

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. 17**

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- 1 ii. Creating the “White Papers” which rebutted scientific reports which were
2 critical of tobacco.
- 3 d. By hiring industry spokespeople to appear on national television and media to mislead
4 and lie to the public, including NOREEN THOMPSON, regarding the health hazards
5 of smoking cigarettes including but not limited to the following examples:
- 6 i. In 1968 an article “To Smoke or Not to smoke – That is still the question” was
7 published in *True* magazine and was authorized by an allegedly independent
8 source Stanley Frank; however, Frank was actually paid \$500 by Brown &
9 Williamson (who was later subsumed by Defendant R.J. Reynolds), and the
10 newspaper itself was paid \$500,000 by the Tobacco Institute, which was in part
11 funded and guided by Defendant Philip Morris;
- 12 ii. Joseph Culman III, Chairman and CEO of Philip Morris and Chairman of the
13 Tobacco Institute, appealing on the news program “Face the Nation” stating the
14 following: **“We do not believe cigarettes are hazardous, we don’t accept**
15 **that . . . This industry can face the future with confidence because when,**
16 **as and if, any ingredient in cigarette smoke is identified as being injurious**
17 **to human health we are confident that we can illuminate that ingredient .**
18 **. . I believe they [cigarettes] have not been proven to be unsafe . . . It’s true,**
19 **babies born from women who smoke are smaller . . . and some women**
20 **would prefer having smaller babies.”**
- 21 e. By knowingly and intentionally working with R.J. Reynolds and Liggett by creating a
22 “cigarette controversy” which was promulgated by trade organizations that Philip
23 Morris was not only actively participating in and employees’ were chairmen and
24 members of, but also in fact helped financially fund and set up including the TI, TIRC,
25
26
27
28

1 and CTR whose internal, previously secret and concealed documents include the
2 following statements discussing their conspiracy:

3 i. "Our basic position in the cigarette controversy is subject to the charge, and
4 may be subject to a finding, that we are making false or misleading
5 statements to promote the sale of cigarettes" (Previously concealed from
6 Tobacco Institute);

7
8 ii. "For nearly 20 years, this industry has employed a single strategy to defend
9 itself . . . brilliantly conceived and executed . . . a holding strategy . . . creating
10 doubt about the health charge without actually denying it" (Letter from
11 Vice President of the Tobacco Institute Fred Panzer);

12
13 iii. "The most important type of story is that which casts doubt on the cause
14 and effect theory of disease and smoking . . . Doubt is our product."
15 (Previously concealed memo to the Tobacco Institute);

16 iv. Ann Browder, a representative from the Tobacco Institute appearing on WPLG
17 in 1983 stating the following: "We don't know what causes the illness
18 [cancer] . . . I don't think there is a causal relationship because cigarette
19 smoking and any illness;"

20
21 v. "CTR began as an organization called the Tobacco Research Council (TIRC).
22 It was set up as an industry "shield" in 1954 . . . Bill Shinn feels that "special
23 projects" are the best way that monies are spent. On these projects CTR as acted
24 as a front." (Previously concealment meeting minutes from a CTR meeting held
25 in New York in 1978 where Jim Bowling, Senior Vice President of
26 Corporate Affairs, Bob Seligman, Vice President of Research &

Development, and Tom Osdene, Director of Research all from Philip

Morris were in attendance along with [an attorney at an outside law firm]]”

f. In conjunction with Defendants R.J. Reynolds and Liggett, spending over \$300,000,000 funding alleged “research” and marketing by the TIRC to create, sustain, and spread a false controversy regarding smoking and health;

g. By having their executives such as their Chief Operating Officer, William Campbell, lie under oath before Congress in 1993 stating “to my knowledge, it’s not been proven that cigarette smoking causes cancer.”

409. Defendant, Philip Morris knowingly make false and misleading representations regarding the ingredients in cigarettes, the sources and funding behind alleged “scientific research” regarding cigarettes, and more as described above which lead to a systemic culture in America regarding an alleged cigarette controversy, where people, including Mrs. Thompson, were manipulated into believing cigarettes were safe and not deadly.

410. Philip Morris’s actions further directly lead to mass marketing of cigarettes in quantities we cannot even comprehend today that seeped into every household and family in American, including Mrs. Thompsons.

411. As a direct and proximate result of Philip Morris’s actions and contributions to the TI, TIRC, and CTR, the tobacco industry was able to create and sustain the largest conspiracy and deception this county has ever seen.

412. But for Philip Morris’s direct involvement, Mrs. Thompson would not have been exposed to the same degree or intensity of cigarette advertising or have been exposed to the alleged “controversy” regarding cigarettes as she was exposed to.

1 413. But for Philip Morris's direct involvement, Mrs. Thompson would not have began
2 smoking as a child, continued to smoke, become addicted to smoking cigarettes, or died as a result of
3 smoking cigarettes.

4 414. Defendants' conduct was the actual and proximate or legal cause of NOREEN
5 THOMPSON'S injuries and death. Plaintiffs, DOLLY ROWAN, NAVONA COLLISON, and
6 RUSSELL THOMPSON, have sustained damages consisting of the loss of NOREEN THOMPSON'S
7 love, companionship, comfort, affection, society, and moral support, and have suffered great
8 emotional and psychological loss, all in amount in excess of Fifteen Thousand Dollars (\$15,000.00).
9 As NOREEN THOMPSON'S heirs, Plaintiffs DOLLY ROWAN, NAVONA COLLISON, and
10 RUSSELL THOMPSON, seek these damages pursuant to NRS 41.085(4).
11

12 415. As a further actual and proximate or legal result of Defendants' conduct, NOREEN
13 THOMPSON endured pain, suffering, and/or disfigurement. As NOREEN THOMPSON'S heirs,
14 Plaintiffs, DOLLY ROWAN, NAVONA COLLISON, and RUSSELL THOMPSON, seek general
15 damages for this pain, suffering, and/or disfigurement pursuant to NRS 41.085(4) in an amount in
16 excess of Fifteen Thousand Dollars (\$15,000.00).
17

18 416. As a further actual and proximate or legal result of Defendants' conduct, NOREEN
19 THOMPSON'S estate incurred special damages, to include medical expenses and funeral expenses,
20 in an amount in excess of Fifteen Thousand Dollars (\$15,000.00). As personal representative of
21 NOREEN THOMPSON Estate, DOLLY ROWAN seeks these special damages pursuant to NRS
22 41.085(5).
23

24 417. Defendants' conduct was despicable and so contemptible that it would be looked down
25 upon and despised by ordinary decent people and was carried on by Defendants with willful and
26 conscious disregard for the safety of anyone in the community.

27 418. Defendants' outrageous and unconscionable conduct warrants an award of exemplary
28

1 and punitive damages pursuant to NRS 42.005, in an amount appropriate to punish and make an
2 example of Defendants, and to deter similar conduct in the future. As personal representative of
3 NOREEN THOMPSON'S estate, DOLLY ROWAN seeks exemplary and punitive damages pursuant
4 to NRS 41.085(5).

5
6 419. To the extent NRS 42.007 is applicable to Defendants' conduct, Defendants are
7 vicariously liable for punitive damages arising from the outrageous and unconscionable conduct of its
8 employees, agents, and/or servants, as set forth herein.

9 420. The actions of Defendants have forced Plaintiffs to retain counsel to represent them in
10 the prosecution of this action, and they are therefore entitled to an award of a reasonable amount as
11 attorneys' fees and costs of suit.

12
13 **TWELTH CLAIM FOR RELIEF**

14
15 **(VIOLATION OF DECEPTIVE TRADE PRACTICES ACT – NRS 598.0903)**

16 **Dolly Rowan as Administrator of the Estate of Noreen Thompson Against Defendants R.J.**
17 **Reynold, Liggett, and Philip Morris**

18 421. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 420
19 and incorporates the same herein by reference.

20 422. Plaintiff, DOLLY ROWAN, brings this claim as Administrator of the Estate of
21 NOREEN THOMPSON pursuant to NRS 41.100.

22 423. At all times relevant herein, there was a statute in effect entitled Nevada Deceptive
23 Trade Practices Act, NRS 598.0903 et. seq.

24 424. Defendants are subject to the provisions of the Nevada Deceptive Trade Practices Act,
25 and Plaintiff is one of the persons the Act was enacted to present.

26 425. Plaintiff brings this claim pursuant to NRS 41.600, which entitles any person who is
27 the victim of consumer fraud to bring an action. A deceptive trade practice as defined in NRS 598.0915
28

1 to 598.0925 constitutes consumer fraud.

2 426. NRS 598.0915 states that a person engages in a deceptive trade practice if, in the course
3 of his or her business or occupation:

4 *****

5 2. Knowingly makes a false representation as to the source, sponsorship, approval or
6 certification of goods or services for sale or lease.

7 3. Knowingly makes a false representation as to affiliation, connection, association
8 with or certification by another person.

9 *****

10 5. Knowingly makes a false representation as to the characteristics, ingredients, uses,
11 benefits, alterations or quantities of goods or services for sale or lease or a false
12 representation as to the sponsorship, approval, status, affiliation or connection of a
13 person therewith.

14 7. Represents that goods or services for sale or lease are of a particular standard, quality
15 or grade, or that such goods are of a particular style or model, if he or she knows or
16 should know that they are of another standard, quality, grade, style or model.

17 *****

18 15. Knowingly makes any other false representation in a transaction.

19 427. Upon information and belief, Defendants knowingly violated NRS 598.0915 by
20 making the following false and misleading statements and representations, including but not limited
21 to:

- 22 a. making countless publicized appearances on television and radio disingenuously
23 denying cigarettes were addictive and claimed smoking was a matter of free choice and
24 smokers could quit smoking if they wanted to;
- 25 b. representing to the public that it was not known whether cigarettes were harmful or
26 caused disease;
- 27 c. falsely advertising and promoting cigarettes as safe, not dangerous, and not harmful;
- 28 d. falsely advertising and promoting "filtered" and "light" cigarettes as "low tar" and "low
nicotine" through print advertisements in magazines and newspapers throughout the

- 1950s, 1960s, 1970s, 1980s, 1990s, and even into the 2000s;
- e. falsely representing that questions about smoking and health would be answered by an allegedly unbiased, trustworthy source;
 - f. misrepresenting and confusing facts about health hazards of cigarettes and addiction;
 - g. creating a made up “cigarette controversy;”
 - h. taking out a full page advertisement called the “Frank Statement to Cigarette Smokers” which falsely assured the public, the American government, and NOREEN THOMPSON, that would purportedly “safeguard” the health of smokers, support allegedly “disinterested” research into smoking and health, and reveal to the public the results of their alleged “objective” research;
 - i. falsely assuring the public that TIRC/CTR was an “objective” research committee when internal company documents reveals that TIRC/CTR functioned not for the promotion of scientific goals, but for public relations, politics, and positioning for litigation;
 - j. sponsoring, being quoted in, and helping publish articles to mislead the public including but not limited to the following: “Smoke-Cancer Tie Termed Obscure” (1955), “Study of Smoking is Inconclusive” (1956), “Cigarette Threat Called Unproven,” (1962), “Tobacco Spokesmen Dispute Lung Study” (1962), “Tobacco Cancer Scare Fading in Smoke Ring (1964), and “Smokers Assured In Industry Study” (1962);
 - k. responding to the 1964 Surgeon General Report which linked cigarette smoking to health, by falsely assuring the public that (i) cigarettes were not injurious to health, (ii) the industry would cooperate with the Surgeon General, (iii) more research was needed, and (iv) if there were any bad elements discovered in cigarettes, the cigarette

1 manufacturers would remove those elements;

- 2 l. advertising and promoting cigarettes on television and radio as safe and glamorous, to
3 the extent that cigarette advertising was the number one most heavily advertised
4 product on television;
- 5 m. making knowingly false and misleading statements during a governmental hearing,
6 including stating that, “there is absolutely no proof that cigarettes are addictive;”
- 7 n. purposefully targeting children yet openly in press releases falsely claiming, “We don’t
8 advertise to children . . . Some straight talk about smoking for young people;”
- 9 o. responding the 1988 United States Surgeon General’s report that nicotine is the drug
10 in tobacco that causes addiction, by issuing press releases stating, “Claims that
11 cigarettes are addictive is irresponsible and scare tactics;”
- 12 p. lying under oath before the United States Congress in 1994 that it was their opinion
13 that it had not been proven that cigarettes were addictive, caused disease, or caused one
14 single person to die.

15
16
17 428. Specifically, Defendant PHILIP MORRIS conspired with Defendants R.J.
18 REYNOLDS and LIGGETT to knowingly make false and misleading representations regarding the
19 truth regarding the hazardous and deadly nature of cigarettes and the ingredients in cigarettes by doing
20 the following including but not limited to:

- 21
22 a. By advertising “light” and “low tar” cigarettes to the public, including NOREEN
23 THOMPSON, to help create and sustain the culture and societal and consumer
24 expectations that “light” cigarettes were better, safer, and healthier than regular
25 cigarettes;
- 26
27
28

- 1 b. By endeavoring in mass marketing campaigns consistent with R.J. REYNOLDS and
2 LIGGETT's campaign regarding the appeal of cigarettes including but not limited to
3 their Marlboro County and Marlboro Man campaigns;
4
5 c. By working with R.J. REYNOLDS and LIGGETT to create "fake science" by hiring
6 "fake scientists" to spread "fake scientific research" about the health hazards of
7 smoking cigarettes including but not limited to the following:
8
9 i. Working with R.J. Reynolds and Liggett to create the Center for Indoor Air
10 Research ("CIAR") whose intent was to broaden the question of indoor air
11 pollution to avert attention away from tobacco smoking causing disease and
12 death;
13
14 ii. Creating the "White Papers" which rebutted scientific reports which were
15 critical of tobacco.
16
17 d. By hiring industry spokespeople to appear on national television and media to mislead
18 and lie to the public, including NOREEN THOMPSON, regarding the health hazards
19 of smoking cigarettes including but not limited to the following examples:
20
21 i. In 1968 an article "To Smoke or Not to smoke – That is still the question" was
22 published in *True* magazine and was authorized by an allegedly independent
23 source Stanley Frank; however, Frank was actually paid \$500 by Brown &
24 Williamson (who was later subsumed by Defendant R.J. Reynolds), and the
25 newspaper itself was paid \$500,000 by the Tobacco Institute, which was in part
26 funded and guided by Defendant Philip Morris;
27
28 ii. Joseph Culman III, Chairman and CEO of Philip Morris and Chairman of the
Tobacco Institute, appearing on the news program "Face the Nation" stating the
following: **"We do not believe cigarettes are hazardous, we don't accept**

1 that . . . This industry can face the future with confidence because when,
2 as and if, any ingredient in cigarette smoke is identified as being injurious
3 to human health we are confident that we can illuminate that ingredient .
4 . . I believe they [cigarettes] have not been proven to be unsafe . . . It's true,
5 babies born from women who smoke are smaller . . . and some women
6 would prefer having smaller babies."

7
8 e. By knowingly and intentionally working with R.J. Reynolds and Liggett by creating a
9 "cigarette controversy" which was promulgated by trade organizations that Philip
10 Morris was not only actively participating in and employees' were chairmen and
11 members of, but also in fact helped financially fund and set up including the TI, TIRC,
12 and CTR whose internal, previously secret and concealed documents include the
13 following statements discussing their conspiracy:
14

15 i. "Our basic position in the cigarette controversy is subject to the charge, and
16 may be subject to a finding, that we are making false or misleading
17 statements to promote the sale of cigarettes" (Previously concealed from
18 Tobacco Institute);

19 ii. "For nearly 20 years, this industry has employed a single strategy to defend
20 itself . . . brilliantly conceived and executed . . . a holding strategy . . . creating
21 doubt about the health charge without actually denying it" (Letter from
22 Vice President of the Tobacco Institute Fred Panzer);

23 iii. "The most important type of story is that which casts doubt on the cause
24 and effect theory of disease and smoking . . . Doubt is our product."
25 (Previously concealed memo to the Tobacco Institute);
26
27
28

- 1 iv. Ann Browder, a representative from the Tobacco Institute appearing on WPLG
2 in 1983 stating the following: **“We don’t know what causes the illness**
3 [cancer] . . . **I don’t think there is a causal relationship because cigarette**
4 **smoking and any illness;”**
5
6 v. “CTR began as an organization called the Tobacco Research Council (TIRC).
7 **It was set up as an industry “shield” in 1954** . . . Bill Shinn feels that “special
8 projects” are the best way that monies are spent. On these projects CTR as acted
9 as a front.” (Previously concealment meeting minutes from a CTR meeting held
10 in New York in 1978 **where Jim Bowling, Senior Vice President of**
11 **Corporate Affairs, Bob Seligman, Vice President of Research &**
12 **Development, and Tom Osdene, Director of Research all from Philip**
13 **Morris were in attendance** along with [an attorney at an outside law firm])”
14
15 f. In conjunction with Defendants R.J. Reynolds and Liggett, spending over
16 \$300,000,000 funding alleged “research” and marketing by the TIRC to create, sustain,
17 and spread a false controversy regarding smoking and health;
18
19 g. By having their executives such as their Chief Operating Officer, William Campbell,
20 lie under oath before Congress in 1993 stating “to my knowledge, it’s not been proven
21 that cigarette smoking causes cancer.”
22
23 429. Defendant Philip Morris knowingly make false and misleading representations
24 regarding the ingredients in cigarettes, the sources and funding behind alleged “scientific research”
25 regarding cigarettes, and more as described above which lead to a systemic culture in America
26 regarding an alleged cigarette controversy, where people, including Mrs. Thompson, were
27 manipulated into believing cigarettes were safe and not deadly.
28

1 430. Philip Morris's actions further directly lead to mass marketing of cigarettes in
2 quantities we cannot even comprehend today that seeped into every household and family in
3 American, including Mrs. Thompsons.

4 431. As a direct and proximate result of Philip Morris's actions and contributions to the TI,
5 TIRC, and CTR, the tobacco industry was able to create and sustain the largest conspiracy and
6 deception this county has ever seen.
7

8 432. But for Philip Morris's direct involvement, NOREEN THOMPSON would not have
9 been exposed to the same degree or intensity of cigarette advertising or have been exposed to the
10 alleged "controversy" regarding cigarettes as she was exposed to.

11 433. But for Philip Morris's direct involvement, NOREEN THOMPSON would not have
12 began smoking as a child, continued to smoke, become addicted to smoking cigarettes, or died as a
13 result of smoking cigarettes.
14

15 434. Defendants' conduct is an actual and proximate or legal cause of NOREEN
16 THOMPSON'S injuries. NOREEN THOMPSON thereby experienced great pain, and anxiety her
17 body and mind. NOREEN THOMPSON sustained injuries and damages in an amount in excess of
18 Fifteen Thousand Dollars (\$15,000.00), for which Plaintiff, DOLLY ROWAN, as Administrator of
19 the Estate of NOREEN THOMPSON, now seeks recovery pursuant to NRS 41.100.
20

21 435. As a further actual and proximate or legal result of Defendants' conduct NOREEN
22 THOMPSON underwent medical treatment and incurred past medical and/or incidental expenses. The
23 exact amount of such damages is unknown at this present time, but NOREEN THOMPSON suffered
24 special damages in excess of Fifteen Thousand Dollars (\$15,000.00). Plaintiff, DOLLY ROWAN, as
25 Administrator of the Estate of NOREEN THOMPSON seeks recovery of these damages pursuant to
26 NRS 41.100.
27

28 436. Defendants' conduct was despicable and so contemptible that it would be looked down

1 upon and despised by ordinary decent people and was carried on by Defendants with willful and
2 conscious disregard for the safety of anyone in the community.

3 437. Defendants' outrageous and unconscionable conduct warrants an award of exemplary
4 and punitive damages pursuant to NRS 42.005, in an amount appropriate to punish and make an
5 example of Defendants, and to deter similar conduct in the future. As Administrator of the Estate of
6 NOREEN THOMPSON, DOLLY ROWAN seeks exemplary and punitive damages pursuant to NRS
7 41.100.
8

9 438. To the extent NRS 42.007 is applicable to Defendants' conduct, Defendants are
10 vicariously liable for punitive damages arising from the outrageous and unconscionable conduct of its
11 employees, agents, and/or servants, as set forth herein.
12

13 439. The actions of Defendants have forced Plaintiff to retain counsel to represent her in the
14 prosecution of this action, and she is therefore entitled to an award of a reasonable amount as attorneys'
15 fees and costs of suit.
16

17 **THIRTEENTH CLAIM FOR RELIEF**
(WRONGFUL DEATH – STRICT LIABILITY)

18 **Dolly Rowan as Administrator of the Estate of Noreen Thompson, and Dolly Rowan,**
19 **NAVONA COLLISON, and Russell Thompson, as Heirs of Noreen Thompson, Against**
20 **Defendants, QUICK STOP MARKET, LLC, JOE'S BAR, INC., THE POKER PALACE,**
21 **SILVER NUGGET GAMING, LLC d/b/a SILVER NUGGET CASINO, and JERRY'S**
22 **NUGGET**

23 440. Plaintiffs repeat and reallege the allegations contained in paragraphs 1-116 and
24 incorporates the same herein by reference.

25 441. Plaintiffs bring this wrongful death claim based on a strict liability claim against
26 Defendants QUICK STOP MARKET, LLC, JOE'S BAR, INC., THE POKER PALACE, SILVER
27 NUGGET GAMING, LLC d/b/a SILVER NUGGET CASINO, and JERRY'S NUGGET.

28 442. Plaintiff, DOLLY ROWAN, is the heir of NOREEN THOMPSON.

1 443. Plaintiff, NAVONA COLLISON, is the heir of NOREEN THOMPSON.

2 444. Plaintiff, RUSSELL THOMPSON, is the heir of NOREEN THOMPSON.

3 445. Plaintiffs, DOLLY ROWAN, NAVONA COLLISON, and RUSSELL THOMPSON,
4 bring this cause of action pursuant to NRS 41.085(4), as the heirs of NOREEN THOMPSON.

5 446. Plaintiff, DOLLY ROWAN, is the Special Administrator and Personal Representative
6 of the Estate of NOREEN THOMPSON.

7 447. Plaintiff, DOLLY ROWAN, brings this claim pursuant to 41.085(5) as the Special
8 Administrator and Personal Representative of the Estate of NOREEN THOMPSON.

9 448. Defendants, QUICK STOP MARKET, LLC, JOE'S BAR, INC., THE POKER
10 PALACE, SILVER NUGGET GAMING, LLC d/b/a SILVER NUGGET CASINO, and JERRY'S
11 NUGGET, are in the business of distributing, marketing, selling, or otherwise placing cigarette into
12 the stream of commerce.

13 449. Defendants, QUICK STOP MARKET, LLC, JOE'S BAR, INC., THE POKER
14 PALACE, SILVER NUGGET GAMING, LLC d/b/a SILVER NUGGET CASINO, and JERRY'S
15 NUGGET, sold cigarettes to the public, including Decedent, NOREEN THOMPSON.

16 450. The aforesaid products were distributed, sold and/or otherwise placed into the stream of
17 commerce by Defendants, QUICK STOP MARKET, LLC, JOE'S BAR, INC., THE POKER
18 PALACE, SILVER NUGGET GAMING, LLC d/b/a SILVER NUGGET CASINO, and JERRY'S
19 NUGGET.

20 451. Defendants, QUICK STOP MARKET, LLC, JOE'S BAR, INC., THE POKER
21 PALACE, SILVER NUGGET GAMING, LLC d/b/a SILVER NUGGET CASINO, and JERRY'S
22 NUGGET'S, defective and unreasonably dangerous cigarettes reached NOREEN THOMPSON
23 without substantial change from that in which such products were when within the possession of
24 Defendants.

1 452. Defendants, QUICK STOP MARKET, LLC, JOE'S BAR, INC., THE POKER
2 PALACE, SILVER NUGGET GAMING, LLC d/b/a SILVER NUGGET CASINO, and JERRY'S
3 NUGGET'S cigarettes were dangerous beyond the expectation of the ordinary user/consumer when
4 used as intended or in a manner reasonably foreseeable by Defendants.

5 453. Defendants, QUICK STOP MARKET, LLC, JOE'S BAR, INC., THE POKER
6 PALACE, SILVER NUGGET GAMING, LLC d/b/a SILVER NUGGET CASINO, and JERRY'S
7 NUGGET'S cigarettes were dangerous beyond the expectation of the ordinary consumer, including
8 NOREEN THOMPSON, when used as intended or in a reasonably foreseeable manner.

9 454. Defendants, QUICK STOP MARKET, LLC, JOE'S BAR, INC., THE POKER
10 PALACE, SILVER NUGGET GAMING, LLC d/b/a SILVER NUGGET CASINO, and JERRY'S
11 NUGGET'S cigarettes were unreasonably dangerous because a less dangerous design and/or
12 modification was economically and scientifically feasible.

13 455. Defendants' conduct was the actual and proximate or legal cause of NOREEN
14 THOMPSON'S injuries and death. Plaintiffs DOLLY ROWAN, NAVONA COLLISON, and
15 RUSSELL THOMPSON, have sustained damages consisting of the loss of NOREEN THOMPSON'S
16 love, companionship, comfort, affection, society, and moral support, and has suffered great emotional
17 and psychological loss, all in amount in excess of Fifteen Thousand Dollars (\$15,000.00). As
18 NOREEN THOMPSON'S heirs, Plaintiffs DOLLY ROWAN, NAVONA COLLISON, and
19 RUSSELL THOMPSON, seek these damages pursuant to NRS 41.085(4).

20 456. As a further actual and proximate or legal result of Defendants' conduct, NOREEN
21 THOMPSON endured pain, suffering, and/or disfigurement. As NOREEN THOMPSON'S heirs,
22 Plaintiffs, DOLLY ROWAN, NAVONA COLLISON, and RUSSELL THOMPSON, seek general
23 damages for this pain, suffering, and/or disfigurement pursuant to NRS 41.085(4) in an amount in
24 excess of Fifteen Thousand Dollars (\$15,000.00).

1 457. As a further actual and proximate or legal result of Defendants' conduct, NOREEN
2 THOMPSON'S estate incurred special damages, to include medical expenses and funeral expenses,
3 in an amount in excess of Fifteen Thousand Dollars (\$15,000.00). As personal representative of
4 NOREEN THOMPSON'S Estate, DOLLY ROWAN seeks these special damages pursuant to NRS
5 41.085(5).
6

7 458. Defendants' conduct was despicable and so contemptible that it would be looked down
8 upon and despised by ordinary decent people and was carried on by Defendants with willful and
9 conscious disregard for the safety of anyone in the community.

10 459. Defendants' outrageous and unconscionable conduct warrants an award of exemplary
11 and punitive damages pursuant to NRS 42.005, in an amount appropriate to punish and make an
12 example of Defendants, and to deter similar conduct in the future. As personal representative of
13 NOREEN THOMPSON estate, DOLLY ROWAN seeks exemplary and punitive damages pursuant
14 to NRS 41.085(5).
15

16 460. To the extent NRS 42.007 is applicable to Defendants' conduct, Defendants are
17 vicariously liable for punitive damages arising from the outrageous and unconscionable conduct of
18 their employees, agents, and/or servants, as set forth herein.

19 461. The actions of Defendants have forced Plaintiffs to retain counsel to represent them in
20 the prosecution of this action, and Plaintiffs are therefore entitled to an award of a reasonable amount
21 as attorneys' fees and costs of suit.
22
23
24

25 **FOURTEENTH CLAIM FOR RELIEF**

26 **(STRICT PRODUCT LIABILITY)**
27
28

Dolly Rowan as Administrator of the Estate of Noreen Thompson Against Defendants QUICK STOP MARKET, LLC, JOE'S BAR, INC., THE POKER PALACE, SILVER NUGGET GAMING, LLC d/b/a SILVER NUGGET CASINO, and JERRY'S NUGGET

462. Plaintiff repeats and realleges the allegations contained in paragraphs 1-116 and 440 through 461 and incorporate the same herein by reference.

463. Plaintiff, DOLLY ROWAN, brings this claim as Administrator of the Estate of NOREEN THOMPSON pursuant to NRS 41.100.

464. Defendants, QUICK STOP MARKET, LLC, JOE'S BAR, INC., THE POKER PALACE, SILVER NUGGET GAMING, LLC d/b/a SILVER NUGGET CASINO, and JERRY'S NUGGET, are in the business of distributing, marketing, selling, or otherwise placing cigarette into the stream of commerce.

465. Defendants, QUICK STOP MARKET, LLC, JOE'S BAR, INC., THE POKER PALACE, SILVER NUGGET GAMING, LLC d/b/a SILVER NUGGET CASINO, and JERRY'S NUGGET, sold cigarettes to the public, including to Decedent, NOREEN THOMPSON.

466. The aforesaid products were distributed, sold and/or otherwise placed into the stream of commerce by Defendants, QUICK STOP MARKET, LLC, JOE'S BAR, INC., THE POKER PALACE, SILVER NUGGET GAMING, LLC d/b/a SILVER NUGGET CASINO, and JERRY'S NUGGET.

467. Defendants, C QUICK STOP MARKET, LLC, JOE'S BAR, INC., THE POKER PALACE, SILVER NUGGET GAMING, LLC d/b/a SILVER NUGGET CASINO, and JERRY'S NUGGET'S, defective and unreasonably dangerous cigarettes reached NOREEN THOMPSON without substantial change from that in which such products were when within the possession of Defendants.

468. Defendants, QUICK STOP MARKET, LLC, JOE'S BAR, INC., THE POKER PALACE, SILVER NUGGET GAMING, LLC d/b/a SILVER NUGGET CASINO, and JERRY'S

1 NUGGET'S cigarettes were dangerous beyond the expectation of the ordinary user/consumer when
2 used as intended or in a manner reasonably foreseeable by Defendants.

3 469. Defendants, QUICK STOP MARKET, LLC, JOE'S BAR, INC., THE POKER
4 PALACE, SILVER NUGGET GAMING, LLC d/b/a SILVER NUGGET CASINO, and JERRY'S
5 NUGGET'S cigarettes were dangerous beyond the expectation of the ordinary consumer, including
6 NOREEN THOMPSON, when used as intended or in a reasonably foreseeable manner.
7

8 470. Defendants, QUICK STOP MARKET, LLC, JOE'S BAR, INC., THE POKER
9 PALACE, SILVER NUGGET GAMING, LLC d/b/a SILVER NUGGET CASINO, and JERRY'S
10 NUGGET'S cigarettes were unreasonably dangerous because a less dangerous design and/or
11 modification was economically and scientifically feasible.
12

13 471. Defendants' conduct is an actual and proximate or legal cause of NOREEN
14 THOMPSON'S injuries. NOREEN THOMPSON thereby experienced great pain, and anxiety her
15 body and mind. NOREEN THOMPSON sustained injuries and damages in an amount in excess of
16 Fifteen Thousand Dollars (\$15,000.00), for which Plaintiff, DOLLY ROWAN, as Administrator of
17 the Estate of NOREEN THOMPSON, now seeks recovery pursuant to NRS 41.100.

18 472. As a further actual and proximate or legal result of Defendants' conduct, NOREEN
19 THOMPSON'S underwent medical treatment and incurred past medical and/or incidental expenses.
20 The exact amount of such damages is unknown at this present time, but NOREEN THOMPSON
21 suffered special damages in excess of Fifteen Thousand Dollars (\$15,000.00). Plaintiff, DOLLY
22 ROWAN, as Administrator of the Estate of NOREEN THOMPSON seeks recovery of these damages
23 pursuant to NRS 41.100.
24

25 473. Defendants' conduct was despicable and so contemptible that it would be looked down
26 upon and despised by ordinary decent people and was carried on by Defendants with willful and
27 conscious disregard for the safety of anyone in the community.
28

1 474. Defendants' outrageous and unconscionable conduct warrants an award of exemplary
2 and punitive damages pursuant to NRS 42.005, in an amount appropriate to punish and make an
3 example of Defendants, and to deter similar conduct in the future. As Administrator of the Estate of
4 NOREEN THOMPSON, DOLLY ROWAN seeks exemplary and punitive damages pursuant to NRS
5 41.100.
6

7 475. To the extent NRS 42.007 is applicable to Defendants' conduct, Defendants are
8 vicariously liable for punitive damages arising from the outrageous and unconscionable conduct of its
9 employees, agents, and/or servants, as set forth herein.

10 476. The actions of Defendants have forced Plaintiff to retain counsel to represent her in the
11 prosecution of this action, and they are therefore entitled to an award of a reasonable amount as
12 attorneys' fees and costs of suit.
13

14 WHEREFORE, Plaintiffs, DOLLY ROWAN, as Administrator and Personal Representative
15 of the Estate of NOREEN THOMPSON and DOLLY ROWAN, NAVONA COLLISON, and
16 RUSSELL THOMPSON as Heirs to Noreen Thompson, expressly reserving the right to amend this
17 Complaint at the time of trial to include all items of damage not yet ascertained, demands judgment
18 against Defendants, PHILIP MORRIS USA, INC.; R.J. REYNOLDS TOBACCO COMPANY,
19 individually, and as successor-by-merger to LORILLARD TOBACCO COMPANY and as successor-
20 in-interest to the United States tobacco business of BROWN & WILLIAMSON TOBACCO
21 CORPORATION, which is the successor-by-merger to THE AMERICAN TOBACCO COMPANY;
22 LIGGETT GROUP, LLC.; QUICK STOP MARKET, LLC; JOE'S BAR, INC.; THE POKER
23 PALACE; SILVER NUGGET GAMING, LLC d/b/a SILVER NUGGET CASINO; JERRY'S
24 NUGGET; and DOES I-X; and ROE BUSINESS ENTITIES XI-XX, and each of them, as follows:
25
26

27 1. For general damages in excess of Fifteen Thousand Dollars (\$15,000.00), to be set
28 forth and proven at the time of trial;

2. For special damages in excess of Fifteen Thousand Dollars (\$15,000.00), to be set forth and proven at the time of trial;

4. For exemplary and punitive damages in excess of Fifteen Thousand Dollars (\$15,000.00);

5. For reasonable attorneys' fees;

6. For costs of suit incurred;

7. For a jury trial on all issues so triable; and

8. For such other relief as to the Court seems just and proper.

DATED this ____ day of December 2021.

CLAGGETT & SYKES LAW FIRM

/s/ Sean K. Claggett

Sean K. Claggett, Esq.

Nevada Bar No. 008407

Attorneys for Plaintiff