

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

**PHILIP MORRIS USA INC.'S PETITION FOR  
WRIT OF MANDAMUS OR, ALTERNATIVELY, PROHIBITION – APPENDIX  
VOL. 19**

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## **INDEX TO PETITIONER'S APPENDIX - CHRONOLOGICAL**

<b>DOCUMENT DESCRIPTION</b>	<b>Date</b>	<b>Vol.</b>	<b>Page</b>
Plaintiff's Complaint	02/25/2020	1	1–69
Defendant Philip Morris USA Inc.'s Motion to Dismiss Plaintiff's Complaint Under NRCP 12(b)(5)	04/02/2020	1	70–81
Plaintiff's Opposition to Defendant Philip Morris USA Inc.'s Motion to Dismiss Plaintiff's Complaint Under NRCP 12(b)(5)	04/14/2020	1	82–93
Defendant Philip Morris USA Inc.'s Reply to Plaintiff's Opposition to Its Motion to Dismiss Plaintiff's Complaint Under NRCP 12(b)(5)	05/07/2020	1	94–105
Plaintiff's Notice of Serving Supplemental Authority	06/16/2020	1	106–12
Defendants' Notice of Serving Supplemental Exhibit in Support of Defendants' Motion to Dismiss	06/17/2020	1	113–22
Order Denying Philip Morris USA Inc.'s Motion to Dismiss Plaintiff's Complaint Under NRCP 12(b)(5)	08/25/2020	1	123–36
Stipulation Regarding Plaintiff's Amended Complaint	08/25/2020	1	137–44
Suggestion of Death Upon the Record	09/03/2020	1	145–47
Errata to Plaintiff's Motion for Leave to File Amended Wrongful Death	11/30/2020	2	148–280

<b>DOCUMENT DESCRIPTION</b>	<b>Date</b>	<b>Vol.</b>	<b>Page</b>
Complaint and Plaintiff's Motion to Substitute Parties			
Defendant Philip Morris USA Inc.'s Opposition to Plaintiff's Motion for Leave to File Amended Wrongful Death Complaint and Plaintiff's Motion to Substitute Parties	12/10/2020	2	281–94
Plaintiff's Reply to Defendant Philip Morris USA Inc.'s Opposition to Plaintiff's Motion for Leave to File Amended Wrongful Death Complaint and Plaintiff's Motion to Substitute Parties	12/30/2020	2	295–99
Order Granting in Part and Denying in Part Plaintiff's Motion for Leave to File Amended Wrongful Death Complaint, and Plaintiff's Motion to Substitute Parties	03/11/2021	2	300–09
Plaintiff's Amended Complaint	03/15/2021	3	310–438
Answer, Defenses, and Jury Demand of Defendant Joe's Bar, Inc. to Plaintiff's Amended Complaint	03/29/2021	3	439–60
Answer, Defenses, and Jury Demand of Defendant Jerry's Nugget to Plaintiff's Amended Complaint	03/29/2021	3	461–82
Answer, Defenses, and Jury Demand of Defendant Quick Stop Market, LLC to Plaintiff's Amended Complaint	03/29/2021	3	483–504

<b>DOCUMENT DESCRIPTION</b>	<b>Date</b>	<b>Vol.</b>	<b>Page</b>
Answer, Defenses, and Jury Demand of Defendant The Poker Palace to Plaintiff's Amended Complaint	03/29/2021	3	505–26
Answer, Defenses, and Jury Demand of Defendant Silver Nugget Gaming, LLC d/b/a Silver Nugget Casino to Plaintiff's Amended Complaint	03/29/2021	3	527–48
Defendant Philip Morris USA Inc.'s Motion to Dismiss Plaintiff's Amended Complaint Under NRCP 12(b)(5)	03/29/2021	4	549–62
Defendants' Motion to Strike the Lawyer-Related Allegations in Plaintiff's Amended Complaint	03/29/2021	4	563–71
Plaintiff's Opposition to Defendant Philip Morris USA Inc.'s Motion to Dismiss Plaintiff's Amended Complaint	04/12/2021	4	572–96
Plaintiff's Opposition to Defendants' Motion to Strike the Lawyer-Related Allegations to Plaintiff's Amended Complaint	04/12/2021	4	597–610
Defendant Philip Morris USA Inc.'s Reply to Plaintiff's Opposition to Defendant Philip Morris USA Inc.'s Motion to Dismiss Plaintiff's Amended Complaint Under NRCP 12(b)(5)	04/22/2021	4	611–24
Defendants' Reply in Support of Their Motion to Strike the Lawyer-Related Allegations in Plaintiff's Amended Complaint	04/27/2021	4	625–30

<b>DOCUMENT DESCRIPTION</b>	<b>Date</b>	<b>Vol.</b>	<b>Page</b>
Letters of Special Administration	08/31/2021	4	631–32
Order Granting Defendant Philip Morris USA Inc.’s Motion to Dismiss Plaintiff’s Amended Complaint Under NRCP 12(b)(5)	09/08/2021	4	633–41
Order Denying Defendants’ Motion to Strike the Lawyer-Related Allegations in Plaintiff’s Amended Complaint	09/12/2021	4	642–49
Plaintiff’s Motion to Reconsider Order Granting Defendant Philip Morris USA Inc.’s Motion to Dismiss Plaintiff’s Amended Complaint Under NRCP 12(b)(5)	09/23/2021	5	650–72
Answer, Defenses, and Jury Demand of Defendant R.J. Reynolds Tobacco Company to Plaintiff’s Amended Complaint	10/04/2021	5-9	673–761
Liggett Group LLC’s Answer and Affirmative Defenses to Plaintiff’s Amended Complaint	10/04/2021	10	762–806
Defendant Philip Morris USA Inc.’s Opposition to Plaintiff’s Motion to Reconsider Order Granting Defendant Philip Morris USA Inc.’s Motion to Dismiss Plaintiff’s Amended Complaint Under NRCP 12(b)(5)	10/07/2021	11	807–20
Plaintiff’s Reply to Defendant Philip Morris USA Inc.’s Opposition to Motion to Reconsider Order Granting	10/20/2021	11	821–33

<b>DOCUMENT DESCRIPTION</b>	<b>Date</b>	<b>Vol.</b>	<b>Page</b>
Motion to Dismiss Plaintiff's Amended Complaint Under NRCP 12(b)(5)			
Plaintiff's Supplement to Motion to Reconsider Order Granting Defendant Philip Morris USA Inc.'s Motion to Dismiss Plaintiff's Amended Complaint Under NRCP 12(b)(5)	11/08/2021	11	834–46
Defendant Philip Morris USA Inc.'s Notice of Filing of Petitions for Writs of Prohibition or Mandamus Before the Nevada Supreme Court	11/09/2021	12	847–926
Plaintiff's Motion for Leave to File Second Amended Complaint	12/21/2021	12-17	927–1065
Stipulation and Order Regarding Plaintiff's Motion for Leave to File Second Amended Complaint	01/07/2022	18	1066–72
Plaintiffs' Second Amended Complaint	01/11/2022	18-23	1073–1227
Answer, Defenses, and Jury Demand of Defendant Quick Stop Market, LLC to Plaintiffs' Second Amended Complaint	01/31/2022	23-24	1228–50
Answer, Defenses, and Jury Demand of Defendant The Poker Palace to Plaintiffs' Second Amended Complaint	01/31/2022	24-25	1251–73
Answer, Defenses, and Jury Demand of Defendant Joe's Bar, Inc. to Plaintiffs' Second Amended Complaint	01/31/0222	25-26	1274–95

<b>DOCUMENT DESCRIPTION</b>	<b>Date</b>	<b>Vol.</b>	<b>Page</b>
Answer, Defenses, and Jury Demand of Defendant Jerry's Nugget to Plaintiffs' Second Amended Complaint	01/31/2022	26-27	1296–1318
Answer, Defenses, and Jury Demand of Defendant Silver Nugget Gaming, LLC to Plaintiffs' Second Amended Complaint	01/31/2022	27-28	1319–41
Liggett Group LLC's Answer and Affirmative Defenses to Plaintiffs' Amended Complaint	10/04/2021	28-30	1342–88
Answer, Defenses, and Jury Demand of Defendant R.J. Reynolds Tobacco Company to Plaintiffs' Second Amended Complaint	01/31/2022	30-35	1389–1484
Order Granting Plaintiffs' Motion to Reconsider Order Granting Defendant Philip Morris USA Inc.'s Motion to Dismiss Plaintiff's Amended Complaint Under NRCP 12(b)(5)	04/19/2022	35	1485–91
Philip Morris USA Inc.'s Answer to Plaintiffs' Second Amended Complaint	05/03/2022	35	1492–1597
Transcript Excerpts from Depositions of Plaintiff Dolly Rowan (taken December 6, 2021); Plaintiff Russell Thompson (taken February 17, 2022); and Plaintiff Navona Collison	02/15/2022	35	1598–1616
Order Denying Defendants Philip Morris USA Inc.'s and Liggett Group LLC's Motion to Dismiss Plaintiff's	04/20/2021	35	1617–1625

<b>DOCUMENT DESCRIPTION</b>	<b>Date</b>	<b>Vol.</b>	<b>Page</b>
Second Amended Complaint ( <i>Tully</i> , No. A-19-802987-C)			
Order Granting Plaintiffs' Motion to Reconsider Order Granting Defendant R.J. Reynolds Tobacco Company's Motion to Dismiss Plaintiffs' Amended Complaint Under NRCP 12(b)(5) ( <i>Camacho</i> , No. A-19-807650-C)	11/03/2021	35	1626–1632



## **INDEX TO PETITIONER'S APPENDIX - ALPHABETICAL**

<b>DOCUMENT DESCRIPTION</b>	<b>Date</b>	<b>Vol.</b>	<b>Page</b>
Answer, Defenses, and Jury Demand of Defendant Jerry's Nugget to Plaintiff's Amended Complaint	03/29/2021	3	461–82
Answer, Defenses, and Jury Demand of Defendant Joe's Bar, Inc. to Plaintiff's Amended Complaint	03/29/2021	3	439–60
Answer, Defenses, and Jury Demand of Defendant The Poker Palace to Plaintiff's Amended Complaint	03/29/2021	3	505–26
Answer, Defenses, and Jury Demand of Defendant Quick Stop Market, LLC to Plaintiff's Amended Complaint	03/29/2021	3	483–504
Answer, Defenses, and Jury Demand of Defendant R.J. Reynolds Tobacco Company to Plaintiff's Amended Complaint	10/04/2021	5-9	673–761
Answer, Defenses, and Jury Demand of Defendant Silver Nugget Gaming, LLC d/b/a Silver Nugget Casino to Plaintiff's Amended Complaint	03/29/2021	3	527–48
Answer, Defenses, and Jury Demand of Defendant Jerry's Nugget to Plaintiffs' Second Amended Complaint	01/31/2022	26-27	1296–1318
Answer, Defenses, and Jury Demand of Defendant Joe's Bar, Inc. to Plaintiffs' Second Amended Complaint	01/31/2022	25-26	1274–95

<b>DOCUMENT DESCRIPTION</b>	<b>Date</b>	<b>Vol.</b>	<b>Page</b>
Answer, Defenses, and Jury Demand of Defendant The Poker Palace to Plaintiffs' Second Amended Complaint	01/31/2022	24-25	1251–73
Answer, Defenses, and Jury Demand of Defendant Quick Stop Market, LLC to Plaintiffs' Second Amended Complaint	01/31/2022	23-24	1228–50
Answer, Defenses, and Jury Demand of Defendant R.J. Reynolds Tobacco Company to Plaintiffs' Second Amended Complaint	01/31/2022	30-35	1389–1484
Answer, Defenses, and Jury Demand of Defendant Silver Nugget Gaming, LLC to Plaintiffs' Second Amended Complaint	01/31/2022	27-28	1319–41
Defendants' Motion to Strike the Lawyer-Related Allegations in Plaintiff's Amended Complaint	03/29/2021	4	563–71
Defendants' Notice of Serving Supplemental Exhibit in Support of Defendants' Motion to Dismiss	06/17/2020	1	113–22
Defendant Philip Morris USA Inc.'s Motion to Dismiss Plaintiff's Amended Complaint Under NRCP 12(b)(5)	03/29/2021	4	549–62
Defendant Philip Morris USA Inc.'s Notice of Filing of Petitions for Writs of Prohibition or Mandamus Before the Nevada Supreme Court	11/09/2021	12	847–926
Defendant Philip Morris USA Inc.'s Opposition to Plaintiff's Motion for	12/10/2020	2	281–94

<b>DOCUMENT DESCRIPTION</b>	<b>Date</b>	<b>Vol.</b>	<b>Page</b>
Leave to File Amended Wrongful Death Complaint and Plaintiff's Motion to Substitute Parties			
Defendant Philip Morris USA Inc.'s Opposition to Plaintiff's Motion to Reconsider Order Granting Defendant Philip Morris USA Inc.'s Motion to Dismiss Plaintiff's Amended Complaint Under NRCP 12(b)(5)	10/07/2021	11	807–20
Defendant Philip Morris USA Inc.'s Reply to Plaintiff's Opposition to Defendant Philip Morris USA Inc.'s Motion to Dismiss Plaintiff's Amended Complaint Under NRCP 12(b)(5)	04/22/2021	4	611–24
Defendants' Reply in Support of Their Motion to Strike the Lawyer-Related Allegations in Plaintiff's Amended Complaint	04/27/2021	4	625–30
Errata to Plaintiff's Motion for Leave to File Amended Wrongful Death Complaint and Plaintiff's Motion to Substitute Parties	11/30/2020	2	148–280
Letters of Special Administration	08/31/2021	4	631–32
Liggett Group LLC's Answer and Affirmative Defenses to Plaintiff's Amended Complaint	10/04/2021	10	762–806
Liggett Group LLC's Answer and Affirmative Defenses to Plaintiffs' Amended Complaint	10/04/2021	28-30	1342–88

<b>DOCUMENT DESCRIPTION</b>	<b>Date</b>	<b>Vol.</b>	<b>Page</b>
Order Denying Defendants' Motion to Strike the Lawyer-Related Allegations in Plaintiff's Amended Complaint	09/12/2021	4	642–49
Order Denying Defendants Philip Morris USA Inc.'s and Liggett Group LLC's Motion to Dismiss Plaintiff's Second Amended Complaint ( <i>Tully</i> , No. A-19-802987-C)	04/20/2021	35	1617–1625
Order Denying Philip Morris USA Inc.'s Motion to Dismiss Plaintiff's Complaint Under NRCP 12(b)(5)	08/25/2020	1	123–36
Order Granting in Part and Denying in Part Plaintiff's Motion for Leave to File Amended Wrongful Death Complaint, and Plaintiff's Motion to Substitute Parties	03/11/2021	2	300–09
Order Granting Plaintiffs' Motion to Reconsider Order Granting Defendant Philip Morris USA Inc.'s Motion to Dismiss Plaintiff's Amended Complaint Under NRCP 12(b)(5)	04/19/2022	35	1485–91
Order Granting Plaintiffs' Motion to Reconsider Order Granting Defendant R.J. Reynolds Tobacco Company's Motion to Dismiss Plaintiffs' Amended Complaint Under NRCP 12(b)(5) ( <i>Camacho</i> , No. A-19-807650-C)	11/03/2021	35	1626–1632
Plaintiff's Amended Complaint	03/15/2021	3	310–438
Plaintiff's Motion for Leave to File Second Amended Complaint	12/21/2021	12-17	927–1065

<b>DOCUMENT DESCRIPTION</b>	<b>Date</b>	<b>Vol.</b>	<b>Page</b>
Plaintiff's Motion to Reconsider Order Granting Defendant Philip Morris USA Inc.'s Motion to Dismiss Plaintiff's Amended Complaint Under NRCP 12(b)(5)	09/23/2021	5	650–72
Plaintiff's Notice of Serving Supplemental Authority	06/16/2020	1	106–12
Plaintiff's Opposition to Defendant Philip Morris USA Inc.'s Motion to Dismiss Plaintiff's Amended Complaint	04/12/2021	4	572–96
Plaintiff's Opposition to Defendants' Motion to Strike the Lawyer-Related Allegations to Plaintiff's Amended Complaint	04/12/2021	4	597–610
Plaintiff's Reply to Defendant Philip Morris USA Inc.'s Opposition to Plaintiff's Motion for Leave to File Amended Wrongful Death Complaint and Plaintiff's Motion to Substitute Parties	12/30/2020	2	295–99
Plaintiff's Reply to Defendant Philip Morris USA Inc.'s Opposition to Motion to Reconsider Order Granting Motion to Dismiss Plaintiff's Amended Complaint Under NRCP 12(b)(5)	10/20/2021	11	821–33
Plaintiffs' Second Amended Complaint	01/11/2022	18-23	1073–1227
Plaintiff's Supplement to Motion to Reconsider Order Granting Defendant Philip Morris USA Inc.'s Motion to	11/08/2021	11	834–46

<b>DOCUMENT DESCRIPTION</b>	<b>Date</b>	<b>Vol.</b>	<b>Page</b>
Dismiss Plaintiff's Amended Complaint Under NRCP 12(b)(5)			
Stipulation and Order Regarding Plaintiff's Motion for Leave to File Second Amended Complaint	01/07/2022	18	1066–72
Stipulation Regarding Plaintiff's Amended Complaint	08/25/2020	1	137–44
Suggestion of Death Upon the Record	09/03/2020	1	145–47
Transcript Excerpts from Depositions of Plaintiff Dolly Rowan (taken December 6, 2021); Plaintiff Russell Thompson (taken February 17, 2022); and Plaintiff Navona Collison	02/15/2022	35	1598–1616

1           68. Defendants deliberately added chemicals such as urea, ammonia,  
2 diammonium-phosphate, and other chemicals to their cigarettes. They deliberately  
3 designed cigarettes to “free-base” nicotine and manipulated levels of pH in smoke to  
4 make cigarettes more addictive and easier to inhale.  
5

6           69. Defendants’ sole priority was to make as much money as quickly as  
7 possible, with no concern about the safety or well-being of their customers.  
8

9           70. In 1966, the United States Government mandated that a “Caution” label be  
10 placed on packs of cigarettes stating, “Cigarette Smoking May be Hazardous to Your  
11 Health.”  
12

13           71. The cigarette industry responded to the “Caution” label by continuing their  
14 massive public relations campaign, continuing to spread doubt and confusion, and  
15 continuing to deceive the public.  
16

17           72. Also in 1966, the Tobacco Institute (“TI”) issued a press release where it  
18 stated on behalf of the industry falsely assuring the public the following:  
19

20                   **“Scientists throughout the world are continuing to**  
21                   **investigate to learn the full facts about ‘tar’ and**  
22                   **nicotine, and about questions concerning tobacco and**  
23                   **health. *The tobacco industry is supporting much of this***  
24                   ***research and will continue to do so.*”**

25           73. Throughout this period, Defendants also introduced “filtered” cigarettes –  
26 cigarettes falsely marketed, advertised, and promoted as delivering and/or containing  
27 “less tar” and “less nicotine.”  
28

          74. However, internally, in Defendants’ previously concealed, hidden  
documents, the true nature of filtered cigarettes was revealed – filtered cigarettes were  
just as harmful, dangerous, and hazardous as unfiltered cigarettes; in fact, they were

1 more dangerous. In a previously secret document from 1976, Ernie Pepples from  
2 Brown & Williamson states, “the smoker of a filter cigarette was getting as much or  
3 more nicotine and tar as he would have gotten from a regular cigarette.”

4  
5 75. Defendants continued throughout the 1970s, 1980s, and 1990s to encourage  
6 the false impression that there was a genuine and continuing controversy regarding  
7 the health hazards of smoking.

8  
9 76. The tobacco industry frequently attacked the Surgeon General. For  
10 example, the industry preempted the Surgeon General’s 1979 report on national news  
11 networks, stating the report was “suspect from the start.” The industry later attacked  
12 the Surgeon General following the 1988 report on the addictive nature of cigarettes  
13 with a press release titled, “CLAIMS THAT CIGARETTES ARE ADDICTIVE  
14 CONTRADICT COMMON SENSE.”

15  
16 77. Throughout the 1960s, 1970s, 1980s and 1990s, the cigarette industry,  
17 including Defendants herein, spent two hundred and fifty billion dollars on marketing  
18 efforts to promote the sale of cigarettes.

19  
20 78. The cigarette industry spent more money on marketing and advertising  
21 cigarettes *in one day* than the public health community spent *in one year*.

22  
23 79. Cigarette smoking was glamorized – celebrities smoked, athletes smoked,  
24 doctors smoked, politicians smoked – everyone smoked.

25  
26 80. As early as the 1920s, and continuing today, cigarette manufacturers,  
27 including Defendants herein, were also intentionally targeting children. Their  
28 documents reveal:



1           **“School days are here. And that means BIG TOBACCO**  
2           **BUSINESS for somebody . . . line up the most popular**  
3           **students”** (Concealed Document 1927).

4           **“SUMMER SCHOOL IS STARTING . . . lining up these**  
5           **students . . . as consumers”** (Concealed Document 1928).

6           **“Today’s teenager is tomorrow’s potential regular**  
7           **customer”** (Concealed Document 1981).

8           **“The 14-24 age group . . . represent tomorrow’s cigarette**  
9           **business”** (Concealed Document 1974).

10           81. Cigarette manufacturers, including Defendants herein, also targeted and  
11           preyed upon minority populations in an effort to increase their market share and  
12           ultimately their profits.

13           82. Cigarettes were the number one most heavily advertised product on  
14           television until the United States Government banned television advertisements in  
15           1972.

16           83. When cigarettes advertising was banned on television, Defendants turned  
17           to marketing in stadiums, sponsoring sporting events such as the Winston Cup and  
18           Marlboro 500, sponsoring concerts, utilizing print advertisements in magazines,  
19



          adding product placement in movies, and more.

1 84. Meanwhile, internally Defendants were praising themselves for accomplishing  
2 this “brilliantly conceived” conspiracy which deceived NOREEN THOMPSON, millions  
3 of Americans, the government, and the public health community.  
4

5 **“[F]or nearly 20 years, this industry has employed a**  
6 **single strategy to defend itself . . . brilliantly conceived**  
7 **and executed . . . a holding strategy . . . creating doubt**  
8 **about the health charge without actually denying it”**  
(Concealed Document 1972).

9 85. In 1985, four rotating warning labels were placed on packs of cigarettes  
10 which warned, for the first time, that smoking causes lung cancer, heart disease,  
11 emphysema, and may complicate pregnancy.

12 86. The cigarette industry, including Defendants herein, opposed these  
13 warning labels and throughout the 1980s, despite the warning labels being placed on  
14 their cigarettes, spoke publicly through their representatives in the Tobacco Institute  
15 (TI) that it was allegedly still unknown whether smoking cigarettes caused cancer or  
16 was addictive because, apparently, “more research was needed.”  
17

18 87. In 1988, the United States Surgeon General reported that cigarettes and  
19 other forms of tobacco were addicting, and that nicotine is the drug in tobacco that  
20 causes addiction. In fact, in his report, the Surgeon General compared tobacco’s  
21 addictiveness to heroin and cocaine.  
22

23 88. In response, the cigarette industry, including Defendants herein, issued a  
24 press release knowingly and disingenuously stating, “Claims that cigarettes are  
25 addictive is irresponsible and scare tactics.”  
26

27 89. Defendants continued to publicly deny the addictive nature and health  
28 hazards of smoking cigarettes until the year 2000, after litigation was brought against

1 them by the Attorneys General of multiple States and their previously concealed  
2 documents were made public.

3 90. In 1994, CEOs from the seven largest cigarette companies, including  
4 Defendants herein, testified under oath before the United States Congress that it was  
5 their opinion that it had not been proven that cigarettes were addictive, caused disease,  
6 or caused one single person to die.  
7



8  
9  
10  
11  
12  
13  
14  
15 91. After the industry executives testified before congress that cigarettes were  
16 not addictive and had not been proven to cause cancer, Defendants, including Philip  
17 Morris, continued to adhere to the controversy by stating both smokers and non-smokers  
18 deserve to know the facts, not innuendo, about cigarettes:  
19

20 Yesterday, Philip Morris and other U.S. tobacco  
21 manufacturers helped to set the record straight by speaking  
22 before a Congressional committee...

23 Fact: Philip Morris does not add nicotine to its cigarettes...

24 Fact: Philip Morris does not "manipulate" nicotine levels...

25 Fact: Philip Morris does not believe cigarette smoking is  
26 addictive...

27 Fact: None of the ingredients added in the manufacture of  
28 cigarettes is harmful as used...

92. Despite their own intensive research and millions of internal documents  
describing the dangers and addictive qualities of cigarettes, Defendants negligently,

1 willfully, maliciously, and intentionally made false and misleading statements to  
2 Congress, the public, and Decedent, NOREEN THOMPSON.

3 93. Even after Defendants knowingly lied during these Congressional  
4 hearings, Defendants continued, and still continue, to perpetuate their conspiracy.  
5

6 94. For example, in 1997, Liggett announced that they would voluntarily place  
7 a warning label on their cigarette packages, in addition to the labels mandated by the  
8 United States government, that smoking is addictive. Defendant, Philip Morris,  
9 immediately filed a restraining order against Liggett to prevent them from adding this  
10 warning label. Then, in 1998, Liggett sold its three major cigarette brands, L&N, Lark,  
11 and Chesterfield, to Philip Morris, which in turn immediately removed the “smoking  
12 was addictive” warning label from these products.  
13

14 95. Furthermore, from 2000 through 2010, Defendants continued to mislead  
15 the public by marketing and promoting “light” and “ultra-light” cigarettes, despite  
16 knowing internally that such cigarettes were just as dangerous and addictive as  
17 “regular” cigarettes.  
18

19 96. In 2010, after Defendants were required by the United States government  
20 to remove the misleading “light” and “ultra-light” labels from their cigarettes, they  
21 instead added “onserts” to their packages of cigarettes explaining that, for example,  
22 “Your Marlboro Lights pack is changing. But your cigarette stays the same. In the  
23 future, ask for ‘Marlboro in the gold pack.’”  
24

25 97. Additionally, including as recently as 2018, Defendants have continued to  
26 oppose proposed FDA regulations which would reduce or eliminate nicotine in  
27 cigarettes.  
28

1           98. As recently as 2019, Defendants have not admitted and still do not admit  
2 or acknowledge that nicotine in their cigarette smoke “is” addictive.

3           99. As recently as 2019, Defendants have not admitted and still do not admit  
4 or acknowledge that nicotine addiction can cause diseases.

5           100. As recently as 2019, Defendants continue to make false or misleading  
6 statements that filtered cigarettes, lights, ultra-lights and low tar are less hazardous  
7 than conventional full favored cigarettes.

8           101. Finally, Defendants have continued to target and prey upon children,  
9 teenagers, minorities, and other segment populations, all in the name of money.

10           102. Defendants, despite being rivals and competitors, locked arms and banded  
11 together to purposefully and internationally engage in an over 65-year conspiracy to  
12 deceive the public regarding the addictive nature and health hazards of cigarette  
13 smoking.

14           103. This sophisticated conspiracy involved hundreds of billions of dollars spent  
15 on marketing efforts, massive deception, including lying under oath before Congress  
16 and other governmental entities, forming fake organizations with fake scientists and  
17 fake research, and creating a “brilliantly conceived” public relations campaign  
18 designed to create and sustain doubt and confusion regarding a supposed - made up -  
19 cigarette ‘controversy’ of their own invention.

20           104. This conspiracy is memorialized through Defendants’ own documents,  
21 authored by their own executives and scientists, including over fourteen million  
22 previously concealed records.

105. From 1953 through 2000, Defendants made false or misleading statements including but not limited to the following:

- denying that smoking “is” addictive;
- that smoking is not injurious to health;
- that it is unknown if smoking causes serious diseases;
- that scientific and medical community has not reached a consensus about the harms of smoking;
- that no one knows what causes cancer;
- that the tobacco industry made an honest effort to study the harms of smoking and a causal relationship had not need proven;

106. From 1953 through the present, Defendants made false or misleading statements including but not limited to the following:

- that filter, low tar and low nicotine, lights and ultra-light are safe, or safer than full flavor cigarettes, and/or directly and/or indirectly made statements about their safety and efficacy.

107. Throughout the same period, Defendants publicly attacked the validity of research suggesting any harmful effects from smoking.

**Conspiratorial Involvement by Defendants’ Lawyers**

108. Throughout this fifty-plus year conspiracy, Defendants and their co-conspirators utilized attorneys – both in-house and outside counsel – to further their conspiracy. Defendants and their co-conspirators consulted with these attorneys both before any litigation was contemplated, and once litigation against the tobacco companies began.

109. Philip Morris USA Inc., R.J. Reynolds Tobacco Company, British American Tobacco Company, American Tobacco Company, Lorillard Tobacco Company, Brown &



Williamson Tobacco Company, and Liggett Group LLC, collectively and through their general counsel, formed the Committee of Counsel and/or the Counsel of Six (hereafter “CC”), whose purpose was to oversee, organize, operate, and execute a conspiracy to conceal and/or misrepresent the harms and addictive nature of cigarettes.

110. Beginning in the 1950s, Philip Morris USA Inc., R.J. Reynolds Tobacco Company, British American Tobacco Company, American Tobacco Company, Lorillard Tobacco Company, Brown & Williamson Tobacco Company, and Liggett Group LLC, through the CC, also retained outside counsel to assist them in their conspiratorial activities, which included concealing and/or misrepresenting the harms of smoking and its addictive nature to the public.

111. The law firms whom Defendants retained as outside counsel included several prominent law firms.

112. Beginning in the 1950s, the CC and the outside law firms (hereafter “Lawyers”) conspired with Defendants and acted as agents, servants, representatives and/or employees of Defendants in the course and scope of their agency or employment and in furtherance of the conspiracy.<sup>1</sup>

113. The Lawyers played a central role in creating, sustaining, and perpetuating the Defendants’ and the tobacco industry’s conspiracy. Some examples include, but are not limited to the following:

- a. The Lawyers directed “scientists” as to what research they should and should not undertake (“new research [regarding the health effects of smoking] will have questionable value, but no negative results”) (CC229); (quote from an

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<sup>1</sup> The allegations herein are not directed to Defendants’ current counsel and/or their representation as part of their lawful defense in this case.

1 attorney: “epidemiological evidence is necessary if for no other reason than to  
2 effectively respond to anti-smoking groups . . . the industry should continue  
3 to emphasize the lack of substantive proof of causation”) (CC188);

4  
5 b. The Lawyers were involved at every level of alleged scientific “research”  
6 pursued by Defendants and the tobacco industry (“The excessive involvement  
7 of external lawyers at this very basic scientific level is questionable”)  
8 (COVB11);

9  
10 c. The Lawyers allegedly vetted scientific “research” papers and reports as well  
11 as public relations materials to ensure the interests of the conspiracy would  
12 be protected;

13  
14 d. The Lawyers improperly identified “friendly” scientific witnesses, subsidized  
15 them with grants from the Center for Tobacco Research and the Center for  
16 Indoor Air Research, paid them enormous fees, and often hid the relationship  
17 between those witnesses and the industry;

18  
19 e. The Lawyers devised and carried out document destruction policies and took  
20 shelter behind baseless assertions of attorney client privilege (SHB118,  
21 SHB109, CC139);

22  
23 f. The Lawyers advocated for tobacco committees to be “front” organizations;  
24 (one attorney stated in 1978 that an ad hoc committee should be a broad  
25 policy making committee, not just a smoking and health committee, and that  
26 the best way money was spent was on “special projects” where “CTR has acted  
27 as a ‘front’”) (CC141);

28 g. The Lawyers chaired meetings with co-conspirators (one attorney chaired the



- 1 Environmental Tobacco Smoke meeting in 1988) (CC188);
- 2
- 3 h. The Lawyers presented the results of scientific studies at industry meetings
- 4 (for example, in 1993, one attorney presented four epidemiologic studies
- 5 which were used to “merchandize the ‘positive’ progress in epidemiology”)
- 6 (COVB122);
- 7
- 8 i. The Lawyers oversaw domestic smoking and health projects (for example, in
- 9 1998, one attorney and his firm advised Philip Morris regarding whether to
- 10 initially fund, and whether to continue or discontinue funding, scientists)
- 11 (SHB 109);
- 12
- 13 j. The Lawyers also worked with and coached scientists on how to be possible
- 14 witness in litigation, how to speak at legislative hearings, how to serve as
- 15 consultants, and/or how to conduct specific supposed research;
- 16
- 17 k. They further oversaw international smoking and health projects (for
- 18 example, in 1991, one attorney wrote a memo praising how the Latin
- 19 American and Far East programs were ideal because a law firm developed
- 20 them in such a way “that there was no direct association between the
- 21 scientists and the tobacco industry”) (COVB130);
- 22
- 23 l. The Lawyers screened international scientists in order to eliminate those
- 24 with views opposing the conspiracy (“Candidates who have made public
- 25 statements adverse to the industry on the primary health issue generally are
- 26 avoided”) (COVB124);
- 27
- 28 m. The Lawyers hid the source of the money used for special projects to make
- them appear more acceptable to the public:

- i. On November 15, 1978, at a CTR meeting in New York, one attorney told the attendees that “special projects” were the best way money was spent, and said “on these projects, CTR has acted as a ‘front.’” (CC141);
- ii. On July 13, 1984, a memorandum from one attorney to another stated, “[the] non-CTR projects fund was originally developed so that companies would not be paying scientists directly.” (SHB118);
- iii. On October 1989, a scientist from BAT, Dr. Ray Thornton, was invited by Dr. Helmut Gaisch of PM to a meeting with the Association for Research on Indoor Air (ARIA). Dr. Thornton’s record indicates PM funded ARIA, through a law firm, who in turn supplied money to George Leslie, who in turn set up ARIA. (COVB131);
- iv. On April 28, 1992, an attorney wrote that Lorillard and CTR inquired about funding through a law firm’s special account for one Dr. Bennett Jensen. The law firm proposed to give Dr. Jensen \$40,000, not for specific research or with an eye to publication, but solely to maintain a good relationship with him and secure his continued help in contacting other scientists. Dr. Jensen previously received CTR Special Project Funds in 1988. An attorney wrote:

Allinder admits that [the law firm] wants to give Jensen money to keep him happy and that there is no immediate value to his research . . . issue raises a larger question—whether ‘CTR Special Projects’ funds (and, after such activities were moved out of CTR, joint industry funds administered through [the law firm]) were used to purchase favorable judicial or legislative testimony, thereby perpetrating a fraud on the public”

(CC119) (emphasis added);

1  
2 n. The Lawyers ensured that Defendants and the tobacco industry did not  
3 directly support legitimate projects related to smoking and health, and  
4 instead directed the companies toward supporting alternative projects  
5 including junk science, attacks on legitimate public health research, and  
6 research of scientifically implausible alternative causation theories for  
7 smoking-related diseases.  
8

9 114. The Lawyers were also crucial to the development of research the Defendants  
10 and the tobacco industry funded through their selection of Directors for the Center for  
11 Tobacco Research (CTR) Scientific Advisory Board (SAB) who imposed unnecessary limits  
12 on the research funded by CTR.  
13

14 115. Additionally, the outside Lawyers went so far as to take over access to a  
15 database of documents created by RJR's Research and Development division. The outside  
16 Lawyers banned the tobacco companies and their in-house counsel from accessing these  
17 documents in order to conceal the documents through a false assertion of alleged attorney  
18 work product privilege.  
19

20 116. Further, the Lawyers played a major role in Defendants' witness  
21 development plans to perpetuate the conspiracy's "open question" position.

22 a. For example, shortly after joining Brown & Williamson Tobacco Co. as Vice  
23 President of Research and Development in 1989, Jeffrey Wigand, as part of  
24 his orientation, was required to go to Kansas City, Missouri to meet for three  
25 days with lawyers from a law firm for an "orientation session." At the session,  
26 Wigand was "coached by lawyers regarding the company line on smoking and  
27 health, and addiction." The company line was "[t]hat causation had not been  
28

1 proven and that nicotine had not been shown to be addictive." Similar  
2 orientation meetings took place with other tobacco scientists at the law firm's  
3 offices. (See SHB195, SHB106, United States v. Philip Morris USA, Inc., 449  
4 F. Supp. 2d 1, 805 (D.D.C. 2006)).

5  
6 b. Wigand described the orientation session as follows:

7 Lawyers were instructing me, a scientist, how to  
8 interpret epidemiological studies. In every instance, I  
9 was instructed that the evidence in the public health  
10 domain had not satisfactorily proven causation. I was  
11 told that studies that demonstrated a link between  
12 smoking and cancer were fraught with errors. Moreover,  
13 I was told that epidemiology could not be relied upon  
14 because it was just statisticians doing guess work.

15  
16 c. In addition, an attorney from the same law firm sent a letter to a fellow  
17 attorney on briefing research associate and chemist Dr. Alex Spears (who  
18 would later become Lorillard's CEO) for a conversation with physician and  
19 medical news reporter Dean Edell:

20 CTR Special Projects, non-CTR projects and the Industry  
21 Research Committee are obviously sensitive. Dr. Spears  
22 should be prepared to respond to questions in a way that  
23 does not lead Edell into these areas. In particular, Dr.  
24 Spears should try to avoid references to the role of  
25 attorneys. However, this should not become too awkward  
26 . . . Dr. Spears should attempt to divert the question.  
27 (Emphasis added.)

28 d. Further, on January 12, 1967, another attorney at the same firm wrote to  
several other industry attorneys asking them for written comments regarding  
special projects and congressional hearings. (SHB111.) Two attorneys wrote  
back stating they hoped materials being developed by TIRC/CTR head Tom

1 Hoyt for various Special Projects would be useful in developing a witness to  
2 emphasize the importance of multivariant analysis over univariant ones. The  
3 two attorneys also recommended development of two witnesses who could  
4 comment upon diseases other than lung cancer. They would present the  
5 position that the claimed associations have not been proven to be causal. As  
6 to one such potential witness, Dr. Pratt, they noted that while he had  
7 potential, he would require “considerable work” before he would be prepared  
8 to appear before Congress. (SHB112).  
9

10  
11 **FIRST CLAIM FOR RELIEF**

12  
13 **(WRONGFUL DEATH - NEGLIGENCE)**

14 **Dolly Rowan as Personal Representative of the Estate of Noreen Thompson**  
15 **and Dolly Rowan as Heir of Noreen Thompson Against Defendants R.J.**  
16 **Reynolds, and Liggett**

17 117. Plaintiffs repeat and reallege the allegations as contained in paragraphs 1  
18 through 116 and incorporate the same herein by reference.

19 118. Plaintiffs bring this wrongful death claim based on Defendants’ negligence  
20 as set forth below against R.J. Reynolds and Liggett.

21  
22 119. Plaintiff, DOLLY ROWAN, is the heir of NOREEN THOMPSON.

23 120. Plaintiff, NAVONA COLLISON, is the heir of NOREEN THOMPSON.

24 121. Plaintiff, RUSSELL THOMPSON, is the heir of NOREEN THOMPSON.

25 122. Plaintiffs, DOLLY ROWAN, NAVONA COLLISON, and RUSSELL  
26 THOMPSON, bring this cause of action pursuant to NRS 41.085(4), as the heirs of  
27 NOREEN THOMPSON.  
28

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

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

125. Defendants owed a duty to the general public, including Decedent, to manufacture, design, sell, market, promote, and/or otherwise produce a product and/or any of its component parts safe and free of unreasonable and harmful defects when used in the manner and for the purpose it was designed, manufactured, and/or intended to be used.

126. Decedent was exposed to and did inhale smoke from cigarettes which were designed, manufactured, marketed, distributed, and/or sold by Defendants.

127. Each exposure to Defendants' cigarettes caused Decedent to inhale smoke which caused her to become addicted to cigarettes, and further caused her to develop lung cancer and suffer severe bodily injuries and death.

128. Defendants were negligent in all the following respects, same being the proximate and/or legal cause of NOREEN THOMPSON'S injuries and death, including but not limited to:

- a. designing and manufacturing an unreasonably dangerous and deadly product;
- b. designing and manufacturing cigarettes to be addictive;
- c. designing and manufacturing cigarettes to be inhalable;

- d. manipulating the level of nicotine in cigarettes to make them more addictive;
- e. genetically modifying nicotine in tobacco plants;
- f. blending different types of tobacco to obtain a desired amount of nicotine;
- g. engineering cigarettes to be rapidly inhaled into the bloodstream;
- h. adding chemicals and other deadly, poisonous compounds to cigarettes;
- i. adding and/or manipulating compounds such as urea, ammonia and diammonium phosphate to Defendants' cigarettes to "free-base" nicotine;
- j. marketing and advertising "filter" and "filtered" cigarettes as safe;
- k. marketing and advertising "light" and "ultra light" cigarettes as safe, low nicotine, and low tar;
- l. adding "onserts" to packages of cigarettes even after the United States government banned marketing of "light" and "ultra-light" cigarettes;
- m. manipulating levels of pH in Defendants' cigarettes;
- n. targeting children who could not understand or comprehend the seriousness or addictive nature of nicotine and smoking;
- o. targeting minority populations such as African Americans, Hispanics, and women, such as NOREEN THOMPSON, to obtain a greater market share to increase their profits;
- p. failing to develop and utilize alternative designs, manufacturing methods, and/or materials to reduce and/or eliminate harmful materials from cigarettes;



- q. continuing to manufacture, distribute, and/or sell cigarettes when Defendants knew at all times material that its products could cause, and in fact were more likely to cause, injuries including, but not limited to, emphysema, throat cancer, COPD, laryngeal cancer, lung cancer, and/or other forms of cancer when used as intended;
- r. making knowingly false and misleading statements to Plaintiff, the public, and the American government that cigarettes were safe and/or not proven to be dangerous;
- s. failing to remove and recall cigarettes from the stream of commerce and the marketplace upon ascertaining that said products would cause disease and death.

129. Additionally, prior to July 1, 1969, Defendants failed to warn and/or inadequately warned foreseeable users, such as NOREEN THOMPSON, of the following, including but not limited to:

- a. failing to warn and/or adequately warn foreseeable users, such as NOREEN THOMPSON, of the dangerous and deadly nature of cigarettes;
- b. failing to warn foreseeable users, such as NOREEN THOMPSON, that users could develop fatal injuries including, but not limited to, emphysema, COPD, throat cancer, laryngeal cancer, lung cancer, and/or other forms of cancer, as a result of smoking and/or inhaling smoke from Defendants' cigarettes;



- 1 c. failing to warn foreseeable users, such as NOREEN THOMPSON, that the  
2 use of cigarettes would more likely than not lead to addiction, habituation,  
3 and/or dependence;  
4  
5 d. failing to warn foreseeable users, such as NOREEN THOMPSON, that  
6 quitting and/or limiting use of cigarettes would be extremely difficult,  
7 particularly if users started smoking at an early age;  
8  
9 e. failing to disclose to consumers of cigarettes, such as NOREEN  
10 THOMPSON, the results of genuine scientific research conducted by and/or  
11 known to Defendant that cigarettes were dangerous, defective, and  
12 addictive.

13 130. Defendants breached said aforementioned duties of due and reasonable  
14 care in that they produced, designed, manufactured, sold, and/or marketed defective  
15 cigarettes, and/or any of their component parts, which contained risks of harm to the  
16 user/consumer and which were reasonably foreseeable to cause harm in the use or  
17 exercise of reasonable and/or ordinary care.  
18

19 131. NOREEN THOMPSON'S aforementioned injuries arose out of and were  
20 connected to the way Defendants' designed, manufactured, marketed, distributed,  
21 and/or sold its products.  
22

23 132. The aforementioned damages of NOREEN THOMPSON were directly and  
24 proximately and/or legally caused by Defendants' negligence, in that they produced, sold,  
25 manufactured, and/or otherwise placed into the stream of intrastate and interstate  
26 commerce, cigarettes which they knew, or in the exercise of ordinary care should have  
27  
28

1 known, were deleterious and highly harmful to NOREEN THOMPSON'S health and  
2 well-being.

3 133. Defendants, prior to selling and/or distributing the cigarettes to which  
4 NOREEN THOMPSON was exposed, knew or should have known that exposure to  
5 cigarette smoke was harmful and caused injuries including, but not limited to, lung  
6 cancer, pharyngeal cancer, laryngeal cancer, emphysema, COPD, heart disease, and  
7 other forms of cancer, and/or result in death.  
8

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

19 135. As a further actual and proximate or legal result of Defendants' negligence,  
20 NOREEN THOMPSON endured pain, suffering, and/or disfigurement. As NOREEN  
21 THOMPSON'S heirs, DOLLY ROWAN, NAVONA COLLISON, and RUSSELL  
22 THOMPSON seek general damages for this pain, suffering, and/or disfigurement  
23 pursuant to NRS 41.085(4) in an amount in excess of Fifteen Thousand Dollars  
24 (\$15,000.00).  
25

26 136. As a further actual and proximate or legal result of Defendants' negligence,  
27 NOREEN THOMPSON'S estate incurred special damages, to include medical expenses  
28

1 and funeral expenses, in an amount in excess of Fifteen Thousand Dollars (\$15,000.00).  
2 As personal representative of NOREEN THOMPSON'S Estate, DOLLY ROWAN seeks  
3 these special damages pursuant to NRS 41.085(5).  
4

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

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

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

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

23 ///

24 ///

25 ///

26 ///

27 ///

**SECOND CLAIM FOR RELIEF**

**(NEGLIGENCE)**

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

141. Plaintiff repeats and realleges the allegations as contained in paragraphs 1 through 116 and 117-140 and incorporate the same herein by reference.

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

143. Defendants R.J. Reynolds, and Liggett owed a duty to the general public, including Decedent, to manufacture, design, sell, market, promote, and/or otherwise produce a product and/or any of its component parts safe and free of unreasonable and harmful defects when used in the manner and for the purpose it was designed, manufactured, and/or intended to be used.

144. Decedent was exposed to and did inhale smoke from cigarettes which were designed, manufactured, marketed, distributed, and/or sold by said Defendants.

145. Each exposure to said Defendants' cigarettes caused Decedent to inhale smoke which caused her to become addicted to cigarettes, and further caused her to develop lung cancer and suffer severe bodily injuries and death.

146. Defendants R.J. Reynolds and Liggett were negligent in all the following respects, same being the proximate and/or legal cause of NOREEN THOMPSON'S injuries and death, including but not limited to:

- a. designing and manufacturing an unreasonably dangerous and deadly product;
- b. designing and manufacturing cigarettes to be addictive;

- c. designing and manufacturing cigarettes to be inhalable;
- d. manipulating the level of nicotine in cigarettes to make them more addictive;
- e. genetically modifying nicotine in tobacco plants;
- f. blending different types of tobacco to obtain a desired amount of nicotine;
- g. engineering cigarettes to be rapidly inhaled into the bloodstream;
- h. adding chemicals and other deadly, poisonous compounds to cigarettes;
- i. adding and/or manipulating compounds such as ammonia and diammonium phosphate to Defendants' cigarettes to "free-base" nicotine;
- j. marketing and advertising "filter" and "filtered" cigarettes as safe;
- k. marketing and advertising "light" and "ultra light" cigarettes as safe, low nicotine, and low tar;
- l. adding "onserts" to packages of cigarettes even after the United States government banned marketing of "light" and "ultra-light" cigarettes;
- m. manipulating levels of pH in Defendants' cigarettes;
- n. targeting children who could not understand or comprehend the seriousness or addictive nature of nicotine and smoking;
- o. targeting minority populations such as African Americans, Hispanics, and women such as NOREEN THOMPSON, to obtain a greater market share to increase their profits;
- p. failing to develop and utilize alternative designs, manufacturing methods, and/or materials to reduce and/or eliminate harmful materials from cigarettes;

- q. continuing to manufacture, distribute, and/or sell cigarettes when Defendants knew at all times material that their products could cause, and in fact were more likely to cause, injuries including, but not limited to, emphysema, throat cancer, COPD, laryngeal cancer, lung cancer, and/or other forms of cancer when used as intended;
- r. making knowingly false and misleading statements to Decedent, the public, and the American government that cigarettes were safe and/or not proven to be dangerous;
- s. failing to remove and recall cigarettes from the stream of commerce and the marketplace upon ascertaining that said products would cause disease and death.

147. Additionally, prior to July 1, 1969, Defendants failed to warn/and or adequately warn foreseeable users, such as NOREEN THOMPSON, of the following, including but not limited to:

- a. failing to warn and/or adequately warn foreseeable users, such as NOREEN THOMPSON, of the dangerous and deadly nature of cigarettes;
- b. failing to warn foreseeable users, such as NOREEN THOMPSON, that users could develop fatal injuries including, but not limited to, emphysema, COPD, throat cancer, laryngeal cancer, lung cancer, and/or other forms of cancer, as a result of smoking and/or inhaling smoke from Defendants' cigarettes;

- 1 c. failing to warn foreseeable users, such as NOREEN THOMPSON, that the  
2 use of cigarettes would more likely than not lead to addiction, habituation,  
3 and/or dependence;  
4  
5 d. failing to warn foreseeable users, such as NOREEN THOMPSON, that  
6 quitting and/or limiting use of cigarettes would be extremely difficult,  
7 particularly if users started smoking at an early age;  
8  
9 e. failing to disclose to consumers of cigarettes, such as NOREEN  
10 THOMPSON, the results of genuine scientific research conducted by and/or  
11 known to Defendants that cigarettes were dangerous, defective, and  
12 addictive.

13 148. Defendants breached the aforementioned duties of due and reasonable care  
14 in that they produced, designed, manufactured, sold, and/or marketed defective  
15 cigarettes and/or any of their component parts which contained risks of harm to the  
16 user/consumer and which were reasonably foreseeable to cause harm in the use or  
17 exercise of reasonable and/or ordinary care.  
18

19 149. As a direct and proximate and/or legal result of Defendants' aforementioned  
20 negligence, NOREEN THOMPSON was severely injured and died when she was exposed  
21 to Defendants' cigarettes. Each exposure to Defendants' cigarettes caused NOREEN  
22 THOMPSON to become addicted to cigarettes and to inhale smoke which caused her to  
23 develop lung cancer, in addition to other related physical conditions which resulted in  
24 and directly caused her to suffer severe bodily injuries and death. Each exposure to such  
25 products was harmful and caused or contributed substantially to NOREEN  
26 THOMPSON'S aforementioned injuries and death.  
27  
28



1           150. NOREEN THOMPSON'S aforementioned injuries and death arose out of  
2 and were connected to the way Defendants designed, manufactured, marketed,  
3 distributed, and/or sold their products.

4           151. The aforementioned damages of NOREEN THOMPSON were directly and  
5 proximately and/or legally caused by Defendants' negligence, in that they produced, sold,  
6 manufactured, and/or otherwise placed into the stream of intrastate and interstate  
7 commerce, cigarettes which they knew, or in the exercise of ordinary care should have  
8 known, were deleterious and highly harmful to NOREEN THOMPSON'S health and  
9 well-being.  
10

11           152. Defendants, prior to selling and/or distributing the cigarettes to which  
12 NOREEN THOMPSON was exposed, knew or should have known that exposure to  
13 cigarette smoke was harmful and caused injuries including, but not limited to, lung  
14 cancer, pharyngeal cancer, laryngeal cancer, emphysema, COPD, heart disease, other  
15 forms of cancer, and/or result in death.  
16

17           153. Defendants' negligence is an actual and proximate or legal cause of  
18 NOREEN THOMPSON'S injuries and death. NOREEN THOMPSON thereby  
19 experienced great pain and anxiety to her body and mind. NOREEN THOMPSON  
20 sustained injuries and damages in an amount in excess of Fifteen Thousand Dollars  
21 (\$15,000.00), for which Plaintiff, DOLLY ROWAN, as Administrator of the Estate of  
22 NOREEN THOMPSON, now seeks recovery pursuant to NRS 41.100.  
23

24           154. As a further actual and proximate or legal result of Defendants' negligence,  
25 NOREEN THOMPSON underwent medical treatment and incurred past medical and/or  
26 incidental expenses. The exact amount of such damages is unknown at this present time,  
27  
28



1 but NOREEN THOMPSON suffered special damages in excess of Fifteen Thousand  
2 Dollars (\$15,000.00). Plaintiff, DOLLY ROWAN, as Administrator of the Estate of  
3 NOREEN THOMPSON seeks recovery of these damages pursuant to NRS 41.100.

4  
5 155. Defendants' conduct was despicable and so contemptible that it would be  
6 looked down upon and despised by ordinary decent people and was carried on by  
7 Defendants with willful and conscious disregard for the safety of anyone in the  
8 community.

9  
10 156. Defendants' outrageous and unconscionable conduct warrants an award of  
11 exemplary and punitive damages pursuant to NRS 42.005, in an amount appropriate to  
12 punish and make an example of Defendants, and to deter similar conduct in the future.  
13 As Administrator of the Estate of NOREEN THOMPSON, DOLLY ROWAN seeks  
14 exemplary and punitive damages pursuant to NRS 41.100.

15  
16 157. To the extent NRS 42.007 is applicable to Defendants' conduct, Defendants  
17 are vicariously liable for punitive damages arising from the outrageous and  
18 unconscionable conduct of their employees, agents, and/or servants, as set forth herein.

19  
20 158. The actions of Defendants have forced Plaintiff to retain counsel to  
21 represent her in the prosecution of this action, and she is therefore entitled to an award  
22 of a reasonable amount as attorneys' fees and costs of suit.

23 ///

24 ///

25 ///

26 ///

27 ///

**THIRD CLAIM FOR RELIEF**

**(WRONGFUL DEATH - STRICT LIABILITY)**

**Dolly Rowan as Administrator of the Estate of Noreen Thompson, and Dolly Rowan, NAVONA COLLISON, and Russell Thompson, as Heirs of Noreen Thompson, Against Defendants R.J. Reynolds and Liggett**

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

160. Plaintiff brings this wrongful death claim based on a strict liability claim against Defendants R.J. Reynolds and Liggett.

161. Plaintiff, DOLLY ROWAN, is the heir of NOREEN THOMPSON.

162. Plaintiff, NAVONA COLLISON, is the heir of NOREEN THOMPSON.

163. Plaintiff, RUSSELL THOMPSON, is the heir of NOREEN THOMPSON.

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

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

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

167. Upon information and belief, at all times material, Defendants were and are in the business of designing, engineering, manufacturing, distributing, marketing, selling, and/or otherwise placing cigarettes into the stream of commerce.

1 168. The products complained of were cigarettes designed, manufactured,  
2 marketed, distributed, and/or sold by Defendants and used by NOREEN THOMPSON.

3 169. The aforesaid products were distributed, sold, manufactured, and/or  
4 otherwise placed into the stream of commerce by Defendants.  
5

6 170. Defendants' defective and unreasonably dangerous cigarettes reached  
7 NOREEN THOMPSON without substantial change from that in which such products  
8 were when within the possession of Defendants.

9 171. Defendants' cigarettes were dangerous beyond the expectation of the  
10 ordinary user/consumer when used as intended or in a manner reasonably foreseeable  
11 by Defendants.  
12

13 172. The nature and degree of danger of Defendants' cigarettes were beyond the  
14 expectation of the ordinary consumer, including NOREEN THOMPSON, when used as  
15 intended or in a reasonably foreseeable manner.  
16

17 173. Defendants' cigarettes were unreasonably dangerous because a less  
18 dangerous design and/or modification was economically and scientifically feasible.

19 174. Defendants' purposely designed and/or manufactured cigarettes to be  
20 defective and unreasonably dangerous by doing the following, including but not limited  
21 to:  
22

- 23 a. manipulating levels of nicotine in cigarettes to make them more addictive;
- 24 b. manipulating ingredients in cigarettes to make them inhalable;
- 25 c. genetically modifying nicotine in tobacco plants;
- 26 d. blending different types of tobacco to obtain a desired amount of nicotine;
- 27 e. engineering cigarettes to be rapidly inhaled into the lungs;
- 28

- f. adding chemicals and other deadly, poisonous compounds to cigarettes;
- g. adding and/or manipulating compounds such as ammonia and diammonium phosphate to Defendants' cigarettes to "free-base" nicotine;
- h. manipulating levels of pH in Defendants' cigarettes;
- i. manipulating and adding deadly and harmful additives, compounds, and ingredients in their cigarette design and manufacturing process when alternative, less dangerous materials were available;
- j. intentionally failing to filter out harmful substances so that during ordinary use, such materials would not be liberated into the air and/or breathed by the smoker such as the Decedent herein;
- k. designing, through the use of filters, manufacturing methods, engineering methods and/or materials, cigarettes in such a way to make smoking them more tasteful, pleasurable and less likely to trigger the smoker's own biological self defense mechanisms which otherwise may have limited and/or altered the smoker's behavior in such a way that the smoker may have smoked less, inhaled less deeply or not at all;
- l. adding "onserts" to packages of cigarettes even after the United States government banned marketing of "light" and "ultra-light" cigarettes;
- m. failing to create safer alternative designs for cigarettes including nicotine free or reduced nicotine cigarettes;
- n. falsely labeling and branding cigarettes as filtered, "light" "low tar" and "ultra light;"