

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. 10**

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176. Liggett denies the allegations contained in paragraph 176, including that Plaintiff is entitled to any relief against Liggett whatsoever.

177. Liggett denies the allegations contained in paragraph 177, including that Plaintiff is entitled to any relief against Liggett whatsoever.

178. Liggett denies the allegations contained in paragraph 178, including that Plaintiff is entitled to any relief against Liggett whatsoever.

FOURTH CLAIM FOR RELIEF

(STRICT PRODUCTS LIABILITY)

Dolly Rowan as Administrator of the Estate of Noreen Thompson

Against Defendant R.J. Reynolds and Liggett

179. In response to the allegations contained in paragraph 179, Liggett realleges its responses to paragraphs 1 through 114 and 115 through 178.

180. Liggett admits that Plaintiff brings this action pursuant to NRS 41.100, but denies that he is entitled to maintain such an action against Liggett and denies that he is entitled to any relief as against Liggett whatsoever.

181. Liggett admits that it has been and is engaged in the business of manufacturing cigarettes for distribution at the wholesale level and that it has at various times marketed those products. Liggett denies the remaining allegations contained in paragraph 181.

182. Liggett is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 182 and therefore denies those allegations.

183. Liggett is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 183 and therefore denies those allegations.

184. Liggett denies the allegations contained in paragraph 184.

185. Liggett denies the allegations contained in paragraph 185.

186. Liggett denies the allegations contained in paragraph 186.

187. Liggett denies the allegations contained in paragraph 187.

188. Liggett denies the allegations contained in paragraph 188, including subparts (a) through (n).

- 1 189. Liggett denies the allegations contained in paragraph 189.
- 2 190. Liggett denies the remaining allegations in paragraph 190.
- 3 191. Liggett denies the remaining allegations in paragraph 191.
- 4 192. Liggett denies the allegations contained in paragraph 192, including that Plaintiff is
5 entitled to any relief against Liggett whatsoever.
- 6 193. Liggett denies the allegations in paragraph 193, including that Plaintiff is entitled
7 to any relief against Liggett whatsoever.
- 8 194. Liggett denies the remaining allegations in paragraph 194.
- 9 195. Liggett denies the allegations contained in paragraph 195, including that Plaintiff is
10 entitled to any relief against Liggett whatsoever.
- 11 196. Liggett denies the allegations contained in paragraph 196, including that Plaintiff is
12 entitled to any relief against Liggett whatsoever.
- 13 197. Liggett denies the allegations contained in paragraph 197, including that Plaintiff is
14 entitled to any relief against Liggett whatsoever.

15 **FIFTH CLAIM FOR RELIEF**

16 **(WRONGFUL DEATH- FRAUDULENT MISREPRESENTATION)**

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

- 19 198. In response to the allegations contained in paragraph 198, Liggett realleges its
20 responses to paragraphs 1 through 114.
- 21 199. To the extent the allegations contained in paragraph 199 state legal conclusions
22 rather than factual allegations, no response is required. To the extent a response is deemed
23 required, Liggett denies the allegations contained in paragraph 199.
- 24 200. Liggett is without knowledge or information sufficient to form a belief as to the
25 truth of the allegations contained in paragraph 200 and therefore denies those allegations.
- 26 201. Liggett admits that Plaintiff brings this action pursuant to NRS 41.085(4), but
27 denies that he is entitled to maintain such an action against Liggett and denies that he is entitled to
28 any relief as against Liggett whatsoever.

202. Liggett is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 202 and therefore denies those allegations.

203. Liggett admits that Plaintiff brings this action pursuant to 41.085(5), but denies that he is entitled to maintain such an action against Liggett and denies that he is entitled to any relief as against Liggett whatsoever.

204. Liggett denies the allegations contained in paragraph 204.

205. Liggett denies the allegations contained in paragraph 205.

206. Liggett denies the allegations contained in paragraph 206.

207. Liggett denies the allegations contained in paragraph 207, including subparts (a) through (g).

208. Liggett denies the allegations contained in paragraph 208.

209. Liggett denies the allegations contained in paragraph 209.

210. Liggett denies the allegations contained in paragraph 210 and its subparts (a) through (g), including the existence of or its participation in a conspiracy.

211. Liggett denies the allegations contained in paragraph 211.

212. Liggett denies the allegations contained in paragraph 212.

213. Liggett denies the allegations contained in paragraph 213.

214. Liggett denies the allegations contained in paragraph 214.

215. Liggett denies the allegations contained in paragraph 215.

216. Liggett denies the allegations contained in paragraph 216.

217. Liggett denies the allegations contained in paragraph 217.

218. Liggett denies the allegations contained in paragraph 218 and its subparts (a) through (f), including the existence of or its participation in a conspiracy.

219. Liggett denies the allegations contained in paragraph 219.

220. Liggett denies the allegations contained in paragraph 220, including subparts (a) through (c).

221. Liggett denies the allegations contained in paragraph 221.

1 222. Liggett denies the allegations contained in paragraph 222, including the existence
2 of or its participation in a conspiracy.

3 223. Liggett denies the allegations contained in paragraph 223.

4 224. Liggett denies the allegations contained in paragraph 224.

5 225. Liggett denies the allegations contained in paragraph 225.

6 226. Liggett denies the allegations contained in paragraph 226, including subparts (a)
7 through (g).

8 227. Liggett denies the allegations contained in paragraph 227, including subparts (a)
9 through (g).

10 228. Liggett denies the allegations contained in paragraph 228, including that Plaintiff is
11 entitled to any relief against Liggett whatsoever.

12 229. Liggett denies the allegations contained in paragraph 229, including that Plaintiff is
13 entitled to any relief against Liggett whatsoever.

14 230. Liggett denies the allegations contained in paragraph 230, including that Plaintiff is
15 entitled to any relief against Liggett whatsoever.

16 231. Liggett denies the allegations contained in paragraph 231.

17 232. Liggett denies the allegations contained in paragraph 232, including that Plaintiff is
18 entitled to any relief against Liggett whatsoever.

19 233. Liggett denies the allegations contained in paragraph 233, including that Plaintiff is
20 entitled to any relief against Liggett whatsoever.

21 234. Liggett denies the allegations contained in paragraph 234, including that Plaintiff is
22 entitled to any relief against Liggett whatsoever.

23 **SIXTH CLAIM FOR RELIEF**

24 **(FRAUDULENT MISREPRESENTATION)**

25 **Dolly Rowan as Administrator of the Estate of Noreen Thompson**

26 **Against Defendants R.J. Reynolds and Liggett**

27 235. In response to the allegations contained in paragraph 235, Liggett realleges its
28 responses to paragraphs 1 through 114 and 198 through 234.

1 236. Liggett admits that Plaintiff brings this action pursuant to NRS 41.100, but denies
2 that he is entitled to maintain such an action against Liggett and denies that he is entitled to any
3 relief as against Liggett whatsoever.

4 237. Liggett denies the allegations contained in paragraph 237.

5 238. Liggett denies the allegations contained in paragraph 238, including the existence
6 of or its participation in a conspiracy.

7 239. Liggett denies the allegations contained in paragraph 239.

8 240. Liggett denies the allegations contained in paragraph 240, including subparts (a)
9 through (g).

10 241. Liggett denies the allegations contained in paragraph 241.

11 242. Liggett denies the allegations contained in paragraph 242.

12 243. Liggett denies the allegations contained in paragraph 243, including subparts (a)
13 through (g).

14 244. Liggett denies the allegations contained in paragraph 244.

15 245. Liggett denies the allegations contained in paragraph 245.

16 246. Liggett denies the allegations contained in paragraph 246.

17 247. Liggett denies the allegations contained in paragraph 247.

18 248. Liggett denies the allegations contained in paragraph 248.

19 249. Liggett denies the allegations contained in paragraph 249.

20 250. Liggett denies the allegations contained in paragraph 250.

21 251. Liggett denies the allegations contained in paragraph 251 and its subparts (a) through
22 (f), including the existence of or its participation in a conspiracy.

23 252. Liggett denies the allegations contained in paragraph 252, including the existence
24 of or its participation in a conspiracy.

25 253. Liggett denies the allegations contained in paragraph 253, including subparts (a)
26 through (c).

27 254. Liggett denies the allegations contained in paragraph 254.

28 255. Liggett denies the allegations contained in paragraph 255.

- 1 256. Liggett denies the allegations contained in paragraph 256.
- 2 257. Liggett denies the allegations contained in paragraph 257.
- 3 258. Liggett denies the allegations contained in paragraph 258.
- 4 259. Liggett denies the allegations contained in paragraph 259, including subparts (a)
- 5 through (g).
- 6 260. Liggett denies the allegations contained in paragraph 260, including subparts (a)
- 7 through (g).
- 8 261. Liggett denies the allegations contained in paragraph 261, including that Plaintiff is
- 9 entitled to any relief against Liggett whatsoever.
- 10 262. Liggett denies the allegations contained in paragraph 262, including that Plaintiff is
- 11 entitled to any relief against Liggett whatsoever.
- 12 263. Liggett denies the allegations contained in paragraph 263.
- 13 264. Liggett denies the allegations contained in paragraph 264, including that Plaintiff is
- 14 entitled to any relief against Liggett whatsoever.
- 15 265. Liggett denies the allegations contained in paragraph 265, including that Plaintiff is
- 16 entitled to any relief against Liggett whatsoever.
- 17 266. Liggett denies the allegations contained in paragraph 266, including that Plaintiff is
- 18 entitled to any relief against Liggett whatsoever.

19 **SEVENTH CLAIM FOR RELIEF**

20 **(WRONGFUL DEATH- FRAUDULENT CONCEALMENT)**

21 **Dolly Rowan as Personal Representative of the Estate of Noreen Thompson and**

22 **Dolly Rowan as Heir of Noreen Thompson Against Defendants R.J. Reynolds and Liggett**

- 23 267. In response to the allegations contained in paragraph 428, Liggett realleges its
- 24 responses to paragraphs 1 through 114 and 198 through 266.
- 25 268. To the extent the allegations contained in paragraph 268 state legal conclusions
- 26 rather than factual allegations, no response is required. To the extent a response is deemed
- 27 required, Liggett denies the allegations contained in paragraph 268.
- 28

1 269. Liggett is without knowledge or information sufficient to form a belief as to the
2 truth of the allegations contained in paragraph 269 and therefore denies those allegations.

3 270. Liggett admits that Plaintiff brings this action pursuant to NRS 41.085(4), but
4 denies that he is entitled to maintain such an action against Liggett and denies that he is entitled to
5 any relief as against Liggett whatsoever.

6 271. Liggett is without knowledge or information sufficient to form a belief as to the
7 truth of the allegations contained in paragraph 271 and therefore denies those allegations.

8 272. Liggett admits that Plaintiff brings this action pursuant to 41.085(5), but denies that
9 he is entitled to maintain such an action against Liggett and denies that he is entitled to any relief
10 as against Liggett whatsoever.

11 273. Liggett denies the allegations contained in paragraph 273.

12 274. Liggett denies the allegations contained in paragraph 274.

13 275. Liggett denies the allegations contained in paragraph 275.

14 276. Liggett denies the allegations contained in paragraph 276 including subparts (a)
15 through (l).

16 277. Liggett denies the allegations contained in paragraph 277, including subparts (a)
17 through (g).

18 278. Liggett denies the allegations contained in paragraph 278.

19 279. Liggett denies the allegations contained in paragraph 279.

20 280. Liggett denies the allegations contained in paragraph 280 and subparts (a) through
21 (g), including the existence of or its participation in a conspiracy.

22 281. Liggett denies the allegations contained in paragraph 281.

23 282. Liggett denies the allegations contained in paragraph 282.

24 283. Liggett denies the allegations contained in paragraph 283, including that Plaintiff is
25 entitled to any relief against Liggett whatsoever.

26 284. Liggett denies the allegations contained in paragraph 284, including that Plaintiff is
27 entitled to any relief against Liggett whatsoever.
28

1 285. Liggett denies the allegations contained in paragraph 285, including that Plaintiff is
2 entitled to any relief against Liggett whatsoever.

3 286. Liggett denies the allegations contained in paragraph 286.

4 287. Liggett denies the allegations contained in paragraph 287 and its subparts (a)
5 through (e), including the existence of or its participation in a conspiracy.

6 288. Liggett denies the allegations contained in paragraph 288, including the existence
7 of or its participation in a conspiracy.

8 289. Liggett denies the allegations contained in paragraph 289, including subparts (a)
9 through (c).

10 290. Liggett denies the allegations contained in paragraph 290, including the existence
11 of or its participation in a conspiracy.

12 291. Liggett denies the allegations contained in paragraph 291.

13 292. Liggett denies the allegations contained in paragraph 292.

14 293. Liggett denies the allegations contained in paragraph 293, including the existence
15 of or its participation in a conspiracy.

16 294. Liggett denies the allegations contained in paragraph 294.

17 295. Liggett denies the allegations contained in paragraph 295, including the existence
18 of or its participation in a conspiracy.

19 296. Liggett denies the allegations contained in paragraph 296, including subparts (a)
20 through (j).

21 297. Liggett denies the allegations contained in paragraph 297, including that Plaintiff is
22 entitled to any relief against Liggett whatsoever.

23 298. Liggett denies the allegations contained in paragraph 298, including that Plaintiff is
24 entitled to any relief against Liggett whatsoever.

25 299. Liggett denies the allegations contained in paragraph 299, including that Plaintiff is
26 entitled to any relief against Liggett whatsoever.

27 300. Liggett denies the allegations contained in paragraph 300.
28

1 301. Liggett denies the allegations contained in paragraph 301, including that Plaintiff is
2 entitled to any relief against Liggett whatsoever.

3 302. Liggett denies the allegations contained in paragraph 302, including that Plaintiff is
4 entitled to any relief against Liggett whatsoever.

5 303. Liggett denies the allegations contained in paragraph 304.

6 **EIGHTH CLAIM FOR RELIEF**

7 **(FRAUDULENT CONCEALMENT)**

8 **Dolly Rowan as Administrator of the Estate of Noreen Thompson**

9 **Against Defendants R.J. Reynolds, and Liggett**

10 304. In response to the allegations contained in paragraph 304, Liggett realleges its
11 responses to paragraphs 1 through 114 and 198 through 303.

12 305. Liggett admits that Plaintiff brings this action pursuant to NRS 41.100, but denies
13 that he is entitled to maintain such an action against Liggett and denies that he is entitled to any
14 relief as against Liggett whatsoever.

15 306. Liggett denies the allegations contained in paragraph 306.

16 307. Liggett denies the allegations contained in paragraph 307.

17 310. Liggett denies the allegations contained in paragraph 310.

18 311. Liggett denies the allegations contained in paragraph 311, including subparts (a)
19 through (l).

20 312. Liggett denies the allegations contained in paragraph 312, including subparts (a)
21 through (h).

22 313. Liggett denies the allegations contained in paragraph 313.

23 314. Liggett denies the allegations contained in paragraph 314.

24 315. Liggett denies the allegations contained in paragraph 315 and its subparts (a)
25 through (g), including the existence of or its participation in a conspiracy.

26 316. Liggett denies the allegations contained in paragraph 316.

27 317. Liggett denies the allegations contained in paragraph 317.

28 318. Liggett denies the allegations contained in paragraph 318.

- 1 319. Liggett denies the allegations contained in paragraph 319.
- 2 320. Liggett denies the allegations contained in paragraph 320.
- 3 321. Liggett denies the allegations contained in paragraph 321.
- 4 322. Liggett denies the allegations contained in paragraph 322 and its subparts (a)
- 5 through (g), including the existence of or its participation in a conspiracy.
- 6 323. Liggett denies the allegations contained in paragraph 323, including the existence
- 7 of or its participation in a conspiracy.
- 8 324. Liggett denies the allegations contained in paragraph 324, including subparts (a)
- 9 through (c).
- 10 325. Liggett denies the allegations contained in paragraph 325, including the existence
- 11 of or its participation in a conspiracy.
- 12 326. Liggett denies the allegations contained in paragraph 326.
- 13 327. Liggett denies the allegations contained in paragraph 327.
- 14 328. Liggett denies the allegations contained in paragraph 328, including the existence
- 15 of or its participation in a conspiracy.
- 16 329. Liggett denies the allegations contained in paragraph 329.
- 17 330. Liggett denies the allegations contained in paragraph 330, including the existence
- 18 of or its participation in a conspiracy.
- 19 331. Liggett denies the allegations contained in paragraph 331, including subparts (a)
- 20 through (i).
- 21 332. Liggett denies the allegations contained in paragraph 332, including that Plaintiff is
- 22 entitled to any relief against Liggett whatsoever.
- 23 333. Liggett denies the allegations contained in paragraph 333, including that Plaintiff is
- 24 entitled to any relief against Liggett whatsoever.
- 25 334. Liggett denies the allegations contained in paragraph 334.
- 26 335. Liggett denies the allegations contained in paragraph 335, including that Plaintiff is
- 27 entitled to any relief against Liggett whatsoever.
- 28

1 336. Liggett denies the allegations contained in paragraph 336, including that Plaintiff is
2 entitled to any relief against Liggett whatsoever.

3 337. Liggett denies the allegations contained in paragraph 337, including that Plaintiff is
4 entitled to any relief against Liggett whatsoever.

5 **NINTH CLAIM FOR RELIEF**

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

7 **Dolly Rowan as Personal Representative of the Estate of Noreen Thompson and**

8 **Dolly Rowan as Heir of Noreen Thompson Against Defendants R.J. Reynolds,**

9 **Liggett and Philip Morris**

10 338. In response to the allegations contained in paragraph 338, Liggett realleges its
11 responses to paragraphs 1 through 114 and 198 through 337.

12 339. To the extent the allegations contained in paragraph 339 state legal conclusions
13 rather than factual allegations, no response is required. To the extent a response is deemed
14 required, Liggett denies the allegations contained in paragraph 339.

15 340. Liggett is without knowledge or information sufficient to form a belief as to the
16 truth of the allegations contained in paragraph 340 and therefore denies those allegations.

17 341. Liggett admits that Plaintiff brings this action pursuant to NRS 41.085(4), but
18 denies that he is entitled to maintain such an action against Liggett and denies that he is entitled to
19 any relief as against Liggett whatsoever.

20 342. Liggett is without knowledge or information sufficient to form a belief as to the
21 truth of the allegations contained in paragraph 473 and therefore denies those allegations.

22 343. Liggett admits that Plaintiff brings this action pursuant to 41.085(5), but denies that
23 he is entitled to maintain such an action against Liggett and denies that he is entitled to any relief
24 as against Liggett whatsoever.

25 344. Liggett denies the allegations contained in paragraph 344, including subparts (a)
26 through (d).

27 345. Liggett denies the allegations contained in paragraph 345, including subparts (a)
28 through (h).

- 1 346. Liggett denies the allegations contained in paragraph 346.
- 2 347. Liggett denies the allegations contained in paragraph 347.
- 3 348. Liggett denies the allegations contained in paragraph 348.
- 4 349. Liggett denies the allegations contained in paragraph 349, including the existence
5 of or its participation in a conspiracy.
- 6 350. Liggett denies the allegations contained in paragraph 350 and its subparts (a)
7 through (g), including the existence of or its participation in a conspiracy.
- 8 351. Liggett denies the allegations contained in paragraph 351, including that Plaintiff is
9 entitled to any relief against Liggett whatsoever.
- 10 352. Liggett is without knowledge or information sufficient to form a belief as to the
11 truth of the allegations contained in paragraph 352 and therefore, denies those allegations.
- 12 353. Liggett denies the allegations contained in paragraph 353, including that Plaintiff is
13 entitled to any relief against Liggett whatsoever.
- 14 354. Liggett is without knowledge or information sufficient to form a belief as to the
15 truth of the allegations contained in paragraph 354 and therefore, denies those allegations.
- 16 355. Liggett denies the allegations contained in paragraph 355, including that Plaintiff is
17 entitled to any relief against Liggett whatsoever.
- 18 356. Liggett denies the allegations contained in paragraph 356, including that Plaintiff is
19 entitled to any relief against Liggett whatsoever.
- 20 357. Liggett denies the allegations contained in paragraph 357, including that Plaintiff is
21 entitled to any relief against Liggett whatsoever.
- 22 358. Liggett denies the allegations contained in paragraph 358, including that Plaintiff is
23 entitled to any relief against Liggett whatsoever.
- 24 359. Liggett denies the allegations contained in paragraph 359.
- 25 360. Liggett denies the allegations contained in paragraph 360, including that Plaintiff is
26 entitled to any relief against Liggett whatsoever.
- 27 361. Liggett denies the allegations contained in paragraph 361, including that Plaintiff is
28 entitled to any relief against Liggett whatsoever.

1 362. Liggett denies the allegations contained in paragraph 362, including that Plaintiff is
2 entitled to any relief against Liggett whatsoever.

3 **TENTH CLAIM FOR RELIEF**

4 **(CIVIL CONSPIRACY)**

5 **Dolly Rowan as Administrator of the Estate of Noreen Thompson**

6 **Against Defendants R.J. Reynolds, Liggett, and Philip Morris**

7 363. In response to the allegations contained in paragraph 363, Liggett realleges its
8 responses to paragraphs 1 through 114, and paragraphs 198 through 362.

9 364. Liggett admits that Plaintiff brings this action pursuant to NRS 41.100, but denies
10 that he is entitled to maintain such an action against Liggett and denies that he is entitled to any
11 relief as against Liggett whatsoever.

12 365. Liggett denies the allegations contained in paragraph 365, including subparts (a)
13 through (d).

14 366. Liggett denies the allegations contained in paragraph 366, including subparts (a)
15 through (h), and specifically denies the existence of or its participation in a conspiracy.

16 367. Liggett denies the allegations contained in paragraph 367, including the existence
17 of or its participation in a conspiracy.

18 368. Liggett denies the allegations contained in paragraph 368, including the existence
19 of or its participation in a conspiracy.

20 369. Liggett denies the allegations contained in paragraph 369, including the existence
21 of or its participation in a conspiracy.

22 370. Liggett denies the allegations contained in paragraph 370, including the existence
23 of or its participation in a conspiracy.

24 371. Liggett denies the allegations contained in paragraph 371 and its subparts (a)
25 through (g), including the existence of or its participation in a conspiracy.

26 372. Liggett denies the allegations contained in paragraph 372, including that Plaintiff is
27 entitled to any relief against Liggett whatsoever.
28

1 373. Liggett is without knowledge or information sufficient to form a belief as to the
2 truth of the allegations contained in paragraph 373 and therefore, denies those allegations.

3 374. Liggett denies the allegations contained in paragraph 374, including that Plaintiff is
4 entitled to any relief against Liggett whatsoever.

5 375. Liggett is without knowledge or information sufficient to form a belief as to the
6 truth of the allegations contained in paragraph 375 and therefore, denies those allegations.

7 376. Liggett denies the allegations contained in paragraph 376, including that Plaintiff is
8 entitled to any relief against Liggett whatsoever.

9 377. Liggett denies the allegations contained in paragraph 377, including that Plaintiff is
10 entitled to any relief against Liggett whatsoever.

11 378. Liggett denies the allegations contained in paragraph 378, including that Plaintiff is
12 entitled to any relief against Liggett whatsoever.

13 379. Liggett denies the allegations contained in paragraph 379.

14 380. Liggett denies the allegations contained in paragraph 380, including that Plaintiff is
15 entitled to any relief against Liggett whatsoever

16 381. Liggett denies the allegations contained in paragraph 381, including that Plaintiff is
17 entitled to any relief against Liggett whatsoever.

18 382. Liggett denies the allegations contained in paragraph 382, including that Plaintiff is
19 entitled to any relief against Liggett whatsoever.

20 **ELEVENTH CLAIM FOR RELIEF**

21 **(WRONGFUL DEATH - VIOLATION OF DECEPTIVE TRADE PRACTICES ACT)**

22 **Dolly Rowan as Administrator of the Estate of Noreen Thompson Against Defendants R.J.**

23 **Reynolds, Liggett, and Philip Morris**

24 383. In response to the allegations contained in paragraph 383, Liggett realleges its
25 responses to paragraphs 1-114 and 198-382.

26 384. To the extent the allegations contained in paragraph 384 state legal conclusions
27 rather than factual allegations, no response is required. To the extent a response is deemed
28

1 required, Liggett denies the allegations contained in paragraph 384.

2 385. Liggett is without knowledge or information sufficient to form a belief as to the
3 truth of the allegations contained in paragraph 385 and therefore, denies those allegations.

4 386. Liggett admits that Plaintiff brings this action pursuant to NRS 41.085(4), but
5 denies that he is entitled to maintain such an action against Liggett and denies that he is entitled to
6 any relief as against Liggett whatsoever.

7 387. Liggett is without knowledge or information sufficient to form a belief as to the
8 truth of the allegations contained in paragraph 387 and therefore, denies those allegations.

9 388. Liggett admits that Plaintiff brings this action pursuant to NRS 41.085(5), but
10 denies that he is entitled to maintain such an action against Liggett and denies that he is entitled to
11 any relief as against Liggett whatsoever.

12 389. To the extent the allegations contained in paragraph 389 state legal conclusions
13 rather than factual allegations, no response is required. To the extent a response is deemed
14 required, Liggett states that NRS 598.0903 speaks for itself. Liggett denies the remaining
15 allegations in paragraph 389.

16 390. To the extent the allegations contained in paragraph 390 state legal conclusions
17 rather than factual allegations, no response is required. To the extent a response is deemed
18 required, Liggett denies the allegations contained in paragraph 390.

19 391. Liggett admits that Plaintiff brings this action pursuant to NRS 41.600, but denies
20 that he is entitled to maintain such an action against Liggett and denies that he is entitled to any
21 relief as against Liggett whatsoever. Liggett denies the remaining allegations contained in
22 paragraph 391.

23 392. To the extent the allegations contained in paragraph 392 state legal conclusions
24 rather than factual allegations, no response is required. To the extent a response is deemed
25 required, Liggett states that NRS 598.0915 speaks for itself. Liggett denies the remaining
26 allegations in paragraph 392.

27 393. Liggett denies the allegations contained in paragraph 393, including subparts (a)
28 through (p).

1 394. Liggett denies the allegations contained in paragraph 394, including subparts (a)
2 through (g).

3 395. Liggett is without knowledge or information sufficient to form a belief as to the
4 truth of the allegations contained in paragraph 395 and therefore, denies those allegations.

5 396. Liggett is without knowledge or information sufficient to form a belief as to the
6 truth of the allegations contained in paragraph 396 and therefore, denies those allegations.

7 397. Liggett denies the allegations contained in paragraph 397, including the existence
8 of or its participation in a conspiracy.

9 398. Liggett is without knowledge or information sufficient to form a belief as to the
10 truth of the allegations contained in paragraph 398 and therefore, denies those allegations.

11 399. Liggett denies the allegations contained in paragraph 399, including that Plaintiff is
12 entitled to any relief against Liggett whatsoever.

13 400. Liggett denies the allegations contained in paragraph 400, including that Plaintiff is
14 entitled to any relief against Liggett whatsoever.

15 401. Liggett denies the allegations contained in paragraph 401, including that Plaintiff is
16 entitled to any relief against Liggett whatsoever.

17 402. Liggett denies the allegations contained in paragraph 402, including that Plaintiff is
18 entitled to any relief against Liggett whatsoever.

19 403. Liggett denies the allegations contained in paragraph 403.

20 404. Liggett denies the allegations contained in paragraph 404 including that Plaintiff is
21 entitled to any relief against Liggett whatsoever.

22 405. Liggett denies the allegations contained in paragraph 405, including that Plaintiff is
23 entitled to any relief against Liggett whatsoever.

24 406. Liggett denies the allegations contained in paragraph 406, including that Plaintiff is
25 entitled to any relief against Liggett whatsoever.

TWELFTH CLAIM FOR RELIEF

(VIOLATION OF DECEPTIVE TRADE PRACTICES ACT- NRS 598.0903)

Dolly Rowan as Administrator of the Estate of Noreen Thompson Against Defendants R.J.

Reynold [sic], Liggett, and Philip Morris

407. In response to the allegations contained in paragraph 500, Liggett realleges its responses to paragraphs 1-114 and 198-406.

408. Liggett admits that Plaintiff brings this action pursuant to NRS 41.100, but denies that he is entitled to maintain such an action against Liggett and denies that he is entitled to any relief as against Liggett whatsoever.

409. To the extent the allegations contained in paragraph 409 state legal conclusions rather than factual allegations, no response is required. To the extent a response is deemed required, Liggett states that NRS 598.0903 speaks for itself. Liggett denies the remaining allegations in paragraph 409.

410. Liggett denies the allegations contained in paragraph 410.

411. Liggett admits that Plaintiff brings this action pursuant to NRS 41.600, but denies that he is entitled to maintain such an action against Liggett and denies that he is entitled to any relief as against Liggett whatsoever. Liggett denies the remaining allegations contained in paragraph 411.

412. To the extent the allegations contained in paragraph 412 state legal conclusions rather than factual allegations, no response is required. To the extent a response is deemed required, Liggett states that NRS 598.0915 speaks for itself. Liggett denies the remaining allegations in paragraph 412.

413. Liggett denies the allegations contained in paragraph 413, including subparts (a) through (p).

414. Liggett denies the allegations contained in paragraph 414, including subparts (a) through (g).

415. Liggett is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 415 and therefore, denies those allegations.

1 416. Liggett is without knowledge or information sufficient to form a belief as to the
2 truth of the allegations contained in paragraph 416 and therefore, denies those allegations.

3 417. Liggett denies the allegations contained in paragraph 417, including the existence
4 of or its participation in a conspiracy.

5 418. Liggett is without knowledge or information sufficient to form a belief as to the
6 truth of the allegations contained in paragraph 418 and therefore, denies those allegations.

7 419. Liggett denies the allegations contained in paragraph 419, including that Plaintiff is
8 entitled to any relief against Liggett whatsoever.

9 420. Liggett denies the allegations contained in paragraph 420, including that Plaintiff is
10 entitled to any relief against Liggett whatsoever.

11 421. Liggett denies the allegations contained in paragraph 421, including that Plaintiff is
12 entitled to any relief against Liggett whatsoever.

13 422. Liggett denies the allegations contained in paragraph 422.

14 423. Liggett denies the allegations contained in paragraph 423 including that Plaintiff is
15 entitled to any relief against Liggett whatsoever.

16 424. Liggett denies the allegations contained in paragraph 424, including that Plaintiff is
17 entitled to any relief against Liggett whatsoever.

18 425. Liggett denies the allegations contained in paragraph 425, including that Plaintiff is
19 entitled to any relief against Liggett whatsoever.

20 **THIRTEENTH CLAIM FOR RELIEF**

21 **(WRONGFUL DEATH – STRICT LIABILITY)**

22 **Dolly Rowan as Personal Representative of the Estate of Noreen Thompson and**
23 **Dolly Rowan as Heir of Noreen Thompson Against Defendants, Quick Stop Market, LLC,**
24 **Joe’s Bar, Inc., The Poker Palace, Silver Nugget Gaming, LLC d/b/a Silver Nugget**
25 **Casino, and Jerry’s Nugget**

26 426-445. The allegations contained in paragraphs 426 through 445 do not require a
27 response because they are not directed to and do not seek relief from Liggett. To the extent a
28 response is required, Liggett denies the allegations contained in paragraphs 426 through 445,

1 including that Plaintiff is entitled to any relief whatsoever from Liggett.

2 **FOURTEENTH CLAIM FOR RELIEF**

3 **(STRICT PRODUCT LIABILITY)**

4 **Dolly Rowan as Administrator of the Estate of Noreen Thompson**

5 **Against Defendants Quick Stop Market, LLC, Joe's Bar, Inc., The Poker Palace, Silver**

6 **Nugget Gaming, LLC d/b/a Silver Nugget Casino, and Jerry's Nugget**

7 446-460. The allegations contained in paragraphs 446 through 460 do not require a
8 response because they are not directed to, and do not seek relief from Liggett. To the extent a
9 response is required, Liggett denies the allegations contained in paragraphs 446 through 460,
10 including that Plaintiff is entitled to any relief against Liggett whatsoever.

11 Liggett denies the allegations contained in the unnumbered *ad damnum* clause and its
12 subparts (1) through (8) following paragraph 565, including, without limitation, that Plaintiff is
13 entitled to any relief against Liggett whatsoever.

14 **AFFIRMATIVE DEFENSES**

15 Liggett asserts the following defenses to the Complaint. Liggett does not admit or
16 acknowledge that it bears the burden of proof and/or burden of persuasion with respect to any such
17 defenses. All of the following defenses are pleaded in the alternative and none constitutes an
18 admission that Liggett is liable to Plaintiff, that Plaintiff has been or will be injured or damaged in
19 any way, or that Plaintiff is entitled to any relief whatsoever. In enumerating any defense as an
20 affirmative defense, Liggett does not concede that the defense or any similar defense must be
21 pleaded affirmatively. *Clark Cty. Sch. Dist. v. Richardson Constr., Inc.*, 123 Nev. 382, 394–95 &
22 n.25, 168 P.3d 87, 95 & n.25 (2007). Liggett reserves the right to (i) rely upon any other applicable
23 defenses set forth in any answer or listing of affirmative defenses of any other defendant in this
24 action, (ii) rely upon any other defenses that may become apparent during fact or expert discovery
25 in this matter, and (iii) amend this document and/or its answer to assert any such defenses.

26 **FIRST DEFENSE**

27 The Complaint and the causes of action or counts alleged therein fail to state facts sufficient
28 to constitute a claim upon which relief may be granted against Liggett and further fails to allege

1 facts, or a cause of action, sufficient to support a claim for attorneys' fees.

2 **SECOND DEFENSE**

3 The Complaint and all alleged claims contained therein are barred, in whole or in part, by
4 the applicable statutes of limitations or statutes of repose.

5 **THIRD DEFENSE**

6 The claims asserted by Plaintiff as against Liggett are barred, in whole or in part, by
7 operation of the *Noerr-Pennington* Doctrine, to the extent that Plaintiff's claims are premised, in
8 whole or in part, on alleged statements or conduct in judicial, legislative, or administrative
9 proceedings, of any kind or at any level of government as alleged in paragraphs 73, 85, 154(k) and
10 203(p) of the Complaint.

11 **FOURTH DEFENSE**

12 Plaintiff's claims are barred, in whole or in part, by the operation of the Supremacy Clause
13 of the United States Constitution, art. VI, § 2, the Federal Cigarette Labeling and Advertising Act,
14 as amended, 15 U.S.C. § 1331, *et seq.*, and the Federal Trade Commission's policies and regulations
15 regarding the cigarette industry. Specifically, under the doctrine of conflict preemption, because
16 Congress has specifically foreclosed the removal of tobacco products from the market, any claims
17 of liability based on Liggett's manufacture, marketing and sale of cigarettes are preempted. *See*
18 *Cipollone v. Liggett Group, Inc.*, 505 U.S. 504 (1992).

19 **FIFTH DEFENSE**

20 Plaintiff's claims are barred, in whole or in part, because they violate Liggett's rights under
21 the First Amendment to the United States Constitution and the cognate provisions of the Nevada
22 Constitution, which protect the rights to freedom of speech, to petition the government, and to
23 freedom of association.

24 **SIXTH DEFENSE**

25 Plaintiff's claims against Liggett are barred, in whole or in part, because any cigarettes
26 manufactured and sold by Liggett or its predecessors at all material times conformed to available
27 technological, medical, scientific and industrial state-of-the-art, and comply and have complied
28 with all applicable governmental regulations.

SEVENTH DEFENSE

Plaintiff's claims are barred, in whole or in part, because they do not satisfy the standard under the Restatement (Second) of Torts: Products Liability § 402A and comments thereto and/or the Restatement (Third) of Torts: Products Liability §§ 2 and 4 and comments thereto.

EIGHTH DEFENSE

Liggett avers that it did not know, and in light of the existing, reasonably available scientific and technological knowledge, could not have known, of (1) the design characteristics, if any, that allegedly caused the injuries and damages complained of herein or the alleged danger of such characteristics, or (2) any alternative design referred to by Plaintiff. Liggett further avers that any alternative design was not feasible, either scientifically or technologically, or economically practical.

NINTH DEFENSE

While denying at all times that any cigarettes manufactured by Liggett caused or contributed to the injuries and damages alleged in Plaintiff's Complaint, Liggett avers that Plaintiff and Decedent were warned or otherwise made aware of the alleged dangers of cigarette smoking and further, that any such dangers, to the extent they existed, were not beyond those which would have been contemplated by an ordinary consumer of cigarettes. Plaintiff, therefore, is barred from any recovery on the claims asserted.

TENTH DEFENSE

If any defects existed with respect to the cigarettes smoked by Decedent, as alleged in Plaintiff's Complaint, any such defects were open and obvious. Accordingly, Plaintiff cannot recover against Liggett.

ELEVENTH DEFENSE

Any claim or cause of action that Plaintiff may have had against Liggett is barred, in whole or in part, by the doctrines of waiver, estoppel and laches.

TWELFTH DEFENSE

Any injury or damage alleged by Plaintiff was caused by pre-existing, intervening or superseding events, factors, occurrences or conditions which were not caused by Liggett and for

1 which Liggett is not responsible or liable.

2 **THIRTEENTH DEFENSE**

3 Liggett is entitled to a set-off, should any damages be awarded against it, in the amount of
4 damages or settlement amounts recovered by Plaintiff and/or Decedent with respect to the same
5 alleged injuries. Further, Plaintiff has no right to recover, or a verdict should be reduced by, the
6 value of any benefits received by Plaintiff and/or Decedent from any collateral source.

7 **FOURTEENTH DEFENSE**

8 Plaintiff's claims against Liggett, if any, are barred in whole or in part, by Plaintiff and
9 Decedent's failure to mitigate any injuries and damages allegedly sustained.

10 **FIFTEENTH DEFENSE**

11 While Liggett denies that Plaintiff is entitled to any recovery whatsoever for the claims
12 asserted in the Complaint, Plaintiff's recovery, if any, must be reduced by the doctrine of
13 comparative fault, because the negligence, fault, responsibility or want of due care of Plaintiff and
14 Decedent proximately caused or contributed to Plaintiff and Decedent's alleged injuries and
15 damages, which bars or reduces Plaintiff's recovery herein.

16 **SIXTEENTH DEFENSE**

17 Plaintiff's claims are barred or their damages are limited in whole or in part by the doctrine
18 of assumption of risk, because Decedent was aware of and appreciated the alleged unreasonable
19 dangers of smoking and nevertheless proceeded to do so.

20 **SEVENTEENTH DEFENSE**

21 If Plaintiff was injured and damaged, which injuries and damages are denied, such alleged
22 injuries and damages were caused solely by the acts, wrongs, or omissions of Plaintiff and/or
23 Decedent; by pre-existing conditions, or by forces and/or things over which Liggett had no control
24 and for which Liggett is not responsible and not liable.

25 **EIGHTEENTH DEFENSE**

26 Venue is not properly placed in this court. Alternatively, the doctrine of forum *non*
27 *conveniens* applies to the Plaintiff's claims, thereby warranting dismissal of Plaintiff's claims or
28 transfer to a convenient forum.

NINETEENTH DEFENSE

Plaintiff's fraudulent misrepresentation, fraudulent concealment, conspiracy to commit fraudulent misrepresentation and conspiracy to commit fraudulent concealment claims are barred because Plaintiff has failed to plead these claims with particularity, as required by the applicable rules of civil procedure, and as such, those claims must be dismissed for failure to state a cause of action upon which relief may be granted.

TWENTIETH DEFENSE

Plaintiff's claims for conspiracy to commit fraudulent concealment must fail because of the absence of a special or fiduciary relationship between Liggett and Plaintiff and Decedent which would give rise to a duty to disclose any information or facts that it did not in fact disclose to Plaintiff.

TWENTY-FIRST DEFENSE

Plaintiff lacks standing to bring some or all of the claims set forth in the Complaint.

TWENTY-SECOND DEFENSE

Plaintiff's claims are barred, in whole or in part, by the doctrines of *res judicata*, estoppel and by executed releases of the State of Nevada and to the extent that any entity acting either on its own, on Plaintiff and/or Decedent's behalf, or in a *parens patriae* capacity on behalf of the citizens of the State of Nevada, have realized, written off, discounted, written down, settled, and/or entered into an accord and satisfaction or otherwise compromised Plaintiff's claims.

TWENTY-THIRD DEFENSE

The law of the State of Nevada and the Due Process Clause of the Fourteenth Amendment to the United States Constitution forbid punishing Liggett for lawfully selling a legal product.

TWENTY-FOURTH DEFENSE

Plaintiff's claims are barred, in whole or in part, because the alleged conduct of Liggett was undertaken in good faith for valid business purposes.

TWENTY-FIFTH DEFENSE

Plaintiff's claims are barred, in whole or in part, because Liggett's advertisements for its cigarettes comply, and always have complied, with all applicable regulations of the Federal Trade

Commission and all other applicable law.

TWENTY-SIXTH DEFENSE

The Complaint fails to state facts sufficient to entitle Plaintiff to an award of punitive damages.

TWENTY-SEVENTH DEFENSE

Plaintiff's claims against Liggett for punitive damages cannot be sustained because any award of punitive damages under a process that fails to bifurcate the issue of punitive damages from the remaining issues would violate Liggett's due process rights guaranteed by the Fifth and Fourteenth Amendments to the United States Constitution and applicable provisions of the Nevada Constitution, and would be improper under the common law, statutory law, and public policy of the Nevada.

TWENTY-EIGHTH DEFENSE

Plaintiff's claims, including claims for punitive damages, are preempted and barred, in whole or in part, by the operation of the Supremacy Clause of the United States Constitution, art. VI, § 2, the Federal Cigarette Labeling and Advertising Act, as amended, 15 U.S.C. § 1331, *et seq.*, and the Federal Trade Commission's policies and regulations regarding the cigarette industry. Specifically, under the doctrine of conflict preemption, because Congress has specifically foreclosed the removal of tobacco products from the market, any claims of liability based on Liggett's manufacture, marketing and sale of cigarettes are preempted.

TWENTY-NINTH DEFENSE

Plaintiff's claims for punitive damages are barred by due process under the Federal and State Constitutions to the extent Plaintiff seeks to impose punishment for harm allegedly caused to non-parties.

THIRTIETH DEFENSE

Plaintiff's claims for punitive damages are barred to the extent that they are based upon conduct unrelated to Plaintiff's alleged harm.

THIRTY-FIRST DEFENSE

Plaintiff's claims for punitive or exemplary damages or other civil penalties are barred or reduced by applicable law or statute or, in the alternative, are unconstitutional insofar as they violate the due process protections afforded by the United States Constitution, the excessive fines clause of the Eighth Amendment of the United States Constitution, the Full Faith and Credit Clause of the United States Constitution, and applicable provisions of the Constitution of this State or that of any other state whose laws may apply. Any law, statute or other authority purporting to permit the recovery of punitive damages or civil penalties in this case is unconstitutional, facially and as applied, to the extent that, without limitation, it: (1) lacks constitutionally sufficient standards to guide and restrain the jury's discretion in determining whether to award punitive damages or civil penalties and/or the amount, if any; (2) is void for vagueness in that it fails to provide adequate advance notice as to what conduct will result in punitive damages or civil penalties; (3) unconstitutionally may permit recovery of punitive damages or civil penalties based on harms to third parties, out-of-state conduct, conduct that complied with applicable law, or conduct that was not directed, or did not proximately cause harm, to plaintiff; (4) unconstitutionally may permit recovery of punitive damages or civil penalties in an amount that is not both reasonable and proportionate to the amount of harm, if any, to plaintiff and to the amount of compensatory damages, if any; (5) unconstitutionally may permit jury consideration of net worth or other financial information relating to Liggett; (6) lacks constitutionally sufficient standards to be applied by the trial court in post-verdict review of any award of punitive damages or civil penalties; (7) lacks constitutionally sufficient standards for appellate review of any award of punitive damages or civil penalties; (8) would unconstitutionally impose a penalty, criminal in nature, without according to Liggett the same procedural protections that are accorded to criminal defendants under the constitutions of the United States, this State, and any other state whose laws may apply; and (9) otherwise fails to satisfy Supreme Court precedent, including, without limitation, *Pacific Mut. Life Ins. Co. v. Haslip*, 499 U.S. 1 (1991); *TXO Prod. Corp. v. Alliance Res., Inc.*, 509 U.S. 443 (1993); *BMW of N. Am. v. Gore*, 517 U.S. 559 (1996); *State Farm Ins. Co. v. Campbell*, 538 U.S. 408 (2003); and *Philip Morris USA v. Williams*, 549 U.S. 346 (2007).

THIRTY-SECOND DEFENSE

All cigarettes manufactured to be sold in the United States since 1966, and every United States cigarette advertisement since 1972, carried warnings that adequately informed Plaintiff of the health risks of smoking cigarettes. Such acts eliminated the elements of willfulness and reckless disregard necessary to support an award of punitive damages.

THIRTY-THIRD DEFENSE

Plaintiff's claims for punitive damages are barred to the extent that they are based upon conduct occurring outside the State of Nevada.

THIRTY-FOURTH DEFENSE

Plaintiff's claims for punitive damages against Liggett cannot be sustained because an award of punitive damages under Nevada law would violate Liggett's procedural and substantive due process rights and equal protection rights under the Fifth and Fourteenth Amendments to the United States Constitution and Liggett's due process rights under cognate provisions of the Nevada Constitution, and would be improper under the common law and public policies of the United States and the State of Nevada. Moreover, the foregoing considerations, and considerations of due process, comity and state sovereignty, bar any attempts to punish Liggett, except to the extent the alleged conduct had a direct impact in this State and a direct nexus to the specific harm suffered by Plaintiff.

THIRTY-FIFTH DEFENSE

Liggett denies liability for any award of punitive damages not based solely on the specific allegations of Liggett's conduct made the subject of this lawsuit and that allegedly affected Plaintiff, because consideration of other conduct would subject Liggett to impermissible multiple punishments for the same conduct, in violation of the Fifth and Fourteenth Amendments to the United States Constitution and the cognate provisions of the Nevada Constitution.

THIRTY-SIXTH DEFENSE

Plaintiff's claims for punitive damages are barred absent the safeguards guaranteed by the Fourth, Fifth, Sixth and Fourteenth Amendments to the United States Constitution and the cognate provisions of the Nevada Constitution in that these claims invoke or authorize proceedings and

1 remedies which, though nominally civil, are in reality so punitive in purpose and effect that they
2 transform the relief that Plaintiff seek into a criminal penalty.

3 **THIRTY-SEVENTH DEFENSE**

4 Liggett adopts and incorporates by reference any and all affirmative defenses asserted by
5 other defendants in this lawsuit to the extent such affirmative defenses are not raised herein and are
6 not inconsistent with a position taken by Liggett herein.

7 **DEMAND FOR JURY TRIAL**

8 Liggett hereby demands a trial by jury of all issues so triable.

9 Wherefore, Liggett demands judgment dismissing Plaintiff's Complaint in its entirety,
10 together with costs and disbursements of this action and such other and further relief as this Court
11 deems just and proper.

12 DATED this 4th day of October, 2021.

13 LEWIS ROCA ROTHGERBER CHRISTIE LLP

14
15 /s/ J Christopher Jorgensen

16 J Christopher Jorgensen
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18 Kelly Anne Luther (*Pro Hac Vice*)
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20 Miami, FL 33131

21 *Attorneys for Defendant Liggett Group LLC*

CERTIFICATE OF SERVICE

Pursuant to Nev.R.Civ. Rule 5(b) and E.D.C.R. 8.05, I caused a true and correct copy of the foregoing *Defendant Liggett Group LLC's Answer and Affirmative Defenses to Plaintiff's Amended Complaint* to be served via the Court's EFiled system, which will send an electronic copy to all interested parties. The date and time of the electronic service is in place of the date and place of deposit in the mail.

DATED this 4th day of October, 2020.

/s/ Annette Jaramillo

An employee of Lewis Roca
Rothgerber Christie LLP