

**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. 23**

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disease, or caused one single person to die.

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

- a. By advertising “light” and “low tar” cigarettes to the public, including NOREEN THOMPSON, to help create and sustain the culture and societal and consumer expectations that “light” cigarettes were better, safer, and healthier than regular cigarettes;
- b. By endeavoring in mass marketing campaigns consistent with R.J. REYNOLDS and LIGGETT’s campaign regarding the appeal of cigarettes including but not limited to their Marlboro County and Marlboro Man campaigns;
- c. By working with R.J. REYNOLDS and LIGGETT to create “fake science” by hiring “fake scientists” to spread “fake scientific research” about the health hazards of smoking cigarettes including but not limited to the following:
  - i. Working with R.J. Reynolds and Liggett to create the Center for Indoor Air Research (“CIAR”) whose intent was to broaden the question of indoor air pollution to avert attention away from tobacco smoking causing disease and death;
  - ii. Creating the “White Papers” which rebutted scientific reports which were critical of tobacco.

1 d. By hiring industry spokespeople to appear on national television and media  
2 to mislead and lie to the public, including NOREEN THOMPSON,  
3 regarding the health hazards of smoking cigarettes including but not  
4 limited to the following examples:

5  
6 i. In 1968 an article “To Smoke or Not to smoke – That is still the  
7 question” was published in *True* magazine and was authorized by an  
8 allegedly independent source Stanley Frank; however, Frank was  
9 actually paid \$500 by Brown & Williamson (who was later subsumed  
10 by Defendant R.J. Reynolds), and the newspaper itself was paid  
11 \$500,000 by the Tobacco Institute, which was in part funded and  
12 guided by Defendant Philip Morris;

13  
14 ii. Joseph Culman III, Chairman and CEO of Philip Morris and  
15 Chairman of the Tobacco Institute, appealing on the news program  
16 “Face the Nation” stating the following: **“We do not believe**  
17 **cigarettes are hazardous, we don’t accept that . . . This**  
18 **industry can face the future with confidence because when,**  
19 **as and if, any ingredient in cigarette smoke is identified as**  
20 **being injurious to human health we are confident that we can**  
21 **illuminate that ingredient . . . I believe they [cigarettes] have**  
22 **not been proven to be unsafe . . . It’s true, babies born from**  
23 **women who smoke are smaller . . . and some women would**  
24 **prefer having smaller babies.”**  
25  
26  
27  
28



1 e. By knowingly and intentionally working with R.J. Reynolds and Liggett by  
2 creating a “cigarette controversy” which was promulgated by trade  
3 organizations that Philip Morris was not only actively participating in and  
4 employees’ were chairmen and members of, but also in fact helped  
5 financially fund and set up including the TI, TIRC, and CTR whose  
6 internal, previously secret and concealed documents include the following  
7 statements discussing their conspiracy:  
8

9 i. “Our basic position in the cigarette controversy is subject to the  
10 charge, and may be subject to a finding, that **we are making false**  
11 **or misleading statements to promote the sale of cigarettes**”  
12 (Previously concealed from Tobacco Institute);  
13

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

20 iii. “The most **important type of story is that which casts doubt on**  
21 **the cause and effect theory of disease and smoking . . . Doubt**  
22 **is our product.**” (Previously concealed memo to the Tobacco  
23 Institute);  
24

25 iv. Ann Browder, a representative from the Tobacco Institute appearing  
26 on WPLG in 1983 stating the following: **“We don’t know what**  
27  
28

1 causes the illness [cancer] . . . I don't think there is a causal  
2 relationship because cigarette smoking and any illness;"

3 v. "CTR began as an organization called the Tobacco Research Council  
4 (TIRC). It was set up as an industry "shield" in 1954 . . . Bill  
5 Shinn feels that "special projects" are the best way that monies are  
6 spent. On these projects CTR as acted as a front." (Previously  
7 concealment meeting minutes from a CTR meeting held in New York  
8 in 1978 where Jim Bowling, Senior Vice President of  
9 Corporate Affairs, Bob Seligman, Vice President of Research  
10 & Development, and Tom Osdene, Director of Research all  
11 from Philip Morris were in attendance along with [an attorney  
12 at an outside law firm])"

13 f. In conjunction with Defendants R.J. Reynolds and Liggett, spending over  
14 \$300,000,000 funding alleged "research" and marketing by the TIRC to  
15 create, sustain, and spread a false controversy regarding smoking and  
16 health;

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

20 429. Defendant Philip Morris knowingly make false and misleading  
21 representations regarding the ingredients in cigarettes, the sources and funding behind  
22 alleged "scientific research" regarding cigarettes, and more as described above which  
23 lead to a systemic culture in America regarding an alleged cigarette controversy, where  
24  
25  
26  
27  
28

1 people, including Mrs. Thompson, were manipulated into believing cigarettes were safe  
2 and not deadly.

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

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

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

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

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

21 435. As a further actual and proximate or legal result of Defendants' conduct  
22 NOREEN THOMPSON underwent medical treatment and incurred past medical and/or  
23 incidental expenses. The exact amount of such damages is unknown at this present time,  
24

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  
5 436. 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  
10 437. 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  
16 438. 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 its employees, agents, and/or servants, as set forth herein.

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

22  
23 ///

24 ///

25 ///

26 ///

27 ///

**THIRTEENTH 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, QUICK STOP MARKET, LLC, JOE’S BAR, INC., THE POKER PALACE, SILVER NUGGET GAMING, LLC d/b/a SILVER NUGGET CASINO, and JERRY’S NUGGET**

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

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

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

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

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

445. 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.

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

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

1           448. Defendants, QUICK STOP MARKET, LLC, JOE'S BAR, INC., THE  
2 POKER PALACE, SILVER NUGGET GAMING, LLC d/b/a SILVER NUGGET CASINO,  
3 and JERRY'S NUGGET, are in the business of distributing, marketing, selling, or  
4 otherwise placing cigarette into the stream of commerce.  
5

6           449. Defendants, QUICK STOP MARKET, LLC, JOE'S BAR, INC., THE  
7 POKER PALACE, SILVER NUGGET GAMING, LLC d/b/a SILVER NUGGET CASINO,  
8 and JERRY'S NUGGET, sold cigarettes to the public, including Decedent, NOREEN  
9 THOMPSON.  
10

11           450. The aforesaid products were distributed, sold and/or otherwise placed into the  
12 stream of commerce by Defendants, QUICK STOP MARKET, LLC, JOE'S BAR, INC.,  
13 THE POKER PALACE, SILVER NUGGET GAMING, LLC d/b/a SILVER NUGGET  
14 CASINO, and JERRY'S NUGGET.  
15

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

22           452. Defendants, QUICK STOP MARKET, LLC, JOE'S BAR, INC., THE  
23 POKER PALACE, SILVER NUGGET GAMING, LLC d/b/a SILVER NUGGET CASINO,  
24 and JERRY'S NUGGET'S cigarettes were dangerous beyond the expectation of the  
25 ordinary user/consumer when used as intended or in a manner reasonably foreseeable  
26 by Defendants.  
27  
28

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

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

12           455. Defendants' conduct was the actual and proximate or legal cause of  
13 NOREEN THOMPSON'S injuries and death. Plaintiffs DOLLY ROWAN, NAVONA  
14 COLLISON, and RUSSELL THOMPSON, have sustained damages consisting of the loss  
15 of NOREEN THOMPSON'S love, companionship, comfort, affection, society, and moral  
16 support, and has suffered great emotional and psychological loss, all in amount in excess  
17 of Fifteen Thousand Dollars (\$15,000.00). As NOREEN THOMPSON'S heirs, Plaintiffs  
18 DOLLY ROWAN, NAVONA COLLISON, and RUSSELL THOMPSON, seek these  
19 damages pursuant to NRS 41.085(4).  
20

21           456. As a further actual and proximate or legal result of Defendants' conduct,  
22 NOREEN THOMPSON endured pain, suffering, and/or disfigurement. As NOREEN  
23 THOMPSON'S heirs, Plaintiffs, DOLLY ROWAN, NAVONA COLLISON, and  
24 RUSSELL THOMPSON, seek general damages for this pain, suffering, and/or  
25 disfigurement pursuant to NRS 41.085(4) in an amount in excess of Fifteen Thousand  
26 Dollars (\$15,000.00).  
27  
28

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

7           458. Defendants' conduct was despicable and so contemptible that it would be  
8 looked down upon and despised by ordinary decent people and was carried on by  
9 Defendants with willful and conscious disregard for the safety of anyone in the  
10 community.  
11

12           459. Defendants' outrageous and unconscionable conduct warrants an award of  
13 exemplary and punitive damages pursuant to NRS 42.005, in an amount appropriate to  
14 punish and make an example of Defendants, and to deter similar conduct in the future.  
15 As personal representative of NOREEN THOMPSON estate, DOLLY ROWAN seeks  
16 exemplary and punitive damages pursuant to NRS 41.085(5).  
17

18           460. To the extent NRS 42.007 is applicable to Defendants' conduct, Defendants  
19 are vicariously liable for punitive damages arising from the outrageous and  
20 unconscionable conduct of their employees, agents, and/or servants, as set forth herein.  
21

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

25 ///

26 ///

27 ///



**FOURTEENTH CLAIM FOR RELIEF****(STRICT PRODUCT LIABILITY)**

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

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

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

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

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

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

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

1 and JERRY'S NUGGET'S, defective and unreasonably dangerous cigarettes reached  
2 NOREEN THOMPSON without substantial change from that in which such products  
3 were when within the possession of Defendants.  
4

5 468. Defendants, QUICK STOP MARKET, LLC, JOE'S BAR, INC., THE  
6 POKER PALACE, SILVER NUGGET GAMING, LLC d/b/a SILVER NUGGET CASINO,  
7 and JERRY'S NUGGET'S cigarettes were dangerous beyond the expectation of the  
8 ordinary user/consumer when used as intended or in a manner reasonably foreseeable  
9 by Defendants.  
10

11 469. Defendants, QUICK STOP MARKET, LLC, JOE'S BAR, INC., THE  
12 POKER PALACE, SILVER NUGGET GAMING, LLC d/b/a SILVER NUGGET CASINO,  
13 and JERRY'S NUGGET'S cigarettes were dangerous beyond the expectation of the  
14 ordinary consumer, including NOREEN THOMPSON, when used as intended or in a  
15 reasonably foreseeable manner.  
16

17 470. Defendants, QUICK STOP MARKET, LLC, JOE'S BAR, INC., THE  
18 POKER PALACE, SILVER NUGGET GAMING, LLC d/b/a SILVER NUGGET CASINO,  
19 and JERRY'S NUGGET'S cigarettes were unreasonably dangerous because a less  
20 dangerous design and/or modification was economically and scientifically feasible.  
21

22 471. Defendants' conduct is an actual and proximate or legal cause of NOREEN  
23 THOMPSON'S injuries. NOREEN THOMPSON thereby experienced great pain, and  
24 anxiety her body and mind. NOREEN THOMPSON sustained injuries and damages in  
25 an amount in excess of Fifteen Thousand Dollars (\$15,000.00), for which Plaintiff,  
26 DOLLY ROWAN, as Administrator of the Estate of NOREEN THOMPSON, now seeks  
27 recovery pursuant to NRS 41.100.  
28

1           472. As a further actual and proximate or legal result of Defendants' conduct,  
2 NOREEN THOMPSON'S underwent medical treatment and incurred past medical  
3 and/or incidental expenses. The exact amount of such damages is unknown at this  
4 present time, but NOREEN THOMPSON suffered special damages in excess of Fifteen  
5 Thousand Dollars (\$15,000.00). Plaintiff, DOLLY ROWAN, as Administrator of the  
6 Estate of NOREEN THOMPSON seeks recovery of these damages pursuant to NRS  
7 41.100.  
8

9           473. Defendants' conduct was despicable and so contemptible that it would be  
10 looked down upon and despised by ordinary decent people and was carried on by  
11 Defendants with willful and conscious disregard for the safety of anyone in the  
12 community.  
13

14           474. Defendants' outrageous and unconscionable conduct warrants an award of  
15 exemplary and punitive damages pursuant to NRS 42.005, in an amount appropriate to  
16 punish and make an example of Defendants, and to deter similar conduct in the future.  
17 As Administrator of the Estate of NOREEN THOMPSON, DOLLY ROWAN seeks  
18 exemplary and punitive damages pursuant to NRS 41.100.  
19

20           475. To the extent NRS 42.007 is applicable to Defendants' conduct, Defendants  
21 are vicariously liable for punitive damages arising from the outrageous and  
22 unconscionable conduct of its employees, agents, and/or servants, as set forth herein.  
23

24           476. The actions of Defendants have forced Plaintiff to retain counsel to  
25 represent her in the prosecution of this action, and they are therefore entitled to an  
26 award of a reasonable amount as attorneys' fees and costs of suit.  
27  
28

WHEREFORE, Plaintiffs, DOLLY ROWAN, as Administrator and Personal Representative of the Estate of NOREEN THOMPSON and DOLLY ROWAN, NAVONA COLLISON, and RUSSELL THOMPSON as Heirs to Noreen Thompson, expressly reserving the right to amend this Complaint at the time of trial to include all items of damage not yet ascertained, demands judgment against Defendants, PHILIP MORRIS USA, INC.; R.J. REYNOLDS TOBACCO COMPANY, 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-by-merger to THE AMERICAN TOBACCO COMPANY; LIGGETT GROUP, LLC.; QUICK STOP MARKET, LLC; JOE'S BAR, INC.; THE POKER PALACE; SILVER NUGGET GAMING, LLC d/b/a SILVER NUGGET CASINO; JERRY'S NUGGET; and DOES I-X; and ROE BUSINESS ENTITIES XI-XX, and each of them, as follows:

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

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

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

5. For reasonable attorneys' fees;

6. For costs of suit incurred;

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

///



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 11<sup>th</sup> day of January 2022, I caused to be served a true and correct copy of the foregoing **SECOND AMENDED COMPLAINT** on the following person(s) by the following method(s) pursuant to NRCP 5(b) and NEFCR 9:

<b>VIA E-SERVICE ONLY:</b> 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, Joe's Bar, Inc., The Poker Palace, Silver Nugget Gaming, LLC D/B/A Silver Nugget Casino, and Jerry's Nugget</i>	<b>VIA E-SERVICE ONLY:</b> D. Lee Roberts, Jr., Esq. Phillip N. Smith, Jr., Esq. Daniela LaBounty, Esq. WEINBERG WHEELER HUDGINS GUNN & DIAL 6385 South Rainbow Boulevard, Suite 400 Las Vegas, Nevada 89118 <i>Attorneys for Philip Morris USA, Inc. and ASM Nationwide Corporation</i>
<b>VIA E-SERVICE ONLY:</b> Daniel F. Polsenberg, Esq. J. Christopher Jorgensen, Esq. LEWIS ROCA ROTHGERBER CHRISTIE 3993 Howard Hughes Parkway, #600 Las Vegas, Nevada 89169 <i>Attorneys for Liggett Group, LLC</i>	<b>VIA E-SERVICE ONLY:</b> Kelly Anne Luther, Esq. KASOWITZ BENSON TORRES LLP 1441 Brickwell Avenue, Suite 1420 Miami, FL 33131 Email: <a href="mailto:kluther@kasowitz.com">kluther@kasowitz.com</a> <i>Attorneys for Defendant Liggett Group, LLC</i>
<b>VIA E-SERVICE ONLY:</b> Valentin Leppert Esq. KING & SPALDING 1180 Peachtree Street Atlanta, GA 30309-3521 <i>Attorneys for R.J. Reynolds Tobacco Company, Quick Stop Market, Joe's Bar, Inc., The Poker Palace, Silver Nugget Gaming, LLC D/B/A Silver Nugget Casino, and Jerry's Nugget</i>	<b>VIA E-SERVICE ONLY:</b> Ursula Marie Henninger, Esq. KING & SPALDING 300 S. Tryon Street Charlotte, North Carolina 28202 <i>Attorneys for R.J. Reynolds Tobacco Company, Quick Stop Market, Joe's Bar, Inc., The Poker Palace, Silver Nugget Gaming, LLC D/B/A Silver Nugget Casino, and Jerry's Nugget</i>
<b>VIA E-SERVICE ONLY:</b> Spencer M. Diamond Esq. KING & SPALDING LLP 1180 Peachtree Street, N.E. Atlanta, GA 30309 <i>Attorneys for R.J. Reynolds Tobacco Company, Quick Stop Market, Joe's Bar, Inc., The Poker Palace, Silver Nugget Gaming, LLC D/B/A Silver Nugget Casino, and Jerry's Nugget</i>	<b>VIA E-SERVICE ONLY:</b> Katherine Heinz, Esq. SHOOK, HARDY AND BACON, LLP 2555 Grand Boulevard Kansas City, MO 64108 Email: <a href="mailto:lhein@shb.com">lhein@shb.com</a> <i>Attorneys for Philip Morris USA, Inc.</i>

/s/ Moises Garcia

An Employee of CLAGGETT & SYKES LAW  
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R.J. REYNOLDS TOBACCO COMPANY,

QUICK STOP MARKET, LLC, JOE'S BAR,

INC., THE POKER PALACE, SILVER

NUGGET GAMING, LLC d/b/a SILVER

NUGGET CASINO, and JERRY'S NUGGET

DISTRICT COURT

CLARK COUNTY, NEVADA

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

Plaintiff,

vs.

Case No. A-20-811091-C

Dept. No. V

**ANSWER, DEFENSES, AND JURY  
DEMAND OF DEFENDANT  
QUICK STOP MARKET, LLC TO  
PLAINTIFFS' SECOND AMENDED  
COMPLAINT**

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-by-merger to THE AMERICAN TOBACCO COMPANY; LIGGETT GROUP, LLC., a foreign corporation; QUICK STOP MARKET, LLC, a domestic limited liability company; JOES 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, JERRY'S NUGGET, a domestic corporation; and DOES 1-X; and ROE BUSINESS ENTITIES XI-XX. inclusive,

Defendants.

**ANSWER, DEFENSES, AND JURY DEMAND OF DEFENDANT QUICK STOP MARKET, LLC TO PLAINTIFFS' SECOND AMENDED COMPLAINT**

Defendant Quick Stop Market, LLC ("Quick Stop"), by and through its counsel of record, Bailey❖Kennedy, hereby answers Dolly Rowan, as Special Administrator of the Estate of Noreen Thompson, Navona Collison, and Russell Thompson's ("Plaintiffs") Second Amended Complaint as follows:

**JURISDICTION, VENUE, AND PARTIES**

1. Answering Paragraph 1, Quick Stop states that the allegations contain legal conclusions rather than factual allegations, and therefore, require no response. To the extent the allegations require a response, Quick Stop denies the allegations to the extent they contradict or are inconsistent with the law.

2-4. Answering Paragraphs 2-4, Quick Stop is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraph, and therefore denies them on that basis.

5. Answering Paragraph 5, Quick Stop is informed and believes that Philip Morris USA, Inc. is a corporation organized in Virginia and is authorized to do business in Clark County, Nevada. Quick Stop is without knowledge or information sufficient to form a belief as to the truth of the



1 remaining allegations contained in said paragraph, and therefore denies them on that basis.

2           6.       Answering Paragraph 6, Quick Stop is informed and believes that R.J. Reynolds  
3 Tobacco Company, Inc. (“R.J. Reynolds”) is a corporation organized in North Carolina with its  
4 principal place of business in North Carolina and is authorized to do business in Clark County,  
5 Nevada. Quick Stop is without knowledge or information sufficient to form a belief as to the truth  
6 of the remaining allegations contained in said paragraph, and therefore denies them on that basis.

7           7.       Answering Paragraph 7, Quick Stop is without knowledge or information sufficient to  
8 form a belief as to the truth of the allegations contained in said paragraph, and therefore denies them  
9 on that basis.

10          8.       Answering Paragraph 8, Quick Stop is informed and believes that Liggett Group, Inc.  
11 is a corporation organized in Delaware with its principal place of business in North Carolina and is  
12 authorized to do business in Clark County, Nevada. Quick Stop is without knowledge or  
13 information sufficient to form a belief as to the truth of the remaining allegations contained in said  
14 paragraph, and therefore denies them on that basis.

15          9.       Answering Paragraph 9, Quick Stop is without knowledge or information sufficient to  
16 form a belief as to the truth of the allegations contained in said paragraph, and therefore denies them  
17 on that basis.

18          10.      Answering Paragraph 10, Quick Stop is without knowledge or information sufficient  
19 to form a belief as to the truth of the allegations contained in said paragraph, and therefore denies  
20 them on that basis.

21          11.      Answering Paragraph 11, Quick Stop admits that Quick Stop Market, LLC is a  
22 Nevada limited liability company located at 3407 E. Lake Mead Blvd, North Las Vegas NV 89030.  
23 Quick Stop further admits that Quick Stop is a retailer of tobacco products, including cigarettes, and  
24 is licensed with the state of Nevada as a tobacco retailer. Quick Stop is without knowledge or  
25 information sufficient to form a belief as to the truth of any remaining allegations contained in said  
26 paragraph, and therefore denies them on that basis.

27          12.      Answering Paragraph 12, Quick Stop is without knowledge or information sufficient  
28 to form a belief as to the truth of the allegations contained in said paragraph, and therefore denies

1 them on that basis.

2 13. Answering Paragraph 13, Quick Stop is without knowledge or information sufficient  
3 to form a belief as to the truth of the allegations contained in said paragraph, and therefore denies  
4 them on that basis.

5 14. Answering Paragraph 14, Quick Stop is without knowledge or information sufficient  
6 to form a belief as to the truth of the allegations contained in said paragraph, and therefore denies  
7 them on that basis.

8 15. Answering Paragraph 15, Quick Stop is without knowledge or information sufficient  
9 to form a belief as to the truth of the allegations contained in said paragraph, and therefore denies  
10 them on that basis.

11 16-19. Answering Paragraphs 16-19, the allegations contain legal conclusions rather than  
12 factual allegations, and therefore, require no response. To the extent a response is required, Quick  
13 Stop denies the allegations.

14 **FACTS COMMON TO ALL CLAIMS**

15 20. Answering Paragraph 20, Quick Stop realleges and incorporates by reference the  
16 responses to the allegations of paragraphs 1 through 19 of the Second Amended Complaint as if fully  
17 set forth herein.

18 21. Answering Paragraph 21, Quick Stop is without knowledge or information sufficient  
19 to form a belief as to the truth of the allegations contained in said paragraph, and therefore denies  
20 them on that basis.

21 22. Answering Paragraph 22, Quick Stop is without knowledge or information sufficient  
22 to form a belief as to the truth of the allegations contained in said paragraph, and therefore denies  
23 them on that basis.

24 23. Answering Paragraph 23, Quick Stop is without knowledge or information sufficient  
25 to form a belief as to the truth of the allegations contained in said paragraph, and therefore denies  
26 them on that basis.

27 24. Answering Paragraph 24, Quick Stop is without knowledge or information sufficient  
28 to form a belief as to the truth of the allegations contained in said paragraph, and therefore denies

1 them on that basis.

2 25. Answering Paragraph 25, Quick Stop is without knowledge or information sufficient  
3 to form a belief as to the truth of the allegations contained in said paragraph, and therefore denies  
4 them on that basis.

5 26. Answering Paragraph 26, Quick Stop is without knowledge or information sufficient  
6 to form a belief as to the truth of the allegations contained in said paragraph, and therefore denies  
7 them on that basis.

8 27. Answering Paragraph 27, Quick Stop is without knowledge or information sufficient  
9 to form a belief as to the truth of the allegations contained in said paragraph, and therefore denies  
10 them on that basis.

11 28. Answering Paragraph 28, Quick Stop is without knowledge or information sufficient  
12 to form a belief as to the truth of the allegations contained in said paragraph, and therefore denies  
13 them on that basis.

14 29. Answering Paragraph 29, Quick Stop is without knowledge or information sufficient  
15 to form a belief as to the truth of the allegations contained in said paragraph, and therefore denies  
16 them on that basis.

17 30. Answering Paragraph 30, Quick Stop is without knowledge or information sufficient  
18 to form a belief as to the truth of the allegations contained in said paragraph, and therefore denies  
19 them on that basis.

20 31-37. Paragraphs 31-37 contain no allegations against Quick Stop; to the extent this  
21 paragraph is attempting to implicitly allege any liability against Quick Stop, those allegations are  
22 denied.

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

24 38-107. Paragraphs 38 through 107 contain no allegations against Quick Stop; to the extent  
25 these paragraphs are attempting to implicitly allege any liability against Quick Stop, those  
26 allegations are denied.

27 **Conspiratorial Involvement by Defendants' Lawyers**

28 108-116. Paragraphs 108 through 116 contain no allegations against Quick Stop; to the

1 extent these paragraphs are attempting to implicitly allege any liability against Quick Stop, those  
2 allegations are denied.

3 **FIRST CLAIM FOR RELIEF**

4 **(WRONGFUL DEATH - NEGLIGENCE)**

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

7 117. Answering Paragraph 117, Quick Stop realleges and incorporates by reference the  
8 responses to the allegations of paragraphs 1 through 116 of the Second Amended Complaint as if  
9 fully set forth herein.

10 118-140. Paragraphs 118 through 140 contain no allegations against Quick Stop; to the  
11 extent these paragraphs are attempting to implicitly allege any liability against Quick Stop, those  
12 allegations are denied.

13 **SECOND CLAIM FOR RELIEF**

14 **(NEGLIGENCE)**

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

17 141. Answering Paragraph 141, Quick Stop realleges and incorporates by reference the  
18 responses to the allegations of paragraphs 1 through 140 of the Second Amended Complaint as if  
19 fully set forth herein.

20 142-158. Paragraphs 142 through 158 contain no allegations against Quick Stop; to the  
21 extent these paragraphs are attempting to implicitly allege any liability against Quick Stop, those  
22 allegations are denied.

23 **THIRD CLAIM FOR RELIEF**

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

25 **Dolly Rowan, as Personal Representative of the Estate of Noreen Thompson, and**  
26 **Dolly Rowan, Navona Collison, and Russell Thompson, as Heirs of Noreen Thompson, Against**  
**Defendants R.J. Reynolds and Liggett**

27 159. Answering Paragraph 159, Quick Stop realleges and incorporates by reference the  
28 responses to the allegations of paragraphs 1 through 158 of the Second Amended Complaint as if

1 fully set forth herein.

2 160-184. Paragraphs 160 through 184 contain no allegations against Quick Stop; to the  
3 extent these paragraphs are attempting to implicitly allege any liability against Quick Stop, those  
4 allegations are denied.

5 **FOURTH CLAIM FOR RELIEF**  
6 **(STRICT PRODUCTS LIABILITY)**

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

9 185. Answering Paragraph 185, Quick Stop realleges and incorporates by reference the  
10 responses to the allegations of paragraphs 1 through 184 of the Second Amended Complaint as if  
11 fully set forth herein.

12 186-203. Paragraphs 186 through 203 contain no allegations against Quick Stop; to the  
13 extent these paragraphs are attempting to implicitly allege any liability against Quick Stop, those  
14 allegations are denied.

15 **FIFTH CLAIM FOR RELIEF**  
16 **(WRONGFUL DEATH – FRAUDULENT MISREPRESENTATION)**

17 **Dolly Rowan as Personal Representative of the Estate of Noreen Thompson and**  
18 **Dolly Rowan, Navona Collison, and Russell Thompson, as Heirs of Noreen Thompson Against**  
**Defendants R.J. Reynolds and Liggett**

19 204. Answering Paragraph 204, Quick Stop realleges and incorporates by reference the  
20 responses to the allegations of paragraphs 1 through 203 of the Second Amended Complaint as if  
21 fully set forth herein.

22 205–242. Paragraphs 205 through 242 contain no allegations against Quick Stop; to the  
23 extent those paragraphs are attempting to implicitly allege any liability against Quick Stop, those  
24 allegations are denied.

25 ///

26 ///

27 ///

28 ///

**SIXTH CLAIM FOR RELIEF**

**(FRAUDULENT MISREPRESENTATION)**

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

243. Answering Paragraph 243, Quick Stop realleges and incorporates by reference the responses to the allegations of paragraphs 1 through 242 of the Second Amended Complaint as if fully set forth herein.

244-274. Paragraphs 244 through 274 contain no allegations against Quick Stop; to the extent those paragraphs are attempting to implicitly allege any liability against Quick Stop, those allegations are denied.

**SEVENTH CLAIM FOR RELIEF**

**(WRONGFUL DEATH – FRAUDULENT CONCEALMENT)**

**Dolly Rowan as Personal Representative 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**

275. Answering Paragraph 275, Quick Stop realleges and incorporates by reference the responses to the allegations of paragraphs 1 through 274 of the Second Amended Complaint as if fully set forth herein.

276-313. Paragraphs 276 through 313 contain no allegations against Quick Stop; to the extent those paragraphs are attempting to implicitly allege any liability against Quick Stop, those allegations are denied.

**EIGHTH CLAIM FOR RELIEF**

**(FRAUDULENT CONCEALMENT)**

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

314. Answering Paragraph 314, Quick Stop realleges and incorporates by reference the responses to the allegations of paragraphs 1 through 313 of the Second Amended Complaint as if fully set forth herein.

315-347. Paragraphs 315 through 347 contain no allegations against Quick Stop; to the

1 extent those paragraphs are attempting to implicitly allege any liability against Quick Stop, those  
2 allegations are denied.

3 **NINTH CLAIM FOR RELIEF**

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

5 **Dolly Rowan as Personal Representative of the Estate of Noreen Thompson and Dolly Rowan,**  
6 **Navona Collison, and Russell Thompson, as Heirs of Noreen Thompson Against Defendants R.J.**  
7 **Reynolds, Liggett and Philip Morris**

8 348. Answering Paragraph 348, Quick Stop realleges and incorporates by reference the  
9 responses to the allegations of paragraphs 1 through 347 of the Second Amended Complaint as if  
10 fully set forth herein.

11 349-374. Paragraphs 349 through 374 contain no allegations against Quick Stop; to the  
12 extent those paragraphs are attempting to implicitly allege any liability against Quick Stop, those  
13 allegations are denied.

14 **TENTH CLAIM FOR RELIEF**

15 **(CIVIL CONSPIRACY)**

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

18 375. Answering Paragraph 375, Quick Stop realleges and incorporates by reference the  
19 responses to the allegations of paragraphs 1 through 374 of the Second Amended Complaint as if  
20 fully set forth herein.

21 376-394. Paragraphs 376 through 394 contain no allegations against Quick Stop; to the  
22 extent those paragraphs are attempting to implicitly allege any liability against Quick Stop, those  
23 allegations are denied.

24 **ELEVENTH CLAIM FOR RELIEF**

25 **(WRONGFUL DEATH – NEVADA DECEPTIVE TRADE PRACTICES ACT)**

26 **Dolly Rowan as Personal Representative of the Estate of Noreen Thompson and Dolly Rowan,**  
27 **Navona Collison, and Russell Thompson, as Heirs of Noreen Thompson Against Defendants**  
28 **R.J. Reynolds, Liggett and Philip Morris**

395. Answering Paragraph 395, Quick Stop realleges and incorporates by reference the  
responses to the allegations of paragraphs 1 through 394 of the Second Amended Complaint as if

1 fully set forth herein.

2 396-420. Paragraphs 396 through 420 contain no allegations against Quick Stop; to the  
3 extent those paragraphs are attempting to implicitly allege any liability against Quick Stop, those  
4 allegations are denied.

5 **TWELFTH CLAIM FOR RELIEF**

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

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

9 421. Answering Paragraph 421, Quick Stop realleges and incorporates by reference the  
10 responses to the allegations of paragraphs 1 through 420 of the Second Amended Complaint as if  
11 fully set forth herein.

12 422-439. Paragraphs 422 through 439 contain no allegations against Quick Stop; to the  
13 extent those paragraphs are attempting to implicitly allege any liability against Quick Stop, those  
14 allegations are denied.

15 **THIRTEENTH CLAIM FOR RELIEF**

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

17 **Dolly Rowan as Personal Representative of the Estate of Noreen Thompson and Dolly Rowan,**  
18 **Navona Collison, and Russell Thompson, as Heirs of Noreen Thompson Against Defendants,**  
19 **QUICK STOP MARKET, LLC, JOE’S BAR, INC., THE POKER PALACE, SILVER NUGGET**  
**GAMING, LLC d/b/a SILVER NUGGET CASINO, and JERRY’S NUGGET**

20 440. Answering Paragraph 440, Quick Stop realleges and incorporates by reference the  
21 responses to the allegations of paragraphs 1 through 439 of the Second Amended Complaint as if  
22 fully set forth herein.

23 441. Answering Paragraph 441, the allegations contain legal conclusions rather than  
24 factual allegations, and therefore, require no response. To the extent a response is required, Quick  
25 Stop denies the allegations.

26 442-444. Answering Paragraphs 442-444, Quick Stop is without knowledge or  
27 information sufficient to form a belief as to the truth of the allegations contained in said paragraph,  
28 and therefore denies them on that basis.



1           445.    Answering Paragraph 445, the allegations contain legal conclusions rather than  
2 factual allegations, and therefore, require no response. To the extent a response is required, Quick  
3 Stop denies the allegations.

4           446.    Answering Paragraph 446, Quick Stop is without knowledge or information sufficient  
5 to form a belief as to the truth of the allegations contained in said paragraph, and therefore denies  
6 them on that basis.

7           447.    Answering Paragraph 447, the allegations contain legal conclusions rather than  
8 factual allegations, and therefore, require no response. To the extent a response is required, Quick  
9 Stop denies the allegations.

10          448.    Answering Paragraph 448, Quick Stop admits that it is in the business of selling  
11 cigarettes. Quick Stop denies all remaining or inconsistent allegations.

12          449.    Answering Paragraph 449, Quick Stop admits that it is in the business of selling  
13 cigarettes. Quick Stop denies all remaining or inconsistent allegations.

14          450.    Answering Paragraph 450, Quick Stop admits that it is in the business of selling  
15 cigarettes. Quick Stop denies all remaining or inconsistent allegations.

16          451.    Paragraph 451 contains legal conclusions rather than factual allegations, and therefore  
17 requires no response. To the extent a response is required, Quick Stop denies the allegations.

18          452.    Paragraph 452 contains legal conclusions rather than factual allegations, and therefore  
19 requires no response. To the extent a response is required, Quick Stop denies the allegations.

20          453.    Paragraph 453 contains legal conclusions rather than factual allegations, and therefore  
21 requires no response. To the extent a response is required, Quick Stop denies the allegations.

22          454.    Paragraph 454 contains legal conclusions rather than factual allegations, and therefore  
23 requires no response. To the extent a response is required, Quick Stop denies the allegations.

24          455.    Paragraph 455 contains legal conclusions rather than factual allegations, and therefore  
25 requires no response. To the extent a response is required, Quick Stop denies the allegations.

26          456.    Paragraph 456 contains legal conclusions rather than factual allegations, and therefore  
27 requires no response. To the extent a response is required, Quick Stop denies the allegations.

28          457.    Paragraph 457 contains legal conclusions rather than factual allegations, and therefore