements referenced in paragraph
14 316 and, accordingly, denies the allegations relating thereto. Reynolds denies the remaining
15 allegations contained in paragraph 316.

16 317. Reynolds is without knowledge or information sufficient to form a belief as to the
17 existence, authenticity, content, or context of the unidentified press releases and statements
18 referenced in paragraph 317 and, accordingly, denies the allegations relating thereto. Reynolds
19 denies the remaining allegations contained in paragraph 317.

20 318. Reynolds is without knowledge or information sufficient to form a belief as to the
21 existence, authenticity, content, or context of the unidentified statements referenced in paragraph
22 318 and, accordingly, denies the allegations relating thereto. Reynolds denies the remaining
23 allegations contained in paragraph 318.

24 319. Reynolds denies that the allegations contained in paragraph 319 fairly or accurately
25 characterize the substance of Reynolds’ defense to smoking and health litigation. Reynolds admits
26 that smokers can and do quit smoking. Reynolds denies the remaining allegations contained in
27 paragraph 319.

28 320. Reynolds admits that, consistent with applicable law, it has claimed and continues to

1 claim that certain documents are protected by the attorney-client privilege and/or other applicable
2 privileges or protections. Reynolds further admits that it has withheld such documents from
3 production in litigation in which production has been called for and has listed the withheld
4 documents on privilege logs in accordance with applicable law and rules of procedure. Reynolds
5 states that it has complied with all court orders requiring the production of documents as to which it
6 has asserted privilege. Reynolds denies the remaining allegations contained in paragraph 320.

7 321. Reynolds denies that the allegations contained in paragraph 321 fairly or accurately
8 characterize the substance of Reynolds' defense to smoking and health litigation and denies the
9 remaining allegations contained in paragraph 321.

10 322. Reynolds is without knowledge or information sufficient to form a belief as to the
11 truth of the allegations contained in paragraph 322 concerning what the Plaintiff's Decedent "heard,
12 read, and relied upon" and, accordingly, denies the same. Reynolds denies the remaining allegations
13 contained in paragraph 322.

14 323. Reynolds denies the existence of, and its participation in, any alleged conspiracy,
15 denies making false statements and/or misrepresentations, and denies the remaining allegations
16 contained in paragraph 323.

17 324. Reynolds denies making "false and misleading marketing and advertisements."
18 Reynolds is without knowledge or information sufficient to form a belief as to the truth or falsity of
19 the allegations contained in paragraph 324 concerning the Plaintiff's Decedent's smoking history
20 and/or alleged injuries and, on that basis, denies those allegations. Reynolds admits that the selected
21 phrase quoted in paragraph 324 appeared at some point in time in certain advertisements for Camel
22 brand cigarettes. Reynolds denies that the advertisement is fairly or accurately characterized in
23 paragraph 324 and states that the complete and precise content of the advertisement can be
24 ascertained from the advertisements itself. Reynolds denies the remaining allegations contained in
25 paragraph 324 that apply to Reynolds. Reynolds is without knowledge or information sufficient to
26 form a belief as to the truth or falsity of the remaining allegations contained in paragraph 324 that
27 apply to other Defendants and, on that basis, denies those allegations.

28 325. Reynolds is without knowledge or information sufficient to form a belief as to the

1 truth of the remaining allegations contained in paragraph 325 concerning what the Plaintiff's
2 Decedent "heard" and, accordingly, denies the same. Reynolds denies making "false or misleading
3 statements" and denies the remaining allegations contained in paragraph 325.

4 326. Paragraph 326 does not require an answer because it asserts incorrect legal
5 conclusions, rather than stating factual allegations. To the extent that any answer is required,
6 Reynolds is without knowledge or information sufficient to form a belief as to the unidentified
7 "statements" referenced in paragraph 326 and, accordingly, denies the allegations relating thereto.
8 Reynolds denies the remaining allegations contained in paragraph 326.

9 327. Reynolds is without knowledge or information sufficient to form a belief as to the
10 truth or falsity of the allegations contained in paragraph 327 concerning Plaintiff's Decedent's
11 smoking history and, on that basis, denies those allegations. Reynolds denies the remaining
12 allegations contained in paragraph 327.

13 328. Paragraph 328 does not require an answer because it asserts incorrect legal
14 conclusions, rather than stating factual allegations. To the extent that any answer is required,
15 Reynolds is without knowledge or information sufficient to form a belief as to the unidentified and
16 testimony referenced in paragraph 328 and, accordingly, denies the allegations relating thereto.
17 Reynolds denies the remaining allegations contained in paragraph 328.

18 329. Reynolds is without knowledge or information sufficient to form a belief as to the
19 truth or falsity of the allegations contained in paragraph 329 concerning what Plaintiff's Decedent
20 allegedly "heard" and, on that basis, denies those allegations. Reynolds denies making false or
21 misleading statements and denies the remaining allegations contained in paragraph 329.

22 330. Reynolds denies "concealing and/or suppress[ing]" information and denies the
23 remaining allegations contained in paragraph 330.

24 331. Paragraph 331 does not require an answer because it asserts incorrect legal
25 conclusions, rather than stating factual allegations. To the extent that any answer is required,
26 Reynolds denies making "false promises" to the Plaintiff's Decedent and denies the remaining
27 allegations contained in paragraph 331, including each of its subparagraphs.

28 332. Paragraph 332 does not require an answer because it asserts incorrect legal

1 conclusions, rather than stating factual allegations. To the extent that any answer is required,
2 Reynolds denies that Plaintiff has any cause of action against Reynolds, denies that Plaintiff is
3 entitled to judgment against, or any relief whatsoever from, Reynolds in this action, and denies the
4 remaining allegations contained in paragraph 332.

5 333. Paragraph 333 does not require an answer because it asserts incorrect legal
6 conclusions, rather than stating factual allegations. To the extent that any answer is required,
7 Reynolds denies that Plaintiff has any cause of action against Reynolds, denies that Plaintiff is
8 entitled to judgment against, or any relief whatsoever from, Reynolds in this action, and denies the
9 remaining allegations contained in paragraph 333.

10 334. Reynolds denies that it engaged in the conduct alleged in the Amended Complaint
11 and denies the remaining allegations of paragraph 334.

12 335. Reynolds denies that it engaged in the conduct alleged in the Amended Complaint.
13 Reynolds also denies that Plaintiff has any cause of action against Reynolds, denies that Plaintiff is
14 entitled to judgment against, or any relief whatsoever from, Reynolds in this action, and denies the
15 remaining allegations contained in paragraph 335.

16 336. Reynolds denies that it engaged in the conduct alleged in the Amended Complaint.
17 Reynolds also denies that Plaintiff has any cause of action against Reynolds, denies that Plaintiff is
18 entitled to judgment against, or any relief whatsoever from, Reynolds in this action, and denies the
19 remaining allegations contained in paragraph 336.

20 337. Reynolds denies that Plaintiff has any cause of action against Reynolds, denies that
21 Plaintiff is entitled to judgment against, or any relief whatsoever from, Reynolds in this action, and
22 denies the remaining allegations contained in paragraph 337.

23 **NINTH CLAIM FOR RELIEF**

24 **(WRONGFUL DEATH – CIVIL CONSPIRACY)**

25 **Dolly Rowan as Personal Representative of the Estate of Noreen Thompson and Dolly Rowan**
26 **as Heir of Noreen Thompson Against Defendants R.J. Reynolds, Liggett and Philip Morris**

27 338. Reynolds incorporates by this reference its responses to the allegations repeated and
28 re-alleged by Plaintiff in this paragraph as if fully restated herein.

1 339. Reynolds admits that Plaintiff purports to bring a claim for wrongful death. Reynolds
2 denies that Plaintiff has any cause of action against Reynolds, denies that Plaintiff is entitled to
3 judgment against, or any relief whatsoever from, Reynolds in this action, and denies the remaining
4 allegations contained in paragraph 339.

5 340. Reynolds is without knowledge or information sufficient to form a belief as to the
6 truth of the allegations contained in paragraph 340 and, on that basis, denies those allegations.

7 341. Reynolds admits that Plaintiff purports to bring a claim pursuant to NRS 41.085(4).
8 Reynolds denies that Plaintiff has any cause of action against Reynolds, denies that Plaintiff is
9 entitled to judgment against, or any relief whatsoever from, Reynolds in this action, and denies the
10 remaining allegations contained in paragraph 341 that apply to Reynolds. Reynolds is without
11 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining
12 allegations contained in paragraph 341 and, on that basis, denies those allegations.

13 342. Reynolds is without knowledge or information sufficient to form a belief as to the
14 truth or falsity of the allegations contained in paragraph 342 and, on that basis, denies those
15 allegations.

16 343. Reynolds admits that Plaintiff purports to bring a claim pursuant to NRS 41.085(5).
17 Reynolds denies that Plaintiff has any cause of action against Reynolds, denies that Plaintiff is
18 entitled to judgment against, or any relief whatsoever from, Reynolds in this action, and denies the
19 remaining allegations contained in paragraph 343 that apply to Reynolds. Reynolds is without
20 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining
21 allegations contained in paragraph 343 and, on that basis, denies those allegations.

22 344. Reynolds denies the existence of, and its participation in, any alleged conspiracy,
23 Reynolds admits that it made various statements pertaining the smoking and health, including
24 addiction, but denies that those statements are fairly or accurately characterized in paragraph 344.
25 Reynolds denies the remaining allegations contained in paragraph 344, including each of its
26 subparagraphs.

27 345. Reynolds denies the existence of, and its participation in, any alleged conspiracy and
28 denies the remaining allegations contained in paragraph 345, including each of its subparagraphs.

1 346. Reynolds denies the existence of, and its participation in, any alleged conspiracy and
2 denies the remaining allegations contained in paragraph 346.

3 347. Reynolds denies the allegations contained in paragraph 347.

4 348. Reynolds is without knowledge or information sufficient to form a belief as to the
5 truth or falsity of the allegations contained in paragraph 348 concerning what Plaintiff's Decedent
6 allegedly "heard" and, on that basis, denies those allegations. Reynolds denies the remaining
7 allegations contained in paragraph 348.

8 349. Reynolds states that Plaintiff has failed to define, and the scientific community has
9 been unable to achieve a consensus on, what constitutes a "safe" or "safer" cigarette. Reynolds
10 denies the existence of, and its participation in, any alleged conspiracy and denies the remaining
11 allegations contained in paragraph 349.

12 350. Reynolds denies the existence of, and its participation in, any alleged conspiracy and
13 denies the remaining allegations contained in paragraph 350.

14 a. Reynolds denies the allegations contained in paragraph 350a. that apply to Reynolds.
15 Reynolds is without knowledge or information sufficient to form a belief as to the truth or falsity of
16 the remaining allegations contained in paragraph 350a. that apply to other Defendants and, on that
17 basis, denies those allegations.

18 b. Reynolds denies the allegations contained in paragraph 350b. that apply to Reynolds.
19 Reynolds is without knowledge or information sufficient to form a belief as to the truth or falsity of
20 the remaining allegations contained in paragraph 350b. that apply to other Defendants and, on that
21 basis, denies those allegations.

22 c. Reynolds denies the allegations contained in paragraph 350c, including
23 subparagraphs 350c.i. through 350c.ii. that apply to Reynolds. Reynolds is without knowledge or
24 information sufficient to form a belief as to the existence, authenticity, content, or context of the
25 remaining unidentified "White Papers" referenced in paragraph 350c.ii. and, accordingly, denies the
26 allegations relating thereto. Reynolds is without knowledge or information sufficient to form a
27 belief as to the truth or falsity of the remaining allegations contained in paragraph 350c. that apply to
28 other Defendants and, on that basis, denies those allegations.

1 d. Reynolds denies the allegations contained in paragraph 350d. that apply to Reynolds.
2 Reynolds is without knowledge or information sufficient to form a belief as to the truth or falsity of
3 the remaining allegations contained in paragraph 350d. that apply to other Defendants and, on that
4 basis, denies those allegations.

5 i. Reynolds admits that an article written by Stanley Frank entitled “To Smoke
6 or Not to Smoke, That is the Still the Question” appeared in various magazines. Reynolds
7 states that this article speaks for itself, but denies that it is fairly or accurately characterized
8 in paragraph 350d.i. Reynolds states that the allegations contained in paragraph 350d.i.
9 purport to selectively quote, improperly characterize, and/or reference portions of the district
10 court’s opinion in *United States v. Philip Morris USA, Inc.* Reynolds states that the opinion
11 speaks for itself but denies that it is fairly, accurately, or appropriately characterized in
12 paragraph 350d.i. Except as expressly admitted, Reynolds denies the allegations in paragraph
13 350d.i.

14 ii. Reynolds admits that Joseph Cullman, then-chairman of Philip Morris,
15 appeared on “Face the Nation” on January 3, 1971. Reynolds states that this broadcast and
16 the complete statement of Joseph Cullman speaks for itself. Reynolds lacks knowledge or
17 information sufficient to form a belief of the truth of the remaining allegations contained in
18 paragraph 350d.ii. and, on that basis, denies those allegations.

19 e. Reynolds denies the existence of, or its participating in, any alleged conspiracy and
20 denies the remaining allegations contained in paragraph 350e. that apply to Reynolds. Reynolds is
21 without knowledge or information sufficient to form a belief as to the truth or falsity of the
22 remaining allegations contained in paragraph 350e. that apply to other Defendants and, on that basis,
23 denies those allegations.

24 i. Reynolds denies the existence of, or its participating in, any alleged
25 conspiracy. Reynolds is without knowledge or information sufficient to form a belief as to
26 the existence, authenticity, content, or context of the unidentified statement referenced in
27 paragraph 350e.i. and, accordingly, denies the allegations relating thereto.

28 ii. Reynolds denies the existence of, or its participating in, any alleged

1 conspiracy. Reynolds is informed and believes that selected excerpts from a document
2 prepared in or around 1972 by Fred Panzer are quoted accurately, although out of context, in
3 paragraph 350e.ii. Reynolds states that the complete and precise content of the referenced
4 document can be ascertained from the document itself, but denies that it is fairly or
5 accurately characterized in paragraph 350e.ii. Reynolds denies the remaining allegations
6 contained in paragraph 350e.ii.

7 iii. Reynolds states that the allegation contained in paragraph 350e.iii., including
8 its subparagraphs, purports to selectively quote a Brown & Williamson Tobacco Company
9 document. Reynolds states that the complete text and/or content of the document may be
10 ascertained from the document itself but, denies that it is fairly or accurately characterized.
11 Reynolds denies the remaining allegations contained in paragraph 350e.iii.

12 iv. Reynolds admits upon information and belief that Anne Browder was
13 employed by the Tobacco Institute and on occasion appeared on television programs.
14 Reynolds states that the complete and precise content of Ms. Browder's statement can be
15 ascertained from the statement itself, but denies that it is fairly or accurately characterized in
16 paragraph 350e.iv. Reynolds denies the remaining allegations contained in paragraph
17 350e.iv.

18 v. Reynolds states that the allegations contained in paragraph 350e.v. purport to
19 selectively quote, improperly characterize, and/or reference portions of the district court's
20 opinion in *United States v. Philip Morris USA, Inc.* Reynolds states that the opinion speaks
21 for itself but denies that it is fairly, accurately, or appropriately characterized in paragraph
22 350e.v. Reynolds also states that the document in the third sentence of paragraph 350e.v. is
23 protected from disclosure by the attorney-client privilege, the work product doctrine, and/or
24 the joint defense or the joint interest privilege, and that it is therefore improper for Plaintiff to
25 have referred to this documents in the Amended Complaint. Reynolds denies the remaining
26 allegations of paragraph 350e.v. to the extent they are directed to Reynolds. To the extent
27 the allegations of paragraph 350e.v. are directed toward other Defendants, Reynolds is
28 without knowledge or information sufficient to form a belief as to truth of those remaining

1 allegations contained in paragraph 350e.v. and, on that basis, denies those allegations.

2 f. Reynolds denies the allegations contained in paragraph 350f. that apply to Reynolds.
3 Reynolds is without knowledge or information sufficient to form a belief as to the truth or falsity of
4 the remaining allegations contained in paragraph 350f. that apply to other Defendants and, on that
5 basis, denies those allegations.

6 g. Reynolds denies the allegations contained in paragraph 350g. that apply to Reynolds.
7 Reynolds is without knowledge or information sufficient to form a belief as to the truth or falsity of
8 the remaining allegations contained in paragraph 350g. that apply to other Defendants and, on that
9 basis, denies those allegations.

10 351. Reynolds denies the allegations contained in paragraph 351 that apply to Reynolds.
11 Reynolds is without knowledge or information sufficient to form a belief as to the truth or falsity of
12 the remaining allegations contained in paragraph 351 that apply to other Defendants and, on that
13 basis, denies those allegations.

14 352. Reynolds states the allegations in paragraph 352 are not directed toward Reynolds
15 and, accordingly, no answer from Reynolds is required. To the extent that an answer may be
16 deemed required, Reynolds is without knowledge or information sufficient to form a belief as to the
17 truth of the allegations contained in paragraph 352 and, accordingly, denies the same.

18 353. Reynolds states the allegations in paragraph 353 are not directed toward Reynolds
19 and, accordingly, no answer from Reynolds is required. To the extent that an answer may be
20 deemed required, Reynolds denies the existence of, or its participating in, any alleged conspiracy
21 and denies the remaining allegations contained in paragraph 353.

22 354. Reynolds states the allegations in paragraph 354 are not directed toward Reynolds
23 and, accordingly, no answer from Reynolds is required. To the extent that an answer may be
24 deemed required, Reynolds is without knowledge or information sufficient to form a belief as to the
25 truth or falsity of the allegations contained in paragraph 354 concerning what the Plaintiff's
26 Decedent, "was exposed to" and, on that basis, denies those allegations. Reynolds is without
27 knowledge or information sufficient to form a belief as to the truth of the remaining allegations
28 contained in paragraph 354 and, accordingly, denies the same.

1 355. Reynolds states the allegations in paragraph 355 are not directed toward Reynolds
2 and, accordingly, no answer from Reynolds is required. To the extent that an answer may be
3 deemed required, Reynolds is without knowledge or information sufficient to form a belief as to the
4 truth or falsity of the allegations contained in paragraph 355 concerning the Plaintiff's Decedent's
5 smoking history and, on that basis, denies those allegations. Reynolds is without knowledge or
6 information sufficient to form a belief as to the truth of the remaining allegations contained in
7 paragraph 355 and, accordingly, denies the same.

8 356. Paragraph 356 does not require an answer because it asserts incorrect legal
9 conclusions, rather than stating factual allegations. To the extent that any answer is required,
10 Reynolds denies that Plaintiff has any cause of action against Reynolds, denies that Plaintiff is
11 entitled to judgment against, or any relief whatsoever from, Reynolds in this action, and denies the
12 remaining allegations contained in paragraph 356.

13 357. Paragraph 357 does not require an answer because it asserts incorrect legal
14 conclusions, rather than stating factual allegations. To the extent that any answer is required,
15 Reynolds denies that Plaintiff has any cause of action against Reynolds, denies that Plaintiff is
16 entitled to judgment against, or any relief whatsoever from, Reynolds in this action, and denies the
17 remaining allegations contained in paragraph 357.

18 358. Paragraph 358 does not require an answer because it asserts incorrect legal
19 conclusions, rather than stating factual allegations. To the extent that any answer is required,
20 Reynolds denies that Plaintiff has any cause of action against Reynolds, denies that Plaintiff is
21 entitled to judgment against, or any relief whatsoever from, Reynolds in this action, and denies the
22 remaining allegations contained in paragraph 358.

23 359. Reynolds denies that it engaged in the conduct alleged in the Amended Complaint
24 and denies the remaining allegations of paragraph 359.

25 360. Reynolds denies that it engaged in the conduct alleged in the Amended Complaint.
26 Reynolds also denies that Plaintiff has any cause of action against Reynolds, denies that Plaintiff is
27 entitled to judgment against, or any relief whatsoever from, Reynolds in this action, and denies the
28 remaining allegations contained in paragraph 360.