

**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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Elizabeth A. Brown  
Clerk of Supreme Court

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. 18**

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USA Inc.*

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

DOLLY ROWAN, as Special  
Administrator of the Estate of NOREEN  
THOMPSON,

Plaintiff,

v.

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

CASE NO. A-20-811091-C

DEPT. NO. V

**STIPULATION AND ORDER  
REGARDING PLAINTIFF'S  
MOTION FOR LEAVE TO FILE  
SECOND AMENDED COMPLAINT**

1 by-merger to THE AMERICAN  
2 TOBACCO COMPANY; LIGGETT  
3 GROUP, LLC., a foreign corporation;  
4 QUICK STOP MARKET, LLC, a domestic  
5 limited liability company; JOE'S BAR,  
6 INC., a domestic corporation; THE  
7 POKER PALACE, a domestic corporation;  
8 SILVER NUGGET GAMING, LLC d/b/a  
9 SILVER NUGGET CASINO, a domestic  
10 limited liability company, JERRY'S  
11 NUGGET, a domestic corporation; and  
12 DOES I-X; and ROE BUSINESS  
13 ENTITIES XI-XX, inclusive

14 Defendants.

15 **STIPULATION REGARDING PLAINTIFF'S MOTION FOR LEAVE TO**  
16 **FILE SECOND AMENDED COMPLAINT**

17 Plaintiff, DOLLY ROWAN, as Special Administrator of the Estate of NOREEN  
18 THOMPSON, by and through her counsel of record, Kelley | Uustal PLC and Claggett &  
19 Sykes Law Firm and Defendants, R.J. REYNOLDS TOBACCO COMPANY, a foreign  
20 corporation, individually, and as successor-by-merger to LORILLARD TOBACCO  
21 COMPANY and as successor-in-interest to the United States tobacco business of  
22 BROWN & WILLIAMSON TOBACCO CORPORATION, which is the successor-by-  
23 merger to THE AMERICAN TOBACCO COMPANY; LIGGETT GROUP LLC., a foreign  
24 corporation; QUICK STOP MARKET, LLC, a domestic limited liability company; JOE'S  
25 BAR, INC., a domestic corporation; THE POKER PALACE, a domestic corporation;  
26 SILVER NUGGET GAMING, LLC d/b/a SILVER NUGGET CASINO, a domestic limited  
27 liability company; and JERRY'S NUGGET, a domestic corporation hereby stipulate as  
28 follows:



1           WHEREFORE, Decedent, Noreen Thompson, filed the initial lawsuit on February  
2 25, 2020. Mrs. Thompson subsequently passed away on June 19, 2020. Dolly Rowan,  
3 Noreen's daughter, has been duly appointed the Special Administrator of Mrs.  
4 Thompson's estate. Mrs. Rowan sought to amend the personal injury complaint and  
5 convert it into a wrongful death lawsuit. On March 11, 2021, the Court entered an order  
6 Granting in Part and Denying in Part Plaintiff's Motion for Leave to File Amended  
7 Wrongful Death Complaint. The parties previously agreed to remove the mention of  
8 specific law firms in the Amended Complaint. The Amended Complaint, with the specific  
9 law firms removed, was filed.  
10

11           WHEREFORE, Mrs. Rowan's two siblings, Russell Thompson and Navona  
12 Collision now seek leave from the court to be added as Plaintiffs to the existing lawsuit.  
13 The deadline to amend pleadings and add parties is June 25 2022 and the statute of  
14 limitations for the wrongful death claim is June 19 2022.  
15

16           WHEREFORE, as explained below, the parties have stipulated and agreed that  
17 Russell Thompson and Navona Collision may be added as additional Plaintiffs to the  
18 lawsuit. As such, certain damages allegations in the Second Amended Complaint have  
19 been amended to include Mr. Thompson and Mrs. Collision. There are no other  
20 substantive changes to the Second Amended Complaint. A copy of the proposed Second  
21 Amended Complaint is attached hereto as Ex. "A."  
22

23           WHEREFORE, all parties previously engaged in motion practice regarding the  
24 various Defendants Motions to Dismiss the First Amended Complaint. Defendants R.J  
25 Reynolds Tobacco Company, Liggett Group LLC, Joe's Bar, Silver Nuggett Casino, and  
26 Jerry's Nuggett's Motion to Dismiss were denied on August 25, 2020.  
27  
28

1           WHEREFORE, Plaintiff has conferred with counsel for the above referened  
2 Defendants who have no objection to the Second Amended Complaint. The parties agree  
3 and stipulate that all prior motions, responses, replies, and orders relating to the  
4 Motions to Dismiss the Amended Complaint remain. The parties further agree and  
5 stipulate that since there are no substantive changes to the Second Amended Complaint  
6 as it is only adding two additional heirs, no additional briefing is necessary at this time  
7 and the prior rulings on Motions to Dismiss will apply to the Second Amended  
8 Complaint.  
9

10           WHEREFORE, Philip Morris USA Inc.'s Motion to Dismiss was Granted on  
11 September 8, 2021.  
12

13           WHEREFORE, on September 23, 2021, Plaintiff Moved for Reconsideration  
14 regarding the Court's Order Granting Philip Morris USA's Motion to Dismiss. The  
15 hearing on the Motion for Reconsideration is currently scheduled for January 18, 2022.  
16

17           WHEREFORE, as of the time of filing this stipulation, Philip Morris USA Inc. is  
18 not a party to this lawsuit. However, Plaintiff's counsel has conferred with counsel for  
19 Philip Morris USA Inc. both on the phone and through emails on December 23, 2021.  
20

21           WHEREFORE, Philip Morris USA maintains that it is no longer a party based on  
22 the Court's Order entered on September 8, 2021, granting Philip Morris USA's Motion  
23 to Dismiss. Therefore, it is Philip Morris USA's position that its consent is not necessary  
24 to allow the proposed amendment. Philip Morris USA does not object, however, to the  
25 proposed amendment adding Mr. Thompson and Mrs. Collison as Plaintiffs.  
26

27           WHEREFORE, Philip Morris USA's non-opposition will not be construed as a  
28 waiver of any defenses to any of Plaintiff's, present or newly-added, claims. Further,

Plaintiffs, both present and planned to be newly added, agree and stipulate that all orders presently entered in this matter, including but not limited to the Court's Order of September 8, 2021, on Philip Morris USA's Motion to Dismiss, will have the same binding effect on all Plaintiffs.

IT IS HEREBY STIPULATED AND AGREED that Mr. Thompson and Mrs. Collison shall be added as Plaintiff's to the Second Amended Complaint and certain damages paragraphs may be revised to include the proposed Plaintiffs in the complaint. Defendants shall respond to the Second Amended Complaint within twenty (20) days of the filing of the Second Amended Complaint.

**IS SO STIPULATED.**

<p>Dated this 6<sup>th</sup> January 2022 CLAGGETT &amp; SYKES LAW FIRM</p> <p>/s/ Sean K. Claggett</p> <hr/> <p>Sean K. Claggett, Esq. Nevada Bar No. 008407 Matthew S. Granda, Esq. Nevada Bar No. 012753 4101 Meadows Lane, Suite 100 Las Vegas, Nevada 89107 <i>Attorneys for Plaintiffs</i></p>	<p>Dated this 5<sup>th</sup> January 2022 WEINBERG WHEELER HUDGINS</p> <p>/s/ Howard Russell</p> <hr/> <p>D. Lee Roberts, Jr., Esq. Howard Russell, Esq. Daniela LaBounty, Esq. GUNN &amp; DIAL 6385 South Rainbow Boulevard, Suite 400 Las Vegas, Nevada 89118 <i>Attorneys for Philip Morris USA, Inc.</i></p>
<p>Dated this 5<sup>th</sup> January 2022 LEWIS ROCA ROTHGERBER CHRISTIE</p> <p>/s/ Christopher Jorgensen</p> <hr/> <p>J. Christopher Jorgensen, Esq. LEWIS ROCA ROTHGERBER CHRISTIE 3993 Howard Hughes Parkway, #600 Las Vegas, Nevada 89169 <i>Attorneys for Liggett Group LLC</i></p>	<p>Dated this 4<sup>th</sup> January 2022 BAILEY KENNEDY</p> <p>/s/ Joseph Liebman</p> <hr/> <p>Dennis L. Kennedy, Esq. Joseph A. Liebman, Esq. BAILEY KENNEDY 8984 Spanish Ridge Avenue Las Vegas, Nevada 89148-1302 <i>Attorneys for R.J. Reynolds Tobacco Company, Quick Stop Market, LLC, Joe's Bar, Inc., The Poker Palace, Silver Nugget Casino, and Jerry's Nugget</i></p>

**ORDER GRANTING PLAINTIFF'S MOTION FOR LEAVE TO FILE SECOND  
AMENDED COMPLAINT**

Pursuant to the above Stipulation of the Parties through their counsel, and good cause appearing therefore,

IT IS HEREBY ORDERED that this Court grants Plaintiff's Motion for Leave to File Second Amended Complaint. Defendants shall respond to the Second Amended Complaint within twenty (20) days of the filing of the Second Amended Complaint.

The parties agree and stipulate, and the Court orders, that all prior motions, responses, replies, and orders relating to the Motions to Dismiss the Amended Complaint remain and are binding. The parties further agree and stipulate, and the Court orders, that since there is no substantive changes to the complaint as it is only adding two additional heirs, no additional briefing is necessary at this time and the prior ruling on the Motion to Dismiss will be binding as to the Second Amended Complaint.

PM USA maintains that it is no longer a party based on the Court's Order entered on September 8, 2021, granting PM USA's Motion to Dismiss. Therefore, it is PM USA's position that its consent is not necessary to allow the proposed amendment. PM USA does not object, however, to the proposed amendment adding Mr. Thompson and Mrs. Collison as Plaintiffs.

PM USA's non-opposition will not be construed as a waiver of any defenses to any Plaintiff's, present or newly-added, claims. Further, Plaintiffs, both present and planned to be newly added, agree and stipulate that all orders presently entered in this matter, including but not limited to the Court's Order of September 8, 2021, on PM USA's Motion to Dismiss, will have the same binding effect on all Plaintiffs.

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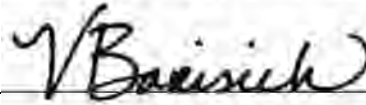
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1 The chambers hearing for January 26, 2022 is hereby vacated.

2 Dated this 7th day of January, 2022

3 

4  
5 Respectfully Submitted By:

6 DC8 DBB 7122 056D  
Veronica M. Barisich  
District Court Judge

7 /s/ Sean K. Claggett

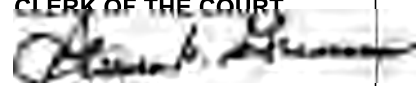
8 Sean K. Claggett, Esq.

9 Nevada Bar No. 008407

Attorneys for Plaintiffs

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CLAGGETT & SYKES  
LAW FIRM



1 **ACOM**

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25 **DISTRICT COURT**

26 **CLARK COUNTY, NEVADA**

27 **DOLLY ROWAN**, as an Individual, as  
28 Special Administrator of the Estate of  
**NOREEN THOMPSON, NAVONA**  
**COLLISON**, as an Individual, and  
**RUSSELL THOMPSON**, as an  
Individual,

Plaintiffs,

v.

**PHILIP MORRIS USA, INC.**, a foreign  
corporation; **R.J. REYNOLDS TOBACCO**  
**COMPANY**, a foreign corporation,  
individually, and as successor-by-merger  
to **LORILLARD TOBACCO COMPANY**

CASE NO. A-20-811091-C

DEPT. NO. V

**SECOND AMENDED COMPLAINT**

**JURY TRIAL DEMAND**

1 and as successor-in-interest to the United  
2 States tobacco business of BROWN &  
3 WILLIAMSON TOBACCO  
4 CORPORATION, which is the successor-  
5 by-merger to THE AMERICAN  
6 TOBACCO COMPANY; LIGGETT  
7 GROUP, LLC., a foreign corporation;  
8 QUICK STOP MARKET, LLC, a domestic  
9 limited liability company; JOE'S BAR,  
10 INC., a domestic corporation; THE  
11 POKER PALACE, a domestic corporation;  
12 SILVER NUGGET GAMING, LLC d/b/a  
13 SILVER NUGGET CASINO, a domestic  
14 limited liability company, JERRY'S  
15 NUGGET, a domestic corporation; and  
16 DOES I-X; and ROE BUSINESS  
17 ENTITIES XI-XX, inclusive

18 Defendants.

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19 COMES NOW, DOLLY ROWAN, as an Individual, as Special Administrator of  
20 the Estate of NOREEN THOMPSON, NAVONA COLLISON, as an Individual, and  
21 RUSSELL THOMPSON, as an Individual, by and through her attorney of record,  
22 CLAGGETT & SYKES LAW FIRM, complaining of Defendants, and alleges as follows:

23 **JURISDICTION, VENUE, AND PARTIES**

24 1. This Court has jurisdiction over this matter under NRS 14.065 and NRS  
25 4.370(1), as the facts alleged occurred in Clark County, Nevada and involve an amount  
26 in controversy in excess of \$15,000.00. Venue is proper pursuant to NRS 13.040, as  
27 Defendants, or any one of them, reside and/or conduct business in Clark County, Nevada  
28 at the commencement of this action.

2. NOREEN THOMPSON (hereinafter "Decedent") was at all time relevant a  
resident of Clark County, Nevada. Plaintiff, DOLLY ROWAN, is the surviving child of

1 NOREEN THOMPSON (hereinafter "Plaintiff" or "DOLLY") and is duly appointed the  
2 Special Administrator and Personal Representative of the Estate of NOREEN  
3 THOMPSON. Decedent and Dolly were at all times relevant to this litigation residents  
4 of Clark County, Nevada.  
5

6 3. Plaintiff, NAVONA COLLISON, is the surviving child of NOREEN  
7 THOMPSON (hereinafter "NAVONA"). Navona was at all times relevant to this  
8 litigation a resident of Clark County, Nevada. NAVONA is an heir to NOREEN's Estate.  
9

10 4. Plaintiff, RUSSELL THOMPSON, is the surviving child of NOREEN  
11 THOMPSON (hereinafter "RUSSELL"). Russell was at all times relevant to this  
12 litigation a resident of Clark County, Nevada. RUSSELL is an heir to NOREEN's Estate.  
13

14 5. Plaintiff is informed and believes and thereon alleges that at all times  
15 relevant herein, Defendant PHILIP MORRIS USA, INC. (hereinafter "PHILIP  
16 MORRIS"), was and is a corporation authorized to do business within this jurisdiction of  
17 Clark County, Nevada, and was duly organized, created, and existing under and by virtue  
18 of the laws of the State of Virginia with its principal place of business located in the State  
19 of Virginia. Defendant, PHILIP MORRIS, resides and/or conducts business in every  
20 county within the State of Nevada and did so during all times relevant to this action.  
21

22 6. Plaintiff is informed and believes and thereon alleges that at all times  
23 relevant herein, Defendant R.J. REYNOLDS TOBACCO COMPANY, Inc. (hereinafter  
24 "R.J. REYNOLDS"), was and is a corporation authorized to do business within this  
25 jurisdiction of Clark County, Nevada, and was duly organized, created, and existing  
26 under and by virtue of the laws of the State of North Carolina with its principal place of  
27 business located in the State of North Carolina. Defendant, R.J. REYNOLDS, resides  
28



1 and/or conducts business in every county within the State of Nevada and did so during  
2 all times relevant to this action.

3 7. R.J. REYNOLDS TOBACCO COMPANY is also the successor-by-merger to  
4 LORILLARD TOBACCO COMPANY (hereinafter "LORILLARD"), and is the successor-  
5 in-interest to the United States tobacco business of BROWN & WILLIAMSON  
6 TOBACCO CORPORATION (n/k/a Brown & Williamson Holdings, Inc.) (hereinafter  
7 "BROWN & WILLIAMSON"), which is the successor-by-merger to the AMERICAN  
8 TOBACCO COMPANY (hereinafter "AMERICAN").  
9

10 8. Plaintiff is informed and believes and thereon alleges that at all times  
11 relevant herein, Defendant LIGGETT GROUP, Inc. (f/k/a LIGGETT GROUP, INC., f/k/a  
12 BROOKE GROUP, LTD., Inc., f/k/a LIGGETT & MEYERS TOBACCO COMPANY)  
13 (hereinafter "LIGGETT"), was and is a corporation authorized to do business within this  
14 jurisdiction of Clark County, Nevada, and was duly organized, created, and existing  
15 under and by virtue of the laws of the State of Delaware with its principal place of  
16 business located in the State of North Carolina. Defendant, LIGGETT, resides and/or  
17 conducts business in every county within the State of Nevada and did so during all times  
18 relevant to this action.  
19

20 9. The TOBACCO INDUSTRY RESEARCH COMMITTEE ("TIRC") was  
21 formed in 1954, and later was re-named the COUNCIL FOR TOBACCO RESEARCH  
22 ("CTR"). This was a disingenuous, fraudulent "research committee" organized by  
23 Defendants as part of their massive public relations campaign to create a controversy  
24 regarding the health hazards of cigarettes.  
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1           10.    The TOBACCO INSTITUTE, INC. ("TI") was formed in 1958 and was  
2 intended to supplement the work of TIRC/CTR. TI spokespeople appeared on media/news  
3 outlets responding on behalf of the cigarette industry with misrepresentations and false  
4 statements regarding health concerns over cigarettes.  
5

6           11.    Plaintiff is informed and believes, and thereon allege that Defendant,  
7 QUICK STOP MARKET, LLC (hereafter "QUICK STOP"), was and is a domestic limited  
8 liability company authorized to do business within this jurisdiction of Clark County,  
9 Nevada, and was duly organized, created, and existing under and by virtue of the laws of  
10 the State of Nevada. QUICK STOP owns and operates a store that sells tobacco and  
11 cigarette products located at 3401 E. Lake Mead Blvd, North Las Vegas NV 89030.  
12 QUICK STOP is a retailer of tobacco and cigarette products and is registered with the  
13 State of Nevada as a licensed tobacco retailer, selling such items to the public, including  
14 Decedent, NOREEN THOMPSON.  
15  
16

17           12.    Plaintiff is informed and believes, and thereon alleges that Defendant,  
18 JOE'S BAR, INC. (hereafter "JOE'S BAR"), was and is a domestic corporation authorized  
19 to do business within this jurisdiction of Clark County, Nevada, and was duly organized,  
20 created, and existing under and by virtue of the laws of the State of Nevada. JOE'S BAR  
21 owns and operates a store that sells tobacco and cigarette products located at 8984  
22 Spanish Ridge Ave, Las Vegas NV 89148. JOE'S BAR is a retailer of tobacco and cigarette  
23 products and is registered with the State of Nevada as a licensed tobacco retailer, selling  
24 such items to the public, including Decedent, NOREEN THOMPSON.  
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26           13.    Plaintiff is informed and believes, and thereon alleges that Defendant, THE  
27 POKER PALACE, was and is a domestic corporation authorized to do business within  
28

1 this jurisdiction of Clark County, Nevada, and was duly organized, created, and existing  
2 under and by virtue of the laws of the State of Nevada. THE POKER PALACE owns and  
3 operates a casino that sells tobacco and cigarette products located at 2757 Las Vegas Blvd  
4 N. N. Las Vegas, NV 89030. THE POKER PALACE is a retailer of tobacco and cigarette  
5 products and is registered with the State of Nevada as a licensed tobacco retailer, selling  
6 such items to the public, including Decedent, NOREEN THOMPSON.  
7

8         14. Plaintiff is informed and believes, and thereon alleges that Defendant,  
9 SILVER NUGGET GAMING, LLC d/b/a SILVER NUGGET CASINO (hereafter "SILVER  
10 NUGGET") was and is a domestic limited liability company authorized to do business  
11 within this jurisdiction of Clark County, Nevada, and was duly organized, created, and  
12 existing under and by virtue of the laws of the State of Nevada. SILVER NUGGET owns  
13 and operates a casino that sells tobacco and cigarette products located at 650 S. Main  
14 Street, Las Vegas, NV 89191. SILVER NUGGET is a retailer of tobacco and cigarette  
15 products and is registered with the State of Nevada as a licensed tobacco retailer, selling  
16 such items to the public, including Decedent, NOREEN THOMPSON.  
17

18         15. Plaintiff is informed and believes, and thereon alleges that Defendant,  
19 JERRY'S NUGGET, was and is a domestic corporation authorized to do business within  
20 this jurisdiction of Clark County, Nevada, and was duly organized, created, and existing  
21 under and by virtue of the laws of the State of Nevada. JERRY'S NUGGET owns and  
22 operates a casino that sells tobacco and cigarette products located at 7251 Amigo Street,  
23 Suite 210, Las Vegas NV 89119. JERRY'S NUGGET is a retailer of tobacco and cigarette  
24 products and is registered with the State of Nevada as a licensed tobacco retailer, selling  
25 such items to the public, including Decedent, NOREEN THOMPSON.  
26  
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1           16. Plaintiff further alleges that Defendants, at all times material to this cause  
2 of action, through their agents, employees, executives, and representatives, conducted,  
3 engaged in and carried on a business venture of selling cigarettes in the State of Nevada  
4 and/or maintained an office or agency in this state and/or committed tortious acts within  
5 the State of Nevada and knowingly allowed the Plaintiff to be exposed to an unreasonably  
6 dangerous and addictive product, to-wit: cigarettes and/or cigarette smoke.  
7

8           17. Plaintiff does not know the true names of Defendants Does I through X and  
9 sues said Defendants by fictitious names. Upon information and belief, each of the  
10 Defendants designated herein as Doe is legally responsible in some manner for the  
11 events alleged in this Complaint and actually, proximately, and/or legally caused injury  
12 and damages to Plaintiff. Plaintiff will seek leave of the Court to amend this Complaint  
13 to substitute the true and correct names for these fictitious names upon learning that  
14 information.  
15

16           18. Plaintiff does not know the true names of Defendants Roe Business Entities  
17 XI through XX and sues said Defendants by fictitious names. Upon information and  
18 belief, each of the Defendants designated herein as Roe Business Entities XI through XX  
19 are predecessors-in-interest, successors-in-interest, and/or agencies otherwise in a joint  
20 venture with, and/or serving as an alter ego of, any and/or all Defendants named herein;  
21 and/or are entities responsible for the supervision of the individually named Defendants  
22 at the time of the events and circumstances alleged herein; and/or are entities employed  
23 by and/or otherwise directing the individual Defendants in the scope and course of their  
24 responsibilities at the time of the events and circumstances alleged herein; and/or are  
25 entities otherwise contributing in any way to the acts complained of and the damages  
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1 alleged to have been suffered by the Plaintiff herein. Upon information and belief, each  
2 of the Defendants designated as a Roe Business Entity is in some manner negligently,  
3 vicariously, and/or statutorily responsible for the events alleged in this Complaint and  
4 actually, proximately, and/or legally caused damages to Plaintiff. Plaintiff will seek leave  
5 of the Court to amend this Complaint to substitute the true and correct names for these  
6 fictitious names upon learning that information.  
7

8 19. All conditions precedent to the bringing of this action have been complied  
9 with or waived.  
10

11 **FACTS COMMON TO ALL CLAIMS**

12 20. Plaintiff repeats and realleges each and every allegation set forth in the  
13 preceding paragraphs, as if fully set forth herein.

14 21. Decedent, NOREEN THOMPSON, was diagnosed on or about April 8, 2019  
15 with lung cancer and passed away on June 19, 2020. NOREEN THOMPSON's lung cancer  
16 and her death therefrom were caused by smoking Pall Mall brand cigarettes, Camel  
17 brand cigarettes, Viceroy brand cigarettes, and Pyramid brand cigarettes, to which she  
18 was addicted and smoked continuously from approximately 1954 until 2019.  
19

20 22. At all times material, Pall Mall cigarettes were and are designed,  
21 manufactured, and sold by Defendant R.J. REYNOLDS TOBACCO COMPANY, which is  
22 the successor-in-interest to the United States tobacco business of BROWN &  
23 WILLIAMSON TOBACCO CORPORATION, which is the successor-by-merger to THE  
24 AMERICAN TOBACCO COMPANY.  
25

26 23. At all times material, Viceroy cigarettes were and are designed,  
27 manufactured, and sold by Defendant, R.J. REYNOLDS TOBACCO COMPANY, which  
28

1 is the successor-in-interest to the United States tobacco business of BROWN &  
2 WILLIAMSON TOBACCO CORPORATION, which is the successor-by-merger to THE  
3 AMERICAN TOBACCO COMPANY.

4  
5 24. At all times material, Camel cigarettes were and are designed,  
6 manufactured, and sold by Defendant R.J. REYNOLDS TOBACCO COMPANY.

7 25. At all times material, Pyramid cigarettes were and are designed,  
8 manufactured, and sold by Defendant LIGGETT.

9 26. Decedent, NOREEN THOMPSON, purchased and smoked Pall Mall,  
10 Viceroy, Camel, and Pyramid cigarettes from QUICK STOP in sufficient quantities to be  
11 a substantial contributing cause of her lung cancer.

12 27. Decedent, NOREEN THOMPSON, purchased and smoked Pall Mall,  
13 Viceroy, Camel, and Pyramid cigarettes from JOE'S in sufficient quantities to be a  
14 substantial contributing cause of her lung cancer.

15 28. Decedent, NOREEN THOMPSON, purchased and smoked Pall Mall,  
16 Viceroy, Camel, and Pyramid cigarettes from THE POKER PALACE in sufficient  
17 quantities to be a substantial contributing cause of her lung cancer.

18 29. Decedent, NOREEN THOMPSON, purchased and smoked Pall Mall,  
19 Viceroy, Camel, and Pyramid cigarettes from SILVER NUGGET in sufficient quantities  
20 to be a substantial contributing cause of her lung cancer.

21 30. Decedent, NOREEN THOMPSON, purchased and smoked Pall Mall,  
22 Viceroy, Camel, and Pyramid cigarettes from JERRY'S NUGGETT in sufficient  
23 quantities to be a substantial contributing cause of her lung cancer.

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1           31. At all times material, Defendants purposefully and intentionally designed  
2 cigarettes to be highly addictive. Defendants added ingredients such as ammonia and  
3 diammonium-phosphate to “free-base” nicotine and manipulated levels of nicotine and  
4 pH in smoke to make cigarettes more addictive, better tasting, and easier to inhale.  
5 Defendants also deliberately manipulated and/or added compounds in cigarettes such as  
6 arsenic, polonium-210, tar, methane, methanol, carbon monoxide, nitrosamines, butane,  
7 formaldehyde, tar, carcinogens, and other deadly and poisonous compounds to cigarettes.  
8

9           32. Astonishingly, for over half a century, Defendants concealed the addictive  
10 and deadly nature of cigarettes from Plaintiff, the U.S. government, and the American  
11 public by making knowingly false and misleading statements and by engaging in an over  
12 two-hundred and fifty-billion-dollar conspiracy.  
13

14           33. Despite knowing internally, dating back to the 1950s, that cigarettes were  
15 deadly, addictive, and caused death and disease, Defendants, for over five decades,  
16 purposefully and intentionally lied, concealed information, and knowingly made false and  
17 misleading statements to the public, including Plaintiff, that cigarettes were allegedly  
18 *not* harmful.  
19

20           34. Defendants failed to acknowledge or admit the truth until they were forced  
21 to do so as a result of litigation in the year 2000.  
22

23           35. Decedent’s injuries and death arose out of Defendants’ acts and/or  
24 omissions which occurred inside and outside of the State of Nevada.

25           36. At all times material to this action, Defendants knew or should have known  
26 the following:  
27  
28

- a. Smoking cigarettes causes chronic obstructive pulmonary disease, also referred to as COPD, which includes emphysema and chronic bronchitis, laryngeal cancer, and lung cancer, including squamous cell carcinoma, small cell carcinoma, adenocarcinoma, and large cell carcinoma;
- b. Nicotine in cigarettes is addictive;
- c. Defendants placed cigarettes on the market that were defective and unreasonably dangerous;
- d. Defendants concealed or omitted material information not otherwise known or available, knowing that the material was false and misleading, or failed to disclose a material fact concerning the health effects or addictive nature of smoking cigarettes, or both;
- e. Defendants entered into an agreement to conceal or omit information regarding the health effects of cigarettes or their addictive nature with the intention that smokers and the public would rely on this information to their detriment;
- f. Defendants sold or supplied cigarettes that were defective;
- g. Defendants were negligent;
- h. Children and teenagers are more likely to become addicted to cigarettes if they begin smoking at an early age;
- i. Continued and frequent use of cigarettes highly increases one's chances of becoming, and remaining, addicted;
- j. Continued and frequent use of cigarettes highly increases one's chances of developing serious illness and death;



- k. It is extremely difficult to quit smoking;
- l. “Many, but not most, people who would like to stop smoking are able to do so” (Concealed Document, 1982);
- m. “Defendants cannot defend continued smoking as “free choice” if the person is addicted” (Concealed Document 1980), but nevertheless did continue to defend smoking as a matter of “free choice”;
- n. It is possible to develop safer cigarettes free of nicotine, carcinogens, and other deadly and poisonous compounds;
- o. “The thing [Defendants] sell most is nicotine” (Concealed Document 1980);
- p. Filtered, low tar, low nicotine, and “light” cigarettes are more dangerous than “regular” cigarettes;
- q. “Cigarette[s] that do not deliver nicotine cannot satisfy the habituated smoker and would almost certainly fail” (Concealed Document 1966);
- r. “Without the nicotine, the cigarette market would collapse, and [Defendants] would all lose their jobs and their consulting fees” (Concealed Document 1977);
- s. “Carcinogens are found in practically every class of compounds in smoke” (Concealed Document 1961);
- t. “Cigarettes have certain unattractive side effects . . . they cause lung cancer” (Concealed Document 1963).

37. Defendants’ tortious and unlawful conduct caused consumers, including NOREEN THOMPSON, to suffer serious injuries and death.

///

**Historical Allegations of Defendants Unlawful Conduct**  
**Giving Rise to the Lawsuit**

38. Lung cancer, caused by cigarette smoking, is the number one leading cause of death in the United States.

39. Cigarettes kill more than 500,000 Americans every year. Over 20 million Americans have died from lung cancer.

40. Lung cancer is a disease manufactured and created by the cigarette industry, including by Defendants herein.

41. Prior to 1900, lung cancer was virtually unknown as a cause of death in the United States.

42. By 1935, there were only an estimated 4,000 lung cancer deaths. By 1945, as a result of the rise of cigarette consumption, the number of deaths almost tripled.

43. Because of this phenomenon, scientists began conducting research and experiments regarding the link between cigarette smoking and lung cancer.

44. In addition to scientists, Defendants themselves began to conduct similar research. By February 2, 1953, Defendants had concrete proof that cigarette smoking increased the risk of lung cancer. A previously secret and concealed document authored by Defendant R.J. Reynolds, states:

**“Studies of clinical data tend to confirm the relationship between heavy smoking and prolonged smoking and incidence of cancer of the lung.”**

45. Approximately six months later, on December 21, 1953, Life Magazine and Reader’s Digest published articles regarding a ground-breaking mouse-painting study, conducted by Drs. Wynder and Graham, which concluded that tar from cigarettes painted on the backs of mice developed into cancer.

1           46. As a result of these articles and mounting public awareness regarding the  
2 link between cigarette smoking and lung cancer, Defendants grew fearful their  
3 customers would stop smoking, which would in turn bankrupt their companies.

4           47. Thus, in order to maximize profits, Defendants decided to intentionally  
5 band together to form a conspiracy which, for over half a century, was devoted to  
6 creating and spreading doubt regarding a disingenuous “open debate” about whether  
7 cigarettes were or were not harmful.  
8

9           48. This conspiracy was formed in December of 1953 at the Plaza Hotel in New  
10 York City. Paul Hahn, president of American Tobacco, sent telegrams to presidents of  
11 the seven largest tobacco companies and one tobacco growers’ organization, inviting  
12 them to meet at the Plaza Hotel.  
13



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20           49. Executives from every cigarette company except Liggett met at the Plaza  
21 Hotel on December 14, 1953. The executives discussed the following topics: (i) the  
22 negative publicity from the recent articles in the media, (ii) the need to hire a public  
23 relations firm, Hill & Knowlton, and (iii) the major threat to their corporations’  
24 economic future.  
25

26           50. In an internal planning memorandum Hill & Knowlton assessed their  
27 cigarette clients’ problems in the following manner:  
28

1           There is only one problem -- confidence, and how to establish it;  
2           public assurance, and how to create it -- in a perhaps long  
3           interim when scientific doubts must remain. **And, most**  
4           **important, how to free millions of Americans from the**  
5           **guilty fear that is going to arise deep in their biological**  
6           **depths -- regardless of any pooh-poohing logic -- every**  
7           **time they light a cigarette.** No resort to mere logic ever cured  
8           panic yet, whether on Madison Avenue, Main Street, or in a  
9           psychologist's office. And no mere recitation of arguments pro,  
10          or ignoring of arguments con, or careful balancing of the two  
11          together, is going to deal with such fear now. That, gentlemen,  
12          is the nature of the unexampled challenge to this office.

13           51. On December 28, 1953, Defendants again met at the Plaza Hotel, where  
14          they knowingly and purposefully agreed to form a fake "research committee" called the  
15          Tobacco Industry Research Committee ("TIRC") (later renamed the Council for Tobacco  
16          Research ("CTR")). Paul Hahn, president of American Tobacco, was elected the  
17          temporary chairman of TIRC.

18           52. TIRC's *public* mission statement was to supposedly aid and assist with so-  
19          called "independent" research into cigarette use and health.

20           53. The formation and purpose of TIRC was announced on January 4, 1954, in  
21          a full-page advertisement called "A Frank Statement to Cigarette Smokers," published  
22          in 448 newspapers throughout the United States.

23           54. The Frank Statement was signed by the following domestic cigarette and  
24          tobacco product manufacturers, including Defendants herein, organizations of leaf  
25          tobacco growers, and tobacco warehouse associations that made up TIRC: American  
26          Tobacco by Paul Hahn, President; B&W by Timothy Hartnett, President; Lorillard by  
27          Herbert Kent, Chairman; Defendant, Philip Morris by O. Parker McComas, President;  
28          Defendant, R.J Reynolds by Edward A. Darr, President; Benson & Hedges by Joseph  
Cullman, Jr., President; Bright Belt Warehouse Association by F.S. Royster, President;

1 Burley Auction Warehouse Association by Albert Clay, President; Burley Tobacco  
2 Growers Cooperative Association by John Jones, President; Larus & Brother Company,  
3 Inc. by W.T. Reed, Jr., President; Maryland Tobacco Growers Association by Samuel  
4 Linton, General Manager; Stephano Brothers, Inc. by C.S. Stephano, Director of  
5 Research; Tobacco Associates, Inc. by J.B. Hutson, President; and United States  
6 Tobacco by J. Whitney Peterson, President.  
7

8 55. In their Frank Statement to Cigarette Smokers, Defendants knowingly and  
9 intentionally misled Decedent, the public, and the American government by  
10 disingenuously promising to “safeguard” the health of smokers, support allegedly  
11 “disinterested” research into smoking and health, and reveal to the public the results  
12 of their purported “objective” research.  
13

14 56. The Frank Statement set forth the industry’s “open question” position that  
15 it would maintain for more than forty years -- that cigarette smoking was not a proven  
16 cause of lung cancer; that cigarettes were not injurious to health; and that more  
17 research on smoking and health issues was needed. In the Frank Statement, the  
18 participating companies accepted “an interest in people’s health as a basic  
19 responsibility, paramount to every other consideration in our business” and pledged  
20 “aid and assistance to the research effort into all phases of tobacco use and health.”  
21 The companies promised that they would fulfill the obligations they had undertaken  
22 in the Frank Statement by funding independent research through TIRC, free from any  
23 industry influence. The “Frank Statement” in its entirety stated as follows:  
24  
25

26 RECENT REPORTS on experiments with mice have given wide  
27 publicity to a theory that cigarette smoking is in some way linked  
28 with lung cancer in human beings.

1 Although conducted by doctors of professional standing, these  
2 experiments are not regarded as conclusive in the field of cancer  
3 research. However, we do not believe that any serious medical  
4 research, even though its results are inconclusive should be  
5 disregarded or lightly dismissed. At the same time, we feel it is in  
6 the public interest to call attention to the fact that eminent doctors  
7 and research scientists have publicly questioned the claimed  
8 significance of these experiments.

9 Distinguished authorities point out: 1. That medical research of  
10 recent years indicates many possible causes of lung cancer. 2. That  
11 there is no agreement among the authorities regarding what the  
12 cause is. 3. That there is no proof that cigarette smoking is one of  
13 the causes. 4. That statistics purporting to link cigarette smoking  
14 with the disease could apply with equal force to any one of many  
15 other aspects of modern life. Indeed the validity of the statistics  
16 themselves is questioned by numerous scientists.

17 We accept an interest in people's health as a basic responsibility,  
18 paramount to every other consideration in our business.

19 We believe the products we make are not injurious to health.

20 We always have and always will cooperate closely with those whose  
21 task it is to safeguard the public health.

22 For more than 300 years tobacco has given solace, relaxation, and  
23 enjoyment to mankind. At one time or another during these years  
24 critics have held it responsible for practically every disease of the  
25 human body. One by one these charges have been abandoned for lack  
26 of evidence.

27 Regardless of the record of the past, the fact that cigarette smoking  
28 today should even be suspected as a cause of disease is a matter of  
29 deep concern to us.

30 Many people have asked us what are we going to do to meet the  
31 public's concern aroused by the recent reports. Here is the answer:1.

32 We are pledging aid and assistance to the research effort into  
33 all phases of tobacco use and health. This joint financial aid will of  
34 course be in addition to what is already being contributed by  
35 individual companies. 2. For this purpose we are establishing a joint  
36 industry group consisting initially of the undersigned. This group  
37 will be known as TOBACCO INDUSTRY RESEARCH COMMITTEE  
38 ["TIRC"]. 3. In charge of the research activities of the Committee will  
39 be a scientist of unimpeachable integrity and national repute. In



1 addition there will be an Advisory Board of scientists disinterested  
2 in the cigarette industry. A group of distinguished men [sic] from  
3 medicine, science, and education will be invited to serve on this  
4 Board. These scientists will advise the Committee on its research  
5 activities.

6 This statement is being issued because we believe the people are  
7 entitled to know where we stand on this matter and what we intend  
8 to do about it.

9 57. The issuance of the “Frank Statement to Cigarette Smokers” was an  
10 effective public relations step. By falsely promising the public the industry was  
11 absolutely committed to its good health, the Frank Statement allayed the public’s  
12 concerns about smoking and health, reassured smokers, and provided them with a  
13 misleading and false effective rationale for continuing to smoke.

14 58. The Frank Statement was but the first of hundreds, if not thousands, of  
15 statements reassuring the public of the safety of cigarette smoking. The industry  
16 would push the “open question” as far as the late 1990s.

17 59. For the next five decades, TIRC/CTR worked diligently, and quite  
18 successfully, to rebuff the public’s concern about the dangers of cigarettes. Defendants,  
19 through TIRC/CTR, invented the false and misleading notion that there was an “open  
20 question” regarding cigarette smoking and health. They appeared on television and  
21 radio to broadcast this message.

22 60. TIRC/CTR hired fake scientists and spokespeople to attack genuine,  
23 legitimate scientific studies. Virtually none of the so-called “research” funded by  
24 TIRC/CTR centered on the immediate questions relating to carcinogenesis and tobacco.  
25 Rather than addressing the compounds and carcinogens in cigarette smoke and their  
26 hazardous effect on the human body, TIRC/CTR instead directed its resources to  
27  
28

1 alternative theories of the origins of cancer, centering on genetic factors and  
2 environmental risks.

3 61. The major initiative of TIRC/CTR, through their Scientific Advisory Board  
4 (SAB), was to “create the appearance of [Defendants] devoting substantial resources to  
5 the problem without the risk of funding further ‘contrary evidence.’”  
6

7 62. TIRC/CTR’s efforts worked brilliantly and cigarette consumption rapidly  
8 increased.

9 63. In 1962, The Tobacco Institute, the public relations successor to the TIRC,  
10 began to publish many advertisements, including one entitled, “Some frank words  
11 about Smoking and Research,” which stated in part:  
12

13 “Most scientists recognized long ago that there are no simple,  
14 easy answers in cancer research. They know that the answers  
15 to fundamental questions about causation can come only  
16 through persistent scientific research.”

17 “The tobacco industry supports and cooperates with all  
18 responsible efforts to find the facts and bring them to the  
19 public.”

20 “In that spirit, we are cooperating with the U.S. Surgeon  
21 General and his special study group appointed to evaluate  
22 presently available research knowledge. Similar cooperation  
23 has been offered to the American Medical Association’s  
24 proposed study.”

25 “*We know we have a special responsibility to help scientists  
26 determine the facts about tobacco use and health.*”

27 “*The industry accepted this responsibility in 1954 by  
28 establishing the Tobacco Industry Research Committee to  
provide research grants to scientists in recognized research  
institutions. This research program is continuing on an  
expanded and intensified scale.*”



64. In 1964, there was another dip in the consumption of cigarettes when the United States Surgeon General reported that “cigarette smoking is causally related to lung cancer in men . . . the data for women, though less extensive, points in the same direction.”

65. The cigarette industry’s *public* response, through TIRC, to the 1964



Surgeon General Report was to falsely assure the public that (i) cigarettes were not injurious to health, (ii) the industry would cooperate with the Surgeon General, (iii) “more research” was needed, despite the industry’s own internal decision not to conduct research directly related to tobacco and health, and (iv) if there were any bad elements discovered in cigarettes, the cigarette manufacturers would remove those elements. As a result, cigarette consumption again began to rise.

66. Despite Defendants’ *public* response, internally they were fully aware of the magnitude and depth of lies and deception they were promulgating. They knew and understood they were making fake, misleading promises that would never come to fruition. Their own internal records reveal that they knew, even back in 1964, that cigarettes were not only hazardous, but deadly:

**“Cigarettes have certain unattractive side effects . . . they cause lung cancer”** (Concealed Document 1963).

**“Carcinogens are found in practically every class of compounds in smoke”** (Concealed Document 1961).

1                   **“The amount of evidence accumulated to indict**  
2                   **cigarette smoke as a health hazard is overwhelming.**  
3                   **The evidence challenging such indictment is scant”**  
4                   (Concealed Document 1962).

5                   67. Furthermore, not only did Defendants know and appreciate the dangers of  
6                   cigarettes, but they were also intentionally manipulating ingredients, such as nicotine,  
7                   in cigarettes to make them more addictive. Their documents reveal they knew the  
8                   following:

9                   **“Our industry is based upon design, manufacture and**  
10                  **sale of attractive dosage forms of nicotine”** (Concealed  
11                  Document 1972).

12                  **“We can regulate, fairly precisely, the nicotine . . . to**  
13                  **almost any desired level management might require”**  
14                  (Concealed Document 1963).

15                  **“Cigarette[s] that do not deliver nicotine cannot**  
16                  **satisfy the habituated smoker and would almost**  
17                  **certainly fail”** (Concealed Document 1966).

18                  **“Nicotine is addictive . . . We are then, in the business**  
19                  **of selling nicotine, an addictive drug”** (Concealed  
20                  Document 1963).

21                  **“We have deliberately played down the role of nicotine”**  
22                  (Concealed Document 1972).

23                  **“Very few consumers are aware of the effects of**  
24                  **nicotine, i.e., its addictive nature and that nicotine is a**  
25                  **poison”** (Concealed Document 1978).

26                  **“Determine minimum nicotine required to keep normal**  
27                  **smoker ‘hooked.’”** (Concealed Document 1965).

28                  **“The thing we sell most is nicotine”** (Concealed Document  
29                  1980).

30                  **“Without the nicotine, the cigarette market would**  
31                  **collapse, and Defendants would all lose their jobs and**  
32                  **their consulting fees”** (Concealed Document 1977).